



CARNATION CITY COUNCIL PUBLIC HEARING

Subject: An application by Douglas J. Clinton and Chad P. Clinton to King County for classification and tax assessment of their property (parcel 152507-9009) under Current Use Assessment Statute RCW 84.34 (applied through the King County Public Benefit Ratings System).

Origin: City Manager

Date Submitted: 04/08/2014

Agenda Date: 05/20/2014

Douglas and Chad Clinton have submitted an application to King County for enrollment of their property at 32820 NE 50th Street in the Public Benefit Rating System (PBRs). The property is currently participating in the farm and agricultural land program, and the purpose of the new application is to reclassify the property as open space and enroll it in PBRs. State law requires a public hearing and approval by the city legislative body when an application for PBRs is received for property located within an incorporated area.

The City Council Rules of Procedure adopts the following process for legislative public hearings (format below was abbreviated from Exhibit 'A' to Resolution No. 353):

- The Mayor asks if all persons who wish to be heard at the public hearing have signed-in to speak;
- The Mayor introduces the agenda item, and opens the public hearing.
- The Mayor announces **or refers** to the Rules of Order: *(The Rules of Order have been posted at both the speakers rostrum and by the sign-in sheet. **THOSE RULES CAN BE REFERRED TO SO THAT THE RULES BELOW DO NOT NEED TO BE READ ALOUD.**)*
 1. "All comments by the public shall be made from the speaker's rostrum and any individual making comments shall first give their name and address. This is required because an official record of the public hearing is being made."
 2. "No comments shall be made from any other location, and anyone making "out of order" comments may be subject to removal from the meeting."
 3. "There will be no demonstrations during or at the conclusion of anyone's presentation."

4. "These rules are intended to promote an orderly system of holding a public hearing, to give every person an opportunity to be heard, and to ensure that no individual is embarrassed by exercising their right of free speech."
- The Mayor calls upon the City Manager or designee to describe the matter under consideration;
 - The Mayor then calls for speakers (public comment);
 - When all speakers have finished, the Mayor calls once for additional speakers;
 - The Mayor announces the following:
"At this time I will inquire of the administration as to whether there have been any mis-statements of fact or whether the administration wishes to introduce any material as to subjects raised by the speakers or alter in any regard its initial recommendations."
 - The Mayor inquires as to whether any Councilmembers have any questions to ask the speakers or administration. If any Councilmember has questions, the appropriate individual will be recalled to the podium.
 - The Mayor (continues or) closes the public hearing.
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- The Mayor inquires if there is a motion by the Councilmembers
- The Mayor inquires if there is any further discussion by the Councilmembers.
- The Mayor inquires if there are any final comments or recommendations from administration.
- **If a motion was made**, the Mayor inquires of the Councilmembers whether they are ready for the question... Call for the question and a vote is taken.

**LEGAL NOTICE
CITY OF CARNATION**



-NOTICE OF PUBLIC HEARING-

**Clinton Application to King County
Public Benefit Rating System**

NOTICE IS HEREBY GIVEN that the Carnation City Council will hold a public hearing to receive public comment regarding an application by Douglas J. Clinton and Chad P. Clinton to King County for classification and tax assessment of their property (parcel 152507-9009) under Current Use Assessment Statute RCW 84.34 (applied through the King County Public Benefit Ratings System). Written comments will be accepted until 4:30pm, May 20, or in person at the hearing.

Details are available from the King County Department of Natural Resources and Parks, Public Benefit Rating System & Timber Land Programs, 201 South Jackson Street, Suite 600, Seattle, WA 98104; Phone (206) 477-4643.

The hearing will be conducted at the regular meeting of the Carnation City Council on May 20, 2014, at 7:00 PM or soon thereafter, in the Council Chambers at Carnation City Hall located at 4621 Tolt Avenue in Carnation. The hearing may be continued to subsequent City Council meetings.

The hearing is open to the public. All persons wishing to comment on the application may submit comment in writing or verbally at the scheduled public hearing. Written comments may be delivered, mailed, or emailed to the City of Carnation, ATTN: City Planner Linda Scott, at 4621 Tolt Avenue, PO Box 1238, Carnation, WA 98014, or via email to linda@carnationwa.gov.

This notice is published pursuant to CMC 1.14.010 & RCW 84.34.041(2).

CITY OF CARNATION

Mary Madole, City Clerk

Publish 05/07/14 in the Snoqualmie Valley Record.



Memorandum

To: City Council
From: Ken Carter, City Manager
Date: 05/16/2014
Re: Clinton PBRS Tax Assessment Public Hearing

Doug and Chad Clinton have been the owners of property on the north side of NE 50th Street for many years. They recently sold a portion of that property for residential development. They still own the remaining heavily wooded hillside lot. The property has been taxed under the farm and agricultural land program, which has a lower tax rate than for developed property. However, that designation has now lapsed.

The Clintons are thus seeking to have the remaining hillside lot classified as open space and enroll the property in the Public Benefit Ratings System. If approved, the property will have a lower tax assessment than for property that is similarly zoned.

King County Staff have prepared a full staff report concerning this request and are recommending approval of the request. King County will also be holding a Public Hearing on this request. City Staff are also recommending approval of the request.

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

**Report to the City of Carnation for Property
Enrollment in the Public Benefit Rating System (PBRS)**

May 9, 2014

APPLICANTS: Douglas and Chad Clinton

File No. E13CT043C

A. GENERAL INFORMATION:

1. Owners: Douglas and Chad Clinton
P.O. Box 104
Carnation, WA 98014
2. Property location: 32820 NE 50th Street
Carnation, WA 98014
3. Zoning: R4
4. STR: NW-15-25-07
5. PBRS categories requested by applicant or *suggested by staff*:

NOTE: The property is currently participating in the farm and agricultural land program (RCW 84.34.020(2)), but may not remain because it lacks the necessary qualifications to continue. The purpose of this application is to reclassify the property and enroll it in PBRS.

Open space resources

- **Buffer to public or current use classified land*
 - Forest stewardship land
 - Scenic resource, viewpoint or view corridor
 - Significant plant or ecological site
- *Significant wildlife or salmonid habitat
 - Special animal site
 - Surface water quality buffer
- *Urban open space
- **Watershed protection area*

Bonus categories

- Resource restoration
- Additional surface water quality buffer
- Contiguous parcels under separate ownership

NOTE: *Staff recommends award of credit for these PBRs categories.

6. Parcel:	152507-9009
Total acreage:	9.54
Requested PBRs:	9.54
Home site/excluded area:	0.00
Recommended PBRs:	9.54

NOTE: The portion recommended for enrollment in PBRs is the entire property less the excluded area as measured. The attached 2013 aerial photo outlines the parcel in yellow. 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 R4, R12, PR, RA10 and A35.
2. Development of the subject property and resource characteristics of open space area: The property is currently undeveloped. The open space area is primarily a mix of sloped coniferous and deciduous forest with native understory.
3. Site use: The property is undeveloped.
4. Access: The property is accessed from NE 50th Street.
5. Appraised value for 2014 (Based on Assessor’s information dated 5/09/2014):

<u>Parcel #152507-9009</u>	<u>Land</u>	<u>Improvements</u>	<u>Total</u>
Assessed value	\$63,000.00*	\$0	\$63,000.00
Tax applied	\$766.67	\$0	\$766.77

NOTE: *This value is presently impacted by the land’s participation in the farm and agriculture program (RCW 84.34), which is reflected in the land’s current and lower taxable value of \$38,612 (tax applied \$496.94). Similar to this farm 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. 2012 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 should be monitored 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 #B10.

E-106 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:

- a. Floodways of 100-year floodplains;
- b. Slopes with a grade of 40 percent 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.

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 The 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 The county shall promote retention of forest cover and significant trees using a mix of regulations, incentives, and technical assistance.

R-605 Well-managed forestry and agriculture practices are encouraged because of their multiple benefits, including natural resource 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

- Buffer to public or current use classified land
Although credit for this category was not requested, the property is west of and adjacent to a property (parcel #152507-9078) participating in the Forestland program (RCW 84.33). 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 property does contain more than nine acres of contiguous forest. In order to be awarded credit for this category however, a forest stewardship plan must be provided and approved. After discussing the requirements of this category with the applicants, receipt of a plan is not expected. Credit for this category is not recommended.
- Scenic resource, view point or view corridor
In order to be eligible for this category, a property must be a scenic natural resource significant to the character of the county, provide a viewpoint or contribute to a view corridor. The property consists of forested hillside and does not contain significant natural resource features. Since the general public does not access the property to view a noteworthy natural resource, it would not be considered a viewpoint. The property is not part of a recognized view corridor. Credit for this category cannot be recommended.
- Significant plant or ecological site
The entire property is natively vegetated. However, qualification for this category requires the existence of a rare plant species or ecosystem identified by the Washington Department of Natural Resources' Natural Heritage Program, existence of which must be confirmed by an expert. A further study by the owners is not expected. Credit for this category cannot be recommended.
- 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 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 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(2). Credit for this category is recommended.
- Special animal site
Award of credit for this category requires the property to include or be adjacent to a portion of the county's designated wildlife habitat network, or be identified as an urban natural area by the State's priority habitat and species project. In this case, neither recognized wildlife coverage is identified on or near the property. Credit for this category cannot be recommended.
- Surface water quality buffer
In order to be eligible for this category a wetland, creek, or pond, etc, must be on or adjacent to the enrolling land. In this case, the property is not adjacent to nor does it contain a portion of a surface water body. Credit for this category cannot be recommended.
- Urban open space
The property is located within the City of Carnation. The enrolling forested is more than one acre in size and is natively vegetated. Credit for this category is recommended.
- Watershed protection area
In order to be eligible for this category, the enrolling area must consist of additional native forest cover beyond that required and be at least 65% of the property acreage. The

property is entirely forested. 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, which supports several of the environmental goals and policies as described in Chapter 10 of the City of Carnation’s Comprehensive Plan. Retention of this large 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. The 9.54 acres of enrolling forest represents 100% of the property, which exceeds category requirements and provides valuable watershed protection benefits. Credit for this category is recommended.

Bonus categories

- Resource restoration
In order to be awarded credit for this category, a resource restoration plan must be provided and approved. After discussing the requirements of this category with the applicants, receipt of a plan is not expected. Credit for this category is not recommended.
- Additional surface water quality buffer
In order to be eligible for this category a wetland, creek, or pond, etc., must be on or adjacent to the enrolling land. In this case, the property is not adjacent to nor does it contain a portion of a surface water body. Credit for this category cannot be recommended.
- Contiguous parcels under separate ownership
Award of this category requires a PBRS application contain multiple parcels and owners applying and enrolling together. This application consists only of one parcel. Credit for this category cannot be recommended.

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

- Buffer to public or current use classified land 3
- Forest stewardship land 0
- Scenic resource, viewpoint or view corridor 0

- Significant plant or ecological site 0
- Significant wildlife or salmonid habitat 5
- Special animal site 0
- Surface water quality buffer 0
- Watershed protection area 5
- Urban open space 5

Bonus categories

- Resource restoration 0
- Additional surface water quality buffer 0
- Contiguous parcels under separate ownership 0

TOTAL 18 points

PUBLIC BENEFIT RATING

For the purpose of taxation, 18 points result in 30% of market value and a 70% 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 18 points, subject to the following requirements:

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

1. Compliance with these requirements is necessary to continue to receive the tax benefits from the King County Public Benefit Rating System (PBRS) current use taxation program for the property enrolled in the program (Property). Failure to abide by these requirements can result in removal of current use designation and subject the property owner (Owner) to the penalty, tax, and interest provisions of RCW 84.34 and assessment at true and fair value. The County Assessor and the King County Rural and Regional Services Section 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 the City of Carnation and 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 City of Carnation and 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 Assessor and the King County Rural and Regional Services Section 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 King County Rural and Regional Services Section or its successor and the Assessor 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 and 7 below, no alteration of the open space land or resources shall occur without prior approval by the City of Carnation the King County Rural and Regional Services Section 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 City of

Carnation and the King County Rural and Regional Services Section 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 King County Rural and Regional Services Section 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.
9. Grazing of livestock is prohibited on the open space Property.
10. An owner of property enrolled in the program may be required to submit a monitoring report on an annual or less frequent basis as requested by program staff. This report must include a brief description of how the property still qualifies for each awarded resource category. It must also include photographs from established points on the property and any observations by the owner. The owner must submit this report to the department by email or by other mutually agreed upon method. An environmental consultant need not prepare this report..
11. 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:

Douglas and Chad Clinton, applicants
Linda Scott, Planner, City of Carnation
Wendy Morse, King County Department of Assessments



152507-9009

NE 50TH PL

2013 Aerial photo

