

November 4, 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. **E22CT007**
Proposed ordinance no. **2022-0366**
Parcel no. **2220069199**

KERRY CONDON

Open Space Taxation Application (Public Benefit Rating System)

Location: 43208 228th Avenue SE, Enumclaw

Applicant: **Kerry Condon**

[REDACTED]
West Hollywood, CA 90069

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

Email: megan.kim@kingcounty.gov

SUMMARY OF RECOMMENDATIONS:

Department's Recommendation: Contingently approve 9.5 acres for 50% of assessed value
Examiner's Recommendation: Contingently approve 9.5 acres for 50% of assessed value

PRELIMINARY REPORT:

On October 17, 2022, the Department of Natural Resources and Parks (DNRP) submitted its report on file no. E22CT007 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 October 27, 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:

Owner:	Kerry Kondon 9255 Sunset Boulevard Suite 805 West Hollywood, CA 90069
Location:	43208 228th Avenue SE, Enumclaw
STR:	NW-22-20-06
Zoning:	RA5
Parcel no.:	2220069199
Total acreage:	9.77 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 2023. As required by law, notification of the application occurred.
- The property is currently enrolled in the state's farm and agricultural land category 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 farm and agricultural land agreement.
- Enrollment is contingent on submittal of a King Conservation District-approved farm management plan by **October 31, 2023**. This would qualify the property for the farm and agricultural conservation land category, resulting in five points and a current use valuation of 50% of assessed value for the enrolled portion of the property. Because the property is not eligible for any other PBRS resource category, failure to qualify as farm and agricultural conservation land precludes the property from enrolling in PBRS.
- As to the land area recommended for PBRS enrollment, the Applicant requested 8.77 acres and DNRP recommends 9.50 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 October 27, 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 9.50 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 9.50-acre enrolled portion of the property, CONTINGENT on submittal of a King Conservation District-approved farm management plan by **October 31, 2023**.

DATED November 4, 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 *November 28, 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 *November 28, 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 *November 28, 2022*, the Examiner will notify all parties and interested persons and provide information about “next steps.”

MINUTES OF THE OCTOBER 27, 2022, HEARING ON THE APPLICATION OF KERRY CONDON, FILE NO. E22CT007

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

SUBJECT: Department of Natural Resources and Parks file no. **E22CT007**
Proposed ordinance no. **2022-0366**
Parcel no/s. **2220069199**

KERRY CONDON

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 November 4, 2022.



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

Kondon, Kerry Ms.

Hardcopy

Ngo, Jenny

Metropolitan King County Council

Pedroza, Melani

Metropolitan King County Council