

**Application for Classification or Reclassification  
Open Space Land  
Chapter 84.34 RCW**

**File With The County Legislative Authority**

Name of Owner(s): Darcy & Christiaan Koenig Phone No: 425-359-4301  
Email Address: Koenigsons@hotmail.com  
Address: 13716 334<sup>th</sup> AVE SE  
Sultan, WA 98294

Parcel Number(s):	<u>28083300101200 &amp; 28083300101300</u>
Legal Description:	<u>See Rev (H)-0000</u>
Total Acres in Application:	<u>19.74</u>

Indicate what category of open space this land will qualify for:

- ☐ Conserve or enhance natural, cultural, or scenic resources
- ☐ Protect streams, stream corridors, wetlands, natural shorelines, or aquifers
- ☐ Protect soil resources, unique or critical wildlife, or native plant habitat
- ☐ Promote conservation principles by example or by offering educational opportunities
- ☐ Enhance the value to the public of abutting or neighboring parks, forests, wildlife preserves, nature reservations or sanctuaries, or other open spaces
- ☐ Enhance recreation opportunities
- ☐ Preserve historic or archaeological sites
- ☐ Preserve visual quality along highway, road, street corridors, or scenic vistas
- ☐ 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
- ☒ Farm and agricultural conservation land previously classified under RCW 84.34.020(2), that no longer meets the criteria
- ☒ Farm and agricultural conservation land that is "traditional farmland" not classified under Chapter 84.33 or Chapter 84.34 RCW, that has not been irrevocably devoted to a use inconsistent with agricultural uses, and has a high potential for returning to commercial agriculture

1. Describe the present use of the land.

Rural Ag

2. Is the land subject to a lease or agreement which permits any other use than its present use?

If yes, attach a copy of the lease agreement.

☐ Yes ☒ No

3. Describe the present improvements (residence, buildings, etc.) located on the land.

N/A

4. Is the land subject to any easements?

If yes, describe the type of easement, the easement restrictions, and the length of the easement.

☒ Yes ☐ No

ROAD EASEMENTS

5. If applying for the farm and agricultural conservation land category, provide a detailed description below about the previous use, the current use, and the intended future use of the land.

Property in the past, currently, and for future being used to raise beef cattle & other livestock.

**NOTICE:**

The county and/or city legislative authorities may require owners to submit additional information regarding the use of the land.

As owner of the parcel(s) described in this application, I hereby indicate by my signature below that I am aware of the additional tax, interest, and penalties involved when the land ceases to be classified under the provisions of Chapter 84.34 RCW. I also certify that this application and any accompanying documents are accurate and complete.

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)

Print the name of each owner:

Signature of each owner:

Date

Darcy Koenig

*Darcy Koenig*

6/19/23

Christian Koenig

*Christian Koenig*

6/19/23

The granting or denial of an application for classification or reclassification as open space land is a legislative determination and shall be reviewable only for arbitrary and capricious actions. Denials are only appealable to the superior court of the county in which the land is located and the application is made.

#### **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" 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 in (a), paid at the same statutory rate charged on delinquent property taxes; plus
  - (c) A penalty of 20% will be applied to the additional tax and interest if the classified land is applied to some other use except through compliance with the property owner's request for withdrawal as described in RCW 84.34.070(1).
2. The additional tax, interest, and penalty specified in (1) 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, 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 disallows 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(6)(f)).
  - (g) Removal of land classified as farm & agricultural land under RCW 84.34.020(2)(f) (farm home site).
  - (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 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 designated forest land under chapter 84.33 RCW, or classified under this 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.

**FOR LEGISLATIVE AUTHORITY USE ONLY**

Date application received: \_\_\_\_\_ By: \_\_\_\_\_

Amount of processing fee collected: \$ \_\_\_\_\_

- Is the land subject to a comprehensive land use plan adopted by a city or county? ☐ Yes ☐ No

If yes, application should be processed in the same manner in which an amendment to the comprehensive land use plan is processed.

If no, application must be acted upon after a public hearing and notice of the hearing shall have been given by one publication in a newspaper of general circulation in the area at least ten days before the hearing.

- If the land is not subject to a comprehensive land use plan, is the land located within an incorporated part of the county? ☐ Yes ☐ No

If yes, application must be acted upon by three members of the county legislative authority and three members of the city legislative authority. See RCW 84.34.037(1) for details.

If no, application must be acted upon by three members of the county legislative authority.

- ☐ Application approved ☐ In whole ☐ In part  
☐ Application denied ☐ Date owner notified of denial (Form 64 0103):

If approved, date Open Space Taxation Agreement (OSTA) was mailed to owner:

Signed OSTA received by Legislative Authority on:

Copy of signed OSTA forwarded to Assessor on:

To ask about the availability of this publication in an alternate format for the visually impaired, please call 360-705-6705. Teletype (TTY) users may use the Washington Relay Service by calling 711. For assistance, contact your local county assessor's office.

REV 64 0021e (6/26/19)

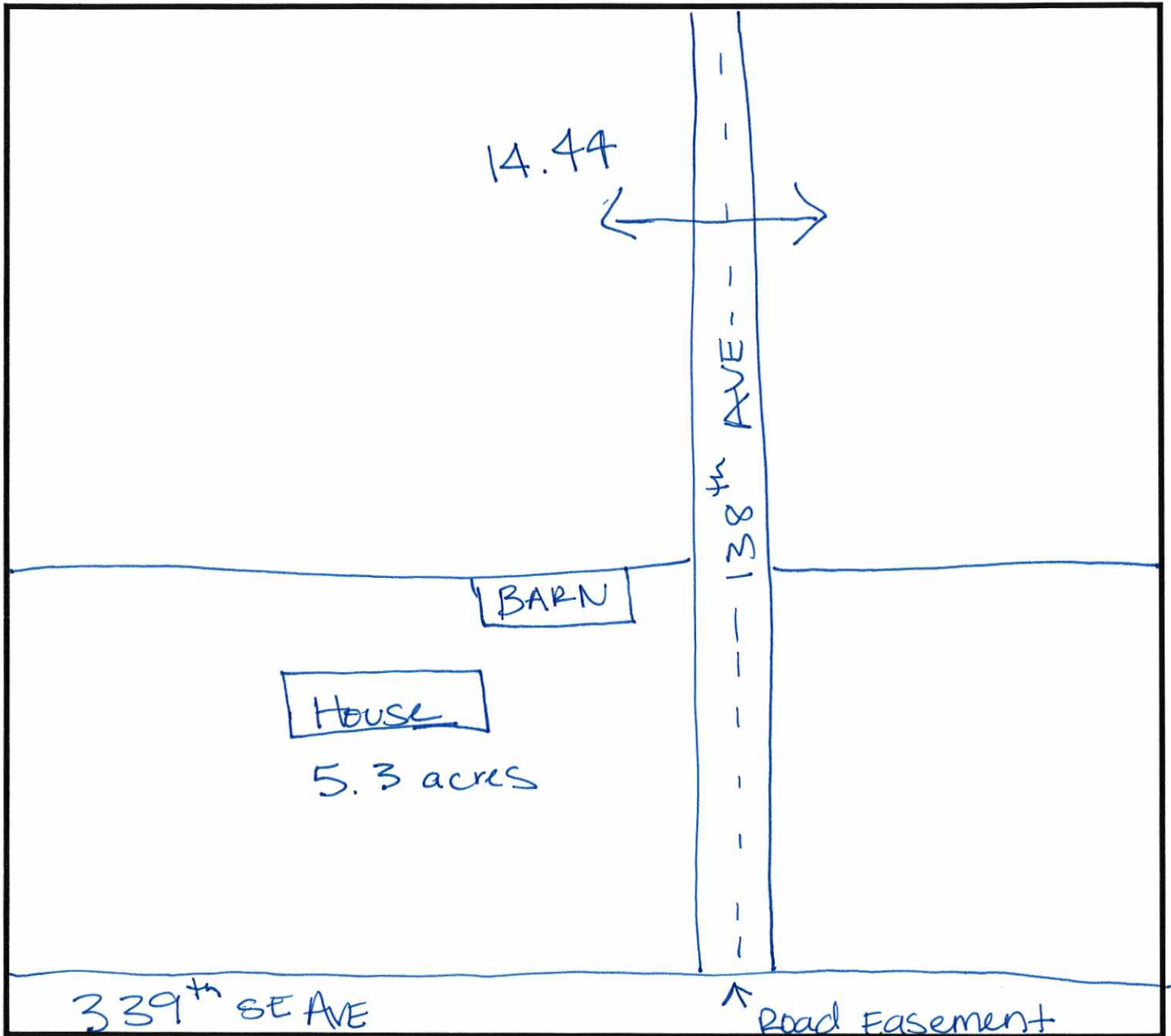
REV 64 0021 (08/02/17)

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OPEN SPACE  
Assessor's  
Application No.  
3213

## SKETCHED MAP SHEET REQUIRED

Please sketch a representative drawing of your property which clearly locates all buildings, residence(s), sheds, forestlands, wetlands, buffers, roads, trails, etc. An aerial map may be attached, but will not be accepted as a replacement for this detailed sketch, as aerial maps may not always reflect recent activity on the property.



Property Owner

Darcy & Christiaan Koenig

Parcel Number(s)

28083360101200 / 28083300101300

OPEN SPACE  
Assessor's  
Application No.  
3273



**Snohomish County**

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**PLANNING & DEVELOPMENT SERVICES**

3000 Rockefeller Avenue, M/S #304

Everett, WA 98201-4046

## **OPEN SPACE CRITERIA**

The Department of Planning & Development Services (PDS) reviews all Open Space/General applications according to the following checklist. In order to qualify for Open Space/General classification, **parcels must meet at least one of the criteria listed below.**

- \_\_\_\_(1) Urban areas where the entire site is in an undeveloped, natural state and has slopes of 25% or greater or where at least one-half of the total site area has slopes of at least 35% or more.
- \_\_\_\_(2) Areas designated on the comprehensive land use plan or the county park and recreation plan as potential parks, trails, or greenbelt, or designated as a critical area or environmentally sensitive area.
- \_\_\_\_(3) Areas which have plant or animal species which are considered rare, sensitive, threatened or endangered by an authority recognized by the county.
- \_\_\_\_(4) Sites within urban areas to be left in their natural state where the site is of at least 1-acre in size and is predominately forested with mature specimen trees.
- \_\_\_\_(5) Areas which are in an undeveloped, natural state and are not under the jurisdiction of the State Shoreline Management Act and are situated within stream corridors, i.e., streams and/or their associated stream buffers of 50-feet on either side of the stream. Buffer width may be increased from the 50-foot standard due to topographic, vegetative or wildlife habitat features which would logically suggest a wider buffer.
- \_\_\_\_(6) Undeveloped, natural areas adjacent to water bodies which come under the jurisdiction of the State Shoreline Management Act and are designated by the master plan as "natural", "conservancy", "rural", "suburban" or "urban" type environment.

- \_\_\_\_(7) Sites within an urban area which would serve as a buffer between residential development and tracts of land in excess of five acres which are designated on an adopted comprehensive plan for commercial or industrial development:
- \_\_\_\_(a) Where the site area is covered by stands of trees in excess of 20-feet in height, **and**,
- \_\_\_\_(b) Where the ground vegetation creates a visual separation of at least 50-feet between the residential tracts of land and the commercial or industrial lands, **or**;
- \_\_\_\_(c) Where the topographic features of the site form a physical separation from the abutting commercial or industrial lands by reason of gull or ravine or similar land condition.
- \_\_\_\_(8) Areas that would safely provide either public vehicular or pedestrian access to public bodies of water:
- \_\_\_\_(a) Where the site area abutting the water is at least 60-feet in width for vehicular access, **or**;
- \_\_\_\_(b) Where the site area abutting the water is at least 25-feet in width for pedestrian access.
- \_\_\_\_(9) Areas which provide a scenic vista to which the general public has safe vehicular or pedestrian access.
- \_\_\_\_(10) Sites devoted to private outdoor recreational pursuits such as golf courses, riding stables, lakes, etc., provided that access to such facilities and areas is provided to the general public free of charge or at reasonable, customary rates.
- \_\_\_\_(11) Areas which contain features of unique historic, cultural or educational values which are open to the public's use, (e.g. public access to displays, interpretive centers, etc.), free of charge or at reasonable, customary rates:
- \_\_\_\_(a) Where there are several varieties or species of flora, fauna, or both present on the site making it desirable for educational study, **or**;

\_\_\_\_(19) Areas which are protective buffers as required by development regulations implementing the Growth Management Act.

✓\_\_\_\_(20) Farm & agricultural conservation land as defined in RCW 84.34.020(8)

✓\_\_\_\_(a) Land that was previously classified as Open Space Farm & Agriculture under subsection (2) of this section, that no longer meets the criteria of subsection (2) of this section, and that is reclassified under subsection (1) of this section; or

\_\_\_\_(b) 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.

**NOTE:** An **URBAN AREA** is defined as: an area, designated on an adopted comprehensive plan with a density of 2 or more dwelling units per acre: and/or zoned residential 20,000 (R-20,000), or at a higher density than R-20,000; and/or within an incorporated area.

Upon the adoption of urban growth boundaries pursuant to RCW 36.70A.110, urban area shall be defined as the areas within the adopted boundaries.