

May 1, 2017

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

King County Courthouse  
516 Third Avenue Room 1200  
Seattle, Washington 98104  
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**REPORT AND RECOMMENDATION TO THE  
METROPOLITAN KING COUNTY COUNCIL**

SUBJECT: Department of Natural Resources and Parks file no. **E16CT033**  
Proposed ordinance no. **2017-0105**  
Parcel nos. **2623089041, 2623089154, 2623089073, 2623089151, 2623089152,**  
**2623089013, 2623089110, 2623089150**

**LON MATTHEWS**

Open Space Taxation Application (Public Benefit Rating System)

Location: 45103 SE Edgewick Road, North Bend

Applicant: **Lon Matthews**  
45103 SE Edgewick Road  
North Bend, WA 98045  
Telephone: (425) 241-8143  
Email: [matthews\\_lon@yahoo.com](mailto:matthews_lon@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 37.54 acres for 20% of market value Approve 5.06 acres for 30% of market value
Examiner's Recommendation:	Approve 37.54 acres for 20% of market value Approve 5.06 acres for 30% of market value

## PRELIMINARY REPORT:

On April 6, 2017, the Department of Natural Resources and Parks (DNRP) submitted its report on file no. E16CT033 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 April 20, 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 April 14, 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:

Owner:	Lon Matthews 45103 SE Edgewick Road North Bend, WA 98045
Location:	45103 SE Edgewick Road, North Bend
STR:	SE 26-23-08
Zoning:	RA-10
Parcel nos.:	2623089041, 2623089154, 2623089073, 2623089151, 2623089152, 2623089013, 2623089110, 2623089150
Total acreage:	42.60 acres

2. The Applicant 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 ~~strike through~~ 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	2623089041, 2623089154, 2623089073, 2623089150 2623089151, 2623089152, 2623089013, 2623089110
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Open Space Resources

Aquifer protection area

5

5

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Buffer to public or current use classified land	3	3
*Forest stewardship land*		
Rural open space	5	
Significant wildlife or salmonid habitat	5	5
Surface water quality buffer	5	
Watershed protection area	5	5
<u>Bonus Categories</u>		
Additional surface water quality buffer	5	
	33	18

The DNRP-recommended score of 33 points results in a current use valuation of 20% of market value for the enrolled portions of parcels 2623089041, 2623089154, 2623089073, 2623089151, 2623089152, 2623089013, 2623089110. The DNRP-recommended score of 18 points results in a current use valuation of 30% of market value for the enrolled portion of parcel 2623089150.

Additional credit may be awarded administratively under the forest stewardship land category subject to submittal of a forest stewardship program by **December 1, 2017**, and subsequent approval by **December 29, 2017**. Award of credit under this category will increase the point total by 5 points, resulting in a current use valuation of 10% of market value for the enrolled portions of parcels 2623089041, 2623089154, 2623089073, 2623089151, 2623089152, 2623089013, 2623089110 and 20% of market value for the enrolled portion of parcel 2623089150. Award of this category may allow approved forestry activities to occur on the property.

4. As to the land area recommended for PBRS enrollment, the Applicant requested 39.76 acres and DNRP recommends 40.47 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 April 20, 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: in both the discussion of category recommendation, beginning on page 7, Section E. (for categories surface water quality buffer and additional surface water quality buffer), and on page 9 in the Conclusions and Recommendation, Section A., the Department did not include parcel no. 2623089152.

6. Approval, pursuant to the Public Benefit Rating System adopted by Chapter 20.36 KCC, of 33 points and a current use valuation of 20% of market value for 37.54 acres of parcels 2623089041, 2623089154, 2623089073, 2623089151, 2623089152, 2623089013, 2623089110 and 30% of market value for 5.06 acres of parcel 2623089150. Plus conditional approval of 5 additional points (which will bring the totals to 38 and 23 points and 10% and 20% of market value for 37.54 and 5.06 acres of the property respectively), 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. The subject property, except for parcel 2323089041, is currently enrolled in either the Timber Land or Designated Forestland program. Any open space taxation participation agreement signed as a result of approval of this application should be worded to supersede any prior agreements for the parcel.

RECOMMENDATION:

1. APPROVE current use valuation of 20% of market value for the parcels 2623089041, 2623089154, 2623089073, 2623089151, 2623089152, 2623089013, and 2623089110, and 30% of market value for 5.06 acres of parcel 2623089150.
2. CONDITIONALLY APPROVE additional credit under the forest stewardship land category, to be awarded administratively, if the Applicant submits a forest stewardship plan by **December 1, 2017**, and that plan is approved by **December 29, 2017**. This will result in a current use valuation of 10% of market value for the 37.54 acres of properties and of 20% of market value for the 5.06 acres of property. Award of this category may allow approved forestry activities to occur on the property.

DATED May 1, 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 25, 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 25, 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 25, 2017*, the Examiner will notify all parties and interested persons and provide information about "next steps."

MINUTES OF THE APRIL 20, 2017, HEARING ON THE APPLICATION OF LON MATTHEWS, DEPARTMENT OF NATURAL RESOURCES AND PARKS FILE NO. E16CT033.

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
<i>Exhibit no. 10</i>	<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 plan</i>

DS/vsm

May 1, 2017

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**CERTIFICATE OF SERVICE**

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**LON MATTHEWS**

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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 May 1, 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

**Clark, Debra**

Department of Assessments

**Freitag, Ivy**

Department of Natural Resources and Parks

**Kim, Megan**

Department of Natural Resources and Parks

**Matthews, Lon**

mailed paper copy

**Pedroza, Melani**

Metropolitan King County Council

**Reed, Mike**

Metropolitan King County Council