



**Notice of Hearing Examiner Recommendation** (corrected)  
**REZONE**

03/07/2022

To: Interested Parties and Parties of Record

RE: Project Name: Port of Kingston Rezone (Neighborhood Commercial to Urban Village Commercial)  
Applicant: Port of Kingston  
Attn: Greg Englin  
PO Box 559  
Kingston, WA 98346  
Application Type: Rezone  
Permit Number: 21-04580

The Kitsap County Hearing Examiner has **RECOMMENDED APPROVAL** of the land use application for **Permit #21-04580 Port of Kingston Rezone (Neighborhood Commercial to Urban Village Commercial) – Rezone, subject to the conditions outlined in this Notice and included Recommendation.**

The Kitsap County Hearing Examiner is authorized to hear and make recommendations to the Board of County Commissioners for approval of a rezone. KCC 2.10.070; KCC 21.04.100; KCC 21.04.230.

**THIS RECOMMENDATION SHALL BE FORWARDED TO THE KITSAP COUNTY BOARD OF COUNTY COMMISSIONERS FOR REVIEW.**

Before taking final action on this application for rezone and after review of the Hearing Examiner's recommendation, in accordance with Type IV applications, the Board shall hold a public hearing. KCC 21.04.230.

Requests for clarification or reconsideration of the Recommendation may be filed in accordance with the Kitsap County Office of Hearing Examiner Rules of Procedure found at: <https://kitsapgov.com/dcd/HEDocs/HE-Rules-for-Kitsap-County.pdf>

The complete case file is available for review at the Department of Community Development, Monday through Thursday, 8:00 AM to 4:00 PM and Friday 9:00 AM to 1:00 PM, except holidays. If you wish to view the case file or have other questions, please contact [Help@Kitsap1.com](mailto:Help@Kitsap1.com) or (360) 337-5777.

CC: Applicant/Authorized Agent: Port of Kingston – Greg Englin,  
[GregE@portofkingston.org](mailto:GregE@portofkingston.org)

Owner: Port of Kingston Marina, [austing@portofkingston.org](mailto:austing@portofkingston.org)  
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Health District  
Public Works  
Parks  
Navy  
DSE  
Kitsap Transit  
North Kitsap Fire District  
North Kitsap School District  
Kingston CAC  
Puget Sound Energy  
Water Purveyor  
Sewer Purveyor  
Point No Point Treaty Council  
Suquamish Tribe  
Port Gamble S'Klallam Tribe  
Squaxin Island Tribe  
Puyallup Tribe  
WA Dept of Fish & Wildlife  
WA Dept of Transportation/Aviation  
WA State Dept of Ecology-SEPA  
WA State Dept of Ecology-Wetland Review  
WA State Dept of Transportation  
Interested Parties: Anthony Hitchman, [tonhit206@gmail.com](mailto:tonhit206@gmail.com); Lynnae Donnen, [lingon@comcast.net](mailto:lingon@comcast.net); Mary Gleysteen, [marygleysteen@gmail.com](mailto:marygleysteen@gmail.com); Joy Ulskey, [Joyul@msn.com](mailto:Joyul@msn.com); Rebecca Siervers, P.O. Box 210 KINGSTON, WA 98346

**BEFORE THE HEARING EXAMINER  
FOR KITSAP COUNTY**

In the Matter of the Application of	)	No. 21-04580
	)	
<b>Port of Kingston</b>	)	<b>Port of Kingston Rezone</b>
	)	
	)	
	)	
<u>For Approval of a Rezone</u>	)	FINDINGS, CONCLUSIONS, AND RECOMMENDATION

**SUMMARY OF RECOMMENDATION**

The Hearing Examiner recommends that the Kitsap County Board of Commissioners **APPROVE**, with a condition, the Port of Kingston’s request to rezone two parcels totaling approximately 8.84 acres, located at 25864 Washington Blvd NE, Kingston, from the Neighborhood Commercial designation to the Urban Village Center designation.

**SUMMARY OF RECORD**

Hearing Date:

The Hearing Examiner held an open record hearing on the request on February 10, 2022, using remote access technology. The record was left open until February 17, 2022, to allow any member of the public having difficulty connecting to the remote hearing to submit written comments in lieu of live testimony.

Testimony:

The following individuals presented testimony under oath at the open record hearing:

Melissa Shumake, County Senior Planner  
Greg Englin, Applicant Representative  
Ron Karzmar

Exhibits:

The following exhibits were admitted into the record:

1. Staff Report, dated February 1, 2022
2. Required Permit Questionnaire – Rezone Request, received August 24, 2021
3. Project Narrative, dated August 23, 2021
4. Notice of Application, dated October 22, 2021
5. Comments from Lynnae Donnen, dated October 31 and November 1, 2021, with County Staff Response, dated November 1, 2021
6. Notice of Public Hearing, published January 26, 2022
7. Certification of Public Notice, dated January 27, 2022
8. Staff Presentation

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The Hearing Examiner enters the following findings and conclusions based upon the testimony and exhibits admitted at the open record hearing:

## **FINDINGS**

### Application and Notice

1. Greg Englin, on behalf of the Port of Kingston (Applicant), requests a rezone of two contiguous parcels totaling approximately 8.84 acres from the “Neighborhood Commercial” (NC) designation to the “Urban Village Center” (UVC) designation. There are no specific development proposals associated with the proposed rezone, but the Applicant indicates that the rezone would allow it to provide potential future development consistent with the adjacent downtown corridor and with the economic development mission of the Port of Kingston. The property is located at 25864 Washington Blvd NE, Kingston.<sup>1</sup> *Exhibit 1, Staff Report, pages 1 and 3; Exhibit 2; Exhibit 6; Exhibit 7; Testimony of Greg Englin.*
  
2. Kitsap County (County) determined that the application was complete on September 16, 2021. On October 22, 2021, the County provided notice of the application by mailing notice to property owners within 800 feet of the site and to reviewing departments and agencies. The County’s notice materials stated that written comments on the proposal should be submitted at least seven days before the scheduled hearing. On January 26, 2022, the County provided notice of the open record hearing associated with the application by publishing notice in the County’s publishing newspaper of record, mailing notice to property owners within 800 feet of the site and to interested parties, and posting notice on-site. *Exhibit 1, Staff Report, pages 1 and 10; Exhibit 4; Exhibit 6; Exhibit 7.*
  
3. The County did not receive any comments on the proposal from reviewing agencies in response to its notice materials. The County received comments on the proposal from one member of the public, Lynnae Donnen. Ms. Donnen stated that she opposes any rezone and commercial development of certain properties that are located near the current rezone request, raising concerns that increased development in the area would result in traffic, noise, and environmental impacts. County staff provided a response to Ms. Donnen, which clarified that only the two subject parcels would be subject to the rezone request. Following the County staff’s clarification, Ms. Donnen provided an additional comment noting that she opposes any zoning changes or economic development of the subject parcels due to concerns about impacts to the fragile cove environment. In response to Ms. Donnen’s additional concerns, County staff notes that Kingston is a designated Urban Growth Area (UGA) in which continued development at an appropriate scale is necessary and that the environmental impacts of any future development proposal would be reviewed under the State Environmental Policy Act (SEPA) and through applicable shoreline permit requirements. *Exhibit 1, Staff Report, page 10; Exhibit 5.*

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<sup>1</sup> The subject parcels are identified by Kitsap County Assessor’s Tax Account Nos. 4317-000-001-0207 and 4316-101-001-0006. *Exhibit 1, Staff Report, page 1.*

State Environmental Policy Act

4. The County determined that the proposal is categorically exempt from review under the SEPA, Chapter 43.21C Revised Code of Washington (RCW), in accord with Washington Administrative Code (WAC) 197-11-800(6)(c). WAC 197-11-800(6)(c) provides that a rezone land use decision is exempt from SEPA environmental review if the project is in a UGA of a city or county, the proposed rezone is consistent with and would not require an amendment to the comprehensive plan, and the applicable comprehensive plan was previously subjected to environmental review and analysis through an Environmental Impact Statement (EIS) that adequately addressed the environmental impacts of the rezone. *Exhibit 1, Staff Report, pages 2, 10, and 12.*

Comprehensive Plan and Zoning

5. The property is designated “Urban Low Intensity Commercial” by the County Comprehensive Plan. The Comprehensive Plan’s Urban Low Intensity Commercial designation is implemented by both the NC and UVC zoning designations. *See Kitsap County Code (KCC) 17.120.010.* Accordingly, the proposed rezone of the parcels from NC to UVC would not require a Comprehensive Plan amendment. County staff identified the following Comprehensive Plan goals and policies as relevant to the proposal:

- Focus current and future planning on infill and redevelopment of existing Urban Growth Areas. [Land Use Goal 1]
- Support innovative, high quality infill development and redevelopment in existing developed areas within the Urban Growth Areas. [Land Use Policy 2]
- Support compact commercial areas in order to encourage pedestrian and non-motorized travel and transit use. [Land Use Policy 17]
- Coordinate with other jurisdictions, tribal governments, agencies, special districts, and property owners to ensure coordinated and compatible land use planning and utilize Urban Growth Area Management Agreements with cities, as feasible. [Land Use Goal 4]
- Work with port districts to understand Land Use/Zoning designation needs and encourage new opportunities for and preservation of existing public waterfront access. [Land Use Policy 20]
- Direct development to designated Urban Growth Areas consistent with projected population growth, Growth Management Act and Countywide Planning Policies while considering development patterns that reduce sprawl, use urban land more efficiently, and that incorporate feasible, innovate, and sustainable practices. [Land Use Goal 6]
- Promote a healthy and diverse economy that provides for a strong and diverse tax base; encourages business formation, retention, and expansion; and creates industrial and professional business and employment

opportunities to attract new business to the County. [Economic Development Goal 1]

- Work with the official county tourism agency, port districts, private sector, other qualified tourism related entities and user groups to identify current and potential visitor and event amenities and services. [Economic Development Policy 5]
- Promote revitalization within existing developed industrial and commercial areas. [Economic Development Policy 8]
- Encourage mixed use developments within commercial districts that will enhance the visual, economic, and environmental quality of these areas and improve the transition between commercial and residential districts. [Economic Development Policy 9]
- Provide a diverse mix and appropriate range of commercial, industrial, and business land uses that will encourage economic activity capable of providing living-wage jobs and reasonably scaled to the needs of the community. [Economic Development Goal 3]
- Continue to work with port districts and recognize their role as one of Kitsap's important contributors to the County's economic vitality. [Economic Development Policy 16]
- Reduce the risk of damage to life, property, and the natural environment through appropriate regulatory and incentive-based approaches in land use, transportation, and development engineering programs. [Environment Goal 3]
- Prioritize maintenance, preservation, and operation of existing transportation infrastructure in a safe and usable state. [Transportation Policy 6]
- Foster partnerships with the North Kitsap Tourism Coalition, Visit Kitsap, the Port of Kingston, the Kingston Chamber of Commerce, the Greater Kingston Economic Development Committee, and other organizations to promote tourism and business development. [Kingston Policy 12].

*Exhibit 1, Staff Report, pages 2, and 4 through 9.*

6. The two parcels are currently zoned NC. The NC zone is intended "to provide centers for the quick stop shopping needs of the immediate neighborhood in which they are located. These centers should be based upon demonstrated need, and shall be sized in a manner compatible with a residential setting." *KCC 17.270.010. Exhibit 1, Staff Report, pages 4 and 5.*
7. As noted above, the Applicant requests a rezone of the property from NC to UVC. The purpose of the UVC zone is as follows:
  - This zone provides for a compatible mix of small-scale commercial uses and mixed-density housing, typically in multi-story buildings.
  - Development within the zone should promote neighborhood identity, by

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providing a range of commercial retail and service opportunities in close proximity to housing. The UVC zone is intended to encourage flexible land uses, recognizing that the exact configuration of uses must be responsive to community needs and market conditions. Accordingly, commercial and residential uses may be mixed either vertically or horizontally in the UVC zone, though the more common configuration locates commercial uses on the lower floors of multi-story structures, with residential units located above. Development within the UVC zone must occur in a manner that results in the design and construction of an interconnected system of pedestrian and bicycle trails and facilities linking the development in the UVC zone to surrounding residential neighborhoods, open spaces, recreational areas, and transportation corridors.

*KCC 17.260.010.B. Exhibit 1, Staff Report, page 5.*

8. The density standards applicable to development within the property's existing NC zoning designation require a minimum density of 10 dwelling units per acre and a maximum density of 30 dwelling units per acre. The NC zone does not have any lot size or other lot dimension standards. The maximum building height in the NC zone is 35 feet and the maximum impervious surface coverage is 85 percent. The NC zone has minimum required front yard setbacks of 20 feet and side and rear yard setbacks of 10 feet. *KCC 17.420.054*. Density standards applicable to development under the proposed UVC zoning designation also require a minimum density of 10 dwelling units per acre but do not have a maximum density requirement. The UVC zone does not have any lot size standards or lot width or depth standards but has a maximum lot coverage standard that limits nonresidential uses in a structure to 25,000 square feet of total gross floor area. The maximum building height in the UVC zone is 45 feet and, like the NC zone, the maximum impervious surface coverage is 85 percent. Unlike the NC zone, the UVC zone does not have any required building setbacks. *KCC 17.420.054. Exhibit 1, Staff Report, pages 6 and 7.*

#### Existing Site and Surrounding Property

9. The subject property consists of two parcels. The smaller 1.73-acre parcel is currently used as a marina for recreational purposes. Approximately 57,000 square feet of the parcel consists of pavement used for parking and a boat ramp, which were constructed in 1999. In addition, the parcel currently contains a 160 square foot shed that was constructed in 1998. The parcel is surrounded by Puget Sound marine shoreline to the west and south, which is hardened with concrete and rock bulkhead to protect the marina and parking area. A mapped 100-year floodplain is located to the west, bordering Apple Tree Cove estuary embayment. Other critical areas in the area of the parcel include a moderate erosion hazard area to the west and a moderate seismic hazard area that encompasses approximately 1.16 acres of the parcel to the southeast. The parcel contains

minimal vegetation consisting of grass, small shrubs, and ornamental trees within small islands in the parking lot.

The larger 7.11-acre parcel is currently used for a marina and the Kingston Ferry Terminal facility. The parcel is currently developed with several buildings and improvements, which include two storage warehouses built in 1968, a restroom facility built in 1968, a ferry dock built in 2005, and a snack bar built in 2015. Approximately one acre of the parcel consists of grass and is used for farmers markets and small outdoor events. Approximately 4.6 acres of the parcel is paved for the ferry vehicle waiting area, parking for walk-on ferry passengers, and road access. An unnamed Type F fish-bearing stream runs under the ferry terminal parking lot and drains into Puget Sound. The parcel is surrounded by Puget Sound marine shoreline to the south and east, which is hardened with rockery and concrete bulkhead to protect the ferry terminal and parking area. A mapped 100-year floodplain is located along the entirety of the parcel's shoreline, and approximately 2.8 acres of Department of Natural Resources surveyed wetlands are located to the east. The eastern shoreline area of the parcel contains erosion and landslide hazard areas, and a geologic moderate seismic hazard area extends across most of the parcel. *Exhibit 1, Staff Report, page 3.*

10. Properties to the north of the subject property are zoned UVC and consist of mixed-use commercial and residential development. Properties to the west are zoned "Urban Low Residential" and consist of residential development and vacant land. Properties to the east are zoned "Rural Residential:" and consist of vacant land. Puget Sound (Appletree Cove) borders the property to the south. *Exhibit 1, Staff Report, page 7.*
11. As noted above, the property is bordered by Puget Sound to the south. Any future development on the property within 200 feet of the Puget Sound ordinary high water mark would be subject to requirements under the State Shoreline Management Act (SMA) and the County Shoreline Master Program (County SMP), Title 22 KCC. *RCW 90.58.030(2)(f); KCC 22.200.100.* The shoreline environmental designation for the subject property under the County SMP is "High Intensity," which is intended to "provide for high-intensity water-oriented commercial, transportation, and industrial uses while protecting existing ecological functions and restoring ecological functions in areas that have been previously degraded." *KCC 22.200.110.* The maximum building height within the High Intensity shoreline environment is 35 feet, lower than the 45-foot maximum building height for the UVC zone. *KCC 22.400.140.A.* The County SMP would allow, however, for a building height of 45 feet consistent with the underlying UVC zone allowance with approval of a shoreline variance. *KCC 17.420.054; KCC 22.400.140.B.* *Exhibit 1, Staff Report, page 4.*

#### Proposed Rezone

12. KCC 21.04.230.A provides that a zoning designation may be amended by application for a rezone, which may be proposed by a property owner or authorized agent "only where



the rezone request is consistent with the Comprehensive Plan and does not require a Comprehensive Plan amendment.” KCC 21.04.230.B provides that the Hearing Examiner may recommend approval of a rezone application to the Kitsap County Board of Commissioners if the Hearing Examiner finds that the proposed rezone would be consistent with the Comprehensive Plan; would not adversely affect the surrounding community; bears a substantial relationship to the public health, safety, or welfare of the community; and responds to a substantial change in conditions applicable to the subject area, better implements applicable Comprehensive Plan policies, or corrects an obvious mapping error.

The Applicant provided a project narrative addressing the requirements for approval of a rezone, which notes:

- The proposed rezone area is within the Kingston unincorporated UGA. Kingston is an urban center described as a county-wide center and a key transportation link within in the County. The Kingston Sub-Area Plan provides a vision, goals, and policies for the UGA, with an emphasis on economic development.
- While the environment and public access are important to port districts, the economic development mission is the predominant goal of the Port of Kingston.
- Commercial development restrictions under the property’s current NC zoning designation are inconsistent with the Applicant’s economic mission, and a rezone of the property to UVC would help the Applicant further that mission and would be more consistent with the economic development goals and policies of the County Comprehensive Plan and the Kingston Sub-Area Plan.
- The rezone would not adversely affect the surrounding community because it would allow the Applicant to complement the existing commercial activity on nearby UVC-zoned properties, as well as to encourage business in the neighboring area by implementing unique methods to foster development, which would provide for economic growth that would not otherwise occur.
- The proposed rezone bears a substantial relationship to, and would benefit, the public health, safety, and welfare of the community. The proposed rezone would allow the Applicant to exercise its economic development capabilities for the community and is necessary to allow the Applicant to optimize the use of its property.

*Exhibit 2.*

13. County staff analyzed the proposal and determined that, with a condition, it would meet the specific criteria for a rezone under KCC 21.04.230.B, noting:
  - The request to rezone the property from NC to UVC is consistent with the Comprehensive Plan, the Kingston Sub-Area plan, and the purpose of the Urban Village Center zone.
  - The two subject parcels are the only parcels in the surrounding area in the Comprehensive Plan designation Urban Low Intensity Commercial that are not

zoned UVC and, therefore, rezoning the subject property would be consistent with the UVC zoning designations throughout the downtown Kingston area.

- The proposal bears a substantial relationship to the public health, safety, and welfare of the community. The Applicant's mission is to enhance the economic and social well-being of port-district residents by supporting the economy and by providing a waterfront facility for recreation and leisure activities. Consistent with the Applicant's mission, future potential development of the property would provide additional economic development opportunities, which should create employment opportunities and increase the attractiveness of Kingston as a destination.
- A rezone of the property to UVC designation would better implement Comprehensive Plan goals and policies because this designation would not further restrict the Applicant from its economic development mission and would allow for potential future commercial development within the community.

*Exhibit 1, Staff Report, pages 10 through 13.*

#### Testimony

14. County Senior Planner Melissa Shumake testified generally about the proposal and how it would be consistent with the Comprehensive Plan and would meet the specific requirements for a rezone. She noted that both the NC zone and the UVC zone are included within the Comprehensive Plan's Urban Low Intensity Commercial land use designation and that, therefore, the proposed rezone would not require an amendment to the Comprehensive Plan. Ms. Shumake stated that rezone proposals not requiring a Comprehensive Plan amendment are categorically exempt from SEPA environmental review. She explained that County staff reviewed the proposal against the rezone criteria and provided detailed information on how the proposal would meet all applicable criteria, consistent with the findings above. Ms. Shumake discussed comments submitted by Lynnae Donnen opposing the rezone request. She stressed, however, that Ms. Donnen's concerns, and other specific environmental concerns that may come up in the future, would be addressed at the project application stage through the required SEPA environmental review, and review of any specific proposal against the County's critical areas ordinance requirements and/or shoreline permit requirements. *Testimony of Ms. Shumake.*
15. Applicant Representative Greg Englin, Executive Director of the Port of Kingston, testified that the request to rezone the property from NC to UVC would allow for the two subject parcels to be consistent with the zoning designation of adjacent parcels in the downtown Kingston area and would allow for appropriate growth that would further the economic development mission of the Port of Kingston. He indicated that the Port Commission is fully supportive of the rezone request. *Testimony of Mr. Englin.*

16. Ron Karzmar testified that he is a resident of the Kingston community and fully supports the rezone request, noting that economic infusion in the area is necessary. *Testimony of Mr. Karzmar*

Staff Recommendation

17. County staff recommends approval of the rezone request, with a condition. *Exhibit 1, Staff Report, page 13.*

**CONCLUSIONS**

Jurisdiction

The Kitsap County Hearing Examiner is authorized to hear and make recommendations to the Board of County Commissioners for approval of a rezone. *KCC 2.10.070; KCC 21.04.100; KCC 21.04.230.*

Criteria for Review

An application for a rezone may be recommended for approval by the Hearing Examiner, and may be approved by the Board of County Commissioners, if all the following criteria are met:

1. The proposed rezone is consistent with the purpose and intent of the Comprehensive Plan, respective community or sub-area plan or other applicable regulations;
2. The proposed rezone will not adversely affect the surrounding community;
3. The rezone bears a substantial relationship to the public health, safety, or welfare of the community; and
4. The proposed rezone:
  - a. Responds to a substantial change in conditions applicable to the area within which the subject property lies;
  - b. Better implements applicable Comprehensive Plan policies than the current map designation; or
  - c. Corrects an obvious mapping error.

*KCC 21.04.230.B*

The criteria for review adopted by the Kitsap County Board of Commissioners are designed to implement the requirement of Chapter 36.70B RCW to enact the Growth Management Act. In particular, RCW 36.70B.040 mandates that local jurisdictions review proposed development to ensure consistency with County development regulations, considering the type of land use, the level of development, infrastructure, and the characteristics of development. *RCW 36.70B.040.*

Conclusion Based on Findings

**With a condition, the proposed rezone would meet the criteria for a rezone under KCC 21.04.230.B.** The County determined that the proposed rezone is categorically exempt from SEPA environmental review, in accord with WAC 197-11-800(6)(c). The County provided reasonable notice and opportunity to comment on the proposal. The County received comments

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from Lynnae Donnen, which raised concerns that rezoning the property would have adverse environmental impacts to the shoreline environment. The proposed rezone does not include any current development proposals, and, if the request to rezone the property from the Neighborhood Commercial (NC) designation to the Urban Village Center (UVC) designation is ultimately approved, the environmental impacts of any future, specific development of the properties in question would be addressed through the required SEPA environmental review process, review of any proposal against the County’s critical areas ordinances, and/or applicable shoreline permit requirements.

The Comprehensive Plan designates the property as “Urban Low Intensity Commercial.” This Comprehensive Plan designation is implemented by both the NC and UVC zoning designations and, therefore, the proposed rezone would not require any amendment to the Comprehensive Plan. The proposed rezone would further several goals and policies of the Comprehensive Plan, including goals and policies promoting redevelopment within UGAs, supporting commercial development in appropriate areas of the county, and facilitating coordination with port districts to provide appropriate economic development. A rezone of the property to UVC would be consistent with the current UVC zoning designation for other properties in the downtown Kingston area that are also designated Urban Low Intensity Commercial under the Comprehensive Plan.

The proposed rezone would benefit the surrounding community by allowing the Applicant to provide economic redevelopment of the property that would complement existing mixed-use residential and commercial development in the downtown Kingston corridor and that would further the mission of the Port of Kingston. In addition, the proposed rezone would benefit the public health, safety, and welfare by providing economic development opportunities that could increase the attractiveness of the Kingston area, provide potential employment opportunities, and potentially drive additional development in the area, while ensuring protection of the shoreline environment through compliance with applicable shoreline development regulations. The proposed UVR zoning designation is more appropriate for the site due to its location adjacent to other UVR-zoned properties along the downtown Kingston corridor and because the UVR zoning designation would help to further the Applicant’s economic development mission.

A condition is necessary to ensure it is clear that approval of the rezone request would not create any “vested rights” and that any future, specific land use proposals would be reviewed under the applicable development regulations in effect at the time any such proposal is received and accepted as complete, for review purposes, by County staff. *Findings 1 – 17.*

### **RECOMMENDATION**

Based upon the preceding findings and conclusions, the Hearing Examiner recommends that the Board of County Commissioners **APPROVE** the request by the Port of Kingston to rezone two parcels totaling approximately 8.84 acres, located at 25864 Washington Blvd NE, Kingston,

from the Neighborhood Commercial designation to the Urban Village Center designation, subject to the following condition:

The approval of the rezone application does not vest the property to current development regulations. Future land use applications will vest to applicable development regulations in effect at the time the County issues a notice of complete application for such applications.

RECOMMENDED this 4<sup>th</sup> day of March 2022.



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ANDREW M. REEVES  
Hearing Examiner  
Sound Law Center