

March 13, 2020

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

King County Courthouse
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Seattle, Washington 98104
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**REPORT AND RECOMMENDATION TO THE
METROPOLITAN KING COUNTY COUNCIL**

SUBJECT: Department of Natural Resources and Parks file no. **E19CT037**
Proposed ordinance no. **2020-0053**
Parcel nos. **1422029053, 1422029093, 1422029110, and 1422029082**

WILLIAM CHAMBERLAIN AND ALICE MAY

Open Space Taxation Application (Public Benefit Rating System)

Location: 23731 Landers Road SW, Vashon

Applicants: **William Chamberlain and Alice May**
23731 Landers Road SW
Vashon, WA 98070
Telephone: (347) 228-6222
Email: alcmsiz@gmail.com

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: Approve 5.23 acres of parcels 1422029053, 1422029093, and 1422029110, and approve 1.00 acre of parcel 1422029082, all at 30% of assessed value.

Examiner's Recommendation: Approve 5.23 acres of parcels 1422029053, 1422029093, and 1422029110, and approve 1.00 acre of parcel 1422029082, all at 30% of assessed value.

PRELIMINARY REPORT:

On February 14, 2020, the Department of Natural Resources and Parks (DNRP) submitted its report on file no. E19CT037 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 27, 2020, in the Fred Conference Room, 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:

Owner/s:	William Chamberlain and Alice May 23731 Landers Road SW Vashon, WA 98070
Location:	23731 Landers Road SW, Vashon
STR:	SW 14-22-2
Zoning:	RA5-SO
Parcel nos.:	1422029053, 1422029093, 1422029110, 1422029082
Total acreage:	8.15 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 2020. 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 ~~strike through~~ 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.)

Because parcel 1422029082 is not continuous with the other three, it must be evaluated on its own merits, independent of those other three. Thus, we create two scoring tables:

PBRS categories for parcel:	<u>1422029082</u>	
	<i>Aquifer protection area</i>	5
	<i>Buffer to public or current use classified land</i>	3
	Forest stewardship land	0
	<i>Significant wildlife or salmonid habitat</i>	5
	Watershed protection area	5
	<i>*Resource restoration*</i>	*
		<hr/>
		18
PBRS categories for parcels:	<u>1422029053, 1422029093, 1422029110</u>	
	<i>Aquifer protection area</i>	5
	<i>*Buffer to public or current use classified land*</i>	*
	Forest stewardship land	5
	<i>Significant wildlife or salmonid habitat</i>	5
	Watershed protection area	5
		<hr/>
		20

The DNRP-recommended scores of 18 and 20 points result in a current use valuation of 30% of assessed value for the enrolled portion of both groupings of property.

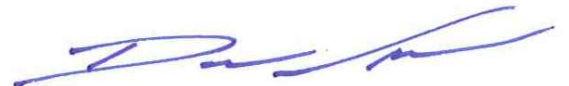
4. Parcels 1422029053, 1422029093, and 1422029110 about a property—parcel 1422029033—we recommended yesterday for PBRS enrollment (file E19CT022; proposed ordinance no. 2020-0056). If that other property enrolls, then administrative credit may be awarded for parcels 1422029053, 1422029093, and 1422029110 under the buffer to public or current use classified land category, bringing that point total up to 23 and the current use valuation down to 20% of assessed value.
5. For parcel 1422029082, if a resource restoration plan is provided by **July 2, 2020**, and approved by DNRP by **September 3, 2020**, then administrative credit in the resource restoration category may be awarded for parcel 1422029082, bringing that point total up to 23 and the current use valuation down to 20% of assessed value.
6. As to the land area recommended for PBRS enrollment spread across all four parcels, the Applicant requested 5.77 acres and DNRP recommends 6.23 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.)
7. Except as modified herein, the facts set forth in DNRP's preliminary report and testimony at the February 27, 2020, 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.

8. For all 6.23 enrolling acres of property across all four parcels, approval of a current use valuation of 30% of assessed value and conditional approval of 20% of assessed value, 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 current use valuation of 30% of assessed value for a total of 6.23 acres across all four parcels.
2. CONDITIONALLY APPROVE an additional 3 points for parcels 1422029053, 1422029093, and 1422029110, if separately owned parcel 1422029033 enrolls, bringing the current use valuation for parcels 1422029053, 1422029093, and 1422029110 down to 20% of assessed value.
3. CONDITIONALLY APPROVE an additional 5 points for parcel 1422029082, if a resource restoration plan is provided by **July 2, 2020**, and approved by DNRP by **September 3, 2020**, bringing the current use valuation for parcel 1422029082 down to 20% of assessed value.

DATED March 13, 2020.



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 6, 2020*, 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 6, 2020*, 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 6, 2020*, the Examiner will notify all parties and interested persons and provide information about “next steps.”

MINUTES OF THE FEBRUARY 27, 2020, HEARING ON THE APPLICATION OF WILLIAM CHAMBERLAIN AND ALICE MAY, FILE NO. E19CT037

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	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/JO