



KITSAP COUNTY DEPARTMENT OF COMMUNITY DEVELOPMENT

614 DIVISION STREET MS-36, PORT ORCHARD WASHINGTON 98366-4682
(360) 337-7181 FAX (360) 337-4925 HOME PAGE - www.kitsapgov.com/dcd/

STAFF REPORT and RECOMMENDATION TO THE HEARING EXAMINER

Date: April 13, 2004

Application Received: December 17, 2003

Project: **Dahl Complex**

Application Number: 03 11950

Type of Application: Zoning Variance

Request:

To develop two commercial buildings on 3.4 acres of land zoned Business Park. Kitsap County Code requires a minimum of 7 acres to develop a commercial establishment in a Business Park zone. The applicant is seeking a zoning variance to allow the development of his nonconforming parcel.

Project Location:

The site is on the east side of Clear Creek Road at 11588 in Central Kitsap County. The site is located in Section 9, Township 25 North, and Range 1 East.

Assessor's Accounts #: 092501-3-006-2005

Applicant

Kevin Dahl
11875 Silverdale Way
Silverdale WA 98383

Owner of Record:

George and Alice Worland Trust
C/o Harold E. Venard
9348 Rudeo Road
Billings MT 59101

Project Representative:

Mark Eisses, MAP Limited
PO Box 720
Silverdale WA 98383



KITSAP COUNTY DEPARTMENT OF COMMUNITY DEVELOPMENT

614 DIVISION STREET MS-36, PORT ORCHARD WASHINGTON 98366-4682
(360) 337-7181 FAX (360) 337-4925 HOME PAGE - www.kitsapgov.com/dcd/

State Environmental Policy Act (SEPA) Status:

A Declaration of Non-significance was signed by the SEPA Responsible Official on March 30, 2004.

Physical Characteristics:

This is a 3.4-acre site with a relatively flat area on the southern half of the property, with the northern part of the property sloping down to Clear Creek. The property is currently occupied by a single-family residence with several outbuildings. A Habitat Management Plan was developed for the proposal as required by the Kitsap County Critical Areas Ordinance.

Comprehensive Plan and Zoning Designation:

Business Park (BP)

Surrounding Land Use and Zoning:

The surrounding area is a mix of suburban residences and commercial operations. The properties adjacent to the subject parcel are commercial. To the north is the Clear Creek Nursery. Surrounding the subject property to the east and to the south is A-1 RV Sales and Service. Clear Creek Road borders the property to the west.

The zoning for the parcel to the north (Clear Creek Nursery) is *Neighborhood Commercial*. The A-1 RV Service to the east and south is zoned *Business Park*. The zoning of the properties to the west across Clear Creek Road are zoned *Rural Residential*. Those properties are not considered "abutting".

Setbacks

Minimum setbacks for any yard in the Business Park Zone abutting a residential zone = 75 feet. In all other cases, minimum site setbacks shall be twenty (20) feet. The subject parcel does not abut any residential zoning. The minimum site setback is 20 feet.

Site Coverage

The maximum site coverage by impervious surfaces shall be fifty percent (50%) of the total site area.

Public Utilities and Services:

Water: Silverdale Water District
Power: Puget Sound Energy
Sewer: On-site Sewage System
Police: Kitsap County Sheriff
Fire: Central Kitsap Fire and Rescue
Schools: Central Kitsap School District No. 401



KITSAP COUNTY DEPARTMENT OF COMMUNITY DEVELOPMENT

614 DIVISION STREET MS-36, PORT ORCHARD WASHINGTON 98366-4682
(360) 337-7181 FAX (360) 337-4925 HOME PAGE - www.kitsapgov.com/dcd/

Access and Traffic:

Access to the site is from Clear Creek Road which is classified by Kitsap County Public Works as an *Urban Minor Arterial*. There are no sidewalks on Clear Creek Road.

Policies and Regulations Applicable to the Proposal:

Kitsap County Code:

Chapter 17.360.040 Business Park Zone – Site Requirements

Chapter 17.500. Variances

Chapter 21.04. Land Use and Development Procedures

Analysis:

Background

The Kitsap County Code Chapter 17.360.040 *Business Park Zone* - Site Requirements specifies that the minimum site area for a Business Park shall be 7 acres. The property is only 3.4 acres and was that same size when it was zoned *Business Park* on February 15, 1999, by Kitsap County.

The adjacent properties are currently developed as commercial properties. The neighboring property to the north is Clear Creek Nursery. The neighboring property to the east and south is A-1 RV Sales and Service. Opportunity for aggregation of properties is very limited.

The applicant has completed an application for an Administrative Site Plan Review, which is currently being reviewed by the Department. A decision on the application will be issued providing a Hearing Examiner's Approval of the Variance, and providing the appropriate public review based on Kitsap County Code Chapter 21.04 Land Use and Development Procedures. The proposed site plan will comply with all land use and development regulations before the administrative decision will be issued.

Regulatory Agency Response

County Health District:

The applicant has applied for a Commercial Building Site Application for the on-site sewage system.

County Development Engineering:

Development Engineering had no comment on this variance request, but has submitted a memorandum dated April 6, 2004, stating their acceptance of the concepts contained in the preliminary submittal and their conditions for land use approval. The conditions will be included in the Administrative Decision on the Site Plan Review if the variance is granted.

Kitsap County Fire Marshal

The Fire Marshal had no comment on the zoning variance request, but has submitted a memorandum dated March 24, 2004, with conditions of approval for the proposal's Administrative Site Plan Review

Public Input:

None



KITSAP COUNTY DEPARTMENT OF COMMUNITY DEVELOPMENT

614 DIVISION STREET MS-36, PORT ORCHARD WASHINGTON 98366-4682
(360) 337-7181 FAX (360) 337-4925 HOME PAGE - www.kitsapgov.com/dcd/

Findings:

The findings are based on the Kitsap County Code 17.500,010 - Conditions for Granting a Variance.

“The hearing examiner may permit and authorize a variance of any numerical standard, excluding housing density, from the requirements of this title only when unusual circumstances relating to the property cause undue hardship in the application of this title. The granting of such a variance shall be in the public interest. A variance shall be made only when all the following conditions and facts exist:

- A. There are special circumstances applicable to the subject property, including size, shape, topography, location or surroundings, that were not created by the applicant and do not apply generally to other property in the same vicinity or zone.

The size of the property has rendered this property unbuildable in this zone for the intended uses in the Business Park Zone classification. The Code specifies that a minimum 7 acres is required to develop the site, but the parcel is only 3.4 acres. The parcel was 3.4 acres when it was rezoned by the Comprehensive Plan in 1999. Adjacent parcels are currently in use as commercial establishments and are not available for aggregation with this parcel to create a 7- acre site.

- B. Such variance is necessary for the preservation and enjoyment of a substantial property right or use of the applicant possessed by the owners of other properties in the same vicinity or zone.

No Business Park use such as was intended in the Kitsap County Comprehensive Plan may be permitted without approval of a variance from the 7-acre minimum.

- C. The authorization of such variance will not be materially detrimental to the public welfare or injurious to property in the vicinity or zone in which property is located.

The project proposal meets all development regulations for stormwater management, traffic safety, wastewater treatment, solid waste collection, and other elements of the Kitsap County Code, except for the 7-acre minimum site area. The 50% maximum lot coverage will be met with the site plan presented by the applicant. Critical areas are being protected with a Habitat Management Plan and a Buffer Vegetation Enhancement Project.

- D. The variance is the minimum necessary to grant relief to the applicant.

The variance requested by the applicant is the minimum necessary to meet the County Code.



KITSAP COUNTY DEPARTMENT OF COMMUNITY DEVELOPMENT

614 DIVISION STREET MS-36, PORT ORCHARD WASHINGTON 98366-4682
(360) 337-7181 FAX (360) 337-4925 HOME PAGE - www.kitsapgov.com/dcd/

Recommendation:

Based upon the above analysis and findings, the Director recommends that the Zoning Variance Request for Dahl Complex be approved.

DISTRIBUTION:

Owner

George and Alice Worland Trust
C/o Harold E. Venard
9348 Rudeo Road
Billings MT 59101

Applicant:

Kevin Dahl
11875 Silverdale Way
Silverdale WA 98383

Applicant's Representative:

Mark Eisses, MAP Limited
PO Box 720
Silverdale WA 98383

Interested Parties: NONE

Agencies:

Suquamish Tribe
Kitsap County Health District, Tim Quayle, MS-30
Clerk of the Hearing Examiner
Kitsap County Fire Marshal's Office
Kitsap County Building Official
Kitsap County Department of Community Development, Rick McNicholas, MS 36