

January 28, 2022

**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. **E21CT017**  
Proposed ordinance no. **2022-0002**  
Parcel no. **3023039242**

**BRETT SAFFORD AND NICK LUKENS**

Open Space Taxation Application (Public Benefit Rating System)

Location: 16333 Vashon Highway SW, Vashon

Applicants: **Brett Safford and Nick Lukens**  
16333 Vashon Hwy SW  
Vashon, WA 98070  
Telephone: (503) 970-1322  
Email: [brettanne@gmail.com](mailto:brettanne@gmail.com)

King County: Department of Natural Resources and Parks  
*represented by* **Bill Bernstein**  
201 S. Jackson Street  
Suite 5600  
Seattle, WA 98104  
Telephone: (206) 477-4643

**SUMMARY OF RECOMMENDATIONS:**

Department's Recommendation: Approve 8.00 acres for 40% of assessed value  
Conditionally approve 8.00 acres for 30% of assessed value

Examiner's Recommendation: Approve 8.00 acres for 40% of assessed value  
Conditionally approve 8.00 acres for 30% of assessed value

## PRELIMINARY REPORT:

On January 7, 2022, the Department of Natural Resources and Parks (DNRP) submitted its report on file no. E21CT017 to the Examiner.

## PUBLIC HEARING:

After reviewing the preliminary report and examining available information on file with the application, the Examiner conducted a Zoom public hearing on the application on January 20, 2022.

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:	Brett Safford and Nick Lukens 16333 Vashon Hwy SW Vashon, WA 98070
Location:	16333 Vashon Highway SW, Vashon
STR:	NE-30-23-03
Zoning:	RA-5
Parcel no.:	3023039242
Total acreage:	9.79 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 2022. 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. Any ~~strike 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>	
	<i>Aquifer protection area</i>	5
	<i>Forest stewardship plan</i>	*
	<del>Rural open space</del>	0
	<i>Significant wildlife or salmonid habitat</i>	5
	<i>Watershed protection area</i>	5

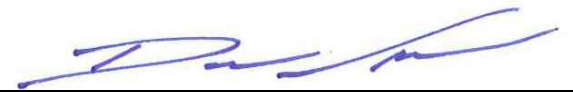
The DNRP-recommended score of 15 points results in a current use valuation of 40% of assessed value for the enrolled portion of the property.

4. Additional credit may be awarded administratively under the forest stewardship land, subject to submittal of a forest stewardship plan by **December 1, 2022**, and subsequent DNRP approval by **December 31, 2022**. Award of credit under this category will increase the point total by 5 points, resulting in a current use valuation of 30 % of assessed value for the enrolled portion of the property. Award of this category may allow approved forestry activities to occur on the property.
5. As to the land area recommended for PBRS enrollment, the Applicant requested 8.00 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.)
6. Except as modified herein, the facts set forth in DNRP’s preliminary report and testimony at the January 20, 2022, public hearing are correct and incorporated herein by reference. Copies of this report and DNRP’s report will be provided to the Metropolitan King County Council for final approval.
  - A. On page 6, under “Watershed protection area,” the report states that there are 17 forested acres enrolling in PBRS. DNRP clarified that there are 8 such acres. The revised total still sufficiently qualifies the property for the category.
7. Approval of 15 points and a current use valuation of 40% of assessed value, and conditional approval of 5 additional points and 30% of assessed value, for enrolling 8.00 acres, are both 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 8.00-acre enrolled portion of the property.
2. CONDITIONALLY APPROVE additional credit for the forest stewardship land category, subject to submittal of a forest stewardship plan by **December 1, 2022**, and subsequent DNRP approval by **December 31, 2022**, resulting in a current use valuation of 30% of assessed value for the 8.00-acre enrolled portion of the property.

DATED January 28, 2022.



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David Spohr, Hearing Examiner

### **NOTICE OF RIGHT TO APPEAL**

A person appeals an Examiner recommendation by following the steps described in KCC 20.22.230, including filing with the Clerk of the Council a sufficient appeal statement and a \$250 appeal fee (check payable to the King County FBOD). Appeal statements may refer only to facts contained in the hearing record; new facts may not be presented on appeal. KCC 20.22.230 also requires that the appellant provide copies of the appeal statement to the Examiner and to any named parties listed on the front page of the Examiner’s recommendation.

Prior to the close of business (4:30 p.m.) on *February 21, 2022*, an electronic copy of the appeal statement must be sent to [Clerk.Council@kingcounty.gov](mailto:Clerk.Council@kingcounty.gov) and a paper copy of the appeal statement must be delivered to the Clerk of the Council's Office, Room 1200, King County Courthouse, 516 Third Avenue, Seattle, Washington 98104. Prior mailing is not sufficient if actual receipt by the Clerk does not occur within the applicable time period. If the Office of the Clerk is not officially open on the specified closing date, delivery prior to the close of business on the next business day is sufficient to meet the filing requirement.

Unless both a timely and sufficient appeal statement and filing fee are filed by *February 21, 2022*, the Clerk of the Council shall place on the agenda of the next available Council meeting a proposed ordinance implementing the Examiner’s recommended action. At that meeting the Council may adopt the Examiner’s recommendation, defer action, refer the matter to a Council committee, or remand to the Examiner for further hearing or further consideration.

If a timely and sufficient appeal statement and filing fee are filed by *February 21, 2022*, the Examiner will notify all parties and interested persons and provide information about “next steps.”

### **MINUTES OF THE JANUARY 20, 2022, HEARING ON THE APPLICATION OF BRETT SAFFORD AND NICK LUKENS, FILE NO. E21CT017**

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