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BOOK 239 PAGE 475

FILED FOR RECORD
SKAMANIA CO. WASH
Assessor

MAR 26 2 56 PM '03

J. Michael Marvin
J. MICHAEL MARVIN

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OPEN SPACE TAXATION AGREEMENT

Chapter 84.34 RCW

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

Grantor(s): BALOGH, RICHARD & SHERRILL

Grantee(s): SKAMANIA COUNTY

Legal Description: 9.26 Acres in the NE 1/4 - SW 1/4 of Section 28, Township 2N, Range 5E lying Northwesterly
Of LaBarre Road

Assessor's Property Tax Parcel or Account Number: 02-05-00-0-0-8000-00

Reference Numbers of documents Assigned or Released Book E /Page 787

This agreement between Richard & Sherrill Balogh

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 provision of chapter 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 convenience 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legislative body receives the signed agreement from the property owner and shall remain in effect until the property is withdrawn or removed from classification.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 landowner 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 RCW 84.34.108.
7. A breach of agreement shall not have occurred and 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 with 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 land owner 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 62.04.130 (See RCW 84.34.108(5)(i)).
 - g) Removal of land classified as farm and agricultural land under RCW 84.34.020(2)(d).
 - h) Removal of land from classification after enactment of a statutory exemption that qualifies the land for exemption and receipt of notice from the owner to remove the land from classification.
 - i) The creation, sale, or transfer of forestry riparian easements under RCW 76.13.120.
 - j) The creation, sale, or transfer of fee interest or a conservation easement for the riparian open space program under RCW 76.09.040.
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 (3) years of any harvest, the harvest area should be replanted to 12'x12' 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 Chapter 84.34 RCW and the conditions imposed by this Granting Authority. This agreement to tax according to the use of the property is not a contract and can be annulled or canceled at any time by the Legislature (RCW 84.34.070).

Granting Authority:

13 Mar 03
Date *James L. Bent*
City or County
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.

3/18/03
Date *Sherill C. Baugh*
Owner(s)
Sherill C. Baugh
Owner(s)
Owner(s)

(Must be Signed By All Owners)

Date signed agreement received & submitted for recording

3-18-03

Prepare in triplicate with one completed copy to each of the following: Owner, Legislative Authority, County Assessor

APPLICATION FOR TRANSFER OF CLASSIFIED OR DESIGNATED
FOREST LAND TO CURRENT USE CLASSIFICATION
(CHAPTER 84.33 AND 84.34 RCW)

FILE WITH COUNTY ASSESSOR

APPLICANT Richard & Sherrill Balogh County Skamania
ADDRESS 1211 Larch Hill Rd TAX CODE 100

Washougal WA 98671

Land subject to this application (legal description) 9.26 ACRES IN THE NE 1/4 SW 1/4
OF SECTION 28 TENURE NULYGE Larch Hill Rd

Parcel No. Account No. 02 05 00 00 8000 00
11-18 Transferred Right Edge 287

CHANGE OF CLASSIFICATION

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

CHECK APPROPRIATE BOX

Open space land as provided under RCW 84.34.020 (1)
(Attach completed FORM REV 64 0021)

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 and a timber management plan)

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 page 2 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 2/11/03

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

Richard & Sherrill Balogh

Attachment:

FORM REV 64 0021
 FORM REV 64 0024

FORM REV 64 0038-1 (2-93)

RETIPIED: SKA CO-AppTransf-Classified/Designated 98

RECEIVED

FEB 11 2003

Skamania County Assessor

Page 1 of 2

**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 Richard + Sherry Balooy PHONE 360-837-3655
 ADDRESS 1211 LABORER Road Washougal WA 98671
 PROPERTY LOCATION 1 Laborer Road

1. Interest in Property: Fee Owner Contract Purchaser Other (Describe) _____
2. Assessor's parcel or account number 02 05 00 00 8000 00
 Legal description of land to be classified NE1/4 - SW1/4 OF Sect. 10 of 28
Township 2 N Range 5E North of Laborer Road
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 separate legal description must be furnished for each area that classification is being sought.

4. Total acres in application 9.26
5. OPEN SPACE CLASSIFICATION 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
 - Retaining natural state tracts of one (1) or more acres in urban areas and open to public use a reasonably required by granting authority
 - Farm and agricultural conservation land as defined in RCW 84.34.020(8)

7. TIMBER LAND CLASSIFICATION NUMBER OF ACRES 9.26

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 and a notice of classification continuance is signed. Timber land means land only.

8. Submit a copy of your timber management plan with this application. Guidelines for a timber management plan are available from the county assessor.

A timber management plan will include the following:

- a legal description or assessor's parcel numbers for the property,
- b) date of acquisition of land

- c) a brief description of timber or if harvested the owners plan for restocking
- d) if land is used for grazing,
- e) whether land and application are in compliance with restocking, forest management, fire protection, insect and disease control, etc.,
- f) a summary of past experience and current continuing activity, or
- g) a map or property outlining current use of property and indicating location of all buildings.

9. Describe the present improvements on this property (buildings, none at this time)

10. Is this land subject to a lease or agreement with permits any other use than its present use? Yes No

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 a 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 or abutting or neighboring parks, forests, wildlife preserves, nature reservations or sanctuaries or other open space,
 - v) Enhance recreation opportunities or
 - vi) Preserve historic sites, or
 - 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 (1) acres 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 (7) 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 flood, windstorm, earthquake, or other such calamity rather than by virtue 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 d' allowing the present use of such land.
- e) Transfer 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 and agricultural land under RCW 84.34.020 (2)(d) (farm homesite).
- h) Removal of land from classification after enactment of a statutory exemption that qualifies the land for exemption and receipt of notice from the owner to remove the land from classification.
- i) The creation, sale, or transfer of forestry riparian easements under RCW 76.13.120.
- j) The creation, sale, or transfer of a fee interest or a conservation easement for the riparian open space program under RCW 76.09.040.

AFFIRMATION

As owner(s) or contract purchaser(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 my accompanying documents have been examined by me and to the best of my knowledge it is true, correct and complete statement.

The agreement to tax according to use of the property is not a contract and can be canceled at any time by the Legislature (RCW 84.34.070).

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

RECEIVED

FEB 11 2003

FOR LEGISLATIVE AUTHORITY USE ONLY. NOT FOR PUBLIC RELEASE.

Date Application received 2-11-03 By Assessor
Amount of processing fee collected \$700.00

Transcribed to Commissioners Date 4456

FOR GRANTING AUTHORITY USE ONLY

UNIVERSITY LIBRARIES *Kenji S* 2

By 

Date received 3/17/03 Application approved 3/17/03 Approved in part 3/17/03 By ██████████
Agreement executed on 3/17/03 Denied ██████████ Mailed on ██████████ Owner notified of denial on ██████████

FORM REV 64-0021-2 (1/3/2000) -OPEN - 2000-App-Class-Open-Timber pg 3/3