

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

OSP-95-001

PL 95-0179

Name of Applicant SHERI BODDY / ANN MAGNANO Phone 206 634 2932
Address 323 SOLSTICE LANE 9605100080
Property Location GUEMES IS.

1. Interest in property: Owner Contract Purchaser Other (Describe) _____
2. Assessor's parcel or account number 3846-060-000-0204 + NORTH 10 acres of
Legal description of land to be classified All that portion of Tract 4
Tract 4, Skagit County Shert Plot No. 92-027 in Volume 10
of Short Plats, page 155, under Auditor's File No. 9212150027 P60889

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 _____

SKAGIT COUNTY
PERMIT CNTR

5. OPEN SPACE CLASSIFICATION Number of acres 14

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 _____

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.

FORM REV 64 0021-1 (2-93)

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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.

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

Shirley B. Beck _____

Ann V. Peterson _____

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 _____

The purpose of this open space application located adjacent to 120 acres of DNR land is to enhance the conservation, ensure an area for wildlife, and protect a probable recharge area for the island water supply by significantly limiting residential development and subdivision.

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OPEN SPACE TAXATION AGREEMENT
RCW 84.34

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

This Agreement between Ann Maguano and Sheri Baddy

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: 3846-060-000-0204

Legal Description of Classified Land: All that portion of

Tract 4, Skagit County Short Plat No. 92-027 in Volume 10
of Short Plats, page 155, under Auditors File No. 9212150027 P6088

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.

UNOFFICIAL

This Agreement shall be subject to the following conditions:

[Empty box for conditions]

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.

Dated FEB. 20, 1996

Granting Authority:

Ted W. Anderson ^{AW}
City or County

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 3/25/96

[Signature]
Owner(s)

[Signature]
(Must be signed by all owners)

Date signed Agreement received by Legislative Authority 3/25/96

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 AN OPEN SPACE APPLICATION
OF ANN MAGNANO/SHERI BODDY

WHEREAS, the Skagit County Hearing Examiner held a public hearing on February 7, 1996 to review the Open Space application of applicants ANN MAGNANO and SHERI BODDY, and adopted Findings of Fact and a Recommendation approving the application; and

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

BE IT RESOLVED, that The Skagit County Board of Commissioners hereby adopts the Findings and Recommendation of the Hearing Examiner and approves the Open Space application of ANN MAGNANO and SHERI BODDY subject to any conditions recommended by the Hearing Examiner.

WITNESS our hands and official seal this 20th day of February, 1996.

BOARD OF COMMISSIONERS
SKAGIT COUNTY, WASHINGTON

Ted W. Anderson
TED W. ANDERSON, Chairman

Harvey Wolden
HARVEY WOLDEN, Commissioner

Robert Hart
ROBERT HART, Commissioner



ATTEST:

Debby Sims
Debby Sims
Clerk of the Board

cc: APPLICANT, PLANNING, ~~ASSESSOR~~
9605100080

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SKAGIT COUNTY HEARING EXAMINER
STATE OF WASHINGTON

In the matter of:)	
Application No. OSP 95 001)	
Open Space Application of:)	Findings of Fact
ANN MAGNANO/SHERI BODDY for:)	Recommendation
The inclusion of 14 acres in)	OSP 95 001
the Open Space program.)	

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 the applicant requesting an Open Space Classification as described in the attached Report of that Department and located at 323 Solstice Lane, Anacortes, WA; within a portion of the Northwest 1/4 of Section 1, Township 35 North, Range 1 East, W.M., Skagit County, Washington;


Assessor Account No: 3846-060-000-0204

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

1. February 7, 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 Staff Report and Findings. The Hearing Examiner adopts Findings no. 1 through 9 as presented in that Report.
4. Section 84.34.020, Revised Code of Washington, provides the following information:

(1) "Open Space Land" means (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, or (ii) protect streams or water supply, or (iii) promote conservation of soils, wetlands, beaches, or tidal marshes, or (iv) enhance the value to the public of abutting or neighboring parks, forests, wildlife preserves, nature reservations or sanctuaries or other open space, or (v) enhance recreation opportunities, or (vi) preserve historic sites, or (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 meeting the definition of farm and agricultural conservation land under subsection 8 of this section. As a condition of granting open space classification, the legislative body may not require public access on land classified under (b) (iii) of this subsection for the purpose of promoting conservation of wetlands.

5. The Hearing Examiner reviewed this application with respect to the above definitions and other requirements of the Skagit County Code and the Revised Code of Washington.
6. The applicants indicated at the public hearing that the property is to be placed in a conservation easement.

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.

DECISION

The Hearing Examiner recommends APPROVAL of the application for inclusion of the subject property in the Open Space Taxation Program.

SKAGIT COUNTY HEARING EXAMINER


ROBERT C. SCHOFIELD

Date of Action: February 8, 1996

Copies transmitted to applicant: February 8, 1996

Attachment: Staff Report and Findings

C: Applicant, File, County Commissioners, Hearing Examiner

**SKAGIT COUNTY PLANNING AND COMMUNITY DEVELOPMENT
FINDINGS OF FACT**

HEARING AUTHORITY: SKAGIT COUNTY HEARING EXAMINER
HEARING DATE: FEBRUARY 7, 1996
APPLICATION NUMBER: OPEN SPACE APPLICATION # OSP-95-001
APPLICANT: ANN MAGNANO
SHERI BODDY
ADDRESS: 323 SOLSTICE LANE
ANACORTES, WA 98221

PROJECT LOCATION: The subject property is located at 323 Solstice Lane, Anacortes, Washington; within a portion of the Northwest 1/4 of Section 1, Township 35 North, Range 1 East, W.M., Skagit County, Washington.

PROJECT DESCRIPTION: Open Space Application to allow the inclusion of approximately 14 acres in the Open Space Program.

ASSESSOR'S ACCOUNT NUMBER: 3846-060-000-0204

STAFF FINDINGS:

1. The following items are submitted as exhibits:
 1. Staff Findings and attachments.
 2. Application and site plan.
2. The subject property is zoned Rural and the Island 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 application has been reviewed in accordance with the State Environmental Act Guidelines and has been found to be exempt.
5. The subject property is not located in a designated flood hazard area.
6. The subject property is a total of approximately 14 acres in size. The subject property is currently vacant.
7. Revised Code of Washington 84.34.020 Definitions defines Open Space Land as an area that is open to the public, enhances natural resources, protects streams, and promotes conservation (complete definition attached for reference).

8. The applicant has submitted a narrative statement in justification of the request. The narrative statement is attached for reference.
9. In reviewing the application and narrative statement as submitted by the applicant, it appears that the application complies with the intent of RCW 84.34.020.

RECOMMENDATIONS:

Based on the above findings, the Skagit County Planning Department would recommend approval of the request to include approximately 14 acres in the Open Space Open Space Program.

Prepared by: G.R.
Approved by:

9605100080

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