



STAFF REPORT

Permit Number: 15 00736 | Rodgers

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: Rodgers Reclassification Request

APPLICATION INFORMATION

1. **Applicant Name:** Tracy Rodgers (applicant and owner)
2. **Parcel Number:** 072401-1-012-2004 and 072401-1-013-2003
3. **Address or location information:** 2075 Seabeck Highway NW, Bremerton; see Attachment 1.
4. **Current Land Use:** Trade; see Attachment 3.
5. **Current Comprehensive Plan Map Designation:** Rural Residential
6. **Proposed Comprehensive Plan Map Designation:** Rural Commercial
7. **Current Zoning:** Rural Residential (RR); see Attachment 4.
8. **Proposed Zoning:** Rural Commercial (RCO); Attachment 5.
9. **Lot Area / Size:** 2.5 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
- Environmental Checklist
- Ownership Certification

- Application Transmittal Letter

Application Request

The applicant is requesting an amendment to the Comprehensive Plan Future Land and Zoning Map amendment from Rural Residential (RR) to Rural Commercial (RCO). The Comprehensive Plan and Zoning Map designations are the same for the property. The applicant is seeking the amendment because the existing nursery retail is a non-conforming use in the RR Zone. A nursery retail use is an administrative conditional use in the RCO Zone.

BACKGROUND

The subject property consists of two parcels that are between Seabeck Highway and Orange Drive NW. Moderate geological hazard areas surround the parcels and overlap a large portion of the western parcel. Wildcat Creek, a fish-bearing stream, flows along the southern property boundary. The property occurs within a Category II critical aquifer recharge area. Both parcels are currently used as a nursery retail center, and have been in commercial use for approximately 20 years according to the applicant.

Surrounding Zoning and Land Use

The parcels are currently zoned RR while adjacent properties, across Orange Drive NW, are zoned RCO. Current land use surrounding the parcels varies including residential, resource production, government and services, and transportation/utilities. See Exhibit 1.

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

Surrounding Areas	Current Zoning	Current Land Use
North	• RR	• Resource Production
East	• RCO	• Transportation/Utilities
South	• RR	• Transportation/Utilities
West	• RR	• Residential

Source: Kitsap County GIS; BERK Consulting 2015

Current Comprehensive Plan and Zoning Designations

The existing Comprehensive Plan and Zoning Map designations are Rural Residential (RR), described similarly in the Comprehensive Plan and in the Kitsap County zoning code. The Comprehensive Plan describes RR as:

- **Rural Residential:** This designation is intended to allow low-density residential development consistent with rural character, and primarily focuses on single-family dwellings. This designation is applied to areas that are relatively unconstrained by environmentally sensitive areas or other significant landscape features, and also recognizes areas that are already committed to a pattern of smaller rural lots. The RR designation is implemented by the Rural Residential zone.

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

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

Proposed Comprehensive Plan and Zoning Designations

As described in the current Comprehensive Plan, the proposed Comprehensive Plan and Zoning Map designation is RCO and are described similarly in the County’s plan and code. The Comprehensive Plan describes RCO as:

- **Rural Commercial:** The intent and function of the RCO 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.

Exhibit 2 provides a comparison of allowed land uses between the RCO and RR zones. A wider variety of uses is allowed in the RCO zone including an array of commercial and some limited but more intense residential and industrial uses.

Exhibit 2. Selected Allowed Uses (KCC 17.381.040 and .050)

Selected Uses	RCO (proposed zoning)	RR (current zoning)
Residential Uses		
• Single family dwelling, detached	X	P
• Mixed use development	X	X
• Hotel/motel	X	X
Commercial/Business Uses		
• Espresso stands	ACUP	X
• General office and management services – less than 4,000 s.f.	ACUP	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
• Nursery, Retail	ACUP	X
• Nursery, Wholesale	P	P
• Restaurants	C	X
• Tourism facilities, including outfitter and guide facilities	ACUP	X
Industrial Uses		
• Manufacturing and fabrication, medium	X	X
• Storage, indoor	C	X
• Warehousing and distribution	X	X

Selected Uses	RCO (proposed zoning)	RR (current zoning)
• Wrecking yards and junk yards	X	X

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

Development standards allow for similar heights, though RCO does not allow for residential uses.

Exhibit 3. Selected Development Standards Comparison (KCC 17.382.100)

Density and Dimensions	RCO (proposed zoning)	RR (current zoning)
Base/Maximum density (du/acre)	NA	1/5 Acres
Minimum lot size (acre)	NA	5
Lot width (feet)	NA	140
Lot depth (feet)	NA	140
Maximum height (feet)	35	35
Maximum impervious surface coverage (percent)	85	NA

PUBLIC COMMENT

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

Two public commenters are supportive of this request due to the fact it is a long standing existing use.

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

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. However, the site has been used as a nursery retail use for over 20 years and is already providing employment in the rural 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. While the subject property has been used as a retail nursery for over 20-years, approval of the amendment request would result in a wider range of commercial uses being allowed on the property. Therefore, the proposed amendment would likely result in relatively minor increases in the demand for services depending on the Comprehensive Plan Map and associated development.

The site is located adjacent to a segment of Seabeck Highway NW with projected 2036 deficiencies under Alternative 3, although no existing deficiencies are identified. The proposed change in designation could potentially result in future addition of a small number of trips. However, the transportation improvement project identified to address deficiencies expected without the proposal would also be expected to address the additional impact resulting from the proposal.

Future development or new uses would be subject to County transportation standards and study requirements as appropriate.

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

Source: Kitsap County Comprehensive Plan (December 2012).

The proposed amendment is consistent with the above vision statements as it is to allow an existing business and eliminate the existing non-conforming use status. The subject property is adjacent to other properties with the RCO designation thereby focusing commercial development in a limited compact area and supporting the County’s economic development goals.

Kitsap County Comprehensive Plan 2036 Goals and Policies: Chapter 2 and 3

The proposed zoning amendment supports 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, but in support of a long-term commercial use that is adjacent to properties zoned RCO.

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 subject property is at a crossroads, has been in commercial uses for approximately 20-years, and is adjacent to other RCO zoned properties.

3A.2.1 Rural Lands

- **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.**

While the subject property is not designated as a commercial use, the property has been used as such for approximately 20 years.

- 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 site has supported a commercial use for approximately 20 years and is suitable for the existing use and those allowed under the RCO designation. The site contains a fish-bearing stream and minor areas identified as moderate geological hazards per Kitsap County Maps, but the site is already developed.

- 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.

- 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 amendment is consistent with the above GMA goal to reduce sprawl because it acknowledges a long-standing commercial use on a residentially zoned property and the property is located in an area that is already designated for commercial use.

(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 consistent with the above goal regarding economic development because it supports the retention and expansion of an existing business. The non-conforming status of the existing use limits expansion and modification opportunities.

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 is consistent with the above policy because it is adjacent to an already designated commercial area and the subject property has been in commercial use for approximately 20-years. The designated commercial area is relatively small scale to serve the daily needs of rural residents.

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

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

The existing nursery retail use has been serving the local community for approximately 20-years and demonstrates a local need.

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

The existing commercial use and surrounding commercially designated area are consistent with rural character.

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

While the existing nursery retail use likely attracts customers from a relatively large area, including urban areas, the site and surrounding area is consistent with small scale rural development to serve the local population.

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

The site is not served by urban services and they will not be required for the proposed RCO 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 subject property is contiguous to RCO designated properties to the east. See Attachment 4.

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

The property current supports a commercial use consistent with the proposed RCO designation, which demonstrates it is appropriately sized for the proposed designation.

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

The subject property has been in commercial use for approximately 20 years. There is undeveloped RCO designated properties adjacent to the subject property that could be developed for commercial

use. Because the subject property already supports a commercial it may be more desirable to designate the property RCO compared to other adjacent undeveloped sites.

Findings of Fact

1. The applicant, Tracy Rodgers, submitted the application to Kitsap County on February 27, 2015.
2. The applicant seeks a Comprehensive Plan and Zoning Map amendment to change the current zoning of from Rural Residential (RR) to Rural Commercial (RCO).
3. The property is approximately 2.09 acres and located between Seabeck Highway and Orange Drive NW.
4. The subject property contains an existing nursery retail use. According to the applicant the property has been used for a retail nursery use for approximately 20 years.
5. A nursery retail use is prohibited in the existing RR Zone. A nursery retail use is an administrative conditional use (ACUP) in the proposed RCO Zone.
6. According to Kitsap County maps the subject property contains a fish-bearing stream and includes areas of moderate geological hazards.
7. The subject property is adjacent to RCO zoned properties to the east.
8. The proposed amendment is included with Comprehensive Plan Update 2016 Supplemental Environmental Impact Statement (SEIS) Alternative 3.
9. The request is included in the Preferred Alternative.

Conclusion of Law

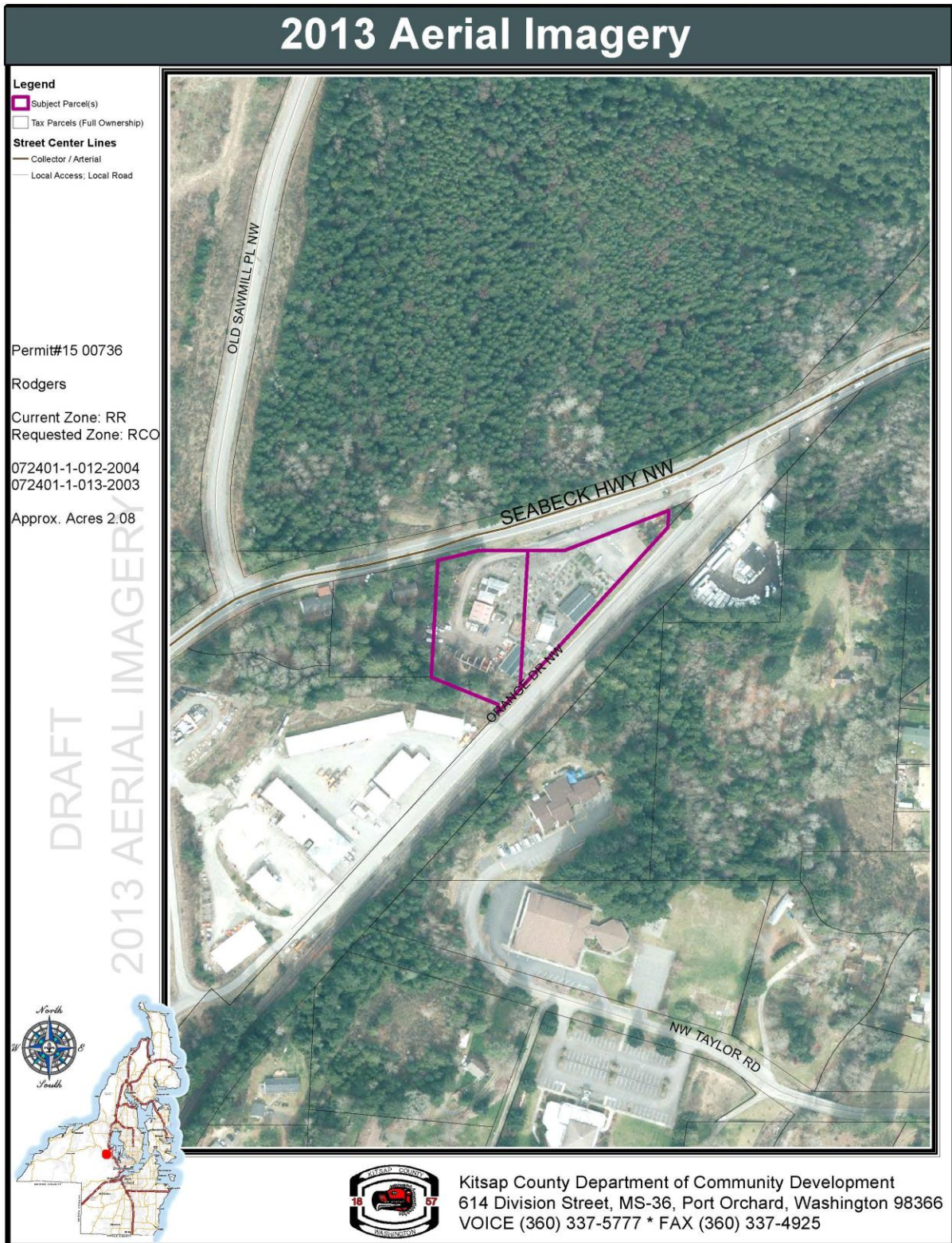
The project complies with all the provisions of the Washington State Growth Management Act, Kitsap Countywide Planning Policies, and Kitsap County Comprehensive Plan.

Recommendation

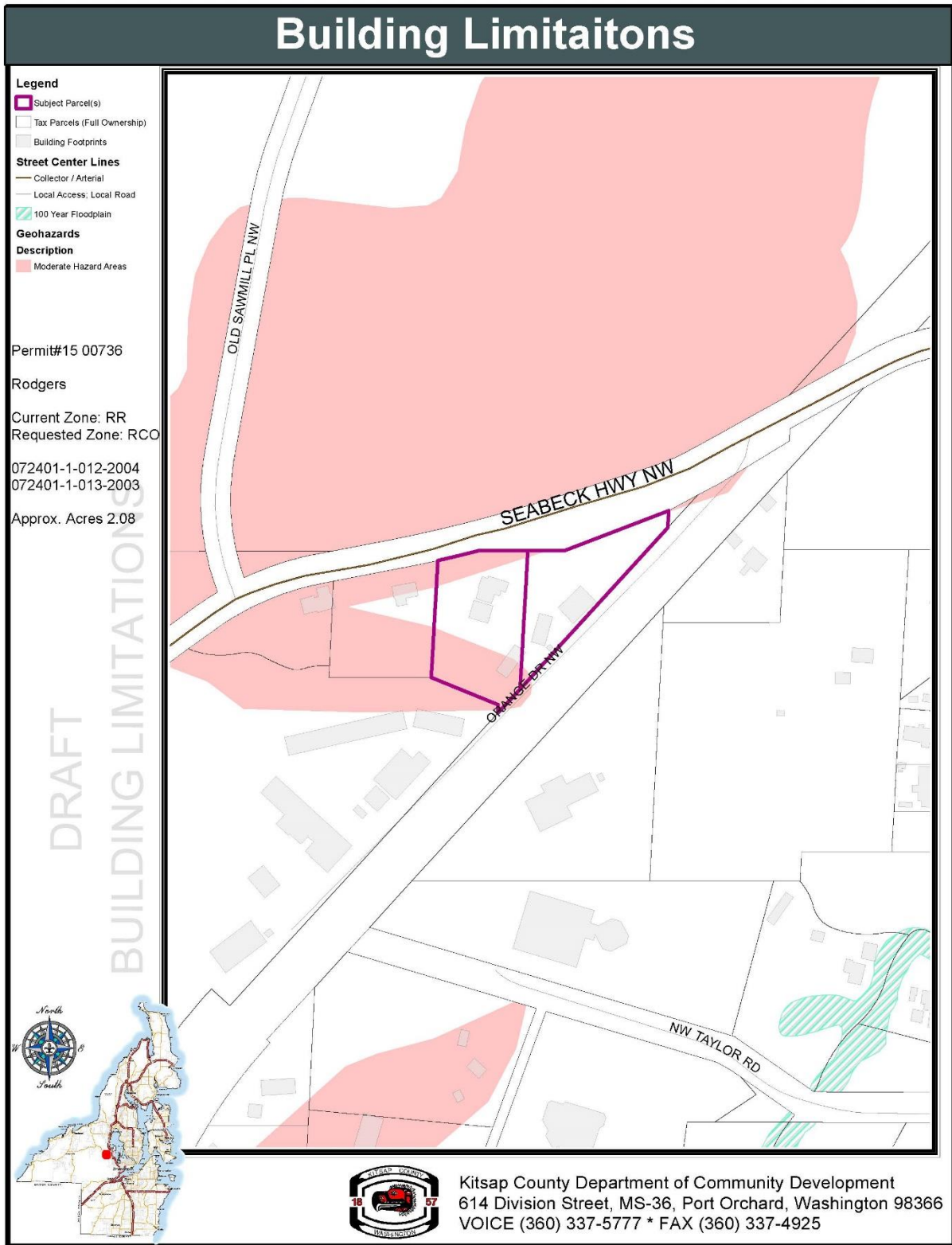
Based on the findings of fact and conclusion of law staff recommends approval of application #15 00736.

ATTACHMENTS

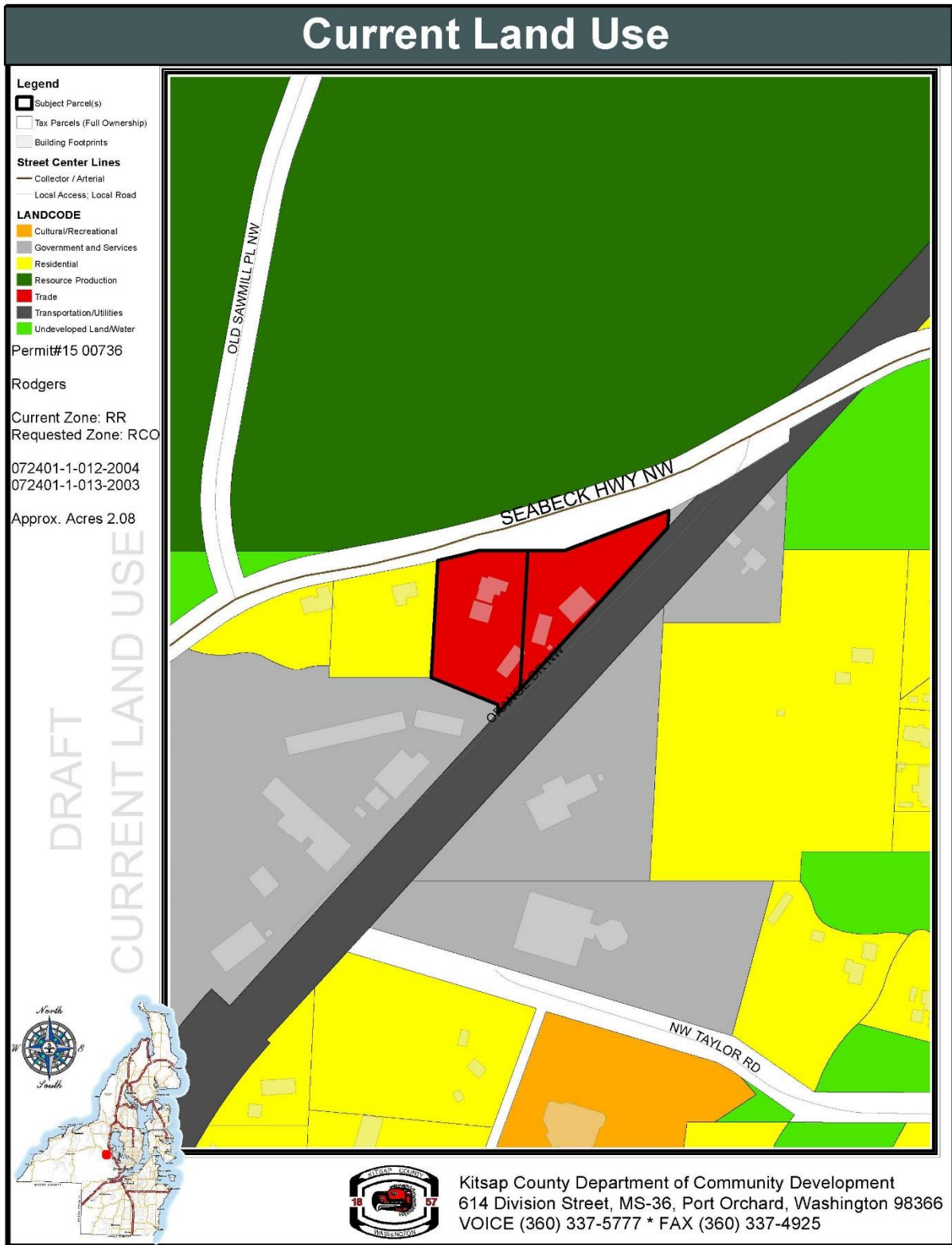
Attachment 1. Aerial Imagery



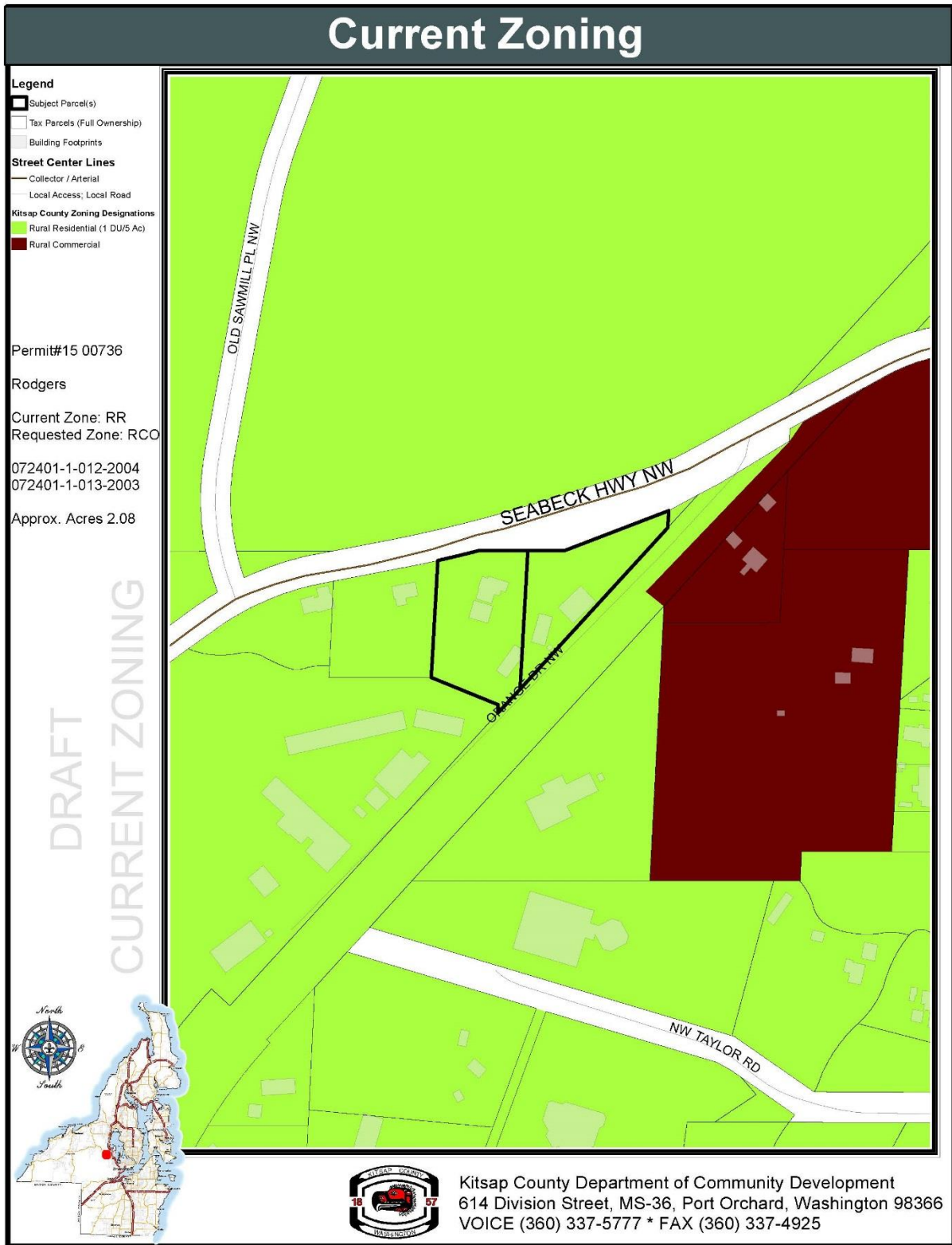
Attachment 2. Building Limitations



Attachment 3. Current Land Use



Attachment 4. Current Zoning



Attachment 5. Proposed Zoning

