

September 10, 2019

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

King County Courthouse
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Seattle, Washington 98104
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**CORRECTED¹ REPORT AND RECOMMENDATION
TO THE METROPOLITAN KING COUNTY COUNCIL**

SUBJECT: Department of Natural Resources and Parks file no. **E19CT006**
Proposed ordinance no. **2019-0178**
Parcel no. **0520069060**

JILL AND RON THIELE

Open Space Taxation Application (Public Benefit Rating System)

Location: 20712 SE 400th Street, Enumclaw

Applicants: **Jill and Ron Thiele**
600 NW Locust Street Unit C405
Issaquah, WA 98027
Telephone: (206) 714-1309
Email: thielesmv@comcast.net

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

SUMMARY OF RECOMMENDATIONS:

Department's Recommendation: **CONDITIONALLY** Approve 8.50 acres for

¹ A typographical error on page 4, Recommendation 2., is addressed in this report. Issuance of this corrected document does not impact the deadline for appealing this matter, which expired on July 15, 2019.

Examiner’s Recommendation: 50% of assessed value
 CONDITIONALLY Approve 8.50 acres for
 50% of assessed value

PRELIMINARY REPORT:

On May 24, 2019, the Department of Natural Resources and Parks (DNRP) submitted its report on file no. E19CT006 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 June 6, 2019, in the Ginger Conference Room, 12th Floor, King County Courthouse, 516 Third Avenue, Seattle, Washington.

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:	Jill and Ron Thiele 600 NW Locust Street Unit C405 Issaquah, WA 98027
Location:	20712 SE 400th Street, Enumclaw
STR:	SE 05-20-06
Zoning:	A-35
Parcel no/s.:	0520069060
Total acreage:	10.00 acres

2. The Applicants timely filed an application to King County for the Public Benefit Rating System (PBRS) program current use valuation of the property to begin in 2021. 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:	<u>Open Space Resources</u>	
	Farm and agricultural conservation land	*5*
	<u>Bonus Categories</u>	
	Resource restoration	*
		<hr/> 5

The DNRP-recommended score of 5 points results in a current use valuation of 50% of assessed value for the enrolled portion of the property. Award for the farm and agricultural conservation land category is contingent on submittal of a King Conservation District-approved farm management plan by **October 31, 2020**. Because the property is not eligible for any other PBRS resource category, failure to qualify as farm and agricultural conservation land precludes the property from enrolling in the PBRS program.

Additional credit may be awarded administratively under the resource restoration category, subject to submittal of a resource restoration plan by **August 31, 2020**, and subsequent approval by **October 31, 2020**. Award of credit under this category will increase the point total by 5 points, the acreage by 0.50 acres, and result in a current use valuation of 50% of assessed value for the enrolled portion of the property.

4. As to the land area recommended for PBRS enrollment, the Applicant requested 9.00 acres and DNRP recommends 8.50 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 June 6, 2019, 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.
6. Award under all categories must be conditioned upon the control and removal of invasive plant species on the property within a three-year period. Such control and removal is mandatory for the property to qualify as credited open space. Failure to meet this condition will cause disenrollment of the property from the PBRS program.
7. Approval of 5 points (and a current use valuation of 50% of assessed value for 8.50 acres) and conditional approval of 5 additional points (and 50% of assessed value for 9.00 acres) are consistent with KCC Chapter 20.36 and 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.

8. The subject property is currently enrolled in the farm and agricultural land 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 50% of assessed value for the 8.50-acre enrolled portion of the property, CONTINGENT on submittal of a King Conservation District-approved farm management plan by **October 31, 2020**. Because the property is not eligible for any other PBRS resource category, failure to qualify as farm and agricultural conservation land will preclude the property from enrollment in the PBRS program.
2. CONDITIONALLY APPROVE additional credit for the resource restoration category, subject to submittal of a resource restoration plan by **August 31, 2020**, and subsequent approval by **October 31, 2020**. Award of credit under this category will increase the point total by 5 points, the acreage by 0.50 acres, and result in a current use valuation of 50% of assessed value for the enrolled portion of the property.

DATED September 10, 2019.



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 *July 15, 2019*, an electronic copy of the appeal statement must be sent to 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 *July 15, 2019*, 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 *July 15, 2019*, the Examiner will notify all parties and interested persons and provide information about “next steps.”

**MINUTES OF THE JUNE 6, 2019, HEARING ON THE APPLICATION OF JILL AND
RON THIELE, FILE NO. E19CT006**

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

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

Exhibit no. 1	DNRP report to the Hearing Examiner
Exhibit no. 2	<i>Reserved for future submission of the affidavit of hearing publication</i>
Exhibit no. 3	Legal notice and introductory ordinance to the King County Council
Exhibit no. 4	Arcview/orthophotograph and aerial map
Exhibit no. 5	Application signed and notarized

DS/vsm