

OKANOGAN COUNTY COMMISSIONERS

ORDINANCE 2015-4

~~An Ordinance amending Okanogan County Code 14.08 Open Space Open Space program.~~

membership or rental for use of the property such as but not limited to golf courses, country clubs, campgrounds, RV parks, etc. and

**WHEREAS:** OCC 14.08.080 prevents the owners of undeveloped open space with identifiable resources and that allows public access in accordance with OCC 14.08 from applying for enrollment in the program if "portions thereof" of the land requires a fee for use such as a wintertime trail system, golf courses, lodge or other recreation/tourist amenities.

**WHEREAS:** Lands as noted in the section above can provide the benefits desired in the open space open space program if otherwise eligible for enrollment in accordance with the public benefit rating system and all other requirements for land allowed in the program, and

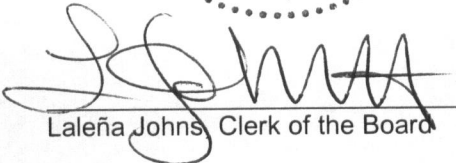
**WHEREAS:** The Okanogan Board of County Commissioners conducted a public hearing on May 12, 2015 and June 8, 2015 to take public comment on proposed revisions to OCC 14.08, and

**WHEREAS:** The Okanogan Board of County Commissioners finds that current language in OCC 14.08.080 unnecessarily penalizes landowners who provide recreational/tourist amenities by making their land ineligible for enrollment without thorough consideration,

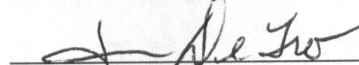
**BE IT THEREFORE ORDAINED:** Okanogan County Code section 14.08.080 is repealed.

**DATED** at Okanogan, Washington this 8<sup>th</sup> day of June 2015.

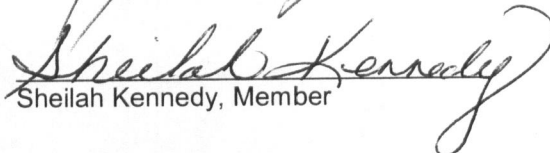


  
Laleña Johns, Clerk of the Board

**BOARD OF COUNTY COMMISSIONERS  
OKANOGAN, WASHINGTON**

  
Jim DeTro, Chairman

  
Ray Campbell, Member

  
Sheilah Kennedy, Member

**CHAPTER 14.08**  
**OPEN SPACE OPEN SPACE PROGRAM AND PUBLIC BENEFIT RATING SYSTEM**

**SECTIONS:**

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- 14.08.030 - Administration
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Transfer of Ownership
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- 14.08.290 - Enforcement
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**14.08.010 - Short Title**

This Chapter shall be known and cited as the "Open Space Open Space Program and Public Benefit Rating System."

**14.08.020 - Purpose**

The purpose of this Chapter is to encourage the maintenance, preservation, conservation, and otherwise continue in existence adequate open space lands for the production of food, fiber, and forest crops, and to assure the use and enjoyment of natural resource and scenic beauty for the economic and social well-being of the citizens of Okanogan County.

**14.08.030 - Administration**

The Planning Director of the Okanogan County Office of Planning and Development ("Department"), or designee, is vested with the duty of administering, implementing, and interpreting the provisions of this Chapter. The Planning Director or designee may prepare and/or require the use of such forms and information as deemed necessary to administer the provisions of this Chapter.

**14.08.040 - Compliance with Regulations**

Lands proposed for acceptance into the Open Space Open Space Program shall be in full compliance with all applicable Okanogan County Codes.

#### **14.08.050 - Scope**

This Chapter shall apply to all public and private lands situated within the unincorporated portions of Okanogan County over which Okanogan County has jurisdiction under the constitutions and laws of the State of Washington and of the United States and shall set forth minimum standards in addition to such other standards that may be applicable.

#### **14.08.060 - Definitions**

Those definitions set forth in RCW 84.34.020 and WAC 458.30.200, as adopted and hereafter amended, are hereby incorporated by reference and shall govern and control the application and interpretation of this Chapter. In the case of reference to a specific Okanogan County Code regulation, the definitions within the referenced regulation (for example the Shoreline Master Program) shall prevail. The following definitions also apply:

- A. **Assessor** - The Okanogan County Assessor.
- B. **Board** - The Okanogan Board of County Commissioners.
- C. **Commission** - The Okanogan County Regional Planning Commission.
- D. **Department** - The Okanogan County Office of Planning and Development.
- E. **Planning Director** - The Planning Director of the Okanogan County Office of Planning and Development.
- F. **Program** - The Open Space Open Space Program and Public Benefit Rating System (OCC 14.08).

#### **14.08.070 - Eligible Lands**

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

- 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 ten (10) acres and contain at least one (1) High Priority Resource as described in Chapter 14.08.150(A), or contain a minimum of 159 acres, and;
- C. The property meets the minimum enrollment requirements of the public benefit rating system found in Chapter 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.

#### **14.08.080 - Ineligible Lands (repealed)**

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 Chapter 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: except where the membership or rental is required only for the use of the developed facilities and public access as required by OCC 14.08.160 is allowed without fee.

#### **14.08.090 - Application and Contents**

Applications for enrollment under this Chapter, together with the specified fee, shall be filed with the Department. The accuracy and completeness of the application shall be the responsibility of the applicant. The application shall, at a minimum, contain the following:

- A. Application fee as adopted by the Okanogan County Fee Schedule;
- B. Completed and signed Okanogan County Land Use Application Form;
- C. Completed and signed Washington State Department of Revenue application, if required;
- D. The name, address, and phone number of the landowner/taxpayer, or authorized representative (proof of authorization may be required);

- E. The signature of the landowner/taxpayer, or authorized representative (proof of authorization may be required);
- F. Site plan consistent with the requirements of OCC 14.12.160, unless specifically waived by the Planning Director;
- G. Vicinity map with north arrow denoting the general area of the lands showing the location of the property involved, with directions to the property;
- H. The total number of acres considered for enrollment;
- I. A copy of a recorded deed describing the property and identifying the owner;
- J. A list of all adjacent property owners within 300 feet of the outer boundaries of the property to be considered for enrollment. The list shall include the land owners' names and addresses;
- K. A narrative statement describing the resources present, with verification as required by Chapter 14.08.140(A)(1);
- L. A detailed narrative description of the method and proposed rules of public access, and the location of any gates, fences, or other access obstructions;
- M. A certification of payment of property taxes will be required from the County Treasurer prior to recording of the Open Space Agreement. The certification must indicate that all taxes, assessments, fees, fines, penalties, and/or judgments, outstanding against a parcel of land have been satisfied.

#### **14.08.100 - Multiple Parcels**

Multiple adjacent parcels shall be evaluated as separate individual parcels, each parcel requiring an individual application. Multiple parcels may be consolidated and reviewed as a single parcel under a single application.

#### **14.08.110 - Application Review Process**

The following time line shall be used for the processing of all applications for enrollment:

- A. Applications for enrollment under this Chapter may be made anytime during the current year with the assessment of the land in its enrolled status becoming effective in year two (2) for taxes payable in year three (3). (For example: An owner submits an application for enrollment on April 1, 2002. If approved for enrollment, the qualifying land would be assessed based on its public benefit rating for assessment year 2003, taxes payable in 2004).
- B. An application shall be effective for six (6) months. The continuance of an application beyond six (6) months shall constitute a new application and new application fees apply. The Planning Director may waive the application fee or extend the application six (6) months, if the Planning Director determines that administrative review is responsible for the application delay or circumstances arise which necessitate an extension (for example, a state representative or consultant is delayed in verifying a resource or plan).
- C. Within fourteen (14) days of submitting a complete and vested application, the Department shall:
  - 1. Set the date and time for a public hearing before the Commission;
  - 2. Circulate notice of the application and public hearing to all property owners within three-hundred (300) feet of the exterior boundaries of the property considered for enrollment;
  - 3. Circulate notice of the application and public hearing to county, state, and federal agencies with expertise or interest, for a thirty (30) comment and review period;
- D. At least ten (10) days prior to the public hearing, the Department shall transmit a written report, findings of fact, public benefit rating, and recommendation to the Commission;
- E. The Commission shall at a public hearing:
  - 1. Recommend a public benefit rating and any conditions necessary to meet the public benefit rating;
  - 2. Table and continue at a later date;
  - 3. Request additional information; or
  - 4. Recommend denial of the application for cause.
- F. Within thirty (30) days following the receipt of the Commission's recommendation, the Board shall at a public meeting:
  - 1. Set the public benefit rating and any conditions necessary to meet the public benefit rating;
  - 2. Table and continue at a later date;
  - 3. Request additional information; or



4. Deny the application for cause.

#### **14.08.120 - Land Purchased or Transferred While Application is Pending**

In the event a parcel is conveyed while approval of a timely application is pending, the purchaser or transferee shall, upon written request to the Department, be given the same consideration as the original applicant. The purchaser or transferee shall assume the original applicant's rights and responsibilities in the application process. The purchaser or transferee shall be required to satisfy all requirements that otherwise would have been required.

#### **14.08.130 - State Environmental Policy Act (SEPA)**

Applications for enrollment into the Open Space Program (RCW 84.34) are categorically exempt from review under the State Environmental Policy Act (WAC 197-11-800(6)(c)).

#### **14.08.140 - Public Benefit Rating System**

The intent of the public benefit rating system is to evaluate the retention of "resources and public access" that may be contained on parcels of land in Okanogan County. Several categories of resources are identified for scoring in this system. A maximum of fifty percent (50%) reduction in assessed value for all or a portion of a parcel may result from enrollment in this program. The parcel, or portion thereof, is assigned a rating in the system and given a percentage of reduction in assessed value for that portion of land that qualifies. The rating and percentage of reduction is dependent upon the type of resource(s) found on the parcel. Points may be accrued up to a maximum of fifteen (15). Eligibility is based on the following factors.

##### **A. Resources**

At least three (3) point must be earned under this category to qualify for enrollment. A maximum of 9 points may be accrued from resources. Multiple resources may be contained within a parcel, however, a maximum of 3 resource categories may be used on any one application. Resources are rated according to high, medium or low priority. High priority resources receive three (3) points, medium priority resources two (2) points, and low priority resources one (1) point (resource priority and definition may be found in Chapter 14.08.150). The Commission shall make a determination of applicability in deciding whether a parcel qualifies for specific resources.

##### **1. Determination of Resource Applicability**

The Commission shall, in its recommendation to the Board, make a determination of applicability for all resources. (For example, the Commission shall determine whether a resource is adequately present to award points for that resource.)

##### **2. Verification of Eligible Resources is Required.**

The presence or occurrence of an eligible resource on a parcel shall be field checked by a qualified agency. This may include, but not limited to, the Office of Planning and Development, Washington State Department of Fish and Wildlife, Washington State Department of Natural Resources - Natural Heritage Program, Washington State Department of Ecology, etc. When no resource data exists for a particular parcel, but the property owner believes that the specific resource is present, the owner may request the appropriate agency inspect the site for that resource, or provide to the County, a report prepared by a qualified professional specializing in that area of expertise (i.e., botanist, wildlife manager, geologist, etc.). The County shall utilize the written report and any comments from the agency in determining whether the parcel is eligible for a specific resource.

##### **B. Optional Eligibility Points**

Additional points may be available under this category. At least one resource must be present in order to qualify for optional point classification. A maximum of six (6) points are available, 1 point for each enhanced resource regardless of the priority.

##### **1. Conservation Easement**

A maximum of three (3) points may be scored in this category. No points are required under this category. This value applies when a conservation or historic easement that permanently preserves the resource is in effect on the property. One (1) to three (3) points may be scored depending upon the number of resources on the property and the amount of preservation applied by the easement. A conservation or historic easement is a legal means by which a landowner can voluntarily set permanent limitations on the future use of land thus protecting

the land's particular attributes. The easement is conveyed, through recorded documents, to a qualifying conservation organization or public agency, but the land remains in private ownership and the owner retains full control over public access. A conservation easement shall include those interests or rights authorized to be held or acquired by RCW 84.34.210 or RCW 64.04.130. Historic easements apply to historically important land areas and to historic structures that are listed on the National Register of Historic Places (or are located in and contribute to the historic significance of a National Register Historic District). The easement typically results in a limitation on land development or structure modification which will ensure the ongoing preservation of a historic parcel of land or a historic structure and its setting.

## 2. Restoration/Enhancement

A maximum of three (3) points may be scored in this category for restored and/or enhanced resources. No points are required under this section. At least one resource must be present in order to qualify for optional point classification. One (1) point is available for each enhanced resource regardless of the priority. Restoration and enhancement plans are required and must be completed by a qualified professional.

## C. Assessed Valuation Schedule

The reduction in market value of the qualifying land enrolled in this program is determined by reducing the market value of the qualifying land by a percentage, up to a maximum of fifty percent (50%). The relationship of public benefit points to percentage of assessed value reduction is presented in the following table:

Total Eligibility Points	% Reduction in Market Value
3	15
4	20
5	25
6	30
7-8	35
9-10	40
11-12	45
13-15	50

## 14.08.150 - Priority Resource Categories

### A. High Priority Resources

High priority resources shall receive three (3) points. Resources shall be verified pursuant to Chapter 14.08.140(A)(1).

#### 1. Archaeological Site

**Definition:** All known sites and locations of prehistorical or archaeological interest including but not limited to burial sites, camp sites, rock shelters, caves and the artifacts and implements of the culture.

**Source:** Location and details of known sites are on file at Washington State Office of Archaeology and Historic Preservation.

**Eligibility:** Eligible sites are those which are on file at the Washington State Office of Archaeology and Historic Preservation, or verified by an expert in the field as containing the same features and acceptable by the Office of Archaeology and Historic Preservation for addition to their inventory.

#### 2. Historical Site

**Definition:** A building, structure or site which is of significance to the County's cultural heritage including, but not limited to, Native American and pioneer settlements, old buildings, forts, trails, landings, bridges or the sites thereof together with interpretive facilities, and which are identified in the Washington Heritage Register or the National Heritage Register.

- Source: No comprehensive inventory has been done by the County to date. Refer to State or National registers and inventories at State Office of Archaeology and Historic Preservation and/or the Okanogan County Historical Society.
- Eligibility: Eligible sites must be listed in the Washington Heritage Register or the National Heritage Register, and cannot receive points under the Archaeological Site category.
3. **Shoreline Environment**
- Definition: A lake or stream shoreline and its "associated wetlands" designated by the Okanogan County Shorelines Master Program.
- Source: Official Shoreline Master Program Map
- Eligibility: Eligible lands are those identified either partially or wholly as shoreline environment and their associated wetlands in the Okanogan County Shorelines Master Program.
4. **Special Animal Sites**
- Definition: Habitat for those animal species defined by Washington State Department of Fish and Wildlife (WDFW) as being either an endangered, threatened or sensitive species, or those animal species identified as Level I Habitat on the W.S. Dept. of Fish and Wildlife Priority Habitat Species (PHS) maps.
- Source: W.S. Department of Fish and Wildlife (WDFW), Okanogan County Office of Planning and Development Priority Habitat Species (PHS) maps
- Eligibility: Eligible sites are those with a documented occurrence of an endangered, threatened or sensitive species, or those animal species identified as Level I Habitat on the W.S. Dept. of Fish and Wildlife Priority Habitat Species (PHS) maps.
5. **Special Plant Sites**
- Definition: Those plant species listed by the W.S. Department of Natural Resources - Natural Heritage Program as being either an endangered, threatened or sensitive plant species.
- Source: Location and details of known sites are on file in the WSDNR - Natural Heritage Database.
- Eligibility: Eligible sites are those in the WSDNR - Natural Heritage Database. Individual sites must be verified.
6. **Parcel of Land 159 Acres or Larger**
- Definition: Those parcels of land which contain an area of land 159 acres or larger.
- Source: A deed or other instrument suitable for recording must be filed with the Okanogan County Auditor and tax parcel number assigned by the Okanogan County Assessor.
- Eligibility: The property must be contained within one Assessor's tax parcel number, except those crossing a section line.
7. **Category I & II Wetlands**
- Definition: All Category I wetlands and Category II wetlands over 2,500 square feet as defined by Okanogan County Code 14.12.580.
- Source: National Wetlands Inventory maps, Okanogan County Office of Planning, wetlands expert
- Eligibility: Eligible lands are those meeting the above definition. Not eligible for other points relating to the wetland, for example: Shoreline Environment, Lakes, Ponds, and Streams.
8. **Major Lakes, Ponds and Streams**
- Definition: Lakes and ponds, over one (1) acre in size; and creeks and streams classified as Type 1 & 2 (or other state equivalent) as defined by WAC 222.16.030, located within a well defined channel that carry a perennial flow throughout the year and are used in the life cycles of anadromous fish, based on data compiled by the W. S. Department of Fish and Wildlife or other agency with expertise and are not in a previously described "Shoreline Environment."
- Source: W.S. Department of Fish and Wildlife, W.S. Department of Natural Resources, Okanogan County Office of Planning and Development

Eligibility: Eligible lands are those meeting the definition above. Not eligible under this category if the property has received points under the Shoreline Environment resource category.

#### **9. Farm and Agricultural Conservation Land**

Definition: Land that was previously classified under RCW 84.34.020(2) ("Farm and Agricultural Land") that no longer meets the criteria of said subsection and that is reclassified under this Chapter.

Source: RCW 84.34.020(8)

Eligibility: Eligible lands are those which meet the definition above, and have a high potential of returning to commercial agricultural production as defined in RCW 84.34.020(2). Applications will include a thorough description of expected future commercial agricultural production. A performance review will occur 5 years from the date of enrolment into the Open Space Open Space tax classification. At this time the landowner must show adequate proof qualifying for enrolment into Current Use Agriculture according to RCW 84.34, or prove to the Planning Department (administrator) that the land will return to commercial agricultural production within 1 year, or be removed from the Open Space Open Spate tax classification. Proposals needing more than 1 year to qualify for enrolment into the Current Use Agriculture tax program will be reviewed by the administrator on a case-by-case basis. If the land does not return to commercial agricultural production within this time period, the property will be removed from this category and the additional tax, interest and penalty will be due per RCW 84.34.108 (4), (a), (b), & (c).

#### **B. Medium Priority Resources**

Medium priority resources shall receive two (2) points. Resources shall be verified pursuant to Chapter 14.08.140(A)(1).

##### **1. Public Lands Buffer**

Definition: Lands lying adjacent to public owned parks, forests, wildlife preserves, natural reservations or sanctuaries.

Source: Any City or County Comprehensive Plan, Parks and Recreation Plan, or map showing ownership.

Eligibility: Lands being buffered shall be in public ownership as shown on the Okanogan County Assessor's tax records. Fifty-percent (50%) or more of any one property line must border the public lands. Does not include airports, well sites, or other infrastructure sites for cities, towns, and county, nor does this include lands under OCC 14.08.080(D).

##### **2. Parcel of Land 79 Acres or Larger**

Definition: Those parcels of land that have a deed that identifies an area of land 79 acres or larger.

Source: A deed or other instrument suitable for recording must be filed with the Okanogan County Auditor and tax parcel number assigned by the Okanogan County Assessor.

Eligibility: The property must be contained within one Assessor's tax parcel number, except those crossing a section line.

##### **3. Minor Lakes, Ponds and Streams**

Definition: Lakes and ponds, under one (1) acre in size; and creeks and streams classified as Type 3, 4, & 5 (or other state equivalent) as defined by WAC 222.16.030, located within a well defined channel that carry a perennial flow throughout the year and are used in the life cycles of anadromous fish, based on data compiled by the W. S. Department of Fish and Wildlife or other agency with expertise and are not in a previously described "Shoreline Environment."

Source: W.S. Department of Fish and Wildlife, W.S. Department of Natural Resources, Okanogan County Office of Planning and Development

Eligibility: Eligible lands are those meeting the definition above. Not eligible under this category if the property has received points under the Shoreline Environment resource category.

#### **4. Scenic Vistas**



Definition: An area of natural features which is visually significant to the aesthetic character of the County and is visible from a historically significant or scenic public right-of-way.

Source: No inventory available.

Eligibility: Lands under this resource category must be visible from historically significant or designated scenic highways by a significant number of the general public. Such lands must be of sufficient size to substantially preserve the scenic resource value and must contain a minimum of 40 acres.

**5. Category III Wetlands**

Definition: All Category III wetlands over 2,500 square feet as defined by Okanogan County Code 14.12.580.

Source: National Wetlands Inventory maps, Okanogan County Office of Planning, wetlands expert

Eligibility: Eligible lands are those meeting the above definition. Not eligible for other points relating to the wetland, for example: Shoreline Environment, Lakes, Ponds, and Streams.

**C. Low Priority Resources**

Low priority resources shall receive one (1) point. Resources shall be verified pursuant to Chapter 14.08.140(A)(1).

**1. Parcel of Land 39 Acres or Larger**

Definition: Those parcels of land that have a deed that identifies an area of land 39 acres or larger.

Source: A deed or other instrument suitable for recording must be filed with the Okanogan County Auditor and tax parcel number assigned by the Okanogan County Assessor.

Eligibility: The property must be contained within one Assessor's tax parcel number, except those crossing a section line.

**2. Fee Recreation and Public Access Parking**

Definition: An area that has designated parking for the public and fee recreational activities. All recreational activities and fees collected must be administered by a non-profit organization. The non-profit organization shall have qualified and be certified as a non-profit organization under Internal Revenue Code Section 501(c)(3).

Source: None

Eligibility: Eligible sites are those in which the recreational activity is present, and parking is provided. The site may not have been developed to its maximum potential under its current zoning classification.

**3. Category IV Wetlands**

Definition: All Category IV wetlands over 10,000 square feet as defined by Okanogan County Code 14.12.580.

Source: National Wetlands Inventory maps, Okanogan County Office of Planning, wetlands expert

Eligibility: Eligible lands are those meeting the above definition. Not eligible for other points relating to the wetland, for example: Shoreline Environment, Lakes, Ponds, and Streams.

**4. Urban or Growth Area Open Space**

Definition: Lands located within one half (½) mile of the corporate boundary of a town or city and designated by city or town comprehensive plan as a conservancy, park, or open space.

Source: Local city or town comprehensive plan.

Eligibility: Eligible lands are those meeting the definition above.

**14.08.160 - Public Access**

Except as outlined below, public access to the enrolled property and the features and resources contained therein is required. The applicant may determine the method and rules for public access, subject to approval by the Board. Applications for enrollment in the program shall include the method and proposed rules for public access, which may include, but is not limited to, no motor vehicle usage, no hunting, no fishing, no firearms, etc. If access to the enrolled property involves the crossing of adjacent properties or using a private easement not owned by the

applicant, the applicant must supply documentation that the public may cross such adjacent properties to access the enrolled property. Such documentation shall be recorded with the Okanogan County Auditor and shall extend the life of the Open Space Agreement.

A. In specific instances, public access may be detrimental to the resource(s) involved; therefore, the public access requirement may be waived for all or portions of the property, if any or all of the following conditions exist:

1. The subject property contains an Endangered, Threatened, or Sensitive plant or animal species verified in the field by qualified personnel from the appropriate agency;
2. The subject property contains a known archaeological, historical, or tribal cultural site verified in the field by qualified personnel from the appropriate agency.

#### **14.08.170 - Improvements**

When determining eligibility of a parcel for enrollment under this Chapter that includes structural improvements, a one acre minimum improvement area or homesite will be excluded and not enrolled under this chapter. Covenants, conditions and restrictions (CC&R's) or conservation easements may increase the improvement area to more than one acre depending on the language in the CC&R's or the conservation easement. This also applies to potential building areas listed in the CC&R's and the conservation easement. This improved area or potentially improved area will be assessed at market value as determined by the Assessor.

#### **14.08.180 - Sign Required**

Signs are required only when public access is required under the provisions of this Chapter, the cost of which shall be the responsibility of the landowner. All signs shall:

- A. Be posted within ninety (90) days following enrollment in the Program;
- B. Be purchased from Okanogan County as official open space open space access signage;
- C. Be posted on the subject property's road frontage, or nearest public road as deemed appropriate by the Board.
- D. Be maintained at the landowner's expense in good condition for as long as the property is enrolled in the Program. Failure to maintain or replace removed, missing, or damaged signs by the property owner may jeopardize enrollment in the Program.

#### **14.08.190 - Unapproved Signs**

Signs posted by the landowner, on or around the property proposed for enrollment, must be approved at the time of enrollment in the Program. Unapproved signs which appear to discourage or prohibit public access to the enrolled property shall be removed immediately, or the property shall be subject to OCC 14.08.290.

#### **14.08.200 - Hold Harmless Agreement**

All owners of property enrolled in the Program who are required to grant public access to the subject property shall execute and record a Hold Harmless Agreement, releasing Okanogan County of any liability which may arise as a result of enrollment in the Program. Such forms shall be provided by the Department.

#### **14.08.210 - Open Space Agreement**

Upon approval by the Board, an Open Space Agreement between the County and landowner shall be signed and recorded with the Auditor and may contain the conditions of continued enrollment under this Chapter. The agreement to tax land according to its current use is not a contract between the owners and the County. This agreement can be abrogated, annulled, or cancelled at any time by the state legislature in which event no additional tax, interest, and/or penalty shall be imposed, as specified by WAC 458.30.355.

- A. Within five (5) calendar days after the approval of the application for enrollment under this Chapter, the Department shall deliver by certified mail, return receipt requested, the agreement to the owner for signature.
- B. The owner may accept or reject the agreement.
- C. If accepted, the agreement shall be signed and returned to the Department within thirty (30) days after receipt. If the agreement is not returned to the Department within thirty (30) days after receipt, the County shall presume the agreement has been rejected.

#### **14.08.220 - Minimum Participation Period**

When land has been enrolled in the Program, it shall remain under such classification and shall not be applied to another use except as provided by RCW 84.34.070(2), for at least ten (10) years from the date of the recording of the Open Space Agreement and shall continue under such classification until and unless withdrawn from the classification after notice of request for withdrawal shall be made by the owner. During any year after eight (8) years of the initial ten (10) year classification period have elapsed, notice of request for withdrawal of all or a portion of the land may be given by the owner to the Assessor. In the event that a portion of a parcel is removed from classification, the remaining portion must meet the same requirements as did the entire parcel when such land was originally granted classification pursuant to this Program. The Assessor shall, when two (2) assessment years have elapsed following the date of receipt of such notice, withdraw such land from such classification and the land shall be subject to the additional tax and applicable interest due under RCW 84.34.108.

#### **14.08.230 - Change in Use**

When land which has been classified under this Chapter is applied to some other use, such landowner shall notify the Assessor within sixty (60) days of such change and shall be subject to the provisions of RCW 84.34.080.

#### **14.08.240 - Open Space Land Amendments**

Amendments to the public benefit rating for properties enrolled in the Program shall be processed the same as new open space land applications in accordance with this Chapter.

#### **14.08.250 - Notice of Decision**

The Department shall notify the Assessor and the landowner of the approval of an application for enrollment under this Chapter. All denials of an application shall be in writing to the landowner and shall include the reasons for denial.

#### **14.08.260 - Request for Information**

The Assessor and/or Department may require an owner of land enrolled under this Chapter to submit data relevant to the use of the land or other information pertinent to the continued classification of the land, as specified by WAC 458.30.270.

#### **14.08.270 - Continuing Enrollment Upon Sale or Transfer of Ownership**

Property enrolled under this Chapter may be sold or transferred to new owners subject to the provisions of WAC 458.30.275.

#### **14.08.280 - Appeals**

If an application for classification or reclassification of land under this Chapter is denied by the Board in whole or in part, the applicant may appeal to Okanogan County Superior Court as specified by WAC 458.30.250(4)(b).

#### **14.08.290 - Enforcement**

Property which has been approved under the Chapter, but which is found to be in violation of any terms of the Open Space Agreement or condition of enrollment, may be removed from the Program and all applicable fees, penalties, and interest shall become due pursuant to RCW 84.34.

#### **14.08.300 - Severability**

If any provision of this Chapter is for any reason held to be invalid, the remainder of this Chapter shall remain in effect. If any provision of this Chapter is adjudged invalid as applied to a particular person or circumstance, that provision of this Chapter shall not be affected as to other persons or circumstances.