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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 98 0051

GRANTOR(S): SKAGIT COUNTY HEARING EXAMINER

GRANTEE: GREG BORMUTH

ASSESSOR PARCEL NO: 47798

ABBREVIATED LEGAL DESCRIPTION: located at 1568 Barrell Springs Road, Bellingham, WA; within the South 1/2 of the South 1/2 of the Northwest 1/4 of Section 12, Township 36 North, Range 3 East W.M., Skagit County, Washington.

17675

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION CONCERNING A TIMBER OPEN SPACE APPLICATION  
OF GREG BORMUTH

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

WITNESS our hands and official seal this 30<sup>TH</sup> day of NOVEMBER, 1999.



BOARD OF COMMISSIONERS  
SKAGIT COUNTY, WASHINGTON

Ted W. Anderson  
TED W. ANDERSON, Chairman

Harvey Wolden  
HARVEY WOLDEN, Commissioner

Robert Hart  
ROBERT HART, Commissioner

ATTEST:

Patti Chambers  
Patti Chambers  
Clerk of the Board



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**SKAGIT COUNTY HEARING EXAMINER**  
**STATE OF WASHINGTON**

**17675**

In the matter of:	)	
Application OT 98 0051	)	Findings of Fact
Of GREG BORMUTH	)	Recommendation
for Timber Open Space	)	No. OT 98 0051
for inclusion of 14.45 acres in the	)	
Timber Open Space Classification	)	
_____	)	

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 1568 Barrell Springs Road, Bellingham, WA; within the South 1/2 of the South 1/2 of the Northwest 1/4 of Section 12, Township 36 North, Range 3 East, W.M., Skagit County, Washington;

Assessor Account No: 360312-2-008-0009; P47798

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 (6) as presented in that Report.
4. The applicant has had a Timber Management Plan prepared by Kip Kelley.
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**

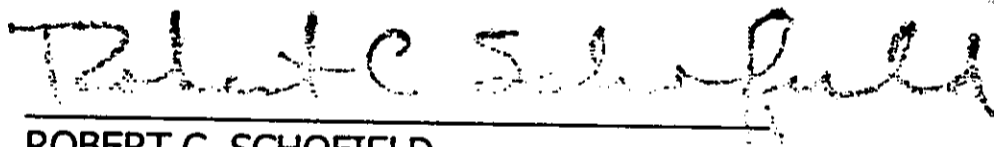
The Hearing Examiner, having duly considered the matter, including all the evidence presented and on file, comments from interested persons, information and comments from other county departments affected, independent studies of the Planning and Permit Center, and the evidence presented at the public 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 Timber Management Plan prepared for the subject property by Kip Kelley.
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

17675

HEARING AUTHORITY: SKAGIT COUNTY HEARING EXAMINER

HEARING DATE: MARCH 31, 1999

APPLICATION NUMBER: OPEN SPACE # OST-98-0051

APPLICANT: GREG BORMUTH

ADDRESS: 1568 BARRELL SPRINGS ROAD  
BELLINGHAM, WA 98226

PROJECT LOCATION: The subject property is located at 1568 Barrell Springs Road (formerly 146 Barrell Springs Road), Bellingham, WA; a portion of the South 1/2 of the South 1/2 of the Northwest 1/4 of Section 12, Township 36 North, Range 3 East, W.M., Skagit County, Washington.

PROJECT DESCRIPTION: Timber Open Space Classification Request to allow the inclusion of approximately 14.45 acres in the Timber Open Space Program.

ASSESSOR'S ACCOUNT NUMBER: 360312-2-008-0009, P 47798

STAFF FINDINGS:

1. The following items are submitted as exhibits:
  1. Staff report and attachments
  2. Application and site plan, received February 19, 1998
  3. Timber Management Plan
2. The subject property is zoned Rural 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 19.3 acres in size. The applicant has his home and various accessory structures located on the property. The applicant has included a legal description excepting the house and yard from the Timber Open Space Application.



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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.

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) GREG BORMUTH  
Legal Description a portion of the NW 1/4 of S12 T36 R3 E1W  
See attachment "A"

Assessor's Property Tax Parcel or Account Number P47798  
Reference Numbers of Documents Assigned or Released \_\_\_\_\_

This agreement between GREG BORMUTH  
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 assignees 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 Timber Management Plan prepared for the subject property by Kip Kelley.
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

REV 64 0022-2 (01-06-97)

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.



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" A "

**Back Portion of Bormuth's to go into Open Space "Timber Production"**

That portion of the Northwest quarter of Section 12, Township 36 North, Range 3 East, W.M., being more particularly described as follows:

Beginning at the Southwest corner of the Northwest quarter of said Section 12; Thence North  $1^{\circ}10'39''$  East along the West line of said Northwest quarter a distance of 320.70 feet; Thence South  $88^{\circ}56'23''$  East a distance of 1200.00 feet; Thence South  $1^{\circ}10'39''$  West 321.79 feet; Thence North  $88^{\circ}53'14''$  West a distance of 1200.00 feet to the TRUE POINT OF BEGINNING.

Containing 8.85 acres

**Front Portion of Bormuth's to go into Open Space "Timber Production"**

That portion of the Northwest quarter of Section 12, Township 36 North, Range 3 East, W.M., being more particularly described as follows:

Beginning at the Southwest corner of the Northwest quarter of said Section 12; Thence North  $1^{\circ}10'39''$  East along the West line of said Northwest quarter a distance of 320.70 feet; Thence South  $88^{\circ}56'23''$  East a distance of 1667.51 feet; Thence North  $1^{\circ}03'37''$  East a distance of 40.00 feet; Thence South  $88^{\circ}56'23''$  East a distance of 150.00 feet; Thence South  $1^{\circ}03'37''$  West a distance of 7.50 feet to the TRUE POINT OF BEGINNING; Thence South  $88^{\circ}56'23''$  East a distance of 704.94 feet to the Westerly margin of a 40 foot wide county road (Shaw Road) and to a point on a curve to the left having a radius point bearing North  $59^{\circ}48'45''$  East a radial distance of 593.00 feet; Thence along the arc of said curve to the left in a Southeasterly direction and along the West margin of said road through a central angle of  $3^{\circ}46'42''$  for an arc length of 76.42 feet; Thence South  $33^{\circ}57'57''$  East a distance of 115.70 feet to a point of intersection with the Northerly margin of that county road known as Barrel Springs Road and to a point on a curve to the left having a radius point bearing South  $18^{\circ}13'45''$  East a radial distance of 439.28 feet; Thence along the arc of said curve to the left in a Southwesterly direction through a central angle of  $40^{\circ}46'31''$  for an arc length of 312.62 feet to a point on the South line of the Northwest quarter of said Section 12; Thence North  $88^{\circ}53'14''$  West a distance of 569.43 feet; Thence North  $1^{\circ}03'37''$  East a distance of 354.94 feet to the TRUE POINT OF BEGINNING.

Containing 5.60 acres



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