

December 14, 1998

OFFICE OF THE HEARING EXAMINER
KING COUNTY, WASHINGTON
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Seattle, Washington 98164
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REPORT AND RECOMMENDATION TO THE KING COUNTY COUNCIL.

SUBJECT: Department of Natural Resources,
Water and Land Resources Division File No. **E98CT036**
Proposed Ordinance No. **98-683**

Open Space Taxation (Public Benefit Rating System)

Application of **THOMAS JENSEN**
26425 SE 216th Street
Maple Valley, WA 98038

Location: 26425 SE 216th Street, Maple Valley

SUMMARY OF RECOMMENDATIONS:

Department's Preliminary:	Approve 2.26 acres
Department's Final:	Approve 2.26 acres
Examiner:	Approve 2.26 acres

PRELIMINARY MATTERS:

The Department of Natural Resources, Water and Land Resources Division Preliminary Report on Item No. E98CT036 was received by the Examiner on November 17, 1998.

PUBLIC HEARING:

After reviewing the Department of Natural Resources, Water and Land Resources Division Report and examining available information on file with the application, the Examiner conducted a public hearing on the subject as follows:

The hearing on Item No. E98CT036 was opened by the Examiner at 1:30 p.m., December 7, 1998, in the Fifth Floor Conference Room, Union Bank of California Building, 900 Fourth Avenue, Seattle, Washington, and closed at 2:30 p.m.

Participants at the public hearing and the exhibits offered and entered are listed in the attached minutes. A verbatim recording of the hearing is available in the office of the King County Hearing Examiner.

FINDINGS, CONCLUSIONS & RECOMMENDATION: Having reviewed the record in this matter, the Examiner now makes and enters the following:

FINDINGS:

1. General Information:

Owner: Thomas Jensen
26425 SE 216th Street
Maple Valley, WA 98038

Location: 26425 SE 216th Street, Maple Valley

Zoning: RA5

Acreage:

Property Total:	4.72 acres
Requested for Open Space:	2.26 acres
Recommended Open Space:	2.26 acres

STR: 12-22-06

Priority Resources Requested:

HIGH PRIORITY RESOURCES

Aquifer protection area
Surface water quality buffer area
Significant plant, wildlife, or salmonid habitat area

BONUS RESOURCE

Bonus surface water quality buffer area

2. Except as modified herein, the facts set forth in the King County Department of Natural Resources, Water and Land Resources Division Preliminary Report to the King County Hearing Examiner for the December 7, 1998 public hearing are found to be correct and are incorporated herein by this reference. Copies of the said Report will be attached to the copies of this Report submitted to the King County Council.

CONCLUSIONS:

1. Approval of current use valuation for 2.26 acres of the subject property, pursuant to the Public Benefit Rating System adopted by King County Ordinance No. 10511, would be consistent with the purposes and intent of King County to maintain, preserve, conserve and otherwise continue in existence adequate open space lands and to assure the use and enjoyment of natural resources and scenic beauty for the economic and social well-being of King County and its citizens.
2. Timely application has been made to King County for the current use valuation of the subject property to begin in 2000. Notice of said application was given in the manner required by law.
3. The subject property contains priority open space resources and is entitled to bonus points pursuant to the King County Public Benefit Rating System, which justify a total award of 20 points. The resulting current use value is 30% of market value for 2.26 acres of the subject property.

RECOMMENDATION:

APPROVE the request of THOMAS JENSEN for current use valuation of 30% of market value for 2.26 acres of the subject property, subject to the conditions recommended in the Department of Natural Resources report to the hearing examiner for the December 7, 1998 public hearing

Current use valuation shall be subject to all terms and conditions of RCW 84.34 and King County Code Chapter 20.36, as the same may be amended from time to time, and all regulations and rules duly adopted to implement State law and County ordinances pertaining to current use valuation.

RECOMMENDED this 14th day of December, 1998.

James N. O'Connor
King County Hearing Examiner

TRANSMITTED this 14th day of December, 1998, to the following parties and interested persons:

Thomas Jensen
George Kritsonis
Ted Sullivan

Monica Clarke
Charlie Sundberg
Tom Beavers

**NOTICE OF RIGHT TO APPEAL
AND ADDITIONAL ACTION REQUIRED**

In order to appeal the recommendation of the Examiner, written notice of appeal must be filed with the Clerk of the King County Council with a fee of \$125.00 (check payable to King County Office of Finance) *on or before December 28, 1998*. If a notice of appeal is filed, the original and 6 copies of a written appeal statement specifying the basis for the appeal and argument in support of the appeal must be filed with the Clerk of the King County Council *on or before January 4, 1999*. Appeal statements may refer only to facts contained in the hearing record; new facts may not be presented on appeal.

Filing requires actual delivery to the Office of the Clerk of the Council, Room 403, King County Courthouse, prior to the close of business (4:30 p.m.) on the date due. Prior mailing is not sufficient if actual receipt by the Clerk does not occur within the applicable time period. The Examiner does not have authority to extend the time period unless the Office of the Clerk is not open on the specified closing date, in which event delivery prior to the close of business on the next business day is sufficient to meet the filing requirement.

If a written notice of appeal and filing fee are not filed within 14 days calendar days of the date of this report, or if a written appeal statement and argument are not filed within 21 calendar days of the date of this report, the Clerk of the Council shall place a proposed ordinance which implements the Examiner's recommended action on the agenda of the next available Council meeting. At that meeting, the Council may adopt the Examiner's recommendation, may defer action, may refer the matter to a Council committee, or may remand to the Examiner for further hearing or further consideration.

Action of the Council Final. The action of the Council on a recommendation of the Examiner shall be final and conclusive unless within twenty (20) days from the date of the action an aggrieved party or person applies for a writ of certiorari from the Superior Court in and for the County of King, State of Washington, for the purpose of review of the action taken.

MINUTES OF THE DECEMBER 7, 1998 PUBLIC HEARING ON DEPARTMENT OF NATURAL RESOURCES FILE NO. E98CT036 - THOMAS JENSEN:

James N. O'Connor was the Hearing Examiner in this matter. Ted Sullivan participated in the hearing.

The following exhibits were offered and entered into the record:

Exhibit No. 1	Not offered
Exhibit No. 2	Not offered
Exhibit No. 3	Not offered
Exhibit No. 4	Department of Natural Resources, Water and Land Resources Division Preliminary Report to the King County Hearing Examiner for the December 7, 1998 public hearing
Exhibit No. 5	Legal Notice to Council
Exhibit No. 6	Introductory Ordinance to Council
Exhibit No. 7	Affidavit of Publication
Exhibit No. 8	Notice to Applicant of Hearing
Exhibit No. 9	Application, signed/notarized
Exhibit No. 10	Not offered
Exhibit No. 11	Legal Description of designated open space
Exhibit No. 12	Assessor Map
Exhibit No. 13	King County Situs Report
Exhibit No. 14	King County Assessor's Database
Exhibit No. 15	Site map (Please refer to map in Exhibit No. 9)
Exhibit No. 16	Arcview map
Exhibit No. 17	Notice of Hearing, Office of Hearing Examiner

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