

8405220062

## OPEN SPACE TAXATION AGREEMENT

RCW 84.34

(TO BE USED FOR "OPEN SPACE" OR "TIMBER LAND" CLASSIFICATION ONLY)

JERRY M. INTURFF

'84 MAY 22 P4:10

This Agreement between William Zirbel, 7 Coral Sea, Oak Harborhereinafter called the "Owner", and Skagit CountyREQUEST OF John H. H. H.

hereinafter called the "Granting Authority".

Whereas the owner of the following described real property having made application for classification of that property under the provisions of RCW 84.34:

Assessor's Parcel or Account Numbers. 143401 1 001-0208Legal Description of Classified Land. E<sub>2</sub> of the NE<sub>1</sub> of the NE<sub>1</sub> of Section 14, Township 34 North  
Range 1 East, W.M.

And whereas, both the owner and granting authority desire to limit the use of said property, recognizing that such land has substantial public value as open space and that the preservation of such land constitutes an important physical, social, esthetic and economic asset to the public, and both parties agree that the classification of the property during the life of this Agreement shall be for.

☒ OPEN SPACE LAND ☐ TIMBER LAND

Now, therefore, the parties, in consideration of the mutual covenants and conditions set forth herein, do agree as follows:

- (1) During the term of this Agreement, the land shall only be used in accordance with the preservation of its classified use.
- (2) No structures shall be erected upon such land except those directly related to, and compatible with the classified use of the land.
- (3) This Agreement shall be effective commencing on the date the legislative body receives the signed Agreement from the property owner, and shall remain in effect for a period of at least ten (10) years.
- (4) This Agreement shall run with the land described herein and shall be binding upon the heirs, successors and assigns of the parties hereto.
- (5) Withdrawal: The land owner may withdraw from this Agreement if after a period of eight years the land owner makes a withdrawal request, which request is irrevocable, to the assessor. Two years from the date of that request the assessor shall withdraw the land from the classification, and the applicable taxes and interest shall be imposed as provided in RCW 84.34.070.
- (6) Breach: After land has been classified and an Agreement executed, any change of use of the land, except through compliance with items (5) or (7) of this Agreement, shall be considered a breach of this Agreement, and subject to applicable taxes, penalties and interest as provided in RCW 84.34.080 and 84.34.108.
- (7) A breach of Agreement shall not occur and the additional tax shall not be imposed if the removal of designation 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, in anticipation of the exercise of such power;
  - (c) Sale or transfer of land within two years after the death of the owner of at least fifty percent interest in such land.
  - (d) 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.
  - (e) Official action by an agency of the State of Washington or by the county or city within which the land is located which disallows the present use of such land.
  - (f) Transfer to a church and such land would qualify for property tax exemption pursuant to RCW 84.36.020.
- (8) The county assessor may require classified land owners to submit pertinent data regarding the use of the land, and such similar information pertinent to continued classification and appraisal of the land.

This Agreement shall be subject to the following conditions:

(SEE ATTACHED SHEET)

It is declared that this Agreement contains the classification and conditions as provided for in RCW 84.34 and the conditions imposed by this Granting Authority.

Granting Authority:

Dated \_\_\_\_\_

City or County

Title

As owner(s) of the herein described land I (we) indicated by my (our) signature(s) that I (we) are aware of the potential tax liability and hereby accept the classification and conditions of this Agreement.

Dated 5/22/84

Owner(s)

(Must be signed by all owners)

Subscribed and sworn to before me this 22<sup>nd</sup> day of May, 1984

Notary Public

Date signed Agreement received by Legislative Authority \_\_\_\_\_

Prepare in triplicate with one completed copy to each of the following:

Owner(s)  
Legislative Authority  
County Assessor

1. The owner shall agree to allow reasonable public access for the purposes of recreational activities commensurate with the area, except that the owner may restrict the area from camping and motor vehicles.

2. Signs shall be posted in conspicuous locations which state that the property is designated Open Space under agreement no. 40-8 and is available for public access for recreational purposes.

3. No "Keep Out" signs shall be posted on the property.

4. The owner will be allowed to manage the property in a park-like manner which may include:

- Clearing underbrush and deciduous trees and reseeding with native evergreen trees.

- Development of access and recreational trails on the property that would facilitate recreation opportunities and fire access.

5. Improvements on the property will be limited to those considered appropriate for park purposes.

6. Any violation of the conditions of the agreement shall be considered a breach of the agreement.

APPLICATION FOR CLASSIFICATION AS OPEN SPACE LAND OR TIMBER LAND  
FOR CURRENT USE ASSESSMENT UNDER RCW 84.34

FILE WITH THE COUNTY LEGISLATIVE AUTHORITY

Name of Applicant WILLIAM D. AND MARCIA J. ZIRBEL Phone 679-3005  
Address 7 CORAL SEA, OAK HARBOR WASH 98277  
Property location \_\_\_\_\_

1. Interest in property: ☒ Fee Owner ☐ Contract Purchaser ☐ Other (Describe) \_\_\_\_\_
2. Assessor's parcel or account number 143401-1-001-0208  
Legal description of land to be classified E 1/2 of NE 1/4 of NE 1/4 of Section 14  
Township 34 Range 1 EWM
3. What land classification is being applied for? ☒ Open Space ☐ Timber Land  
NOTE: A single application may be made on open space and timber land but a legal description must be furnished for the area of each different classification.
4. Total acres in application 20 MZ
5. OPEN SPACE CLASSIFICATION Number of acres 20 MZ
6. Indicate what category of open space this land will qualify for: (See back for definitions)  
☐ 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 value to public or abutting or neighboring parks, forests, wildlife preserves, nature reservations or sanctuaries or other open space  
☐ Preserve historic sites  
☐ Retain in natural state tracts of five (5) or more acres in urban areas and open to public use as reasonably required by granting authority
7. TIMBER LAND CLASSIFICATION Number of acres 20 MZ
8. Do you have a timber management plan on this property? ☐ Yes ☒ No. If yes, submit a copy of that plan with this application.  
If you have no timber management plan, specify in detail the use of this property to show that it "is devoted primarily to the growth and harvest of forest crops".
9. Describe the present current use of each parcel of land that is the subject of this application.  
NATURAL FOREST
10. Describe the present improvements on this property (buildings, etc.) NONE
11. Attach a map of the property to show an outline of current uses of the property and indicate location of all buildings.
12. 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 or agreement.

NOTICE: The assessor may require owners to submit pertinent data regarding the use of classified land

WM REV 64 00.1 (7/80)

8405220062

VOL 561 PAGE 175