"Farm & Agriculture Conservation Land"
CURRENT USE ASSESSMENT
Chapter 84.34 RCW

RCW 84.34.010 Legislative declaration. The legislature hereby declares that it is in the best interest of the state to maintain, preserve, conserve, 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 resources and scenic beauty for the economic and social well-being of the state and its citizens. The legislature further declares that assessment practices must be so designed as to permit the continued availability of open space lands for these purposes, and it is the intent of this chapter to provide. The legislature further declares its intent that farm and agricultural lands shall be valued based on their value for use as authorized by Section 11 of Article VII of the Constitution of the State of Washington. [1973 1st ex.s. c 212 § 1; 1970 ex.s. c 87 § 1.]

RCW 84.34.020 Definitions. As used in this chapter, unless a different meaning is required by the context:
8) "Farm and agricultural conservation land" means either:
   (a) Land that was previously classified under subsection (2) [Farm and Agricultural Land] of this section, that no longer meets the criteria of subsection (2) [Farm and Agricultural Land] of this section, and that is reclassified under subsection (1) [Open Space - Farm and Agricultural Conservation Land] of this section; or
   (b) Land that is traditional farmland that is not classified under Chapter 84.33 or 84.34 RCW, that has not been irrevocably devoted to a use inconsistent with agricultural uses, and that has a high potential for returning to commercial agriculture.

RCW 84.34 provides an opportunity for owners of property currently classified under the Open Space Farm and Agriculture Land, but which no longer qualify for that classification, or traditional farmland not currently classified under the Open Space Taxation Act, to apply for the Farm and Agriculture Conservation Tax classification. This classification allows those owners of qualifying agricultural land to obtain up to a 50% tax deferral while their qualifying agricultural land is idle, provided they develop a plan to produce a qualifying agricultural product that will meet the income standards of the county’s Farm and Agricultural program and show intent to return to that program. Applications will be rated according to Spokane County’s adopted Public Benefit Rating Form.
Spokane County recognizes the State Legislature’s intent to promote the production of food, and fiber and implements it with the adoption of a Public Benefit Rating System that allows the county to rate properties according to their potential to return to commercial agriculture production. Spokane County’s Farm & Agriculture Conservation Program enables the county to tax productive, but currently idle farmland at a current use value rather than at the highest and best use, thereby promoting the state’s interest.

**PROPERTY OWNERS:** Gina Baker-Osterback & Sonia Baker-Vanderbrake
13117 E. Black Rd.
Chattaroy, WA. 99003

Tammi D. Bouchard and Robert J. Congleton
5502 E. Woolard Rd.
Colbert, WA 99005

**PROJECT PLANNER:** Robert Brock, AICP

I. **ASSESSOR’S PARCEL NUMBER(S):**
37232.9006, 37144.9062, 37232.9013, 48342.9003, 48273.9018, 37141.9048

II. **GENERAL LOCATION, ZONING, and IMPROVEMENTS:**
The subject properties are situated in three locations. All are owned by Osterback & Vanderbrake except as noted below.

Parcels 37232.9006 and 37232.9013 are located adjacent to and north of Colbert Rd., approximately 250 feet west of its intersection with Boston Rd., in the NW ¼ of Section 23, Township 27, Range 43. Zoned Rural Conservation and Rural Activity Center. Each parcel has a dwelling and several outbuildings.

Parcels 37141.9048 (Bouchard & Congleton) and 37144.9062 are located 1,400 feet south of the intersection of Woolard Rd. and Hardesty Rd. in NE ¼ of Section 14, Township 27, Range 43. Zoned Rural Conservation. The 9048 parcel has a dwelling, a manufactured home, and several outbuildings. The 9062 parcel has no structures.

Parcels 48273.9018 and 48342.9003 are located east of and adjacent to Madison Rd., approximately 4/10 of a mile north of its intersection with Black Rd., and. in the SW ¼ of Section 27, Township 28, Range 44. Zoned Rural Traditional. The 9018 parcel has several outbuildings, and the 9003 parcel has no structures.

III. **ZONING:**
Noted in section II above.
IV. **PROPOSAL:**
The property owners are requesting to change from the tax classification of “Farm and Agricultural Land” to a tax classification of "Farm and Agriculture Conservation" according to RCW 84.34.020(8)(a). The application consists of six parcels totaling approximately 194.2 acres. The applicants indicate that the land was part of a much larger farm that has been farmed by the family for many generations, and they can trace their ancestors' presence on the land back to when it was homesteaded in 1891. The separated parcels were used for growing alfalfa and raising cattle, chickens, and pigs, with some smaller-scale milk and egg production. The current owners of the properties are descendants of the original farming family. They recently inherited the land and are themselves; too old to actively farm it. They propose to keep the land in a farm-ready condition so that the next owners can have the opportunity to farm it.

V. **ANALYSIS BASED UPON SPOKANE COUNTY CRITERIA:**

A. **Eligibility:**
The applicant’s property is currently classified as Farm and Agriculture land or has historically been used as farmland.

B. **Priority Consideration:**
The applicant has indicated that they are too old to actively farm the land and intend to keep the land in a farm-ready condition so that the next owner can resume qualifying agricultural uses. The current use of the land appears to be consistent with future agricultural activities.

C. **Additional Consideration:**
All of the land in the application has rural zoning designations that allow agricultural uses. Additionally, the land is located outside the Urban Growth Boundary. Additionally, the applicant has developed a noxious weed and pest control strategy.

D. **Impediments to Farm and Agricultural Land:**
A stream bisects several of these properties. The county's Critical Areas Ordinance gives deference to agricultural activities that predate the ordinance.

E. The applicant’s Public Benefit Rating Form score is 160, sufficient to obtain the maximum tax deferral allowable under the Farm and Agriculture Conservation program of 50%. See the attached Public Benefit Rating Form.
VI. SUMMARY:
The applicants wish to reclassify six parcels totaling approximately 194.2 acres of land from the Farm and Agricultural Land tax classification to the Farm and Agriculture Conservation tax classification. They have submitted an application detailing how they will preserve their farmland and provide an opportunity for a future owner to return the land to commercial agricultural production and re-enter the Farm and Agricultural Land current use program.

VII. TAX IMPLICATIONS:
If, at any time, the owner wishes to remove the property from the Farm and Agriculture Conservation current use tax classification, the land is subject to an additional tax equal to the difference between the amount of tax paid under the classification and the tax at true and fair value for the last seven years, plus interest at the statutory rate charged on delinquent property taxes. The land must transition into the agricultural classification within the period indicated in the farm plan and the Farm and Agriculture-Conservation Agreement or the owner must also pay a penalty of an additional 20 percent of the total dollar amount of the seven-year back taxes and interest. The assessor may grant an extension of time for good reason, at their discretion.

VIII. PROPOSED CONDITIONS OF APPROVAL:
Conditions of Approval are for reclassification of the subject property to "Farm and Agriculture Conservation" current use assessment, as conditioned and stipulated in an agreement between the property owner and the Board of Spokane County Commissioners as follows:

A. The change of the tax classification to "Farm and Agriculture Conservation" according to RCW 84.34.020(8)(a) is for six parcels totaling 194.2 acres. The tax parcel numbers: 37232.9006, 37144.9062, 37232.9013, 48342.9003, 48273.9018, and 37141.9048.

B. Any change in the use of the property other than that described in the Farm and Agricultural Conservation Agreement will be cause for reconsideration of the Current Use Assessment. It is the owner's responsibility to notify the Spokane County Assessor of any changes in use, or addition of structures to the property.

C. The owner of the property in question shall submit an annual report to the Spokane County Assessor each January, on or before January 31, which summarizes activities accomplished in the previous year toward fulfillment of their obligation to keep the land in a farm-ready condition.

Attachments:
1. Zoning Map
2. Aerial Map
3. Application
4. Farming History
5. Public Benefit Rating Form
This map was published by the Spokane County Department of Building and Planning as a general planning tool. Due to the differing quality of source documents, the Department cannot accept responsibility for errors or omissions, and therefore, there are no warranties which accompany this material.

Legend

Residential

LDR-P

LDR

MDR

HDR

Commercial

LDAC

Industrial

LDR-P

CC

LDR

RC

MDR

Mixed Use

Residential

UR

RAC

Resource Lands

Mixed Use

Rural

RT

R-5

RCV

1 inch = 500 feet

State Plane WA North

Map produced: May 2024
Spokane County GIS
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Map produced: May 2024
Spokane County GIS

Legend
Residential: NC, LDR-P, LDR, MDR, HDR, Commercial: LDAC
Industrial: UR, RAC, Resource Lands
Mixed Use: MU
Rural: RT, STA, FZ, Resource Lands

1 inch = 600 feet
State Plane WA North

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Map produced: May 2024
Spokane County GIS
Good Morning Robert

I tried to narrow down some dates to establish a narrative on historical data for the farm and this is some of what I have been able to establish. The property was homesteaded in 1891 by George Balloti who was married to Eliza, unfortunately George passed away leaving Eliza with their first born daughter to run the farm. Eliza met my great grandfather Louis Baker and they were married 4/1895 and had 10 children, one of them a boy, my grandfather John Louis Baker. He met and married my grandmother Signa Nyberg in 1927 and they had five children four boys and one girl. They were raised to work hard on the farm to supply an income for the family from the cattle, chicken and pigs. This was in the day when each day of the week was assigned a duty and Friday was the day to go to town for supplies and sell the eggs from the chickens and stop at the Hillyard Lockers to drop off the cream that had been collected from milking the cows for the week. When the children grew up and started families of their own the boys continued to help maintain the 200 acres and two of them also had their own smaller farms and worked full time jobs in Spokane. All of the grandchildren at sometime in our young lives drove tractor during haying season or loaded hay bales on the trailer. I was telling an acquaintance one time where the family farm was and she said they had seen my uncles putting up hay every year and they referred to them as the" legends" because they obviously were in their retirement years, but still working on the farm.

The barn was built in 1942 from the remnants of an old dance hall that was at the corner of the property approximately where the powerline goes through. There are also family stories of how the original house was added onto after the depression and during World War 11 so that they would not be in violation of any wartime laws.

Hope this is helpful Robert.

Thank you
Gina Baker Osterback
FAC-0002-2024

Spokane County Building and Planning
1026 W. Broadway Avenue
Spokane, WA 99206
(509) 477-3675 / (509) 477-4703 (Fax)
Email: bp@spokanecounty.org
www.spokanecounty.org/bp

PUBLIC BENEFIT RATING FORM
FOR OPEN SPACE CLASSIFICATION / FARM AND AG CONSERVATION

IMPORTANT: Please read all brochures described in the Public Benefit Rating Form Checklist for Open Space Classification prior to completing this form.

Name(s) of Applicant(s) Gina Baker Osterback Sonia Baker Date Submitted 3/18/24

Mailing Address 13117 E Black Rd Chattaway 99005 Day Phone Number(s) 509-993-3097

Tax Parcel Number(s) 37232.9006 37141.9048 37232.9013 48342.9003 48273.9018

General Location of Property
4521 E Colby Rd 4521 E Wooten Rd Colby 12919 E Black Rd Chattaway
37232.9006 37141.9048 37141.9048 48273.9018 48342.9003

PART I - Property Overview

1. Legal Interest in Property:
   - Owner
   - Contract Purchaser
   - Other (Describe) Relative Representative 37141.9048

2. Total Acreage of Property 194

3. Acreage to be enrolled in the Farm and Ag Conservation Land Program 194

4. What is the Property Currently Used for? Open spaces and 37141.9048 partial farming

5. Is the land subject to a lease or agreement which permits any other use than its present use? Yes ☐ No ☒ (Note: If yes, please attached a copy of the lease agreement.)

6. Are you proposing to apply a conservation easement or historic easement to your property?
   - Yes (type: ___________________________)
   - Does one exist now? Yes ☐ No ☒
   - No
   - Who will hold (or does hold) the easement? ___________________________

7. Is there currently any mining claim or mining lease on the land? Yes ☐ No ☒

8. Will you be profiting through an activity upon the land through the collection of fees, the sale of merchandise or raw materials, etc.? Yes ☐ No ☒

9. Is the open space area dedicated under zoning or subdivision ordinance requirements or used to achieve the maximum development potential under zoning? Yes ☐ No ☒
PART II - Farm and Agriculture Conservation Land Eligibility
A. Has the land been previously classified as farm and agricultural land under the Open Space Taxation Act, but no longer meets that criteria? (50 pts)
☐ Yes. ☐ No. Comments: ____________________________________________________________

B. Is the land traditional farmland that has never been classified under the Open Space Taxation Act? (50 pts)
☐ Yes. ☐ No. Comments: ____________________________________________________________

NOTE: If you answered “No” to both A and B above, your property is not eligible for this program.

PART III – Priority Consideration
C. Will the land return to commercial farming/agricultural production? Show us how. (25 pts)
☐ Yes. ☐ No. Comments: Family farm. Colbert properties have been farmed for the last 100 years. Chattaroy property has close to 200 years of farming and once had Diamond Match Company small gauge railroad processing plant.

D. Have you prepared a timeline to return the land to commercial farming/agriculture? Please attach. (25 pts)
☐ Yes. ☐ No. Comments: We have aged out of farming but fully intend to keep these historic farming areas ready for future generations.

E. Is the use of your land consistent with agricultural uses? Describe. (25 pts)
☐ Yes. ☐ No. Comments: Fields planted with pasture grass, mowed or cut annually and sprayed.

F. Is the land part of a NRCS conservation program? Please provide documentation. (25 pts)
☐ Yes. ☐ No. Comments: ____________________________________________________________

NOTE: A minimum of two (2) “Priority Considerations” marked “C”, “D”, “E”, or “F” must be marked yes and documented in order to be eligible.

PART IV – Additional Consideration
G. Is the property located outside of an urban growth area boundary? (10 pts)
☐ Yes. ☐ No. Comments: ____________________________________________________________

H. Does the property’s acreage/square footage meet the minimum lot size for the current zoning? (10 pts)
☐ Yes. ☐ No. Comments: ____________________________________________________________

BoCC Res. 8 1036 111808
I. Have you developed a noxious weed and pest management control plan? Please provide. (10 pts)
☑ Yes. ☐ No. Comments: _We have all necessary to field mow and spray for weed control_.

J. Are property conditions suitable for commercial agriculture in terms of soil type, slope? Describe. (10 pts)
☑ Yes. ☐ No. Comments: _Have been maintained_.

K. Please provide any other comments that would show your potential for returning the land to commercial farm and agriculture and that you think would aid the Board when considering classification. (up to 20 pts)
Comments: _Established family farm with numerous farm buildings available to promote the farm environment_.

PART V – Impediments to Farm and Agriculture Land

L. Describe any impediments that may prevent returning the land to farm and agriculture uses such as wetlands, rock outcroppings, steep slopes, erodible soils or other considerations. (up to 50 pt reduction)
☑ Yes. ☐ No. Comments: __________

PART VI – Tax Liability Statement and Signature

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:
1. 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 and interest 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 (2) below.
2. The additional tax, interest, and penalty specified in (1A) 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. Reclassification from: i) farm & agricultural to open space classification; ii) timber land to open space classification; and, iii) from farm and agriculture conservation land to farm and agriculture.

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 Spokane 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: 3/18/24

OWNERS: [Signature]

SUBSCRIBED and SWORN to before me this 18th day of March, 2004.

GLENDA VOGT
NOTARY PUBLIC
STATE OF WASHINGTON
License Number 21034067
My Commission Expires Oct. 11, 2025

Notary Public in and for the State of Washington, residing in Spokane County.
I. BASIS

1.1 The last will of the decedent(s), late of SPOKANE COUNTY, WASHINGTON was exhibited, proven and recorded in this court on: NOVEMBER 16, 2021.

1.2 In that will: GINA BAKER OSTERBACK is named personal representative.

1.3 The personal representative has qualified.

II. AUTHORIZATION

THIS CERTIFIES: GINA BAKER OSTERBACK is authorized by this court to execute the will of the above decedent according to law.

TIMOTHY W. FITZGERALD, SPOKANE COUNTY CLERK

Dated: NOVEMBER 16, 2021

By: Shannon Orlando
Deputy Clerk

III. CERTIFICATE OF COPY

As clerk of the superior court of this county, I certify that the above is a true and correct copy of the Letters of Testamentary in the above-named case which was entered of record on NOVEMBER 16, 2021.

I further certify that these letters are now in full force and effect.

Dated: NOVEMBER 16, 2021

TIMOTHY W. FITZGERALD, SPOKANE COUNTY CLERK

By [Signature]
Deputy Clerk
### PUBLIC BENEFIT RATING FORM

**Farm and Ag Conservation Land**  
**Staff Use Only**

File Number: **FAC-02-24**  
Zoning Designation: **REV. RT, RAC**

Applicant Name: ____________________  
Planner: **Robert Brock**

Date application complete & fee paid: ____________________

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<th>COMMENTS (1 required)</th>
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<td>A</td>
<td>50</td>
<td>Previously classified as farm and agricultural land</td>
<td>yes</td>
<td>50</td>
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<tr>
<td>B</td>
<td></td>
<td>Traditional farmland</td>
<td>YES, Parcel 37141.9048 Is NOT IN AG, BUT IS TRADITIONALLY Farmed</td>
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<td>C</td>
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<td>Returning the land to commercial farming/agricultural production</td>
<td>Entering the program due to age. The land can return to use at change of ownership</td>
<td>25</td>
</tr>
<tr>
<td>D</td>
<td>25</td>
<td>Timeline to return to commercial farming/agriculture</td>
<td>Upon change of ownership</td>
<td>25</td>
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<td>E</td>
<td>25</td>
<td>Use of land consistent with agricultural uses</td>
<td>yes</td>
<td>25</td>
</tr>
<tr>
<td>F</td>
<td></td>
<td>Land is part of a NRCS conservation program</td>
<td>NA</td>
<td>25</td>
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<td>Located outside of an urban growth area boundary</td>
<td>yes</td>
<td>10</td>
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<tr>
<td>H</td>
<td>5</td>
<td>Meets minimum lot size per zoning</td>
<td>All but one parcel meets minimum lot size standards</td>
<td>10</td>
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<tr>
<td>I</td>
<td>10</td>
<td>Noxious weed and pest management control plan.</td>
<td>yes, currently practicing</td>
<td>10</td>
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<tr>
<td>J</td>
<td>10</td>
<td>Property conditions are suitable for commercial agriculture</td>
<td>yes - large parcels</td>
<td>10</td>
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<td>K</td>
<td>10</td>
<td>Other comments that potential for returning the land to commercial farm and agriculture and that would aid the Board when considering classification.</td>
<td>Past history of Ag use growing a variety of crops and livestock</td>
<td>Up to 20</td>
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## PUBLIC BENEFIT RATING FORM
### Farm and Ag Conservation Land
#### Staff Use Only

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<th>LAND IMPEDIMENTS</th>
<th>COMMENTS</th>
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<td>L.</td>
<td>-10</td>
<td>Prevent the land from returning to farm and agricultural uses such as wetlands, rock outcroppings, steep slopes, erodible soils or other considerations</td>
<td>A Creek Flows Through Several of the Parcels.</td>
</tr>
</tbody>
</table>

| PTS POSSIBLE |
| Up to 50 pt reduction |

### TOTAL POINTS ACCUMULATED

160

### NOTES:

This Application has a history of family use dating back to 1891. The land appears to be fertile and the amount of acreage significant. A high potential for future agricultural activities is present.

---

**Planning Commission Hearing:**

**BoCC Consideration:**

**Agreement Signed:**

**Forwarded to Assessor:**

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BoCC Res. 81036 111808