

March 16, 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. **E22CT015**
Proposed ordinance no. **2023-0041**
Parcel no: **0622039040**

JULIE THIEGLES AND GREG KRUSE

Open Space Taxation Application (Public Benefit Rating System)

Location: 18306 SW Cemetery Road, Vashon

Applicants: **Julie Thielges and Greg Kruse**
10307 SW Cemetery Road
Vashon, WA 98070
Telephone: (206) 790-9554
Email: islandmeadowfarm@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: Contingently approve 8.77 acres for 50% of assessed value
Examiner's Recommendation: Contingently approve 8.77 acres for 50% of assessed value

PRELIMINARY REPORT:

On February 16, 2023, the Department of Natural Resources and Parks (DNRP) submitted its report on file no. E22CT015 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 2, 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:	Julie Thielges and Greg Kruse 10307 SW Cemetery Road Vashon, WA 98070
Location:	18306 SW Cemetery Road, Vashon
STR:	SE-06-22-03
Zoning:	RA5
Parcel #:	0622039040
Total acreage:	9.77 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 2023. As required by law, notification of the application occurred.
3. 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 existing agreement.
4. The Applicants sought credit under four categories. The property is not eligible for aquifer protection area credit because it is enrolling less than one acre of native open space. It could be eligible as rural stewardship land, but the Applicants have decided not to pursue a rural stewardship plan. And the Applicants are not enrolling with owners of other parcels.
5. The property is enrollable as farm and agricultural conservation land, contingent on submittal of a King Conservation District-approved farm management plan by **October 31, 2023**. If met, those five points will result in a current use valuation of 50% of assessed value for the enrolled portion of the property. Because the property is not eligible for any other PBRS resource category, failure to qualify as farm and agricultural conservation land precludes the property from enrolling in PBRS.

6. As to the land area recommended for PBRS enrollment, the Applicant did not specify an acreage and DNRP recommends 8.77 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.)
7. Except as modified herein, we find the facts set forth in DNRP's preliminary report and testimony at the March 2, 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.
8. Contingent approval of five points and a current use valuation of 50% of assessed value for 8.77 acres is 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:

APPROVE a current use valuation of 50% of assessed value for the 8.77-acre enrolled portion of the property, CONTINGENT on submittal of a King Conservation District-approved farm management plan by **October 31, 2023**.

DATED March 16, 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 *April 10, 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 *April 10, 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 *April 10, 2023*, the Examiner will notify all parties and interested persons and provide information about “next steps.”

**MINUTES OF THE MARCH 2, 2023, HEARING ON THE APPLICATION OF
JULIE THIEGLES AND GREG KRUSE, FILE NO. E22CT015**

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