

April 3, 2026

**OFFICE OF THE HEARING EXAMINER
KING COUNTY, WASHINGTON**
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**REPORT AND RECOMMENDATION TO THE KING
COUNTY COUNCIL FOR CURRENT USE
ASSESSMENT APPLICATION**

SUBJECT: Department of Natural Resources and Parks file no. **E25CT009**
Proposed ordinance no. **2026-0030**
Parcel nos. **062006-9043 and 062006-9086**

JASON GWERDER

Open Space Taxation Application (Public Benefit Rating System)

Location: 38723 191st Avenue SE, Auburn

Applicant: **Jason Gwerder**
19427 SE 384th Street
Auburn, WA 98092
Telephone: (253) 640-3345
Email: hygrassfarms@outlook.com

King County: Department of Natural Resources and Parks
represented by **Megan Kim**
201 S. Jackson Street Suite 5601
Seattle, WA 98104
Telephone: (206) 477-4788
Email: megan.kim@kingcounty.gov

SUMMARY OF RECOMMENDATIONS:

Department's Recommendation: Approve 3.79 acres on parcel 062006-9043 and 0.42 acres on parcel 062006-9086 for an 80% reduction in appraised value.

Examiner's Recommendation: Approve 3.79 acres on parcel 062006-9043 and 0.42 acres on parcel 062006-9086 for an 80% reduction in appraised value.

PROCEDURAL BACKGROUND:

Per Ch. 20.36 KCC, the Department of Natural Resources and Parks (DNRP) transmitted the subject application along with its Report for Property Enrollment in the Public Benefit Rating System (PBRs) File No. E25CT009, to the Examiner.

The Examiner conducted a remote public hearing on the application on March 26, 2026. Megan Kim, representing DNRP, presented the application and DNRP's recommendation.

FINDINGS AND CONCLUSIONS:

1. Except as modified herein, the facts set forth in DNRP's staff report and testimony at the March 26, 2026, public hearing are correct and incorporated here by reference. We will provide copies of this report and DNRP's staff report to the King County Council for final action.
2. The property at issue is at 38723 191st Avenue SE, Auburn, Parcel No/s 062006-9043 and 062006-9086, owned by the Applicant Jason Gwerder.
3. The Applicant timely filed an application with King County for current use assessment of the above identified property under the PBRs to begin in 2026.
4. Timely and proper legal notice of the public hearing on the application was provided. Ex 3.
5. A list of the PBRs Open Space Resource categories requested by the Applicant and identified by DNRP as relevant to the property are provided below. Categories that DNRP determined were eligible (or eligible with contingencies) for credit are assigned the applicable number of points. In this case DNRP also recommended credit for a "bonus" category as indicated below.

PBRs categories:	Farm and agricultural conservation land	5*
	Rural open space	0
	Significant wildlife or fish habitat	0
	Special animal site	0
<u>Bonus:</u>		
	Conservation easement or historic easement	18*
	Easement and access	0
	<hr/> Total points awarded	<hr/> 23

The DNRP-recommended score of 23 points results in a 80% reduction in the appraised value of the enrolled portion of the property. Each category where points are recommended is discussed below.

- A. **Farm and agricultural conservation land - 5 points.** The property will need to be managed according to an approved King Conservation District farm management plan. See contingencies and requirements below.
 - B. **Bonus: Conservation easement or historic preservation easement – 18 points.** A King County Transfer of Development Rights Agricultural Conservation Easement (recording # 20220106000611 and Exhibit 6) was established on the property in 2022, which protects valuable natural resources and restricts further development of the property in perpetuity. The property therefore qualifies for this category. However, points for this category are dependent on qualification for the farm and agricultural conservation land category.
6. Contingencies, Conditions, and Requirements.
- A. Enrollment is contingent on submittal of a King Conservation District-approved farm management plan to PBRS by December 31, 2026. Because the property is not eligible for any other PBRS open space resource category, failure to qualify as farm and agricultural conservation land precludes the property from enrolling in PBRS. The bonus category points cannot be awarded without qualification for the program under the farm and agricultural conservation land category.
 - B. The Examiner incorporates all conditions and requirements identified in the PBRS Staff Report. Ex. 1.
7. Enrollment Acreage. The Applicant requested 6 acres and DNRP recommends 4.21 acres of the subject parcels be enrolled in the PBRS program. (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).
8. Conditional approval of 23 points and a current use valuation of 20% of assessed value for 3.79 acres on parcel 062006-9043 and .42 acres on parcel 062006-9086 is consistent with Ch. 20.36 KCC 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:

CONDITIONALLY APPROVE credit for the **farm and agricultural conservation land** and **conservation easement or historic preservation easement** categories, on 3.79 acres on parcel 062006-9043 and 0.42 acres on parcel 062006-9086, contingent on submittal of a King Conservation District-approved farm management plan to PBRS by December 31, 2026. Award of these categories will result in 23 points and a current use valuation of 20% of assessed value

for the enrolled portion of the property. Approval should also be subject to any conditions and requirements listed herein or incorporated from the DNRP staff report.

DATED April 3, 2026.



Devon Shannon
Hearing Examiner

NOTICE OF RIGHT TO APPEAL

A party may appeal an Examiner report and recommendation by following the steps described in KCC 20.22.230. By **4:30 p.m.** on *April 27, 2026*, an electronic appeal statement must be sent to Clerk.Council@kingcounty.gov, to hearingexaminer@kingcounty.gov, and to the party email addresses on the front page of this report and recommendation. Please consult KCC 20.22.230 for the exact filing requirements.

If a party fails to timely file an appeal, the Council does not have jurisdiction to consider that appeal. Conversely, if the appeal requirements of KCC 20.22.230 are met, the Examiner will notify parties and interested persons and will provide information about next steps in the appeal process.

MINUTES OF THE MARCH 26, 2026, HEARING ON THE APPLICATION OF JASON GWERDER, FILE NO. E25CT009

Devon Shannon was the Hearing Examiner in this matter. A verbatim recording of the hearing is available in the Hearing Examiner's Office.

The following exhibits were offered by DNRP and entered into the record:

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| Exhibit no. 1 | DNRP staff report |
| 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 |
| Exhibit no. 6 | Farm preservation program easement |