

December 13, 2023

**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. **E23CT005**
Proposed ordinance no. **2023-0393**
Parcel no. **082007-9043**

TOM AND MICHELE RAY

Open Space Taxation Application (Public Benefit Rating System)

Location: 41315 305th Avenue, Enumclaw

Applicants: **Tom and Michele Ray**
41315 305th Avenue
Enumclaw, WA 98022
Telephone: (253) 632-9582
Email: tallray1@yahoo.com

King County: Department of Natural Resources and Parks
represented by **Megan Kim**
201 S. Jackson Street
Suite 5601
Seattle, WA 98104
Telephone: (206) 477-4788

SUMMARY OF RECOMMENDATIONS:

Department's Recommendation: Approve 10.94 acres for 40% of assessed value
Conditionally approve 10.94 acres for 30% of assessed value

Examiner's Recommendation: Approve 10.94 acres for 40% of assessed value
Conditionally approve 10.94 acres for 30% of assessed value

PRELIMINARY REPORT:

On November 20, 2023, the Department of Natural Resources and Parks (DNRP) submitted its report on file no. E23CT005 to the Examiner.

PUBLIC HEARING:

After reviewing the preliminary report and examining available information on file with the application, the Examiner conducted a remote public hearing on the application on November 29, 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:	Tom and Michele Ray 41315 305th Avenue Enumclaw, WA 98022
Location:	41315 305th Avenue, Enumclaw
STR:	SE-08-20-07
Zoning:	RA5
Parcel no:	082007-9043
Total acreage:	11.64 acres

2. 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 2024. 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	5
	Significant wildlife or salmonid habitat	5
	Watershed protection area	0
	<u>Bonus Categories</u>	
	Environmental educational access	*
	<hr/> Total	<hr/> 15

The DNRP-recommended score of 15 points results in a current use valuation of 40% of assessed value for the enrolled portion of the property.

4. Additional credit may be awarded administratively under the environmental education access category, subject to submittal, by **June 1, 2024**, of letters of support from local agencies, groups, and schools of their intent to continue touring this property. Award of credit under this category will increase the point total by three points, resulting in a current use valuation of 30% of assessed value for the enrolled portion of the property.
5. As to the land area recommended for PBRS enrollment, the Applicants requested 10.64 acres and DNRP recommends 10.94 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.)
6. Except as modified herein, we find the facts set forth in DNRP’s preliminary report and testimony at the November 29, 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.
 - A. The category list on the first page shows farm agricultural conservation land as a conditional award, when the only conditional award DNRP is recommending is for environmental education access.
 - B. The category list on the first page shows watershed protection area as awardable category, when DNRP later explains that the property does not qualify as watershed protection.
7. Approval of 15 points and a current use valuation of 40% of assessed value for 10.94 acres, and conditional approval of 3 additional points and 30% of assessed value for 10.94 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 10.94-acre enrolled portion of the property.
2. CONDITIONALLY APPROVE additional credit for the environmental education access category, subject to submittal, by **June 1, 2024**, of letters of support from local agencies, groups, and schools of their intent to continue touring this property. Award of credit under this category will increase the point total by three points, resulting in a current use valuation of 30% of assessed value for the 10.94-acre enrolled portion of the property.

DATED December 13, 2023.



David Spohr
Hearing Examiner

NOTICE OF RIGHT TO APPEAL

A party may appeal an Examiner report and recommendation by following the steps described in KCC 20.22.230. By **4:30 p.m.** on *January 8, 2024*, an electronic appeal statement must be sent to Clerk.Council@kingcounty.gov, to hearingexaminer@kingcounty.gov, and to the party email addresses on the front page of this report and recommendation. Please consult KCC 20.22.230 for the exact filing requirements.

If a party fails to timely file an appeal, the Council does not have jurisdiction to consider that appeal. Conversely, if the appeal requirements of KCC 20.22.230 are met, the Examiner will notify parties and interested persons and will provide information about next steps in the appeal process.

MINUTES OF THE NOVEMBER 29, 2023, HEARING ON THE APPLICATION OF TOM AND MICHELE RAY, FILE NO. E23CT005

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:

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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 | Arcview/orthophotograph and aerial map |
| Exhibit no. 5 | Application signed and notarized |
| Exhibit no. 6 | Forest Stewardship Plan |
| Exhibit no. 7 | Farm Management Plan |