



# RULE-MAKING ORDER

**CR-103 (June 2004)**  
**(Implements RCW 34.05.360)**

Agency: Department of Revenue

- Permanent Rule
- Emergency Rule

Effective date of rule:

**Permanent Rules**

- 31 days after filing.
- Other (specify) \_\_\_\_\_ (If less than 31 days after filing, a specific finding under RCW 34.05.380(3) is required and should be stated below)

Effective date of rule:

**Emergency Rules**

- Immediately upon filing.
- Later (specify) \_\_\_\_\_

Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?

- Yes
  - No
- If Yes, explain:

**Purpose:** RCW 84.34.055 enables a county legislative authority to establish an open space plan, public benefit rating system, and valuation schedule for land classified as open space. WAC 458-30-330 explains the factors that must be considered when such a plan and rating system are established, includes a nonexclusive list of recognized sources used in determining open space priorities, and outlines the actions required after and effects of the approval of an open space plan and public benefit rating system. The rule has been revised to recognize 2005 legislation. The content of WAC 458-30-335 and 458-30-340 has been incorporated and these two rules are being repealed.

**Citation of existing rules affected by this order:**

Repealed: **WAC 458-30-335 Rating system - Procedure to establish**

**WAC 458-30-340 Rating system - Adoption--Notice to owner--Loss of classification**

Amended: **WAC 458-30-330 Open space plan and public benefit rating system--Authorization and procedure to establish--Adoption--Notice to owner--Valuation.**

**Statutory authority for adoption:** RCW 84.34.141

**Other authority :**

**PERMANENT RULE ONLY (Including Expedited Rule Making)**

Adopted under notice filed as WSR **06-12-029** on **5/31/06**.

Describe any changes other than editing from proposed to adopted version: **See attachment.**

If a preliminary cost-benefit analysis was prepared under RCW 34.05.328, a final cost-benefit analysis is available by contacting: **An analysis was not prepared.**

**EMERGENCY RULE ONLY**

Under RCW 34.05.350 the agency for good cause finds:

- That immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.
- That state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this finding:

**Date adopted:**

**Filed: August 24, 2006**

**NAME (TYPE OR PRINT)**

Janis P. Bianchi

**Time: 11:04 a.m.**

**SIGNATURE**

**WSR: 06-18-011**

**TITLE** Assistant Director,  
Interpretations and Technical Advice Division

**The above information was input by DOR**

**Note: If any category is left blank, it will be calculated as zero.  
No descriptive text.**

**Count by whole WAC sections only, from the WAC number through the history note.  
A section may be counted in more than one category.**

**The number of sections adopted in order to comply with:**

<b>Federal statute:</b>	New	_____	Amended	_____	Repealed	_____
<b>Federal rules or standards:</b>	New	_____	Amended	_____	Repealed	_____
<b>Recently enacted state statutes:</b>	New	_____	Amended	<u>1</u>	Repealed	_____

**The number of sections adopted at the request of a nongovernmental entity:**

New	_____	Amended	_____	Repealed	_____
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**The number of sections adopted in the agency's own initiative:**

New	_____	Amended	<u>1</u>	Repealed	_____
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**The number of sections adopted in order to clarify, streamline, or reform agency procedures:**

New	_____	Amended	_____	Repealed	_____
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**The number of sections adopted using:**

<b>Negotiated rule making:</b>	New	_____	Amended	_____	Repealed	_____
<b>Pilot rule making:</b>	New	_____	Amended	_____	Repealed	_____
<b>Other alternative rule making:</b>	New	_____	Amended	<u>1</u>	Repealed	_____

## Attachment for CR 103 filing

WAC 458-30-335 Rating system - Procedure to establish

WAC 458-30-340 Rating system - Adoption--Notice to owner--Loss of classification

WAC 458-30-330 Open space plan and public benefit rating system--Authorization and procedure to establish--Adoption--Notice to owner--Valuation.

### Description of differences in text between proposed rule as published and rule as adopted.

Subsection (6) has been changed as follows (strike-out reflecting removed language and underlining reflecting new language):

**How is an owner of classified open space land notified about the adoption of an open space plan, rating system, and valuation schedule? Can an owner choose not to participate and request removal from the current use program?** Once the county legislative authority adopts an open space plan, rating system, and assessed valuation schedule, the ~~((assessor must revalue))~~ planning commission or other designated agent of the legislative authority must assign a recommended number of priority rating points to all land classified as open space using the adopted rating system ((and valuation schedule)). The planning commission or agent will forward this recommendation to the county legislative authority for approval. After the number of priority rating points are assigned and approved, this information will be sent to the assessor. The assessor will determine the new assessed value of the classified open space land based on the number of priority rating points assigned and the adopted assessed valuation schedule. Thereafter, the assessor must ((then)) notify all owners of such land of the new assessed value of their land in the manner provided in RCW 84.40.045.