

April 3, 2025

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

Telephone (206) 477-0860

hearingexaminer@kingcounty.gov

www.kingcounty.gov/independent/hearing-examiner

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

SUBJECT: Department of Natural Resources and Parks file no. **E24CT016**
Proposed ordinance no. **2025-0066**
Parcel no. **112407-9028**

JASON FIORITO

Open Space Taxation Application (Public Benefit Rating System)

Location: 34349 SE 39th Place, Fall City

Applicant: **Jason Fiorito**
31001 144th Avenue SE
Kent, WA 98042
Telephone: (253) 639-5927
Email: jasonf@pacificraceways.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 55.00 acres for 10% of assessed value
Examiner's Recommendation:	Approve 55.00 acres for 10% of assessed value

PRELIMINARY REPORT:

On March 7, 2025, the Department of Natural Resources and Parks (DNRP) submitted its report on file no. E24CT016 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 Examiner's Office.

FINDINGS AND CONCLUSIONS:

1. General Information:

Owner:	Jason Fiorito 31001 144th Avenue SE Kent, WA 98042
Location:	34349 SE 39th Place, Fall City
STR:	SW 11-24-07
Zoning:	RA10
Parcel no.:	112407-9028
Total acreage:	62.60 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 2025. As required by law, notification of the application occurred.

3. The property is currently enrolled in the Designated Forestland program. The purpose of this application is to reclassify the property and enroll it in PBRs. Any new open space taxation agreement must supersede that agreement.

4. 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. A ~~strike through~~ represents a category an applicant requested an award for, but that DNRP disagrees is warranted.)

PBRs categories:	<u>Open Space Resources</u>	
	Aquifer protection area	5
	Buffer to public or current use classified land	3
	Rural open space	5
	Significant wildlife or salmonid habitat	5
	Special animal site	3
	Surface water quality buffer	10
	Watershed protection area	5

Bonus Categories

Contiguous parcels under separate ownership	0
Total	36

The DNRP-recommended score of 36 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 56.66 acres and DNRP recommends 55.00 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 36 points and a current use valuation of 10% of assessed value for 55.00 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 55.00-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 JASON FIORITO, FILE NO. E24CT016

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