



STAFF REPORT

Permit Number: 15 00742 | Tallman

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: Tallman Reclassification Request

APPLICATION INFORMATION

1. **Applicant Name:** Jim and Dian Tallman, LLC (Applicant and Owner); William M. Palmer (Authorized Agent)
2. **Parcel Number:** 032401-3-023-1003
3. **Address or Location Information:** Access off of NW Holly Road; see Attachment 1
4. **Current Land Use:** Undeveloped land; see Attachment 3
5. **Current Comprehensive Plan Map Designation:** Rural Wooded (RW)
6. **Proposed Comprehensive Plan Map Designation:** Rural Residential (RR)
7. **Current Zoning:** Rural Wooded (RW); see Attachment 4
8. **Proposed Zoning:** Rural Residential (RR); see Attachment 5
9. **Lot Area / Size:** 33.24 acres
10. **Comprehensive Plan Alternatives:** Included as part of the 2016 Comprehensive Plan Update Supplemental Environmental Impact Statement (SEIS) Alternative 3.
11. **Preferred Alternative:** The request is not included in the Preferred Alternative.

Submitted Application Materials

- Project Application
- Vicinity Map
- Existing Comprehensive Plan and Zoning Map

- Proposed Comprehensive Plan and Zoning Map
- Legal Description
- Ownership Certification

Application Request

The applicant seeks a reclassification to the Comprehensive Plan and Zoning Maps for the subject property to rezone from Rural Wooded (RW) to Rural Residential (RR).

BACKGROUND

The property contains 33.24 acres and currently is undeveloped forest land. The site does not have existing water or sewer utilities. It does have existing power through Puget Sound Energy. Well water and septic sewer systems are proposed. The site is bordered by and has access to NW Holly Road to the north and Rock Quarry Road NW connects to NW Holly Road and leads to a rock quarry (owned by Kitsap County Public Works) south of the property. County building limitation maps indicate the presence of two non-fishbearing streams feeding into a fish-bearing stream in the northeastern property corner, and potential wetlands along the westerly property edge. The property occurs within a Category I and Category II critical aquifer recharge area.

Surrounding Zoning and Land Uses

The subject property is adjacent to properties that are zoned RR and RW. Surrounding properties are developed as non-commercial forest land, single family residential, or undeveloped. There is a small triangular property north of NW Holly Road that is zoned RW. Sites to the west of the property are zoned RR. Undeveloped forest sites zoned RR to the north and east are part of the Green Mountain State Forest.

At a larger scale, the site is situated along the northern edge of a large contiguous area of land zoned RW bordered on the north, west, and southwest by land zoned RR. The site is situated approximately 10 miles northwest of the city of Bremerton, and 4 to 6 miles from the Rural Communities of Seabeck and Crosby.

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

	Current Zoning	Current Land Use
North	<ul style="list-style-type: none"> • RR • RW 	<ul style="list-style-type: none"> • There is a small triangular property north of NW Holly Road that is zoned RW. There is currently a mobile home on the site, sited in 1977. • A small triangular property near the northeast corner of the subject site is zoned RR. It is currently developed with a single family residence, built in 1994. • A 17.67-acre property zoned RR adjacent to the northeast corner of the subject site is currently developed as park and is part of the Green Mountain State Forest.
East	<ul style="list-style-type: none"> • RW 	<ul style="list-style-type: none"> • A 39.29 acre property east and a 40.04 acre property southeast of the subject site are currently developed as a non-commercial forest. They are also part of the Green Mountain State Forest.

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|--------------|--|---|
| South | <ul style="list-style-type: none">• RW | <ul style="list-style-type: none">• A 40.11-acre property south of the subject site is currently developed as undeveloped land and is owned by Kitsap County Public Works. Satellite imagery shows a rock quarry on the site. A 39.61-acre property to the southwest is currently undeveloped land and is also owned by Public Works. |
| West | <ul style="list-style-type: none">• RR | <ul style="list-style-type: none">• Several 2-4 acre parcels are currently undeveloped or developed with sheds and garages, and homes. |

Source: Kitsap County, 2015; BERK, 2015 Present Comprehensive Plan Map and Zoning Designations

Current Comprehensive Plan and Zoning Designation

The present Comprehensive Plan Map and Zoning Designation for the property is Rural Wooded Zone (RW).

- **Rural Wooded (RW) designation:** The RW 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 RW 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 all rural designations. 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 larger
- 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 Designation

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 conditionally allowed residential and commercial uses than in the RW zone, such as day care centers, animal hospitals, golf courses, and schools.

The following tables compare the existing and proposed zoning designations for selected allowed uses and design guidelines.

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

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 representative submitted a letter further supporting this request.

Two citizen comments were received recommending denial of this application due to increase in number of 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 reclassification request 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 reclassification request and/or the area in which the property affected by the proposed reclassification request is located have substantially changed since the adoption of the Comprehensive Plan or applicable development regulations;

Circumstances related to the proposed reclassification request or area in which the property is located have not substantially changed since the adoption of the Comprehensive Plan or development regulations.

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 reclassification request 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 are 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 reclassification request.

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. The proposed amendment is inconsistent with this goal as it would increase development capacity in the rural area south and alter the existing and logical boundary for the RW Zoning District along NW Holly Road. The proposal would also diminish the greater and immediate RW area, further creating pressure for re-designation of adjacent lots to RR.

Reclassification Request Criteria Evaluation (KCC 21.08.070.D)

D. Reclassification Requests. In addition to the findings and conclusions in subsection (A) of this section, a proposed site-specific map reclassification 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 Reclassification Requests. Each of the following requirements must be satisfied for a recommendation for approval.

- a. **The proposed reclassification 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 forest land and does not currently have water or sewer facilities. The site proposes future well and septic sewer systems which is consistent with rural levels of service. The current proposal to create six 5-acre lots instead of 1 lot at 20 acres would lead to a small and incremental increase in the demand for police, fire and emergency medical services.

An increase in residential development on the subject properties could also create an incremental demand for transportation maintenance and services within this rural area to reach necessary services in the surrounding rural and urban communities. Creating a new pocket of RR zoning may encourage more growth in rural areas whereas the County policies promote growth in urban areas.

- b. **The proposed reclassification 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.

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 reclassification would apply a designation that would provide for a rural character and allow development at rural densities, but it would be a pattern unlike those of abutting lands except properties to the west. Additionally, it would not support focusing development in urban areas.

Kitsap County Comprehensive Plan 2036 Goals and Policies: Chapter 3 Rural Lands

The proposed zoning reclassification request partially 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 conversely looking to increase the percentage of growth that occurs in the urban areas. It would create a rural density that is different than abutting properties to south and east; future development would likely result in the removal of forest cover to a greater degree with 5-acre lots than with 20-acre lots; low impact development techniques would help to reduce impacts.

However, the zoning reclassification request questions the implementation of:

- **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 property is developed for multiple residential 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 subject property is currently undeveloped land and lacks provision of water and sewer facilities. The purpose of its current RW zoning is 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.” The requested RR zoning would encourage a higher residential density than is allowed in RW zoning. More intense residential development may hinder the maintenance of resource land uses such as agriculture and forestry uses.

The presence of streams in the central and northeast property areas, and potential wetlands in the westerly property area would likely affect future lot lines to the extent that critical area buffers must be established in accordance with Title 19 KCC.

While the proposed zoning change to RR would be compatible to land use and zoning of adjacent properties to the west and to a lesser degree the north, it would not be compatible with surrounding land in recreational use or are working forest land. It would pressure nearby parcels zoned RW to apply for similar zoning amendments.

- d. The proposed reclassification 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, but it would create pressure to convert properties from RW to RR that cumulatively has the potential to substantially increase the residential growth capacity in the rural area.

- e. **The proposed reclassification 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 reclassification does not affect availability of urban facilities and services as the property is in the rural area.

- f. **The proposed reclassification 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 reclassification 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 requested zoning amendment does not support these GMA goals. The subject property is currently undeveloped forest land. If RR zoning is allowed, it would allow low-density residential use in currently undeveloped resource land. The requested zoning amendment promotes growth in rural areas instead of in urban areas. Allowing a zoning change to RR would create pressure for other RW undeveloped properties in the immediate area. Continued low-density residential development may encourage development and does not maintain or enhance the potential use of the land for natural resource industries.

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. However, a change to RR zoning could hinder the long-term maintenance of working resource land and forestry uses by allowing a higher intensity residential use. Under RW, the minimum lot size is 20 acres per dwelling unit. Under RR, the minimum lot size 5 acres per dwelling unit. This difference may increase the feasibility of developing and maintaining the land for residential use rather than for resource purposes.

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.

Farming, forestry and low-density residential development are allowed uses in RR zoning. Low-density residential development, at 1 dwelling unit per 5 acres, can be sustained by rural service levels. However, once changed to low-density residential use, it is often difficult to return to natural resource uses.

There could be a reduction in forest cover under present or proposed designations that could alter ecological conditions. 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.

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.

A change to RR zoning could hinder working resource land and forestry uses by allowing a higher intensity residential use under RR than is currently allowed in RW. RR zoning is considered a low-density residential use that preserves rural character and can be sustained by rural service levels.

Clustering the location of residential development as well as applying low impact development techniques could protect natural resources, open space, and critical areas.

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 reclassifications to rural and natural resource areas shall not substantially affect the rural/urban population balance.

The proposed amendment by itself does not substantially affect the rural/urban population balance, but incrementally would. It encourages new residential development in undeveloped RR areas and would create pressure for other land zoned RW to potentially apply to change to RR. Further new development of undeveloped wooded areas would support more rural development when Countywide planning vision statement and policies aim to focus growth in urban areas and retain rural community character.

- 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 undeveloped land. The subject property is not designated as forest land of long-term commercial significance.

Findings of Fact

1. The applicant and owner are Jim and Dian Tallman. The County received the application on February 27, 2015.
2. The applicant seeks a Comprehensive Plan Amendment to change the current zoning of one property from RW to RR.
3. The property is located on NW Holly Road within a large contiguous block of land zoned RW.
4. The property is currently undeveloped forest land. There are currently no sewer and water utility services developed on the property.
5. Adjacent properties are zoned RR and RW. Much of the surrounding area is in recreational use, undeveloped, or non-commercial forest. It is also adjacent to land within the Green Mountain State Forest.
6. A change to RW would leave a small parcel north of Holly Road zoned RW isolated.
7. The current RW zoning allows for residential use, with a maximum of 1 dwelling unit per 20 acres and a minimum lot size of 20 acres. Under RR, there is a potential for higher density residential use with a minimum lot size of 5 acres.
8. Under RR zoning, there are more permitted and conditionally allowed uses, such as day care centers, animal hospitals, golf courses, and schools.
9. While potential new residential development could develop septic and well water, future land use in the RR zoning designation may require public utilities.
10. The proposed RR zoning is not compatible with adjacent and surrounding property uses and zoning that are zoned RW and are also undeveloped forest land or part of the Green Mountain State Forest.
11. RR zoning permits higher density residential development that may not preserve long-term agricultural or forest use.
12. The proposal is not included in the Preferred Alternative.

Conclusion of Law

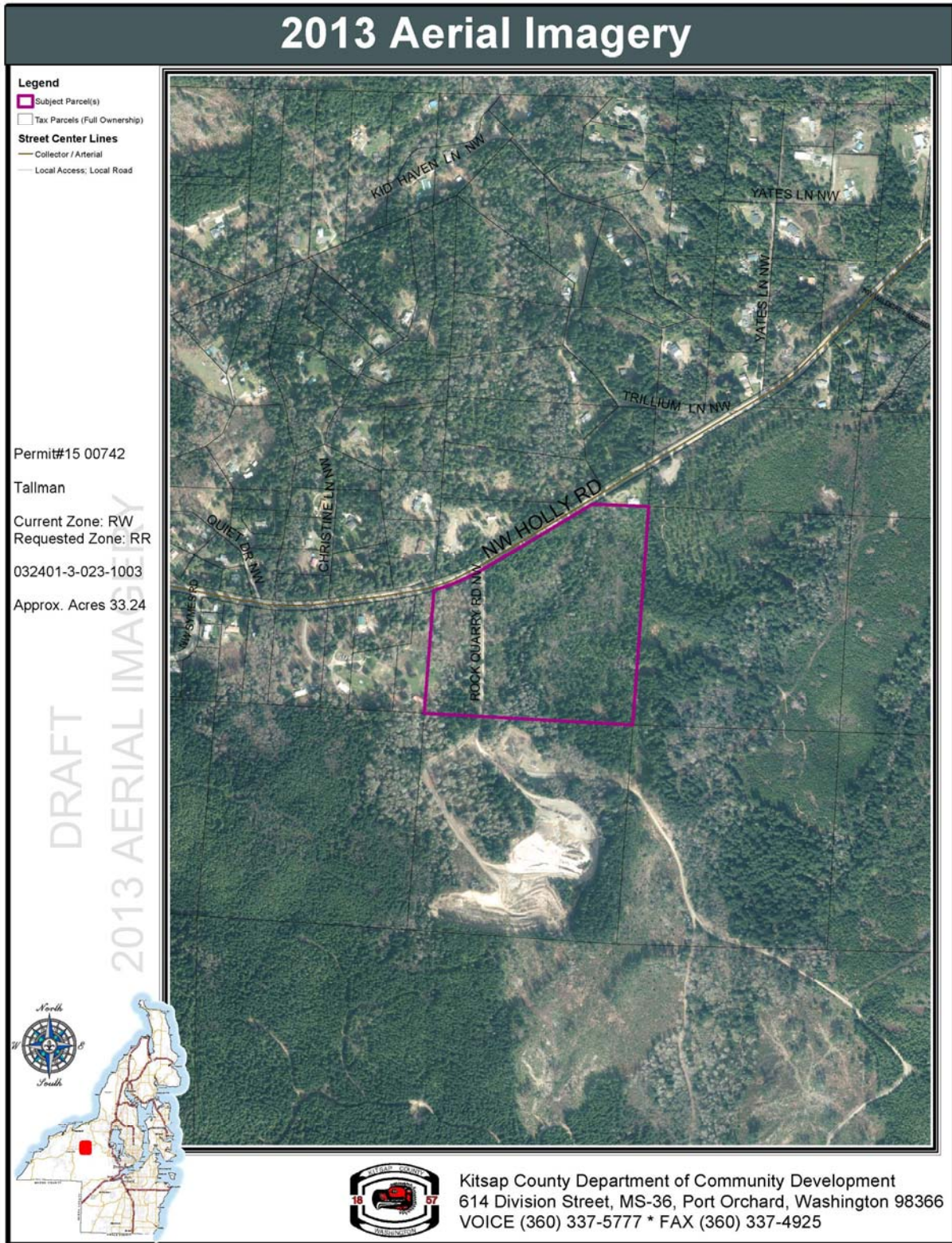
The project does not comply with all the provisions of the Washington State, Growth Management Act, Kitsap Countywide Planning Policies, and Kitsap County Comprehensive Plan. The proposal would alter the character of larger rural lots to a density inconsistent with abutting properties, placing more rural development in the rural areas of the County, and incrementally reducing the focus of growth in urban areas.

Recommendation

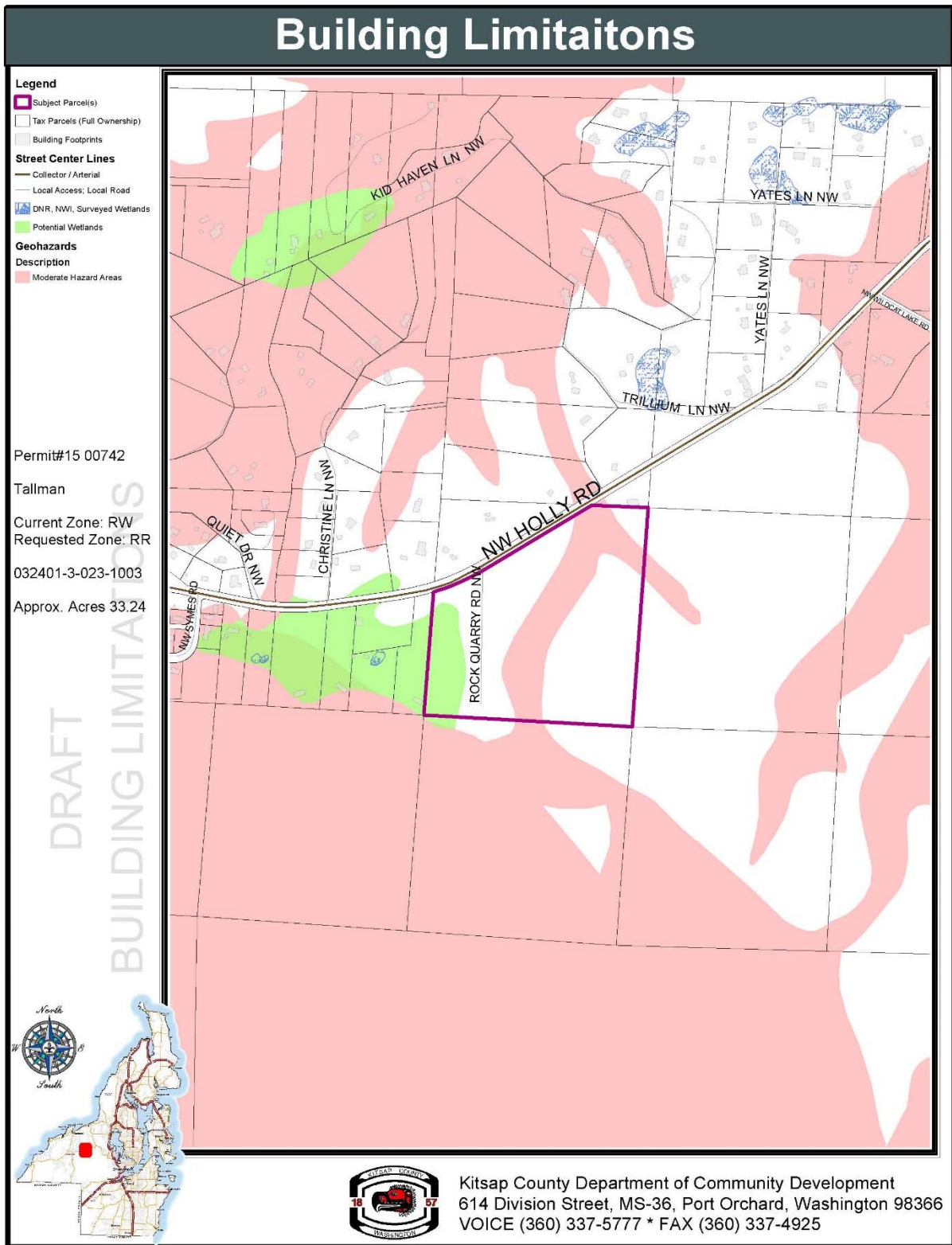
Based on the findings of fact and conclusion of law staff recommends denial of application #15 00742.

ATTACHMENTS

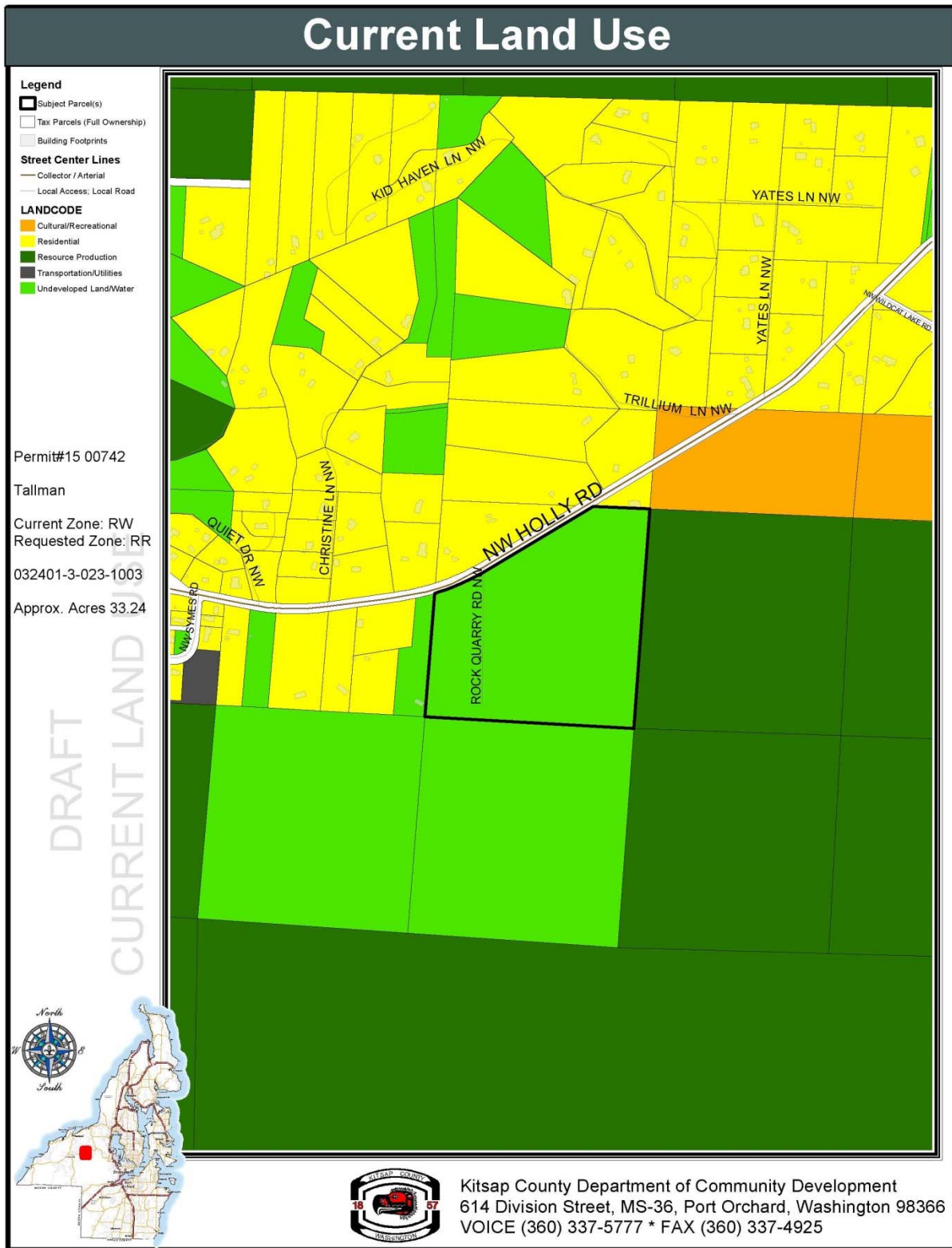
Attachment 1. 2013 Aerial Imagery



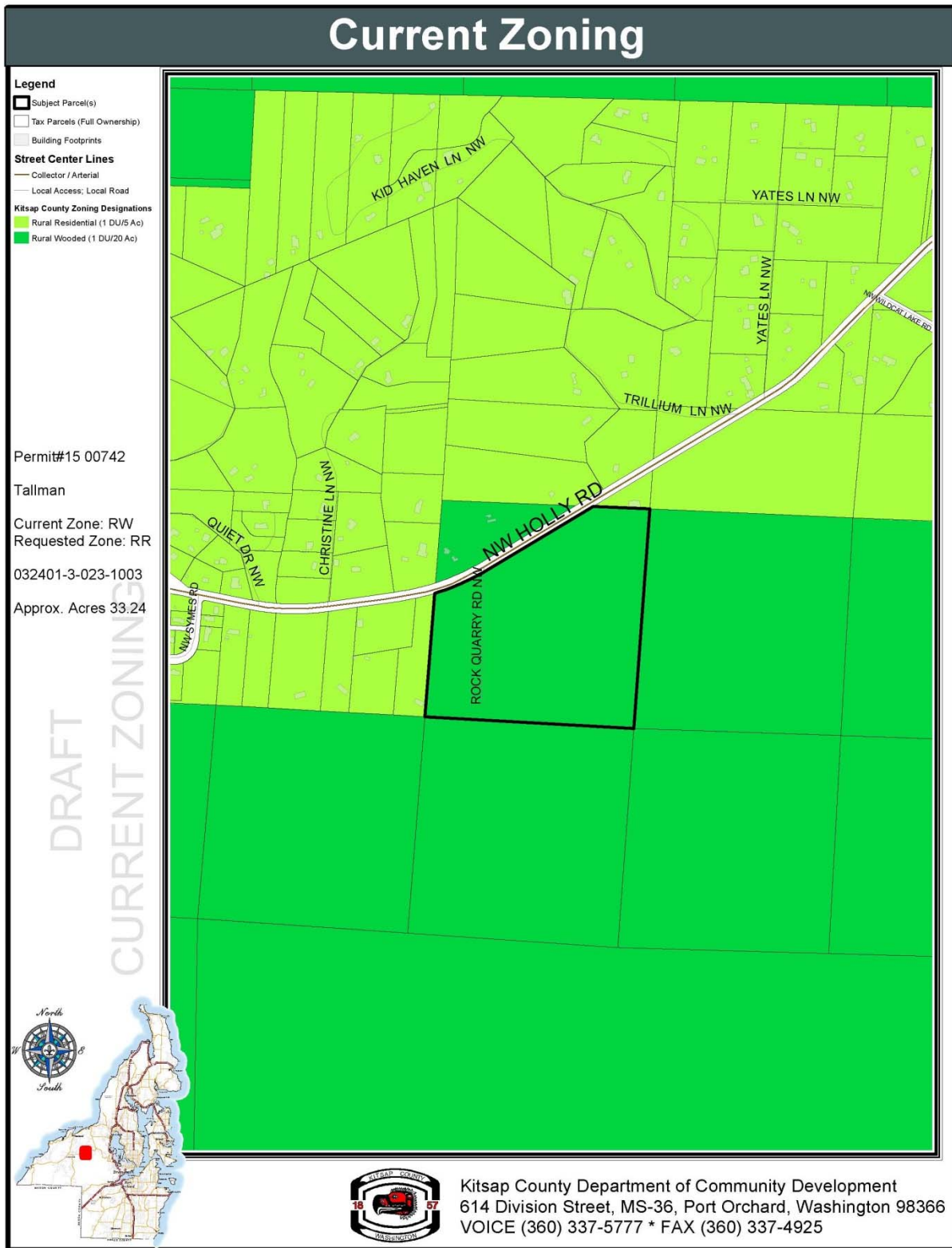
Attachment 2. Building Limitations



Attachment 3. Current Land Use Map



Attachment 4. Current Zoning Map



Attachment 5. Proposed Zoning Map

