

March 16, 2023

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

King County Courthouse  
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**REPORT AND RECOMMENDATION TO THE  
METROPOLITAN KING COUNTY COUNCIL**

SUBJECT: Department of Natural Resources and Parks file no. **E22CT011**  
Proposed ordinance no. **2023-0042**  
Parcel nos. **1122029101, 1122029144, and 1122029145**

**ROBERT WILLIAMS ET AL.**

Open Space Taxation Application (Public Benefit Rating System)

Location: 20931 131st Place SW, Vashon  
Applicants: **Patrick Williams, Caitlin Ibarra, and Erik Ulberg**  
4004 13th Ave S  
Seattle, WA 98108  
Telephone: (206) 407-5508

Applicants: **Robert Williams and Mary Marrah**  
4110 13th Avenue S  
Seattle, WA 98108  
Telephone: (206) 403-5202  
Email: [brokenshovelkiwifarm@gmail.com](mailto:brokenshovelkiwifarm@gmail.com)

Applicant: **Marilyn Watkins**  
4020 13th Avenue S  
Seattle, WA 98108  
Telephone: (206) 877-3674

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  
Email: [bill.bernstein@kingcounty.gov](mailto:bill.bernstein@kingcounty.gov)

SUMMARY OF RECOMMENDATIONS:

Department's Recommendation:	Approve 8.62 acres for 20% of assessed value
Examiner's Recommendation:	Approve 8.62 acres for 20% of assessed value

## PRELIMINARY REPORT:

On February 17, 2023, the Department of Natural Resources and Parks (DNRP) submitted its report on file no. E22CT011 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 March 2, 2023.

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:	Patrick Williams, Caitlin Ibarra, Erik Ulberg, Robert Williams, Mary Marrah, and Marilyn Watkins 4004 13th Ave S Seattle, WA 98108
Location:	20931 131st Place SW, Vashon
STR:	NE-11-22-02
Zoning:	RA10SO
Parcel nos.:	1122029101, 1122029144, and 1122029145
Total acreage:	8.65 acres

- 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 2023. As required by law, notification of the application occurred.
- 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 ~~strikethrough~~ 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>	
	Aquifer protection area	5
	Buffer to public or current use classified land	3
	Forest stewardship land	5
	Watershed protection area	5
	<u>Bonus Categories</u>	
	Contiguous parcels under separate ownership	4
	<u>Total</u>	<u>22</u>


The DNRP-recommended score of 22 points results in a current use valuation of 20% of assessed value for the enrolled portion of the property. (Unlike many other applications, there are no contingencies here; these Applicants qualify now for all five categories.)

4. As to the land area recommended for PBRS enrollment, the Applicant requested 7.65 acres and DNRP recommends 8.62 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 2, 2023, 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 22 points and a current use valuation of 20% of assessed value for 8.62 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 20% of assessed value for the 8.62-acre enrolled portion of the property.

DATED March 16, 2023.




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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 *April 10, 2023*, 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 *April 10, 2023*, 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 *April 10, 2023*, the Examiner will notify all parties and interested persons and provide information about “next steps.”

### **MINUTES OF THE MARCH 2, 2023, HEARING ON THE APPLICATION OF ROBERT WILLIAMS ET AL., FILE NO. E22CT011**

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