

May 1, 2017

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

King County Courthouse
516 Third Avenue Room 1200
Seattle, Washington 98104
Telephone (206) 477-0860
Facsimile (206) 296-0198
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. **E16CT034**
Proposed ordinance no. **2017-0106**
Parcel nos. **1623089009, 1623089017**

ALFRED OWEN

Open Space Taxation Application (Public Benefit Rating System)

Location: 13904 409th Avenue SE, North Bend

Applicant: **Alfred Owen**
13904 409th Avenue SE
North Bend, WA 98045
Telephone: (425) 985-7872
Email: pbyfred@gmail.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 23.11 acres for 30% of market value
Examiner's Recommendation:	Approve 23.11 acres for 30% of market value

PRELIMINARY REPORT:

On April 6, 2017, the Department of Natural Resources and Parks (DNRP) submitted its report on file no. E16CT034 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 April 20, 2017, in the Ginger Conference Room, 12th Floor, King County Courthouse, 516 Third Avenue, Seattle, Washington. The Examiner received the affidavit of notice publication on April 14, 2017.

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:	Alfred Owen 13904 409th Avenue SE North Bend, WA 98045
Location:	13904 409th Avenue SE, North Bend
STR:	SW 16-23-08
Zoning:	RA-5
Parcel nos.:	1623089009, 1623089017
Total acreage:	27.16 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>	
	<i>Aquifer protection area</i>	5
	Equestrian-pedestrian-bicycle trail linkage	
	Farm and agricultural conservation land	
	Forest stewardship land	
	<u>Rural open space</u>	5

Rural stewardship land	
Significant plant site or ecological site	
Significant wildlife or salmonid habitat	5
<i>Watershed protection area</i>	5

Bonus Category

Unlimited public access

20

The DNRP-recommended score of 20 points results in a current use valuation of 30% of market value for the enrolled portion of the property. Additional credit may be awarded administratively under the farm and agricultural conservation land subject to submittal of a King Conservation District-approval farm plan by **October 31, 2017**. Award of this category will increase the enrolled acreage by 3.30 acres, to a total of 26.41 acres.

Additional credit may be awarded administratively under the forest stewardship land category subject to submittal of a forest stewardship plan by **December 1, 2017**, and subsequent approval by **December 29, 2017**. Award of this category may allow approved forestry activities to occur on the property.

Approval of either or both of these categories will increase the points by 5 or 10 points to 25 or 30, with a resultant current use valuation of 20% of market value for the enrolled portion of the property.

4. As to the land area recommended for PBRS enrollment, the Applicant requested 25.92 acres and DNRP recommends 23.11 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 April 20, 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. Award under all categories must be conditioned upon the control and removal of invasive plant species on the property within a three-year period. Such control and removal is mandatory for the property to qualify as credited open space. Failure to meet this condition will cause disenrollment of the property from the PBRS program.
7. Approval, pursuant to the Public Benefit Rating System adopted by Chapter 20.36 KCC, of 20 points and a current use valuation of 30% of market value for 23.11 acres of the property and conditional approval of 5-10 additional points (which will bring the total to 25-30 points and 20% of market value for up to 26.41 acres of the property), 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.

8. 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 agreement for the parcel.

RECOMMENDATION:

1. APPROVE current use valuation of 30% of market value for the 23.11-acre enrolled portion of the property.
2. CONDITIONALLY APPROVE additional credit under the farm and agricultural conservation land subject to submittal of a King Conservation District-approval farm plan by **October 31, 2017**. Award of this category will increase the enrolled acreage by 3.30 acres, to a total of 26.41 acres.

Additional credit may be awarded administratively under the forest stewardship land category subject to submittal of a forest stewardship plan by **December 1, 2017**, and subsequent approval by **December 29, 2017**. Award of this category may allow approved forestry activities to occur on the property.

Approval of either or both of these categories will increase the points by 5 or 10 points to 25 or 30, with a resultant current use valuation of 20% of market value for the enrolled portion of the property.

DATED May 1, 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 *May 25, 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 *May 25, 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 *May 25, 2017*, the Examiner will notify all parties and interested persons and provide information about “next steps.”

MINUTES OF THE APRIL 20, 2017, HEARING ON THE APPLICATION OF ALFRED OWEN, DEPARTMENT OF NATURAL RESOURCES AND PARKS FILE NO. E16CT034.

David Spohr was the Hearing Examiner in this matter. Bill Bernstein and Megan Kim both participated in the hearing on behalf of the department. Applicant Alfred Owen also participated.

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 Legal description of area to be enrolled</i>
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 forest stewardship plan</i>
Exhibit no. 14	<i>Reserved for farm management plan</i>

DS/vsm

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CERTIFICATE OF SERVICE

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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 May 1, 2017.



Elizabeth Dop
Legislative Secretary

18528

All Parties of Record

Akada, Irene

Department of Assessments

Bernstein, Bill

Department of Natural Resources and Parks

Clark, Debra

Department of Assessments

Freitag, Ivy

Department of Natural Resources and Parks

Kim, Megan

Department of Natural Resources and Parks

Owen, Alfred

mailed paper copy

Pedroza, Melani

Metropolitan King County Council

Reed, Mike

Metropolitan King County Council