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5 Introduced by JOHN T. O'BRIEN

6 73 - 706

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8 ORDINANCE NO. 1886

9 AN ORDINANCE relating to current use  
10 assessments on open space, farm and  
11 agricultural, and timber land and  
12 implementing the 1973 amendments to  
13 RCW Chapter 84.34; amending and adding  
14 new sections to Ordinance 1076 and KCC  
15 Chapter 20.36.

16 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

17 SECTION 1. Section 1, Ordinance 1076 and KCC 20.36.010  
18 is amended to read as follows:

19 PURPOSE AND INTENT. It is in the best interest of the  
20 county to maintain, preserve, conserve and otherwise continue  
21 in existence adequate open space lands for the production of  
22 food, fiber and forest crops, and to assure the use and enjoyment  
23 of natural resources and scenic beauty for the economic and  
24 social well-being of the county and its citizens.

25 It is the intent of this ordinance to implement  
26 Chapter 84.34, RCW, as amended, by establishing procedures,  
27 rules and fees for the consideration of applications for current  
28 use assessment on "open space land," "farm and agricultural land,"  
29 and "timber land" as those lands are defined in RCW 84.34.020.  
30 The provisions of Chapter 84.34, RCW, and the regulations adopted  
31 thereunder shall govern the matters not expressly covered in this  
32 ordinance.  
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1 SECTION 2. Section 2, Ordinance 1076 and KCC 20.36.020  
2 is amended to read as follows:

3 ZONING AND SUBDIVISION EXAMINER. The office of zoning  
4 and subdivision examiner as established by Art. 5, Ordinance 263,  
5 (Chapter 20.24) as amended, shall act in behalf of the council in  
6 considering applications for current use assessments on open  
7 space or timber land in an unincorporated area of the county or  
8 appeals from denials by the county assessor of applications for  
9 current use assessments on farm and agricultural land as provided  
10 herein.

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12 SECTION 3. Section 3, Ordinance 1076 and KCC 20.36.030  
13 is amended to read as follows:

14 APPLICATIONS. An owner of farm and agricultural land  
15 desiring current use assessment under RCW Chapter 84.34 ((this  
16 ordinance)) shall make application to the county assessor and an  
17 owner of open space or timber land desiring current use assessment  
18 shall make application to the county council by filing an applica-  
19 tion with the county land use management division, department of  
20 community and environmental development. ((by-filing-application  
21 forms-with-the-department-of-planning.)) Said application shall be  
22 upon forms ((prepared-by-the-State-Department-of-Revenue)) supplied  
23 by the county and shall include such information deemed reasonably  
24 necessary ((by-the-department-of-planning)) to properly classify  
25 an area of land under RCW Chapter 84.34 ((this-ordinance)) with  
26 a notarized verification of the truth thereof.  
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1 SECTION 4. Section 4, Ordinance 1976 and Kcc 20.36.040  
2 is amended to read as follows:

3 FEES. (a) The applicant shall pay a filing fee of  
4 ~~((one-hundred-dollars-for-twenty-acres-or-less-and-an-additional~~  
5 ~~one-dollar-for-each-acre-over-twenty, provided that no application~~  
6 ~~shall contain more than six-hundred-forty acres))~~ thirty dollars  
7 (\$30.00), payable to the King County Office of Finance, for each  
8 open space, farm and agricultural, or timber land, application  
9 filed in calendar year 1973 or thereafter: Provided, That if  
10 the application is not approved, then the fee shall be returned  
11 to the applicant.

12 (b) In the case of all farm and agricultural  
13 land applications, whether the application is based on land within  
14 or outside of an incorporated area, the entire fee shall be  
15 collected and retained by the county. In the case of open space  
16 or timber land applications based on land in an incorporated area  
17 of the county, where the city legislative authority has set no  
18 filing fee, the county fee shall govern and the entire fee shall  
19 be collected and retained by the county. Where the city legisla-  
20 tive authority has established a filing fee for open space or  
21 timber land applications based on land in an incorporated area of  
22 the county, a single fee of thirty dollars (\$30.00) shall be  
23 collected by the county from the applicant and the county shall  
24 pay the city one-half of the fee collected: Provided, That in no  
25 event shall the amount paid to the city exceed the fee established  
26 by the city.

1 (c) In the case of open space, farm and agri-  
2 cultural or timber land applications made during the first four  
3 calendar months of 1973, that portion of the filing fee in excess  
4 of thirty dollars (\$30.00) paid pursuant to Ordinance 1076 shall  
5 be refunded to the applicant in every case where the application  
6 has not been approved or disapproved by the county council prior  
7 to July 16, 1973.

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9 SECTION 5. Section 5, Ordinance 1076 and KCC 20.36.050  
10 is amended to read as follows:

11 TIME TO FILE. Applications shall be made by December  
12 31 ((during-the-first-four-calendar-months)) of the calendar year  
13 preceding that year in which such classification is to begin.  
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15 SECTION 6. Section 6, Ordinance 1076 and KCC 20.36.060  
16 is amended to read as follows:

17 PUBLIC HEARING FOR OPEN SPACE AND TIMBER LAND  
18 APPLICATIONS IN UNINCORPORATED AREAS. When it is found that an  
19 open space or timber land application based on land in unincorpor-  
20 ated areas of the county meets the filing requirements of the  
21 land use management division ((department-of-planning)) and the  
22 rules of the State Department of Revenue and the examiner, it  
23 shall be accepted and a date assigned for public hearing. Before  
24 rendering a recommendation on any such application, the examiner  
25 shall hold at least one public hearing thereon.  
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1 SECTION 7. Section 7, Ordinance 1076 and KCC 20.36.070  
2 is amended to read as follows:

3 NOTICE OF PUBLIC HEARING FOR OPEN SPACE AND TIMBER LAND  
4 APPLICATIONS. Notice of the time, place and purpose of any such  
5 public hearing on an open space or timber land application based  
6 on land in unincorporated areas of the county shall be given by  
7 one publication in the official county newspaper at least ten  
8 ~~((twenty))~~ days before the hearing.

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10 SECTION 8. Section 8, Ordinance 1076 and KCC 20.36.080  
11 is amended to read as follows:

12 REPORT BY LAND USE MANAGEMENT DIVISION. ~~DEPARTMENT-OF~~  
13 ~~PLANNING.~~ When such open space or timber land application based  
14 on land in unincorporated areas of the county has been set for  
15 public hearing, the land use management division ~~((department~~  
16 ~~of-planning))~~ shall review the application to determine its  
17 conformance to the comprehensive plan and Chapter 84.34, RCW,  
18 ~~((and-this-chapter,))~~ and shall prepare a report summarizing the  
19 factors involved and ~~((the-department-of-planning))~~ its findings  
20 and recommendation. At least seven days prior to the scheduled  
21 hearing the report shall be filed with the examiner and copies  
22 thereof shall be mailed to the applicant and shall be made  
23 available for use by any interested party.

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25 SECTION 9. Section 9, Ordinance 1076 and KCC 20.36.090  
26 is amended to read as follows:  
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1 EXAMINER'S DUTIES AND POWERS. (a) The examiner or  
2 deputy examiner, in the case of open space and timber land  
3 applications based on land in unincorporated areas of the county,  
4 shall examine available information, conduct public hearings and  
5 prepare a record thereof, and prepare reports of recommendation  
6 to the county council for the approval or disapproval of said  
7 applications.

8 The examiner may recommend that the council approve  
9 the application with such conditions, modifications and restric-  
10 tions as the examiner finds necessary to make the application carry  
11 out the goals and policies of the King County comprehensive plan  
12 and chapter 84.34, RCW ((and-this-chapter.)) In the case of  
13 applications filed after October 1 of each calendar year the  
14 examiner shall establish time periods for satisfaction of any  
15 conditions so as to enable the county assessor to make a timely  
16 notation on the assessment list and the tax roll for such land in  
17 the event of approval of such applications.

18 (b) The examiner, in the case of appeals from denials  
19 by the county assessor of applications for current use assessments  
20 on farm and agricultural land, shall examine available information,  
21 conduct public hearings and prepare a record thereof and prepare  
22 reports of recommendation to the county council for the approval  
23 or disapproval of said appealed applications, based upon RCW  
24 Chapter 84.34.

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26 SECTION 10. There is added to Ordinance 1076 and KCC  
27 20.36 a new section to read as follows:  
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1 NEW SECTION. OPEN SPACE AND TIMBER LAND APPLICATIONS  
2 IN INCORPORATED AREAS.

3 (a) In the case of open space and timber land  
4 applications received by the county based on land in incorporated  
5 areas of the county, the land use management division shall  
6 promptly transmit a copy of said application to the affected  
7 city.

8 (b) Such an application shall be acted upon by a  
9 determining authority composed of three county council members  
10 designated by the county council and three city council members  
11 designated by the applicable city legislative body. The  
12 application shall be acted upon after a public hearing and after  
13 notice of the hearing shall have been given by one publication  
14 in a newspaper of general circulation in the area at least ten  
15 days before the hearing.

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17 SECTION 11. There is added to Ordinance 1076 and KCC  
18 20.36 a new section to read as follows:

19 NEW SECTION. ASSESSOR TO APPROVE OR DISAPPROVE  
20 AGRICULTURAL APPLICATIONS. The county assessor shall approve  
21 or disapprove all applications for farm and agricultural classi-  
22 fication with due regard to all relevant evidence. These  
23 applications shall be deemed to have been approved unless,  
24 prior to the first of May of the year after such application was  
25 mailed or delivered to the assessor, he shall notify the applicant  
26 in writing to the extent to which the application is denied.

1 SECTION 12. There is added to Ordinance 1076 and KCC  
2 20.36 a new section to read as follows:

3 NEW SECTION TIME LIMIT FOR FARM AND AGRICULTURAL  
4 APPEALS AND REMOVAL APPEALS.

5 (a) An applicant for current use assessment of farm  
6 and agricultural land who receives notice in writing from the  
7 county assessor that his application has been denied may appeal  
8 such denial to the county council by filing a written appeal  
9 such the clerk of the county council within twenty-one (21)  
10 calendar days of the date of the assessor's written notice of  
11 denial.

12 (b) An owner of classified land who receives notice  
13 in writing from the county assessor that all or a portion of  
14 such land has been removed from current use classification may  
15 appeal such removal to the county board of equalization by filing  
16 a written appeal with the clerk of the board of equalization  
17 within thirty (30) calendar days of the date of the assessor's  
18 written notice of removal.

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20 SECTION 13. There is added to Ordinance 1076 and  
21 KCC 20.36 a new section to read as follows:

22 NEW SECTION. PENDING APPLICATIONS. All applications  
23 for current use assessments made to the county during the first  
24 four calendar months of 1973, which have not been approved or  
25 disapproved by the county council prior to July 16, 1973, shall  
26 be treated as applications made under RCW Chapter 84.34, as  
27 amended in 1973 by Chapter 212, Laws of 1973 Ex. Sess. The  
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1 applicant shall be required to supplement his original  
2 application, if necessary, in order to provide the county with  
3 the information required by forms prepared by the State Department  
4 of Revenue for applications made after July 16, 1973.

5 INTRODUCED AND READ for the first time this 23rd  
6 day of October, 1973.

7 PASSED this 7th day of January, 1974.

8 KING COUNTY COUNCIL  
9 KING COUNTY, WASHINGTON

10 John T. O'Brien  
11 CHAIRMAN

12 ATTEST:

13  
14 Dorothy M. Anson  
15 Clerk of the Council

16 APPROVED this 14th day of January, 1974.

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18 [Signature]  
19 King County Executive