

November 16, 2020

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

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Seattle, Washington 98104
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**REPORT AND RECOMMENDATION TO THE
METROPOLITAN KING COUNTY COUNCIL**

SUBJECT: Department of Natural Resources and Parks file no. **E20CT013**
Proposed ordinance no. **2020-0356**
Parcel no. **142509706**

CHRISTOPHER MICHAEL HAHN

Open Space Taxation Application (Public Benefit Rating System)

Location: 5739 Tolt Highlands Road NE, Carnation

Applicant: **Christopher Michael Hahn**
5739 Tolt Highlands Road NE
Carnation, WA 98014
Telephone: (206) 617-8399
Email: chahn.chris@gmail.com

King County: Department of Natural Resources and Parks
represented by **Megan Kim**
701 S Jackson Street Suite 701
Seattle, WA 98104
Telephone: (206) 477-4788
Email: megan.kim@kingcounty.gov

SUMMARY OF RECOMMENDATIONS:

Department's Recommendation: Approve 13.10 acres for 20% of assessed value
Conditionally approve 17.53 acres and 10% of assessed value

Examiner's Recommendation: Approve 13.10 acres for 20% of assessed value
Conditionally approve 17.53 acres and 10% of assessed value

PRELIMINARY REPORT:

On October 26, 2020, the Department of Natural Resources and Parks (DNRP) submitted its report on file no. E20CT013 to the Examiner.

PUBLIC HEARING:

After reviewing the preliminary report and examining available information on file with the application, the Examiner conducted a telephonic public hearing on the application on November 5, 2020.

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: Christopher Michael Hahn
5739 Tolt Highlands Road NE
Carnation, WA 98014

Location: 5739 Told Highlands Road NE
STR: NW 14-25-7
Zoning: RA-5
Parcel no/s.: 142509706
Total acreage: 20.00 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.
3. The property is currently enrolled in the Timberland program. The purpose of this application is to reclassify the property and enroll it in PBRS. Any new open space taxation agreement must supersede any existing agreement.
4. 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>	
	Aquifer protection area	0
	Buffer to public or current use classified land	3
	* <i>Farm and agricultural conservation land</i>	*
	*Forest stewardship land	*
	Rural open space	5
	Rural stewardship land	0
	<i>Significant wildlife salmonid habitat</i>	5
	Surface water quality buffer	5
	Watershed protection area	5
	<u>Bonus Categories</u>	
	<i>Additional surface water quality buffer</i>	3
		<hr/> 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.

5. Additional credit may be awarded administratively under the farm and agricultural conservation land category, subject to submittal of a King Conservation District farm management plan **October 31, 2021**. Award of credit under this category will increase the point total by 5 points. By itself, it would not change the current use valuation, but it would expand the enrolled acreage by 4.43 acres.
6. Additional credit may also be awarded administratively under the forest stewardship land category, subject to submittal to DNRP of a forest stewardship plan by **May 3, 2021**, and DNRP approval by **July 1, 2021**. Award of credit under this category will increase the point total by 5 points. By itself, it would not change the current use valuation, but it could allow approved forestry activities to occur on the property.
7. If credit in both the farm and agricultural conservation and the forest stewardship land categories is awarded, the cumulative point total will increase to 36 points and the current use valuation will drop to 10%.
8. As to the land area recommended for PBRS enrollment, the Applicant requested 13.00 acres and DNRP recommends 13.10 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.)
9. Except as modified herein, the facts set forth in DNRP's preliminary report and testimony at the November 5, 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.

10. Approval of 26 points and a current use valuation of 20% of assessed value for 13.10 acres, and conditional approval of 10 additional points and 10% of assessed value for the enrolling 17.53 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 13.10-acre enrolled portion of the property.
2. CONDITIONALLY APPROVE additional credit for the farm and agricultural conservation land category, subject to submittal of a King Conservation District farm management plan to DNRP by **October 31, 2021**. Award of credit under this category will increase the point total by 5 points and the enrolled acreage by 4.43 acres.
3. CONDITIONALLY APPROVE additional credit under the forest stewardship land category, subject to submittal to DNRP of a forest stewardship plan by **May 3, 2021**, and DNRP approval by **July 1, 2021**. Award of credit under this category will increase the point total by 5 points and may allow approved forestry activities to occur on the property.
4. CONDITIONALLY APPROVE a current use valuation of 10% of assessed value for the 17.53-acre enrolled portion of the property, if both the farm and agricultural conservation and the forest stewardship land categories are awarded.

DATED November 16, 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 *December 10, 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 *December 10, 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 *December 10, 2020*, the Examiner will notify all parties and interested persons and provide information about “next steps.”

MINUTES OF THE NOVEMBER 5, 2020, HEARING ON THE APPLICATION OF CHRISTOPHER MICHAEL HAHN, FILE NO. E20CT013

David Spohr was the Hearing Examiner in this matter. Participating in the hearing were Megan Kim and Christopher Hahn.

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
Exhibit no. 6	Farm management plan

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