



KING COUNTY

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Signature Report

Ordinance 18857

Proposed No. 2018-0438.2

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 William and Evelyn
5 Niord for property located at 21007 259th Avenue SE,
6 Maple Valley, WA, designated department of natural
7 resources and parks, water and land resources division file
8 no. E18CT002.

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 November 6,
13 2018, to approve subject to conditions, the application for public benefit rating system
14 assessed valuation for open space submitted by William and Evelyn Niord for property
15 located at 21007 259th Avenue SE, Maple Valley, WA, designated department of natural
16 resources and parks, water and land resources division file no. E18CT002, and the

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

Ordinance 18857 was introduced on 9/24/2018 and passed by the Metropolitan King
County Council on 12/10/2018, 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, Clerk of the Council



Attachments: A. Hearing Examiner Report dated November 6, 2018

November 6, 2018

**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
www.kingcounty.gov/independent/hearing-examiner

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

SUBJECT: Department of Natural Resources and Parks file no. **E18CT002**
Proposed ordinance no. **2018-0438**
Parcel nos. **1122069111, 1122069141, 1122069203**

WILLIAM AND EVELYN NIORD

Open Space Taxation Application (Public Benefit Rating System)

Location: 21007 259th Avenue SE, Maple Valley

Applicants: **William and Evelyn Niord**
PO Box 327
Hobart, WA 98025
Telephone: (425) 432-1633
Email: evieniord@live.com

King County: Department of Natural Resources and Parks
represented by **Megan Kim**
201 S Jackson Street Suite 600
Seattle, WA 98104
Telephone: (206) 477-4788
Email: megan.kim@kingcounty.gov

SUMMARY OF RECOMMENDATIONS:

Department's Recommendation: Approve (contingent) 9.76 acres for 50% of assessed value
Examiner's Recommendation: Approve (contingent) 9.76 acres for 50% of assessed value

PRELIMINARY REPORT:

On October 9, 2018, the Department of Natural Resources and Parks (DNRP) submitted its report on file no. E18CT002 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 October 23, 2018, in the Fred Conference Room, 12th Floor, King County Courthouse, 516 Third Avenue, Seattle, Washington. The Examiner received the affidavit of notice publication on October 22, 2018.

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:	William and Evelyn Niord PO Box 327 Hobart, WA 98025
Location:	21007 259th Avenue SE, Maple Valley
STR:	NE 11-22-06
Zoning:	RA-5
Parcel nos.:	1122069111, 1122069141, 1122069203
Total acreage:	10.37 acres

2. The Applicants timely filed an application to King County for PBRS program current use valuation of the property to begin in 2020. 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 ~~strike through~~ 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>	
	<u>*Farm and agricultural conservation land*</u>	*5*
		5

The DNRP-recommended score of 5 points results in a current use valuation of 50% of assessed value for the enrolled portion of the property. Award for the farm and agricultural land category is contingent on submittal of a King Conservation District-approved farm management plan by **October 31, 2019**. Because the property is not eligible for 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 9.91 acres and DNRP recommends 9.76 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 preliminary report and testimony at the October 23, 2018, 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.
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 assessed value for 9.76 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 agreements for the parcel.

RECOMMENDATION:

1. APPROVE current use valuation of 50% of assessed value for the 9.76-acre enrolled portion of the property, CONTINGENT on submittal of a King Conservation District-approved farm management plan by **October 31, 2019**. Because the property is not eligible for any other PBRS resource category, failure to qualify as farm and agricultural conservation land will preclude the property from enrollment in the PBRS program.

DATED November 6, 2018.



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 *November 30, 2018*, an electronic copy of the appeal statement must be sent to 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 *November 30, 2018*, 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 *November 30, 2018*, the Examiner will notify all parties and interested persons and provide information about "next steps."

**MINUTES OF THE OCTOBER 23, 2018, HEARING ON THE APPLICATION OF
WILLIAM AND EVELYN NIORD, FILE NO. E18CT002**

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

The following exhibits were offered and entered into the hearing record:

- | | |
|----------------|---|
| Exhibit no. 1 | <i>Reserved for open space taxation agreement</i> |
| Exhibit no. 2 | <i>Reserved for final ordinance</i> |
| Exhibit no. 3 | <i>Reserved for Hearing Examiner's report and recommendation</i> |
| Exhibit no. 4 | DNRP report to the Hearing Examiner |
| Exhibit no. 5 | Affidavit of publication |
| 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 |
| Exhibit no. 10 | <i>Reserved for future submission of 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 future submission of farm management plan</i> |

DS/vsm