

**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. **E20CT026**
Proposed ordinance no. **2021-0137**
Parcel nos. **1224069026 and 1224069032**

AALI QADR LLC

Open Space Taxation Application (Public Benefit Rating System)

Location: 26445 SE Duthie Hill Road, Issaquah

Applicant: AALI QADR LLC
represented by **Eliyas Yakub**
20926 SE 22nd Place
Sammamish, WA 98075
Telephone: (425) 466-3517
Email: shabbiry@hotmail.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 7.47 acres for 40% of assessed value
Conditionally approve 7.47 acres for 20% of assessed value
Examiner's Recommendation: Approve 7.47 acres for 40% of assessed value
Conditionally approve 7.47 acres for 20% of assessed value

PRELIMINARY REPORT:

On April 9, 2021, the Department of Natural Resources and Parks (DNRP) submitted its report on file no. E20CT026 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 April 22, 2021.

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:	AALI QADR LLC 20926 SE 22nd Place Sammamish, WA 98075
Location:	26445 SE Duthie Hill Road, Issaquah
STR:	SW-12-24-06
Zoning:	RA5P
Parcel nos.:	1224069026 and 1224069032
Total acreage:	9.70 acres

- 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 timber land program. The purpose of this application is to reclassify the property in PBRS. Any new open space taxation agreement must supersede the timber land agreement.
- 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>	
	Public recreation area	0
	Aquifer protection area	0
	Buffer to public or current use classified land	3
	Equestrian pedestrian bicycle trail linkage	0
	Active trail linkage	0
	Farm and agricultural conservation land	0
	*Forest stewardship land	*
	<i>Significant wildlife or salmonid habitat</i>	5
	<i>Watershed protection area</i>	5
	<u>Bonus Categories</u>	
	*Environmental education access	*
	<hr/> Total points	<hr/> 13

The DNRP-recommended score of 13 points results in a current use valuation of 40% of assessed value for the enrolled portion of the property.

5. Additional credit may be awarded administratively under the forest stewardship land category, subject to submittal to DNRP of a forest stewardship plan by **October 29, 2021**, and DNRP approval of that plan by **December 31, 2021**. Award of credit under this category will increase the point total by five points. Award of this category may allow approved forestry activities to occur on the property.
6. Additional credit may also be awarded administratively under the environmental education access category, provided letters of support from local groups or schools intending to use this property for educational purposes are provided to DNRP by **October 1, 2021**. Award of credit under this category will increase the point total by three points.
7. Administrative credit under *either* category will result in a current use valuation of 30% of assessed value for the enrolled portion of the property. Administrative credit under *both* categories would result in a current use valuation of 20% of assessed value for the enrolled portion of the property.
8. As to the land area recommended for PBRS enrollment, the Applicant requested a total of 7.56 acres and DNRP recommends 7.47 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 revised report and testimony at the April 22, 2021, public hearing are correct and incorporated herein by reference. Copies of this report and DNRP's revised report will be provided to the Metropolitan King County Council for final approval.
10. Approval of 13 points and a current use valuation of 40% of assessed value for 7.47 acres, and conditional approval of 8 additional points and 20% of assessed value for the

enrolling 7.47 acres, our 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 residents.

RECOMMENDATION:

1. APPROVE a current use valuation of 40% of assessed value for the 7.47-acre enrolled portion of the property.
2. CONDITIONALLY APPROVE a current use valuation of 30% for the 7.47-acre enrolled portion of the property, subject to submittal to DNRP of either a forest stewardship plan by **October 29, 2021** (and DNRP approval of that plan by **December 31, 2021**) or letters of support from local groups or schools intending to use this property for educational purposes by **October 1, 2021**.
3. CONDITIONALLY APPROVE a current use valuation of 20% for the 7.47-acre enrolled portion of the property, if the steps outlined in the preceding paragraph are timely met, such that credit for the forest stewardship land category and for the environmental education access category are both awarded administratively.

DATED May 6, 2021.



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 *May 31, 2021*, 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 *May 31, 2021*, 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 *May 31, 2021*, the Examiner will notify all parties and interested persons and provide information about “next steps.”

MINUTES OF THE APRIL 22, 2021, HEARING ON THE APPLICATION OF AALI QADR LLC, FILE NO. E20CT026

David Spohr was the Hearing Examiner in this matter. Megan Kim participated in the hearing on behalf of the department.

The following exhibits were offered and entered into the hearing record:

Exhibit no. 1	DNRP Revised report to the Hearing Examiner, submitted April 22, 2021
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

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