

April 22, 2014

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

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

SUBJECT: Department of Natural Resources and Parks file no. **E13CT024**
Proposed ordinance no. **2014-0117**

DONALD AND GAYLE HASSARD

Open Space Taxation Application (Public Benefit Rating System)

Location: 13030 452nd Avenue SE, North Bend

Applicants: **Donald and Gayle Hassard**
PO Box 443
North Bend, WA 98045
Telephone: (206) 604-2966
Email: d.hassard60@yahoo.com

King County: Department of Natural Resources and Parks
represented by **Bill Bernstein**
201 S Jackson Street Suite 600
Seattle, WA 98104
Telephone: (206) 296-8351
Email: bill.bernstein@kingcounty.gov

SUMMARY OF RECOMMENDATIONS:

Department's Recommendation:
Examiner's Recommendation:

Approve 24.29 acres for 40% of market value
Approve 4.85 acres for 50% of market value

PRELIMINARY REPORT:

On April 4, 2014, the Department of Natural Resources and Parks (DNRP) submitted its report on file no. E13CT024 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 April 16, 2014, in the Ginger Conference Room of the King Count Courthouse, 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, CONCLUSIONS AND RECOMMENDATION: Having reviewed the record in this matter, the Examiner now makes and enters the following:

FINDINGS:

1. General Information:

Owners:	Donald and Gayle Hassard PO Box 443 North Bend, WA 98045
Location:	13030 452nd Avenue SE, North Bend
STR:	SW 12-23-08 and NW 13-23-08
Zoning:	RA-2.5
Parcel nos.:	1223089011, 1323089006, 1323089172
Total Acreage:	26.37 acres

2. The Applicants timely filed an application to King County for PBRs program current use valuation of the property to begin in 2015. 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 ~~strikethrough~~ 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 *asterisks* represent 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
	Farm and agricultural conservation land	
	Forest stewardship land	
	Significant wildlife or salmonid habitat	5
	Special animal site	
	Surface water quality buffer	
		<hr/> 10

The DNRP-recommended score of 10 points results in a current use valuation of 50% of market value for the enrolled portion of the property. Additional credit may be awarded administratively under the farm and agricultural conservation land and forest stewardship land categories.

Credit for the farm and agricultural conservation land category is subject to submittal of a farm and agricultural by **August 1, 2014**. Award of credit under this category would increase the point total by 5 points and the acreage by 19.44 acres.

Credit for the forest stewardship land category is subject to submittal of a forest stewardship plan by **November 28, 2014**, and subsequent approval by **December 31, 2014**. Award of credit under this category would increase the point total by 5 points.

4. As to the land area recommended for PBRS enrollment, the Applicant requested 25.12 acres, DNRP recommends 24.29 acres, and the Examiner 4.85 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.)
5. Except as modified herein, the facts set forth in the DNRP preliminary report and testimony at the April 16, 2014, public hearing are correct and incorporated herein by reference. Copies of this report and the department report will be provided to the Metropolitan King County Council for final approval.

CONCLUSION:


1. Approval, pursuant to the Public Benefit Rating System adopted by Chapter 20.36 KCC, of 10 points and a current use valuation of 50% of market value for 4.85 acres of the property and conditional approval of 10 additional points and 19.44 additional acres (which would bring the total to 20 points and 30% of market value for 24.29 acres of the property), is consistent 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.

2. The subject property is currently enrolled in the farm and agriculture program. Any open space taxation participation agreement signed as a result of approval of this application should be worded to supersede any prior agreement for the parcel.

RECOMMENDATION:

1. APPROVE current use valuation of 50% of market value for the 4.85-acre enrolled portion of the property.
2. CONDITIONALLY APPROVE additional credit and acreage under the farm and agricultural conservation land and forest stewardship land categories, to be awarded administratively, if the Applicants submit a farm management plan by **August 1, 2014**; and a forest stewardship plan by **November 28, 2014**, that is approved by **December 31, 2014**. This would result in a current use valuation of 30% of market value for the 24.29-acre enrolled portion of the property.

DATED April 22, 2014.



Craig Weaver
Hearing Examiner pro tem

NOTICE OF RIGHT TO APPEAL

In order to appeal the recommendation of the Hearing Examiner, written notice of appeal must be filed with the Clerk of the King County Council with a fee of \$250 (check payable to King County Office of Finance) on or before **May 6, 2014**. If a notice of appeal is filed, the original and two copies of a written appeal statement specifying the basis for the appeal and argument in support of the appeal must be filed with the Clerk of the King County Council on or before **May 13, 2014**.

Filing requires actual delivery to the Clerk of the Council's Office, Room 1200, King County Courthouse, 516 Third Avenue, Seattle, Washington 98104, prior to the close of business (4:30) p.m. on the date due. 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.

If a written notice of appeal and filing fee are not filed within 14 calendar days of the date of this report, or if a written appeal statement and argument are not filed within 21 calendar days of the date of this report, the Clerk of the Council shall place a proposed ordinance that implements the Examiner's recommended action on the agenda of the next available Council meeting. 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.

Action of the Council Final. The action of the Council on a recommendation of the Examiner shall be final and conclusive unless within 21 days from the date of the action an aggrieved party or person applies for a writ of certiorari from Superior Court for the purpose of review of the action taken.

MINUTES OF THE APRIL 16, 2014, PUBLIC HEARING ON NATURAL RESOURCES
AND PARKS FILE NO. E13CT024.

Craig Weaver was the Hearing Examiner in this matter. Bill Bernstein and Megan O'Brian both participated in the hearing on behalf of the department.

The following exhibits were offered and entered into the hearing record:

Exhibit no. 1	<i>Not submitted</i>
Exhibit no. 2	<i>Not submitted</i>
Exhibit no. 3	<i>Not submitted</i>
Exhibit no. 4	DNRP report to the Hearing Examiner
Exhibit no. 5	Affidavit of publication
Exhibit no. 6	Notice of hearing from the Hearing Examiner's Office
Exhibit no. 7	Notice of hearing from the PBRs/Timber program
Exhibit no. 8	Legal notice and introductory ordinance to the King County Council
Exhibit no. 9	Application signed/notarized
Exhibit no. 10	Legal description of area to be enrolled
Exhibit no. 11	Email to applicant regarding received application and approval schedule
Exhibit no. 12	Arcview and orthophoto/aerial map
Exhibit no. 13	<i>Reserved for future submission of farm and agricultural conservation land plan</i>
Exhibit no. 14	<i>Reserved for future submission of forest stewardship land plan</i>

CW/vsm