

December 29, 2014

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

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Seattle, Washington 98104  
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**REPORT AND RECOMMENDATION TO THE  
METROPOLITAN KING COUNTY COUNCIL**

SUBJECT: Department of Natural Resources and Parks file no. **E14CT023**  
Proposed ordinance no. **2014-0459**  
Parcel no. **1525079057**

**JOHNATHAN ROHRER AND BRETT HICKENBOTTOM**  
Open Space Taxation Application (Public Benefit Rating System)

Location: 33808 NE 45th Street, Carnation

Applicants: **Jonathan Rohrer and Brett Hickenbottom**  
33808 NE 45th Street  
Carnation, WA 98014  
Telephone: (425) 306-5860  
Email: jarohrer78@gmail.com

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 4.46 acres for 40% of market value
Examiner's Recommendation:	Approve 4.46 acres for 40% of market value

## PRELIMINARY REPORT:

On December 4, 2014, the Department of Natural Resources and Parks (DNRP) submitted its report on file no. E14CT023 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 December 17, 2014, in the Ginger Conference Room, 12th Floor, King County Courthouse, 516 Third Avenue, Seattle, Washington. The Examiner received the affidavit of notice publication on December 16, 2014.

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:	Jonathan Rohrer and Brett Hickenbottom 33808 NE 45th Street Carnation, WA 98014
Location:	33808 NE 45th Street, Carnation
STR:	SE 15-25-07
Zoning:	RA-10
Parcel no.:	1525079057
Total acreage:	5.24 acres

### 2. The Applicants timely filed an application to King County for PBRs program current use valuation of the property to begin in 2016. 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 ~~strickethrough~~ 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
	<i>*Buffer to public or current use classified land*</i>	
	<i>*Forest stewardship land*</i>	
	<del>Scenic resource, viewpoint or view corridor</del>	
	Significant wildlife or salmonid habitat	5
	<i>Watershed protection area</i>	5
	<u>Bonus Categories</u>	
	<del>Contiguous parcels under separate ownership</del>	
	<del>Easement and access</del>	
		15

The DNRP-recommended score of 15 points results in a current use valuation of 40% of market value for the enrolled portion of the property. Additional credit may be awarded administratively under the buffer to public or current use classified land category subject to enrollment of a neighboring property (parcel nos. 1525079036 and 1525079083). Award of the buffer to public or current use classified land category would increase the point total to 18, resulting in a current use valuation of 30%.

Additional credit may be awarded administratively under the forest stewardship land category subject to submittal of a forest stewardship plan by **May 1, 2015**, and subsequent approval by **July 1, 2015**. Award of the forest stewardship land category would increase the point total to 20, resulting in a current use valuation of 30%.

Award of both these categories would increase the point total to 23, resulting in a current use valuation of 20%.

4. As to the land area recommended for PBRS enrollment, the Applicant requested 0.50 acres and DNRP recommends 4.46 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 December 17, 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 15 points and a current use valuation of 40% of market value for 4.46 acres of the property and conditional approval of 8 additional points (which would bring the total to 23 points and 20% of market value for 4.46 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 Timber Land and PBRS programs program. Any open space taxation participation agreement signed as a result of approval of this application should be worded to supersede any prior agreements for the parcel.

RECOMMENDATION:

1. APPROVE current use valuation of 40% of market value for the 4.46-acre enrolled portion of the property.
2. CONDITIONALLY APPROVE additional credit under the buffer to public or current use classified land category (3 additional points), to be awarded administratively upon enrollment of the neighboring property (parcel nos. 1525079036 and 1525079083). And, additional credit under the forest stewardship land category (5 additional points), to be awarded administratively upon submittal of a forest stewardship plan by May 1, 2015, and subsequent approval by July 1, 2015.

Award of only one of either of these categories will result in a current use valuation of 30% of market value 4.46-acre enrolled portion of the property. Award of both of these categories will result in a current use valuation of 20% of market value for the 4.46-acre enrolled portion of the property.

DATED December 29, 2014.



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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 ***January 12, 2015***. 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 ***January 19, 2015***.

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 DECEMBER 17, 2014, HEARING ON THE APPLICATION OF BRETT HICKENBOTTOM AND JOHNATHAN ROHRER, DEPARTMENT OF NATURAL RESOURCES AND PARKS FILE NO. E14CT023.

Craig Weaver was the Hearing Examiner in this matter. Megan Kim 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
<i>Exhibit no. 13</i>	<i>Reserved for future submission of forest stewardship plan</i>

CW/vsm

December 29, 2014

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**CERTIFICATE OF SERVICE**

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Open Space Taxation Application (Public Benefit Rating System)

I, Vonetta Mangaoang, 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 of record/interested persons and primary parties with e-mail addresses on record.
- ☒ caused to be placed with the United States Postal Service, with sufficient postage, as FIRST CLASS MAIL in an envelope addressed to the non-County employee parties of record/interested persons at the addresses indicated on the list attached to the original Certificate of Service.

DATED December 29, 2014.



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Vonetta S. Mangaoang  
Clerk/Manager

*All Parties of Record*

**Akada, Irene**

Department of Assessments

ADM-AS-0708

Seattle WA 98104

**Bernstein, Bill**

Department of Natural Resources and Parks

KSC-NR-0600

Seattle WA 98104

**Brett Hickenbottom, Jonathan Rohrer**

33808 NE 45th Street

Carnation WA 98014

mailed paper copy

**Kim, Megan**

Department of Natural Resources and Parks

201 S Jackson Street Suite 600

Seattle WA 98104

**Morse, Wendy**

Department of Assessments

ADM-AS-0708

Seattle WA 98104

**Noris, Anne**

Metropolitan King County Council

MS KCC-CC-1200

Seattle WA 98104

**Reed, Mike**

Metropolitan King County Council

KCC-CC-1200

Seattle WA 98104

**Sullivan, Ted**

Department of Natural Resources and Parks

KSC-NR-0600

Seattle WA 98104

**Sundberg, Charlie**

Department of Natural Resources and Parks

KSC-NR-0700

Seattle WA 98104