



STAFF REPORT

Permit Number: 15 00461 | Porter

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: Porter Reclassification Request

APPLICATION INFORMATION

- 1. Applicant Name:** Garry and Nadine Porter (Owner and Applicant)
- 2. Parcel Numbers:** 332302-2-060-2001; 332302-2-061-2000
- 3. Address or location information:** 11356 SE Black Road, Olalla, WA 98359; see Attachment 1.
- 4. Current Land Use:** Agriculture and forestry; taxed as 880 Forest Land; see Attachment 2 and Attachment 4.
- 5. Current Comprehensive Plan Map Designation:** Rural Residential (RR) and Rural Protection (RP)
- 6. Proposed Comprehensive Plan Map Designation:** Rural Residential (RR)
- 7. Current Zoning:** Rural Residential (RR) and Rural Protection (RP); see Attachment 5 and Attachment 6.
- 8. Proposed Zoning:** Rural Residential (RR); see Attachment 7.
- 9. Lot Area / Size:** Each parcel is approximately 10 acres. Acres reported by the Assessor are 10.1 on northern residential parcel and 10.06 acres on the southern forested parcel. Total acres addressed in application equal 20.16 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 included in the Preferred Alternative.

Submitted Application Materials

- Project Application
- Site-specific Amendment Criteria
- Addendum to the Site-Specific Amendment Criteria letter
- Ownership Certification
- Letter: Site-Specific Amendment to the Comprehensive Plan (February 19, 2015)
- Letter to Maxine Schoales (October 29, 2012)
- Site Map of Original Property Boundaries
- Tax Description
- Environmental Checklist
- Addendum to Environmental Checklist

Application Request

The applicant seeks a reclassification to the Comprehensive Plan and Zoning Maps for the subject property to eliminate a split designation/zone on two parcels currently designated and zoned both Rural Residential (RR) and Rural Protection (RP). The current split zoning resulted from a boundary line adjustment that was approved in 2011 by Kitsap County.

BACKGROUND

The subject properties are each approximately 10 acres with both RP and RR zoning on each. The property is currently used as a single family residence and appears cleared in agricultural use with accessory buildings; the property received a current use forest land designation that allows the property to be taxed based on its current use rather than its standard assessed value. Present on the property is moderate geological hazard areas, and a stream. The property occurs within a Category II critical aquifer recharge area.

In 2011, the applicant applied for and was granted a boundary line adjustment (BLA) by the Kitsap County Assessor (Recording #201111080316) so that the parcel boundaries better matched their use for property tax purposes. The approved BLA changed the orientation of the shared boundary line from a north-south direction to an east-west one. See Attachment 5.

Surrounding Zoning and Land Use

Surrounding parcels follow a north-south divide between RP and RR. Parcels to the east, northeast and southeast are zoned RR and parcels to the west, northwest and southwest are zoned RP. See Exhibit 1. Surrounding parcels in all directions are mainly in residential use, with a few that are undeveloped or in resource production as shown on the existing land use map in Attachment 4. As noted by the applicant, many of the surrounding parcels are 5 acres or less in size, a marked difference with the subject properties at approximately 10 acres each. Parcels further west of the subject properties have RP zoning and are larger in size. Parcels further east are about 5 acres or smaller.

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

Surrounding Areas	Current Zoning	Current Land Use
North	<ul style="list-style-type: none"> • RP • RR 	<ul style="list-style-type: none"> • Residential
East	<ul style="list-style-type: none"> • RR 	<ul style="list-style-type: none"> • Residential • Undeveloped • Resource Production
South	<ul style="list-style-type: none"> • RP • RR 	<ul style="list-style-type: none"> • Residential
West	<ul style="list-style-type: none"> • RP 	<ul style="list-style-type: none"> • Residential • Undeveloped

Source: Kitsap County GIS; BERK Consulting 2015

Current Comprehensive Plan and Zoning Designations

The present Comprehensive Plan designation and zoning applied to the properties is RP and RR. The land use designations are described 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.
- **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 Rural Residential designation is implemented by the Rural Residential zone.

According to the Kitsap County Code (KCC 17.305), 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.

The RR zoning designation (KCC 17.310) 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.” RR has a maximum density of 1 dwelling unit per 5 acres. This zone allows for residential and limited commercial, resource and recreational uses that are compatible with rural character.

Rural character is referenced in both designations and zones. 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
- Wooded trail systems
- Views of the Hood Canal, Puget Sound, the Olympics and Mount Rainier

- Land for wildlife and nature
- Personal open space for tranquility (enjoyment of personal property)
- Responsive public services, sense of being self-sufficient
- Small businesses serving the local population
- Small, intimate communities
- Low population density
- Large forested areas
- Quiet two lane roads

Under RP and RR zoning, residential, resource production, as well as some commercial and recreational uses are permitted or conditional allowed uses, such as a day care center, animal hospitals, golf course, and schools.

Proposed Comprehensive Plan and Zoning Designations

As described in the current Comprehensive Plan, the proposed designation would change the Comprehensive Plan designation and zoning of the properties from half RP and half RR to completely RR.

Exhibit 2 provides a comparison between the RR and RP zones for select allowed land uses. Both zones allow for similar land uses.

Exhibit 2. Kitsap County Code: Selected Allowed Uses (KCC 17.381.040)

Selected Uses	RR (current and proposed zoning)	RP (current zoning)
Residential Uses		
• Single family dwelling, detached	P	P
• Multi-family dwelling	X	X
• Duplex	P	P
• Mobile home	P	P
Commercial/Business Uses		
• Kennels	P	P
• Nursery	P	P
• Restaurants	X	X
Resource Land Uses		
• Agriculture uses	P	P
• Forestry	P	P

Legend: P = Permitted, X = Prohibited

Exhibit 3 provide a comparison of RP and RR zoning with a subset of allowed uses and a comparison of development standards. The zones have similar development standards except for the minimum lot size.

Exhibit 3. Selected Development Standards Comparison (KCC 17.382.100)

Density and Dimensions	RR (current and proposed zoning)	RP (current zoning)
Base/Maximum density (du/acre)	NA	NA
Minimum lot size (acre)	5	10
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>

Two comments received support the request because a split zone is corrected through this action.

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 the area in which the property is located have not substantially changed since 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 applicant requested and received approval for a boundary line adjustment (BLA) in November 2011 to alter the boundary line between the two subject parcels. The BLA created split zoning designations on both parcels as shown on Attachment 5. The boundary between the RP and RR zones followed the parcel line before approval of the BLA. It should be noted that the applicant created a condition of split zoning but the BLA was prepared and approved to facilitate current use taxation meant to support ongoing agriculture and forestry uses by maintaining low tax rates. The County aims to reduce split zone parcels as part of the 2016 Comprehensive Plan update.

3. How the requested redesignation is in the public interest and the proposal is consistent with the Kitsap County Comprehensive Plan.

Reducing or eliminating split zones makes application of the plan and zoning more straightforward for the County and applicant. Therefore, reducing split zones is in the public interest where there are no other overriding considerations.

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;

Currently, the property is split zoned and the western half would already allow one home per 10 acres and the eastern half would allow one home per 5 acres; in total three homes would be allowed including the existing home. A Comprehensive Plan and zoning change to RR in full would allow a total of four homes including the existing home – one unit more than under present split zoning. The difference of adding one more potential lot beyond the present allowance would not result in a significant adverse impact on adopted level of service standards such as police, fire and emergency medical services, as the potential number of new residences on the property would not be substantial. Many adjacent parcels are already zoned RR.

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, 2012

The proposed Comprehensive Plan and Zoning map amendment would allow levels of development consistent with rural character at 1 unit per 5 acres and would be consistent with the pattern of land use planned on a portion of the property and to the east. The property could still be used for residential and forestry uses as it is now. There are no significant critical areas. 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 stormwater and minimizing the reduction in forest cover.

Kitsap County Comprehensive Plan 2036 Goals and Policies: Chapter 3

The Comprehensive Plan Chapter 3 has specific goals and policies for rural lands. The following goals and policies are applicable in considering the requested zoning amendment.

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.**

Both the RP designation/zone and RR designation/zone allow low-density residential development. The proposed RR zone allows a higher rural density in comparison to the RP designation zone. Practically, only one more dwelling would be allowed on the property under RR alone (~20+ acres parcel size ÷ 5 acre parcel size = 4 lots), than under the present RR/RP split designation (1 parcel at 20 acre RP size plus two parcels at RR zone 5 acre size). The proposed RR zone can be supported with rural levels of service such as septic systems. See discussion under Comprehensive Plan Chapter Vision above regarding lack of critical areas and ability to apply low impact development measures.

- **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.**

RR designation/zoning would allow greater residential development (1 dwelling unit per 5 acres) than is allowed in RP zoning (1 dwelling unit per 10 acres). The RR density allowance may allow for a more affordable new home(s) because the cost of land would be spread over more units.

- **Policy RL-3 Permit residential uses in rural areas consistent with the existing and planned rural character of the surrounding area.**

Residential uses are permitted in the current RP zone. The proposed RR zone would be consistent with surrounding zoning to the east of the subject properties.

The subject properties are each 10 acres, which is more suitable for the current RP zone. Most of the surrounding properties that are zoned RR are approximately 5 acres or less.

- **Policy RL-4 Outside of the Type III LAMIRDs, limit development only to that which serves rural residential or resource needs and not draw people from UGAs.**

The proposed RR designation/zoning is consistent with rural character and resource needs. See discussion under Comprehensive Plan Chapter Vision above.

- **Goal 9: Retain and preserve land suitable for agricultural production and encourage the continued practice of farming within the County through regulatory and non-regulatory means**

- **Policy RL-82 Permit all agricultural uses as defined 17.110.050 and agricultural activities as defined in Revised Code of Washington 7.48.310 in the Rural Wooded, Rural Protection and Rural Residential zoning districts.**

The proposed RR designation/zoning permits agricultural uses.

- 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 requested reclassification to RR Comprehensive Plan designation and zoning is consistent with the existing availability of utilities in a rural area and consistent with existing and planned uses. The applicant plans to keep the land in residential and resource use. These are permitted uses in RR zoning. The requested change is also compatible with the neighborhood which is mainly RP and RR zoning and currently in residential use.

- 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. The RR designation would create a minor change in allowed 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 urban growth areas (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 designation/zoning amendment does not affect availability of urban facilities and services because it is located in a rural area and would not limit the ability of urban services in UGAs.

- 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 (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 proposed RR zoning would allow the potential for one additional housing unit to be built since 10 of the 20 acres of the subject property are already zoned RR. The proposed amendment would

therefore not have a substantial impact on the balance of rural and urban growth in the County or substantially increase the likelihood that the subject property is no longer used for natural resource purposes. While the property is currently being used for forestry use it is not designated as forest of long-term commercial significance.

Kitsap County-wide Planning Policies

Kitsap County-wide Planning Policies, Element D contains planning policies for rural land uses and development patterns. Rural areas in Kitsap County are characterized as “having a variety of parcel sizes, with a diversity of land use activities.” These areas also contain significant amounts of complex natural systems. It is a high priority to preserve and enhance the rural character of these areas.”

D-1. Preserving rural character and enhancing the natural environment.

a. Preserve the character of identified rural areas by protecting and enhancing the natural environment, open spaces, recreational opportunities, and scenic and historic areas. Support small scale farming and working resource land, promote locally grown food, forestry, eco- and heritage-tourism. Support low-density residential living and cluster development that provides for a mix of housing types, rural levels of service, cultural activities, and employment that services the needs of rural areas at a size and scale that is compatible with long-term character, productivity, and use of these lands.

A change to RR zoning would be consistent with rural character and rural development densities and level of service because it allows for low-density, rural residential development and uses consistent with the County’s goals and definition of rural communities and character.

However, a change to RR zoning could hinder the long-term potential to maintain working resource land and forestry uses by allowing a higher intensity residential use than is currently allowed in RP. Under RP, the minimum lot size is 10 acres per dwelling unit. Under RR, the minimum lot size 5 acres per dwelling unit. This difference may increase the attractiveness of developing the land for residential use rather than for resource purposes. It should be noted, however, that RP is not a designation applied to lands of long-term commercial significance for forestry. Additionally, due to the split zone nature of the property only one additional home above present allowances could occur.

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.

As with RP designations/zoning the RR designation/zoning allows farming, forestry and low-density residential development. 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. 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 stormwater 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.

b. The County's Comprehensive Plan policies shall promote clustering residential development and other techniques to protect and enhance significant open spaces, natural resources, cultural

resources, and critical areas for more effective use of the land. Clustering should not increase residential housing units in the overall area designated as rural, consistent with designated rural densities. Development clusters shall be designed, scaled and sited in a manner consistent with rural character and the provision of rural levels of service.

Under either RP or RR designations/zoning, clustering of the development areas may occur depending on the location of critical areas or other factors. As noted above, the use of low impact development techniques could allow added residences while retaining natural soils and stormwater and minimizing the reduction in forest cover.

RR zoning is considered a low-density residential use that preserves rural character and can be sustained by rural service levels.

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

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

The proposed amendment does not substantially affect the rural/urban population balance. One additional lot is possible on the property with the RR designation and zone.

- 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 Kitsap County Assessor data, the properties are zoned RP and RR and currently are classified as forest land, but the property is not designated as a resource land of long term commercial significance.

Findings of Fact

1. The applicant, Garry and Nadine Porter, submitted the application to Kitsap County on February 20, 2015.
2. The applicant seeks a Comprehensive Plan Amendment to change the current land use designation and corresponding zoning of 2 properties from Rural Protection (RP) and Rural Residential (RR) to just RR.
3. The subject parcels total approximately 20 acres in size and the existing zoning on the subject properties is split between RR and RP.
4. The properties are located at 11356 SE Black Road in Olalla.
5. The properties are currently in rural residential use with some land in use for hobby farming and forest uses.
6. Adjacent properties are zoned RR and RP. The majority of adjacent properties surrounding the subject sites are currently in residential use.
7. A BLA was approved and filed in 2011 to alter the property lines while not increasing the number of lots. The property owners sought to make the property boundaries better match how the property was being used.

8. Originally, the property previously under parcel number 332302-2-004-2000 was zoned RP. The property previously under parcel number 332302-2-005-2009 was zoned RR. The current zoning follows the original boundary lot lines.
9. The proposed designation and zone, RR, is appropriate for the conditions and context of the properties. The subject properties are adjacent to other parcels zoned RR to the northeast, east, and southeast.
10. The proposed RR zoning designation does not affect the continuation of the current use of the properties for residential, agricultural and forestry uses; these are permitted uses.
11. The request is evaluated in the Preferred Alternative.

Conclusion of Law

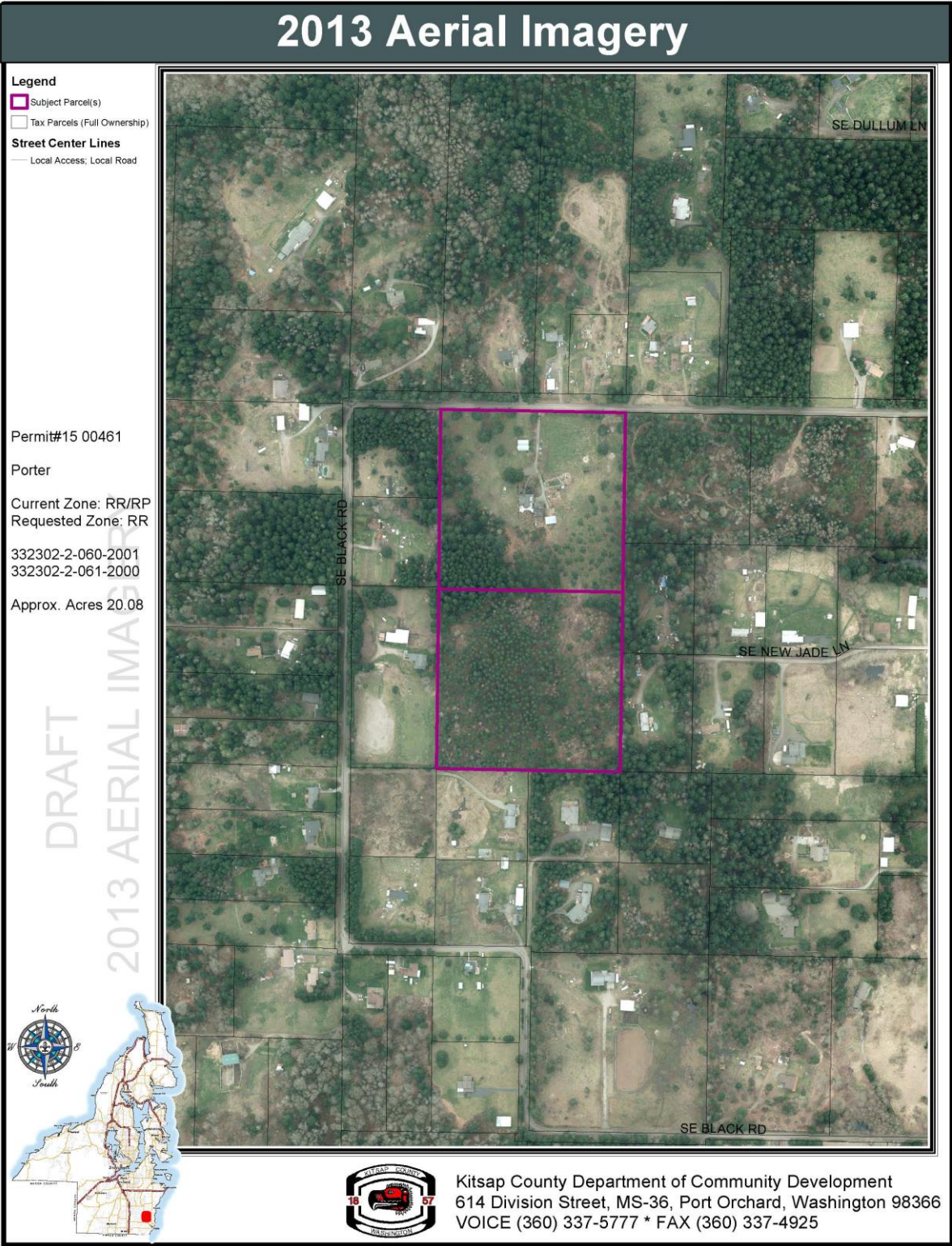
The proposal to change the property designations and corresponding zoning from split RP and RR to fully RR complies with the provisions of the Washington State Growth Management Act (RCW 36.70A), Kitsap County-wide Planning Policies, and Kitsap County Comprehensive Plan.

Recommendation

Based on the findings of fact and conclusion of law staff recommends approval of application #15 00461.

ATTACHMENTS

Attachment 1. 2013 Aerial Imagery

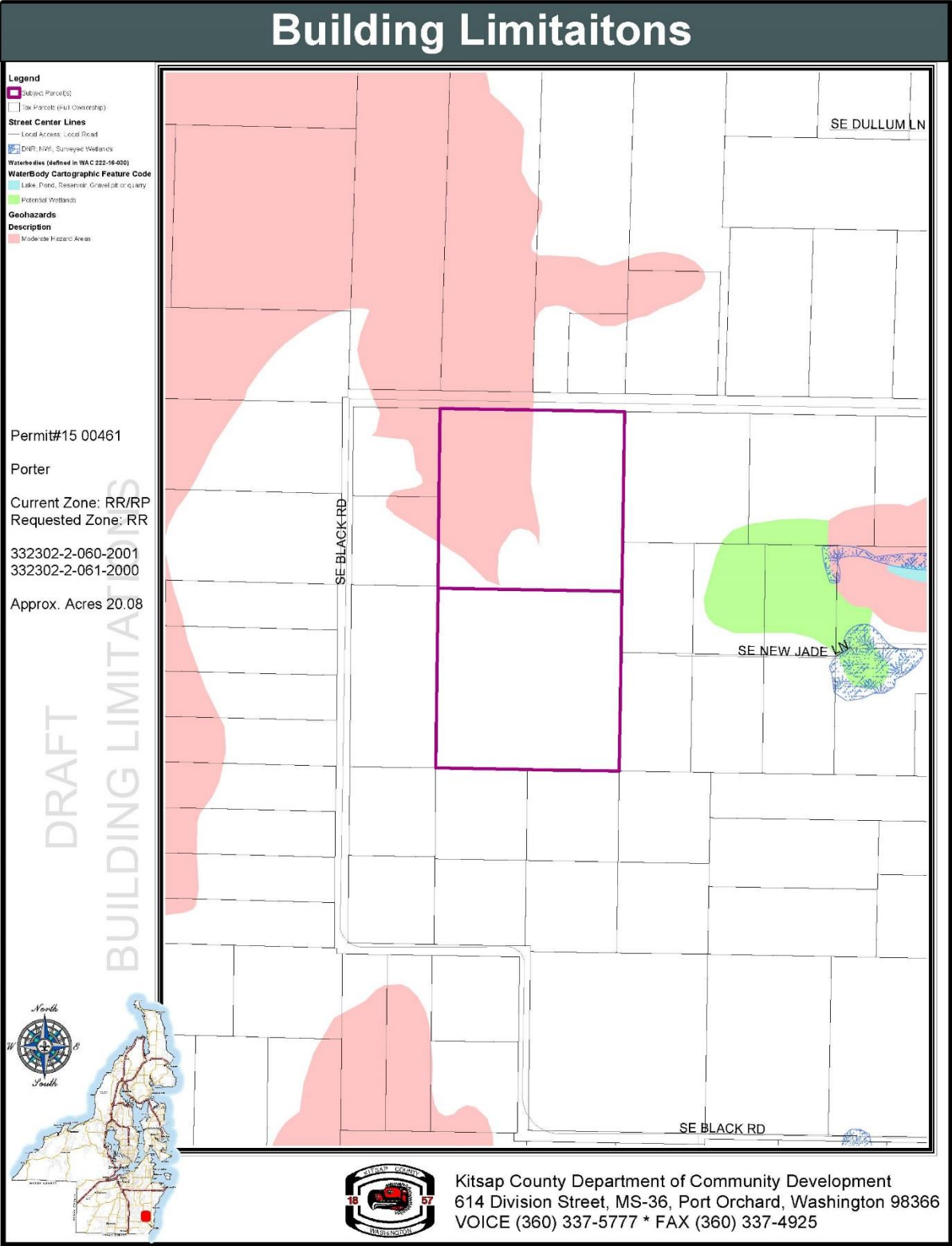


Attachment 2. Existing Conditions Photos

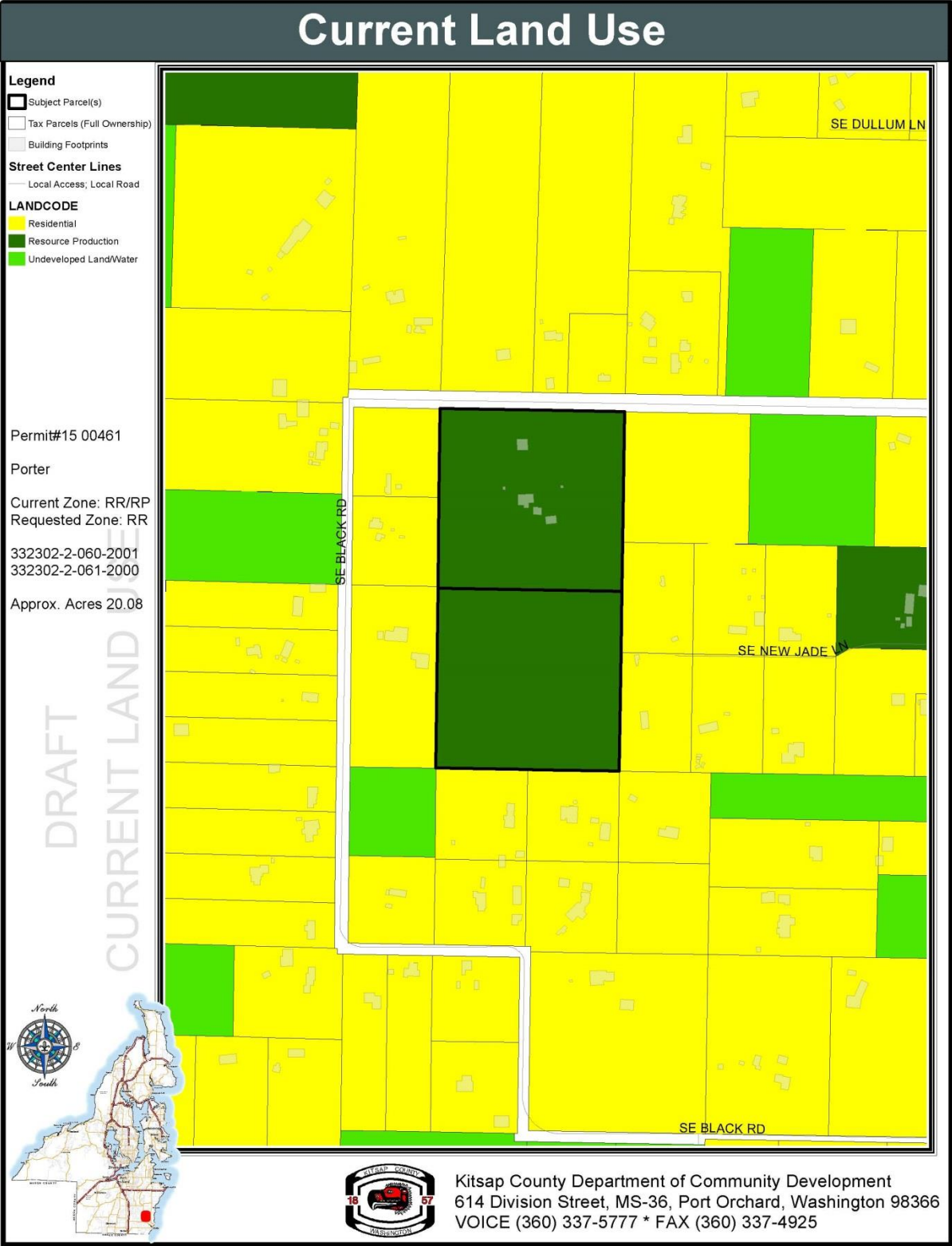


Source: BERK, July 2015

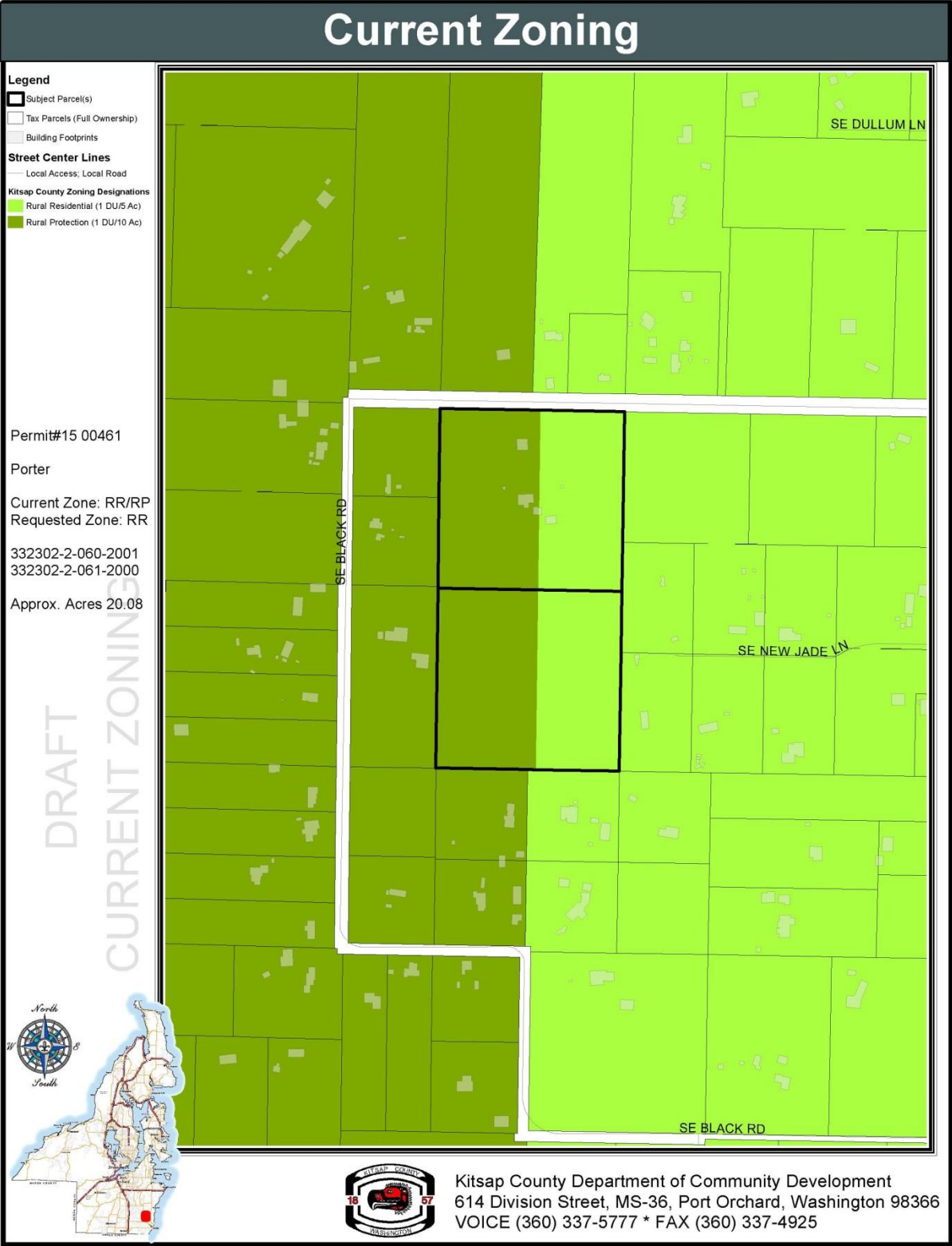
Attachment 3. Building Limitations



Attachment 4. Current Land Use



Attachment 5. Current Zoning



Attachment 6. Property Configuration Prior to BLA

Attachment 2

SITE MAP 1



Attachment 7. Proposed Zoning

