

Basis for Assessment for Island County Public Benefit Rating System (PBRS)



ISLAND COUNTY



WASHINGTON

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Introduction

This document is intended to be used with the Public Benefit Rating System (PBRS) application as a reference only. Please refer to RCW 84.34 and Island County Code 3.40 for official rules and regulations.

The State Open Space Taxation Act (84.34 RCW) authorizes counties to establish a Public Benefit Rating System (PBRS) for the purpose of encouraging preservation of specified open space resources by providing a tax incentive for private land owners within their jurisdictions. Island County established its PBRS program in 1998, believing it is in the best interest of the County to “preserve, conserve, and otherwise continue in existence adequate open space lands for the production of food, fiber, and forest crops...” as well as ... “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.”

Eligibility

In order to be considered for the PBRS program, a property must be at least five (5) acres in size, with the exception of community gardens and/or parks, and contain at least one (1) open space resource (listed below). Community gardens and/or parks one (1) acre or greater in size may be eligible. Please note that if a property includes a residence, a minimum of one (1) acre of the property, inclusive of the home-site, will not be eligible for PBRS enrollment.

Properties are rated based on a points scale from zero (0) to fifty-seven (57) points. PBRS applications are processed as Type IV decisions, meaning they must be presented to the Board of Island County Commissioners (BOCC) at a public hearing for approval. It is important to note that the BOCC is under no obligation to approve PBRS applications, even if a property clearly qualifies to be in the program.

Rating System Points

Priority Resources Points

To be eligible for open space classification under the County's Public Benefit Rating System, the property must contain one (1) or more of the open space resources 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
- 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.¹

Bonus System Points

In addition to the priority resources points, properties may be awarded bonus points. In order to receive any bonus system points, a property must qualify for at least one (1) priority resource point. Properties can receive a **maximum** of thirty-eight (38) bonus system points.²

¹ Island County Code 3.40.030

² Island County Code 3.40.030(D)

High Priority Open Space Resources

1. Resources and Rural Agricultural Lands (5 points)³

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, or 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.

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 qualifying source information; 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.

Qualifying Source Information

Island County Commercial Agriculture Land Study, Planning and Community Development Department, February 1998.

³ Island County Code 3.40.250(A)

2. Integrated Forest Management Plan (5 points)⁴

Definitions

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.

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 or harvesting of timber, but no more than ten 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.

Eligibility

Eligible sites are those that are currently not enrolled in existing current use assessment programs and meet the definition for forestlands/woodlots, above.

Qualifying Source Information

Island County Commercial Forest Land Study, Crescent Springs Management, January, 1998.

3. Privately Owned Trails and Corridors (5 points)⁵

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.

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.

Qualifying Source Information

Island County Non-motorized Trail Plan.

⁴ Island County Code 3.40.250(B)

⁵ Island County Code 3.40.250(C)

4. "Natural" Shoreline Environment (5 points)⁶

Definition

A marine, lake, or river shoreline and its "associated wetlands" designated "natural" in the Shoreline Master Program for the county.

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.

Qualifying Source Information

Island County Shoreline Master Program.

⁶ Island County Code 3.40.250(D)

5. Significant Fish and Wildlife Habitat Conservation Areas, Species and Habitats of Local Importance, Category A and B Wetlands, and Special Plant Sites (5 points)⁷

Definition

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

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.

Category A and B wetlands. Wetlands that are classified category "A" or "B" by Chapter 17.02B.

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.

Eligibility

Items a. through h. listed on the next page 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 (BSA) or habitat management plan (HMP). 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.

⁷ Island County Code 3.40.250(E)

Significant Fish and Wildlife Habitat Conservation Areas, Species and Habitats of Local Importance, Category A and B Wetlands, and Special Plant Sites, cont.

Eligibility, cont.

- 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 Chapter 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.

Significant Fish and Wildlife Habitat Conservation Areas, Species and Habitats of Local Importance, Category A and B Wetlands, and Special Plant Sites, cont.

Qualifying Source Information

- 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.

6. Historic Landmarks/Archaeological Sites (5 points)⁸

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.

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.

Qualifying Source Information

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.

⁸ Island County Code 3.40.250(F)

7. Private Lands within Designated National Reserves (5 points)⁹

Definition

Officially designated areas under private ownership located within National Reserves that remain undeveloped and are maintained to protect the landscape of the reserve.

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.

Qualifying Source Information

National Park Service, the Trust Board of the Ebey's Landing National Historical Reserve.

⁹Island County Code 3.40.280(G)

8. Active or Passive Recreation Area (5 points)¹⁰

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.

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; 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:

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

Qualifying Source Information

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

¹⁰ Island County Code 3.40.250(H)

Medium Priority Open Space Resources

1. "Conservancy" Shoreline Environment (3 points)¹¹

Definition

Marine and lake shoreline and associated wetlands designated as "conservancy environment" in an adopted Shoreline Master Plan. Conservancy shoreline areas are intended to preserve their existing character. The area must consist of native vegetation.

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.

Qualifying Source Information

Island County Shoreline Master Program.

¹¹ Island County Code 3.40.260(A)

2. Flood Hazard Areas Buffers (3 points)¹²

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.

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.

Qualifying Source Information

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.

¹² Island County Code 3.40.260(B)

3. Geologic Hazard Area Buffers (3 points)¹³

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.

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.

Qualifying Source Information

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.

¹³ Island County Code 3.40.260(C)

4. Scenic Natural Resources, Viewpoints, and View Corridors (3 points)¹⁴

Definition

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

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

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.

Eligibility

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.

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.

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.

View corridor. Eligible sites must meet the definition of view corridor above.

Qualifying Source Information

None available.

¹⁴ Island County Code 3.40.260(D)

5. Urban Growth Area Open Space (3 points)¹⁵

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

Eligibility

Eligible lands are those meeting the definition above.

Qualifying Source Information

City, town or county comprehensive plan and the natural lands plan.

6. Public Lands Buffer (3 points)¹⁶

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.

Eligibility

Lands being buffered shall be in public ownership, or private lands shall be enrolled in the open space program.

Qualifying Source Information

Island County Comprehensive Plan.

¹⁵ Island County Code 3.40.260(E)

¹⁶ Island County Code 3.40.260(F)

7. Category C or D Wetlands (3 points)¹⁷

Definition

Wetlands classified category "C" or "D" by Chapter 17.02B.

Eligibility

Eligible lands are those wetlands designated the category "B" rating under the county wetland maps classified category "C" or "D" by Chapter 17.02B.

Qualifying Source Information

County wetland maps, and land use standards governing wetlands, deepwater habitats, tributary streams and their surrounding buffers, Chapter 17.02B, 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 17.05A.

¹⁷ Island County Code 3.40.260(G)

Low Priority Open Space Resources

1. Artificial/Category E Wetlands (1 point)¹⁸

Definition

Wetlands classified as category "E" by Chapter 17.02B.

Eligibility

Eligible lands are those wetlands classified category "E" by Chapter 17.02B.

Qualifying Source Information

County wetland maps, Chapter 17.02B, and land use standards governing wetlands, deepwater habitats, tributary streams and their surrounding buffers.

¹⁸ Island County Code 3.40.270(A)

Bonus System

1. Public Priority (5 points)¹⁹

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.

Eligibility

Eligible sites are those that contain one (1) or more of the defined public priority open space resources.

Qualifying Source Information

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.

¹⁹ Island County Code 3.40.280(A)

2. Voluntary Resource or Critical Area Restoration (5 points)²⁰

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.

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.

Qualifying Source Information

No inventory available.

²⁰ Island County Code 3.40.280(B)

3. Surface Water Quality Buffer Areas (1 to 5 points)²¹

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) times the required buffer width 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.

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.

Qualifying Source Information

Catalog of Washington Streams, Shoreline Master Programs, county or local sensitive areas ordinance streams and wetlands maps as basis for determination.

²¹ Island County Code 3.40.280(C)

4. Drainage Area (5 points)²²

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 objectives 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.

Eligibility

Eligible properties shall have a drainage plan approved under Chapter 11.03.

Qualifying Source Information

Available Sources include the Island County Stormwater Design Manual.

²² Island County Code 3.40.280(H)

5. Contiguous Parcels under Separate Ownership (3 points)²²

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.

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.

Qualifying Source Information

Not applicable.

²² Island County Code 3.40.280(D)

6. Conservation/Historic Easement in Perpetuity (5 points)²³

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.

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.

Qualifying Source Information

Available sources include the Conservation Easement Handbook.

7. Properties with an Approved Rural Stewardship Plan (5 points)²⁴

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.

Eligibility

A rural stewardship plan approved under Chapter 17.02B.

Qualifying Source Information

A county approved rural stewardship plan.

²³ Island County Code 3.40.280(E)

²⁴ Island County Code 3.40.280(G)

8. Properties near or adjacent to a public or current use classified land
(2 to 5 points)

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 Chapters 84.33 or 84.34 RCW. Public roads and/or easements may separate the public land, or land in private ownership classified under Chapters 84.33 or 84.34 RCW, from the adjacent land.

Eligibility

- a) Adjacent lands shall be in public ownership, or private lands shall be participating in a current use taxation program under Chapters 84.33 or 84.34 RCW
- b) Roads and/or easements may separate the public land, or land in private ownership classified under Chapters 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 Chapters 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 near or adjacent to a public or current use classified land shall be designated in the bonus system and be allocated five (5) points if immediately adjacent, four (4) points if within 700 feet, and two (2) points if within 1,400 feet.

Qualifying Source Information

PC Findings of Fact dated November 14, 2022.

²² Island County Code 3.40.280(l)

9. Public Access (0 to 5 points)²⁵

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.

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.

Signage. For properties allowing public access and receiving access points under *Unlimited Public Access* or *Limited Public Access*, listed below, 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.

Accessibility. For properties allowing access and being considered for receiving access points under *Unlimited Public Access*, *Limited Public Access/Sensitive Area*, or *Privately Owned Tidelands Access*, listed below, 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.

²⁵ Island County Code 3.40.280(F)

Public Access, cont.

Eligibility, cont.

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.

Access points shall be awarded on the following scale:

Unlimited Public Access—Five (5) points. Year-round access to the general public is allowed without special arrangement with the property owner.

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.

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.

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.

Public Access, cont.

Eligibility, cont.

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.

Qualifying Source Information

Not applicable.

Super Bonus Category²⁶

Requirements

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.

²⁶ Island County Code 3.40.290