

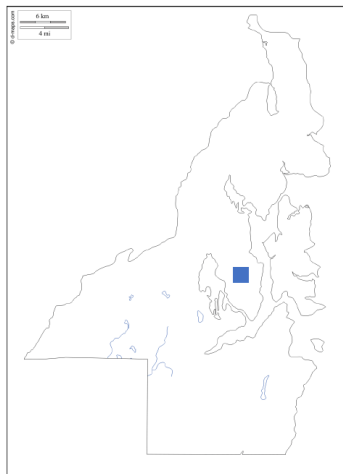


Kitsap County Department of Community Development

Staff Report and Recommendation Annual Comprehensive Plan Amendment Process for 2018 Site-Specific Amendment 18-00369 (Richardson)

Report Date 6/25/2018
Hearing Date 7/17/2018 and 7/31/2018
Amendment Type Site-specific Amendment
Landowner Lois I. Richardson
Applicant Mark Timkin
Request Change from Land Use: Urban Low Density Residential
 Zoning: Urban Restricted (UR) (1-5 du/ac)
Change to Land Use: Urban High Intensity Commercial
 Zoning: Commercial (10-30 du/ac)

Geographic Area Affected	Unincorporated Central Kitsap	<u>Parcel Tax Acct #</u>	<u>Acres</u>
		232501-4-019-2000	0.51 of 1.46 acres



	232501-4-064-2004	0.82 of 2.03 acres
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Total		1.33 of 3.49 acres
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TDRs Required 6
SEPA Determination of Non-Significance
Department Recommendation Approve with conditions that includes the acquisition of Transfer of Development Right (TDR) certificates.

This report and recommendation are based on information available at the time of publication. If new relevant and material facts are discovered, this staff report will be revised and the department recommendation may change.

1. Background

The Kitsap County Comprehensive Plan describes the 20-year vision for unincorporated Kitsap County and how that vision will be achieved. The plan covers land use, economic development, environment, housing and human services, transportation, capital facilities and utilities as well as parks, recreation, and open space. The Comprehensive Plan is mandated by the Washington State Growth Management Act (GMA, RCW 36.70A).

A. Authority

The GMA mandates that Kitsap County's Comprehensive Plan and development regulations be reviewed and, if needed, revised at least every 8-years [RCW 90.70A.130(5)]. The most recent Kitsap County 8-year update concluded with the adoption of the 2016 Kitsap County Comprehensive Plan on June 27, 2016 by Ordinance 534-2016. The GMA also mandates that Kitsap County's Comprehensive Plan and development regulations be subject to continuing review and evaluation, allowing for annual amendments to the Comprehensive Plan and development regulations [RCW 36.70A.130(1)].

Kitsap County Code sets forth a process and criteria for making amendments to the Comprehensive Plan [KCC 21.08]. In making amendments, the County must consider:

- Whether the proposed amendments are consistent with and supports other plan elements and or development regulations, and if not, what additional amendments to the plan and/or development regulations will be required to maintain consistency;
- Whether the proposed amendment to the plan and/or regulation will more closely reflect the goals and policies of the Comprehensive Plan;
- Whether the proposed amendment is consistent with the Kitsap County-wide Planning Policies; and
- Whether the proposed amendment complies with the requirements of the GMA.

The final docket adopted by the Board of County Commissioners on April 4, 2018 (Resolution No. 064-2018) allows for consideration of this proposed amendment during Kitsap County's annual Comprehensive Plan amendment process for 2018.

B. Proposed Amendment

1. Current (see Attachment A - Map 4A and Map 5A)
 Comprehensive Plan Land Use Designation: Urban Low Density Residential
 Zoning Classification: Urban Restricted (UR) 1-5 du/ac

The urban restricted zone is applied to areas within urban growth areas that have been identified with a significant concentration of critical areas regulated pursuant to Title 19, or are planned as greenbelts, and are therefore appropriate for lower-

density development. These areas may include significant salmon spawning streams, wetlands and/or steep slopes. Actual densities allowed will be determined at the time of land use approval, following a site-specific analysis and review of potential impacts to the on-site or adjacent critical areas.

2. Proposed (see Attachment A - Map 4B and Map 5B)
 Comprehensive Plan Land Use Designation: Urban High Intensity Commercial
 Zoning Classification: Commercial (C) 10-30 du/ac

This zone is intended to provide for those commercial establishments which serve the shopping and service needs for large sections of the county and provides visitor services and accommodations for both destination and en route travelers.

C. Geographic Description

The site is located at 8297 State Highway 303, and 8339 State Highway 303 NE, approximately 2 miles north of the Bremerton city limits (see Attachment A – Map 1). The site includes a portion of two split zoned parcels totaling 1.33 acres out of 3.49 acres. The split zone was created when a boundary line adjustment was recorded on December 27, 2017.

The current use of the site is single family residential (see Attachment A – Map 2). The current uses adjacent to the site include single family residential, undeveloped land, and a church (see Table 2). The zoning pattern in the vicinity includes a commercial corridor zone immediately west of Highway 303 extending from the Bremerton city limits to north of the site (see Attachment A – Map 4A and Attachment A – Map 5A). Urban restricted zones exist west of the commercial corridor. East of Highway 303 are rural residential zones that transition to urban low density residential southeast of the site.

The site is located within the Steele Creek watershed. According to an offsite Extra Room Self Storage Wetland Delineation dated March 12, 2018 (see Attachment C2), Steele creek is a Type F stream and located approximately 200 feet west of the site (see Attachment A – Map 3A). A category II riverine wetland is associated with this segment of Steele Creek. The site is also located on the western edge of a category 2 critical aquifer recharge area (see Attachment A – Map 3B).

2. Department Recommendation

Having analyzed the proposed amendment and other alternatives, if applicable, the Department recommends:

- Adoption of the amendment:
 as proposed above
 as described in Alternative ___ below
 with revisions described below

- with conditions described below
- Deferral of the amendment to a future docket
- Denial of the amendment

A. Revisions

None.

B. Conditions

1. The acquisition and transfer of six (6) development rights consistent with KCC 17.580 and Resolution 217-2017 (see Attachment C1) is required and must be completed by June 30, 2021 or approval of this amendment will automatically expire;
2. The acquisition and transfer of development rights must be completed prior to submitting any land use, development, or building application for the subject parcel(s); and
3. A notice to title containing the terms of this conditional approval must be recorded on the subject parcel(s) within 90-days of approval.
4. The comprehensive plan and zoning changes will not take effect until the above conditions are fulfilled.

C. Rational

- The site includes a portion of two split zoned parcels totaling 1.33 acres out of 3.49 acres. The split zone was created when a boundary line adjustment was recorded on December 27, 2017. The site is designated Urban Restricted and developed with two single family residences;
- The site would have been designated Commercial if the current parcel line configuration existed during the 2016 Kitsap County Comprehensive Plan Update;
- Allowed uses for split zone parcels follow the zone boundaries, not the parcel lines. Therefore, the back 1.33 acres of the two parcels are subject to the allowed uses and design regulations of the Urban Restricted zone (see Attachment A – Map 4A and Map 5A);
- The current use of each parcel is single family residence detached. This is a low density residential use in Kitsap County Code (KCC) Chapter 17.410 (Allowed Uses) and prohibited in the Commercial zone portion of the parcels;
- The single-family use in a Commercial zone is already non-conforming. Correcting the split zone will not create a new non-conforming use;
- Expanding the extent of the Commercial zone is consistent with the zoning designation of adjacent parcels;
- The requested Commercial designation/zone is compatible with the applicant's intended use for commercial purposes;

- The site is located immediately adjacent to a major arterial road. Utilities are generally available or planned for future service; and
- Critical areas do not exist on the site. Therefore, the parcels do not meet the intent of the Urban Restricted zone. The site meets the intent of the Commercial zone.

3. Other Alternatives Considered

The Department determined that consideration of alternatives was not needed for this application.

4. Analysis

Amendments to the Comprehensive Plan must be consistent with the criteria outlined in Kitsap County Code (KCC) Chapter 21.08. Applicable criteria are analyzed below.

A. General Decision Criteria (KCC 21.08.070.A)

For each proposed amendment to the Comprehensive Plan, the Planning Commission in reaching its recommendation, and the Board of Commissioners in making its decision, shall develop findings and conclusions, which demonstrate:

1. *How circumstances related to the proposed amendment and/or the area in which the property affected by the proposed amendment is located have substantially changed since the adoption of the Comprehensive Plan or applicable development regulations;*

Staff Analysis: The circumstances related to the site have changed since the 2016 Comprehensive Plan update:

- A boundary line adjustment was completed in December 27, 2017 (see Attachment C3) resulting in split Land Use Designations/Zoning Classifications (see Attachment A – 4A and Attachment A – 5A) on the site.
- A site-specific wetland study was completed for the area immediately west of the site on March 12, 2018. The study shows that critical areas and buffers are not located on the site.

2. *How the assumptions upon which the Comprehensive Plan is based are no longer valid, or there is new information available which was not considered during the adoption of, or during the last annual amendment to, the Comprehensive Plan or development regulations; and*

Staff Analysis: The following new information was not available during the 2016 Comprehensive Plan update:

- The December 27, 2017 boundary line adjustment on the site moved the rear parcel line further back from State Route 303 and closer in alignment with the rear parcel lines of adjacent parcels.
- A site-specific wetland study completed on March 12, 2018 shows that critical areas and buffers are not located on the site.

As part of the 2016 Comprehensive Plan Update, the site (before boundary line adjustment) and adjacent parcels along the west side of State Route 303 were re-designated/re-zoned from Urban Low Density Residential /Urban Restricted (UR) to Urban High Intensity Commercial/Commercial (C) extending to the rear parcel line. This proposed amendment therefore, is consistent with the redesignation to Urban High Intensity Commercial/Commercial of the eastern half of the property.

3. *How the requested redesignation is in the public interest and the proposal is consistent with the Kitsap County Comprehensive Plan.*

Staff Analysis: The proposed amendment supports infill and redevelopment inside an Urban Growth Area and the Transfer of Development Rights (TDR) program by preserving rural lands as determined in Resolution 217-2017.

The Kitsap County Comprehensive Plan identifies coordinated development, infill, and redevelopment as key features of growth patterns that serve the public interest. The proposed amendment will increase the commercial area on each parcel. An increased area allows for more coordinated development of the site and increases the potential for infill and redevelopment.

B. Additional Decision Criteria (KCC 21.08.070.D)

In addition to the findings and conclusions above, a proposed site-specific map amendment may be recommended for approval by the Planning Commission and may be approved by the Board of Commissioners if the following findings are made:

1. *All Site-Specific Amendment Requests. Each of the following requirements must be satisfied for a recommendation for approval.*
 - a. *The proposed amendment meets concurrency requirements for transportation, sewer and water, and will not result in significant adverse impacts on adopted level of service standards for other public facilities and services, such as police, fire and emergency medical services, park services, and general government services;*

Staff Analysis: The 2016 Capital Facilities Plan does not indicate any public facility deficiencies for the site. The proposed amendment will not increase the planned capacity for the area (see analysis in section 4.B.1.d below regarding population and job capacity) and therefore, will not create any planned public

facility deficiencies. Sewer is planned to serve the area within the 2016-2036 planning horizon (see summary in Table 1).

Table 1 – Public Facilities

Public Facility	Provider	Concurrency Standard	Level of Service Standard
Transportation	Kitsap County	OK	OK
Water	West Sound Utility District	OK	OK
Sewer	Septic Sewer provided by Kitsap County	OK (planned)	OK (planned)
Solid Waste	Kitsap County	<i>n/a</i>	OK
Police	Kitsap County Sheriff	<i>n/a</i>	OK
Fire/EMS	Central Kitsap Fire & Rescue District 7	<i>n/a</i>	OK
School	Central Kitsap School District	<i>n/a</i>	Currently meets level of service with portable structures. Additional structures required to meet level of service by 2036
Transit	Kitsap Transit	<i>n/a</i>	OK
Parks	Kitsap County	<i>n/a</i>	OK
Gov. Admin.	Kitsap County	<i>n/a</i>	OK

- b. The proposed amendment is consistent with the balance of the goals, policies and objectives of the Kitsap County Comprehensive Plan and reflects the local circumstances of the county;*

Staff Analysis: The proposed amendment is consistent with the balance of the goals and policies of the Kitsap County Comprehensive Plan and reflects the local circumstances of the county.

The proposed amendment will create additional land available within the Urban Growth Area that is suitable for higher density/intensity redevelopment, and is consistent with the following goals and policies:

- Land Use Goal 1. “Focus current and future planning on infill and redevelopment of existing Urban Growth Areas.”
 - Land Use Policy 2. “Support innovative, high quality infill development and redevelopment in existing developed areas within the Urban Growth Areas.”

- Land Use Goal 6. “Direct development to designated Urban Growth Areas consistent with projected population growth, Growth Management Act and Countywide Planning Policies while considering development patterns that reduce sprawl, use urban land more efficiently, and that incorporate feasible, innovative and sustainable practices.”
 - Land Use Policy 29. “Through application of Growth Management Act goals, increase density in urban areas and limit sprawl in rural lands.”
- c. *The amendment will increase density and use urban land more efficiently within the Urban Growth area. The subject parcel(s) is suitable for the requested land use designation based upon, but not limited to, access, provision of utilities, consistency with existing and planned uses, environmental constraints and compatibility with the neighborhood;*

Staff Analysis: The site is suitable for the requested land use designation and consistent with the planned uses in the vicinity. The parcels surrounding the site are underdeveloped and are planned to redevelop as commercial properties. The proposed amendment will be more closely aligned with adjacent property zoning designations to the north and south as indicated in Table 2.

Table 2 – Adjacent Land Uses & Zoning

	Current Categorical Use of the Land (KCC 17.410)	Current Land Use Designation	Current Zoning Classification
North	124. Dwelling, single-family detached (includes manufactured homes)	Urban High Intensity Commercial	Commercial (C) 10 – 30 du/ac
South	124. Dwelling, single-family detached (includes manufactured homes)	Urban High Intensity Commercial	Commercial (C) 10 – 30 du/ac
East	406. Place of Worship	Rural Residential	Rural Residential (RR) 1 dwelling unit per 5 acres
West	Undeveloped	Urban Low-Density Residential	Urban Restricted (UR) 1-5 du/ac

Table 3 - Key Density and Dimension Standards (KCC 17.420)

	Current Zone	Proposed Zone
Min. density (du/acre)	1	10 (57)
Max. density (du/acre)	5	30
Min. lot size	5,800 s.f.	n/a
Max. lot size	n/a	n/a
Min. lot width (feet)	60	n/a
Min. lot depth (feet)	60	n/a
Max. height (feet)	35	35/65 (17)
Max. impervious surface coverage	50%	85 %
Max. lot coverage	50%	n/a
Setbacks		
Min. front (feet)	20	20
Max. front (feet)	n/a	n/a
Side (feet)	5	10
Rear (feet)	10	10
Footnotes:		
17. A greater height may be allowed as set forth below and in accordance with the procedures in Title 21. Such approval must be consistent with the recommendations of the fire marshal/fire district and compatible with surrounding uses and zones. Such approval shall result in a decrease in building coverage, an increase in public amenities, and/or a more creative or efficient use of land. The maximum building height approved by the director shall not exceed:		
a. In the NC and P zones: forty-five feet.		
b. In the UH and C zones: sixty-five feet.		
c. In the UM, BP, BC, and IND zones: fifty-five feet.		
d. Height and density requirements for urban high and regional center reflected in Section 17.420.058, Silverdale regional center and design district density and dimension table.		
57. Mixed use projects are not required to meet the minimum density requirements.		

In summary, the following uses will be newly allowed upon the approval of this amendment:

- residential uses including caretakers dwelling, convalescent care, or a hotel;
- commercial service, office, and retail type uses;
- institutional use – hospital;
- recreational/cultural uses; and
- industrial uses including various types of storage and light manufacturing.

For a full comparison of allowed uses, see Attachment C4.

- d. The proposed amendment does not materially affect the land uses and growth projections which are the basis for the Comprehensive Plan, and reflects local circumstances in the county;*

Staff Analysis: The proposed amendment will not materially affect the land uses and growth projections which are the basis for the Comprehensive Plan, and reflects local circumstances in the county. The proposed amendment (totaling 1.33 acres) will not materially change the population and employment capacity in the Central Kitsap Urban Growth Area (UGA). Table 4 indicates that the Central Kitsap UGA growth capacity is under the population growth target by 467 people and under the employment growth target by 92 jobs.

Table 4 - 2016 Population and Employment Target and Capacity

	Adjusted Population Growth Target 2012-2036	Final Plan Population Growth Capacity	Difference with Population Target	Employment Growth Target 2012-2036	Final Plan Employment Growth Capacity	Difference with Employment Target
Central Kitsap UGA	6842	6375	(467)	1885	1793	(92)

Source: Revised Addendum to Kitsap County 2016 Comprehensive Plan Update Final Supplemental Environmental Impact Statement (8/28/2017)

- e. *The proposed amendment does not materially affect the adequacy or availability of urban facilities and services to the immediate area or the overall area of the urban growth area; and*

Staff Analysis: The proposed amendment does not materially affect the adequacy or availability of urban facilities and services to the immediate area or the overall area of the urban growth area. See analysis in Section 4.B.1.a regarding meeting concurrency requirements.

- f. *The proposed amendment is consistent with the GMA, Kitsap County-wide Planning Policy, state and local laws and other applicable inter-jurisdictional policies or agreements.*

Staff Analysis: The proposed amendment is generally inconsistent with the Growth Management Act), Kitsap County Comprehensive Plan, and Kitsap County-wide planning policies. Each document contains policies that support increasing density/intensity inside Urban Growth Areas through infill and redevelopment. The proposed amendment increases the land available suitable for redevelopment with a higher intensity land use.

2. All Site-Specific Amendment Requests Regarding Parcels located within an associated Urban Growth Area (Including UGA Expansions of Associated Urban Growth Areas).

Each of the following requirements must be satisfied for a recommendation for approval:

- a. *Demonstration from the jurisdiction affiliated with the UGA that the proposal has the capability and capacity to provide urban level services to the area.*

Staff Analysis: The subject property is currently within the Central Kitsap UGA, which is not associated with a city and therefore, remains affiliated with Kitsap County. The County, along with the providers of public facilities listed in Table 1, have the capability and capacity to provide urban level services to all properties within the UGA, including the site. See analysis in Section 4.B.1.a regarding concurrency requirements.

- b. *Demonstration that the proposal is consistent with the associated urban growth area jurisdiction's comprehensive plan.*

Staff Analysis: The above analysis demonstrates the proposed amendment is consistent with the Kitsap County Comprehensive Plan.

- c. *Demonstration that the proposal meets the affiliated jurisdiction's transportation standards.*

Staff Analysis: The proposed amendment is not located in proximity to any roadways with existing or projected future deficiencies. See analysis in Section 4.B.1.a regarding meeting concurrency requirements.

3. Rural Commercial/Industrial and Type III LAMIRD Site-Specific Amendment Requests.

Note: The criteria in KCC 21.08.070.D.3 are not applicable to the proposed amendment and are therefore not recited here.

4. Requests Within the Rural Area Not Pertaining to Commercial or Industrial Requests.

Note: The criteria in KCC 21.08.070.D.4 are not applicable to the proposed amendment and are therefore not recited here.

C. State Environmental Policy Act (SEPA)

The Kitsap County SEPA official issued a SEPA threshold determination of non-significance (DNS; Attachment B1) for this amendment after having reviewed the SEPA environmental checklists prepared for this amendment (Attachment B2) and all of the other proposed Comprehensive Plan amendments. The SEPA official's review found that this amendment is not related to or dependent on any of the other amendments and therefore an independent SEPA threshold determination was made regarding this amendment.

Notice of this SEPA threshold determination was:

- Filed with the Washington State Department of Ecology [SEPA Register](#);
- Published in the Kitsap Sun newspaper (6/29/2018); and
- Mailed to property owners within 800 feet of the subject properties;

- Posted on the subject property; and
- Integrated with other public announcements described in Section 5 below.

The SEPA threshold determination and environmental checklist was also distributed to agencies with jurisdiction, the Department of Ecology, affected tribes, and each local agency or political subdivision whose public services would be changed as a result of implementation of the proposal.

The SEPA comment period will run concurrently with the public comment period for the proposed amendment as described in Section 5 below.

5. Public Involvement and Outreach

Kitsap County's public involvement and outreach in support of this proposed amendment has exceeded the requirements of the Growth Management Act (RCW 36.70A) and Kitsap County Code (KCC 21.08).

Public involvement and outreach in support of this proposed amendment has included the following:

- An [Online Open House](#) with information about previous, current, and upcoming phases of the 2018 amendment process.
- A public comment period (11/27/2017 – 12/15/2017) and a public hearing by the Kitsap County Board of Commissioners (12/11/2017) while setting the initial docket of proposed amendments. Based on public comments, the Board of Commissioners added a review of affordable housing policies to the docket of proposed amendments. Notifications and announcements regarding this comment period and public hearing included the following:
 - Legal notice published in the Kitsap Sun newspaper (11/27/2017);
 - Broadcast announcements via email, text message, Facebook.com, Twitter.com, and Nextdoor.com; and
 - Formal letters to Tribes with usual and accustomed area in Kitsap County.
- Legal notice announcing the docket of proposed amendments was published in the Kitsap Sun newspaper (1/8/2018).
- Presentations to various Kitsap County advisory groups and community groups.

Comment Period and Public Hearing

A new comment period regarding the proposed amendment (Attachment A), this staff report, and the SEPA determination (Attachment B1) will run through Tuesday, August 7, 2018.

- During this public comment period, the public may learn more about this and other amendments by:
 - Visiting an [Online Open House](http://tinyurl.com/kitsap2018cpa) (<http://tinyurl.com/kitsap2018cpa>);
 - Attending one of the following Open Houses:

- July 10, 2018 (5:30-7:30 PM) at the Village Green Community Center (26159 Dulay Rd NE, Kingston)
 - July 11, 2018 (5:30-7:30 PM) at the Givens Community Center (1026 Sidney Ave Rm # 115, Port Orchard)
 - July 12, 2018 (5:30-7:30 PM) at the Silverdale Water District (5300 NW Newberry Hill Rd #100, Silverdale)
- Attending applicable Planning Commission meetings; or
- Contacting the staff listed in Section 6 below.
- To be included in the official record, written comments must be submitted to the Department of Community Development before 11:59 PM on Tuesday, August 7, 2018 using one of the following methods:
 - Entered [online via computer or mobile device](#);
 - Emailed to CompPlan@co.kitsap.wa.us;
 - Mailed to 614 Division St - MS36, Port Orchard, WA 98366;
 - Dropped off at the Permit Center at 619 Division St, Port Orchard; or
 - Dropped off at one of the open houses listed above.
- Oral and written testimony may also be made to the Kitsap County Planning Commission at the following public hearings in the Commissioner's Chambers on the 3rd Floor of the Kitsap County Administration Building (619 Division St, Port Orchard):
 - 7/17/2018 (5:30 PM); and
 - 7/31/2018 (5:30 PM).
- Notifications and announcements regarding this comment period and public hearing include the following:
 - Legal notice published in the Kitsap Sun newspaper;
 - Broadcast announcements via email, text message, Facebook.com, Twitter.com, and Nextdoor.com;
 - Notice signs posted on site-specific amendment properties;
 - Notices mailed to property owners near site-specific amendments and other geographically specific amendments; and
 - Formal letters to Tribes with usual and accustomed area in Kitsap County.

Additional public involvement and outreach will occur in October through December when the Kitsap County Board of Commissioners will be considering the amendments.

6. Staff Contact

Report prepared by:

Report approved by:



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Jim Bolger, Assistant Director
Department of Community Development

7. Attachments

A. Maps

1. Vicinity
2. Aerial Photo
3. Critical Areas
- 4A. Current Land Use Designation Map
- 4B. Proposed Land Use Designation Map
- 5A. Current Zoning Classification Map
- 5B. Proposed Zoning Classification Map
6. Critical Aquifer Recharge Area
Map Legends

B. State Environmental Policy Act (SEPA)

1. SEPA Determination
2. SEPA Checklist

C. Supplemental Materials

1. Resolution 217-2017: A Resolution Establishing Exchange Rates for Transfer of Development Rights
2. Extra Room Self Storage Wetland Delineation dated March 12, 2018
3. Declaration of Boundary Line Adjustment dated 12/27/2017
4. Comparison of Allowed Uses