



KING COUNTY

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Signature Report

Ordinance 19285

Proposed No. 2021-0100.2

Sponsors Balducci

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 Zhenia Umbers and
5 Erik Norris for property located at 19612 NE 133rd Street,
6 Redmond, WA, designated department of natural resources
7 and parks, water and land resources division file no.
8 E20CT035.

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 8, 2021,
13 to approve subject to conditions, the application for public benefit rating system assessed
14 valuation for open space submitted by Zhenia Umbers and Erik Norris for property
15 located at 19612 NE 133rd Street, Redmond, WA, designated department of natural
16 resources and parks, water and land resources division file no. E20CT035. The council

Ordinance 19285

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

19

Ordinance 19285 was introduced on 2/23/2021 and passed by the Metropolitan King County Council on 5/18/2021, by the following vote:

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

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON

DocuSigned by:

Claudia Balducci

7E1C273CE9994B6...

Claudia Balducci, Chair

ATTEST:

DocuSigned by:

Melani Pedroza

8DE1BB375AD3422...

Melani Pedroza, Clerk of the Council

Attachments: A. Hearing Examiner Report dated April 8, 2021

April 8, 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
www.kingcounty.gov/independent/hearing-examiner

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

SUBJECT: Department of Natural Resources and Parks file no. **E20CT035**
Proposed ordinance no. **2021-0100**
Parcel nos. **0625109002 and 0625100125**

ZHENIA UMBERS AND ERIK NORRIS

Open Space Taxation Application (Public Benefit Rating System)

Location: 19612 NE 133rd Street, Redmond

Applicants: **Zhenia Umbers and Erik Norris**
19612 NE 133rd Street
Woodinville, WA 98077
Telephone: (253) 232-0562
Email: b.moffet@yahoo.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

SUMMARY OF RECOMMENDATIONS:

Department's Recommendation: Approve 9.61 acres for 10% of assessed value
Examiner's Recommendation: Approve 9.61 acres for 10% of assessed value

PRELIMINARY REPORT:

On February 23, 2021, the Department of Natural Resources and Parks (DNRP) submitted its report on file no. E20CT035 to the Examiner. DNRP submitted a revised report on March 25.

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 March 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: | Zhenia Umbers and Erik Norris 19612 NE 133rd Street Woodinville, WA 98077 |
| Location: | 19612 NE 133rd Street, Redmond |
| STR: | SW-20-26-06 |
| Zoning: | RA5 |
| Parcel nos.: | 0625109002 and 0625100125 |
| Total acreage: | 13.32 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.

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> | |
| | Aquifer protection area | 5 |
| | Buffer to public or current use classified land | 0 |
| | <i>Significant wildlife and salmonid habitat</i> | 5 |
| | <i>Special animal site</i> | 3 |
| | <i>Surface water quality buffer</i> | 5 |
| | <i>Watershed protection area</i> | 5 |

Bonus Categories

| | |
|--|-----------|
| <i>*Resource restoration</i> | * |
| <i>Additional surface water quality buffer</i> | 5 |
| Conservation easement or historic easement | 15 |
| <u>Total</u> | <u>43</u> |

The DNRP-recommended score of 43 points results in a current use valuation of 10% of assessed value for the enrolled portion of the property.

4. Additional credit may be awarded administratively on parcel under the resource restoration category, subject to submittal of a resource restoration plan by **November 1, 2021**, and DNRP approval that plan by **December 1, 2021**. Award of credit under this category will increase the point total by 5 points; this will not change the current use valuation or enrolled acreage, but may allow approved forestry activities to occur.
5. As to the land area recommended for PBRS enrollment, the Applicant requested 9.78 total acres across both parcels and DNRP recommends 9.61 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 revised report and testimony at the March 25, 2021, public hearing are correct and incorporated herein by reference. Copies of the revised report and DNRP's report will be provided to the Metropolitan King County Council for final approval.
7. Approval of 43 points and a current use valuation of 10% of assessed value for 9.61 acres, and conditional approval of five additional points (with no change to acreage or assessed value) 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 10% of assessed value for the 9.61-acre enrolled portion of the property.
2. CONDITIONALLY APPROVE additional credit for the resource restoration category, subject to submittal of a resource restoration plan by **November 1, 2021**, and DNRP approval that plan by **December 1, 2021**. Award of credit under this category will not change the current use valuation or enrolled acreage, but may allow approved forestry activities to occur.

DATED April 8, 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 *May 3, 2021*, 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 *May 3, 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 *May 3, 2021*, the Examiner will notify all parties and interested persons and provide information about “next steps.”

MINUTES OF THE MARCH 25, 2021, HEARING ON THE APPLICATION OF ZHENIA UMBERS AND ERIK NORRIS, FILE NO. E20CT035

David Spohr was the Hearing Examiner in this matter. Megan Kim 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 |
| Exhibit no. 6 | Revised DNRP report to the Hearing Examiner |

DS/jo

Certificate Of Completion

| | |
|--|----------------------------|
| Envelope Id: C5FC10F68EE647F3996BE5B607B427C3 | Status: Completed |
| Subject: Please DocuSign: Ordinance 19285.docx, Ordinance 19285 Attachment A.pdf | |
| Source Envelope: | |
| Document Pages: 2 | Signatures: 2 |
| Supplemental Document Pages: 4 | Initials: 0 |
| Certificate Pages: 2 | Envelope Originator: |
| AutoNav: Enabled | Cherie Camp |
| Envelope Stamping: Enabled | 401 5th Ave |
| Time Zone: (UTC-08:00) Pacific Time (US & Canada) | Suite 100 |
| | Seattle, WA 98104 |
| | Cherie.Camp@kingcounty.gov |
| | IP Address: 198.49.222.20 |


Record Tracking

| | | |
|--------------------------------------|---------------------------------|--------------------|
| Status: Original | Holder: Cherie Camp | Location: DocuSign |
| 5/19/2021 10:12:55 AM | Cherie.Camp@kingcounty.gov | |
| Security Appliance Status: Connected | Pool: FedRamp | |
| Storage Appliance Status: Connected | Pool: King County General (ITD) | Location: DocuSign |

Signer Events

Claudia Balducci
 claudia.balducci@kingcounty.gov
 King County General (ITD)
 Security Level: Email, Account Authentication (None)

Signature

DocuSigned by:

 7E1C273CE9994B6...
 Signature Adoption: Pre-selected Style
 Using IP Address: 73.83.124.149

Timestamp

Sent: 5/19/2021 10:14:22 AM
 Viewed: 5/19/2021 10:47:05 AM
 Signed: 5/19/2021 10:47:17 AM


Electronic Record and Signature Disclosure:

Not Offered via DocuSign
 Supplemental Documents:

Ordinance 19285 Attachment A.pdf

Viewed: 5/19/2021 10:47:09 AM
 Read: Not Required
 Accepted: Not Required

Melani Pedroza
 melani.pedroza@kingcounty.gov
 Clerk of the Council
 King County Council
 Security Level: Email, Account Authentication (None)

DocuSigned by:

 8DE1BB375AD3422...
 Signature Adoption: Uploaded Signature Image
 Using IP Address: 198.49.222.20

Sent: 5/19/2021 10:47:18 AM
 Viewed: 5/19/2021 11:19:13 AM
 Signed: 5/19/2021 11:19:36 AM

Electronic Record and Signature Disclosure:

Not Offered via DocuSign
 Supplemental Documents:

Ordinance 19285 Attachment A.pdf

Viewed: 5/19/2021 11:19:21 AM
 Read: Not Required
 Accepted: Not Required

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 |
|----------------------|------------------|------------------|
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| Envelope Summary Events | Status | Timestamps |
|--------------------------------|---------------|-------------------|
|--------------------------------|---------------|-------------------|

| | | |
|---------------------|------------------|-----------------------|
| Envelope Sent | Hashed/Encrypted | 5/19/2021 10:14:22 AM |
| Certified Delivered | Security Checked | 5/19/2021 11:19:13 AM |
| Signing Complete | Security Checked | 5/19/2021 11:19:36 AM |
| Completed | Security Checked | 5/19/2021 11:19:36 AM |

| Payment Events | Status | Timestamps |
|-----------------------|---------------|-------------------|
|-----------------------|---------------|-------------------|