



## Staff Report and Recommendation

**Report Date:** November 13, 2018  
**Hearing Date:** November 20, 2018

**Application Submittal Date:** July 13, 2018  
**Application Complete Date:** July 30, 2018

**Project Name:** Aistrope Open Space  
**Type of Application:** Open Space Application  
**Permit Number:** 18-03458

### Project Location

No Assigned Address  
Access located off Forest Springs Road  
Seabeck, WA 98380  
Commissioner District 3

**Assessor's Account #**  
352403-4-006-1002

**Applicant/Owner of Record**  
Mark and Maria Aistrope  
2701 W Sunnyside Ave  
Chicago, IL 60625

### Recommendation Summary

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

VICINITY MAP



### 1. Background

Mark and Maria Aistrope are requesting to transfer 16 of 17.74 acres currently designated "Undeveloped Land" by the Assessor to "Current Use Open Space." The application reserves 1.74 acres for future development.

### 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 and WAC 197-11-800(14)(k).

### 4. Physical Characteristics

The undeveloped parcel is approximately 17.74 acres in size and is a rectangular shape. The zoning is Rural Wooded and is heavily vegetated with trees. A fish habitat stream flows diagonally through the parcel from the southeast emptying into the Hood Canal at the west edge of the property at the shoreline. The parcel is fully encumbered with steep slopes from the east to the west towards the shoreline, as well as, to the north and the south into the drainage area of the stream. The highest contour on the property is 365 feet and the lowest contour being at the shoreline of sea level. The average grade being approximately 35 percent. The slopes are the steepest at approximately a 50 percent grade approximate from the center of the property to the shoreline. At this time no development is located on the parcel.

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

Surrounding Property	Land Use	Zoning
North	Largely undeveloped land with some single-family residential use on parcels further north.	Rural Wooded
South	Undeveloped land with forest practices application.	Mason County Jurisdiction - Rural Residential 5 Acres and 20 Acres.
East	Undeveloped land with forest practices application.	Rural Wooded
West	None - Marine waters of Hood Canal	None - Marine waters of Hood Canal

### 5. Access

Access to the parcel is through NE Forest Springs Road, a private, unpaved road. A series of roads must be taken to reach NE Forest Springs Road which extend into Mason County. NE Forest Springs Road is located off NE Dewatto Holly Road, a paved Mason County maintained road, that connects with Dewatto Road W, a Kitsap County maintained 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:

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

*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.*

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	Land Use and Development Procedures

## 7. Public Outreach and Comments

The Notice of Application was mailed to properties within 800' on August 16, 2018. The Notice of Public Hearing was mailed to properties within 800', posted onsite, and published in the Kitsap Sun on November 6, 2018. One phone call from a neighbor inquiring about the application was received. Staff provided the neighbor with information on the public process and conditions of the application. No comments were submitted by the inquirer.

## 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

Natural Shoreline Designation

Watershed (Category II Critical Aquifer Recharge Area)

Special Animals (Northern Spotted Owl occurrences WDFW PHS mapping and listed endangered)

**b. Medium-Priority Resources**

None

**c. Low-Priority Resources**

Steep Slopes

The application has been found to be eligible for a 50 percent (50 percent for the priority resources, and 0 percent for appropriate public access) reduction to the land value. Property qualifying for Current Use Open Space must have at least two sensitive characteristics/resources. This property has two high-priority resources, no medium-priority resources and one low-priority resources.

**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% per month. An additional 20% 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 of 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 Aistrope Open Space Application be approved, subject to the following eleven conditions:

- 1) A 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 shall, however, be allowed.

6) There shall be no hunting, fishing or trapping.

7) Camping shall not be allowed.

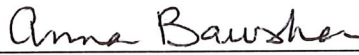
8) There shall be no smoking, campfire or firearms on the site.

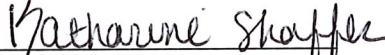
9) There shall be no mining, storage or excavation of materials.

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 as long as it is primarily devoted to and used as protecting wildlife, fish, and shoreline habitat. The Granting Authority will remove classification if dedication to this purpose ceases to exist.

**Report prepared by:**

  
Anna Bausher, Planner

  
Katharine Shaffer, Planner

11.9.18  
Date

**Report approved by:**

  
Shawn Alire, Planning Supervisor

11.9.18  
Date

**Attachments:**

- Attachment A - Tax Shift
- Attachment B - Zoning Map

CC: Applicant/Owner email: Mark and Maria Aistrope, marka@meetingtomorrow.com

Interested Parties: None

### Site Plan



# 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

AISTROPE MARK & MARIA		
352403-4-006-1002		
DFL	Farm	OpenSpace
0.00	0.00	16.00
17.74		
\$74,020		
1.74	acre(s)	
\$49,560		
50%		
\$0		
\$0		
\$0		
11.268425		
2018		

				Tax Year 2018	
Taxable Value				Value	Tax
<b>CURRENT</b>	Land			74,020	
	Improvements			0	
	Total			74,020	
	Taxes				834.09
<b>PROPOSED</b>	Homesite	Ac	Value	49,560	
		1.74	\$49,560		
	Designated Forest Land	Ac	Approx Rate	0	
		0.00	\$125		
	CU Farm & Agricultural	Ac	Value	0	
		0.00	\$597		
	CU Open Space	Ac	Value	12,230	
		16.00	\$24,460		
Improvements			0		
Total			61,790		
Taxes				696.28	
<b>Difference</b>				12,230	137.81
<b>Owner's Taxes DECREASE By</b>				<b>\$138</b>	
<b>Total Tax Shift</b>				<b>\$138</b>	

	Acreage	Total Land AV
<b>Total Land:</b>	17.74	= \$74,020
<b>Homesite (taxable land):</b>	1.74	= \$49,560

<b>Land Value less the homesite (taxable land):</b>	\$24,460
<b>Reduced value with exemption:</b>	\$12,230

<b>Adjusted Land Value:</b>	\$12,230
<b>At the 2018 Tax Rate of :</b>	11.268425
<b>The Estimated Tax Shift (tax reduced by) =</b>	\$138







Comments Parcel No.: 352403-4-006-1002 TaxPayer: ALSTROPE MARK F & MARIA C Site Address: NO ADDRESS FOUND

\*\* This map is not a substitute for field survey. \*\*

Map Scale: 1 inch = 400 feet  
Kitsap Co. Parcel Search Application



Printed November 8, 2011

