

March 29, 2018

**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

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

SUBJECT: Department of Natural Resources and Parks file no. **E17CT040**
Proposed ordinance no. **2018-0092**
Parcel no. **3526079029**

COLLIN KNELL

Open Space Taxation Application (Current Use Assessment) for Timber Land

Location: north of and abutting 9909 Foxglove Way NE, Carnation

Applicant: **Collin Knell**
PO Box 941
Duvall, WA 98019
Telephone: (425) 788-9255

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:
Examiner's Recommendation:

Approve 13.35 acres
Approve 13.35 acres

PRELIMINARY REPORT:

On February 22, 2018, the Department of Natural Resources and Parks (DNRP) submitted its report on file no. E17CT040 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 8, 2018, in the Fred Conference Room, 12th Floor, King County Courthouse, 516 Third Avenue, Seattle, Washington. The Examiner received the affidavit of notice publication on March 7, 2018.

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: Collin Knell
PO Box 941
Duvall, WA 98019

Location: north of and abutting 9909 Foxglove Way NE,
Carnation

STR: SW 35-26-07

Zoning: RA-5

Parcel no.: 3526079029

Total acreage: 19.88 acres


2. The Applicant timely filed an application to King County for Timber Land current use valuation of the property to begin in 2019. As required by law, notification of the application occurred.
3. As to the land area recommended for Timber Land enrollment, the Applicant requested 14.00 acres and DNRP recommends 13.35 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 Timber Land acreage shall be administratively adjusted to reflect that change.)
4. Except as modified herein, the facts set forth in DNRP's preliminary report and testimony at the March 8, 2018, 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.

5. Approval, pursuant to the Timber Land program adopted by Chapter 20.36 KCC, for 13.35 acres of the property, is consistent 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.
6. Participation in the Timber Land program is contingent upon implementation of the already-approved forest stewardship plan.

RECOMMENDATION:

1. APPROVE current use taxation, timberland classification, for the 13.35-acre enrolled portion of the property, CONTINGENT on implementation of the already-approved forest stewardship plan.

DATED March 29, 2018.



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 23, 2018*, 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 23, 2018*, 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 23, 2018*, the Examiner will notify all parties and interested persons and provide information about “next steps.”

MINUTES OF THE MARCH 8, 2018, HEARING ON THE APPLICATION OF COLLIN KNELL, FILE NO. E17CT040

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 | <i>Reserved for open space taxation agreement</i> |
| Exhibit no. 2 | <i>Reserved for final ordinance</i> |
| Exhibit no. 3 | <i>Reserved for Hearing Examiner’s report and recommendation</i> |
| Exhibit no. 4 | DNRP report to the Hearing Examiner |
| Exhibit no. 5 | Affidavit of publication |
| Exhibit no. 6 | Notice of hearing from the Hearing Examiner’s Office |
| Exhibit no. 7 | Notice of hearing from the PBRs program |
| Exhibit no. 8 | Legal notice and introductory ordinance to the King County Council |
| Exhibit no. 9 | Application signed/notarized |
| Exhibit no. 10 | <i>Reserved for future submission of legal description of area to be enrolled</i> |
| Exhibit no. 11 | Email to applicant regarding received application and approval schedule |
| Exhibit no. 12 | Arcview and orthophoto/aerial map |
| Exhibit no. 13 | Forest stewardship plan |

DS/vsm