

Return to  
Hearings Examiner

14136

OPEN SPACE TAXATION AGREEMENT

RCW 84.34

CS-91-011

9211300056

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

This Agreement between DAN CANTRELL and SOUTH CHUCKANUT JOINT VENTURE

hereinafter called the "Owner", and SKAGIT COUNTY

9111260030

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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: 083603-1-001; 083603-1-001-02; 083603-1-003; 083603-0-006;

Legal Description of Classified Land: 093603-3-003; ~~093603-3-005-01~~; 093603-3-002

SEE ATTACHED LEGAL DESCRIPTIONS

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 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.

14136

This Agreement shall be subject to the following conditions:

Applicant agrees to 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. King

City or County

RO

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

10/27/91

Jan Cantrell  
Jan By

Owner(s)

Anne Cantrell

(Must be signed by all owners)

Date signed Agreement received by Legislative Authority

Madlyn Sierr by Richard Sierr  
Richard Sierr

W. Mathews  
Leanne M. Ummel by James G. Ummel POA  
James G. Ummel

Prepare in triplicate with one completed copy to each of the following:

Owner(s)

Legislative Authority

County Assessor

9211300056

9111260030

BK 1029460080

BK 1136PG0526

FILE

RESOLUTION NO. 14136

A RESOLUTION CONCERNING TIMBER OPEN SPACE APPLICATION  
OF DAN CANTRELL and SOUTH CHUCKANUT JOINT VENTURE

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 DAN CANTRELL and SOUTH CHUCKANUT JOINT VENTURE subject to any conditions recommended by the Hearing Examiner and the Planning Staff.

WITNESS our hands and official seal this 19<sup>th</sup> 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

9211300056

~~9111360030~~

BK1138PGU527

~~BK1029PG0083~~

cc: HE

A portion of the Northeast Quarter of Section 8, Township 35 North, Range 3 East, W.M., Skagit County, Washington being more particularly described as follows:

Commencing at the Northeast corner of the Northeast quarter of said Section 8; thence South 00°03'16" West for a distance of 343.20 feet along the East line of said Section 8 to the True Point of Beginning; thence continuing South 00°03'16" West, for a distance of 979.48 feet to the Northeast Corner of the North 522.00 feet of the South 1322.00 feet of the East 330.00 feet of said Northeast quarter and as described within that certain Statutory Warranty Deed recorded at the Skagit County Auditor's Office under reference number 9003060052; thence North 88°58'46" West for a distance of 330.05 feet; thence North 00°03'16" East, parallel to the East line of the Northeast quarter of said Section 8, for a distance of 978.08 feet; thence South 89°13'20" East for a distance of 330.03 feet to the True Point of Beginning.

Above parcel containing 7.4 acres.

Subject to all easement, restrictions, reservations and covenants of record.

The BASIS OF BEARING orientation for the above description is derived from Washington State Grid as per existing monuments depicted on that certain Record of Survey map filed with the Skagit County Auditors Office, reference number 9009120068, 1990 Ayers-Harrison, P.S.

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B



North 20 Acre Parcel of Trigon 40

All that portion of Government Lots 4 and 5, Section 8, Township 36 North, Range 3 East, W.M., lying Northeasterly of Chuckanut Drive (S.R. 11), and Southerly of the following described line:

Commencing at the Northeast Corner of said Government Lot 4; thence South 0° 01'47" West, along the East boundary said Government Lot 4, 150.00 feet to the TRUE POINT OF BEGINNING OF THIS LINE;

thence North 88°58'46" West, parallel with the North line of said Government Lot 4, 200.00 feet; thence North 52°28'30" West, 252.11 feet to said North line of Government Lot 4 and the END of this line;

TOGETHER WITH all that portion of the West half of the Southwest quarter of Section 9, Township 36 North, Range 3 East, W.M., lying Northerly, Westerly, and Southerly of the following described line:

Commencing at the Southeast Corner of the Southwest 1/4 of the Southwest 1/4 of said Section 9; thence North 0°09'13" East, along the East boundary line of said Southwest 1/4 of the Southwest 1/4, 566.80 feet; thence North 43°44'52" West, along the Northeasterly line of that certain tract of land conveyed to R.T. Skeers and Sharon Skeers, husband and wife, by instrument recorded June 7, 1991, under Auditor's File No. 9106070058, in the Auditor's office of Skagit County, Washington, 663.32 feet; thence North 0°09'13" East, along the East line of said Skeers tract, 150.00 feet; thence South 89°22'29" West, along the North line of said Skeers tract, 836.05 feet to the West line of said Southwest quarter of the Southwest quarter of Section 9 and the TRUE POINT OF BEGINNING FOR THIS LINE;

thence North 89°22'29" East, along said North line of the Skeers tract, 585.80 feet; thence North 44°31'31" West, 391.63 feet; thence North 05°47'49" West, 100.68 feet; thence North 35°58'33" West, 220.05 feet; thence North 89°52'18" East, parallel with the North

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BK 1136 PG 529



Situate in the County of Skagit, State of Washington.

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 Auditor's 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, referenced by Job Number 89029.

**AYERS-HARRISON**

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**BK 1138 PG 530**



line of the South half of the Northwest quarter of the Southwest quarter of said Section 9, 350.00 feet; thence North 00°01'47" East, parallel with the West line of said Section 9, 200.00 feet to said North line of the South half of the Northwest quarter of the Southwest quarter of Section 9; thence South 89°52'18" West, along said North line, 519.38 feet to the Northwest corner of said South half of the Northwest quarter of the Southwest quarter of Section 9, said point being the END of this line;

SUBJECT TO: All easements, restrictions, declarations, agreements and covenants of record.

Containing 20.11 Acres

Situate in the County of Skagit, State of Washington.

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 Auditor's 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, referenced by Job Number 89029.

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BK 1138 PG 0531

E

EXHIBIT "A"

DESCRIPTION:

A portion of the Northeast  $\frac{1}{4}$  of Section 8, Township 36 North, Range 3 East of the W.M., Skagit County, Washington more particularly described as follows:

Beginning at the Northeast corner of the Northeast  $\frac{1}{4}$  of said Section 8;  
Thence North  $89^{\circ}13'20''$  West, 330.03 feet along the North line of said Northeast  $\frac{1}{4}$ ;  
Thence South  $00^{\circ}03'16''$  West, 1105.81 feet to the True Point of Beginning for this Parcel;  
Thence continuing South  $00^{\circ}03'16''$  West, 566.17 feet;  
Thence North  $89^{\circ}06'01''$  West, 439.11 feet to a point on the Northeasterly line of that certain parcel titled "P-9" on "Exhibit A" of that certain "Statutory Warranty Deed" filed for record with the Skagit County Auditor's office in Volume 845, of Deeds, Page 254, and also under Reference Number 8909270054;  
Thence North  $41^{\circ}00'00''$  West along said Northeasterly line 1119.12 feet;  
Thence North  $45^{\circ}28'56''$  East 700.00 feet;  
Thence South  $41^{\circ}00'00''$  East, 1028.38 feet to the True Point of Beginning.

TOGETHER WITH "Driveway Easement A" as per that certain agreement titled "DECLARATIONS OF COVENANTS, CONDITIONS & RESTRICTIONS AND ROAD MAINTENANCE AGREEMENT", filed for record with the Skagit County Auditor's Office under Auditor's File No. 8909270044.

THE BASIS OF BEARING orientation for the above description is derived from Washington State Grid as per Record of Survey map filed with Skagit County Auditors Office, reference number 800108007, 1977. Coordinate grid location was held at the  $\frac{1}{4}$  corner between Sections 8 and 9. Then the line between the said  $\frac{1}{4}$  corner and the common Section corner of Sections 8, 9, 16 and 17 was rotated  $00^{\circ}00'11''$  East to conform with an unrecorded historical survey in Section 8 performed by L.S. #17088, 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.

*Buggerdact*

*Mr. B*

*Handwritten signatures and initials*



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~~VOL 943 PAGE 536~~

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BK 1138 PG 0532





MAR 16 1992

Lot D.P.

North East Quarter Portion of Section 8  
June 12, 1991

All that portion of the Southeast quarter of the Northeast quarter of Section 8, Township 36 North, Range 3 East, of the W.M., Skagit County, Washington, lying Northeasterly of State Route #11, commonly known as Chuckanut Drive, and lying Southerly and Easterly of the following described line:

Commencing at the Southeast corner of said Southeast quarter of the Northeast quarter of Section 8; thence North 00°03'16" East, along the East Line thereof, for a distance of 800.11 feet to the true point of beginning of said described line; thence North 88°58'46" West, along the North line of the South 800.00 feet of the East 330.00 feet of the Southeast quarter of the Northeast quarter of said Section 8, a distance of 330.05 feet; thence North 00°03'16" East, along the West line of the East 330.00 feet of the Northeast quarter of said Section 8, a distance of 171.87 feet to the Southeast corner of that certain tract of land described in deed of trust filed for record with the Skagit County Auditor's office in Volume 943 of Records, Page 531, and also under Reference Number 9011260031; thence North 89°06'01" West, along the South line of said tract and parallel with the North line of said Southeast quarter of the Northeast quarter of said Section 8, a distance of 439.11 feet to the Southwest corner thereof, said point being on the Northeasterly line of that certain parcel titled "P-9" on "Exhibit A" of that certain statutory warranty deed filed for record with the Skagit County Auditor's office in Volume 845 of Deeds, Page 254, and also under Reference Number 8909270054; thence South 41°00'00" East along said Northeasterly line, a distance of 175.78 feet to the Southeast corner of said Parcel "P-9"; thence West, along the South line of said Parcel "P-9", a distance of 166.90 feet to its intersection with the East most line of that certain parcel titled "P-8" on "Exhibit A" of said statutory warranty deed filed for record with the Skagit County Auditor's office in Volume 845 of Deeds, Page 254; thence South 17°15'58" West, along said East

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BR 138 PG 0533



most line of said Parcel "P-8", a distance of 777.32 feet, more or less, to the Northeasterly right-of-way line of said State Route #11 and the end of said described line;

TOGETHER WITH a portion of Government Lot 4 of said Section 8, being more particularly described as follows:

Beginning at the Northeast corner of said Government Lot 4; thence South  $00^{\circ}01'47''$  West, along the East line thereof, a distance of 150.00 feet; thence North  $88^{\circ}58'46''$  West, parallel with the North line of said Government Lot 4, a distance of 200.00 feet; thence North  $52^{\circ}28'30''$  West, a distance of 252.11 feet to said North line of Government Lot 4; thence South  $88^{\circ}58'46''$  East, along said North line, a distance of 400.06 feet to the point of beginning.

SUBJECT TO: All easements, restrictions, declarations, agreements and covenants of record.

Containing 20.05 Acres

Situate in the County of Skagit, State of Washington.

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 Auditor's 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  $00^{\circ}00'11''$  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, referenced by Job Number 89029.



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.

Mr. Tom Buggia

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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

Page 3

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

9211300056

BK 1138 PG 0537

OS 91 011.REC

SKAGIT COUNTY HEARING EXAMINER  
STATE OF WASHINGTON

In the matter of:  
Timber Open Space Application  
of DAN CANTRELL and  
SOUTH CHUCKANUT JOINT VENTURE  
inclusion of 20 acres in the  
Timber Open Space classification.

) Findings of Fact  
) Recommendation  
) No. OS 91 011  
)  
)  
)  
)  
)

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. March 27, 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 Land and Timber Services.
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.

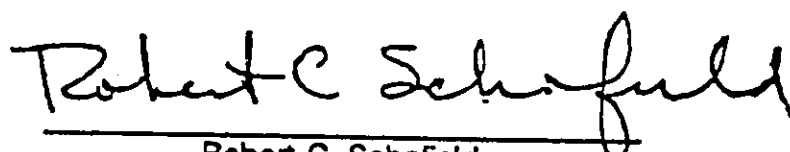
7. The Hearing Examiner has reviewed this application with respect to the above definitions and other requirements of the Skagit County Code and the Revised Code of Washington.

#### 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.

#### 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 27, 1991

Copies Transmitted to Applicant: October 30, 1991

Attachment: Staff Report and Findings

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



AGENDA ITEM:

SKAGIT COUNTY HEARING EXAMINER

PUBLIC HEARING DATE: MARCH 27, 1991

APPLICATION FOR: OPEN SPACE REQUEST

APPLICANT NAME: SOUTH CHUCKANUT JOINT VENTURE

APPLICANT ADDRESS 1020 NORTH STATE  
BELLINGHAM, WA 98225

PROJECT LOCATION: Located within a portion of the Southeast 1/4 of Section 5; a portion of the Northeast 1/4 of Section; a portion of Section 8; a portion of the Southwest 1/4 of Section 9, all in Township 36 North, Range 3 East, W.M., Skagit County, Washington.

PROJECT DESCRIPTION: Open Space Request to allow a total of approximately 290 acres to be included in the Timber Open Space Program.

STAFF FINDINGS:

1. The subject property zoned Forestry. 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.

Although, the property is located on a portion of what is commonly referred to as Chuckanut Mountain, in reviewing the Coastal Zone Atlas, there is no indication of unstable slopes on any of the subject property.

4. There are eleven applications being considered at this time. Ten of the applications are each requesting 20 acres to be included in the Timber Open Space Program. One application is requesting a total of 90 acres be included in the Timber Open Space Program.
5. At the time the applicant purchased the property, the total acreage was included in the State Designated Forest Program. The minimum lot size within that program is 20 acres.

The applicant is in the process of developing 20 acre tracts. At such time as a purchaser would elect to construct a residence on the property, a specific one acre site must be deleted from the timber program. When a one



acre tract is deleted from a parcel that is included in the Designated Forestry Program, the parcel is then ineligible to continue to be included in that program.

6. In reviewing the applications, it appears that one acre tracts for residential development have not been deleted at this time. By securing inclusion in the Timber Open Space Program, subsequent property owners of each 20 acre tract will be encouraged to maintain each tract in a manner consistent with productive timber practices.
7. The sites are accessed off a newly constructed access road, directly off Chuckanut Drive, approximately 2 miles north of the Oyster Creek Inn.

The site was easily found for site inspection. It is in a area of the county with a variety of parcel sizes. As previously indicated, the total acreage is located on Chuckanut Mountain and the entire area is forested.

8. The applicant has had a Timber Management Plan prepared for each proposed 20 acre tract, as well as the remaining 90 acres. The Timber Management Plan is attached to each respective application.

#### 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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