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BOOK 163 PAGE 434

When Recorded Return to:

SKAMANIA COUNTY ASSESSOR
P O BOX 790
STEVENSON, WA 98648

FILED
SKAMANIA COUNTY WASH
BY Assessor

Mar 18 10 20 AM '97
GARY M. OLSON
ASSESSOR

OPEN SPACE TAXATION AGREEMENT C/L 84.34 RCW

(To be used for "Open Space", "Timber Land" Classification or "Reclassification" Only)

Grantor(s) JAMES W HOFFMAN & NEIL H HAFFEY
 Grantee(s) SKAMANIA COUNTY
 Legal Description W $\frac{1}{4}$ - SE $\frac{1}{4}$ - NE $\frac{1}{4}$ of Section 33 Township 2 N Range 5 E
 Assessor's Property Tax Parcel or Account Number 02 05 33 0 0 1800 00
 Reference Numbers of Documents Assigned or Released BOOK E/PAGE 828
 This agreement between JAMES W HOFFMAN & NEIL H HAFFEY
 hereinafter called the "Owner", and SKAMANIA COUNTY

hereinafter called the "Granting Authority".

Whereas the owner of the above described real property having made application for classification of that property under the provisions of CH 84.34 RCW.

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legislative body receives the signed agreement from the property owner and shall remain in effect until the property is withdrawn or removed from classification.
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.

REV 64 0022-1 (7-06-97)

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- 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 RCW 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 the power in anticipation of the exercise of such power and having manifested 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 84.34108(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.

This agreement shall be subject to the following conditions:

- 1. Management of the subject parcel shall proceed as outlined in the applicant's Forest Management Plan.
- 2. All recommendations set out in the Forest Management Plan shall be requirements and shall be executed as specified in the plan.
- 3. Within three years of any harvest, the harvest area should be replanted to 12' x 12' spacing or contain at least 100 trees/acre of at least 20 years of age.
- 4. Since this application and Forest Management Plan is specific to the entire parcel, any further division of the subject parcel shall require a new management plan specific to each parcel.
- 5. Weeds and brush shall be suppressed until all trees exceed 6' in height.

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. This agreement to tax according to the use of the property may be annulled or canceled at any time by the Legislature.

Dated 2/18/97

Granting Authority: SKAMANNA COUNTY, WASHINGTON

Edward A. McLarney
 City or County
 Edward A. McLarney
 Chair, Board of Commissioners
 Title

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

Dated 3/17/1997

James W. Hoffmann
 Owner(s)
Neil H. Hefley
 (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, Legislative Authority, County Assessor