

April 7, 2022

**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. **E21CT031**
Proposed ordinance no. **2022-0063**
Parcel no. **1225069002**

JANET HEUBACH AND LORAIN BARKER

Open Space Taxation Application (Public Benefit Rating System)

Location: [REDACTED] Carnation

Applicants: **Janet Heubach and Loraine Barker**

[REDACTED]
Carnation, WA 98014

Telephone: [REDACTED]

Email [REDACTED]

King County: Department of Natural Resources and Parks

represented by **Bill Bernstein**

201 S. Jackson Street Suite 5600

Seattle, WA 98104

Telephone: (206) 477-4643

Email: bill.bernstein@kingcounty.gov

SUMMARY OF RECOMMENDATIONS:

Department's Recommendation: Contingently approve 19.97 acres for 40% of assessed value
Examiner's Recommendation: Contingently approve 19.97 acres for 40% of assessed value

PRELIMINARY REPORT:

On March 11, 2022, the Department of Natural Resources and Parks (DNRP) submitted its report on file no. E21CT031 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 March 24, 2022.

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 from the Examiner.

FINDINGS AND CONCLUSIONS:

1. General Information:

Owners:	Janet Heubach and Loraine Barker 7515 W Snoqualmie Valley Road NE Carnation, WA 98014
Location:	7515 West Snoqualmie Valley Road NE, Carnation
STR:	NE-12-25-06
Zoning:	A35
Parcel no.:	1225069002
Total acreage:	19.97 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.
- The property is currently enrolled in the state's 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 the 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 ~~struck 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>*Farm and agricultural conservation land</i>	*
	Rural open space	0
	Scenic resource, viewpoint, or view corridor	0
	*Significant wildlife or salmonid habitat	*
	<u>Bonus Categories</u>	
	*Resource restoration	*

5. Enrollment is contingent on submittal to DNRP of a King Conservation District-approved farm management plan by **October 31, 2022**. Because the property is not eligible for any other PBRS resource category, failure to qualify as farm and agricultural conservation land will preclude the property from enrollment in PBRS. Credit under the farm and agricultural land category will result in 5 points and a current use valuation of 50% of assessed value.
6. Additional credit may be awarded administratively under the resource restoration category, subject to submittal of a resource restoration plan by **November 1, 2022**, and subsequent DNRP approval of that plan by **December 31, 2022**. Award of credit under this category will increase the point total by 5 points. Standing alone, credit for the resource restoration category will not change the assessed value.
7. However, if the applicant also qualifies under the significant wildlife or salmonid habitat category, this will result in 5 additional points and a current use valuation of 40% of assessed value. To qualify under this category, the applicant will need to restore the stream buffer to at least 15% greater than the regulatory buffer. Because a farm plan can reduce the regulatory buffer to 25 feet, this means restoring the buffer to an average width of at least 28.75 feet.
8. As to the land area recommended for PBRS enrollment, the Applicant requested 19.00 acres, and DNRP recommends 19.97 acres—the entire property. 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 March 24, 2022, 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. Contingent approval of up to 15 points and a current use valuation of as low as 40% of assessed value for 19.97 acres is 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 50% of assessed value for the 19.97-acre enrolled portion of the property, CONTINGENT on submittal to DNRP of a King Conservation District-approved farm management plan by **October 31, 2022**.
2. CONDITIONALLY APPROVE additional credit under the resource restoration category, subject to submittal of a resource restoration plan by **November 1, 2022**, and subsequent DNRP approval of that plan by **December 31, 2022**. Award of credit under this category will not, standing alone, change the assessed value.
3. CONDITIONALLY APPROVE additional credit under the significant wildlife or salmonid habitat category, subsequent to the applicant restoring the buffer to an average width of at least 28.75 feet. Award of credit under this category, on top of the resource restoration category, will result in a current use valuation of 40% of assessed value.

DATED April 7, 2022.



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 *May 2, 2022*, 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 *May 2, 2022*, 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 *May 2, 2022*, the Examiner will notify all parties and interested persons and provide information about “next steps.”

MINUTES OF THE MARCH 24, 2022, HEARING ON THE APPLICATION OF JANET HEUBACH, FILE NO. E21CT031

David Spohr was the Hearing Examiner in this matter. Loraine Barker, Bill Bernstein, Janet Heubach, and Megan Kim 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

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CERTIFICATE OF SERVICE

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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 April 7, 2022.



Jessica Oscoy
Office Manager

Akada, Irene

Department of Assessments

Bernstein, Bill

Department of Natural Resources and Parks

Clark, Debra

Department of Assessments

Heubach, Janet

Hardcopy

Kim, Megan

Department of Natural Resources and Parks

Ngo, Jenny

Metropolitan King County Council

Pedroza, Melani

Metropolitan King County Council