

Docket No.	Project Name	Brief Description of Suggested Amendment	Who Suggested Amendment	Staff Lead	Staff Recommendation
14-01	New KCC Chapter 3.46	Development of a Public Benefit Rating System which provides a system to determine the assessed value of property through the State's Current Use Open Space Taxation laws	BOCC	CDS	Approve

The Open Space Taxation Act, enacted in 1970, allows property owners to have their open space, farm and agricultural, and timber lands valued at their current use rather than at their highest and best use. The Act states that it is in the best interest of the state to maintain, preserve, conserve, and otherwise continue in existence adequate open space lands for the production of food, fiber, and forest crops and to assure the use and enjoyment of natural resources and scenic beauty for the economic and social well-being of the state and its citizens.

The criteria in declaring land in open space has been broad and subjective in interpretation on whether a particular property qualifies as "open space" and in the assessed value of property for taxing purposes as a result of placing land in "Open Space." The Public Benefit Rating System" (PBRS) was approved as procedure for evaluating the benefit of having land designated in open space to reduce the subjectivity and provide a measuring technique to evaluate the value of the public benefit of that open space being reserved.

Every county within the State has legislative authority to establish a public benefit rating system for the open space classification, the criteria contained within the rating system governs the eligibility and valuation of the land subject to the application. When a county creates or amends a PBRS, all classified open space land will be rated under the new PBRS. Land that no longer qualifies for open space classification will not be removed from classification, but will be rated according to the PBRS. Within 30 days of receiving notification of the new assessed value established by the PBRS, the owner may request removal of classification of the land without imposition of additional tax, interest, and penalty.

The following language is proposed to be added into the Kittitas County Code to establish a PBRS for the County and require current use properties in open space to be valued through this system.

#### DRAFT – November 2014

*Kittitas County Code New Chapter 3.46, Current Use Open Space Land Program and Public Benefit Rating System, is proposed as follows:*

#### Chapter 3.46

### **Chapter 3.46 CURRENT USE OPEN SPACE LAND PROGRAM AND PUBLIC BENEFIT RATING SYSTEM**

#### **Sections**

- 3.46.010 Purpose
- 3.46.020 Administration
- 3.46.030 Authority and compliance
- 3.46.040 Scope

- 3.46.050 Definitions
- 3.46.060 Eligibility
- 3.46.070 Application
- 3.46.080 Application review
- 3.46.090 Natural resource category priorities and point system
- 3.46.095 Agriculture preservation
- 3.46.100 Calculation of value reduction
- 3.46.110 Assessed valuation schedule
- 3.46.120 Improvements on open space properties
- 3.46.130 Signs
- 3.46.140 Agreements
- 3.46.140 Participation period
- 3.46.160 Enforcement

**Section 3.46.010. Purpose.**

The purpose of this Ordinance is to encourage the maintenance, preservation, conservation, and otherwise continue in existence adequate open space lands for the production of food and fiber and to assure the use and enjoyment of natural resource and scenic beauty for the economic and social well-being of the citizens of Kittitas County. Further, the Ordinance is so designed as to permit the continued availability of open space lands through the adoption of a benefit rating system and a potential reduction in assessed value for lands that qualify.

**Section 3.46.020. Administration.**

The County Assessor and the Kittitas County Legislative Authority or designee is vested with the duty of administering, implementing, and interpreting the provisions of this Ordinance. They may prepare and/or require the use of such forms and information as deemed necessary to administer the provisions of this Ordinance.

**Section 3.46.030. Authority and Compliance.**

Kittitas County adopts this Ordinance under the authority and requirements of Chapter 84.34 RCW. All lands proposed for acceptance into the current use open space land program shall be in full compliance with all applicable Kittitas County codes.

**Section 3.46.040. Scope.**

This Ordinance shall apply to all public and private lands situated within Kittitas County over which Kittitas County has jurisdiction under the constitutions and laws of the State of Washington and of the United States and shall set forth minimum standards in addition to such other standards that may be applicable.

**Section 3.46.050. Definitions.**

Those definitions set forth in RCW 84.34.020 and WAC 458-30-200, as adopted and hereafter amended, are hereby incorporated by reference and shall govern and control the application and interpretation of this Ordinance. In the case of reference to a specific Kittitas County Code regulation, the definitions within the referenced regulation (for example, the shoreline master program) shall prevail. The following definitions also apply:

1. "Assessor" means the Kittitas County Assessor.
2. "Board" means the Kittitas County Board of County Commissioners
3. "Department" means the Kittitas County Community Development Services.
4. "Designee" means the personnel directed by the Board to act in their behalf.
5. "Development" means structural or land use action
6. "Program" means the Current Use Open Space Land Program and Public Benefit Rating System.

### **Section 3.46.060. Eligibility.**

1. All lands within Kittitas County are subject to RCW 84.34.037(1)(7) and may be eligible to be reviewed for enrollment in this program, provided:
  - a. The property proposed for enrollment contains at least one priority resource described in KCC 3.46.090; and
  - b. The property meets the minimum enrollment requirements of the public benefit rating system found in KCC 3.46.100 (a); and
  - c. All fees, assessments, and taxes are paid in full; and
  - d. The property shall be in full compliance with all provisions of this Ordinance, all applicable Kittitas County codes, and RCW 84.34.
2. The following lands or portions thereof, are not eligible for enrollment under this Ordinance:
  - a. Designated open space areas or buffers required as part of an approval for zoning, land use or subdivision requirements other than a cluster or conservation plat;
  - b. Lands or portions thereof which require a membership, are commercial endeavors, or charge rental for such use, including, but not limited to public or private golf courses, country clubs, campgrounds, ski/biking areas and rental parking, and Recreational Vehicle parks.

### **Section 3.46.070. Application.**

Applications for enrollment under this Ordinance, together with the specified fee, shall be filed with the Assessor. The accuracy and completeness of the applications shall be the responsibility of the applicant. The applications shall, at a minimum, contain the following:

1. The applicant shall submit a non-refundable application fee as required by Kittitas County.
2. Completed and signed Open Space application provided by the Washington State Department of Revenue; and
3. A Site Plan Packet of the property including but not limited to;
  - a. A scaled drawing on an 11" by 17" sheet of paper showing the property boundaries and any existing or proposed buildings upon the site, and the location of any gates, fences, or other access obstructions;
  - b. A legal description of the property, parcel or map number, and total number of acres considered for enrollment;
  - c. A narrative statement describing the resources present, with verification as required by Section 3.46.080
  - d. A detailed narrative description of the method and proposed rules for public access,;
  - e. A certification of payment for property taxes from the county treasurer prior to recording of the open space agreement that all taxes, assessments, fees, fines, penalties, and/or judgments, outstanding against a parcel of land have been satisfied.
  - f. Multiple parcels adjacent to one another may be consolidated and reviewed under a single application upon approval of a lot combination per KCC 16.08.055.

### **Section 3.46.080. Application Review.**

The following time line shall be used for the processing of all applications for enrollment:

1. The processing schedule that follows intends to (1) provide that applications will be approved or denied within six (6) months following the date the application is deemed complete; and (2) allow sufficient time for County staff to evaluate the applications.
2. Applications will be accepted during either of two (2) submittal periods as follows:
  - a. Applications received during the period January through April shall be reviewed for eligibility during the period May 1st through June 30th. Applications shall be deemed complete by July 1st of each year, and shall be approved or denied by the County legislative authority by December 31st.

- b. Applications received during the period July 1st through October 31st shall be reviewed for eligibility during the period November 1st through December 31st. Applications shall be deemed complete by December 31st of each year, and shall be approved or denied by the County legislative authority by July 1st of the following year.
  - c. Applicants whose submittal is deemed incomplete or ineligible shall be notified as soon as reasonably possible in order to identify additional information required to make the application complete, or to give the applicant an opportunity to withdraw the application.
3. An application shall be effective for six (6) months. The continuance of an application beyond six (6) months shall constitute a new application and new application fees apply. The Department may waive the additional application fee or extend the application six (6) months if it is determined that administrative review is responsible for the application delay.
4. Public Hearing:
  - a. Upon determining the application complete and following a review by staff of the application, a date and time for a public hearing will be set before the Board of County Commissioners for public hearing. Staff will provide a report and recommendation regarding each case.
  - b. A notice of the application shall follow Kittitas County Code 15A.03.060.
  - c. The notice of the application and public hearing will be sent to all applicable County, State, and federal agencies with interest, for a thirty (30)-day comment and review period.
  - d. Decision-making by the Board shall occur after a public hearing is held obtaining written record from the public, oral testimony, staff presentation of the application on the proposed action. The Department shall notify the Assessor and the landowner of the approval of an application for enrollment under this Ordinance. All denials of an application shall be in writing to the land owner and shall include the reasons for denial.
5. In determining whether an application for open space land classification or reclassification should be approved all or in part as stipulated in RCW 84.34.037, the Board of Commissioners will take cognizance of the benefits to the general welfare of preserving the current use of the property which is the subject of application, and shall consider at a minimum the following:
  - a) The resulting revenue loss or tax shift;
  - b) Whether granting the application will:
    - i. Conserve or enhance natural, cultural, or scenic resources;
    - ii. Protect streams, stream corridors, wetlands, natural shorelines, floodways and aquifers;
    - iii. Protect geologically hazardous, landslide, or seismic areas;
    - iv. Protect soil resources and unique or critical wildlife and native plant habitat;
    - v. Promote conservation principles by example or by offering educational opportunities;
    - vi. Enhance the value of abutting or neighboring parks, forest, wildlife preserves, nature reservations, sanctuaries, or other open space;
    - vii. Preserve historic and archaeological sites;
    - viii. Preserve visual quality along highway, road, and street corridors or scenic vistas; and
    - ix. Affect any other factors relevant in weighing benefits to the general welfare of preserving the current use of the property.
6. Any appeal of the action for denial or approval of the decision will be filed before Superior Court.
7. In the event a parcel is conveyed while approval of a timely application is pending, the purchaser or transferee shall, upon written request to the department within thirty (30) days from recording of sale, be given the same consideration as the original applicant. The purchaser or transferee shall assume the original applicant's rights and responsibilities in the application process. The purchaser or transferee shall be required to satisfy all requirements that otherwise would have been required.

### **3.46.090. Natural Resource Category Priorities and Point System.**

The intent of the public benefit rating system is to evaluate the retention of "resources and public access" that may be contained on parcels of land in Kittitas County. Several categories of resources are identified for scoring in this system. A maximum of fifty-five percent (55%) reduction in assessed value for all or a portion

of a parcel may result from enrollment in this program, and can qualify for as much as seventy-five percent (75%) reduction with enrollment and bonus evaluation per KCC 3.46.100. The parcel, or portion thereof, is assigned a rating and given a percentage of reduction in assessed value for that portion of land that qualifies. The rating and percentage of reduction is dependent upon the type of resource(s) found on the parcel and will be based upon the importance of the resource to the entire Kittitas County environmental system. The application for value reduction will be considered when:

1. Development, other than a single family home, is allowed but not exercised by the landowner for purposes of retention of the resource; or
2. Development allowed by Code cannot occur as a result of resource restriction such as large wetlands, large floodways, historic grounds or similar limitations.

Each environmental characteristic related to "open space" will be rated by the following system.

1. High Priority Resources. High priority resources may receive as many as three (3) points for each resource involved in the application, depending upon circumstances of the property. Resources shall be verified pursuant to KCC 3.46.100(2).
  - a. Archaeological Site. (3 points)
    - i. Definition. All known sites and locations of pre-historical or archaeological interest, including but not limited to burial sites, camp sites, rock shelters, caves and the artifacts and implements of the culture.
    - ii. Source. Location and details of known sites are on file at Washington State Office of Archaeology and Historic Preservation.
    - iii. Eligibility. Eligible sites are those which are on file at the Washington State Office of Archaeology and Historic Preservation, or verified by an expert in the field as containing the same features and acceptable by the Office of Archaeology and Historic Preservation for addition to their inventory. If a site is considered as an archaeological site, it will not receive points as a historic site.
  - b. Historical Site (3 points).
    - I. Definition. A building, structure or site which is of significance to the county's cultural heritage including, but not limited to, Native American and pioneer settlements, old buildings, forts, trails, landings, bridges or the sites thereof together with interpretive facilities, and which are identified in the Washington Heritage Register or the National Heritage Register.
    - II. Source. No comprehensive inventory has been done by the County to date. Refer to state or national registers and inventories at the State Office of Archaeology and Historic Preservation and/or the Kittitas County Historical Society.
    - III. Eligibility. Eligible sites must be listed in the Washington Heritage Register or the National Heritage Register. If a site is considered as a historic site, it will not receive points as an archaeological site.
  - c. Shoreline Environment. (Up to 3 points)
    - I. Definition. A lake or stream shoreline and its "associated wetlands" designated by the Kittitas County Shorelines Master Program.
    - II. Source. Official shoreline master program map or associated documents.
    - III. Eligibility. Eligible lands are those identified either partially or wholly as shoreline environment and their associated wetlands in the Kittitas County shorelines master program and will be granted a proportion of total points based upon the amount of circumference of property boundary adjacent to an Ordinary High Water Mark (OHWM). Those properties with less than fifteen percent (15%) of the property boundary circumference subject to Shoreline regulations will receive one (1) point. Those properties having up to twenty-five percent (25%) of the property boundary circumference subject to Shoreline regulations will receive two (2) points. Those properties with over twenty-five percent (25%) of the property boundary circumference subject to Shorelines regulations will receive three (3) points.

- d. Special Animal Sites. (Up to 3 points)
  - i. Definition. Habitat for those animal species defined by Washington State Department of Fish and Wildlife (WDFW) as being either an endangered, threatened or sensitive species or those animal species identified as Level I Habitat on the Washington State Department of Fish and Wildlife Priority Habitat Species (PHS) maps.
  - ii. Source. Washington State Department of Fish and Wildlife (WDFW), Kittitas County Planning and Building Department's Critical Area maps.
  - iii. Eligibility. Eligible sites are those with a documented occurrence of an endangered, threatened or sensitive species, or those animal species identified as Level I Habitat on the Washington State Department of Fish and Wildlife Priority Habitat Species (PHS) Maps. Those properties with less than fifty percent (50%) of the property within identified special animal sites will receive two (2) points and those with fifty percent (50%) or more will receive (3) points.
- e. Special Plant Sites
  - i. Definition. Those areas where plant species listed by the Washington State Department of Natural Resources (WSDNR) Natural Heritage Program as being either an endangered, threatened or sensitive plant species are located in areas greater than ten (10) acres in size.
  - ii. Source. Location and details of known sites are on file in the WSDNR – Natural Heritage Database.
  - iii. Eligibility. Eligible sites are those in the WSDNR – Natural Heritage Database. Individual sites must be verified. Those properties with less than fifty percent (50%) of its area in identified special plant sites will receive one (1) point and those properties with fifty percent (50%) or more of the area in identified special plant sites will receive three (3) points.
- f. Category I and II Wetlands. (Up to 3 points)
  - i. Definition. All Category I wetlands and Category II wetlands over 2,500 square feet.
  - ii. Source. National Wetlands Inventory maps, Critical Area Maps, certified wetland biologist.
  - iii. Eligibility. Eligible lands are those meeting the above definition. Not eligible for other points relating to the wetland are waters designated within the Shorelines Management Program (SMP). Those properties with less than fifty percent (50%) of its area in identified Category I and II wetlands, and the required buffers and setbacks not regulated by SMP, will receive two (2) points, and those properties with fifty percent (50%) or more of the area in identified Category I and II wetlands will receive three (3) points. These points can be added to any points for other category wetlands upon the site.
- g. Major Lakes, Ponds and Streams.
  - i. Definition. Lakes and ponds, over one acre in size, and creeks and streams classified as Type 2 (or other state equivalent) as defined by WAC 222-16-030, located within a well-defined channel, that carry a perennial flow throughout the year and are used in the life cycles of anadromous fish, based on data compiled by the Washington State Department of Fish and Wildlife or other agency with expertise, and are not in a previously described "shoreline environment."
  - ii. Source. Washington State of Department of Fish and Wildlife (WDFW), and Washington State Department of Natural Resources (DNR).
  - iii. Eligibility. Eligible lands are those meeting the definition above and are not waters designated within the Shorelines Management Program (SMP). Those properties with less than fifty percent (50%) of its area ponds and streams not regulated by SMP will receive two (2) points, and those properties with fifty percent (50%) or more of the area with identified ponds and will receive three (3) points. Properties with a stream transmitting to two (2) property boundaries will receive two (2) points.
- h. Floodplains or Floodways

- i. Definition. Properties which contain floodways or 100-year floodplains as designated by the Kittitas County critical areas maps or by the Federal Emergency Management Agency flood maps.
  - ii. Source. Federal Emergency Management Agency flood maps or the Kittitas County critical area maps.
  - iii. Eligibility. Eligible lands are those that meet the definition above. Not eligible under this are waters and lands designated within the Shorelines Management Program (SMP). Those properties with less than fifty percent (50%) of its area in identified Floodways and Floodplains will receive two (2) points and those properties with fifty percent (50%) or more of the area in identified special plant sites will receive three (3) points. Those parcels on buildable lands entirely located within 100-year floodplains may be eligible for bonus points.
- i. Geologically Hazardous Areas.
  - i. Definition. Properties which contain areas that poses potential threats to life or property because of unstable soil, geologic or hydrologic conditions or steep slopes. This includes all landslide and seismic hazard areas.
  - ii. Source: Federal Emergency Management Agency, Washington State Department of Ecology, Washington State Department of Natural Resources (Division of Geology and Earth Resources), and/or geologic or geo-technical experts.
  - iii. Eligibility. Eligible lands are those that meet the definition above. Those properties with less than fifty percent (50%) of its area in this category will receive two (2) points and those properties with fifty percent (50%) or more of the area in identified as geologically hazardous will receive three (3) points.
- 2. Medium Priority Resources. Medium priority resources shall receive up to two (2) points. Resources shall be verified pursuant to KCC 3.46.100(2)
  - a. Public Lands Buffer.
    - i. Definition. Lands lying adjacent to public-owned parks, forests, wildlife preserve, natural reservations or sanctuaries.
    - ii. Source. Any city or county comprehensive plan, parks and recreation plan, or map showing ownership.
    - iii. Eligibility. Lands being buffered shall be in public ownership as shown on the Kittitas County Assessor's tax records. Two (2) points will be awarded lands with fifty percent (50%) or more of any one property line must border the public lands. This does not include airports, well sites, or other infrastructure sites for cities, towns, and county, nor does this include lands under KCC 3.46.060(2).
  - b. Minor Lakes, Ponds and Streams.
    - i. Definition. Lakes and ponds, under one (1) acre in size, and creeks and streams classified as Type 3, 4, and 5 (or other state equivalent) as defined by WAC 222-16-030, located within a well-defined channel, that carry a perennial flow throughout the year and are used in the life cycles of an anadromous fish, based on data compiled by the Washington State Department of Fish and Wildlife or other agency with expertise, and are not in a previously described "shoreline environment."
    - ii. Source. Washington State Department of Fish and Wildlife, Washington State Department of Natural Resources,
    - iii. Eligibility. Eligible lands are those meeting the definition above. Not eligible under this category are waters designated within the Shorelines Management Program (SMP). Those properties with less than fifty percent (50%) of its area in identified minor lakes and streams not regulated by SMP will receive one (1) point and those properties with fifty percent (50%) or more of the area in identified minor lakes and streams will receive two (2) points.
  - c. Scenic Vistas.

- i. Definition. An area of natural features which is visually significant to the aesthetic character of the county and is visible from a historically significant or scenic public right-of-way.
    - ii. Source. No inventory available.
    - iii. Eligibility. Lands under this resource category must be visible from historically significant or designated scenic highways and recognized by a public agency or non-profit scenic preservation organization. Such lands with more than 40 acres devoted to preserving such views will receive two (2) points.
  - d. Category III Wetlands.
    - i. Definition. All Category III wetlands over 2,500 square feet
    - ii. Source. National Wetlands Inventory maps, Kittitas County Planning and Building Department, wetlands expert.
    - iii. Eligibility. Eligible lands are those meeting the above definition. Not eligible for points relating to the wetland are waters designated within the Shorelines Management Program (SMP). Those properties with less than fifty percent (50%) of its area in identified Category III wetlands not regulated by SMP will receive one (1) point and those properties with fifty percent (50%) or more of the area in identified special plant sites will receive two (2) points. These points can be added to any points for other category wetlands upon the site.
- 3. Low Priority Resources. Low priority resources shall receive one point. Resources shall be verified pursuant to KCC 3.46.100(2).
  - a. Fee Recreation and Public Access Parking.
    - i. Definition. An area that has designated parking for the public and fee recreational activities. All recreational activities and fees collected must be administered by a nonprofit organization. The nonprofit organization shall have qualified and be certified as a nonprofit organization under Internal Revenue Code Section 501 (c)(3).
    - ii. Source. None.
    - iii. Eligibility. Eligible sites are those in which the recreational activity is present, and parking is provided. The site shall not have been developed to its maximum potential under its current zoning classification to receive one (1) point.
  - b. Category IV Wetlands.
    - i. Definition. All Category IV wetlands over 10,000 square feet.
    - ii. Source. National Wetlands Inventory maps, Kittitas County Planning and Building Department, wetlands expert.
    - iii. Eligibility. Eligible lands are those meeting the above definition. Not eligible for other points relating to the wetlands are waters designated within the Shorelines Management Program (SMP). Those properties with less than fifty percent (50%) of its area in identified Category IV wetlands will receive no points and those with fifty percent (50%) or more of the area in identified Category IV wetlands will receive one (1) point. This point can be added to any points for other category wetlands upon the site.
  - c. Urban Growth Area Open Space.
    - i. Definition. Lands located within one-half mile of the corporate boundary of a town or city and designated by city or town comprehensive plan as a conservancy, park, or open space and are not required to exist as a result of conditions for approval of land use actions (such as rezones and subdivisions).
    - ii. Source. Local city or town comprehensive plan.
    - iii. Eligibility. Lands meeting the definition above will receive one (1) point.



### **3.46.095. Agriculture Preservation.**

Applications for designation as farm and agricultural conservation land under RCW 84.34.020(1)(c) shall be accompanied by a farm management plan, prepared by a qualified agronomist, that demonstrates how the property will be returned to a level of production within six (6) years after designation as farm and agricultural conservation land that results in the land being reclassified as farm and agricultural land under RCW 84.34.020(2). The County Assessor is authorized to remove land from designation as farm and agricultural conservation land six (6) years after designation by the Board of County Commissioners, regardless of whether it is transferred to another designation. Land classified by the Board of Commissioners as farm and agricultural conservation land shall be eligible for an assessed fair market value reduction of fifty (50) percent.

### **3.46.100. Calculation of Value Reduction.**

1. Determination of Resource Applicability. The County staff in its review of the application, shall indicate within report or letter, its determination of applicability for all resources based upon the points permitted for each resource as shown on the Table below in KCC 3.46.100.
2. Verification of Eligible Resources. The County may request potentially eligible resources to be verified by specialist or a qualified agency. This may include, but not be limited to, Washington State Department of Fish and Wildlife, Washington State Department of Natural Resources -Natural Heritage Program, Washington State Department of Archaeology and Historic Preservation, or Washington State Department of Ecology. When no resource data exists for a particular parcel, but the property owner believes that the specific resource is present, the owner may provide to the County a report prepared by a qualified professional specializing in that area of expertise including, but not limited to botanist, wildlife manager, wetland biologist or geologist. The County shall utilize the written report and any comments from the agency in determining whether the parcel is eligible for specific resource points for public benefit.
3. Additional open space value reduction can be obtained for each enhanced resource as listed below.
  - a. Conservation Easement. A bonus for value reduction will be provided when offering conservation that permanently preserves the resource on the property. A conservation or historic easement is a legal means by which a landowner can voluntarily set permanent limitations on the future use of land thus protecting the land's particular attributes. The easement is conveyed, through recorded documents, to a qualifying conservation organization or public agency, but the land remains in private ownership and the owner retains full control over public access. A conservation easement shall include those interests or rights authorized to be held or acquired by RCW 84.34.210 or 64.04.130. Historic easements apply to historically important land areas and to historic structures that are listed on the National Register of Historic Places (or are located in and contribute to the historic significance of a National Register Historic District). The easement typically results in a limitation on land development or structure modification which will ensure the ongoing preservation of a historic parcel of land or a historic structure and its setting. If a bonus is awarded for a conservation easement, a bonus shall not be awarded for restoration/enhancement.
  - b. Restoration/Enhancement. A bonus will be provided for restored and/or enhanced resources including, but not limited to, Native American lands restoration, wildlife habitat preservation, and/or endangered species protection. At least one (1) resource must be present in order to qualify for the bonus. Restoration and enhancement plans are required and must be completed and inspected by a qualified professional. If a bonus is awarded for a restoration/enhancement, a bonus shall not be rewarded for a conservation easement.
  - c. A bonus will be provided for provision of public access to natural resource lands such as public forests, trails, streams or lakes. Except as outlined below, public access to the enrolled property and the features and resources contained therein is required. The applicant may determine the method and rules for public access, subject to approval by the Board. Applications for the public

access program may include proposed rules for public access, which may include, but is not limited to, not allowing motor vehicle usage, not permitting hunting or fishing, and/or not allowing firearms on the property. If access to the enrolled property involves the crossing of adjacent properties or using a private easement not owned by the applicant, the applicant must supply documentation that the public may cross such adjacent properties to access the enrolled property. Such documentation shall be recorded with the Kittitas County Auditor and shall extend through the life of the open space agreement.

The bonus will not be awarded if public access is determined to be detrimental to:

1. endangered, threatened, or sensitive plant or animal species verified in the field by qualified personnel from the appropriate agency;
2. known archaeological, historical, or tribal cultural site verified in the field by qualified personnel from the appropriate agency.

d. Any entity, organization, or person placing land in conservation in perpetuity shall receive an eighty-five percent (85%) reduction in assessed market value.

**3.46.110. Assessed Valuation Schedule.**

The reduction in market value of the qualifying land enrolled in this program is determined by reducing the market value of the qualifying land by a percentage, up to a maximum fifty-five percent (55%) unless a bonus is awarded per KCC 3.46.100(b). The relationship of public benefit points to percentage of assessed value reduction is presented in the following table:

Total Eligibility Points	Percent Reduction in Assessed Market Value
0 to 3 points	0% reduction in value
4 to 6 points	10% reduction in value
7 to 10 points	30% reduction in value
11 to 13 points	50% reduction in value
14 to 15 points	55% reduction in value
With One Bonus	10% additional reduction in value
With Two Bonuses	20% additional reduction in value
Conservation in Perpetuity	85% reduction in value

**3.46.120. Improvements on Open Space Properties.**

When determining eligibility of a parcel for enrollment under this ordinance that includes structural improvements, a one-acre minimum improvement area or home-site will be excluded and not enrolled under this Ordinance. Covenants, conditions and restrictions (CC&Rs) or conservation easements may increase the improvement area to more than one acre depending on the language in the CC&Rs or the conservation easement. This also applies to potential building areas listed in the CC&Rs and the conservation easement. This improved area or potentially improved area will be assessed at market value as determined by the County Assessor. Any property with re-assessed value who wishes to have designations removed shall be subject to RCW 84.34.

**3.46.130. Signs.**

1. Signs are required only when public access is required under the provisions of this Ordinance, the cost of which shall be the responsibility of the landowner. All signs shall:

- a. Be posted within ninety (90) days following enrollment in the program;
  - b. Be purchased from Kittitas County as official current use open space public access signage;
  - c. Be posted on the subject property's road frontage, appropriate by the board; or nearest public road as deemed appropriate by the Board
  - d. Be maintained at the landowner's expense in good condition for as long as the property is enrolled in the program. Failure to maintain or replace removed, missing, or damaged signs by the property owner may jeopardize enrollment in the program.
2. Signs posted by the landowner, on or around the property proposed for enrollment, must be approved at the time of enrollment in the program. Unapproved signs which appear to discourage or prohibit public access to the enrolled property shall be removed immediately, or the property shall be subject to enforcement processes per KCC Title 18.

**3.46.140. Agreements.**

1. Hold Harmless. All owners of property enrolled in the program who are required to grant public access to the subject property shall execute and record a hold harmless agreement, releasing Kittitas County of any liability which may arise as a result of enrollment in the program. Such forms shall be provided by the department.
2. Upon approval by the board, an open space agreement between the county and landowner shall be signed and recorded with the auditor and may contain the conditions of continued enrollment under this Code. The agreement to tax land according to its current use is not a contract between the owners and the county. This agreement can be abrogated, annulled, or cancelled at any time by the state legislature in which event no additional tax, interest, and/or penalty shall be imposed, as specified by WAC 458-30-355. The open space agreement shall be processed as follows:
  - a. Within five (5) calendar days after the approval of the application for enrollment under this Code, the department shall deliver by certified mail, return receipt requested, the agreement to the owner for signature.
  - b. The owner may accept or reject the agreement.
  - c. If accepted, the agreement shall be signed and returned to the Assessor within thirty (30) days after receipt. If the agreement is not returned to the department within thirty (30) days after receipt, the county shall presume the agreement has been rejected.

**3.46.150. Participation Period.**

1. When land has been enrolled in the program, it shall remain under such classification and shall not be applied to another use except as provided by RCW 84.34.070(2), for at least ten 10 years from the date of the recording of the open space agreement and shall continue under such classification until and unless withdrawn from the classification after notice of request for withdrawal shall be made by the owner. During any year after eight years of the initial 10-year classification period have elapsed, notice of request for withdrawal of all or a portion of the land may be given by the owner to the County Assessor. In the event that a portion of a parcel is removed from classification, the remaining portion must meet the same requirements as did the entire parcel when such land was originally granted classification pursuant to this program. The County Assessor shall, when two assessment years have elapsed following the date of receipt of such notice, withdraw such land from such classification and the land shall be subject to the additional tax and applicable interest due under RCW 84.34.108.
2. When land which has been classified under this Ordinance is applied to some other use, such landowner shall notify the assessor within sixty (60) days of such change and shall be subject to the provisions of RCW 84.34.080.
3. The County Assessor and/or department may require an owner of land enrolled under this Ordinance to submit data relevant to the use of the land or other information pertinent to the continued classification of the land, as specified by WAC 458-30-270.

4. Property enrolled under this Ordinance may be sold or transferred to new owners subject to the provisions of WAC 458-30-275.

**3.46.160. Enforcement.**

Property which has been approved under this Code, but which is found to be in violation of any terms of the open space agreement or condition of enrollment may be removed from the program and all applicable fees, penalties, and interest shall become due pursuant to Chapter 84.34 RCW.