

2P MOVED: <sup>passed</sup> 9-0

S1

~~3/9/11~~  
3/28/11 Council Meeting

MR/an Sponsor: \_\_\_\_\_  
Proposed No.: 2011-0041

1 **STRIKING AMENDMENT TO PROPOSED ORDINANCE 2011-0041, VERSION**

2 **1**

3 On page 1, beginning on line 16, strike everything through page 33, line 729, and insert:

4 "PREAMBLE:

5 King County adopted the public benefit rating system ("PBRS") in 1992.

6 PBRS encourages voluntary open space resource protection on private

7 lands by providing a tax benefit for owners of participating properties.

8 In 2005, King County adopted Ordinance 15137, which included the

9 PBRS category requirements. Over time, the department of natural

10 resources and parks has identified changes that will clarify requirements

11 for applicants and improve the ability of the program staff to apply these

12 requirements fairly and consistently. Changes are described in this

13 preamble.

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14 Current participants in PBRS who reapply for the purpose of receiving

15 additional credit for implementing a restoration plan are not required to

16 pay a fee for their reapplication. To improve consistency and promote

17 best management practices, the amendment extends this limited fee waiver

18 to reapplications for the purpose of receiving additional credit for  
19 implementing a forest stewardship plan or a farm management plan.  
20 The public notice procedures for the PBRS approval process are more  
21 extensive under the King County Code than the requirements in state law.  
22 This ordinance revises the notice provisions of K.C.C. 20.36.060 to be  
23 consistent with state law and to increase the program's efficiency.  
24 The amendment also removes two shoreline categories, which will prevent  
25 duplicate award of credit for providing the same required buffer to a  
26 resource.  
27 The amendment to the watershed protection area category clarifies the  
28 requirements of the category by specifying the amount of forest area  
29 needed to be retained for qualification to be consistent with applicable  
30 case law.  
31 Monitoring participating properties is necessary to ensure compliance with  
32 the open space taxation agreement executed between the landowner and  
33 the county. This ordinance also adds limited reporting requirements for  
34 property owners that will improve the ability of the program staff to cost-  
35 effectively monitor continuing compliance.  
36 The fee schedule for PBRS, timber land and the farm and agriculture  
37 program is currently codified in K.C.C. chapter 27.10, which generally  
38 establishes fees for the department of development and environmental  
39 services. This ordinance moves the provisions establishing fees for the  
40 PBRS, timber land and the farm and agriculture program from K.C.C.

41 Title 27 to K.C.C. chapter 20.36 to make the fee provisions easier for  
42 citizens to locate.

43 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

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

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

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

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

53 C. "Enrolled parcel" means a parcel for which a public benefit rating system open  
54 space or timber land application has been received (~~(, that is receiving tax reduction~~  
55 ~~benefits))~~ and for which an agreement related to open space (~~(taxation agreement))~~ or  
56 timber land classification, as described in WAC (~~(458.30.240))~~ 458-30-240, has been  
57 executed and recorded with the records and licensing services division and that is  
58 receiving tax reduction benefits.

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

61 E. "Open space" means land that meets the criteria specified in RCW  
62 84.34.020(1) (b) and (c).

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

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

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

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

80           SECTION 3. Ordinance 1076, Section 4, as amended, and K.C.C. 20.36.040 are  
81 each hereby amended to read as follows:

82           A. Except as provided in subsection ((C.)) B. of this section, the applicant shall pay  
83 a current use filing fee ((as provided in K.C.C. 27.10.230)), payable to the King County  
84 ((of)) finance and business operations division or its successor, in the amount of four  
85 hundred eighty dollars for each open space ((, farm and agricultural)) or timber land

86 application (~~filed in calendar year 1973 or thereafter~~) and one hundred eighty one dollars  
87 for each farm and agriculture application.

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

92 C. In the case of all farm and agricultural land applications, whether the  
93 application is based on land within or outside of an incorporated area, the entire fee shall  
94 be collected and retained by the county. In the case of open space or timber land  
95 applications based on land in an incorporated area of the county, where the city  
96 legislative authority has set no filing fee, the county fee shall govern and the entire fee  
97 shall be collected and retained by the county. Where the city legislative authority has  
98 established a filing fee for open space or timber land applications based on land in an  
99 incorporated area of the county, ~~the fee((s as set forth in K.C.C. Title 27))~~ established in  
100 subsection A. of this section shall be collected by the county from the applicant and the  
101 county shall pay the city one-half of the fee collected. ~~((; provided, that in no event shall~~  
102 ~~t))~~The amount paid by the county to the city shall not exceed the fee established by the  
103 city. The city shall be responsible for collecting any fees that it has established that  
104 exceed one-half of the amount established by subsection A. of this section.

105 ~~((C. Public benefit rating system and timberland application fees for lands in the~~  
106 ~~unincorporated areas shall be waived from December 10, 2008, through December 31,~~  
107 ~~2008.))~~

108            SECTION 4. Ordinance 1076, Section 7, as amended, and K.C.C. 20.36.060 are  
109 each hereby amended to read as follows:

110            ~~((A.))~~ Notice of the time, place and purpose of a public hearing before the hearing  
111 examiner on an open space or a timber land application based on land in unincorporated  
112 area((s)) of the county shall be given by one publication ~~((in the official county~~  
113 ~~newspaper))~~ at least ten days before the hearing. The clerk of the council shall publish this  
114 notice in a newspaper of general circulation in the area.

115            ~~((B. Notice of the time, place and purpose of a public hearing before the hearing~~  
116 ~~examiner on an open space application based on land in unincorporated areas of the~~  
117 ~~county shall be provided by the following methods at least thirty days before the hearing:~~

118            1. ~~By the applicant posting the property included in the application with a sign~~  
119 ~~provided at no charge by the department. The sign shall measure at least eighteen inches~~  
120 ~~by twenty-four inches, and shall include the name of the applicant, the location of the~~  
121 ~~subject property, the date, place and purpose of the public hearing, a reference to this~~  
122 ~~section and a source for additional information. The applicant must provide a declaration~~  
123 ~~or affidavit to the department confirming the posting and the department shall file the~~  
124 ~~declaration or affidavit with the clerk of the council;~~

125            2. ~~By the department by mailing notice in accordance with the standards~~  
126 ~~provided for in K.C.C. 20.20.060.H. 1, 5. and 6; and~~

127            3. ~~By the clerk of the council by publishing notice in the official county~~  
128 ~~newspaper and another newspaper of general circulation in the affected area.))~~

129            SECTION 5. Ordinance 4462, Section 7, and K.C.C. 20.36.070 are each hereby  
130 amended to read as follows:

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

136 SECTION 6. Ordinance 4462, Section 8, as amended, and K.C.C. 20.36.080 are  
137 each hereby amended to read as follows:

138 Any ordinance approving an application ((shall)) constitutes authorization for the  
139 ((chairman)) chair of the council or ((his/her)) the chair's designee to sign the open space  
140 taxation agreement for classification under the public benefit rating system or the timber  
141 land program.

142 SECTION 7. Ordinance 1886, Section 10, as amended, and K.C.C. 20.36.090 are  
143 each hereby amended to read as follows:

144 A. In the case of open space and timber land applications received by the county  
145 based on land in incorporated areas of the county, the department shall promptly transmit a  
146 copy of the application to the affected city.

147 B. Such an application shall be acted upon by ((a determining authority composed  
148 of three county council members who are member of)) the county council's ((natural  
149 resources and utilities)) transportation, economy and environment committee, or its  
150 successor, ((council)) and ((three city council members designated by)) the applicable city  
151 legislative body. The application shall be acted upon after a public hearing by each such  
152 body and after notice of ((the)) each hearing shall have been given by one publication in a  
153 newspaper of general circulation in the area at least ten days before the hearing((s)).

154            SECTION 8. Ordinance 10511, Section 7, as amended, and K.C.C. 20.36.100 are  
155 each hereby amended to read as follows:

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

163            ~~((A.))~~ B. The following open space resources are each eligible for the points  
164 indicated:

165            1. ~~((Active or passive))~~ Public recreation area - five points. For the purposes of  
166 this subsection ~~((A.))~~ B.1., "~~((active or passive))~~ public recreation area" means land devoted  
167 to providing ~~((nonmotorized))~~ active or passive recreation use or that complements or  
168 substitutes for recreation facilities characteristically provided by public agencies. Use of  
169 motorized vehicles is prohibited on land receiving tax reduction for this category, except  
170 for golf carts on golf courses, for maintenance or for medical, public safety or police  
-171 emergencies. To be eligible as ~~((an active or passive))~~ a public recreation area, the  
172 facilities must be open to the general public or to specific public user groups, such as youth,  
173 senior citizens or people with disabilities. A property must be identified by the responsible  
174 agency within whose jurisdiction the property is located~~((,))~~ as meeting the definition of  
175 ~~((an active or passive))~~ public recreation area. ~~((Enrolling property must adhere to best~~  
176 ~~management practices or standards, as defined in K.C.C. 21A.06.098, where available))~~ If

177 a property meets the definition of public recreation area, the property owner must use  
178 best practices, if any, that are defined in K.C.C. chapter 21A.06. If a fee is charged for  
179 use, it must be comparable to the fee charged by a like public facility;

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

190 3. Buffer to public or current use classified land - three points. For the purposes  
191 of this subsection ~~((A.))~~ B.3, "buffer to public or current use classified land" means land  
192 that has a plant community in which native plants are dominant or has other natural  
193 features, such as streams or wetlands, and that is adjacent and provides a buffer to a  
194 publicly owned park, trail, forest, ~~((wildlife preserve, natural preserve, sanctuary, parkway,~~  
195 trail,)) land legally required to remain in a natural state or a state or federal highway~~((;~~  
196 designated greenway)) or is adjacent to and provides a buffer to a property participating in  
197 a current use taxation program under chapter 84.33 or 84.34 RCW. The buffer shall be no  
198 less than fifty feet in length and fifty feet in width. Public roads may separate the public  
199 land, or land in private ownership classified under chapter 84.33 or 84.34 RCW, from the

200 buffering land, if the entire buffer is at least as wide and long as the adjacent section of the  
201 road easement. Landscaping or other nonnative vegetation shall not separate the public  
202 land or land enrolled under chapter 84.33 or 84.34 RCW from the native vegetation buffer.  
203 The department may grant an exception to the native vegetation requirement for property  
204 along parkways with historic designation, upon review and recommendation of the historic  
205 preservation officer of King County or the local jurisdiction in which the property is  
206 located. Eligibility for this exception does not extend to a property where plantings are  
207 required or existing plant communities are protected under local zoning codes,  
208 development mitigation requirements or other local regulations;

209 4. Equestrian-pedestrian-bicycle trail linkage - thirty-five points. For the purposes  
210 of this subsection ~~((A.))~~ B.4, "equestrian-pedestrian-bicycle trail linkage" means land in  
211 private ownership that the property owner allows the public to use as an off-road trail  
212 linkage for equestrian, pedestrian or other nonmotorized uses or that provides a trail link  
213 from a public right-of-way to a trail system. Use of motorized vehicles is prohibited on  
214 trails receiving a tax reduction ~~((s-in))~~ for this category, except for maintenance or for  
215 medical, public safety or police emergencies. Public access is required only on that portion  
216 of the property containing the trail. The landowner may impose reasonable restrictions on  
217 access that are mutually agreed to by the landowner and the department, such as limiting  
218 use to daylight hours. To be eligible as an equestrian-pedestrian-bicycle trail linkage, the  
219 owner shall provide a trail easement to an appropriate public or private entity ~~((s))~~  
220 acceptable to the department. The easement shall be recorded with the records and  
221 licensing services division. In addition to the area covered by the trail easement, adjacent  
222 land used as pasture, barn or stable area and any corral or paddock may be included, if an

223 approved and implemented farm management plan is provided. Land necessary to provide  
224 a buffer from the trail to other nonequestrian uses, land that contributes to the aesthetics of  
225 the trail, such as a forest, and land set aside and marked for off road parking for trail users  
226 may also be included as land((s)) eligible for current use taxation. Those portions of  
227 ~~((P))private roads, ((Ø)) driveways or sidewalks~~ open to the public for this purpose may  
228 also qualify. ~~((Driveways and sidewalks, used primarily by the landowner, do not qualify~~  
229 ~~under this category.)) Fencing and gates are not allowed in the trail easement area, except  
230 those that are parallel to the trail or linkage;~~

231 5. Active trail linkage - fifteen or twenty-five points. For the purposes of this  
232 subsection ~~((A-))~~ B.5., "active trail linkage" means land in private ownership through  
233 which the owner agrees to allow nonmotorized public passage, for the purpose of  
234 providing a connection between trails within the county's regional trails system~~((s))~~ and  
235 local or regional attractions or points of interest, for trail users including equestrians,  
236 pedestrians, bicyclists and other users. For the purposes of this subsection ~~((A-))~~ B.5.,  
237 "local or regional attractions or points of interest" include other trails, parks, waterways  
238 or other recreational and open space attractions, retail centers, arts and cultural facilities,  
239 transportation facilities, residential concentrations or similar destinations. To be eligible  
240 as an active trail linkage, the linkage must be open to passage by the general public and  
241 the property owner must enter into an agreement with the county consistent with  
242 applicable parks and recreation division policies to grant public access. To receive  
243 twenty-five points, the property owner must enter into an agreement with the county  
244 regarding improvement of the trail, including trail pavement and maintenance. To  
245 receive fifteen points, the property owner must agree to allow a soft-surface, nonpaved

246 trail. The parks and recreation division is authorized to develop criteria for determining  
247 the highest priority linkages for which it will enter into agreements with property owners.

248 6. Farm and agricultural conservation land - five points. For the purposes of this  
249 subsection ~~((A-))~~ B.6, "farm and agricultural conservation land" means land previously  
250 classified as farm and agricultural land under RCW 84.34.020 that no longer meets the  
251 criteria of farm and agricultural land, or traditional farmland not classified under chapter  
252 84.34 RCW that has not been irrevocably devoted to a use inconsistent with agricultural  
253 uses and has a high potential for returning to commercial agriculture. To be eligible as  
254 farm and agricultural conservation land, the property must be used for farm and agricultural  
255 activities or have a high probability of returning to agriculture and the property owner must  
256 commit to return the property to farm or agricultural activities by implementing a farm  
257 management plan. An applicant must have ~~((a department-))~~ an approved farm  
258 management plan in accordance with K.C.C. 21A.24.051 that is acceptable to the  
259 department and that is being implemented according to its proposed schedule of activities  
260 ~~((prior to))~~ before receiving credit for this category. ~~((The property))~~ Farm and agricultural  
261 activities must occur on ((be)) at least ((five acres in size; or greater than two acres and be  
262 actively farmed on more than seventy-five percent)) one acre of the property. Eligible land  
263 must be zoned to allow agricultural uses and be owned by the same owner or held under  
264 the same ownership. ~~((Combining separate parcels under different owners is not allowed~~  
265 ~~under this category-)) Land receiving credit for this category shall not receive credit for the  
266 category "contiguous parcels under separate ownership";~~

267 7. Forest stewardship land - five points. For the purposes of this subsection ~~((A-))~~  
268 B.7, "forest stewardship land" means property that is managed according to an approved

269 forest stewardship plan and that is not enrolled in the timberland program under chapter  
270 84.34 RCW or the forestland program under chapter 84.33 RCW. To be eligible as forest  
271 stewardship land, the property must contain at least four acres of contiguous forestland,  
272 which may include land undergoing reforestation, according to the approved plan. ((An  
273 applicant)) The owner shall have and implement a forest stewardship plan approved by the  
274 department. The forest stewardship plan may emphasize forest retention, harvesting or a  
275 combination of both. Land receiving credit for this category shall not receive credit for the  
276 resource restoration category or the rural stewardship land category;

277 8. Historic landmark or archeological site: buffer to a designated site - three  
278 points. For the purposes of this subsection ((A-)) B.8, "historic landmark or archaeological  
279 site: buffer to a designated site" means property adjacent to land constituting or containing  
280 a designated county or local historic landmark or archeological site, as determined by the  
281 historic preservation officer of King County or other jurisdiction in which the property is  
282 located that manages a certified local government program. To be eligible as a historic  
283 landmark or archeological site: buffer to a designated site, a property must have a plant  
284 community in which native plants are dominant and be adjacent to or in the immediate  
285 vicinity of and provide a significant buffer for a designated landmark or archaeological site  
286 listed on the county or other certified local government list or register of historic places or  
287 landmarks. For the purposes of this subsection ((A-)) B.8, "significant buffer" means land  
288 and plant communities that provide physical, visual, noise or other barriers and separation  
289 from adverse effects to the historic resources due to adjacent land use;

290 9. Historic landmark or archeological site: designated site - five points. For the  
291 purposes of this subsection ((A-)) B.9, "historic landmark or archaeological site:

292 designated site" means land that constitutes or upon which is situated a historic landmark  
293 ((formally)) designated by King County or other certified local government program.  
294 Historic landmarks include buildings, structures, districts or sites of significance in the  
295 county's historic or prehistoric heritage, such as Native American settlements, trails,  
296 pioneer settlements, farmsteads, roads, industrial works, bridges, burial sites, prehistoric  
297 and historic archaeological sites or traditional cultural properties. To be eligible as a  
298 historic landmark or archeological site: designated site, a property must be listed on a  
299 county or other certified local government list or register of historic places or landmarks for  
300 which there is local regulatory protection. Eligible property may include property that  
301 contributes to the historic character within designated historic districts, as defined by the  
302 historic preservation officer of King County or other certified local government  
303 jurisdiction. The King County historic preservation officer shall make the determination on  
304 eligibility;

305 10. Historic landmark or archeological site: eligible site - three points. For the  
306 purposes of this subsection ((A-)) B.10, "historic landmark or archaeological site: eligible  
307 site" means land that constitutes or upon which is situated a historic property that has the  
308 potential of being ((formally)) designated by a certified local government jurisdiction,  
309 including buildings, structures, districts or sites of significance in the county's historic or  
310 prehistoric heritage, such as Native American settlements, pioneer settlements, farmsteads,  
311 roads, industrial works, bridges, burial sites, prehistoric and historic archaeological sites or  
312 traditional cultural properties. An eligible property must be determined by the historic  
313 preservation officer of King County or other certified local government program in the  
314 jurisdiction in which the property is located to be eligible for designation and listing on the

315 county or other local register of historic places or landmarks for which there is local  
316 regulatory protection. Eligible property may include contributing property within  
317 designated historic districts. Property listed on the state or national Registers of Historic  
318 Places may qualify under this category;

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

323 a. has a plant community in which native plants are dominant ~~((and that is~~  
324 ~~located outside of the urban growth area as identified in the King County Comprehensive~~  
325 ~~Plan, except that an eligible site may include))~~; or

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

330 12. Rural stewardship land-five points. For the purposes of this subsection ~~((A.))~~  
331 B.12, "rural stewardship land" means lands zoned RA (rural area), A (agriculture) or F  
332 (forest), that has ~~((a department approved and))~~ an implemented rural stewardship plan as  
333 provided in K.C.C. chapter 21A.24 that is acceptable to the department. On RA-zoned  
334 property, the approved rural stewardship plan shall meet the goals and standards of K.C.C.  
335 21A.24.055. For A- and F-zoned properties, credit for this category is allowed if the plan  
336 meets the goals of K.C.C. 21A.24.055 D. through G. A rural stewardship plan includes,  
337 but is not limited to, identification of critical areas, location of structures and significant

338 features, site-specific best management practices, a schedule for implementation and a plan  
339 for monitoring as provided in K.C.C. 21A.24.055. To be eligible as rural stewardship land,  
340 the open space must be at least one acre and feature a plant community in which native  
341 plants are dominant or be in the process of restoration, reforestation or enhancement of  
342 native vegetation. Land((s)) receiving credit for this category shall not receive credit for  
343 the resource restoration or the forest stewardship land ((public-benefit-rating-system  
344 categories)) category;

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

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

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

358 c. For the purposes of this subsection ((A-)) B.13, a "view corridor" means a  
359 property that contributes to the aesthetics of a recognized view corridor critical to  
360 maintaining a public view of a visually significant scenic natural or recognized cultural

361 resource. A site eligible as a view corridor must contain at least one acre of open space that  
362 contributes to a view corridor visible to the public that provides views of a scenic natural  
363 resource area or recognized cultural resource significant to the local area. Recognized  
364 cultural areas must be found significant by the King County historic preservation officer or  
365 equivalent officer of another certified local government program and must contain  
366 significant inventoried or designated historic properties. Eligibility is subject to  
367 determination by the department or applicable jurisdiction;

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

378 15. ~~Shoreline: natural environment – three points. For the purposes of this~~  
379 ~~subsection A.15, "shoreline: natural environment" means marine, lake or river shoreline~~  
380 ~~and its associated wetlands designated as a natural environment in an adopted shoreline~~  
381 ~~master plan under chapter 90.58 RCW, the Shoreline Management Act of 1971. To be~~  
382 ~~eligible as shoreline: natural environment, the property enrolling must feature a plant~~  
383 ~~community in which native plants are dominant, adjacent to the water and be greater than~~

384 ~~twenty five feet in length, and provide additional buffer width. The buffer width must be at~~  
385 ~~least twenty five percent greater than the buffer required by regulation. Credit for this~~  
386 ~~resource cannot overlap with credit for the shoreline conservancy environment category;~~

387 16.) Significant plant or ecological site - five points. For the purposes of this  
388 subsection ~~((A.16.))~~ B.14, "significant plant or ecological site" means~~((:))~~ an area ~~((with a~~  
389 ~~naturally occurring concentrations of those plants defined as being monitor species and~~  
390 ~~meeting the criteria for native plant communities by the Washington state Department of~~  
391 ~~Natural Resources as of April 1, 2005, or an old growth forest stand at least ten acres in~~  
392 ~~size)) that meets criteria for Element Occurrence established under the Washington Natural~~  
393 ~~Heritage Program authorized by chapter 79.70 RCW. An Element Occurrence is a~~  
394 ~~particular, on-the-ground observation of a rare species or ecosystem. An eligible site must~~  
395 ~~be listed-((in the Natural Heritage Date Base)) as an Element Occurrence by the~~  
396 ~~Washington Natural Heritage Program as of ((April 1, 2005)) the date of the~~  
397 ~~application((;)) or be identified ((by an)) as a property that meets the criteria for an Element~~  
398 ~~Occurrence. The identification must be confirmed by a qualified expert acceptable to the~~  
399 ~~department ((confirming that qualified species are present on the property)). The~~  
400 ~~department will notify the Washington Natural Heritage Program of any verified element~~  
401 ~~occurrence on an enrolling property. Commercial nurseries, arboretums or other~~  
402 ~~maintained garden sites with native or nonnative plantings are ineligible for this category;~~

403 ~~((17.))~~ 15. Significant wildlife or salmonid habitat - five points.

404 a. For the purposes of this subsection ~~((A.17))~~ B.15, "significant wildlife or  
405 salmonid habitat" means:

406 (1) an area used by animal species listed as endangered, threatened, sensitive or  
407 candidate by the Washington state Department of Fish and Wildlife or Department of  
408 Natural Resources as of ~~((April 1, 2005))~~ the date of the application, or used by species of  
409 local significance that are ~~((se))~~ listed by the King County Comprehensive Plan or a local  
410 jurisdiction;

411 (2) an area where the species listed in subsection ~~((A.17))~~ B.15.a.(1), of this  
412 section are potentially found with sufficient frequency for critical ecological processes to  
413 occur such as reproduction, nesting, rearing, wintering, feeding or resting;

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

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

419 b. To be eligible as significant wildlife or salmonid habitat, ~~((the property))~~ the  
420 department or by expert determination acceptable to the department must ~~((be verified by~~  
421 ~~the department, or by expert determination acceptable to the department))~~ verify that  
422 qualified species are present on the property or that the land fulfills the functions described  
423 in subsection ~~((A.17.))~~ B.15.a. of this section. To receive credit for salmonid habitat, the  
424 owner must provide a buffer at least fifteen percent greater in width than required by any  
425 applicable regulation. Property consisting mainly of disturbed or fragmented open space  
426 determined by the department as having minimal wildlife habitat significance is ineligible  
427 for this category;

428           ~~((18.))~~ 16. Special animal site - three points. For the purposes of this subsection  
429           ~~((A.18))~~ B.16, "special animal site" means a site that includes a wildlife habitat network  
430 identified by the King County Comprehensive Plan or individual jurisdictions through the  
431 Growth Management Act, chapter 36.70A RCW, or urban natural area as identified by the  
432 Washington state Department of Fish and Wildlife's priority habitats and species project as  
433 of ~~((April 1, 2005))~~ the date of the application. To be eligible as a special animal site, the  
434 property must be identified by King County or local or state jurisdiction or ~~((where))~~ by  
435 expert verification acceptable to the department or local jurisdiction ~~((is provided)).~~  
436 Property consisting mainly of disturbed or fragmented open space determined by the  
437 department to have minimal wildlife habitat significance is ineligible for this category;

438           ~~((19.))~~ 17. Surface water quality buffer - five points. For the purposes of this  
439 subsection ~~((A.19))~~ B.17, "surface water quality buffer" means an undisturbed area that has  
440 a plant community in which native plants are dominant adjacent to a lake, pond, stream,  
441 shoreline, wetland or marine waters, that provides buffers beyond that required by any  
442 applicable regulation. To be eligible as surface water quality buffer, the buffer must be at  
443 least fifty percent wider than the buffer required by any applicable regulation and longer  
444 than twenty-five feet. The qualifying buffer area must be preserved from clearing and  
445 intrusion by domestic animals and protected from grazing or use by livestock;

446           ~~((20.))~~ 18. Urban open space - five points.

447           a. For the purposes of this subsection ~~((A.20))~~ B.18, "urban open space" means  
448 land located within the boundaries of a city or within the urban growth area that has a plant  
449 community in which native plants are dominant and that under the applicable zoning is  
450 eligible for more intensive development or use. To be eligible as urban open space, the

451 enrolling area must be at least one acre, or be at least one-half acre if the land meets one of  
452 the following criteria:

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

454 (2) the land protects streams or water supply;

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

457 (4) the land enhances the value to the public of abutting or neighboring parks,  
458 forests, wildlife preserves, nature reservations or sanctuaries or other open space;

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

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

462 b. Owners of noncontiguous properties that together meet the minimum  
463 acreage requirement of subsection ~~((A.20))~~ B.18.a. of this section may jointly apply under  
464 this category if each property is closer than seventy-five feet to one other property in the  
465 application and if each property contains an enrolling open space area at least as large as  
466 the minimum zoned lot size; and

467 ~~((21.))~~ 19. Watershed protection area - five points. For the purposes of this  
468 subsection ~~((A.21))~~ B.19, "watershed protection area" means property ~~((in a watershed))~~  
469 contributing to the forest cover that provides run-off reduction and groundwater protection.

470 To be eligible as watershed protection area, the property must consist of contiguous native  
471 forest or be in the process of reforestation. The enrolling forested area must consist of

472 ~~((an))~~ additional ~~((fifteen percent of))~~ forest cover beyond that required by county or

473 applicable local government regulation and must be at least one acre or ~~((twenty-five))~~

474 sixty-five percent of the property acreage, whichever is greater. If reforestation or  
475 improvements to the forest health are necessary, the property owner shall provide and  
476 implement a ~~((department-approved))~~ forest stewardship, resource restoration or rural  
477 stewardship plan that addresses this need and is acceptable to the department.

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

480 1. Resource restoration - five points. For the purposes of this subsection ~~((B.))~~  
481 C.1, "resource restoration" means restoration of an enrolling area benefiting an area in an  
482 open space resource category. Emphasis shall be placed on restoration of anadromous fish  
483 rearing habitat, riparian zones, migration corridors and wildlife, upland, stream and wetland  
484 habitats. To be eligible as resource restoration, the owner must provide and implement a  
485 ~~((department-approved))~~ restoration plan developed in cooperation with the Soil  
486 Conservation Service, the state Department of Fisheries and Wildlife, King County or other  
487 appropriate local or county agency that is acceptable to the department. Historic resource  
488 restoration must be approved by the King County historic preservation officer or officer of  
489 another certified local government and must be accompanied by a long-term maintenance  
490 plan. For resource restoration credit, the owner shall provide to the department a yearly  
491 - monitoring report for at least five years following enrollment in the public benefit rating  
492 system program. The report shall describe the progress and success of the restoration  
493 project and shall include photographs to document the success. Land receiving ~~((C))~~ credit  
494 for this category ~~((cannot overlap with))~~ shall not receive credit for the forest stewardship  
495 land category or the rural stewardship land category ~~((If a property owner implements an~~  
496 ~~approved restoration plan after enrolling in the public benefit rating system program and~~

497 did not receive credit for the restoration in the initial evaluation of the property, the owner  
498 may reapply to amend the application and receive the bonus points credit without paying an  
499 additional application fee));

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

509 3. Contiguous parcels under separate ownership - two points per participating  
510 owner above one owner. The points under this subsection ((B-)) C.3. accrue to all of the  
511 owners of a single application. However, the withdrawal of a participating property by an  
512 owner ((means)) results in the loss of two points to the total credit awarded for each of the  
513 remaining owners ((of the two points for the withdrawing owner's participation)) under this  
514 subsection ((B-)) C.3. For the purposes of this subsection ((B-)) C.3, "contiguous parcels"  
515 means either:

516 a. enrolling parcels abut((ting)) each other without any significant natural or  
517 manmade barrier separating them; or

518 b. enrolling parcels abut((ting)) a publicly owned open space but not necessarily  
519 abut((ting)) each other without any significant natural or manmade barriers separating the

520 publicly owned open space and the parcels seeking open space classification. Contiguous  
521 parcels of land with the same qualifying public benefit rating system resources are eligible  
522 for treatment as a single parcel if open space classification is sought under the same  
523 application except as otherwise prohibited by the farm and agricultural conservation land  
524 category. Award of this category requires a single application by multiple owners and  
525 parcels with identical qualifying public benefit rating system resources. Treatment as  
526 contiguous parcels shall include((:)) the requirement to pay only a single application  
527 fee((:)) and the requirement that the total area of all parcels combined must equal or exceed  
528 any required minimum area, rather than each parcel being required to meet the minimum  
529 area. Individual parcels may be withdrawn from open space classification consistent with  
530 all applicable rules and regulations without affecting the continued eligibility of all other  
531 parcels accepted under the same application, but the combined area of the parcels  
532 remaining in open space classification must still qualify for their original enrolling public  
533 benefit rating system category or categories. To be eligible as contiguous parcels under  
534 separate ownership, the property must include two or more parcels under different  
535 ownership. The owners of each parcel included in the application must agree to identical  
536 terms and conditions for enrollment in the program;

537 4. Conservation easement or historic preservation easement - fifteen points. For  
538 the purposes of this subsection ((B-)) C.4, "conservation easement or historic preservation  
539 easement" means land on which an easement is voluntarily placed that restricts, in  
540 perpetuity, further potential development or other uses of the property. The granting of this  
541 conservation easement or historic preservation easement provides additional value through  
542 permanent protection of a resource. These easements are typically donated or sold to a

543 government or nonprofit organization, such as a land trust or conservancy. To be eligible  
544 as conservation easement or historic preservation easement, the easement must be approved  
545 by the department and be recorded with the records and licensing services division. The  
546 easement shall be conveyed to the county or to an organization acceptable to the  
547 department. In addition, historic preservation easements shall also be approved by the  
548 historic preservation officer of King County or officer of another certified local government  
549 jurisdiction in which the property is located. An easement required by zoning, subdivision  
550 conditions or other land use regulation is not eligible unless an additional substantive  
551 easement area is provided beyond that otherwise required;

552 5. Public access - points ~~((dependent))~~ depend on ~~((level))~~ type and frequency of  
553 access allowed. For the purposes of this subsection ~~((B-))~~ C.5, "public access " means the  
554 general public is allowed ~~((to))~~ access on an ongoing basis for uses such as, but not limited  
555 to, recreation, education or training. Access ~~((is required))~~ must be allowed on only the  
556 ~~((enrolling))~~ portion of the property that is designated for public access. The landowner  
557 may impose reasonable restrictions on access, such as limiting use to daylight hours, that  
558 are mutually agreed to by the landowner and the department. No physical barriers may  
559 limit reasonable public access or negatively affect an open space resource. To be eligible  
560 for public access at one of the levels described in a. through d. of this subsection ~~((B-))~~ C.5,  
561 a property owner shall demonstrate that the property is open to public access and is used by  
562 the public. Public access points for historic properties shall be approved by the historic  
563 preservation officer of King County or officer of another certified local government  
564 jurisdiction in which the property is located. The property owner may be required to  
565 furnish and maintain signage according to county specifications.

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

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

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

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

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

585 6. Easement and access - thirty five points. For the purposes of this subsection  
586 ~~((B-))~~ C.6, "easement and access" means that the property has at least one qualifying open  
587 space resource, unlimited public access or limited public access due to resource sensitivity,  
588 and a conservation easement or historic preservation easement in perpetuity in a form and

589 with conditions acceptable to the department. To be eligible a property must receive credit  
590 for an open space category and for the conservation easement or historic easement in  
591 perpetuity category. The owner must agree to allow public access to the portion of the  
592 property designated for public access in the easement. An easement required by zoning,  
593 subdivision conditions or other land use regulation is not eligible, unless there is additional  
594 easement area beyond that required. Credit for this category cannot overlap with the  
595 equestrian-pedestrian-bicycle trail linkage category.

596 SECTION 9. Ordinance 2537, Section 2, as amended, and K.C.C. 20.36.110 are  
597 each hereby amended to read as follows:

598 Classification of timber land for current use taxation under ~~((the provisions of))~~  
599 chapter 84.34 RCW shall be in accordance with the following criteria:

600 A. The property to be classified shall contain not less than five and not more than  
601 twenty acres of timber land; ~~((and))~~

602 B. The property must be within an established F (forest resource), A (agriculture)  
603 or RA (rural area) zone; and

604 C. The owner is responsible for the implementation of a department approved  
605 forest stewardship plan.

606 SECTION 10. Ordinance 15137, Section 10, and K.C.C. 20.36.190 are each  
607 hereby amended to read as follows:

608 A. A property may achieve a maximum of a ninety-percent reduction in assessed  
609 value of that portion of the land enrolled in the public benefit rating system through the  
610 rating system and the bonus categories. Portions of a property may qualify for open space  
611 designation. A plant community where native plants are dominant that does not

612 independently contain a qualifying open space resource can participate if it is contiguous to  
613 and provides a benefit to a portion of the property being awarded credit for a qualifying  
614 open space priority resource. The department shall evaluate a property for which open  
615 space classification is sought under this chapter for the presence of open space resource  
616 categories. Adjacent parcels of land with the same open space resources, owned by one or  
617 more landowners, may be eligible for consideration as a single parcel if open space  
618 classification is sought under the same application, except for property pursuing credit for  
619 the farm and agricultural conservation land category, which must be owned by the same  
620 owner or held under the same ownership. For the purpose of determining buffer  
621 measurements under this chapter, the width is the distance perpendicular to the edge of the  
622 resource and the length of the buffer is parallel to the resource. The entire buffer width  
623 may be averaged to qualify for a resource category.

624 B.1. The presence or occurrence of an eligible open space resource shall be verified  
625 by:

626 a. reference to a recognized source, such as:

627 (1) the natural heritage data base;

628 (2) the state office of historic preservation;

629 (3) state, national, county or city registers of historic places;

630 (4) the interagency committee for outdoor recreation inventory of dry accretion

631 beach and shoreline features;

632 (5) the shoreline master program;

633 (6) parks and recreation studies; or

634 (7) studies by the state Department of Fish and Wildlife or Department of  
635 Natural Resources; or

636 c. reference to a map developed by the county or other recognized authority.

637 2. Alternatively, the existence of the resource may be verified using the best  
638 available source, such as a recognized expert in the particular resource being reviewed.

639 3. When more than one reasonable interpretation can be supported by the text of  
640 this chapter, the department is authorized to make a determination relating to the open  
641 space resource definitions and eligibility standards in accordance with the ~~((overall))~~  
642 purpose and intent of this chapter. The department is authorized to calculate the  
643 appropriate area of land to receive credit for a particular priority resource to support the  
644 assessor's determination of the accompanying tax reduction for each priority resource.

645 C. Management or preservation of the open space resources ~~((shall be))~~ is a  
646 condition for acceptance into the program. Each open space resource must be maintained  
647 in the same or better condition as it was when approved for enrollment. The property  
648 owner shall not engage in any activity that reduces the value of the open space resource,  
649 unless that activity is required for public safety and is conducted lawfully under appropriate  
650 permits. As a condition of enrollment into the program, the department may require the  
651 development ~~((and agreement to a plan))~~ of a plan acceptable to the department to restore  
652 any property whose open space resources are degraded. In addition, if an existing  
653 approved plan for farm and agricultural conservation land, forest stewardship land, rural  
654 stewardship land or resource restoration category has a management schedule or  
655 management goals that are out of date or otherwise require change, the owner is

656 responsible for revising the plan. Any such revisions to the plan must be reviewed and  
657 accepted by the department.

658 D. The county's acceptance of property into the public benefit rating system may  
659 be based on specific conditions or requirements being met, including, but not limited to, the  
660 granting of easements.

661 E. Except as otherwise provided in this chapter, the following properties or areas  
662 are not eligible for open space classification:

663 1. Improvements or structures situated upon eligible open space land;  
664 2. Properties that do not contain a qualifying open space priority resource;  
665 3. Open space areas protected by a native growth, forest retention or other  
666 covenant that is required as part of a development process or((,)) subdivision, or required  
667 by zoning or other land use regulation, ((unless the owner)) except such an area would be  
668 eligible if its participation provides further public benefit((, such as)) and there is  
669 enrollment of at least ten percent additional open space ((not)) beyond that restricted or  
670 required by applicable covenant or regulation((, or resource restoration. Dedicated open  
671 space, such as a privately owned open space tract or native growth retention/detention area,  
672 is eligible for participation only if)). The additional acreage((,)) provided must be  
673 acceptable to the department((, featuring)) and feature a plant community where native  
674 plants are dominant ((, is provided)) or that will be dominant following the implementation  
675 of an approved farm management, forest stewardship, resource restoration or rural  
676 stewardship plan;

677 4. Any portion of a property that is dominated by or whose resource value is  
678 compromised by invasive plant species, unless the department has received ((an approved

679 and implemented)) a resource restoration, rural stewardship, farm management or forest  
680 stewardship plan and determined that the plan addresses the invasive plant species concern  
681 and ((such)) that the plan is being implemented; and

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

684 F. The department may monitor the participating portion of the property to  
685 evaluate its current use and the continuing compliance with the conditions under which  
686 open space classification was granted.

687 1. Monitoring may include ((a)) scheduled, physical inspections of the property.

688 2. An owner of property enrolled in the program may be required to submit a  
689 monitoring report on an annual or less frequent basis as requested by program staff. This  
690 report must include a brief description of how the property still qualifies for each awarded  
691 resource category. It must also include photographs from established points on the  
692 property and any observations by the owner. The owner must submit this report to the  
693 department by email or by other mutually agreed upon method. An environmental  
694 consultant need not prepare this report.

695 3. An owner of property receiving credit for farm and agricultural conservation  
696 land, forest stewardship land, or rural stewardship land, all of which require a stewardship  
697 or management plan, must annually provide a monitoring report that describes progress of  
698 implementing the plan. The owner must submit this report, which must include a brief  
699 description of activities taken to implement the plan and photographs from established  
700 points on the property, to the department by email or by other mutually agreed upon  
701 method. An environmental consultant need not prepare this report.

702           G. Failure by the owner to meet the conditions of the approval or to maintain the  
703           uses of the property that were the basis for the original approval shall be grounds for the  
704           department to reevaluate the property under the public benefit rating system. If the  
705           reevaluation shows the property or a portion of the property is no longer eligible ~~((or that~~  
706           ~~the overall rating would result in a current use assessment at a higher percentage of market~~  
707           ~~value than was))~~ to participate in the program because it does not qualify for any public  
708           benefit rating system category as originally approved, the county shall take action to  
709           remove the current use classification and determine the amount of deferred taxes, interest  
710           and penalty owed by the landowner. An appeal by the landowner from such a  
711           determination may be filed as provided for in K.C.C. 20.36.130.B. If the reevaluation  
712           shows the property or a portion thereof is no longer eligible as approved but that the  
713           property still qualifies for one or more public benefit rating system resource categories,  
714           then the overall credit award shall be adjusted to reflect the reevaluation. The new credit  
715           award may result in a current use assessment at a lower percentage of market value than  
716           was originally approved.

717           SECTION 11. Ordinance 13332, Section 38, as amended, and K.C.C. 27.10.230  
718           are each hereby repealed."

719           **EFFECT: The striking amendment addresses a number of clarifying and perfecting**  
720           **changes including**

- 721           • **Eliminating duplicative monitoring requirements for the Resource**
- 722           **Restoration category**
- 723           • **Adopting the same notice period for unincorporated areas as state law**
- 724           **provides for incorporated areas: ten days;**
- 725           • **Providing for public hearing notice in newspapers of general circulation in**
- 726           **the area of the applicant property, rather than in the official County**
- 727           **newspaper;**
- 728           • **Clarifying that to qualify for the "Buffer to Public Land" category, the land**
- 729           **must be "legally required to remain in a natural state;"**

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- For “Public Recreation Area” category, clarifying language requiring that a property owner must use best practices defined in Code;
- Revising language under the “Public Access” category clarifying that access can be reasonably limited “by the property owner;”
- Revising language that provides action by “determining authority” that includes three members of a Council committee and three members of a city council, to refer instead to the Transportation, Economy and Environment committee or its successor, as well as the city legislative body. In each case the reference is to the full body, rather than to three members of the body, consistent with recent revisions in state law;
- In the "Aquifer Protection Area" category, revising reference to the Critical Aquifer Recharge Area to clarify that the aquifer protection area must include a designated Critical Aquifer Recharge Area, rather than be located entirely within such an area; and
- Within the “Equestrian Pedestrian Bicycle” category, clarifying that those portions of private roads, driveways or sidewalks open to the public may qualify for consideration under this category