

December 13, 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. **E23CT001LF**
Proposed ordinance no. **2023-0391**
Parcel nos. **40250-0130, 402350-0125, and 402350-0120**

RICHARD AND MARGARET HUDSON

Open Space Taxation Application (Public Benefit Rating System)

Location: 3021 NE 185th Street, Lake Forest Park

Applicants: **Richard and Margaret Hudson**
3021 NE 185th Street
Lake Forest Park, WA 98155
Telephone: (206) 724-7083
Email: rbhudson@comcast.net

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 1.06 acres for 40% of assessed value
Conditionally approve 1.06 acres for 20% of assessed value

Examiner's Recommendation: Approve 1.06 acres for 40% of assessed value
Conditionally approve 1.06 acres for 20% of assessed value

PRELIMINARY REPORT:

On November 20, 2023, the Department of Natural Resources and Parks (DNRP) submitted its report on file no. E23CT001LF 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 November 29, 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:	Richard and Margaret Hudson 3021 NE 185th Street Lake Forest Park, WA 98155
Location:	3021 NE 185th Street, Lake Forest Park
STR:	NE-09-26-04
Zoning:	RS10000
Parcel nos.:	40250-0130, 402350-0125, and 402350-0120
Total acreage:	1.45 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 2024. As required by law, notification of the application occurred.

3. 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 ~~strikethrough~~ 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>	
	Urban open space	5
	Watershed protection area	5
	<u>Bonus Categories</u>	
	Conservation easement or historic easement	*
	Resource Restoration	5
	<hr/> Total	<hr/> 15

The DNRP-recommended score of 15 points results in a current use valuation of 40% of assessed value for the enrolled portion of the property.

4. Additional credit may be awarded administratively under the conservation easement or historic easement category, subject to submittal of a conservation easement, acceptable to DNRP approval of that plan by **December 31, 2024**. Award of credit under this category will increase the point total by 18 points, resulting in a current use valuation of 20% of assessed value for the enrolled portion of the property.
5. As to the land area recommended for PBRS enrollment, the Applicants requested 1.02 acres and DNRP recommends 1.06 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.)
6. Except as modified herein, we find the facts set forth in DNRP's preliminary report and testimony at the November 29, 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.
7. Approval of 15 points and a current use valuation of 40% of assessed value for 1.06 acres, and conditional approval of 18 additional points and 20% of assessed value for 1.06 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 40% of assessed value for the 1.06-acre enrolled portion of the property.
2. CONDITIONALLY APPROVE additional credit for the conservation easement or historic easement category, subject to submittal of a conservation easement, acceptable to DNRP approval of that plan by **December 31, 2024**. Award of credit under this category will increase the point total to 33 points, resulting in a current use valuation of 20% of assessed value for the 1.06-acre enrolled portion of the property.

DATED December 13, 2023.



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 *January 8, 2024*, 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 NOVEMBER 29, 2023, HEARING ON THE APPLICATION OF RICHARD AND MARGARET HUDSON, FILE NO. E23CT001LF

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 bearing 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	Forest Stewardship Plan