



**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: NEIL J. LEIBLY Phone No.: 925 6621
 Address: 2930 RIVER BOTTOM RD
 Property Location: ELLENSBURG WA 98926

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

2. Assessor's Parcel or Account Number: 408933
 Legal description of land to be classified: SEC 23 ; TWP. 17 ; RGE. 18 ; PTN S 1/2
NE 1/4 N. SOREN SEN CR

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: 36.05

5. OPEN SPACE CLASSIFICATION Number of acres: 36.05

6. Indicate what category of open space this land will qualify for: (see reverse side for definitions)

- 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.

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.

REV 64-0021-1 (9/1/02)

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 land is subject to forest fire protection assessments pursuant to RCW 76.04.610,
- j) whether 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.). NONE

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 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 government 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 (6)(f)).
 - (g) Removal of land classification as farm & agricultural land under RCW 84.34.020(2)(e) (farm homesite).
 - (h) Removal of land from classification after enactment of 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.
 - (k) The sale or transfer of the 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;
 - (l) The sale or transfer of land after the death of the owner of at least 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 and the sale or transfer takes place within two years after July 22, 2001, and the death of the owner occurred after January 1, 1991, or;
 - (m) The date of death shown on a death certificate is the date used.

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):

Neil J. Leiby _____

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 <http://dor.wa.gov> or call (800) 647-7706. To inquire about the availability of this document in an alternate format for the visually impaired, please call (360) 486-2342. Teletype (TTY) users may call (800) 451-7985.



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

Cash Suspense

Receipt Number: 2009-3513 Date: 09/21/2009

Received From: NEIL J. LEIBLY- OPEN SPACE APPLICATION FEE

Check Amount: \$300.00

Cash Amount: \$0.00

Eft Amount: \$0.00

Total Amount: \$300.00

Deputy: MANDYR Receipt Type: CHK

Template: COMMISSIONER! COMMISSIONERS

Comments:

CHECK#6717 PAYMENT FROM NEIL J. LEIBLY OPEN SPACE APPLICANT

<u>FundCode</u>	<u>GLCode</u>	<u>Description</u>	<u>Amount</u>
001	1634141040	OPEN OPEN SPACE	\$300.00
Total Amount:			\$300.00

Kittitas County Treasurer's Office

A handwritten signature in cursive script that reads "Mandy Robinson".

Submitted By: MANDY ROBINSON



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

Cash Receipts

Receipt Number: 2009-5502 Date: 09/21/2009

Received From: NEIL J. LEIBLY- OPEN SPACE APPLICATION FEE - MAND'

Check Amount: \$300.00

Cash Amount: \$0.00

Eft Amount: \$0.00

Total Amount: \$300.00

Deputy: TRUDIEP Receipt Type: CHK

Template:

Comments:

CHECK#6717 PAYMENT FROM NEIL J. LEIBLY OPEN SPACE APPLICANT/CSR 2009-3513

<u>FundCode</u>	<u>GLCode</u>	<u>Description</u>	<u>Amount</u>
001	1634141040	OPEN OPEN SPACE	\$300.00
Total Amount:			\$300.00

Kittitas County Treasurer's Office

Submitted By: TRUDIE PETTIT

Sept 9 - 2009

SEP 11 2009

Kittitas County Assessor

Recently my right leg was amputated below the knee due to foot infection and complications due to diabetes. I live here alone and am no longer able to farm my place. Because my farm no longer produces an income I understand I can no longer keep it listed under the open space act. Upon my death my son Jim Leibly will inherit this place and he will try to farm it. Enclosed find my check for \$300.00 so this property can be removed from the open space act and that you may put me in a higher tax bracket because I am disabled.

Neil J. Leibly

Sept 9 - 2009

SEP 11 2009

Kittitas County Assessor

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Neil J. Leibly

Neil J. Leiby
2930 River Bottom Rd. 509-925-6621
Ellensburg, WA 98926

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90-7

Sept 9-09 Date

Pay to the Order of Wittman County Treasurer \$ 300.00

Three Hundred and no/100 Dollars


Ellensburg Office
312 NORTH GUY ST.
ELLENSBURG, WA 98926
1-800-486-2265
BANKWEST

For _____
⑆121100782⑆ 219036716⑆ 05717
Neil J. Leiby

Hand Cash REMILED 1