

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

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

SUBJECT: Department of Natural Resources and Parks file no. **E20CT004**
Proposed ordinance no. **2020-0246**
Parcel no. **0420079029**

NORA HIGHTOWER

Open Space Taxation Application (Public Benefit Rating System)

Location: 31404 SE 392nd Street, Enumclaw

Applicant: **Nora Hightower**
5003 Lake Alice Road SE
Fall City, WA 98024
Telephone: (206) 618-4019
Email: nora@teamhightower.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 49.12 acres for 30% of assessed value, and conditionally approve 49.12 acres for 20% of assessed value

Examiner's Recommendation: Approve 49.12 acres for 30% of assessed value, and conditionally approve 49.12 acres for 20% of assessed value

PRELIMINARY REPORT:

On August 7, 2020, the Department of Natural Resources and Parks (DNRP) submitted its report on file no. E20CT004 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 August 20, 2020, in a telephonic conference.¹ 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:	Nora Hightower 5003 Lake Alice Road SE Fall City, WA 98024
Location:	31404 SE 392nd Street, Enumclaw
STR:	NW 4-20-07
Zoning:	RA10
Parcel no.:	0420079029
Total acreage:	51.12 acres

2. The Applicant timely filed an application to King County for the Public Benefit Rating System (PBRS) program current use valuation of the property to begin in 2021. As required by law, notification of the application occurred. The property is currently enrolled in the Designated Forestry program, but the Applicant is not interested in harvesting timber for commercial purposes.
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 ~~struck 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.)

¹ After we held our slate of August 20 current use hearings, the Clerk advised us that the hearings had not been properly advertised. We thus kept the hearing open, the Clerk duly advertised a September 9 hearing, and we briefly reopened the record on September 9 to see if anyone from the public wished to participate. No one other than DNRP appeared, and we officially closed the record on September 9.

PBRS categories:	<u>Open Space Resources</u>	
	Buffer to public or current use classified land	3
	Forest stewardship land	*
	Rural open space	5
	Significant wildlife or salmonid habitat	5
	Watershed protection area	5
		<hr/> 18

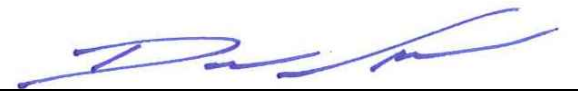
The DNRP-recommended score of 18 points results in a current use valuation of 30% of assessed value for the enrolled portion of the property.

4. Additional credit may be awarded administratively under the forest stewardship land category, subject to submittal of a forest stewardship plan to DNRP by **June 30, 2021**, and subsequent DNRP approval by **August 31, 2021**. The plan must address invasive species. Award of credit under this category will increase the point total by 5 points, resulting in a current use valuation of 20% of assessed value for the enrolled portion of the property, and may allow approved forestry activities to occur on the property.
5. As to the land area recommended for PBRS enrollment, the Applicant requested 48.00 acres and DNRP recommends 49.12 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 August 20, 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.
7. Approval of 18 points and a current use valuation of 30% of assessed value for 49.12 acres, and conditional approval of five additional points and 20% of assessed value for the enrolling 49.12 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 30% of assessed value for the 49.12-acre enrolled portion of the property.
2. CONDITIONALLY APPROVE a current use valuation of 20% of assessed value for the 49.12-acre enrolled portion of the property.

DATED September 15, 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 *October 9, 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 *October 9, 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 *October 9, 2020*, the Examiner will notify all parties and interested persons and provide information about “next steps.”

MINUTES OF THE AUGUST 20, 2020, HEARING ON THE APPLICATION OF NORA HIGHTOWER, FILE NO. E20CT004

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	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/jf