



Staff Report for the Hearing Examiner

Report Date: January 5, 2018
Hearing Date: January 11, 2018

Application Submittal Date: March 1, 2017
Application Complete Date: March 1, 2017

Permit Number: 17 00782

Project Name: Rezone Encore Expansion Zone Change

Type of Application: Type-III Rezone

This staff report was prepared by Jeff Smith, Senior Planner, and Steve Heacock, Senior Environmental Planner, based on information available up until the time the report was prepared. New information relevant to review of this application may become available prior to the hearing or at the hearing. Staff may wish to change their analysis based upon that new information, and reserves the right to do so.

Proposal Summary:

To meet demand, Encore Expansion is requesting a rezone from Urban Restricted to Urban Low Residential, to allow for the future construction of an adult residential housing and rehabilitation care center, as a permitted use but conditionally approved. The residential care facility will complement their existing development within the NW Schold Road corridor. The applicant will apply for preliminary land use approval through a separate application. The Hearing Examiner is the review Authority. A rezone can be proposed by motion of the board, planning commission or hearing examiner.

Project Request:

The applicant is requesting a recommendation for approval by the Hearing Examiner for a rezone request from Urban Restricted to Urban Low Residential.

Project Location:

2400 NW Schold Place
Silverdale, WA 98383
Central Kitsap County



Assessor's Account #:

092501-1-088-2000

Applicant/Owner of Record:

Munch Tooke, LLC
5012 Dogwood Drive
Lake Oswego, OR 97035

SEPA (State Environmental Policy Act):

The State Environmental Policy Act (SEPA), found in Chapter 43.21C RCW (Revised Code of Washington), is a state law that requires the County to conduct an environmental impact review of any action that might have a significant, adverse impact on the environment. The review includes the completion of an Environmental Checklist by the applicant and a review of that checklist by the County. If it is determined that there will be environmental impacts, conditions are imposed upon the applicant to mitigate those impacts below the threshold of “major” environmental impacts. If the impacts cannot be mitigated, an environmental impact statement (EIS) must be prepared. The decision following environmental review, which may result in a Determination of Nonsignificance (DNS), Mitigated DNS, or the necessity for an EIS is called a threshold determination. A separate notice of the threshold determination is given by the County. If it is not appealed, it becomes part of the hearing record as it was issued, since it cannot be changed by the Hearing Examiner.

Pursuant to WAC 197-11-800(6) c and KCC 18.04 below, the proposal has been determined to be SEPA exempt.

Comments:

The Responsible official had the following comments on the request for a rezone:

- (c) Where an exempt project requires a rezone, the rezone is exempt only if:
- (i) The project is in an urban growth area in a city or county planning under RCW 36.70A.040;
 - (ii) The proposed rezone is consistent with and does not require an amendment to the comprehensive plan; and
 - (iii) The applicable comprehensive plan was previously subjected to environmental review and analysis through an EIS under the requirements of this chapter prior to adoption; and the EIS adequately addressed the environmental impacts of the rezone.

Physical Characteristics:

The subject property is 7.56 acres, rectangular shaped and is currently developed with a single-family home that will be demolished. The property does include an old farm pond. A Boundary Line Adjustment was performed adding approximately 6 acres from the property to the east of the original site. The property is generally flat and the Kitsap County resource maps indicates critical areas are present on the development site. The site was previously field verified through land use review and a determination was made there were no indicators of a significant amount of critical areas. The Department of Ecology has concerns about wetlands. A wetland report will be requested when the property owner submits a development proposal to verify existing site conditions. The Soil Survey of Kitsap County identifies Norma and Kapowsin gravelly loam soils on the site.

Comprehensive Plan Designation and Zoning:

The existing Comprehensive Plan designation for the site is Urban Restricted and Urban Low Residential Zoning. The following are description of existing and proposed zoning for the property:

Urban Restricted Zone: The Urban Restricted Zone is applied to areas within urban growth areas, which have a high concentration of critical areas regulated pursuant to KCC Title 19 or are planned greenbelts, and therefore appropriate for lower density.

Base/Maximum Density:	1 to 5 dwelling unit per acres
Minimum Lot Area	5,800 square feet
Minimum Lot Width	60 feet

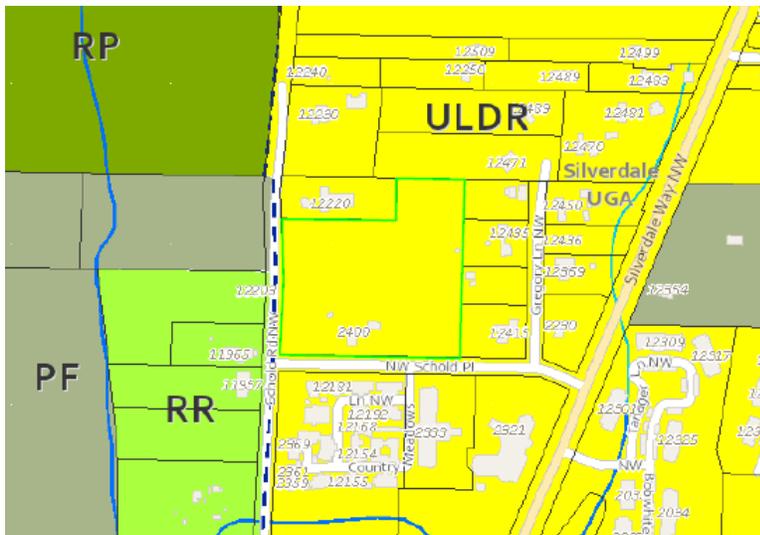
Minimum Lot Depth 60 feet
 Maximum Height 35 feet
 Maximum Impervious 50-55%

Front 10 feet Minimum habitable area to 20-foot minimum garage
 Side 5 feet
 Rear 10 feet

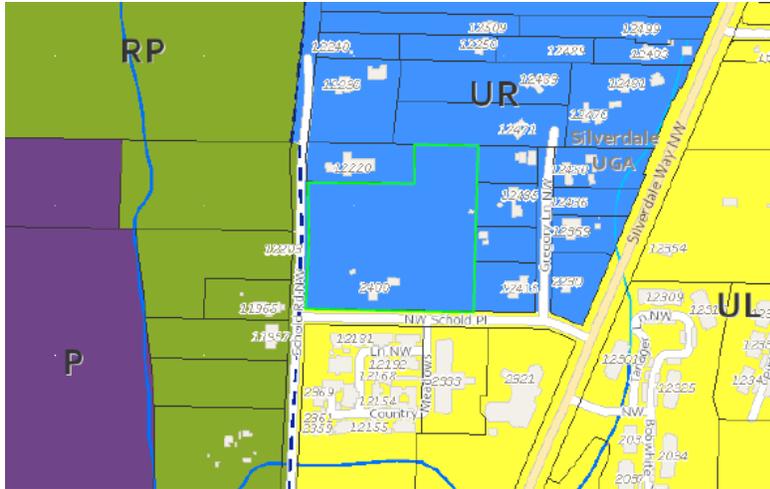
Urban Low Residential: The intent of the designation and the zone is to recognize, maintain, and encourage urban low density residential areas by including a full range of urban services and facilities that are adequate at the time of development.

Base/Maximum Density: 5 to 9 dwelling unit per acres
 Minimum Lot Area 2,400 square feet
 Minimum Lot Width 40 feet
 Minimum Lot Depth 60 feet
 Maximum Height 35 feet
 Maximum Impervious N/A

Front 20 feet Minimum
 Side 5 feet
 Rear 10 feet



Kitsap Comprehensive Plan Map



Current Zoning Map

Surrounding Land Use and Zoning:

The surrounding area contains a variety of residential and commercial land use activities. The properties located on the west side of Schold Road NW are both undeveloped and developed with single-family homes, and zoned Rural Protection. Properties along the north and east property lines include single-family homes and are zoned Urban Protection. The property adjacent to the south property line contains the Clearbrook Inn Living Center retirement facility and is zoned Urban Low Residential.

Public Utilities and Services:

Water: Silverdale Water District
 Power: Puget Sound Energy
 Sewer: Kitsap County Waste Water
 Police: Kitsap County Sheriff
 Fire: Central Kitsap Fire and Rescue District 1
 Schools: Central Kitsap School District #401

Access:

The existing driveway access to the site is from Schold Place NW, which functions as a local-access road.

Policies and Regulations Applicable to the Subject Proposal:

The Growth Management Act of the State of Washington, RCW 36.70A, requires that the County adopt a Comprehensive Plan, and then implement that plan by adopting development regulations. The development regulations must be consistent with the Comprehensive Plan. The Comprehensive Plan process includes public involvement as required by law, so that those who are impacted by development regulations have an opportunity to help shape the Comprehensive Plan which is then used to prepare development regulations.

Kitsap County Comprehensive Plan
 Adopted December 11, 2006 (Amended December 2012)

The following Comprehensive Plan goals and policies are most relevant to this application:

Goal 1.

Plan for projected population growth consistent with the Washington State Growth Management Act (GMA) and the Kitsap County Countywide Planning Policies (CPPs).

Policy LU-2

Plan for approximately 76% of countywide population to occur in urban areas and 24% in rural areas, consistent with the CPP.

Policy

Goal 9.

Use the Comprehensive Plan policies and Land Use Map to guide all growth-related decisions by the Board of County Commissioners and County staff.

Policy LU-38

Allow for amendments to the Land Use Map, Plan policies, and implementing regulations consistent with GMA, CPPs, applicable plan policies and other requirements of federal, state and/or local laws.

Policy LU-39

Docket and consider Plan amendments and related amendments to regulations comprehensively consistent with RCW 36.70A.130.

Policy LU-41

Allow revisions or amendments to the Plan outside the normal schedule only if the amendments are consistent with RCW 36.70A.130.

Policy LU-42

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.

The County’s development regulations are contained within the Kitsap County Code. The following development regulations are most relevant to this application:

Kitsap County Code (KCC)

- Title 12 Storm Water Drainage
- Title 13 Water and Sewers
- Title 14 Buildings and Construction
- Title 17 Zoning

- Chapter 18.04 State Environmental Policy Act (SEPA)
- Chapter 20.04 Transportation Facilities Concurrency Ordinance
- Chapter 21.04 Land Use and Development Procedures

Documents Consulted in the Analysis:

A complete index of exhibits is located in the project file. To date, the index to the record consists of Exhibits 1 - 22.

Exhibit #	Document	Date or date stamped
1	(Previous) Notice of Public Hearing – Schold Place Senior/Low Income Multifamily Housing – Conditional Use Permit	10/20/10

2	(Previous) Hearing Examiner Decision – Schold Place Case #101104-022, LIS #10 88175	12/01/10
3	(Previous) Land Use Binder – Notice for Expansion of Senior Housing, Conditional Use Permit #10 88175	01/25/11
4	Staff Report Recommendation to the Hearing Examiner – Schold Place Conditional Use Permit #10 88075	08/10/16
5	Supporting Document – Ownership Certification Permit #17 00782	02/06/17
6	Supporting Document – Authorization Form Permit #17 00782	02/06/17
7	Environmental Checklist – Encore Expansion Permit #17 00782	02/17/17
8	Project Application – Land Use, Environmental & Site Development Permit #17 00782	02/21/17
9	Supplemental Application – Rezone Permit #17 00782	02/21/17
10	Project Narrative – Encore Communities	03/01/17
11	Submittal Checklist – Rezone Permit #17 00782	03/01/17
12	Notice of Application	04/11/17
13	Revised Notice of Application	04/24/17
14	Agency Comment Letter – WA State Dept. of Ecology	05/03/17
15	Zoning Maps	12/22/17
16	Critical Areas Map	12/22/17
17	Comprehensive Plan Map	12/22/17
18	Assessor's Parcel Map	12/22/17
19	Aerial Maps	12/22/17
20	Notice of Public Hearing	12/27/17
21	Certification of Public Notice	12/27/17
22	Staff Report	01/05/18

Public Comments:

Pursuant to KCC Title 21, Land Use, and Development Procedures, the Department gave proper public notice for the request for the property rezone. A Notice of Application was mailed to surrounding property owners within an 800-foot radius. To date, the Department has not received written public comments.

Background

On December 1, 2010, a Conditional Use Permit was approved on the 1.45-acre property for expansion of the Clearbrook Senior facility for a congregate care facility with senior housing with associated off-street parking (File 10 88175). The land use action was approved when the property was previously zoned Urban Low and had a duration of approval of 3 years, per Kitsap County Code Title 21.

The rezone from Urban Low to Urban Restricted occurred with the Comprehensive Plan amendment approved August 2012. During the 2016 Comprehensive Plan update the plan was changed to require transfer development rights for all rezones from rural sending sites. After the application was determined complete, the rezone application was placed on hold pending the County determining the process to require Transfer Development Rights. The Department determined the 2012 rezone of this parcel was a mapping error, and the requirement for a transfer development right was not warranted.

Land Use and Zoning Analysis Findings:

21.04.230 Land Use and Development Procedures - Rezones.

B. Decision Criteria. An application for rezone may be recommended for approval by the hearing examiner and may be approved by the board if they find that:

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;

Staff Response: The Kitsap County Comprehensive Plan designates the subject property as Urban Low Residential. Urban Low Residential land use designation can be implemented in one of two zones: Urban Restricted and Urban Low Residential zones. The applicant can request a rezone under this designation from Urban Restricted to Urban Low Residential zone, which is consistent with the Comprehensive Plan designation.

2. The proposed rezone will not adversely affect the surrounding community;

Staff Response: Environmental analysis was conducted through the Environmental Impact Statement to establish the existing Comprehensive Plan designation of Urban Low Residential. Some form of single-family residential development is appropriate and is anticipated as a component of the designation. Project-specific impacts will be evaluated upon future application for a specific use. The subject property received environmental analysis under the previous proposal when the parcel was already zoned Urban Low Residential.

3. The rezone bears a substantial relationship to the public health, safety, or welfare of the community; and

Staff Response: The comprehensive plan designated the site and several others in the immediate vicinity as Urban Low Residential. The County resource maps show a ribbon of hydric soils running north and south through the subject property. During the review of a site-specific land use application, it was determined that there was no evidence of hydric soils. The rezone is consistent with the Comprehensive Plan's land use development goals and policies thus supporting the welfare of the community.

4. The proposed rezone:
 - a. Responds to a substantial change in conditions applicable to the area within which the subject property lies;

Staff Response: The criteria are not applicable to the rezone request.

- b. Better implements applicable Comprehensive Plan policies than the current map designation; or

Staff Response: The proposal is to rezone from Urban Restricted to Urban Low Residential zones. Consistent with Comprehensive Plan policies, the rezone will encourage higher densities, increasing urban concentration within the urban growth area.

- c. Corrects an obvious mapping error.

Staff Response: In 2012, the subject property was part of a neighborhood rezone to help reduce wetland impacts on the adjacent old Schold Farm and other critical areas. Based on the criteria for Urban Restricted zone, it was noted that hydric soils

were present on the property. It was determined that a high concentration of critical areas was not present during environmental analysis under the proposal for a Conditional Use Permit.

Conclusion:

The proposal is consistent with the Kitsap County Comprehensive Plan, county-wide Planning Policies and the Washington State Growth Management Act.

Agency Recommendation:

Based upon the information above, the Department of Community Development recommends that the Rezone Type-3 request for Encore Expansion Rezone be **approved**, 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 at the time the County issues a notice of complete application for such application.

Attachment:

Appendix A – Zoning Map before 2012



Jeff Smith, Staff Planner



Date

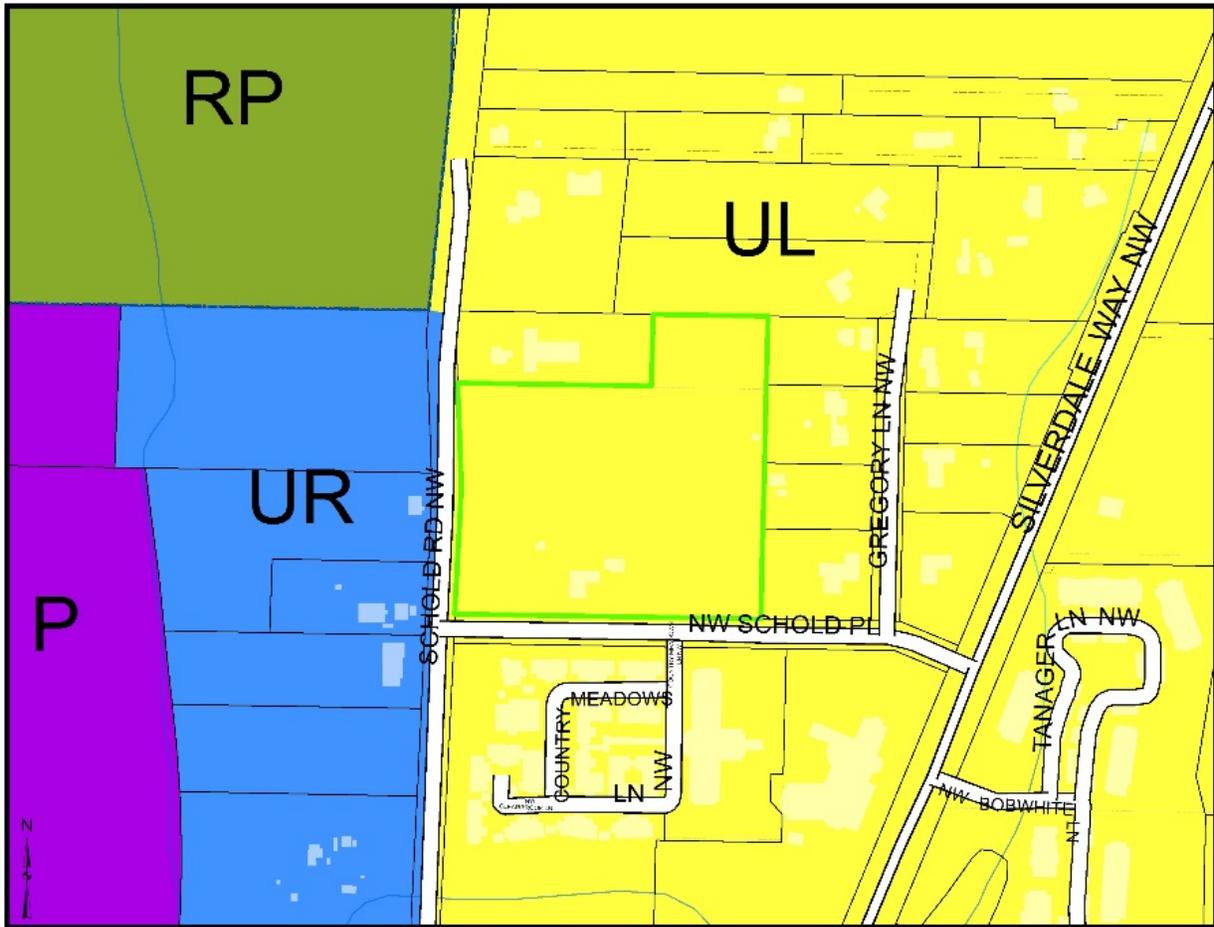


Scott Diener, Development Services and Engineering Manager



Date

CC: Munch Tooke, LLC,
JCM Property Management, jeff@jcmpm.com
Interested Parties: Hank and Susan Anderson, hank-susan@wavecable.com
Kitsap County Health District, MS-30
Kitsap County Public Works Dept., MS-26
DCD Staff Planner: Jeff Smith
DCD File 17 00782



Prior to the 2012 Rezone