



Staff Report and Recommendation

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

Application Submittal Date: March 23, 2018
Application Complete Date: March 23, 2018

Project Name: Wozleck Open Space Preserve
Type of Application: Open Space Application
Permit Number: 18-01374

Project Location

No Assigned Address
Located off Kimble Road E
Port Orchard, WA 98366
County Commissioner District 2

Assessor's Account

162402-2-021-2009

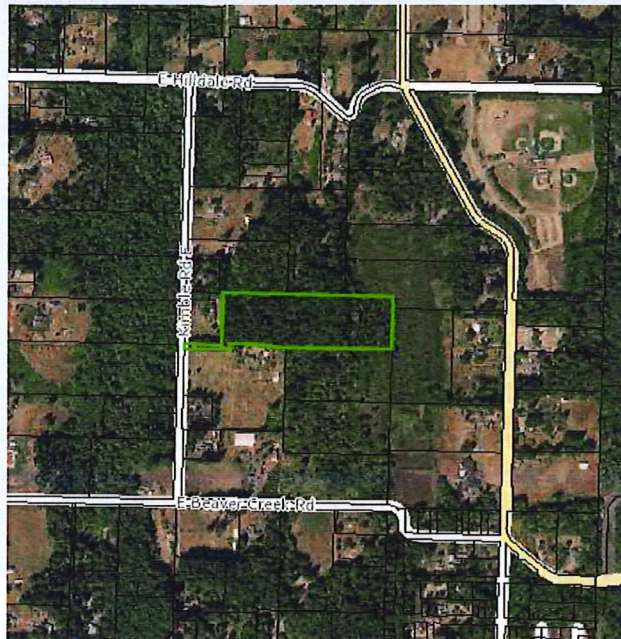
Applicant/Owner of Record

James Wozleck
6447 Beaver Creek Road
Port Orchard, WA 98366

Recommendation Summary

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

VICINITY MAP



1. Background

James Wozleck is requesting to transfer all 8.28 acres of the parcel currently designated "Undeveloped Land" by the Assessor's Office to "Current Use Open Space." The application provides for public access onto the property as the applicant is interested in preserving the natural resources on the property for enjoyment of the public with walking trails through the forests. The Kitsap Conservation District has completed a resource inventory of the parcel including soils, water, animals, plants and air.

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 8.28-acre parcel is zoned Rural Residential and is rectangular in shape with a panhandle to the Kimble Road. The west and east ends of the property are fairly flat with a slope in the center with a 15% grade to the east which is considered a moderate landslide hazard area. The east side of the property has wetlands located on it and the uplands on the western portion of the parcel are forested. The conservation district has separated the parcel into four forest stand types, as described below, moving from the west to east of the parcel. A map of these forest stand locations can be viewed in Attachment C on the Conservation Plan Map.

The first stand (approximately 4.3 acres) is dominated by 100-120 year old Douglas-fir trees with scattered western red cedars and big leaf maples. There are scattered small openings as well from a small harvest that was completed 30 years ago, but the understory is mostly dense with sword fern, salal, and Indian plum. Some weed species are present that Mr. Wozleck actively removes. In addition, during the winter of 2016/2017 Mr. Wozleck planted 100 western red cedar and 100 Douglas-fir seedlings. The second forest stand (approximately 1.8 acres) is mainly 80-100 year old big leaf maple trees with scattered Douglas-fir and western red cedar. The understory is mostly sword fern, Oregon grape, Indian plum, and salmonberry. This portion of the property is sloped from the west to the east at an approximately 15% grade. The third forest stand (approximately .5 acres) is on the upland fringe near the wetland. There is a conifer and red alder mix of vegetation with trees as old as 100 years. The understory is mostly sword fern, Oregon grape, Indian plum, and salmonberry. The fourth stand (approximately 1.5 acres) is a scrub-shrub wetland with predominately salmonberry and Pacific willow. A non-fish bearing stream flows through this wetland area as well. Based on county mapping the wetland located on this parcel is part of a larger wetland system that identifies this non-fish bearing stream flowing into a fish habitat stream.

Table 1 - Surrounding Land Use and Zoning

Surrounding Property	Land Use	Zoning
North	Single family residential and undeveloped land.	Rural Residential (RR)
South	Single family residential and undeveloped land.	Rural Residential (RR)
East	Single family residential and undeveloped land.	Rural Residential (RR)
West	Single family residential and undeveloped land.	Rural Residential (RR)

5. Access

The site access is located off Kimble Road E., a paved, county-maintained road. The parcel has a 305-foot-long panhandle that extends from the parcel to the road as the parcel otherwise does not front the 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 April 3, 2018. The Notice of Public Hearing was mailed to properties within 800', posted onsite, and published in the Kitsap Sun on November 6, 2018. In addition, five letters of support (four from the public and one

from the Kitsap Conservation District) were received as part of the application submittal. These letters of support are contained in Attachment D.

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

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

b. Medium-Priority Resources

Secondary Stream Buffer

c. Low-Priority Resources

Steep Slopes

The application has been found to be eligible for a 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, one 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 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 Wozleck Open Space application be approved subject to the following 13 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) Access shall be limited to educational pursuit in which the land and its ecological balance remain undisturbed, subject to notification to and consent of the owner.

5) A sign shall be posted that states the following:

This property is classified as Open Space pursuant to the State Open Space Act of 1970 (RCW 84.34). Access permitted subject to notification and consent of landowner. Property is environmentally sensitive. Hunting, 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 removed.

6) There shall be no motorized vehicles, such as dirt bikes, allowed on the site.

7) There shall be no clearing of vegetation on the site. Trail maintenance, noxious weed and hazard tree removal shall, however, be allowed.

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

9) Camping shall not be allowed.

10) There shall be no smoking, campfires or firearms on the site.

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

12) 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.

13) The open space classification for this land will continue as long as it is primarily devoted to and used as protecting wildlife and fish habitat. The Granting Authority will remove classification if dedication to this purpose ceases to exist.

Report prepared by:

Anna Bausher
 Anna Bausher, Planner

Katharine Shaffer
 Katharine Shaffer, Planner

11.9.18
 Date

Report approved by:

Shawn Alire
 Shawn Alire, Planning Supervisor

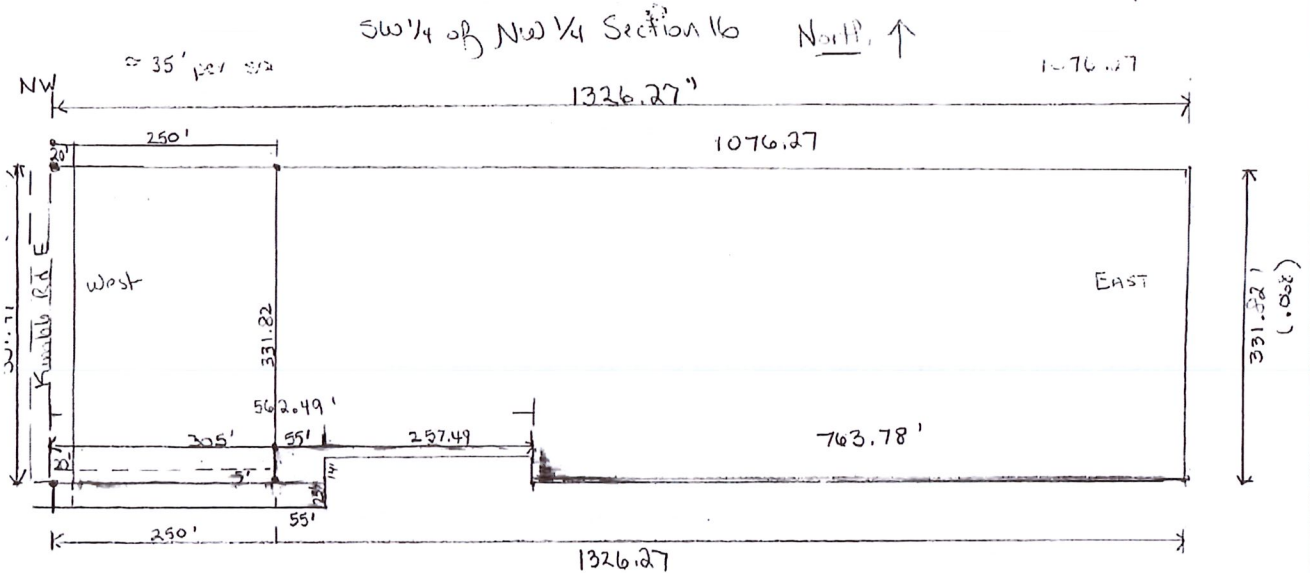
11.9.18
 Date

Attachments:

- Attachment A - Tax Shift
- Attachment B - Zoning Map
- Attachment C - Conservation Plan Map
- Attachment D - Letters of Support

CC: Applicant/Property Owner: James Wozleck, wozz@wavecable.com
 Interested Parties: None

Site Plan



$$\text{Driveway} = 30' \text{ wide} \times \frac{305'}{285'}$$

$$\text{Soft} = 361,798.0514$$

$$\text{a.c.} = 43560 = 8.30574$$

KITSAP COUNTY
COMMUNITY DEVELOPMENT

MAR 23 2018

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18 01374 -

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

WOZLECK JAMES L		
162402-2-021-2009		
DFL	Farm	OpenSpace
0.00	0.00	8.08
8.28		
\$112,460		
0.20	acre(s)	
\$2,716		
60%		
\$0		
\$0		
\$0		
11.428479		
2018		

				Tax Year 2018	
Taxable Value				Value	Tax
CURRENT	Land			112,460	
	Improvements			0	
	Total			112,460	
	Taxes				1,285.25
PROPOSED	Homesite	Ac	Value	2,716	
		0.20	\$2,716		
	Designated Forest Land	Ac	Approx Rate	0	
		0.00	\$125		
	CU Farm & Agricultural	Ac	Value	0	
		0.00	\$597		
	CU Open Space	Ac	Value	43,898	
		8.08	\$109,744		
Improvements			0		
Total			46,614		
Taxes				532.72	
Difference				65,846	752.52
Owner's Taxes DECREASE By				\$753	
Total Tax Shift				\$753	

	Acreage	Total Land AV
<i>Total Land:</i>	8.28	= \$112,460
<i>Homesite (taxable land):</i>	0.20	= \$2,716

<i>Land Value less the homesite (taxable land):</i>	\$109,744
<i>Reduced value with exemption:</i>	\$43,898

<i>Adjusted Land Value:</i>	\$65,846
<i>At the 2018 Tax Rate of :</i>	11.428479
<i>The Estimated Tax Shift (tax reduced by) =</i>	\$753



Comments

Parcel No: 162402-2-021-2009 TaxPayer: WOZLECK JAMES L Site Address: NO ADDRESS FOUND

** This map is not a substitute for field survey ** Map Scale: 1 inch = 200 feet

Kitsap Co. Parcel Search Application



Printed November 7, 201

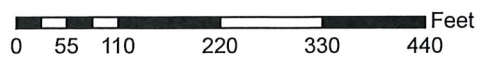


CONSERVATION PLAN MAP

Forest Stand Types - Wozleck parcel



S16, T24N, R2E, WM
Parcel #: 162402-2-021-2009
Area: 8.3 acres



Map created by:
Ken Drecksell
4/2018



2/22/18

Re: Open Space Application

Owner: James Wozlek

Parcel # 162402-2-021-2009 8.3 Acres

To Whom it may concern,

My neighbor Mr. Wozlek is interested in preserving our natural resources. On this parcel:

1. He has created trails through the woods
2. He is removing Non-Native invasive species.
3. He has invited his neighbors and friends to use the trails.

I am an older woman who walks her two dogs. Traffic has increased on the local county roads. There are many places with no shoulders and deep ditches alongside the road. Many times I have had close encounters with cars.

It is so nice to be able to get our exercise in a safe, car free and very pleasant natural wild environment.

I support granting Mr. Wozlek an Open Space permit.

Sincerely,
June Garrett-Groden
4205 Kimble Road E
Port Orchard
360 871-4717

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MAR 23 2018

KITSAP COUNTY
COMMUNITY DEVELOPMENT

March 15, 2018

Re: James Wozleck Application for Open Space Land

To Whom It May Concern:

This letter is in support of the above-referenced application for open space classification on the 8.3 acre property located on Kimble Road in Port Orchard. As an owner-occupied bordering neighbor to the subject property, I can attest to the validity of the open space request. The forest that comprises the bulk of this property houses birds and other wildlife, including owls and hummingbirds. Just outside of our door, we regularly see and hear a rich diversity of insects, birds, and other indigenous species, such as chipmunks, who make this forest their homes. It is not unusual for us to hear eagles land in and use the trees as well. A large wetland at the bottom of the hill on the property is home to countless frogs, which we hear every evening.

I believe this property qualifies easily for conserving natural resources, protecting wetlands, creating native plant habitat, promoting conservation principles, enhancing recreation opportunities through a network of hand-made trails, preserving an historic site via old and diverse trees, and preserving visual quality as well as scenic vistas.

Sincerely,



Pamela Bilodeau
4305 Kimble Rd. E.
Port Orchard, WA 98366
360.769.5263

18 01374 -
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MAR 23 2018

KITSAP COUNTY
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18 - 01374 RECEIVED

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KITSAP COUNTY
COMMUNITY DEVELOPMENT

To Whom it May Concern:

April 8, 2018

RE: James L. Wozlec and parcel # 162402-2-021-2009 Application # 18-01374,

Project name: Wozlec - Open Space

From: Brian and Lynn Collins, re: parcels # 162402-2-022-2008 and 162402-2-041-2005

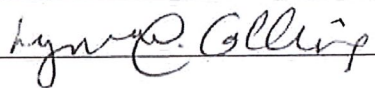
We are property owners of adjacent acreage, and we want to state that we are very pleased that James Wozlec is keeping the property he recently purchased in a natural state and not developing it.

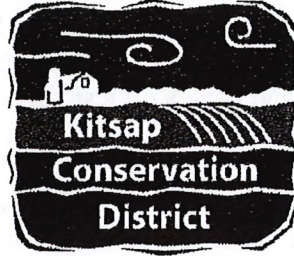
We also believe in keeping acreage undeveloped, so that it will enhance natural resources. protect wetlands, promote conservation principles, and preserve visual quality in the area.

Thank you, Brian T. Collins



Lynn C. Collins





4-17-2018

Clerk of Kitsap County Hearing Examiner
619 Division Street – mail stop 36
Port Orchard, WA 98366

Re. Wozleck open spaces application #189-01374wozleck-openspace

Dear Sir/Madam,

Jim Wozleck asked me to write a letter detailing my resource inventory and thoughts for tax parcel # 162402-2-021-2009 – 8.3 acres.

It is important to note up-front that Jim has nostalgic feelings for this property, because it was owned by his parents in the past, and he has fond memories of his father working there. He recently purchased it to “bring it back to the family”. He feels it is part of his legacy to Kitsap County to obtain a conservation easement to protect the property and put it into Open Spaces (PBRS) current use assessment to help preserve the ambiance of rural character in Kitsap County, and allow for public use and enjoyment.

Jim’s objectives for the parcel are:

- plant any openings in forest stands to shade tolerant tree seedlings to achieve full stocking
- leave forest stands to grow (not harvest)
- maintain trails throughout the property for public use
- reduce taxes by putting into Open Spaces (PBRS) current use assessment
- secure a perpetual easement with the Great Peninsula Conservancy to protect the property from development and maintain forest and wetlands
- maintain aesthetics of mature forest stands and wetlands
- maintain wildlife

A basic inventory of natural resources by Kitsap Conservation District (KCD) includes soils, water, animals, plants and air. A general inventory and discussion of each category follows.

Soils – Soils on upland parts of this parcel soils are mapped in the Soil Survey of Kitsap County, Washington as (9) Cathcart loam, 8-15% slopes; (10) Cathcart silt loam, 15-30% slopes; and (48) Schneider very gravelly loam, 45-70% slopes. Cathcart soils are very deep and moderately well drained, and have a high site index (130 at 50 years of age for Douglas-fir) for growing timber due mainly to high available water storage capacity. Schneider soils are deep and well drained, and are extremely gravelly and steep, but are still well suited to growing timber, but with a lower site index than Cathcart due to lower available water storage capacity (113 at 50 years of age for Douglas-fir). Critical area layer for Kitsap County GIS shows the area occupied by Schneider soils as being steep slopes.

Soils in bottomlands are mapped as (37) Norma fine sandy loam and Semiahmoo muck. Norma soils are poorly drained and Semiahmoo are very poorly drained. Neither soil is suitable for trails due to potential for saturated soils and ponding. These soils are hydric (saturated) and are wetlands on this property. The critical area layer for Kitsap County GIS shows only Semiahmoo soils on this property as being wetlands, but I feel this is incorrect because both soils are wetlands based on field observations of saturation, soil indicators and vegetation.

See attached “Custom Soil Resource Report – Wozleck” for more details on soils.

Water – As stated in “Soils” above, bottomlands on this property have hydric (saturated) soils and are wetlands. The critical area layer for Kitsap County GIS shows only Semiahmoo soils on this property as being wetlands, but I feel this is incorrect because both soils are wetlands based on my observations of saturation, soil indicators and vegetation. Kitsap County GIS shows the headwaters of a stream flowing from these wetlands.

Animals/Humans – Animals - Domestic livestock have probably never used this property, but numerous wildlife species common to Kitsap County undoubtedly utilize this property for cover, food, nesting, sanctuary, perching, water, etc. Presence of forest, scrub-shrub wetlands, and surface water on this property, and nearby grassy fields and open ponds on adjacent properties creates habitat for numerous species, and extensive edge. Species such as deer, woodpeckers, squirrels, chipmunks, mice, grouse, amphibians, ducks, songbirds, quail, coyote, etc. are likely present. Bald eagles are present throughout Kitsap County, and probably utilize this property for perching, roosting and hunting as well, due to forest and wetland habitats. They are likely also utilize trees for nesting in the future, as trees get larger and nesting habitats become more scarce.

Humans - James has developed trails throughout this property (except in wetlands) to allow for usage by the public for walking and mountain biking. The property is aesthetically pleasing due to wetlands and 100-120 year old forest.

Plants – Upland parts of this parcel are forest and bottomland areas are mostly scrub-shrub wetlands - see Conservation Plan Map for locations and delineations for respective stands.

Forest Stand 1 (4.3 acres) – This is a fully stocked stand of mostly good quality, 100-120 year old Douglas-fir trees on uplands. Dominant trees have a diameter at breast height (DBH) of 24-40” and codominants 16-24”. There are a few scattered western red cedar of similar size and age as the Douglas-fir. There was a minor logging entry into this stand approximately 30 years ago when probably a few of the largest conifer trees were removed. Scattered small openings in this stand resulted following this harvest; vegetation in these openings is mostly understory shrubs and/or clumps of good quality, young red alder with a DBH of 4-8”. There are a few scattered 80-100 year old, fair to good quality big leaf maple, described in stand 2. Dominant trees are spaced approximately 30’ apart, and average spacing of all over-story trees is 15-20’. Understory is mostly sword fern, salal and Indian plum, with density and vigor dependent on the intensity of sunlight reaching the forest floor – i.e. in areas of densest shade there is little understory. There are scattered weedy species of English ivy and holly, which Jim is actively removing. Jim planted 100 western red cedar and 100 Douglas-fir seedlings in openings during the winter of 2016/2017 to fully stock with trees.

Forest Stand 2 (1.8 acres) – This is a fully stocked stand of mostly fair to good quality, 80 to 100 year old big leaf maple. Trees are generally straight and tall due to relatively close crown spacing and uniform age. Some trees are in tight clumps, because they were stump sprouts. DBH of maple ranges from 12-36”. Some breakage has occurred near ends of some branches in the crown, but rot seems localized near wounds. There are a few scattered individuals and clumps of poor to fair quality red alder of similar age as the maple, with a DBH of 10-18”. Breakage of older alder trees is extensive, due to old age. There are a few scattered fair to good quality Douglas-fir with DBH of 16-32” that are mostly codominant in this stand, and fair to good quality western red cedar with DBH of 24-40”. Spacing of all trees is irregular, but averages approximately 20’. There are scattered 10-30 year old, good quality western red cedar reproduction in areas. Understory is mostly sword fern, Oregon grape, Indian plum and salmonberry. Most of this stand is on steep slopes, but a small part in the southeast corner is on bottomland with better drainage than typical.

Forest Stand 3 (0.5 acres) - This stand generally occurs on the upland fringe near wetlands. It is approximately a 50/50 mix of conifer and red alder that are 100 years old. The conifer is a mix of fair to good quality western red cedar and Douglas-fir with a DBH of 24-36” and 18-30”, respectively. The alder is mostly poor quality with a DBH of 14-24”, with heavy branching and considerable breakage and rot, due to old age. There are numerous 10-30 year old, good quality western red cedar reproduction throughout. Understory is mostly sword fern, Oregon grape, Indian plum and salmonberry. Spacing of over-story trees is irregular, but averages 25-30’.

Stand 4 (1.5 acres) – This scrub-shrub wetland is mostly salmonberry with scattered Pacific willow. There is probably black twinberry and red osier dogwood intermixed as well in areas. This area is subject to prolonged ponding during the rainy season and is on bottomlands. GIS shows that stream flow drains toward the south from this wetland area.

Access Road (0.2 acres) – Road easement for public access, with year-round gravel surfaced drive.

Air – This parcel probably has negligible effect on air quality, except there is net carbon sequestration occurring for the foreseeable future on this parcel due to preservation of long lived stands of woody plants that will be allowed to grow.

Please consider Jim Wozleck's application for inclusion of this parcel in Open Spaces (PBRS) current use assessment. This parcel is important to preserve because it has: some of the highest site tree growing soil in the County (Cathcart); organic hydric soils (Semiahmoo); critical areas of steep slopes and natural scrub-shrub wetlands; high value wildlife habitat due to combination of mature forest and wetland habitats, with nearby open water and grassy fields; high quality, fully stocked 100-120 year old conifer and 80-100 year old maple forest stands; and trails throughout for access. Additionally, the landowner has the conservation ethic to want to preserve this property in its present state by obtaining a perpetual easement to protect it from development, and allow public use.

Jim has nostalgic feelings for this property, and he is giving the opportunity for others in the County to feel the same with his applications for Open Spaces (PBRS) current use assessment with public access. This is truly his legacy to Kitsap County.

If you have any questions or comments regarding this letter, please let me know.

Sincerely,



Kenneth Drecksal
Resource Planner
Kitsap Conservation District
10332 Central Valley Road
Poulsbo, WA 98370

Attachments: Conservation Plan Map
Custom Soil Resources Report - Wozleck

Comment by Kevin Kilbridge on Open Space application #18-01374 (Wozleck), April 16, 2018

I have walked the site. It is a second- and third-growth forest on the west end, sloping to a wetland, seasonally flooded, on the east end. The overall impression is one of a pleasant, well-spaced forest.

The usual species of tree (Douglas-fir, Western Hemlock, Western Redcedar, Bigleaf Maple, and Red Alder), and shrubs (mainly Indian-plum upland, and willow in the wetland) are present, but much of the site is beset with holly and ivy, upland, and blackberries in the wetland. There are a lot of trails curving about, where the owner enjoys mountain-biking. There is also some junk, such as old fencing. The property boundaries are not conspicuously marked.

The site would probably not appeal to visitors by car: it's set back from the paved road (Kimble Rd.) by an unpaved lane and there is no parking or turn-around.

But keeping the property natural would have the benefit of providing plant and animal habitat, aquifer recharge, and carbon sequestration, which are being gradually lost to development.

One change might be made to make the site more visually appealing to visitors, namely, to thin the high shrubs and low tree branches on the east edge of the upland. That would provide a view down into the wetland.