

August 3, 2016

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

King County Courthouse  
516 Third Avenue Room 1200  
Seattle, Washington 98104  
Telephone (206) 477-0860  
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[hearingexaminer@kingcounty.gov](mailto:hearingexaminer@kingcounty.gov)

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

SUBJECT: Department of Natural Resources and Parks file no. **E16CT001**  
Proposed ordinance no. **2016-0192**  
Parcel no. **1520069011**

**HELEN ELIZABETH ZECH**

Open Space Taxation Application (Public Benefit Rating System)

Location: 42613 236th Avenue SE, Enumclaw

Applicant: **Helen Elizabeth Zech**  
42613 236th Avenue SE  
Enumclaw, WA 98022  
Telephone: (360) 825-5591

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 10.39 acres at 30% of market value
Examiner's Recommendation:	Approve 10.39 acres at 30% of market value

**PRELIMINARY REPORT:**

On April 6, 2016, the Department of Natural Resources and Parks (DNRP) submitted its report on file no. E16CT001 to the Examiner.

**PUBLIC HEARING:**

After reviewing the preliminary report and examining available information on file with the application, the Examiner opened the public hearing on the application on April 19, 2016. The Examiner received the affidavit of notice publication on April 28, 2016. The Examiner adjourned the hearing to allow for more information to be generated. On July 19, 2016, the Examiner reopened the hearing 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, CONCLUSIONS AND RECOMMENDATION:** Having reviewed the record in this matter, the Examiner now makes and enters the following:

**FINDINGS:**

## 1. General Information:

Owner:	Helen Elizabeth Zech 42613 236th Avenue SE Enumclaw, WA 98022
Location:	42613 236th Avenue SE, Enumclaw
STR:	SW 15-20-06
Zoning:	A-10
Parcel no.:	1520069011
Total acreage:	19.61 acres

2. The Applicant 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.

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 \*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>	
	*Farm and agricultural conservation land*	5
	*Significant wildlife or salmonid habitat*	
	*Surface water quality buffer*	
	Watershed protection area	
	Resource restoration	
	<u>Bonus Categories</u>	
	*Resource restoration*	
	*Conservation easement or historic easement*	15
	<u>Environmental education access</u>	
		<hr/> 20

The DNRP-recommended score of 20 points results in a current use valuation of 30% of market value for the enrolled portion of the property. Award under the farm and agricultural 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.

While the property meets the criteria for credit under the conservation easement or historic easement category, those are “bonus” categories are insufficient for PBRS entry. Enrollment here requires award of the farm and agricultural conservation land category.

Additional credit may be awarded administratively for the resource restoration category subject to submittal of a resource restoration plan by **August 31, 2017**, and subsequent approval by **October 31, 2017**. Award of credit under this category will increase the point total by 5 points, dropping the valuation to 20% and (depending upon its breadth) potentially resulting in award of the following categories, subject to specific requirements:

Significant wildlife or salmonid habitat category, subject to restoration of the stream buffer to at least an average width of 189.75 feet with native vegetation. Award of credit under this category will increase the point total by 5 points.

Surface water quality buffer category subject to restoration of the buffer to at least an average width of 37.50 feet with native vegetation to the east or west of the stream. Award of credit under this category will increase the point total by 5 points.

Award in both the habitat and buffer categories would collectively add 10 points (i.e. boosting the total to 35), thus dropping the valuation to 10% for the enrolled portion of the property and potentially increasing the enrolled area to 18.71 acres.

4. As to the land area recommended for PBRS enrollment, the Applicant did not specify a specific amount, while DNRP recommends 10.39 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 July 19, 2016, 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.

#### CONCLUSION:

1. Approval, pursuant to the Public Benefit Rating System adopted by Chapter 20.36 KCC, of 20 points and a current use valuation of 30% of market value for 10.39 acres of the property and conditional approval of 15 additional points (which would bring the total to 35 points and 10% of market value for 18.71 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 agreement for the parcel.

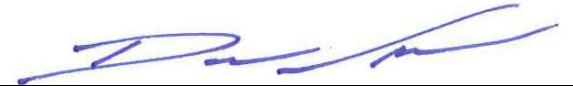
#### RECOMMENDATION:

1. **APPROVE** a current use valuation of 30% of market value for the 10.39-acre enrolled portion of the property, **CONTINGENT** on 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.

**CONDITIONALLY APPROVE** additional credit, to be awarded administratively, for the resource restoration category, subject to submittal of a resource restoration plan by **August 31, 2017**, and subsequent approval by **October 31, 2017**. Award of credit under this category will increase the point total by 5 points and drop the valuation down to 20%. Depending upon its breadth, it could result in award of the following categories, subject to specific requirements, as delineated:

- a. Significant wildlife or salmonid habitat category subject to restoration of the stream buffer to at least an average width of 189.75 feet with native vegetation. Award of credit under this category will increase the point total by 5 points.
- b. Surface water quality buffer category, subject to restoration of the buffer to at least an average width of 37.50 feet with native vegetation to the east or west of the stream. Award of credit under this category will increase the point total by 5 points.
- c. Award in both the habitat and buffer categories would collectively add 10 points (i.e. boosting the total to 35), thus dropping the valuation to 10% for the enrolled portion of the property and potentially increasing the enrolled area to 18.71 acres.

DATED August 3, 2016.



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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 *August 29, 2016*, 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 *August 29, 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 29, 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 HELEN ELIZABETH ZECH, DEPARTMENT OF NATURAL RESOURCES AND PARKS FILE NO. E16CT001.

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</i>
Exhibit no. 14	<i>Reserved for future submission of resource restoration plan</i>
Exhibit no. 15	<i>Reserved for future submission of farm preservation program easement</i>
Exhibit no. 16	Small Habitat Restoration Program annual report 2014

DS/ed

August 3, 2016

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**CERTIFICATE OF SERVICE**

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**HELEN ELIZABETH ZECH**

Open Space Taxation Application (Public Benefit Rating System)

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 3, 2016.



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Elizabeth Dang  
Legislative Secretary



*All Parties of Record*

**Akada, Irene**

Department of Assessments

**Bernstein, Bill**

Department of Natural Resources and Parks

**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

**Zech, Helen Elizabeth**

mailed paper copy