



OPEN SPACE COMMISSION (OSC) Operating Plan

Summary

On November 6, 2001, almost 70 percent of Bainbridge Island voters approved the issuance of \$8 million in general obligation bonds to pay the costs of "acquiring or otherwise preserving forested areas, open space, wildlife habitat, farms and agricultural lands and creating new trails and passive parks..." ("Passive parks" do not include space for organized sports, such as baseball or tennis.) In December 2001, the City Council approved seven Bainbridge Island citizens to serve on an Open Space Commission (OSC) to help the City government carry out this mandate.

To that end, the Open Space Commission will (1) create a process for identifying and evaluating properties for acquisition or preservation; (2) develop a list of properties for consideration, with a preference for a variety of kinds and locations of properties; (3) explore the best methods of acquiring or otherwise preserving individual properties, including the potential for leveraging funds; (4) select individual properties to recommend to City Council for acquisition or other protective actions; (5) develop and recommend actions to ensure appropriate maintenance and stewardship of open space properties; (6) seek to complete initial property purchases and protective actions within three years; and (7) make recommendations to City Council for further actions to preserve open space on Bainbridge Island if additional funds become available. In its recommendations to City Council for preservation or acquisition, the Commission will strive to achieve a mix of different kinds and locations of properties, subject to the availability of such properties at a reasonable price.

This Operating Plan details how the Open Space Commission (OSC) will function.

- A. Develop list(s) and map(s) of existing open space.**
 - 1. Develop list(s) and map(s) that identify dedicated open space, undeveloped property, properties volunteered for consideration by the OSC, and properties requiring confidential treatment.
 - 2. Coordinate list(s) of properties with existing, publicly available maps that identify areas of public interest or concern.
- B. Develop criteria for screening and reviewing parcels.**
- C. Establish process for public involvement in and public education about OSC goals, plans and activities.**

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properties that have an option for purchase).

3. Publicize that each OSC meeting will open with request for public comment about areas that need further study or emphasis (e.g., a group or neighborhood organization that wanted to promote particular project, such as trail system or group conservation easement).
4. Establish a web site that includes public map(s) and list(s) of existing dedicated open space and properties that do not require confidential treatment, as well as ongoing projects; include a mechanism through which the public can make suggestions or offer comments.
5. Establish process for soliciting submission of properties to be considered by OSC (e.g., stories in news media, notices on City web site, etc.) This process could include seeking public involvement in identifying properties that meet OSC criteria and may be available for OSC consideration
6. Promote public awareness of OSC's activities by developing a special sign to be posted on properties where OSC has taken action or where action is pending. Such a sign could have a recognizable logo and perhaps a small map or legend showing the result of OSC action.

C. Establish process for public submission of properties and review of recommendations

1. Designate primary contact person (e.g., city employee, OSC member)
2. Develop list of suggested materials to include with submission:
 - a. Description of property and definition of what is for sale (e.g., fee simple sale, conservation easement, trail easement);
 - b. Pictures of property, boundaries and special features;
 - c. Topographic maps, survey maps, zoning maps;
 - d. Seller's proposed price;
 - e. Seller's reasons why property should be considered;
 - f. Neighborhood support information;
 - g. Sales comparables of similar properties;
 - h. If wetlands or critical area, any professional reports or surveys that may outline the critical area;
 - i. Tax parcel number.
3. Establish privacy policy to be handed out on request, guaranteeing best efforts at keeping submission confidential.
4. Develop policy for treatment of third parties (e.g., brokers, attorneys) that specifies that the OSC is to be treated like any other buyer with respect to fees, and that the OSC may designate an individual or organization to handle negotiations on a listed property.
5. In the case of multiple but related submissions, encourage identification of one primary contact who will initially deal with all parties.

E. Develop process for reviewing and making recommendations on properties.

1. Follow procedures for submission of property and information about property outlined in Section D.1. and D.2. (above).
2. Determine whether a property requires normal or expedited review, decision, and/or response.

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3. Review subject property to determine if property has merit.
4. Identify and implement appropriate action to protect open space on property based on public value of property and need for expedited response. Action may be property purchase or other protective action, including putting property under a conservation or trail easement; purchase of development rights; purchase of the property and resale of a portion of the property; purchase and lease-back of the property, etc.
5. Make recommendation(s) on selected properties to City Council for purchase or other protective action to preserve open space.

F. Develop policies/procedures/standards for long-term ownership and stewardship/maintenance of properties.

1. Every property purchased or preserved by the City of Bainbridge Island with funds from the Open Space levy will have a written stewardship plan.
2. The plan for each property will be written specifically for that property and may include, but not be limited to, information about public access, maintenance of the property, the agency or organization responsible for stewardship, and/or resources to implement the stewardship plan.
3. The City will actively seek partnerships with other government agencies and other organizations for help in monitoring and providing stewardship of property protected with funds from the Open Space levy.

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**BAINBRIDGE OPEN SPACE COMMISSION
SELECTION CRITERIA**

Categories of Open Space

- A. Farms and Agricultural Land
- B. Natural Areas
- C. Waterfront
- D. Greenways and Trails
- E. Other Open Space

Point Scoring System

Farms and Agricultural Land – Physical Character

- 0 = Absolutely no evidence of this characteristic or element is found in the subject property.
- 1 = A minor degree of the characteristic or element may be found in the subject property.
- 2 = There is an average (good but undistinguished) level or degree of the characteristic or element in the subject property. Many properties would have a similar level or degree of the element or characteristic.
- 3 = The property has a high degree or level of the characteristic or element under consideration. Only a few other properties on Bainbridge Island would have a similarly high level.

Farms and Agricultural Land – Proximity to “Like Space”

- 0 = None
- 1 = Almost no proximity to other farms or to land of complementary use.
- 2 = Minimal proximity to one or two other farms or to land of complementary use.
- 3 = Some proximity to other farmland or to land of complementary use.
- 4 = Some proximity to other farmland and to land of complementary use.
- 5 = Close to other farms or to land of complementary use.
- 6 = Very near other farms and to land of complementary use. Perhaps only two or three other properties on Bainbridge Island would score at this level.

Farms and Agricultural Land – Current or Historical Use

- 0 = No current or historical use as a farm or for agriculture.

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- 1 = Minimal use as agricultural land in the past.**
- 2 = Briefly used for farming in the past but no longer in active use for agriculture; any current agricultural use is minimal.**
- 3 = Currently used for agriculture.**
- 4 = Currently in active use as farm and has historically been used for agriculture.**

All Other Categories of Open Space

- 0 = Absolutely no evidence of this characteristic or element is found in the subject property.**
- 1 = A minor degree of the characteristic or element may be found in the subject property.**
- 2 = There is a low but noticeable degree of the characteristic or element in the subject property.**
- 3 = There is an average (good but undistinguished) level or degree of the characteristic or element in the subject property. Many properties would have a similar level or degree of the element or characteristic.**
- 4 = The property has an unusually high level or degree of the characteristic or element under consideration. Most other properties would not be quite this good.**
- 5 = The property has a virtually unparalleled degree or level of the characteristic or element under consideration. Perhaps only two or three other properties on Bainbridge Island would have a similarly high level.**

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Criteria

A. Farms and Agricultural Lands (0-25 points possible)

1. To what extent does the physical character of the site contribute to its value as farmland? (0-15 points)
 - a. Availability, quantity and quality of water
 - b. Availability of sunlight
 - c. Soil quality
 - d. Nature of terrain
 - e. Size
2. Proximity to "like space" (0-6 points)
How close is the property to other farmland or land of complementary or compatible uses (e.g., other farmland, parks, farm housing)?
3. Current or historical use as a farm (0-4 points)
To what extent is the property currently used for farming or agriculture? To what extent was it used for farming or agriculture in the past?

B. Natural Areas (0-25 points possible)

1. How high is the ecological quality of the property? (0-5 points) Types of ecology include but are not limited to:
 - a. Wetlands
 - b. Forest
 - c. Salt water
 - d. Streams/freshwater
 - e. Meadows
2. Quality and diversity of wildlife habitat (0-5 points)
To what extent does the natural area provide a high quality habitat for wildlife and/or plants? To what extent is there diversity of plants and/or animals?
3. Threatened, endangered, sensitive elements (0-5 points)
Based on information provided by a governmental agency or recognized specialist, to what extent does the property provide plant and wildlife habitat of regional or county-wide or island importance; contain unique, sensitive, threatened or endangered plant species; support rare, threatened, or endangered animal species, or offer breeding or rearing habitat for monitored or high priority species?
4. Relationship to watershed(s) and aquifer recharge area(s) (0-5 points)
To what extent does the property have an impact on watershed(s) and/or aquifer recharge area(s)?
5. Significant natural features (0-5 points)
To what extent does the property contain significant natural biological, geological, geomorphological or paleontological features? (Natural biological features may include large tracts of forest and/or meadow undisturbed by development. Geological/geomorphological features may include fossils, waterfalls, unique

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works of glaciation, or accretion; shore forms such as spits, points and barrier berms.) Is there independent documentation of these features, such as documentation by the Washington Interagency Committee for Outdoor Recreation, an inventory by state or local databases, or documentation by a qualified professional?

C. Waterfront (0-25 points possible)

1. **Size (0-5 points)**
To what extent does the size of the parcel and/or amount of shoreline allow use by the public for passive recreation (e.g., walking, kayak entry, SCUBA entry, tidepooling, birdwatching)?
2. **Access (0-5 points)**
To what extent is there public access to the site? How easily can the public get to the site and the beach?
3. **Beach availability (0-5 points)**
To what extent is the beach available to the public -- not at all (high bank), only at low tide, or at any time?
4. **Beach quality (0-5 points)**
To what extent does the quality of the beach support public use and passive recreation? Is it muddy, rocky, or sandy?
5. **Marine quality (0-5 points)**
To what extent does the marine environment support diverse plant and animal life?

D. Greenways and Trails (0-25 points possible)

1. **Community linkages (0-5 points)**
To what extent does the trail or greenway connect communities or provide linkages to community facilities or resources?
2. **Trail/greenway linkages (0-5 points)**
To what extent does the trail or greenway effectively connect with other proposed or existing trails or corridors/greenbelts?
3. **Water access, views (0-5 points)**
To what extent does the trail or greenway provide direct and immediate recreational access to or views of a significant water body?
4. **Quality of and/or potential for trails (0-5 points)**
To what extent is the site appropriate for or conducive to trails? To what extent are there existing trails? What is the quality of those trails?
5. **Wildlife habitat connectivity (0-5 points)**
To what extent will this property enhance wildlife's access to food, water or cover?

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E. Other Open Space (0-25 points possible)

1. **Historical/cultural significance (0-5 points)**
To what extent is the property associated with significant historical events or people? To what extent to any structures on the site have historical or cultural significance?
2. **Passive recreation (0-5 points)**
To what extent does the site provide an area for passive recreation, which may include a "pocket park" with or without picnic tables, benches, play equipment, gardens, and walking or biking trails?
3. **Human buffers (0-5 points)**
To what extent will the property in its undeveloped state provide a buffer between land uses? For example, does the property border a designated urban growth area, such as a neighborhood service center?
4. **Educational and scientific value (0-5 points)**
To what extent does the site lend itself to educational or interpretive programs and facilities?
5. **High density areas (0-5 points)**
To what extent does the site offer the public relief from buildings and structures in the form of open spaces, vegetation or buffers in highly developed areas?

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Bonus Point Factors

(0-35 points possible)

1. **Leveraging of funds (0-5 points)**
To what extent does purchase of this property allow the Open Space Commission to leverage its funds through government or private sector grants, public/private partnerships, or other mechanisms? For example, is there a community group (or individual) willing to commit to raising a significant percentage of the cost of the property? Is there a potential for donation or partial donation of lands or funds to purchase property? Would buying development rights or conservation or trail easements be effective in preserving the property without the need for fee-simple purchase?
2. **Opportunity (0-5 points)**
To what extent is the owner willing to sell the property at a favorable price and terms to the City?**Threat (0-5 points)**
3. Is the site already on the market or will it be placed on the market soon? If so, to what extent are there adequate regulatory controls in place that would protect the key features of the site?
4. **Scarcity (0-5 points)**
To what extent is the site of a type that is rare, or one of which there is very little left to protect?
5. **Potential for expanding existing open space (0-5 points)**
How close is the property to existing Open Space?
6. **Stewardship/maintenance (0-5 points)**
To what extent is there is there a neighborhood group, organization or other entity that will agree to provide stewardship of the property? Rate the degree of complexity and amount of effort required to establish and administer a long-term management plan for the property.
7. **Scenic values and views (0-5 points)**
To what extent does the site provide views of significant natural or culturally significant man made features, significant forested viewscapes, or views and/or vistas of regional features, particularly water features or mountains?

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APPENDIX C



280 Madison Avenue North
Bainbridge Island, WA 98110

BAINBRIDGE OPEN SPACE COMMISSION

**NOMINATION OF PROPERTY
FOR OPEN SPACE FUNDING**

Instructions: Before completing this form, please read the accompanying documents detailing (1) *Selection Criteria* used by the Open Space Commission in evaluating potential open space property, and (2) *Alternatives to Sale of Property*, which may help applicants interested in preserving open space property in ways other than an outright sale of a property. The Commission will review nominations and provide notice to the applicant/owner of the Commission's initial findings within 60 days of receipt. Property nominations received after July 8, 2002, may receive a delayed review.

SUBMITTED BY (NAME) _____

ADDRESS _____

PHONE (DAY) _____ (EVENING): _____ E-MAIL _____

ARE YOU THE OWNER? Y N

1(a) If No, do you represent the owner? Y N

1(b) If Yes, what is your role? Realtor ____ Attorney ____ Other (specify) _____

Name of Firm or Agency _____

2. If you are not the owner's representative, please provide:

(a) Owner's name _____

(b) Owner's address _____

SIZE, LOCATION, AND PRINCIPAL FEATURES OF PROPERTY – Please describe size, location, principal features, and general character of property (e.g., farmland, forested land, etc.). Use additional pages if necessary.



BAINBRIDGE OPEN SPACE COMMISSION INFORMATION SHEET

Alternatives to Sale of Property

June 2002

The Bainbridge Open Space Commission (BOSC) is authorized to recommend properties for purchase of properties or other protective action to preserve open space on Bainbridge Island. "Other protective action" includes several alternatives to property purchase. The information below provides a general outline of some of these alternatives. For more information, please call the Open Space Commission at (206) 780-8665 or send an e-mail to openspace@ci.bainbridge-isl.wa.us.

- **Conservation easement.** A conservation easement is a voluntary legal agreement that permanently restricts certain uses of privately owned property to protect specific conservation values. It does not necessarily require public access to the property. It can be tailored to apply to all or part of the property, and it can be written to fit specific desires of the property owner. The easement is recorded in the county real property records and binds all present and future owners of the land to the agreed-upon restrictions. A qualified organization, such as the Bainbridge Island Land Trust, the City, or the Bainbridge Island Park and Recreation District, must be named as the grantee or holder of the easement. The grantee is responsible for ensuring that all present and future owners of the property abide by the terms of the easement. A conservation easement may result in specific tax benefits because it reduces property value by limiting development and future uses. A reduction in the property's fair market value may reduce the land's assessed value for property tax purposes and may reduce estate taxes due upon the owner's death. If donated to a qualified organization, the property owner may also be able to claim the appraised value of the easement as a charitable contribution for federal income tax purposes.
- **Trail easement.** A trail easement is a voluntary legal agreement whereby a property owner sells or donates the right to build a trail or trails over specific parts of the property, such as along the edge of a property. A trail easement requires public access to trails established on the property. As with a conservation easement, a trail easement binds

assessed value of the property, it may reduce property taxes and estate taxes due upon the owner's death.

- **Sale of development rights.** Rather than selling the property itself, a land owner may wish to sell the unused development rights on the property to a qualified third party while continuing to own the actual property. As with a conservation easement, sale of development rights may result in a reduction in the value of the property and may therefore generate certain tax benefits.
- **Life estate.** A property may be sold (or otherwise preserved) under a voluntary legal agreement whereby the seller retains the right to continue living in the existing residence on the property until death -- or for some agreed-upon long-term period. If this alternative is chosen, the seller recognizes that there is significant dollar value to the right to continue occupying the property. Consequently, the sale/preservation negotiation would include calculating the value of the life estate, and this value would be used to reduce the price paid for the property. In some situations, the life estate agreement might call for the seller to help maintain a trail or wildlife corridor passing through the property, or otherwise cooperate with the Open Space Program to maintain the open space value(s) of the property. The City has made one such life estate arrangement with a local farmer who continues to occupy and work the property in an agreed-upon manner.
- **Sale and lease-back.** In some circumstances, a property-owner may wish to protect open space on a piece of property by selling it the City under the Open Space Program and then leasing the property for the owner's continued use for a set period of time. Such a transaction would include limitations on the use of the property to protect open space values. The original property owner would continue to have use of the property and would pay rent to the City for the term of the lease.
- **Installment Sale.** A seller wishing to spread their gain out over time, and receive annual income, might negotiate a sale calling for installment payments. The amount of each periodic payment would be based on the total time period over which payments were received.
- **Donation.** An outright donation of property to the City under the Open Space program may provide a number of personal and tax advantages. It may relieve property owners of the burden of managing property they no longer use; it provides an alternative to owners who do not wish to pass the land on to their heirs; and, if coupled with a conservation easement, it provides the owner with the satisfaction that the property will be maintained in its natural state forever. Donating property may also provide federal income tax deductions and estate tax benefits, particularly in the case of property that has appreciated in value since its original purchase. As an alternative to outright donation, a landowner may choose to make a bargain sale to the City, a transaction which is part sale and part donation. The sale portion provides income, and the donation portion provides a

deduction which can help offset capital gains. Land owners can choose from a variety of other options to donate property during their lifetimes while still receiving income from the property. These options include a *charitable remainder trust*, *charitable gift annuity*, and *retained life interest in a farm or residence*. A property owner may also donate land to the City through a will, thereby reducing estate taxes. Each of these donation methods offers different tax advantages and each has different requirements. An interested property owner should consult with his/her tax advisor to make sure the desired tax benefit is achieved.

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