

When Recorded Return to:



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Skagit County Auditor

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Open Space Taxation Agreement Chapter 84.34 RCW

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

Property Owner Humphrey Hills LLC
Property Address Humphrey Hills Road, Burlington, WA 98233
Legal Description S1/2 SW1/4 NW1/4 and NW1/4SW1/4less S1/2, within Sec. 28, T36N, R4E, and the N1/2N1/2SE1/4 east of road and S1/2S1/2NE1/4 east of road within Sec 29, T36N, R3E, W.M, Skagit County, Washington

Assessor's Property Tax Parcel or Account Number P50186, P50191, P50264, P50320

Reference Numbers of Documents Assigned or Released _____

This agreement is between Humphrey Hills 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 Chapter 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legislative body receives the signed agreement from the property owner and shall remain in effect until the property is withdrawn or removed from classification.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. The landowner 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.
6. 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:
- Transfer to a governmental entity in exchange for other land located within the State of Washington.
 - 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.
 - A natural disaster such as a flood, windstorm, earthquake, or other such calamity rather than by virtue of the act of the land owner changing the use of such property.
 - 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.
 - Transfer of land to a church when such land would qualify for exemption pursuant to RCW 84.36.020.
 - 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(6)(f)).
 - Removal of land classified as farm and agricultural land under RCW 84.34.020(2)(e).
 - Removal of land from classification after enactment of a statutory exemption that qualifies the land for exemption and receipt of notice from the owner to remove the land from classification.
 - The creation, sale, or transfer of forestry riparian easements under RCW 76.13.120.
 - The creation, sale, or transfer of a fee interest or a conservation easement for the riparian open space program under RCW 76.09.040.
 - The sale or transfer of land within two years after the death of the owner of at least a fifty percent interest in the land if the land has been assessed and valued as forest land under chapter 84.33 RCW, or under chapter 84.34 RCW continuously since 1993. The date of death shown on the death certificate is the date used.
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. The owner may apply for reclassification as provided in Chapter 84.34 RCW.

This agreement shall be subject to the following conditions:

At the time of harvesting, the applicant shall comply with all the requirements of the Department of Natural Resources in regard to harvesting of timber.

It is declared that this agreement specifies the classification and conditions as provided for in Chapter 84.34 RCW and the conditions imposed by this Granting Authority. This agreement to tax according to the use of the property is not a contract and can be annulled or canceled at any time by the Legislature (RCW 84.34.070).

Dated March 23, 2010

Granting Authority: Sharon B. Dutton
City or County
Chair, 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 4/23/10

Tim Walker
Owner(s)
[Signature]
(Must be signed by all owners)

Date signed agreement received by Legislative Authority _____

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

For tax assistance, visit <http://dor.wa.gov> or call 1-800-647-7706. To inquire about the availability of this document in an alternate format for the visually impaired, please call (360) 705-6715. Teletype (TTY) users may call 1-800-451-7985.



SKAGIT COUNTY
Resolution # R20100111
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RESOLUTION NO. _____

A RESOLUTION CONCERNING A CURRENT USE TIMBER APPLICATION
OF HUMPHREY HILLS LLC
C/UTMB09-2009

WHEREAS, the Skagit County Hearing Examiner held a public hearing on February 24, 2010 to review the Current Use Timber application of HUMPHREY HILLS LLC and adopted Findings of Fact and a Recommendation which were submitted to the Board of Skagit County Commissioners; and

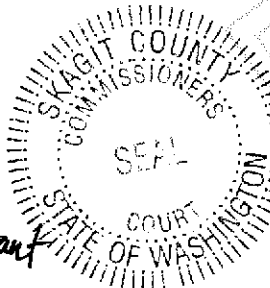
WHEREAS, in open session, the Skagit County Board of Commissioners has reviewed the application and Findings and Recommendation of the Hearing Examiner, now therefore,

BE IT RESOLVED, that the Board of Skagit County Commissioners hereby adopts the attached Findings and Recommendation of the Hearing Examiner and approves the Current Use Timber application of HIMPHEY HILLS LLC subject to any conditions listed in the Hearing Examiner Recommendation.

WITNESS our hands and official seal this 23rd day of March, 2010.

ATTEST:

Amber Kluge, Assistant
Linda Hammons
Clerk of the Board



BOARD OF COMMISSIONERS
SKAGIT COUNTY, WASHINGTON

Sharon D. Dillon
SHARON D. DILLON, Chair

Ron Wesen
RON WESEN, Commissioner

Kenneth A. Dahlstedt
KENNETH A. DAHLSTEDT, Commissioner

Approved as to form:

M. Mill (3/12/2010)
Civil Deputy

Don Munks
Don Munks, Assessor



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Skagit County Auditor

cc: Applicant, Assessor, Hearing Examiner,

BEFORE THE SKAGIT COUNTY HEARING EXAMINER

FINDINGS AND RECOMMENDATION

Applicant: Humphrey Hills LLC (Fred Wagner)

Address: 9020 Chambers Creek Road
University Place, WA 98467

File No: C/UTMB09-2009

Request: To include 83.02 acres in the Current Use Timber Program

Location: Humphrey Hills Road, being S1/2SW1/4NW1/4 and NW1/4 SW1/4 less S1/2 Sec. 28, T36N, R4E, W.M., and N1/2N1/2 SE1/4 east of road and S1/2S1/2NE1/4 E of road, Sec. 29, T36N, R4E, W.M.

Assessor's Nos: P50186, P50191, P50264, P50320

Public Hearing: After reviewing the report of the Assessor's Office, the Hearing Examiner conducted a public hearing on February 24, 2010.

Recommendation: Approval



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FINDINGS

1. Humphrey Hills LLC (Fred Wagner) seeks the inclusion of 83.02 acres of land in the Current Use Timber Program. The applicant owns the property.

2. The property is approximately 5.0 miles north-northeast of Burlington. It is within portions of Sections 28 and 29, T36N, R4E, W.M. Access is by a gravel road that intersects Humphrey Hill Road near the southwest property corner.

3. The property is generally flat. A harvest occurred in 2003. Following the harvest, reforestation was accomplished in 2006 through the planting of Douglas fir seedlings. The average height is now 2 to 4 feet

4. The objective is to maintain the Douglas fir plantation through the elimination of competing vegetation and inter-planting, thinning, and pruning of the trees until they mature and can be harvested.

5. Surface water flows across the forest floor to a small seasonal unnamed creek that flows to the northeast into Friday Creek. The property supports a variety of native animals and birds.

6. A Timber Management Plan was prepared by Paul Graves, Professional Forester. The Plan appears to comply with RCW 84.34.020 and RCW 84.34.041.

7. The Staff Report and Exhibits submitted by the Assessor's Office are incorporated herein.

8. The hearing was held upon due notice. There were no written comments.

9. The Examiner finds that the property meets the definition of the classification sought.

10. The Staff recommends approval. The Examiner concurs with Staff.



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RECOMMENDATION

The Examiner recommends approval of the application subject to the following condition:

At the time of harvesting the applicant shall comply with the requirements of the Department of Natural Resources in regard to the harvesting of timber.

Wick Dufford

Wick Dufford, Hearing Examiner

Date: March 1, 2010

Copies transmitted to Applicant: March 1, 2010



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