

# 2010 Year of the Rural Rural Code Development: Rural Commercial and Rural Industrial

Staff Report

August 2010

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Policy and Planning Division

## Introduction

The purpose of this report is to provide information to the Planning Commission and Board of County Commissioners regarding the proposed Rural Commercial (RCO and Rural Industrial (RI) zones. The new zones consistent with language and direction contained in Resolution No. xxx-xxxx 'Relating to Growth Management, Amending the Comprehensive Plan and Map for 2010'.

### **RESOLUTION NO. xxx-xxxx Attachment A Section 1**

*Area-wide amendments for Kitsap County Code Title 17 'Zoning' include:*

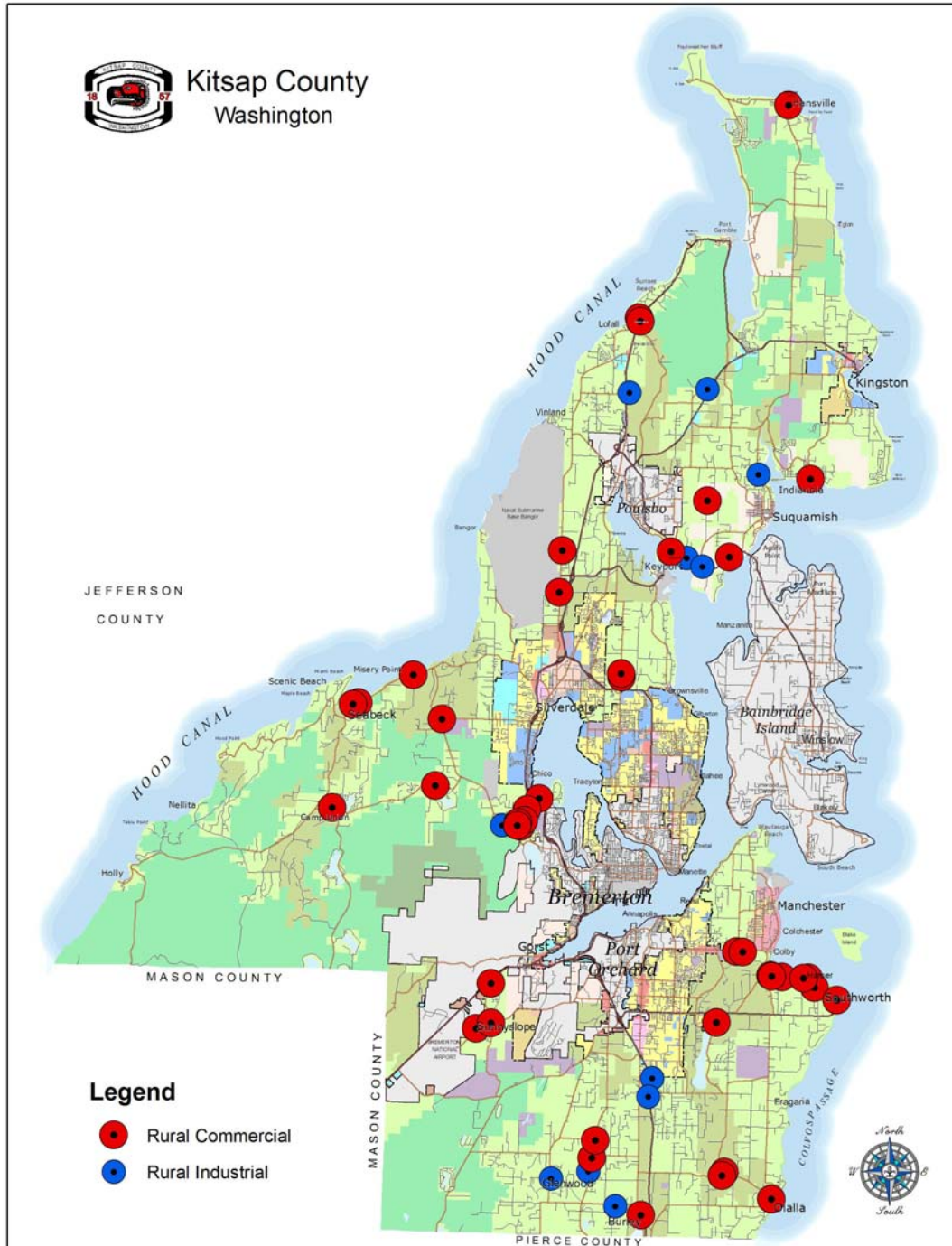
**AREA-WIDE AMENDMENTS**—Amendments to a proposed change or revision to the generalized land use map, zoning map, goals, policies, objectives or assumptions affecting a general area which is comprehensive in nature or may be geographically distinctive; has unified interest within the county; does not affect the location or designation of the urban growth area boundary; and usually includes several separate properties under various ownerships.

- a. Consideration of establishment of Rural Comprehensive Land Use Map designations and Zones.

On December 14, 2009, through formal motion (3-0 vote), the Board directed staff to begin work on Rural Code development included the creation of Rural Commercial and Rural Industrial zones.

# Location<sup>1</sup>

All rural lands that currently have a commercial or industrial zoning designation are affected by this update. These lands include all properties outside of an incorporated city (Bainbridge Island, Bremerton, Port Orchard, Poulsbo), an Urban Growth Area, Tribal property, and US Naval property.



<sup>1</sup> Please see Attachment A for a map of affected rural lands

## **SEPA**

An Environmental Impact Statement (EIS) was previously prepared for the Kitsap County Comprehensive Plan process (Integrated Comprehensive Plan and Environmental Impact Statement, Final EIS, December 2006). The proposed zone revisions are not anticipated to result in new adverse environmental impacts beyond those addressed in the existing environmental documents. Please contact the project manager to review existing documents.

## **Public Participation**

The planning process for revisions to Title 17 began in 2009, with the intention that rural residents would be instrumental in the revision and visioning process. The public process included numerous public meetings, surveys, email discussions, and staff conversations with citizens, members of the press and agency representatives as noted below:

- Creation of a project website housed on the Department of Community Development's (DCD) main page. This website served as the "hub" for all project updates, schedules and timelines, contact information, displays and handouts, meetings and events, and news articles. The site was continually updated.
- In January/February 2010, DCD staff met with the Greater Hansville Community Advisory Committee (CAC), the Manchester (CAC), the Kingston (CAC), and the Suquamish (CAC) to inform them of the DCD work-plan for the year, which included revisions to Title 17.
- On March 16, 2010, following proper and timely public notice, the first Rural Outreach Meeting was held at the Long Lake Community Center in South Kitsap. At this meeting, DCD leadership gave a description of the process for revising Title 17, and answered citizen's questions. After the question and answer (Q&A) period, citizens were able to take surveys, write public comment, and talk to staff regarding the project. 53 citizens attended.
- On March 24, 2010, following proper and timely public notice, the second Rural Outreach Meeting was held at the Seabeck Conference Center in Central Kitsap. At this meeting, DCD leadership gave a description of the process for revising Title 17, and answered citizen's questions. After the question and answer (Q&A) period, citizens were able to take surveys, write public comment, and talk to staff regarding the project. 46 citizens attended.
- On March 30, 2010, following proper and timely public notice, the final Rural Outreach Meeting was held at the Port Gamble Pavilion in North Kitsap. At this meeting, DCD leadership gave a description of the process

- for revising Title 17, and answered citizen's questions. After the question and answer period, citizens were able to take surveys, write public comment, and talk to staff regarding the project. 107 citizens attended.
- Staff briefed the Board of County Commissioners on the Rural Outreach meetings at their April 14, 2010, work-study.
  - Staff briefed the Kitsap County Planning Commission on the Rural Outreach meetings at their May 4, 2010 work-study.
  - Email addresses were collected from all of the willing Rural Outreach Meeting attendees. With these emails, DCD created a list-serve that served as the main avenue of communication with interested parties.
  - An "Online Rural Survey" was created and hosted by DCD. An email was sent out to all interested parties and notice was given on the DCD website stating that the survey would be open from May 3, 2010 to June 21, 2010. The survey yielded 81 responses.
  - DCD initialized a "Rural Stakeholder Group" (RSG) consisting of three members of the Home Builder Association Developer's Council, three members of the DCD Advisory Group, three members of the West Sound Conservation Council, a member of the Kitsap County Board of Realtors, Teresa Osinski, and a staff member from the Kitsap County Food and Farm Policy Council. The RSG met July 14, July 22, July 28, August 4, August 11, August 18, August 25, and September 2, 2010. One of the RSG's three main tasks was to review and comment on the revised Title 17.
  - DCD gave a project update to the Kitsap County Planning Commission on July 16, 2010.
  - DCD issued the Draft Rural Commercial and Rural Industrial zoning tables on July 21, 2010. Notice of availability was given to all interested parties, the four Kitsap County cities, the Navy, and the Suquamish and Port Gamble S'Klallam tribes.
  - The Kitsap County Planning Commission held work-study sessions on the proposed revisions to Title 17 on August 3 and August 31, 2010.
  - The Kitsap County Board of County Commissioners held work-study sessions on the proposed revisions to Title 17 on September 1, 2010.
  - The Kitsap County Planning Commission held a public hearing and deliberations on the proposed revisions to Title 17 on September 7, 2010.

## **Local and Historic Context**

Kitsap County has commercial and industrial uses in the rural area that currently can utilize urban use tables that are located in Title 17 'Zoning'. Many of these properties were zoned commercial and industrial prior to Kitsap County's first adopted Comprehensive Plan in 1998. Because Kitsap County did not have Rural Commercial or Rural Industrial use tables in Title 17 'Zoning', these properties have been allowed to have the same intense uses that are usually restricted to urban growth areas (UGAs) and cities.

Because of the limited time Kitsap County had to complete its Comprehensive Plan Update in 2006, Rural Commercial and Rural Industrial zoning designations were not created, and properties outside of cities and UGAs were still allowed to use the urban use tables. The Washington State Growth Management Act (GMA) does allow for rural based economies in the form of Rural Commercial and Rural Industrial zoning and by designation of Limited Areas of More Intensive Rural Development (LAMIRDs). However, the GMA is clear that the commercial and industrial uses outside of an UGA or city must be limited in nature, isolated from other uses, must primarily serve the rural population, and must help to preserve the rural character of Kitsap County (as described in Chapter 3 of the Kitsap County Comprehensive Plan).

For the above stated reasons, Kitsap County, with citizen input, has created Rural Commercial and Rural Industrial zones for consideration by the Kitsap County Planning Commission.

## **Rural Stakeholder Comments**

As previously stated, Kitsap County formed a Rural Stakeholder Group in 2010 in order to review the proposed code revisions to Title 17 'Zoning'. Through two meetings, stakeholders and staff went over both of the proposed use tables and debated each use. The questions utilized as criteria as to whether or not a use was appropriate for the rural area are the following:

- 1) Does it principally serve the rural community?
- 2) Does it rely on being in a rural location?
- 3) Does it preserve Kitsap County rural character?
- 4) Does it provide an actual service to rural residents?
- 5) Is the use able to be limited in size as to be small-scale?

A matrix of the changes to the zoning tables based on Stakeholder and staff discussions are below:

Use	Zone in Which Change Proposed to Occur	Original Permissibility	Proposed Permissibility	Resultant Permissibility	Reasoning
<b>Residential Uses</b>					
Bed and Breakfast	RCO	C	ACUP and C with footnote (34)	ACUP and C with footnote (34)	Bed and Breakfasts can be a great addition to some small communities. If not commercial zoning is available, this use may make sense.
Home Business	RI	ACUP	X	X	With very limited RI land, home businesses do not provide industrial opportunities.
<b>Commercial Uses</b>					
Auction House	RI	X	C	C	Auction houses can create a large amount of noise, and may be more appropriate for an industrial area.
Automobile Repair and Car Washes	RI	X	C	C	Automobile repair can have industrial components. Car washes still not permitted, as per footnote (65)
Clinic Medical	RCO	C	X	X	Medical clinics require urban levels of service.

<b>Use</b>	<b>Zone in Which Change Proposed to Occur</b>	<b>Original Permissibility</b>	<b>Proposed Permissibility</b>	<b>Resultant Permissibility</b>	<b>Reasoning</b>
Drinking Establishments	RCO	X	C	C	Drinking establishments can be appropriate for the rural areas, and can promote tourism.
Engineering and construction offices	RI	X	ACUP with footnote (72)	ACUP and footnote (72)	Must be accessory to primary use.
Espresso Stands	RI	X	ACUP (72)	ACUP (72)	Must be accessory to primary use.
Farm and Garden Equipment and Sales	RI	X	C	C	This use can be vital to a healthy food-chain in Kitsap County.
General Office and management services less than 4,000 sq ft	RI	X	C	X	General office and management services are not an industrial use.
Restaurants, high-turnover	RCO and RI	X	C	X	Fast Food restaurants are not compatible with Kitsap County rural character.
Transportation Terminal	RI	X	C	X	Transportation terminals are not consistent with Kitsap County Rural Character. Kitsap Airporter and Park-and-Ride lots are permitted under other uses.

Use	Zone in Which Change Proposed to Occur	Original Permissibility	Proposed Permissibility	Resultant Permissibility	Reasoning
<b>Recreational Uses</b>					
Recreational vehicle camping parks	RCO	C (46)	X	X	Staff error. This use requires 20 acres or more of property.
<b>Institutional Uses</b>					
Private or Public Schools	RI	X	C	C	Certain types of schools may be appropriate for the rural area. For example, agricultural or forestry schools.
<b>Industrial Uses</b>					
Contractor's storage yard	RCO and RI	RCO=C RI=C	RCO=X RI=ACUP	RCO=X RI=ACUP	Contractor's storage yard makes more sense in the industrial area, as they do not have a commercial component.
Helicopter Pads	RI	X	ACUP	ACUP	Helicopter pads can be important in providing emergency medical care to rural residents.
Storage Hazardous	RI	X	C	C	This use could make sense for the rural area in terms of fertilizer, propane, pesticide etc storage. The question will

Use	Zone in Which Change Proposed to Occur	Original Permissibility	Proposed Permissibility	Resultant Permissibility	Reasoning
					come with Fire Marshall and/or Health District approval. With footnote for screening for rural compatibility.
Storage Indoor	RI	X	ACUP	ACUP	With footnote for screening for rural compatibility.
Storage, self-service	RCO and RI	RCO=X RI=X	RCO=C RI=C	RCO=C RI=C	With footnote for screening for rural compatibility.
Storage, vehicle and equipment	RI	X	C	C	With footnote for screening for rural compatibility.
Uses necessary for airport operation such as runways, hangars, fuel storage facilities control towers, etc.	RI	X	C	C	Kitsap County has existing airports in the rural areas. This use will come with a footnote allowing this use for existing airports only.
Warehousing and distribution	RI	C	ACUP	ACUP	This use can be important for a healthy food-chain and other rural and resource uses.
Temporary stands	RI	P	X	X	This is a commercial use.

Use	Zone in Which Change Proposed to Occur	Original Permissibility	Proposed Permissibility	Resultant Permissibility	Reasoning
not exceeding 200 sq ft in area and exclusively for the sale of products grown on-site.					

## Findings

After careful consideration of statutory requirements for Comprehensive Plans, the following summary of findings are provided to assist/guide the decision making process. Therefore, based on the research conducted for this effort, the findings are as follows:

### **Chapter 3 Findings:**

1. The process included interested parties, community groups, cities, tribes, military, and other stakeholders.
2. The changes to zones are being made via a countywide planning process and incorporated local knowledge, experience, and preferences to determine appropriate area-specific land uses, development standards and public service needs.
3. The Rural Commercial and Rural Industrial Zones are consistent with the following:

a) **GMA 36.70A.011 Rural lands.**

*The legislature finds that this chapter is intended to recognize the importance of rural lands and rural character to Washington's economy, its people, and its environment, while respecting regional differences. Rural lands and rural-based economies enhance the economic desirability of the state, help to preserve traditional economic activities, and contribute to the state's overall quality of life.*

*The legislature finds that to retain and enhance the job base in rural areas, rural counties must have flexibility to create opportunities for business development. Further, the legislature finds that rural counties must have the flexibility to retain existing businesses and allow them to expand. The legislature recognizes that not all business developments in rural counties require an urban level of services; and that many businesses in rural areas fit within the definition of rural character identified by the local planning unit.*

*Finally, the 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.*

## **b) Comprehensive Plan**

### **Ch. 2 Policy LU 18**

Require in development regulations site design that minimizes impervious surfaces, limits grading, and protects areas of undisturbed soils and vegetation in order to decrease stormwater runoff and hydrologic changes and maintain rural character. Minimize and mitigate for impervious surfaces and loss of natural vegetative cover.

### **Ch. 2 Goal 6**

Require in development regulations site design that minimizes impervious surfaces, limits grading, and protects areas of undisturbed soils and vegetation in order to decrease stormwater runoff and hydrologic changes and maintain rural character. Minimize and mitigate for impervious surfaces and loss of natural vegetative cover.

### **Ch. 2 Goal 19.**

Encourage industrial activities and their related land uses as a means to create new jobs and improve the overall tax base of Kitsap County.

### **Ch. 2 Goal 20**

Identify and protect sufficient land area for future industrial use.

### **Ch. 2 Goal 21**

Preserve areas for emerging economic development opportunities.

### **Ch. 3 Goal 1**

Retain the rural character of the County outside of designated urban areas.

### **Ch. 3 Goal 2**

Encourage development standards that help preserve the County's rural character.

### **Ch. 3 Policy RL-7**

Allow and encourage home-based cottage-type businesses and industries in the rural areas, if those activities are compatible with the site and surrounding area.

#### Ch.5 Policy ED-19

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.

#### **Additional Findings:**

Additional findings will be prepared as a result of the public hearing process and will be incorporated into the record.

**Recommendation: Based on the aforementioned findings, staff recommends approval of the Rural Commercial and Rural Industrial Zones.**