

**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. **E24CT006**
Proposed ordinance no. **2025-0032**
Parcel no. **232202-9084**

DANIEL KLEIN AND DAVID PFEIFFER

Open Space Taxation Application (Public Benefit Rating System)

Location: 136XX SW 244th Street, Vashon

Applicants: **Daniel Klein & David Pfeiffer**
PO 9013
Vashon, WA 98070
Telephone: (206) 261-1889
Email: Weinmail@gmailcom

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

SUMMARY OF RECOMMENDATIONS:

Department's Recommendation: Approve 4.0 acres for 30% of assessed value
Conditionally approve 4.0 acres for 20% of assessed value

Examiner's Recommendation: Approve 4.0 acres for 30% of assessed value
Conditionally approve 4.0 acres for 20% of assessed value

PRELIMINARY REPORT:

On February 11, 2025, the Department of Natural Resources and Parks (DNRP) submitted its report on file no. E24CT006 to the Examiner.

PUBLIC HEARING:

After reviewing the preliminary report and examining available information on file with the application, the Examiner conducted a remote public hearing on the application on February 27, 2025. 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 Examiner's Office.

FINDINGS AND CONCLUSIONS:

1. General Information:

Owners:	Daniel Klein and David Pfeiffer PO 9013 Vashon, WA 98070
Location:	136XX SW 244th Street, Vashon
STR:	NE-23-22-02
Zoning:	RA5SO
Parcel no:	232202-9084
Total acreage:	5.0 acres

2. The Applicants timely filed an application to King County for the Public Benefit Rating System (PBRs) program current use valuation of the property to begin in 2025. As required by law, notification of the application occurred.

3. A summary of relevant PBRs categories follows. The *asterisk* below 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>	
	Aquifer protection area	5
	Significant wildlife or salmonid habitat	5
	Surface water quality buffer	5
	Watershed protection area	5
	<u>Bonus Categories</u>	
	Resource restoration	*
	<hr/> Total	<hr/> 20

The DNRP-recommended score of 20 points results in a current use valuation of 30% of assessed value for the enrolled portion of the property.

4. Additional credit may be awarded administratively under the resource restoration category, subject to submittal of a resource restoration plan by **August 1, 2025**, and subsequent DNRP approval of that plan by **October 1, 2025**. Award of credit under this category will increase the point total by 5 points, resulting in a current use valuation of 20% of assessed value for the enrolled portion of the property. Award of this category may allow approved forestry activities to occur on the property.
5. As to the land area recommended for PBRS enrollment, the Applicants requested 4.0 acres and DNRP recommends 4.0 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. Note: Because the watershed protection area category requires a minimum of four acres of native forest cover, and the Applicants are only enrolling exactly four acres, if the Assessor were to downwardly adjust the parcel size, the Applicants and DNRP would need to ensure that at least four acres of native forest cover remain after the adjustment, or—if the adjustment drops the native forest cover total below four—make modifications to boost the total back up to four.
6. Except as modified herein, we find the facts set forth in DNRP's preliminary report and testimony at the February 27, 2025, public hearing correct and we incorporate them by reference. We will provide copies of this report and DNRP's report to the Metropolitan King County Council for final approval.
7. Approval of 20 points and a current use valuation of 30% of assessed value for 4.0 acres, and conditional approval of 5 additional points and 20% of assessed value for those 4.0 acres, are consistent with KCC Chapter 20.36 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:

1. APPROVE a current use valuation of 30% of assessed value for the 4.0-acre enrolled portion of the property.
2. CONDITIONALLY APPROVE additional credit for the resource restoration category, subject to submittal of a resource restoration plan by **August 1, 2025**, and subsequent DNRP approval of that plan by **October 1, 2025**. Award of credit under this category will increase the point total by 5 points, resulting in a current use valuation of 30% of assessed value for the enrolled portion of the property.

DATED March 13, 2025.



David Spohr, 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 7, 2025***, 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 FEBRUARY 27, 2025, HEARING ON THE APPLICATION OF DANIEL KLEIN AND DAVID PFEIFFER, FILE NO. E24CT006

David Spohr was the Hearing Examiner in this matter. Megan Kim participated in the hearing.

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

Exhibit no. 1	DNRP report to the Hearing Examiner
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