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Skagit County Auditor

11/7/2017 Page

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### Open Space Taxation Agreement

#### Chapter 84.34 RCW

(To be used for "Open Space" and "Timber Land" Classification or Reclassification Only)

Property Owner JOHN MONTOYA  
Property Address 22434 STATE ROUTE 534, MOUNT VERNON, WA 98274  
Legal Description SEE ATTACHED EXHIBIT 'A'  
SECTION 23, TOWNSHIP 33 NORTH, RANGE 4 EAST, W.M.

Assessor's Property Tax Parcel or Account Number PORTION OF P17171

Reference Numbers of Documents Assigned or Released C/U OPEN SPACE LAND APP#20-2017

This agreement between JOHN MONTOYA  
hereinafter called the "Owner", and Skagit County TRANSFER FROM F&A AF#8805240018  
hereinafter called the "Granting Authority".

Whereas, the owner of the above described real property having made application for classification of that property under the provisions of Chapter 84.34 RCW. And whereas, both the owner and granting authority agree 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 – RCW 84.34.020(1)(a) or (b)**
- Farm and Agricultural Conservation Land (a sub classification of open space land) – RCW 84.34.020(1)(c)**
- Timber Land – RCW 84.34.020(3)**

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 be used only in accordance with 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legislative body receives the signed agreement from the property owner and shall remain in effect until the property is withdrawn or removed from classification.
4. This agreement shall apply to the parcels of land described herein and shall be binding upon the heirs, successors and assignees of the parties hereto.

5. The landowner may withdraw from this agreement if, after a period of eight years, he or she files a request to **withdraw** classification with the assessor. Two years from the date of that request the assessor shall withdraw *classification from the land, and the applicable taxes and interest shall be imposed as provided in RCW 84.34.070 and 84.34.108.* This provision will not apply if there is a pending merger of a county's timber land classification and designated forest land program and the merger will occur prior to the date of withdrawal. If this occurs, the owner can choose to: (1) request immediate removal of the land from the timber land classification, (2) request immediate removal, after the merger, of the land from the designated forest land program, or (3) request the assessor to remove the land from the designated forest land program once two assessment years have passed following the receipt of the notice to withdraw. These removals will still be subject to the additional tax, interest, and penalty, or compensating tax.
6. After the effective date of this agreement, any change in use of the land, except through compliance with items (5), (7), (9), or (10), shall be considered a **breach** of this agreement, and shall be subject to removal of classification and liable for additional tax, interest, and penalty as provided in RCW 84.34.080 and RCW 84.34.108.
7. A **breach** of agreement shall not have occurred and the additional tax shall not be imposed if removal of classification 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 in anticipation of the exercise of such power and having manifested its intent in writing or by other official action;
  - c) A natural disaster such as a flood, windstorm, earthquake, or other such calamity rather than by virtue of the act of the land owner 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 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 for the purposes enumerated in those sections (see RCW 84.34.108(6)(f));
  - g) Removal of land classified as farm and agricultural land under RCW 84.34.020(2)(f);
  - 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;
  - j) The creation, sale, or transfer of a fee interest or a conservation easement of private forest lands within unconfined channel migration zones or containing critical habitat for threatened or endangered species under RCW 76.09.040;
  - k) The sale or transfer of land within two years after the death of the owner of at least a fifty percent interest in the land if the land has been assessed and valued as forest land under chapter 84.33 RCW, or under chapter 84.34 RCW continuously since 1993. The date of death shown on the death certificate is the date used; or
  - l) The discovery that the land was classified in error through no fault of the owner.
8. The county assessor may require an owner to submit data relevant to continuing the eligibility of any parcel of land described in this agreement.
9. The owner may apply for reclassification of the land if reclassification is permissible under RCW 84.34.070.
10. Changes to the conditions of this agreement could result in the re-rating of the parcel by the granting authority, subject to a public hearing, and may result in a change in assessed value. If the granting authority approves the changes in conditions, a revised agreement may be required.

The parcel(s) of land described in this agreement is subject to the following conditions:

The parcel(s) of land described in this agreement may be used in the following manner:

The parcel(s) of land described in this agreement may be removed if the land is used in the following manner:

It is declared that this agreement specifies the classification and conditions as provided for in Chapter 84.34 RCW and the conditions imposed by this Granting Authority. This agreement to tax according to the use of the property is not a contract and can be annulled or canceled at any time by the Legislature (RCW 84.34.070).

Dated 10/02/17

Ron Wesen

Signature(s) of County and/or City Legislative Authority

Chair of the Board of County Commissioners

Title

Dated 10/02/17

Kennet A. Dahlstedt

Signature(s) of County and/or City Legislative Authority

County Commissioner

Title

Dated 10/02/17

Olivia Janich

Signature(s) of County and/or City Legislative Authority

County Commissioner

Title

As owner(s) of the herein-described land I/we indicated by my/our signature(s) that I am/we are aware of the potential tax liability and hereby accept the classification and conditions of this agreement.

Dated 11/2/17

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Owner(s)

(Must be signed by all owners)

Date signed agreement received by Legislative Authority

11/02/17

Prepare in triplicate with one copy to each of the following: Owner, Granting Authority, and County Assessor

To ask about the availability of this publication in an alternate format for the visually impaired, please call 1-800-647-7706. Teletype (TTY) users may use the Washington Relay Service by calling 711. For tax assistance, call (360) 534-1400.

EXHIBIT "A"

PARCEL "A" P-17171

THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 23, TOWNSHIP 33 NORTH, RANGE 4 EAST, WILLAMETTE MERIDIAN, EXCEPT THAT PORTION LYING NORTHERLY OF THE SOUTHERLY LINE OF THE STATE HIGHWAY NO. 534; EXCEPT THAT PORTION LYING SOUTHERLY OF THE NORTHERLY LINE OF THE RAILROAD RIGHT-OF-WAY AS CONVEYED TO PUGET SOUND PULP AND TIMBER COMPANY, BY DEED RECORDED NOVEMBER 3, 1948 UNDER AUDITOR'S FILE NO. 424512. AND EXCEPT THE EAST 60 FEET THEREOF.

PARCEL "B" P-17342

THAT PORTION OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 26, TOWNSHIP 33 NORTH, RANGE 4 EAST, WILLAMETTE MERIDIAN, LYING NORTHWESTERLY OF A LINE DRAWN FROM THE NORTHEAST CORNER OF SAID SUBDIVISION TO THE SOUTHWEST CORNER THEREOF EXCEPT THAT PORTION THEREOF LYING SOUTHERLY OF THE NORTHERLY LINE OF THE RAILROAD RIGHT-OF WAY AS CONVEYED TO PUGET SOUND PULP AND TIMBER COMPANY, BY DEED RECORDED NOVEMBER 3, 1948 UNDER AUDITOR'S FILE NO. 424512, AND EXCEPT THAT PORTION THEREOF LYING EASTERLY OF A LINE DRAWN PARALLEL WITH AND 60 FEET WESTERLY OF THE EASTERLY LINE OF SAID TRACT.

ALL OF WHICH, THE SUM OF BOTH PARCELS, CONTAINING 16.31 ACRES MORE OR LESS AND ALSO SITUATE IN THE COUNTY OF SKAGIT, STATE OF WASHINGTON

FROM WHICH THE "OPEN SPACE LANDS" DESCRIBED AS ALL THAT PORTION OF THE ABOVE DESCRIBED LANDS LABELED, PARCEL "A" AND PARCEL "B", KNOWN AS THE PARENT PARCEL HERE-IN-AFTER, LYING WESTERLY AND SOUTHERLY OR ON THE RIGHT SIDE OF A LINE AS IT TRAVERSES SOUTHERLY THROUGH SAID PARENT PARCEL, THE LINE BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID PARENT PARCEL, SAID CORNER BEING THE INTERSECTION OF THE WEST LINE OF THE PARENT PARCEL AND THE SOUTHERLY MARGIN OF STATE HIGHWAY NO. 534, THENCE SOUTH 68° 20'52" EAST, ALONG SAID MARGIN, 608.18 FEET, MORE OR LESS TO A POINT ON SAID MARGIN AND THE NORTHEASTERLY PROJECTION OF AN EXISTING DRAINAGE DITCH SYSTEM AND ALSO BEING TRUE POINT OF BEGINNING OF SAID LINE; THENCE LEAVING SAID MARGIN SOUTH 40°42'13" WEST, ALONG SAID DITCH, 101.86 FEET; THENCE SOUTH 47°01'26" WEST, ALONG SAID DITCH 129.92 FEET; TO A INTERSECTING DITCH LINE APPROACHING FROM THE SOUTHEAST; THENCE SOUTH 27° 37'34" EAST ALONG SAID DITCH, 173.13 FEET; THENCE SOUTH 33°59'25" EAST, ALONG SAID DITCH, 169.07 FEET; THENCE SOUTH 36°47'40" EAST, 236.33 FEET; MORE OR LESS TO A POINT ON THE NORTHERLY LINE OF THE RAILROAD RIGHT-OF WAY AS CONVEYED TO PUGET SOUND PULP AND TIMBER COMPANY, BY DEED RECORDED NOVEMBER 3, 1948 UNDER AUDITOR'S FILE NO. 424512, AND ITS INTERSECTION WITH THE SOUTH LINE OF SECTION 23 AND THE TERMINUS OF SAID LINE.

CONTAINING 6.72 ACRES MORE OR LESS

SITUATE IN THE COUNTY OF SKAGIT, STATE OF WASHINGTON