

December 13, 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. **E23CT004**
Proposed ordinance no. **2023-0394**
Parcel no. **122406-9071**

LORI CULWELL AND STEPHEN COX

Open Space Taxation Application (Public Benefit Rating System)

Location: 3804 274th Avenue SE, Issaquah

Applicants: **Lori Culwell and Stephen Cox**
4580 Klahanie Drive SE Unit 174
Sammamish, WA 98029
Telephone: (310) 435-1975
Email: lmculwell@gmail.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 2.49 acres for 20% of assessed value
Examiner's Recommendation: Approve 2.49 acres for 20% of assessed value

PRELIMINARY REPORT:

On November 20, 2023, the Department of Natural Resources and Parks (DNRP) submitted its report on file no. E23CT004 to the Examiner.

PUBLIC HEARING:

After reviewing the preliminary report and examining available information on file with the application, the Examiner conducted a November 29, 2023, remote public hearing.

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:	Lori Culwell and Stephen Cox 4580 Klahanie Drive SE Unit 174 Sammamish, WA 98029
Location:	3804 274th Avenue SE, Issaquah
STR:	SE-12-24-06
Zoning:	RA5P
Parcel no:	122406-9071
Total acreage:	3.81 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>	
	Buffer to public or current use classified land	3
	Significant plant or ecological site	0
	Significant wildlife and salmonid habitat	5
	Special animal site	3
	Surface water quality buffer	5
	Watershed protection area	5
	<u>Bonus Categories</u>	
	Contiguous parcels under separate ownership	0
	<hr/> Total	<hr/> 21

The DNRP-recommended score of 21 points results in a current use valuation of 20% of assessed value for the enrolled portion of the property.

4. As to the land area recommended for PBRS enrollment, the Applicants requested 3.00 acres and DNRP recommends 2.49 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, we find the facts set forth in DNRP's preliminary report and testimony at the November 29, 2023, public hearing correct and we incorporate them by reference. We will provide copies of this report and DNRP's report to the Council for final approval.
 - A. Page 7 of the staff report inadvertently discussed conditional approval in the forest stewardship land category. There is no forest stewardship land category in play here, nor are there any conditional approvals.
6. Approval of 21 points and a current use valuation of 20% of assessed value for 2.49 acres is 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:

APPROVE a current use valuation of 20% of assessed value for the 2.49-acre enrolled portion of the property.

DATED December 13, 2023.



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 *January 8, 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 NOVEMBER 29, 2023, HEARING ON THE APPLICATION OF LORI CULWELL AND STEPHEN COX, FILE NO. E23CT004

David Spohr was the Hearing Examiner in this matter. Megan Kim and Stephen Cox 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