

March 9, 2021

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

King County Courthouse  
516 Third Avenue Room 1200  
Seattle, Washington 98104  
Telephone (206) 477-0860  
[hearingexaminer@kingcounty.gov](mailto:hearingexaminer@kingcounty.gov)  
[www.kingcounty.gov/independent/hearing-examiner](http://www.kingcounty.gov/independent/hearing-examiner)

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

SUBJECT: Department of Natural Resources and Parks file no. **E20CT019**  
Proposed ordinance no. **2021-0048**  
Parcel nos. **0622039073, 0622039163, and 0622039042**

**CHRISTOPHER AND JENNIFER ROBERTS**

Open Space Taxation Application (Public Benefit Rating System)

Location: 10308 SW 204th Street, Seattle

Applicants: **Christopher and Jennifer Roberts**  
3914 48th Place NE  
Seattle, WA 98105  
Telephone: (206) 356-0026  
Email: [stophroberts@gmail.com](mailto:stophroberts@gmail.com)

King County: Department of Natural Resources and Parks  
*represented by* **Bill Bernstein**  
701 S Jackson Street Suite 701  
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 30% of assessed value  
Conditionally approve 8.62 acres for 20% of assessed value

Examiner's Recommendation: Approve 8.62 acres for 30% of assessed value  
Conditionally approve 8.62 acres for 20% of assessed value

## PRELIMINARY REPORT:

On January 14, 2021, the Department of Natural Resources and Parks (DNRP) submitted its report on file no. E20CT019 to the Examiner.

## PUBLIC HEARING:

After reviewing the preliminary report and examining available information on file with the application, the Examiner conducted a telephonic public hearing on the application on February 25, 2021.

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:	Christopher and Jennifer Roberts 3914 48th Place NE Seattle, WA 98105
Location:	10308 SW 204th Street, Seattle
STR:	SE-6-22-3
Zoning:	RA-5 (special overlay)
Parcel nos.:	0622039073; 0622039163; 0622039042
Total acreage:	18.09 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 2021. As required by law, notification of the application occurred. The property is currently enrolled in the timberland program (E03CT018). The purpose of this application is to reclassify the property. The new open space tax agreement should supersede any existing agreement.

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 ~~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
	*Forest stewardship land	*
	<del>Rural stewardship land</del>	0
	<i>Significant wildlife or salmonid habitat</i>	5
	Surface water quality buffer	5

---

<del>Watershed protection area</del>	0
<u>Bonus Categories</u>	
Additional surface water quality buffer	5
<b>Total points</b>	<b>20</b>

The DNRP-recommended score of 20 points results in a current use valuation of 30% of assessed value for the enrolled portion of the property.

4. Additional credit may be awarded administratively under the forest stewardship land category, subject to submittal of a forest stewardship plan to DNRP by **December 1, 2021**, and DNRP approval by **December 31, 2021**. Award of credit under this category will increase the point total by 5 points, resulting in a current use valuation of 20% of assessed value for the enrolled portion of the property. Award of this category may also allow approved forestry activities to occur on the property.
5. As to the land area recommended for PBRS enrollment, the Applicant requested a total of 8.38 acres spread across the three parcels. 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.)
6. Except as modified herein, the facts set forth in DNRP's preliminary report and testimony at the February 25, 2021, 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.
7. Approval of points and a current use valuation of 30% (and conditional approval of 5 additional points and 20%) of assessed value for 8.62 acres) of the property 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 30% for the 8.62 acre-enrolled portion of the property.
2. CONDITIONALLY APPROVE additional a current use valuation of 20% for the 8.62 acre-enrolled portion of the property, subject to submittal of a forest stewardship plan to DNRP by **December 1, 2021**, and DNRP approval by **December 31, 2021**.

DATED March 9, 2021.

  
 \_\_\_\_\_  
 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 2, 2021*, 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 2, 2021*, 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 2, 2021*, the Examiner will notify all parties and interested persons and provide information about “next steps.”

### **MINUTES OF THE FEBRUARY 25, 2021, HEARING ON THE APPLICATION OF CHRISTOPHER AND JENNIFER ROBERTS, FILE NO. E20CT019**

David Spohr was the Hearing Examiner in this matter. Bill Bernstein participated in the hearing on behalf of the department.

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

DS/jo