

**OFFICE OF THE HEARING EXAMINER  
KING COUNTY, WASHINGTON**

King County Courthouse  
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Seattle, Washington 98104  
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[www.kingcounty.gov/independent/hearing-examiner](http://www.kingcounty.gov/independent/hearing-examiner)

**REPORT AND RECOMMENDATION TO THE  
METROPOLITAN KING COUNTY COUNCIL**

SUBJECT: Department of Natural Resources and Parks file no. **E19CT033**  
Proposed ordinance no. **2020-0092**  
Parcel nos. **0222029028, 0222029046, 0222029037, 0222029080, 0222029060**

**CORTNEY FOSTER**

Open Space Taxation Application (Public Benefit Rating System)

Location: 13221 SW 196th Street, Vashon

Applicant: **Cortney Foster**  
P.O. Box 2870  
Vashon, WA 98070  
Telephone: (206) 409-7110  
Email: [Cortneyf@fosterco.com](mailto:Cortneyf@fosterco.com)

King County: Department of Natural Resources and Parks  
*represented by* **Bill Bernstein**  
201 S Jackson Street Suite 600  
Seattle, WA 98104  
Telephone: (206) 477-4643  
Email: [bill.bernstein@kingcounty.gov](mailto:bill.bernstein@kingcounty.gov)

SUMMARY OF RECOMMENDATIONS:

Department's Recommendation: Approve 7.15 acres for 40% of assessed value;  
conditionally approve 7.15 acres for 30% of assessed value.  
Examiner's Recommendation: Approve 7.15 acres for 40% of assessed value;  
conditionally approve 7.15 acres for 30% of assessed value

## PRELIMINARY REPORT:

On April 8, 2020, the Department of Natural Resources and Parks (DNRP) submitted its report on file no. E19CT033 to the Examiner.

## PUBLIC HEARING:

After reviewing the preliminary report and examining available information on file with the application, the Examiner conducted a public telephone hearing on the application on April 23, 2020.

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:

Owner:	Cortney Foster P.O. Box 2870 Vashon, WA 98070
Location:	13221 SW 196th Street, Vashon
STR:	NE 2-22-2
Zoning:	RA2.5
Parcel nos.:	0222029028, 0222029046, 0222029037, 02229080, 02229060
Total acreage:	9.15 acres

2. The Applicant timely filed an application to King County for the Public Benefit Rating System (PBRS) program current use valuation of the property to begin in 2020. 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 ~~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.)

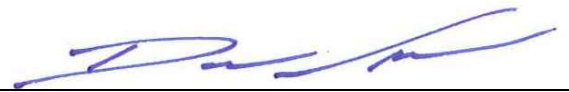
PBRS categories:	<u>Open Space Resources</u>	
	Aquifer protection area	5
	*Forest stewardship land	*
	<del>Significant plant or ecological site</del>	0
	<i>Significant wildlife or salmonid habitat</i>	5
	<i>Watershed protection area</i>	5

4. 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.
5. An additional 5 points may be awarded administratively under the forest stewardship land category, subject to a forest stewardship plan being provided to DNRP by **November 1, 2020**, and approved by DNRP by **December 31, 2020**. This would increase the point total to 20, drop the current use valuation to 30%, and potentially allow approved forestry activities to occur on the property.
6. As to the land area recommended for PBRS enrollment, the Applicant requested 7.03 acres and DNRP recommends 7.15 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, the facts set forth in DNRP's preliminary report and testimony at the April 23, 2020, public hearing are correct and incorporated herein by reference. Copies of this report and DNRP's report will be provided to the Metropolitan King County Council for final approval.
8. Approval of 15 points (and a current use valuation of 40% of assessed value for the enrolling 7.15 acres) and conditional approval of 5 additional points (and 30% of assessed value for the enrolling 7.15 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 7.15-acre enrolled portion of the property.
2. CONDITIONALLY APPROVE a current use valuation of 30% of assessed value for the 7.15-acre enrolled portion of the property.

DATED May 7, 2020.



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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 *June 1, 2020*, an electronic copy of the appeal statement must be sent to [Clerk.Council@kingcounty.gov](mailto:Clerk.Council@kingcounty.gov) and a paper copy of the appeal statement and the \$250 appeal fee must be mailed to King County Council Clerk at 516 3rd Ave, Room 1200, Seattle, WA 98104, by first-class USPS mail, postage prepaid, postmarked June 1 or earlier. For tracking purposes, you may want to consider using USPS “Priority Service,” which will allow you to track delivery. Due to the Governor’s 20-25 proclamation “Stay Home – Stay Healthy,” the King County Council Clerk is no longer accepting in-person delivery of appeals.

Unless both a timely and sufficient appeal statement and filing fee are filed by *June 1, 2020*, 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 *June 1, 2020*, the Examiner will notify all parties and interested persons and provide information about “next steps.”

### MINUTES OF THE APRIL 23, 2020, HEARING ON THE APPLICATION OF CORTNEY FOSTER, FILE NO. E19CT033

David Spohr was the Hearing Examiner in this matter. Bill Bernstein and Megan Kim both participated in the hearing on behalf of the department.

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

DS/jf

May 7, 2020

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**CERTIFICATE OF SERVICE**

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**CORTNEY FOSTER**

Open Space Taxation Application (Public Benefit Rating System)

I, Jessica Oscoy, certify under penalty of perjury under the laws of the State of Washington that I transmitted the **REPORT AND RECOMMENDATION TO THE METROPOLITAN KING COUNTY COUNCIL** to those listed on the attached page as follows:

- EMAILED to all County staff listed as parties/interested persons and parties with e-mail addresses on record.
- placed with the United States Postal Service, with sufficient postage, as FIRST CLASS MAIL in an envelope addressed to the non-County employee parties/interested persons to addresses on record.

DATED May 7, 2020.



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Jessica Oscoy  
Legislative Secretary