



STAFF REPORT

Permit Number: 15 00725 | Tracyton Tavern

DATE: October 9, 2015

TO: Kitsap County Board of Commissioners; Kitsap County Planning Commission

FROM: Katrina Knutson, AICP, Senior Planner, DCD and

Jeff Arango, AICP, Senior Associate, BERK Consulting

RE: Tracyton Tavern Limited Reclassification Request

APPLICATION INFORMATION

1. **Applicant Name:** James G. Dumont (applicant and owner)
2. **Parcel Number:** 4472-002-021-0101
3. **Address or location information:** 4883 and 4885 May Street NW, Tracyton, WA 98383; see Attachment 1.
4. **Current Land Use:** Single Family Residential, Parking lot for tavern (on adjacent property); see Attachment 3.
5. **Current Comprehensive Plan Map Designation:** Urban Low-Density Residential
6. **Proposed Comprehensive Plan Map Designation:** Urban Low-Intensity Commercial/Mixed-Use
7. **Current Zoning:** Urban Low Residential (UL); see Attachment 4.
8. **Proposed Zoning:** Neighborhood Commercial (NC); see Attachment 5.
9. **Lot Area / Size:** 14941 square feet; Northern 7988 square feet requested for rezoning
10. **Comprehensive Plan Alternatives:** Request included with Comprehensive Plan Update 2016 Supplemental Environmental Impact Statement (SEIS) Alternatives 2 and 3.
11. **Preferred Alternative:** The request is included in the Preferred Alternative, subject to the conditions herein.

Submitted Application Materials

- Project Application
- Site-specific Amendment Criteria

- Environmental Checklist

Application Request

A portion of the existing parking lot that serves the Tracyton Tavern (referred to as “tavern”) is located on a separate adjacent parcel from the subject property. The restaurant is designated as Urban Low-Intensity Commercial/Mixed-Use and zoned as Neighborhood Commercial (NC). The associated parking lot, however, is currently designated Urban Low Density Residential (ULDR) and zoned Urban Low Residential (UL). The UL district does not allow a tavern as a permitted use and therefore the existing parking lot is a non-conforming use. The applicant is requesting to designate the north 80 feet of the subject lot Urban Low-Intensity Commercial/Mixed Use on the Comprehensive Plan Map and rezone the same area to Neighborhood Commercial (NC) on the official zoning map. If the amendment is approved the applicant intends to request a boundary line adjustment to combine the area proposed for rezoning with the lot that contains the existing tavern.

Comprehensive Plan Update Alternatives

In Comprehensive Plan Alternatives 2 and 3 the subject property and surrounding neighborhood are proposed to be removed from the Central Kitsap Urban Growth Area (UGA). The existing tavern property and surrounding commercial properties would be designated as Rural Commercial on the Comprehensive Plan Map and Zoning Maps. The surrounding residential neighborhood also would convert to Rural Residential (RR) in both Alternatives 2 and 3.

BACKGROUND

The subject properties are located in Tracyton within the Central Kitsap Urban Growth Area (UGA). The existing tavern and parking lot is part of a small node of six lots that are zoned NC with existing commercial or government service land uses. The remainder of the surrounding area is zoned Urban Low and consists of single family residential uses on relatively small lots of approximately 5,000 to 8,000 square feet. The subject parcel exists within a Category I Critical Aquifer Recharge Area, which is the only critical area present (see Attachment 2).

The subject parking lot was created without land use approval and therefore did not apply for or receive required permits including a site development activity permit.

Surrounding Zoning and Land Use

Exhibit 1. Summary of Surrounding Areas Current Zoning and Land Use

Surrounding Areas	Current Zoning	Current Land Use
North	• NC	• Government and Services
East	• UL	• Single Family Residential
South	• UL	• Single Family Residential
West	• UL	• Single Family Residential

Source: Kitsap County GIS: BERK Consulting 2015

Current Comprehensive Plan and Zoning Designations

The present Comprehensive Plan Map designation is ULDR, implemented by the UL zone:

- **Urban Low-Density Residential (ULDR).** This designation primarily focuses on single-family dwellings but also may include innovative types such as clustered housing. It also includes regulated environmentally critical areas within the UGAs and other areas identified for low-density urban development. Zones that implement the Urban Low-Density Residential designation include: Urban Restricted Residential, Illahee Greenbelt Zone, Urban Low Residential, Urban Cluster Residential and Senior Living Homestead.
- **Urban Low Residential Zone (UL).** The intent of this 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. This zone is also intended to create cost-efficient residential areas which are capable of allowing the provision of community services in a more economical manner.

Proposed Comprehensive Plan and Zoning Designations

As described in the current comprehensive plan, the proposed CP designation is Urban Low-Intensity Commercial/Mixed-Use and the requested urban zone is Neighborhood Commercial. If the EIS alternatives were implemented the associated proposed CP designation and zone would be Rural Commercial.

- **Urban Low-Intensity Commercial/Mixed Use Designation.** This designation focuses on commercial uses serving residential neighborhoods and small-scale mixed use development. Commercial uses appropriate for this designation include those serving quick-stop shopping needs. Examples include but are not limited to supermarkets, drug stores, restaurants, laundry and dry cleaning establishments, branch banks, video rental stores and delicatessens, and professional offices. Small-scale mixed use developments incorporating residential units are also appropriate in this designation. Zones that implement the Urban Low-Intensity Commercial/Mixed Use designation include: Neighborhood Commercial and Urban Village Center.
- **Neighborhood Commercial.** Per the Comprehensive Plan, this zone is applied to sites that can provide for the daily and/or quick-stop shopping needs of the immediate neighborhood. The zone allows for varying parcel sizes in the NC zone to accommodate the provision of certain services, such as stormwater facilities, that are required as part of development approval. (10–30 du/ac) The zoning code indicates: These centers are 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.
- **Rural Commercial Designation.** Lands contained within this designation are often found at crossroads, where historical development has allowed for smaller lot sizes. These areas also serve neighboring residences, with quick shopping that is compatible with neighboring uses. Land uses include businesses that provide a service to rural residents. Rural Commercial is implemented by the Rural Commercial zone. Rural lands goals and policies regarding commercial uses refer to these uses outside of UGAs.
- **Rural Commercial Zone.** The intent and function of the Rural Commercial Zone is to permit the location of small-scale commercial retail businesses and personal services which serve a limited service area and rural population outside established UGAs. The rural commercial zone permits small-scale retail; sales and services located along county roads on small parcels that serve the

immediate rural residential population. Rural businesses, which serve the immediate rural population, may be located at crossroads of county roads, state routes, and major arterials.

The allowed uses of the NC zone focus on commercial and do not allow for stand-alone residential uses compared to UL though mixed uses are allowed. The code also allows caretakers homes and existing legal homes.

Exhibit 2. Selected Allowed Uses (KCC 17.381.040 A and B)

Selected Uses	UL (current zoning)	NC (proposed zoning)
Residential Uses		
• Single family dwelling, detached	P	X
• Multi-family dwelling	C	X
• Dwelling, existing	See SF Detached	P
• Mixed Use Development	X	ACUP
• Duplex	P	X
• Mobile home	C	X
Commercial/Business Uses		
• Retail stores – less than 4,000 s.f.	X	P
• Nursery	X	ACUP
• Restaurants	X	P

Legend: P = Permitted, X = Prohibited, C = Conditional Use, ACUP= Administrative Conditional Use

The development standards of the zones also vary with a greater density in the NC zone, though height is the same.

Exhibit 3. Selected Development Standards Comparison (KCC 17.382.100)

Density and Dimensions	UL (current zoning)	NC (proposed zoning)
Base/Maximum density (du/acre)	5/9	10/30
Minimum lot size (sf)	2,400	NA
Lot width (feet)	40	NA
Lot depth (feet)	60	NA
Maximum height (feet)	35	35

PUBLIC COMMENT

No public comments received.

EVALUATION

Site specific reclassification requests to the Comprehensive Plan must be reviewed in accordance with the criteria outlined in the Kitsap County Code (KCC) Chapter 21.08. Applicable review criteria for site specific reclassification requests are in sections KCC 21.08.070.A and KCC 21.08.070.D.

General Criteria (KCC 21.08.070.A)

A. General. For each proposed amendment to the Comprehensive Plan the review authority, 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;

Circumstances related to the proposed amendment or the area in which the property is located have not substantially changed since adoption of the Comprehensive Plan.

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

The assumptions upon which the Comprehensive Plan is based are still generally valid. Updated capacity analysis has been conducted as part of the 2016 Comprehensive Plan update, see Exhibit 4 below. The current plan has a deficit of population and is in balance for jobs. Alternatives 2 and 3 have deficits for housing and jobs, though they include the subject application. The subject site is small and would not have much capacity for either population or jobs.

Exhibit 4. Central Kitsap UGA Adjusted Population Allocations 2012-2036

	Adjusted Growth Target 2012-2036	No Action Alternative Growth	Difference with Target	Alternative 2 Growth	Difference with Target	Alternative 3 Growth	Difference with Target
Population	6,842	6,398	(444)	6,234	(608)	6,822	(20)
Employment	1,885	1,889	4	1,398	(487)	1,398	(487)

Source: Countywide Planning Policies for Kitsap County; US Census 2010; Kitsap County and Cities Permits; BERK

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

The Tracyton Public House serves the surrounding relatively densely developed residential neighborhood. The purpose of the application request is to expand the parking lot for the public house. If additional parking is necessary to serve the surrounding area it may be in the public interest to approve the request. See the analysis under criteria 1.f below regarding consistency with the Kitsap County Comprehensive Plan.

Reclassification Request Criteria (KCC 21.08.070.D)

D. Site-Specific Amendments. In addition to the findings and conclusions in subsection (A) of this section, a proposed site-specific map amendment may be recommended for approval by the planning commission and may be approved by the board of commissioners if the following findings are made:

1. All Site-Specific Amendment Requests. Each of the following requirements must be satisfied for a recommendation for approval.

- a. 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;**

The property is currently served with water service, but not sanitary sewer service. The site is already developed with single family residence and a parking lot that serves the adjacent tavern. In the near term, it is unlikely that the use of the property would change. However, the expansion of the NC Zoning District would allow for more intense land uses and development than the existing UL designation. The relatively small amount of property that is proposed for conversion for the UL District to the NC District would not likely impact the provision of services in the area. Any future conversion from a parking lot to a commercial business, if proposed, would require adequate public services per the Kitsap County Code.

- b. The proposed amendment is consistent with the balance of the goals, policies and objectives of the current Kitsap County Comprehensive Plan and reflects the local circumstances of the County;**

Kitsap County Comprehensive Plan Chapter Vision

Kitsap County’s Comprehensive Plan shows the relationship between chapter concepts and the comprehensive plan vision. See Exhibit 5.

Exhibit 5. County Vision for Rural and Urban Areas

Vision	Rural Chapter Relationship to Vision	Land Use Chapter Relationship to Vision
<p>Rural Areas. Rural areas and communities where unique historical characters, appearances, functions, and pioneering spirits are retained and enhanced. Natural resource activities, such as forestry, agriculture, and mining continue to contribute to the rural character and economy. Rural recreation opportunities are enhanced, including equestrian facilities, trails, and others.</p>	<ul style="list-style-type: none"> Maintain low residential densities in rural areas and provides policy guidance for development standards which help to preserve the County’s rural character. Foster small sustainable farms and agricultural enterprises that provide locally-grown food and fiber for Kitsap citizens. 	<ul style="list-style-type: none"> Focus housing and population growth in urban areas. Identify land for commercial, industrial and business development, and allows for a variety of uses and development types on those lands. Encourage the creation of mixed use neighborhoods.
<p>Urban Areas. Healthy urban areas that are the region's centers for diverse employment and housing opportunities, all levels of education, and civic and cultural activities.</p>	<ul style="list-style-type: none"> Support focused development in urban areas as centers for population, employment, and civic and cultural activities (See the Land Use chapter for further policy guidance affecting the urban area.) 	<ul style="list-style-type: none"> Allow for protection of rural areas by focusing growth in urban areas. (See Chapter 3, Rural and Resource Lands, for further policy guidance affecting the rural area.)

Vision	Rural Chapter Relationship to Vision	Land Use Chapter Relationship to Vision
<p>Economic Development. A stable, prosperous and diversified economy that provides living wage jobs for residents, supported by adequate land for a range of employment uses and that encourages accomplishment of local economic development goals.</p>	<ul style="list-style-type: none"> • Preserve opportunities for resource-based economic activities within the County. • Allow for limited commercial and industrial uses in rural areas, while preserving rural character 	<ul style="list-style-type: none"> • Identify land for commercial and industrial development, and allows for a variety of uses and development types on those lands. • Provide the land use capacity for employment growth, allowing for new businesses and expansion of existing businesses.
<p>Housing. Residential communities that are attractive, affordable, diverse, and livable supported by appropriate urban or rural services. A variety of housing choices are available, meeting a full range of resident income levels and preferences. Residents are able to walk between neighborhoods and to community destinations.</p>	<ul style="list-style-type: none"> • Allow for development of rural residential uses that are distinct from urban residential uses. • Provide for small, rural communities and Limited Areas of More Intensive Development (LAMIRD) including residential uses. 	<ul style="list-style-type: none"> • Provide policy direction for the development of diverse housing types. • Provide for various types of neighborhoods. • Provide for densification in some areas that encourages the development of walkable neighborhoods.

Source: Kitsap County Comprehensive Plan (December 2012).

Land Use Goal 14. Provide residential areas with convenient access to transportation, urban amenities, and goods and services.

The proposed amendment to associate the existing parking lot with the tavern is consistent with land use goal 14 because it provides goods and services in close proximity to residences.

Kitsap County Comprehensive Plan Goals and Policies: Chapter 2

2.2.6 Urban Residential Development

- **Goal 14. Provide residential areas with convenient access to transportation, urban amenities, and goods and services.**
 - Policy LU-60 Encourage urban amenities such as open space, plazas, and pedestrian features in areas of more intensive development within UGAs.

The proposed amendment to associate the existing parking lot with the tavern is consistent with land use goal 14 because it provides goods and services in close proximity to residences.

3A.2.1 Rural Lands

- **Goal 1. Retain the rural character of the County outside of designated urban areas, as described in this chapter.**
 - **Policy RL-5 Apply rural designations on the Comprehensive Plan Land Use Map only to areas that meet one or more of the following criteria:**
 - **Areas not designated for urban growth or as natural resource lands, where a possibility exists for agriculture, forestry and mineral resource management and utilization.**

- **Areas not needed for the next 20 years to provide land for population or employment growth.**
- **Areas which serve as a buffer between resource activities and conflicting land uses.**
- **Areas where the open-space character of the land is to be protected for scenic qualities, recreational activities and environmental functions.**
- **Areas in which significant environmental constraints make the area generally unsuitable for intensive urban development.**
- **Areas where existing and future uses do not typically require urban-level services and facilities and services are not readily available.**
- **Areas where a rural area designation will help foster more logical boundaries for urban public services and infrastructure.**

The subject property is within an already densely developed area that is not served by the full range of urban services, but is currently within the Central Kitsap UGA. If the area is not needed to provide for population and employment growth under the Preferred Alternative or is determined to be challenging to provide urban-level services based on updated analysis then it would be appropriate to remove the area from the UGA.

- c. 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;**

The subject parcel is already partially being used to support a permitted use in the Neighborhood Commercial District, which is generally compatible with the adjacent residential neighborhood and provide and provides a neighborhood service. The site does not contain any critical areas or environment constraints and will not impact the provision of utilities or access to surrounding properties.

- d. The proposed amendment does not materially affect the land uses and growth projections which are the basis for comprehensive planning, and reflects local circumstances in the county;**

The proposed amendment will not materially affect land uses and growth projections in the County in part because the site is already developed and the area proposed for rezoning is less than 8,000 square feet.

- e. 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;**

The proposed amendment of approximately 8,000 square feet will not materially affect the adequacy or availability of urban facilities and services in the immediate area or within the urban growth area. The area is served by water service, but not sewer service and the amendment would not affect the ability to provide additional services to the area in the future. Any future conversion from a parking lot to a commercial business, if proposed, would require adequate public services per the Kitsap County Code.

- f. The proposed amendment is consistent with the GMA, Kitsap County-wide Planning Policy, state and local laws and other applicable inter-jurisdictional policies or agreements.**

The following state and local policies and laws are applicable to the applicant's zoning amendment request.

Growth Management Act Planning Goals (RCW 36.70a.020)

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

The amendment is proposed within the designate Central Kitsap UGA. While the area lacks sewer service, the area is characterized by urban growth that will allow for the efficient provision of urban services in the future. Further the 2012 Kitsap County Capital Facility Plan include a plan to serve the area with urban services. However, the broader area has challenges with the cost of facility extension.

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

The proposed amendment would allow for the minor expansion of a neighborhood commercial district that provides goods and services to the surrounding residential neighborhood and beyond. The integration of residential and non-residential development is important to achieving an efficient land use pattern.

Kitsap County-wide Planning Policies

The Countywide Planning Policies (CWPP) identify the following benefits of directing growth to urban areas:

- Higher density residential development within walking or bicycling distance of jobs, transit, schools and parks.
- Limiting urban expansion into rural and forested areas.
- Promotion of in-fill or redevelopment of existing urban areas.
- Preservation of open space, critical areas and lands designated for resource protection.
- Accommodation of employment growth in a concentrated pattern.
- More economical provision and maintenance of streets, sewer/water lines and other public facilities.
- Promotion of attractive residential neighborhoods and commercial districts which provide a sense of community.
- A harmonious relationship with regional planning as articulated by Vision 2040 and Transportation 2040, adopted by the Puget Sound Regional Council as the growth and transportation strategy for central Puget Sound.

The amendment is consistent with the benefits identified above by providing for the integration of housing and the provision of goods in services within a designated UGA; the amendment supports the tavern, a community gathering place and landmark.

B-3. Process and criteria for establishing, expanding, and adjusting Urban Growth Areas in Kitsap County:

i. Expansion of Urban Growth Areas shall direct growth first to areas already characterized by urban growth that have adequate existing public facility and service capabilities to serve development; second to areas already characterized by urban growth that will be served adequately by a combination of both existing public facilities and services and any additional needed public facilities and services that are provided; and third to areas that are adjacent to incorporated cities or established Urban Growth Areas once the available land meeting the first or second priority has

been designated. Areas which have existing public facilities or where public facilities can be reasonably extended and are not currently at urban densities should be considered first within this category.

Under Alternatives 2 and 3 the site would be classified Rural Commercial and the broader neighborhood removed from the UGA. While the area has been planned for urban services including sewer plans, and is developed at greater densities (similar to urban or Limited Areas of More Intensive Development Type I characteristics), the cost of sewer extension and desire to create a rural area to have more separation between Central Kitsap and East Bremerton is under consideration.

2. All Site-Specific Amendment Requests Regarding Parcels Located Within an Associated Urban Growth Area (Including UGA Expansions of Associated Urban Growth Areas). Each of the following requirements must be satisfied for a recommendation for approval:

a. Demonstration from the jurisdiction affiliated with the UGA that the proposal has the capability and capacity to provide urban level services to the area.

The subject property is currently within the Central Kitsap UGA, which is under the jurisdiction of Kitsap County. The County has the ability to provide urban level of services to all properties within the UGA.

A. Demonstration that the proposal is consistent with the associated urban growth area jurisdiction's Comprehensive Plan.

The proposed amendment is generally consistent with the Kitsap County Comprehensive Plan, but requires an amendment to the Comprehensive Plan Map from Urban Low-Density Residential to Urban Low-Intensity Commercial/Mixed-Use.

B. Demonstration that the proposal meets the affiliated jurisdiction's transportation standards.

The proposed amendment is included in Alternatives 2 and 3 for the 2036 Comprehensive Plan Update, which will include transportation analysis to assess future conditions and transportation impacts. The proposed change in designation is not expected to generate additional traffic, but could allow future redevelopment that would generate a small number of additional trips. The site is not located in proximity to any roadways with existing or projected future deficiencies under Alternative 2 or Alternative 3. No transportation impacts are expected.

Findings of Fact

1. The property owners, James G. Dumont and Debra Maxwell Dumont, submitted an application to Kitsap County on February 27, 2015. The County deemed the application complete on February 27, 2015. The authorized agency for this application is Mark A. Kuhlman with Team 4 Engineering.
2. The applicant seeks a Comprehensive Plan Map amendment from Urban Low-Density Residential to Urban Low-Intensity Commercial/Mixed-use. The applicant is also requesting a zoning map amendment from Urban Low (UL) Residential to Neighborhood Commercial (NC).
3. The subject property is approximately 14,941 square feet and is located at 4885 May Street NW Tracyton, WA 98383. The amendment request pertains to the northern 80' of the subject parcel consisting of approximately 7,988 square feet.
4. The subject property is currently used as a single family residence and for a parking lot that serves the adjacent restaurant to the north. The parking lot, which is an accessory structure for the adjacent restaurant, is currently a non-conforming use in the UL Zoning District.

5. The subject property is located within the Central Kitsap Urban Growth Area and is currently served with water service. The subject property and the surrounding neighborhood are not served by sanitary sewer service.
6. The surrounding neighborhood is predominantly single family residential with a neighborhood commercial district to the north and east.
7. The proposed amendment would not impact the ability to provide urban services to the subject property or surrounding neighborhood.
8. The subject property occurs within a Category I Critical Aquifer Recharge Area and is therefore subject to the development standards found at Kitsap County Code 19.600.
9. The request is included in the Preferred Alternative, subject to the conditions herein.

Conclusion of Law

The proposed amendment is consistent with the Washington State Growth Management Act, the Kitsap Countywide Planning Policies, and the Kitsap Comprehensive plan.

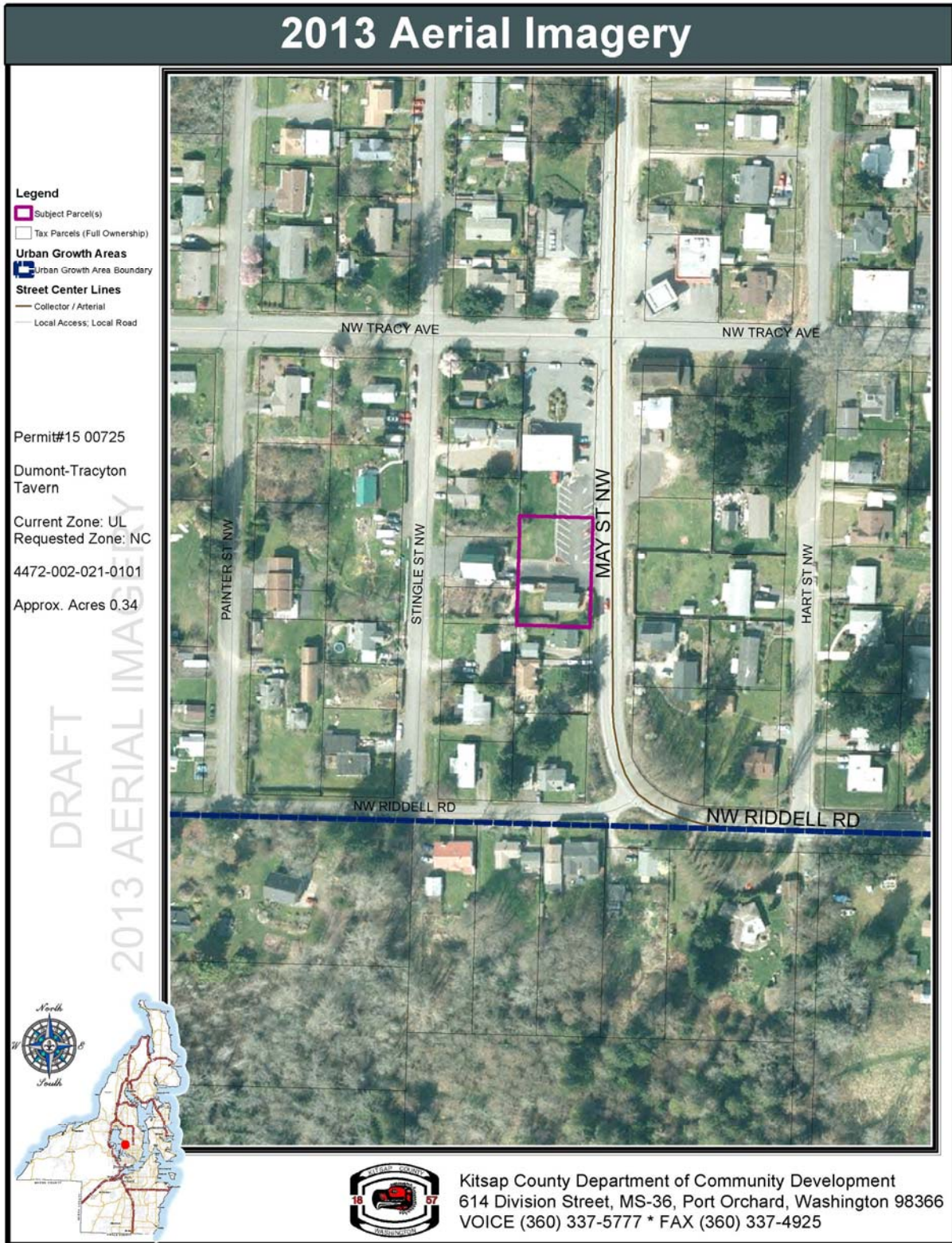
Recommendation

Staff recommends application #150075 be approved with the following conditions:

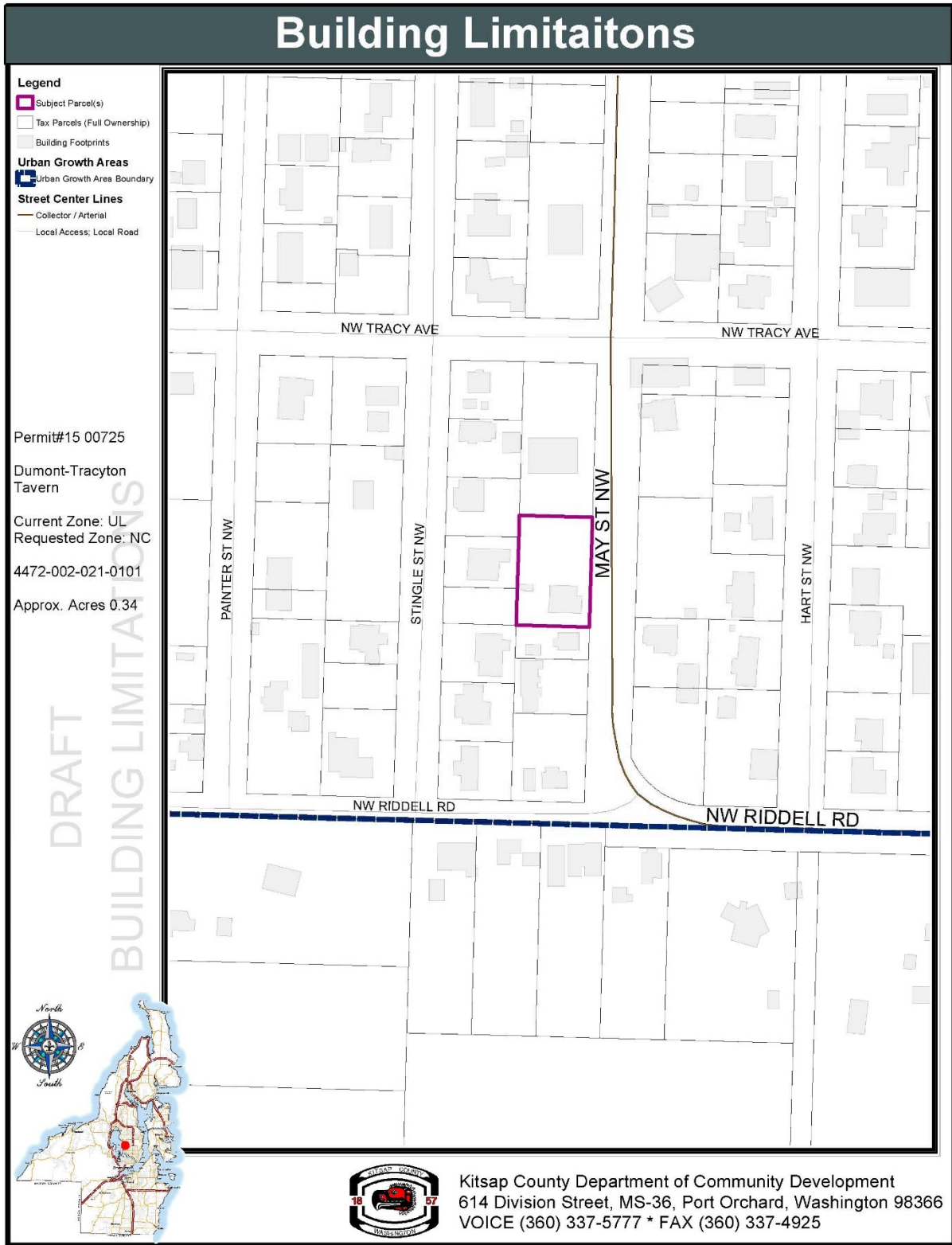
1. The applicant must apply and receive a permit for the expanded parking lot that conforms to all provisions of the Kitsap County Code based on final zoning designation.
2. A boundary line adjustment shall be obtained prior to any rezone so that any rezone of this subject parcel is combined with the abutting parcel to the north (containing the restaurant).
3. The comprehensive plan and zoning changes will not take effect until the above conditions are fulfilled.

ATTACHMENTS

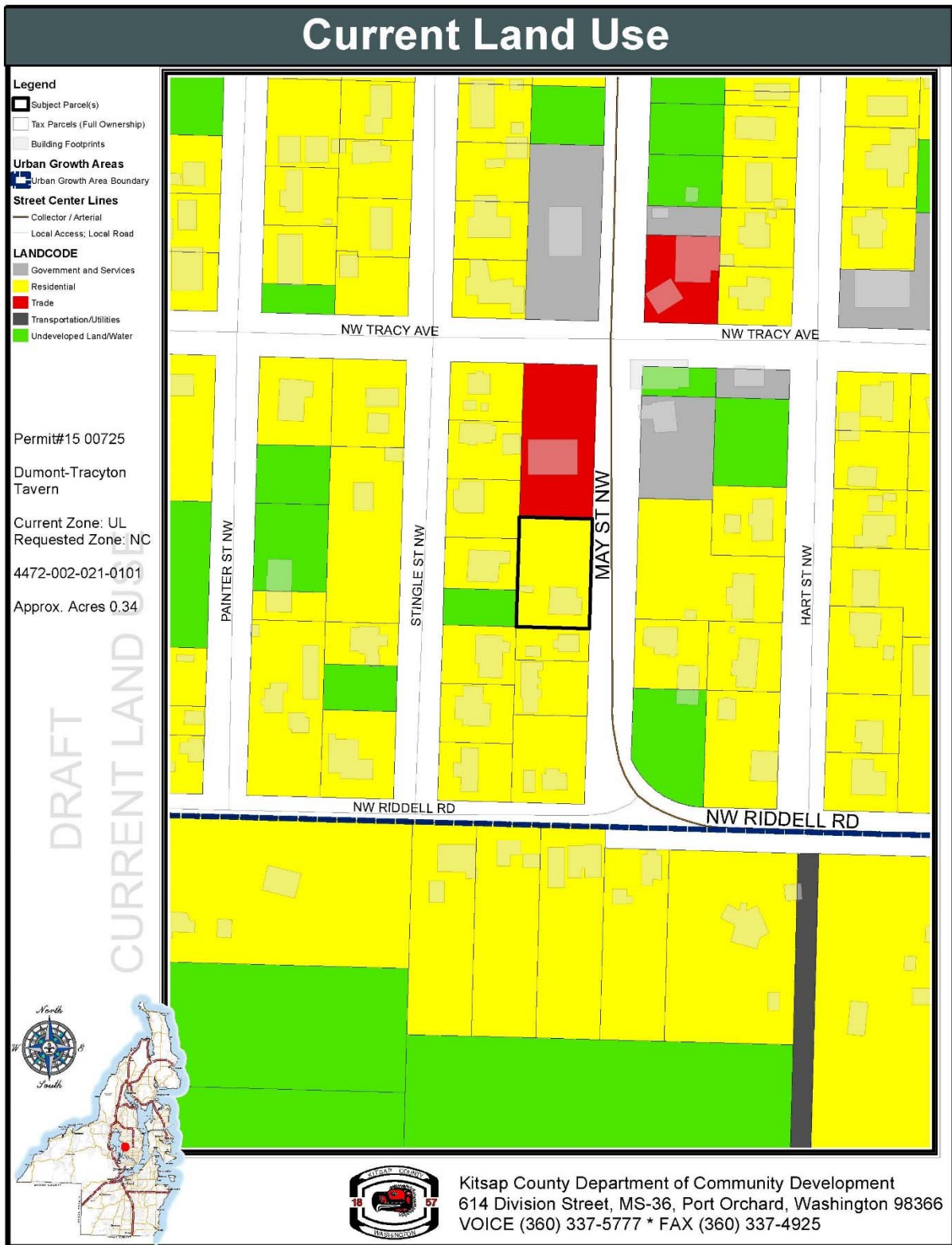
Attachment 1. Aerial Imagery



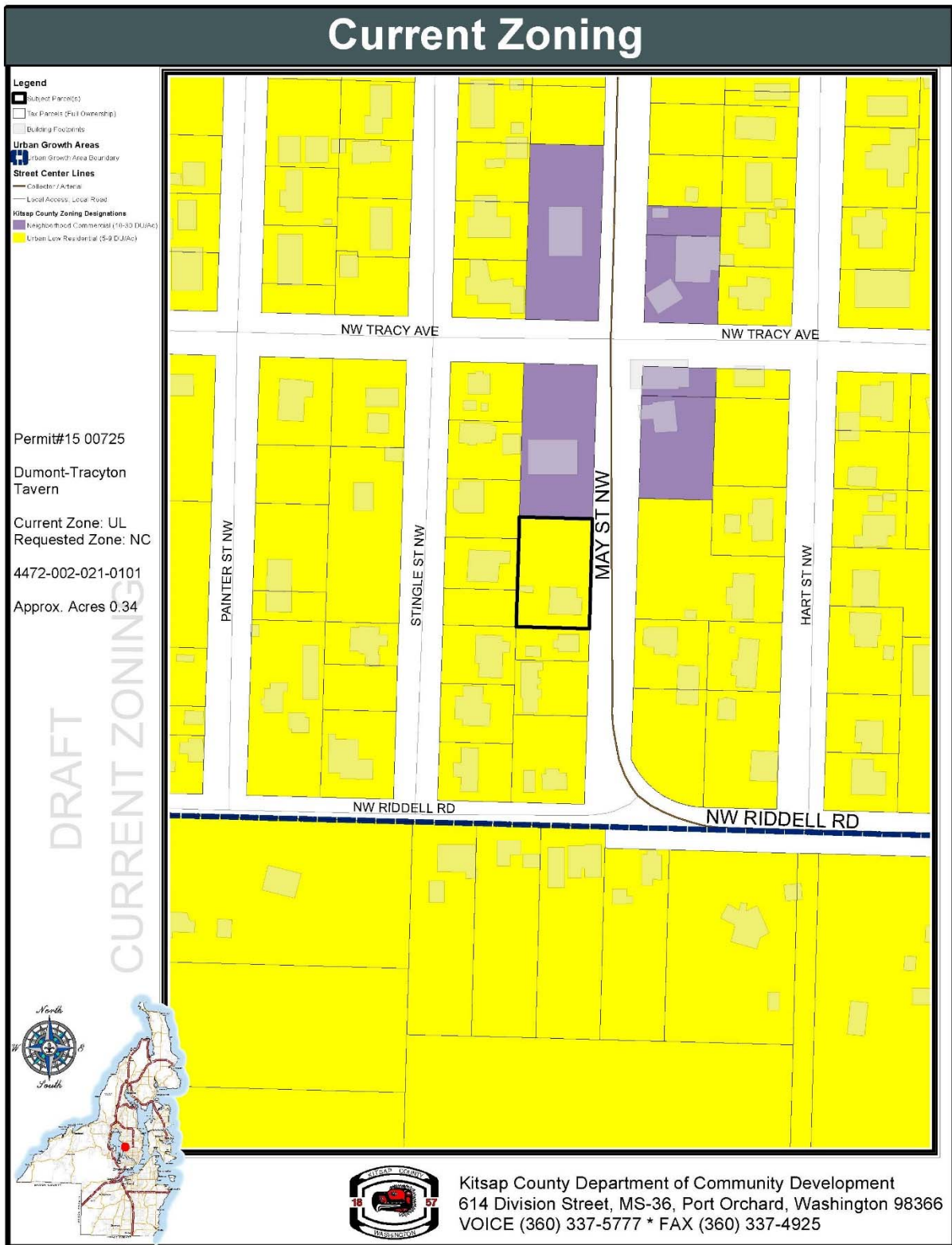
Attachment 2. Building Limitations



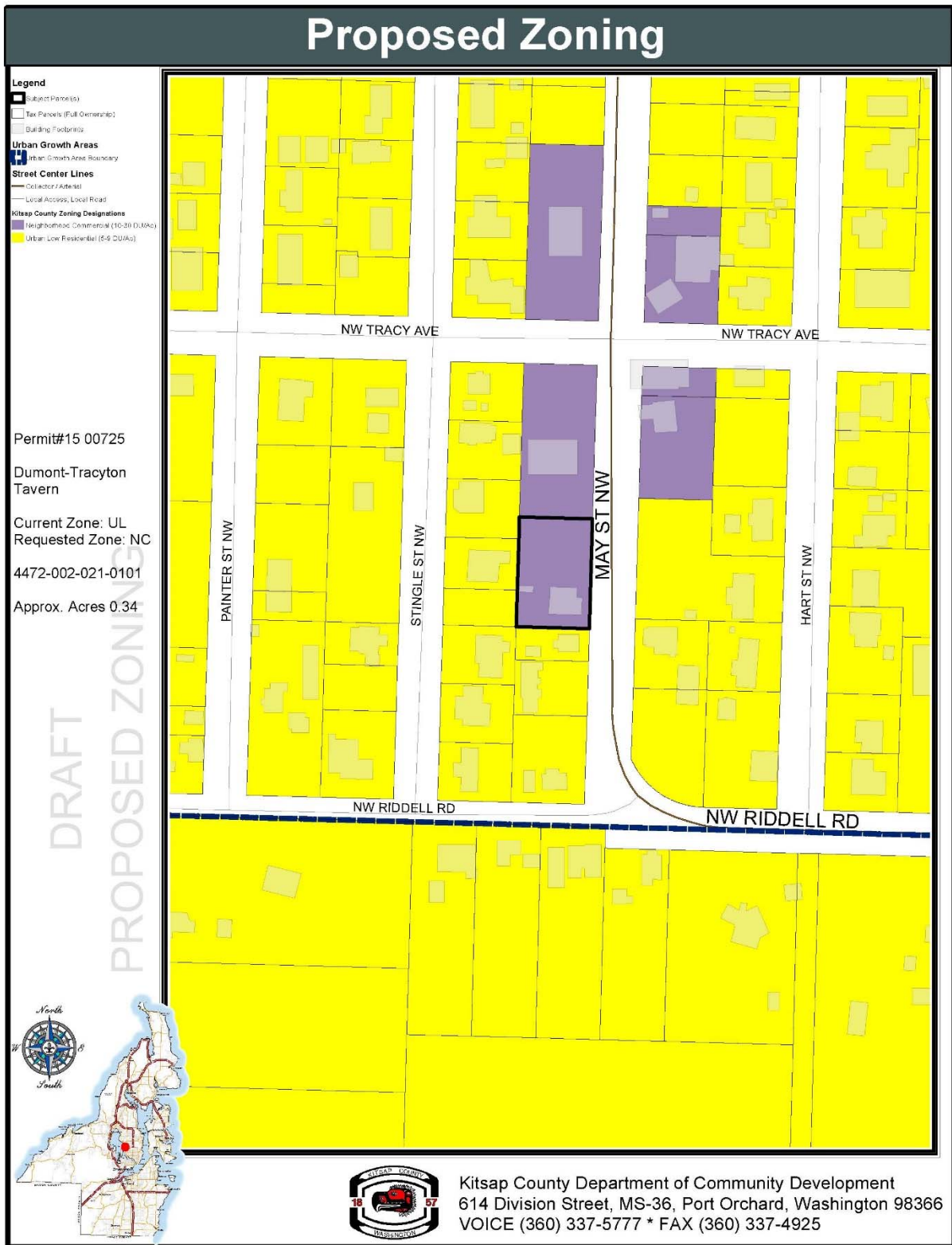
Attachment 3. Current Land Use



Attachment 4. Current Zoning



Attachment 5. Proposed Zoning



Attachment 6. 2009 Imagery



Attachment 7. 2010 Imagery



Attachment 8. 2011 Imagery



Attachment 9. 2013 Imagery



Attachment 10. 2015 Imagery



