

February 8, 2019

**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. **E18CT011**
Proposed ordinance no. **2019-0003**
Parcel nos. **2523069011, 3623069006, 3623069008, 2523069148**

BONOMI FARMS

Open Space Taxation Application (Public Benefit Rating System)

Location: 17517 Issaquah-Hobart Road SE, Issaquah

Applicant: Bonomi Farms LLC
represented by **Richard Hooper**
451 SW 10th Street Suite 107
Renton, WA 98057
Telephone: (425) 351-3165
Email: dick@pivotalolutionsinc.com

King County: Department of Natural Resources and Parks
represented by **Bill Bernstein**
201 S Jackson Street Suite 600
Seattle, WA 98104
Telephone: (206) 477-4643
Email: bill.bernstein@kingcounty.gov

SUMMARY OF RECOMMENDATIONS:

Department's Recommendation: Approve 122.06 acres for 10% of assessed value
Examiner's Recommendation: Approve 57.06 acres for 10% of assessed value

PRELIMINARY REPORT:

On January 17, 2019, the Department of Natural Resources and Parks (DNRP) submitted its report on file no. E18CT011 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 January 29, 2019, 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:	Bonomi Farms LLC 451 SW 10th Street Suite 107 Renton, WA 98057
Location:	17517 Issaquah-Hobart Road SE, Issaquah
STR:	NW 36/SW 25-23-06
Zoning:	RA-5
Parcel nos.:	2523069011, 3623069006, 3623069008, 2523069148
Total acreage:	123.06 acres

- The Applicant timely filed an application to King County for PBRS program current use valuation of the property to begin in 2020. 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>	
	<i>Aquifer protection area</i>	5
	<i>Buffer to public or current use classified land</i>	3
	Farm and agricultural conservation land	*
	<i>Rural open space</i>	5
	<i>Significant wildlife or salmonid habitat</i>	5
	<i>Special animal site</i>	3
	<u>Bonus Category</u>	
	Conservation easement or historic easement	15
		<hr/> 36

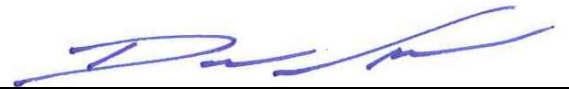
The DNRP-recommended score of 36 points results in a current use valuation of 10% of assessed value for the enrolled portion of the property. Additional credit may be awarded administratively under the farm and agricultural conservation land category subject to submittal of a King Conservation District-approved farm management plan by **November 29, 2019**. Award of credit under this category will increase the point total by 5 points and the acreage by 65.00 acres, but result in no change to the current use valuation.

4. As to the land area recommended for PBRS enrollment, the Applicant requested 122.23 acres, DNRP recommends 122.06 acres, while the examiner recommends 57.06 acres, with the other 65 acres conditioned on timely receipt of farm plan. (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 January 29, 2019, 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.
6. Approval, pursuant to the Public Benefit Rating System adopted by Chapter 20.36 KCC, of 36 points and a current use valuation of 10% of assessed value for 57.06 acres of the property, and conditional approval of 5 additional points (which will bring the total to 41 points and 10% of assessed value for 122.06 acres of the property), are 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.
7. The subject property is currently enrolled in the farm and agricultural land program. Any open space taxation participation agreement signed as a result of approval of this application should be worded to supersede any prior agreements for the parcel.

RECOMMENDATION:

1. APPROVE current use valuation of 10% of assessed value for the 57.06-acre enrolled portion of the property.
2. CONDITIONALLY APPROVE additional credit for the farm and agricultural conservation land category, subject to submittal of a King Conservation District-approved farm management plan by **November 29, 2019**. Award of credit under this category will increase the point total by 5 points and the acreage by 65.00 acres for a total of 122.06 acres. The current use valuation will remain at 10% (the highest available reduction).

DATED February 8, 2019.



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 *March 4, 2019*, 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 *March 4, 2019*, 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 *March 4, 2019*, the Examiner will notify all parties and interested persons and provide information about “next steps.”

MINUTES OF THE JANUARY 29, 2019, HEARING ON THE APPLICATION OF BONOMI FARMS, FILE NO. E18CT011

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:

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| 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 | Application signed and notarized |
| Exhibit no. 5 | Arcview/orthophotograph and aerial map |

DS/vsm