

APPLICATION FOR TRANSFER OF CLASSIFIED OR DESIGNATED FOREST LAND TO CURRENT USE CLASSIFICATION
 (CHAPTERS 84.33 and 84.34 RCW)

SKAGIT COUNTY
 PERMIT CNTR
 OCT 10 1995

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County SKAGIT

File With County Assessor

TOSP
95-009

Name of Applicant KEVIN W. QUIGLEY
 Address 1029 SPRINGBROOK ROAD
LAKE STEVENS WA 98258

Tax Code _____
 Phone 334-6019(LH) 583-8841(W)

Land subject to this application (legal description) E 1/2 NW 1/4 NW 1/4 Sec 21 Twp 35
R 9 excluding SE 1/4 NW 1/4 N 1/2 of such parcel.

Parcel No. or Account No. 350921-2-002-0009

CHANGE OF CLASSIFICATION

The land is currently classified or designated forest land under provisions of Chapter 84.33 RCW and meets the definition of one of the following and I request reclassification as:

CHECK APPROPRIATE BOX

Open space land as provided under RCW 84.34.020(1) (Attach completed FORM REV 64 0021)

Farm and agricultural land as provided under RCW 84.34.020(2). (Attach completed FORM REV 64 0024)

Timber land as provided under RCW 84.34.020(3) (Attach completed FORM REV 64 0021 and a timber management plan)

SKAGIT COUNTY
 RATHER
 APR 11 1996
 10:00

AFFIRMATION

As owner(s) or contract purchaser(s) of the land described in this application, I hereby indicate by my signature that I have read the reverse side of this form and I am aware of the potential tax liability involved when the land ceases to be classified under provisions of Chapter 84.34 RCW.

If this land is removed from classification before ten years have elapsed, compensating tax will be due for the part of the period it was classified or designated forest land.

Date October 4, 1995

Signature(s) of All Owner(s) or Contract Purchaser(s)

[Signature]
Kevin Quigley
[Signature]
Suzanne Quigley

Attachment:
 FORM REV 64 0021
 FORM REV 64 0024

Chapter 69, Laws of 1992:

- (1) If no later than thirty days after removal of classification or designation the owner applies for classification under RCW 84.34.020(1), (2) or (3), then the classified or designated forest land shall not be considered removed from classification or designation for purposes of compensating tax under RCW 84.33.120 or 84.33.140 until the application for current use classification under RCW 84.34.030 is denied or the property is removed from designation under RCW 84.34.108. Upon removal from designation under RCW 84.34.108, the amount of compensating tax due under this chapter shall be equal to:
- (a) The difference, if any, between the amount of the assessed valuation on such land as forest land and the amount of the new assessed valuation of such land when removed from designation under RCW 84.34.108 multiplied by the dollar rate of the last levy extended against such land, multiplied by
 - (b) A new number equal to:
 - (i) The number of years the land was classified or designated under this chapter, if the total number of years the land was classified or designated under this chapter and classified under chapter 84.34 RCW is less than ten; or
 - (ii) Ten minus the number of years the land was classified under chapter 84.34 RCW, if the total number of years the land was classified or designated under this chapter and classified under chapter 84.34 RCW is at least ten.
- (2) Nothing in this section authorizes the continued classification or designation under this chapter or defers or reduces the compensating tax imposed upon forest land not transferred to classification under subsection (1) of this section which does not meet the necessary definitions of forest land under RCW 84.33.100. Nothing in this section affects the additional tax imposed under RCW 84.34.108.

The application for transfer from classified or designated forest land to current use classification, open spaceland, farm, and agricultural or timber land must be made within 30 days from the date of removal from forest land.

The county assessor will approve all applications for transfer to farm and agricultural classification.

In all unincorporated areas, the legislative authority shall act as the granting authority for applications for transfer to timber land classification. Lands within the incorporated areas shall be acted upon by a group composed of three members of the county legislative authority and three members of the city legislative authority.

Compensating tax will be due at the time of sale or transfer of any portion of land unless the application for classification is approved. If only a portion of the parcel listed on the application qualifies for classification the granting authority may approve only that part.

The application shall be accompanied by a reasonable processing fee if such fee is established by the city or county legislative authority.

To request this form in an alternate format for the visually impaired or a language other than English, please call (206) 753-3217.

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

TOSP 95-009

Name of Applicant KEVIN & SUZANNE DOUGLASS Phone 334-6019 (H) 583-8841 (W)

Address 1029 Springbrook Rd LAKE STEVENS WA 98258

Property Location E 1/2 NW 1/4 NW 1/4 SKAGIT CITY

1. Interest in property: Fee Owner Contract Purchaser Other (Describe) _____
2. Assessor's parcel or account number 350921-2-002-0009
 Legal description of land to be classified E 1/2 NW 1/4 NW 1/4 Sec. 21 Twp 35 R9 excluding SE 1/4 NW 1/4 N 1/2 and other parts of such parcel. See Schedules 1 & 2
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 18.75

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)

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7. TIMBER LAND CLASSIFICATION Number of acres 18.75 19.41
 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.) See Schedules 3
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.

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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)

[Signature]
KEVIN CRUGLEY

[Signature]
SUSANNE CRUGLEY

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 _____

Schedule 3

Description of Improvements

No improvements exist on the portion of the land which is to be classified as Timber Land. The excluded portion (the SE1/4 NW1/4 N1/4 of the parcel) includes a cabin which is in the process of being restored. The cabin is currently being used as a workshop/storage area for forestry related activities, however, the applicants intend to use the structure as a vacation residence upon completion of the classification process.

OPEN SPACE TAXATION AGREEMENT
RCW 84.34

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

This Agreement between KEVIN QUIGLEY

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: 360921-2-002-0009

Legal Description of Classified Land: East 1/2 of NW 1/4 of NW 1/4 of Section 21, Township 35, Range 9, excluding the SE 1/4 of the NW 1/4 of the NW 1/4 thereof.

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 84.04.130 (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:

1. Applicant shall comply with the Forest Management Plan submitted for the subject property (attached ~~Exhibit A~~ Attachment A)
2. At the time of harvest, applicant shall comply with all requirements of the Department of Natural Resources in regard to harvesting of timber.

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:

Lee W Anderson
City or County

Dated 3-11-96

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 3/20/96

[Signature]
Owner(s)

[Signature]
(Must be signed by all owners)

Date signed Agreement received by Legislative Authority MARCH 22, 1996

Prepare in triplicate with one completed copy to each of the following:
Owner(s)
Legislative Authority
County Assessor

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RESOLUTION NO. _____

A RESOLUTION CONCERNING A TIMBER OPEN SPACE APPLICATION
OF KEVIN QUIGLEY

WHEREAS, the Skagit County Hearing Examiner held a public hearing on February 21, 1996 to review the Open Space Timber application of KEVIN QUIGLEY and adopted Findings of Fact and a Recommendation which were submitted to the Board of Skagit County Commissioners; and

WHEREAS, in open session, the Skagit County Board of Commissioners has reviewed the application and Findings and Recommendation of the Hearing Examiner, now therefore,

BE IT RESOLVED, that the Board of Skagit County Commissioners hereby adopts the Findings and Recommendation of the Hearing Examiner and approves the Timber Open Space application of KEVIN QUIGLEY subject to any conditions listed in the Hearing Examiner Recommendation.

WITNESS our hands and official seal this 11th day of March, 1996.



ATTEST:

Debby Sims
Debby Sims
Clerk of the Board

BOARD OF COMMISSIONERS
SKAGIT COUNTY, WASHINGTON

Ted W. Anderson
TED W. ANDERSON, Chairman

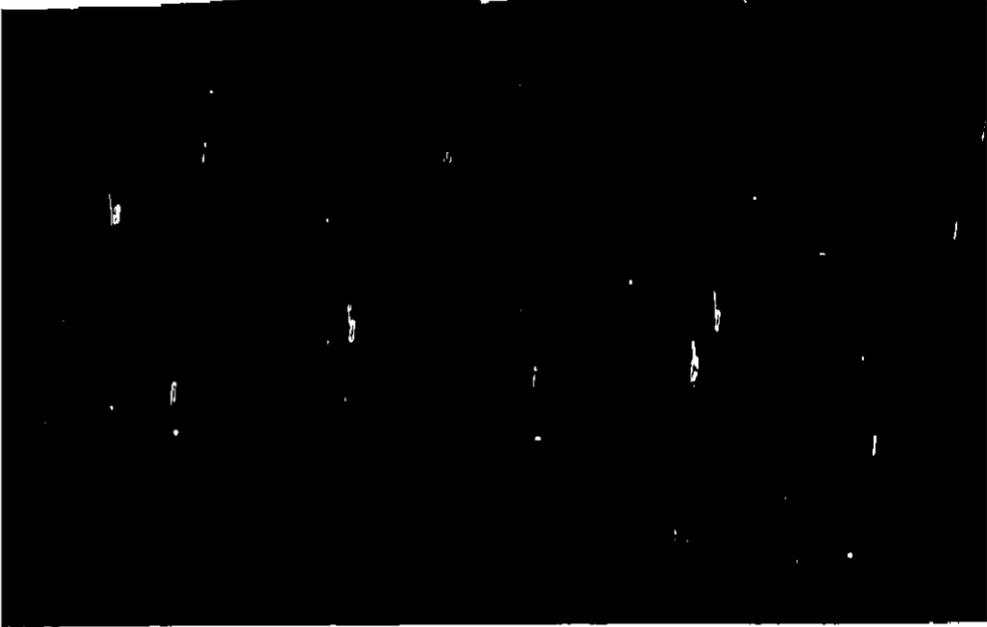
Harvey Wolden
HARVEY WOLDEN, Commissioner

Robert Hart
ROBERT HART, Commissioner

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cc: APPLICANT, PLANNING, ASSESSOR

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OST 95 009.REC

SKAGIT COUNTY HEARING EXAMINER
STATE OF WASHINGTON

In the matter of:)	
Application OST 95 009)	Findings of Fact
of KEVIN QUIGLEY)	Recommendation
for Timber Open Space)	No. OST 95 009
for inclusion of 19 acres in the)	
Timber Open Space Classification)	
)	

THIS MATTER having come regularly before the Skagit County Hearing Examiner for a Public Hearing under an application filed with the Skagit County Department of Planning and Community Development on behalf of the Applicant requesting an Open Space Timber Classification as described in the attached Report and Findings of that Department and located north of Highway 20, at the end of Sauk View Lane, within a portion of the Northwest 1/4 of the Northwest 1/4 of Section 21, Township 35 North, Range 9 East, W.M., Skagit County, Washington;

Assessor Account No: 360921-2-002-0009

And, notice having been given to all property owners within 300 feet of said property, the property having been posted in accordance with Section 14.04 of the Skagit County Code, the public hearing advertised in accordance with Section 14.104 of the Skagit County Code, and all matters in the file having been considered together with the testimony, evidence, and exhibits in open hearing and made a part of the record in this matter; the Hearing Examiner makes the following findings of fact.

FINDINGS OF FACT

1. February 21, 1996 was fixed as the date of the public hearing and the Hearing Examiner held a public hearing on that date.
2. All persons present at the Public Hearing were given an opportunity to present evidence and testimony, and all correspondence received was made a part of the record.
3. The Department of Planning and Community Development issued the attached Report and Findings of that Department. The Hearing Examiner adopts Findings one (1) through seven (7) as presented in that Report.
4. The applicant has had a Forest Management Plan prepared for the subject property.
6. The Hearing Examiner has reviewed this application with respect to the requirements of the Skagit County Code and the Revised Code of Washington.

CONCLUSIONS

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SKAGIT COUNTY HEARING EXAMINER DECISION AND RECOMMENDATION NO. OST 95 009.REC - PAGE NO. 2

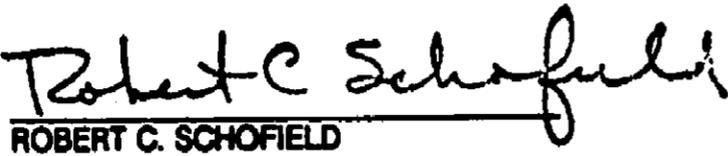
The Hearing Examiner, having duly considered the matter, including all the evidence presented and on file, comments from interested persons, information and comments from other county departments affected, independent studies of the Planning Department, and the evidence presented at the public hearing; finds that the application has been reviewed in accordance with the definitions and requirements referenced above and has been found to be compatible with those criteria.

RECOMMENDATION

The Hearing Examiner recommends **APPROVAL** of the application for inclusion of the subject property in the Timber Open Space Classification subject to the following conditions:

1. Applicant shall comply with the Forest Management Plan submitted for the subject property.
2. At the time of harvest, the applicant shall comply with all requirements of the Department of Natural Resources in regard to harvesting of timber.

SKAGIT COUNTY HEARING EXAMINER


ROBERT C. SCHOFIELD

Date of Recommendation: February 21, 1996

Copies Transmitted to Applicant: February 21, 1996

Attachment: Staff Report and Findings

C: Applicant, Applicant File, Board of County Commissioners, Hearing Examiner

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SKAGIT COUNTY PLANNING AND COMMUNITY DEVELOPMENT
FINDINGS OF FACT

HEARING AUTHORITY: SKAGIT COUNTY HEARING EXAMINER

HEARING DATE: FEBRUARY 21, 1996

APPLICATION NUMBER: OPEN SPACE # OST-95-009

APPLICANT: KEVIN QUIGLEY

ADDRESS: 1029 SPRINGBROOK ROAD
LAKE STEVENS, WA 98258

PROJECT LOCATION: The subject property is located north of Highway 20, at the end of Sauk View Lane, within a portion of the Northwest 1/4 of the Northwest 1/4 of Section 21, Township 35 North, Range 9 East, W.M., Skagit County, Washington.

PROJECT DESCRIPTION: Timber Open Space Classification Request to allow the inclusion of approximately 19 acres in the Timber Open Space Program.

ASSESSOR'S ACCOUNT NUMBER: 360921-2-002-0009

STAFF FINDINGS:

1. The following items are submitted as exhibits:
 1. Staff report and attachments
 2. Application and site plan
2. The subject property is zoned Rural Intermediate. The Eastern District Comprehensive Plan designates the area as Rural Open Space.
3. The public hearing has been advertised in accordance with the requirements of Chapter 14.04 of the Skagit County Code.
4. The subject property is located on the north side of Highway 20 at the end of Sauk View Road.
5. The applicant is requesting inclusion in the Timber Open Space Program of approximately 19 acres parcel.
6. The applicant has had a Timber Management Plan prepared for the subject property, which is attached for reference. He has also provided a legal description for an area to not be included in the Timber Open Space Program.

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7. At such time as the applicant intends to harvest the timber on the property, it will be necessary for him to comply with all requirements of the Department of Natural Resources in regard to a Forest Practice Application for harvesting of timber.

RECOMMENDATION:

The Skagit County Planning and Permit Department would recommend approval of the request for inclusion into the Timber Open Space Program with the following condition:

1. The applicant shall comply with the Timber Management Plan as submitted.
2. At the time of harvesting, the applicant shall comply with all requirements of the Department Natural Resources in regard to harvesting of timber.

Prepared by: G.R.
Approved by:

360411C032

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