

August 2, 2016

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

King County Courthouse
516 Third Avenue Room 1200
Seattle, Washington 98104
Telephone (206) 477-0860
Facsimile (206) 296-0198

hearingexaminer@kingcounty.gov

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

SUBJECT: Department of Natural Resources and Parks file no. **E16CT015**
Proposed ordinance no. **2016-0305**
Parcel no. **1326059145**

JORDAN AND GINA FRANK

Open Space Taxation Application (Public Benefit Rating System)

Location: 14707 172nd Avenue NE, Woodinville

Applicants: **Jordan and Gina Frank**
14707 172nd Avenue NE
Woodinville, WA 98072
Telephone: (206) 661-7963
Email: jordan.w.frank@gmail.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

SUMMARY OF RECOMMENDATIONS:

| | |
|------------------------------|--|
| Department's Recommendation: | Approve 3.92 acres for 50% of market value |
| Examiner's Recommendation: | Approve 3.92 acres for 50% of market value |

PRELIMINARY REPORT:

On July 6, 2016, the Department of Natural Resources and Parks (DNRP) submitted its report on file no. E16CT015 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 July 19, 2016, in the Ginger Conference Room, 12th Floor, King County Courthouse, 516 Third Avenue, Seattle, Washington. The Examiner received the affidavit of notice publication on July 13, 2016.

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, CONCLUSIONS AND RECOMMENDATION: Having reviewed the record in this matter, the Examiner now makes and enters the following:

FINDINGS:

1. General Information:

| | |
|----------------|---|
| Owners: | Jordan and Gina Frank 14707 172nd Avenue NE Woodinville, WA 98072 |
| Location: | 14707 172nd Avenue NE, Woodinville |
| STR: | SW 13-26-5 |
| Zoning: | RA-2.5 |
| Parcel no.: | 1326059145 |
| Total acreage: | 4.92 acres |

- 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.
- 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 *asterisks* represent 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> | |
| | <u>Farm and agricultural conservation land</u> | <u>5</u> |
| | | 5 |

The DNRP-recommended score of 5 points results in a current use valuation of 50% of market value for the enrolled portion of the property. Award under the farm and agricultural conservation land category is contingent upon submittal of a King Conservation District-approved farm management plan for the property by **October 31, 2017**. Because the property is not eligible under any other PBRS resource category, failure to qualify as farm and agricultural conservation land will preclude the property from enrollment in the PBRS program.

4. As to the land area recommended for PBRS enrollment, the Applicant requested 4.40 acres and DNRP recommends 3.92 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 the DNRP preliminary report and testimony at the July 19, 2016, public hearing are correct and incorporated herein by reference. Copies of this report and the department report will be provided to the Metropolitan King County Council for final approval.

CONCLUSION:

1. Approval, pursuant to the Public Benefit Rating System adopted by Chapter 20.36 KCC, of 5 points and a current use valuation of 50% of market value for 3.92 acres of the property, 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.
2. 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 market value for the 3.92-acre enrolled portion of the property CONTINGENT on a King Conservation District-approved farm management plan for the property by **October 31, 2017**.

DATED August 2, 2016.



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 *August 26, 2016*, 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 *August 26, 2016*, 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 *August 26, 2016*, the Examiner will notify all parties and interested persons and provide information about "next steps."

MINUTES OF THE JULY 19, 2016, HEARING ON THE APPLICATION OF JORDAN AND GINA FRANK, DEPARTMENT OF NATURAL RESOURCES AND PARKS FILE NO. E16CT015.

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 | Legal description of area to be enrolled |
| 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 future submission of farm management plan</i> |

DS/ED

August 2, 2016

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CERTIFICATE OF SERVICE

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I, Elizabeth Dang, 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 of record/interested persons and primary 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 of record/interested persons to addresses on record.

DATED August 2, 2016.



Elizabeth Dang
Legislative Secretary

All Parties of Record

Akada, Irene

Department of Assessments

Bernstein, Bill

Department of Natural Resources and Parks

Frank, Jordan and Gina

mailed paper copy

Kim, Megan

Department of Natural Resources and Parks

Noris, Anne

Metropolitan King County Council

Reed, Mike

Metropolitan King County Council

Sundberg, Charlie

Department of Natural Resources and Parks