



**KING COUNTY**

1200 King County Courthouse  
516 Third Avenue  
Seattle, WA 98104

**Signature Report**

**March 27, 2018**

**Ordinance 18698**

**Proposed No. 2018-0022.2**

**Sponsors McDermott**

1 AN ORDINANCE concurring with the recommendation of  
2 the hearing examiner to approve, subject to conditions, the  
3 application for public benefit rating system assessed  
4 valuation for open space submitted by Ashley Elliott for  
5 property located at 40820 244th Avenue SE, Enumclaw,  
6 WA, designated department of natural resources and parks,  
7 water and land resources division file no. E17CT016.

8 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

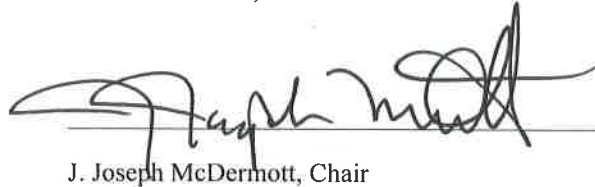
9 SECTION 1. This ordinance does hereby adopt and incorporate herein as its  
10 findings and conclusions the findings and conclusions contained in Attachment A to this  
11 ordinance, the report and recommendation of the hearing examiner dated February 5,  
12 2018, to approve subject to conditions, the application for public benefit rating system  
13 assessed valuation for open space submitted by Ashley Elliott for property located at  
14 40820 244th Avenue SE, Enumclaw, WA, designated department of natural resources  
15 and parks, water and land resources division file no. E17CT016, and the council does

16 hereby adopt as its action the recommendation or recommendations contained in the  
17 report.  
18

Ordinance 18698 was introduced on 1/8/2018 and passed by the Metropolitan King County Council on 3/26/2018, by the following vote:


Yes: 9 - Mr. von Reichbauer, Mr. Gossett, Ms. Lambert, Mr. Dunn,  
Mr. McDermott, Mr. Dembowski, Mr. Upthegrove, Ms. Kohl-Welles  
and Ms. Balducci  
No: 0  
Excused: 0

KING COUNTY COUNCIL  
KING COUNTY, WASHINGTON



J. Joseph McDermott, Chair

ATTEST:



Melani Pedroza, Clerk of the Council



**Attachments:** A. Hearing Examiner Report dated 2-5-18

February 5, 2018

**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](mailto:hearingexaminer@kingcounty.gov)  
[www.kingcounty.gov/independent/hearing-examiner](http://www.kingcounty.gov/independent/hearing-examiner)

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

**SUBJECT:** Department of Natural Resources and Parks file no. **E17CT016**  
Proposed ordinance no. **2018-0022**  
Parcel nos. **1120069013, 1120069062**

**ASHLEY ELLIOTT**

Open Space Taxation Application (Public Benefit Rating System)

Location: 40820 244th Avenue SE, Enumclaw

Applicant: **Ashley Elliott**  
40507 244th Avenue SE  
Enumclaw, WA 98022  
Telephone: (253) 350-9524  
Email: [aelliott@skynetbb.com](mailto:aelliott@skynetbb.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 37.09 acres for 50% of assessed value
Examiner's Recommendation:	Approve 37.09 acres for 50% of assessed value

## PRELIMINARY REPORT:

On January 11, 2018, the Department of Natural Resources and Parks (DNRP) submitted its report on file no. E17CT016 to the Examiner.

## PUBLIC HEARING:

After reviewing the preliminary and revised reports and examining available information on file with the application, the Examiner conducted a public hearing on the application on January 25, 2018, in the Fred Conference Room, 12th Floor, King County 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 AND CONCLUSIONS:

## 1. General Information:

Owners:	Ashley Elliott 40507 244th Avenue SE Enumclaw, WA 98022
Location:	40820 244th Avenue SE, Enumclaw
STR:	SW 11-20-06
Zoning:	A-35
Parcel nos.:	1120069013, 1120069062
Total acreage:	39.09 acres

2. The Applicant timely filed an application to King County for PBRs program current use valuation of the property to begin in 2019. 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 \*asterisk\* represents 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>*Farm and agricultural conservation land*</i>	*5*
	<del>Historic landmark or archaeological site:</del>	

~~designated site~~

Bonus Categories

\*Conservation easement or historic easement\*

5

The DNRP-recommended score of 5 points results in a current use valuation of 50% of assessed value for the enrolled portion of the property. Award under the farm and agricultural land category is contingent upon submittal of a King Conservation District-approved farm management plan for the property by **October 31, 2018**. Because the property is not eligible under any other PBRS resource category, failure to qualify as farm and agricultural conservation land will preclude the property from enrollment in the PBRS program.

Additional credit may be awarded administratively under the conservation easement or historic easement category subject to recording of a conservation easement by **March 1, 2019**. Award of credit under this category will increase the point total by 15 points, resulting in a current use valuation of 30% of assessed value for the enrolled portion of the property.

4. As to the land area recommended for PBRS enrollment, the Applicant requested 36.59 acres and DNRP recommends 37.09 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 DNRP's preliminary report and testimony at the January 25, 2018, 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.
  - A. Change to Department staff report: the Department filed a revised report on January 17, 2018.
6. Approval, pursuant to the Public Benefit Rating System adopted by Chapter 20.36 KCC, of 5 points and a current use valuation of 50% of assessed value for 37.09 acres of the property and conditional approval of 15 additional points (which will bring the total to 20 points and 30% of assessed value for 37.09 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.

7. The subject property is currently enrolled in the farm and agricultural land 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 50% of assessed value for the 37.09-acre enrolled portion of the property, CONTINGENT on submittal of a King Conservation District-approved farm management plan by **October 31, 2018**.
2. CONDITIONALLY APPROVE additional credit under the conservation easement or historic easement category subject to recording of a conservation easement by **March 1, 2019**. Award of credit under this category will increase the point total by 15 points, resulting in a current use valuation of 30% of assessed value for the enrolled portion of the property.

DATED February 5, 2018.



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 *March 1, 2018*, an electronic copy of the appeal statement must be sent to [Clerk.Council@kingcounty.gov](mailto: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 *March 1, 2018*, 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 *March 1, 2018*, the Examiner will notify all parties and interested persons and provide information about “next steps.”

**MINUTES OF THE JANUARY 25, 2018, HEARING ON THE APPLICATION OF  
ASHLEY ELLIOTT, FILE NO. E17CT016**

David Spohr was the Hearing Examiner in this matter. Bill Bernstein and Megan Kim 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>Reserved for open space taxation agreement</i>                                 |
| Exhibit no. 2  | <i>Reserved for final ordinance</i>   |
| Exhibit no. 3  | <i>Reserved for Hearing Examiner’s report and recommendation</i>                  |
| Exhibit no. 4  | DNRP report to the Hearing Examiner<br>A. Revised report to the Hearing Examiner  |
| Exhibit no. 5  | <i>Reserved for future submission of affidavit of publication</i>                 |
| Exhibit no. 6  | Notice of hearing from the Hearing Examiner’s Office                              |
| Exhibit no. 7  | Notice of hearing from the PBRs program   |
| Exhibit no. 8  | Legal notice and introductory ordinance to the King County Council                |
| Exhibit no. 9  | Application signed/notarized  |
| Exhibit no. 10 | <i>Reserved for future submission of legal description of area to be enrolled</i> |
| 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 management plan</i>                     |
| Exhibit no. 14 | <i>Reserved for future submission of conservation easement</i>                    |

DS/vsm

February 5, 2018

**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](mailto:hearingexaminer@kingcounty.gov)  
[www.kingcounty.gov/independent/hearing-examiner](http://www.kingcounty.gov/independent/hearing-examiner)

**CERTIFICATE OF SERVICE**

**SUBJECT:** Department of Natural Resources and Parks file no. **E17CT016**  
Proposed ordinance no. **2018-0022**  
Parcel nos. **1120069013, 1120069062**

**ASHLEY ELLIOTT**  
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/interested persons and 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/interested persons to addresses on record.

DATED February 5, 2018.

*Vonetta Mangaoang*

---

Vonetta Mangaoang  
Senior Administrator



**Akada, Irene**

Department of Assessments

**Bernstein, Bill**

Department of Natural Resources and Parks

**Clark, Debra**

Department of Assessments

**Elliott, Ashley**

Hardcopy

**Freitag, Ivy**

Department of Natural Resources and Parks

**Kim, Megan**

Department of Natural Resources and Parks

**Pedroza, Melani**

Metropolitan King County Council

**Reed, Mike**

Metropolitan King County Council