

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. **E16CT013**  
Proposed ordinance no. **2016-0303**  
Parcel nos. **2025079041, 2025079025, 2025079020**

**RAY PALMER**

Open Space Taxation Application (Public Benefit Rating System)

**Location:** 3107 West Snoqualmie River Road NE, Carnation;  
3129 West Snoqualmie River Road NE, Carnation

**Applicant:** **Ray Palmer**  
PO Box 308  
Carnation, WA 98014  
Telephone: (425) 429-5374  
Email: [rip@ckrab.com](mailto:rip@ckrab.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](mailto:bill.bernstein@kingcounty.gov)

**PRELIMINARY REPORT:**

On July 6, 2016, the Department of Natural Resources and Parks (DNRP) submitted its report on file no. E16CT013 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:

Owner:	Ray Palmer PO Box 308 Carnation, WA 98014
Location:	3107 West Snoqualmie River Road NE, Carnation, 3129 West Snoqualmie River Road NE, Carnation
STR:	SE 20-25-7
Zoning:	A-35
Parcel nos.:	2025079041, 2025079025, 2025079020
Total acreage:	13.89 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.)

4.

Parcels:	2025079020/ 2025079025	2025079041
PBRS	<u>Open Space Resources</u>	
categories:	Aquifer protection area	5
	*Farm and agricultural conservation land*	5*
	<del>Forest stewardship land</del>	
	<del>Rural open space</del>	
	<del>Rural stewardship land</del>	
	Scenic resource, viewpoint or view corridor	5
	<del>Significant plant site or ecological site</del>	
	Significant wildlife or salmonid habitat	5
	Special animal site	3
	<del>Surface water quality buffer</del>	
	<u>Bonus Categories</u>	
	*Resource restoration*	
	<del>Additional surface water quality buffer</del>	
	20	23

The recommended 20 points for parcels 2025079020 and 2025079025 results in a current use valuation of 30% of market value for the enrolled portions of those parcels. The recommended 23 points for parcel 2025079041 results in a current use valuation of 20% of market value for the enrolled portion of that parcel.

The above point totals and enrolled acreages assumes the applicant continues efforts to obtain farm and agricultural conservation land category credit. Award for this category requires submittal of a King Conservation District-approved farm plan by **October 31, 2017**. If farm and agricultural conservation land credit is not awarded, then: (a) 1.50 acres of parcel 2025079020's 5.08 acres recommended for enrollment would become ineligible, and the point total for the remaining 3.58 acres would decrease to 15 points, with the land use valuation climbing to 40%; (b) 2.00 acres of parcel 2025079041's 5.88 acres recommended for enrollment would become ineligible, and the point total for the remaining 3.88 acres would decrease to 18 points, with the land use valuation climbing to 30%; and (c) all of parcel 2025079025 would become ineligible.

In addition, credit may be awarded administratively under the resource restoration category, subject to the applicant submitting a resource restoration plan to DNRP by **November 30, 2016**, and DNRP approving it by **January 31, 2017**. Award of this category is worth 5 points and would allow for permitted restoration activities to occur in the subject portion of the parcel. Its impact on valuation depends on the parcel and whether the farm and agricultural conservation land category credit is awarded. Assuming the applicant stays on track for farm and agricultural conservation land credit,

the resource restoration category would drop the current use valuation for parcels 2025079020 and 2025079025 to 20% of market value, and have no impact on the valuation of parcel 2025079041. If the farm and agricultural conservation land credit falls through, resource restoration credit would (a) take the land use valuation on parcel 2025079020 back down to 30% for the remaining enrolled acreage; (b) take the land use valuation on parcel 2025079041 back down to 20% for the remaining enrolled acreage, and (c) have no impact on parcel 2025079025, as the parcel would be ineligible, and a “bonus” category is not, by itself, sufficient for PBRS entry.

5. As to the land area recommended for PBRS enrollment, the Applicant requested 12.88 acres and DNRP recommends 12.64 acres. The Examiner concurs with DNRP’s recommendation, noting that only 7.46 acres would be eligible absent farm and agricultural conservation land category credit. (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, 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.
  - A. Change to DNRP staff report: In an email dated July 21, 2016 (Exhibit 15), DNRP revised its recommendation for the special animal site category, indicating only parcel 2025079041 meets the criteria, and adjusting the points total for 2025079022 and 2025079025 accordingly.

#### CONCLUSION:

1. Approval, pursuant to the Public Benefit Rating System adopted by Chapter 20.36 KCC of: (a) 20 points and 30% land use valuation on 5.08 acres of parcel 2025079020; (b) 23 points and 20% land use valuation on 5.88 acres of parcel 2025079041; and (c) 20 points and 30% land use valuation on 1.68 acres of parcel 2025079025, 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 20 points and 30% land use valuation on 5.08 acres of parcel 2025079020. APPROVE 23 points and 20% land use valuation on 5.88 acres of parcel 2025079041. And APPROVE 20 points and 30% land use valuation on 1.68 acres of parcel 2025079025.
2. CONDITIONALLY APPROVE additional credit under the resource restoration category, subject to submittal of a resource restoration plan to DNRP by **November 30, 2016**, and approved by **January 31, 2017**. Award of this category will increase the points by 5, dropping the current use valuation for parcels 2025079020 and 2025079025 to 20% of market value but not impacting the valuation of parcel 2025079041.

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 RAY PALMER,  
DEPARTMENT OF NATURAL RESOURCES AND PARKS FILE NO. E16CT013.

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>
Exhibit no. 14	<i>Reserved for future submission of</i>

The following exhibit was offered and entered into the hearing record on July 21, 2016:

Exhibit no. 15	Revised department recommendation for the special animal site category, received via email on July 21, 2016
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DS/ed

August 3, 2016

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**CERTIFICATE OF SERVICE**

**SUBJECT:** Department of Natural Resources and Parks file no. **E16CT013**  
Proposed ordinance no. **2016-0303**  
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**RAY PALMER**

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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 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

**Palmer, Ray**

mailed paper copy

**Reed, Mike**

Metropolitan King County Council

**Sundberg, Charlie**

Department of Natural Resources and Parks