



STAFF REPORT

Permit Number: 15 00641 | Curtiss Avery

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: Curtiss Avery Reclassification Request

APPLICATION INFORMATION

- 1. Applicant Name:** Jacqui Curtis, FSN, INC. & Terry and Leila Avery (Applicant and Owner); William M. Palmer (Authorized Agent)
- 2. Parcel Numbers:** 4624-003-002-0109; 4624-003-003-0009; 4624-003-004-0008; 4624-003-005-0007; 4624-003-006-0006; 4624-003-007-0005; 4624-003-008-0004; 4624-003-009-0003; 4624-003-010-0000; 4624-003-011-0009; 4624-003-012-0008; 4624-003-013-0007; 4624-003-014-0006; 4624-003-015-0005; 4624-003-016-0004; 4624-003-001-0001
- 3. Address or location information:** Kent Avenue West between Davis Street and West Harbor Drive, Bremerton, WA: South Kitsap Commissioner District;
- 4. Current Land Use:** Undeveloped land;
- 5. Current Comprehensive Plan Map Designation:** Urban Reserve (URS)
- 6. Proposed Comprehensive Plan Map Designation:** Urban Low-Density Residential (ULDR)
- 7. Current Zoning:** Urban Reserve (URS);
- 8. Proposed Zoning:** Urban Low (UL);
- 9. Lot Area / Size: Lot size:** Site involves 15 parcels. The total acreage is 1.6 acres for all 15 parcels.
- 10. Comprehensive Plan Alternatives:** Included as part of the 2016 Comprehensive Plan Update Supplemental Environmental Impact Statement (SEIS) Alternative 3.
- 11. Preferred Alternative:** Request is included in the Preferred Alternative, as of February 2016.

Submitted Application Materials

- Application
- Environmental Checklist
- Ownership Certification
- Maps

Application Request

This request seeks to rezone the subject 15 properties from its current Comprehensive Plan and zoning designation of Urban Reserve (URS) to Urban Low-Density Residential (ULDR) designation with Urban Low Residential (UL) zoning. The subject parcels are adjacent to but not within the current Bremerton Urban Growth Area (UGA) boundary.

BACKGROUND

The subject properties total 1.6 acres and are located west of Kent Avenue West between West Davis Street and West Harbor Drive, Bremerton. The 15 lots that comprise the application are adjacent to the Bremerton City limits and lie just north of the subject parcels and west of the Bremerton West UGA. The subject property is currently designated in the Comprehensive Plan and zoned URS. According to aerial imagery from 2013, the land is undeveloped vacant land. According to Kitsap County maps all of the sites are within a moderate geologically hazard area (steep slopes), and a Category II critical aquifer recharge area. The site has access to water provided by the City of Bremerton and power provided by Puget Sound Energy. The properties do not currently have sewer service, but public sewer lines lie approximately 150 feet east of the properties.

Surrounding Zoning and Land Use

Adjacent parcels to the north are within the Bremerton city limits. Adjacent parcels to the east are zoned Urban Medium Residential (UM) and lie in the Bremerton UGA (previously West Bremerton UGA). See Exhibit 1. Parcels to the south are zoned UL, and parcels to the west and southwest are zoned URS.

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">• City of Bremerton	<ul style="list-style-type: none">• Industrial Park
East	<ul style="list-style-type: none">• Urban Medium Residential (UM)	<ul style="list-style-type: none">• Residential
South	<ul style="list-style-type: none">• UL	<ul style="list-style-type: none">• Residential• Undeveloped
West	<ul style="list-style-type: none">• URS	<ul style="list-style-type: none">• Undeveloped

Current Comprehensive Plan and Zoning Designations

The current Land Use Designation and zoning for the property is URS.

- **Urban Reserve (URS) designation.** This designation indicates areas that may be suitable for inclusion in the UGA in the future. It is implemented by the URS zone.
- **Urban Reserve (URS) zoning:** The URS is a rural zoning designation. According to Chapter 17.305 Kitsap County Code (KCC), this zone is intended to “allow continued rural development while discouraging land use patterns that could foreclose options for inclusion into future UGAs and their higher densities and land use intensities. This zone may also apply to properties which are being considered for non-residential use.”

Proposed Comprehensive Plan and Zoning Designation

As described in the current Comprehensive Plan, the proposed Land Use designation is ULDR and the proposed zoning is UL.

- **Urban Low-Density Residential (ULDR):** This designation primarily focuses on single-family dwellings but also may include innovative types such as clustered housing. It also includes regulated environmentally critical areas within the UGAs and other areas identified for low-density urban development. Zones that implement the Urban Low-Density Residential designation include: Urban Restricted Residential, Illahee Greenbelt Zone, Urban Low Residential, Urban Cluster Residential and Senior Living Homestead.
- **Urban Low Residential (UL):** The proposed zone is intended to “recognize, maintain, and encourage urban low density residential areas by including a full range of urban services and facilities that are adequate at the time of development. This zone is also intended to create cost-efficient residential areas which are capable of allowing the provision of community services in a more economical manner.”

The following tables compare the existing and proposed zoning designations for selected allowed uses and development standards. See Exhibit 2 and Exhibit 3. This zone allows for mainly low density residential uses along with some commercial uses. Resource uses such as agriculture and forestry are also permitted uses in UL.

Exhibit 2. Selected Allowed Uses (KCC 17.381.040 A and E)

Selected Uses	UL (proposed zoning)	URS (current zoning)
Residential Uses		
• Single family dwelling, detached	P	P
• Multi-family dwelling	C	X
• Duplex	P	P
• Mobile home	C	P
Commercial Uses		
• Kennels	P	C
• Nursery	X	C/P
• Restaurants	X	X
Industrial Uses		
• Manufacturing (light, medium, and heavy)	X	X
• Assembly and packaging operations	X	X
Resource Land Uses		
• Agriculture 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	UL (proposed zoning)	URS (current zoning)
Minimum density (du/acre)	5	NA
Base/Maximum density (du/acre)	9	1
Minimum lot size	2,400 sf	10 acres
Lot width (feet)	40	140
Lot depth (feet)	60	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>

A letter from the City of Bremerton Department of Community Development states the City does not support the expansion of the Bremerton UGA to include the subject parcels, and includes the following statement: “This is due to the City having sufficient land capacity, within our city and our assigned UGAs, to satisfy the target populations for the next 20 years.”

The representative submitted a comment letter furthering the request and also clarified the request is for 15 lots, not 12 as analyzed in the previous staff report.

An owner of the property commented that the County unfairly included their property in with surrounding properties in Alternative 2 and 3.

Two public commenters state opposition to this request due to the increase of zoning and the lack of Bremerton support. (Note: City of Bremerton since indicated they do not object to this request due to information provided during the 30-day comment period).

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 has changed since the adoption of the Comprehensive Plan or development regulations. The County has updated its buildable lands analysis showing there is a capacity surplus in the Bremerton UGA under present designations and boundaries. See Exhibit 4.

Exhibit 4. Bremerton UGA Adjusted Population Allocations 2012-2036

Adjusted Growth Target 2012-2036	No Action Alternative Growth	Difference with Target	Alternative 2 Growth	Difference with Target	Alternative 3 Growth	Difference with Target
3,972	4,350	378	3,329	(643)	4,968	996

Source: Countywide Planning Policies for Kitsap County; US Census 2010; Kitsap County and Cities Permits; BERK

- Under the No Action Alternative, the subject properties are not included in the Bremerton UGA. There is sufficient capacity under present designations to accommodate growth.
- Under Alternative 2, the subject properties are included in the Bremerton UGA, and the overall capacity of the UGA in this alternative is less than the No Action Alternative.
- Under Alternative 3, the subject properties are included in the Bremerton UGA, and the proposed UGA would have more capacity than the No Action Alternative to meet the growth target.
- The request is included in the Preferred Alternative.

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 capacity analysis has been conducted as part of the 2016 Comprehensive Plan update, see Exhibit 4 above.

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. If the County considers appropriate locations for capacity changes in the current UGA boundaries and finds it continues to lack capacity for residential uses, other current urban sized lots abutting the UGA may be appropriate.

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 have access to water service provided by the City of Bremerton and existing power provided by Puget Sound Energy.

The subject properties currently do not have existing sewer connections, although Kitsap County sewer lines exist within 150 feet of the property. According to the County Comprehensive Plan policy LU-16, properties in the UGA will be required to have urban-level sanitary sewer service, per Policy LU-16, if the reclassification is approved to be included in the UGA with UL zoning designation.

A zoning change to UL would allow a higher residential than currently allowed in URS zoning. However, these lots were platted pre-GMA and are urban sized lots that do not meet Kitsap County's established rural character. Based on density allowances, there could be up to 16 dwelling units. This higher density could increase the demand on adopted level of service standards such as police, fire and emergency medical services. Higher density would also create more demand for transportation maintenance and services to reach necessary services in the surrounding rural and urban communities.

The site has not been specifically planned for sewer service by the County or City; sewer service was addressed broadly in 2006 in the evaluation of UGAs but specific sewer capital plans were not prepared for this site.

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 Vision Statements

Kitsap County's Comprehensive Plan includes vision statements that direct policy for rural and resource lands and general land use. See Exhibit 5.

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 for an expanded UGA would support focused development in urban areas.

Kitsap County Comprehensive Plan 2036 Goals and Policies

The following comprehensive plan goals and policies are applicable in considering the requested zoning reclassification:

2.2 Urban Growth Areas

- **Goal 5: Provide public services and capital facilities necessary to support planned urban growth at adopted levels of service for the 2025 planning horizon.**
 - **Policy LU-23 Prioritize the UGAs for Kitsap County expenditures for public services and facilities as a tool to encourage development, to make urban areas desirable places to live, and to use existing infrastructure more efficiently and cost effectively.**
 - **Policy LU-24 Prohibit extension or expansion of urban services and facilities in rural areas except in limited circumstances necessary to protect basic public health, safety, and the environment, and do not allow extensions or expansion in rural areas to create or encourage urban development outside the designated UGA.**

The subject properties currently do not have urban services and facilities for sewage, but existing sewer system lines are about 150 feet away from the subject properties. The site has not been specifically planned for sewer service by the County or City; sewer service was addressed broadly in 2006 in the evaluation of UGAs but specific sewer capital plans were not prepared for the site.

- **Goal 6: Encourage and reinforce development patterns within UGAs that are distinct from those in rural areas.**
- **Goal 11: Encourage new residential growth to locate within designated UGAs at higher densities than in rural areas.**

Under the current Comprehensive Plan, the subject properties are not included in the UGA boundary. Under the present plan and zoning, the site would remain rural and would be subject to URS density limitations. The properties’ current vacant use and largely undeveloped land is not already characterized by urban growth.

Alternatives 2 and 3 include the application in the Bremerton UGA (West), and if included future development at urban densities would encourage growth within the UGA. The proposed UL zoning requires a minimum density of 5 dwelling units per acre, a higher density than in rural areas and more similar to the platted (though undeveloped) pattern.

- **Goal 8: Facilitate and encourage incorporation or annexation with associated cities of urban areas over the 20-year planning period and ensure compatibility of development with future planned uses within the unincorporated UGA consistent with the UGAMA process called for in the CPPs.**

Cities are to be the primary providers of urban services in the future to UGAs and the intent is for areas in the UGA to annex to cities or to incorporate. Kitsap County has not planned for this site to be part of the UGA, nor assigned it to the City of Bremerton. The City of Bremerton has not planned for inclusion of this area and previously expressed that they do not support the expansion of the UGA to include these parcels. See the letter from the City in the Attachments. However, after public comments were received, staff met with City staff and it was indicated that the City supports including the subject properties into the UGA.

- 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 currently served by urban utilities. It also has some steep slopes (see Building Limitations map in Attachments). The proposed UL zoning designation would be compatible with areas to the east which are currently zoned UM and UL.

With its existing use as undeveloped land, it is more compatible with surrounding areas to the west that have rural zoning designations and not with UL designation characteristics. However, the subject properties were platted prior to GMA and meet the UL minimum lot standards in KCC 17 'Zoning'.

- 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 proposed amendment requests to be part of the Bremerton UGA. Under the County's current Comprehensive Plan (SEIS Alternative 1 No Action), this site is not included within the Bremerton UGA boundaries. It is included in the Bremerton UGA under Alternative 2 and Alternative 3. The request is included in the Preferred Alternative.

- 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 could affect the adequacy of urban facilities because it currently does not have the level of sewer services required for urban development. The County would have to extend and provide sewer services to development in this area. The site has not been specifically planned for sewer service by the County or City; sewer service was addressed broadly in 2006 in the evaluation of UGAs but specific sewer capital plans were not prepared for this site.

- 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.**

The subject property is currently undeveloped and does not have adequate public facilities or existing public sewer services. Such services would have to be extended to support development on this site. However, the site is adjacent to the UGA and there is existing sewer services nearby that potentially could be extended.

See also response to criteria d above regarding UGA capacity.

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

The subject property is currently undeveloped. Due to previously created legal non-conforming lots, the number of homes could be up to 16 despite the URS designation and zone, but the lack of sewer service would hinder development unless in the UGA. If in the UGA, the development potential with the already created small lots would be realized if sewer service is provided.

Kitsap County-wide Planning Policies

Element B. Urban Growth Areas

3. Process and criteria for establishing, expanding, and adjusting Urban Growth Areas in Kitsap County

g) Any jurisdiction seeking to expand its Urban Growth Area shall achieve densities and urban growth patterns consistent with the Growth Management Act and the City's adopted Comprehensive Plan and any inter-local agreement between the City and the County.

The City of Bremerton has indicated support for the proposal.

i) Expansion of Urban Growth Areas shall direct growth first to areas already characterized by urban growth that have adequate existing public facility and service capabilities to serve development; second to areas already characterized by urban growth that will be served adequately by a combination of both existing public facilities and services and any additional needed public facilities and services that are provided; and third to areas that are adjacent to incorporated cities or established Urban Growth Areas once the available land meeting the first or second priority has been designated. Areas which have existing public facilities or where public facilities can be reasonably extended and are not currently at urban densities should be considered first within this category.

The subject property is currently undeveloped vacant land and does not have characteristics of urban growth. However, the subject properties are platted for urban growth. County sewer lines can be reasonably extended to future development. These characteristics put the subject properties under the third category.

2. All Site-Specific Amendment Requests Regarding Parcels Located Within an Associated Urban Growth Area (Including UGA Expansions of Associated Urban Growth Areas). Each of the following requirements must be satisfied for a recommendation for approval:

a. Demonstration from the jurisdiction affiliated with the UGA that the proposal has the capability and capacity to provide urban level services to the area.

The site has not been specifically planned for sewer service by the County or City; sewer service was addressed broadly in 2006 in the evaluation of UGAs but specific sewer capital plans were not prepared for the site. The City of Bremerton supports the proposal.

b. Demonstration that the proposal is consistent with the associated urban growth area jurisdiction's Comprehensive Plan.

According to the County Buildable Lands Report (2014), the City of Bremerton has more residential capacity than its projected 2025 and 2036 population growth. The City already has sufficient capacity.

c. Demonstration that the proposal meets the affiliated jurisdiction’s transportation standards.

The site will be addressed cumulatively in Alternatives 2 and 3 in the Draft SEIS. The proposal is included in the Preferred Alternative and will be analyzed for transportation needs. Results are pending.

Findings of Fact

1. The applicant, Jacqui Curtiss, submitted the zoning amendment application to Kitsap County on February 27, 2015. The County deemed the application complete on March 5, 2015.
2. The applicant seeks a Comprehensive Plan designation reclassification to change the Comprehensive Plan Map and zoning of 16 properties from URS to UL.
3. The properties are located at Kent Avenue West between West Davis Street and West Harbor Drive.
4. The properties are currently undeveloped and vacant land.
5. Public sewer services are 150 feet from the sites. The site has not been specifically planned for sewer service by the County or City; sewer service was addressed broadly in 2006 in the evaluation of UGAs but specific sewer capital plans were not prepared for the site.
6. The subject properties are adjacent to parcels zoned Urban Medium Density Residential (UM) to the east, UL to the south, and the City of Bremerton to the north.
7. There is sufficient capacity under present designations in the County Comprehensive Plan and zoning to accommodate growth.
8. The Kitsap County Comprehensive Plan Update includes these parcels in the Bremerton UGA under Comprehensive Plan Update 2016 SEIS Alternative 2 and Alternative 3. Depending on the configuration of the Bremerton UGA boundary and land use patterns there may be insufficient (Alternative 2) capacity or more than sufficient capacity (Alternative 3) for growth. The site itself would contribute a small fraction of capacity for the UGA if included – 9-16 units. The proposal is included in the Preferred Alternative and will be evaluated within the Bremerton UGA.
9. The current zoning designation URS is not appropriate for the conditions of the property. This zone allows for “continued rural development while discouraging land use patterns that could foreclose options for inclusion into future UGAs and their higher densities and land use intensities.” The properties were platted previous to GMA and meet the minimum lot size for the UL zone.
10. The City of Bremerton supports the proposal. Cities are to be the primary providers of urban services in the future to UGAs and the intent is for areas in the UGA to annex to cities or to incorporate.

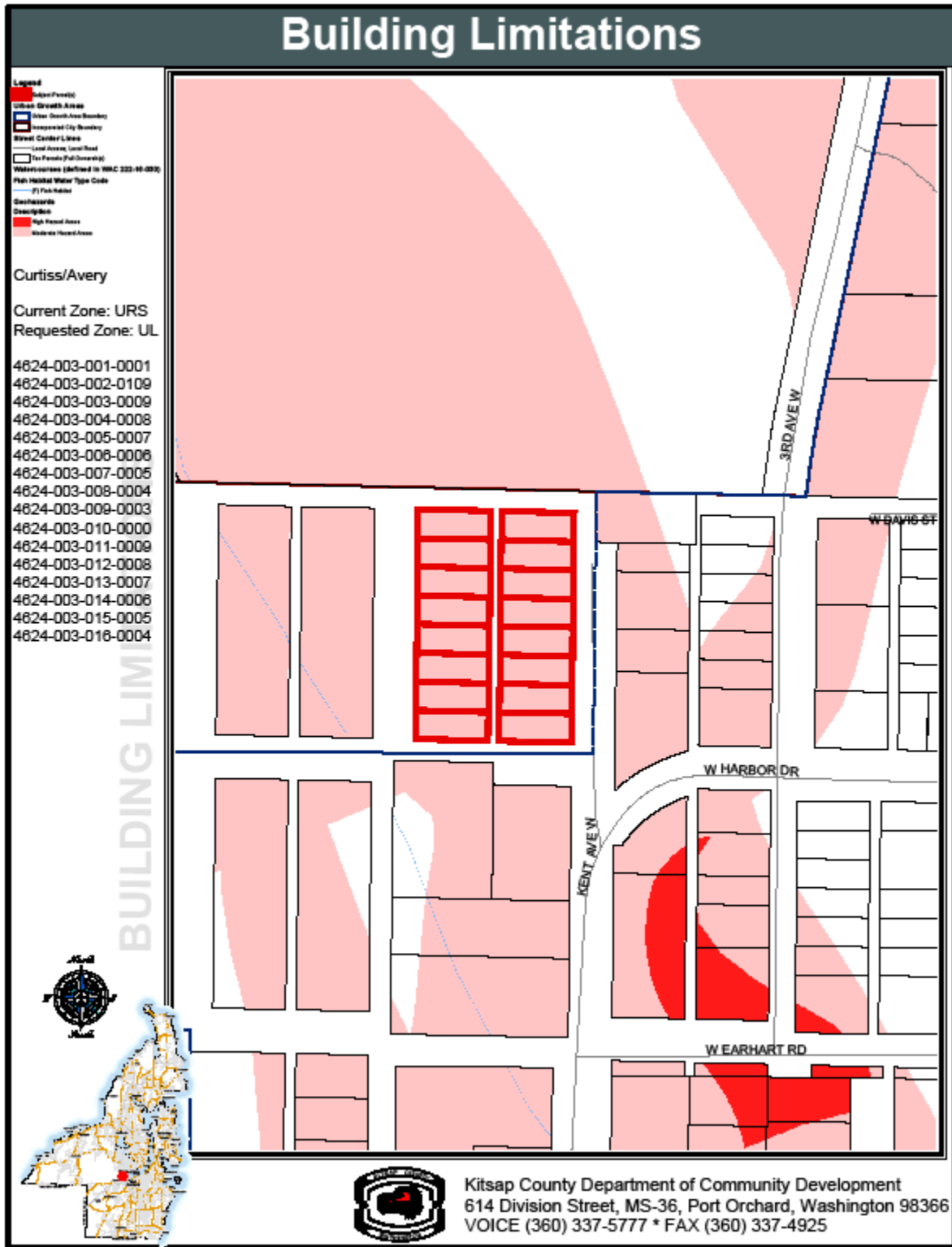
Conclusion of Law

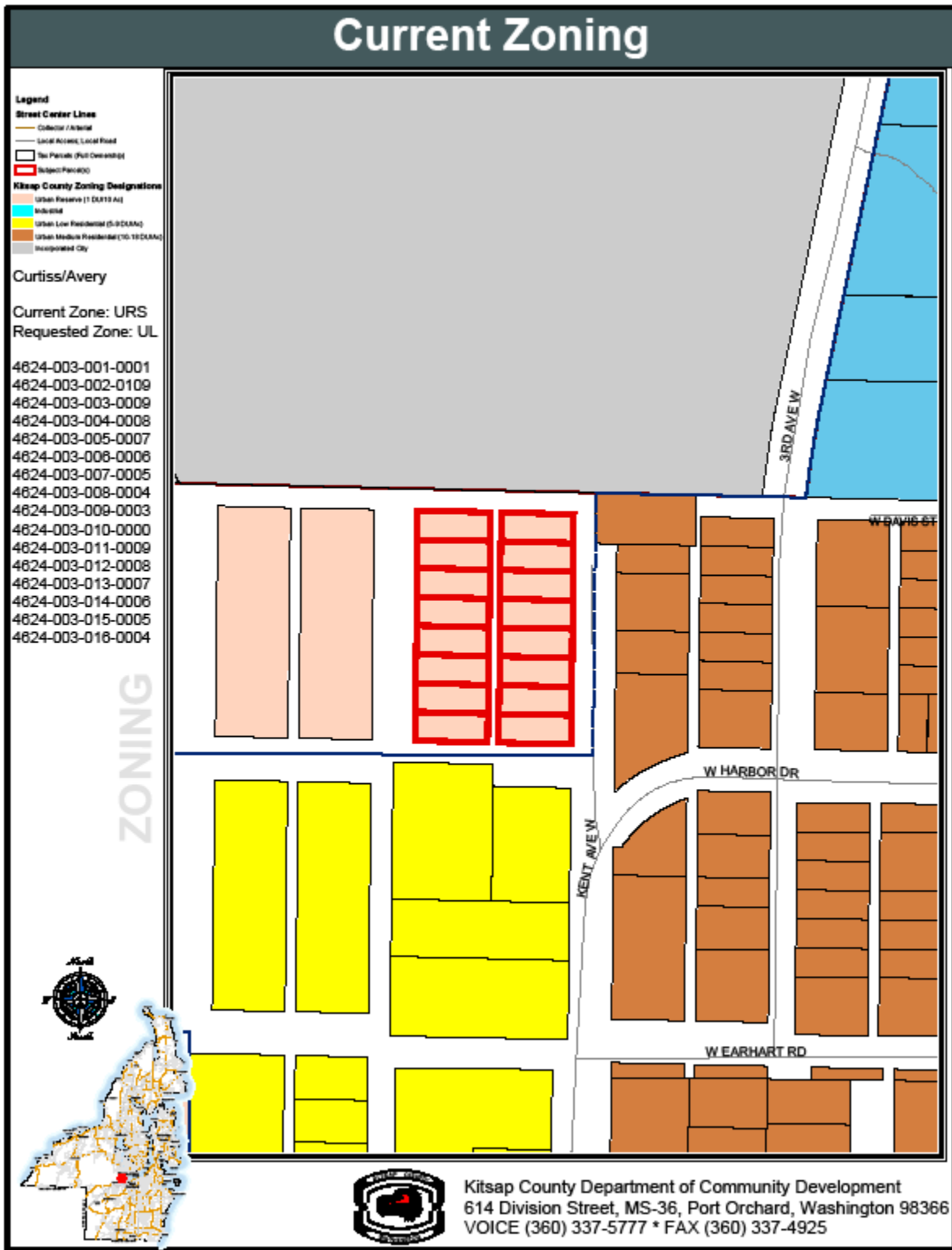
The project is consistent with the provisions of the Washington State Growth Management Act, Kitsap Countywide Planning Policies, the Kitsap County Comprehensive Plan, and the Kitsap County Code.

Recommendation

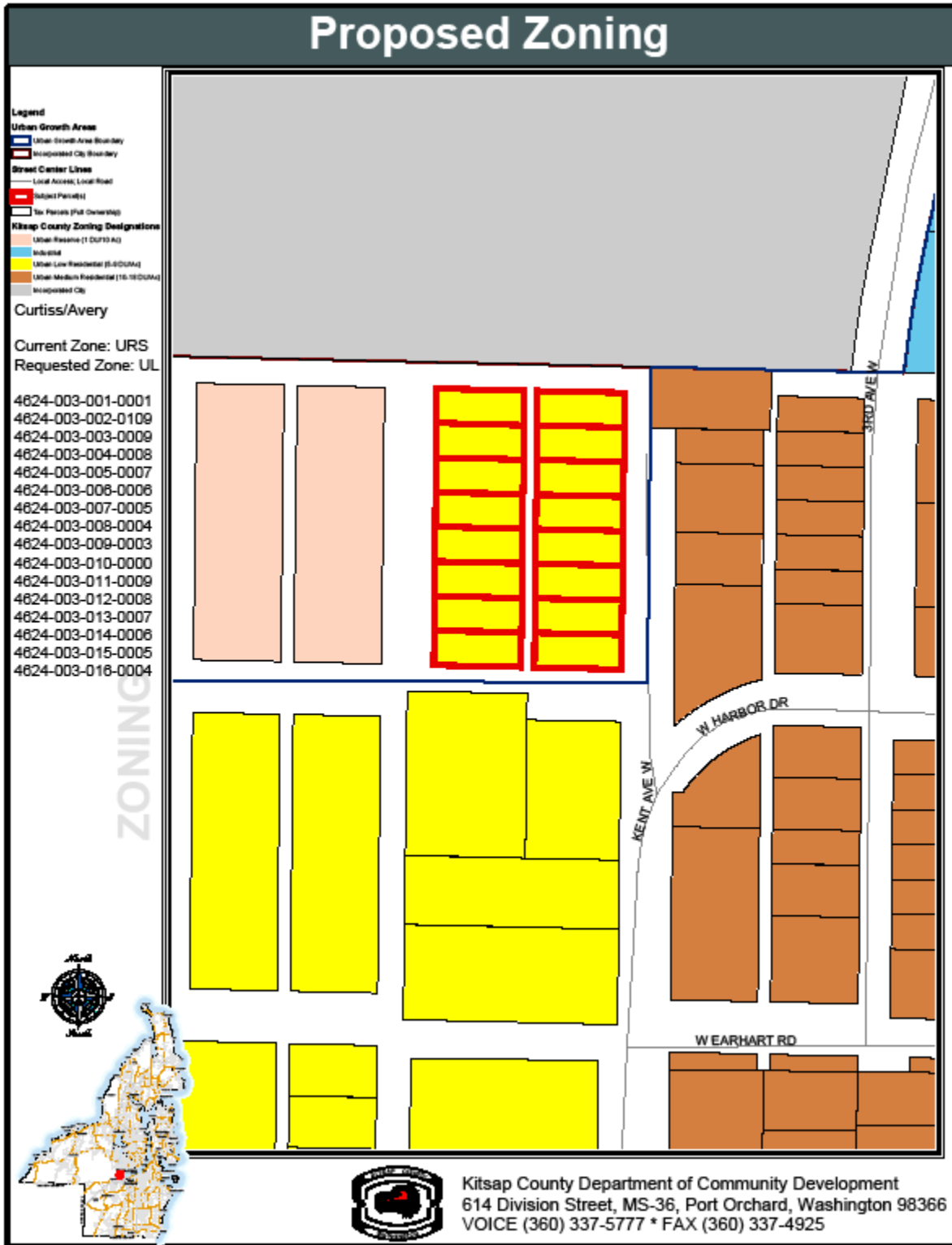
Based on the findings of fact and conclusion of law, staff recommends approval of permit # 15 00641

Attachment 2. Building Limitations





Attachment 3. Proposed Zoning



Attachment 4. Existing Public Sewer



Source: Kitsap County Assessor Parcel Search (<https://psearch.kitsapgov.com/webappa/>). Accessed September 2015.