

June 12, 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. **E23CT015**
Proposed ordinance no. **2024-0130**
Parcel no. **2724079076**

MELANIE HENRY

Open Space Taxation Application (Public Benefit Rating System)

Location: 7511329th Avenue SE, Fall City

Applicant: **Melanie Henry**
7511329th Avenue SE
Fall City, WA 98024
Telephone: (425) 208-1985
Email: melanie@talerian.com

King County: Department of Natural Resources and Parks
represented by **Bill Bernstein**
201 S. Jackson Street
Suite 5601
Seattle, WA 98104
Telephone: (206) 477-4643

SUMMARY OF RECOMMENDATIONS:

Department's Recommendation: Approve 28.26 acres for 20% of assessed value
Examiner's Recommendation: Approve 28.26 acres for 20% of assessed value

PRELIMINARY REPORT:

On May 17, 2024, the Department of Natural Resources and Parks (DNRP) submitted its report on file no. E23CT015 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 the application on May 29, 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 from the Examiner’s Office.

FINDINGS AND CONCLUSIONS:

1. General Information:

Owner:	Melanie Henry 7511329th Avenue SE Fall City, WA 98024
Location:	7511329th Avenue SE, Fall City
STR:	SW-27-24-07
Zoning:	RA10
Parcel no.:	2724079076
Total acreage:	30.51 acres

2. The Applicant 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. And *italics* represents a category an applicant did not request an award for, but that DNRP nonetheless concludes is warranted.

PBRS categories:	<u>Open Space Resources</u>	
	<i>Aquifer protection area</i>	5
	<i>Buffer to public or current use classified land</i>	3
	Forest stewardship land	5
	<i>Rural open space</i>	5
	<i>Surface water quality buffer</i>	10
	<i>Watershed protection area</i>	5
	Total	33

The DNRP-recommended score of 33 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 Applicant requested 27.50 acres and DNRP recommends 28.26 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 May 29, 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.
6. Approval of 33 points and a current use valuation of 20% of assessed value for 28.26 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 28.26-acre enrolled portion of the property.

DATED June 12, 2024.



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 **July 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 MAY 29, 2024, HEARING ON THE APPLICATION OF
MELANIE HENRY, FILE NO. E23CT015**

David Spohr was the Hearing Examiner in this matter. Bill Bernstein 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 |