



KITSAP COUNTY DEPARTMENT OF COMMUNITY DEVELOPMENT

614 DIVISION STREET MS-36, PORT ORCHARD WASHINGTON 98366-4682

Larry Keeton, Director

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SITE-SPECIFIC COMPREHENSIVE PLAN AMENDMENT APPLICATION STAFF REPORT

DATE: August 24, 2009

STAFF: Heather Adams, Associate Planner

APPLICANT: Raul Gonzalez

PROPERTY OWNER(S): Raul Gonzalez

FILE NO: 09 64410

ASSESSOR'S ACC'T: 342601-2-004-2007

NUMBER OF PARCELS: 1

LOCATION:

UGA: N/A

CURRENT USE: Vacant Land

CURRENT ZONING: Rural Residential

REQ. ZONING: Change zoning designation from Rural Residential (RR) to Highway Tourist Commercial (HTC) or Rural Commercial (if appropriate) at a 1.51 acre project site.

ADDITIONAL PARCELS: N/A

RECOMMENDATION: **Inconclusive**

VICINITY:

The subject parcel is approximately 1.51 acres located in Silverdale, Wa. The proposed amendment application requests a change in land use and zoning from Rural Residential (RR) to Highway Tourist Commercial (HTC). The surrounding zoning is RR to the north and west of the property. To the east of the property the zoning is HTC and to the south of it is Industrial (IND). Surrounding uses in the vicinity is a gas station, a veterinary clinic, auto body shop, and a mini-storage facility.

PHYSICAL CHARACTERISTICS OF SITE:

The current land use is vacant land. The terrain for west portion of the property is general moderately-sloped, while the eastern side has a moderate hazard area. The steepest slope is on the property is approximately 40%. The subject parcel is abutted to the west by Scandia Creek, a "Type F" fish-bearing stream, and associated steep slopes. Future site development must demonstrate compliance with the applicable stream and steep slope buffers in the Critical Areas Ordinance (KCC 19.300.315 and 19.400.415) and other applicable environmental requirements.

BACKGROUND:

The applicant for this property originally applied for the Site Specific process in 2006. However, the applicant was refunded his money due to DCD staff resolving the issue of RL-8. RL-8 is a comprehensive plan policy that requires any new rural commercial uses to be located within the boundary of a limited area of more intense rural development (LAMIRD). The change in comprehensive plan and zoning designation for this proposal is contingent on a concurrent modification to the RL-8 restrictions. In addition to amending the comprehensive plan regarding RL-8, Kitsap County is currently considering other plan and development regulation amendments to regulate rural commercial and industrial uses to ensure that such allowed uses meet the requirements of the Growth Management Act (GMA), ch. 36.70A RCW.

SEPA STATUS

A SEPA Determination of Non-significance (DNS) was completed on August 17, 2008, by Dave Greetham, SEPA Responsible Official. The DNS was issued after using the optional DNS process in WAC 197-11-355. DNS comments are as follows:

The SEPA comment period previously occurred concurrent with the Notice of Application dated July 24, 2009. Pursuant to WAC 197-11-060(5), phased SEPA review is being utilized. Should the request be approved, all future subdivision activity would require additional environmental review, including submittal of a wetland and stream delineation report.

The lead agency for this proposal has determined that it does not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW 43.21C.030(2)(c). This decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public on request. There is no further comment period on the DNS.

PUBLIC UTILITIES, SERVICES, AND TRANSPORTATION:

The project site is located within the following public utility areas:

Water: PUD #1
Sewer: Private on-site

Stormwater: Private on-site

The following public services are available to the project site:

Police: Kitsap County Sheriff
Fire: Fire District #18
Medical: Fire District #18
Schools: North Kitsap School District
Parks: Kitsap County Parks and Recreation Dept.
Washington State Parks
Transit: Kitsap Transit

CRITERIA FOR RECOMMENDATION OR DECISION – GENERAL

For each proposed amendment to the Comprehensive Plan the Planning Commission in reaching its recommendation, and the Board of County Commissioners in making its decision, shall develop findings and conclusions which consider¹:

1. Have circumstances related to the proposed amendment and/or the area in which the property affected by the proposed amendment is located substantially changed since the adoption of the Comprehensive Plan?

Finding: Circumstances related to the proposal area have not substantially changed since the adoption of the Comprehensive Plan. However, because Kitsap County is currently considering other, corresponding changes to the comprehensive plan and development regulations, including changes to comprehensive plan policy RL-8 and potential changes to zoning regulations regarding rural commercial and industrial uses, there may be a concurrent change of circumstances for consideration at the time this proposal is considered.

2. Are the assumptions upon which the Comprehensive Plan is based still valid, or, is new information available which was not considered during the adoption of, or during the last annual amendment to, the Comprehensive Plan?

Finding: Assumptions are still valid; no new substantive information is available that was not considered during the adoption or amendment to the Comprehensive Plan. However, because Kitsap County is currently considering other, corresponding changes to the comprehensive plan and development regulations there may be a change in assumptions regarding commercial and industrial uses in the rural areas.

CRITERIA FOR RECOMMENDATION OR DECISION -
SITE SPECIFIC COMPREHENSIVE PLAN AMENDMENTS

A proposed site-specific amendment to the Comprehensive Plan may be recommended for approval by the Planning Commission, and may be approved by the Board of County Commissioners, if, in addition to the findings and conclusions required in KCC Section 21.08.160, all of the following criteria are also satisfied.

1. Are concurrency requirements for transportation, sewer and water met? Will the change 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?

Finding: Concurrency requirements at the programmatic level are satisfactory. Project-level concurrency requirements would be reviewed as part of a future land use proposal(s).

2. Is the proposal consistent with the goals, policies and objectives of the Comprehensive Plan?

Finding: The proposal is consistent with goals, policies, and objectives of the Comprehensive Plan, so long as the Comprehensive plan is amended to remove the limitations of policy RL-8 and other conditions or restrictions are adopted that limit the rural commercial uses to those that are small-scale uses that serve rural residents.

Kitsap County Comprehensive Plan States:

Rural Character in Kitsap County is defined as “Rural land uses consist of dispersed and clustered residential developments, farms, wooded lots, and small-scale commercial and industrial uses that serve rural residents as their primary client.” (Kitsap County Comprehensive Plan 2006, Rural and Resource Land 3.1.1, pg 3-2)

“That foster traditional rural lifestyles, rural-based economies, and opportunities to both live and work in rural areas.” (Kitsap County Comprehensive Plan 2006, Rural and Resource Land 3.1.1, pg 3-2)

“Rural Commercial. Lands contained within this designation are often found at crossroads, where historical development has allowed for smaller lot sizes. These areas also serve neighboring residences, with quick shopping that is compatible with neighboring uses. Land uses include, but are not limited to, post offices, veterinary clinics, day-care facilities, and medical clinics. Rural Commercial is implemented by the Highway Tourist Commercial and Neighborhood Commercial zones, which are described in Chapter 2, Land Use. Rural lands goals and policies regarding commercial uses refer to these uses outside of UGAs.” (Kitsap County Comprehensive Plan 2006, Rural and Resource Land 3.2.1, pg 3-5)

Identify a sufficient amount of land and variety of sites for residential, commercial and industrial land uses that are reasonably scaled to the needs of the County and communities within the County. (Kitsap County Comprehensive Plan 2006, 5.2. Economic Development Goals and Policies, Goal 3, pg 5-4)

“Commercial and industrial development in rural areas may locate in designated rural villages and communities if utilities and other services permit, to provide employment, shopping, services and housing opportunities and to reinforce the health of these communities and convenience for rural residents.” (Kitsap County Comprehensive Plan 2006, 5.2. Economic Development Goals and Policies Policy ED 19 , pg 5-4)

3. Is the subject parcel 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?

Finding: The subject parcel is suitable for the requested land use designation. This property has good highway access, good utility services (except for a public sewage system), proposed land use types would be consistent with existing and planned uses, it has may environmental constraints (see SEPA discussion, *above*), and is compatible with a neighborhood already represented with industrial and commercial uses (See Current Plan Designation and Surrounding Land Use, *below*)

4. Would the proposed amendment create pressure to change the land use designation of other properties or to change land use to that which is generally in the long-term interests of the community?

Finding: The proposed amendment could create pressure to change the land use designation of other properties. However, the surrounding properties already are well-represented with commercial, industrial and transportation land uses.

5. Would the proposed amendment materially affect the Comprehensive Plan’s land uses and growth projections?

Finding: The proposed amendment could materially affect the Comprehensive Plan’s land use and growth projections. The change would encourage more commercial development in the area, the change would be negligible as to countywide land use and growth projections as it involves only 1.51 acres, and the change should be limited to allow rural uses that serve the rural area. Obversely, there would a greater job-creation opportunity with the re-designation which is an express policy of both the GMA and the *County Comprehensive Plan*.

6. Would the proposed amendment materially affect the adequacy or availability of urban facilities and services to the immediate area or the overall area of the UGAs?

Finding: The proposed amendment would not materially affect the adequacy or availability of urban facilities and services to the immediate area. Because the use is located in a rural area, it cannot be served by urban services, therefore the use must be limited so that it does not require urban services. The proposal does not occur within an Urban Growth Area, therefore this finding is not applicable.

7. Is the proposed amendment consistent with the Growth Management Act (GMA), Kitsap County-wide Planning Policies (CPP), Kitsap County Resolution 015-2008 (2008 Community Planning Docket and Work Program), state (RCW) and local laws, and other applicable inter-jurisdictional policies or agreements?

Finding: The proposal is consistent with the Growth Management Act and Kitsap Countywide Planning Policies, so long as the uses permitted meet the GMA requirements for rural-type uses. The proposal is not inconsistent with other state and local laws.

GMA States:

Foster Rural Economies:

[T]he legislature finds that in defining its rural element under RCW 36.70A.070(5), a county should foster land use patterns and develop a local vision of rural character that will: Help preserve rural-based economies and traditional rural lifestyles; encourage the economic prosperity of rural residents; foster opportunities for small-scale, rural-based employment and self-employment; permit the operation of rural-based agricultural, commercial, recreational, and tourist businesses that are consistent with existing and planned land use patterns; be compatible with the use of the land by wildlife and for fish and wildlife habitat; foster the private stewardship of the land and preservation of open space; and enhance the rural sense of community and quality of life. RCW 36.70A.011.

Rural Character:

"Rural character" refers to the patterns of land use and development established by a county in the rural element of its comprehensive plan:

- (a) In which open space, the natural landscape, and vegetation predominate over the built environment;*
- (b) That foster traditional rural lifestyles, rural-based economies, and opportunities to both live and work in rural areas;*
- (c) That provide visual landscapes that are traditionally found in rural areas and communities;*
- (d) That are compatible with the use of the land by wildlife and for fish and wildlife habitat;*
- (e) That reduce the inappropriate conversion of undeveloped land into sprawling, low-density development;*
- (f) That generally do not require the extension of urban governmental services; and*
- (g) That are consistent with the protection of natural surface water flows and groundwater and surface water recharge and discharge areas.*

Rural development:

"Rural development" refers to development outside the urban growth area and outside agricultural, forest, and mineral resource lands designated pursuant to RCW 36.70A.170. Rural development can consist of a variety of uses and residential densities, including clustered residential development, at levels that are consistent with the preservation of rural character and the requirements of the rural element. Rural development does not refer to agriculture or forestry activities that may be conducted in rural areas. RCW 36.70A.030(16).

The rural element shall permit rural development, forestry, and agriculture in rural areas. The rural element shall provide for a variety of rural densities, uses, essential public facilities, and rural governmental services needed to serve the permitted densities and uses. To achieve a variety of rural densities and uses, counties may provide for clustering, density transfer, design guidelines, conservation easements, and other innovative techniques that will accommodate appropriate rural densities and uses that are not characterized by urban growth and that are consistent with rural character. RCW 36.70A.070(5)(b).

Measures governing rural development.

The rural element shall include measures that apply to rural development and protect the rural character of the area, as established by the county, by:

- (i) Containing or otherwise controlling rural development;
- (ii) Assuring visual compatibility of rural development with the surrounding rural area;
- (iii) Reducing the inappropriate conversion of undeveloped land into sprawling, low-density development in the rural area;
- (iv) Protecting critical areas, as provided in RCW 36.70A.060, and surface water and groundwater resources; and
- (v) Protecting against conflicts with the use of agricultural, forest, and mineral resource lands designated under RCW 36.70A.170

County Wide Planning Policies State:

“Preserve the character of identified rural areas by protecting and enhancing the natural environment, open space and recreational opportunities, and scenic and historic areas; supporting small-scale farming and forestry uses; and permitting low-density residential living and cluster development maintained by rural levels of service. Support Rural Communities as locations for a mix of housing types, rural levels of service, cultural activities, and employment that serves the needs of rural areas.” (Countywide Planning Policies 2007, Policies for Rural Land Uses and Development Patterns: 1a pg.15)

The County shall develop criteria consistent with the Growth Management Act for designating future industrial and commercial development outside of Urban Growth Areas that protect rural character while encouraging vehicle trip reduction. The criteria should allow for industrial resource-based land use and recreation and for convenience commercial that is scaled to serve the daily needs of rural residents. (Countywide Planning Policies 2007, Policies for Rural Land Uses and Development Patterns: 2c pg.15)

The County's Comprehensive Plan policies shall support Rural Communities as locations of employment, a mix of housing types, and cultural activities for rural areas that primarily function as locations for service needs such as grocery stores, shopping, and community services, and small-scale cottage industries for the surrounding rural area. (Countywide Planning Policies 2007, Policies for Rural Land Uses and Development Patterns: 4c pg.16)

8) Meets all requirements outlined in the resolution adopting the preliminary docket.

Finding: the proposal is consistent with the resolution adopting the preliminary docket.

ANALYSIS

The proposal would rezone one parcel totaling 1.51 acres from Rural Residential (RR) to Highway Tourist Commercial (HTC).

According to KCC 21.08.160 and 21.08.180, all decision criteria must be satisfied to recommend approval. This staff report produced the following findings:

General Decision Criteria

1. Meets initial criteria, with the expectation that comprehensive plan and development regulations will be concurrently amended to allow rural commercial uses outside LAMIRD boundaries.
2. Meets initial criteria, contingent upon a concurrent amendment to the comprehensive plan and development regulations to allow rural commercial uses outside LAMIRD boundaries.

Site Specific Decision Criteria

1. Satisfactory
2. Satisfactory, contingent upon a concurrent amendment to the comprehensive plan and development regulations to allow rural commercial uses outside LAMIRD boundaries.
3. Satisfactory
4. Uncertain
5. Uncertain, but will be satisfactory so long as use allowed is limited to use serving the rural area.
6. Satisfactory / Not applicable, so long as use does not require urban services
7. Satisfactory, contingent upon changes to the comprehensive plan and development regulations amend Policy RL-8 and implement limitations on rural commercial uses pursuant to GMA requirements.

The findings above were made following a programmatic evaluation of the proposal. Specific project-related impacts, including those involving (but not limited to) impacts to eagle and wildlife habitat, potential wetlands, neighboring structures such as wells, traffic and pedestrian safety, and stormwater runoff will be evaluated following receipt of futures land use application(s). A recommendation for approval would not guarantee approval of, nor exempt an applicant from, future land use requirements.

CONCLUSION

The provision of public utilities, proximity to freeway access, and compatibility with the adjacent properties uses create a strong case for the property to be rezoned to Highway Tourist Commercial or Rural Commercial if appropriate, however a conclusion is pending decisions related to Policy RL-8 and Rural Industrial zone development.

The County's growth projections and population allocation will probably not be negatively affected, so long as the use is limited to those serving the rural areas.

RECOMMENDATION

A conclusion is pending decisions related to Policy RL-8 and Rural Industrial zone development.

Attachments: Arial Map
Current Zoning
Proposed Zoning
Critical Areas

**Kitsap County
2009 Site Specific
Amendments**

2007 Aerial Photography
Raul Gonzalez
342601-2-004-2007

Commissioner District 1
1.51 Acres
Luoto Road
Current Zoning: Rural Residential
Requested Zoning: Highway
Tourist Commercial



DRAFT
Map Date: January, 2009



Kitsap County
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Kitsap County
2009 Site Specific
Amendments

Zoning
Raul Gonzalez
342601-2-004-2007

Commissioner District 1
1.51 Acres
Luoto Road
Current Zoning: Rural Residential
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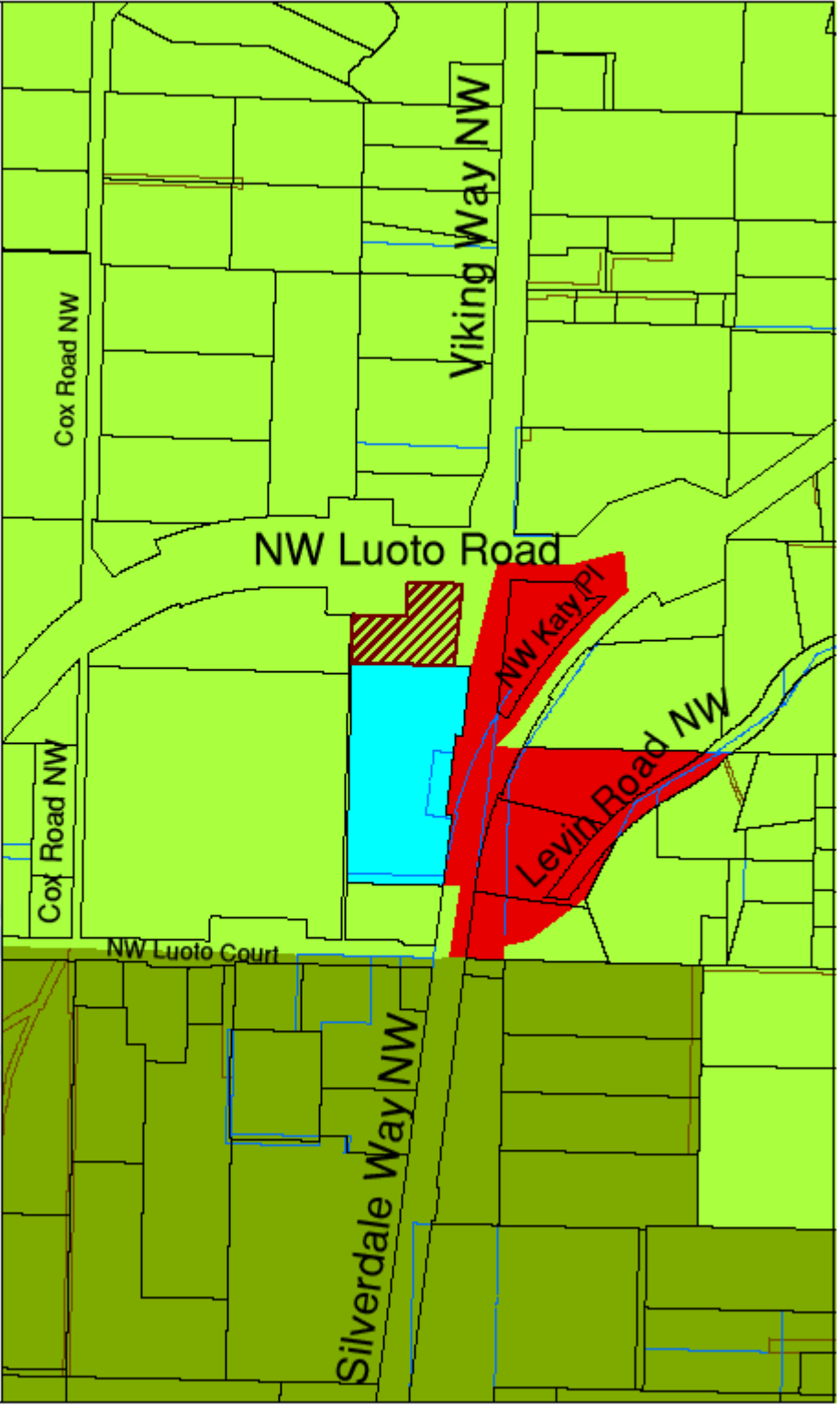
-  Subject Parcel
-  Tax Parcels
-  Easement
-  Plat-Line
-  Urban Growth Area Boundary
-  Rural Residential (1 DU/5 Ac)
-  Rural Protection (1 DU/10 Ac)
-  Highway Tourist Commercial (10-30 DU/Ac)
-  Industrial



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






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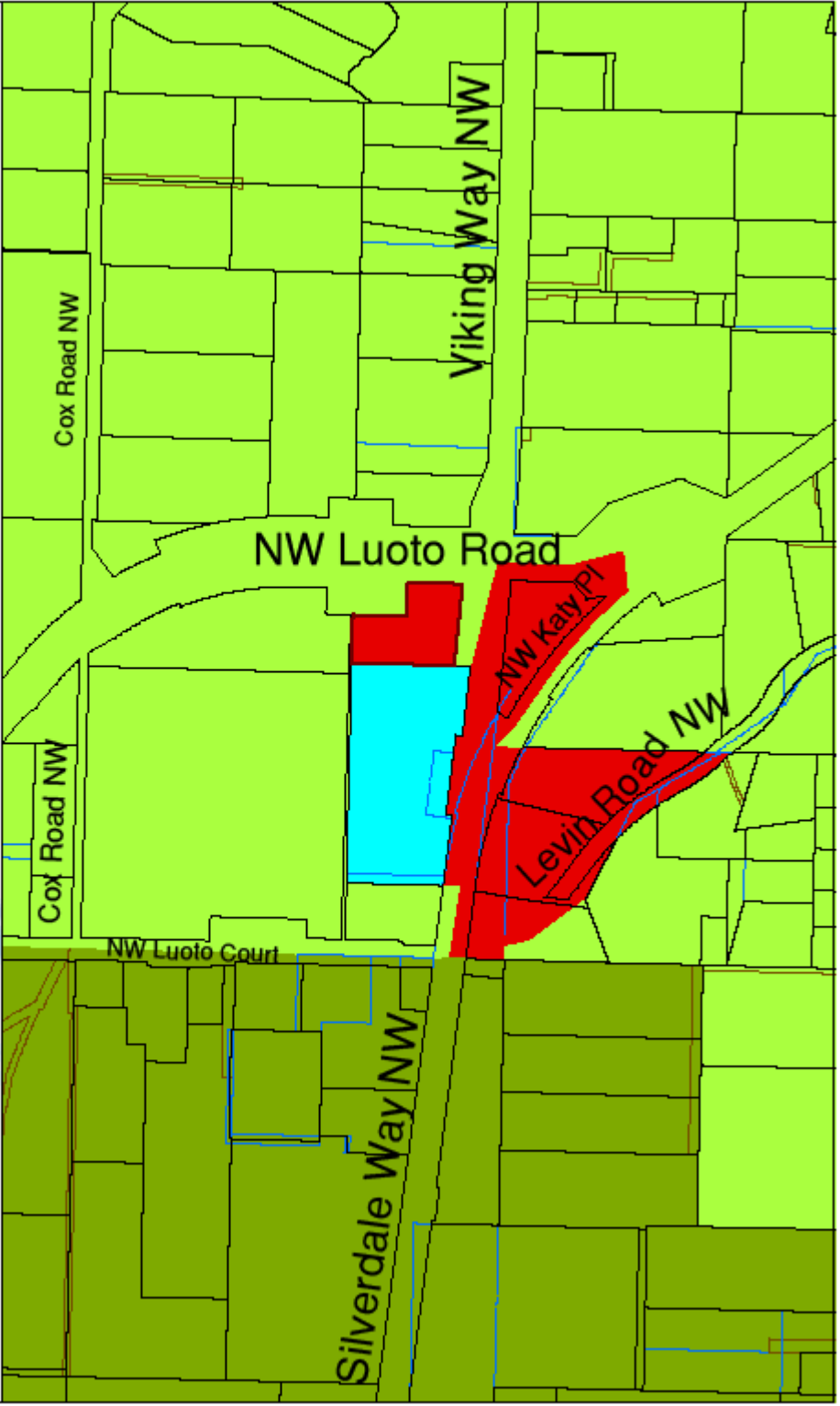


Kitsap County
2009 Site Specific
Amendments

Proposed Zoning
Raul Gonzalez
342601-2-004-2007

Commissioner District 1
1.51 Acres
Luoto Road
Current Zoning: Rural Residential
Requested Zoning: Highway
Tourist Commercial

-  Subject Parcel
-  Tax Parcels
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-  Urban Growth Area Boundary
-  Rural Residential (1 DU/5 Ac)
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-  Highway Tourist Commercial (10-30 DU/Ac)
-  Industrial



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**Kitsap County
2009 Site Specific
Amendments**



Topography & Natural Resources



Raul Gonzalez
342601-2-004-2007

Commissioner District 1
1.51 Acres
Luoto Road




Current Zoning: Rural Residential
Requested Zoning: Highway
Tourist Commercial



-  Subject Parcel
-  Tax Parcel
-  20' Contours
-  5' Contours

- Bald Eagle Management Nest and Concessional Root Buffers Management Zone Description**
-  Priority 1: 400' buffer around nest trees/root sites.
 -  Priority 2: w/in 400'-800' of nest tree or 500' of shoreline

- Waterbodies (defined in WAC 222-16-030)**
WaterBody Cartographic Feature Code
-  Bay, estuary, Puget Sound
 -  Lake, Pond, Reservoir, Gravel pit or quarry filled with water

- Watercourses (defined in WAC 222-16-030)**
Fish Habitat Water Type Code
-  (S) Designated Shoreline of the State
 -  (F) Fish Habitat
 -  (N) Non-fish Habitat
 -  (U) Unknown

-  Wetlands
-  Potential Wetlands
-  100 Year Floodplain

- Geohazards**
-  High Hazard Areas
 -  Moderate Hazard Areas



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