

OPEN SPACE/OPEN SPACE TAX CLASSIFICATION APPLICATION PROCEDURE

WHAT TO SUBMIT:

- _____ Fees
- _____ 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
- _____ Copy of deed
- _____ Narrative statement about resources present (with verification by resource experts), and proposed rules of public access
- _____ Must be current on property taxes

14.08.070 Eligible lands.

All lands within the county are eligible to be reviewed for enrollment in this program, provided:

- A. A. The property is designated by the county comprehensive plan or any amendment to it; and
- B. The property proposed for enrollment is no less than 10 acres and contains at least one high priority resource as described in OCC [14.08.150\(A\)](#), or contains a minimum of 159 acres; and
- C. The property meets the minimum enrollment requirements of the public benefit rating system found in OCC [14.08.140](#); and
- D. All fees, assessments, and taxes are paid in full; and
- E. The property shall be in full compliance with all provisions of this chapter, and all applicable Okanogan County codes. (Ord. 2002-4 § 1, 2002).

14.08.080 Ineligible lands.

The following lands, or portions thereof, are not eligible for enrollment under this chapter:

- A. Parcel(s) which do not contain a listed resource;
- B. Parcels which do not have or do not provide for public access (with limited exceptions, see OCC [14.08.160](#));
- C. Designated open space areas or buffers required as part of an approval for zoning or subdivision requirements;
- D. Lands or portions thereof which require a membership or rental for such use, including but not limited to golf courses, country clubs, campgrounds, RV parks, etc. (Ord. 2002-4 § 1, 2002).

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 Hearing Examiner,
 - 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.

3. **At Least 5-Days prior to the public hearing**, Planning staff shall:
 - Transmit a written report, to the Hearing Examiner, including summary of comments, conditions, findings of fact, and recommended public benefit rating.

4. **At the Public Hearing**, the Hearing Examiner shall:
 - Recommend 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 all land owners and Commissioners. The Agreement must be signed within 30 of receipt or the County shall presume the agreement has been rejected.

7. The Agreement must be filed with Auditor's Office 60 days prior to the following tax year. The Auditor's office collects a fee to record the document.

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



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

File With The County Legislative Authority

Name of Owner(s): _____ Phone No: _____
Email Address: _____
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)(f) (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 a comprehensive land use plan adopted by a city or county? Yes No

If yes, application should 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 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.

- If the land is not subject to a comprehensive land use plan, is the land 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
- Application denied Date owner notified of denial (Form 64 0103):

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

Signed OSTA received by Legislative Authority on:

Copy of signed OSTA forwarded to Assessor on:

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