RETURN TO HEARING EXAMINER

OPEN SPACE TAXATION AGREEMENT

RCW 84.34

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

RECEIVED
Skagit County
APR 13 1992
Community Development

This Agreement between PATRICIA HALLORAN

hereinafter called the "Owner", and SKAGIT COUNTY 9204210021

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: 083603-1-003-0200

Legal Description of Classified Land: See attached "Exhibit A"

REQUEST TO BE SCHEDULED FOR HEARING EXAMINER
APR 20 92 AM 11:33
SKAGIT COUNTY CLERK

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 convenants 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 land-owner 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.

FORM REV 64 0022 (3-88)

BK 1068 PG 0528

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This Agreement shall be subject to the following conditions:

Applicant shall comply with Timber Management Plan prepared by Marc Kalkoske, Forester with Land and Timber Services.

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.

Granting Authority:

Dated 4/20/92

Robby Robinson RW

City or County

Skagit County Board of Commissioners

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 liabilit hereby accept the classification and conditions of this Agreement.

Dated April 4, 1992

Owner(s)

(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

9204210021

BK 1068 PG 0529

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EXHIBIT "A"

Parcel 8 (P-8)

All that portion of Section 8, Township 38 North, Range 3 East of the W.M., Skagit County, Washington, lying Northerly of Chuckanut Drive (SR 11), and Easterly, Southerly and Westerly of the following described line:

Commencing at the Southeast corner of said Section 8; thence North 00°01'47" East, along the East line thereof, for a distance of 2648.79 feet to the East ¼ corner of said Section 8; thence North 00°03'18" East, continuing along said East line, for a distance of 2648.38 feet to the Northeast corner of said Section 8; thence North 89°13'20" West, along the North line of said Section 8, for a distance of 1579.35 feet; thence South 45°28'58" West for a distance of 119.40 feet; thence South 44°31'04" East for a distance of 250.00 feet; thence South 45°28'58" West for a distance of 1011.19 feet; thence South 41°00'00" East for a distance of 435.75 feet; thence West for a distance of 1133.26 feet; thence South for a distance of 400.00 feet to point "A"; thence South 65°24'08" West for a distance of 150.00 feet, more or less, to the Northeasterly right-of-way margin of Chuckanut Drive and the true point of beginning of said described line; thence North 65°24'08" East for a distance of 150.00 feet, more or less, to said point "A"; thence North for a distance of 400.00 feet; thence East for a distance of 1133.26 feet; thence South 41°00'00" East for a distance of 831.23 feet; thence East for a distance of 854.38 feet; thence South 17°15'58" West for a distance of 758.70 feet, more or less, to the Northerly right-of-way margin of Chuckanut Drive and the end of said described line:

EXCEPTING THEREFROM all that portion of said Section 8 lying Easterly, Southerly and Westerly of the following described line:

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Commencing at the Southeast corner of said Section 8; thence North 00°01'47" East, along the East line thereof, for a distance of 2645.79 feet to the East ¼ corner of said Section 8; thence North 00°03'16" East, continuing along said East line, for a distance of 2545.36 feet to the Northeast corner of said Section 8; thence North 89°13'20" West, along the North line of said Section 8, for a distance of 1579.35 feet; thence South 45°28'56" West for a distance of 119.40 feet; thence South 44°31'04" East for a distance of 250.00 feet; thence South 45°28'56" West for a distance of 1011.19 feet; thence South 41°00'00" East for a distance of 486.75 feet; thence West for a distance of 1123.26 feet; thence South for a distance of 400.00 feet to point "A"; thence South 85°24'06" West for a distance of 150.00 feet, more or less, to the Northeasterly right-of-way margin of Chuckanut Drive and the true point of beginning of said described line; thence North 85°24'06" East for a distance of 150.00 feet, more or less, to said point "A"; thence East for a distance of 1200.00 feet; thence South 50°00'00" East for a distance of 430.00 feet; thence East for a distance of 467.51 feet; thence South 04°53'26" East for a distance of 481.04 feet, more or less, to the Northerly right-of-way margin of Chuckanut Drive and the end of said described line;

Containing 20.00 acres; and

TOGETHER WITH a non-exclusive perpetual easement across, along, in, upon and under the North half of the West 5 acres of the following described parcel 7:

Parcel 7 (P-7):

All that portion of Section 8, Township 38 North, Range 3 East of the W.M., Skagit County, Washington, lying Northerly of Chuckanut Drive (SR 11), and Easterly, Southerly and Westerly of the following described line:

Commencing at the Southeast corner of said Section 8; thence North 00°01'47" East, along the East line thereof, for a distance of 2645.79 feet to the East ¼ corner of said Section 8; thence North 00°03'15" East, continuing along said East line, for a distance of 2645.38 feet to the Northeast corner of said Section 8; thence North 89°13'20" West, along the North line of said Section 8, for a distance of 1579.35 feet; thence South 45°28'58" West for a distance of 119.40 feet; thence South 44°31'04" East for a distance of 250.00 feet; thence South 45°28'58" West for a distance of 1011.19 feet; thence South 41°00'00" East for a distance of 486.75 feet; thence West for a distance of 1133.28 feet; thence South for a distance of 400.00 feet to point "A"; thence South 65°24'08" West for a distance of 150.00 feet, more or less, to the Northeasterly right-of-way margin of Chuckanut Drive and the true point of beginning of said described line; thence North 65°24'08" East for a distance of 150.00 feet, more or less, to said point "A"; thence East for a distance of 1000.00 feet; thence South 50°00'00" East for a distance of 430.00 feet; thence East for a distance of 467.51 feet; thence South 04°53'28" East for a distance of 481.01 feet, more or less, to the Northerly right-of-way margin of Chuckanut Drive and the end of said described line;

Containing 20.00 acres; and

for the purpose of installing, constructing, operating, maintaining, inspecting, repairing, replacing, and using a septic sewage disposal system and for purpose of ingress and egress from the property described for the purpose of constructing, maintaining and repairing the septic sewage disposal system and drain field.

GRANTORS HEREIN RESERVE to themselves, their successors and assigns, a perpetual non-exclusive easement for ingress, egress and utilities over, under and across the property as described in exhibits "C", "D" and "E" of

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those Declarations of Covenants, Conditions, Restrictions, Easements and Road Maintenance Agreement recorded under Auditor's File No. [redacted]. The reservation contained herein shall benefit the real property described in Exhibit "A" and "B" of the Declarations of Covenants, Condition, Restriction, Easements
and Road Maintenance Agreement recorded under Auditor's File No. [redacted]

SUBJECT further to those Declarations of Covenants, Conditions, Restrictions, Easements and Road Maintenance Agreement and together with those easements as recorded under Skagit county Auditor's File No. [redacted]

The BASIS OF BEARING orientation for the above description is derived from Washington State Grid as per Record of Survey map filed with the Skagit County Auditors Office, reference number 800108007, 1977. Coordinate grid location was held at the 1/4 corner between Sections 8 & 9. Then the line between the said 1/4 corner and the common section corner of sections 8, 9, 16 and 17 was rotated 00°00'11" East to conform with an unrecorded historical survey in section 8 performed by L.S. # 17068, in 1981. This description and the parcel it describes is depicted on that certain Record of Survey map prepared by Ayers-Harrison, P.S., in the summer of 1989, reference by Job Number 89029.

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[redacted]

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LAND AND TIMBER
SERVICES

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.

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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. Reforestaion 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 herbacide, 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.

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.

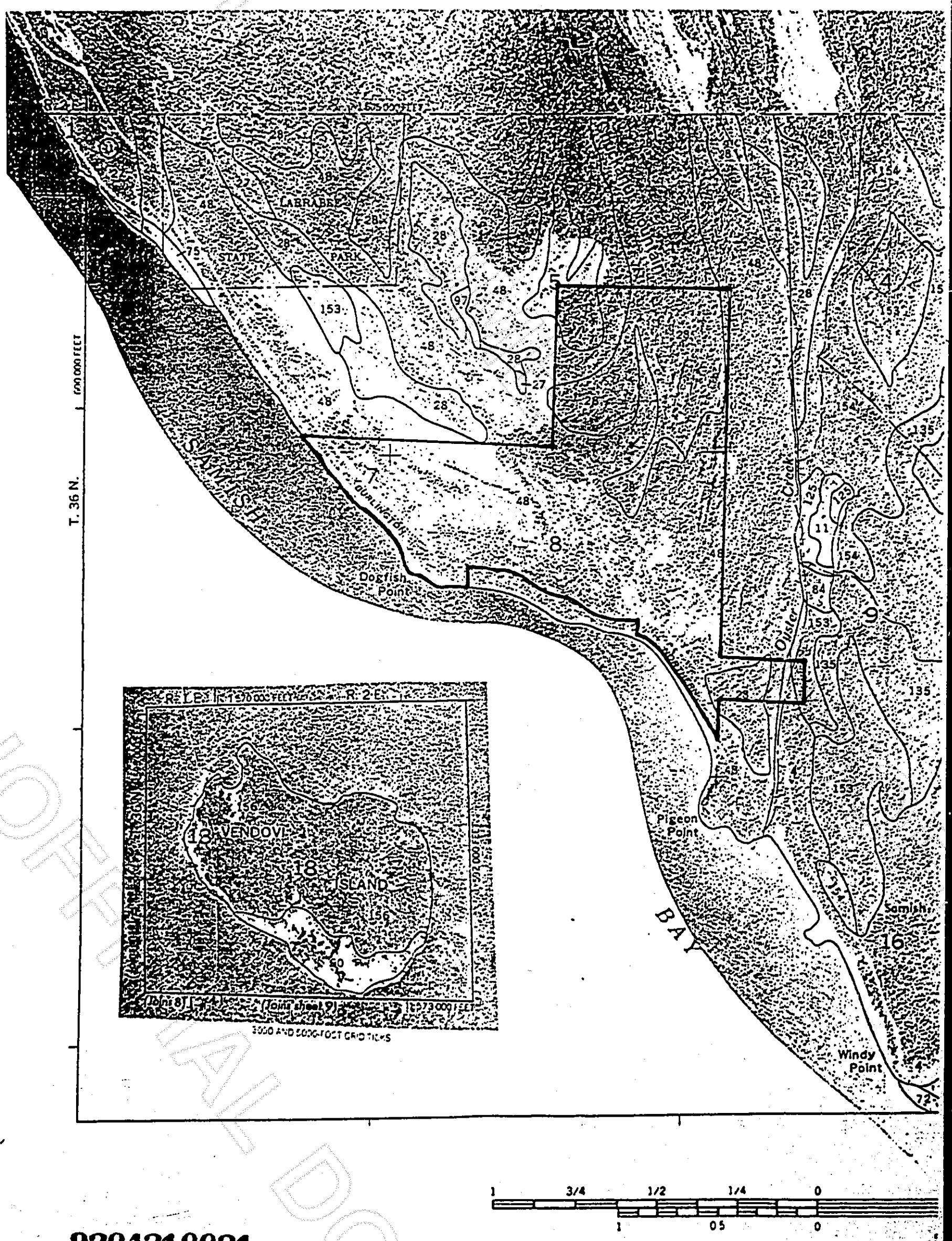
Sincerely,

Marc A. Kalkoske

Marc Kalkoske
Forester

MK:jk
Enclosures

SOIL SURVEY OF SKAGIT COUN



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from 10 to 20 inches. In some areas the substratum is very gravelly sand, and in some areas very gravelly sand is below a thin layer of dense glacial till.

Included in this unit are small areas of Coveland soils in swales and Clallam soils on hills.

Permeability of this Catla soil is moderate above the dense glacial till and very slow through the till. Available water capacity is very low. Effective rooting depth is 10 to 20 inches. Runoff is medium, and the hazard of water erosion is moderate. A perched water table fluctuates between depths of 6 and 18 inches from November to May.

This unit is used as woodland, hayland, and pastureland.

Douglas fir is the main woodland species on this unit. On the basis of a 100-year site curve, the mean site index for Douglas fir is 104. On the basis of a 50-year site curve, the mean site index for Douglas fir is 82. The highest average growth rate for Douglas fir is 89 cubic feet per acre per year at age 60. Among the trees of limited extent are western hemlock, western redcedar, grand fir, Pacific madrone, and red alder. Common forest understory plants are salal, creambush oceanspray, rose, willow, western brackenfern, blackberry, and evergreen huckleberry.

The main limitation for the harvesting of timber is muddiness caused by seasonal soil wetness. Use of wheeled and tracked equipment when the soil is moist produces ruts, compacts the soil, and damages the roots of trees. Unsurfaced roads and skid trails are soft when wet. Logging roads require suitable surfacing for year-round use. Rock for road construction is not readily available on this unit.

Seedling mortality and the hazard of windthrow are the main concerns in the production of timber. Reforestation can be accomplished by planting Douglas fir seedlings. If seed trees are present, natural reforestation of cutover areas by red alder occurs readily. The perched water table reduces root respiration, which results in a low survival rate of seedlings. High soil temperature and the very low available water capacity during the growing season can result in a high mortality rate of seedlings. When openings are made in the canopy, invading brushy plants can delay the establishment of seedlings. Because the rooting depth is restricted by the dense glacial till layer, trees frequently are subject to windthrow.

The main limitations for hay and pasture are the hazard of erosion, restricted rooting depth, and droughtiness. Use of proper stocking rates, pasture rotation, and restricted grazing during wet periods helps to keep the pasture in good condition and to protect the soil from erosion. Seedbed preparation should be on the contour or across the slope where practical. In summer supplemental irrigation is required for maximum production. Sprinkler irrigation is the most suitable method of applying water.

This map unit is in capability subclass VIe.

*** 27—Chuckanut gravelly loam, 8 to 30 percent slopes.** This deep, well drained soil is on hills. It formed in volcanic ash and colluvium derived from sandstone and glacial till. The native vegetation is mainly conifers and mixed hardwoods. Elevation is 800 to 1,500 feet. The average annual precipitation is about 40 inches, the average annual air temperature is about 48 degrees F, and the average frost-free season is 160 to 200 days.

Typically, the surface is covered with a mat of needles, leaves, and twigs 7 inches thick. The surface layer, where mixed to a depth of 9 inches, is dark yellowish brown gravelly loam. The upper 6 inches of the subsoil is dark yellowish brown gravelly loam, and the lower 20 inches is olive brown gravelly sandy loam. The substratum is olive brown gravelly loam about 14 inches thick. Sandstone is at a depth of about 49 inches. Depth to sandstone ranges from 40 to 60 inches. In some areas the subsoil is clay loam or very gravelly sandy loam.

Included in this unit are small areas of Bellingham and Mukilteo soils in drainageways and depressional areas, Rock outcrop, and Chuckanut soils that have slopes of more than 30 percent and are along the sides of ridges. Also included are small areas of Sehome and Tokul soils on hills.

Permeability of this Chuckanut soil is moderate. Available water capacity is moderately high to high. Effective rooting depth is 40 to 60 inches. Runoff is medium, and the hazard of water erosion is moderate.

Most areas of this unit are used as woodland. A few areas are used as hayland and pastureland.

Douglas fir is the main woodland species on this unit. On the basis of a 100-year site curve, the mean site index for Douglas fir is 172. On the basis of a 50-year site curve, the mean site index for Douglas fir is 128. The highest average growth rate for Douglas fir is 183 cubic feet per acre per year at age 60. Areas on ridgetops that are subject to strong, persistent winds are less productive than are other areas of this unit. Among the trees of limited extent are western hemlock, western redcedar, and red alder. Common forest understory plants are salal, western brackenfern, western swordfern, Oregongrape, and red huckleberry.

The main limitation for the harvesting of timber is muddiness caused by soil wetness. Use of wheeled and tracked equipment when the soil is moist produces ruts, compacts the soil, and damages roots of trees. Logging roads require suitable surfacing for year-round use. Rock for road construction is not readily available on this unit. Establishing plant cover on steep cuts and fills reduces erosion.

Seedling establishment is the main concern in the production of timber. Reforestation can be accomplished by planting Douglas fir seedlings. If seed trees are present, natural reforestation of cutover areas by Douglas fir and red alder occurs periodically. The mortality rate of seedlings is higher on ridgetops that are subject to strong, persistent winds than it is in other areas of this unit. When openings are made in the canopy, invading brushy plants can delay the establishment of Douglas fir seedlings.

The main limitation for hay and pasture is the hazard of erosion. Use of proper stocking rates, pasture rotation, and restricted grazing during the wet periods helps to keep the pasture in good condition and to protect the soil from erosion. Seedbed preparation should be on the contour or across the slope where practical. In summer supplemental irrigation is required for maximum production. Sprinkler irrigation is the most suitable method for applying water.

This map unit is in capability subclass IVe.

28—Chuckanut gravelly loam, 30 to 65 percent slopes. This deep, well drained soil is on hills and mountainsides. It formed in volcanic ash and colluvium derived from sandstone and glacial till. The native vegetation is mainly conifers and mixed hardwoods. Elevation is 800 to 1,500 feet. The average annual precipitation is about 40 inches, the average annual air temperature is about 48 degrees F, and the average frost-free season is 160 to 200 days.

Typically, the surface is covered with a mat of needles, leaves, and twigs 3 inches thick. The surface layer, where mixed to a depth of 9 inches, is dark yellowish brown gravelly loam. The upper 6 inches of the subsoil is dark yellowish brown gravelly loam, and the lower 20 inches is olive brown gravelly sandy loam. The substratum is olive brown gravelly loam about 14 inches thick. Sandstone is at a depth of about 49 inches. Depth to sandstone ranges from 40 to 60 inches. In some areas the surface layer is gravelly sandy loam, and in some areas the subsoil and substratum are very gravelly sandy loam.

Included in this unit are small areas of Mukilteo soils in depressional areas and small areas of Rock outcrop and Sehome and Tokul soils on hills.

Permeability of this Chuckanut soil is moderate. Available water capacity is moderately high to high. Effective rooting depth is 40 to 60 inches. Runoff is medium, and the hazard of water erosion is moderate.

This unit is used as woodland.

Douglas fir is the main woodland species on this unit. On the basis of a 100-year site curve, the mean site index for Douglas fir is 172. On the basis of a 50-year site curve, the mean site index for Douglas fir is 128. The highest average growth rate for Douglas fir is 183 cubic feet per acre per year at age 60. Areas on ridgetops that are subject to strong, persistent winds are less productive than are other areas of this unit. Among the trees of limited extent are western hemlock, western redcedar, and red alder. Common forest understory plants are salal, western brackenfern, western swordfern, Oregongrape, and red huckleberry.

The main limitation for the harvesting of timber is steepness of slope. Steepness of slope restricts the use of wheeled and tracked equipment in skidding operations; cable yarding systems generally are safer and disturb the soil less. Use of wheeled and tracked equipment when the soil is moist produces ruts, compacts the soil, and damages the roots of trees. Logging roads require suitable surfacing for year-round use. Rock for road construction is not readily available on this unit.

Seedling establishment is the main concern in the production of timber. Reforestation can be accomplished by planting Douglas fir seedlings. If seed trees are present, natural reforestation of cutover areas by Douglas fir and red alder occurs periodically. The mortality rate of seedlings is higher on ridgetops that are subject to strong, persistent winds than it is in other areas of this unit. When openings are made in the canopy, invading brushy plants can delay the establishment of seedlings.

This map unit is in capability subclass VIe.

29—Clallam gravelly loam, 0 to 8 percent slopes. This moderately deep, moderately well drained soil is on hills. It formed in very compact glacial till. The vegetation in areas not cultivated is mainly conifers and shrubs. Elevation is 25 to 500 feet. The average annual precipitation is about 23 inches, the average annual air temperature is about 50 degrees F, and the average frost-free season is 170 to 220 days.

Typically, the surface is covered with a mat of needles, leaves, and twigs 1 inch thick. The surface

loam 4 inches thick. The subsoil is reddish brown very gravelly clay loam 12 inches thick. The substratum is dark grayish brown extremely gravelly loam about 30 inches thick. Serpentine is at a depth of about 46 inches. Depth to serpentine ranges from 20 to 60 inches or more. Texture, the content of rock fragments, and depth to bedrock or dense glacial till vary widely within short distances.

Included in this unit are small areas of Rock outcrop.

Permeability of these Dystric Xerochrepts is moderate. Available water capacity is low to moderate. Effective rooting depth is 20 to 60 inches or more. Runoff is rapid, and the hazard of water erosion is severe.

This unit is used as woodland.

Douglas fir is the main woodland species on this unit. On the basis of a 100-year site curve, the mean site index for Douglas fir is estimated to be 105. On the basis of a 50-year site curve, the mean site index for Douglas fir is estimated to be 80. The highest average growth rate for Douglas fir is 91 cubic feet per acre per year at age 60. Among the trees of limited extent are grand fir and western redcedar. Common forest understory plants are salal, Oregongrape, western swordfern, red huckleberry, western brackenfern, Pacific madrone, rose, and rhododendron.

The main limitation for the harvesting of timber is steepness of slope. Cable yarding systems generally are used on this unit. Unsurfaced roads and skid trails are slippery when wet. Logging roads require suitable surfacing for year-round use. Material cast to the side ravels and commonly sloughs when saturated. Rock for road construction is readily available on this unit. Establishing plant cover on steep cuts and fills reduces erosion.

Seedling establishment and the hazard of windthrow are the main concerns in the production of timber. Reforestation can be accomplished by planting Douglas fir seedlings. If seed trees are present, natural reforestation of cutover areas by grand fir occurs periodically. The droughtiness of the surface layer increases the mortality rate of seedlings, especially on south- and southwest-facing side slopes. Trees on this unit exhibit poor growth and vigor because of the high content of magnesium in proportion to the content of calcium. When openings are made in the canopy, invading brushy plants can delay the establishment of seedlings. Trees occasionally are subject to windthrow during periods when the soil is excessively wet and the winds are strong.

This map unit is in capability subclass VIIe.

*** 48—Dystric Xerochrepts-Rock outcrop complex, 65 to 90 percent slopes.** This map unit is on dip slopes in mountainous areas. The native vegetation is mainly mixed conifers and hardwoods. Elevation is 300 to 1,600 feet. The average annual precipitation is about 40 inches, the average annual air temperature is about 49 degrees F, and the average frost-free season is 170 to 190 days.

This unit is about 60 percent Dystric Xerochrepts and about 30 percent Rock outcrop. The components of this unit are so intricately intermingled that it was not practical to map them separately at the scale used.

Dystric Xerochrepts are moderately deep to deep and are well drained. They formed in colluvium derived dominantly from glacial till and sandstone. No single profile is representative of these soils, but one commonly observed in the survey area is covered with a mat of needles, leaves, and twigs about 1 inch thick. The surface layer is black very gravelly silt loam 2 inches thick. The subsoil is dark brown and dark yellowish brown very gravelly loam 37 inches thick. The substratum is dark brown very gravelly loam 6 inches thick. Sandstone is at a depth of 45 inches. Depth to sandstone ranges from 20 to 60 inches or more. In some areas dense glacial till is at a depth of 20 to 40 inches.

Permeability of these Dystric Xerochrepts is moderate. Available water capacity is low to moderately high. Effective rooting depth is 20 to 60 inches or more. Runoff is rapid, and the hazard of water erosion is severe.

Rock outcrop consists of exposures of hard and mostly unweathered sandstone. It occurs as steep cliffs and irregular formations.

This unit is used as woodland.

Douglas fir is the main woodland species on this unit. On the basis of a 100-year site curve, the mean site index for Douglas fir is 156. On the basis of a 50-year site curve, the mean site index for Douglas fir is 120. The highest average growth rate for Douglas fir is 165 cubic feet per acre per year at age 60. The areas of Rock outcrop make up about 30 percent of this unit and limit yields accordingly. Among the trees of limited extent are grand fir and western redcedar. Common forest understory plants are salal, Oregongrape, western brackenfern, Pacific madrone, rose, and rhododendron.

The main limitations for the harvesting of timber are steepness of slope and the areas of Rock outcrop. Steepness of slope restricts the use of wheeled and tracked equipment in skidding operations; cable yarding systems generally are safer and disturb the soil less.

Logging roads require suitable surfacing for year-round use. Material cast to the side ravels and commonly sloughs when saturated. Rock for road construction is readily available on this unit. Areas of Rock outcrop can cause breakage of timber when felled and hinder yarding. Avoiding large areas of Rock outcrop forces yarding paths to converge, which results in compaction of the soil. Establishing plant cover on steep cuts and fills reduces erosion. Following road construction and clearcutting, road failures and landslides are likely to occur. Steep yarding paths, skid trails, and firebreaks are subject to rilling and gullying unless they are protected by plant cover or adequate water bars are provided.

Seedling establishment is the main concern in the production of timber. Reforestation can be accomplished by planting Douglas fir seedlings. If seed trees are present, natural reforestation of cutover areas by grand fir occurs periodically. The droughtiness of the surface layer increases the mortality rate of seedlings, especially on south- and southwest-facing side slopes. The areas of Rock outcrop limit the even distribution of reforestation. When openings are made in the canopy, invading brushy plants can delay the establishment of seedlings.

This map unit is in capability subclass VIIe.

49—Dystric Xerorthents, 0 to 5 percent slopes. These very deep, excessively drained soils are on flood plains. They formed in recent river alluvium. The native vegetation is mainly mixed hardwoods and conifers. Elevation is 1,000 to 1,800 feet. The average annual precipitation is about 80 inches, the average annual air temperature is about 43 degrees F, and the average frost-free season is 120 to 140 days.

No single profile is representative of these soils, but one commonly observed in the survey area is covered with a mat of needles, leaves, and twigs about 1 inch thick. The surface layer is white and olive gravelly coarse sand 8 inches thick. The underlying material to a depth of 60 inches or more is white and pale olive, stratified extremely gravelly coarse sand to fine sandy loam.

Included in this unit are small areas of Skykomish soils on outwash terraces, Saxon soils on lacustrine terraces, and Cupples soils on low mountains. Also included are small areas of silty soils in meander channels.

Permeability of these Dystric Xerorthents is moderately rapid to very rapid. Available water capacity is low to moderate. Effective rooting depth is limited by a seasonal high water table that is at a depth of 18 to 36 inches from December to May, when the water level of the river is high. Runoff is slow, and the hazard of water erosion is slight. These soils are subject to frequent, brief periods of flooding from December to May.

This unit is used as woodland and wildlife habitat.

Western hemlock and western redcedar are the main woodland species on this unit. On the basis of a 100-year site curve, the mean site index for western hemlock is estimated to be 135. On the basis of a 50-year site curve, the mean site index for western hemlock is estimated to be 95. The highest average growth rate for western hemlock is 209 cubic feet per acre per year at age 50. Estimates of the site index and yield for western redcedar have not been made. Among the trees of limited extent are Douglas fir, black cottonwood, and red alder. Common forest understory plants are waterhemlock, horsetail, stinging nettle, and salmonberry.

The main limitation for the harvesting of timber is frequent, brief periods of flooding. Logging roads require suitable surfacing for year-round use. Rock for road construction is not readily available on this unit. Seasonal soil wetness and flooding limit the use of equipment to dry periods.

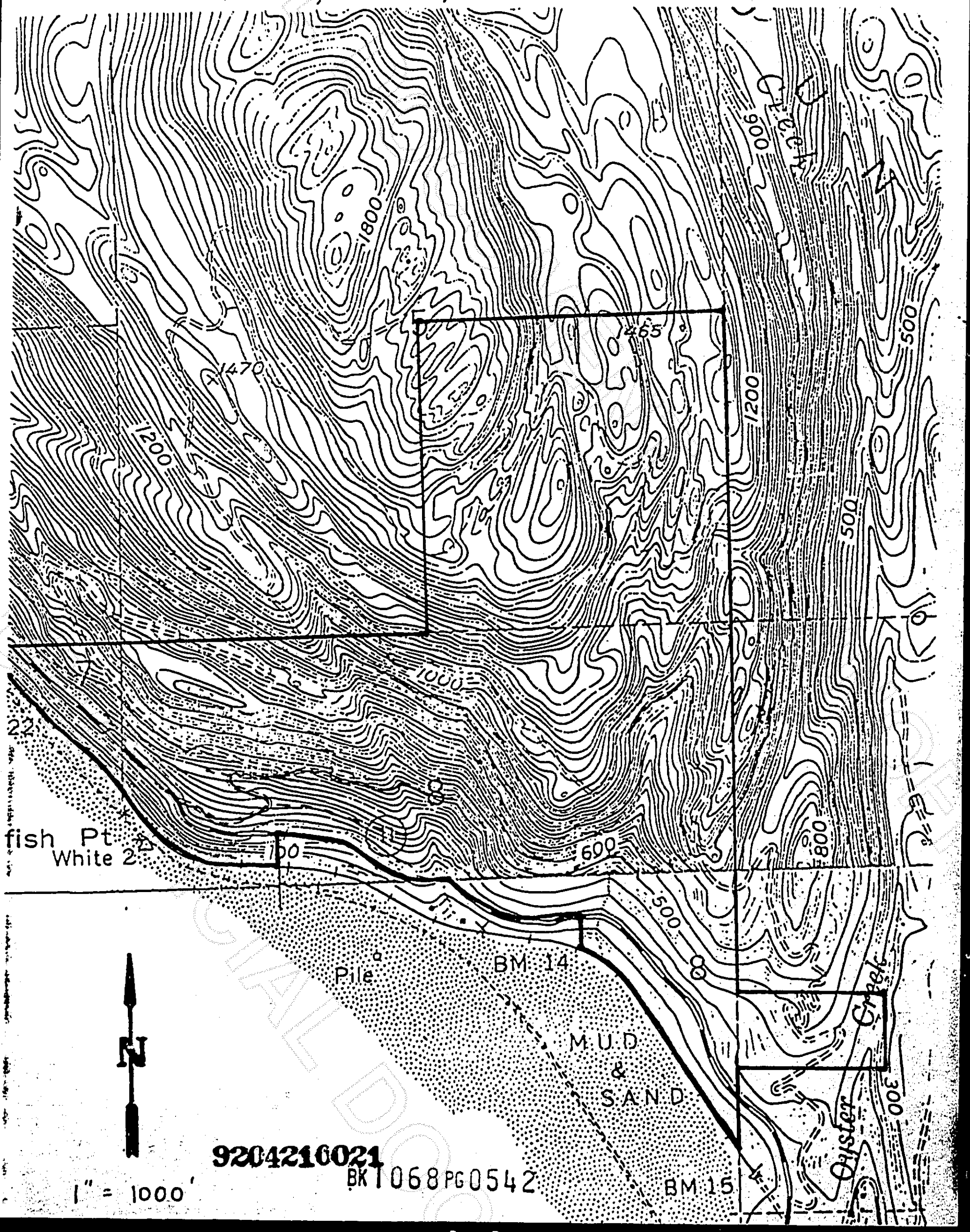
Seedling establishment and the hazard of windthrow are the main concerns in the production of timber. Reforestation can be accomplished by planting western hemlock or Douglas fir seedlings. Seedlings planted in the less fertile subsoil exhibit poor growth and vigor. The survival rate of seedlings may be low in areas where flooding occurs. Trees occasionally are subject to windthrow during periods when the soil is excessively wet and the winds are strong. Restricted available water capacity of the soil during the growing season results in a high mortality rate of seedlings. When openings are made in the canopy, invading brushy plants can delay the establishment of seedlings.

This map unit is in capability subclass VIIw.

50—Dystric Xerorthents, 50 to 80 percent slopes. These very deep, excessively drained soils are on dissected outwash terrace escarpments. They formed in stratified glacial outwash. The native vegetation is mainly conifers. Elevation is 400 to 1,000 feet. The average annual precipitation is about 60 inches, the average annual air temperature is about 50 degrees F, and the average frost-free season is 170 to 190 days.

No single profile is representative of these soils, but one commonly observed in the survey area is covered with a mat of needles, leaves, and twigs about 1 inch thick. The surface layer is dark brown gravelly sandy

T 36 N, R 3 E, W. M.



RESOLUTION NO. 14025

A RESOLUTION CONCERNING A TIMBER OPEN SPACE APPLICATION OF PATRICIA HALLORAN

WHEREAS, a public hearing was held on July 10,1991 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 PATRICIA HALLORAN subject to any conditions recommended by the Hearing Examiner and the Planning Staff.

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

ATTEST:

Stephanie Wood
Clerk of the Board

BOARD OF COMMISSIONERS
SKAGIT COUNTY, WASHINGTON

W. W. VAUX, Chairman

ROBBY ROBINSON, Commissioner

RUTH WYLIE, Commissioner

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JERRY McINTURFF
SKAGIT COUNTY AUDITOR
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RECORDED ___ FILED ___
REQUEST OF Hearing Exam

SKAGIT COUNTY HEARING EXAMINER
STATE OF WASHINGTON

In the matter of: Timber Open Space Application OS 91-015 of PATRICIA HALLORAN for: Inclusion of approximately 20 acres Timber Open Space classification.	Findings of Fact Recommendation No. OS 91-015

This matter having come regularly before the Skagit County Hearing Examiner for a Public Hearing under an application filed with the Skagit County Department of Planning and Community Development on behalf of the Applicant requesting an Open Space Timber Classification as described and located in the attached Report and Findings of the Skagit County Department of Planning and Community Development;

And, notice having been given to all property owners within 300 feet of said property, the property having been posted in accordance with Chapter 14.04 of the Skagit County Code, the public hearing advertised in accordance with Chapter 14.104 of the Skagit County Code, and all matters in the file having been considered together with the testimony, evidence, and exhibits in open hearing and made a part of the record in this matter; the Hearing Examiner makes the following findings of fact.

FINDINGS OF FACT

1. July 10,1991 was fixed as the date of the public hearing and the Hearing Examiner held a public hearing on that date.

2. All persons present at the Public Hearing were given an opportunity to present evidence and testimony, and all correspondence received was read and made part of the record.

3. The Hearing Examiner adopts the findings of the Department of Planning and Community Development as presented in the attached Report and Findings of that Department.

4. The subject property is not located in an area of flood hazard.

5. The applicant has had a Timber Management Plan prepared by Randy Bartelt, B.S., Forest Management.

6. Chapter 8.34.020, Revised Code of Washington, provides the following information:

   1. (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, wetlands, 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.

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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 subject to any conditions recommended in the Staff Report.

Robert C Schofield

ROBERT C. SCHOFIELD
Skagit County Hearing Examiner

Date of Recommendation: July 12,1991

Copies Transmitted to Applicant: July 15 ,1991

Attachment: Staff Report and Findings

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

SKAGIT COUNTY HEARING EXAMINER

PUBLIC HEARING DATE: JULY 10, 1991

APPLICATION FOR: OPEN SPACE TIMBER NUMBER 91-015

APPLICANT NAME: PATRICIA HALLORAN

ADDRESS: P.O. BOX 22555
SANTA BARBARA, CA 93121

PROJECT LOCATION: The property is located within a portion of Section 8, Township 36 North, Range 3 E.W.M., Skagit County, Washington.

PROJECT DESCRIPTION: Open Space Timber request to allow the inclusion of approximately 20 acres in the Timber Open Space Program.

ASSESSOR'S PARCEL NUMBER: 083603-1-003-0200

LEGAL DESCRIPTION: SEE AUDITORS FILE NUMBER 8909270044 (P-8)

STAFF FINDINGS:

1. The subject property is zoned Forestry and the Northwest District Comprehensive Plan designates the area as 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.

   It should be noted that a portion of the property is designated unstable by the Coastal Zone Atlas of Washington prepared by The Washington State Department of Ecology. A Geo-technical study may be required prior to the issuance of any building permits.

4. The subject property is a total of approximately 20 acres in size.

5. The applicant is requesting inclusion in the Timber Open Space Program of approximately 20 acres. The applicant has not identified the location of any future improvements. It should be noted that a portion of the property should be not designated to provide a site for any possible future improvements.

6. The site is accessed from Chuckanut Drive. It is in a rural/residential area of the County with a variety of

parcel sizes with and without residential development.

7. The applicant has submitted a Timber Management Plan prepared by Mark Kalkoske of Land and Timber Services.

RECOMMENDATIONS:

Based on the above findings, the Department of Planning and Community Development would recommend approval of the request for inclusion into the Timber Open Space Program with the following conditions.

1. The applicant shall comply with the Timber Management Plan as submitted to the Department of Planning and Community Development.

Prepared by: JNM

Approved by: