



199909170003

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 OPEN SPACE PERMIT  
OS 99 0392

HEARING OFFICER: SKAGIT COUNTY HEARING EXAMINER

APPELLANT: MILTON SCHAYES

ASSESSOR PARCEL NO: P47286

ABBREVIATED LEGAL DESCRIPTION: located at Lot 4-A of Short Plat 45-84, within  
Section 01, Township 36 North, Range 02 East, W.M., Skagit County, Washington.

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

In the matter of:	)	
Application No. OS 99 0392	)	
Open Space Application of:	)	Findings of Fact
MILTON SCHAYES for:	)	Recommendation
transfer of .5.8 acres from the	)	OS 99 0392
Timber Open Space program to	)	
the Open Space program	)	

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 the applicant requesting an Open Space Classification as described in the attached Report of that Department and located at Lot 4-A of Short Plat 45-84, within Section 1, Township 36 North, Range 2 East, W.M., Skagit County, Washington;

Assessor Account No: 360228-0-001-0300; P47286

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**

1. August 11, 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 Staff Report and Findings. The Hearing Examiner adopts Findings no. one (1) through five (5) as presented in that Report.
4. Section 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 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



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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.

5. 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 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.

### **DECISION**

The Hearing Examiner recommends APPROVAL of the application for transfer of the subject property from the Timber Open Space Program to the Open Space Taxation Program.

SKAGIT COUNTY HEARING EXAMINER

  
BRADFORD E. FURLONG, PRO TEM

Date of Action: *August 13, 1999*

Attachment: Staff Report and Findings



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SKAGIT COUNTY PLANNING AND PERMIT CENTER  
FINDINGS OF FACT

HEARING AUTHORITY: SKAGIT COUNTY HEARING EXAMINER

HEARING DATE: AUGUST 11, 1999

APPLICATION NUMBER: OPEN SPACE # OS~~7~~-99-0392

APPLICANT: MILTON SCHAYES

ADDRESS: 599 PLEASANT BAY ROAD  
BELLINGHAM, WA 98226

PROJECT LOCATION: The subject property is located on the northwest end of, Samish Island and the end of Point Williams Place (private road); Lot 4-A of Short Plat # 45-84, as recorded under Auditor File # 8502200050 Records of Skagit County; a portion of Government Lot 1, Section 28, Township 36 North, Range 2 East, W.M., Skagit County, Washington.

PROJECT DESCRIPTION: Open Space Request to allow the transfer of approximately 5.8 acres from Timber Open Space to Open Space Open Space.

ASSESSOR'S ACCOUNT NUMBER: 360228-0-001-0300 P47286

STAFF FINDINGS:

1. The following items are submitted as exhibits:
  1. Staff report and attachments
  2. Application and site plan, dated December 31, 1997
  3. Conservation Easement with Skagit Land Trust.
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 Intermediate.
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 5.8 acres in size and is currently vacant. The subject property is part of a short plat that was approved and recorded in 1984.



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5. The subject property is one of two adjacent parcels of approximately the same size currently owned by the applicant. Originally, both parcels 4A and 4B were included in the Timber Open Space Program. The applicant has placed a Conservation Easement on Lot 4A. The Conservation Easement does not allow the harvesting of timber.

Thus, the applicant is requesting to be allowed to transfer Lot4A from Timber Open Space to Open Space Open Space.

It is indicated in the Conservation Easement that the property provides habitat for peregrine falcons and bald eagles. It is also indicated in the Conservation Easement that the eagles roost on the subject property and nest on adjacent property.

Due to the roosting and nesting of the peregrine falcons and eagles, the Conservation Easement restricts public access to the property.

**RECOMMENDATION:**

The Skagit County Planning and Permit Department would recommend approval of the request for a transfer from the Timber Open Space Program to the Open Space Open Space Program.

Prepared by: G.R.

Approved by:



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