

Department of Development and Environmental Services (DDES)

900 Oakesdale Avenue Southwest • Renton, Washington 98057-5212 • 206-296-6600 • TTY 206-296-7217

Equestrian Community Trail Dedication

• FREQUENTLY ASKED QUESTIONS •

*Visit the DDES Web site at
www.kingcounty.gov/permits
for more information*

DDES Customer
Information Bulletin #**52**

King County DDES has created customer information bulletins to inform the general public about the effect of codes and regulations on their projects. These bulletins are not intended to be complete statements of all laws and rules and should not be used as substitutes for them. If conflicts and questions arise, current codes and regulations are final authority. Because the codes and regulations may be revised or amended at any time, consult King County staff to be sure you understand all requirements before beginning work. It is the applicant's responsibility to ensure that the project meets all requirements of applicable codes and regulations.

For alternate formats, call 206-296-6600.

Community Trail Preservation Program

Section 21A.14.360 of the King County Code (King County Ordinance 14259) established the Community Trail Preservation Program. It is the objective of this program to encourage the voluntary granting of trail easements for preservation or replacement of rural community equestrian trails that meet the specifications for such trails as set out in Chapter 21A.14 of the King County Code (KCC). While the offerings of such grants are strictly voluntary, the granting of an easement to either King County or other appropriate public or private entities may qualify the landowner for a tax reduction under the Public Benefit Rating System.

Incentives / maintenance

Once a trail easement has been granted to King County as provided by Chapter 21A.14 of the King County Code, it shall remain free from structural obstructions or other permanent or temporary obstacles. A rural equestrian community trail shall be open to the public for recreational use by equestrians and pedestrians. Equestrian and pedestrian use does not include use by motor vehicles, bicycles, roller skates, skateboards or other mechanized modes of transportation. However, the Department of Natural Resources and Parks may authorize use by motor vehicles in limited circumstances, such as for maintenance, emergencies or trail crossings.

Incentives / indemnification

The threat of potential liability arising from the use of an equestrian trail by the public causes concern for many property owners. State law provides substantial protection for private and public property owners who allow the public to use their property for recreational purposes. This law, RCW 4.24.210, protects property owners from negligence claims related to the recreational use of their property by the public. Under this law, however, a property owner may still be liable for damages from injury caused by a "known dangerous artificial condition for which warning signs have not been conspicuously posted" and for maintaining an "attractive nuisance."

In order to address concerns by property owners about potential liability to persons using an equestrian trail, the Department of Natural Resources and Parks has the authority to negotiate this issue with property owners who dedicate trail easements. The Department of Natural Resources and Parks would be responsible for determining whether to include indemnification in a particular trail easement. The decision would be based on the value of the easement as a rural equestrian community trail.

In addition, any indemnification would be subject to certain conditions to minimize exposure to King County and to benefit from the liability limitations of RCW 4.24.210. Specifically, indemnification would not cover damages arising from dangerous artificial latent conditions that a property owner knows about but does not disclose to King County, would not cover attractive nuisances and would not cover animal attacks. Property owners would also be required to disclose all known dangerous artificial latent conditions, would be prohibited from maintaining attractive nuisances and would be prohibited from charging a fee to the public for the use of the trail. King County will thoroughly inspect a property before it accepts an easement for an equestrian trail. Finally, section 21A.14.390 of the King County Code calls for the terms of any indemnification to be negotiated on a case by case basis for each easement obtained.

Incentives / Tax credits

Equestrian trail linkage

Equestrian trail linkages and uses shall be eligible for participation in the Public Benefit Rating System provided the land meets the following criteria:

- Land either used as a public or rural off road trail linkage for equestrian, pedestrian or other non-motorized uses or providing a link from a public right-of-way to a trail system, or both.
- The owner shall provide a trail easement to an appropriate public entity, acceptable to King County as to form. Such an easement must be recorded with the King County Records and Elections Division. A person may not use a motorized vehicle on trails receiving tax reductions as an equestrian trail linkage, except in the case of medical or police emergencies.
- To be eligible as equestrian trail linkage, property must be used as a public trail linkage which remains in private ownership. In addition to the area covered by the easement, adjacent pasture land, the land occupied by a barn or stables and any corral or paddock may be included as well as land necessary to provide a buffer from the trail to other non-equestrian uses or land which contributes to the aesthetics of the trail, such as forest. Land set aside and marked for off road parking for trail users may also be included. Private roads or driveways, which are open to the public for this purpose, may also qualify, however, sidewalks are not intended to qualify under this category. Fencing and gates are not allowed in the trail easement area except those that are parallel to the trail or linkage.
- Public access shall be required only on those portions of the property which contain the trail. Time use restrictions may be imposed and other reasonable restrictions may be permissible.

Taxation benefits

Properties enrolling under this category are entitled to a 90% reduction in the value of the land (for taxation purposes) as public access will be provided and protected through granting of an easement. The reduction shall apply to all portions of the property qualifying, not just the area described in the easement.

King County Department of Natural Resources and Parks contacts

Customers may call the Water and Land Resources Division for Public Benefit Rating System related questions or to request an application at 206-205-5170. For trail-related questions, the Parks Division can be reached at 263-6216. More information is also available via the DNRP Web site at www.kingcounty.gov/environment/dnrp.aspx.

Other telephone numbers that may be helpful

206-296-6600 DDES customer service

This bulletin and other DDES bulletins are available via the department Web site at www.kingcounty.gov/permits.

Be sure to visit our Web site at:
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King County complies with the Americans with Disabilities Act (ADA). If you require an accommodation to attend a meeting (two weeks' notice) or require this information in Braille, audiocassette, or large print, please call 206-296-6600 or TTY 206-296-7217.