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Document Title:

Native Growth Protection Easement Agreement

Reference Number:

Grantor(s):

☐ additional grantor names on page \_\_\_\_

1. Washington Federal

LAND TITLE OF SKAGIT COUNTY

2.

Grantee(s):

☐ ACCOMMODATION RECORDING  
additional grantee names on page \_\_\_\_

1. City of Anacortes

2.

M-20228

Abbreviated legal description:

☐ full legal on page(s) \_\_\_\_

Lt 7 City of Ana SP # SP-5-006, AF# 201009210052,  
SE 1/4 , 22-35-1 E W.M.

Assessor Parcel / Tax ID Number:

☐ additional tax parcel number(s) on page \_\_\_\_

P130304

**NATIVE GROWTH Protection Easement Agreement  
The Reserve at Channel Landing  
Anacortes WA, 98221**

**THIS NATIVE GROWTH Protection Easement Agreement (this "Agreement" is hereby entered into by Washington Federal Savings its successor and assigns ("Grantor") and the CITY OF ANACORTES ("City") as of the 14<sup>th</sup> day of March, 2014.**

**Grantor is the owner of certain real property (the "Property") in Skagit County, Washington, Legally described on Exhibit "A" hereto.**

**Lot 7 – 4318 Navigator Lane Anacortes, Washington 98221 Skagit County**

**The Property is subdivided as VINTAGE INVESTMENTS 9 LOT SHORT recorded September 21, 2010 Under Auditor File NO. 201009210052 Records of Skagit County, Washington, and any amendments, corrections or addenda thereto subsequently recorded from time to time (collectively, the "Plat").**

The NGPE is intended to manage native landscape that respects the condition of the property and improves the overall health of the natural habitat, protect the stability of the steep slope, while creating view corridors from the property to the Guemes Channel.

Grantor wishes to record the Agreement for the purpose of establishing and clarifying the terms and conditionals of the NGPE and the rights and obligations for City and Grantor.

**Terms and Conditions:**

- A. At the time this document is recorded "Grantor" will submit "photographic" evidence of "views" and significant trees (within NGPE) from individual lot within the "Property". The vertical elevation of photo will be recorded as well location on the lot. This will create a "baseline" allowing "Grantor" and their successors and future owners, shall have the right to maintain the View Window as described above for perpetuity. As vegetation grows, the following guidelines will be used when maintaining the View Windows.
- B. For trees 10 years old or older, no less than every three years the owners of the Easement Property shall cooperate with the Reserve at Channel Landing HOA in preparing a description of view maintenance required. Prior to any work performed, a plan will be prepared for how the maintenance will be completed. Prior to the work being started the plan shall be submitted to the City of Anacortes Parks Department for review and follow up inspections when work is completed.
- C. For "new vegetation" growth that exceeds a height of 4ft (in a horizontal plane) above the height of the top of bank, owners will have the right to maintain such height no more often than once per calendar year. As described in 'B' above, a plan for maintenance to be completed shall be submitted to the City of Anacortes for review



and follow up inspections when work is completed. New sprouts from a maple stump are not considered mature trees. At no point will the roots of vegetation be disturbed.

- D. Hand removal of non-native or adventitious plants as approved by the Parks Department.
- E. Hazard trees will be identified with the concurrence of the Parks Department. Hazard trees removed or blown down shall be replanted by the landowner, subject to approval of the Parks Department, with a 3-foot minimum appropriate native stock and with one gallon containers for shrubs, which shall be maintained by the land owner until able to survive on their own.
- F. Permitted tree and shrub pruning per "Exhibit B"
- G. Fallen trees in the NGPE shall only be removed from the site with the approval of the Parks Department.
- H. If the buffer is disturbed, a replanting plan using appropriate native stock shall be submitted to the Parks Department and Planning Director for approval and once approved, shall be implemented by the landowner.
- I. Trails through the NGPE shall not be permitted without the approval of the Parks Department.
- J. Fencing plans along the NGPE must be approved by the Parks and Recreation Director.
- K. No use of pesticides or herbicides in NGPE
- L. All work within NGPE will be performed by hand, or with a chainsaw.
- M. No dumping of landscape debris or any debris into NGPE.

DATED this 14<sup>th</sup> day of March, 2014

GRANTOR:

Washington Federal

By: Paul J. Kozie

Its: SU

CITY:

CITY OF ANACORTES, WASHINGTON

By: [Signature]  
Don Maraner, Interim Director, CED

ATTEST:

Approved as to from:

By: \_\_\_\_\_ By: \_\_\_\_\_

SKAGIT COUNTY WASHINGTON  
REAL ESTATE EXCISE TAX

APR 10 2014

Amount Paid \$  
Skagit Co. Treasurer  
By Mdm Deputy



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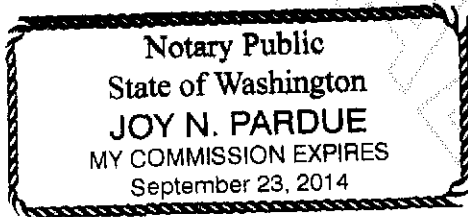
## Acknowledgement

State of Washington

County of King

The foregoing instrument was acknowledged before me on this 14<sup>th</sup> day of March 2014  
By Ronald L. McKenzie, SVP, who was personally known to me or who provided sufficient  
proof of identity.

Witness my hand and official seal.



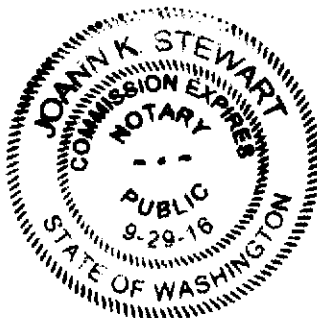
Joy N. Pardue  
Notary Public  
My Commission Expires: 9-23-2014

State of Washington

County of Skagit

The foregoing instrument was acknowledged before me on this 1<sup>st</sup> day of April, 2014  
By Don Measamer, who was personally known to me or who provided sufficient  
proof of identity.

Witness my hand and official seal.



Joann K. Stewart  
Notary Public  
My Commission Expires: 9-29-16



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**EXHIBIT "A"**

**Legal Description:**

Lot 7, CITY OF ANACORTES SHORT PLAT SP-05-006 AF#201009210052, LOCATED IN THE SOUTHEAST ¼  
OF SECTION 22, TOWNSHIP 35 NORTH, RANGE 1 EAST, W.M.

COMMONLY KNOW AS: 4318 NAVIGATOR LANE, ANACORTES, WASHINGTON 98221



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## **EXHIBIT "B"**

### **Permitted Tree and Shrub Pruning Techniques in the NGPE Zone**

#### **Tree Trimming and Pruning**

Retain a minimum of 70% of the original crown to maintain tree health and vigor. The removal of too much live foliage can reduce the tree's ability to supply food to the roots, thereby weakening them. A combination of the following trimming methods can be used:

1. **Crown Windowing (CW):** This pruning practice allows a view "window" through the existing foliage of the tree's canopy. In pruning major limbs and branch whorls, sections that obscure a view are removed.
2. **Crown Thinning (CT):** The removal of entire branch whorls or individual branches throughout the canopy allows more light to pass through, as well as reducing wind resistance of the tree.
3. **Crown Raising (CR):** Limbing the tree up from the bottom to allow a clear line of sight. This technique is useful when the tree in question is located high on the bluff face.

#### **Shrub Trimming and Pruning**

There are five basic techniques for pruning shrubs. A combination of the following trimming methods can be used:

1. **Pinching back:** Simply use your fingers to pinch off the terminal bud of the branch. This will encourage lateral branches to form and can be a great way to prevent more pruning later on.
2. **Heading back:** This method removes the terminal bud, resulting in more branches. Cut the branch at an angle, about  $\frac{1}{4}$ " above a branch bud and sloping down and away from the bud. The bud nearest the cut determines the direction the branch grows. With the outward facing bud usually resulting in the best shape. If a heading cut is made in the middle of a branch with no bud, the result will be a flush of growth at the site of the cut.
3. **Thinning:** Thinning involves removing branches while leaving the terminal bud. Make the cut just outside the branch collar, which is the bulge where the branch meets the stem, but don't leave a stub. Thinning can produce a more open, shapely plant, without altering its overall size, shape, or growth habit.
4. **Renewal or rejuvenation pruning:** Renewal pruning involves removing the oldest stems and branches at the base, then thinning or heading back the younger stems to promote regrowth. With rejuvenation pruning, the entire shrub is cut to stubs less than 12". This drastic measure is usually done if a shrub has become an overgrown, tangled mass that is not blooming well.
5. **Shearing:** Shearing involves trimming off the tips of branches and is best used only for formal hedges. Shearing alters the shrub's natural shape and promotes thick growth only on the exterior of the plant, which results in dead foliage and lack of growth on the interior branches.



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Lot 7  
4318 Navigator Lane Anacortes, WA 98221  
Picture Taken on 2/10/2014  
Picture Taken 10' in the Air  
Mid Point on Lot at Top of Bank



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