

Return to
Hearing Examiner

9204230060

RESOLUTION NO.

14284

JERRY MONTUREE
SKAGIT COUNTY, WASHINGTON

'92 APR 29 PM 12

A RESOLUTION CONCERNING A TIMBER OPEN SPACE APPLICATION
OF LEON MEYERS

WHEREAS, a public hearing was held on February 26, 1992 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 LEON MEYERS subject to any conditions recommended by the Hearing Examiner and the Planning Staff.

WITNESS our hands and official seal this 6th day of April, 1992.

BOARD OF COMMISSIONERS
SKAGIT COUNTY, WASHINGTON

Robby Robinson
ROBBY ROBINSON, Chairman

Ruth Willie
RUTH WILLIE, Commissioner

W. W. VAUX
W. W. VAUX, Commissioner

ATTEST:

Connie Carter
Connie Carter
Clerk of the Board

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cc: Planning - 4/29/92

Return to
Hearing Examiner

LERRY MCINTURFF
SKAGIT COUNTY AUDITOR

OST 91 018.REC

'92 MAR -4 AM 1:16

SKAGIT COUNTY HEARING EXAMINER
STATE OF WASHINGTON

RECORDED _____ FILED _____
REQUEST OF _____

In the matter of:
Timber Open Space Application
of LEON MEYERS
for inclusion of 30 acres in the
Timber Open Space Classification

) Findings of Fact
) Recommendation
) No. OST 91 018
)
)
)

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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. February 26, 1992 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 the Washington State Department of Natural Resources.
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.
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.

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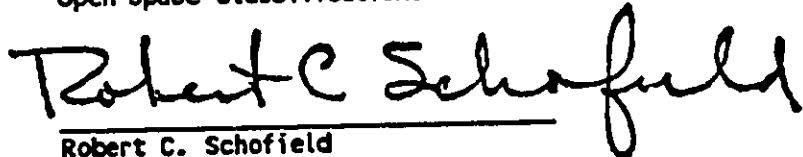
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SKAGIT COUNTY HEARING EXAMINER DECISION AND RECOMMENDATION NO. OST 91 01B.REC - PAGE NO. 2

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: March 3, 1992

Copies Transmitted to Applicant: March 3, 1992
Attachment: Staff Report and Findings
C (with attachment): Applicant, Applicant File, Board of County Commissioners, Hearing Examiner

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SKAGIT COUNTY PLANNING AND COMMUNITY DEVELOPMENT
FINDINGS OF FACT

HEARING AUTHORITY: SKAGIT COUNTY HEARING EXAMINER

HEARING DATE: FEBRUARY 26, 1992

APPLICATION NUMBER: OS 91-018

APPLICANT: LEON MEYERS

ADDRESS: 1130 EAST GILLIGAN ROAD
SEDRO WOOLLEY, WA 98284

PROJECT LOCATION: Open Space application to allow the inclusion of approximately 30 acres in the Timber Open Space Program.

PROJECT DESCRIPTION: Located at 1130 East Gilligan Road, Sedro Woolley; within a portion of the Southwest 1/4 of the Northeast 1/4 of Section 35, Township 35 North, Range 5 East, W.M., Skagit County, Washington.

ASSESSOR'S ACCOUNT NUMBER: 350535-1-008-0003

STAFF FINDINGS:

1. The subject property is zoned Rural and the Southcentral Comprehensive Plan designates the area as Rural.
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 application has been reviewed in accordance with the State Environmental Policy Act guidelines (WAC 197-11 and RCW 4321C) and has been found to be exempt.
5. The subject property is approximately 30 acres in size. The applicant is requesting to include approximately 30 acres in the Timber Open Space Program.
6. The applicant has had a Timber Management Plan prepared by the Washington State Department of Natural Resources.
7. The subject property is accessed from a private road off of East Gilligan Road. The property is located in a rural area of the county with a variety of parcel sizes with and without residential development.

RECOMMENDATION:

Based on the above findings the Department of Planning and

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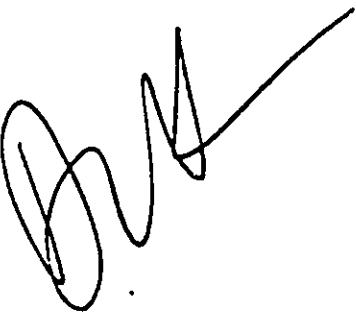
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Community Development would recommend approval of the request to include approximately 30 acres in the Timber - Open Space Program subject to the following conditions:

1. The applicant shall comply with the conditions set forth in the Timber Management Plan prepared by the Washington State Department of Natural Resources.



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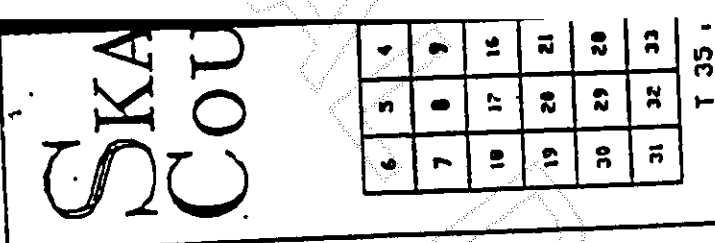
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OPEN SPACE TAXATION AGREEMENT
RCW 84.34
(TO BE USED FOR "OPEN SPACE" OR "TIMBER LAND" CLASSIFICATION ONLY)

This Agreement between LEON MEYERS

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: 35 05 35 1 008 0003

Legal Description of Classified Land: The South 30 acres of the Southwest quarter of the

Northeast quarter of Section 35, Township 35 North, Range 5 E.W.M.

Situate in County of Skagit, State of Washington.

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.

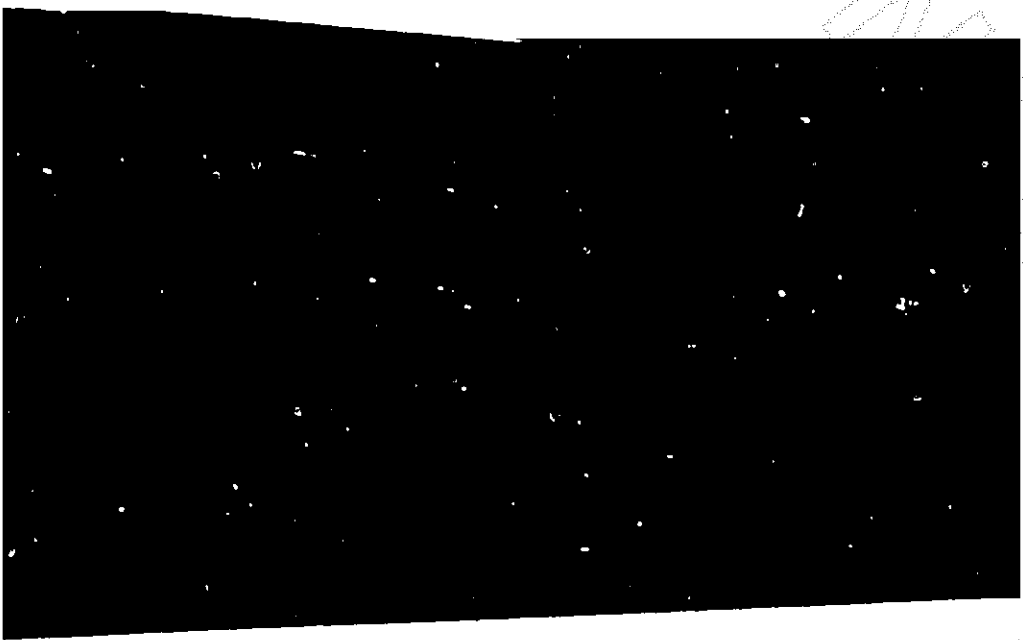
(d) A natural disaster such as a flood, windstorm, earthquake, or other such calamity rather than by virtue of the act of the landowner changing the use of such property.

(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.



This Agreement shall be subject to the following conditions:

Applicant shall comply with Timber Management Plan prepared by Washington State Department of Natural Resources Stewardship Forester, Butch Huhn.

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 3/31/92

Granting Authority:

W. W. Vay RW 3/31/92
City or County

Skagit County 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 liability hereby accept the classification and conditions of this Agreement.

Dated March 6, 1992

Leon R. Meyers
Owner(s)

Charles Meyers
(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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LAND TITLE COMPANY

P.O. Drawer 1225

Mount Vernon, Washington 98273

"The home owned company"

(206) 336-2158

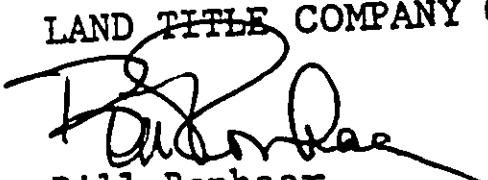
DATE: February 26, 1992

We hereby certify that the true and correct legal description of the premises highlighted on the attached map is as follows:

The South 30 acres of the Southwest quarter of the Northeast quarter of Section 35, Township 35 North, Range 5 East of w.m.

This certification is done as a courtesy by Land Title Company of Skagit County and no liability is assumed or implied for accuracy other than is stated above.

LAND TITLE COMPANY OF SKAGIT COUNTY

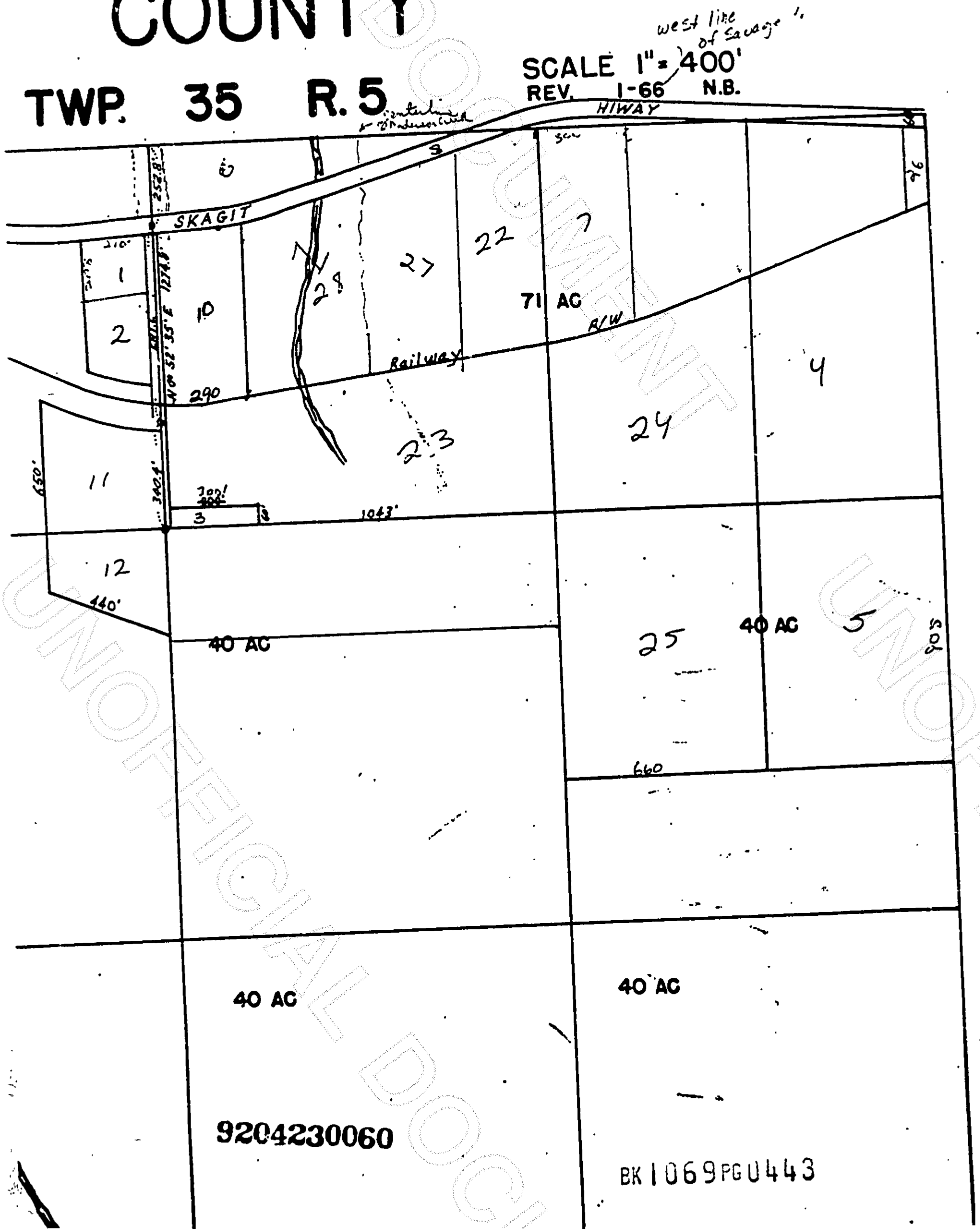

Bill Ronhaar,
Manager

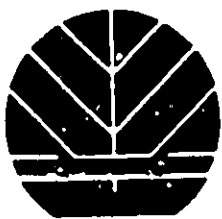
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Located at 601 South Second Street

SCALE 1" = 400'
REV. 1-66 N.B.





WASHINGTON STATE DEPARTMENT OF
Natural Resources

BRIAN BOYLE
Commissioner of Public Lands

NORTHWEST REGION
919 N. Township St.
Sedro Woolley, WA 98284

(206) 856-0083

December 23, 1991

FOREST STEWARDSHIP MANAGEMENT PLAN
for Leon R. Meyers
Address: 1130 E. Gilligan
Sedro Woolley, WA 98284

Prepared By Butch Huhn, Stewardship Forester

As a private forest landowner you qualify to participate in the Forest Stewardship Program, sponsored by the Washington Department of Natural Resources. The goal of this program is to offer technical assistance in applying environmental and economic resource management principles to non-industrial private forest lands. The Stewardship Program is to provide direct benefits to the landowner and to society in general.

This forest stewardship management plan is tailored to your goals for your property. Stewardship means maintaining, enhancing and protecting clean water, air, soil conditions and the well-being of fish and wildlife; providing quality outdoor recreation and providing a continuous supply of forest products.

This property is located in portions of the SE1/4 of the NE1/4 Section 35 Township 35 North, Range 5 East, W.M. in Skagit County.

This forest management recommendations are for approximately 19-20 acres of forest land which is held by Mr. Leon Meyers. This forest management information is intended to be used to accomplish your stewardship goals for the property.

Existing Conditions

The forest stands consist of 45-50 year old second growth conifer and mixed hardwoods. Western red cedar, Douglas fir, red alder and maple. This stand is a natural stand which originated after harvesting was done in the early 1950's.

These stands are generally healthy with average and below quality timber. There are a few void areas, but stocked with smaller hardwoods.

Soil Information

The soils on site consist of Squires Very Gravelly Silt Loam. Douglas fir site index for this soil is 128 on site III. This means the soil is of moderate quality of productivity for growing Douglas fir. This glacial soil is moderately well drained with a rooting depth of 20-40 inches. These soils are generally stable with low erosion potential. There is a high potential for compaction of these soils if harvest operations occur during wet soil conditions. To avoid a reduction in soil productivity due to compaction

Equal Opportunity/Affirmative Action Employer

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harvest activities should be limited to dry summer months.

Management Recommendations

The management need for this property is to let current stand grow to age 70 years old. However, since part of your objectives are to enhance wildlife habitat and maintain a healthy forest there are no compelling reasons to do further harvesting the short term.

Unlike the conifers, red alder is not a long lived tree and after 50-55 years of age most alder stands begin to decay fairly rapidly. This stand could be harvested, the site would then be replanted to conifer or allowed to naturally regenerate to alder.

The conifer stand which makes up the other part of the stand are very long lived and will begin to show excessive decay due to old age for another 50 years. The older and larger the trees in the stand become the more valuable they will be for wildlife especially cavity nesting species.