

August 12, 2021

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

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

SUBJECT: Department of Natural Resources and Parks file no. **E21CT004**
Proposed ordinance no. **2021-0243**
Parcel no/s. **3321069008, 3321069011, 3321069019, 3321069022, 3321069023,**
3321069027, 3321069028, and 3321069029.

GATHERING ROOTS RETREAT CENTER, LLC

Open Space Taxation Application (Public Benefit Rating System)

Location: 21612 SE 378th St; 37308 & 37718 212th Ave. SE, Auburn

Applicant: Gathering Roots Retreat Center, LLC
represented by **Tracy Stewart**
2842 32nd Avenue S
Auburn, WA 98092
Telephone: (937) 767-1802
Email: tracy@gatheringroots.org

King County: Department of Natural Resources and Parks
represented by **Bill Bernstein**
701 S Jackson Street Suite 701
Seattle, WA 98104
Telephone: (206) 477-4643
Email: bill.bernstein@kingcounty.gov

SUMMARY OF RECOMMENDATIONS:

Department's Recommendation: Approve a current use valuation of 30% for 72.28 acres
Conditionally approve a current use valuation of 10% for 72.28 acres
Examiner's Recommendation: Approve a current use valuation of 30% for 72.28 acres;
Conditionally approve a current use valuation of 10% for 72.28 acres

PRELIMINARY REPORT:

On July 16, 2021, the Department of Natural Resources and Parks (DNRP) submitted its report on file no. E21CT004 to the Examiner.

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 July 29, 2021. The record was left open for the submittal of additional documents and the record closed on July 30, 2021.

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:	Gathering Roots Retreat Center, LLC 2842 32nd Avenue S Auburn, WA 98092
Location:	21612 SE 378th Street and 37308 and 37718 212th Avenue SE, Auburn
STR:	NW; SW-33-21-06
Zoning:	A-35
Parcel nos.:	3321069008, 3321069011, 3321069019, 3321069022, 3321069023, 3321069027, 3321069028, and 3321069029
Total acreage:	77.17 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 2022. As required by law, notification of the application occurred.
- All parcels except 3321069008 are currently enrolled in the farm and agricultural land program. The purpose of this application is to reclassify the property and enroll it in PBRs. Any new open space taxation agreement must supersede any existing agreement.
- 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.)

PBRS categories:	<u>Open Space Resources</u>	
	Buffer to public or current use classified land	3
	Farm and agricultural conservation land	5
	Rural open space	5
	Significant wildlife or salmonid habitat	5
	<u>Bonus Categories</u>	
	*Resource restoration	*
	*Conservation easement or historic easement	*

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.

5. Enrollment of approximately 41 acres (outlined in green on Exhibit 6) is contingent on submittal of a King Conservation District-approved farm management plan by **October 31, 2022**. Failure to qualify as farm and agricultural conservation land will preclude this portion of the property from enrollment in the PBRS program.
6. Credit under the resource restoration category is contingent on working with the National Resource Conservation Service to produce and submit to DNRP, a resource restoration plan by **August 31, 2022**, with DNRP approval by **October 31, 2022**. If awarded, the point total would increase to 23 and the current use valuation would drop to 20%.
7. Credit under the conservation easement or historic easement category is contingent on recording an easement, with the Recorder's Office, by **December 31, 2022**. If awarded, the point total would further increase to 38 and the current use valuation would drop to 10%.
8. As to the land area recommended for PBRS enrollment, the Applicant requested 72.28 acres and DNRP recommends the same. (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.)
9. Except as modified herein, the facts set forth in DNRP's preliminary report and testimony at the July 29, 2021, 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.
10. Approval of 18 points and a current use valuation of 30% of assessed value for 72.28 acres, and conditional approval of 5 and potentially 20 additional points and 20% or even 10% of assessed value, for the enrolling 72.28 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 30% of assessed value for the 72.28-acre enrolled portion of the property. However, failure to qualify as farm and agricultural conservation land will preclude approximately 41 acres of property from enrollment in the PBRS program.
2. CONDITIONALLY APPROVE credit under the farm and agricultural conservation land category, provided a King Conservation District-approved farm management plan is submitted to DNRP by **October 31, 2022**.
3. CONDITIONALLY APPROVE credit under the resource restoration category, provided that a resource restoration plan is submitted to DNRP by **August 31, 2022**, and approved by DNRP by **October 31, 2022**. This will increase the point total to 23 and decrease the current use valuation to 20%.
4. CONDITIONALLY APPROVE credit under the conservation easement or historic easement category, provided that an easement is recording with the Recorder's Office by **December 31, 2022**. This will increase the point total to 38 and drop the current use valuation to 10%.

DATED August 12, 2021.



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 *September 6, 2021*, 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 *September 6, 2021*, 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 *September 6, 2021*, the Examiner will notify all parties and interested persons and provide information about “next steps.”

**MINUTES OF THE JULY 29, 2021, HEARING ON THE APPLICATION OF
GATHERING ROOTS RETREAT CENTER, LLC, FILE NO. E21CT004**

David Spohr was the Hearing Examiner in this matter. Bill Bernstein, Lexie King, Omitosin King, and Tracy Stewart 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	Map, submitted July 30, 2021

DS/jo