STAFF REPORT
APPLICATION FOR OPEN SPACE CLASSIFICATION

<table>
<thead>
<tr>
<th>Date</th>
<th>May 7, 2014</th>
</tr>
</thead>
<tbody>
<tr>
<td>Applicant</td>
<td>Clark Whitney, Harry J. Keppert Jr.</td>
</tr>
<tr>
<td>Address</td>
<td>2900 Block, Waldrick Road SE, Tumwater, WA</td>
</tr>
<tr>
<td>Location of Property</td>
<td>Section 32, Township 17 N, Range 1 W, W. M., south of the City of Olympia</td>
</tr>
<tr>
<td>Acres in Application</td>
<td>One 21.75 acre parcel</td>
</tr>
<tr>
<td>Tax parcel number(s)</td>
<td>11732210000</td>
</tr>
</tbody>
</table>

A. Site Characteristics & Context
The parcel under consideration totals 21.75 acres for the open space—open space tax program. There are no existing structures on the property and none intended for placement at this time. This property was previously in the Open Space-Agricultural tax program administered by the assessor’s office. Unfortunately, the applicant was not able to meet the minimum income requirements to remain in that program. A portion of the property has been reclassified as Designated Forest Land and the remaining 21.75 acres qualifies for the Open Space-Open Space tax program. The property owners are applying for a high priority classification of Farm and Agricultural Conservation Land (FACL), and Fish-Rearing Habitat-Ponds and Streams. The grazing of cattle has been the primary agriculture use on the property and currently remains as such. Zoning of the site is Rural Residential/Resource 1 unit per 5 acres (RRR 1/5). Land to the north, south, east, and west are also zoned RRR 1/5.

The property along the south side (Waldrick Road) starts as a wooded terrace which slopes sharply down to the north and into a large wetland and stream complex (Type F, Fish bearing) that covers most of the site. The wetland/stream complex (Type A) provides perennially inundated pond acres as well as a steam that bisects the wetland and flows to the northwest corner of the property. This system continues off site and connects into the Deschutes River.

B. Public Benefit Rating System

1. For which Priority Resources categories does the property qualify?
   - Farm and Agriculture Conservation Land (FACL)
   - Fish-Rearing Habitat-Ponds and Streams

The property lays between Offutt Lake and the Deschutes River in Tumwater. The area is occupied by a wetland that is a direct tributary to the Deschutes River and Offutt Lake in...
May 7, 2014

which various species of fish habitat.

2. Which public access category has the property owner agreed to?
   - No public access

3. Does a conservation easement or historic easement apply to the property?
   - No

4. Summary of Public Benefit rating:

<table>
<thead>
<tr>
<th>Category</th>
<th>Points</th>
</tr>
</thead>
<tbody>
<tr>
<td>Farm and Agriculture Conservation Land</td>
<td>3</td>
</tr>
<tr>
<td>Fish Rearing Habitat-Ponds and Streams</td>
<td>3</td>
</tr>
<tr>
<td>TOTAL</td>
<td>6</td>
</tr>
</tbody>
</table>

5. Estimated tax shift:

   The property is eligible for 6 points under the Thurston County Public Benefit Rating System, qualifying the property for a 50% reduction in market value. The property was previously taxed as Open Space Farm and Agricultural land under the provisions of RCW 84.84, therefore a shift in taxes will decreased for the property owner for this portion of the property.

C. Additional Considerations

   Minimum eligibility requirements ensure that only properties meeting the Open Space classification definitions could be classified as open space. This property meets all of these minimum qualifications as currently adopted by Thurston County. The management of the property as open space farm and agriculture conservation land is consistent with other properties in the area.

D. Recommendation

   Staff recommends approval of classification of 21.75 acres owned by Harry J. Keppert Jr. as open space land for current use assessment.

Attachments
1. Site Plans
2. Application Materials
ATTACHMENT 1
WALDRICK RD SE
116TH AVE SE
PVT DRW
LAUREL ST SE
ALONA ST SE
ERIN LN SE
SATSOP CT SE

Thurston County makes every effort to ensure that this map is a true and accurate representation of the work of County Government. However, the county and all related personnel make no warranty, express or implied, regarding the accuracy, completeness or convenience of any information disclosed on this map. Nor does the County accept liability for any damage or injury caused by the use of this map.

To the fullest extent permissible pursuant to applicable law, Thurston County disclaims all warranties, express or implied, including, but not limited to implied warranties of merchantability, data fitness for a particular purpose, and non-infringements of proprietary rights.

Under no circumstances, including, but not limited to negligence, shall Thurston County be liable for any direct, indirect, incidental, special or consequential damages that result from the use of, or the inability to use, Thurston County materials.

Open Space Tax Program
Applicant: Clark Whitney (Keppert Family Trust)
Parcel No: 1173220000

Applicant Parcel
Approximate Residence Exclusion
Parcels
ATTACHMENT 2
OPEN SPACE CLASSIFICATION APPLICATION
FOR CURRENT USE-BASED PROPERTY TAX ASSESSMENT

IMPORTANT: Please read the Instructions, Things to Know, and Eligibility Criteria sheets before completing this form.

Name(s) of Applicant(s)  Clarke Whitney
Mailing Address  610 Warren Ave
                  Bremerton WA 98337
Day Phone Number(s)  (360) 377-4490
Tax Parcel Number(s)  11732210000

General Location of Property
Waldrick Rd SE   Tumwater WA

1. Legal Interest in Property:
   □ Owner       □ Contract Purchaser       □ Other (Describe)  Trustee

2. Total Acreage of Property  21.75  
3. Acreage to be Enrolled in Open Space Program  21.75  
4. What is the Property Currently Used for?  Family Recreation

5. What kind of public access do you propose? (Note: Public access is not required for program eligibility.)
   □ None
   □ Partial Access (1 point): Public access on a seasonal basis or access by members of the organization utilizing the facility.
   □ Substantial Access (2 points): Year-round access to members and available to the public upon special arrangement. Any user fees may not exceed three times the average cost for members.
   □ Unlimited Access (4 points): Year-round access to the public without special arrangement.

Please describe or explain:
6. Do you propose to apply a conservation easement or historic easement to your property?

- Yes (type: ____________)  Does one exist now?  
- Yes (type: ____________)  
- No  

Who will hold (or does hold) the easement?  

7. **Before completing this part of the application**, use the blue "Eligibility Criteria Checklist" to determine if your property qualifies for any of the Priority Resource categories. (Property must be eligible for at least one Priority Resource and at least 3 points in order to be classified as open space.) Use the list below to indicate which Priority Resource categories you can document eligibility for. Refer to the gray "Help List" for sources of assistance, if needed.

**HIGH PRIORITY RESOURCES** (3 points each)

<table>
<thead>
<tr>
<th># Acres</th>
<th>a. Archaeological Sites</th>
<th>b. Farm and Agricultural Conservation Land (FACL)</th>
<th>c. Fish-Rearing Habitat–Ponds and Streams</th>
<th>d. Geological and Shoreline Features</th>
<th>e. Historical Sites</th>
<th>f. Private Recreation Areas</th>
<th>g. Rural Open Space Close to Urban or Growth Areas</th>
<th>h. Significant Wildlife Habitat Areas</th>
<th>i. Special Plant Sites</th>
<th>j. Urban or Growth Area Open Space</th>
</tr>
</thead>
<tbody>
<tr>
<td>X</td>
<td>a.</td>
<td>b.</td>
<td>c.</td>
<td>d.</td>
<td>e.</td>
<td>f.</td>
<td>g.</td>
<td>h.</td>
<td>i.</td>
<td>j.</td>
</tr>
<tr>
<td>21.75</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**MEDIUM PRIORITY RESOURCES** (2 points each)

<table>
<thead>
<tr>
<th># Acres</th>
<th>a. Public Land Buffers</th>
<th>b. Scenic Vista or Resources</th>
</tr>
</thead>
<tbody>
<tr>
<td>X</td>
<td>a.</td>
<td>b.</td>
</tr>
</tbody>
</table>

**LOW PRIORITY RESOURCES** (1 point each)

<table>
<thead>
<tr>
<th># Acres</th>
<th>a. Resource Restoration</th>
</tr>
</thead>
<tbody>
<tr>
<td>X</td>
<td>a.</td>
</tr>
</tbody>
</table>
8. **IMPORTANT! Read all of the following information regarding tax liabilities before signing this application form.**

You will owe to the County the following additional taxes, interest and penalties when your property is removed or withdrawn from current use classification. The following is a summary of state law. Consult RCW Chapter 84.34 for details.

**STATEMENT OF ADDITIONAL TAX, INTEREST, AND PENALTY DUE UPON REMOVAL OF CLASSIFICATION:**

A. 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.

   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 (B) below.

B. The additional tax, interest, and penalty specified in (8A) 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.

Removals and withdrawals from the program are processed by the Thurston County Assessor.

I (We) the undersigned, swear under the penalty of perjury, that I (We) am (are) the owner(s) or contract purchaser(s), of the land described above and that the above responses are made truthfully and to the best of my (our) knowledge. I (We) also understand that, should there be willful misrepresentation or willful lack of full disclosure on my (our) part, the granting authority, which may hereafter classify said land under the provisions of Chapter 84.34 RCW, may subsequently remove the classification. In addition, I (we) am (are) aware of the potential tax liability described above.

DATE: 8/9/13  OWNERS:  

[Signature]

H J Keppert TRUST

SUBSCRIBED and SWORN to before me this 9 day of August, 2013.

[Signature]
Lori L Kenney
Notary Public in and for the State of Washington, residing in [County]
Open Space Support Documentation

Legal Description,

Wardell Road
Section 32 Township 17 Range 1W Quarter PTN NE NW LYING NORTHERLY OF COUNTY ROAD KNOWN AS WALDRICK ROAD (FOR TAX PURPOSES ONLY OTHER PTN 11732210200 IN DFL)

Reclassification:
The property, parcel number 11732210000, has been classified as Farm & Agricultural in previous years. A portion of the property has been reclassified as Designated Forest Land (DFL), this application is for the classification of the remaining property to be classed as Open Space Open Space.
April 22, 2013

Clarke Whitney Trustee
610 Warren Ave
Bremerton, WA 98337

Subject: Partial Approval of Reclassification from Open Space Farm & Agricultural to Designated Forest Lands.
Parcel No. 11732210000, 11732120000 & 58600100100
Denial of Designated Forest Land
Parcel No. 11732210100

Dear Mr. Whitney,

Please accept this letter as notification that parcel numbers 11732120000 and 58600100100 are approved and reclassified from Farm & Agricultural to Designated Forest Land. After review of the Timber Management Plan, a portion of acreage from parcel number 11732210000 is approved also to be reclassified from Farm & Agricultural to Designated Forest Land. This portion will have tax parcel number 11732210200 starting the 2014 tax year. Parcel number 11732210100 is not approved to be classified as Designated Forest Land, due to non merchantable amount of timber located on this parcel per the Timber Management Plan. Your application for the reclassification was received in 2012, reviewed in 2013, with tax adjustment starting in 2014 for the portions approved.

The portion of parcel number 11732210000 not approved for DFL will be removed from the Farm & Agriculture classification on June 28, 2013. You may choose to reclassify this portion of land that is not being used as Farm Land and does not meet the qualifications for DFL to Open Space. If you apply and are approved, this would eliminate the Compensating Tax that would be payable within 30 days once removed. If you choose to reclassify this portion please contact Christy Osborn, with the Thurston County Resource Stewardship Office at (360) 754-3355 extension 4465. If an application for reclassification is received by June 28, 2013, no compensating tax is due until the application is denied, or, if approved, when the property is later removed from classification under chapter 84.34 RCW in accordance with RCW 84.34.108.

Enclosed is a copy of the Compensating Tax Statement for the removal of 11732210000. Please notify our office by June 28, 2013 if you applied to reclassify your property.
You may appeal this decision to the Thurston County board of equalization. The appeal shall be filed within sixty days of the date of this notice and shall be in the form specified in RCW 84.40.038. For information on how to appeal please contact the Board of Equalization at (360) 786-5135.

In order to complete the approval process for transfer from Farm & Agriculture classification to Designated Forest Land, the Notice of Approval has to be recorded with the Thurston County Auditor’s office. Please submit a check made payable to the Thurston County Auditor for $73.00, in order to recorded the notice. After I have received your check for the recording fee, I will finalize the approval and mail a copy of the approval notice along with the Auditor’s receipt for your records.

To ensure compliance to the law, our office routinely audits properties, including physical inspections. As long as this property continues to meet requirements outlined in RCW 84.33, it will remain in the classification.

If you have any questions, please call me at (360) 867-2210.

Sincerely,

Doreena Baird
Senior Property Control Analyst
**Partial Removal Use Removal Statement for Thurston County**

Property Account: 1173221000

Removal Date: 06/28/2013

Tax Year: 2013

<table>
<thead>
<tr>
<th>Tax Year</th>
<th>Market Value</th>
<th>Market Value</th>
<th>Market Value</th>
<th>Market Value</th>
<th>Market Value</th>
<th>Market Value</th>
<th>Market Value</th>
</tr>
</thead>
<tbody>
<tr>
<td>2009</td>
<td>6234925</td>
<td>9722500</td>
<td>6682000</td>
<td>464948</td>
<td>657359</td>
<td>657359</td>
<td>9722500</td>
</tr>
<tr>
<td>2008</td>
<td>8742950</td>
<td>1071500</td>
<td>738460</td>
<td>616100</td>
<td>738460</td>
<td>738460</td>
<td>738460</td>
</tr>
<tr>
<td>2007</td>
<td>10715000</td>
<td>1071500</td>
<td>738460</td>
<td>616100</td>
<td>738460</td>
<td>738460</td>
<td>10715000</td>
</tr>
<tr>
<td>2006</td>
<td>1116297000</td>
<td>1116297000</td>
<td>1116297000</td>
<td>1116297000</td>
<td>1116297000</td>
<td>1116297000</td>
<td>1116297000</td>
</tr>
</tbody>
</table>

**Partial Removal of 2.15 Acres Not Approved for Reassessment**
Conservation Proposal - Open Space

The 21.75 acres we request to be classified as open space lays between Offut Lake and the Deschutes River in Tumwater. The area has been classified at a wetland by the Thurston County Assessor’s office, and the wetland is a direct tributary to the Deschutes River and Offut Lake. The Washington State Department of Fish and Wildlife reports the Deschutes River and Offut Lake various species of fish in these waters including, largemouth bass, brown bullhead, yellow perch, rainbow trout, and Coho salmon. In order to preserve the habitat and have good long-term viability we purpose that the acreage remain undeveloped. With a natural forest boundary the acreage will be fairly isolated from other developments that might upset the land and help preserve the habitat in its natural state, providing adequate protection for fish rearing.
Open Space Open Space Application

Agricultural Conservation Proposal

The 21.75 acres we request to be classified as open space open space, has previously been classified as agricultural. The property (and the adjoining properties now classified as Designated Forest Lands), were once land used to raise cattle. The perennial stream and wetlands area on the property provides an abundant water supply as well as grasslands to raise cattle. We purpose that the land remains in its natural environment until use of future commercial agriculture. Any work or land control measures done to the property will be within the scope of preserving future agriculture as well as conservation of the wetland property.