

RCW 84.34.041 Application for current use classification—Forms—Public hearing—Approval or denial. (1) An application for current use classification or reclassification under RCW 84.34.020(3) must be made to the county legislative authority.

The application must be made upon forms prepared by the department of revenue and supplied by the granting authority and must include the following elements that constitute a timber management plan:

- (a) A legal description of, or assessor's parcel numbers for, all land the applicant desires to be classified as timberland;
- (b) The date or dates of acquisition of the land;
- (c) A brief description of the timber on the land, or if the timber has been harvested, the owner's plan for restocking;
- (d) Whether there is a forest management plan for the land;
- (e) If so, the nature and extent of implementation of the plan;
- (f) Whether the land is used for grazing;
- (g) Whether the land has been subdivided or a plat filed with respect to the land;
- (h) Whether the land and the applicant are in compliance with the restocking, forest management, fire protection, insect and disease control, weed control, and forest debris provisions of Title 76 RCW or applicable rules under Title 76 RCW;
- (i) Whether the land is subject to forest fire protection assessments pursuant to RCW 76.04.610;
- (j) Whether the land is subject to a lease, option, or other right that permits it to be used for a purpose other than growing and harvesting timber;
- (k) A summary of the past experience and activity of the applicant in growing and harvesting timber;
- (l) A summary of current and continuing activity of the applicant in growing and harvesting timber;
- (m) A statement that the applicant is aware of the potential tax liability involved when the land ceases to be classified as timberland.

(2) An application made for classification of land under RCW 84.34.020(3) must be acted upon after a public hearing and after notice of the hearing is given by one publication in a newspaper of general circulation in the area at least ten days before the hearing. Application for classification of land in an incorporated area must be acted upon by: (a) A granting authority composed of three members of the county legislative body and three members of the city legislative body in which the land is located in a meeting where members may be physically absent but participating through telephonic connection; or (b) separate affirmative acts by both the county and city legislative bodies where both bodies affirm the entirety of an application without modification or both bodies affirm an application with identical modifications.

(3) The granting authority must act upon the application with due regard to all relevant evidence and without any one or more items of evidence necessarily being determinative, except that the application may be denied for one of the following reasons, without regard to other items:

- (a) The land does not contain a stand of timber as defined in chapter 76.09 RCW and applicable rules, except this reason alone is not sufficient to deny the application (i) if the land has been recently harvested or supports a growth of brush or noncommercial type

timber, and the application includes a plan for restocking within three years or the longer period necessitated by unavailability of seed or seedlings, or (ii) if only isolated areas within the land do not meet minimum standards due to rock outcroppings, swamps, unproductive soil, or other natural conditions;

(b) The applicant, with respect to the land, has failed to comply with a final administrative or judicial order with respect to a violation of the restocking, forest management, fire protection, insect and disease control, weed control, and forest debris provisions of Title 76 RCW or applicable rules under Title 76 RCW;

(c) The land abuts a body of salt water and lies between the line of ordinary high tide and a line paralleling the ordinary high tide line and two hundred feet horizontally landward from the high tide line.

(4) (a) The timber management plan must be filed with the county legislative authority either: (i) When an application for classification under this chapter is submitted; (ii) when a sale or transfer of timberland occurs and a notice of continuance is signed; or (iii) within sixty days of the date the application for reclassification under this chapter or from designated forestland is received. The application for reclassification must be accepted, but may not be processed until the timber management plan is received. If the timber management plan is not received within sixty days of the date the application for reclassification is received, the application for reclassification must be denied.

(b) If circumstances require it, the county assessor may allow in writing an extension of time for submitting a timber management plan when an application for classification or reclassification or notice of continuance is filed. When the assessor approves an extension of time for filing the timber management plan, the county legislative authority may delay processing an application until the timber management plan is received. If the timber management plan is not received by the date set by the assessor, the application or the notice of continuance must be denied.

(c) The granting authority may approve the application with respect to only part of the land that is described in the application, and if any part of the application is denied, the applicant may withdraw the entire application. The granting authority, in approving in part or whole an application for land classified pursuant to RCW 84.34.020(3), may also require that certain conditions be met.

(d) Granting or denial of an application for current use classification is a legislative determination and is reviewable only for arbitrary and capricious actions. The granting authority may not require the granting of easements for land classified pursuant to RCW 84.34.020(3).

(e) The granting authority must approve or disapprove an application made under this section within six months following the date the application is received.

(5) No application may be approved under this section, and land may not otherwise be classified or reclassified under RCW 84.34.020(3), if the timberland classification and designated forestland program are merged under RCW 84.34.400. [2014 c 137 § 7; 2009 c 350 § 14; 2002 c 315 § 2; 1992 c 69 § 20.]