

March 12, 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. **E19CT022**
Proposed ordinance no. **2020-0056**
Parcel no. **1422029033**

MARTIN BAKER AND DONNA KLEMKA

Open Space Taxation Application (Public Benefit Rating System)

Location: Application for Address in Progress

Applicants: **Martin Baker and Donna Klemka**

[REDACTED]
Vashon, WA 98070

Telephone: [REDACTED]

Email: [REDACTED]

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 8.90 acres for 30% of assessed value

Examiner's Recommendation:

Approve 8.90 acres for 30% of assessed value

PRELIMINARY REPORT:

On February 13, 2020, the Department of Natural Resources and Parks (DNRP) submitted its report on file no. E19CT022 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 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:	Martin Baker and Donna Klemka 23707 Landers Road SW Vashon, WA 98070
Location:	Application for Address in Progress
STR:	SW 14-22-2
Zoning:	RA5-SO
Parcel no/s.:	142202-9033
Total acreage:	10.00 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 2020. 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>	
	Aquifer protection area	5
	<i>Buffer to public or current use classified land</i>	3
	Forest stewardship land	*
	<i>Significant wildlife or salmonid habitat</i>	5
	Watershed protection area	5

Bonus Categories

Contiguous parcels under separate ownership	0
	18

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.

4. Additional credit may be awarded administratively under the forest stewardship land category, subject to submittal of a forest stewardship plan by **November 1, 2020**, and subsequent approval by **December 31, 2020**. Award of this credit will increase the point total by 5 points, resulting in a current use valuation of 20% of assessed value for the enrolled portion of the property. And award of this category may allow approved forestry activities to occur on the property.
5. As to the land area recommended for PBRS enrollment, the Applicant requested 9.50 acres and DNRP recommends 8.90 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 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.
7. Approval of 18 points (and a current use valuation of 30% of assessed value for 8.90 acres) and conditional approval of 5 additional points (and 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 the 8.90-acre enrolled portion of the property
2. CONDITIONALLY APPROVE additional credit for the forest stewardship land category, subject to submittal of a forest stewardship plan by **November 1, 2020**, and subsequent approval by **December 31, 2020**. Award of this credit result in a current use valuation of 20% of assessed value for the enrolled portion of the property

DATED March 12, 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
MARTIN BAKER AND DONNA KLEMKA, FILE NO. E19CT022**

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

March 12, 2020

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CERTIFICATE OF SERVICE

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MARTIN BAKER AND DONNA KLEMKA
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 March 12, 2020.



Jessica Oscoy
Legislative Secretary

Akada, Irene

Department of Assessments

Baker/Klemka, Martin/Donna

Hardcopy

Bernstein, Bill

Department of Natural Resources and Parks

Clark, Debra

Department of Assessments

Kim, Megan

Department of Natural Resources and Parks

Ngo, Jenny

Metropolitan King County Council

Pedroza, Melani

Metropolitan King County Council