



STAFF REPORT

Permit Number: 15 00738 | Fox – Harbor Rentals

DATE: February 24, 2016

TO: Kitsap County Board of Commissioners; Kitsap County Planning Commission

FROM: Katrina Knutson, AICP, Senior Planner, DCD and

Jeff Arango, AICP, Senior Associate, BERK Consulting

RE: Fox – Harbor Rentals Reclassification Request

APPLICATION INFORMATION

- 1. Applicant Name:** Dixie Fox, Harbor Rentals, LLC (Applicant and Owner); William M. Palmer (Authorized Agent)
- 2. Parcel Number:** 332402-1-005-2000
- 3. Address or location information:** 2140 Garfield Avenue SE, Port Orchard, WA 98366; see Attachment 1.
- 4. Current Land Use:** Undeveloped land; see Attachment 3.
- 5. Current Comprehensive Plan Map Designation:** Rural Protection (RP)
- 6. Proposed Comprehensive Plan Map Designation:** Rural Residential (RR)
- 7. Current Zoning:** Rural Protection (RP) 10 acre; see Attachment 4.
- 8. Proposed Zoning:** Rural Residential (RR); see Attachment 5.
- 9. Lot Area / Size:** 21.57 acres
- 10. Comprehensive Plan Alternative:** Included as part of the 2016 Comprehensive Plan Update Supplemental Environmental Impact Statement (SEIS) Alternative 3.
- 11. Preferred Alternative:** The request is not included in the Preferred Alternative.

Submitted Application Materials

- Project application
- Vicinity Map
- Existing Comprehensive Plan and Zoning

- Proposed Comprehensive Plan and Zoning
- Legal Description
- Environmental Checklist
- Ownership Certification

Application Request

The applicant seeks a Comprehensive Plan Zoning Amendment to rezone the subject property from Rural Protection (RP) to Rural Residential (RR). The main difference between these zones is the allowed residential density. RP maximum density allows 1 dwelling per 10 acres. RR maximum density allows 1 dwelling unit per 5 acres.

BACKGROUND

The subject property of 21.57 acres is located along Garfield Ave SE, east of Port Orchard and near the rural community of Colby. It is currently designated in the County Comprehensive Plan and zoned RP and is undeveloped land. 2013 aerial imagery shows that the property is mostly wooded with a small clearing. See Exhibit 1. According to Kitsap County GIS data, the property has a small stream near the southwest corner with potential wetlands and moderate geologically hazardous areas. The property occurs within a Category I critical aquifer recharge area. The site has existing water service through Manchester Water District and power through Puget Sound Energy. It does not have existing sewer services. Septic systems are proposed.

Exhibit 1. Existing and Proposed Conditions



Current Zoning (RP)



Proposed Zoning (RR)



2013 Satellite Imagery

Surrounding Zoning and Land Use

Adjacent parcels are zoned RR to the north of the property and Garfield Ave SE. Adjacent parcels to the east, south and west are zoned RP. See Exhibit 2.

The majority of adjacent properties are currently in residential use. An abutting property to the northeast is owned by the Manchester Water District.

Exhibit 2. Summary of Surrounding Areas Current Zoning and Land Use

Surrounding Areas	Current Zoning	Current Land Use
North	<ul style="list-style-type: none"> • RR 	<ul style="list-style-type: none"> • Residential • Undeveloped land
East	<ul style="list-style-type: none"> • RP 	<ul style="list-style-type: none"> • Residential • Transportation/Utilities (1 adjacent parcel) • Undeveloped (1 adjacent parcel)
South	<ul style="list-style-type: none"> • RP 	<ul style="list-style-type: none"> • Residential
West	<ul style="list-style-type: none"> • RP 	<ul style="list-style-type: none"> • Residential • Resource Production • Undeveloped

Source: Kitsap County, 2015; BERK, 2015

Larger Surrounding Land Use

The subject property is part of a large contiguous area zoned RP. Garfield Ave SE appears to act as a border between RP and RR zoning. Parcels north of the road are zoned RR, creating another contiguous area of RR zoning that buffers the Manchester LAMIRD.

Current Comprehensive Plan and Zoning Designations

The present Land Use Designation and zoning for the property is Rural Protection (RP). According to the County Comprehensive Plan, this designation

- **Rural Protection (RP) designation:** This designation is intended to allow low-density development in keeping with rural character and to protect significant environmental features, including visual, historic, and natural features; wildlife corridors; steep slopes; wetlands; streams; and adjacent critical areas. It is implemented by the RP zone.
- **Rural Protection (RP) zoning:** According to Kitsap County Code Chapter 17.305, this zone is intended to “promote low-density rural development that is consistent with rural character and protects environmental features such as significant visual, historical, natural features, wildlife corridors, steep slopes, wetlands, streams and adjacent critical areas.” This zone allows for residential, commercial, resource, and recreational uses that are compatible with rural character. The maximum density is 1 dwelling unit per 10 acres.

Rural character is referenced in the RP designation and all other rural categories. Chapter 3 Rural and Resources Lands of the Comprehensive Plan has a detailed description of rural character as well as goals and policies. Some of the characteristics defining rural character include:

- Relatively undeveloped nature
- Lots 5 acres and over
- Agricultural and forest activities
- Land for wildlife and nature
- Personal open space for tranquility (enjoyment of personal property)
- Responsive public services, sense of being self-sufficient
- Wooded trail systems
- Views of the Hood Canal, Puget Sound, the Olympics and Mount Rainier
- Small businesses serving the local population
- Small, intimate communities
- Low population density
- Large forested areas
- Quiet two lane roads

Proposed Comprehensive Plan and Zoning Designations

As described in the current Comprehensive Plan, the proposed land use and zoning designation is RR, described the same in the Comprehensive Plan and in the Kitsap County zoning code:

- **Rural Residential (RR):** This designation is intended to allow low-density residential development consistent with rural character, and primarily focuses on single-family dwellings. This designation is applied to areas that are relatively unconstrained by environmentally sensitive areas or other significant landscape features, and also recognizes areas that are already committed to a pattern of smaller rural lots. The RR designation is implemented by the RR zone.

The RR zone has a maximum density of 1 dwelling unit per 5 acres. Under RR zoning, there are more permitted and conditional allowed residential and commercial uses, such as a day care center, animal hospitals, golf course, and schools.

The following tables compare the existing and proposed zoning designations for selected allowed uses and development standards. See Exhibit 3 and Exhibit 4.

Exhibit 3. Kitsap County Code: Selected Allowed Uses (Table 17.381.040 E)

Selected Uses	RR (proposed zoning)	RP (current zoning)
Residential Uses		
• Single family dwelling, detached	P	P
• Multi-family dwelling	X	X
• Duplex	P	P
• Mobile home	P	P
Commercial/Business, Recreational and Institutional Uses		
• Day care center	C	C
• Kennels	P	P
• Nursery	P	P
• Golf Course	C	C
• Schools	C	C
Resource Land Uses		
• Agriculture uses	P	P
• Forestry	P	P

Legend: P = Permitted, X = Prohibited

Source: Kitsap County, 2015; BERK, 2015

Exhibit 4. Selected Development Standards Comparison (KCC 17.382.100)

Density and Dimensions	RR (proposed zoning)	RP (current zoning)
Base/Maximum density (du/acre)	NA	NA
Minimum lot size (acre)	5	10
Lot width (feet)	140	140
Lot depth (feet)	140	140
Maximum height (feet)	35	35

PUBLIC COMMENTS

This is a summary of comments received. For full text comments, please visit project page: <http://compplan.kitsapgov.com>

The representative submitted a letter further supporting this request.

Two citizen comments were received recommending denial of this application due to increase in number of rural lots.

EVALUATION

Site specific reclassification requests to the Comprehensive Plan must be reviewed in accordance with the criteria outlined in the Kitsap County Code (KCC) Chapter 21.08. Applicable review criteria for site specific reclassification requests are in sections KCC 21.08.070.A and KCC 21.08.070.D.

General Criteria (KCC 21.08.070.A)

A. General. For each proposed amendment to the Comprehensive Plan the review authority, 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;

Circumstances related to the proposed amendment or area in which the property is located have not substantially changed since the adoption of the Comprehensive Plan or development regulations.

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

The assumptions upon which the Comprehensive Plan is based are still generally valid. Updated growth targets and capacity analysis is being conducted as part of the 2016 Comprehensive Plan update, but in general that process will not change the assumptions relative to the subject property and proposed amendment.

3. How the requested re-designation is in the public interest and the proposal is consistent with the Kitsap County Comprehensive Plan.

The County to focuses growth into the urban areas. The proposed amendment is inconsistent with this goal as it would increase development capacity in the rural area and alter an existing and logical boundary for the RP Zoning District that exists south of Garfield Ave SE.

Reclassification Request Criteria (KCC 21.08.070.D)

D. Site-Specific Amendments. In addition to the findings and conclusions in subsection (A) of this section, 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;

The site is currently undeveloped land with existing water and power services. The applicant would provide septic system facilities. A zoning change to RR would double the amount of lots on the property, from 2 in the current RP zone to 4 in the proposed RR zone. This could potentially set a precedent of increasing residential density in the rural areas.

An increase in residential development on the subject properties would create more demand for transportation maintenance and services within this rural area to reach necessary services in the surrounding rural and urban communities.

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

Kitsap County Comprehensive Plan Chapter Vision

Kitsap County’s Comprehensive Plan shows the relationship between chapter concepts and the comprehensive plan vision.

Exhibit 5. County Vision for Rural and Urban Areas

Vision	Rural Chapter Relationship to Vision
<p>Rural Areas. Rural areas and communities where unique historical characters, appearances, functions, and pioneering spirits are retained and enhanced. Natural resource activities, such as forestry, agriculture, and mining continue to contribute to the rural character and economy. Rural recreation opportunities are enhanced, including equestrian facilities, trails, and others.</p>	<ul style="list-style-type: none"> Maintain low residential densities in rural areas and provides policy guidance for development standards which help to preserve the County’s rural character. Foster small sustainable farms and agricultural enterprises that provide locally-grown food and fiber for Kitsap citizens.
<p>Urban Areas. Healthy urban areas that are the region's centers for diverse employment and housing opportunities, all levels of education, and civic and cultural activities.</p>	<ul style="list-style-type: none"> Support focused development in urban areas as centers for population, employment, and civic and cultural activities (See the Land Use chapter for further policy guidance affecting the urban area.)

Source: Kitsap County Comprehensive Plan, December 2012

The proposed amendment would apply a designation that would provide for a rural character and allow development at rural densities, but it would be a pattern unlike those of abutting lands to the west and south.

Kitsap County Comprehensive Plan 2036 Goals and Policies

The proposed zoning amendment partially supports the following current Comprehensive Plan Goals:

3A.2.1 Rural Lands

- **Goal 1: Retain the rural character of the County outside of designated urban areas, as described in this chapter.**
- **Policy RL-1 Limit the designated rural area to low residential densities that can be sustained by minimal infrastructure improvements, cause minimal environmental degradation, and that will not cumulatively create the future necessity or expectation of urban levels of service.**

Both the current RP zone and the proposed RR zone allow low-density residential development. However, the proposed RR zone allows slightly higher density in comparison to the current RP zone. The proposed RR zone can be supported with rural levels of service such as septic systems.

- **Policy RL-2 Provide a variety of densities in the rural areas to make more efficient use of land, maximize the return on public infrastructure investment, and provide for affordable housing opportunities.**

RR designation/zoning would allow greater residential development (1 dwelling unit per 5 acres) than is allowed in RP zoning (1 dwelling unit per 10 acres). The RR density allowance may allow for a more affordable new home(s) because the cost of land would be spread over more units.

- **Policy RL-3 Permit residential uses in rural areas consistent with the existing and planned rural character of the surrounding area.**

Residential uses are already permitted in the current RP zone. The proposed RR zone would not be consistent with the existing zoning designations for the area- all parcels south of Garfield Ave SE are zoned RP, creating a contiguous homogenous area. If the proposed zoning of RR is accepted, this would be the only parcel south of Garfield Ave SE zoned RR.

- c. **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;**

The subject sites are currently undeveloped land and currently lack wastewater facilities. The requested zoning is less compatible with its existing land use and zoning classification. The requested RR zoning would encourage a higher residential density than is currently allowed for RP zoning. More intense residential development may not be consistent with its current environmental constraints – the property contains a segment of a creek and has potential wetlands. It is also not compatible to surrounding areas to the south and west which are zoned RP. Areas to the east are zoned RP, but have smaller lots.

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

The requested zoning amendment does not affect current growth projections. RR zoning would create a minor change in allowed density should the land be used for residential purposes in the future, but is still consistent with rural development and does not affect the sizing of UGAs. However it could set a precedent in an area that does contain larger RP lots to request a higher rural density.

- 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;**

The requested zoning amendment does not affect availability of urban facilities and services because it is located in a rural area.

- 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.**

The following state and local policies and laws are applicable to the applicant’s zoning amendment request.

Growth Management Act Planning Goals (RCW 36.70a.020)

1) Urban growth. Encourage development in urban areas where adequate public facilities and services exist or can be provided in an efficient manner.

2) Reduce sprawl. Reduce the inappropriate conversion of undeveloped land into sprawling, low-density development.

8) Natural resource industries. Maintain and enhance natural resource-based industries, including productive timber, agricultural, and fisheries industries. Encourage the conservation of productive forest lands and productive agricultural lands, and discourage incompatible uses.

(9) Open space and recreation. Retain open space, enhance recreational opportunities, conserve fish and wildlife habitat, increase access to natural resource lands and water, and develop parks and recreation facilities.

(10) Environment. Protect the environment and enhance the state's high quality of life, including air and water quality, and the availability of water.

The applicant zoning amendment does not support these GMA goals. The subject property is currently undeveloped land. If RR zoning is allowed, it would promote residential development that is slightly denser than is currently allowed in RP zoning. This does not promote growth in designated urban areas. A zoning amendment in RR would set a precedent for other nearby RP properties to change to RR and future development may impact the creek and wetlands.

Kitsap County-wide Planning Policies

Kitsap County-wide Planning Policies, Element D contains planning policies for rural land uses and development patterns. Rural areas in Kitsap County are characterized as “having a variety of parcel sizes, with a diversity of land use activities.” These areas also contain significant amounts of complex natural systems. It is a high priority to preserve and enhance the rural character of these areas.”

D-1. Preserving rural character and enhancing the natural environment.

a. Preserve the character of identified rural areas by protecting and enhancing the natural environment, open spaces, recreational opportunities, and scenic and historic areas. Support small scale farming and working resource land, promote locally grown food, forestry, eco- and heritage-tourism. Support low-density residential living and cluster development that provides for a mix of housing types, rural levels of service, cultural activities, and employment that services the needs of rural areas at a size and scale that is compatible with long-term character, productivity, and use of these lands.

A change to RR zoning would be consistent with rural character and rural development densities and level of service because it allows for low-density, rural residential development and uses consistent

with the County's goals and definition of rural communities and character. However, a change to RR zoning could hinder working resource land and forestry uses by allowing a higher intensity residential use than is currently allowed in RP. Under RP, the minimum lot size is 10 acres per dwelling unit. Under RR, the minimum lot size is 5 acres per dwelling unit. This difference may increase the attractiveness of developing and maintaining the land for residential use rather than for resource purposes. The RP designation is, however, not considered forest land of long term significance.

D-4. Conserving small-scale natural resource use in rural areas:

a. Rural land use designations in the County's Comprehensive Plan shall recognize ecological functions and support rural uses such as farming, forestry, mining, recreation, and other rural activities, and permit a variety of low-density residential uses which preserve rural character and ecological functions, and can be sustained by rural service levels.

As with RP designations/zoning the RR designation/zoning allows farming, forestry and low-density residential development. See also the discussion under D-1 regarding density and forest use; resource uses may be more likely to be retained with larger lot sizes. There could be a reduction in forest cover under present or proposed designations; however, the use of low impact development techniques could allow added residences while retaining natural soils and storm water and minimizing the reduction in forest cover. Low-density residential development, at 1 dwelling unit per 5 acres, can be sustained by rural service levels.

b. The County's Comprehensive Plan policies shall promote clustering residential development and other techniques to protect and enhance significant open spaces, natural resources, cultural resources, and critical areas for more effective use of the land. Clustering should not increase residential housing units in the overall area designated as rural, consistent with designated rural densities. Development clusters shall be designed, scaled and sited in a manner consistent with rural character and the provision of rural levels of service.

A change to RR zoning could hinder working resource land and forestry uses by allowing a higher intensity residential use under RR than is currently allowed in RW. RR zoning is considered a low-density residential use that preserves rural character and can be sustained by rural service levels.

There could be a reduction in forest cover under present or proposed designations; however, the use of low impact development techniques could allow added residences while retaining natural soils and storm water and minimizing the reduction in forest cover.

4. Requests Within the Rural Area Not Pertaining to Commercial or Industrial Requests. If applicable, each of the following requirements must be satisfied for a recommendation of approval:

a. Any proposed amendments to rural and natural resource areas shall not substantially affect the rural/urban population balance;

The proposed amendment does not substantially affect the rural/urban population balance. However, it encourages new residential development in undeveloped rural areas and would set a precedent for potential future zoning amendment applications for a change from RP to RR.

b. Any proposed change to land designated as natural resource land shall recognize that natural resource designations are intended to be long-term designations and shall further be dependent on one or more of the following:

- i. A substantial change in circumstances pertaining to the Comprehensive Plan or public policy;**
- ii. A substantial change in circumstances beyond the control of the landowner pertaining to the subject property;**

iii. An error in initial designation; and/or

iv. New information on natural resource land or critical area status

According to Kitsap County Assessor data, the properties are zoned RP and currently are classified as forest land, but the property is not designated as a resource land of long term commercial significance.

Findings of Fact

1. The applicant and owner, Dixie Fox-Harbor Rentals LLC, submitted the zoning amendment application to Kitsap County on February 26, 2015.
2. The applicant seeks a reclassification request Comprehensive Plan Amendment to change the current zoning of one property from RP to RR.
3. The property is located along Garfield Ave SE, east of Port Orchard and near the rural community of Colby.
4. The property is currently undeveloped. There is a stream, potential wetlands and moderate hazard areas on the property.
5. Adjacent properties south of Garfield Avenue SE are zoned RP. Properties north of Garfield Avenue are zoned RR. The property is located south of Garfield Avenue SE.
6. The current zoning designation, RP, is appropriate for the conditions of the property. This zone “promotes low-density development (Maximum of 1 du/10 acres) that is consistent with rural character and protects environmental features such as significant visual, historical, natural features, wildlife corridors, steep slopes, wetlands, streams and adjacent critical areas. The property contains numerous critical areas, including a stream, wetlands, and moderate hazard areas.
7. The current zoning designation, RP, is appropriate for the surrounding context of the property. The property is adjacent to other parcels zoned RP to the east, south, and west. If zoned RR, this would be the only parcel zoned RR south of Garfield Avenue SE. Parcels east of the site are at higher rural density, but are zoned RP.
8. The applicant seeks to develop the land for residential use. Under the current RP zoning designation, residential development is a permitted use.
9. Allowing a higher density zoning in a rural area does not support County-wide planning policies to promote growth in urban areas and protect rural character established south of Garfield Avenue SE.
10. The request is not included in the Preferred Alternative.

CONCLUSION OF LAW

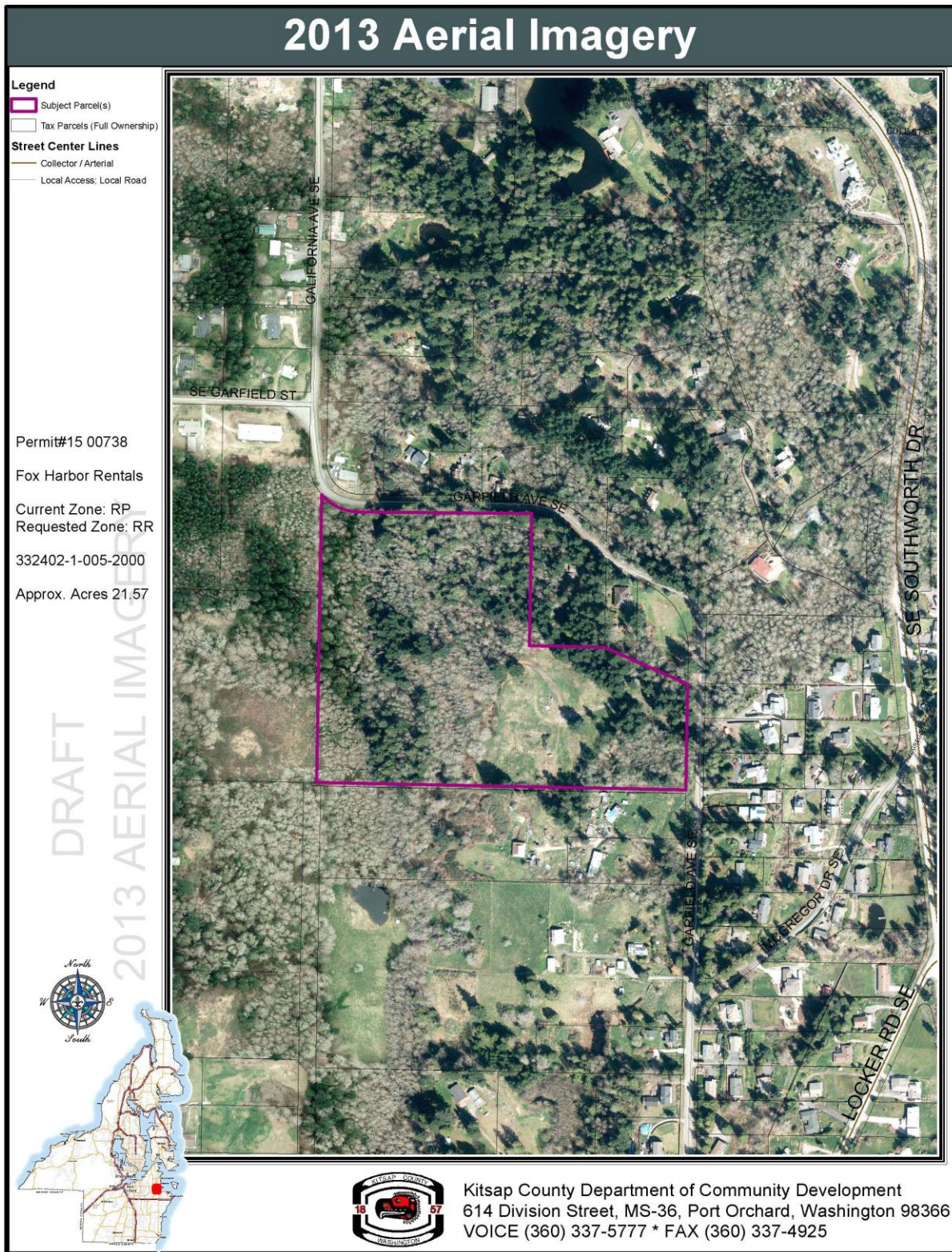
The proposal to reclassify the Comprehensive Plan and Zoning Map designations for the subject property from RP to RR does not comply with all the provisions of the Washington State Growth Management Act (RCW 36.70A), Kitsap County-wide Planning Policies, and Kitsap County Comprehensive Plan by altering the character of larger rural lots in the vicinity to a density not found on abutting properties to the south and west, placing more rural density, and incrementally reducing the focus of growth in urban areas.

RECOMMENDATION

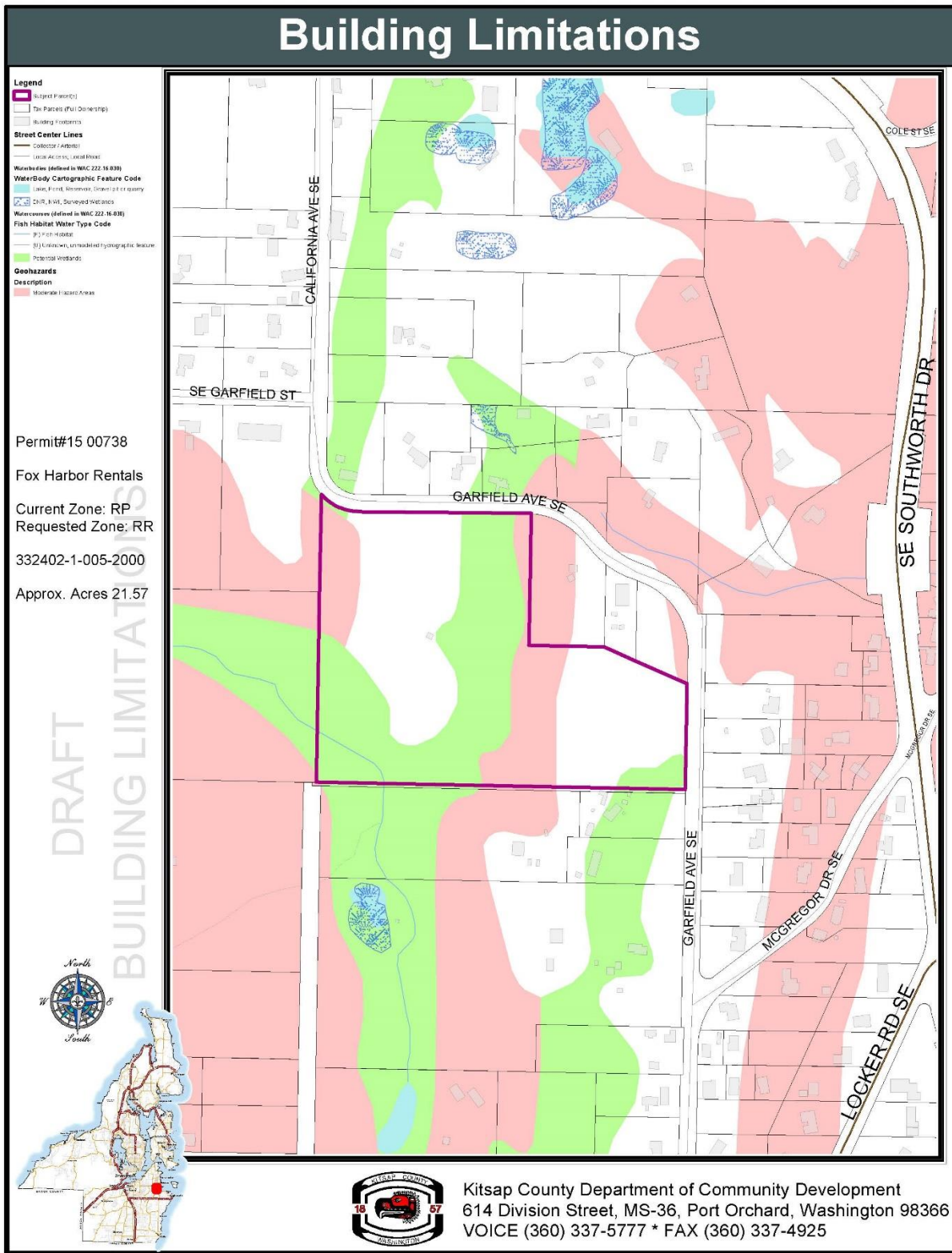
Based on the findings of fact and conclusion of law staff recommends denial of application # 15 00738.

ATTACHMENTS

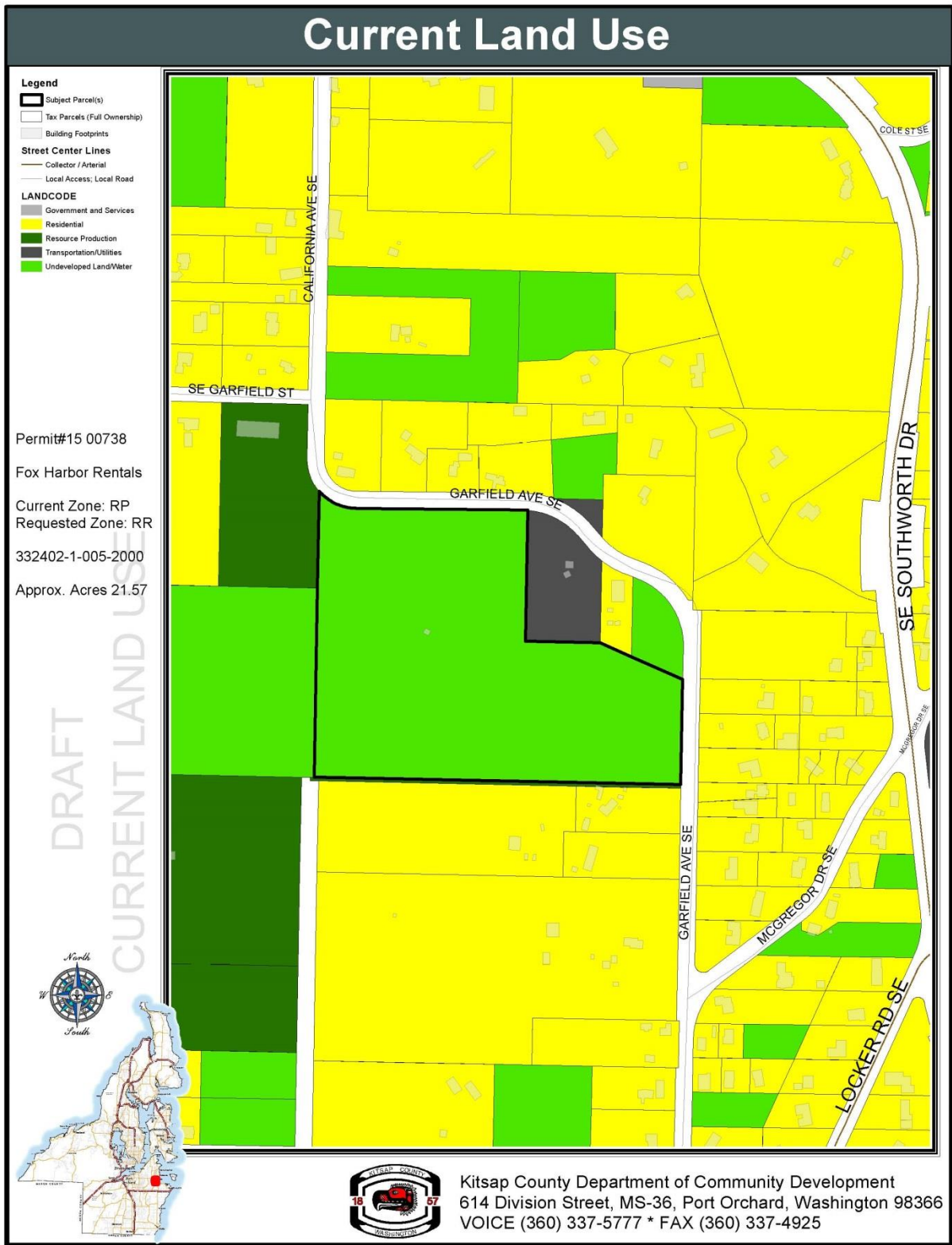
Attachment 1. 2013 Aerial Imagery



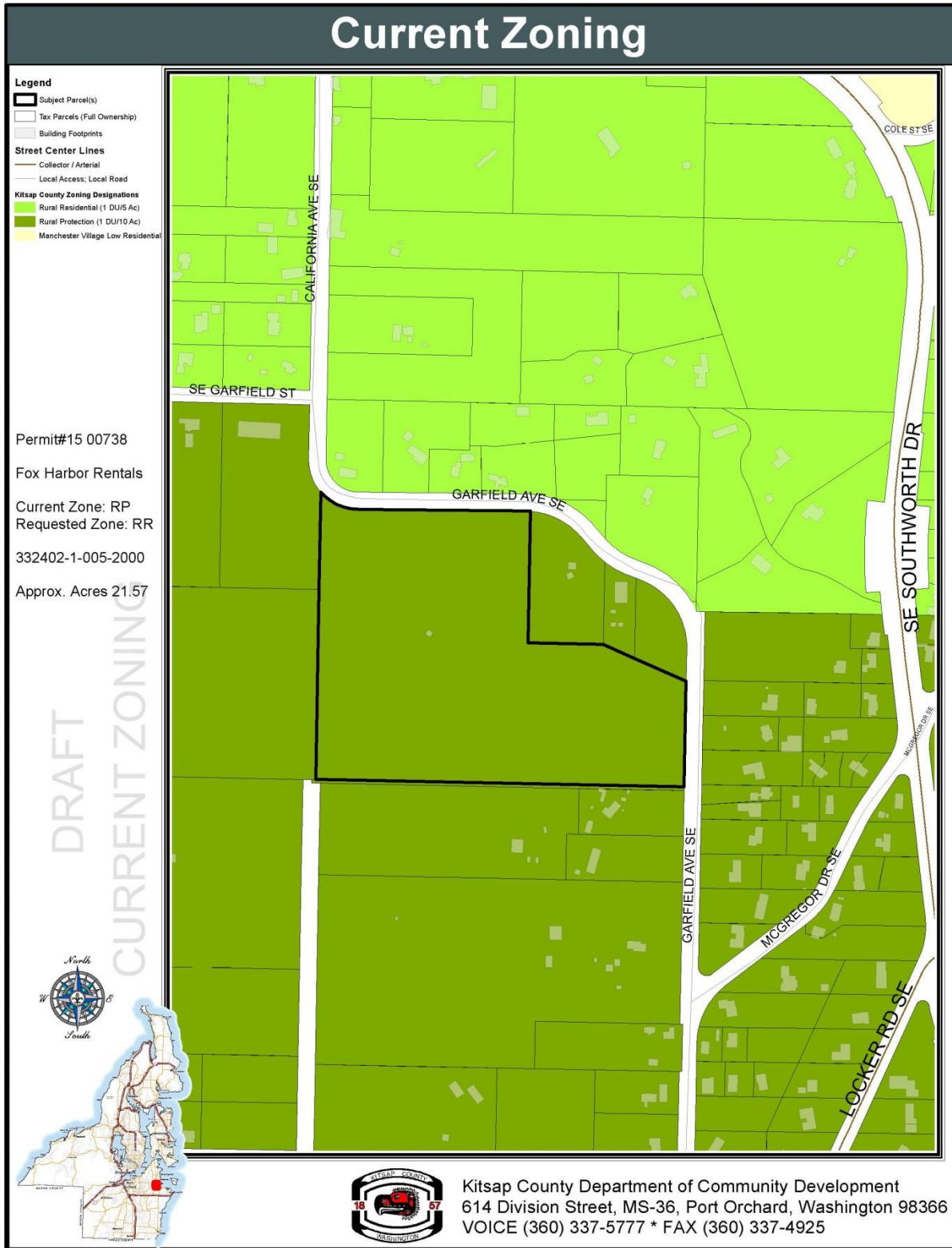
Attachment 2. Building Limitations



Attachment 3. Current Land Use Map



Attachment 4. Current Zoning



Attachment 5. Proposed Zoning

