



## Staff Report and Recommendation

**Report Date:** August 21, 2023

**Application Submittal Date:** December 29, 2022

**Hearing Date:** September 19, 2023

**Application Complete Date:** June 6, 2023

**Project Name:** Dent Open Space

**Type of Application:** Open Space, Type IV

**Permit Number:** 23-00065

### VICINITY MAP



### Project Location

25101 Chris Ln. N.E.  
Kingston, WA 98346  
Commissioner District #1

### Assessor's Account #

342702-2-011-2006

### Applicant/Owner of Record

Marcia Adams and Orris Dent  
25101 Chris Ln. N.E.  
Kingston, WA 98346

### Recommendation Summary

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

### 1. Background

Marcia Adams is requesting to transfer 6.4 of the 7.6 acres, currently designated "Current Use Agriculture" by the Assessor, to "Current Use Open Space." There is a current conservation easement in place with The Great Peninsula Conservancy.

### 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 square-shaped parcel east of Miller Bay Rd. N.E. and south of N.E. West Kingston Rd. Much of the area surrounding the subject site is abundant in rural aesthetics. Assessor parcel details show a 2,396 square foot (sq ft.) single-family residence (SFR) built in 1919. Outbuildings include a 600 sq ft. detached garage, a 3,000 sq ft. barn and a 304 sq ft. shed. The site is vegetated with tall grasses that was once pastures and is surrounded at the west and southern portions by wetlands and streams. Kitsap mapping layers show multiple fish bearing streams are present. Staff observed higher elevations at the homesite in relation to the rest of the site.

**Table 1 - Surrounding Land Use and Zoning**

Surrounding Property	Land Use	Zoning
North	Single-Family Residence (SFR)	Rural Protection (RP)
South	SFR	RP
East	SFR	RP
West	Vacant/Great Peninsula Conservancy	Rural Wooded

### 5. Access

The property is accessed via Chris Ln. N.E., a private road easement, intersecting with N.E. West Kingston Rd. to the north, 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 July 19, 2023. To date, no comments have been received.

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

**b. Medium-Priority Resources**

None

**c. Low-Priority Resources**

Preservation of visual quality

The application has been found to be eligible for a 50 percent reduction to the land value. Property qualifying for Current Use Open Space must have at least two sensitive characteristics/resources. This property has two (2) high-priority resources and one (1) low-priority resource. 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.

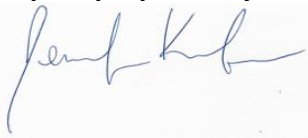
### **11. Recommendation**

Based upon the analysis above, the Department of Community Development recommends that the Dent 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:**



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Jenny Kreifels, Planner

August 21, 2023  
Date

**Report approved by:**

*Katharine Shaffer*

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Katharine Shaffer, Planning Supervisor

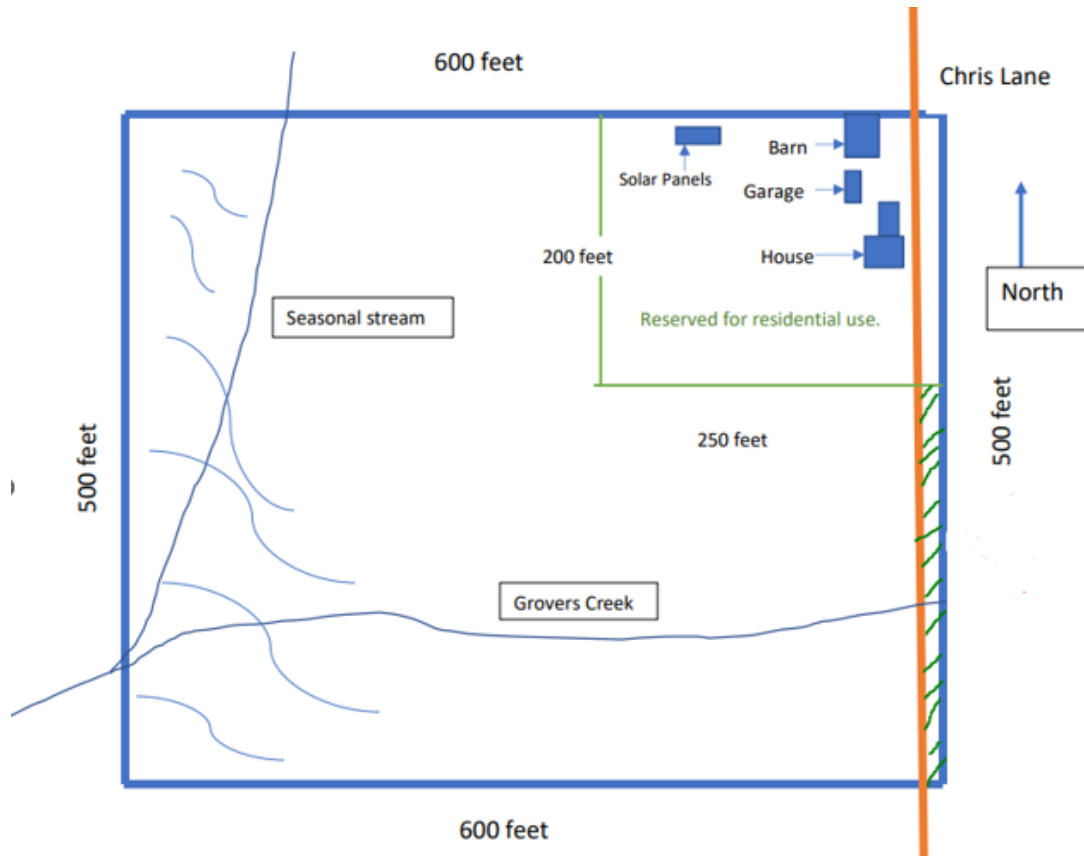
August 27, 2023  
Date

**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 H Historical Aerial Map

CC: Applicant/Owner: Marcia Adams and Orris Dent,

**Site Plan**



The NE corner of the parcel and along the east perimeter of the site is outside of the open space area and not eligible for a tax reduction.

### Priority Resources

Resource List	Recognized Sources
<b>High Priority Resources</b>	
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 <a href="#">84.34.020</a>
11. Conservation easement	As recorded with the county auditor
12. Land or interest acquired for open space or conservation futures	Pursuant to RCW <a href="#">84.34.210</a> through <a href="#">84.34.220</a>
<b>Medium Priority Resources</b>	
1. "Conservancy" Shoreline Environments	KC Shoreline Master Program
2. Secondary Stream Buffers	High Priority List items 1 and 2
3. Geologic and Shoreline Features	Natural Heritage Program
4. Public Lands Buffer	KC Parks, Recreation and Open Space Plan
<b>Low Priority Resources</b>	
1. Steep Slopes	KC Slope Stability Study
2. Private Recreation Areas	By Definition
3. "Rural" Shoreline	KC Shoreline Master Program
4. Preservation of visual quality	Pursuant to RCW <a href="#">84.34.020</a>

### Tax Shift

### TAX SHIFT ESTIMATE

Taxpayer: DENT ORRIS L  
Parcel: 342702-2-011-2006  
Desc: Application to Transfer 6.4 Acres from the Commercial Farm & Agriculture into Open Space Traditional Farm Classification.

**Fully Taxable - If No Exemption on the Parcel:**

Acres:	7.6
Land Value:	210,000
Building/Improvement Value:	459,790
Rate:	8.790831
<b>Possible Taxes:</b>	<b>\$5,888.01</b>

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**Currently Classified as Current Use Farm & Agriculture:**

# of Acres in Farm & Ag:	6.6 + 1.0 acre fully taxable homesite
Total Taxable Land Value w/ Farm & Ag Exemption:	88,590
Building/Improvement Value:	459,790
Rate:	8.790831
<b>Current Taxes:</b>	<b>\$4,820.72</b>
<b>Current Reduction in Taxes:</b>	<b>\$1,067.29</b>

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**If Parcel Transfers to Open Space Traditional Farm:**

# of Acres in Traditional Farm:	6.4 + 1.2 acre fully taxable homesite
Land Market Value for 6.4 Acres:	135,600
Open Space Land Reduction Factor:	50%
Taxable Land Value w/ Traditional Farm Exemption:	67,800
Land Value for Home Site:	74,400
Building/Improvement Value:	459,790
Rate:	8.790831
<b>Estimated Taxes:</b>	<b>\$5,291.99</b>
<b>Increase in Taxes Due to Transfer:</b>	<b>\$471.28</b>

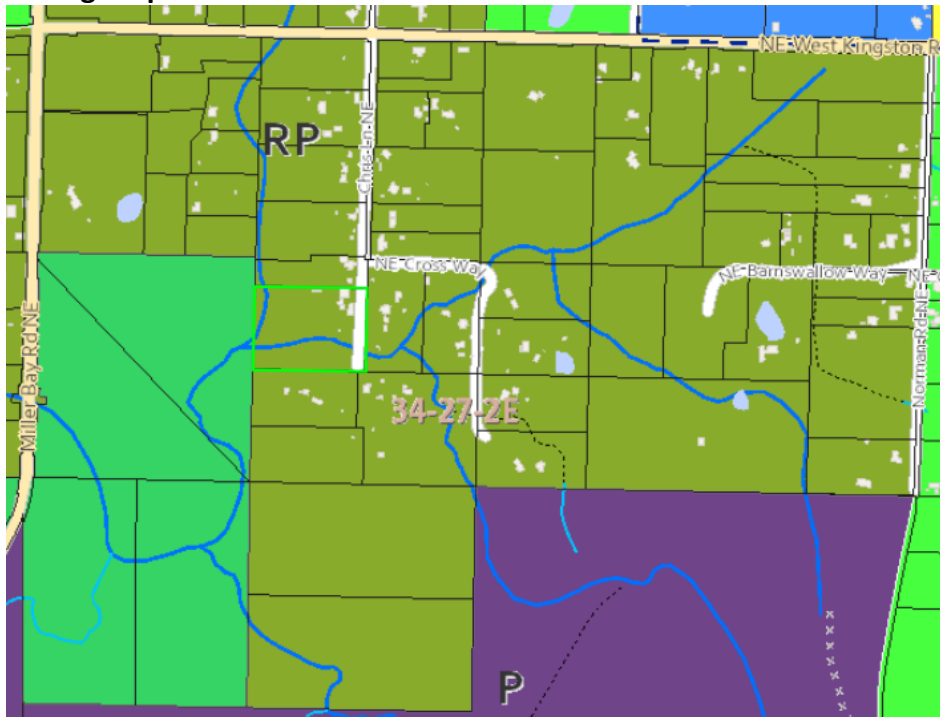
**Open Space Reduces Taxes (if the land was fully taxable) by: \$596.02**

This estimate is based on 2023 values & rates



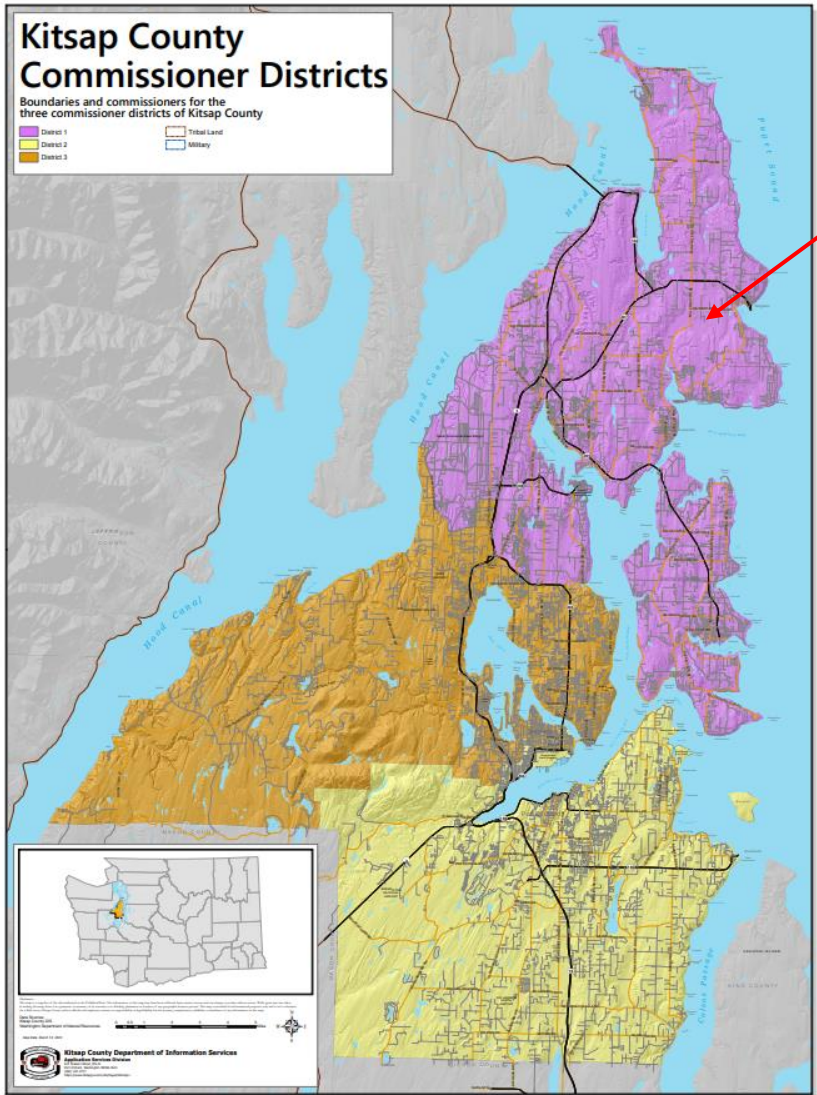


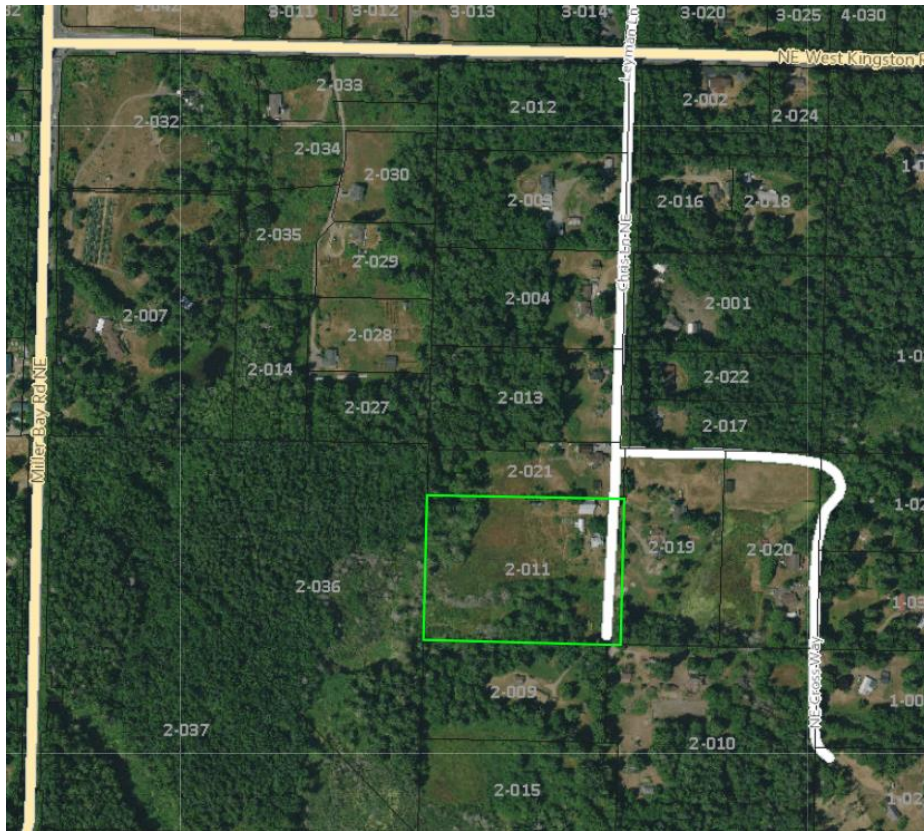
**Zoning Map**



Rural Protection (1 DU/10 Ac)  
**Commissioner District Map**







County Historical Photo 1994

