



KING COUNTY

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Signature Report

Ordinance 19929

Proposed No. 2025-0062.2

Sponsors Zahilay

1 AN ORDINANCE concurring with the recommendation of
2 the hearing examiner to approve, subject to conditions, the
3 application for public benefit rating system assessed
4 valuation for open space submitted by TN-747-ANSNS-
5 GNRRN Trust for property located at 5045 Forest Avenue
6 SE, Mercer Island, WA, designated department of natural
7 resources and parks, water and land resources division file
8 no. E24CT005MI.

9 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

10 SECTION 1. This ordinance does hereby adopt and incorporate herein as its
11 findings and conclusions the findings and conclusions contained in Attachment A to this
12 ordinance, the report and recommendation of the hearing examiner dated April 1, 2025,
13 to approve subject to conditions, the application for public benefit rating system assessed
14 valuation for open space submitted by TN-747-ANSNS-GNRRN Trust for property
15 located at 5045 Forest Avenue SE, Mercer Island, WA, designated department of natural
16 resources and parks, water and land resources division file no. E24CT005MI. The

Ordinance 19929

- 17 council does hereby adopt as its action the recommendation or recommendations
18 contained in the examiner's report.

Ordinance 19929 was introduced on 2/18/2025 and passed by the Metropolitan King County Council on 5/13/2025, by the following vote:

Yes: 9 - Balducci, Barón, Dembowski, Dunn, Mosqueda, Perry,
Quinn, von Reichbauer and Zahilay

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON

Signed by:

Girmay Zahilay

1AEA3C5077F8485...

Girmay Zahilay, Chair

ATTEST:

DocuSigned by:

Angel Foss

C267B914088E4A0...

Melani Hay, Clerk of the Council

Attachments: A. Hearing Examiner Report dated April 1, 2025

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:

Open Space Resources

Surface water quality buffer	10
Urban open space	5
Watershed protection area	5

Bonus Categories

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

Certificate Of Completion

Envelope Id: 10B59CE1-501F-48B8-B979-B0DDF93A2677	Status: Completed
Subject: Complete with Docusign: Ordinance 19929.docx, Ordinance 19929 Attachment A.pdf	
Source Envelope:	
Document Pages: 2	Signatures: 2
Supplemental Document Pages: 4	Initials: 0
Certificate Pages: 5	Envelope Originator:
AutoNav: Enabled	Cherie Camp
Envelopeld Stamping: Enabled	401 5TH AVE
Time Zone: (UTC-08:00) Pacific Time (US & Canada)	SEATTLE, WA 98104
	Cherie.Camp@kingcounty.gov
	IP Address: 198.49.222.20


Record Tracking

Status: Original	Holder: Cherie Camp	Location: DocuSign
5/14/2025 10:31:44 AM	Cherie.Camp@kingcounty.gov	
Security Appliance Status: Connected	Pool: FedRamp	
Storage Appliance Status: Connected	Pool: King County-Council	Location: Docusign

Signer Events

Girmay Zahilay
girmay.zahilay@kingcounty.gov
Council Chair
Security Level: Email, Account Authentication (None)

Signature

Signed by:

1AEA3C5077F8485...
Signature Adoption: Pre-selected Style
Using IP Address: 71.227.166.164

Timestamp

Sent: 5/14/2025 10:32:19 AM
Viewed: 5/14/2025 12:08:52 PM
Signed: 5/14/2025 12:09:01 PM

Electronic Record and Signature Disclosure:
Accepted: 5/14/2025 12:08:52 PM
ID: 841a7940-808c-4888-bd93-bf2995dfa42a

Angel Foss
Angel.Foss@kingcounty.gov
Deputy Clerk of the Council
King County Council
Security Level: Email, Account Authentication (None)

DocuSigned by:

C267B914088E4A0...
Signature Adoption: Pre-selected Style
Using IP Address: 198.49.222.20

Sent: 5/14/2025 12:09:02 PM
Viewed: 5/14/2025 12:24:05 PM
Signed: 5/14/2025 12:24:10 PM

Electronic Record and Signature Disclosure:
Accepted: 9/30/2022 11:28:30 AM
ID: 020c9a0a-c529-4443-8490-bad8ecc7fb95

In Person Signer Events

Signature

Timestamp

Editor Delivery Events

Status

Timestamp

Agent Delivery Events

Status

Timestamp

Intermediary Delivery Events

Status

Timestamp

Certified Delivery Events

Status

Timestamp

Carbon Copy Events

Status

Timestamp

Witness Events

Signature

Timestamp

Notary Events

Signature

Timestamp

Envelope Summary Events	Status	Timestamps
Envelope Sent	Hashed/Encrypted	5/14/2025 10:32:19 AM
Certified Delivered	Security Checked	5/14/2025 12:24:05 PM
Signing Complete	Security Checked	5/14/2025 12:24:10 PM
Completed	Security Checked	5/14/2025 12:24:10 PM
Payment Events	Status	Timestamps
Electronic Record and Signature Disclosure		

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If you decide to receive notices and disclosures from us electronically, you may at any time change your mind and tell us that thereafter you want to receive required notices and disclosures only in paper format. How you must inform us of your decision to receive future notices and disclosure in paper format and withdraw your consent to receive notices and disclosures electronically is described below.

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If you elect to receive required notices and disclosures only in paper format, it will slow the speed at which we can complete certain steps in transactions with you and delivering services to you because we will need first to send the required notices or disclosures to you in paper format, and then wait until we receive back from you your acknowledgment of your receipt of such paper notices or disclosures. Further, you will no longer be able to use the DocuSign system to receive required notices and consents electronically from us or to sign electronically documents from us.

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Unless you tell us otherwise in accordance with the procedures described herein, we will provide electronically to you through the DocuSign system all required notices, disclosures, authorizations, acknowledgements, and other documents that are required to be provided or made available to you during the course of our relationship with you. To reduce the chance of you inadvertently not receiving any notice or disclosure, we prefer to provide all of the required notices and disclosures to you by the same method and to the same address that you have given us. Thus, you can receive all the disclosures and notices electronically or in paper format through the paper mail delivery system. If you do not agree with this process, please let us know as described below. Please also see the paragraph immediately above that describes the consequences of your electing not to receive delivery of the notices and disclosures electronically from us.

How to contact King County-Department of 02:

You may contact us to let us know of your changes as to how we may contact you electronically, to request paper copies of certain information from us, and to withdraw your prior consent to receive notices and disclosures electronically as follows:

To contact us by email send messages to: cipriano.dacanay@kingcounty.gov

To advise King County-Department of 02 of your new email address

To let us know of a change in your email address where we should send notices and disclosures electronically to you, you must send an email message to us at cipriano.dacanay@kingcounty.gov and in the body of such request you must state: your previous email address, your new email address. We do not require any other information from you to change your email address.

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To request delivery from us of paper copies of the notices and disclosures previously provided by us to you electronically, you must send us an email to cipriano.dacanay@kingcounty.gov and in the body of such request you must state your email address, full name, mailing address, and telephone number. We will bill you for any fees at that time, if any.

To withdraw your consent with King County-Department of 02

To inform us that you no longer wish to receive future notices and disclosures in electronic format you may:

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- ii. send us an email to cipriano.dacanay@kingcounty.gov and in the body of such request you must state your email, full name, mailing address, and telephone number. We do not need any other information from you to withdraw consent.. The consequences of your withdrawing consent for online documents will be that transactions may take a longer time to process..

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- Until or unless you notify King County-Department of 02 as described above, you consent to receive exclusively through electronic means all notices, disclosures, authorizations, acknowledgements, and other documents that are required to be provided or made available to you by King County-Department of 02 during the course of your relationship with King County-Department of 02.