

September 21, 2017

**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. **E17CT010**
Proposed ordinance no. **2017-0331**
Parcel nos. **3021069035, 1921069055**

JUDY FREMOUW

Open Space Taxation Application (Public Benefit Rating System)

Location: 18204 SE Green Valley Road, Auburn

Applicant: **Judy Fremouw**
18204 SE Green Valley Road
Auburn, WA 98092
Telephone: (206) 288-9598
Email: mmwnc_xy@outlook.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 15.42 acres for 10% of market value
Examiner's Recommendation:	Approve 15.42 acres for 10% of market value

PRELIMINARY REPORT:

On September 5, 2017, the Department of Natural Resources and Parks (DNRP) submitted its report on file no. E17CT010 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 September 19, 2017, in the Fred 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:

Owner:	Judy Fremouw 18204 SE Green Valley Road Auburn, WA 98092
Location:	18204 SE Green Valley Road, Auburn
STR:	NW 30 and SW 19-21-06
Zoning:	RA-5
Parcel nos.:	3021069035, 1921069055
Total acreage:	16.42 acres

2. The Applicant timely filed an application to King County for PBRS program current use valuation of the property to begin in 2019. 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>	
	Aquifer protection area	5
	Buffer to public or current use classified land	3

Farm and agricultural conservation land	5
Forest stewardship land	
Rural open space	5
Significant wildlife or salmonid habitat	5
Surface water quality buffer	5
Watershed protection area	5
<u>Bonus categories</u>	
Resource restoration	
Additional surface water quality buffer	
Conservation easement or historic easement	15
	<hr/>
	48

The DNRP-recommended score of 48 points results in a current use valuation of 10% of market value for the enrolled portion of the property.

4. As to the land area recommended for PBRS enrollment, the Applicant did not request specific acreage, while DNRP recommends 15.42 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 September 19, 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. The final line in the "Resource restoration" bonus category on page 7 should read, "credit for this category cannot ~~not~~ be recommended."
6. Award under all categories is conditioned upon the control of invasive plant species on the property. Control 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 48 points and a current use valuation of 10% of market value for 15.42 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.

RECOMMENDATION:

1. APPROVE current use valuation of 10% of market value for the 15.42-acre enrolled portion of the property.

DATED September 21, 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 *October 16, 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 *October 16, 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 *October 16, 2017*, the Examiner will notify all parties and interested persons and provide information about "next steps."

**MINUTES OF THE SEPTEMBER 19, 2017, HEARING ON THE APPLICATION OF
JUDY FREMOUW, DEPARTMENT OF NATURAL RESOURCES AND PARKS FILE
NO. E17CT010**

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 offered: open space taxation agreement</i>
Exhibit no. 2	<i>Not offered: final ordinance</i>
Exhibit no. 3	<i>Not offered: Hearing Examiner's report and recommendation</i>
Exhibit no. 4	DNRP report to the Hearing Examiner
<i>Exhibit no. 5</i>	<i>Reserved for future submission of affidavit of publication</i>
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
<i>Exhibit no. 10</i>	<i>Reserved for future submission of legal description of area to be enrolled</i>
Exhibit no. 11	Email to applicant regarding received application and approval schedule
Exhibit no. 12	Arcview and orthophoto/aerial map
Exhibit no. 13	Farm management plan
Exhibit no. 14	Farm preservation plan program deed and agreement
Exhibit no. 15	Map of areas impacted by blackberry

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