



KITSAP COUNTY DEPARTMENT OF COMMUNITY DEVELOPMENT

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Larry Keeton, Director

SITE-SPECIFIC COMPREHENSIVE PLAN AMENDMENT APPLICATION STAFF REPORT

DATE: Sept. 8, 2009

STAFF: Pete Sullivan, Associate Planner

APPLICANT: Doug Skrobut, McCormick Land Company

PROPERTY OWNER(S): McCormick Land Company

FILE NO: 09 65410

ASSESSOR'S ACC'T: 132301-4-006-1001 | 132301-4-010-1005
132301-4-009-1008 | 182301-3-027-2001

SIZE 90 ac

AFFECTED PARCELS: 4; adjacent

LOCATION: Sunnyslope Road near Bremerton Airport

UGA: N/A

CURRENT USE: Vacant Land

CURRENT ZONING: RW - Rural Wooded (1 du/20ac)

REQ. ZONING: RR - Rural Residential (1 du/5ac)

**DWELLING UNITS
CURRENTLY ALLOWED:** 4

**RESULTANT DWELLING
UNITS:** 18

RECOMMENDATION: **DENIAL**

VICINITY DESCRIPTION

The subject parcel is approximately 105 acres located in Port Orchard, Washington. The proposed amendment application requests a change in land use and zoning from Rural Wooded (RR) to Rural Residential (RR). The surrounding zoning is RR to the north and south of the property. To the west of the property the zoning is Park (P) and to the east of it is Rural Residential.

Parcels in the vicinity range from approximately .5 acre to 20 acres in size; current land use is predominantly undeveloped, forested land. There are also some single family residences to the north-east of the subject parcels.

PROPERTY DESCRIPTION

The property has moderate level slopes, not exceeding 15%. County resource maps indicate several areas of "hydric" (possible wetland) soils on or adjacent to the subject parcels. Maps also indicate the presence of a Fish Habitat stream on the southerly parcel. The critical area features and their applicable buffers will need to be delineated at the time of future residential subdivision. Due to the environmental constraints of the parcel, future subdivision would have to comply with the Critical Area Ordinance (Kitsap County Code Title 19).

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 comprehensive plan amendment request be approved, future development activity will require additional environmental review, including delineation of all on-site streams and wetlands with appropriate buffers pursuant to Kitsap County Code Title 19 (Critical Areas). The proposed comprehensive plan amendment would result in increased density (up to twenty lots) in the rural area.

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:	Public Utility District No. 1
Sewer:	Private on-site
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 consider:

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 proposed amendment and/or area have not substantially changed since adoption of the Comprehensive Plan.

The area is located in rural South Kitsap County, not within an Urban Growth Area or Limited Area of More Intensive Rural Development (LAMIRD), and not subject to a local sub-area or community plan. The goals and policies of the Kitsap County Comprehensive Plan's land use and rural elements most directly address long-term development for the subject parcel and vicinity. Other applicable Comprehensive Plan guidelines include population allocation targets for rural Kitsap County and updated land capacity analyses.

There have been no significant changes in growth patterns, development activity, infrastructure, service availability or other such factors since adoption of the Comprehensive Plan that would render pertinent comprehensive plan policies inapplicable.

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 upon which the Comprehensive Plan is based are still valid.

The County's understanding of the area's ecology, growth patterns, economy, demographic patterns, citizen values and other such assumptions have not changed since adoption of the Comprehensive Plan. The foundations of the Plan's applicable policies are still valid.

The County adopted its Buildable Lands Report in 2008, which includes land capacity data that may not have been considered during the last amendment to the Comprehensive Plan.

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 are satisfied and the change will not result in significant adverse impacts to public services.

There is no evidence indicating minimum services are unavailable, or that the proposal would create significant adverse impacts to adopted service standards in the vicinity.

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

Finding: The proposal is not consistent with goals, policies and objective of the Comprehensive Plan.

The proposal is subject to the following elements of the Kitsap County Comprehensive Plan:

- **Chapter 2: Land Use**
- **Chapter 3: Rural and Resource Lands**

Consistency with these elements - and associated goals, policies and objectives - is described below.

Land Use Element

The land use element applies to this proposal as it relates to population growth, land capacity, and comprehensive plan amendments.

Policy LU-2: Plan for approximately 76% of countywide population to occur in urban areas and 24% in rural areas, consistent with the CPPS.

The proposal is reviewed in accordance with population allocation targets as specified in Countywide Planning Policy. The proposal would have a significant negative impact on population allocation targets, based on available data in the recent Buildable Lands Report (2005)¹.

Policy LU-7: Evaluate the assumptions contained in the County's Updated Land Capacity Analysis annually.

The proposal considers revised land capacity assumptions as documented in the Buildable Lands Report (2005).

Rural Element

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

The proposal is of such a scale that resultant development would not be consistent with rural character as defined by the Comprehensive Plan..

Policy RL-1 *Limit the designated 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.*

The cumulative effects of concentrating 18 additional 5-acre parcels would create an overall expectation of urban levels of service and would not minimize environmental degradation.

¹ See heading: Criteria for Recommendation or Decision – General, item #2
McCormick Land Co.

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 parcels are suitable for 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 would not create pressure to change the land use designation of other properties and is in the long-term interests of the community.

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

Finding: The proposed amendment would materially affect the Comprehensive Plan's land use and growth projections.

The proposal would cause a significant shift in the balance of wooded versus residential development patterns in South Kitsap County. This situation could adversely affect the function and character of the surrounding neighborhood, whereas the Urban Growth Areas within South Kitsap County are better-suited to support 18 additional dwelling units.

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: Does not apply.

Affected parcel is not located within an Urban Growth Area (UGA).

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 consistent with items above.

Growth Management Act (GMA)

RCW 36.70A.070 Comprehensive Plans – Mandatory elements

RCW 3670A.070(5) - Rural element.

Counties shall include a rural element including lands that are not designated for urban growth, agriculture, forest, or mineral resources. The following provisions shall apply to the rural element:

Kitsap County Comprehensive Plan Chapter 3: Rural and Resource Lands addresses rural land use and has been evaluated against the application.

RCW 36.70A.070(5)(a) Growth management act goals and local circumstances. Because circumstances vary from county to county, in establishing patterns of rural densities and uses, a county may consider local circumstances, but shall develop a written record explaining how the rural element harmonizes the planning goals in RCW [36.70A.020](#) and meets the requirements of this chapter.

Due to nature of local circumstances, the proposal does not harmonize with GMA planning Goals as described below:

RCW 36.70A.020 – Planning goals.

The following goals are adopted to guide the development and adoption of comprehensive plans and development regulations of those counties and cities that are required or choose to plan under RCW [36.70A.040](#). The following goals are not listed in order of priority and shall be used exclusively for the purpose of guiding the development of comprehensive plans and development regulations:

(1) Urban growth. Encourage development in urban areas where adequate public facilities and services exist or can be provided in an efficient manner.

The proposal does not encourage development in urban areas.

(2) Reduce sprawl. Reduce the inappropriate conversion of undeveloped land into sprawling, low-density development.

The proposal would result in sprawl, as it would create a uniformly residential development pattern in an area currently characterized by a large-scale, connected landscape.

(3) Transportation. Encourage efficient multimodal transportation systems that are

based on regional priorities and coordinated with county and city comprehensive plans.

The proposal does not encourage efficient modes of transportation.

(4) Housing. Encourage the availability of affordable housing to all economic segments of the population of this state, promote a variety of residential densities and housing types, and encourage preservation of existing housing stock.

Does not apply, as provisions for affordable housing are not included in the proposal.

(5) Economic development. Encourage economic development throughout the state that is consistent with adopted comprehensive plans, promote economic opportunity for all citizens of this state, especially for unemployed and for disadvantaged persons, promote the retention and expansion of existing businesses and recruitment of new businesses, recognize regional differences impacting economic development opportunities, and encourage growth in areas experiencing insufficient economic growth, all within the capacities of the state's natural resources, public services, and public facilities.

Does not apply, as provisions for economic development are not included in the proposal.

(6) Property rights. Private property shall not be taken for public use without just compensation having been made. The property rights of landowners shall be protected from arbitrary and discriminatory actions.

Does not apply, as the applicant is petitioning the County for the proposed change.

(7) Permits. Applications for both state and local government permits should be processed in a timely and fair manner to ensure predictability.

Consideration of the proposal satisfies the intent of this goal.

(8) Natural resource industries. Maintain and enhance natural resource-based industries, including productive timber, agricultural, and fisheries industries. Encourage the conservation of productive forest lands and productive agricultural lands, and discourage incompatible uses.

The proposal does not maintain or enhance productive timber and agricultural lands.

(9) Open space and recreation. 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.

The proposal does not enhance adjacent recreational opportunities or fish and wildlife habitat.

(10) Environment. Protect the environment and enhance the state's high quality of life, including air and water quality, and the availability of water.

The proposal may compromise water availability for adjacent property owners.

(11) Citizen participation and coordination. Encourage the involvement of citizens in the planning process and ensure coordination between communities and jurisdictions to reconcile conflicts.

Citizens have been notified of, and invited to participate in the decision-making process.

(12) Public facilities and services. Ensure that those public facilities and services necessary to support development shall be adequate to serve the development at the time the development is available for occupancy and use without decreasing current service levels below locally established minimum standards.

The proposal would not negatively impact public facilities and services.

(13) Historic preservation. Identify and encourage the preservation of lands, sites, and structures, that have historical or archaeological significance.

The proposal would not impact to known historic or archaeological features.

RCW 3670A.070(5)(b) - Rural development.

The rural element shall permit rural development, forestry, and agriculture in rural areas. The rural element shall provide for a variety of rural densities, uses, essential public facilities, and rural governmental services needed to serve the permitted densities and uses. To achieve a variety of rural densities and uses, counties may provide for clustering, density transfer, design guidelines, conservation easements, and other innovative techniques that will accommodate appropriate rural densities and uses that are not characterized by urban growth and that are consistent with rural character.

The proposal would result in a change in allowable rural development within current guidelines.

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;

The proposal would maintain current and planned rural character as it applies to the Rural Residential zone.

(ii) Assuring visual compatibility of rural development with the surrounding rural area;

The proposal would be visually compatible with the surrounding rural area as noted in the previous item's reference to rural character.

(iii) Reducing the inappropriate conversion of undeveloped land into sprawling, low-density development in the rural area;

The proposal would be consistent with the surrounding area's current and planned density levels and does not constitute sprawl as new or expanded public services would not be

required. Land conversion is already planned for the affected property, and if the proposal is approved, cumulative land conversion would be appropriately reduced through the land development permitting process, and anticipated end-result would be appropriate.

Countywide Planning Policies

Distribution of 20 year population increments, as forecasted by the WA Office of Financial Management:

*The Kitsap Regional Coordinating Council shall coordinate the process for distributing the forecasted population for the period 2005 – 2025 and every five years thereafter, consistent with the requirements of the Growth Management Act. Kitsap County shall adopt any revision to the population distribution as part of its next Comprehensive Plan amendment process and the Cities shall base their Comprehensive Plan amendments upon that distribution. The distribution process should consider any countywide demographic analysis, the Land Capacity Analysis, and the OFM projections and it shall promote a countywide development pattern **targeting over three quarters (76%) of new population growth to the designated Urban Growth Areas.** The County and the Cities recognize that the success of this development pattern requires not only the rigorous support of Kitsap County in the rural areas, but also Cities' comprehensive plans being designed to attract substantial new population growth.*

Population distribution will be reviewed through the KRCC process every five years. The review will include an analysis of the Cities' and County's progress in achieving target distributions. If the 76% UGA target mentioned above for new population growth and the overall population targets are met or exceeded, the target for new population will revert to five sixths (83%), as per the revised County-wide Planning Policies adopted by Kitsap County Ordinance #258-01 on August 20, 2001. Otherwise, the target may be reaffirmed or explicitly modified.

The proposal would significantly impact the County's ability to meet the above population targets².

2009 Growth Management Docket

The proposal is consistent with the resolution opening review of site specific comprehensive plan amendments Countywide in 2009.

State and (RCW) and local laws, and other applicable inter-jurisdictional policies or agreements

The proposal is not inconsistent with other state and local laws, and applicable inter-jurisdictional policies or agreements.

² Supporting analysis for this finding, as it relates to data provided in the Buildable Lands Report (2005), can be found in Item #2: Criteria for recommendation or decision - General McCormick Land Co.

ANALYSIS

According to KCC 21.08.160 and 21.08.180, all decision criteria must be satisfied to for a site specific comprehensive plan amendment to garner a recommendation of approval. This staff report produced findings in relation to decision criteria as follows:

General Decision Criteria

1. Circumstances have not changed.
2. Assumptions are still valid.

Site Specific Decision Criteria

1. Satisfied
2. Not satisfied
3. Satisfied
4. Satisfied
5. Not satisfied
6. Does not apply
7. Not satisfied

CONCLUSION

The scale of the proposal is incompatible with rural character and would inappropriately draw development away from urban growth areas. While the Rural Residential zone is a viable designation in the affected area, the scale of resultant development would have a 'suburbanizing' effect within the vicinity and for the County as a whole, in an area not currently intended for additional housing. Moreover, the proposal enables a predominantly single family residential development pattern in an area of the County still characterized by interconnected resource and agricultural-based landscapes. The potential outcome of the proposal therefore does not support the aesthetic and functional vision of rural Kitsap County, and an overall compelling case for the change has not emerged.

RECOMMENDATION

Staff recommends **denial**.

Kitsap County 2009 Site Specific Amendments

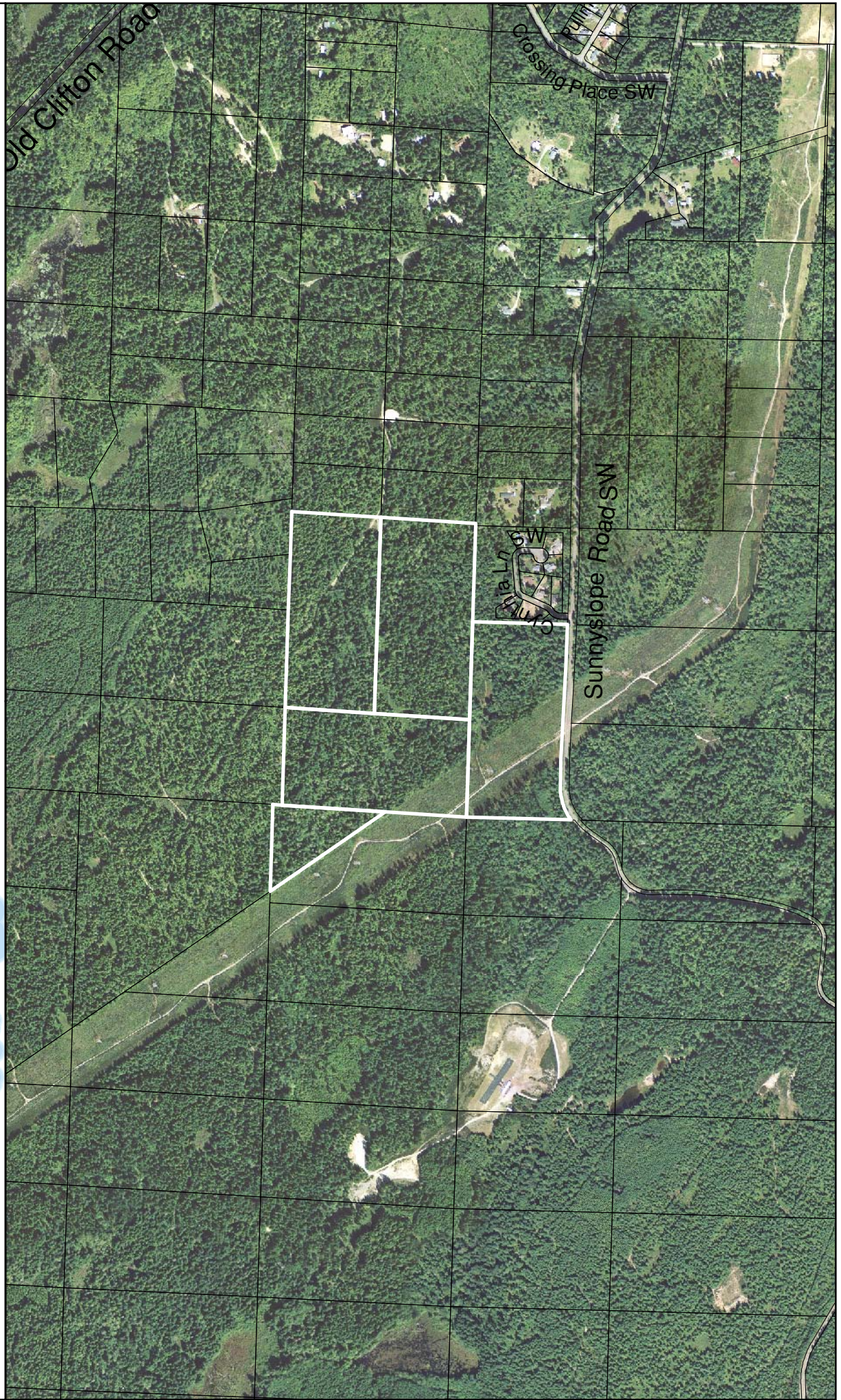
2007 Aerial Photography
McCormick Land Company
182301-3-027-2001
132301-4-006-1001
132301-4-009-1008
132301-4-010-1005
Commissioner District 2
105.17 Acres
Sunnyslope
Current Zoning: Rural Wooded
Requested Zoning: Rural Residential



DRAFT
Map Date: January, 2009



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

Proposed Zoning

McCormick Land Company

182301-3-027-2001

132301-4-006-1001

132301-4-009-1008

132301-4-010-1005













Commissioner District 2

105.17 Acres

Sunnyslope

Current Zoning: Rural Wooded

Requested Zoning: Rural Residential

-  Subject Parcel
-  Tax Parcels
-  Easement
-  Plat-Line
-  Rural Residential (1 DU/5 Ac)
-  Urban Reserve (1 DU/10 Ac)
-  Rural Wooded (1 DU/20 Ac)
-  Industrial
-  Business Center
-  Neighborhood Commercial (10-30 Du/Ac)
-  Airport
-  Park (Kitsap County)



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