

April 4, 2019

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

King County Courthouse
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Seattle, Washington 98104
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www.kingcounty.gov/independent/hearing-examiner

**REPORT AND RECOMMENDATION TO THE
METROPOLITAN KING COUNTY COUNCIL**

SUBJECT: Department of Natural Resources and Parks file no. **E18CT034**
Proposed ordinance no. **2019-0063**
Parcel no. **3623029066**

VERNON JENSEN

Open Space Taxation Application (Public Benefit Rating System)

Location: 12620 SW 184th Street, Vashon

Applicant: **Vernon Jensen**
PO Box 2718
Vashon, WA 98070
Telephone: (206) 265-3450
Email: oly.jensen@gmail.com

King County: Department of Natural Resources and Parks
represented by **Megan Kim**
201 S Jackson Street Suite 600
Seattle, WA 98104
Telephone: (206) 477-4788
Email: megan.kim@kingcounty.gov

SUMMARY OF RECOMMENDATIONS:

Department's Recommendation:	Approve 3.90 acres for 30% of assessed value
Examiner's Recommendation:	Approve 3.90 acres for 30% of assessed value

PRELIMINARY REPORT:

On March 6, 2019, the Department of Natural Resources and Parks (DNRP) submitted its report on file no. E18CT034 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 19, 2019, in the Fred 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:

Owner:	Vernon Jensen PO Box 2718 Vashon, WA 98070
Location:	12620 SW 184th Street, Vashon
STR:	NW 36-23-02
Zoning:	RA-5
Parcel no.:	3623029066
Total acreage:	5.04 acres

- The Applicant timely filed an application to King County for the Public Benefit Rating System (PBRS) program current use valuation of the property to begin in 2020. As required by law, notification of the application occurred.
- 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 ~~struck 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>	
	Aquifer protection area	5
	<i>Buffer to public or current use classified land</i>	3
	<i>*Forest stewardship land*</i>	*

Rural open space	
Rural stewardship land	
Significant wildlife or salmonid habitat	5
Surface water quality buffer	
Watershed protection area	5
 <u>Bonus Category</u>	
<u>*Public access (limited for resource sensitivity)* *</u>	
	18

The DNRP-recommended score of 18 points results in a current use valuation of 30% of assessed value for the enrolled portion of the property. Additional credit may be awarded administratively under the forest stewardship land and public access categories.

Award for the forest stewardship land category is subject to submittal to DNRP of a forest stewardship plan by **November 29, 2019**, and subsequent approval by **December 31, 2019**. The plan must satisfactorily address restoration of the 0.10 acre green-outlined portion of the property; if it does, the enrolled acreage would increase by 0.10 acres, bringing the forest area to 4.00 (the minimum acreage necessary for forest stewardship credit). Award of credit under this category will increase the point total by 5 points, the current use valuation to 20% of assessed value, and the enrolled acreage from 3.90 to 4.00 acres. Award of this category may allow approved forestry activities on the property.

Award for the public access category (which can be limited to appropriate user groups due to the sensitive nature of the resource) requires the general public to be allowed access on an ongoing basis (generally for educational, scientific or research purposes). It requires submittal to DNRP of letters of support by local groups by **October 1, 2019**. Award of credit under this category will increase the point total by 5 points, resulting in a current use valuation of 20% of assessed value for the enrolled area.

Award under *both* before stewardship and public access categories would increase the point total by 10 points; the current use valuation would stay at 20% of assessed value for the enrolled portion of the property.

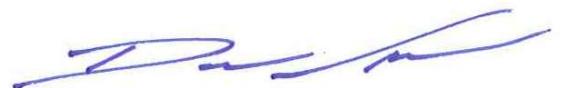
4. As to the land area recommended for PBRS enrollment, the Applicant requested 4.79 acres and DNRP recommends 3.90 acres. (Enrollment acreage is the entire parcel less the excluded area, as calculated by DNRP. In the event the County Assessor's official parcel size is revised, the PBRS acreage shall 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 19, 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. Approval of 18 points (and a current use valuation of 30% of assessed value for 3.90 acres) and conditional approval of 10 additional points (and 20% of assessed value for 4.00 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.

RECOMMENDATION:

1. APPROVE current use valuation of 30% of assessed value for the 3.90-acre enrolled portion of the property.
2. CONDITIONALLY APPROVE additional credit for the forest stewardship land and public access categories.
 - a. Award for the forest stewardship land category is subject to submittal to DNRP of a forest stewardship **plan by November 29, 2019**, and subsequent **approval by December 31, 2019**. The plan must satisfactorily address restoration of the 0.10 acre green-outlined portion of the property; if it does, the enrolled acreage would increase by 0.10 acres, bringing the forest area to 4.00 (the minimum acreage necessary for forest stewardship credit). Award of credit under this category will increase the point total by 5 points, the current use valuation to 20% of assessed value, and the enrolled acreage from 3.90 to 4.00 acres. Award of this category may allow approved forestry activities on the property.
 - b. Award for the public access category (which can be limited to appropriate user groups due to the sensitive nature of the resource) requires the general public to be allowed access on an ongoing basis (generally for educational, scientific or research purposes). It requires submittal to DNRP of letters of support by local groups by **October 1, 2019**. Award of credit under this category will increase the point total by 5 points, resulting in a current use valuation of 20% of assessed value for the enrolled area.
 - c. Award under *both* before stewardship and public access categories would increase the point total by 10 points; the current use valuation would stay at 20% of assessed value for the enrolled portion of the property.

DATED April 4, 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 *April 29, 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 *April 29, 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 *April 29, 2019*, the Examiner will notify all parties and interested persons and provide information about “next steps.”

MINUTES OF THE MARCH 19, 2019, HEARING ON THE APPLICATION OF VERNON JENSEN, FILE NO. E18CT034

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	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