

February 24, 2017

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

King County Courthouse
516 Third Avenue Room 1200
Seattle, Washington 98104
Telephone (206) 477-0860
Facsimile (206) 296-0198

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. **E16CT030**
Proposed ordinance no. **2017-0015**
Parcel no. **2921079046**

RANDOLPH HAYS AND AMY PATRICELLI
Open Space Taxation Application (Public Benefit Rating System)

Location: 35800 301st Place SE, Enumclaw

Applicants: **Amy Patricelli and Randolph Hays**
22002 129th Place SE
Kent, WA 98031
Telephone: (254) 319-4476
Email: randolphhays@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

SUMMARY OF RECOMMENDATIONS:

Department's Recommendation:	Approve 5.1 acres for 40% of market value
Examiner's Recommendation:	Approve 5.1 acres for 40% of market value

PRELIMINARY REPORT:

On February 2, 2017, the Department of Natural Resources and Parks (DNRP) submitted its report on file no. E16CT030 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 February 14, 2017, 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 AND CONCLUSIONS:

1. General Information:

Owners:	Amy Patricelli and Randolph Hays 22002 129th Place SE Kent, WA 98031
Location:	35800 301st Place SE, Enumclaw
STR:	NE 29-21-07
Zoning:	RA-5
Parcel no.:	2921079046
Total acreage:	6.1 acres

2. The Applicants 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 *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>
	Buffer to public or current use classified land *3*
	Forest stewardship land *5*

Surface water quality buffer

Watershed protection area **5**

Bonus Categories

Additional surface water quality buffer

13

The DNRP-recommended score of 13 points results in a current use valuation of 40% of market value for the enrolled portion of the property. Award under the buffer to public or current use classified land, forest stewardship land, and watershed protection area categories are all contingent upon submittal of a forest stewardship plan for the property by **July 3, 2017**, and Department approval by **September 1, 2017**.

Failure to have this plan submitted and approved will preclude the property from enrollment in the PBRS program at present, due to lack of sufficient qualifying points.

Additional credit may be awarded administratively under the surface water quality buffer and additional surface water quality buffer categories, subject to the condition above, *plus* submittal of a map/report that provides detailed locations and types of aquatic features by **April 3, 2017**, and the Department confirms the presence and size of aquatic feature(s) on the property. Award of credit under this category will increase the point total by either 5 points (if the buffer to an aquatic feature is 1.5 times the required distance), 8 points (if the buffer to an aquatic feature is 2 times the required distance), or 10 points (if the buffer to an aquatic feature is 3 times the required distance), resulting in a current use valuation of 30% (if plus 5 points) or 20% (if plus 8 or 10 points) of market value for the enrolled portion of the property.

4. As to the land area recommended for PBRS enrollment, the Applicant requested 5.1 acres and DNRP recommends 5.1 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 February 14, 2017, 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.
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 market value for 5.1 acres of the

property and conditional approval of 5, 8, or 10 additional points (which will bring the total to 18, 21, or 23 points and 30% or 20% of market value for 5.1 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.

8. 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 agreement for the parcel.

RECOMMENDATION:

1. **APPROVE** current use valuation of 40% of market value for the 5.1-acre enrolled portion of the property, **CONTINGENT** on submittal of a forest stewardship plan for the property by **July 3, 2017**, and Department approval by **September 1, 2017**. Failure to have this plan submitted and approved will preclude the property from enrollment in the PBRS program at present due to lack of sufficient qualifying points.
2. **CONDITIONALLY APPROVE** additional credit under the surface water quality buffer and additional surface water quality buffer, to be awarded administratively, if the Applicants submit a map/report that provides detailed locations and types of aquatic features by April 3, 2017, and the Department confirms the presence and size of aquatic feature(s) on the property. Award of credit under this category will increase the point total by 5, 8, or 10 points, resulting in a current use valuation of 30% (if 5 points) or 20% (if 8 or 10 points) of market value for the enrolled portion of the property.

DATED February 24, 2017.



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 *March 20, 2017*, 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 *March 20, 2017*, 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 *March 20, 2017*, the Examiner will notify all parties and interested persons and provide information about "next steps."

MINUTES OF THE FEBRUARY 14, 2017, HEARING ON THE APPLICATION OF RANDOLPH HAYS AND AMY PATRICELLI, DEPARTMENT OF NATURAL RESOURCES AND PARKS FILE NO. E16CT030.

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	<i>Reserved for:</i> 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:</i> 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:</i> Forest stewardship plan

DS/vsm

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CERTIFICATE OF SERVICE

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I, Elizabeth Dop, 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/interested persons and 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/interested persons to addresses on record.

DATED February 24, 2017.



Elizabeth Dop
Legislative Secretary

All Parties of Record

Akada, Irene

Department of Assessments

Bernstein, Bill

Department of Natural Resources and Parks

Clark, Debra

Department of Assessments

Freitag, Ivy

Department of Natural Resources and Parks

Kim, Megan

Department of Natural Resources and Parks

Randolph Hays, Amy Patricelli

mailed paper copy

Reed, Mike

Metropolitan King County Council