

August 13, 2020

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

King County Courthouse  
516 Third Avenue Room 1200  
Seattle, Washington 98104  
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[hearingexaminer@kingcounty.gov](mailto:hearingexaminer@kingcounty.gov)  
[www.kingcounty.gov/independent/hearing-examiner](http://www.kingcounty.gov/independent/hearing-examiner)

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

SUBJECT: Department of Natural Resources and Parks file no. **E20CT001**  
Proposed ordinance no. **2020-0221**  
Parcel no. **1423089001**

**KATIE AND CHARLES TUPPER**

Open Space Taxation Application (Public Benefit Rating System)

Location: 44932 SE Mount Si Road, North Bend

Applicants: **Katie and Charles Tupper**



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](mailto:megan.kim@kingcounty.gov)

**SUMMARY OF RECOMMENDATIONS:**

Department's Recommendation:

Approve 8.24 acres for 40% of assessed value

Examiner's Recommendation:

Approve 8.24 acres for 40% of assessed value

## PRELIMINARY REPORT:

On July 22, 2020, the Department of Natural Resources and Parks (DNRP) submitted its report on file no. E20CT001 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 July 30, 2020.

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:	Katie and Charles Tupper 38216 SE 85th Street Snoqualmie, WA 98045
Location:	44932 SE Mount Si Road, North Bend
STR:	NE 14-23-08
Zoning:	RA2.5
Parcel no.:	1423089001
Total acreage:	11.16 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 2021. As required by law, notification of the application occurred.
- The property is currently enrolled in the Timber land program (E94CT059). The application would reclassify the property in PBRS. The new open space taxation agreement must supersede any existing agreement for this property's PBRS participation.
- 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>Aquifer protection area</i>	5
	*Forest stewardship land*	*
	<i>Significant wildlife or salmonid habitat</i>	5
	<i>Watershed protection area</i>	5
		<hr/> 15

The DNRP-recommended score of 15 points would result in a current use valuation of 40% of assessed value for the enrolled portion of the property.

5. Additional credit may be awarded administratively under the forest stewardship land category, if a forest stewardship plan is provided to DNRP by **November 30, 2020**, and approved by DNRP by **December 31, 2020**. Award of credit under this category will increase the point total to 20 points, resulting in a current use valuation of 30% of assessed value for the enrolled portion of the property.
6. As to the land area recommended for PBRS enrollment, the Applicant requested 8.33 acres and DNRP recommends 8.24 acres. If an approved forestry plan addresses and improves the 0.09-acre southeast corner of the property, then DNRP recommends 8.33 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 July 30, 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. Approval of 15 points and a current use valuation of 40% of assessed value for 8.24 acres, and conditional approval of 20 points and a current use valuation of 30% of assessed value for 8.33 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 40% of assessed value for the 8.24-acre enrolled portion of the property.
2. CONDITIONALLY APPROVE a current use valuation of 30% of assessed value for an 8.33-acre enrolled area, if a forest stewardship plan is provided to DNRP by **November 30, 2020**, and approved by DNRP by **December 31, 2020**.

DATED August 13, 2020.



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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 7, 2020*, an electronic copy of the appeal statement must be sent to [Clerk.Council@kingcounty.gov](mailto: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 7, 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 *September 7, 2020*, the Examiner will notify all parties and interested persons and provide information about “next steps.”

**MINUTES OF THE JULY 30, 2020, HEARING ON THE APPLICATION OF KATIE  
AND CHARLES TUPPER, FILE NO. E20CT001**

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

August 13, 2020

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**CERTIFICATE OF SERVICE**

SUBJECT: Department of Natural Resources and Parks file no. **E20CT001**  
Proposed ordinance no. **2020-0221**  
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**KATIE AND CHARLES TUPPER**

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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 August 13, 2020.



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Jessica Oscoy  
Office Manager

**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

**Ngo, Jenny**

Metropolitan King County Council

**Pedroza, Melani**

Metropolitan King County Council

**Tupper, Katie / Charles**

Hardcopy