

OST94-011

S601230056

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

FILE WITH THE COUNTY LEGISLATIVE AUTHORITY

Name of Applicant JAMES C. & CYNTHIA M. GAUTHIER Phone 856-2677
 Address 2677 Bacus Road, Sedro Woolley, WA 98284

DEC 28 1994

Property Location 2677 Bacus Road

1. Interest in property: <input checked="" type="checkbox"/> Fee Owner <input type="checkbox"/> Contract Purchaser <input type="checkbox"/> Other (Describe) <u>CONVEY. DIV.</u>	350511-4-001-0010
2. Assessor's parcel or account number <u>350511-4-001-0010</u>	
Legal description of land to be classified <u>W1/2 NE1/4 SE1/4 Section 11, Township 33 North, Range 5 East, W.M., Skagit County, less 1 acre homestead, containing 19 acres of timberland.</u>	
3. Land classification that is being sought? <input type="checkbox"/> Open Space <input checked="" type="checkbox"/> 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 <u>19</u>	
5. OPEN SPACE CLASSIFICATION Number of acres <u>19</u>	
6. Indicate what category of open space this land will qualify for: (See reverse side for definitions)	
<input type="checkbox"/> Open space zoning <input type="checkbox"/> Conserve and enhance natural or scenic resources <input type="checkbox"/> Protect streams or water supply <input type="checkbox"/> Promote conservation of soils, wetlands, beaches or tidal marshes <input type="checkbox"/> Enhance public recreation opportunities <input type="checkbox"/> Enhance value to public of abutting or neighboring parks, forests, wildlife preserves, nature reservations or sanctuaries or other open space. <input type="checkbox"/> Preserve historic sites <input type="checkbox"/> Preserve visual quality along highway, road, and street corridors or scenic vistas. <input type="checkbox"/> 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 <input type="checkbox"/> Farm and agricultural conservation land as defined in RCW 84.34.020(8)	
7. TIMBER LAND CLASSIFICATION Number of acres <u>19</u>	
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.) <u>1 acre homestead adjoining</u>	
10. Is this land subject to a lease or agreement which permits any other use than its present use? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> 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 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 CHL 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)

James C. Lenthien 12/25/94
Arthur A. Lenthien
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 _____

16017

OPEN SPACE TAXATION AGREEMENT

RCW 84.34

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

This Agreement between James Gauthierhereinafter 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: 350511-4-001-0010Legal 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.

16017

This Agreement shall be subject to the following conditions:

Applicant shall comply with Timber Management Plan as prepared by Anderson Forestry Consultants for the subject property. A copy of the Plan 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:

Dated 1-8-96

Led W Anderson ^{for SHH}
City or County

Chairman, Skagit County Board of
Title Commissioners

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 1-13-96

James A. Lanthier
Owner(s)
Cynthia M. Lanthier
(Must be signed by all owners)

Date signed Agreement received by Legislative Authority JANUARY 16, 1996

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

Owner(s)
Legislative Authority
County Assessor

BK 1513 PG 0295

9601230056

16017

Attachment "A"

Location

Parcel 53
W1/2 NE1/4 SE1/4
Section 11
T35N R5E W.M.
Skegill County

20± Acres

except:

⑤

Home Site

Home site description:

Beginning at the southwest corner of
Parcel 53 (W1/2 NE1/4 SE1/4 of
Section 11) thence north along the
west boundary of said parcel, 150±;
thence east 100± to the True
Point of Beginning. Thence east 218±,
thence north 200±, thence west 218±,
thence south 200± to the True
Point of Beginning, containing 1.0± acres.