



Staff Report and Recommendation

Report Date: August 17, 2023
Hearing Date: September 19, 2023

Application Submittal Date: December 6, 2022
Application Complete Date: April 30, 2023

Project Name: Lane Open Space
Type of Application: Open Space, Type IV
Permit Number: 22-05890

VICINITY MAP

Project Location

26670 Breidablick Pl. N.W.
Poulsbo, WA 98370
Commissioner District #1

Assessor's Account

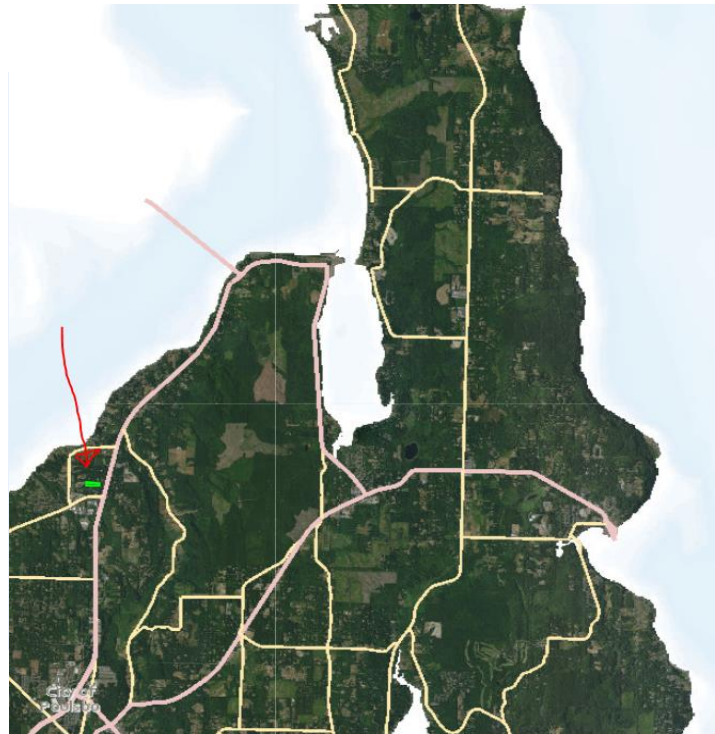
272701-1-050-2000

Applicant/Owner of Record

Charnie Beth Lane Miller
26670 Breidablick Pl. N.W.
Poulsbo, WA 98370

Recommendation Summary

Approved subject to conditions listed under section 11 of this report.



1. Background

Charnie Lane Miller is requesting to transfer 3.2 of the 4.2 acres, currently designated "Single Family Residence (SFR)" by the Assessor, to "Current Use Open Space."

2. Project Request

The purpose of the Kitsap County open space program is to maintain, preserve, conserve and otherwise continue in existence adequate open space lands and to assure the use and enjoyment of natural resources and scenic beauty for the economic and social well-being of the state and its citizens. Parcels with qualifying environmental characteristics can apply for the open space program and receive a reduction in taxes.

3. SEPA (State Environmental Policy Act)

This project is SEPA exempt under Kitsap County Code 18.04 State Environmental Policy Act.

4. Physical Characteristics

The subject property is a rectangle-shaped parcel west of Highway 3. Much of the area surrounding the subject site is abundant in rural aesthetics. According to the Kitsap County Assessor there is a 1,664 square foot single-family residence (SFR) with attached garage, built in 2004 on site. The Assessor also lists outbuildings include a 576 square foot structure. The site is heavily treed with a steep ravine along the northeast, a forested area at the center and wetlands at the eastern portion. Kitsap mapping layers show a non-fish bearing stream is present within the ravine. Staff observed low water levels present at time of site visit.

Table 1 - Surrounding Land Use and Zoning

Surrounding Property	Land Use	Zoning
North	Single-Family Residence (SFR)/CU Open Space	Rural Residential (RR)
South	SFR	RR
East	SFR	RR
West	SFR/CU Open Space	RR

5. Access

The property is accessed via Breidablick Pl. N.W., intersecting with Pioneer Way N.W. to the south, which is a county-maintained arterial road.

6. Policies and Regulations Applicable to the Subject Proposal

The Growth Management Act of the State of Washington, RCW 36.70A, requires that the County adopt a Comprehensive Plan, and then implement that plan by adopting development regulations. The development regulations must be consistent with the Comprehensive Plan. The Comprehensive Plan process includes public involvement as required by law, so that those who are impacted by development regulations have an opportunity to help shape the Comprehensive Plan which is then used to prepare development regulations.

Kitsap County Comprehensive Plan adopted June 30, 2016.

The following Comprehensive Plan goals and policies are most relevant to this application:

Environment

Environmental Goal 3

Reduce the risk of damage to life, property and the natural environment through appropriate regulatory and incentive-based approaches in land use, transportation and development engineering programs.

Environment Policy 19

Explore the possible use of tax incentives to protect beneficial open space, forestry, and agriculture areas through agreed commitments with willing landowners.

Parks, Recreation and Open Space Parks Policy 9
Identify new and preserve existing open space in rural areas.

The County's development regulations are contained within the Kitsap County Code. The following development regulations are most relevant to this application:

Code Reference	Subject
Title 18	Environmental
Chapter 18.04	State Environmental Policy Act (SEPA)
Chapter 18.12	Open Space Plan
Chapter 21.04	Project Permit Application Procedures

7. Public Outreach and Comments

The Notice of Application was mailed to properties within 800' on April 20, 2023. One person called to inquire about the project but mistook it for a Poulsbo residence, therefore had no formal comments.

The Notice of Public Hearing was also mailed to properties within 800' on September 1, 2023, and a sign was posted at the property informing neighbors of the upcoming hearing.

8. Analysis

This land is eligible for Open Space classification under the following qualification criteria set forth by the State of Washington Open Space Act, Ch. 84.34 RCW and the Kitsap County Open Space Plan, h. 18.12 Kitsap County Code (KCC):

a. High-Priority Resources

Wetlands, Ponds and Streams
Watersheds
Conservation Easement

b. Medium-Priority Resources

None

c. Low-Priority Resources

Steep Slopes greater than 15%

The application has been found to be eligible for an 80 percent reduction to the land value. Property qualifying for Current Use Open Space must have at least two sensitive characteristics/resources. This property has three (3) high-priority resources and one (1) low-priority resource. Although steep slopes greater than 15% were observed by county staff, this has not been verified by a field expert and/or as identified as intermediate or unstable by the Slope Stability Atlas (Source: Kitsap County Slopes Stability Study – Jerry Deeter, 1977), nor would a fourth resource benefit a further tax reduction. In addition, the property owner does not choose to allow for public access in exchange of the additional 10% tax reduction.

9. Additional Tax

Additional tax may be due when either a portion or all of the property is removed from the Current Use Open Space classification. Additional tax equals the difference between the tax paid under the classification and the tax at true and fair market value for the current year and the last seven years plus interest at 1 percent per month. An additional 20 percent penalty is also imposed if the property is classified less than ten years and two years notice of withdrawal is not supplied or if there is a change in use.

10. Review Authority

The Board of County Commissioners has review authority for this Current Use Open Space application under KCC, Section 21.04.100. In considering applications for Current Use Open Space, the Board shall find that the subject property meets the requirements for eligible lands as defined in KCC, Section 18.12.020.

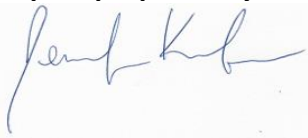
11. Recommendation

Based upon the analysis above, the Department of Community Development recommends that the Lane Open Space Application request be approved, subject to the following 11 conditions:

1. Land Use Agreement shall be established between the owner and the Granting Authority specifying the conditions. Should the owner sign the agreement, it shall be understood that the owner will comply with the conditions. Failure to comply with said conditions shall be basis for withdrawal of the current use designation, in which case the land shall be subject to the penalty tax referred to in RCW 84.34 and assessed at true market value.
2. This Agreement and any additional agreement(s) may be modified for the purpose of improving the original intent of the agreement(s). Any new agreement must have the consent of the owner and Granting Authority. If a new agreement is not made, the original and additional agreement(s) shall remain in force. This statement does not release the owner of responsibility to comply with the conditions contained within this report.
3. Upon approval, current use taxation would commence in compliance with WAC 458-30-120.
4. There shall be no motorized vehicles, such as dirt bikes, allowed on the site.
5. There shall be no clearing of vegetation on the site. Trail maintenance, noxious weed and hazard tree removal, however, shall be allowed.
6. There shall be no hunting, fishing or trapping.
7. Camping shall not be allowed.

8. There shall be no smoking, campfires or firearms on the site.
9. There shall be no mining, storage or excavation of materials.
10. There shall be no dumping of chemicals, liquids, wastes, trash or junk that might deteriorate the natural character of the land or pollute the water supply.
11. The open space classification for this land will continue if it is primarily devoted to and used as habitat and shoreline protection. The Granting Authority will remove classification if dedication to this purpose ceases to exist.

Report prepared by:



Jenny Kreifels, Planner

August 17, 2023
Date

Report approved by:

Katharine Shaffer

Katharine Shaffer, Planning Supervisor

August 27, 2023

Date

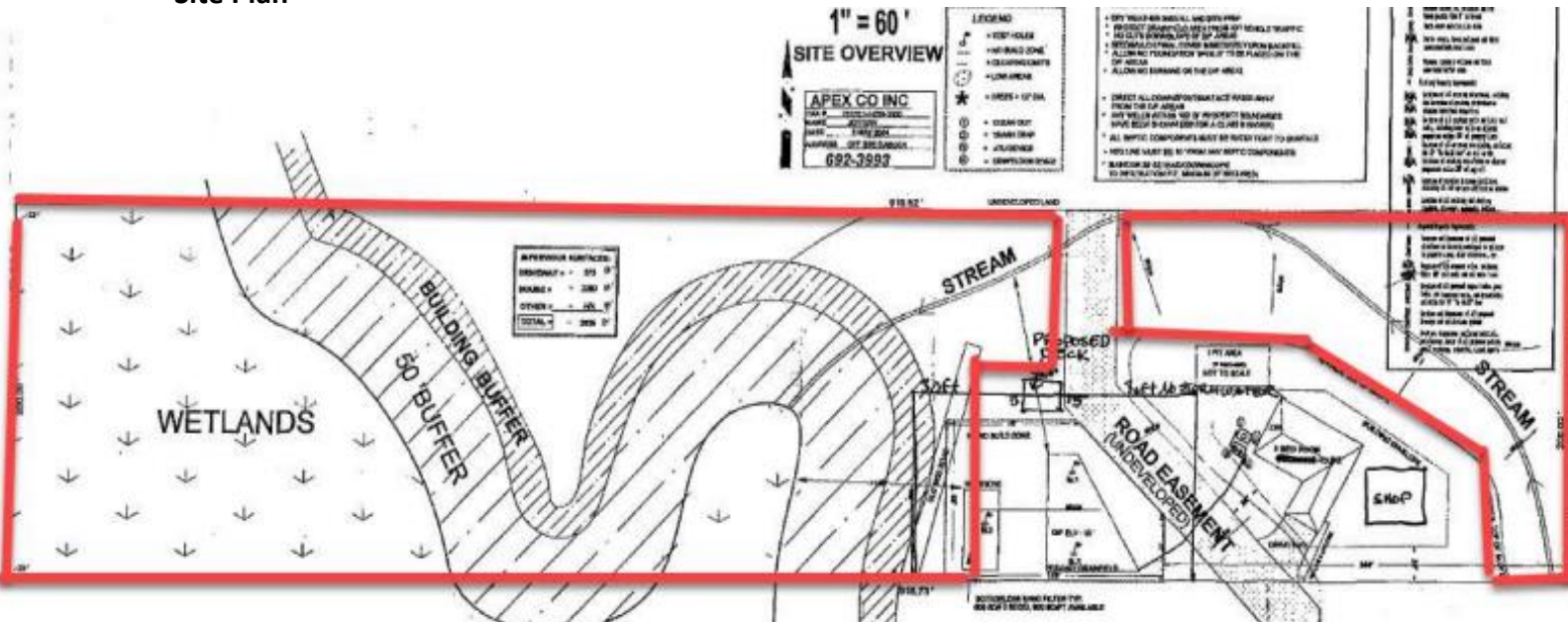
Attachments:

- Attachment A Site Plan
- Attachment B Priority Resources
- Attachment C Tax Shift
- Attachment D Critical Areas Map
- Attachment E Zoning Map
- Attachment F Commissioner Districts Map
- Attachment G Aerial Map
- Attachment F Historical Aerial Photo

Cc

Applicant/Owner: Charnie Lane Miller,

Site Plan



Priority Resources

Resource List	Recognized Sources
High Priority Resources	
1. Fish-Rearing Habitat Ponds and Primary Stream Buffers	WDFW Catalog
2. Wetlands, Ponds and Streams	USFWS Inventory, WDFW Catalog
3. "Natural" Shoreline Environments	KC Shoreline Master Program
4. Special Animals and Plants	WA Natural Heritage Plan
5. Significant Wildlife Habitats	WDW
6. Archaeological and Historical Sites	WA Office of Architecture and History
7. Urban Open Space	KC Comprehensive Plan Maps
8. Designated Open Space	KC Comprehensive Plan Maps
9. Watersheds	KC Health Department, WSDSHS
10. Farm and Agricultural Conservation Land	Pursuant to RCW 84.34.020
11. Conservation easement	As recorded with the county auditor
12. Land or interest acquired for open space or conservation futures	Pursuant to RCW 84.34.210 through 84.34.220

Tax Shift

TAX SHIFT ESTIMATE

Owner
 Tax Account

Current Use Acres
 Total Acreage
 Land Market Value
 Homesite (or fully taxable acreage) Acreage
 Homesite (or fully taxable acreage) Market Value
 Open Space Land Reduction Factor
 Farm Land Value
 Desig Forest Land AV
 Improvement Value
 Taxes based a on levy rate of
 Tax Year

LANE CHARNIE BETHE		
272701-1-050-2000		
DFL	Farm	OpenSpace
0.00	0.00	3.21
4.21		
\$147,420		
1.00	acre(s)	
\$94,900		
80%		
\$0		
\$0		
\$358,720		
8.533260		
2024		

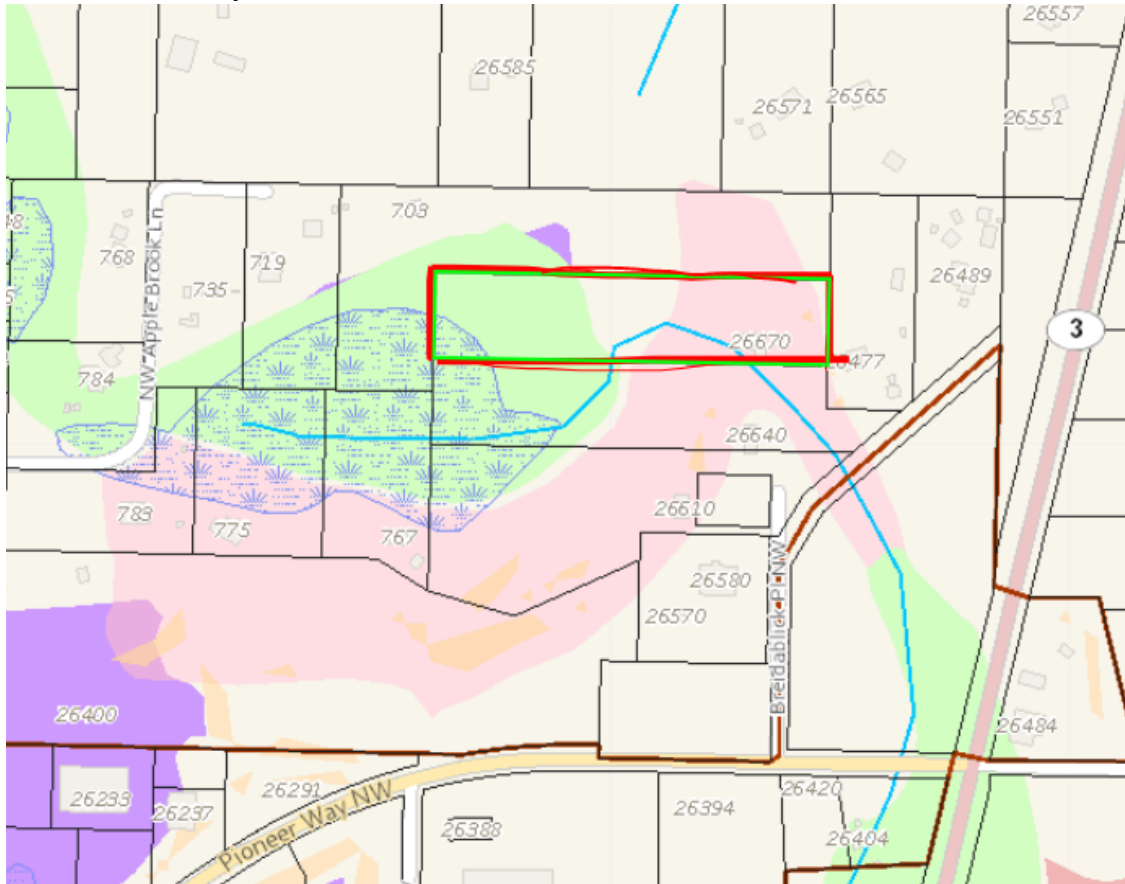
				Tax Year 2024	
Taxable Value				Value	Tax
CURRENT	Land			147,420	
	Improvements			358,720	
	Total				506,140
	Taxes				4,319.02
PROPOSED	Homesite	Ac	Value	94,900	
		1.00	\$94,900		
	Designated Forest Land	Ac	Approx Rate	0	
		0.00	\$125		
	CU Farm & Agricultural	Ac	Value	0	
		0.00	\$641		
	CU Open Space	Ac	Value	10,504	
		3.21	\$52,520		
	Improvements			358,720	
	Total				464,124
Taxes				3,960.49	
Difference				42,016	358.53
Owner's Taxes DECREASE By					358.53

	Acreage	Total Land AV
Total Land:	4.21	= \$147,420
Homesite (taxable land):	1.00	= \$94,900

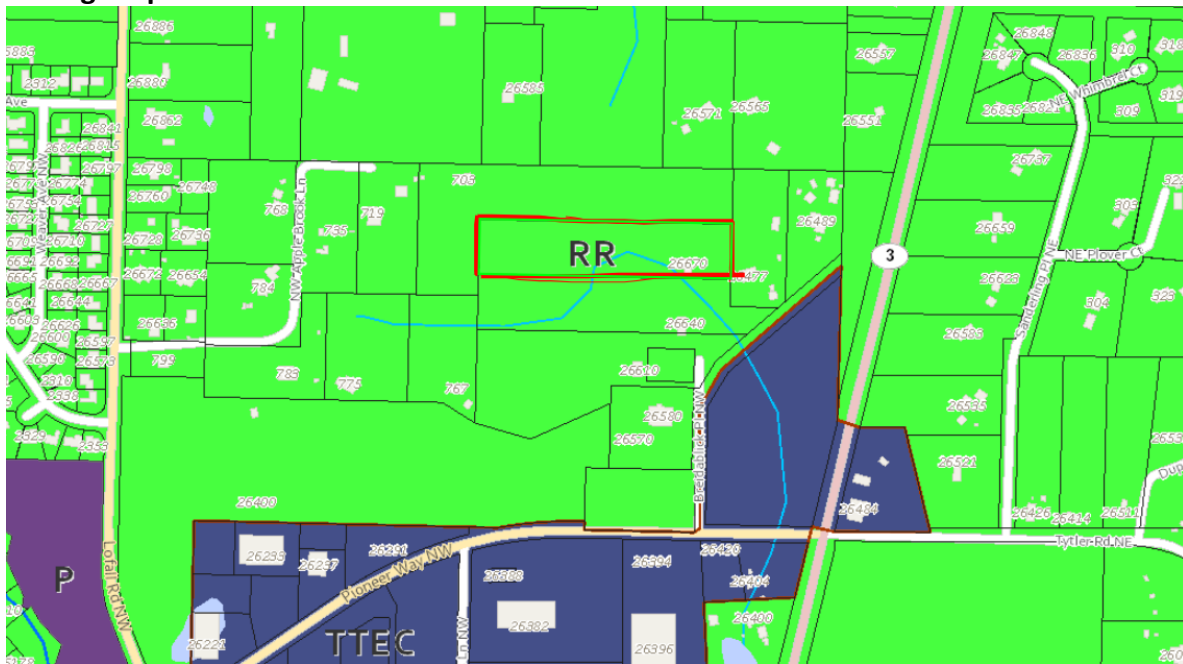
Land Value less the homesite (taxable land):	\$52,520
Reduced value with exemption:	\$10,504

Adjusted Land Value:	\$42,016
At the 2023 Tax Rate of :	8.533260
The Estimated Tax Shift (tax reduced by) =	\$359

Critical Areas Map

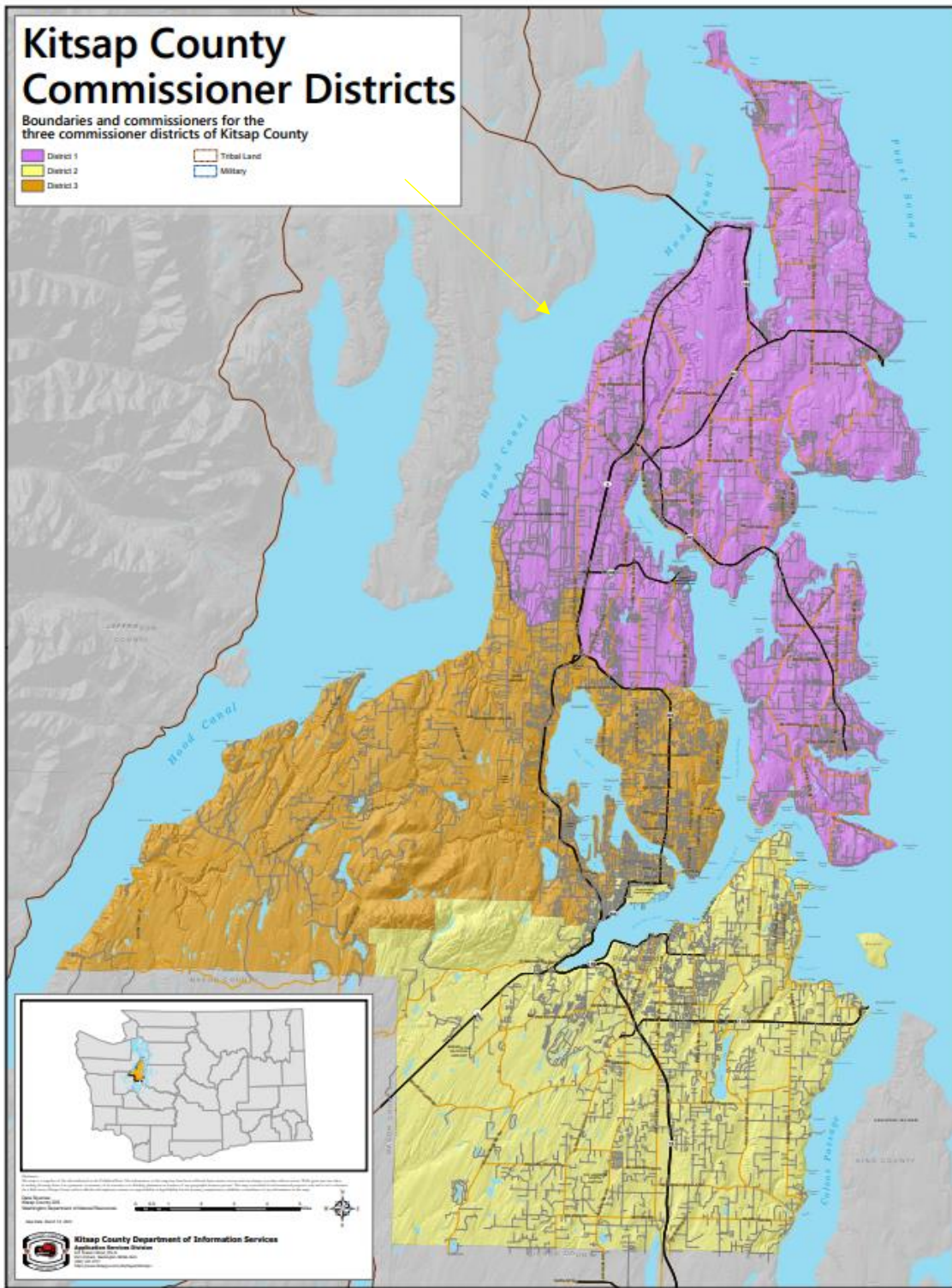


Zoning Map



Rural Residential (1 DU/5 Ac)

Commissioner District Map



County Aerial 2021



County Historical Photo 1994

