



## Chelan County Planning Commission

Chair: Cherié Warren Vice Chair: Doug England

Commissioners District 1: Tammy Donaghue, James Wiggs

Commissioners District 2: Cherié Warren, Mike Sines, Christopher Dye

Commissioners District 3: Christopher Willoughby, Jesse Redell, Doug England

### Meeting Agenda

Wednesday, April 23, 2025 at 6:30 PM  
Chelan County Community Development  
**400 Douglas Street,  
Wenatchee WA, 98801**  
**Or via Zoom- details listed below:**

#### Join Zoom Meeting

<https://us02web.zoom.us/j/85657587908?pwd=5uzQSusrBTZFaHvY4iPtAzMZHkFrJc.1>

**Meeting ID: 856 5758 7908**

**Passcode: 851631**

#### Meeting to Order

##### **I. Administrative**

- A.** Review/Approval of Minutes from February 26th, 2025 Planning Commission Meeting.

##### **II. Public Comment Period**

- A.** Comment for any matters not identified on the agenda (limit 2 minutes per person)

##### **III. New Business**

- IV. WORKSHOP: ZTA 25-101 PBRs** - Code text amendment for Title 14.22, Open Space Public Benefit regarding text amendments to address public benefit, criteria for rating, adjust maximum allowable tax reductions and allow for periodic review of open space designated parcels.

##### **V. Discussion, at the Chair's discretion**

##### **VI. Adjournment \*Meeting will go no longer than 8:30 PM.\***

Any person may join this meeting via Zoom Video conference, of which the link is provided on the Chelan County Website. A Copy of the Agenda may be reviewed online <https://www.co.chelan.wa.us/community-development/pages/planning-commission>

Chelan County has been recording Planning Commission meetings which will continue to be accessible on the Community Development Planning Commission web page shortly after the meeting takes place.

**Next Regular Meeting  
May 28, 2025 at 6:30 PM**

*\* All Planning Commission meetings and hearings are open to the public.*



# CHELAN COUNTY PLANNING COMMISSION MINUTES

Chelan County Planning Commission Chelan County Community Development  400 Douglas Street Wenatchee, WA 98801	Date: February 26, 2025
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## CALL TO ORDER

Meeting was called to order at 6:30 PM

## COMMISSIONER PRESENT/ABSENT

<b>Vicki Malloy</b>	Present	<b>James Wiggs</b>	Present - zoom
<b>Doug England</b>	Present - zoom	<b>Christopher Dye</b>	Absent
<b>Tammy Donaghue</b>	Present	<b>Jesse Redell</b>	Present - zoom
<b>Cherie Warren</b>	Present	<b>Mike Sines</b>	Present - zoom

## STAFF PRESENT

Jessica Thompson, Permit Clerk  
Deanna Walter, CD Director  
Planner, Susan Dretke  
Administrator, Cathy Mulhall

PUBLIC PRESENT: None

PUBLIC PRESENT VIA ZOOM: Mike Kirk

## Minutes:

Chairwoman Cherie Warren starts the meeting and takes roll.

She proceeds, asking the commissioners if they had read the minutes from the January 22<sup>nd</sup> meeting.

Hearing no corrections, changes or additions.

**Motion:**

Motion made by commissioner Malloy, second by Commissioner Wiggs to approve meeting minutes.

Vote- Unanimous

Motion Carries

**PUBLIC COMMENT PERIOD FOR ITEMS NOT ON THE AGENDA**

None

**New Business:**

Commissioners welcome new Planning Commissioner Christopher Willoughby.

**CPA 25-016 CIP - Chelan County has initiated a Comprehensive Plan text amendment to the Capital Facilities Element to update the Six Year Capital Improvement Plan (CIP) for years 2025-2030. The CIP describes public capital expenditures, including the sources of funding for these items. The goal of the CIP is to ensure that all capital improvement expenses have adequate funding.**

Community Development Director Deanna Walter, presents the staff report for CPA 25-016.

Chelan County Administrator Cathy Mulhall addresses commissioners' questions about the capital improvement plan.

**Motion:**

Motion made by Commissioner Malloy, second by Commissioner Redell to approve CPA 25-016 (CIP).

Vote- Unanimous

Motion Carries

**Discussion at the Chair's Discretion:**

Director Walter discusses the draft 2025 docket with Commissioners.

## **ADJOURNMENT**

Meeting Adjourned at 7:20 p.m.

Next Planning Commission Meeting to be held on March 26,  
2025, at 6:30 pm

**All Planning Commission meetings and hearings are open  
to the public.**

DRAFT





**CHELAN COUNTY**  
**DEPARTMENT OF COMMUNITY DEVELOPMENT**  
316 WASHINGTON STREET, SUITE 301  
WENATCHEE, WA 98801  
(509) 667-6225

**Public Benefit Rating System Chelan County Code 14.22**

**Introduction**

In 1970, the state made provisions for the preservation of open space with the passage of RCW 84.34. This open space was in the form of timberlands, agricultural lands and natural resources intended for the economic well-being of the state and its citizens among other things. The RCW was amended in 2005, effective in 2007, to authorize the adoption of open space plan and public benefit rating system. (RCW84.34.055(1)(a) (See Attachment A). The Public Benefit Rating System is used to evaluate and tax appropriately, those lands whose preservation would benefit the public. The premise is that the higher the public benefit in one or more categories, the higher the tax reduction.

Chelan County adopted Chelan County Code 14.22 (See Attachment B) which has been used since 2014 to establish the current use value of proposed opens space tracts, not including timberlands or agricultural lands. During the administration of this system, issues unique to Chelan County have been identified.

The following is a non-exhaustive list of issues and concerns that have arisen regarding the implementation of the PBRS as adopted by the county.

**Issues:**

- Qualified open space areas can be granted up to a 100% Reduction in property tax
- Demonstrated provision of public benefit requirements appear limited where tax reduction has been granted
- The point system used to determine reduction is more generous than found in other counties
- More than 85% of the county is under public ownership and therefore exempt from property tax leaving limited taxable property
- Tax shift as a result of system unfairly burdens other taxpayers
- Limited to no follow up to ensure parcels in open space still meet criteria

Potential areas of the PBRS code that can be revised in order to bring Chelan County Code into more alignment with counties in the area have been identified in the list below. More specific suggestions and ideas can be found in Attachment C.

**Possible revisions to Chelan County Code 14.22 Open Space Public Benefit:**

- Require a higher burden of proof on applicants to demonstrate public benefit

- Amend valuation schedule
- Modify point rating system
- Require periodic re-evaluation of eligibility
- Raise threshold of eligibility



# Attachment A

## **RCW 84.34.055 Open space priorities—Open space plan and public benefit rating system.**

(1)(a) The county legislative authority may direct the county planning commission to set open space priorities and adopt, after a public hearing, an open space plan and public benefit rating system for the county. The plan shall consist of criteria for determining eligibility of lands, the process for establishing a public benefit rating system, and an assessed valuation schedule. The assessed valuation schedule shall be developed by the county assessor and shall be a percentage of market value based upon the public benefit rating system. The open space plan, the public benefit rating system, and the assessed valuations schedule shall not be effective until approved by the county legislative authority after at least one public hearing: PROVIDED, That any county which has complied with the procedural requisites of chapter 393, Laws of 1985, prior to July 28, 1985, need not repeat those procedures in order to adopt an open space plan pursuant to chapter 393, Laws of 1985.

(b) County legislative authorities, in open space plans, public benefit rating systems, and assessed valuation schedules, shall give priority consideration to lands used for buffers that are planted with or primarily contain native vegetation.

(c) "Priority consideration" as used in this section may include, but is not limited to, establishing classification eligibility and maintenance criteria for buffers meeting the requirements of (b) of this subsection.

(d) County legislative authorities shall meet the requirements of (b) of this subsection no later than July 1, 2006, unless buffers already receive priority consideration in the existing open space plans, public benefit rating systems, and assessed valuation schedules.

(2) In adopting an open space plan, recognized sources shall be used unless the county does its own survey of important open space priorities or features, or both. Recognized sources include but are not limited to the natural heritage database; the state office of historic preservation; the recreation and conservation office inventory of dry accretion beach and shoreline features; state, national, county, or city registers of historic places; the shoreline master program; or studies by the parks and recreation commission and by the departments of fish and wildlife and natural resources. Features and sites may be verified by an outside expert in the field and approved by the appropriate state or local agency to be sent to the county legislative authority for final approval as open space.

(3) When the county open space plan is adopted, owners of open space lands then classified under this chapter shall be notified in the same manner as is provided in RCW 84.40.045 of their new assessed value. These lands may be removed from classification, upon request of owner, without penalty within thirty days of notification of value.

(4) The open space plan and public benefit rating system under this section may be adopted for taxes payable in 1986 and thereafter. [2007 c 241 s 73; 2005 c 310 s 1; 1994 c 264 s 76; 1988 c 36 s 62; 1985 c 393 s 3.]

**Intent—Effective date—2007 c 241:** See notes following RCW 79A.25.005.



# Attachment B

## Chapter 14.22 OPEN SPACE PUBLIC BENEFIT

Sections:

- 14.22.010 Purpose.**
- 14.22.020 Definitions.**
- 14.22.030 Process.**
- 14.22.040 Application requirements.**
- 14.22.060 Open space public benefit criteria.**
- 14.22.070 Severability.**
- 14.22.080 Appendix A—Charts.**

### **14.22.010 Purpose.**

Chapter 84.34 RCW was enacted by the Washington State Legislature in 1970 for the purpose of maintaining, preserving, conserving, and otherwise continuing in existence open space lands for the production of food, fiber and to assure the use and enjoyment of natural resources and scenic beauty for the economic well-being of the state and its citizens. This chapter provides a rating system pursuant to Chapter 84.34 RCW for the evaluation of open space lands and does not include and will not be used to assess agricultural or designated forest and timber land, pursuant to Chapter 458-30 WAC and WAC 458-40-530 and 458-40-540, as amended. (Res. 2014-100 (Atts. A, B) (part), 10/7/14; Res. 2012-99 (Att. A (part)), 10/30/12).

### **14.22.020 Definitions.**

Words used in this chapter are defined under Chelan County Code Chapter 14.98 and RCW 84.34.020, unless a different meaning is required by the context. In the case of reference to a specific regulation or department, the definitions within the referenced regulation shall prevail. In the case of the dispute or confusion, reference shall be made to Webster's Dictionary, Black's Law Dictionary or the New Illustrated Book of Development Regulations. (Res. 2012-99 (Att. A (part)), 10/30/12).

### **14.22.030 Process.**

All application for open space public benefit shall be processed in the following manner:

- (1) Applications and fees shall be collected prior to or on the first Tuesday in September for processing by December 31st of the same year.
- (2) Review of applications shall be completed using the criteria of this chapter.
- (3) All applications received shall be reviewed by the planning commission for a recommendation prior to review and determination by the board of Chelan County commissioners. (Res. 2014-100 (Atts. A, B) (part), 10/7/14; Res. 2012-99 (Att. A (part)), 10/30/12).

### **14.22.040 Application requirements.**

All applications for open space public benefit shall be made using the appropriate form adopted by Chelan County community development department, consistent with Section 14.06.010 and, at a minimum, shall include the following:

- (1) The total number of acres within the area to be considered for rating;
- (2) A narrative statement describing the resources present and the type of public access and a public benefit rating sheet; see C-2 in Section 14.22.080, Appendix A—Charts; and
- (3) A verification of payment from the county treasurer. The verification must indicate that all taxes, assessments, fees, fines and/or penalties of land have been satisfied.
- (4) The board of Chelan County commissioners shall not consider an application without the treasurer's certificate.
- (5) For applicants requesting points for a conservation easement with Chelan County, the applicant shall provide a title report to ensure no judgments are outstanding against the parcel. (Res. 2014-100 (Atts. A, B) (part), 10/7/14; Res. 2012-99 (Att. A (part)), 10/30/12).

### **14.22.060 Open space public benefit criteria.**

The public benefit rating system shall be used to value property for tax assessment purposes as provided in this program. This system and the amount of property tax

reduction are based upon the number of eligibility points for which a property or a portion of a property qualifies.

(1) Eligibility. All lands within Chelan County obtaining the required points under the valuation schedule (see C-1 in Section 14.22.080, Appendix A—Charts) and meeting the requirements of the public benefit rating system are eligible for consideration under this program. Additionally, lands containing structures are generally not eligible for consideration except where they are appurtenant to the priority resource.

(2) Eligibility Points. Eighteen kinds of open space priority resources are identified in the public benefit rating system for classification as open space. Detailed definitions and criteria for classification have been developed for each priority resource.

Eligibility and the public benefit rating system are based on a point system. The point system is composed of the following rating factors:

(A) Priority Resources. Resources are rated according to high or medium priority.

High equals five points, medium equals three points.

(B) Public Access. Points are accrued according to type of access.

Unlimited access equals eight, limited access (due to resource sensitivity) equals six, limited access (seasonal and/or upon special arrangements) equals four, no public access equals zero.

(C) Bonus Categories. Variable points are accrued with regard to special conditions. Lands with at least one priority resource, a conservation easement, and public access qualify for the largest valuation reduction.

(3) Priority Resources and Eligibility Point System. Lands which contain the following priority resources may be eligible for classification as open space, as outlined in this chapter:

(A) High Priority Resources. Five points each (seven categories maximum from subsections (3)(A) and (B) of this section).

(i) Archaeological Sites.

Definition: All sites and locations of prehistorical or archaeological interest including but not limited to burial sites, camp sites, rock shelters, caves, and the artifacts and implements of the culture.

Data Source: Location and details of known sites are on file at the Washington State Office of Archaeology and Historic Preservation and the Chelan County P.U.D.

Eligibility: Eligible lands are those which are:

- (a) On file at the Washington State Office of Archaeology and Historic Preservation; or
- (b) On file with the Chelan County public utility district; or
- (c) Verified by an expert in the field as containing the same features and acceptable by the State Office of Archaeology and Historic Preservation for addition to their inventory.

(ii) Farm and Agricultural Conservation Land.

Definition: Land that is traditional farmland, grazing land, or range land, may have been classified under agricultural open space, has not been irrevocably devoted to a use inconsistent with agricultural uses, or has a high potential for returning to commercial agriculture.

Data Source: Chelan County department of community development data (such as zoning maps, GIS data, etc.) and Chelan County assessor records will be used to determine if lands are presently zoned and/or classified as agricultural.

Eligibility: Commercial farm lands not presently classified under agricultural open space and meeting the definition of farm and agricultural land under RCW 84.34.020 and zoned for agricultural use.

(iii) Fish-Rearing Habitat: Ponds and Streams I.

Definition: Types 1, 2, 3, 4, and 5 waters as defined by WAC 222-16-030.

Data Source: Catalog of Washington Streams, Washington State Department of Fish and Wildlife.

Eligibility:

- (a) Eligible lands contain water bodies designated as Types 1 through 5 by the Washington State Department of Natural Resources.
- (b) The eligible area must include a minimum of three hundred feet of

contiguous shoreline length or ponds and lakes greater than one-half acre. Eligible contiguous upland buffer area (any area beyond the ordinary high water mark) is limited to one acre per one hundred feet of shoreline length for streams and four times the lake or pond area.

(iv) Shoreline Environment.

Definition: A lake or stream shoreline and its “associated wetlands” as defined by WAC 173-18-080.

Data Source: Chelan County shoreline master program and WAC 173-18-080.

Eligibility: Eligible lands are those identified as shoreline environments and their associated wetlands in the Chelan County shoreline master program. Only those lands in the actual shoreline classification adjacent to the water shall be eligible for the public benefit rating system. This area encompasses two hundred feet upland from the ordinary high water mark, that area in the one-hundred-year floodplain, or the edge of the associated wetland boundary, whichever is greater. Use restrictions shall be placed within these areas and no forest practice shall take place.

(v) Historical Sites.

Definition: A building, structure, or site which is of significance to the county's cultural heritage, including, but not limited to, Native American and pioneer settlements, old buildings, forts, trails, landings, bridges, or the sites thereof, together with interpretive facilities, and which is identified on a local, state, or national register of historic places.

Data Source: National Register of Historic Places, Washington State Register of Historic Places/Washington Heritage Register, and future local registers.

Eligibility: Properties eligible for open space classification are lands associated with properties listed on a state or national register or any local register of historic places which is developed in the future. Improvements to the land, including structures, are not eligible.

(vi) Private Recreation Areas.

Definition: An area devoted to facilities and equipment for recreational purposes, including swimming pools, tennis courts, golf courses, playgrounds, and other similar uses whether the use of such area is limited to private membership or

open to the public upon the payment of a fee. Recreational vehicle parks are not eligible.

Data Source: No county inventory available.

Eligibility: Eligible lands are those meeting the above definition. Improvements to the land, including structures, will not be eligible. Lands with clubhouses, restaurants, parking areas, and other nonrecreation structures are not eligible.

(vii) Rural Open Space Outside Urban Growth Areas.

Definition: One or more acres of land located within two miles of an urban growth area designated by Chelan County. However, land which is open only to those paying a membership or initiation fee shall be considered open to the public only if the following conditions are met:

(a) Membership or other access is available without discrimination on the basis of race, religion, sexual orientation, creed, ethnic origin, or gender; and

(b) In the case of land affording recreational opportunities, it is open to use by organized groups from schools, senior citizen organizations, or bona fide educational or recreational organizations managed by a governmental entity or sponsored by an organization qualifying for tax exempt status under subsection 501(c)(3) of the Internal Revenue Code upon payment of no more than a reasonable user fee.

Data Source: Urban growth areas as designated within Chelan County comprehensive plans.

Eligibility: Eligible lands are those meeting the definition above.

(viii) Significant Wildlife Habitat Area.

Definition: An area which is characterized by the presence of important habitats and species or other animals in such frequency and diversity for critical ecological processes occurring, such as breeding, nesting, nursery, feeding, migration, and resting.

Data Sources: Washington State Department of Natural Resources, Natural Heritage Program Database (Tier 1 Wetlands) and Natural Area Preserves; shoreline master program for Chelan County; and Washington State Department of Fish and Wildlife, Priority Habitats and Species Database.



Eligibility:

- (a) "Tier 1" wetlands identified by the Washington State Department of Natural Resources, Natural Heritage Program; or
- (b) Shoreline environments, where a minimum of three hundred feet of contiguous shoreline length is included, and the contiguous upland buffer area (any area beyond ordinary high water mark, one-hundred-year floodplain, or associated wetland boundary) is no greater than one acre per one hundred feet of shoreline length; or
- (c) Sites located within or adjacent to migration corridors identified by the Washington State Department of Fish and Wildlife, specifically the Squilchuck Creek Area, Navarre Coulee, Knapp Coulee, and future migration corridors; or
- (d) Class I wetlands regulated under the Chelan County critical areas ordinance; or
- (e) Important habitats and species regulated under the Chelan County critical areas ordinance; or
- (f) Sites located adjacent to natural area preserves (NAP) as identified by the Washington State Department of Natural Resources, including Upper Dry Gulch NAP, Entiat Slopes NAP, Larkspur Meadows NAP, and future natural area preserves.
- (g) Eligible lands include those that meet the definition above and the following conditions:
  - (I) The resources are confirmed by the data sources indicated or identified by either the appropriate state agency or a competent professional whose findings are substantiated by the appropriate state agency.
  - (II) The resources are included within a habitat management plan developed by a qualified wildlife habitat biologist that includes the following conditions the owners agree to follow:
    - (1) Land use limitations needed for the long-term viability of the important species or habitat;
    - (2) Limitations for access by humans and domesticated animals, as needed;

(3) Management measures that will enhance the species' viability, if needed;  
and

(4) Recommended review intervals for at least the following twenty years.

(ix) Special Plants Sites.

Definition: Those vascular plant species defined as being either endangered, threatened, or sensitive species in the Washington State Department of Natural Resources, Natural Heritage Program.

Data Source: Location and details of known sites are on file in the Natural Heritage database at the Washington State Department of Natural Resources, Natural Heritage Program.

Eligibility: Eligible sites are those in the Natural Heritage database or which are verified by an expert in the field as containing the same plants and which are acceptable by the state agency for addition to the database.

(x) Urban Growth Area Open Space.

Definition: One or more acres of land and located within the boundaries of an urban growth area designated by Chelan County. However, land which is open only to those paying a membership or initiation fee shall be considered open to the public only if the following conditions are met:

(a) Membership or other access is available without discrimination on the basis of race, religion, sexual orientation, creed, ethnic origin, or gender; and

(b) In the case of land affording recreational opportunities, it is open to use by organized groups from schools, senior citizen organizations, or bona fide educational or recreational organizations managed by a governmental entity or sponsored by an organization qualifying for tax exempt status under subsection 501(c)(3) of the Internal Revenue Code upon payment of no more than a reasonable user fee.

Data Source: Urban growth areas as designated within Chelan County comprehensive plans.

Eligibility: Eligible lands are those meeting the definition above.

(xi) Trail Linkage.

Definition: Land used as a public urban or rural off-road trail linkage for pedestrian, equestrian, bicycle, or other uses which remains in private ownership. The trail linkage shall be no less than fourteen feet in width and the owner provides a trail easement to an appropriate public or private entity, acceptable to Chelan County as to form. Such an easement must be recorded with the Chelan County assessor within four months of the granting of a tax reduction for the property. Use of motorized vehicles is prohibited on trails receiving tax reductions in this category, except in the case of medical or police emergencies.

Data Source: Copy of recorded or proposed easement for review by Chelan County community development department.

Eligibility: Eligible site properties must be used as a public urban or rural trail linkage which remains in private ownership. The amount of land may be of less than any minimum size prescribed in any other category; provided, that the trail linkage and buffer shall be no less than fourteen feet in width, unless the reviewing agency determines that, for linkage purposes, an exception to this provision is allowable and the owner agrees to provide a trail easement, acceptable as to form to Chelan County, or to an eligible and appropriate public or private entity. The trail must be primarily off-road and separated from any road by at least twenty-five feet, unless the reviewing agency determines that for linkage purposes an exception to this provision is allowable. Sidewalks within a road right-of-way are not intended to qualify under this category. Fencing is not allowed within the right-of-way unless the fence is along a property line. Gates are only allowable subject to review and approval of the existing gate, proposed gate, or proposed replacement gate by the appropriate local parks division.

(xii) Aquifer Protection Area.

Definition: Those areas designated in the Chelan County critical areas ordinance as aquifer recharge areas.

Data Source: No inventory available.

Eligibility: Eligible sites are those meeting the above definition. Certain uses may be restricted due to the sensitive nature and function of the land. Native vegetation must be preserved or a plan for revegetation must be submitted and approved.

(xiii) Surface Water Quality Buffer Area I.

Definition: An undisturbed zone of native growth vegetation adjacent to a lake, pond, river, stream, or wetland that will benefit a surface water body by protecting water quality and reducing erosion. To be considered a surface water quality buffer area, the property owner must provide livestock restrictions (fencing), if necessary, or be subject to a conservation plan approved by the natural resources conservation district.

Data Source: Catalog of Washington Streams, Chelan County shoreline master program, Chelan County critical areas ordinance, National Wetlands Inventory Maps.

Eligibility: Eligible lands must meet the definition above. In addition, the area must be preserved from clearing or intrusion by domesticated animals or structures. All such lands in or adjacent to pasture land must be fenced to prevent intrusion by domesticated animals. 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. There are two ways for eligible lands to meet these requirements:

- (a) Provide at least fifty percent additional buffer width beyond that required by regulation; or
- (b) Fence existing livestock out of the buffer required by regulation.

(B) Medium Priority Resources. Three points each.

(i) Public Lands Buffer.

Definition: Lands lying adjacent to neighborhood parks, forests, wildlife preserves, natural area preserves, or sanctuaries.

Data Source: Washington State Department of Natural Resources Public Lands Map.

Eligibility: Lands being buffered shall be in public ownership.

(ii) Fish-Rearing Habitat: Ponds and Streams II.

Definition: Small lakes, over one-half acre in size, and streams and creeks located within a well-defined channel that carry a perennial flow throughout the year (ninety percent of the time or more) that are used in the life cycles of

anadromous fish, based on data compiled by the Washington State Department of Fisheries and other agencies with appropriate expertise, and which also support anadromous fish.

Data Source: Catalog of Washington Streams, Washington State Department of Fish and Wildlife.

Eligibility: Eligible lands are those meeting the definition above. The area to be included encompasses two hundred feet upland from the ordinary high water mark or the edge of a wetland associated with that water body, whichever is greater. Use restrictions may be placed on these areas. Sites cannot qualify for both fish-rearing habitat: ponds and streams categories.

(iii) Scenic Vistas or Resources.

Definition: An area of natural features which is visually significant to the aesthetic character of the county and is visible from a public right-of-way.

Data Source: No inventory available.

Eligibility: Eligibility will be evaluated based on the following criteria:

(a) Historically significant view corridors which are visible to significant numbers of the general public from a public right-of-way.

(b) Areas designated as scenic highways or byways by a federal, state, or local government agency or an organization qualifying for tax exempt status under subsection 501(c)(3) of the Internal Revenue Code whose primary mission is the preservation of scenic vistas.

(c) Eligible lands must be of sufficient size to preserve substantially the scenic resource value and must contain a minimum of ten acres.

(iv) Geological Features.

Definition: Those special features that are unique in Washington, which can be destroyed easily, and which can be effectively protected in a natural area, generally including but not limited to special geologic locations (fossils), works of geomorphology (waterfalls), works of glaciation (patterned ground), and other special geological occurrences.

Data Source: Washington State Department of Natural Resources, Natural

Heritage Plan.

Eligibility: Minimum area eligible for classification, whether in single or multiple ownerships, is ninety percent of the feature. Eligibility for geological features must be verified by a qualified geologist. A qualified geologist is a person who has earned a degree in geology from an accredited college or university, or a person who has equivalent educational training and has experience as a practicing geologist.

(v) Fee Recreation and Public Access Parking.

Definition: An area that has designated parking for the public and fee recreational activities. All recreational activities and fees collected must be administered by a nonprofit organization. The nonprofit organization shall have qualified and be certified as a nonprofit organization under subsection 501(c)(3) of the Internal Revenue Code.

Data Source: Not available.

Eligibility: Eligible sites are those in which the recreational activity is present and parking is provided. The site may not have been developed to its maximum potential under its current zoning classification.

(C) Bonus Categories. The following categories contribute to or in some way enhance the public benefit of the priority resources. Where applicable, the priority resource qualifications specify if they can be combined with other similar priority resources.

(i) Resource enhancement/restoration: five points.

Definition: Enhancement of a resource eligible for points under the PBRs.

Data Source: No inventory available.

Eligibility: Eligible lands are those that:

(a) Are eligible to receive points for the resource being enhanced; and

(b) Have an official enhancement plan developed in cooperation with the Natural Resources Conservation Service, the U.S. Fish and Wildlife Service, and/or the Department of Fish and Wildlife, which contains clear steps and timelines for completion.

(c) Eligible lands will be reviewed at the time projected for completion of the

enhancement work and re-rated for open space classification if the enhancement plan has not been completed. The Chelan County community development department has discretion to allow extensions for completing enhancement work only with a written enhancement plan revision by the agency which developed the original plan.

(ii) Surface water quality buffer area II: three or five points.

Definition: A riparian or wetland buffer width of at least twice that required by the Chelan County critical areas ordinance or shoreline master program.

Data Source: Catalog of Washington Streams, Chelan County shoreline master program, Chelan County critical areas ordinance, and National Wetlands Inventory Maps.

Eligibility: Sites qualifying under the "surface water quality buffer area" receive additional points through the provision of additional buffer which is preserved from clearing and livestock intrusion. Three additional points are awarded for buffers no less than two times the buffer required by the applicable ordinance, and five additional points are awarded for buffers no less than three times the buffer required by the applicable ordinance. Sites cannot qualify for points under both the priority resource and the bonus category.

(iii) Contiguous parcels under separate ownership: two points.

Definition: Contiguous parcels of land with the same open space resources, regardless of whether under the same ownership or not, 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 without any significant natural or manmade barrier separating them or parcels abutting a publicly owned open space but not necessarily abutting each other without any significant natural or manmade barriers separating the publicly owned open space and the parcels seeking open space classification or each other in the event that they do abut.

Data Source: Not applicable.

Eligibility: Treatment as contiguous parcels shall include the requirement to pay only a single application fee, and the requirement that the total area of all parcels combined must equal or exceed any required minimum (rather than each parcel being required to meet such minimums). Parcels given this

contiguous parcels bonus must all be accepted 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 or more parcels.

(b) The owners of parcels included in the application must agree to identical terms and conditions for inclusions in the program.

(iv) Conservation/historic easement: eight points.

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.

Process: A conservation or historic easement is a legal means by which a landowner can voluntarily set permanent limitations on the future use of land thus protecting the land's particular attributes. The easement is conveyed to a qualifying conservation organization or public agency, but the land remains in private ownership and the owner retains full control over public access. Donation of a conservation or historic easement may also qualify as a charitable deduction on federal income, estate, or gift taxes.

Provisions: A conservation easement shall include those interests or rights authorized to be held or acquired by RCW 84.34.210 or 64.04.130. Among other things, a landowner could convey his rights to harvest timber, graze the property, subdivide, develop, construct additional roads, hunt, excavate, etc. Conservation easements, in some cases, have been applied to land which is developed, but the easement provides for the retention of a specific natural area that contains an important resource or habitat.

Historic easements apply to historically important lands and to historic structures that are listed on the National Register of Historic Places (or are located in and contribute to the historic significance of a National Register Historic District). The easement typically results in a limitation on land



development or structure modification which will ensure the ongoing preservation of a historic parcel of land or a historic structure and its setting.

Generally, the organization or agency receiving the easement may not conduct any development or management activities on the land, but usually has only the rights to inspect the property periodically to ensure that the terms of the easement are carried out and to enforce the easement in court if necessary.

(D) Super Bonus Category (One Hundred Percent Reduction). The following category contributes to or in some way enhances the public benefit of the priority resources. Where applicable, the priority resource qualifications specify if they can be combined with other similar priority resources.

(i) At least one high priority resource and public access and a conservation easement.

(E) Public Access. The following category contributes to or in some way enhances the public benefit of the priority resources. Where applicable, the priority resource qualifications specify if they can be combined with other similar priority resources.

(i) While public access is not required for most categories of open space, some degree of access is encouraged for all lands enrolled in the open space tax program unless access would be harmful to the resource, such as sensitive plants or animals. The kind of public access proposed shall be stated on the application request, e.g., a certain seasonal period, unlimited, signed nature trail, etc. When public access is proposed, it may be made a condition of approval by the board of Chelan County commissioners as provided in RCW 84.34.037.

Types of Access:

(a) Unlimited public access: eight points. This provision provides for year-round access by any member of the public without specialized interest in the resource.

(b) Limited public access (due to resource sensitivity): six points. When access to a parcel is to be limited due to the sensitive nature of the resource, the access shall be provided only to appropriate user groups. The activities of those user groups shall generally be limited to scientific, educational, or research purposes. Those appropriate user groups may include but not be limited to university researchers, Audubon Society, Nature Conservancy, Native Plant Society, or other organizations with specialized interest in the

resource.

(c) Limited public access (seasonal and/or upon special arrangements): four points. Access to the public is allowed, with or without special arrangements with the property, for any period of less than the full year (seasonal access).

(d) No public access: zero points. No public access is allowed or members only access which is restricted at all times to members of the organization utilizing the land.

(ii) Where public access is provided, access points shall be awarded according to physical accessibility as well as owner willingness for public access. No access points shall be awarded if the property is not reasonably accessible.

For properties where public access is provided, the county may furnish and maintain a standardized sign or require the applicant to furnish and maintain a standardized sign designating the property as part of the open space tax program.

(iii) Limitations of Public Access. As a condition of granting open space classification, the legislative body may not require public access on land classified under RCW 84.34.020(1)(b)(iii) for the purpose of promoting conservation of wetlands. (Res. 2014-38 (Atts. A, B) (part), 4/15/14; Res. 2012-99 (Att. A (part)), 10/30/12).

### **14.22.070 Severability.**

If any section, subsection, sentence, clause or phrase of this title is, for any reason, held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining portions of this title, it being hereby expressly declared that this title, and each section, subsection, sentence, clause, and phrase hereof, would have been prepared, proposed, adopted, approved, and ratified irrespective of the fact that any one or more other sections, subsections, sentences, clauses or phrases be declared invalid and unconstitutional. (Res. 2012-99 (Att. A (part)), 10/30/12).

### **14.22.080 Appendix A—Charts.**

**Numbers**

**Title**

**Numbers**

**Title**

C-1

Valuation Schedule

C-2

Public Benefit Rating Sheet

**C-1**

**Valuation Schedule**

Public Benefit Rating Points	Reduction in Fair Market Value	Current Use Value
0 - 4	0%	100%
5 - 10	50%	50%
11 - 15	60%	40%
16 - 20	70%	30%
21 - 34	80%	20%
35+	90%	10%
Super Bonus	100%	0%

**High Priority Resources: 5 Points Each**  
(7 categories maximum from High and Medium Priority Resource)

- Archaeological Sites
- Farm and Agricultural Conservation Land
- Fish-Rearing Habitat: Ponds and Streams I
- Shoreline Environments
- Historical Sites
- Private Recreation Areas
- Rural Open Space Close to Urban Growth Area
- Significant Wildlife Habitat Area
- Special Plants Sites
- Urban Growth Area Open Space
- Trail Linkage
- Aquifer Protection Area
- Surface Water Quality Buffer Area I

**Medium Priority Resources: 3 Points Each**

- Public Lands Buffer
- Fish-Rearing Habitat: Ponds and Streams II
- Scenic Vista or Resources
- Geological Features
- Fee Recreation and Public Access Parking

**Chart C - 2**  
**Bonus Categories**

- Resource Enhancement/Restoration: 5 Points
- Surface Water Quality Buffer Area II: 3 or 5 Points
- Contiguous Parcels Under Separate Ownership: 2 points
- Conservation/Historic Easement: 8 Points

**Public Access**

- Unlimited Access: 8 Points
- Limited Access (due to resource sensitivity): 6 Points
- Limited Access (seasonal and/or special arrangements): 4 Points
- No Public Access: 0 Points

\_\_\_\_\_ **Subtotal points from Bonus and Public Access**

**Super Bonus Category**

Does the site meet the three criteria?  
Check box if "Yes" to all (100% Reduction)

- |        |                            |
|--------|----------------------------|
| Yes/No | One high priority resource |
| Yes/No | Public access              |
| Yes/No | Conservation easement      |

\_\_\_\_\_ **Subtotal points from High and Medium Priority Resources**

	<b>Grand Total (Add subtotals)</b>
	<b>Reduction from Valuation Schedule</b>



## ATTACHMENT C

The following is a partial list of possible revisions to Chelan County's PBRs aka Open Space Public Benefit (CCC 14.22) to resolve some of the issues that have arisen.

### 14.22.060

- (1) Revise eligibility section to require minimum parcel size.
- (2) (A) Add a Low Priority Resource category and shift some existing categories into that.  
(B) Reduce unlimited public access to 5 points, combine the limited access categories and make them 3 points.  
(C) Revise requirements for largest valuation reduction so that it has to be a high priority resource, easement and unlimited public access with provision for allowing limited access on a case by case basis.
- (3) (A) Revise to allow a maximum of 9 points (3 resources) in the High Priority category.
  - (3)(A)(i) Combine Archaeological with Historic Sites into one category and revise definition.
  - (3)(A)(ii) Consider revising Farm and Agricultural Conservation Land to match Douglas Co. or make Medium Priority.
  - (3)(A)(iii) Combine with Habitat to make a Fish and Wildlife Habitat Conservation category. Revise definitions.
  - (3)(A)(iv) Revise so that only a Natural Environment is High Priority, Urban shorelines low priority and all others medium priority.
  - (3)(A)(v) Combine with Archaeological revised definition.
  - (3)(A)(vi) Revise definition to less intensive uses or reclassify as medium or low priority.
  - (3)(A)(vii) Increase parcel size to 5 or 10 acres to be high priority, less than that medium priority.
  - (3)(A)(viii) Combine with fish (see above).
  - (3)(A)(x) Revise to medium or low category.
  - (3)(A)(xii) Revise to medium category.
  - (3)(A)(xiii)(a)(b) Require both to be high priority, only one would be medium priority.
- (3)(B)(i) Make this low priority.  
(3)(B)(iii) Revise to low priority  
(3)(B)(iii) and (iv) Revise to low priority.
- (3)(C)(i) Revised to make this 3 points unless the buffer is 2x required width than 5 points.

(3)(C)(iv) Revise so that easements are worth 5 points.

(3)(D) Revise so maxim reduction for the super bonus is limited to a 75% reduction.

(3)(E) Revise the public access point values so that unlimited access is 5 points, combine the definitions of limited access and worth 3 points.

#### Current Valuation Schedule

Public Benefit Rating Points	Reduction in Fair Market Value (%)	Current Use Value (%)
0-4	0	100
5-10	50	50
11-15	60	40
16-20	70	30
21-34	80	20
35+	90	10
Super Bonus	100	0

#### Potential Valuation Schedule

Public Benefit Rating Points	Reduction in Fair Market Value (%)	Current Use Value (%)
0-5	0	100
6-10	30	70
11-15	40	60
16-20	50	50
21-25	60	40
Super Bonus	75	25