



Notice of Hearing Examiner Decision

11/03/2021

To: Interested Parties and Parties of Record

RE: Project Name: Jun Auto Wrecking Rezone
 Applicant: Thomas Jun
 15909 SE Cougar Mountain Way
 Bellevue, WA 98006
 Application: Rezone
 Permit Number: #20-05249

The Kitsap County Hearing Examiner has **RECOMMENDED APPROVAL** of the the land use application for **Permit #20-05249 June Auto Wrecking Rezone, subject to the conditions outlined in this Notice and included Decision.**

THE DECISION OF THE HEARING EXAMINER IS FINAL, UNLESS TIMELY APPEALED, AS PROVIDED UNDER WASHINGTON LAW.

The applicant is encouraged to review the Kitsap County Office of Hearing Examiner Rules of Procedure found at:

<https://spf.kitsapgov.com/dcd/HEDocs/HE-Rules-for-Kitsap-County.pdf>

Please note affected property owners may request a change in valuation for property tax purposes, notwithstanding any program of revaluation. Please contact the Assessor's Office at 360-337-5777 to determine if a change in valuation is applicable due to the issued Decision.

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 or (360) 337-5777.

CC: Applicant/Owner: Thomas Jun, TITAN EQUITY HOLDINGS LLC,
thomasjun70@gmail.com
Authorized Agent: William M. Palmer, W.M. Palmer Consultants,
wpconslts@telebyte.net

Health District
Public Works
Parks
Navy
DSE
Kitsap Transit
Central Kitsap Fire District
Central Kitsap School District
Bremerton School District

Puget Sound Energy
City of Bremerton Planning Director
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 Transportation
Interested Parties: None

**BEFORE THE HEARING EXAMINER
FOR KITSAP COUNTY**

In the Matter of the Application of)	No. 20-05249
)	
Thomas Jun)	Jun Auto Wrecking Rezone
)	
)	FINDINGS, CONCLUSIONS,
<u>For Approval of a Rezone</u>)	AND RECOMMENDATION

SUMMARY OF RECOMMENDATION

The Hearing Examiner recommends that the Kitsap County Board of County Commissioners **APPROVE**, with a condition, the request to rezone three contiguous parcels totaling approximately 17.7 acres, located at 6472 State Route 3 SW, from the Business Center designation to the Industrial designation.

SUMMARY OF RECORD

Hearing Date:

The Hearing Examiner held an open record hearing on the request on October 14, 2021, using remote access technology. The record was left open until October 21, 2021, 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:

Roxanne Robles, County Planner
William Palmer, Applicant Representative
Thomas Jun, Applicant

Exhibits:

The following exhibits were admitted into the record:

1. Code Compliance Report No. 20 0013, dated January 21, 2020
2. Required Permit Questionnaire – Rezone Request, received April 9, 2021
3. Project Narrative, received April 9, 2021
4. Rezone Decision Criteria, received April 9, 2021
5. Letter from Kitsap County Health District, dated April 29, 2021
6. Washington State Patrol Report of Investigation, dated May 3, 2021
7. Notice of Application, dated July 6, 2021
8. Comment from Suquamish Tribe, dated July 20, 2021
9. Notice of Public Hearing, published September 29, 2021
10. Certification of Public Notice, dated July 6 and September 29 and 30, 2021
11. Staff Report, dated September 17, 2021

*Findings, Conclusions, and Recommendation
Kitsap County Hearing Examiner
Jun Auto Wrecking Rezone, No. 20-05249*

12. Staff Presentation, dated October 14, 2021
13. Hearing Sign-in Sheet

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

FINDINGS

Background

1. The 17.7-acre subject property has served as the site for an auto wrecking yard since as far back as 1994. Prior to the auto wrecking yard ceasing operations in 2008,¹ Kitsap County (County) rezoned the property in 2006 from Urban Reserve to its current zoning designation of Business Center, which does not allow wrecking yard uses. *Kitsap County Code (KCC) Table 17.410.044*. Following a complaint filed with the County on October 21, 2019, the County determined that an auto wrecking yard was once again being operated on the property, in violation of zoning regulations. The County began working with the current property owner, Thomas Jun (Applicant), to bring the property into compliance, which has resulted in the Applicant's request to rezone the property to "Industrial," a zoning designation that allows wrecking yards as a conditional use. *KCC Table 17.410.044. Exhibits 1 through 4; Exhibit 6; Exhibit 11, Staff Report, pages 1 and 2.*

Application and Notice

2. The Applicant requests a rezone of three contiguous parcels totaling approximately 17.7 acres from the "Business Center" (BC) designation, which prohibits wrecking yard uses, to the "Industrial" (IND) designation, which allows wrecking yards as a conditional use. *KCC Table 17.410.044*. The subject parcels are located at 6472 State Route 3 SW.² *Exhibits 1 through 4; Exhibit 11, Staff Report, pages 1 through 3.*
3. Kitsap County (County) determined that the application was complete on April 9, 2021. On July 6, 2021, the County provided notice of the application by publishing notice in the County's publishing newspaper of record and by mailing notice to property owners within 800 feet of the site and to reviewing departments and agencies. The County's

¹ Thomas Jun, the current property owner and applicant, testified at the hearing that he continued to operate the wrecking yard from 2008 to 2013. *Testimony of Mr. Jun*. County Planner Roxanne Robles explained at the hearing that, regardless of whether Mr. Jun continued to operate the wrecking yard until 2013, the nonconforming use was considered abandoned prior to the 2019 complaint under Kitsap County Code (KCC) 17.570.020. *Testimony of Ms. Robles*. KCC 17.570.020.A provides in relevant part that "if a nonconforming use ceases for a period of twenty-four months or more, said use shall be considered abandoned, and said premises shall thereafter be used only for uses permitted under the provisions in the zone in which it is located."

² The subject parcels are identified by Kitsap County Assessor's Tax Account Nos. 012301-4-021-1006, 012301-4-030-1005, and 012301-4-031-1004. *Exhibit 11, Staff Report, page 1.*

notice materials stated that written comments on the proposal should be submitted at least seven days before the scheduled hearing. On September 29, 2021, the County provided notice of the open record hearing associated with the application by publishing notice in the County's publishing newspaper of record and by mailing notice to property owners within 800 feet of the site and to interested parties. The next day, the County posted notice of the hearing on-site. *Exhibit 7; Exhibit 8; Exhibit 9; Exhibit 11, Staff Report, page 9.*

4. The County did not receive any comments on the proposed rezone from members of the public. The County, however, received comments from the Suquamish Tribe opposing the rezone request, which note:
 - Wrecking yard operations at the site ceased in 2008, and the current Business Center zoning designation for the property does not allow wrecking yard uses.
 - The property was intentionally zoned Business Center, rather than Industrial, through the Gorst Subarea planning process due to the proximity of critical areas that include a fish-bearing stream and critical aquifer recharge areas.
 - The Puget Sound Industrial Center (PSIC) Subarea Plan (formerly the South Kitsap Industrial Area Plan) prohibits junk yards on the project site, and these types of intensive uses are inappropriate for the site due to the proximity of critical areas.
 - Reestablishing a wrecking yard use of the property could result in on-site contamination that would impact efforts to improve the environmental conditions of the remediated Gorst landfill site immediately to the south of the property. The proposed action may affect the health and sustainability of tribal resources, including the Gorst watershed and Sinclair inlet, which are within the Tribe's adjudicated usual and accustomed fishing area.

Exhibit 8; Exhibit 11, Staff Report, page 9.

5. The County provided a response to the Suquamish Tribe's comments, which notes:
 - The City of Bremerton has not yet annexed the property and, therefore, the property is not subject to the PSIC subarea plan.
 - The subject property is associated with the urban growth area (UGA) for the City of Bremerton. A rezone of the property to Industrial would be appropriate because the pre-zone designation assigned to the property in the PSIC subarea plan is General Industrial.
 - Economic Development Goal 1 of the PSIC subarea plan is to establish the PSIC subarea as a leader in sustainable industrial initiatives in the West Sound region. Subarea plan goals related to sustainable and compact industrial uses and minimal impacts on the natural environment would be better suited for analysis at a project level.

Exhibit 11, Staff Report, pages 9 and 10.

State Environmental Policy Act

6. County Planner Roxanne Robles testified that the County determined that the proposal is categorically exempt from review under the State Environmental Policy Act (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 an Urban Growth Area (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 11, Staff Report, page 3; Testimony of Roxanne Robles.*

Comprehensive Plan and Zoning

7. The property is designated “Urban Industrial” by the County Comprehensive Plan. The Comprehensive Plan’s Urban Industrial designation is implemented by both the BC and IND zoning designations. *See KCC 17.120.010.* Accordingly, the proposed rezone of the parcels from BC to IND would not require a Comprehensive Plan amendment. County staff identified the following Comprehensive Plan goals as relevant to the proposal:
- Focus current and future planning on infill and redevelopment of existing Urban Growth Areas. [Land Use Goal 1]
 - 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]
 - Maintain sufficient industrial land area in the Urban Growth Areas for future industrial use. [Land Use Goal 10]
 - Ensure that land use decisions comport with Growth Management Act requirements concerning general aviation airports. [Land Use Goal 12]
 - 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]
 - 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]
 - Encourage full utilization and development of industrially and commercially zoned areas. [Economic Development Goal 7]
 - Coordinate with internal and external partners on natural environment management and recovery. [Environment Goal 2]

- 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].

Exhibit 11, Staff Report, pages 4 through 8.

8. The property is currently zoned BC, which does not allow wrecking yard uses. *KCC Table 17.410.044.* The purpose of the BC zone is as follows:

This zone is intended to provide for integrated grouping of medium to large size businesses within an attractive park-like setting. The business center (BC) zone allows flexibility in the amount of space within each business dedicated to office use, warehousing, and/or light manufacturing operations. Permitted businesses are intended to support the creation, development and retention of primary wage employment in the professional and technical fields, and not intended for the general retail commercial needs of the area.

KCC 17.300.010. Exhibit 11, Staff Report, pages 4 through 7.

9. As noted above, the Applicant requests a rezone of the property from BC to IND, which allows wrecking yards as a conditional use. *KCC Table 17.410.044.* The purpose of the IND zone is as follows:

This urban zone allows a wide range of industrial activities including heavy industry such as fabrication, warehousing, processing of raw materials, bulk handling and storage, construction, and heavy transportation. This zone is intended to provide sites for activities which require processing, fabrication, storage, and wholesale trade. Generally, these activities require reasonable accessibility to major transportation corridors including highways, rail, airports or shipping.

KCC 17.320.010. Exhibit 11, Staff Report, pages 4 through 7.

Existing Site and Surrounding Property

10. The subject property is generally flat and slopes gently to the northeast. A former landfill that was remediated in 2016 is located directly to the southwest of the site and has several development restrictions regulated by the Kitsap Public Health District. The former landfill is located along the north bank of Gorst Creek, a fish-bearing stream, which was restored during the landfill remediation. The northernmost parcel is accessed from State Route 3, which borders the property to the northwest, with access to the southern parcels provided via gravel driveways through the site. Property to the north, across State Route 3, consists of vacant land within the city of Bremerton. Property to the south is zoned Rural Residential and consists of vacant land. Property to the east is zoned Industrial and consists of vacant land. Property to the southwest is zoned BC and, as noted above, consists of a former landfill and Gorst Creek. The Bremerton National Airport is located further to the southwest of the property, along State Route 3. No critical areas have been

identified on the property, but the site is within the Gorst Creek watershed. *Exhibit 11, Staff Report, pages 3 through 7; Testimony of William Palmer.*

Proposed Rezone

11. 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 by 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 County Comprehensive Plan designates the proposed rezone area as Urban Industrial and provides that this designation may be implemented by the Business Park, Business Center, or Industrial zones. Rezoning the property to Industrial would be compatible with the zoning applied to the site area immediately east of the subject property, reflect the general kinds of uses found in the area along State Route 3, and permit the property owner to reestablish the wrecking yard use that had occupied the property from 1964 to approximately 2014.
 - The County determined that an Industrial zoning designation for the property would not adversely affect the surrounding community through its Urban Industrial designation of the property under the Comprehensive Plan. An Environmental Impact Statement complying with the requirements of SEPA was prepared and circulated prior to the June 2016 adoption of the latest Comprehensive Plan update. Environmental impacts of any use of the property under the Industrial zoning designation would be subject to further SEPA review as part of the permitting process.
 - Pertinent to this area of the County, there was a 2002 Comprehensive Plan amendment termed South Kitsap Industrial Area (SKIA) that established the area west of Sunnyslope Road and extending beyond the airport as lands needed by the Kitsap County community for industrial development. Rezones are only tangentially related to health concerns, and the public health impacts of a specific development proposal are best assessed at the time of permit approval. The subject property is already connected to a public water supply, and there is a functioning septic system serving the existing office and warehouse. Wrecking yards are required to comply with State and Local Health District regulations to prevent adverse environmental impacts. In addition, the Washington State Patrol monitors wrecking yards for public safety related issues. Wrecking yard uses that would be conditionally allowed under an Industrial zoning designation provide a

service to the community by supplying low-cost vehicle parts that may not be available through a retail establishment.

- The County's decision to implement the Comprehensive Plan's Urban Industrial designation of the property through a Business Center zoning designation was arbitrary. Prior to the adoption of the 2016 Comprehensive Plan update, the County had approved a rezone of property immediately abutting the subject property from the BC zoning destination to the IND zoning designation.

Exhibits 2 through 4; Exhibit 11, Staff Report, pages 8 through 10.

12. 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 property is located within the PSIC, formerly the SKIA, and was used as a wrecking yard until 2008, when operations ceased. The intent of the current Comprehensive Plan designation and current zoning of the property and the surrounding properties is to provide for a wide range of industrial activities, including heavy industry, such as fabrication, warehousing, processing of raw materials, bulk handling and storage, construction, and heavy transportation, which require reasonable accessibility to major transportation corridors, such as highways, rail, airports, or shipping. Rezoning of the property from BC to IND for the intended use of the property as an auto wrecking yard would be consistent with the purpose and intent of the Urban Industrial Comprehensive Plan designation. The property is located near State Highway 3, State Highway 16, the Port of Bremerton, and the Bremerton National Airport. In addition, the requested rezone would be consistent with the Comprehensive Plan goal of maintaining sufficient industrial land area in the Urban Growth Areas for future industrial use.
- Adjacent properties to the north, east, and west are also designated Urban Industrial by the Comprehensive Plan and are zoned BC or IND. Adjacent property to the south is zoned Rural Residential. Under KCC 17.420.060.A.27, a 50-foot screening buffer would be required to reduce impacts (such as noise, light, odors, dust, and structure bulk) to abutting residential uses, which would ensure compatibility between industrial and residential uses. The required screening buffer may be reduced to a minimum of 25 feet only when there is a site-specific determination that other screening features would effectively screen industrial activities from the residential zone. Conversely, the required screening area may be increased based on a site-specific determination to ensure adequate buffering and compatibility between uses. The appropriate buffer area would be evaluated at the time of development application review.
- The current land use and permitting status of the property prevents inspection and regulation by local health and state safety organizations. A rezone of the property would allow the Applicant to apply for a conditional use permit and major tenant improvement to operate a wrecking yard, which would require inspections by the Washington State Patrol and Kitsap County Health Department. Both

organizations have written to the construction inspector to express that it is in the public's best interest to escalate the rezone and subsequent permitting to ensure that operational, maintenance, and environmental requirements of potentially hazardous activities are properly regulated.

- The Comprehensive Plan land use designation for the property has been Urban Industrial since the 1998 Comprehensive Plan Update. The current zoning of the property changed from Urban Reserve to BC during the 2006 Comprehensive Plan Update. The Comprehensive Plan designation for these parcels, however, has remained Urban Industrial, which has permitted both the BC and IND zoning for over 30 years. The rezone request responds to the 2006 change in zoning that created the conditions making the auto wrecking yard use nonconforming.

Exhibit 11, Staff Report, pages 10 and 11.

Testimony

13. County Planner Roxanne Robles testified generally about the proposal and how it would be consistent with the Comprehensive Plan and would meet the requirements for a rezone. She noted that the proposal is to rezone three contiguous parcels totaling approximately 17.7 acres from the Business Center (BC) designation to the Industrial (IND) designation. Ms. Robles explained that the Applicant is requesting a rezone of the property as a corrective action taken in response to a complaint that an auto wrecking yard was being operated on the site in violation of the zoning code. She noted that wrecking yard uses are not permitted under the property's current BC zoning designation but would be allowed as a conditional use in the IND zone. Ms. Robles stressed that, if the requested rezone of the property to IND were approved, the Applicant would still need to obtain a conditional use permit, major tenant improvement, and certificate of occupancy before operating a wrecking yard on the site. She stated that both the BC and IND zones are included within the Comprehensive Plan's Urban Industrial land use designation and, therefore, the proposed rezone would not require an amendment to the Comprehensive Plan. Ms. Robles explained that rezone proposals not requiring a Comprehensive Plan amendment are categorically exempt from SEPA environmental review. She detailed how the requested rezone would not adversely affect adjacent residentially zoned property through the application of County buffer requirements; would benefit the public health, safety, and welfare by allowing the Applicant to begin the permitting process for operation of a wrecking yard, which in turn would require property inspections by the Washington State Patrol and Kitsap County Health Department; and would be consistent with the Comprehensive Plan designation for the property. Ms. Robles stated that the Suquamish Tribe submitted a written comment opposing the requested rezone, which raised concerns that allowing a wrecking yard use on the property could adversely impact Gorst Creek. She noted that a rezone of the property to IND, alone, would not allow a wrecking yard use on the property and that the County would analyze the environmental impacts of any proposed wrecking yard use, including potential impacts to Gorst Creek, as part of the conditional use permit process.

Testimony of Ms. Robles.

14. Applicant Representative William Palmer testified that he agrees with County staff's analysis of the rezone request as provided in the staff report and Ms. Robles's testimony. He noted that adjacent property to the east of the subject property had been rezoned from BC to IND in 2016, stressing that, at the time of rezone approval, the adjacent property had similar characteristics and site conditions as the subject property. Mr. Palmer stated that concerns raised by the Suquamish Tribe would be addressed through the conditional use permit process. He noted that, if a wrecking yard were to be operated on the property following a rezone, it would be feasible to provide required screening buffers from abutting residentially zoned property to the south. Mr. Palmer explained that the property is within the flight path of the Bremerton National Airport, which is located along State Route 3 to the southwest of the property, and that industrial uses are most appropriate for this location. *Testimony of Mr. Palmer.*
15. Applicant Thomas Jun testified briefly about the code enforcement actions leading to the rezone request. *Testimony of Mr. Jun.*

Staff Recommendation

16. County staff recommends approval of the rezone request, with a condition. *Exhibit 11, 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 provided reasonable notice and opportunity to comment on the proposal. The County received comments from the Suquamish Tribe raising concerns that rezoning the property to Industrial (IND) would allow a wrecking yard to be operated on the site, which could result in adverse environmental impacts to Gorst Creek, a restored fish-bearing stream. The County determined, however, that the proposed rezone is categorically exempt from SEPA environmental review under WAC 197-11-800(6)(c), and any project-specific environmental impacts of a wrecking yard use of the property would be addressed by the County as part of the conditional use permit process. In addition, rezoning the property would allow the Applicant to proceed through the required permitting process, which would ensure that the currently nonconforming wrecking yard would be subject to Washington State Patrol and Kitsap County Health Department review and regulations governing the operation and maintenance of wrecking yards. The Hearing Examiner concurs with this assessment.

The rezone request stems from a 2006 Comprehensive Plan update that changed the zoning of the property from Urban Reserve to Business Center (BC), which resulted in the wrecking yard use of the property becoming nonconforming. The Comprehensive Plan designation of the subject site as “Urban Industrial,” however, was not changed as part of the 2006 update, and this designation is implemented by both the BC and IND zoning designations. Accordingly, the proposed rezone would be consistent with, and would not require any amendment to, the Comprehensive Plan. The proposed rezone would further several Comprehensive Plan goals addressing land use planning in Urban Growth Areas (UGAs), including maintaining sufficient industrial land areas in UGAs, as well as economic goals promoting industrial land uses in appropriate locations. The IND zoning designation is intended to apply to areas supporting industrial activities that require reasonable accessibility to major transportation corridors, including highways, rail, airports, or shipping. The proposed IND zoning designation would be more appropriate for the site due to its location along State Route 3 near the Port of Bremerton and the Bremerton National Airport. Rezoning the property to IND would be compatible with surrounding properties to the north, east, and southwest, which consist of vacant land that is also within the Comprehensive Plan’s Urban Industrial designation and is zoned BC and IND. In addition, applicable code requirements governing screening buffers from abutting residential uses would ensure that any future development of the property would be compatible with adjacent property to the south that is zoned Rural Residential. The rezone would benefit the

public health, safety, and welfare by ensuring that the currently nonconforming wrecking yard would be subject to local and state regulations governing wrecking yard operations. As detailed below, a condition is necessary to ensure that approval of the rezone request would not result in vesting the property to current development regulations. *Findings 1 – 16.*

RECOMMENDATION

Based upon the preceding findings and conclusions, the Hearing Examiner recommends that the Kitsap County Board of County Commissioners **APPROVE** the request to rezone three contiguous parcels totaling approximately 17.7 acres, located at 6472 State Route 3 SW, from the Business Center designation to the Industrial designation, subject to following condition:

1. 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.

DATED this 1st day of November 2021.



ANDREW M. REEVES
Hearing Examiner
Sound Law Center