



201407240004

Skagit County Auditor

\$136.00

7/24/2014 Page

1 of

15 9:10AM

Document Title:

Native Growth Protection Easement Agreement
The Reserve at Channel Landing

Reference Number:Grantor(s):☐ additional grantor names on page ____

1. Channel Landing LLC
2. Nels Strandberg

Grantee(s):☐ additional grantee names on page ____

1. City of Anacortes
- 2.

Abbreviated legal description:☐ full legal on page(s) ____

Lot 3 Ana SP #05-006 AF# 201009210052, SE 1/4 22-35-1

Assessor Parcel / Tax ID Number:☐ additional tax parcel number(s) on page ____

P130299

I, CHRISTI P. STRAATHOF, am hereby requesting an emergency non-standard recording for an additional fee provided in RCW 36.18.010. I understand that the recording processing requirements may cover up or otherwise obscure some part of the text of the original document. Recording fee is \$62.00 for the first page, \$1.00 per page thereafter per document. In addition to the standard fee, an emergency recording fee of \$50.00 is assessed. This statement is to become part of the recorded document.

Signed

Dated 7/24/14

**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 Channel Landing LLC: Nels Strandberg, its successor and assigns ("Grantor") and the CITY OF ANACORTES ("City") as of the 23 day of July, 2014.

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

Lot 3-4216 Navigator Lane, Anacortes Washington 98221, Skagit County
P130299

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 conditions 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 as the location on the lot; this will create a "baseline". "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



201407240004

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. Permitted pruning of Bigleaf Maple "Acer macrophyllum" per recommendations and guidelines in Urban Forestry Services, Inc. report dated June 10, 2014 "Exhibit C".
- H. Fallen trees in the NGPE shall only be removed from the site with the approval of the Parks Department.
- I. 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.
- J. Trails through the NGPE shall not be permitted without the approval of the Parks Department.
- K. Fencing plans along the NGPE must be approved by the Parks and Recreation Director.
- L. No use of pesticides or herbicides in NGPE.
- M. All work within NGPE will be performed by hand, or with a chainsaw.
- N. No dumping of landscape debris or any debris into NGPE.

DATED this 23rd day of July, 2014

GRANTOR:

CITY:
CITY OF ANACORTES, WASHINGTON

By: _____

ATTEST:

Approved as to from:

By: _____

By: _____

SKAGIT COUNTY WASHINGTON
REAL ESTATE EXCISE TAX

JUL 24 2014

Amount Paid \$
Skagit Co. Treasurer
By man Deputy



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Skagit County Auditor

7/24/2014 Page

3 of 15 9:10AM

\$136.00

STATE OF Washington)
County of Skagit , SS:

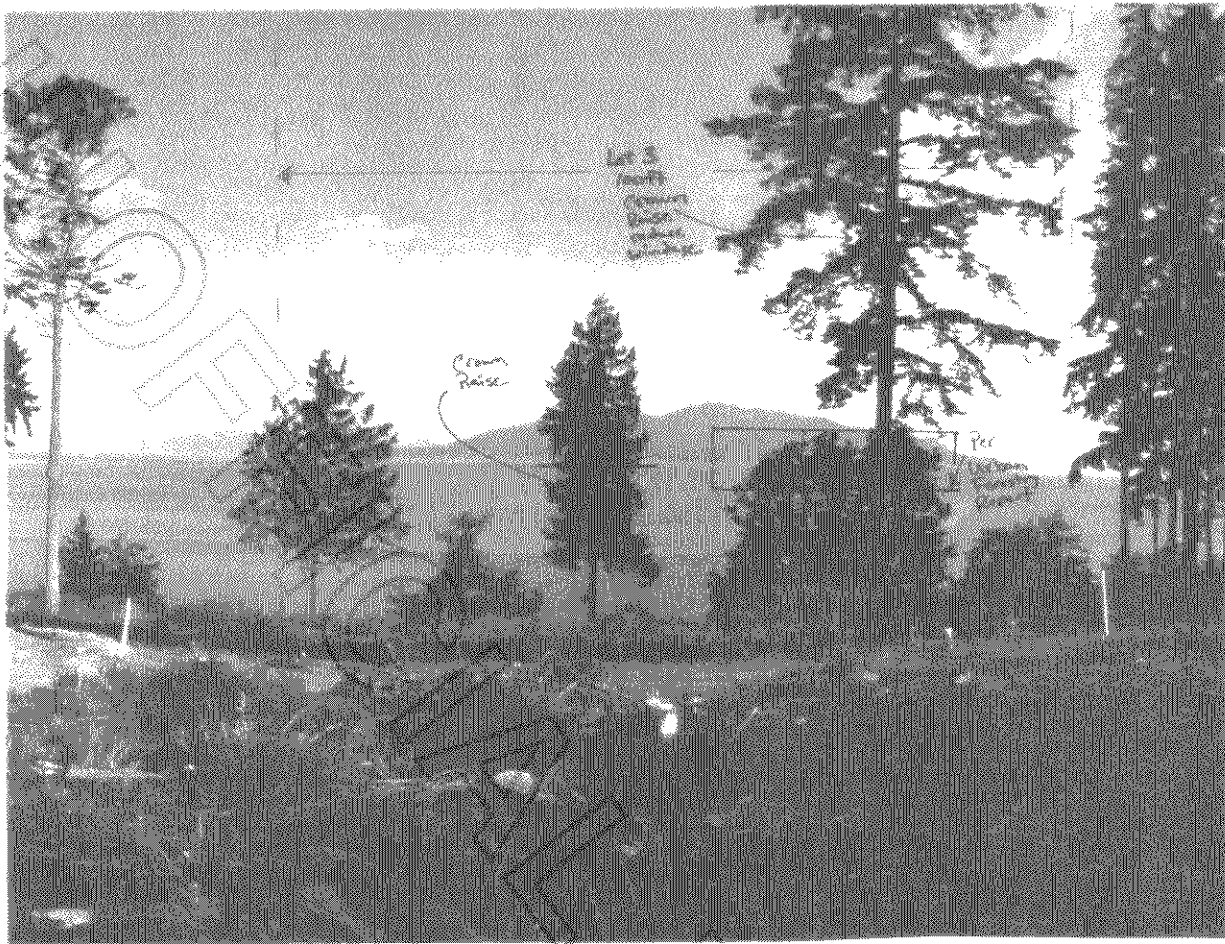
I certify that I know or have satisfactory evidence that Nels G. Strandberg
signed this instrument, on oath stated that He is
authorized to execute the instrument and acknowledged it as the Member of Strandberg Investments,
Member
of Channel Landing, LLC to be the free and voluntary act of such
party for the uses and purposes mentioned in this instrument.

Dated: July 23, 2014

[Signature]
Notary Public in and for the State of Washington
Residing at [Signature]
My appointment expires: 10/01/14



201407240004



Lot 3
4216 Navigator Lane Anacortes, WA 98221
Picture Taken on 6/9/2014
Picture Taken 10' in the Air
Mid Point on Lot at Top of Bank



EXHIBIT "A"

Legal Description:

LOT 3, 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 KNOWN AS: 4216 NAVIGATOR LANE, ANACORTES, WASHINGTON 98221



201407240004

Skagit County Auditor

7/24/2014 Page

6 of

15

\$136.00
9:10AM

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 trees 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 height on the bluff face.

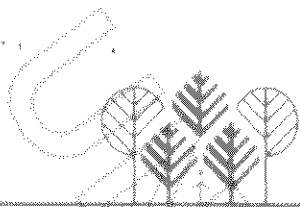
Shrub Trimming and Pruning

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 ¼" above a branch bud and sloping down and away for 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 plan, which results in dead foliage and lack of growth on the interior branches.



201407240004



Urban Forestry Services, Inc.

Arboreal Consulting | Wholesale Tree Nursery

Title: Guemes Channel Trail Bigleaf Maple Tree Assessment, Revised 6-10-14
Anacortes, Washington

Prepared For: Strandberg Custom Homes and Design
Attn: Mr. Nels Strandberg
PO Box 319
Anacortes, WA 98221

Prepared By: Urban Forestry Services, Inc.
Mr. Paul H. Thompson
Registered Consulting Arborist #509
ISA Certified Arborist #PN-1838A
ISA Tree Risk Assessment Qualified

Date: June 10, 2014

CONTENTS:

Summary
Introduction
Method of Assessment
Findings and Recommendations
Site Plan
Channel Landing - Canopy Reduction Illustration
Assumptions and Limitations

Summary

Pruning to reduce the canopy height and to create wildlife habitat is recommended for the bigleaf maple, *Acer macrophyllum* at the Channel landing LLC development site. The tree should also be crown cleaned to remove large dead branches that target the trail below the tree.

This tree will need to be pruned on a 3 to 5 year rotation to maintain the canopy reduction and for crown cleaning. An ISA Certified Arborist should monitor this tree and complete a tree risk assessment once every 3 to 5 years.

Introduction

As requested by Mr. Nels Strandberg of Strandberg Custom Homes and Design, I was onsite at Channel Landing LLC, Oakes Avenue, Anacortes, Washington on May 27, 2014 to meet with him and assess a bigleaf maple, *Acer macrophyllum* of concern.



Skagit County Auditor
7/24/2014 Page

8 of 15 9:10AM

I was asked to determine if this tree could be cut to provide a view. Currently the upper level of this tree's crown obscures a clear view over Guemes Channel towards Cypress Island and the Bellingham Channel.

The City of Anacortes wants to retain this tree, and its arching canopy that extends over the Guemes Channel Trail below the tree. The aim of this assessment and report is to recommend pruning work that would allow Mr. Strandberg and the city to meet their respective objectives.



Photo 1: The upper canopy obscures the view from the Channel Landing development over Guemes Channel and north to the islands.

Method of Assessment

The methodology to evaluate these trees follows the criteria provided in the Tree Risk Assessment Qualification (TRAQ) training. TRAQ was developed, and is administered, by the International Society of Arboriculture (ISA) and follows the ISA's *Best Management Practices - Tree Risk Assessment publication*.

The Level 2 Basic Assessment is a detailed visual inspection of a tree and its surrounding site, and a synthesis of the information collected. It requires that a tree risk assessor walk completely around the tree, looking at the site, buttress roots, trunk, and branches. This basic assessment may include the use of simple tools to gain additional information about the tree or defects. Defects found in a level 2 Basic Assessment may require a Level 3 assessment for further testing and analysis.

Tree condition is determined based on visual inspection of the above-ground portions of the trees. Of particular concern is trunk soundness, tree structure, bud fullness and color, twig length, crown ratio, density of leaves, evidence of disease-causing bacteria, fungi or virus, deadwood, and dead or broken hanging limbs. Invasive procedures, such as increment borer or Resistograph, may be used when considered necessary to confirm soundness and depth of decay.

While no one can predict with absolute certainty which trees will fail and which trees will remain healthy, by methodical process we can predict those most likely to fail by the conditions observed and take appropriate action to reduce or eliminate the potential hazard.



Findings

This bigleaf maple is comprised of six trunks measuring 16 to 24 inches in diameter at 4.5 feet above grade. The canopy extends more than 50 feet to the north, across the trail and shoreline bulkhead. This canopy has two main parts, with two vertical trunks supporting the portion of the crown obscuring the view, and four trunks supporting the lower canopy that arches over the trail.

I observed that this tree has good vigor. The structure has been affected by a history of large primary branch and trunk failures. I observed the following significant structural defects:

- Past trunk failures, with new growth at or below the failure points (See photo 3).
- Significant branch failure, with several large tear-out injuries on the trunks (See photo 3).
- Trunk cavities which appear to contain decay.
- A basal trunk cavity caused by the failure of a codominant trunk.
- The crown contains larger diameter dead branches which overhang the trail.

The risk of failure in this tree is moderate for dead branches, and sections of trunk containing decay. The recommended pruning will reduce the risk of failure in this tree.

Recommendations

Prune to reduce the height of the upper canopy so that it matches the height of the lower canopy. This pruning should use techniques for habitat pruning to mimic the condition at the previous failures observed in the crown and trunk. This tree has repeatedly recovered from multiple past failures, and it is my expectation that recovery will also occur after pruning to reduce the upper canopy. This work will not be noticeable from the trail.



Photo 2: The upright / vertical trunks form the upper canopy which obscures the view.

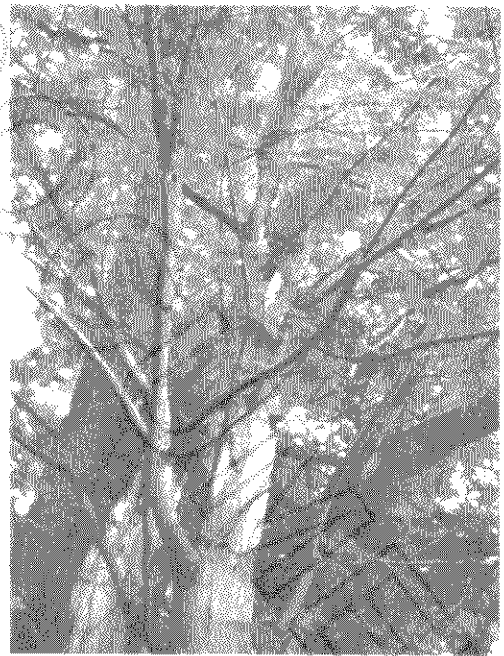


Photo 3: Multiple defects from previous failures were observed in this tree. The tree has recovered from these failures.



The recommended pruning treatments are to:

1. Perform canopy reduction in the upper crown to match the height of the lower canopy. See the enclosed "Channel Landing - Canopy Reduction Illustration". The use of a "coronet" cut is recommended for reducing the main leaders. A "natural fracture" pruning cut is recommended for reducing branches within the remaining upper canopy. Both types of pruning cuts mimic the branch conditions after naturally occurring failures, as observed in this tree.
2. Perform crown cleaning to prune out or significantly shorten dead branches over 2-inches in diameter to reduce the risk of failure onto the trail below the tree.
3. Follow up with standard canopy reduction pruning in 3 to 5 years to manage new growth and promote a stable structure. The objective is to develop and maintain a crown height that is below the line of sight for view. A 3 to 5 year pruning and monitoring cycle is required to achieve this.
4. The arborist completing the pruning should be an ISA Certified Arborist and/or an ISA Certified Tree Worker. The pruning contractor should meet with the consulting arborist onsite prior to completing the work, to ensure an understanding and compliance with the recommended technique.
5. The tree owner should retain an ISA Certified Arborist to monitor the condition of this tree, completing a tree risk assessment every 3 to 5 years.

Let us know if you have any questions regarding this Level 2, Basic Assessment and recommendations.

Literature Cited

- ISA Tree Risk Assessment Manual**, Dunster, J., Smiley, T., Matheny, N., and Lilly, S. 2013. International Society of Arboriculture.
- ISA Best Management Practice, Tree Risk Assessment**, Smiley, T., Matheny, N., and Lilly, S., 2011. International Society of Arboriculture.
- Tree Risk Assessment in Urban Areas and the Urban/Rural Interface**, Dunster, J. 2009. Pacific Northwest Chapter, International Society of Arboriculture.



201407240004

SOURCE: Google Maps, Accessed 5-4-14



Location of the bigleaf maple, *Acer macrophyllum*. Multiple trunks 16 to 24-inches diameter.



Urban Forestry Services, Inc.
15119 McLean Rd
Mount Vernon, WA 98273

Title: Site Plan
Channel Landing LLC - Guemes Trail Bigleaf
Maple Tree Assessment

Prepared for: Strandberg Custom Homes and Design
Attn: Mr. Nels Strandberg
PO Box 319
Anacortes, WA 98221

Date: June, 2014

Prepared by:
Mr. Paul Hans Thompson

Not To Scale



201407240004

Skagit County Auditor

\$136.00

7/24/2014 Page

12 of

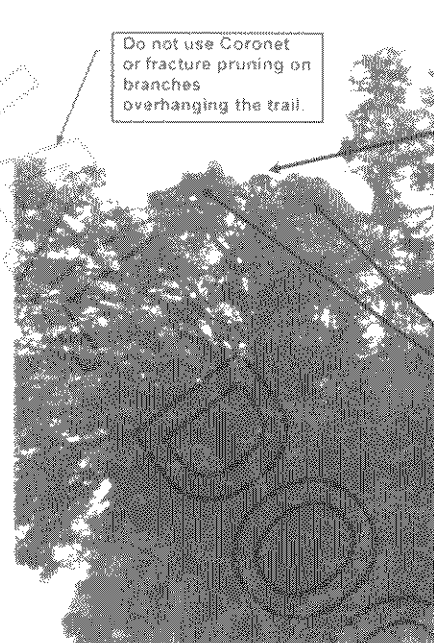
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Channel Landing Natural Canopy Reduction Illustration

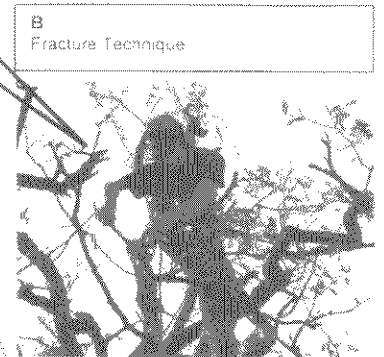
Current canopy:



Potential effect of canopy reduction:



A
Coronet Cut



B
Fracture Technique

A Coronet Cut. The aim of this cut is to create a condition that will mimic the characteristics of a natural fracture. This will lead to the development of localized decay and attract insect activity and nesting opportunities attractive to birds. This is a method for habitat pruning.

B Fracture Technique. The aim is to tear and rip branch ends to create a condition in live branches that mimics a failure under high wind or snow loading. The tree will respond with the growth of new lateral limbs. Maintaining a live crown will allow the tree to sustain its structural integrity for a longer period. The live crown provides cover and habitat for roosting, and nesting. New growth will require future follow up and maintenance work.



ASSUMPTIONS AND LIMITING CONDITIONS

Urban Forestry Services, Inc.
15119 McLean Rd.
Mount Vernon, Washington 98273

1. Limitations of this Assessment

This Assessment is based on the circumstances and observations as they existed at the time of the site inspection of the Client's Property and the trees inspected by Urban Forestry Services, Inc. and upon information provided by the Client to Urban Forestry Services, Inc. The opinions in this Assessment are given based on observations made and using generally accepted professional judgment, however, because trees and plants are living organisms and subject to change, damage, and disease, the results, observations, recommendations, and analysis took place and no guarantee, warranty, representation, or opinion is offered or made by Urban Forestry Services, Inc. as to the length of the validity of the results, observations, recommendations, and analysis contained within this Assessment. As a result, the Client shall not rely upon this Assessment, save and except for representing the circumstances and observations, analysis, and recommendations that were made as at the date of such inspections. It is recommended that the trees discussed in this Assessment should be re-assessed periodically.

Urban Forestry Services, Inc. shall not be required to give testimony or to attend court by reason of this report unless subsequent contractual arrangements are made, including payment of an additional fee for such services as described in our fee schedule and contract of engagement.

Sketches, diagrams, graphs, and photographs in this report, being intended as visual aids, are not necessarily to scale and should not be construed as engineering or architectural reports or surveys.

2. Reaction of Assessment

The Assessment carried out was restricted to the Property. No assessment of any other trees or plants has been undertaken by Urban Forestry Services, Inc. Urban Forestry Services, Inc. is not legally liable for any other trees or plants on the Property except those expressly discussed herein. The conclusions of this Assessment do not apply to any areas, trees, plants, or any other property not covered or referenced in this Assessment.

3. Professional Responsibility

In carrying out this Assessment, Urban Forestry Services, Inc. and any Assessor appointed for and on behalf of Urban Forestry Services, Inc. to perform and carry out the Assessment has exercised a reasonable standard of care, skill, and diligence as would be customarily and normally provided in carrying out this Assessment. The Assessment has been made using accepted arboricultural techniques. These include a visual examination of each tree for structural defects, scars, external indications of decay such as fungal fruiting bodies, evidence of insect attack, discolored foliage, the condition of any visible root structures, the degree and direction of lean (if any), the general condition of the tree(s) and the surrounding site, and the current or planned proximity of property and people. Except where specifically noted in the Assessment, none of the trees examined on the property were dissected, cored, probed, or climbed and detailed root crown examinations involving excavation were not undertaken.

Skagit County Auditor
7/24/2014 Page 14 of 15 9:10AM



201407240004

\$136.00

While reasonable efforts have been made to ensure that the trees recommended for retention are healthy, no guarantees are offered, or implied, that these trees, or all parts of them will remain standing. It is professionally impossible to predict with absolute certainty the behavior of any single tree or group of trees, or all their component parts, in all given circumstances. Inevitably, a standing tree will always pose some risk. Most trees have the potential to fall, lean, or otherwise pose a danger to property and persons in the event of adverse weather conditions, and this risk can only be eliminated if the tree is removed.

Without limiting the foregoing, no liability is assumed by Urban Forestry Services, Inc. or its directors, officers, employees, contractors, agents, or Assessors for:

- any legal description provided with respect to the Property;
- issues of title and or ownership respect to the Property;
- the accuracy of the Property line locations or boundaries with respect to the Property; and
- the accuracy of any other information provided to Urban Forestry Services, Inc. by the Client or third parties;
- any consequential loss, injury, or damages suffered by the Client or any third parties, including but not limited to replacement costs, loss of use, earnings, and business interruption; and
- the unauthorized distribution of the Assessment.

The total monetary amount of all claims or causes of action the Client may have as against Urban Forestry Services, Inc. including but not limited to claims for negligence, negligent misrepresentation, and breach of contract, shall be strictly limited to solely to the total amount of fees paid by the Client to Urban Forestry Services, Inc. pursuant to the Contract for Services as dated for which this Assessment was carried out. Further, under no circumstance may any claims be initiated or commenced by the Client against Urban Forestry Services, Inc. or any of its directors, officers, employees, contractors, agents, or Assessors, in contract or in tort, more than 12 months after the date of this Assessment.

4. Third Party Liability

This Assessment was prepared by Urban Forestry Services, Inc. exclusively for the Client. The contents reflect Urban Forestry Services, Inc. best assessment of the trees and plants on the Property in light of the information available to it at the time of preparation of this Assessment. Any use which a third party makes of this Assessment, or any reliance on or decisions made based upon this Assessment, are made at the sole risk of any such third parties. Urban Forestry Services, Inc. accepts no responsibility for any damages or loss suffered by any third party or by the Client as a result of decisions made or actions based upon the use of reliance of this Assessment by any such party.

5. General

Any plans and/or illustrations in this Assessment are included only to help the Client visualize the issues in this Assessment and shall not be relied upon for any other purpose.

This report and any values expressed herein represent the opinion of Urban Forestry Services, Inc. Our fee is in no way contingent upon any specified value, a result or occurrence of a subsequent event, nor upon any finding reported.

The Assessment report shall be considered as a whole, no sections are severable, and the Assessment shall be considered incomplete if any pages are missing. The right is reserved to adjust tree valuations, if additional relevant information is made available. This Assessment is for the exclusive use of the Client.

