

## PBRS Exhibit Documents

FILE NO. **E20CT006**

Public Hearing August 20, 2020

### Exhibits entered at public hearing:

1. DNRP staff report to the Hearing Examiner
2. Affidavit of Publication (to be reserved)
3. Legal notice and introductory ordinance to Council
4. ArcMap resource and aerial maps
5. Signed/notarized application

**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)**

**August 20, 2020 – Public Hearing**

**APPLICANTS: Stephen and Kathleen Wennstrom**

**File No. E20CT006**

**A. GENERAL INFORMATION:**

1. Owners: Stephen and Kathleen Wennstrom  
22404 111th Avenue SW  
Vashon, WA 98070
2. Property location: same as above
3. Zoning: RA10
4. STR: NW-18-22-03
5. PBRs categories requested by applicant:

NOTE: The property is currently enrolled in the Timberland program (File No. E98CT049). The landowners have applied to PBRs as they are not interested in harvesting timber for commercial purposes, which is a requirement for continued enrollment in Timberland. **The new open space taxation agreement should supersede any existing agreement for this property's PBRs participation.**

**Open space resources**

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

**Bonus category**

- \*Additional surface water quality buffer

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

Exhibit no.	1
Case name	Stephen and Kathleen Wennstrom
Case number	E20CT006
Date received	8/20/2020
KING COUNTY HEARING EXAMINER	

6. Parcel:	182203-9238
Total acreage	10.00
Requested PBRS:	8.12
Home site/excluded area:	1.95
<b>Recommended PBRS:</b>	<b>8.05</b>

NOTE: The portion recommended for enrollment in PBRS is the entire property less the excluded areas as measured. The attached 2019 aerial photo outlines the parcel in yellow and the areas 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.

**B. FACTS:**

1. Zoning in the vicinity: Properties in the vicinity are zoned RA5 and RA10.
2. Development of the subject property and resource characteristics of open space area: The property contains a residence, access driveway storage sheds, well, landscaping, network of walking trails, additional personal use areas as well as a small cabin with access road east of the main residence in the center of the property. There is also septic system located in the enrolling area to the west of the main residence (*to be kept unmaintained/natively vegetated*). The open space portion of the property consists of a mix of coniferous and deciduous trees and mostly native shrubs and plants. Additionally, there are segments of two streams located within the eastern third of the property.
3. Site use: The property is used as single-family residence.
4. Access: The property is accessed from 111th Avenue SW.
5. Appraised value for 2019 (based on Assessor’s information dated 7/16/2020):

<u>Parcel #182203-9238</u>	<u>Land</u>	<u>Improvements</u>	<u>Total</u>
Appraised value	<b>\$287,000.00*</b>	\$513,000.00	\$800,000.00
Tax applied	<b>\$3,327.53</b>	\$5,947.83	\$9,275.36

NOTE: \*This value is presently impacted by the land’s participation in the Timberland program (RCW 84.34), which is reflected in the land’s current and lower taxable value of \$106,112 (tax applied \$1,230.28). Similar to the Timberland program, 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. Aquifer 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 #B11.

**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:

### Open space resources

- Aquifer protection area

The entire property is located in an area designated as a critical aquifer recharge area (CARA 2 and 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.

- Buffer to public or current use classified land

The property is abutting land enrolled in the Timberland program to the west (parcel 182203-9156). The enrolling open space area is providing a buffer of native vegetation of more than 50 feet to this adjacent land, which exceeds the category's requirement. Credit for this category is recommended.

- Forest stewardship land

The owners are interested in improving the health and diversity of their forest, including weed and invasive species removal. The owners have provided a forest stewardship plan that has been approved by a county forester. Credit for this category is recommended. 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.

- Significant wildlife or salmonid habitat

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.

- Surface water quality buffer

There is a segment of Type N stream located in a ravine just east of the cabin in the center of the property which flows northerly and bisects the north property line before eventually emptying into Judd Creek. As required by county code (KCC 21A24.358.C), the buffer width required for Type F waters is 65 feet. In order to be eligible for this category, the participating land must provide a buffer greater than one and a half that required (or 97.5 feet) for credit to be awarded. The owner is providing a buffer of native vegetation to the east of this stream that averages 250 feet in width, which is more than three times the buffer required. Credit for this category is recommended.

- Watershed protection area

The enrolling open space contains 8.05 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.

**Bonus category**

• Additional surface water quality buffer

There is a segment of Type N stream located in a ravine just east of the cabin in the center of the property which flows northerly and bisects the north property line before eventually emptying into Judd Creek. As required by county code (KCC 21A24.358.C), the buffer width required for Type N waters is 65 feet. In order to be eligible for this category, the participating land must provide a buffer greater than two times that required (or 130 feet) for three points to be awarded or provide a buffer greater than three times that required (or 195 feet) for five points to be awarded. The owner is providing a buffer of native vegetation to the east of this stream that averages 250 feet in width, which is more than three times the buffer required. Credit for this category is therefore recommended at the five point award level.

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**

Aquifer protection area	5
Buffer to public or current use classified land	3
Forest stewardship land	5
Significant wildlife or salmonid habitat	5
Surface water quality buffer	5
Watershed protection area	5

**Bonus category**

Additional surface water quality buffer	5
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**TOTAL 33 points**

**PUBLIC BENEFIT RATING**

For the purpose of taxation, 33 points result in 20% of appraised value and an 80% reduction in taxable value for the portion of land enrolled.

## B. RECOMMENDATION:

APPROVE the request for current use taxation "Open space" classification with a Public Benefit Rating of 33 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 and 10 and 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;
  - l. 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. 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.

12. 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  
Stephen and Kathleen Wennstrom, applicants  
Debra Clark, King County Department of Assessments

2019 Aerial Photo

111TH AVE SW

1.95 acres

182203-9838



**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

July 9, 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 August 20, 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,

Bill Bernstein, Project Program Manager  
PBRS and Timber Land Programs

**PUBLICATIONS TO BE NOTIFIED:**

E20CT002 - (4E)	E20CT006 - (5)
E20CT003 - (4E)	E20CT007 - (8)
E20CT004 - (4E)	

**DATES OF PUBLICATIONS:**

- (4E) Enumclaw Courier Herald – 08/05/20
- (5) Vashon Maury Island Beachcomber – 08/06/20
- (8) Woodinville Weekly – 08/06/20

Attachments

Exhibit no.	3
Case name	Stephen and Kathleen Wennstrom
Case number	E20CT006
Date received	8/20/2020
KING COUNTY HEARING EXAMINER	

**EXHIBIT 3**

**NOTICE IS HEREBY GIVEN** that the Hearing Examiner ([hearingexaminer@kingcounty.gov](mailto:hearingexaminer@kingcounty.gov); 206-477-0860) for the King County Council will meet telephonically, please call **1 + (206) 263-8114**, Conference ID: **5804817#** on Thursday, August 20, 2020, at 10:00 am or as soon thereafter as possible. If any party has a concern with proceeding by phone or needs some special accommodation, let the Hearing Examiner's Office know by **August 17, 2020**. This public hearing is to consider applications for classification and real property assessment under Current Use Assessment Statute RCW 84.34, all listed hereafter;

**10:00 a.m. or as soon thereafter as possible.**

**E20CT002** – Weldon King and Alison Wells for property located at 18525 SE 396th Street, Auburn, WA 98092; STR: SW-06-20-06; SIZE: 5.10 acres; REQUEST: Public Benefit Rating System; Tax #062006-9048.

**E20CT003** – Jason DeSanto for property at 40525 224th Avenue SE, Enumclaw, WA 98022; STR: NE-09-20-06; SIZE: 10.14 acres; REQUEST: Public Benefit Rating System; Tax #092006-9117.

**E20CT004** – Nora Hightower for property located at 31404 SE 392nd Street, Enumclaw, WA 98022; STR: NW-04-20-07; SIZE: 51.12 acres; REQUEST: Public Benefit Rating System; Tax #042007-9029.

**E20CT006** – Stephen and Kathleen Wennstrom for property located at 22404 111th Avenue SW, Vashon, WA 98070; STR: NW-18-22-03; SIZE: 10.00 acres; REQUEST: Public Benefit Rating System; Tax #182203-9238.

**E20CT007** – Jane and Brian Raker for property located at 14900 176th Avenue NE, Woodinville, WA 98072; STR: SE-13-25-05; SIZE: 4.10 acres; REQUEST: Public Benefit Rating System; Tax #132605-9059.

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) 477-4643.

Dated at Seattle, Washington, This 5th Day of August 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 Stephen and Kathleen Wennstrom for property located at 22404 111th Avenue SW, Vashon, WA 98070, designated department of natural resources and parks, water and land resources division file no. E20CT006.

..body

**Legend**

- 2020 Applicant
- Other 2020 Applicants

**Current Use Programs**

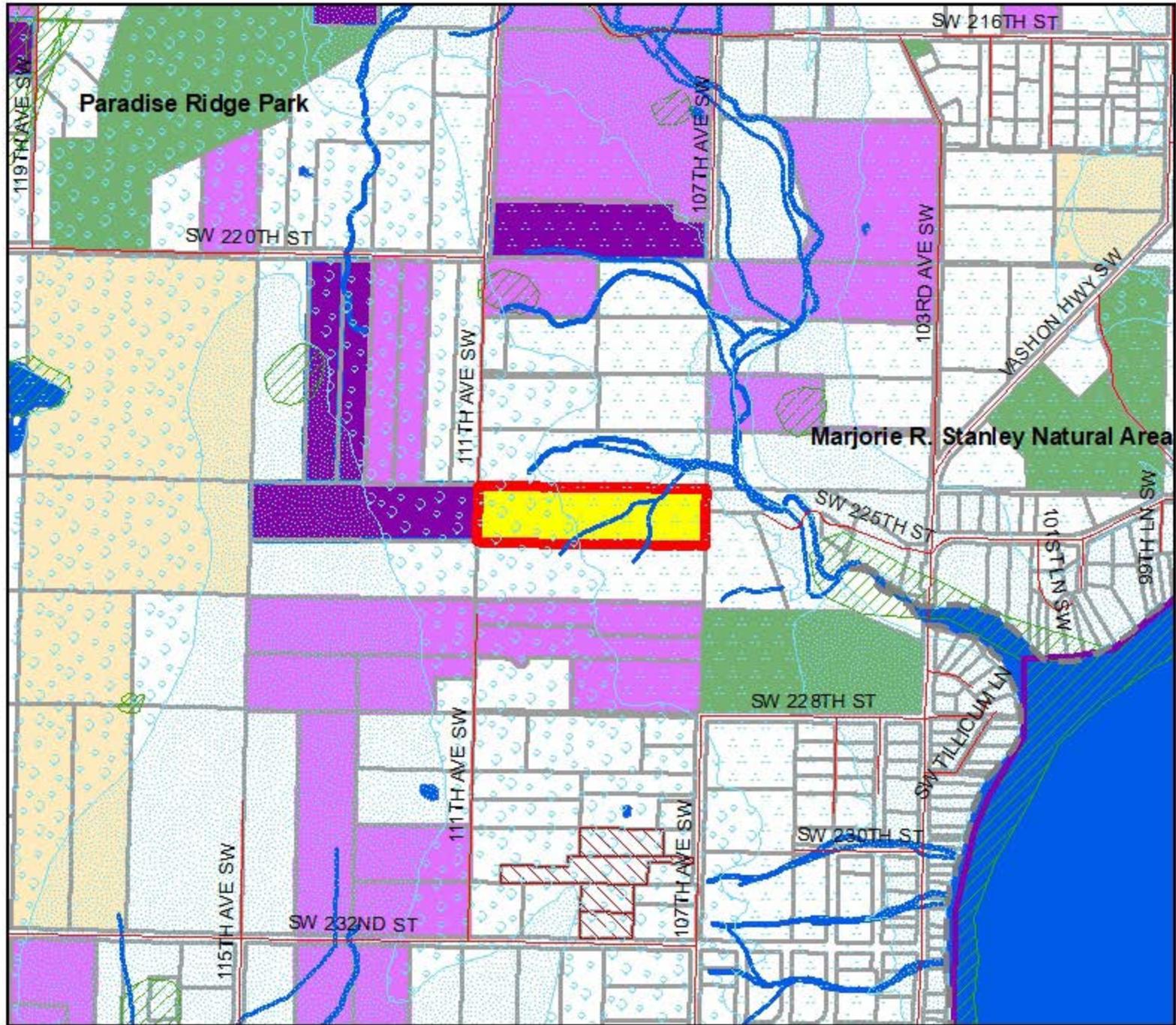
- PBR S
- PBR S and Timberland
- Timberland
- Forestland
- Farm and Agriculture

**Aquifer Recharge**

- CARA 1
- CARA 2
- CARA 3

- Wetlands
- Rivers and Lakes
- Streams
- Public Land
- Farmland Preservation Program
- Wildlife Habitat Network
- King County Parcels
- Current KC Urban Growth Area
- Cities
- Street
- County Boundary

0 155 310 620 930 1240 Feet



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.

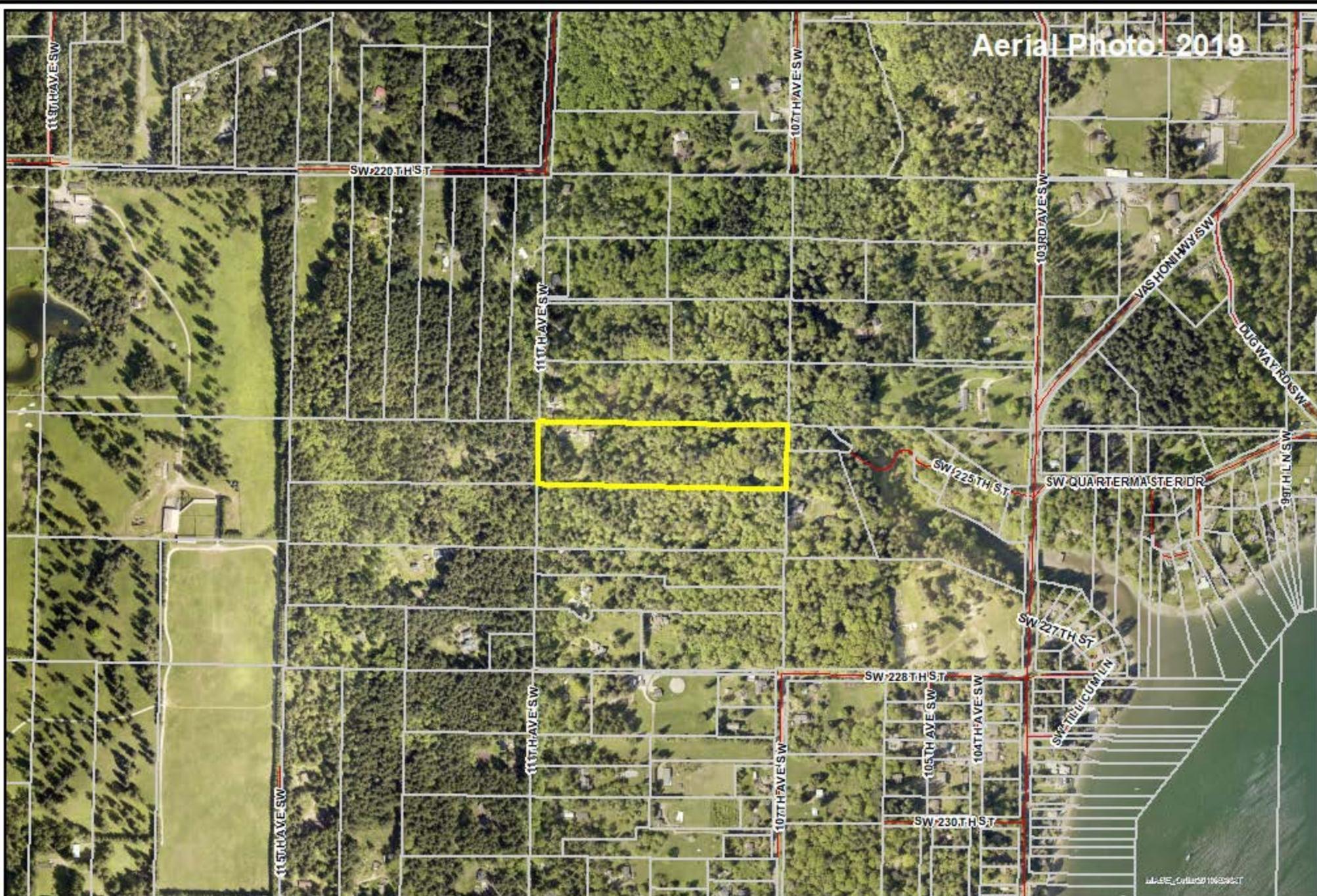
**King County**  
 Department of  
 Natural Resources and Parks  
 Water and Land Resources Division  
 August 20, 2020

# File E20CT006 EXHIBIT 4

## PBR S Applicant Wennstrom Property

Exhibit no.	4
Case name	Stephen and Kathleen Wennstrom
Case number	E20CT006
Date received	8/20/2020
KING COUNTY HEARING EXAMINER	

Aerial Photo: 2019



**File E20CT006**  
**EXHIBIT 4**

**PBRs Applicant**  
**Wennstrom Property**

 2020 Applicant  
 Parcels

**King County**  
 Department of  
 Natural Resources and Parks  
 Water and Land Resources Division  
 August 20, 2020



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**PUBLIC BENEFIT RATING SYSTEM**  
**Application**

**Open Space Land Classification For Property Within King County, Washington**  
**In Accordance With RCW 84.34 and K.C.C. 20.36**

Original Application AND 4 Copies of All Documents Must Be Submitted To:  
 King County Water and Land Resources Division, Rural and Regional Services Section  
 201 South Jackson Street, Suite 600, Seattle, WA 98104-3855

1. NAME of APPLICANT: Stephen & Kathleen Wennstrom  
 Day Phone: 206-276-1964 Evening Phone: Same Email: skwennstrom@centurytel.com
2. MAILING ADDRESS of APPLICANT: 22414 111th Ave SW  
Vashon WA 98070
3. PROPERTY ADDRESS: 22414 111th Ave SW  
Vashon WA 98070
- Is the property located in an incorporated city? Yes \_\_\_\_\_ City: \_\_\_\_\_ No X  
 From what road is the property accessed? 111th Ave SW
4. PROPERTY HISTORY: Is the property presently participating in a current use assessment program (RCW 84.34 or RCW 84.33)? Yes \_\_\_\_\_ No \_\_\_\_\_
5. APPLICANT'S INTEREST in PROPERTY: Owner Yes X No \_\_\_\_\_  
 Purchasing through contract Yes \_\_\_\_\_ No \_\_\_\_\_  
 Other \_\_\_\_\_ Explain \_\_\_\_\_

6. PARCEL NUMBER and ACREAGE:

<u>Tax Assessor Parcel #</u>	<u>Total Acres in Parcel</u>	<u>Acres Requested for PBRs</u>
a. <u>182203-9238</u>	<u>10</u>	<u>8.12</u>
b. _____	_____	_____
c. _____	_____	_____
TOTAL	<u>10</u>	<u>8.12</u>

County use only:

Date Received \_\_\_\_\_ File NO. \_\_\_\_\_

Exhibit no.	5
Case name	Stephen and Kathleen Wennstrom
Case number	E20CT006
Date received	8/20/2020
KING COUNTY HEARING EXAMINER	

**AFFIRMATION**

As owner(s) of the land described above, I hereby indicate by my signature that I am aware of the potential tax liability involved when the land ceases to be classified under the provisions of Chapter 84.34 RCW. I also declare under the penalties for false swearing that this application and any accompanying documents have been examined by me and to the best of my knowledge it is a true, correct, and complete statement.

The agreement to tax according to use of the property is not a contract and can be annulled or canceled at any time by the Legislature (RCW 84.34.070).

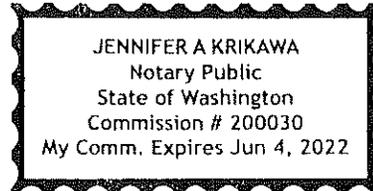
Stephen Wennstrom  
Print Name

[Signature]  
Signature

Kathleen D Wennstrom  
Print Name

[Signature]  
Signature

State of Washington  
County of King



Subscribed and affirmed to before me this 3rd day of March, 2020

[Signature]  
Notary's Signature

6/4/2022  
My Appointment Expires

**Statement Of Additional Tax, Interest, And Penalty Due Upon Removal Of Classification**

1. Upon removal of classification, an additional tax shall be imposed which shall be due and payable to the county treasurer 30 days after removal or upon sale or transfer, unless the new owner has signed the Notice of Continuance. The additional tax shall be the sum of the following:
  - (a) The difference between the property tax paid as "Open Space Land" and the amount of property tax otherwise due and payable for the last seven years had the land not been so classified; plus
  - (b) Interest upon the amounts of the difference (a), paid at the same statutory rate charged on delinquent property taxes.

## **1. General**

### **A. Describe all present and proposed uses within the PBRs area.**

Trails are used for maintenance of the timber, removal of noxious weeds as well as general enjoyment of bird and wildlife watching, walking and camping. Occasionally firewood is cut from downed trees or from thinning of forest trees. There is an old skid road that is used as access to a cabin near the center of the property. There is a drain field in the Southwest corner of the property. There are no other proposed uses.

### **B. Describe existing improvements on the property (excluded area)**

In the excluded area there is a house and shop with a road leading to them. There are four small building which are used as a garden shed, a studio or storage and there is a road leading to them. There is a well in this excluded area. There is landscaping around the house. In the center of the property there is a cabin with a drain field next to it and an old skid road leading to it.

### **C Describe all potential improvements**

There are no potential or planned improvements.

### **E. Is the land subject to agreements such as easements that may limit the property's use or development?**

Yes.

There are easements for ingress, egress and utilities on 30 feet of the West and East boundaries of the property which are attached to or deed. See attached Exhibit "A".



**I. GENERAL**

A. Describe all present and proposed uses within the PBRS area (**participating area**). Uses might include enjoyment of paths/trails, bird watching, forestry, farm activities or simply staying out of the open space. Please attach additional sheets if necessary.

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B. Describe all existing improvements on the property (**excluded area**). This would include home, driveway, road, drainage system, well, yard, landscaping, garden and other personal-use areas. Please attach additional sheets if necessary.

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C. Describe all potential or planned improvements and where they might be located on the property. Excluding an area now that might be later developed, such as a future home site, should be considered, but is not required. Please attach additional sheets if necessary.

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D. Is the land subject to lease or other agreements (such as CCR's, utility, natural or native growth protection, conservation, trail, or road easement) that may limit the property's use or development?

Yes \_\_\_\_\_ No \_\_\_\_\_

If "yes", then what type of lease/agreement/easement is it? \_\_\_\_\_

**Please attach copies of all leases, options, easements or any other such agreements.**

- (c) A penalty of 20% shall be applied to the additional tax if the classified land is applied to some other use except through compliance with the property owner's request for withdrawal process, or except as a result of those conditions listed in (2) below.
2. The additional tax, interest, and penalty specified in (1) above shall not be imposed if removal resulted solely from:
- (a) Transfer to a government entity in exchange for other land located within the State of Washington.
  - (b) A taking through the exercise of the power of eminent domain, or sale or transfer to an entity having the power of eminent domain in anticipation of the exercise of such power.
  - (c) A natural disaster such as a flood, windstorm, earthquake, or other such calamity rather than by virtue of the act of the landowner changing the use of such property.
  - (d) Official action by an agency of the State of Washington or by the county or city where the land is located disallows the present use of such land.
  - (e) Transfer of land to a church when such land would qualify for exemption pursuant to RCW 84.36.020.
  - (f) Acquisition of property interests by State agencies or agencies or organizations qualified under RCW 84.34.210 and 64.04.130 (See RCW 84.34.108(6)(f)).
  - (g) Removal of land classified as farm and agricultural land under RCW 84.34.020(2)(e) (farm homesite).
  - (h) Removal of land from classification after enactment of a statutory exemption that qualifies the land for exemption and receipt of notice from the owner to remove the land from classification.
  - (i) The creation, sale, or transfer of forestry riparian easements under RCW 76.13.120.
  - (j) The creation, sale, or transfer of a fee interest or a conservation easement for the riparian open space program under RCW 76.09.040.
  - (k) The sale or transfer of land within two years after the death of the owner of at least a fifty percent interest in the land if the land has been assessed and valued as designated forest land under chapter 84.33 RCW, or classified under this chapter 84.34 RCW continuously since 1993. The date of death shown on a death certificate is the date used.
  - (l) The discovery that the land was classified in error through no fault of the owner.

## II. RESOURCE INVENTORY/PBRS Categories

Property may receive points as indicated for an open space resource or bonus category listed below. On page A-7, please provide justification for each category requested (refer to the *Public Benefit Rating System Resource Information* document found at [www.kingcounty.gov/incentives](http://www.kingcounty.gov/incentives)).

### Open Space Resources

- |          |                                                                                     |
|----------|-------------------------------------------------------------------------------------|
| _____    | 1. Public recreation area - 5 points                                                |
| <u>5</u> | 2. Aquifer protection area - 5 points                                               |
| <u>3</u> | 3. Buffer to public or current use classified land - 3 points                       |
| _____    | 4. Equestrian-pedestrian-bicycle trail linkage - 35 points                          |
| _____    | 5. Active trail linkage - 15 or 25 points                                           |
| _____    | 6. Farm and agricultural conservation land - 5 points                               |
| <u>5</u> | 7. Forest stewardship land - 5 points                                               |
| _____    | 8. Historic landmark or archaeological site: buffer to a designated site - 3 points |
| _____    | 9. Historic landmark or archaeological site: designated site - 5 points             |
| _____    | 10. Historic landmark or archaeological site: eligible site - 3 points              |
| _____    | 11. Rural open space - 5 points                                                     |
| _____    | 12. Rural stewardship land - 5 points                                               |
| _____    | 13. Scenic resource, viewpoint or view corridor - 5 points                          |
| _____    | 14. Significant plant or ecological site - 5 points                                 |
| <u>5</u> | 15. Significant wildlife or salmonid habitat - 5 points                             |
| _____    | 16. Special animal site - 3 points                                                  |
| <u>5</u> | 17. Surface water quality buffer - 5 points                                         |
| _____    | 18. Urban open space - 5 points                                                     |
| <u>5</u> | 19. Watershed protection area - 5 points                                            |

28 = total open space resource points

### Bonus Categories

- |          |                                                                               |
|----------|-------------------------------------------------------------------------------|
| _____    | 1. Resource restoration - 5 points                                            |
| <u>5</u> | 2. Additional surface water quality buffer - 3 or 5 points                    |
| _____    | 3. Contiguous parcels under separate ownership – minimal 2 points             |
| _____    | 4. Conservation easement or historic easement - 15 points                     |
| _____    | 5. Public access – points depend on type and frequency of access allowed      |
| _____    | _____ <i>Unlimited public access - 5 points</i>                               |
| _____    | _____ <i>Limited public access because of resource sensitivity - 5 points</i> |
| _____    | _____ <i>Environmental education access - 3 points</i>                        |
| _____    | _____ <i>Seasonally limited public access - 3 points</i>                      |
| _____    | _____ <i>None or members only - 0 points</i>                                  |
| _____    | 6. Easement and access - 35 points                                            |

5 = total bonus category points

33 = Total of open space resource and bonus category points results in a Public Benefit Rating (see valuation schedule on page A-6)

If public access points are requested, please list the user group(s) presently allowed access to the property. For what purpose does the public use the property? Please attach documentation that supports this type of use, such as letters from user groups. **For a property to be eligible, the owner must demonstrate that the property is open to public access and is used by the public.**

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If proposing public access, describe how the land can be reached. Are there private or public roads to the site? Are there any restrictions, such as an easement or physical barriers, which would inhibit public access? Are there any specific restrictions you think are necessary, such as hours, seasons, activities?

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**III. Estimate of Percentage Reduction (for your information only)**

Please remember county/city staff will review your application and an approval/decision will be made by the granting authority. When estimating the actual effect on your property's valuation and your tax bill, please remember your assessment as open-space/current use land will be calculated **only on the land value of the portion of the property enrolled.** *The property will still be assessed at "highest and best use" rates for the residence/improvements and for other non-enrolled open-space land.*

28 Open space resource points  
5 Bonus category points  
33 = Total of points, resulting in a Public Benefit Rating

**VALUATION SCHEDULE**

<u>Public Benefit Rating</u>	<u>Assessed Value Reduction</u>	<u>Current Use Value</u>
0 - 4 points	0 %	100 % of Market Value
5 - 10 points	50 %	50 % of Market Value
11 - 15 points	60 %	40 % of Market Value
16 - 20 points	70 %	30 % of Market Value
21 - 34 points	80 %	20 % of Market Value
35 - 52 points	90 %	10 % of Market Value





#### **IV. Resource category justification.**

##### **2. Aquifer protection area**

There are springs and a stream, which are located in the Northeast part of the property. We believe this water comes from the aquifer that provides water for the wells in at least this part of Vashon. The water from these springs form into a stream that drains to the North into Judd creek after it leaves our property. The area around the springs and streams are steep and care must be taken not to cause erosion. This area has undisturbed native plants and a large buffer to protect this resource.

There is a smaller area of springs in the Southeast part of the property which also forms into a stream that leaves the property to the East. The slopes are not as steep and the danger of erosion is not as serious but the natural vegetation is left as a buffer.

##### **3. Buffer to public or current use land**

The 10 acre parcel to the West of this property is currently enrolled in a current use program.

##### **7. Forest stewardship land**

This property has been enrolled in the Forest Stewardship program since 1998 and is in the process of being updated.

##### **15. Significant wild life or salmon habitat**

Pileated woodpeckers are seen or heard throughout the property on a regular basis and we leave standing dead trees for food, roosting, and nesting. They are not currently listed as endangered but are currently under review for endangered status. Our acres of natural forest combined with the large tracts of natural forest adjacent to our property makes this an important habitat.

We do not know if there are salmon in the water of the stream that leaves this property but the water drains into Judd Creek which is being restored so that it can support salmon.

##### **17. Surface water quality buffer.**

The surface water running from the springs into the streams in the Eastern section of the property is protected by natural vegetation and the steepness of the terrain. This part of the property is used only for viewing from the trail on the ridge between them and for noxious weed control.



## **19. Watershed protection area**

Most of the Eastern part of the property is in undisturbed natural vegetation allowing for run-off reduction and groundwater protection. The section on the Western part of the property has pooling of water during times of high rainfall as the runoff from adjoining property drains into the low area and then has time to trickle into the ground water.

### **Bonus Categories**

#### **1. Additional surface water quality buffer**

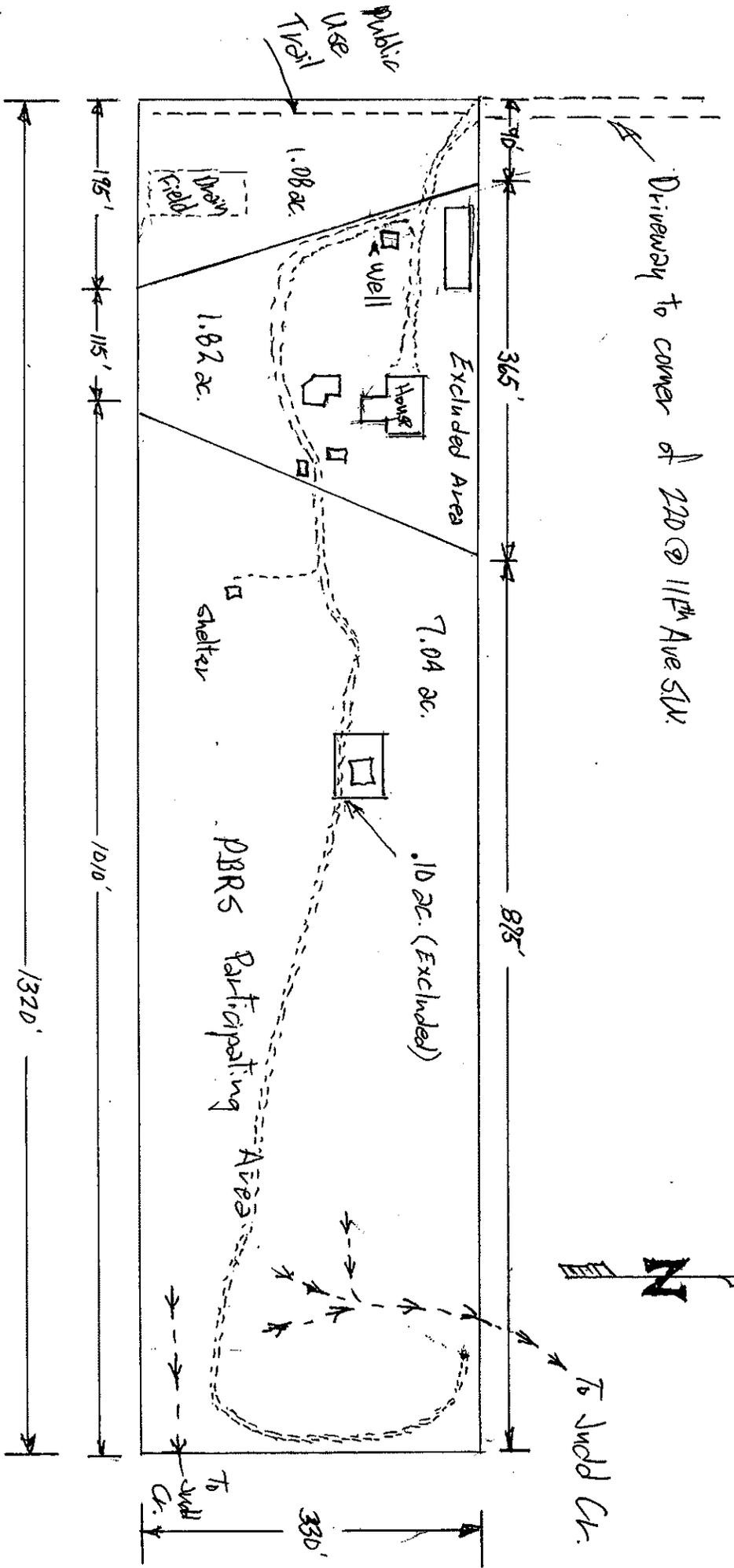
The buffer around the springs and the stream in the Northeast section of the property is about 300 feet.



Stephen and Kathleen Wennstrom

**Legal description:** The North one quarter of the Northeast quarter of the Northwest quarter of Section 18, Township 22 North, Range 3 East, W.M., in King County, Washington; subject to and together with an easement for ingress, egress, and utilities over the East 30 feet of the of the West one-half of the Northwest quarter and the West 30 feet of the Northeast quarter of the Northwest quarter of said section, also; together with an easement for ingress, egress and utilities over the east 30 feet of the Northeast quarter of the Norrhwest quarter of said location, except the South one-quarter thereof. **Parcel No. 182203-9238-06**





Site Plan Map

Parcel 182203 - 9838-06

- Approx. Scale 1" = 150'
- Trail
- Skid Road - Driveway
- Stream



EXHIBIT "A"

*Parcel No. 182203-9238*

The North one quarter of the Northeast quarter of the Northwest quarter of Section 18, Township 22 North, Range 3 East, W.M., in King County, Washington.

(Being Parcel 1 of Short Plat No. 577-068, recorded under Auditor's File No. 7710050590).

Subject to and together with an easement for ingress, egress, and utilities over the East 30 feet of the West one-half of the Northwest quarter and the West 30 feet of the Northeast quarter of the Northwest quarter of said section; also subject to and together with an easement for ingress, egress, and utilities over the East 30 feet of the Northeast quarter of the Northwest quarter of said section, except the South one-quarter thereof.

