

April 1, 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. **E24CT005MI**
Proposed ordinance no. **2025-0062**
Parcel no. **242404-9035**

TN-747-ANSNS-GNRRN TRUST

Open Space Taxation Application (Public Benefit Rating System)

Location: 5045 Forest Avenue SE, Mercer Island

Applicant: **TN-747-ANSNS-GNRRN Trust**
5045 Forest Avenue SE
Mercer Island, WA 98040
Email: stephen.e.newton@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 2.91 acres for 10% of assessed value |
| Examiner's Recommendation: | Approve 2.91 acres for 10% of assessed value |

Note: Because the subject property sits within Mercer Island's city limits, Mercer Island will also have to approve the application for it to take effect.

PRELIMINARY REPORT:

On March 7, 2025, the Department of Natural Resources and Parks (DNRP) submitted its report on file no. E24CT005MI 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: | TN-747-ANSNS-GNRRN Trust 5045 Forest Avenue SE Mercer Island, WA 98040 |
| Location: | 5045 Forest Avenue SE, Mercer Island |
| STR: | NE 24-24-04 |
| Zoning: | R-15 |
| Parcel no.: | 242404-9035 |
| Total acreage: | 4.09 acres |

2. The property has long been enrolled in the Public Benefit Rating System (PBRS) program since 1996. The property owner timely reapplied to improve their participation status beginning this year. As required by law, notification of the application occurred. Any new open space taxation agreement must supersede the existing agreement.

3. The relevant PBRS categories the Applicant requested an award for and DNRP agrees is warranted is as follows:

| | |
|--|----|
| <u>Open Space Resources</u> | |
| Surface water quality buffer | 10 |
| Urban open space | 5 |
| Watershed protection area | 5 |
| <u>Bonus Categories</u> | |
| Conservation easement or historic easement | 18 |
| Total | 38 |


The DNRP-recommended score of 38 points results in a current use valuation of 10% of assessed value for the enrolled portion of the property.

4. As to the land area recommended for PBRS enrollment, the Applicant requested 2.91 acres and DNRP recommends 2.91 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 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.
6. Approval of 38 points and a current use valuation of 10% of assessed value for 2.91 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 2.91-acre enrolled portion of the property.

DATED April 1, 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 25, 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
TN-747-ANSNS-GNRRN TRUST, FILE NO. E24CT005MI**

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 |