
HOUSE BILL 1897

State of Washington 59th Legislature 2005 Regular Session

By Representatives Condotta, Hinkle and Dunn

Read first time 02/09/2005. Referred to Committee on Local Government.

1 AN ACT Relating to current use property tax applications; and
2 amending RCW 84.34.037.

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

4 **Sec. 1.** RCW 84.34.037 and 1992 c 69 s 6 are each amended to read
5 as follows:

6 (1) Except as provided in subsection (6) of this section,
7 applications for classification or reclassification under RCW
8 84.34.020(1) shall be made to the county legislative authority. An
9 application made for classification or reclassification of land under
10 RCW 84.34.020(1) (b) and (c) which is in an area subject to a
11 comprehensive plan shall be acted upon in the same manner in which an
12 amendment to the comprehensive plan is processed. Application made for
13 classification of land which is in an area not subject to a
14 comprehensive plan shall be acted upon after a public hearing and after
15 notice of the hearing shall have been given by one publication in a
16 newspaper of general circulation in the area at least ten days before
17 the hearing(~~(+ PROVIDED, That)~~). Applications for classification of
18 land in an incorporated area shall be acted upon by a granting

1 authority composed of three members of the county legislative body and
2 three members of the city legislative body in which the land is
3 located, except as provided in subsection (6) of this section.

4 (2) In determining whether an application made for classification
5 or reclassification under RCW 84.34.020(1) (b) and (c) should be
6 approved or disapproved, the granting authority may take cognizance of
7 the benefits to the general welfare of preserving the current use of
8 the property which is the subject of application, and shall consider:

9 (a) The resulting revenue loss or tax shift;

10 (b) Whether granting the application for land applying under RCW
11 84.34.020(1)(b) will (i) conserve or enhance natural, cultural, or
12 scenic resources, (ii) protect streams, stream corridors, wetlands,
13 natural shorelines and aquifers, (iii) protect soil resources and
14 unique or critical wildlife and native plant habitat, (iv) promote
15 conservation principles by example or by offering educational
16 opportunities, (v) enhance the value of abutting or neighboring parks,
17 forests, wildlife preserves, nature reservations, sanctuaries, or other
18 open spaces, (vi) enhance recreation opportunities, (vii) preserve
19 historic and archaeological sites, (viii) preserve visual quality along
20 highway, road, and street corridors or scenic vistas, (ix) affect any
21 other factors relevant in weighing benefits to the general welfare of
22 preserving the current use of the property; and

23 (c) Whether granting the application for land applying under RCW
24 84.34.020(1)(c) will (i) either preserve land previously classified
25 under RCW 84.34.020(2) or preserve land that is traditional farmland
26 and not classified under chapter 84.33 or 84.34 RCW, (ii) preserve land
27 with a potential for returning to commercial agriculture, and (iii)
28 affect any other factors relevant in weighing benefits to the general
29 welfare of preserving the current use of property.

30 (3) If a public benefit rating system is adopted under RCW
31 84.34.055, the county legislative authority shall rate property for
32 which application for classification has been made under RCW
33 84.34.020(1) (b) and (c) according to the public benefit rating system
34 in determining whether an application should be approved or
35 disapproved, but when such a system is adopted, open space properties
36 then classified under this chapter which do not qualify under the
37 system shall not be removed from classification but may be rated
38 according to the public benefit rating system.

1 (4) The granting authority may approve the application with respect
2 to only part of the land which is the subject of the application. If
3 any part of the application is denied, the applicant may withdraw the
4 entire application. The granting authority in approving in part or
5 whole an application for land classified or reclassified pursuant to
6 RCW 84.34.020(1) may also require that certain conditions be met,
7 including but not limited to the granting of easements. As a condition
8 of granting open space classification, the (~~legislative body~~)
9 granting authority may not require public access on land classified
10 under RCW 84.34.020(1)(b)(iii) for the purpose of promoting
11 conservation of wetlands.

12 (5) The granting or denial of the application for current use
13 classification or reclassification is a legislative determination and
14 shall be reviewable only for arbitrary and capricious actions.

15 (6)(a) Applications for classification or reclassification under
16 RCW 84.34.020(1) (b) or (c) may also be submitted to a hearing examiner
17 for approval or rejection in accordance with this subsection.

18 (b) A county legislative authority or county and city legislative
19 authority may adopt a hearing examiner system to make the determination
20 under (a) of this subsection.

21 (c) If a hearing examiner system is adopted, the county must
22 specify by ordinance the procedures of the examiner process, including
23 procedures for appealing the examiner's decision. A final decision by
24 the examiner shall be accepted as final unless clear and convincing
25 evidence indicates an erroneous decision by the examiner.

26 (d) Each final decision of a hearing examiner shall be in writing
27 and shall include findings and conclusions that support the decision.
28 The findings and conclusions shall be based on the same criteria,
29 including the criteria in subsections (2) and (3) of this section, that
30 the granting authority would use. A final decision of the hearing
31 examiner shall be rendered within ten working days following conclusion
32 of all testimony and hearings, unless a longer period is mutually
33 agreed to by the applicant and the examiner.

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