

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

9607170046

FILE WITH THE COUNTY LEGISLATIVE AUTHORITY

PL 95-0254

05795-015

DEC 29 1995

Name of Applicant Leonard C. Parks

Phone 293-2980

Address 385 S. Shore Rd.

Guano Aris Cortes WA

Property Location Guano Island

1. Interest in property: ☒ Fee Owner ☐ Contract Purchaser ☐ Other (Describe)
2. Assessor's parcel or account number ADDRE FILE# 885152/350112-1-009
Legal description of land to be classified ENCLINED P 3438 -0132
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 9

5. OPEN SPACE CLASSIFICATION Number of acres _____
6. Indicate what category of open space this land will qualify for: (See reverse side for definition)
- ☐ 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 9
- 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.) _____
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.

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]
[Signature]

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 _____

**LEGAL DESCRIPTION OF 9 ACRE PORTION OF 10 ACRE PORTION OF TIMBER LAND
CLASSIFICATION REFERED TO IN MANAGEMENT PLAN FOR LANE PARK FROM DNR**

Deed dated August 3, 1978, and recorded on August 9, 1978, under Auditor's File No. 885152, records of Skagit County, Washington.

The North 870.20 feet of the West 500 feet of the East 830 feet of the Southeast Quarter of the Northeast Quarter of Section 12, Township 35 North, Range 1 East of the Willamette Meridian, except that portion thereof lying within the South 208.71 feet of the North 642.81 feet of the West 208.71 feet of the East 830 feet of the Southeast Quarter of the Northeast Quarter of said Section.

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

This Agreement between LEONARD PARKS
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: 350112-1-009-0132

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 Timber Management Plan prepared for this property by the Washington State Department of Natural Resources, a copy of which is attached to this document (attachment B).

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 JUNE 4, 1996

Led W Anderson
City or County
CHAIRMAN, SKAGIT COUNTY BOARD
OF COMMISSIONERS
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 hereby accept the classification and conditions of this Agreement.

Dated JUNE 28, 1996

Susan Emel
Owner(s)
[Signature]
(Must be signed by all owners)

Date signed Agreement received by Legislative Authority JULY 3, 1996

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

Owner(s)
Legislative Authority
County Assessor

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Attachment "A"

LEGAL DESCRIPTION OF 9 ACRE PORTION OF 10 ACRE PORTION OF TIMBER LAND
CLASSIFICATION REFERED TO IN MANAGEMENT PLAN FOR LANE PARK FROM DNR

Deed dated August 3, 1978, and recorded on August 9, 1978, under Auditor's File No.
885152, records of Skagit County, Washington.

The North 870.20 feet of the West 500 feet of the East 830 feet of the Southeast Quarter
of the Northeast Quarter of Section 12, Township 35 North, Range 1 East of the
Willamette Meridian, except that portion thereof lying within the South 208.71 feet
of the North 642.81 feet of the West 208.71 feet of the East 830 feet of the Southeast
Quarter of the Northeast Quarter of said Section.

RESOLUTION NO. 16188

A RESOLUTION CONCERNING A TIMBER OPEN SPACE APPLICATION
OF LEONARD PARKS

WHEREAS, the Skagit County Hearing Examiner held a public hearing on May 15, 1996 to review the Open Space Timber application of LEONARD PARKS 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 LEONARD PARKS subject to any conditions listed in the Hearing Examiner Recommendation.

WITNESS our hands and official seal this 4th day of June, 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: Planning, Leonard Parks, Assessor

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OST 95 015.REC

SKAGIT COUNTY HEARING EXAMINER
STATE OF WASHINGTON

In the matter of:
Application OST 95 015
of LEONARD PARKS
for Timber Open Space
for Inclusion of 9 acres in the
Timber Open Space Classification

)
) Findings of Fact
) Recommendation
) No. OST 95 015
)
)
)
)
)
)

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 on Guemes Island at 385 South Shore Road, Anacortes, WA; within a portion of the SE 1/4 of the NE 1/4 of Section 12, Township 35 North, Range 1 East, W.M., Skagit County, Washington;

Assessor Account No: 350112-1-009-0132

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. May 15, 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 eight (8) as presented in that Report.
4. The applicant has had a Timber Management Plan prepared by the Washington State Department of Natural Resources.
5. The Hearing Examiner has reviewed this application with respect to the requirements of the Skagit County Code and the Revised Code of Washington.

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SKAGIT COUNTY HEARING EXAMINER DECISION AND RECOMMENDATION NO. OST 95 015.REC - PAGE NO. 2

CONCLUSIONS

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.

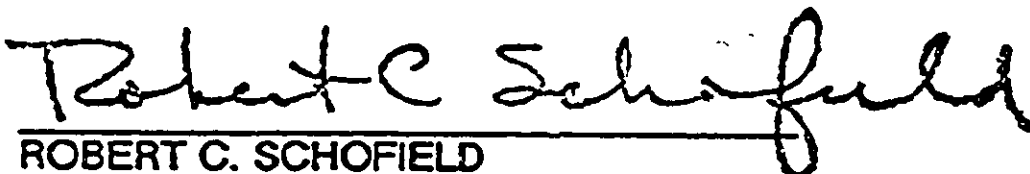
RECOMMENDATION

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 Timber Management Plan prepared for this property by the Washington State Department of Natural Resources.

This decision shall become final five (5) days from the date of this recommendation unless Request for Reconsideration is made in accordance with Skagit County Interim Ordinance #16102; Section 14.01.057.

SKAGIT COUNTY HEARING EXAMINER


ROBERT C. SCHOFIELD

Date of Recommendation: May 21, 1996

Copies Transmitted to Applicant: May 21, 1996

Attachment: Staff Report and Findings

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

H.E. Ex #4

16188

SKAGIT COUNTY PLANNING AND PERMIT CENTER
FINDINGS OF FACT

HEARING AUTHORITY: SKAGIT COUNTY HEARING EXAMINER
HEARING DATE: May 15, 1996
APPLICATION NUMBER: PL 95-0254 (OST 95-015)
APPLICANT: Leonard Parks
ADDRESS: 385 S. Shore Rd.
Guemes Island, WA 98221

PROJECT LOCATION: The subject property is located at 385 S. Shore Rd. Guemes Island; a portion of the SE 1/4 of the NE 1/4 of Section 12, Township 35 North, Range 1 East, W.M., Skagit County, Washington.

PROJECT DESCRIPTION: Open Space timber request to allow the inclusion of approximately 9 acres in the Timber Open Space Program.

ASSESSOR'S ACCOUNT NUMBER: 350112-1-009-0132
PARCEL ID NUMBER: P31438

STAFF FINDINGS:

1. The following items are submitted as exhibits:
 1. Application submitted December 29, 1995
 2. Assessor's Map (reduced)
 3. Timber Management Plan prepared by Washington State Department of Natural Resources.
2. The subject property is zoned Rural and the Island Comprehensive Plan designates the area as Rural Open Space.
3. The public hearing has been advertised in accordance with the requirements of Chapter 14.04.240 (13) of the Skagit County Code.
4. The subject property is located out of any designated flood hazard areas.
5. The application has been reviewed in accordance with the State

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5. The application has been reviewed in accordance with the State Environmental Act Guidelines WAC 197-11-800 (6)(c) and has been found to be exempt.
6. Per RCW 84.34.020(3) a minimum of 5 acres of "Timber land" is necessary to be included in the Open Space Program. The subject property is approximately 10 acres in size. The applicant has indicated and a site visit has confirmed there is an existing residence on the property. There are four acres of open fields and brush and five acres are timbered forest land. The applicant has provided the legal description for the 9 acres that will be included in the Timber Open Space Program.
7. The applicant has submitted a Timber Management Plan prepared by the Department of Natural Resources for the subject property.
8. The following are staff comments in regard to the Timber Open Space criteria as outlined in RCW 84.34.041 as they apply to this request: The applicant has attached a legal description and Assessor's map for the site. The Timber Management Plan addresses the restocking, forest management, fire protection, insect and disease control, weed control, and forest debris provisions as required by Title 76 RCW. The property was purchased by the Parks in August 1986. The timbered portion of the property consists of mostly small red alder with some western hemlock, Douglas fir, western red cedar and other mixed hardwood species. The applicant has indicated a willingness to experiment and try various methods to convert the open fields to forest land. The submitted plan gives directions for the management of both of these portions of the property. The land is subject to forest fire protection assessments. The owners objective is to own forest land, to enjoy owning forest land, to keep the forest land as natural as possible and to reestablish forest in the open areas. By signing the application form, the applicant is fully aware of the potential tax liability involved when the land ceases to be classified as timber land.

RECOMMENDATION:

Based on the above findings the Planning and Permit Center would recommend approval of the request for inclusion into the Open Space Timber program with the following condition:

1. The applicant shall comply with the Timber management plan as submitted.

Prepared by: MS

Approved by: JNM

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