



## 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/](http://www.kitsapgov.com/dcd/)

Larry Keeton, Director

### REZONE APPLICATION STAFF REPORT

**DATE:** September 8, 2009

**APPLICANT:** Taylor Brown

**PERMIT No:** 09 77878

**ASSESSOR'S ACC'T:** 032401-1-090-2003

**TYPE OF APPLIC:** Rezone

**REQ. / PROPOSAL:** Change from Urban Low (UL) to Urban Restricted (UR).

**PROJECT LOCATION:** Naomi St. SW & NW Riddell Rd.

### CURRENT PLAN DESIGNATION AND SURROUNDING LAND USE

The existing zoning designation is UL. The surrounding zoning is Urban Low. There are no structures on the site.

### PHYSICAL CHARACTERISTICS OF SITE:

The subject property is 8.24 acres. Kitsap County's Building Limitations Map does not show any critical areas on the site. However, a Wetland and Stream Report, prepared by Wetland Resources Inc., shows over 50% of the site is encompassed by critical areas. The report identifies the critical areas as being non-fish bearing stream and two wetlands (Category III and IIII).

### SEPA STATUS

A SEPA Determination of Non-significance (DNS) was completed on August 17, 2008, by Dave Greetham, SEPA Responsible Official. The DNS was issued after using the optional DNS process in WAC 197-11-355. DNS comments are as follows:

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 request be approved, all future subdivision activity would require additional environmental review, including submittal of a wetland and stream delineation report.

The lead agency for this proposal has determined that it does not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required

under RCW 43.21C.030(2)(c). This decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public on request. There is no further comment period on the DNS.

**PUBLIC UTILITIES, SERVICES, AND TRANSPORTATION:**

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

Water: Tracyton Water District  
Sewer: Kitsap County Public Works  
Stormwater: Private on-site

The following public services are available to the project site:

Police: Kitsap County Sheriff  
Fire: Fire District #1  
Medical: Fire District #1  
Schools: Central Kitsap School District  
Parks: Kitsap County Parks and Recreation Dept.  
Washington State Parks  
Transit: Kitsap Transit

**FINDINGS**

For the proposed rezone, the Board of County Commissioners, in making its decision, shall develop findings and conclusions which consider:

***1. Whether circumstances related to the proposed amendment and/or the area in which the property affected by the proposed amendment is located have 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.

***2. Validity of the assumptions upon which the Comprehensive Plan is based 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.

**STANDARDS OF APPROVAL**

A proposed rezone may be recommended for approval by the Board of County Commissioners, if in addition to the findings and conclusions required in Section 21.08.160, they find that:

**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 are satisfactory for service, fire and police protection services, electricity, telephone, and transportation (paved, Kitsap County maintained road). As this is a “downzone,” impacts to public services would be less than what is currently allowed.

**2. Consistency with the goals, policies and objectives of the Comprehensive Plan;**

**Finding:** The proposal is consistent with goals, policies, and objectives of the Comprehensive Plan. There are two Comprehensive plan goals and one Comprehensive Plan policies that are related to this application:

Goal NS-1 Protect public safety and health, maintain water quality and habitat, minimize erosion of soils and bluffs, and diminish the public cost of repairing areas from damage due to landslides, erosion and seismic activities.

Goal NS-4 Protect the water quality, flows and ecological integrity of rivers, streams, lakes, wetlands, the Puget Sound and Hood Canal by appropriately regulating through the development review process stormwater and land use while allowing for compatible growth and development.

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

Policy LU-37 Allow zone changes within the same Plan designation outside of the annual amendment process. The Department of Community Development will follow the review process established in KCC Title 21 for all such proposed zone changes.

**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 suitable for the requested land use designation due to the critical areas located on the site. Additionally, the adjacent properties are single family residences, which is what the parcel would be developed as.

**4. Would the proposed rezone create pressure to change the land use designation of other properties or to change of land use; 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. However, the zoning change would be based on the large number of critical areas located on the subject parcels. To rezone the property to a less intensive zone will benefit the community by protecting the natural features located within it.

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

**Finding:** The proposed amendment would not materially affect the Comprehensive Plan's land use and growth projections. The proposed rezone would allow a maximum of five dwelling units per acre, rather than the nine presently allowed.

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

**Finding:** The rezone will not materially affect the adequacy or availability of urban facilities and services to the immediate area or the overall area of the UGAs.

**7. Is the proposed rezone consistent with the Growth Management Act (GMA), Kitsap County-wide Planning Policy (CPP), state (RCW) and local laws and other applicable inter-jurisdictional policies or agreements?**

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

**GMA**

The Washington State Growth Management Act (GMA) supports this application in areas of critical area protection, open space requirements and conservation requirements. The GMA has 13 primary goals, two of which support this application. Goal nine states, "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." It is the understanding of staff that the vast majority of this property will be designated open space for conservation and wildlife purposes. Goal ten states, "Protect the environment and enhance the state's high quality of life, including air and water quality, and the availability of water." The subject property has a non-fish bearing stream, forested areas, and a category III and IV wetland. These are all environmental features that goal ten of the GMA intended to be protected. Additional supporting RCWs are 36.70A.060, 36.70A.160 and 36.70A.165. Also, please see RCW 36.70A.060, 36.70A.160, 36.70A.165, 36.70A.020(10) and 36.70A.020(9).

**CPPs**

The zoning change requested by applicant from UL to UR zoning is consistent with, or at least not in opposition to, these three CPPs: (1) The County and the Cities shall preserve and enhance, through inter-jurisdictional planning, significant networks and linkages of open space, regional parks and public/private recreation areas, wildlife habitats, critical areas resource lands, water bodies and trails; (2) The County and the Cities shall protect critical areas (wetlands, aquifer recharge areas, fish and wildlife habitat conservation areas, frequently flooded areas, steep slopes, and geologically hazardous areas) and other environmental amenities such as view

corridors, canopy cover, and ridgelines; (3) The County and the Cities shall encourage the use of environmentally sensitive development practices to minimize the impacts of growth on the County's natural resource systems.

### **ANALYSIS**

The proposal would rezone one parcel totaling 8.24 acres from Urban Low (UL) to Urban Restricted (UR).

The Urban Restricted zone (UR) is applied to areas within UGAs that have been identified with a significant amount of critical areas and regulated pursuant to the CAO, or are planned as green belts or urban separators, and are therefore appropriate for lower-density development. These areas may include significant salmon spawning streams, wetlands and steep slopes. Non-residential development is limited (1-5 du/ac generally, but determine allowed densities at the time of application following a review of the site and potential impacts to critical areas).

The re-designation of the subject properties would allow the property to have a less intensive use and therefore offers greater environmental protection. Since the property is severely encumbered with critical areas, a designation of UR appears to offer the property owner a greater deal of flexibility to identify open space corridors and to have less dwelling units on the property.

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**<sup>1</sup>

1. Meets initial criteria
2. Meets initial criteria

#### **Site Specific Decision Criteria**

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

### **CONCLUSION**

The proposal is consistent the Kitsap County Comprehensive Plan, the Washington State Growth Management Act and the County-wide Planning Policies. The rezone will help preserve the natural features on the property.

## **RECOMMENDATION**

Staff recommends **APPROVAL** of this application.

**Attachments:** Arial Map  
Current Zoning  
Proposed Zoning  
Critical Areas

**Kitsap County  
2009 Site Specific  
Amendments**

2007 Aerial Photography

**Patrick Brown  
032401-1-090-2003**

Commissioner District 3  
8.24 Acres  
Current Zoning: Urban Low  
Requested Zoning: Urban Restricted



Map Date: May, 2009











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Department of Community Development  
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**Kitsap County  
2009 Site Specific  
Amendments**

Zoning  
**Patrick Brown**  
**032401-1-090-2003**

Commissioner District 3  
8.24 Acres  
Current Zoning: Urban Low  
Requested Zoning: Urban Restricted

-  Subject Parcel
-  Tax Parcels
-  Easement
-  Plat-Line
-  Neighborhood Commercial (10-30 DU/Ac)
-  Urban Restricted (1-5 DU/Ac)
-  Urban Low Residential (4-9 DU/Ac)
-  Incorporated City

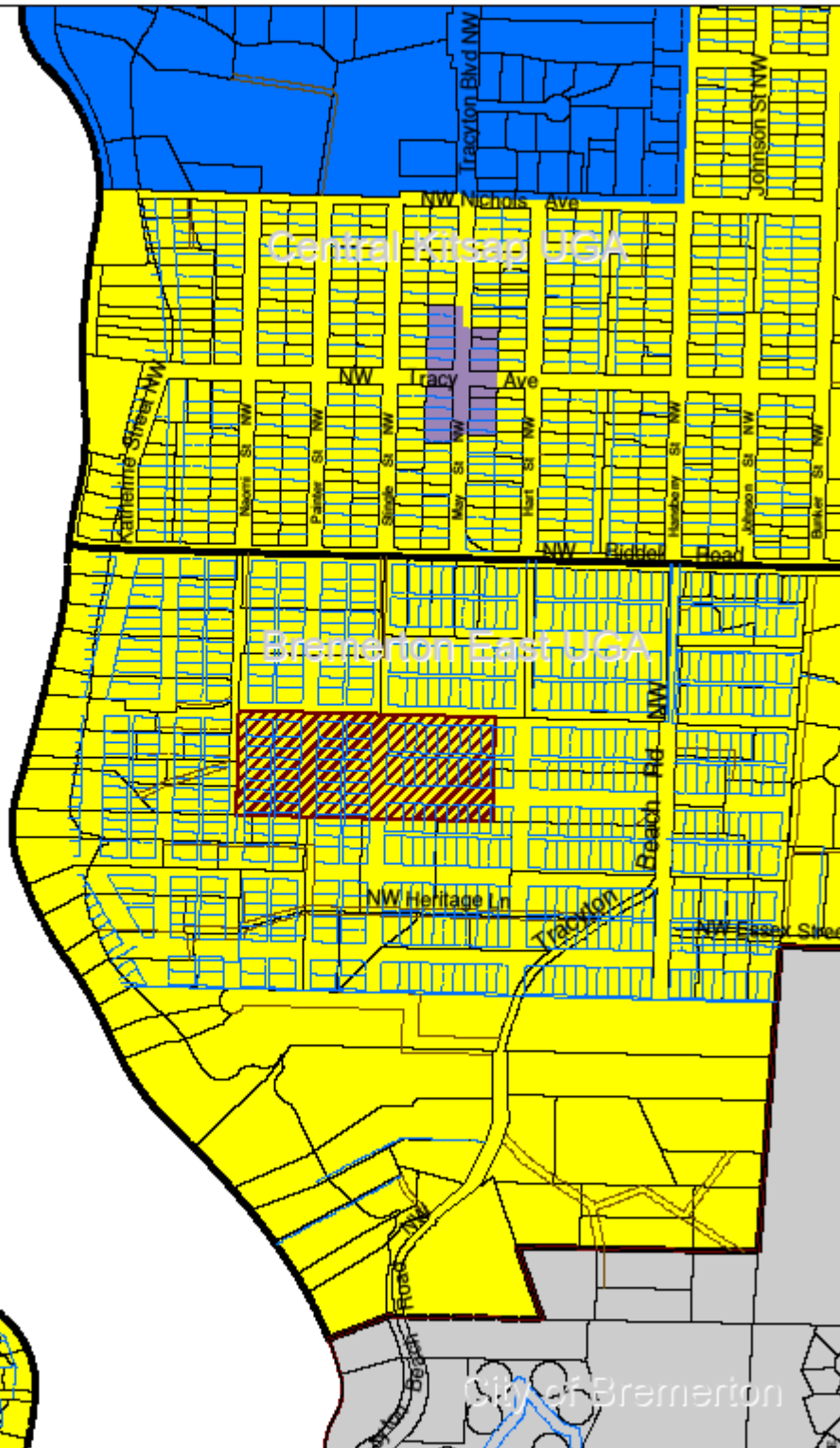


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







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**Kitsap County  
2009 Site Specific  
Amendments**

**Proposed Zoning  
Patrick Brown  
032401-1-090-2003**

Commissioner District 3  
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-  Subject Parcel
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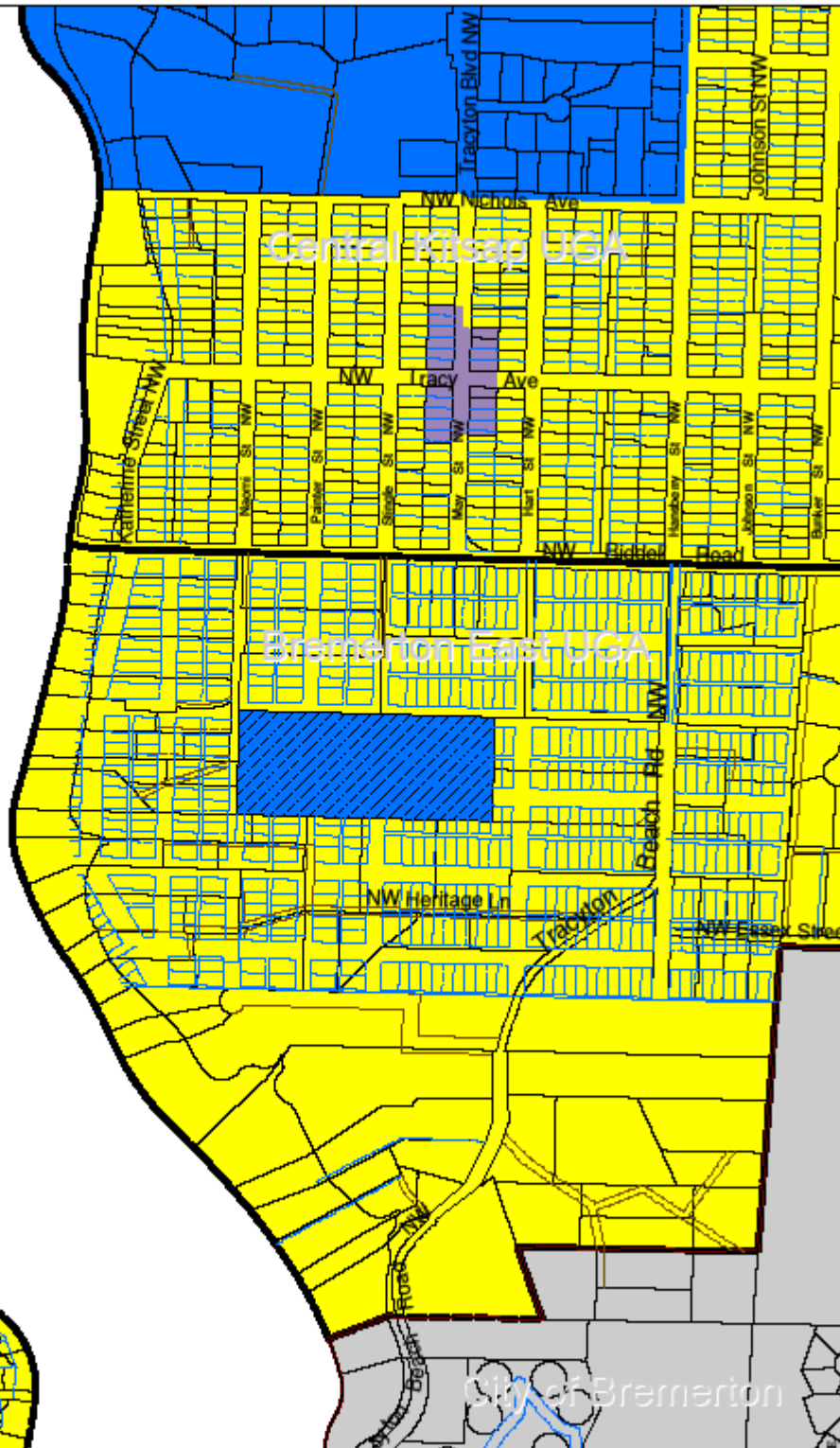


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**Kitsap County  
2009 Site Specific  
Amendments**

Topography &  
Natural Resources

**Patrick Brown  
032401-1-090-2003**

Commissioner District 3  
8.24 Acres  
Current Zoning: Urban Low  
Requested Zoning: Urban Restricted

-  Subject Parcel
-  Tax Parcel
-  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



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