

April 5, 2017

**OFFICE OF THE HEARING EXAMINER  
KING COUNTY, WASHINGTON**

King County Courthouse  
516 Third Avenue Room 1200  
Seattle, Washington 98104  
Telephone (206) 477-0860  
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**REPORT AND RECOMMENDATION TO THE  
METROPOLITAN KING COUNTY COUNCIL**

SUBJECT: Department of Natural Resources and Parks file no. **E16CT044**  
Proposed ordinance no. **2017-0059**  
Parcel nos. **1725079024, 1725079001, 1725079002, 1725079056, 1725079023,**  
**1725079022, 1725079020**

**CHRISTOPHERSEN, YOUNG, BURLING, MUGGLI, ET AL**  
Open Space Taxation Application (Public Benefit Rating System)

Location: 5601, 5810, 5526, 5820, 5830, 5817, and 5706 302nd Avenue NE,  
Carnation

Applicant: **Adam Burling**  
5820 302nd Avenue  
Carnation, WA 98014  
Telephone: (440) 289-8831  
Email: [burling.adam@gmail.com](mailto:burling.adam@gmail.com)

Applicants: **Sara and Eric Bush**  
5706 302nd Avenue NE  
Carnation, WA 98014  
Telephone: (425) 444-8699  
Email: [sarabush@gmail.com](mailto:sarabush@gmail.com)

Applicants: **Rod and Julene Christophersen**  
5601 302nd Avenue NE  
Carnation, WA 98014  
Telephone: (425) 766-7831  
Email: [juliec@lsoncology.com](mailto:juliec@lsoncology.com)

Applicants: **Alex-Franziska Eckerlin**  
5817 302nd Avenue NE  
Carnation, WA 98014  
Telephone: (425) 333-0043  
Email: [alex.eckerlin@gmx.de](mailto:alex.eckerlin@gmx.de)

Applicants: **Nathan and Steffani Muggli**  
5830 302nd Avenue NE  
Carnation, WA 98014  
Telephone: (425) 703-7060  
Email: [natem@microsoft.com](mailto:natem@microsoft.com)

Applicants: **Walter and Joan Young**  
5526 302nd Avenue NE  
Carnation, WA 98014  
Telephone: (425) 880-4769  
Email: [joaney57@yahoo.com](mailto:joaney57@yahoo.com)

King County: Department of Natural Resources and Parks  
*represented by* **Bill Bernstein**  
201 S Jackson Street Suite 600  
Seattle, WA 98104  
Telephone: (206) 477-4643  
Email: [bill.bernstein@kingcounty.gov](mailto:bill.bernstein@kingcounty.gov)

#### SUMMARY OF RECOMMENDATIONS:

Department's Recommendation:	Approve 52.00 acres for 30% of market value
Examiner's Recommendation:	Approve 52.00 acres for 30% of market value

#### PRELIMINARY REPORT:

On March 10, 2017, the Department of Natural Resources and Parks (DNRP) submitted its report on file no. E16CT044 to the Examiner.

#### PUBLIC HEARING:

After reviewing the preliminary report and examining available information on file with the application, the Examiner conducted a public hearing on the application on March 23, 2017, in the Ginger Conference Room, 12th Floor, King County Courthouse, 516 Third Avenue, Seattle, Washington. The Examiner received the affidavit of notice publication on March 17, 2017.

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 Hearing Examiner's Office.

## FINDINGS AND CONCLUSIONS:

## 1. General Information:

Owners:	See applicants listed above
Location:	5601, 5810, 5526, 5820, 5830, 5817, and 5706 302nd Avenue NE, Carnation
STR:	NE 17-25-7
Zoning:	RA-5 and RA-10
Parcel nos.:	1725079024, 1725079001, 1725079002, 1725079056, 1725079023, 1725079022, 1725079020
Total acreage:	69.56 acres

2. The Applicants timely filed an application to King County for PBRS program current use valuation of the property to begin in 2018. As required by law, notification of the application occurred.
3. A summary of relevant PBRS categories follows below. (Plain text represents a category an applicant requested an award for and that DNRP agrees is warranted. Any ~~striketrough~~ represents a category an applicant requested an award for but that DNRP disagrees is warranted. Any *italics* represents a category an applicant did not request an award for, but that DNRP nonetheless concludes is warranted. And any \*asterisk\* represents a category where DNRP finds an award is warranted, but only if certain contingencies or conditions are met.)

PBRS categories:	<u>Open Space Resources</u>	
	*Forest stewardship land*	
	Rural open space	5
	Significant wildlife or salmonid habitat	5
	<del>Surface water quality buffer</del>	
	Watershed protection area	5
	<u>Bonus category</u>	
	<del>Additional surface water quality buffer</del>	
	Contiguous parcels under separate ownership	10
		<hr/> 25

The DNRP-recommended score of 25 points results in a current use valuation of 20% of market value for the enrolled portion of the property. Additional credit may be awarded administratively under the forest stewardship land category subject to submittal of a forest stewardship plan by **August 1, 2017**, and subsequent approval by **October 2, 2017**. Award of credit under this category will increase the point total by 5 points, and may allow approved forestry activities to occur on the property, but it will not directly impact the current use valuation for the enrolled portion of the property.

4. As to the land area recommended for PBRS enrollment, the Applicants requested 54.58 acres and DNRP recommends 52.00 acres. (Enrollment acreage is the entire parcel less the excluded area, as calculated by DNRP. In the event the County Assessor's official parcel size is revised, the PBRS acreage shall be administratively adjusted to reflect that change.)
5. Except as modified herein, the facts set forth in DNRP's preliminary report and testimony at the March 23, 2017, public hearing are correct and incorporated herein by reference. Copies of this report and DNRP's report will be provided to the Metropolitan King County Council for final approval.
  - A. Change to Department staff report: on the first page of the report, A. General Information, Owners, Walter Young, address should read 5526 302nd Avenue NE.
6. Approval, pursuant to the Public Benefit Rating System adopted by Chapter 20.36 KCC, of 25 points and a current use valuation of 20% of market value for 52.00 acres of the property and conditional approval of 5 additional points (with no change to the acreage or market valuation), is 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.
7. Parcel no. 1725079020 is currently enrolled in the PBRS program. Any open space taxation participation agreement signed as a result of approval of this application should be worded to supersede any prior agreement for the parcel.

RECOMMENDATION:

1. APPROVE current use valuation of 20% of market value for the 52.00-acre enrolled portion of the property.
2. CONDITIONALLY APPROVE additional credit under the forest stewardship land category subject to submittal of a forest stewardship plan by **August 1, 2017**, and subsequent approval by **October 2, 2017**. Award of credit under this category will increase the point total by 5 points, and may allow approved forestry activities to occur on the property, but it will not directly impact the current use valuation for the enrolled portion of the property.

DATED April 5, 2017.



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David Spohr  
Hearing Examiner

## NOTICE OF RIGHT TO APPEAL

A person appeals an Examiner recommendation by following the steps described in KCC 20.22.230, including filing with the Clerk of the Council a sufficient appeal statement and a \$250 appeal fee (check payable to the King County FBOD). Appeal statements may refer only to facts contained in the hearing record; new facts may not be presented on appeal. KCC 20.22.230 also requires that the appellant provide copies of the appeal statement to the Examiner and to any named parties listed on the front page of the Examiner's recommendation.

Prior to the close of business (4:30 p.m.) on *May 1, 2017*, an electronic copy of the appeal statement must be sent to [Clerk.Council@kingcounty.gov](mailto:Clerk.Council@kingcounty.gov) and a paper copy of the appeal statement must be delivered to the Clerk of the Council's Office, Room 1200, King County Courthouse, 516 Third Avenue, Seattle, Washington 98104. Prior mailing is not sufficient if actual receipt by the Clerk does not occur within the applicable time period. If the Office of the Clerk is not officially open on the specified closing date, delivery prior to the close of business on the next business day is sufficient to meet the filing requirement.

Unless both a timely and sufficient appeal statement and filing fee are filed by *May 1, 2017*, the Clerk of the Council shall place on the agenda of the next available Council meeting a proposed ordinance implementing the Examiner's recommended action. At that meeting the Council may adopt the Examiner's recommendation, defer action, refer the matter to a Council committee, or remand to the Examiner for further hearing or further consideration.

If a timely and sufficient appeal statement and filing fee are filed by *May 1, 2017*, the Examiner will notify all parties and interested persons and provide information about "next steps."

MINUTES OF THE MARCH 23, 2017, HEARING ON THE APPLICATION OF CHRISTOPHERSEN, YOUNG, BURLING, MUGGLI, ET AL, DEPARTMENT OF NATURAL RESOURCES AND PARKS FILE NO. E16CT044.

David Spohr was the Hearing Examiner in this matter. Bill Bernstein and Megan Kim both participated in the hearing on behalf of the department.

The following exhibits were offered and entered into the hearing record:

- |                |   |
|----------------|---|
| Exhibit no. 1  | <i>Not submitted</i>  |
| Exhibit no. 2  | <i>Not submitted</i>  |
| Exhibit no. 3  | <i>Not submitted</i>  |
| Exhibit no. 4  | DNRP report to the Hearing Examiner                                     |
| Exhibit no. 5  | Affidavit of publication  |
| Exhibit no. 6  | Notice of hearing from the Hearing Examiner's Office                    |
| Exhibit no. 7  | Notice of hearing from the PBRs program                                 |
| Exhibit no. 8  | Legal notice and introductory ordinance to the King County Council      |
| Exhibit no. 9  | Application signed/notarized  |
| Exhibit no. 10 | <i>Reserved for: Legal description of area to be enrolled</i>           |
| Exhibit no. 11 | Email to applicant regarding received application and approval schedule |
| Exhibit no. 12 | Arcview and orthophoto/aerial map                                       |
| Exhibit no. 13 | <i>Reserved for forest stewardship plans</i>                            |

DS/vsm

April 5, 2017

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**CERTIFICATE OF SERVICE**

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**CHRISTOPHERSEN, YOUNG, BURLING, MUGGLI, ET AL**  
Open Space Taxation Application (Public Benefit Rating System)

I, Elizabeth Dop, certify under penalty of perjury under the laws of the State of Washington that I transmitted the **REPORT AND RECOMMENDATION TO THE METROPOLITAN KING COUNTY COUNCIL** to those listed on the attached page as follows:

- EMAILED to all County staff listed as parties/interested persons and parties with e-mail addresses on record.
- caused to be placed with the United States Postal Service, with sufficient postage, as **FIRST CLASS MAIL** in an envelope addressed to the non-County employee parties/interested persons to addresses on record.

DATED April 5, 2017.



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Elizabeth Dop  
Legislative Secretary

*All Parties of Record*

**Akada, Irene**

Department of Assessments

**Bernstein, Bill**

Department of Natural Resources and Parks

**Burling, Adam**

mailed paper copy

**Bush, Sara and Eric**

mailed paper copy

**Christophersen, Rod and Julene**

mailed paper copy

**Clark, Debra**

Department of Assessments

**Eckerlin, Alex-Franziska**

mailed paper copy

**Freitag, Ivy**

Department of Natural Resources and Parks

**Kim, Megan**

Department of Natural Resources and Parks

**Muggli, Nathan-Steffani**

mailed paper copy

**Pedroza, Melani**

Metropolitan King County Council

**Reed, Mike**

Metropolitan King County Council

**Young, Walter and Joan**

mailed paper copy