

March 16, 2022

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

King County Courthouse
516 Third Avenue Room 1200
Seattle, Washington 98104
Telephone (206) 477-0860

hearingexaminer@kingcounty.gov
www.kingcounty.gov/independent/hearing-examiner

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

SUBJECT: Department of Natural Resources and Parks file no. **E21CT019**
Proposed ordinance no. **2022-0037**
Parcel nos. **0622039046 and 0622039062**

JACOB GREEN

Open Space Taxation Application (Public Benefit Rating System)

Location: 10133 SW 204th Street and 20514 105th Avenue SW, Vashon

Applicant: **Jacob Green**
PO Box 2310
Vashon, WA 98070
Telephone: (206) 931-3258
Email: vashonnathan@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

SUMMARY OF RECOMMENDATIONS:

Department's Recommendation: Approve 23.86 acres for 30% of assessed value
Conditionally approve 23.86 acres for 20% of assessed value
Examiner's Recommendation: Approve 9.11 acres for 40% of assessed value
Conditionally approve 23.86 acres for 20% of assessed value

PRELIMINARY REPORT:

On February 18, 2022, the Department of Natural Resources and Parks (DNRP) submitted its report on file no. E21CT019 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 3, 2022.

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:	Jacob Green PO Box 2310 Vashon, WA 98070
Location:	10133 SW 204th Street and 20514 105th Avenue SW, Vashon
STR:	SE-06-22-03
Zoning:	RA5 and RA10SO
Parcel nos.:	0622039046 and 0622039062
Total acreage:	19.38 acres

- 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 2022. As required by law, notification of the application occurred.
- Parcel 0622039046 is currently enrolled in both the Timberland and PBRS programs. Any new open space taxation agreement must supersede the initial agreements for parcel 0622039046.
- 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 ~~strickethrough~~ 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	*
	*Forest stewardship land	*
	<i>Significant wildlife or salmonid habitat</i>	5
	<u>Bonus Categories</u>	
Resource restoration	0	
<hr/>		
Total	13	

A 13-point total would result in a current use valuation of 40% of assessed value for the enrolled portion of the property.

5. Additional credit may be awarded administratively under the farm and agricultural conservation land category, subject to submittal of a King Conservation District-approved farm management plan by **October 31, 2022**. Award of credit under this category will increase the point total by five points.
6. Additional credit may also be awarded administratively under the forest stewardship land category, subject to submittal to DNRP of an updated forest stewardship plan by **December 1, 2022**, and DNRP approval of that plan by **December 31, 2022**. Award of credit under this category will increase the point total by five additional points, and may allow approved forestry activities to occur on the property.
7. Award of additional credit under *either* the farm and agricultural conservation land category *or* the forest stewardship land will increase the point total by five and result in a current use valuation of 30% of assessed value for the enrolled portion of the property. Award for *both* categories will add ten points and result in a current use valuation of 20% of assessed value for the enrolled portion of the property.
8. As to the land area recommended for PBRS enrollment, the Applicant requested 22.5 acres and DNRP recommends 23.86 acres. As explained below, only 9.11 acres are currently enrollable. Administrative credit under the farm and agricultural conservation land category will add an additional 14.75 acres, bringing the total to 23.86 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.)
9. Except as modified herein, the facts set forth in DNRP’s preliminary report and testimony at the March 3, 2022, 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.
 - A. DNRP recommended awarding five points for the farm and agricultural conservation land category, despite the Applicant needing to update the farm plan to be eligible for this category. Because there is still an outstanding step (an updated farm plan submittal) to satisfy this category, the examiner recommends

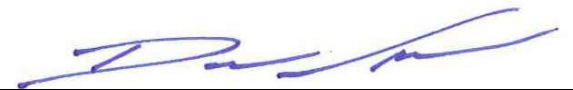
against awarding points now, and instead authorizing DNRP to award them administratively, if the farm plan update is timely completed.

- B. Similarly, while DNRP recommended enrolling the 14.75 acres that requires an undated farm plan to be eligible, the examiner recommends against enrolling these acres now, and instead authorizing DNRP to add these acres administratively, if the updated farm plan is timely submitted.
10. Approval of 13 points and 40% of assessed value for 9.11 acres, and conditional approval of up to 10 additional points and 20% of assessed value for what would be 23.86 enrolled 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 9.11-acre enrolled portion of the property.
2. CONDITIONALLY APPROVE additional credit for the farm and agricultural conservation land category (subject to submittal of a King Conservation District-approved farm management plan by **October 31, 2022**) and for the forest stewardship land category (subject to submittal to DNRP of an updated forest stewardship plan by **December 1, 2022**, and DNRP approval of that plan by **December 31, 2022**), which together would drop the current use valuation 20% and increase the enrolled area to 23.86 acres.

DATED March 16, 2022.



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 11, 2022*, 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 11, 2022*, 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 11, 2022*, the Examiner will notify all parties and interested persons and provide information about “next steps.”

MINUTES OF THE MARCH 3, 2022, HEARING ON THE APPLICATION OF JACOB GREEN, FILE NO. E21CT019

David Spohr was the Hearing Examiner in this matter. Bill Bernstein and Jacob Green 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