



## **STAFF REPORT**

**Date:** July 28, 2020

**To:** Pierce County Planning Commission

**From:** Chad R. Williams, Senior Planner

**Subject:** Current Use Assessment Case No. OS10-19

**Applicant:** Erin E. McClun

**Summary:** The applicant is proposing to transfer 6.62 acres of an 8.62-acre site from Current Use Farm & Ag to Current Use Open Space. The site is located at 12116 Eckenstam Johnson Road, Anderson Island vicinity in Council District 6. The site qualifies with five High Priority Resources.

**Tax Parcel Descriptions:** **0119083030**; PARCEL B OF BLA 2011-05-27-5002 DESC AS COM AT NE COR OF SW OF SEC TH W ALG N LI OF SD SUBD 587 FT TH S 05 DEG 30 MIN 00 SEC W 850 FT M/L TO SW COR OF THAT TRACT OF LAND CYD TO FRANK G ENGVALL BY DEED RECORDED UNDER AFN 109820 SD PT BEING ON THE ML OF PUGET SOUND ON ORO BAY AND POB TH N 85 DEG 45 MIN 00 SEC W ALG ML 175 FT M/L TO E LI OF THAT TRACT OF LAND CYD TO CHRISTINE ANDERSON BY AFN 1096242 TH N 04 DEG 15 MIN 00 SEC W 131.48 FT TH W 919.49 FT TH S 476 FT TH W 392.37 FT TH N 626 FT TH E 1521.92 FT TH S 05 DEG 30 MIN 00 SEC W 297.74 FT TO POB ALSO EXC ECKENSTAM-JOHNSON CO RD CURRENT USE RCW 84.34 AGRI 1993 8.62 ACS AFN 9304130413 OUT OF 3-010 & 3-016 SEG 2012-0084 JP 9/23/11 JP

**Date of Site Visit:** March 9, 2020

**Physical Characteristics of Property:** This resource wealthy site slopes from west to east and toward Oro Bay. The upper section contains a small stand of timber, a mix of mature hardwoods & evergreens. A mobile home and garage are located on the easterly portion of the parcel. Approximately 1.25 acres of this parcel is located east of Eckenstam Johnson Road, a public R-O-W, and much of this acreage is tidelands.

**General Characteristics of Surrounding Area:** North: Residential/Pasture/Wooded; South: Residential/Pasture; East: Wooded/Tidelands; West: Wooded.

**Public Benefit Rating System Program Eligibility:** Please see Pierce County Code 2.114 for specific requirements.

A review of the submitted application identifies five High Priority Resources: Agricultural Lands, Fish & Wildlife Habitat Conservation Areas, Marine Waters, Streams, Wetlands and Wooded Areas. A maximum of 15 resource points is allowed for any one application. A review of these resources according to the eligibility criteria follow here.

***Eligible Resource Categories:***

***1. High Priority Resources***

- a. Agricultural Lands*** – The United States Department of Agriculture, Soil Conservation Service’s 1979 Soil Survey of Pierce County Area, Washington identifies two prime agricultural soils present on approximately 10% of this site: Bow silt loam & Kitsap silt loam. Therefore, the property qualifies for five high priority resource points.
- c. Fish and Wildlife Habitat Conservation Areas*** - This site contains portions of three Priority Habitat/Species polygons identified by Washington State Fish & Wildlife (WDFW) and Pierce County related to Oro Bay, and the sensitive estuary/marine water and shoreline present on the site. Therefore, the site qualifies for five high priority resource points.
- d. Marine Waters*** – This site contains tidelands and the shoreline of Oro Bay, a regulated marine water. Therefore, the site qualifies for five high priority resource points.

***Bonus Categories***

- 1. Public Access. (Access to the County's open space lands by the general public is required unless it is determined that such public access would damage or endanger a sensitive resource, or the Planning Commission determines that public access to a given site is unreasonable, unsafe, or inappropriate due to unique circumstances.)***

This site does have marine water access but due to the sensitive nature of the bay, public access by water or foot is not recommended. A similar property with similar sensitive resources is located south of this site, also on Eckenstam Johnson Road, that offers a resting/lunch bench for cyclist to enjoy and take a break on this very scenic & pleasure-able stretch of county r-o-w to meet the public access requirement without damaging sensitive resources. The owner has already agreed with this idea. Staff will work with the owner to ensure this public access requirement is met. Therefore, the site is eligible for five bonus points for providing public access.

***4. Provides Linkage of Open Space Parcels.***

- a.*** The subject property abuts another parcel which currently provides a high or medium priority resource and when both are left undeveloped, create a corridor.

- b.** The subject parcel must abut a parcel of land which is already in the current use assessment program or is subject to a conservation easement or restrictive covenant as such is defined above.

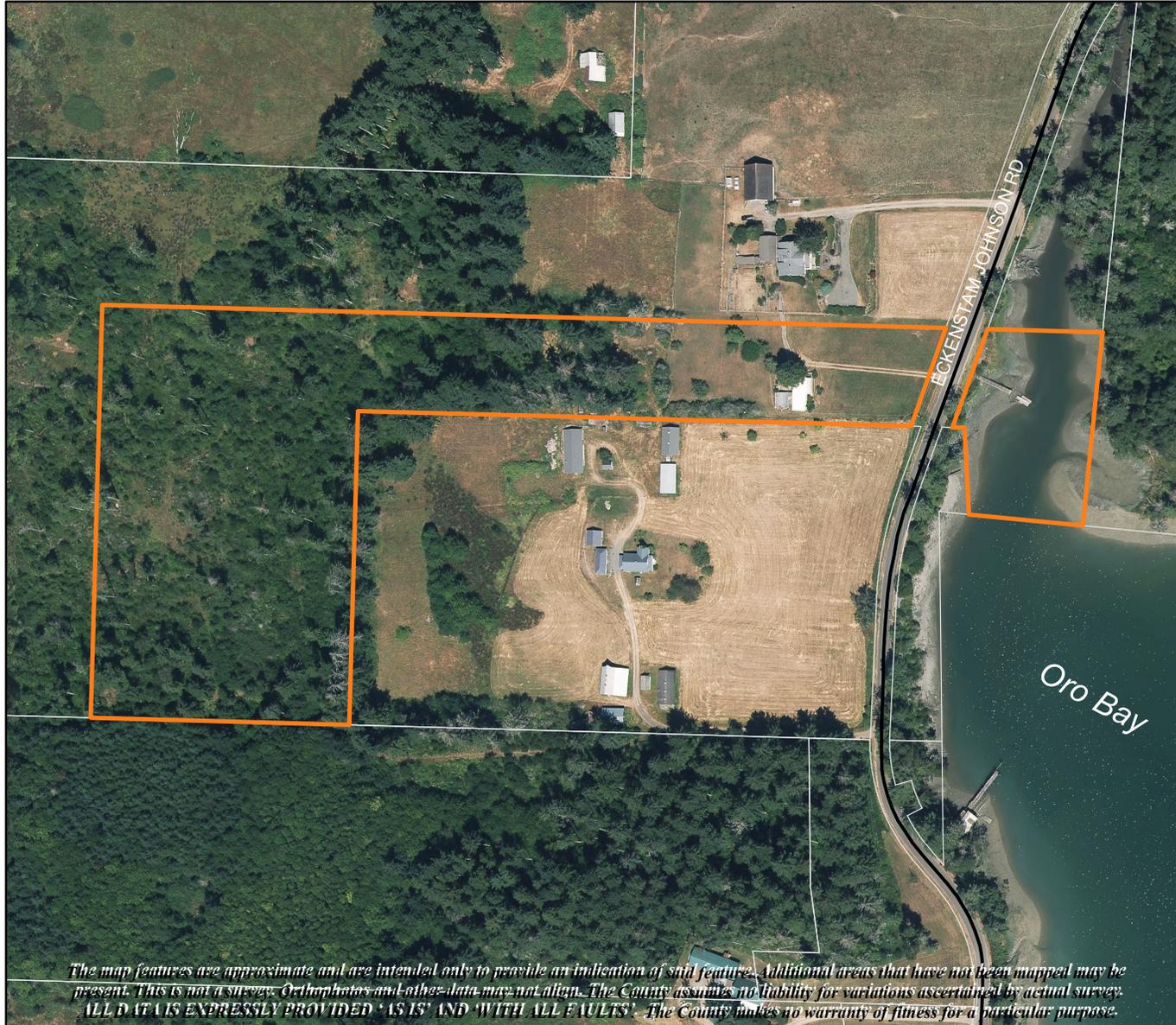
This property abuts two parcels, one to the north & west (0119083029) to one to the south (0119083002) that are presently enrolled in the Current Use Farm & Agricultural program. These properties contain the required high priority resource to qualify for the continuation of an open space corridor. Therefore, the site qualifies for bonus points.

**Attributes Supporting Current Use Assessment:** The site is eligible for the maximum allowable Priority Resource points: 15 and the site is eligible for 10 Bonus points for a total of 25 points on the 6.62-acre site with 2.00 acres set aside for existing residential uses.

CW:ds

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# OS10-19 McClun



*The map features are approximate and are intended only to provide an indication of said feature. Additional areas that have not been mapped may be present. This is not a survey. Orthophotos and other data may not align. The County assumes no liability for variations ascertained by actual survey. ALL DATA IS EXPRESSLY PROVIDED 'AS IS' AND 'WITH ALL FAULTS'. The County makes no warranty of fitness for a particular purpose.*

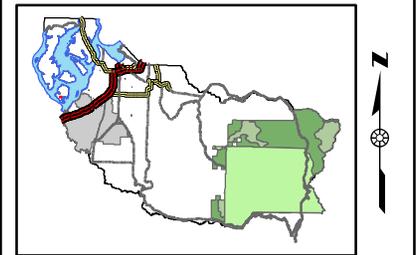
## Map Legend

 Subject Parcel

Orthophoto Date: Summer 2017

Map Document:  
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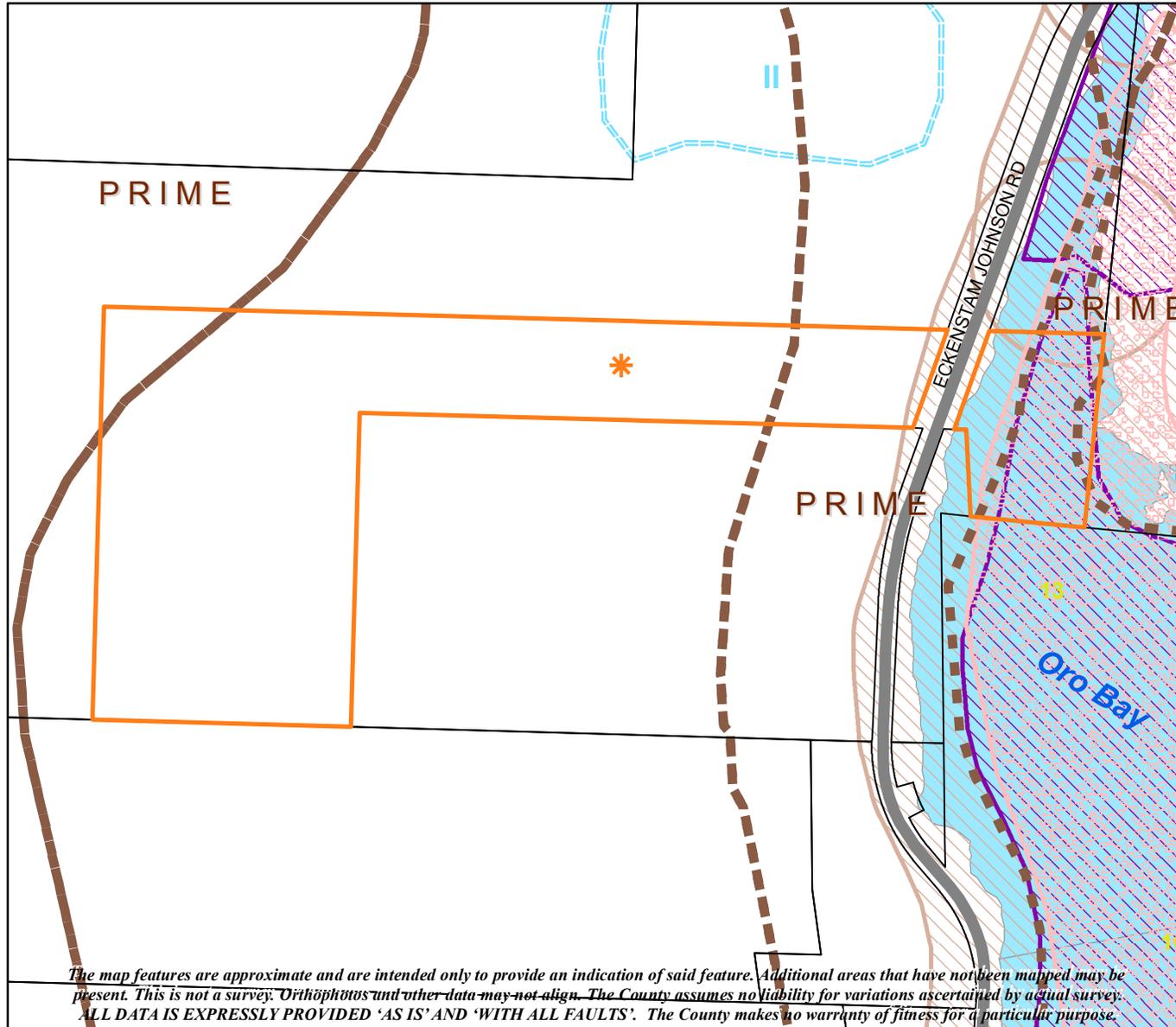
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 **Pierce County**

December 30, 2019

# OS10-19 McClun



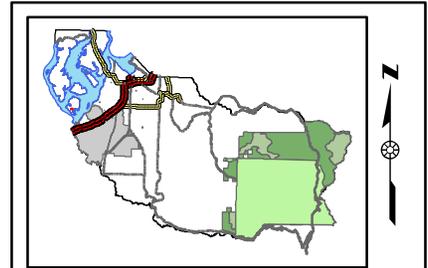
## Map Legend

- Subject Parcel
- Soils
- Hydro - Centerlines**
  - Hydro Centerline
  - Pipe
- Priority Habitat/Species
- Regulated Floodplain 2017**
  - 1% Annual Chance Flood
  - X BEHIND LEVEE
  - 0.2 PCT
  - X (SHADED)
  - VE - Coastal High Hazard Areas
  - Possible F+W Habitat Cons Areas - All Municipal
- Wetlands Delineation**
  - Delineated
  - Verified
  - Unverified
  - National Wetlands Inventory

Map Document:

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Scale 1:3,000

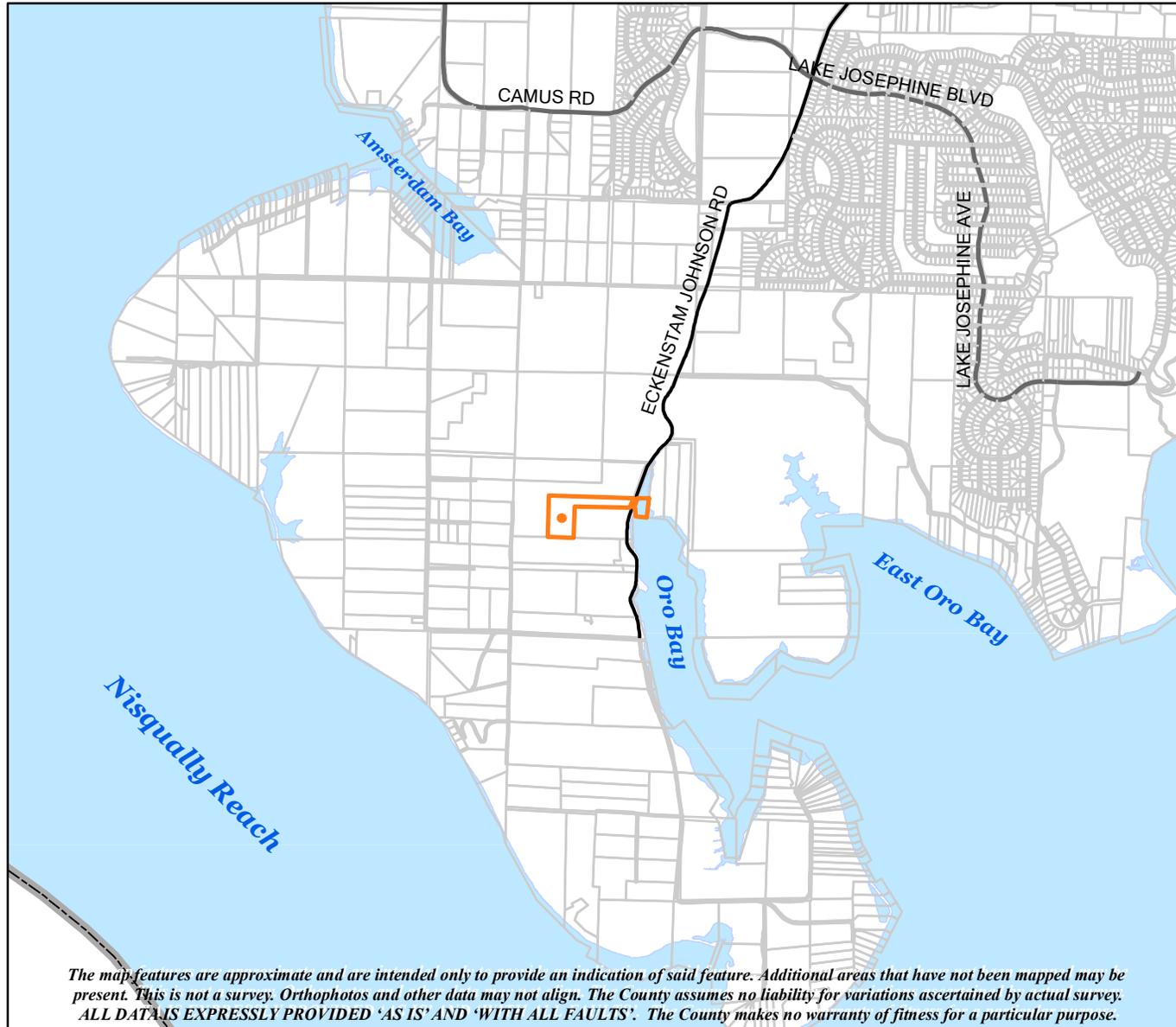


Pierce County

January 3, 2020

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# OS10-19 McClun

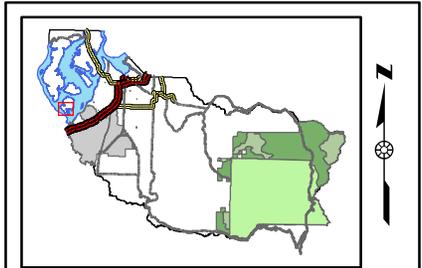


## Map Legend

 Subject Parcel

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Scale 1:30,000



 Pierce County

December 18, 2019

*The map features are approximate and are intended only to provide an indication of said feature. Additional areas that have not been mapped may be present. This is not a survey. Orthophotos and other data may not align. The County assumes no liability for variations ascertained by actual survey. ALL DATA IS EXPRESSLY PROVIDED 'AS IS' AND 'WITH ALL FAULTS'. The County makes no warranty of fitness for a particular purpose.*



OS10-19



3/2020



**Pierce County**

**Office of the Assessor-Treasurer**

2401 South 35<sup>th</sup> Street, Room 142  
Tacoma, Washington 98409-7498

**MIKE LONERGAN**  
Assessor-Treasurer

This is an estimate for the **land** value only. Values and tax rates, which affect taxes, may change by the time this classification is approved.

**OPEN SPACE: CASE # OS10-19**

**NAME: MCCLUN ERIN E**

**PARCEL #(s): 0119083030**

**25 POINTS**

|                                     |                |                                     |  |
|-------------------------------------|----------------|-------------------------------------|--|
| <input checked="" type="checkbox"/> | TRANSFER FROM: | <input checked="" type="checkbox"/> | Productive Farm & Ag (income required) |
|-------------------------------------|----------------|-------------------------------------|--|

| <i>SHOWS THE CURRENT REDUCTION</i>     |                      | <i>SHOWS THE CHANGE TO CURRENT REDUCTION</i> |                     |
|--|----------------------|--|---------------------|
| TAX BASED ON MARKET LAND VALUE         | <b>\$ 1,919.00</b>   | TAX BASED ON FARM & AGRICULTURE VALUE        | <b>\$ 1,325.00</b>  |
| TAX BASED ON FARM & AGRICULTURAL VALUE | <b>- \$ 1,325.00</b> | TAX BASED ON NEW PBRs VALUE                  | <b>- \$1,410.00</b> |
| <b>INCREASE/DECREASE</b>               | <b>= \$ 594.00</b>   | <b>INCREASE /DECREASE :</b>                  | <b>= \$ 85.00</b>   |

**2019**  
APPLICATION  
YEAR

**2020**  
IF APPROVED, THIS YEAR  
VALUE CHANGED

**2021**  
PROPERTY TAX  
YEAR

1,200 Application Fee

PIERCE COUNTY  
APPLICATION FOR CLASSIFICATION OR RECLASSIFICATION  
AS OPEN SPACE FOR CURRENT USE AS  
RCW 84.34

05-10

REGISTERED MEASURER

2019

SERVICE

File With the County Legislative Authority

Name of Owner(s) Erin E. ANDERSON McCLUN  
Mail Address: 61 Bradley Ave.  
Walnut Creek, CA 94596  
E-Mail: emcclun@gmail.com  
Is the property gated? If so, provide code:

A site visit must be scheduled for approval  
List two phone #s where you can be reached  
415-971-3339 OR 925-989-4336  
CALL WHILE AT SITE

Parcel Number(s) 011908-3-030  
Property Location Address: 12116 Eckenstam Johnson Rd. Anderson Is. WA 98303

- Is the property within city limits? Yes \_\_\_ No X If yes, which city? \_\_\_\_\_
- Legal Description: NW 1/4 of SW 1/4 Sec 8, Twp 19N, Rge 1 E, W.M. Pierce County Washington
- Total Acres of Parcel(s) 8.62 ACRES Acres Excluded from Open Space 2.35 ACRES
- Detailed description of the excluded area (if any) AREA AROUND MOBILE HOME, TOOL SHED, WELL, AND ATTENUATION ZONE FOR DRAIN FIELD INSTALLED IN 2011
- Is the land subject to a lease or agreement which permits any other use than its present use? Yes \_\_\_ No X

If yes, attach copy of the lease agreement.

- Is the land subject to any easements? Yes \_\_\_ No X

If yes, describe the type of easement, the easement restrictions and the length of the easement.

- Describe the present use of the land. PREVIOUS CARETAKER RESIDENCE FOR ADJACENT PROPERTY. Upper parcel used for grazing before health issues of partner and death of cow partner.
- Describe the present improvements located on the land (house, barn, garage, etc) MOBILE HOME, TOOL SHED, WELL, NEW DRAIN FIELD, DOCK

• If applying for the farm and agricultural conservation land category, provide a detailed description below about the previous use, the current use, and the intended future use of the land.

- Include a map or drawing. See instructions on last page. (see attached)
- Is this a reclassification (transfer) from another tax classification? If yes, complete the Change form also. (64 0060 or 64 0038) Yes, see ATTACHED CHANGE FORM

NOTICE:

The county and/or city legislative authorities may require owners to submit additional information regarding the use of the land.

**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" 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 of 20% will be applied to the additional tax and interest if the classified land is applied to some other use except through compliance with the property owner's request for withdrawal as described in RCW 84.34.070(1).
2. The additional tax, interest, and penalty specified in (1) above shall not be imposed if removal resulted solely from:
  - a) Transfer to a governmental entity in exchange for other land located within the State of Washington.
  - b) A taking through the exercise of the power of eminent domain, or sale or transfer to an entity having the power of eminent domain in anticipation of the exercise of such power.
  - c) A natural disaster such as a flood, windstorm, earthquake, or other such calamity rather than by virtue of the act of the landowner changing the use of such property.
  - d) Official action by an agency of the State of Washington or by the county or city where the land is located disallows the present use of such land.
  - e) Transfer of land to a church when such land would qualify for property tax exemption pursuant to RCW 84.34.020.
  - f) Acquisition of property interest 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 & 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 fee interest or a conservation easement for the riparian open space program under RCW 76.09.040.
  - k) The sale or transfer of land within two years after the death of the owner of at least a fifty percent interest in the land if the land has been assessed and valued as designated forest land under chapter 84.33 RCW, or classified under this chapter 84.34 RCW continuously since 1993. The date of death shown on the death certificate is the date used.
  - l) (i) The discovery that the land was classified under this chapter in error through no fault of the owner.

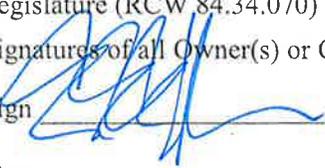
**AFFIRMATION**

As owner(s) of the land described in this application, I hereby indicate by my signature that I am aware of the potential tax liability involved when the land ceases to be classified as Open Space under provision of CH 84.34 RCW, and that the Assessor-Treasurer's office may require pertinent data be periodically submitted as to the continued use of the land. 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)

Signatures of all Owner(s) or Contract Purchaser(s):

Date:

Sign  Print Erin E. Anderson McClun

12/14/19

Sign \_\_\_\_\_ Print \_\_\_\_\_



DEC 16 2019

**Change of Classification**  
(Chapters 84.33 and 84.34 RCW)

Tax Code: \_\_\_\_\_

County: \_\_\_\_\_

CUSTOMER SERVICE

**File With County Assessor**

Applicant(s) name and address:

Erin E. Anderson McClun  
1el Bradley Ave.  
Walnut Creek, CA 94596

Phone No: \_\_\_\_\_

415-971-3339

Assessor's Parcel or Account No:

011908-3-030

Auditor's File No. on original application:

Land subject to this application (legal description):

12116 Eckenstam Johnson Rd.  
NW 1/4 of SW 1/4 Sec 8, Twp 19 N, Rge 1 E, W.M., Pierce County Washington

**Change of Classification**

(Check appropriate box)

The land is currently classified as Farm and Agricultural land under RCW 84.34.020(2) and I hereby request reclassification as:

- Timber land as provided under RCW 84.34.020(3), unless county has merged their timber land classification into their designated forest land program. (Attach completed form REV 64 0109 or 64 0111 and a timber-management plan)
- Open Space land as provided under RCW 84.34.020(1). (Attach completed form REV 64 0021)
- Forest Land classification under Chapter 84.33 RCW. (Attach completed form REV 62 0021 or 62 0110)
- Farm and Agricultural Conservation land as defined in RCW 84.34.020(8)(a). (Attach completed form REV 64 0021)

The land is currently classified as Farm and Agricultural Conservation land under RCW 84.34.020(8)(a) and I hereby request reclassification to:

- Farm and Agricultural land under RCW 84.34.020(2). (Attach completed form REV 64 0024 or 64 0108)

The land is currently classified as Timber land under RCW 84.34.020(3) and I hereby request reclassification as:

- Forest land classification under Chapter 84.33 RCW. (Attach completed form REV 62 0021 or 62 0110)
- Open Space land as provided under RCW 84.34.020(1). (Attach completed form REV 64 0021)
- Farm and Agricultural land as provided under RCW 84.34.020(2). (Attach completed form REV 64 0024 or 64 0108)

**NOTE: If request to change classification is approved, no additional tax, interest, and penalty will be imposed.**

Requests to transfer from Forest Land designation under provisions of Chapter 84.33 RCW to Current Use classification under Chapter 84.34 RCW should be made on REV 64 0038.

Attachment:

- REV 62 0021
- REV 64 0021
- REV 64 0108
- REV 64 0111
- REV 62 0110
- REV 64 0024
- REV 64 0109
- Timber Management Plan

## General Information

**RECLASSIFICATIONS are defined in RCW 84.34.070(2) as follows:**

- (2) The following reclassifications are not considered withdrawals or removals and are not subject to additional tax under RCW 84.34.108:
  - (a) Reclassification between lands under RCW 84.34.020(2) and (3);
  - (b) Reclassification of land classified under RCW 84.34.020(2) or (3) or Chapter 84.33 RCW to open space land under RCW 84.34.020(1);
  - (c) Reclassification of land classified under RCW 84.34.020(2) or (3) to forest land classified under Chapter 84.33 RCW; and
  - (d) Reclassification of land classified as open space land under RCW 84.34.020(1)(c) and reclassified to farm and agricultural land under RCW 84.34.020(2) if the land had been previously classified as farm and agricultural land under RCW 84.34.020(2).
- (3) Applications for reclassification shall be subject to applicable provisions of RCW 84.34.035, 84.34.037, 84.34.041, and Chapter 84.33 RCW.
- (4) The income criteria for land classified under RCW 84.34.020(2)(b) and (c) may be deferred for land being reclassified from land classified under RCW 84.34.020(1)(c) or (3), or Chapter 84.33 RCW into RCW 84.34.020(2)(b) or (c) for a period of up to five years from the date of reclassification.

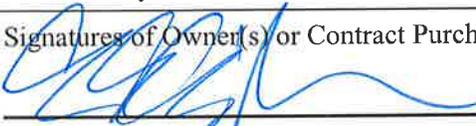
**FARM AND AGRICULTURAL CONSERVATION LAND is defined in RCW 84.34.020(8)(a & b) as follows:**

- (8) "Farm and agricultural conservation land" means either:
  - (a) Land that was previously classified under RCW 84.34.020(2), that no longer meets the criteria and is reclassified under RCW 84.34.020(1)(c); or
  - (b) Land that is traditional farmland that is not classified under Chapter 84.33 or 84.34 RCW, that has not been irrevocably devoted to a use inconsistent with agricultural uses, and that has a high potential for returning to commercial agriculture.

**And also defined in RCW 84.34.037(2)(c) as follows:**

- (c) Whether granting the application for land applying under RCW 84.34.020(1)(c) will; (i) preserve land previously classified under RCW 84.34.020(2) or preserve land that is traditional farmland and not classified under Chapter 84.33 or 84.34 RCW; (ii) preserve land with a potential for returning to commercial agriculture; and (iii) affect any other factors relevant in weighing benefits to the general welfare of preserving the current use of property.

Signatures of Owner(s) or Contract Purchaser(s):

  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Date 12-14-19

### Assessor Use Only

If the parcel(s) subject to this document is considered contiguous, as defined in RCW 84.34.020(6), with other parcels having different ownerships, verify all remaining classified parcels with different ownerships are still:

- Adjoining  
 Being managed as part of a single operation  
 Meeting the definition of "family" as defined in RCW 84.34.020(6)(b)(ii) with the owner of an adjoining parcel

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