



Staff Report for the Planning Commission

Report Date: August 22, 2017

Application Submittal Date: July 6, 2017

Hearing Date: September 5, 2017

Application Complete Date: July 10, 2017

Permit Number: 17 02718

Project Name: Bar M-H Timber Company

Type of Application: Current Use Open Space

This staff report was prepared by Holly Roberts, Planner, based on information available up until the time the report was prepared. New information relevant to review of this application may become available prior to the hearing or at the hearing. Staff may wish to change their analysis based upon that new information, and reserves the right to do so.

Proposal Summary:

Bar M-H Timber Company proposes to transfer a portion of five separate tax parcels totaling 6.26 acres from a timber designation into the current use open space program for taxation purposes.

Project Request:

In 1998 the previous land owner, McCormick Land Company, granted an easement over approximately 6.26 acres of timber land to the Trophy Lake Golf Club for the development of the 11th and 12th holes of the golf course. The land must be removed from the timber designation due to its conversion from forest land into the golf course property. As a result, the applicant is requesting to transfer this land from the timber designation to an open space designation.

Project Location:

The subject parcels are located on the south side of SW Lake Flora Road near the Trophy Lake Golf Course, west of Highway 16 in South Kitsap County, Commissioner District #2.

Assessor's Account #:

Assessor's Number	Acres
202301-4-021-2001	5.10 (0.90 acres to current use open space)
202301-4-020-2002	5.10 (1.41 acres to current use open space)
202301-4-022-2000	5.10 (1 acre to current use open space)
202301-4-019-2005	5.10 (1.67 acres to current use open space)
202301-4-018-2006	6.68 (1.28 acres to current use open space)
Total	27.08 acres (6.26 acres to current use open space)

Applicant/Owner of Record:

Bar M-H Timber WA LLC
800 5th AVE 33rd Floor
Seattle, WA 98104

SEPA (State Environmental Policy Act):

The project is SEPA Exempt under Kitsap County Code 18.04 State Environmental Policy Act.

Physical Characteristics:

Four of the five parcels are rectangular in shape, each approximately 5.10 acres in size. The northerly most lot is irregularly shaped and is 6.68 acres in size. The parcels are relatively flat, sloping gradually from east to west. The properties are heavily forested except those areas previously cleared for the development of the golf course.

Comprehensive Plan Designation and Zoning:

The Comprehensive Plan Designation is Rural Residential and the Zoning Designation is Rural Residential.

Surrounding Land Use and Zoning:

The surrounding properties are a mix of Rural Residential and Rural Wooded zoning. Trophy Lake Golf Course sits to the west and Pilgrim Firs camp lies to the northeast. The majority of the properties surrounding the subject lots are also owned by the applicant and are used as timberland.

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
June 30, 2016

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

Environment

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 (KCC). The following development regulations are most relevant to this application:

Kitsap County Code (KCC)
Chapter 18.04 State Environmental Policy Act (SEPA)
Chapter 18.12 Open Space Plan
Chapter 21.04 Land Use and Development Procedures

Public Comments:

Staff received several general inquiries after the Notice of Application was mailed to adjacent property owners however, no comments regarding the open space application were received.

Analysis:

Land Use and Zoning 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, Ch. 18.12 KCC:

High-Priority Resources

Watershed: Minter Creek/Rocky Creek
Category 2 Critical Aquifer Recharge Area

Low-Priority Resources

Private Recreation Areas

The application has been found to be eligible for a 60 percent (50 percent for the priority resources, and 10 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 and one low-priority resource.

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 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 of use.

Recommendation:

Based upon the information above, the Department of Community Development recommends that the Current Use Open Space request for Bar M-H Timber Company be **approved**, subject to the following nine conditions:

1. A binding Land Use Agreement shall be established between the owner and the County specifying the conditions, including those identified below. 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 chapter 84.34 RCW and assessed at true market value.
2. The Land Use Agreement may be modified so long as the modification is in writing and signed by the owner and the County. Any modification may not change the following conditions, nor release the owner from the responsibility of complying with the following conditions.
3. Upon approval, current use taxation would commence in compliance with WAC 458-30-120.

4. Public access is limited to education and demonstration by example on recreational properties that require user membership.
5. There shall be no hunting, fishing or trapping on the site.
6. There shall be no camping or campfires on the site.
7. There shall be no mining, storage or excavation of materials on the site.
8. There shall be no dumping of chemicals, liquids, wastes, or other trash on the site.
9. The open space classification for this site will continue as long as it is primarily devoted to and used for the purpose of providing passive recreation opportunities for the public. The County is authorized to remove the classification if the site is no longer used for this purpose.

Holly Roberts, Staff Planner

Date

Scott Diener, Development Services and Engineering Manager

Date

CC: Bar M-H Timber Company c/o Peter Felt
Interested Parties: None
Kitsap County Health District, MS-30
Kitsap County Public Works Dept., MS-26
DCD File 17 02718

