



Hearing Examiner Staff Report and Recommendation

Report Date: 8/3/2023
Hearing Date: 8/10/2023

Application Submittal Date: 11/14/2022
Application Complete Date: 12/27/2022

Project Name:

Mriglot Schebel - Rezone
Type of Application: Rezone
Permit Number: 22-05581

Project Location:

18499 Harris Ave NE
Suquamish, WA 98392
Commissioner District #1

Assessor's Account #:

4390-003-024-0105

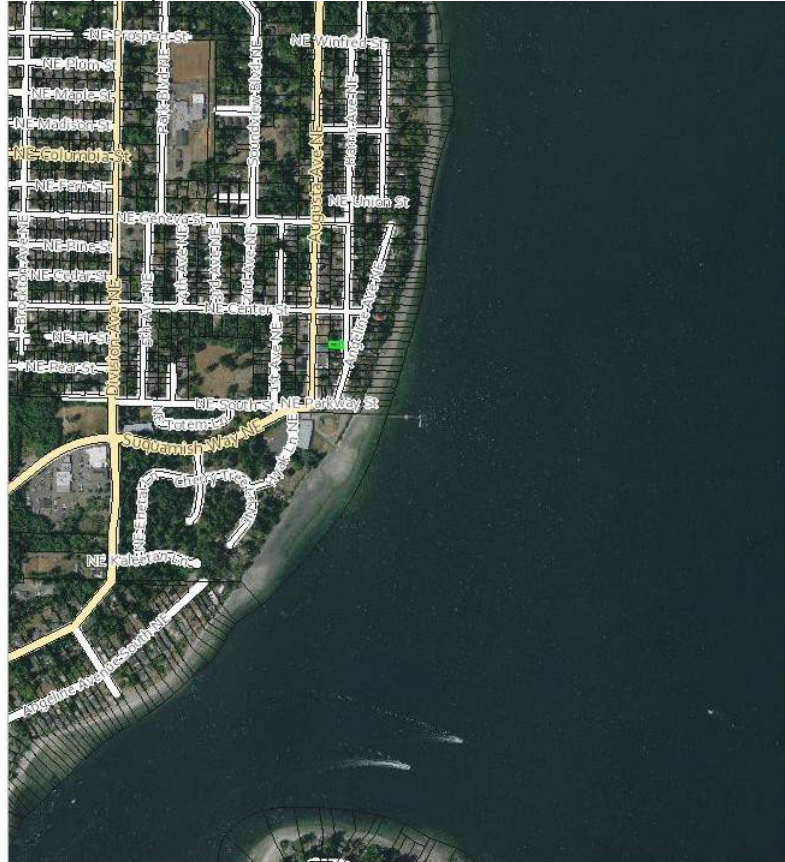
Applicant/Owner of Record:

Colleen Mriglot and
Christoph Andreas Schebel
18493 Harris Ave NE
Suquamish, WA 98392

Recommendation Summary:

Approved subject to
conditions listed under
section 13 of this report.

Vicinity Map:



** This map is not a substitute for field survey **

1. Background

The Suquamish Village Commercial (SVC) zoning designation dates back to the 2000 Kitsap County Comprehensive Plan and the Suquamish Village Limited Area of More Intense Rural Development (LAMIRD). However, a single-family residence has existed on this parcel since the zoning designation. Converting the single-family residence to a commercial use would be inappropriate due to the small parcel size, insufficient right of way, and adjacent zoning designations. The parcel size limits the ability to provide off-street parking for a commercial use, on-street parking would impact adjacent residents, and a commercial use would be isolated and function as a commercial spot zone within a residential neighborhood.

The owners desire to merge this parcel with the parcel immediately south (parcel no. 4390-003- 023-0007) and expand an existing home. A rezone is necessary since the existing SVC zoning designation prohibits single family residences while the proposed Suquamish Village Residential (SVR) zoning designation allows this use.

Rezoning is subject to Kitsap County Code 21.04.230 and is a Type IV Review.

2. Project Request:

The applicant proposes to rezone the parcel from Suquamish Village Commercial (SVC) to Suquamish Village Residential (SVR) to be consistent with surrounding zoning designations and current land use.

The request requires a Type IV process in which the Hearing Examiner and the County Board of Commissioners have review and approval authority for the Rezone application under KCC Section 21.04.230. As outlined in 21.04.230(D), the Hearing Examiner shall hold a public hearing to prepare a recommendation to Board. The Hearing Examiner's recommendation may be to approve, approve with conditions, remand, or deny a rezone. The Hearing Examiner may also continue the hearing to allow for additional information necessary to make the proper decision. The powers of the Hearing Examiner can be found in KCC Chapter 2.10. The Hearing Examiner's recommendation is transmitted to the Board, where another public hearing is held prior to the decision being rendered by the Board.

3. SEPA (State Environmental Policy Act):

The State Environmental Policy Act (SEPA), found in Chapter 43.21C RCW (Revised Code of Washington), is a state law that requires the County to conduct an environmental impact review of any action that might have a significant, adverse impact on the environment. The review includes the completion of an Environmental Checklist by the applicant and a review of that checklist by the County. If it is determined that there will be environmental impacts, conditions are imposed upon the applicant to mitigate those impacts below the threshold of "major" environmental impacts. If the impacts cannot be mitigated, an environmental impact statement (EIS) must be prepared. The decision following environmental review, which may result in a Determination of Nonsignificance (DNS), Mitigated DNS, or the necessity for an EIS is called a threshold determination. A separate notice of the threshold determination is given by the County. If it is not appealed, it becomes part of the hearing record as it was issued, since it cannot be changed by the Hearing Examiner.

Pursuant to WAC 197-11-355, the optional DNS process was utilized for this project. The SEPA Comment period previously occurred concurrent with the Notice of Application dated June 30, 2023 (Exhibit 5). A Determination of Nonsignificance (DNS) was issued on July 28, 2023 (Exhibit 8).

The SEPA appeal period expires August 11, 2023. Should no appeals be filed the SEPA determination will be final. Staff will inform the hearing examiner on August 12, 2023 regarding any SEPA appeal filings.

4. Physical Characteristics:

The 0.09 acre parcel is 40 feet wide and 100 feet deep, relatively flat, and vegetated with grasses and shrubs. No critical areas exist on the parcel.

The existing Comprehensive Plan Land Use Designation for the subject site is Limited Area of More Intense Rural Development Type I. Kitsap County Code (KCC) Section 17.360D.010:

“In 2000, the Suquamish limited area of more intense rural development, or LAMIRD, was established in the Kitsap County Comprehensive Plan and includes Suquamish village commercial (SVC), Suquamish village low residential (SVLR), and Suquamish village residential (SVR). These amendments within the LAMIRD designation provided an opportunity to help reconcile the county’s historical land use pattern within the parameters of the Growth Management Act (GMA). The purpose of this section is to reflect the rural character of the Suquamish areas as prescribed by the Suquamish Rural Village Subarea Plan.”

Table 1 – Adjacent Land Use and Zoning Designations

Surrounding Property	Current Land Use	Zoning Designation
North	Single-family residence	Suquamish Village Residential (SVR)
South	Single-family residence	Suquamish Village Residential (SVR)
East	Single-family residence	Suquamish Village Residential (SVR)
West	Auto repair and Warehouse	Suquamish Village Commercial (SVC)

Table 2 – Density, Dimensions, and Design (KCC 17.420)

Standard	Current Zone Suquamish Village Commercial (SVC)	Proposed Zone Suquamish Village Residential (SVR)
Min. density (du/acre)	N/A	N/A
Max. density (du/acre)	0 (19)	2
Min. lot size	N/A (11)	n/a
Max. lot size	N/A (11)	n/a
Min. lot width	N/A (11)	40 (4)(11)
Min. lot depth	N/A (11)	75 (4)(11)
Max. height (feet)	35 feet	30, Max of 2 habitable floors

Max. impervious surface coverage	40% (6)	40% (6)
Max. lot coverage	N/A	N/A
Setbacks		
Min. front (41)(42)(43)	10 feet (11)	20 feet (11)
Side (42)(43)	N/A (11) (21)	5 feet (11)
Rear (42)(43)	10 feet (11) (21)	5 feet (11)

Applicable footnotes:

4. If a single lot of record, legally created as of April 19, 1999, is smaller in total square footage than that required under this chapter, or if the dimensions of the lot are less than required, said lot may be occupied by any reasonable use allowed within the zone subject to all other requirements of this chapter. If there are contiguous lots of record held in common ownership, each of the lots legally created as of April 19, 1999, and one or more of the lots is smaller in total square footage than required by this chapter, or the dimensions of one or more of them are less than required, said lots shall be combined to meet the minimum lot requirements for size and dimensions.
6. Building replacements and remodels shall not create in excess of a total of forty percent hard surface for lot area or more than the total existing hard surface area, whichever is greater.
11. Any newly created lot within the Suquamish rural village shall be subject to Chapter 16.48, Short Subdivisions, and must meet the lot requirements below:
 - a. Lot Requirements.
 - i. Minimum lot size: twenty-one thousand seven hundred eighty square feet.
 - ii. Minimum lot width: one hundred feet.
 - iii. Minimum lot depth: one hundred feet.
 - b. Setbacks.
 - i. Front: twenty feet.
 - ii. Side: five feet.
 - iii. Rear: five feet.
19. These zones are not intended to accommodate population growth and therefore do not have allowed density. However, limited new residential uses may occur in these zones which support the intent of these zones to provide employment and services. Therefore, up to one dwelling unit may be allowed per existing parcel for the limited residential uses allowed in Chapter 17.410.
21. Twenty feet when abutting a residential zone.
42. The following exceptions apply to front yard requirements for dwellings:

- a. If there are dwellings on both abutting lots with front yards less than the required depth for the zone, the front yard for the lot need not exceed the average front yard of the abutting dwellings.
 - b. If there is a dwelling on one abutting lot with a front yard less than the required depth for the zone, the front yard need not exceed a depth of halfway between the depth of the front yard on the abutting lot and the required front yard depth.
 - c. If a modification to the front yard requirement is necessary in order to site dwellings in a manner that maximizes solar access, the director may modify the requirement.
 - d. On lots with multiple front yards, the front yard setback(s) in which the lot does not receive access may be modified by the director. Based upon topography, critical areas or other site constraints, the director may reduce these front yard setbacks to a minimum of twenty feet for properties requiring fifty feet and ten feet for properties requiring twenty feet. The director may not modify front yard setbacks from county arterials or collectors. Such reductions shall not have an adverse impact to surrounding properties.
43. The following exceptions apply to historic lots:
- a. Building setback lines that do not meet the requirements of this title but were legally established prior to the adoption of this title shall be considered the building line for alterations, remodels, and accessory structures on the lot or parcel; providing, that no structure or portion of such addition may further project beyond the established building line.
 - b. Any single-family residential lot of record as defined in Chapter 17.110 that has a smaller width or lot depth than that required by this title, or is less than one acre, may use that residential zoning classification that most closely corresponds to the dimension or dimensions of the lot of record, for the purpose of establishing setbacks from the property lines.
44. Any structure otherwise permitted under this section may be placed on a lot or parcel within a required yard area if the director finds that such a location is necessary because existing sewer systems or roadways make compliance with the yard area requirements of this title impossible without substantial changes to the site.

Staff Comment: The footnotes suggest that a parcel merge should occur given the same ownership of congruent parcels and increased setbacks to the adjacent residential land uses. The proposed rezone would increase compatibility with the surrounding neighborhood and allow the applicant to meet the intent of the code.

Table 3 – Public Utilities and Services

Surrounding Property	Current Land Use
Water	Suquamish Water System
Power	Puget Sound Energy
Sewer	Kitsap County Sewer
Police	Suquamish Police Department
Fire	North Kitsap Fire & Rescue
School	North Kitsap School District No. 400

5. Access:

Harris Avenue, a county maintained right-of-way, provides direct access to the project site.

6. Site Design:

No site design is proposed as part of the rezone as this is not at the project level of a building permit or site development activity permit.

7. Policies and Regulations Applicable to the Subject Proposal:

The Growth Management Act of the State of Washington, RCW 36.70A, requires that the County adopt a Comprehensive Plan, and then implement that plan by adopting development regulations. The development regulations must be consistent with the Comprehensive Plan. The Comprehensive Plan process includes public involvement as required by law, so that those who are impacted by development regulations have an opportunity to help shape the Comprehensive Plan which is then used to prepare development regulations.

Kitsap County Comprehensive Plan, adopted June 30, 2016 with annual updates through April 2020. The following Comprehensive Plan goals and policies are most relevant to this application:

Land Use Policy 50

Limit the designed 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.

Land Use Policy 51

Permit residential uses in rural areas consistent with the planned rural character of the surrounding area.

Land Use Policy 53

Outside of the Type III Limited Area of More Intensive Rural Development (LAMIRD), limit development only to that which serves rural residential or resource needs and does not draw population from Urban Growth Areas. This policy is implemented

through Comprehensive Plan Land Use designation, zoning designation, and zoning code provisions.

Housing, Human Services Goals and Policies

Housing, Human Services Policy 5

Use regulatory strategies to incentivize and provide flexibility for development of affordable and special needs housing.

Housing, Human Services Policy 7

Adopt regulatory changes to allow non-traditional housing types.

Housing, Human Services Policy 11

Promote fair housing to ensure that all residents of Kitsap County have an equal and fair opportunity to obtain safe and sanitary housing suitable to their needs and financial resources, regardless of race, religion, gender, sexual orientation, age, national origin, family status, income, disability, or other protected class.

Housing, Human Services Policy 12

Identify and remove regulatory barriers and limits access to or the provision of a diverse affordable housing supply.

Housing, Human Services Policy 13

Identify and remove impediments to creating housing for harder to house populations.

Housing, Human Services Policy 14

Disperse affordable housing opportunities throughout the County.

Code Reference	Subject
Title 17	Zoning
Chapter 18.04	State Environmental Policy Act (SEPA)
Chapter 21.04	Land Use and Development Procedures

8. Documents Consulted in the Analysis:

A complete index of exhibits is located in the project file. To date, the index to the record consists of:

Exhibit #	Document	Dated	Date Received / Accepted
1	STAFF REPORT	08/03/2023	
2	Project Narrative		12/22/2022
3	SEPA Checklist	10/03/2022	12/22/2022

4	Permit Application/Submission Form	11/14/2022	12/22/2022
5	Notice of Application	06/30/2023	
6	Public Comments	07/09/2023	07/10/2023
7	Notice of Public Hearing (Revised)	07/27/2023	
8	SEPA Determination of Non-Significance	07/28/2023	
9	Certification of Public Notice	08/03/2023	
10	Staff Presentation		
11	Hearing Sign In		

9. Public Outreach and Comments:

The Department received two written comments that support this proposed change of zoning designation.

10. Analysis:

a. Planning/Zoning

21.04.230 Rezones.

- B. Decision Criteria. An application for rezone may be recommended for approval by the hearing examiner and may be approved by the board if they find that:
 - 1. The proposed rezone is consistent with the purpose and intent of the Comprehensive Plan, respective community or sub-area plan or other applicable regulations;

Applicant Response: The proposed rezone matches the surrounding properties that are residential, as the subject lot is obviously not commercial. The property has been used as residence for many years - there does not appear to have any commercial use in recent decades. A rental home existed on the lot, which burned down a year ago. Now the lot is empty. There is no parking or other business infrastructure to support a commercial use of this property in a residential neighborhood. Residential use in the Suquamish Village is consistent with the Comprehensive Plan for the Suquamish Community. All of the other parcels in the Harris Ave/Angeline neighborhood located within SVR are "residential" in nature. Changing the zone to SVR would be consistent with the surrounding neighborhood, while establishing a commercial use would be inconsistent with the neighborhood. The property does not have frontage on the main road, but is located across the street from a park and within a neighborhood.

Staff Comment: The general vision within the Suquamish Sub Area plan is for commercial activity on the main thoroughfare, not on Harris Avenue.

2. The proposed rezone will not adversely affect the surrounding community;
Applicant Response: The rezone to SVR would not adversely affect the surrounding community because it would be consistent with the surrounding community - that of residential use. The prior use (for many decades) of this property was residential under a conditional use (I believe). With rezoning, the property will be consistent with the surrounding community.

Staff Comment: The proposal would increase compatibility with the surrounding residential land uses by removing the equivalent of a commercial spot zone in a residentially zoned area.

3. The rezone bears a substantial relationship to the public health, safety, or welfare of the community; and

Applicant Response: The rezone to SVR will maintain the welfare of the community because the property has been used as a residence in the neighborhood for many decades. The property will continue to be used for residential purposes, which adds affordable housing to the community.

Affordable housing is consistent with the public health, safety, and welfare of the community.

Staff Comment: The existing zoning designation, SVC, incentivizes commercial development in a residential neighborhood with inadequate infrastructure.

Incremental commercial development is not likely to occur in this neighborhood such that public or private investment can develop the infrastructure necessary to maintain public health, safety, or welfare. Changing the zoning designation to a residentially prominent zone reduces the potential of commercial development on this parcel.

4. The proposed rezone:
 - a. Responds to a substantial change in conditions applicable to the area within which the subject property lies;
 - b. Better implements applicable Comprehensive Plan policies than the current map designation; or
 - c. Corrects an obvious mapping error.

Staff Comment: The proposal meets KCC Section 21.04.230 B.4.b by better aligning the Comprehensive Plan policies and map designation.

- b. Lighting**
Non-project action - not analyzed as part of this proposal.
- c. Off-Street Parking**
Non-project action - not analyzed as part of this proposal.
- d. Signage**
Non-project action - not analyzed as part of this proposal.
- e. Landscaping**
Non-project action - not analyzed as part of this proposal.
- g. Frontage Improvements**
Non-project action - not analyzed as part of this proposal.
- h. Design Districts/Requirements**
Non-project action - not analyzed as part of this proposal.
- i. Development Engineering/Stormwater**
Non-project action - not analyzed as part of this proposal.
- j. Environmental**
No critical areas exist on the project site.
- k. Access, Traffic, and Roads**
Development of the parcel within the proposed zoning designation will likely reduce the impacts to access, traffic, and roads.
- l. Fire Safety**
The project effectively will reduce the number of dwelling units allowed on the acreage between two parcels under the same ownership. Thereby, this will reduce the impacts to fire safety.
- m. Solid Waste**
The project effectively will reduce the number of dwelling units allowed on the acreage between two parcels under the same ownership. Thereby, this will reduce the impacts to fire safety.
- n. Water/Sewer**
The project effectively will reduce the number of dwelling units allowed on the acreage between two parcels under the same ownership. Thereby, this will reduce the impacts to fire safety.
- o. Kitsap Public Health District**

Non-project action - not analyzed as part of this proposal.

11. Review Authority:

The Hearing Examiner and the County Board of Commissioners have review authority for this Rezone application under KCC Section 21.04.230. The Kitsap County Commissioners have determined that this application requires review and a recommendation of the Hearing Examiner. The Hearing Examiner may approve, approve with conditions, remand, or deny a rezone. The Hearing Examiner may also continue the hearing to allow for additional information necessary to make the proper decision. The powers of the Hearing Examiner can be found in KCC Chapter 2.10.

12. Findings:

1. The proposal is consistent with the Comprehensive Plan.
2. The proposal complies or will comply with requirements of KCC Title 17 and complies with or will comply with all of the other applicable provisions of Kitsap County Code and all other applicable regulations, including all applicable development standards and design guidelines, through the imposed conditions outlined in this report.
3. The proposal is not materially detrimental to existing or future uses or property in the immediate vicinity.
4. The proposal is compatible with and incorporates specific features, conditions, or revisions that ensure it responds appropriately to the existing character, appearance, quality or development, and physical characteristics of the subject property and the immediate vicinity.

13. Recommendation:

Based upon the analysis above and the decision criteria found in KCC 17.550.030.A, the Department of Community Development recommends that the (rezone) request for 22-5581 Mriglot-Schebel be approved, subject to the following conditions:

a. Planning/Zoning

1. A notice to tile shall be recorded that requires merging this parcel, 4390-003-024-010, with the parcel 4390-003-023-0007 located immediately south of this proposal site, prior to future development proposals.
2. The approval of the Rezone application does not vest the property to current development regulations. Future land use applications will vest to applicable development regulations at the time the County issues a Notice of Complete Application for such application.

b. Development Engineering

N/A

c. Environmental

N/A

d. Traffic and Roads

N/A

e. Fire Safety

N/A

f. Solid Waste

N/A

g. Kitsap Public Health District

N/A

Report prepared by:



Darren Gurnee, Senior Planner and Project Lead

8/3/2023

Date

Report approved by:

Katharine Shaffer

Katharine Shaffer, Planning Supervisor

8/3/2023

Date

Attachment A: Existing Zoning

Designation Attachment B:

Proposed Zoning Designation

Attachment C: Critical Areas Map

Attachment D: Aerial Imagery

Attachment A: Existing Zoning Designation



Attachment B: Proposed Zoning Designation



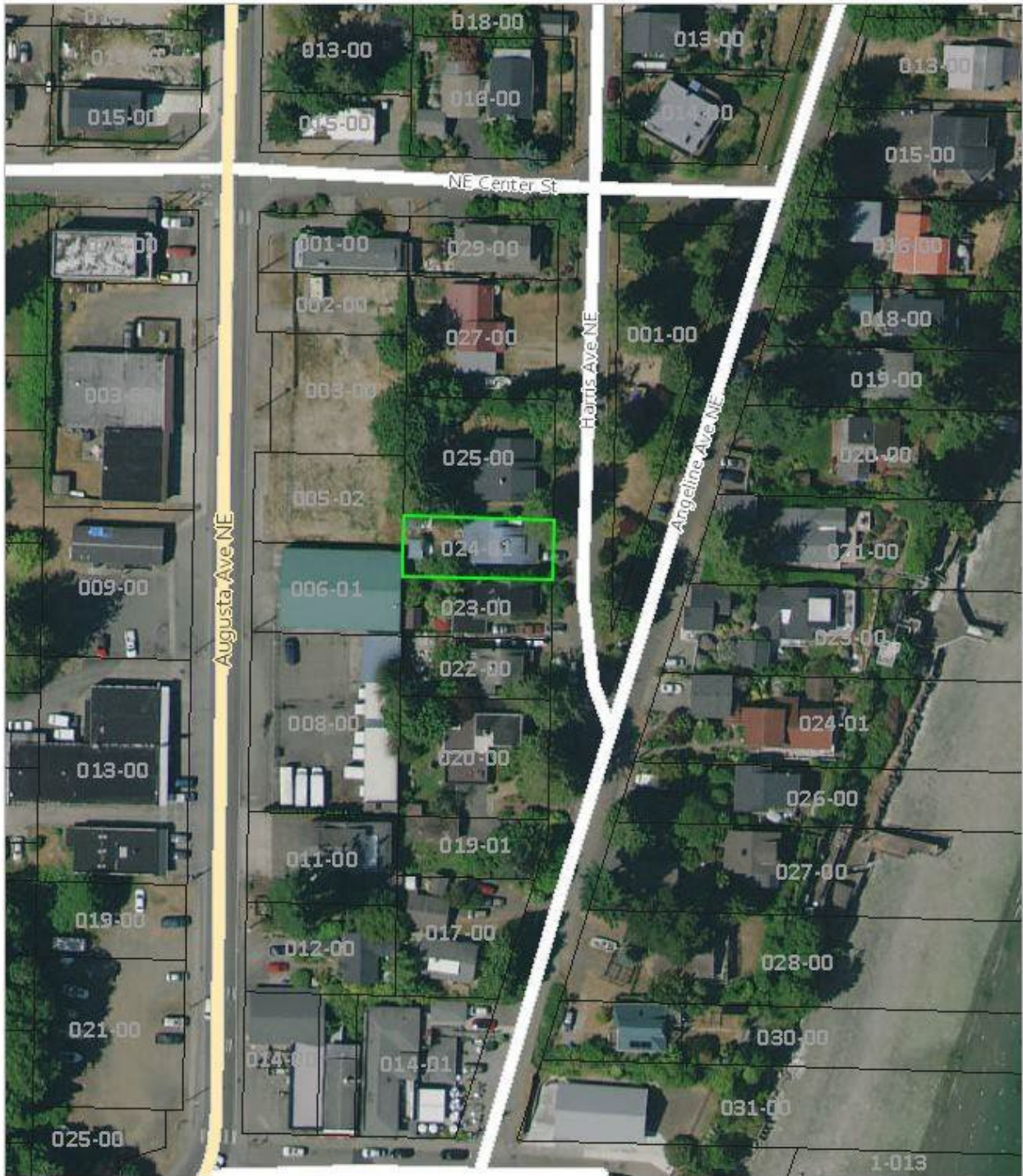
Attachment C: Critical Areas Map



** This map is not a substitute for field survey **



Attachment D: Aerial Imagery



** This map is not a substitute for field survey **

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