

April 6, 2023

**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. **E22CT017**
Proposed ordinance no. **2023-0075**
Parcel no. **1522039025**

ERIN AND OWANA DURRETT AND DARREN LAY
Open Space Taxation Application (Public Benefit Rating System)

Location: 6002 SW Point Robinson Road, Vashon

Applicants: **Darren Jay and Erin and Owana Durrett**
6002 SW Point Robinson Road
Vashon, WA 98070
Telephone: (206) 259-0612
Email: allmusicissacred@gmail.com

King County: Department of Natural Resources and Parks
represented by **Bill Bernstein**
201 S. Jackson Street Suite 5600
Seattle, WA 98104
Telephone: (206) 477-4643
Email: bill.bernstein@kingcounty.gov

SUMMARY OF RECOMMENDATIONS:

Department's Recommendation: Approve 2.86 acres for 50% of assessed value
Conditionally approve 4.41 acres for 20% of assessed value

Examiner's Recommendation: Approve 2.86 acres for 50% of assessed value
Conditionally approve 4.41 acres for 20% of assessed value

PRELIMINARY REPORT:

On March 9, 2023, the Department of Natural Resources and Parks (DNRP) submitted its report on file no. E22CT017 to the Examiner.

PUBLIC HEARING:

After reviewing the preliminary report and examining available information on file with the application, the Examiner conducted a Zoom public hearing on the application on March 23, 2023.

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:	Darren Jay and Erin and Owana Durrett 6002 SW Point Robinson Road Vashon, WA 98070
Location:	6002 SW Point Robinson Road, Vashon
STR:	SW-15-22-03
Zoning:	RA10SO
Parcel:	1522039025
Total acreage:	4.89 acres

- 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 2023. As required by law, notification of the application occurred.
- The property is currently enrolled in the State's farm and agricultural land program. The purpose of this application is to reclassify the property and enroll it in PBRS. Any new open space taxation agreement must supersede the pre-existing agreement.
- 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 ~~strike through~~ 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>Aquifer protection area</i>	5
	<i>Buffer to public or current use classified land</i>	3
	*Farm and agricultural conservation land	*
	*Significant wildlife or salmonid habitat	*
	<u>Bonus Categories</u>	
	*Resource restoration	*
	<hr/> Total	<hr/> 8

The DNRP-recommended score of 8 points results in a current use valuation of 50% of assessed value for the enrolled portion of the property.

- As to the land area recommended for PBRS enrollment, the Applicant requested 3-4 acres and DNRP recommends 2.86 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.)
- Both the current use valuation and the enrolling acreage are eligible for upward administrative adjustments. The following map provides context for the next two paragraphs. (Light blue areas are those portions of the parcel not enrolling in PBRS.)



- An additional five points may be awarded administratively under the farm and agricultural land category, subject to submittal, by **October 31, 2023**, of a King Conservation District-approved farm plan covering the area outlined in green. Award of such credit will increase the enrolling area by 1.25 acres.
- Five more points may be awarded administratively under the resource restoration category, subject to submittal, by **November 1, 2023**, of a resource restoration plan satisfactorily addressing the area outlined in red. Award of such credit will increase the enrolling area by 0.30 acres.
- Five points may be awarded administratively under the significant wildlife or salmonid habitat category, subject to submittal, by **August 1, 2023**, of sufficient documentation

and written support by a qualified expert of the presence of endangered, threatened, sensitive, or candidate species. There would be no acreage change associated with such an award.

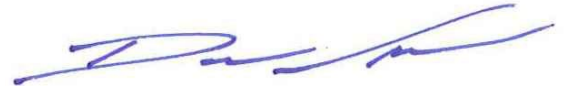
10. An administrative award in:
 - A. one of these three conditional categories would result in a current use valuation of 40% of assessed value for the enrolled portion of the property;
 - B. two categories would result in a current use valuation of 30% of assessed value for the enrolled portion of the property; and
 - C. all three categories would result in a current use valuation of 20% of assessed value for the enrolled portion of the property.
11. Except as modified herein, we find the facts set forth in DNRP’s preliminary report and testimony at the March 23, 2023, 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.
12. Approval of 8 points and a current use valuation of 50% of assessed value for 2.86 acres, and conditional approval of up to 15 additional points and 20% of assessed value for up to 4.41 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 50% of assessed value for the 2.86-acre enrolled portion of the property.
2. CONDITIONALLY APPROVE additional credit for the farm and agricultural land category, subject to submittal, by **October 31, 2023**, of a King Conservation District-approved farm plan covering the area outlined in green. Award of such credit will increase the enrolling area by 1.25 acres.
3. CONDITIONALLY APPROVE additional credit for the resource restoration category, subject to submittal, by **November 1, 2023**, of a resource restoration plan addressing the area outlined in red. Award of such credit will increase the enrolling area by 0.30 acres.
4. CONDITIONALLY APPROVE additional credit for the significant wildlife or salmonid habitat category, subject to submittal, by **August 1, 2023**, of sufficient documentation and written support by a qualified expert of the presence of endangered, threatened, sensitive, or candidate species. There would be no acreage change associated with such an award.

5. An award in one of these conditional categories would result in a current use valuation of 40% of assessed value for the enrolled portion of the property. An award in two would result in a current use valuation of 30% of assessed value for the enrolled portion of the property. And an award in all three would result in a current use valuation of 20% of assessed value for the enrolled portion of the property.

DATED April 6, 2023.



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 *May 1, 2023*, an electronic copy of the appeal statement must be sent to 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 *May 1, 2023*, 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 *May 1, 2023*, the Examiner will notify all parties and interested persons and provide information about “next steps.”

**MINUTES OF THE MARCH 23, 2023, HEARING ON THE APPLICATION OF
ERIN AND OWANA DURRETT AND DARREN LAY, FILE NO. E22CT017**

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:

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|---------------|---|
| 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 |