

February 4, 2025

**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. **E24CT008**
Proposed ordinance no. **2025-0004**
Parcel no. **272306-9001**

ERNEST AND LORALYNN ANTIN

Open Space Taxation Application (Public Benefit Rating System)

Location: 24233 SE 164th Street, Issaquah WA

Applicants: **Ernest and Loralynn Antin**
24233 SE 164th Street
Issaquah, WA 98027
Telephone: (206) 778-3014
Email: 7antins@gmail.com

King County: Department of Natural Resources and Parks
represented by **Bill Bernstein**
201 S. Jackson Street Suite 5601
Seattle, WA 98104
Telephone: (206) 477-4643
Email: bill.bernstein@kingcounty.gov

SUMMARY OF RECOMMENDATIONS:

Department's Recommendation: Approve 4.35 acres for 50% of assessed value
Conditionally approve an additional 1.6 acres, also at 50%
of assessed value

Examiner's Recommendation: Approve 4.35 acres for 50% of assessed value
Conditionally approve an additional 1.6 acres, also at 50% of
assessed value

PRELIMINARY REPORT:

On January 9, 2025, the Department of Natural Resources and Parks (DNRP) submitted its report on file no. E24CT008 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 January 23, 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 Hearing Examiner's Office.

FINDINGS AND CONCLUSIONS:

1. General Information:
Owners: Ernest and Loralynn Antin
24233 SE 164th Street
Issaquah, WA 98027

Location: 24233 SE 164th Street, Issaquah WA
STR: NE 23-27-06
Zoning: RA5
Parcel no: 272306-9001
Total acreage: 10.90 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. The Applicants have already completed an approved forest stewardship plan. They are entitled to the five points that come with the forest stewardship land category for the currently forested/managed portion of their property. Five points reduces the assessed valuation for those 4.35 acres by 50%. (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.)
4. The twist here is that the Applicants would like to enroll at least a portion of the bottom 1.60 acres of their property, also by the forest stewardship land category. However, that is the area through which Bonneville Power Administration runs transmission lines and has an easement. Given Bonneville's normal requirements to "keep these rights-of-way clear of trees [and] brush," to maintain at least 25 feet of [vertical] clearance from the top of any vegetation to the wires' lowest point, and to maintain 50 feet of [horizontal] clearance from even the base of the poles—explicitly including free from vegetation—it would seem an uphill climb for any applicant to carve out the "contiguous forestland"

required to meet the forest stewardship land category. But there is no reason not to allow Applicants to give it a chance if they wish to.

5. If, by **December 1, 2025**, the Applicants provide DNRP with (a) a plan to restore and reforest that area within the following three years and (b) written documentation from Bonneville supporting that work, DNRP may administratively award forest stewardship land category credit for those areas, bringing that area into the program.
6. Approval of five points and a current use valuation of 50% of assessed value for 4.35 acres, and conditional approval of 1.6 additional acres at the same valuation, 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 50% of assessed value for the 4.35-acre enrolled portion of the property.
2. CONDITIONALLY APPROVE a current use valuation of 50% for up to an additional 1.6 acres if, by **December 1, 2025**, the Applicants provide DNRP with (a) a plan to restore and reforest that area within the following three years and (b) written documentation from Bonneville supporting that work.

DATED February 4, 2025.



David Spohr
King County 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 ***February 28, 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 JANUARY 23, 2025, HEARING ON THE APPLICATION OF ERNEST AND LORALYNN ANTIN, FILE NO. E24CT008

David Spohr was the Hearing Examiner in this matter. Bill Bernstein 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