

July 7, 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. **E17CT006**
Proposed ordinance no. **2017-0223**
Parcel nos. **1225069017, 1225069018**

ARNOLD LABENZ JR.

Open Space Taxation Application (Public Benefit Rating System)

Location: 6627 W Snoqualmie Valley Road NE, Carnation

Applicant: **Arnold LaBenz**
PO Box 238
Carnation, WA 98014
Telephone: (206) 579-3740
Email: ajlabenz@msn.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 33.67 acres for 20% of market value
Examiner's Recommendation:	Approve 33.67 acres for 20% of market value

PRELIMINARY REPORT:

On June 9, 2017, the Department of Natural Resources and Parks (DNRP) submitted its report on file no. E17CT006 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 June 22, 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 June 19, 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:	Arnold LaBenz PO Box 238 Carnation, WA 98014
Location:	6627 W Snoqualmie Valley Road NE, Carnation
STR:	SE 12-25-06
Zoning:	RA-10
Parcel nos.:	1225069017, 1225069018
Total acreage:	60.00 acres

2. The Applicant timely filed an application to King County for PBRs program current use valuation of the property to begin in 2019. 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 ~~striketrough~~ 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>	
	Aquifer protection area	5
	<u>Buffer to public or current use classified land</u>	3

Farm and agricultural conservation land	
Forest stewardship land	
Rural open space	5
<i>Significant wildlife or salmonid habitat</i>	5
<i>Surface water quality buffer</i>	5
 <u>Bonus Categories</u>	
<i>Additional surface water quality buffer</i>	5
	<hr/>
	28

The DNRP-recommended score of 28 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 farm and agricultural conservation land and forest stewardship land categories.

Award for the farm and agricultural conservation land category is subject to submittal of a King Conservation District-approved plan by **October 31, 2018**. Award of credit under this category will increase the points total by 5 points, and increase the enrolled acreage by up to 25.00 acres, to 58.67 acres.

Award for the forest stewardship land category is subject to submittal of a forest stewardship plan by **January 2, 2018**, and subsequent approval by **March 1, 2018**. Award of credit under this category will increase the points total by 5 points. Award of this category may allow approved forestry activities to occur on the property.

Award of one of the categories will not affect the current use valuation. However, award of both of the categories will result in a current use valuation of 90% of market value for the enrolled portion of the property.

4. As to the land area recommended for PBRS enrollment, the Applicant requested 58.50 acres and DNRP recommends 33.67 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 June 22, 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.
 - A. Change to Department staff report: page 8, NOTE: should read:

*...Additionally, the 25.00 acres outlined in green would be eligible to participate in the PBRS program, increasing the area eligible for enrollment to 58.67 acres.

6. Approval, pursuant to the Public Benefit Rating System adopted by Chapter 20.36 KCC, of 28 points and a current use valuation of 20% of market value for 33.67 acres of the property and conditional approval of 10 additional points (which will bring the total to 38 points and 90% of market value for 58.67 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.
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 agreement for the parcel.

RECOMMENDATION:

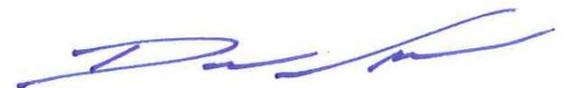
1. APPROVE current use valuation of 20% of market value for the 33.67-acre enrolled portion of the property.
2. CONDITIONALLY APPROVE additional credit under the farm and agricultural conservation land and forest stewardship land categories.

Award for the farm and agricultural conservation land category is subject to submittal of a King Conservation District-approved plan by **October 31, 2018**. Award of credit under this category will increase the points total by 5 points, and increase the enrolled acreage by up to 25.00 acres, to 58.67 acres.

Award for the forest stewardship land category is subject to submittal of a forest stewardship plan by **January 2, 2018**, and subsequent approval by **March 1, 2018**. Award of credit under this category will increase the points total by 5 points. Award of this category may allow approved forestry activities to occur on the property.

Award of one of the categories will not affect the current use valuation. However, award of both categories will result in a current use valuation of 90% of market value for the enrolled portion of the property.

DATED July 7, 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 *July 31, 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 *July 31, 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 *July 31, 2017*, the Examiner will notify all parties and interested persons and provide information about "next steps."

MINUTES OF THE JUNE 22, 2017, HEARING ON THE APPLICATION OF ARNOLD LABENZ JR., DEPARTMENT OF NATURAL RESOURCES AND PARKS FILE NO. E17CT006

David Spohr was the Hearing Examiner in this matter. Bill Bernstein 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 future submission of</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 future submission of</i> Farm management plan
Exhibit no. 14	<i>Reserved for future submission of</i> Forest stewardship plan

DS/vsm

July 7, 2017

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CERTIFICATE OF SERVICE

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I, Vonetta Mangaoang, 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 July 7, 2017.

Vonetta Mangaoang

Vonetta Mangaoang
Clerk/Manager

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

LaBenz, Arnold Jr.

Hardcopy

Pedroza, Melani

Metropolitan King County Council

Reed, Mike

Metropolitan King County Council