Individuals wishing to speak on Public Hearing items need to sign in on the sheet provided for that purpose upon entering the public hearing room, and mark the appropriate box indicating a desire to speak. When the Planning Commission addresses that specific item, anyone wishing to offer comments will be permitted up to three (3) minutes to offer his or her statement to the Commission regarding the proposed amendment. Any deviation of the above time limit must be approved by the Commission before commencing any presentation by members of the general public.

At the conclusion of the public hearing, the Planning Commission may discuss the proposed amendments, make changes, or make a decision.

The decision of the Planning Commission is advisory to the Thurston County Board of Commissioners. Following the recommendation by the Planning Commission, the recommendation will be forwarded to the Thurston County Board of Commissioners for final consideration.

Any meetings, open houses, or public hearings will be advertised as required by the Thurston County Code, RCW 36.70A The Growth Management Act, or other applicable state laws.

Tab 1. Public Hearing Notice
Tab 2. Memorandum to Planning Commission
Tab 3. Prevost Application
Tab 4. Bentley Application
Tab 1. Public Hearing Notice
NOTICE OF PUBLIC HEARING
FOR THE THURSTON COUNTY
PLANNING COMMISSION

The Thurston County Planning Commission will hold a public hearing on March 7, 2012 at 7:00 p.m., or soon thereafter in Room 280, Building 1 of the Thurston County Courthouse Complex, 2000 Lakeridge Dr. SW, Olympia, WA 98502. The purpose of the hearing is to accept public comment on two applications proposing to be accepted into the open space tax program. The parcels in the applications include: 11720210300 and 21607120100. The open space program allows the land to remain open and preserve wildlife by giving property owners incentive to not develop to the fullest potential by lowering the taxes on the accepted applications.

The Planning Commission will go into a work session at the conclusion of the hearing. The applications are available for review at the Thurston County Permit Assistance Center in the Thurston County Courthouse.

Those wishing to testify should appear and be heard. If unable to attend, mailed and email comments must be received by March 7, 2012 by 4:00 pm. Send letters to Olivia Story, Assistant Planner, Thurston County Courthouse 2nd Floor, 2000 Lakeridge Drive SW, Olympia, WA, 98502 or to storyo@co.thurston.wa.us. Or contact her at (360) 754-3355 ext. 5477 for more information. If you need special accommodations to participate, please call (360) 754-4001 by 10:00 a.m. at least three days prior to the meeting. Ask for the ADA Coordinator. Citizens with hearing impairments may call the TDD line at (360) 754-2933.
Tab 2. Memorandum to Planning Commission
MEMORANDUM

SUBJECT: Planning Commission consideration of Open Space tax program applications

Planning Commissioners,

Staff completed its review of the two attached Open Space tax program applications, considered the merits of the proposals, and found them to be appropriate for the Open Space tax classification, and an asset to the County. A presentation of the applications was given on February 1, 2012. The following is a brief outline of the applications in question:

**Provost Property**
- 19 acres
- Farm and Agricultural Conservation Land (FACL)
- Estimated tax shift: $483 (50% reduction)

**Bentley Property**
- 15 acres
- Significant Wildlife Habitat Areas
- Resource Restoration
- Conservation easement
- Estimated tax shift: $1,837 (90% reduction)

If you have any questions, please contact me at (360) 754-3355 x5477

Olivia Story
Tab 3. Prevost Application
Thurston County Development Services
Open Space Classification Application
Page 1 of 4

11 110701 VA

Permit Type:  Open Space
Sub Type:  Open Space-Open Space
Work Type: 
Site:  13332 MILITARY RD SE RAINIER WA 98576
Assessor Property ID:  21607120100
Applicant: GARY T PREVOST
Owner: PATRICIA A FOOKES
Owner: GARY T PREVOST

OPEN SPACE CLASSIFICATION APPLICATION
FOR CURRENT USE-BASED PROPERTY TAX ASSESSMENT

IMPORTANT: Please read the Instructions, Things to Know, and Eligibility Criteria sheets before completing this form.

Name(s) of Applicant(s)  GARY PREVOST  PATRICIA A FOOKES
Day Phone Number(s)  360-446-2764
Mailing Address  PO BOX 547
RAINIER, WA 98576
Tax Parcel Number(s)  21607120100

General Location of Property

THREE MILES NW RAINIER

1. Legal Interest in Property:
   [☑] Owner  [ ] Contract Purchaser  [ ] Other (Describe)

2. Total Acreage of Property  30

3. Acreage to be Enrolled in Open Space Program  19

4. What is the Property Currently Used for?  Agricultural Land

5. What kind of public access do you propose?  (Note: Public access is not required for program eligibility.)
   [☑] None

   [ ] Partial Access (1 point): Public access on a seasonal basis or access by members of the organization utilizing the facility.

   [ ] Substantial Access (2 points): Year-round access to members and available to the public upon special arrangement. Any user fees may not exceed three times the average cost for members.

   [ ] Unlimited Access (4 points): Year-round access to the public without special arrangement.

Please describe or explain:
6. Do you propose to apply a conservation easement or historic easement to your property?

☐ Yes (type: __________________)  Does one exist now?  ☐ Yes (type: __________________)  ☒ No

Who will hold (or does hold) the easement? ________________________________

7. Is the open space area dedicated under zoning or subdivision ordinance requirements or used to achieve the maximum development potential under zoning?

☐ Yes  ☒ No

8. **Before completing this part of the application**, use the blue "Eligibility Criteria Checklist" to determine if your property qualifies for any of the Priority Resource categories. (Property must be eligible for at least one Priority Resource and at least 3 points in order to be classified as open space.) Use the list below to indicate which Priority Resource categories you can document eligibility for. Refer to the gray "Help List" for sources of assistance, if needed.

**HIGH PRIORITY RESOURCES (3 points each)**

<table>
<thead>
<tr>
<th># Acres</th>
<th>a. Archaeological Sites</th>
</tr>
</thead>
<tbody>
<tr>
<td>□</td>
<td></td>
</tr>
<tr>
<td>□</td>
<td>b. Farm and Agricultural Conservation Land (FACL)</td>
</tr>
<tr>
<td>□</td>
<td>c. Fish-Rearing Habitat–Ponds and Streams</td>
</tr>
<tr>
<td>□</td>
<td>d. Geological and Shoreline Features</td>
</tr>
<tr>
<td>□</td>
<td>e. Historical Sites</td>
</tr>
<tr>
<td>□</td>
<td>f. Private Recreation Areas</td>
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<tr>
<td>□</td>
<td>g. Rural Open Space Close to Urban or Growth Areas</td>
</tr>
<tr>
<td>□</td>
<td>h. Significant Wildlife Habitat Areas</td>
</tr>
<tr>
<td>□</td>
<td>i. Special Plant Sites</td>
</tr>
<tr>
<td>□</td>
<td>j. Urban or Growth Area Open Space</td>
</tr>
</tbody>
</table>

**MEDIUM PRIORITY RESOURCES (2 points each)**

<table>
<thead>
<tr>
<th># Acres</th>
<th>a. Public Land Buffers</th>
</tr>
</thead>
<tbody>
<tr>
<td>□</td>
<td></td>
</tr>
<tr>
<td>□</td>
<td>b. Scenic Vista or Resources</td>
</tr>
</tbody>
</table>

**LOW PRIORITY RESOURCES (1 point each)**

<table>
<thead>
<tr>
<th># Acres</th>
<th>a. Resource Restoration</th>
</tr>
</thead>
<tbody>
<tr>
<td>□</td>
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</tr>
</tbody>
</table>
9. IMPORTANT! Read all of the following information regarding tax liabilities before signing this application form.

You will owe to the County the following additional taxes, interest and penalties when your property is removed or withdrawn from current use classification. The following is a summary of state law. Consult RCW Chapter 84.34 for details.

STATEMENT OF ADDITIONAL TAX, INTEREST, AND PENALTY DUE UPON REMOVAL OF CLASSIFICATION:

A. Upon removal of classification, an additional tax shall be imposed which shall be due and payable to the county treasurer 30 days after removal or upon sale or transfer, unless the new owner has signed the Notice of Continuance. The additional tax shall be the sum of the following:

   a. The difference between the property tax paid as “Open Space Land” and the amount of property tax otherwise due and payable for the last seven years had the land not been so classified; plus

   b. Interest upon the amounts of the difference (a), paid at the same statutory rate charged on delinquent property taxes.

   c. A penalty of 20% shall be applied to the additional tax if the classified land is applied to some other use except through compliance with the property owner’s request for withdrawal process, or except as a result of those conditions listed in (B) below.

B. The additional tax, interest, and penalty specified in (8A) above shall not be imposed if removal 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 of eminent domain in anticipation of the exercise of such power.

   c. A natural disaster such as a flood, windstorm, earthquake, or other such calamity rather than by virtue of the act of the landowner 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 disallows the present use of such land.

   e. Transfer of land to a church when such land would qualify for property tax 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 & agricultural land under RCW 84.34.020(2)(e) (farm homesite).
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 designated forest land under chapter 84.33 RCW, or classified under this chapter 84.34 RCW continuously since 1993. The date of death shown on the death certificate is the date used.

Removals and withdrawals from the program are processed by the Thurston County Assessor.

I (We) the undersigned, swear under the penalty of perjury, that I (We) am (are) the owner(s) or contract purchaser(s), of the land described above and that the above responses are made truthfully and to the best of my (our) knowledge. I (We) also understand that, should there be willful misrepresentation or willful lack of full disclosure on my (our) part, the granting authority, which may hereafter classify said land under the provisions of Chapter 84.34 RCW, may subsequently remove the classification. In addition, I (we) am (are) aware of the potential tax liability described above.

DATE: 9-19-2011

OWNERS: [Signatures]

SUBSCRIBED and SWORN to before me this 19th day of September, 2011.

Notary Public in and for the State of Washington, residing in Thurston County
Tab 4. Bentley Application
OPEN SPACE CLASSIFICATION APPLICATION
FOR CURRENT USE-BASED PROPERTY TAX ASSESSMENT

IMPORTANT: Please read the Instructions, Things to Know, and Eligibility Criteria sheets before completing this form.

Name(s) of Applicant(s)  Michelle Bentley
Mailing Address  9404 Creek St SE
                 Olympia, WA 98501
Tax Parcel Number(s) 11720210300
General Location of Property
South of Olympia off Rich Road, near Lattin's Cider Mill

1. Legal Interest in Property:
   Owner  🅖  Contract Purchaser  ☐  Other (Describe)  

2. Total Acreage of Property  16

3. Acreage to be Enrolled in Open Space Program

4. What is the Property Currently Used for?  Residence, Organic fruit/Veg Garden, Habitat

5. What kind of public access do you propose? (Note: Public access is not required for program eligibility.)
   ☑  Partial Access (1 point): Public access on a seasonal basis or access by members of the organization utilizing the facility.
   ☑  Substantial Access (2 points): Year-round access to members and available to the public upon special arrangement. Any user fees may not exceed three times the average cost for members.
   ☑  Unlimited Access (4 points): Year-round access to the public without special arrangement.

Please describe or explain:
6. Do you propose to apply a conservation easement or historic easement to your property?

☑ Yes (type: Conservation)  Does one exist now? ☐ Yes (type: ______________)  ☐ No

Who will hold (or does hold) the easement? Capital Land Trust

7. Is the open space area dedicated under zoning or subdivision ordinance requirements or used to achieve the maximum development potential under zoning?

☐ Yes  ☑ No

8. **Before completing this part of the application,** use the blue "Eligibility Criteria Checklist" to determine if your property qualifies for any of the Priority Resource categories. (Property must be eligible for at least one Priority Resource and at least 3 points in order to be classified as open space.) Use the list below to indicate which Priority Resource categories you can document eligibility for. Refer to the gray "Help List" for sources of assistance, if needed.

**HIGH PRIORITY RESOURCES** (3 points each)

# Acres

- a. Archaeological Sites
- b. Farm and Agricultural Conservation Land (FACL)
- c. Fish-Rearing Habitat--Ponds and Streams
- d. Geological and Shoreline Features
- e. Historical Sites
- f. Private Recreation Areas
- g. Rural Open Space Close to Urban or Growth Areas
- h. Significant Wildlife Habitat Areas
- i. Special Plant Sites
- j. Urban or Growth Area Open Space

**MEDIUM PRIORITY RESOURCES** (2 points each)

# Acres

- a. Public Land Buffers
- b. Scenic Vista or Resources

**LOW PRIORITY RESOURCES** (1 point each)

# Acres

- a. Resource Restoration
9. **IMPORTANT! Read all of the following information regarding tax liabilities before signing this application form.**

You will owe to the County the following additional taxes, interest and penalties when your property is removed or withdrawn from current use classification. The following is a summary of state law. Consult RCW Chapter 84.34 for details.

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   b. A taking through the exercise of the power of eminent domain, or sale or transfer to an entity having the power of eminent domain in anticipation of the exercise of such power.

   c. A natural disaster such as a flood, windstorm, earthquake, or other such calamity rather than by virtue of the act of the landowner 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 disallows the present use of such land.

   e. Transfer of land to a church when such land would qualify for property tax 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 & agricultural land under RCW 84.34.020(2)(e) (farm homesite).
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i. The creation, sale, or transfer of forestry riparian easements under RCW 76.13.120.

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DATE: 10/5/11

OWNERS: Michelle Bentley

SUBSCRIBED and SWORN to before me this 5th day of October, 2011.

Notary Public in and for the State of Washington, residing in Thurston County