

June 12, 2024

**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. **E23CT016b**
Proposed ordinance no. **2024-0136**
Parcel nos. **082206-9010 and 082206-9013**

KNADLE, CLAPPER, BURTON

Open Space Taxation Application (Public Benefit Rating System)

Location: 20201 SE 216th Street and south of 20201 SE 216th Street, Maple Valley

Applicants: **Jill Burton**
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Estate of David Knadle
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Estate of Lois Clapper
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King County: Department of Natural Resources and Parks
represented by **Megan Kim**
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SUMMARY OF RECOMMENDATIONS:

Department’s Recommendation: Approve 49.08 acres for 20% of assessed value
Conditionally approve 79.86 acres for 10% of assessed value

Examiner’s Recommendation: Approve 49.08 acres for 20% of assessed value
Conditionally approve 79.86 acres for 10% of assessed value

PRELIMINARY REPORT:

On May 17, 2024, the Department of Natural Resources and Parks (DNRP) submitted its report on file no. E23CT016b 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 May 29, 2024. 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: Estate of Lois Clapper *represented by* Laura Capili; Estate of David Knadle *represented by* Debra Smith, Jill Burton, and Jill Burton
 - Location: 20201 SE 216th Street and south of 20201 SE 216th Street, Maple Valley
 - STR: SW-08-22-06

Zoning: RA5
 Parcel nos: 082206-9010 and 082206-9013
 Total acreage: 80.86 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. The property is currently enrolled in the State’s farm and agricultural land program. The purpose of this application is to reclassify the property and enroll it in PBRS. Any new open space taxation agreement must supersede that agreement.
4. 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. *Italics* represents a category an applicant did not request an award for, but that DNRP nonetheless concludes is warranted. And an **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>Buffer to public or current use classified land</i>	3
	*Farm and agricultural conservation land	*
	*Forest stewardship land	*
	Historic landmark or archaeological site: designated site	5
	Rural open space	5
	Scenic resource, viewpoint, or view corridor	5
	Significant wildlife or salmonid habitat	5
	<i>*Surface water quality buffer</i>	*
	<hr/> Total	<hr/> 23

The DNRP-recommended score of 23 points results in a current use valuation of 20% of assessed value for the enrolled portion of the property.

5. Additional credit may be awarded administratively under the farm and agricultural conservation land category, subject to submittal to DNRP, by **December 31, 2024**, of a King Conservation District-approved farm management plan. Award of credit under this category will increase the point total by five points and increase the enrollable acres by 30.78.
6. Additional credit may also be awarded administratively under the forest stewardship land category, subject to submittal to DNRP, by **October 31, 2024**, of a forest stewardship plan, and DNRP approval of that plan by **December 31, 2024**. Award of credit under this category will increase the point total by five points.
7. Additional credit may also be awarded administratively under the surface water quality buffer category, subject to submittal to DNRP, by **November 29, 2024**, of a map and report detailing the locations and types of aquatic features, and DNRP determining, by **December 31, 2024**, that the property is providing a buffer sufficiently exceeding the

normal regulatory buffer. A buffer 1.5x the regulatory buffer earns five points, a buffer 2x the regulatory buffer earns eight points, and a buffer 2x the regulatory buffer earns ten points.

8. If some combination of the above three potential administrative awards boosts the property from 23 points to 35 or more points, that will result in a current use valuation of 10% of assessed value for the enrolled portion of the property.
9. As to the land area recommended for PBRS enrollment, the Applicants requested 81 acres and DNRP recommends 49.08 acres, with an additional 30.78 acres awardable administratively via qualification for the farm and agricultural conservation land category, for a total of 79.86 enrollable 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.)
10. Except as modified herein, we find the facts set forth in DNRP's preliminary report and testimony at the May 29, 2024, 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. On the bottom of page 6, the report mentioned that the owners had submitted a draft for stewardship plan. That is incorrect, no draft has yet been submitted, and a draft is not due (as noted above) until October 31.
 - B. On the bottom of page 8, DNRP writes that increasing the enrolling acreage by 30.78 would increase the total to 79.23 acres; 49.08 plus 30.78 is 79.86.
11. Approval of 23 points and a current use valuation of 20% of assessed value for 49.08 acres, and conditional approval of up to 20 additional points and 10% of assessed value for 79.86 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 20% of assessed value for the 49.08-acre enrolled portion of the property.
2. CONDITIONALLY APPROVE additional credit may be awarded administratively:
 - A. Under the farm and agricultural conservation land category, subject to submittal to DNRP, by **December 31, 2024**, of a King Conservation District-approved farm management plan; award of credit under this category will increase the point total by five points and increase the enrollable acres by 30.78;

- B. Under the forest stewardship land category, subject to submittal to DNRP, by **October 31, 2024**, of a forest stewardship plan, and DNRP approval of that plan by **December 31, 2024**; award of credit under this category will increase the point total by five points; and
- C. Under the surface water quality buffer category, subject to submittal to DNRP, by **November 29, 2024**, of a map and report detailing the locations and types of aquatic features, and DNRP determining, by **December 31, 2024**, that the property is providing a buffer sufficiently exceeding the normal regulatory buffer. A buffer 1.5x the regulatory buffer earns five points, a buffer 2x the regulatory buffer earns eight points, and a buffer 2x the regulatory buffer earns ten points.
- D. If some combination of these three potential administrative awards boosts the property from 23 points to 35 or more points, that will result in a current use valuation of 10% of assessed value for the enrolled portion of the property.

DATED June 12, 2024.



David Spohr
King County 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 **July 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 MAY 29, 2024, HEARING ON THE APPLICATION OF
KNADLE, CLAPPER, BURTON, FILE NO. E23CT016B**

David Spohr was the Hearing Examiner in this matter. Megan Kim and Marcie Knadle 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 |