

# CITY OF STANWOOD

Stanwood, Washington

## RESOLUTION 2013-05

**A RESOLUTION OF THE CITY OF STANWOOD, WASHINGTON DENYING OF THE LINDBERG CURRENT USE TAXATION APPLICATION TO RECLASSIFY PARCEL No. 32042000202400 LOCATED AT 7510 284<sup>TH</sup> STREET NW, STANWOOD, FROM OPEN SPACE – FARM AND AGRICULTURE TO OPEN SPACE GENERAL – FARM AND AGRICULTURE CONSERVATION PURSUANT TO RCW 84.34**

**WHEREAS**, Mary Lindberg submitted a current use taxation application for transfer to the Open Space General – Farm and Agriculture Conservation classification pursuant to RCW 84.34; and

**WHEREAS**, the subject property is located at 7510 284th Street NW, Stanwood and is comprised of approximately 20.07 acres; and.

**WHEREAS**, the property is designated as Traditional Neighborhood in the City of Stanwood Comprehensive Plan and on the Zoning Map; and

**WHEREAS**, the property has been classified as Open Space Farm and Agriculture since 1981, but no longer meets the agricultural income requirements to continue in that classification; and

**WHEREAS**, pursuant to RCW 84.34.037(1) the Snohomish County Council did on the 5th day of September, 2012 approve the application based on the Findings and Recommendations of the Snohomish County Planning & Development Services Department concerning this application; and

**WHEREAS**, pursuant to RCW 84.34.037 applications for Current Use Taxation within city limits require action by both the county and city legislative bodies.

**WHEREAS**, pursuant to RCW 84.34.037 for approval of the application, the city and county actions must be identical; and

**WHEREAS**, RCW 84.34.037 stipulates that when land is in an area subject to a comprehensive plan, an application for current use classification shall be acted upon in the same manner as a comprehensive plan amendment; and

**WHEREAS**, pursuant to SMC 17.157.010 Stanwood's comprehensive plan amendment process requires a public hearing and recommendation from the Planning Commission.

**WHEREAS**, pursuant to RCW 84.34.037(1) the Stanwood Planning Commission did on the March 11, 2013 hold a public hearing to take public testimony; and

**WHEREAS**, based on information presented at the public hearing and the analysis and findings in the Stanwood Community Development Department staff report the Planning Commission recommended denial of the application; and

**WHEREAS**, the City Council concurs with the Snohomish County Assessor's Office audit finding that this property does not meet the necessary criteria for continued inclusion in the Open Space Farm and Agriculture classification; and

**WHEREAS**, the City Council does not concur with the Snohomish County PDS staff finding that the current reclassification request from Mary Lindberg automatically satisfies the required criteria for classification or reclassification of "open space land" as defined in RCW 84.34.020(1); and

**WHEREAS**, the City Council finds that the Lindberg application is subject to review pursuant to RCW84.34.037(2); and

**WHEREAS** RCW84.34.037(2) states: *In determining whether an application made for classification or reclassification under RCW 84.34.020(1) (b) and (c) should be approved or disapproved, the granting authority may take cognizance of the benefits to the general welfare of preserving the current use of the property which is the subject of application, and **shall** consider:*

*(a) The resulting revenue loss or tax shift;*

*(b) Whether granting the application for land applying under RCW 84.34.020(1)(b) will (i) conserve or enhance natural, cultural, or scenic resources, (ii) protect streams, stream corridors, wetlands, natural shorelines and aquifers, (iii) protect soil resources and unique or critical wildlife and native plant habitat, (iv) promote conservation principles by example or by offering educational opportunities, (v) enhance the value of abutting or neighboring parks, forests, wildlife preserves, nature reservations, sanctuaries, or other open spaces, (vi) enhance recreation opportunities, (vii) preserve historic and archaeological sites, (viii) preserve visual quality along highway, road, and street corridors or scenic vistas, (ix) affect any other factors relevant in weighing benefits to the general welfare of preserving the current use of the property; and*

*(c) Whether granting the application for land applying under RCW 84.34.020(1)(c) will (i) either preserve land previously classified under RCW 84.34.020(2) or preserve land that is traditional farmland and not classified under chapter 84.33 or 84.34 RCW, (ii) preserve land with a potential for returning to commercial agriculture, and (iii) affect any other factors relevant in weighing benefits to the general welfare of preserving the current use of property.*

**WHEREAS**, there is no allowance in the governing statute for "automatic" classification or reclassification. Instead, the granting authority must consider the three factors listed in RCW 84.34.037(2).

**WHEREAS**, there is no evidence in the record transmitted to the City that these factors were considered by Snohomish County; and

**WHEREAS**, pursuant to RCW 84.34.037(2) the granting authority may take cognizance of the benefits to the general welfare of preserving the current use of the property which is the subject of application.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF STANWOOD, WASHINGTON, DOES RESOLVE AS FOLLOWS:**

**Section 1. Facts and Findings.** The Stanwood City Council, after due consideration, hereby finds as follows.

1. *Pertaining to (RCW 84.34.037(2)(a) The resulting revenue loss or tax shift*

If the subject property is returned to full taxation, the total annual taxes collected by the city would be \$6,112.91. If the application for reclassification is approved, the annual tax amount will be \$446.28. If approved, the tax shift will occur for 10 years before another opportunity for review. The revenue loss to the city will total \$56,666.30 over the 10 year contract period.

2. *Pertaining to RCW 84.34.037(2). (b) Whether granting the application for land applying under RCW 84.34.020(1)(b) will: (i) conserve or enhance natural, cultural, or scenic resources, (ii) protect streams, stream corridors, wetlands, natural shorelines and aquifers, (iii) protect soil resources and unique or critical wildlife and native plant habitat, (iv) promote conservation principles by example or by offering educational opportunities, (v) enhance the value of abutting or neighboring parks, forests, wildlife preserves, nature reservations, sanctuaries, or other open spaces, (vi) enhance recreation opportunities, (vii) preserve historic and archaeological sites, (viii) preserve visual quality along highway, road, and street corridors or scenic vistas, (ix) affect any other factors relevant in weighing benefits to the general welfare of preserving the current use of the property;*

- (i) Approval of the application will not conserve or enhance natural, cultural, or scenic resources.
- (ii) There are no identified streams, wetlands, natural shorelines or aquifers unique to this property.
- (iii) No critical soils, wildlife or native plant habitat exists on the property.
- (iv) The applicant has not proposed any educational opportunities associated with the application.
- (v) The subject property does not abut parks, forests, wildlife preserves, reservations, sanctuaries or other open spaces. Staff does note that two adjoining properties to the west also hold the Open Space Farm and Agricultural tax exemption, but are not engaging in agricultural activities.
- (vi) No recreation opportunities are proposed with the subject application.
- (vii) There are no historic or archaeological sites on the property.
- (viii) Due to the location of a single family residence on the property, scenic vistas along road corridors would not be preserved.
- (ix) This property is zoned Traditional Neighborhood (TN) and is designated TN on the City's Comprehensive Plan Future Land Use Map, and is included in the City's buildable lands calculations. Preserving the land for open space is not consistent with the City's future growth plan. This vacant developable property would be assigned a minimum capacity of 10 dwelling units per net developable acre based on the Snohomish County Buildable Lands methodology, 2012 Draft BLR report, but could be developed at up to 24 dwelling units per gross acre under City of Stanwood TN zoning..

3) *Pertaining to RCW 84.34.037(2). (c) Whether granting the application for land applying under RCW 84.34.020(1)(c) will (i) either preserve land previously classified under RCW*

84.34.020(2) or preserve land that is traditional farmland and not classified under chapter 84.33 or 84.34 RCW, (ii) preserve land with a potential for returning to commercial agriculture, and (iii) affect any other factors relevant in weighing benefits to the general welfare of preserving the current use of property.

The property was previously classified under RCW 84.34.020, but does not have any potential for returning to commercial agricultural use as agriculture is not an allowed use in the TN zoning district in the City of Stanwood (SMC 17.30.040 Zoning Use Table).


**Section 2. Conclusions.**

1. The resulting revenue loss to the City of Stanwood of \$6,112.91 per year or \$56,666.30 over the 10 year contract period for ten years is significant.
2. The property does not possess any identified open space characteristics or attributes nor has the applicant identified any educational or recreational attributes consistent with RCW 84.34.037(2)(b) that support a finding of benefits to the general welfare from preserving the current use of the property.
3. Agricultural use of the property is not consistent with the Stanwood Comprehensive Plan, Future Land Use Map and zoning, and is inconsistent with the City's growth strategy.
4. The application as presented does not meet the test of providing benefit to the general public that justifies the requested tax designation.

**Section 3.** This Resolution is adopted and approved in accordance with all applicable notice and procedure requirements under all laws applicable to the City.

**ADOPTED** by the City Council and **APPROVED** by the Mayor this 11<sup>th</sup> day of April, 2013.

CITY OF STANWOOD

By   
Dianne White, Mayor

ATTEST:

By   
Greg Thramer, City Clerk