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BOOK 161 PAGE 953

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SKAMANIA CO. WASH
BY Ska Co Assessor

JAN 16 4:30 PM '97
AUDITOR
GARY M. OLSON

RETURN ADDRESS:

SKAMANIA COUNTY ASSESSOR'S OFFICE
COURTHOUSE
P O BOX 790
STEVENSON, WA 98648

Please Print or Type Information.

Document Title(s) or transactions contained therein:

1. Open Space Taxation Agreement-Lien
2.
3.
4.

GRANTOR(S) (Last name, first, then first name and initials)

1. Lillegard, Daniel Lee
2.
3.
4.

[ ] Additional Names on page _____ of document.

GRANTEE(S) (Last name, first, then first name and initials)

1. Skamania County
2.
3.
4.

[ ] Additional Names on page _____ of document.

LEGAL DESCRIPTION (Abbreviated: i.e., Lot, Block, Plat or Section, Township, Range, Quarter/Quarter)

Lot 7 and 8 Hoves Orchard Homes Located in T3N R7E S 36

[ ] Additional Names on page _____ of document.

REFERENCE NUMBER(S) Of Documents assigned or released:

[ ] Additional Names on page _____ of document.

ASSESSOR'S PROPERTY TAX PARCEL/ACCOUNT NUMBER

03 07 36 2 0 0100 00

[ ] Property Tax Parcel ID is not yet assigned.
[ ] Additional Names on page _____ of document.

The Auditor/Recorder will rely on the information provided on the form. The Staff will not read the document to verify the accuracy or completeness of the indexing information.

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OPEN SPACE TAXATION AGREEMENT
CH. 84.34 RCW BOOK 161 PAGE 954
(TO BE USED FOR "OPEN SPACE", "TIMBER LAND" CLASSIFICATION OR "RECLASSIFICATION" ONLY)

This Agreement between DANIEL LEE LILLEGARD

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: 03 07 36 2 0 0100 00

Legal Description of Classified Land: 8.48 ACRES TOTAL ABOVE MENTIONED PARCEL

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 convenants 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 a request to withdraw classification with the assessor. Two years from the date of that request the assessor shall withdraw classification from 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), (7) or (9) 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 and having manifest its intent in writing or by other official action.
   (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 disallowing the present use of such land.
   (e) Transfer of land to a church when such land would qualify for 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 (5)(f)).
   (g) Removal of land classified as farm and agricultural land under RCW 84.34.020(2)(d).
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.
9. Reclassification as provided in Chapter 84.34. RCW.

Unofficial Document

This Agreement shall be subject to the following conditions:

THE APPLICATION BE FOR THE TOTAL 8.48 ACRES IN PARCEL NOT THE 7.88 ACRES AS STATED ON APPLICATION.

THE UNDERSTOCKED AREAS WILL BE STOCKED WITH THE 1,000 TREES THAT HAVE BEEN ORDERED.

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: SKAMANIA COUNTY

Dated December 30, 1996

Robert E. Stroker
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 1/15/97

Daniel K. Gillard
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

FORM REV 64 0022-2 (2-93)

Unofficial Copy

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

FILE WITH THE COUNTY LEGISLATIVE AUTHORITY

BOOK 161 PAGE 956

Name of Applicant Daniel L. Lillegard Phone (509) 427-8508

Address P.O. Box 251, Stevenson, WA 98648

Property Location Approx. 8.5 acres at end of Wachter Road in N 1/2 NW 1/4 NE 1/4 Sec. 36

1. Interest in property: ☒ Fee Owner ☐ Contract Purchaser ☐ Other (Describe)
2. Assessor's parcel or account number Parcel No. 03 07 36 2 0 0100 00 T 3N, R 7E, WM
   Legal description of land to be classified Lots 7 & 8 of the E.C. Hove Orchard Home Tracts on file and of record in Book "A" of Plats, Pg. 77 records of Skamania County, Washington. Except that portion deeded to U.S.A. for Bonneville Power Transmission Line.
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 8.48

5. **OPEN SPACE CLASSIFICATION** N/A Number of acres

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
   - ☐ Preserve visual quality along highway, road, and street corridors or scenic vistas.
   - ☐ Retain in natural state tracts of one (1) or more acres in urban areas and open to public use as reasonably required by granting authority
   - ☐ Farm and agricultural conservation land as defined in RCW 84.34.020(8)

RECEIVED SKAMANIA COUNTY APR 16 1996 DEPT OF PLANNING AND COMMUNITY DEVELOP.

7. **TIMBER LAND CLASSIFICATION** Number of acres 7.86 8.48

Definition: "Timber land" means any parcel of land that is 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 forest crops for commercial purposes. A timber management plan shall be filed with the county legislative authority at the time (a) an application is made for classification as timber land pursuant to this chapter or (b) when a sale or transfer of timber land occurs. ... ber land means land only.

8. Submit a copy of you... s for a timber management plan are available from the c...

A timber manageme...

a) a legal descriptio...
b) date of acquisitio...
c) a brief descriptio...
d) if land is used f... g,
e) whether land and ... ent, fire protection, insect & disease control, etc.,
f) a summary of past experience and current and continuing activity,
g) a map of property outlining current use of property and indicating location of all buildings.

RAY E. JOHNSON
FOREST CONSULTANT
Put on mailing list for Natives
18730 So. Nancy Marie Ln.
Oregon City, OR 97045
503-656-3637

9. Describe the present improvements on this property (buildings, etc.) Temporary Outbuildings
10. 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 agreement.

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

FORM REV 64 0028-1 (2-93)

Unofficial Document

OPEN SPACE LAND MEANS:

(a) Any land area so designated by a comprehensive land use plan adopted by a city or county authority, or

(b) Any land area, the preservation in its present use would:

(i) Conserve and enhance natural or scenic resources,

(ii) Protect streams or water supply,

BOOK 161 PAGE 967

(iii) Promote conservation of soils, wetlands, beaches or tidal marshes,

(iv) Enhance the value to the public of abutting or neighboring parks, forests, wildlife preserves, nature reservations or sanctuaries or other open space,

(v) Enhance recreation opportunities

(vi) Preserve historic sites,

(vii) Preserve visual quality along highway, road, and street corridor or scenic vistas, or

(viii) 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 granting authority.

(c) Or, any land meeting the definition of "farm and agricultural conservation land".

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) 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 disallowing 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(5)(f)).

(g) Removal of land classified as farm & agricultural land under RCW 84.34.020(2)(d) (farm homesite).

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.

Signatures of all Owner(s) or Contract Purchaser(s)

Daniel Lee Lillegard

Date: ,1996 All owners and purchasers must sign.

FOR LEGISLATIVE AUTHORITY USE ONLY

Date application received 4-21-96 (# 2232) By K. PEARSON

Amount of processing fee collected $ 200.00 Transmitted to _____ Date _____

FOR GRANTING AUTHORITY USE ONLY

Date received _____ By _____

Application approved XX Approved in part _____ Denied _____ Owner notified of denial or _____

Agreement executed on December 30, 1996 Mailed on _____

FORM REV 64 0123-2 (2-93)

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

FILE WITH THE COUNTY LEGISLATIVE AUTHORITY

BOOK 161 PAGE 956

Name of Applicant Daniel L. Lillegard Phone (509) 427-8508

Address P.O. Box 251, Stevenson, WA 98648

Property Location Approx. 8.5 acres at end of Wachter Road in N 1/2 NW 1/4 NE 1/4 Sec. 36 T 3N, R 7E, WM

1. Interest in property: ☒ Fee Owner ☐ Contract Purchaser ☒ Other (Describe)
2. Assessor's parcel or account number Parcel No. 03 07 36 2 0 0100 00
   Legal description of land to be classified Lots 7 & 8 of the E.C. Hove Orchard Home Tracts on file and of record in Book "A" of Plats, Pg. 77 records of Skamania County, Washington. Except that portion deeded to U.S.A. for Bonneville Power Transmission Line.
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 8.48

5. **OPEN SPACE CLASSIFICATION** N/A Number of acres

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
   - ☐ Preserve visual quality along highway, road, and street corridors or scenic vistas.
   - ☐ Retain in natural state tracts of one (1) or more acres in urban areas and open to public use as reasonably required by granting authority
   - ☐ Farm and agricultural conservation land as defined in RCW 84.34.020(8)

RECEIVED SKAMANIA COUNTY APR 16 1996 DEPT OF PLANNING AND COMMUNITY DEVELOPMENT

7. **TIMBER LAND CLASSIFICATION** Number of acres 2 @ 8.48 Ac.

   Definition: "Timber land" means any parcel of land that is 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 forest crops for commercial purposes. A timber management plan shall be filed with the county legislative authority at the time (a) an application is made for classification of land as timber land or (b) when a sale or transfer of timber land occurs after classification. "Timber land" means land only.

8. Submit a copy of your timber management plan. Guidelines for a timber management plan are available from this office.

   A timber management plan shall include:

   a) a legal description of the land,
   b) date of acquisition,
   c) a brief description of the timber on the land,
   d) if land is used for grazing,
   e) whether land and timber is currently under organized management, fire protection, insect & disease control, etc.,
   f) a summary of past experience and current and continuing activity,
   g) a map of property outlining current use of property and indicating location of all buildings.

RAY E. JOHNSON
FOREST CONSULTANT
Prefer mailing and Notices
18730 So. Nancy Marie Ln.
Oregon City, OR 97045
503-656-3637

9. Describe the present improvements on this property (buildings, etc.) Temporary Outbuildings
10. 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 agreement.

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

FORM REV 60 0021-1 (2-93)

Official Copy

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(b) Any land area, in which the preservation in its present use would:
(i) Conserve and enhance natural or scenic resources,
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(vi) Preserve historic sites,
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Daniel Lee Lillegard

Date: ,1996 All owners and purchasers must sign.

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FOR GRANTING AUTHORITY USE ONLY

Date received _____ By _____

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Agreement executed on December 30, 1996 Mailed on _____

FORM REV 64 0009-2 (2-93)

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