

April 1, 2024

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

Telephone (206) 477-0860

hearingexaminer@kingcounty.gov

www.kingcounty.gov/independent/hearing-examiner

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

SUBJECT: Department of Natural Resources and Parks file no. **E23CT026**
Proposed ordinance no. **2024-0069**
Parcel no. **122308-9083**

CODY, BEAU, AND JOHNNIE FOLSOM AND MARNI DONNELLY

Open Space Taxation Application (Public Benefit Rating System)

Location: 46428 SE Mt Si Road, North Bend

Applicants: **Cody, Beau, and Johnnie Folsom and Marni Donnelly**

46428 SE Mt Si Road

North Bend, WA 98045

Telephone: (360) 348-2443

Email: codyfolsom@hotmail.com

King County: Department of Natural Resources and Parks

represented by **Megan Kim**

201 S. Jackson Street

Suite 5601

Seattle, WA 98104

Telephone: (206) 477-4788

SUMMARY OF RECOMMENDATIONS:

Department's Recommendation: Approve 2.43 acres for 40% of assessed value
Conditionally approve 3.81 acres for 30% of assessed value

Examiner's Recommendation: Approve 2.43 acres for 40% of assessed value
Conditionally approve 3.81 acres for 30% of assessed value

PRELIMINARY REPORT:

On March 11, 2024, the Department of Natural Resources and Parks (DNRP) submitted its report on file no. E23CT026 to the Examiner.

PUBLIC HEARING:

After reviewing the preliminary report and examining available information on file with the application, the Examiner conducted a March 20, 2024, 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:	Cody, Beau, and Johnnie Folsom and Marni Donnelly
Location:	46428 SE Mt Si Road, North Bend
STR:	SE-12-23-08
Zoning:	RA10
Parcel no:	122308-9083
Total acreage:	4.95 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 2024. 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>	
	Aquifer protection area	5
	Farm and agricultural conservation land	*
	Forest stewardship land	0
	Significant wildlife or salmonid habitat	5
	<u>Bonus Categories</u>	
	Contiguous parcels under separate ownership	0
	Resource restoration	5
	<hr/>	
	Total	15

The DNRP-recommended score of 15 points results in a current use valuation of 40% of assessed value for the enrolled portion of the property.

4. Additional credit may be awarded administratively under the farm and agricultural conservation land category, subject to submittal of a King Conservation District-approved farm management plan by **October 31, 2024**. Award of credit under this category increases the point total by five points, results in a current use valuation of 30% of assessed value, and increases the enrolling acreage to 3.81.
5. As to the land area recommended for PBRS enrollment, the Applicants requested 3.95 acres and DNRP recommends 2.43 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.)
6. Except as modified herein, we find the facts set forth in DNRP's preliminary report and testimony at the March 20, 2024, 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.
7. Approval of 15 points and a current use valuation of 40% of assessed value for 2.43 acres, and conditional approval of 5 additional points and 30% of assessed value for 3.81 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 40% of assessed value for the 2.43-acre enrolled portion of the property.
2. CONDITIONALLY APPROVE additional credit under the farm and agricultural conservation land category, subject to submittal of a King Conservation District-approved farm management plan by **October 31, 2024**. Award of credit under this category increases the point total by five points, results in a current use valuation of 30% of assessed value, and increases the enrolling acreage to 3.81.

DATED April 1, 2024.



David Spohr
Hearing Examiner

NOTICE OF RIGHT TO APPEAL

A party may appeal an Examiner report and recommendation by following the steps described in KCC 20.22.230. By **4:30 p.m.** on *April 25, 2024*, an electronic appeal statement must be sent to Clerk.Council@kingcounty.gov, to hearingexaminer@kingcounty.gov, and to the party email addresses on the front page of this report and recommendation. Please consult KCC 20.22.230 for the exact filing requirements.

If a party fails to timely file an appeal, the Council does not have jurisdiction to consider that appeal. Conversely, if the appeal requirements of KCC 20.22.230 are met, the Examiner will notify parties and interested persons and will provide information about next steps in the appeal process.

MINUTES OF THE MARCH 20, 2024, HEARING ON THE APPLICATION OF CODY, BEAU, AND JOHNNIE FOLSOM AND MARNI DONNELLY, FILE NO. E23CT026

David Spohr was the Hearing Examiner in this matter. Megan Kim and Beau and Cody Folsom 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
Exhibit no. 6	Forest stewardship plan

April 1, 2024

**OFFICE OF THE HEARING EXAMINER
KING COUNTY, WASHINGTON**
Telephone (206) 477-0860
hearingexaminer@kingcounty.gov
www.kingcounty.gov/independent/hearing-examiner

CERTIFICATE OF SERVICE

SUBJECT: Department of Natural Resources and Parks file no. **E23CT026**
Proposed ordinance no. **2024-0069**
Parcel no/s. **122308-9083**

CODY, BEAU, AND JOHNNIE FOLSOM AND MARNI DONNELLY
Open Space Taxation Application (Public Benefit Rating System)

I, Jessica Oscoy, certify under penalty of perjury under the laws of the State of Washington that I transmitted the **REPORT AND RECOMMENDATION TO THE METROPOLITAN KING COUNTY COUNCIL** to those listed on the attached page as follows:

- EMAILED to all County staff listed as parties/interested persons and parties with e-mail addresses on record.
- placed with the United States Postal Service, through Quadient-Impress, with sufficient postage, as FIRST CLASS MAIL in an envelope addressed to the non-County employee parties/interested persons to addresses on record.

DATED April 1, 2024.



Jessica Oscoy
Office Manager

Bernstein, Bill

Department of Natural Resources and Parks

Bonyeau, Elenore

Department of Assessments

Folsom, Marni Donnelly, Cody/Beau/Johnn

Hardcopy

Hay, Melani

Metropolitan King County Council

Kim, Megan

Department of Natural Resources and Parks

Ngo, Jenny

Metropolitan King County Council