

## Summary of Draft Proposed Ordinance relating to King County Code Chapter 20.36 Open Space and Agricultural Current Use Assessment

This summary fulfills Washington State Growth Management Act and King County Code (K.C.C.) 20.18.100 requirements for a “plain language summary.”

This ordinance proposes to implement a new ecological enhancement Public Benefit Rating System (PBRs) category that would further encourage the protection of important salmonid and wildlife habitat. This category will promote recovery of significantly degraded natural resource areas on private property by requiring the removal of major manmade impediments such as bulkheads, culverts, or roads in exchange for tax incentives. The ordinance also streamlines the approval process for PBRs applications in incorporated areas of King County by requiring that all applications be heard by the Hearing Examiner, instead of Council committee, before full Council adoption. This change is consistent with the current process for applications in unincorporated King County, which will create efficiencies and eliminate confusion by creating one process for all applications. Lastly, the ordinance proposes additional PBRs program amendments to provide clarity and consistency in program implementation. The following is a summary of the draft proposed ordinance addressing these code changes, primarily in K.C.C. Chapter 20.36, Open Space and Agricultural Current Use Assessment.

Ordinance Section	King County Code Section	Current Code	Proposed Change	Intent/Rationale
1	20.22.060	Establishes types of cases where the Hearing Examiner issues recommendations, including PBRs open space applications except for applications in incorporated areas which are exempt under K.C.C. 20.36.090 from Hearing Examiner review.	Removes reference to K.C.C. 20.36.090.	Currently, PBRs applications in unincorporated areas are reviewed and recommended by the Hearing Examiner before adoption by the King County Council. K.C.C. 20.36.090 requires PBRs applications for lands within incorporated areas of King County to be heard and acted on by a Council committee prior to Council adoption. The ordinance proposes to streamline the approval process by requiring that all applications be heard by the Hearing Examiner; therefore, no longer requiring Council committee involvement for applications from incorporated areas. This change will create efficiencies and consistencies by creating one public hearing and approval process for all applications.
2	20.36.010	Establishes purpose and intent of current use taxation programs under RCW 84.34.	<ul style="list-style-type: none"> <li>• Changes "citizen" to "resident."</li> <li>• Technical changes.</li> </ul>	<ul style="list-style-type: none"> <li>• Updates purpose statement to reflect that the program supports the enjoyment and well-being of all</li> </ul>

Ordinance Section	King County Code Section	Current Code	Proposed Change	Intent/Rationale
				resident of the county, regardless of citizenship status. <ul style="list-style-type: none"> <li>• Non-substantive changes and technical corrections.</li> </ul>
3	20.36.015	Defines terms used throughout chapter.	Technical changes.	Non-substantive changes and technical corrections.
4	20.36.020	Establishes role of Hearing Examiner in approving PBRS applications in unincorporated areas and hearing appeals from denied farm and agricultural program enrollment by the County Assessor.	<ul style="list-style-type: none"> <li>• Removes language stating Hearing Examiner's Office only reviews PBRS applications from unincorporated areas.</li> <li>• Removes Hearing Examiner review of appeals from County Assessor.</li> </ul>	<ul style="list-style-type: none"> <li>• Changes to reflect proposal in Section 1 of the ordinance that the Hearing Examiner reviews all PBRS applications, from both incorporated and unincorporated areas.</li> <li>• Corrects code to reflect that the Hearing Examiner does not review appeals regarding County Assessor denials of enrollment in farm and agricultural program.</li> </ul>
5	20.36.030	Establishes how and to whom current use applications under RCW 84.34 are properly filed	Technical changes	Non-substantive changes and technical corrections.
6	20.36.040	Sets program applications fees and exemptions if reapplying for certain open space resource categories requiring a County-approved stewardship plan.	<ul style="list-style-type: none"> <li>• Adds a new ecological enhancement category as one of the fee-exempt categories.</li> <li>• Clarifies applicable definitions.</li> <li>• Technical changes.</li> </ul>	<ul style="list-style-type: none"> <li>• Reflects creation of new ecological enhancement category elsewhere in this ordinance. This category will require a stewardship plan; so, a fee-exemption is consistent with other categories.</li> <li>• K.C.C. 20.36.015 provides some general definitions for common words found throughout the chapter. However, 20.36.100 contains resource category-specific definitions that should be expressly applied to this section.</li> <li>• Non-substantive changes and technical corrections.</li> </ul>
7	20.36.050	Establishes Dec 31 as annual application deadline.	Technical changes.	Non-substantive changes and technical corrections.
8	20.36.060	Sets public hearing notice requirements and role of King County Council Clerk's Office.	<ul style="list-style-type: none"> <li>• Removes requirement for noticing only applications from unincorporated.</li> <li>• Technical changes.</li> </ul>	<ul style="list-style-type: none"> <li>• Changes to reflect proposal in Section 1 of the ordinance that the Hearing Examiner reviews all PBRS applications, from both incorporated and unincorporated areas.</li> <li>• Non-substantive changes and technical corrections.</li> </ul>

Ordinance Section	King County Code Section	Current Code	Proposed Change	Intent/Rationale
9	20.36.070	Establishes process instructions for applications received after October 1 <sup>st</sup> of each calendar year.	Repealed.	Applications are processed year-round to meet the six-month approval requirement as detailed in RCW 84.34.050 and WAC.458.30.230(5). The October 1 reference is confusing and has no bearing on the King County Department of Assessments' ability to apply property tax savings. In addition, deadlines for satisfaction of any conditions of enrollment are established by the DNRP and Hearing Examiner at the time of the public hearing and do not impact the Assessor's ability to make timely corrections on the tax roll as needed.
10	20.36.080	Requires that the King County Council chair must sign any ordinance and open space agreement that approves a property for enrollment.	Technical changes.	Non-substantive changes and technical corrections.
11	20.36.090	Establishes the process program applications for land in incorporated areas.	Changes body that reviews incorporated area applications, before sending to the Council for approval, from Council committee to Hearing Examiner.	Changes to reflect proposal in Section 1 of the ordinance that the Hearing Examiner reviews all PBRs applications, from both incorporated and unincorporated areas.
12	20.36.100.A. and B.	Establishes criteria for program eligibility and county review of applications.	<ul style="list-style-type: none"> <li>• Adds a clarifying statement regarding definitions in this section and their applicability to other sections of K.C.C. Chapter 20.36.</li> <li>• Technical changes.</li> </ul>	<ul style="list-style-type: none"> <li>• K.C.C. 20.36.015 provides some general definitions for common words found throughout the chapter. However, 20.36.100 contains resource category-specific definitions that should be expressly applied to K.C.C. 20.36.040 and 20.36.019.</li> <li>• Non-substantive changes and technical corrections.</li> </ul>
	20.36.100.C and D.	Establishes requirements for each of the program's open space resource categories' base credits (subsection C) and bonus credits (subsection D).	<ul style="list-style-type: none"> <li>• Adds new ecological enhancement land category and/or the category's associated plan.</li> <li>• (C.18.) Changes points for surface water quality buffer in open space resource category to incorporate additional points from the additional surface water quality buffer bonus category.</li> </ul>	<ul style="list-style-type: none"> <li>• Reflects creation of new ecological enhancement land category This new category encourages resource recovery efforts on properties with critical fish and wildlife habitat resources. It offers tax savings for landowners committed to taking on enhancement projects that are more costly, labor intensive and ecologically significant (such as a bulkhead, culvert or road removal). Note that this</li> </ul>

Ordinance Section	King County Code Section	Current Code	Proposed Change	Intent/Rationale
			<ul style="list-style-type: none"> <li>(D.1.) Increasing point total for the conservation easement bonus category.</li> <li>(D.5.) Updates to the resource restoration bonus category regarding restoration plans, who develops them, and what's included.</li> <li>Technical changes, including restructuring subsections (such as listing in alphabetical order, streamlining language, etc).</li> </ul>	<p>category the current resource restoration category, which typically consists of just restoring native vegetation rather than a more intensive/costly restoration project that could qualify for the new ecological enhancement category.</p> <ul style="list-style-type: none"> <li>(C.18.) The Executive, with input from the Hearing Examiner, has determined it would be more concise and less confusing to the public to have one tiered surface water quality buffer category, instead of a base category and a bonus category. Total possible points available to an applicant and category criteria for this open space resource remain unchanged. This change will eliminate the stand-alone additional surface water quality bonus category.</li> <li>(D.1.) Increasing the point total for this category from 15 to 18 encourages more interest in resource conservation easements by offering more potential tax savings.</li> <li>(D.5) Adds clarity requirements of a restoration plan including who can develop the plan and what needs to be in the plan.</li> <li>Non-substantive changes and technical corrections, including reflecting current terminology in state law (such as in subsection-C.17).</li> </ul>
13	20.36.120	Establishes King County Department of Assessments' role in processing and approving farm and agricultural land applications.	Technical changes.	Non-substantive changes and technical corrections.
14	20.36.130	Establishes the appeal process for property either 1) denied initial enrollment or 2) removed from continued participation in the PBRS or farm and agricultural lands programs.	<ul style="list-style-type: none"> <li>Corrects the appeal window for enrollment denials for the farm and agricultural land program from 21 days to 60 days.</li> <li>Corrects appeal body from Council to the County Board of Appeals and Equalization.</li> </ul>	<ul style="list-style-type: none"> <li>Per WAC 458.30.250, to appeal a denied farm and agricultural land enrollment, an owner must submit written appeal to county board of equalization within 60 days of denial.</li> <li>Current appeal process for PBRS enrollment denials is not currently in</li> </ul>

Ordinance Section	King County Code Section	Current Code	Proposed Change	Intent/Rationale
			<ul style="list-style-type: none"> <li>Establishes appeal process for denials for the PBRS program.</li> <li>Corrects the appeal window for property removals from both programs from 30 days to 60 days.</li> </ul>	<p>the code but should be. Per RCW 36.32.330, to appeal a denied PBRS enrollment, a written appeal must be filed with the superior court of the county within twenty calendar days of denial.</p> <ul style="list-style-type: none"> <li>Per WAC 458.30.295(9), to appeal a farm and agricultural land or PBRS enrollment removal, an owner must submit written appeal to county board of equalization within 60 days of removal.</li> </ul>
15	20.36.160	Establishes point system for reductions to the appraised land value, and associated tax savings, of the portion of property enrolled in the program.	<ul style="list-style-type: none"> <li>Removes cap on the total points that can be awarded.</li> <li>Technical changes.</li> </ul>	<ul style="list-style-type: none"> <li>Eliminates potential confusion as to savings level attained if awarded more than 52 points. 35 points or more results in a 90% reduction level. There should be no top end cap in points.</li> <li>Non-substantive changes and technical corrections, including updating the term “market” to “appraised” as needed to match current terminology used by other departments.</li> </ul>
16	20.36.170	Requires reevaluation of any open space property enrolled prior to the establishment of the PBRS program.	Repealed.	The reevaluation of all pre-PBRS open space properties was completed in 2005.
17	20.36.180	Establishes annual reporting requirements to the King County Council regarding program participation numbers, and requires the Council to evaluate PBRS program success two years after August 17, 1992 to evaluate the progress of the program.	Remove required 1994 program evaluation.	The 1994 evaluation requirement was established when the program was created in 1992 and is now is outdated. As demonstrated through the required annual reporting, the PBRS program has proven to be very successful since its creation.
18	20.36.190	<p>Establishes the evaluation and approval process for PBRS applications, including:</p> <ul style="list-style-type: none"> <li>For lands already restricted by existing covenants and/or land use regulations and that are proposed for program enrollment, a minimum of 10% additional, unrestricted land must be provided in order to be eligible.</li> </ul>	<ul style="list-style-type: none"> <li>Clarifies applicable definitions.</li> <li>(G.3.) Allows areas of property entirely protected and/or encumbered by covenants and/or land use regulations to be eligible for program enrollment without additional 10% land requirement.</li> <li>(H.1. and H.2.) Updates compliance monitoring methods to include use of other technical resources (aerial photos and GIS software/tools) and online submittals of self-monitoring</li> </ul>	<ul style="list-style-type: none"> <li>K.C.C. 20.36.015 provides some general definitions for common words found throughout the chapter. However, 20.36.100 contains resource category-specific definitions that should be expressly applied to this section.</li> <li>For already encumbered lands, no longer requiring the 10% additional land for program eligibility encourages greater stewardship of these encumbered areas of property</li> </ul>

Ordinance Section	King County Code Section	Current Code	Proposed Change	Intent/Rationale
			<ul style="list-style-type: none"> <li>• Technical changes.</li> </ul>	<p>via the required implementation of a corresponding stewardship plan. Additionally, it encourages more public access, recreation, and trail access/development, which are clear public benefits and important open space resource elements. The change would mean a property could qualify for any of the four stewardship plan related open space categories (farm conservation, forest stewardship, ecological enhancement, or rural stewardship) or the three trail/recreation related open space categories (public recreation area, active trail linkage, or equestrian-pedestrian-bicycle trail linkage) without requiring an additional 10% of land.</p> <ul style="list-style-type: none"> <li>• Providing additional compliance monitoring reflects current practices and technologies that allow staff to complete remote (rather than on-site) review via aerial photos and GIS software and tools. These resources helps to support program feasibility as larger numbers of properties are enrolled. Additionally, self-monitoring submittals via an online portal provides additional information without on-site visits and aids in staff monitoring.</li> <li>• Non-substantive changes and technical corrections, including matching terminology in state law (such as in C.1.d.).</li> </ul>
19	N/A	N/A	Severability	Standard King County severability clause.