STAFF REPORT

REPORT DATE: 7/25/2013  HEARING DATE: 8/16/2013

TO: Planning Commission
FROM: Lee McEnery, Planner III

RE: POPNSP-12-0007, Wild Rose Orchards LLC current use Open Space application

APPLICANT: Wild Rose Orchards LLC, Tad Sommerville manager, 200 NE Pacific St. #102, Seattle, WA 98105-6856

SUBMITTED: 11/26/2012

COMP PLAN DESIGNATION: Forest Resource 20

SEPA: This proposal is exempt from SEPA.

LOCATION: Tax parcel number 260521001, 89 Wildrose Lane, lying about 1.25 miles west of Crow Valley Road, on the uphill side of Deer Harbor Road, on Orcas Island.

PROPOSAL: To place 21.34 acres of a 24.34 acre parcel into current use Open Space

RECOMMENDATION: The property does not meet the minimum score to enter the program. The application should be denied.

OPEN SPACE FINDINGS AND CONCLUSIONS:
1. Wild Rose Orchards LLC made application to place 21.34 acres of a 24.34 acre parcel into current use Open Space. Anticipating a change in ownership, the owners requested to transfer into the current use open space program. The application materials states there are 25 acres (because the county road was included in acreage calculations) but this report uses the assessor’s basis which excludes the county road acreage. Neither figure changes the outcome, so consistency is the only issue. The Assessor has been taxing 3 separate acres (the 3 circles shown on the maps) at fair market value (because of the extent of existing improvements) so 24.34 minus 3 is 21.34 acres.

2. The property is located at 89 Wildrose Lane on Orcas Island. It is bounded by Deer Harbor Road. It lies at the base of Turtleback with open manicured grass on the upper reaches and natural oak savannahs on the lower parts. The middle is developed with a
home and various buildings. The property is generally visible to views from the ferry route (from a great distance) but only the oak savannah hillside is visible from the adjacent county road. It lies adjacent to the public access for the Land Bank’s Turtleback property but the applicant has chosen to offer “no access” to this site.

3. This property is developed with a home and a number of other buildings, as shown on the site plan and aerial photo. The application materials contain a great deal of information, which are attached but not repeated in this report.

4. Current use open space is a program which grants a reduction on the property tax to property with 1) a variety of resources visible to the public, 2) a certain degree of public access and 3) resource protection. The number of points awarded reduces the value of the property by that percentage, thereby reducing the property taxes on the land included in the program. The assessor automatically removes 1 acre of land for each home site or other developed areas, assessing it at fair market value.

5. The Open Space Advisory Team reviewed the application and conducted a site visit June 14, 2013. The team rated the open space resources on the property based on the criteria established by the Open Space Program, using the public benefit rating system. The team’s score sheet is attached, and is summarized below

   26 Resource
   0 Public Access
   2 Level of Protection
   28 Total
   (70 points is the maximum allowed)

6. Resource Points:
   a. A1 “Natural and Scenic Resources” determined to be visible from either the county road or the ferry route were “Steep Slopes” and “Forest”.
   b. In A2 “Water Resources” the site lies in a “Priority Watershed” and has “Fresh Water” (farm ponds) that are rated as category III wetlands.
   c. A3 “Fragile Resources” awarded points for “Special Plant Sites” for the oak savannah and “Geological/Geomorph” for glacial scarring on the rocky hillside.
   d. A4 “Land Abutting Property of Public Value” awarded no points as this proposal did not meet the requirement that either “Group Access” or “Access with Notification” be offered.
   e. A5 “Compatible Recreational Use Areas” did not award points as “Access With Notification” was not offered.
   f. A6 awarded no points for “Historic Sites” as there were none present.
   g. A7 awarded no points for “Open Space Within Communities” as the site is not within an Urban area and was not open to public use.

7. Access Points: No public access is offered so no points were awarded. In addition, lack of access means that points were not awarded for the Resource categories of “Land abutting property of public value” and “Compatible Recreational Use Areas”.
8. **Level of Protection Points:** No points were awarded for a conservation easement as none exists. Two points were awarded for parcel size. The property is 24.34 acres in the Forest Resource-20 designation so is not further divisible.

9. An applicant’s tax savings is shifted to other tax payers in the county, who compensate for the shortfall. RCW 84.34.037(2)(a) requires that we consider “The resulting revenue loss or tax shift.” No guidance is provided for making a determination regarding the tax shift. In this case the property fell short of obtaining 30 points required to enter the program so there would be no tax shift. An attachment from the Assessor summarizes values of the property

**APPLICABLE REGULATIONS:**
- SJCC 16.50  Open Space Program
- RCW 84.34  Open Space Taxation Rules

**RECOMMENDATION:** Recommend to the County Council that this current use open space application be denied based on the above Findings and Conclusions.

**ATTACHMENTS**
- Public Benefit Rating worksheet
- Assessor information on property value
- Application materials