

March 31, 2017

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

King County Courthouse  
516 Third Avenue Room 1200  
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. **E16CT047**  
Proposed ordinance no. **2017-0061**  
Parcel nos. **1125079012, 1425079028, 1425079029, 1425079045, 1425079049,  
1425079054**

**TRAVIS AND ALISON WATSON**

Open Space Taxation Application (Public Benefit Rating System)

Location: 6003, 5901, and 5900 Tolt River Road NE, Carnation

Applicants: **Travis and Alison Watson**  
PO Box 187  
Carnation, WA 98014  
Telephone: (425) 766-0422  
Email: [travisdwatson@hotmail.com](mailto:travisdwatson@hotmail.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](mailto:bill.bernstein@kingcounty.gov)

SUMMARY OF RECOMMENDATIONS:

Department's Recommendation:	Approve 23.42 acres for 20% of market value, and 5.67 acres for 40% of market value
Examiner's Recommendation:	Approve 23.42 acres for 20% of market value, and 5.67 acres for 40% of market value

## PRELIMINARY REPORT:

On March 10, 2017, the Department of Natural Resources and Parks (DNRP) submitted its report on file no. E16CT047 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 23, 2017, in the Ginger Conference Room, 12th Floor, King County Courthouse, 516 Third Avenue, Seattle, Washington. The Examiner received the affidavit of notice publication on March 17, 2017.

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:	Travis and Alison Watson PO Box 187 Carnation, WA 98014
Location:	6003, 5901, and 5900 Tolt River Road NE, Carnation
STR:	SW 11-25-07, NW 14-25-07
Zoning:	RA-10
Parcel nos.:	1125079012, 1425079028, 1425079029, 1425079045, 1425079049, 1425079054
Total acreage:	40.16 acres

2. The Applicants timely filed an application to King County for PBRS program current use valuation of the property to begin in 2018. 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 ~~strikethrough~~ 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:	1125079012, 1425079028, 1425079029, 1425079045	1425079049, 1425079054
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Open Space Resources

Buffer to public or current use classified land	3	3
<del>Farm and agricultural conservation land</del>		
*Forest stewardship land*		
Rural open space	5	

<del>Scenic resource, viewpoint or view corridor</del>		
<del>Significant plant site or ecological site</del>		
Significant wildlife or salmonid habitat	5	5
Special animal site	3	
Surface water quality buffer	5	
Watershed protection area	5	5
<u>Bonus Category</u>		
Additional surface water quality buffer	5	
	<hr/> 31	<hr/> 13

The DNRP-recommended score of 31 points for the enrolled portion of parcels 1125079012, 1425079028, 1425079029, and 1425079045 results in a current use valuation of 20% of market value. The DNRP-recommended score of 13 points for the enrolled portion of parcels 1425079049 and 1425079054 results in a current use valuation of 40% of market value.

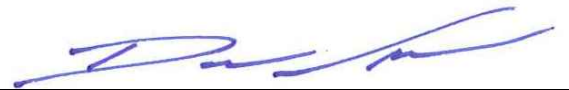
Additional credit may be awarded administratively under the forest stewardship land category subject to submittal of a forest stewardship plan by **December 1, 2017**, and subsequent approval by **December 29, 2017**. Award of credit under this category will increase the point total by 5 points, resulting in a current use valuation of 10% of market value for the enrolled portions of parcels 1125079012, 1425079028, 1425079029, and 1425079045, and of 30% for the enrolled portions of parcels 1425079049 and 1425079054.

4. As to the land area recommended for PBRS enrollment, the Applicant requested 33.03 acres and DNRP recommends 29.09 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.)
5. Except as modified herein, the facts set forth in DNRP's preliminary report and testimony at the March 23, 2017, 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. Award under all categories must be conditioned upon the control and removal of invasive plant species on the property within a three-year period. Such control and removal is mandatory for the property to qualify as credited open space. Failure to meet this condition will cause disenrollment of the property from the PBRS program.
7. Approval, pursuant to the Public Benefit Rating System adopted by Chapter 20.36 KCC, both of 31 points and a current use valuation of 20% of market value for the 23.42 acres of parcels 1125079012, 1425079028, 1425079029, and of 13 points and a current use valuation 40% for the 5.67 acres of parcels 1425079049 and 1425079054, along with conditional approval of 5 additional points (which will bring the totals to 36 and 18 points and 10% and 30% of market value, respectively), are all 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.

**RECOMMENDATION:**

1. **APPROVE** current use valuation of 20% of market value for the 23.42-acre enrolled portions of parcels 1125079012, 1425079028, 1425079029, and 1425079045 and 40% of market value for 5.67-acre enrolled portions of parcels 1425079049 and 1425079054.
2. **CONDITIONALLY APPROVE** additional credit under the forest stewardship land category, to be awarded administratively, if the Applicants submit a forest stewardship plan by **December 1, 2017**, and that plan is approved by **December 29, 2017**. This will result in a current use valuation of 10% of market value for the 23.42-acre enrolled portions of parcels 1125079012, 1425079028, 1425079029, and 1425079045 and 30% of market value for 5.67-acre enrolled portions of parcels 1425079049 and 1425079054.

DATED March 31, 2017.



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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 24, 2017*, an electronic copy of the appeal statement must be sent to [Clerk.Council@kingcounty.gov](mailto: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 24, 2017*, 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 24, 2017*, the Examiner will notify all parties and interested persons and provide information about "next steps."

MINUTES OF THE MARCH 23, 2017, HEARING ON THE APPLICATION OF TRAVIS AND ALISON WATSON, DEPARTMENT OF NATURAL RESOURCES AND PARKS FILE NO. E16CT047.

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>Not submitted</i>
Exhibit no. 2	<i>Not submitted</i>
Exhibit no. 3	<i>Not submitted</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: 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	<i>Reserved for: Forest Stewardship Plan</i>

DS/vsm

March 31, 2017

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**CERTIFICATE OF SERVICE**

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**1425079054**

**TRAVIS AND ALISON WATSON**

Open Space Taxation Application (Public Benefit Rating System)

I, Elizabeth Dop, 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.
- caused to be placed with the United States Postal Service, with sufficient postage, as **FIRST CLASS MAIL** in an envelope addressed to the non-County employee parties/interested persons to addresses on record.

DATED March 31, 2017.



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Elizabeth Dop  
Legislative Secretary

*All Parties of Record*

**Akada, Irene**

Department of Assessments

**Bernstein, Bill**

Department of Natural Resources and Parks

**Clark, Debra**

Department of Assessments

**Freitag, Ivy**

Department of Natural Resources and Parks

**Kim, Megan**

Department of Natural Resources and Parks

**Pedroza, Melani**

Metropolitan King County Council

**Reed, Mike**

Metropolitan King County Council

**Watson, Travis-Alison**

mailed paper copy