



KING COUNTY

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Signature Report

October 5, 2010

Ordinance 16942

Proposed No. 2010-0369.2

Sponsors Phillips

1 AN ORDINANCE related to equestrian-pedestrian-bicycle
2 in the public benefit rating system for open space land; and
3 amending Ordinance 10511, Section 7, as amended, and
4 K.C.C. 20.36.100 and Ordinance 14259, Section 14, and
5 K.C.C. 21A.14.410.

PREAMBLE:

6 The county has provided a valued recreational, transportation and health
7 improvement resource to the residents of the region through the multiuser
8 regional trails system.
9

10 That system has over two hundred miles of trails for use by a broad variety
11 of users, including cyclists, pedestrians, equestrians and other users.

12 There could be an opportunity to maximize the potential for the trail
13 system in its contribution to the recreational, transportation and public
14 health needs of the region, by encouraging connections between the
15 regional trails and local or regional attractions or points of interest.

16 The current use taxation program could provide a useful tool to help
17 encourage landowners to allow public access across their lands from the
18 regional trails to such regional attractions or points of interest.

19 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

20 SECTION 1. Ordinance 10511, Section 7, as amended, and K.C.C. 20.36.100 are
21 each hereby amended to read as follows:

22 To be eligible for open space classification under the public benefit rating system,
23 property must contain one or more qualifying open space resources and have at least five
24 points as determined under this section. These resources are based on the adopted King
25 County Open Space Plan referenced in K.C.C. 20.12.380. The department shall review
26 each application and recommend award of credit for current use of property that is the
27 subject of the application. In making such a recommendation, the department shall
28 utilize the point system described in subsections A. and B. of this section.

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

30 1. Active or passive recreation area - five points. For the purposes of this
31 subsection A.1, "active or passive recreation area" means land devoted to providing
32 nonmotorized active or passive recreation use or that complements or substitutes for
33 recreation facilities characteristically provided by public agencies. To be eligible as an
34 active or passive recreation area, the facilities must be open to the general public or to
35 specific public user groups, such as youth, senior citizens or people with disabilities. A
36 property must be identified by the responsible agency within whose jurisdiction the
37 property is located, as meeting the definition of an active or passive recreation area.
38 Enrolling property must adhere to best management practices or standards, as defined in
39 K.C.C. 21A.06.098, where available. If a fee is charged for use, it must be comparable to
40 the fee charged by a like public facility;

41 2. Aquifer protection area - five points. For the purposes of this subsection A.2,
42 "aquifer protection area" means property that has a plant community in which native

43 plants are dominant and that is located within an area designated as a critical aquifer
44 recharge area under K.C.C. chapter 21A.24. To be eligible as an aquifer protection area,
45 at least fifty percent of the enrolling open space area or a minimum of one acre of open
46 space shall be designated as a critical aquifer recharge area. The enrolling open space
47 area must have a plant community in which native plants are dominant, or a plan for
48 revegetation must be submitted and approved by the department, and be implemented
49 according to its proposed schedule of activities;

50 3. Buffer to public land - three points. For the purposes of this subsection A.3,
51 "buffer to public land" means land that has a plant community in which native plants are
52 dominant and that is adjacent and provides a buffer to a publicly owned park, forest,
53 wildlife preserve, natural preserve, sanctuary, parkway, trail, highway, designated
54 greenway or is adjacent and provides a buffer to a property participating in a current use
55 taxation program under chapter 84.34 RCW. The buffer shall be no less than fifty feet in
56 length and fifty feet in width. Public roads may separate the public land, or land in
57 private ownership classified under chapter 84.34 RCW, from the buffering land, if the
58 entire buffer is at least as wide and long as the adjacent section of the road easement.
59 Landscaping or other nonnative vegetation shall not separate the public land or land
60 enrolled under chapter 84.34 RCW from the native vegetation buffer. The department
61 may grant an exception to the native vegetation requirement for property along parkways
62 with historic designation, upon review and recommendation of the historic preservation
63 officer of King County or the local jurisdiction in which the property is located.
64 Eligibility for this exception does not extend to a property where plantings are required or

65 existing plant communities are protected under local zoning codes, development
66 mitigation requirements or other local regulations;

67 4. Equestrian-pedestrian-bicycle trail linkage - thirty-five points. For the
68 purposes of this subsection A.4, "equestrian-pedestrian-bicycle trail linkage" means land
69 in private ownership that the property owner allows the public to use as an off-road trail
70 linkage for equestrian, pedestrian or other nonmotorized uses or that provides a trail link
71 from a public right of way to a trail system. Use of motorized vehicles is prohibited on
72 trails receiving tax reductions in this category, except for maintenance or for medical,
73 public safety or police emergencies. Public access is required only on that portion of the
74 property containing the trail. The landowner may impose reasonable restrictions on
75 access that are mutually agreed to by the landowner and the department, such as limiting
76 use to daylight hours. To be eligible as an equestrian-pedestrian-bicycle trail linkage, the
77 owner shall provide a trail easement to an appropriate public or private entity, acceptable
78 to the department. The easement shall be recorded with the records and licensing
79 services division. In addition to the area covered by the trail easement, adjacent land
80 used as pasture, barn or stable area and any corral or paddock may be included, if an
81 approved and implemented farm management plan is provided. Land necessary to
82 provide a buffer from the trail to other nonequestrian uses, land that contributes to the
83 aesthetics of the trail, such as a forest, and land set aside and marked for off road parking
84 for trail users may also be included as lands eligible for current use taxation. Private
85 roads or driveways open to the public for this purpose may also qualify. Driveways and
86 sidewalks, used primarily by the landowner, do not qualify under this category. Fencing

87 and gates are not allowed in the trail easement area, except those that are parallel to the
88 trail or linkage;

89 5. Active trail linkage - fifteen or twenty-five points. For the purposes of this
90 subsection B.5., "active trail linkage" means land in private ownership through which the
91 owner agrees to allow nonmotorized public passage, for the purpose of providing a
92 connection between trails within the county's regional trails system, and local or regional
93 attractions or points of interest, for trail users including equestrians, pedestrians,
94 bicyclists and other users. For the purposes of this subsection B.5., "local or regional
95 attractions or points of interest" include other trails, parks, waterways or other
96 recreational and open space attractions, retail centers, arts and cultural facilities,
97 transportation facilities, residential concentrations or similar destinations. To be eligible
98 as an active trail linkage, the linkage must be open to passage by the general public and
99 the property owner must enter into an agreement with the county consistent with
100 applicable parks and recreation division polices to grant public access. To receive
101 twenty-five points, the property owner must enter into an agreement with the county
102 regarding improvement of the trail, including trail pavement and maintenance. To
103 receive fifteen points, the property owner must agree to allow a soft-surface, nonpaved
104 trail. The parks and recreation division is authorized to develop criteria for determining
105 the highest priority linkages for which it will enter into agreements with property owners.

106 ~~((5-))~~ 6. Farm and agricultural conservation land - five points. For the purposes
107 of this subsection ~~((A.5))~~ A.6., "farm and agricultural conservation land" means land
108 previously classified as farm and agricultural land under RCW 84.34.020 that no longer
109 meets the criteria of farm and agricultural land, or traditional farmland not classified

110 under chapter 84.34 RCW that has not been irrevocably devoted to a use inconsistent
111 with agricultural uses and has a high potential for returning to commercial agriculture.
112 To be eligible as farm and agricultural conservation land, the property must be used for
113 farm and agricultural activities or have a high probability of returning to agriculture and
114 the property owner must commit to return the property to farm or agricultural activities.
115 An applicant must have a department-approved farm management plan in accordance
116 with K.C.C. 21A.24.051 that is being implemented according to its proposed schedule of
117 activities prior to receiving credit for this category. The property must be at least five
118 acres in size; or greater than two acres and be actively farmed on more than seventy-five
119 percent of the property. Eligible land must be zoned to allow agricultural uses.

120 Combining separate parcels under different owners is not allowed under this category;

121 ~~((6-))~~ 7. Forest stewardship land - five points. For the purposes of this
122 subsection ~~((A-6))~~ A.7., "forest stewardship land" means property that is managed
123 according to an approved forest stewardship plan and that is not enrolled in the
124 timberland program under chapter 84.34 RCW or the forestland program under chapter
125 84.33 RCW. To be eligible as forest stewardship land, the property must contain at least
126 four acres of contiguous forestland, which may include land undergoing reforestation,
127 according to the approved plan. An applicant shall have and implement a forest
128 stewardship plan approved by the department. The forest stewardship plan may
129 emphasize forest retention, harvesting or a combination of both;

130 ~~((7-))~~ 8. Historic landmark or archeological site: buffer to a designated site -
131 three points. For the purposes of this subsection ~~((A-7))~~ A.8., "historic landmark or
132 archaeological site: buffer to a designated site" means property adjacent to land

133 constituting or containing a designated county or local historic landmark or archeological
134 site, as determined by the historic preservation officer of King County or other
135 jurisdiction in which the property is located that manages a certified local government
136 program. To be eligible as a historic landmark or archeological site: buffer to a
137 designated site, a property must have a plant community in which native plants are
138 dominant and be adjacent to or in the immediate vicinity of and provide a significant
139 buffer for a designated landmark or archaeological site listed on the county or other
140 certified local government list or register of historic places or landmarks. For the
141 purposes of this subsection (~~(A-7)~~) A.8., "significant buffer" means land and plant
142 communities that provide physical, visual, noise or other barriers and separation from
143 adverse effects to the historic resources due to adjacent land use;

144 (~~(8-)~~) 9. Historic landmark or archeological site: designated site - five points.
145 For the purposes of this subsection (~~(A-8)~~) A.9., "historic landmark or archaeological site:
146 designated site" means land that constitutes or upon which is situated a historic landmark
147 formally designated by King County or other certified local government program.
148 Historic landmarks include buildings, structures, districts or sites of significance in the
149 county's historic or prehistoric heritage, such as Native American settlements, trails,
150 pioneer settlements, farmsteads, roads, industrial works, bridges, burial sites, prehistoric
151 and historic archaeological sites or traditional cultural properties. To be eligible as a
152 historic landmark or archeological site: designated site, a property must be listed on a
153 county or other certified local government list or register of historic places or landmarks
154 for which there is local regulatory protection. Eligible property may include property that
155 contributes to the historic character within designated historic districts, as defined by the

156 historic preservation officer of King County or other certified local government
157 jurisdiction. The King County historic preservation officer shall make the determination
158 on eligibility;

159 ~~((9-))~~ 10. Historic landmark or archeological site: eligible site - three points.
160 For the purposes of this subsection ~~((A.9))~~ A.10., "historic landmark or archaeological
161 site: eligible site" means land that constitutes or upon which is situated a historic
162 property that has the potential of being formally designated by a certified local
163 government jurisdiction, including buildings, structures, districts or sites of significance
164 in the county's historic or prehistoric heritage, such as Native American settlements,
165 pioneer settlements, farmsteads, roads, industrial works, bridges, burial sites, prehistoric
166 and historic archaeological sites or traditional cultural properties. An eligible property
167 must be determined by the historic preservation officer of King County or other certified
168 local government program in the jurisdiction in which the property is located to be
169 eligible for designation and listing on the county or other local register of historic places
170 or landmarks for which there is local regulatory protection. Eligible property may
171 include contributing property within designated historic districts. Property listed on the
172 state or national Registers of Historic Places may qualify under this category;

173 ~~((10-))~~ 11. Rural open space - five points. For the purposes of this subsection
174 ~~((A.10))~~ A.11., "rural open space" means an area of ten or more contiguous acres that has
175 a plant community in which native plants are dominant and that is located outside of the
176 urban growth area as identified in the King County Comprehensive Plan, except that an
177 eligible site may include former open farmland, woodlots, scrublands or other lands that
178 are in the process of being replanted with native vegetation;

179 ~~((11-))~~ 12. Rural stewardship land-five points. For the purposes of this
180 subsection ~~((A-11))~~ A.12., "rural stewardship land" means lands zoned RA (rural area), A
181 (agriculture) or F (forest), that has a department-approved and implemented rural
182 stewardship plan as provided in K.C.C. chapter 21A.24. On RA-zoned property, the
183 approved rural stewardship plan shall meet the goals and standards of K.C.C.
184 21A.24.055. For A- and F-zoned properties, credit for this category is allowed if the plan
185 meets the goals of K.C.C. 21A.24.055 D. through G. A rural stewardship plan includes,
186 but is not limited to, identification of critical areas, location of structures and significant
187 features, site-specific best management practices, a schedule for implementation and a
188 plan for monitoring as provided in K.C.C. 21A.24.055. To be eligible as rural
189 stewardship land, the open space must be at least one acre and feature a plant community
190 in which native plants are dominant or be in the process of restoration, reforestation or
191 enhancement of native vegetation. Lands receiving credit for this category shall not
192 receive credit for the resource restoration or the forest stewardship land public benefit
193 rating system categories;

194 ~~((12-))~~ 13. Scenic resource, viewpoint or view corridor - five points. For the
195 purposes of this subsection ~~((A-12))~~ A.13., "scenic resource" means an area of ten or
196 more enrolling acres of natural or recognized cultural features visually significant to the
197 aesthetic character of the county. A site eligible as a scenic resource must be significant
198 to the identity of the local area and must be visible to a significant number of the general
199 public from public rights-of-way, must be of sufficient size to substantially preserve the
200 scenic resource value and must enroll at least ten acres of open space. For the purposes
201 of this subsection ~~((A-12))~~ A.13., a "viewpoint" means a property that provides a view of

202 an area visually significant to the aesthetic character of the county. To be eligible as a
203 viewpoint, a site must provide a view of a scenic natural or recognized cultural resource
204 in King County or other visually significant area and must allow unlimited public access,
205 and be identified by a permanent sign readily visible from a road or other public right-of-
206 way. For the purposes of this subsection (~~(A.12)~~) A.13., a "view corridor" means a
207 property that contributes to the aesthetics of a recognized view corridor critical to
208 maintaining a public view of a visually significant scenic natural or recognized cultural
209 resource. A site eligible as a view corridor must contain at least one acre of open space
210 that contributes to a view corridor visible to the public that provides views of a scenic
211 natural resource area significant to the local area. Recognized cultural areas must be
212 found significant by the King County historic preservation officer or equivalent officer of
213 another certified local government program and must contain significant inventoried or
214 designated historic properties. Eligibility is subject to determination by the department or
215 applicable jurisdiction;

216 ~~((13.))~~ 14. Shoreline: conservancy environment - five points. For the purposes
217 of this subsection (~~(A.13)~~) A.14., "shoreline: conservancy environment" means marine,
218 lake and river shoreline and associated wetlands designated as a conservancy
219 environment in an adopted shoreline master plan under chapter 90.58 RCW, the
220 Shoreline Management Act of 1971. To be eligible as shoreline: conservancy
221 environment, the property enrolling must feature a plant community in which native
222 plants are dominant, adjacent to the water for a length of more than twenty-five feet, and
223 provide additional buffer width. The buffer width must be at least twenty-five percent

224 greater than the buffer required by regulation. Credit for this category cannot overlap
225 with credit for the shoreline natural environment category;

226 ~~((14.))~~ 15. Shoreline: natural environment - three points. For the purposes of
227 this subsection ~~((A.14))~~ A.15., "shoreline: natural environment" means marine, lake or
228 river shoreline and its associated wetlands designated as a natural environment in an
229 adopted shoreline master plan under chapter 90.58 RCW, the Shoreline Management Act
230 of 1971. To be eligible as shoreline: natural environment, the property enrolling must
231 feature a plant community in which native plants are dominant, adjacent to the water and
232 be greater than twenty-five feet in length, and provide additional buffer width. The
233 buffer width must be at least twenty-five percent greater than the buffer required by
234 regulation. Credit for this resource cannot overlap with credit for the shoreline
235 conservancy environment category;

236 ~~((15.))~~ 16. Significant plant site - five points. For the purposes of this
237 subsection ~~((A.15))~~ A.16., "significant plant site" means: an area with naturally
238 occurring concentrations of those plants defined as being monitor species and meeting the
239 criteria for native plant communities by the Washington state Department of Natural
240 Resources as of April 1, 2005, or an old growth forest stand at least ten acres in size. An
241 eligible site must be listed in the Natural Heritage Data Base as of April 1, 2005, or be
242 identified by an expert acceptable to the department confirming that qualified species are
243 present on the property. Commercial nurseries, arboretums or other maintained garden
244 sites with native or nonnative plantings are ineligible for this category;

245 ~~((16.))~~ 17. Significant wildlife or salmonid habitat - five points.

246 a. For the purposes of this subsection ((A.16)) A.17., "significant wildlife or
247 salmonid habitat" means:

248 (1) an area used by animal species listed as endangered, threatened, sensitive
249 or candidate by the Washington state Department of Fish and Wildlife or Department of
250 Natural Resources as of April 1, 2005, or used by species of local significance that are so
251 listed by the King County Comprehensive Plan or a local jurisdiction;

252 (2) an area where the species listed in subsection ((A.16.a.(1))) A.17.a.(1). of
253 this section are potentially found with sufficient frequency for critical ecological
254 processes to occur such as reproduction, nesting, rearing, wintering, feeding or resting;

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

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

260 b. To be eligible as significant wildlife or salmonid habitat, the property must
261 be verified by the department, or by expert determination acceptable to the department
262 that qualified species are present or that the land fulfills the functions described in
263 subsection ((A.16.a.)) A.17.a. of this section. To receive credit for salmonid habitat, the
264 owner must provide a buffer at least fifteen percent greater in width than required by any
265 applicable regulation. Property consisting mainly of disturbed or fragmented open space
266 determined by the department as having minimal wildlife habitat significance is ineligible
267 for this category;

268 ~~((17.))~~ 18. Special animal site - three points. For the purposes of this subsection
269 ~~((A.17))~~ A.18., "special animal site" means a site that includes a wildlife habitat network
270 identified by the King County Comprehensive Plan or individual jurisdictions through the
271 Growth Management Act, chapter 36.70A RCW, or urban natural area as identified by
272 the Washington state Department of Fish and Wildlife's priority habitats and species
273 project as of April 1, 2005. To be eligible as a special animal site, the property must be
274 identified by King County or local or state jurisdiction or where expert verification
275 acceptable to the department or local jurisdiction is provided. Property consisting mainly
276 of disturbed or fragmented open space determined by the department to have minimal
277 wildlife habitat significance is ineligible for this category;

278 ~~((18.))~~ 19. Surface water quality buffer - five points. For the purposes of this
279 subsection ~~((A.18))~~ A.19., "surface water quality buffer" means an undisturbed area that
280 has a plant community in which native plants are dominant adjacent to a lake, pond,
281 stream, wetland or marine waters, that provides buffers beyond that required by any
282 applicable regulation. To be eligible as surface water quality buffer, the buffer must be at
283 least fifty percent wider than the buffer required by any applicable regulation and longer
284 than twenty-five feet. The qualifying buffer area must be preserved from clearing and
285 intrusion by domestic animals and protected from grazing or use by livestock;

286 ~~((19.))~~ 20. Urban open space - five points.

287 a. For the purposes of this subsection ~~((A.19))~~ A.20., "urban open space"
288 means land located within the boundaries of a city or within the urban growth area that
289 has a plant community in which native plants are dominant and that under the applicable
290 zoning is eligible for more intensive development or use. To be eligible as urban open

291 space, the enrolling area must be at least one acre, or be at least one-half acre if the land
292 meets one of the following criteria:

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

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

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

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

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

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

302 b. Owners of noncontiguous properties that together meet the minimum
303 acreage requirement of subsection ((A.19-a.)) A.20.a. of this section may jointly apply
304 under this category if each property is closer than seventy-five feet to one other property
305 in the application and if each property contains an enrolling open space area at least as
306 large as the minimum zoned lot size; and

307 ((20.)) 21. Watershed protection area - five points. For the purposes of this
308 subsection ((A.20)) A.21., "watershed protection area" means property in a watershed
309 contributing to the forest cover that provides run-off reduction and groundwater
310 protection. To be eligible as watershed protection area, the property must consist of
311 contiguous native forest or be in the process of reforestation. The enrolling forested area
312 must consist of an additional fifteen percent of forest cover beyond that required by
313 county or applicable local government regulation and must be at least one acre or twenty-

314 five percent of the property acreage, whichever is greater. If reforestation or
315 improvements to the forest health are necessary, the property owner shall provide and
316 implement a department-approved forest stewardship or rural stewardship plan.

317 B. Property qualifying for an open space category in subsection A. of this section
318 may receive credit for additional points as follows:

319 1. Resource restoration - five points. For the purposes of this subsection B.1,
320 "resource restoration" means restoration of an enrolling area benefiting an area in an open
321 space resource category. Emphasis shall be placed on restoration of anadromous fish
322 rearing habitat, riparian zones, migration corridors and wildlife, upland, stream and
323 wetland habitats. To be eligible as resource restoration, the owner must provide and
324 implement a department-approved restoration plan developed in cooperation with the Soil
325 Conservation Service, the state Department of Fisheries and Wildlife, King County or
326 other appropriate local or county agency. Historic resource restoration must be approved
327 by the King County historic preservation officer or officer of another certified local
328 government and must be accompanied by a long-term maintenance plan. For resource
329 restoration credit, the owner shall provide to the department a yearly monitoring report
330 for at least five years following enrollment in the public benefit rating system program.
331 The report shall describe the progress and success of the restoration project and shall
332 include photographs to document the success. Credit for this category cannot overlap
333 with credit for the forest stewardship land category or the rural stewardship land
334 category. If a property owner implements an approved restoration plan after enrolling in
335 the public benefit rating system program and did not receive credit for the restoration in

336 the initial evaluation of the property, the owner may reapply to amend the application and
337 receive the bonus points credit without paying an additional application fee;

338 2. Additional surface water quality buffer - three or five points. For the
339 purposes of this subsection B.2, "additional surface water quality buffer" means an
340 undisturbed area of native vegetation adjacent to a lake, pond, stream, wetland or marine
341 water providing a buffer width of at least twice that required by regulation. To be
342 eligible as additional surface water quality buffer, the property must qualify for the
343 surface water quality buffer or a shoreline category in subsection A. of this section.
344 Three points are awarded for additional buffers no less than two times the buffer width
345 required by any applicable regulation. Five points are awarded for additional buffers no
346 less than three times the buffer width required by any applicable regulation;

347 3. Contiguous parcels under separate ownership - two points per participating
348 owner above one owner. The points under this subsection B.3. accrue to all of the
349 owners. However withdrawal of participating owner means the loss to each of the
350 remaining owners of the two points for the withdrawing owner's participation under this
351 subsection B.3. For the purposes of this subsection B.3, "contiguous parcels" means
352 enrolling parcels abutting each other without any significant natural or manmade barrier
353 separating them or enrolling parcels abutting a publicly owned open space but not
354 necessarily abutting each other without any significant natural or manmade barriers
355 separating the publicly owned open space and the parcels seeking open space
356 classification. Contiguous parcels of land with the same qualifying public benefit rating
357 system resources are eligible for treatment as a single parcel if open space classification
358 is sought under the same application except as otherwise prohibited. Award of this

359 category requires a single application by multiple owners and parcels with identical
360 qualifying public benefit rating system resources. Treatment as contiguous parcels shall
361 include: the requirement to pay only a single application fee; and the requirement that
362 the total area of all parcels combined must equal or exceed any required minimum area,
363 rather than each parcel being required to meet the minimum area. Individual parcels may
364 be withdrawn from open space classification consistent with all applicable rules and
365 regulations without affecting the continued eligibility of all other parcels accepted under
366 the same application, but the combined area of the parcels remaining in open space
367 classification must still qualify for their original enrolling public benefit rating system
368 category or categories. To be eligible as contiguous parcels under separate ownership,
369 the property must include two or more parcels under different ownership. The owners of
370 each parcel included in the application must agree to identical terms and conditions for
371 enrollment in the program;

372 4. Conservation easement or historic preservation easement - fifteen points. For
373 the purposes of this subsection B.4, "conservation easement or historic preservation
374 easement" means land on which an easement is voluntarily placed that restricts, in
375 perpetuity, further potential development or other uses of the property. The granting of
376 this conservation easement or historic preservation easement provides additional value
377 through permanent protection of a resource. These easements are typically donated or
378 sold to a government or nonprofit organization, such as a land trust or conservancy. To
379 be eligible as conservation easement or historic preservation easement, the easement must
380 be approved by the department and be recorded with the records and licensing services
381 division. The easement shall be conveyed to the county or to an organization acceptable

382 to the department. In addition, historic preservation easements shall also be approved by
383 the historic preservation officer of King County or officer of another certified local
384 government jurisdiction in which the property is located. An easement required by
385 zoning, subdivision conditions or other land use regulation is not eligible unless an
386 additional substantive easement area is provided beyond that otherwise required;

387 5. Public access - points dependent on level of access. For the purposes of this
388 subsection B.5, "public access " means the general public is allowed to access for uses
389 such as, but not limited to, recreation, education or training. Access is required on only
390 the enrolling portion of the property. The landowner may impose reasonable restrictions
391 on access, such as limiting use to daylight hours, that are mutually agreed to by the
392 landowner and the department. No physical barriers may limit reasonable public access
393 or negatively affect an open space resource. To be eligible for public access at one of the
394 levels described in a. through d. of this subsection B.5, a property owner shall
395 demonstrate that the property is open to public access and is used by the public. Public
396 access points for historic properties shall be approved by the historic preservation officer
397 of King County or officer of another certified local government jurisdiction in which the
398 property is located. The property owner may be required to furnish and maintain signage
399 according to county specifications.

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

402 b. Limited public access because of resource sensitivity - five points. Access
403 may be reasonably limited due to the sensitive nature of the resource, with access
404 provided only to appropriate user groups. The access allowed shall generally be for an

405 educational, scientific or research purpose and may require special arrangements with the
406 owner.

407 c. Environmental education access - three points. The landowner enters into
408 an agreement with a school, an organization with 501(c)(3) tax status, or with the
409 agreement of the department, other community organization that allows membership by
410 the general public, to provide environmental education on the enrolled parcel to its
411 members or the public at large. The landowner and the department must mutually agree
412 that the enrolled parcel has value for environmental education purposes.

413 d. Seasonally limited public access - three points. Access by the public is
414 allowed, with our without special arrangements with the property owner, during only part
415 of the year based on seasonal conditions, as mutually agreed to by the landowner and the
416 department.

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

419 6. Easement and access - thirty five points. For the purposes of this subsection
420 B.6, "easement and access" means that the property has at least one qualifying open space
421 resource, unlimited public access or limited public access due to resource sensitivity, and
422 a conservation easement or historic preservation easement in perpetuity in a form and
423 with conditions acceptable to the department. To be eligible a property must receive
424 credit for an open space category and for the conservation easement or historic easement
425 in perpetuity category. The owner must agree to allow public access to the portion of the
426 property designated for public access in the easement. An easement required by zoning,
427 subdivision conditions or other land use regulation is not eligible, unless there is

428 additional easement area beyond that required. Credit for this category cannot overlap
429 with the equestrian-pedestrian-bicycle trail linkage category.

430 SECTION 2. The purchase of voluntary easements through private properties for
431 the acquisition of active trail linkages, as defined in K.C.C. 20.36.100.A.5., if done
432 consistently with all applicable legal requirements, is an eligible expenditure for real
433 estate excise tax funding authorized for parks and recreation capital purposes by K.C.C
434 4.32.010.

435 SECTION 3. A. The parks and recreation division shall study the potential for
436 enhancing the recreational, transportation and functional potential of the regional trail
437 system through development of a network of trail linkages, linking the regional trail to
438 local or regional attractions or points of interest, as defined in K.C.C. 20.36.100.A.5. For
439 the purposes of the study, trail linkages: need not be developed to the same standards as
440 the primary trail; should assume traffic volumes significantly lower than the primary
441 regional trail; and need not be owned fee simple by the county, but may be made
442 available for use by the public through the current use taxation provisions of K.C.C.
443 20.36.100.A.4. and 5. The study by the parks and recreation division shall address, at a
444 minimum:

445 1. A general assessment of the potential for enhancement of the functional
446 capacity of the regional trails system through connections to regional attractions or points
447 of interest; such assessment shall not be specific to individual properties;

448 2. The development of outreach materials, brochures or website information that
449 would provide information to private landowners that may have an interest in allowing
450 public access to their lands for trail linkage purposes;

451 3. Development standards for trail linkages that cross private property made
452 available under K.C.C. 20.36.100, where limiting the impacts of public access to the
453 peace and privacy interests of a property owner should be balanced against safety and
454 endurance interests associated with public access;

455 4. Legal mechanisms to achieve access to lands through which trail linkages
456 could be established; such legal mechanisms may range from fee simple ownership to
457 easements and to other forms of agreements, and should balance the landowners' needs
458 for minimizing the legal burden to the property against the public's need for certainty of
459 continuing access;

460 5. Alternatives for maintenance and improvement of trail linkage properties;

461 6. Other possible incentives to landowners to encourage participation in efforts
462 to allow public access for trail linkage purposes; and

463 7. The appropriateness of the application of this ordinance to other trails
464 available for public access, beyond those associated with the county's regional trail
465 system.

466 B. By August 31, 2011, a report summarizing the results of the study shall be
467 filed in the form of a paper original and an electronic copy with the clerk of the council,
468 who shall distribute electronic copies to all councilmembers.

469 SECTION 4. Ordinance 14259, Section 14, and K.C.C. 21A.14.410 are each
470 hereby amended to read as follows:

471 The executive shall report to the council annually by July 31, in the form of an
472 electronic and a paper copy filed with the clerk of the council, who shall distribute
473 electronic copies to all councilmembers, on the implementation of the rural equestrian

474 community trail incentives and regulations adopted by Ordinance 14259 and for the
475 implementation of the active trail linkage provisions of K.C.C. 20.36.100.A.5, starting in
476 2012.

477 A. For the rural equestrian community trail incentives and regulations, ~~((F))~~the
478 report shall include the following:

479 ~~((A.))~~ 1. Miles of community trail and acreage accepted in the equestrian-
480 pedestrian-bicycle trail linkage category of the public benefit rating system program;

481 ~~((B.))~~ 2. Status of field verification and mapping of community trails;

482 ~~((C.))~~ 3. Regulatory issues and proposed amendments;

483 ~~((D.))~~ 4. Implementation issues;

484 ~~((E.))~~ 5. Response from equestrian user groups~~((A))~~, landowners and citizens;

485 ~~((F.))~~ 6. Status of agreements with other jurisdictions or private individuals~~((A))~~
486 or groups concerning operations and maintenance;

487 ~~((G.))~~ 7. A ~~((M))~~map of verified trails and non~~((-))~~verified trails;

488 ~~((H.))~~ 8. Costs associated with trail maintenance and improvements; and

489 ~~((I.))~~ 9. Other relevant information pertaining to the incentive and regulatory
490 program.

491 B. For the active trail linkage provisions of K.C.C. 20.36.100.A.5, the report shall
492 include the following:

493 1. Numbers of trail linkages accepted into the active trail linkage category of the
494 public benefit rating system program;

495 2. Estimates of use volumes for active trail linkages;

496 3. Implementation issues;

497 4. A description of efforts with a trail advocacy group in identifying potential
498 trail linkages, including numbers of linkages identified;

499 5. General description of the extent to which the linkages have impacted the
500 utility of the system for recreation, commuting, transportation and public health; and

501 6. Costs associated with trail maintenance and improvements.

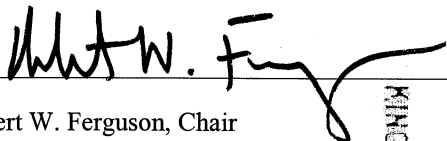
502 SECTION 5. The parks and recreation division shall undertake discussions with
503 one or more local or regional trail user groups or advocacy groups, including a bicycling
504 advocacy group, concerning a combined effort to identify potential opportunities for
505 active trail linkages as defined in K.C.C. 20.36.100.A.5. Discussions will be directed
506 towards respective roles in such efforts, where the trail user group would take primary
507 responsibility for identification of specific locations where active trail linkages would be
508 appropriate, consistent with the parks and recreation division's trail linkages study and
509 applicable policies, and where the parks and recreation division would take responsibility
510 for developing outreach materials and contacting property owners to inform them of
511 potential tax benefits or other incentives. By March 30, 2011, the parks and recreation
512 division will prepare a summary of the results of the discussions, to be filed in the form

513 of a paper original and an electronic copy with the clerk of the council, who shall
514 distribute electronic copies to all councilmembers.
515


Ordinance 16942 was introduced on 7/6/2010 and passed by the Metropolitan King County Council on 10/4/2010, by the following vote:

Yes: 8 - Ms. Drago, Mr. Phillips, Mr. von Reichbauer, Mr. Gossett,
Ms. Patterson, Ms. Lambert, Mr. Ferguson and Mr. Dunn
No: 0
Excused: 1 - Ms. Hague


KING COUNTY COUNCIL
KING COUNTY, WASHINGTON


Robert W. Ferguson, Chair

ATTEST:


Anne Noris, Clerk of the Council

APPROVED this 15 day of October, 2010


Dow Constantine, County Executive

Attachments: None

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CLERK
KING COUNTY COUNCIL