



Application for Classification or Reclassification as Open Space Land or Timber Land for Current Use Assessment under Chapter 84.34 RCW

File With The County Legislative Authority

Name of Applicant: James C Henderson Phone No: 509 962-9458
 Address: 14101 Naneum Road Ellensburg, WA 98926
 Property Location: same as above

1. Interest in property: Fee owner Contract purchaser Other (Describe) _____

2. Assessor's Parcel or Account No.: 666736

Legal description of land to be classified: Map # 19-19-20000-0016
Sec 20 TWP 19 RGE 19 PTN East
GE of E 1/2 SE 1/4

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: 25

5. **Open Space Classification** Number of acres: 25

6. Indicate what category of open space this land will qualify for:

- 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)

7. Timber Land Classification

Number of acres: _____

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. "Timber land" means land only and does not include a residential home site. The term includes land used for incidental uses that are compatible with the growing and harvesting of timber but no more than ten percent of the land may be used for such incidental uses. It also includes the land on which appurtenances necessary for the production, preparation, or sale of the timber products exist in conjunction with land producing these products.

A timber management plan shall be filed with the county legislative authority either (a) when an application for classification as timber land pursuant to this chapter is submitted; (b) when a sale or transfer of timber land occurs and a notice of classification continuance is signed; or (c) within sixty days of the date the application for reclassification under this chapter is received. The application for reclassification will be accepted but not processed until the timber management plan is received. If the timber management plan is not received within sixty days of the date the application for reclassification is received, the application for reclassification shall be denied. If circumstances require it, the county assessor may allow in writing an extension of time for submitting a timber management plan when an application for classification or reclassification or notice of continuance is filed. When the assessor approves an extension of time for filing the timber management plan, the county legislative authority may delay processing an application until the timber management plan is received. If the timber management plan is not received by the date set by the assessor, the application or the notice of continuance shall be denied.

8. Submit a copy of your timber management plan with this application.

A timber management plan will include the following elements:

- a) a legal description of, or assessor's parcel numbers for, all land the applicant desires to be classified or reclassified as timber land,
- b) date or dates of acquisition of the land,
- c) a brief description of timber, or if harvested, the owners plan for restocking,
- d) whether there is a forest management plan for the land,
- e) if so, the nature and extent of implementation of the plan,
- f) if land is used for grazing,
- g) whether the land has been subdivided or a plat filed with respect to the land,
- h) whether land and applicant are in compliance with restocking, forest management, fire protection, insect and disease control, etc.,
- i) whether the land is subject to forest fire protection assessments pursuant to RCW 76.04.610,
- j) whether the land is subject to a lease, option, or other right that permits it to be used for a purpose other than growing and harvesting timber,
- k) a summary of past experience and activity of the applicant in growing and harvesting timber,
- l) a summary of current and continuing activity of the applicant in growing and harvesting timber,
- m) a statement that the applicant is aware of the potential tax liability involved when the land ceases to be classified as timber land

9. Describe the present improvements on this property (buildings, etc.). Home & out buildings
small orchard

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.

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, in which the preservation in its present use would:

- (i) Conserve and enhance natural or scenic resources,
- (ii) Protect streams or water supply,
- (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 and interest 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 disallows 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(6)(f)).
- (g) Removal of land classified as farm & agricultural land under RCW 84.34.020(2)(e) (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 conservation easement of private forest lands within unconfined channel migration zones or containing critical habitat for threatened or endangered species under RCW 76.09.040.
- (k) The sale or transfer of land within two years after the death of the owner of at least a fifty percent interest in the land if the land has been assessed and valued as designated forest land under chapter 84.33 RCW, or classified under this chapter 84.34 RCW continuously since 1993. The date of death shown on the death certificate is the date used.
- (l) The discovery that the land was classified in error through no fault of the owner.

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 Chapter 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.

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

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

James Henderson

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: _____

For tax assistance, visit dor.wa.gov/content/taxes/property/default.aspx or call 1-800-647-7706. To inquire about the availability of this document in an alternate format for the visually impaired, please call (360) 705-6715. Teletype (TTY) users may call 1-800-451-7985.

CHECKLIST FOR OPEN SPACE/TIMBER LAND APPLICATION

1. Per RCW 84.34 and Kittitas County Resolution 2002-99 as they currently exist or may be hereafter revised:

A.) All applications for Open Space shall clearly state how the change in classification shall maintain, preserve, conserve and otherwise continue open space lands for the welfare and benefit of the general public per RCW 84.34.020 (1). Open Space criteria must conform to one or more classifications listed on Paragraph Six of the application and be accompanied by a detailed description as to confirmation in that category. Notarized easement for public use may be required from applicant, upon acceptance, if legislative authority requires public access as a condition of approval.

Kittitas County is in the process of establishing a Public Benefit Rating System for Open Space Applications. Once such a system has been adopted, Kittitas County will revisit each application approved prior to the adoption. The applications will then be rated on a point system. Point totals will establish the percentage of reduction from market value for which the property will benefit due to open space.

B.) All applications for Timber Land must be five or more acres of land only in any contiguous same ownership which is primarily devoted to and used for growing and harvesting timber per RCW 84.34.020 (3). A timber management plan prepared by a professional forester must be included with the application. Guidelines for such a plan are available from the Assessor's Office.

2. Within platted subdivisions, only those parcels that prohibit residential structures shall be eligible for Open Space or Timberland Classification per Kittitas County Resolution 2002-99.
3. All parcels per application must be in same contiguous ownership.
4. Owner(s) name, address and telephone number must be on application.
5. Property location must be completed.
6. Note interest in property (fee owner, contract purchaser, other-describe).
7. Complete Assessor's Parcel Numbers must be listed on application.
8. Complete legal description is required. Attach separately, if necessary. Identify improvement site(s) that do not qualify for classification at the time of application or future site(s) that applicant desires to be excluded from application. Such site(s) must be a minimum size of one acre and must be created by completing a Segregation Form, which is available from the Assessor's Office.
9. Note classification being sought. A single application may be made for both Open Space and Timberland but a separate legal description must be provided for each area of classification.
10. List total acres in application. Separate acreages required if applying for Open Space and Timber Land.
11. All owners must sign application.
12. Non-refundable application fee of \$300.00 is payable to Kittitas County Treasurer. Complete application and copy of receipt must be submitted in triplicate to Kittitas County Commissioners Office.

For further information, please contact Kittitas County Commissioners, phone (509) 962-7508 or Kittitas County Assessor, phone (509) 962-7633, both located at 205 West Fifth, Ellensburg, Washington.

Parcel #666736

Property description:

25 acres situated at the mouth of Naneum Canyon north of Ellensburg. Naneum Creek runs through the entire parcel and Wilson Creek runs through a portion of the parcel so most of the property has assorted trees and vegetation associated with a creek bottom environment. Trees include alder, cottonwood, willow, etc. beyond the creek side most of the vegetation is similar to a dryer environment found in the surrounding foothills with sage brush, bunch grass, etc. A significant amount of the property has BPA power lines running through it.

Property use:

The property is not used for farming or grazing. When and if it is grazed it is for 2-4 weeks to minimize potential fire issues later in the year. The property receives seasonal watering but would not be defined as irrigated. Primary use is wildlife habitat. This parcel is home to a large variety of wildlife large and small such as deer, elk, bears, rabbits, coyotes, raccoons, owls, eagles, etc. Wildlife occupation is encouraged utilizing measures such as implementing Montana's Wildlife Friendly Fencing, yearly tree planting, selective tree clearing, food plots, weed control, etc. The creek bottom remains relatively untouched. Wildlife usage is encouraged and that is the plan into the future.



Kittitas County Office Of The Treasurer
Deanna Jo Panattoni, Treasurer
205 W 5th Avenue, Suite 102
Ellensburg, Wa 98926
Phone (509) 962-7535 Fax (509) 933-8212

Cash Suspense

Receipt Number: 2010-5733 Date: 12/20/2010

Received From: JAMES HENDERSON

Check Amount: \$600.00

Cash Amount: \$0.00

Eft Amount: \$0.00

Total Amount: \$600.00

Deputy: CHRISTINEG Receipt Type: CHK

Template: SPECIAL USE AP| SPECIAL USE APPLICATION

Comments:

Current Use App - P666736 & P348434

<u>FundCode</u>	<u>GlCode</u>	<u>Description</u>	<u>Amount</u>
001	3134141010	OPEN SPACE PROCESSING FESS	\$600.00
Total Amount:			\$600.00

Kittitas County Treasurer's Office

Submitted By: CHRISTINE GARCIA