

110363

BOOK 121 PAGE 240

OPEN SPACE TAXATION AGREEMENT

RCW 84.34

(TO BE USED FOR "OPEN SPACE" OR "TIMBER LAND" CLASSIFICATION ONLY)

This Agreement between James S. Steinhereinafter called the "Owner", and Skamania County

hereinafter called the "Granting Authority".

Whereas the owner of the following described real property having made application for classification of that property under the provisions of RCW 84.34:

Assessor's Parcel or Account Numbers: 02 05 34 0 0 0504 00Legal Description of Classified Land: the E 7.00 acres of the above parcel

And whereas, both the owner and granting authority desire to limit the use of said property, recognizing that such land has substantial public value as open space and that the preservation of such land constitutes an important physical, social, esthetic, and economic asset to the public, and both parties agree that the classification of the property during the life of this Agreement shall be for:

☐ OPEN SPACE LAND☒ TIMBER LAND

Now, therefore, the parties, in consideration of the mutual covenants and conditions set forth herein, do agree as follows:

1. During the term of this Agreement, the land shall only be used in accordance with the preservation of its classified use.
2. No structures shall be erected upon such land except those directly related to, and compatible with the classified use of the land.
3. This Agreement shall be effective commencing on the date the legislative body receives the signed Agreement from the property owner, and shall remain in effect for a period of at least ten (10) years.
4. This Agreement shall run with the land described herein and shall be binding upon the heirs, successors and assigns of the parties hereto.
5. Withdrawal: The land owner may withdraw from this Agreement if after a period of eight years the land owner makes a withdrawal request, which request is irrevocable, to the assessor. Two years from the date of that request the assessor shall withdraw the land from the classification, and the applicable taxes and interest shall be imposed as provided in RCW 84.34.070.
6. Breach: After land has been classified and as Agreement executed, any change of use of the land, except through compliance with items (5) or (7) of this Agreement, shall be considered a breach of this Agreement, and subject to applicable taxes, penalties, and interest as provided in RCW 84.34.080 and 84.34.108.
7. A breach of Agreement shall not occur and the additional tax shall not be imposed if the removal of designation resulted solely from:
 - (a) Transfer to a government entity in exchange for other land located within the State of Washington;
 - (b) A taking through the exercise of the power of eminent domain, in anticipation of the exercise of such power;
 - (c) Sale or transfer of land within two years after the death of the owner of at least fifty percent interest in such land.
 - (d) 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.
 - (e) Official action by an agency of the State of Washington or by the county or city within which the land is located which disallows the present use of such land.
 - (f) Transfer to a church and such land would qualify for property tax exemption pursuant to RCW 84.36.020.
 - (g) 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 (5g)).
8. The county assessor may require classified land owners to submit pertinent data regarding the use of the land, and such similar information pertinent to continued classification and appraisal of the land.

FORM REV 64 0022 (3-88)

Registered 11990
 Assessed 11990

This Agreement shall be subject to the following conditions:

THIS PART OF THE PROPERTY IS ALSO USED AS
WATERED FOR DOMESTIC WATER SPRING AND
AS SUCH, ROUTINE MAINTENANCE AND UPGRADE TO
THIS SYSTEM WILL BE NECESSARY FROM TIME TO TIME
WHICH WOULD INCLUDE, BUT NOT BE LIMITED TO REPLACEMENT OR
REBUILDING PUMPHOUSE AND OPERATING SPRING/POND.

Y. M. Olsen
10-23-90

It is declared that this Agreement contains the classification and conditions as provided for in RCW 84.34 and the conditions imposed by this Granting Authority.

Dated Oct. 8, 1990



Granting Authority:

Keye D. [Signature]
City or County

Skamania County Comm. Chairman

ATTEST
[Signature]
Sk. Co. Auditor and Ex-Officio
Clerk of the Board

As owner(s) of the herein described land I (we) indicated by my (our) signature(s) that I (we) are aware of the potential tax liability and hereby accept the classification and conditions of this Agreement.

Dated 10-23-90

Y. M. Olsen
Owner(s)

(Must be signed by all owners)

Date signed Agreement received by Legislative Authority

Prepare in triplicate with one completed copy to each of the following:

Owner(s)
Legislative Authority
County Assessor

APPLICATION FOR CLASSIFICATION AS OPEN SPACE LAND OR TIMBER LAND
FOR CURRENT USE ASSESSMENT UNDER RCW 84.34

FILE WITH THE COUNTY LEGISLATIVE AUTHORITY

Name of Applicant JAMES S. STEIN Phone 206-837-3324
 Address M.P.O. 107R HABEE MINES ROAD WASHOUCHE, WA
 Property Location SAME

1. Interest in property: ☐ Fee Owner ☐ Contract Purchaser ☐ Other (Describe) _____

2. Assessor's parcel or account number 02 05 34 00 050400
 Legal description of land to be classified _____

3. What land classification is being applied for? ☐ Open Space ☐ Timber Land
 NOTE: A single application may be made on open space and timber land but a legal description must be furnished for the area of each different classification.

4. Total acres in application _____

5. OPEN SPACE CLASSIFICATION Number of acres _____

6. Indicate what category of open space this land will qualify for: (See back for definitions)

- ☐ Open space zoning
- ☐ Conserve and enhance natural or scenic resources
- ☐ Protect streams or water supply
- ☐ Promote conservation of soils, wetlands, beaches or tidal marshes
- ☐ Enhance value to public of abutting or neighboring parks, forests, wildlife preserves, nature reservations or sanctuaries or other open space
- ☐ Preserve historic sites
- ☐ Retain in natural state tracts of five (5) or more acres in urban areas and open to public use as reasonably required by granting authority

7. TIMBER LAND CLASSIFICATION Number of acres 2.0

8. Do you have a timber management plan on this property? ☒ Yes ☐ No If yes, submit a copy of that plan with this application.

9. If you have no timber management plan, specifically detail the use of this property to show that it is devoted primarily to the growth and harvest of forest crops.

10. Describe the present current use of each parcel of land that is the subject of this application.

11. Describe the present improvements on this property (buildings, etc.) WITH SPRINK PRESENTLY FOR DISTANCE WITH SMALL ROAD AND PUMP BUILDING

12. Attach a map of the property to show an outline of current uses of the property and indicate location of all buildings.

13. Is this land subject to a lease or agreement which permits any other use than its present use? ☐ Yes ☐ No
 If yes, attach a copy of the lease or agreement.



NOTICE: The assessor may require owners to submit pertinent data regarding the use of classified land.

OPEN SPACE LAND MEANS:

BOOK 121 PAGE 343

- (a) Any land area so designated by an official comprehensive land use plan adopted by any city or county and zoned accordingly, or
- (b) Any land area, the preservation of which in its present use would (i) conserve and enhance natural or scenic resources, or (ii) protect streams or water supply, (iii) promote conservation of soils, wetlands, beaches or tidal marshes, or (iv) enhance the value to the public of abutting or neighboring parks, forests, wildlife preserves, nature reservations or sanctuaries or other open space, or (v) enhance recreation opportunities or (vi) preserve historic sites, or (vii) retain in its natural state tracts of land not less than five acres situated in an urban area and open to public use on such conditions as may be reasonably required by the legislative body granting the open space classification.

TIMBER LAND MEANS:

Land in any contiguous ownership of five or more acres which is devoted primarily to the growth and harvest of forest crops and which is not classified as reforestation land pursuant to Chapter 84.28 RCW or as forest land under Chapter 84.33. Timber land means the land only.

STATEMENT OF ADDITIONAL TAX, INTEREST AND PENALTY DUE UPON REMOVAL FROM CLASSIFICATION UNDER RCW 84.34

- Upon removal, 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:
 - The difference between the property tax paid as "Open Space Land" or "Timber Land" and the amount of property tax otherwise due and payable for the seven years last past had the land not been so classified; plus
 - Interest upon the amounts of the difference (a), paid at the same statutory rate charged on the delinquent property taxes.
 - A penalty of 20% shall be applied to the additional tax if the classified land is applied to some other use, except through compliance with the property owner's request for removal process, or except as a result of those conditions listed in (2) below.
- The additional tax, interest and penalty specified in (1) above shall not be imposed if the removal resulted solely from:
 - Transfer to a government entity in exchange for other land located within the State of Washington.
 - 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.
 - Sale or transfer of land within two years after the death of the owner of at least a fifty percent interest in such land.
 - 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.
 - Official action by an agency of the State of Washington or by the county or city within which the land is located which disallows the present use of such land.
 - Transfer to a church and such land would qualify for property tax exemption pursuant to RCW 84.36.020.
 - 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(5g)).

AFFIRMATION

As owner(s) of the land described in this application, I hereby indicate by my signature that I am aware of the potential tax liability involved when the land ceases to be classified under provisions of RCW 84.34. I also declare under the penalties for false swearing that this application and any accompanying documents have been examined by me and to the best of my knowledge it is a true, correct and complete statement.

Signatures of all owner(s) or contract Purchaser(s)

[Signature]

All owners and purchasers must sign.

FOR LEGISLATIVE AUTHORITY USE ONLY

Date application received 2-31-90
Amount of fee collected \$ 25

By [Signature]
Transmitted to Planning Date 8-1-90

FOR GRANTING AUTHORITY USE ONLY

Date received Oct. 8, 1990

Application approved X Approved in part

Date fee returned

By [Signature]
Denied Owner notified of denial on

Agreement executed on Mailed on