



KING COUNTY

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Signature Report

October 5, 2010

Ordinance 16942

Proposed No. 2010-0369.2

Sponsors Phillips

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

6 PREAMBLE:

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

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

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

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

19 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

