



STAFF REPORT

Permit Number: 15 00740 | Laurier Enterprises, Inc.

DATE: March 2, 2016

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: Laurier Enterprises Reclassification Request

APPLICATION INFORMATION

1. **Applicant Name:** Laurier Enterprises, Inc. (applicant and owner); William M. Palmer (authorized agent/representative)
2. **Parcel Number:** 302402-4-044-2000
3. **Address or location information:** No site address has been assigned for this property; see Attachment 1. Commissioner District 2.
4. **Current Land Use:** Undeveloped Land; see Attachment 3
5. **Current Comprehensive Plan Map Designation:** Urban Low-Density Residential
6. **Proposed Comprehensive Plan Map Designation:** Urban High-Intensity Commercial/Mixed-Use
7. **Current Zoning:** Urban Low Residential (UL); see Attachment 4
8. **Proposed Zoning:** Highway Tourist Commercial (HTC); see Attachment 5
9. **Lot Area / Size:** 1.21 acres
10. **Comprehensive Plan Alternatives:** Request included with Comprehensive Plan Update 2016 Supplemental Environmental Impact Statement (SEIS) Alternative 3.
11. **Preferred Alternative:** The request is included in the Preferred Alternative.

Submitted Application Materials

- Project Application
- Reclassification Request Criteria
- Site Vicinity Maps

- Environmental Checklist
- Legal Description
- Ownership Certification

Application Request

The applicant is requesting a Comprehensive Plan Map amendment from Urban Low-Density Residential to Urban High-Intensity Commercial/Mixed-Use and a Zoning Map amendment from Urban Low Residential (UL) to Highway Tourist Commercial (HTC). The land is currently undeveloped.

BACKGROUND

The property is within the Port Orchard Urban Growth Areas (UGA) along the Mile Hill Corridor. The subject property is currently undeveloped and adjacent to commercial development to the south.

Surrounding Zoning and Land Use

The subject property sits directly north of Highway-Tourist Commercial Zone and south of the UL Zone. The property is currently undeveloped and appears to provide a buffer of trees between the adjacent residential area and the existing land uses of trade and government and services.

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

Surrounding Areas	Current Zoning	Current Land Use
North	• UL	• Residential
East	• UL	• Residential
South	• HTC	• Trade, Government and Services, Undeveloped Land/Water
West	• UL	• Residential

Source: Kitsap County, 2015; BERK, 2015 Present Comprehensive Plan and Zoning Designations

Current Comprehensive Plan and Zoning Designations

The current Comprehensive Plan designation is Urban Low-Density Residential. The Comprehensive Plan describes the Urban Low-Density Residential designation as:

- **Urban Low-Density Residential:** 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.

The UL zone is one of the several implementing zones of the Urban Low-Density Residential designation.

- **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 Comprehensive Plan Map designation is Urban High-Intensity Commercial/Mixed Use. The proposed Zoning Map designation is Highway-Tourist Commercial (HTC). The Comprehensive Plan describes the proposed designation and zone as:

- **Urban High-Intensity Commercial/Mixed Use.** This designation primarily focuses on larger commercial centers, including commercial uses that require large sites and draw customers at the community and regional scale. Examples of commercial uses appropriate to this designation include but are not limited to superstores, department stores, automotive parts and sales, home improvement stores, hotels and motels, and restaurants. Mixed use developments incorporating residential units are also appropriate in this designation. Zones that implement the Urban High-Intensity Commercial/Mixed Use designation include: Highway Tourist Commercial, Regional Commercial, and Mixed Use.
- **Highway Tourist Commercial (HTC).** Highway Tourist Commercial zone. This zone is applied to areas needed for commercial uses to serve the traveling public, including along major traffic corridors in urban areas and at highway interchanges, and for commercial establishments requiring large sites. Residential units are allowed. (10–30 du/ac).
 - The Zoning Code has the following intent statement: Highway/Tourist Commercial (HTC). These centers are intended to provide for those commercial establishments which require large sites. This zone serves the shopping and service needs for large sections of the county and provides visitor services and accommodations for both destination and en route travelers.

Allowable uses greatly differ between the residential focus of the UL zone and the commercial focus of the HTC zone.

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

Selected Uses	HTC (proposed zoning)	UL (current zoning)
Residential Uses		
• Single family dwelling, detached	X	P
• Single family dwelling, attached	ACUP	P
• Mixed use development	ACUP	X
• Hotel/motel	P	X
Commercial/Business Uses		
• Automobile service station	P	X
• General retail merchandise stores – 10,000 to 24,000 s.f.	P	X
• General Offices and management services – 10,000 s.f. or greater	P	X
• Restaurants	P	X
• Tourism facilities, including outfitter and guide facilities	P	X

Selected Uses	HTC (proposed zoning)	UL (current zoning)
Industrial Uses		
• Manufacturing and fabrication, medium	X	X
• Storage, indoor	C	X

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

The HTC Zone has a significant higher maximum residential density of 30 units per acre compared to 9 units per acre in the UL Zone. However, a height of up to 65 feet may be requested in the HTC zone but only where it is compatible with surrounding uses and zones. Building height standards are consistent between the existing and proposed zone. See Exhibit 3.

Exhibit 3. Selected Development Standards Comparison (KCC 17.382.100)

Density and Dimensions	HTC (proposed zoning)	UL (current zoning)
Base/Maximum density (du/acre)	30	9
Minimum Density (du/acre)	10	5
Minimum lot size (s.f.)	None	2,400
Lot width (feet)	NA	40
Lot depth (feet)	NA	60
Maximum height (feet)	35	35
Maximum impervious surface coverage	85	NA

PUBLIC COMMENTS

This is a summary of comments received. For full text comments, please visit project page: <http://compplan.kitsapgov.com>

The project representative commented that the proposed change will provide stormwater relief and additional parking/drive thru capabilities for the Mill Hill McDonalds Restaurant.

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 area in which the property is located have changed since the adoption of the Comprehensive Plan. The County has updated its buildable lands analysis showing there is a minor capacity surplus for population and a significant surplus for employment in the Port Orchard UGA under present designations and boundaries. See Exhibit 4.

Exhibit 4. Port Orchard UGA Adjusted Population and Employment 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	6,110	6,320	210	4,676	(1,434)	3,745	(2,365)
Employment	1,140	3,634	2,494	1,507	367	1,302	162

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

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. Under the No Action alternative, there is a surplus of housing and employment capacity. The County has worked with the City to resize the UGAs in Alternatives 2 and 3 in concert with the city limits. Thus, there would be a deficit in population in Alternatives 2 and 3, but not for employment. A zone change to add commercial land would not be needed for capacity purposes under any alternative.

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

The County plans for a greater share of growth into the urban areas through coordinated planning. The Port Orchard UGA is oversized in the No Action Alternative for employment capacity. The No Action Alternative assumes that HTC properties will be developed for only for commercial uses even though residential is a permitted use. Both Alternatives 2 and 3 include a reduction in employment capacity in the Port Orchard UGA. The proposed amendment would result in an increase in employment capacity in the Port Orchard UGA. However, the increase would be relatively minor and there may be other areas better suited areas for capacity reductions. Overall, the Alternative 3 job capacity, which includes proposed amendment, is generally in balance with the job target. The subject property is contiguous to a significant HTC zoned area to the south and approval would not result in a new commercial district.

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 proposed amendment of the relatively small parcel of approximately 1.21 acres would not have a significant adverse impacts on adopted level of service standards for public facilities and services. The site is located adjacent to a segment of SE Mile Hill Drive with existing and projected 2036 deficiencies under Alternative 3. However, the transportation improvement projects identified to address deficiencies expected without the proposal would also be expected to address the contribution to the cumulative impact resulting from the proposal. Further any reclassification development would be subject to the County’s transportation concurrency requirements.

- 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 includes vision statements that direct policy for commercial use. See Exhibit 5.

Exhibit 5. County Vision for Economic Development and Urban Areas

Vision	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"> • 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>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"> • Foster 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.

Source: Kitsap County Comprehensive Plan (December 2012).

The subject property is part of a mixed-use neighborhood and the southern parcel boundary is also the border between residential and commercial/mixed-use zoning. The proposed amendment appears consistent with the vision statements for economic development and urban areas. The amendment is proposed to allow for the expansion of an existing McDonald’s restaurant located adjacent to the subject property to the south and would not establish a new commercial area.

Kitsap County Comprehensive Plan 2036 Goals and Policies: Chapter 3

The proposed zoning amendment supports the following current Comprehensive Plan Goals:

2.2.4.1 Land Use

- **Goal 6: Encourage and reinforce development patterns within UGAs that are distinct from those in rural areas.**

- **Policy LU-29: Encourage development patterns in UGAs that support and encourage transit use, such as in and around more intensive nodes of mixed use development along major transportation corridors, and major employment centers.**

The proposed amendment is consistent with Policy LU-29 as it would support a more intensive node of mixed-use development along a major transportation corridor.

- 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 site is undeveloped and is accessed from SE Mile High Drive via Warner Ave. SE. According to Kitsap County maps there are no environmental constraints on the site. The proposed HTC designation would be compatible with the surrounding mixed-use neighborhood, as the HTC Zone already abuts the single-family neighborhood to the north. Future commercial development on the subject property will be subject to the buffer requirements in Section 17.385.027 of the Kitsap County Code. Buffers are required between commercial and residential zones.

- 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;**

Due to the small size of the subject property the proposed amendment would not materially affect land use and growth projects in the County. However, the amendment would result in a slight increase in employment capacity and a slight reduction in population capacity when the UGA has excess employment capacity under current conditions.

- 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 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.

- 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 subject property is currently within the Port Orchard UGA and is served by adequate public facilities and services to support new growth.

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

The subject property is within the Port Orchard UGA and is currently designated for Urban Low-Density Residential development that is not characterized as sprawl. The proposed amendment would extend the existing HTC Zone boundary to the north to include the subject property and allow for an existing business to expand. The proposed amendment would not support sprawl.

- (5) Economic development. Encourage economic development throughout the state that is consistent with adopted comprehensive plans, promote economic opportunity for all citizens of this**

state, especially for unemployed and for disadvantaged persons, promote the retention and expansion of existing businesses and recruitment of new businesses, recognize regional differences impacting economic development opportunities, and encourage growth in areas experiencing insufficient economic growth, all within the capacities of the state's natural resources, public services, and public facilities.

The Port Orchard UGA is oversized with respect to employment capacity. Therefore, there is sufficient capacity to support new economic growth and additional employment capacity is not necessary at this time. However, the increase in employment capacity that would result from approval of the amendment may be offset by decreases in other parts of the Port Orchard UGA as is the case in Alternative 3. Approval of the amendment would not result in significant new employment capacity and reflects local neighborhood conditions.

Kitsap County-wide Planning Policies

Element F. Contiguous, Compatible, and Orderly Development

F-1. Encouragement of cooperative inter-jurisdictional planning by federal, tribal, state, local, and special purpose government:

a. Inter-jurisdictional discussion, information exchange, and coordination of proposals shall be initiated as early and expeditiously as possible by the responsible agencies, to aid in the smooth transition of governance.

The Port Orchard City Council has reviewed the proposed amendment and has taken a neutral position (Email from Port Orchard Development Director, 2015).

F-4 Community design and development: Strategies should promote orderly development that reflects the unique character of a community and encourages healthy lifestyles through building and site design and transportation connectivity. In addition, sustainable economic and environmental development techniques should be utilized to enhance the quality of life:

a. Utilize design strategies to ensure that changes in the built environment provide continuous and orderly development.

The proposed amendment is consistent with the above goal and policy regarding orderly development that reflects the unique character of a community. The subject property is contiguous to an HTC Zone to the south and is a logical extension of the HTC Zone boundary to the north. Section 17.385.027 of the Kitsap County Code requires a landscaped buffer for commercial development adjacent to a single-family residential zone.

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 already within the Port Orchard UGA. The City has taken a neutral position on the application (Email from Port Orchard Development Director, 2015).

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

The City of Port Orchard has taken a neutral position on the application.

c. Demonstration that the proposal meets the affiliated jurisdiction’s transportation standards.

The City of Port Orchard is neutral on the amendment request the amendment request. The rezoning or redesignating of a relatively small parcel is not expected to have significant adverse impacts on transportation. The application is part of the cumulative review of the Comprehensive Plan SEIS Alternative 3.

Findings of Fact

1. The applicant, Laurier Enterprises, submitted the zoning amendment application to Kitsap County on February 27, 2015.
2. The applicant seeks a reclassification of the Comprehensive Plan Map from Urban Low-Density Residential to Urban High-Intensity Commercial/Mixed-Use.
3. The applicant seeks a Zoning Map Amendment from UL to HTC.
4. The subject property is currently within the Port Orchard UGA.
5. The subject property is currently undeveloped.
6. Land use surrounding the subject property is trade, undeveloped land, government and services, and residential.
7. The applicant stated in the project application the amendment request is to allow the adjacent business to the south to expand.
8. According to Kitsap County maps the subject property has no environmental constraints.
9. The subject property is contiguous to the HTC Zone to the south.
10. Section 17.385.027 of the Kitsap County Code requires a landscaped buffer between commercial development and single-family residential zones.
11. The City of Port Orchard City Council has taken a neutral position with regards to the amendment request.
12. The amendment request is included in 2016 Comprehensive SEIS Alternative 3.
13. The request is included in the Preferred Alternative.

CONCLUSION OF LAW

The proposal to reclassify the Comprehensive Plan and Zoning Map designations for the subject property from UL to HTC complies with the provisions of the Washington State Growth Management Act (RCW 36.70A), Kitsap County-wide Planning Policies, and Kitsap County Comprehensive Plan.

RECOMMENDATION

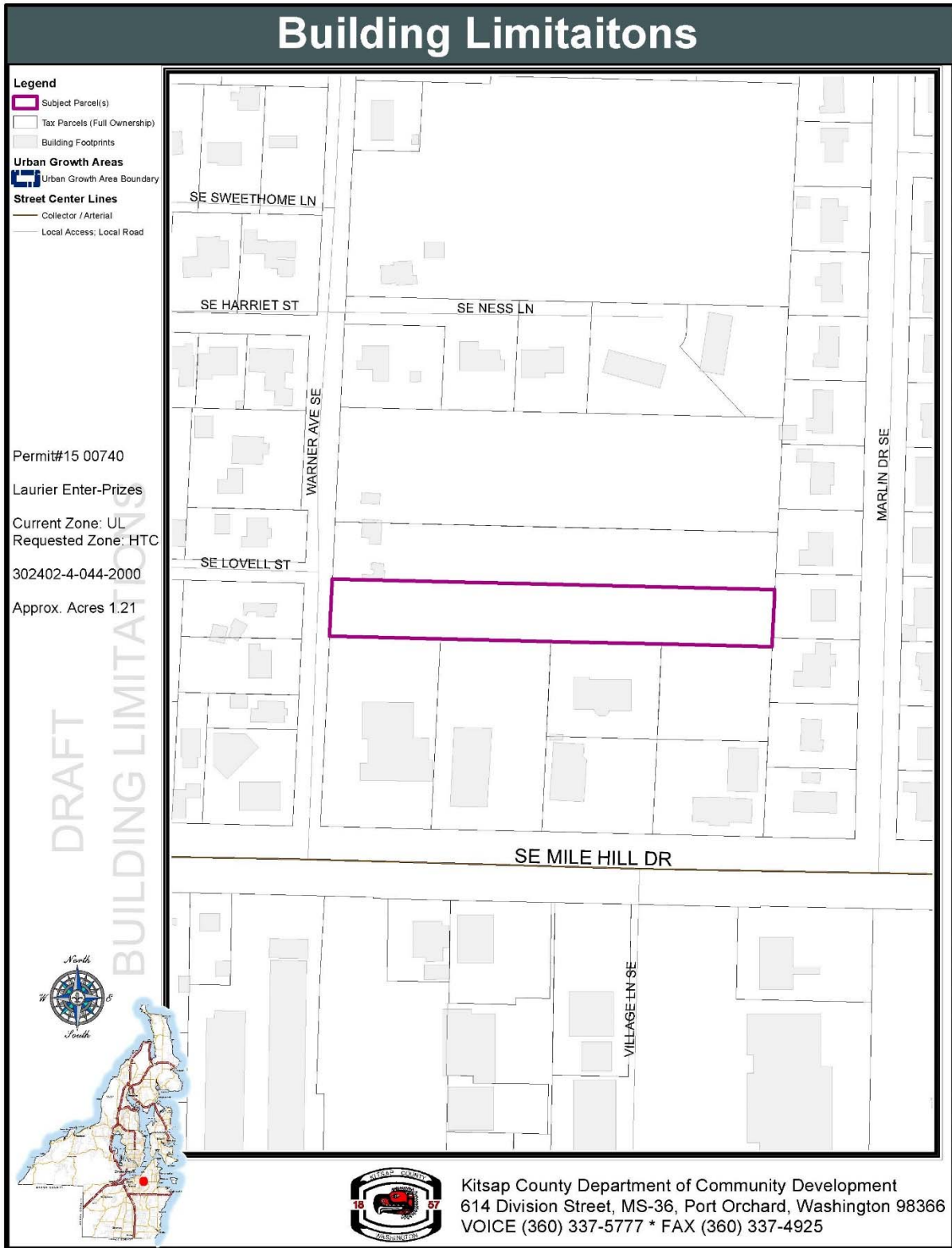
Based on the findings of act and conclusion of law staff recommends approval of permit #15 00740.

Attachments

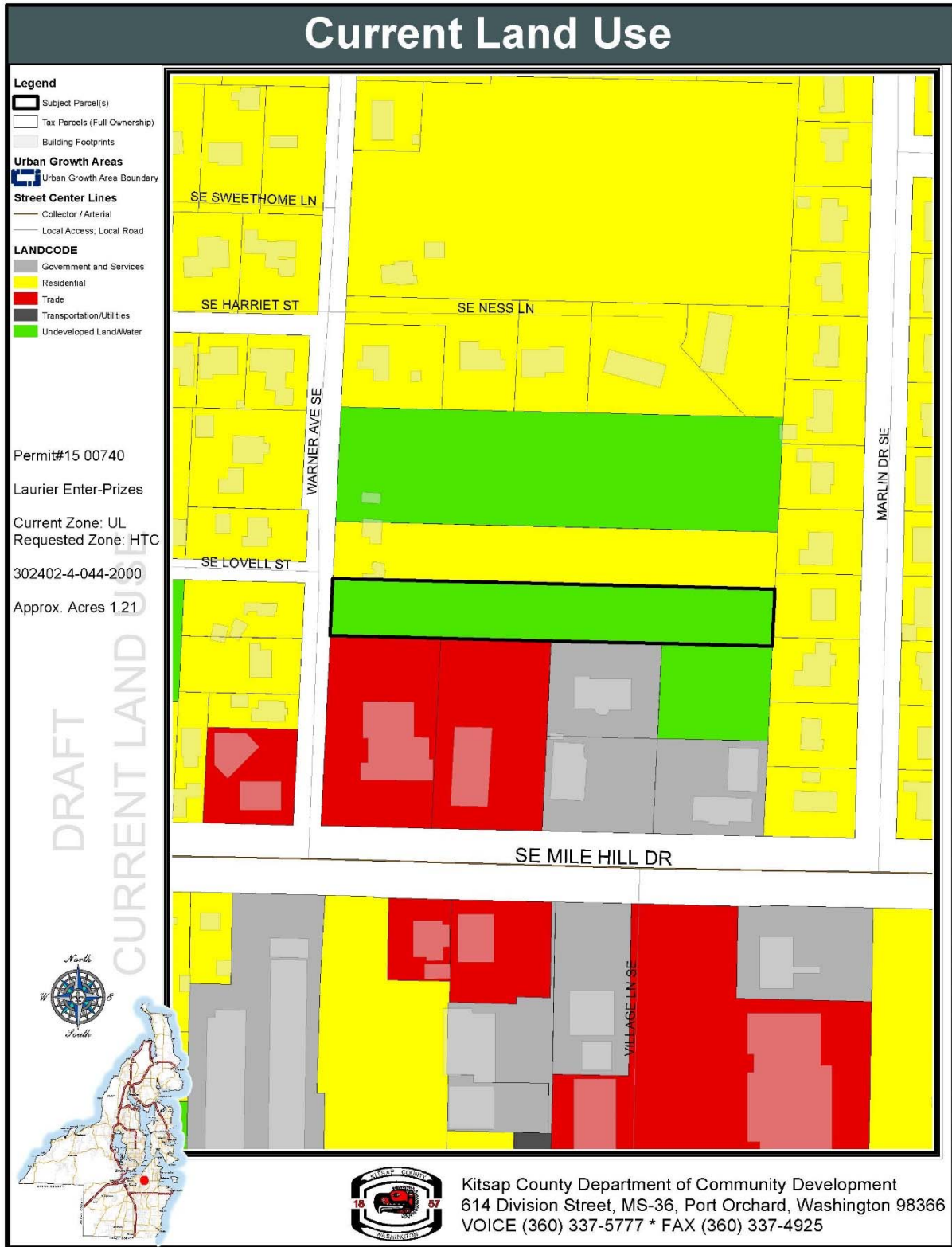
Attachment 1. Aerial Imagery



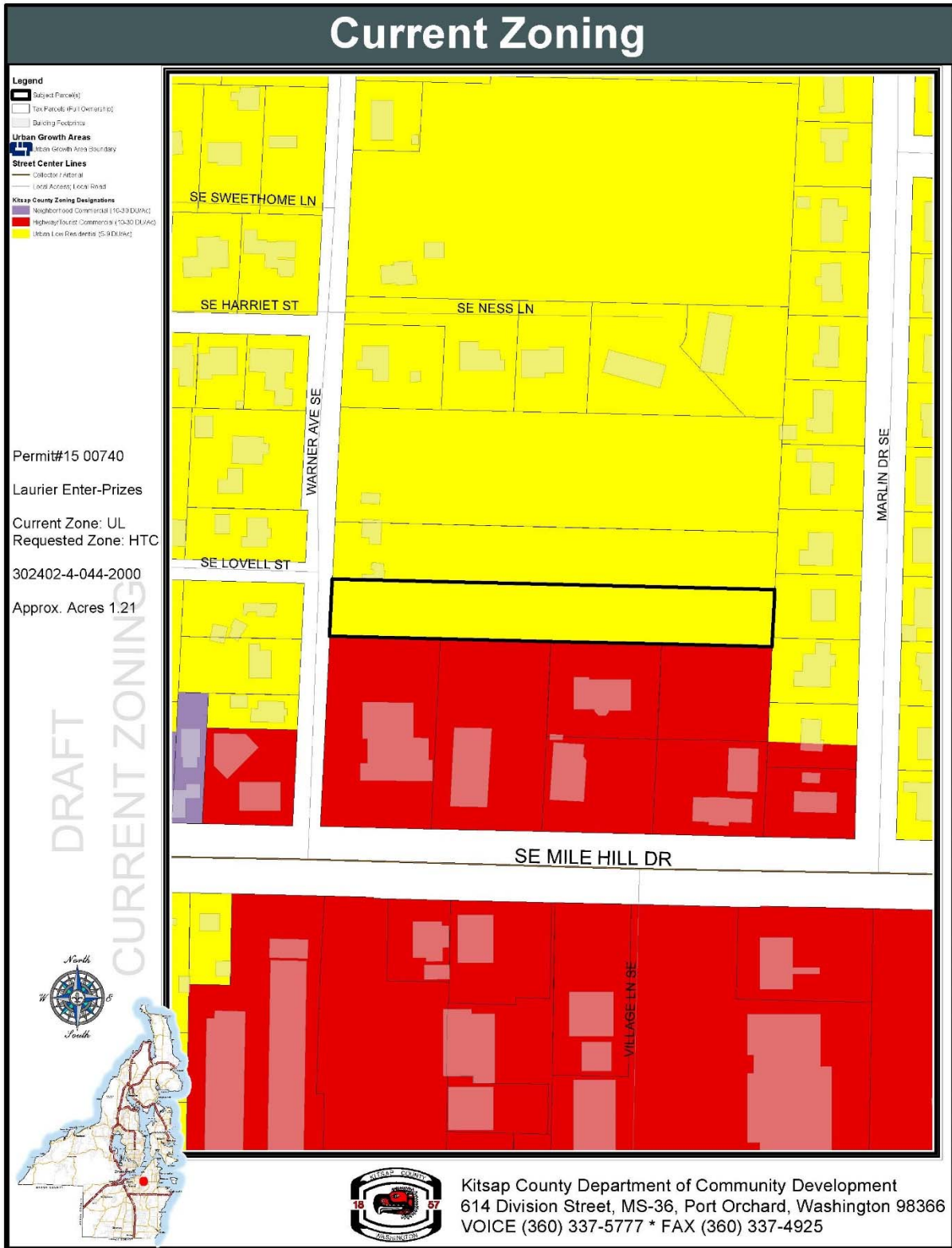
Attachment 2. Building Limitations



Attachment 3. Current Land Use



Attachment 4. Current Zoning



Attachment 5. Proposed Zoning

