

January 31, 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](mailto:hearingexaminer@kingcounty.gov)  
[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. **E21CT015**  
Proposed ordinance no. **2022-0004**  
Parcel no. **0622039064**

**VASHON-MAURY ISLAND LAND TRUST**

Open Space Taxation Application (Public Benefit Rating System)

Location: [REDACTED] Vashon

Applicant: **Vashon-Maury Island Land Trust**

[REDACTED]  
Vashon, WA 98070

Telephone: [REDACTED]

Email: [REDACTED]

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 7.83 acres for 10% of assessed value

Examiner's Recommendation:

Approve 7.83 acres for 10% of assessed value

## PRELIMINARY REPORT:

On January 7, 2022, the Department of Natural Resources and Parks (DNRP) submitted its report on file no. E21CT015 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 January 20, 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:         | Vashon-Maury Island Land Trust<br>PO Box 2031<br>Vashon, WA 98070 |
| Location:      | 11132 SW 240th Street, Vashon                                     |
| STR:           | SW-06-22-03   |
| Zoning:        | RA-5-SO   |
| Parcel no/s.:  | 0622039064  |
| Total acreage: | 9.00 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.
- The property is currently enrolled in PBRS. The purpose of this application is to award additional credit. Any new open space taxation agreement must supersede the previous agreement.
- 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 ~~struck 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>                     |    |
|                  | Public recreation area                          | 5  |
|                  | Aquifer protection area                         | 5  |
|                  | Buffer to public or current use classified land | 3  |
|                  | Significant wildlife or salmonid habitat        | 5  |
|                  | Watershed protection area                       | 5  |
|                  | <u>Bonus Categories</u>                         |    |
|                  | Conservation easement or historic easement      | 15 |
|                  | Unlimited public access                         | 5  |
|                  | Easement and access                             | 35 |
|                  | <hr/>   |    |
|                  | Total   | 78 |

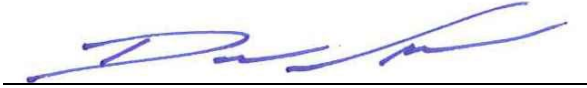
The DNRP-recommended score of 78 points results in a current use valuation of 10% of assessed value for the enrolled portion of the property.

5. In 2020, the Council passed Ordinance 19094, which awarded 15 points and a current use valuation of 40% of assessed value for the enrolled portion of the property. That ordinance authorized additional credit under other categories, subject to recording a conservation easement by December 31, 2020, which would have increased the point total to 78 points, more than enough to reduce the current use valuation down to 10% of assessed value for the enrolled portion of the property.
6. The easement work could not be completed by the end of 2020, necessitating the Applicant reapplying to earn those points and the accompanying reduced current use valuation. The easement has been recorded, meaning all categories approved in 2020 are now fully awardable, without any conditions or contingencies.
7. As to the land area recommended for PBRS enrollment, the Applicant initially requested 8.40 acres back in 2020, and DNRP recommended 7.83 acres, which is what Ordinance 19094 ultimately awarded. There is no acreage change today. (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.)
8. Except as modified herein, the facts set forth in DNRP's preliminary report and testimony at the January 20, 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.
9. Approval of 78 points and a current use valuation of 10% of assessed value for 7.83 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 10% of assessed value for the 7.83-acre enrolled portion of the property.

DATED January 31, 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 *February 24, 2022*, 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 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 *February 24, 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 *February 24, 2022*, the Examiner will notify all parties and interested persons and provide information about “next steps.”

**MINUTES OF THE JANUARY 20, 2022, HEARING ON THE APPLICATION OF  
VASHON-MAURY ISLAND LAND TRUST, FILE NO. E21CT015**

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  |

January 31, 2022

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**CERTIFICATE OF SERVICE**

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Proposed ordinance no. **2022-0004**  
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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 January 31, 2022.



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Jessica Oscoy  
Office Manager

**Akada, Irene**

Department of Assessments

**Bernstein, Bill**

Department of Natural Resources and Parks

**Clark, Debra**

Department of Assessments

**Kim, Megan**

Department of Natural Resources and Parks

**Ngo, Jenny**

Metropolitan King County Council

**Pedroza, Melani**

Metropolitan King County Council

**Vashon Maury Island Land Trust**