

June 12, 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. **E23CT016c**
Proposed ordinance no. **2024-0135**
Parcel nos. **082206-9020, 082206-9021, and 082206-9026**

KNADLE, CLAPPER, BURTON

Open Space Taxation Application (Public Benefit Rating System)

Location: 21330 Sweeny Road SE, East of 21330 Sweeny Road SE, and
West of 21325 204th Avenue SE, Maple Valley

Applicants: **Jill Burton**
21044 204th Avenue SE
Maple Valley, WA 98038
Telephone: (360) 505-9160
Email: jillburton425@hotmail.com

Marcia Knadle
21044 204th Avenue SE,
Maple Valley, WA 98038
Telephone: (425) 432-9645
Email: mknadle1@aol.com

Estate of David Knadle
represented by **Debra Smith**
9726 Woodlawn Avenue N Unit A
Seattle, WA 98103
Telephone: (253) 486-3933
Email: debkaye@hotmail.com

Estate of Lois Clapper
represented by **Laura Capili**
18435 SE 164th Street

Renton, WA 98058
Telephone: (425) 228-8875
Email: lclapper@seanet.com

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
Email: megan.kim@kingcounty.gov

SUMMARY OF RECOMMENDATIONS:

Department’s Recommendation: Contingently approve 15.69 acres for 40% of assessed value
Contingently approve 15.69 acres for 20% of assessed value

Examiner’s Recommendation: Contingently approve 15.69 acres for 40% of assessed value
Contingently approve 15.69 acres for 20% of assessed value

PRELIMINARY REPORT:

On May 17, 2024, the Department of Natural Resources and Parks (DNRP) submitted its report on file no. E23CT016c to the Examiner.

PUBLIC HEARING:

After reviewing the preliminary report and examining available information on file with the application, the Examiner conducted a remote public hearing on the application on May 29, 2024.

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: Estate of Lois Clapper *represented by* Laura Capili; Estate of David Knadle *represented by* Debra Smith, Jill Burton, and Jill Burton

Location: 21330 Sweeny Road SE, East of 21330 Sweeny Road SE, and West of 21325 204th Avenue SE, Maple Valley
STR: NW-08-22-06

Zoning: RA5
 Parcel no.: 082206-9020, 082206-9021, and 082206-9026
 Total acreage: 16.26 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. The property is currently enrolled in the State’s farm and agricultural land program. The purpose of this application is to reclassify the property and enroll it in PBRs. Any new open space taxation agreement must supersede that agreement.
4. 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. ~~Strikethrough~~ represents a category an applicant requested an award for but that DNRP disagrees is warranted. *Italics* represents a category an applicant did not request an award for, but that DNRP nonetheless concludes is warranted. And an *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>Buffer to public or current use classified land</i>	3*
	Farm and agricultural conservation land	5*
	Forest stewardship land	0
	Historic landmark or archaeological site; designated site	0
	Rural open space	0
	Scenic resource, viewpoint or view corridor	0
	Significant wildlife or salmonid habitat	5*
	<i>Surface water quality buffer</i>	*
	 <u>Bonus Categories</u>	
	Resource restoration	*
	<hr style="width: 100%; border: 0.5px solid black;"/>	
	Total	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.

5. Enrollment is contingent on submittal of a King Conservation District-approved farm management plan by **December 31, 2024**. Failure to qualify as farm and agricultural conservation land precludes the property from enrolling in PBRs.
6. Additional credit may be awarded administratively under the surface water quality buffer category, subject to submittal to DNRP, by **November 29, 2024**, of a map and report detailing the locations and types of aquatic features, and DNRP determining, by **December 31, 2024**, that the property is providing a buffer sufficiently exceeding the normal regulatory buffer. A buffer 1.5x the regulatory buffer earns five points, a buffer

- 2x the regulatory buffer earns eight points, and a buffer 2x the regulatory buffer earns ten points.
7. Additional credit may also be awarded administratively under the resource restoration category, subject to submittal to DNRP, by **November 29, 2024**, of a resource restoration plan, and DNRP approval of that plan by **December 31, 2024**. An award under this category adds five points.
 8. If some combination of the above two potential administrative awards boosts the property into:
 - A. the 16-20 point range, that will result in a current use valuation of 30% of assessed value for the enrolled portion of the property; or
 - B. the 21-34 point range, that will result in a current use valuation of 20% of assessed value for the enrolled portion of the property.
 9. As to the land area recommended for PBRS enrollment, the Applicants requested 17.00 acres and DNRP recommends 15.69 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.)
 10. Except as modified herein, we find the facts set forth in DNRP’s preliminary report and testimony at the May 29, 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.
 11. Contingent approval of 13 points and a current use valuation of 40% of assessed value for 15.69 acres, and conditional approval of up to 20 additional points and as little as 20% of assessed value for those 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 15.69-acre enrolled portion of the property, CONTINGENT on submittal of a King Conservation District-approved farm management plan by **December 31, 2024**. Failure to qualify as farm and agricultural conservation land precludes the property from enrolling in PBRS.
2. CONDITIONALLY APPROVE additional credit for the surface water quality buffer category, subject to submittal to DNRP, by **November 29, 2024**, of a map and report detailing the locations and types of aquatic features, and DNRP determining, by **December 31, 2024**, that the property is providing a buffer sufficiently exceeding the

normal regulatory buffer. A buffer 1.5x the regulatory buffer earns five points, a buffer 2x the regulatory buffer earns eight points, and a buffer 2x the regulatory buffer earns ten points.

3. **CONDITIONALLY APPROVE** additional credit under the resource restoration category, subject to submittal to DNRP, **by November 29, 2024**, of a resource restoration plan, and DNRP approval of that plan by **December 31, 2024**. An award under this category adds five points.
4. If some combination of the above two potential administrative awards boosts the property into the 16-20 point range, that will result in a current use valuation of 30% of assessed value for the 15.69 enrolling acre; if it boosts the property into the 21-34 point range, that will result in a current use valuation of 20% of assessed value for the 15.69 enrolling acres.

DATED June 12, 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 **July 8, 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 MAY 29, 2024, HEARING ON THE APPLICATION OF
KNADLE, CLAPPER, BURTON, FILE NO. E23CT016C**

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

The following exhibits were offered and entered into the hearing record:

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|---------------|---|
| 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 |