

Return TO:
HEARING EXAMINER

Assessor's Map: _____

60 acres on Highway 20

APPLICATION FOR CLASSIFICATION AS OPEN SPACE LAND OR TIMBER LAND
FOR CURRENT USE ASSESSMENT UNDER RCW 84.34

12769

FILE WITH THE COUNTY LEGISLATIVE AUTHORITY

9101170042

Name of Applicant Stanley Janicki Phone 856-6620
Address 821 Garden of Eden Rd Leduc WA 98284
Property Location _____

1. Interest in property: Fee Owner Contract Purchaser Other (Describe) _____

2. Assessor's parcel or account number 103505-3-004-0002 103505-3-003-0003

Legal description of land to be classified Sec 10 Twp 35 - Rge 05 103505-3-015-0009

S 1/2 NW 1/4 SW 1/4; SW 1/4 SW 1/4 of Sec 10 Twp 35 North Rge 5 E. W.M.

3. What land classification is being applied for? Open Space Timber Land

NOTE: A single application may be made on open space and timber land but a legal description must be furnished for the area of each different classification.

4. Total acres in application 60 + acres

5. OPEN SPACE CLASSIFICATION Number of acres 60

6. Indicate what category of open space this land will qualify for: (See back 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 value to public of abutting or neighboring parks, forests, wildlife preserves, nature reservations or sanctuaries or other open space
- Preserve historic sites
- Retain in natural state tracts of five (5) or more acres in urban areas and open to public use as reasonably required by granting authority

7. TIMBER LAND CLASSIFICATION Number of acres 60

8. Do you have a timber management plan on this property? Yes No If yes, submit a copy of that plan with this application.

9. If you have no timber management plan, specifically detail the use of this property to show that it "is devoted primarily to the growth and harvest of forest crops".

10. Describe the present current use of each parcel of land that is the subject of this application.

timber

11. Describe the present improvements on this property (buildings, etc.) road

12. Attach a map of the property to show an outline of current uses of the property and indicate location of all buildings.

13. 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 or agreement.

NOTICE: The assessor may require owners to submit pertinent data regarding the use of classified land

953 113

OS-90-003

JERRY HEINLUND
COUNTY CLERK
RECORDED
91 JAN 17 3:30
REQUEST OF STAFF
FILED
County Hearing
EX.

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FARM AND AGRICULTURAL LAND MEANS EITHER:

- (a) Land in any contiguous ownership of twenty or more acres devoted primarily to the production of livestock or agricultural commodities for commercial purposes; or
- (b) Any parcel of land five acres or more but less than twenty acres devoted primarily to agricultural uses, which has produced a gross income from agricultural uses equivalent to one hundred dollars or more per acre per year for three of the five calendar years preceding the date of application for classification under this chapter; or
- (c) Any parcel of land of less than five acres devoted primarily to agricultural uses which has produced a gross income of one thousand dollars or more per year for three of the five calendar years preceding the date of application for classification under this chapter.

Agricultural lands shall also include any parcel of land of one to five acres, which is not contiguous, but which otherwise constitutes an integral part of farming operations being conducted on land qualifying under this section as "farm and agricultural lands".

Agricultural lands shall also include farm woodlots of less than twenty and more than five acres and the land on which appurtenances necessary to the production, preparation or sale of the agricultural products exist in conjunction with the lands producing such products.

STATEMENT OF ADDITIONAL TAX, INTEREST AND PENALTY DUE UPON REMOVAL FROM CLASSIFICATION UNDER RCW 84.34

1. Upon removal 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 "Farm and Agricultural Land" and the amount of property tax otherwise due and payable for the seven years last past 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 the 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 removal 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 the removal 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, or sale or transfer to an entity having 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 a 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)).

AFFIRMATION

As owner(s) or contract purchaser(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 RCW 84.34. 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.

Signatures of all owner(s) or contract Purchaser(s)

Stanley J. Jurek

Anne Jurek 10/12/90

(See WAC 458.30.125)

ASSESSOR: In accordance with the provisions of RCW 84.34.035 "...the assessor shall submit notification of such approval to the county auditor for recording in the place and manner provided for the public recording of state tax liens on real property."
Prepare in duplicate. If denied, send original to land owner. If approved, file original with auditor and have auditor return original to land owner. Duplicate is to be retained by the assessor.

FOR ASSESSORS USE ONLY

Fee Collected \$ _____ Date _____, 19 _____

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RESOLUTION NO. 12769

A RESOLUTION CONCERNING A TIMBER OPEN SPACE APPLICATION
OF STANLEY JANICKI

WHEREAS, a public hearing was held on November 21, 1990 to review the Open Space Timber application of Stanley Janicki and the accompanying Staff Report of the Department of Planning and Community Development, and subsequently Findings of Fact and a Recommendation were submitted to the Skagit County Board of Commissioners by the Hearing Examiner; and

WHEREAS, in open session, The Skagit County Board of Commissioners has reviewed the application and Staff Report, Findings and Recommendation of the Hearing Examiner, and any public testimony and correspondence in this matter; and

WHEREAS, the applicant has obtained a Timber Management Plan from the State Department of Natural Resources concerning the property; and,

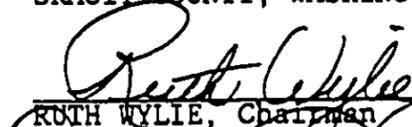
WHEREAS, Chapter 8.34.020, Revised Code of Washington, provides that:

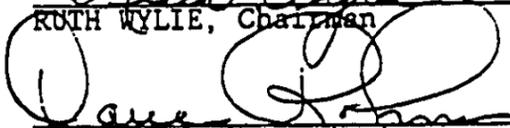
- (1) "Open Space Land" means (a) any land area so designated by an official comprehensive land use plan adopted by any city or county accordingly or (b) any land area, the preservation of which in its present use would (i) conserve and enhance natural or scenic resources, or (ii) protect streams or water supply, (iii) promote conservation of soils, wetland, 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) retain in its natural state tracts of land not less than five acres 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.;

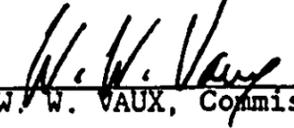
NOW THEREFORE, BE IT RESOLVED, that The Skagit County Board of Commissioners hereby accepts the Hearing Examiner Recommendation and approves the Timber Open Space application of Stanley Janicki subject to any conditions found on the Recommendation.

WITNESS our hands and official seal this 18th day of December, 1990.

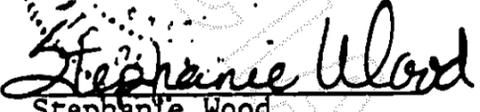
BOARD OF COMMISSIONERS
SKAGIT COUNTY, WASHINGTON


RUTH WYLIE, Chairman


DAVE ROHRER, Commissioner


W. W. VAUX, Commissioner

ATTEST:


Stephanie Wood
Clerk of the Board

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Planner H.E. He Janicki

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SKAGIT COUNTY HEARING EXAMINER DECISION AND ORDER NO. OS 90 003.REC - PAGE NO. 2

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) retain in its natural state tracts of land not less than five acres 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.

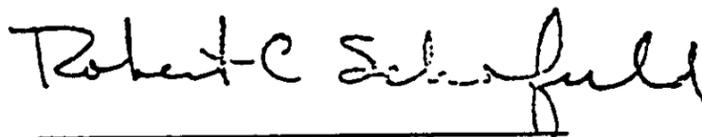
7. The Hearing Examiner has reviewed this application with respect to the above definitions and other requirements of the Skagit County Code and the Revised Code of Washington.

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 and from the Prosecuting Attorney; 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.

RECOMMENDATION

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



Robert C. Schofield
Skagit County Hearing Examiner

Date of Recommendation: November 21, 1990

Copies Transmitted to Applicant: November 29, 1990

Attachment: Staff Report and Findings

C (with attachment): Applicant, Applicant File, Board of County Commissioners, Hearing Examiner

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AGENDA ITEM: C

SKAGIT COUNTY HEARING EXAMINER

PUBLIC HEARING DATE: NOVEMBER 21, 1990

APPLICATION FOR: OPEN SPACE REQUEST NUMBER: OS-90-003

APPLICANT NAME: STANELY JANICKI

APPLICANT ADDRESS 821 GARDEN OF EDEN ROAD
SEDRO WOOLLEY, WA 98284

PROJECT LOCATION: Located approximately 3 1/2 miles east of Sedro Woolley, at the intersection with Sims Road, on the north side of Highway 20; a portion of the Southwest 1/4 of Section 10, Township 35 North, Range 5 East, W.M., Skagit Conty, Washington.

PROJECT DESCRIPTION: Open Space Request to allow approximately 60 acres to be included in the Timber Open Space Program.

STAFF FINDINGS:

1. The subject property zoned Rural. The North Central District Comprehensive Plan designates the area as Agricultural and Forestry.
2. The public hearing has been advertised in accordance with the requirements of Chapter 14.04 of the Skagit County Code.
3. The subject property is located out of any designated flood hazard areas.
4. The subject property is a total of approximately 60 acres in size. The property is currently vacant.
5. The applicant is requesting inclusion in the Timber Open Space Program of the total parcel.
6. The site is accessed directly off Highway 20, approximately 3 1/2 miles east of Sedro Woolley, approximately north of the intersection of Highway 20 and Sims Road.

The site was easily found for site inspection. It is in a area of the county with a variety of parcel sizes and a variety of existing land uses. There are a number of residences in the area, south of Highway 20 is pasture with and without residential development and livestock. This north side of Highway 20 is mostly timber.
7. The applicant has had a Timber Management Plan prepared by the Department of Natural Resources (see attached).

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RECOMMENDATIONS:

The Department of Planning and Community Development recommends approval of the request for inclusion into the Timber Open Space Program with the following condition:

1. The applicant shall comply with the the Timber Management Plan as submitted.

Prepared by: G.R.
Approved by:

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Management Plan For Stanley Janicki, Jr
Address: 821 Garden of Eden Rd.
Sedro Woolley, WA. 98284
Date 12-14-89
Examiner: Ritch Huhn

Landowner's objectives:

Leave 60 acres of Alder, cedar, Fir
to mature to age 70 years.

Legal Description:

$5\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$; ~~SE $\frac{1}{4}$~~ ~~SE $\frac{1}{4}$~~ of Sec. 10 W.M.
Township 35 North Range 3 East.

Management Plan:

(0416-0422)

Your soils are predominately Barnston,
All Textures, brown gravelly silt loam.
Site index is III or high III. Soil
characteristics show a somewhat excessively
drained soil with a rooting depth of
60+ inches. The major commercial tree
species is Red Alder, with cedar and
Douglas Fir. This soil type has average
operability.

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Road construction during wet weather will be more expensive. This type of soil has a high compaction potential when moist. Tree length yarding may eliminate the need to do heavy site preparation. When harvested, plant competition will be high, brush competition will have to be controlled by chemical or mechanical means.

This 60 acres or existing stand has little value now, but when harvested at age 55, 80 years will produce approximately 1.500 million bdf. of timber. Approximate value will be about \$300,000 - \$350,000.

Recommendations -

1. Stand thin Alder at age 25-25 years. along with cedar and Douglas fir.
2. Alder spacing 12x12, conifers at 16x16.
3. At age 55-60 harvest entire 60 acres.

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Total tree yarding is recommended to facilitate site preparation. Landings or piles may be burned prior to planting.

Seedlings to be planted should have a good stem to root ratio. 2-0 seedlings are recommended. Spacing of at least 350 trees/acre will be 8x10'.

Care should be taken in transporting and handling of tree stock. Trees should be planted in mineral soil and not duff or heavy organic material.

Area might be prone to heavy deer and elk damage, bud caps are recommended.

Skid trail and landing locations are very important. These should be located to take the least load out of production. All skid trails should be water barred.

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Brush control will be required 2-3
and at 6-7 years following harvest.
Contact our office for assistance.

Cost share assistance may be available
through ASCS office in Mount Vernon.
their phone number is (206) 424-5158

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DEPARTMENT OF NATURAL RESOURCES - FOREST MANAGEMENT PLAN

Landowner _____ Address _____

Phone: Work _____ Home _____

Topographic Symbols

Property Boundary=

Improved Road =

Unimproved Road=

Stand Boundary=

Stand Number= (3)

Year-Round Stream=

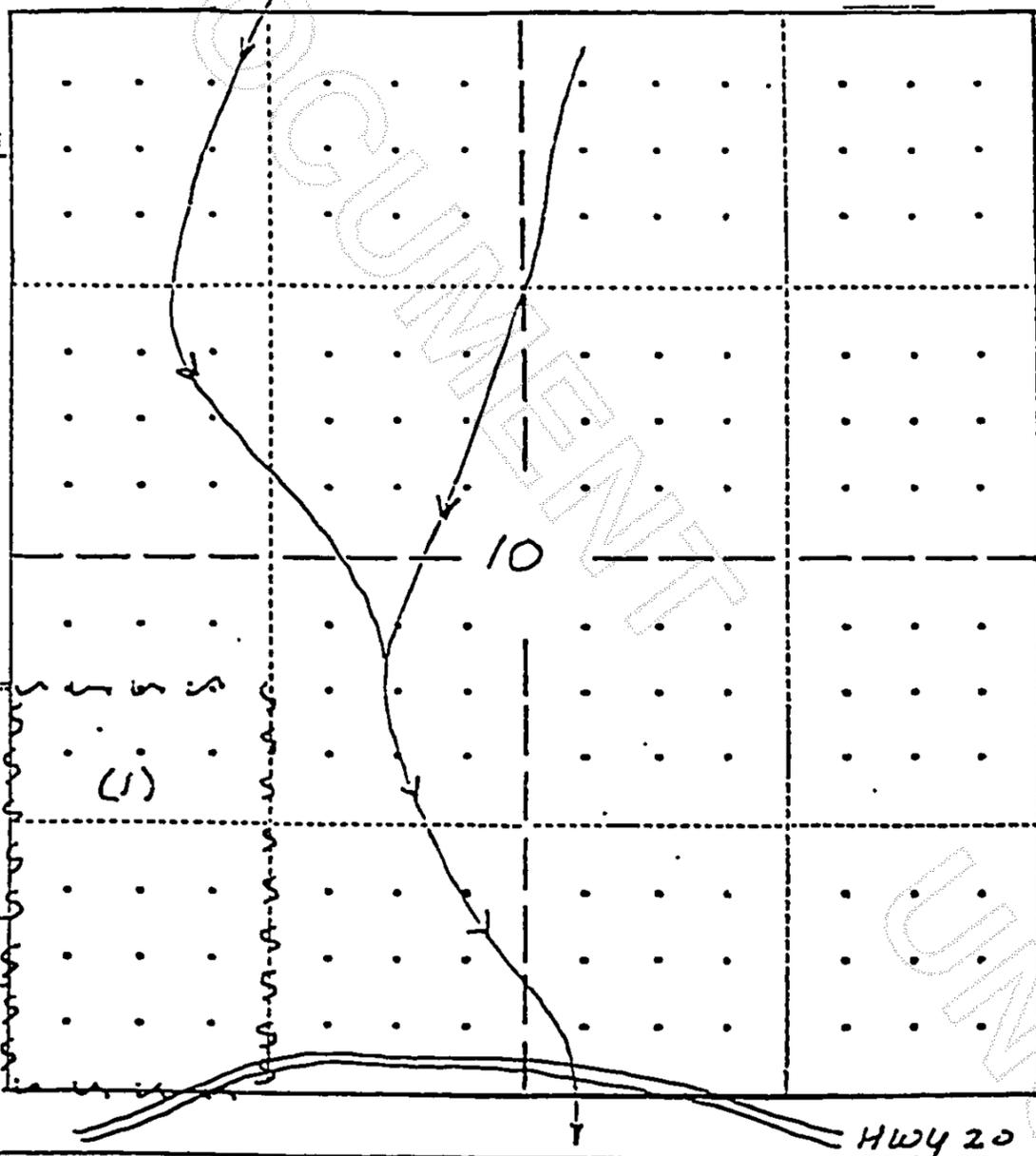
Intermittent Stream=

Swamp or Marsh=

Buildings=

Other =

Other =



Legal:

Section _____

Township _____

Range _____

County _____



Scale
1"=1,000'

Cost-Shar
Yr. _____

ACP _____
FIP _____
LTA _____

STAND DESCRIPTION
(Explained on Reverse Side)

Stand Number	Acres	Species	Site Low-Med-High	Age	Percent Stocking	Volume/Acre MBF Estimated	Other Stand Description logged, field, brush, et
(1)	60	Alder Cedar	MED	15/20		N/A	Brushy

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