



KITSAP COUNTY DEPARTMENT OF COMMUNITY DEVELOPMENT

614 DIVISION STREET MS-36, PORT ORCHARD WASHINGTON 98366-4682
(360) 337-7181 FAX (360) 337-4415 HOME PAGE - www.kitsapgov.com/dcd/

Larry Keeton, Director

SITE-SPECIFIC COMPREHENSIVE PLAN AMENDMENT APPLICATION STAFF REPORT

DATE: October 6, 2009

STAFF: Katrina N. Knutson, Senior Planner

APPLICANT: William Palmer

PROPERTY OWNER(S): Terry Yamamoto

FILE NO: 09 64125

ASSESSOR'S ACC'T: 112301-3-015-2002 , 112301-3 -042-2009 & 112301-3-043-2008

NUMBER OF PARCELS: 3

LOCATION:

UGA: N/A

CURRENT USE: Commercial Nursery and Single Family Residence

CURRENT ZONING: Rural Protection: 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.

REQ. ZONING: Change zoning designation from Rural Protection (RP) to Highway Tourist Commercial (HTC) at a 16.84 acre project site.

ADDITIONAL PARCELS: N/A

RECOMMENDATION: Denial

VICINITY DESCRIPTION:

The subject parcel is approximately 16.84 acres located in Port Orchard, WA. The proposed amendment application requests a change in land use and zoning from Rural Protected (RP) to Highway Tourist Commercial (HTC). The surrounding zoning is HTC to the North and Northwest and RP to the West, South and East.

PHYSICAL CHARACTERISTICS OF SITE:

The current land use is a wholesale/retail nursery and some dwellings. It is served by a paved road. The terrain is generally flat. The property has identified wetlands and a stream body to the north and east of the property.

SEPA STATUS:

The SEPA comment period previously occurred concurrent with the Notice of Application dated July 24, 2009. Pursuant to WAC 197-11-060(5), phased SEPA review is being utilized. Should the comprehensive plan amendment request be approved, future development activity will require additional environmental review, including a full wetland delineation and report and a traffic impact analysis.

Pursuant to SEPA substantive authority at KCC 18.200.D.15 (Critical Areas) and the goals and policies listed in KCC 19.100.105.A and B, all critical areas and associated buffers shall be delineated on site plans for future development. Full buffers shall be retained as specified in KCC Title 19; Critical Area Buffer Reductions or Variances will not be granted. (Note: Should the Planning Commission recommend approval of the Yamamoto proposal, this SEPA mitigation measure is binding on future project approvals.)

PUBLIC UTILITIES, SERVICES, AND TRANSPORTATION:

The project site is located within the following public utility areas:

Water:	Public Utility District No. 1
Sewer:	Private on-site septic
Stormwater:	Private on-site

The following public services are available to the project site:

Police:	Kitsap County Sheriff
Fire:	Fire District #7
Medical:	Fire District #7
Schools:	South Kitsap School District #402
Parks:	Kitsap County Parks and Recreation Dept. Washington State Parks
Transit:	Kitsap Transit

CRITERIA FOR RECOMMENDATION OR DECISION – GENERAL

For each proposed amendment to the Comprehensive Plan the Planning Commission in reaching its recommendation, and the Board of County Commissioners in making its decision, shall develop findings and conclusions which consider¹:

1. Have circumstances related to the proposed amendment and/or the area in which the property affected by the proposed amendment is located substantially changed since the adoption of the Comprehensive Plan?

Finding: Circumstances related to the proposal area have not substantially changed since the adoption of the Comprehensive Plan. However, because Kitsap County is currently considering other, corresponding changes to the comprehensive plan and development regulations, including changes to comprehensive plan policy RL-8 and potential changes to zoning regulations regarding rural commercial and industrial uses, there may be a concurrent change of circumstances for consideration at the time this proposal is considered.

2. Are the assumptions upon which the Comprehensive Plan is based still valid, or, is new information available which was not considered during the adoption of, or during the last annual amendment to, the Comprehensive Plan?

Finding: Assumptions are still valid; no new substantive information is available that was not considered during the adoption or amendment to the Comprehensive Plan. However, because Kitsap County is currently considering other, corresponding changes to the comprehensive plan and development regulations there may be a change in assumptions regarding commercial and industrial uses in the rural areas.

CRITERIA FOR RECOMMENDATION OR DECISION -

SITE SPECIFIC COMPREHENSIVE PLAN AMENDMENTS

A proposed site-specific amendment to the Comprehensive Plan may be recommended for approval by the Planning Commission, and may be approved by the Board of County Commissioners, if, in addition to the findings and conclusions required in KCC Section 21.08.160, all of the following criteria are also satisfied.

1. Are concurrency requirements for transportation, sewer and water met? Will the change 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?

Finding: Concurrency requirements at the programmatic level are satisfactory. Project-level concurrency requirements would be reviewed as part of a future land use proposal(s).

2. Is the proposal consistent with the goals, policies and objectives of the Comprehensive Plan?

Finding: The proposal is not consistent with certain goals, policies, and objectives of the Comprehensive Plan. Staff evaluated Comprehensive Plan goals and policies for consistency with the proposal and the majority of the goals and policies that apply to this proposal were found to be inconsistent. Furthermore, the proposal was found to be inconsistent with goals and policies in the Land Use Chapter, Rural Lands Chapter, and Port Orchard/South Kitsap Chapter.

Kitsap County Comprehensive Plan States:

LU Goal 6. Encourage and reinforce development patterns within UGAs that are distinct from those in rural areas.

Policy LU-20 Encourage compact development patterns within UGAs, allowing for efficiencies in transportation and utilities, as well as public and capital facilities.

Policy LU-21 Encourage infill development on vacant and underutilized lands within UGAs.

Policy LU-22 Encourage development patterns in UGAs that support pedestrian connectivity between neighborhoods and community destinations where possible.

LU Goal 7. Recognize and support current and prior sub-area planning processes and adopted sub-area plans.

LU Goal 9. Use the Comprehensive Plan policies and Land Use Map to guide all growth-related decisions by the Board of County Commissioners and County staff.

LU Goal 13. Ensure that new development is compatible with established residential areas and provide for quality development.

LU 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.

Policy LU-63 Limit commercial centers within the Highway Tourist Commercial zone to a maximum of twenty acres in size unless a larger site is needed to accommodate requirements of permit approval such as stormwater facilities.

LU Goal 18. Encourage an attractively designed commercial land use pattern.

Policy LU-80 Minimize future strip commercial development.

Policy LU-81 Minimize new strip commercial development along major or minor arterials.

Policy LU-82 Encourage commercial areas to be compact to encourage pedestrian and non-motorized travel and transit use.

RL Goal 1. Retain the rural character of the County outside of designated urban areas.

Policy RL-4 Limit development only to that which serves rural residential or resource needs and not draw people from UGAs.

Policy RL-8 Allow existing commercial and industrial activities in the rural area to continue but not expand beyond the limits of the existing zoning, except as specified under policies RL-30 and RL-31.

PO/SK Goal 2. Manage community growth and redevelopment to ensure:

- An orderly pattern of land use;
- A balanced and complete community;
- Maintenance and improvement of the UGA's existing character; and
- Protection of environmentally sensitive areas.

Policy POSK-7 Develop and apply a system of reasonable measures (e.g., incentives) to focus growth in the urban area such as:

- Allowing modifications to the building height restrictions within Neighborhood and Community Centers;
- Reducing off-street parking requirements for medium- to high-density residential developments along transit routes; and
- Adjusting impact fees to reflect lower impacts per household within the UGA.

Policy POSK-10 Use land efficiently, facilitate infill development or redevelopment, and, where appropriate, preserve options for future development by requiring shadow platting on parcels that do not develop to the minimum density.

Policy POSK-37 Maintain and strengthen existing commercial areas by focusing development within them and establishing development guidelines.

Policy POSK-41 Discourage strip commercial land use development patterns and concentrate commercial/office development in pedestrian friendly centers.

NS-2 Delineate hydric soils on a wetlands map and ensure development on these soils is in accordance with wetlands policies and regulations.

Comment: Without the benefit of a full wetland delineation and report, consistency wetland policies and regulations remains unknown. County resource maps currently indicate that approximately 50% of the site contains hydric (wetland) soils. Application of required wetland buffers pursuant to KCC Title 19 (Critical Areas) will impact usable area for future land use activities under the requested designation.

NS-5 Restrict development in Geologically Hazardous Areas unless the site is demonstrated by a qualified geotechnician to be suitable for building.

Comment: Hydric soils are listed by the Critical Areas Ordinance as a Geologically Hazardous Area due to the potential for liquefaction in an earthquake (KCC 19.400.410.2.e). Suitability for development is unknown without the benefit of a wetland delineation to establish the extent of hydric soils.

NS-21 Require native vegetation buffers along streams and wetlands to protect the functions and values of those surface waters.

Comment: See NS-2 comment above.

NS-22 Strive to achieve no net loss of wetland function in the short term, and a measurable gain of wetland function in the long term, in the following manner: Avoid direct impacts on wetlands and buffers; minimize direct impacts to wetlands and buffers; and mitigate impacts through creation, restoration, or enhancement of wetlands or buffers.

Comment: See NS-2 comment above.

NS-57 Give special consideration to the protection of anadromous fish species when determining land use and zoning designations, and when developing and applying development regulations. Consider the relative importance of a stream's fisheries resource.

Comment: This policy requires special consideration for the protection of anadromous fish species when determining land use and zoning designations. The subject parcels contain wetlands associated with Blackjack Creek, a salmon bearing stream located off-site to the north and east. The September 19, 2009 letter from the Suquamish Tribe specifically expresses concern that the proposal may negatively impact tribal fishery resources, and aquatic resources overall.

Kitsap County Comprehensive Plan Goal #7 states, "Recognize and support current and prior sub-area planning processes and adopted sub-area plans." The Port Orchard Sub-area Plan was adopted in December of 2006 and enforces goals that encourage infill development in the UGA before expansion by allowing modifications to height restrictions, reducing off-street parking and adjusting impact fees to reflect lower impacts per household in UGAs (POSK Policy-7). Additionally, the Plan encourages maintaining and strengthening existing commercial areas by focusing development within them and establishing development guidelines (POSK Policy-37). Finally, the Plan discourages strip commercial land use development patterns (POSK Policy-41).

There are numerous Kitsap County Comprehensive Plan Goals and Policies this proposal does not satisfy. The goals that are of most concern to staff are: 1) LU Goal-6 that encourages development patterns within UGAs that are distinct from those in rural areas, 2) LU Policy-20 that encourages compact development patterns, 3) RL Goal-1 that states Kitsap County shall retain the rural character of the County outside of UGAs, and 4) Policy RL-4 which limits rural development only to that which serves rural residential needs and does not draw people from UGAs.

3. Is the subject parcel 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?

Finding: The subject parcel is *partially* suitable. However, the parcel may not be suitable with respect to environmental constraints. Consistent with the existing designation of Rural Protection, County resource maps indicate that approximately 50% of the subject land area may contain hydric (wetland) soils. Application of required wetland buffers under KCC Title 19 (Critical Areas) may result in site constraints that are not consistent with desired uses under the requested land use designation.

4. Would the proposed amendment create pressure to change the land use designation of other properties or to change land use to that which is generally in the long-term interests of the community?

Finding: The proposed amendment could create pressure to change the land use designation of other properties. The applicant has expressed interest in annexing to the UGA.

5. Would the proposed amendment materially affect the Comprehensive Plan's land uses and growth projections?

Finding: The proposed amendment could materially affect the Comprehensive Plan's land use and growth projections. Kitsap County has a limited amount of commercial land left to allocate for the 20-year planning horizon. If approved, this proposal would remove 16 acres of the remaining allocation.

6. Would the proposed amendment materially affect the adequacy or availability of urban facilities and services to the immediate area or the overall area of the UGAs?

Finding: The proposed amendment would not materially affect the adequacy or availability of urban facilities and services to the immediate area. Because the use is located in a rural area, it cannot be served by urban services, therefore the use must be limited so that it does not require urban services. The proposal does not occur within an Urban Growth Area, therefore this finding is not applicable.

7. Is the proposed amendment consistent with the Growth Management Act (GMA), Kitsap County-wide Planning Policies (CPP), Kitsap County Resolution 015-2008 (2008 Community Planning Docket and Work Program), state (RCW) and local laws, and other applicable inter-jurisdictional policies or agreements?

Finding: The proposal is not consistent with the Growth Management Act and Kitsap Countywide Planning Policies. The proposal is not inconsistent with other state and local laws.

GMA States:

- 1) GMA Goal 1: (1) Urban growth. Encourage development in urban areas where adequate public facilities and services exist or can be provided in an efficient manner.
- 2) GMA Goal 2: (2) Reduce sprawl. Reduce the inappropriate conversion of undeveloped land into sprawling, low-density development,
- 3) GMA Goal 10: (10) Environment. Protect the environment and enhance the state's high quality of life, including air and water quality, and the availability of water, and
- 4) GMA Goal 11: (11) Citizen participation and coordination. Encourage the involvement of citizens in the planning process and ensure coordination between communities and jurisdictions to reconcile conflicts.
- 5) RCW 36.70A.070(5)(c) Measures governing rural development. The rural element shall include measures that apply to rural development and protect the rural character of the area, as established by the county, by:
 - (i) Containing or otherwise controlling rural development;
 - (ii) Assuring visual compatibility of rural development with the surrounding rural area;
 - (iii) Reducing the inappropriate conversion of undeveloped land into sprawling, low-density development in the rural area;
 - (iv) Protecting critical areas, as provided in RCW 36.70A.060, and surface water and ground water resources; and
 - (v) Protecting against conflicts with the use of agricultural, forest, and mineral resource

lands designated under RCW 36.70A.170.

6) RCW 36.70A.110 (1) Each county that is required or chooses to plan under RCW [36.70A.040](#) shall designate an urban growth area or areas within which urban growth shall be encouraged and outside of which growth can occur only if it is not urban in nature. Each city that is located in such a county shall be included within an urban growth area. An urban growth area may include more than a single city. An urban growth area may include territory that is located outside of a city only if such territory already is characterized by urban growth whether or not the urban growth area includes a city, or is adjacent to territory already characterized by urban growth, or is a designated new fully contained community as defined by RCW [36.70A.350](#).

7) RCW 36.70A.110 (3) Urban growth should be located first in areas already characterized by urban growth that have adequate existing public facility and service capacities to serve such development, second in areas already characterized by urban growth that will be served adequately by a combination of both existing public facilities and services and any additional needed public facilities and services that are provided by either public or private sources, and third in the remaining portions of the urban growth areas. Urban growth may also be located in designated new fully contained communities as defined by RCW [36.70A.350](#).

County Wide Planning Policies States:

- 1) **CW-1-A** The primary role of Kitsap's urban communities is to encourage growth, through new development, re-development and in-fill. (See Appendix B for current and projected population distribution.)
- 2) **UGA-2** Each jurisdiction is responsible for implementing appropriate reasonable measures within its jurisdictional boundaries. If the Buildable Lands Analysis shows that a jurisdiction's Comprehensive Plan growth goals are not being met, that jurisdiction shall consider implementing additional reasonable measures in order to use its designated urban land more efficiently.
- 3) **UGA-3-G** Any jurisdiction seeking to expand its Urban Growth Area shall achieve densities and urban growth patterns consistent with the Growth Management Act and the City's adopted Comprehensive Plan and any inter-local agreement between the City and the County.
- 4) **UGA-3-I** Expansion of Urban Growth Areas shall direct growth first to areas already characterized by urban growth that have adequate existing public facility and service capabilities to serve development; second to areas already characterized by urban growth that will be served adequately by a combination of both existing public facilities and services and any additional needed public facilities and services that are provided; and third to areas that are adjacent to incorporated cities or established Urban Growth Areas once the available land meeting the first or second priority has been designated. Areas which have existing public facilities or where public facilities can be reasonably extended and are not currently at urban densities should be considered first within this category.

- 5) **R-2-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.

8) Meets all requirements outlined in the resolution adopting the preliminary docket.

Finding: The proposal is consistent with the resolution adopting the preliminary docket.

ANALYSIS

The proposal would rezone three parcels totaling approximately 16 acres from Rural Protected (RP) to Highway Tourist Commercial (HTC).

According to KCC 21.08.160 and 21.08.180, **all decision criteria must be satisfied to Recommend approval**. This staff report produced the following findings:

General Decision Criteria

1. Meets initial criteria, with the expectation that comprehensive plan and development regulations will be concurrently amended to allow rural commercial uses outside LAMIRD boundaries.
2. Meets initial criteria, contingent upon a concurrent amendment to the comprehensive plan and development regulations to allow rural commercial uses outside LAMIRD boundaries.

Site Specific Decision Criteria

1. Satisfactory
2. Unsatisfactory
3. Satisfactory
4. Uncertain
5. Uncertain
6. Satisfactory
7. Unsatisfactory
8. Satisfactory

The findings above were made following a programmatic evaluation of the proposal. A recommendation for approval would not guarantee approval of, nor exempt an applicant from, future land use requirements.

CONCLUSION

The scale of the proposal is incompatible with rural character and would inappropriately draw development away from urban growth areas. Rural development should be of a size, scale and intensity to be compatible with the rural areas, and rural uses should be those that are designed to serve the rural area. The Yamamoto proposal is located adjacent to the Port Orchard Urban Growth Area (UGA) and was taken into consideration through the 2004-2006 Port Orchard/South Kitsap Sub-area Plan process. These parcels were intentionally left out of the UGA because of their environmental constraints. There have been no change in circumstances since the 2006 plan. Additionally, there are significant critical areas on the property that raise concerns about the compatibility with the requested zoning.

RECOMMENDATION

The Department of Community Development recommends denial of the Yamamoto application.

Attachments: Arial Map
Current Zoning
Proposed Zoning
Critical Areas

**Kitsap County
2009 Site Specific
Amendments**

**Aerial Photography
Terry Yamamoto**
112301-3-016-2002, 112301-3-042-2009
& 112307-3-043-2008
Commissioner District 2
16.84 Acres
5765 Sidney Rd SW
Current Zoning: Rural Protection
Requested Zoning: Highway
Tourist Commercial



DRAFT

Map Date: January, 2009



Kitsap County
Department of Community Development
614 Division Street, MS-38
Port Orchard, Washington 98366
VOICE (360) 337-7181 * FAX (360) 337-4925

**Kitsap County
2009 Site Specific
Amendments**

Zoning
Terry Yamamoto
112301-3-016-2002, 112301-3-042-2009
& 112301-3-043-2008
Commissioner District 2
15.84 Acres
5765 Sidney Rd SW
Current Zoning: Rural Protection
Requested Zoning: Highway
Tourist Commercial

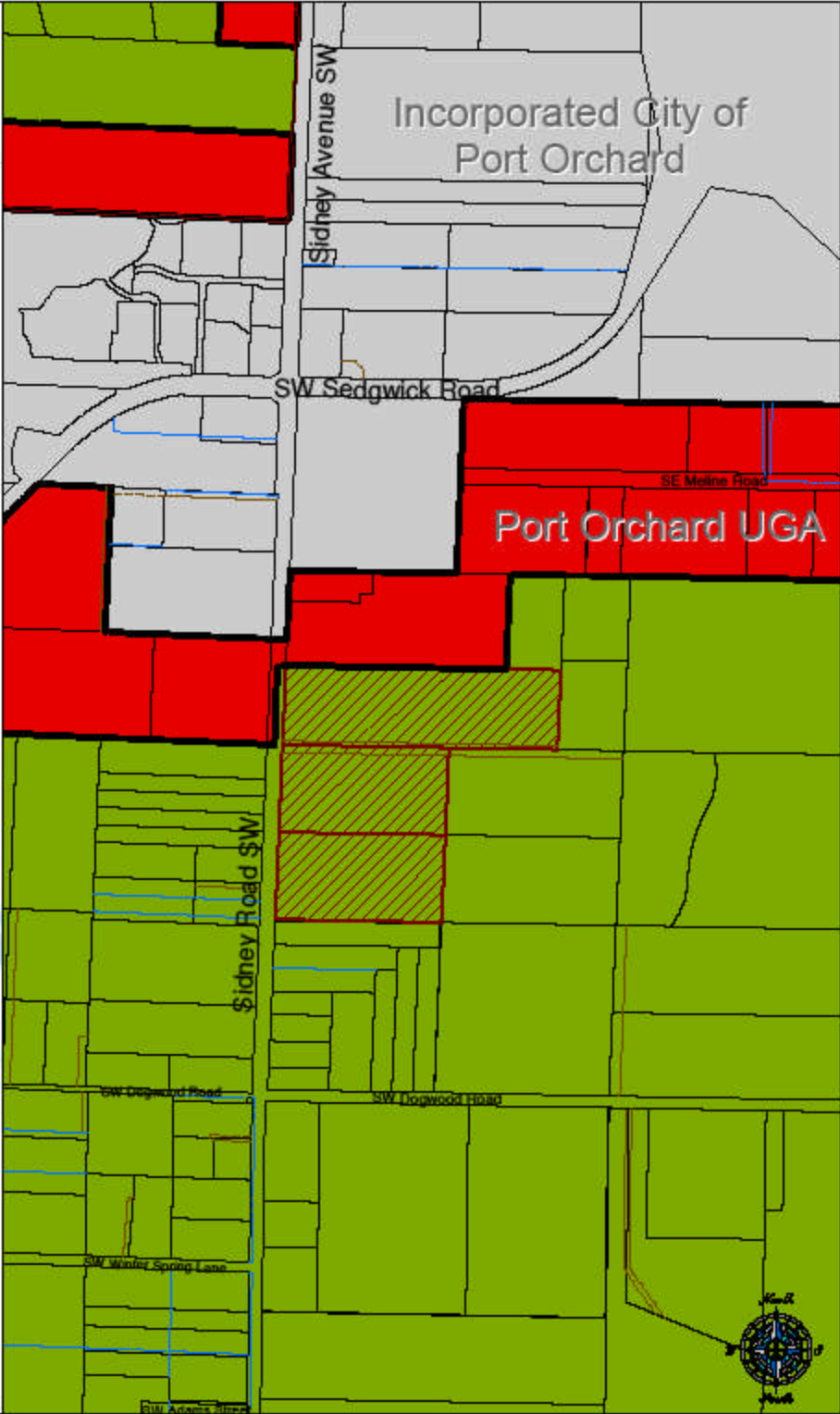
-  Subject Parcel
-  Urban Growth Area Boundary
-  Incorporated City Boundary
-  Tax Parcels
-  Easement
-  Plat-Line
-  Rural Protection (1 DU/10 Ac)
-  Highway/Tourist Commercial (10-30 DU/Ac)
-  Incorporated City

DRAFT

Map Date: January, 2009



Kitsap County
Department of Community Development
614 Division Street, MS-36
Port Orchard, Washington 98366
VOICE (360) 337-7181 * FAX (360) 337-4925



**Kitsap County
2009 Site Specific
Amendments**

**Proposed Zoning
Terry Yamamoto**
112301-3-016-2002, 112301-3-042-2009
& 112307-3-043-2008
Commissioner District 2
16.84 Acres
5765 Sidney Rd SW
Current Zoning: Rural Protection
Requested Zoning: Highway
Tourist Commercial

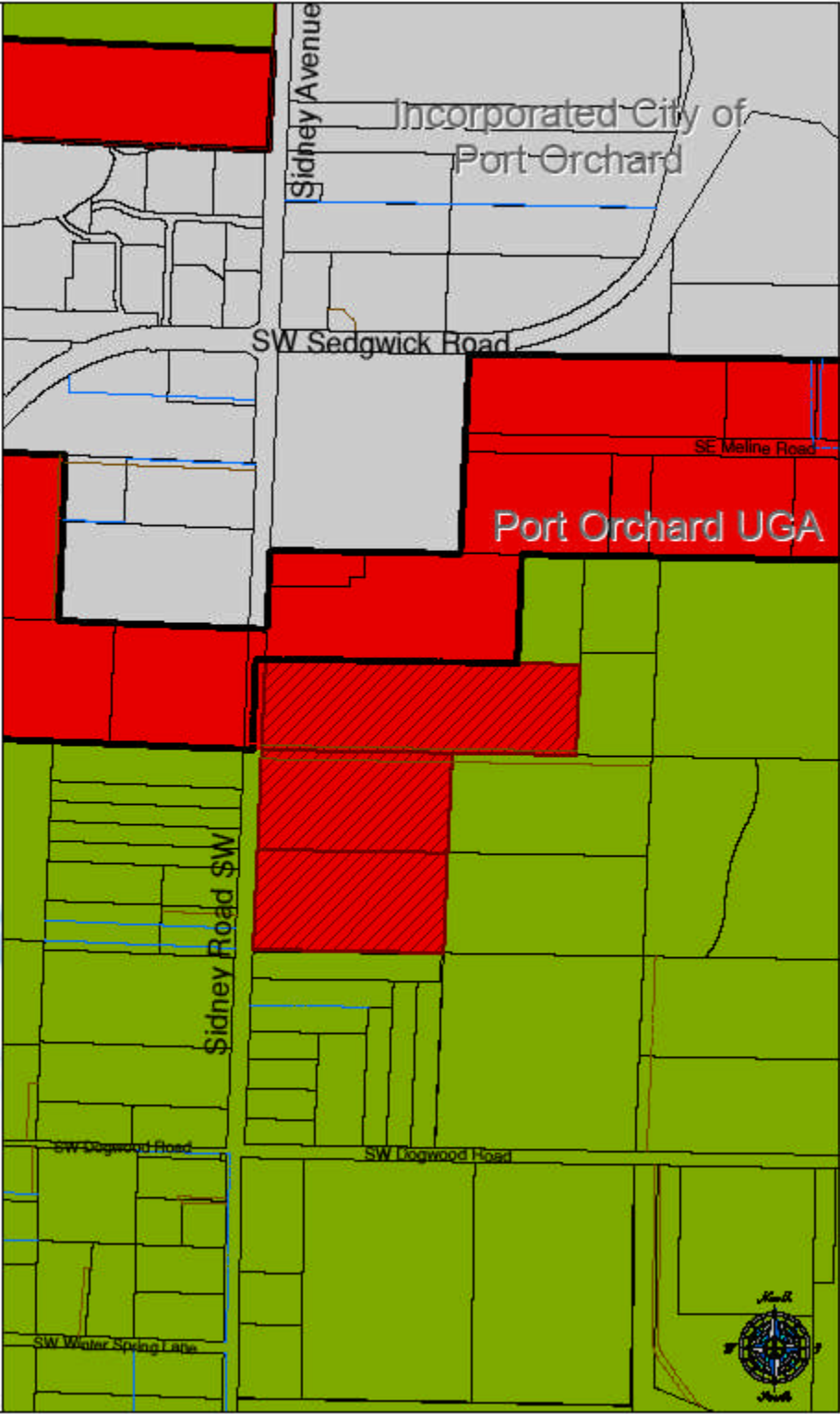
-  Subject Parcel
-  Urban Growth Area Boundary
-  Incorporated City Boundary
-  Tax Parcels
-  Easement
-  Rail-Line
-  Rural Protection (1 DU/10 Ac)
-  Highway/Tourist Commercial (10-30 DU/Ac)
-  Incorporated City

DRAFT

Map Date: January, 2009



Kitsap County
Department of Community Development
614 Division Street, MS-38
Port Orchard, Washington 98366
VOICE (360) 337-7181 * FAX (360) 337-4925



**Kitsap County
2009 Site Specific
Amendments**

**Topography &
Natural Resources
Terry Yamamoto**
112301-3-016-2002, 112301-3-042-2009
& 112301-3-043-2008
Commissioner District 2
16.84 Acres
5765 Sidney Rd SW
Current Zoning: Rural Protection
Requested Zoning: Highway
Tourist Commercial

- Subject Parcel
- Tax Parcel
- Urban Growth Area Boundary
- Incorporated City Boundary
- 20' Contours
- 5' Contours

- Bald Eagle Management Nest and Communal Roost Buffers**
Management Zone Description
- Priority 1: 400' buffer around nest trees/roost sites
 - Priority 2: with 400'-800' of nest tree or 500' of shoreline

- Waterbodies (defined in WAC 222-16-030)**
Waterbody Cartographic Feature Code
- Bay, estuary, Puget Sound
 - Lake, Pond, Reservoir, Gravel pit or quarry filled with water

- Watercourses (defined in WAC 222-16-030)**
Fish Habitat Water Type Code
- (S) Designated Shoreline of the State
 - (F) Fish Habitat
 - (N) Non-fish Habitat
 - (U) Unknown

- Wetlands**
- Potential Wetlands
 - 100 Year Floodplain

- Geohazards**
- High Hazard Areas
 - Moderate Hazard Areas



DRAFT
Map Date: January, 2009



Kitsap County
Department of Community Development
614 Division Street, MS-36
Port Orchard, Washington 98366
VOICE (360) 337-7181 * FAX (360) 337-4925

