



1. (1) "Open Space Land" means (a) any land area so designated by an official comprehensive land use plan adopted by any city or county and zoned accordingly or (b) any land area, the preservation of which in its present use would (i) conserve and enhance natural or scenic resources, or (ii) protect streams or water supply, or (iii) promote conservation of soils, wetlands, beaches, or tidal marshes, or (iv) enhance the value to the public of abutting or neighboring parks, forests, wildlife preserves, nature reservations or sanctuaries or other open space, or (v) enhance recreation opportunities, or (vi) preserve historic sites, or (vii) preserve visual quality along highway, road, and street corridors or scenic vistas, or (viii) retain in its natural state tracts of land not less than one acre situated in an urban area and open to public use on such conditions as may be reasonably required by the legislative body granting the open space classification, or (c) any land meeting the definition of farm and agricultural conservation land under subsection (8) of this section. As a condition of granting open space classification, the legislative body may not require public access on land classified under (b) (iii) of this subsection for the purpose of promoting conservation of wetlands.
8. The Hearing Examiner has reviewed this application with respect to the above definitions and other requirements of the Skagit County Code and the Revised Code of Washington.

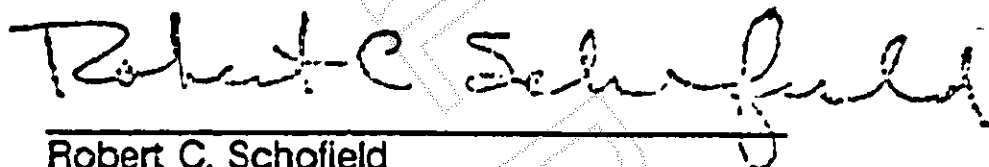
#### CONCLUSIONS

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 Department, 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. The applicant shall comply with the Timber Management Plan prepared by Kenneth D. Osborn, Forester.
2. The applicant shall obtain all local, state and federal land use permits, prior to removal of timber.



Robert C. Schofield  
Skagit County Hearing Examiner

Date of Recommendation: April 19, 1994

Copies Transmitted to Applicant: April 19, 1994

Attachment: Staff Report and Findings

C: Applicant, Applicant File, Board of County Commissioners, Hearing Examiner

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SK 1328RGU207

SKAGIT COUNTY PLANNING AND COMMUNITY DEVELOPMENT  
FINDINGS OF FACT

HEARING AUTHORITY: SKAGIT COUNTY HEARING EXAMINER  
HEARING DATE: APRIL 6, 1994  
APPLICATION NUMBER: OPEN SPACE TIMBER # OST-93-005  
APPLICANT: JAMES MARTIN  
ADDRESS: 1863 PETER BURNS ROAD  
MOUNT VERNON, WA 98273

PROJECT LOCATION: Located at 1863 Peter Burns Road, Mount Vernon; Government Lot 4 within the Northwest 1/4 of Section 4, Township 33 North, Range 5 East, W.M., Skagit County, Washington.

PROJECT DESCRIPTION: Open Space Application to allow the inclusion of approximately 20 acres in the Timber Open Space Program.

ASSESSOR'S ACCOUNT NUMBER: 330504-2-002-0105

STAFF FINDINGS:

1. The subject property is zoned Forestry and the South Central District Comprehensive Plan designates the area as Forestry.
2. The public hearing has been advertised in accordance with the requirements of Chapter 14.04 of the Skagit County Code.
3. The application has been reviewed in accordance with the State Environmental Act Guidelines and has been found to be exempt.
4. The subject property is located out of any designated flood hazard areas.
5. The subject property is approximately 20 acres in size. The applicant has his home and various accessory buildings located on the property. The applicant is requesting inclusion in the Timber Open Space Program of approximately 18 acres. The remaining two acres is devoted to the applicant's home and accessory uses. The applicant has provided a legal description of the two acres not to be included.
6. At such time as timber is to be removed, it will be necessary for the applicant to apply for a Forest Practice Application through the Department of Natural Resources.
7. The Timber Management Plan is attached for reference.

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RECOMMENDATION:

Based on the above findings, the Skagit County Planning Department would recommend approval of the Timber Open Application with the following conditions:

1. The applicant shall comply with the Timber Management Plan.
3. The applicant shall obtain all local, state and federal land use permits, prior to removal of timber.

Prepared by: G.R.

Approved by: OFH

FOREST MANAGEMENT PLAN - MARTIN'S FOREST

Purpose of Forest Management Plan:

To meet the guidelines of a forest management plan required for classifying land as open space timber under the Open Space Law (Chapter 84.34 RCW).

General Information:

Legal Description: Lot 4, Section 4 T33N R05E, WM  
except the portions described as follows:

1. ST at NE corner S 650 FT W 50 FT to POB. Then W 100 FT S 169 FT E 100 FT N 169 FT to POB.

and

2. ST at SW corner N 100 FT to POB. Then N 150 FT E 288 FT S 150 FT W 288 FT to POB.

Tax ID#: 330504-2-002-0105

Size: 20 acres

Soils: The property is underlain by Soil Type #147; Soil Conservation Service Mapping Units. The soil is called Tokul Gravelly Loam.

Site Index: According to the Soil Conservation Service's description of the soil, the site index for Douglas-fir is 130 and for Western Hemlock it is 116, both based on a 50 year site index curve.

Slope & Aspect: Property is gently sloped to flat. Primary aspect is westerly to south westerly.

Attachments: Copy of 1991 aerial photo.  
Forest Practice Base Map for Section 4 T33N R05E, WM.

Breakdown of Property Type:

|                  | Approx.<br>Acreage |
|------------------|--------------------|
| Wetlands         | 4.00               |
| Upland - Conifer | 8.00               |
| Bottomland       | 8.00               |

Total Area 20.00 Acres

Further Descriptions and Goals:

Wetlands: Vegetation found in the wetland includes Western red cedar, willow, spruce, skunk cabbage and salmonberry. There are no plans for any use or alteration to the wetlands.

Goals: Wildlife habitat and mitigation of runoff. Owner wishes to maintain natural wetland area.

Page #2 Martin's Forest Management Plan

Upland - Conifer: Primarily constituted by Douglas-fir, Western Hemlock, Western Red Cedar and a few Western White Pine. Undergrowth includes swordferns, bracken and salmonberry. Density of undergrowth varies depending upon amount of crown closure by overtopping conifers.

Goal: Long rotation ages with objective of growing large trees. Possible intervention for commercial thinning when stand begins to stagnate severely, which results in both tree growth reduction and wildlife habitat for fewer species. Current purpose of stand is for firewood which can be obtained from windthrown trees, snags and the like.

Bottomland: Predominated by Western Red Cedar, Western Hemlock, Red Alder, Bigleaf Maple, Cherry and Sitka Spruce. Undergrowth is essentially the same as for Upland except for greater amounts of salmonberry.

Goal: Same as for the Upland type.

Wildlife Observed on Property:

Deer, raccoon, mountain beaver, porcupine, Douglas squirrel, chipmunk, brown bat, northern flying squirrel, red-legged frog, Pacific tree frog, Western toad, rough-skinned newt, golden-crowned kinglet, varied thrush, Townsends's thrush, Wilson's warbler, winter wren, evening grosbeak, western tanager, chickadee, downy woodpecker, hairy woodpecker, pileated woodpecker, band-tailed pigeon, raven.

Prepared by: 

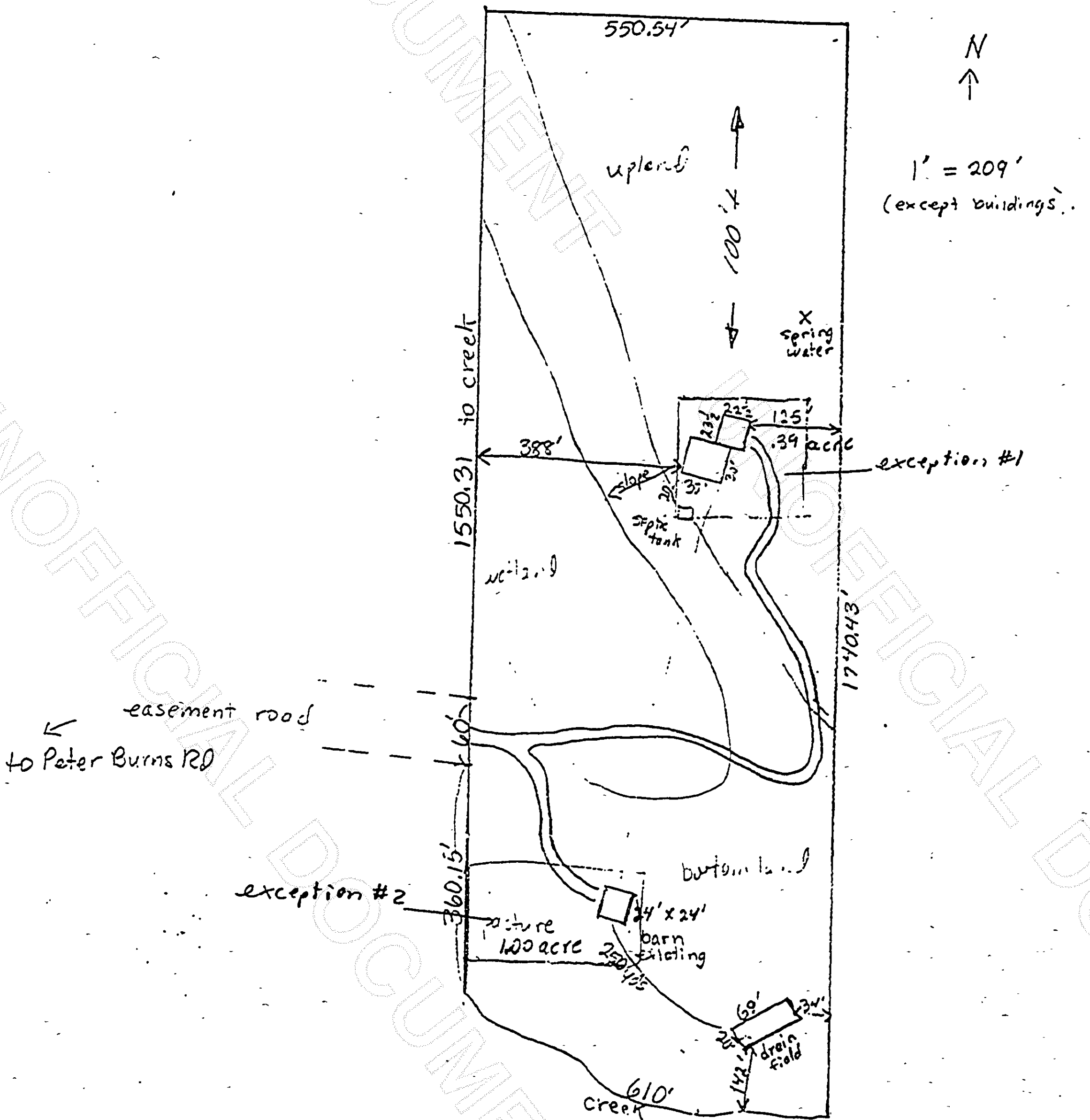
Kenneth D. Osborn  
Forester

Date: 18. Nov 1993

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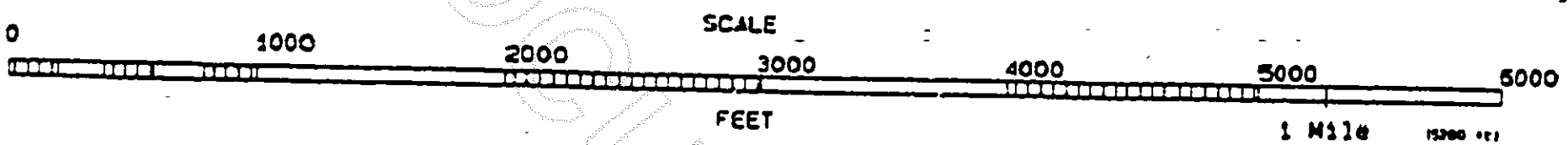
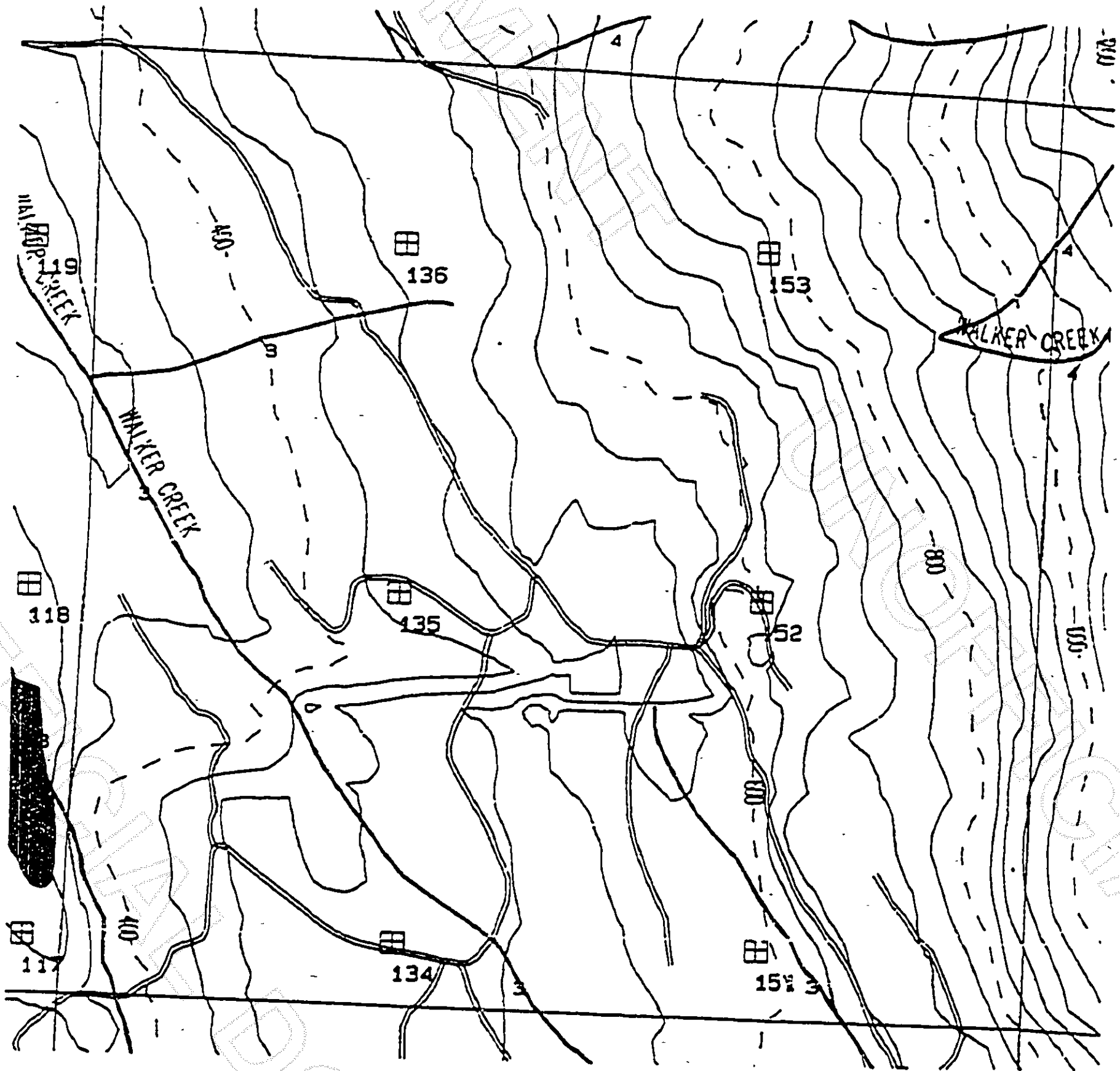
Barbara and James Martin



# FOREST PRACTICE BASE MAP

TOWNSHIP 33 NORTH, RANGE 05 EAST (W.M.), SECTION 04  
APPLICATION # \_\_\_\_\_

MARTIN'S FOREST: FOREST MANAGEMENT PLAN



MAP DATE: May 20, 1993

Contour Interval: 40 Feet

NAD 27

LEGEND: See Instructions

DISCLAIMER: See Instructions

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Martin's Forest:  
Forest Management Plan  
Lot 4, Section 4 T33N R05E, WM



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OST 93-005

APPLICATION FOR CLASSIFICATION AS OPEN SPACE LAND OR TIMBER LAND FOR CURRENT USE ASSESSMENT UNDER CH. 84.34 RCW

DEC 09 1993

FILE WITH THE COUNTY LEGISLATIVE AUTHORITY

COMM. DEVELOP. DIV.

Name of Applicant James and Barbara Martin Phone 422-8007  
Address 1863 Peter Burns Rd Mount Vernon WA 98273  
Property Location same as above

1. Interest in property:  Fee Owner  Contract Purchaser  Other (Describe)  
2. Assessor's parcel or account number 330504-2-002-0105 Sec 4 Twn 33 R 5  
Legal description of land to be classified see attached description

3. Land classification that is being sought?  Open Space  Timber Land  
NOTE: A single application may be made for both open space and timber land, but a separate legal description must be furnished for each area that classification is being sought.

4. Total acres in application 20

5. OPEN SPACE CLASSIFICATION Number of acres

6. Indicate what category of open space this land will qualify for: (See reverse side for definitions)
- Open space zoning
  - Conserve and enhance natural or scenic resources
  - Protect streams or water supply
  - Promote conservation of soils, wetlands, beaches or tidal marshes
  - Enhance public recreation opportunities
  - Enhance value to public of abutting or neighboring parks, forests, wildlife preserves, nature reservations or sanctuaries or other open space
  - Preserve historic sites
  - Retain in natural state tracts of five (5) or more acres in urban areas and open to public use as reasonably required by granting authority

7. TIMBER LAND CLASSIFICATION Number of acres 20

8. Do you have a timber management plan for this property?  Yes  No If yes, submit a copy of that plan with this application.

9. If you have no timber management plan, specifically detail the use of this property to show that it "is devoted primarily to the growth and harvest of forest crops".

10. Describe the present current use of each parcel of land listed in this application.  
Forest

11. Describe the present improvements on this property (buildings, etc.) none

12. Attach a map of the property to show an outline of current uses of the property and indicate location of all buildings.

13. Is this land subject to a lease or agreement which permits any other use than its present use?  Yes  No  
If yes, attach a copy of the lease or agreement.

NOTICE: The assessor may require owners to submit pertinent data regarding the use of classified land.

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**OPEN SPACE LAND MEANS:**

- (a) Any land area so designated by an official comprehensive land use plan adopted by any city or county and zoned accordingly, or
- (b) Any land area, the preservation of which in its present use would (i) conserve and enhance natural or scenic resources, or (ii) protect streams or water supply, (iii) promote conservation of soils, wetlands, beaches or tidal marshes, or (iv) enhance the value to the public of abutting or neighboring parks, forests, wildlife preserves, nature reservations or sanctuaries or other open space, or (v) enhance recreation opportunities or (vi) preserve historic sites, or (vii) retain in its natural state tracts of land not less than five acres situated in an urban area and open to public use on such conditions as may be reasonably required by the legislative body granting the open space classification.

**TIMBER LAND MEANS:**

Land in one ownership consisting of five or more acres in contiguous parcels devoted primarily to the growth and harvest of forest crops and which is not classified or designated as forest land under Chapter 84.33 RCW. Timber land means the land only.

**STATEMENT OF ADDITIONAL TAX, INTEREST, AND PENALTY DUE UPON REMOVAL OF CLASSIFICATION**

1. Upon removal of classification, an additional tax shall be imposed which shall be due and payable to the county treasurer 30 days after removal or upon sale or transfer, unless the new owner has signed the Notice of Continuance. The additional tax shall be the sum of the following:
  - (a) The difference between the property tax paid as "Open Space Land" or "Timber Land" and the amount of property tax otherwise due and payable for the last seven years had the land not been so classified; plus
  - (b) Interest upon the amounts of the difference (a), paid at the same statutory rate charged on delinquent property taxes.
  - (c) A penalty of 20% shall be applied to the additional tax if the classified land is applied to some other use, except through compliance with the property owner's request for withdrawal process, or except as a result of those conditions listed in (2) below.
2. The additional tax, interest, and penalty specified in (1) above shall not be imposed if removal 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 of eminent domain in anticipation of the exercise of such power.
  - (c) Sale or transfer of land within two years after the death of the owner of at least a fifty percent interest in such land.
  - (d) 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.
  - (e) 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.
  - (f) Transfer to a church when such land would qualify for property tax exemption pursuant to RCW 84.36.020.
  - (g) 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)(g)).

**AFFIRMATION**

As owner(s) of the land described in this application, I hereby indicate by my signature that I am aware of the potential tax liability involved when the land ceases to be classified under provisions of CH. 84.34 RCW. I also declare under the penalties for false swearing that this application and any accompanying documents have been examined by me and to the best of my knowledge it is a true, correct, and complete statement.

Signatures of all Owner(s) or Contract Purchaser(s)

*Barbara J. Martin*  
*David J. Martin*

All owners and purchasers must sign.

**FOR LEGISLATIVE AUTHORITY USE ONLY**

Date application received \_\_\_\_\_ By \_\_\_\_\_  
 Amount of processing fee collected \$ \_\_\_\_\_ Transmitted to \_\_\_\_\_ Date \_\_\_\_\_

**FOR GRANTING AUTHORITY USE ONLY**

Date received \_\_\_\_\_ By \_\_\_\_\_  
 Application approved \_\_\_\_\_ Approved in part \_\_\_\_\_ Denied \_\_\_\_\_ Owner notified of denial on \_\_\_\_\_  
 Agreement executed on \_\_\_\_\_ Mailed on 3/28/2016

OPEN SPACE TAXATION AGREEMENT

RCW 84.34

(TO BE USED FOR "OPEN SPACE" OR "TIMBER LAND" CLASSIFICATION ONLY)

This Agreement between JAMES MARTIN

hereinafter called the "Owner", and SKAGIT COUNTY

hereinafter called the "Granting Authority".

Whereas the owner of the following described real property having made application for classification of that property under the provisions of RCW 84.34:

Assessor's Parcel or Account Numbers: 330504-2-002-0105

Legal Description of Classified Land: See attachment "A"

And whereas, both the owner and granting authority desire 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 SPACELAND  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 only be used 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 for a period of at least ten (10) years.
4. This Agreement shall run with the 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 the land owner makes a withdrawal request, which request is irrevocable, to the assessor. Two years from the date of that request the assessor shall withdraw the land from the classification, and the applicable taxes and interest shall be imposed as provided in RCW 84.34.070.
6. Breach: After land has been classified and as Agreement executed, any change of use of the land, except through compliance with items (5) or (7) of this Agreement, shall be considered a breach of this Agreement, and subject to applicable taxes, penalties and interest as provided in RCW 84.34.080 and 84.34.108.
7. A breach of Agreement shall not occur and the additional tax shall not be imposed if the removal of designation resulted solely from:
  - (a) Transfer to a government entity in exchange for other land located within the State of Washington;
  - (b) A taking through the exercise of the power of eminent domain, in anticipation of the exercise of such power;
  - (c) Sale or transfer of land within two years after the death of the owner of at least fifty percent interest in such land.
  - (d) 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.
  - (e) Official action by an agency of the State of Washington or by the county or city within which the land is located which disallows the present use of such land.
  - (f) Transfer to a church and such land would qualify for property tax exemption pursuant to RCW 84.36.020.
  - (g) 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 (5g)).
8. The county assessor may require classified land owners to submit pertinent data regarding the use of the land, and such similar information pertinent to continued classification and appraisal of the land.

This Agreement shall be subject to the following conditions:

1. Applicant shall comply with Timber Management Plan prepared by Kenneth D. Osborn, Forester.
2. Applicant shall obtain all local, state and federal land use permits prior to removal of timber

It is declared that this Agreement contains the classification and conditions as provided for in RCW 84.34 and the conditions imposed by this Granting Authority.

Granting Authority:

Dated May 2, 1994

Harvey Wood RR 204  
City or County

CHAIRMAN, SKAGIT COUNTY BOARD  
Title  
OF COMMISSIONERS

As owner(s) of the herein described land I (we) indicated by my (our) signature(s) that I (we) are aware of the potential tax liability hereby accept the classification and conditions of this Agreement.

Dated 4-15-94

James B. Martin  
Owner(s)

Barbara J. Martin  
(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(s)  
Legislative Authority  
County Assessor

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Attachment "A"

Open Space Timber Application  
James and Barbara Martin

Line 2  
Legal Description:

Lot 4, Section 4 T33N ROSE, WM except the portions described  
as follows:

1. ST at NE corner S 650 FT W 50 FT to POB. Then W 100  
FT S 169 FT E 100 FT N 169 FT to POB.

and

2. St at SW corner N 100 FT to POB. Then N 150 FT E  
288 FT S 150 FT W 288 FT to POB.