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

Sponsors: Larry Phillips

Indexes: Bicycles

Code sections:

Attachments: 1. 16942.pdf, 2. 2010-0369 Staff Report - PBRs, 3. 2010-0369 S1amend, 4. 2010-0369 PBRs Trails hearing notice.doc, 5. 2010-0369 Revised Staff report - PBRs Bike Trails, 6. 2010-0369 adoption notice.doc

Date	Ver.	Action By	Action	Result
10/4/2010	2	Metropolitan King County Council	Hearing Held	
10/4/2010	2	Metropolitan King County Council	Passed	Pass
8/24/2010	1	Environment and Transportation Committee	Recommended Do Pass Substitute	Pass
7/6/2010	1	Metropolitan King County Council	Introduced and Referred	

Clerk 09/30/2010

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

PREAMBLE:

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

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

There could be an opportunity to maximize the potential for the trail system in its contribution to

the recreational, transportation and public health needs of the region, by encouraging connections between the regional trails and local or regional attractions or points of interest.

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

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

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

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. These resources are based on the adopted King County Open Space Plan referenced in K.C.C. 20.12.380. 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 A. and B. of this section.

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

1. Active or passive recreation area - five points. For the purposes of this subsection A.1, "active or passive recreation area" means land devoted to providing nonmotorized active or passive recreation use or that complements or substitutes for recreation facilities characteristically provided by public agencies. To be eligible as an active or passive 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 an active or passive recreation area. Enrolling property must adhere to best management practices or standards, as defined in K.C.C. 21A.06.098, where available. 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 A.2, "aquifer protection area" means property that has a plant community in which native plants are dominant and that is located within an area designated as a critical aquifer recharge area under K.C.C. chapter 21A.24. 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. The enrolling open space area must have a plant community in which native plants are dominant, or a plan for revegetation must be submitted and approved by the department, and be implemented according to its proposed schedule of activities;

3. Buffer to public land - three points. For the purposes of this subsection A.3, "buffer to public land" means land that has a plant community in which native plants are dominant and that is adjacent and provides a buffer to a publicly owned park, forest, wildlife preserve, natural preserve, sanctuary, parkway, trail, highway, designated greenway or is adjacent and provides a buffer to a property participating in a current use taxation program under chapter 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 84.34 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 84.34 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 A.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 tax reductions in 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 lands eligible for current use taxation. Private roads or driveways open to the public for this purpose may also qualify. Driveways and sidewalks, used primarily by the landowner, do not qualify under this category. 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 policies 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.

~~((5-))~~ 6. Farm and agricultural conservation land - five points. For the purposes of this subsection ((A-5)) A.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. An applicant must have a department-approved farm management plan in accordance with K.C.C. 21A.24.051 that is being implemented according to its proposed schedule of activities prior to receiving credit for this category. The property must be at least five acres in size; or greater than two acres and be actively farmed on more than seventy-five percent of the property. Eligible land must be zoned to allow agricultural uses. Combining separate parcels under different owners is not allowed under this category;

~~((6-))~~ 7. Forest stewardship land - five points. For the purposes of this subsection ((A-6)) A.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 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. An

applicant 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;

((7-)) 8. Historic landmark or archeological site: buffer to a designated site - three points. For the purposes of this subsection ((A-7)) A.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 archeological site listed on the county or other certified local government list or register of historic places or landmarks. For the purposes of this subsection ((A-7)) A.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;

((8-)) 9. Historic landmark or archeological site: designated site - five points. For the purposes of this subsection ((A-8)) A.9., "historic landmark or archaeological site: designated site" means land that constitutes or upon which is situated a historic landmark formally 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;

((9-)) 10. Historic landmark or archeological site: eligible site - three points. For the purposes of this subsection ((A-9)) A.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 formally 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;

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

((11-)) 12. Rural stewardship land-five points. For the purposes of this subsection ((A-11)) A.12., "rural stewardship land" means lands zoned RA (rural area), A (agriculture) or F (forest), that has a department-approved and implemented rural stewardship plan as provided in K.C.C. chapter 21A.24. 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. Lands receiving credit for this category shall not receive credit for the resource restoration or the forest stewardship land public benefit rating system categories;

~~((12.))~~ 13. Scenic resource, viewpoint or view corridor - five points. For the purposes of this subsection ~~((A-12))~~ A.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. For the purposes of this subsection ~~((A-12))~~ A.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 must allow unlimited public access, and be identified by a permanent sign readily visible from a road or other public right-of-way. For the purposes of this subsection ~~((A-12))~~ A.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 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;

~~((13.))~~ 14. Shoreline: conservancy environment - five points. For the purposes of this subsection ~~((A-13))~~ A.14., "shoreline: conservancy environment" means marine, lake and river shoreline and associated wetlands designated as a conservancy environment in an adopted shoreline master plan under chapter 90.58 RCW, the Shoreline Management Act of 1971. To be eligible as shoreline: conservancy environment, the property enrolling must feature a plant community in which native plants are dominant, adjacent to the water for a length of more than twenty-five feet, and provide additional buffer width. The buffer width must be at least twenty-five percent greater than the buffer required by regulation. Credit for this category cannot overlap with credit for the shoreline natural environment category;

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

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

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

a. For the purposes of this subsection ~~((A-16))~~ A.17., "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 April 1, 2005, or used by species of local significance that are so listed by the King County Comprehensive Plan or a local jurisdiction;

(2) an area where the species listed in subsection ((A.16.a.(1))) A.17.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 property must be verified by the department, or by expert determination acceptable to the department that qualified species are present or that the land fulfills the functions described in subsection ((A.16.a.)) A.17.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;

((17.)) 18. Special animal site - three points. For the purposes of this subsection ((A.17)) A.18., "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 April 1, 2005. To be eligible as a special animal site, the property must be identified by King County or local or state jurisdiction or where expert verification acceptable to the department or local jurisdiction is provided. Property consisting mainly of disturbed or fragmented open space determined by the department to have minimal wildlife habitat significance is ineligible for this category;

((18.)) 19. Surface water quality buffer - five points. For the purposes of this subsection ((A.18)) A.19., "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, 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;

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

a. For the purposes of this subsection ((A.19)) A.20., "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 ((A.19.a.)) A.20.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

~~((20.))~~ 21. Watershed protection area - five points. For the purposes of this subsection ~~((A.20))~~ A.21., "watershed protection area" means property in a watershed 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 an additional fifteen percent of forest cover beyond that required by county or applicable local government regulation and must be at least one acre or twenty-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 department-approved forest stewardship or rural stewardship plan.

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

1. Resource restoration - five points. For the purposes of this subsection B.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 department-approved 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. 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. Credit for this category cannot overlap with credit for the forest stewardship land category or the rural stewardship land category. If a property owner implements an approved restoration plan after enrolling in the public benefit rating system program and did not receive credit for the restoration in the initial evaluation of the property, the owner may reapply to amend the application and receive the bonus points credit without paying an additional application fee;

2. Additional surface water quality buffer - three or five points. For the purposes of this subsection B.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 or a shoreline category in subsection A. 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 B.3. accrue to all of the owners. However withdrawal of participating owner means the loss to each of the remaining owners of the two points for the withdrawing owner's participation under this subsection B.3. For the purposes of this subsection B.3, "contiguous parcels" means enrolling parcels abutting each other without any significant natural or manmade barrier separating them or enrolling parcels abutting a publicly owned open space but not necessarily abutting 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. 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 B.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 dependent on level of access. For the purposes of this subsection B.5, "public access " means the general public is allowed to access for uses such as, but not limited to, recreation, education or training. Access is required on only the enrolling portion of the property. 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 B.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 without special arrangements with the property owner.

b. Limited public access because of resource sensitivity - five points. Access may be reasonably limited 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 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, with our 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 B.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 2. The purchase of voluntary easements through private properties for the acquisition of active trail linkages, as defined in K.C.C. 20.36.100.A.5., if done consistently with all applicable legal requirements, is an eligible expenditure for real estate excise tax funding authorized for parks and recreation capital purposes by K.C.C 4.32.010.

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

1. A general assessment of the potential for enhancement of the functional capacity of the regional trails system through connections to regional attractions or points of interest; such assessment shall not be specific to individual properties;
2. The development of outreach materials, brochures or website information that would provide information to private landowners that may have an interest in allowing public access to their lands for trail linkage purposes;
3. Development standards for trail linkages that cross private property made available under K.C.C. 20.36.100, where limiting the impacts of public access to the peace and privacy interests of a property owner should be balanced against safety and endurance interests associated with public access;
4. Legal mechanisms to achieve access to lands through which trail linkages could be established; such legal mechanisms may range from fee simple ownership to easements and to other forms of agreements, and should balance the landowners' needs for minimizing the legal burden to the property against the public's need for certainty of continuing access;
5. Alternatives for maintenance and improvement of trail linkage properties;
6. Other possible incentives to landowners to encourage participation in efforts to allow public access for trail linkage purposes; and
7. The appropriateness of the application of this ordinance to other trails available for public access, beyond those associated with the county's regional trail system.

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

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

The executive shall report to the council annually by July 31, in the form of an electronic and a paper copy filed with the clerk of the council, who shall distribute electronic copies to all councilmembers, on the implementation of the rural equestrian community trail incentives and regulations adopted by Ordinance 14259 and for the implementation of the active trail linkage provisions of K.C.C. 20.36.100.A.5, starting in 2012.

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

- ~~((A-))~~ 1. Miles of community trail and acreage accepted in the equestrian-pedestrian-bicycle trail linkage category of the public benefit rating system program;
- ~~((B-))~~ 2. Status of field verification and mapping of community trails;
- ~~((C-))~~ 3. Regulatory issues and proposed amendments;
- ~~((D-))~~ 4. Implementation issues;
- ~~((E-))~~ 5. Response from equestrian user groups~~((/))~~, landowners and citizens;

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

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

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

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

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

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

2. Estimates of use volumes for active trail linkages;

3. Implementation issues;

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

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

6. Costs associated with trail maintenance and improvements.

SECTION 5. The parks and recreation division shall undertake discussions with one or more local or regional trail user groups or advocacy groups, including a bicycling advocacy group, concerning a combined effort to identify potential opportunities for active trail linkages as defined in K.C.C. 20.36.100.A.5. Discussions will be directed towards respective roles in such efforts, where the trail user group would take primary responsibility for identification of specific locations where active trail linkages would be appropriate, consistent with the parks and recreation division's trail linkages study and applicable policies, and where the parks and recreation division would take responsibility for developing outreach materials and contacting property owners to inform them of potential tax benefits or other incentives. By March 30, 2011, the parks and recreation division will prepare a summary of the results of the discussions, to be filed in the form of a paper original and an electronic copy with the clerk of the council, who shall distribute electronic copies to all councilmembers.

30 days prior, official paper

Post outside chambers

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