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1 ..title

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

22 amended, and K.C.C. 20.36.190 and repealing Ordinance
23 4462, Section 7, as amended, and K.C.C. 20.36.070 and
24 Ordinance 10511, Section 8, as amended, and K.C.C.
25 20.36.170.

26 ..body

27 PREAMBLE:

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

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

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

44 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

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

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

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

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

66 It is in the best interest of the county to maintain, preserve, conserve and
67 otherwise continue in existence adequate open space lands for the production of food,

68 fiber and forest crops, and to assure the use and enjoyment of natural resources and
69 scenic beauty for the economic and social well-being of the county and its ~~((citizens))~~
70 residents.

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

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

80 The definitions in this section apply throughout this chapter unless the context
81 clearly requires otherwise.

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

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

87 C. "Enrolled parcel" means a parcel:

88 1. ~~((f))~~For which a public benefit rating system open space or timber land
89 application has been received ~~((and))~~;

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

93 and

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

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

97 E. "Open space" means land that meets the criteria specified in RCW
98 84.34.020(1)(b) and (c).

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

102 G. "Timber land" means a property that contains five ~~((to twenty))~~ or more acres
103 of land that is devoted primarily to the growth and harvest of timber for commercial
104 purposes, according to an approved forest stewardship plan and that meets the
105 requirements of chapter 84.34 RCW and K.C.C. 20.36.110.

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

108 The office of hearing examiner, as established by K.C.C. chapter 20.22, shall act
109 on behalf of the council in considering applications for public benefit rating system
110 assessed valuation on open space land and for current use assessments on timber land ~~((in
111 an unincorporated area of the county or appeals from denials by the county assessor of
112 applications for current use assessments on farm and agricultural land))~~ as provided in

113 this chapter. The examiner shall process ~~((A))~~ all such applications and appeals ~~((shall be~~
114 ~~processed))~~ under the procedures established in this chapter and in K.C.C. chapter 20.22.

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

117 An owner of farm and agricultural land desiring current use assessment under
118 chapter 84.34 RCW shall ~~((make application))~~ apply to the county assessor ~~((and))~~.
119 ~~((a))~~ An owner of open space land desiring assessed valuation under the public benefit
120 rating system or an owner of timber land desiring current use assessment shall ~~((make~~
121 ~~application))~~ apply to the county council by filing an application with the department of
122 natural resources and parks. The application ~~((shall be upon))~~ must be on forms supplied
123 by the county ~~((and shall))~~, must include ~~((such))~~ any information ~~((deemed))~~ reasonably
124 necessary to properly classify an area of land under chapter 84.34 RCW ~~((with a))~~ and must
125 be notarized ~~((verification of the truth thereof))~~.

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

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

133 B. ~~((F))~~ A fee shall not be charged for an application ~~((is filed))~~ to ~~((add))~~ award
134 credit for farm and agricultural conservation land, ecological enhancement land, forest
135 stewardship land, resource restoration or rural stewardship land category to a parcel that

136 is already enrolled in the public benefit rating system(~~(, no fee shall be charged for that~~
137 ~~application)~~). The definitions in K.C.C. 20.36.100 apply to this subsection.

138 C. (~~In the case of~~) For all farm and agricultural land applications, whether the
139 application is based on land within or outside of an incorporated area, the (~~entire fee~~
140 ~~shall be collected and retained by the~~) county shall collect and retains the entire fee. (~~In~~
141 ~~the case of~~) For open space or timber land applications based on land in an incorporated
142 area of the county, where the city legislative authority has set no filing fee, the county fee
143 (~~shall~~) governs and the county shall collect and retains the entire fee (~~shall be collected~~
144 ~~and retained by the county~~). Where the city legislative authority has established a filing
145 fee for open space or timber land applications based on land in an incorporated area of
146 the county, the county shall collect the fee established in subsection A. of this section
147 (~~shall be collected by the county from the applicant and the county shall~~) and pay the
148 city one-half (~~of the fee collected~~). The amount (~~paid by the county to~~) the county
149 pays the city (~~shall~~) may not exceed the fee established by the city. The city (~~shall be~~)
150 is responsible for collecting any fees (~~that it~~) the city has established that exceed one-
151 half of the amount established by subsection A. of this section.

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

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

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

158 The clerk of the council shall publish ~~((N))~~ notice of the time, place and purpose of
159 a public hearing before the hearing examiner on an open space or a ~~((timberland))~~ timber
160 land application ~~((based on land in unincorporated area of the county shall be given by one~~
161 ~~publication at least ten days before the hearing. The clerk of the council shall publish this~~
162 ~~notice))~~ in a newspaper of general circulation in the area, at least ten days before the
163 hearing.

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

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

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

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

173 ~~((A. In the case of))~~ For open space and timber land applications ~~((received by))~~
174 the county ~~((based on))~~ receives for land in incorporated areas ~~((of the county))~~, the
175 department shall promptly transmit a copy of the application to the affected city. ~~((B. Such~~
176 ~~an application shall be acted upon by))~~ Both the county council~~((s transportation, economy~~
177 ~~and environment committee, or its successor))~~, consistent with K.C.C. 20.36.020, and the
178 applicable city legislative body ~~((The application shall be acted upon))~~ shall act on these
179 applications after a public hearing by each ~~((such))~~ body and after notice of each hearing

180 ~~((shall have been given))~~ by ~~((one))~~ publication in a newspaper of general circulation in the
181 area at least ten days before the hearing.

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

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

186 B. To be eligible for open space classification under the public benefit rating
187 system, a property must contain one or more qualifying open space resources and have at
188 least five points, as determined under this section. The department shall review each
189 application and recommend award of credit for current use of the property ~~((that is the~~
190 ~~subject of the application))~~. In making ~~((such a))~~ the recommendation, the department shall
191 utilize the point system described in subsections ~~((B-))~~ C. and ~~((C-))~~ D. of this section.

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

194 1. ~~((Public recreation area—five points. For the purposes of this subsection B.1,~~
195 ~~"public recreation area" means land devoted to providing active or passive recreation use or~~
196 ~~that complements or substitutes for recreation facilities characteristically provided by~~
197 ~~public agencies. Use of motorized vehicles is prohibited on land receiving tax reduction~~
198 ~~for this category, except for golf carts on golf courses, for maintenance or for medical,~~
199 ~~public safety or police emergencies. To be eligible as a public recreation area, the facilities~~
200 ~~must be open to the general public or to specific public user groups, such as youth, senior~~
201 ~~citizens or people with disabilities. A property must be identified by the responsible~~
202 ~~agency within whose jurisdiction the property is located as meeting the definition of public~~

203 recreation area. ~~If a property meets the definition of public recreation area, the property~~
204 ~~owner must use best practices, if any, that are defined in K.C.C. chapter 21A.06. If a fee is~~
205 ~~charged for use, it must be comparable to the fee charged by a like public facility;))~~ Active
206 trail linkage - fifteen or twenty-five points. "Active trail linkage" means land in private
207 ownership through which the owner agrees to allow nonmotorized public passage, for the
208 purpose of providing a connection between trails within the county's regional trails system
209 and local or regional attractions or points of interest, for trail users including equestrians,
210 pedestrians, bicyclists and other users. "Local or regional attractions or points of interest"
211 include other trails, parks, waterways or other recreational and open space attractions, retail
212 centers, arts and cultural facilities, transportation facilities, residential concentrations or
213 similar destinations. The linkage must be open to passage by the general public and the
214 property owner shall enter into an agreement with the county consistent with applicable
215 parks and recreation division policies to grant public access. To receive twenty-five points,
216 the property owner shall enter into an agreement with the county regarding improvement of
217 the trail, including trail pavement and maintenance. To receive fifteen points, the property
218 owner shall agree to allow a soft-surface, nonpaved trail. The parks and recreation division
219 is authorized to develop criteria for determining the highest priority linkages for which it
220 will enter into agreements with property owners;

221 2. Aquifer protection area - five points. ~~((For the purposes of this subsection~~
222 ~~B.2;))~~ ((a)) "Aquifer protection area" means property that has a plant community in which
223 native plants are dominant and that includes an area designated as a critical aquifer
224 recharge area under K.C.C. chapter 21A.24 or applicable city critical aquifer recharge area
225 regulations. ~~((To be eligible as an aquifer protection area, a))~~ At least fifty percent of the

226 enrolling open space area or a minimum of one acre of open space (~~(shall)~~) must be
227 designated as a critical aquifer recharge area. If the enrolling open space area does not
228 have a plant community in which native plants are dominant, a plan for revegetation must
229 be submitted and approved by the department, and must be implemented according to the
230 plan's proposed schedule of activities;

231 3. Buffer to public or current use classified land - three points. (~~For the purposes~~
232 ~~of this subsection B.3,)~~) "~~(b)~~Buffer to public or current use classified land" means land
233 that has a plant community in which native plants are dominant or has other natural
234 features, such as streams or wetlands, and that is (~~adjacent~~) abutting and provides a buffer
235 to a publicly owned park, trail(~~(s)~~) or forest, to land legally required to remain in a natural
236 state (~~(or)~~), to a state or federal highway or (~~is adjacent to and provides a buffer~~) to a
237 property participating in a current use taxation program under chapters 84.33 or 84.34
238 RCW. The buffer (~~shall be no less than~~) must be at least fifty feet (~~in length~~) long and
239 fifty feet (~~in width~~) wide. Public roads may separate the public land, or land in private
240 ownership classified under chapters 84.33 or 84.34 RCW, from the buffering land, if the
241 entire buffer is at least as wide and long as the adjacent section of the road easement.
242 Landscaping or other nonnative vegetation (~~shall~~) may not separate the public land or
243 land enrolled under chapters 84.33 or 84.34 RCW from the native vegetation buffer. The
244 department may grant an exception to the native vegetation requirement for property along
245 parkways with historic designation, upon review and recommendation of the historic
246 preservation officer of King County or the local jurisdiction in which the property is
247 located. Eligibility for this exception does not extend to a property where plantings are

248 required or existing plant communities are protected under local zoning codes,
249 development mitigation requirements or other local regulations;

250 4. Ecological enhancement land – eighteen points. "Ecological enhancement
251 land" means enrolling open space lands undergoing recovery of significantly degraded or
252 lost ecological function or processes. The following requirements must be met:

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

256 b. The ecological enhancement project must include removing significant
257 human-made structures, alterations or impediments such as shoreline armoring, roads,
258 culverts and wetland fill that are detrimental to significant wildlife or salmonid habitat.
259 The intent of the removal must be to reestablish natural function or processes to the
260 project area;

261 c. The owner is responsible for providing and implementing an ecological
262 enhancement plan for the proposed project. The approved enhancement plan must
263 include at least a statement of purpose, detailed description of work to be done, site map
264 of the project area and specific timeline for the enhancement activities to be completed
265 and must be approved by the department; and

266 d. The owner shall annually provide to the department a monitoring report
267 detailing the enhancement efforts' success for five years following enrollment. The
268 owner shall also provide any additional monitoring reports required by K.C.C. 20.36.190.
269 The monitoring report must describe the progress and success of the enhancement project
270 and must include photographs to document the success. Land receiving credit for this

271 category may not receive credit for the rural stewardship land or resource restoration
272 categories;

273 5. Equestrian-pedestrian-bicycle trail linkage - thirty-five points. (~~For the~~
274 ~~purposes of this subsection B.4,)~~ ~~((e))~~ "Equestrian-pedestrian-bicycle trail linkage" means
275 land in private ownership that the property owner allows the public to use as an off-road
276 trail linkage for equestrian, pedestrian or other nonmotorized uses or that provides a trail
277 link from a public right-of-way to a trail system. Use of motorized vehicles is prohibited
278 on trails receiving a tax reduction for this category, except for maintenance or for medical,
279 public safety or police emergencies. Public access is required only on that portion of the
280 property containing the trail. The landowner may impose reasonable restrictions on access
281 that are mutually agreed to by the landowner and the department, such as limiting use to
282 daylight hours. To be eligible as an equestrian-pedestrian-bicycle trail linkage, the owner
283 shall provide a trail easement to an appropriate public or private entity acceptable to the
284 department. The easement (~~(shall)~~) must be recorded with the (~~(records and licensing~~
285 ~~services division))~~ King County recorder's office or its successor. In addition to the area
286 covered by the trail easement, adjacent land used as pasture, barn or stable area and any
287 corral or paddock may be included, if an approved and implemented farm management
288 plan is provided. Land necessary to provide a buffer from the trail to other nonequestrian
289 uses, land that contributes to the aesthetics of the trail, such as a forest, and land set aside
290 and marked for off road parking for trail users may also be included as land eligible for
291 current use taxation. Those portions of private roads, driveways or sidewalks open to the
292 public for this purpose may also qualify. Fencing and gates are not allowed in the trail
293 easement area, except those that are parallel to the trail or linkage;

294 ~~((5. Active trail linkage—fifteen or twenty five points. For the purposes of this~~
295 ~~subsection B.5, "active trail linkage" means land in private ownership through which the~~
296 ~~owner agrees to allow nonmotorized public passage, for the purpose of providing a~~
297 ~~connection between trails within the county's regional trails system and local or regional~~
298 ~~attractions or points of interest, for trail users including equestrians, pedestrians, bicyclists~~
299 ~~and other users. For the purposes of this subsection B.5., "local or regional attractions or~~
300 ~~points of interest" include other trails, parks, waterways or other recreational and open~~
301 ~~space attractions, retail centers, arts and cultural facilities, transportation facilities,~~
302 ~~residential concentrations or similar destinations. To be eligible as an active trail linkage,~~
303 ~~the linkage must be open to passage by the general public and the property owner must~~
304 ~~enter into an agreement with the county consistent with applicable parks and recreation~~
305 ~~division policies to grant public access. To receive twenty five points, the property owner~~
306 ~~must enter into an agreement with the county regarding improvement of the trail, including~~
307 ~~trail pavement and maintenance. To receive fifteen points, the property owner must agree~~
308 ~~to allow a soft surface, nonpaved trail. The parks and recreation division is authorized to~~
309 ~~develop criteria for determining the highest priority linkages for which it will enter into~~
310 ~~agreements with property owners.))~~

311 6. Farm and agricultural conservation land - five points. ~~((For the purposes of this~~
312 ~~subsection B.6.))~~ ~~((~~§~~)Farm and agricultural conservation land" means land previously~~
313 classified as farm and agricultural land under RCW 84.34.020 that no longer meets the
314 criteria of farm and agricultural land, or traditional farmland not classified under chapter
315 84.34 RCW that has not been irrevocably devoted to a use inconsistent with agricultural
316 uses and has a high potential for returning to commercial agriculture. ~~((To be eligible as~~

317 ~~farm and agricultural conservation land, t))~~The property must be used for farm and
318 agricultural activities or have a high probability of returning to agriculture and the property
319 owner must commit to returning the property to farm or agricultural activities by
320 implementing a farm management plan. An applicant must have an approved farm
321 management plan in accordance with K.C.C. 21A.24.051 that is acceptable to the
322 department and that is being implemented according to its proposed schedule of activities
323 before receiving credit for this category. Farm and agricultural activities must occur on at
324 least one acre of the property. Eligible land must be zoned to allow agricultural uses and be
325 owned by the same owner or held under the same ownership. Land receiving credit for this
326 category ~~((shall))~~ may not receive credit for the ~~((category"))~~ contiguous parcels under
327 separate ownership~~(("))~~ category;

328 7. Forest stewardship land - five points. ~~((For the purposes of this subsection~~
329 ~~B.7.))~~ ~~((f))~~ Forest stewardship land" means property that is managed according to an
330 approved forest stewardship plan and that is not enrolled in the timberland program under
331 chapter 84.34 RCW or the designated forestland program under chapter 84.33 RCW. ~~((To~~
332 ~~be eligible as forest stewardship land, t))~~The property must contain at least four acres of
333 contiguous forestland, which may include land undergoing reforestation, according to the
334 approved plan. The owner shall have and implement a forest stewardship plan approved by
335 the department. The forest stewardship plan may emphasize forest retention, harvesting or
336 a combination of both. Land receiving credit for this category ~~((shall))~~ may not receive
337 credit for the resource restoration ~~((category or the))~~ or rural stewardship land ~~((category))~~
338 categories;

339 8. Historic landmark or archeological site: buffer to a designated site - three
340 points. ~~((For the purposes of this subsection B.8,))~~ ~~"((h))~~Historic landmark or
341 archaeological site: buffer to a designated site" means property adjacent to land
342 constituting or containing a designated county or local historic landmark or archeological
343 site, as determined by ~~((the historic preservation officer of King County or other~~
344 ~~jurisdiction in which the property is located that manages a))~~ King County's historic
345 preservation officer or by a manager of a certified local government program in the
346 jurisdiction in which the property is located. ~~((To be eligible as a historic landmark or~~
347 ~~archeological site: buffer to a designated site, a))~~ A property must have a plant community
348 in which native plants are dominant ~~((and be adjacent to or in the immediate vicinity of))~~
349 and provide a significant buffer for a designated landmark or archaeological site listed on
350 the county or other certified local government list or register of historic places or
351 landmarks. ~~((For the purposes of this subsection B.8,))~~ ~~"((s))~~Significant buffer" means
352 land and plant communities that provide physical, visual, noise or other barriers and
353 separation from adverse effects to the historic resources due to adjacent land use;

354 9. Historic landmark or archeological site: designated site - five points. ~~((For the~~
355 ~~purposes of this subsection B.9,))~~ ~~"((h))~~Historic landmark or archaeological site:
356 designated site" means land that constitutes or ~~((upon which is situated))~~ contains a historic
357 landmark designated by King County or other certified local government program in the
358 jurisdiction in which the property is located. Historic landmarks include buildings,
359 structures, districts or sites of significance in the county's historic or prehistoric heritage,
360 such as Native American settlements, trails, pioneer settlements, farmsteads, roads,
361 industrial works, bridges, burial sites, prehistoric and historic archaeological sites or

362 traditional cultural properties. ~~((To be eligible as a historic landmark or archeological site:~~
363 ~~designated site, a))~~ A property must be listed on a county or other certified local
364 government list or register of historic places or landmarks for which there is local
365 regulatory protection. Eligible property may include property that contributes to the
366 historic character within designated historic districts, as defined by the historic preservation
367 officer of King County or other certified local government jurisdiction. The King County
368 historic preservation officer shall make the determination on eligibility;

369 10. Historic landmark or archeological site: eligible site - three points. ~~((For the~~
370 ~~purposes of this subsection B.10,))~~ ~~((h))~~ Historic landmark or archaeological site: eligible
371 site" means land that constitutes or ~~((upon which is situated))~~ contains a historic property
372 that has the potential of being designated by a certified local government jurisdiction,
373 including buildings, structures, districts or sites of significance in the county's historic or
374 prehistoric heritage, such as Native American settlements, pioneer settlements, farmsteads,
375 roads, industrial works, bridges, burial sites, prehistoric and historic archaeological sites or
376 traditional cultural properties. ~~((An eligible property must be determined by))~~ To be
377 eligible, the historic preservation officer of King County or other certified local
378 government program in the jurisdiction in which the property is located ~~((to be eligible))~~
379 must determine the property meets the jurisdiction's criteria for designation and listing on
380 the county or other local register of historic places or landmarks for which there is local
381 regulatory protection. Eligible property may include contributing property within
382 designated historic districts. Property listed on the state or national Registers of Historic
383 Places may qualify under this category;

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

394 12. Rural open space - five points. ~~((For the purposes of this subsection B.11.))~~
395 ~~"((§))Rural open space"~~ means an area of ten or more contiguous acres of open space
396 located outside of the urban growth area as identified in the King County Comprehensive
397 Plan that:

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

403 ~~((12.))~~ 13. Rural stewardship land - five points. ~~((For the purposes of this~~
404 ~~subsection B.12.))~~ ~~"((§))Rural stewardship land"~~ means land ~~((s))~~ zoned RA (rural area), A
405 ~~((agriculture))~~ agricultural) or F (forest), that has an implemented rural stewardship plan
406 ~~((as provided in))~~ under K.C.C. chapter 21A.24 ~~((that is))~~ acceptable to the department. On

407 RA-zoned (~~(property)~~) properties, the approved rural stewardship plan (~~(shall)~~) must meet
408 the goals and standards of K.C.C. 21A.24.055. (~~(For)~~) On A- and F-zoned properties,
409 credit for this category is allowed if the plan meets the goals of K.C.C. 21A.24.055 (~~(D.~~
410 ~~through G)~~). A rural stewardship plan includes, but is not limited to, identification of
411 critical areas, location of structures and significant features, site-specific best management
412 practices, a schedule for implementation and a plan for monitoring as provided in K.C.C.
413 21A.24.055. To be eligible as rural stewardship land, the open space must be at least one
414 acre and feature a plant community in which native plants are dominant or be in the process
415 of native vegetation restoration, reforestation or enhancement (~~(of native vegetation)~~).
416 Land receiving credit for this category (~~(shall)~~) may not receive credit for the ecological
417 enhancement land, resource restoration or (~~(the)~~) forest stewardship land (~~(category)~~)
418 categories;

419 (~~(13-)~~) 14. Scenic resource, viewpoint or view corridor - five points.

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

427 b. (~~(For the purposes of this subsection B.13., a)~~) A "viewpoint" means a
428 property that provides a view of an area visually significant to the aesthetic character of the
429 county. (~~(To be eligible as a viewpoint, a)~~) A site must provide a view of a scenic natural or

430 recognized cultural resource in King County or other visually significant area (~~and~~), must
431 allow(~~(s)~~) unlimited public access and must be identified by a permanent sign readily
432 visible from a road or other public right-of-way.

433 c. (~~For the purposes of this subsection B.13., a~~) A "view corridor" means a
434 property that contributes to the aesthetics of a recognized view corridor critical to
435 maintaining a public view of a visually significant scenic natural or recognized cultural
436 resource. (~~A site eligible as a view corridor~~) The site must contain at least one acre of
437 open space that contributes to a view corridor visible to the public and that provides views
438 of a scenic natural resource area or recognized cultural resource significant to the local
439 area. (~~Recognized cultural areas must be found significant by t~~) The King County historic
440 preservation officer or (~~equivalent~~) officer of another certified local government program
441 in the jurisdiction in which the property is located must find the recognized cultural areas to
442 be significant and must find that the site contains significant inventoried or designated
443 historic properties. Eligibility is subject to determination by the department or applicable
444 jurisdiction;

445 (~~(14.)~~) 15. Significant plant or ecological site - five points. (~~For the purposes of~~
446 ~~this subsection B.14.,)~~ (~~(s)~~) Significant plant or ecological site" means an area that meets
447 the criteria for Element Occurrence established under the Washington Natural Heritage
448 Program authorized by chapter 79.70 RCW. An Element Occurrence is a particular, on-
449 the-ground observation of a rare species or ecosystem. An eligible site must be listed as an
450 Element Occurrence by the Washington Natural Heritage Program (~~as of the date of the~~
451 ~~application~~) or be identified as a property that meets the criteria for an Element
452 Occurrence. The identification must be confirmed by a qualified expert acceptable to the

453 department. The department will notify the Washington Natural Heritage Program of any
454 verified ~~((e))~~ Element ~~((o))~~ Occurrence on an enrolling property. Commercial nurseries,
455 arboretums or other maintained garden sites with native or nonnative plantings are
456 ineligible for this category;

457 ~~((15.))~~ 16. Significant wildlife or salmonid habitat - five points.

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

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

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

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

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

472 b. To be eligible ~~((as significant wildlife or salmonid habitat))~~, the department,
473 by its own determination or by expert determination acceptable to the department, must
474 verify that qualified species are present on the property or that the land fulfills the functions
475 described in subsection ~~((B.15.a.))~~ C.16.a. of this section. To receive credit for salmonid

476 habitat, the owner ~~((must))~~ shall provide a buffer at least fifteen percent greater in width
477 than required by any applicable regulation. Property consisting mainly of disturbed or
478 fragmented open space determined by the department as having minimal wildlife habitat
479 significance is ineligible ~~((for this category))~~;

480 ~~((16.))~~ 17. Special animal site - three points. ~~((For the purposes of this subsection~~
481 ~~B.16.7.))~~ ~~((s))~~ Special animal site means a site that includes a wildlife habitat network
482 identified by the King County Comprehensive Plan or individual jurisdictions through the
483 Growth Management Act, chapter 36.70A RCW, or ~~((urban natural))~~ a biodiversity area
484 ~~((as))~~ and corridor identified by the Washington state Department of Fish and Wildlife's
485 priority habitats and species project as of the date of the application. ~~((To be eligible as a~~
486 ~~special animal site, t))~~ The property must be identified by King County or local or state
487 jurisdiction or by expert verification acceptable to the department or local jurisdiction.
488 Property consisting mainly of disturbed or fragmented open space determined by the
489 department to have minimal wildlife habitat significance is ineligible for this category;

490 ~~((17.))~~ 18. Surface water quality buffer – five, eight or ten total points. ~~((For the~~
491 ~~purposes of this subsection B.17.7.))~~ ~~((s))~~ Surface water quality buffer means an
492 undisturbed area that has a plant community in which native plants are dominant ~~((adjacent~~
493 ~~t))~~ abutting a lake, pond, stream, shoreline, wetland or marine waters on or abutting the
494 property, that provides buffers beyond that required by any applicable regulation. To ~~((be~~
495 ~~eligible as surface water quality buffer))~~ receive five points, the buffer must be at least fifty
496 percent wider than the buffer required by any applicable regulation ~~((and longer than~~
497 ~~twenty five feet))~~. To receive eight points, the buffer must be at least two times the
498 required width. To receive ten points, the buffer must be at least three times the required

499 width. The qualifying buffer (~~(area)~~) must be longer than twenty-five feet and must be
500 preserved from clearing (~~(and intrusion by domestic animals and protected from grazing)~~)
501 or maintenance, unless this area is part of a department-approved ecological enhancement,
502 farm management, forest stewardship, rural stewardship or resource restoration plan.

503 Grazing or use by livestock on such land is prohibited;

504 ~~((18-))~~ 19. Urban open space - five points.

505 a. ~~((For the purposes of this subsection B.18,))~~ ~~((u))~~ Urban open space" means
506 land located within the boundaries of a city or within the urban growth area that has a plant
507 community in which native plants are dominant and that under the applicable zoning is
508 eligible for more intensive development or use. ~~((To be eligible as urban open space,~~
509 ~~€))~~ The enrolling area must be at least one acre, or be at least one-half acre if the land meets
510 one of the following criteria:

- 511 (1) the land conserves and enhances natural or scenic resources;
- 512 (2) the land protects streams or water supply;
- 513 (3) the land promotes conservation of soils, wetlands, beaches or tidal marshes;
- 514 (4) the land enhances the value to the public of ~~((abutting or neighboring))~~

515 adjacent parks, forests, wildlife preserves, nature reservations or sanctuaries or other open
516 space;

517 (5) the land enhances recreation opportunities ~~((€))~~ for the general public; or

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

520 b. Owners of noncontiguous properties that together meet the minimum acreage
521 requirement ~~((of subsection B.18.a. of this section))~~ may jointly apply under this category if

522 each property is closer than seventy-five feet to one other property in the application and if
523 each property contains an enrolling open space area at least as large as the minimum zoned
524 lot size; and

525 ~~((19.))~~ 20. Watershed protection area - five points. ~~((For the purposes of this~~
526 ~~subsection B.19,))~~ ~~((w))~~ Watershed protection area" means property contributing to the
527 forest cover that provides run-off reduction and groundwater protection. ~~((To be eligible as~~
528 ~~watershed protection area, t))~~ The property must consist of contiguous native forest or be in
529 the process of reforestation. The enrolling forested area must consist of additional forest
530 cover beyond that required by county or applicable local government regulation and must
531 be at least one acre or sixty-five percent of the property acreage, whichever is greater. If
532 reforestation or improvements to the forest health are necessary, the property owner shall
533 provide and implement an ecological enhancement, forest stewardship, resource restoration
534 or rural stewardship plan that addresses this need and is acceptable to the department.

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

537 ~~((1. Resource restoration—five points. For the purposes of this subsection C.1,~~
538 ~~"resource restoration" means restoration of an enrolling area of property benefiting an area~~
539 ~~in an open space resource category. Emphasis shall be placed on the restoration of~~
540 ~~anadromous fish rearing habitat, riparian zones, migration corridors and wildlife, upland,~~
541 ~~stream and wetland habitats. To be eligible as resource restoration, the owner must provide~~
542 ~~and implement a restoration plan developed in cooperation with the Soil Conservation~~
543 ~~Service, the state Department of Fisheries and Wildlife, King County or other appropriate~~
544 ~~local or county agency that is acceptable to by the department. Historic resource~~

545 restoration must be approved by the King County historic preservation officer or officer of
546 another certified local government and must be accompanied by a long-term maintenance
547 plan. For resource restoration credit, the owner shall provide to the department a yearly
548 monitoring report for at least five years following enrollment in the public benefit rating
549 system program. The report shall describe the progress and success of the restoration
550 project and shall include photographs to document the success. Land receiving credit for
551 this category shall not receive credit for the forest stewardship land category or the rural
552 stewardship land category;

553 2. ~~Additional surface water quality buffer—three or five points. For the purposes~~
554 ~~of this subsection C.2, "additional surface water quality buffer" means an undisturbed area~~
555 ~~of native vegetation adjacent to a lake, pond, stream, wetland or marine water providing a~~
556 ~~buffer width of at least twice that required by regulation. To be eligible as additional~~
557 ~~surface water quality buffer, the property must qualify for the surface water quality buffer~~
558 ~~category in subsection B. of this section. Three points are awarded for additional buffers~~
559 ~~no less than two times the buffer width required by any applicable regulation. Five points~~
560 ~~are awarded for additional buffers no less than three times the buffer width required by any~~
561 ~~applicable regulation;~~

562 3.) 1. Conservation easement or historic preservation easement - eighteen points.
563 "Conservation easement or historic preservation easement" means land on which an
564 easement is voluntarily placed that restricts, in perpetuity, further potential development or
565 other uses of the property. The easement must be approved by the department and be
566 recorded with the King County recorder's office or its successor. The easement must be
567 conveyed to the county or to an organization acceptable to the department, such as a land

568 trust or conservancy. Historic preservation easements must also be approved by the
569 historic preservation officer of King County or of the local government jurisdiction in
570 which the property is located. An easement required by zoning, subdivision conditions or
571 other land use regulation is not eligible unless an additional substantive easement area is
572 provided beyond that otherwise required;

573 2. Contiguous parcels under separate ownership - two points ((per participating
574 owner above one owner. The points under this subsection C.3 accrue to all of the owners
575 of a single application. However, the withdrawal of a participating property by an owner
576 results in the loss of two points to the total credit awarded for each of the remaining owners
577 under this subsection C.3. For the purposes of this subsection C.3, "contiguous parcels"
578 means either:)).

579 ((a. enrolling parcels abut each other without any significant natural or human-
580 made barrier separating them; or)) a. "Contiguous parcels under separate ownership"
581 means at least two or more parcels under different ownership where either:

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

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

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

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

592 c. Contiguous parcels of land with the same qualifying public benefit rating
593 system resources are eligible for treatment as a single parcel if open space classification is
594 sought under the same application, except as otherwise prohibited by the farm and
595 agricultural conservation land category. ((Award of this category requires a single
596 application by multiple owners and parcels with identical qualifying public benefit rating
597 system resources. Treatment as contiguous parcels shall include the requirement to pay
598 only a single application fee and the requirement that the total area of all parcels combined
599 must equal or exceed any required minimum area, rather than each parcel being required to
600 meet the minimum area. Individual parcels may be withdrawn from open space
601 classification consistent with all applicable rules and regulations without affecting the
602 continued eligibility of all other parcels accepted under the same application, but the
603 combined area of the parcels remaining in open space classification must still qualify for
604 their original enrolling public benefit rating system category or categories. To be eligible
605 as contiguous parcels under separate ownership, the property must include two or more
606 parcels under different ownership. The owners of each parcel included in the application
607 must agree to identical terms and conditions for enrollment in the program;))

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

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

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

620 ~~((4. Conservation easement or historic preservation easement – fifteen points. For~~
621 ~~the purposes of this subsection C.4, "conservation easement or historic preservation~~
622 ~~easement" means land on which an easement is voluntarily placed that restricts, in~~
623 ~~perpetuity, further potential development or other uses of the property. The granting of this~~
624 ~~conservation easement or historic preservation easement provides additional value through~~
625 ~~permanent protection of a resource. These easements are typically donated or sold to a~~
626 ~~government or nonprofit organization, such as a land trust or conservancy. To be eligible as~~
627 ~~conservation easement or historic preservation easement, the easement must be approved~~
628 ~~by the department and be recorded with the records and licensing services division. The~~
629 ~~easement shall be conveyed to the county or to an organization acceptable to the~~
630 ~~department. In addition, historic preservation easements shall also be approved by the~~
631 ~~historic preservation officer of King County or officer of another certified of the local~~
632 ~~government jurisdiction in which the property is located. An easement required by zoning,~~
633 ~~subdivision conditions or other land use regulation is not eligible unless an additional~~
634 ~~substantive easement area is provided beyond that otherwise required;~~

635 5.) 3. Easement and access – thirty-five points. "Easement and access" means
636 that the property has at least one qualifying open space resource, unlimited public access or
637 limited public access due to resource sensitivity, and a conservation easement or historic
638 preservation easement in perpetuity in a form and with conditions acceptable to the
639 department. To be eligible, a property must receive credit for an open space category and
640 for the conservation easement or historic easement in perpetuity category. The owner must
641 agree to allow public access to the portion of the property designated for public access in
642 the easement. An easement required by zoning, subdivision conditions or other land use
643 regulation is not eligible, unless there is additional easement area beyond that required.
644 Credit for this category may not overlap with the equestrian-pedestrian-bicycle trail
645 linkage;

646 4. Public access - points depend on type and frequency of access allowed. ~~((For~~
647 ~~the purposes of this subsection C.5,)) "((p))Public access" means the general public is~~
648 ~~allowed access on an ongoing basis for uses such as ((, but not limited to,)) recreation,~~
649 ~~education or training. Access must be allowed on ((only)) the portion of the property that~~
650 ~~is designated for public access. The landowner may impose reasonable restrictions on~~
651 ~~access, such as limiting use to daylight hours, ((that are mutually)) agreed to by ((the~~
652 ~~landowner and)) the department. No physical barriers may limit reasonable public access~~
653 ~~or negatively affect an open space resource. ((To be eligible for public access at one of the~~
654 ~~levels described in a. through d. of this subsection C.5, a))A property owner shall~~
655 ~~demonstrate that the property is open to public access and is used by the public. ((Public~~
656 ~~access points for historic properties shall be approved by t))The historic preservation~~
657 ~~officer of King County or ((officer of another certified)) a certified officer of another local~~

658 government jurisdiction in which the property is located must approve the award of public
659 access points for historic properties. The property owner may be required to furnish and
660 maintain signage according to county specifications.

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

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

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

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

678 ~~((d. Seasonally limited public access - three points. Access by the public is~~
679 ~~allowed on the enrolled parcel, without special arrangements with the property owner,~~

680 during only part of the year based on seasonal conditions, as mutually agreed to by the
681 landowner and the department.))

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

684 ~~((6. Easement and access – thirty five points. For the purposes of this subsection~~
685 ~~C.6, "easement and access" means that the property has at least one qualifying open space~~
686 ~~resource, unlimited public access or limited public access due to resource sensitivity, and a~~
687 ~~conservation easement or historic preservation easement in perpetuity in a form and with~~
688 ~~conditions acceptable to the department. To be eligible, a property must receive credit for~~
689 ~~an open space category and for the conservation easement or historic easement in~~
690 ~~perpetuity category. The owner must agree to allow public access to the portion of the~~
691 ~~property designated for public access in the easement. An easement required by zoning,~~
692 ~~subdivision conditions or other land use regulation is not eligible, unless there is additional~~
693 ~~easement area beyond that required. Credit for this category ((cannot overlap with the~~
694 ~~equestrian pedestrian bicycle trail linkage category.)) 5. Resource restoration – five~~
695 ~~points. "Resource restoration" means restoration of an enrolling area of property benefiting~~
696 ~~an area in an open space resource category. Emphasis is placed on the restoration of native~~
697 ~~vegetation associated with anadromous fish rearing habitat, riparian zones, migration~~
698 ~~corridors and wildlife, forest, stream and wetland habitats. The owner shall provide and~~
699 ~~implement a restoration plan approved by the department. The plan may be developed in~~
700 ~~cooperation with a natural resource expert or agency. The approved restoration plan must,~~
701 ~~at a minimum, include a purpose statement, a description of restoration work to be done, a~~
702 ~~detailed site map of the area to be restored, a specific timeline for the restoration activities~~

703 to be completed and a monitoring schedule for the restoration project's first five years.
704 Historic resource restoration must be approved by the King County historic preservation
705 officer or officer of another certified local government in the jurisdiction in which the
706 property is located and must be accompanied by a long-term maintenance plan. The owner
707 shall also provide to the department a yearly monitoring report for at least five years
708 following enrollment in the public benefit rating system program. The report must describe
709 the progress and success of the restoration project and must include photographs to
710 document the success. Land receiving credit for this category may not receive credit for
711 the ecological enhancement land, forest stewardship land or rural stewardship land
712 categories.

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

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

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

723 A.1. An applicant for current assessment of farm and agricultural land who
724 receives notice in writing from the county assessor that all or a portion of the application
725 has been denied may appeal ~~((such))~~ the denial ~~((to the county council))~~ by filing a written

726 appeal with the ~~((clerk of the county council))~~ board of appeals and equalization within
727 ~~((twenty one))~~ sixty calendar days of the date of the ~~((assessor's written))~~ notice of denial.

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

732 B. An owner of farm and agricultural or open space classified land who receives
733 notice in writing from the county assessor that all or a portion of ~~((such))~~ the land has been
734 removed from current use classification may appeal ~~((such))~~ the removal ~~((to the county~~
735 ~~board of equalization))~~ by filing a written appeal with the ~~((clerk of the))~~ board of appeals
736 and equalization within ~~((thirty))~~ sixty calendar days of the date of the ~~((assessor's written))~~
737 notice of removal.

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

740 The public benefit rating system ~~((for open space land bases))~~ reduces the ~~((level of~~
741 ~~assessed fair market value reduction))~~ appraised land value for the participating portion of
742 the parcel. The level of reduction shall be based on the total number of points awarded
743 ~~((points. The market value reduction))~~ and establishes the current use value for taxation
744 purposes. ~~((This))~~ The current use value ~~((will))~~ shall be expressed as a percentage of
745 ~~((market))~~ appraised value based on the public benefit rating of the property and the
746 following valuation schedule ~~((below))~~:

747 <u>Public Benefit Rating</u>	<u>Current Use Value</u>
748 0-4 points	100% of ((market)) <u>appraised</u> value

749	5-10 points	50% of ((market)) <u>appraised</u> value
750	11-15 points	40% of ((market)) <u>appraised</u> value
751	16-20 points	30% of ((market)) <u>appraised</u> value
752	21-34 points	20% of ((market)) <u>appraised</u> value
753	35 ((52)) <u>points and above</u>	10% of ((market)) <u>appraised</u> value

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

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

758 The executive shall submit an annual report to the council ~~((with))~~ that details the
759 extent of participation in the public benefit rating system. ~~((The council shall reevaluate
760 the public benefit rating system program two years from August 17, 1992, to assess the
761 progress of the program.))~~

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

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

765 B. A property may achieve a maximum ~~((of a))~~ ninety-percent reduction in
766 ~~((assessed))~~ appraised value ~~((of))~~ for that portion of the land enrolled in the public benefit
767 rating system ~~((through the rating system and the bonus categories. Portions of a property
768 may qualify for open space designation)).~~ A plant community where native plants are
769 dominant that does not independently contain a qualifying open space resource can
770 participate if it is contiguous to and provides a benefit to a portion of the property being
771 awarded credit for a qualifying open space priority resource. The department shall evaluate

772 ~~((a property for which open space classification is sought under this chapter))~~ the property
773 for the presence of open space resource categories. ~~((Adjacent))~~ Abutting parcels of land
774 with the same open space resources, owned by one or more landowners, may be eligible for
775 consideration as a single parcel if open space classification is sought under the same
776 application~~((, except for))~~; however, property pursuing credit for the farm and agricultural
777 conservation land category~~((, which))~~ must be owned by the same owner or held under the
778 same ownership. For ~~((the purpose of determining))~~ buffer measurements under this
779 chapter, the width is the distance perpendicular to the edge of the resource and the length of
780 the buffer is parallel to the resource. The entire buffer width may be averaged to qualify
781 for a resource category.

782 ~~((B.1.))~~ C. The presence or occurrence of an eligible open space resource ~~((shall))~~
783 may be verified by:

784 ~~((a.))~~ 1. ~~((¶))~~ Reference to a recognized source, such as:

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

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

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

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

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

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

792 ~~((7))~~ g. studies by the state Department of Fish and Wildlife or Department of

793 Natural Resources; ~~((¶))~~

794 ~~((b))~~ 2. ~~((#))~~ Reference to a map developed by the county or other recognized
795 authority~~((-)); or~~

796 ~~((2-))~~ 3. ~~((Alternatively, the existence of the resource may be verified u))~~ Using the
797 best available source, such as a recognized expert in the particular resource being reviewed.

798 ~~((3-))~~ D. When more than one reasonable interpretation can be supported by the
799 text of this chapter, the department ~~((is authorized to))~~ may make a determination relating
800 to the open space resource definitions and eligibility standards in accordance with the
801 purpose and intent of this chapter. The department ~~((is authorized to))~~ may calculate the
802 appropriate area of land to receive credit for a particular priority resource to support the
803 assessor’s determination of the accompanying tax reduction for each priority resource.

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

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

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

- 822 1. Improvements or structures ~~((situated up))~~ on eligible open space land;
- 823 2. Properties that do not contain a qualifying open space ~~((priority))~~ resource;
- 824 3. Open space areas protected by a native growth, forest retention or other
825 covenant that is required as part of a development process or subdivision, or required by
826 zoning or other land use regulations~~((; except))~~; however, such an area ~~((would be))~~ is
827 eligible as ecological enhancement, forest stewardship or rural stewardship land if ~~((its~~
828 ~~participation))~~ implementation of the associated plan provides ~~((further public benefit and~~
829 ~~there is))~~ resource improvements within the enrolling open space. Such an area is also
830 eligible as public recreation area, equestrian-pedestrian-bicycle or active trail linkage due to
831 the public's use and benefit. Additionally:

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

836 b. The minimum ten percent additional ~~((acreage))~~ open space acres provided
837 must be acceptable to the department and feature a plant community where native plants
838 are dominant or ~~((that))~~ will be dominant ~~((following the implementation of))~~ after

839 implementing an approved farm management, ecological enhancement, forest stewardship,
840 resource restoration or rural stewardship plan;

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

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

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

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

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

861 3. An owner of property receiving credit for farm and agricultural conservation
862 land, ecological enhancement land, forest stewardship land~~((,))~~ or rural stewardship land,
863 all of which require a stewardship or management plan, ~~((must))~~ shall annually provide a
864 monitoring report that describes progress ~~((of))~~ in implementing the plan and includes a
865 brief description of activities taken to implement the plan and photographs from established
866 points on the property. The owner ~~((must))~~ shall submit this report~~((, which must include a~~
867 ~~brief description of activities taken to implement the plan and photographs from established~~
868 ~~points on the property,))~~ to the department by email or by other mutually agreed upon
869 method. An environmental consultant need not prepare this report.

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

883 approved. A landowner may appeal a determination under this subsection by following
884 K.C.C. 20.36.130.B.

885 SECTION 19. Severability. If any provision of this ordinance or its application
886 to any person or circumstance is held invalid, the remainder of the ordinance or the
887 application of the provision to other persons or circumstances is not affected.