

May 8, 2024

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

Telephone (206) 477-0860

hearingexaminer@kingcounty.gov

www.kingcounty.gov/independent/hearing-examiner

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

SUBJECT: Department of Natural Resources and Parks file no. **E23CT011**
Proposed ordinance no. **2024-0085**
Parcel nos. **3222069096 and 3222069018**

NEIL AND JANICE CURRIE

Open Space Taxation Application (Public Benefit Rating System)

Location: 19617 SE 272 Street, Kent

Applicants: **Neil and Janice Currie**
19617 SE 272 Street
Kent, WA 98042
Telephone: (206) 651-6093
Email: currie400@comcast.net

King County: Department of Natural Resources and Parks
represented by **Megan Kim**
201 S. Jackson Street
Suite 5601
Seattle, WA 98104
Telephone: (206) 477-4788

SUMMARY OF RECOMMENDATIONS:

Department's Recommendation: Approve 2.82 acres for 40% of assessed value
Conditionally approve 5.20 acres for 30% of assessed value

Examiner's Recommendation: Approve 2.82 acres for 40% of assessed value
Conditionally approve 5.20 acres for 30% of assessed value

PRELIMINARY REPORT:

On April 15, 2024, the Department of Natural Resources and Parks (DNRP) submitted its report on file no. E23CT011 to the Examiner.

PUBLIC HEARING:

After reviewing the preliminary report and examining available information on file with the application, the Examiner conducted an April 24, 2024, remote public hearing on the matter.

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:

Owners:	Neil and Janice Currie 19617 SE 272 Street Kent, WA 98042
Location:	19617 SE 272 Street, Kent
STR:	NW-32-22-06
Zoning:	RA5
Parcel nos:	3222069096 and 3222069018
Total acreage:	5.20 acres

2. The Applicants timely filed an application to King County for the Public Benefit Rating System (PBRS) program current use valuation of the property to begin in 2024. 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 ~~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>Farm and agricultural conservation land</i>	*
	Forest stewardship land	0
	Significant wildlife or salmonid habitat	5
	Surface water quality buffer	0
	Watershed protection area	0

Bonus Categories

<u>Resource restoration</u>	5
Total	15

The DNRP-recommended score of 15 points results in a current use valuation of 40% of assessed value for the enrolled portion of the property.

4. Additional credit may be awarded administratively under the farm and agricultural conservation land category, subject to submittal to DNRP of a King Conservation District-approved farm management plan by **October 31, 2024**. Award of credit under this category will increase the point total by five points, resulting in a current use valuation of 30% of assessed value for the enrolled portion of the property, and increasing the enrolling acreage from 2.82 to 5.20.
5. As to the land area recommended for PBRS enrollment, the Applicants requested 5.00 acres and DNRP recommends 2.82 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.)
6. Except as modified herein, we find the facts set forth in DNRP's preliminary report and testimony at the April 24, 2024, public hearing correct and we incorporate them by reference. We will provide copies of this report and DNRP's report to the Metropolitan King County Council for final approval.
7. Approval of 15 points and a current use valuation of 40% of assessed value for 2.82 acres, and conditional approval of five additional points and 30% of assessed value for 5.20 acres, 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.

RECOMMENDATION:

1. APPROVE a current use valuation of 40% of assessed value for the 2.82-acre enrolled portion of the property.
2. CONDITIONALLY APPROVE additional credit for the farm and agricultural conservation land category, subject to submittal to DNRP of a King Conservation District-approved farm management plan by **October 31, 2024**. Award of credit under this category will increase the point total by five points, resulting in a current use valuation of 30% of assessed value for the enrolled portion of the property, and increasing the enrolling acreage from 2.82 to 5.20.

DATED May 8, 2024.



David Spohr
King County Hearing Examiner

NOTICE OF RIGHT TO APPEAL

A party may appeal an Examiner report and recommendation by following the steps described in KCC 20.22.230. By **4:30 p.m.** on **June 3, 2024**, an electronic appeal statement must be sent to Clerk.Council@kingcounty.gov, to hearingexaminer@kingcounty.gov, and to the party email addresses on the front page of this report and recommendation. Please consult KCC 20.22.230 for the exact filing requirements.

If a party fails to timely file an appeal, the Council does not have jurisdiction to consider that appeal. Conversely, if the appeal requirements of KCC 20.22.230 are met, the Examiner will notify parties and interested persons and will provide information about next steps in the appeal process.

MINUTES OF THE APRIL 24, 2024, HEARING ON THE APPLICATION OF NEIL AND JANICE CURRIE, FILE NO. E23CT011

David Spohr was the Hearing Examiner in this matter. Megan Kim participated in the hearing.

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
Exhibit no. 6	Forest Stewardship Plan