

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

File With The County Legislative Authority

Name of Owner(s): Smokey Point Boulevard, L.L.C. Phone No: (360) 592-5745
Email Address: _____
Address: 1816 Emerald Way, Lynden, WA 98264

Parcel Number(s):	<u>31052800301800; 31052800302000; 31052800302300</u>
Legal Description:	<u>See Attached</u>
Total Acres in Application:	<u>16.1</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.

Undeveloped/vacant; grazing hay

2. Is the 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.

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

None

4. Is the land subject to any easements?

☒ Yes ☐ No

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

Temporary Freestanding Sign Easement AF#201904150184 20'x 20'

Access & Utilities Easement AF#9403075002 60' wide

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.

Previous use - growing and cultivating hay

Current use - same as above, but not as regularly

Future use - same as current use

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

Smokey Point Boulevard, L.L.C.

Leven Kvanme

3/21/23

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)

5

OPEN SPACE
Assessor's
Application No.
3766

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.

31052800301800 (7.97 acres)

31052800302000 (6.48 acres)

31052800302300 (1.65 acres)

* Note: there are no structures, forestlands, wetlands, buffers or internal roads.

Property Owner Smokey Point Boulevard, L.L.C.

Parcel Number(s) 31052800301800; 31052800302000; 31052800302300

OPEN SPACE
Assessor's
Application No
32666

Map Title



Legend



Parcel



Recent Sales 2023



Recent Sales 2022



Recent Sales 2021



City Boundary



County Park



National Forest

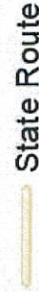


Water

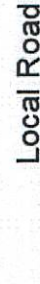
Street Types



Interstate



State Route



Local Road

All maps, data, and information not shown herein ("Data") are for illustrative purposes only and are not to be considered an official statement of the County Assessor. The County Assessor makes no representation or warranty, expressed or implied, as to the accuracy, completeness, or reliability of the Data. The County Assessor is not responsible for any errors or omissions in the Data. The County Assessor is not responsible for any claims or liability arising out of any error, defect or omission contained within said Data. Washington State Law, Ch. 42.56 RCW, prohibits state and local agencies from providing access to data of individuals intended for use for commercial purposes and, thus, no commercial use may be made of any Data comprising lists of individuals contained herein.

3/9/2023

450 900 Feet

OPEN SPACE
Assessor's
Application No.

3266



Snohomish County

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**;

- ____(b) Where there are habitats or species of plant life which are considered rare, sensitive, threatened or endangered by an authority recognized by the county, **or**:
- ____(c) Where there is or are recognized landmarks present on the site which provide visual reference and orientation for surrounding terrain (would include major promontories and rock formations but would exclude mountain forms and ranges), **or**;
- ____(d) Where there are historic or archeological features on the site of at least fifty years of age, which would have value to future generations due to the uncommon nature or rare representation of past times and events.
- ____(12) Areas located adjacent to public parks, public trails or other public lands which would materially add to or enhance the recreational opportunities of that facility:
- ____(a) Where such a site would constitute a logical extension of the park or other public lands including provisions for public use but has been excluded principally by lack of funds, **or**;
- ____(b) Where the site would provide additional public access to such lands during the duration of its open space classification, **or**;
- ____(c) Where the site contains unique features of recreational value which if public use of the site were allowed would expand the variety of recreational opportunities contained in the park or public land, **or**:
- ____(d) Where the site would act as a buffer between the park and surrounding development.
- ____(13) Areas which contain or abut managed or monitored wildlife preserves or sanctuaries, arboretums or other designated open space and which will enhance the value of those resources:
- ____(a) Where the open space designation would encompass a minimum of 10 acres in land area, **and**:
- ____(b) Where plant life and/or animal life contained within the site are found in abundant varieties, **or**:

- ____(c) Where the site area can be distinguished from surrounding land due to the unusualness of the vegetation or the animal life inhabitants.
- ____(14) Wetland areas of at least 1/4 acres in size. Associated wetland buffers of 50-feet may also be included. The wetland 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.
- ____(15) Areas which lie adjacent to scenic highways which if not designated as open space would otherwise be subject to pressures for intense development:
- ____(a) Where such highways have been designated by a city, the county or the state as scenic, **and**:
- ____(b) Where at least one-half of the total site lies within 200 feet of the highway, and;
- ____(c) Where pressures for urbanization are evident either due to provision of public water and sewer facilities to the area, subdivision activity in the immediate vicinity or the site, or the development of previously platted lands.
- ____(16) Undeveloped areas, five acres and larger which are not within the 100 year flood plain, suitable for agricultural pursuits which may not currently be devoted to such use:
- ____(a) Where the comprehensive land use plan or the agricultural preservation plan designates the site as suitable for agricultural development, **or**;
- ____(b) Where more than 75% of the total site area contains tillable Class II or III variety soils as classified by the Soil Conservation Service.
- ____(17) Undeveloped areas which contain a minimum of five (5) acres which are located within the 100-year flood plain as established by the U. S. Army Corps of Engineers or Snohomish County.
- ____(18) Areas where the entire site is in an undeveloped, natural state and is considered geological hazardous by an authority recognized by Snohomish County.

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

X (20) Farm & agricultural conservation land as defined in RCW 84.34.020(8)

X (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.