



STAFF REPORT

Permit Number: 15 00697 | Bair

DATE: February 25, 2015

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: Bair Reclassification Request

APPLICATION INFORMATION

- 1. Applicant Name:** Chuck Bair (applicant and owner); William M. Palmer (authorized agent/representative)
- 2. Parcel Number:** 082401-3-068-2002
- 3. Address or location information:** 2270 Hilltop Lane NW, Bremerton, WA 98312; see Attachment 1.
- 4. Current Land Use:** Vacant residential with garage used for auto repair
- 5. Current Comprehensive Plan Map Designation:** Rural Residential; see Attachment 3.
- 6. Proposed Comprehensive Plan Map Designation:** Rural Industrial
- 7. Current Zoning:** Rural Residential (RR); see Attachment 4.
- 8. Proposed Zoning:** Rural Industrial (RI); see Attachment 5.
- 9. Lot Area / Size:** 0.73 acres
- 10. Comprehensive Plan Alternatives:** Request included with Comprehensive Plan Update 2016 Supplemental Environmental Impact Statement (SEIS) Alternative 3
- 11. Preferred Alternative:** The request is not included in the Preferred Alternative.

Submitted Application Materials

- Project Application
- Site-specific Application Criteria
- Site and vicinity maps

- SEPA Environmental Checklist
- Ownership Certification

Application Request

The applicant is requesting an amendment to change the Comprehensive Plan Map and Zoning Map designations from Rural Residential (RR) to Rural Industrial (RI). The Comprehensive Plan and zoning map designations are the same for the subject property. The applicant has stated that the request is intended to allow for the storage of recreational vehicles not accommodated at the applicant’s other mini-storage site. If the amendment is approved the applicant would have the right to develop the property in accordance with the allowed uses and development standards in the Kitsap County Code within the RI District.

BACKGROUND

The parcel is zoned RR and surrounded by other properties with the RR designation. The owner previously used the property for auto repair in a garage, which is a non-conforming use. The remainder of the property, which was developed as a single-family residence, is currently vacant. The parcel occurs within a Category II critical aquifer recharge area.

Surrounding Zoning and Land Use

Land use surrounding the parcel is largely residential, with the exception of the parcel to the south, which currently contains a commercial use. See Exhibit 1 and Attachment 3.

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

Surrounding Areas	Current Zoning	Current Land Use
North	• RR	• Residential
East	• RR	• Residential
South	• RR	• Repair Services (previously)
West	• RR	• Residential

Source: Kitsap County GIS; BERK Consulting 2015

Current Future Comprehensive Plan and Zoning Designations

The current land use and zoning designation is Rural Residential (RR), which is described similarly in the Comprehensive Plan and in the Kitsap County Zoning Code. The Comprehensive Plan describes the RR designation as:

- **Rural Residential:** 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 Rural Residential designation is implemented by the Rural Residential zone.

The RR zone is described in the Kitsap County Code as:

- **Rural Residential (RR):** This zone promotes low-density residential development consistent with rural character. It is applied to areas that are relatively unconstrained by environmentally sensitive areas or other significant landscape features. These areas are provided with limited public services.

Proposed Future Comprehensive Plan and Zoning Designations

As described in the current Comprehensive Plan, the proposed Comprehensive Plan and Zoning Map designation is RI. The Comprehensive Plan describes RI as:

- **Rural Industrial:** The intent and function of the Rural Industrial Zone is to provide for small-scale light industrial, light manufacturing, recycling, mineral processing, and resource-based goods production uses that are compatible with rural character and do not require an urban level of utilities and services. Exhibit 2 provides a comparison of allowed land uses between the RI and RP zones.

The Kitsap County Code describes the RI Zone as:

- **Rural Industrial.** This zone provides for small-scale light industrial, light manufacturing, recycling, mineral processing, and resource-based goods production uses that are compatible with rural character and do not require an urban level of utilities and services.

The following tables compare the existing and proposed zoning designations for selected allowed uses and development standards. See Exhibit 2 and Exhibit 3. RI allows certain commercial and industrial uses by right or by conditional use permit that are prohibited in the RR zone.

Exhibit 2. Selected Allowed Uses (KCC 17.381.040)

Selected Uses	RI (proposed zoning)	RR (current zoning)
Residential Uses		
• Single family dwelling, detached	X	P
• Mixed use development	X	X
• Hotel/motel	X	X
Commercial/Business Uses		
• Accessory use or structure	P	P
• Automobile service station	C	X
• General retail merchandise stores – less than 4,000 s.f.	X	X
• Laundromats and laundry services	X	X
• Restaurants	X	X
• Tourism facilities, including outfitter and guide facilities	X	X
Industrial Uses		
• Manufacturing and fabrication, medium	C	X
• Storage, indoor	ACUP	X
• Storing, outdoor	C	X
• Wrecking yards and junk yards	C	X

Legend: P = Permitted, X = Prohibited, ACUP = Administrative Conditional Use, C = Conditional Use

Development standards show consistent height between the RI and RR zones, but lot size and density are inapplicable in the RI zone.

Exhibit 3. Selected Development Standards Comparison (KCC 17.382.100)

Density and Dimensions	RI (proposed zoning)	RR (current zoning)
Base/Maximum density (du/acre)	NA	NA
Minimum lot size (acre)	None	5
Lot width (feet)	NA	140
Lot depth (feet)	NA	140
Maximum height (feet)	35	35
Maximum impervious surface coverage	85%	NA

PUBLIC COMMENTS

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

The applicant and representative submitted comments supporting their request.

Two citizen commenters recommend denial of this request on the basis that industrial land should be focused into the UGAs and incompatibility with surrounding areas.

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.

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 redesignation 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 industrial development intensity and capacity in the rural area and introduce a single isolated RI parcel in an otherwise RR zone. See the analysis under criteria D.1.b below regarding consistency with the Comprehensive Plan.

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 property is approximately 0.73 acres. By itself, if the amendment is approved, it is not anticipated to result in significant adverse impacts on adopted levels of service standards or other public facilities and services. The use may require additional fire and EMS response. Transportation access may also be a concern. A greater impact could occur if this spot rezone sets a precedent for concentrating employment uses in this location.

- 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.

Vision	Rural Chapter Relationship to Vision
<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.)
<p>Economic Development. A stable, prosperous and diversified economy that provides living wage jobs for residents, supported by adequate land for a range of employment uses and that encourages accomplishment of local economic development goals.</p>	<ul style="list-style-type: none"> • • Preserve opportunities for resource-based economic activities within the County. • Allow for limited commercial and industrial uses in rural areas, while preserving rural character. •

Source: Kitsap County Comprehensive Plan (December 2012).

The proposed amendment is not supported by the above Urban vision statement as the amendment would expand industrial development in a non-UGA area that is designated for rural residential development.

The proposed amendment is not supported by the above rural and resource lands vision. While the amendment would establish a limited area for industrial uses, it would constitute an expansion of industrial zoning into an area that has historically been designated for low-density rural residential use.

The proposed amendment would constitute an expansion of industrial zoning as the subject property is not within an existing rural commercial or industrial area. The County's Economic Development vision in rural areas appears focused on recognizing and maintaining existing rural commercial and industrial areas and not on establishing new disconnected industrial areas through the redesignation of individual parcels. Therefore, the proposed amendment is not supported by the above Economic Development vision statement.

Kitsap County Comprehensive Plan 2036 Goals and Policies

3A.2.1 Rural Lands

- **Goal 2. Encourage development standards that help preserve the County's rural character.**
- **Policy RL-8. Unlimited expansion of commercial and industrial uses in the rural areas is not appropriate. Accordingly, only limited new commercial and industrial uses will be permitted in the rural areas, per Kitsap County Code 21.08. Such commercial and industrial uses must be consistent with GMA and Comprehensive Plan requirements for rural areas, preserve Kitsap County's character, and shall not allow urban-type uses or services.**

The amendment is not consistent with the above policy regarding the expansion of commercial and industrial areas. The County desires to expand commercial and industrial uses when consistent with GMA and the Comprehensive Plan. Zoning should reflect a coordinated effort to plan for commercial and industrial development at the neighborhood district or sub-district level and not be based on the personal interests of a single property owner.

- 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 property is not suitable for the proposed land use designation. The proposed zoning designation conflicts with the zoning designation of surrounding properties. Even though there is a commercial use adjacent to the property to the south it is a non-conforming use and will likely be phased out over time. Future industrial development should locate in existing areas that have available capacity for new or redevelopment. Per Kitsap County maps the site does not appear to have any environmental constraints and is served by utilities, with the exception of sewer. Access to the site is from Chico Way and with improvements, could accommodate the proposed land use designation.

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 relatively small parcel of 0.73 acres would not materially affect the land use and growth projections for the County although it would slightly increase the employment capacity in the rural area when the County's priority is focusing a greater share of growth into the urban areas.

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 proposed amendment would not materially affect the adequacy or availability of urban facilities and services in the area as the property is located 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)

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

The proposed amendment is not consistent with the above GMA goal to reduce sprawl. The amendment request is not a coordinated planning effort, but rather a request primarily for the benefit of the individual property owner. The cumulative effects of uncoordinated zoning amendments would cause significant adverse impacts in the County over time.

(5) Economic development. Encourage economic development throughout the state that is consistent with adopted comprehensive plans, promote economic opportunity for all citizens of this state, especially for unemployed and for disadvantaged persons, promote the retention and expansion of existing businesses and recruitment of new businesses, recognize regional differences impacting economic development opportunities, and encourage growth in areas experiencing insufficient economic growth, all within the capacities of the state's natural resources, public services, and public facilities.

The amendment is inconsistent with the above GMA goal regarding economic development as the amendment is not supported by the County's Comprehensive Plan, which aims to focus employment growth in UGA's and existing rural commercial and industrial areas. The amendment request is not in support of an existing commercial or industrial node in the community.

Kitsap County-wide Planning Policies

D-2. Rural Land uses and Development Patterns

c. 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.

The proposed amendment would likely increase vehicle trips to the site compared to the existing residential zoning depending on the actual development and use of the property. The character of the predominantly rural residential neighborhood would be adversely impacted by the introduction of industrial development.

3. Rural Commercial/Industrial and Type III LAMIRD Site-Specific Amendment Requests. Each of the following requirements must be satisfied for a recommendation for approval.

a. Demonstration of an unmet need for the proposed land use designation in the rural area.

The unmet needs identified by the applicant pertain to the specific circumstances of the property owner and are not connected to the public interest. The applicant has provided no evidence that the unmet need cannot be accommodated within urban areas or land already zoned RI.

b. Demonstration that Kitsap County's rural character will be preserved or unaffected by the change of designation.

The introduction of industrial zoning in a Rural Residential neighborhood would not preserve the rural residential character of the area as the subject property would be the only property in the immediate area with the industrial zoning designation. Concentrations of UI zoned land is more in keeping with rural character rather than single industrially zoned parcels.

c. Demonstration that the proposed designation will principally serve the rural area.

The applicant has provided no evidence that the proposed designation will principally serve the rural area. The proposed amendment appears solely for personal gain and not based on the public interest.

d. Demonstration that appropriate rural services are available (i.e., water, wastewater disposal, etc.) and that urban services will not be required for the proposed designation.

The site appears to be served by appropriate rural services, and urban services would not be required for the proposed designation.

e. Demonstration that the proposal is contiguous to existing industrial or commercial zoning. (Exceptions to this policy must demonstrate a unique or exceptional need for the proposed land use designation).

The proposal is not contiguous to existing industrial or commercial zoning and no unique or exceptional need has been identified.

f. Demonstration that the property is sized appropriately for the proposed land use designation.

At just 0.73 acres the property is not appropriately sized for an industrial use. Typically industrial zoning designations involve larger sites or multiple properties. Since the amendment request includes only a single property there would not be an opportunity to aggregate lots to expand the land area for industrial use.

g. Demonstration that there is a lack of appropriately designated and available sites within the vicinity.

The subject property is located just north of the City of Bremerton and south of a Rural Commercial area that have capacity for new development and redevelopment.

Findings of Fact

1. The applicant, Chuck Bair, submitted the application to Kitsap County on February 25, 2015.
2. The applicant seeks a Comprehensive Plan and Zoning Map amendment from Rural Residential (RR) to Rural Industrial (RI).
3. The subject property is approximately 0.73 acres and located in unincorporated Kitsap County at 2270 Hilltop Lane NW, Bremerton, WA 98312.
4. The property is currently developed as a single family residence, but appears to be currently vacant.
5. The site is relatively flat and there are no identified environmental constraints with the exception of a Category II Critical Aquifer Recharge Area.
6. The property is not contiguous to other commercially or industrially zoned properties. One adjacent property had been used industrially previously.
7. No unmet or unique circumstances have been identified to support the proposed amendment.
8. Adjacent properties are currently being used for predominantly single family residential use. The property immediately adjacent to the south is currently being used for government and services and there is a single property in commercial use to the southeast.
9. The subject property is accessed from Chico Way NW and is located north of the City of Bremerton city limits.
10. The subject property occurs within a Category II critical aquifer recharge area, and is therefore subject to the aquifer protection standards at Chapter 19.600 KCC.

Conclusion of Law

The project does not comply with all the provisions of the Washington State Growth Management Act, Kitsap Countywide Planning Policies, and Kitsap County Comprehensive Plan by designating an isolated single-family residential property zoned RR for future industrial use when no unmet need has been established.

Recommendation

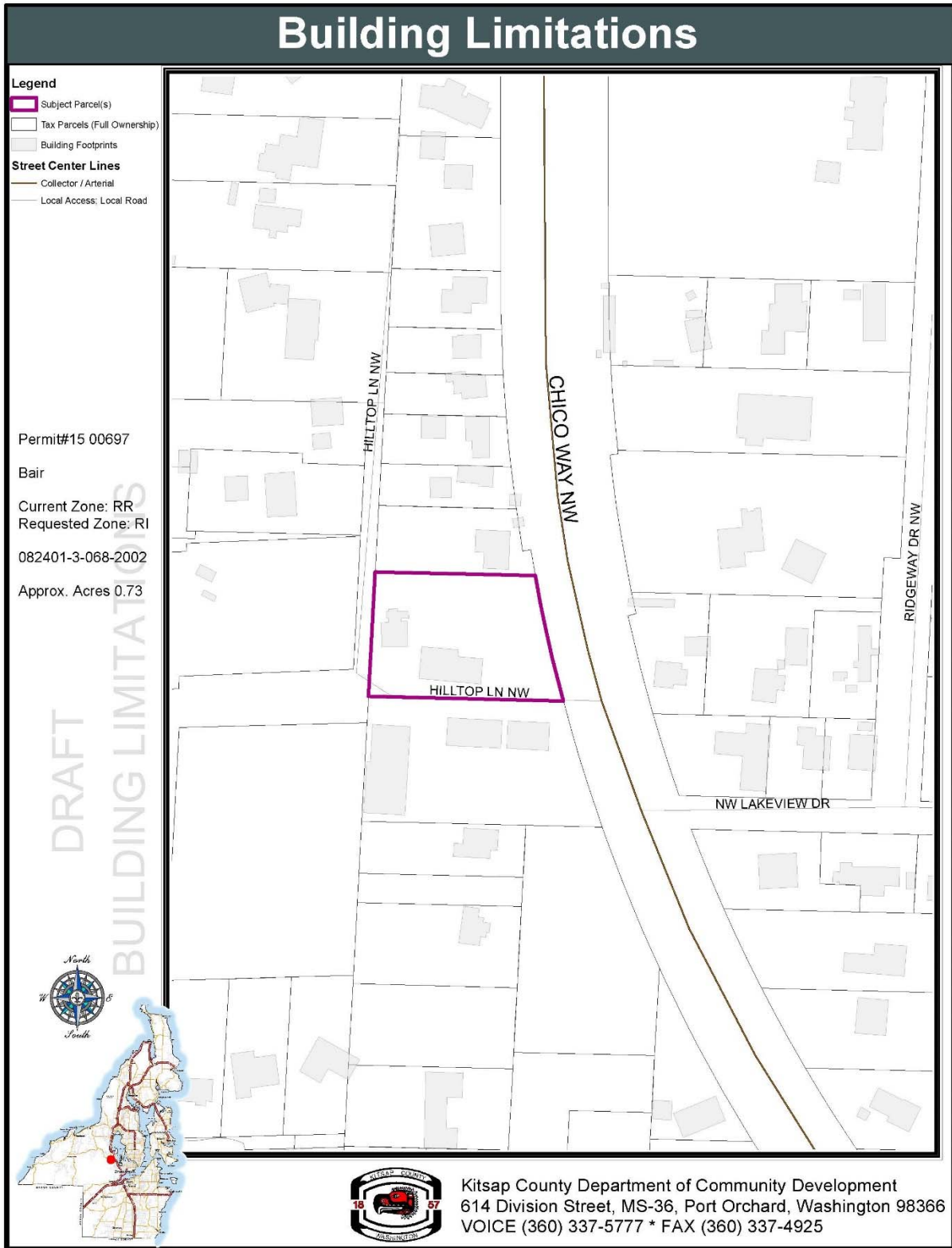
Based on the finding of facts and conclusion of law staff recommends denial of application #15-00697.

Attachments

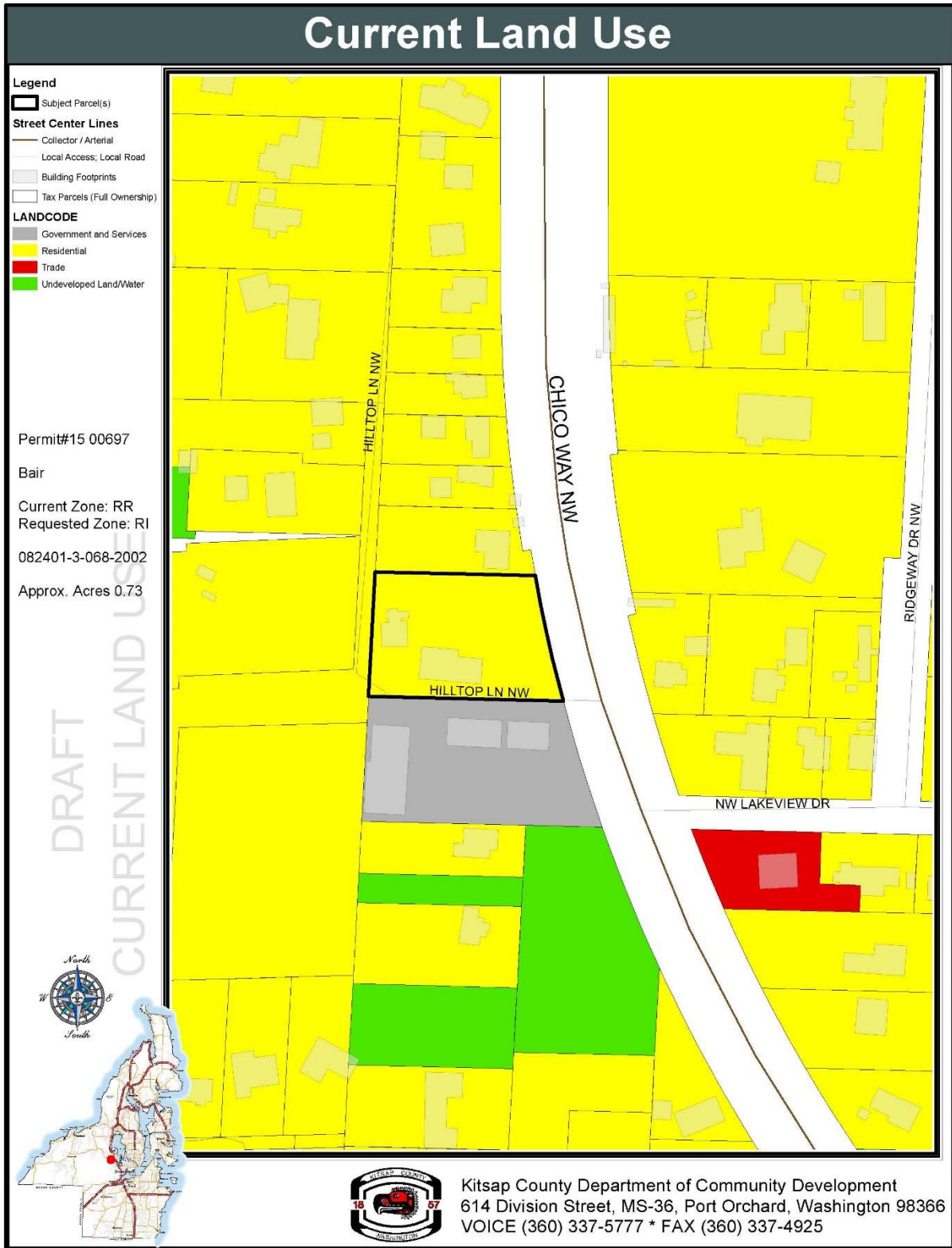
Attachment 1. Aerial Imagery



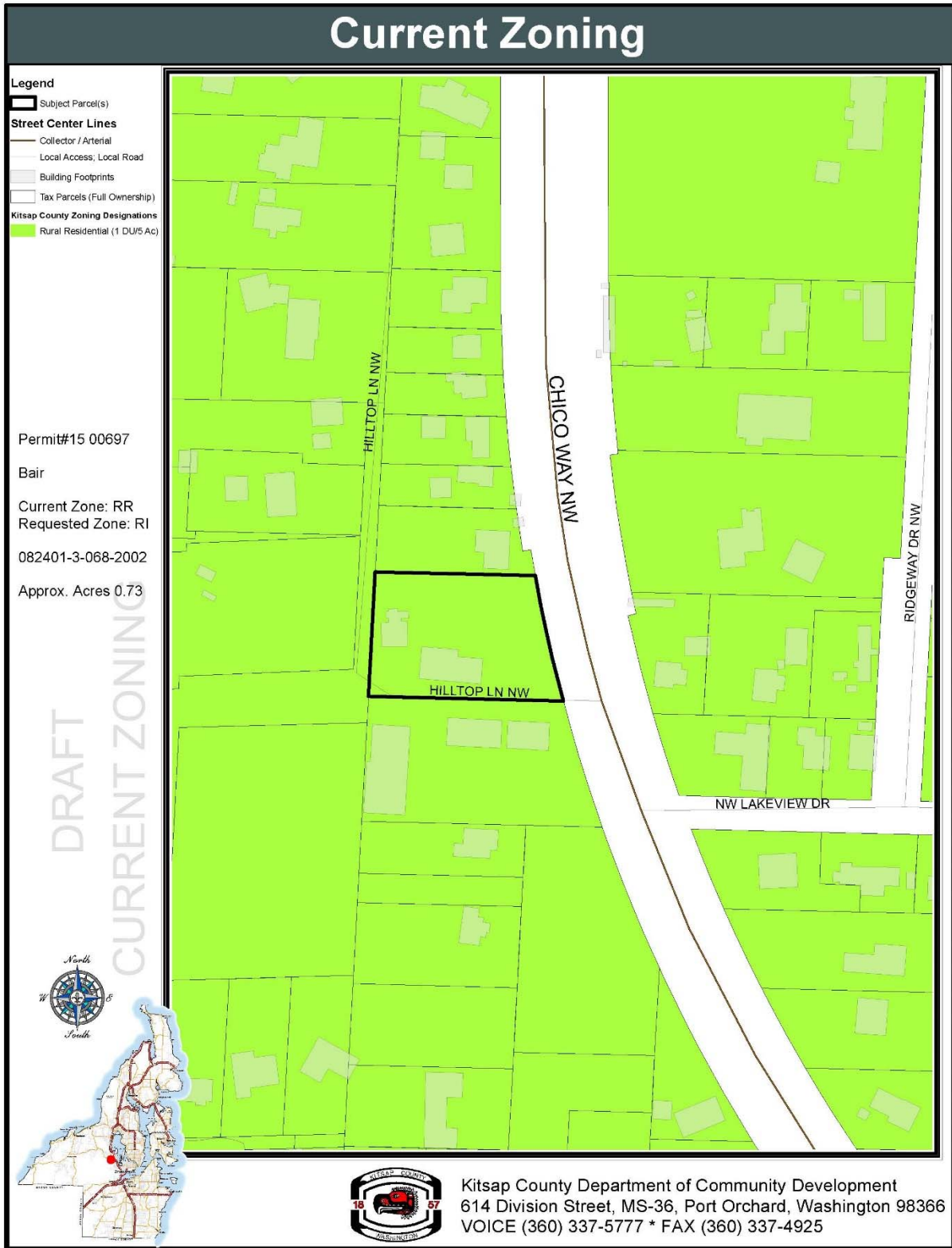
Attachment 2. Building Limitations



Attachment 3. Current Land Use



Attachment 4. Current Zoning



Attachment 5. Proposed Zoning

