

December 13, 2023

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

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

SUBJECT: Department of Natural Resources and Parks file no. **E23CT003S**  
Proposed ordinance no. **2023-0392**  
Parcel nos. **333150-0510 and 333150-0530**

**GROW, INC**

Open Space Taxation Application (Public Benefit Rating System)

Location: 4613 S Lucille Street, Seattle

Applicant: Grow, Inc  
*represented by* **Eric Todderud**  
PO Box 19748  
Seattle, WA 98109  
Telephone: (206) 290-9447  
Email: [eric.t@grownorthwest.org](mailto:eric.t@grownorthwest.org)

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  
Email: [bill.bernstein@kingcounty.gov](mailto:bill.bernstein@kingcounty.gov)

SUMMARY OF RECOMMENDATIONS:

Department's Recommendation:	Approve 0.21 acres for 10% of assessed value
Examiner's Recommendation:	Approve 0.21 acres for 10% of assessed value

## PRELIMINARY REPORT:

On November 15, 2023, the Department of Natural Resources and Parks (DNRP) submitted its report on file no. E23CT003S 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:

Owner:	Grow, Inc PO Box 19748 Seattle, WA 98109
Location:	4613 S Lucille Street, Seattle
STR:	SE-22-24-04
Zoning:	NR3
Parcel nos:	333150-0510 and 333150-0530
Total acreage:	0.21 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 2024. As required by law, notification of the application occurred.
- The property 333150-0530 is currently enrolled in the PBRS program. The purpose of this application is to reclassify parcel -0530 to add extra PBRS categories, and then to enroll parcel -0510. 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. 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
	<u>Bonus Categories</u>	
	Unlimited public access	5
	Conservation easement or historic easement	18
	Easement and access	35
	<hr/> Total	<hr/> 63

The DNRP-recommended score of 63 points results in a current use valuation of 10% of assessed value for the enrolled portion of the property.

5. As to the land area recommended for PBRS enrollment, the Applicant requested 0.21 acres and DNRP recommends 0.21 acres. (Enrollment acreage here are the entire parcels. In the event the County Assessor's official parcel size is revised, the PBRS acreage shall be administratively adjusted to reflect that change.)
6. 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.
7. Approval of 63 points and a current use valuation of 10% of assessed value for 0.21 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 0.21-acre enrolled portion of the property.

DATED December 13, 2023.

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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](mailto:Clerk.Council@kingcounty.gov), to [hearingexaminer@kingcounty.gov](mailto: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 GROW, INC, FILE NO. E23CT003S

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 bearing 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