



**KING COUNTY**

1200 King County Courthouse  
516 Third Avenue  
Seattle, WA 98104

**Signature Report**

**Ordinance 18970**

**Proposed No.** 2019-0176.2

**Sponsors** Dembowski

1           AN ORDINANCE concurring with the recommendation of  
2           the hearing examiner to approve, subject to conditions, the  
3           application for public benefit rating system assessed  
4           valuation for open space submitted by Melvin and Bethany  
5           Johnson for property located at 37717 265th Place SE,  
6           Enumclaw, WA, designated department of natural  
7           resources and parks, water and land resources division file  
8           no. E19CT004.

9           BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

10          SECTION 1. This ordinance does hereby adopt and incorporate herein as its  
11 findings and conclusions the findings and conclusions contained in Attachment A to this  
12 ordinance, the report and recommendation of the hearing examiner dated June 20, 2019,  
13 to approve subject to conditions, the application for public benefit rating system assessed  
14 valuation for open space submitted by Melvin and Bethany Johnson for property located  
15 at 37717 265th Place SE, Enumclaw, WA, designated department of natural resources  
16 and parks, water and land resources division file no. E19CT004, and the council does

17 hereby adopt as its action the recommendation or recommendations contained in the  
18 report.  
19

Ordinance 18970 was introduced on 5/8/2019 and passed by the Metropolitan King  
County Council on 8/21/2019, by the following vote:

Yes: 9 - Mr. von Reichbauer, Mr. Gossett, Ms. Lambert, Mr. Dunn,  
Mr. McDermott, Mr. Dembowski, Mr. Upthegrove, Ms. Kohl-Welles  
and Ms. Balducci



KING COUNTY COUNCIL  
KING COUNTY, WASHINGTON

A handwritten signature in blue ink, appearing to read "Rod Dembowski", written over a horizontal line.

Rod Dembowski, Chair

ATTEST:

A handwritten signature in blue ink, appearing to read "Melani Pedroza", written over a horizontal line.

Melani Pedroza, Clerk of the Council

**Attachments:** A. Hearing Examiner Report dated June 20, 2019

June 20, 2019

**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](mailto:hearingexaminer@kingcounty.gov)  
[www.kingcounty.gov/independent/hearing-examiner](http://www.kingcounty.gov/independent/hearing-examiner)

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

SUBJECT: Department of Natural Resources and Parks file no. **E19CT004**  
Proposed ordinance no. **2019-0176**  
Parcel no. **3621069009**

**MELVIN AND BETHANY JOHNSON**

Open Space Taxation Application (Public Benefit Rating System)

Location: 37717 265th Place SE, Enumclaw

Applicants: **Melvin and Bethany Johnson**  
37717 265th Place SE  
Enumclaw, WA 98022  
Telephone: (253) 431-6185  
Email: [melvin.r.johnson123@gmail.com](mailto:melvin.r.johnson123@gmail.com)

King County: Department of Natural Resources and Parks  
*represented by* **Bill Bernstein**  
201 S Jackson Street Suite 600  
Seattle, WA 98104  
Telephone: (206) 477-4643  
Email: [bill.bernstein@kingcounty.gov](mailto:bill.bernstein@kingcounty.gov)

SUMMARY OF RECOMMENDATIONS:

Department's Recommendation:	Approve 4.32 acres for 50% of assessed value
Examiner's Recommendation:	Approve 4.32 acres for 50% of assessed value

## PRELIMINARY REPORT:

On May 24, 2019, the Department of Natural Resources and Parks (DNRP) submitted its report on file no. E19CT004 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 June 6, 2019, 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:	Melvin and Bethany Johnson 37717 265th Place SE Enumclaw, WA 98022
Location:	37717 265th Place SE, Enumclaw
STR:	SW 36-21-06
Zoning:	RA-10
Parcel no.:	3621069009
Total acreage:	7.62 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 2021. 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>	
	Buffer to public or current use classified land	3
	*Farm and agricultural conservation land*	*5*

~~Rural stewardship land~~

Bonus Categories

\*Resource restoration\*

~~Contiguous parcels under separate ownership~~

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The DNRP-recommended score of 8 points results in a current use valuation of 50% of assessed value for the enrolled portion of the property. Award for the farm and agricultural conservation land category is contingent on submittal of a King Conservation District-approved farm management plan by **October 31, 2020**. Failure to qualify for this category precludes the property from enrollment in the PBRS program at present due to lack of sufficient qualifying points.

Additional credit may be awarded administratively under the resource restoration category, subject to submittal of a resource restoration plan by **August 31, 2020**, and plan approval by **October 31, 2020**. Award of credit under this category will increase the point total by 5 points, resulting in a current use valuation of 40% of assessed value for the enrolled portion of the property.

4. As to the land area recommended for PBRS enrollment, the Applicant requested 4.40 acres and DNRP recommends 4.32 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 will 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 June 6, 2019, 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.
6. Approval of 8 points (and a current use valuation of 50% of assessed value for 4.32 acres) and conditional approval of 5 additional points (and 40% of assessed value for 4.32 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.
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 50% of assessed value for the 4.32-acre enrolled portion of the property, CONTINGENT on submittal of a King Conservation District-approved farm management plan by **October 31, 2020**. Failure to qualify for this category will preclude the property from enrollment in the PBRS program at present due to lack of sufficient qualifying points.
2. CONDITIONALLY APPROVE additional credit for the resource restoration category, subject to submittal of a resource restoration plan by **August 31, 2020**, and plan approval by **October 31, 2020**. Award of credit under this category will increase the point total by 5 points, resulting in a current use valuation of 40% of assessed value for the enrolled portion of the property.

DATED June 20, 2019.



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 *July 15, 2019*, an electronic copy of the appeal statement must be sent to [Clerk.Council@kingcounty.gov](mailto: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 *July 15, 2019*, 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 *July 15, 2019*, the Examiner will notify all parties and interested persons and provide information about “next steps.”

**MINUTES OF THE JUNE 6, 2019, HEARING ON THE APPLICATION OF MELVIN AND BETHANY JOHNSON, FILE NO. E19CT004**

David Spohr was the Hearing Examiner in this matter. Bill Bernstein both participated in the hearing on behalf of the department.

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  |

DS/vsm