

October 3, 2019

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

King County Courthouse  
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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. **E19CT009**  
Proposed ordinance no. **2019-0344**  
Parcel nos. **0622079049**

**RYAN PELLETTE**

Open Space Taxation Application (Public Benefit Rating System)

Location: 19915 280th Avenue SE, Maple Valley

Applicant: **Ryan Pellette**  
PO Box 238  
Hobart, WA 98025  
Telephone: (206) 406-9827  
Email: [rpellette@gmail.com](mailto:rpellette@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](mailto:megan.kim@kingcounty.gov)

SUMMARY OF RECOMMENDATIONS:

Department's Recommendation:	Approve 8.14 acres for 20% of assessed value
Examiner's Recommendation:	Approve 8.14 acres for 20% of assessed value

## PRELIMINARY REPORT:

On September 4, 2019, the Department of Natural Resources and Parks (DNRP) submitted its report on file no. E19CT009 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 September 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:	Ryan Pellette PO Box 238 Hobart, WA 98025
Location:	19915 280th Avenue SE, Maple Valley
STR:	NW 06-22-07
Zoning:	RA-5
Parcel no.:	0622079049
Total acreage:	8.14 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 ~~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>	
	<i>Aquifer protection area</i>	5
	<i>Buffer to public or current us classified land</i>	3

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<i>*Forest stewardship land*</i>	*
<del>Rural open space</del>	
<del>Scenic resource, viewpoint or view corridor</del>	
<del>Significant plant or ecological site</del>	
Significant wildlife or salmonid habitat	5
Special animal site	3
Surface water quality buffer	5
<i>Watershed protection area</i>	5
<u>Bonus category</u>	
<u>Additional surface water quality buffer</u>	<u>3</u>
	29

The DNRP-recommended score of 29 points results in a current use valuation of 20% of assessed value for the enrolled portion of the property. Additional credit may be awarded administratively under the forest stewardship land category, subject to submittal of a forest stewardship plan by **May 1, 2020**, and subsequent approval by **July 1, 2020**. Award of credit under this category will increase the point total by 5 points, but will not change the current use valuation. 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 7.14 acres and DNRP recommends 8.14 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 September 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.
  - a. While the narrative portion of DNRP’s report (page 7) explained why the site qualifies for the special animal site category, the points list on page 8 inadvertently left out special animal site category and its 3 points.
  - b. The point total actually being recommended is 29, not 26. That has no impact on assessed value, even if forest stewardship plan category is eventually approved.
6. Approval of 29 points (and a current use valuation of 20% of assessed value) for 8.14 acres, and conditional approval of 5 additional points (with the same assessed value and same acreage), 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

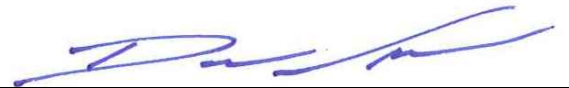
adequate open space lands and to assure the use and enjoyment of natural resources and scenic beauty for the economic and social well-being of King County and its citizens.

7. The subject property is currently enrolled in the Timber 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 20% of assessed value for the 8.14-acre enrolled portion of the property.
2. CONDITIONALLY APPROVE additional credit for the forest stewardship land category, subject to submittal of a forest stewardship plan by **May 1, 2020**, and subsequent approval by **July 1, 2020**. Award of credit under this category will increase the point total by 5 points, but will not change the current use valuation or acreage. Award of this category may allow approved forestry activities to occur on the property.

DATED October 3, 2019.



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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 *October 28, 2019*, 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 *October 28, 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 *October 28, 2019*, the Examiner will notify all parties and interested persons and provide information about “next steps.”

**MINUTES OF THE SEPTEMBER 19, 2019, HEARING ON THE APPLICATION OF  
RYAN PELLETTE, FILE NO. E19CT009**

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