

Return to
Hearing Examiner

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**SKAGIT COUNTY HEARING EXAMINER
STATE OF WASHINGTON**

JERRY MCINTURFF
SKAGIT COUNTY EXAMINER

93 JAN -4 10:16

In the matter of:
Timber Open Space Application
of TOM HICKS
Inclusion of 15 acres in the
Timber Open Space Classification

) Findings of Fact
) Recommendation
) No. OST 91 017
)
)
)

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. January 22, 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 not had a Timber Management Plan prepared.
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

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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.

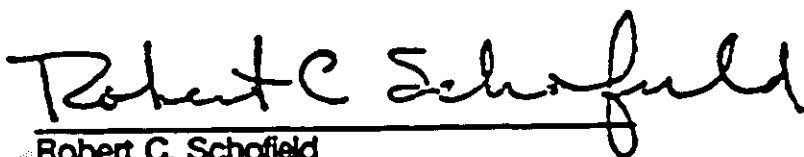
CONCLUSIONS

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 subject to the following conditions:

1. The conditions recommended by the Planning Department Staff will be part of this order.
2. Applicant shall have a complete legal description of the subject property prepared by a title company.



Robert C. Schofield
Skagit County Hearing Examiner

Date of Recommendation: January 28, 1992

Copies Transmitted to Applicant: January 28, 1992

Attachment: Staff Report and Findings

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

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SKAGIT COUNTY HEARING EXAMINER

PUBLIC HEARING DATE: JANUARY 22, 1992

APPLICATION FOR: OPEN SPACE NUMBER 91-017

APPLICANT NAME: TOM HICKS

ADDRESS: P.O. BOX 143
BOW, WA 98232

PROJECT LOCATION: The property is located at 1482 Colony Road, within a portion of the east 1/2 of the northeast 1/4 of Section 35, Township 36 North, Range 3 E.W.M., Skagit County, Washington.

PROJECT DESCRIPTION: Open Space Timber request to allow the inclusion of approximately 15 acres in the Timber Open Space Program.

ASSESSOR'S PARCEL NUMBER: 360335-1-002-0109

STAFF FINDINGS:

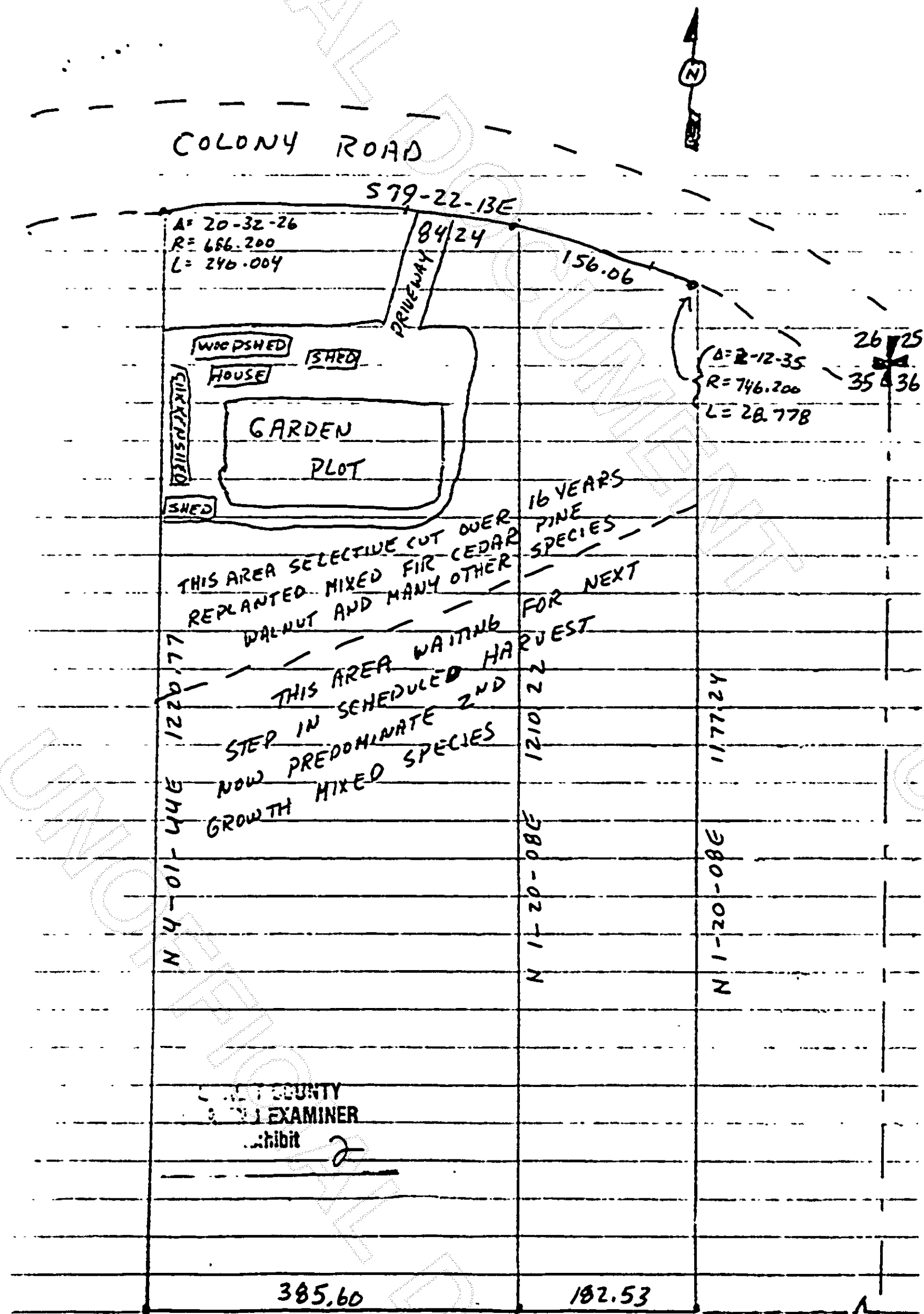
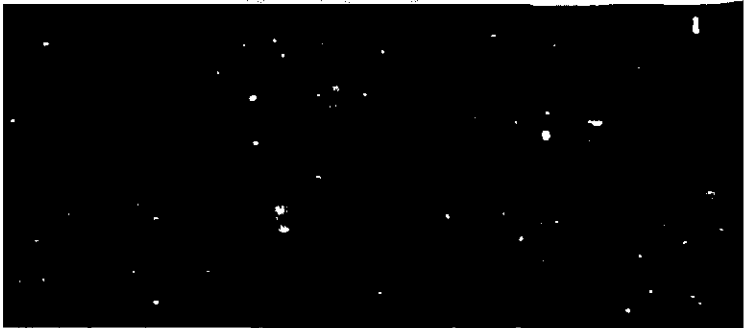
1. The subject property is zoned Rural and the Northwest District Comprehensive Plan designates the area as Residential.
2. The public hearing has been advertised in accordance with the requirements of Chapter 14.04 of the Skagit County Code.
3. The subject property is located out of any designated flood hazard areas.
4. The subject property is a total of approximately 15 acres in size. The applicant is proposing to include approximately 12 acres in the Timber Open Space Program.
5. The site is accessed from Colony Road. It is in a rural/residential area of the County with a variety of parcel sizes with and without residential development.

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 conditions set forth in RCW 84.34.
2. The applicant shall have a Timber Management Plan prepared by a Professional Forester.

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35 36

LEGAL DESCRIPTION

Exhibit A

That portion of section 35, T36N, R3E, W. 1M.
described as follows:

The west 5 acres of that portion of the
E $\frac{1}{2}$ of the NE $\frac{1}{4}$ lying south of the
Colony Road, all as shown on survey
recorded in Volume 3 of surveys, on
page 171, Auditors File No. 8203300048;
Together with Tract 2 of Skagit County
Shut Plat No. 30-75, Volume 1 of Shut
Plats, page 63 under Auditors File No.
823695, Except for the northerly 415
FEET of said Tract 2; Records of
Skagit County, WA.

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0-3
(9-63)

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RIGHT OF WAY

SKAGIT COUNTY, WASHINGTON
Real Estate License Tax
PAID

JUN 3 1964

Amount Paid \$77.00
COUNTY TREASURER
as *and* Debits

THE STATE OF WASHINGTON

County of SKAGIT

FOR AND IN CONSIDERATION of the sum of Seventy-Seven and No/100 - - - Dollars
(\$ 77.00), the receipt of which is hereby acknowledged.

Ben Sabado and Carmen Sabado, his wife, and

Mariano Laigo and Genevieve O. Laigo, his wife,

hereinafter referred to as GRANTOR (whether one or more), does hereby grant and convey to OLYMPIC PIPE LINE COMPANY, a Delaware corporation, with a permit to do business in the State of Washington, its successors and assigns, hereinafter referred to as GRANTEE, the rights of way, easements and privileges to construct, maintain, operate, repair, replace, change the size of, and remove in whole or in part, a pipe line or pipe-liner for the transportation of oil and gas, and the products thereof, water, or any other fluid or substance, with the necessary fittings, fixtures, valves, appurtenances, and cathodic protection devices, and the right to maintain the right of way clear of trees, underbrush, buildings, and other obstructions, along a course to be selected by GRANTEE on, over, across and through the following described property situated in the County of Skagit, State of Washington:

That part of the West half of the Southeast quarter of the Southeast quarter, lying South of the Alger-Blanchard Road (Colony Road), Section 26; and the West half of the Northeast quarter of the Northeast quarter, lying South of the Alger-Blanchard Road (Colony Road), Section 35; All in Township 36 North, Range 3 East, W.M., EXCEPT that portion thereof conveyed to Skagit County by deed dated April 27, 1951, recorded April 25, 1952, under Auditor's File No. 474423, said rights of way and easement being a strip of land Fifty (50) feet in width, the centerline of which is described as follows:

Beginning at a point on the North line of the above described property, said line being the Southwesterly right-of-way line of Colony Road, said point being located 963 feet Westerly along said right-of-way line from the East line of said Section 35;
THENCE South 13° 45' West, 144 feet;
THENCE South 03° 30' West, 1115 feet to a point on the South line of said property. Said point being located 240 feet Easterly along said South line from the Southwest corner of said property.

together with the right of ingress and egress to and from said line ~~as shown~~.

Granor shall have the right to fully use and enjoy the above described premises, except as to the rights herein granted. Grantee agrees to pay any damages which may arise to crops, timber, or fences of Granor, resulting from the exercise of the rights herein granted, said damages, if not mutually agreed upon, to be ascertained and determined by three disinterested persons, one thereof to be appointed by Granor, one by Grantee, and the third by the two so appointed, and the written award of such three persons shall be final and conclusive.

~~Should more than one pipe line be laid under this grant, at any time and from time to time, an additional consideration of _____ shall be paid for each pipe line laid after the first line.~~

It is agreed that any payment due hereunder may be made direct to Granors or any one of them.

Any pipe line constructed by Grantee, its successors or assigns, across lands under cultivation at the time of construction thereof, shall be buried to such depth as will not interfere with ordinary cultivation.

The rights of way, easements and privileges herein granted are each divisible and are each assignable or transferable, in whole or in part.

The terms, conditions, and provisions of this grant or any contract resulting from the exercise thereof shall extend to and be binding upon the heirs, executors, administrators, personal representatives, successors, and assigns of the parties hereto.

It is agreed that Granor may not place any building, structure, trees or obstruction on the above described right of way strip, but may utilize the right-of-way strip for any purpose, except those purposes herein granted to Grantee.

IN WITNESS WHEREOF, the Granor has executed this instrument this 18th

day of May 1964

Consideration more than \$100.00

No Revenue Stamp Required

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Ben Sabado
Carmen Sabado
Mariano M. Laigo
Genevieve O. Laigo

BK 115160210



WASHINGTON STATE DEPARTMENT OF
Natural Resources

OCT 20 1992

COMM. DEVELOP. DIV

BRIAN BOYLE
Commissioner of Public Lands

Management Plan for Thomas A. Hicks
1483 Colony Road
PO Box 143
Bow, WA 98232

NORTHWEST REGION
919 N. Township St.
Sedro Woolley, WA 98284
(206) 856-3500

Date: September 16, 1992

Examiner: Kip Kelley, Forest Practice Forester

Landowner's Objectives:

To enjoy owning forest land to change the land designation on County Assessor roles to "Open Space; Forestry", to ensure that the land will remain in forestry use, to provide a location of solitude while conducting good stewardship, to promote wildlife and fishery habitat, aesthetic and recreational values, and increase timber and land values.

Legal Description:

West 15.4 acres of the East 29.6 acres more or less, South of Colony County Road of the NE 1/4, NE 1/4 of Section 35, Township 36 North, Range 3 East, W.M.

Timber Stand:

The forest was naturally regenerated after the previous harvest about 30 to 40 years ago and comprises red alder, western hemlock, western redcedar, Douglas fir, and scattered bigleaf maple and cottonwood. Some cedar and hemlock have seeded in under the overstory hardwoods. There is evidence of the remnant old growth stumps from the first harvest scattered throughout the ownership.

Mr. Hicks has cleared about 1.5 to 2 acres for a homesite and his large organic garden and fruit trees. There is evidence that Mr. Hicks planted conifer trees in understocked areas.

Logging and/or Land Clearing:

Chapter 76.09 of the Revised Code of Washington, and Title 222 of the Washington Administrative Codes regulate Forest Practices and may require you to obtain an approved Forest Practices Application or Notification prior to commencing a forest practice. The Application/Notification is free. A copy of the Rules and Regulations and application forms may be obtained by contacting our office.

Cost share assistance may be available through the ASCS office, 2021 E College Way, Suite 212, Mount Vernon, WA 98273. Their phone number is (206) 428-7758. They have programs for wildlife ponds, stream fencing, site preparation, tree planting, seedling release, precommercial thinning, and preparation of Stewardship Management Plans.

To receive funding you must apply at the ASCS office and have the project approved by the ASCS board in writing before starting.

Equal Opportunity/Affirmative Action Employer

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Wildlife Needs:

There are two programs sponsored by the Washington Department of Wildlife (WDOW) called Backward Wildlife Sanctuary and Washington Wild Acres. For information about these programs contact Department of Wildlife at 16018 Mill Creek Blvd., Mill Creek, WA 98012 (206) 775-1311. They will send you the prepared literature.

The most common missing habitat niche in second growth forests is snags. Three snags per acre, 17" in diameter or larger at 20 feet above the ground are thought to be necessary for a viable woodpecker population. At least 17 other animals are dependent on the woodpecker for nesting holes. If no snags exist, or if for safety reasons during logging they must be felled, wind firm trees of poor form may be left for snag recruitment. Conifer trees with large crowns that have been in a closed canopy before logging are prone to wind throw. If already large enough the snag recruit tree should be topped with dynamite or a saw. Killing trees by girdling or basal application of chemical can create snags. This is not the preferred method as the base rots first reducing the total time that the tree can provide snag habitat.

The second common missing habitat is large down logs. As the large (24"+) logs rot and break up they provide nutrient recycling and cover for many animals and plants. Two to three large logs per acre is a good number for the habitat needs.

Forest Soils:

Soils are as mapped in the Department of Natural Resources State Soil Survey. See the attached Soil summary pages.

Site Index (SI) is the projected average tree height of dominant and co-dominant trees grown in a natural stand at age 50 years.

Number #	Name	Side slope %	SI	Drainage
0491	Bellingham silt loam	0 - 3	RA = 83	poorly
7395	Skipopa silt loam	0 - 8	DF = 110	somewhat poorly

These soils overlie an impervious glacial hardpan and/or sandstone bedrock. The land form is glacial till plains, outwash terraces or glaciomarine drift plains making up valley floor, benches and plateaus. The drainage is in relation of depth to the hardpan layer and gradient of slope. The well drained soils are suitable for growing Douglas fir, red alder, western redcedar, and black cottonwood. The more poorly drained soils restrict the growth of Douglas fir.

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These soil types are easily damaged by compaction and displacement at times of high soil moisture. Site preparation by scarification or logging by indiscriminate ground skidding may cause severe soil damage. Ground based skidders should be limited to times of dry or frozen soils, or be required to be of low ground pressure type. High-lead or skyline cable yarding reduces the amount of compaction and can be conducted year around.

Designated Skid trails:

When using ground skidders, 50% of compaction takes place in the first three passes over a skid trail and 90%+ within six passes. Designated skid trails and landings should be located and marked prior to logging. This will take the least land out of production. In the local wet climate most of the compacted soil will recover over 5-15 years.

The use of a herring bone pattern for skid trails can reduce land compacted by skid trails by as much as 50%. Timber should be felled in the direction of the skid trail. The operator can easily pull up to 25 feet of line off the skidding drum to attach the chokers to the logs. Locate the skid trails 60-75 feet apart.

Rub trees should be marked at all corners of skid trails when making a partial cut. This will limit damage to trees that are to be removed on the last trip on the skid trail.

Relative Density:

See attached Density Management Chart. Relative Density (RD) is a numerical relationship between the number of stems in a stand and the basal area (BA). $RD = BA / \text{square root of Diameter at Breast Height (DBH)}$. Crown closure is when the tips of neighboring tree limbs are just starting to touch. Note dotted line C, any "RD" less than 0.15 is not fully using the growing space. At "RD" > 0.4, stands will be slowing growth and at "RD" > 0.55 the stand will start to suffer losses in growth.

At 50 years of age with a Site Index of DF-132, the average tree height of the dominant and co-dominant trees will be 132 feet. The stand could be fully stocked at 50 stems/acre and have an average DBH of 26+."

Relative Density is a tool that can be used to tell when to enter a stand to thin, thus removing stems to keep the stand at the maximum growth rate. This allows harvesting value that would be lost to mortality. Also one can work back from projected harvest size allowing for thinning harvests to estimate needed tree spacing at time of planting or pre-commercial thinning. Through the use of Relative Density controlled thinning larger trees may be grown at a younger age.

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Site Preparation:

After the units are harvested, site preparation may be done in one of several methods: piling all slash with a tractor and burning; hand piling concentrations of slash; burning piles and landings; lopping and evenly scattering slash; and burning the landing piles only. I recommend that yarding be done by whole tree method and only the landing and small hand piles be burned. This will keep soil disturbance to a minimum. Yarding logs to the landing as a whole tree or with the top attached will reduce the number of turns made and the amount of slash left on the ground. This should provide open ground for tree planting and reduce the amount of slash to an acceptable fire risk. This will also leave some logging slash for nutrient cycling.

Tree Planting:

Tree seedlings come in three forms from the nursery: bare root, plugs and cuttings. The number codes indicate how they were grown in the nursery. 2-0 trees have been grown in the seed bed for two growing seasons. 2-1 trees have been grown in the seed bed two years and then were transplanted at wider spacing for one year. A plug and plug-1 have been grown in a green house for one season then plug-1's are transplanted to an outdoor bed for one season. Cuttings are cut saplings dipped in rooting hormone. See the attached planting guide for information on planting bare root stock. To plant cuttings all that is needed is to stick the end in the ground. Use a piece of re-bar or rod to make holes so you don't damage the cuttings.

Problems of afforestation of old fields are:

- (a) the grass has a well established root system, it can choke out the seedlings and cause drought stress during summer.
- (b) the grass makes good habitat for voles and field mice that can girdle the seedlings while they feed on the bark.
- (c) the soil is compacted from years of livestock trampling.

To plant conifer seedlings in an old field, use a farm tractor to do ground preparation by plowing three furrows across the field so that the center furrow will be at 10 foot intervals. Treat the plowed furrows with a grass killing chemical. This method will expose enough soil for tree planting but limit the exposure to alder and maple seed. If a plow is not available then each 24" planting spot must be hand cultivated. Additional treatment of the spots around each seedling may be necessary in the first few seasons. If chemicals are not used, the grass must be cut by hand or tractor methods. To plant hardwoods no site preparation is necessary.

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Brush Competition:

Brush competition to Douglas fir seedlings is expected to be severe. Red alder is a pioneer succession species and is a predominate tree in the surrounding stands. Much natural alder seed will germinate on any exposed ground. Salmonberry is the predominate understory species. This competition can be seen by looking at areas that were previously logged. Douglas fir seedlings will not grow in the shade of over topping brush. If Douglas fir is the desired tree then the brush and alder must be treated.

Treatment may be by ground or aerial chemical application or hand mechanical methods. If you plan chemical treatment, 3-5 years after planting is the most effective time for the first treatment. For mechanical treatment, I recommend delay until 5-8 years after planting.

At the time of hand mechanical treatment, hack all brush growth that is currently or will within two years grow to within 2 feet of the seedling. A random red alder can be beneficial to the stand as it is a nitrogen fixing plant. This is one of the reasons for only hacking alders that will compete with the Douglas fir. The hand hacking is effective any time. See the attached table 8 for time of peak mortality from hand hacking. The stand should be checked for continued competition 3-5 years after hand treatment.

Bigleaf maple provides little or no benefit towards timber production. Because of its large canopy it shades out other desired trees like Douglas fir. At time of harvest, bigleaf maple stumps should have the cambium treated with 2,4-D, Garlon or Roundup. For best results treatment should be within two hours after cutting. If not treated at the time of cutting the stumps will sprout. Later treatment may be by thin line, injection (hack and squirt), or foliage spray.

Spray application from a hand held sprayer using roundup and/or 2,4-D is most effective in late summer or fall after buds of conifers are hardened off. In early spring before conifer bud break use Roundup and water.

Thin line and stem injection are effective any time (except under heavy rain) using Roundup or Garlon-4. For thin line, apply a narrow (pencil thin) band at the base of the stem. Circle the stem with undiluted liquid. Use a low pressure application keeping the nozzle tip close to the stem. When purchasing chemicals ask for the supplemental label for forestry application. Apply chemicals only as prescribed by the label.

Management Option #1; Conifer Forest Management:

I recommend rehab harvests of 5 to 7 acres. Conduct one harvest every 3-5 years. This will remove the understocked mixed hardwood stand that naturally regenerated after the last harvest. Then convert to managed conifer. By keeping the harvest units small and staggered the yearly workload may be kept within the ability of family members.

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Management Plan for Thomas A. Hicks
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After each unit is harvested, site preparation may be done in one of the methods listed.

Plant 250-450 trees/acre (14'x14' or 10'x10') 2-1 Douglas fir. The larger 2-1 trees will give a head start against the brush competition. The wetter areas may be planted with redcedar. Redcedar may be interplanted among the Douglas fir. The redcedar should be 2-0 or plug-1 stock. The goal is to get the conifers established and crown closure as soon as possible. Wider spacing of 14' x 14' (250/ac) and/or use of smaller 2-0 stock will be less costly but will require more brush control. As soon as crown closure takes place the brush will start to be shaded out.

At the time of planting you may want to plan, mark and not plant the designated skidding trails that will be used to manage the stand. This will reduce the number of trees needed for planting.

After crown closure, prune the lower 1/3 of the limbs from each tree to maintain only the live functional crown. This will promote the smooth bole lock and produce clear lumber grades.

At the same time of crown closure the first fertilization may take place. Use a hand application of urea nitrogen fertilizer.

Precommercial thinning for spacing needs to take place as indicated by the Relative Density. The first will be at about 8-12 years at higher stocking levels and 12-16 years at lower stocking. At the time of thinning the spacing should be calculated for the dominate and codominate trees. These should be the Douglas fir with the western hemlock and redcedar being subordinate in the canopy. The western hemlock and redcedar do not compete for the soil nutrients. They live in the shade of the Douglas fir. At the time of precommercial thinning select the tallest and straightest trees regardless of species. Random red alder can be beneficial to the stand as it is a nitrogen fixing plant.

The thinning slash may be left where it falls or may be hand piled in open spaces.

Fertilization may follow each thinning.

As the stand reaches marketable size (10" DBH), horse logging may be the choice of skidding method. Cutting the stumps as low to the ground as possible will reduce skidding hang ups. The use of a four wheel all terrain vehicle (ATV) with a winch and wheeled arch may be used as the skidder.

At about age 30 the second commercial thinning should be taking place.

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Management Option #2; Hardwood Forest Management:

This land (by evidence of natural regeneration) is suitable for red alder or black cottonwood. Planting high yield genetic cottonwood cuttings on an 8' X 8' spacing 600/acre will produce 15-17" DBH trees in 15 years. Currently there is not a large market for black cottonwood pulp and plywood logs. Several large timberland companies have been planting cottonwood within the county in anticipation of a growing market.

Planting red alder may be a more conservative choice as the red alder markets are currently good and are projected to become stronger. Plant at 600/acre, or let naturally seed onto exposed soils. Plant unseeded areas, and thin natural seedlings to about 600/acre. Natural red alder stands can produce pulp wood at 15-20 years and saw logs at 20-30 years. By managing the stand with thinning and pruning techniques, the rotation time can be shortened. The timing of thinning may be somewhat more critical than with Douglas fir to maintain straight boles and reduce forking and promote self pruning. There is a constant local market for fresh green alder sticks 3/4" in diameter on the small end and 16' long, for use at the two aluminum smelters in the area. This market may pay for the precommercial thinning. You may contact Roy Johnson in Acme, WA at 595-2276 as he has the delivery contract. The medium sized stock from the next thinnings, may be used to grow shiitake mushrooms on or alder firewood and pulp wood, leaving the best for the lumber market. The smelters, shiitake growers and lumber mills all need a constant supply of fresh green alder.

When harvesting alder for saw lumber the logs should be moved to market quickly. Ideally the time from cutting to processing should be less than 60-90 days depending on temperature and air humidity.

Management Option #3; Mixed Hardwood & Conifer Forest Management

Since the alder, maple and cottonwood stand is established currently with a few conifer, leaving this stand to grow while bringing it into a managed state may be the least expensive option. The return on the investment may be extended to a later time. Interplant or underplant the understocked areas with western hemlock and western red cedar. These species are both shade tolerant. Treat maples by thin line method to provide more growing space and to provide wildlife snags. The conifer growth rate will be somewhat retarded in the shade of the hardwoods. This may be offset by the added nitrogen being fixed by the alder trees. There are several advantages to this method. First you will not have to harvest the existing stand at this time. This will allow the hardwoods to grow to better saw log grades. Second, brush competition will not cause a problem. Third, at the time of harvest of the hardwoods, the conifer stand will be well established leaving the area under continuous forest cover.

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Management Option #4; Patchwork Hardwood & Conifer Forest

Conduct trials of any combination of the above three options.

Management Option #5; Natural Stand

Let nature take it's course without any additional intervention by you.

Forestry Consultants:

The following is an alphabetical listing of some of the forestry consultants are known to me to have worked in the area. * = Hardwood management experience.

David Anderson	755-0518
Bruce Asplund	426-1129
Larry Chapman	647-0533
Ross Ensley	523-1380
Mark Hitchcock *	856-5728
International Forestry Consultants, Inc.	455-8353
Paul Kriegel *	652-6342
Lloyd H. Larson	459-5548
Tim Newman	259-4411
Kenneth Osborn *	428-6045
Mike Simonson	676-9199
Jim Vernon	641-5691
Tom Westergeeen	966-3605

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Forest Tree Nurseries:

The following are some of the forest tree nurseries from which tree seedlings may be purchased.

Cascade Conifers, Olympia, WA	206 754-6827
Department of Natural Resources, Olympia, WA	206 753-5305
Bow, WA	209 757-2425
Industrial Forestry Association, Olympia, WA	206 456-5669
Toledo, WA	206 864-2828
J. Hofert Forest Nursery, Olympia, WA	206 786-6300
Lawyer Nursery, Olympia, WA	206 456-1839
Silvaseed Co., Roy, WA	206 843-2246
Storm Lake Growers, Snohomish, WA	206 794-4842
Weyerhaeuser Co., Tacoma, WA	206 273-5527

Books of Interest:

Wilson, R. L., Elementary Forest Surveying and Mapping, O.S.U. Book Stores, Inc.

Keniston, Robert F., Manual of Oregon Trees and Shrubs, O.S.U. Book Stores, Inc.

Lyons, C.P., Trees, Shrubs and Flowers to know in Washington, J.M.Dent & Sons Limited, Toronto

Preston, Richard J. Jr., North American Trees, M.I.T. Press

Pacific NW Region U.S.D.A. Forest Service, PO box 3623, Portland OR 97206, Foresters Field Handbook

Washington State University Cooperative Extension, Forest Stewardship, A Handbook for Washington Forest Landowners
this includes:

Managing Forestlands in Washington, MISC0138

Timber Harvesting Alternatives, EB 1316

Pacific Northwest Extension Publication # 31, Measuring Trees

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Pacific Northwest Extension Publication #195, Impacts of Forest Practices on Surface Erosion

Pacific Northwest Extension Publication #209, Slope Stability on Forest Land

Pacific Northwest Extension Publication #217, Compaction of Forest Soils

Oregon State University Extension Service, The Woodland Workbook

Washington State Department of Natural Resources / Washington State Department of Ecology, DOE Report # 82-5, Handbook for Forest Roads

California Department of Forestry, A Basic Guide on How to Plan,

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DEPARTMENT OF NATURAL RESOURCES - FOREST MANAGEMENT PLAN

Landowner Thomas Hicks Address P.O. Box 143
 Phone: Work Home 766 6454 Bcw, WA 98232

Topographic Symbols

Property Boundary =

Improved Road =

Unimproved Road =

Stand Boundary =

Stand Numbers = (3)

Year Round Stream =

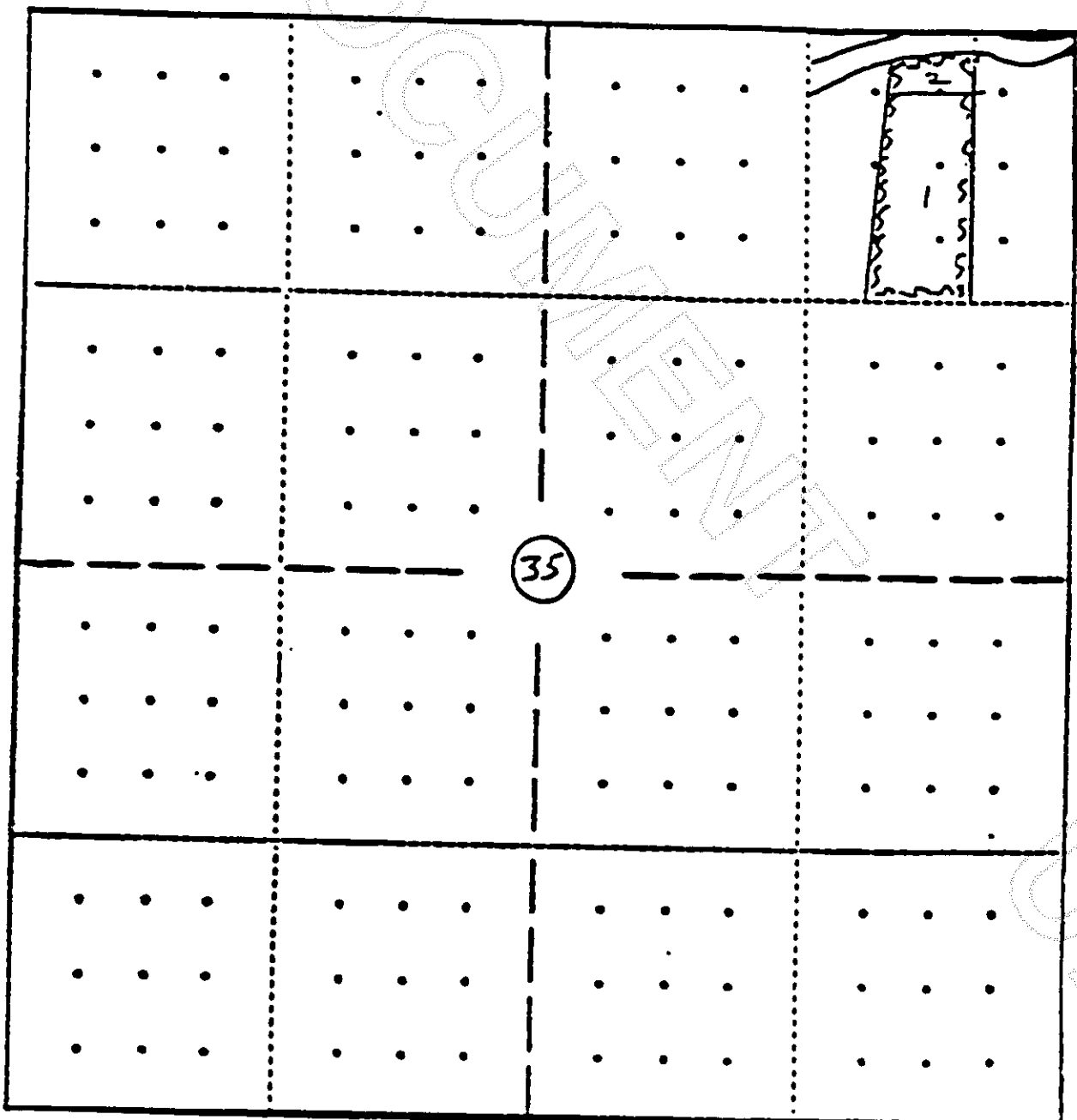
Intermittent Stream =

Swamp or Marsh =

Buildings =

Other =

Other =



Legal:

Section

35

Township

36 N

Range

3E

County

Skagit



1" = 1,000'

Cost-Share

Yr.

ACP

FIP

LTA

STAND DESCRIPTION

Stand No.	Acres	Species	Site Low-Med-High	Age	Percent Stocking	Volume/Acres MBF Estimated	Other Stand Description: logged, field, brush, etc
1	13	RA WA WRE DF	Medium	40	100	18 m/a	Timbered - naturally regen
2	2	homestead and					
		garden					

State of Washington
DEPARTMENT OF NATURAL RESOURCES

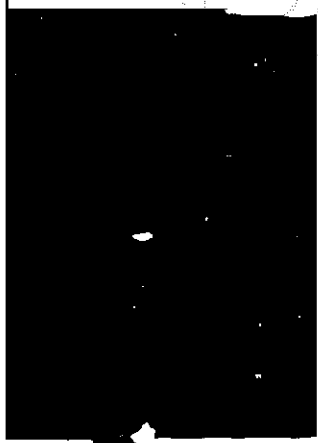
Forest Soil Summary Sheet

SOIL AND ENVIRONMENTAL CHARACTERISTICS

SOIL NAME	Skipopa Silt Loam
SLOPE PHASE	0-30%
STATE SOIL SYMBOLS	7395, 7396, 7397
Major Tree Species	Douglas-fir and red alder
Site Index	DF=110
% Stocking (East. Washington)	
Landform	Terraces
Slope Shape	Planar
Parent Material	Loess and volcanic ash over glacial lake sediments
Elevation Range	150-450 feet
Precipitation Range	35-55 inches
Organic Layer Thickness	1-3 inches
Top Soil (Typical)	Dark brown silt loam
Underlying Soil Layers (Average)	Gray silty clay
% Rock Fragments (Average)	0
Restrictive Layer	Fine textured varves
Soil Depth (Average)	60+ inches
Drainage	Somewhat poorly drained
Permeability	Very slow
Available Water Capacity	High
Rooting Depth	12-24 inches
Depth to Water Table	12-24 inches October-June
Incidence of Flooding	Brief occasional in winter

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BK 1151 PG 0230



FOREST SOIL MANAGEMENT INTERPRETATIONS

SOIL NAME Skipopa Silt Loam
SLOPE PHASE 0-30%
STATE SOIL SYMBOLS 7395, 7396, 7397

SLOPE STABILITY
Natural Stable
Disturbed Stable

ROAD CONSTRUCTION
Cut Slope, Fill & Sidecast Hazard N/A
Ballast Requirement Medium
Ballast Suitability N/A

TIMBER HARVEST
Logging System Limitation Moderate
Compaction Potential (Moist) High
Displacement Potential (Dry/Moist) Low/Medium
Puddling Potential (Wet) High
Erosion Potential Low
Rockiness Limitation N/A

SITE PREPARATION
Scarification Damage Severe
Prescribed Burning Damage Potential Medium

REGENERATION
Drought Potential Low
Plant Competition Severe
Water Table & Flooding Hazard Low
Frost Action Damage Potential N/A
Windthrow Potential Medium

State of Washington
DEPARTMENT OF NATURAL RESOURCES

Forest Soil Summary Sheet

SOIL AND ENVIRONMENTAL CHARACTERISTICS

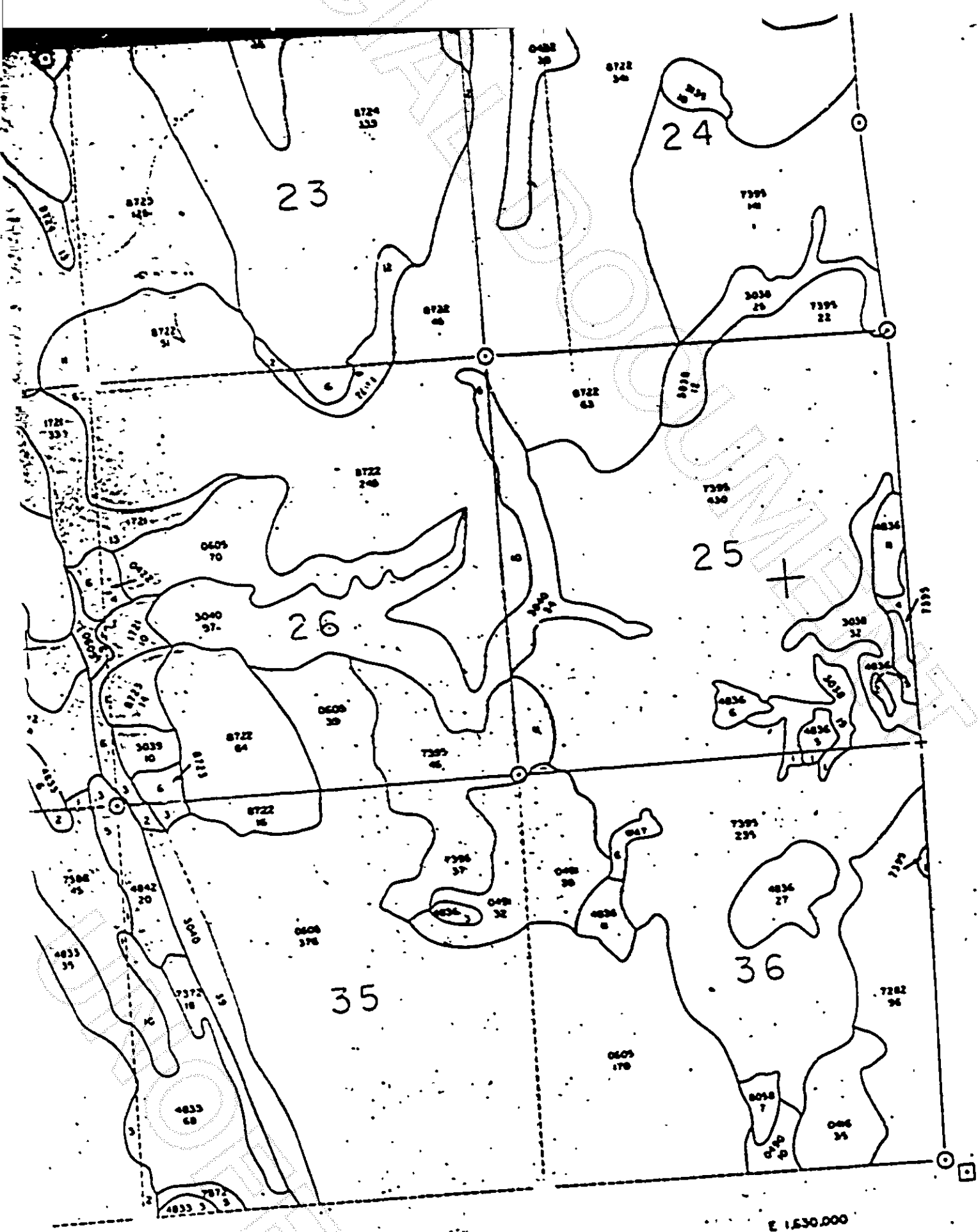
SOIL NAME	Bellingham silty clay loam, clay loam, mucky silt loam, and silt loam
SLOPE PHASE	0 to 3 percent
STATE SOIL SYMBOLS	0489 0492 0490 0494 0491 0495
Major Tree Species	red alder
Site Index	0489: RA-90 0492: RA-80 0490: RA-83 0494: RA-80 0491: RA-83 0495: RA-80
% Stocking (East. Washington)	
Landform	depressions in glacial till plains and drainageways
Slope Shape	concave to nearly level
Parent Material	fine alluvium
Elevation Range	20 to 600 feet
Precipitation Range	35 to 60 inches
Organic Layer Thickness	1 to 3 inches
Top Soil (Typical)	black silty clay loam
Underlying Soil Layers (Average)	dark gray stratified silty clay, mottled
% Rock Fragments (Average)	none
Restrictive Layer	none
Soil Depth (Average)	greater than 60 inches
Drainage	poorly drained
Permeability	slow
Available Water Capacity	high, typically wet
Rooting Depth	40 to 60 inches
Depth to Water Table	+1.0 to 1.0 ft., apparent, November through June
Incidence of Flooding	no flooding

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FOREST SOIL MANAGEMENT INTERPRETATIONS

SOIL NAME	Bellingham, all phases
SLOPE PHASE	0 to 3 percent slopes
STATE SOIL SYMBOLS	all phases
• SLOPE STABILITY	
Natural	stable
Disturbed	stable
• ROAD CONSTRUCTION	
Cut Slope, Fill & Sidecast Hazard	N.A.
Ballast Requirement	high
Ballast Suitability	N.A.
• TIMBER HARVEST	
Logging System Limitation	moderate
Compaction Potential (Moist)	high
Displacement Potential (Dry/Moist)	low
Puddling Potential (Wet)	high
Erosion Potential	low
Rockiness Limitation	N.A.
• SITE PREPARATION	
Scarification Damage	severe
Prescribed Burning Damage Potential	low
• REGENERATION	
Drought Potential	low
Plant Competition	severe
Water Table & Flooding Hazard	severe
Frost Action Damage Potential	low
Windthrow Potential	high



1,620,000

E 1,630,000

Washington State Soil Classifications were compiled from Department of Natural Resources Private Forest Land Grading Program, 1975-1980. The soil survey was accomplished in co-operation with the United States Department of Agriculture, Soil Conservation Service.

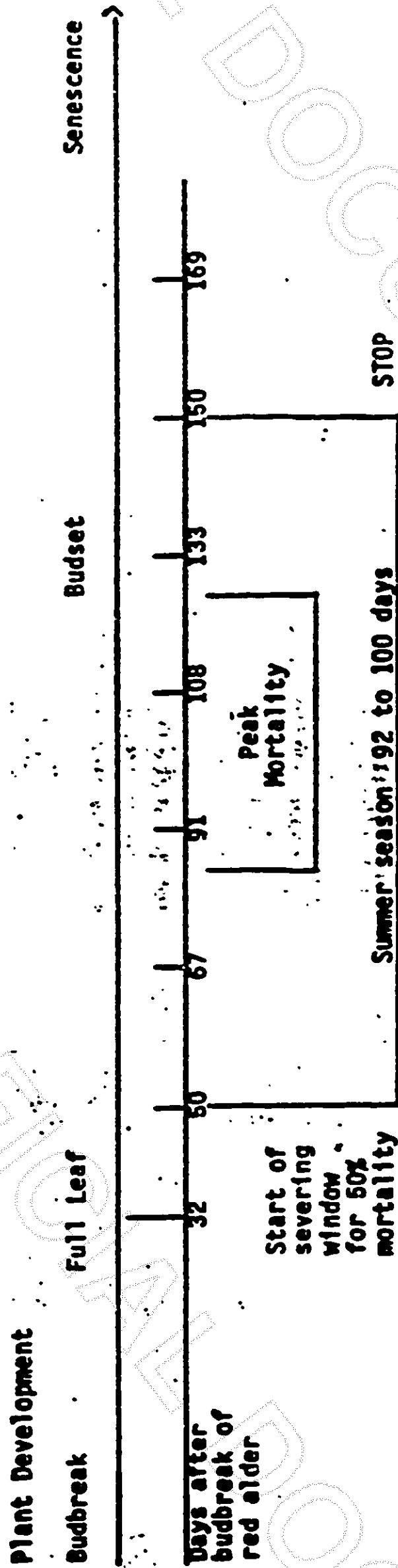
Scale
1 inch = 1 mile
1:62,500
1:125,000
1:250,000
1:500,000
1:1,000,000

STATE OF WASHINGTON
Department of
Natural Resources
BRIAN J. BOYLE—COMMISSIONER OF PUBLIC LANDS

9301040042

SOIL OVERLAY BK 1151 PG 234
F T 31 N D 3 E

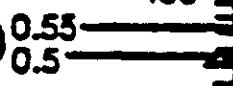
Table 8 Red Alder Severing Window
An Operational Guide



9301040C42

EK1151FGG235

**Relative
density index**



- A — Maximum size-density relationship
- B — Lower limit of zone of imminent competition mortality
- C — Approximate crown closure

[illegible]

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1151 PGU236

J.W. Flewelling

RESOLUTION NO. 14674

A RESOLUTION CONCERNING AN OPEN SPACE APPLICATION
OF TOM HICKS

WHEREAS, a public hearing was held on July 29, 1992 to review the Open Space 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, 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 Open Space application of TOM HICKS subject to any conditions recommended by the Hearing Examiner and the Planning Staff.

WITNESS our hands and official seal this 15th day of December, 1992.

BOARD OF COMMISSIONERS
SKAGIT COUNTY, WASHINGTON

Robby Robinson
ROBBY ROBINSON, Chairman

ATTEST:

Stephanie Wood for
Connie Carter
Clerk of the Board

RUTH WYLIE, Commissioner

W. W. VAUX, Commissioner

9301040C42

BK1151FG0237

cc: Planning, H.E. Applicant

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

RECEIVED
Skaqit County

FILE WITH THE COUNTY LEGISLATIVE AUTHORITY

NOV 18 19

Name of Applicant TOM HICKS Phone Community Development
Address P.O. BOX 143 BOW 98232
Property Location 1482 COLONY RD

1. Interest in property: ☐ Fee Owner ☐ Contract Purchaser ☒ Other (Describe) OWNER
2. Assessor's parcel or account number 360335-1-002-0109, 360335-1-003-0009
Legal description of land to be classified SEE ATTACHED
3. Land classification that is being sought? ☐ Open Space ☒ Timber Land
NOTE: A single application may be made for both open space and timber land, but a separate legal description must be furnished for each area that classification is being sought.
4. Total acres in application 15.19
5. OPEN SPACE CLASSIFICATION Number of acres _____
6. Indicate what category of open space this land will qualify for: (See reverse side for definitions)
☐ Open space zoning
☐ Conserve and enhance natural or scenic resources
☐ Protect streams or water supply
☐ Promote conservation of soils, wetlands, beaches or tidal marshes
☐ Enhance public recreation opportunities
☐ Enhance value to public of abutting or neighboring parks, forests, wildlife preserves, nature reservations or sanctuaries or other open space
☐ Preserve historic sites
☐ Retain in natural state tracts of five (5) or more acres in urban areas and open to public use as reasonably required by granting authority
7. TIMBER LAND CLASSIFICATION Number of acres 12
8. Do you have a timber management plan for this property? ☒ Yes ☐ No If yes, submit a copy of that plan with this application.
9. If you have no timber management plan, specifically detail the use of this property to show that it "is devoted primarily to the growth and harvest of forest crops".

10. Describe the present current use of each parcel of land listed in this application.
CURRENT USE NOW BEING IN EFFECT 16 YEARS AS DESCRIBED
IN TIMBER MANAGEMENT PLAN
11. Describe the present improvements on this property (buildings, etc.) CABIN + 4 OUT BUILDINGS (2
10X12 STORAGE SHEDS, 8X10 CHICKEN HOUSE, WOODSHED) APPROX. 1/4 ACRE
GARDEN PLOT
12. Attach a map of the property to show an outline of current uses of the property and indicate location of all buildings.
13. Is this land subject to a lease or agreement which permits any other use than its present use? ☐ Yes ☒ No
If yes, attach a copy of the lease or agreement. EASEMENT, OLYMPIC PIPELINE COMPANY AUDITOR'S NO. 651361

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

OPEN SPACE LAND MEANS:

- (a) Any land area so designated by an official comprehensible land use plan adopted by any city or county and 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.

TIMBER LAND MEANS:

Land in one ownership consisting of five or more acres in contiguous parcels devoted primarily to the growth and harvest of forest crops and which is not classified or designated as forest land under Chapter 84.33 RCW. Timber land means the land only.

**STATEMENT OF ADDITIONAL TAX, INTEREST, AND
PENALTY DUE UPON REMOVAL OF CLASSIFICATION**

1. Upon removal of classification, an additional tax shall be imposed which shall be due and payable to the county treasurer 30 days after removal or upon sale or transfer, unless the new owner has signed the Notice of Continuance. The additional tax shall be the sum of the following:
- (a) The difference between the property tax paid as "Open Space Land" or "Timber Land" and the amount of property tax otherwise due and payable for the last seven years had the land not been so classified; plus
- (b) Interest upon the amounts of the difference (a), paid at the same statutory rate charged on delinquent property taxes.
- (c) A penalty of 20% shall be applied to the additional tax if the classified land is applied to some other use, except through compliance with the property owner's request for withdrawal process, or except as a result of those conditions listed in (2) below.
2. The additional tax, interest, and penalty specified in (1) above shall not be imposed if removal resulted solely from:
- (a) Transfer to a governmental entity in exchange for other land located within the State of Washington.
- (b) A taking through the exercise of the power of eminent domain, or sale or transfer to an entity having the power of eminent domain in anticipation of the exercise of such power.
- (c) Sale or transfer of land within two years after the death of the owner of at least a fifty percent interest in such land.
- (d) A natural disaster such as a flood, windstorm, earthquake, or other such calamity rather than by virtue of the act of the landowner changing the use of such property.
- (e) Official action by an agency of the State of Washington or by the county or city where the land is located disallowing the present use of such land.
- (f) Transfer to a church when 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(5)(g)).

AFFIRMATION

As owner(s) of the land described in this application, I hereby indicate by my signature that I am aware of the potential tax liability involved when the land ceases to be classified under provisions of CH. 84.34 RCW. I also declare under the penalties for false swearing that this application and any accompanying documents have been examined by me and to the best of my knowledge it is a true, correct, and complete statement.

Signatures of all Owner(s) or Contract Purchaser(s)

Tom Lucke

All owners and purchasers must sign.

FOR LEGISLATIVE AUTHORITY USE ONLY

Date application received 11-18-91

By Nancy Hansen

Amount of processing fee collected \$ 30.00

Transmitted to _____

Date 11-18-91

FOR GRANTING AUTHORITY USE ONLY

Date received _____

By _____

Application approved _____

Approved in part _____

Denied _____

Owner notified of denial on _____

Agreement executed on _____

Mailed on _____

OPEN SPACE TAXATION AGREEMENT
RCW 84.34

14674

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

This Agreement between TOM HICKS

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: 353603-1-002-0109 ; 353603-1-003-0009

Legal Description of Classified Land: SEE ATTACHED "EXHIBIT A"

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 have a Timber Management Plan prepared by a Professional Forester.

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 12-15-92

Granting Authority:

Robt. J. Robinson
City or County

SEABIT 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 OCTOBER 19, 1992

Thomas A. Hicks
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

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