



Franklin County

Planning and Building Department

Jerrod B. MacPherson—Director

APPLICATION PACKET

FOR THE

OPEN SPACE/OPEN SPACE PROGRAM AND PUBLIC BENEFIT RATING SYSTEM

- Application fee (non-refundable) of \$380.00;
- Completed and signed Franklin County Planning Division Land Development Application;
- Completed and signed Washington State Department of Revenue application, if required;
- The name, address, and phone number of the landowner/taxpayer, or authorized representative (proof of authorization may be required);
- The signature of the landowner/taxpayer, or authorized representative (proof of authorization may be required);
- Site plan of the property;
- Vicinity map with north arrow denoting the general area of the lands showing the location of the property involved, with directions to the property;
- The total number of acres considered for enrollment;
- A copy of a recorded deed describing the property and identifying the owner;
- A narrative statement describing the resources present, with verification as required by the Ordinance;
- A detailed narrative description of the method and proposed rules of public access, and the location of any gates, fences, or other access obstructions;
- 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.

Application and contents

Applications for enrollment under this Ordinance, 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 (non-refundable) of \$380.00;
- B. Completed and signed Franklin County Planning Division Land Development Application;
- 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 of the property;
- 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 narrative statement describing the resources present, with verification as required by the Ordinance;
- K. A detailed narrative description of the method and proposed rules of public access, and the location of any gates, fences, or other access obstructions;
- L. 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.

Process and Procedures

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

- A. The processing schedule that follows intends to (1) provide that applications will be approved or denied within six (6) months following the date the application is deemed complete; and (2) allow sufficient time for County staff to evaluate the applications.

- B. Applications will be accepted during either of two (2) submittal periods as follows:
 - 1. Applications received during the period January 1st through April 30th shall be reviewed for eligibility during the period May 1st through June 30th. Applications shall be deemed complete by July 1st of each year, and shall be approved or denied by the County legislative authority by December 31st.

 - 2. Applications received during the period July 1st through October 31st shall be reviewed for eligibility during the period November 1st through December 31st. Applications shall be deemed complete by December 31st of each year, and shall be approved or denied by the County legislative authority by July 1st of the following year.

Applicants whose submittal is deemed incomplete or ineligible shall be notified as soon as reasonably possible in order to identify additional information required to make the application complete, or to give the applicant an opportunity to withdraw the application.

- C. An application shall be effective for six (6) months. The continuance of an application beyond six months shall constitute a new application and new application fees apply. The planning director may waive the application fee or extend the application six months if the planning director determines that administrative review is responsible for the application delay or circumstances arise that necessitate an extension (for example, a state representative or consultant is delayed in verifying a resource or plan).

- D. Public Hearing:
 - 1. Set the date and time for a public hearing before the commission;

 - 2. At least 5 days prior to the public hearing, the department shall transmit a written report, findings of fact, public benefit rating, and recommendation to the planning commission.

 - 3. Circulate notice of the application and public hearing to all property owners within 1 mile of the exterior boundaries of the property considered for enrollment. Notice of the hearing shall have been given by publishing a summary of the open space applications in a newspaper of general

circulation in the area at least ten (10) days prior to the open record hearing before the Commission. Notification shall also be forwarded to each applicant.

4. Circulate notice of the application and public hearing to county, state, and federal agencies with expertise or interest, for a 30-day comment and review period;
 5. The Planning Commission shall act upon applications after a public hearing.
- E. In determining whether an application for open space land classification or reclassification should be approved, the Planning Commission and the Board of Commissioners may take cognizance of the benefits to the general welfare of preserving the current use of the property which is the subject of application, and shall consider at a minimum the following:
1. The resulting revenue loss or tax shift;
 2. Whether granting the application will:
 - a. Conserve or enhance natural, cultural, or scenic resources;
 - b. Protect streams, stream corridors, wetlands, natural shorelines, floodways and aquifers;
 - c. Protect geologically hazardous, landslide, or seismic areas;
 - d. Protect soil resources and unique or critical wildlife and native plant habitat;
 - e. Promote conservation principles by example or by offering educational opportunities;
 - f. Enhance the value of abutting or neighboring parks, forest, wildlife preserves, nature reservations, sanctuaries, or other open space;
 - g. Preserve historic and archaeological sites;
 - h. Preserve visual quality along highway, road, and street corridors or scenic vistas;
 - i. Affect any other factors relevant in weighing benefits to the general welfare of preserving the current use of the property; and
- F. Following the public hearing the Planning Commission shall make a recommendation on each application to the Board of Commissioners. Such recommendations shall be forwarded to the Board following a ten (10) day appeal period.

- G. An appeal of the Planning Commissions recommendation may occur in accordance with one of the following methods:
1. Applicant. Within ten (10) calendar days from the date of the Planning Commission recommendation, the applicant files written appeal with the Planning and Building Director stating the basis of the appeal;
 2. Other person. Within ten (10) calendar days from the date of the Planning Commission recommendation, any person may file a written appeal with the Planning and Building Director stating the basis of the appeal;
- H. A proper and timely appeal shall cause the Board of County Commissioners to schedule a closed record appeal hearing to consider the appeal of the Planning Commission's recommendation. A closed record public hearing will occur with no new testimony or information allowed to be presented to the Board of Commissioners. Only appeal argument, based upon the Planning Commission's meeting record, will be allowed. The Board of Commissioners may ask questions of persons in attendance based upon the Planning Commissions record.
- I. An appeal fee (non-refundable) of 100.00 is required at the time of filing an appeal.
- J. Upon receipt of the Planning Commission's recommendation, the Board shall schedule a date for decision on the application. The date of decision shall be within thirty (30) calendar days from the date of receipt of the Planning Commission recommendations. During a review of the application(s), if the Board deems that additional review of the Planning Commissioners recommendation is necessary, the Board of County Commissioners shall schedule and conduct a closed record public hearing, in accordance with Section 11 (H). The Board shall approve or deny the application after reviewing comments taken at the Planning Commission public hearing or at the end of a closed record hearing.
- K. If the Board of Commissioners approves the application, an open space land agreement between the County and the landowner(s) shall be signed. Said agreement may contain conditions of approval necessary to assure that the classification of open space land furthers the purposes of the Open Space Act, Chapter 84.34 RCW. If the Board of Commissioners denies the application, in whole or in part, the applicant has the right to appeal only to the Franklin County Superior Court, as specified by WAC 458.30.250(4)(b).

Franklin County

Planning and Building Department

Jerrold B. MacPherson—Director

PLANNING DIVISION LAND DEVELOPMENT APPLICATION

Application Number: _____

Applicant/Representative:

Existing Land Use Zoning District(s):

Name: _____

Address: _____

Legal Description of Property: _____

Phone: (____) _____

Cellular(____) _____

Fax: (____) _____

Site Address: _____

Owner(s): (attach additional sheet if necessary)

Total Acreage Involved: _____

Name: _____

Source of Water: _____

Address: _____

Source of Irrigation: _____

Sewage Disposal System: _____

Phone: (____) _____

Source of Power: _____

Cellular: (____) _____

Comprehensive Plan: _____

Fax: (____) _____

Description of Improvements on Property: _____

Existing Use of Site/Property: _____

Proposed Development Application Request (Specify; Short Plat, Cond Use, Zone Change, Home Occupation, etc.)

We, the undersigned, hereby authorize the filing of this application and certify that the information contained in this application is complete and correct to the best of our knowledge. This authorizes the designated Applicant's representative (if applicable) to act on behalf of the applicant for the processing of this request.

() Owner _____ Date _____

() Applicant/Representative _____ Date _____

Print Name: _____

Print Name: _____

When Recorded Return to:

Open Space Taxation Agreement Chapter 84.34 RCW

(To be used for “Open Space”, “Timber Land” Classification or “Reclassification” Only)

Property Owner _____
Property Address _____
Legal Description _____

Assessor’s Property Tax Parcel or Account Number _____

Reference Numbers of Documents Assigned or Released _____

This agreement between

hereinafter called the “Owner”, and

hereinafter called the “Granting Authority”.

Whereas, the owner of the above described real property having made application for classification of that property under the provisions of Chapter 84.34 RCW. And whereas, both the owner and granting authority agree to limit the use of said property, recognizing that such land has substantial public value as open space and that the preservation of such land constitutes an important physical, social, esthetic, and economic asset to the public, and both parties agree that the classification of the property during the life of this agreement shall be for:

Open Space Land **Timber Land**

Now, therefore, the parties, in consideration of the mutual covenants and conditions set forth herein, do agree as follows:

1. During the term of this agreement, the land shall be used only in accordance with the preservation of its classified use.
2. No structures shall be erected upon such land except those directly related to, and compatible with, the classified use of the land.
3. This agreement shall be effective commencing on the date the legislative body receives the signed agreement from the property owner and shall remain in effect until the property is withdrawn or removed from classification.
4. This agreement shall apply to the parcels of land described herein and shall be binding upon the heirs, successors and assignees of the parties hereto.
5. The landowner may withdraw from this agreement if, after a period of eight years, he or she files a request to **withdraw** classification with the assessor. Two years from the date of that request the assessor shall withdraw classification from the land, and the applicable taxes and interest shall be imposed as provided in RCW 84.34.070 and 84.34.108.
6. After the effective date of this agreement, any change in use of the land, except through compliance with items (5), (7), or (9), shall be considered a **breach** of this agreement, and shall be subject to removal of classification and liable for applicable taxes, penalties, and interest as provided in RCW 84.34.080 and RCW 84.34.108.

7. A **breach** of agreement shall not have occurred and the additional tax shall not be imposed if removal of classification 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 in anticipation of the exercise of such power and having manifested its intent in writing or by other official action.
 - c) A natural disaster such as a flood, windstorm, earthquake, or other such calamity rather than by virtue of the act of the land owner 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 disallowing the present use of such land.
 - e) Transfer of land to a church when such land would qualify for 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 and agricultural land under RCW 84.34.020(2)(e).
 - 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 fee interest or a conservation easement for the riparian open space program 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 forest land under chapter 84.33 RCW, or under chapter 84.34 RCW continuously since 1993. The date of death shown on the death certificate is the date used.
8. The county assessor may require an owner to submit data relevant to continuing the eligibility of any parcel of land described in this agreement.
9. The owner may apply for reclassification as provided in Chapter 84.34 RCW.

This agreement shall be subject to the following conditions:

It is declared that this agreement specifies the classification and conditions as provided for in Chapter 84.34 RCW and the conditions imposed by this Granting Authority. This agreement to tax according to the use of the property is not a contract and can be annulled or canceled at any time by the Legislature (RCW 84.34.070).

Granting Authority:

Dated _____

City or County

Title

As owner(s) of the herein-described land I/we indicated by my/our signature(s) that I am/we are aware of the potential tax liability and hereby accept the classification and conditions of this agreement.

Owner(s)

Dated _____

(Must be signed by all owners)

Date signed agreement received by Legislative Authority _____

Prepare in triplicate with one copy to each of the following: Owner, Legislative Authority, County Assessor

For tax assistance, visit <http://dor.wa.gov/content/taxes/property/default.aspx> or call (360) 570-5900. To inquire about the availability of this document in an alternate format for the visually impaired, please call (360) 705-6715. Teletype (TTY) users may call 1-800-451-7985.

OPEN SPACE OPEN SPACE PROGRAM
AND
PUBLIC BENEFIT RATING SYSTEM



FRANKLIN COUNTY

1016 North 4th Avenue, Pasco, WA 99301

(509) 545-3535 – FAX (509) 545-3573

ORDINANCE NUMBER 1-2007

ORDINANCE NUMBER 1-2007
FRANKLIN COUNTY, WASHINGTON
OPEN SPACE OPEN SPACE PROGRAM
AND
PUBLIC BENEFIT RATING SYSTEM

AN ORDINANCE PROMOTING THE MAINTAINANCE, PRESERVATION, AND CONTINUED EXISTENCE OF ADEQUATE OPEN SPACE LAND IN FRANKLIN COUTNY, WASHINGTON.

WHEREAS, Franklin County understands the need to maintain, preserve and otherwise continue in existence, adequate open space lands for the current or future production of food and fiber; and

WHEREAS, Franklin County wishes to assure the continued use and enjoyment of natural resources and scenic beauty for the economic welfare, social well being, and quality of life for the County and its citizens; and

WHEREAS, this Ordinance is so designed as to permit the continued availability of open space lands through the adoption of a benefit rating system and a potential reduction in assessed value for lands that qualify; and

WHEREAS, this Ordinance is consistent with RCW 84.34 and shall be known as the Franklin County Open Space-Open Space Program and Public Benefit Rating System Ordinance;

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Franklin County, Washington, that **Franklin County Ordinance Number 1-2007** read as follows:

Sections:

1. Short title
2. Purpose
3. Authority and Compliance with regulations
4. Administration
5. Scope
6. Definitions
7. Eligible lands
8. Ineligible lands
9. Application and contents

10. Multiple parcels
11. Application review process
12. Land purchased or transferred while application is pending
13. State Environmental Policy Act (SEPA)
14. Public benefit rating system
15. Priority resource categories
16. Public access
17. Improvements
18. Sign required
19. Unapproved signs
20. Hold harmless agreement
21. Open space agreement
22. Minimum participation period
23. Change in use
24. Open space land amendments
25. Notice of decision
26. Request for information
27. Continuing enrollment upon sale or transfer of ownership
28. Enforcement
29. Effective Date

Section 1 Short Title

This Ordinance shall be known and cited as the “open space open space program and public benefit rating system”.

Section 2 Purpose

The purpose of this Ordinance is to encourage the maintenance, preservation, conservation, and otherwise continue in existence adequate open space lands for the production of food and fiber and to assure the use and enjoyment of natural resource and scenic beauty for the economic and social well-being of the citizens of Franklin County. Further, the Ordinance is so designed as to permit the continued availability of open space lands through the adoption of a benefit rating system and a potential reduction in assessed value for lands that qualify

Section 3 Administration

The County Assessor and the Director of the Franklin County Planning and Building Department or designee is vested with the duty of administering, implementing, and interpreting the provisions of this Ordinance. The Planning and Building Director may prepare and/or require the use of such forms and information as deemed necessary to administer the provisions of this Ordinance.

Section 4 Authority and Compliance with regulations

Franklin County adopts this Ordinance under the authority of Chapter 84.34 RCW. All lands proposed for acceptance into the open space open space program shall be in full compliance with all applicable Franklin County codes.

Section 5 Scope

This Ordinance shall apply to all public and private lands situated within the unincorporated portions of Franklin County over which Franklin 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.

Section 6 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 Ordinance. In the case of reference to a specific Franklin County Code regulation, the definitions within the referenced regulation (for example, the shoreline master program) shall prevail. The following definitions also apply:

- A. “Assessor” means the Franklin County Assessor.
- B. “Board” means the Franklin County Board of County Commissioners.
- C. “Commission” means the Franklin County Planning Commission.
- D. “Department” means the Franklin County Planning and Building Department.
- E. “Planning Director” means the Director of the Franklin County Planning and Building Department.
- F. “Program” means the Open Space-Open Space Program and Public Benefit Rating System (this Ordinance).

Section 7 Eligible lands

All lands within the unincorporated portions of Franklin 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 5 acres and contains at least one priority resource as described in Section 15; and
- C. The property meets the minimum enrollment requirements of the public benefit rating system found in Section 14; 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 Ordinance, all applicable Franklin County codes, and RCW 84.34.

Section 8 *Ineligible lands*

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

- A. Parcel(s) which do not contain a listed resource in Section 15;
- B. Parcels which do not have or do not provide for public access (with limited exceptions, see Section 16);
- C. Designated open space areas or buffers required as part of an approval for zoning, land use 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.

Section 9 *Application and contents*

Applications for enrollment under this Ordinance, 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 (non-refundable) of \$380.00;
- B. Completed and signed Franklin County Planning Division Land Development Application;
- 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 of the property;
- 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 narrative statement describing the resources present, with verification as required by Section 14 A (2);
- K. A detailed narrative description of the method and proposed rules of public access, and the location of any gates, fences, or other access obstructions;
- L. 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.

Section 10 Multiple parcels

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

Section 11 Application review process

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

- A. The processing schedule that follows intends to (1) provide that applications will be approved or denied within six (6) months following the date the application is deemed complete; and (2) allow sufficient time for County staff to evaluate the applications.
- B. Applications will be accepted during either of two (2) submittal periods as follows:
 - 1. Applications received during the period January 1st through April 30th shall be reviewed for eligibility during the period May 1st through June 30th. Applications shall be deemed complete by July 1st of each year, and shall be approved or denied by the County legislative authority by December 31st.

2. Applications received during the period July 1st through October 31st shall be reviewed for eligibility during the period November 1st through December 31st. Applications shall be deemed complete by December 31st of each year, and shall be approved or denied by the County legislative authority by July 1st of the following year.

Applicants whose submittal is deemed incomplete or ineligible shall be notified as soon as reasonably possible in order to identify additional information required to make the application complete, or to give the applicant an opportunity to withdraw the application.

- C. An application shall be effective for six (6) months. The continuance of an application beyond six months shall constitute a new application and new application fees apply. The planning director may waive the application fee or extend the application six months if the planning director determines that administrative review is responsible for the application delay or circumstances arise that necessitate an extension (for example, a state representative or consultant is delayed in verifying a resource or plan).
- D. Public Hearing:
 1. Set the date and time for a public hearing before the commission;
 2. At least 5 days prior to the public hearing, the department shall transmit a written report, findings of fact, public benefit rating, and recommendation to the planning commission.
 3. Circulate notice of the application and public hearing to all property owners within 1 mile of the exterior boundaries of the property considered for enrollment. Notice of the hearing shall have been given by publishing a summary of the open space applications in a newspaper of general circulation in the area at least ten (10) days prior to the open record hearing before the Commission. Notification shall also be forwarded to each applicant.
 4. Circulate notice of the application and public hearing to county, state, and federal agencies with expertise or interest, for a 30-day comment and review period;
 5. The Planning Commission shall act upon applications after a public hearing.
- E. In determining whether an application for open space land classification or reclassification should be approved, the Planning Commission and the Board of Commissioners may take cognizance of the benefits to the general welfare of preserving the current use of the property which is the subject of application, and shall consider at a minimum the following:
 1. The resulting revenue loss or tax shift;
 2. Whether granting the application will:

- a. Conserve or enhance natural, cultural, or scenic resources;
 - b. Protect streams, stream corridors, wetlands, natural shorelines, floodways and aquifers;
 - c. Protect geologically hazardous, landslide, or seismic areas;
 - d. Protect soil resources and unique or critical wildlife and native plant habitat;
 - e. Promote conservation principles by example or by offering educational opportunities;
 - f. Enhance the value of abutting or neighboring parks, forest, wildlife preserves, nature reservations, sanctuaries, or other open space;
 - g. Preserve historic and archaeological sites;
 - h. Preserve visual quality along highway, road, and street corridors or scenic vistas;
 - i. Affect any other factors relevant in weighing benefits to the general welfare of preserving the current use of the property; and
- F. Following the public hearing the Planning Commission shall make a recommendation on each application to the Board of Commissioners. Such recommendations shall be forwarded to the Board following a ten (10) day appeal period.
- G. An appeal of the Planning Commissions recommendation may occur in accordance with one of the following methods:
- 1. Applicant. Within ten (10) calendar days from the date of the Planning Commission recommendation, the applicant files written appeal with the Planning and Building Director stating the basis of the appeal;
 - 2. Other person. Within ten (10) calendar days from the date of the Planning Commission recommendation, any person may file a written appeal with the Planning and Building Director stating the basis of the appeal;
- H. A proper and timely appeal shall cause the Board of County Commissioners to schedule a closed record appeal hearing to consider the appeal of the Planning Commission's recommendation. A closed record public hearing will occur with no new testimony or information allowed to be presented to the Board of Commissioners. Only appeal argument, based upon the Planning Commission's meeting record, will be allowed. The Board of Commissioners may ask questions of persons in attendance based upon the Planning Commissions record.

- I. An appeal fee (non-refundable) of 100.00 is required at the time of filing an appeal.
- J. Upon receipt of the Planning Commission's recommendation, the Board shall schedule a date for decision on the application. The date of decision shall be within thirty (30) calendar days from the date of receipt of the Planning Commission recommendations. During a review of the application(s), if the Board deems that additional review of the Planning Commissioners recommendation is necessary, the Board of County Commissioners shall schedule and conduct a closed record public hearing, in accordance with Section 11 (H). The Board shall approve or deny the application after reviewing comments taken at the Planning Commission public hearing or at the end of a closed record hearing.
- K. If the Board of Commissioners approves the application, an open space land agreement between the County and the landowner(s) shall be signed. Said agreement may contain conditions of approval necessary to assure that the classification of open space land furthers the purposes of the Open Space Act, Chapter 84.34 RCW. If the Board of Commissioners denies the application, in whole or in part, the applicant has the right to appeal only to the Franklin County Superior Court, as specified by WAC 458.30.250(4)(b).

Section 12 *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.

Section 13 *State Environmental Policy Act (SEPA)*

Applications for enrollment into the open space program (Chapter 84.34 RCW) are categorically exempt from review under the State Environmental Policy Act (WAC 197-11-800(6)(c)).

Section 14 *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 Franklin County. Several categories of resources are identified for scoring in this system. A maximum of 75 percent 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 15. Eligibility is based on the following factors:

- A. Resources. At least three (3) points must be earned under this category to qualify for enrollment. A maximum of nine (9) points may be accrued from resources. Multiple resources may be contained within a parcel; however, a maximum of three (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 points, medium priority resources two points, and low priority resources one point (resource priority and definition may be found in Section 15). 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 be limited to, the County Planning and Building Department, 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 (1) resource must be present in order to qualify for optional point classification. A maximum of six (6) points are available, one 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 to three 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 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 (1) resource must be present in order to qualify for optional point classification. One 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 75 percent. The relationship of public benefit points to percentage of assessed value reduction is presented in the following table:

Total Eligibility Points	Percent Reduction in Market Value
3	25
4	30
5	35
6	40
7-8	45
9-10	55
11-12	65
13-15	75

Section 15 *Priority resource categories*

- A. High Priority Resources. High priority resources shall receive three points. Resources shall be verified pursuant to Section 14(A)(2).

1. Archaeological Site.

- a. 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.
- b. Source. Location and details of known sites are on file at Washington State Office of Archaeology and Historic Preservation.

- c. 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.
- a. 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.
 - b. Source. No comprehensive inventory has been done by the county to date. Refer to state or national registers and inventories at the State Office of Archaeology and Historic Preservation and/or the Franklin County Historical Society.
 - c. 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.
- a. Definition. A lake or stream shoreline and its "associated wetlands" designated by the Franklin County shorelines master program.
 - b. Source. Official shoreline master program map or associated documents.
 - c. Eligibility. Eligible lands are those identified either partially or wholly as shoreline environment and their associated wetlands in the Franklin County shorelines master program.
4. Special Animal Sites.
- a. 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 Washington State Department of Fish and Wildlife Priority Habitat Species (PHS) maps.
 - b. Source. Washington State Department of Fish and Wildlife (WDFW), Franklin County Planning and Building Department's Critical Area maps.
 - c. 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 Washington State Department of Fish and Wildlife Priority Habitat Species (PHS) maps.

5. Special Plant Sites.
 - a. Definition. Those plant species listed by the Washington State Department of Natural Resources – Natural Heritage Program as being either an endangered, threatened or sensitive plant species.
 - b. Source. Location and details of known sites are on file in the WSDNR – Natural Heritage Database.
 - c. Eligibility. Eligible sites are those in the WSDNR – Natural Heritage Database. Individual sites must be verified.
6. Category I and II Wetlands.
 - a. Definition. All Category I wetlands and Category II wetlands over 2,500 square feet.
 - b. Source. National Wetlands Inventory maps, Critical Area Maps, wetlands expert.
 - c. 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.
7. Major Lakes, Ponds and Streams.
 - a. Definition. Lakes and ponds, over one acre in size, and creeks and streams classified as Type 1 and 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 Washington State Department of Fish and Wildlife or other agency with expertise, and are not in a previously described “shoreline environment.”
 - b. Source. Washington State Department of Fish and Wildlife, Washington State Department of Natural Resources, Franklin County Planning and Building Department.
 - c. 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.
8. Farm and Agricultural Conservation Land.

- a. 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 Ordinance.
- b. Source. RCW 84.34.020(8).
- c. Eligibility. Eligible lands are those which meet the definition above and will return to commercial agricultural production within a 10 year time period.

9. Floodplains or Floodways.

- a. Definition. Properties which contain floodways or 100-year floodplains as designated by the Franklin County critical areas maps or by the Federal Emergency Management Agency flood maps.
- b. Source. Federal Emergency Management Agency flood maps or the Franklin County critical area maps.
- c. Eligibility. Eligible lands are those that meet the definition above. Not eligible under this category if the property has received points under the shoreline environment resource category or streams.

10. Geologically Hazardous Areas.

- a. Definition. Properties which contain areas that pose potential threats to life or property because of unstable soil, geologic or hydrologic conditions or steep slopes. This includes all landslide and seismic hazard areas.
- b. Source: Federal Emergency Management Agency, Washington State Department of Ecology, Washington State Department of Natural Resources (Division of Geology and Earth Resources), and geologic or geo-technical experts.
- c. Eligibility. Eligible lands are those that meet the definition above.

B. Medium Priority Resources. Medium priority resources shall receive two points. Resources shall be verified pursuant to Section 14(A)(2).

1. Public Lands Buffer.

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

- b. Source. Any city or county comprehensive plan, parks and recreation plan, or map showing ownership.
 - c. Eligibility. Lands being buffered shall be in public ownership as shown on the Franklin County assessor's tax records. Fifty percent 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 Section 8(D).
2. Minor Lakes, Ponds and Streams.
- a. Definition. Lakes and ponds, under one acre in size, and creeks and streams classified as Type 3, 4, and 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 Washington State Department of Fish and Wildlife or other agency with expertise, and are not in a previously described "shoreline environment."
 - b. Source. Washington State Department of Fish and Wildlife, Washington State Department of Natural Resources, Franklin County Planning and Building Department.
 - c. 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.
3. Scenic Vistas.
- a. 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.
 - b. Source. No inventory available.
 - c. 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.
4. Category III Wetlands.
- a. Definition. All Category III wetlands over 2,500 square feet.
 - b. Source. National Wetlands Inventory maps, Franklin County Planning and Building Department, wetlands expert.

- c. 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 point. Resources shall be verified pursuant to Section 14(A)(2).
 - 1. Fee Recreation and Public Access Parking.
 - a. 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 nonprofit organization. The nonprofit organization shall have qualified and be certified as a nonprofit organization under Internal Revenue Code Section 501(c)(3).
 - b. Source. None.
 - c. 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.
 - 2. Category IV Wetlands.
 - a. Definition. All Category IV wetlands over 10,000 square feet.
 - b. Source. National Wetlands Inventory maps, Franklin County Planning and Building Department, wetlands expert.
 - c. 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.
 - 3. Urban Growth Area Open Space.
 - a. Definition. Lands located within one-half 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.
 - b. Source. Local city or town comprehensive plan.
 - c. Eligibility. Eligible lands are those meeting the definition above.

Section 16 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 Franklin County auditor and shall extend the life of the open space agreement.

- A. An Application Review Committee, consisting of the County Planning Director, County Engineer, and applicable resource agencies, shall review each application (related to public access) and make a recommendation to the Planning Commission and Board of Commissioners. This recommendation may involve conditions that will ensure the public benefit is fulfilled and ensure adequate access is provided.

- B. In specific instances, public access may be detrimental to the resource(s) involved; therefore, the feasibility of the public access requirement will be reviewed during each application process. The public access requirement may be waived for all or portions of the property. Conditions that may lead to a waiver include, but are not limited to:
 - 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.
 - 3. The subject property contains land that qualifies as Farm and Agricultural Conservation Land (Section 15 A (8)). The minimum parcel size eligible for this access waiver shall be no less than 20 acres in size.

Section 17 Improvements

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

Section 18 *Sign required*

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

- A. Be posted within 90 days following enrollment in the program;
- B. Be purchased from Franklin County as official open space open space public 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.

Section 19 *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 this Ordinance's Enforcement process.

Section 20 *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 Franklin County of any liability which may arise as a result of enrollment in the program. Such forms shall be provided by the department.

Section 21 *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 Ordinance. 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 calendar days after the approval of the application for enrollment under this Ordinance, 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 30 days after receipt. If the agreement is not returned to the department within 30 days after receipt, the county shall presume the agreement has been rejected.

Section 22 *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 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 years of the initial 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 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.

Section 23 *Change in use*

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

Section 24 *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 Ordinance.

Section 25 *Notice of decision*

The department shall notify the assessor and the landowner of the approval of an application for enrollment under this Ordinance. All denials of an application shall be in writing to the land owner and shall include the reasons for denial.

Section 26 Request for information

The assessor and/or department may require an owner of land enrolled under this Ordinance 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.

Section 27 Continuing enrollment upon sale or transfer of ownership

Property enrolled under this Ordinance may be sold or transferred to new owners subject to the provisions of WAC 458-30-275.

Section 28 Enforcement

Property which has been approved under this Ordinance 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 Chapter 84.34 RCW.

Section 29 Effective Date

This Ordinance, #1-2007, shall come into full force and effect on the 10th day of January 2007.

**BOARD OF COUNTY COMMISSIONERS
FRANKLIN COUNTY, WASHINGTON**



Chair



Chair Pro-Tem

ABSENT

Member



Clerk of the Board