

When Recorded Return to:  
Skagit County Assessor

KATHY HILL  
SKAGIT COUNTY AUDITOR

'98 FEB -3 AM 1:47

RECORDED \_\_\_\_\_  
REQUEST of \_\_\_\_\_

9802030075

OPEN SPACE TAXATION AGREEMENT  
CH. 84.34 RCW

(To be used for "Open Space", "Timber Land" Classification or "Reclassification" Only)

Grantor(s) SKAGIT COUNTY  
Grantee(s) DOUGLAS and DEUISE LENZ  
Legal Description See attachment "A" on page 2

Assessor's Property Tax Parcel or Account Number 330427-1-001-0300  
Reference Numbers of Documents Assigned or Released \_\_\_\_\_  
This agreement between DOUGLAS and DEUISE LENZ  
hereinafter called the "Owner", and SKAGIT COUNTY  
hereinafter called the "Granting Authority".

Whereas the owner of the above described real property having made application for classification of that property under the provisions of CH 84.34 RCW.

And whereas, both the owner and granting authority agree 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 be used only 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legislative body receives the signed agreement from the property owner and shall remain in effect until the property is withdrawn or removed from classification.
4. This agreement shall apply to the parcels of land described herein and shall be binding upon the heirs, successors and assignees of the parties hereto.
5. Withdrawal: The land owner may withdraw from this agreement if, after a period of eight years, he or she files a request to withdraw classification with the assessor. Two years from the date of that request the assessor shall withdraw classification from the land, and the applicable taxes and interest shall be imposed as provided in RCW 84.34.070 and 84.34.108.

**LEGAL DESCRIPTION**

**DOUGLAS & DENISE LENZ**  
2213C Tyee Road  
Mount Vernon, WA 98273

*Attachment "A"*

**Skagit County Parcel and Account Number**

P107996      330427-1-001-0300      10.05 acres  
Lot 3 Short Plat 94-050 located in  
Section 27, Township 33 North, Range 4 East, W.M.

**LESS a 1 acre homesite described as follows:**

Beginning at the southeast corner of Lot 3 Short Plat 94-050, thence North 1 degree 4 minutes 32 seconds East 50 feet, thence Due West 40 feet to the True Point Of Beginning, thence Due North 280 feet, thence Due West 156 feet, thence Due South 280 feet, thence Due East 156 feet to the true point of beginning, containing 1.0+/- acre, located in Section 27, Township 33 North, Range 4 East, W.M., Skagit County.

**AUDITOR'S FILE NO. on ORIGINAL APPLICATION      801211028**

**LOCATED VIA PRIVATE DRIVEWAY AT EXTREME EASTERLY END OF TYEE ROAD**

**9802030075**

**BK 1762 PG 0175**

6. Breach: After the effective date of this agreement, any change in use of the land, except through compliance with items (5), (7), or (9), shall be considered a breach of this agreement, and shall be subject to removal of classification and liable for applicable taxes, penalties, and interest as provided in RCW 84.34.080 and RCW 84.34.108.
7. A breach of agreement shall not have occurred and the additional tax shall not be imposed if removal of classification 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 in anticipation of the exercise of such power and having manifested its intent in writing or by other official action.
  - (c) 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.
  - (d) 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.
  - (e) Transfer of land to a church when such land would qualify for exemption pursuant to RCW 84.36.020.
  - (f) 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)(f)).
  - (g) Removal of land classified as farm and agricultural land under RCW 84.34.020(2)(d).
8. The county assessor may require an owner to submit data relevant to continuing the eligibility of any parcel of land described in this agreement.
9. Reclassification as provided in Chapter 84.34 RCW.

This agreement shall be subject to the following conditions:

Applicant shall comply with Forest  
Management Plan as submitted, a  
copy of which is attached to this  
document as attachment "B"

It is declared that this agreement specifies the classification and conditions as provided for in CH.84.34 RCW and the conditions imposed by this Granting Authority. This agreement to tax according to the use of the property may be annulled or canceled at any time by the Legislature.

Dated November 18, 1997

Granting Authority:

Lawrence W. ...  
 City or County

CHAIRMAN,  
SNOHOMISH COUNTY BOARD OF COMMISSIONERS  
 Title

As owner(s) of the herein described land I/we indicated by my/our signature(s) that I am/we are aware of the potential tax liability and hereby accept the classification and conditions of this agreement.

Dated 12-16-97

Douglas M. ...  
 Owner(s)

Daniel M. ...  
 (Must be signed by all owners)

Date signed agreement received by Legislative Authority

December 21, 1997

Prepare in triplicate with one completed copy to each of the following: Owner, Legislative Authority, County Assessor

REV 64 0022-2 (01-06-97)

To inquire about the availability of this form in an alternate format for the visually impaired, please call (360) 753-3217. Teletype (TTY) users may call (800) 451-7985.

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BK 1762 PG 0176

**Attachment "B"**  
**FOREST MANAGEMENT PLAN**

for

**SKAGIT COUNTY PARCEL NUMBER**

**P107996  
330427-1-001-0300**

**Lot 3 Short Plat 94-050**

situated in  
**Section 27**  
**Township 33 North, Range 4 East of the Willamette Meridian**  
consisting of  
**10.05+/- Acres**

**LANDOWNER**

**DOUGLAS & DENISE LENZ**  
2213 Tyee Road  
Mount Vernon, WA 98273

prepared by

  
David N. Anderson

*Anderson Forestry Consultants, Inc.*  
1817 Gina Marie Lane  
Burlington, WA 98233-5202  
360-757-6389  
April 19, 1997

## FOREST MANAGEMENT PLAN

Parcel Numbers  
P107996 330427-1-001-0300

Douglas & Denise Lenz purchased Lot 3 of Short Plat 94-050 of Section 27, Township 33 North, Range 4 East, W.M., Skagit County, containing 10.05+/- acres in 1991. The plan was to construct a single family residence on a 1 acre homesite, which has been done, and to leave the balance (9.05 acres) growing trees. A portion of the parcel had been logged about 1995 and has been reforested by planting Douglas Fir seedlings. The balance is growing Red Alder.

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.

The single family residence is located near the southeast portion of Lot 3. The forested area is made up of 3 different types, or stands, of timber as follows:

Stand PDF1, 1.36+/- acres in size, consists of newly planted Douglas Fir 2-0 seedlings. The site index is DF 131. This means that the average Douglas fir will grow to an average of 131' in height in 50 years.

Stand RA, 6.53 acres in size, consists of native Red Alder that is averages 8 to 10 inches in diameter, with an occasional scattered Red Cedar tree. The site index is DF 129.

Stand NS, 1.16 acres in size, is newly clean ground that will be reforested during the next planting season with Douglas Fir 2-0 seedlings at the rate of 300 seedlings per acre.

There are two (2) soil types for the property.

1. CATHCART, 0-30% slopes. The State Soil Survey Number for this soil type is 0962. The SCS soil type number is 22. The 50 year Site Index is 131 DF. This means that the average Douglas Fir will grow to an average height of 131 feet in 50 years. This soil is Stable in a Disturbed and Natural State. There is 3 acres of this soil type in forest, plus the 1 acre homesite.

2. CATHCART, 30-65% slopes. The State Soil Survey Number for this soil type is 0967. The SCS soil type number is 24. The 50 year Site Index is 129 DF. This means that the average Douglas Fir will grow to an average height of 129 feet in 50 years. This soil is Unstable in a Disturbed State and Stable in a Natural State. There is 6.05 acres of this soil type in forest.

Recommendations are as follows:

9802030075

BK 1762 PG 0178

**Stand PDF1.** Native grass will grow and will tend to "crowd" out the seedlings. Control the grass either by hand pulling the grass away from the base of the seedling, or by the use of a recommended chemical. Contact a chemical firm for a recommended chemical to use. The grass control will only be necessary for the first two or three years. One can hand fertilize the seedlings with Urea. Apply 0.01 pounds per square foot of area. This equates to maybe a 1/2 teaspoon spread or thrown around the first 10 to 12 inches of each seedling. A pre-commercial thinning may be necessary to control spacing of the plantation within 10 to 15 years. A commercial thinning can begin within 25 to 30 years. Commercially thin about every 10 years until the plantation is 50 to 55 years of age. Then harvest and reforest with Douglas Fir seedlings and do the process again.

**Stand RA.** The Red Alder will be merchantable within the next 15 to 20 years. Harvest and reforest with Douglas Fir seedlings. Control the grass and/or brush during the first 3 to 5 years after planting. Then do as noted in Stand PDF1 above.

**Stand NS.** Reforest by planting 300 Douglas Fir seedlings per acre during the next planting season. Then use the recommendations notes under Stand PDF1 above.

The owner understands that any withdrawal from the Open Space Timber tax program will result in a penalty of back taxes. The owner also understands that the minimum acreage to qualify for the program is 5.0 acres.

The owner is required to protect the area from fire. This is accomplished by paying the State Forest Patrol assessment each year. The property is in compliance with the reforestation requirements of the State Forest Practices Act.

## **HOMESITE DESCRIPTION**

Beginning at the southeast corner of Lot 3 Short Plat 94-050, thence North 1 degrees 4 minutes 32 seconds East 50 feet, thence Due West 40 feet to the True Point Of Beginning, thence Due North 280 feet, thence Due West 156 feet, thence Due South 280 feet, thence Due East 156 feet to the true point of beginning, containing 1.0+/- acre, located in Section 27, Township 33 North, Range 4 East, W.M., Skagit County.