

AGENDA

Clallam County Planning Commission

Planning Commission Meeting of Wednesday, November 6, 2024, 6:00 p.m.

The Planning Commission will conduct a regularly scheduled meeting in Room 160 of the Clallam County Courthouse, 223 East Fourth Street, Port Angeles, WA 98362 and by Zoom, meeting number 857 7304 5582 with passcode 12345. Materials regarding past and upcoming meetings are available at: <https://clallamcountywa.gov/meetings>

- A. CALL TO ORDER**
- B. PLEDGE OF ALLEGIANCE**
- C. ROLL CALL**
- D. WELCOME**
- E. APPROVAL OF MINUTES:** October 16, 2024
- F. ANNOUNCEMENTS:**
- G. PUBLIC COMMENT on AGENDA ITEMS – Please Limit Comments to Three Minutes**
- H. UNFINISHED BUSINESS:**
- I. PUBLIC HEARING/COMMISSION ACTION:** None
- J. WORK SESSION ITEMS:** Public Benefit Rating System draft ordinance
- K. PUBLIC COMMENT – Please Limit Comments to Three Minutes**
- L. DISCUSSION OF PUBLIC COMMENTS**
- M. GOOD OF THE ORDER**
- N. ADJOURNMENT**

Members:

Chair, Steve Gale & Vice-Chair, Ron Long
N. Bonnie Booth; Thomas Butler; Katina Hester;
Kenneth Reandeau; Jane Hielman; Dann May; Vacancy District 2
Department of Community Development Staff:
Donella Clark, Principal Planner; Bruce Emery, DCD Director

MINUTES

Clallam County Planning Commission

Meeting of October 16, 2024, 6:00 PM

- A. **CALL TO ORDER:** The meeting was called to order at 6:00 p.m.
- B. **PLEDGE OF ALLEGIANCE.**
- C. **ROLL CALL:** Members present were Chair Steve Gale, Vice-Chair Ron Long, Tom Butler, Ken Reandeau, Katina Hester, Jane Hielman, Dann May, and Bonnie Booth. Bruce Emery, Director, Donella Clark, Principal Planner and represented staff from the Department of Community Development. Joe Donisi, Steve Gray, and Jason O'Dell represented the Public Works Department.
- D. **WELCOME:** Chair Gale welcomed all in attendance.
- E. **APPROVAL OF MINUTES:** Motion passed 7-0 with one abstention.
- F. **ANNOUNCEMENTS:** None
- G. **PUBLIC COMMENT PERIOD:** Ed Bowan provided summary of the open house attended by the Board of County Commissioners. Was excellent to hear staff's views and the difference between maintenance versus capital projects.
- Josh Durst is concerned with the speed limit following the completion of the Dungeness Wildlife Curve and hopes staff will look at reducing the speed.
- Nicols Elliot has concerns regarding the curve and the speed limits. Wondering if the County has consulted the Tribe about the project.
- Rachel may suggests that a roundabout may be a better solution and would reduce speeds. Neighborhood has changed so much would be helpful to keep the speed down on Lotzgesell.
- Wendy Clark of the Jamestown Tribe noted they are involved in the issues in the Voice of America project. Tribe does support the widening of Lotzgesell to add shoulders.
- H. **UNFINISHED BUSINESS:** None
- I. **PUBLIC HEARING ITEM:** Steve Gray and Jason O'Dell provided a briefing on the 6-year Transportation Improvement Plan providing an overview of the presentation given on October 2nd. Provided written comment received at the Open House. Planning Commission asked questions and Ron Long suggested they amend their recommendation to the Board to include the removal of the dollar amount on Project U41. Steve Gale opened the public hearing and requested comments from those in attendance.
- Cheryl Baumann of the North Olympic Lead Entity provided comment on Project 41. Wanted to thank the County for partnering with others to advance different projects, allowing others to use their expertise and funding to remove the illegal fish blocking culverts.
- Wendy Clark of the Jamestown S'Klallam Tribe wanted to comment on the Voice of America project and suggested phasing the project to get the road away from the bluff and spend some additional time on the Lotzgesell public outreach. Touched on the project occurring in Carlsborg providing ADA access to the trail.
- Rachel May suggested separating the Lotzgesell corner from the Voice of America project, and perhaps remove the curve portion from the project.
- Ed Bowen commented on Unfunded Project 41 and discussed how we plan for the future.

Katina Hester recommended a motion to forward the TIP to the Commissioners requesting they consider writing a letter regarding the Joyce Piedmont project and requesting additional public process for Project #3.

Motion passed 7-1 with the recommended motions from Commissioners Long and Hester.

- J. **WORK SESSION ITEMS:** Bruce Emery introduced Tim Havel to discuss the timeline of the Comprehensive Plan Update. The County is currently working with two consultants on two updates regarding Hazard Mitigation and the Housing and Climate elements required. The County is moving forward with public outreach, looking at December or January for dates of outreach. County has begun engaging stakeholders. Project must be complete by December 2025. Next steps is to finalize public engagement plan and revise the gap analysis for policy updates.
- K. **PUBLIC COMMENT PERIOD:** Ed Bowen wanted to emphasize the need for the Comprehensive Plan to address the arterial flow problem in the County's transportation system.
- L. **DISCUSSION OF PUBLIC COMMENTS:** Commission asked how the public is engaged in the Comp Plan update. Staff explained there will be mailers, there is a website, open engagement activities will be planned, and of course public hearings.
- M. **GOOD OF THE ORDER:** Katina Hester had asked when they would see the revisions to the Open Space Code and staff informed the Commission it is on the agenda for the first meeting in November.
- N. **ADJOURNMENT:** The meeting adjourned at __8:05__ p.m.

10-8-24
Rec'd 9/9

CLALLAM COUNTY PUBLIC WORKS DEPARTMENT

223 EAST 4TH ST., SUITE 6, PORT ANGELES, WA 98362-3015
PHONE (360) 417-2319

COMMENT FORM

2024

SIX YEAR TRANSPORTATION IMPROVEMENT PROGRAM (TIP) FOR THE YEARS 2025 THROUGH 2030

CLALLAM COUNTY PUBLIC WORKS DEPARTMENT IS CONSIDERING WORK ON THE ITEMS LISTED ON THE SIX-YEAR TIP FOR THE YEARS 2025 THROUGH 2030. WHAT DO YOU THINK? IF YOU USE THESE ROADS, LIVE ALONG THESE ROADS, OR HAVE OTHER INTERESTS IN THEM WE WOULD LIKE TO HEAR FROM YOU. THIS WILL ENABLE US TO PROVIDE A DESIGN MOST IN LINE WITH THE DESIRES OF OUR COMMUNITY.

IF YOU WISH, PLEASE PROVIDE COMMENTS ON ANY OF THE PROJECTS CURRENTLY LISTED ON THE SIX-YEAR TRANSPORTATION IMPROVEMENT PROGRAM. YOU MAY ALSO SUGGEST PROJECTS YOU WOULD LIKE TO HAVE ADDED TO THE PROGRAM.

PLEASE CLEARLY IDENTIFY WHICH PROJECT(S) YOU ARE COMMENTING ON.

COMMENTS (feel free to add more sheets if necessary)

U41 on Page 12 of 13
Hoko - Ozette Road MP. 18.5

Fish passage is not an issue - this culvert is likely just a set of cross drains at best for a wetland created by the road "damping" affect.

WAFW rates this 67% passable (but fish use unknown) due to slope.

Funding sources are questionable and not explainable for the foreseeable future.

Recommend any dollar amount (25k) be removed and left blank for further consideration subject to public involvement

Please submit your comments prior to the public hearing on November 12, 2024.

Thank you for your input.

Name

Ed Bowen

Address

PO Box 111

Clallam Bay

Phone

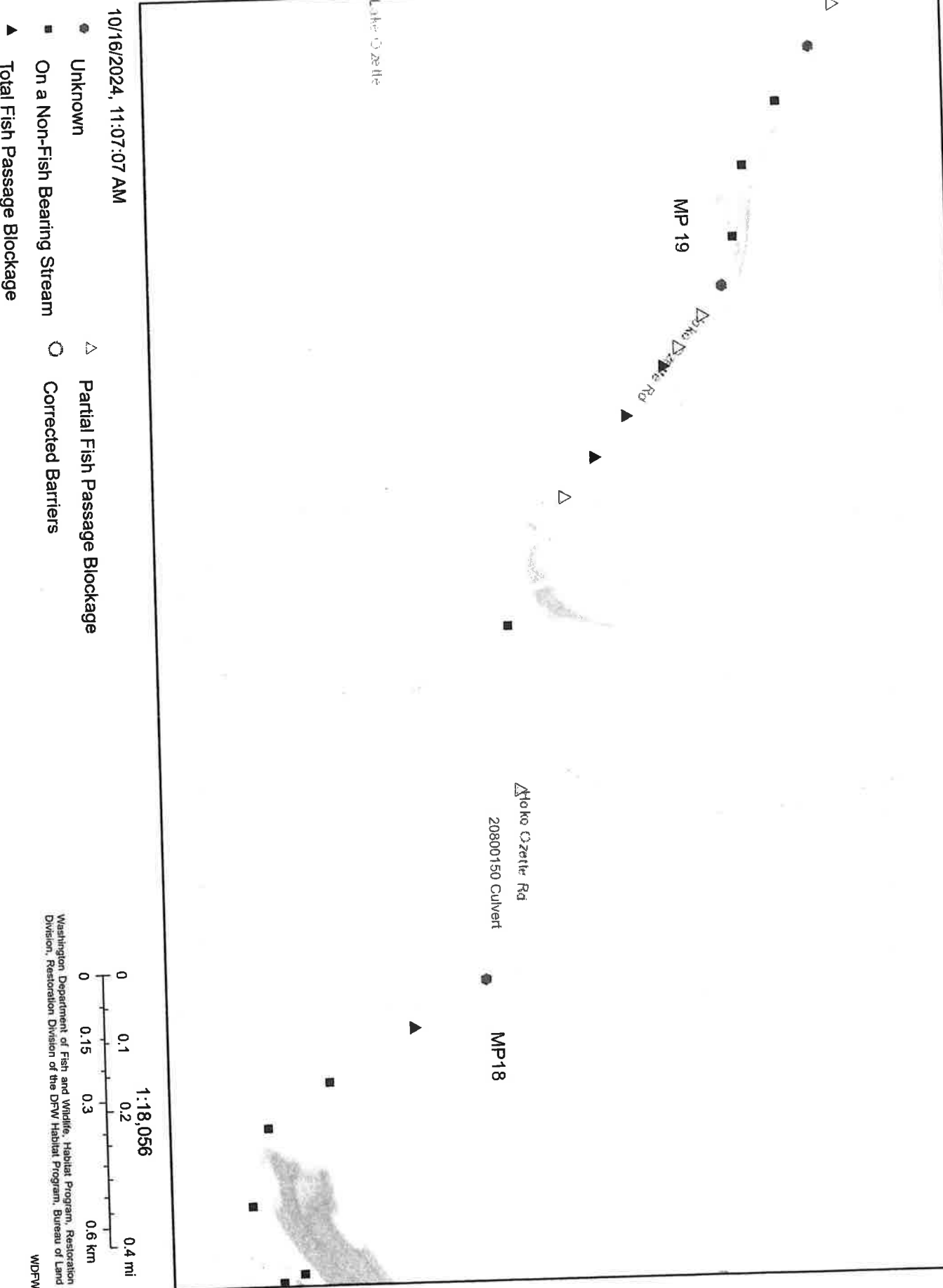
Email

yellowbanks@hotmail.com

(last updated September 13, 2024)



Hoko Oz Rd MP 18 to 19 WDFW FP



WDFW Fish Passage and Diversion Screening Inventory Database

Site Description Report

Site ID 20800150

Project

☐ Mitigated

Geographic Coordinates

Latitude (WGS 84): 48.13489
Longitude (WGS 84): -124.62183
East (NAD 83 HARN): 634,062.7
North (NAD 83 HARN): 1,048,090.8

Waterbody

Stream: unnamed
Tributary To: Umbrella Cr
WRIA: 20
River Mile: -999.99
Fish Use Potential: Unknown
FUP Criteria: Physical

General Location

Road Name: Hoko Ozette Rd
Mile Post: -999.99
County: Clallam
WDFW Region: 6

Owner

Type: County
Name: Clallam County

PI Species

- | | | |
|----------------------------------|------------------------------------|--|
| ☐ Sockeye | ☐ Chinook | ☐ Sea Run Cutthroat |
| ☐ Pink | ☐ Coho | ☐ Resident Trout |
| ☐ Chum | ☐ Steelhead | ☐ Bull Trout |

Associated Features

- | | | | |
|---|--------------------------------|--|------------------------------------|
| ☒ Culvert | ☐ Dam | ☐ Natural Barrier | ☐ Diversion |
| ☐ Non-Culvert Xing | ☐ Other | ☐ Fishway | |

Location/Directions

Site Comments

11/20/2021

These data represent a snapshot of the Washington Department of Fish and Wildlife's current records. Due to the ongoing nature of assessment and inventory of these features, these data may not accurately represent conditions on the ground, and are subject to change.

WDFW Fish Passage and Diversion Screening Inventory Database
Image Report - Active

Site ID: **20800150**

Latitude: **48.13489**

Longitude: **-124.62183**

Stream: **unnamed**

Tributary To: **Umbrella Cr**

WRIA: **20**

Fish Use Potential: **Unknown**

Associated Features

☒ Culvert

☐ Non-Culvert Xing

☐ Dam

☐ Other

☐ Natural Barrier

☐ Fishway

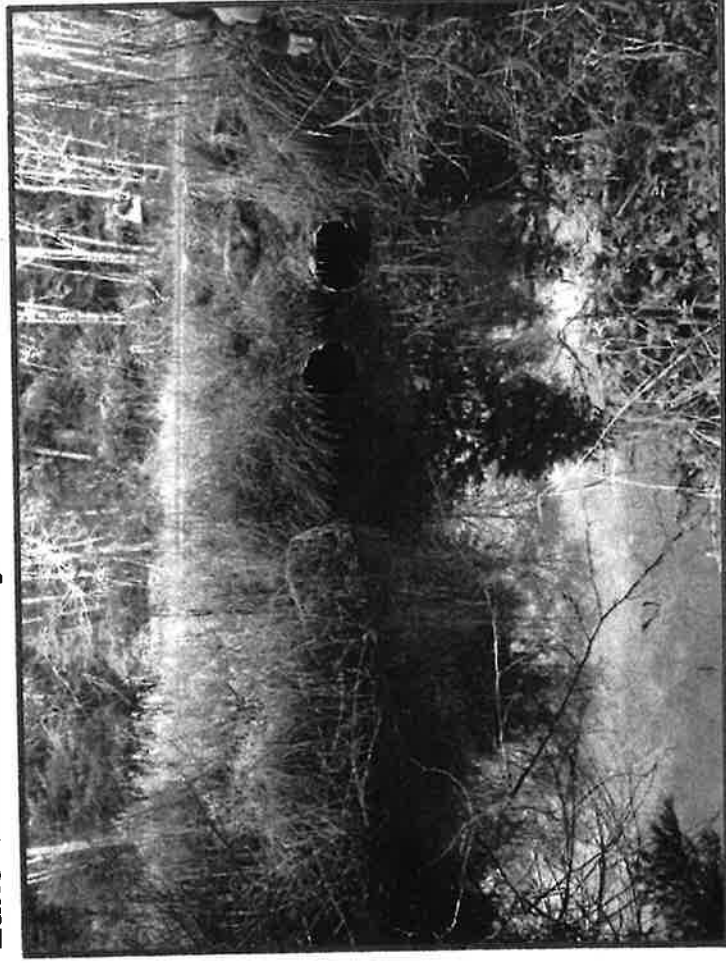
☐ Diversion



11/20/2021

These data represent a snapshot of the Washington Department of Fish and Wildlife's current records. Due to the ongoing nature of assessment and inventory of these features, these data may not accurately represent conditions on the ground, and are subject to change.

Lake Ozette Tributary: Hoko Ozette Road MP 18.5



WDFW Site ID: 20800150, 67% Passable

Upstream Habitat: ~1 mile of fish habitat

Species Benefit: Sockeye, Coho, Steelhead, Sea-Run Cutthroat, Resident Trout

Tassel Creek: Whitcomb Dimmel Road



WDFW Site ID: 20800217, 67% Passable

Upstream Habitat: ~5 miles of fish habitat

Species Benefit: Chinook, Coho, Steelhead, Sea-Run Cutthroat, Resident Trout



MEMORANDUM

Clallam County Department
of Community Development

Date: October 28, 2024
To: Clallam County Planning Commission
From: Donella Clark, Principal Planner
Re: Public Benefit Rating System

Discussion

Staff has provided a draft ordinance intended to update the Public Benefit Rating System to clarify those items that should count for a reduction in taxes, clean up to the process, as well as clarify for staff how properties qualify. The old rating table as well as the new rating table are provided as a separate sheet in order to compare the two rating systems side by side. Examples of other Public Benefit Rating Systems are also provided from Whatcom County and Island County for the Planning Commission to review.

Staff is looking for a recommendation from the Planning Commission on the ordinance and advice on the timeline for a public hearing. Staff would like to send notice to the 900+ property owners enrolled in the program of these presented changes. An audit of the program will be required if a new ordinance is passed and those properties that no longer qualify would be removed from the program with no required back taxes to be paid. If removed, recording fees will be required to be paid or a lien placed on the property.

Public Benefit Rating Table

OPEN SPACE PUBLIC BENEFIT RESOURCE	CODE REFERENCE	PERCENT REDUCTION IN TAX VALUATION	MAXIMUM REDUCTION IN TAX VALUATION ALLOWED
Conservation Easement- diminished development right(s)	27.08.080(1)	90%	90%
Lot Combination- diminished development right(s)	27.08. 080(2)		
Farm and Agriculture Conservation Land	27.08. 080(6)	50%	50%
Public Use	27.08. 080(6)		
Conservation Easement- No diminished development right	27.08. 080(4)	25%	40%
Restoration or Enhancement of Sensitive Ecological Resources	27.08. 080(1)		
Rare and Unique Plant Communities	27.08. 080(2)		
Parkland Buffers	27.08. 080(3)		

Public Benefit Rating Table

Item No.	Item	Reference	Pts.	Maximum Allowed in Category
Highest Public Benefit				
1.	Conservation easements, TDRs	CCC <u>27.08.060(17)</u>	23	23
Very High Public Benefit				
2. A.	Lot combination	CCC <u>27.08.060(16)(b)</u>	15	15
2. B.	Public access	CCC <u>27.08.060(15)(b)</u>	15	
High Public Benefit				
3.	Farm and agricultural conservation lands	CCC <u>27.08.060(14)</u>	0 - 15	15
Medium/High Public Benefit				
4. A.	Floodways, floodplains and meander zones	CCC <u>27.08.060(1), (2)</u>	3	12
4. B.	Type 1 or 2 streams	CCC <u>27.08.060(4)</u>	3*	
4. C.	Habitat or endangered species protection	CCC <u>27.08.060(5)</u>	3	
4. D.	Class I or II wetlands	CCC <u>27.08.060(8)</u>	3	
4. E.	Natural or conservancy environment shorelines, or shorelines of State-wide significance	CCC <u>27.08.060(9)</u>	3	

Item No.	Item	Reference	Pts.	Maximum Allowed in Category
4. F.	Historical sites	CCC <u>27.08.060(11)</u>	3	
4. G.	Archaeological sites	CCC <u>27.08.060(11)</u>	3	
4. H.	Scenic vistas	CCC <u>27.08.060(12)</u>	3	
4. I.	Open space, greenbelts, or wildlife corridors	CCC <u>27.08.060(3)</u>	3	
4. J.	Development pressure/zoning	CCC <u>27.08.060(16)(a)</u>	3	
4. K.	Rare or unique plant communities	CCC <u>27.08.060(7)</u>	3	

Medium Public Benefit

5. A.	Type 3 or 4 streams	CCC <u>27.08.060(4)</u>	2	6
5. B.	Landslide hazard areas	CCC <u>27.08.060(13)</u>	2	
5. C.	Class III wetlands	CCC <u>27.08.060(8)</u>	2	
5. D.	Well head protection areas	CCC <u>27.08.060(10)</u>	2	
5. E.	Rural environment shorelines	CCC <u>27.08.060(9)</u>	2	
5. F.	Public access (privately owned recreation facilities)	CCC <u>27.08.060(15)(a)</u>	2	
5. G.	Development pressure (abuts parks, public forests, etc.)	CCC <u>27.08.060(16)(c)</u>	2	

Item No.	Item	Reference	Pts.	Maximum Allowed in Category
Low Public Benefit				
6. A.	Type 5 streams	CCC <u>27.08.060(4)</u>	1	2
6. B.	Class IV wetlands	CCC <u>27.08.060(8)</u>	1	
6. C.	Suburban or urban environment shorelines	CCC <u>27.08.060(9)</u>	1	

* May be increased to 6 points if the landowner agrees to maintain a riparian buffer twice that provided by the Clallam County Critical Areas Code, Chapter 27.12 CCC.

(2) *Open Space Land Classification Rate Schedule.* The following rate schedule shall apply to eligible lands under the open space land category. Maximum reduced land valuation possible shall equal ninety (90) percent.

Open Space Classification Rate Schedule

Public Benefit Rating	Reduction in Land Valuation
< 2	0%
2	5%
3 - 4	10%
5 - 7	20%
8 - 10	30%
11 - 13	40%
14 - 16	60%
17 - 19	70%
20 - 22	80%
23	90%

Whatcom County
Open Space Policy and Criteria
and
Public Benefit Rating System, 1995

SUMMARY OF WHATCOM COUNTY OPEN SPACE POLICIES

- I. **Public Benefit Rating System:** All applications for open space-open space and open space- farm and agriculture conservation will be rated according to the Whatcom County Public Benefit Rating System described in the following pages. A Public Benefit Rating of at least 45 must be attained in order to be recommended for approval. In addition, the amount of tax reduction to be granted to open space applications will be based on the Public Benefit Rating. The greater the public benefit provided by keeping the property in open space use, the greater the tax reduction.
- II. **Public access:** As a condition of approval, owners of open space parcels must agree to provide a certain degree of public access according to the Whatcom County Public Access Policy listed on Page 12. All applications shall be accompanied by the owner's proposed rules of conduct and a description of how public access is to be managed, within the limitations outlined in the Whatcom County Public Access Policy. Note: On parcels where there is a documented occurrence of a State or Federal Endangered or Threatened species; Federal Proposed Endangered or Threatened Species; and State Sensitive or Monitor Species; or where there is a known or potentially significant archaeological site; or when the purpose of the open space is for wetland conservation, the public access requirement may be waived by the Council.
- III. **Open Space Sign:** As a condition of approval, owners of open space parcels must agree to post a sign in a location visible to passing motorists, in accordance with the Whatcom County Open Space Sign Policy on Page 13 indicating the parcel's open space status and the availability of public access. As with the public access requirement, the requirement for posting of a sign may be waived in some instances.
- IV. **Hold Harmless Agreement:** All open space property owners must sign a hold harmless agreement, freeing Whatcom County of any liability which may arise as a result of open space approval. A copy of the hold harmless agreement is included on Page 14.

**WHATCOM COUNTY OPEN SPACE POLICY AND CRITERIA
AND PUBLIC BENEFIT RATING SYSTEM**

I. APPROVAL CRITERIA: OPEN SPACE/OPEN SPACE AND OPEN SPACE/FARM & AGRICULTURE CONSERVATION

Washington State law specifies that:

In determining whether an application made for open space current use taxation status should be approved or disapproved, pursuant to RCW 84.34.020, subsection (1)(b) (Open Space/Open Space) or subsection (c) (Open Space/Farm & Agriculture Conservation), the Whatcom County Planning Commission will consider in its recommendations to the County Council whether or not preservation of the current use of the land, when balanced against the resulting revenue loss or tax shift from granting the application will:

1. Conserve or enhance natural, cultural or scenic resources, or
2. Protect streams, stream corridors, wetlands, natural shorelines and aquifers, or
3. Protect soil resources and unique or critical wildlife and native plant habitat, or
4. Promote conservation principles by example or by offering educational opportunities, or
5. Enhance the value of abutting or neighboring parks, forests, wildlife preserves, nature reservations or sanctuaries or other open spaces, or
6. Enhance recreation opportunities, or
7. Preserve historic and archaeological sites, or
8. Affect any other factors relevant in weighing benefits to the general welfare of preserving the current use of the property.

II. PUBLIC BENEFIT RATING SYSTEM

- A. Based on the first seven (7) approval criteria listed above in conjunction with number eight (8) above, the Planning Department staff will assign each application for Open Space/ Open Space and Open Space/Farm & Agriculture Conservation a **PUBLIC BENEFIT RATING** using the method described below.
- B. A parcel must receive a **PUBLIC BENEFIT RATING** of at least forty five (45) to be recommended for approval.
- C. The **PUBLIC BENEFIT RATING** will be used by the County Assessor's office in determining the amount of tax reduction for Open Space/Open Space and Open Space/Farm & Agriculture Conservation parcels.

III. PUBLIC BENEFIT RATING CALCULATION

A. BASIC VALUE

The Planning and Development Services Department will review each ~~Open Space/Open Space~~ and ~~Open Space/Farm & Agriculture Conservation~~ application and will assign to each a BASIC VALUE that represents the degree of conformance with the BASIC VALUE CRITERIA listed in Section IV below.

B. PUBLIC BENEFIT VALUE

The BASIC VALUE will be increased (or decreased) by a percentage (PUBLIC BENEFIT VALUE) representing the benefit to the general welfare of preserving the current use of the property, based on conformance with the factors listed in section V below.

C. PUBLIC BENEFIT RATING FORMULA

The PUBLIC BENEFIT RATING will be calculated using the following formula:

$PBR = BV + (BV \times PBV)$, where:

PBR = PUBLIC BENEFIT RATING

BV = BASIC VALUE

PBV = PUBLIC BENEFIT VALUE

IV. BASIC VALUE CRITERIA:

A. Open Space/Open Space

A maximum of ten points for open space/open space applications may be assigned for each of the 7 items based upon conformance with the criteria listed below.

1. Conserve or enhance natural, cultural or scenic resources.

Criteria for approval:

- a. lands which possess unique scenic vistas available to the public or are within the visual corridor of scenic roads or highways;
- b. lands which, when left in their natural state, would serve as buffers between areas of commercial or industrial activity and areas of human habitations;

- c. lands which can serve to prevent the spread of high density residential development into less developed areas;
- d. lands located adjacent to airports.

2. Protect streams, stream corridors, wetlands, natural shorelines and aquifers.

Criteria for approval:

- a. lands within a 100-year floodplain;
- b. lands within or adjacent to areas of domestic water supply;
- c. lands near or adjacent to streams or rivers where, if alterations were to occur, a resulting loss of quality would also occur in the conditions of water and the general functioning of the regime;
- d. lands which provide for preservation of bogs or swamps;
- e. lands adjacent to bodies of water, both marine and fresh;
- f. lands including and adjacent to wetlands and tidal areas (these lands would not necessarily be approved contingent upon public access agreement due to biological sensitivities).

3. Protect soil resources and unique or critical wildlife and native plant habitat.

Criteria for approval:

- a. lands where slopes exceed 25% or areas where underlying geology and soils are known to produce unstable conditions;
- b. lands where, if alterations were to occur, a resulting high risk of soil erosion would follow;
- c. lands which represent habitats for unique or critical wildlife or native plants, or where there is a documented occurrence of a State or Federal Endangered Species; State or Federal Threatened Species; Federal Proposed Endangered or Threatened Species; or State Sensitive or Monitor Species as listed in the Washington Department of Wildlife Nongame Data System. On parcels where there is this documentation, the Department shall automatically recommend approval with a recommendation that a sign and public access shall not be required.

4. Promote conservation principles by example or by offering educational opportunities.

Criteria for approval:

- a. lands which are an example of application of conservation principles;
- b. lands which offer opportunities for conservation education such as

interpretive centers or trails.

**5. Enhance the value to the public of abutting or neighboring parks, forests, wildlife preserves, nature reservations or sanctuaries or other open spaces;
Criteria for approval:**

- a. land that the local County Park Board has identified for possible future park acquisition;
- b. land designated in County Parks, Recreation and Open Space Study and other documents as significant park land, open space or conservation areas;
- c. lands which, as open space, may help to provide for successful implementation of County Trail Plan;
- d. lands which are near or adjacent to existing public parks, forests, wildlife preserves, nature reservations, sanctuaries, schools or other open space lands classified under RCW 84.33 or RCW 84.34;

6. Enhance recreation opportunities.

criteria for approval:

- a. lands possessing private recreational facilities which are available to the public without charge;
- b. lands which provide opportunities for passive recreational activities such as, but not limited to, hiking, horseback riding, hunting, fishing, bird watching, and nature observation;

7. Preserve historic and archaeological sites.

Criteria for approval:

- a. areas or sites which have been identified as significant on local, state or national Historic Registers;
- b. areas or sites of known or potential archaeological significance. On parcels where there is a known or potentially significant archaeological site, the Department shall automatically recommend approval with a recommendation that a sign and public access shall not be required.

B. Open Space/Farm & Agriculture Conservation

Only parcels consistent with RCW 84.34.020(8)(a)(b) may be considered for Open Space/Farm & Agriculture Conservation.

A maximum of fifteen (15) points for Open Space/ Farm & Agriculture Conservation applications may be assigned for each of the first two (2) items listed below, and a maximum of five (5) points may be assigned for the remaining eight (8) items listed below based upon conformance with the criteria listed.

1. Traditional or potential farmland.

Criteria for approval: lands which have historically been used for agriculture; and/or lands that have not been devoted to a use inconsistent with agricultural uses.

2. Soil Value

Criteria for approval:

- a. lands which contain prime farmland as defined by the U.S. Department of Agriculture; or
- b. lands which contain capability classification I-IV according to the US Department of Agriculture Land Capability Classification system.

3. Comprehensive Plan Designation

Criteria for approval: Lands which are designated Agriculture or Incentive Agriculture in the Whatcom County Comprehensive Plan.

4. Conserve or enhance natural, cultural or scenic resources.

Criteria for approval:

- a. lands which possess unique scenic vistas available to the public or are within the visual corridor of scenic roads or highways;
- b. lands which, when left in their natural state, would serve as buffers between areas of commercial or industrial activity and areas of human habitations;
- c. lands which can serve to prevent the spread of high density residential development into less developed areas;
- d. lands located adjacent to airports.

5. Protect streams, stream corridors, wetlands, natural shorelines and aquifers.

Criteria for approval:

- a. lands within a 100-year floodplain;
- b. lands within or adjacent to areas of domestic water supply;
- c. lands near or adjacent to streams or rivers where, if alterations were to occur, a resulting loss of quality would also occur in the conditions of water and the general functioning of the regime;
- d. lands which provide for preservation of bogs or swamps;
- e. lands adjacent to bodies of water, both marine and fresh;
- f. lands including and adjacent to wetlands and tidal areas (these lands would not necessarily be approved contingent upon public access agreement due to biological sensitivities).

6. Protect soil resources and unique or critical wildlife and native plant habitat.

Criteria for approval:

- a. lands where slopes exceed 25% or areas where underlying geology and soils are known to produce unstable conditions;
- b. lands where, if alterations were to occur, a resulting high risk of soil erosion would follow;
- c. lands which represent habitats for unique or critical wildlife or native plants, or where there is a documented occurrence of a State or Federal Endangered Species; State or Federal Threatened Species; Federal Proposed Endangered or Threatened Species; or State Sensitive or Monitor Species as listed in the Washington Department of Wildlife Nongame Data System. On these parcels the Department shall automatically recommend approval with a recommendation that a sign and public access shall not be required.

7. Promote conservation principles by example or by offering educational opportunities.

Criteria for approval:

- a. lands which are an example of application of conservation principles;
- b. lands which offer opportunities for conservation education

such as interpretive centers or trails.

- 8 . Enhance the value to the public of abutting or neighboring parks, forests, agricultural lands, wildlife preserves, nature reservations or sanctuaries or other open spaces.**

Criteria for approval:

- a. land that the local County Park Board has identified for possible future park acquisition;
- b. land designated in County Parks, Recreation and Open Space Studies and other documents as significant park land, open space or conservation areas;
- c. lands which, as open space, may help to provide for successful implementation of County Trail Plan;
- d. lands which are near or adjacent to existing public parks, forests, wildlife preserves, nature reservations, sanctuaries, schools or other open space lands classified under RCW 84.33 or RCW 84.34;

- 9. Enhance recreation opportunities.**

criteria for approval:

- a. lands possessing private recreational facilities which are available to the public without charge;
- b. lands which provide opportunities for passive recreational activities such as but not limited to hiking, horseback riding, hunting, fishing, bird watching, and nature observation;

- 10. Preserve historic and archaeological sites.**

Criteria for approval:

- a. areas or sites which have been identified as significant on local, state or national Historic Registers;
- b. areas or sites of known or potential archaeological significance. On parcels where there is a known or potentially significant archaeological site, the Department shall automatically recommend approval with a recommendation that a sign and public access shall not be required.

V. PUBLIC BENEFIT VALUE CRITERIA

The following list of open space characteristics have been determined to have a high priority in providing (or detracting from) benefit to the general welfare will be used to determine the **PUBLIC BENEFIT VALUE** for each Open Space/Open Space and Open Space/Farm & Agriculture Conservation application. The total **PUBLIC BENEFIT VALUE** will increase (or decrease) the **BASIC VALUE** by a certain percentage. It is possible to attain a **PUBLIC BENEFIT VALUE** of up to 140%, resulting in a maximum possible increase of 140%.

- A. PUBLIC ACCESS** (Maximum 40% increase)
1. Shoreline access
 2. Recreation access
 3. Public road frontage
 4. Availability of off-street parking
 5. Quality of access in terms of accessibility and owner's Proposed rules of conduct and access management
- B. WATER RESOURCE PROTECTION**(Maximum 20% increase)
1. Watershed of domestic water supply
 2. Aquifer recharge area
 3. Preservation of hydrologic processes:
 - streams and natural drainage courses
 - wetlands, swamps, bogs
 - lakes
- C. WILDLIFE HABITAT** (Maximum 20% increase)
1. State or Federal Endangered Species; State or Federal Threatened Species; Federal Proposed Endangered or Threatened Species; or State Sensitive or Monitor Species.
 2. Abundance and diversity of wildlife (associated with "edge" type habitat and areas of vegetative and topographic diversity).
- D. PARCEL SIZE**
1. Twenty (20) acres or larger (Maximum 10% increase)
 2. Smaller than five (5) nominal acres (Maximum 10% decrease for OS Open Space applications; Required 40% decrease for OS Farm and Agriculture Conservation applications)
- E. LINKAGE WITH OTHER OPEN SPACES** (Maximum 5%

increase)

Adjacent to other Open Space, parks, or open areas associated with Planned Unit Developments, Cluster Subdivisions, or Binding Site Plans.

F. NATURAL AREAS (Maximum 5% increase)

Based on how much of parcel is in natural cover and not developed with homesite, outbuildings, and clearings.

G. FINANCIAL ADVANTAGE (Maximum 40% decrease)

The use to which the land is put derives a financial advantage for it owners.

**H. DISCRETIONARY VALUE (Maximum 40% increase)
(Minimum 40% decrease)**

Discretionary value may be added or subtracted where land provides or detracts from public benefits other than those specifically listed above. If discretionary value is added or subtracted, the provision of or detraction from public benefits shall be set forth in detail on the supplemental application form and on the scoring sheet

PUBLIC ACCESS

All applications for Open Space/Open Space and Open Space Farm & Agriculture Conservation shall be accompanied by the owners' proposed rules of conduct and a description of how public access is to be managed, within the limitations outlined below.

The term "Public Access" is limited and defined as the right of any individual to request permission to enter and visit the premises on foot for legitimate recreational purposes such as bird watching, scenic observation, scientific investigation, picnicking during daylight hours, and strolling and general relaxation on the premises. This right is subject to the execution by the visitor of:

1. An agreement to abide by any reasonable rules of personal conduct required by the owners while on the premises, and
2. A general release of the owner from liability for any injury suffered by the visitor while on the premises. Permission will be granted without discrimination, **EXCEPT** in the case of a person in disorderly or apparently intoxicated condition in which case permission will be denied. Any permission previously granted shall become automatically revoked, and the visitor deemed to be a trespasser upon the premises.

Owners retain and reserve the power to officially post and enforce rules not inconsistent with the foregoing provisions and conditions for public entry upon the premises.

DATED this _____ day of _____, 2000

SIGNED:

owner

owner

OPEN SPACE SIGN POLICY

As a condition of approval of your open space application, you must post a two foot (2' x 2') sign on your property to indicate open space status, public access, and the Open Space Agreement number within one month of executing the Open Space Agreement.

The sign must be located on the property's road frontage in as conspicuous a location as possible.

Construction of the sign will be the responsibility of the applicant and will be in accordance with the specifications on file with the Planning and Development Services Department. It is the property owner's responsibility to assure that the sign remains in place during the period of the open space agreement.

This policy affects all Open Space/Open Space and Open Space/Farm and Agricultural Conservation applications.

Whatcom County Council

**AFFIDAVIT OF POSTING OF
OPEN SPACE SIGN
PURSUANT TO WHATCOM COUNTY
OPEN SPACE SIGN POLICY AND SPECIFICATION**

_____, being first duly sworn upon
oath, deposes and says:

That I have posted a two foot by two foot Open Space Sign in accordance with the Whatcom County Open Space Sign Policy and the Whatcom County Open Space Sign Specification, in a conspicuous location, visible to passing motorists, indicating the Open Space status of the following Open Space parcel(s):

Assessor's Parcel Number(s): _____

I understand that it is the property owner's responsibility to assure that the sign(s) remains in place during the period of the Open Space Agreement; that posting of the Open Space sign is subject to verification by County personnel; and that failure to maintain the sign is a violation of the Open Space Agreement and may result in withdrawal of Open Space status with attendant taxes and penalties payable pursuant to RCW 84.34.

Signature of Property Owner or other person posting property

I certify that I know or have satisfactory evidence that _____
signed this instrument and acknowledged it to be his/her free and voluntary act for the uses
and purposes mentioned in this instrument.

Dated _____

Signature of _____
Notary Public _____

Title _____

My Appointment _____

Expires _____

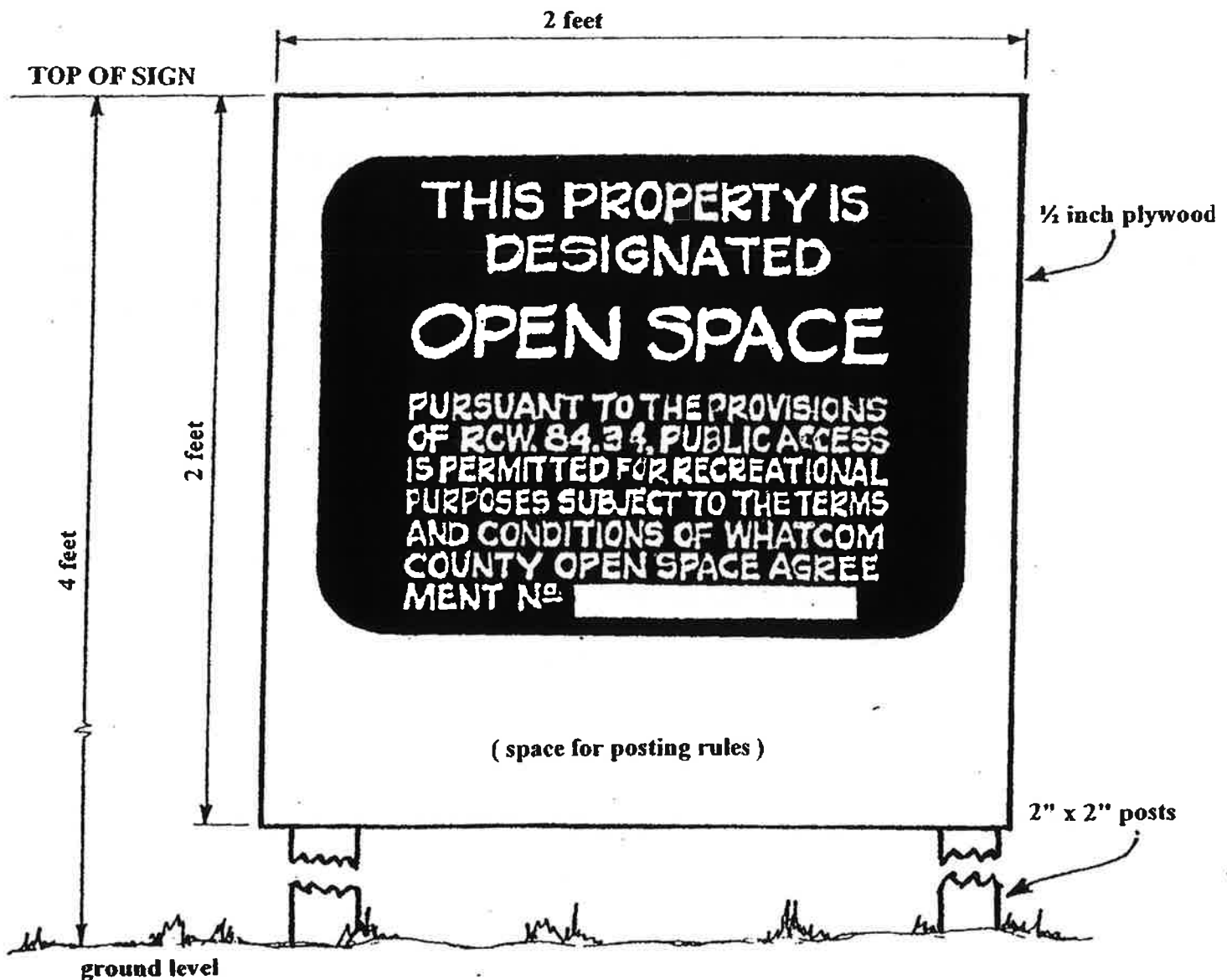
Seal

WHATCOM COUNTY OPEN SPACE SIGN SPECIFICATION

As a condition of approval of your Open Space application, you must post at least one Open Space sign on the property's road frontage in a conspicuous location, visible to passing motorists. It shall be the property owner's responsibility to assure that the sign remains in place during the period of the Open Space Agreement.

A typical sign and mounting are illustrated below. The sign shall be purchased from the Whatcom County Planning and Development Department for \$5.00 plus tax of .39 cents. The sign shall be permanently attached to a weather-resistant solid backing at least two feet by two feet in size. You may also post reasonable rules of personal conduct while on the premises, pursuant to Whatcom County Public Access Policy. Such rules shall be approved by the Planning Department prior to posting.

TYPICAL SIGN AND MOUNTING



HOLD HARMLESS AGREEMENT

Owner Name

Owner Name

In consideration for Whatcom County's approval of the attached Open Space Application, with any conditions that may be imposed, hereby agree to defend, indemnify and hold harmless Whatcom County, its officers and employees from any claim that may arise against Whatcom County as a result of the approval of the attached application with conditions.

This agreement shall become binding only after the Whatcom County Council has approved the attached application.

Parcel number(s):

DATED: This _____ day of _____, 2008

SIGNED:

Owner Name

Owner Name

Chapter 3.40 - Island County Public Benefit Open Space Rating System

3.40.010 - Summary.

The State Open Space Tax Act, Chapter 84.34 RCW, provides an opportunity for landowners to apply for a reduction in property taxes for certain categories of open space, agricultural, and timber lands. This tax reduction is based upon a current use assessment (CUA) of the land rather than on the traditional fair market value system of "highest and best use."

- A. The program will cause a modest tax shift from properties in the program to all other properties in the county. When a property enters the program and benefits from a reduced tax rate, the differential is shifted across all other properties in the county. County landowners effectively support the retention of the benefits recognized in the county's public benefit rating system.
- B. The Open Space Act authorizes counties to set open space priorities and adopt, after a public hearing, an open space plan and public benefit rating system (PBRs). (RCW 84.34.055.) The open space plan must contain criteria for determining the eligibility of lands, the process for establishing a PBRs, and an assessed valuation schedule. A PBRs is required to contain a rating of parcel(s) of land classified as open space for the purpose of determining its CUA.
- C. Island County's proposed PBRs establishes a priority ranking system for various open space resources, classifies them into high, medium, or low priority open space resource categories, and assigns a point value for each category and for any additional public benefit features. The PBRs's assessed valuation schedule determines the percentage of tax reduction based upon the total number of points accumulated under its rating. The valuation schedule should work to reduce a property's tax assessment in direct relation to its merit for open space priorities. Applications for CUA open space would, after its adoption by the county, be rated and assessed according to the PBRs.

(Ord. C-93-98 [PLG-026-98], September 28, 1998, vol. 42, p. 491; accepted by Res. C-133-98 [PLG-043-98], October 19, 1998, vol. 43, p. 38)

3.40.020 - Purpose and intent.

- A. It is in the best interest of the county to maintain, preserve, conserve, and otherwise continue in existence adequate open space lands for the production of food, fiber, and forest crops, and to assure the use and enjoyment of natural resources and scenic beauty for the economic and social well-being of the county and its citizens. Additionally, it is in the county's interest to provide incentives that encourage the retention of open space in compliance with Growth Management Act principles.

- B. It is the intent of this chapter to implement Chapter 84.34 RCW, as amended, by establishing procedures, rules, and fees for the consideration of applications for public benefit rating system assessed valuation on "open space land" as defined in RCW 84.34.020. The provisions of Chapter 84.34 RCW, and the regulations adopted thereunder shall govern the matters not expressly covered in this chapter.
- C. It is the intent and in the best interest of the county to monitor surface water quality and wetlands to detect and respond to potential sources of contamination that are adversely affecting critical areas as evidenced by exceedances in water quality standards in accordance with sections 17.02B.520 and 17.02B.530.

(Ord. C-93-98 [PLG-026-98], September 28, 1998, vol. 42, p. 491; accepted by Res. C-133-98 [PLG-043-98], October 19, 1998, vol. 43, p. 38; amended by Ord. C-95-02 [PLG-018-02], vol. 46, p. 415; amended by Ord. C-143-05, January 9, 2006, vol. 2006, p. 7; amended by Ord. C-48-10, June 21, 2010, vol. 2010, p. 126)

(Ord. No. C-07-23 [PLG-002-23], Exh. A, 1-17-2023)

3.40.030 - Operation of the county public benefit rating system for open space lands.

Rating system. To be eligible for open space classification under the county's public benefit rating system, property must contain one (1) or more open space resource listed below. These resources are defined in this chapter and ranked as high, medium or low priority open space resources. High priority open space resources receive five (5) points each, medium priority open space resources receive three (3) points each, and low priority open space resources receive one (1) point each. Properties can receive a maximum of thirty (30) points from no more than six (6) open space priority resources. In addition, bonus points and super bonus points may be awarded pursuant to this chapter and a property can achieve a maximum of fifty-seven (57) points through the rating system and the bonus system. Portions of property may also qualify for open space designation.

A. High priority open space resources. Five (5) points each:

1. Resource and rural agricultural lands.
2. Integrated Forest Management Plan.
 - a. Forest Stewardship Program.
 - b. Timber Management Plan.
3. Privately owned trails and corridors.
4. Natural shoreline environments.
5. Significant fish and wildlife habitat conservation areas, special plant sites, and category "A" or "B" wetlands.
6. Historic landmarks/archeological sites.
7. Private lands within designated national reserves.

8. Active or passive recreation area.

B. Medium priority open space resources. Three (3) points each:

1. Conservancy shoreline environments;
2. Flood hazard buffer areas;
3. Geologic hazard buffer areas;
4. Scenic natural resources, viewpoints, and view corridors;
5. Urban growth area open space;
6. Public lands buffer;
7. Category "C" or "D" wetlands.

C. Low priority open space resources. One (1) point each:

- (1) Artificial or category "E" wetlands.

D. Bonus system. Properties qualifying in the specific high, medium, or low priority open space resource categories may receive up to twenty-seven (27) bonus points if the following additional qualifications are met:

1. Public priority—Five (5) points.
2. Voluntary resource or critical area restoration—Five (5) points.
3. Surface water quality buffer—One (1), three (3), or five (5) points.
4. Contiguous parcels under separate ownership—Three (3) points per contiguous parcel.
5. Conservation/historic/trail easement in perpetuity—Five (5) points.
6. Bonus public access points.
 - a. Unlimited public access—Five (5) points.
 - b. Limited public access—Sensitive area—Five (5) points.
 - c. Privately owned tidelands access—Five (5) points.
 - d. Limited public access—Three (3) points.
7. Properties with an approved rural stewardship plan—Five (5) points.
8. Drainage area—Five (5) points.
9. Properties adjacent to a public or current use classified land—Zero (0), three (3), or five (5) points.

E. Super bonus system. Properties with at least one (1) high priority open space resource and which allow unlimited public access, or limited public access if due to resource sensitivity, and which convey a conservation, historic, or trail easement in perpetuity, in a form approved by the county, shall be automatically eligible for current use value at ten (10) percent of market value.

(Ord. C-93-98 [PLG-026-98], September 28, 1998, vol. 42, p. 491; accepted by Res. C-133-98 [PLG-043-98], October 19, 1998, vol. 43, p. 38; amended by Ord. C-02-08 [PLG-011-07], March 17, 2008, effective July 1, 2008, vol. 2008, p. 113; amended by Ord. C-48-10, June 21, 2010, vol. 2010, p. 126)

(Ord. No. C-07-23 [PLG-002-23], Exh. A, 1-17-2023)

3.40.040 - Assessed valuation schedule—Public benefit rating system for open space land.

The public benefit rating system for open space land bases the level of assessed fair market value reduction on the total number of awarded points. The market value reduction establishes the current use value. This current use value will be expressed as a percentage of market value based on the public benefit rating of the property and the valuation schedule below:

Public Benefit Rating Points	Current Use Value
• (0—4 points)	100% of assessed value
• (5—9 points)	80% of assessed value
• (10—14 points)	70% of assessed value
• (15—19 points)	60% of assessed value
• (20—24 points)	50% of assessed value
• (25—29 points)	40% of assessed value
• (30—34 points)	30% of assessed value
• (35—39 points)	20% of assessed value
• (40—52 points)	10% of assessed value

(Ord. C-93-98 [PLG-026-98], September 28, 1998, vol. 42, p. 491; accepted by Res. C-133-98 [PLG-043-98], October 19, 1998, vol. 43, p. 38; amended by Ord. C-95-02 [PLG-018-02], vol. 46, p. 415)

3.40.050 - Basis of assessment.

In determining the market value reduction of a tax lot comprised of property qualifying for a current use assessment as an open space priority resource with non-open space land areas, the open space current use value is applicable to only that portion of the lot containing one (1) or more of the priority open space resources defined in this chapter, except in the case of public access and parcels with an approved rural stewardship plan. For each priority resource, the county will determine the appropriate land area that receives credit for a particular priority resource and accompanying tax reduction. Those portions of a tax lot qualifying for a current use tax assessment shall be assigned separate assessor tax lot numbers for tax purposes only and shall not be construed to be a division of land.

(Ord. C-93-98 [PLG-026-98], September 28, 1998, vol. 42, p. 491; accepted by Res. C-133-98 [PLG-043-98], October 19, 1998, vol. 43, p. 38; amended by Ord. C-95-02 [PLG-018-02], vol. 46, p. 415; amended by Ord. C-02-08 [PLG-011-07], March 17, 2008, effective July 1, 2008, vol. 2008, p. 113)

Editor's note— For a copy of the resource information/application contact the Island County Planning Director.

3.40.060 - Ineligible lands.

The following properties shall not be eligible for open space classification:

- A. Properties less than five (5) acres in size unless otherwise specified herein.
- B. Properties that do not contain an open space resource identified as either high, medium, or low priority.
- C. Open space areas required by zoning or other land use regulation, unless the owner provides additional public benefit, such as additional public access, resource restoration, or a native growth protection easement. Ineligible lands include open space areas dedicated under zoning or subdivision conditions or which are used to achieve maximum development potential under zoning.
- D. Buffer areas required as part of a development, subdivision, zoning, or other regulatory requirement are not eligible as a surface water quality buffer area priority open space resource, unless other conditions beyond those required by regulation are imposed.

(Ord. C-93-98 [PLG-026-98], September 28, 1998, vol. 42, p. 491; accepted by Res. C-133-98 [PLG-043-98], October 19, 1998, vol. 43, p. 38; amended by Ord. C-95-02 [PLG-018-02], vol. 46, p. 415)

3.40.070 - Application to the county under the public benefit rating system.

An owner of open space land desiring assessed valuation under the public benefit rating system shall make application to the Board of County Commissioners by filing an application with the County Planning Department. The application shall be upon forms supplied by the county and shall include such information

deemed reasonably necessary to properly classify an area of land under Chapter 84.34 RCW with a notarized verification of the truth thereof.

(Ord. C-93-98 [PLG-026-98], September 28, 1998, vol. 42, p. 491; accepted by Res. C-133-98 [PLG-043-98], October 19, 1998, vol. 43, p. 38; amended by Ord. C-02-08 [PLG-011-07], March 17, 2008, effective July 1, 2008, vol. 2008, p. 113)

3.40.080 - Application fee.

Each application for current use open space taxation as defined in RCW 84.34.020, must include an application fee as established in the most current Island County Permit Fee Schedule.

(Ord. C-93-98 [PLG-026-98], September 28, 1998, vol. 42, p. 491; accepted by Res. C-133-98 [PLG-043-98], October 19, 1998, vol. 43, p. 38; amended by Ord. C-02-08 [PLG-011-07], March 17, 2008, effective July 1, 2008, vol. 2008, p. 113; amended by Ord. C-48-10, June 21, 2010, vol. 2010, p. 126)

3.40.090 - Time to file.

A. Applications shall be made by December 31 of the calendar year preceding the year in which such classification is to begin. Actual tax reduction will not be recognized until one (1) year after the classification of the property has been made.

B. Amendments.

1. Landowners enrolled in PBRs prior to January 1, 2023, may amend their application by filing an amendment application with the County Planning Department. The amendment application shall be upon forms supplied by the county and shall include such information deemed reasonably necessary to properly classify an area of land under Chapter 84.34 RCW with a notarized verification of the truth thereof.
2. Landowners enrolled in PBRs prior to January 1, 2023, may amend their application to:
 - a. Have a Forest Stewardship Program recognized in place of the Timber Management Plan previously filed with the county legislative authority;
 - b. Include the priority resource Integrated Forest Management Plan, if not already receiving priority resource points for a Timber Management Plan, otherwise see a.;
 - c. Include bonus points category drainage area; and/or
 - d. Include bonus points category properties to public or current use classified land.
3. Landowners enrolled in PBRs prior to January 1, 2023, who choose to amend their application shall do so by October 31, 2023. If the amendment is approved in accordance with chapter 3.40, current use assessment will begin on January 1 following the year the amendment application was submitted.

4.

Landowners enrolled in PBRs prior to January 1, 2023, who amend their application shall be required to adhere to the terms and conditions of section 3.40.110.C.

5. Landowners enrolled in PBRs prior to January 1, 2023, who do not to amend their application shall not be required to adhere to the terms and conditions of section 3.40.110.C.

(Ord. C-93-98 [PLG-026-98], September 28, 1998, vol. 42, p. 491; accepted by Res. C-133-98 [PLG-043-98], October 19, 1998, vol. 43, p. 38)

(Ord. No. C-07-23 [PLG-002-23], Exh. A, 1-17-2023)

3.40.100 - Application review.

- A. Applications under the public benefit rating system shall be reviewed by the county and approved directly by the Board of Island County Commissioners. By Chapter 84.34 RCW such applications are exempt from the comprehensive plan annual review amendment cycle and are SEPA exempt.
- B. In determining whether an application made for open space current use taxation status should be approved or disapproved, pursuant to RCW 84.34.020 and this chapter, the county shall consider whether or not preservation of the current use of the land, when balanced against the resulting revenue loss or tax shift from granting the application under the provisions of this chapter will:

1. Conserve or enhance natural, cultural or scenic resources;
2. Protect streams, stream corridors, wetlands, natural shorelines, and aquifers;
3. Protect soil resources and unique or critical wildlife and native plant habitat;
4. Promote conservation principles by example or by offering educational opportunities;
5. Enhance the value of abutting or neighboring parks, forests, wildlife preserves, nature reservations, or sanctuaries or other open spaces;
6. Enhance recreation opportunities;
7. Preserve historic and archeological sites; or
8. Affect any other factors relevant in weighing benefits to the general welfare or preserving the current use of the property as delineated in this chapter.

(Ord. C-93-98 [PLG-026-98], September 28, 1998, vol. 42, p. 491; accepted by Res. C-133-98 [PLG-043-98], October 19, 1998, vol. 43, p. 38; amended by Ord. C-44-00 [PLG-011-00], June 5, 2000, vol. 44, p. 429, readopted June 19, 2000, vol. 44, p. 429)

3.40.110 - Board decision.

The Board of County Commissioners shall consider an application to the public benefit rating system as defined by RCW 84.34.037. They shall approve the application, with or without terms and/or conditions, and set the public benefit rating for assessment abatement, or deny the application. In so doing the following

provisions will apply:

- A. They shall rate the land applying for classification according to the public benefit rating system;
- B. They may approve the application with respect to only part of the land that is the subject of the application;
- C. Any applications submitted on or after January 1, 2023, shall be approved on the condition that the landowner allows inspection, if applicable, as set forth in section 3.40.150.C.
- D. If any part of the application is denied or conditions are attached the applicant may withdraw the entire application.

(Ord. C-93-98 [PLG-026-98], September 28, 1998, vol. 42, p. 491; accepted by Res. C-133-98 [PLG-043-98], October 19, 1998, vol. 43, p. 38; amended by Ord. C-44-00 [PLG-011-00], June 5, 2000, vol. 44, p. 429, readopted June 19, 2000, vol. 44, p. 446)

(Ord. No. C-04-23 [PLG-002-23], Exh. A, 1-17-2023)

3.40.120 - Unincorporated lands.

In all unincorporated areas, the Board of County Commissioners shall act as the granting authority for applications for classification as open space land.

(Ord. C-93-98 [PLG-026-98], September 28, 1998, vol. 42, p. 491; accepted by Res. C-133-98 [PLG-043-98], October 19, 1998, vol. 43, p. 38)

3.40.130 - Incorporated lands.

Applications for open space classification of land in an incorporated area shall be acted upon by a determining authority composed of the three (3) members of the Board of County Commissioners and three (3) members of the city legislative body in which the land is located (RCW 84.34.037). Where the county legislative body concurs with a recommendation of the city council to accept or reject an application for open space classification, such council's recommendation will be adopted as the decision of the determining authority.

(Ord. C-93-98 [PLG-026-98], September 28, 1998, vol. 42, p. 491; accepted by Res. C-133-98 [PLG-043-98], October 19, 1998, vol. 43, p. 38)

3.40.140 - Length of time in classification.

Once land has been classified as an open space resource land under the public benefit rating system, it shall not be applied to any other use for a period of not less than ten (10) years. The land shall continue in classification after the ten-year period until the owner makes a request for withdrawal or until the use of the

land has changed or it has been sold and the new owner has not signed a notice of continuance.

(Ord. C-93-98 [PLG-026-98], September 28, 1998, vol. 42, p. 491; accepted by Res. C-133-98 [PLG-043-98], October 19, 1998, vol. 43, p. 38)

3.40.150 - Monitoring.

- A. Monitoring of lands for continuing eligibility for current use assessment as open space lands shall include an affidavit, to be submitted annually by the landowner, of continuing compliance with the terms and conditions under which open space classification was granted and the current uses of the property. The requisite form and contents of the affidavit required for monitoring shall be described more fully in the county guidelines implementing this chapter. The failure of the owner to submit the affidavit of compliance shall be grounds for the county to reevaluate the property under the PBRs.
- B. The Planning and Community Development Department shall monitor the property to determine the continuing compliance with all of the conditions under which open space classification was granted and the current uses of the property. Where the Planning and Community Development Department determines that the land is no longer being used for the purpose for which the classification was granted or there has been a change in use, it will report its findings within thirty (30) days to the county assessor.
- C. Landowners receiving points from the following priority open space resources and bonus system shall allow Island County staff to access sites one (1) time per year, upon written notice, to carry out surface water quality monitoring and wetland monitoring in accordance with sections 17.02B.520 and 17.02B.530:
 1. High priority open space resource:
 - a. "Natural" shoreline environment;
 - b. Significant fish and wildlife habitat conservation areas, special plant sites, and category "A" or "B" wetlands.
 2. Medium priority open space resource:
 - a. "Conservancy" shoreline environment;
 - b. Category "C" and "D" wetlands.
 3. Low priority open space resource:
 - a. Artificial/category "E" wetlands.
 4. Bonus system:
 - a. Drainage area.

(Ord. C-93-98 [PLG-026-98], September 28, 1998, vol. 42, p. 491; accepted by Res. C-133-98 [PLG-043-98], October 19, 1998, vol. 43, p. 38)

(Ord. No. C-07-23 [PLG-002-23], Exh. A, 1-17-2023)

3.40.160 - Removal of land classification by county assessor.

- A. Classified land may be removed from the public benefit rating system classification if it is no longer used for the purpose for which classification was granted or for any other classified use within the current use program. The assessor may determine, after giving the owner written notice and an opportunity to respond, that the land classified as open space is no longer primarily devoted to and used for the purposes for which it was granted classification.
- B. When land is removed from classification an additional tax, applicable interest, and penalties are due unless the removal meets one (1) of the exceptions listed in this chapter. The owner may appeal the removal of classification to the Board of Equalization.

(Ord. C-93-98 [PLG-026-98], September 28, 1998, vol. 42, p. 491; accepted by Res. C-133-98 [PLG-043-98], October 19, 1998, vol. 43, p. 38; amended by Ord. C-95-02 [PLG-018-02], vol. 46, p. 415)

3.40.170 - When removal of land not subject to additional tax, interest, and penalties.

Removal of land is not subject to additional tax, interest, and penalties in the following instances:

- A. Land is transferred to a government entity in exchange for other land located in the State of Washington;
- B. Land is taken by power of eminent domain or transferred in anticipation of the exercise of such power;
- C. Land is sold or transferred within two (2) years of the death of the owner of at least fifty-percent interest in the land;
- D. A natural disaster such as a flood, windstorm, earthquake, or other such calamity rather than by virtue of an act of the landowner which changes the use of such property;
- E. Official action by the state, county or city disallows the present use of such land;
- F. The land is transferred to a church, such that the land would qualify for a property tax exemption;
- G. Acquisition of property interests by state agencies or agencies or organizations qualified under RCW 84.34.210 and 64.04.130 for the purpose of protecting, preserving, maintaining, improving, restoring, limiting the future use of, or otherwise conserving, selected open space land as defined in Chapter 84.34 RCW for public use and enjoyment.

(Ord. C-93-98 [PLG-026-98], September 28, 1998, vol. 42, p. 491; accepted by Res. C-133-98 [PLG-043-98], October 19, 1998, vol. 43, p. 38)

3.40.180 - Transfer of lands between certain current use taxation classifications.

Land reclassified between the following current use assessment resource categories pursuant to RCW 84.34.070 are not considered withdrawals and are not subject to the additional tax interest and penalties:

- A. Reclassification between farm and agricultural lands and timber lands;
- B. Reclassification of farm and agricultural lands or timber lands to open space lands;
- C. Reclassification of farm and agricultural lands or timber lands to forest land classified under Chapter 84.33 RCW; and
- D. Reclassification from open space designated farm and agricultural conservation land under RCW 84.34.020(1)(c) to farm and agricultural land under RCW 84.34.020(2) if the land was previously classified as farm and agricultural land.

An application fee must be paid at the time the application is submitted, as established by the most current Island County Permit Fee Schedule for Reclassification. If the type of transfer is not listed above, it is considered to be a new application for which the applicable fees will be applied.

(Ord. C-93-98 [PLG-026-98], September 28, 1998, vol. 42, p. 491; accepted by Res. C-133-98 [PLG-043-98], October 19, 1998, vol. 43, p. 38; amended by Ord. C-48-10, June 21, 2010, vol. 2010, p. 126)

3.40.190 - Owner may request withdrawal from classification.

- A. After eight (8) years of the initial ten-year period has passed, the landowner may request that all or part of his/her land be withdrawn from the classification. The landowner must submit the request to withdraw classification to the assessor at least two (2) years prior to the date upon which it is to be removed from the current use assessment classification. The request to withdraw classification may be revoked at any time until the land is withdrawn from classification.
- B. If a portion of a parcel is removed from classification the remaining portion must meet the same requirements, as did the entire parcel when the land was originally granted classification. Following withdrawal from classification, future valuation of such land as open space resource property under the public benefit rating system is contingent upon reapplication and approval under this chapter.

(Ord. C-93-98 [PLG-026-98], September 28, 1998, vol. 42, p. 491; accepted by Res. C-133-98 [PLG-043-98], October 19, 1998, vol. 43, p. 38)

3.40.200 - Action on withdrawal from classification.

Upon receipt of a request for withdrawal, the assessor shall notify the legislative authority that originally approved the classification, and when two (2) years have elapsed the assessor shall withdraw the land from classification. The land which is removed shall be subject to a tax equal to the difference between the

amount of tax paid under the open space classification and the tax at true and fair value for seven (7) years last past, plus the statutory interest rate charged on delinquent property taxes.

(Ord. C-93-98 [PLG-026-98], September 28, 1998, vol. 42, p. 491; accepted by Res. C-133-98 [PLG-043-98], October 19, 1998, vol. 43, p. 38)

3.40.210 - Owner to notify assessor of change in use in classification.

If an owner changes the use of the classified land, the owner must notify the county assessor of the change within sixty (60) days. The assessor shall then impose an additional tax equal to the difference between the tax paid on current use value and the tax that would have been paid on that land had it not been so classified, payable for the seven (7) years last past, plus interest on this additional tax at the same rate as charged on delinquent property taxes, plus a penalty of twenty (20) percent of the total amount.

(Ord. C-93-98 [PLG-026-98], September 28, 1998, vol. 42, p. 491; accepted by Res. C-133-98 [PLG-043-98], October 19, 1998, vol. 43, p. 38)

3.40.220 - Sale of open space classified land.

When classified open space land is sold, the seller or transferor becomes liable at the time of sale for the additional tax, interest, and penalty of all or a portion of classified lands, unless the new owner signs the notice of continuance which is attached to or shown on the excise tax affidavit. The county auditor shall not accept an instrument of conveyance on any classified land unless the notice of continuance has been signed or the additional tax has been paid.

(Ord. C-93-98 [PLG-026-98], September 28, 1998, vol. 42, p. 491; accepted by Res. C-133-98 [PLG-043-98], October 19, 1998, vol. 43, p. 38)

3.40.230 - Review of previously approved open space applications.

- A. Upon adoption of a public benefit rating system, the planning department shall re-rate the existing open space land current use assessment program parcels according to the public benefit rating system in determining whether to recommend that an application be approved or denied. Re-rating of all existing program parcels shall be performed in conjunction with the assessor's physical inspection cycle, as resources become available, or when the property is sold or transferred, whichever comes first.
- B. The process for re-rating existing open space land current use assessment program parcels under the public benefit rating system shall be conducted in accordance with the provisions for processing a new application for the public benefit rating system.
- C.

Property which does not qualify under the public benefit rating system and whose owner chooses not to remove the property from the open space land current use assessment program shall be rated according to the public benefit rating system (RCW 84.34.037[3]).

- D. Owners of property classified under the existing open space land current use assessment program shall be notified of their new assessed value in the same manner as provided in RCW 84.40.045. These lands may be removed from classification under the existing open space land current use assessment program, without payment of penalties, back taxes, and interest, upon request of the owner, within thirty (30) days of notification of their newly determined value under the public benefit rating system.

(Ord. C-93-98 [PLG-026-98], September 28, 1998, vol. 42, p. 491; accepted by Res. C-133-98 [PLG-043-98], October 19, 1998, vol. 43, p. 38; amended by Ord. C-143-05, January 9, 2006, vol. 2006, p. 7; amended by Ord. C-48-10, June 21, 2010, vol. 2010, p. 126)

3.40.240 - Planning commission's duties.

The planning commission shall review the open space program at the inclusion of the first additional 1,000 acres approved for open space classification under the county's current use assessment program or, after the first three (3) years after adoption of this chapter, whichever occurs sooner, and thereafter once every three (3) years. The planning commission shall make written recommendation to the Board of County Commissioners on the following matters:

- A. The fundamental elements of the public benefit rating system, including such as the assessed valuation schedule and the other PBRs procedures defined in this chapter, open space resource definitions, etc.; and
- B. The overall administrative process, including such issues as staffing, outreach to prospective applicants, application form and application processing, monitoring, etc.; and
- C. The public benefit of the open space designated properties, the magnitude of the tax shift resulting from the designated properties and recommendations for expanding or restricting the program.

(Ord. C-93-98 [PLG-026-98], September 28, 1998, vol. 42, p. 491; accepted by Res. C-133-98 [PLG-043-98], October 19, 1998, vol. 43, p. 38; amended by Ord. C-02-08 [PLG-011-07], March 17, 2008, effective July 1, 2008, vol. 2008, p. 113)

3.40.250 - High priority open space resources.

A. Resource and rural agricultural lands.

1. **Definition.** Land primarily devoted to the current production of horticultural, viticultural, floricultural, dairy, apiary, vegetable, or animal products or of berries, grain, hay, straw, turf, seed, Christmas trees not subject to the excise tax imposed by RCW 84.33.100 through

84.33.140, or livestock, and which has significance for agricultural production. Or, land that has been traditionally in or is still capable of production for the above and which could be returned to productive commercial agriculture.

2. **Source.** Island County Commercial Agriculture Land Study, Planning and Community Development Department, February 1998.
3. **Eligibility.** Eligible sites are those that are currently not enrolled in existing current use assessment programs and meet any of the following criteria:
 - a. Lands of at least five (5) acres which are on prime or unique soils as identified in the data source; or
 - b. Lands of at least five (5) acres which meet the definition of resource and rural agricultural lands above; or
 - c. Lands that have been traditionally in or is still capable of production of the above as demonstrated by sales receipts, income tax statements, or other materials which the county accepts as proof that farming once occurred on the property and that the property could be returned to productive commercial agriculture.

B. Integrated Forest Management Plan.

1. Definitions.

- a. **Forest Stewardship Program.** Lands primarily devoted to improving forest health. A Forest Stewardship Plan shall be filed with the county legislative authority at the time the application is made for classification as Integrated Forest Management Plan pursuant to this chapter.
- b. **Timber Management Plan.** Lands primarily devoted to growing and harvesting timber. Timber management includes land used for incidental uses that are compatible with the growing and harvesting of timber, but no more than ten (10) percent of the land may be used for such incidental uses. A timber management plan shall be filed with the county legislative authority at the time application is made for classification as Integrated Forest Management Plan pursuant to this chapter.

2. Source.

- a. Island County Commercial Forest Land Study, Crescent Springs Management, January 1998.
- b. Washington State Integrated Forest Management Plan Guidelines and Template, March 2017.

3. Eligibility.

- a.

Eligible lands are those that are currently not enrolled in existing current use assessment programs and meet the definition for one (1) of the Integrated Forest Management Plans, above.

- b. Plans shall be prepared by, or in close collaboration with, a professional forester or another natural resource professional acceptable to the approving agency or organization.
- c. Forest Stewardship Program. Shall meet all the requirements of the Washington State Integrated Forest Management Plan and be approved by Washington State's Department of Natural Resources.
- d. Timber Management Plan. Shall meet all the requirements of the Washington State Integrated Forest Management Plan.
 - (i) No more than five (5) acres of land shall be eligible for high priority open resource "Timber Management Plan". This includes applicants that have enrolled in PBRs and are receiving bonus points for "contiguous parcels under separate ownership" (section 3.40.280.D).
 - (ii) For forestlands primarily devoted to growing and harvesting of timber that are five (5) acres or larger see Island County's current use exemption "Designated Forest".

C. Privately owned trails and corridors.

1. **Definition.** Privately owned trails and corridors that are publicly accessible and used for hiking, biking, walking, horseback riding, and jogging. The trails may vary in scale and surfacing and may also be used as a means of non-motorized transportation connecting one (1) destination point to another. Streets, roads, and highways with widened shoulders or bike lanes are not included in this category.
2. **Source.** County non-motorized trail plan.
3. **Eligibility.** Eligible lands must be used as a public trail or corridor that remains in private ownership. Public access on the trail from a public road or public trail is required.

D. "Natural" shoreline environment.

1. **Definition.** A marine, lake, or river shoreline and its "associated wetlands" designated "natural" in the Shoreline Management Master Program for the county.
2. **Source.** Shoreline management master program.
3. **Eligibility.** Eligible lands are those identified as natural shoreline environments and their associated wetlands in the adopted shoreline master plan governing the area in which the shoreline is located. Eligible land must be adjacent to the water. To qualify there must be no structures or buildings within 200 feet upland from the ordinary high water mark (OHWM); this area is within the shoreline jurisdiction, and is based on the Shoreline Master Program; and there must be no structures within 200 feet from the edge of an associated wetland

boundary. If there is a bluff, any buildings must be at least 200 feet back from the edge of the bluff in a "natural" shoreline environment. Eligibility for this resource category cannot overlap with the "conservancy shoreline environment" category or other wetland categories of the public benefit rating system.

E. Significant fish and wildlife habitat conservation areas, species and habitats of local importance, category A and B wetlands and special plant sites.

1. Definitions.

- a. **Significant fish and wildlife habitat conservation areas.** Those areas identified as being of critical importance to the maintenance of fish and wildlife species including areas with which endangered, threatened, and sensitive species have a primary association; habitats and species of local importance; streams; commercial and recreational shellfish areas; kelp and eelgrass beds; herring and smelt spawning areas; state natural area preserves, and state natural resource conservation; or
- b. **Species and habitats of local importance.**
 - (i) Those areas containing vascular plant species as identified and listed in the Natural Heritage Program as being either endangered, threatened, or sensitive and areas identified in the Natural Heritage Program as high quality ecosystems.
 - (ii) Those areas or species designated as species or habitats of local importance set forth in chapter 17.02B.
- c. **Category A and B wetlands.** Wetlands that are classified category "A" or "B" by chapter 17.02B.
- d. **Special plant sites.**
 - (i) Those sites where preservation, restoration or enhancement of native plant communities is maintained subject to an approved management plan; or
 - (ii) Those areas where Blue Flag Iris (*Iris missouriensis*) can be identified or where the property owner proposes a management plan to introduce and maintain a population of Blue Flag Iris.

2. Sources.

- a. Those areas containing vascular plant species as identified and listed in Department of Natural Resources (DNR) the Natural Heritage Program as being either an endangered, threatened, or sensitive and areas identified in the Natural Heritage Program as high quality ecosystems.
- b. Those features identified on the critical area maps maintained by Island County.

3. Eligibility.

- a.

Areas which have a primary association with federally- or state-listed endangered, threatened, or sensitive species of fish or wildlife, and which, if altered, may reduce the likelihood that the species will maintain and reproduce over the long term. A habitat management plan shall be submitted which identifies the area to be protected and appropriate mitigation, management and/or protection strategies that will be employed.

b. Habitats and species of local importance are to be based on the following criteria:

- (i) The species or habitat is native to the county;
- (ii) Locally declining populations that are in danger of extirpation;
- (iii) Sensitivity to habitat manipulation; and
- (iv) Commercial, game, other special value.
- (v) A habitat management plan shall be submitted which identifies the area to be protected and appropriate mitigation, management and/or protection strategies that will be employed.

c. Streams, provided that the stream buffer is at least twice the size of that required under chapter 17.02B. Buffer averaging shall not be utilized;

d. Commercial and recreational shellfish areas, provided that the fish and wildlife habitat conservation area buffer is at least twice the size of that required under chapter 17.02B. Buffer averaging shall not be utilized;

e. Kelp and eelgrass beds; herring and smelt spawning areas, provided that the fish and wildlife habitat conservation area buffer is at least twice the size of that required under chapters 17.02 or 17.02B. Buffer averaging shall not be utilized;

f. State natural area preserves and natural resource conservation areas;

g. Sites listed in the Natural Heritage Database as containing endangered, threatened, or sensitive vascular plant species or high quality ecosystems, or which are verified by an expert in the field as containing the same plants or communities and which are acceptable by the state agency for addition to the database. A habitat management plan shall be submitted which identifies the area to be protected and appropriate mitigation, management and/or protection strategies that will be employed; and

h. Eligible sites are those wetlands classified category "A" or "B" by chapter 17.02B.

Items a. through h. listed above require protection through easements, or voluntary buffers in those cases where buffers are not established through chapter 17.02B and, in certain cases, shall require preparation and submittal of a biological site assessment or habitat management plan. The BSA or HMP shall provide a description of the fish and wildlife habitat conservation area, the location of the protected features, the location of buffers and a

description of efforts to protect the fish and wildlife habitat conservation area, or a description of restoration efforts in those instances where the critical area has been damaged.

F. Historic landmarks/archaeological sites.

1. **Definition.** Historic and archaeological resources: land which constitute or upon which is situated an historic landmark formally designated by the county or a local jurisdiction, including buildings, structures or sites of significance in the county's historic or prehistoric heritage, such as Native American settlements, trails, pioneer settlements, farmsteads, roads, industrial works, bridges, burial sites, prehistoric and historic archaeological sites and landscapes, or traditional cultural properties and landscapes.
2. **Source.** County or other local lists or registers of historic places or landmarks and the state inventory of archaeological sites (State Office of Archaeology and Historic Preservation) and the County Historical Society.
3. **Eligibility.** Eligible properties must be listed on the county or other local list or register of historic places or landmarks for which there is local regulatory protection. Eligible properties include contributing properties within designated historic districts. Improvements to the land are not eligible for other federal or state tax credits. Additionally, land that has been verified through an archaeological report prepared by a qualified archaeologist that contains archaeological resources. The county will review and make determinations on eligibility.

G. Private lands within designated National Reserves.

1. **Definition.** Officially designated areas under private ownership located within National Reserves that remain undeveloped and are maintained to protect the landscape of the reserve.
2. **Source.** National Park Service, the Trust Board of the Ebey's Landing National Historical Reserve.
3. **Eligibility.** Eligible lands are privately owned parcels within the Ebey's Landing National Historical Reserve, five (5) acres or greater in size, that remain undeveloped and are maintained to protect the landscape of the reserve.

H. Active or passive recreation area.

1. **Definition.** Property which is currently devoted to providing active or passive non-motorized recreation use or which complements or substitutes for government facilities. The facility must be open to the public and, if charging a use fee, that fee shall be no higher than the fee charged by a like public facility and the facility must provide recreation or other services to youth, senior citizens, the handicapped, or similar groups.
- 2.

Source. Determination by Island County Parks or by an appropriate parks department of incorporated cities or towns.

3. **Eligibility.** An eligible site is that identified by an appropriate parks department as meeting the definition of an active or passive recreation area.

Eligible examples include:

- a. Sports fields on private property that are open to the public;
- b. Golf courses open to the public with fees comparable to local public golf courses and which adhere to best management PRACTICES (as determined by Island County Planning and Community Development). Annual monitoring reports are required;
- c. A community garden and/or park, one (1) acre or greater in size; and
- d. Other recreational uses determined to be consistent with the definition of active or passive recreation areas as determined by the Island County Parks Department.

Ineligible examples include:

- e. Properties with public or private trails: These are covered under the privately owned trails resource;
- f. Recreational vehicle park portions of sites and related improvements to the land, including parking;
- g. Golf courses which do not adhere to best management practices or charge a fee not comparable to public golf courses; and
- h. Indoor recreation centers, gambling establishments, arcades, fun centers, etc.

(Ord. C-93-98 [PLG-026-98], September 28, 1998, vol. 42, p. 491; accepted by Res. C-133-98 [PLG-043-98], October 19, 1998, vol. 43, p. 38; amended by Ord. C-14-01 [PLG-002-01], March 1, 2001, vol. 45, p. 230; amended by Ord. C-95-02 [PLG-018-02], vol. 46, p. 415; amended by Ord. C-02-08 [PLG-011-07], March 17, 2008, effective July 1, 2008, vol. 2008, p. 113; Ord. C-48-10, June 21, 2010, vol. 2010, p. 126)

(Ord. No. C-75-14 [PLG-006-14], Exh. C, 9-22-2014; Ord. No. C-86-17 [PLG-009-17], Exh. A, 8-15-2017; Ord. No. C-114-19 [PLG-015-19], Exh. A, 12-17-2019; Ord. No. C-07-23 [PLG-002-23], Exh. A, 1-17-2023)

3.40.260 - Medium priority open space resources.

A. "Conservancy" shoreline environment.

1. **Definition.** Marine and lake shoreline and associated wetlands designated as "conservancy environment" in an adopted shoreline management master plan. Conservancy shoreline areas are intended to preserve their existing character. The area must consist of native vegetation.
2. **Sources.** Shoreline management master program.

3. **Eligibility.** Eligible sites must be identified as "conservancy shoreline environment" in an adopted shoreline master plan. The property must not be in another shoreline category of the PBRs. The area to be considered eligible is a maximum of 200 feet upland from the ordinary high water mark, within the 100-year floodplain, or the edge of the associated wetland, whichever is greater. To qualify there must be no structures or buildings within 150 feet upland from the ordinary high water mark (OHWM); this area is within the shoreline jurisdiction, and is based on the shoreline master plan; and there must be no structures within 150 feet from the edge of an associated wetland. If there is a bluff, any buildings must be at least 150 feet back from the edge of the bluff in a "conservancy" shoreline environment. Eligibility under this resource category cannot overlap with the "natural shoreline environment" category or other wetland categories of the PBRs.

B. Flood Hazard Areas Buffers.

1. **Definition.** Land buffering a floodplain within the county subject to a one (1) percent or greater chance of flooding in any given year. These areas include, but are not limited to, streams, lakes, coastal areas, and wetlands.
2. **Source.** Flood damage prevention ordinance, chapter 14.02A. One hundred-year floodplains as listed and mapped by the Federal Emergency Management Agency and the National Flood Insurance Program.
3. **Eligibility.** Those buffer areas located adjacent to or in the immediate vicinity of and which provide at least two (2) times the additional buffer width beyond that required by regulation for areas located within a 100-year floodplain as identified on the FEMA flood insurance program maps.

C. Geologic hazard area buffers.

1. **Definition.** Land buffering areas not suited to the siting of commercial, residential, or industrial development consistent with public health or safety concerns due to their susceptibility to sliding or other slope failures, erosion, earthquake, or other geologic events.
2. **Sources.** Steep/unstable slopes overlay zone, chapter 17.03. Areas indicated in the Washington Department of Ecology's Coastal Zone Atlas as being unstable, and areas determined by site-specific geologic reports as being unstable. Areas identified in the USDA Island County Soil Survey as having severe water erosion hazards.
3. **Eligibility.** Those areas of undisturbed vegetation located adjacent to or in the immediate vicinity of geologically hazardous areas and which provide at least two (2) times the additional buffer/setback width beyond that required by regulation for areas indicated in the Washington Department of Ecology's Coastal Zone Atlas; USDA Island County Soil Survey; or areas with slopes forty (40) percent or greater and with a vertical relief of ten (10) feet or more, except areas of consolidated rock.

D. Scenic natural resources, viewpoints, and view corridors.**1. Definitions.**

- a. **Scenic natural resource.** An area of ten (10) or more acres of natural features which is visually significant to the aesthetic character of the county or contains features which otherwise qualifies as a historic landmark or archaeological site; or
- b. **Viewpoint.** Property that provides a view of an area which is visually significant to the aesthetic character of the county and which provides unlimited public access identified by a permanent sign readily visible from a road or other public right-of-way; or
- c. **View corridor.** An area of adjoining parcels which individually may be less than one (1) acre but which, when combined, total at least one (1) acre and create a view corridor critical to maintaining a view of a scenic resource area or other visually significant area.

2. Source. None available.**3. Eligibility.**

- a. No lands that have been subject to commercial logging or mineral extraction within twenty-five (25) years of the date of the open space classification application are eligible under the public benefit rating system.
- b. **Scenic natural resource.** Eligible sites must be significant to the identity of the local area and be visible to a significant number of the general public from public rights-of-way. Such lands must be of sufficient size to substantially preserve the scenic resource value and must be at least ten (10) acres in size.
- c. **Viewpoint.** Eligible sites must provide a view of a scenic natural resource in the county or other visually significant areas and must provide for unlimited public access.
- d. **View corridor.** Eligible sites must meet the definition of view corridor above.

E. Urban growth area open space.

1. **Definition.** Five (5) or more acres of land, open to the public, and located within the boundaries of an urban growth area designated by the county. For purposes of this definition, land shall be considered open to the public if it qualifies for receiving any points for public access under the public access section of this open space taxation program.
2. **Sources.** City, town or county comprehensive plan and the natural lands plan.
3. **Eligibility.** Eligible lands are those meeting the definition above.

F. Public lands buffer.

1. **Definition.** Native growth land lying adjacent to neighborhood parks, forests, wildlife preserves, natural area preserves, or sanctuaries. Eligibility for this exception does not extend to properties where plantings are required under local zoning codes, development mitigation requirements, or other local regulations.

2. **Source.** County comprehensive plan.
3. **Eligibility.** Lands being buffered shall be in public ownership, or private lands shall be enrolled in the open space program.

G. Category "B," "C" and "D" wetland.

1. **Definition.** Wetlands classified category "B," "C" or "D" by chapter 17.02B.
2. **Sources.** County wetland maps, sections 17.03.030 and 17.03.110.A and land use standards governing wetlands, deepwater habitats, tributary streams and their surrounding buffers, section 17.03.150.N. National Wetlands Inventory Mapping System, U.S. Fish and Wildlife Service. Shoreline Management Act, Chapter 90.58 RCW and the County Shoreline Management Master Program chapter 16.21.
3. **Eligibility.** Eligible lands are those wetlands designated the category "B" rating under the County wetland maps classified category "B," "C" or "D" by chapter 17.02B.

(Ord. C-93-98 [PLG-026-98], September 28, 1998, vol. 42, p. 491; accepted by Res. C-133-98 [PLG-043-98], October 19, 1998, vol. 43, p. 38; amended by Ord. C-95-02 [PLG-018-02] vol. 46, p. 415; amended by Ord. C-02-08 [PLG-011-07], March 17, 2008, effective July 1, 2008, vol. 2008, p. 113)

(Ord. No. C-86-17 [PLG-009-17], Exh. A, 8-15-2017)

3.40.270 - Low priority open space resources.

A. Artificial/category "C" and "E" wetlands.

1. **Definition.** Wetlands classified as category "E" by chapter 17.02B.
2. **Sources.** County wetland maps, chapter 17.02B and land use standards governing wetlands, deepwater habitats, tributary streams and their surrounding buffers.
3. **Eligibility.** Eligible lands are those wetlands classified category "E" by chapter 17.02B.

(Ord. C-93-98 [PLG-026-98], September 28, 1998, vol. 42, p. 491; accepted by Res. C-133-98 [PLG-043-98], October 19, 1998, vol. 43, p. 38; amended by Ord. C-95-02 [PLG-018-02], vol. 46, p. 415; amended by Ord. C-02-08 [PLG-011-07], March 17, 2008, effective July 1, 2008, vol. 2008, p. 113)

(Ord. No. C-86-17 [PLG-009-17], Exh. A, 8-15-2017)

3.40.280 - Bonus system.

Additional point values may be applied for the following eligible lands:

A. Public priority. Five (5) points.

1. **Definition.** Land containing one (1) or more of the following community natural lands priorities of county residents:

a.

Critical aquifer recharge areas which materially protect watersheds for drinking water sources and supply;

- b. Significant undisturbed natural communities and ecosystems; or
 - c. Natural shoreline systems, including lagoons, saltwater tidal flats, marshes and accretion beaches that serve a diversity of ecological functions.
2. **Source.** Periodic surveys or opinion polls conducted by the county to assess the relative priorities of county residents for the conservation/protection of natural lands. DNR, Division of Geology and Earth Resources, surficial geology maps based on USGS quad maps.
 3. **Eligibility.** Eligible sites are those that contain one (1) or more of the defined public priority open space resources.

B. Voluntary resource or critical area restoration. Five (5) points.

1. **Definition.** Restoration of any high, medium or low open space resource defined above. Emphasis shall be placed on restoration of anadromous fish-rearing habitat, wildlife and plant habitat areas, and upland, stream, and wetland habitats.
2. **Source.** No inventory available.
3. **Eligibility.** Eligible sites are those that qualify for any high, medium or low open space resource classification above without this category. Sites are eligible to receive five (5) bonus points for the resource being restored. The owner must have an implemented restoration plan developed in cooperation with, or approved by appropriate federal, state, county, or local agency.

C. Surface water quality buffer areas. One (1), three (3), or five (5) points.

1. **Definition.** An undisturbed zone of native growth vegetation adjacent to a lake, pond, stream, wetland, or marine waters of a sufficient buffer width, but no less than fifty (50) feet, that will contribute to the protection of water quality in a surface water body. Bonus points are awarded for a streamside or wetland buffer width of at least one and a half (1½) that required by the applicable local critical areas ordinance or for a streamside or wetland buffer, of no less than fifty (50) feet, in agricultural lands otherwise exempted from buffering requirements. The buffer width is measured upland from the ordinary high water mark or the outer edge of a regulated wetland. The buffer does not include the body of water waterward of the ordinary high water mark or the wetland itself.
2. **Sources.** Catalog of Washington Streams, Shoreline Master Programs, county or local sensitive areas ordinance streams and wetlands maps as basis for determination.
3. **Eligibility.** Sites qualifying under the "surface water quality buffer area" or shorelines classifications would receive additional points through the provision of additional buffer which is preserved from clearing and from livestock intrusion. All such lands in or adjacent to

pasture land must be fenced to prevent intrusion by domesticated animals. Eligibility requires property use and access restriction beyond those specified in the critical areas ordinance or other surface water protection regulations. The bonus points are awarded as follows:

- a. One and a half (1½) times additional buffer width beyond that required by regulation—One (1) point.
- b. Two (2) times additional buffer width beyond that required by regulation—Three (3) points.
- c. Three (3) times additional buffer width beyond that required by regulation—Five (5) points.
- d. At least seventy-five (75) feet of buffer width in agricultural lands otherwise exempted from buffering requirements—Five (5) points.

D. Contiguous parcels under separate ownership. Three (3) points.

1. **Definition.** Contiguous parcels of land with the same open space resources are eligible for treatment as a single parcel if open space classification is sought under the same application. "Contiguous parcels" are defined as parcels abutting each other or abutting a publicly owned open space without any significant manmade barrier that materially restricts the free movement of wildlife or interferes with the visual continuity between the two (2) or more properties.
2. **Source.** Not applicable.
3. **Eligibility.** Treatment as contiguous parcels shall include the requirement to pay only a single application fee. The total area of all parcels combined must equal or exceed any required minimum (rather than each parcel being required to meet such minimums). This contiguous parcel bonus must be accepted by all the applicants within the configuration under identical terms and conditions of access, easements, and restrictions. Individual parcels may be withdrawn from open space classification consistent with all applicable rules and regulations without affecting the continued eligibility of all other parcels accepted under the same application, provided that the combined area of the parcels remaining in open space classification must equal or exceed any minimum size requirement established in the PBRs and that access to the remaining parcels is not affected. Contiguous parcels must meet the following conditions:
 - a. The application must include two (2) or more parcels;
 - b. Each parcel included in the application must contain qualifying open space resources as defined by the public benefit rating system;
 - c. The owner(s) of parcels included in the application must agree to such terms and conditions for inclusion in the program that are consistent with the open space resource of the property.

E. Conservation/historic easement in perpetuity. Five (5) points.

1. **Definition.** An easement that restricts in perpetuity, further potential development, or other uses of a property, and which may include a requirement for native growth protection.
2. **Sources.** Available sources include the Conservation Easement Handbook.
3. **Eligibility.** Eligible lands are those that qualify for any high, medium or low open space resource classification. The conservation/historic easement will be in a form, and with such conditions, as are acceptable to the county.

F. Public access. Zero (0) to five (5) points.

1. **Definition.** Access to the county's open space lands by the general public should be encouraged for all lands unless it is determined that such access would damage or endanger the resource. Property owners who allow access to the property, beyond that which is otherwise required by the open space resource category, should be afforded consideration in the level of tax reduction they receive depending on the level of access allowed and the conditions under which access is permitted.
2. **Source.** Not applicable.
3. **Eligibility.** Properties shall be awarded additional points to the extent that such public access is available to the open space site, to a maximum of five (5) points. For open space resource categories which either contain public access requirements in the definition or eligibility criteria, no public access bonus points shall be awarded. The applicant shall specify the type of access that will be available in the application. Access points shall be awarded on the following scale:

a. Unlimited public access—Five (5) points.

Year-round access to the general public is allowed without special arrangement with the property owner.

b. Limited public access/sensitive area—Five (5) points.

Access may be reasonably limited due to the sensitive nature of the resource, with access provided only to appropriate user groups. The access allowed must generally be for an educational, scientific, or research purpose and available through special arrangements with the owner.

c. Privately owned tidelands access—Five (5) points.

Public access to tidelands and such portions of the upland property necessary to provide access to the water line. Eligibility for public access points requires that the property is able to provide public access to the tidelands from a public right-of-way. Entry points and uses may be posted so that it does not detract from the resource.

d. Limited public access—Three (3) points.

- (i) Access to the public is allowed, with or without special arrangements with the property owner, for any period of less than the full year.
- (ii) Access is available to any and all of the general public during any period of the year upon special arrangements with the owner or upon the payment of a use fee that may not exceed twice the cost for members of the organization utilizing the facility.

e. No public access—Zero (0) points.

- (i) No public access is allowed.
- (ii) Members only access. Access is restricted at all times to members of the organization utilizing the facility.

f. Signage. For properties allowing public access and receiving access points under [subsections] a. and d. above, the county shall furnish and maintain, at its own expense, signage according to county specifications which designates the property as part of the open space taxation program and states the conditions of access.

g. Accessibility. For properties allowing access and being considered for receiving access points under [subsections] a. through c. above, no points will be allowed if the property is not reasonably accessible. Off-road parking may be required where necessary to provide safe vehicular or pedestrian access. The property owner may, at their own expense and without any deduction in the number of access points awarded, limit access to the property to a reasonable number of locations through the use of fences, berms or other access barriers. Such physical barriers must be approved by the appropriate agency in advance, so as not to defeat the purpose of a resource category - for instance restricting wildlife in a wildlife corridor or construction of a visually incompatible fence near an historic resource.

h. Limitations on access and use. Reasonable limitations on access and use of properties may be imposed without a deduction in the number of access points a property receives. For example, prohibiting access before a reasonable time in the morning and after a reasonable time in the evening, prohibiting the use of any motorized or wheeled vehicles (except those required by disabled persons), prohibiting the use of the property for any kind of social gathering, prohibiting the consumption of any alcoholic beverages on the property, prohibiting the use of the property for picnics, etc. are all examples of reasonable limitations on the use of the property by the public which would likely not result in a reduction of points received by the property in the public access category. All such restrictions must be included in such documents or easements that establish the property as eligible for current use taxation.

G. Properties with an approved rural stewardship plan—Five (5) points.

1. **Definition.** A detailed site plan prepared by or for an owner that establishes the location for authorized permitted uses, the location and classification of critical areas and critical area buffers and best management practices for the long term use of the property. A rural stewardship plan is a voluntary option under chapter 17.02B available to owners of lots one (1) acre or larger in size.
2. **Sources.** A County approved rural stewardship plan.
3. **Eligibility.** A rural stewardship plan approved under chapter 17.02B.

H. Drainage area—Five (5) points.

1. **Definition.** An area with such severe flooding, drainage and/or erosion/sedimentation conditions, including designation as a water quality sensitive area, which have resulted or will result from the cumulative impacts of development and urbanization. The objective of this bonus system are as follows:
 - a. To further protect natural areas;
 - b. To minimize human-caused nonpoint source pollution;
 - c. To retain natural hydrologic functions;
 - d. To retain features that contribute to the function of local aquatic habitats; and/or
 - e. To mitigate impacts to public recreation areas.
 2. **Sources.** Available sources include the Island County stormwater design manual.
 3. **Eligibility.**
 - a. A drainage plan approved under chapter 11.03.
- I. Properties adjacent to a public or current use classified land. Two (2), four (4), or five (5) points.**
1. **Definition.** Properties that are adjacent to a public or current use classified land. Public lands may include a publicly owned park, trail, forest, or land legally required to remain in a natural state. Current use classified lands are properties participating in a current use taxation program under Chapter 84.33 or 84.34 RCW. Public roads and/or easements may separate the public land, or land in private ownership classified under Chapter 84.33 or 84.34 RCW, from the adjacent land.
 2. **Source.** Planning Commission findings of fact dated November 14, 2022, as approved by Ordinance C-07-23, PLG 002-23.
 3. **Eligibility.**
 - a. Adjacent lands shall be in public ownership, or private lands shall be participating in a current use taxation program under Chapter 84.33 or 84.34 RCW
 - b.

Roads and/or easements may separate the public land, or land in private ownership classified under Chapter 84.33 or 84.34 RCW, from the adjacent land, if the entire land is at least as wide as the adjacent section of the road or easement.

- c. Landscaping or other nonnative vegetation shall not separate the public land or land enrolled under Chapter 84.33 or 84.34 RCW from the adjacent land. Island County may grant an exception to the native vegetation requirement for property along parkways with historic designation or within Ebey's Reserve, upon review and recommendation of the local jurisdiction in which the property is located. Eligibility for this exception does not extend to a property where plantings are required or existing plant communities are protected under local zoning codes, development mitigation requirements, or other local regulations.
- d. Properties shall be allocated points for proximity to a public or current use classified land as follows:
 - (i) Five (5) points if immediately adjacent;
 - (ii) Four (4) points if within 700 feet; or
 - (iii) Two (2) points if within 1,400 feet.

(Ord. C-93-98 [PLG-026-98], September 28, 1998, vol. 42, p. 491; accepted by Res. C-133-98 [PLG-043-98], October 19, 1998, vol. 43, p. 38; amended by Ord. C-95-02 [PLG-018-02], vol. 46, p. 415; amended by Ord. C-02-08 [PLG-011-07], March 17, 2008, effective July 1, 2008, vol. 2008, p. 113)

(Ord. No. C-86-17 [PLG-009-17], Exh. A, 8-15-2017; Ord. No. C-07-23 [PLG-002-23], Exh. A, 1-17-2023; Ord. No. C-15-23 [PLG-004-23], Exh. A, 2-28-2023)

3.40.290 - Super bonus category—Current use value of ten percent of market value.

Properties with at least one (1) high priority open space resource and which allow unlimited public access or limited public access for a sensitive area (due to resource sensitivity) and which convey a conservation, historic, or trail easement in perpetuity, in a form and with such conditions as are acceptable to the county, shall be automatically eligible for current use value at ten (10) percent of market value.

(Ord. C-93-98 [PLG-026-98], September 28, 1998, vol. 42, p. 491; accepted by Res. C-133-98 [PLG-043-98], October 19, 1998, vol. 43, p. 38)

3.40.300 - Severability.

If any provision of this chapter or its application to any person or circumstance is held invalid, the remainder of this chapter or its application to other persons or circumstances is not affected.

(Ord. C-93-98 [PLG-026-98], September 28, 1998, vol. 42, p. 491; accepted by Res. C-133-98 [PLG-043-98], October 19, 1998, vol. 43, p. 38)

3.40.310 - Effective date.

This chapter shall take effect on October 1, 1998 and shall apply to new applications submitted on or after that date. Amendments take effect upon the terms of their adoption.

(Ord. C-93-98 [PLG-026-98], September 28, 1998, vol. 42, p. 491; accepted by Res. C-133-98 [PLG-043-98], October 19, 1998, vol. 43, p. 38; amended by Ord. C-95-02 [PLG-018-02], vol. 46, p. 415)

Chapter 27.08

OPEN SPACE

Sections:

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27.08.100190	Severability.

SOURCE:

ADOPTED:

Ord. 606

12/17/96

AMENDED

ADOPTED:

SOURCE:

Ord. 712

09/04/01

Ord. 897

01/20/15

27.08.010 Purpose.

This chapter constitutes Clallam County's rules for implementation of Chapter 84.34 Revised Code of Washington (RCW); popularly known as the "Open Space Taxation Act." This law was enacted by the Washington State Legislature in 1971 for the purpose of ~~To maintaining,~~ preserving, conserving, ~~and otherwise continuing~~ in existence, ~~adequate open space lands for the current or future production of food, and fiber, and forest crops,~~ and to assure the continued use and enjoyment of natural resources and scenic beauty for the economic welfare, social well being, and quality of life for the County and its citizens, in accordance with Chapter 84.34 RCW and the Clallam County Comprehensive Plan, Chapter 31.02 CCC, as adopted and hereafter amended, the following policies and procedures are hereby adopted.

(1) In accord with the intent of Chapter 84.34 RCW and the Clallam County Code (CCC) Title 31, the purpose of open space lands in Clallam County is to reduce development pressure in rural areas and to provide an incentive for landowners to identify, retain, conserve, restore, and enhance open space lands.

(2) Ensure that applications for the Open Space Classification shall be evaluated by Clallam County according to the public benefit and will not be construed as a means for land speculation or a mechanism to subsidize an individual, organization, or industry.

~~27.08.020 Applicability.~~

~~This chapter shall regulate applications for, and the subsequent classification or reclassification of land as open space land pursuant to Chapter 84.34 RCW, throughout Clallam County. Applications that involve properties within incorporated portions of the County shall require additional review by the appropriate jurisdiction's legislative body.~~

~~27.08.030 Authority.~~

Clallam County adopts the ordinances codified in this chapter under the authority of Chapter 84.34 RCW. The Board of Clallam County Commissioners is the legislative authority to approve or deny open space land applications reviewed under this chapter.

27.08.020 Ineligible Lands

(1) Parcels or portions of parcels less than 4 acres. This requirement does not apply to parcels that meet one of the following criteria for:

(a) Farm and Agriculture Conservation land defined herein;

(b) Properties that diminish development right(s) with Conservation Easements, Lot Combinations in rural zoning areas

(c) Urban properties that provide public access.

(2) Designated open space areas or critical areas and shoreline buffers required as part of an approval for zoning, land use, or subdivision requirements.

(3) Lands or portions thereof which require a membership or rental for such use and that significantly alter the natural topography, hydrology, or the variety and distribution of existing native vegetation including but not limited to golf courses, campgrounds, RV parks.

(4) Property zoned industrial or commercial, including but not limited to RC, RV, GC, DPA, CEN, WRC, RNC, RLC, TC, UNC, URC, UC, M, or LI.

27.08.030 General Requirements

(1) Amendments to approved open space land applications shall be processed the same as new open space land applications in accordance with this chapter.

(2) Periodic Inspections. Each application for classification and reclassification as open space land shall include authorization for the County Assessor to periodically enter and inspect the subject land, in order to determine if the subject land is in compliance with all terms and conditions of the current use classification. Parcels of land which have been approved for current use classification, but which are found to be in violation of any term or condition of its current use classification, shall be removed from the current use classification pursuant to Chapter 84.34 RCW.

(3) Periodic Audits. All approved applications are subject to periodic audits in which the parcel owner must show proof of conditions of prior approval within 60 days of receipt of said audit. Failure to respond shall be grounds for removal from the program.

(4) One-acre Homesite. When determining the eligibility of a parcel of land for the open space land that includes or proposes a residence, a minimum one-acre home site exclusion shall be required. The one-acre homesite exclusion applies for each existing or proposed residence on the property. The legislative authority can increase the homesite exclusion if land is not primarily devoted to the pertinent classification. This required home site exclusion may prevent eligibility for the open space land, but does not apply to lands that qualify as Historic Structures per CCC 27.08.050.(5) Hold Harmless Agreements. All property owners of land approved for Open Space must execute a hold

harmless agreement, freeing Clallam County of any liability which may arise as a result of approval. The Assessor's Office shall provide applicants with a hold harmless agreement as part of the application packet.

(6) Payment of Fees and Delinquent Property Taxes. A condition precedent to approval of any application pursuant to RCW 84.34 is a certification of non-delinquent property tax account issued by the Clallam County Treasurer. Also, the Board shall deny approval if the landowner has failed to satisfy any judgment the County has obtained against the landowners including but not limited to junk vehicles, critical area violations, and zoning code violations.

27.08.040 Administration.

(1) The Clallam County Assessor and the Director of the Department of Community Development, or his or her designee, are vested with the responsibility to administer the provisions of this chapter, unless otherwise specified. All applications shall be processed in accordance with CCC 27.08.170, Procedure.

(2) Application forms and related materials shall be provided by, and returned with a fee, to the Assessor's Office. Application fees are non-refundable even if the application is denied.

(3) Clallam County adopts the ordinances codified in this chapter under the authority of Chapter 84.34 RCW as amended. The Board of Clallam County Commissioners is the legislative authority to approve or deny open space land and timber land applications reviewed under this chapter. Land proposed for enrollment must meet all requirements of this chapter and 84.34 RCW.

(4) Transfers of Classified Land. When classified land is transferred or otherwise legally conveyed, the seller or transferor becomes liable at the time of sale for the applicable tax, interest and penalty pursuant to RCW 84.34.108 of all or a portion of the classified land(s), unless the new owner signs the notice of continuance on file with the Assessor. The County Auditor shall not accept for recording an instrument of conveyance on any classified land unless the notice of continuance has been signed.

(5) Removal of Classified Land by Owner Request. During any year after eight years of the initial ten-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 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 current use classification pursuant to this chapter unless the remaining parcel has different income criteria. Within seven days the Assessor shall transmit one copy of such notice to the legislative body which originally approved the application. The 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 interest pursuant to RCW 84.34.108.

(6) Removal of Classified Land by Assessor. The Assessor may determine, after giving the owner written notice and an opportunity to be heard, that all or a portion of the land classified under this chapter no longer meets the criteria for approval. Within 30 days of determining the land no longer meets the criteria for classification, the Assessor must provide written notice and explanation of why the land no longer qualifies for current use classification. At the time the classified land is removed, the land is subject to additional taxes, interest, and penalties pursuant to RCW 84.34.108.

(7) Removal of Lands Which Adversely Affect Water Quality. The Assessor or their designee may determine, after receiving written notification from the Clallam County Department of Health, Clallam Conservation District, or other governmental organization that land classified under this chapter causes surface or ground water to fall below water quality standards listed in 173-200 WAC or 173-201 WAC, the Assessor may remove the classified land pursuant to CCC 27.08.030(6).

(8) When Removal Is Not Subject to Additional Tax. When land is approved under this chapter and is removed from Current Use Program, additional taxes, interest, and penalties will not be imposed if the removal qualifies for one of the following:

(a) Land is transferred to a government entity in exchange for other land located in the State of Washington;

(b) Land is taken by power of eminent domain or transferred in anticipation of the exercise of such power;

(c) A natural disaster such as a flood, windstorm, earthquake, or other such calamity rather than by virtue of the act of the landowner changing the use of the property;

(d) Removal of land from classification after enactment of a statutory exemption that qualifies the land for exemption and receipt of notice from the owner to remove the land from classification;

(e) The creation, sale, or transfer of forestry riparian easements under RCW 76.13.120;

(f) The creation, sale, or transfer of a fee interest or a conservation easement for the riparian open space program under RCW 76.09.040; or

(g) The sale or transfer of land within two years after the death of the owner of at least a fifty percent interest in the land classified under this chapter.

27.08.050 Definitions.

Those definitions set forth in RCW 84.34.020 as adopted and hereafter amended are hereby incorporated by reference and shall govern and control the application and interpretation of this chapter. Applicable definitions include, but are not limited to, the following:

(1) "Conservation easement" means a voluntary, legally enforceable land preservation agreement between a land owner and a municipality or a qualified land protection organization that sets permanent restrictions on the future use, thus protecting the natural attributes of the land, thus protecting the lands natural attributes including but not limited to preservation of land areas for natural habitat used by fish, wildlife, plants or similar ecosystems, or the preservation of land for farm and agriculture purposes. Municipalities or qualified land protection organizations include but are not limited to North Olympic Land Trust, PCC Farmland Trust, Washington Department of Natural Resources, Washington State Office of Archaeology and Historic Preservation, Washington State Department of Fish and Wildlife, and United States Department of Agriculture Natural Resource Conservation Service.

(2) "Farm and agricultural conservation land" means land that has been granted a conservation easement that no longer meets the criteria for other taxed agricultural land classification and that has not been irrevocably devoted to a use inconsistent with agricultural uses, and that has a high potential for returning to commercial agriculture.

(3) "Legislative authority" means the Board of Clallam County Commissioners, or its designee.

(4) "Native vegetation" means vegetation indigenous to the North Olympic Peninsula as found in Flora of the Pacific Northwest by Hitchcock and Cronquist, Univ. of Washington Press, 1972, as amended, Flora of the Olympic Peninsula by N. Buckingham and E. Shreiner, 1995, as amended.

(5) "Open space land" refers to the open space program in its entirety, and often referred to as the "current use" program regulated under this chapter and RCW 84.34. For the purposes of this chapter, this includes "open space land" as defined below.

(2) "Open space land" means:

(a) Any land area so designated by an official comprehensive land use plan adopted by any city or county and zoned accordingly; or

(b) Any land area, the preservation of which in its present use would:

(i) Conserve and enhance natural or scenic resources, or

(ii) Protect streams or water supply, or

(iii) Promote conservation of soils, wetlands, beaches or tidal marshes, or

(iv) Enhance the value to the public of abutting or neighboring parks, forests, wildlife preserves, nature reservations or sanctuaries or other open space, or

(v) Enhance recreation opportunities, or

~~(vi) Preserve historic sites, or~~

~~(vii) Preserve visual quality along highway, road, and street corridors or scenic vistas;~~

~~or~~

~~(c) Any land meeting the definition of "farm and agricultural conservation land" under subsection (8) of RCW 84.34.020, Definitions.~~

~~(3) "Farm and agricultural conservation land" means either:~~

~~(a) Land that was previously classified as "farm and agricultural land," that no longer meets the criteria for such classification, and that is reclassified as "open space lands" pursuant to Chapter 84.34 RCW; or~~

~~(b) Land that is traditional farmland that is not classified under Chapter 84.33 or 84.34 RCW, that has not been irrevocably devoted to a use inconsistent with agricultural uses, and that has a high potential for returning to commercial agriculture.~~

~~(4) "Traditional farmland," for the purposes of this chapter, shall mean land which has been used on a regular basis for the purpose of attempting to obtain cash income by:~~

~~(a) Raising, harvesting, and selling lawful crops;~~

~~(b) Feeding, breeding, managing, and selling of livestock, poultry, fur-bearing animals, or honey bees, or any products thereof;~~

~~(c) Dairying or selling of dairy products;~~

~~(d) Animal husbandry;~~

~~(e) Aquaculture;~~

~~(f) Horticulture;~~

~~(g) Participating in a government-funded crop reduction or acreage set-aside program; or~~

~~(h) Cultivating Christmas trees or short-rotation hardwoods on land that has been prepared by intensive cultivation and tilling, such as by plowing or turning over the soil, and on which all unwanted plant growth is controlled continuously for the exclusive purpose of raising such trees.~~

(5) "Legislative authority" means the Board of Clallam County Commissioners, or its designee.

(6) "Parkland buffer" means an undeveloped parcel that has a minimum 200 feet of common property line with an existing County or State park, wildlife preserve, or sanctuary that has existing native vegetation or are planted with native vegetation. The 200 feet of common property line should remain free of fencing or any man-made implements that could impede wildlife movement.

(7) "Sensitive ecological resources" shall mean shorelines subject to the Shoreline Master Program or frequently flooded areas, streams, wetlands, aquatic and wildlife habitat conservation areas defined and regulated in CCC 27.12. Clallam County Comprehensive Plan Title 31, Clallam County Critical Areas Code Chapter 27.12, Washington Department of Fish and Wildlife Priority Habitats and Species List.

(8) "Undeveloped Land" for the purposes of this chapter, shall mean any tax parcel that has not undergone human-induced change, including, but not limited to, the construction of buildings or other structures, placement of manufactured homes or mobile homes, mining, dredging, clearing, filling, grading, paving, excavation, drilling operations, or other activities that substantially alter the natural topography, hydrology, or existing native vegetation.

(9) "Urban Open Space" means undeveloped parcels of land not less than one acre situated in an Urban Growth Area (UGA) and open to public use.

27.08.060 Open space land public benefit qualificationsresources.

Properties which contain, abut (if applicable), or otherwise meet one or more of the following criteria shall be eligible for open space land public benefit rating and valued according to the Open Space Rating systempoints: Reductions in assessed value will only apply to the specified area for the following public benefit resources unless specifically noted.

(1) Conservation Easement (at least one diminished development right). A property which has a conservation easement in perpetuity and diminishes at least one development right shall qualify for a reduction. The applicant must submit documentation of the conservation easement that clearly demonstrates diminishment of at least one development right including a map that shows the area the conservation easement applies to. Reductions in assessed value for perpetual conservation easements shall apply only to that portion of a subject property that is conserved by the conservation easement and has at least one diminished development right. For example, a 10 acre parcel zoned R5 with a conservation easement that covers 7 of the 10 acres will receive a reduction in tax valuation for the portion of the property that would have been available for development prior to the conservation easement.

(2) Lot Combination. Adjacent parcels under a single ownership that are combined in accordance with Chapter 29.43 CCC, Boundary Line Adjustments and Lot Combination may qualify for a reduction under this program. The area of the resulting parcel created through the lot combination process must be at least two (2) times the maximum residential density of the underlying zoning district to qualify for the benefit. The landowner shall initiate and receive final approval of the lot combination prior to the application in the Current Use Program. The landowner shall provide at the time of Current Use Program application documentation of approval and completion of the lot combination. The parcel created through the lot combination process must result in at least one diminished development right and may contain one single-family residence. Lot combination under

this section shall not create a "split zone" parcel. In the event a rezone is required, the lowest density zoning shall prevail and the rezone must have received final approval prior to the submittal of the open space application. Tax benefit reductions for lot combinations shall apply to that percentage of the subject property which would otherwise be available for development prior to the lot combination. For example, two five acre parcels that are zoned Rural Low (R5, CCC 33.10.020) are combined, pursuant to 29.43 CCC. One of the five acre parcels contains a single family home. Following approval under this section, reductions in tax valuation would apply to one 5 acre parcel or the area that would have been available for development prior to approval of the lot combination.

(3) Conservation Easement (No diminished development right). A property which has a conservation easement in perpetuity and the stated purpose must be enhanced protection of a sensitive ecological resource or preservation of farm and agriculture lands. Tax benefit reductions for perpetual conservation easements shall apply only to that portion of a subject property that is conserved by the easement.

(4) Farm and Agricultural Land. The intent of this category is to encourage the conservation of agricultural lands for future commercial agriculture use while allowing the farm to lay fallow until such time as agricultural practices occur on the property. The property must meet the definition above and either be subdividable or at least 4 acres or zoned Agriculture Retention (CCC 33.07.010). The applicant shall submit a statement of intent which includes the following:

(i) The size of the subject property and the size of the area to be preserved for future commercial agriculture production;

(ii) Location of fences or other measures taken to protect Critical Areas regulated under 27.12 from grazing or other necessary farming operations; and

(iii) A signed agreement stating the landowner agrees to enroll in and qualify for Farm and Agriculture land pursuant to RCW 84.34.020 and this chapter within 7 years following approval under this section. This agreement will be recorded with the Notice of Approval if accepted into the Open Space program. If property is not returned to commercial agricultural production, the property will be subject to removal from Current Use Program and applicable back taxes, interest, and penalties pursuant to 27.08.030(6).

(5) Restoration or Enhancement of Sensitive Ecological Resources. Eligible lands are those properties that provide documentation from a qualified Clallam County Consultant, Federal, or State Agency that verifies the existence, location, extent, method of restoration or enhancement, expected outcome of restoration or enhancement, and implementation schedule. The restored/enhanced resource shall be maintained and documentation of continued success of the project when requested. Failure to provide documentation of project completion shall be grounds for removal.

(6) Rare or Unique Plant Communities. Eligible lands shall provide documentation and mapping by an approved Clallam County consultant of the rare and unique plant community on file with the Washington State Natural Heritage Program. Photo documentation may also be required at the discretion of the legislative authority to insure the protection of this resource.

(7) Parkland Buffers. Eligible lands are those undeveloped lands that contain native vegetation with a common property line of 200 feet with exiting County, State, or Federal park, wildlife preserve, or sanctuary.

(8) Public Use. Applications shall be accompanied by the landowner's proposed rules of conduct and a description of how public access is to be managed. The County Assessor's Office shall provide applicants with terms of the Clallam County Public Access Policy as part of the application packet.

Access to the subject property may not involve trespass on or over neighboring properties. Open space signs are required to be posted on the subject property's road frontage or nearest public road. Signs shall conform to Clallam County land use codes and the following criteria. At minimum, signs shall identify access points, allowed uses, and landowner contact information. The sign shall be maintained at the owner's expense in good condition for as long as the landowner is receiving public benefit points. Failure to maintain or replace removed or missing signs by the property owner may jeopardize the open space benefit points based on granting public access to the subject property pursuant to this chapter.

~~(1) *Floodplains or Floodways.* Properties which contain floodways or 100-year floodplains as designated by the Clallam County critical areas maps or by the Federal Emergency Management Agency flood maps. Points shall not be assigned if the associated stream also qualifies the subject property for benefit points under subsection (4) of this section, Streams.~~

~~(2) *Meander Hazard Zones.* Properties within riparian meander hazard zones as designated by the Clallam County critical areas maps. Points shall not be assigned if the associated stream also qualifies the subject property for benefit points under subsection (4) of this section, Streams.~~

~~(3) *Open Space, Wildlife Corridor, or Greenbelts.* Properties within open space zoning districts, wildlife corridors, or greenbelts, as identified by federal, State, or local agencies. Optionally, public benefit rating points will be awarded if an applicant demonstrates to the satisfaction of the legislative authority the existence of a wildlife corridor within the subject property. Points shall not be assigned if the associated stream also qualifies the subject property for benefit points under subsection (4) of this section, Streams.~~

~~(4) *Streams.* Properties which contain or abut Types 1 through 5 streams as defined by WAC 222-16-030, Water Typing Systems, and regulated through Chapter 27.12 CCC and CCC Title 35, Clallam County Shoreline Master Program (SMP).~~

~~(5) *Habitat.* Properties which contain any of the following:~~

~~(a) *Private wildlife reserves.* Such reserves must be officially designated areas, as defined by federal, State, or local agencies, under private ownership, that are maintained in a manner as to provide habitat for animal species native to the North Olympic Peninsula.~~

~~(b) *Properties which contain Class I or II Wildlife Habitat Conservation Areas as provided by the Clallam County Critical Areas Code, CCC 27.12.310(b) and (c), Classification Areas.*~~

- ~~(c) Those areas where County-sanctioned ongoing habitat restoration, protection, or demonstration projects are in progress.~~
- ~~(6) *Endangered Species*. Properties which contain documented occurrence of a State or federal endangered species; State or federal threatened species; or State or federal proposed endangered or threatened species.~~
- ~~(7) *Rare or Unique Plant Communities*. Properties which contain plant communities listed as rare or unique by the Washington Natural Heritage Program.~~
- ~~(8) *Wetlands*. Properties which contain regulated Class I through IV wetlands as defined by Chapter 27.12 CCC, Critical Areas Code. Landowners whose properties contain unclassified wetlands may choose to either:~~
- ~~(a) Provide the legislative authority with documentation that specifies the classification of the subject wetland. If necessary, such documentation shall be prepared, at the landowner's expense, by a professional consultant approved by Clallam County; or~~
 - ~~(b) Accept public benefit points equal to that provided for Class III wetlands.~~
- ~~(9) *Shorelines*. Properties which contain or abut shorelines classified as any of the following in accordance with the Clallam County Shoreline Master Program:~~
- ~~(a) Natural environment;~~
 - ~~(b) Conservancy environment;~~
 - ~~(c) Rural environment;~~
 - ~~(d) Suburban environment;~~
 - ~~(e) Urban environment;~~
 - ~~(f) Shorelines of State-wide significance.~~

~~Points shall not be assigned if the associated stream also qualifies the subject property for benefit points under subsection (4) of this section, Streams.~~

- ~~(10) *Well Head Protection Areas*. Properties within a designated well head protection area as may be identified by Clallam County maps.~~

- (11) ~~Historical or Archaeological Sites.~~ Properties which contain either of the following:
- (a) ~~Historical sites which are listed, or are eligible for listing, on the Washington Heritage Register or the National Register of Historic Places; or~~
 - (b) ~~Documented or potential archaeological sites listed, or eligible for listing, with the Washington State Office of Archaeology and Historic Preservation.~~
- (12) ~~Scenic Vistas.~~ Properties which provide either of the following scenic resources:
- (a) ~~Unique scenic vistas and features. Public access shall be required for point eligibility under this subsection. Tax benefit reductions shall apply only to the portion(s) of the subject property that is provided for public access; or~~
 - (b) ~~Unique scenic resources within the visual corridor of a federal, State, or County designated scenic highway, such as Highways 101 and 112, and the Dungeness Scenic Loop. Applicants must provide photographic documentation if requested by the County legislative authority.~~
- (13) ~~Landslide Hazards.~~ Properties which contain landslide hazard areas as defined by Chapter 27.12 CCC, Critical Areas Code, and documented on the Clallam County critical areas maps.
- (14) ~~Farm and Agricultural Conservation Land.~~ To be eligible for public benefit points under this subsection a property must meet all of the following criteria:
- (a) ~~Properties must meet the definition of "farm and agricultural conservation land" as specified by CCC 27.08.050(4), Definitions; and~~
 - (b) ~~Properties must be "subdividable," that is, the area of each subject property must be equal to or greater than two (2) times the maximum residential density of the underlying zoning district. This provision does not apply to those properties within the Agricultural Retention (AR) zoning district.~~
 - (c) ~~Applications shall be accompanied by a statement of intent, which includes all interim measures that will be followed to protect and manage the land in a manner that allows resumption of commercial agricultural use. The statement shall provide the following information:~~
 - (i) ~~The name, address, and daytime telephone number of the landowner;~~

- (ii) ~~The tax parcel number of the subject property;~~
- (iii) ~~The size of the subject property;~~
- (iv) ~~A nontechnical soils description and agricultural capability classification as assigned in the Soil Survey of Clallam County Area, published by the U.S. Department of Agriculture;~~
- (v) ~~A copy of the published soils map showing the boundaries of the subject property;~~
- (vi) ~~A schedule of measures that are and will be used to accomplish the goals and objectives; and~~
- (vii) ~~The steps that will be taken to conserve the agricultural soils to allow a return to commercial agricultural production.~~

~~Public benefit rating points for farm and agricultural conservation lands shall be assigned in terms of parcel size and soil capability classifications (as provided by the U.S. Department of Agriculture's Soil Survey of Clallam County Area, Washington). Benefit points shall be assigned in accordance with the following table:~~

~~Points Table for Farm and Agricultural Conservation Lands~~

Soils	Parcel Size				
	0 – 4.99 Acres	5.0 – 9.99 Acres	10.0 – 14.99 Acres	15.0 – 19.99 Acres	20.0 Acres and greater
"Prime" or Class I	3	6	9	12	15
Class II	2	3	6	9	12
Class III	1	2	3	6	9
Class IV	0	1	2	3	6

~~(15) Public Access. Public benefit points may be earned in accordance with the following:~~

~~(a) Privately Owned Recreation Facilities.~~ Properties that are maintained in a substantially natural state, and are made available to the public for a fee for the purpose of hiking, fishing, horseback riding, hunting, picnicking, or other outdoor recreational activities that do not significantly alter the natural topography, hydrology, or the variety and distribution of the existing native vegetation.

~~(b) General Public Access.~~ Properties which are made available to the public in accordance with CCC 27.08.090, Public Access Policy.

~~(16) Development Pressure/Zoning.~~ The following categories of parcel area preservation shall be eligible for public benefit rating points:

~~(a) Eligible properties are those zoned R1, RW1, R2, RW2, QR, R5, RW5, RCC5, RCC3, RLM, RSC, R20, CFM5, CFM20, and CF. Also included are RC, RNC, TC, and CEN properties when associated with a residential land use, or are undeveloped. To be eligible for points under this subsection, the subject property must be large enough to be legally subdividable. Points shall not be assigned under this subsection if the subject property(s) qualifies for benefit points under subsection 16(b) of this section.~~

~~(b) Public benefit points may be earned by combining contiguous parcels under single ownership through the lot combination process in accordance with Chapter 29.43 CCC, Boundary Line Adjustments and Lot Combination. The resulting parcel created through the lot combination process may contain one single-family residence. The area of the resulting parcel created through the lot combination process must be equal to or greater than two (2) times the maximum residential density of the underlying zoning district.~~

~~The landowner shall initiate the lot combination process prior to, or concurrently with, the open space application, and shall provide at the time of open space application appropriate documentation of the proposed or final lot combination.~~

~~Lot combination under this section shall not create a "split zone" parcel. In the event a rezone is required, the lowest density zoning shall prevail. The landowner shall initiate the rezone procedure concurrently with the open space application, and shall so demonstrate to the legislative authority with the appropriate documentation.~~

~~(c) Undeveloped properties which abut (minimum of fifty (50) feet of common property line) existing public park lands, forests, wildlife preserves, sanctuaries, or other open space~~

lands classified under Chapter ~~84.33~~ RCW or Chapter ~~84.34~~ RCW shall be eligible for public benefit points. For the purposes of this subsection, "undeveloped property" shall mean any property that has not undergone human-induced change, including, but not limited to, the construction of buildings or other structures, placement of manufactured homes or mobile homes, mining, dredging, clearing, filling, grading, paving, excavation, drilling operations, or other activities that substantially alter the natural topography, hydrology, or existing native vegetation.

(17) ~~Conservation Easements and TDRs.~~ Properties with diminished development rights resulting from either:

(a) ~~Transfer of development rights (TDRs) in accordance with provisions of the Clallam County Zoning Code, CCC Title 33; or~~

(b) ~~Perpetual conservation easements that:~~

(i) ~~Preserve land areas for outdoor recreation or for the education of the general public; or~~

(ii) ~~Protect natural habitat for fish, wildlife, plants or similar ecosystems; or~~

(iii) ~~Preserve open space (including farmland and forestland) where such preservation is for the scenic enjoyment of the general public or pursuant to a clearly delineated federal, State, or local governmental conservation policy.~~

Tax benefit reductions for TDRs shall apply to that percentage of the subject property, which would otherwise be available for development prior to the transfer. Tax benefit reductions for perpetual conservation easements shall apply only to that portion of a subject property that is conserved by the easement.

~~27.08.070 Factors to be considered for open space land classification.~~

In determining whether an application for open space land classification or reclassification should be approved, the Board of Commissioners may 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 the following:

(1) ~~The resulting revenue loss or tax shift;~~

(2) Whether granting the application for land applying under ~~RCW 84.34.020(1)(b)~~ (CCC ~~27.08.050(2)(b)~~) will:

- (a) ~~Conserve or enhance natural, cultural, or scenic resources;~~
- (b) ~~Protect streams, stream corridors, wetlands, natural shorelines and aquifers;~~
- (c) ~~Protect soil resources and unique or critical wildlife and native plant habitat;~~
- (d) ~~Promote conservation principles by example or by offering educational opportunities;~~
- (e) ~~Enhance the value of abutting or neighboring parks, forest, wildlife preserves, nature reservations, sanctuaries, or other open spaces;~~
- (f) ~~Enhance recreation opportunities;~~
- (g) ~~Preserve historic and archaeological sites;~~
- (h) ~~Preserve visual quality along highway, road, and street corridors or scenic vistas;~~
- (i) ~~Affect any other factors relevant in weighing benefits to the general welfare of preserving the current use of the property; and~~

(3) Whether granting the application for land applying under ~~RCW 84.34.020(1)(C)~~ (CCC ~~27.08.050(2)(c)~~) will:

- (a) ~~Either preserve land previously classified under RCW 84.34.020(2) or preserve land that is traditional farmland and not classified under Chapter 84.34 or 84.33 RCW;~~
- (b) ~~Preserve land with a potential for returning to commercial agriculture, and~~
- (c) ~~Affect any other factors relevant in weighing benefits to the general welfare of preserving the current use property.~~

27.08.0780 Open space land public benefit rating system.

(1) The categories provided by CCC 27.08.060, Open Space Land Public Benefit Resources, are presented in the following table, which shall be ~~considered used for in~~ determining reduction in tax valuation for open space land applications classified under this chapter. public benefit ratings for open space land applications. Public benefit points specified herein shall be assigned for each criterion met by the subject property, up to a maximum value within each of six (6)

brackets. Earned points from each bracket are then totaled and matched to the open space land classification rate schedule in subsection (2) of this section. Except where noted, the specific feature considered must be contained within the subject property to be eligible.

Parcels/properties which meet a given criterion shall receive the reduction in the highest category qualified; public benefit resources are non-cumulative. full number of points provided for that criterion.

The following criteria are presented in six (6) brackets, based on the level of identified public benefit. Resource and feature categories within each bracket include physical characteristics such as streams and shorelines, cultural resources such as historical and archaeological sites, and undivided land parcels.

After determining, from the following ranked public benefit listings, the appropriate criteria for their property, applicants are urged to refer to the indicated reference for detailed descriptions of the criteria by which the application will be evaluated in terms of eligibility for public benefit rating.

Public Benefit Rating Table

<u>OPEN SPACE PUBLIC BENEFIT RESOURCE</u>	<u>CODE REFERENCE</u>	<u>PERCENT REDUCTION IN TAX VALUATION</u>	<u>MAXIMUM REDUCTION IN TAX VALUATION ALLOWED</u>
<u>Conservation Easement- diminished development right(s)</u>	<u>27.08.080(1)</u>	<u>90%</u>	<u>90%</u>
<u>Lot Combination- diminished development right(s)</u>	<u>27.08. 080(2)</u>		
<u>Farm and Agriculture Conservation Land</u>	<u>27.08. 080(6)</u>	<u>50%</u>	<u>50%</u>
<u>Public Use</u>	<u>27.08. 080(6)</u>		

<u>Conservation Easement- No diminished development right</u>	<u>27.08. 080(4)</u>	<u>25%</u>	<u>40%</u>
<u>Restoration or Enhancement of Sensitive Ecological Resources</u>	<u>27.08. 080(1)</u>		
<u>Rare and Unique Plant Communities</u>	<u>27.08. 080(2)</u>		
<u>Parkland Buffers</u>	<u>27.08. 080(3)</u>		

Item No.	Item	Reference	Pts.	Maximum Allowed in Category
Highest Public Benefit				
1.	Conservation easements, TDRs	CCC <u>27.08.060(17)</u>	23	23
Very High Public Benefit				
2. A.	Lot combination	CCC <u>27.08.060(16)(b)</u>	15	15
2. B.	Public access	CCC <u>27.08.060(15)(b)</u>	15	
High Public Benefit				
3.	Farm and agricultural conservation lands	CCC <u>27.08.060(14)</u>	0-15	15
Medium/High Public Benefit				

Item No.	Item	Reference	Pts.	Maximum Allowed in Category
4. A.	Floodways, floodplains and meander zones	CCC <u>27.08.060(1)</u> , (2)	3	12
4. B.	Type 1 or 2 streams	CCC <u>27.08.060(4)</u>	3*	
4. C.	Habitat or endangered species protection	CCC <u>27.08.060(5)</u>	3	
4. D.	Class I or II wetlands	CCC <u>27.08.060(8)</u>	3	
4. E.	Natural or conservancy environment shorelines, or shorelines of State-wide significance	CCC <u>27.08.060(9)</u>	3	
4. F.	Historical sites	CCC <u>27.08.060(11)</u>	3	
4. G.	Archaeological sites	CCC <u>27.08.060(11)</u>	3	
4. H.	Scenic vistas	CCC <u>27.08.060(12)</u>	3	
4. I.	Open space, greenbelts, or wildlife corridors	CCC <u>27.08.060(3)</u>	3	
4. J.	Development pressure/zoning	CCC <u>27.08.060(16)(a)</u>	3	
4. K.	Rare or unique plant communities	CCC <u>27.08.060(7)</u>	3	
Medium Public Benefit				
5. A.	Type 3 or 4 streams	CCC <u>27.08.060(4)</u>	2	6
5. B.	Landslide hazard areas	CCC <u>27.08.060(13)</u>	2	
5. C.	Class III wetlands	CCC <u>27.08.060(8)</u>	2	

Item No.	Item	Reference	Pts.	Maximum Allowed in Category
5. D.	Well head protection areas	CCC <u>27.08.060(10)</u>	2	
5. E.	Rural environment shorelines	CCC <u>27.08.060(9)</u>	2	
5. F.	Public access (privately owned recreation facilities)	CCC <u>27.08.060(15)(a)</u>	2	
5. G.	Development pressure (abuts parks, public forests, etc.)	CCC <u>27.08.060(16)(c)</u>	2	

Low Public Benefit

6. A.	Type 5 streams	CCC <u>27.08.060(4)</u>	1	2
6. B.	Class IV wetlands	CCC <u>27.08.060(8)</u>	1	
6. C.	Suburban or urban environment shorelines	CCC <u>27.08.060(9)</u>	1	

* May be increased to 6 points if the landowner agrees to maintain a riparian buffer twice that provided by the Clallam County Critical Areas Code, Chapter 27.12 CCC.

(2) *Open Space Land Classification Rate Schedule.* The following rate schedule shall apply to eligible lands under the open space land category. Maximum reduced land valuation possible shall equal ninety (90) percent.

Open Space Classification Rate Schedule**Public Benefit Rating****Reduction in Land Valuation**

<2

0%

Public Benefit Rating	Reduction in Land Valuation
2	5%
3-4	10%
5-7	20%
8-10	30%
11-13	40%
14-16	60%
17-19	70%
20-22	80%
23	90%

~~27.08.090~~ — Public access policy.

(1) Except as provided in subsections ~~(3)(a)~~ through ~~(3)(d)~~ of this section, applicants for open space land classification may agree to provide public access to the subject property and the features and resources contained therein. Such applications shall earn public benefit rating points in accordance with provisions of this chapter. Applications involving public access shall be accompanied by the landowner's proposed rules of conduct and a description of how public access is to be managed within the limitations set forth in this section. The one-acre home site exclusion may apply in administering public access management by limiting access to those portions of the property outside the home site exclusion. Approved applications shall be conditioned to require approved signage pursuant to CCC ~~27.08.100~~, Signage.

- ~~(2) The County Assessor's Office shall provide applicants with terms of the Clallam County Public Access Policy as part of the application packet.~~
- ~~(3) In certain instances, public access may be detrimental to the resource(s) involved; therefore, public access points shall not be assigned to properties in which any of the following conditions occur:~~

- ~~(a) The subject property involves an endangered or threatened species as provided by CCC 27.08.060(6), Endangered Species;~~
- ~~(b) The subject property qualifies as open space due to the promotion of soils, wetlands, beaches, or tidal marshes; except, applicants may earn public access points by demonstrating to the satisfaction of the legislative authority that public access shall be managed such that there will be no adverse effects on the associated natural feature;~~
- ~~(c) The subject property contains a known archaeological site as listed by the Washington State Office of Archaeological and Historic Preservation; or~~
- ~~(d) Access to the subject property would involve trespass on or over neighboring properties.~~

27.08.080100 Signage.

Open space signs are required only when public access is granted under the provisions of this chapter. Signs shall conform to Clallam County land use codes and the following criteria. All signs shall:

- ~~(1) Be provided by Clallam County as official open space public access signage;~~
- ~~(21) Be posted as follows: At least one open space sign shall be posted on the subject property's road frontage, or nearest public road as applicable, in a conspicuous location, visible to passing motorists. At minimum, signs shall identify access points, allowed uses, and landowner contact information.~~
- ~~(32) Be purchased by the property owner for the appropriate fee as established in Chapter 5.100 CCC; and~~

(34) Be maintained at the owner's expense in good condition for as long as the landowner is receiving public benefit points based on allowing public access to the subject property and its open space feature(s). Failure to maintain or replace removed or missing signs by the property owner may jeopardize the open space benefit points based on granting public access to the subject property pursuant to this chapter.

~~27.08.110 — Hold harmless agreement.~~

~~All open space property owners who grant public access must execute a hold harmless agreement, freeing Clallam County of any liability which may arise as a result of open space approval. The County Assessor's Office shall provide applicants with a hold harmless agreement as part of the application packet.~~

~~In addition to the hold harmless agreement, applicants for public access benefit points shall provide proof of comprehensive general liability insurance for the subject property. The proof of insurance shall include a copy of the insurance endorsement from companies or through sources approved by the state insurance commissioner pursuant to RCW Title 48, as now or hereafter amended, setting forth that Clallam County, and its elected and appointed officers and employees have been named as an additional insured.~~

~~Each applicant shall show proof of the following coverage: bodily injury, including death, and property damage in the amount of \$1,000,000 per occurrence.~~

~~27.08.120 — Open space land amendments.~~

~~Amendments to approved open space land applications shall be processed the same as new open space land applications in accordance with this chapter.~~

~~27.08.130 — Home site exclusion.~~

~~When determining the eligibility of a parcel of land for the open space land that includes or proposes a residence, a one-acre home site exclusion shall be required. The one-acre minimum requirement may be increased upon review of the timber management plan and site~~

improvements. A required home site exclusion may prevent eligibility of a taxation reduction for the open space land or timber land classification.

27.08.090140 Procedure.

Applications for open space land current use assessments shall be evaluated in accordance with the provisions of Chapter 84.34 RCW and this chapter. Applications pending at the time of the adoption of the ordinance codified in this chapter shall be considered pursuant to the terms and conditions of the ordinance codified in this chapter.

(1) ~~Application forms and related materials shall be provided by, and returned to, the Assessor's office. Applications shall be assessed for completeness and eligibility jointly by the Assessor's office and the Department of Community Development prior to review by the Clallam County Planning Commission.~~

(2) ~~The processing schedule that follows intends to (i) provide that applications will be approved or denied within six months following the application submittal period and date the application is deemed complete; and (ii) allow sufficient time for County staff to evaluate the applications. Reductions in assessed value resulting from approval will begin the following year.~~

<u>Application Submittal Period</u>	<u>Application Review Period</u>	<u>Current Use Taxation Begins:</u>
<u>January 1 – June 30</u>	<u>By December 31 of the same year</u>	<u>January 1 of the taxing year</u>
<u>July 1 – December 31</u>	<u>By July 1 of the next year</u>	<u>January 1 of the taxing year</u>

Applications will be accepted during either of two submittal periods as follows:

(a) ~~Applications received during the period January 1st through April 30th 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.~~

~~(a) 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 before review by the Planning Commission.~~

~~(23) The Planning Commission shall act upon applications after a public hearing and forward a recommendation on the applicants to the Board of Commissioners. Notice of the public hearing shall ~~have been~~ given by publishing a summary of the open space applications in a newspaper of general circulation in the area at least 15 days prior to the open record hearing before the Planning Commission. Notification of the public hearing shall also be forwarded to each applicant.~~

~~(43) Following the public hearing the Planning Commission's shall make a recommendation on each application to the Board of Commissioners. Such recommendations shall be forwarded to the Board of Commissioners following a 14-day appeal period which begins the day after the Planning Commission recommendation. This recommendation shall be forwarded to the applicants as soon as possible.~~

~~Applications involving properties within incorporated portions of Clallam County will require the approval of the appropriate jurisdiction and will be forwarded to the appropriate jurisdiction for review.~~

~~(45) Upon receipt of the Planning Commission recommendations, the Board of Commissioners shall schedule a date for decision on the applications. The date of decision shall be within thirty (30) calendar days from the date of receipt of the Planning Commission recommendations. The Board of Commissioners shall approve or deny the applications after reviewing comments taken at the recommendation from the Planning Commission public hearing.~~

~~(65) If the Board of Commissioners approves the application, an Open sSpace land agreement between the County and the landowner(s) shall be signed. Said agreement may contain conditions of approval necessary to assure that the classification of Open sSpace land furthers the purposes of the Open Space Act, Chapter 84.34 RCW and this chapter. If the Board~~

of Commissioners denies the application, in whole or in part, the applicant has the right to appeal only to the Clallam County Superior Court, as specified by WAC 458-30-250(4)(b).

27.08.150 Enforcement.

~~Each application for classification and reclassification as open space land shall include authorization for the County Assessor or the Director of the Department of Community Development, or their designee, to periodically enter and inspect the subject land, in order to determine if the subject land is in compliance with all terms and conditions of the current use classification.~~

~~Parcels of land which have been approved for current use classification, but which are found to be in violation of any term or condition of its current use classification, shall be removed from the current use classification pursuant to Chapter 84.34 RCW. Parcels of land classified as open space land may be removed from such classification if land use activities result in ground or surface water quality falling below water quality standards pursuant to Chapters 173-200 and 173-201A WAC.~~

~~Parcels of land removed from current use classification shall be subject to all penalties set forth in Chapter 84.34 RCW, including the compensation tax pursuant to RCW 84.34.108.~~

~~Within 30 days after such removal, the Assessor shall notify the owner in writing, setting forth the reasons for such removal. The seller, transferor or owner may appeal such removal to the County Board of Equalization.~~

27.08.10090 Severability.

If any section, subsection, paragraph, sentence, clause or phrase of this chapter is for any reason held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining portion of this chapter; it being hereby expressly declared that this chapter and each section, subsection, paragraph, sentence, clause and phrase thereof would have been adopted irrespective of the fact that any one or more other sections, subsections, paragraphs, sentences, clauses or phrases be declared invalid or unconstitutional.