

STAFF REPORT

**GEORGE'S CORNER
LIMITED AREA OF MORE INTENSIVE DEVELOPMENT**



June 4, 2004

DIRECTIVE

Under Ordinance 311-2003, signed December 8, 2003, the Kitsap County Board of County Commissioners directed staff to re-examine the public participation element for designating a Limited Area of More Intensive Rural Development (“LAMIRD”) at the George’s Corner intersection (**Attachment 1**). In an effort to fulfill this requirement, the Kitsap County Department of Community Development organized a series of four meetings to involve the citizens of Kingston and those property owners surrounding the George’s Corner intersection. The purpose and scope of this group, referred to as the George’s Corner Boundary Advisory Group, was to review the requirements that are outlined in the Washington State Growth Management Act and Kitsap County Comprehensive Plan and form a recommendation to the Planning Commission and Board of County Commissioners regarding the designation of a LAMIRD at the George’s Corner intersection.

INTRODUCTION/BACKGROUND

The purpose of this report is to provide information to the Boundary Advisory Group, public, Planning Commission and Board of County Commissioners (BCC) regarding the future of the George’s Corner Commercial area (intersection of Hwy 104 & Hansville Road). This information must be consistent with language and direction contained in Ordinance No. 274-2002 and 311-2003, relating to growth management, amending the Comprehensive Plan and Map for 2003 and 2004 (respectively) and making corresponding amendments to the Kitsap County Zoning Code and Map.

On June 10, 2002 the BCC approved a re-zone application for four acres of the North Sound Bank property on the southeast corner of the George’s Corner intersection under Ordinance 274-2002. This ordinance also directed County staff to conduct an analysis of the George’s Corner intersection for the potential designation as a commercial LAMIRD, as provided for under the Growth Management Act [RCW 36.70A.070 (5)(d)]. (**See Attachment 2**)

After reviewing the staff report and taking public testimony, on August 19, 2003 the Planning Commission made their final recommendation to the Board of County Commissioners regarding the George’s Corner LAMIRD. Their discussion and recommendation are summarized as follows:

George’s Corner LAMIRD Considerations: In brief, as GMA requires, there was some built development with infrastructure prior to July 1, 1990 on the Northeast (one lot removed from the intersection) and Southwest corners. Additional development has occurred since 1990 on the Northeast corner, leaving the Northwest and Southeast corners undeveloped. There are natural areas that may serve as barriers to expanded development in all directions, and there are two major arterials that bisect the properties. Plan and sub-area plan policies identify a need and ability to limit development within an identifiable Logical Outer Boundary (LOB).

Discussion: The Planning Commission was divided as to the appropriate location and placement of a Logical Outer Boundary (LOB) that met the criteria established under .RCW 36.0A.070(5)(d)(iv). After examination of the staff findings, the Planning Commission determined that the pre-1990 development of the Northwest corner (one lot removed) did not justify establishing a LOB. Therefore, the Planning Commission



found that having only one corner of the crossroads development constructed prior to 1990 failed to qualify this area for a LAMIRD designation at this time.

Staff Recommendation: Approval

Planning Commission Recommendation: Denial.

The Board of County Commissioners, giving consideration to the recommendation of the Planning Commission, made the following decision regarding the George's Corner LAMIRD:

- 1) The Board finds that, with regard to the proposed George's Corner LAMIRD, the County has not followed the process established in the Comprehensive Plan for designating LAMIRDs. While a LAMIRD designation at George's Corner may be a logical and appropriate way to contain growth in that area, the Board cannot make that determination, or any other determination relating to George's Corner, until the LAMIRD process discussed in the Comprehensive Plan is followed.
- 2) With regard to the site-specific redesignation requests, on August 19, 2003, the Kitsap County Planning Commission reviewed the proposed site-specific amendments, and the Planning Commission's recommendation on each is noted below. With regard to each site specific redesignation request, the Board finds as follows:
 - a) Richard Bjarnson, LIS Docket No. 03 05328, request to redesignate property from Rural Residential (RR) to Neighborhood Commercial (NC). The site is the northwest quadrant of Hansville Road and State Route 104. The site includes 13.5 acres. **Planning Commission recommended denial.**

The BCC finds that, because the Bjarnson Comprehensive Plan Amendment and rezone is integral to the George's Corner LAMIRD designation process, the **Bjarnson amendment and rezone should be deferred to 2004** for concurrent review with a LAMIRD designation at George's Corner. The fees for that review should be waived.

- b) Choi Byong Jik and In Sook, LIS Docket No. 03 05684, request to redesignate property from Rural Protection (RP) to Neighborhood Commercial (NC). The site is 1,200 feet east of Hansville Road on the north side of State Route 104. Total area equals 23.48 acres. **The Planning Commission recommended denial of the redesignation request.**

The BCC concurs with the Planning Commission and finds that the Choi redesignation request should be denied because it would allow urban uses in a rural area. The BCC adopts the findings of the Planning Commission with respect to this issue.

The progression of the re-zone proposals from 1998 to 2003 can be seen in **Attachment 3**.

To satisfy the requirements of the Growth Management Act and the direction given in Ordinance 311-2003, Kitsap County hosted a series of four public meetings to discuss and form a recommendation for the designation of a LAMIRD at the George's Corner intersection, beginning on April 14, 2004. This group, called the "George's Corner Boundary Advisory Group", was



composed of representatives and property owners from parcels that are already developed commercial/industrial, parcels that have commercial zoning but no development, and properties that are currently residential but have expressed an interest in obtaining commercial zoning. There were also representatives who had participated in development of the Kingston Sub-Area Plan with the Kingston Citizen's Advisory Committee (KCAC), as well as landowners and homeowners in the area immediately surrounding the George's Corner intersection.

LOCAL AND HISTORIC CONTEXT

As indicated in the original 1998 Kitsap County Comprehensive Plan Rural Appendix Issue Paper (pg. A-294) Kitsap County's rural lands are characterized by parcels of undeveloped land, scattered low-density development, and limited low-intensity commercial and industrial uses. These areas are not typically supplied or served with urban levels of service. "Commercial areas which generally consist of scattered pockets of small-scale grocery/convenience stores, limited light industrial, and forestry or mineral extraction activities" are typical development patterns that form the rural character and makeup of Kitsap County. The Issue Paper indicates that the existing characteristics of rural areas should be used to help develop criteria for designating appropriate Areas of More Intensive Development in the Comprehensive Plan, and to potentially draft regulations, design guidelines and other appropriate programs to ensure that these types and levels of growth are limited and contained consistent with the requirements of GMA.

The Issue paper further identifies George's Corner as a candidate example of an existing Rural Commercial area, which can be defined as:

Areas that are dispersed throughout the county and include sites devoted to relative small-scale commercial or industrial uses. Examples include: crossroads development (gas station, mini-mart or grocery store); neighborhood shopping centers, isolated commercial or industrial businesses; and small industrial parks that are not typically "rural" in character (ie: supporting agricultural or other "traditional" rural activities) and may be served by public or on-site sewer and water (pg A-296). Further, commercial uses in rural areas typically cater to the daily needs of the residents. (pg. A-300)

GROWTH MANAGEMENT ACT REQUIREMENTS FOR IDENTIFYING THE "LIMITED AREA OF MORE INTENSIVE RURAL DEVELOPMENT"

Direction for establishing LAMIRDs is set forth in the Growth Management Act under section 36.70A.070(5)(d), which states that:

...the rural element may allow for limited areas of more intensive rural development, including necessary public facilities and public services to serve the limited area as follows:

- (i) Rural development consisting of infill, development, or redevelopment of existing commercial, industrial, residential, or mixed-use areas...
 - (A) A commercial, industrial, residential, shoreline, or mixed-use area shall be subject to the requirements of (d)(iv) of this subsection...
 - (B) Any development or redevelopment other than an industrial area or an industrial use within a mixed-use area or an industrial area under this



subsection (5)(d)(i) must be principally designed to serve the existing and projected rural population.

(C) Any development or redevelopment in terms of building size, scale, use or intensity shall be consistent with the character of the existing areas. Development and redevelopment may include changes in use from vacant land or a previously existing use so long as the new use conforms to the requirements of this subsection (5) . . . ;...

(iv) A county shall adopt measures to minimize and contain the existing areas... Lands included in such existing areas... shall not extend beyond the logical outer boundary of the existing area... thereby allowing a new pattern of low-density sprawl. Existing areas are those that are clearly identifiable and contained and where there is a logical boundary delineated predominantly by the built environment, but that may also include undeveloped lands if limited as provided in this section. The county shall establish the logical outer boundary of an area of more intensive rural development. In establishing the logical outer boundary the county shall address:

(A) the need to preserve the character of existing natural neighborhoods and communities,

(B) physical boundaries such as bodies of water, streets and highways, and landforms and contours,

(C) the prevention of abnormally irregular boundaries, and

(D) the ability to provide public facilities and public services in a manner that does not permit low-density sprawl;

(v) For purposes of (d) of this subsection, an existing area...is one that was in existence: (A) on July 1, 1990...

The first step for designating a limited area of more intensive rural development is to define a logical outer boundary. This boundary is a permanent boundary, not subject to the review and revision procedures applicable to Urban Growth Areas (UGAs).

ESTABLISHING THE LOGICAL OUTER BOUNDARY

Pursuant to the GMA [(RCW 36.70A.070(5)(d)(iv)] Kitsap County must adopt measures to minimize and contain existing area or uses within LAMIRDs and those areas shall not extend beyond the logical outer boundary (LOB). While LAMIRDs must be delineated predominately by the pre-July 1, 1990 built environment they also may include undeveloped land, if limited, in order to prevent further low-density sprawl. The GMA outlines four issues that must be addressed in establishing the LOB in addition to respecting the predominance of the pre-1990 built environment.

(D) The need to preserve the character of existing natural neighborhoods and communities: Preserving the character of the existing development was taken into consideration. The intersection is a classic example of a crossroads development in rural Kitsap County. Although a majority of the development has taken place since 1990, there is evidence that supports historic commercial development on three parcels adjacent to the intersection in the northeast quadrant and on one parcel on the southwest corner.

(E) Physical boundaries such as bodies of water, streets and highways, landforms and contours: This intersection area is considered a plateau region, with delineated drainage basins and headwaters for Grover's creek (ESA listed stream) and Gamble creek located on the east and west respectively. These areas can easily be depicted on



the CAO map and include identifiable features such as wetlands, hydric soils, open water and forest cover (**Attachment 4**). The two arterials at this location could not be used in determining the boundary because they are considered principal arterials/collectors with no side streets in close proximity and run directly through the middle of the potential LAMIRD.

- (F) The prevention of abnormally irregular boundaries: The physical boundaries can be easily established by the non-built or natural environment, however, the built environment provides for more of the immediate challenge because of the lack of existing structures and infrastructure as indicated by the Pre-1990 conditions (listed below). In addition the unique parcel shape/size and associated property lines could lead to some irregularity, unless parcels were split.
- (G) The ability to provide public facilities and services in a manner that does not permit low-density sprawl: The immediate area is currently served by water facilities (installed between 1992-95) and on site septic systems. There is an existing roadside distribution system for power with a voltage of 12.5 Kv's. There is adequate service capacity with no immediate plans for upgrades to any of these facilities.

For the purpose of a LAMIRD designation, RCW 36.70A(5)(d)(v)(A) requires that an existing area or use be one that was in existence on July 1, 1990. While the reference and discussion related to the George's Corner commercial area was contained within the Rural Appendix Issue Paper, further evidence must be provided through the analysis of the built environment to determine the potential for identifying a "logical outer boundary" (LOB). The Comprehensive Plan notes, however, that its language discussing the designation was not intended to be definitive or exclusive.

In trying to establish the LOB, the County used its Geographic Information System's (GIS) 1992 and 2001 aerial photos and parcel-specific Assessor's data, as well as the input received from the Boundary Advisory Group. Data was gathered and analyzed as follows:

Pre 1990 Conditions

1. Buildings – Four parcels contained existing structures on/prior to the date referenced above. The corner parcel (APN #282702-1-005-2004) located on the South East side of Hwy 104 and Hansville Road retained a Mini-mart and gas station facility and associated uses/businesses contained within a 5150 sq ft building constructed in 1985. This parcel historically has been identified as the Kountry Korner's landmark. The second, third and fourth parcels (APN #222702-3-040-2003, 222702-3-041-2002 and 222702-3-042-2001) located on the North East corner (one parcel removed from the intersection) contained a 3440 sq ft manufacturing building constructed in 1968, a 3528 sq ft storage warehouse constructed in 1990, and a 3528 sq ft storage warehouse constructed in 1988, respectively.
2. Electrical/power – All parcels had access to a roadside distribution system (12.5 Kv.) with no upgrades in the last 10 years.
3. Water – PUD provides the necessary service to the immediate areas. Water mains are located on the north side of Hwy 104 (10") and on the east side of Hansville Road NE (8"). On-site mains for the Albertson's parcel are all 8" in diameter. Sources for the North Peninsula system are Kingston #3, #4, #6 & Ritter Road respectively. Main extension along Hwy 104 and Hansville Road NE were completed around August 11, 1995. (**Attachment 5**)



4. Road Infrastructure – As seen in the 1992 aerial photos, George’s Corner was characterized by a major arterial (State Hwy 104) and a county collector (Hansville Road).

KITSAP COUNTY COMPREHENSIVE PLAN REQUIREMENTS FOR IDENTIFYING THE “LIMITED AREA OF MORE INTENSIVE RURAL DEVELOPMENT”

The following policy guidelines for designating LAMIRDs are set forth in the Kitsap County Comprehensive Plan:

RL-22 Changes to land use designations for limited areas of more intensive development should be addressed via a local community planning process. This process would incorporate local knowledge, experience and preferences to determine appropriate area-specific land uses, development standards, design guidelines, and public service needs. Specific issues that should be considered in this planning process include:

- Appropriate area boundaries;
- Rural character of the subject and surrounding area;
- Appropriate mix of uses, densities and intensities;
- Feasibility, cost and need for public services;
- Significant natural constraints or features to be preserved;
- Provision for a monitoring and evaluation process; and
- Benefits to the local community.

RL-23 The planning process for each limited area of more intensive development should include use of an advisory committee composed of area residents, interest groups, Tribes and County representatives. Kitsap County should develop a scope of work for each area, which outlines the structure of the planning process, the proposed schedule, issues to be addressed, and roles of the various participants.

In addition to policies RL-22 and RL-23, policy RL-24 states that “For identified commercial/ industrial areas, changes to permitted uses and development standards should be permitted through a master planning process...”. While the County recognizes that the George’s Corner crossroads development is characterized by commercial uses, the purpose and intent of this LAMIRD designation is to recognize the existing built environment. Requiring a master planning process for the existing development would be a timely and costly for those business owners and property owners affected.

The aforementioned public participation process required by the Kitsap County Comprehensive Plan has been conducted for the George’s Corner LAMIRD proposal and is described in the following section.

PUBLIC PARTICIPATION PROCESS

On February 18, 2004, the North Kitsap Herald published an article outlining the history of the George’s Corner LAMIRD proposal, and identified where and when future information for this process will be available.

On February 26, 2004, County staff attended the Kingston Town Meeting with information regarding the upcoming public participation process for the George’s Corner LAMIRD. Citizens



in attendance were encouraged to sign up to be put on a contact list, and were provided with an informational sheet and questionnaire.

On April 5, 2004, Kitsap County mailed an invitation to landowners within 1000 feet of the center of the George's Corner intersection to solicit participation in the George's Corner Boundary Advisory Group (**Attachment 6**). This invitation identified the purpose and goal statement, as well as the dates and locations of upcoming meetings (**Attachment 7**).

On April 24, 2004, a notice of public meeting was published in the Bremerton Sun newspaper.

On May 5 and May 8, 2004, a notice of public meeting was posted in the North Kitsap Herald and the Bremerton Sun newspapers.

On the evenings of April 14, April 27, May 11, and May 18, 2004, the Kitsap County Department of Community Development hosted the meetings of the George's Corner Boundary Advisory Group. The summaries of those meetings can be found in **Attachment 8**.

The George's Corner Boundary Advisory Group was charged with formulating a recommendation that would be forwarded to the Planning Commission and Board of County Commissioners for their review, based on the requirements that are identified in the Washington State Growth Management Act and Kitsap County Comprehensive Plan. The primary concerns for allowing further commercial development at this crossroads intersection were as follows: traffic, intensity of uses that would be allowed, and the preservation of the natural systems. There were also concerns raised by the group related to the permanent nature of this boundary to limit future development and subsequently could not be redrawn based on future needs. These issues were identified in discussions during the four meetings and were identified in the questionnaires and maps that were submitted by 25 of the 38 participants in the series of BAG meetings. The responses to the questionnaires and maps completed by the Boundary Advisory Group have been summarized¹ and a series of four alternatives have been identified as a result.

Each of the four alternatives were developed by compiling the responses to the map drawing exercise and determining which properties received a majority consideration.

Alternative #1 identifies only those properties that currently retain commercial zoning, and was the scenario supported by the original staff report in 2003, is currently supported by the KCAC, and is supported by the 29 signers of the neighborhood petition.

Alternative #2 includes those properties that currently have the commercial zoning, as well as a small amount of additional property that can be characterized as "infill" development. Approval of Alternative #2 would be conditioned on the execution of a Boundary Line Adjustment by three property owners to include approximately 1/3 of their property within the LOB. Alternative #3 includes those properties that currently have Commercial zoning, as well as a more significant portion of "infill" property than Alternative #2. Approval of Alternative #3 would be conditioned on the execution of a Boundary Line Adjustment by three property owners to include approximately 2/3 of their property within the LOB.

Alternative #4 includes those properties that currently have Commercial zoning, as well as a significant portion of growth that a majority of the Boundary Advisory Group characterizes as "infill" development. (See **Attachment 9**)

¹ George's Corner Boundary Advisory Group Questionnaire Responses Summary and Map Drawing Exercise Results Table
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FINDINGS

Staff Findings:

After careful consideration of statutory requirements for the potential designation of a LAMIRD, the following summary of findings is provided to assist and guide the decision-making process. Based on the research conducted for this effort, the findings are as follows:

1. Existing development was established prior to July 1, 1990.

One parcel located at the intersection of Hwy 104 and Hansville Road contained a non-residential use (with permits) and historic commercial zoning prior to GMA. The second, third and fourth parcels, located adjacent to the current Albertson's site (one-removed from the intersection) contained 3 non-residential buildings (with permits) also in place prior to GMA (**Attachment 10**).

2. The Albertson's site was constructed after the 1990 cutoff date and therefore can't be used as justification for determining the LOB.

However, it can be viewed as infill development between the two existing developed parcels noted above. Note: the Albertson site contains development that has established a higher intensity use than those existing prior to GMA.

3. The location of the potential LAMIRD contains two major arterials (Hwy 104/Hansville Road).

These arterials provide the primary accessibility to the entire North Kitsap region, including Kingston, Hansville, Port Gamble, Indianola and many locations in between.

4. The location and immediate area is served by existing PUD water.

This facility was not installed until 1992 (actual installation began in '92 and concluded in '95).

5. Presence of on-site septic.

The development/uses, which were in place prior to GMA, utilized on-site septic systems and therefore can be used as further justification of the pre-1990 existing built environment requirements established under GMA.

6. Electrical power was provided to the immediate areas.

This was done via a roadside distribution system that was in place before the 1990 conception date.

7. The non-built or natural environment can provide useful assistance in delineating a LOB.

This area is defined by a plateau region, with a delineated drainage basins located on either side of the intersection for Grover's and Gamble Creeks respectively (see critical areas map, **Attachment 4**). Therefore, the existing development could contain the development using the natural environment as the maximum limits. Property lines may also be used in determining a Logical Outer Boundary, which would prevent irregular boundaries and avoid splitting parcels.

8. Recognition of commercial development in rural areas and preservation of rural character.

This area maintains an identity that is distinct in that there is approximately 1.5 miles of distance between this location and the Kingston Urban Growth Area, thereby preserving the rural character of the surrounding area.

9. The Kitsap County Commissioners are the decision-making authority for comprehensive plan amendments.



Boundary Advisory Group Findings:

The findings and recommendation of the George's Corner Boundary Advisory Group are as follows:

- 1) There should be a commercial LAMIRD designated at George's Corner based on the following criteria:
 - There was development in existence at this intersection prior to July 1, 1990.
 - Public services are available to serve development at this intersection (except sewer)
 - Designating a LAMIRD at this intersection will preserve the rural character of the surrounding neighborhoods
- 2) The four Alternatives for the Logical Outer Boundary were designated based on the following criteria:
 - Bodies of water, streets and highways, and land forms and contours were taken into consideration
 - Irregular boundaries were avoided by following parcel lines
 - The boundary line was delineated primarily by the pre-1990 development
 - Existing commercial development that occurred after July 1, 1990 is included to prevent low-density sprawl
 - Undeveloped lots are included within the boundary as infill development within the outer limits of the pre-1990 built environment
- 3) To keep with the rural character of the surrounding neighborhoods, the Neighborhood Commercial land use and zoning designation should be applied.
- 4) Improvements and channelization must be conducted on SR104, Miller Bay Rd, and Hansville Hwy prior to the occurrence of new development.

RECOMMENDATIONS

Staff Recommendation: Based on the staff findings, the staff recommendation is approval of the LAMIRD designation at the George's Corner intersection, with the Logical Outer Boundary drawn to include those parcels as depicted in Attachment 11.

The potential designation of a Commercial LAMIRD at George's Corner could be justified on a limited basis. There is evidence of historic built environment prior to GMA (July 1, 1990) at George's Corner, however records indicate that a majority of the existing development has taken place after July 1, 1990. The natural constraints of the location provide limits on the size and scale of the LAMIRD. The boundary could be drawn in a manner that would limit the irregular nature of the existing developed parcels, and the potential for infill will be based on the delineation of a LOB. This area already has development that arguably exceeds that which was intended for our rural areas. However, if the overall impacts associated with infill of these areas were to exceed the Level of Service (LoS) standards and/or capacities of any existing public facility (water, roads, septic, storm-water) the development would not be supported through current policy direction and regulations. These rural areas have limited services and more restrictive development standards that would preclude further intensification or re-development beyond that which currently exists. It should be noted that these areas would also continue serving an important role for the existing and projected population needs of North Kitsap, by providing both limited employment opportunities and basic service needs for residents of the community.



The overall intent of the 1997 amendment to the GMA that allowed for the designation of LAMIRDs was to recognize historical (Pre-July 1, 1990) development patterns that were not considered rural in nature. The County cannot undo what has already taken place, but can utilize the guidelines established under the Growth Management Act to minimize the future impacts to the rural areas of Kitsap County.

Boundary Advisory Group Recommendation: The George's Corner Boundary Advisory Group recommends approval of a LAMIRD designation, with the LOB drawn to include some combination of those properties highlighted in Alternatives #1-4 (Attachment 9). The Boundary Advisory Group additionally recommends that infill development be given the Neighborhood Commercial zoning and land-use designation.

The George's Corner Boundary Advisory Group almost unanimously agreed that a LAMIRD designation is appropriate at this intersection. This intersection has repeatedly shown commercial growth that has historically occurred in a piece-meal fashion. Both homeowners and developers have agreed that a LAMIRD designation would be beneficial for all parties to be aware of the extent to which commercial development will be permitted. It gives the homeowners a guarantee that the commercial development will not continue to grow towards their homes, while giving the developers a definite amount of commercial space that will be available for future development. While the Boundary Advisory Group recognizes the intent of the GMA to recognize pre-1990 development and the development that currently exists, many group members felt that it was important to include undeveloped properties to serve the needs of the community and its rural residents. Many group members also felt that it was necessary to strictly recognize only those properties that currently contain commercial development. Because of these differences in opinions among the Boundary Advisory Group, they have recommended four alternative boundaries for consideration by the Planning Commission and Board of County Commissioners.



OPTIONS:

1. Designate a LAMIRD boundary based on staff findings that recognize only the existing non-residential development (pre-1990) and natural limitations with limited infill opportunities.
2. Designate a LAMIRD boundary based on staff findings that recognize the existing non-residential development (pre-1990), infill development (post-1990) and natural limitations with additional opportunities for infill.
3. Designate a LAMIRD boundary based on pre-1990 existing development, post-1990 existing development, as well as several undeveloped parcels with project proposals (BAG Alternatives).
4. Consider the “do nothing” approach which would allow development and requests for parcel specific rezones to continue in the same manner as allowed under the current process.
5. Consider not designating a LAMIRD at this time but rather identify NEW policy language in the Comprehensive Plan Rural and Resource Lands Chapter, such as: “limit additional non-residential Comprehensive Plan site-specific amendments in rural areas until such a time when it is determined or evident that additional land is necessary to serve the existing or planned rural population.”

