

June 20, 2019

**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. **E19CT004**
Proposed ordinance no. **2019-0176**
Parcel no. **3621069009**

MELVIN AND BETHANY JOHNSON

Open Space Taxation Application (Public Benefit Rating System)

Location: 37717 265th Place SE, Enumclaw

Applicants: **Melvin and Bethany Johnson**
37717 265th Place SE
Enumclaw, WA 98022
Telephone: (253) 431-6185
Email: melvin.r.johnson123@gmail.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 4.32 acres for 50% of assessed value
Examiner's Recommendation: Approve 4.32 acres for 50% of assessed value

PRELIMINARY REPORT:

On May 24, 2019, the Department of Natural Resources and Parks (DNRP) submitted its report on file no. E19CT004 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 June 6, 2019, in the Ginger 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:

Owners:	Melvin and Bethany Johnson 37717 265th Place SE Enumclaw, WA 98022
Location:	37717 265th Place SE, Enumclaw
STR:	SW 36-21-06
Zoning:	RA-10
Parcel no.:	3621069009
Total acreage:	7.62 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 2021. 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 ~~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>	
	Buffer to public or current use classified land	3
	Farm and agricultural conservation land	*5*

~~Rural stewardship land~~

Bonus Categories

Resource restoration

Contiguous parcels under separate ownership

8

The DNRP-recommended score of 8 points results in a current use valuation of 50% of assessed value for the enrolled portion of the property. Award for the farm and agricultural conservation land category is contingent on submittal of a King Conservation District-approved farm management plan by **October 31, 2020**. Failure to qualify for this category precludes the property from enrollment in the PBRS program at present due to lack of sufficient qualifying points.

Additional credit may be awarded administratively under the resource restoration category, subject to submittal of a resource restoration plan by **August 31, 2020**, and plan approval by **October 31, 2020**. Award of credit under this category will increase the point total by 5 points, resulting in a current use valuation of 40% of assessed value for the enrolled portion of the property.

4. As to the land area recommended for PBRS enrollment, the Applicant requested 4.40 acres and DNRP recommends 4.32 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 will be administratively adjusted to reflect that change.)
5. Except as modified herein, the facts set forth in DNRP's preliminary report and testimony at the June 6, 2019, 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.
6. Approval of 8 points (and a current use valuation of 50% of assessed value for 4.32 acres) and conditional approval of 5 additional points (and 40% of assessed value for 4.32 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.
7. The subject property is currently enrolled in the farm and agricultural land program. Any open space taxation participation agreement signed as a result of approval of this application should be worded to supersede any prior agreements for the parcel.

RECOMMENDATION:

1. APPROVE current use valuation of 50% of assessed value for the 4.32-acre enrolled portion of the property, CONTINGENT on submittal of a King Conservation District-approved farm management plan by **October 31, 2020**. Failure to qualify for this category will preclude the property from enrollment in the PBRs program at present due to lack of sufficient qualifying points.
2. CONDITIONALLY APPROVE additional credit for the resource restoration category, subject to submittal of a resource restoration plan by **August 31, 2020**, and plan approval by **October 31, 2020**. Award of credit under this category will increase the point total by 5 points, resulting in a current use valuation of 40% of assessed value for the enrolled portion of the property.

DATED June 20, 2019.



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 *July 15, 2019*, 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 *July 15, 2019*, 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 *July 15, 2019*, the Examiner will notify all parties and interested persons and provide information about “next steps.”

MINUTES OF THE JUNE 6, 2019, HEARING ON THE APPLICATION OF MELVIN AND BETHANY JOHNSON, FILE NO. E19CT004

David Spohr was the Hearing Examiner in this matter. Bill Bernstein both participated in the hearing on behalf of the department.

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

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| 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/vsm