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Title: AN ORDINANCE relating to the merger of the timberland classification with the designated forest land program; amending Ordinance 1076, Section 1, as amended, and K.C.C. 20.36.010, Ordinance 15137, Section 1, as amended, and K.C.C. 20.36.015, Ordinance 1076, Section 2, as amended, and K.C.C. 20.36.020, Ordinance 1076, Section 3, as amended, and K.C.C. 20.36.030, Ordinance 1076, Section 4, as amended, and K.C.C. 20.36.040, Ordinance 1076, Section 7, as amended, and K.C.C. 20.36.060, Ordinance 4462, Section 7, as amended, and K.C.C. 20.36.070, Ordinance 4462, Section 8, as amended, and K.C.C. 20.36.080, Ordinance 1886, Section 10, as amended, and K.C.C. 20.36.090 and Ordinance 10511, Section 7, as amended, and K.C.C. 20.36.100 and repealing Ordinance 2537, Section 2, as amended, and K.C.C. 20.36.110.

Sponsors: Rod Dembowski

Indexes: Timber Land

Code sections: 20.36.010 - ., 20.36.015 -, 20.36.020 - ., 20.36.030 -, 20.36.040 -, 20.36.060 -, 20.36.070 - ., 20.36.080 - ., 20.36.090 - ., 20.36.100 -, 20.36.110 - .

Attachments: 1. 2020-0066 legislative review form, 2. 2020-0066 transmittal letter, 3. 2020-0066 fiscal note

Date	Ver.	Action By	Action	Result
9/9/2020	1	Mobility and Environment Committee	Deferred	
8/18/2020	1	Metropolitan King County Council	Introduced and Referred	

Clerk 01/30/2020

AN ORDINANCE relating to the merger of the timberland classification with the designated forest land program; amending Ordinance 1076, Section 1, as amended, and K.C.C. 20.36.010, Ordinance 15137, Section 1, as amended, and K.C.C. 20.36.015, Ordinance 1076, Section 2, as amended, and K.C.C. 20.36.020, Ordinance 1076, Section 3, as amended, and K.C.C. 20.36.030, Ordinance 1076, Section 4, as amended, and K.C.C. 20.36.040, Ordinance 1076, Section 7, as amended, and K.C.C. 20.36.060, Ordinance 4462, Section 7, as amended, and K.C.C. 20.36.070, Ordinance 4462, Section 8, as amended, and K.C.C. 20.36.080, Ordinance 1886, Section 10, as amended, and K.C.C.

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20.36.090 and Ordinance 10511, Section 7, as amended, and K.C.C. 20.36.100 and repealing Ordinance 2537, Section 2, as amended, and K.C.C. 20.36.110.

PREAMBLE:

Current use taxation programs, as defined in chapters 84.33 and 84.34 RCW, offer a property tax reduction to landowners who voluntarily preserve or manage lands within four categories: open space land or land in the public benefit rating system, timberland, designated forestland, and farm and agricultural land. The department of natural resources and parks administers the open space and timberland programs, and the department of assessments administers the designated forestland and farm and agricultural land programs.

The timberland program has long had a minimum acreage requirement of five acres. In 2014, Chapter 137, Laws of Washington 2014 lowered the minimum acreage requirement for the designated forestland program from twenty acres to five acres, in effect making the timberland and designated forestland programs duplicative. Additionally, Chapter 137, Laws of Washington 2014 authorizes a county legislative authority to terminate its timberland classification and merge it with the designated forestland program.

Given the similarities in the timberland and designated forestland programs, administrative efficiencies will result from terminating the timberland program. The department of assessments will continue to operate the designated forestland program.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. As authorized by RCW 84.34.400, the open space timberland classification provided for in K.C.C. chapter 20.36 is hereby merged with the designated forestland program, and the open space timberland classification is hereby terminated. Any land classified as open space timberland pursuant to chapter 84.34 RCW is hereby designated forestland under chapter 84.33 RCW.

SECTION 2. The department of assessments will provide notice of the merger to the Washington state

Department of Revenue in accordance with RCW 84.34.400(3) and to all participating owners of timberland in accordance with RCW 84.33.130(1)(b).

SECTION 3. Ordinance 1076, Section 1, as amended, and K.C.C. 20.36.010 are hereby amended to read as follows:

It is in the best interest of the county to maintain, preserve, conserve and otherwise continue in existence adequate open space lands for the production of food, fiber and forest crops, and to assure the use and enjoyment of natural resources and scenic beauty for the economic and social well-being of the county and its citizens.

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

SECTION 4. Ordinance 15137, Section 1, as amended and K.C.C. 20.36.015 are hereby amended to read as follows:

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

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

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

C. "Enrolled parcel" means a parcel for which a public benefit rating system open space ((~~or timber land~~)) application has been received and for which an agreement related to open space ((~~or timber land~~)) classification, as described in WAC 458-30-240, has been executed and recorded with the records and licensing services division and that is receiving tax reduction benefits.

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

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

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

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

SECTION 5. Ordinance 1076, Section 2, as amended and K.C.C. 20.36.020 are hereby amended to read as follows:

The office of hearing examiner as established by K.C.C. chapter 20.22 shall act on behalf of the council in considering applications for public benefit rating system assessed valuation on open space land ((~~and for current use assessments on timber land~~)) in an unincorporated area of the county or appeals from denials by the county assessor of applications for current use assessments on farm and agricultural land as provided in this chapter. All such applications and appeals shall be processed pursuant to the procedures established in this chapter and K.C.C. chapter 20.24.

SECTION 6. Ordinance 1076, Section 3, as amended and K.C.C. 20.36.030 are hereby amended to read as follows:

An owner of farm and agricultural land desiring current use assessment under chapter 84.34 RCW shall make application to the county assessor and an owner of open space land desiring assessed valuation under the public benefit rating system ((~~or an owner of timber land desiring current use assessment~~)) shall make application to the county council by filing an application with the department natural resources and parks. The application shall be upon forms supplied by the county and shall include such information deemed reasonably necessary to properly classify an area of land under chapter 84.34 RCW with a notarized verification of the

truth thereof.

SECTION 7. Ordinance 1076, Section 4, as amended, and K.C.C. 20.36.040 are hereby amended to read as follows:

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

B. If an application is filed to add farm and agricultural conservation land, forest stewardship land, resource restoration or rural stewardship land category to a parcel that is already enrolled in the public benefit rating system, no fee shall be charged for that application.

C. In the case of all farm and agricultural land applications, whether the application is based on land within or outside of an incorporated area, the entire fee shall be collected and retained by the county. In the case of open space ((~~or timber land~~)) applications based on land in an incorporated area of the county, where the city legislative authority has set no filing fee, the county fee shall govern and the entire fee shall be collected and retained by the county. Where the city legislative authority has established a filing fee for open space ((~~or timber land~~)) applications based on land in an incorporated area of the county, the fee established in subsection A. of this section shall be collected by the county from the applicant and the county shall pay the city one-half of the fee collected. The amount paid by the county to the city shall not exceed the fee established by the city. The city shall be responsible for collecting any fees that it has established that exceed one-half of the amount established by subsection A. of this section.

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

Notice of the time, place and purpose of a public hearing before the hearing examiner on an open space ((~~or a timberland~~)) application based on land in unincorporated area of the county shall be given by one

publication at least ten days before the hearing. The clerk of the council shall publish this notice in a newspaper of general circulation in the area.

SECTION 9. Ordinance 4462, Section 7, as amended, and K.C.C. 20.36.070 are hereby amended to read as follows:

In the case of open space ((~~and timber land~~)) applications filed after October 1 of each calendar year, the examiner shall establish time periods for satisfaction of any conditions so as to enable the county assessor to make a timely notation on the assessment list and the tax roll for that land in the event of approval of those applications.

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

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

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

A. In the case of open space ((~~and timber land~~)) application~~s~~ received by the county based on land in incorporated areas of the county, the department shall promptly transmit a copy of the application to the affected city.

B. Such an application shall be acted upon by the county council's transportation, economy and environment committee, or its successor, and the applicable city legislative body. The application shall be acted upon after a public hearing by each such body and after notice of each hearing shall have been given by one publication in a newspaper of general circulation in the area at least ten days before the hearing.

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

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

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

1. Public recreation area - five points. For the purposes of this subsection B.1, "public recreation area" means land devoted to providing active or passive recreation use or that complements or substitutes for recreation facilities characteristically provided by public agencies. Use of motorized vehicles is prohibited on land receiving tax reduction for this category, except for golf carts on golf courses, for maintenance or for medical, public safety or police emergencies. To be eligible as a public recreation area, the facilities must be open to the general public or to specific public user groups, such as youth, senior citizens or people with disabilities. A property must be identified by the responsible agency within whose jurisdiction the property is located as meeting the definition of public recreation area. If a property meets the definition of public recreation area, the property owner must use best practices, if any, that are defined in K.C.C. chapter 21A.06. If a fee is charged for use, it must be comparable to the fee charged by a like public facility;

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

3. Buffer to public or current use classified land - three points. For the purposes of this subsection B.3, "buffer to public or current use classified land" means land that has a plant community in which native plants are dominant or has other natural features, such as streams or wetlands, and that is adjacent and provides a buffer to a publicly owned park, trail, forest, land legally required to remain in a natural state or a state or federal highway or is adjacent to and provides a buffer to a property participating in a current use taxation program under chapter 84.33 or 84.34 RCW. The buffer shall be no less than fifty feet in length and fifty feet in width. Public roads may separate the public land, or land in private ownership classified under chapter 84.33 or 84.34 RCW, from the buffering land, if the entire buffer is at least as wide and long as the adjacent section of the road easement. Landscaping or other nonnative vegetation shall not separate the public land or land enrolled under chapter 84.33 or 84.34 RCW from the native vegetation buffer. The department may grant an exception to the native vegetation requirement for property along parkways with historic designation, upon review and recommendation of the historic preservation officer of King County or the local jurisdiction in which the property is located. Eligibility for this exception does not extend to a property where plantings are required or existing plant communities are protected under local zoning codes, development mitigation requirements or other local regulations;

4. Equestrian-pedestrian-bicycle trail linkage - thirty-five points. For the purposes of this subsection B.4, "equestrian-pedestrian-bicycle trail linkage" means land in private ownership that the property owner allows the public to use as an off-road trail linkage for equestrian, pedestrian or other nonmotorized uses or that provides a trail link from a public right-of-way to a trail system. Use of motorized vehicles is prohibited on trails receiving a tax reduction for this category, except for maintenance or for medical, public safety or police emergencies. Public access is required only on that portion of the property containing the trail. The landowner may impose reasonable restrictions on access that are mutually agreed to by the landowner and the department, such as limiting use to daylight hours. To be eligible as an equestrian-pedestrian-bicycle trail linkage, the owner shall provide a trail easement to an appropriate public or private entity acceptable to the department.

The easement shall be recorded with the records and licensing services division. In addition to the area covered by the trail easement, adjacent land used as pasture, barn or stable area and any corral or paddock may be included, if an approved and implemented farm management plan is provided. Land necessary to provide a buffer from the trail to other nonequestrian uses, land that contributes to the aesthetics of the trail, such as a forest, and land set aside and marked for off road parking for trail users may also be included as land eligible for current use taxation. Those portions of private roads, driveways or sidewalks open to the public for this purpose may also qualify. Fencing and gates are not allowed in the trail easement area, except those that are parallel to the trail or linkage;

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

6. Farm and agricultural conservation land - five points. For the purposes of this subsection B.6., "farm and agricultural conservation land" means land previously classified as farm and agricultural land under

RCW 84.34.020 that no longer meets the criteria of farm and agricultural land, or traditional farmland not classified under chapter 84.34 RCW that has not been irrevocably devoted to a use inconsistent with agricultural uses and has a high potential for returning to commercial agriculture. To be eligible as farm and agricultural conservation land, the property must be used for farm and agricultural activities or have a high probability of returning to agriculture and the property owner must commit to return the property to farm or agricultural activities by implementing a farm management plan. An applicant must have an approved farm management plan in accordance with K.C.C. 21A.24.051 that is acceptable to the department and that is being implemented according to its proposed schedule of activities before receiving credit for this category. Farm and agricultural activities must occur on at least one acre of the property. Eligible land must be zoned to allow agricultural uses and be owned by the same owner or held under the same ownership. Land receiving credit for this category shall not receive credit for the category "contiguous parcels under separate ownership";

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

8. Historic landmark or archeological site: buffer to a designated site - three points. For the purposes of this subsection B.8, "historic landmark or archaeological site: buffer to a designated site" means property adjacent to land constituting or containing a designated county or local historic landmark or archeological site, as determined by the historic preservation officer of King County or other jurisdiction in which the property is located that manages a certified local government program. To be eligible as a historic landmark or

archeological site: buffer to a designated site, a property must have a plant community in which native plants are dominant and be adjacent to or in the immediate vicinity of and provide a significant buffer for a designated landmark or archaeological site listed on the county or other certified local government list or register of historic places or landmarks. For the purposes of this subsection B.8., "significant buffer" means land and plant communities that provide physical, visual, noise or other barriers and separation from adverse effects to the historic resources due to adjacent land use;

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

10. Historic landmark or archeological site: eligible site - three points. For the purposes of this subsection B.10, "historic landmark or archaeological site: eligible site" means land that constitutes or upon which is situated a historic property that has the potential of being designated by a certified local government jurisdiction, including buildings, structures, districts or sites of significance in the county's historic or prehistoric heritage, such as Native American settlements, pioneer settlements, farmsteads, roads, industrial works, bridges, burial sites, prehistoric and historic archaeological sites or traditional cultural properties. An

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

11. Rural open space - five points. For the purposes of this subsection B.11., "rural open space" means an area of ten or more contiguous acres of open space located outside of the urban growth area as identified in the King County Comprehensive Plan that:

a. has a plant community in which native plants are dominant;

b. is former open farmland, woodlots, scrublands or other lands that are in the process of being replanted with native vegetation for which the property owner is implementing an approved farm management, forest stewardship, rural stewardship or resource restoration plan acceptable to the department;

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

13. Scenic resource, viewpoint or view corridor - five points.

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

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

c. For the purposes of this subsection B.13., a "view corridor" means a property that contributes to the aesthetics of a recognized view corridor critical to maintaining a public view of a visually significant scenic natural or recognized cultural resource. A site eligible as a view corridor must contain at least one acre of open space that contributes to a view corridor visible to the public that provides views of a scenic natural resource area or recognized cultural resource significant to the local area. Recognized cultural areas must be found significant by the King County historic preservation officer or equivalent officer of another certified local government program and must contain significant inventoried or designated historic properties. Eligibility is subject to determination by the department or applicable jurisdiction;

14. Significant plant or ecological site - five points. For the purposes of this subsection B.14., "significant plant or ecological site" means an area that meets criteria for Element Occurrence established under the Washington Natural Heritage Program authorized by chapter 79.70 RCW. An Element Occurrence is a particular, on-the-ground observation of a rare species or ecosystem. An eligible site must be listed as an Element Occurrence by the Washington Natural Heritage Program as of the date of the application or be identified as a property that meets the criteria for an Element Occurrence. The identification must be confirmed

by a qualified expert acceptable to the department. The department will notify the Washington Natural Heritage Program of any verified element occurrence on an enrolling property. Commercial nurseries, arboretums or other maintained garden sites with native or nonnative plantings are ineligible for this category;

15. Significant wildlife or salmonid habitat - five points.

a. For the purposes of this subsection B.15, "significant wildlife or salmonid habitat" means:

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

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

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

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

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

16. Special animal site - three points. For the purposes of this subsection B.16., "special animal site"

means a site that includes a wildlife habitat network identified by the King County Comprehensive Plan or individual jurisdictions through the Growth Management Act, chapter 36.70A RCW, or urban natural area as identified by the Washington state Department of Fish and Wildlife's priority habitats and species project as of the date of the application. To be eligible as a special animal site, the property must be identified by King County or local or state jurisdiction or by expert verification acceptable to the department or local jurisdiction. Property consisting mainly of disturbed or fragmented open space determined by the department to have minimal wildlife habitat significance is ineligible for this category;

17. Surface water quality buffer - five points. For the purposes of this subsection B.17., "surface water quality buffer" means an undisturbed area that has a plant community in which native plants are dominant adjacent to a lake, pond, stream, shoreline, wetland or marine waters, that provides buffers beyond that required by any applicable regulation. To be eligible as surface water quality buffer, the buffer must be at least fifty percent wider than the buffer required by any applicable regulation and longer than twenty-five feet. The qualifying buffer area must be preserved from clearing and intrusion by domestic animals and protected from grazing or use by livestock;

18. Urban open space - five points.

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

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

(2) the land protects streams or water supply;

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

(4) the land enhances the value to the public of abutting or neighboring parks, forests, wildlife

preserves, nature reservations or sanctuaries or other open space;

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

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

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

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

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

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

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

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

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

a. enrolling parcels abut each other without any significant natural or manmade barrier separating them; or

b. enrolling parcels abut a publicly owned open space but not necessarily abut each other without any significant natural or manmade barriers separating the publicly owned open space and the parcels seeking open space classification. Contiguous parcels of land with the same qualifying public benefit rating system resources are eligible for treatment as a single parcel if open space classification is sought under the same application

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

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

5. Public access - points depend on type and frequency of access allowed. For the purposes of this

subsection C.5, "public access " means the general public is allowed access on an ongoing basis for uses such as, but not limited to, recreation, education or training. Access must be allowed on only the portion of the property that is designated for public access. The landowner may impose reasonable restrictions on access, such as limiting use to daylight hours, that are mutually agreed to by the landowner and the department. No physical barriers may limit reasonable public access or negatively affect an open space resource. To be eligible for public access at one of the levels described in a. through d. of this subsection C.5, a property owner shall demonstrate that the property is open to public access and is used by the public. Public access points for historic properties shall be approved by the historic preservation officer of King County or officer of another certified local government jurisdiction in which the property is located. The property owner may be required to furnish and maintain signage according to county specifications.

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

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

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

d. Seasonally limited public access - three points. Access by the public is allowed on the enrolled parcel, [with or]* without special arrangements with the property owner, during only part of the year based on seasonal conditions, as mutually agreed to by the landowner and the department.

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

6. Easement and access - thirty five points. For the purposes of this subsection C.6, "easement and access" means that the property has at least one qualifying open space resource, unlimited public access or limited public access due to resource sensitivity, and a conservation easement or historic preservation easement in perpetuity in a form and with conditions acceptable to the department. To be eligible a property must receive credit for an open space category and for the conservation easement or historic easement in perpetuity category. The owner must agree to allow public access to the portion of the property designated for public access in the easement. An easement required by zoning, subdivision conditions or other land use regulation is not eligible, unless there is additional easement area beyond that required. Credit for this category cannot overlap with the equestrian-pedestrian-bicycle trail linkage category.

SECTION 13. Ordinance 2537, Section 2, as amended, and K.C.C. 20.36.110 are hereby repealed.

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