

November 16, 2020

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

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

SUBJECT: Department of Natural Resources and Parks file no. **E20CT012**
Proposed ordinance no. **2020-0353**
Parcel no. **2926079035**

ELIZABETH CRAIN

Open Space Taxation Application (Public Benefit Rating System)

Location: 29221 NE 126th Street, Duvall

Applicant: **Elizabeth Crain**
29221 NE 126th Street
Duvall, WA 98019
Telephone: (978) 844-0282
Email: escocrain@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 4.34 acres for 50% of assessed value Conditionally approve 8.40 acres for 20% of assessed value
Examiner's Recommendation:	Approve 4.34 acres for 50% of assessed value Conditionally approve 8.40 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. E20CT012 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:

Owner:	Elizabeth Crain 29221 NE 126th Street Duvall, WA 98019
Location:	29221 NE 126th Street, Duvall
STR:	SW 29-26-7
Zoning:	RA-5
Parcel no/s.:	2926079035
Total acreage:	9.81 acres

2. 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.

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>	
	Farm and agricultural conservation land	5
	*Forest stewardship land	*
	Significant wildlife and salmonid habitat	5
	Surface water quality buffer	*
	<u>Bonus Categories</u>	
	*Additional surface water quality buffer	*
	Seasonally limited public access	0

The DNRP-recommended score of 10 points results in a current use valuation of 50% of assessed value for the enrolled portion of the property.

4. Additional credit may be awarded administratively under the forest stewardship land category, subject to (a) submittal to DNRP of a forest stewardship plan by **May 1, 2021**, and DNRP approval by **July 1, 2021**, and (b) natively vegetating the orange-colored areas on the attached map. Award under this category will increase the enrolling acreage from 4.34 to 8.40 acres, increase point total by 5 points, and result in a current use valuation of 40% of assessed value for the enrolled portion of the property. It may also allow approved forestry activities to occur on the property.
5. If a forest stewardship plan is approved and natively revegetates the orange areas, additional credit may be awarded administratively under the surface water quality buffer (5 points) and additional surface water quality buffer (3 points) categories. Award under these categories will increase the point total by 8 points, resulting in a current use valuation of 20% of assessed value for the enrolled portion of the property.
6. As to the land area recommended for PBRS enrollment, the Applicant requested 5.00 acres and DNRP recommends 4.34 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.)
7. Except as modified herein, the facts set forth in DNRP's preliminary 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.
8. Approval of 10 points and a current use valuation of 50% of assessed value for 4.34 acres, and conditional approval of 13 additional points and 20% of assessed value for 8.40 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 50% of assessed value for the 4.34-acre enrolled portion of the property.
2. CONDITIONALLY APPROVE credit under the forest stewardship land category, subject to (a) submittal to DNRP of a forest stewardship plan by **May 1, 2021**, and DNRP approval by **July 1, 2021**, and (b) natively vegetating the orange-colored areas on the attached map. Award under this category will increase the enrolling acreage from 4.34 to 8.40 acres, increase point total by 5 points, and result in a current use valuation of 40% of assessed value for the enrolled portion of the property. It may allow approved forestry activities to occur on the property.
3. If a forest stewardship plan is approved and natively revegetates the orange areas on the attached map, additional credit may be awarded administratively under the surface water quality buffer and

additional surface water quality buffer categories. Award under these categories will increase the point total by 8 additional points, resulting in a current use valuation of 30% of assessed value for the enrolled portion of the property.

DATED November 16, 2020.



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 *December 10, 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 10, 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 10, 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
ELIZABETH CRAIN, FILE NO. E20CT012**

David Spohr was the Hearing Examiner in this matter. Megan Kim participated in the hearing on behalf of the department.

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

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| Exhibit no. 1 | DNRP revised 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 | Farm management plan |

DS/jo