

March 29, 2024

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

Telephone (206) 477-0860

hearingexaminer@kingcounty.gov

www.kingcounty.gov/independent/hearing-examiner

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

SUBJECT: Department of Natural Resources and Parks file no. **E23CT019**
Proposed ordinance no. **2024-0065**
Parcel no. **0826079075**

KRISTINA AND MARK COBARRUBIA

Open Space Taxation Application (Public Benefit Rating System)

Location: 29529 NE 173rd Street, Duvall

Applicants: **Kristina and Mark Cobarrubia**
12919 Brome Way
San Diego, CA 92129
Telephone: (619) 517-0149
Email: cobarrubia@hotmail.com

King County: Department of Natural Resources and Parks
represented by **Bill Bernstein**
201 S. Jackson Street
Suite 5601
Seattle, WA 98104
Telephone: (206) 477-4643

SUMMARY OF RECOMMENDATIONS:

Department's Recommendation: Approve 3.25 acres for 50% of assessed value
Conditionally approve 8.05 acres and 20% of assessed value

Examiner's Recommendation: Approve 3.25 acres for 50% of assessed value
Conditionally approve 8.05 acres and 20% of assessed value

PRELIMINARY REPORT:

On March 8, 2024, the Department of Natural Resources and Parks (DNRP) submitted its report on file no. E23CT019 to the Examiner.

PUBLIC HEARING:

After reviewing the preliminary report and examining available information on file with the application, the Examiner conducted a remote public hearing on the application on March 20, 2024.

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: Kristina and Mark Cobarrubia
12919 Brome Way
San Diego, CA 92129

Location: 29529 NE 173rd Street, Duvall

STR: SW-08-26-07

Zoning: A35

Parcel no: 0826079075

Total acreage: 10 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 2024. 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 ~~strikethrough~~ 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	0
Buffer to public or current use classified land	0
Ecological enhancement land	*
Farm and agricultural conservation land	5
Rural open space	0
Significant wildlife or salmonid habitat	0

<u>Bonus Categories</u>	0
<u>Resource restoration</u>	
<hr/>	
Total	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.

4. Additional credit may be awarded administratively under the ecological enhancement land category, subject to submittal to DNRP of a Snoqualmie Valley Watershed Improvement District plan by **November 1, 2024**, and subsequent DNRP approval of that plan by **December 31, 2024**. Award of credit under this category will increase the point total by 18, resulting in a current use valuation of 20% of assessed value and enlarging the enrolled portion of the property to 8.05 acres.
5. As to the land area recommended for PBRS enrollment, the Applicants requested 7 acres and DNRP recommends 3.25 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.)
6. Except as modified herein, we find the facts set forth in DNRP’s preliminary report and testimony at the March 20, 2024, public hearing correct and we incorporate them by reference. We will provide copies of this report and DNRP’s report to the Metropolitan King County Council for final approval.
7. Approval of 5 points and a current use valuation of 50% of assessed value for 3.25 acres, and conditional approval of 18 additional points and 20% of assessed value for 8.05 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 a current use valuation of 50% of assessed value for the 3.25-acre enrolled portion of the property.
2. CONDITIONALLY APPROVE additional credit under the ecological enhancement land category, subject to submittal to DNRP of a Snoqualmie Valley Watershed Improvement District plan by **November 1, 2024**, and subsequent DNRP approval of that plan by **December 31, 2024**. Award of credit under this category will result in a current use valuation of 20% of assessed value and will enlarge the enrolled portion of the property to 8.05 acres.

DATED March 29, 2024.



David Spohr
King County Hearing Examiner

NOTICE OF RIGHT TO APPEAL

A party may appeal an Examiner report and recommendation by following the steps described in KCC 20.22.230. By **4:30 p.m.** on **April 22, 2024**, an electronic appeal statement must be sent to Clerk.Council@kingcounty.gov, to hearingexaminer@kingcounty.gov, and to the party email addresses on the front page of this report and recommendation. Please consult KCC 20.22.230 for the exact filing requirements.

If a party fails to timely file an appeal, the Council does not have jurisdiction to consider that appeal. Conversely, if the appeal requirements of KCC 20.22.230 are met, the Examiner will notify parties and interested persons and will provide information about next steps in the appeal process.

MINUTES OF THE MARCH 20, 2024, HEARING ON THE APPLICATION OF KRISTINA AND MARK COBARRUBIA, FILE NO. E23CT019

David Spohr was the Hearing Examiner in this matter. Bill Bernstein and Mark Cobarrubia participated in the hearing.

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

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|---------------|---|
| 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 |
| Exhibit no. 6 | Forest stewardship map |