

**Clark County Code
Chapter 3.08**

OPEN SPACE TAXATION

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3.08.007 Purpose and intent.

The board of commissioners hereby declares that it is in the best interest of the county 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 the scenic beauty for the economic and social well-being of the county and its citizens. (Sec. 1 of Ord. 1982-02-65)

3.08.011 Current use assessment application—Processing fee.

An owner of land making application to the Clark County assessor desiring “current use assessment” for open space land, farm and agricultural land, or timber land shall accompany such application and shall pay a processing fee of one hundred fifty dollars (\$150.00). Provided no application fee shall be charged when an application is being processed because of

legislative changes requiring the need to transfer properties between classifications. (Secs. 1 & 2 of Res. No. 1977-10-32; amended by Sec. 2 of Ord. 1982-02-65; amended by Sec. 1 of Ord. 1994-02-12; amended by Ord. 1996-12-04)

3.08.021 Parcel size.

Parcels must be at least ten (10) contiguous acres in size exclusive of a home site of one (1) acre, to be eligible for “open space” classification, except as specified herein. (Sec. 4 of Res. No. 1977-10-32; amended by Sec. 3 of Ord. 1982-02-65; amended by Sec. 3 of Ord. 1992-02-03; amended by Sec. 1 of Ord. 1996-02-30)

3.08.031 Conservation and enhancement of natural resources.

Applications for “open space” classification based on conservation or enhancement of natural resources will be limited to the following:

- (1) Mineral deposits which are of at least twenty (20) acres not currently being excavated and of economic significance as defined by the County Comprehensive Plan and delineated in the Department of Natural Resources Study.
- (2) Archaeological sites that are registered with the State of Washington and protected. (These could be less than five (5) acres.) Public access may be required. (Provided, such public access shall only be deemed required so long as open space classification is in full force and effect and shall not be deemed to vest any permanent rights of public access or use.) (Sec. 5 of Res. No. 1977-10-32; amended by Sec. 4 of Ord. 1982-02-65)

3.08.040 Stream protection.

Applications for “open space” classification based on protection of streams and water supplies will be limited to the following, provided that the minimum acreage requirement is met:

- (1) Areas of significant springs as delineated by the Department of Natural Resources Study on water resources.
- (2) Tracts contiguous to or straddling major streams designated shorelines of the state, or identified in the county’s shoreline master program. Public access may be required provided that public access shall only be required as open space classification is in full force and effect and shall not be deemed to vest any permanent rights of public access or use. (Sec. 6 of Res. No. 1977-10-32; amended by Sec. 5 of Ord. 1982-02-65; amended by Sec. 1 of Ord. 1996-02-30)

3.08.050 Soil conservation.

Applications for “open space” classification based on promotion of the conservation of soils will be restricted to the following:

- (1) Tracts which contain not less than ten (10) acres of Class I or Class II soil, as identified by

the local Soil Conservation Service Office, and at least eighty percent (80%) of the tract must be in production of food or fiber.

(2) Tracts wherein a major portion is incorporated into the comprehensive park greenway plan. Public access may be required, provided public access shall only be required as long as open space classification is in full force and effect and shall not be deemed to vest any permanent rights of public access or use. (Sec. 7 of Res. No. 1977-10-32; amended by Sec. 6 of Ord. 1982-02-65; amended by Sec. 1 of Ord. 1996-02-30)

3.08.055 Enhancement of recreational opportunities.

Applications for "open space" classification based on the enhancement of recreational opportunities shall be limited to the following:

Public access golf courses, "public airstrips," or private airstrips with public tie-down and public fuel supply facilities, as mapped by the Federal Aviation Administration or WDOT Aeronautics, ballfield complexes, nonpublic owned parks and lakes designated in the Clark County shoreline management master program, provided there is public access and such properties are kept open and made available for public use. (Provided such public access shall only be deemed required so long as open space classification is in full force and effect and shall not be deemed to vest any permanent rights of public access or use.) It is further provided that all improvement thereto shall be at market value. (Sec. 7 of Ord. 1982-02-65; amended by Sec. 1 of Ord. 1996-02-30)

3.08.060 Historic sites.

Applications for "open space" classification based on preservation of historic sites will be limited to historic sites and land containing structures of historic significance so long as they are listed on the local, state or national historic registers and protected as such. (These tracts could be less than five (5) acres.) Public access may be required, provided such public access shall only be deemed required so long as open space classification is in full force and effect and shall not be deemed to vest any permanent rights of public access or use. (Sec. 8 of Res. No. 1977-10-32; amended by Sec. 1 of Ord. 1996-02-30)

3.08.070 Timberland.

Applications for "timberland" classification will be limited to tracts containing at least five (5) acres and exclusive of a home site of one (1) acre, and/or other nonforest use, and meeting the following criteria:

(1) Tracts containing any commercial forest tree species which will produce a merchantable stand of timber on a particular site. (Cultivated Christmas trees and ornamental trees are excluded). A forest management plan must be submitted by the applicant, to be reviewed by county staff for completeness and feasibility, during the application review process.

(2) Tracts on which trees are distributed over the entire acreage with at least a one-third (1/3) crown covering. Seedlings must be established with a minimum of three hundred (300) trees per acre.

(3) If the tract does not contain commercial forest tree species as specified above, the owner must file a written commitment with the forest management plan to have the proposed area (meeting the five (5) acre minimum) stocked. Owners must include the time period required to meet the forest management plan objectives for stocking, to meet the county criteria (subsection (2) of this section), and the minimum standards of the Forest Practices Act.

(4) Competing vegetation shall be controlled to the extent necessary to allow for the establishment, survival and growth of commercial forest tree species. (Sec. 8 of Res. No. 1977-10-32; amended by Sec. 1 of Ord. 1996-02-30)

3.08.080 Weed control.

An effective noxious weed control program must be implemented on all “open space” and “timber land” tracts. (Sec. 10 of Res. No. 1977-10-32)

3.08.090 Platted land.

Each lot or parcel of land within platted subdivisions or short subdivisions, must meet the minimum acreage requirement for the classification being applied for (Open space equals minimum ten (10) acres, timberland equals minimum of five (5) acres), exclusive of a one (1) acre home site. Land being used for second or recreational homes shall not be eligible for “open space” or “timberland” classifications, except when such lots are eligible for classification under Section 3.08.060, Historic sites, or under Section 3.08.031, Archaeological sites. (Sec. 11 of Res. No. 1977-10-32; amended by Sec. 1 of Ord. 1996-02-30)

3.08.100 Minimum acreage.

(Sec. 12 of Res. No. 1977-10-32; amended by Ord. 1982-02-65; repealed by Sec. 1 of Ord. 1996-02-30)

3.08.110 LID approval.

(Sec. 3 of Res. No. 1977-10-32; repealed by Sec. 9 of Ord. 1982-02-65)

3.08.120 Public access.

In all instances where public access is required as a condition of “open space” classification, no fees shall be charged except when fees are allowed in the open space agreement or subsequent amendments. (Sec. 8 of Ord. 1982-02-65; amended by Sec. 1 of Ord. 1996-20-30)

