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09/18/2024 08:35 AM Pages: 1 of 7 Fees: \$309.50
Skagit County Auditor

Department of
Revenue
Washington State
Form 64 0022

Open Space Taxation Agreement

Chapter 84.34 RCW

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

When recorded, return to:

Property owner:
SKAGIT LAND TRUST

Property address:
N/A

Legal description:
SEE ATTACHED EXHIBIT 'A' AND MAP - LOCATED IN 10-34-4

Assessor's property tax parcel or account number:
P24473 AND P136019

Reference numbers of documents assigned or released:
CU OS #4-2023 TRANSFER FROM F&A AF#8401270005 AND AF#8001280007

This agreement between:
SKAGIT LAND TRUST

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REV 64 0022 (11/15/22)

Page 1 of 5

Open Space Taxation Agreement



hereinafter called the "Owner", and:

SKAGIT COUNTY

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, aesthetic, 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 built 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legislative body receives the signed agreement from the property owner and shall remain in effect until the property is withdrawn or removed from classification.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. A request may be filed with the assessor to withdraw from the program after the land has been classified for 10 or more years. No 20% penalty will be imposed. The applicable taxes and interest shall be imposed as provided in RCW 84.34.070.
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 one of the following:
 - 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

Open Space Taxation Agreement



- power and having manifested its intent in writing or by other official action.
- c. A natural disaster such as a flood, windstorm, earthquake, wildfire 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 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.
 - 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.

Open Space Taxation Agreement



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

8/20/2024

Title: PETER BROWNING, CHAIR

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

8/20/2024

Title: LISA JANICKI, COMMISSIONER

Open Space Taxation Agreement



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

8/20/2024

Ron Wesen

Title: **RON WESEN, COMMISSIONER**

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: Owner(s):

9/10/2024

Mly

(Must be signed by all owners)

Date signed agreement received by Legislative Authority: September 11, 2024

Make three copies with one copy to each of the following: Owner, Granting Authority, and County Assessor

EXHIBIT 'A'

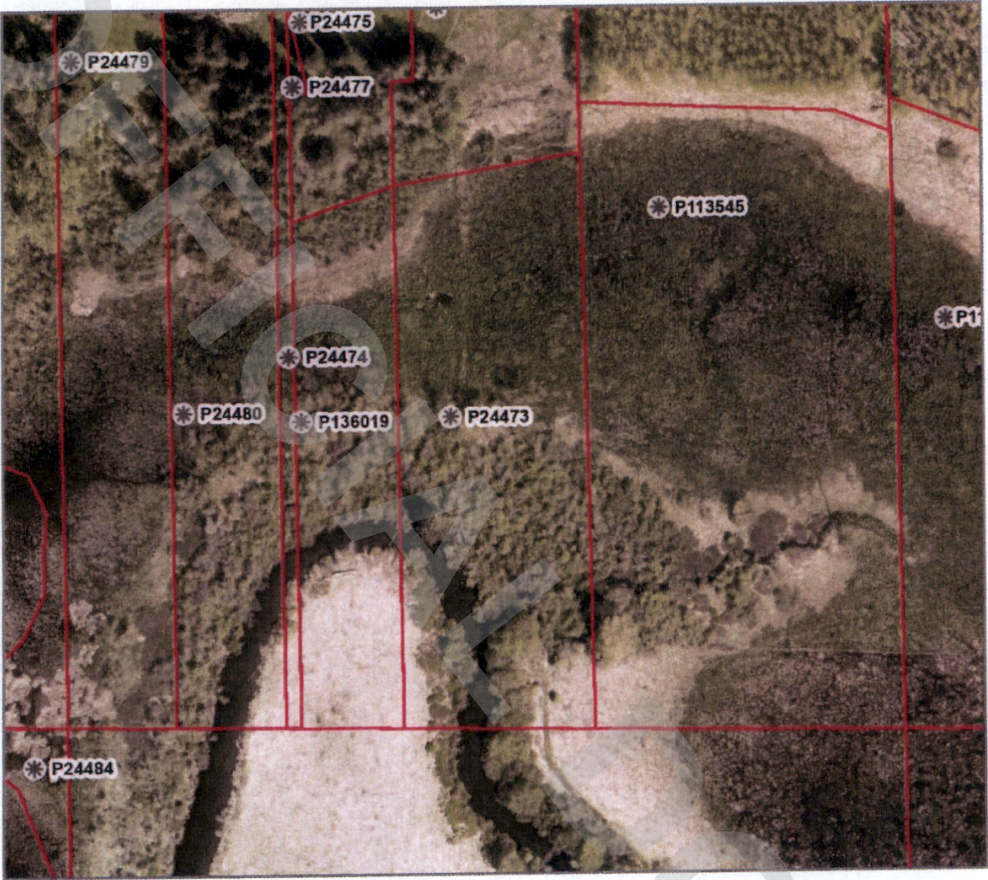
THAT PORTION OF THE SOUTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 10, TOWNSHIP 34 NORTH, RANGE 4 EAST, W.M., DESCRIBED AS FOLLOWS: BEGINNING AT A POINT ON THE SOUTH LINE OF SAID SUBDIVISION 495 WEST OF THE SOUTHEAST CORNER THEREOF; THENCE NORTH 0-10-00 WEST PARALLEL TO THE EAST LINE OF SAID SUBDIVISION A DISTANCE OF 919.33 FEET; THENCE SOUTH 81-20-42 WEST A DISTANCE OF 304.98 FEET TO A POINT 537 FEET EAST OF THE WEST LINE OF SAID SUBDIVISION; THENCE SOUTH 0-03-56 WEST PARALLEL TO THE WEST LINE OF SAID SUBDIVISION A DISTANCE OF 867.61 FEET TO A POINT ON THE SOUTH LINE AND 537 FEET WEST OF THE SOUTHWEST CORNER THEREOF; THENCE ALONG SAID SOUTH LINE SOUTH 88-54-25 EAST A DISTANCE OF 305.22 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH

THAT PORTION OF THE EAST 165 FEET OF THE WEST 537 FEET OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 10, TOWNSHIP 34 NORTH, RANGE 4 EAST, W.M., DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHEAST CORNER OF THE PORTION OF SAID SUBDIVISION; THENCE NORTH 0-03-56 EAST, A DISTANCE OF 867.61 FEET; THENCE SOUTH 71-48-35 WEST, A DISTANCE OF 173.74 FEET TO THE WEST LINE THEREOF; THENCE SOUTH 0-03-56 WEST, A DISTANCE OF 810.23 FEET TO THE SOUTH LINE THEREOF; THENCE SOUTH 88-54-25 EAST, ALONG THE SOUTH LINE, A DISTANCE OF 165.03 FEET TO THE POINT OF BEGINNING.

SKAGIT COUNTY ASSESSOR
CURRENT USE MAP

CU OS #4-2023
P24473 AND P136019



0 125 249 498
Feet
Scale 1: 2,993



SECTION 10, TOWNSHIP 34 NORTH, RANGE 4 EAST,
W.M.

Property Owner Printed Name

Property Owner Signature

Date

Map Accuracy Warning: This map was created from available public records and existing map sources not from field surveys. Map features from all sources have been adjusted to achieve a best-fit registration to the Ownership Parcels map. While great care was taken in this process, maps from different sources rarely agree as to the precise location of geographic features. The relative positioning of map features to one another results from combining different map sources without field ground truthing. Errors can be as great as 300 feet on this document. THIS MAP IS NOT A SUBSTITUTE FOR FIELD SURVEY. For questions about map accuracy, contact Skagit County GIS.

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