

KYSAR

RECEIVED

MAR 11 2014

Board of Commissioners

Clark County Board of Commissioners
Clark County Community Planning
P.O. Box 5000
Vancouver, Washington 98666

Re: Tax Lot # 276833 located at 39404 NE Rotschy Road, Yacolt, Washington 98675

Dear Commissioners and Planning Staff,

We are requesting that our land be taken out of Forest Tier I -80 acres and placed in a 5 acre Rural zone or other zone that reflects the parcel sizes of existing and surrounding tax lots adjacent to and in the area of our parcel.

We purchased the 40 acre parcel on June 14, 1966. A portion of the lot was separated from the parent parcel by a county road, which made two lots consisting of 37.5 acres and 2.5 acres. We boundary lined adjusted the 2.5 acre parcel in 2002 and sold it to a son for housing and retained the larger parcel as a hobby tree farm. While working a full time job, in our spare time, we planted and managed the property in timber over the years. Whenever extra money was needed, logs were sold and the trees replanted. The soil is MoA with bedrock underneath, which is poor and rocky. When new trees were planted, rock bars were used to dig the holes and remove or move small to 12 inch in diameter rocks and boulders from the planting holes. We then had to find soil to cover the roots, looking in places like mole hills and soil that was scraped with a loader on a tractor. We almost always had to plant the trees in the winter, so they would receive enough moisture to survive and so that soft soil could be found. This parcel would not be considered as long term commercial significance for forest production, but the area has become a place where family can go to relax and reflect. In addition, it was considered a place where our children could live, when the time came for them to need housing.

The lot was created in 1946-47 prior to platting laws. The parcels in the area were then subject to FX zoning with 1 acre minimum. Later the zoning changed to 5 acre zoning and now the current zoning of Forest Tier I with 80 acre zoning. When we bought the lot, the zoning was one acre and changed to a different zone that reflects the parcelization in the area. There are 42 homes on the road with spur roads leading to other home sites. The lot is located approximately 3.5 miles from the city of Yacolt and community of Amboy, on a paved county road. The parcels in the area are served by Waste Connections sanitary service. We live on five acres, adjacent to the lot and to the North is another 7 acres. To another side is a 7 acre parcel and to the South is a 3 acre lot, that the county claims no one can build on. In addition, there is the 2.5 acre lot with the home. When the 1995 Clark County Comprehensive Plan was adopted, our zoning changed to Forest Tier I, with 80 acres and adjacent to the parcel became Forest Tier II -40 acre zone. We don't know why such large lot zoning was placed on the land, as it is non-conforming to that size, as are the other parcels in the area. There is only one parcel in the zone that could possibly be an 80 acre lot, but that is the only one among many.



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We have been under DNR rules for many years, and we understood that the county allowed a home site to be built on one acre of the lot. Our children have been actively helping us manage the lot and when another son needed housing, we sold one acre of land to him so he could house his family. But, in doing so, we found that the parcel had to be converted into his name as owner of the whole parcel. Even though the intent was for us to retain the parcel while keeping the timber rights, it was no longer in our name. Our son has since experienced financial difficulties and is trying to retain the land, while working through the problems. But, there is the potential that he would have to sell the home, which would mean we would lose the whole parcel. It is not likely that a new owner would want to go through the work and bother to manage and maintain the parcel in forest as we have. More likely, the property would be logged. We want to continue to keep the land in it's present state, as we continue the forest activity. But with such large lot zoning, this would not be possible, unless the zone changed. We believe the zoning does not reflect what exists in the area and would cause a great financial and personal burden on us and our family, if we were to lose it because of the zoning. In the future, one of our other children will need housing, and may want to also live on the land, close to family, and continue managing the parcel in trees. If the zone changed to 5 acre, we would be able to single out the home on it's own lot, if our son is forced to sell it. We would then be able to retain the rest of the parcel. But now we have no options.

We request that a five acre zone be placed in this area that is now zoned 80 acres. Only one lot in the area could possibly be conforming. All of the other parcels are non-conforming and should not be in such a designation. They are more consistent with a five acre zone. We understand it is illegal for the county to spot zone, and this is what has happened in this area. Someone suggested that we should log all of the trees, but that would remove an enjoyable hobby and a pleasant place to go for us. Our son wants to live in the home on the parcel, but he may not be able to. Then what?

We sincerely hope the Commissioners will be able to help us and guide us through a very difficult situation. We look forward to your response and anything you can do to help. We have attached additional GIS maps and information for your review, Thank you for your time and attention to this very pressing matter.

Sincerely,

Agent: *John Russell Kysar*

For and in behalf of:
Russell and Sisko Kysar, Ian Kysar, et al
26706 NE Rotschy Mill Road
Vacolt, Washington 98675
Phone: 360-247-5934

When Recorded Return to:
Assessor's Office

COUNTY ASSESSOR'S NOTICE OF REMOVAL FROM CLASSIFIED OR **X** DESIGNATED FOREST LAND

F/N: DFL 528

Grantor(s) John Russell and Sisko Kysar

Grantee(s) Jan R. and Joann E. Kysar

Legal Description Removed 1.15 acres from Tax Lot #6 in the Northwest quarter of Section 23, Township 5 North, Range 3 East.

SEE ATTACHED EXHIBIT B

Assessor's Property Tax Parcel or Account Number 276833-000

Reference Numbers of Documents Assigned or Released G 761265

You are hereby notified that the above-described land has been removed from classified or designated forest land as of 07/30/2001. The land no longer meets the definition and/or provisions of forest land as follows: Owner's request

This removal shall be effective for the assessment year beginning January 1, 2002

True & Fair Value of Land at Time of Removal	Less	Classified or Designated Value at Time of Removal	Multiplied By	Last Levy Rate Extended Against Land	Multiplied By	Years*	Equals	Compensating Tax
\$4300	-	\$230	x	\$11.21637	x	10	=	\$456.50
Recording Fee								\$9.00
Total Amount Due								\$465.50

2000 Assessment Year for 2002 Tax Collection

PARTIAL LIEN RELEASE

*Number of years in classification or designation, not to exceed 10.

The compensating tax is due and payable to the County Treasurer 30 days from the date of this notice. The tax shall become a lien on the land and shall be subject to foreclosure as provided in RCW 84.64.050.

You may apply for classification as either Open Space Land, Farm and Agricultural Land, or Timber Land under RCW 84.34. If the application is received within 30 days of this notice, no compensating tax would be due until the application is denied, or, if approved, the property is later removed from Open Space under RCW 84.34.108.

Date of Notice: 7/31/2001

Date Payment Due: 8/31/2001

County Assessor: [Signature]

Date Mailed: 7/31/2001

FEB 19 1970

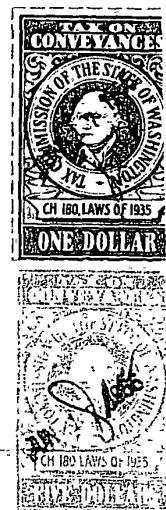
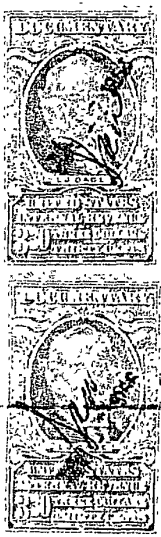
G 455 193

WARRANTY DEED

450075

THE GRANTORS, ELMER F. McDANIELS and ANNA E. McDANIELS, husband and wife, for and in consideration of the sum of SIX THOUSAND DOLLARS (\$6,000.00), the receipt whereof is hereby acknowledged, do hereby convey and warrant unto JOHN RUSSELL KYSAR, a bachelor, the Grantee, the following described real property situated in Clark County, State of Washington, to-wit:

The South half of the North half of the Northwest quarter of Section Twenty-three (23), Township Five (5) North, Range 3 East of the Willamette Meridian, EXCEPT any portion thereof, if any, lying within the tract conveyed to Earl L. Post, et ux, by deed recorded under auditor's file No. G 279687, records of said county, and SUBJECT TO easements and rights of way for public roads, and SUBJECT ALSO to any real property taxes now due on said property and subject/easements and reservations as now appearing of record including the reservation of mineral rights as contained in the deed recorded in volume 104, page 249, records of said County.



IN WITNESS WHEREOF, the Grantors have executed this instru-

ment this 31st day of May, 1966.

Real Estate Excise fee
Ch. 11 Rev. Laws 1951
\$ 60.00 has been paid
Appl. # 60233 Date 6-14-66
Fwd King

Elmer F. McDaniels
Elmer F. McDaniels

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