

March 16, 2023

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

King County Courthouse
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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. **E22CT008**
Proposed ordinance no. **2023-0038**
Parcel no. **1720069001**

EMILY MOREN AND WILLIAM VON DOLLN

Open Space Taxation Application (Public Benefit Rating System)

Location: 20825 SE 416th Street, Enumclaw

Applicants: **Emily Moren and William Von Dolln**
20825 SE 416th Street
Enumclaw, WA 98022
Telephone: (206) 549-9118
Email: emily.vondolln@gmail.com

King County: Department of Natural Resources and Parks
represented by **Megan Kim**
201 S. Jackson Street
Suite 5600
Seattle, WA 98104
Telephone: (206) 477-4788

SUMMARY OF RECOMMENDATIONS:

Department's Recommendation: Approve 3.93 acres for 50% of assessed value
Conditionally approve 3.93 acres for 40% of assessed value
Examiner's Recommendation: Approve 3.93 acres for 50% of assessed value
Conditionally approve 3.93 acres for 40% of assessed value

PRELIMINARY REPORT:

On February 16, 2023, the Department of Natural Resources and Parks (DNRP) submitted its report on file no. E22CT008 to the Examiner.

PUBLIC HEARING:

After reviewing the preliminary report and examining available information on file with the application, the Examiner conducted a Zoom public hearing on the application on March 2, 2023.

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:	Emily Moren and William Von Dolln 20825 SE 416th Street Enumclaw, WA 98022
Location:	20825 SE 416th Street, Enumclaw
STR:	NE-17-20-06
Zoning:	A10
Parcel no.:	1720069001
Total acreage:	4.76 acres

- 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 2023. 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
	Farm and agricultural conservation land	5
	Rural stewardship land	0
	Surface water qualify buffer	*
	<u>Bonus Categories</u>	
	Resource restoration	
	Contiguous parcels under separate ownership	*
		0
	<hr/>	
	Total	5

The DNRP-recommended score of 5 points results in a current use valuation of 50% of assessed value for the enrolled portion of the property.

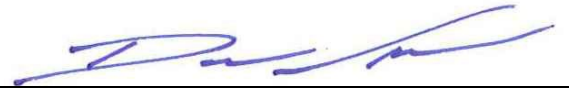
4. Additional credit may be awarded administratively under the surface water qualify buffer category if, by **November 30, 2023**, if Applicants submit an amended farm management that reduces the required minimum buffer to 25 feet but then proposes planting a buffer of at least an average of 37.5 feet.
5. Additional credit may also be awarded administratively under the resource restoration category, if Applicants submit, by **September 29, 2023**, a resource restoration plan that plants stream buffer sufficiently beyond that required by the recent Agricultural Drainage Assistance Project, and subject to County approval of that plan by **November 30, 2023**.
6. Credit under the resource restoration category would increase the point total from five to ten. Credit under the surface water quality buffer category could (depending on the width of the buffer enhancements), add an additional five, eight, or ten points. Enrolled areas earning between 11 and 15 points are taxed at 40% of market value. Enrolled areas earning between 16 and 20 points are taxed at 30% of market value, although at hearing it did not seem realistic that the Applicants could earn ten surface water quality buffer points.
7. As to the land area recommended for PBRS enrollment, Applicants requested 3.76 acres and DNRP recommends 3.93 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, we find the facts set forth in DNRP's preliminary report and testimony at the March 2, 2023, 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.
9. Approval of five points and a current use valuation of 50% of assessed value for 3.93 acres, and conditional approval of ten additional points and 40% of assessed value for the 3.93 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 3.93-acre enrolled portion of the property.
2. CONDITIONALLY APPROVE additional credit under the surface water qualify buffer category if, by **November 30, 2023**, Applicants submit an amended farm management that reduces the required minimum buffer to 25 feet but then proposes planting a buffer of at least an average of 37.5 feet.
3. CONDITIONALLY APPROVE additional credit under the resource restoration category, if, by **September 29, 2023**, Applicants submit a resource restoration plan that plants stream buffer sufficiently beyond that required by the recent Agricultural Drainage Assistance Project, and the County approves that plan by **November 30, 2023**.

DATED March 16, 2023.



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 *April 10, 2023*, 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 *April 10, 2023*, 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 *April 10, 2023*, the Examiner will notify all parties and interested persons and provide information about “next steps.”

**MINUTES OF THE MARCH 2, 2023, HEARING ON THE APPLICATION OF
EMILY MOREN AND WILLIAM VON DOLLN, FILE NO. E22CT008**

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	<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