



STAFF REPORT

Permit Number: 15 00714 | McCormick Land Company

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: McCormick Land Company Reclassification Request

APPLICATION INFORMATION

1. **Applicant Name:** McCormick Land Company (Applicant and Owner)
2. **Parcel Numbers:** 132301-4-006-1001, 132301-4-1008, 132301-4-010-1005, 182301-3-027-2001
3. **Address or location information:** Sunnyslope Road; see Attachment 1.
4. **Current Land Use:** Undeveloped forest land; see Attachment 3 and Attachment 4.
5. **Current Comprehensive Plan Map Designation:** Rural Wooded (RW); see Attachment 5.
6. **Proposed Comprehensive Plan Map Designation:** Rural Residential (RR)
7. **Current Zoning:** Rural Wooded (RW)
8. **Proposed Zoning:** Rural Residential (RR); see Attachment 6.
9. **Lot Area / Size:** 80.48 acres
10. **Comprehensive Plan Alternative:** Included as part of the 2016 Comprehensive Plan Update Supplemental Environmental Impact Statement (SEIS) Alternative 3.
11. **Preferred Alternative:** The request is evaluated in the Preferred Alternative.

Submitted Application Materials

- Project application
- Zoning Map
- Environmental Checklist
- Ownership Certification

Application Request

The applicant seeks a reclassification request Comprehensive Plan Zoning Amendment to redesignate and rezone four subject properties from Rural Wooded (RW) to Rural Residential (RR).

BACKGROUND

The subject properties are currently undeveloped, and according to the Kitsap County Assessor, they are coded as 880-Forest Land. This classification is defined in RCW 84.33 as land use that “provides property tax relief for properties of land of twenty or more contiguous acres primarily devoted to and used for growing and harvesting forest products.”

The subject property includes a stream, hydric soils, and occurs within a Category I critical aquifer recharge area. The subject properties do not have existing water or sewer systems but have existing electricity, telephone and refuse service available. Septic and well water utilities are proposed.

Surrounding Zoning and Land Use

The subject properties are isolated from other RW properties, and are adjacent to parcels zoned RW, RR, Parks (PF) and Industrial (within the City of Bremerton). See Exhibit 1. Surrounding properties are developed as forest land, single family residential, parks, or undeveloped. Properties to the north are zoned RR. While many of the properties range in size from less than 1 acre to 5 acres, County Assessor data shows that these residential developments were built mainly in the mid-1990s. A rural cluster development to the east contains small parcels of approximately .4-acres and was developed in the 1980s.

In a larger context, the subject property is situated in a rural area near Sunnyslope, a designated Rural Community, between the City of Bremerton and City of Port Orchard. According to the 1998 Kitsap County Comprehensive Plan, Rural Communities were defined as “large scale, predominately residential areas with some commercial and community services.” In 2010 they were additionally defined as “dense residential developments in the rural area that were created prior to the GMA. These developments are therefore at much higher densities than are currently permitted.”

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 • RR 	<ul style="list-style-type: none"> • Forest land • Single family residential (built in the mid-1990s) • Clustered residential development (9 lots less than 1 acre each with single family residence and common area) built in the late-1990s to mid-2000s
East	<ul style="list-style-type: none"> • Parks (PF) 	<ul style="list-style-type: none"> • Owned by Kitsap County Public Works and are part of Coulter Creek Heritage Park, currently undeveloped
South	<ul style="list-style-type: none"> • Parks (PF) 	<ul style="list-style-type: none"> • Owned by Kitsap County Public Works and are part of Coulter Creek Heritage Park, currently undeveloped
West	<ul style="list-style-type: none"> • City of Bremerton - Industrial 	<ul style="list-style-type: none"> • Part of Bremerton International Airport

Source: Kitsap County, 2015; BERK, 2015

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 Rural Wooded 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 Rural Wooded designation is implemented by the Rural Wooded zone.
- **Rural Wooded (RW) zoning:** 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.

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

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

Proposed Comprehensive Plan and Zoning Designations

As described in the current Comprehensive Plan, the proposed land use and zoning designation is Rural Residential (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.

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>

The applicant provided a comment letter further specifying the request.

Two public commenters recommend denial of this request because it would create new rural lots.

EVALUATION

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

General Criteria (KCC 21.08.070.A)

A. General. For each proposed amendment to the Comprehensive Plan the review authority, the planning commission in reaching its recommendation, and the board of commissioners in making its decision, shall develop findings and conclusions, which demonstrate:

1. How circumstances related to the proposed amendment and/or the area in which the property affected by the proposed amendment is located have substantially changed since the adoption of the Comprehensive Plan or applicable development regulations;

Changes surrounding the area include the forming of the adjacent Coulter Creek Heritage Park, adoption of the McCormick Urban Village Plan and annexation of SKIA by the City of Bremerton.

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. However, as noted in A1 above, there have been changes in the surrounding area which could make the redesignation in the public interest.

Reclassification Request Criteria Evaluation (KCC 21.08.070.D)

D. Site-Specific Amendments. In addition to the findings and conclusions in subsection (A) of this section, a proposed site-specific map amendment may be recommended for approval by the planning commission and may be approved by the board of commissioners if the following findings are made:

1. All Site-Specific Amendment Requests. Each of the following requirements must be satisfied for a recommendation for approval.

a. The proposed amendment meets concurrency requirements for transportation, sewer and water, and will not result in significant adverse impacts on adopted level of service standards for other public facilities and services, such as police, fire and emergency medical services, park services, and general government services;

The site is currently undeveloped land and does not have water or sewer services. The applicant proposes to build septic systems and well water facilities. 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. The number of potential lots under the proposed RR zoning on the site is 16. Under the current RW zoning, the number of potential lots is 4.

However, an increase in residential development on the applicant properties would create a minor increase in demand for transportation maintenance and services within this rural area to reach necessary services in the surrounding rural and urban communities. Because of its close proximity to the urban areas and city boundaries of Bremerton and Port Orchard, development in this area may encourage rural growth.

- 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 but it would be a pattern similar those of abutting lands. Additionally, it would not support focusing development in urban areas.

Kitsap County Comprehensive Plan 2036 Goals and Policies: Chapter 3

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

3A.2.1 Rural Lands

- **Goal 1: Retain the rural character of the County outside of designated urban areas, as described in this chapter.**
- **Policy RL-1 Limit the designated rural area to low residential densities that can be sustained by minimal infrastructure improvements, cause minimal environmental degradation, and that will not cumulatively create the future necessity or expectation of urban levels of service.**
- **Policy RL-2 Provide a variety of densities in the rural areas to make more efficient use of land, maximize the return on public infrastructure investment, and provide for affordable housing opportunities.**

- **Policy RL-3 Permit residential uses in rural areas consistent with the existing and planned rural character of the surrounding area.**
- **Goal 4: Preserve existing open space in rural areas and promote opportunities for provision of new open space in rural areas.**
- **Policy RL-17 Encourage the continuation of forests through tax policy, conservation easements, purchase of development rights, Transfer of Development Rights (TDR), and clustering incentives**

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 when the County is looking to increase the percentage of growth that occurs in the urban areas. However, it would create a rural density that is similar to abutting properties to the north; future development would likely result in the removal of forest cover to a greater degree at 5-acre lots than at 20-acre lots; low impact development techniques may help reduce impacts.

- **Goal 19: Develop a long term strategy for addressing the future use of properties historically used for timber production, but currently designated as rural.**

The amendment request, if approved, would not encourage the continuation of forest lands as it would increase the likelihood that the properties are developed for residential use.

- c. The subject parcel(s) is suitable for the requested land use designation based upon, but not limited to, access, provision of utilities, consistency with existing and planned uses, environmental constraints and compatibility with the neighborhood;**

The subject sites are currently undeveloped land and currently lack provision of water and sewer facilities. Although the proposed RR zoning is compatible with current land use, as forest resource is an allowed use, it would encourage a higher density residential use than is currently allowed for RW zoning. More intense residential development may hinder the maintenance of resource land uses such as agriculture and forestry uses.

The proposed zoning change to RR would be compatible to some land use and zoning to the north of the site, and they also abut the City of Bremerton.

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

The requested zoning amendment does not affect current growth projections. RR zoning would create a minor change in density should the land be used for residential purposes in the future, but is still consistent with rural development and does not affect the sizing of UGAs.

- e. The proposed amendment does not materially affect the adequacy or availability of urban facilities and services to the immediate area or the overall area of the urban growth area;**

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

- f. The proposed amendment is consistent with the GMA, Kitsap County-wide Planning Policy, state and local laws and other applicable inter-jurisdictional policies or agreements.**

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

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

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

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

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

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

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

The subject property is currently undeveloped forest land. If RR zoning is allowed, it would allow low-density residential use in undeveloped resource land in rural areas. Permitting the requested zoning amendment to RR zoning could potentially set a precedent for other RW undeveloped properties.

The subject sites are also adjacent to the City of Bremerton. Allowing RR zoning lot sizes, with a minimum of 5-acre lot sizes, along UGA boundaries may make the expansion of public facilities, annexation, and future re-subdivision at desired urban densities difficult, potentially hindering the logical expansion of urban growth areas in the future.

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 is consistent with rural character and rural development densities and level of service because it allows for low-density, rural residential development and uses consistent with the County’s goals and definition of rural communities and character. This is also a small area of RW zoning that is not contiguous to other parcels zoned RW.

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. See also the discussion under D-1 regarding density and forest use; resource uses may be more likely to be retained with larger lot sizes.

There are minimal critical areas mapped on the site (see Attachment 2). There could be a reduction in forest cover under present or proposed designations; however, the use of low impact development techniques could allow added residences while retaining natural soils and storm water and minimizing the reduction in forest cover.

Low-density residential development, at 1 dwelling unit per 5 acres, can be sustained by rural service levels.

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

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

The proposed amendment does not substantially affect the rural/urban population balance. However, it encourages new residential development in undeveloped rural wooded areas and would set a precedence for other land zoned RW to potentially change to RR.

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

- i. A substantial change in circumstances pertaining to the Comprehensive Plan or public policy;**
ii. A substantial change in circumstances beyond the control of the landowner pertaining to the subject property;
iii. An error in initial designation; and/or
iv. New information on natural resource land or critical area status

According to the County Assessor website, all applicant properties are currently taxed as designated forest land recognizing the present use rather than the standard assessed value. According to the applicant, due to poor soils the property is not designated forest land of long-term commercial significance. Per the County Comprehensive Plan the RW designation is not identified as having long-term commercial significance for forestry.

Findings of Fact

1. The applicant, Doug Skrobut, President of McCormick Land Company and owner of the subject properties, submitted the application to Kitsap County on February 26, 2015.
2. The applicant seeks a Comprehensive Plan Amendment to change the current zoning of four parcels from RW to RR.
3. The parcels are located along Sunnyslope Road to the east of the City of Bremerton city limits near the airport and employment zoning.
4. The subject property is an isolated area of RW zoning and is not contiguous to other property zoned RW.
5. Adjacent properties are zoned RR, Parks (PF) and Industrial (within the City of Bremerton). They are currently developed as low-density single family residential, undeveloped forest land, parks and airport use.
6. The property is surrounded by properties zoned RR.

7. The properties are in use for forestry purposes, but are not currently designated as resource lands of long term commercial significance.
8. The proposed zone and use would be consistent with rural levels of service.
9. The proposal is included in the Preferred Alternative.

Conclusion of Law

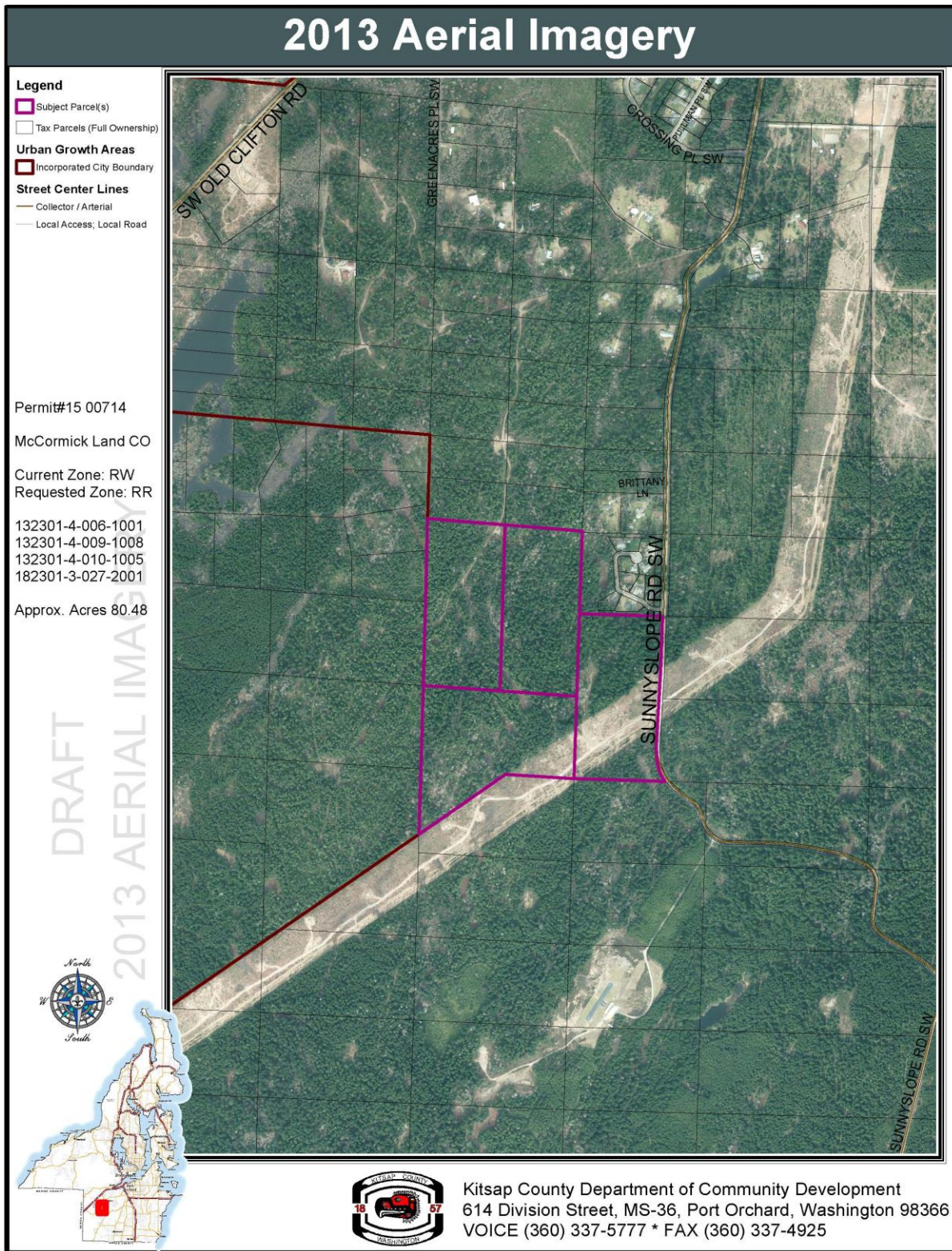
The project complies with provisions of the Washington State, Growth Management Act, Kitsap Countywide Planning Policies, and Kitsap County Comprehensive Plan. The proposed RR zoning allows for low-density residential development, which is consistent with density and development goals that maintain rural character and is consistent with current use of adjacent parcels to the north. It abuts city limits and is currently a discontinuous island of RW zoning.

Recommendation

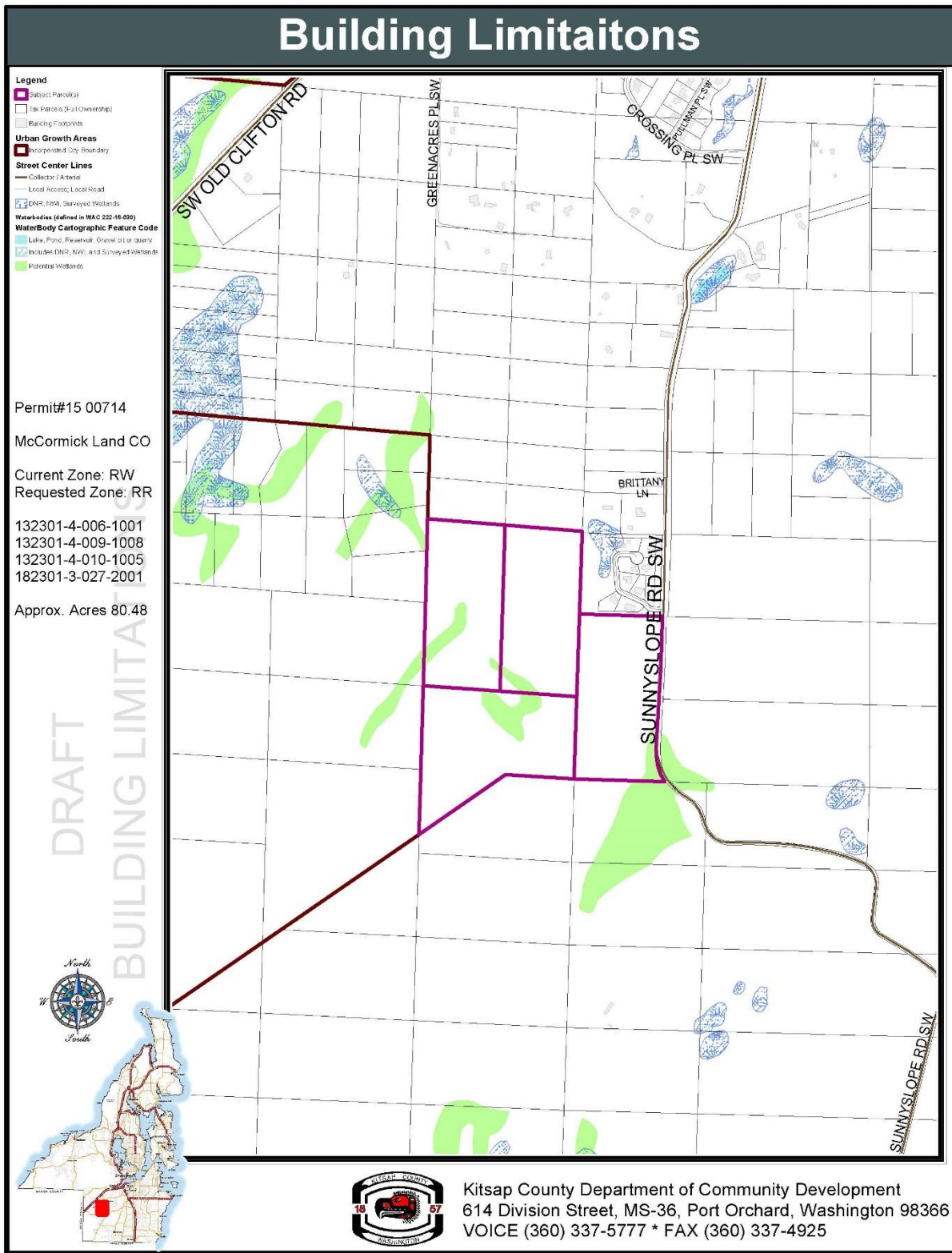
Based on the findings of fact and conclusion of law staff recommends approval of application #15 00714.

ATTACHMENTS

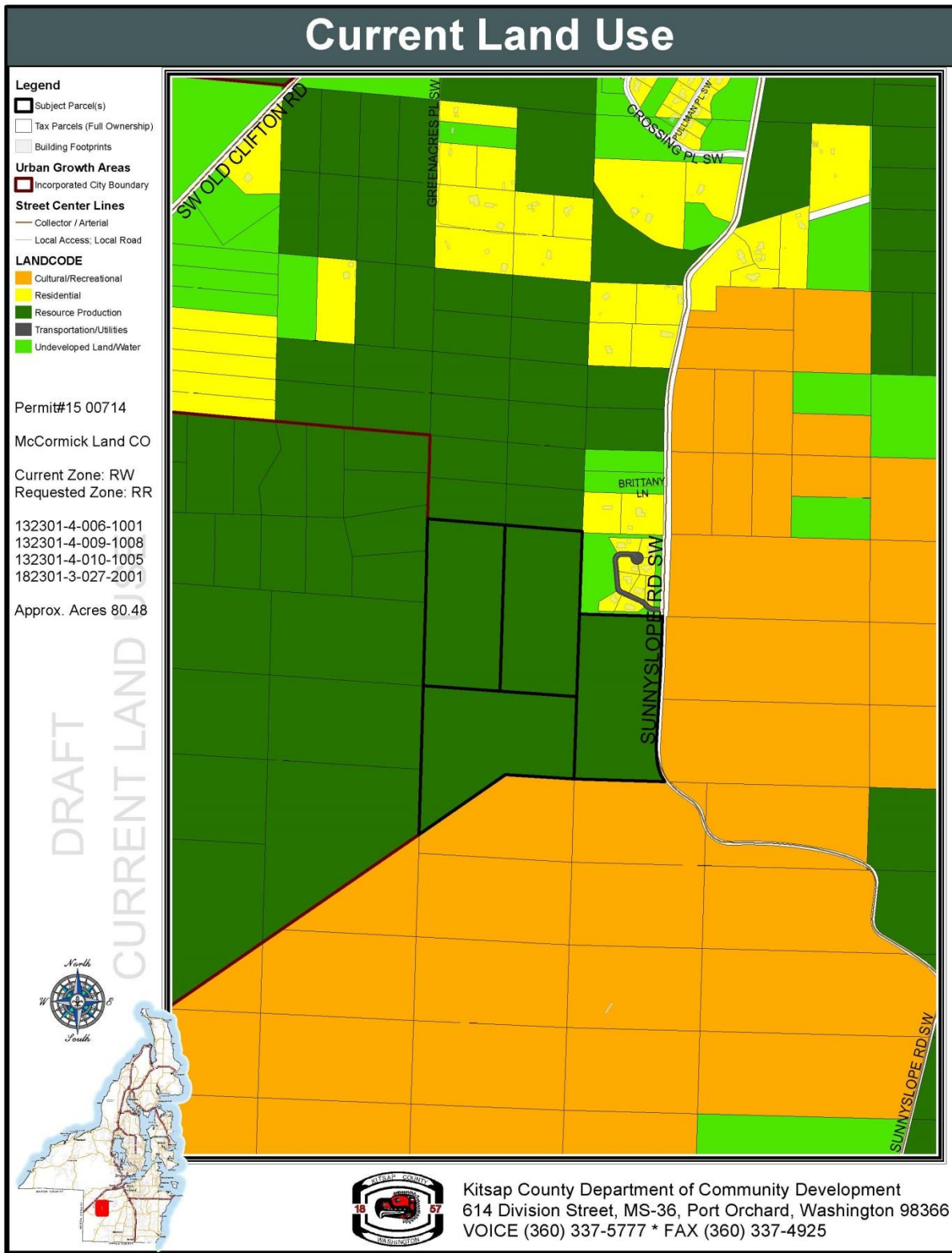
Attachment 1. 2013 Aerial Imagery



Attachment 2. Building Limitations



Attachment 3. Current Land Use Map

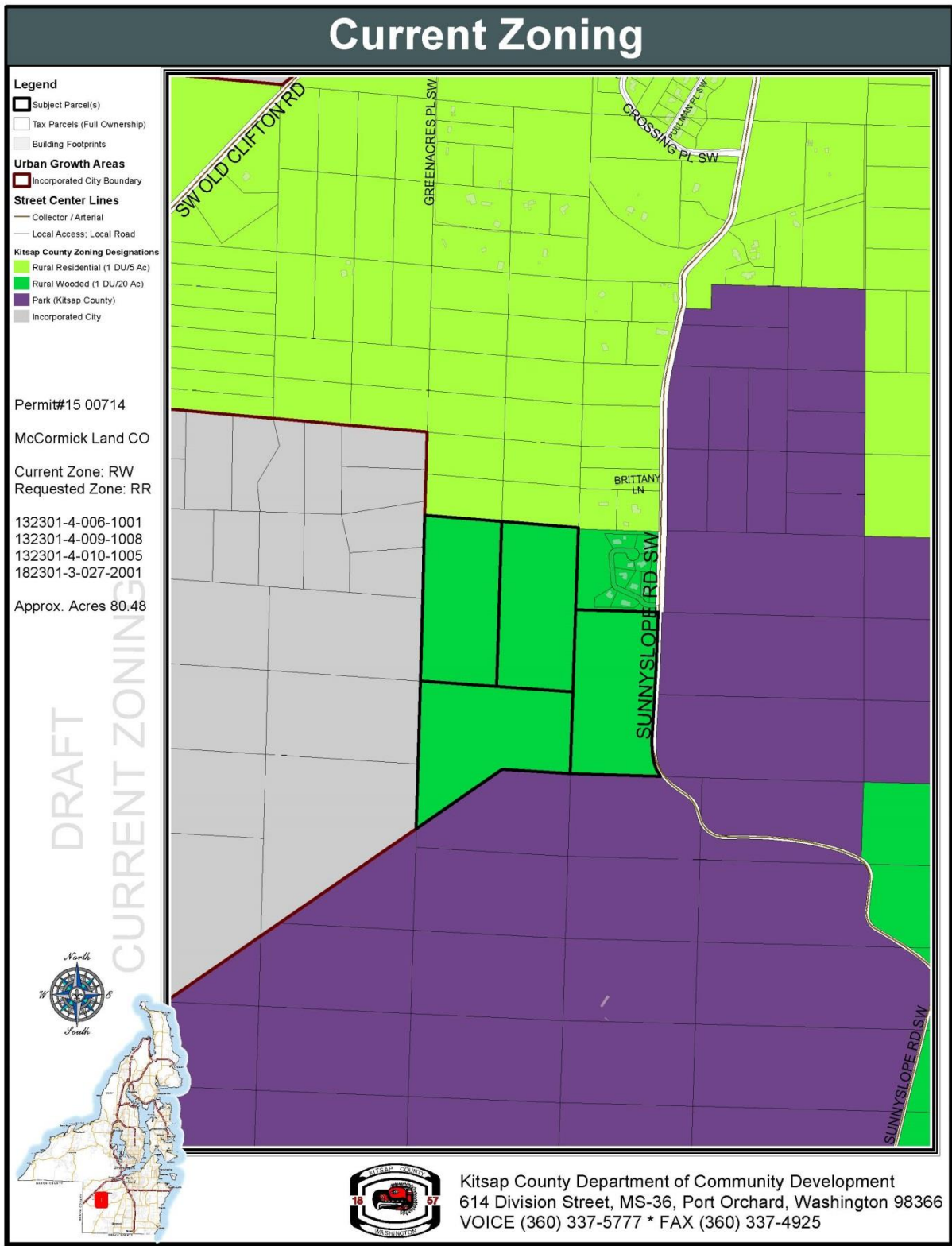


Attachment 4. Current Land Use – Photo



Source: BERK, July 2015

Attachment 5. Current Zoning



Attachment 6. Proposed Zoning

