Pacific County
DEPARTMENT OF COMMUNITY DEVELOPMENT
BUILDING • ENVIRONMENTAL HEALTH • PLANNING

Date: September 7th, 2017

To: Planning Commission

From: Tim Crose, Director

RE: Request for Open Space Tax Classification

Open Space Application No. 184

Introduction
The Columbia Land Trust is requesting an open space land classification for 190 acres of property located along East Willapa Bay, just south of Lynn Point in Pacific County. An application for open space land classification under RCW 84.34.020 is acted upon in the same manner as an amendment to the Comprehensive Plan. The Planning Commission is to provide a recommendation to the Board of County Commissioners for approval or denial.

Legal Description
The property is described as Assessor's Parcel Number 12103221004, Lot 4 within Section 32, T12N, R10W. W.M., Pacific County, Washington.

Comprehensive Plan
The subject property is designated Transitional Forest according to the 2010 Pacific County Comprehensive Plan. The open space designation is consistent with this Comprehensive Plan designation.

Site Characteristics
The site consists of one parcel containing approximately 190 acres just south of Lynn Point near East Willapa Bay.

Approval Criteria
When considering whether to approve or deny an open space request, the RCW listed below does provide guidance in the decision making process.

RCW 84.34.020

(b) Whether granting the application for land applying under RCW 84.34.020(1)(b) will:

- (i)conserve or enhance natural, cultural, or scenic resources
- (ii) protect streams, stream corridors, wetlands, natural shorelines and aquifers
- (iii) protect soil resources and unique or critical wildlife and native plant habitat,
- (iv) promote conservation principles by example or by offering educational opportunities
- (v) enhance the value of abutting or neighboring parks, forests, wildlife preserves, nature reservations, sanctuaries, or other open spaces
- (vi) enhance recreation opportunities
- (vii) preserve historic and archaeological sites
- (viii) preserve visual quality along highway, road, and street corridors or scenic vistas
- (ix) affect any other factors relevant in weighing benefits to the general welfare of preserving the current use of the property

Subject Property location

Long Island

Recommendation: <u>Approval</u>

The site is designated in the 2010 Pacific County Comprehensive Plan as Transitional Forest. The open space designation is consistent with this designation. The site also appears to meet a number of the approval criteria listed in RCW 84.34.020.

Pacific County
COMMISSIONERS

Lisa Olsen, District #1
Frank Wolfe, District #2
Lisa Ayers, District #3

July 17, 2017

Columbia Land Trust
850 Officers Row
Vancouver, WA 98661

RE: Open Space Land Classification Application - #184

Your Open Space Land Classification application has been referred to the Planning Commission for its consideration. In accordance with Chapter 84.34.037 RCW, applications for classification of land that is located in an area subject to a comprehensive plan require the application to be acted upon by the Planning Commission.

You will be notified by the Department of Community Development when your application will be considered by the Planning Commission. If approved, a public hearing will then be scheduled before the Board of Pacific County Commissioners for their action.

If you have any questions, please feel free to contact our office.

Thank you.

PACIFIC COUNTY
BOARD OF COMMISSIONERS

Marie Guernsey

MARIE GUERNSEY
Clerk of the Board

C: DCD

PO Box 187, 1216 W Robert Bush Dr, South Bend, WA 98586 Ph 360.875.9337 or 360.642.9337, Fax 360.875.9335

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HEADQUARTERS
350 OFFICERS ROW
VANCOUVER WA 98661

Columbia Land Trust

CONSERVING THE NATURE YOU LOVE

CONTACT
TEL 360 696 0141
FAX 360 696 1847

RECEIVED
JUL 10 2017
BY: ASSL

July 5, 2017

Pacific County Assessor
PO Box 86
South Bend, WA 98586

Re: Application for Classification Open Space

Dear County Assessor:

Enclosed please find an Change of Designation form, Application for Classification or Reclassification Open Space Land per Chapter 84.34 RCW and a check in the amount of $425.00 for processing this application

Please let us know if you need further information from us to proceed with this application.

Regards,

Dan Roix
Conservation Director

RECEIVED
PACIFIC COUNTY
JUL 11 2017
GENERAL ADMIN
BOARD OF COUNTY

enc: 3

Change of Designation
(Chapter 84.33 RCW)

File with County Assessor

#184

Applicant's Name: Columbia Land Trust County: Pacific

Address: 850 Officers Row Tax Code Area: 88

City, State, Zip: Vancouver, WA 98661

Phone Number: 360-696-0131

Land Subject To This Application: ***(legal description)***
PTN TAX 1 32-12-10

RECEIVED JUL 10 2017 BY: ASSR

Parcel No. or Account No.: Ptn 12103200000 New #12103221004

Change in Designation

The land is currently designated as forest land under the provisions of Chapter 84.33 RCW and meets the definition of one of the following and I/we request reclassification as: ***(Check appropriate box.)***

- [x] 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 or 64 0108)*
- [ ] Timber land as provided under RCW 84.34.020(3), unless county has merged their timber land classification into their designated forest land program. *(Attach completed form REV 64 0109 or 64 0111 and a timber management plan)*

Affirmation

As owner(s) or contract purchaser(s) of the land described in this application, I/we hereby indicate by my/our signature that I/we am aware of the potential tax liability involved when the land ceases to be classified under the provisions of Chapter 84.34 RCW.

If this land is removed from classification before ten years have elapsed, compensating tax may also be due for part of the period it was designated as forest land. See reference to RCW 84.33.145 on page two.

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

July 5, 2017
Date

Dan Roix, Conservation Director
Columbia Land Trust

Attachments:

- [x] REV 64 0021
- [ ] REV 64 0108
- [ ] REV 64 0111
- [ ] REV 64 0024
- [ ] REV 64 0109
- [ ] Timber Management Plan

Assessors Use Only

If the parcel(s) subject to this transfer document is considered contiguous, as defined in RCW 84.33.035(4), with other parcels having different ownerships, verify all remaining designated parcels with different ownerships are still:

- [ ] Adjoining
- [ ] Being managed as part of a single operation
- [ ] Meeting the definition of "family" as defined in RCW 84.34.020(6)(b)(ii) with the owner of an adjoining parcel

Department of Revenue
Washington State

Application for Classification or Reclassification
Open Space Land
Chapter 84.34 RCW

File With The County Legislative Authority

Name of Owner(s): Columbia Land Trust Phone No: 360-696-0131
Email Address: droix@columbialandtrust.org
Address: 850 Officers Row, Vancouver, WA 98661

Parcel Number(s): PTN 12103200000 New #121032221004

Legal Description: **PTN TAX 1 32-12-10**

RECEIVED JUL 10 2017 BY: ASSR

Total Acres in Application: 190

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

- ☒ Conserve or enhance natural, cultural, or scenic resources
- ☒ Protect streams, stream corridors, wetlands, natural shorelines, or aquifers
- ☒ Protect soil resources, unique or critical wildlife, or native plant habitat
- ☒ Promote conservation principles by example or by offering educational opportunities
- ☒ Enhance the value to the public of abutting or neighboring parks, forests, wildlife preserves, nature reservations or sanctuaries, or other open spaces
- ☐ Enhance recreation opportunities
- ☐ Preserve historic or archaeological sites
- ☐ Preserve visual quality along highway, road, street corridors, or scenic vistas
- ☐ 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
- ☐ Farm and agricultural conservation land previously classified under RCW 84.34.020(2), that no longer meets the criteria
- ☐ Farm and agricultural conservation land that is "traditional farmland" not classified under Chapter 84.33 or Chapter 84.34 RCW, that has not been irrevocably devoted to a use inconsistent with agricultural uses, and has a high potential for returning to commercial agriculture

1. Describe the present use of the land.
   Timber land

2. Is the 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.

3. Describe the present improvements (residence, buildings, etc.) located on the land.
   None

4. Is the land subject to any easements? ☒ Yes ☐ No

   If yes, describe the type of easement, the easement restrictions, and the length of the easement.
   Road access easements to adjacent forest lands (perpetual) and inholding (lifetime of owner) along forest roads.

5. If applying for the farm and agricultural conservation land category, provide a detailed description below about the previous use, the current use, and the intended future use of the land.

NOTICE:
The county and/or city legislative authorities may require owners to submit additional information regarding the use of the land.

As owner of the parcel(s) described in this application, I hereby indicate by my signature below that I am aware of the additional tax, interest, and penalties involved when the land ceases to be classified under the provisions of Chapter 84.34 RCW. I also certify that this application and any accompanying documents are accurate and complete.

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)

Print the name of each owner:	Signature of each owner:	Date
Dan Roix, Conservation Director		7/5/2017

The granting or denial of an application for classification or reclassification as open space land is a legislative determination and shall be reviewable only for arbitrary and capricious actions. Denials are only appealable to the superior court of the county in which the land is located and the application is made.

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" 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; plus

   (c) A penalty of 20% will 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 as described in RCW 84.34.070(1).

2. The additional tax, interest, and penalty specified in (1) 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)(f) (farm home site).

   (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.

FOR LEGISLATIVE AUTHORITY USE ONLY

Date application received: 7/11/2017 By: BOCC

Amount of processing fee collected: $425.00

- Is the land subject to a comprehensive land use plan adopted by a city or county? ☒ Yes ☐ No

  If yes, application should be processed in the same manner in which an amendment to the comprehensive land use plan is processed.

  If no, application must be acted upon after a public hearing and notice of the hearing shall have been given by one publication in a newspaper of general circulation in the area at least ten days before the hearing.

- If the land is not subject to a comprehensive land use plan, is the land located within an incorporated part of the county? ☐ Yes ☒ No

  If yes, application must be acted upon by three members of the county legislative authority and three members of the city legislative authority. See RCW 84.34.037(1) for details.

  If no, application must be acted upon by three members of the county legislative authority.

☐ Application approved ☐ In whole ☐ In part

☐ Application denied ☐ Date owner notified of denial (Form 64 0103):

If approved, date Open Space Taxation Agreement (OSTA) was mailed to owner:

Signed OSTA received by Legislative Authority on:

Copy of signed OSTA forwarded to Assessor on:

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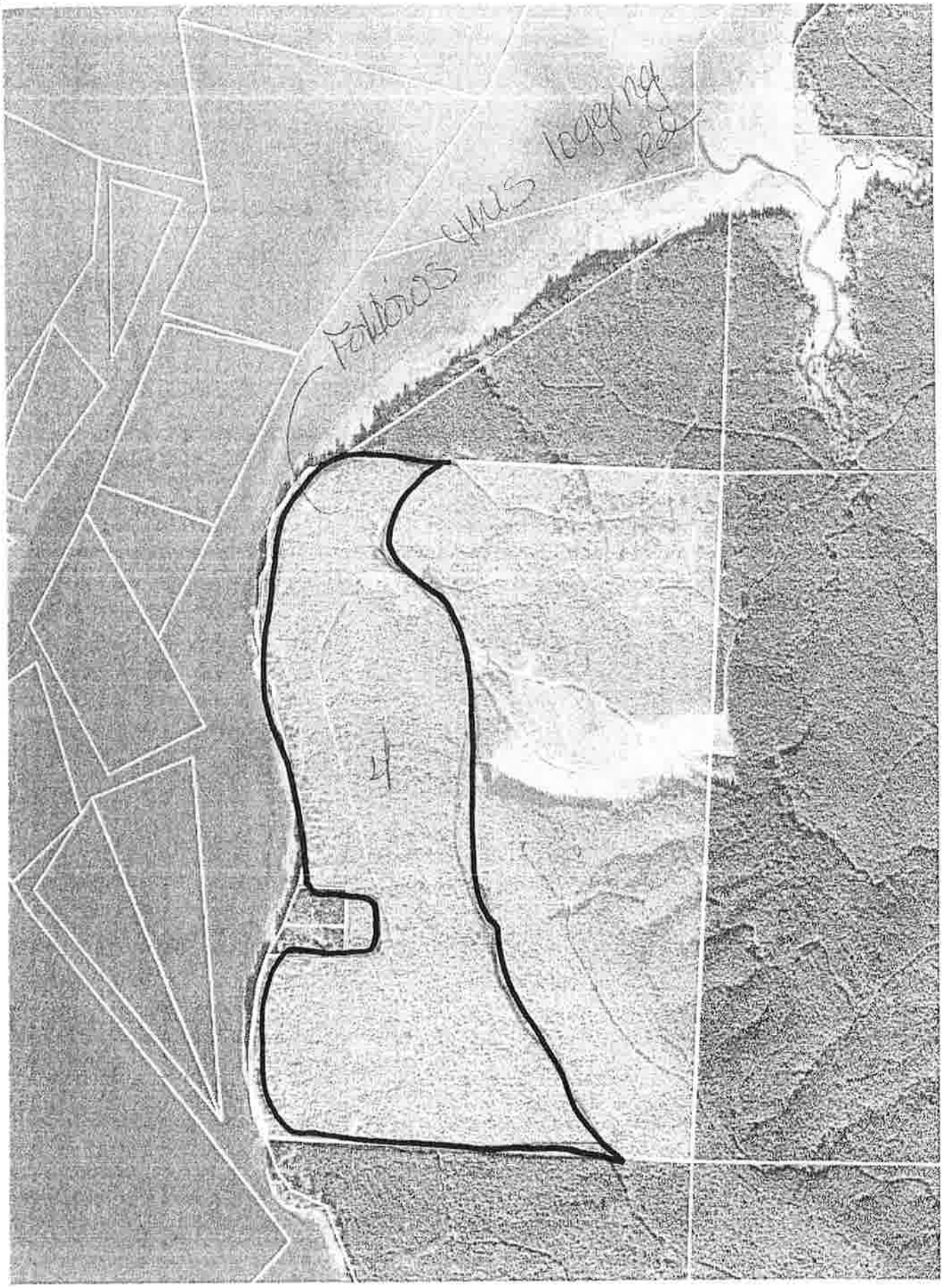
Fallbros CWU logging Rd
24