



KING COUNTY

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Signature Report

Ordinance 19556

Proposed No. 2021-0451.3

Sponsors Dembowski

1 AN ORDINANCE modifying the public benefit rating
2 system for open space and the agricultural current use
3 assessment provisions; amending Ordinance 4461, Section
4 1, as amended, and K.C.C. 20.22.060, Ordinance 1076,
5 Section 1 as amended, and K.C.C. 20.36.010, Ordinance
6 15137, Section 1, as amended, and K.C.C. 20.36.015,
7 Ordinance 1076, Section 2, as amended, and K.C.C.
8 20.36.020, Ordinance 1076, Section 3, as amended, and
9 K.C.C. 20.36.030, Ordinance 1076, Section 4, as amended,
10 and K.C.C. 20.36.040, Ordinance 1076, Section 5, as
11 amended, and K.C.C. 20.36.050, Ordinance 1076, Section
12 7, as amended, and K.C.C. 20.36.060, Ordinance 4462,
13 Section 8, as amended, and K.C.C. 20.36.080, Ordinance
14 1886, Section 10, as amended, and K.C.C. 20.36.090,
15 Ordinance 10511, Section 7, as amended, and K.C.C.
16 20.36.100, Ordinance 1886, Section 11, as amended, and
17 K.C.C. 20.36.120, Ordinance 1886, Section 12, as
18 amended, and K.C.C. 20.36.130, Ordinance 10511, Section
19 6, and K.C.C. 20.36.160, Ordinance 10511, Section 9, and
20 K.C.C. 20.36.180 and Ordinance 15137, Section 10, as

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21 amended, and K.C.C. 20.36.190 and repealing Ordinance
22 4462, Section 7, as amended, and K.C.C. 20.36.070 and
23 Ordinance 10511, Section 8, as amended, and K.C.C.
24 20.36.170.

25 **PREAMBLE:**

26 Current use taxation programs, as defined in chapters 84.33 and 84.34
27 RCW, offer a property tax reduction to landowners who voluntarily
28 preserve or manage lands within four categories: open space land or land
29 in the public benefit rating system, farm and agricultural land, and
30 designated forestland.

31 King County first adopted a public benefit rating system program in 1992
32 and has updated the program several times since then. The changes to the
33 program recommended in this ordinance, include the creation of a new
34 ecological enhancement land category, which offers applicants additional
35 points and tax savings for conducting major resource recovery efforts on
36 their property.

37 Additional changes to existing category requirements and clarification on
38 certain aspects of program policy, administration, the public hearing
39 process for property in an incorporated area and reporting are designed to
40 assist program applicants and to enhance the county's ability to administer
41 program requirements fairly and consistently.

42 **BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:**

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43 SECTION 1. Ordinance 4461, Section 1, as amended, and K.C.C. 20.22.060 are
44 hereby amended to read as follows:

45 The examiner shall issue recommendations, in the following cases:

- 46 A. Proposals for establishment or modification of cable system rates under
- 47 K.C.C. 6.27A.140;
- 48 B. Vacation of county roads under K.C.C. chapter 14.40;
- 49 C. All Type 4 decisions under K.C.C. chapter 20.20;
- 50 D. Applications for public benefit rating system assessed valuation on open space
- 51 land under K.C.C. chapter 20.36(~~(, except as provided in K.C.C. 20.36.090)~~);
- 52 E. Appeals of decisions to designate or reject a nomination for designation for a
- 53 landmark or issuing or denying a certificate of appropriateness under K.C.C. chapter
- 54 20.62;
- 55 F. Creation of a lake or beach management district and a special assessment roll
- 56 under chapter 36.61 RCW;
- 57 G. Appeals from decisions of the county road engineer in the road services
- 58 division of the department of local services related to changes in speed limits under
- 59 K.C.C. 14.06.030; and
- 60 H. Other applications or appeals that are prescribed by ordinance.

61 SECTION 2. Ordinance 1076, Section 1, as amended, and K.C.C. 20.36.010 are
62 hereby amended to read as follows:

63 It is in the best interest of the county to maintain, preserve, conserve and
64 otherwise continue in existence adequate open space lands for the production of food,
65 fiber and forest crops, and to assure the use and enjoyment of natural resources and

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66 scenic beauty for the economic and social well-being of the county and its ~~((citizens))~~
67 residents.

68 It is the intent of this chapter to implement ~~((RCW C))~~chapter 84.34 RCW, as
69 amended, by establishing procedures, rules and fees for ~~((the consideration of))~~
70 considering applications for public benefit rating system assessed valuation on ~~((=))~~open
71 space land~~((=))~~ and for current use assessment on ~~((=))~~farm and agricultural land~~((=))~~ as
72 those lands are defined in RCW 84.34.020. ~~((The provisions of RCW e))~~Chapter 84.34
73 RCW, and the regulations adopted thereunder ~~((shall))~~, govern ~~((the))~~ matters not
74 expressly covered in this chapter.

75 SECTION 3. Ordinance 15137, Section 1, as amended, and K.C.C. 20.36.015 are
76 hereby amended to read as follows:

77 The definitions in this section apply throughout this chapter unless the context
78 clearly requires otherwise.

79 A. "Certified local government programs" means historic preservation programs
80 ~~((that are))~~ formally certified by the National Park Service and Washington state Office
81 of Archaeology and Historic Preservation.

82 B. "Department" means the department of natural resources and parks or its
83 successor agency.

84 C. "Enrolled parcel" means a parcel;

85 1. ~~((f))~~For which a public benefit rating system open space application has been
86 received ~~((and))~~;

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87 2. ~~((f))~~For which an agreement related to open space classification, as described
88 in WAC 458-30-240, has been executed and recorded with the ~~((records and licensing
89 services division))~~ King County recorder's office or its successor; and

90 3. ~~((t))~~That is receiving tax reduction benefits.

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

93 E. "Open space" means land that meets the criteria specified in RCW
94 84.34.020(1)(b) and (c).

95 F. "Reevaluate" means to examine the characteristics of a property currently
96 designated under current use taxation provisions of the open space program for
97 qualification under the current public benefit rating system provided for in this chapter.

98 SECTION 4. Ordinance 1076, Section 2, as amended, and K.C.C. 20.36.020 are
99 hereby amended to read as follows:

100 The office of hearing examiner, as established by K.C.C. chapter 20.22, shall act
101 on behalf of the council in considering applications for public benefit rating system
102 assessed valuation on open space land ~~((in an unincorporated area of the county or
103 appeals from denials by the county assessor of applications for current use assessments
104 on farm and agricultural land))~~ as provided in this chapter. The examiner shall process
105 ~~((A))~~all such applications and appeals ~~((shall be processed))~~ under the procedures
106 established in this chapter and in K.C.C. chapter 20.22.

107 SECTION 5. Ordinance 1076, Section 3, as amended and K.C.C. 20.36.030 are
108 hereby amended to read as follows:

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109 An owner of farm and agricultural land desiring current use assessment under
110 chapter 84.34 RCW shall ~~((make application))~~ apply to the county assessor ~~((and))~~.
111 ~~((a))~~An owner of open space land desiring assessed valuation under the public benefit
112 rating system shall ~~((make application))~~ apply to the county council by filing an application
113 with the department of natural resources and parks. The application shall be ~~((upon))~~ on
114 forms supplied by the county and shall include ~~((such))~~ any information ~~((deemed))~~
115 reasonably necessary to properly classify an area of land under chapter 84.34 RCW ~~((with~~
116 a)) and must be notarized ~~((verification of the truth thereof))~~.

117 SECTION 6. Ordinance 1076, Section 4, as amended, and K.C.C. 20.36.040 are
118 hereby amended to read as follows:

119 A. Except as provided in subsection B. of this section, the applicant shall pay a
120 current use filing fee, payable to the King County finance and business operations division
121 or its successor, ~~((in the amount))~~ of six hundred twenty dollars for each open space
122 application and one hundred eighty-one dollars for each farm and agriculture application.

123 B. ~~((F))~~ A fee shall not be charged for an application ~~((is filed))~~ to ~~((add))~~ award
124 credit for farm and agricultural conservation land, ecological enhancement land, forest
125 stewardship land, resource restoration or rural stewardship land category to a parcel that
126 is already enrolled in the public benefit rating system~~((, no fee shall be charged for that~~
127 application)). The definitions in K.C.C. 20.36.100 apply to this subsection.

128 C. ~~((In the case of))~~ For all farm and agricultural land applications, whether the
129 application is based on land within or outside of an incorporated area, the ~~((entire fee~~
130 shall be collected and retained by the)) county shall collect and retain the entire fee. ~~((In~~
131 the case of)) For open space applications based on land in an incorporated area of the

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132 county, where the city legislative authority has set no filing fee, the county fee (~~((shall))~~)
133 govern and the county shall collect and retain the entire fee (~~((shall be collected and~~
134 ~~retained by the county))~~). Where the city legislative authority has established a filing fee
135 for open space applications based on land in an incorporated area of the county, the
136 county shall collect the fee established in subsection A. of this section (~~((shall be collected~~
137 ~~by the county from the applicant and the county shall))~~ and pay the city one-half (~~((of the~~
138 ~~fee collected))~~). The amount (~~((paid by the county to))~~) the county pays the city shall not
139 exceed the fee established by the city. The city (~~((shall be))~~) is responsible for collecting
140 any fees (~~((that it))~~) the city has established that exceed one-half of the amount established
141 by subsection A. of this section.

142 SECTION 7. Ordinance 1076, Section 5, as amended, and K.C.C. 20.36.050 are
143 hereby amended to read as follows:

144 Applications shall be (~~((made))~~) submitted by December 31(~~((st))~~) of the calendar
145 year (~~((preceding that year in which such))~~) before the year the classification is to begin.

146 SECTION 8. Ordinance 1076, Section 7, as amended, and K.C.C. 20.36.060 are
147 hereby amended to read as follows:

148 The clerk of the council shall publish (~~((N))~~)notice of the time, place and purpose of
149 a public hearing before the hearing examiner on an open space application (~~((based on land~~
150 ~~in unincorporated area of the county shall be given by one publication at least ten days~~
151 ~~before the hearing. The clerk of the council shall publish this notice))~~) in a newspaper of
152 general circulation in the area at least ten days before the hearing.

153 SECTION 9. Ordinance 4462, Section 7, as amended, and K.C.C. 20.36.070 are
154 hereby repealed.

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155 SECTION 10. Ordinance 4462, Section 8, as amended, and K.C.C. 20.36.080 are
156 hereby amended to read as follows:

157 An~~((y))~~ ordinance approving an application constitutes authorization for the chair
158 of the council or the chair's designee to sign the open space taxation agreement for
159 classification under the public benefit rating system program.

160 SECTION 11. Ordinance 1886, Section 10, as amended, and K.C.C. 20.36.090
161 are hereby amended to read as follows:

162 ~~((A. In the case of))~~ For open space applications ~~((received by))~~ the county ~~((based~~
163 ~~on))~~ receives for land in incorporated areas ~~((of the county))~~, the department shall promptly
164 transmit a copy of the application to the affected city.

165 ~~((B. Such an application shall be acted upon by))~~ Both the county council~~((s~~
166 ~~transportation, economy and environment committee, or its successor))~~, consistent with
167 K.C.C. 20.36.020, and the applicable city legislative body ~~((The application shall be~~
168 ~~acted upon))~~ shall act on the applications after a public hearing by each ~~((such))~~ body and
169 after notice of each hearing ~~((shall have been given))~~ by ~~((one))~~ publication in a newspaper
170 of general circulation in the area at least ten days before the hearing.

171 SECTION 12. Ordinance 10511, Section 7, as amended, and K.C.C. 20.36.100
172 are hereby amended to read as follows:

173 A. The definitions in this section apply throughout this section, as well as in
174 K.C.C. 20.36.040 and K.C.C. 20.30.190, unless the context clearly requires otherwise.

175 B. To be eligible for open space classification under the public benefit rating
176 system, a property must contain one or more qualifying open space resources and have at
177 least five points₂ as determined under this section. The department shall review each

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178 application and recommend award of credit for current use of the property (~~((that is the~~
179 ~~subject of the application))~~). In making (~~((such a))~~ the recommendation, the department shall
180 utilize the point system described in subsections (~~((B-))~~ C. and (~~((C-))~~ D. of this section.

181 (~~((B-))~~ C. The following open space resources are each eligible for the points
182 indicated:

183 1. (~~((Public recreation area— five points. For the purposes of this subsection B.1,~~
184 ~~"public recreation area" means land devoted to providing active or passive recreation use or~~
185 ~~that complements or substitutes for recreation facilities characteristically provided by~~
186 ~~public agencies. Use of motorized vehicles is prohibited on land receiving tax reduction~~
187 ~~for this category, except for golf carts on golf courses, for maintenance or for medical,~~
188 ~~public safety or police emergencies. To be eligible as a public recreation area, the facilities~~
189 ~~must be open to the general public or to specific public user groups, such as youth, senior~~
190 ~~citizens or people with disabilities. A property must be identified by the responsible~~
191 ~~agency within whose jurisdiction the property is located as meeting the definition of public~~
192 ~~recreation area. If a property meets the definition of public recreation area, the property~~
193 ~~owner must use best practices, if any, that are defined in K.C.C. chapter 21A.06. If a fee is~~
194 ~~charged for use, it must be comparable to the fee charged by a like public facility;)) Active
195 trail linkage - fifteen or twenty-five points. "Active trail linkage" means land in private
196 ownership through which the owner agrees to allow nonmotorized public passage, for the
197 purpose of providing a connection between trails within the county's regional trails system
198 and local or regional attractions or points of interest, for trail users including equestrians,
199 pedestrians, bicyclists and other users. "Local or regional attractions or points of interest"
200 include other trails, parks, waterways or other recreational and open space attractions, retail~~

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201 centers, arts and cultural facilities, transportation facilities, residential concentrations or
202 similar destinations. The linkage must be open to passage by the general public and the
203 property owner shall enter into an agreement with the county consistent with applicable
204 parks and recreation division policies to grant public access. To receive twenty-five points,
205 the property owner shall enter into an agreement with the county regarding improvement of
206 the trail, including trail pavement and maintenance. To receive fifteen points, the property
207 owner shall agree to allow a soft-surface, nonpaved trail. The parks and recreation division
208 is authorized to develop criteria for determining the highest priority linkages for which it
209 will enter into agreements with property owners;

210 2. Aquifer protection area - five points. ~~((For the purposes of this subsection~~
211 ~~B.2,))~~ "((a))Aquifer protection area" means property that has a plant community in which
212 native plants are dominant and that includes an area designated as a critical aquifer
213 recharge area under K.C.C. chapter 21A.24 or applicable city critical aquifer recharge area
214 regulations. ~~((To be eligible as an aquifer protection area, a))~~ At least fifty percent of the
215 enrolling open space area or a minimum of one acre of open space shall be designated as a
216 critical aquifer recharge area. If the enrolling open space area does not have a plant
217 community in which native plants are dominant, a plan for revegetation must be submitted
218 and approved by the department, and must be implemented according to the plan's
219 proposed schedule of activities;

220 3. Buffer to public or current use classified land - three points. ~~((For the purposes~~
221 ~~of this subsection B.3,))~~ "((b))Buffer to public or current use classified land" means land
222 that has a plant community in which native plants are dominant or has other natural
223 features, such as streams or wetlands, and that is ~~((adjacent))~~ abutting and provides a buffer

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224 to a publicly owned park, trail~~((,))~~ or forest, to land legally required to remain in a natural
225 state ~~((or))~~, to a state or federal highway or ~~((is adjacent to and provides a buffer))~~ to a
226 property participating in a current use taxation program under chapters 84.33 or 84.34
227 RCW. The buffer ~~((shall be no less than))~~ must be at least fifty feet ~~((in length))~~ long and
228 fifty feet ~~((in width))~~ wide. Public roads may separate the public land, or land in private
229 ownership classified under chapters 84.33 or 84.34 RCW, from the buffering land, if the
230 entire buffer is at least as wide and long as the adjacent section of the road easement.
231 Landscaping or other nonnative vegetation ~~((shall))~~ may not separate the public land or
232 land enrolled under chapters 84.33 or 84.34 RCW from the native vegetation buffer. The
233 department may grant an exception to the native vegetation requirement for property along
234 parkways with historic designation, upon review and recommendation of the historic
235 preservation officer of King County or the local jurisdiction in which the property is
236 located. Eligibility for this exception does not extend to a property where plantings are
237 required or existing plant communities are protected under local zoning codes,
238 development mitigation requirements or other local regulations;

239 4. Ecological enhancement land – eighteen points. "Ecological enhancement
240 land" means open space lands undergoing recovery of significantly degraded or lost
241 ecological function or processes. The following requirements shall be met:

242 a. A jurisdiction, natural resource agency or appropriate organization has
243 committed to sponsoring the ecological enhancement project, with secured funding in
244 place before the application's public hearing;

245 b. The ecological enhancement project must include removing significant
246 human-made structures, alterations or impediments such as shoreline armoring, roads,

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247 culverts and wetland fill that are detrimental to significant wildlife or salmonid habitat.

248 The intent of the removal must be to reestablish natural function or processes to the

249 project area;

250 c. The owner is responsible for providing and implementing an ecological

251 enhancement plan for the proposed project. The approved enhancement plan must

252 include at least a statement of purpose, detailed description of work to be done, site map

253 of the project area and specific timeline for the enhancement activities to be completed

254 and must be approved by the department; and

255 d. The owner shall annually provide to the department a monitoring report

256 detailing the enhancement efforts' success for five years following enrollment. The

257 owner shall also provide any additional monitoring reports required by K.C.C. 20.36.190.

258 The monitoring report must describe the progress and success of the enhancement project

259 and must include photographs to document the success. Land receiving credit for this

260 category may not receive credit for the rural stewardship land or resource restoration

261 categories;

262 5. Equestrian-pedestrian-bicycle trail linkage - thirty-five points. ((For the

263 purposes of this subsection B.4.)) ((e))Equestrian-pedestrian-bicycle trail linkage" means

264 land in private ownership that the property owner allows the public to use as an off-road

265 trail linkage for equestrian, pedestrian or other nonmotorized uses or that provides a trail

266 link from a public right-of-way to a trail system. Use of motorized vehicles is prohibited

267 on trails receiving a tax reduction for this category, except for maintenance or for medical,

268 public safety or police emergencies. Public access is required only on that portion of the

269 property containing the trail. The landowner may impose reasonable restrictions on access

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270 that are mutually agreed to by the landowner and the department, such as limiting use to
271 daylight hours. To be eligible as an equestrian-pedestrian-bicycle trail linkage, the owner
272 shall provide a trail easement to an appropriate public or private entity acceptable to the
273 department. The easement shall be recorded with the ~~((records and licensing services~~
274 ~~division))~~ King County recorder's office or its successor. In addition to the area covered by
275 the trail easement, adjacent land used as pasture, barn or stable area and any corral or
276 paddock may be included, if an approved and implemented farm management plan is
277 provided. Land necessary to provide a buffer from the trail to other nonequestrian uses,
278 land that contributes to the aesthetics of the trail, such as a forest, and land set aside and
279 marked for off road parking for trail users may also be included as land eligible for current
280 use taxation. Those portions of private roads, driveways or sidewalks open to the public
281 for this purpose may also qualify. Fencing and gates are not allowed in the trail easement
282 area, except those that are parallel to the trail or linkage;

283 ~~((5. Active trail linkage—fifteen or twenty five points. For the purposes of this~~
284 ~~subsection B.5, "active trail linkage" means land in private ownership through which the~~
285 ~~owner agrees to allow nonmotorized public passage, for the purpose of providing a~~
286 ~~connection between trails within the county's regional trails system and local or regional~~
287 ~~attractions or points of interest, for trail users including equestrians, pedestrians, bicyclists~~
288 ~~and other users. For the purposes of this subsection B.5., "local or regional attractions or~~
289 ~~points of interest" include other trails, parks, waterways or other recreational and open~~
290 ~~space attractions, retail centers, arts and cultural facilities, transportation facilities,~~
291 ~~residential concentrations or similar destinations. To be eligible as an active trail linkage,~~
292 ~~the linkage must be open to passage by the general public and the property owner must~~

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293 ~~enter into an agreement with the county consistent with applicable parks and recreation~~
294 ~~division policies to grant public access. To receive twenty-five points, the property owner~~
295 ~~must enter into an agreement with the county regarding improvement of the trail, including~~
296 ~~trail pavement and maintenance. To receive fifteen points, the property owner must agree~~
297 ~~to allow a soft surface, nonpaved trail. The parks and recreation division is authorized to~~
298 ~~develop criteria for determining the highest priority linkages for which it will enter into~~
299 ~~agreements with property owners.))~~

300 6. Farm and agricultural conservation land - five points. ~~((For the purposes of this~~
301 ~~subsection B.6.,))~~ "((f))Farm and agricultural conservation land" means land previously
302 classified as farm and agricultural land under RCW 84.34.020 that no longer meets the
303 criteria of farm and agricultural land, or traditional farmland not classified under chapter
304 84.34 RCW that has not been irrevocably devoted to a use inconsistent with agricultural
305 uses and has a high potential for returning to commercial agriculture. ~~((To be eligible as~~
306 ~~farm and agricultural conservation land, t))~~The property must be used for farm and
307 agricultural activities or have a high probability of returning to agriculture and the property
308 owner must commit to returning the property to farm or agricultural activities by
309 implementing a farm management plan. An applicant must have an approved farm
310 management plan in accordance with K.C.C. 21A.24.051 that is acceptable to the
311 department and that is being implemented according to its proposed schedule of activities
312 before receiving credit for this category. Farm and agricultural activities must occur on at
313 least one acre of the property. Eligible land must be zoned to allow agricultural uses and be
314 owned by the same owner or held under the same ownership. Land receiving credit for this

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315 category ~~((shall))~~ may not receive credit for the ~~((category-"))~~ contiguous parcels under
 316 separate ownership~~(("))~~ category;

317 7. Forest stewardship land - five points. ~~((For the purposes of this subsection~~
 318 ~~B.7.,))~~ ~~((f))~~ Forest stewardship land" means property that is managed according to an
 319 approved forest stewardship plan and that is not enrolled in the designated forestland
 320 program under chapter 84.33 RCW. ~~((To be eligible as forest stewardship land, t))~~ The
 321 property must contain at least four acres of contiguous forestland, which may include land
 322 undergoing reforestation, according to the approved plan. The owner shall have and
 323 implement a forest stewardship plan approved by the department. The forest stewardship
 324 plan may emphasize forest retention, harvesting or a combination of both. Land receiving
 325 credit for this category ~~((shall))~~ may not receive credit for the resource restoration
 326 ~~((category or the))~~ or rural stewardship land ~~((category))~~ categories;

327 8. Historic landmark or archeological site: buffer to a designated site - three
 328 points. ~~((For the purposes of this subsection B.8.,))~~ ~~((h))~~ Historic landmark or
 329 archaeological site: buffer to a designated site" means property adjacent to land
 330 constituting or containing a designated county or local historic landmark or archeological
 331 site, as determined by ~~((the historic preservation officer of King County or other~~
 332 ~~jurisdiction in which the property is located that manages a))~~ King County's historic
 333 preservation officer or by a manager of a certified local government program in the
 334 jurisdiction in which the property is located. ~~((To be eligible as a historic landmark or~~
 335 ~~archeological site: buffer to a designated site, a))~~ A property must have a plant community
 336 in which native plants are dominant ~~((and be adjacent to or in the immediate vicinity of))~~
 337 and provide a significant buffer for a designated landmark or archaeological site listed on

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338 the county or other certified local government list or register of historic places or
339 landmarks. (~~For the purposes of this subsection B.8.,~~) "(s)Significant buffer" means
340 land and plant communities that provide physical, visual, noise or other barriers and
341 separation from adverse effects to the historic resources due to adjacent land use;

342 9. Historic landmark or archeological site: designated site - five points. (~~For the~~
343 ~~purposes of this subsection B.9.,~~) "(h)Historic landmark or archaeological site:
344 designated site" means land that constitutes or (~~upon which is situated~~) contains a historic
345 landmark designated by King County or other certified local government program in the
346 jurisdiction in which the property is located. Historic landmarks include buildings,
347 structures, districts or sites of significance in the county's historic or prehistoric heritage,
348 such as Native American settlements, trails, pioneer settlements, farmsteads, roads,
349 industrial works, bridges, burial sites, prehistoric and historic archaeological sites or
350 traditional cultural properties. (~~To be eligible as a historic landmark or archeological site:~~
351 ~~designated site, a)~~) A property must be listed on a county or other certified local
352 government list or register of historic places or landmarks for which there is local
353 regulatory protection. Eligible property may include property that contributes to the
354 historic character within designated historic districts, as defined by the historic preservation
355 officer of King County or other certified local government jurisdiction. The King County
356 historic preservation officer shall make the determination on eligibility;

357 10. Historic landmark or archeological site: eligible site - three points. (~~For the~~
358 ~~purposes of this subsection B.10.,~~) "(h)Historic landmark or archaeological site: eligible
359 site" means land that constitutes or (~~upon which is situated~~) contains a historic property
360 that has the potential of being designated by a certified local government jurisdiction,

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361 including buildings, structures, districts or sites of significance in the county's historic or
362 prehistoric heritage, such as Native American settlements, pioneer settlements, farmsteads,
363 roads, industrial works, bridges, burial sites, prehistoric and historic archaeological sites or
364 traditional cultural properties. ~~((An eligible property must be determined by))~~ To be
365 eligible, the historic preservation officer of King County or other certified local
366 government program in the jurisdiction in which the property is located ~~((to be eligible))~~
367 shall determine the property meets the jurisdiction's criteria for designation and listing on
368 the county or other local register of historic places or landmarks for which there is local
369 regulatory protection. Eligible property may include contributing property within
370 designated historic districts. Property listed on the state or national Registers of Historic
371 Places may qualify under this category;

372 11. Public recreation area - five points. "Public recreation area" means land
373 devoted to providing active or passive recreation use or that complements or substitutes for
374 recreation facilities characteristically provided by public agencies. Use of motorized
375 vehicles is prohibited, except for golf carts on golf courses, for maintenance or for medical,
376 public safety or police emergencies. The facilities must be open to the general public or to
377 specific public user groups, such as youth, senior citizens or people with disabilities. A
378 property must be identified by the responsible agency within whose jurisdiction the
379 property is located as meeting the definition of public recreation area. The property owner
380 must use any best practices defined in K.C.C. chapter 21A.06. If a fee is charged for use, it
381 must be comparable to the fee charged by a similar public facility;

382 12. Rural open space - five points. ~~((For the purposes of this subsection B.11.,))~~
383 "~~((€))~~Rural open space" means an area of ten or more contiguous acres of open space

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384 located outside of the urban growth area as identified in the King County Comprehensive
385 Plan that:

- 386 a. has a plant community in which native plants are dominant; or
387 b. is former open farmland, woodlots, scrublands or other lands that are in the
388 process of being replanted with native vegetation and for which the property owner is
389 implementing an approved farm management, ecological enhancement, forest stewardship,
390 rural stewardship or resource restoration plan acceptable to the department;

391 ~~((12.))~~ 13. Rural stewardship land - five points. ~~((For the purposes of this~~
392 ~~subsection B.12.))~~ "~~((§))~~Rural stewardship land" means land~~((s))~~ zoned RA (rural area), A
393 ~~((agriculture))~~ agricultural) or F (forest), that has an implemented rural stewardship plan
394 ~~((as provided in))~~ under K.C.C. chapter 21A.24 ~~((that is))~~ acceptable to the department. On
395 RA-zoned ~~((property))~~ properties, the approved rural stewardship plan ~~((shall))~~ must meet
396 the goals and standards of K.C.C. 21A.24.055. ~~((For))~~ On A- and F-zoned properties,
397 credit for this category is allowed if the plan meets the goals of K.C.C. 21A.24.055 ~~((D-~~
398 ~~through G))~~. A rural stewardship plan includes, but is not limited to, identification of
399 critical areas, location of structures and significant features, site-specific best management
400 practices, a schedule for implementation and a plan for monitoring as provided in K.C.C.
401 21A.24.055. To be eligible as rural stewardship land, the open space must be at least one
402 acre and feature a plant community in which native plants are dominant or be in the process
403 of native vegetation restoration, reforestation or enhancement ~~((of native vegetation))~~.
404 Land receiving credit for this category ~~((shall))~~ may not receive credit for the ecological
405 enhancement land, resource restoration or ~~((the))~~ forest stewardship land ~~((category))~~
406 categories;

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407 ~~((13-))~~ 14. Scenic resource, viewpoint or view corridor - five points.

408 a. ~~((For the purposes of this subsection B.13.,))~~ ~~((s))~~ "Scenic resource" means an
409 area ~~((of ten or more enrolling acres))~~ of natural or recognized cultural features visually
410 significant to the aesthetic character of the county. ~~((A site eligible as a scenic resource))~~
411 The site must be significant to the identity of the local area ~~((and))~~, must be visible to a
412 significant number of the general public from public rights-of-way, must be of sufficient
413 size to substantially preserve the scenic resource value and must enroll at least ten acres of
414 open space.

415 b. ~~((For the purposes of this subsection B.13., a))~~ A "viewpoint" means a
416 property that provides a view of an area visually significant to the aesthetic character of the
417 county. ~~((To be eligible as a viewpoint, a))~~ A site must provide a view of a scenic natural or
418 recognized cultural resource in King County or other visually significant area ~~((and))~~, must
419 allow~~((s))~~ unlimited public access and must be identified by a permanent sign readily
420 visible from a road or other public right-of-way.

421 c. ~~((For the purposes of this subsection B.13., a))~~ A "view corridor" means a
422 property that contributes to the aesthetics of a recognized view corridor critical to
423 maintaining a public view of a visually significant scenic natural or recognized cultural
424 resource. ~~((A site eligible as a view corridor))~~ The site must contain at least one acre of
425 open space that contributes to a view corridor visible to the public and that provides views
426 of a scenic natural resource area or recognized cultural resource significant to the local
427 area. ~~((Recognized cultural areas must be found significant by t))~~ The King County historic
428 preservation officer or ((equivalent)) officer of another certified local government program
429 in the jurisdiction in which the property is located must find the recognized cultural areas to

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430 be significant and must find that the site contains significant inventoried or designated
431 historic properties. Eligibility is subject to determination by the department or applicable
432 jurisdiction;

433 ~~((14.))~~ 15. Significant plant or ecological site - five points. ~~((For the purposes of~~
434 ~~this subsection B.14.))~~ ~~((s))~~ Significant plant or ecological site" means an area that meets
435 the criteria for Element Occurrence established under the Washington Natural Heritage
436 Program authorized by chapter 79.70 RCW. An Element Occurrence is a particular, on-
437 the-ground observation of a rare species or ecosystem. An eligible site must be listed as an
438 Element Occurrence by the Washington Natural Heritage Program ~~((as of the date of the~~
439 ~~application))~~ or be identified as a property that meets the criteria for an Element
440 Occurrence. The identification must be confirmed by a qualified expert acceptable to the
441 department. The department ~~((will))~~ shall notify the Washington Natural Heritage Program
442 of any verified ~~((e))~~ Element ~~((e))~~ Occurrence on an enrolling property. Commercial
443 nurseries, arboretums or other maintained garden sites with native or nonnative plantings
444 are ineligible for this category;

445 ~~((15.))~~ 16. Significant wildlife or salmonid habitat - five points.

446 a. ~~((For the purposes of this subsection B.15.))~~ ~~((s))~~ Significant wildlife or
447 salmonid habitat" means:

448 (1) an area used by animal species listed as endangered, threatened, sensitive or
449 candidate by the Washington state Department of Fish and Wildlife or Department of
450 Natural Resources ~~((as of the date of the application,))~~ or used by species of local
451 significance that are listed by the King County Comprehensive Plan or a local jurisdiction;

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452 (2) an area where the species listed in subsection ~~((B.15.a.(1.))~~ C.16.a.(1) of
 453 this section are potentially found with sufficient frequency for critical ecological processes
 454 ~~((to occur))~~, such as reproduction, nesting, rearing, wintering, feeding or resting, to occur;

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

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

460 b. To be eligible ~~((as significant wildlife or salmonid habitat))~~, the department,
 461 by its own determination or by expert determination acceptable to the department, must
 462 verify that qualified species are present on the property or that the land fulfills the functions
 463 described in subsection ~~((B.15.a.))~~ C.16.a. of this section. To receive credit for salmonid
 464 habitat, the owner ~~((must))~~ shall provide a buffer at least fifteen percent greater in width
 465 than required by any applicable regulation. Property consisting mainly of disturbed or
 466 fragmented open space determined by the department as having minimal wildlife habitat
 467 significance is ineligible ~~((for this category))~~;

468 ~~((16.))~~ 17. Special animal site - three points. ~~((For the purposes of this subsection~~
 469 ~~B.16.))~~ ~~((s))~~ Special animal site" means a site that includes a wildlife habitat network
 470 identified by the King County Comprehensive Plan or individual jurisdictions through the
 471 Growth Management Act, chapter 36.70A RCW, or ~~((urban natural))~~ a biodiversity area
 472 ~~((as))~~ and corridor identified by the Washington state Department of Fish and Wildlife's
 473 priority habitats and species project as of the date of the application. ~~((To be eligible as a~~
 474 ~~special animal site, t))~~ The property must be identified by King County or local or state

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475 jurisdiction or by expert verification acceptable to the department or local jurisdiction.

476 Property consisting mainly of disturbed or fragmented open space determined by the
477 department to have minimal wildlife habitat significance is ineligible for this category;

478 ~~((17.))~~ 18. Surface water quality buffer – five, eight or ten total points. ~~((For the~~
479 ~~purposes of this subsection B.17.,))~~ ~~"((s))~~Surface water quality buffer" means an
480 undisturbed area that has a plant community in which native plants are dominant ~~((adjacent~~
481 ~~to))~~ abutting a lake, pond, stream, shoreline, wetland or marine waters on or abutting the
482 property, that provides buffers beyond that required by any applicable regulation. To ~~((be~~
483 ~~eligible as surface water quality buffer))~~ receive five points, the buffer must be at least fifty
484 percent wider than the buffer required by any applicable regulation ~~((and longer than~~
485 ~~twenty-five feet))~~. To receive eight points, the buffer must be at least two times the
486 required width. To receive ten points, the buffer must be at least three times the required
487 width. The qualifying buffer ~~((area))~~ must be longer than twenty-five feet and must be
488 preserved from clearing ~~((and intrusion by domestic animals and protected from grazing))~~
489 or maintenance, unless this area is part of a department-approved ecological enhancement,
490 farm management, forest stewardship, rural stewardship or resource restoration plan.
491 Grazing or use by livestock on such land is prohibited;

492 ~~((18.))~~ 19. Urban open space - five points.

493 a. ~~((For the purposes of this subsection B.18.,))~~ ~~"((u))~~Urban open space" means
494 land located within the boundaries of a city or within the urban growth area that has a plant
495 community in which native plants are dominant and that under the applicable zoning is
496 eligible for more intensive development or use. ~~((To be eligible as urban open space,~~

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497 ~~h~~)The enrolling area must be at least one acre, or be at least one-half acre if the land meets
498 one of the following criteria:

- 499 (1) the land conserves and enhances natural or scenic resources;
- 500 (2) the land protects streams or water supply;
- 501 (3) the land promotes conservation of soils, wetlands, beaches or tidal marshes;
- 502 (4) the land enhances the value to the public of ~~((abutting or neighboring))~~
503 adjacent parks, forests, wildlife preserves, nature reservations or sanctuaries or other open
504 space;
- 505 (5) the land enhances recreation opportunities ~~((to))~~ for the general public; or
- 506 (6) the land preserves visual quality along highways, roads, and streets or
507 scenic vistas.

508 b. Owners of noncontiguous properties that together meet the minimum acreage
509 requirement ~~((of subsection B.18.a. of this section))~~ may jointly apply under this category if
510 each property is closer than seventy-five feet to one other property in the application and if
511 each property contains an enrolling open space area at least as large as the minimum zoned
512 lot size; and

513 ~~((19.))~~ 20. Watershed protection area - five points. ~~((For the purposes of this~~
514 ~~subsection B.19.))~~ ~~((w))~~ Watershed protection area" means property contributing to the
515 forest cover that provides run-off reduction and groundwater protection. ~~((To be eligible as~~
516 ~~watershed protection area, t))~~ The property must consist of contiguous native forest or be in
517 the process of reforestation. The enrolling forested area must consist of additional forest
518 cover beyond that required by county or applicable local government regulation and must
519 be at least one acre or sixty-five percent of the property acreage, whichever is greater. If

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520 reforestation or improvements to the forest health are necessary, the property owner shall
521 provide and implement an ecological enhancement, forest stewardship, resource restoration
522 or rural stewardship plan that addresses this need and is acceptable to the department.

523 ~~((C.))~~ D. Property qualifying for an open space category in subsection ~~((B.))~~ C. of
524 this section may receive credit for additional points as follows:

525 ~~((1. Resource restoration—five points. For the purposes of this subsection C.1,~~
526 ~~"resource restoration" means restoration of an enrolling area of property benefiting an area~~
527 ~~in an open space resource category. Emphasis shall be placed on the restoration of~~
528 ~~anadromous fish rearing habitat, riparian zones, migration corridors and wildlife, upland,~~
529 ~~stream and wetland habitats. To be eligible as resource restoration, the owner must provide~~
530 ~~and implement a restoration plan developed in cooperation with the Soil Conservation~~
531 ~~Service, the state Department of Fisheries and Wildlife, King County or other appropriate~~
532 ~~local or county agency that is acceptable to by the department. Historic resource~~
533 ~~restoration must be approved by the King County historic preservation officer or officer of~~
534 ~~another certified local government and must be accompanied by a long-term maintenance~~
535 ~~plan. For resource restoration credit, the owner shall provide to the department a yearly~~
536 ~~monitoring report for at least five years following enrollment in the public benefit rating~~
537 ~~system program. The report shall describe the progress and success of the restoration~~
538 ~~project and shall include photographs to document the success. Land receiving credit for~~
539 ~~this category shall not receive credit for the forest stewardship land category or the rural~~
540 ~~stewardship land category;~~

541 ~~2. Additional surface water quality buffer—three or five points. For the purposes~~
542 ~~of this subsection C.2, "additional surface water quality buffer" means an undisturbed area~~

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543 ~~of native vegetation adjacent to a lake, pond, stream, wetland or marine water providing a~~
544 ~~buffer width of at least twice that required by regulation. To be eligible as additional~~
545 ~~surface water quality buffer, the property must qualify for the surface water quality buffer~~
546 ~~category in subsection B. of this section. Three points are awarded for additional buffers~~
547 ~~no less than two times the buffer width required by any applicable regulation. Five points~~
548 ~~are awarded for additional buffers no less than three times the buffer width required by any~~
549 ~~applicable regulation;~~

550 3.) 1. Conservation easement or historic preservation easement - eighteen points.
551 "Conservation easement or historic preservation easement" means land on which an
552 easement is voluntarily placed that restricts, in perpetuity, further potential development or
553 other uses of the property. The easement must be approved by the department and be
554 recorded with the King County recorder's office or its successor. The easement must be
555 conveyed to the county or to an organization acceptable to the department, such as a land
556 trust or conservancy. Historic preservation easements must also be approved by the
557 historic preservation officer of King County or of the local government jurisdiction in
558 which the property is located. An easement required by zoning, subdivision conditions or
559 other land use regulation is not eligible unless an additional substantive easement area is
560 provided beyond that otherwise required;

561 2. Contiguous parcels under separate ownership - two points ((per participating
562 owner above one owner. The points under this subsection C.3 accrue to all of the owners
563 of a single application. However, the withdrawal of a participating property by an owner
564 results in the loss of two points to the total credit awarded for each of the remaining owners

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565 ~~under this subsection C.3. For the purposes of this subsection C.3, "contiguous parcels"~~
566 ~~means either:)~~;

567 ~~((a. enrolling parcels abut each other without any significant natural or human-~~
568 ~~made barrier separating them; or)) a. "Contiguous parcels under separate ownership"~~

569 means at least two or more parcels under different ownership where either:

570 (1) the enrolling parcels and open space acreage abut each other without a
571 significant human-made barrier separating them; or

572 (2) the enrolling parcels do not abut each other, but abut a publicly owned open
573 space, without a significant human-made barrier separating the publicly owned open space
574 and the open space portion of the parcels seeking open space classification.

575 ~~((b. enrolling parcels abut a publicly owned open space but not necessarily abut~~
576 ~~each other without any significant natural or human-made barriers separating the publicly~~
577 ~~owned open space and the parcels seeking open space classification.)) b. Award of this~~

578 category requires a single application by multiple owners and parcels with identical
579 qualifying public benefit rating system resources. Only a single application fee is required.

580 c. Contiguous parcels of land with the same qualifying public benefit rating
581 system resources are eligible for treatment as a single parcel if open space classification is
582 sought under the same application, except as otherwise prohibited by the farm and

583 agricultural conservation land category. ((Award of this category requires a single
584 application by multiple owners and parcels with identical qualifying public benefit rating
585 system resources. Treatment as contiguous parcels shall include the requirement to pay

586 only a single application fee and the requirement that the total area of all parcels combined
587 must equal or exceed any required minimum area, rather than each parcel being required to

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588 ~~meet the minimum area. Individual parcels may be withdrawn from open space~~
589 ~~classification consistent with all applicable rules and regulations without affecting the~~
590 ~~continued eligibility of all other parcels accepted under the same application, but the~~
591 ~~combined area of the parcels remaining in open space classification must still qualify for~~
592 ~~their original enrolling public benefit rating system category or categories. To be eligible~~
593 ~~as contiguous parcels under separate ownership, the property must include two or more~~
594 ~~parcels under different ownership. The owners of each parcel included in the application~~
595 ~~must agree to identical terms and conditions for enrollment in the program;))~~

596 5-)) Each parcel need not meet the minimum acreage requirements for a resource
597 category so long as the total area of all enrolling land combined meets any required
598 minimum acreage requirements. The owners of each parcel included in the application
599 must agree to identical terms and conditions for enrollment in the program.

600 d. Individual parcels or portions of parcels may be withdrawn or removed from
601 open space classification, consistent with all applicable rules and regulations. The
602 continued eligibility of all parcels and associated acreage remaining in open space
603 classification accepted under the same application is dependent upon the continued
604 qualification for a resource category or categories.

605 e. Points are awarded for each participating owner above one owner and accrue
606 to all owners of a single application. The withdrawal or removal of all enrolled acreage
607 associated with an owner results in the loss of two points for each remaining owner;

608 ~~((4. Conservation easement or historic preservation easement—fifteen points. For~~
609 ~~the purposes of this subsection C.4, "conservation easement or historic preservation~~
610 ~~easement" means land on which an easement is voluntarily placed that restricts, in~~

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611 ~~perpetuity, further potential development or other uses of the property. The granting of this~~
612 ~~conservation easement or historic preservation easement provides additional value through~~
613 ~~permanent protection of a resource. These easements are typically donated or sold to a~~
614 ~~government or nonprofit organization, such as a land trust or conservancy. To be eligible as~~
615 ~~conservation easement or historic preservation easement, the easement must be approved~~
616 ~~by the department and be recorded with the records and licensing services division. The~~
617 ~~easement shall be conveyed to the county or to an organization acceptable to the~~
618 ~~department. In addition, historic preservation easements shall also be approved by the~~
619 ~~historic preservation officer of King County or officer of another certified of the local~~
620 ~~government jurisdiction in which the property is located. An easement required by zoning,~~
621 ~~subdivision conditions or other land use regulation is not eligible unless an additional~~
622 ~~substantive easement area is provided beyond that otherwise required;~~

623 5.) 3. Easement and access – thirty-five points. "Easement and access" means
624 that the property has at least one qualifying open space resource, unlimited public access or
625 limited public access due to resource sensitivity, and a conservation easement or historic
626 preservation easement in perpetuity in a form and with conditions acceptable to the
627 department. To be eligible, a property must receive credit for an open space category and
628 for the conservation easement or historic easement in perpetuity category. The owner must
629 agree to allow public access to the portion of the property designated for public access in
630 the easement. An easement required by zoning, subdivision conditions or other land use
631 regulation is not eligible, unless there is additional easement area beyond that required.
632 Credit for this category may not overlap with the equestrian-pedestrian-bicycle trail
633 linkage;

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634 4. Public access - points depend on type and frequency of access allowed. ~~((For~~
635 ~~the purposes of this subsection C.5,))~~ "~~((p))~~Public access" means the general public is
636 allowed access on an ongoing basis for uses such as ~~((, but not limited to,))~~ recreation,
637 education or training. Access must be allowed on ~~((only))~~ the portion of the property that
638 is designated for public access. The landowner may impose reasonable restrictions on
639 access, such as limiting use to daylight hours, ~~((that are mutually))~~ agreed to by ~~((the~~
640 ~~landowner and))~~ the department. No physical barriers may limit reasonable public access
641 or negatively affect an open space resource. ~~((To be eligible for public access at one of the~~
642 ~~levels described in a. through d. of this subsection C.5, a))~~A property owner shall
643 demonstrate that the property is open to public access and is used by the public. ~~((Public~~
644 ~~access points for historic properties shall be approved by t))~~The historic preservation
645 officer of King County or ~~((officer of another certified))~~ a certified officer of another local
646 government jurisdiction in which the property is located must approve the award of public
647 access points for historic properties. The property owner may be required to furnish and
648 maintain signage according to county specifications.

649 a. Unlimited public access - five points. Year-round access by the general public
650 is allowed ~~((on the enrolled parcel))~~ without special arrangements with the property owner.

651 b. Limited public access because of resource sensitivity - five points. Access
652 may be reasonably limited by the property owner ~~((on the enrolled parcel))~~ due to the
653 sensitive nature of the resource, with access provided only to appropriate user groups. The
654 access allowed ~~((shall))~~ should generally be for an educational, scientific or research
655 purpose and may require special arrangements with the owner.

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656 c. Seasonally limited public access - three points. Access by the public is
657 allowed only for part of the year due to due to seasonal conditions, as mutually agreed to by
658 the landowner and the department.

659 d. Environmental education access - three points. The landowner enters into an
660 agreement with a school, an organization with 26 U.S.C. Sec. 501(c)(3) tax status, or, with
661 the agreement of the department, another community organization that allows membership
662 by the general public to provide environmental education ((on the enrolled parcel)) to its
663 members or the public at large. The ((landowner and the)) department must ((mutually))
664 agree that the enrolled ((parcel)) portion of the property has value for environmental
665 education purposes.

666 ~~((d. Seasonally limited public access—three points. Access by the public is~~
667 ~~allowed on the enrolled parcel, without special arrangements with the property owner,~~
668 ~~during only part of the year based on seasonal conditions, as mutually agreed to by the~~
669 ~~landowner and the department.))~~

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

672 ~~((6. Easement and access—thirty five points. For the purposes of this subsection~~
673 ~~C.6, "easement and access" means that the property has at least one qualifying open space~~
674 ~~resource, unlimited public access or limited public access due to resource sensitivity, and a~~
675 ~~conservation easement or historic preservation easement in perpetuity in a form and with~~
676 ~~conditions acceptable to the department. To be eligible, a property must receive credit for~~
677 ~~an open space category and for the conservation easement or historic easement in~~
678 ~~perpetuity category. The owner must agree to allow public access to the portion of the~~

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679 ~~property designated for public access in the easement. An easement required by zoning,~~
680 ~~subdivision conditions or other land use regulation is not eligible, unless there is additional~~
681 ~~easement area beyond that required. Credit for this category ((cannot overlap with the~~
682 ~~equestrian-pedestrian-bicycle trail linkage category.)) 5. Resource restoration – five
683 points. "Resource restoration" means restoration of an enrolling area of property benefiting
684 an area in an open space resource category. Emphasis is placed on the restoration of native
685 vegetation associated with anadromous fish rearing habitat, riparian zones, migration
686 corridors and wildlife, forest, stream and wetland habitats. The owner shall provide and
687 implement a restoration plan approved by the department. The plan may be developed in
688 cooperation with a natural resource expert or agency. The approved restoration plan must,
689 at a minimum, include a purpose statement, a description of restoration work to be done, a
690 detailed site map of the area to be restored, a specific timeline for the restoration activities
691 to be completed and a monitoring schedule for the restoration project's first five years.
692 Historic resource restoration must be approved by the King County historic preservation
693 officer or officer of another certified local government in the jurisdiction in which the
694 property is located and must be accompanied by a long-term maintenance plan. The owner
695 shall also provide to the department a yearly monitoring report for at least five years
696 following enrollment in the public benefit rating system program. The report must describe
697 the progress and success of the restoration project and must include photographs to
698 document the success. Land receiving credit for this category may not receive credit for
699 the ecological enhancement land, forest stewardship land or rural stewardship land
700 categories.~~

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701 SECTION 13. Ordinance 1886, Section 11, as amended, and K.C.C. 20.36.120
702 are hereby amended to read as follows:

703 The county assessor shall approve or disapprove all applications for farm and
704 agricultural classification with due regard ~~((to))~~ for all relevant evidence. These
705 applications ~~((shall be))~~ are deemed ~~((to have been))~~ approved unless, prior to the first of
706 May of the year after such application was mailed or delivered to the assessor, the assessor
707 notifies the applicant in writing ~~((to the extent to which))~~ that some or all of the application
708 is denied.

709 SECTION 14. Ordinance 1886, Section 12, as amended, and K.C.C. 20.36.130
710 are hereby amended to read as follows:

711 A.1. An applicant for current assessment of farm and agricultural land who
712 receives notice in writing from the county assessor that all or a portion of the application
713 has been denied may appeal ~~((such))~~ the denial ~~((to the county council))~~ by filing a written
714 appeal with the ~~((clerk of the county council))~~ board of appeals and equalization within
715 ~~((twenty-one))~~ sixty calendar days of the date of the ~~((assessor's written))~~ notice of denial.

716 2. An applicant for public benefit rating system open space land who receives
717 notice in writing from the council that all or a portion of the application has been denied
718 may appeal the denial by filing a written appeal with the superior court of the county within
719 twenty calendar days of the date of the notice of denial.

720 B. An owner of farm and agricultural or open space classified land who receives
721 notice in writing from the county assessor that all or a portion of ~~((such))~~ the land has been
722 removed from current use classification may appeal ~~((such))~~ the removal ~~((to the county~~
723 ~~board of equalization))~~ by filing a written appeal with the ~~((clerk of the))~~ board of appeals

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724 and equalization within ~~((thirty))~~ sixty calendar days of the date of the ~~((assessor's written))~~
 725 notice of removal.

726 SECTION 15. Ordinance 10511, Section 6, and K.C.C. 20.36.160 are hereby
 727 amended to read as follows:

728 The public benefit rating system ~~((for open space land bases))~~ reduces the ~~((level of~~
 729 ~~assessed fair market value reduction))~~ appraised land value for the participating portion of
 730 the parcel. The level of reduction shall be based on the total number of points awarded
 731 ~~((points. The market value reduction))~~. The total number of points awarded establishes the
 732 current use value for taxation purposes. ~~((This))~~ The current use value ~~((will))~~ shall be
 733 expressed as a percentage of ~~((market))~~ appraised value based on the public benefit rating
 734 of the property and the following valuation schedule ~~((below))~~:

| 735 | <u>Public Benefit Rating</u> | <u>Current Use Value</u> |
|-----|--|--|
| 736 | 0-4 points | 100% of ((market)) <u>appraised</u> value |
| 737 | 5-10 points | 50% of ((market)) <u>appraised</u> value |
| 738 | 11-15 points | 40% of ((market)) <u>appraised</u> value |
| 739 | 16-20 points | 30% of ((market)) <u>appraised</u> value |
| 740 | 21-34 points | 20% of ((market)) <u>appraised</u> value |
| 741 | 35 ((52)) <u>points and above</u> | 10% of ((market)) <u>appraised</u> value |

742 SECTION 16. Ordinance 10511, Section 8, as amended, and K.C.C. 20.36.170
 743 are hereby repealed.

744 SECTION 17. Ordinance 10511, Section 9, and K.C.C. 20.36.180 are hereby
 745 amended to read as follows:

746 The executive shall submit an annual report to the council ~~((with))~~ that details the

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747 extent of participation in the public benefit rating system. ~~((The council shall reevaluate~~
748 ~~the public benefit rating system program two years from August 17, 1992, to assess the~~
749 ~~progress of the program.))~~

750 SECTION 18. Ordinance 15137, Section 10, as amended, and K.C.C. 20.36.190
751 are hereby amended to read as follows:

752 A. The definitions in K.C.C. 20.36.100 apply to this section.

753 B. A property may achieve a maximum ~~((of a))~~ ninety-percent reduction in
754 ~~((assessed))~~ appraised value ~~((of))~~ for that portion of the land enrolled in the public benefit
755 rating system ~~((through the rating system and the bonus categories. Portions of a property~~
756 ~~may qualify for open space designation))~~. A plant community where native plants are
757 dominant that does not independently contain a qualifying open space resource can
758 participate if it is contiguous to and provides a benefit to a portion of the property being
759 awarded credit for a qualifying open space priority resource. The department shall evaluate
760 ~~((a property for which open space classification is sought under this chapter))~~ the property
761 for the presence of open space resource categories. ~~((Adjacent))~~ Abutting parcels of land
762 with the same open space resources, owned by one or more landowners, may be eligible for
763 consideration as a single parcel if open space classification is sought under the same
764 application~~((, except for))~~; however, property pursuing credit for the farm and agricultural
765 conservation land category~~((, which))~~ must be owned by the same owner or held under the
766 same ownership. For ~~((the purpose of determining))~~ buffer measurements under this
767 chapter, the width is the distance perpendicular to the edge of the resource and the length of
768 the buffer is parallel to the resource. The entire buffer width may be averaged to qualify
769 for a resource category.

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770 ~~((B.1.))~~ C. The presence or occurrence of an eligible open space resource ~~((shall))~~

771 may be verified by:

772 ~~((a.))~~ 1. ~~((r))~~Reference to a recognized source, such as:

773 ~~((1))~~ a. the natural heritage data base;

774 ~~((2))~~ b. the state office of historic preservation;

775 ~~((3))~~ c. state, national, county or city registers of historic places;

776 ~~((4))~~ d. the ~~((interagency committee for outdoor))~~ Washington state recreation
777 and conservation office inventory of dry accretion beach and shoreline features;

778 ~~((5) the))~~ e. a shoreline master program;

779 ~~((6))~~ f. parks and recreation studies; or

780 ~~((7))~~ g. studies by the state Department of Fish and Wildlife or Department of
781 Natural Resources; ~~((r))~~

782 ~~((b))~~ 2. ~~((r))~~Reference to a map developed by the county or other recognized
783 authority~~((:))~~; or

784 ~~((2.))~~ 3. ~~((Alternatively, the existence of the resource may be verified u))~~Using the
785 best available source, such as a recognized expert in the particular resource being reviewed.

786 ~~((3.))~~ D. When more than one reasonable interpretation can be supported by the
787 text of this chapter, the department ~~((is authorized to))~~ may make a determination relating
788 to the open space resource definitions and eligibility standards in accordance with the
789 purpose and intent of this chapter. The department ~~((is authorized to))~~ may calculate the
790 appropriate area of land to receive credit for a particular priority resource to support the
791 assessor's determination of the accompanying tax reduction for each priority resource.

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792 ~~((C.))~~ E. Management or preservation of the open space resources is a condition for
 793 acceptance into the program. Each open space resource must be maintained in the same or
 794 better condition as it was when approved for enrollment. The property owner shall not
 795 engage in any activity that reduces the value of the open space resource, unless that activity
 796 is required for public safety and is conducted lawfully under appropriate permits. As a
 797 condition of enrollment into the program, the department may require ~~((the development~~
 798 ~~of))~~ the owner to develop a plan acceptable to the department to restore any property whose
 799 open space resources are degraded. In addition, if an existing approved plan for farm and
 800 agricultural conservation land, ecological enhancement land, forest stewardship land, rural
 801 stewardship land or resource restoration category has a management schedule or
 802 management goals that are out of date or otherwise require change, the owner is
 803 responsible for revising the plan. ~~((Any such revisions to the plan must be reviewed and~~
 804 ~~accepted by the department))~~ The department must review and accept any plan revisions.

805 ~~((D.))~~ F. The county~~((s))~~ may base acceptance of property into the public benefit
 806 rating system ~~((may be based))~~ on specific conditions or requirements being met, including,
 807 but not limited to, ~~((the granting of))~~ granting easements.

808 ~~((E.))~~ G. Except as otherwise provided in this chapter, the following properties or
 809 areas are not eligible for open space classification:

- 810 1. Improvements or structures ~~((situated up))~~ on eligible open space land;
 - 811 2. Properties that do not contain a qualifying open space ~~((priority))~~ resource;
 - 812 3. Open space areas protected by a native growth, forest retention or other
 - 813 covenant that is required as part of a development process or subdivision, or required by
 - 814 zoning or other land use regulations~~((, except))~~; however, such an area ~~((would be))~~ is
-

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815 eligible as ecological enhancement, forest stewardship or rural stewardship land if ~~((its~~
816 ~~participation))~~ implementation of the associated plan provides ~~((further public benefit and~~
817 ~~there is))~~ resource improvements within the enrolling open space. Such an area is also
818 eligible as public recreation area, equestrian-pedestrian-bicycle or active trail linkage due to
819 the public's use and benefit. Additionally:

820 a. ~~((e))~~Enrollment of at least ten percent additional open space acres, beyond that
821 restricted or required by applicable covenant or regulation, is necessary to qualify for
822 additional resource categories not referenced in this subsection G.3. but not including those
823 additional resource categories referenced in subsection G.3.b. of this section; and

824 b. The minimum ten percent additional ~~((acreage))~~ open space acres provided
825 must be acceptable to the department and feature a plant community where native plants
826 are dominant or ~~((that will))~~ should be dominant ~~((following the implementation of))~~ after
827 implementing an approved farm management, ecological enhancement, forest stewardship,
828 resource restoration or rural stewardship plan associated with the approved open space
829 resource or bonus category;

830 4. Any portion of a property ~~((that is))~~ dominated by or whose resource value is
831 compromised by invasive plant species, unless the department has received a resource
832 restoration, rural stewardship, ecological enhancement, farm management or forest
833 stewardship plan and determined that the plan adequately addresses the invasive plant
834 species concern and ~~((that the plan has been provided and))~~ is being implemented; and

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

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837 ~~((F.))~~ H. The department may monitor the participating portion of the property to
838 evaluate its current use and ~~((the))~~ continuing compliance with the conditions ~~((under~~
839 ~~which open space classification was granted))~~ of enrollment.

840 1. Monitoring may include scheduled, physical inspections of the property and in-
841 office review using aerial photography, mapping software or other available technologies.

842 2. ~~((An))~~ Program staff may require an owner of enrolled property ~~((enrolled in~~
843 ~~the program may be required))~~ to submit a monitoring report on an annual or less frequent
844 basis ~~((as requested by program staff))~~. ~~((This))~~ The report must include a brief description
845 of how the property still qualifies for each awarded resource category~~((It must also~~
846 ~~include))~~, photographs from established points on the property and any owner observations
847 ~~((by the owner))~~. The owner must submit this report to the department by email, the
848 program's website or by other mutually agreed upon method. An environmental consultant
849 need not prepare this report.

850 3. An owner of property receiving credit for farm and agricultural conservation
851 land, ecological enhancement land, forest stewardship land~~((;))~~ or rural stewardship land,
852 all of which require a stewardship or management plan, ~~((must))~~ shall annually provide a
853 monitoring report that describes progress ~~((of))~~ in implementing the plan and includes a
854 brief description of activities taken to implement the plan and photographs from established
855 points on the property. The owner ~~((must))~~ shall submit this report~~((, which must include a~~
856 ~~brief description of activities taken to implement the plan and photographs from established~~
857 ~~points on the property,))~~ to the department by email or by other mutually agreed upon
858 method. An environmental consultant need not prepare this report.

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859 ~~((G.))~~ I. Failure by the owner to meet the conditions of the approval or to maintain
860 the uses of the property that were the basis for the original approval (~~((shall be))~~) is grounds
861 for the department to reevaluate the property under the public benefit rating system. If the
862 reevaluation shows the property or a portion of the property is no longer eligible to
863 participate in the program (~~((because it does not qualify for any public benefit rating system~~
864 ~~category as originally approved))~~), the county shall take action to remove the current use
865 classification and determine the amount of deferred taxes, interest and penalty owed by the
866 landowner. (~~((An appeal by the landowner from such a determination may be filed as~~
867 ~~provided for in K.C.C. 20.36.130.B.))~~) If the reevaluation shows the property or a portion
868 thereof is no longer eligible as approved but that the property still qualifies for one or more
869 public benefit rating system resource categories, then the overall credit award shall be
870 adjusted to reflect the reevaluation. The new credit award may result in a current use
871 assessment at a lower percentage of (~~((market))~~) appraised value than was originally
872 approved. A landowner may appeal a determination under this subsection by following
873 K.C.C. 20.36.130.B.

874 SECTION 19. Severability. If any provision of this ordinance or its application

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875 to any person or circumstance is held invalid, the remainder of the ordinance or the
876 application of the provision to other persons or circumstances is not affected.

Ordinance 19556 was introduced on 12/14/2021 and passed as amended by the Metropolitan King County Council on 12/6/2022, by the following vote:

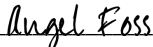
Yes: 9 - Balducci, Dembowski, Dunn, Kohl-Welles, Perry, McDermott, Upthegrove, von Reichbauer and Zahilay

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON

DocuSigned by:

F8830816F1C4427...
Claudia Balducci, Chair

ATTEST:

DocuSigned by:

C267B914088E4A0...
Melani Pedroza, Clerk of the Council

APPROVED this _____ day of 12/22/2022, _____.

DocuSigned by:

4FBCAB8196AE4C6...
Dow Constantine, County Executive

Attachments: None

Certificate Of Completion

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| Envelope Id: 15E8B00DB0CD40F6BBB2425171A12933 | Status: Completed |
| Subject: Complete with DocuSign: Ordinance 19556.docx | |
| Source Envelope: | |
| Document Pages: 40 | Signatures: 3 |
| Certificate Pages: 5 | Initials: 0 |
| AutoNav: Enabled | Envelope Originator: |
| Envelopeld Stamping: Enabled | Cherie Camp |
| Time Zone: (UTC-08:00) Pacific Time (US & Canada) | 401 5TH AVE |
| | SEATTLE, WA 98104 |
| | Cherie.Camp@kingcounty.gov |
| | IP Address: 198.49.222.20 |

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| 12/7/2022 1:50:02 PM | Cherie.Camp@kingcounty.gov | |
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Claudia Balducci
 claudia.balducci@kingcounty.gov
 Security Level: Email, Account Authentication (None)

Signature

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Angel Foss
 Angel.Foss@kingcounty.gov
 Deputy Clerk of the Council
 King County Council
 Security Level: Email, Account Authentication (None)

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Electronic Record and Signature Disclosure:
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Dow Constantine
 Dow.Constantine@kingcounty.gov
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| Kaitlyn Wiggins kwwiggins@kingcounty.gov Executive Legislative Coordinator King County Executive Office Security Level: Email, Account Authentication (None) Electronic Record and Signature Disclosure: Not Offered via DocuSign | <div style="border: 2px solid blue; padding: 5px; display: inline-block;">COPIED</div> | Sent: 12/15/2022 1:22:17 PM Viewed: 12/15/2022 3:19:19 PM |
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| Witness Events | Signature | Timestamp |
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| Notary Events | Signature | Timestamp |
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| Envelope Summary Events | Status | Timestamps |
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| Certified Delivered | Security Checked | 12/22/2022 2:23:16 PM |
| Signing Complete | Security Checked | 12/22/2022 2:23:26 PM |
| Completed | Security Checked | 12/22/2022 2:23:26 PM |

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