
SENATE BILL 5481

State of Washington 52nd Legislature 1991 Regular Session

By Senators Sellar and McMullen.

Read first time February 1, 1991. Referred to Committee on Agriculture & Water Resources.

1 AN ACT Relating to open spaces; amending RCW 84.34.020, 84.34.035,
2 84.34.037, 84.34.050, 84.34.060, 84.34.065, 84.34.070, 84.34.108,
3 84.34.145, 84.34.150, 84.34.155, 84.34.160, 84.34.320, and 84.34.360;
4 adding new sections to chapter 84.34 RCW; and providing an effective
5 date.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

7 **Sec. 1.** RCW 84.34.020 and 1988 c 253 s 3 are each amended to read
8 as follows:

9 As used in this chapter, unless a different meaning is required by
10 the context:

11 (1) "Open space land" means (a) any land area so designated by an
12 official comprehensive land use plan adopted by any city or county and
13 zoned accordingly or (b) any land area, the preservation of which in
14 its present use would (i) conserve and enhance natural or scenic
15 resources, or (ii) protect streams or water supply, (iii) promote

1 conservation of soils, wetlands, beaches or tidal marshes, or (iv)
2 enhance the value to the public of abutting or neighboring parks,
3 forests, wildlife preserves, nature reservations or sanctuaries or
4 other open space, or (v) enhance recreation opportunities, or (vi)
5 preserve historic sites, or (vii) retain in its natural state tracts of
6 land not less than five acres situated in an urban area and open to
7 public use on such conditions as may be reasonably required by the
8 legislative body granting the open space classification.

9 (2) "Farm and agricultural land" means either (a) land (~~(in any)~~)
10 that is twenty or more acres or that is contiguous ((ownership of)) and
11 totals twenty or more acres (i) devoted primarily to ((the production
12 of livestock or agricultural commodities for commercial)) lawful
13 commercial agricultural purposes, or (ii) enrolled in the federal
14 conservation reserve program or its successor administered by the
15 United States department of agriculture; (b) any parcel of land five
16 acres or more but less than twenty acres devoted primarily to lawful
17 commercial agricultural ((uses)) purposes, which has produced a gross
18 income from ((agricultural uses equivalent to)) such purposes of (i) as
19 of the effective date of this act, one hundred dollars or more for all
20 land that is classified under this chapter or all land for which an
21 application for classification under this chapter is made with the
22 granting authority prior to January 1, 1992, and (ii) on or after
23 January 1, 1992, two hundred dollars or more, per acre per year for
24 three of the five calendar years preceding the date of application for
25 classification under this chapter; or (c) any parcel of land of less
26 than five acres devoted primarily to lawful commercial agricultural
27 ((uses)) purposes which has produced a gross income of (i) as of the
28 effective date of this act, one thousand dollars or more for all land
29 that is classified under this chapter or all land for which an
30 application for classification under this chapter is made with the

1 granting authority prior to January 1, 1992, and (ii) on or after
2 January 1, 1992, fifteen hundred dollars or more, per year for three of
3 the five calendar years preceding the date of application for
4 classification under this chapter. Land that falls within the gross
5 income limits of (2)(b)(i) and (2)(c)(i) of this section shall, upon
6 any transfer of the property excluding transfers between spouses upon
7 death of a spouse, be subject to the limits of (2)(b)(ii) and
8 (2)(c)(ii) of this section. Agricultural lands shall also include
9 ((farm woodlots of less than twenty and more than five acres)) such
10 incidental uses as are compatible with lawful commercial agricultural
11 purposes provided such incidental use does not exceed twenty percent of
12 the classified land and the land on which appurtenances necessary to
13 the production, preparation or sale of the agricultural products exist
14 in conjunction with the lands producing such products. Agricultural
15 lands shall also include any parcel of land of one to five acres, which
16 is not contiguous, but which otherwise constitutes an integral part of
17 farming operations being conducted on land qualifying under this
18 section as "farm and agricultural lands".

19 (3) "Timber land" means land ~~((in any))~~ that is five or more acres
20 or that is contiguous ((ownership of)) and totals five or more acres
21 which is devoted primarily to the growth and harvest of forest crops
22 ~~((and which is not classified as reforestation land pursuant to chapter~~
23 ~~84.28 RCW))~~ for commercial purposes and for which a timber management
24 plan has been filed with (a) an application for classification pursuant
25 to this chapter or (b) a real estate excise tax affidavit. Timber land
26 means the land only.

27 (4) "Current" or "currently" means as of the date on which property
28 is to be listed and valued by the ~~((county))~~ assessor.

1 (5) "Owner" means the party or parties having the fee interest in
2 land, except that where land is subject to real estate contract "owner"
3 shall mean the contract vendee.

4 (6) "Contiguous" means land adjoining and touching other property
5 held by the same ownership. Land divided by a public road, but
6 otherwise an integral part of a farming operation, shall be considered
7 contiguous.

8 (7) "Granting authority" means the appropriate agency or official
9 who acts on an application for classification of land pursuant to this
10 chapter.

11 (8) "Lawful commercial agricultural purposes" means use on a
12 continuous and regular basis, prior to and subsequent to application
13 for classification, which use demonstrates an intent of an owner or
14 lessee to obtain through lawful means, a monetary profit from cash
15 income received by:

16 (a) Raising, harvesting, and selling lawful crops;

17 (b) Feeding, breeding, managing, and selling of livestock, poultry,
18 fur-bearing animals, or honey bees, or products thereof;

19 (c) Dairying or selling of dairy products;

20 (d) Animal husbandry;

21 (e) Aquaculture;

22 (f) Horticulture;

23 (g) Participation in a government-funded crop reduction program,
24 acreage set-aside program, or other government agriculture program; or

25 (h) Other activities as defined by rule following consultation with
26 the advisory committee as established in section 15 of this act.

27 **Sec. 2.** RCW 84.34.035 and 1973 1st ex.s. c 212 s 4 are each
28 amended to read as follows:

1 The assessor shall act upon the application for current use
2 classification of farm and agricultural lands under (~~subsection (2)~~
3 ~~of~~) RCW 84.34.020(2), with due regard to all relevant evidence. The
4 application shall be deemed to have been approved unless, prior to the
5 first day of May of the year after such application was mailed or
6 delivered to the assessor, (~~he~~) the assessor shall notify the
7 applicant in writing of the extent to which the application is denied.
8 An owner who receives notice that his or her application has been
9 denied may appeal such denial to the (~~county legislative authority~~)
10 board of equalization in the county where the property in question is
11 located. Within ten days following approval of the application, the
12 assessor shall submit notification of such approval to the county
13 auditor for recording in the place and manner provided for the public
14 recording of state tax liens on real property. The assessor shall
15 retain a copy of all applications.

16 The assessor shall, as to any such land, make a notation each year
17 on the assessment list and the tax roll of the assessed value of such
18 land for the use for which it is classified in addition to the assessed
19 value of such land were it not so classified.

20 (~~The assessor shall also file notice of both such values with the~~
21 ~~county treasurer, who shall record such notice in the place and manner~~
22 ~~provided for recording delinquent taxes.~~)

23 **Sec. 3.** RCW 84.34.037 and 1985 c 393 s 1 are each amended to read
24 as follows:

25 Applications for classification under RCW 84.34.020 (~~subsection~~)
26 (1) (~~or (3)~~) shall be made to the county legislative authority. An
27 application made for classification of land under RCW 84.34.020
28 (~~subsection~~) (1)(b) (~~, or (3)~~) which is in an area subject to a
29 comprehensive plan shall be acted upon in the same manner in which an

1 amendment to the comprehensive plan is processed. Application made for
2 classification of land which is in an area not subject to a
3 comprehensive plan shall be acted upon after a public hearing and after
4 notice of the hearing shall have been given by one publication in a
5 newspaper of general circulation in the area at least ten days before
6 the hearing: PROVIDED, That applications for classification of land in
7 an incorporated area shall be acted upon by a determining authority
8 composed of three members of the county legislative body and three
9 members of the city legislative body in which the land is located.

10 In determining whether an application made for classification under
11 RCW 84.34.020(~~(, subsection))~~ (1)(b)(~~(, or (3))~~) should be approved or
12 disapproved, the granting authority may take cognizance of the benefits
13 to the general welfare of preserving the current use of the property
14 which is the subject of application, and (~~may~~) shall consider
15 (~~whether or not preservation of current use of the land when balanced~~
16 ~~against~~) the resulting revenue loss or tax shift (~~from granting~~) and
17 whether granting the application will (1) conserve or enhance natural,
18 cultural, or scenic resources, (2) protect streams, stream corridors,
19 wetlands, natural shorelines and aquifers, (3) protect soil resources
20 and unique or critical wildlife and native plant habitat, (4) promote
21 conservation principles by example or by offering educational
22 opportunities, (5) enhance the value of abutting or neighboring parks,
23 forests, wildlife preserves, nature reservations, sanctuaries, or other
24 open spaces, (6) enhance recreation opportunities, (7) preserve
25 historic and archaeological sites, (8) affect any other factors
26 relevant in weighing benefits to the general welfare of preserving the
27 current use of the property: PROVIDED, That if a public benefit rating
28 system is adopted under RCW 84.34.055, the county legislative authority
29 shall rate property (~~applying~~) for which application for
30 classification has been made under RCW 84.34.020(1)(b) according to the

1 public benefit rating system in determining whether an application
2 should be approved or disapproved, but when such a system is adopted,
3 open space properties then classified under this chapter which do not
4 qualify under the system shall not be removed from classification but
5 may be rated according to the public benefit rating system: PROVIDED
6 FURTHER, That the granting authority may approve the application with
7 respect to only part of the land which is the subject of the
8 application: AND PROVIDED FURTHER, That if any part of the application
9 is denied, the applicant may withdraw the entire application: AND
10 PROVIDED FURTHER, That the granting authority in approving in part or
11 whole an application for land classified pursuant to RCW 84.34.020(1)
12 (~~or (3)~~) may also require that certain conditions be met, including
13 but not limited to the granting of easements: AND PROVIDED FURTHER,
14 That the granting or denial of the application for current use
15 classification is a legislative determination and shall be reviewable
16 only for arbitrary and capricious actions. (~~The granting authority~~
17 ~~may not require the granting of easements for land classified pursuant~~
18 ~~to RCW 84.34.020(3).~~)

19 **Sec. 4.** RCW 84.34.050 and 1973 1st ex.s. c 212 s 6 are each
20 amended to read as follows:

21 (1) The granting authority shall immediately notify the (~~county~~)
22 assessor and the applicant of its approval or disapproval which shall
23 in no event be more than six months from the receipt of said
24 application. No land other than farm and agricultural land shall be
25 (~~considered qualified~~) classified under this chapter until an
26 application in regard thereto has been approved by the appropriate
27 legislative authority.

28 (2) When the granting authority (~~finds that~~) classifies land
29 (~~qualifies~~) under this chapter, it shall file notice of the same with

1 the assessor within ten days. The assessor shall, as to any such land,
2 make a notation each year on the assessment list and the tax roll of
3 the assessed value of such land for the use for which it is classified
4 in addition to the assessed value of such land were it not so
5 classified.

6 (3) Within ten days following receipt of the notice from the
7 granting authority ~~((that))~~ of classification of such land
8 ~~((qualifies))~~ under this chapter, the assessor shall submit such notice
9 to the county auditor for recording in the place and manner provided
10 for the public recording of state tax liens on real property.

11 ~~((4) The assessor shall also file notice of both such value with
12 the county treasurer, who shall record such notice in the place and
13 manner provided for recording delinquent taxes.))~~

14 **Sec. 5.** RCW 84.34.060 and 1985 c 393 s 2 are each amended to read
15 as follows:

16 In determining the true and fair value of open space land and
17 timber land, which has been classified as such under the provisions of
18 this chapter, the assessor shall consider only the use to which such
19 property and improvements is currently applied and shall not consider
20 potential uses of such property. ~~The ((assessor shall compute the
21 assessed value of such property by using the same assessment ratio
22 which he applies generally in computing the assessed value of other
23 property: PROVIDED, That the))~~ assessed valuation of open space land
24 ~~((with no current use shall not be less than that which would result if
25 it were to be assessed for agricultural uses,))~~ shall not be less than
26 if valued as classified farm and agricultural land except that the
27 assessed valuation of open space land ~~((with no current use))~~ may be
28 valued based on the public benefit rating system adopted under RCW

1 84.34.055: PROVIDED FURTHER, That timber land shall be valued
2 according to chapter 84.33 RCW.

3 **Sec. 6.** RCW 84.34.065 and 1989 c 378 s 11 are each amended to read
4 as follows:

5 The true and fair value of farm and agricultural land shall be
6 determined by consideration of the earning or productive capacity of
7 comparable lands from crops grown most typically in the area averaged
8 over not less than five years, capitalized at indicative rates. The
9 earning or productive capacity of farm and agricultural lands shall be
10 the "net cash rental", capitalized at a "rate of interest" charged on
11 long term loans secured by a mortgage on farm or agricultural land plus
12 a component for property taxes.

13 For the purposes of the above computation:

14 (1) The term "net cash rental" shall mean the average rental paid
15 on an annual basis, in cash (~~or its equivalent~~), for the land being
16 appraised and other farm and agricultural land of similar quality and
17 similarly situated that is available for lease for a period of at least
18 three years to any reliable person without unreasonable restrictions on
19 its use for production of agricultural crops. There shall be allowed
20 as a deduction from the rental received or computed any costs of crop
21 production charged against the landlord if the costs are such as are
22 customarily paid by a landlord. If "net cash rental" data is not
23 available, the earning or productive capacity of farm and agricultural
24 lands shall be determined by the cash value of typical or usual crops
25 grown on land of similar quality and similarly situated averaged over
26 not less than five years. Standard costs of production shall be
27 allowed as a deduction from the cash value of the crops.

28 The current "net cash rental" or "earning capacity" shall be
29 determined by the assessor with the advice of the advisory committee as

1 provided in RCW 84.34.145, and through a continuing (~~study within his~~
2 ~~office~~) internal study, assisted by studies of the department of
3 revenue. This net cash rental figure as it applies to any farm and
4 agricultural land may be challenged before the same boards or
5 authorities as would be the case with regard to assessed values on
6 general property.

7 (2) The term "rate of interest" shall mean the rate of interest
8 charged by the farm credit administration and other large financial
9 institutions regularly making loans secured by farm and agricultural
10 lands through mortgages or similar legal instruments, averaged over the
11 immediate past five years.

12 The "rate of interest" shall be determined annually by (~~adoption~~
13 ~~of~~) a rule adopted by the (~~revenue~~) department of (~~the state of~~
14 ~~Washington,~~) revenue and such rule shall be published in the state
15 register not later than January 1 of each year for use in that
16 assessment year. The (~~determination of the revenue~~) department of
17 revenue determination may be appealed to the state board of tax appeals
18 within thirty days after the date of publication by any owner of farm
19 or agricultural land or the assessor of any county containing farm and
20 agricultural land.

21 (3) The "component for property taxes" shall be a (~~percentage~~
22 ~~equal to the estimated mileage rate times the legal assessment ratio~~)
23 figure obtained by dividing the assessed value of all property in the
24 county into the property taxes levied within the county in the year
25 preceding the assessment and multiplying the dividend obtained by one
26 hundred.

27 **Sec. 7.** RCW 84.34.070 and 1984 c 111 s 2 are each amended to read
28 as follows:

1 When land has once been classified under this chapter, it shall
2 remain under such classification and shall not be applied to other use
3 except a transfer between classifications under RCW 84.34.020 (1), (2),
4 and (3), or between lands classified or designated pursuant to chapter
5 84.33 RCW and RCW 84.34.020 for at least ten years from the date of
6 classification and shall continue under such classification until and
7 unless withdrawn from classification after notice of request for
8 withdrawal shall be made by the owner. During any year after eight
9 years of the initial ten-year classification period have elapsed,
10 notice of request for withdrawal of all or a portion of the land(~~(~~
11 ~~which shall be irrevocable~~~~)~~) may be given by the owner to the
12 ((~~county~~)) assessor or assessors of the county or counties in which
13 such land is situated. Any notice of request for withdrawal shall be
14 irrevocable. In the event that a portion of a parcel is removed from
15 classification, the remaining portion must meet the same requirements
16 as did the entire parcel when such land was originally granted
17 classification pursuant to this chapter unless the size of the
18 remaining parcel has a different income criteria. Within seven days
19 the ((~~county~~)) assessor shall transmit one copy of such notice to the
20 legislative body which originally approved the application. The
21 ((~~county~~)) assessor or assessors, as the case may be, shall, when two
22 assessment years have elapsed following the date of receipt of such
23 notice, withdraw such land from such classification and the land shall
24 be subject to the additional tax due under RCW 84.34.108 (3) (a) and
25 (b): PROVIDED, That agreement to tax according to use shall not be
26 considered to be a contract and can be abrogated at any time by the
27 legislature in which event no additional tax or penalty shall be
28 imposed.

1 **Sec. 8.** RCW 84.34.108 and 1989 c 378 s 35 are each amended to read
2 as follows:

3 (1) When land has once been classified under this chapter, a
4 notation of such (~~designation~~) classification shall be made each year
5 upon the assessment and tax rolls and such land shall be valued
6 pursuant to RCW 84.34.060 or 84.34.065 until removal of all or a
7 portion of such (~~designation~~) classification by the assessor upon
8 occurrence of any of the following:

9 (a) Receipt of notice from the owner to remove all or a portion of
10 such (~~designation~~) classification;

11 (b) Sale or transfer to an ownership making all or a portion of
12 such land exempt from ad valorem taxation;

13 (c) Sale or transfer of all or a portion of such land to a new
14 owner, unless the new owner has signed a notice of classification
15 continuance. The signed notice of continuance shall be attached to the
16 real estate excise tax affidavit provided for in RCW 82.45.120, as now
17 or hereafter amended. The notice of continuance shall be on a form
18 prepared by the department of revenue. If the notice of continuance is
19 not signed by the new owner and attached to the real estate excise tax
20 affidavit, all additional taxes calculated pursuant to subsection (3)
21 of this section shall become due and payable by the seller or
22 transferor at time of sale. The county auditor shall not accept an
23 instrument of conveyance of classified land for filing or recording
24 unless the new owner has signed the notice of continuance or the
25 additional tax has been paid. The seller, transferor, or new owner may
26 appeal the new assessed valuation calculated under subsection (3) of
27 this section to the county board of equalization. Jurisdiction is
28 hereby conferred on the county board of equalization to hear these
29 appeals;

1 (d) Determination by the assessor, after giving the owner written
2 notice and an opportunity to be heard, that all or a portion of such
3 land ((is)) no longer ((~~primarily devoted to and used for the purposes~~
4 ~~under which it was granted classification~~)) meets the criteria for
5 classification under this chapter. The criteria for classification
6 pursuant to this chapter continue to apply after classification has
7 been granted.

8 The granting authority, upon request of an assessor, shall provide
9 reasonable assistance to the assessor in making a determination whether
10 such land continues to meet the qualifications of RCW 84.34.020 (1) or
11 (3). The assistance shall be provided within thirty days of receipt of
12 the request.

13 (2) Within thirty days after such removal of all or a portion of
14 such land from current use classification, the assessor shall notify
15 the owner in writing, setting forth the reasons for such removal. The
16 seller, transferor, or owner may appeal such removal to the county
17 board of equalization.

18 (3) Unless the removal is reversed on appeal, the assessor shall
19 revalue the affected land with reference to full market value on the
20 date of removal from classification. Both the assessed valuation
21 before and after the removal of classification shall be listed and
22 taxes shall be allocated according to that part of the year to which
23 each assessed valuation applies. Except as provided in subsection (5)
24 of this section, an additional tax shall be imposed which shall be due
25 and payable to the county treasurer thirty days after the owner is
26 notified of the amount of the additional tax. As soon as possible, the
27 assessor shall compute the amount of such an additional tax and the
28 treasurer shall mail notice to the owner of the amount thereof and the
29 date on which payment is due. The amount of such additional tax shall
30 be equal to:

1 (a) The difference between the property tax paid as "open space
2 land", "farm and agricultural land", or "timber land" and the amount of
3 property tax otherwise due and payable for the seven years last past
4 had the land not been so classified; plus

5 (b) Interest upon the amounts of such additional tax paid at the
6 same statutory rate charged on delinquent property taxes from the dates
7 on which such additional tax could have been paid without penalty if
8 the land had been assessed at a value without regard to this chapter;
9 and

10 (c) A penalty at the same percentage as provided in RCW 84.34.080.

11 (4) Additional tax, together with applicable interest (~~((thereon))~~)
12 and penalty, shall become a lien on such land which shall attach at the
13 time such land is removed from (~~((current-use))~~) classification under
14 this chapter and shall have priority to and shall be fully paid and
15 satisfied before any recognizance, mortgage, judgment, debt, obligation
16 or responsibility to or with which such land may become charged or
17 liable. Such lien may be foreclosed upon expiration of the same period
18 after delinquency and in the same manner provided by law for
19 foreclosure of liens for delinquent real property taxes as provided in
20 RCW 84.64.050 now or as hereafter amended. Any additional tax unpaid
21 on its due date shall thereupon become delinquent. From the date of
22 delinquency until paid, interest shall be charged at the same rate
23 applied by law to delinquent ad valorem property taxes.

24 (5) The additional tax specified in subsection (3) of this section
25 shall not be imposed if the removal of (~~((designation))~~) classification
26 pursuant to subsection (1) of this section resulted solely from:

27 (a) Transfer to a government entity in exchange for other land
28 located within the state of Washington;

29 (b) (i) A taking through the exercise of the power of eminent
30 domain, or (ii) sale or transfer to an entity having the power of

1 eminent domain in anticipation of the exercise of such power, said
2 entity having manifested its intent in writing or by other official
3 action;

4 (c) Sale or transfer of land within two years after the death of
5 the owner of at least a fifty percent interest in such land;

6 (d) A natural disaster such as a flood, windstorm, earthquake, or
7 other such calamity rather than by virtue of the act of the landowner
8 changing the use of such property;

9 (e) Official action by an agency of the United States or the state
10 of Washington or by the county or city within which the land is located
11 which disallows the present use of such land;

12 (f) Transfer of land to a church (~~and~~) when such land would
13 qualify for (~~property tax~~) exemption pursuant to RCW 84.36.020; or

14 (g) Acquisition of property interests by state agencies or agencies
15 or organizations qualified under RCW 84.34.210 and 64.04.130 for the
16 purposes enumerated in those sections: PROVIDED, That at such time as
17 these property interests are not used for the purposes enumerated in
18 RCW 84.34.210 and 64.04.130 the additional tax specified in subsection
19 (3) of this section shall be imposed.

20 **Sec. 9.** RCW 84.34.145 and 1973 1st ex.s. c 212 s 11 are each
21 amended to read as follows:

22 The county legislative authority shall appoint a five member
23 committee representing the active farming community within the county
24 to serve in an advisory capacity to the (~~county~~) assessor in
25 implementing assessment guidelines as established by the department of
26 revenue for the assessment of open space, farms and agricultural lands,
27 and timber lands classified pursuant to this 1973 amendatory act.

1 **Sec. 10.** RCW 84.34.150 and 1973 1st ex.s. c 212 s 15 are each
2 amended to read as follows:

3 Land classified under the provisions of chapter 84.34 RCW prior to
4 July 16, 1973 which meets the (~~definition of farm and agricultural~~
5 ~~land~~) criteria for classification under the provisions of this 1973
6 amendatory act, (~~upon request for such change made by the owner to the~~
7 ~~county assessor, shall be~~) is hereby reclassified (~~by the county~~
8 ~~assessor~~) under the provisions of this 1973 amendatory act. This
9 change in classification shall be made without additional tax, penalty,
10 or other requirements: PROVIDED, That subsequent to such
11 reclassification, the land shall be fully subject to the provisions of
12 chapter 84.34 RCW(~~, as now or hereafter amended~~). A condition
13 imposed by a granting authority prior to July 16, 1973, upon land
14 classified pursuant to RCW 84.34.020 (1) or (3) shall remain in effect
15 during the classification.

16 **Sec. 11.** RCW 84.34.155 and 1973 1st ex.s. c 212 s 19 are each
17 amended to read as follows:

18 Land classified under the provisions of chapter 84.34 RCW as timber
19 land which meets the definition of forest land under the provisions of
20 chapter 84.33 RCW, upon request for such change made by the owner to
21 the (~~county assessor~~) granting authority, shall be reclassified by
22 the (~~county~~) assessor under the provisions of chapter 84.33 RCW.
23 This change in classification shall be made without additional tax,
24 penalty, or other requirements set forth in chapter 84.34 RCW:
25 PROVIDED, That subsequent to such reclassification, the land shall be
26 fully subject to the provisions of chapter 84.33 RCW, as now or
27 hereafter amended.

1 **Sec. 12.** RCW 84.34.160 and 1973 1st ex.s. c 212 s 18 are each
2 amended to read as follows:

3 The department of revenue and each (~~local assessor~~) granting
4 authority is hereby directed to publicize the qualifications and manner
5 of making applications for (~~current use~~) classification. Whenever
6 possible notice of the qualifications, method of making applications,
7 and availability of further information on current use classification
8 shall be included (~~with the second half property tax statements for~~
9 ~~1973, and thereafter, shall be included~~) with every notice of change
10 in valuation (~~of unplatted lands~~).

11 **Sec. 13.** RCW 84.34.320 and 1979 c 84 s 3 are each amended to read
12 as follows:

13 Any land classified as farm and agricultural land (~~which is~~
14 ~~designated for current use classification~~) pursuant to chapter 84.34
15 RCW at the earlier of the times the legislative authority of a local
16 government adopts a resolution, ordinance, or legislative act (1) to
17 create a local improvement district, in which such land is included or
18 would have been included but for such classification designation, or
19 (2) to approve or confirm a final special benefit assessment roll
20 relating to a sanitary and/or storm sewerage system, domestic water
21 supply and/or distribution system, or road construction and/or
22 improvement, which roll would have included such land but for such
23 classification designation, shall be exempt from special benefit
24 assessments or charges in lieu of assessment for such purposes as long
25 as that land remains in such classification, except as otherwise
26 provided in RCW 84.34.360.

27 Whenever a local government creates a local improvement district,
28 the levying, collection and enforcement of assessments shall be in the
29 manner and subject to the same procedures and limitations as are

1 provided pursuant to the law concerning the initiation and formation of
2 local improvement districts for the particular local government.
3 Notice of the creation of a local improvement district that includes
4 farm and agricultural land shall be filed with the county assessor and
5 the legislative authority of the county in which such land is located.
6 The ((county)) assessor, upon receiving notice of the creation of such
7 a local improvement district, shall send a notice to the owner of the
8 farm and agricultural lands listed on the tax rolls of the applicable
9 county treasurer of: (1) the creation of the local improvement
10 district; (2) the exemption of that land from special benefit
11 assessments; (3) the fact that the farm and agricultural land may
12 become subject to the special benefit assessments if the owner waives
13 the exemption by filing a notarized document with the governing body of
14 the local government creating the local improvement district before the
15 confirmation of the final special benefit assessment roll; and (4) the
16 potential liability, pursuant to RCW 84.34.330, if the exemption is not
17 waived and the land is subsequently removed from the farm and
18 agricultural land status. When a local government approves and
19 confirms a special benefit assessment roll, from which farm and
20 agricultural land has been exempted pursuant to this section, it shall
21 file a notice of such action with the ((county)) assessor and the
22 legislative authority of the county in which such land is located and
23 with the treasurer of that local government, which notice shall
24 describe the action taken, the type of improvement involved, the land
25 exempted, and the amount of the special benefit assessment which would
26 have been levied against the land if it had not been exempted. The
27 filing of such notice with the ((county)) assessor and the treasurer of
28 that local government shall constitute constructive notice to a
29 purchaser or encumbrancer of the affected land, and every person whose
30 conveyance or encumbrance is subsequently executed or subsequently

1 recorded, that such exempt land is subject to the charges provided in
2 RCW 84.34.330 and 84.34.340 if such land is withdrawn or removed from
3 its current use classification as farm and agricultural land.

4 The owner of the land exempted from special benefit assessments
5 pursuant to this section may waive that exemption by filing a notarized
6 document to that effect with the legislative authority of the local
7 government upon receiving notice from said local government concerning
8 the assessment roll hearing and before the local government confirms
9 the final special benefit assessment roll. A copy of that waiver shall
10 be filed by the local government with the ((county)) assessor, but the
11 failure of such filing shall not affect the waiver.

12 Except to the extent provided in RCW 84.34.360, the local
13 government shall have no duty to furnish service from the improvement
14 financed by the special benefit assessment to such exempted land.

15 **Sec. 14.** RCW 84.34.360 and 1979 c 84 s 7 are each amended to read
16 as follows:

17 ((Within ninety days after June 7, 1979,)) The department of
18 revenue shall adopt rules it shall deem necessary to implement RCW
19 84.34.300 through 84.34.380 which shall include, but not be limited to,
20 procedures to determine the extent to which a portion of the land
21 otherwise exempt may be subject to a special benefit assessment for the
22 actual connection to the domestic water system or sewerage facilities,
23 and further to determine the extent to which all or a portion of such
24 land may be subject to a special benefit assessment for access to the
25 road improvement in relation to its value as farm and agricultural land
26 as distinguished from its value under more intensive uses. The
27 provision for limited special benefit assessments shall not relieve
28 such land from liability for the amounts provided in RCW 84.34.330 and

1 84.34.340 when such land is withdrawn or removed from its current use
2 classification as farm and agricultural land.

3 NEW SECTION. **Sec. 15.** A new section is added to chapter 84.34 RCW
4 to read as follows:

5 There is created an advisory committee to assist the department of
6 revenue in recommending changes to the rules implementing this chapter.
7 The committee shall have eight members. Four shall be assessors,
8 selected by assessors. Two assessors shall reside east of the crest of
9 the Cascade mountains. Four shall be appointed by the department and
10 shall represent a cross-section of the agricultural community. Two
11 agricultural community members shall reside east of the crest of the
12 Cascade mountains. The term of appointment for the agricultural
13 members shall be four years.

14 The committee shall meet at least annually, and at such other times
15 as it deems necessary, to recommend adoption of new or amended
16 administrative rules and other changes as it finds appropriate.

17 NEW SECTION. **Sec. 16.** A new section is added to chapter 84.34 RCW
18 to read as follows:

19 An application for current use classification under RCW
20 84.34.020(3) shall be made to the county legislative authority.

21 (1) The application shall be made upon forms prepared by the
22 department of revenue and supplied by the granting authority and shall
23 include the following:

24 (a) A legal description of, or assessor's parcel numbers for, all
25 land the applicant desires to be classified as timber land;

26 (b) The date or dates of acquisition of the land;

27 (c) A brief description of the timber on the land, or if the timber
28 has been harvested, the owner's plan for restocking;

1 (d) Whether there is a forest management plan for the land;

2 (e) If so, the nature and extent of implementation of the plan;

3 (f) Whether the land is used for grazing;

4 (g) Whether the land has been subdivided or a plat filed with
5 respect to the land;

6 (h) Whether the land and the applicant are in compliance with the
7 restocking, forest management, fire protection, insect and disease
8 control, and forest debris provisions of Title 76 RCW or applicable
9 rules under Title 76 RCW;

10 (i) Whether the land is subject to forest fire protection
11 assessments pursuant to RCW 76.04.610;

12 (j) Whether the land is subject to a lease, option, or other right
13 that permits it to be used for a purpose other than growing and
14 harvesting timber;

15 (k) A summary of the past experience and activity of the applicant
16 in growing and harvesting timber;

17 (l) A summary of current and continuing activity of the applicant
18 in growing and harvesting timber;

19 (m) A statement that the applicant is aware of the potential tax
20 liability involved when the land ceases to be classified as timber
21 land.

22 (2) An application made for classification of land under RCW
23 84.34.020(3) shall be acted upon after a public hearing and after
24 notice of the hearing is given by one publication in a newspaper of
25 general circulation in the area at least ten days before the hearing.
26 Application for classification of land in an incorporated area shall be
27 acted upon by a determining authority composed of three members of the
28 county legislative body and three members of the city legislative body
29 in which the land is located.

1 (3) The granting authority shall act upon the application with due
2 regard to all relevant evidence and without any one or more items of
3 evidence necessarily being determinative, except that the application
4 may be denied for one of the following reasons, without regard to other
5 items:

6 (a) The land does not contain a stand of timber as defined in
7 chapter 76.09 RCW and applicable rules, except this reason shall not
8 alone be sufficient to deny the application (i) if the land has been
9 recently harvested or supports a growth of brush or noncommercial type
10 timber, and the application includes a plan for restocking within three
11 years or the longer period necessitated by unavailability of seed or
12 seedlings, or (ii) if only isolated areas within the land do not meet
13 minimum standards due to rock outcroppings, swamps, unproductive soil,
14 or other natural conditions;

15 (b) The applicant, with respect to the land, has failed to comply
16 with a final administrative or judicial order with respect to a
17 violation of the restocking, forest management, fire protection, insect
18 and disease control, and forest debris provisions of Title 76 RCW or
19 applicable rules under Title 76 RCW;

20 (c) The land abuts a body of salt water and lies between the line
21 of ordinary high tide and a line paralleling the ordinary high tide
22 line and two hundred feet horizontally landward from the high tide
23 line. The granting authority may approve the application with respect
24 to only part of the land that is described in the application, and if
25 any part of the application is denied, the applicant may withdraw the
26 entire application. The granting authority, in approving in part or
27 whole an application for land classified pursuant to RCW 84.34.020(3),
28 may also require that certain conditions be met including but not
29 limited to the granting of easements.

1 Granting or denial of an application for current use classification
2 is a legislative determination and shall be reviewable only for
3 arbitrary and capricious actions. The granting authority may not
4 require the granting of easements for land classified pursuant to RCW
5 84.34.020(3).

6 The granting authority shall approve or disapprove an application
7 made under this section within six months following the date the
8 application is received.

9 NEW SECTION. **Sec. 17.** This act shall take effect January 1,
10 1992.