

August 26, 2024

**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. **E24CT003**  
Proposed ordinance no. **2024-0219**  
Parcel no. **052007-9042**

**BRETT AND ELIZABETH EGBERT**

Open Space Taxation Application (Public Benefit Rating System)

Location: 29731 SE 392nd Street, Enumclaw

Applicants: Brett and Elizabeth Egbert  
*represented by* **Brett Vinson**  
1219 Cole Street  
Enumclaw, WA 98022  
Email: [brett@rbvattorneys.com](mailto:brett@rbvattorneys.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 3.02 acres for 50% of assessed value  
Conditionally approve 15.86 acres for 30% of assessed value

Examiner's Recommendation: Approve 3.02 acres for 50% of assessed value  
Conditionally approve 15.86 acres for 30% of assessed value

## PRELIMINARY REPORT:

On July 30, the Department of Natural Resources and Parks (DNRP) submitted its report on file no. E24CT003 to the Examiner.

## PUBLIC HEARING:

After reviewing the preliminary report and examining available information on file with the application, the Examiner conducted a remote public hearing on August 13, 2024. 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:	Brett and Elizabeth Egbert 1219 Cole Street Enumclaw, WA 98022
Location:	29731 SE 392nd Street, Enumclaw
STR:	SW-05-20-07
Zoning:	RA10
Parcel no:	052007-9042
Total acreage:	19.78 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 2025. 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>	
	<i>Aquifer protection area</i>	5
	*Farm and agricultural conservation land	*
	<del>Rural open space</del>	0
	* <i>Significant wildlife or salmonid habitat</i>	*
	<u>Bonus Categories</u>	
	* <i>Resource restoration</i>	*
	<hr/>	
	Total	5


The DNRP-recommended score of five points results in a current use valuation of 50% of assessed value for the enrolled portion of the property.

4. The aquifer protection area qualification comes from a natively-forested area in the southern 3.02 acres of the property, which includes a stream. If by **February 3, 2025**, Applicants submit a resource restoration plan restoring the portion of the stream, and DNRP approves that plan by **March 3, 2025**, five points may be awarded administratively under the resource restoration category. By itself, that would not change the current use valuation percentage, as ten total points is still 50%.
5. A northern, 12.85-acre portion of the property is traditional farmland. 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, 2025**. Award of credit under this category will increase the point total by five points. And that qualification would make the property eligible for significant wildlife or salmonid habitat points (as elk foraging and habitat), generating an additional five points. By themselves, those credits would change the current use valuation percentage to 40%. And adding credit under the resource restoration category would change the current use valuation percentage to 30%.
6. As to the land area recommended for PBRS enrollment, the Applicants requested 16.55 acres and DNRP recommends 3.02 acres. However, if the 12.85-acre northern portion of the property qualifies as farm and qualifies for enrollment, the enrolling acreage will increase to 15.86. (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.)
7. Except as modified herein, we find the facts set forth in DNRP's preliminary report and testimony at the August 13, 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.
8. Approval of five points and a current use valuation of 50% of assessed value for 3.02 acres, and conditional approval of up to 15 additional points and 30% of assessed value for 15.86 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 3.02-acre enrolled portion of the property.
2. CONDITIONALLY APPROVE additional credit for the resource restoration category, if by **February 3, 2025**, Applicants submit a resource restoration plan restoring a portion of the stream, and DNRP approves that plan by **March 3, 2025**. Standing alone this award would not change the current use valuation.
3. CONDITIONALLY APPROVE additional credit for the farm and agricultural conservation land category and the significant wildlife or salmonid habitat category, subject to submittal of a King Conservation District-approved farm management plan by **October 31, 2025**. Award of credit under these categories will reduce the current use valuation percentage to 40% of assessed value—and to 30% if the resource restoration category is also awarded.

DATED August 26, 2024.



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David Spohr  
King County 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 **September 19, 2024**, an electronic appeal statement must be sent to [Clerk.Council@kingcounty.gov](mailto:Clerk.Council@kingcounty.gov), to [hearingexaminer@kingcounty.gov](mailto: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 AUGUST 13, 2024, HEARING ON THE APPLICATION OF  
BRETT AND ELIZABETH EGBERT, FILE NO. E24CT003**

David Spohr was the Hearing Examiner in this matter. Megan Kim, Elizabeth Egbert, and Brett Egbert participated in the hearing.

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  |