

May 8, 2024

**OFFICE OF THE HEARING EXAMINER
KING COUNTY, WASHINGTON**
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. **E23CT008**
Proposed ordinance no. **2024-0086**
Parcel no. **1222029091**

LYNN DAVISON AND JUDITH CLEGG

Open Space Taxation Application (Public Benefit Rating System)

Location: 1620 Old Mill Road SW, Vashon

Applicants: **Lynn Davison and Judith Clegg**
PO Box 2128
Vashon, WA 98070
Telephone: (206) 276-2019
Email: ldavison1947@gmail.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 8.12 acres for 20% of assessed value
Examiner's Recommendation: Approve 8.12 acres for 20% of assessed value

PRELIMINARY REPORT:

On April 12, 2024, the Department of Natural Resources and Parks (DNRP) submitted its report on file no. E23CT008 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 April 24, 2024.

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:	Lynn Davison and Judith Clegg PO Box 2128 Vashon, WA 98070
Location:	1620 Old Mill Road SW, Vashon
STR:	SE-12-22-02
Zoning:	RA10SO
Parcel no:	1222029091
Total acreage:	9.87 acres

- 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.
- The property is currently enrolled in the designated forestland program. The purpose of this application is to reclassify the property and enroll it in PBRS. Any new open space taxation agreement must supersede the existing 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. 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
	Buffer to public or current use classified land	3
	Forest stewardship land	*
	Surface water quality buffer	10
	Watershed protection area	5

Total 23

The DNRP-recommended score of 23 points results in a current use valuation of 20% of assessed value for the enrolled portion of the property.

5. The Applicants have a forest plan, but it is out of date. The Applicants have been working on revisions. Additional credit may be awarded administratively under the forest stewardship land category, subject to DNRP approval of that forest plan by **December 1, 2024**. Credit under this category will increase the point total by five points. That will not change the current use valuation or the enrolling acreage, but it may allow approved forestry activities to occur on the property.
6. As to the land area recommended for PBRS enrollment, the Applicants requested 8.80 acres and DNRP recommends 8.12 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, we find the facts set forth in DNRP’s preliminary report and testimony at the April 24, 2024, 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.
8. Approval of 23 points and a current use valuation of 20% of assessed value for 8.12 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:

1. APPROVE a current use valuation of 20% of assessed value for the 8.12-acre enrolled portion of the property.
2. CONDITIONALLY APPROVE additional credit for the forest stewardship land category, subject to DNRP approval of an amended forest stewardship plan by **December 1, 2024**. Such credit will increase the point total by five points, but it will not change the current use valuation or the enrolling acreage.

DATED May 8, 2024.

David Spohr, King County 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 *June 3, 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 APRIL 24, 2024, HEARING ON THE APPLICATION OF LYNN DAVISON AND JUDITH CLEGG, FILE NO. E23CT008

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