

April 3, 2025

**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. **E24CT009S**
Proposed ordinance no. **2025-0063**
Parcel nos. **713130-0092, 713130-0093, 713130-0094, 713130-0095, 713130-0096,**
713130-0097, 713130-0098, 713130-0099, and 713130-0100

INDIGENOUS CREATIVE COLLECTIVE

Open Space Taxation Application (Public Benefit Rating System)

Location: 9666 51st Avenue South, Seattle

Applicant: Indigenous Creatives Collective
represented by **Asia Tail**
3815 S Othello Street Suite 100/348
Seattle, WA 98118
Telephone: (253) 336-6477
Email: info@yehawshow.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 1.42 acres for 40% of assessed value
Examiner's Recommendation:	Approve 1.42 acres for 10% of assessed value

Note: Because the subject properties are within Seattle city limits, Seattle will also need to approve this application for it to take effect. Seattle is currently scheduled to act on June 11.

PRELIMINARY REPORT:

On March 7, 2025, the Department of Natural Resources and Parks (DNRP) submitted its report on file no. E24CT009S 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 March 20, 2025.

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:	Indigenous Creatives Collective 3815 S Othello Street Suite 100/348 Seattle, WA 98118
Location:	9666 51st Avenue South, Seattle
STR:	NW 02-23-04
Zoning:	NR2
Parcel nos.:	713130-0092, 713130-0093, 713130-0094, 713130-0095, 713130-0096, 713130-0097, 713130-0098, 713130-0099, and 713130-0100
Total acreage:	1.42 acres

2. 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 2025. As required by law, notification of the application occurred.

3. 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 an *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>
	Buffer to public or current use classified land 3
	Public recreation area 5
	Surface water quality buffer *
	Urban open space *
	Watershed protection area *

<u>Bonus Categories</u>	
Unlimited public access	5
Resource restoration	*
Total	13

The DNRP-recommended score of 13 points results in a current use valuation of 40% of assessed value for the enrolled portion of the property.

4. Additional credit may be awarded administratively under the surface water quality buffer category, urban open space category, watershed protection area category, and resource restoration category, provided that, **by October 1, 2025**, DNRP approves the resource restoration plan the Applicant has already submitted. Award of credit under these categories will increase the point total to 38 and result 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 1.42 acres and DNRP recommends 1.42 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.)
6. Except as modified herein, we find the facts set forth in DNRP's preliminary report and testimony at the March 20, 2025, 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 13 points and a current use valuation of 40% of assessed value for 1.42 acres, and conditional approval of 25 additional points and 10% of assessed value for 1.42 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 1.42-acre enrolled portion of the property.
2. CONDITIONALLY APPROVE additional credit for the surface water quality buffer category, urban open space category, watershed protection area category, and resource restoration category, provided that, **by October 1, 2025**, DNRP approves the resource restoration plan the Applicant has already submitted, resulting in a current use valuation of 10% of assessed value for the 1.42-acre enrolled portion of the property.

DATED April 3, 2025.



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 ***April 28, 2025***, 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 MARCH 20, 2025, HEARING ON THE APPLICATION OF INDIGENOUS CREATIVE COLLECTIVE, FILE NO. E24CT009S

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