



**KING COUNTY**

1200 King County Courthouse  
516 Third Avenue  
Seattle, WA 98104

**Signature Report**

**Ordinance 19641**

**Proposed No.** 2023-0161.2

**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 Steve and Linda  
5           Nichols for property located at 17950 288th Avenue NE,  
6           Duvall, WA, designated department of natural resources  
7           and parks, water and land resources division file no.  
8           E22CT014.

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 25, 2023,  
13 to approve subject to conditions, the application for public benefit rating system assessed  
14 valuation for open space submitted by Steve and Linda Nichols for property located at  
15 17950 288th Avenue NE, Duvall, WA, designated department of natural resources and  
16 parks, water and land resources division file no. E22CT014. The council does hereby

Ordinance 19641

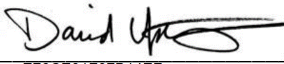
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- 17 adopt as its action the recommendation or recommendations contained in the examiner's  
18 report.

Ordinance 19641 was introduced on 4/18/2023 and passed by the Metropolitan King County Council on 6/27/2023, 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:  
  
E76CE01F07B14EF...

Dave Upthegrove, Chair

ATTEST:

DocuSigned by:  
  
8DE1BB375AD3422...

Melani Pedroza, Clerk of the Council

APPROVED this \_\_\_\_\_ day of 6/30/2023, \_\_\_\_\_.

**Attachments:** A Hearing Examiner Report dated May 25, 2023

May 25, 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](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. **E22CT014**  
Proposed ordinance no. **2023-0161**  
Parcel nos. **072607-9042, 072607-9001, and 062607-9004; 082607-9104, 062607-9032, and 062607-9034**

**STEVE AND LINDA NICHOLS**

Open Space Taxation Application (Public Benefit Rating System)

Location: 18020 288th Avenue NE, Duvall

Applicants: **Steve and Linda Nichols**  
17950 288th Avenue NE  
Duvall, WA 98019  
Telephone: (425) 508-8686  
Email: [steve@superanchor.com](mailto:steve@superanchor.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](mailto:megan.kim@kingcounty.gov)

SUMMARY OF RECOMMENDATIONS:

Department's Recommendation: Approve 161.23 acres for 20% of assessed value  
Conditionally approve 166.36 acres for 10% of assessed value

Examiner's Recommendation: Approve 161.23 acres for 20% of assessed value  
Conditionally approve 166.36 acres for 10% of assessed value

## PRELIMINARY REPORT:

On April 27, 2023, the Department of Natural Resources and Parks (DNRP) submitted its report on file no. E22CT014 to the Examiner.

## PUBLIC HEARING:

After reviewing the preliminary report and examining available information on file with the application, the Examiner conducted a May 11, 2023, remote public hearing on the application. 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:	Steve and Linda Nichols 17950 288th Avenue NE Duvall, WA 98019
Location:	17950 288th Avenue NE, Duvall
STR:	NE-07-26-07, NW-08-26-07, and NE-06-26-07
Zoning:	RA5 and RA10
Parcels:	072607-9042, 072607-9001, 062607-9004, 082607-9104, 0627607-9023, and 062607-9034
Total acreage:	183.71 acres

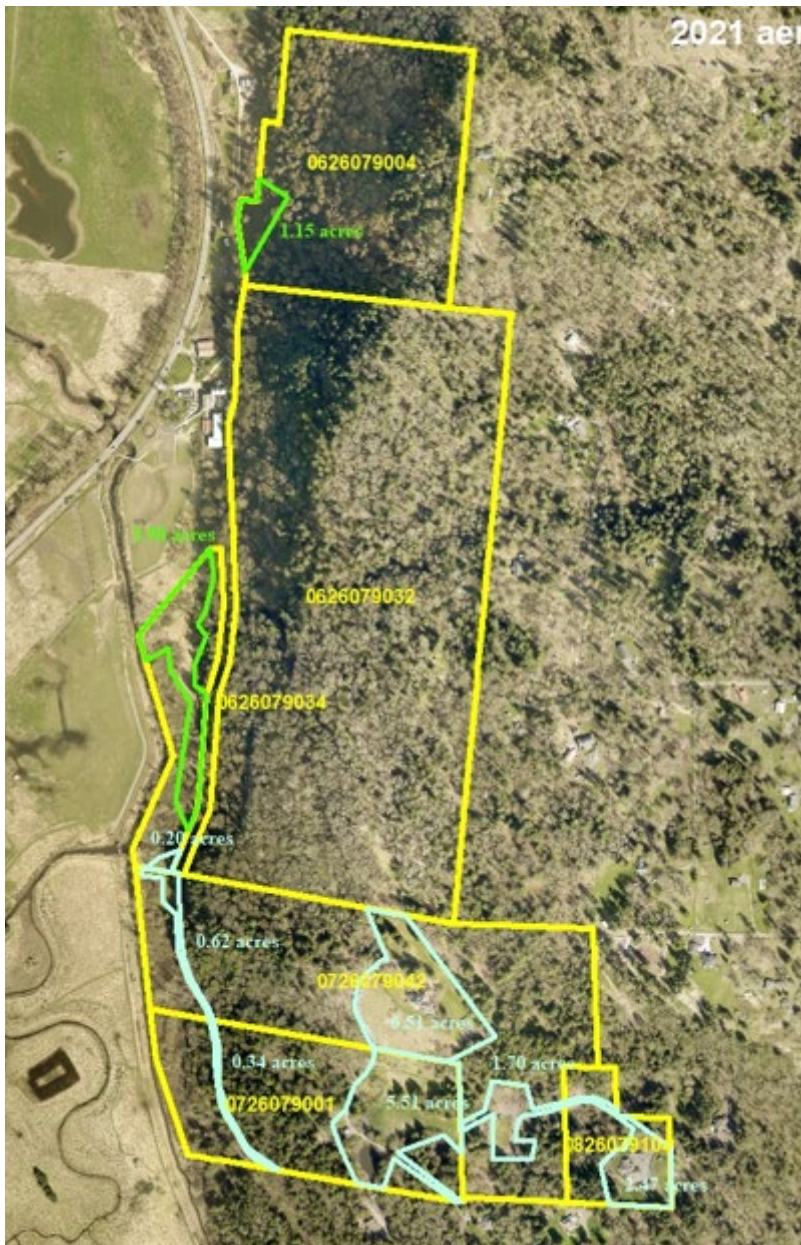
2. The Applicants timely filed an application to King County for the Public Benefit Rating System (PBRS) program current use valuation of the property to begin in 2023. As required by law, notification of the application occurred.

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
	<i>Buffer to public or current use classified land</i>	*3
	<i>Forest stewardship land</i>	*
	Rural open space	5
	<i>Significant wildlife or salmonid habitat</i>	5
	<i>Surface water quality buffer</i>	10
	<i>Watershed protection area</i>	5
	Total	33

The DNRP-recommended score of 33 points results in a current use valuation of 20% of assessed value for the enrolled portion of the property.

4. DNRP listed the buffer to public or current use classified land category with both a point total and an asterisk. That seeming incongruity actually makes sense here because (unlike the forest stewardship land category discussed in the next paragraph) there is nothing more the *Nichols* need to or even can do to qualify for this category. The Nichols' parcel 082607-9104 abuts another property we are recommending today for enrollment—parcel 082607-9005 owned by the Seiberts (E22CT016). Thus, both the Nichols and Seibert awards in this category are contingent on Council approving the other's application.
5. Visually the proposal looks like this, with yellow the property boundaries, blue the excluded areas that will *not* be coming into PBRS, and green explained in paragraph 6.




6. The forest stewardship land category is a more traditional conditional approval. Additional credit may be awarded administratively under this category, subject to submittal of a forest stewardship plan by **October 31, 2023**, and DNRP approval of that plan by **December 31, 2023**. Whether or not the buffer to public or current use classified land category is awarded here, adding 5 forest stewardship points to either 30 or 33 produces a minimum of 35 points, enough to result in a current use valuation of 10% of assessed value for the enrolled portion of the property. Award of this category may also allow approved forestry activities to occur on the property.
7. As to the land area recommended for PBRS enrollment, the Applicant requested 160.41 acres and DNRP currently recommends 161.23 acres. If the approved forest plan satisfactorily addresses the restoration needs of the areas outlined in green above, that will increase the enrolled acreage to 166.36. (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.)
8. Except as modified herein, we find the facts set forth in DNRP's preliminary report and testimony at the May 11, 2023, 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.
9. Approval of 30 points and a current use valuation of 80% of assessed value for 161.23 acres, and conditional approval of up to eight additional points and 10% of assessed value for 166.36 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 161.23-acre enrolled portion of the property.
2. CONDITIONALLY APPROVE additional credit for the buffer to public or current use classified land category, provided application E22CT016 is also approved. This will not change the current use valuation or acreage.
3. CONDITIONALLY APPROVE additional credit for the forest stewardship land category subject to submittal of a forest stewardship plan by **October 31, 2023**, and DNRP approval of that plan by **December 31, 2023**. This will result in a current use valuation of 10% of assessed value for the enrolling 161.23 acres. If that approved forest plan adequately addresses restoration needs, the enrolling acreage will increase to 166.36.

DATED May 25, 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 *June 19, 2023*, 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 *June 19, 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 *June 19, 2023*, the Examiner will notify all parties and interested persons and provide information about "next steps."

### **MINUTES OF THE MAY 11, 2023, HEARING ON THE APPLICATION OF STEVE AND LINDA NICHOLS, FILE NO. E22CT014**

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  |



**Certificate Of Completion**

Envelope Id: C8710C2D108F4C9782D45F033736A881	Status: Completed
Subject: Complete with DocuSign: Ordinance 19641 Attachment A.pdf, Ordinance 19641.docx	
Source Envelope:	
Document Pages: 2	Signatures: 2
Supplemental Document Pages: 5	Initials: 0
Certificate Pages: 5	Envelope Originator:
AutoNav: Enabled	Gavin Muller
Envelopeld Stamping: Enabled	401 5TH AVE
Time Zone: (UTC-08:00) Pacific Time (US & Canada)	SEATTLE, WA 98104
	gavin.muller@kingcounty.gov
	IP Address: 198.49.222.20

**Record Tracking**

Status: Original	Holder: Gavin Muller	Location: DocuSign
6/28/2023 3:00:11 PM	gavin.muller@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**

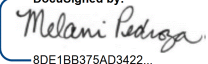
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**Timestamp**

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Signed: 6/30/2023 9:03:31 AM

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ID: c6c45e4e-c17c-494b-a17f-7d21bcd680be

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

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Using IP Address: 198.49.222.20

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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
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<b>Electronic Record and Signature Disclosure:</b> Not Offered via DocuSign		

Witness Events	Signature	Timestamp
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Notary Events	Signature	Timestamp
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Envelope Summary Events	Status	Timestamps
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Signing Complete	Security Checked	6/30/2023 9:35:04 AM
Completed	Security Checked	6/30/2023 9:35:05 AM

Payment Events	Status	Timestamps
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Electronic Record and Signature Disclosure
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## **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](mailto: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](mailto: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](mailto: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](mailto: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.