

**JEFFERSON COUNTY  
BOARD OF COUNTY COMMISSIONERS**

**CONSENT AGENDA REQUEST**

**TO:** Board of County Commissioners  
Philip Morley, County Administrator

**FROM:** Stacie Hoskins, Interim Director/Planning Manager *Stacie*  
Zoe Ann Lamp, Associate Planner-DRD Lead *Zoe*

**DATE:** December 19, 2011

**SUBJECT:** Current Use Assessment: Request to enroll a total of 7.43 acres of 10.09 acres as Open Space Timber under provisions of the Jefferson County Open Space Tax Program and RCW 84.34. Case # MLA10-00415/CUA10-00001

**ATTACHMENTS:**

- 1) Hearing Examiner's Report and Recommendation
- 2) Development Review Division Staff Report to the Hearing Examiner
- 3) Certificate of Paid Taxes from the Jefferson County Treasurer's Office
- 4) Open Space Tax Agreement signed by Jan Pierson

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**STATEMENT OF ISSUE:**

Applicant owns three parcels for a total of 10.09 acres on Hidden Trails Rd., Port Townsend. The applicant wishes to place 7.43 acres in current use taxation assessment as Open Space Timber under the provisions of RCW 84.34.

**BACKGROUND:**

The Jefferson County Hearing Examiner conducted an Open Record Public Hearing on November 8, 2011 considering the request of Jan Pierson to designate 7.43 acres to Open Space Timber under provisions of RCW 84.34.

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

**ANALYSIS/STRATEGIC GOALS/PROS and CONS:**

The requested action is a Board of Commissioners legislative action. Options are:

- Approve the applicant's request to designate 7.43 acres for current use tax assessment as Open Space Timber
- Remand to the Hearing Examiner
- Deny the application

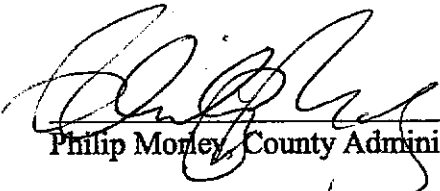
**FISCAL IMPACT/COST-BENEFIT ANALYSIS:**

In exchange for transferring and designating the 7.43 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.

**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

  
Date

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): Jan Pierson

Legal Description:

S8 T30 R1W

Tax 11 Subj To Ease

and

Al Weisenburger Short Plat, Lot 1 (less one-acre homesite) and

Al Weisenburger Short Plat, Lot 2 (less one-acre homesite)

As recorded in Volume 2 Page 86, Records of Jefferson County, State Of Washington

Lots 1 and 2 Subj/Ease

Assessor's Property Tax Parcel or Account Number:

001083001, 001083010, 001083011

Reference Numbers of Documents Assigned or Released:     N/A    

This agreement between Jan Pierson 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 12/6/11  
(Must be signed by all owners)

  
\_\_\_\_\_  
Jan Pierson

Date signed agreement received by Legislative Authority:

\_\_\_\_\_

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

## **Exhibit A**

1. Prior to the Board of County Commissioner's approval, the applicant shall provide certification of "no delinquent property tax" issued by the Jefferson County Treasurer. Approval will be denied if the landowner has failed to satisfy any judgments Jefferson County has obtained against the landowner, or if the landowner owes any fee to Jefferson County, or has failed to pay traffic fines or penalties of the Jefferson County District Court.
2. Throughout its term under Timberland Tax Classification, the properties shall be managed in accordance with the Forest Management Plan dated February 2011. The property owner shall pay particular attention to the area within Stand 2 that contains laminated root rot and follow Cronin Forestry's recommendations to prevent the spread of this potentially harmful disease.
3. All subsequent timber harvest activities shall be conducted in accordance with the Washington State Forest Practices Act.
4. Prior to any subsequent timber harvest activity, the applicant shall obtain the appropriate approvals from the Jefferson County Department of Community Development.
5. The applicant 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 applicant.
6. The owner shall obtain the appropriate permits for forestry from the Department of Natural Resources and comply with the critical area requirements per state law.

2011-11-11

**OFFICE OF THE HEARING EXAMINER**

**JEFFERSON COUNTY**

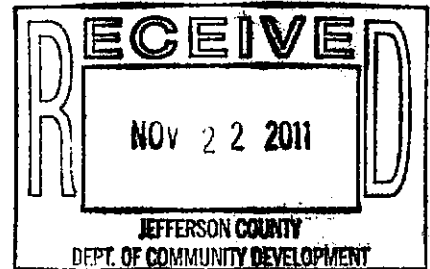
**REPORT AND RECOMMENDATION**

**CASE NO.:** MLA10-00415/CUA10-00001  
Open Space Timber

**OWNERS:** Jan Pierson  
P.O. Box 1153  
Port Townsend, WA 98368

**FORESTER:** Mike Cronin, CF

**PROJECT PLANNER:** Zoe Ann Lamp



**SUMMARY OF REQUEST:**

Current Use Assessment: Request to enroll a total of 7.43 acres of 10.09 acres as Open Space Timber under provisions of the Jefferson County Open Space Tax Program and RCW 84.34.

**SUMMARY OF RECOMMENDATION:**

Approval, subject to conditions.

**PUBLIC HEARING:**

After reviewing the Jefferson County Department of Community Development Staff Report and examining available information on file with the application, the Examiner conducted a public hearing on the request as follows:

The hearing was opened on November 8, 2011, at 2:00 p.m.

Parties wishing to testify were sworn in by the Examiner.

The following exhibits were submitted and made a part of the record as follows:

**SEE ATTACHED INDEX LIST**



ZOE ANN LAMP appeared, presented the Department of Community Development Staff Report, and testified that the request involves three parcels with a total of 10.09 acres. The applicant submitted an application on December 20, 2010, and the County deemed it complete on April 20, 2011. She referred to the Forest Management Plan (Exhibit 4 to the record) as showing the portions of the parcels proposed for designation as open space timber. Staff finds that the request satisfies all criteria set forth in the Jefferson County Code and therefore recommends approval subject to conditions.

SHERRIE SHOLD, Jefferson County Assessor's Office, appeared and testified that she agrees with the application. The applicant has withheld approximately an acre from each parcel. The Management Plan addresses the root rot and the measures necessary to prevent its spread.

JAN PIERSON, applicant, appeared and testified that he is quite excited about the program. Mr. Cronin, the forester, resides on the opposite side of the street from him and encouraged him in this endeavor. His parcels have a nice stand of cedars and fir coming to maturity. He will use the timber to provide heating and for commercial use. Staff has advised him well in the process. He has no timetable for the harvest as yet.

No one spoke further in this matter and the Examiner took the matter under advisement. The hearing was concluded at 2:20 p.m.

**NOTE:** A complete record of this hearing is available in the office of Jefferson County Department of Community Development.

### **FINDINGS, CONCLUSIONS AND RECOMMENDATION:**

#### **FINDINGS:**

1. The Hearing Examiner has heard testimony, admitted documentary evidence into the record, and taken this matter under advisement.
2. Proper notice was provided pursuant to the Jefferson County Code.
3. This application is categorically exempt from review pursuant to the State Environmental Policy Act (SEPA). See WAC 197-11-800(6)(c)
4. The applicant has a possessory ownership interest in three rectangular parcels of property that together form a 10.09 acre, rectangular site. Said site abuts the west side of Hidden Trails Road approximately 2.4 miles south of Port Townsend in unincorporated Jefferson County. The applicant has applied to enroll 7.43 acres of the site as Open Space Timber Land pursuant to the Jefferson County Open Space Tax Program and RCW 84.34. As part of the process the applicant submitted a Forest Management Plan prepared by Cronin Forestry dated February, 2011

(Exhibit 4).

5. Improvements on the site include a well and pump house on Parcel 1083001, a single-family residential dwelling on Parcel 1083010, and a single-family dwelling and accessory structures on Parcel 1083011. All three parcels access from Hidden Trails Road. The Forest Plan Map on Page 7 of Exhibit 4 shows approximately one acre of each parcel excluded from the Open Space Tax Program.
6. Cronin Forestry determined from field examination and historical records that logging occurred over the entire parcel on one occasion, and occurred a second time on portions of the site in more recent decades. Cronin Forestry determined that the site contains three stands of merchantable timber. However, one stand located in both the western half of the larger parcel and the forested parts of the smaller parcels is infected with laminated root rot. The Forestry Plan provides methods to prevent its spread.
7. The Jefferson County Comprehensive Plan designates the site and nearby properties as Rural Residential (RR1:5), which allows a maximum density of one dwelling unit per five acres. Parcel sizes in the area range upward from a minimum of approximately two acres. Surrounding uses are limited to low density residential, and no environmentally sensitive areas are located on the site or in the immediate area.
8. Comprehensive Plan goals and policies include OSG1.0 that encourages preservation and enhancement of existing open space lands and OSP1.4 that encourages public enrollment in the current use or preferential tax assessment for open space lands. The applicant's proposal is consistent with Comprehensive Plan policies.
9. The Comprehensive Plan identifies and defines five types of open space to include "Resource Open Space" that includes private lands actively reused for "natural resource production" to include "forests". The Forest Management Plan confirms that the applicant's site supports an existing, long term, commercial forest.
10. Resolution 82-91 adopted by the Jefferson County Board of Commissioners on August 5, 1991, sets forth the Jefferson County Open Space Tax Program. Part III of said resolution addresses timber lands. Section I of Part III requires a minimum area of five or more acres devoted to the growth and harvest of forest crops and not classified as reforestation land. The applicant's site contains 10.09 acres and he proposes to utilize 7.43 acres thereof for timber production. The proposal therefore meets the minimum size criteria.
11. Section II of Part III of Resolution 82-91 sets forth the application requirements and procedures. Said section provides that following submittal of a completed application to the planning department and provision of public notice, the Jefferson

County Hearing Examiner conducts a public hearing and makes a recommendation to the Jefferson County Board of Commissioners to either approve or deny the application. The applicant submitted an application to the Department of Community Development (DCD) that it deemed complete on April 20, 2011. DCD provided proper notice of the public hearing that occurred on Tuesday, November 8, 2011.

12. Section IV of Resolution 82-91 sets forth the criteria for enrollment in the Open Space Tax Program. Subsection (A) requires management of the site for commercial forest crop production in accordance with a timber management plan prepared by a professional forester. Said forester must specialize in forest management and have a bachelors or higher degree in a forestry related field. Section IV(A) also sets forth the required elements of a timber management plan. Mr. Mike Cronin, a professional forester who has the requisite expertise and education, has prepared a Timber Management Plan consistent with the requirements of Section IV(A).
13. Section IV(B) requires an evaluation of the suitability of the site for long term timber management. Considerations include the parcel size, configuration, access, comprehensive plan density and use designation, and potential conflicts with adjoining uses. In the present case the rectangular configuration and parcel size render the site suitable for active, long term, timber management. As previously found the Comprehensive Plan designates the parcel and other parcels in the general vicinity as RR1:5, which allows a maximum density of one dwelling unit per five acres. Low density development will allow use of the site for long term timber management without creating use conflicts. Furthermore, the site is not located within 200 feet of an ordinary high water mark or water body, is not classified as reforestation land, and is not classified for deferred taxation.
14. The applicant proposes primary use of the site for production of forest crops. The excluded areas on each parcel as shown on the Timber Management Plan are of simple geometric shape. The Plan adequately identifies the location of the non-timber use. The applicant has included a legal description of said excluded areas with the application. The application therefore meets all criteria set forth in Section IV(B) of Ordinance 82-91.

#### **CONCLUSIONS:**

1. The Hearing Examiner has jurisdiction to consider and decide the issues presented by this request.
2. The applicant has shown that the request to designate 7.43 acres of a 10.09 acre site as Open Space Timber Land satisfies all criteria set forth in Part III of Resolution 82-91 as well as the general requirements set forth in Section I of said resolution. The applicant is aware of the requirements of Part I Section II regarding

the prohibition of transferring the property to any use other than open space timber for a period of ten years and the penalties that he would incur for violating said prohibition.

3. Based upon the forgoing Findings of Fact the application for enrollment of the 7.43 acres in the Jefferson County Open Space Tax Program as Open Space Timber Land Current Use Assessment should be approved subject to the following conditions:
  1. Prior to the Board of County Commissioner's approval, the applicant shall provide certification of "no delinquent property tax" issued by the Jefferson County Treasurer. Approval will be denied if the landowner has failed to satisfy any judgments Jefferson County has obtained against the landowner, or if the landowner owes any fee to Jefferson County, or has failed to pay traffic fines or penalties of the Jefferson County District Court.
  2. Throughout its term under Timberland Tax Classification, the properties shall be managed in accordance with the Forest Management Plan dated February 2011. The property owner shall pay particular attention to the area within Stand 2 that contains laminated root rot and follow Cronin Forestry's recommendations to prevent the spread of this potentially harmful disease (Exhibits # 4 and Exhibit # 8 page 2 of 2).
  3. All subsequent timber harvest activities shall be conducted in accordance with the Washington State Forest Practices Act.
  4. Prior to any subsequent timber harvest activity, the applicant shall obtain the appropriate approvals from the Jefferson County Department of Community Development.
  5. The applicant 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 applicant.
  6. The owner shall obtain the appropriate permits for forestry from the Department of Natural Resources and comply with the critical area requirements per state law.

**RECOMMENDATION:**

It is hereby recommended that the Board of Jefferson County Commissioners enroll a total of 7.43 acres of three parcels containing 10.09 acres as Open Space Timber Land Current Use Assessment pursuant to the provisions of the Jefferson County Open Space Tax Program and RCW 84.34 subject to the conditions contained in the conclusions above. The parcel numbers are 001 083 001, 001 083 010, and 001 083 011, all of which are located at 415 Hidden Trails Road, Port Townsend, in the northeast corner of the southwest quarter of Section 8, Township 30 North, Range 1 West, WM., within unincorporated Jefferson County.

**ORDERED** this 21st day of November, 2011.

  
**STEPHEN K. CAUSSEAU, JR.**  
Hearing Examiner



**JEFFERSON COUNTY  
DEPARTMENT OF COMMUNITY DEVELOPMENT**

621 Sheridan Street  
Port Townsend, WA 98368

*Al Scaff, Director*

**DEVELOPMENT REVIEW DIVISION  
STAFF REPORT  
TO  
THE HEARING EXAMINER**

Re:	Current Use Tax Assessment	)	PROPOSED FINDINGS,
	Open Space Timber	)	CONCLUSIONS, AND
		)	RECOMMENDATIONS
File No.:	MLA10-00415/CUA10-00001	)	
Owners:	Jan Pierson	)	
Forester:	Mike Cronin, CF	)	
Project Planner:	Zoe Ann Lamp	)	

**SUMMARY APPLICATION AND RECOMMENDATION**

**Date of Application:** December 20, 2010

**Request:** Current Use Assessment: Request to enroll a total of 7.43 acres of 10.09 acres as Open Space Timber under provisions of the Jefferson County Open Space Tax Program and RCW 84.34. A Forest Management Plan prepared by Cronin Forestry was submitted with the application.

**Site Address:** Hidden Trails Road, Port Townsend, WA 98368

**Recommendation:** Approval with conditions. (Recommended conditions attached to this report).

**BACKGROUND INFORMATION**

**Property Owners:** Jan Pierson

**Property Location:** The parcels are located approximately 2.4 miles south of Port Townsend, WA on Hidden Trails Rd. Take SR 20 south to S. Jacob Miller Rd. and turn right, go approximately 1.0 mile and turn left onto Hidden Trails Road and go approximately 0.4 mile.

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**Legal Description:** Parcel numbers 001 083 001, 001 083 010 and 001 083 011, Tax 11 Subject to easement and Lots 1 and 2 of The Al Weisenburger Short Plat Subject to easement, Section 8, Township 30, Range 1W, WM. Located off Hidden Trails Rd, Port Townsend 98368.

**Comprehensive Plan:** The Jefferson County Comprehensive Plan Land Use Map adopted August 28, 1998, designates the subject parcels as Rural Residential, One Dwelling Unit Per Five Acres (RR 1:5).

**Property Description:** The proposal involves three parcels:

Parcel #	Address	Legal Description	Size	Improvements
001083001	No Address Assigned	Tax 11 Subject to easement	5.10 acres	Pump house
001083010	421 Hidden Trails Rd.	The Al Weisenburger Short Plat, Lot 1, Subject to easement	2.70 acres	Single-family residence
001083011	461 Hidden Trails Rd.	The Al Weisenburger Short Plat, Lot 2, Subject to easement	2.29 acres	Single-family residence and outbuildings

The Forest Stewardship Plan (Exhibit 4, Page 3 of 9) provides the following "General Property Description":

This forest property is located on the Quimper Peninsula between Port Townsend Bay and the mouth of Discovery Bay at an elevation of approximately 200 feet. Topography is very gentle with maximum slopes of less than 20%. There are no stream channels, nor significant wetlands on any of the parcels. Adjacent lands include five acre rural residential forest parcels on the north, east and south with a 120 acre WADNR forest parcel on the west boundary. All of the parcels result from a subdivision into 5 acre tracts done in the mid-1970s after Crown Zellerbach sold a 200+ acre block of forest land between South Jacob Miller Road and the DNR parcel. A later short plat subdivision created the 2.5-acre parcels. There is a small pump house at the well site on parcel 001083001, a home on parcel 001083010 and a home plus related outbuildings on parcel 001083011. The Jefferson County zoning for this area is Rural Residential 1:10 [sic]. Access to these parcels is from South Jacob Miller Road and the private Hidden Trails Road over which landowners have easement. The Plant Community Association is a combination of Douglas fir/salal, *Pseudotsuga menziesii/Gaultheria shallon*, and Western hemlock/rhododendron/salal, *Tsuga heterophylla/Rhododendron macrophyllum/Gaultheria shallon*.

Staff reviewed the application for the potential presence of Environmentally Sensitive Areas (ESAs). After an initial Geographic Information Systems mapping review, the following ESA was confirmed to be present on the subject property: Susceptible Aquifer Recharge Area (SUSC).

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**Comments:**

Notice of Public Hearing was sent to five adjacent property owners on October 18, 2011 and was published in the Port Townsend Leader on October 19, 2011. As of October 26, 2011 staff has not received any public comments.

Comments from Sherrie Shold, Jefferson County Assessor's office, are incorporated by reference. Exhibits # 8, page 2 of 2.

**REVIEW CRITERIA**

**Applicable Ordinances and Plans:**

- Jefferson County Comprehensive Plan, adopted August 28, 1998, as amended.
- Resolution 82-91 Jefferson County Open Space Tax Program Adopted August 12, 1991, as amended.

**STAFF FINDINGS & CONCLUSIONS**

The proposal is subject to review to determine consistency with the Jefferson County Comprehensive Plan and the Jefferson County Open Space Tax Program. The following section of the Plan and Resolution are applicable to the proposal.

**1. The following Jefferson County Comprehensive Plan Goals and Policies apply to this application:**

- OSG 1.0 Preserve and enhance the existing open space lands.
- OSP 1.4 Encourage public enrollment in the current-use or preferential tax assessment (RCW 84.34) for open space lands.

Staff Analysis:

The Jefferson County Comprehensive Plan identifies and defines five types of Open Space. This proposal qualifies as "Resource Open Space" defined as "... public and private open lands that are actively used for natural resource production, including lands designated as being of long-term commercial significance. Examples include farms, forests, and shellfish beds."

The subject proposal is consistent with the Goals and Policies of the Jefferson County Comprehensive Plan.

**2. The following sections of Resolution 82-91 Jefferson County Open Space Tax Program apply to this application:**

*Section 1. Eligible Lands*

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Five (5) or more acres of land devoted primarily to the growth and harvest of forest crops and which is not classified as reforestation land pursuant to chapter RCW 84.28. Timberland means the land only.

*Section II. Application*

Applications for timberland classification shall be submitted to the Jefferson County Planning Department. After all filing requirements are met the Planning Department shall set a date for a public hearing, and provide notice in accordance with RCW 84.34.041. Pursuant to the Jefferson County Hearing Examiner Ordinance, No. 1-0318-91, the Hearing Examiner shall hold a public hearing to determine whether the application conforms to the requirements of this program, and RCW 84.34; whereupon, the Examiner shall issue a recommendation to the Jefferson County Board of Commissioners for final legislative approval.

Detailed requirements for timberland classification are set forth in Chapter 84.34 RCW.

*Section III. Purpose*

In accord with the intent of the Open Space Tax Act (RCW 84.34) and the Jefferson County Comprehensive Plan, the goal of the Timberlands portion of this program is to encourage the retention and management of small-acreage timber tracts for commercial timber production on a long-term basis.

*Section IV. Criteria For Enrollment*

A. Management for Commercial Production.

To ensure that the site will be managed for commercial forest crop production, a timber management plan shall be submitted which has been prepared by a professional forester who specializes in forest management and who has a bachelor's or higher degree in a forestry-related field from an institution accredited by the Society of American Foresters or a Department of Natural Resources forest specialist. The timber management plan shall include the following:

1. Evaluation of long-term commercial viability of the site.
2. Management measures which will provide long-term commercial timber productivity for the site.
3. An implementation plan which provides general target dates for various management practices in order to assess whether commercial management is being conducted. Commercial management can also be indicated by enrollment or participation in tree farm programs or other indications of management.

B. Site Suitability for Long-Term Timber Management.

Parcel size, configuration and access, as well as adjoining comprehensive plan density and use designation, shall be evaluated for conflicts with adjoining uses which would make the site unsuitable for active long-term timber management. Additionally, the site may not be (a) located within 200 feet of the ordinary high-water mark\* of a body of water, (b) classified as reforestation land under RCW 84.28 or (c) classified for deferred taxation under RCW 84.32.

C. "Primary Use" for Forest Crop Production.

Pursuant to RCW 84.34.020, the primary use of the property must be for the production of forest crops. When an actual use other than timber production exists or is contemplated for the property, the application must exclude the acreage required for such use (assuming it to be a new proposed use).

The area excluded must be contiguous, of simple geometric shape, and include the location of the non-timber use. The area excluded shall be defined by legal description and the description shall be included with the application.

#### D. Periodic Evaluation.

An update wherein the landowner describes progress to date on implementation of the plan may be required, coinciding with the Assessor's reappraisal cycle.

\* Ordinary high-water mark means the mark on all lakes, streams and tidal water, which will be found by examining the beds and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in all ordinary years, as to mark upon the soil a character distinct from that of the abutting upland, in respect to vegetation; PROVIDED, that in any area where the ordinary high-water adjoining salt water shall be the line of mean higher tide and the ordinary high-water mark adjoining fresh water shall be the line of mean high water.

#### Staff Analysis:

Parcels 001083001, 01083010 and 001083011 are approximately 10.09 acres. Based on information from the Forest Management Plan (Exhibit # 4) and Assessor's Office comments (Exhibit # 8, page 2 of 2) a total of 7.43 acres are eligible for enrollment in the program.

Application submitted: December 20, 2010 (Exhibit #1)

Application deemed complete: April 20, 2011 (Exhibit # 5)

Comments received from Assessor's Office: May 9, 2011 (Exhibit #8 page 2 of 2)

Forest Management Plan Received: March 17, 2011 (Exhibit # 4)

#### Notice of Public Hearing:

- Mailed to adjacent property owners and agencies: October 18, 2011 (Exhibit # 12)
- Posting of notice by applicant/representative: October 17, 2011 (Exhibit # 13)
- Publication of Legal Notices: October 19, 2011 (Port Townsend-Jefferson County Leader) (Exhibit # 11)

On March 17, 2011, the applicant submitted a Forest Management Plan dated February 2011 prepared by Cronin Forestry (Exhibit # 4). Page 7 of 9 of Exhibit #4 is a map representing the areas to be included in the Open Space Timber program.

Staff finds the Forest Management Plan is consistent with the requirements of the Jefferson County Open Space Taxation Program. The property owner and forester described appropriate and detailed sequence of procedures for timber management in accordance with the Open Space Taxation Program.

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The subject parcels and parcels to the north, south and east are zoned Rural Residential 1:5. Parcels to the west are zoned Rural Residential 1:20. Long-term timber management of this parcel is not expected to cause conflict with adjoining parcels.

The application meets the criteria for enrollment in the Open Space Tax/Timberlands program.

#### **B. SEPA**

The subject proposal is categorically exempt from environmental review pursuant to WAC 197-11-800(6)(c).

Based on the above analysis, the application for enrollment in the Jefferson County Open Space Tax Program as Open Space Timberlands Current Use Assessment as described in this report, is hereby recommended for APPROVAL subject to the following conditions:

#### **RECOMMENDED CONDITIONS**

1. Prior to the Board of County Commissioner's approval, the applicant shall provide certification of "no delinquent property tax" issued by the Jefferson County Treasurer. Approval will be denied if the landowner has failed to satisfy any judgments Jefferson County has obtained against the landowner, or if the landowner owes any fee to Jefferson County, or has failed to pay traffic fines or penalties of the Jefferson County District Court.
2. Throughout its term under Timberland Tax Classification, the properties shall be managed in accordance with the Forest Management Plan dated February 2011. The property owner shall pay particular attention to the area within Stand 2 that contains laminated root rot and follow Cronin Forestry's recommendations to prevent the spread of this potentially harmful disease (Exhibits # 4 and Exhibit # 8 page 2 of 2).
3. All subsequent timber harvest activities shall be conducted in accordance with the Washington State Forest Practices Act.
4. Prior to any subsequent timber harvest activity, the applicant shall obtain the appropriate approvals from the Jefferson County Department of Community Development.
5. The applicant 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 applicant.
6. The owner shall obtain the appropriate permits for forestry from the Department of Natural Resources and comply with the critical area requirements per state law.

Prepared by Project Planner, Zoe Ann Lamp, October 27, 2011.

# JEFFERSON COUNTY TREASURER

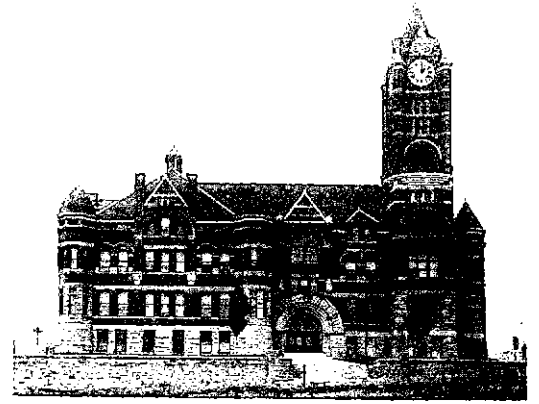
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[www.co.jefferson.wa.us](http://www.co.jefferson.wa.us)

*Judith E. Morris* – Treasurer (360) 385-9154

*Janet A. Holbrook* – Chief Deputy (360) 385-9151



JEFFERSON COUNTY COURTHOUSE  
NATIONAL HISTORIC SITE  
PORT TOWNSEND, WASHINGTON

## TREASURERS CERTIFICATE OF TAXES PAID ON REAL PROPERTY

Parcel Numbers: 001083001; 001083010; 001083011

Owners: Jan Pierson  
P.O. Box 1153  
Port Townsend, WA 98368

I hereby certify that the property taxes on the parcel(s) listed above have been paid in full so there are no outstanding or delinquent taxes.

This 6<sup>th</sup> Day of December 2011.

  
\_\_\_\_\_  
Janet Holbrook, Jefferson County Treasurer

Accounting  
(360) 385-9152

General  
Information  
(360) 385-9150

Tax  
Foreclosure  
(360) 385-9352

Fax  
(360) 385-9149