



Kitsap County Department of Community Development

Open Space Staff Report and Recommendation

Report Date: 11/15/2021

Application Submittal Date: 12/22/2020

Hearing Date: 12/7/2021

Application Complete Date: 01/12/2021

Project Name: DESORMIER – Designate Open Space

Type of Application: Open Space

Permit Number: 20-06087

Project Location

10998 Central Valley Road NE
Poulsbo, WA
Commissioner District #1

Assessor's Account

142501-2-069-2004

Applicant/Owner of Record

Tony Russell Desormier and Ashley Nicole
PO Box 577
Tracyton, WA 98393

Staff Recommendation Summary

Approved subject to conditions listed under section 10 of this report.

VICINITY MAP



1. Background

The applicant proposes to transfer approximately 3.17 acres of land currently designated as Single-Family Residence by the Kitsap County Assessor to Current Use Open Space. The parcel is approximately 7.53 acres and is developed with a single-family residence and a detached garage.

2. Project Request

The applicant requests that approximately 42% of a privately owned parcel be designated open space and entered in the Kitsap County open space program subject to a Type IV permit review. 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 property taxes.

3. SEPA (State Environmental Policy Act)

Pursuant to WAC 197-11-800(6)(a), the proposal for a land use decision for an exempt project is also exempt from SEPA review.

4. Physical Characteristics

The subject property is approximately 7.53 acres, roughly square, with a gentle slope from the northwest to the southeast. Hydric soils are mapped on the site running through the center of the parcel north to south, approximately 160 feet wide. There is approximate 4,791-square-foot constructed wetland on site approximately 160 feet northwest of the existing primary residence, and the property is located within a Category II Critical Aquifer Recharge Area. The existing single-family residence is in the southeast corner of the lot and is setback approximately 277 feet from a private drive that provides access to the site from Central Valley Rd NE. The 1,736-square-foot single family residence was built in 2017.

Table 1 - Comprehensive Plan Designation and Zoning

Comprehensive Plan: Rural Residential Zone: Rural Residential	Standard	Proposed
Minimum Density	NA	NA
Maximum Density	1 du / 5 acres	NA
Minimum Lot Size	5 acres	NA
Maximum Lot Size	NA	NA
Minimum Lot Width	140	NA
Minimum Lot Depth	140	NA
Maximum Height	35 feet	NA
Maximum Impervious Surface Coverage	NA	NA
Maximum Lot Coverage	NA	NA

Applicable footnotes: None

Staff Comment: No building permit is being requested as part of this application.

Table 2 - Setbacks for Zoning District

	Standard	Proposed
Front (North)	50 feet	Existing
Side (East and West)	20 feet, 5 feet for accessory structures	Existing
Rear (South)	20 feet, 5 feet for accessory structures	Existing

Applicable footnotes: None

Table 3 - Surrounding Land Use and Zoning

Surrounding Property	Land Use	Zoning
North	Single-family residence	Rural Residential (RR)
South	Single-family residence	Rural Residential (RR)
East	Single-family residence	Rural Residential (RR)
West	Single-family residence	Rural Residential (RR)

Table 4 - Public Utilities and Services

	Provider
Water	Well
Power	Puget Sound Energy
Sewer	Septic
Police	Kitsap County Sheriff
Fire	North Kitsap Fire & Rescue
School	North Kitsap 401

5. Access

Access to the proposed project site is provided by a privately maintained road from Central Valley Road NE to the northern boundary of the property. Central Valley RD NE is a county maintained local road.

6. Site Design

Existing development on the project site includes a 1,736-square-foot (sf) single family home, a 900-sf detached driveway, and an approximate 14,163-sf impervious driveway. The proposed project does not include any changes to the existing site.

7. 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 and amended April 27, 2020.

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

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.

Environmental 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	Land Use and Development Procedures

8. Documents Consulted in the Analysis

<u>Applicant Submittals</u>	<u>Dated or date stamped</u>
Required Permit Questionnaire	01/12/2021
Project Narrative	01/12/2021
Signed Wetland Certification	01/12/2021
Site Plan	01/12/2021
Parcel Maps	01/12/2021
Site Photos	01/12/2021
 <u>Staff Communication</u>	 <u>Dated</u>
Information Request	12/23/2020

9. Public Outreach and Comments

The Notice of Application was mailed to properties with 800 feet of the proposed project site on June 29, 2021. Staff received no public comment.

10. Analysis

This land is eligible for Open Space classification under the following qualification criteria set forth by the State of Washington Open Space Act, Section 84.34.020 Revised Code of Washington (RCW) and the Kitsap County Open Space Plan, Chapter 18.12, Kitsap County Code (KCC):

High-Priority Resources

Wetlands, Ponds and Streams
Watersheds and Aquifer Recharge Area (Category II Critical Aquifer Recharge Area)

Medium-Priority Resources

None

Low-Priority Resources

Preservation of visual quality

The application has been found to be eligible for a 50% 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, no (0) medium priority resources, and no (1) low-priority resources.

Additional Tax

Per Washington Administrative Code (WAC) 458-30-300 and Kitsap County Code (KCC) 18.12, 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 Open Space classification and the calculated tax of true and fair market value for the current year and the last seven years plus interest accrued at one percent (1%) per month. An additional twenty percent (20%) penalty against the total amount owed is also imposed if the property is removed from the classification after less than ten (10) years and a two (2) years notice of the planned change of classification is not supplied, or if there is a change in the use of the property.

Review Authority

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

Recommendation

Based upon the analysis above, the Department of Community Development recommends that the Desormier Open Space Application request be approved subject to the follow eleven (11) conditions.

1. A Land Use Agreement shall be established between the owner and the Granting Authority specifying the conditions of approval. Should the property owner sign the agreement, it shall be understood that the property owner shall comply with all conditions of approval. Failure to comply with said conditions of approval shall be basis for withdrawal of the current land use designation, in which case, the land shall be subject to the penalty tax referred to in the Revised Code of Washington (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 property owner and the 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 property owner from responsibility to comply with the conditions contained within this report.
3. Upon approval, current use taxation would commence in compliance with WAC 458-30.
4. There shall be no motorized vehicles, such as all-terrain vehicles or off-road vehicles allowed within the area classified as Current Open Space.
5. There shall be no clearing of vegetation within the area classified as Current Open Space. Exceptions to this ban include, and are limited to, trail maintenance and the removal noxious weeds and hazardous trees.
6. There shall be no hunting, fishing, or trapping within the area classified as Current Open Space.
7. Camping shall not be allowed within the area classified as Current Open Space.
8. Smoking, campfires, and firearms are prohibited within the area classified as Current Open Space.
9. There shall be no mining, storage, or excavation of materials within the area classified as Current Open Space.
10. There shall be no dumping or storage of chemicals, liquids, vehicles, construction materials, or waste material or any kind within the area classified as Open Space.
11. The Open Space classification for this land will continue if it is primarily devoted to, and used, as habitat protection. The Granting Authority will remove the classification if dedication to this purpose is suspended or halted for any reason.

Report prepared by:



Staff Planner / Project Lead

11/15/2021

Date

Report approved by:



Scott Diener, Manager, DSE

11/15/2021

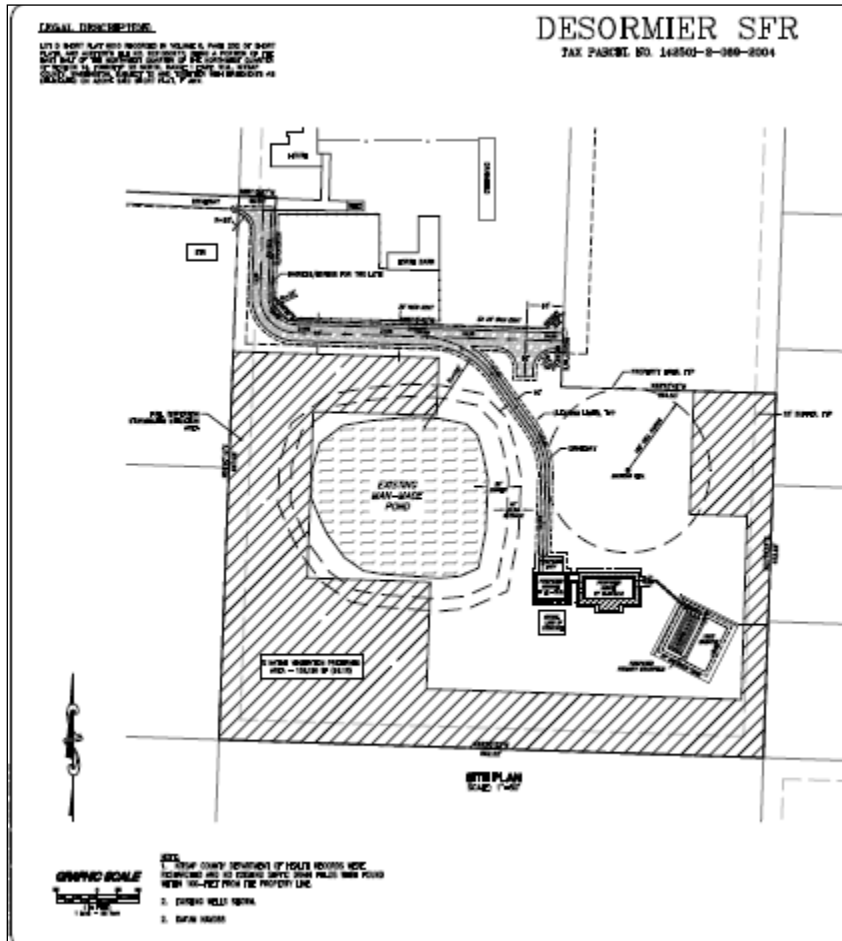
Date

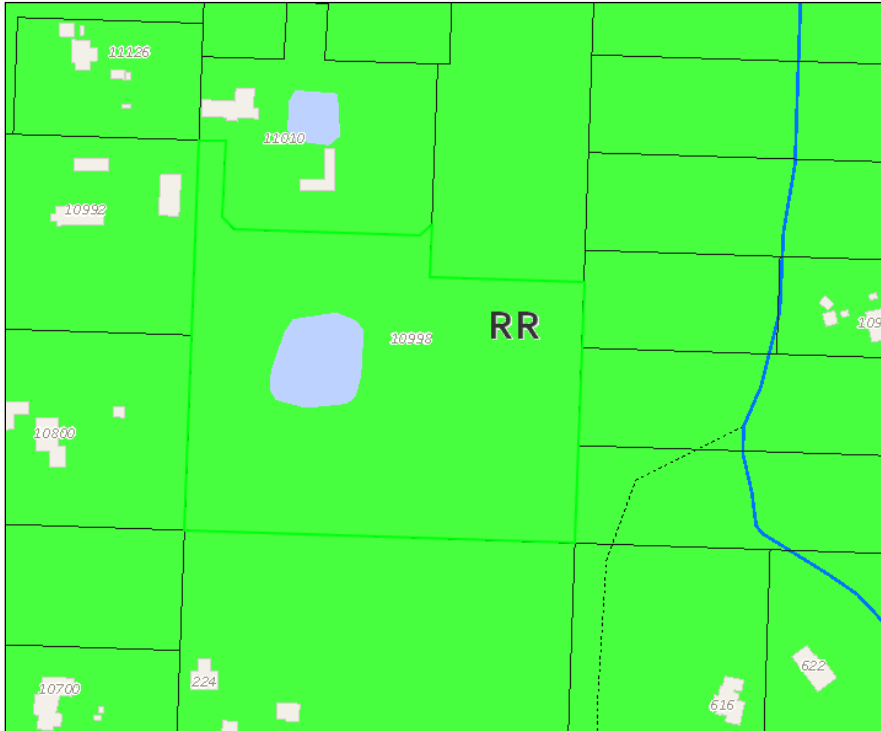
Attachments:

- Attachment A – Zoning Map
- Attachment B – Critical Areas Map
- Attachment C – Tax Shift Estimate

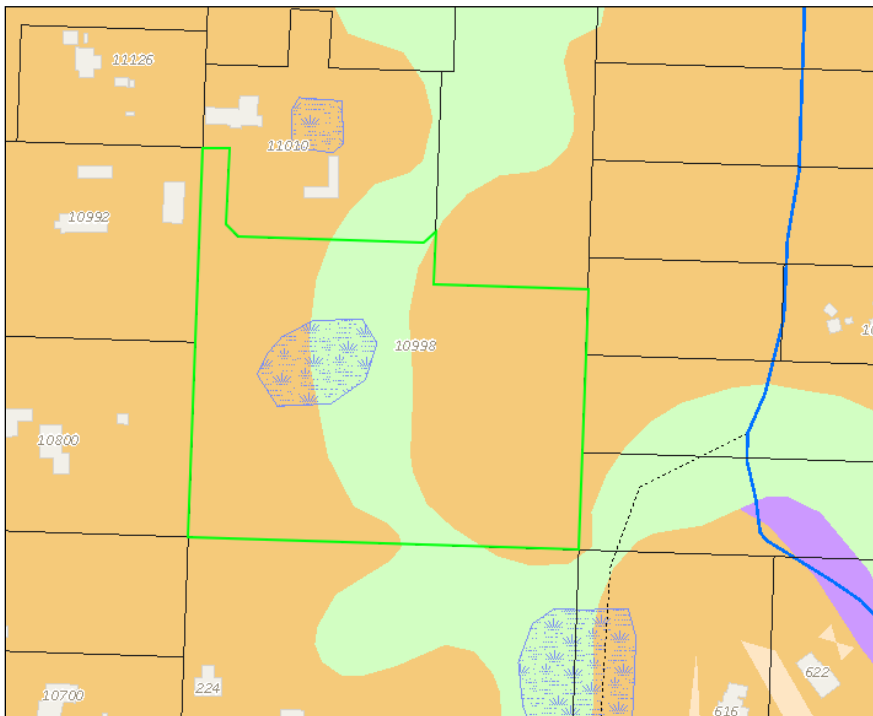
CC: Applicant/Owner: tonydesormier@gmail.com
DCD Staff Planner: Colin Poff

Site Plan





Attachment B: Critical Areas Map



Attachment C: Tax Shift Estimate

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
 Design Forest Land AV
 Improvement Value
 Taxes based a on levy rate of
 Tax Year

DESORMIER TONY R & ASHLEY N		
142501-2-069-2004		
DFL	Farm	OpenSpace
0.00	0.00	3.17
7.53		
\$217,350		
4.36	acre(s)	
\$152,857		
50%		
\$0		
\$0		
\$332,460		
10.684943		
2021		

Taxable Value				Tax Year 2021	
				Value	Tax
CURRENT	Land			217,350	
	Improvements			332,480	
	Total			549,810	
	Taxes				5,874.69
PROPOSED	Homesite	Ac	Value	152,857	
		4.36	\$152,857		
	Designated Forest Land	Ac	Approx Rate	0	
		0.00	\$125		
	CU Farm & Agricultural	Ac	Value	0	
		0.00	\$640		
	CU Open Space	Ac	Value	32,247	
		3.17	\$64,493		
Improvements			332,480		
Total			517,564		
Taxes				5,530.14	
Difference				32,247	344.55
Owner's Taxes DECREASE By				\$345	
Total Tax Shift				\$345	

	Acreage	Total Land AV
<i>Total Land:</i>	7.53	= \$217,350
<i>Homesite (taxable land):</i>	4.36	= \$152,857

<i>Land Value less the homesite (taxable land):</i>	\$64,493
<i>Reduced value with exemption:</i>	\$32,247

<i>Adjusted Land Value:</i>	\$32,247
<i>At the 2018 Tax Rate of :</i>	10.684943
<i>The Estimated Tax Shift (tax reduced by) =</i>	\$345