

February 5, 2020

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

King County Courthouse
516 Third Avenue Room 1200
Seattle, Washington 98104
Telephone (206) 477-0860
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. **E19CT014**
Proposed ordinance no. **2020-0012**
Parcel nos. **1623069010, 1623069085, 1623069011, and 1623069086**

JENNIFER AND ERIK JOHNSON

Open Space Taxation Application (Public Benefit Rating System)

Location: 21207 SE May Valley Road, Issaquah

Applicants: **Jennifer and Erik Johnson**
14025 212th Avenue SE
Issaquah, WA 98027
Telephone: (425) 427-1695
Email: jen@erikandjen.com

King County: Department of Natural Resources and Parks
represented by **Megan Kim**
201 S Jackson Street Suite 600
Seattle, WA 98104
Telephone: (206) 477-4788
Email: megan.kim@kingcounty.gov

SUMMARY OF RECOMMENDATIONS:

Department's Recommendation: Approve 76.16 acres for 20% of assessed value
Examiner's Recommendation: Approve 76.16 acres for 20% of assessed value
PRELIMINARY REPORT:

On January 10, 2020, the Department of Natural Resources and Parks (DNRP) submitted its report on file no. E19CT014 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 January 23, 2020, 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:

Owner/s:	Jennifer and Erik Johnson 14025 212th Avenue SE Issaquah, WA 98027
Location:	21207 SE May Valley Road, Issaquah
STR:	SW 16-23-6
Zoning:	RA5
Parcel no/s.:	1623069010, 1623069085, 1623069011, 1623069086
Total acreage:	80.08 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 ~~struckthrough~~ 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>	
	Farm and agricultural conservation land	5
	Historic landmark or archaeological site: eligible	3
	Rural open space	5
	Scenic resource, viewpoint or view corridor	5
	<i>Significant wildlife or salmonid habitat</i>	5
	Special animal site	3
	<i>*Forest stewardship land*</i>	*
	<i>*Surface water quality buffer*</i>	*
	Significant plant or ecological site	0
	Urban open space	0
	Watershed protection area	0
	 <u>Bonus Categories</u>	
	Resource restoration	*
	Public access—none or members only	0
	Easement and access	0

 26

The DNRP-recommended score of 26 points results in a current use valuation of 20% of assessed value for the enrolled portion of the property.

4. Additional credit may be awarded administratively under:
 - a. the forest stewardship land category, if a forest stewardship plan is submitted by **December 1, 2020**, and approved by **December 31, 2020**;
 - b. the resource restoration category, if an approved a resource restoration plan is submitted by **December 31, 2020** (under the PBRS program, a resource restoration credit may not be granted concurrently with a forest stewardship credit; they are mutually exclusive); and
 - c. the surface water quality buffer category, if the farm management plan is updated—which would reduce the regulatory creek buffer to 25 feet—and the forest plan or restoration plan covers planting native buffers on an additional 50% of the required buffer (i.e., a total of 37.5 feet natively planted on either side of the creek).

Credit award under either forest stewardship or resource restoration will increase the point total by 5 points and allow some regulatory flexibility, but the valuation would remain at 20%. However, a surface water quality buffer award would add an additional

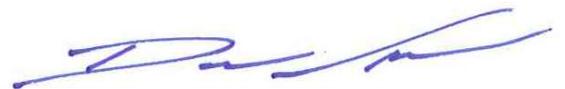
five points and would drop the current use valuation to 10% of assessed value for the enrolled portion of the property.

5. As to the land area recommended for PBRS enrollment, the Applicant requested 74.50 acres and DNRP recommends 76.16 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.)
6. Except as modified herein, the facts set forth in DNRP's preliminary report and testimony at the January 23, 2020, 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. Page 1 listed "watershed protection area" in the category suggested by DNRP staff and recommended for award. However, page 8 explained why DNRP was not recommending an award for the "watershed protection area" category.
7. Approval of 26 points and a current use valuation of 20% of assessed value for 76.16 acres, and conditional approval of 10 additional points and a current use valuation of 10% of assessed value for 76.16 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 76.16-acre enrolled portion of the property.
2. CONDITIONALLY APPROVE a current use valuation of 10% of assessed value for the 76.16-acre enrolled portion of the property, provided that a forest stewardship plan is submitted by **December 1, 2020** and approved by **December 31, 2020**.

DATED February 5, 2020.



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 2, 2020*, 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 2, 2020*, 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 2, 2020*, the Examiner will notify all parties and interested persons and provide information about “next steps.”

MINUTES OF THE JANUARY 23, 2020, HEARING ON THE APPLICATION OF JENNIFER AND ERIK JOHNSON, FILE NO. E19CT014

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	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/vt

February 5, 2020

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

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

CERTIFICATE OF SERVICE

SUBJECT: Department of Natural Resources and Parks file no. **E19CT014**
Proposed ordinance no. **2020-0012**
Parcel nos. **1623069010, 1623069085, 1623069011, and 1623069086**

JENNIFER AND ERIK JOHNSON

Open Space Taxation Application (Public Benefit Rating System)

I, Jessica Oscoy, 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.
- 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 5, 2020.



Jessica Oscoy
Legislative Secretary