



KING COUNTY

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Signature Report

Ordinance 19567

Proposed No. 2022-0367.2

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 Craig and Mary
5 Celigoy for property located at 15329 SE May Valley
6 Road, Renton, WA, designated department of natural
7 resources and parks, water and land resources division file
8 no. E22CT006.

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 10,
13 2022, to approve subject to conditions, the application for public benefit rating system
14 assessed valuation for open space submitted by Craig and Mary Celigoy for property
15 located at 15329 SE May Valley Road, Renton, WA, designated department of natural
16 resources and parks, water and land resources division file no. E22CT006. The council

Ordinance 19567

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

Ordinance 19567 was introduced on 9/27/2022 and passed by the Metropolitan King County Council on 12/13/2022, by the following vote:

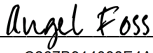
Yes: 9 - Balducci, Dembowski, Dunn, Kohl-Welles, Perry, McDermott, Upthegrove, von Reichbauer and Zahilay

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON

DocuSigned by:

F8830816F1C4427...
Claudia Balducci, Chair

ATTEST:

DocuSigned by:

C267B914088E4A0...
Melani Pedroza, Clerk of the Council

Attachments: A. Hearing Examiner Report dated November 10, 2022

Ordinance 19567

November 10, 2022

**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. **E22CT006**
Proposed ordinance no. **2022-0367**
Parcel nos. **0223059005, 0223059079, 0223059072, and 0223059071**

CRAIG AND MARY CELIGOY

Open Space Taxation Application (Public Benefit Rating System)

Location: 15329 SE May Valley Road, Renton

Applicants: **Craig and Mary Celigoy**
10736 154th Place SE
Renton, WA 98059
Telephone: (206) 200-7874
Email: maryceligoy@comcast.net

King County: Department of Natural Resources and Parks
represented by **Megan Kim**
201 S. Jackson Street Suite 5600
Seattle, WA 98104
Telephone: (206) 477-4788
Email: megan.kim@kingcounty.gov

SUMMARY OF RECOMMENDATIONS:

Department's Recommendation: Approve 64.63 acres for 20% of assessed value
Conditionally approve 64.63 acres for 20% of assessed value

Examiner's Recommendation: Approve 64.63 acres for 20% of assessed value
Conditionally approve 64.63 acres for 20% of assessed value

E22CT006–Craig and Mary Celigoy

2

PRELIMINARY REPORT:

On October 17, 2022, the Department of Natural Resources and Parks (DNRP) submitted its report on file no. E22CT006 to the Examiner.

PUBLIC HEARING:

After reviewing the preliminary report and examining available information on file with the application, the Examiner conducted a Zoom public hearing on the application on October 27, 2022.

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:	Craig and Mary Celigoy 10736 154th Place SE Renton, WA 98059
Location:	15329 SE May Valley Road, Renton
STR:	SE-02-23-05
Zoning:	RA10 and RA5
Parcel nos.:	0223059005, 0223059079, 0223059072, and 0223059071
Total acreage:	66.77 acres

- 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 2023. As required by law, notification of the application occurred.
- The property is currently enrolled in the state's farm and agricultural land category program. The purpose of this application is to reclassify the property and enroll it in PBRS. Any new open space taxation agreement must supersede the farm and agricultural land agreement.
- 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>	
	Aquifer protection area	5
	<i>Farm and agricultural conservation land</i>	5
	*Forest stewardship land	*
	Historic landmark or archaeological site: —designated site	0
	<i>Historic landmark or archaeological site: eligible site</i>	3
	Rural open space	5
	Scenic resource, viewpoint, or view corridor	5
	*Significant wildlife or salmonid habitat	5
	*Surface water quality area	*
	Water quality protection area	0
	<u>Bonus Categories</u>	
	*Additional surface water quality buffer	*
	*Conservation easement or historic easement	*
	*Environmental education awareness	*
	<hr/> Total	28

The DNRP-recommended score of 28 points results in a current use valuation of 20% of assessed value for the enrolled portion of the property.

5. This application is somewhat complicated. In addition to the above-listed categories where an award seems clearly warranted (and the water quality protection area where it seems clearly not), there are several categories and bonus categories where additional credit may be administratively awarded if certain benchmarks are reached.
6. Three of these are straightforward. Credit may be awarded administratively under the:
 - forest stewardship land category, subject to submittal of a forest stewardship plan by **April 3, 2023**, and DNRP approval of that plan by **July 1, 2023**;
 - conservation easement or historic easement bonus category, if the Applicants record an approved conservation easement by **December 31, 2023**; and
 - environmental education access, if the Applicants: enter into an agreement with a school or other appropriate community organization to allow public access and provide environmental education; submit this documentation to DNRP by **April 3, 2023**; and DNRP approves it by **June 1, 2023**.
7. The other three are more involved, and turn on the May Creek buffer. Although the required regulatory stream buffer width is normally 165 feet, such regulatory buffers are reduceable to a 25-foot buffer via a farm plan. If the Applicants then:

- provide an average buffer at least 15% wider than 25 feet (i.e., 28.75 feet) on either side of the creek, five points are awardable under the significant wildlife or salmonid habitat category;
 - provide an average buffer at least 50% wider than 25 feet (i.e., 37.5 feet) on either side of the creek, five more points are awardable under the surface water quality buffer category;
 - provide an average buffer at least 100% wider than 25 feet (i.e., 50 feet) on either side of the creek, three additional points are awardable under the additional surface water quality buffer bonus category; and
 - provide an average buffer at least 200% wider than 25 feet (i.e., 75 feet) on either side of the creek, two extra points are awardable under the additional surface water quality buffer bonus category.
8. DNRP noted in its staff report that the avenue for awarding points is the Applicants completing an update to their existing farm management plan that addresses the buffer and their planting plan. DNRP did not, in its staff report, suggest a deadline for submitting such an updated farm management plan, but given the complexity of the undertaking DNRP described at hearing, we will push the date out as far as possible, matching the **December 31, 2023**, deadline for recording an easement.
 9. As to the tax impact, with no administrative awards the Applicant would be at 28 points and a current use valuation of 20% for the enrolled portion of the property. An administrative award under credit in one or more of the categories that push the point total to 35 or higher would reduce the current use valuation to 10% of assessed value for the enrolled portion of the property.
 10. As to the land area recommended for PBRS enrollment, the Applicant did not request a specific acreage, while DNRP recommends a total of 64.63 acres spread across the four parcels. (Enrollment acreage is the entire parcels less the excluded area, as calculated by DNRP. In the event the County Assessor revises the official parcel size, the PBRS acreage shall be administratively adjusted to reflect that change.)
 11. We find the facts set forth in DNRP's preliminary report and testimony at the October 27, 2022, public hearing correct, and we incorporate them by reference. Copies of this report and DNRP's report will be provided to the Metropolitan King County Council for final approval.
 12. Approval of 28 points and a current use valuation of 20% of assessed value for 64.63 acres, and conditional approval of additional points and 10% of assessed value for the enrolling 64.63 acres, 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 20% of assessed value for the 64.63-acre enrolled portion of the property.
2. CONDITIONALLY APPROVE a current use valuation of 10% of assessed value for the 64.63-acre enrolled portion of the property, provided additional credit in one or more of the categories discussed in paragraphs 6 through 8 is awarded, according to the criteria and deadlines set in those paragraphs, and the award or awards bring the point total to 35 or greater.

DATED November 10, 2022.



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 *December 5, 2022*, 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 *December 5, 2022*, 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 *December 5, 2022*, the Examiner will notify all parties and interested persons and provide information about “next steps.”

MINUTES OF THE OCTOBER 27, 2022, HEARING ON THE APPLICATION OF CRAIG AND MARY CELIGOY, FILE NO. E22CT006

David Spohr was the Hearing Examiner in this matter. Megan Kim 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
Exhibit no. 6	Farm management plan

Certificate Of Completion

Envelope Id: B43973F91A644357A970F82DB8BF6273	Status: Completed
Subject: Complete with DocuSign: Ordinance 19567.docx, Ordinance 19567 Attachment A.pdf	
Source Envelope:	
Document Pages: 2	Signatures: 2
Supplemental Document Pages: 6	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

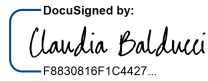
Record Tracking

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12/15/2022 12:46:52 PM	Cherie.Camp@kingcounty.gov	
Security Appliance Status: Connected	Pool: FedRamp	
Storage Appliance Status: Connected	Pool: King County-Council	Location: DocuSign

Signer Events

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

Signature

DocuSigned by:

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 Signature Adoption: Pre-selected Style
 Using IP Address: 73.181.163.252

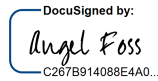
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 Signed: 12/16/2022 11:24:00 AM

Electronic Record and Signature Disclosure:

Accepted: 12/16/2022 11:23:42 AM
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Angel Foss
 Angel.Foss@kingcounty.gov
 Deputy Clerk of the Council
 King County Council
 Security Level: Email, Account Authentication (None)

DocuSigned by:

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

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Electronic Record and Signature Disclosure:

Accepted: 9/30/2022 11:28:30 AM

ID: 020c9a0a-c529-4443-8490-bad8ecc7fb95

Supplemental Documents: Ordinance 19567 Attachment A.pdf

Viewed: 12/16/2022 11:31:56 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
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Signing Complete	Security Checked	12/16/2022 11:31:59 AM
Completed	Security Checked	12/16/2022 11:31:59 AM

Payment Events	Status	Timestamps
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Electronic Record and Signature Disclosure

ELECTRONIC RECORD AND SIGNATURE DISCLOSURE

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At any time, you may request from us a paper copy of any record provided or made available electronically to you by us. You will have the ability to download and print documents we send to you through the DocuSign system during and immediately after the signing session and, if you elect to create a DocuSign account, you may access the documents for a limited period of time (usually 30 days) after such documents are first sent to you. After such time, if you wish for us to send you paper copies of any such documents from our office to you, you will be charged a \$0.00 per-page fee. You may request delivery of such paper copies from us by following the procedure described below.

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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.

Consequences of changing your mind

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

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