



Kitsap County Department of Community Development

Staff Report and Recommendation Annual Comprehensive Plan Amendment Process for 2018 George’s Corner LAMIRD Boundary Adjustment

Report Date	7/16/2018
Hearing Date	7/17/2018 and 7/31/2018
Amendment Type	County-sponsored Amendment
Description	This amendment includes the following changes: <ul style="list-style-type: none"> • Adjust the SE boundary of the LAMIRD to better align with platted parcel lines and critical areas; and • Redesignate & rezone portions of two split-zoned parcels.
Geographic Area Affected	George’s Corner Limited Area of More Intensive Rural Development (LAMIRD)
SEPA	Determination of Non-Significance
Department Recommendation	Adopt as Proposed

This report and recommendation are based on information available at the time of publication. If new relevant and material facts are discovered, this staff report will be revised and the department recommendation may change.

1. Background

The Kitsap County Comprehensive Plan describes the 20-year vision for unincorporated Kitsap County and how that vision will be achieved. The plan covers land use, economic development, environment, housing and human services, transportation, capital facilities and utilities as well as parks, recreation, and open space. The Comprehensive Plan is mandated by the Washington State Growth Management Act (GMA, RCW 36.70A).

A. Authority

The GMA mandates that Kitsap County’s Comprehensive Plan and development regulations be reviewed and, if needed, revised at least every 8-years [RCW 90.70A.130(5)]. The most recent Kitsap County 8-year update concluded with the adoption of the 2016 Kitsap County Comprehensive Plan on June 27, 2016 by Ordinance 534-2016. The GMA also mandates that Kitsap County’s Comprehensive Plan and development regulations be subject to continuing review and evaluation, allowing for

annual amendments to the Comprehensive Plan and development regulations [RCW 36.70A.130(1)]. Additionally, the Growth Management Act [WAC 365-196-425(6)(c)(i)(E)] allows the County to consider amendments to LAMIRD outer boundaries.

Kitsap County Code sets forth a process and criteria for making amendments to the Comprehensive Plan [KCC 21.08]. In making amendments, the County must consider:

- Whether the proposed amendments are consistent with and supports other plan elements and or development regulations, and if not, what additional amendments to the plan and/or development regulations will be required to maintain consistency;
- Whether the proposed amendment to the plan and/or regulation will more closely reflect the goals and policies of the Comprehensive Plan;
- Whether the proposed amendment is consistent with the Kitsap County-wide Planning Policies; and
- Whether the proposed amendment complies with the requirements of the GMA.

The final docket adopted by the Board of County Commissioners on April 4, 2018 (Resolution No. 064-2018) allows for consideration of this amendment during Kitsap County's annual Comprehensive Plan amendment process for 2018.

B. Proposed Amendment

The proposed amendment includes the following changes:

1. Kitsap County Comprehensive Plan Land Use Map

- The approximately 0.87 acre portion of parcel 272702-2-047-2003 (Plat 7278, Lot D) that is currently within the George's Corner LAMIRD will be redesignated from LAMIRD - Type I to Rural Residential and the LAMIRD outer boundary will be moved to follow the northern property line as depicted in Attachment A – Map 5B.
- The approximately 0.88 acre portion of parcel 272702-2-046-2004 (Plat 7278, Lot C) that is currently outside of the George's Corner LAMIRD will be redesignated from Rural Residential and Rural Protection to LAMIRD – Type I and the LAMIRD outer boundary will be moved to follow the southern and eastern parcel boundaries as depicted in Attachment A – Map 5B.

2. Kitsap County Zoning Map

- The approximately 0.87 acre portion of parcel 272702-2-047-2003 (Plat 7278, Lot D) that is currently within the George's Corner LAMIRD will be rezoned from Neighborhood Commercial to Rural Residential as depicted in Attachment A – Map 4B.

- The approximately 0.88 acre portion of parcel 272702-2-046-2004 (Plat 7278, Lot C) that is currently outside of the George's Corner LAMIRD will be rezoned from Rural Residential and Rural Commercial to Neighborhood Commercial as depicted in Attachment A – Map 4B.

The Rural Residential designation and classification is intended to promote low-density residential development and agricultural activities that are consistent with rural character. It is applied to areas that are relatively unconstrained by environmentally sensitive areas or other significant landscape features. These areas are provided with limited public services. [KCC 17.130]

The Rural Protection designation and classification is intended to promote low-density rural development and agricultural activities that are consistent with rural character and protects environmental features such as significant visual, historical and natural features, wildlife corridors, steep slopes, wetlands, streams and adjacent critical areas. [KCC 17.140]

The Neighborhood Commercial classification is intended to provide 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]

Under the State Growth Management Act [WAC 365-196-425(6)(a)], LAMIRDs are intended to serve the following purposes:

- To recognize existing areas of more intense rural development and to minimize and contain these areas to prevent low density sprawl;
- To allow for small-scale commercial uses that rely on a rural location;
- To allow for small-scale economic development and employment consistent with rural character; and
- To allow for redevelopment of existing industrial areas within rural areas.

The LAMIRD - Type I designation is intended for isolated areas of existing more intense development. Within these areas, rural development consists of infill, development, or redevelopment of existing areas. These areas may include a variety of uses including commercial, industrial, residential, or mixed-use areas. These may be also characterized as shoreline development, villages, hamlets, rural activity centers, or crossroads developments. [WAC 365-196-425(6)(c)(i)] George's Corner was characterized as a crossroads development when established in 2004.

The designation of LAMIRD outer boundaries, and any subsequent boundary changes, are governed by specific criteria in State law [WAC 365-196-425], which are analyzed in Section 4 below.

This amendment was requested by the Kitsap County Department of Community Development.

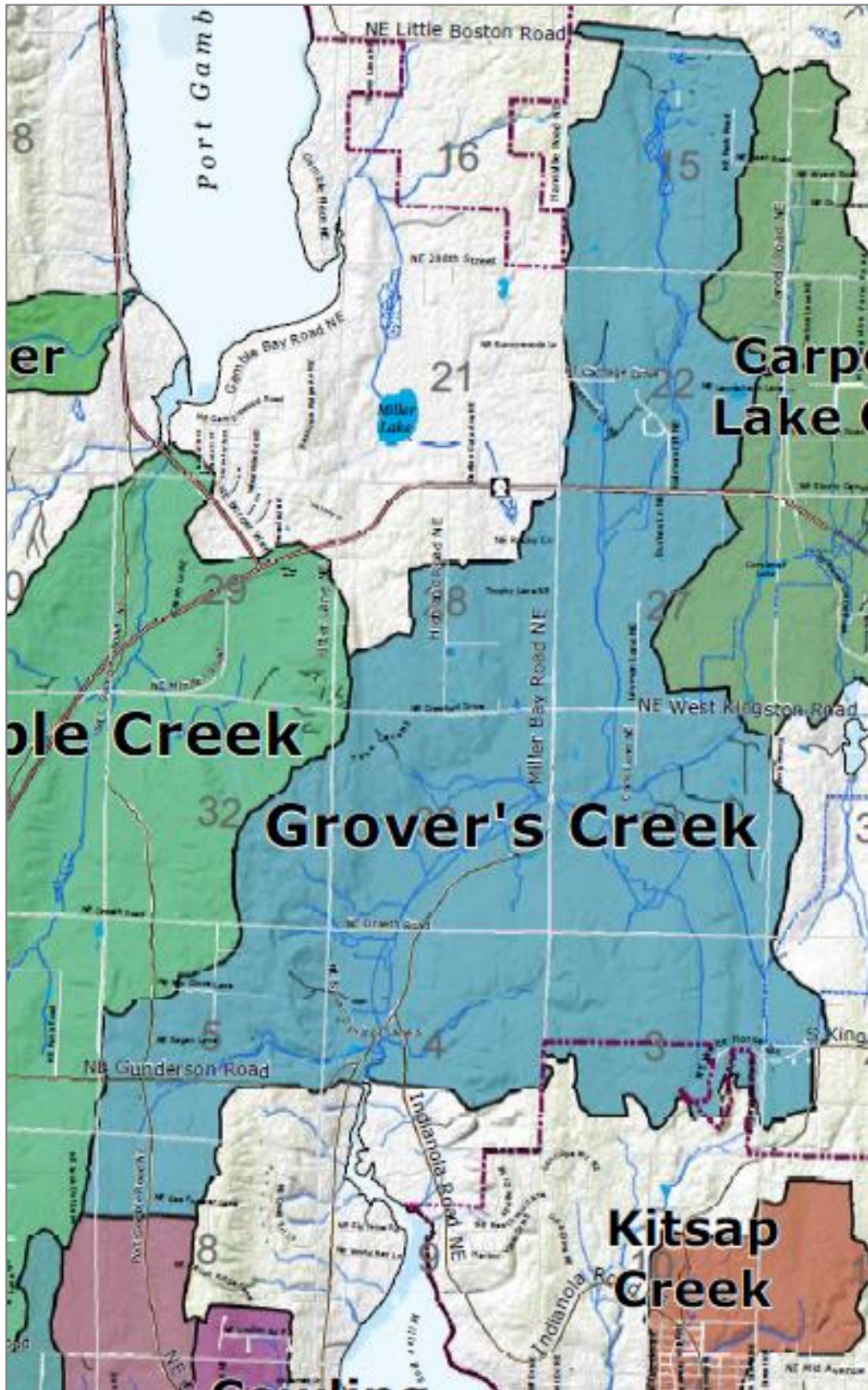
C. Geographic Description

This amendment affects the George's Corner LAMIRD outer boundary and two parcels in the vicinity of the SE corner of the intersection of Miller Bay Rd NE and SR-104. The subject site includes only the portions of the affected parcels that are currently within the George's Corner LAMIRD as depicted in Attachment A – Maps 1 and 2. Both lots were created in November 2005 through Final Short Plat No. 7278 (see Attachment C1).

Tax Parcel ACCT #	Short Plat #7278	Land Owner	Total Acres	Subject Acres
272702-2-046-2004	Lot C	KINGSTON CORNERS LLC	1.89	~0.88
272702-2-047-2003	Lot D	BROUGHTON WILLIAM H	8.36	~0.87

Parcels to the south and east are outside the LAMIRD and are undeveloped. Parcels to the north and west are inside the LAMIRD and are developed with commercial uses, including coffee shops, drug stores, banks, restaurants, grocery stores, and other types of retail businesses.

The site is located in the Grover's Creek watershed, which flows southerly to Miller Bay. Grover's Creek (Type F Stream) is located to the east of the site along the eastern boundary of parcel 272702-2-047-2003 (Plat 7278, Lot D). A wetland, wetland restoration area and wetland buffer mitigation area are located on parcel 272702-2-047-2003 (Plat 7278, Lot D). The boundaries of parcel 272702-2-046-2004 (Plat 7278, Lot C) were drawn to exclude the wetland buffer and wetland to the east that is associated with Grover's Creek. See Attachment C1 (Final Short Plat 7278) for wetland locations and Attachment A – Map 3A for stream location. The site is not in a FEMA flood zone. Part of the site is categorized as a moderate geologically hazardous area due to moderate erosion hazard (see Attachment A – Map 3A). The site is also categorized as a Category II critical aquifer recharge area (see Attachment A – Map 3B).



2. Department Recommendation

Having analyzed the proposed amendment and other alternatives, if applicable, the Department recommends:

- Adoption of the amendment:
 - as proposed above
 - as described in Alternative ___ below
 - with revisions described below
 - with conditions described below
- Deferral of the amendment to a future docket
- Denial of the amendment

A. Revisions

None.

B. Conditions

None.

C. Rational

The establishment of a Type I LAMIRD outer boundary is a significant action under the Growth Management Act and the process to establish the George's Corner LAMIRD outer boundary was quite controversial. The process of proposing a LAMIRD boundary was repeated twice before finally adopted and then the boundary was appealed to the Central Puget Sound Growth Management Hearings Board [1000 Friends of Washington, et al v. Kitsap County; Case No. 04-3-0031c].

The primary complaint regarding the boundary in the appeal was that the County had not taken the required actions to "minimize and contain" development, including the inclusion of the SE corner of Miller Bay Rd NE and SR-104 in the LAMIRD. The Hearings Board upheld the County's LAMIRD outer boundary and found that "the County chose to use the physical contours of the land and the presence of wetlands to define the boundary of the LAMIRD" (Final Decision and Order (FDO), page 15) and that "this is likely to result in permanent boundaries that are less subject to pressures for commercial expansion and sprawl" (FDO, page 15) and that "the George's Corner LAMIRD designation includes 'measures to minimize and contain the existing areas or uses' as required by [the GMA]" (FDO, page 16).

The proposed LAMIRD boundary adjustment is in the public interest, consistent with the Comprehensive Plan, consistent with Growth Management Act criteria for drawing LAMIRD outer boundaries, and consistent with the findings in the Final Decision and Order for the Central Puget Sound Growth Management Hearings Board in the appeal

of the 2004 establishment of the George's Corner LAMIRD. The proposed LAMIRD boundary will:

- Minimize and contain the LAMIRD by not increasing its overall size;
- Re-align the boundary to exclude critical areas and buffers from the LAMIRD area and setting the boundary where it will be permanent, control low-density sprawl, and maintain compatibility with adjacent rural lands;
- Prevent abnormally irregular boundaries by aligning with parcel lot lines where appropriate; and
- Include Lot D, which is consistent with the Hearings Board's interpretation of land appropriate for infill development that will be compatible with the use and scale of development at the intersection.

3. Other Alternatives Considered

No alternatives were proposed during the development of this amendment.

4. Analysis

Amendments to the Comprehensive Plan must be consistent with the criteria outlined in Kitsap County Code (KCC) Chapter 21.08. Applicable criteria are analyzed below.

A. General Decision Criteria (KCC 21.08.070.A)

For each proposed amendment to the Comprehensive Plan, the Planning Commission in reaching its recommendation, and the Board of Commissioners in making its decision, shall develop findings and conclusions, which demonstrate:

1. *How 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 or applicable development regulations;*

Staff Analysis: The circumstances related to the proposed amendment have substantially changed since the 2004 adoption of the George's Corner LAMIRD outer boundary. In 2005, the parcel (Tax Acct # 272702-2-010-2006) at the SE corner of the intersection of Miller Bay Road NE and SR-104 was subdivided into four lots through Short Plat No. 7278 (see Attachment C1), including the two lots subject to this amendment. The resulting parcel lines for these two lots did not align with the LAMIRD and zoning boundaries, resulting in split-zoned lots. Additionally, a wetland study completed for the short plat provides more specific information than available through the County GIS system, which helps inform this proposed amendment.

2. *How the assumptions upon which the Comprehensive Plan is based are no longer valid, or there is new information available which was not considered during the adoption of, or during the last annual amendment to, the Comprehensive Plan or development regulations; and*

Staff Analysis: There is new information available since the 2004 adoption of the George's Corner LAMIRD outer boundary. See section 4.A.1 above.

3. *How the requested redesignation is in the public interest and the proposal is consistent with the Kitsap County Comprehensive Plan.*

Staff Analysis: The proposed LAMIRD boundary adjustment is in the public interest, consistent with the Comprehensive Plan, and consistent with Growth Management Act criteria for drawing LAMIRD outer boundaries. The proposed LAMIRD boundary will:

- Minimize and contain the LAMIRD by not increasing its overall size;
- Re-align the boundary to exclude critical areas and buffers from the LAMIRD area;
- Prevent abnormally irregular boundaries by aligning with parcel lot lines where appropriate and setting boundaries where they will be permanent; and
- Include only land area that would have been included in the LAMIRD originally had site-specific wetland delineations been used to draw the LAMIRD boundary.

The proposed designation and classification changes are consistent with the current and future uses of the affected parcels and adjoining properties.

B. Additional Decision Criteria (KCC 21.08.070.B)

In addition to the findings and conclusions above, for each proposed area-wide amendment, 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. *The proposed amendment meets concurrency requirements for transportation, sewer and water, and will not 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;*

Staff Analysis: The proposed amendment will not have significant adverse impacts on adopted level of service standards. Public services are already provided for the George's Corner LAMIRD. Anticipated future capacity deficiencies for the North Kitsap School District will not be affected by this amendment. The intersection of

Miller Bay Rd NE and SR-104 is projected to be capacity deficient by 2036 according to the 2016 Kitsap County Capital Facilities Plan. Additional improvements may be required of future development during applicable permitting and environmental review.

2. *The proposed amendment is consistent with the goals, policies and objectives of development regulations, sub-area plan and the Comprehensive Plan and reflects the local circumstances of the county;*

Staff Analysis: The proposed amendment is consistent with the goals and policies of the Comprehensive Plan and reflects the local circumstances of the county. Specifically, this amendment closely reflects the following goals and policies in the Comprehensive Plan:

- Land Use Goal 13. Protect Kitsap County's unique rural character.
- Land Use Policy 52. For Type I Limited Area of More Intensive Rural Development (LAMIRD), allow for limited areas of more intensive rural development, including necessary public facilities and public services to serve the limited area as follows: Rural development consisting of the infill, development, or redevelopment of existing commercial, industrial, residential, or mixed-use areas, whether characterized as shoreline development, villages, hamlets, rural activity centers, or crossroads development and in accordance with Growth Management Act Requirements.
- Land Use Policy 54. In accordance with RCW 36.70A.070(5)(c):
 - to preserve rural character of the County, emphasize controlling rural development; assuring visual compatibility of rural development with the surrounding rural area,
 - reduce the inappropriate conversion of undeveloped land into sprawling, low-density development in the rural area,
 - protect critical areas, as provided in RCW 36.70A.060, and surface water and groundwater resources, and,
 - protect against conflicts with the use of agricultural, forest, and mineral resource lands designated under RCW 36.70A.170.

This policy is implemented through Comprehensive Plan Land Use designations, zoning designations, and zoning code provisions.

George's Corner is a Type I LAMIRD and was characterized as a crossroads development when it was established in 2004. The proposed amendment will adjust land use designations and zoning classifications to better align with and protect critical areas.

- Land Use Goal 14. Foster rural businesses and business opportunities on designated commercial and industrial lands in the rural area, while balancing protection of rural character.
- Land Use Policy 58. Encourage business growth in existing LAMIRDs while limiting business growth outside of LAMIRDs so as to not impact the rural character.

The proposed LAMIRD boundary adjustment and designation/classification change will allow parcel 272702-2-046-2004 (Plat 7278, Lot C) to be fully utilized for commercial development in a manner consistent with the intent of a Type I LAMIRD and the local circumstances of the George's Corner LAMIRD.

3. *The subject parcel(s) is 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;*

Staff Analysis: The subject parcels are suitable for the proposed designations/classifications. Parcel 272702-2-046-2004 (Plat 7278, Lot C) is outside existing critical areas and their buffers, has existing access to Miller Bay Rd NE and SR-104 via existing plat improvements, and an easement for a septic drainfield. Adjacent lots A and B are already developed with commercial uses, including a coffee shop and drug store.

In 2016, a request was denied to redesignate a larger portion of parcel 272702-2-047-2003 (Plat 7278, Lot D) from Rural Residential to Neighborhood Commercial. This amendment will remove the existing portion of Neighborhood Commercial designation, making this lot more compatible with existing environmental constraints and adjacent uses outside of the LAMIRD.

4. *The proposed amendment does not materially affect the land uses and growth projections which are the basis for the Comprehensive Plan;*

Staff Analysis: The proposed amendment will not materially affect the land uses and growth projections that are the basis for the Comprehensive Plan. There are no population growth targets for Neighborhood Commercial areas and the proposed amendment will not increase population growth capacity in rural areas.

5. *The proposed amendment does not materially affect the adequacy or availability of urban facilities and services to the immediate area or the overall area of the urban growth area;*

Staff Analysis: Not applicable – the proposed amendment is not located in an Urban Growth Area.

6. *The proposed amendment is consistent with the Growth Management Act (GMA), Kitsap County-wide Planning Policy, state and local laws and other applicable inter-jurisdictional policies or agreements;*

Staff Analysis: The proposed amendment is consistent with the requirements of GMA, state and local laws and other applicable inter-jurisdictional policies and agreements.

Growth Management Act

The Growth Management Act sets forth the following criteria for evaluating the configuration of the outer boundary of a Type I LAMIRD [WAC 365-196-425(6)(c)(i)(D)]:

- *The need to preserve the character of existing natural neighborhoods and communities;*

Lots A, B, and C of Short Plat 7278 comprise an existing and integrated commercial area.

- *Physical boundaries such as bodies of water, streets and highways, and land forms and contours;*

The proposed boundary will improve alignment of the LAMIRD with critical areas and their buffers.

- *The prevention of abnormally irregular boundaries; and*

The proposed boundary will eliminate split-zoned parcels and better contain the LAMIRD through alignment with the southern boundary of Lots A and B, which are already developed with commercial uses.

- *The ability to provide public facilities and public services in a manner that does not permit low-density sprawl*

Public facilities and services are already provided to George's Corner.

County-wide Planning Policies

The proposed amendment is consistent with the [Kitsap County-wide Planning Policies](#) (CPP); adopted on 5/11/2015 by Kitsap County Ordinance 522-2015). The proposed amendments are consistent with and implement Element D (Rural Land Uses and Development Patterns) of the CPP, specifically the following:

- Policy 2. Preserving rural land use and development patterns:

- a. Rural Communities are already-existing residential and commercial areas of more intensive rural development designated in the Kitsap County Comprehensive Plan under RCW 36.70A.070.5. In-fill is expected. Rural Communities should be serviced by transportation providers and other services consistent with the Levels of Service adopted by Kitsap County for roads and by Kitsap Transit for transit upon their designation as an area of more intensive rural development.
- Policy 4. Conserving small-scale natural resource use in rural areas:
 - c. The County's Comprehensive Plan policies shall support Rural Communities as locations of employment, a mix of housing types, and cultural activities for rural areas that primarily function as locations for service needs such as grocery stores, shopping, and community services, and small-scale cottage industries for the surrounding rural area.

7. *The proposed amendment is consistent with and supports other plan elements and/or development regulations and, if not, what additional amendments to the plan and/or development regulations will be required to maintain consistency;*

Staff Analysis: The proposed amendment is consistent with and supports other plan elements and development regulations.

8. *Any proposed amendments to rural areas and natural resource lands shall be supported by and dependent on population forecasts and the balance of nonurban population distributions, existing rural area and natural resource land densities and infill opportunities; and*

Staff Analysis: There are no population growth targets for Neighborhood Commercial areas and the proposed amendment will not increase population growth capacity in rural areas.

9. Any proposed changes to lands designated as natural resource lands shall recognize that natural resource designations are intended to be long-term designations and shall further be dependent on one or more of the following:

Staff Analysis: Not applicable – the proposed amendment does not change natural resource land designations.

C. State Environmental Policy Act (SEPA)

The Kitsap County SEPA official issued a SEPA threshold determination of non-significance (DNS; Attachment B1) for this amendment after having reviewed the SEPA environmental checklists prepared for this amendment (Attachment B2) and all of the other proposed Comprehensive Plan amendments. The SEPA official's review found

that this amendment is not related to or dependent on any of the other amendments and therefore an independent SEPA threshold determination was made regarding this amendment.

Notice of this SEPA threshold determination was:

- Filed with the Washington State Department of Ecology [SEPA Register](#);
- Published in the Kitsap Sun newspaper (7/17/2018); and
- Integrated with other public announcements described in Section 5 below.

The SEPA threshold determination and environmental checklist was also distributed to agencies with jurisdiction, the Department of Ecology, affected tribes, and each local agency or political subdivision whose public services would be changed as a result of implementation of the proposal.

The SEPA comment period will run concurrently with the public comment period for the proposed amendment as described in Section 5 below.

5. Public Involvement and Outreach

Kitsap County's public involvement and outreach in support of this amendment has exceeded the requirements of the Growth Management Act (RCW 36.70A) and Kitsap County Code (KCC 21.08).

Public involvement and outreach in support of this amendment has included the following:

- An [Online Open House](#) with information about previous, current, and upcoming phases of the 2018 amendment process.
- A public comment period (11/27/2017 – 12/15/2017) and a public hearing by the Kitsap County Board of Commissioners (12/11/2017) while setting the initial docket of amendments. Based on public comments, the Board of Commissioners added a review of affordable housing policies (i.e. the subject of this amendment) to the docket of amendments. Notifications and announcements regarding this comment period and public hearing included the following:
 - Legal notice published in the Kitsap Sun newspaper (11/27/2017);
 - Broadcast announcements via email, text message, Facebook.com, Twitter.com, and Nextdoor.com; and
 - Formal letters to Tribes with usual and accustomed area in Kitsap County.
- Legal notice announcing the docket of amendments was published in the Kitsap Sun newspaper (1/8/2018).
- Presentations to various Kitsap County advisory groups and community groups.

Comment Period and Public Hearing

A new comment period regarding the proposed amendment (Attachment A), this staff report, and the SEPA determination (Attachment B1) will run through Tuesday, August 7, 2018.

- During this public comment period, the public may learn more about this and other amendments by:
 - Visiting an [Online Open House](http://tinyurl.com/kitsap2018cpa) (<http://tinyurl.com/kitsap2018cpa>);
 - Attending one of the following Open Houses:
 - July 10, 2018 (5:30-7:30 PM) at the Village Green Community Center (26159 Dulay Rd NE, Kingston)
 - July 11, 2018 (5:30-7:30 PM) at the Givens Community Center (1026 Sidney Ave Rm # 115, Port Orchard)
 - July 12, 2018 (5:30-7:30 PM) at the Silverdale Water District (5300 NW Newberry Hill Rd #100, Silverdale)
 - Attending applicable Planning Commission meetings; or
 - Contacting the staff listed in Section 6 below.
- To be included in the official record, written comments must be submitted to the Department of Community Development before 11:59 PM on Tuesday, August 7, 2018 using one of the following methods:
 - Entered [online via computer or mobile device](#);
 - Emailed to CompPlan@co.kitsap.wa.us;
 - Mailed to 614 Division St - MS36, Port Orchard, WA 98366;
 - Dropped off at the Permit Center at 619 Division St, Port Orchard; or
 - Dropped off at one of the open houses listed above.
- Oral and written testimony may also be made to the Kitsap County Planning Commission at the following public hearings in the Commissioner's Chambers on the 3rd Floor of the Kitsap County Administration Building (619 Division St, Port Orchard):
 - 7/17/2018 (5:30 PM); and
 - 7/31/2018 (5:30 PM).
- Notifications and announcements regarding this comment period and public hearing include the following:
 - Legal notice published in the Kitsap Sun newspaper;
 - Broadcast announcements via email, text message, Facebook.com, Twitter.com, and Nextdoor.com;
 - Notice signs posted on site-specific amendment properties;
 - Notices mailed to property owners near site-specific amendments and other geographically specific amendments; and
 - Formal letters to Tribes with usual and accustomed area in Kitsap County.

Additional public involvement and outreach will occur in October through December when the Kitsap County Board of Commissioners will be considering the amendments.

6. Staff Contact

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Department of Community Development

7. Attachments

A. Maps

1. Vicinity
2. Aerial Photo
- 3A. Critical Areas
- 3B. Critical Aquifer Recharge Area
- 4A. Current Land Use Designation Map
- 4B. Proposed Land Use Designation Map
- 5A. Current Zoning Classification Map
- 5B. Proposed Zoning Classification Map
- Map Legends

B. State Environmental Policy Act (SEPA)

1. SEPA Determination
2. SEPA Checklist

C. Supplemental Materials

1. Final Short Plan 7278
2. Historical Summary of George's Corner LAMIRD Boundary at the SE Corner of SR-104 and Miller Bay Rd
3. Comparison of Allowed Uses