Change of Classification or Use
(Chapters 84.33 and 84.34 RCW)

Tax Code:

File With County Assessor

County: LEWIS

Applicant(s) name and address:
James R. & Giselle M. Murphy
PO Box 735
Onalaska, WA 98570

Phone No: (360) 978-4771

Land subject to this application (legal description):
Section 06 Township 12N Range 01E S2 SE4 NE4 E RD EX N 7 RODS

Assessor's Parcel or Account No:
27700

Auditor's File No. on original application:

Change of Classification
(Check appropriate box)

The land is currently classified as Farm and Agricultural land under RCW 84.34.020(2) and I hereby request reclassification as:

- ☐ Timber land as provided under RCW 84.34.020(3). (Attach completed form REV 64 0021 and a timber-management plan.)
- ☐ Open Space land as provided under RCW 84.34.020(1). (Attach completed form REV 64 0021)
- ☐ Forest Land classification under Chapter 84.33 RCW. (Attach completed form REV 62 0021)
- ☒ Farm and Agricultural Conservation land as provided in RCW 84.34.020(1)(c). (Attach completed form REV 64 0021)

The land is classified as Open Space Farm and Agricultural Conservation land under RCW 84.34.020(1)(c) and I hereby request reclassification to:

- ☐ Farm and Agricultural land under RCW 84.34.020(2).

The land is currently classified as Timber land under RCW 84.34.020(3) and I hereby request reclassification as:

- ☐ Forest land classification under Chapter 84.33 RCW. (Attach completed form REV 62 0021)
- ☐ 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)

NOTE: If request to change classification is approved, no additional tax or penalty will be imposed.

Requests to transfer from Forest Land designation under provisions of Chapter 84.33 RCW to Current Use classification under Chapter 84.34 RCW should be made on REV 64 0038.

Attachment:

- ☐ LEWIS 62 0021
- ☐ REV 64 0021
- ☐ LEWIS 64 0024

General Information

RECLASSIFICATIONS: are defined in RCW 84.34.070(2) as follows:

(2) The following reclassifications are not considered withdrawals or removals and are not subject to additional tax under RCW 84.34.108:

(a) Reclassification between lands under RCW 84.34.020(2) and (3);

(b) Reclassification of land classified under RCW 84.34.020(2) or (3) or

Chapter 84.33 RCW to open space land under RCW 84.34.020(1);

(c) Reclassification of land classified under RCW 84.34.020(2) or (3) to forest land classified under Chapter 84.33 RCW; and

(d) Reclassification of land classified as open space land under RCW 84.34.020(1)(c) and reclassified to farm and agricultural land under RCW 84.34.020(2) if the land had been previously classified as farm and agricultural land under RCW 84.34.020(2).

(3) Applications for reclassification shall be subject to applicable provisions of RCW 84.34.035, 84.34.037, 84.34.041, and Chapter 84.33 RCW.

(4) The income criteria for land classified under

RCW 84.34.020(2)(b) and (c) may be deferred for land being reclassified from land classified under RCW 84.34.020(1)(c) or (3), or Chapter 84.33 RCW into RCW 84.34.020(2)(b) or (c) for a period of up to five years from the date of reclassification. [1992 c 69 §10]

FARM AND AGRICULTURAL CONSERVATION LAND: is defined in RCW 84.34.020(8)(a & b) as follows:

(8) "Farm and agricultural conservation land" means either:

(a) Land that was previously classified under subsection (2) of this section, that no longer meets the criteria of subsection (2) of this section, and that is reclassified under subsection (1) of this section; or

(b) Land that is traditional farmland that is not classified under Chapter 84.33 or 84.34 RCW, that has not been irrevocably devoted to a use inconsistent with agricultural uses, and that has a high potential for returning to commercial agriculture. [1992 c 69 § 4]

And also defined in RCW 84.34.037(2)(c) as follows:

(c) Whether granting the application for land applying under RCW 84.34.020(1)(c) will (i) either preserve land previously classified under RCW 84.34.020(2) or preserve land that is traditional farmland and not classified under Chapter 84.33 or 84.34 RCW, (ii) preserve land with a potential for returning to commercial agriculture, and (iii) affect any other factors relevant in weighing benefits to the general welfare of preserving the current use of property.

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

James R Murphy

Priscilla M Murphy

Date_____

Department of Revenue
Washington State

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 R. & Giselle M. Murphy** Phone No: 978-4771

Address: PO Box 735, Onalaska, WA 98570

Property Location: 415 Leonard Rd., Onalaska, WA

1. Interest in property: ☒ Fee owner ☐ Contract purchaser ☐ Other (Describe)
2. Assessor's Parcel or Account No.: 27700

   Legal description of land to be classified: **Section 06 Township 12N Range 01E S2 SE4 NE4 E RD EX N 7 RODS**
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: 10.48

5. Open Space Classification Number of acres: 10.48

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

- ☐ 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
- ☐ 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)

9. Describe the present improvements on this property (buildings, etc.).

~~none~~ Barn

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 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 fee interest or a conservation easement for the riparian open space program 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.

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 R Murphy _____

_____ _____

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: _____

OPEN SPACE LAND CONTINUANCE QUESTIONNAIRE

James R. & Giselle M. Murphy
Phone Number

Mailing Address | City/State | Zip

Parcel Number(s) _____ , _____

_____ , _____

What will be your use of the Open Space-classified area of the above referenced parcel(s)?

___Horse boarding, pasture rent, 3 acres of Christmas trees._____

How will you manage the land to ensure the land is conserved and preserved for immediate resumption of commercial farming?

___See response above_____

James R Murphy
Giselle M Murphy

1-4-13
Date

MUST BE RETURNED TO LEWIS COUNTY ASSESSOR'S OFFICE
351 NW NORTH ST CHEHALIS WA 98532 (360) 740-1103

Inspector's Notes

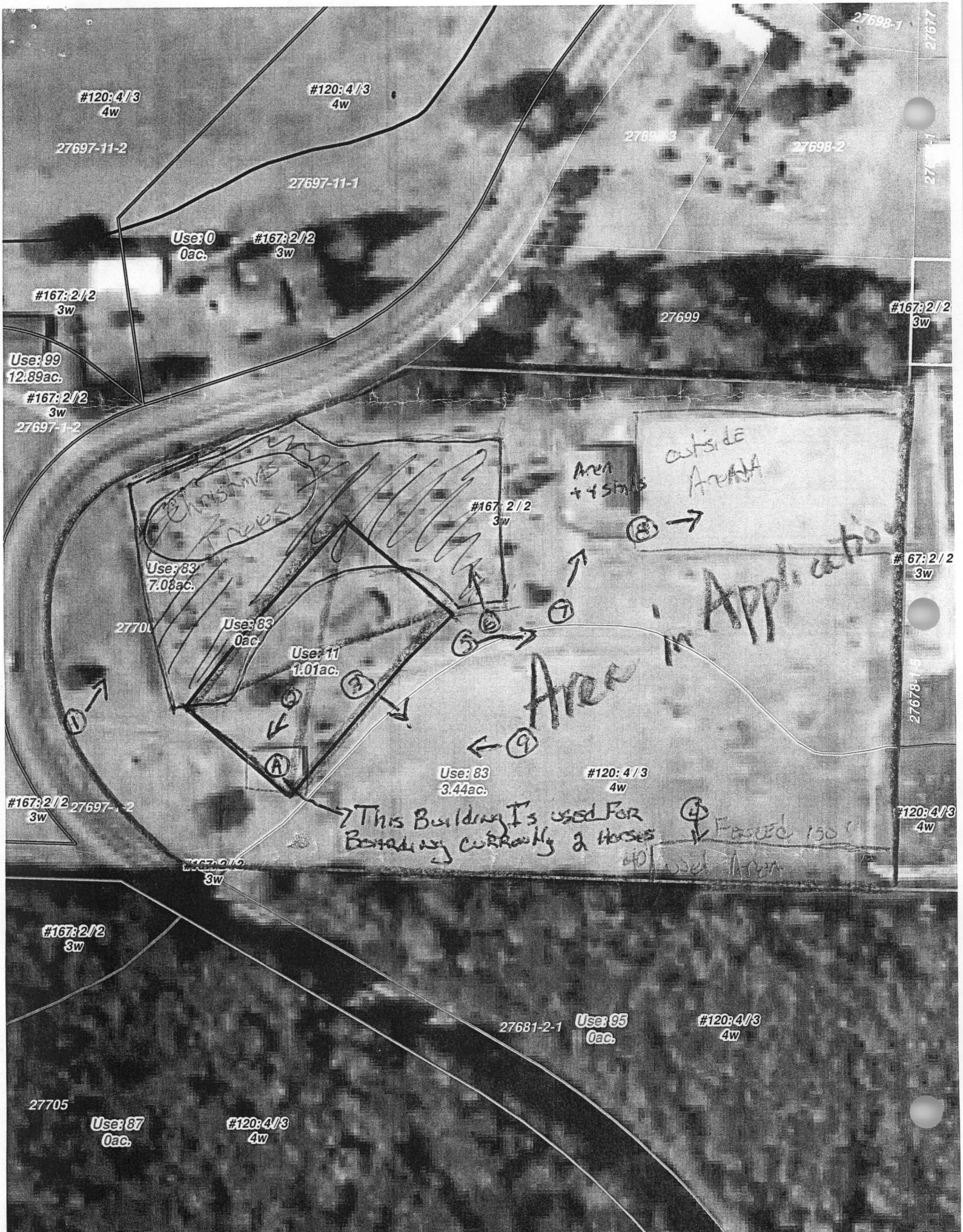
TP# 2700

See Map For Details Pictures Noted and Arrows in Direction of shot. Pasture Area is all Fenced & Cross Fenced. Area to North of House is planted in christmas trees VARIOUS Ages. Building (A) Adjacent to house used to Board Horses Currently has 3 stall with 2 horses boarded. Area has Four stalls with 2 horses boarded and 2 of owners horses. Also has Large Outdoor Riding Arena Noted on Map. Small Area Fence out in South East Corner 40' x 150' (wet Area)

Inspector's Signature

1/8/13
Date

* 9 Pictures *


#120: 4 / 3
4w
#120: 4 / 3
4w
27697-11-2
27697-11-1
27698-1
27677
27698-2
Use: 0
0ac.
#167: 2 / 2
3w
#167: 2 / 2
3w
27699
#167: 2 / 2
3w
Use: 99
12.89ac.
#167: 2 / 2
3w
27697-1-2
Christmas Trees
Area + 4 Stalls
outside Arena
#167: 2 / 2
3w
Use: 83
7.08ac.
#167: 2 / 2
3w
Use: 83
0ac.
Use: 11
1.01ac.
Area for Application
Use: 83
3.44ac.
#120: 4 / 3
4w
#167: 2 / 2
3w
27697-1-2
This Building Is used For Boarding currently 2 Horses
Fenced 150'
40' used Area
#120: 4 / 3
4w
#167: 2 / 2
3w
#167: 2 / 2
3w
27681-2-1
Use: 95
0ac.
#120: 4 / 3
4w
27705
Use: 87
0ac.
#120: 4 / 3
4w

Lewis County, Washington
DEPARTMENT OF COMMUNITY DEVELOPMENT

Staff Report on Application for Open Space Reclassification Under the Provisions of Lewis County Code 17.140.090

Applicant Name: Murphy, James R. & Giselle M.

TAX PARCEL: 27700

Total Acres: 10.48

Current Land Use Zoning (LCC 17): RDD-10 in all directions

Furtherance of the Objectives of Chapter 17.30 LCC Resource Lands:
"The purpose of this chapter is to identify and conserve long-term commercially significant forest, agricultural and mineral resource lands designated pursuant to this chapter as required by the Growth Management Act of 1990…to conserve resource lands and protect human health and safety."

1. FEMA Flood Zone: Panel: 5301020460B Zone: C
2. Population Zone: NW ___, SW ___, Mid-County ✓, Gateway ___
3. Soil Type:

	SCS#:	SCS Name:	Hydric		Class:
			Yes	No	
a.	167	Prather		✓	II
b.	120	Lacamas	✓		III
c.					
d.					

4. Mapped NWI wetlands: Yes ___ No ✓
5. Water Type: (None) S Fa Fb Np Ns or if zoned ARL, None 1 2 3 4 5
6. Shoreline Jurisdiction? No ✓ Yes ___ Environment ___
7. Sensitive Wildlife Habitat? No ✓ Yes ___ Type ___
8. Geological Hazards? Slopes> 30%: Yes ___ No ✓; Slide Area: Yes ___ No ✓
9. Proximity of Resource Lands:
   a. Forestry Resource Lands within 500 feet? Yes ___ No ✓
   b. Mineral Resource Lands within 1320 feet? Yes ___ No ✓
   c. Agricultural Resource Lands within 1320 feet? Yes ___ No ✓

10. Would approval of this application further the objectives of LCC 17.30 Resource Lands? Yes

Consistency with the Lewis County Comprehensive Plan:
Natural Environment Sub Element, Page 4-61
GMA Requirements (9) *Open space and Recreation—Encourage the retention of open space and development of recreational opportunities, conserve fish and wildlife habitat, increase access to natural resource lands and discourage incompatible land uses.*

Open Space Goals: *The County recognizes the importance of open space corridors linking regions of the county and providing physical and visual relief to the built environment. In Lewis County the character of rural Lewis County is derived from its association with large acreage of lands in both the eastern and western portions of the county which are either park, wilderness or resource lands. Connecting these large blocks of land are corridors which flow to and through both the rural and urban areas, defining and separating the developed lands, defining the cities, and providing access and habitat for wildlife. The corridors follow the stream and river valleys and are comprised of steep slopes, agricultural resource land and flood hazard areas. Unlike park and recreation areas, open space lands may be either public or private ownership and are often to generally available to public access.*

Relevant Natural Environment Policies:
NE 4.2 Encourage the preservation of natural buffers along the County's rivers, lakes and streams.
NE 4.3 Encourage the preservation of wetlands, open lands, and habitat areas for the benefit of the county's indigenous fish and wildlife and quality of life of county residents.

Would approval of this application be consistent with the Lewis County Comprehensive Plan?
Yes

Recommended conditions to assure conformity with any applicable zoning, the comprehensive plan, the neighborhood, and other applicable regulations: None