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Kathy Hill, Skagit County Auditor
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AFTER RECORDING RETURN TO:
SKAGIT COUNTY HEARING EXAMINER
302 SOUTH FIRST STREET
MOUNT VERNON, WA 98273

DOCUMENT TITLE: TIMBER OPEN SPACE PERMIT OT 97 0527

GRANTOR(S): SKAGIT COUNTY HEARING EXAMINER

GRANTEE: NICOLA PEARSON

ASSESSOR PARCEL NO: 44549

ABBREVIATED LEGAL DESCRIPTION: located at 49843 Sauk Store Road, Concrete, WA;
within the Northeast 1/4 of Section 20, Township 35 North, Range 9 East W.M., Skagit
County, Washington.

RESOLUTION NO. 17676

A RESOLUTION CONCERNING A TIMBER OPEN SPACE APPLICATION
OF NICOLA PEARSON

WHEREAS, the Skagit County Hearing Examiner held a public hearing on March 31, 1999 to review the Open Space Timber application of NICOLA PEARSON 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 NICOLA PEARSON subject to any conditions listed in the Hearing Examiner Recommendation.

WITNESS our hands and official seal this 30TH day of November, 1999.


BOARD OF COMMISSIONERS
SKAGIT COUNTY, WASHINGTON


TED W. ANDERSON, Chairman


HARVEY WOLDEN, Commissioner


ROBERT HART, Commissioner

ATTEST:


Patti Chambers
Clerk of the Board



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SKAGIT COUNTY HEARING EXAMINER
STATE OF WASHINGTON

17676

In the matter of:
 Application OT 97 0527
 Of NICOLA PEARSON
 for Timber Open Space
 for inclusion of 10.25 acres in the
 Timber Open Space Classification

)
) Findings of Fact
) Recommendation
) No. OT 97 0527
)
)
)

THIS MATTER having come regularly before the Skagit County Hearing Examiner for a Public Hearing under an application filed with the Skagit County Planning and Permit Center 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 49843 Sauk Store Road, Concrete, WA; within the Northeast ¼ of Section 20, Township 35 North, Range 9 East, W.M., Skagit County, Washington;

Assessor Account No: 350920-0-009-0007; P44549

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.

FINDINGS OF FACT

1. March 31, 1999 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 Planning and Permit Center issued the attached Report and Findings of that Department. The Hearing Examiner adopts Findings one (1) through six (6) as presented in that Report.
4. The applicant has had a Forest Management Plan prepared for the subject property by Michael Brondi, Forester and Ron Lewis, Forester, FOCUS Model Projects Committee.
5. The Hearing Examiner has reviewed this application with respect to the requirements of the Skagit County Code and the Revised Code of Washington.



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CONCLUSIONS

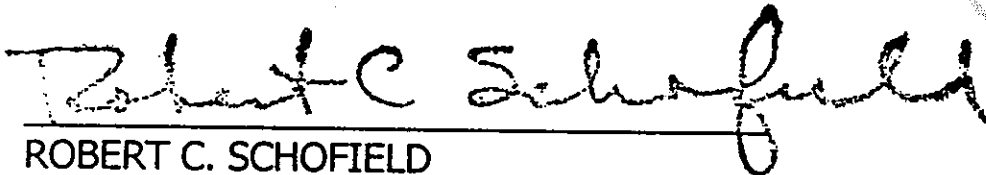
The Hearing Examiner, having duly considered the matter, including all the evidence presented and on file, comments from interested persons, information and comments from other county departments affected, independent studies of the Planning and Permit Center, and the evidence presented at the public 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 for the subject property by Michael Brondi, Forester and Ron Lewis, Forester, FOCUS Model Projects Committee
2. At time of harvest, applicant shall comply with all requirements of the Department of Natural Resources regarding harvest of timber.

SKAGIT COUNTY HEARING EXAMINER


ROBERT C. SCHOFIELD

Date of Recommendation: March 31, 1999

Attachment: Staff Report and Findings



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SKAGIT COUNTY PLANNING AND PERMIT CENTER
FINDINGS OF FACT

HEARING AUTHORITY: SKAGIT COUNTY HEARING EXAMINER

HEARING DATE: MARCH 31, 1999

17676

APPLICATION NUMBER: OPEN SPACE # OST-97-0527

APPLICANT: NICOLA PEARSON

ADDRESS: 50303 STATE ROUTE 20
CONCRETE, WA 98237

PROJECT LOCATION: The subject property is located at 49843 Sauk Store Road (formerly 4811 Sauk Store Road), Concrete, WA; within a portion of the Northeast ¼ of Section 20, Township 35 North, Range 9 East, W.M., Skagit County, Washington.

PROJECT DESCRIPTION: Timber Open Space Classification Request to allow the inclusion of approximately 10.25 acres in the Timber Open Space Program.

ASSESSOR'S ACCOUNT NUMBER: 350920-0-009-0007 P#44549

STAFF FINDINGS:

1. The following items are submitted as exhibits:
 1. Staff report and attachments
 2. Application and site plan, received December 22, 1997
 3. Timber Management Plan
2. The subject property is zoned Residential Reserve and the Skagit County Comprehensive Plan adopted by the Board of Commissioners on May 19 and effective June 1, 1997 designates the area as Rural Reserve.
3. The public hearing has been advertised in accordance with the requirements of Chapter 14.04 of the Skagit County Code.
4. The subject property is approximately 10.54 acres in size. The applicant has indicated there is a cabin located on the property. It will be necessary for the applicant to provide a legal description excepting the cabin from the portion included in the Timber Open Space Program.



5. A Timber Management Plan has been submitted with the application. In reviewing the Timber Management Plan, it appears to comply with all required items as listed in R.C.W. 84.34.020. The Timber Management Plan is submitted as an exhibit.
6. At such time as the applicant intends to harvest the timber on the property, it will be necessary for the applicant to comply with all requirements of the Department of Natural Resources in regard to a Forest Practice Application for harvesting of timber.

RECOMMENDATION:

The Skagit County Planning and Permit Department 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 Timber Management Plan as submitted.
2. At the time of harvesting, the applicant shall comply with all requirements of the Department Natural Resources in regard to harvesting of timber.
3. The applicant shall provide a legal description excepting the cabin from the Timber Open Space Program. The legal description shall be submitted to the Planning & Permit Center prior to consideration of the application by the Board of County Commissioners.

Prepared by: G.R.

Approved by:



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When Recorded Return to:

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) NICOLA PEARSON

Legal Description

Government Lot 7, Section 20, Township 35, Range 9
EWM. See Attachment "A"

Assessor's Property Tax Parcel or Account Number P44549

Reference Numbers of Documents Assigned or Released

This agreement between NICOLA PEARSON

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 assigns 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 84.34.108(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:

1. Applicant shall comply with Forest Management Plan prepared for the subject property by Michael Brandi, Forester and Ron Lewis, Forester, Focus Model Projects Committee.
2. At time of harvest, applicant shall comply with all requirements of the Department of Natural Resources regarding harvest of timber.

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 _____

Granting Authority: _____

City or County _____

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 _____

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, Legislative Authority, County Assessor

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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.

"A"

ASSESSOR'S PARCEL NUMBER: P44549

LEGAL DESCRIPTION:

GOVERNMENT LOT 7 OF SECTION 20, T35N R9E, W. Mer., EXCEPT THE FIVE FOLLOWING DESCRIBED PORTIONS THEREOF;

- 1.) THAT CERTAIN RAILROAD RIGHT OF WAY CONVEYED TO THE SEATTLE AND NORTHERN RAILWAY COMPANY BY DEED RECORDED DECEMBER 18, 1988 AS AUDITOR'S FILE NO. 32213, IN VOLUME 40 OF DEEDS, PAGE 181, RECORDS OF SKAGIT COUNTY, WA.
- 2.) THE RIGHT OF WAY OF OLD STATE HIGHWAY NO. 17A, NOW KNOWN AS THE SAUK STORE ROAD;
- 3.) THAT CERTAIN HIGHWAY RIGHT OF WAY CONVEYED TO THE STATE OF WASHINGTON BY DEED RECORDED JULY 26, 1957 AS AUDITOR-S FILE NO. 554176, IN VOLUME 288 OD DEEDS, PAGE 93, RECORDS OF SKAGIT COUNTY, WASHINGTON, SAID HIGHWAY NOW KNOWN AS HIGHWAY 20;
- 4.) THAT PORTION OF SAID SUBDIVISION LYING NORTHEASTERLY OF THE AFORESAID HIGHWAY 20;
- 5.) THE SOUTH 550 FEET THEREOF.

and except:

Beginning at the intersection of the Easterly right of way line of the Sauk Store County Road with the North line of the South 550 feet of said Lot 7, according to Record of Survey thereof filed in Volume 16 at Page 78, Skagit County Records, thence N11-27-07W 30.74 feet along the East right of way line of said County Road, thence continue along said right of way N14-44-49W 19.26 feet to the True Point of Beginning, thence continue N14-44-49W 100 feet along the East line of said County Road, thence N88-36-24E 100 feet, thence S14-44-49E 100 feet, thence S88-36-24W 100 Feet to the True Point of Beginning.



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