



KING COUNTY

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Signature Report

Ordinance 19840

Proposed No. 2024-0219.2

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 Brett and Elizabeth
5 Egbert for property located at 29731 SE 392nd Street,
6 Enumclaw, WA, designated department of natural
7 resources and parks, water and land resources division file
8 no. E24CT003.

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 August 26,
13 2024, to approve subject to conditions, the application for public benefit rating system
14 assessed valuation for open space submitted by Brett and Elizabeth Egbert for property
15 located at 29731 SE 392nd Street, Enumclaw, WA, designated department of natural
16 resources and parks, water and land resources division file no. E24CT003. The council

Ordinance 19840

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

Ordinance 19840 was introduced on 7/16/2024 and passed by the Metropolitan King County Council on 11/5/2024, by the following vote:


Yes: 9 - Balducci, Barón, Dembowski, Dunn, Mosqueda, Perry, Upthegrove, von Reichbauer and Zahilay

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON

Signed by:

E76CE01F07B14EF...
Dave Upthegrove, Chair

ATTEST:

DocuSigned by:

8DE1BB375AD3422...
Melani Hay, Clerk of the Council

Attachments: A. Hearing Examiner Report dated August 26, 2024

August 26, 2024

**OFFICE OF THE HEARING EXAMINER
KING COUNTY, WASHINGTON**

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. **E24CT003**
Proposed ordinance no. **2024-0219**
Parcel no. **052007-9042**

BRETT AND ELIZABETH EGBERT

Open Space Taxation Application (Public Benefit Rating System)

Location: 29731 SE 392nd Street, Enumclaw

Applicants: Brett and Elizabeth Egbert
represented by **Brett Vinson**
1219 Cole Street
Enumclaw, WA 98022
Email: brett@rbvattorneys.com

King County: Department of Natural Resources and Parks
represented by **Megan Kim**
201 S. Jackson Street
Suite 5601
Seattle, WA 98104
Telephone: (206) 477-4788

SUMMARY OF RECOMMENDATIONS:

Department's Recommendation: Approve 3.02 acres for 50% of assessed value
Conditionally approve 15.86 acres for 30% of assessed value

Examiner's Recommendation: Approve 3.02 acres for 50% of assessed value
Conditionally approve 15.86 acres for 30% of assessed value

PRELIMINARY REPORT:

On July 30, the Department of Natural Resources and Parks (DNRP) submitted its report on file no. E24CT003 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 August 13, 2024. 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:	Brett and Elizabeth Egbert 1219 Cole Street Enumclaw, WA 98022
Location:	29731 SE 392nd Street, Enumclaw
STR:	SW-05-20-07
Zoning:	RA10
Parcel no:	052007-9042
Total acreage:	19.78 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 2025. 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>	
	<i>Aquifer protection area</i>	5
	*Farm and agricultural conservation land	*
	Rural open space	0
	* <i>Significant wildlife or salmonid habitat</i>	*
	<u>Bonus Categories</u>	
	* <i>Resource restoration</i>	*
	<hr/>	
	Total	5


The DNRP-recommended score of five points results in a current use valuation of 50% of assessed value for the enrolled portion of the property.

4. The aquifer protection area qualification comes from a natively-forested area in the southern 3.02 acres of the property, which includes a stream. If by **February 3, 2025**, Applicants submit a resource restoration plan restoring the portion of the stream, and DNRP approves that plan by **March 3, 2025**, five points may be awarded administratively under the resource restoration category. By itself, that would not change the current use valuation percentage, as ten total points is still 50%.
5. A northern, 12.85-acre portion of the property is traditional farmland. Additional credit may be awarded administratively under the farm and agricultural conservation land category, subject to submittal of a King Conservation District-approved farm management plan by **October 31, 2025**. Award of credit under this category will increase the point total by five points. And that qualification would make the property eligible for significant wildlife or salmonid habitat points (as elk foraging and habitat), generating an additional five points. By themselves, those credits would change the current use valuation percentage to 40%. And adding credit under the resource restoration category would change the current use valuation percentage to 30%.
6. As to the land area recommended for PBRS enrollment, the Applicants requested 16.55 acres and DNRP recommends 3.02 acres. However, if the 12.85-acre northern portion of the property qualifies as farm and qualifies for enrollment, the enrolling acreage will increase to 15.86. (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.)
7. Except as modified herein, we find the facts set forth in DNRP's preliminary report and testimony at the August 13, 2024, public hearing correct and we incorporate them by reference. We will provide copies of this report and DNRP's report to the Metropolitan King County Council for final approval.
8. Approval of five points and a current use valuation of 50% of assessed value for 3.02 acres, and conditional approval of up to 15 additional points and 30% of assessed value for 15.86 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 50% of assessed value for the 3.02-acre enrolled portion of the property.
2. CONDITIONALLY APPROVE additional credit for the resource restoration category, if by **February 3, 2025**, Applicants submit a resource restoration plan restoring a portion of the stream, and DNRP approves that plan by **March 3, 2025**. Standing alone this award would not change the current use valuation.
3. CONDITIONALLY APPROVE additional credit for the farm and agricultural conservation land category and the significant wildlife or salmonid habitat category, subject to submittal of a King Conservation District-approved farm management plan by **October 31, 2025**. Award of credit under these categories will reduce the current use valuation percentage to 40% of assessed value—and to 30% if the resource restoration category is also awarded.

DATED August 26, 2024.



David Spohr
King County Hearing Examiner

NOTICE OF RIGHT TO APPEAL

A party may appeal an Examiner report and recommendation by following the steps described in KCC 20.22.230. By **4:30 p.m.** on **September 19, 2024**, an electronic appeal statement must be sent to Clerk.Council@kingcounty.gov, to hearingexaminer@kingcounty.gov, and to the party email addresses on the front page of this report and recommendation. Please consult KCC 20.22.230 for the exact filing requirements.

If a party fails to timely file an appeal, the Council does not have jurisdiction to consider that appeal. Conversely, if the appeal requirements of KCC 20.22.230 are met, the Examiner will notify parties and interested persons and will provide information about next steps in the appeal process.

**MINUTES OF THE AUGUST 13, 2024, HEARING ON THE APPLICATION OF
BRETT AND ELIZABETH EGBERT, FILE NO. E24CT003**

David Spohr was the Hearing Examiner in this matter. Megan Kim, Elizabeth Egbert, and Brett Egbert 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 |

Certificate Of Completion

Envelope Id: A59BEB9AE0234679B1E88F8531ADB763	Status: Completed
Subject: Complete with DocuSign: Ordinance 19840.docx, Ordinance 19840 Attachment A.pdf	
Source Envelope:	
Document Pages: 2	Signatures: 2
Supplemental Document Pages: 5	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

Status: Original	Holder: Cherie Camp	Location: DocuSign
11/6/2024 9:27:12 AM	Cherie.Camp@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

Signed by:

E76CE01F07B14EF...
Signature Adoption: Uploaded Signature Image
Using IP Address: 98.247.170.195


Timestamp

Sent: 11/6/2024 9:28:32 AM
Viewed: 11/6/2024 9:48:01 AM
Signed: 11/6/2024 9:48:09 AM

Electronic Record and Signature Disclosure:

Accepted: 11/6/2024 9:48:01 AM
ID: 5b73f60d-edda-4872-a3d3-bffc3febc2ba

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

DocuSigned by:

8DE1BB375AD3422...
Signature Adoption: Pre-selected Style
Using IP Address: 198.49.222.20

Sent: 11/6/2024 9:48:11 AM
Viewed: 11/6/2024 10:10:45 AM
Signed: 11/6/2024 10:10:49 AM

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
Witness Events	Signature	Timestamp
Notary Events	Signature	Timestamp

Envelope Summary Events	Status	Timestamps
Envelope Sent	Hashed/Encrypted	11/6/2024 9:28:32 AM
Certified Delivered	Security Checked	11/6/2024 10:10:45 AM
Signing Complete	Security Checked	11/6/2024 10:10:49 AM
Completed	Security Checked	11/6/2024 10:10:49 AM

Payment Events	Status	Timestamps
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Electronic Record and Signature Disclosure

ELECTRONIC RECORD AND SIGNATURE DISCLOSURE

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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.

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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.

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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:

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- 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..

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