

May 21, 2012

**OFFICE OF THE HEARING EXAMINER**  
**KING COUNTY, WASHINGTON**  
King County Courthouse, Room 1200  
516 Third Avenue  
Seattle, Washington 98104  
Telephone (206) 296-4660  
Facsimile (206) 296-0198  
Email [hearingexaminer@kingcounty.gov](mailto:hearingexaminer@kingcounty.gov)

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

**SUBJECT:** Department of Natural Resources and Parks File No. **E11CT054**  
Proposed Ordinance No. **2012-0099**  
Parcel No. **3026079012**

**JAMES AND MARGARET REEDER**  
Current Use Taxation (Public Benefit Rating System (PBRs) Open Space)

**Location:** 28935 NE 124th Street, Duvall

**Applicants:** **James and Margaret Reeder**  
PO Box 1060  
Duvall, WA 98019  
Telephone: (425) 736-7351  
Email: [kirklanddoc@hotmail.com](mailto:kirklanddoc@hotmail.com)

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

**SUMMARY OF RECOMMENDATIONS:**

**Department's Preliminary Recommendation:** Approve 8.00 acres (and as much as 13.50 acres conditionally) in Section A for 50% of market value (as low as 20% conditionally); approve 4.75 acres in Section B for 50% of market value

**Department's Final Recommendation:** Approve 8.00 acres (and as much as 13.50 acres conditionally) in Section A for 50% of market value (as low as 20% conditionally); approve 4.75 acres in Section B for 50% of market value

Examiner's Recommendation: Approve 8.00 acres (and as much as 13.50 acres conditionally) in Section A for 50% of market value (as low as 20% conditionally); approve 4.75 acres in Section B for 50% of market value

**PRELIMINARY REPORT:**

The DNRP Report on file no. E11CT054 was received by the Examiner on March 22, 2012. A revised report was received March 30, 2012. The affidavit of publication was received into the record later that day.

**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 4, 2012, in the Fred Conference Room, 12th Floor, KC Courthouse, 516 Third Avenue, 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:	James and Margaret Reeder PO Box 1060 Duvall, WA 98019
Location:	28935 NE 124th Street, Duvall
PBRS categories proposed:	<p><b>Open Space Resources</b> Farm and agricultural conservation land Forest stewardship land Rural open space Significant wildlife or salmonid habitat Surface water quality buffer Watershed protection area</p> <p><b>Bonus Categories</b> Additional surface water quality buffer</p>
Categories recommended:	<p><b>Open Space Resources</b> Farm and agricultural conservation land (Section B) Forest stewardship land (Section A) (conditional) Rural open space (Section A) (conditional) Significant wildlife or salmonid habitat (Section A) Surface water quality buffer (Section A) Watershed protection area (Section A) (conditional)</p>

**Bonus Categories**

Additional surface water quality buffer (Section A) (conditional)

STR: SE 30-26-07  
 Zoning: RA-5  
 Parcel no.: 3026079012  
 Recommended PBRs: 12.75 acres (as much as 18.25 acres conditionally)

(The land area recommended for PBRs enrollment is the entire parcel less the excluded area, which is what has been 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.)

2. Timely application was made to King County for PBRs program current use valuation of the property to begin in 2013. Notice of the application was given as required by law.
3. Except as modified herein, the facts set forth in the DNRP Revised Preliminary Report and testimony at the April 4, 2012, public hearing are found to be correct and are incorporated herein by reference. Copies of the revised department report will be provided with the copies of this report submitted to the Metropolitan King County Council.
4. The property contains priority open space resources and is eligible for a total award of 10 points for Section A and 5 points for Section B under the King County Public Benefit Rating System. The resulting current use valuation therefore would be 50% of market value for both Sections A and B, with conditional allowance for as low as 20% of market value possible for Section A, as noted in the following finding.
5. Additional credit may be awarded administratively for each of the categories noted below for Section A only, all subject to submittal of a forest stewardship plan and the following category-specific requirements:
  - A. Forest stewardship land category: subject only to submittal of a forest stewardship plan by **September 1, 2012** and subsequent approval by **November 1, 2012**. Award of credit under this category would increase the point total by 5 points.
  - B. Rural open space: subject to submittal and approval of the above forest stewardship plan which includes the reforestation of at least 2.00 acres of the 5.50-acre thinned and cleared area outlined in green on the map attached to the revised department report (exhibit no. 4a). Award of credit under this category would increase the point total by 5 points.
  - C. Watershed protection area: subject to submittal and approval of the above forest stewardship plan which includes reforestation of at least 5.00 acres of the aforementioned 5.50-acre area. Award of credit under this category would increase the point total by 5 points.
  - D. Additional surface water quality buffer: subject to submittal and approval of the above forest stewardship plan which includes reforestation such that the existing wetland buffer is extended to a width of at least 120 feet on average (for award of 3 additional points), or at least 180 feet on average (for award of 5 additional points).

In summary, if credit is awarded for the forest stewardship land category, credit could potentially be awarded for the remaining categories listed above if the requirements specific to each are met. Award for these categories would increase the point total by 5 points each,

with the exception of the additional surface water quality buffer category which would increase the point total by 3 or 5 points, depending on the added wetland buffer width provided by the reforestation, with the current use valuation for Section A of the enrolled portion of the property adjusted accordingly.

CONCLUSION:

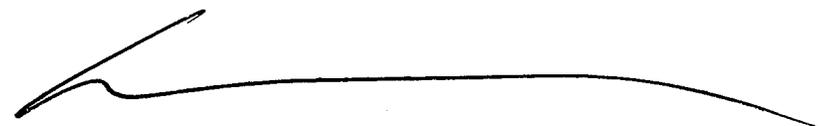
1. Approval of current use valuation of 8.00 acres (and as much as 13.50 acres conditionally) in Section A for 50% of market value (as low as 20% conditionally) and 4.75 acres in Section B for 50% of market value of the property pursuant to the Public Benefit Rating System adopted by Chapter 20.36 KCC would be 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.

RECOMMENDATION:

APPROVE current use valuation of 8.00 acres (and as much as 13.50 acres conditionally) in Section A for 50% of market value (as low as 20% conditionally) and 4.75 acres in Section B for 50% of market value of the property, subject to the conditions recommended in the DNRP report and the following conditional allowances:

- A. Additional credit may be awarded under the forest stewardship land category, subject only to submittal of a forest stewardship plan by **September 1, 2012** and subsequent approval by **November 1, 2012**. Award of credit under this category would increase the point total by 5 points.
- B. Additional credit may be awarded under the rural open space category, subject to submittal and approval of the above forest stewardship plan which includes the reforestation of at least 2.00 acres of the 5.50-acre thinned and cleared area outlined in green on the map attached to the revised department report (exhibit no. 4a). Award of credit under this category would increase the point total by 5 points.
- C. Additional credit may be awarded under the watershed protection area category, subject to submittal and approval of the above forest stewardship plan which includes reforestation of at least 5.00 acres of the afore-mentioned 5.50-acre area. Award of credit under this category would increase the point total by 5 points.
- D. Additional credit may be awarded under the additional surface water quality buffer category, subject to submittal and approval of the above forest stewardship plan which includes reforestation such that the existing wetland buffer is extended to a width of at least 120 feet on average (for 3 additional points), and at least 180 feet on average (for award of 5 points).

DATED May 21, 2012.



Peter T. Donahue  
King County Hearing Examiner

### 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 **June 4, 2012**. 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 **June 11, 2012**.

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 4, 2012, PUBLIC HEARING ON NATURAL RESOURCES AND PARKS  
FILE NO. E11CT054.

Peter T. Donahue was the Hearing Examiner in this matter. Participating in the hearing were Bill Bernstein and Ted Sullivan, both 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 Preliminary 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 County Council
Exhibit no. 9	Application signed/notarized
Exhibit no. 10	Legal description of area to be enrolled
Exhibit no. 11	Letter to applicant re: received application and approval schedule
Exhibit no. 12	Arcview and orthophoto/aerial map
Exhibit no. 13	<i>Reserved for future submission of a forest stewardship plan</i>

PTD/vsm