

**KING COUNTY
DEPARTMENT OF NATURAL RESOURCES AND PARKS
WATER AND LAND RESOURCES DIVISION**

**Report to the King County Hearing Examiner for Property
Enrollment in the Public Benefit Rating System (PBRs)**

May 28, 2026 – Public Hearing

APPLICANTS: Debbie Mallery and John Van Wieringen

File No. E25CT005

A. GENERAL INFORMATION:

1. Owners: Debbie Mallery and John Van Wieringen
26218 SE 464th Street
Enumclaw, WA 98022
2. Property location: 26218 SE 464th Street
Enumclaw, WA 98022
3. Zoning: A35
4. STR: SW-25-20-06
5. PBRs categories requested by the applicant and *suggested by staff*:

NOTE: The property is currently participating in the farm and agricultural land program (RCW 84.34.020(2)). The purpose of this application is to reclassify the property and enroll it in PBRs.

Open space resources

**Farm and Agricultural conservation land
Historical landmark or archaeological site: eligible site
***Rural open space*
*Significant wildlife or fish habitat
Special animal site

Bonus Categories

**Conservation easement or historic easement*
Easement and access
***Resource restoration*

NOTE: *Staff recommends credit be awarded for these PBRs categories.

EXHIBIT 1

** Award of these PBRs categories is also possible but will be dependent upon specific category requirements being met (see resource category discussion under Section E, page 6).

6. Parcel: 252006-9129
 Total acreage: 19.59
 Requested PBRs: none specified
 Home site/excluded area: 9.11
Recommended PBRs: 10.43*

NOTE: The portion recommended for enrollment in PBRs is the entire property less the excluded area as measured. The attached 2023 aerial photo outlines the parcel in yellow and the area proposed to be excluded from PBRs in blue. In the event the Assessor's official parcel size is revised, PBRs acreage should be administratively adjusted to reflect that change.

*** If the farm and agricultural conservation land category is awarded and an approved plan is implemented for the additional 9.11 acre portion of the property outlined in orange on the attached map, the enrolling acreage could increase to 19.59 acres.**

B. FACTS:

1. Zoning in the vicinity: Properties in the vicinity are zoned RA10 and A35.
2. Development of the subject property and resource characteristics of open space area: The property is undeveloped. The open space portion of the property consists of areas of pasture and a mix of coniferous and deciduous forest with mostly native understory. There are areas of the property that are impacted by noxious weeds (Himalayan blackberry) but their required control will be addressed in the farm management plan and an optional resource restoration plan.
3. Site use: The property is vacant.
4. Access: The property is accessed from 191st Avenue SE.
5. Appraised value for 2025 (based on Assessor's information dated 5/12/2026):

<u>Parcel # 252006-9129</u>	<u>Land</u>	<u>Improvements</u>	<u>Total</u>
Appraised value	\$345,000	\$0	\$345,000
Tax applied	\$3,368	\$0	\$3,368

NOTE: *This value is presently impacted by the land's participation in the farm and agriculture program (RCW 84.34), which is reflected in the land's current and lower taxable value of \$18,284 (tax applied \$178). Participation in PBRs, for taxation purposes, reduces the appraised land value for the portion of the property enrolled resulting in a lower taxable value.

C. REQUIREMENTS SPECIFIED BY KING COUNTY CODE (KCC):

KCC 20.36.010 Purpose and intent.

It is in the best interest of the county to maintain, preserve, conserve and otherwise continue in existence adequate open space lands for the production of food, fiber and forest crops, and to assure the use and enjoyment of natural resources and scenic beauty for the economic and social well-being of the county and its residents.

It is the intent of this chapter to implement chapter 84.34 RCW, as amended, by establishing procedures, rules and fees for considering applications for public benefit rating system assessed valuation on open space land and for current use assessment on farm and agricultural land as those lands are defined in RCW 84.34.020. Chapter 84.34 RCW, and the regulations adopted thereunder, govern matters not expressly covered in this chapter.

KCC 20.36.100 Public benefit rating system for open space land – definitions and eligibility.

- A. The definitions in this section apply throughout this section, as well as in K.C.C. 20.36.040 and K.C.C. 20.36.190, unless the context clearly requires otherwise.
- B. To be eligible for open space classification under the public benefit rating system, a property shall contain one or more qualifying open space resources and have at least five points as determined under this section. The department shall review each application and recommend award of credit for current use of the property. In making the recommendation, the department shall utilize the point system described in subsections C. and D. of this section.
- C. The following open space resources are each eligible for the points indicated:
 - 1. Active trail linkage – fifteen or twenty-five points
 - 2. Aquifer protection area – five points
 - 3. Buffer to public or current use classified land – three points
 - 4. Ecological enhancement land – eighteen points
 - 5. Equestrian-pedestrian-bicycle trail linkage – thirty-five points
 - 6. Farm and agricultural conservation land – five points
 - 7. Forest stewardship land – five points
 - 8. Historic landmark or archaeological site: buffer to a designated site – three points
 - 9. Historic landmark or archaeological site: designated site – five points
 - 10. Historic landmark or archaeological site: eligible site – three points

11. Public recreation area – five points
12. Rural open space – five points
13. Scenic resource, viewpoint, or view corridor – five points
14. Significant plant or ecological site – five points
15. Significant wildlife or fish habitat – five points
16. Special animal site – three points
17. Surface water quality buffer – five points, eight or ten total points
18. Urban open space – five points
19. Watershed protection area – five points

D. Property qualifying for an open space category in subsection B. of this section may receive credit for additional points as follows:

1. Conservation easement or historic preservation easement – eighteen points
2. Contiguous parcels under separate ownership – minimal two points
3. Easement and access – thirty-five points
4. Public access - points dependent on level of access
 - a. Unlimited public access - five points
 - b. Limited public access because of resource sensitivity - five points
 - c. Seasonal limited public access - three points
 - d. Environmental education access – three points
 - e. None or members only – zero points
5. Resource restoration – five points

D. 2024 COMPREHENSIVE PLAN POLICIES AND TEXT:

E-102 In addition to its regulatory authority, King County should use incentives to protect and restore the natural environment. Incentives should be monitored and periodically reviewed to determine their effectiveness at protecting and restoring natural resources.

NOTE: Monitoring of participating lands is the responsibility of both department PBRs staff and the landowner. This issue is addressed in the Resource Information document (page 4) and detailed below in Recommendation #B12 and 13.

E-105 The protection of lands where development would pose hazards to health and safety, property, important ecological functions, or environmental quality shall be achieved through acquisition, enhancement, incentive programs, and appropriate regulations. The following critical areas and their buffers are particularly susceptible and shall be protected in King County:

- a. Critical aquifer recharge areas;
- b. Fish and wildlife habitat conservation areas;
- c. Frequently flooded areas, regulated as flood hazard areas;
- d. Geologically hazardous areas; and e. Wetlands.

- E-323 King County should promote voluntary wildlife habitat enhancement projects by private individuals and businesses through educational, active stewardship, and incentive programs.
- E-325 Through a coordinated approach of incentives and acquisitions, King County should prioritize, enhance, and protect a variety of ecosystems, including urban open space uplands, riparian areas, floodplains, and aquatic systems with the highest conservation value and those supporting equitable access to quality open space.
- E-329 King County shall protect Species of Local Importance through measures such as regulations, incentives, capital projects, or purchase, as appropriate.
- E-339 King County should seek to support Water Resource Inventory Area salmon recovery plan goals of maintaining intact natural landscapes through: a. Promoting Current Use Taxation and other incentives; b. Promoting stewardship programs including development and implementation of Forest Plans and Farm Plans; and c. Acquiring property or conservation easements in areas of high ecological importance with unique or otherwise significant habitat values.
- NOTE: The implementation of an approved forest stewardship, farm management or ecological enhancement plan benefits natural resources, such as wildlife habitat, stream buffers and groundwater protection, and can address invasive plant and noxious weed control and removal within enrolled portions of a property.
- E-350 King County should provide incentives for landowners who are seeking to remove invasive plants and noxious weeds, such as providing technical assistance or access to native or climate-smart plants.
- NOTE: Lands participating in PBRs provide valuable resource protection and promote the preservation or enhancement of native vegetation. Addressing nonnative vegetation (invasive plant species), through control and eradication is a PBRs requirement.
- E-406 King County should identify upland areas of native vegetation that connect wetlands to upland habitats and that connect upland habitats to each other. The County should seek protection of these areas through acquisition, stewardship plans, and incentive programs such as the Public Benefit Rating System and the Transfer of Development Rights Program.
- E-503 King County shall promote retention of forest cover and significant trees using a mix of regulations, incentives, and technical assistance.
- R-206 King County shall prioritize conservation of forest land and forestry throughout the Rural Area. Landowner property tax incentives, technical assistance, permit assistance, regulatory actions, and community-based education shall be used throughout the Rural Area to sustain the forest land base and forestry activities. King

County should ensure that its regulations, permitting processes, and incentive programs facilitate and encourage active forest management and implementation of forest stewardship plans.

R-775 King County shall provide incentives, educational programs, and other methods to encourage agricultural practices and technological improvements that maintain water quality, protect public health, protect fish and wildlife habitat, protect historic resources, maintain flood conveyance and storage, reduce greenhouse gas emissions, control noxious weeds, prevent erosion of valuable agricultural soils, and increase soil water holding capacity while maintaining the functions needed for agricultural production.

E. PBRs CATEGORIES REQUESTED and DEPARTMENT RECOMMENDATIONS:

Open space resources

- Farm and agricultural conservation land
The property is presently enrolled in the farm and agricultural program (RCW 84.34). In order for the 9.11 acres, outlined in orange on the attached map, to qualify for this category and enroll the additional acres into PBRs, an approved farm management plan must be implemented. The owners must work with the King Conservation District to develop a farm management plan. At this time, credit for this category cannot be recommended because a plan has not been provided. However, if a farm management plan is provided on or before December 31, 2026, then credit for this category should be administratively awarded.
- Historical landmark or archaeological site: eligible site
In order to be eligible for this category, a property must have the potential of being designated a landmark or archaeological site by a certified local government jurisdiction. Designations can include buildings, structures, districts or sites of significance in the county's historic or prehistoric heritage, such as Native American settlements, pioneer settlements, farmsteads, roads, industrial works, bridges, burial sites, prehistoric and historic archaeological sites or traditional cultural properties. King County Historic Preservation Program staff informed PBRs staff that although there is a state registered archaeological site at one edge of the property, it has been recommended "not eligible" by a cultural resource consultant and therefore credit for this category cannot be recommended.
- Rural open space
Although this category was not requested, the property is in the rural area and contains more than ten acres of natively vegetated contiguous open space, which is more than the category's required five acre minimum. Credit for this category is recommended.
- Significant wildlife or fish habitat
The property contains habitat for numerous wildlife species, including foraging and nesting habitat for the pileated woodpecker, which is identified in King County's Comprehensive Plan as a Species of Local Importance (E-328(e)). Upon conducting a site visit, program staff determined areas of the forest on the property are of sufficient age

and diversity to support the species' regular use of the property. Award of this category is consistent with habitat as defined by KCC 20.36.100, section B.15.a (1). Credit for this category is recommended.

- Special animal site

To be eligible for this category, the enrolling land must be adjacent to or contain a portion of the county's designated wildlife habitat network or contain a biodiversity area or corridor as identified by the Washington Department of Fish and Wildlife's priority habitat and species project. Neither recognized wildlife coverage is identified on or near the property. Credit for this category cannot be recommended.

Bonus Categories

- Conservation easement or historic easement

A King County Conservation Easement (recording # 20170117001782 and Exhibit 6) was established on the property in 2017, which protects valuable natural resources and restricts further development of the property in perpetuity. Credit for this category is recommended.

- Easement and access

In order to be eligible for this category the property needs at least one qualifying open space resource, unlimited public access or limited public access due to resource sensitivity, and a conservation easement or historic preservation easement. Although the owners qualify for at least one open space resource and they have a conservation easement or historic preservation easement, they do not allow either public access requirements. Credit for this category is not recommended.

- Resource restoration

Although credit for this category was not requested, the 10.43 acres could benefit from restoration activities in order to increase species diversity and improve the overall health of the forest. Restoration of these areas, however, is not required for its participation in PBRS. At this time, credit for this category cannot be recommended because a plan has not been provided. However, if a resource restoration plan is provided by November 1, 2026, and approved by the department on or before December 31, 2026 then credit for this category should be awarded administratively. Award of this category may allow restoration activities to occur in the participating open space area. It is the landowner's responsibility to apply for and receive the necessary approvals from the applicable state and local governmental agencies for forestry/restoration activities that require a permit or approval, such as clearing and grading. It should be noted that this restoration activity must be completed within a three-year period. Award of this category requires an annual progress report from the landowner (see below, Section B. 11.), which should be sent to PBRS staff by either email or other agreed to method.

NOTE: It is important to note that enrollment in the PBRS program requires the control and removal of invasive plant species. This issue is addressed in the Resource Information document (page 3) and below in Recommendation #B6.

CONCLUSIONS AND RECOMMENDATIONS

A. CONCLUSIONS:

1. Approval of the subject request would be consistent with the specific purpose and intent of KCC 20.36.010.
2. Approval of the subject request would be consistent with policy E-101 of the King County Comprehensive Plan.
3. Of the points recommended, the subject request meets the mandatory criteria of KCC 20.36.100 as indicated:

Open space resources

Farm and agricultural conservation land	0*
Historical landmark or archaeological site: eligible site	0
Rural open space	5
Significant wildlife or fish habitat	5
Special animal site	0

Bonus categories

Conservation easement or historic easement	18
Easement and access	0
Resource restoration	0**

TOTAL 28 points

PUBLIC BENEFIT RATING

For the purpose of taxation, 28 points result in 20% of market value and a 80% reduction in taxable value for the portion of land enrolled. If all contingent categories (* and **) are awarded, the property would qualify for a maximum of 38 points, which results in a 10% of market value and a 90% reduction. Additionally, 9.11 acres would be eligible to enroll in PBRS thereby increasing the PBRS acreage from 10.43 to 19.59 acres.

B. RECOMMENDATION:

APPROVE the request for current use taxation "Open space" classification with a Public Benefit Rating of 28 points, subject to the following requirements:

Requirements for Property Enrolled in the Public Benefit Rating System Current Use Taxation Program

1. Compliance with these requirements is necessary for property participating ("Property") in King County's Public Benefit Rating System ("PBRS"), a current use assessment program for open space. Failure to abide by these requirements can result in removal of

PBRS designation and subject Property owner (“Owner”) to penalty, tax, and interest provisions of RCW 84.34. King County Department of Assessments (“DoA”) and King County Water and Land Resources Division, Agriculture, Forestry, and Incentives Unit, PBRS Program or its successor (“PBRS Program”) may re-evaluate Property to determine whether removal of PBRS designation is appropriate. Removal shall follow the process in Chapter 84.34 RCW, Chapter 458.30 WAC and Chapter 20.36 KCC.

2. Revisions to any of these requirements may only occur upon mutual written approval of Owner and granting authority. These conditions shall apply so long as Property retains its PBRS designation. If a conservation easement acceptable to and approved by King County is granted by Owner in interest to Department of Natural Resources and Parks, King County or a grantee approved by King County, these requirements may be superseded by the terms of such easement, upon written approval by PBRS Program.
3. The PBRS designation for Property will continue so long as it meets the PBRS criteria for which it was approved. Classification as open space will be removed upon a determination by PBRS Program that Property no longer meets PBRS criteria for which it was approved. A change in circumstances, which diminishes the extent of public benefit from that approved by King County Council in the open space taxation agreement, will be cause for removal of the PBRS designation. It is Owner's responsibility to notify DoA and PBRS Program of a change in Property circumstance, which may impact PBRS participation.
4. When a portion of Property is withdrawn or removed from the program, the remaining Property shall be re-evaluated by PBRS Program and DoA to determine whether it still meets the criteria for PBRS categories as approved.
5. Notwithstanding the provisions of Section 13, tree(s) posing a hazard to a structure, road or property access may be removed from Property, provided that Owner shall first notify the PBRS Program prior to taking such action. Native vegetation must be introduced for any tree(s) removed and must be planted within a reasonable location of where the tree(s) previously existed. It is Owner’s responsibility to apply for and receive any necessary consent from applicable state and local governmental agencies for activities that may require a permit or approval.
6. If an area of Property becomes or has become infested with noxious weeds or non-native species, Owner may be required to submit a control and enhancement plan to PBRS Program in order to remove such vegetation and, if necessary, replace with native vegetation.
7. If it is determined by PBRS Program that Property vegetation near structures is prone to wildland fire and poses a fire hazard, management activities as allowed under KCC 16.82.051 may be implemented as long as those activities do not cause significant adverse impact to the resource values of awarded PBRS categories. Prior to undertaking

any wildfire risk reduction activities on Property, a summary of any proposed work must first be submitted to and approved by PBRs Program.

8. There shall be no motorized vehicle driving or parking allowed on Property, except for medical, public safety or police emergencies, or for an approved management activity (such as forestry, farm, or restoration activities) detailed in an approved plan.
9. Grazing of livestock is prohibited unless Property is receiving credit for the farm and agricultural conservation land or resource restoration PBRs categories. In those cases, grazing may occur in areas being farmed as defined in the approved farm management plan or to be restored as defined in the approved resource restoration plan.
10. For Property receiving credit for ecological enhancement land, farm and agricultural conservation land, forest stewardship land, or resource restoration, activities that are defined in associated approved plan(s) shall be permitted as long as those activities do not cause significant adverse impact to the resource values of other awarded PBRs categories.
11. Owner of Property participating in PBRs may be required to submit a monitoring report on an annual or less frequent basis as requested by the PBRs Program. This report must include a brief description of how Property still qualifies for each awarded resource category. It must also include photographs from established points on Property and any observations by Owner. If requested, Owner must submit this report to the PBRs Program by email, through the PBRs monitoring form provided on the PBRs Program's website, or by other mutually agreed upon method annually by December 31 or as directed by the PBRs Program. An environmental consultant need not prepare this report.
12. Owner of Property receiving credit for farm and agricultural conservation land, ecological enhancement land, or forest stewardship land must provide an annual monitoring report that describes progress of implementing associated approved plan(s). The report must include a brief description of activities taken to implement the plan and photographs from established points on Property. Owner must submit this report to the PBRs Program by email or other mutually agreed upon method annually by December 31 or as directed by the PBRs Program. An environmental consultant need not prepare this report.
13. No alteration of Property or resources shall occur without prior written approval (such as an approved plan) by PBRs Program, except for selective cutting for personal firewood, maintaining areas for approved passive recreational uses (such as walking or horseback riding trails) or for removal of non-native species. **Any unapproved alteration may constitute a departure from an approved open space use and be deemed a change of use, and subject Owner to the additional tax, interest, and penalty provisions of RCW 84.34.080.** "Alteration" means any human-induced action that adversely impacts the existing condition of Property or resources including, but not limited to, the following:
 - a. erecting structures;

- b. grading;
 - c. filling;
 - d. dredging;
 - e. channelizing;
 - f. modifying land or hydrology for surface water management purposes;
 - g. cutting, pruning, limbing or topping, clearing, mowing, or removing native vegetation;
 - h. introducing non-native species (as defined in KCC 21A.06.790);
 - i. applying herbicides or pesticides or any hazardous or toxic substance, without prior written approval;
 - j. discharging pollutants except for stormwater;
 - k. paving or application of gravel;
 - l. storing or dumping equipment, construction materials, garbage, vehicles, household supplies, or compost;
 - m. engaging in any other activity that adversely impacts existing native vegetation, hydrology, wildlife, wildlife habitat, or awarded program categories.
14. Participation in PBRS does not exempt Owner from obtaining any required permit or approval for activity or use on Property.

TRANSMITTED to the parties listed hereafter:

Office of the King County Hearing Examiner
Debbie Mallery and John Van Wieringen, applicants
Elenore Bonyeau, King County Department of Assessments
Carrie King, King Conservation District



2023 Aerial Photo

1.70 acres

10.43 acres

252006-9129

1.53 acres

5.88 acres