

## MINUTES

### BOARD OF COUNTY COMMISSIONERS MEETING

May 5, 2003

#### Special Meeting

Board of Commissioners and Aberdeen City Council Members

5:00 p.m.

The Commissioners met in session in the Commissioners' Meeting Room, Administration Building, Montesano, Washington, on Monday, May 5, 2003, at 5:00 p.m. Commissioners Bob Beerbower, Dennis Morrisette and Al Carter were present. Also in attendance was Sandra Daniels, Clerk of the Board and Jim Baker, Prosecuting Attorney.

Aberdeen City Council members present were Troy Adams, Alice Phelps and Doug Paling.

#### HEARING

**Consider An Application By Gordon Peterson For Reclassification As Open Space For Real Property Tax Purposes:** There was a public hearing before the Board of Commissioners for Grays Harbor County and three members of the Aberdeen City Council as appointed by the Mayor, to consider an application by Gordon Peterson for reclassification as Open Space for real property tax purposes, of Lots 7 through 12, in Block 9, and lots 1 through 12, in Block 10, including vacated public right of way, in the L.J. Weatherwax plat, pursuant to Chapter 84.34 RCW. The property is located within the City of Aberdeen.

#### STAFF REPORTS

**City of Aberdeen:** Lisa Scott, Planning and Community Development Manager, provided a staff report for the City of Aberdeen. She reported that on April 10, 2003, the City of Aberdeen submitted a letter stating that the Planning Commission had met on March 27, 2003 and approved an application for Mr. Gordon Peterson to allow his property to go into a current use program for tax purposes. Ms. Scott reported that the Planning Commission had no concerns with the application other than setting a precedent for the future. She reported there was no public testimony regarding the application. The applicant was not present at the Planning Commission meeting.

**Grays Harbor County:** Paul Easter, Public Services Director, provided a staff report on behalf of Grays Harbor County Planning Department. Mr. Easter reported that the open space application being considered is a process to lower property value and taxes. It is commonly referred to a current use assessment rather than a market value assessment.

When properties are going to be used for a certain purpose in the open space program there are three programs:

1. Open Space Program for Timber
2. Open Space for Agriculture Properties
3. Open Space -- Open Space property assessment for scenic lands, etc.

Mr. Easter reported that is what this property has been requested by the applicant. Mr. Peterson has two parcels that are included in the application being considered. The Parcel numbers are 020400900300 and 020401000100. The first parcel is lots 7 through 12 in Block 9, in the plat of L.J. Weatherwax Addition to Aberdeen. The other parcel is lots 1 through 12, in Block 10, including vacated public right of way, in the L.J. Weatherwax Addition to Aberdeen.

Mr. Easter reported that the subject property is located in north Aberdeen, and is part of a subdivision that was created in the early 1900's.

The subject property is located within a residential zoning district, which establishes a 5,000 square-foot minimum lot size for development. Each of these 18 lots is greater than the minimum lot size established by the district. Each lot is, therefore, developable subject to providing required infrastructure improvements.

Access to the subject property is unimproved because the applicant has not constructed improved public streets, within the platted right-of-way, to serve the lots.

Water and sewer utility service appears to be available to serve the property.

Mr. Easter commented that the County Planning and Building Division has the same concern as the Aberdeen Planning Board regarding setting a precedent for properties that do not apply to this act. He stated that the Revised Code of Washington (RCW) Chapter 84.34.037(2) states the granting authority should consider three issues as part of the tax reclassification process for open space. Mr. Easter outlined and discussed the following three issues as part of the tax reclassification.

1. The resulting revenue loss or tax shift. This issue is Assessor-related and beyond the scope of review of the Division. This parcel would receive a 78% reduction in value and a significant property tax advantage by being moved into this property classification.

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2. Whether granting the application will (1) conserve or enhance natural, cultural or scenic resources, (2) protect streams, stream corridors, wetlands, natural shorelines and aquifers, (3) protect soil resources and unique or critical wildlife and native plant habitat, (4) promote conservation principles by example or by offering educational opportunities, (5) enhance the value of abutting neighborhoods or parks, (6) enhance forests, wildlife preserves nature reservations, sanctuaries, or other open spaces, (7) preserve historic or archeological sites, (8) preserve visual quality along a highway, road, and street corridors or scenic vistas, and (8) affect any other factors in weighing benefits to the general welfare of preserving the current use of the property. The property does contain some areas with slopes of greater than 15-percent. Mr. Easter commented that the application, as presented, does not present any of the opportunities noted in (1) through (8), nor are there any environmental constraints which would prohibit its development.

Whether granting the application will (1) preserve land as farmland or land not classified as farmland, (2) preserve land with the potential for returning to commercial agriculture, and (3) affect any other factors relevant in weighing benefits to the general welfare of preserving the current use of the property. The land has not traditionally been used for agriculture, nor will it likely be used for such purposes in the future. The most likely use would be its development for residential purposes, provided that infrastructure improvements are constructed.

Based on the information contained in the reclassification application and on the above-noted observations, it does not appear that the applicant has satisfied the considerations noted in both RCW Chapter 84.34.037(2)(b) and RCW Chapter 84.34.037(2)(c). Staff recommended that the Open Space Classification request, therefore, should be denied. Mr. Easter answered questions from Aberdeen City Council members. It was agreed the reason for the application is the tax break. The property tax would shift to other taxpayers. Mr. Easter explained taxing districts and how taxes shift to other taxpayers to meet levy obligations. The following information was reported:

**Parcel #020400900300**

	<u>Assessed Value</u>	<u>2003 Tax</u>
Now	\$13,940	\$203.56
In Open Space	\$ 5,293	\$ 77.29

**Parcel #020401000100**

	<u>Assessed Value</u>	<u>2003 Tax</u>
Now	\$11,900	\$173.76
In Open Space	\$ 401	\$ 5.86

Mr. Easter discussed the credibility of the program and the intended uses. Ed Prkut, County Assessor, responded to questions regarding current procedure and the appeal process.

**Comments in Support of Application:** Chairman Morrisette asked for public testimony in support of the application. There was no testimony.

**Public Comment/Testimony:** Chairman Morrisette asked for public comment or testimony. There was no public comment.

**Decision:** Doug Paling moved to put a decision on hold until the applicant is informed. Jim Baker, Deputy Prosecuting Attorney, reported that there is a timeframe and the granting authority has to make a decision or the application is automatically granted. Mr. Prkut reported that the applicant could appeal the decision to the Board of Equalization. There was no further comment and the hearing was closed.

Al Carter, County Commissioner for District 3 moved to deny the application by Gordon Peterson for reclassification as Open Space for real property tax purposes. Troy Adams, Aberdeen City Council member, seconded the motion. Votes to the motion and second were voiced as follows: Doug Paling, Aberdeen, yes. Alice Phelps, Aberdeen, yes. Dennis Morrisette, County Commissioner for District 2, yes. Bob Beerbower, County Commissioner for District 1, yes. Al Carter, County Commissioner for District 3, yes, Troy Adams, Aberdeen City Council, yes. Grays Harbor County Commissioners and the Aberdeen City Council members unanimously rejected the application by Gordon Peterson for reclassification as Open Space for real property tax purposes, of Lots 7 through 12, in Block 9, and lots 1 through 12, in Block 10, including vacated public right of way, in the L.J. Weatherwax plat, pursuant to Chapter 84.34 RCW.

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The meeting recessed at 5:36 p.m. and will reconvene at 6:30 p.m. for a public hearing to consider a request by the City of Montesano that the Grays Harbor County Board of Commissioners place on the ballot for vote by the residents within the boundaries of the proposed district, the creation of a Metropolitan Park District.

BOARD OF COMMISSIONERS

for Grays Harbor County

This \_\_\_\_\_ day of \_\_\_\_\_, 2003

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BOB BEERBOWER, Commissioner, District 1

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DENNIS MORRISETTE, Chairman

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ALBERT A. CARTER, Commissioner, District 3

ATTEST:

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Sandra Daniels  
Clerk of the Board