

SKAGIT COUNTY ASSESSOR'S OFFICE FINDINGS
OF FACTS

HEARING AUTHORITY: SKAGIT COUNTY HEARING EXAMINER

HEARING DATE: MARCH 22, 2023

APPLICATION NUMBER: C/U OPEN SPACE LAND APP#12-2022

DATE OF APPLICATION: DECEMBER 12, 2022

APPLICANT: MILTON AND JOYCE HOLMES

ADDRESS: 14620 HOXIE LANE
ANACORTES, WA 98221

LEGAL DESCRIPTION: PARCELS 2, 3, 4 AND 5, BLA SURVEY
RECORDED UNDER AF#200506290067, BEING A PORTION OF THE
NE1/4 AND SE1/4, SECTION 18, TOWNSHIP 34 NORTH, RANGE 2 EAST,
W.M.

PROJECT DESCRIPTION: Application to Current Use Open Space Land.
Currently land not in any land classification. This property would be to
conserve or enhance natural, cultural, or scenic resources, protect streams,
stream corridors, wetlands, natural shorelines or aquifers and preserve visual
quality.

ASSESSOR'S ACCOUNT NUMBERS: P123332, P123333, P123334
AND P123335

STAFF FINDINGS:

1. The following items are submitted as exhibits:
 - a. Application(s)
 - b. Maps
 - c. Photos from owner

2. The public hearing has been advertised in accordance with the requirements of Chapter 14.04 of the Skagit County Code.
3. Total acreage in application: 10.0000 acres
4. The applicant is requesting inclusion in the Current Use Open Space Land Program. Documentation submitted appears to comply with all the required items as listed in RCW 84.34.02

SUMMARY:

Based on the above submitted documents, the application appears to comply with all requirements of the Current Use Open Space program per RCW 84.34.020.

Prepared by: KNS

Application for Classification or Reclassification
Open Space Land
Chapter 84.34 RCW

DEC 12 '21 14:47:23

CU OS # 12-2022

File With The County Legislative Authority

Name of Owner(s): Holmes, Milton S. & Joyce M. Phone No: (360)293-2384

Email Address: williwaw@wavecable.com

Address: P. O. Box 274
Anacortes, WA 98221

Parcel Number(s): **P123332, P123333, P123334, P123335**

Legal Description: **P123332:** PARCEL 2 OF BOUNDARY LINE ADJUSTMENT SURVEY RECORDED AF#200506290067 AKA THAT PORTION OF STREETS, AVENUES AND ALLEYS AS WOULD ATTACH BY OPERATION OF LAW, MAP OF FIDALGO CITY ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 2 OF PLATS, PAGE 113, RECORDS OF SKAGIT COUNTY, WASHINGTON, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE INTERSECTION OF POTTER AVENUE (DORIS) AND 8TH STREET; THENCE NORTH ALONG THE CENTERLINE OF POTTER AVENUE A DISTANCE OF 440.00 FEET TO THE INTERSECTION OF 9TH STREET AND POTTER AVENUE; THENCE EAST ALONG THE CENTERLINE OF 9TH STREET A DISTANCE OF 247.50 FEET TO A POINT 82.50 FEET WEST OF THE INTERSECTION OF 9TH AND HOWARD STREETS; THENCE SOUTH PARALLEL AND 82.50 FEET DISTANCE WESTERLY (AS MEASURED PERPENDICULAR) TO THE CENTERLINE OF HOWARD AVENUE A DISTANCE OF 440.00 FEET TO THE CENTERLINE OF 8TH STREET; THENCE WEST ALONG THE CENTERLINE OF SAID 8TH STREET A DISTANCE OF 247.50 FEET TO THE POINT OF BEGINNING.

P123333: PARCEL 3 OF BOUNDARY LINE ADJUSTMENT SURVERY AF#200506290067 AKA THAT PORTION OF BLOCKS 25 AND 26, AND VACATED PORTIONS OF STREETS, AVENUES AND ALLEYS AS WOULD ATTACH BY OPERATION OF LAW, MAP OF FIDALGO CITY ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 2 OF PLATS, PAGE 113, RECORDS OF SKAGIT COUNTY, WASHINGTON, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE INTERSECTION OF WALLA WALLA AVENUE AND 9TH STREET; THENCE NORTH ALONG THE CENTERLINE OF WALLA WALLA A DISTANCE OF 220.00 FEET; THENCE EAST A DISTANCE OF 495.93 FEET TO A POINT LYING 164.00 FEET WEST OF THE CENTERLINE OF HOWARD AVENUE; THENCE SOUTH PARALLEL TO HOWARD AVENUE, A DISTANCE OF 220.00 FEET TO THE CENTERLINE OF 9TH STREET; THENCE WEST ALONG THE CENTERLINE OF 9TH STREET A DISTANCE OF 495.93 FEET TO THE POINT OF BEGINNING.

P123334: PARCEL 4 OF BOUNDARY LINE ADJUSTMENT SURVEY AF#200506290067 AKA THAT PORTION OF BLOCKS 25 AND 26, AND VACATED PORTIONS OF STREETS, AVENUES AND ALLEYS AS WOULD ATTACH BY OPERATION OF LAW, MAP OF FIDALGO CITY ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 2 OF PLATS, PAGE 113, RECORDS OF SKAGIT COUNTY, WASHINGTON, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE INTERSECTION OF WALLA WALLA AVENUE AND 9TH STREET; THENCE NORTH ALONG THE CENTERLINE OF WALLA WALLA A DISTANCE OF 220.00 FEET TO THE TRUE POINT OF BEGINNING; THENCE EAST A DISTANCE OF 495.93 FEET TO A POINT LYING 164.00 FEET WEST OF THE CENTERLINE OF HOWARD AVENUE; THENCE NORTH PARALLEL TO HOWARD AVENUE, A DISTANCE OF 220.00 FEET TO THE CENTERLINE OF 10TH STREET; THENCE WEST ALONG THE CENTERLINE OF 10TH STREET A DISTANCE OF 495.93 FEET TO THE CENTERLINE OF WALLA WALLA; THENCE SOUTH ALONG THE CENTERLINE OF WALLA WALLA A DISTANCE OF 220.00 FEET TO THE TRUE

POINT OF BEGINNING.

P123335:

PARCEL 5 OF BOUNDARY LINE ADJUSTMENT SURVEY AF#200506290067 AKA THAT PORTION OF BLOCKS 24 AND 25, AND VACATED PORTIONS OF STREETS, AVENUES AND ALLEYS AS WOULD ATTACH BY OPERATION OF LAW, MAP OF FIDALGO CITY ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 2 OF PLATS, PAGE 113, RECORDS OF SKAGIT COUNTY, WASHINGTON, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE INTERSECTION OF 10TH STREET AND HOWARD AVENUE; THENCE EAST ALONG THE CENTERLINE OF 10TH STREET A DISTANCE OF 331.29 FEET TO THE EAST LINE OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 18, TOWNSHIP 34 NORTH, RANGE 2 EAST, W.M.; THENCE SOUTH 0 DEGREES 58' 17" EAST ALONG THE EAST LINE OF SAID SOUTHWEST QUARTER OF THE NORTHEAST QUARTER, A DISTANCE OF 220.03 FEET; THENCE WEST A DISTANCE OF 499.02 FEET TO A POINT LYING 164.00 FEET WEST OF THE CENTERLINE OF HOWARD AVENUE; THENCE NORTH PARALLEL TO HOWARD AVENUE, A DISTANCE OF 220.00 FEET TO THE CENTERLINE OF 10TH STREET; THENCE EAST ALONG THE CENTERLINE OF 10TH STREET A DISTANCE OF 164.00 FEET TO THE POINT OF BEGINNING.

Total Acres in Application: 10.01

Indicate what category of open space this land will qualify for:

- Conserve or enhance natural, cultural, or scenic resources

The Department of Natural Resources (DNR) has identified an area of Root Rot, mostly in the eastern area of P123334. DNR has suggested mitigating this by removing the infected timber and replanting with cedar which is resistant to root rot. If we should proceed with this it would require development of a Stewardship Plan and a Forest Practices Application to remove the infected trees and replant.

- Protect streams, stream corridors, wetlands, natural shorelines, or aquifers
- Protect soil resources, unique or critical wildlife, or native plant habitat
- Promote conservation principles by example or by offering educational opportunities
- Enhance the value to the public of abutting or neighboring parks, forests, wildlife preserves, nature reservations or sanctuaries, or other open spaces
- Enhance recreation opportunities
- Preserve historic or archaeological sites
- Preserve visual quality along highway, road, street corridors, or scenic vistas
- 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 granting authority
- Farm and agricultural conservation land previously classified under RCW 84.34.020(2), that no

longer meets the criteria

- Farm and agricultural conservation land that is "traditional farmland" not classified under Chapter 84.33 or Chapter 84.34 RCW, that has not been irrevocably devoted to a use inconsistent with agricultural uses, and has a high potential for returning to commercial agriculture

1. Describe the present use of the land.

Undeveloped forested land used for hiking.

2. Is the 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 agreement.

3. Describe the present improvements (residence, buildings, etc.) located on the land.
No improvements made.

4. Is the land subject to any easements?

Yes No

If yes, describe the type of easement, the easement restrictions, and the length of the easement.

Approximately 220' easement for Highland Avenue along east side of parcel P123335 for ingress, egress and utilities. Approximately 500' easement along southern boundary of parcel P123335 for utility easement to support parcels P123333 and P123334 (undeveloped), and small portions of these easements for same.

5. If applying for the farm and agricultural conservation land category, provide a detailed description below about the previous use, the current use, and the intended future use of the land.

N/A

NOTICE:

The county and/or city legislative authorities may require owners to submit additional information regarding the use of the land.

As owner of the parcel(s) described in this application, I hereby indicate by my signature below that I am aware of the additional tax, interest, and penalties involved when the land ceases to be classified under the provisions of Chapter 84.34 RCW. I also certify that this application and any accompanying documents are accurate and complete.

The agreement to tax according to use of the property is not a contract and can be annulled or canceled at any time by the Legislature (RCW 84.34.070)

Print the name of each owner:

Signature of each owner:

Date

Milton S. Holmes

Milton S. Holmes

12/12/22

Joyce M. Holmes

Joyce M. Holmes

12/12/22

The granting or denial of an application for classification or reclassification as open space land is a legislative determination and shall be reviewable only for arbitrary and capricious actions. Denials are only appealable to the superior court of the county in which the land is located and the application is made.

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" 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 in (a), paid at the same statutory rate charged on delinquent property taxes; plus
 - (c) A penalty of 20% will be applied to the additional tax and interest if the classified land is applied to some other use except through compliance with the property owner's request for withdrawal as described in RCW 84.34.070(1).
2. The additional tax, interest, and penalty specified in (1) 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) A natural disaster such as a flood, windstorm, earthquake, wildfire, 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 disallows the present use of such land.
 - (e) Transfer of land to a church when such land would qualify for property tax 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(6)(f)).
 - (g) Removal of land classified as farm & agricultural land under RCW 84.34.020(2)(f) (farm home site).
 - (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 conservation easement of private forest lands within unconfined channel migration zones or containing critical habitat for threatened or endangered species under RCW 76.09.040.
 - (k) The sale or transfer of land within two years after the death of the owner of at least a fifty percent interest in the land if the land has been assessed and valued as designated forest land under chapter 84.33 RCW, or classified under this chapter 84.34 RCW continuously since 1993. The date of death shown on the death certificate is the date used.
 - (l) The discovery that the land was classified in error through no fault of the owner.

FOR LEGISLATIVE AUTHORITY USE ONLY

Date application received: 12/12/2022 By: Kiffin

Amount of processing fee collected: \$ 500.00

- Is the land subject to a comprehensive land use plan adopted by a city or county? Yes No

If yes, application should be processed in the same manner in which an amendment to the comprehensive land use plan is processed.

If no, application must be acted upon after a public hearing and notice of the hearing shall have been given by one publication in a newspaper of general circulation in the area at least ten days before the hearing.

- If the land is not subject to a comprehensive land use plan, is the land located within an incorporated part of the county? Yes No

If yes, application must be acted upon by three members of the county legislative authority and three members of the city legislative authority. See RCW 84.34.037(1) for details.

If no, application must be acted upon by three members of the county legislative authority.

- Application approved In whole In part
- Application denied Date owner notified of denial (Form 64 0103):

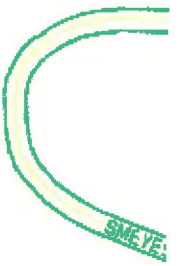
If approved, date Open Space Taxation Agreement (OSTA) was mailed to owner:

Signed OSTA received by Legislative Authority on:

Copy of signed OSTA forwarded to Assessor on:

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REV 64 0021e (6/26/19)

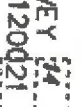


2A
Process
A
Priority
S/P P106-9163
AF 200612210084

12B
S/P P101-6581
AF 200303070103

FIDALGO
4101

LOT - 2



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Process
7
8 SURVEY
AF #9410180062

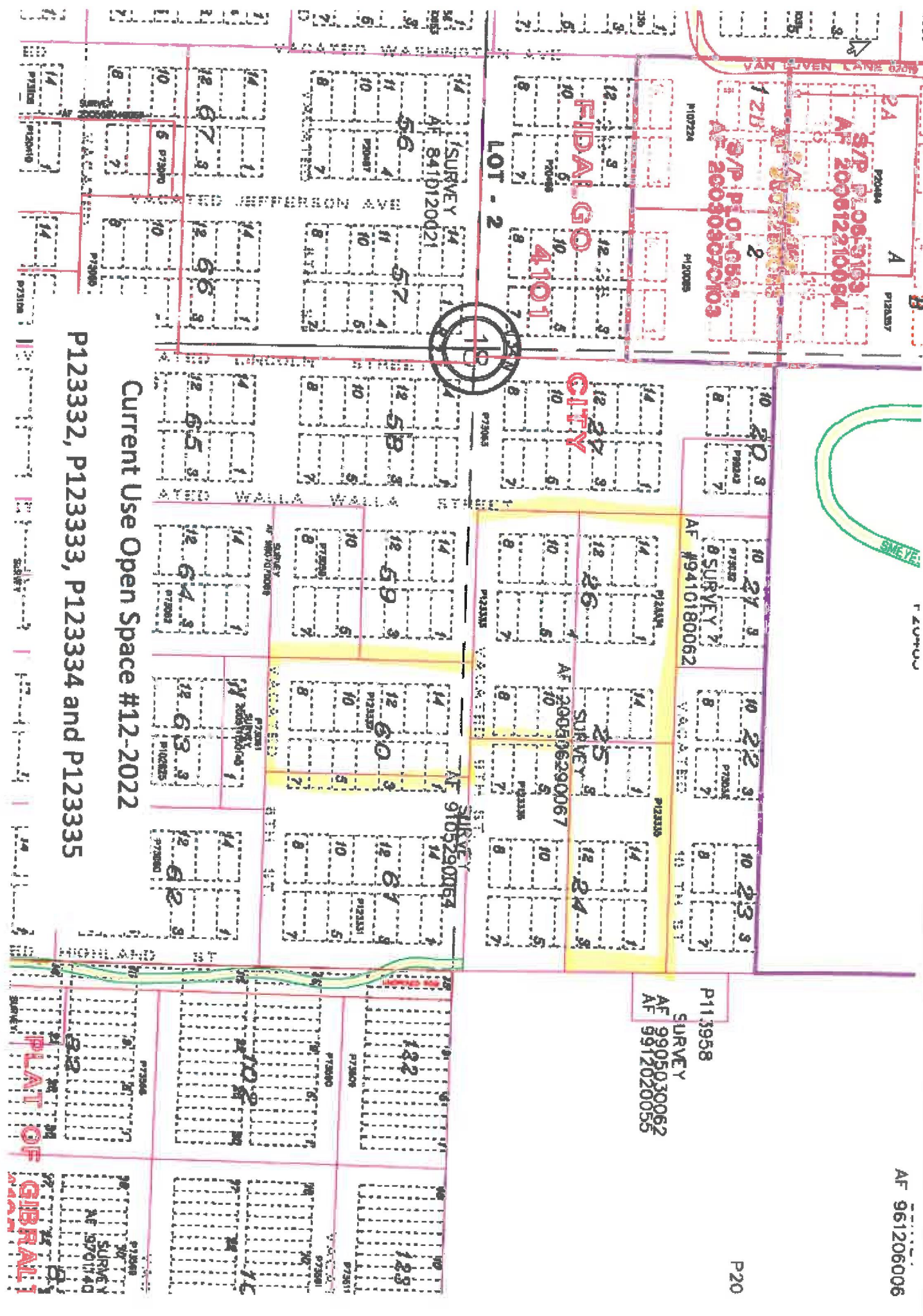
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AF 9105290064

P113958
SURVEY
AF 9905030062
AF 9912020055

P20

Current Use Open Space #12-2022
P123332, P123333, P123334 and P123335



**Current Use Open Space #12-2022
P123332, P123333, P123334 and P123335**

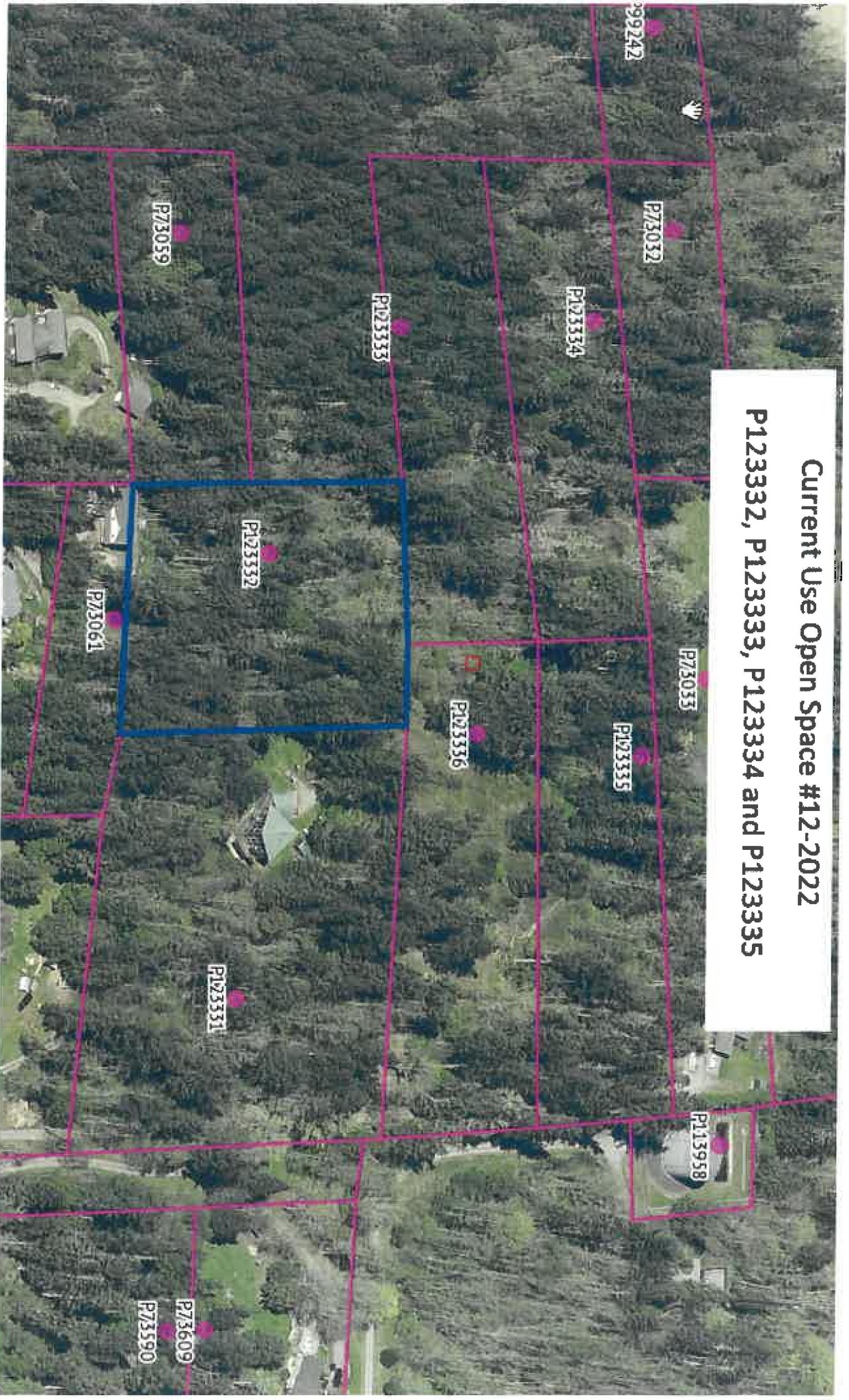


Photo Log for Holmes Property Reclassification – Parcels P123332, P123333, P123334, and P123335



Southwest Corner of Parcel P123332 Looking South - Photo #1

Photo Log for Holmes Property Reclassification – Parcels P123332, P123333, P123334, and P123335



Western Side of Parcel P123332 Looking North - Photo #2



Western Side of Parcel P123332 Looking West - Photo #3

Photo Log for Holmes Property Reclassification – Parcels P123332, P123333, P123334, and P123335



Parcel P123333 Looking Southeast - Photo #4

Photo Log for Holmes Property Reclassification – Parcels P123332, P123333, P123334, and P123335



Edge of Parcels P123333 and P123334 Looking South-southwest - Photo #5



Southern Side of Parcel P123333 Looking Northeast - Photo #6

Photo Log for Holmes Property Reclassification – Parcels P123332, P123333, P123334, and P123335



Southwest Corner of Parcel P123333 Looking South - Photo #7



Southeast Corner of Parcel P123334 Looking Northeast - Photo #8

Photo Log for Holmes Property Reclassification – Parcels P123332, P123333, P123334, and P123335



Southeast Corner of Parcel P123334 Looking East - Photo #9



Southwest Corner of Parcel P123335 Looking Northwest - Photo #10

Photo Log for Holmes Property Reclassification – Parcels P123332, P123333, P123334, and P123335



Southwest Corner of Parcel P123335 Looking East - Photo #11



Bald Eagles

Photo Log for Holmes Property Reclassification – Parcels P123332, P123333, P123334, and P123335



Great Horned Owl



Barred Owl

Photo Log for Holmes Property Reclassification – Parcels P123332, P123333, P123334, and P123335



Band Tail Pigeons on Elderberry



Flicker

Photo Log for Holmes Property Reclassification – Parcels P123332, P123333, P123334, and P123335



Frogs (Photo on the right was taken from adjacent parcel not included in the reclassification application)



Assorted Fungi and Lichen