

February 24, 2017

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

King County Courthouse
516 Third Avenue Room 1200
Seattle, Washington 98104
Telephone (206) 477-0860
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hearingexaminer@kingcounty.gov
www.kingcounty.gov/independent/hearing-examiner

**REPORT AND RECOMMENDATION TO THE
METROPOLITAN KING COUNTY COUNCIL**

SUBJECT: Department of Natural Resources and Parks file no. **E16CT041**
Proposed ordinance no. **2017-0022**
Parcel nos. **0126059040**

HAWTHORN FARM LLC

Open Space Taxation Application (Public Benefit Rating System)

Location: 17340 and 17308 NE 195th Street, Woodinville

Applicant: Hawthorn Farm LLC
represented by **Alexia Allen**
17340 NE 195th Street
Woodinville, WA 98072
Telephone: (425) 286-5640
Email: alexiaallen@hotmail.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 4.00 acres for 20% of market value
Examiner's Recommendation:	Approve 4.00 acres for 20% of market value

PRELIMINARY REPORT:

On February 2, 2017, the Department of Natural Resources and Parks (DNRP) submitted its report on file no. E16CT041 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 February 14, 2017, in the Ginger 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:	Hawthorn Farm LLC 17340 NE 195th Street Woodinville, WA 98072
Location:	17340 and 17308 NE 195th Street, Woodinville
STR:	NE 01-26-05
Zoning:	RA-5
Parcel nos.:	0126059040
Total acreage:	4.23 acres

2. The Applicant timely filed an application to King County for PBRS program current use valuation of the property to begin in 2018. 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>	
	Forest stewardship land	*
	<u>Significant wildlife or salmonid habitat</u>	5

<i>Surface water quality buffer</i>	5
<i>Watershed protection area</i>	5
<u>Bonus Categories</u>	
<i>Additional surface water quality buffer</i>	3
<i>Environmental education access</i>	3
	<hr/>
	21

The DNRP-recommended score of 21 points results in a current use valuation of 20% of market value for the enrolled portion of the property. Additional credit may be awarded administratively under the forest stewardship land category subject to submittal of a forest stewardship plan by **June 2, 2017**, and subsequent approval by **August 1, 2017**. Award of credit under this category will increase the point total by 5 points, with no change to current use valuation, but it would allow for the opportunity for allowed forestry activities to be conducted on the property.

4. As to the land area recommended for PBRS enrollment, the Applicant requested 4.23 acres and DNRP recommends 4.00 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 February 14, 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.
6. Approval, pursuant to the Public Benefit Rating System adopted by Chapter 20.36 KCC, of 21 points and a current use valuation of 20% of market value for 4.00 acres of the property—and conditional approval of 5 additional points with no effect on the current use valuation—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 20% of market value for the 4.00-acre enrolled portion of the property.
2. CONDITIONALLY APPROVE additional credit under the forest stewardship land category, to be awarded administratively, if the Applicants submit a forest stewardship plan by **June 2, 2017**, and that plan is approved by **August 1, 2017**. Award of credit under this category will increase the point total by 5 points, with no change to current use

valuation, but it would allow for the opportunity for allowed forestry activities to be conducted on the property.

DATED February 24, 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 *March 20, 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 *March 20, 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 *March 20, 2017*, the Examiner will notify all parties and interested persons and provide information about "next steps."

MINUTES OF THE FEBRUARY 14, 2017, HEARING ON THE APPLICATION OF HAWTHORN FARM LLC, DEPARTMENT OF NATURAL RESOURCES AND PARKS FILE NO. E16CT041.

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 submitted</i>
Exhibit no. 2	<i>Not submitted</i>
Exhibit no. 3	<i>Not submitted</i>
Exhibit no. 4	DNRP report to the Hearing Examiner
Exhibit no. 5	Affidavit of publication
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
Exhibit no. 10	<i>Reserved for:</i> Legal description of area to be enrolled
Exhibit no. 11	Email to applicant regarding received application and approval schedule
Exhibit no. 12	Arcview and orthophoto/aerial map
Exhibit no. 13	<i>Reserved for:</i> Forest stewardship program

DS/vsm

February 24, 2017

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CERTIFICATE OF SERVICE

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HAWTHORN FARM LLC
Open Space Taxation Application (Public Benefit Rating System)

I, Elizabeth Dop, certify under penalty of perjury under the laws of the State of Washington that I transmitted the **REPORT AND RECOMMENDATION TO THE METROPOLITAN KING COUNTY COUNCIL** to those listed on the attached page as follows:

- EMAILED to all County staff listed as parties/interested persons and parties with e-mail addresses on record.
- caused to be placed with the United States Postal Service, with sufficient postage, as **FIRST CLASS MAIL** in an envelope addressed to the non-County employee parties/interested persons to addresses on record.

DATED February 24, 2017.



Elizabeth Dop
Legislative Secretary

All Parties of Record

Akada, Irene

Department of Assessments

Allen, Alexia

Hawthorn Farm LLC

mailed paper copy

Bernstein, Bill

Department of Natural Resources and Parks

Clark, Debra

Department of Assessments

Freitag, Ivy

Department of Natural Resources and Parks

Hawthorn Farm LLC

Kim, Megan

Department of Natural Resources and Parks

Reed, Mike

Metropolitan King County Council

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