

**JEFFERSON COUNTY
BOARD OF COUNTY COMMISSIONERS**

CONSENT AGENDA REQUEST

TO: Board of County Commissioners (BoCC)

FROM: Josh Peters, DCD Director
David Wayne Johnson, Associate Planner DCD

DATE: September 16, 2024

SUBJECT: Request for Board Approval re: Signing Open Space Tax Program
Resolution to Remove Hearing Examiner Public Hearing and
Recommendation

STATEMENT OF ISSUE:

On August 5, 2024, the BoCC heard a presentation from DCD on a request to Amend the Open Space Tax Program adopting resolution with a new resolution to remove the requirement for the Hearing Examiner to hold the required public hearing and make a recommendation to the BoCC on either approval or denial or Open Space Tax applications, a requirement that DCD concluded is an unnecessary and burdensome step in the approval process.

ANALYSIS:

After the presentation and discussion with staff, the BoCC moved to approve the draft resolution after noted corrections had been made. The corrected resolution has been reviewed and signed by the Prosecuting Attorney's Office and is attached to this consent agenda for signing, along with the draft resolution in a line-in/line-out version to indicate what changes had been made.

FISCAL IMPACT:

There are no requirements for funding this request, and no fiscal impacts beyond the staff time to draft and present the attached resolution.

RECOMMENDATION:

That the Board of Commissioners approve and sign the subject resolution.

REVIEWED BY:


Mark McCauley, County Administrator

9/11/24
Date

**STATE OF WASHINGTON
COUNTY OF JEFFERSON**

**IN THE MATTER OF AMENDING
SECTIONS I, III & IV OF RESOLUTION
NO. 82-91 JEFFERSON COUNTY OPEN
SPACE TAX PROGRAM TO REMOVE
THE REQUIREMENT FOR A HEARING
EXAMINER RECOMMENDATION**

RESOLUTION NO. _____

WHEREAS, Chapter 84.34 RCW empowers the Jefferson County Board of Commissioners to set open space priorities and adopt an open space plan and public benefit rating system to evaluate lands proposed for open space current use assessment, which provides a property tax reduction as an incentive for the preservation of certain types of lands in their current use, when such preservation will provide a public benefit; and,

WHEREAS, Jefferson County Resolution No. 82-91 (the “Jefferson County Open Space Tax Program”) was passed as County policy on August 12, 1991 by the Board of County Commissioners, and has served to guide citizens and the County in processing applications for participation in the open space tax program; and,

WHEREAS, Resolution No. 75-95 amended Resolution No. 82-91 to include undeveloped shorelines as having value for consideration in the Open Space Tax Program; and,

WHEREAS, Resolution No. 82-91 requires a recommendation by the Jefferson County Hearings Examiner to the Board of County Commissioners, that the application complies with the open space tax program and Chapter 84.34 RCW does not; and,

WHEREAS, a decision to approve or deny an open space tax application lies with the Board of County Commissioners as a final legislative action after a public hearing per Chapter 84.34 RCW; and,

WHEREAS, the Hearing Examiner recommendation is not an appealable decision, but a recommendation and is based upon a staff report and testimony by the Assessor and the Department of Community Development; and,

WHEREAS, Jefferson County Code 2.30.080 Examiner – Powers and duties, adopted in 2019, and replacing Ordinance No. 01-0318-91 referenced in the Open Space Tax Program, allows the examiner to receive and examine available relevant evidence, conduct hearings, cause preparation of the official record, prepare and enter findings of fact and conclusions of law, and issue final decisions for any other land use hearings not prohibited by law assigned by the board of county commissioners through an ordinance, by ordinance only; and, (staff emphasis added),

WHEREAS, the Board of County Commissioners adopted Resolution No. 17-19, a joint resolution of the Board of County Commissioners and the Jefferson County Board of Health establishing a regulatory reform program for Jefferson County; and,

WHEREAS, Regulatory Reform Resolution No. [17-19](#) highlights streamlining of permit review procedures as a goal; and,

WHEREAS, Removal of the requirement for a Hearing Examiner recommendation is consistent with Regulatory Reform as outlined in Resolution No. [17-19](#), will reduce the time to process the application, and provide significant savings to the applicant by eliminating the Hearing Examiner fee (currently \$1,363.36); and,

WHEREAS, Regulatory Reform Resolution No. [17-19](#) highlights streamlining of permit review procedures as a goal; and,

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF JEFFERSON COUNTY, STATE OF WASHINGTON:

Section 1. The Jefferson County Board of Commissioners hereby adopts the above “Whereas” clauses as Findings of Fact.

Section 2. Part I, Section I. General Requirements D. Applications Form, Maps of the Jefferson County Open Space Tax Program is amended to read:

Applications for open space or timberland classification shall be submitted to the Planning Department. After all filing requirements are met, the Planning Department shall assign a date for a public hearing, and provide notice in accordance with RCW [84.34.037](#). Upon the recommendation of the County Assessor and the director of Department of Community Development, a public hearing shall be held to determine whether the application conforms with the requirements of this program, and RCW 84.34; whereupon, the Jefferson County Board of Commissioners shall take final legislative action to approve or deny the application.

Section 3. Part III, Section II. Application of the Jefferson County Open Space Tax Program is amended to read:

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 [84.34.037](#). Upon the recommendation of the County Assessor and the director of the Department of Community Development, a public hearing shall be held to determine whether the application conforms with the requirements of this program, and Chapter [84.34](#) RCW; whereupon, the Jefferson County Board of Commissioners shall take final legislative action to approve or deny the application.

Section 4. Part IV, Section II. Application of the Jefferson County Open Space Tax Program is amended to read:

Applications for open space classification shall be submitted to the Planning Department. After all filing requirements are met, the Planning Department shall

assign a date for a public hearing, and provide notice in accordance with RCW [84.34.037](#). Upon the recommendation of the County Assessor and the director of the Jefferson County Department of Community Development, a public hearing shall be held to determine whether the application conforms with the requirements of this program, and Chapter [84.34](#) RCW; whereupon, the Jefferson County Board of Commissioners shall take final legislative action to approve or deny the application.

Section 5. Part IV Section VII. Classification Procedure of the Jefferson County Open Space Tax Program is amended to read:

RCW [84.34.037](#) stipulates that applications for classification of land as open space be acted upon after a public hearing and after notice of the hearing has been given by publication in a newspaper of general circulation. The Jefferson County Board of Commissioners, as the legislative authority for the unincorporated area of Jefferson County, acts as the granting authority. The Jefferson County Board of Commissioners acts upon the recommendation of the Jefferson County Assessor and the director of the Jefferson County Department of Community Development.

Section 6. Severability. If any section, subsection, sentence, clause, phrase or section of this Resolution or its application to any person or circumstance is held invalid, the remainder of this Resolution or its application to other persons or circumstances shall be fully valid and shall not be affected.

Section 7. Effective Date. This resolution becomes effective upon adoption.

Section 8. SEPA Categorical Exemption. This resolution is categorically exempt from the State Environmental Policy Act under WAC [197-11-800 \(19\)](#).

(SIGNATURES FOLLOW ON THE NEXT PAGE)

APPROVED and ADOPTED this _____ day of _____, 2024.

JEFFERSON COUNTY BOARD OF
COMMISSIONERS

Kate Dean, Chair

Greg Brotherton, Member

Heidi Eisenhour, Member

SEAL:

ATTEST:

Carolyn Gallaway Date
Clerk of the Board

Approved as to form only:



Philip C. Hunsucker Date
Civil Deputy Prosecuting Attorney

September 7, 2024

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COUNTY OF JEFFERSON

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Section 7. Effective Date. The ~~Ordinance-resolution~~ becomes effective upon adoption.

Section 8. SEPA Categorical Exemption. This ~~ordinance-resolution~~ is categorically exempt from the State Environmental Policy Act under WAC [197-11-800-\(19\)](#).

(SIGNATURES FOLLOW ON THE NEXT PAGE)

APPROVED and ADOPTED this _____ day of _____, 2024.

JEFFERSON COUNTY BOARD OF
COMMISSIONERS

Kate Dean, Chair

SEAL:

Greg Brotherton, Member

Heidi Eisenhour, Member

ATTEST:

Carolyn Gallaway Date
Clerk of the Board

Approved as to form only:

Philip C. Hunsucker Date
Civil Deputy Prosecuting Attorney