

May 3, 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. **E21CT034**
Proposed ordinance no. **2022-0139**
Parcel no. **362306900907**

JOEL AND ANGELA GREGORY

Open Space Taxation Application (Public Benefit Rating System)

Location: [REDACTED] Issaquah

Applicants: **Joel and Angela Gregory**

[REDACTED]
Hobart, WA 98025

Telephone: [REDACTED]

Email: [REDACTED]

King County: Department of Natural Resources and Parks
represented by **Megan Kim**
201 S. Jackson Street
Suite 5600
Seattle, WA 98104
Telephone: (206) 477-4788

SUMMARY OF RECOMMENDATIONS:

Department's Recommendation: Contingently approve 25.52 acres for 50% of assessed value
Examiner's Recommendation: Contingently approve 25.52 acres for 50% of assessed value

PRELIMINARY REPORT:

On April 11, 2022, the Department of Natural Resources and Parks (DNRP) submitted its report on file no. E21CT034 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 April 21, 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 in the Hearing Examiner's Office.

FINDINGS AND CONCLUSIONS:

1. General Information:

Owners:	Joel and Angela Gregory PO Box 268 Hobart, WA 98025
Location:	18650 SE 188th Street, Issaquah
STR:	SW-36-23-06
Zoning:	RA5
Parcel no/s.:	362306900907
Total acreage:	26.38 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.
- Enrollment is contingent on submittal 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 the PBRs program. Conversely, credit under the farm and agricultural conservation land category will result in five points and a current use valuation of 50% of assessed value enrolled portion of the property.
- As to the land area recommended for PBRs enrollment, the Applicant requested 23.90 acres and DNRP recommends 25.52 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 21, 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.
7. Contingent approval of five points and a current use valuation of 50% of assessed value for 25.52 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:

APPROVE a current use valuation of 50% of assessed value for the 25.52-acre enrolled portion of the property, CONTINGENT on submittal of a King Conservation District-approved farm management plan by **October 31, 2022**.

DATED May 3, 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 27, 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 27, 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 27, 2022*, the Examiner will notify all parties and interested persons and provide information about “next steps.”

MINUTES OF THE APRIL 21, 2022, HEARING ON THE APPLICATION OF JOEL AND ANGELA GREGORY, FILE NO. E21CT034

David Spohr was the Hearing Examiner in this matter. 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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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 3, 2022.



Jessica Oscoy
Office Manager

Akada, Irene

Department of Assessments

Bernstein, Bill

Department of Natural Resources and Parks

Clark, Debra

Department of Assessments

Gregory, Joel/Angela

Hardcopy

Kim, Megan

Department of Natural Resources and Parks

Ngo, Jenny

Metropolitan King County Council

Pedroza, Melani

Metropolitan King County Council