



STAFF REPORT

Permit Number: 15 00710 | Trophy Lake Golf Course

DATE: February 25, 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: Trophy Lake Golf Course Reclassification Request

APPLICATION INFORMATION

1. **Applicant Name:** David Hein (Applicant and Authorized Agent); Trophy Lake Golf, LLC (Owner)
2. **Parcel Number:** 202301-3-010-2006; 202301-1-022-2006
3. **Address or location information:** 3901 SW Lake Flora Road, Port Orchard, WA 98368; see Attachment 1.
4. **Current Land Use:** Existing golf course; see Attachment 5 and Attachment 6.
5. **Current Comprehensive Plan Map Designation:** Rural Wooded (RW)
6. **Proposed Comprehensive Plan Map Designation:** Rural Residential (RR)
7. **Current Zoning:** Rural Wooded (RW); see Attachment 7.
8. **Proposed Zoning:** Rural Residential (RR); see Attachment 8.
9. **Lot Area / Size:** 160.56 and 4.35 acres. Total is 164.91 acres.
10. **Comprehensive Plan Alternatives:** Included as part of the 2016 Comprehensive Plan Update Supplemental Environmental Impact Statement (SEIS) Alternative 3. The proposal is included in the Preferred Alternative

Submitted Application Materials

- Project application
- Environmental Checklist
- Ownership Certification

Application Request

Applicant seeks a zoning change for 2 properties from Rural Wooded (RW) zoning to Rural Residential (RR).

BACKGROUND

The subject sites are currently part of Trophy Lake Golf Course. According to the Kitsap County Assessor, the properties are classified as open space. Both are adjacent and have access to SW Lake Flora Road. The subject properties have existing well water, electricity, and septic sewer services available. There are 5 buildings on the large parcel, including the country club, constructed in 1999. Historical aerial imagery shows the parcels as undeveloped, cleared land in 1990 (see Attachment 3). In 2005, satellite aerial imagery shows the subject properties already in use as a golf course (see Attachment 2). County building limitation maps indicate the presence of wetlands, two streams, and a bald eagle nest on the subject properties. The properties occur within a Category II critical aquifer recharge area.

Surrounding Zoning and Land Use

Properties adjacent to the subject sites are mainly zoned RW to the north, west, and south. See Exhibit 1. The majority of adjacent properties are currently in forest non-resource production. A few parcels northwest of the larger subject property are in residential uses. Adjacent properties to the east are zoned RR. There are 3 adjacent parcels in RR zoning that are also part of Trophy Lake Golf Course.

More broadly, the subject properties are in rural South Kitsap County, south of both the City of Bremerton and City of Port Orchard. Subject properties border contiguous areas of both RW and RR zoning.

Exhibit 1. Summary of Surrounding Areas Current Zoning and Land Use

Surrounding Areas	Current Zoning	Current Land Use
North	<ul style="list-style-type: none"> RW 	<ul style="list-style-type: none"> Residential Undeveloped Resource Production
East	<ul style="list-style-type: none"> RR (one parcel) 	<ul style="list-style-type: none"> Resource production Undeveloped (1 parcel)
South	<ul style="list-style-type: none"> RW 	<ul style="list-style-type: none"> Resource Production
West	<ul style="list-style-type: none"> RW 	<ul style="list-style-type: none"> Resource Production

Current Comprehensive Plan and Zoning Designations

The present Comprehensive Plan Map and zoning for the property is Rural Wooded (RW).

- Rural Wooded (RW) designation:** The RW designation is generally applied to larger parcels of land in contiguous blocks that are forested in character, that have been actively managed for forestry and harvested, and that may be currently taxed as timber lands pursuant to state and County programs. It is applied to lands that were formerly zoned as “Interim Rural Forest.” The objective of this designation is to allow continued forestry practices, provide ongoing opportunities for large-and small-scale timber management, and maintain large contiguous blocks of forested lands to protect significant environmental features, and allowing limited residential development in keeping with rural character. Environmental features may include significant visual, historic, and natural features;

wildlife corridors; steep slopes; wetlands; streams; and adjacent critical areas. The RW designation is implemented by the Rural Wooded zone.

- **Rural Wooded (RW) zone:** is intended to “encourage the preservation of forest uses, retain an area’s rural character and conserve the natural resources while providing for some rural residential use. This zone is further intended to discourage activities and facilities that can be considered detrimental to the maintenance of timber production. Residents of RW residential tracts shall recognize that they can be subject to normal and accepted farming and forestry practices on adjacent parcels” (Chapter 17.301 Kitsap County Code [KCC]). This zone allows for forest resource uses and limited residential uses with a maximum density of 1 dwelling unit per 20 acres.

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 Rural Residential 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 2 and Exhibit 3. Golf courses are conditionally permitted in the RR zone but prohibited in the RW zone.

Exhibit 2. Selected Allowed Uses (KCC 17.381.040 E)

Selected Uses	RR (proposed zoning)	RW (current zoning)
Residential Uses		
• Single Family Attached	C	X
• Single Family Detached	P	P
• Manufactured Homes	P	X
• Mobile homes	P	P
Commercial/Business Uses		
• Daycare Center	P	X
• Kennels, pet care	C	X
• Nursery	C	X
• Golf course	C	X
• School	C	X
Resource Land Uses		
• Agricultural uses	P	P

- Forestry

P

P

Legend: C = Conditional, P = Permitted, X = Prohibited

Exhibit 3. Selected Development Standards Comparison (KCC 17.382.100)

Density and Dimensions	RR (proposed zoning)	RW (current zoning)
Minimum lot size (acre)	5	20
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>

One citizen comment was received recommending denial of this application due to increase in number of rural lots.

One citizen comment was received recommending approval of this application because it makes the golf course conforming to the zone.

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 aims to focus a greater share of growth into the urban areas. The proposed amendment is inconsistent with this goal as it would increase development capacity in the rural area. However, the proposed RR zoning would fit the current use of the property as a golf course, since the present use is prohibited under its current RW zoning. Further, the site has been highly altered for the golf course use.

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 subject properties are currently developed as a golf course and have existing water, sewer and electric services. The sites are served by SW Lake Flora Road. A zoning change to RR would not result in a significant adverse impact on adopted level of service standards such as police, fire and emergency medical services, as the subject properties will continue in their already existing use as a golf course. Should the properties be changed to residential use in the future, additional project level analysis would be needed. However, at 32 additional homes at RR zoning, the incremental effect is not anticipated to be large.

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. See Exhibit 4.

Exhibit 4. 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.

Kitsap County Comprehensive Plan 2036 Goals and Policies

The proposed zoning amendment to RR supports the following applicable 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.**
- **Policy RL-3 Permit residential uses in rural areas consistent with the existing and planned rural character of the surrounding area.**
- **Policy RL-4 Outside of the Type III LAMIRDs, limit development only to that which serves rural residential or resource needs and not draw people from UGAs.**

The proposed RR designation would retain the rural character of the County at a rural density, but the proposal would increase the supply of land available for rural development should the present use as a golf course be altered to residential use. Development at a density of 1 du/5 acres would be allowed under the proposed RR zoning, a density four times greater than at the current 1 du/20 acres in RW zoning. A total of 32 homes could occur instead of 8 homes.

- **Goal 4: Preserve existing open space in rural areas and promote opportunities for provision of new open space in rural areas.**

The proposed RR zone would allow a conditional use permit to be sought to recognize the golf course whereas the RW zone prohibits golf courses. The proposal would help the golf course to continue as an open space feature. However, it also allows a greater residential density at 5-acre lots, and has a greater potential for conversion of the open space than the 20-acre lot size of the RW zone.

- 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 part of an existing golf course. The land, while zoned RW, is no longer undeveloped land or in forestry use. According to Google Earth satellite imagery, it has not been so since at least 1990 (see Attachments 3 and 4). A change to RR would still permit forestry and agricultural use, and it would also allow for the existing use as a golf course to be a permitted use. RR zoning would be compatible with adjacent properties. Environmental constraints on the subject parcel include wetlands and streams previously identified during the original golf course development, and a mapped bald eagle nest in the southwest portion of the site. Should residential development be proposed at a future date, each of these factors would need to be considered during lot establishment, and protected in accordance with critical area protection standards at Title 19 KCC.

- 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 would not substantially affect current growth projections. RR zoning would create a change in rural density should the land be used for residential purposes in the future, but is still consistent with rural development.

- 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 as the property is in the 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)

(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.

The subject properties are currently developed as a golf course, which is a prohibited use in RW zoning. The existing golf course is a legal nonconforming use. Under the proposed RR zoning, the golf course would be a conditional permitted use on the subject properties and would be consistent with the RR zoning of the other 3 parcels that are part of the golf course.

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 recreational uses consistent with the County's goals and definition of rural communities and character. Because the land is already developed as a golf course, the zoning change would protect and enhance this recreational use, and supports potential uses such as forestry, agriculture, and low-density residential.

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.

In RR zoning, farming, forestry and low-density residential development are allowed uses. 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.

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. The site is currently developed as a golf course and is proposed to remain a golf course for the near future, and not for residential use.

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 the County Assessor website, all applicant properties are currently classified as open space, they are not designated as forest land of long-term commercial significance.

Findings of Fact

1. The authorized applicant, David Hein, submitted the zoning amendment application to Kitsap County on February 26, 2015.
2. The applicant seeks a Comprehensive Plan Amendment to change the current zoning of 2 properties from RW to RR.
3. The properties are located along SW Flora Lake Road, Port Orchard, WA.
4. The properties are currently developed as a golf course and have been in use as a golf course since at least 2005. The properties were undeveloped and the land was cleared by 1990.
5. 3 adjacent parcels are also part of the golf course and are currently zoned RR. Adjacent properties to the east are zoned RR and are in residential use. Adjacent properties to the north, west and south are zoned RW and are mainly in resource (forest) production.
6. Golf courses are a prohibited use under RW zoning and are a conditional permitted use under RR zoning.
7. The proposal is included in the Preferred Alternative.

Conclusion of Law

The project complies with all the provisions of the Washington State Growth Management Act, Kitsap County-wide Planning Policies, and Kitsap County Comprehensive Plan.

Recommendation

Based on the findings of fact and conclusion of law staff recommends to approval of application #15 00710.

ATTACHMENTS

Attachment 1. 2013 Aerial Imagery



Attachment 2. 2005 Aerial Imagery



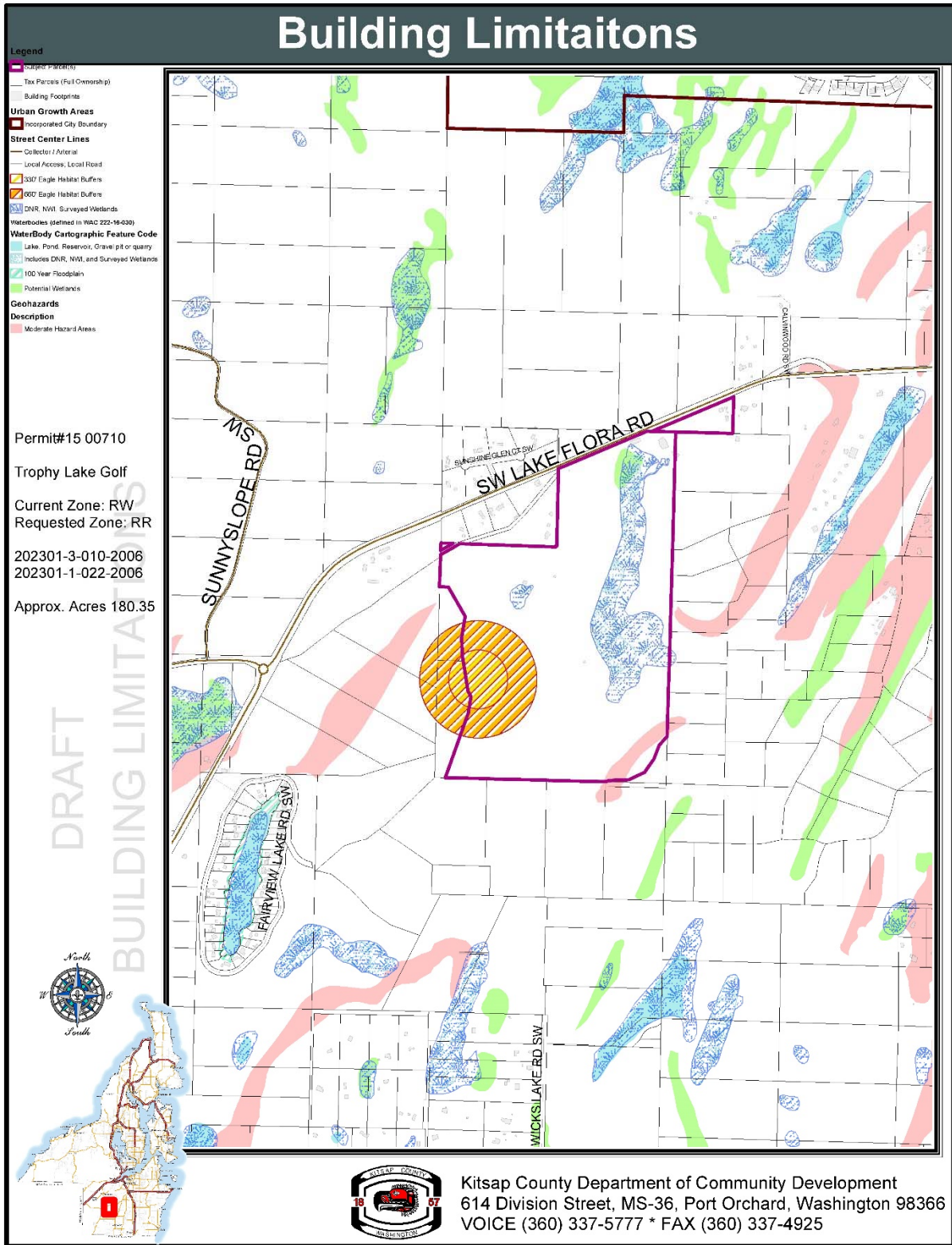
Source: Google Earth. Image Date 3/13/2005

Attachment 3. 1990 Aerial Imagery

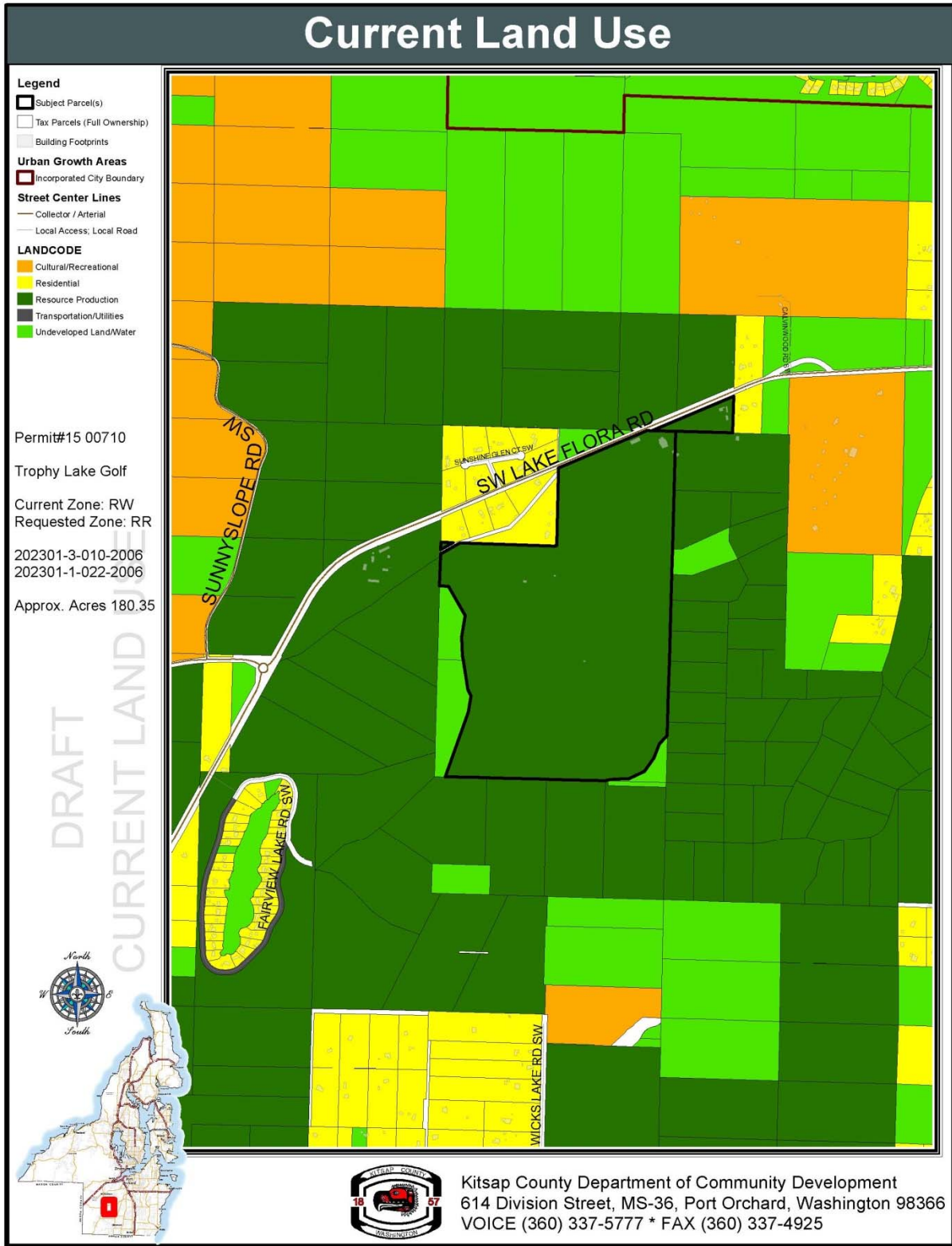


Source: Google Earth. Image Date: 6/20/1990.

Attachment 4. Building Limitations



Attachment 5. Current Land Use Map

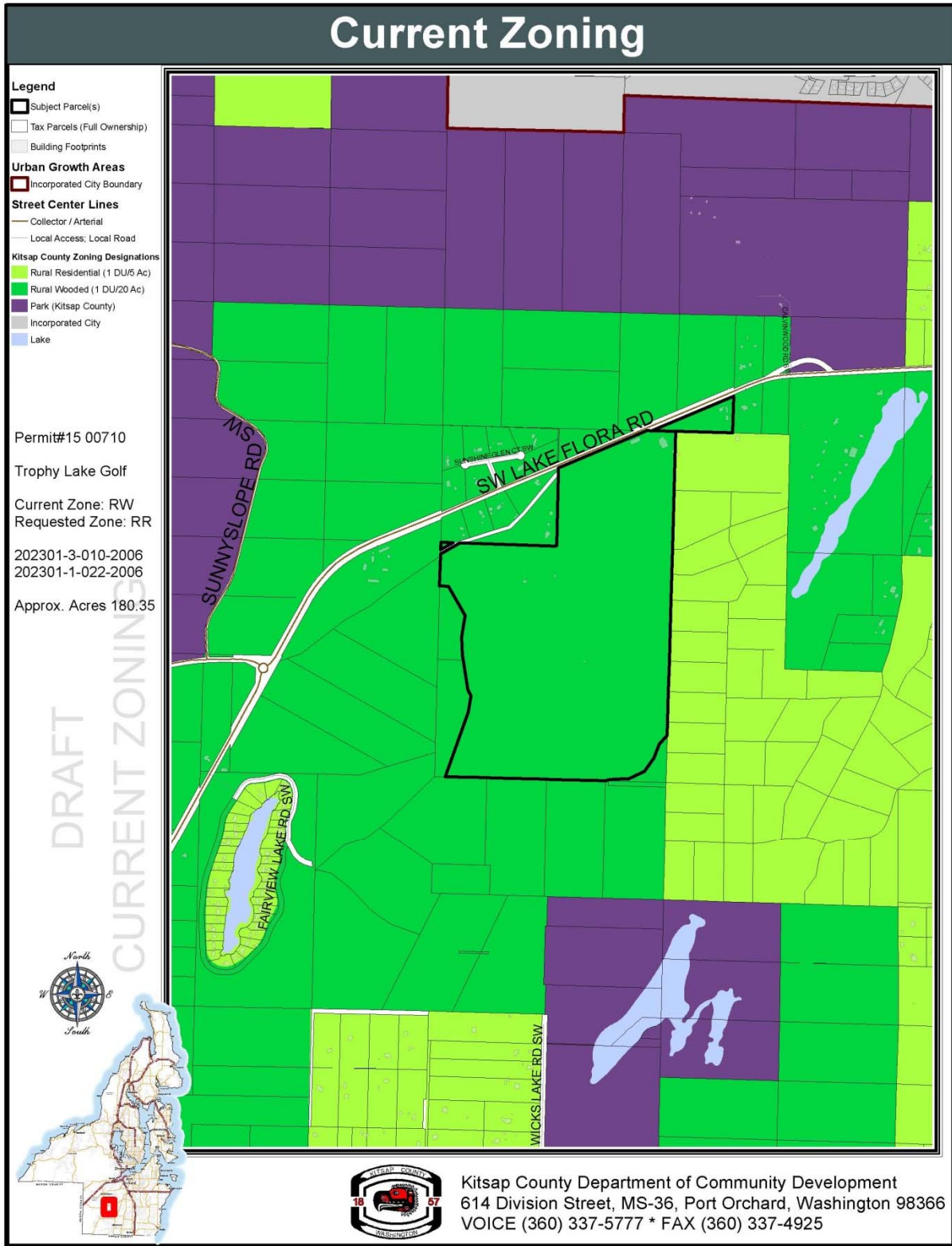


Attachment 6. Existing Land Use – Photo



Source: BERK, 2015.

Attachment 7. Current Zoning



Attachment 8. Proposed Zoning

