

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
www.kingcounty.gov/independent/hearing-examiner

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

SUBJECT: Department of Natural Resources and Parks file no. E19CT002
Proposed ordinance no. 2019-0174
Parcel no. 2220069212

CHRISTOPHER FEIST AND JENNIFER O'LEARY

Open Space Taxation Application (Public Benefit Rating System)

Location: [REDACTED] Enumclaw

Applicants: **Christopher Feist and Jennifer O'Leary**

[REDACTED]
Covington, WA 98042

Telephone [REDACTED]

Email: [REDACTED]

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

SUMMARY OF RECOMMENDATIONS:

Department's Recommendation:

Approve 17.48 acres for 20% of assessed value

Examiner's Recommendation:

Approve 17.48 acres for 20% of assessed value

PRELIMINARY REPORT:

On May 24, 2019, the Department of Natural Resources and Parks (DNRP) submitted its report on file no. E19CT002 to the Examiner.

PUBLIC HEARING:

After reviewing the preliminary report and examining available information on file, 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, WA.

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: | Christopher Feist and Jennifer O'Leary 15908 SE 254th Place Covington, WA 98042 |
| Location: | 236xx SE 448th Street, Enumclaw |
| STR: | SE 22-20-06 |
| Zoning: | URS0 |
| Parcel no.: | 2220069212 |
| Total acreage: | 19.55 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 ~~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> | |
| | <i>Buffer to public or current use classified land</i> | 3 |
| | *Forest stewardship land* | * |
| | <u>Significant wildlife or salmonid habitat</u> | 5 |

| | |
|--|----------|
| Surface water quality buffer | 5 |
| Urban open space | 5 |
| <i>Watershed protection area</i> | 5 |
| <u>Bonus Categories</u> | |
| <i>Additional surface water quality buffer</i> | 5 |
| | <hr/> 28 |

The DNRP-recommended score of 28 points results in a current use valuation of 20% of assessed value for the enrolled portion of the property. Additional credit may be awarded administratively under the forest stewardship land category, subject to approval of a forest stewardship plan by **October 31, 2019**. Award of credit under this category will increase the point total by 5 points, with no change to the current use valuation. Award of this category may allow approved forestry activities to occur on the property.

4. As to the land area recommended for PBRS enrollment, the Applicant did not specify an acreage request, while DNRP recommends 17.48 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 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 28 points (and a current use valuation of 20% of assessed value for 17.48 acres) and conditional approval of 5 additional points (and 20% of assessed value for 17.48 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 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 20% of assessed value for the 17.48-acre enrolled portion of the property.
2. CONDITIONALLY APPROVE additional credit for the forest stewardship land category, subject to approval of a forest stewardship plan by **October 31, 2019**. Award of

credit under this category will increase the point total by 5 points, with no change to the current use valuation. Award of this category may allow approved forestry activities to occur on 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 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
CHRISTOPHER FEIST AND JENNIFER O'LEARY, FILE NO. E19CT002**

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

June 20, 2019

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CERTIFICATE OF SERVICE

SUBJECT: Department of Natural Resources and Parks file no. **E19CT002**
Proposed ordinance no. **2019-0174**
Parcel no. **2220069212**

CHRISTOPHER FEIST AND JENNIFER O'LEARY
Open Space Taxation Application (Public Benefit Rating System)

I, Vonetta Mangaoang, certify under penalty of perjury under the laws of the State of Washington that I transmitted the **REPORT AND RECOMMENDATION TO THE METROPOLITAN KING COUNTY COUNCIL** to those listed on the attached page as follows:

- EMAILED to all County staff listed as parties/interested persons and parties with e-mail addresses on record.
- placed with the United States Postal Service, with sufficient postage, as FIRST CLASS MAIL in an envelope addressed to the non-County employee parties/interested persons to addresses on record.

DATED June 20, 2019.

Vonetta Mangaoang

Vonetta Mangaoang
Senior Administrator

Akada, Irene

Department of Assessments

Bernstein, Bill

Department of Natural Resources and Parks

Blossey, Linda

Metropolitan King County Council

Christopher Feist, Jennifer O'Leary

Hardcopy

Clark, Debra

Department of Assessments

Kim, Megan

Department of Natural Resources and Parks

Pedroza, Melani

Metropolitan King County Council

Reed, Mike

Metropolitan King County Council