



## STAFF REPORT

**Permit Number: 15 00689 | Lee**

**DATE:** March 2, 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:** Lee Reclassification Request

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### APPLICATION INFORMATION

1. **Applicant Name:** Kathleen Lee (owner and applicant) and Lisa Ledbetter (applicant)
2. **Parcel Number:** 122601-1-027-2008
3. **Address or location information:** 22212 Bond Road, Poulsbo; see Attachment 1
4. **Current Land Use:** Residential; see Attachment 3.
5. **Current Comprehensive Plan Map Designation:** Rural Protection
6. **Proposed Comprehensive Plan Map Designation:** Rural Commercial
7. **Current Zoning:** Rural Protection (RP); see Attachment 4.
8. **Proposed Zoning:** Rural Commercial (RCO); see Attachment 5.
9. **Lot Area / Size:** 17.84 acres (Project site 0.25 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 Amendment Criteria
- Environmental Checklist
- Ownership Certification

- Vicinity and Parcel Maps

## Application Request

The applicant is requesting a change in the Comprehensive Plan and Zoning Maps from Rural Protection (RP) to Rural Commercial (RC). Comprehensive Plan and Zoning Map designations are the same for the subject property. The applicant is seeking the amendment to construct a 160 sq. foot building to be used as a drive-thru espresso stand. The proposed project would develop 0.25 acres of the subject property. However, if approved the applicant would be able to develop the 17.84-acre property consistent with the allowed uses and development standards in the RCO District.

## BACKGROUND

Kitsap County maps show several areas of potential wetlands on the property with a significant wetland area surveyed on the adjacent properties to the northeast. There is also a stream present, moderate geological hazard areas, and the property occurs within a Category I critical Aquifer recharge area. SR304/Bond Road NE divides zones of largely RR in the northwest and RP in the southeast and provides access to the site. No commercially zoned parcels are in proximity.

## Surrounding Zoning and Land Use

Surrounding land uses are a mix of undeveloped land/water, residential, agricultural, and government and services. See Exhibit 1.

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

| Surrounding Areas | Current Zoning           | Current Land Use                                  |
|-------------------|--------------------------|---|
| <b>North</b>      | • Rural Residential (RR) | • Government and Services; Undeveloped Land/Water |
| <b>East</b>       | • RP                     | • Residential; Undeveloped Land/Water             |
| <b>South</b>      | • RP                     | • Agricultural                                    |
| <b>West</b>       | • Rural Residential (RR) | • Government and Services                         |

Source: Kitsap County GIS; BERK Consulting 2015

## Current Future Comprehensive Plan and Zoning Designations

The present land use designation and zoning applied to the subject property is RP. The Comprehensive Plan describes RP as:

- **Rural Protection (RP):** 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 Rural Protection zone.

According to the Kitsap County Code (Chapter 17.305 Kitsap County Code [KCC]), the RP 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.

## Proposed Future Comprehensive Plan and Zoning Designations

The proposed Comprehensive Plan and Zoning Map designation is RCO. The current Comprehensive Plan describes RCO as:

- **Rural Commercial:** The intent and function of the Rural Commercial Zone is to permit the location of small-scale commercial retail businesses and personal services which serve a limited service area and rural population outside established UGAs. The RCO zone permits small-scale retail; sales and services located along county roads on small parcels that serve the immediate rural residential population. Rural businesses, which serve the immediate rural population, may be located at crossroads of county roads, state routes, and major arterials.

The RCO zone intent is very similar to the plan designation.

Exhibit 2 provides a comparison of allowed land uses between the RCO and RP zones. The RCO zone allows a wide range of commercial uses that are not permitted in the RP Zone.

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

| Selected Uses   | RCO<br>(proposed<br>zoning) | RP (current<br>zoning) |
|---|-----------------------------|------------------------|
| <b>Residential Uses</b>   |                             |                        |
| • Single family dwelling, detached                              | X                           | P                      |
| • Mixed use development   | X                           | X                      |
| • Hotel/motel   | X                           | X                      |
| <b>Commercial/Business Uses</b>                                 |                             |                        |
| • Espresso stands   | ACUP                        | X                      |
| • General office and management services – less than 4,000 s.f. | ACUP                        | X                      |
| • General office and management services – 4,000 to 9,999 s.f.  | C                           | X                      |
| • General retail merchandise stores – less than 4,000 s.f.      | ACUP                        | X                      |
| • General retail merchandise stores – 4,000 to 9,999 s.f.       | C                           | X                      |
| • General retail merchandise stores – 10,000 to 24,999 s.f.     | X                           | X                      |
| • Laundromats and laundry services                              | X                           | X                      |
| • Restaurants   | C                           | X                      |
| • Tourism facilities, including outfitter and guide facilities  | ACUP                        | X                      |
| <b>Industrial Uses</b>  |                             |                        |
| • Manufacturing and fabrication, medium                         | X                           | X                      |
| • Storage, indoor   | C                           | X                      |
| • Warehousing and distribution                                  | X                           | X                      |
| • Wrecking yards and junk yards                                 | X                           | X                      |

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

The development standards for RCO and RP are shown below and allow for similar height, and no density or lot size standards.

**Exhibit 3. Selected Development Standards Comparison (KCC 17.382.100)**

| Density and Dimensions              | RCO (proposed zoning) | RP (current zoning) |
|-------------------------------------|-----------------------|---------------------|
| Base/Maximum density (du/acre)      | NA                    | NA                  |
| Minimum lot size (acre)             | NA                    | 10                  |
| 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 Washington State Department of Fish and Wildlife notes concerns regarding the redesignation due to the presence of Dogfish Creek located on the Southeast portion of the property.

Two public commenters have concerns over access and traffic safety if the proposal were approved.

**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 commercial development intensity and capacity in the rural area and alter the existing and logical boundary of the existing RP Zone in the area.

**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 proposed amendment is in the rural area and will not be served by urban services at this time. The proposed amendment involves a relatively small land area and is not likely to impact levels of service for public facilities and services. However, the amendment would add a new commercially zoned area that may increase service needs, such as police, fire, and emergency medical services.

**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**

| <b>Vision</b>  | <b>Rural Chapter Relationship to Vision</b>  |
|--|--|
| <p><b>Rural Areas.</b> 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"> <li>• 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.</li> </ul> |
| <p><b>Urban Areas.</b> 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"> <li>• 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.)</li> </ul>   |
| <p><b>Economic Development.</b> A stable, prosperous and diversified economy that provides living wage jobs for residents, supported by adequate land for a range of</p>   | <ul style="list-style-type: none"> <li>• Preserve opportunities for resource-based economic activities within the County.</li> </ul>   |

employment uses and that encourages accomplishment of local economic development goals.

- Allow for limited commercial and industrial uses in rural areas, while preserving rural character.

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Source: Kitsap County Comprehensive Plan (December 2012).

The proposed amendment is not supported by the above vision statements as the amendment would expand commercial development in an area that is designated for rural residential development with larger lot sizes designed to protect significant environmental features.

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

No commercial zoning is contiguous to the property. The County's vision is focused on recognizing and maintaining existing rural commercial and industrial areas and not on establishing new disconnected commercial areas. Therefore, the proposed amendment is not supported by the above economic development vision statement.

### **Kitsap County Comprehensive Plan 2036 Goals and Policies: Chapters 2 and 3**

The proposed zoning amendment does not support the following current Comprehensive Plan Goals:

#### **2.2.7 Urban Commercial Lands**

- **Goal 15: Focus most commercial growth within the UGAs where most of the County's future population growth will be guided and where urban public services and facilities will be provided.**

The amendment would allow for additional commercial growth in the rural area and is inconsistent with the above goal.

#### **3A.2.1 Rural and Resource Lands Goals and Policies**

**Rural Commercial.** Lands contained within this designation are often found at crossroads, where historical development has allowed for smaller lot sizes. These areas also serve neighboring residences, with quick shopping that is compatible with neighboring uses. Land uses include businesses that provide a service to rural residents. Rural Commercial is implemented by the RCO zone. Rural lands goals and policies regarding commercial uses refer to these uses outside of UGAs.

- **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 amendment would expand rural commercial zoning along a highly traveled state highway. The applicant's intended use of the property is a drive through coffee stand that would serve the traveling public as well as local population. The subject property is not located in proximity to historical rural commercial development.

- **Goal 5. Encourage and foster rural businesses and business opportunities on currently designated commercial and industrial lands in the rural area, and continue to monitor the rural need for new commercial and industrial allocations to be consistent with the GMA requirement to foster rural economies.**

No additional need for commercially zoned property has been identified and the property is not designated for commercial or industrial use. It has been an unpermitted use as a coffee stand.

- 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 along a heavily traveled state highway with high vehicle speeds. Access to the property is currently limited with a narrow residential gravel driveway. Increased vehicle traffic from commercial development that may ultimately be allowed on the full property could require road or access improvements in an otherwise rural residential area. Commercial uses would be inconsistent with existing and planned uses for the area and may impact environmental constrained areas identified on County maps including adjacent wetlands and areas of potential wetlands, which support the current RP Designation. The proposed amendment is not compatible with the existing neighborhood.

- 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 amendment would not materially affect the land use and growth projections, but would expand employment capacity in the rural area, which is contrary to the County's planning goals to focus commercial growth within UGA's and existing rural commercial and industrial 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 is in the rural area and would 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.

- 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 inconsistent with the above GMA goal to reduce sprawl because it would introduce rural commercial development into a RP area that is isolated from existing commercially developed areas.

**(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 commercial growth in UGA's and existing rural commercial and industrial areas.

## 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 amendment would increase vehicle trips depending on the intensity of the commercial use as well as divert current trips, rather than reduce trips per the criteria; this would occur by creating an isolated commercial area in a rural residential neighborhood that is disconnected from existing rural commercial areas and the UGA. The subject rural neighborhood is already served by commercial areas in the City of Poulsbo to the south and LAMIRDS and Kingston to the northeast.

### **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.**

No unmet need has been identified. The subject property and surrounding rural neighborhoods are already served by the City of Poulsbo to the South and a Type III LAMIRD (Bond & Gunderson Road) and the Kingston UGA to the Northeast. The unpermitted coffee stand was serving the traveling public to some degree.

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

The rural character surrounding the subject property is residential and wooded in nature and would be adversely affected by the introduction of commercial uses. The area is heavily wooded with limited access for residential properties.

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

The subject property is located along a heavily traveled state highway and it is likely that the proposed designation will not principally serve the residential area. Residents of the surrounding neighborhood must travel to the nearby cities and urban areas for basic services and that would not change with the proposed zoning amendment.

#### **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 property is served by an on-site well and appropriate rural services are available. Urban services are not required for a rural commercial 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 property is not contiguous to existing industrial or commercial zoning and no unique or exceptional need has been identified by the applicant.

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

The property is approximately 17 acres and is appropriately sized for the proposed designation although there are potential wetlands identified on County maps that may further limit development potential.



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

No commercially zoned property is adjacent the subject property because it is primarily a rural residential neighborhood. A Type III LAMIRD (Bond & Gunderson Road) exists just north of the subject property and appears to have sufficient available land to support additional commercial development.

## Findings of Fact

1. The applicants, Kathleen Lee and Lisa Ledbetter, submitted the application to Kitsap County on February 25, 2015.
2. The applicant seeks a Comprehensive Plan Land Use and Zoning Map amendment to change the current designation and zoning of from RP to RCO.
3. The property is approximately 17.82 acres and located along SR304/Bond Rd NE.
4. The subject property contains an existing single-family dwelling.
5. The subject property includes potential wetlands as identified on Kitsap County Critical Area Maps. Identified wetlands are shown on adjacent properties to the northeast.
6. The surrounding neighborhood consists of low-density rural residential development. The zoning is a mix of RR west of SR304/Bond Road NE and RP on the east side.
7. No commercial or industrial zoning exists adjacent to the subject property.
8. A Type III LAMIRD (Bond & Gunderson Road) is located north of the subject property and in close proximity. The LAMIRD appears to have further development potential.
9. The subject property and surrounding neighborhood is served with goods and services by the nearby Type III LAMIRD, the City of Poulsbo to the south, and the Kingston UGA to the north.
10. No unmet need has been identified by the applicant to support the amendment request that cannot be met in already existing commercially zoned areas.
11. The request is not included in the Preferred Alternative.

## Conclusion of Law

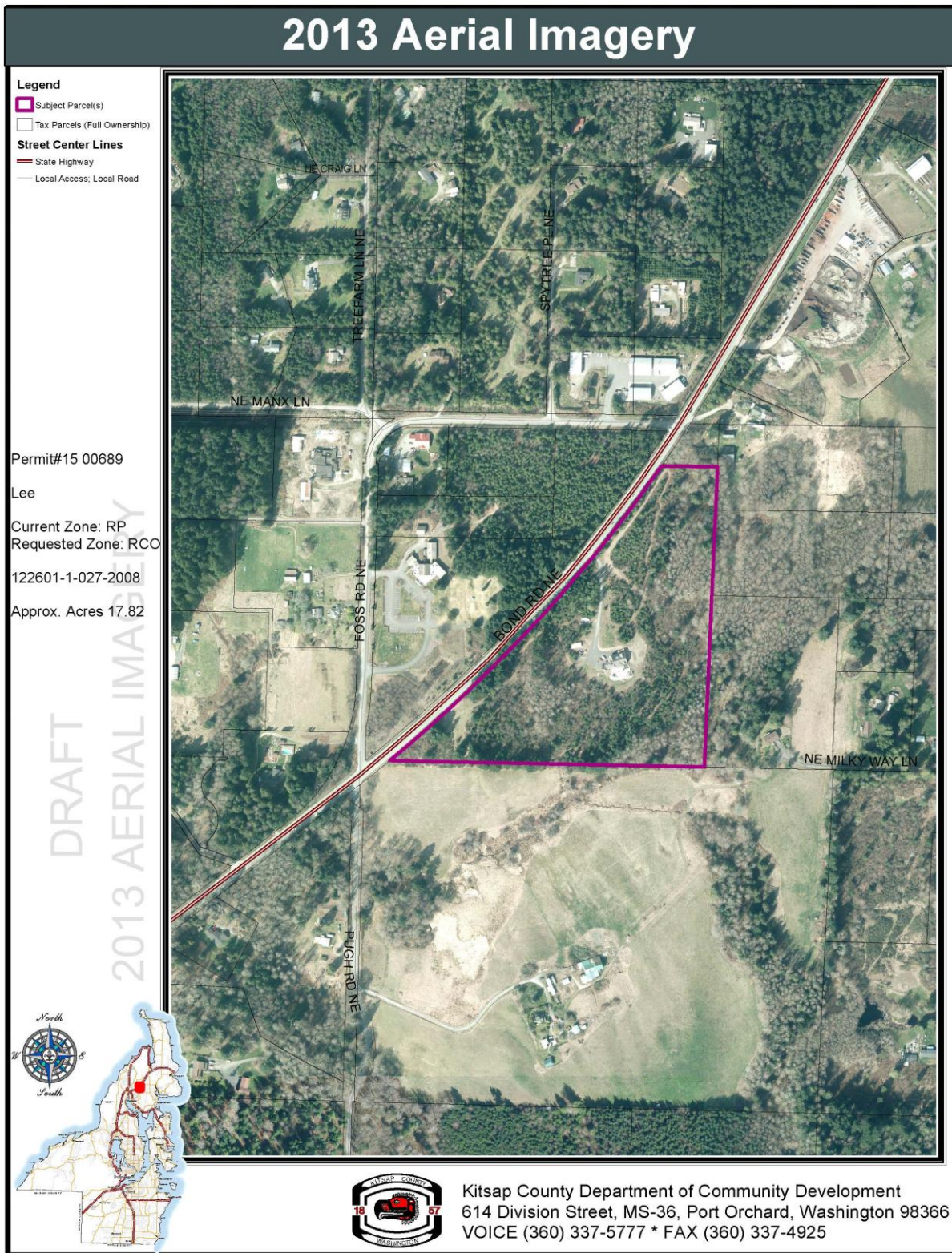
The project does not comply with all the provisions of the WA State, Growth Management Act, Kitsap Countywide Planning Policies, and Kitsap County Comprehensive Plan. The proposal would designate an isolated single-family residential property designated as RP for future commercial use when no unmet need has been established.

## Recommendation

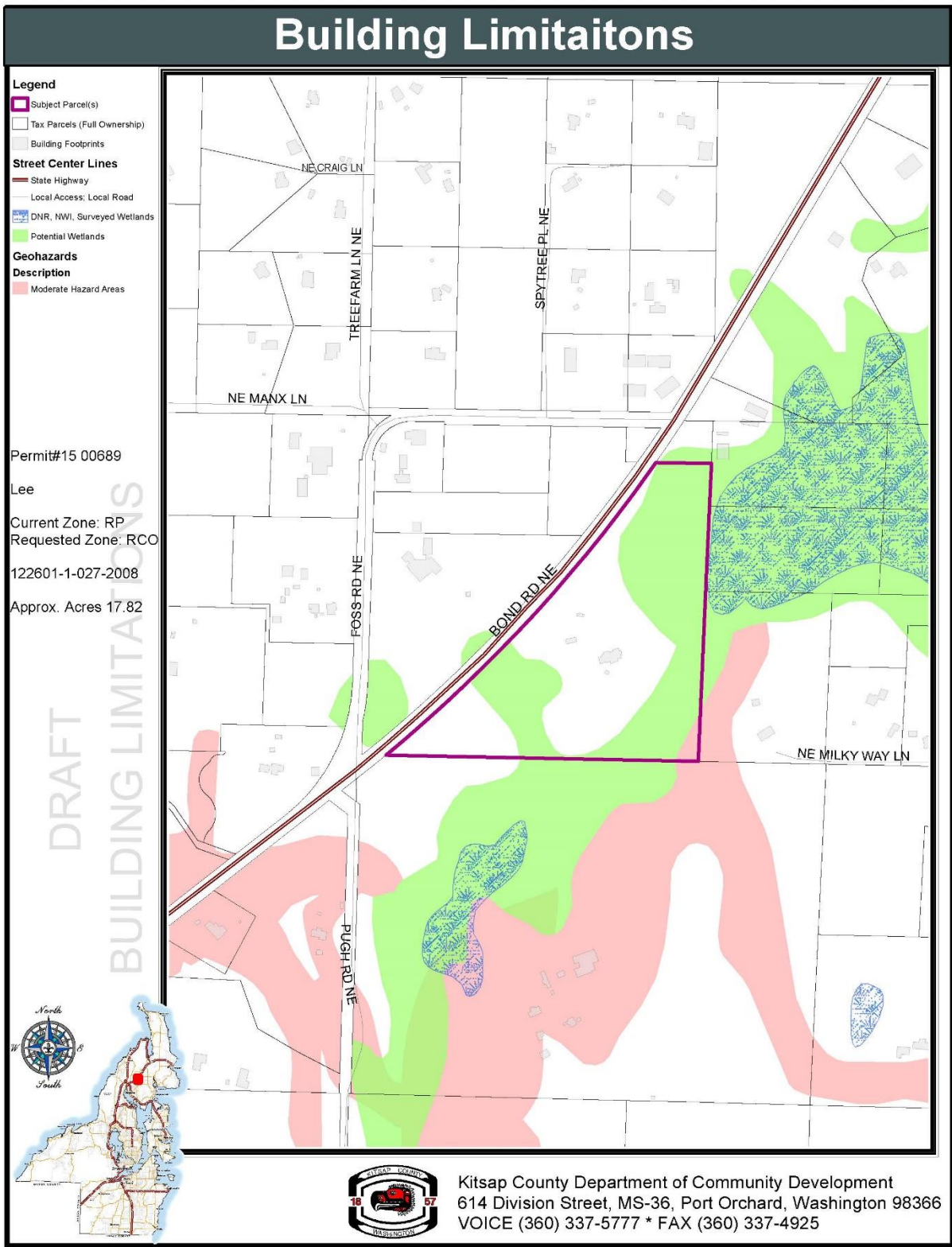
Based on the findings of fact and conclusion of law staff recommends denial of application # 15 00689.

# ATTACHMENTS

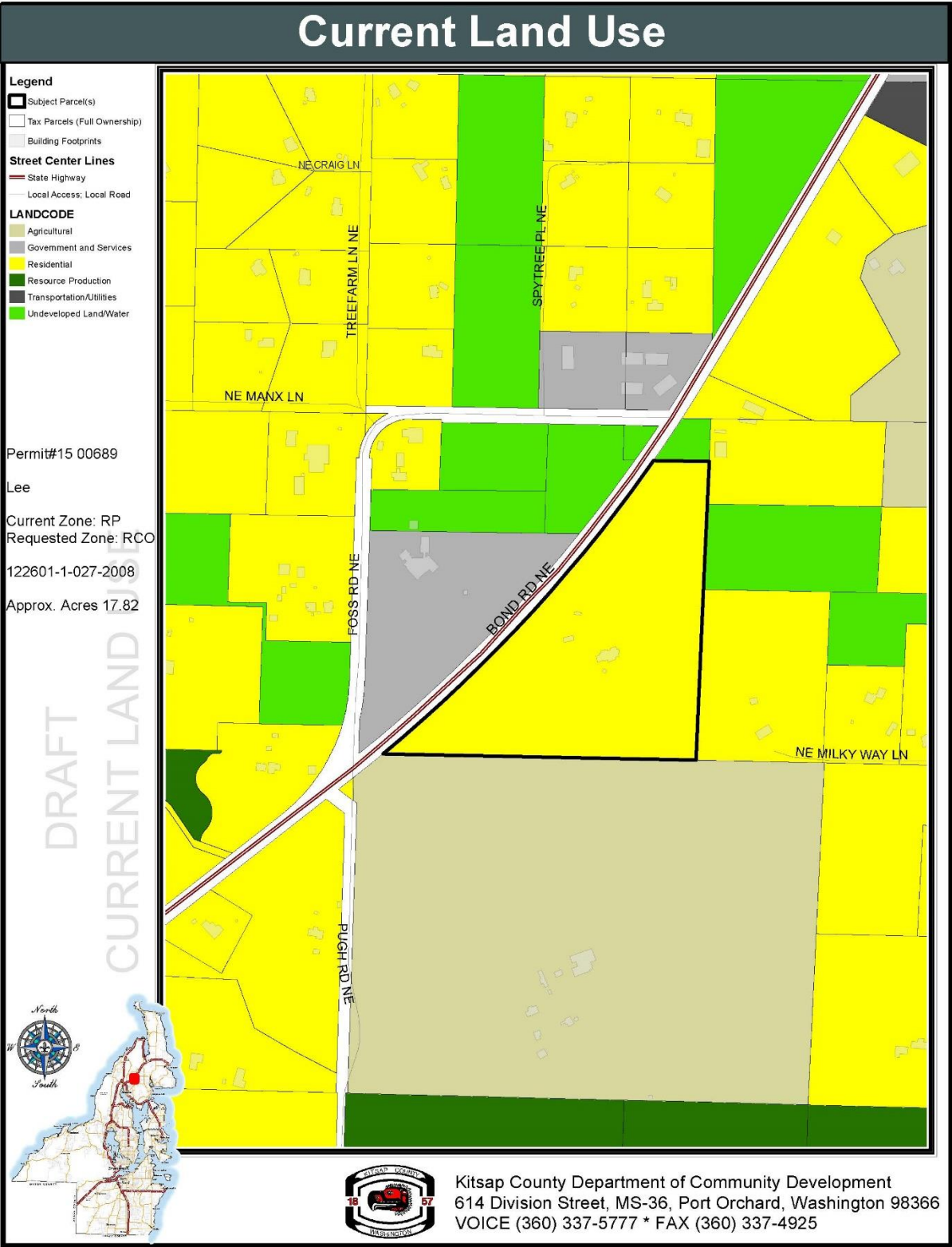
## Attachment 1. Aerial Imagery



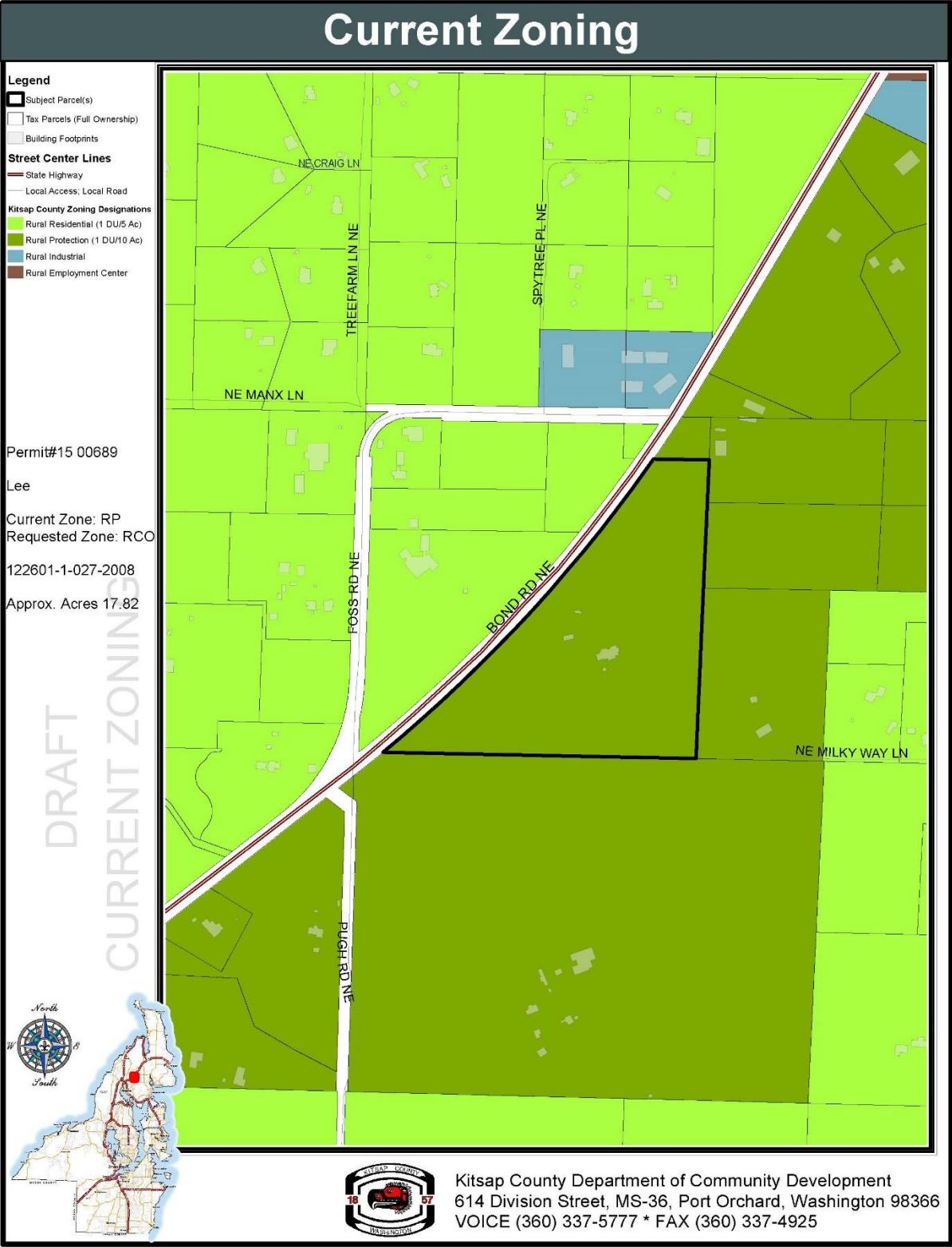
Attachment 2. Building Limitations



Attachment 3. Current Land Use



Attachment 4. Current Zoning



### Attachment 5. Proposed Zoning

