

Public Benefit Rating System

APPLICATION



King County

Department of Natural Resources and Parks
Water and Land Resources Division

Alternate Format Available

TTY Relay: 711

PUBLIC BENEFIT RATING SYSTEM

Application for Open Space Land Classification

The Public Benefit Rating System (PBRs) offers an incentive to preserve open space on private property in King County by providing a tax reduction. A participating property is assessed at a "current use" value, which is lower than the "highest and best use" assessment value that would otherwise apply to the property (see King County Code, Chapter 20.36).

PBRs is based on a point system. Points are assigned to each qualifying resource category as described in King County's *Public Benefit Rating System Resource Information* document (found on the PBRs website, www.kingcounty.gov/incentives). The total points awarded for a property's PBRs resources translate into a 50% to 90% reduction in **land appraised value for the portion of the property participating** (see Valuation Schedule on page A-6).

The area consisting of home, landscaping, driveway, and other personal uses does not qualify for PBRs and is referred to as the excluded area. It is acceptable to exclude an area for a future home and/or potential use/development. To enroll in PBRs, the property or portion thereof **must qualify for one or more identified open space resource resulting in the award of five or more points**

FILING YOUR APPLICATION

Please read the *Public Benefit Rating System Resource Information* document for general program details, requirements and resource category eligibility before submitting your application. To qualify for a resource category, a property must meet specific requirements of that category. Besides category specifics, there is an Ineligible Lands section in the Public Benefit Rating System Resource Information document that should be reviewed as well.

Where to File Your Application: King County Water and Land Resources Division. It must be postmarked (or hand delivered) no later than the annual deadline and sent to:

**King County WLRD
PBRs Program
201 South Jackson Street, Suite 5600
Seattle, WA 98104-3855**

Annual Deadline: December 31st

Fee: \$620. This **non-refundable** fee must be paid by check or money order for the full amount and made payable to the **King County Office of Finance**.

Questions: Frequently Asked Questions (FAQs) can be found on the PBRs website and on page three of this application. If you need one-on-one assistance, PBRs staff are available to answer questions and can help informally evaluate property eligibility prior to application submittal. If your property is within a city, it is advisable to contact city staff to help determine qualification based on city specific policy or regulations.

APPLICATION PACKET

Your submitted application must include each of the following documents:

☒ **Original Application Form:**

If completing the form by hand, please complete the entire application form legibly. **Page A-2 must be notarized and signed by each owner.**

☒ **Documents detailing any resource protection, conservation or historic designations already in place on property:**

Provide copies of relevant property records detailing existing use limitations or restrictions that may impact the property's PBRS eligibility such as farm preservation, conservation, transfer of development rights or trails easements, historic landmark designations, native growth retention areas and stream/wetland critical area designations (including maps).

☒ **Site plan map:**

Provide a site plan map for the property. This map illustrates what portion of your land you wish to enroll in PBRS and should detail where improvements are or will be located, if part of the owner's future plans. Your best *approximation* is all that is needed; no formal survey is required. PBRS staff will confirm delineation of enrolled and excluded areas as part of the application review process. See the example of Site Map below on page five.

Details of your site plan:

On a copy of a King County Assessor's map, other scaled map or using software such as iMap (<https://www.kingcounty.gov/services/gis/Maps/imap.aspx>):

- As accurately as possible, provide the dimensions and location of the area to be excluded from PBRS, in relation to the property's boundary lines.
- Indicate location and dimensions of improvements (house, yard, septic field, driveway, well, etc.) and roads, as well as any planned future improvements.
- Indicate location of any noteworthy physical or natural characteristics of the property (creek, wetland, cliff, ravine, etc.).

☒ **Additional documents, if pertinent:**

- Photographs, illustrations or other documentation which might support the award of a requested open space resource category (photos of rare or endangered wildlife or plant species, for example)
- Although not required at time of application, additional documentation may be required later in the process if requesting credit for certain program categories:
 - Letters of support by users for public access categories
 - Management or stewardship plan for the farm and agricultural conservation land, forest stewardship land, resource restoration, ecological enhancement land or rural stewardship land category
 - Additional information may be requested by staff during review of an application to help assess qualification

PBRS CLARIFICATIONS and APPROVAL PROCESS

Please know this application is not intended to be a test of your PBRS knowledge. Your enrollment is not solely based on how well questions are answered or if supporting information is absent at the time the application is filed. During staff's review of the application, revisions can be made. Revisions include recommending the award of additional resource categories, including those contingent on receipt of additional documentation such as a stewardship or management plan. PBRS staff are advocates for your property's participation and will help enroll whatever qualifying portion of your property you desire. Upon enrollment, it's anticipated the applicant will understand participation requirements and enjoy the benefits this program offers.

PBRS is a complex program that is commonly misunderstood. Answers to the following questions should help clarify some general concerns:

- **"Will I see a reduction on my entire tax bill?"** It depends! If there is no development on the property and all of the acreage is included, then the answer is yes. If there are structures, you live on the property, and areas for personal use will be excluded, then the answer is no. Enrollment in PBRS only reduces the appraised land value for the portion of a property participating. Since most properties have a home, the entire parcel can't be enrolled. This means the improvement value (home) and the value of the land excluded from the program do not receive a tax reduction. The amount of tax savings varies and depends on the land's appraised value, amount of property to be enrolled and level of PBRS qualification.
- **"Do I have to reapply each year?"** No. Once enrolled you're in. There is no need to renew your property's participation. However, if you wish to improve your enrollment status (increase PBRS points and/or PBRS acreage), then you do need to reapply.
- **"I heard I can withdraw after ten years and owe nothing back."** This is not true. If any part of the land enrolled in PBRS is withdrawn or removed, then the owner will owe back the most recent seven-years of tax savings received on that area, plus interest, and potentially a penalty as well. Exceptions to this can be found on A-3 of the application.
- **"Will county staff or the public now be coming on my property?"** Enrollment in PBRS does not mean your land must be accessible to the general public (unless of course you're receiving PBRS credit for providing public access). Program staff may need a scheduled visit to review your participation status. Participation does not otherwise require any additional access permissions.
- **"Can I enroll just my wetland area, since I can't do anything with it anyway?"** In a word, no. Enrolled PBRS land must provide extra resource protection beyond what's already required by existing land use restrictions. An owner must voluntarily restrict activities/uses that might impact a resource. This extra protection is what justifies the tax reduction.

- **“Can I remove a tree in the open space area that’s about to fall on my house?”** Health and safety come first, so the answer is yes as it relates to the PBRS program, but there are other agencies who may need to approve such action. Contact Department of Local Services to see if a clearing permit is required and consider consulting with an arborist. Also, take a photo before removal and then contact PBRS program staff to communicate the issue.
- **“Am I allowed to walk on my land once it’s enrolled in the program?”** PBRS hopes you enjoy your land and that you continue to be good stewards of your property. The use/creation of foot paths/trails is allowed, but please know certain restrictions on constructing or clearing for trails in designated critical areas may exist and a County permit is likely required. There are management limitations so please consult with PBRS staff before developing trails.
- **“Is there anything I need to report on to program staff once enrolled?”** Participation requires owners to annually check in (self-monitor) with program staff, especially to report on the status of approved stewardship activities or awarded public access occurring in participating open space areas. Please refer to page four of the *Public Benefit Rating System Resource Information* document for more information on program monitoring requirements and acceptable reporting methods.

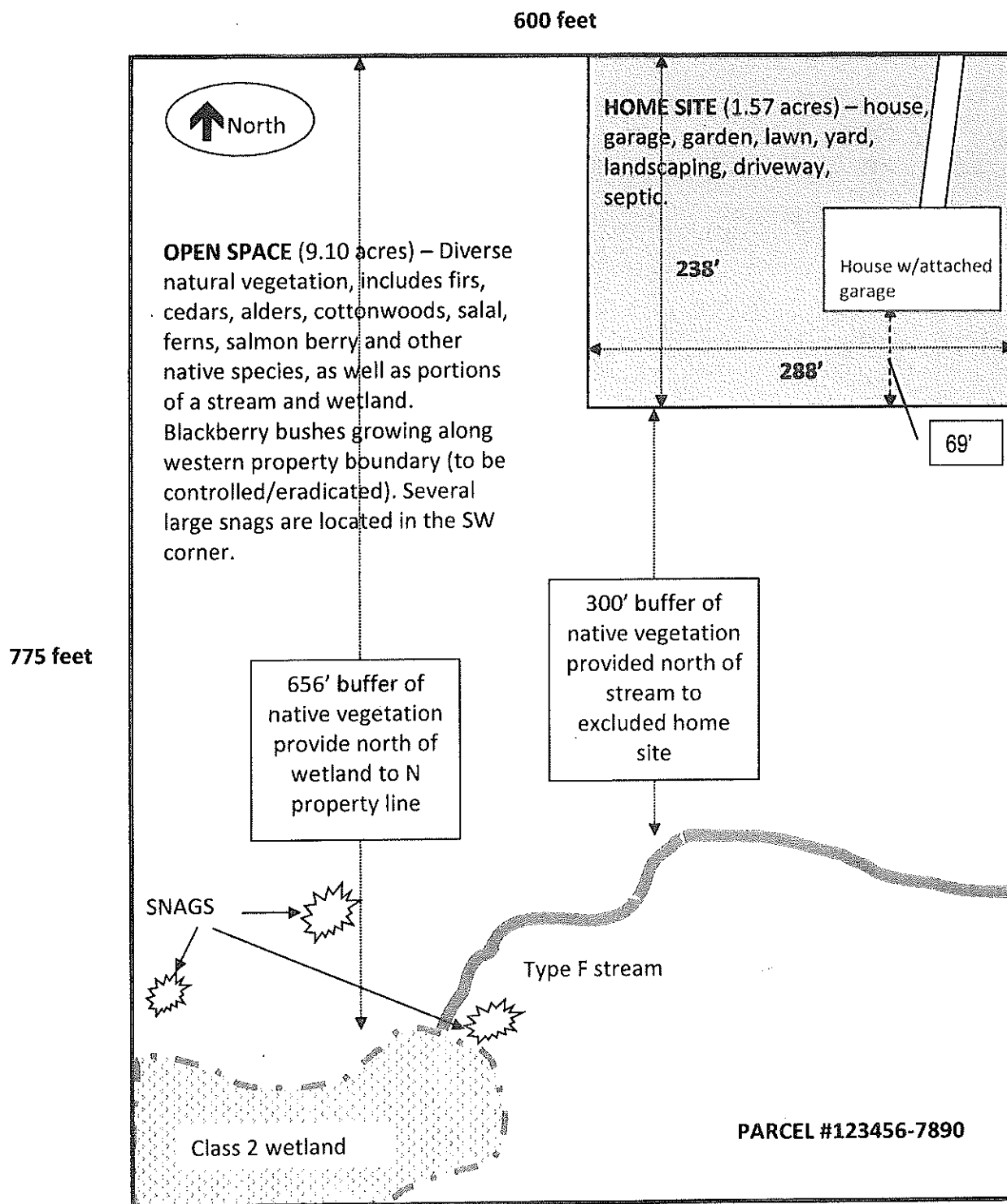
Approval Process

Participation in PBRS program requires approval by the King County Council (and city council if applicable). It will normally take approximately 4-6 months for your application to be acted on by council. Applying this year will result in changes to your tax rolls next year (if approved), followed by a reduction in the following year’s appraised land value, which means your property tax savings will begin in two calendar years.

Once an application is received, the following actions will occur prior to enrollment in PBRS:

- Review of your submitted PBRS application by PBRS staff. If property is located within a city, the application is forwarded to that city for action
- Site visit from PBRS staff to help determine property eligibility
- Review and approval of any forest stewardship, farm management, rural stewardship, or resource restoration plan, if pertinent (*there are four PBRS categories, if pursued, that require a plan*)
- Staff report with enrollment recommendation is presented at a scheduled public hearing. This hearing is held before the King County Hearing Examiner. If your property is located in a city, then a second hearing is also held by the city
- Affirmative action and approval is required for enrollment in PBRS. If your property is located in a city, then affirmative action of that city’s council is also needed
- County Council approval (and city council approval, if applicable) allows for the execution of an Open Space Taxation Agreement, which is produced and sent to owner(s) by the Hearing Examiner’s office.
- PBRS staff completes final administrative actions
- Formal enrollment occurs once the signed Open Space Taxation Agreement is recorded

EXAMPLE of a Site Map



Scale: 1 inch = 100 feet

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, Application Fee and Supporting Documents Must Be Submitted To:
King County Water and Land Resources Division, 201 South Jackson Street, Suite 5600,
Seattle, WA 98104-3855

1. NAME of APPLICANT: Joseph D. Supple, Trustee

Day Phone: _____ Evening Phone: _____ Email: jssupple@perkinscoie.com

2. MAILING ADDRESS of APPLICANT: _____

3. PROPERTY ADDRESS: 5045 Forest Ave SE
Mercer Island WA 98040

Is the property located in an incorporated city? Yes ☒ City: Mercer Island No ☐
From what road is the property accessed? Forest Ave SE

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 _____ No ☒
Purchasing through contract Yes _____ No ☒
Other _____ Explain Joseph D. Supple, Trustee of TN-747-ANSNS-GNRRN Trust

6. PARCEL NUMBER and ACREAGE

<u>Tax Assessor Parcel #</u>	<u>Total Acres in Parcel</u>	<u>Acres Requested for PBRS</u>
a. <u>2424049035</u>	<u>4.09</u>	<u>2.91</u>
b. _____	_____	_____
c. _____	_____	_____
d. _____	_____	_____
e. _____	_____	_____
TOTAL	<u>4.09</u>	<u>2.91</u>

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).

Joseph D. Supple, Trustee

Print Name



Signature

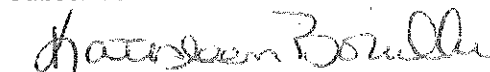
Print Name

Signature

State of Washington

County of King

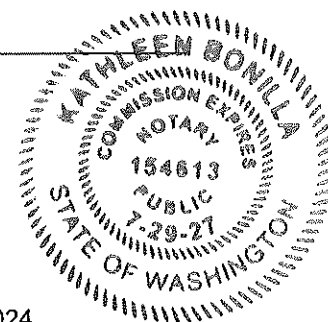
Subscribed and affirmed to before me this 14th day of August, 2024



Notary's Signature

7-29-27

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.

- (c) A penalty amounting to 20% of the sum of (a) and (b) 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. A penalty is not imposed when the land has been classified for at least ten assessment years at the time it is withdrawn from classification and the owner submitted a request to withdraw classification to the assessor.
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, wildfire 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)(f) (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 conservation easement of private forestlands within unconfined channel migration zones or containing critical habitat for threatened or endangered species 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.

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 page if necessary to respond.

Enjoyment of open space.

- 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 page if necessary to respond.

Dock, Driveway, Yard , House(s), Caboose, Gate

- 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 page if necessary to respond.

Dock maintenance, Driveway Maintenance, Yard Maintenance, House(s) Maintenance, Caboose Maintenance. Gate

- 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? Conservation Easement

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

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).

Open Space Resources

- | | |
|----------|---|
| _____ | 1. Active trail linkage - 15 or 25 points |
| _____ | 2. Aquifer protection area - 5 points |
| _____ | 3. Buffer to public or current use classified land - 3 points |
| _____ | 4. Ecological enhancement land – 18 points |
| _____ | 5. Equestrian-pedestrian-bicycle trail linkage- 35 points |
| _____ | 6. Farm and agricultural conservation land - 5 points |
| _____ | 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. Public recreation area - 5 points |
| _____ | 12. Rural open space - 5 points |
| _____ | 13. Rural stewardship land - 5 points |
| _____ | 14. Scenic resource, viewpoint or view corridor - 5 points |
| _____ | 15. Significant plant or ecological site - 5 points |
| _____ | 16. Significant wildlife or salmonid habitat - 5 points |
| _____ | 17. Special animal site - 3 points |
| <u>8</u> | 18. Surface water quality buffer – 5, 8 or 10 total points |
| <u>5</u> | 19. Urban open space - 5 points |
| <u>5</u> | 20. Watershed protection area - 5 points |

18 = total open space resource points

Bonus Categories

- | | |
|-----------|---|
| <u>18</u> | 1. Conservation easement or historic easement - 18 points |
| _____ | 2. Contiguous parcels under separate ownership – minimal 2 points |
| _____ | 3. Easement and access - 35 points |
| <u>0</u> | 4. 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> |
| _____ | 5. Resource restoration - 5 points |

18 = total bonus category points

36 = 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 the property is currently used by the public or will be used by the public within the property's first year of participation.**

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 or activities?

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

Please remember county (and city staff, if applicable) will review your application and determine category eligibility. Final 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 any other non-participating land.*

18 Open space resource points

18 Bonus category points

36 = 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 points and above	90 %	10 % of Market Value

RESOURCE CATEGORY JUSTIFICATION

In the space provided, please explain why credit should be awarded for each category marked on page A-5. If additional space is needed, please use a separate sheet of paper and attach it to back of the application.

This image shows a single sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.



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

**Report to the City of Mercer Island for
Property Enrollment in the Public Benefit Rating System (PBRs)**

April 21, 2025

APPLICANT: TN-747-ANSNS-GNRRN TRUST

File No. E24CT005MI

A. GENERAL INFORMATION:

1. Owner: TN-747-ANSNS-GNRRN TRUST (represented by Joseph Supple, Trustee)
5045 Forest Avenue SE
Mercer Island, WA 98040
2. Property location: 5045 Forest Avenue SE
Mercer Island, WA 98040
3. Zoning: R-15
4. STR: NE-24-24-04
5. PBRs categories requested by applicant and recommended by program staff:

NOTE: The property is currently participating in PBRs (File No. E96CT046MI). The landowner has reapplied to improve their participation status and level of tax savings. The new open space taxation agreement should supersede the existing agreement for this property's PBRs participation.

Open space resources

Surface water quality buffer

Urban open space

Watershed protection area

Bonus category

Conservation easement or historic easement

NOTE: Enrollment in PBRs for property within an incorporated area requires approval by impacted granting authorities following public hearing(s). For this application, the granting authorities are the King County Council and the City of Mercer Island. King County heard this application on March 20, 2025.

6. Parcel:	242404-9035
Total acreage:	4.09
Requested PBRS:	2.91
Home site/excluded area:	1.18
Recommended PBRS:	2.91

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.

B. FACTS:

1. Zoning in the vicinity: Properties in the vicinity are zoned R-15.
2. Development of the subject property and resource characteristics of open space area: The property contains a single-family residence, garden, landscaping, access driveway, small studio and additional personal use areas. The open space is a mix of coniferous and deciduous forest with mostly native understory. Additionally, there are portions of two perennial streams on the property running northwesterly along ravines, crossing the north property line, merging into one, and eventually draining into Lake Washington.
3. Site use: The property is used as a single-family residence.
4. Access: The property is accessed from Forest Avenue SE.
5. Appraised value for 2024 (based on Assessor's information dated 3/6/2025):

<u>Parcel #242404-9035</u>	<u>Land</u>	<u>Improvements</u>	<u>Total</u>
Assessed value	\$5,152,000*	\$5,814,000	\$10,966,000
Tax applied	\$33,714	\$38,046	\$71,760

NOTE: *This value is presently impacted by the land's participation in the PBRS program, which is reflected in the land's current and lower taxable value of \$2,219,517 (tax applied \$14,524). 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. 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. Rural stewardship land – five points
 - 14. Scenic resource, viewpoint, or view corridor – five points
 - 15. Significant plant or ecological site – five points
 - 16. Significant wildlife or salmonid habitat – five points
 - 17. Special animal site – three points
 - 18. Surface water quality buffer – five points, eight or ten total points
 - 19. Urban open space – five points
 - 20. 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. 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. 2020 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:

Open space resources

- Surface water quality buffer

The property contains portions of two streams (Type Np) on the property running northwesterly along ravines, crossing the north property line and eventually draining into Lake Washington. As required by the City of Mercer Island's comprehensive code (19.07.180(C)(1)), the buffer width required for Type Np waters is 60 feet. To be eligible for this category, the participating land must provide a buffer greater than 1.5 times that required (or 90 feet) for five points to be awarded, provide a buffer greater than two times that required (or 120 feet) for eight points to be awarded, or provide a buffer greater than three times that required (or 180 feet) for ten points to be awarded. The owner is providing a buffer of native vegetation to the west of the westernmost stream that averages more than 225 feet in width, which is more than three times the buffer required. Credit for this category is recommended at the ten-point award level. King County approved award of this category.

- Urban open space

The property is located within the City of Mercer Island. The enrolling forested area consists primarily of native vegetation and be more than one acre in size. Credit for this category is recommended. King County approved award of this category.

- Watershed protection area

To be eligible for this category, the enrolling forested area must consist of additional forest cover beyond that required by county or applicable local government regulation and must be at least one acre or sixty-five percent of the property acreage, whichever is greater. By voluntarily enrolling the property in PBRs and not pursuing development or land use that might be allowed under current zoning regulation, the owners are directly contributing to the preservation of forest and open spaces within the city limits. Retention of this urban forest will surpass this category's requirement and promote wildlife habitat, stabilize and enrich existing soils and slow runoff from precipitation, as well as provide many other resource benefits to the surrounding area and City. 2.91 acres of forest will be enrolled which represents 71% of the property, which exceeds category requirements. Credit for this category is recommended. King County approved award of this category.

Bonus category

- Conservation easement or historic easement

A Forterra conservation easement (recording #9512281971) was established on the property in 1999, which protects valuable natural resources and restricts further development of the property in perpetuity. Credit for this category is recommended. King County approved award of this category.

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

Surface water quality buffer	10
Urban open space	5
Watershed protection area	5

Bonus category

Conservation easement or historic easement	18
--	----

TOTAL 38 points

PUBLIC BENEFIT RATING

For the purpose of taxation, 38 points result in 10% of market value and a 90% reduction in taxable value for the portion of land enrolled. The property is currently receiving an 80% reduction in taxable value for the portion of land participating.

B. RECOMMENDATION:

APPROVE the request for current use taxation "Open space" classification with a Public Benefit Rating of 38 points, subject to the following requirements:

Requirements for Property Participating in the Public Benefit Rating System Current Use Assessment Program for Open Space

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 City of Mercer Island and 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 City of Mercer Island and 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 11, 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. 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.
11. 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.
12. 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:

Joseph Supple, applicant

Grace Manahan, Code Compliance Planner, City of Mercer Island

Elenore Bonyeau, King County Department of Assessments



King County
Water and Land Resources Division

Department of Natural Resources and Parks

King Street Center

201 South Jackson Street, Suite 6300

Seattle, WA 98104-3855

206-296-6519 Fax 206-296-0192

TTY Relay: 711

January 14, 2025

Dear Applicant:

Thank you for applying to the Public Benefit Rating System (PBRs), a current use assessment program described in Chapter 84.34, Revised Code of Washington and Chapter 20.36, King County Code. Several important steps must occur prior to your property being enrolled.

- ☐ Review of the PBRs application by county staff, which includes forwarding a copy to the City of Seattle for their review
- ☐ Staff schedules and conducts **site visit** for resource/property analysis
- ☐ **Staff prepares report/recommendation** (applicant, city and Assessor receive copy) and presents this report and comments at a **scheduled public hearing** held before the city council (*approval requires action by city council members*)
- ☐ King County will also hold a **scheduled public hearing** (*for a property located within a city, approval from both the city and county is required for PBRs enrollment*)
- ☐ Open Space Taxation Agreement prepared
- ☐ Agreement signed by Chair of County Council and then sent to owner(s) for signature
- ☐ **Agreement recorded** by the Assessor's Office with the King County Records, Elections and Licensing Services Division (copy sent to owner) – *the property is now formally enrolled*

Once the review and approval process begins, it will take approximately 4-6 months for an application to be acted on by council. Although your direct involvement may be needed during specific phases, most of the administrative actions occur without a landowner's participation. An application received in 2024 that is subsequently approved will initially impact an owner's 2026 tax bill.

Additional program information is located at www.kingcounty.gov/incentives.

Sincerely,

Bill Bernstein

(206) 477-4643

PBRs Program Coordinator

Agriculture, Forestry and Incentives Unit

Return Address:

Dept of Assessments
853 King County Admin Bldg
Seattle, Wa 98104



Please print or type information

WASHINGTON STATE RECORDER'S Cover Sheet (RCW 65.04)

Document Title(s) (or transactions contained therein): (all areas applicable to your document must be filled in)

1. OPEN SPACE TAXATION AGREEMENT
- 2.
- 3.
- 4.

Reference Number(s) of Documents assigned or released:

Additional reference #'s on page _____ of document

Grantor(s) (Last name first, then first name and initials)

1. Davidson, Barbara L
- 2.
- 3.
- 4.

☐ Additional names on page _____ of document.

Grantee(s) (Last name first, then first name and initials)

1. King County, Washington
- 2.
- 3.
- 4.

☐ Additional names on page _____ of document.

Legal description (abbreviated: i.e. lot, block, plat or section, township, range)

portion of GL 7 in Sec 24, Twp 24N, Rge 4E, W.M.

☒ Additional legal is on page 4 of document.

Assessor's Property Tax Parcel/Account Number

242404-9001

☐ Assessor Tax # not yet assigned

242404-9035

The Auditor/Recorder will rely on the information provided on the form. The staff will not read the document to verify the accuracy or completeness of the indexing information provided herein.

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570923-1087 12:41:03 PM KING COUNTY RECORDS 014 JD .00

After Recording, Return to:
Department of Assessments
500 Fourth Avenue, Room 708
Seattle, WA 98104
ATTN: George Kritsonis

OPEN SPACE TAXATION AGREEMENT

(To be used for "Open Space" or "Timber Land" Classification, only)

This Agreement between Barbara L. Davidson hereinafter called the "owner", and
(granting authority) King County, Washington

Whereas the owner of the following described real property having made application for
classification of that property under provisions of RCW 84.34.

And whereas, both the owner and legislative authority desire to limit the use of said property,
recognizing that such land has substantial public value as open space and that the preservation of
such land constitutes an important physical, social, esthetic and economic asset to the public, and
both parties agree that the classification of the property during the life of this Agreement shall be
for:

Open Space
(Open Space or Timber Land)

Now, therefore, the parties, in consideration of the mutual covenants and conditions set forth
herein, do agree as follows:

- (1) During the term of this Agreement, the land shall only be used in accordance
with the preservation of its classified use.
- (2) This agreement shall be effective commencing on the date the legislative body
receives the signed Agreement from the property owner.
- (3) This Agreement shall run with the land described herein and shall be binding
upon the heirs, successors and assigns of the parties hereto.
- (4) Withdrawal: The land owner may withdraw from this Agreement if after a
period of eight years the land owner makes a withdrawal request to the
assessor. When two assessment years have elapsed following the date of that
request the assessor shall withdraw the land from the classification, and the
applicable taxes and interest shall be imposed as provided in RCW 84.34.070
and 84.34.108
- (5) Breach: After land has been classified and an Agreement executed, any
change of the use of the land, except through compliance with items (4) or (6)
of this Agreement, shall be considered a breach of this Agreement, and subject
to applicable taxes, penalties and interest as provided in RCW 84.34.080 and
84.34.108.

E96CT046MI, Davidson

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- (6) A breach of Agreement shall not occur and the additional tax shall not be imposed if the removal of designation 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 said entity having manifested its intent in writing or by other official actions;
 - (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 the state of Washington or by the county or city within which the land is located which disallows the present use of such land.
 - (e) Transfer to a church and such land would qualify for exemption pursuant to RCW 84.36.020.
 - (f) Acquisition of property interests by state agencies or organizations qualified under RCW 84.34.210 and 64.04.130 (See RCW 84.34.108 (5)(f)).
- (7) The county assessor may require an owner to submit data relevant to continuing the eligibility of any parcel of land described in this Agreement.
- (8) Reclassification as provided in chapter 84.34. RCW

Legal Description of Classified Land:

See "Attachment A" which is incorporated by reference and made a part of this agreement.

Assessor's Parcel or Account Numbers: 242404-9001 and 242404-9035

Conditions:

This agreement shall be subject to the following conditions set forth in the attached report and recommendation "Attachment B" which is incorporated by reference and made part

of this agreement. "Attachment B" was approved by the City of Mercer Island June 16, 1997, and the Utilities and Natural Resources Committee of the Metropolitan King County Council June 26, 1997.

It is declared that this agreement contains the classification and conditions as provided for in RCW 84.34 and the conditions imposed by the Granting Authority.

Dated Aug 29, 1997

Granting Authority:

King County, Washington
City or County

By

Jane Hague
Jane Hague
Chair of Council

As owner(s) of the herein described land I (we) indicate by my (our) signature(s) that I (we) are aware of the potential tax liability and hereby accept the classification and conditions of this Agreement.

Dated 9/7/97

Barbara L. Davidson, in and
Owner(s)
Barbara L. Davidson as trustee of Trusts and Under will of
Samuel H. Davidson, dated April 29, 1986 (Must be signed by all owners)

Subscribed and sworn to before me this 7th day of September 1997

Randolph L. Umetsu
Notary Public
Residing at Seattle, WA

Date signed Agreement received by Legislative Authority
September 10, 1997



ATTACHMENT A
Barbara L. Davidson
E96CT046MI

LEGAL DESCRIPTION

PARCEL 242404-9001

S 91.18 FT OF GL 7 & SHORE LANDS ADJ
LESS BEG AT NW COR W 200 FT AND LESS 15 FT WIDE DRIVE MEANDER NLY
APPROX 100 FT FROM FOREST AVE TO PARCEL 242404-9035.

PARCEL 242404-9035

BEG AT 91.18 FT N OF SE COR OF GL 7 TH CONTG N 90 FT TH S 89-56-30 W 1015 FT
M/L TO SHORE OF LAKE WASHINGTON TH SELY ALG SH LN 90.8 FT M/L TO PT S 89-
56-30 W OF BEG TH N 89-56-30 E 976 FT M/L TO BEG TOW SH LDS ADJ
LESS BEG AT NE COR TH W 75 FT ALG N PROP LN TH S 50 FT PLW E PROP LN TH E
75 FT TO E PROP LN TH N TPOB AND LESS BEG AT SW COR W 200 FT AND LESS 15
FT WIDE DRIVE MEANDER APPROXIMATELY 550 FT NLY TH WLY FROM PARCEL
242404-9001 TO EXCLUDED AREA DESC.

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ATTACHMENT B

**CITY OF MERCER ISLAND
KING COUNTY DEPARTMENT OF NATURAL RESOURCES
WATER AND LAND RESOURCES DIVISION**

**REPORT AND RECOMMENDATION TO THE METROPOLITAN
KING COUNTY COUNCIL UTILITIES AND
NATURAL RESOURCES COMMITTEE**

June 26, 1997

APPLICANT: Barbara L. Davidson

FILE NO: E96CT046MI

A. GENERAL INFORMATION:

Owner: Barbara L. Davidson
5045 Forest Ave. SE
Mercer Island, WA 98040
Phone: (206) 232-1061

Location: Same as above

Priority Resources Requested:

HIGH PRIORITY RESOURCES

Scenic resource, viewpoint or view corridor
Urban or growth area open space
Significant plant, wildlife, or salmonid habitat area
Significant aquatic ecosystem

MEDIUM PRIORITY RESOURCES

Special native plant site
Shoreline: "Natural" environment
Special animal sites

BONUS RESOURCES

Bonus surface water quality buffer area
Contiguous parcels under separate ownership
Conservation easement

PUBLIC ACCESS

Limited public access - Due to resource sensitivity

SUPER BONUS CATEGORY

Zoning: R-15

Acreage

Total: 4.20

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Requested for Open Space: 3.70
Recommended Open Space: 2.91

STR: NE-24-24-04

B. FACTS:

1. Zoning in the Vicinity: Zoning in the area of this property is R-15.
2. Development of the subject property: The property contains a single family home with an attached carport, cabin built by original homesteader, remodeled caboose used as a studio apartment, a small shed, wooden bulkhead, small parking area and paved driveway
3. Site Use: The property is used as a residence.
4. Access: The property is accessed from Forest Ave. SE.
5. Assessor Valuation (Dated: 04/29/97)

<u>Parcel #</u>	<u>Land Assessed Value</u>
242404-9035	Market \$973,000
242404-9001	Market \$450,500

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

1. KCC 20.36.010 Purpose and intent.

"It is the 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 84.34, as amended, by establishing procedures, rules and fees for the consideration of applications for public benefit rating system assessment on "open space lands" 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 Chapter 84.34, and the regulations adopted thereunder shall govern the matters not expressly covered by this chapter. (Ord. 10511 Sec. 3, 1992: Ord. 1886 Sec. 1, 1974: Ord. 1076 Sec. 1, 1971.)"

COMMENT: The appropriate application was received and all documentation was complete upon submittal.

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2. KCC 20.36.100 Criteria for approval - public benefit rating system for open space lands.

A. Rating system. To be eligible for open space classification under the public benefit rating system, property must contain one or more priority open space resources. These resources are ranked as high priority, medium priority and low priority resources and are based on the adopted King County Open Space Plan referenced in K.C.C. 20.12.380. High priority resources receive five points each, medium priority resources receive three points each and low priority resources receive one point each. Properties can receive a maximum of thirty points from no more than six open space priority resources. In addition, bonus points and super bonus points may be awarded pursuant to Subsection B and C and a property can achieve a maximum of fifty-two points through the rating system and the bonus system. Portions of property may also qualify for open space designation. Complete definitions of each resource, sources and eligibility standards are fully described in the summary report adopted by reference by K.C.C. 20.36.150.

1. High priority resources - five points each.
 - a. Active or passive recreation area.
 - b. Property under option for purchase as park, recreation, open space land or CIP mitigation site.
 - c. Aquifer protection area.
 - d. Shoreline: "Conservancy" environment.
 - e. Scenic resource, viewpoint, and view corridor.
 - f. Surface water quality buffer area.
 - g. Rural or low density open space close to urban growth area.
 - h. Urban or growth area open space.
 - i. Significant plant, wildlife and salmonid habitat area.
 - j. Significant aquatic ecosystem.
 - k. Historic landmark/archaeological site: designated site.
 - l. Trail linkage.
 - m. Farm and agricultural conservation land.
2. Medium priority resources - three points each.
 - a. Public lands and right-of-way buffer.
 - b. Special native plant site.
 - c. Shoreline: "Natural" environment.
 - d. Geological feature.
 - e. Eligible historic landmark or archaeological site.
 - f. Buffer to designated historic landmark/archaeological site.
 - g. Special animal site.
3. Low priority resource - one point.
 - a. Buffer to eligible historic landmark/archaeological site.

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B. **Bonus System.** Properties qualifying in the specific high, medium or low priority categories may receive up to twelve bonus points in at least three categories if the following additional qualifications are met:

1. Resource restoration - five points.
2. Bonus surface water quality buffer - three or five points.
3. Contiguous parcels under separate ownership - two points.
4. Conservation/historic easement in perpetuity - five points.
5. Bonus public access points (granted only in categories that require public access).
 - a. Unlimited public access - five points.
 - b. Limited public access - sensitive areas - five points.
 - c. Limited public access - non-sensitive areas - three points.

C. **Super bonus system.** Properties with at least one high priority resource and which allow unlimited public access, or limited public access if due to resource sensitivity, and which convey a conservation, historic, or trail easement in perpetuity, in a form approved by the county, shall be automatically eligible for current use value at 10% of market value.

COMMENT: Points requested by the applicants and comments follow:

HIGH PRIORITY RESOURCES

1. Scenic resource, viewpoint, or view corridor
The owner has allowed natural vegetation to flourish on the property which provides an addition to the scenic quality of Lake Washington. Although the property is greater than one acre it does not create a view corridor critical to maintaining a view of a scenic resource. Credit for this category can not be recommended.
2. Surface water quality buffer area
Although the applicant did not request this category, the property contains sections of a creek which runs into Lake Washington. The applicant is providing protective buffers to this creek which are larger than 25 feet and throughout much of the property are between 175 to 350 feet in width. The average of these buffers is greater than three times those required by Mercer Island and by King County's Sensitive Areas Ordinance. Credit for this category is recommended.
3. Urban or growth area open space
The property is located the City of Mercer Island, is larger than one acre, and the zoning allows for more intense development. The applicant has decided not to develop the property any further and is providing protection to the creek and is conserving natural resources. Credit for this category is recommended.
4. Significant plant, wildlife or salmonid habitat area
The majority of the property is undeveloped and undisturbed. This naturally vegetated property provides habitat for numerous species of wildlife, including eagle, herons, and other bird species. Credit for this category is recommended.

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5. Significant aquatic ecosystem

The property is located along Lake Washington. However, at this time, the property is not listed in the Natural Heritage Data Base. Credit for this category can not be recommended.

MEDIUM PRIORITY RESOURCES

1. Special native plant site

Numerous native plants exist on the property and are listed in the application. Although the applicant provides for significant plant habitat, it is not known if any of the plants listed on Washington Natural Heritage Data Base exist naturally on the property. At this time, credit for this category can not be recommended.

2. Shoreline: "Natural" environment

At this time, there has been no designation of this property in the Shoreline Master Plan. Also, credit for this category can not overlap with the surface water quality buffer area category. Credit for this category can not be recommended.

3. Special animal site

Although the property contains habitat for numerous wildlife species, it is not known to have an identified wildlife habitat network. If the City of Mercer Island has identified this property as one which contains a wildlife network then credit for this category could be recommended. At this time, credit for this category can not be recommended.

BONUS RESOURCES

1. Bonus surface water quality buffer area

The property contains sections of a creek which runs into Lake Washington. The applicant is providing protective buffers to this creek which are between 175 and 350 feet in width. These buffers are greater than three times those required by Mercer Island and by King County's Sensitive Areas Ordinance. Credit for this category is recommended.

2. Contiguous parcels under separate ownership

The parcels contain the same resources and the applicant would agree to the same conditions on each. However, to qualify for this category the parcels must be owned by separate individuals. Credit for this category can not be awarded.

3. Conservation easement

The applicant has voluntarily recorded a conservation easement on the property, Recording No. 9512281971, to the Seattle-King County Land Conservancy. This easement will, in perpetuity, restrict further development and uses of the property. Credit for this category is recommended.

PUBLIC ACCESS

1. Limited public access - Due to resource sensitivity

The applicant has requested this category due to the sensitive nature of the open space area. The applicant has recorded on the property a conservation easement with the Seattle-King County Land Conservancy. The language in the Deed of Conservation Easement, section IV C, requires that access occur no more than quarterly. Due to the restriction of this language, section IV C, public access is limited beyond what is

acceptable for this PBR category. At this time, credit for this category can not be recommended.

2. **Limited access**

Although the applicant did not request this category, award of this category is more appropriate than the above mentioned access category. The Deed of Conservation Easement, Section IV C, limits access to quarterly only, less than access for the full year. This is too restrictive and not acceptable for the limited access category due to resource sensitivity. At this time, credit is recommended for this category.

SUPER BONUS CATEGORY

To qualify for this category a property must receive credit for at least one high priority resource, allow unlimited public access, or limited public access if due to resource sensitivity, and convey a conservation easement, in a form approved by the county. Although the property does qualify for several one high priority resources and for the conservation easement category, it does not qualify for either the unlimited access or limited access due to resource sensitivity category. Without award of either of these access categories, credit can not be recommended.

D. 1994 COMPREHENSIVE PLAN POLICIES AND TEXT:

Policy # PR-105

"A variety of measures should be used to preserve regional and local parks, trails and open space. King County will rely on incentives, regulations, trades or purchase of lands or easements."

COMMENT: Current use taxation is an incentive to maintain high quality lands as open space.

Policy # NE 101

"In addition to its regulatory authority, King County should use incentives to protect and restore the natural environment whenever practicable. Incentives should be monitored to determine their effectiveness."

COMMENT: The Public Benefit Rating System is an incentive program which protects natural resources voluntarily.

CONCLUSIONS AND RECOMMENDATIONS

A. CONCLUSIONS:

1. Approval of the subject request, as modified, would be consistent with the specific purpose and intent of KCC 20.36.010.

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2. Approval of the subject request, as modified, would be consistent with Policies PR-105 and NE-101 of the 1994 King County Comprehensive Plan.
3. Of the points requested, the subject request meets the mandatory criteria of KCC 20.36.100 as indicated:

HIGH PRIORITY RESOURCES

• Scenic resource, viewpoint, or view corridor	0
• Surface water quality buffer area	5
• Urban or growth area open space	5
• Significant plant, wildlife, or salmonid habitat area	5
• Significant Aquatic Ecosystem	0

MEDIUM PRIORITY RESOURCE

• Special native plant site	0
• Special animal site	0

Subtotal 15

(Count points from no more than six categories...30 points maximum)

BONUS RESOURCE

• Bonus surface water quality buffer area	5
• Contiguous parcels under separate ownership	0
• Conservation easement	5

PUBLIC ACCESS

• Limited access - Due to resource sensitivity	0
• Limited access	3

SUPER BONUS CATEGORY

0

Subtotal 13

TOTAL 28 points

PUBLIC BENEFIT RATING

28 points results in 20% of market value or an 80% reduction.

B. RECOMMENDATION:

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

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CONDITIONS

1. Failure of the owner to comply with these conditions shall be basis for removal, by King County, of the current use designation, in which case the land shall be subject to the penalty, tax, and interest provisions of RCW 84.34 and assessed at true and fair value. The County Assessor and the Land Resources Section 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 this agreement 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 or until a conservation easement is granted to King county or an approved grantee by the applicant or his successors or assigns.
3. The open space classification for this land will continue so long as it is primarily devoted to and used for the purpose of protecting open space. Classification will be removed if dedication to this purpose ceases to exist. A change in circumstances which diminishes the extent of public benefit from that generally outlined in the City of Mercer Island and Water and Land Resources Division Report and Recommendation to the Metropolitan King County Council Utilities and Natural Resources Committee will be cause for removal of the current use assessment classification. It is the owner's responsibility to notify the Assessor of a change in circumstance.
4. When a portion of the open space land is withdrawn or removed from the program, the Land Resources Section and the Assessor shall re-evaluate the remaining land to determine its continued qualification under the program. If the remaining portion meets the criteria for priority resources, it may continue under current use taxation.
5. Except as otherwise stated in section 6 of this agreement, there shall be no alteration of the open space land or resources. Any alteration may constitute 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 land 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 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;

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- 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 resource.
6. Notwithstanding the provisions of Section 5, the following limited uses, activities and alterations are permitted, following receipt of written approval as set forth below:
- a) In areas which have become infested by noxious weeds, the Owner shall submit a control and enhancement plan to the King County Land Resources Section and local jurisdiction for approval prior to removing the weeds.
 - b) In areas invaded by non-native invasive species, replacement with native species or other appropriate vegetation may be allowed subject to approval of an enhancement plan by the King County Land Resources Section.
 - c) Trees posing a hazard to structures or major roads may be removed. Any trees removed must be replaced.
7. There shall be no motorized vehicle driving or parking allowed on the open space land with the exception of along driveways.
8. Grazing of livestock shall be prohibited on the open space land.
9. Limited public access will be permitted upon appointment with owner.

TRANSMITTED to the parties listed hereafter:

Barbara Davidson, applicant
City of Mercer Island
King County Council Utilities and Natural Resources Committee
George Kritsonis, King County Assessor's Office
Randolph Urmston, Attorney for applicant