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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: ORDER ON TIMBER OPEN SPACE OT 98 0462

HEARING OFFICER: SKAGIT COUNTY HEARING EXAMINER

APPLICANT: GEORGE WALLACE

ASSESSOR PARCEL NOS: P73562, P73572, P73573, P73590, P73591, P73592, P73593,
P73594, P73596, P73597, P73612

ABBREVIATED LEGAL DESCRIPTION: located within Blocks 64, 65, 66, 85, 86, 102,
103, 104, 105, 106, 124, 125 and 126 Plat of Gibraltar; within Sections 17 and 18,
Township 34 North, Range 02 East, W.M., Skagit County, Washington.

17826

RESOLUTION NO. _____

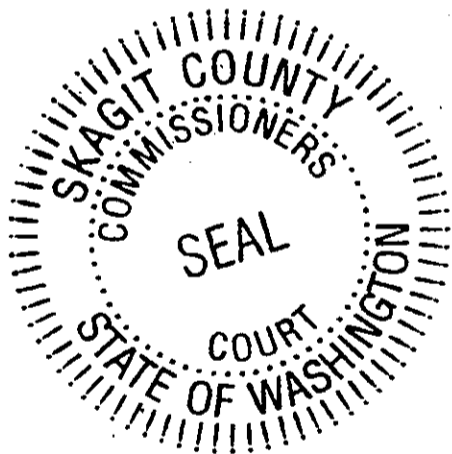
A RESOLUTION CONCERNING A TIMBER OPEN SPACE APPLICATION
OF GEORGE WALLACE
OT 98 0462

WHEREAS, the Skagit County Hearing Examiner held a public hearing on September 22, 1999 to review the Open Space Timber application of GEORGE WALLACE 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 GEORGE WALLACE subject to any conditions listed in the Hearing Examiner Recommendation.

WITNESS our hands and official seal this 3rd day of April, 2000.



BOARD OF COMMISSIONERS
SKAGIT COUNTY, WASHINGTON


Harvey Wolden
HARVEY WOLDEN, Chairman

Robert Hart
ROBERT HART, Commissioner

Ted W. Anderson
TED W. ANDERSON, Commissioner

ATTEST:

Patti Chambers
Patti Chambers
Clerk of the Board


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SKAGIT COUNTY HEARING EXAMINER

STATE OF WASHINGTON

In the Matter of:)
Application of George Wallace)
For the Inclusion approximately 29.78 Acres)
Of Property in the Timber Open Space)
Classification)

No: OT 98-0462

FINDINGS AND
RECOMMENDATION

THIS MATTER came before the Skagit County Hearing Examiner on September 22, 1999, after due notice. The County presented its findings. Members of the public were given an opportunity to testify.

The County's file and the information given in open hearing are made a part of the record herein. Having considered this record, the Examiner makes the following findings.

FINDINGS OF FACT

1. The subject property consists of approximately 29.78 acres located on Fidalgo Island in the Plat of Gibraltar; within portions of Blocks 64, 65, 66, 85, 86, 102, 103, 104, 105, 106, 124, 125 and 126, within portions of Sections 17 and 18, Township 34 North, Range 2 East, W.M., Skagit County, Washington.
2. The applicant is George W. Wallace and Grace J. Wallace, the property owners. The property is currently vacant. The request is for Timber Open Space classification of the property.
3. The Planning and Permit Center issued the attached Staff Report and Findings. The Report is incorporated herein as though fully set forth. The Examiner adopts the Findings presented in the Report.
4. The applicant has submitted a Timber Management Plan. Said plan was submitted as an exhibit.
5. There was no public testimony.
6. The Hearing Examiner has reviewed the application in light of the relevant requirements of the Skagit County Code and the Revised Code of Washington.
7. The Examiner finds that application meets the relevant criteria for the classification sought.



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RECOMMENDATION

The Hearing Examiner recommends **APPROVAL** of the application subject to the following conditions:

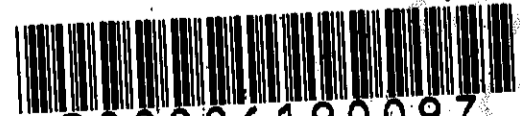
1. The applicant shall comply with the Timber Management Plan as submitted.
2. At the time of harvesting, the applicant shall comply with all requirements of the Department of Natural Resources in regard to harvesting of timber.

SKAGIT COUNTY HEARING EXAMINER

Wick Dufford
Wick Dufford, Hearing Examiner

Date of Recommendation: 9/29/99

Copies Transmitted to Applicant: 9/29/99



SKAGIT COUNTY PLANNING AND PERMIT CENTER
FINDINGS OF FACT

HEARING AUTHORITY: SKAGIT COUNTY HEARING EXAMINER

HEARING DATE: SEPTEMBER 22, 1999

APPLICATION NUMBER: OPEN SPACE # PL98-0462

APPLICANT: GEORGE WALLACE

ADDRESS: P.O. BOX 405
BURLINGTON, WA 98233

PROJECT LOCATION: The subject property is located on Fidalgo Island in the Plat of Gibraltar; within portions of Blocks 64, 65, 66, 85, n86, 102, 103, 104, 105, 106, 124, 125, and 126, within portions of Sections 17 & 18, Township 34 North, Range 2 East, W.M., Skagit County, Washington.

PROJECT DESCRIPTION: Timber Open Space Classification Request to allow the inclusion of approximately 29.7 acres in the Timber Open Space Program.

ASSESSOR'S ACCOUNT NUMBER: 4109-066-000-0003, -085-032-0005, -086-032-0003, -102-030-0000, -103-032-0006, -104-032-0004, -105-016-0001, -105-019-0008, -105-032-0001, -106-032-0009, -126-000-0005 P#'s 73562, 73572, 73573, 73590, 73591, 73592, 73593, 73594, 73596, 73597, 73612

STAFF FINDINGS:

1. The following items are submitted as exhibits:
 1. Staff report and attachments
 2. Application and site plan, received December 3, 1998
 3. Timber Management Plan
2. The subject property is zoned Residential 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 Intermediate.
3. The public hearing has been advertised in accordance with the requirements of Chapter 14.04 of the Skagit County Code.



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4. The subject property is approximately five acres (5) in size and is currently vacant. The applicant owns a number of blocks within the Plat of Gibraltar. These two blocks are only a portion of the ownership.
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

Chapter 84.34 RCW

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

Grantor(s) SKAGIT COUNTY

Grantee(s) GEORGE WALLACE (OT 98 0462)

Legal Description _____ The subject property is located on Fidalgo Island in the Plat of Gibraltar; within portions of Blocks 64, 65, 66, 85, 86, 102, 103, 104, 105, 106, 124, 125, and 126, within portions of Sections 17 & 18, Township 34 North, Range 2 East, W.M., Skagit County, Washington. _____

Assessor's Property Tax Parcel or Account Number See attachment "A"

Reference Numbers of Documents Assigned or Released _____

This agreement between GEORGE WALLACE

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. **Withdrawal:** 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. **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.

REV 64 0022-1 (1/03/00)



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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 land owner 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 84.34108(5)(f)).
- g) Removal of land classified as farm and agricultural land under RCW 84.34.020(2)(d).
- h) 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.
- i) The creation, sale, or transfer of forestry riparian easements under RCW 76.13.120.
- j) The creation, sale, or transfer of a fee interest or a conservation easement for the riparian open space program under RCW 76.09.040.

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. 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 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).

Granting Authority:

Dated _____

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.

Owner(s)

Dated _____

(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

To inquire about the availability of this notice in an alternate format for the visually impaired or in a language other than English, please call (360) 753-3217. Teletype (TTY) users may call (800) 451-7985.



(OT 98 0462)

Attachment "A"

ASSESSOR'S ACCOUNT NUMBER: 4109-066-000-0003, -085-032-0005, -086-032-0003, -102-030-0000, -103-032-0006, -104-032-0004, -105-016-0001, -105-019-0008, -105-032-0001, -106-032-0009, -126-000-0005 P#'s 73562, 73572, 73573, 73590, 73591, 73592, 73593, 73594, 73596, 73597, 73612



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