

April 13, 2018

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

King County Courthouse
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Seattle, Washington 98104
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**REVISED¹ REPORT AND RECOMMENDATION TO THE
METROPOLITAN KING COUNTY COUNCIL**

SUBJECT: Department of Natural Resources and Parks file no. **E17CT054**
Proposed ordinance no. **2018-0100**
Parcel no. **3222039002**

WILEY FRANK

Open Space Taxation Application (Public Benefit Rating System)

Location: West and abutting 27520 94th Avenue SW, Vashon

Applicant: **Wiley Frank**
4507 Cascadia S
Seattle, WA 98118
Telephone: (206) 788-6174
Email: wiley@littleuncleseattle.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

SUMMARY OF RECOMMENDATIONS:

Department's Recommendation:	Approve 4.55 acres for 40% of assessed value
Examiner's Recommendation:	Approve 4.55 acres for 40% of assessed value

¹ After issuing our March 20 determination, DNRP advised us that the landowner had requested additional excluded acreage. This revised determination incorporates the new acreage numbers and exhibits.

PRELIMINARY REPORT:

On February 22, 2018, the Department of Natural Resources and Parks (DNRP) submitted its report on file no. E17CT054 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 March 8, 2018, in the Fred Conference Room, 12th Floor, King County Courthouse, 516 Third Avenue, Seattle, Washington. The Examiner received the affidavit of notice publication on March 7, 2018.

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:	Wiley Frank 4507 Cascadia S Seattle, WA 98118
Location:	West and abutting 27520 94th Avenue SW, Vashon
STR:	NW 32-22-3
Zoning:	RA-2.5SO
Parcel no.:	3222039002
Total acreage:	11.18 acres

2. The Applicant timely filed an application to King County for PBRS program current use valuation of the property to begin in 2019. 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 ~~striketrough~~ 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	5
	Buffer to public or current use classified land	3

<i>*Forest stewardship land*</i>	*
Rural stewardship land	
<i>Significant wildlife or salmonid habitat</i>	5
Watershed protection area	
	13

The DNRP-recommended score of 13 points results in a current use valuation of 40% 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 by **September 3, 2018**, and subsequent approval by **November 1, 2018**. Award of credit under this category will increase the point total by 5 points, resulting in a current use valuation of 30% of assessed value for the enrolled portion of the property. 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 4.55 acres and DNRP recommends 4.55 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 March 8, 2018, public hearing are correct and incorporated herein by reference. On March 28, 2018, DNRP filed revised acreage amounts (4.55 enrolled and 6.63 excluded), along with a revised map reflecting the acreage changes. Copies of this determination and DNRP's reports will be provided to the Metropolitan King County Council for final approval.
6. Award under all categories must be conditioned upon the control and removal of invasive plant species on the property within a three-year period. Such control and removal is mandatory for the property to qualify as credited open space. Failure to meet this condition will cause disenrollment of the property from the PBRS program.
7. Approval, pursuant to the Public Benefit Rating System adopted by Chapter 20.36 KCC, of 13 points and a current use valuation of 40% of assessed value for 4.55 acres of the property and conditional approval of 5 additional points (which will bring the total to 18 points and 30% of assessed value for 4.55 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.

RECOMMENDATION:

1. **APPROVE** current use valuation of 40% of assessed value for the 4.55-acre enrolled portion of the property.
2. **CONDITIONALLY APPROVE** additional credit for the forest stewardship plan, to be awarded administratively, if the Applicant submits a forest stewardship plan by **September 3, 2018**, and that plan is approved by **November 1, 2018**. This will result in a current use valuation of 30% of assessed value for the 4.55-acre enrolled portion of the property. Award of this category may allow approved forestry activities to occur on the property.

DATED April 13, 2018.



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 *May 7, 2018*, 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 *May 7, 2018*, 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 *May 7, 2018*, the Examiner will notify all parties and interested persons and provide information about “next steps.”

MINUTES OF THE MARCH 8, 2018, HEARING ON THE APPLICATION OF WILEY FRANK, FILE NO. E17CT054

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>Reserved for open space taxation agreement</i>
Exhibit no. 2	<i>Reserved for final ordinance</i>
Exhibit no. 3	<i>Reserved for Hearing Examiner’s report and recommendation</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	<i>Reserved for future submission of legal description of area to be enrolled</i>
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 forest stewardship plan</i>

The following exhibit was offered and entered into the hearing record on March 28, 2018:

Exhibit no. 14	Email from Megan Kim to Hearing Examiner conveying Applicant’s revisions to acreages, dated March 28, 2018
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DS/vsm