

May 7, 2020

**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. **E19CT021**
Proposed ordinance no. **2020-0098**
Parcel no/s. **192407-9089**

CAROL LEE-SMITH

Open Space Taxation Application (Public Benefit Rating System)

Location: [REDACTED]

Applicant: **Carol Lee-Smith**
[REDACTED]

Issaquah, WA 98027

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 6.49 acres for 20% of assessed value

Examiner's Recommendation:

Approve 6.49 acres for 20% of assessed value

PRELIMINARY REPORT:

On April 8, 2020, the Department of Natural Resources and Parks (DNRP) submitted its report on file no. E19CT021 to the Examiner.

PUBLIC HEARING:

After reviewing the preliminary report and examining available information on file with the application, the Examiner conducted a public telephone hearing on the application on April 23, 2020.

FINDINGS AND CONCLUSIONS:

1. General Information:

Owner:	Carol Lee-Smith 5724 290th Avenue SE Issaquah, WA 98027
Location:	5724 290th Avenue SE
STR:	SE 19-24-7
Zoning:	RA5
Parcel no/s.:	192407-9089
Total acreage:	8.74 acres

2. 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. This application reclassifies the property from the timberland program into PBRS. Any PBRS agreement must supersede the timberland program enrollment.

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 DNRP disagrees is warranted. Any *italics* represents a category an applicant did not request an award for, but 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
	*Forest stewardship land	*
	Significant wildlife or salmonid habitat	5
	Special animal site	0
	Surface water quality buffer	5
	Watershed protection area	5

Bonus Categories

<i>Additional surface water quality buffer</i>	3
	21

The DNRP-recommended score of 21 points results in a current use valuation of 20% of assessed value for the enrolled portion of the property.

4. Additional credit may be awarded administratively under the forest stewardship land category, subject to DNRP approving an updated forest stewardship plan by **December 31, 2020**. Award of this credit will increase the point total to 26 points. That would not impact the current use valuation for the enrolled portion. It could, however, allow approved forestry activities to occur on the property.
5. As to the land area recommended for PBRS enrollment, the Applicant requested 6.50 acres and DNRP recommends 6.49 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.)
6. Except as modified herein, the facts set forth in DNRP’s preliminary report and testimony at the April 23, 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.
7. Approval of 21 points (and a current use valuation of 20% of assessed value) and conditional approval of 5 additional points (with the same current use valuation) for the enrolling 6.49 acres of the property 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 20% of assessed value for the 6.49-acre enrolled portion of the property.
2. CONDITIONALLY APPROVE an additional five points, subject to DNRP approving an updated forest stewardship plan by **December 31, 2020**. (This would not impact the current use valuation, but it could allow approved forestry activities to occur on the property.)

DATED May 7, 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 *June 1, 2020*, an electronic copy of the appeal statement must be sent to Clerk.Council@kingcounty.gov and a paper copy of the appeal statement and the \$250 appeal fee must be mailed to King County Council Clerk at 516 3rd Ave, Room 1200, Seattle, WA 98104, by first-class USPS mail, postage prepaid, postmarked June 1 or earlier. For tracking purposes, you may want to consider using USPS “Priority Service,” which will allow you to track delivery. Due to the Governor’s 20-25 proclamation, “Stay Home – Stay Healthy,” the King County Council Clerk is no longer accepting in-person delivery of appeals.

Unless both a timely and sufficient appeal statement and filing fee are filed by *June 1, 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 *June 1, 2020*, the Examiner will notify all parties and interested persons and provide information about “next steps.”

**MINUTES OF THE APRIL 23, 2020, HEARING ON THE APPLICATION OF
CAROL ROBIN LEE-SMITH, FILE NO. E19CT021**

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/jf

May 7, 2020

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CERTIFICATE OF SERVICE

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CAROL LEE-SMITH

Open Space Taxation Application (Public Benefit Rating System)

I, Jessica Oscoy, 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 May 7, 2020.

Akada, Irene

Department of Assessments

Bernstein, Bill

Department of Natural Resources and Parks

Clark, Debra

Department of Assessments

Kim, Megan

Department of Natural Resources and Parks

Lee-Smith, Carol

Hardcopy

Ngo, Jenny

Metropolitan King County Council

Pedroza, Melani

Metropolitan King County Council