



# Spokane County

WASHINGTON

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Thursday, June 13, 2024, at 9:00 A.M.

## Spokane County Planning Commission

[www.spokanecounty.org/623/Planning-Commission](http://www.spokanecounty.org/623/Planning-Commission)

Commissioner's Hearing Room, Lower Level, Public Works Building

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### Attachments: (Click the Following Links for Review)

Agenda

Legal Notice

Minutes of May 16, 2024 – DRAFT

Minutes of May 30, 2024 - DRAFT

FAC-01-24 Staff Report

FAC-02-24 Staff Report

Supplemental Staff Report of CPA-04-16 Remand: Please use the following Spokane County web link.

- <https://www.spokanecounty.org/DocumentCenter/View/55225/Staff-Report-Remand-CPA-04-16?bidId=>
- 

### Public and Zoom Webinar Information

Public Comments may be limited to three (3) minutes per speaker. The Planning Commission reserves the right to adjust the time frame allotted to speakers. Chat functions are not recognized for commenting—please use the web link.

For additional assistance contact us at <https://www.spokanecounty.org/5175/Planning-Commission-News>, by calling 509-477-3675, or by emailing [planningcommission@spokanecounty.org](mailto:planningcommission@spokanecounty.org).

All public hearings are conducted in the Commissioner's Hearing Room, Public Works Bldg. 1026 W. Broadway, Spokane, WA. Facilities are physically accessible for individuals with disabilities.

Questions or special needs may be directed to Elya Miroshin at [emiroschin@spokanecounty.org](mailto:emiroschin@spokanecounty.org) or (509) 477-7139.

### Webinar Link:

<https://us06web.zoom.us/j/81213204662?pwd=sVofnVf6CYEASWhmGnYg9XPbeWmLWs.1>

**Telephone:** 1-253-215-8782 (toll free) | Meeting ID: 812 1320 4662 | Passcode: 814919



# Spokane County

WASHINGTON

## AGENDA

### Spokane County Planning Commission

Thursday, June 13, 2024, at 9:00 A.M.

Board of County Commissioners Hearing Room, Lower Level, Public Works Building

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Chair Stephen Pohl, Vice Chair Pete Rayner, Clyde Haase, Wayne Brokaw,  
Melissa Wittstruck, Logan Camporeale, Lonnie Edwards

[www.spokanecounty.org/623/Planning-Commission](http://www.spokanecounty.org/623/Planning-Commission)

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*The public may participate in person or remotely by utilizing our weblink and telephone conference links (\*9 to raise hand and \*6 to speak). Individuals are limited to one three-minute comment period for any item. Please keep your comments specific to the current agenda item. Chat is not supported.*

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|----------------|---|
| Call to Order  | 9:00 AM   |
| Open Forum     | <i>Public Comment on any item <b>not</b> on the current agenda</i>  |
| Public Hearing | Farm and Agricultural Conservation File FAC-01-24, parcels: 24092.9004 & 24091.9002 owner: Lorretta C. Magnuson.<br><br>Farm and Agricultural Conservation File FAC-02-24, parcels: 37232.9006, 37232.9013, 37144.9062, 48273.9018, 48342.9003 owner: Personal Asset Trust for Gina Baker-Osterback/Personal Asset Trust for Sonia Baker-Vandebrake. Parcel 37141.9048, Tammi D. Bouchard / Robert J. Congleton.<br><br>2024 reconsideration of the Growth Management Hearings Board Remand of Comprehensive Plan Amendment 16-CPA-04. Applicant: J.R. Bonnett Engineering. Parcels: 26131.9063, 36182.9116, 36182.9114. A proposal to change the Comprehensive Plan Map and concurrent zone change from Low-Density Residential (LDR) to Medium Density Residential (MDR) on 22.3 acres. |
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#### Spokane County Building & Planning Department

Workshop Preliminary Housing Allocations by Income Groups – presentation and discussion of the initial PTAC work on possible housing allocation by income groups to the individual jurisdictions within Spokane County.

Spokane County Visioning – discussion of the intended outcome of the visioning process to guide land use growth recommendations.

Staff Report

Minutes May 16, 2024 & May 30, 2024

Next Meeting June 27, 2024 & July 11, 2024

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**Spokane County Building & Planning Department**

Spokane County Public Works Building ♦ Spokane Washington ♦ 509.477.1500 ♦ [www.spokanecounty.org/BP](http://www.spokanecounty.org/BP)

## SPOKANE COUNTY PLANNING COMMISSION

**NOTICE IS HEREBY GIVEN** by the Spokane County Planning Commission pursuant to Chapter 36.70 and 36.70A RCW that a public meeting with a virtual participation option will be held in the Commissioner's Hearing Room, Lower Level, Public Works Building, located at 1026 W. Broadway, Spokane, WA, on Thursday, June 13th, 2024, at 9:00 a.m. The meeting will also be available via Zoom.

### **WEBINAR LINK:**

<https://us06web.zoom.us/j/81213204662?pwd=sVofnVf6CYEASWhmGnYg9XPbeWmLWs.1>

**TELEPHONE:** 1-253-215-8782 (toll-free)  
Meeting ID: 812 1320 4662  
Passcode: 814919

## **SPOKANE COUNTY PLANNING COMMISSION**

Thursday, June 13th, 2024 -- 09:00 AM Pacific Time (US and Canada)

### **PUBLIC HEARINGS**

Farm and Agricultural Conservation file FAC-01-24, parcels: 24092.9004 & 24091.9002 owner: Lorretta C. Magnuson.

Farm and Agricultural Conservation file FAC-02-24, parcels: 37232.9006, 37232.9013, 37144.9062, 48273.9018, 48342.9003 owner: Personal Asset Trust for Gina Baker-Osterback/Personal Asset Trust Sonia Baker-Vandebrake. Parcel 37141.9048, Tammi D. Bouchard / Robert J. Congleton.

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### **WORKSHOP**

Preliminary Housing Allocations by Income Groups – presentation and discussion of the initial PTAC work on possible housing allocation by income groups to the individual jurisdictions within Spokane County.

Spokane County Visioning – discussion of the intended outcome of the visioning process to guide land use growth recommendations.

Public comments are welcome. Comments may be limited to three (3) minutes per speaker. The Planning Commission reserves the right to adjust the time frame allotted to speakers. Chat functions are not recognized for commenting. Comments on these items may be made anytime at the Building & Planning web page (<https://www.spokanecounty.org/5553/2024-Comprehensive-Plan-Amendments>).

For additional assistance, contact us at <https://www.spokanecounty.org/5175/Planning-Commission-News>, by calling 509-477-1500, or by email: [planningcommission@spokanecounty.org](mailto:planningcommission@spokanecounty.org).

All public meetings are conducted in the Commissioners' Hearing Room, Public Works Building., 1026 W. Broadway, Spokane, Washington.

Facilities are physically accessible for individuals with disabilities.

Questions or special needs may be directed to Elya Miroshin at [emiroshin@spokanecounty.org](mailto:emiroshin@spokanecounty.org) or by calling 509-477-7139.

DATED THIS MAY 29, 2024  
SPOKANE COUNTY DEPARTMENT OF BUILDING AND PLANNING



**SPOKANE COUNTY PLANNING COMMISSION**

**MINUTES OF THE PUBLIC HEARING**

**MAY 16, 2024**

<b>Planning Commission Members Present</b>	<b>Spokane County Department of Building and Planning Staff Present</b>
Stephen Pohl, Chair	Elya Miroshin, Clerk
Clyde Haase	Michael Weir, Planner
Melissa Wittstruck	Bongo Thompson, Planner
Logan Camporeale (present via zoom)	Tate Andrie, Planner
Lonnie Edwards	Joshua Warwick, Planner
	Graham Zickefoose, Planner
	Scott Chesney, AICP, Planning Director

The May 16, 2024, meeting of the Spokane County Planning Commission was called to order by Chairman Stephen Pohl at 9:02 a.m. A quorum was present. The meeting was accessible to the public in the Commissioners’ Hearing Room, Lower Level, Public Works Building, located at 1026 West Broadway Avenue, Spokane, WA, and via Zoom, with web and telephone links provided on the Building and Planning website and in a public notice published in the Spokesman-Review on May 1, 2024.

Chairman Pohl opened public comment for items not on the agenda:

Public Comment received from Suzanne Savall.

**PUBLIC HEARING**

**Continued public hearing for the Spokane County Comprehensive Plan 2026 Periodic Update - Public Participation Program.**

**PUBLIC COMMENT**

- Paul Kropp

Questions were asked and answered.

Chairman Pohl closed the public hearing for the Spokane County Comprehensive Plan 2026 Periodic Update Public Participation Program.

**MOTION**

Mr. Camporeale moved to recommend the Spokane County Comprehensive Plan 2026 Periodic Update Public Participation Program to the Board of County Commissioners; seconded by Mr. Haase. Discussion ensued. Motion carried unanimously 5-0.

## Active Transportation Master Plan

Chairman Pohl opened the public hearing for the Active Transportation Master Plan. Jami Hayes, Senior Project Manager for the Public Works Department, gave a brief recap of the plan. Questions were asked and answered.

### PUBLIC COMMENTS

- Lunell Haught
- Paul Kropp

Questions were asked and answered.

Chairman Pohl closed the public hearing for the Active Transportation Master Plan.

### MOTION

Mr. Camporeale moved to recommend the Active Transportation Master Plan as amended to the Board of County Commissioners; seconded by Ms. Wittstruck. No discussion. Motion carried unanimously 5-0.

Amendments include adding the definition of complete streets as well as referencing Fish Lake Trail in connection to the Columbia Plateau Trail.

### STAFF REPORT

#### 2026 Comprehensive Plan Periodic Update Kickoff Meetings

Tate Andrie shared a highlighted version of the kickoff presentation that will be used in the seven different locations within the county.

Discussion ensued. Questions were asked and answered.

The next meeting will be held on May 30, 2024.

### MINUTES

Mr. Haase moved to adopt the April 25, 2024, minutes, seconded by Mr. Camporeale. No discussion. Motion carried unanimously 5-0.

**Ms. Wittstruck moved to adjourn; seconded by Mr. Camporeale. The meeting was adjourned at 10:01 a.m.**

Stephen Pohl, Chair \_\_\_\_\_ Date \_\_\_\_\_

Scott Chesney, AICP, Planning Director \_\_\_\_\_

**SPOKANE COUNTY PLANNING COMMISSION**

**MINUTES OF THE PUBLIC MEETING**

**MAY 30, 2024**

<b>Planning Commission Members Present</b>	<b>Spokane County Department of Building and Planning Staff Present</b>
Stephen Pohl, Chair Peter Rayner, Vice Chair Clyde Haase Waye Brokaw Melissa Wittstruck (joined at 9:04 am) Logan Camporeale (joined via zoom at 10:21 am)	Elya Miroshin, Clerk Scott Chesney, AICP, Planning Director

The May 30, 2024, meeting of the Spokane County Planning Commission was called to order by Chairman Stephen Pohl at 9:00 a.m. A quorum was present. The meeting was accessible to the public in the Commissioners’ Hearing Room, Lower Level, Public Works Building, located at 1026 West Broadway Avenue, Spokane, WA, and via Zoom, with web and telephone links provided on the Building and Planning website and in a public notice published in the Spokesman-Review on May 15, 2024.

Chairman Pohl opened public comment for items not on the agenda:

Public Comment received from Paul Kropp.

**WORKSHOP**

**ZTA-01-2023:** This is a proposed amendment to gun and archery ranges. It suggests changes to the gun and archery range definition in Section 14.300 of the Spokane County Code (SCC) and changes to the Conditional Use Permit criteria found in Sections 14.618.240 (10) and 14.416.240 (8) of the SCC.

Sean Lumsden presented a summary of preferred Gun Club attributes and amenities on behalf of the Spokane Gun Club.

**PUBLIC COMMENTS**

- Tim Nihoul
- Nicholas Knapton
- Carol Whitehead
- Pam McCollam
- Justin Hemmel
- Michael Chambers
- Dwight Hume
- Sharon Whitehead
- Patricia Apregan
- Toby Willis

- John Ogden

Discussion ensued. Questions were asked and answered.

**Chairman Pohl ordered a 10 minute recess. The Planning Commission Workshop resumed at 10:21 am.**

**ZTA-03-2024:** A proposal to consider temporary uses that are allowed in small tract agriculture, such as weddings and social events, also be allowed in Rural Traditional Zones as a conditional use, including reasonable limits and regulations for operations, season limits, and other topics.

Mr. Chesney previewed the Planning Commission members with a draft of proposed language suggesting limited use to the Spokane County Zoning Code for rural traditional weddings/events.

Discussion ensued. Questions were asked and answered.

**PUBLIC COMMENTS**

- Greg and Jodi Miley
- Trish Easton

Discussion ensued. Questions were asked and answered. Planning Commission members supported moving forward with the proposal and noted their language ideas and comments to the current draft .

**Comprehensive Plan 2026 Advisory Teams**

Mr. Chesney reviewed the project charter for volunteer groups that will join the Comprehensive Plan 2026 as Technical Advisory Teams.

**PUBLIC COMMENT**

- Paul Kropp

**MINUTES**

Approval of the May 16, 2024, minutes was deferred to the June, 13, 2024, Planning Commission meeting.

The next meetings will be held on June 13, 2024, and June 27, 2024.

**Mr. Camporeale moved to adjourn; seconded by Mr. Haase. The meeting was adjourned at 11:27 a.m.**

Stephen Pohl, Chair \_\_\_\_\_ Date \_\_\_\_\_

Scott Chesney, AICP, Planning Director \_\_\_\_\_

# File No. FAC-01-24

## SPOKANE COUNTY DEPARTMENT OF BUILDING & PLANNING REVISED ANALYSIS MAY 22, 2024

### "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:*

"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 chapters 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.

2005 c 57 § 1; 2004 c 217 § 1; 2002 c 315 § 1; 2001 c 249 § 12; 1998 c 320 § 7; 1997 c 429 § 31; 1992 c 69 § 4; 1988 c 253 § 3; 1983 c 3 § 227; 1973 1st ex.s. c 212 § 2; 1970 ex.s. c 87 § 2.]

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 Agriculture 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 OWNER:** Lorretta Magnuson  
6081 Silver King Blvd. # 1202  
Cape Coral, FL 33914

**PROJECT PLANNER:** Robert Brock, AICP

I. **ASSESSOR'S PARCEL NUMBER(S):** 24092.9004, 24091.9002

II. **GENERAL LOCATION:**

The property is located at the southeast corner of Hallet Road and Spotted Road, in the NW¼ of Section 09, Township 24 North, Range 42 EWM, Spokane County, Washington.

III. **ZONING:**

Urban Reserve

IV. **REVISED PROPOSAL:**

This request was brought before the Public Benefit Rating Board for a review and public hearing on February 15, 2024. At that time, it received an affirmative recommendation. Subsequently, the applicant discovered that they did not include an adjacent parcel in the original application, and they now wish to have it considered. In consultation with the Assessor's Office, it was determined that the most appropriate course of action was to add the additional parcel to the FAC-01-24 application and run the revised proposal back before the reviewing body, as a public hearing. The property owner is 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). This is a revised proposal that now contains two parcels. The subject property consists of approximately 160 acres. The application indicates the applicant can no longer actively farm the land due to age. She is over 80 years old. Ms. Magnuson has stated that the land has been used for alfalfa, hay, and livestock grazing in the past. She indicates that there was recent fence work around the perimeter of the parcel. Ms. Magnuson stated in her application that she has kept the land because she would like a grandchild or other family member to farm it in the future. Her family has owned the land since before she was born.

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

A. Eligibility:

The applicant's property is currently classified as current-use Farm and Agriculture.

B. Priority Consideration:

The applicant has indicated 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 a qualifying agricultural use. The current use of the land is consistent with future agricultural activities.

C. Additional Consideration:

The land is zoned Urban Reserve, which allows agricultural uses. The land is located outside the Urban Growth Boundary. The applicant has developed a noxious weed and pest control strategy.

D. Impediments to Farm and Agricultural Land:

County GIS map layers identify two wetlands on parcel 24092.9004 amounting to approximately 10% of the site. Parcel 24091.9002 also contains wetlands, covering approximately 38% of the site. 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 applicant wishes to reclassify two parcels totaling **160** 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 County Assessor may grant an extension of time for good reason, at their discretion.

**VIII. PROPOSED CONDITIONS OF APPROVAL:**

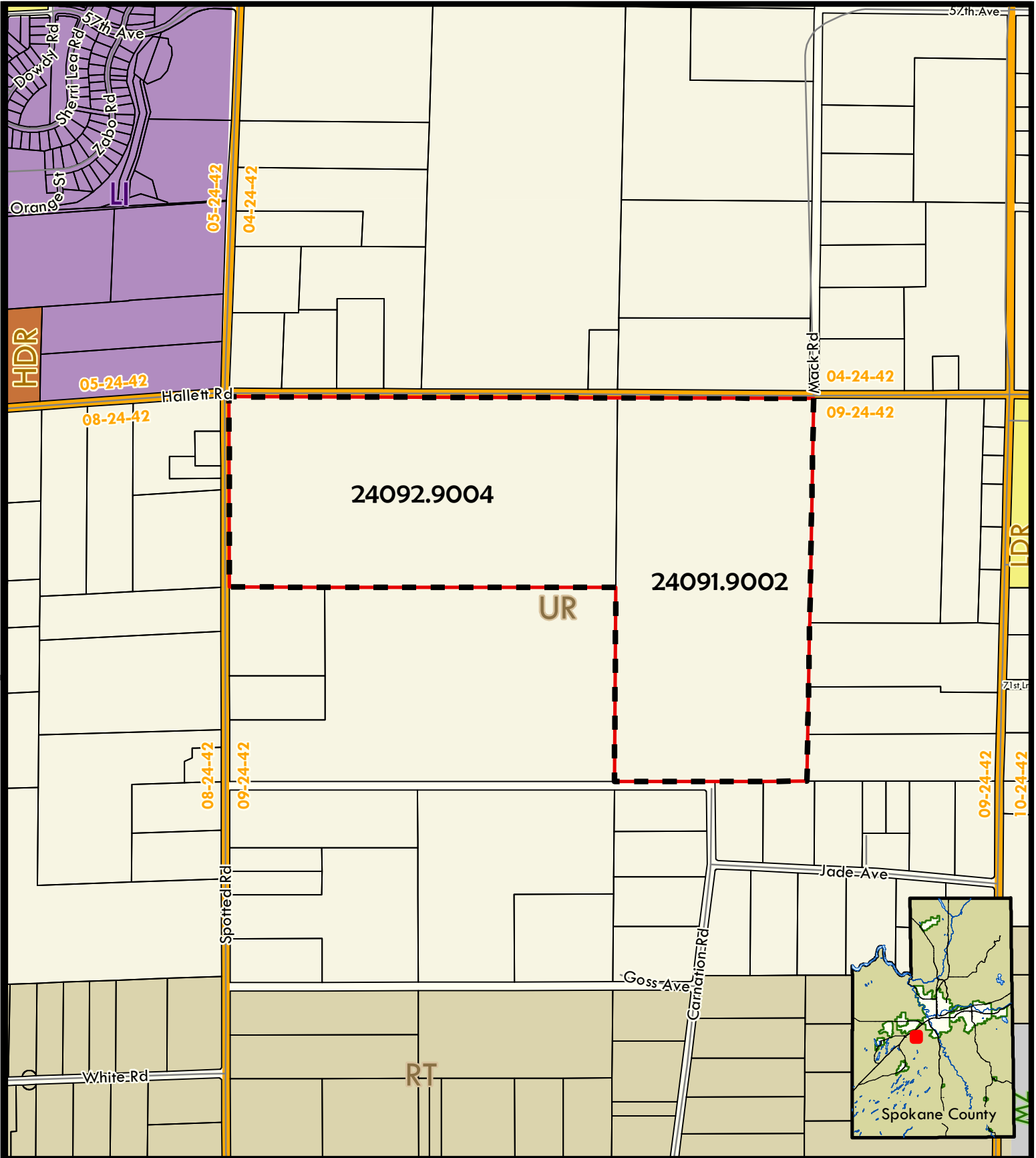
Conditions of Approval are for reclassification of the subject property to "**Farm and Agriculture Conservation**" current use assessment, as conditioned and stipulated in an agreement between the property owner and the Board of Spokane County Commissioners as follows:

- A. The change of the tax classification to "Farm and Agriculture Conservation" according to RCW 84.34.020(8)(a) is for two parcels totaling **160** acres. The tax parcel numbers are **24092.9004 and 24091.9002**.
- 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. Public Benefit Rating Form

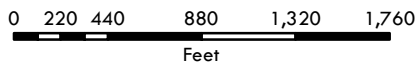




**Legend**

Residential	NC	Industrial	UR
LDR-P	CC	LI	RAC
LDR	RC	HI	Resource Lands
MDR	Mixed Use	RT	LTA
HDR	MU	R-5	STA
Commercial		RCV	FZ
LDAC			MZ

## FAC-01-24 Zoning Map



1 inch = 900 feet  
State Plane WA North




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.

Map produced: May 2024  
Spokane County GIS

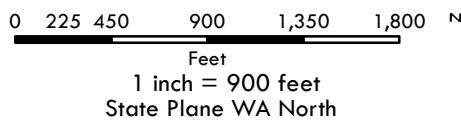




**Legend**

-  Preliminary
-  Municipal Boundaries
-  Sections
-  Lakes & Streams

**FAC-01-24**  
**Aerial Map**



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Map produced: May 2024  
Spokane County GIS





**Spokane County Building and Planning**

1026 W. Broadway Avenue  
Spokane, WA 99260  
3675 / (509) 477-4703 (Fax)  
mail: [bp@spokanecounty.org](mailto:bp@spokanecounty.org)  
[www.spokanecounty.org/bp](http://www.spokanecounty.org/bp)

**FAC-01-24**

**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) Loretta Carol Magnuson Date Submitted 12/21/23  
Mailing Address 6081 Silver King Blvd Day Phone Number(s) 952-212-5550  
Tax Parcel Number(s) #1202 24092.9004 Tax code: 1880  
24091.9002  
General Location of Property 09 24 42 N/2 of NW 1/4 EXC CO Rds.

**PART I - Property Overview**

DEC 28 2023

- Legal Interest in Property:
  - Owner
  - Contract Purchaser
  - Other (Describe) \_\_\_\_\_
- Total Acreage of Property 79 acres
- Acreage to be enrolled in the Farm and Ag Conservation Land Program 29
- What is the Property Currently Used for? Graying
- 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.)
- Are you proposing to apply a conservation easement or historic easement to your property?  
 Yes (type: Conservation) Does one exist now?  Yes (type: \_\_\_\_\_)  
 No ND  No  
Who will hold (or does hold) the easement? Loretta C. Magnuson
- Is there currently any mining claim or mining lease on the land?  Yes  No
- 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
- Is the open space area dedicated under zoning or subdivision ordinance requirements or used to achieve the maximum development potential under zoning?  Yes  No  
I think 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: I retired at 80 yrs of age and can no longer farm the land. I have aged out of farming.

B. Is the land traditional farmland that has never been classified under the Open Space Taxation Act? (50 pts)

No. Comments: I will keep the land in a farm ready condition so that the next owner has the opportunity to farm it. I will continue to remove weed control every year.

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: I will keep it in farm ready condition for the next owner. I referenced the farm about four or five years ago.

D. Have you prepared a timeline to return the land to commercial farming/agriculture? Please attach. (25 pts)

Yes.  No. Comments: When I die as I have aged out of farming, it will be determined by next owner.

E. Is the use of your land consistent with agricultural uses? Describe. (25 pts)

Yes.  No. Comments: We had alfalfa for hay and grazing for the animal 10 years ago. We irrigated the alfalfa but no more.

F. Is the land part of a NRCS conservation program? Please provide documentation. (25 pts)

Yes.  No. Comments: NA

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: I think it was zoned residential a long time ago.

H. Does the property's acreage/square footage meet the minimum lot size for the current zoning? (10 pts)

Yes.  No. Comments: 29 acres

I. Have you developed a noxious weed and pest management control plan? Please provide. (10 pts)

Yes.  No. Comments: My niece (Nola Graham) has been spraying  
the weeds every year. (509) 994-24307 she works  
the land and spray only the noxious weeds.

J. Are property conditions suitable for commercial agriculture in terms of soil type, slope? Describe. (10 pts)

Yes.  No. Comments: You could grow almost anything that needs a  
defalfa. You would have to irrigate probably.

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: I recently put in new fences to contain my farm  
animals and plan to put a well for water if needed.  
79 acres! will accommodate a variety of choices in what one  
want to do

### 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: There are rock outcroppings toward the end  
of the 79 acres but it has no effect.

### 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: 12/26/23

OWNERS: Loretta C. Magnuson

SUBSCRIBED and SWORN to before me this 26<sup>th</sup> day of December, 20 23.



Michelle Mikal Panaretos  
Notary Public in and for the State of Washington, residing in Spokane County  
FLORIDA  
MICHELLE MIKAL PANARETOS LEE

**PUBLIC BENEFIT RATING FORM**  
**Farm and Ag Conservation Land**  
**Staff Use Only**

#	PTS	LAND IMPEDIMENTS	COMMENTS	PTS POSSIBLE
L.		Prevent the land from returning to farm and agricultural uses such as wetlands, rock outcroppings, steep slopes, erodible soils or other considerations		Up to 50 pt reduction

\_\_\_\_\_ TOTAL POINTS ACCUMULATED

NOTES:

*Thank you for your consideration.*

*I would like to keep my land for my grandchildren and other family members who may want to farm it in the future.*

*This land has been in my family since I was born, so I have many strong memories and attachments to the farm.*

*My neighbors are asking me NOT to sell it to a developer. I have no interest or plans to do so at this time. I just want the land to remain as it is at this time.*

*There has always been a noxious weed controller come every year to keep the weeds out. I will continue with this as long as I own the land.*

*I am an "aged out farmer" on a fixed income and hope to be able to continue paying my taxes and not be forced to sell because I can't pay my taxes.*

*Thank you for your considerations*

*Sincerely,*  
*Loretta C. Magnuson*

Planning Commission Hearing: \_\_\_\_\_ BoCC Consideration: \_\_\_\_\_

Agreement Signed: \_\_\_\_\_ Forwarded to Assessor: \_\_\_\_\_



Dec 21, 2023

FAC-01-24

Dear Robert Brock,

Thank you for your help in filling  
this enclosed form. I have the checks  
enclosed.

If you need more information,  
please call me: 952-212-5550

I was not sure in answering all  
the questions correctly with limited  
understanding of the question. So if  
you need me to change or answer  
any questions, please call or write me.

Thank you.

Sincerely,

Loretta Magnuson

RECEIVED  
DEC 28 2023  
Spokane County  
Dept. Of Building & Planning



**PUBLIC BENEFIT RATING FORM**  
**Farm and Ag Conservation Land**  
**Staff Use Only**

File Number: FAC-01-24 Zoning Designation: Urban Reserve

Applicant Name: LORRETTA MAGNUS Planner: Robert Brock

Date application complete & fee paid: \_\_\_\_\_

#	PTS	ELIGIBILITY	COMMENTS (1 required)	PTS POSSIBLE
A.	50	Previously classified as farm and agricultural land	The parcel is in the Ag program	50 ✓
B.		Traditional farmland		50 ✓
#	PTS	PRIORITY CONSIDERATION	COMMENTS (2 required)	PTS POSSIBLE
C.	25	Returning the land to commercial farming/agricultural production	The Applicant is 80 years old and is too old to actively farm. The land will be available to farm for the next owner	25 ✓
D.	25	Timeline to return to commercial farming/agriculture	Upon transfer of ownership	25 ✓
E.	25	Use of land consistent with agricultural uses	Yes	25 ✓
F.	0	Land is part of a NRCS conservation program	NA	25 ✓
#	PTS	ADDITIONAL CONSIDERATION	COMMENTS	PTS POSSIBLE
G.	10	Located outside of an urban growth area boundary	Yes.	10
H.	10	Meets minimum lot size per zoning	Yes. Its nearly 80 acres and the minimum lot size in UR is 20 acres	10 ✓
I.	10	Noxious weed and pest management control plan.	Yes	10 ✓
J.	10	Property conditions are suitable for commercial agriculture	Yes	10 ✓
#	PTS	APPLICANT COMMENTS	COMMENTS	PTS POSSIBLE
K.	5	Other comments that potential for returning the land to commercial farm and agriculture and that would aid the Board when considering classification.	Use in the past for Alfalfa, hay & grazing.	Up to 20

**PUBLIC BENEFIT RATING FORM**  
**Farm and Ag Conservation Land**  
**Staff Use Only**

#	PTS	LAND IMPEDIMENTS	COMMENTS	PTS POSSIBLE
L.	-10	Prevent the land from returning to farm and agricultural uses such as wetlands, rock outcroppings, steep slopes, erodible soils or other considerations	There are several wetlands on the site comprising approximately 10% of the land area. Parcel 24096 9002 Also has wetland indicators.	Up to 50 pt reduction

160 TOTAL POINTS ACCUMULATED

NOTES:

160 points is enough for this parcel to receive the maximum possible tax deferral of 50%.

The addition of the second parcel doubles the acreage to 160. ~~The~~ The score remains the same.

Planning Commission Hearing: \_\_\_\_\_ BoCC Consideration: \_\_\_\_\_

Agreement Signed: \_\_\_\_\_ Forwarded to Assessor: \_\_\_\_\_

# File No. FAC-02-24

## SPOKANE COUNTY DEPARTMENT OF BUILDING & PLANNING ANALYSIS May 22, 2024

### "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.

2005 c 57 § 1; 2004 c 217 § 1; 2002 c 315 § 1; 2001 c 249 § 12; 1998 c 320 § 7; 1997 c 429 § 31; 1992 c 69 § 4; 1988 c 253 § 3; 1983 c 3 § 227; 1973 1st ex.s. c 212 § 2; 1970 ex.s. c 87 § 2.]

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 Agriculture 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:**

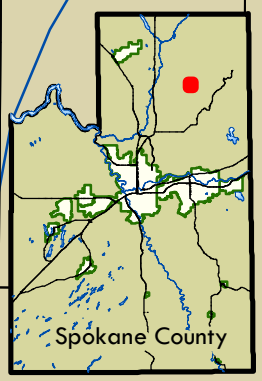
Conditions of Approval are for reclassification of the subject property to "**Farm and Agriculture Conservation**" current use assessment, as conditioned and stipulated in an agreement between the property owner and the Board of Spokane County Commissioners as follows:

- 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



**Legend**

Residential	NC	Industrial	UR
LDR-P	CC	LI	RAC
LDR	RC	HI	Resource Lands
MDR	Mixed Use	Rural	LTA
HDR	MU	RT	STA
Commercial		R-5	FZ
LDAC		RCV	MZ

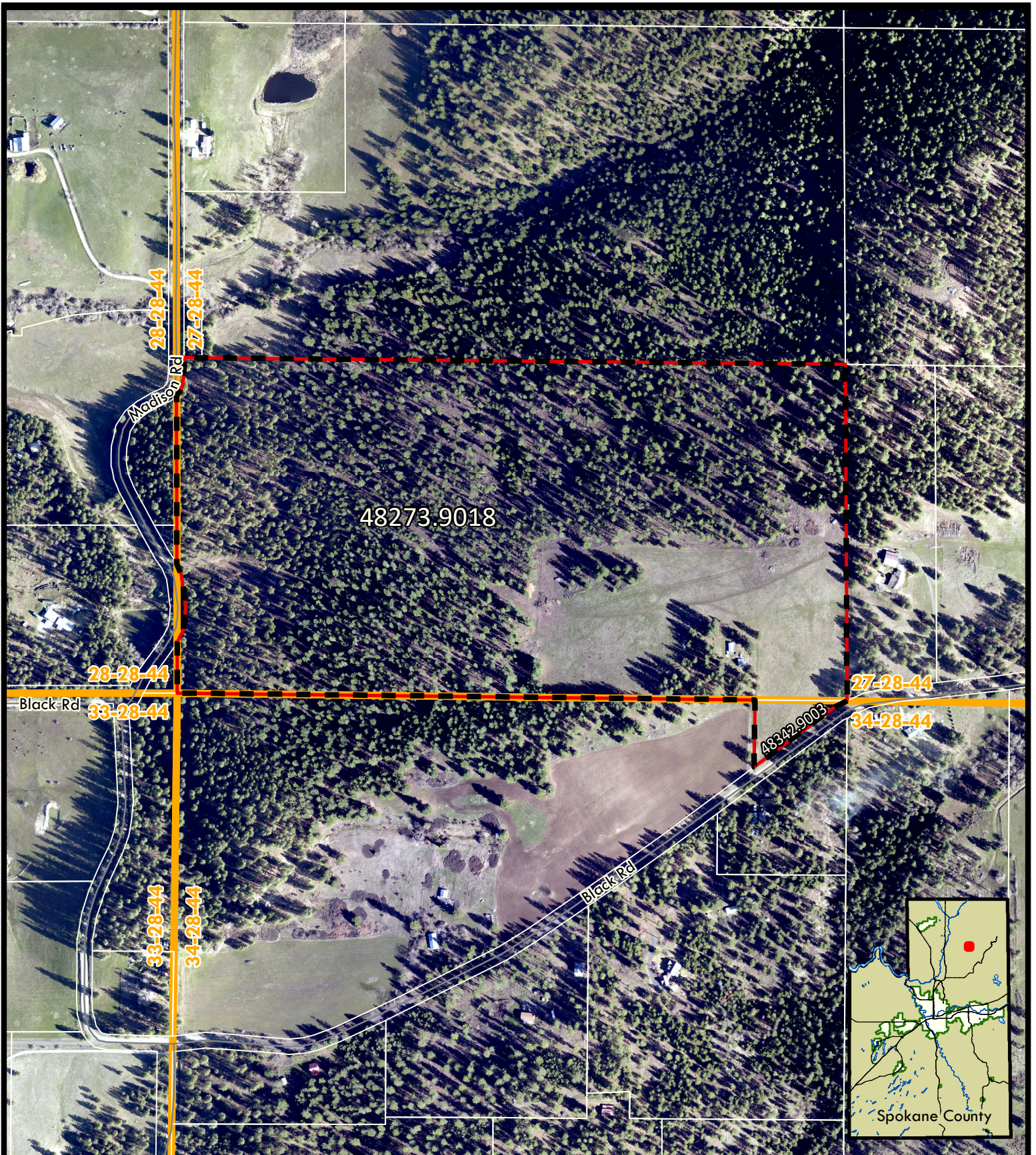
## FAC-02-24 Zoning Map

0 120 240 480 720 960  
Feet  
1 inch = 500 feet  
State Plane WA North





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Map produced: May 2024  
Spokane County GIS

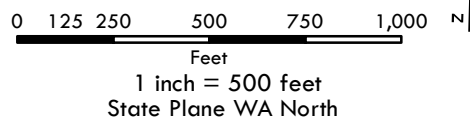




**Legend**

-  Preliminary
-  Municipal Boundaries
-  Sections
-  Lakes & Streams

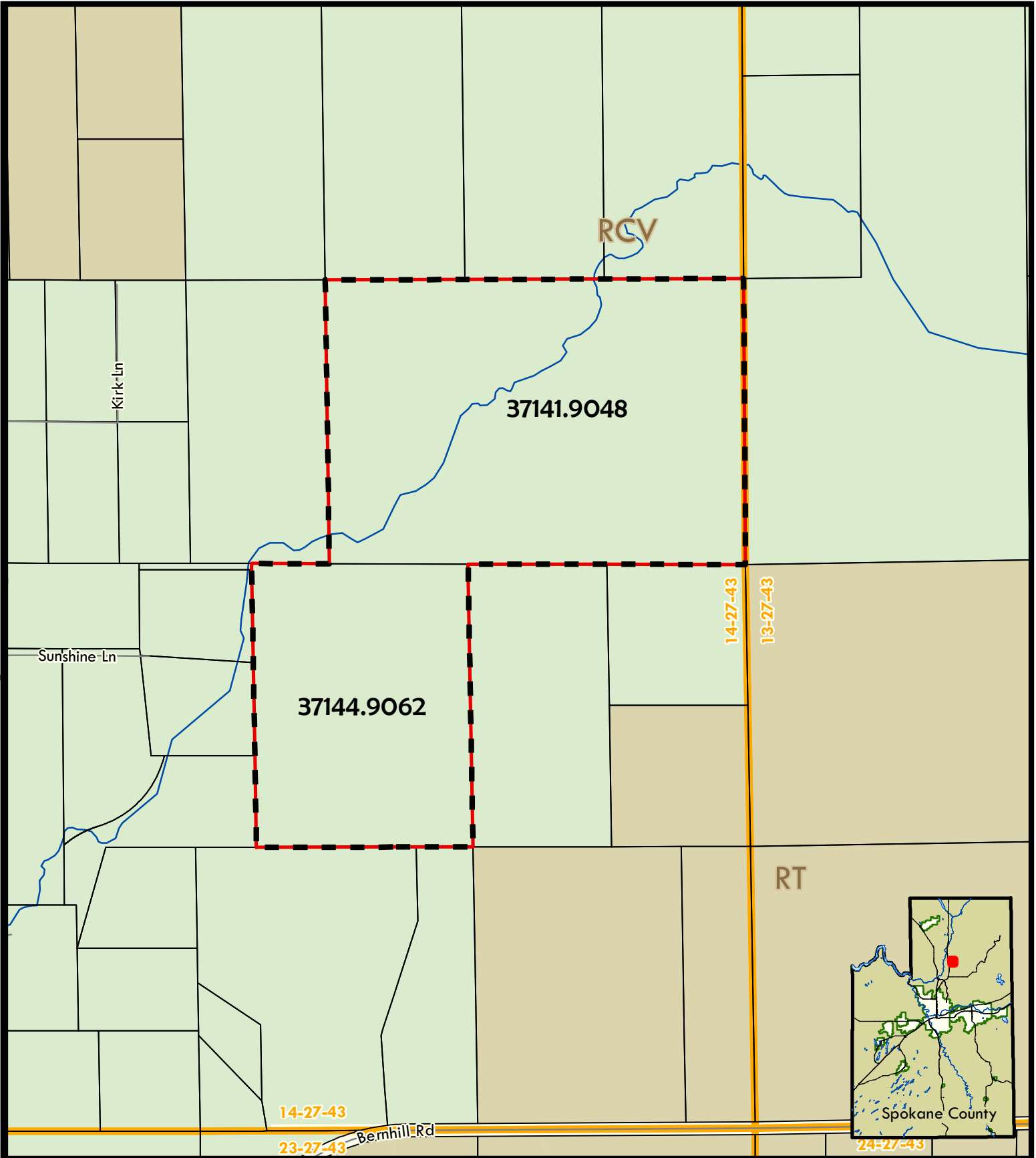
**FAC-02-24**  
**Aerial Map**



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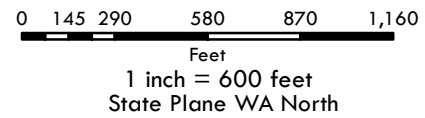




**Legend**

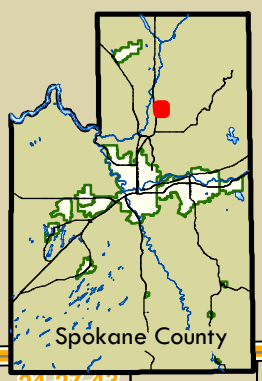
Residential	NC	Industrial	UR
LDR-P	CC	LI	RAC
LDR	RC	HI	Resource Lands
MDR	Mixed Use	Rural	LTA
HDR	MU	RT	STA
Commercial		R-5	FZ
LDAC		RCV	MZ

## FAC-02-24 Zoning Map

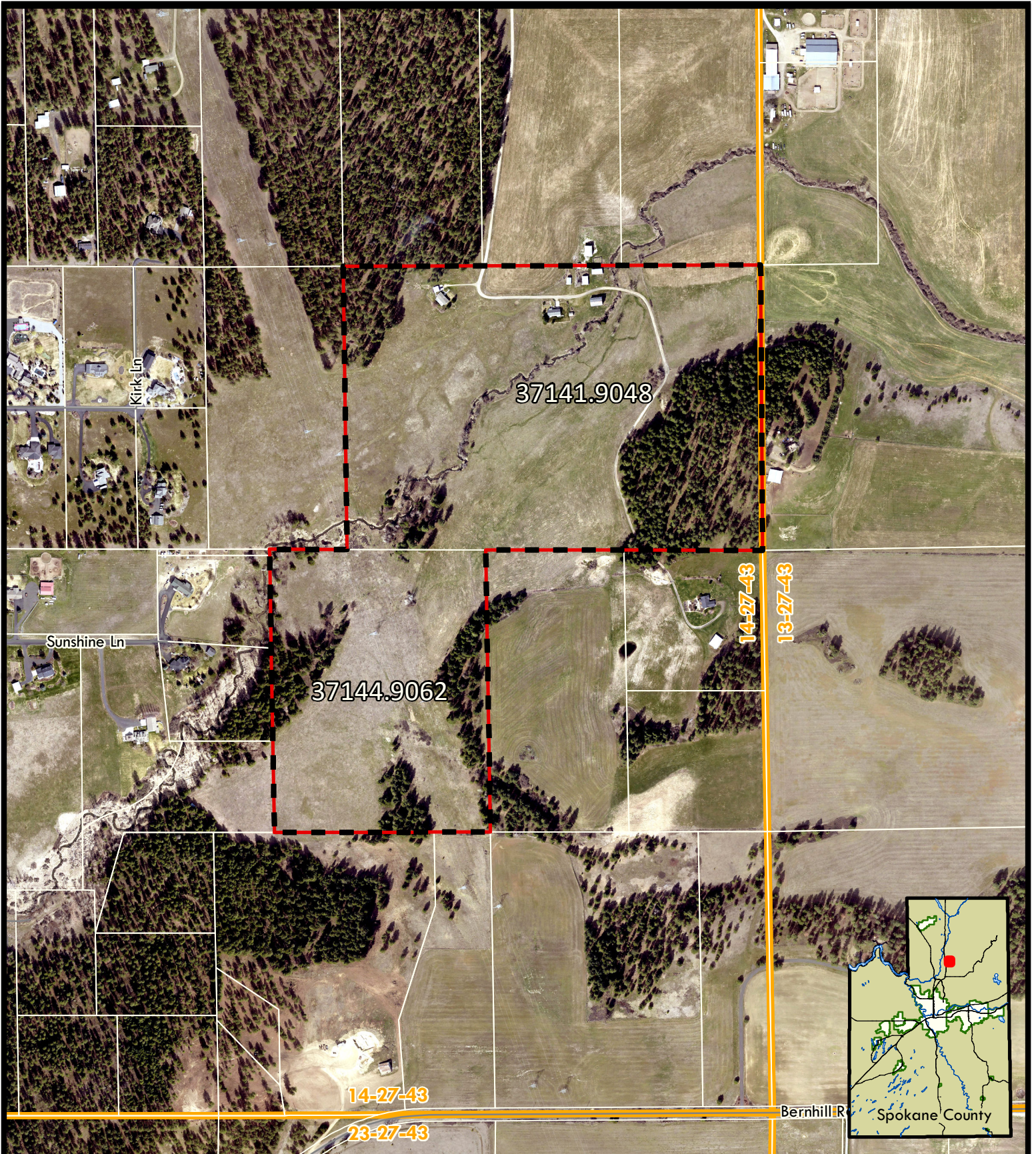


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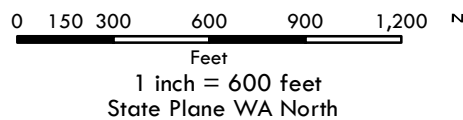




**Legend**

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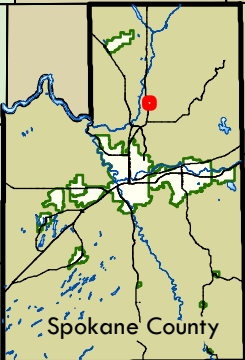
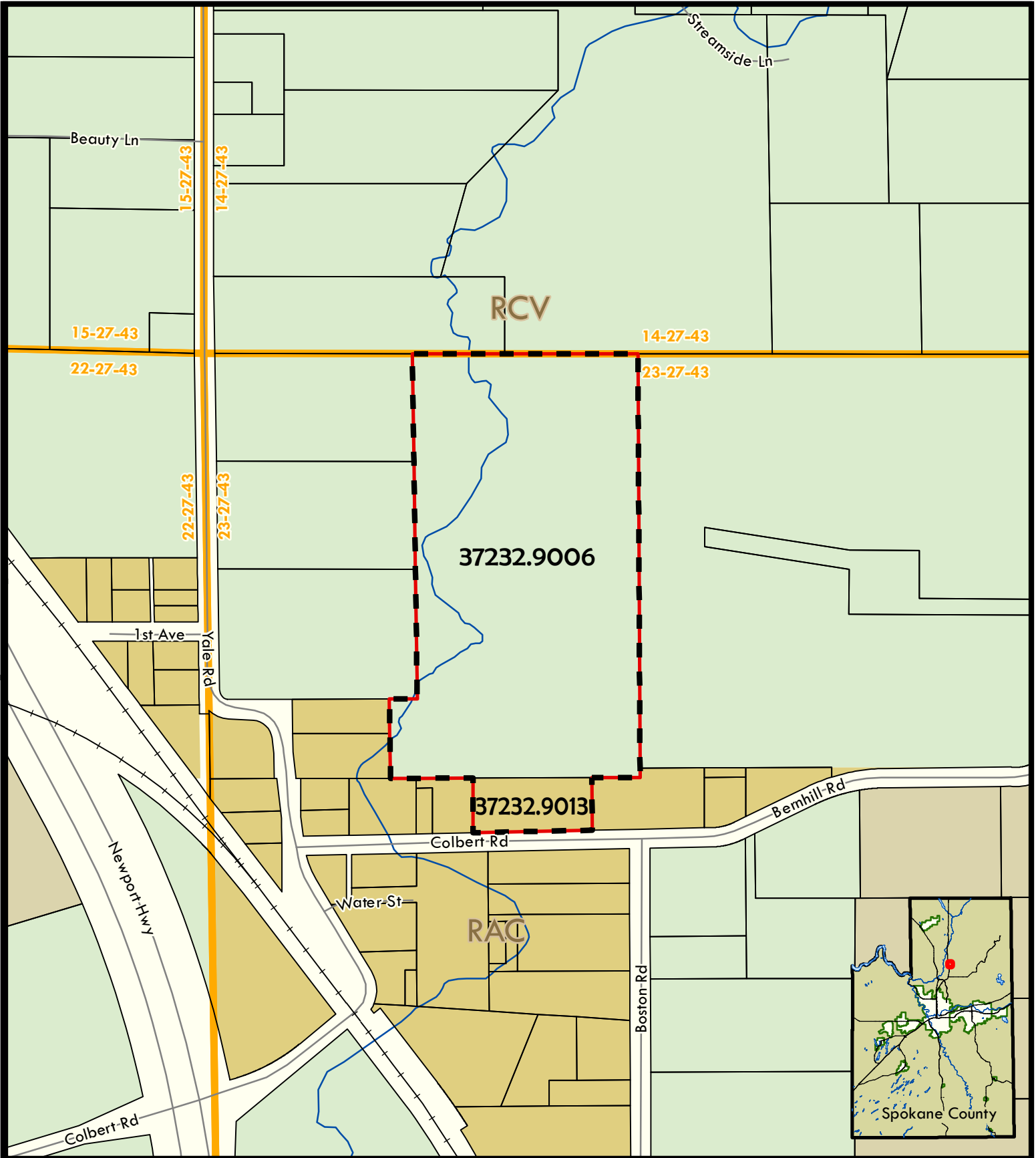
**FAC-02-24**  
**Aerial Map**



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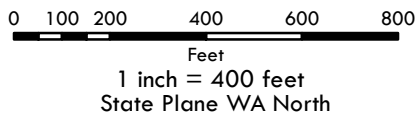




**Legend**

Residential	NC	Industrial	UR
LDR-P	CC	LI	RAC
LDR	RC	HI	Resource Lands
MDR	Mixed Use	Rural	LTA
HDR	MU	RT	STA
Commercial		R-5	FZ
LDAC		RCV	MZ

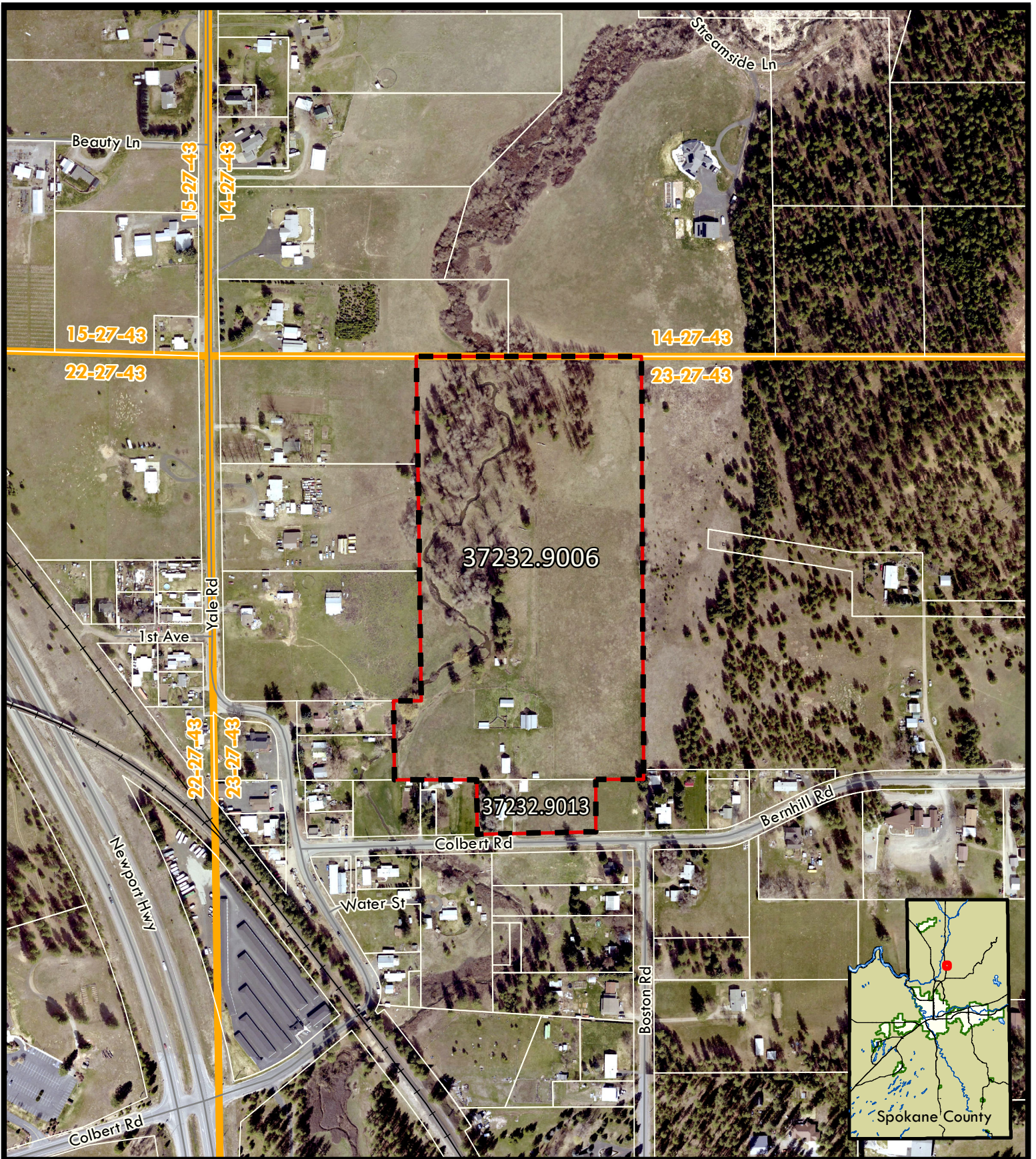
## FAC-02-24 Zoning Map







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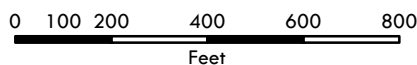




**Legend**

-  Preliminary
-  Municipal Boundaries
-  Sections
-  Lakes & Streams

**FAC-02-24**  
**Aerial Map**

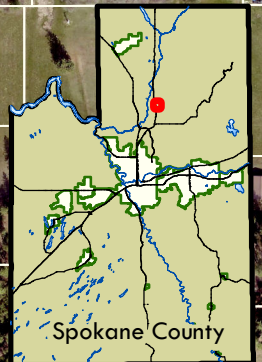


1 inch = 400 feet  
State Plane WA North



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Map produced: May 2024  
Spokane County GIS





**From:** [rickosterback@yahoo.com](mailto:rickosterback@yahoo.com)  
**To:** [Brock, Robert W.](#)  
**Subject:** Baker Osterback Trust Woolard Road Colbert  
**Date:** Friday, May 17, 2024 9:57:28 AM

---

Good Morning Robert

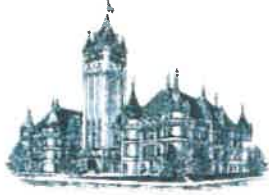
I tried to narrow down some dates to establish a narrative on historical data for the farm and this is some of what I have been able to establish. The property was homesteaded in 1891 by George Balloti who was married to Eliza, unfortunately George passed away leaving Eliza with their first born daughter 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

## Spokane County Building and Planning

1026 W. Broadway Avenue  
Spokane, WA 99260  
(509) 477-3675 / (509) 477-4703 (Fax)  
Email: [bp@spokanecounty.org](mailto:bp@spokanecounty.org)  
[www.spokanecounty.org/bp](http://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 <sup>VanDeBrake</sup> Date Submitted 3/18/24

Mailing Address 13117 E Black Rd. Chattaroy 99003 Day Phone Number(s) 509-993-3097  
37141.9048

Tax Parcel Number(s) 37232.9006 37144.9062 37232.9013 48342.9003 48273.9018

General Location of Property  
4521 E Colbert Rd 4521 E Woolard Rd. Colbert 12919 E Black Rd. Chattaroy  
37232.9006 37232.9013 37144.9062 37141.9048 48273.9018 48342.9003

#### PART I - Property Overview

- Legal Interest in Property:
  - Owner
  - Contract Purchaser
  - Other (Describe) Relative Representative  
37141.9048
- Total Acreage of Property 194
- Acreage to be enrolled in the Farm and Ag Conservation Land Program 194
- What is the Property Currently Used for? Open spaces and 37141.9048 partial farming
- 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.)
- Are you proposing to apply a conservation easement or historic easement to your property?  
 Yes (type: \_\_\_\_\_) Does one exist now?  Yes (type: \_\_\_\_\_)  
 No  No  
 Who will hold (or does hold) the easement? \_\_\_\_\_
- Is there currently any mining claim or mining lease on the land?  Yes  No
- 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
- 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 gage railroad processing on it

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: \_\_\_\_\_



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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

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

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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.

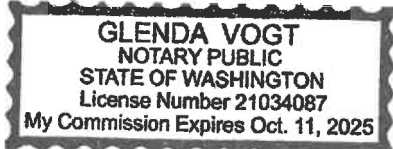
**Removals and withdrawals from the program are processed by the Spokane County Assessor.**

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: Lina Baker Esterback

SUBSCRIBED and SWORN to before me this 18th day of March, 2024.




Glenda Vogt  
Notary Public in and for the State of Washington, residing in Spokane County

**FILED**

**NOV 16 2021**

**TIMOTHY W. FITZGERALD  
SPOKANE COUNTY CLERK**

 <b>SUPERIOR COURT OF WASHINGTON, COUNTY OF SPOKANE</b>	
<b>ESTATE OF:</b>  <b>LYLE D BAKER</b>  <p style="text-align: center;">Deceased.</p>	<b>CASE NO. 21-4-02365-32</b>  <b>LETTERS TESTAMENTARY</b> <i>(LTRTS)</i>

**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**

State of Washington     )  
County of Spokane        )

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.

**TIMOTHY W. FITZGERALD, SPOKANE COUNTY CLERK**

Dated: **NOVEMBER 16, 2021**

By   
Deputy Clerk

**PUBLIC BENEFIT RATING FORM**  
**Farm and Ag Conservation Land**  
**Staff Use Only**

File Number: FAC-02-24 Zoning Designation: RCV, RT, RAC

Applicant Name: \_\_\_\_\_ Planner: Robert Brock

Date application complete & fee paid: \_\_\_\_\_

#	PTS	ELIGIBILITY	COMMENTS (1 required)	PTS POSSIBLE
A.	50	Previously classified as farm and agricultural land	yes	50
B.		Traditional farmland	yes, parcel 37141.9048 is NOT IN Ag, but IS traditional farmland	50
#	PTS	PRIORITY CONSIDERATION	COMMENTS (2 required)	PTS POSSIBLE
C.	25	Returning the land to commercial farming/agricultural production	Entering the program due to age. The land can return to Ag use AT change of ownership	25
D.	25	Timeline to return to commercial farming/agriculture	Upon change of owners	25
E.	25	Use of land consistent with agricultural uses	Yes	25
F.		Land is part of a NRCS conservation program	NA	25
#	PTS	ADDITIONAL CONSIDERATION	COMMENTS	PTS POSSIBLE
G.	10	Located outside of an urban growth area boundary	Yes	10
H.	5	Meets minimum lot size per zoning	All but one parcel meets minimum lot size standards	10
I.	10	Noxious weed and pest management control plan.	Yes, currently practicing	10
J.	10	Property conditions are suitable for commercial agriculture	yes - Large parcels	10
#	PTS	APPLICANT COMMENTS	COMMENTS	PTS POSSIBLE
K.	10	Other comments that potential for returning the land to commercial farm and agriculture and that would aid the Board when considering classification.	PAST history of Ag use growing A VARIETY of CROPS and LIVESTOCK	Up to 20

**PUBLIC BENEFIT RATING FORM  
Farm and Ag Conservation Land  
Staff Use Only**

#	PTS	LAND IMPEDIMENTS	COMMENTS	PTS POSSIBLE
L.	-10	Prevent the land from returning to farm and agricultural uses such as wetlands, rock outcroppings, steep slopes, erodible soils or other considerations	A Creek Flows Through Several of The parcels.	Up to 50 pt reduction

160 TOTAL POINTS ACCUMULATED

NOTES:

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

Planning Commission Hearing: \_\_\_\_\_ BoCC Consideration: \_\_\_\_\_

Agreement Signed: \_\_\_\_\_ Forwarded to Assessor: \_\_\_\_\_