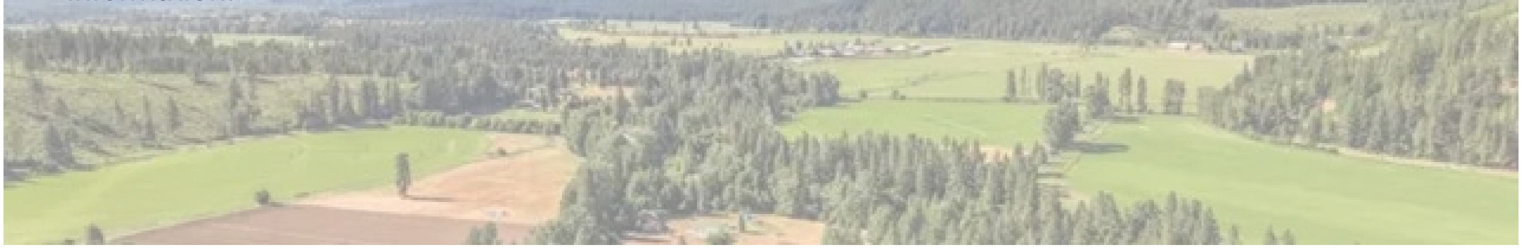
Understanding the Open Space Taxation Act

Chapter 84.34 RCW

Washington State Department of Revenue | September 2026

This publication is intended to provide general information regarding the Open Space Taxation Act described in chapter 84.34 RCW and chapter 458-30 WAC. The information is current at the date of publication. Please note subsequent law changes may supersede or invalidate some of this information.



What is the Open Space Taxation Act?

The Open Space Taxation Act, enacted in 1970, allows property owners to have their open space, farm and agricultural, and timber lands valued based on their current use rather than their highest and best use.

The act states 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.

What type of land may be classified under the Open Space Act?

The law identifies three specific categories of land eligible for current use classification:

1 OPEN SPACE LAND

In general, this category applies to land where the preservation of its current use offers a public benefit such as soil or water conservation, wildlife preservation, historic sites, protection of natural resources, and recreational opportunities. It also includes “farm and agricultural conservation” for land that has been used for agricultural purposes in the past and has a high likelihood of returning to agricultural use in the future. For more information about this category, see **Addendum I: Open Space**.

2 FARM AND AGRICULTURAL LAND

This category is reserved for land that is devoted to commercial agricultural purposes. The owner must be able to demonstrate an ongoing intent to obtain a monetary profit from cash income by producing an agricultural product on the classified land. Farming operations of less than 20 acres must also meet certain minimum income requirements. Qualifying income sources vary depending on the total number of acres classified. For more information about this category, see **Addendum II: Farm & Agriculture**.

3 TIMBER LAND

The third category is reserved for land of five acres or more that is devoted to the growth and harvest of timber for commercial purposes. For more information about this category, see **Addendum III: Timber**.

The timber land classification may be unavailable in some counties. As a result of the passage of Senate Bill 6180 in 2014, counties have the option to merge their timber land classification into their designated forest land program under chapter 84.33 RCW.

Who may apply?

An owner or contract vendee may apply for current use assessment. However, all owners or contract vendees must sign the application for classification and any resulting agreement.

When may I apply?

Applications may be made for classification at any time during the year from January 1 through December 31. If approved, current use assessment will begin on January 1 following the year the application was submitted. For example, applications received in 2026 would be approved for current use assessment in 2027 which would impact the taxes payable in 2028.

Where do I get the application?

Applications for all three Open Space categories are available from the county assessor's office. Applications for the open space and timber land classifications are also available through the county legislative authority.

Is there an application fee?

The city or county legislative authority may, at their discretion, establish a processing fee to accompany each application. This fee must be in an amount that reasonably covers the processing costs of the application and typically includes recording fees for approval documents.

How does classification impact the value of my property?

The assessor is required to maintain two land values for each classified parcel. The first is the value that would be placed on the land if it was not classified, commonly referred to as the "fair market value." The second is the current use value, which is based on the current use of the land rather than the highest and best use. Property taxes are assessed on the current use value of classified land.

How long does the classification last?

The land continues in its classification until one of the following happens:

- The owner requests to remove or withdraw classification,
- The use of land no longer complies with conditions of approval,
- The parcel is conveyed to an entity exempt from property taxes, or
- The parcel is conveyed to a new owner who has not signed a Notice of Continuance.

Upon removal or withdrawal from classification, what taxes are due?

Additional tax, interest, and penalty are applied when classification is removed unless the removal is due to one of the exceptions listed in RCW 84.34.108(6).

- The additional tax is equal to the difference between the property tax paid as classified land and the property tax that would have been paid had the land not been classified. Taxes in the year of removal are prorated according to the removal date and are payable for the last seven years for open space and timber removals or the last four years for farm & agriculture removals.
- Interest is calculated at the same rate as charged on delinquent property taxes, starting from the date the additional tax could have been paid without interest until the date the tax is paid.
- The penalty is equal to 20% of the sum of additional tax and interest. Once land has been classified for at least 10 years, an owner may request withdrawal, in which case this penalty is not applied.

What happens if the classified land is sold or transferred?

When classified land is sold or transferred, the seller or transferor becomes liable at the time of sale for the additional tax, interest, and penalty unless the new owner(s) signs a Notice of Continuance which is attached to or shown on the real estate excise tax affidavit. The county auditor cannot accept an instrument of conveyance on any classified land unless the Notice of Continuance has been signed or the additional tax, interest, and penalty has been paid. The assessor determines if the land qualifies for continued classification.

If the assessor removes my land from classification, may I appeal?

Yes, the owner may file an appeal of the removal from classification to the county board of equalization on or before July 1 of the year of the determination, or within 30 days of the date the notice was mailed by the assessor, or within a time limit of up to 60 days adopted by the county legislative authority, whichever is later.

Laws and Rules

It is helpful to read the complete laws, Revised Code of Washington, chapter 84.34 (RCW) and rules, Washington Administrative Code, chapter 458-30 (WAC) to understand requirements of classification and the tax liabilities incurred.

Need More Information?

Requirements for making application for current use classification are available at the county assessor's office or by contacting the county legislative authority. For general information contact:

- Department of Revenue, Property Tax Division
  P. O. Box 47471   Olympia, Washington 98504-7471
- 360-534-1400
- Website: dor.wa.gov

For tax assistance or to request this document in an alternate format, visit dor.wa.gov or call 360-705- 6705. Teletype (TTY) users may use the Washington Relay Service by calling 711.

Understanding the Open Space Taxation Act – Addendum I

Classification: OPEN SPACE

OPEN SPACE LAND is defined in RCW 84.34.010(1) as any of the following:

A. Any land area zoned for open space by a comprehensive official land use plan adopted by any city or county.

B. Any land area in which the preservation in its present use would:
   - Conserve and enhance natural or scenic resources.
   - Protect streams or water supply.
   - Promote conservation of soils, wetlands, beaches or tidal marshes. (As a condition of granting open space classification, the legislative body may not require public access on land classified for the purpose of promoting conservation of wetlands.)
   - Enhance the value to the public of neighboring parks, forests, wildlife preserves, nature reservations or sanctuaries or other open space.
   - Enhance recreation opportunities.
   - Preserve historic sites.
   - Preserve visual quality along highway, road, and street corridors or scenic vistas.
   - Retain in its natural state tracts of land not less than one acre situated in an urban area and open to public use on such conditions as may be reasonably required by the legislative authority granting the open space classification.

C. Any land meeting the definition of "farm and agricultural conservation land," which means either:
   - Land previously classified under the farm and agricultural classification that no longer meets the criteria and is reclassified under open space land; or
   - "Traditional farmland," not classified, that has not been irrevocably devoted to a use inconsistent with agricultural uses and that has a high potential for returning to commercial agriculture.

Application process: Applications for open space land must be submitted to the County Legislative Authority (CLA). The CLA is typically comprised of county commissioners or county council (depending on the county); incorporated areas of county usually combine City and County representatives. Sometimes the CLA will direct the community development department to review applications, inspect the property, and give them a referral if the application should be denied or approved.

Public hearing: Unless the land in application is subject to a comprehensive land use plan, a public hearing on the application will be conducted, and a notice announcing the hearing must be published at least 10 days prior to the hearing. If the land in application is subject to a comprehensive plan that has been adopted by any city or county, it will be processed in the same manner which an amendment to the comprehensive plan is processed.

Approval or denial: The CLA must approve or reject the application within six months of receiving the application. In determining whether an application made for classification or reclassification should be approved or denied, the granting authority may consider the benefits to the general welfare of preserving the current use of the property. They may require that certain conditions be met including but not limited to the granting of easements.

If approved, the CLA will prepare an Open Space Agreement including all conditions of approval, how the classified land may be used, and any actions that will cause removal. Within five (5) calendar days of approval, the CLA must send the agreement to the applicant, who may then accept or reject the agreement. To accept the agreement, the applicant must sign and return the agreement to the CLA within 30 days after receipt.

The approval or denial of an application for open space is a legislative determination and is reviewable only for arbitrary and capricious actions. Appeal can be made only to the superior court of the county where the application was filed.

Within 10 days of receiving notice of classification of the land from the CLA, the assessor submits the notice to the county auditor for recording in the place and manner provided for the public recording of state tax liens on real property.

Valuation: Open space land located within a county that has adopted a public benefit rating system will be valued according to the criteria of the rating system. In the absence of a rating system, the per acre value can be no less than the lowest per acre value of classified farm and agricultural land in the county.

Public Benefit Rating System (PBRS): If the county legislative authority has established a public benefit rating system (PBRS) for the open space classification, the criteria contained within the rating system governs the eligibility and valuation of the land subject to the application.

When a county creates or amends a PBRS, all classified open space land will be rated under the new PBRS. Land that no longer qualifies for classification will not be removed from classification but will be rated according to the PBRS. Within 30 days of receiving notification of the new assessed value established by the PBRS, the owner may request removal of classification of the land without imposition of additional tax, interest, and penalty.

Understanding the Open Space Taxation Act – Addendum II

Classification: FARM & AGRICULTURE

FARM AND AGRICULTURAL LAND is defined in RCW 84.34.010(2) as any of the following:

20 OR MORE ACRES

- Devoted primarily to the production of livestock or agricultural commodities for commercial purposes; OR
- Enrolled in the federal conservation reserve program (CRP) or its successor administered by the United States Department of Agriculture; OR
- Other commercial agricultural activities established under chapter 458-30 WAC.

LESS THAN 5 ACRES

Devoted primarily to agricultural uses and has produced a gross income of:

- Prior to 1/1/1993, $1,000 or more per year for 3 of the 5 calendar years preceding the date of application for classification.
- On or after 1/1/1993, $1,500 or more per year for 3 of the 5 calendar years preceding the date of application for classification.

AT LEAST 5 BUT LESS THAN 20 ACRES

Devoted primarily to agricultural uses, and

- Has produced a gross income equivalent to:
  - Prior to 1/1/1993, $100 or more per acre per year for 3 of the 5 calendar years preceding the date of application for classification.
  - On or after 1/1/1993, $200 or more per acre per year for 3 of the 5 calendar years preceding the date of application for classification.

OR

- Has standing crops with an expectation of harvest within:
  - 7 years and a demonstrable investment in the production of those crops equivalent to $100 or more per acre in the current or previous calendar year.
  - 15 years for short rotation hardwoods and a demonstrable investment in the production of those crops equivalent to $100 or more per acre in the current or previous calendar year.

FARM AND AGRICULTURAL LAND also includes any of the following:

- Incidental uses compatible with agricultural purposes, including wetland preservation, provided such use does not exceed 20 of the classified land.
- Land on which appurtenances necessary for production, preparation, or sale of agricultural products exist in conjunction with the lands producing such products.
- Any non-contiguous parcel one to five acres, that is an integral part of the farming operations.
- Land on which housing for employees or the principal place of residence of the farm operator or owner is sited provided the use of the housing or residence is integral to the use of the classified land for agricultural purposes, the housing or residence is on or contiguous to the classified land, and the classified land is 20 or more acres.

- Land that is used primarily for equestrian-related activities for which a charge is made, including, but not limited to, stabling, training, riding, clinics, schooling, shows, or grazing for feed.
- Land that is primarily used for commercial horticultural purposes, including growing seedlings, trees, shrubs, vines, fruits, vegetables, flowers, herbs, and other plants in containers, whether under a structure or not. For additional criteria regarding this use, please refer to RCW 84.34.020(2)(h).

For classified land of at least **5 but less than 20 acres**, “gross income from agricultural uses” includes, but is not limited to:

- The wholesale value of agricultural products donated to nonprofit food banks or feeding programs.
- The wholesale value of agricultural products sold to persons allowed to harvest the products they purchase, if those products harvested are grown on the same land.

Application process: Applications for Farm & Agriculture classification are submitted to the county assessor for approval. Upon application, the assessor may require applicants to provide data regarding the use of the land, including, but not limited to, the productivity of typical crops, sales receipts, federal income tax returns, other related income and expense data, and any other information relevant to the application.

Approval or denial: The application will be considered approved unless the assessor notifies the applicant in writing prior to May 1 of the year after the application was submitted. The owner may appeal an assessor’s denial to the board of equalization in the county where the land is located. The appeal must be filed with the board on or before July 1 of the year of the determination or within 30 days after the mailing of the notice of denial, or within a time limit of up to 60 days adopted by the county legislative authority, whichever is later.

Valuation: In determining the current use value of farm and agricultural land, the assessor considers the earning or productive capacity of comparable lands from crops grown most typically in the area averaged over not less than five years. This earning or productive capacity is the “net cash rental” and is capitalized by a “rate of interest” charged on long term loans secured by a mortgage on farm or agricultural land plus a component for property taxes.

Advisory committee: The county legislative authority must appoint a five-member committee representing the active farming community within the county. This committee will serve in an advisory capacity to the assessor in implementing assessment guidelines as established by the Department of Revenue for the assessment of open space lands, farm and agricultural lands, and timber lands.

Understanding the Open Space Taxation Act – Addendum III

Classification: TIMBER

TIMBER LAND is defined in RCW 84.34.020(3) as the following:

Any parcel of land five or more acres or multiple parcels of land that are contiguous and total five or more acres which is or are devoted primarily to the growth and harvest of timber for commercial purposes. Timber land means the land only and does not include a residential homesite. The term includes land used for incidental uses that are compatible with the growing and harvesting of timber but no more than 10% of the land may be used for such incidental uses.

It also includes the land which appurtenances necessary for the production, preparation, or sale of the timber products exist in conjunction with land producing these products.

The timber land classification may be unavailable in some counties. As a result of the passage of Senate Bill 6180 in 2014, counties have the option to merge their timber land classification into their designated forest land program under chapter 84.33 RCW. To determine whether your county offers the timber land classification, you may contact the county assessor or visit the Department of Revenue's website at: www.dor.wa.gov.

Application process: Applications for timber land classification or reclassification are made to the County Legislative Authority (CLA). The CLA is typically comprised of county commissioners or county council (depending on the county); incorporated areas of county usually combine City and County representatives. A timber management plan is required at the time of application or when a sale or transfer of timber land occurs and a notice of continuance is signed.

The applicant is asked to provide information about forest management, restocking, fire protection, insect and disease control, weed control, and a summary of experience and activity that supports the growth and harvest of timber for commercial purposes.

Public hearing: Unless the land in application is subject to a comprehensive land use plan, a public hearing on the application will be conducted, and a notice announcing the hearing must be published at least 10 days prior to the hearing. If the land in application is subject to a comprehensive plan that has been adopted by any city or county, it will be processed in the same manner which an amendment to the comprehensive plan is processed.

Approval or denial: The CLA must approve or reject the application within six months of receiving the application. If approved, the CLA will prepare an Open Space Agreement including all conditions of approval, how the classified land may be used, and any actions that will cause removal. Within five (5) calendar days of approval, the CLA must send the agreement to the applicant, who may then accept or reject the agreement. To accept the agreement, the applicant must sign and return the agreement to the CLA within 30 days after receipt.

Approval or denial of a timber land application is a legislative determination and is reviewable only for arbitrary and capricious action. Appeal can be made only to the superior court of the county where the application was filed.