



Staff Report and Recommendation

Report Date: May 26, 2023
Hearing Date: June 6, 2023

Application Submittal Date: March 4, 2023
Application Complete Date: April 4, 2023

Project Name: Lawrence Open Space
Type of Application: Open Space Application
Permit Number: 23-01029

Project Location

13610 Glenwood Rd. S.W.
Port Orchard, WA 98366
Commissioner District #2

Assessor's Account #

042201-3-004-2005

Applicant/Owner of Record

David and Paula Lawrence
13610 Glenwood Rd. S.W.
Port Orchard, WA 98366

Recommendation Summary

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

VICINITY MAP



1. Background

David Lawrence is requesting to transfer 3.9 of the 4.9 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 adjacent to Glenwood Rd. S.W. at the east, intersecting with S.W. Old Farm Rd. to the south. Much of the area surrounding the subject site is abundant in rural aesthetics. Assessor parcel details show a modestly sized single-family residence (SFR) built in 1932, with a barn and multiple outbuildings. The site is pastoral in nature, including a variety of grasses and is surrounded by vegetation along the perimeters. The adjacent parcel to the west continues as pastureland. Old Farm Rd aligns the property along the south.

Table 1 - Surrounding Land Use and Zoning

Surrounding Property	Land Use	Zoning
North	Single-Family Residence (SFR)	Rural Residential (RR)
South	SFR	RR
East	Glenwood Rd. SW./SFR	RR
West	Undeveloped Land	RR

5. Access

The property is accessed off Glenwood Rd. S.W., 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 May 22, 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

Farm and Agricultural Conservation Land, per KCC18.12.020C.1. j. ii. Pursuant to RCW 84.34.020.

b. Medium-Priority Resources

None

c. Low-Priority Resources

Preservation of visual quality in KCC18.12.020C.3.d. Pursuant to RCW 84.34.020(8).

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 one high-priority resources, and one low-priority resources. The property owner was given the option to allow for public access in exchange of the additional 10% tax reduction, however, does not wish to, at this time.

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

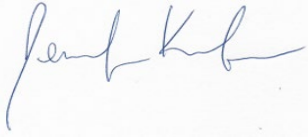
Based upon the analysis above, the Department of Community Development recommends that the Lawrence Open Space Application request be approved, subject to the following 11 conditions:

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:



May 23, 2023

Jenny Kreifels, Planner

Date

Report approved by:

Katharine Shaffer

May 23, 2023

Katharine Shaffer, Planning Supervisor

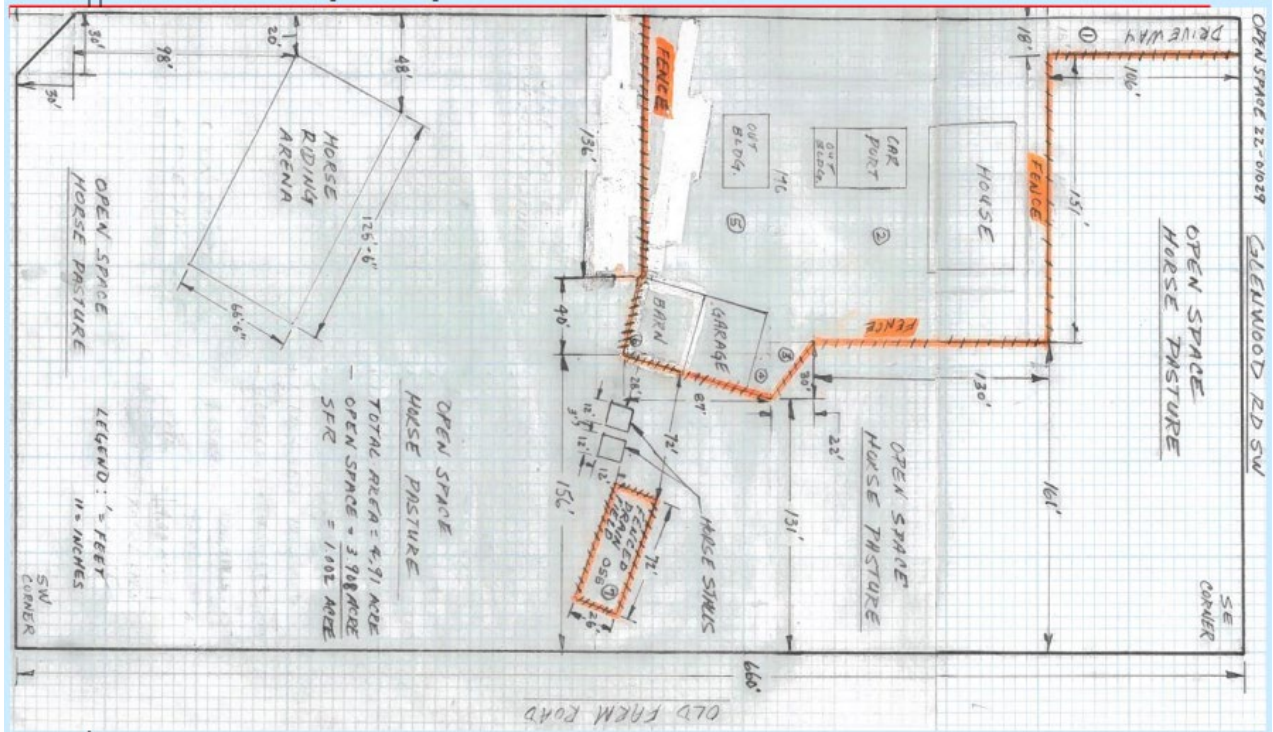
Date

Attachments:

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

CC: Applicant/Owner: David and Paula Lawrence, rallyedave@wavecable.com
Interested Parties: None

Site Plan



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

LAWRENCE DAVID M & PAULA		
042201-3-004-2005		
DFL	Farm	OpenSpace
0.00	0.00	3.91
4.91		
\$202,370		
1.00	acre(s)	
\$98,670		
50%		
\$0		
\$0		
\$109,240		
8.177638		
2023		

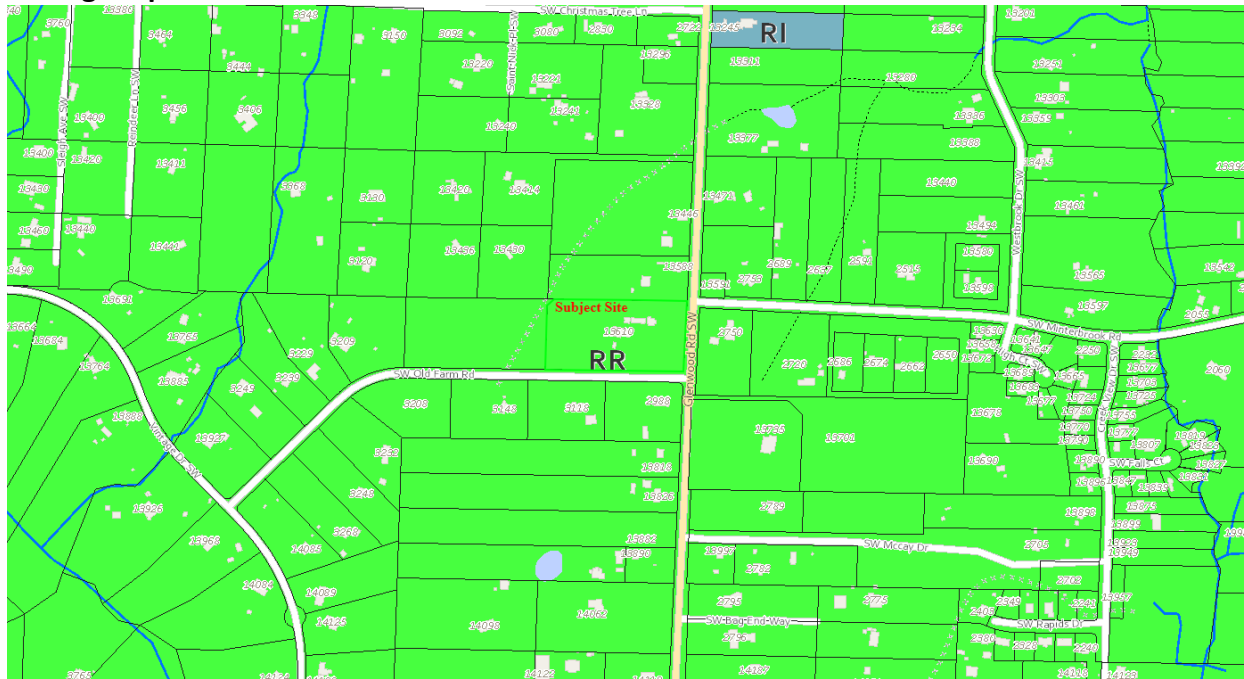
Taxable Value				Tax Year 2023	
				Value	Tax
CURRENT	Land		202,370		
	Improvements		109,240		
	Total			311,610	
	Taxes				2,548.23
PROPOSED	Homesite	Ac	Value	98,670	
		1.00	\$98,670		
	Designated Forest Land	Ac	Approx Rate	0	
		0.00	\$125		
	CU Farm & Agricultural	Ac	Value	0	
		0.00	\$641		
	CU Open Space	Ac	Value	51,850	
		3.91	\$103,700		
Improvements			109,240		
Total				259,760	
Taxes					2,124.22
Difference				51,850	424.01
Owner's Taxes DECREASE By					424.01

	Acreage	Total Land AV
Total Land:	4.91	= \$202,370
Homesite (taxable land):	1.00	= \$98,670

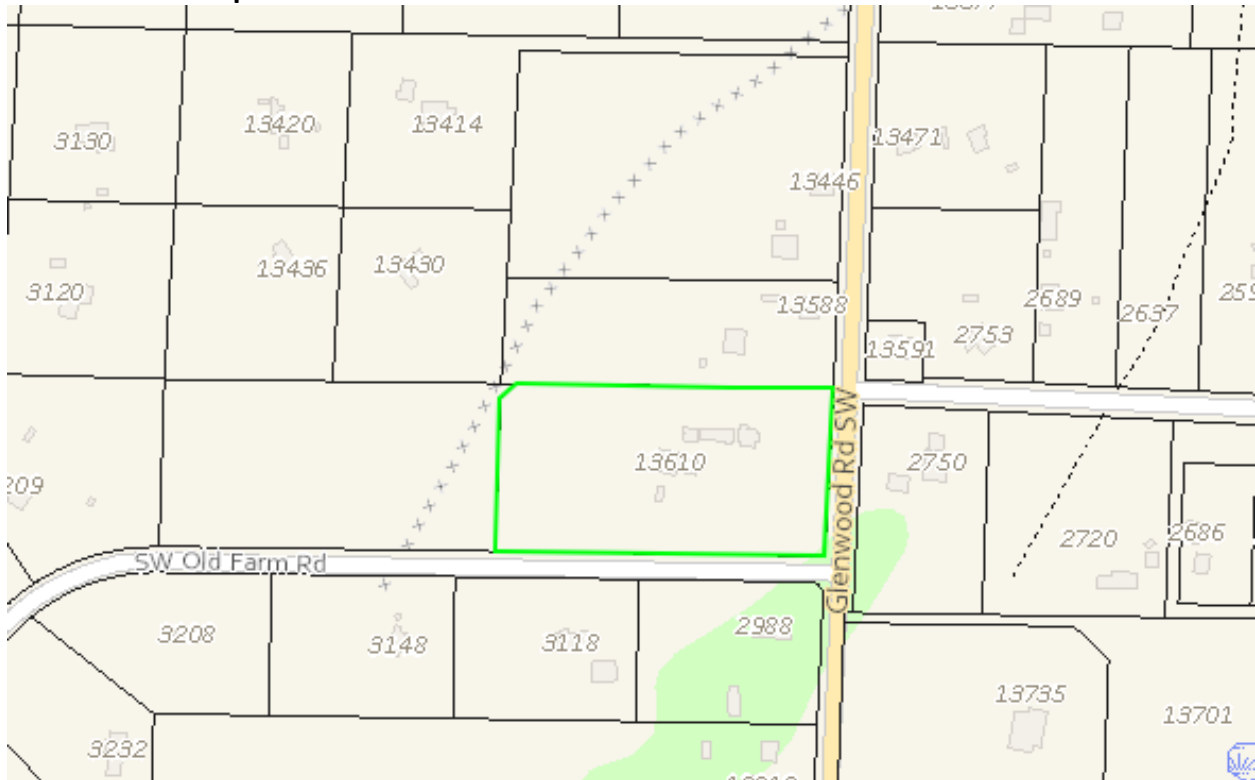
Land Value less the homesite (taxable land):	\$103,700
Reduced value with exemption:	\$51,850

Adjusted Land Value:	\$51,850
At the 2022 Tax Rate of :	8.177638
The Estimated Tax Shift (tax reduced by) =	\$424

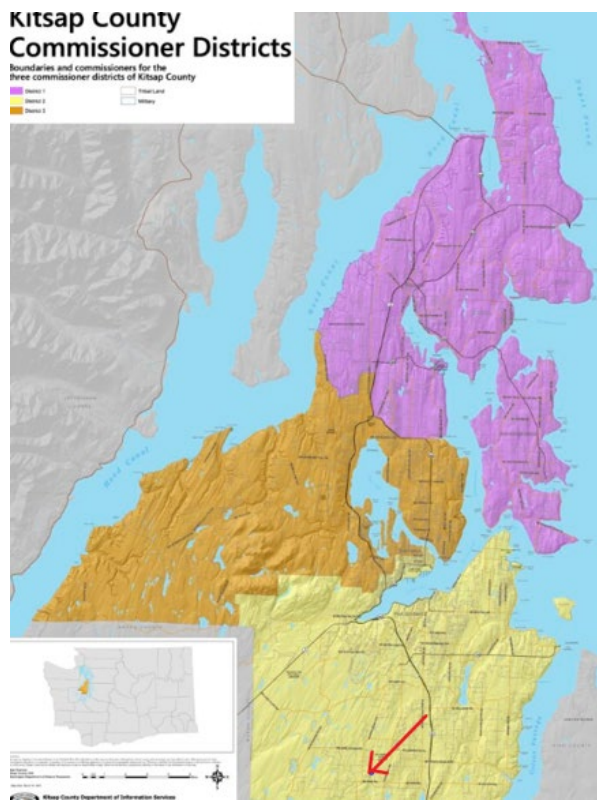
Zoning Map



Critical Areas Map



Commissioner District Map



County Historical Photo 1994



County Aerial 2021

