



Staff Report for the Planning Commission

Report Date: March 9, 2017

Application Submittal Date: December 19, 2016

Hearing Date: April 4, 2017

Application Complete Date: December 30, 2016

Permit Number: 16 05572

Project Name: Howard Farm

Type of Application: Open Space

Background Information

John and Sharon Howard have applied to transfer 12.43-acres from Current Use Agriculture to Farm and Agricultural Conservation Land, also known as Traditional Farm Land. The applicant also requests to transfer 1.94-acres not currently designated in the Open Space program into Open Space General and Open Space Farm and Agricultural Conservation land (1.4-acres to Open Space General and 0.5-acres to Open Space Farm and Agricultural Conservation Land). The total request is for 14.37 acres.

The property consists of five contiguous parcels totaling 15.37-acres. The parcel numbers are 252301-2-004-2001 (1.27-acres); 252301-2-027-2004 (1.27-acres); 252301-2-040-2007 (2.22-acres); 252301-2-047-2000 (8.67-acres) and 252301-2-048-2009 (1.94-acres). These parcels are located in Section 25 Township 23 Range 1E NW Quarter at 9931 Bethel Burley Rd SE, Port Orchard, South Kitsap County, Commissioner District 2. All properties are zoned Rural Protection (RP) (1 dwelling unit per 10-acres for newly created lots). 0.10-acres of lot 252301-2-040-2007 and 0.90-acres of lot 252301-2-027-2004 have been deducted from the Open Space calculations for the road/driveway and single-family residence, detached garage and yard area and will remain fully taxable.

Washington State law provides property tax relief for properties that meet certain use requirements; this law allows taxable value of a parcel to be based on its use, rather than market value.

Discussion:

In 2003, John and Sharon Howard purchased the property which became Possum Run Farm. The prior owners had put much of the land into Current Use Agriculture, and the Howards made a commitment to retain that classification. Historically, the land has been farmed for many decades. Hops were widely grown, orchards established, and many crops and animals were grown and raised. According to the Kitsap County Historical Archives this area has been called Bethel or Big Bottom district, and was settled by farmers early on.

The Howard's early farm products were centered on registered Highland cattle; then they branched out into produce, eggs and pork which they sold at local farmer's markets. More recently, they have been selling beef.

The majority of the land is cleared, with the exception of a small area on the eastern side of lot 047 that is moderately wooded with thick underbrush. This portion of the lot contains a mapped wetland according to the Farm Plan prepared by the Kitsap County Conservation District, although it is not shown on the Kitsap County critical areas map. Livestock are excluded from this area. Additionally, a portion of lot 048 contains a wooded upland riparian area which serves as a buffer to Burley Creek which runs through the SW corner of the lot. Livestock are also excluded from this area.

The property owners no longer meet the criteria to qualify for the Current Use Agriculture classification and have requested to transfer to the Open Space and Farm and Agricultural Conservation Land program. The applicants continue to farm the property, including raising cattle and pigs on a smaller scale. In the past they have hosted farm tours, and will continue to do so if the opportunity arises.

This property has high potential for returning to commercial agriculture and qualifies as farm and agricultural conservation land according to Revised Code of Washington (RCW) §84.34.020(8).

The property is eligible for Open Space classification under the following qualification criteria set forth by the State of Washington Open Space Act:

High Priority Resources

Fish-Rearing Habitat Ponds and Primary Stream Buffers – Burley Creek
Watershed - Burley Creek
Farm and Agricultural Conservation Land

Low Priority Resources

Preservation of Visual Quality (large farm on Bethel Burley Road SE)

The application has been found to be eligible for a 60% reduction to the land value (50% based on priority resources and 10% for granting appropriate public access). Property qualifying for Current Use Open Space classification must have at least two sensitive characteristics/resources. This property has three high priority resources and one low.

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 to 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. As per Revised Code of Washing State (RCW) 84.34, a 20% penalty is also applied if the property was classified less than ten years or a 2 year written notice of removal was not given or if there is a change in use.

Recommendation:

The Department of Community Development recommends approval of 12.97-acres being transferred into the Current Use Open Space Traditional Farm classification and 1.4-acres into the Open Space General classification.

The subject property consists of three high priority resources and one low priority resource. In accordance with the State of Washington Open Space Act for Open Space classification the property qualifies for a 60 percent tax reduction.

Approval is subject to the following conditions:

Conditions:

1. A binding land use agreement shall be established between the property owner and Kitsap 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 property owner and Kitsap County. Any modification may not change the following conditions, nor release the property owner from the responsibility of complying with the following conditions:
 - a. Upon approval, current use taxation would commence in compliance with Washington Administrative Code (WAC) 458-30-120.
 - b. Upon approval, public access to the Site will be required.

A sign, no larger than 4 square feet, shall be posted. The sign shall include contact information where requests for access are to be sent. The sign shall state the following:

This property is classified as Open Space pursuant to the State Open Space Act of 1970 (chapter 84.34 RCW). Public access is permitted subject to notification and consent of landowner. Hunting, fishing, littering, excessive noise, cutting of vegetation or any action that may endanger the animal or plant life on this property is strictly prohibited. Violators will be considered trespassers.

- c. There shall be no motorized vehicles, such as "dirt bikes," allowed on the property. Usual and customary motorized farm equipment are exempt from this requirement.
- d. There shall be no clearing of vegetation on the property except what is typical for farming activities. This condition shall not apply to invasive species removal and

noxious weed removal in accordance with Kitsap County Code.

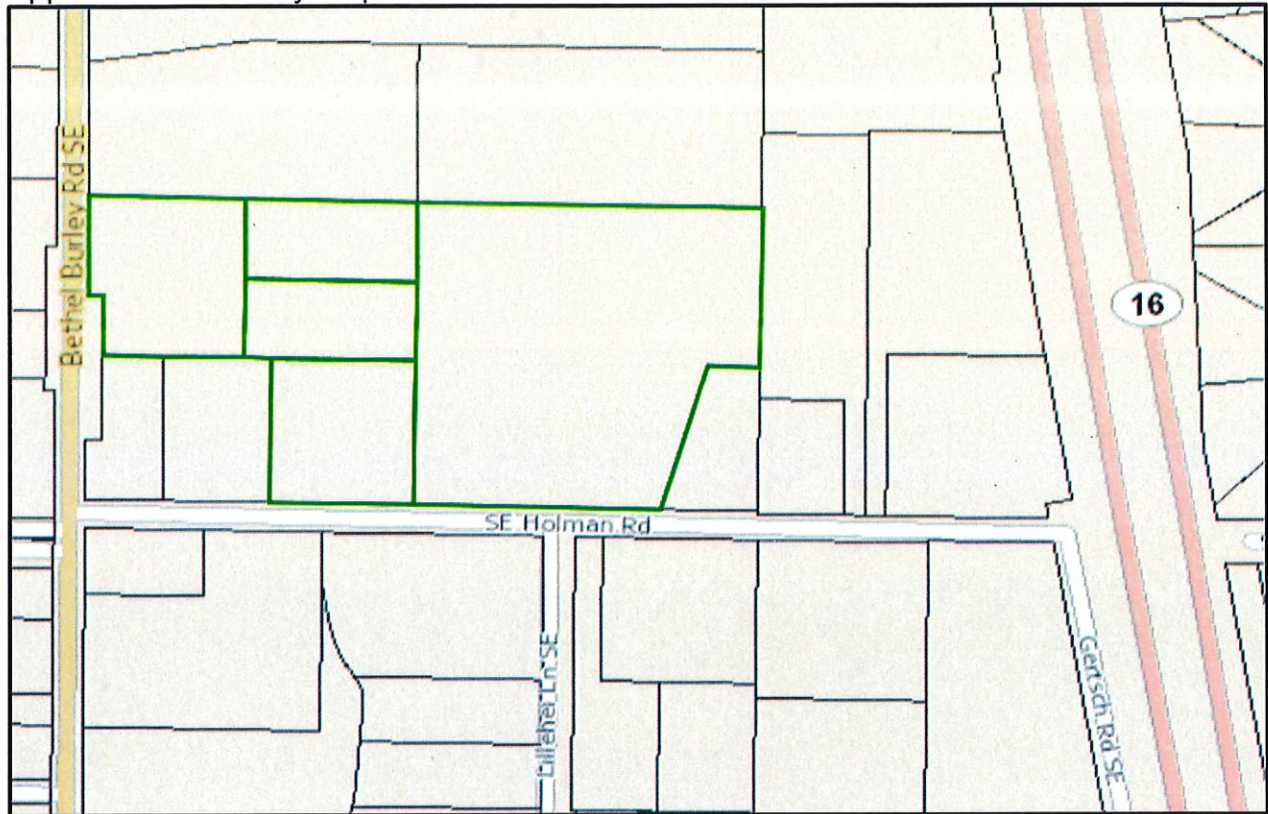
- e. There shall be no hunting, fishing or trapping on the property.
- f. There shall be no camping, or campfires on the property.
- g. There shall be no mining, storage or excavation of materials on the property.
- h. There shall be no dumping of chemicals, liquids, wastes, or other trash on the property that might deteriorate the natural character of the land (or pollute the watershed).
- i. The Open Space classification for this property will continue as long as it is primarily devoted to and used for the purpose of protecting agricultural resources. Kitsap County is authorized to remove the classification if the Site is no longer used for this purpose.

Attachments:

Appendix A – Imagery Map



Appendix B – Vicinity Map




Holly Roberts, Staff Planner

3/9/2017
Date


Scott Diener, Manager
Development Services & Engineering

3.9.17
Date

