

When Recorded Return to:



200306240102
Skagit County Auditor

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NOTICE OF CONTINUANCE
LAND CLASSIFIED AS CURRENT USE OR FOREST LAND
Chapter 84.34 And 84.33 Revised Code of Washington

Grantor(s) Duane N. Strinden and LaDonna M. Strinden, h/w

Grantee(s) Richard Miller and Tina Miller, h/w

Legal Description See Exhibit A.

Ptn in Sec 3 S Twp 36 Rge 4

Assessor's Property Tax Parcel or Account Number 360435-1-011-0008; 360435-4-001-0002;
360435-4-003-0002; 360435-4-006-0108

Reference Numbers of Documents Assigned or Released N/A 778202

If the new owner(s) of land that is classified or designated as current use or forest land wish(es) to continue the classification or designation of this land, the new owner(s) must sign below. All new owners must sign. If the new owner(s) do(es) not desire to continue the classification or designation, all additional or compensating tax calculated pursuant to RCW 84.34.108 or RCW 84.33.120, 140 shall be due and payable by the seller or transferor at the time of sale. To determine if the land qualifies to continue classification or designation, the county assessor may be consulted.

Name of New Owner(s) Richard Miller and Tina Miller, h/w

Address 5493 Hoogdahl Branch Road
Sedro Woolley, WA 98284

Phone No. (360) 856-0290

Excise Tax No. _____

File No. _____

Taxing District _____

Date of Sale or Transfer / /

Date of Notice / /

Interest in Property: ☒ Fee Owner ☐ Contract Purchaser ☐ Other

To inquire about the availability of this notice in an alternate format for the visually impaired or in a language other than English, please call (360) 753-3217. Teletype (TTY) users may call (800) 451-7985

A. CLASSIFICATION UNDER CHAPTER 84.34 RCW. I/we request that this land retains the current use classification as ☐ Open Space Land, ☒ Farm and Agricultural Land, ☐ Timberland, and I am/we are aware of the following use classification of the land:

1. OPEN SPACE LAND MEANS EITHER:

- a) any land area so designated by an official comprehensive land use plan adopted by any city or county and zoned accordingly; or
- b) any land area, the preservation of which 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 corridors 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 legislative body granting the open space classification; or
- c) any land that meets the definition of farm and agricultural conservation land. "Farm and agricultural conservation land is either: (i) land that was previously classified as open space farm and agricultural land that no longer meets the criteria of farm and agricultural land, and that is reclassified as open space and under RCW 84.34.020(1); or (ii) land that is traditional farmland that is not classified under chapter 84.33 or 84.34 RCW, that has not been irrevocably devoted to a use inconsistent with agricultural uses, and that has a high potential for returning to commercial agriculture.

2. FARM AND AGRICULTURAL LAND MEANS EITHER:

- a) any land in contiguous ownership of twenty or more acres devoted: (i) primarily to the production of livestock or agricultural commodities, for commercial purposes; or (ii) enrolled in the federal conservation reserve program or its successor administered by the United States department of agriculture; or (iii) other similar commercial activities as may be established by rule; or
- b) any parcel of land at least five acres but less than twenty acres devoted primarily to agricultural uses and produces a gross income equal to two hundred dollars or more per acre per year for three out of the five calendar years preceding the date of application for classification under chapter 84.34 RCW; or
- d) any parcel of land that is less than five acres devoted primarily to agricultural uses and produces a gross income equal to fifteen hundred dollars or more per year for three out of the five calendar years preceding the date of application for classification under chapter 84.34 RCW; or
- d) any land on which the principal place of residence of the farm operator or owner of land or housing for employees is sited if the classified farm and agricultural land is classified pursuant to subsection (a) of this section, if the residence or housing is on or contiguous to the classified parcel, and the use of the residence or housing is integral to the use of the classified land for agricultural purposes.

Agricultural land also includes (i) land on which appurtenances necessary for the production, preparation, or sale of commercial agricultural products are situated when the appurtenances are used in conjunction with the land(s) producing agricultural products, (ii) land incidentally used for an activity or enterprise that is compatible with commercial agricultural purposes as long as the incidental use does not exceed twenty percent of the classified land, and (iii) any noncontiguous parcel of land from one to five acres in size that constitutes an integral part of the commercial agricultural operations of a classified parcel of farm and agricultural land.



3. **TIMBER LAND MEANS** any land in contiguous ownership of five or more acres devoted primarily to the growing and harvesting of forest crops for commercial purposes and not classified as reforestation land pursuant to Chapter 84.28 RCW. Timber land means the land only.

I/we declare that I am/we are aware of the liability of withdrawal or removal of this land from classification to the following extent:

1. If the owner has filed the proper notice of request to withdraw the classified land and the land has been classified for a minimum of ten years he/she shall pay an amount equal to the difference between the tax computed on the basis of "current use" and the tax computed on the basis of true and fair value plus interest at the same statutory rate charged on delinquent property taxes. The additional tax and interest shall be paid for the preceding seven years.
2. If land is removed from classification because of a change to a non-conforming use, land is removed prior to the minimum ten year period, or land is removed because the owner(s) failed to comply with the two year notice of withdrawal he/she shall be liable to pay the additional tax and interest described in 1 above plus a penalty of twenty percent of the additional tax and interest. The additional tax, interest, and penalty shall be paid for the preceding seven years.
3. The additional tax, interest, and/or penalty shall not be imposed if the withdrawal or removal from classification 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, or sale or transfer to an entity having the power of eminent domain in anticipation of the exercise of this power, said entity having manifested its intent in writing or by other official action;
 - c) a natural disaster such as a flood, windstorm, earthquake, or other calamity rather than by virtue of the act of the landowner changing the use of the classified land;
 - d) official action by an agency of the state of Washington or by the county or city within which the land is located that disallows the present classified use of the land;
 - e) transfer of land to a church when the land would qualify for exemption pursuant to RCW 84.36.020;
 - f) acquisition of property interests by a state or federal agency, county, city, town, metropolitan park district; metropolitan municipal corporation, nonprofit historic preservation corporation as defined in RCW 64.04.130, or nonprofit nature conservancy corporation or association as defined in RCW 84.34.250;
 - g) removal of classified farm and agricultural land on which the principal residence of the farm operator or owner or housing for employees;
 - h) removal of land from classification after enactment of a statutory exemption that qualifies the land for exemption and receipt of notice from the owner to remove the land from classification;
 - i) the creation, sale, or transfer of forestry riparian easements under RCW 76.13.120; or
 - j) the creation, sale, or transfer of a fee interest or a conservation easement for the riparian open space program under RCW 76.09.040.

B CLASSIFICATION UNDER CHAPTER 84.33 RCW. I/we request that this land retain its ☐ classification or ☐ designation as forest land and I am/we are aware of the following definition of forest land:

FOREST LAND means and is synonymous with timber land and means all land in contiguous ownership of at least twenty acres that is primarily devoted to and used for growing and harvesting timber. Forest land means the land only.

- a) **CLASSIFIED FOREST LAND** is land whose highest and best use is the growing and harvesting of timber.
- b) **DESIGNATED FOREST LAND** is land that is primarily devoted to and used for growing and harvesting timber but whose value for other purposes may be greater than its value for use as forest land.

REV 64 0047-3 (1/03/00)



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I/we declare that I am/we are aware of the liability of removal of this land from classification or designation and upon removal a compensating tax shall be imposed that shall be equal to the difference between the amount of tax last levied on the land as forest land and an amount equal to the new assessed valuation of the land multiplied by the mileage rate of the last levy extended against the land, multiplied by a number, not greater than ten, equal to the number of years the land was classified or designated as forest land.

The compensating tax shall not be imposed if the removal of classification or designation resulted solely from:

- a) transfer to a government entity in exchange for other forest 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 this power;
- c) a donation of fee title, development rights, or the right to harvest timber, to a government agency or organization qualified under RCW 84.34.210 and 64.04.130 for the purposes enumerated in those sections or the sale or transfer of fee title to a governmental entity or a nonprofit nature conservancy corporation, as defined in RCW 64.04.130, exclusively for the protection and conservation of lands recommended for state natural area preserve purposes by the natural heritage council and natural heritage plan as defined in Chapter 79.70 RCW;
- d) the sale or transfer of fee title to the parks and recreation commission for park and recreation purposes;
- e) official action by an agency of the State of Washington or by the county or city within which the land is located that disallows the present use of such land;
- f) the creation, sale, or transfer of forestry riparian easements under RCW 76.13.120; or
- g) the creation, sale, or transfer of a fee interest or a conservation easement for the riparian open space program under RCW 76.09.040.

The agreement to tax according to use of the property is not a contract and can be annulled or canceled at any time by the Legislature (RCW 84.34.070).

Property Owner Richard Miller and Tina Miller, h/w 6 / 3 / 03
Date

5493 Hoogdahl Branch Road

Address Sedro Woolley, WA 98284

Property Owner Richard Miller 6 / 3 / 03
Date Tina Miller 6 / 3 / 03

Address

Property Owner
Date

Address

Property Owner
Date

Address

REV 64 0047-4 (1/03/00)



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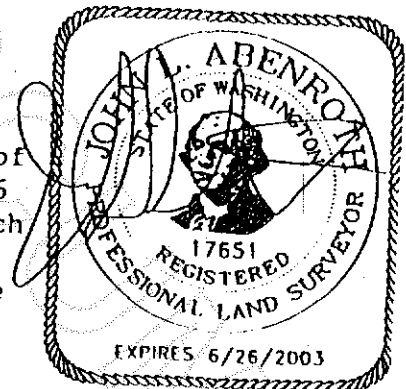
**EXHIBIT A
LEGAL DESCRIPTION**

That portion of the northwest quarter of the southeast quarter and the southwest quarter of the northeast quarter of Section 35, Township 36 North, Range 4 East, W.M. described as follows:

Commencing at the northwest corner of the northwest quarter of the southeast quarter of said Section 35; thence S 83°39'28"E along the north line of the northwest quarter of the southeast quarter of said Section 35, a distance of 582.62 feet to the point of beginning of this description; thence N 7°11'00"E, a distance 142.31 feet; thence N 49°15'55"W, a distance of 43.48 feet; thence N 69°18'02"W, a distance of 163.87 feet; thence N 81°20'07"W, a distance of 125.22 feet to a point on the south line of Short Plat #125-78 recorded in Volume 2 of Short plats at page 239, thence along the south line of Short Plat #125-78 through the following 6 courses; N 68°45'10"E, a distance of 88.08 feet; N 85°08'10"E, a distance of 107.93 feet; S 85°18'06"E, a distance of 406.57 feet; S 75°33'27"E, a distance of 162.69 feet; S 72°06'25"E, a distance of 190.26 feet; thence S 25°26'37"W, a distance of 224.54 feet; thence N 80°18'23"W, a distance of 223.24 feet; thence S 15°25'32"W, a distance of 304.22 feet; thence N 89°50'24"W, a distance of 92.69 feet; thence S 5°41'01"W, a distance of 880.01 feet; thence N 84°34'10"W, a distance of 210.93 feet; thence N 7°11'00"E, a distance of 1167.98 feet to the point of beginning of this description.

Containing 10.00 acres.

TOGETHER WITH a twenty (20) foot wide easement for ingress, egress and utilities, over, across and through a portion of the southwest quarter of the northeast quarter of Section 35, Township 36 North, Range 4 East, W.M. the centerline of which is described as follows: Commencing at the southwest corner of the southwest quarter of the northeast quarter of said Section 35; thence S 83°39'28"E along the south line of the



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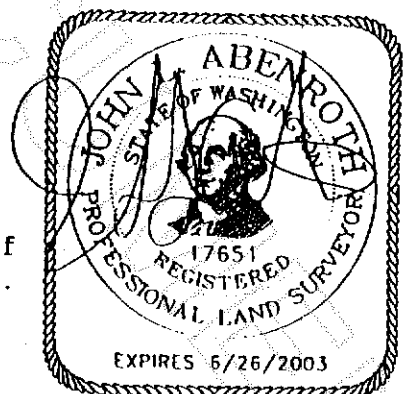
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southwest quarter of the northeast quarter of said Section 35, a distance of 582.62 feet; thence N 7°11'00"E, a distance 142.31 feet; thence N 49°15'55"W, a distance of 43.48 feet; thence N 69°18'02"W, a distance of 163.87 feet; thence N 81°20'07"W, a distance of 105.17 feet to a point which is 10 feet southerly of, when measured at right angles, from the south line of Short plat #125-78 filed in Volume 2 of Short plats at page 239, and the point of beginning of this centerline description; thence S 68°45'10"W parallel with the south line of said Short plat #125-78, a distance of 237.01 feet to the east line of Hoogdal Branch Road as shown on said Short Plat #125-78 and the terminal point of this centerline description.

SUBJECT TO a twenty (20) foot wide easement for ingress, egress and utilities, over, across and through the following described portion of the southwest quarter of the northeast quarter of Section 35, Township 36 North, Range 4 East, W.M., the centerline of which is described as follows: Commencing at the southwest corner of the southwest quarter of the northeast quarter of said Section 35; thence S 83°39'28"E along the south line of the southwest quarter of the northeast quarter of said Section 35, a distance of 582.62 feet; thence N 7°11'00"E, a distance 142.31 feet; thence N 49°15'55"W, a distance of 43.48 feet; thence N 69°18'02"W, a distance of 163.87 feet; thence N 81°20'07"W, a distance of 105.17 feet to a point which is 10 feet southerly, when measured at right angles, from the south line of Short plat #125-78 filed in Volume 2 of Short Plats at page 239, and the point of beginning of this centerline description; thence N 68°45'10"E parallel with the south line of said Short plat #125-78, a distance of 49.62 feet; thence S 78°12'09"E, a distance of 153.63 feet; thence S 89°11'58"E, a distance of 40.11 feet; thence N 82°03'54"E, a distance of 95.73 feet; thence S 82°27'57"E, a distance of 120.74 feet; thence S 82°16'50"E, a distance of 147.40 feet; thence S 70°59'23"E, a distance of 314.38 feet to the east line of the herein above described 10 acre tract and terminal point of this centerline description.

ALSO SUBJECT TO a twenty (20) foot wide easement for ingress, egress and utilities, over, across and through the following described portion of the northwest quarter of the southeast quarter of Section 35, Township 36 North, Range 4 East, W.M. the centerline of which is described as follows: Commencing at the northwest corner of the northwest quarter of the southeast quarter of



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said Section 35; thence S 83°39'28"E along the north line of the northwest quarter of the southeast quarter of said Section 35, a distance of 582.62 feet; thence S 7°11'00"W, a distance of 338.30 feet to the point of beginning of this centerline description; thence S 51°47'18"E, a distance of 224.42 feet to the east line of the hereinabove described 10 acre tract and the terminal point of this centerline description.

Situated in Skagit County, Washington



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EXHIBIT B

The Northwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of Section 35, Township 36 North, Range 4 East, W.M.,

EXCEPT that portion of the above-described parcel lying within the following described tract:

Beginning at a stake which is 25 feet Southeast of the center of said Section 35; which stake is located on the Easterly edge of the county road; thence South along the Easterly edge of the county road 22 feet; thence Northeasterly along a fence as it existed on March 28, 1963, which is from 13 to 22 feet South of the center of the Old Logging Grade 800 feet; thence Easterly along a fence as it existed on March 28, 1963, to the Southwest corner of the East $\frac{1}{2}$ of the East $\frac{1}{2}$ of the Northeast $\frac{1}{4}$ of said Section; thence North to the Samish River; thence Northwesterly along said river to its intersection with the North-South centerline of said Section; thence South along said centerline to the center of said Section; thence Southeasterly to the point of beginning;

ALSO EXCEPT that portion thereof lying within the Northern Pacific Railroad right-of-way,

ALSO EXCEPT that portion thereof lying Southeasterly of the Burlington Northern Railroad right-of-way.

TOGETHER WITH THE Northerly 20 feet of that portion of the West $\frac{1}{2}$ of the Southwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of Section 35, Township 36 North, Range 4 E. W.M., lying Northerly of the Northern Pacific Railway right-of-way, and Easterly of the Hoogdahl Branch Road right-of-way.

AND EXCEPT FROM ALL OF THE ABOVE, THE FOLLOWING DESCRIBED TRACT X



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TRACT X

That portion of the northwest quarter of the southeast quarter and the southwest quarter of the northeast quarter of Section 35, Township 36 North, Range 4 East, W.M. described as follows:

Commencing at the northwest corner of the northwest quarter of the southeast quarter of said Section 35; thence S 83°39'28"E along the north line of the northwest quarter of the southeast quarter of said Section 35, a distance of 582.62 feet to the point of beginning of this description; thence N 7°11'00"E, a distance 142.31 feet; thence N 49°15'55"W, a distance of 43.48 feet; thence N 69°18'02"W, a distance of 163.87 feet; thence N 81°20'07"W, a distance of 125.22 feet to a point on the south line of Short Plat #125-78 recorded in Volume 2 of Short plats at page 239, thence along the south line of Short Plat #125-78 through the following 6 courses; N 68°45'10"E, a distance of 88.08 feet; N 85°08'10"E, a distance of 107.93 feet; S 85°18'06"E, a distance of 406.57 feet; S 75°33'27"E, a distance of 162.69 feet; S 72°06'25"E, a distance of 190.26 feet; thence S 25°26'37"W, a distance of 224.54 feet; thence N 80°18'23"W, a distance of 223.24 feet; thence S 15°25'32"W, a distance of 304.22 feet; thence N 89°50'24"W, a distance of 92.69 feet; thence S 5°41'01"W, a distance of 880.01 feet; thence N 84°34'10"W, a distance of 210.93 feet; thence N 7°11'00"E, a distance of 1167.98 feet to the point of beginning of this description.

Containing 10.00 acres



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