

November 17, 2020

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

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Seattle, Washington 98104
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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. **E20CT010**
Proposed ordinance no. **2020-0355**
Parcel nos. **3125079016**

JANAKIRAM AND PRASANNA CHERALA

Open Space Taxation Application (Public Benefit Rating System)

Location: 29122 SE 8th Street, Fall City

Applicants: **Janakiram and Prasanna Cherala**
29122 SE 8th Street
Fall City, WA 98024
Telephone: (425) 753-8667
Email: ram.cherala@gmail.com

King County: Department of Natural Resources and Parks
represented by **Megan Kim**
701 S Jackson Street Suite 701
Seattle, WA 98104
Telephone: (206) 477-4788
Email: megan.kim@kingcounty.gov

SUMMARY OF RECOMMENDATIONS:

Department's Recommendation: Approve 3.08 acres for 40% of assessed value
Conditionally approve 3.08 acres for 20% of assessed value

Examiner's Recommendation: Approve 3.08 acres for 40% of assessed value
Conditionally approve 3.08 acres for 20% of assessed value

PRELIMINARY REPORT:

On October 26, 2020, the Department of Natural Resources and Parks (DNRP) submitted its report on file no. E20CT010 to the Examiner.

PUBLIC HEARING:

After reviewing the preliminary report and examining available information on file with the application, the Examiner conducted a telephonic public hearing on the application on November 5, 2020.

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:	Janakiram and Prasanna Cherala 29122 SE 8th Street Fall City, WA 98024
Location:	29122 SE 8th Street, Fall City
STR:	SE 31-25-7
Zoning:	RA-5
Parcel no/s.:	3125079016
Total acreage:	4.70 acres

- The Applicant timely filed an application to King County for the Public Benefit Rating System (PBRS) program current use valuation of the property to begin in 2021. As required by law, notification of the application occurred.
- 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>	
	Aquifer protection area	0
	Significant wildlife or salmonid habitat	5
	Special animal site	3
	*Surface water quality buffer	*
	Urban open space	0
	Watershed protection area	5
	<u>Bonus Categories</u>	
	*Resource restoration	*
	*Additional surface water quality buffer	*
		<hr/> 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.

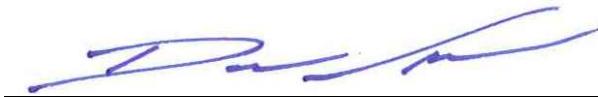
4. Credit (5 points) may be awarded administratively under the resource restoration category, provided that a resource restoration plan is submitted to DNRP by **July 2, 2021**, and approved by DNRP by **September 3, 2021**, and planting activities are completed within a three-year period. Award of this category may allow, with necessary permits, restoration activities to occur in the participating open space area.
5. Credit may be administratively awarded under the surface water quality buffer category and, potentially, the additional surface water quality buffer category, subject to submittal to DNRP, by **May 3, 2021**, of a map and report that details the location and types of aquatic features and demonstrates provision of a buffer 1.5x (5 points), 2x (8 points) or 3x (10 points) beyond that required by the pertinent regulation.
6. How additional points would impact the current use valuation depends on what categories are awarded. Starting with the 13 points and a current use valuation of 40% of assessed value described above, adding 5 points would result in a current use valuation of 30% of assessed value, while adding 8 points or more would result in a current use valuation of 20% of assessed value.
7. As to the land area recommended for PBRS enrollment, the Applicant requested 2.60 acres and DNRP recommends 3.08 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.)
8. Except as modified herein, the facts set forth in DNRP's revised report and testimony at the November 5, 2020, 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.
9. Approval of 13 points and a current use valuation of 40% of assessed value for 3.08 acres, and conditional approval of up to 10 additional points and 20% of assessed value for the enrolling 3.08 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 3.08-acre enrolled portion of the property.
2. CONDITIONALLY APPROVE additional credit (5 points) for the resource restoration category, provided that a resource restoration plan is submitted to DNRP by **July 2, 2021**, and approved by DNRP by **September 3, 2021**, and planting activities are completed within a three-year period.
3. CONDITIONALLY APPROVE additional credit under the surface water quality buffer category and, potentially, the additional surface water quality buffer category, subject to submittal to DNRP, by **May 3, 2021**, of a map and report that details the location and types of aquatic features and demonstrates provision of a buffer 1.5x (5 points), 2x (8 points) or 3x (10 points) beyond that required by the pertinent regulation.
4. CONDITIONALLY APPROVE a current use valuation of 30% of assessed value if 5 points are administratively awarded 20% of assessed value if 8 or more points are administratively awarded.

DATED November 17, 2020.



David Spohr
King County 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 *December 11, 2020*, 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 *December 11, 2020*, 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 *December 11, 2020*, the Examiner will notify all parties and interested persons and provide information about “next steps.”

**MINUTES OF THE NOVEMBER 5, 2020, HEARING ON THE APPLICATION OF
JANAKIRAM AND PRASANNA CHERALA, FILE NO. E20CT010**

David Spohr was the Hearing Examiner in this matter. Participating in the hearing were Megan Kim and Janakiram Cherala.

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

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| Exhibit no. 1 | DNRP <i>revised</i> report to the Hearing Examiner, submitted November 6, 2020 |
| 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 |

DS/jo