

May 8, 2024

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

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www.kingcounty.gov/independent/hearing-examiner

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

SUBJECT: Department of Natural Resources and Parks file no. **E23CT018**
Proposed ordinance no. **2024-0088**
Parcel no. **0320069005**

KATHERINE AND BRIAN MCGILL

Open Space Taxation Application (Public Benefit Rating System)

Location: 38421 236th Avenue SE, Enumclaw

Applicants: **Katherine and Brian McGill**

38421 236th Avenue SE

Enumclaw, WA 98022

Telephone: (757) 560-0473

Email: kathyfa18@yahoo.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

SUMMARY OF RECOMMENDATIONS:

Department's Recommendation: Contingently approve 7.32 acres for 50% of assessed value

Examiner's Recommendation: Contingently approve 7.32 acres for 50% of assessed value

PRELIMINARY REPORT:

On April 15, 2024, the Department of Natural Resources and Parks (DNRP) submitted its report on file no. E23CT018 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:	Katherine and Brian McGill 38421 236th Avenue SE Enumclaw, WA 98022
Location:	38421 236th Avenue SE, Enumclaw
STR:	NW 03-20-06
Zoning:	A35
Parcel no:	0320069005
Total acreage:	9.00 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 only credit applied for—credit DNRP agrees could be warranted—is the farm and agricultural land category (five points). However, enrollment is contingent on submittal to DNRP of a King Conservation District-approved farm management plan by **October 31, 2024**. Because the property is not eligible for any other PBRS resource category, failure to qualify as farm and agricultural conservation land precludes the property from enrolling in PBRS.
4. As to the land area recommended for PBRS enrollment, the Applicants requested 7.90 acres and DNRP recommends 7.32 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, 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.

6. Contingent approval of five points and a current use valuation of 50% of assessed value for 7.32 acres is 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:

APPROVE a current use valuation of 50% of assessed value for the 7.32-acre enrolled portion of the property, CONTINGENT on submittal to DNRP of a King Conservation District-approved farm management plan by **October 31, 2024**.

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 KATHERINE AND BRIAN MCGILL, FILE NO. E23CT018

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 *Reserved for future submission of the affidavit of hearing publication*
- 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

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CERTIFICATE OF SERVICE

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Proposed ordinance no. **2024-0088**
Parcel no. 0320069005

Katherine **AND BRIAN MCGILL**
Open Space Taxation Application (Public Benefit Rating System)

I, Jessica Oscoy, 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.
- placed with the United States Postal Service, through Quadient-Impress, with sufficient postage, as FIRST CLASS MAIL in an envelope addressed to the non-County employee parties/interested persons to addresses on record.

DATED May 8, 2024.



Jessica Oscoy
Office Manager