



**KING COUNTY**

1200 King County Courthouse  
516 Third Avenue  
Seattle, WA 98104

**Signature Report**

**February 28, 2017**

**Ordinance 18465**

**Proposed No. 2016-0565.2**

**Sponsors McDermott**

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 Dirk and Michelle  
5 Nevelle for property located at Approximately 103XX  
6 420th Avenue SE, North Bend, WA, designated department  
7 of natural resources and parks, water and land resources  
8 division file no. E16CT026.

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, the  
12 report and recommendation of the hearing examiner dated January 23, 2017, to approve  
13 subject to conditions, the application for public benefit rating system assessed valuation  
14 for open space submitted by Dirk and Michelle Nevelle for property located at  
15 Approximately 103XX 420th Avenue SE, North Bend, WA, designated department of  
16 natural resources and parks, water and land resources division file no. E16CT026, and the

17 council does hereby adopt as its action the recommendation or recommendations  
18 contained in the report.  
19

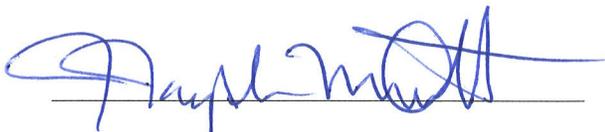
Ordinance 18465 was introduced on 12/12/2016 and passed by the Metropolitan King County Council on 2/27/2017, by the following vote:

Yes: 9 - Mr. von Reichbauer, Mr. Gossett, Ms. Lambert, Mr. Dunn,  
Mr. McDermott, Mr. Dembowski, Mr. Upthegrove, Ms. Kohl-Welles  
and Ms. Balducci

No: 0

Excused: 0

KING COUNTY COUNCIL  
KING COUNTY, WASHINGTON



J. Joseph McDermott, Chair

ATTEST:



Melani Pedroza, Acting Clerk of the Council

**Attachments:** A. Hearing Examiner Report Dated January 23, 2017

January 23, 2017

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

King County Courthouse  
516 Third Avenue Room 1200  
Seattle, Washington 98104  
Telephone (206) 477-0860  
Facsimile (206) 296-0198  
[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. **E16CT026**  
Proposed ordinance no. **2016-0565**  
Parcel no. **0323089160**

**DIRK AND MICHELLE NEVELLE**

Open Space Taxation Application (Public Benefit Rating System)

Location: Approximately 103XX 420th Avenue SE, North Bend

Applicants: **Dirk and Michelle Nevelle**  
6215 Fairway Place SE  
Snoqualmie, WA 98065  
Telephone: (206) 484-0777  
Email: [cdneve@me.com](mailto:cdneve@me.com)

King County: Department of Natural Resources and Parks  
*represented by* **Bill Bernstein**  
201 S Jackson Street Suite 600  
Seattle, WA 98104  
Telephone: (206) 477-4643  
Email: [bill.bernstein@kingcounty.gov](mailto:bill.bernstein@kingcounty.gov)

**SUMMARY OF RECOMMENDATIONS:**

Department's Recommendation: Approve 21.41 acres for 50% of market value  
Examiner's Recommendation: Approve 21.41 acres for 50% of market value

## PRELIMINARY REPORT:

On December 28, 2016, the Department of Natural Resources and Parks (DNRP) submitted its report on file no. E16CT026 to the Examiner.

## PUBLIC HEARING:

After reviewing the preliminary report and examining available information on file with the application, the Examiner conducted a public hearing on the application on January 10, 2017, in the Ginger Conference Room, 12th Floor, King County Courthouse, 516 Third Avenue, Seattle, Washington. The Examiner received the affidavit of notice publication on January 12, 2017.

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:	Dirk and Michelle Nevelle 6215 Fairway Place SE Snoqualmie, WA 98065
Location:	Approximately 103XX 420th Avenue SE, North Bend
STR:	SW 03-23-08
Zoning:	RA-10
Parcel no.:	0323089160
Total acreage:	21.41 acres

2. The Applicants timely filed an application to King County for PBRS program current use valuation of the property to begin in 2018. As required by law, notification of the application occurred.

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>	
	*Farm and agricultural conservation land*	*5*
		*5*

The DNRP-recommended score of 5 points results in a current use valuation of 50% of market value for the enrolled portion of the property. Award under the farm and

agricultural conservation land category is contingent upon submittal of a King Conservation District-approved farm management plan for the property by **October 31, 2017**. Because the property is not eligible under any other PBRS resource category, failure to qualify as farm and agricultural conservation land will preclude the property from enrollment in the PBRS program.

4. As to the land area recommended for PBRS enrollment, the Applicant requested 19.34 acres and DNRP recommends 21.41 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, the facts set forth in DNRP's REVISED staff report, and in testimony at the January 10, 2017, public hearing, are correct and incorporated herein by reference. Copies of this report and DNRP's REVISED report will be provided to the Metropolitan King County Council for final approval.
6. Approval, pursuant to the Public Benefit Rating System adopted by Chapter 20.36 KCC, of 5 points and a current use valuation of 50% of market value for 21.41 acres of the property, is consistent 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.
7. The subject property is currently enrolled in the farm and agricultural land program. Any open space taxation participation agreement signed as a result of approval of this application should be worded to supersede any prior agreement for the parcel.

RECOMMENDATION:

1. APPROVE current use valuation of 50% of market value for the 21.41-acre enrolled portion of the property, CONTINGENT on submittal of a King Conservation District-approved farm management plan for the property by **October 31, 2017**.

DATED January 23, 2017.



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 *February 16, 2017*, 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 *February 16, 2017*, 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 *February 16, 2017*, the Examiner will notify all parties and interested persons and provide information about "next steps."

MINUTES OF THE JANUARY 10, 2017, HEARING ON THE APPLICATION OF DIRK AND MICHELLE NEVELLE, DEPARTMENT OF NATURAL RESOURCES AND PARKS FILE NO. E16CT026.

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	<i>Not submitted</i>
Exhibit no. 2	<i>Not submitted</i>
Exhibit no. 3	<i>Not submitted</i>
Exhibit no. 4	DNRP report to the Hearing Examiner
<i>Exhibit no. 5</i>	<i>Reserved for: Affidavit of publication</i>
Exhibit no. 6	Notice of hearing from the Hearing Examiner's Office
Exhibit no. 7	Notice of hearing from the PBRS program
Exhibit no. 8	Legal notice and introductory ordinance to the King County Council
Exhibit no. 9	Application signed/notarized
<i>Exhibit no. 10</i>	<i>Reserved for: Legal description of area to be enrolled</i>
Exhibit no. 11	Email to applicant regarding received application and approval schedule
Exhibit no. 12	Arcview and orthophoto/aerial map
Exhibit no. 13	<i>Reserved for: Farm management plan</i>

DS/vsm