

Return to
Hearing Examiner

JERRY MCINTURFF
SKAGIT COUNTY AUDITOR

**SKAGIT COUNTY HEARING EXAMINER
STATE OF WASHINGTON**

93 APR 30 AM 12:20

RECORDED _____ FILED _____
REQUEST OF _____

In the matter of:
Application No. OSO 91 019
Open Space Application of:
RON HASS, AVALON LINKS, INC.
For: To allow the inclusion of
approximately 232 acres in the
Open Space program.

)
)
) Findings of Fact
) Recommendation
9304300051
) OSO 91 019
)
)

This matter, having come regularly before the Skagit County Hearing Examiner for a Public Hearing under an application filed with the Skagit County Department of Planning and Community Development on behalf the applicant requesting an Open Space Classification as described and located in the attached Report and Findings of the Skagit County Department of Planning and Community Development,

And, notice having been given to all property owners within 300 feet of said property, the property having been posted in accordance with Chapter 14.04 of the Skagit County Code, the public hearing advertised in accordance with Chapter 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. February 26 and April 1, 1992 were fixed as the dates of the public hearings and the Hearing Examiner held public hearings 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 read and made part of the record.
3. The Hearing Examiner adopts the findings of the Department of Planning and Community Development as presented in the attached Report and Findings of that Department.
4. In a letter received March 19, 1992 the applicant has amended the original application to request that only 200 of the original 232 acres be placed into the Open Space category.
5. Chapter 84.34.020, Revised Code of Washington, provides the following information:
 - (1) "Open Space Land" means (a) any land area so designated by an official comprehensive land use plan adopted by any city or county 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.

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6. The Hearing Examiner reviewed this application with respect to the above definitions and other requirements of the Skagit County Code and the Revised Code of Washington.

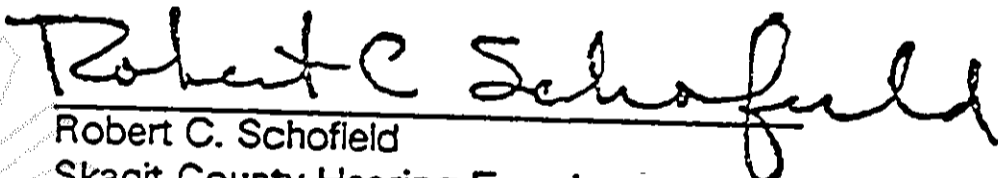
CONCLUSIONS

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 effected and from the Prosecuting Attorney; independent studies of the Planning Department, and the evidence presented at the public hearing; finds that:

- a. The application has been reviewed in accordance with the definitions and requirements referenced above and has been found to be compatible with those criteria.

DECISION

The Hearing Examiner recommends APPROVAL of the application for inclusion of approximately 200 acres of the subject property in the Open Space Taxation Program.


Robert C. Schofield
Skagit County Hearing Examiner

Date of Action: April 1, 1992

Copies transmitted to applicant: April 2, 1992

Attachment: Staff Report and Findings
C: Applicant, File, County Commissioners, Hearing Examiner

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SKAGIT COUNTY PLANNING AND COMMUNITY DEVELOPMENT
FINDINGS OF FACT

HEARING AUTHORITY: SKAGIT COUNTY HEARING EXAMINER

HEARING DATE: FEBRUARY 26, 1992

APPLICATION: OSO 91-019

APPLICANT: RON HASS - AVALON GOLF CLUB
1717 KELLEHER ROAD
BURLINGTON, WA 98233

PROJECT LOCATION: Located at 1717 Kelleher Road, Burlington; within a portion of the Southwest 1/4 of the Southwest 1/4, also the Northeast 1/4 of the Southwest 1/4, also the Northwest 1/4 of the Southwest 1/4 all within Section 8, Township 35 North, Range 4 East W.M.; also a portion of the Northeast 1/4 of the Northwest 1/4 of Section 17, Township 35 North, Range 4 East W.M., Skagit County, Washington.

PROJECT DESCRIPTION: Open Space application to allow the inclusion of approximately 232 acres in the Open Space - Open Space Program.

ASSESSOR'S ACCOUNT NUMBER: 350408-2-004-0009, 350408-2-001-0002, 35048-3-004-0007, 350412-2-001-0001, 350408-3-002-0009, 350408-3-001-0000

STAFF FINDINGS:

1. The subject property is zoned Forestry and the Northcentral District Comprehensive Plan designates the area as Residential, Rural Open Space, and Industrial.
2. The public hearing has been advertised in accordance with the requirements of Chapter 14.04 of the Skagit County Code.
3. The subject property is located out of any designated flood hazard areas.
4. The application has been reviewed in accordance with the State Environmental Policy Act guidelines (WAC 197-11 and RCW 43.21C) and has been found to be exempt.
5. The subject property is approximately 232 acres in size. The property is the site of Avalon Golf Club, a 27-hole public golf course. The applicant has indicated that the following structures are located on the subject property: 4,800 square foot clubhouse, 4,800 square cart storage building, 4,500 square foot maintenance building, and 3 small well buildings.
6. The subject property is located in a rural area of the county with and without residential development. The site is accessed directly from Kelleher Road.

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RECOMMENDATION:

Based on the above findings the Department of Planning and Community Development would recommend approval of the request to include approximately 232 acres in the Open Space - Open Space Program subject to the following conditions:

1. The applicant shall provide a legal description of the subject property.
2. The applicant shall provide a legal description of all improved areas that do not qualify for the Open Space Program to include: Putting surfaces, parking lot, access and maintenance roads, clubhouse, on-site sewage disposal structures (above ground), maintenance facilities, and cart storage facility.
3. The applicant shall pay all fees associated with the review of the application.
4. The applicant shall comply with the provisions established in Chapter 84.34 RCW.

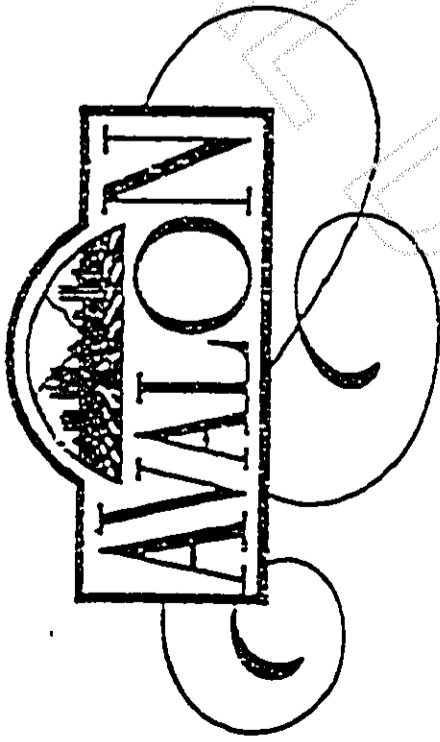
Prepared by: JNM

Reviewed by: 

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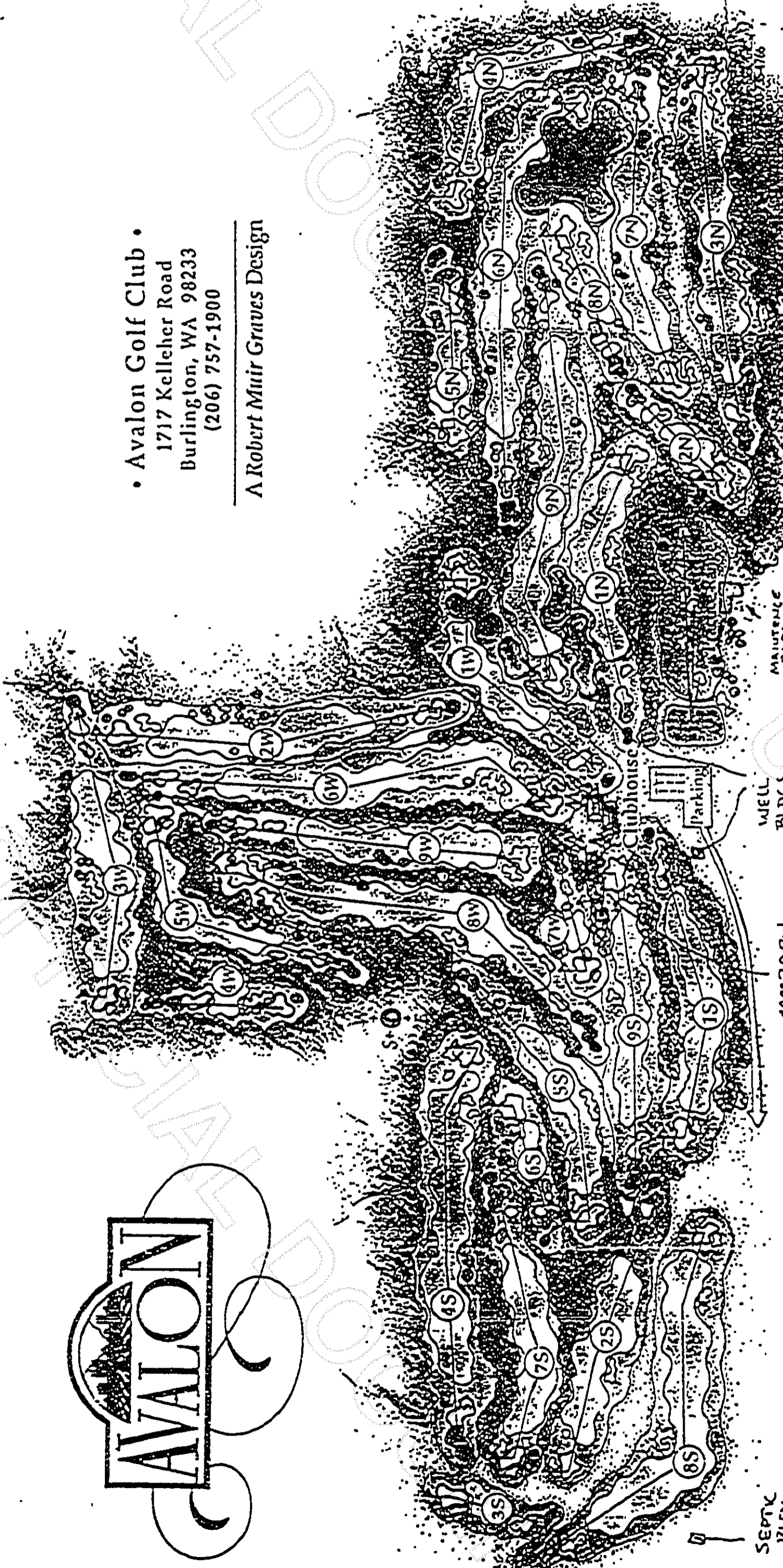
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• Avalon Golf Club •
 1717 Kelleher Road
 Burlington, WA 98233
 (206) 757-1900

A Robert Muir Graves Design



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Hole	NORTH COURSE									SOUTH COURSE									WEST COURSE								
	1	2	3	4	5	6	7	8	9	1	2	3	4	5	6	7	8	9	1	2	3	4	5	6	7	8	9
Black	390	167	466	389	227	594	408	201	554	427	384	134	519	362	194	384	554	409	363	386	377	163	350	502	163	493	404
Green	358	150	454	372	210	556	384	176	524	407	364	172	504	346	176	369	524	393	340	368	356	135	328	484	142	469	384
White	330	140	424	355	193	525	354	159	509	379	340	105	486	335	156	338	491	375	308	341	340	111	293	451	135	451	367
Purple	300	115	386	340	168	493	314	129	479	357	309	91	471	310	125	319	470	356	268	316	311	93	262	428	94	410	328
Par	4	3	5	4	3	5	4	3	5	4	4	3	5	4	3	4	5	4	4	4	4	3	4	5	3	5	
Handicap	6	9	7	5	4	1	2	8	3	1	7	9	2	5	6	6	3	4	7	3	5	8	6	1	9	2	

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OPEN SPACE TAXATION AGREEMENT
RCW 84.34

1-10-86

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

This Agreement between AVALON LINKS, INC.

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:

350408-3-002-0009 350408-2-004-0009

Assessor's Parcel or Account Numbers: 350408-2-001-0002 350408-3-004-0007 350408-3-001-0000

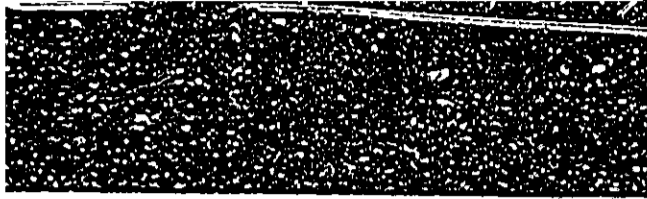
Legal Description of Classified Land: See Attachment "A"

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 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 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 land owner 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.



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ATTACHMENT "A"

The Southeast 1/4 of the Southwest 1/4 of Section 8, Township 35 North, Range 4 E.W.M.; and

The Northeast 1/4 of the Southwest 1/4 of Section 8, Township 35 North, Range 4 E.W.M.; and

The Northwest 1/4 of the Southwest 1/4 of Section 8, Township 35 North, Range 4 E.W.M.; and

The Southeast 1/4 of the Northwest 1/4 of Section 8, Township 35 North, Range 4 E.W.M.; and

The Northeast 1/4 of the Northwest 1/4 of Section 8, Township 35 North, Range 4, E.W.M.

All situate in County of Skagit, State of Washington.

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RESOLUTION NO. 1886

A RESOLUTION CONCERNING AN OPEN SPACE APPLICATION OF AVALON LINKS, INC.

WHEREAS, public hearings were held on February 26 and April 1, 1992 to review the Open Space application of applicant and the accompanying Staff Report of the Department of Planning and Community Development, and subsequently Findings of Fact and a Recommendation were submitted to the Skagit County Board of Commissioners by the Hearing Examiner; and

WHEREAS, in open session, The Skagit County Board of Commissioners has reviewed the application and Staff Report, Findings and Recommendation of the Hearing Examiner, and any public testimony and correspondence in this matter; and

WHEREAS, Chapter 8.34.020, Revised Code of Washington, provides that:

- (1) "Open Space Land" means (a) any land area so designated by an official comprehensive land use plan adopted by any city or county 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, wetland, 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.;

NOW THEREFORE, BE IT RESOLVED, that The Skagit County Board of Commissioners hereby accepts the Hearing Examiner Recommendation and approves the Open Space application of AVALON LINKS, INC. subject to any conditions recommended by the Hearing Examiner and the Planning Staff.

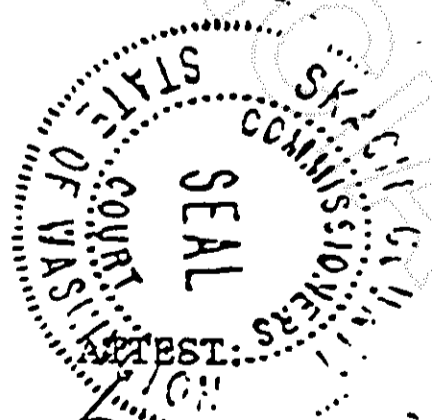
WITNESS our hands and official seal this 21st day of April, 1993.

BOARD OF COMMISSIONERS
SKAGIT COUNTY, WASHINGTON

Bob Hart
BOB HART, Chairman

Harvey Wolden
HARVEY WOLDEN, Commissioner

Robby Robinson
ROBBY ROBINSON, Commissioner



Stephanie Wood for
Connie Carter
Clerk of the Board

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