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When Recorded Return to:

KATHY HILL
SKAGIT COUNTY AUDITOR

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OPEN SPACE TAXATION AGREEMENT
CH. 84.34 RCW

17089

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

Grantor(s) SKAGIT COUNTY
Grantee(s) CORNAY ASSOCIATES LLC
Legal Description See attachment "A"

Assessor's Property Tax Parcel or Account Number 350102-4-005-0102
Reference Numbers of Documents Assigned or Released
This agreement between CORNAY ASSOCIATES LLC

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 convenants 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legislative body receives the signed agreement from the property owner and shall remain in effect until the property is withdrawn or removed from classification.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.

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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 84.34108(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 Stewardship Plan, 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 August 4, 1998

Granting Authority:

CHAIRMAN
City or County
SKAGIT 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 August 18, 1998

Florian O. Carnay
Patricia M. Carnay
Olga Carnay-albright
Brian J. Carnay
Owner(s)
(Must be signed by all owners)

Date signed agreement received by Legislative Authority August 24, 1998

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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Attachment "A"

Legal Description:

BEGINNING AT THE SW1/4 CORNER OF THE WEST HALF OF THE NW1/4 OF THE SE1/4 OF SEC 2, TWP 35, RNG 1; THENCE NORTH ALONG THE WEST LINE OF SAID SUBDIVISION FOR 459.03 FEET TO AN INTERSECTION WITH THE WESTERLY PROJECTION OF THE SOUTH LINE OF SHORT PLAT 94-052 AS RECORDED IN VOL 12 OF SHORT PLATS, PG 37; THENCE NORTH 89 DEGREES 8 MINUTES 29 SECONDS EAST ALONG SIAD SOUTH LINE FOR 564.25 FEET TO THE EAST LINE OF THE WEST HALF OF THE NW1/4 OF THE SE1/4 OF SAID SECTION 2; THENCE SOUTH 0 DEGREES 54 MINUTES 11 SECONDS EAST ALONG SAID EAST LINE FOR 459.03 FEET TO THE SOUTH LINE OF THE NW1/4 OF THE SE1/4 OF SECTION 2; THENCE SOUTH 89 DEGREES 8 MINUTES 29 SECONDS WEST ALONG THE SOUTH LINE THEREOF FOR 664.27 FEET TO THE POINT OF BEGINNING: EXCEPT THE WEST 20 FEET THEREOF AS GRANTED TO SKAGIT COUNTY FOR ROAD PURPOSES UNDER AUDITOR'S FILE #251732, RECORDS OF SKAGIT CO, WA Except 1acre homesite as described below:

ONE (1) ACRE AROUND DWELLING

From the Southwest corner of Short Plat No 94-052, as recorded in Volume 12 of Short Plats, page 37, North 89°08'29" East along the South line of said plat for 43.7 feet to the point of beginning; thence continuing North 89°08'29" East along the South line of said plat for 320 3 feet; thence South 0°54'00" East for 136 0 feet, thence South 89°08'29" West for 320.3 feet; thence North 0°54'00" West for 136 0 feet to the point of beginning

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Attachment "B"
HEARING EXAMINER
EXHIBIT #3

FOREST STEWARDSHIP PLAN

C-TREE FARM

F. O. and Patricia Cornay
13203 N. E. 54th Place
Bellevue, WA 98005

MEMBER, WASHINGTON FARM FORESTRY ASSOCIATION

(425) 883-0020

The South seven acres of the West Half of the Northwest Quarter of the Southeast Quarter of Section 2, Township 35 North, Range 1 East of the Willamette Meridian

22 May 1997

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DESCRIPTION OF LANDOWNER'S OBJECTIVES

The basic objective is to convert an overgrown former Christmas tree farm into a viable timber resource. This plan will outline the approach for meeting this objective.

GENERAL PROPERTY DESCRIPTION

The property consists of 7 acres, located on West Shore Drive on Guemes Island, Skagit County, WA. The land is essentially flat with a gentle slope from East to West. Many years ago the land was cleared and used for agriculture. Fifteen or twenty years ago the land was sold to the previous owner who built a small cabin, put in a domestic water well, and set about developing a Christmas tree farm. Starting about twelve years ago and spaced over several years, Douglas-fir and noble fir were planted in rows so that the trees were 6 feet apart. As the trees grew the Douglas-fir was trimmed and sheared so as to develop into conical shaped trees. As some of the trees reached marketable size they were sold for ornamental Christmas trees. It appears that sales never reached the level hoped for, the owners grew older and the ravages of arthritis diminished the ability and the desire to continue working with the trees. When we acquired the property it was obvious the trees had not been tended for a number of years. Multiple tops had developed on many of the trees as a result of previous shearing and they no longer had shape. The value of these trees as ornamentals had passed.

We began looking into what should be done, if anything, with the trees. The land could be cleared again and put into other use, the trees could be ignored and just left to grow as they might, or the trees could be given the necessary attention to convert them into something that could grow into marketable timber. We contacted the Department of Natural Resources and we were fortunate to have John Keller from the Forest Stewardship Program come out to the tree farm to evaluate the trees and advise us. John inspected the trees closely and determined that there was no disease, the trees were healthy, and just ready to begin a stage of robust growth. He showed us how to prune the multiple tops to select the dominant spire, how to identify and prune branches that had crossed as a result of previous shearing, and he told us of the Forest Stewardship Program. He said our trees could develop into fine timber that could be ready to begin harvest in 20

years or more. We were so greatly encouraged by his optimism that we signed up to take the Forest Stewardship Program course.

There are about 1500 to 1600 Douglas-fir trees standing. During harvest of the trees for ornamentals the trees were apparently cut in a random fashion according to which were the best looking. The noble firs did not grow well and those that did were apparently harvested. Only a few dozen noble firs remain. Around the edges of the property on the east and the south sides there are a few red alders about 20 or so years old. There are a few briars, numerous seedling red alders, and some wild rose.

The area around the cabin is clear and the area looking west from the cabin is clear. There is a fenced garden just east of the cabin.

RESOURCE DESCRIPTIONS/RECOMMENDATIONS

1) Forest Health

The Douglas-fir trees were inspected and evaluated by John Keller of the Washington Department of Natural Resources. He found the trees to be free of disease and no apparent root rot problems. Many of the trees have developed multiple spires and there are some crossed branches as a result of shearing several years ago. Some of the noble firs had been damaged by deer that used the trees to polish their antlers.

Deer fencing has been installed around most of the noble firs to prevent further damage.

2) Timber and Wood Products

The trees are almost all Douglas-fir of approximately the same age since they were planted at about the same time. The trees were originally planted 6 feet apart in neat rows. There are only about 20 noble firs and there are a few large red alders on the edge of the property.

We plan to plant Douglas-fir in locations where harvested trees previously stood, but only at 12 foot intervals. A few of the trees now standing at 6 foot intervals will have to be thinned. We will begin in the fall of 1997 to prune the multiple spires and crossed branches. We plan to begin the first round of pruning lower branches within three years in order to develop stronger and clearer grain timber.

3) Soils

The entire 7 acres is essentially flat with a slight slope from east to west. The soil type is Bow gravely loam. See attached soil chart and description. The entire 7 acres is stable with no erosion. One driveway exists from the county road up to the shop building.

4) Water Quality, Riparian, and Wetland Areas

There is a well on the property for domestic water. The water has been tested by the county and was found to be clean and free of harmful bacteria. There is no stream, no ponds, and no wetlands.

5) Fish and Wildlife Habitat

There are no fish anywhere on or near the property. There are numerous deer on Guemes Island and they wander around the property. Deer fencing is required around the garden and around the flowers next to the cabin to deter damage from browsing. Several bird houses have been put up to attract nesting birds. We intend to put up a bat house in hopes of attracting bats that will feed on the numerous insects that come out at dusk in this area. If possible we will try to develop a perch for hawks in hopes they will frequent the property and assist in control of the numerous mice and voles that inhabit the area around the trees. We have seen coyote scat on the property indicating presence of this mammal. Control of the mice and voles will take on greater significance as replacement trees are planted.

There is a rock cairn on the property that is the result of clearing the land for agriculture many years ago. If we can introduce several short tailed weasels into this environment it would also assist in control of the mice and voles.

6) Threatened and Endangered Species and Cultural Resources

There are no known or identified threatened or endangered species on are near this property. Should any be found expert advice will be sought.

7) Aesthetics and Recreation

The trees are planted neatly in rows and look very pleasing to passersby. The pruning that we plan to do will further enhance the aesthetics of the trees. As the trees mature they should continue to look like a well managed timber resource. There are no public recreational facilities on the property.

8) Agro-forestry/Special Forest Products

We intend to keep the grass and underbrush in between the trees under control. The primary reason for this is to reduce any possibility of a grass fire that could endanger the trees if it got started.

basis of a 50-year site curve, the mean site index for Douglas fir is estimated to be 107. The highest average growth rate for Douglas fir is 132 cubic feet per acre per year at age 70. Among the trees of limited extent are red alder, western redcedar, and western hemlock. Common forest understory plants are salal, trailing blackberry, evergreen huckleberry, western swordfern, creambush oceanspray, and northern twinflower.

The main limitation for the harvesting of timber is muddiness caused by seasonal soil wetness. Use of wheeled and tracked equipment when the soil is moist produces ruts, compacts the soil, and damages the roots of trees. When wet, unsurfaced roads and skid trails are sticky and slippery and they can be impassable. Logging roads require suitable surfacing for year-round use. Rock for road construction is not readily available on this unit.

Seedling establishment and the hazard of windthrow are the main concerns in the production of timber. Reforestation can be accomplished by planting Douglas fir seedlings. If seed trees are present, natural reforestation of cutover areas by red alder occurs readily. The perched water table reduces root respiration, which results in a low survival rate of seedlings. When openings are made in the canopy, invading brushy plants can prevent the establishment of seedlings. Because the rooting depth is restricted by the perched water table and the clay layer, trees especially are subject to windthrow.

This unit is poorly suited to homesite development. The main limitations are wetness and shrink-swell potential. Wetness can be reduced by installing drain fields around footings. The effects of shrinking and swelling can be minimized by using proper engineering designs and by backfilling with material that has low shrink-swell potential. The main limitations for septic tank absorption fields are slow permeability and the perched water table. Use of interceptor drains, additional topsoil placed over the absorption field, and longer absorption lines placed on the contour helps to compensate for these limitations.

This map unit is in capability subclass IIIw.

18—Bow gravelly loam, low precipitation, 0 to 3 percent slopes. This very deep, somewhat poorly drained soil is on glacially modified remnant terraces and hills. It formed in gravelly glacial drift over glaciolacustrine material mantled with volcanic ash. The vegetation in areas not cultivated is mainly conifers and deciduous trees. Elevation is near sea level to 200 feet. The average annual precipitation is about 23 inches. The average annual air temperature is about 50 degrees F, and the average frost-free season is 170 to 220 days.

Typically, the surface is covered with a mat of leaves and twigs 1 inch thick. The surface layer is dark brown gravelly loam 5 inches thick. The upper 3 inches of the subsoil is brown gravelly loam, the next 14 inches is dark grayish brown clay loam, and the lower part to a depth of 60 inches or more is gray silty clay. In some areas the surface layer is gravelly silt loam or is black to dark brown gravelly loam about 9 inches thick, and in some areas the subsoil is gravelly and loamy.

Included in this unit are small areas of Calla and Clallam soils on hills, Bellingham soils in depressional areas, and Laconner soils on terraces.

Permeability of this Bow soil is slow. Available water capacity is high. Effective rooting depth is limited by a perched water table that is at a depth of 6 to 18 inches from November to May. Runoff is slow, and the hazard of water erosion is slight.

This unit is used as woodland, pastureland, hayland, and homesites. If adequately drained, it is suited to climatically adapted cultivated crops.

Douglas fir is the main woodland species on this unit. On the basis of a 100-year site curve, the mean site index for Douglas fir is estimated to be 126. On the basis of a 50-year site curve, the mean site index for Douglas fir is estimated to be 94. The highest average growth rate for Douglas fir is 124 cubic feet per acre per year at age 70. Among the trees of limited extent are western redcedar, red alder, grand fir, and western hemlock. Common forest understory plants are salal, trailing blackberry, evergreen huckleberry, western swordfern, creambush oceanspray, and northern twinflower.

The main limitation for the harvesting of timber is muddiness caused by seasonal soil wetness. Use of wheeled and tracked equipment when the soil is moist produces ruts, compacts the soil, and damages the roots of trees. When wet, unsurfaced roads and skid trails are sticky and slippery and they can be impassable. Logging roads require suitable surfacing for year-round use. Rock for road construction is not readily available on this unit.

Seedling establishment and the hazard of windthrow are the main concerns in the production of timber. Reforestation can be accomplished by planting Douglas fir seedlings. If seed trees are present, natural reforestation of cutover areas by red alder occurs readily. The perched water table reduces root respiration, which results in a low survival rate of seedlings. When openings are made in the canopy, invading brushy plants can prevent the establishment of

seedlings Because the rooting depth is restricted by the perched water table and the clay layer, trees frequently are subject to windthrow.

If this unit is used for hay and pasture, the main limitation is the perched water table. The water table limits use of the unit to grasses and shallow-rooted legumes. Tile drains and field ditches are needed to lower the water table if deep-rooted plants are grown. Drainage tiles should be closely spaced because of the slow permeability. Use of proper stocking rates, pasture rotation, and restricted grazing during wet periods helps to keep the pasture in good condition. Shallow ditches help to remove surface water and prevent ponding in winter. In summer supplemental irrigation is required for maximum production. Sprinkler irrigation is the most suitable method of applying water.

This unit is poorly suited to homesite development. The main limitations are wetness and shrink-swell potential. Soil wetness can be reduced by installing drain tile around footings. The effects of shrinking and swelling can be minimized by using proper engineering designs and by backfilling with material that has low shrink-swell potential. The main limitations for septic tank absorption fields are slow permeability and the perched water table. Use of interceptor drains, additional topsoil placed over the absorption field, and longer absorption lines helps to compensate for these limitations.

The [illegible] is in capability subclass IIIw.

19—Bow gravelly loam, low precipitation, 3 to 8 percent slopes. This [illegible], deep, somewhat poorly drained soil is on gently undulating, modified remnant terraces and has formed in gravelly glacial drift over glaciolacustrine material mantled with volcanic ash. The vegetation in areas not cultivated is mainly coniferous and deciduous trees. Elevation is near sea level to 200 feet. The average annual precipitation is about 23 inches, the average annual air temperature is about 50 degrees F, and the average frost-free season is 170 to 220 days.

Typically, the surface is covered with a mat of leaves and twigs 1 inch thick. The surface layer is dark brown gravelly loam 5 inches thick. The upper 3 inches of the subsoil is brown gravelly loam, the next 14 inches is dark grayish brown clay loam, and the lower part to a depth of 60 inches or more is gray silty clay. In some areas the surface layer is gravelly silt loam or is black to dark brown gravelly loam about 9 inches thick, and in some areas the subsoil is gravelly and loamy.

Included in this unit are small areas of Calla and Clallam soils on hills and Laconner soils on terraces.

Permeability of this Bow soil is slow. Available water capacity is high. Effective rooting depth is limited by a perched water table that is at a depth of 6 to 18 inches from November to May. Runoff is medium, and the hazard of water erosion is slight.

This unit is used as woodland, pastureland, hayland, and homesites. If adequately drained, it is suited to climatically adapted cultivated crops.

Douglas fir is the main woodland species on this unit. On the basis of a 100-year site curve, the mean site index for Douglas fir is estimated to be 126. On the basis of a 50-year site curve, the mean site index for Douglas fir is estimated to be 94. The highest average growth rate for Douglas fir is 122 cubic feet per acre per year at age 70. Among the trees of limited extent are western redcedar, red alder, grand fir, and western hemlock. Common forest understory plants are salal, trailing blackberry, evergreen huckleberry, western swordfern, creambush oceanspray, and northern twinflower.

The main limitation for the harvesting of timber is muddiness caused by seasonal soil wetness. Use of wheeled and tracked equipment when the soil is moist produces ruts, compacts the soil, and damages the roots of trees. When wet, unsurfaced roads and skid trails are sticky and slippery and they can be impassable. Logging roads require suitable surfacing for year-round use. Rock for road construction is not readily available on this unit.

Seedling establishment and the hazard of windthrow are the main concerns in the production of timber. Reforestation can be accomplished by planting Douglas fir seedlings. If seed trees are present, natural reforestation of cutover areas by red alder occurs readily. The perched water table reduces root respiration, which results in a low survival rate of seedlings. When openings are made in the canopy, invading brushy plants can prevent the establishment of seedlings. Because the rooting depth is restricted by the perched water table and the clay layer, trees frequently are subject to windthrow.

If this unit is used for hay and pasture, the main limitation is the perched water table. The water table limits use of the unit to grasses and shallow-rooted legumes. Tile drains and field ditches are needed to lower the perched water table if deep-rooted plants are grown. Drainage tiles should be closely spaced because of the slow permeability. Use of proper stocking rates, pasture rotation, and restricted grazing during wet periods helps to keep the pasture in good condition. [illegible]

TEN-YEAR ACTIVITY PLAN

Activities to be Conducted in the Next 3 Years:

Management Activity	Unit	Priority	Comments
PRUNE OUT MULTIPLE TOPS AND CROSSED BRANCHES		1	NOT ALL TREES REQUIRE THIS PRUNING
PRUNE OFF LOWER BRANCHES		2	THIS IS DESIRABLE TO PRODUCE HIGH QUALITY TIMBER
PLANT 200 DOUGLAS-FIR IN EMPTY SLOTS		2	TREES TO BE 12 FT APART
THIN TREES THAT ARE [illegible]		[illegible]	SOME TREES ON THE EDGE MAY BE 6FT APART
[illegible] VEGETATION		[illegible]	
PUT UP [illegible]		[illegible]	

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Activities to be Conducted in the Next 4 - 7 Years:

Management Activity	Unit	Priority	Comments
PRUNE OFF LOWER BRANCHES		1	TREES NOT PRUNED IN THE FIRST 3 YEARS ARE THE ONES TO BE ATTENDED TO
PLANT 200 DOUGLAS-FIR TO EXTEND STAND OF TREES		2	
CONTROL COMPETING VEGETATION		3	

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Activities to be Conducted in the Next 7 - 10 Years:

Management Activity	Unit	Priority	Comments
BEGIN SECOND LIFT OF PRUNING LOWER BRANCHES		1	RETAIN AT LEAST 2/3 OF THE CROWN
THIN TO ENHANCE GROWTH OF DOMINANT TREES		2	FOLLOW BEST SILVICULTURE PRACTICES
CONSIDER FERTILIZING TO PROMOTE GROWTH		3	
CONTROL COMPETING VEGETATION		3	

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FOREST STEWARDSHIP PLAN SUMMARY CHECK LIST/10-YEAR MANAGEMENT TIMETABLE
(Attach this page to the Forest Stewardship Plan.)

This summary check list describes resource protection and/or enhancement practices for the next ten years, as summarized below

CHECK ALL THAT APPLY:

RESOURCES	PROTECTION MEASURES — Protection Measures Recommended: No Action Needed	0-3 Years	4-7 Years	7-10 Years	Not Applicable	ENHANCEMENT PRACTICES — Enhancement Practices Recommended: No Action Needed/ Desired	0-3 Years	4-7 Years	7-10 Years	Not Applicable	NOTES/COMMENTS:
Forest Health							✓	✓	✓		
Timber/Wood Products											
Soils/Erosion Control/Water Quality										✓	
Riparian Areas, Wetlands										✓	
In-Stream Fisheries Habitat										✓	
Wildlife Habitat							✓	✓	✓		
Threatened/Endangered Species											ACTION AS NECESSARY
Historical/Cultural Resources	✓					✓					
Aesthetics/Recreation							✓	✓			
Agro-Forestry/Special Products	✓					✓					

FOREST STEWARDSHIP PLAN SIGNATURE PAGE *(Attach this page to the plan.)*

PLAN PREPARED BY (Primary author, if more than one):

F.O. Corway — 22 May 1997
Signature — Date

F.O. CORWAY
Print Name

LANDOWNER
Title

Agency/Company

Address
13207 N.E. 24th Place

BELLEVUE, WA 98005

(425) 883-0023
Phone

Plan Preparer Is:

- ☐ Private Natural Resource Professional
- ☐ Agency Representative
- ☒ Landowner Who Completed Coached Stewardship Planning Course
- ☐ Landowner Who Is a Natural Resource Professional

List other professionals, and their affiliations, who contributed to this plan. If this was a "Coached Plan" list natural resource professionals who serve as "coaches."

DONALD R. THEOE FOREST STEWARDSHIP COORDINATOR, DNR

LANDOWNER SIGNATURE: The contents of this plan are acceptable to me/us. I/we intend to manage this property in a manner consistent with the objectives of the Forest Stewardship Program and to implement this plan to the best of my/our ability.

F.O. Corway — Patricia M. Corway — 22 MAY 1997
Landowner signature(s) — Date

F. O. CORWAY — PATRICIA CORWAY
Print Landowner Name(s)

APPROVAL SIGNATURE:
I ~~have~~ reviewed this plan and approve it as meeting the standards for a Forest Stewardship Plan.

Donald R. Theoe, CF — 5-29-97
Signature of Designated Service Representative — Date

DONALD R. THEOE, CF
Print Name of Designated Service Representative

FOREST STEWARDSHIP COORDINATOR, DNR
Title — Agency

P. O. BOX 68 ENUMCLAW, WA 98022-0068
Address

(360) 825-1631
Phone

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