

Applicant	Mike & Sherry Gardner, Gardner Revocable Living Trust
Address	23932 Peissner Rd. SE, Yelm, WA 98597
Location of Property	Yelm
Acres in Application	33.37
Parcel number(s)	23628130000, 23628110400, 23628140000

A. Site Characteristics & Context

The properties under consideration total 38.47 acres, 33.37 of which are proposed for the Open Space–Open Space Tax program. The property owners are applying for the classification of Farm and Agricultural Conservation Land, with no public access.

The zoning of the Gardner properties and the adjacent parcels is Rural Residential Resource 1 unit per 5 acres (RRR 1/5). The properties lie within the Nisqually water resource inventory area (WRIA 11), in the Nisqually basin and Nisqually River watershed at the central portion of Peissner Rd. SE, east of Bald Hill Rd. SE and south of the Nisqually River (**Appendix A. Figure 2**).

The subject properties were formerly enrolled in the Farm and Agricultural Land classification administered by the Thurston County Assessor’s Office and have been farmed for at least 48 years, with livestock grazing, honey and fruit production as the primary use on all parcels. Due to a reduction in farming activities the properties no longer meet the minimum income requirements to remain in the Assessor’s program. However, they do qualify for the Board’s Open Space-Open Space Tax program. There is no active residence onsite, but a 5.1-acre densely forested portion of Parcel 23628130000, which contains a creek and has historically not been used for livestock grazing or agricultural use, has been excluded from Open Space enrollment (**Appendix A. Map 1**). The properties also receive regular use from a large herd of Roosevelt elk along with other wildlife. Most of the landscape on the subject parcels consists of open pasture (**Appendix B. Photos**), other than the excluded forested area.

Management Proposed: Farm and Agricultural Conservation

The Gardners propose to mow and hay their properties to maintain open pasture, and to supply hay for surrounding farms. Farm and Agricultural activities and maintenance in the land conservation plan proposal includes the following measures:

- Control invasive plants such as Scotch broom, tansy ragwort, Himalayan blackberry, and poison hemlock through mechanical means (i.e. mowing, hand pulling)
- Mow the pastures as needed, with the eventual goal of hay production which will keep grass short/fields open

- No pesticides or herbicides will be used for vegetation management
- Plant trees along fenced areas to provide shade for wildlife

B. Public Benefit Rating System

1. *For which Priority Resources categories does the property qualify?*
 - Farm and Agricultural Conservation Lands (FACL)
2. *Which public access category has the property owner agreed to?*
 - No public access is proposed.
3. *Does a conservation easement or historic easement apply to the property?*
 - No conservation or historic easements
4. *Summary of Public Benefit rating:*

Category	Points	% Reduction	Total acres
Farm and Agricultural Conservation Land, Parcel 23628130000, with 5.1-ac forested area excluded	3	50	14.27

Category	Points	% Reduction	Total acres
Farm and Agricultural Conservation Land, Parcel 23628110400	3	50	9.55

Category	Points	% Reduction	Total acres
Farm and Agricultural Conservation Land, Parcel 23628140000	3	50	9.55

C. Considerations

1. *Does the property meet the definition of open space?*

Yes, the Gardner Revocable Living Trust properties appear to meet the definition of Open Space in accordance with the Farm and Agricultural Conservation Land priority resource category criteria.

- The properties were previously classified as Farm and Agricultural Land under the Assessor's program but no longer meets the criteria for continued classification. The owner has applied for reclassification as Farm and Agricultural Conservation Land after receiving a notification from the County Assessor that the lands will be removed from agriculture classification for that reason.
- The properties are mostly open with suitable pastureland
- A Land Conservation Plan was provided which describes measures that will be

taken to maintain and protect the properties for future commercial agricultural use, including periodic brush clearing and soil erosion control.

2. *Any other factors relevant to the application in weighing the benefits to the public?*

Providing a tax incentive program to limit the development of this property will help to protect the agricultural land for future farming efforts in Thurston County.

The management of the property as open space is consistent with other properties in the area. The classification of this land as open space and the subsequent tax relief to the landowner is also consistent with the county's initiatives to preserve open space, as described in Item 7 of the Thurston County Strategic Plan.

D. Finding

The Gardner Revocable Living Trust properties meet the criteria for enrollment under the Board's Farm and Agricultural Conservation Land priority resource category, scoring 3 points in the Public Benefit Rating System. This makes the enrolled land (33.46 acres) eligible for a 50% reduction. This assessment is based on the following factors included in RCW 84.34 and in the Thurston County Open Space Program Guidelines:

- The properties were previously classified as "farm and agricultural land" under the Assessor's program, but no longer meets the criteria for continued classification, and the applicant has applied for reclassification as Farm and Agricultural Conservation Land after receiving notification of removal by the County Assessor.
- The landscape of the properties remains open and suitable for continued livestock grazing.
- Supporting documents were submitted with the application materials, including a Land Conservation Plan showing measures that will be taken to maintain and protect the property for future commercial agricultural use.

Attachments: 1. Master Application and Open Space Application, which includes:
2. Land Conservation Plan
3. Site Map
4. Aerial photo

Appendix A. Site Maps

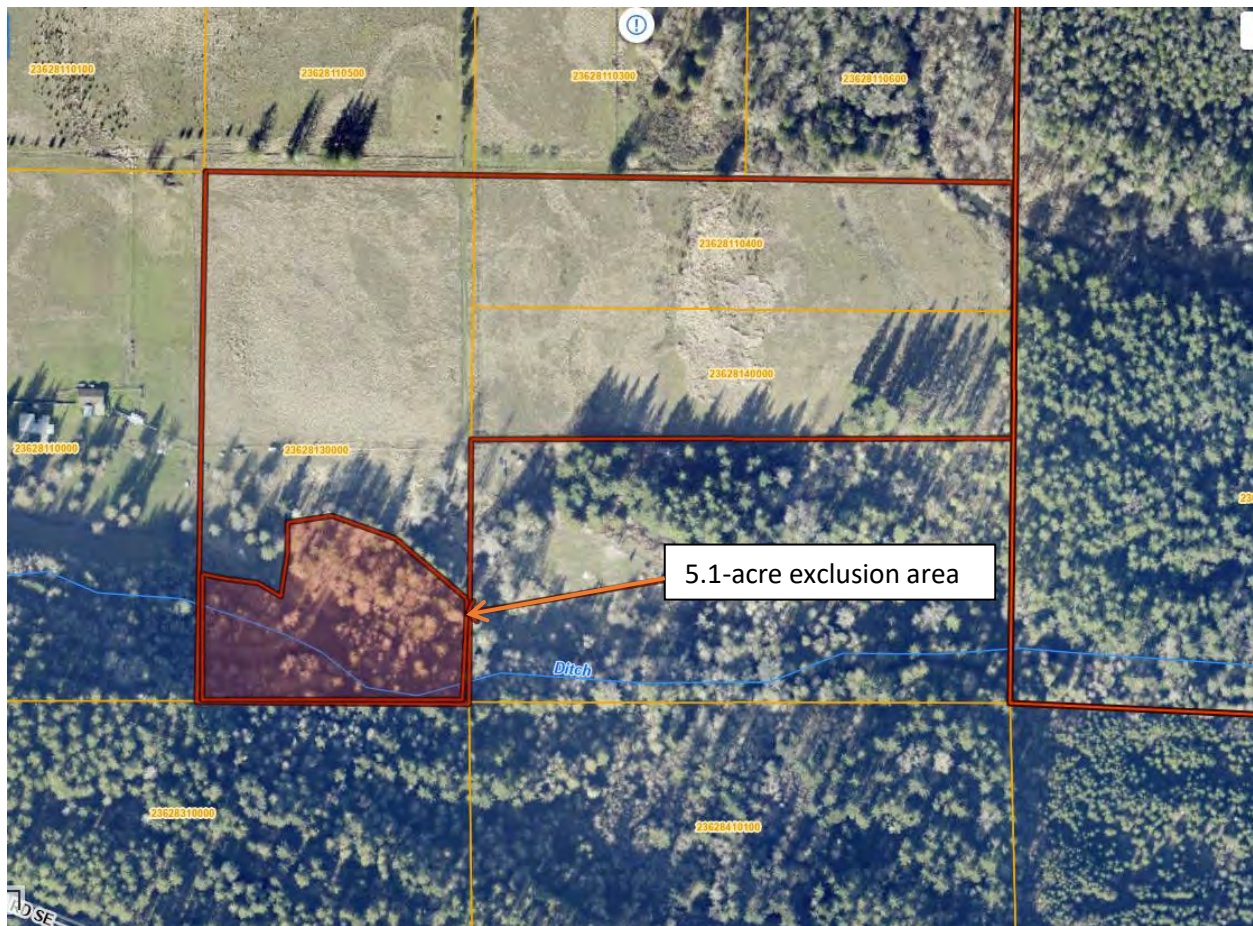


Figure 1. Gardner Properties. A 5.1-acre forested area is excluded from the proposed Open Space enrollment.

Thurston County Open Space Tax Program
2026-27 Application Process



Figure 2. Zoomed out ariel view of the Gardner parcels.

Appendix B. Site Photos



Photo 1. Parcel 23628130000, in open pasture of Parcel facing north.



Photo 2. Excluded forested area on southern portion of Parcel 23628130000.



Photo 3. Parcels 23628110400 and 23628140000 facing north.



Photo 4. Parcels 23628110400 and 23628140000 facing east.



Photo 5. Access road running north between parcels.



Photo 6. Facing west into Parcel 23628130000 from the western end of Parcel 23628140000.

Thurston County Community Planning & Economic Development
3000 Pacific Ave SE
Olympia, WA 98501

Gardner Open Space Application

Parcels: 23628130000, 23628110400, 23628140000

Classification: Farm and Agricultural Conservation Land

To: Thurston County

The Application package for the Gardner Open Space application is attached:

- Signed, notarized application form
- Section map, with parcels outlined
- Property aerial map with parcels outlined in red
- Legal descriptions
- Land conservation plan

Applicants: Mike Gardner, Sherry Gardner, James Gardner, Douglas Gardner

Contact: (360)888-3547



THURSTON COUNTY
WASHINGTON
SINCE 1852

Thurston County Planning Department

3000 Pacific Ave. SE, Suite 100
Olympia, WA 98501
(360)786-5490 / (360)754-2939 (Fax)
Email: permit@co.thurston.wa.us
<https://www.thurstoncountywa.gov>

OPEN SPACE CLASSIFICATION APPLICATION FOR CURRENT USE-BASED PROPERTY TAX ASSESSMENT

IMPORTANT: Please read the Instructions, Things to Know, and Eligibility Criteria sheets before completing this form.

Name(s) of Applicant(s) Michael Gardner, Sherry Gardner, James Gardner, Douglas Gardner

Mailing Address 2148 Island Drive N.W. Day Phone Number(s) 360 888 3547

Olympia, Washington 98502

Tax Parcel Number(s) 23628130000 23628110400 23628140000

General Location of Property

Section 28, Township 16 North, Range 3 East End of Piessner Rd. Turn on Seglins Rd.

1. Legal Interest in Property:

☒ Owner ☐ Contract Purchaser ☐ Other (Describe) _____

2. Total Acreage of Property 38.5

3. Acreage to be Enrolled in Open Space Program 33.4

4. What is the Property Currently Used for? Agricultural

5. What kind of public access do you propose? (Note: Public access is not required for program eligibility.)

☒ **None**

☐ **Partial Access** (1 point): Public access on a seasonal basis or access by members of the organization utilizing the facility.

☐ **Substantial Access** (2 points): Year-round access to members and available to the public upon special arrangement. Any user fees may not exceed three times the average cost for members.

☐ **Unlimited Access** (4 points): Year-round access to the public without special arrangement.

Please describe or explain:

6. Do you propose to apply a conservation easement or historic easement to your property?

☐ Yes (type: _____)

Does one exist now? ☐ Yes (type: _____)

☒ No

☒ No

Who will hold (or does hold) the easement? N/A

7. **Before completing this part of the application**, use the blue "Eligibility Criteria Checklist" to determine if your property qualifies for any of the Priority Resource categories. (Property must be eligible for at least one Priority Resource and at least 3 points in order to be classified as open space.) Use the list below to indicate which Priority Resource categories you can document eligibility for. Refer to the gray "Help List" for sources of assistance, if needed.

HIGH PRIORITY RESOURCES (3 points each)

Acres

- | | |
|-------------|--|
| _____ | a. Archaeological Sites |
| <u>31.4</u> | b. Farm and Agricultural Conservation Land (FACL) |
| _____ | c. Fish-Rearing Habitat--Ponds and Streams |
| _____ | d. Geological and Shoreline Features |
| _____ | e. Historical Sites |
| _____ | f. Private Recreation Areas |
| _____ | g. Rural Open Space Close to Urban or Growth Areas |
| _____ | h. Significant Wildlife Habitat Areas |
| _____ | i. Special Plant Sites |
| _____ | j. Urban or Growth Area Open Space |

MEDIUM PRIORITY RESOURCES (2 points each)

Acres

- | | |
|-------|------------------------------|
| _____ | a. Public Land Buffers |
| _____ | b. Scenic Vista or Resources |

LOW PRIORITY RESOURCES (1 point each)

Acres

- | | |
|-------|-------------------------|
| _____ | a. Resource Restoration |
|-------|-------------------------|

8. **IMPORTANT! Read all of the following information regarding tax liabilities before signing this application form.**

You will owe to the County the following additional taxes, interest and penalties when your property is removed or withdrawn from current use classification. The following is a summary of state law. Consult RCW Chapter 84.34 for details.

STATEMENT OF ADDITIONAL TAX, INTEREST, AND PENALTY DUE UPON REMOVAL OF CLASSIFICATION:

- A. 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 (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 (B) below.
- B. The additional tax, interest, and penalty specified in (8A) 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 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)(e) (farm homesite).
- 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 for the riparian open space program 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.

Removals and withdrawals from the program are processed by the Thurston County Assessor.

I (We) the undersigned, swear under the penalty of perjury, that I (We) am (are) the owner(s) or contract purchaser(s), of the land described above and that the above responses are made truthfully and to the best of my (our) knowledge. I (We) also understand that, should there be willful misrepresentation or willful lack of full disclosure on my (our) part, the granting authority, which may hereafter classify said land under the provisions of Chapter 84.34 RCW, may subsequently remove the classification. In addition, I (we) am (are) aware of the potential tax liability described above.

DATE: 2/21/26 OWNERS: Michael Gardner Sherry Gardner
Douglas Gardner
James Gardner

SUBSCRIBED and SWORN to before me this 21st day of Feb, 2026.

Notary Public
State of Washington
Charlena Lane
Commission No. 21012386
Commission Expires 03-31-29

Charlena Lane

Notary Public in and for the State of Washington, residing in Thurston County

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

File With the County Legislative Authority

Name of Owner(s): Mike & Sherry Gardner, James Gardner, Douglas Gardner Phone No: 360 888 3547
Email Address: sherry and mike @ comcast.net
Address: 2148 Island Drive N.W. Olympia, Washington 98502

Parcel Number(s): 23628130000 / 23628110400 / 23628140000

Legal Description: See attached.

Total Acres in Application: 33.4

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. *Agricultural. At a minimum I cut the fields so as not to be a fire hazard. I recently bought a tractor and as I can afford to buy haying equipment I would like to make money from 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.
I am in the process of adding 2 plug ends for electricity. The cost is close to \$18,000.
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.
One, possible two neighbor parcels have my permission for access.
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 was hay, strawberry, raspberry production & cattle/horse grazing.
Current use - maintain by mowing & pulling weeds by hand.
Future use - Hay production for profit.*

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:

Michael Gardner
Sherry Gardner

Douglas Gardner

James Gardner

Signature of each owner:

Michael Gardner
Sherry Gardner

Douglas Gardner

James Gardner

Date

3/3/2026
3/3/2026

3/3/2026

3/4/2026

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)

Gardner Section Map

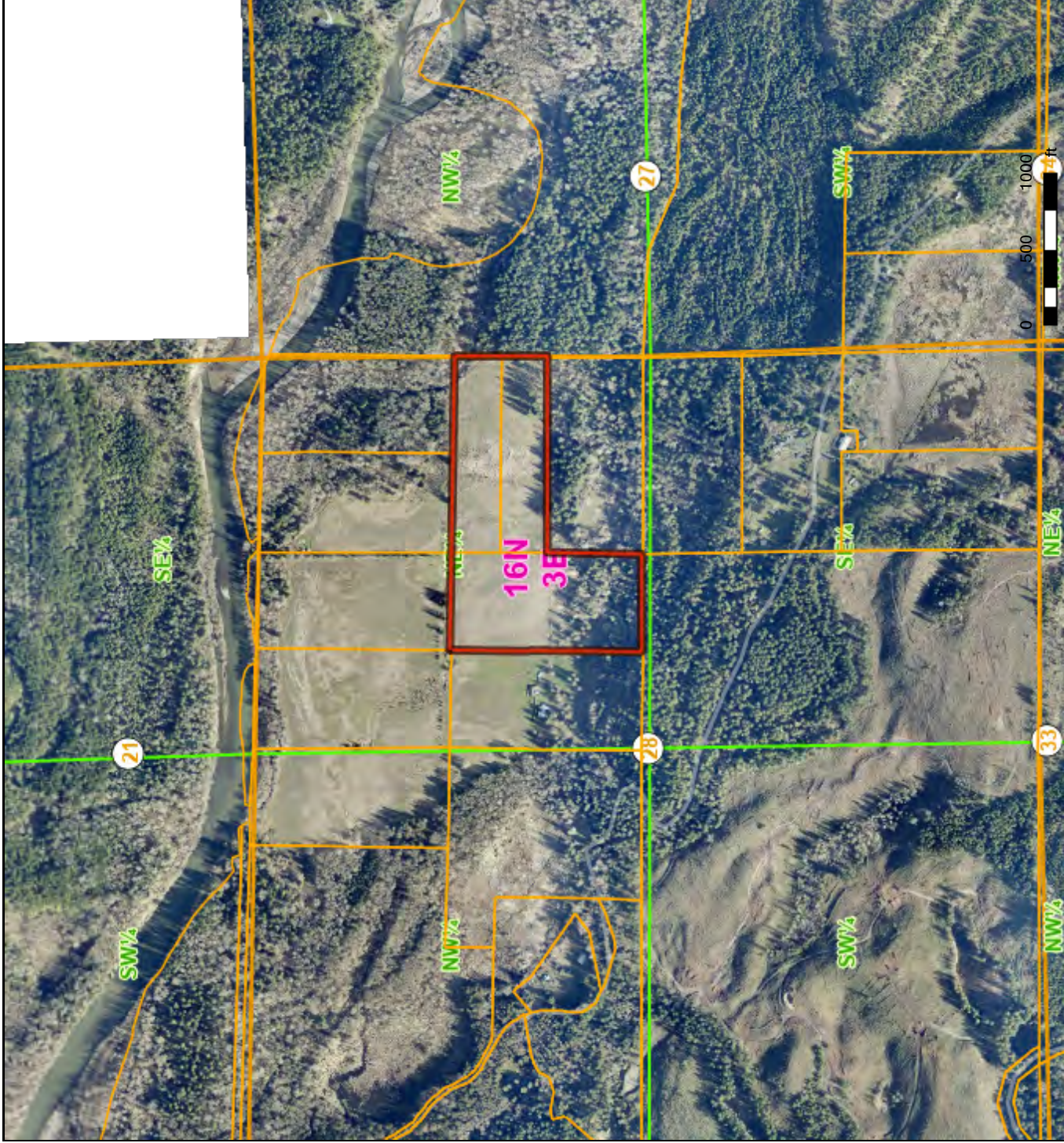
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Parcel Boundaries



More Layers

Reference Group



Author:
Published: 4/3/2026

Notes



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Gardner Properties and Forested Exclusion Area

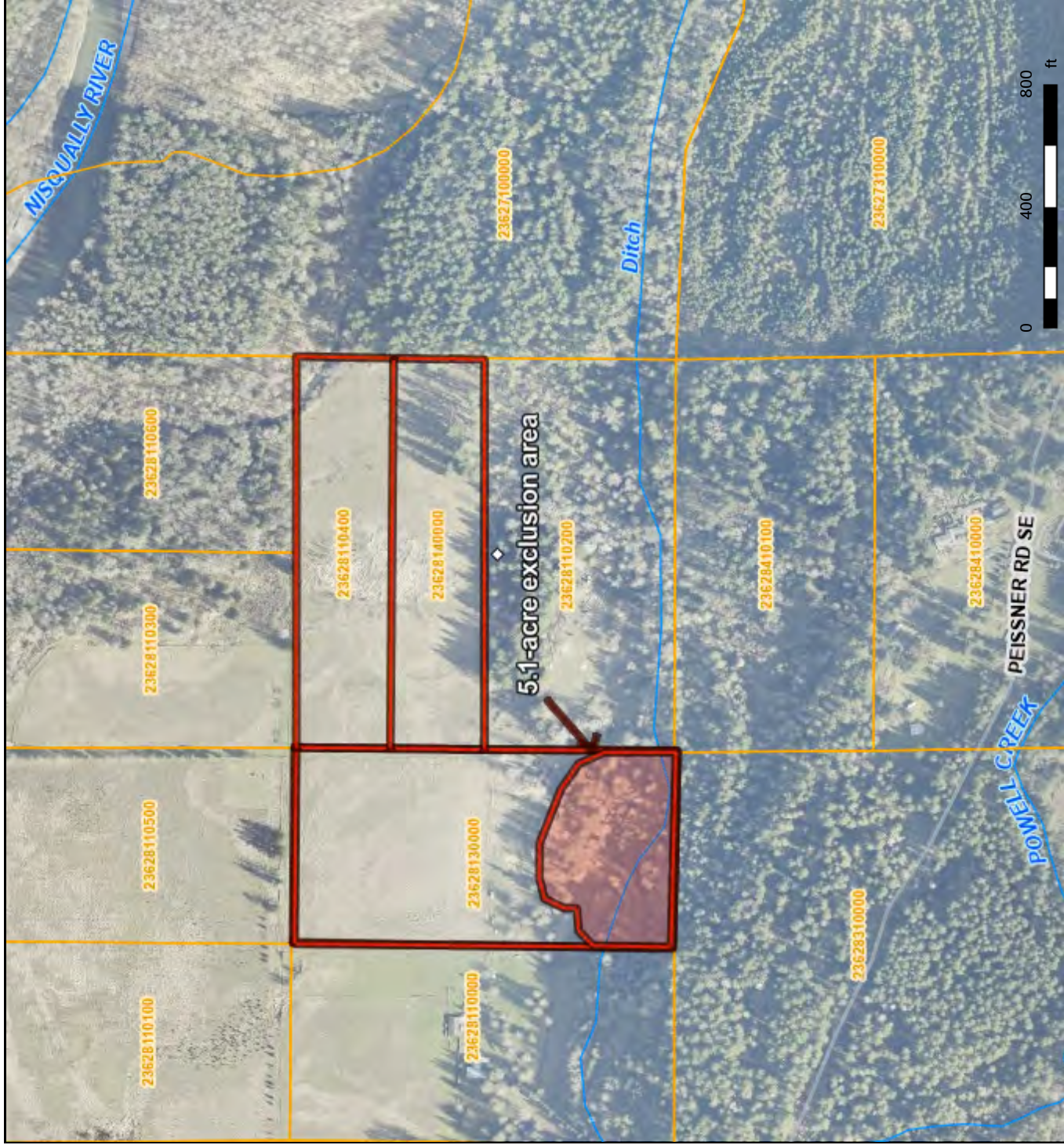
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Parcel Boundaries



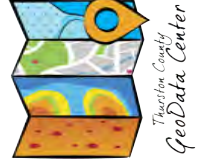
More Layers

Natural Resources Group



Author:
Published: 4/3/2026

Notes



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GARDNER NISQUALLY

Legend

Parcels

Parcel Boundaries



Jurisdictions

Annexations - Bucoda



313



460



464



NA

Annexations - Lacey



1



1011



1061



1062



1096

Exclude 5.1 Acres
for Trees & Hill
From 19.6 Acres

Stream

100%

100%

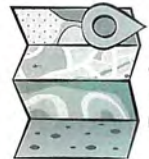
Author: MICHAEL DOUGLAS

Published: GARDNER

5/2/2026

Notes

SECTION 28



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Gardner Properties

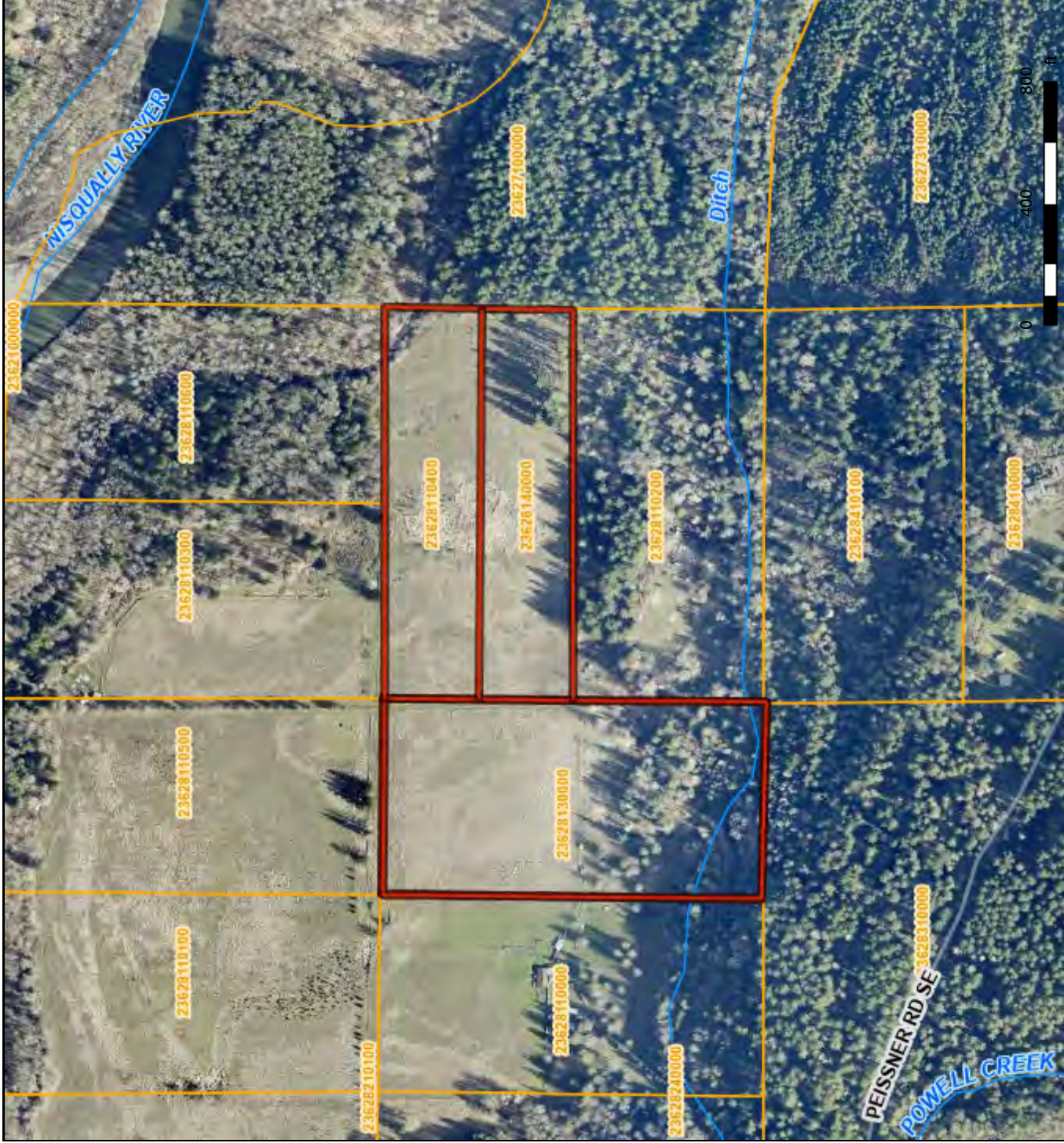
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Parcel Boundaries



More Layers

Natural Resources Group



Author:
Published: 4/3/2026

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Parcel 23628110400 Gardner Trust 19.6 Acres (Michael and Sherry Gardner)

The North one-half of the North one-half of the Southeast one-quarter of the Northeast quarter of Section 28, Township 16 North, Range 3 East, W.M.

Parcel 23628130000 Gardner Trust 9.55 Acres (Michael and Sherry Gardner)

The East one-half of the Southwest quarter of the Northeast quarter of Section 28, Township 16 North, Range 3 East, W.M.

Parcel 23628140000 Douglas and James Gardner 9.55 Acres (Twin sons of Michael and Sherry Gardner)

The South one-half of the North one-half of the Southeast one-quarter of the Northeast one-quarter of Section 28, Township 16 North, Range 3 East, W.M.

CONSERVATION PROPOSAL

How property conserves or enhances the priority resource of Agricultural

Our total 38.5 acres are close enough to the Nisqually River to hear the whispering of the gentle rapids on a quiet night. Our neighbors challenge us to manage our land as well as they do. Tacoma City Light to the East have maintained their forest nicely. Manke Timber Company to the south also manages their timber very well. Nisqually Land Trust to the west of our property currently are planting thousands of trees as they switch from Agricultural to Timber. In conserving 33.4 Acres of our total 38.5 Acres of property the long-term viability of the land will be preserved by producing quality hay products that will benefit the local cattle, horse, sheep, goats, alpacas, and llama farms that don't have enough to support their herds. Even the acres not in the program are maintained in such a way to be an enriched environment for many of God's creatures such as the Roosevelt Elk, Deer, Black Bear, Great Blue Heron, Coyotes, Eagles, Squirrels, Rabbits, Red Tailed Hawks, Turkey Vultures, and owls.

By using means that do not harm the environment we enhance the land agriculturally. For close to five decades our goal has been to continually improve the land. We have achieved that goal. Every day we pull at least one weed by hand. Some days we pull hundreds of weeds. Pulling weeds by the roots and then planting grass seeds are a really good way to keep the weed from growing back. Pulling Scotch Broom needs to be done when these plants are not in bloom, because millions of seeds would be scattered into the soil. And these seeds can be active for years. We also put no poisons into the soil.

Our property has been used for agricultural use for the past 48 years. Some of these ventures include years of cattle and horse ranching, bee/honey, raspberry, and strawberry production. The tilling, rowing, cutting, etc. added many natural fertilizers to the soil. We rotated crops every other year for best results. Even for cattle grazing by rotating the different fields we could control the height of the grass. Three inches of grass was a minimum height we would allow for the grasses. This seemed to allow for a healthy root system that would block out many of the invasive non-native weeds.

The last few years the pastures have mainly just been mowed for fire safety and of course enjoyed by many elk and deer who constantly supply the land with natural fertilizers.

Proposed agricultural conservation for land management

- Continue to keep invasive and non-native plant species such as Scotch broom, Tansy Ragwort, Himalayan black berry, and Poison hemlock under control using hand and mechanical means, such as mowers.
- Mowing the fields will continue and we'll look for affordable and sustainable ways to get back into hay production.
- Continue not using pesticides or herbicides.
- Plant a few trees along the fence areas that will give shade and stress free hiding places for the wild life.