

February 24, 2017

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

King County Courthouse
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Seattle, Washington 98104
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www.kingcounty.gov/independent/hearing-examiner

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

SUBJECT: Department of Natural Resources and Parks file no. **E16CT039**
Proposed ordinance no. **2017-0020**
Parcel no. **1420069009**

JOSEPH STORM AND MARCELLA NIELSEN

Open Space Taxation Application (Public Benefit Rating System)

Location: 24606 SE 424th Street, Enumclaw

Applicants: **Joseph Storm and Marcella Nielsen**
24606 SE 424th Street
Enumclaw, WA 98022
Telephone: (206) 919-0697
Email: jkstorm@earthlink.net

King County: Department of Natural Resources and Parks
represented by **Megan Kim**
201 S Jackson Street Suite 600
Seattle, WA 98104
Telephone: (206) 477-4788
Email: megan.kim@kingcounty.gov

SUMMARY OF RECOMMENDATIONS:

Department's Recommendation:
Examiner's Recommendation:

Approve 7.40 acres for 50% of market value
Approve 7.40 acres for 50% of market value

PRELIMINARY REPORT:

On February 2, 2017, the Department of Natural Resources and Parks (DNRP) submitted its report on file no. E16CT039 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 February 14, 2017, in the Ginger Conference Room, 12th Floor, King County Courthouse, 516 Third Avenue, Seattle, Washington.

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:	Joseph Storm and Marcella Nielsen 24606 SE 424th Street Enumclaw, WA 98022
Location:	24606 SE 424th Street, Enumclaw
STR:	NW 14-20-06
Zoning:	A-35
Parcel no.:	1420069009
Total acreage:	8.76 acres

- 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.
- 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 ~~striketrough~~ 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	
	Buffer to public or current use classified land	
	<i>*Farm and agricultural conservation land*</i>	5
	Significant wildlife or salmonid habitat	
	Special animal site	
	Surface water quality buffer	
	Watershed protection area	
	<u>Bonus Categories</u>	
	Resource restoration	
	Additional surface water quality buffer	
		<hr/> 5

The DNRP-recommended score of 5 points results in a current use valuation of 50% of market value for the enrolled portion of the property. Award under the farm and agricultural conservation land category is contingent upon submittal of a King Conservation District-approved farm management plan for the property by **October 31, 2017**. Because the property is not eligible under any other PBRS resource category, failure to qualify as farm and agricultural conservation land will preclude the property from enrollment in the PBRS program.

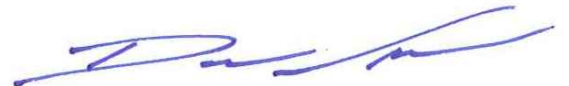
4. As to the land area recommended for PBRS enrollment, the Applicant requested 4.5 acres. DNRP recommends 7.40 acres if the farm plan addresses the restoration needs of a 4.85-acre area outlined in green in the 2015 aerial photo, and only 2.55 acres if the farm plan does not. (Enrollment acreage is 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 February 14, 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.
 - A. Change to Department staff report: Page 2, Section B. Facts: 4. Access: The property is accessed from SE 472~~nd~~ 424th Street.
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, of 5 points and a current use valuation of 50% of market value for 7.40 acres of the

property, is—provided the farm plan addresses the restoration needs of a 4.85-acre area—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 50% of market value for the enrolled portion of the property, CONTINGENT on submittal of a King Conservation District-approved farm management plan for the property by October 31, 2017. If the farm plan addresses the restoration needs of a 4.85 acre area outlined in green in the 2015 aerial photo, the enrolled acreage shall be 7.40 acres; if not, the enrolled acreage shall be 2.55 acres. Because the property is not eligible under any other PBRs resource category, failure to qualify as farm and agricultural conservation land will preclude the property from enrollment in the PBRs program.

DATED February 24, 2017.



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 *March 20, 2017*, an electronic copy of the appeal statement must be sent to 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 *March 20, 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 *March 20, 2017*, the Examiner will notify all parties and interested persons and provide information about “next steps.”

MINUTES OF THE FEBRUARY 14, 2017, HEARING ON THE APPLICATION OF JOSEPH STORM AND MARCELLA NIELSEN, DEPARTMENT OF NATURAL RESOURCES AND PARKS FILE NO. E16CT039.

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	<i>Reserved for:</i> 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:</i> Legal description of area to be enrolled
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:</i> Farm management plan

DS/vsm

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CERTIFICATE OF SERVICE

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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 February 24, 2017.



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

Marcella Nielsen, Joseph Storm

mailed paper copy

Reed, Mike

Metropolitan King County Council

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