



**KING COUNTY**

1200 King County Courthouse  
516 Third Avenue  
Seattle, WA 98104

**Signature Report**

**May 2, 2017**

**Ordinance 18506**

**Proposed No. 2017-0056.2**

**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 Barbara Millard for  
5           property located at 21145 212th Avenue SE, Maple Valley,  
6           WA, designated department of natural resources and parks,  
7           water and land resources division file no. E16CT031.

8           BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

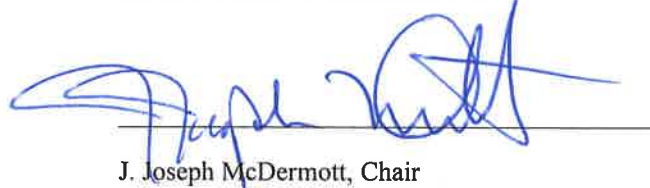
9           SECTION 1. This ordinance does hereby adopt and incorporate herein as its  
10          findings and conclusions the findings and conclusions contained in attachment A to this  
11          ordinance, the report and recommendation of the hearing examiner dated March 31,  
12          2017, to approve subject to conditions, the application for public benefit rating system  
13          assessed valuation for open space submitted by Barbara Millard for property located at  
14          21145 212th Avenue SE, Maple Valley, WA, designated department of natural resources  
15          and parks, water and land resources division file no. E16CT031, and the council does  
16          hereby adopt as its action the recommendation or recommendations contained in the  
17          report.

18

Ordinance 18506 was introduced on 2/21/2017 and passed by the Metropolitan King County Council on 5/1/2017, by the following vote:

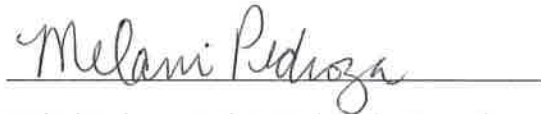
Yes: 9 - Mr. von Reichbauer, Mr. Gossett, Ms. Lambert, Mr. Dunn,  
Mr. McDermott, Mr. Dembowski, Mr. Upthegrove, Ms. Kohl-Welles  
and Ms. Balducci  
No: 0  
Excused: 0

KING COUNTY COUNCIL  
KING COUNTY, WASHINGTON



J. Joseph McDermott, Chair

ATTEST:



Melani Pedroza, Acting Clerk of the Council

**Attachments:** A. Hearing Examiner Report Dated March 30, 2017

March 30, 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. **E16CT031**  
Proposed ordinance no. **2017-0056**  
Parcel no. **0822069032**

**BARBARA MILLARD**

Open Space Taxation Application (Public Benefit Rating System)

Location: 21145 212th Avenue SE, Maple Valley

Applicant: **Barbara Millard**  
24735 230th Way SE  
Maple Valley, WA 98038  
Telephone: (206) 941-3000  
Email: [russmillard@yahoo.com](mailto:russmillard@yahoo.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 15.78 acres for 20% of market value
Examiner's Recommendation:	Approve 15.78 acres for 20% of market value

## PRELIMINARY REPORT:

On March 10, 2017, the Department of Natural Resources and Parks (DNRP) submitted its report on file no. E16CT031 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 March 23, 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 March 16, 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:

Owner:	Barbara Millard 24735 230th Way SE Maple Valley, WA 98038
Location:	21145 212th Avenue SE, Maple Valley
STR:	NE 08-22-06
Zoning:	RA-5
Parcel no.:	0822069032
Total acreage:	21.43 acres

2. The Applicant 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 ~~striketrough~~ 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>	
	<i>Buffer to public or current use classified land</i>	3
	*Forest stewardship land*	
	<i>Rural open space</i>	5

<u>Rural stewardship land</u>	
<i>Significant wildlife or salmonid habitat</i>	5
Surface water quality buffer	5
Watershed protection area	5
<u>Bonus Category</u>	
<i>Additional surface water quality buffer</i>	3
	26

The DNRP-recommended score of 26 points results in a current use valuation of 20% of market value for the enrolled portion of the property. Additional credit may be awarded administratively under the forest stewardship land category subject to submittal of forest stewardship plan by **November 1, 2017**, and subsequent approval by **December 29, 2017**. Award of credit under this category will increase the point total by 5 points, with no effect on the market valuation for the enrolled portion of the property. Award of this category may allow approved forestry activities to occur on the property.

4. As to the land area recommended for PBRS enrollment, the Applicant requested 21.43 acres and DNRP recommends 15.78 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 March 23, 2017, 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 26 points and a current use valuation of 20% of market value for 15.78 acres of the property and conditional approval of 5 additional points (which will bring the total to 31 points but have no impact on market value or acreage enrolled), 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 Timber 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 20% of market value for the 15.78-acre enrolled portion of the property.

2. **CONDITIONALLY APPROVE** additional credit under the forest stewardship land category to be awarded administratively, if the Applicants submit a forest stewardship plan by **November 1, 2017**, and subsequent approval by **December 29, 2017**. Award of credit under this category will increase the point total by 5 points, with no effect on the market valuation for the enrolled portion of the property. Award of this category may allow approved forestry activities to occur on the property.

DATED March 30, 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 *April 24, 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 *April 24, 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 *April 24, 2017*, the Examiner will notify all parties and interested persons and provide information about "next steps."

MINUTES OF THE MARCH 23, 2017, HEARING ON THE APPLICATION OF BARBARA MILLARD, DEPARTMENT OF NATURAL RESOURCES AND PARKS FILE NO. E16CT031.

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>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
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: 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: Forest stewardship plan</i>

DS/vsm

March 30, 2017

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KING COUNTY, WASHINGTON**

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**CERTIFICATE OF SERVICE**

SUBJECT: Department of Natural Resources and Parks file no. **E16CT031**  
Proposed ordinance no. **2017-0056**  
Parcel no. **0822069032**

**BARBARA MILLARD**

Open Space Taxation Application (Public Benefit Rating System)

I, Vonetta Mangaoang, certify under penalty of perjury under the laws of the State of Washington that I transmitted the **REPORT AND RECOMMENDATION TO THE METROPOLITAN KING COUNTY COUNCIL** to those listed on the attached page as follows:

- EMAILED to all County staff listed as parties/interested persons and parties with e-mail addresses on record.
- caused to be placed with the United States Postal Service, with sufficient postage, as FIRST CLASS MAIL in an envelope addressed to the non-County employee parties/interested persons to addresses on record.

DATED March 30, 2017.

*Vonetta Mangaoang*

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Vonetta Mangaoang  
Clerk/Manager



*All Parties of Record*

**Akada, Irene**

Department of Assessments

**Bernstein, Bill**

Department of Natural Resources and Parks

**Clark, Debra**

Department of Assessments

**Freitag, Ivy**

Department of Natural Resources and Parks

**Kim, Megan**

Department of Natural Resources and Parks

**Millard, Barbara**

mailed paper copy

**Pedroza, Melani**

Metropolitan King County Council

**Reed, Mike**

Metropolitan King County Council