# 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)

February 27, 2020 – Public Hearing

APPLICANTS: William Chamberlain and Alice May File No. E19CT037

#### A. GENERAL INFORMATION:

1. Owners: William Chamberlain and Alice May

23731 Landers Road SW Vashon, WA 98070

2. Property location: same as above

3. Zoning: RA5SO

4. STR: SW-14-22-02

5. PBRS categories requested by applicant and suggested by staff:

#### **Open space resources**

- \*Aquifer protection area
- \*Buffer to public or current use classified land
- \*Forest stewardship land
- \*Significant wildlife or salmonid habitat
- \*Watershed protection area

#### **Bonus category**

\*\*Resource restoration

NOTE: \*Staff recommends credit be awarded for these PBRS categories. \*\*Award of this category is also possible, but will be dependent upon specific category requirements being met (see resource category discussion under Section E beginning on page 6).

6. Parcel: 142202-9082 142202-9053 142202-9093 142202-9110

<b>Recommended PBRS:</b>	1.00	1.25	1.83	2.15
Home site/excluded area:	0.00	1.92	0.00	0.00
Requested PBRS:	1.00	0.79	1.83	2.15
Total acreage	1.00	3.17	1.83	2.15

NOTE: The attached map (2017 aerial photo) outlines in yellow the parcel boundaries green outlines 0.06 acres that will be replanted with native vegetation in accordance to their forest stewardship plan and in blue the areas proposed to be *excluded* from PBRS. The portion recommended for enrollment in PBRS (6.23 acres) is the entire property (8.15 acres) less the excluded areas as measured (1.92 acres). In the event the Assessor's official parcel size is revised, PBRS acreage should be administratively adjusted to reflect that change.

#### **B. FACTS:**

- 1. Zoning in the vicinity: Properties in the vicinity are zoned RA2.5, RA5, RA5SO, and RA10SO.
- 2. Development of the subject property and resource characteristics of open space area: Parcel 9053 has a single-family residence, driveway, yard, lawn, septic drain field, two car garage, a well and a utility easement on the south side. The open space portion of the property consists of a mix of coniferous and deciduous trees and mostly native shrubs and plants. Some areas of the enrolling forest on parcels -9053, -9093 and -9110 are impacted by invasive species, most notably English Holly and English Ivy. The owners plan to restore these areas via the implementation of the approved forest stewardship plan (see Exhibit #6). Additionally, the forest stewardship plan addresses the replanting of 0.06 acres of lawn on parcel -9053 (outlined in green on the attached map) with native vegetation.
- 3. Site use: The property will be used for a single-family residence.
- 4. Access: The property is accessed from Landers Road SW.
- 5. Appraised value for 2019 (based on Assessor's information dated 2/06/2020):

Parcel #142202-9082 Appraised value Tax applied	<u>Land</u> \$132,000.00* \$1,473.77	\$0.00 \$0.00	<u>Total</u> \$132,000.00 \$1,473.77
Parcel #142202-9053 Appraised value Tax applied	<u>Land</u>	Improvements	<u>Total</u>
	\$181,000.00*	\$336,000.00	\$517,000.00
	\$2,020.85	\$3,751.42	\$5,772.27

Parcel #142202-9093	<b>Land</b>	<u>Improvements</u>	<u>Total</u>
Appraised value	\$134,000.00*	\$0.00	\$134,000.00
Tax applied	\$1,496.10	\$0.00	\$1,496.10
Parcel #142202-9110	<b>Land</b>	<u>Improvements</u>	<u>Total</u>
Appraised value	\$140,000.00*	\$0.00	\$140,000.00
Tax applied	\$1,563.09	\$0.00	\$1,563.09

NOTE: \* Participation in PBRS 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 citizens.

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

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

- A. To be eligible for open space classification under the public benefit rating system, property must contain one or more qualifying open space resources and have at least five points as determined under this section. The department will review each application and recommend award of credit for current use of property that is the subject of the application. In making such recommendation, the department will utilize the point system described in section B. and C. below.
- B. The following open space resources are each eligible for the points indicated:
  - 1. Public recreation area five points
  - 2. Aguifer protection area five points
  - 3. Buffer to public or current use classified land three points
  - 4. Equestrian-pedestrian-bicycle trail linkage thirty-five points
  - 5. Active trail linkage fifteen or twenty-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. Rural open space five points
- 12. Rural stewardship land five points
- 13. Scenic resource, viewpoint, or view corridor five points
- 14. Significant plant or ecological site –five points
- 15. Significant wildlife or salmonid habitat five points
- 16. Special animal site three points
- 17. Surface water quality buffer five points
- 18. Urban open space five points
- 19. Watershed protection area five points
- C. Property qualifying for an open space category in subsection B. of this section may receive credit for additional points as follows:
  - 1. Resource restoration five points
  - 2. Additional surface water quality buffer three or five points
  - 3. Contiguous parcels under separate ownership two points
  - 4. Conservation easement of historic easement fifteen points
  - 5. Public access points dependent on level of access
    - a. Unlimited public access five points
    - b. Limited public access sensitive areas five points
    - c. Environmental education access three points
    - d. Seasonal limited public access three points
    - e. None or members only zero points
  - 6. Easement and access thirty-five points

#### D. 2016 COMPREHENSIVE PLAN POLICIES AND TEXT:

- **E-101** In addition to its regulatory authority, King County should use incentives to protect and restore the natural environment whenever practicable. Incentives shall be monitored and periodically reviewed to determine their effectiveness in terms of protecting 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.
- **E-112a** The protection of lands where development would pose hazards to health, property, important ecological functions or environmental quality shall be achieved through acquisition, enhancement, incentive programs and appropriate regulations. The following critical areas are particularly susceptible and shall be protected in King County:
  - a. Floodways of 100-year floodplains;
  - b. Slopes with a grade of 40% or more or landslide hazards that cannot be

#### mitigated;

- c. Wetlands and their protective buffers;
- d. Aquatic areas, including streams, lakes, marine shorelines and their protective buffers;
- e. Channel migration hazard areas;
- f. Critical Aquifer Recharge Areas;
- g. Fish and Wildlife Habitat Conservation Areas; and
- h. Volcanic hazard areas.
- **E-421** Terrestrial and aquatic habitats should be conserved and enhanced to protect and improve conditions for fish and wildlife.
- NOTE: PBRS is an incentive program provided to encourage voluntary protection of open space resources and maintain high quality resource lands.
- **E-429** King County should provide incentives for private landowners who are seeking to remove invasive plants and noxious weeds and replace them with native plants, such as providing technical assistance or access to appropriate native plants.
- NOTE: Participation in PBRS requires landowners address invasive plant and noxious weed control and removal within enrolled portions of a property. Replacement with native vegetation is also encouraged via the implementation of approved forest stewardship, rural stewardship or resource restoration plans.
- **E-443** King County should promote voluntary wildlife habitat enhancement projects by private individuals and businesses through educational, active stewardship, and incentive programs.
- E-476 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-504 King County should protect native plant communities by encouraging management and control of nonnative invasive plants, including aquatic plants. Environmentally sound methods of vegetation control should be used to control noxious weeds.
- 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-449** King County shall promote retention of forest cover and significant trees using a mix of regulations, incentives, and technical assistance.

**R-605** Forestry and agriculture best management practices are encouraged because of their multiple benefits, including natural resource preservation and protection.

NOTE: The implementation of an approved forest stewardship, farm management or rural stewardship plan benefits natural resources, such as wildlife habitat, stream buffers and groundwater protection, as well as fosters the preservation of sustainable resources.

#### E. PBRS CATEGORIES REQUESTED and DEPARTMENT RECOMMENDATIONS:

NOTE: Parcel -9082 is not contiguous with the rest of the enrolling parcels. As a result, this parcel therefore must be evaluated for award of PBRS resource categories on its own merits, independent of the other three contiguous parcels.

#### Open space resources

- Aquifer protection area
  - Although credit for this category was not requested, the entire property is located in an area designated as a critical aquifer recharge area (CARA 3). The natively forested area is greater than one acre in size and meets the minimum required acreage for this category. Credit for this category is recommended for all parcels.
- Buffer to public or current use classified land
  Although credit for this category was not requested, parcel -9082 is abutting land enrolled in the PBRS program to the south (parcel 142202-9077). Additionally, parcels -9053, -9093, -9110 are abutting a property that is enrolling in PBRS (E19CT022 Baker and Klemka parcel 142202-9033) to the east. The enrolling open space area is providing a buffer of native vegetation of more than 50 feet to these adjacent lands, which exceeds the category's requirement. Credit for this category is recommended for parcel -9082. However, if parcel 1422029033 successfully enrolls in PBRS, then credit for this category will be awarded for parcels -9053, -9093, and -9110.
- Forest stewardship land
  - The property contains more than the required four acres of contiguous forest and owners plan to improve the health and diversity of their forest, which includes eradicating invasive species and replanting 0.06 acres of lawn with native vegetation. The owners have provided a forest stewardship plan that has been approved by a county forester. Credit for this category is recommended for parcels -9053, -9093 and -9110. Award of this category may allow forestry 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 activities that require a permit or approval, such as clearing and grading. Credit for this category is recommended for parcels -9053, -9093 and -9110.
- Significant wildlife or salmonid habitat

Although credit for this category was not requested, the property contains habitat for numerous wildlife species, including foraging and nesting habitat for the pileated woodpecker, which is listed as a candidate species of concern by the Washington Department of Fish and Wildlife. Upon conducting a site visit, program staff observed evidence of pileated woodpecker activity and determined areas of the forest on the property is 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 for all parcels.

#### • Watershed protection area

Although credit for this category was not requested, the enrolling open space contains more than eight acres of native forest cover which is more than 65% of the total property acreage and is more forest cover than required by county regulation for this property. Credit for this category is recommended for all parcels.

#### **Bonus category**

#### • Resource restoration

Although credit for this category was not requested, parcel -9082 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 July 2, 2020**, and **approved by the department on or before September 3, 2020**, then credit for this **category should be awarded to parcel -9082 administratively**. Award of this category may allow forestry 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 activities that require a permit or approval, such as clearing and grading.

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 #B7.

#### 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

-9053, -9093 and -9110

-9082

Aquifer protection area	5	5
Buffer to public or current use classified land	*	3
Forest stewardship land	5	0
Significant wildlife or salmonid habitat	5	5
Watershed protection area	5	5
Bonus category		
Resource restoration	0	**

TOTAL 20 points 18 points

NOTE: \* If parcel 142202-9033 successfully enrolls in the program, the point total would increase to 23 and the reduction in land assessed value for the portion enrolled would increase to 80% for parcels -9053, -9093 and -9110.

\*\*If credit for this category is awarded,,, the point total would increase to 23 and the reduction in land assessed value for the portion enrolled would increase to 80% for parcel -9082.

#### **PUBLIC BENEFIT RATING**

For the purpose of taxation, 20 points result in 30% of market value and a 70% reduction in taxable value for the portion of land enrolled for parcels -9053, -9093 and -9110. For the purpose of taxation, 18 points result in 30% of market value and an 70% reduction in taxable value for the portion of land enrolled for parcels -9082.

#### **B. RECOMMENDATION:**

APPROVE the request for current use taxation "Open space" classification with a Public Benefit Rating of 20 and 18 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 to continue to receive the tax benefits from the King County Public Benefit Rating System (PBRS) current use taxation program for the property enrolled in the program (Property). Failure to abide by these requirements can result in removal of current use designation and subject the property owner (Owner) to the penalty, tax, and interest provisions of RCW 84.34 and assessment at true and fair value. The King County Department of Assessments (DoA) and the Water and Land Resources Division, Director's Office, Agriculture, Forestry and Incentives Unit (AFI) or its successor may re-evaluate the Property to determine whether removal of the open space designation is appropriate. Removal shall follow the process in RCW 84.34.108.

- 2. Revisions to these requirements may only occur upon mutual written approval of the Owner and granting authority. These conditions shall apply so long as the Property retains its open space designation. If a conservation easement acceptable to and approved by King County is granted by the Owner or the Owner's successors in interest to the 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 King County.
- 3. The open space classification for this Property will continue so long as it meets the open space purposes for which it was initially approved. Classification as open space will be removed upon a determination by King County that the Property no longer meets the open space purposes for which it was initially approved. A change in circumstances which diminishes the extent of public benefit from that approved by the King County Council in the open space taxation agreement will be cause for removal of the current use assessment classification. It is the Owner's responsibility to notify the DoA and the AFI Unit or its successor of a change in circumstance with regard to the Property.
- 4. When a portion of the open space Property is withdrawn or removed from the program, the AFI Unit or its successor and the DoA shall re-evaluate the remaining Property to determine whether it may continue to qualify under the program. If the remaining portion meets the criteria for priority resources, it may continue under current use taxation.
- 5. Except as provided for in sections 6, 7, 10 and 11 below, no alteration of the open space land or resources shall occur without prior approval by the AFI Unit or its successor. Any unapproved alteration may constitute a departure from an approved open space use and be deemed a change of use, and subject the Property 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 the open space Property or resources including but not limited to the following: (Walking, horseback riding, passive recreation or actions taken in conjunction with a resource restoration plan, or other similar approved activities are permitted.)
  - 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, planting, introducing, relocating or removing vegetation, however, selective cutting may be permitted for firewood;
  - h. applying herbicides or pesticides or any hazardous or toxic substance;
  - i. discharging pollutants excepting stormwater;
  - j. paving, construction, application of gravel;
  - k. storing of equipment, household supplies, play equipment, or compost;

- 1. engaging in any other activity that adversely impacts the existing vegetation, hydrology, wildlife, wildlife habitat, or other open space resources.
- 6. Notwithstanding the provisions of Section 5 trees posing a hazard to structures or major roads may be removed. Any trees removed must be replaced.
- 7. If an area of the Property becomes or has become infested with noxious weeds, the Owner may be required to submit a control and enhancement plan to the AFI Unit or its successor in order to remove such weeds. If an area of the Property becomes or has become invaded by non-native species, the Owner may be required to submit, or may voluntarily submit, an enhancement plan to the AFI Unit or its successor, in order to replace such species with native species or other appropriate vegetation.
- 8. There shall be no motorized vehicle driving or parking allowed on the open space. Property, except for the purpose of forestry and in areas of the Property being used as forest stewardship land.
- 9. Grazing of livestock is prohibited on the open space Property.
- 10. For land designated as forest stewardship land, activities that are consistent with forestry uses and that are consistent with an approved Forest Stewardship Plan for the Property shall be permitted as long as those activities do not cause a significant adverse impact to the resource values of other awarded categories.
- 11. Resource restoration must be implemented in a timely manner in accordance with any Resource Restoration Plan that applies to the Property and that has been approved by the PBRS Staff. During plan implementation and for the first 5 years of enrollment, the Owner must submit a yearly monitoring report to PBRS Staff describing the progress and success of the restoration, including photographs. An environmental consultant need not prepare the report.
- 12. An owner of property receiving credit for farm and agricultural conservation land, forest stewardship land, or rural stewardship land, all of which require a stewardship or management plan, must annually provide a monitoring report that describes progress of implementing the plan. The owner must submit this report, which must include a brief description of activities taken to implement the plan and photographs from established points on the property, to the department by email or by other mutually agreed upon method. An environmental consultant need not prepare this report.
- 13. Enrollment in PBRS does not exempt the Owner from obtaining any required permit or approval for activity or use on the Property.

#### **TRANSMITTED** to the parties listed hereafter:

Office of the King County Hearing Examiner William Chamberlain and Alice May, applicants Debra Clark, King County Department of Assessments Wendy Sammarco, King County Forester





#### Water and Land Resources Division

Department of Natural Resources and Parks
King Street Center
201 South Jackson Street, Suite 600
Seattle, WA 98104-3855
206-477-4800 Fax 206-296-0192 TTY Relay: 711

January 16, 2020

King County Councilmembers Room 120 C O U R T H O U S E

ATTN.: Melani Pedroza, Clerk of the Council

RE: Hearing Examiner Legal Notice for Public Hearing Scheduled February 27, 2020

Dear Councilmembers:

Attached are the legal notice and proposed ordinances for the above noted public hearing. Please provide ten (10) days notice as required by King County Code (K.C.C. 20.36.060).

Sincerely,

Megan Kim, Project Program Manager

PBRS and Timber Land Programs

#### **PUBLICATIONS TO BE NOTIFIED:**

E19CT018 - (4K) E19CT025 - (5) E19CT020 - (8) E19CT026 - (5) E19CT022 - (5) E19CT032 - (4K) E19CT024 - (8) E19CT037 - (5)

#### **DATES OF PUBLICATIONS:**

(5) Vashon Maury Island Beachcomber – 02/13/20

(4K) Redmond Reporter – 02/14/20

(8) Woodinville Weekly – 02/13/20

Attachments

**NOTICE IS HEREBY GIVEN** that the Hearing Examiner for the King County Council will meet in the Fred Room on the 12th floor of the King County Courthouse, 516 Third Avenue, Seattle, Washington, on Thursday, February 27, 2020, at the time listed, or as soon thereafter as possible, to consider applications for classification and real property assessment under Current Use Assessment Statute RCW 84.34, all listed hereafter;

#### 1:30 p.m. or as soon thereafter as possible.

**E19CT018** – Michael Niebuhr for property located at 36204 NE 112th Street, Carnation, WA 98014; STR: NW-36-26-07; SIZE: 19.50 acres; REQUEST: Public Benefit Rating System; Tax #362607-9036.

**E19CT020** – Paul and Joann Safstrom for property located at 16526 232nd Avenue NE, Woodinville, WA 98077; STR: SW-10-26-06; SIZE: 9.14 acres; REQUEST: Public Benefit Rating System; Tax #102606-9012.

**E19CT022** – Martin Baker and Donna Klemka for property located west of 23707 Landers Road SW, Vashon, WA 98070; STR: SW-14-22-02; SIZE: 10.00 acres; REQUEST: Public Benefit Rating System; Tax #142202-9033.

**E19CT024** – Michael and Vicki Elledge for property located at 15015 223rd Avenue NE, Woodinville, WA 98077; STR: SE-16-26-06; SIZE: 7.64 acres; REQUEST: Public Benefit Rating System; Tax #162606-9093.

**E19CT025** – Erik Steffens for property located at 10426 SW Cemetery Road, Vashon, WA 98070; STR: NE-06-22-03 and SE-31-23-0312.37; SIZE: 12.37 acres; REQUEST: Public Benefit Rating System; Tax #062203-9179 and #312303-9179.

**E19CT026** – Vashon-Maury Island Land Trust for property located at 11132 SW 204<sup>th</sup> Street, Vashon, WA 98070; STR: SW-06-22-03; SIZE: 9.00 acres; REQUEST: Public Benefit Rating System; Tax #062203-9064.

**E19CT032** – Michael Burrows for property located at 24135 NE 43rd Street, Redmond, WA 98053; STR: NE-22-25-06; SIZE: 9.94 acres; REQUEST: Public Benefit Rating System; Tax #222506-9001.

**E19CT037** – William Chamberlain and Alice May for property located at 23731 Landers Road SW, Vashon, WA 98070; STR: SW-14-22-02; SIZE: 8.15 acres; REQUEST: Public Benefit Rating System; Tax #142202-9053, #142202-9093 and #142202-9110.

Details are available from the King County Department of Natural Resources and Parks, Rural and Regional Services Section, 201 South Jackson Street, Suite 600, Seattle, WA 98104; Phone (206) 477-4788.

Dated at Seattle, Washington, This 13th Day of February 2020.

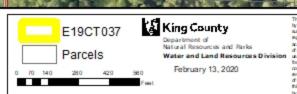
Melani Pedroza Clerk of the Council Metropolitan King County Council King County, Washington ..title

AN ORDINANCE approving an application for current use assessment for either public benefit rating system or timber land, or both, submitted by William Chamberlain and Alice May for property located at 23731 Landers Road SW, Vashon, WA 98070, designated department of natural resources and parks, water and land resources division file no. E19CT037.

..body



File E19CT026 EXHIBIT 4 PBRS Applicant
Chamberlain and May Property

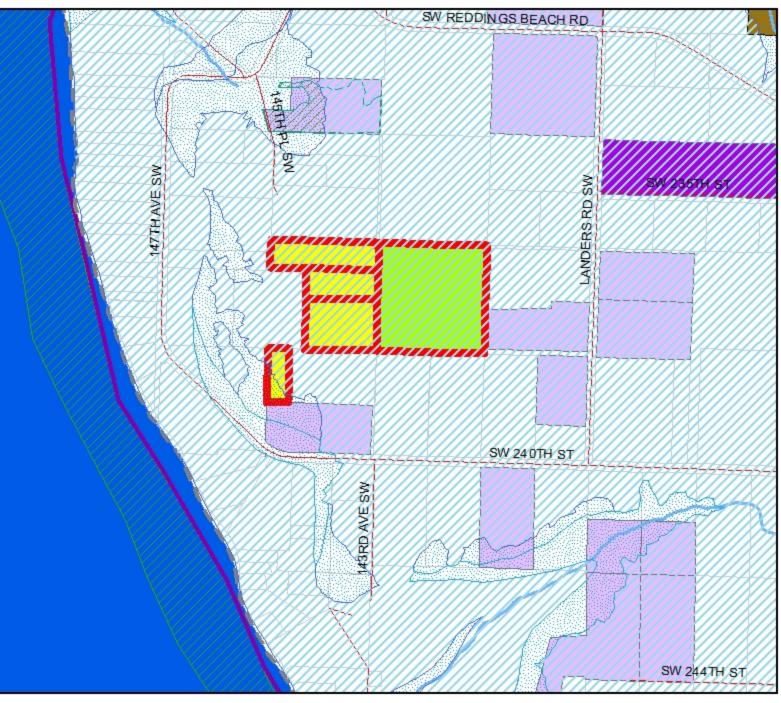


The information included on this map has been compiled by king County staff from a variety of sources and its subject to during withour notice. King County makes no expresentation or variety of sources or in piled, as to excursing, completeness, triplinate, or rights to the use of such information. This document is not intended for use as a susuary product. King County shall not be liable for any general, special, indirect, inclinent, or consequented demagnes including, but not limited to lost exvenses or lost profits resulting from the use or misuse of the information contained on this map is prohibited except by written permission of King County.



The information included on this map has been compiled by King County staff from a variety of sources and is subject to change without notice. King County makes no representations or warranties, express or implied, as to accuracy, completeness, timeliness, or rights to the use of such information. This document is not intended for use as a survey product. King County shall not be liable for any general, special, indirect, incidental, or consequential damages including, but not limited to, lost revenues or lost profits resulting from the use or misuse of the information contained on this map. Any sale of this map or information on this map is prohibited except by written permission of King County.

King County Natural Resources and Parks Water and Land Resources Division February 13, 2020



### **File E19CT037**

## PBRS Applicant

Chamberlain and May Property