

Return to Hearing Exam

14138

OPEN SPACE TAXATION AGREEMENT
RCW 84.34

05-91-006

(TO BE USED FOR "OPEN SPACE" OR "TIMBER LAND" CLASSIFICATION ONLY) 14138

This Agreement between MIKE MATTHEWS and DAN CANTRELL

SKAGIT COUNTY AUDITOR

9111260032

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hereinafter called the "Owner", and SKAGIT COUNTY

hereinafter called the "Granting Authority".

Whereas the owner of the following described real property having made application for classification of that property under the provisions of RCW 84.34:

Assessor's Parcel or Account Numbers: 053603-4-004-00

Legal Description of Classified Land: See attached legal description

RECORDED FILED REQUEST OF HEARING EX

And whereas, both the owner and granting authority desire to limit the use of said property, recognizing that such land has substantial public value as open space and that the preservation of such land constitutes an important physical, social, esthetic, and economic asset to the public, and both parties agree that the classification of the property during the life of this Agreement shall be for:

OPEN SPACE LAND TIMBER LAND

Now, therefore, the parties, in consideration of the mutual covenants and conditions set forth herein, do agree as follows:

1. During the term of this Agreement, the land shall only be used in accordance with the preservation of its classified use.
2. No structures shall be erected upon such land except those directly related to, and compatible with the classified use of the land.
3. This Agreement shall be effective commencing on the date the legislative body receives the signed Agreement from the property owner, and shall remain in effect for a period of at least ten (10) years.
4. This Agreement shall run with the land described herein and shall be binding upon the heirs, successors and assigns of the parties hereto.
5. Withdrawal: The land owner may withdraw from this Agreement if after a period of eight years the land owner makes a withdrawal request, which request is irrevocable, to the assessor. Two years from the date of that request the assessor shall withdraw the land from the classification, and the applicable taxes and interest shall be imposed as provided in RCW 84.34.070.
6. Breach: After land has been classified and as Agreement executed, any change of use of the land, except through compliance with items (5) or (7) of this Agreement, shall be considered a breach of this Agreement, and subject to applicable taxes, penalties and interest as provided in RCW 84.34.080 and 84.34.108.
7. A breach of Agreement shall not occur and the additional tax shall not be imposed if the removal of designation 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, 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 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)).
8. The county assessor may require classified land owners to submit pertinent data regarding the use of the land, and such similar information pertinent to continued classification and appraisal of the land.

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This Agreement shall be subject to the following conditions:

Applicant shall comply with attached Timber Management Plan prepared by Marc Kalkoske, Land and Timber Service, November, 1990.

It is declared that this Agreement contains the classification and conditions as provided for in RCW 84.34 and the conditions imposed by this Granting Authority.

Dated 11-19-91

Granting Authority:

W. W. Van RR
GW
City or County

CHAIR, SKAGIT Co BOARD OF COM
Title

As owner(s) of the herein described land I (we) indicated by my (our) signature(s) that I (we) are aware of the potential tax liability hereby accept the classification and conditions of this Agreement.

Dated _____

J. J. Matthews
Owner(s)

Don Carter
(Must be signed by all owners)

Date signed Agreement received by Legislative Authority _____

Prepare in triplicate with one completed copy to each of the following:
Owner(s)
Legislative Authority
County Assessor

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RESOLUTION NO. 14138

A RESOLUTION CONCERNING TIMBER OPEN SPACE APPLICATION
OF MIKE MATTHEWS and DAN CANTRELL

WHEREAS, a public hearing was held on March 27, 1991 to review the Open Space Timber application of applicant 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 had prepared a Timber Management Plan for logging and reforestation of 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 MIKE MATTHEWS and DAN CANTRELL subject to any conditions recommended by the Hearing Examiner and the Planning Staff.

WITNESS our hands and official seal this 19th day of November, 1991.

BOARD OF COMMISSIONERS
SKAGIT COUNTY, WASHINGTON

W. W. Vaux
W. W. VAUX, Chairman

Robby Robinson
ROBBY ROBINSON, Commissioner

Ruth Wylie
RUTH WYLIE, Commissioner

ATTEST:

Stephanie Wood
Stephanie Wood
Clerk of the Board

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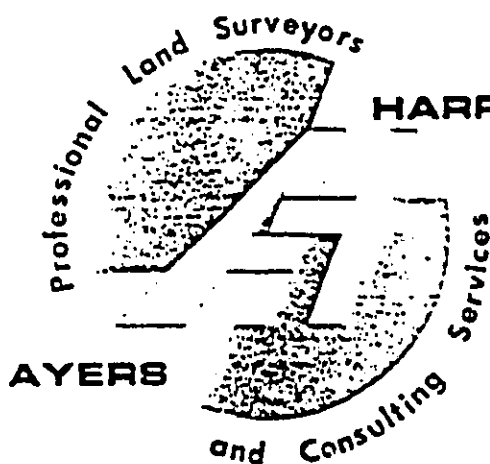
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AYERS-HARRISON



PROPOSED PARCEL
THREE
SOUTHEAST QUARTER
SECTION 5, T36N, R3E, W.M.,
OCTOBER 26, 1990

All that portion of the Southeast Quarter of Section 5,
Township 36 North, Range 3 East, W.M., being more
particularly described as follows:

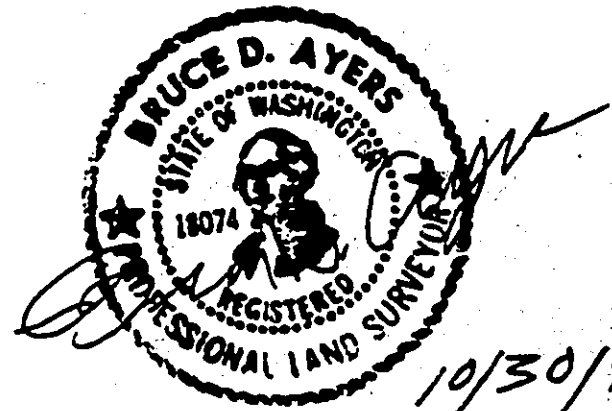
Commencing at the Southeast corner of said Southeast
Quarter of Section 5, Thence North 2° 15' 57" East, along
the East line of said Southeast Quarter, 1335.95 feet,
Thence leaving said East boundary line South 36° 00' 00"
West 253.14 feet, to the TRUE POINT OF BEGINNING; Thence
continuing South 36° 00' 00" West, 660.70 feet; Thence
South 72° 12' 20" West 1030.78 feet; Thence North 17°
47' 40" West 325.76 feet; Thence North 45° 00' 00" East
671.47 feet; Thence North 2° 15' 57" East 616.58 feet;
Thence South 89° 03' 49" East 321.90 feet; Thence South
2° 15' 57" West, 535.77 feet; Thence South 89° 03' 49"
East 669.60 feet, to the TRUE POINT OF BEGINNING.

Containing 20.4 Acres

All in Skagit County, Washington

SUBJECT TO: All Easements, Restrictions, and Covenants of
record.

The BASIS OF BEARING for the above description is derived
from Washington State Plane Coordinate System, North Zone as
per that certain Record of Survey map filed with the Skagit
County Auditors Office, reference number 9009120068, by
Ayers-Harrison, P.S. in 1990.



9111260032

322 N. Commercial, #201 (across from City Hall)
(206) 671-9505 / 734-1144

P.O. Box 5434
FAX (206) 734-1179

Bellingham, Washington 98227
1-800-548-1257

BK 1029 PG 0103

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November 14, 1990

Mr. Tom Buggia
563 Cedar Acres
Bellingham, WA 98225

Dear Mr. Buggia:

At the request of the South Chuckanut Joint Venture, this Forest Management Report is hereby submitted.

Legal Description of Subject Property

SE1/4 Section 5; portion of the NE1/4 Section 7; portion of Section 8; the S1/2 NW1/4 SW1/4 Section 9, all in Township 36 North, Range 3 East, W.M. Skagit County Washington.

Management Recommendations

This property is very unique in that it offers the opportunity to provide homesites with spectacular views in a forest environment.

With proper planning, these homesites should be compatible with a forest management and reforestation program. This concept is permitted under the existing zoning of Forestry which allows one dwelling unit per 20 acres.

The current tax status of the property is classified Forestry, which requires a minimum of 20 acres to be committed to forest management per respective ownership. I recommend converting to the Skagit County designation of Open Space Timber, where the net forest acreage requirement is five or more acres per respective ownership. Therefore, each 20 acre parcel may have a portion improved for a homesite and the balance, not less than five acres, be committed to forest management. That portion identified as a homesite will be subject to a compensating "roll-back" tax. The Skagit County Assessors Office should provide you with the necessary detail for the appropriate designations.

The property is diverse in site characteristics, therefore, the intensity of forest management will be determined by individual site locations. There are two major forest types; the southern unit and northern unit.

9111260032

MANAGEMENT • APPRAISALS • CONSULTING
1830 COLBY AVE. • EVERETT, WA 98201 • PHONE: (206) 258-6920 • MOBILE: (206) 356-2034

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The southern unit in Section 7, 8 and 9 is primarily composed of isolated poorly stocked stands of Douglas-fir, Western Red Cedar and Western Hemlock. These stands are located in flats, benches and draws throughout the unit and separated by large rock outcrops. The major soil type in this unit is the Dystric Xerochrepts-Rock Outcrop Complex, consisting of steep slopes, rock outcrops and isolated flat benches (a detailed description of all soil types, as described by the Soil Conservation Service, is attached to the Addenda).

The flats and benches in this unit should be utilized for potential homesites. Trees may be selectively logged and cleared for homesites, view corridors and fire protection buffers. Natural seeding of the residual stand should provide an adequate source of stocking which will be limited due to the poor growing site (site Class IV) and presence of large rock outcrops. Reforestation will not be required provided less than 50 percent of the timber volume in a given stand is removed within a five year period. Please note that Forest Practice Application is required by Washington State Department of Natural Resources for any harvest of merchantable timber.

The northern unit in the SE1/4 Section 5 has been clear cut this year and yarded with a cable system. The major soil type is the Chuckanut gravelly loam with striations of the Dystric Xerochrepts-Rock Outcrop Complex. Site class ranges from II to IV.

To provide adequate stocking for forest management, the harvester should prepare and plant the unit with Douglas-fir, preferably 2-1 or 1-1 from the appropriate seed zone. Reforestation must comply with the requirements pursuant to WAC 222-34-010,030,040 and RCW 76.09.070.

During the record growing season, the Douglas-fir plantation should be evaluated for competing vegetation. It may be necessary to helicopter spray portions of the unit with herbicide, such as Roundup, to control brush.

Small Red Alder stands were left in draws throughout the unit. This seed source may compete with the adjacent planted Douglas-fir. The landowner may need to apply extra brush control or allow a mixed stand of Red Alder and Douglas-Fir in these transitional areas.

Landings used for logging are often prime candidates for homesites. Benches and other level areas in this unit also provide excellent homesites. Plan ahead and locate the homesites, then configure the twenty acre lots around these locations. It is important that slash and other debris, be cleared from sites prior to home construction as a fire buffer. Leave a safety zone around homes by clearing out flammable vegetation.

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Mr. Tom Buggia

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November 14, 1990

Enclosed with this report is a Home Protection Guide. This book provides information that may assist you to prevent losses from wildfire.

The road through the property has been improved to provide access for emergency vehicles, such as fire trucks and aid cars. I understand the property has been accepted into the local fire district. This road system will also provide excellent access for continued forest management.

I feel the concept of combining forest management low density housing of one home per 20 acres is an excellent option for this property.

If you have any questions on these recommendations, please feel free to call.

Sincerely,



Marc Kalkoske
Forester

MK:jk
Enclosures

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