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BOOK 239 PAGE 482

FILED FOR RECORD  
SKAMANIA COUNTY, WASH  
BY Assessor

MAR 26 2 59 PM '03

*Amoser*  
J. MICHAEL GARRISON

When Recorded Return to:

Skamania County Assessor  
P O Box 790  
Stevenson, WA 98648

Agreed  
Assigned  
Advised  
Filed  
Noted

### OPEN SPACE TAXATION AGREEMENT

Chapter 84.34 RCW

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

Grantor(s): WEAR, DENVER O. & DOROTHY B.

Grantee(s): SKAMANIA COUNTY

Legal Description: 7 Acres in the SW 1/4 - NE 1/4 of Section 20, Township 2N, Range 5E

Assessor's Property Tax Parcel or Account Number: 02-05-20-0-0-0201-00

Reference Numbers of documents Assigned or Released Book /Page

This agreement between Denver O. & Dorothy B. Wear

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legislative body receives the signed agreement from the property owner and shall remain in effect until the property is withdrawn or removed from classification.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 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 62.04.130 (See RCW 84.34.108(5)(f)).
  - g) Removal of land classified as farm and agricultural land under RCW 84.34.020(2)(d).
  - 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 year 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).

19 Mar '03  
Date

Granting Authority:

[Signature]  
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.

March 18 2003  
Date

[Signature] Owner(s)  
[Signature] 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



Denver O & Dorothy B Wear  
22 Denver Lane  
Washougal, WA 98671

RE: 02-05-20-0-0-0201-00

On 1-9-03 Mr. Wear showed myself, Gabe and Linda around his property on 22 Denver Lane off Mathews Rd in Washougal, Skamania County.

Mr. Wear intends to cut all merchandisable timber on his property which includes firs and alder. The purpose of this harvest is to prepare the Wear's property to be planted heavily in firs for a commercial timber operation. He refers to the upcoming timber harvest as a 'clear cut'.

The creek that is referred to as Dorothy's Creek has a 29' buffer on each side and the Washougal River boundary is 78'.

Mr. Wear has even gone so far as to designate areas where trees will be healed in so that they may be planted or be held to replant if initial plantings do not take.

Areas of concern would be there is a lot of immature vine maple and alder surrounding more mature alder and firs. Mr. Wear believes that the actual logging will eliminate a lot of clearing and he feels confident that his "crawler" can control brush growth without using poisons.

I spoke to the Wears' regarding the amount of acres to go under program. The Wears' have asked for 8 acres. After scaling on the map by Gary and taking into consideration the single-wide trailer that is encroaching on the land the acreage left would be much closer to 7 acres.

# 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 Denver G. + Dorothy B. Wear PHONE 360 837 3656ADDRESS 22 Denver Lane Washougal WA 98671PROPERTY LOCATION Sec 20 TWP 2N Range 5E SW Quarter of the NE Quarter Excluding the existing buildings + Orchard in the Northern 2 acres1. Interest in Property: ☒ Fee Owner ☐ Contract Purchaser ☐ Other (Describe) \_\_\_\_\_2. Assessor's parcel or account number 02 05 20 00 0201 00Legal description of land to be classified land in the Northeast Quarter of Section 20 Township 2 North, Range 5 East Described in the Attachment3. 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 8 acres of a 10.1 acre plot for Timber Land Classification

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 (") 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)

RECEIVED

OCT 29 2002

Clallam County Assessor

7. TIMBER LAND CLASSIFICATION

NUMBER OF ACRES 8 acres of a 10.1 acre plot

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

SK-14662

LEGAL DESCRIPTION

Sortax Lot 02 05 20 00 021 00  
Skamania County, Washington

A PARCEL OF LAND IN THE NORTHEAST QUARTER OF SECTION 20, TOWNSHIP 2 NORTH, RANGE 5 EAST OF THE WILLAMETTE MERIDIAN, IN SKAMANIA COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID NORTHEAST QUARTER OF SECTION 20, TOWNSHIP 2 NORTH, RANGE 5 EAST OF THE WILLAMETTE MERIDIAN; THENCE SOUTH  $88^{\circ}34'41''$  EAST ALONG THE SOUTH LINE OF SAID NORTHEAST QUARTER, 670.95 FEET; THENCE NORTH  $01^{\circ}25'19''$  EAST, NORMAL TO SAID SOUTH LINE 143.51 FEET TO THE POINT OF BEGINNING; THENCE NORTH  $38^{\circ}32'47''$  WEST 888.18 FEET TO THE CENTERLINE OF A 60.00 FOOT PRIVATE ROAD EASEMENT; THENCE NORTH  $57^{\circ}52'50''$  EAST ALONG SAID CENTERLINE 54.72 FEET TO A 200.00 FOOT RADIUS CURVE TO THE LEFT; THENCE ALONG SAID 200.00 FOOT RADIUS CURVE TO THE LEFT 61.83 FEET; THENCE NORTH  $40^{\circ}10'00''$  EAST ALONG SAID CENTERLINE 194.74 FEET TO A POINT THAT IS SOUTH  $88^{\circ}34'41''$  EAST 313.38 FEET AND NORTH  $01^{\circ}25'19''$  EAST 1047.85 FEET FROM THE SOUTHWEST CORNER OF SAID NORTHEAST QUARTER AS MEASURED ALONG THE SOUTH LINE OF THE NORTHEAST QUARTER AND NORMAL TO IT; THENCE SOUTH  $48^{\circ}27'43''$  EAST 1155 FEET, MORE OR LESS, TO THE CENTER OF THE WEST FORK OF THE WASHOUGAL RIVER; THENCE SOUTHWESTERLY ALONG CENTER OF SAID RIVER 148 FEET MORE OR LESS TO A POINT THAT BEARS SOUTH  $88^{\circ}34'41''$  EAST FROM THE POINT OF BEGINNING; THENCE NORTH  $88^{\circ}34'41''$  WEST PARALLEL TO THE SOUTH LINE OF SAID NORTHEAST QUARTER, 565 FEET MORE OR LESS TO THE POINT OF BEGINNING, THE SAME BEING PARCEL B OF SURVEY RECORDED MARCH 4, 1980 UNDER AUDITOR'S FILE NO. 90385, IN BOOK 1 OF SURVEYS AT PAGE 214, RECORDS OF SKAMANIA COUNTY, WASHINGTON.



- e) a brief description of timber or if harvested the owners plan for restocking
  - d) if land is used for grazing,
  - e) whether land and applicant 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 of property outlining current use of property and indicating location of all buildings.
9. Describe the present improvements on this property (buildings, 2 homes and several storage structures)
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 (i.e. change 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 disallowing 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)

*Deanna J. Wilson*  
*Deanna J. Wilson*

(All owners and purchasers must sign)

## FOR LEGISLATIVE AUTHORITY USE ONLY

Date Application received 10-29-02 By St. B. Doherty  
 Amount of processing fee collected \$ 200.00 # 82995 Transmitted to Commissioner Date 2-14-03

## FOR GRANTING AUTHORITY USE ONLY

Date received 2/14/03 By St. B. Doherty  
 Application approved 3/17/03 Approved in part \_\_\_\_\_ Denied \_\_\_\_\_ Owner notified of denial on \_\_\_\_\_  
 Agreement executed on 3/17/03 Mailed on \_\_\_\_\_