

**JEFFERSON COUNTY
BOARD OF COUNTY COMMISSIONERS**

CONSENT AGENDA REQUEST

TO: Board of County Commissioners
Philip Morley, County Administrator

FROM: Al Scalf, Director, DCD *AS*
Stacie Hoskins, Planning Manager, DCD *SH*
Zoe Ann Lamp, Associate Planner *ZAL*

DATE: January 11, 2011

SUBJECT: Enroll approximately 9.70 acres of forest land into the Open Space/Timber Tax Program under provisions of the Jefferson County Open Space Tax Program (Res. 82-91) and RCW 84.34. George and Vicky Costakis Case # MLA09-00416/ZON09-00138

STATEMENT OF ISSUE:

Applicants own a 14.92 acre parcel at 230 Garden Club Road, Nordland. Applicants wish to place 9.70 acres in current use taxation assessment as Open Space Timber under the provisions of RCW 84.34.

ANALYSIS/STRATEGIC GOALS:

The Jefferson County Hearing Examiner conducted an Open Record Public Hearing on December 14, 2010 considering the request of Vicky and George Costakis to transfer 9.70 acres to Open Space Timber under provisions of RCW 84.34.

The applicant submitted a Forest Management Plan prepared by a professional forester. The Hearing Examiner reviewed the staff report, testimony and the Forest Management Plan and concurred with staff's recommendation for approval.

ALTERNATIVES:

The requested action is a Board of Commissioners legislative action to approve the applicant's request to designate 9.70 acres for current use tax assessment as Open Space Timber, remand to the Hearing Examiner, or deny the application.

FISCAL IMPACT:

In exchange for transferring and designating the 9.70 acres for current use assessment, the property owner will receive a benefit of reduced property taxes; the public will benefit in long-term commercial timber productivity of the subject property.

Consent Agenda

RECOMMENDATION:

Per the recommendation of the Jefferson County Hearing Examiner, approval is recommended subject to the applicant's compliance with conditions and entering into an Open Space Taxation Agreement with the Jefferson County Board of Commissioners and recorded at the expense of the applicant.

Reviewed by:


Philip Morley, County Administrator

Board of Commissioners Action:

We have reviewed and considered the recommendation of the Hearing Examiner to approve Vicky and George Costakis' application to place 9.70 acres into Open Space Timber for current use assessment.

We hereby _____ approve/deny _____ the application and enter into an Open Space Taxation Agreement with the applicant.

DATED THIS ____ DAY OF JANUARY, 2011.

JEFFERSON COUNTY BOARD OF COMMISSIONERS

JOHN AUSTIN, CHAIR

ATTEST:

PHIL JOHNSON, MEMBER

Clerk of the Board

DAVID SULLIVAN, MEMBER

When Recorded Return to:
Jefferson County
Department of Community Development
621 Sheridan Street
Port Townsend, WA 98368

**OPEN SPACE TAXATION AGREEMENT
CH.84.34 RCW**

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

Grantor(s): Jefferson County

Grantee(s): George and Vicky Costakis

Legal Description:

Stavney Short Plat, lot 1 (Southerly 9.70 acres portion)
Section 9, Township 29N, Range 1E, WM

Assessor's Property Tax Parcel or Account Number: 921092029

Reference Numbers of Documents Assigned or Released: _____ N/A _____

This agreement between George and Vicky Costakis hereinafter called the "Owner", and Jefferson 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.
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 84.34108(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: **SEE ATTACHED EXHIBIT "A"**

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 _____

JEFFERSON COUNTY
BOARD OF COMMISSIONERS

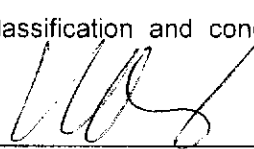
John Austin, Chair

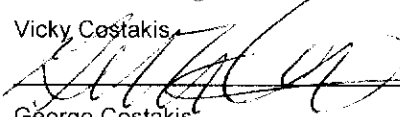
Phil Johnson, Member

David Sullivan, Member

As the 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 1/16/11
(Must be signed by all owners)



Vicky Costakis


George Costakis

Date signed agreement received by Legislative Authority: _____

Prepare in triplicate with one completed copy to each of the following: Owner, Legislative Authority, County Assessor.

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. REV64 0022-2 (01-06-97)

Exhibit A

1. For a period of five years, the property owners shall submit an annual management plan update for review to the Jefferson County Assessor's Office detailing required/suggested management goals stating which management goals were accomplished in the previous year. This management plan update may be prepared by the property owner. After the initial five-year period, the update will coincide with the revaluation phase. A request letter will be received from the Assessor's Office for such update that may be required from a professional in the forestry field.
2. Prior to the Board of County Commissioner's approval, the applicants shall provide certification of "no delinquent property tax" issued by the Jefferson County Treasurer. Approval will be denied if the applicants have failed to satisfy any judgments Jefferson County has obtained against the landowners, or if the landowners owe any fee to Jefferson County, or have failed to pay traffic fines or penalties of the Jefferson County District Court.
3. Throughout its term under Timberland Tax Classification, the properties shall be managed in accordance with the revised Forest Stewardship Plan dated November 2009, updated October 2010 (Log items # 2 and 18).
4. All subsequent timber harvest activities shall be conducted in accordance with the Washington State Forest Practices Act.
5. Prior to any subsequent timber harvest activity, the applicants shall obtain appropriate approvals from either the Jefferson County Department of Community Development or the State Department of Natural Resources and comply with critical area requirements if applicable.
6. The applicants shall enter into an Open Space Taxation Agreement with the Jefferson County Board of County Commissioners. The executed agreement shall be recorded at the expense of the applicants.