



KING COUNTY

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Signature Report

Ordinance 19631

Proposed No. 2023-0109.2

Sponsors Upthegrove

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 Nadia and Robert
5 Schmieder for property located at 13028 475th Avenue SE,
6 North Bend, WA, designated department of natural
7 resources and parks, water and land resources division file
8 no. E22CT031.

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 May 4, 2023, to
13 approve subject to conditions, the application for public benefit rating system assessed
14 valuation for open space submitted by Nadia and Robert Schmieder for property located
15 at 13028 475th Avenue SE, North Bend, WA, designated department of natural resources
16 and parks, water and land resources division file no. E22CT031. The council does

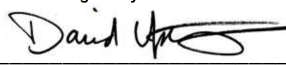
Ordinance 19631

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

Ordinance 19631 was introduced on 3/21/2023 and passed by the Metropolitan King County Council on 6/6/2023, by the following vote:

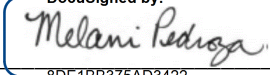
Yes: 8 - Dembowski, Dunn, Kohl-Welles, Perry, McDermott,
Upthegrove, von Reichbauer and Zahilay
Excused: 1 - Balducci

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON

DocuSigned by:

E76CE01F07B14EF...

Dave Upthegrove, Chair

ATTEST:

DocuSigned by:

8DE1BB375AD3422...

Melani Pedroza, Clerk of the Council

Attachments: A. Hearing Examiner Report dated March 4, 2023

March 4, 2023

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. **E22CT031**
Proposed ordinance no. **2023-0109**
Parcel no. **182309-9057**

NADIA AND ROBERT SCHMIEDER

Open Space Taxation Application (Public Benefit Rating System)

Location: 13028 475th Avenue SE, North Bend

Applicants: **Nadia and Robert Schmieder**
13028 475th Avenue SE
North Bend, WA 98045
Telephone: (425) 677-4734
Email: nadiaschmieder@hotmail.com

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 12.59 acres for 20% of assessed value
Examiner's Recommendation: Approve 12.59 acres for 10% of assessed value

PRELIMINARY REPORT:

On April 6, 2023, the Department of Natural Resources and Parks (DNRP) submitted its report on file no. E22CT031 to the Examiner.

PUBLIC HEARING:

After reviewing the preliminary report and examining available information on file with the application, the Examiner conducted a remote public hearing on the application on April 20, 2023.

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:	Nadia and Robert Schmieder 13028 475th Avenue SE North Bend, WA 98045
Location:	13028 475th Avenue SE, North Bend
STR:	NE-18-23-09
Zoning:	RA10
Parcel no:	182309-9057
Total acreage:	15.00 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 Timberland 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 Timberland agreement.
- A summary of relevant PBRS categories DNRP analyzed in its staff report 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
Forest stewardship land	5
Rural open space	5
Scenic resource, viewpoint or view corridor	0
<i>Significant wildlife or salmonid habitat</i>	5
<i>Surface water quality buffer</i>	8
<i>Watershed protection area</i>	5
<hr/>	
Total	33

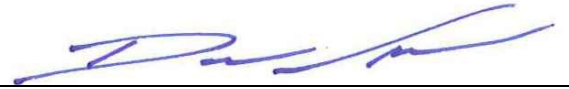
5. Those numbers add up to 33 points, which would result in a current use valuation of 20% of assessed value for the enrolled portion of the property. However, reading through DNRP's narrative on the surface water quality buffer category, DNRP explained that the normal regulatory buffer for the property's type N stream is 65 feet. To earn the category's full 10 points, the buffer must be at least three times the required 65 feet, or 195 feet. The owners are providing a buffer of native vegetation on the south side of the stream averaging 342 feet, which is over five times the required amount. Thus 10 points, not eight, is the appropriate category number.
6. The difference is substantial, because adding two more points raises the point total to 35. And 35 points boosts the property into the highest category, resulting in a current use valuation of 10% of assessed value for the enrolled portion of the property.
7. Except as noted here, we find the facts set forth in DNRP's preliminary report and testimony at the April 20, 2023, public hearing correct and we incorporate them by reference.¹ We will provide copies of this report and DNRP's report to the Metropolitan King County Council for final approval.
8. As to the land area recommended for PBRS enrollment, the Applicant requested 12.40 acres and DNRP recommends 12.59 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.)
9. Approval of 35 points and a current use valuation of 10% of assessed value for 12.59 acres is 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.

¹ For clarity, the Applicants applied for credit in the aquifer protection area; forest stewardship land; scenic resource, viewpoint or view corridor; and significant wildlife or salmonid habitat categories. Neither DNRP's chart nor its category writeup quite reflected what was initially requested vs. what DNRP added.

RECOMMENDATION:

APPROVE a current use valuation of 10% of assessed value for the 12.59-acre enrolled portion of the property.

DATED March 3, 2023.



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 *March 28, 2023*, 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 *March 28, 2023*, 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 *March 28, 2023*, the Examiner will notify all parties and interested persons and provide information about "next steps."

**MINUTES OF THE APRIL 20, 2023, HEARING ON THE APPLICATION OF
NADIA AND ROBERT SCHMIEDER, FILE NO. E22CT031**

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 | Forest Stewardship Plan |

Certificate Of Completion

Envelope Id: 24DB7A1B9F1649EC94B61F63B728C860	Status: Completed
Subject: Complete with DocuSign: Ordinance 19631.docx, Ordinance 19631 Attachment A.pdf	
Source Envelope:	
Document Pages: 2	Signatures: 2
Supplemental Document Pages: 5	Initials: 0
Certificate Pages: 5	Envelope Originator:
AutoNav: Enabled	Angel Foss
Enveloped Stamping: Enabled	401 5TH AVE
Time Zone: (UTC-08:00) Pacific Time (US & Canada)	SEATTLE, WA 98104
	Angel.Foss@kingcounty.gov
	IP Address: 198.49.222.20

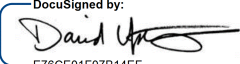
Record Tracking

Status: Original	Holder: Angel Foss	Location: DocuSign
6/7/2023 1:46:01 PM	Angel.Foss@kingcounty.gov	
Security Appliance Status: Connected	Pool: FedRamp	
Storage Appliance Status: Connected	Pool: King County-Council	Location: DocuSign

Signer Events

Dave Upthegrove
dave.upthegrove@kingcounty.gov
Chair
Security Level: Email, Account Authentication (None)

Signature

DocuSigned by:

E76CE01F07B14EF...
Signature Adoption: Uploaded Signature Image
Using IP Address: 67.160.80.216

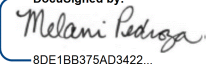
Timestamp

Sent: 6/7/2023 1:46:45 PM
Viewed: 6/7/2023 2:35:28 PM
Signed: 6/7/2023 2:35:45 PM

Electronic Record and Signature Disclosure:

Accepted: 6/7/2023 2:35:28 PM
ID: c11200a3-b487-4509-b1af-9473b8783bd4

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: 6/7/2023 2:35:46 PM
Viewed: 6/7/2023 2:36:32 PM
Signed: 6/7/2023 2:36:37 PM

Electronic Record and Signature Disclosure:

Accepted: 9/30/2022 11:27:12 AM
ID: 639a6b47-a4ff-458a-8ae8-c9251b7d1a1f

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

Carbon Copy Events	Status	Timestamp
cherie camp cherie.camp@kingcounty.gov Legislative Clerk - Ccl King County Council Security Level: Email, Account Authentication (None)	COPIED	Sent: 6/7/2023 2:36:38 PM
Electronic Record and Signature Disclosure: Not Offered via DocuSign		

Witness Events	Signature	Timestamp
----------------	-----------	-----------

Notary Events	Signature	Timestamp
---------------	-----------	-----------

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

Envelope Sent	Hashed/Encrypted	6/7/2023 1:46:45 PM
Certified Delivered	Security Checked	6/7/2023 2:36:32 PM
Signing Complete	Security Checked	6/7/2023 2:36:37 PM
Completed	Security Checked	6/7/2023 2:36:38 PM

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

Electronic Record and Signature Disclosure
--

ELECTRONIC RECORD AND SIGNATURE DISCLOSURE

From time to time, King County-Department of 02 (we, us or Company) may be required by law to provide to you certain written notices or disclosures. Described below are the terms and conditions for providing to you such notices and disclosures electronically through the DocuSign system. Please read the information below carefully and thoroughly, and if you can access this information electronically to your satisfaction and agree to this Electronic Record and Signature Disclosure (ERSD), please confirm your agreement by selecting the check-box next to 'I agree to use electronic records and signatures' before clicking 'CONTINUE' within the DocuSign system.

Getting paper copies

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.

Withdrawing your consent

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.

All notices and disclosures will be sent to you electronically

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.

If you created a DocuSign account, you may update it with your new email address through your account preferences.

To request paper copies from King County-Department of 02

To request delivery from us of paper copies of the notices and disclosures previously provided by us to you electronically, you must send us an email to cipriano.dacanay@kingcounty.gov and in the body of such request you must state your email address, full name, mailing address, and telephone number. We will bill you for any fees at that time, if any.

To withdraw your consent with King County-Department of 02

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

- i. decline to sign a document from within your signing session, and on the subsequent page, select the check-box indicating you wish to withdraw your consent, or you may;
- ii. send us an email to cipriano.dacanay@kingcounty.gov and in the body of such request you must state your email, full name, mailing address, and telephone number. We do not need any other information from you to withdraw consent.. The consequences of your withdrawing consent for online documents will be that transactions may take a longer time to process..

Required hardware and software

The minimum system requirements for using the DocuSign system may change over time. The current system requirements are found here: <https://support.docusign.com/guides/signer-guide-signing-system-requirements>.

Acknowledging your access and consent to receive and sign documents electronically

To confirm to us that you can access this information electronically, which will be similar to other electronic notices and disclosures that we will provide to you, please confirm that you have read this ERSD, and (i) that you are able to print on paper or electronically save this ERSD for your future reference and access; or (ii) that you are able to email this ERSD to an email address where you will be able to print on paper or save it for your future reference and access. Further, if you consent to receiving notices and disclosures exclusively in electronic format as described herein, then select the check-box next to ‘I agree to use electronic records and signatures’ before clicking ‘CONTINUE’ within the DocuSign system.

By selecting the check-box next to ‘I agree to use electronic records and signatures’, you confirm that:

- You can access and read this Electronic Record and Signature Disclosure; and
- You can print on paper this Electronic Record and Signature Disclosure, or save or send this Electronic Record and Disclosure to a location where you can print it, for future reference and access; and
- Until or unless you notify King County-Department of 02 as described above, you consent to receive exclusively through electronic means all notices, disclosures, authorizations, acknowledgements, and other documents that are required to be provided or made available to you by King County-Department of 02 during the course of your relationship with King County-Department of 02.