

March 27, 2023

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

King County Courthouse
516 Third Avenue Room 1200
Seattle, Washington 98104
Telephone (206) 477-0860
hearingexaminer@kingcounty.gov
www.kingcounty.gov/independent/hearing-examiner

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

SUBJECT: Department of Natural Resources and Parks file no. **E22CT009**
Proposed ordinance no. **2023-0040**
Parcel nos. **1921069054, 1921069058, and 1921069021**

KAREN J. KALANICK-FABIANO

Open Space Taxation Application (Public Benefit Rating System)

Location: 18843 SE Lake Holm Road, Auburn

Applicant: **Karen J. Kalanick-Fabiano**
18843 SE Lake Holm Road
Auburn, WA 98092
Telephone: (206) 595-1765
Email: karenfabiano@gmail.com

King County: Department of Natural Resources and Parks
represented by **Megan Kim**
201 S. Jackson Street Suite 5600
Seattle, WA 98104
Telephone: (206) 477-4788
Email: megan.kim@kingcounty.gov

SUMMARY OF RECOMMENDATIONS:

Department's Recommendation: Approve 2.58 acres for 40% of assessed value
Conditionally approve 2.70 acres for 20% of assessed value
Examiner's Recommendation: Approve 2.58 acres for 40% of assessed value
Conditionally approve 2.70 acres for 20% of assessed value

PRELIMINARY REPORT:

On February 16, 2023, the Department of Natural Resources and Parks (DNRP) submitted its initial report on file no. E22CT009 to the Examiner. On March 13, 2023, it submitted a revised report.

PUBLIC HEARING:

After reviewing the preliminary report and examining available information on file with the application, the Examiner conducted a Zoom public hearing on the application on March 2, 2023. We kept the record open for DNRP to submit a revised report, which it did on March 13.

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:

Owner:	Karen J. Kalanick-Fabiano 18843 SE Lake Holm Road Auburn, WA 98092
Location:	18843 SE Lake Holm Road, Auburn
STR:	NE-19-21-06
Zoning:	RA5
Parcels:	1921069054, 1921069058, and 1921069021
Total acreage:	4.15 acres

- 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 2023. 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	5
	<i>Buffer to public or current use classified land</i>	3
	Significant wildlife or salmonid habitat	5
	Watershed protection area	*
	<u>Bonus Categories</u>	
	<i>Resource restoration</i>	*
	<hr/>	
	Total	13

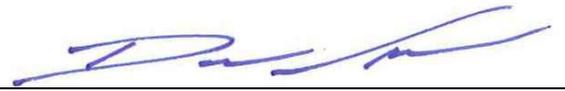
The DNRP-recommended score of 13 points results in a current use valuation of 40% of assessed value for the enrolled portion of the property.

4. Additional credit may be awarded administratively under the resource restoration category, subject to submittal of a resource restoration plan by **July 3, 2023**, and DNRP approval of that plan by **September 4, 2023**, and if the plans sufficiently detail restoration for a 0.12 acre area shown in green on the map. Award of credit under this category will increase the point total by 5 points, resulting in a score of 18 and a current use valuation of 30% of assessed value. This will also expand the enrolling portion of the property by 0.12 acres.
5. Satisfying the requirements of the previous paragraph also means that credit may be awarded administratively under the watershed protection area category. That category requires native forest to cover over at least 65% of the property. The 2.58 acres currently slated for enrollment does not meet that threshold, but adding the 0.12 acre area discussed above would leave 2.70 acres of enrolling contiguous forest, enough to meet the 65% threshold. These additional five points would result in a score of 23 and a current use valuation of 20% of assessed value.
6. As to the land area recommended for PBRS enrollment, the Applicant requested 2.55 acres and DNRP recommends 2.58 acres, with the opportunity discussed above to boost the enrolled acreage to 2.70. (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 testimony at the March 2 public hearing and in its revised, March 13 staff report correct, and we incorporate them by reference. We will provide copies of this report and DNRP’s revised report to the Metropolitan King County Council for final approval.
8. Approval of 13 points and a current use valuation of 40% of assessed value for 2.58 acres, and conditional approval of 10 additional points and 20% of assessed value for 2.70 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 40% of assessed value for the 2.58-acre enrolled portion of the property.
2. CONDITIONALLY APPROVE additional credit for the watershed protection area category and resource restoration category, subject to submittal, by **July 3, 2023**, of a resource restoration plan sufficiently detailing restoration for the 0.12-acre area, and subsequent DNRP approval of that plan by **September 4, 2023**. Award of credit under these categories will increase the point total by 10 points, resulting in a score of 23 and a current use valuation of 20% of assessed value for an enrolling 2.70-acre area.

DATED March 27, 2023.



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 20, 2023*, 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 *April 20, 2023*, 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 20, 2023*, the Examiner will notify all parties and interested persons and provide information about “next steps.”

**MINUTES OF THE MARCH 2, 2023, HEARING ON THE APPLICATION OF
KAREN J. KALANICK-FABIANO, FILE NO. E22CT009**

David Spohr was the Hearing Examiner in this matter. Megan Kim 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 |
| Exhibit no. 6 | Revised DNRP report to the Hearing Examiner |