

## OPEN SPACE/OPEN SPACE TAX CLASSIFICATION APPLICATION PROCEDURE

### In this packet:

- Application Procedure
- Land Use application
- Landowner/Agent Consent Form
- Site Analysis
- Example Site Plan
- Application For Classification or Reclassification as Open Space Land or Timber Land
- Open Space Open Space Program—Okanogan County Code, Chapter 14.08

### WHAT TO SUBMIT:

- Fee
- Okanogan County Land Use Application
- Washington State Department of Revenue Application
- Name, address, phone number and signature of landowner or agent
- Site Plan
- Vicinity Map
- Total number of acres proposed for enrollment
- Noxious Weed Plan
- Copy of deed
- List of adjacent landowners within 300-feet of boundaries (obtain from Okanogan County Assessor's Office)
- Narrative statement about resources present (with verification by resource experts), and proposed rules of public access
- Certification of payment of all taxes, assessments, fees, fines, penalties, and/or judgments against property (obtain from Okanogan County Treasurer)

### PROCESS:

1. Planning staff reviews application for completeness. If complete, the application is accepted (vested).
2. **Within 14-days of vesting an application**, the Planning staff will:
  - Set a date and time for a public hearing with the Regional Planning Commission,
  - Circulate notice of application and public hearing to property owners within 300-ft. of the property boundaries,
  - Circulate notice of application and public hearing to county, state, and federal agencies for a **30-day comment period**, and
  - Submit notice of application and public hearing to Okanogan County's designated newspaper and one newspaper in the area which the application is proposed.
3. **At Least 10-Days prior to the public hearing**, planning staff shall:
  - Transmit a written report, to the Regional Planning Commission, including summary of comments, conditions, findings of fact, and recommended public benefit rating.
4. **At the Public Hearing**, the Regional Planning Commission shall:
  - Recommend a public benefit rating and conditions,
  - Table and continue,
  - Request additional information, or
  - Recommend denial of the application.

5. **Within 30-days following the Commission's recommendation**, the Board shall, at a public meeting:
  - Set a public benefit rating and necessary conditions,
  - Table and continue,
  - Request additional information, or
  - Deny the application.
  
6. After approval, an **Open Space Taxation Agreement** is signed between land owner and Commissioners. The Agreement must be filed with Auditor's Office 60 days prior to the following tax year.

Please contact Planning staff if you have detailed questions about application content or process.

## *Statement of Adjacent Landowners Submitted*

As the project applicant or agent I understand that before the Okanogan County Planning Department can vest or continue to process my application as complete I must submit a complete list of all adjacent landowners within 300 feet of the exterior boundaries of the parcel of property on which the proposed project is to take place. This list shall include the name, mailing address and parcel number of the owner/taxpayer. These project applications shall include Short Subdivisions, Short Subdivision Alterations or Vacations, Open Space Timber, Open Space/Open Space, Re-Zones ( PD's & PDR's), Zoning Code Amendments, Binding Site Plans and Substantial Shoreline Development Permits.(see example A on reverse side)

Application for a Conditional Use Permit, Variance, Long Subdivision or a Long Subdivision Alteration has the same requirements as above however the complete list of adjacent landowners shall include landowners within 300 feet of any and all land owned by the project proponent that is adjacent to the project parcel. The complete list of adjacent owners of private and/or public lands will be listed as such owner/taxpayer appear on the records of the Okanogan County Assessor. For adjacent properties outside of Okanogan County, the appropriate County Assessor data shall be used. (see example B on reverse side)

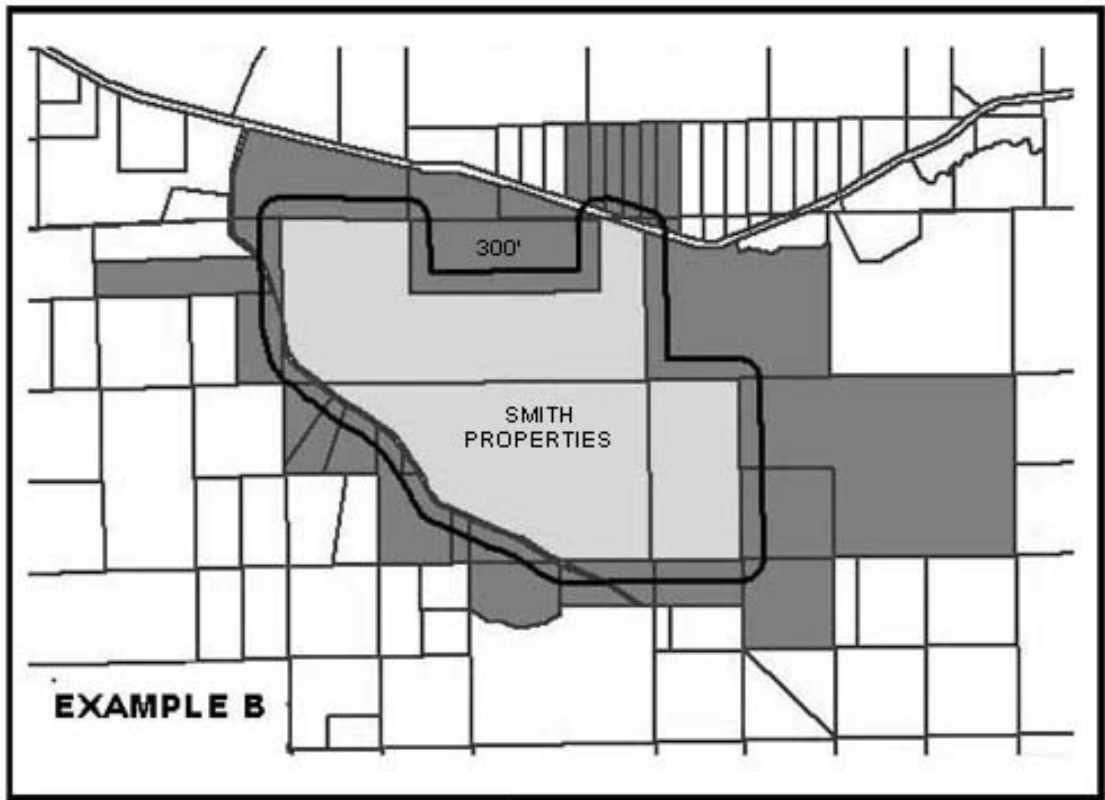
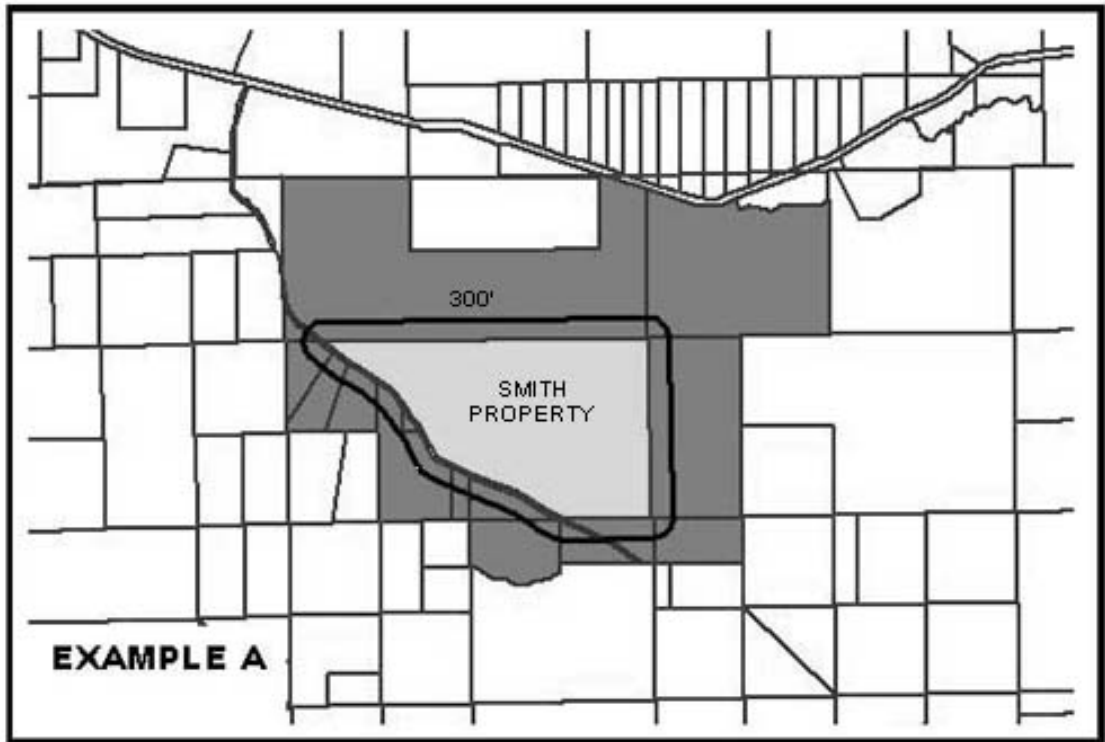
As project applicant or agent I understand that any errors or omissions in the information provided by me may be cause for delays to my project. These delays may include the re-scheduling of my hearing by any Board or Body hearing such application. There may also be additional fees charged to me to cover the cost of re-advertising for notice of a public hearing to all adjacent land owners and publishing of such public hearing in local newspaper(s). Manufacturing and mailing of new posting signs and additional costs to reconvene the appropriate Board hearing the application may also be charged.

By signing below, I acknowledge that I have read and understand the above, and acknowledge the effects of incorrect or incomplete information.

Signature: \_\_\_\_\_

Landowner   taxpayer   agent   surveyor   (circle one)

Date: \_\_\_\_\_





# LAND USE APPLICATION FOR CITIES, COUNTIES AND THE COLVILLE CONFEDERATED TRIBES

(The City/County/Tribes may require that additional application forms be completed)



**PROJECT TITLE:** \_\_\_\_\_

**THIS APPLICATION IS FOR (check one):**

<input type="checkbox"/> Building Permit	<input type="checkbox"/> Short Form Development Permit	<input type="checkbox"/> Variance	<input type="checkbox"/> Conditional Use Permit (CUP)	<input type="checkbox"/> Short Subdivison (4 or fewer lots)	<input type="checkbox"/> Subdivison (5 or more lots)
<input type="checkbox"/> Binding Site Plan	<input type="checkbox"/> Petition for Rezone or Code Amendment	<input type="checkbox"/> Planned Development	<input type="checkbox"/> Flood Plain Development Permit	<input type="checkbox"/> Shoreline Development Permit or Exemption	<input type="checkbox"/> Other (specify) _____ _____

**Total Fees \$** \_\_\_\_\_ **Receipt #** \_\_\_\_\_

**APPLICANT INFORMATION:**

Name: \_\_\_\_\_  
 E-911 Address: \_\_\_\_\_  
 City/State/Zip: \_\_\_\_\_  
 Phone: \_\_\_\_\_

**SURVEYOR OR AGENT INFORMATION:**

Name: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 City/State/Zip: \_\_\_\_\_  
 Phone: \_\_\_\_\_

**NAME AND ADDRESS OF PROPERTY OWNER, IF DIFFERENT FROM APPLICANT ABOVE:**

Name: \_\_\_\_\_ Address: \_\_\_\_\_  
 City/State/Zip: \_\_\_\_\_ Phone: \_\_\_\_\_

**CHECK ONE:**     Colville Tribal Member (Enrollment number \_\_\_\_\_) OR     Non Tribal Member

**CHECK ONE:**     Within the boundaries of the Reservation OR     Outside the boundaries of the Reservation  
 TOWNSHIP \_\_\_\_\_ RANGE \_\_\_\_\_ SECTION \_\_\_\_\_

**CHECK ONE:**     Trust land [allotment number(s)]    101-- \_\_\_\_\_    101-- \_\_\_\_\_  
                            Fee Land {10 digit parcel number(s)}    \_\_\_\_\_

**This property is located within the \_\_\_\_\_ ZONING DISTRICT**

**↓FOR OFFICIAL USE ONLY↓**

After reviewing all relevant information about this land use application, the reviewing agencies hereby agree that  
 The Colville Tribes     Okanogan County/ Municipality of \_\_\_\_\_ will be the permitting agency.

Signature \_\_\_\_\_  
                           Authorized Colville Tribal Representative

Date \_\_\_\_\_

Signature \_\_\_\_\_

Date \_\_\_\_\_

**PROJECT INFORMATION:**

Brief Description of Proposal (kind of use, size, # of units, method of water supply and sewage disposal, etc.):

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General Description (miles from nearest town, water body, highway, etc. Vicinity map may be attached):

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Current Land Use \_\_\_\_\_ Comprehensive Plan \_\_\_\_\_

Shoreline \_\_\_\_\_ Flood Zone \_\_\_\_\_

Zoning Designations: \_\_\_\_\_

Name of Irrigation District: \_\_\_\_\_

Electrical Service Provider: \_\_\_\_\_

Name of Water System: \_\_\_\_\_

Name of Local Telephone Company: \_\_\_\_\_

Point of Legal Access (existing or proposed):

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**Please attach any other plans, specifications, or information as required by ordinance or guidelines.**

**Please see specific site plan requirements for Okanogan County applications.**

**SIGNATURE BLOCK**

I am the applicant name on the reverse and hereby state that the foregoing information, and all information attached hereto, is true to the best of my knowledge.

Signature \_\_\_\_\_ Date \_\_\_\_\_



**Application for Classification or Reclassification  
Open Space Land  
Chapter 84.34 RCW**

**File With The County Legislative Authority**

Name of Owner(s): \_\_\_\_\_ Phone No: \_\_\_\_\_

Address:

Parcel Number(s): \_\_\_\_\_

Legal description:

Total acres in application: \_\_\_\_\_

Indicate what category of open space this land will qualify for:

- Conserve or enhance natural, cultural, or scenic resources
- Protect streams, stream corridors, wetlands, natural shorelines, or aquifers
- Protect soil resources, unique or critical wildlife, or native plant habitat
- Promote conservation principles by example or by offering educational opportunities
- Enhance the value to the public of abutting or neighboring parks, forests, wildlife preserves, nature reservations or sanctuaries, or other open spaces
- Enhance recreation opportunities
- Preserve historic or archaeological sites
- Preserve visual quality along highway, road, street corridors, or scenic vistas
- Retain in its natural state tracts of land not less than one acre situated in an urban area and open to public use on such conditions as may be reasonably required by the granting authority
- Farm and agricultural conservation land previously classified under RCW 84.34.020(2), that no longer meets the criteria
- Farm and agricultural conservation land that is "traditional farmland" not classified under Chapter 84.33 or Chapter 84.34 RCW, that has not been irrevocably devoted to a use inconsistent with agricultural uses, and has a high potential for returning to commercial agriculture

1. Describe the present use of the land.
  
2. Is the land subject to a lease or agreement which permits any other use than its present use?  Yes  No  
 If yes, attach a copy of the lease agreement.
  
3. Describe the present improvements (residence, buildings, etc.) located on the land.
  
4. Is the land subject to any easements?  Yes  No  
 If yes, describe the type of easement, the easement restrictions, and the length of the easement.
  
5. If applying for the farm and agricultural conservation land category, provide a detailed description below about the previous use, the current use, and the intended future use of the land.

**NOTICE:**  
**The county and/or city legislative authorities may require owners to submit additional information regarding the use of the land.**

As owner of the parcel(s) described in this application, I hereby indicate by my signature below that I am aware of the additional tax, interest, and penalties involved when the land ceases to be classified under the provisions of Chapter 84.34 RCW. I also certify that this application and any accompanying documents are accurate and complete.

The agreement to tax according to use of the property is not a contract and can be annulled or canceled at any time by the Legislature (RCW 84.34.070)

**Print the name of each owner:**

**Signature of each owner:**

\_\_\_\_\_  
 \_\_\_\_\_

\_\_\_\_\_  
 \_\_\_\_\_

The granting or denial of an application for classification or reclassification as open space land is a legislative determination and shall be reviewable only for arbitrary and capricious actions. Denials are only appealable to the superior court of the county in which the land is located and the application is made.

### **Statement of Additional Tax, Interest, and Penalty Due Upon Removal of Classification**

1. Upon removal of classification, an additional tax shall be imposed which shall be due and payable to the county treasurer 30 days after removal or upon sale or transfer, unless the new owner has signed the Notice of Continuance. The additional tax shall be the sum of the following:
  - (a) The difference between the property tax paid as "Open Space Land" and the amount of property tax otherwise due and payable for the last seven years had the land not been so classified; plus
  - (b) Interest upon the amounts of the difference (a), paid at the same statutory rate charged on delinquent property taxes; plus
  - (c) A penalty of 20% will be applied to the additional tax and interest if the classified land is applied to some other use except through compliance with the property owner's request for withdrawal as described in RCW 84.34.070(1).
2. The additional tax, interest, and penalty specified in (1) shall not be imposed if removal resulted solely from:
  - (a) Transfer to a governmental entity in exchange for other land located within the State of Washington.
  - (b) A taking through the exercise of the power of eminent domain, or sale or transfer to an entity having the power of eminent domain in anticipation of the exercise of such power.
  - (c) A natural disaster such as a flood, windstorm, earthquake, or other such calamity rather than by virtue of the act of the landowner changing the use of such property.
  - (d) Official action by an agency of the State of Washington or by the county or city where the land is located disallows the present use of such land.
  - (e) Transfer of land to a church when such land would qualify for property tax exemption pursuant to RCW 84.36.020.
  - (f) Acquisition of property interests by State agencies or agencies or organizations qualified under RCW 84.34.210 and 64.04.130 (See RCW 84.34.108(6)(f)).
  - (g) Removal of land classified as farm & agricultural land under RCW 84.34.020(2)(e) (farm home site).
  - (h) Removal of land from classification after enactment of a statutory exemption that qualifies the land for exemption and receipt of notice from the owner to remove the land from classification.
  - (i) The creation, sale, or transfer of forestry riparian easements under RCW 76.13.120.
  - (j) The creation, sale, or transfer of a conservation easement of private forest lands within unconfined channel migration zones or containing critical habitat for threatened or endangered species under RCW 76.09.040.
  - (k) The sale or transfer of land within two years after the death of the owner of at least a fifty percent interest in the land if the land has been assessed and valued as designated forest land under chapter 84.33 RCW, or classified under this chapter 84.34 RCW continuously since 1993. The date of death shown on the death certificate is the date used.
  - (l) The discovery that the land was classified in error through no fault of the owner.

**FOR LEGISLATIVE AUTHORITY USE ONLY**

Date application received: \_\_\_\_\_ By: \_\_\_\_\_

Amount of processing fee collected: \$ \_\_\_\_\_

- Is the land subject to this application designated as open space by a comprehensive land use plan adopted by a city or county and zoned accordingly?  Yes  No

If yes, application must be processed in the same manner in which an amendment to the comprehensive land use plan is processed.

If no, application must be acted upon after a public hearing and after notice of the hearing shall have been given by one publication in a newspaper of general circulation in the area at least ten days before the hearing.

- Is the land subject to this application located within an incorporated part of the county?  Yes  No

If yes, application must be acted upon by three members of the county legislative authority and three members of the city legislative authority. See RCW 84.34.037(1) for details.

If no, application must be acted upon by three members of the county legislative authority.

- Application approved       In whole       In part  
 Denied       Date owner notified of denial (Form 64 0103):

If approved, date Open Space Taxation Agreement (OSTA) was mailed to owner:

Date signed OSTA received by Legislative Authority:

Date copy of signed OSTA forwarded to Assessor:

To ask about the availability of this publication in an alternate format for the visually impaired, please call (360) 705-6715. Teletype (TTY) users, please call (360) 705-6718. For tax assistance, call (360) 534-1400.