

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. **E23CT024**
Proposed ordinance no. **2024-0091**
Parcel no. **142202-9052**

Laurie Geissinger

Open Space Taxation Application (Public Benefit Rating System)

Location: 13209 SW Reddings Beach Road, Vashon

Applicant: **Laurie Geissinger**
13209 SW Reddings Beach Road
Vashon, WA 98070
Telephone: (206) 459-7545
Email: lggeissinger@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 7.73 acres for 20% of assessed value
Examiner's Recommendation: Approve 7.73 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. E23CT024 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:

Owner:	Laurie Geissinger 13209 SW Reddings Beach Road Vashon, WA 98070
Location:	13209 SW Reddings Beach Road, Vashon
STR:	SE-14-22-02
Zoning:	RA5SO
Parcel no:	142202-9052
Total acreage:	8.73 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 is already enrolled in the PPRS program. The purpose of this application is to add categories (farm and agricultural conservation land, plus historic landmark or archeological landmark–eligible) and additional acreage it will become enrollable as farmland. 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 ~~strike through~~ represents a category an applicant requested an award for but that DNRP disagrees 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	0
	Farm and agricultural conservation land	5

Historic landmark or archeological landmark – eligible	3
Significant wildlife or salmonid habitat	*
Surface water quality buffer	8
<hr/> Total	<hr/> 21

The DNRP-recommended score of 21 points results in a current use valuation of 20% of assessed value for the enrolled portion of the property.

5. Additional credit may be awarded administratively under the significant wildlife or salmonid habitat category, subject to submittal to DNRP, by **September 1, 2024**, of an expert determination, and subsequent DNRP approval of that determination. Award of credit under this category will increase the point total by five points, with no change to the current use valuation or enrolling acreage.
6. As to the land area recommended for PBRS enrollment, the Applicant requested 7.73 acres and DNRP recommends the same. (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.
 - A. The narrative for the surface water quality buffer category on page 6 explained that the owners were requiring qualifying buffer of native vegetation over *twice* as wide as the regulations require, but then incorrectly noted that this would result in a ten-point award. Ten points would only be appropriate for a buffer *triple* as wide as the regulations require. The table on page 7 showed the correct eight points, and the numerical totals are accurate.
8. Approval of 21 points and a current use valuation of 20% of assessed value for 7.73 acres, and conditional approval of five additional points with the same assessed value and enrolling acreage, 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 20% of assessed value for the 7.73-acre enrolled portion of the property.

2. **CONDITIONALLY APPROVE** additional credit for the significant wildlife or salmonid habitat category, subject to submittal to DNRP, by **September 1, 2024**, of an expert determination and subsequent DNRP approval of that determination. Award of credit under this category will increase the point total by five points, with no change to the current use valuation or 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 LAURIE GEISSINGER, FILE NO. E23CT024

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