

February 5, 2018

**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. **E17CT017**
Proposed ordinance no. **2018-0023**
Parcel no. **3021069034**

PHILLIP MORRIS AND LONNIE SUNDAL

Open Space Taxation Application (Public Benefit Rating System)

Location: 18210 SE Green Valley Road, Auburn

Applicants: **Phillip Morris and Lonnie Sundal**
18210 SE Green Valley Road
Auburn, WA 98092
Telephone: (253) 288-9598
Email: mikeandlonnie@comcast.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 7.88 acres for 30% of assessed value
Approve 7.88 acres for 30% of assessed value

PRELIMINARY REPORT:

On January 11, 2018, the Department of Natural Resources and Parks (DNRP) submitted its report on file no. E17CT017 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 January 25, 2018, in the Fred 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:	Phillip Morris and Lonnie Sundal 18210 SE Green Valley Road Auburn, WA 98092
Location:	18210 SE Green Valley Road, Auburn
STR:	NW 30-21-06
Zoning:	RA-5
Parcel no.:	3021069034
Total acreage:	21.18 acres

2. The Applicants timely filed an application to King County for PBRS program current use valuation of the property to begin in 2019. 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 ~~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>	
	<i>Aquifer protection area</i>	5
	<u>Buffer to public or current use classified land</u>	3

Farm and agricultural conservation land	
Historic landmark or archaeological site: buffer to a designated site	
Rural open space	
Scenic resource, viewpoint or view corridor	5
Significant wildlife or salmonid habitat	5

Bonus Categories

Conservation easement or historic easement

18

The DNRP-recommended score of 18 points results in a current use valuation of 30% of assessed value for the enrolled portion of the property. Additional credit may be awarded administratively under the farm and agricultural conservation land and conservation easement or historic easement categories subject to submittal of a King Conservation District-approved farm management plan by **October 31, 2018**. Award of credit under these categories will increase the point total by 20 points and the acreage by 10.30 acres, resulting in a current use valuation of 10% of assessed value for 18.18 acres of the property.

4. As to the land area recommended for PBRS enrollment, the Applicant requested 18.18 acres and DNRP recommends 7.88 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, the facts set forth in DNRP’s preliminary report and testimony at the January 25, 2018, 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. Changes to Department staff report:

Page 1, A. General Information, 5. PBRS categories requested by applicant:
**Conservation easement or historic easement.

Page 2, 6. Parcel: NOTE: “...then the enrolling acreage would increase from 7.88 to 18.18 acres.”

Page 7, Bonus category, Conservation easement and historic easement: “Credit for this category is recommended dependent upon a farm management plan being received by the department on or before **October 31, 2018.**”
6. Approval, pursuant to the Public Benefit Rating System adopted by Chapter 20.36 KCC, of 18 points and a current use valuation of 30% of assessed value for 7.88 acres of the

property and conditional approval of 20 additional points and 10.30 additional acres (which will bring the total to 38 points and 10% of assessed value for 18.18 acres of the property), is 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.

7. The subject property is currently enrolled in the farm and agricultural land program. Any open space taxation participation agreement signed as a result of approval of this application should be worded to supersede any prior agreements for the parcel.

RECOMMENDATION:

1. APPROVE current use valuation of 30% of assessed value for the 7.88-acre enrolled portion of the property.
2. CONDITIONALLY APPROVE additional credit for the farm and agricultural conservation land and conservation easement or historic easement categories subject to submittal of a King Conservation District-approved farm management plan by **October 31, 2018**. Award of credit under these categories will increase the point total by 20 points and the acreage by 10.33 acres, resulting in a current use valuation of 10% of assessed value for 18.18 acres of the property.

DATED February 5, 2018.



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 1, 2018*, 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 1, 2018*, 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 1, 2018*, the Examiner will notify all parties and interested persons and provide information about “next steps.”

**MINUTES OF THE JANUARY 25, 2018, HEARING ON THE APPLICATION OF
PHILLIP MORRIS AND LONNIE SUNDAL, FILE NO. E17CT017**

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>Reserved for open space taxation agreement</i>
Exhibit no. 2	<i>Reserved for final ordinance</i>
Exhibit no. 3	<i>Reserved for Hearing Examiner’s report and recommendation</i>
Exhibit no. 4	DNRP report to the Hearing Examiner
Exhibit no. 5	<i>Reserved for future submission of affidavit of publication</i>
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 future submission of legal description of area to be enrolled</i>
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 future submission of farm management plan</i>
Exhibit no. 14	Conservation easement
Exhibit no. 15	King County Cultural Resources Division letter regarding historical buildings on the subject property, dated August 26, 1996

DS/vsm