

May 8, 2024

**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. **E23CT010**
Proposed ordinance no. **2024-0084**
Parcel nos. **2322029186 and 2322029174**

DANIEL KLEIN AND DAVID PFEIFFER

Open Space Taxation Application (Public Benefit Rating System)

Location: 13916 SW Caster Road, Vashon

Applicants: **Daniel Klein and David Pfeiffer**

PO Box 9013

Vashon, WA 98070

Telephone: (206) 261-1889

Email: kleinmail@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 4.27 acres for 50% of assessed value

Examiner's Recommendation:

Approve 4.27 acres for 50% of assessed value

PRELIMINARY REPORT:

On April 12, 2024, the Department of Natural Resources and Parks (DNRP) submitted its report on file no. E23CT010 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:	Daniel Klein and David Pfeiffer PO Box 9013 Vashon, WA 98070
Location:	13916 SW Caster Road, Vashon
STR:	NW 23-22-02
Zoning:	RA2.5
Parcel numbers:	2322029186 and 2322029174
Total acreage:	5.1 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. Applicants requested credit under the aquifer protection area (five points) and watershed protection area (ten points) categories. DNRP agrees that both awards are warranted. The DNRP-recommended score of 10 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 4.40 acres and DNRP recommends 4.27 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 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.

6. Approval of ten points and a current use valuation of 50% of assessed value for 4.27 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 4.27-acre enrolled portion of the property.

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 has no jurisdiction to consider that appeal. Conversely, if the appeal requirements of KCC 20.22.230 are met, the Examiner notifies parties and interested persons and provides information about next steps in the appeal process.

MINUTES OF THE APRIL 24, 2024, HEARING ON THE APPLICATION OF DANIEL KLEIN AND DAVID PFEIFFER, FILE NO. E23CT010

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:

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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