

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

9601160049

FILE WITH THE COUNTY LEGISLATIVE AUTHORITY

Name of Applicant David & Joan Rabb Phone 826-4702
Address 3304 S. SKAGIT HWY Sedro Woolley Wa 98284
Property Location Same as above

1. Interest in property: ☒ Fee Owner ☐ Contract Purchaser ☐ Other (Describe) _____
2. Assessor's parcel or account number See attached
Legal description of land to be classified 11 1'
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 17.26

5. OPEN SPACE CLASSIFICATION Number of acres _____
6. Indicate what category of open space this land will qualify for: (See reverse side 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 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)

7. TIMBER LAND CLASSIFICATION Number of acres 17.26
- Definition: "Timber land" means any parcel of land that is five or more acres or multiple parcels of land that are contiguous and total five or more acres which is or are devoted primarily to the growth and harvest of forest crops for commercial purposes. A timber management plan shall be filed with the county legislative authority at the time (a) an application is made for classification as timber land pursuant to this chapter or (b) when a sale or transfer of timber land occurs and a notice of classification continuance is signed. Timber land means land only.
8. Submit a copy of your timber management plan with this application. Guidelines for a timber management plan are available from the county assessor.
- A timber management plan will include the following:
- a) a legal description or assessor's parcel numbers for the property.
 - b) date of acquisition of land,
 - c) a brief description of timber or if harvested, the owners plan for restocking.
 - d) if land is used for grazing.
 - e) whether land and applicant are in compliance with restocking, forest management, fire protection, insect & disease control, etc..
 - f) a summary of past experience and current and continuing activity.
 - g) a map of property outlining current use of property and indicating location of all buildings.
9. Describe the present improvements on this property (buildings, etc.) NONE
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.

FORM REV 64 0021-1 (2-93)

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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 disallowing 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(5)(f)).
 - (g) Removal of land classified as farm & agricultural land under RCW 84.34.020(2)(d) (farm homestead).

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 CH. 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.

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

[Handwritten signatures]

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 _____

Attachment "A"

Property Description Summary

PROPERTY ID..... P90254
ZF.ID..... 350624-0-008-0106

GAL DESCRIPTION... CF-75 TH PTN SEC 23 & 24 DAF: BAT 1/4 SEC COR COMM TO SD SEC 23 & 24 TH N 0-24-06 E ALG SEC LI COMMON TO SD SEC DIST 1063.30FT TO SW COR OF TREDWELL MINING CLAIM & POB OF THIS DESC TH CONT N 0-24-06 E ALG SD SEC LI 568.32FT TO S LI OF BLUE JAY MINING CLAIM TH N 78-05-11 W ALG S LI OF SD BLUE JAY MINING CLAIM 131.40FT TO S W COR THOF TH N 15-30-50 E ALG W LI SD BLUE JAY MINING CLAIM 450FT TO S LI OF S SKAGIT HWY CTY RD TH S 78-56-30 E ALG S LI RD 208.13FT TO PT OF CRV OF A CRV TO L HAVG RAD 623.69FT TH CONT ALG S LI RD THRU SD CRV THRU A C/A 34-25-00 & AN ARC LEN 374.64FT TO ITS PT OF TANG TH CONT ALG S LI OF CTY RD N 66-33-30 E 192.68FT TH S 11-52-06 E 726.05FT TAP ON S LI OF BLUE JAY MINING CLAIM TH N 30-29-52 W ALG S LI BLUE JAY MINING CLAIM 321.08FT TO NE COR OF TREDWELL MINING CLAIM TH S 0-39-24 W ALG E LI OF TREDWELL MINING CLAIM 585.12FT TO SE COR THOF TH N 76-25-36 W ALG S LI TREDWELL MINING CLAIM 586.15FT TO POB EXC TH PTN THOF IF ANY LY WITHIN LAST CHANCE MINING CLAIM TGW TH PTN GOVT LT 12 (FORMERLY GOV LT 3) OF SEC 24 LY N OF S SK HWY RD & ELY OF NLY PROJECTION OF WLY LI OF ABV DESC PARCEL & WLY OF NLY PROJECTION OF ELY LI OF ABV DES PARCEL EXC TH PTN THOF IF ANY LY WITHIN THE HAMILTON IRON LCDE MINING CLAIM SURVEY VOL 9 PG 184 & 185 AF#9005070052 EXC PTN IN NE1/4 NE1/4 OF SEC DAF: COMM AT E1/4 FOR OF SD SEC 23; TH N 00-24-06 E ALG TH E LI OF SD SEC, 1631.62 FT TO TH SLY LI OF SD BLUEJAY MINING CLAIM & POB; TH N 78-05 11 W ALG SD S LI, 131.40 FT TO SW COR OF SD MINING CLAIM; TH N 15-30-50 E ALG TH WLY LI THOF, 450 FT TO NW COR OF SD MINING CLAIM; TH S 78-56-30 E ALG N LI THOF, 11.64 FT TO E LI OF SD SEC 23;; TH S 00-24-06 W ALG SD E LI, 458.51 FT TTPOB

TUS ADDRESS.....

OWNER NAME..... RABB DAVID
OWNER ADDR 1..... RABB JOANN
OWNER ADDR 2..... 3304 S SKAGIT HWY
CITY, STATE ZIP.... SEDRO WOOLLEY WA 9828

records listed.

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2K151160313

OPEN SPACE TAXATION AGREEMENT
RCW 84.34
(TO BE USED FOR "OPEN SPACE" OR "TIMBER LAND" CLASSIFICATION ONLY)

This Agreement between DAVID RABB

hereinafter called the "Owner", and SKagit County

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: 350624-0-008-0106

Legal Description of Classified Land: See Attachment "A"

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 as 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.
 - (g) 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 (5g)).
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:

Applicant shall comply with the Forest Stewardship Plan as prepared by Al Craney for this property. A copy is attached to this agreement.

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:

Robert L. ...
City or County

CHAIRMAN, SKagit County Board
Title OF COMMISSIONERS

Dated 11-28-95

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 hereby accept the classification and conditions of this Agreement.

Dated 12/18/95

David P. Rabb
Owner(s)

Joan B. Rabb
(Must be signed by all owners)

Date signed Agreement received by Legislative Authority DECEMBER 18, 1995

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

Owner(s)
Legislative Authority
County Assessor

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Attachment "A"

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BK151180316