

December 13, 2023

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

King County Courthouse
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Seattle, Washington 98104
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**REPORT AND RECOMMENDATION TO THE
METROPOLITAN KING COUNTY COUNCIL**

SUBJECT: Department of Natural Resources and Parks file no. **E23CT006**
Proposed ordinance no. **2023-0389**
Parcel no. **292303-9099**

TAG AND SUZANNE GORNALL

Open Space Taxation Application (Public Benefit Rating System)

Location: 8720 SW Dilworth Road, Vashon

Applicants: **Tag and Suzanne Gornall**
PO Box 1847
Vashon, WA 98070
Telephone: (206) 567-4520
Email: tag3dvm@me.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

SUMMARY OF RECOMMENDATIONS:

Department's Recommendation: Approve 2.20 acres for 50% of assessed value
Examiner's Recommendation: Approve 2.20 acres for 50% of assessed value

PRELIMINARY REPORT:

On November 15, 2023, the Department of Natural Resources and Parks (DNRP) submitted its report on file no. E23CT006 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:	Tag and Suzanne Gornall PO Box 1847 Vashon, WA 98070
Location:	8720 SW Dilworth Road, Vashon
STR:	NE 29-23-03
Zoning:	RA5
Parcel no.:	292303-9099
Total acreage:	4.28 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. The one category the Applicants requested credit for is aquifer protection area. DNRP finds that the property meets the criteria, it being in a designated aquifer recharge area (as essentially all of Vashon is) and having a plant community in which native plants are dominant (in the enrolling area). Those five points results in a current use valuation of 50% of assessed value for the enrolled portion of the property.
4. As to the land area recommended for PBRS enrollment, the Applicants requested 2.30 acres and DNRP recommends 2.20 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.)
5. 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.

6. Award under all categories must be conditioned upon the control and removal of invasive plant species on the property within a three-year period. Such control and removal is mandatory for the property to qualify as credited open space. Failure to meet this condition will cause disenrollment of the property from the PBRS program.
7. Approval of five points and a current use valuation of 50% of assessed value for 2.20 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 2.20-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 TAG AND SUZANNE GORNALL, FILE NO. E23CT006**

David Spohr was the Hearing Examiner in this matter. Bill Bernstein and Tag and Suzanne Gornall 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 |