



KING COUNTY

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Signature Report

March 15, 2005

Ordinance 15137

Proposed No. 2004-0512.3

Sponsors Edmonds, Constantine, Pelz,
Ferguson, Patterson, Phillips and
Gossett

1 AN ORDINANCE relating to the public benefit rating
2 system for open space land; amending Ordinance 1076,
3 Section 4, as amended, and K.C.C. 20.36.040, Ordinance
4 1076, Section 7, as amended, and K.C.C. 20.36.060,
5 Ordinance 1886, Section 10, as amended, and K.C.C.
6 20.36.090, Ordinance 10511, Section 7, as amended, and
7 K.C.C. 20.36.100 and Ordinance 10511, Section 8, and
8 K.C.C. 20.36.170, adding new sections to K.C.C. chapter
9 20.36, decodifying K.C.C. 20.36.140 and repealing
10 Ordinance 12969, Section 7, and K.C.C. 20.36.105 and
11 Ordinance 12969, Section 1, as amended, and K.C.C.
12 20.36.150.

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15 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

16 NEW SECTION. SECTION 1. There is hereby added to K.C.C. chapter 20.36 a

17 new section to read as follows:

18 **Definitions.** The definitions in this section apply throughout this chapter unless
19 the context clearly requires otherwise.

20 A. "Certified local government programs" are those historic preservation
21 programs that are formally certified by the National Park Service and Washington state
22 Office of Archaeology and Historic Preservation.

23 B. "Department" means the department of natural resources and parks or
24 successor agency.

25 C. "Enrolled parcel" means a parcel for which a public benefit rating system open
26 space application has been received, that is receiving tax reduction benefits and for which
27 an open space taxation agreement, as described in WAC 458.30.240, has been executed
28 and recorded with the records, elections and licensing services division.

29 D. "Native plant" or "native vegetation" means native vegetation as defined in
30 K.C.C. 21A.06.790.

31 E. "Reevaluate" means to examine the characteristics of a property currently
32 designated under current use taxation provisions of the open space program for
33 qualification under the current public benefit rating system provided for in this chapter.

34 SECTION 2. Ordinance 1076, Section 4, as amended, and K.C.C. 20.36.040 are
35 each hereby amended to read as follows:

36 **Fees.**

37 A. Except as provided in subsection C. of this section, ((F))the applicant shall
38 pay a current use filing fee as provided in K.C.C. ((Title 27)) 27.10.230, payable to the
39 King County ((office)) finance and business operations division, for each open space,
40 farm and agricultural or timberland application filed in calendar year 1973 or thereafter.

41 B. In the case of all farm and agricultural land applications, whether the
42 application is based on land within or outside of an incorporated area, the entire fee shall
43 be collected and retained by the county. In the case of open space or timberland
44 applications based on land in an incorporated area of the county, where the city
45 legislative authority has set no filing fee, the county fee shall govern and the entire fee
46 shall be collected and retained by the county. Where the city legislative authority has
47 established a filing fee for open space or timberland applications based on land in an
48 incorporated area of the county, fees as set forth in K.C.C. Title 27 shall be collected by
49 the county from the applicant and the county shall pay the city one-half of the fee
50 collected; provided, that in no event shall the amount paid to the city exceed the fee
51 established by the city.

52 C. Public benefit rating system application fees for lands in the unincorporated
53 areas shall be waived from the effective date of this ordinance through December 31,
54 2005.

55 SECTION 3. Ordinance 1076, Section 7, as amended, and K.C.C. 20.36.060 are
56 each hereby amended to read as follows:

57 **Notice of public hearing for timberland and open space applications in**
58 **unincorporated areas.**

59 A. Notice of the time, place and purpose of ~~((any such))~~ a public hearing before
60 the hearing examiner on a timberland application based on land in unincorporated areas
61 of the county shall be given by one publication in the official county newspaper at least
62 ~~((twenty))~~ ten days before the hearing.

63 B. Notice of the time, place and purpose of a public hearing before the hearing
64 examiner on an open space application based on land in unincorporated areas of the
65 county shall be provided by the following methods at least thirty days before the hearing:

66 1. By the applicant posting the property included in the application with a sign
67 provided at no charge by the department. The sign shall measure at least eighteen inches
68 by twenty-four inches, and shall include the name of the applicant, the location of the
69 subject property, the date, place and purpose of the public hearing, a reference to this
70 section and a source for additional information. The applicant must provide a declaration
71 or affidavit to the department confirming the posting and the department shall file the
72 declaration or affidavit with the clerk of the council;

73 2. By the department by mailing notice in accordance with the standards
74 provided for in K.C.C. 20.20.060.G. 1, 5, and 6; and

75 3. By the clerk of the council by publishing notice in the official county
76 newspaper and another newspaper of general circulation in the affected area.

77 SECTION 4. Ordinance 1886, Section 10, as amended, and K.C.C. 20.36.090 are
78 each hereby amended to read as follows:

79 **Open space and timberland applications in incorporated areas.**

80 A. In the case of open space and timberland applications received by the county
81 based on land in incorporated areas of the county, the department (~~of development and~~
82 ~~environmental services~~) shall promptly transmit a copy of the application to the affected
83 city.

84 B. Such an application shall be acted upon by a determining authority composed of
85 three county council members(~~designated by the council~~) who are members of the
86 council's natural resources and utilities committee, or its successor, and three city council

87 members designated by the applicable city legislative body. The application shall be acted
88 upon after a public hearing and after notice of the hearing shall have been given by one
89 publication in a newspaper of general circulation in the area at least ten days before the
90 hearings.

91 SECTION 5. Ordinance 10511, Section 7, as amended, and K.C.C. 20.36.100 are
92 each hereby amended to read as follows:

93 ~~((Criteria for approval – p))~~Public benefit rating system for open space land –
94 ~~((rating system – bonus system – super bonus system))~~ definitions and eligibility.

95 ~~((A.))~~ To be eligible for open space classification under the public benefit rating
96 system, property must contain one or more ~~((priority))~~ qualifying open space resources and
97 have at least five points as determined under this section. These resources are ~~((ranked as~~
98 ~~high priority, medium priority and low priority resources and are))~~ based on the adopted
99 King County Open Space Plan referenced in K.C.C. 20.12.380. ~~((High priority resources~~
100 ~~receive five points each, medium priority resources receive three points each and low~~
101 ~~priority resources receive one point each. Property can receive a maximum of thirty points~~
102 ~~from no more than six open space priority resources. In addition, bonus points and super~~
103 ~~bonus points may be awarded pursuant to K.C.C. 20.36.100B and C and a property can~~
104 ~~achieve a maximum of fifty two points through the rating system and the bonus system.~~
105 ~~Portions of property may also qualify for open space designation. Complete definitions of~~
106 ~~each resource, sources and eligibility standards are fully described in the summary report~~
107 ~~adopted by reference by K.C.C. 20.36.150. The department of natural resources and parks~~
108 ~~shall have the administrative authority to interpret issues relating to the priority resource~~
109 ~~definitions and eligibility standards outlined in the summary report.~~

110 1. ~~High priority resources - five points each.~~

111 a-)) The department shall review each application and recommend award of
112 credit for current use of property that is the subject of the application. In making such a
113 recommendation, the department shall utilize the point system described in subsections A.
114 and B. of this section.

115 A. The following open space resources are each eligible for the points indicated:

116 1. Active or passive recreation area - five points.

117 ~~((b. Property under option for purchase as park, recreation, open space land or~~
118 ~~CIP mitigation site.~~

119 e-)) For the purposes of this subsection A.1, "active or passive recreation area"
120 means land devoted to providing nonmotorized active or passive recreation use or that
121 complements or substitutes for recreation facilities characteristically provided by public
122 agencies. To be eligible as an active or passive recreation area, the facilities must be
123 open to the general public or to specific public user groups, such as youth, senior citizens
124 or people with disabilities. A property must be identified by the responsible agency
125 within whose jurisdiction the property is located, as meeting the definition of an active or
126 passive recreation area. Enrolling property must adhere to best management practices or
127 standards, as defined in K.C.C. 21A.06.098, where available. If a fee is charged for use,
128 it must be comparable to the fee charged by a like public facility;

129 2. Aquifer protection area - five points.

130 ~~((d. Shoreline: "Conservancy" environment.~~

131 ~~e. Scenic resource, viewpoint or view corridor.~~

132 ~~f. Surface water quality buffer area.~~

133 ~~g. Open space close to urban or growth area.~~

134 ~~h. Significant plant, wildlife or salmonid habitat area.~~

135 ~~i. Significant aquatic ecosystem.~~

136 ~~j. Historic landmark/archaeological site: designated site.~~

137 ~~k. Trail linkage.~~

138 ~~l. Urban or growth area open space.~~

139 ~~m. Farm and agricultural conservation land.~~

140 ~~n. Forest stewardship land.~~

141 ~~o.)~~ For the purposes of this subsection A.2, "aquifer protection area" means

142 property that has a plant community in which native plants are dominant and that is

143 located within an area designated as a critical aquifer recharge area under K.C.C. chapter

144 21A.24. To be eligible as an aquifer protection area, at least fifty percent of the enrolling

145 open space area or a minimum of one acre of open space shall be designated as a critical

146 aquifer recharge area. The enrolling open space area must have a plant community in

147 which native plants are dominant, or a plan for revegetation must be submitted and

148 approved by the department, and be implemented according to its proposed schedule of

149 activities;

150 3. Buffer to public land - three points. For the purposes of this subsection A.3,

151 "buffer to public land" means land that has a plant community in which native plants are

152 dominant and that is adjacent and provides a buffer to a publicly owned park, forest,

153 wildlife preserve, natural preserve, sanctuary, parkway, trail, highway, designated

154 greenway or is adjacent and provides a buffer to a property participating in a current use

155 taxation program under chapter 84.34 RCW. The buffer shall be no less than fifty feet in

156 length and fifty feet in width. Public roads may separate the public land, or land in

157 private ownership classified under chapter 84.34 RCW, from the buffering land, if the

158 entire buffer is at least as wide and long as the adjacent section of the road easement.
159 Landscaping or other nonnative vegetation shall not separate the public land or land
160 enrolled under chapter 84.34 RCW from the native vegetation buffer. The department
161 may grant an exception to the native vegetation requirement for property along parkways
162 with historic designation, upon review and recommendation of the historic preservation
163 officer of King County or the local jurisdiction in which the property is located.
164 Eligibility for this exception does not extend to a property where plantings are required or
165 existing plant communities are protected under local zoning codes, development
166 mitigation requirements or other local regulations;

167 4. Equestrian-pedestrian trail linkage - thirty-five points. For the purposes of this
168 subsection A.4, "equestrian-pedestrian trail linkage" means land in private ownership that
169 the property owner allows the public to use as an off-road trail linkage for equestrian,
170 pedestrian or other nonmotorized uses or that provides a trail link from a public right of
171 way to a trail system. Use of motorized vehicles is prohibited on trails receiving tax
172 reductions in this category, except for maintenance or for medical, public safety or police
173 emergencies. Public access is required only on that portion of the property containing the
174 trail. The landowner may impose reasonable restrictions on access that are mutually
175 agreed to by the landowner and the department, such as limiting use to daylight hours.
176 To be eligible as an equestrian-pedestrian trail linkage, the owner shall provide a trail
177 easement to an appropriate public or private entity, acceptable to the department. The
178 easement shall be recorded with the records, elections and licensing services division. In
179 addition to the area covered by the trail easement, adjacent land used as pasture, barn or
180 stable area and any corral or paddock may be included, if an approved and implemented

181 farm management plan is provided. Land necessary to provide a buffer from the trail to
182 other nonequestrian uses, land that contributes to the aesthetics of the trail, such as a.
183 forest, and land set aside and marked for off road parking for trail users may also be
184 included as lands eligible for current use taxation. Private roads or driveways open to the
185 public for this purpose may also qualify. Driveways and sidewalks, used primarily by the
186 landowner, do not qualify under this category. Fencing and gates are not allowed in the
187 trail easement area, except those that are parallel to the trail or linkage;

188 5. Farm and agricultural conservation land – five points. For the purposes of
189 this subsection A.5, "farm and agricultural conservation land" means land previously
190 classified as farm and agricultural land under RCW 84.34.020 that no longer meets the
191 criteria of farm and agricultural land, or traditional farmland not classified under chapter
192 84.34 RCW that has not been irrevocably devoted to a use inconsistent with agricultural
193 uses and has a high potential for returning to commercial agriculture. To be eligible as
194 farm and agricultural conservation land, the property must be used for farm and
195 agricultural activities or have a high probability of returning to agriculture and the
196 property owner must commit to return the property to farm or agricultural activities. An
197 applicant must have a department-approved farm management plan in accordance with
198 K.C.C. 21A.24.051 that is being implemented according to its proposed schedule of
199 activities prior to receiving credit for this category. The property must be: at least five
200 acres in size; or greater than two acres and be actively farmed on more than seventy-five
201 percent of the property. Eligible land must be zoned to allow agricultural uses.
202 Combining separate parcels under different owners is not allowed under this category;

203 6. Forest stewardship land - five points. For the purposes of this subsection A.6,
204 "forest stewardship land" means property that is managed according to an approved forest
205 stewardship plan and that is not enrolled in the timberland program under chapter 84.34
206 RCW or the forestland program under chapter 84.33 RCW. To be eligible as forest
207 stewardship land, the property must contain at least four acres of contiguous forestland,
208 which may include land undergoing reforestation, according to the approved plan. An
209 applicant shall have and implement a forest stewardship plan approved by the
210 department. The forest stewardship plan may emphasize forest retention, harvesting or a
211 combination of both;

212 7. Historic landmark or archeological site: buffer to a designated site - three
213 points. For the purposes of this subsection A.7, "historic landmark or archaeological site:
214 buffer to a designated site" means property adjacent to land constituting or containing a
215 designated county or local historic landmark or archeological site, as determined by the
216 historic preservation officer of King County or other jurisdiction in which the property is
217 located that manages a certified local government program. To be eligible as a historic
218 landmark or archeological site: buffer to a designated site, a property must have a plant
219 community in which native plants are dominant and be adjacent to or in the immediate
220 vicinity of and provide a significant buffer for a designated landmark or archaeological
221 site listed on the county or other certified local government list or register of historic
222 places or landmarks. For the purposes of this subsection A.7, "significant buffer" means
223 land and plant communities that provide physical, visual, noise or other barriers and
224 separation from adverse effects to the historic resources due to adjacent land use;

225 8. Historic landmark or archeological site: designated site - five points. For the
226 purposes of this subsection A.8, "historic landmark or archaeological site: designated
227 site" means land that constitutes or upon which is situated a historic landmark formally
228 designated by King County or other certified local government program. Historic
229 landmarks include buildings, structures, districts or sites of significance in the county's
230 historic or prehistoric heritage, such as Native American settlements, trails, pioneer
231 settlements, farmsteads, roads, industrial works, bridges, burial sites, prehistoric and
232 historic archaeological sites or traditional cultural properties. To be eligible as a historic
233 landmark or archeological site: designated site, a property must be listed on a county or
234 other certified local government list or register of historic places or landmarks for which
235 there is local regulatory protection. Eligible property may include property that
236 contributes to the historic character within designated historic districts, as defined by the
237 historic preservation officer of King County or other certified local government
238 jurisdiction. The King County historic preservation officer shall make the determination
239 on eligibility;

240 9. Historic landmark or archeological site: eligible site - three points. For the
241 purposes of this subsection A.9, "historic landmark or archaeological site: eligible site"
242 means land that constitutes or upon which is situated a historic property that has the
243 potential of being formally designated by a certified local government jurisdiction,
244 including buildings, structures, districts or sites of significance in the county's historic or
245 prehistoric heritage, such as Native American settlements, pioneer settlements,
246 farmsteads, roads, industrial works, bridges, burial sites, prehistoric and historic
247 archaeological sites or traditional cultural properties. An eligible property must be

248 determined by the historic preservation officer of King County or other certified local
249 government program in the jurisdiction in which the property is located to be eligible for
250 designation and listing on the county or other local register of historic places or
251 landmarks for which there is local regulatory protection. Eligible property may include
252 contributing property within designated historic districts. Property listed on the state or
253 national Registers of Historic Places may qualify under this category;

254 10. Rural open space - five points. For the purposes of this subsection A.10,
255 "rural open space" means an area of ten or more contiguous acres that has a plant
256 community in which native plants are dominant and that is located outside of the urban
257 growth area as identified in the King County Comprehensive Plan, except that an eligible
258 site may include former open farmland, woodlots, scrublands or other lands that are in the
259 process of being replanted with native vegetation;

260 ((p-)) 11. Rural stewardship land - five points. For the purposes of this
261 subsection A.11, "rural stewardship land" means lands zoned RA (rural area), A
262 (agriculture) or F (forest), that has a department-approved and implemented rural
263 stewardship plan as provided in K.C.C. chapter 21A.24. On RA-zoned property, the
264 approved rural stewardship plan shall meet the goals and standards of K.C.C.
265 21A.24.055. For A- and F-zoned properties, credit for this category is allowed if the plan
266 meets the goals of K.C.C. 21A.24.055 D. through G. A rural stewardship plan includes,
267 but is not limited to, identification of critical areas, location of structures and significant
268 features, site-specific best management practices, a schedule for implementation and a
269 plan for monitoring as provided in K.C.C. 21A.24.055. To be eligible as rural
270 stewardship land, the open space must be at least one acre and feature a plant community

271 in which native plants are dominant or be in the process of restoration, reforestation or
272 enhancement of native vegetation. Lands receiving credit for this category shall not
273 receive credit for the resource restoration or the forest stewardship land public benefit
274 rating system categories;

275 12. Scenic resource, viewpoint or view corridor - five points. For the purposes
276 of this subsection A.12, "scenic resource" means an area of ten or more enrolling acres
277 of natural or recognized cultural features visually significant to the aesthetic character of
278 the county. A site eligible as a scenic resource must be significant to the identity of the
279 local area and must be visible to a significant number of the general public from public
280 rights-of-way, must be of sufficient size to substantially preserve the scenic resource
281 value and must enroll at least ten acres of open space. For the purposes of this subsection
282 A.12, a "viewpoint" means a property that provides a view of an area visually significant
283 to the aesthetic character of the county. To be eligible as a viewpoint, a site must provide
284 a view of a scenic natural or recognized cultural resource in King County or other
285 visually significant area and must allow unlimited public access, and be identified by a
286 permanent sign readily visible from a road or other public right-of-way. For the
287 purposes of this subsection A.12, a "view corridor" means a property that contributes to
288 the aesthetics of a recognized view corridor critical to maintaining a public view of a
289 visually significant scenic natural or recognized cultural resource. A site eligible as a
290 view corridor must contain at least one acre of open space that contributes to a view
291 corridor visible to the public that provides views of a scenic natural resource area
292 significant to the local area. Recognized cultural areas must be found significant by the
293 King County historic preservation officer or equivalent officer of another certified local

294 government program and must contain significant inventoried or designated historic
295 properties. Eligibility is subject to determination by the department or applicable
296 jurisdiction;

297 13. Shoreline: conservancy environment - five points. For the purposes of this
298 subsection A.13, "shoreline: conservancy environment" means marine, lake and river
299 shoreline and associated wetlands designated as a conservancy environment in an
300 adopted shoreline master plan under chapter 90.58 RCW, the Shoreline Management Act
301 of 1971. To be eligible as shoreline: conservancy environment, the property enrolling
302 must feature a plant community in which native plants are dominant, adjacent to the
303 water for a length of more than twenty-five feet, and provide additional buffer width.
304 The buffer width must be at least twenty-five percent greater than the buffer required by
305 regulation. Credit for this category cannot overlap with credit for the shoreline natural
306 environment category;

307 14. Shoreline: natural environment - three points. For the purposes of this
308 subsection A.14, "shoreline: natural environment" means marine, lake or river shoreline
309 and its associated wetlands designated as a natural environment in an adopted shoreline
310 master plan under chapter 90.58 RCW, the Shoreline Management Act of 1971. To be
311 eligible as shoreline: natural environment, the property enrolling must feature a plant
312 community in which native plants are dominant, adjacent to the water and be greater than
313 twenty-five feet in length, and provide additional buffer width. The buffer width must be
314 at least twenty-five percent greater than the buffer required by regulation. Credit for this
315 resource cannot overlap with credit for the shoreline conservancy environment category;

316 15. Significant plant site - five points. For the purposes of this subsection A.15,
317 "significant plant site" means: an area with naturally occurring concentrations of those
318 plants defined as being monitor species and meeting the criteria for native plant
319 communities by the Washington state Department of Natural Resources as of the
320 effective date of this ordinance; or an old growth forest stand at least ten acres in size.
321 An eligible site must be listed in the Natural Heritage Data Base as of the effective date
322 of this ordinance, or be identified by an expert acceptable to the department confirming
323 that qualified species are present on the property. Commercial nurseries, arboretums or
324 other maintained garden sites with native or nonnative plantings are ineligible for this
325 category;

326 16. Significant wildlife or salmonid habitat - five points.

327 a. For the purposes of this subsection A.16, "significant wildlife or salmonid
328 habitat" means:

329 (1) an area used by animal species listed as endangered, threatened, sensitive
330 or candidate by the Washington state Department of Fish and Wildlife or Department of
331 Natural Resources as of the effective date of this ordinance, or used by species of local
332 significance that are so listed by the King County Comprehensive Plan or a local
333 jurisdiction;

334 (2) an area where the species listed in subsection A.16.a.(1). of this section
335 are potentially found with sufficient frequency for critical ecological processes to occur
336 such as reproduction, nesting, rearing, wintering, feeding or resting;

337 (3) a site that meets the criteria for priority habitats as defined by the
338 Washington state Department of Fish and Wildlife that is so listed by the King County
339 Comprehensive Plan or the local jurisdiction in which the property is located; or

340 (4) a site that meets criteria for a wildlife habitat conservation area as defined
341 by the department or a local jurisdiction.

342 b. To be eligible as significant wildlife or salmonid habitat, the property must
343 be verified by the department, or by expert determination acceptable to the department
344 that qualified species are present or that the land fulfills the functions described in
345 subsection A.16.a. of this section. To receive credit for salmonid habitat, the owner must
346 provide a buffer at least fifteen percent greater in width than required by any applicable
347 regulation. Property consisting mainly of disturbed or fragmented open space determined
348 by the department as having minimal wildlife habitat significance is ineligible for this
349 category;

350 17. Special animal site - three points. For the purposes of this subsection A.17,
351 "special animal site" means a site that includes a wildlife habitat network identified by
352 the King County Comprehensive Plan or individual jurisdictions through the Growth
353 Management Act, chapter 36.70A RCW, or urban natural area as identified by the
354 Washington state Department of Fish and Wildlife's priority habitats and species project
355 as of the effective date of this ordinance. To be eligible as a special animal site, the
356 property must be identified by King County or local or state jurisdiction or where expert
357 verification acceptable to the department or local jurisdiction is provided. Property
358 consisting mainly of disturbed or fragmented open space determined by the department to
359 have minimal wildlife habitat significance is ineligible for this category;

360 18. Surface water quality buffer - five points. For the purposes of this
361 subsection A.18, "surface water quality buffer" means an undisturbed area that has a plant
362 community in which native plants are dominant adjacent to a lake, pond, stream, wetland
363 or marine waters, that provides buffers beyond that required by any applicable regulation.
364 To be eligible as surface water quality buffer, the buffer must be at least fifty percent
365 wider than the buffer required by any applicable regulation and longer than twenty-five
366 feet. The qualifying buffer area must be preserved from clearing and intrusion by
367 domestic animals and protected from grazing or use by livestock;

368 19. Urban open space - five points.

369 a. For the purposes of this subsection A.19, "urban open space" means land
370 located within the boundaries of a city or within the urban growth area that has a plant
371 community in which native plants are dominant and that under the applicable zoning is
372 eligible for more intensive development or use. To be eligible as urban open space, the
373 enrolling area must be at least one acre, or be at least one-half acre if the land meets one
374 of the following criteria:

375 (1) the land conserves and enhances natural or scenic resources;

376 (2) the land protects streams or water supply;

377 (3) the land promotes conservation of soils, wetlands, beaches or tidal
378 marshes;

379 (4) the land enhances the value to the public of abutting or neighboring
380 parks, forests, wildlife preserves, nature reservations or sanctuaries or other open space;

381 (5) the land enhances recreation opportunities to the general public; or

382 (6) the land preserves visual quality along highways, roads, and streets or
383 scenic vistas.

384 b. Owners of noncontiguous properties that together meet the minimum
385 acreage requirement of subsection A. 19. a. of this section may jointly apply under this
386 category if each property is closer than seventy-five feet to one other property in the
387 application and if each property contains an enrolling open space area at least as large as
388 the minimum zoned lot size; and

389 ~~((q.)) 20. Watershed protection area - five points.~~

390 ~~((2. Medium priority resources -- three points each:~~

391 ~~a. Public land or right-of-way buffer.~~

392 ~~b. Special native plant site.~~

393 ~~e. Natural shoreline environment.~~

394 ~~d. Geological feature.~~

395 ~~e. Eligible historic landmark or archaeological site.~~

396 ~~f. Buffer to designated historic landmark/archaeological site.~~

397 ~~g. Special animal site.~~

398 ~~3. Low priority resource -- one point.~~

399 ~~a. Buffer to eligible historic/archaeological site.))~~ For the purposes of this
400 subsection A.20, "watershed protection area" means property in a watershed contributing
401 to the forest cover that provides run-off reduction and groundwater protection. To be
402 eligible as watershed protection area, the property must consist of contiguous native
403 forest or be in the process of reforestation. The enrolling forested area must consist of an
404 additional fifteen percent of forest cover beyond that required by county or applicable
405 local government regulation and must be at least one acre or twenty-five percent of the

406 property acreage, whichever is greater. If reforestation or improvements to the forest
407 health are necessary, the property owner shall provide and implement a department-
408 approved forest stewardship or rural stewardship plan.

409 B. Property qualifying ((in the specific high, medium or low priority categories))
410 for an open space category in subsection A. of this section may receive ((up to twenty-
411 two)) credit for additional points ((if the following additional qualifications are met)) as
412 follows:

413 1. Resource restoration - five points. For the purposes of this subsection B.1,
414 "resource restoration" means restoration of an enrolling area benefiting an area in an open
415 space resource category. Emphasis shall be placed on restoration of anadromous fish
416 rearing habitat, riparian zones, migration corridors and wildlife, upland, stream and
417 wetland habitats. To be eligible as resource restoration, the owner must provide and
418 implement a department-approved restoration plan developed in cooperation with the Soil
419 Conservation Service, the state Department of Fisheries and Wildlife, King County or
420 other appropriate local or county agency. Historic resource restoration must be approved
421 by the King County historic preservation officer or officer of another certified local
422 government and must be accompanied by a long-term maintenance plan. For resource
423 restoration credit, the owner shall provide to the department a yearly monitoring report
424 for at least five years following enrollment in the public benefit rating system program.
425 The report shall describe the progress and success of the restoration project and shall
426 include photographs to document the success. Credit for this category cannot overlap
427 with credit for the forest stewardship land category or the rural stewardship land
428 category. If a property owner implements an approved restoration plan after enrolling in

429 the public benefit rating system program and did not receive credit for the restoration in
430 the initial evaluation of the property, the owner may reapply to amend the application and
431 receive the bonus points credit without paying an additional application fee;

432 2. ~~((Bonus))~~ Additional surface water quality buffer - three or five points. For the
433 purposes of this subsection B.2, "additional surface water quality buffer" means an
434 undisturbed area of native vegetation adjacent to a lake, pond, stream, wetland or marine
435 water providing a buffer width of at least twice that required by regulation. To be
436 eligible as additional surface water quality buffer, the property must qualify for the
437 surface water quality buffer or a shoreline category in subsection A. of this section.
438 Three points are awarded for additional buffers no less than two times the buffer width
439 required by any applicable regulation. Five points are awarded for additional buffers no
440 less than three times the buffer width required by any applicable regulation;

441 3. Contiguous parcels under separate ownership - two points per participating
442 owner above one owner. The points under this subsection B.3. accrue to all of the owners.
443 However, withdrawal of a participating owner means the loss to each of the remaining
444 owners of the two points for the withdrawing owner's participation under this subsection
445 B.3. For the purposes of this subsection B.3, "contiguous parcels" means enrolling
446 parcels abutting each other without any significant natural or manmade barrier separating
447 them or enrolling parcels abutting a publicly owned open space but not necessarily
448 abutting each other without any significant natural or manmade barriers separating the
449 publicly owned open space and the parcels seeking open space classification. Contiguous
450 parcels of land with the same qualifying public benefit rating system resources are
451 eligible for treatment as a single parcel if open space classification is sought under the

452 same application except as otherwise prohibited. Award of this category requires a single
453 application by multiple owners and parcels with identical qualifying public benefit rating
454 system resources. Treatment as contiguous parcels shall include: the requirement to pay
455 only a single application fee; and the requirement that the total area of all parcels
456 combined must equal or exceed any required minimum area, rather than each parcel
457 being required to meet the minimum area. Individual parcels may be withdrawn from
458 open space classification consistent with all applicable rules and regulations without
459 affecting the continued eligibility of all other parcels accepted under the same
460 application, but the combined area of the parcels remaining in open space classification
461 must still qualify for their original enrolling public benefit rating system category or
462 categories. To be eligible as contiguous parcels under separate ownership, the property
463 must include two or more parcels under different ownership. The owners of each parcel
464 included in the application must agree to identical terms and conditions for enrollment in
465 the program;

466 4. Conservation ~~((or Historic Preservation E))~~easement or historic preservation
467 easement-- ((five)) fifteen points. For the purposes of this subsection B.4, "conservation
468 easement or historic preservation easement" means land on which an easement is
469 voluntarily placed that restricts, in perpetuity, further potential development or other uses
470 of the property. The granting of this conservation easement or historic preservation
471 easement provides additional value through permanent protection of a resource. These
472 easements are typically donated or sold to a government or nonprofit organization, such
473 as a land trust or conservancy. To be eligible as conservation easement or historic
474 preservation easement, the easement must be approved by the department and be

475 recorded with the records, elections and licensing services division. The easement shall
476 be conveyed to the county or to an organization acceptable to the department. In
477 addition, historic preservation easements shall also be approved by the historic
478 preservation officer of King County or officer of another certified local government
479 jurisdiction in which the property is located. An easement required by zoning,
480 subdivision conditions or other land use regulation is not eligible unless an additional
481 substantive easement area is provided beyond that otherwise required;

482 5. ~~((Bonus-p))~~Public access – points dependent on level of access. For the
483 purposes of this subsection B.5, "public access " means the general public is allowed to
484 access for uses such as, but not limited to, recreation, education or training. Access is
485 required on only the enrolling portion of the property. The landowner may impose
486 reasonable restrictions on access, such as limiting use to daylight hours, that are mutually
487 agreed to by the landowner and the department. No physical barriers may limit
488 reasonable public access or negatively affect an open space resource. To be eligible for
489 public access at one of the levels described in a. through d. of this subsection B.5, a
490 property owner shall demonstrate that the property is open to public access and is used by
491 the public. Public access points for historic properties shall be approved by the historic
492 preservation officer of King County or officer of another certified local government
493 jurisdiction in which the property is located. The property owner may be required to
494 furnish and maintain signage according to county specifications.

495 a. Unlimited public access - five points. Year-round access by the general
496 public is allowed without special arrangements with the property owner.

497 b. Limited public access ((-sensitive area)) because of resource sensitivity - five
498 points. Access may be reasonably limited due to the sensitive nature of the resource, with
499 access provided only to appropriate user groups. The access allowed shall generally be
500 for an educational, scientific or research purpose and may require special arrangements
501 with the owner.

502 c. Environmental education access—three points. The landowner enters into
503 an agreement with a school, an organization with 501(c)(3) tax status, or with the
504 agreement of the department, other community organization that allows membership by
505 the general public, to provide environmental education on the enrolled parcel to its
506 members or the public at large. The landowner and the department must mutually agree
507 that the enrolled parcel has value for environmental education purposes.

508 d. Seasonally ((E))limited public access - three points. Access by the public is
509 allowed, with or without special arrangements with the property owner, during only part
510 of the year based on seasonal conditions, as mutually agreed to by the landowner and the
511 department.

512 ~~((C. Property with at least one high priority resource and which allows unlimited~~
513 ~~public access, or limited public access if due to resource sensitivity, and which conveys a~~
514 ~~conservation, historic preservation, or trail easement in perpetuity, in a form approved by~~
515 ~~the county, shall be automatically eligible for current use value at ten percent of market~~
516 ~~value.))~~

516 e. None or members-only – zero points. No public access is allowed or the
517 access is allowed only by members of the organization using or owning the land; and

518 6. Easement and access – thirty five points. For the purposes of this subsection
519 B.6, "easement and access" means that the property has at least one qualifying open space
520 resource, unlimited public access or limited public access due to resource sensitivity, and

521 a conservation easement or historic preservation easement in perpetuity in a form and
522 with conditions acceptable to the department. To be eligible a property must receive
523 credit for an open space category and for the conservation easement or historic easement
524 in perpetuity category. The owner must agree to allow public access to the portion of the
525 property designated for public access in the easement. An easement required by zoning,
526 subdivision conditions or other land use regulation is not eligible, unless there is
527 additional easement area beyond that required. Credit for this category cannot overlap
528 with the equestrian-pedestrian trail linkage category.

529 SECTION 6. Ordinance 14259, Section 7, and K.C.C. 20.36.105 are each hereby
530 repealed.

531 SECTION 7. Section 20.36.140 is hereby decodified.

532 SECTION 8. Ordinance 12969, Section 1, as amended, and K.C.C. 20.36.150 are
533 each hereby repealed.

534 SECTION 9. Ordinance 10511, Section 8, and K.C.C. 20.36.170 are each hereby
535 amended to read as follows:

536 **Review of previously approved open space applications.** In accordance with
537 chapter 84.34 RCW, the department shall reevaluate ((~~Θ~~))open space property ((which))
538 that has been ((previously)) approved for current use assessment ((will be reassessed
539 under the public benefit rating system, pursuant to the procedures outlined in this chapter.
540 If this determination results in an assessment at 100% of market value for the property or
541 a portion thereof,)) before August 28, 1992, where the revaluation has not been
542 completed before the effective date of this ordinance. The landowner shall be notified of
543 the new assessed value in the manner described in RCW 84.40.045. ((~~†~~))The property
544 owner may request removal ((from open space classification)) of all, or a portion of, the

545 property (~~or that portion thereof,~~) from open space classification by notifying the
546 department in writing within thirty days (~~of~~) after the notification(;) required by this
547 section has been mailed to the owner without (~~monetary~~) incurring back taxes, interest
548 and penalty, in accordance with WAC 458-30-340.

549 NEW SECTION. SECTION 10. There is hereby added to K.C.C. 20.36 a new
550 section to read as follows:

551 **Evaluation and approval of open space resource applications.**

552 A. A property may achieve a maximum of a ninety-percent reduction in assessed
553 value of that portion of the land enrolled in the public benefit rating system through the
554 rating system and the bonus categories. Portions of a property may qualify for open space
555 designation. The department shall evaluate a property for which open space classification
556 is sought under this chapter for the presence of open space resource categories. Adjacent
557 parcels of land with the same open space resources, owned by one or more landowners,
558 may be eligible for consideration as a single parcel if open space classification is sought
559 under the same application. For the purpose of determining buffer measurements under
560 this chapter, the width is the distance perpendicular to the edge of the resource and the
561 length of the buffer is parallel to the resource. The entire buffer width may be averaged
562 to qualify for a resource category.

563 B.1. The presence or occurrence of an eligible open space resource shall be
564 verified by:

565 a. reference to a recognized source, such as:

566 (1) the natural heritage data base;

567 (2) the state office of historic preservation;

- 568 (3) state, national, county or city registers of historic places;
- 569 (4) the interagency committee for outdoor recreation inventory of dry
570 accretion beach and shoreline features;
- 571 (5) the shoreline master program;
- 572 (6) parks and recreation studies; or
- 573 (7) studies by the state Department of Fish and Wildlife or Department of
574 Natural Resources; or
- 575 c. reference to a map developed by the county or other recognized authority.
- 576 2. Alternatively, the existence of the resource may be verified using the best
577 available source, such as a recognized expert in the particular resource being reviewed.
- 578 3. When more than one reasonable interpretation can be supported by the text of
579 this chapter, the department is authorized to make a determination relating to the open
580 space resource definitions and eligibility standards in accordance with the overall purpose
581 and intent of this chapter. The department is authorized to calculate the appropriate area
582 of land to receive credit for a particular priority resource to support the assessor's
583 determination of the accompanying tax reduction for each priority resource.
- 584 C. Management or preservation of the open space resources shall be a condition
585 for acceptance into the program. Each open space resource must be maintained in the
586 same or better condition as it was when approved for enrollment. The property owner
587 shall not engage in any activity that reduces the value of the open space resource, unless
588 that activity is required for public safety and is conducted lawfully under appropriate
589 permits. As a condition of enrollment into the program, the department may require the

590 development and agreement to a plan to restore any property whose open space resources
591 are degraded.

592 D. The county's acceptance of property into the public benefit rating system may
593 be based on specific conditions or requirements being met, including, but not limited to,
594 the granting of easements.

595 E. Except as otherwise provided in this chapter, the following properties or areas
596 are not eligible for open space classification:

597 1. Improvements or structures situated upon eligible open space land;
598 2. Properties that do not contain a qualifying open space priority resource;
599 3. Open space areas required as part of a development or, subdivision, or
600 required by zoning or other land use regulation, unless the owner provides further public
601 benefit, such as additional open space not restricted or required by applicable regulation,
602 or resource restoration. Dedicated open space, such as a privately owned open space tract
603 or native growth retention/detention area, is eligible for participation only if additional
604 acreage, acceptable to the department, featuring a plant community where native plants
605 are dominant, is provided;

606 4. Any portion of a property that is dominated by or whose resource value is
607 compromised by invasive species, unless an approved and implemented restoration, rural
608 stewardship or forest stewardship plan has been provided and is being implemented; and

609 5. Homesite and other areas developed for residential or personal use, such as
610 garden, landscaping and driveway, except for historic resources.

611 F. The department may monitor the participating portion of the property to
612 evaluate its current use and the continuing compliance with the conditions under which

613 open space classification was granted. Monitoring may include a scheduled, physical
614 inspection of the property. Failure by the owner to meet the conditions of the approval or
615 to maintain the uses of the property that were the basis for the original approval shall be
616 grounds for the department to reevaluate the property under the public benefit rating
617 system. If the revaluation shows the property is no longer eligible or that the overall
618 rating would result in a current use assessment at a higher percentage of market value
619 than was originally approved, the county shall take action to remove the current use
620 classification and determine the amount of deferred taxes, interest and penalty owed by
621 the landowner. An appeal by the landowner from such a determination may be filed as
622 provided for in K.C.C. 20.36.130.B.

623 NEW SECTION. SECTION 11. There is hereby added to K.C.C. chapter 20.36
624 a new section to read as follows:

625 The department shall undertake an outreach effort to actively encourage
626 participation by eligible landowners in obtaining open space classification under the
627 public benefit rating system, with emphasis on rural stewardship, aquifer protection areas,
628 farm and agricultural conservation lands, forest stewardship lands, rural open space lands,
629 and watershed protection areas. This outreach must include, among other elements,
630 communications with community groups, civic organizations, volunteer associations and
631 similar organizations, to:

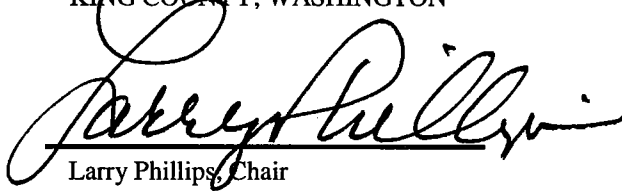
- 632 A. Highlight the benefits of the program;
- 633 B. Seek participation by qualifying landowners;
- 634 C. Seek communications with local media outlets; and

635 D. Seek participation in workshops by the department related to farm
636 management planning, forest management planning and rural stewardship planning.
637

Ordinance 15137 was introduced on 10/25/2004 and passed as amended by the Metropolitan King County Council on 3/14/2005, by the following vote:

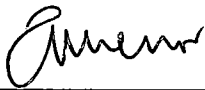
Yes: 13 - Mr. Phillips, Ms. Edmonds, Mr. von Reichbauer, Ms. Lambert, Mr. Pelz, Mr. Dunn, Mr. Ferguson, Mr. Hammond, Mr. Gossett, Ms. Hague, Mr. Irons, Ms. Patterson and Mr. Constantine
No: 0
Excused: 0

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON



Larry Phillips, Chair

ATTEST:



Anne Noris, Clerk of the Council

APPROVED this 22 day of MARCH, 2005.



Ron Sims, County Executive.

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CLERK
KING COUNTY

Attachments None