

March 25, 2023

**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. **E22CT016**
Proposed ordinance no. **2023-0162**
Parcel no. **082607-9005**

JACOB AND TONYA SEIBERT

Open Space Taxation Application (Public Benefit Rating System)

Location: 18028 288th, Duvall

Applicants: **Jacob and Tonya Seibert**
18028 288th Avenue NE
Duvall, WA 98019
Telephone: (425) 269-1281
Email: jake@superanchor.com

King County: Department of Natural Resources and Parks
represented by **Megan Kim**
201 S. Jackson Street Suite 5600
Seattle, WA 98104
Telephone: (206) 477-4788
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SUMMARY OF RECOMMENDATIONS:

Department's Recommendation: Contingently approve 4.63 acres for 40% of assessed value

Examiner's Recommendation: Contingently approve 4.63 acres for 50% of assessed value
Contingently approve another award and 40% of assessed value

PRELIMINARY REPORT:

On April 27, 2023, the Department of Natural Resources and Parks (DNRP) submitted its report on file no. E22CT016 to the Examiner.

PUBLIC HEARING:

After reviewing the preliminary report and examining available information on file with the application, the Examiner conducted a May 11, 2023, remote public hearing on the application. 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: Jacob and Tonya Seibert
18028 288th Avenue NE
Duvall, WA 98019

Location: 18028 288th, Duvall
STR: NW-08-26-07
Zoning: RA5
Parcel no.: 082607-9005
Total acreage: 6.50 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 2023. 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 ~~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.)

PBRS categories:	<u>Open Space Resources</u>	
	<i>Buffer to public or current use classified land</i>	3*
	Rural open space	0
	<i>Watershed protection area</i>	5*
	<u>Bonus Categories</u>	
	<i>Resource restoration</i>	5*
	<hr/> Total	<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.

4. Visually the proposal looks like this, with yellow the property boundaries, blue the excluded areas that will not be coming into PBRS, and green needing restoration not only for the green areas to enroll, but for the property itself to enroll.



5. Enrollment in PBRS is contingent on submittal of a restoration plan or rural stewardship plan by **October 31, 2023**, and DNRP approval of that plan by **December 31, 2023**.
6. The buffer to public or current use classified land category award is contingent in another way. The Seibert parcel abuts another property we are recommending today for enrollment—parcel 082607-9104 owned by the Nichols (E22CT014). Thus, both the Seibert and Nichols awards in this category are contingent on Council approving the other's application. If that happens, the point total will increase from the 10 points and the current use valuation of 50% earned from an award for the watershed protection area and the resource restoration categories will increase to 13 points and a current use valuation of 40% of assessed value for the enrolling portion of the property.
7. As to the land area recommended for PBRS enrollment, the Applicant requested 3.50 acres and DNRP recommends 4.63 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.)

8. Except as modified herein, we find the facts set forth in DNRP’s preliminary report and testimony at the May 11, 2023, public hearing correct and we incorporate them by reference. We will provide copies of this report and DNRP’s report to the Metropolitan King County Council for final approval.
9. Contingent approval of 10 points and a current use valuation of 50% of assessed value for 4.63 acres, and additional contingent approval of three additional points and 40% of assessed value for those 4.63 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 50% of assessed value for the enrolling 4.63-acre portion of the property, CONTINGENT on submittal of a restoration plan or rural stewardship plan by **October 31, 2023**, and DNRP approval of that plan by **December 31, 2023**.
2. APPROVE additional credit for the buffer to public or current use classified land category, CONTINGENT on application E22CT014 also being approved. This would result in a current use valuation of 40% of assessed value for the 4.63-acre enrolling portion of the property.

DATED March 25, 2023.



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 18, 2023*, 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 18, 2023*, 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 18, 2023*, the Examiner will notify all parties and interested persons and provide information about “next steps.”

MINUTES OF THE MAY 11, 2023, HEARING ON THE APPLICATION OF JACOB AND TONYA SEIBERT, FILE NO. E22CT016

David Spohr was the Hearing Examiner in this matter. Megan Kim participated in the hearing.

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