

April 4, 2019

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

King County Courthouse
516 Third Avenue Room 1200
Seattle, Washington 98104
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www.kingcounty.gov/independent/hearing-examiner

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

SUBJECT: Department of Natural Resources and Parks file no. **E18CT026**
Proposed ordinance no. **2019-0061**
Parcel nos. **1723099036, 1723099037, 1723099038, 2023099028, 2023099029**

**STEVE AND CONNIE CARLSON, WILLIAM AND ANGELA SCHUBBE,
WILLIAM AND LAUREN CARROLL, JULIE BRIE AND JOHN COULON, SUSAN
SWEITZER, HAL HAMILTON, AND MARGARET AND ANDREI HENRY**
Open Space Taxation Application (Public Benefit Rating System)

Location: 14230 and 14304 496th Avenue SE, and
49520, 49624 and 49930 SE Middle Fork Road
North Bend

Applicant: **Steve and Connie Carlson**
4836 NE 40th Street
Seattle, WA 98155
Telephone: (206) 522-4985
Email: conniemissimer@gmail.com

Applicant: **Lauren and William Carroll**
49520 SE Middle Fork Road
North Bend, WA 98045
Telephone: (425) 518-0614
Email: wecarroll@gmail.com

Applicant: **Julie Brie and John Coulon¹**
14230 496th Avenue SE
North Bend, WA 98045
Telephone: (425) 888-8810
Email: johncoulon@gmail.com

Applicant: **Hal Hamilton**
49930 SE Middle Fork Place
North Bend, WA 98045

Applicant: **Margaret and Andrei Henry**
49930 SE Middle Fork Place
North Bend, WA 98045

Applicant: **Angela and William Schubbe**
49624 SE Middle Fork Road
North Bend, WA 98045
Telephone: (425) 412-8312
Email: wschubbe@gmail.com

Applicant: **Susan Sweitzer**
49930 SE Middle Fork Place
North Bend, WA 98045
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King County: Department of Natural Resources and Parks
represented by **Bill Bernstein**
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Seattle, WA 98104
Telephone: (206) 477-4643
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SUMMARY OF RECOMMENDATIONS:

Department's Recommendation:	Approve 18.73 acres for 20% of assessed value
Examiner's Recommendation:	Approve 18.73 acres for 20% of assessed value

¹ The Carlson's parcel is currently enrolled in PBRS. Any new open space taxation agreement must supersede Carlson's existing PBRS agreement.

PRELIMINARY REPORT:

On March 6, 2019, the Department of Natural Resources and Parks (DNRP) submitted its report on file no. E18CT026 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 March 19, 2019, in the Fred 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:

Owners	Locations	Parcel nos.
Julie Brie and John Coulon 14230 496th Avenue SE North Bend, WA 98045	14230 496th Avenue SE North Bend	1723099036
Steve and Connie Carlson 4836 NE 40th Street Seattle, WA 98155	14304 496th Avenue SE North Bend	1723099037
Lauren and William Carroll 49520 SE Middle Fork Road North Bend, WA 98045	49520 SE Middle Fork Road North Bend	2023099029
Angela and William Schubbe 49624 SE Middle Fork Road North Bend, WA 98045	49624 SE Middle Fork Road North Bend	2023099028
Hal Hamilton 49930 SE Middle Fork Place North Bend, WA 98045	49930 SE Middle Fork Road North Bend	1723099038
Margaret and Andrei Henry 49930 SE Middle Fork Place North Bend, WA 98045	49930 SE Middle Fork Road North Bend	1723099038

Susan Sweitzer 49930 SE Middle Fork Road 1723099038
49930 SE Middle Fork Place North Bend
North Bend, WA 98045

STR: SE 17-23-09, NE 20-23-09
Zoning: F
Total acreage: 22.28 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 2020. 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 ~~strike through~~ 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	
	Rural open space	5
	Significant wildlife or salmonid habitat	5
	Watershed protection area	5
	<u>Bonus Category</u>	
	Contiguous parcels under separate ownership	8
		<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. Additional credit may be awarded administratively under the forest stewardship land category, subject to submittal of a forest stewardship plan by **August 1, 2019**, and subsequent approval by **October 1, 2019**. Award of credit under this category will increase the point total by 5 points, with no change to the current use valuation. Award of this category may allow approved forestry activities to occur on the property.

4. As to the land area recommended for PBRS enrollment, the Applicants requested 21.27 acres and DNRP recommends 18.73 acres. (Enrollment acreage is the entire parcels less the excluded areas, 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 March 19, 2019, 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 of 23 points and a current use valuation of 20% of assessed value for 18.73 acres (and conditional approval of 5 additional points and 20% of assessed value) for 18.73 acres) of the property 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 current use valuation of 20% of assessed value for the 18.73-acre enrolled portion of the property.
2. CONDITIONALLY APPROVE additional credit for the forest stewardship land category, subject to submittal of a forest stewardship plan by **August 1, 2019**, and subsequent approval by **October 1, 2019**. Award of credit under this category will increase the point total by 5 points, with no change to the current use valuation.

DATED April 4, 2019.



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 *April 29, 2019*, 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 *April 29, 2019*, 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 *April 29, 2019*, the Examiner will notify all parties and interested persons and provide information about “next steps.”

MINUTES OF THE MARCH 19, 2019, HEARING ON THE APPLICATION OF STEVE AND CONNIE CARLSON, WILLIAM AND ANGELA SCHUBBE, WILLIAM AND LAUREN CARROLL, JULIE BRIE AND JOHN COULON, SUSAN SWEITZER, HAL HAMILTON, AND MARGARET AND ANDREI HENRY, FILE NO. E18CT026

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:

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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 |

DS/vsm