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**Findings of Fact  
Recommendation  
No. OST 93 008**

**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 in the attached Report and Findings of that Department and located at 80 Shaw Road, Bellingham, WA, within a portion of Section 1, Township 36 North, Range 3 East, W.M., Skagit County, Washington;

And, notice having been given to all property owners within 300 feet of said property, the property having been posted in accordance with Section 14.04 of the Skagit County Code, the public hearing advertised in accordance with Section 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.

1. October 5, 1994 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 made a part of the record.
3. The Department of Planning and Community Development issued the attached Report and Findings of that Department. The Hearing Examiner adopts Findings 1 through 5 as presented in that Report.
4. The subject property is not located in an area of flood hazard.
5. The applicant has had a Timber Management Plan prepared by Anderson Forestry Consultants, Inc. of Mount Vernon, Washington.
6. Section 84.34.020, 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 and zoned 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, or (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) preserve visual quality along highway,

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road, and street corridors or scenic vistas, or (viii) retain in its natural state tracts of land not less than one acre 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, or (c) any land meeting the definition of farm and agricultural conservation land under subsection (8) of this section. As a condition of granting open space classification, the legislative body may not require public access on land classified under (b) (iii) of this subsection for the purpose of promoting conservation of wetlands.

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.
8. The Skagit County Planning Department has requested that the Washington State Department of Revenue provide the application forms necessary to process Timber Open Space permits, but the Department of Revenue has ignored all such requests. The Planning Department is using old application forms out of necessity.

#### CONCLUSIONS


The Hearing Examiner, having duly considered the matter, including all the evidence presented and on file, 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. Applicant shall comply with the Forest Management Plan prepared by Anderson Forestry Consultants, Inc.

SKAGIT COUNTY HEARING EXAMINER

  
C. THOMAS MOSER, PRO TEM

Date of Recommendation: 11/17/94

Copies Transmitted to Applicant: 11/17/94

Attachment: Staff Report and Findings

C: Applicant, Applicant File, Board of County Commissioners, Hearing Examiner

SKAGIT COUNTY PLANNING AND COMMUNITY DEVELOPMENT  
FINDINGS OF FACT

HEARING AUTHORITY: SKAGIT COUNTY HEARING EXAMINER

HEARING DATE: OCTOBER 5, 1994

APPLICATION NUMBER: OPEN SPACE # OST-93-008

APPLICANT: GERALDINE M. FARNSWORTH

ADDRESS: 80 SHAW ROAD (ALGER)  
BELLINGHAM, WA 98225

PROJECT LOCATION: The subject property is located at 80 Shaw Road, the northern end of Shaw Road; within a portion of the Southwest 1/4 of Section 1, Township 36 North, Range 3 East, W.M., Skagit County, Washington.

PROJECT DESCRIPTION: Timber Open Space Classification Request to allow the inclusion of approximately 18 acres in the Timber Open Space Program.

ASSESSOR'S ACCOUNT NUMBER: 360301-3-004-0004

STAFF FINDINGS:

1. The subject property is zoned Rural. 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 at the northern end of Shaw Road, north and west of Alger. This is an area of the County with larger acreage tracts, with a general mix of residences, timber stands and pasture for grazing.
4. The parcel proposed for inclusion in the Timber Open Space Program is approximately 18 acres in size. The applicant has her home and various accessory buildings located on the property. There are approximately two acres proposed to be excluded from the Program.
5. The applicant has had a Timber Management Plan prepared for the subject property, which is attached for reference.

RECOMMENDATION:

The Skagit County Planning Department would recommend approval of the request for inclusion into the Timber Open Space Program with the following condition:

1. The applicant shall comply with the Timber Management Plan as submitted.

Prepared by: G.R.  
Approved by: *GR*

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

This Agreement between GERALDINE FARNSWORTH  
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: 360301 - 3 - 004 - 0004  
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 comply with the Forest Management Plan prepared by Anderson Forestry Consultants, Inc.

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

July 11, 1995

Granting Authority:



City or County

St. Co. Board of Commissioners

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

\_\_\_\_\_



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

EXHIBIT "A"

Legal Description for 24-acre to be excluded from  
Open Space Application:

Beginning at the Northwest Corner of the  $N\frac{1}{2}NW\frac{1}{4}SW\frac{1}{4}$   
of Section 1, Township 36 North, Range 3 East, W.M.,  
Skagit County, thence South, 310' along the West  
Line of said  $N\frac{1}{2}NW\frac{1}{4}SW\frac{1}{4}$ , thence Easterly 550' on a  
Line Parallel to the North Line of said  $N\frac{1}{2}NW\frac{1}{4}SW\frac{1}{4}$   
to the True Point of Beginning, thence Due East 340',  
thence Due South 256', thence Due West 340', thence  
Due North 256' to the True Point of Beginning,  
Containing 24 acres.

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**FOREST MANAGEMENT PLAN**

**for**

**SKAGIT COUNTY PARCEL NUMBER**

**360301-3-004-0004**

**N1/2 NW1/4 SW1/4**

**Section 1**

**Township 36 North**

**Range 3 East, W.M.,**

**18 +/- acres**

**Skagit County**

**LANDOWNER**

**GERALDINE M. FARNSWORTH  
80 Shaw Road  
Alger, WA 98225  
206-724-4441**

**David N. Anderson  
ANDERSON FORESTRY CONSULTANTS, INC.  
Suite B Cascade Building  
1725 Continental Place  
Mount Vernon, WA 98273**

**206-428-3955**

**December 28, 1993**

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## FOREST MANAGEMENT PLAN

Parcel Number  
360301-3-004-0004

N1/2 NW1/4 SW1/4  
Section 1  
Township 36 North  
Range 3 East, W.M.,  
Skagit County

20+/- acres

Geraldine Farnsworth has owned this 20 acres for a number of years. The family home is located on the property. There is a small cleared field about 1 acre in size. The balance of the acreage is forested. There are 18 acres of commercial forest land.

The goal of the owner is to retain the integrity of the property by maintaining a stand of trees. This will provide for wildlife habitat, watershed management, and recreational activities. The object is to provide for a future return on the investment through good forest management.

This parcel has been managed as forest land and will continue to be managed as forest land. Access to the property is via Barrel Springs Road and then Shaw Road.

18 acres is forested. 1 acre is a small cleared field and 1 acre is the family homesite. The 18 forested acres has two (2) timber types. Timber type 1 is a Red Alder stand which has an origin date of 1970 with scattered coniferous trees throughout. There is 12 acres in this type. Timber type 2 is a Red Alder stand which has an origin date of 1930 and has 6 acres. Type 2 is merchantable and can be harvested at any time that the owner desires. After harvest one would replant with native coniferous trees. Recommended species would be Douglas Fir and Western Red Cedar.

The site index for the entire acreage is 133. This means that a Douglas Fir will grow to an average height of 133 feet in 50 years.

There are two (2) soil types on the property. Both are named Van Zandt gravelly loam. The difference is the steepness of the slopes. Soil Type Number 8722 has slopes from 5-15% and Soil Type Number 8724 has slopes from 30-60% and is unstable when disturbed.

At the present time the owner has no plans for harvest. Timber stand 2 would be the first area one should consider for harvest. Reforest as soon as possible after any harvest activity. The scattered conifer in Timber stand 1 could be harvested any time. The Red Alder in stand 1 should not be considered for harvest until after the year 2020.

The owner has and will continue to use some of the Red Alder for home use as firewood. It is recommended that any areas cut during firewood removal be reforested with native coniferous tree species.

It is the owners option to do nothing, except one must protect the area from fire. This is done by paying the State Forest Patrol assessment each year.

There is the possibility that this area could be developed at some time in the future. Dividing the property into five (5) acre parcels would probably be the developmental pressure. If this type of pressures develop, then any land use change would be done which conforms to the then current county zoning rules.

Parcel Number 360301-3-004-0004

N $\frac{1}{2}$  NW $\frac{1}{4}$  SW $\frac{1}{4}$  (20 Acres)

Section 1

Township 36 North

Range 3 East, W.M.,

Skagit County

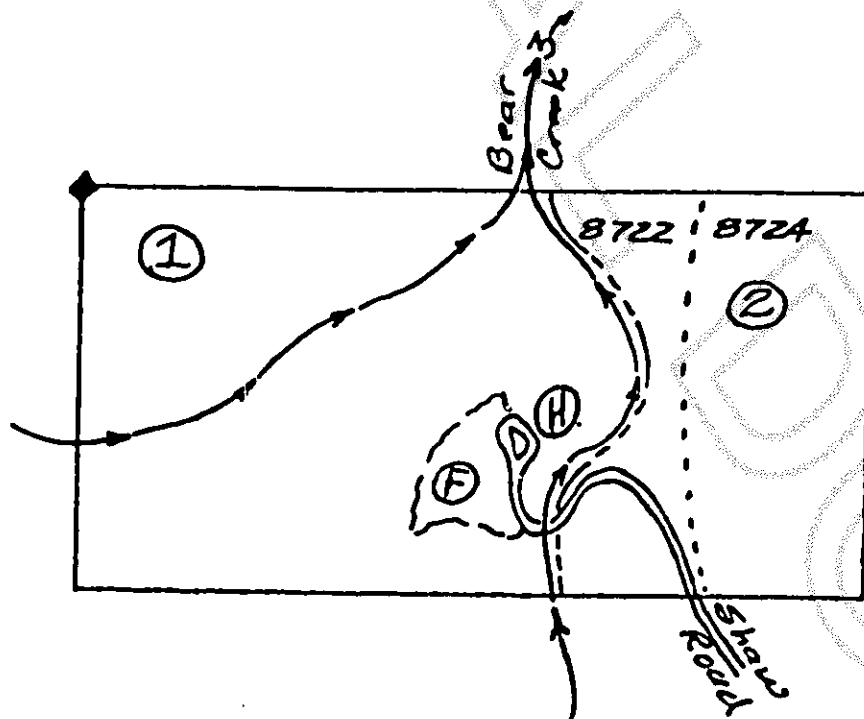
Scale 1" = 400'

Landowner - Geraldine M. Farnsworth

80 Shaw Road

Alger, WA 98225

206-724-4441



(H) 1 Acre Home site

(F) 1 Acre Cleared Field

(1)  
RA  
1970  
133

12 $\frac{1}{2}$ -A

with Scattered  
Conifer

(2)  
RA  
1930  
133  
6 $\frac{1}{2}$ -A

		Soil Type Boundary Soil Type Number	
		S: Stable	U: Unstable V: Very
Number	Name	Normal	Disturbed
8722	Van Zandt	S	S
8724	Van Zandt	S	U

Legend	
	Paved Road
	Unpaved Road
	Stream, Flow/Type
	Sectionline
	Timber Type Boundary
(1)	Type Number
DF, WH	Major Species in Type
1975	Year of Origin
102	Site Index--50 yr.
SA	Acres in Type
DF	Douglas fir
WH	Western Hemlock
RC	Red cedar
TF	True fir
RA	Red Alder
MA	Maple
BR	Birch
CT	Cottonwood
NT	Non-merch. timber

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BK1457PG0426 ANDERSON FORESTRY CONSULTANTS, INC.

RESOLUTION NO. 15824

A RESOLUTION CONCERNING A TIMBER OPEN SPACE APPLICATION  
OF GERALDINE FARNSWORTH

WHEREAS, the Skagit County Hearing Examiner held a public hearing on October 5, 1994 to review the Open Space Timber application of GERALDINE FARNSWORTH and adopted Findings of Fact and a Recommendation which were submitted to the Board of Skagit County Commissioners; and

WHEREAS, in open session, the Skagit County Board of Commissioners has reviewed the application and Findings and Recommendation of the Hearing Examiner, now therefore,

BE IT RESOLVED, that the Board of Skagit County Commissioners hereby adopts the Findings and Recommendation of the Hearing Examiner and approves the Timber Open Space application of GERALDINE FARNSWORTH subject to any conditions listed in the Hearing Examiner Recommendation.

WITNESS our hands and official seal this 11<sup>th</sup> day of July, 1995.



BOARD OF COMMISSIONERS  
SKAGIT COUNTY, WASHINGTON

Robert Hart  
ROBERT HART, Chairman

ATTEST:

Debby Sims  
Debby Sims  
Clerk of the Board

Harvey Wolden  
HARVEY WOLDEN, Commissioner

Ted W. Anderson  
TED W. ANDERSON, Commissioner

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cc: H. Examiner, Planning