

115191

BOOK 132 PAGE 647

**OPEN SPACE TAXATION AGREEMENT  
CH. 84.34 RCW**

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

This Agreement between Billy Lyons and Ottis Holwegner

Registered

Indexed, air

Indirect

Signed

Mailed

hereinafter 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 CH. 84.34 RCW.

Assessor's Parcel or Account Numbers: 4-7-15-501

Legal Description of Classified Land: Within the NW $\frac{1}{4}$  of the SE $\frac{1}{4}$  of Section 15, Township 4 North,  
Range 7 East, W.M.

And whereas, both the owner and granting authority agree 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 be used only 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 apply to the parcels of land described herein and shall be binding upon the heirs, successors and assignees of the parties hereto.
5. **Withdrawal:** The land owner may withdraw from this Agreement if, after a period of eight years, he or she files an irrevocable request to withdraw classification with the assessor. Two years from the date of that request the assessor shall withdraw classification in the land, and the applicable taxes and interest shall be imposed as provided in RCW 84.34.070 and 84.34.108.
6. **Breach:** After the effective date of this Agreement, any change in use of the land, except through compliance with items (5) or (7) shall be considered a breach of this Agreement, and shall be subject to removal of classification and liable for applicable taxes, penalties, and interest as provided in RCW 84.34.080 and 84.34.108.
7. A breach of Agreement shall not have occurred and the additional tax shall not be imposed if removal of classification 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 such power 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 a 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 where the land is located disallowing the present use of such land.
  - (f) Transfer to a church when 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 (5)(g)).
8. The county assessor may require an owner to submit data relevant to continuing the eligibility of any parcel of land described in this Agreement.

This Agreement shall be subject to the following conditions:

BOOK 132 PAGE 648

1. The applicants shall, within 8 months, consolidate all old automobiles, heavy equipment and other items onto their residential one acre or on a single acre adjacent to the acre other than that aside for the residence and keep the balance of the acreage to be managed for timber production free of further improvements or large items of personal property.
2. The applicants shall, within the time set out in the Management Plan, complete all recommendations made in the following sections of the Timber Management Plan attached to their application including:

Management Prescriptions: 1. Required Treatments, and a., b., and d., of Optional treatments.

FILED FOR RECORD  
SEAMING CO. 11/24/92  
BY Planning Dept.

DEC 22 4 04 PM '92

J. Lowry

GARY J. OLSON

Mixed hardwood and conifer stand in the river bottom.

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

Granting Authority:

Dated 11-9-92

*[Signature]*

City or County

Chairman, Board of County Commissioners  
Title

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 12/15/92

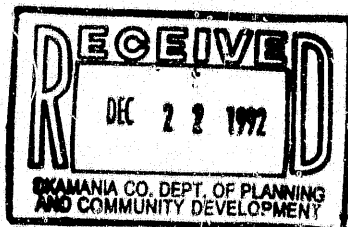
X *[Signature]*  
Owner(s)

*[Signature]*  
(Must be signed by all owners)

Date signed Agreement received by Legislative Authority December 22, 1992

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

Owner(s)  
Legislative Authority  
County Assessor





# APPLICATION FOR TRANSFER OF CLASSIFIED OR DESIGNATED FOREST LAND TO CURRENT USE CLASSIFICATION

(Chapters 84.33 and 84.34 RCW)

File with County Assessor

County SkamaniaName of Applicant Billy D. Lyons/Ottis Holwegner

Tax Code \_\_\_\_\_

P.O. Box 147 Carson, WA 98610Address P.O. Box 789, Carson, WA 98610Phone 427-4184Land Subject to This Application (Legal Description) See attached legal descriptionAssessor's Parcel or Account Number 04-07-15-0-0--501

## CHANGE OF CLASSIFICATION

The land is currently classified or designated forest land under provisions of Chapter 84.33 RCW and meets the definition of one of the following and I request reclassification as:

CHECK APPROPRIATE  
BOX☐

Farm and agricultural land as provided under RCW 84.34.020(2).  
(Attach completed FORM REV 64 0024.)

☒

Timber land as provided under RCW 84.34.020(3).  
(Attach completed FORM REV 64 0021.)

## AFFIRMATION

As owner(s) or contract purchaser(s) of the land described in this application, I hereby indicate by my signature that I have read the reverse side of this form and I am aware of the potential tax liability involved when the land ceases to be classified under provisions of Chapter 84.34 RCW.

If this land is removed from classification before ten years have elapsed, compensating tax will be due for the part of the period it was classified or designated forest land.

Date 10/2/92

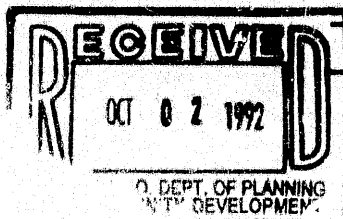
Signature(s) of All Owner(s) or Contract Purchaser(s)

Billy Lyons  
Ottis R. Holwegner

Attachment:

☐ FORM REV 64 0021☐ FORM REV 64 0024

FORM REV 64 0038 (3-88)



(SEE REVERSE SIDE)

**Chapter 315, Laws of 1986:**

- (1) If no later than thirty days after removal of classification or designation the owner applies for classification under RCW 84.34.020 (2) or (3), then the classified or designated forest land shall not be considered removed from classification or designation for purposes of compensating tax under RCW 84.33.120 or 84.33.140 until the application for current use classification under RCW 84.34.030 is denied or the property is removed from designation under RCW 84.34.108. Upon removal from designation under RCW 84.34.108, the amount of compensating tax due under this chapter shall be equal to:
  - (a) The difference, if any, between the amount of the assessed valuation on such land as forest land and the amount of the new assessed valuation of such land when removed from designation under RCW 84.34.108 multiplied by the dollar rate of the last levy extended against such land, multiplied by
  - (b) A number equal to:
    - (i) The number of years the land was classified or designated under this chapter, if the total number of years the land was classified (or designated under this chapter and classified under chapter 84.34 RCW is less than ten; or
    - (ii) Ten minus the number of years the land was classified under chapter 84.34 RCW, if the total number of years the land was classified or designated under this chapter and classified under chapter 84.34 RCW is at least ten.
- (2) Nothing in this section authorizes the continued classification or designation under this chapter or defers or reduces the compensating tax imposed upon forest land not transferred to classification under subsection (1) of this section which does not meet the necessary definitions of forest land under RCW 84.33.100. Nothing in this section affects the additional tax imposed under RCW 84.34.108.

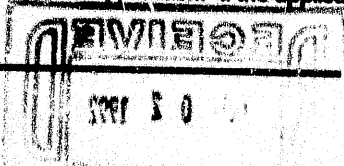
The application for transfer from classified or designated forest land to current use classification, farm and agricultural or timber land must be made within 30 days from the date of removal from forest land.

The county assessor will approve all applications for transfer to farm and agricultural classification.

In all unincorporated areas, the legislative authority shall act as the granting authority for application for transfer to timber land classification. Lands within the incorporated areas shall be acted upon by a group composed of three members of the county legislative authority and three members of the city legislative authority.

Compensating tax will be due at the time of sale or transfer of any portion of land unless the application for classification is approved. If only a portion of the parcel listed on the application qualifies for classification the granting authority may approve only that part.

An application fee of not more than \$50 shall accompany each separate application. If the application is denied, all fees will be returned to applicant.

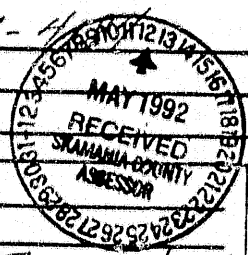




APPLICATION FOR CLASSIFICATION AS OPEN SPACE LAND OR TIMBER LAND  
FOR CURRENT USE ASSESSMENT UNDER CH. 84.34 RCW

## FILE WITH THE COUNTY LEGISLATIVE AUTHORITY

Name of Applicant Billy D. Lyons & Otis Holwagner Phone 427-4111  
 Address P.O. Box 784 Carson, WA, 98610  
 Property Location: 10.36 L. Wind River Hwy



1. Interest in property: ☒ Fee Owner ☐ Contract Purchaser ☐ Other (Describe) \_\_\_\_\_  
 2. Assessor's parcel or account number 04 07 15 012 050100  
 Legal description of land to be classified Copy of Legal Description Enclosed

3. Land classification that is being sought: ☒ Open Space ☒ Timber Land

NOTE: A single application may be made for both open space and timber land, but a separate legal description must be furnished for each area that classification is being sought.

4. Total acres in application 20.19 *original application used to change to 19 acres by 2.7.*

## 5. OPEN SPACE CLASSIFICATION

Number of acres 20.19

6. Indicate what category of open space this land will qualify for: (See reverse side 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 public recreation opportunities  
☐ 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 20

8. Do you have a timber management plan for 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".

- This portion of land was left in timber & only partially cut & has avoided itself from the old growth.

10. Describe the present current use of each parcel of land listed in this application.

Homestead & Timberland

11. Describe the present improvements on this property (buildings, etc.) Mobile home, temporary power, small bldg. & with spring water.

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:**

- (a) Any land area so designated by an official comprehensible 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 one ownership consisting of five or more acres in contiguous parcels devoted primarily to the growth and harvest of forest crops and which is not classified or designated as forest land under Chapter 84.33 RCW. Timber land means the land only.

**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" or "Timber 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 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 (1) 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) Sale or transfer of land within two years after the death of the owner of at least a 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 where the land is located disallowing the present use of such land.
  - (f) Transfer to a church when 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(5)(g)).

**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 CH. 84.34 RCW. 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.

May 9, 1992. *Not application Blank when signed*  
Signatures of all Owner(s) or Contract Purchaser(s)

*Bill Lyons*  
*Bill Lyons*

All owners and purchasers must sign.

**FOR LEGISLATIVE AUTHORITY USE ONLY**

Date application received \_\_\_\_\_ By \_\_\_\_\_  
Amount of processing fee collected \$ \_\_\_\_\_ Transmitted to \_\_\_\_\_ Date \_\_\_\_\_

**FOR GRANTING AUTHORITY USE ONLY**

Date received \_\_\_\_\_ By \_\_\_\_\_  
Application approved \_\_\_\_\_ Approved in part \_\_\_\_\_ Denied \_\_\_\_\_ Owner notified of denial on \_\_\_\_\_  
Agreement executed on \_\_\_\_\_ Mailed on \_\_\_\_\_