



STAFF REPORT

Permit Number: 15 00735 | Sedgwick Partners

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: Sedgwick Reclassification Request

APPLICATION INFORMATION

1. **Applicant Name:** Joni K. Wilson, Sedgwick Partners (applicant and owner)
2. **Parcel Number:** 122301-2-013-2005
3. **Address or location information:** 2232 SE Sedgwick Road (SR – 180); see Attachment 1. Commissioner District 2.
4. **Current Land Use:** Single family residence; 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:** 0.57 acres
10. **Comprehensive Plan Alternatives:** Request included with 2016 Comprehensive Plan Update 2016 Supplemental Environmental Impact Statement (SEIS) Alternative 3.
11. **Preferred Alternative:** The request is not 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 to amend the Comprehensive Plan Map from Urban Low-Density Residential to Urban High-Intensity Commercial/Mixed Use. The applicant is also requesting a Zoning Map amendment from Urban Low Residential (UL) to Highway Tourist Commercial (HTC) in order to locate a small office or retail use on the property. Approval of the amendment would allow for a range of uses and development in accordance with the provisions of the land uses and development standards for the HTC Zone.

BACKGROUND

According to the Kitsap County Department of Community Development, the parcel has potential wetlands and nearby moderate geological hazard areas (See Attachment 2). The property occurs within a Category II critical aquifer recharge area. However, the property owner asserts there are no wetlands on or near the site in the application. The property is currently in the Port Orchard Urban Growth Area (UGA), assigned for future annexation to the City of Port Orchard.

Surrounding Zoning and Land Use

The incorporated city limits for Port Orchard lies west of the property, and SR 160 runs parallel to it. The subject property is within the Port Orchard Urban Growth Area (UGA). The property is surrounded by residential uses to the east, south, and west, and undeveloped land to the north, across the highway.

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

Surrounding Areas	Current Zoning	Current Land Use
North	• UL	• Undeveloped Land
East	• UL	• Single-Family Residential
South	• UL	• Single-Family Residential
West	• UL	• Single-Family Residential

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

Current Future CP and Zoning Designations

The current Comprehensive Plan and Zoning Map designations are Urban Low-Density Residential. 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.

Proposed Future CP 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 zoning 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 intent statement for HTC also mentions large sites, shopping, and visitor services: 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. (KCC 17.355.010.B)

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

Selected Uses	HTC (proposed zoning)	UL (current zoning)
• Restaurants	P	X
• Tourism facilities, including outfitter and guide facilities	P	X
Industrial Uses		
• Manufacturing and fabrication, medium	X	X
• Storage, indoor	C	X

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

Similarly, the development standards for the UL zone show a lower density for residential uses than for the HTC zone. The standard height is 35 feet in both zones. 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.

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.)	NA	2,400
Lot width (feet)	NA	40
Lot depth (feet)	NA	60
Maximum height (feet)	35	35
Maximum impervious surface coverage	85	NA

Source: Kitsap County, 2015

PUBLIC COMMENTS

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

Representative provided comments providing support for their application. Representative disagrees that wetlands are present on the subject parcel.

The City of Port Orchard Planning Director commented the City is not supportive of the proposal.

Two public commenters state non-support for the request because it would create an isolated island of commercial in the middle of single-family.

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 area in which the property is located have changed since the adoption of the Comprehensive Plan or development regulations. The County has updated its buildable lands analysis showing there is a potential growth capacity surplus in the Port Orchard UGA for employment. See Exhibit 4. Additionally, two changed circumstances regarding the location of this property are the City of Port Orchard annexations and highway improvements.

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

- Under the No Action Alternative and Alternative 2, the subject property is included in the Port Orchard UGA and designated Urban Low-Density Residential.
- Under Alternative 3, the subject property is included in the Port Orchard UGA and designated as Urban High-Intensity Commercial/Mixed-Use.

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 above. The subject property continues to be surrounded by SF zoning, as planned for in 2006.

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 in 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 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 does not appear to be in the public interest. Designating a single isolated single-family residential property for high-intensity commercial is contrary to the County's goals for coordinated planning and focusing commercial growth in compact areas or along transportation corridors

with a concentration of commercial and mixed-use properties. See the analysis under criteria D.1.b below for consistency with the Comprehensive Plan. Additionally, as described later, the City of Port Orchard does not support.

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 site is located on SR 160 (SE Sedgwick Road) which has projected 2035 deficiencies under Alternative 3. However, any transportation improvement projects identified (in cooperation with WSDOT and the City of Port Orchard) to address deficiencies expected without the proposal, would also be expected to address the impact resulting from the proposal. The proposed amendment of changing a parcel of approximately 0.57 acres by itself is not anticipated to have a significant adverse impacts on adopted level of service standards for public facilities and services; if this change sets a precedent for increasing commercial in this location, additional fire/EMS and transportation services may be required. The site is immediately adjacent to the City of Port Orchard and may be annexed at some point in the future.

- a. **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 Vision Statements

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.

Vision	Relationship to Vision
	<ul style="list-style-type: none">• Encourage the creation of mixed use neighborhoods.

Source: Kitsap County Comprehensive Plan (December 2012).

While the vision for urban areas is to create mixed-use neighborhoods introducing a single high intensity commercially zoned parcel into an established single-family neighborhood is not desirable. Mixed-use neighborhoods should be coordinated such there are compact and well-defined commercial and residential areas rather than isolated commercially zoned properties in an otherwise residential neighborhood. The proposed amendment is generally inconsistent with the County's vision for urban areas.

Kitsap County Comprehensive Plan Goals and Policies

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 not consistent with Policy LU-29 as it would create an isolated commercially zoned property in a residential neighborhood rather than support more intensive nodes of mixed-use development.

- b. 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 already developed as a single-family residence and is accessed from SR160/SE Sedgewick Road. According to Kitsap County maps there are potential wetlands and moderate geological hazards on the site. The proposed HTC designation would be incompatible with the surrounding single-family residential neighborhood.

- c. 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 site the proposed amendment would not materially affect land use and growth projects in the County. However, the amendment would increase employment capacity in the Port Orchard UGA when the UGA has excess employment capacity. It may also set a precedent for intensified commercial uses in the surrounding residential area.

- d. 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 by itself would not materially affect the adequacy or availability of urban facilities and services to the immediate area or the overall area of the UGA; it may create a precedent for more intense uses and greater demand for services. Commercial uses typically require greater fire/EMS services depending on the type of commercial construction and use; access and transportation needs are also typically higher than for residential uses. The site, however, has only

been studied in 2006 and 2012 for urban residential uses. The SEIS and Capital Facilities Plan in 2016 considers commercial use on the site as part of Alternative 3, and the cumulative demand for services and facilities is addressed.

- e. **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. See D.1.d above regarding services.

(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 amend the designation of an individual single-family residential parcel for high-intensity commercial and mixed-use developed that is not contiguous to a commercial or mixed-use area and would result in disconnected development.

(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 based on the Buildable Lands Report and Countywide Planning Policies. Therefore, there is sufficient capacity to support new economic growth and additional employment capacity is not necessary at this time. The amendment does not support an existing commercial business, but rather allows the establishment of a new commercial business in a single-family residential neighborhood. The proposed amendment is inconsistent with the GMA goal for economic development as other areas in the UGA and city limits can provide sufficient capacity for employment uses.

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 does not support approval (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 inconsistent with the above goal and policy regarding orderly development that reflects the unique character of a community. Introducing an isolated high-intensity commercially designated parcel into an established single-family neighborhood is not in the public interest and is not supported by the County-wide Planning Policies.

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. However, the City does not support approval of the amendment request as noted above.

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

The City of Port Orchard does not support the amendment request as noted above. The proposed amendment is inconsistent with the following Land Use Policy:

POLU-5 Maintain and enhance single-family neighborhoods

The proposed amendment would not maintain and enhance the existing surrounding single-family neighborhood, but rather would introduce high intensity commercial development that is not consistent with the above policy.

Further, the proposal is inconsistent with Kitsap County's Port Orchard/South Kitsap Subarea Plan applicable to the UGA, including but not limited to:

- Policy POSK-23 Maintain and enhance the single-family residential neighborhoods.
- Policy POSK-38 Maintain and strengthen existing commercial areas by focusing development within them and establishing development guidelines.
- Policy POSK-42 Discourage strip commercial land use development patterns and concentrate commercial/office development in pedestrian friendly centers.

- c. Demonstration that the proposal meets the affiliated jurisdiction's transportation standards.**

The City of Port Orchard does not support the amendment request. The rezoning of a relatively small parcel by itself is not anticipated to have significant adverse impacts on transportation. The proposal is included in the 2016 SEIS cumulative analysis of transportation.

Findings of Fact

1. The applicant, Joni K. Wilson, submitted the application to Kitsap County on February 27, 2015.
2. The applicant seeks a reclassification of the Comprehensive Plan Map from Urban Low-Intensity 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 used as a single-family residence.
6. Land use surrounding the subject property is single-family residential.
7. The applicant stated in the project application the amendment request is to allow a small office or retail use on the site.
8. According to Kitsap County maps the subject property has hydric soils (potential wetlands), however the entire parcel has previously been altered during the original development.
9. The subject property is not contiguous to commercially zoned properties.
10. The City of Port Orchard City Council does not support approval of the application.
11. The proposed amendment is inconsistent with the 2014 City of Port Orchard Comprehensive Plan and Kitsap County's Port Orchard-South Kitsap Subarea Plan.
12. The request is not included in the Preferred Alternative.

CONCLUSION OF LAW

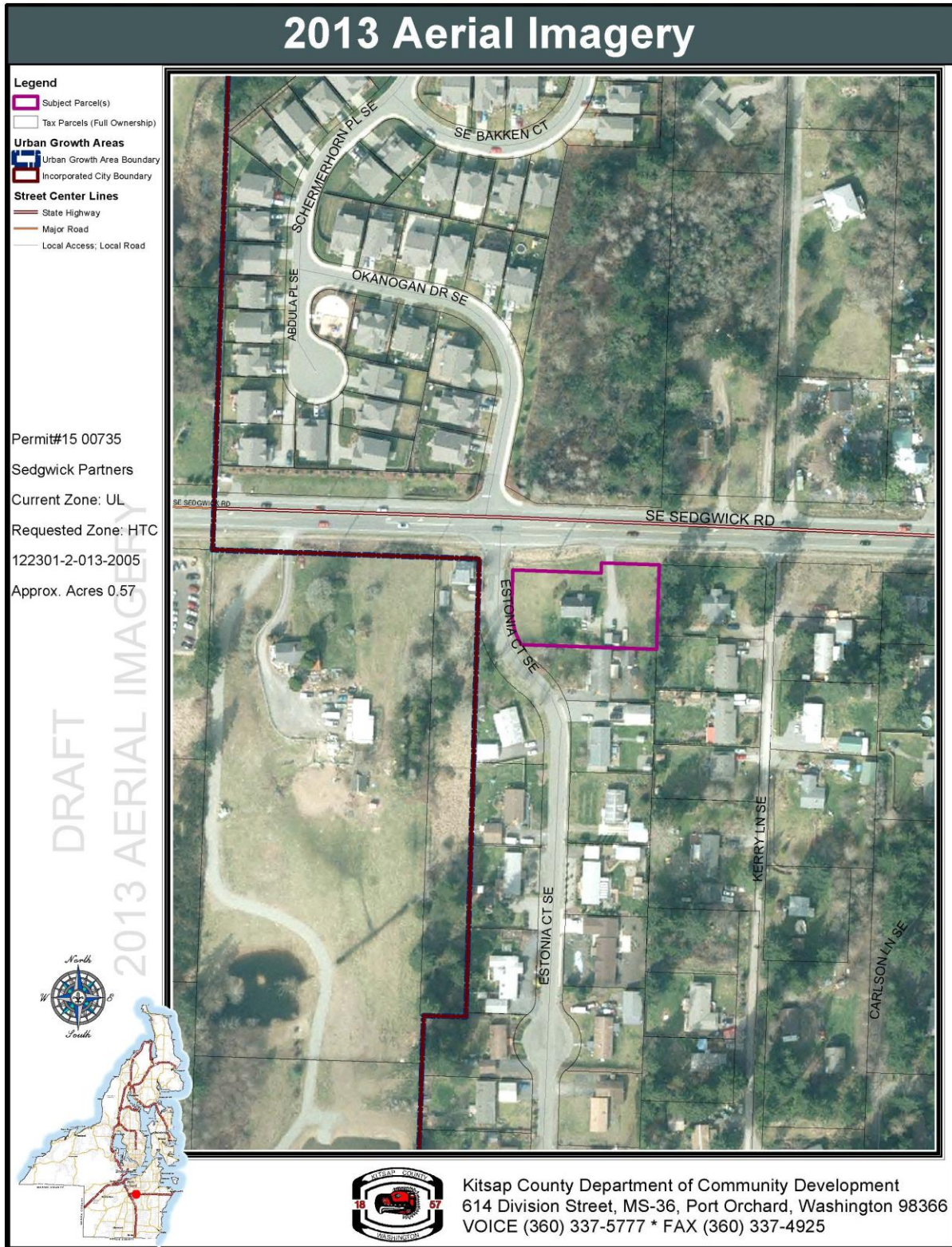
The proposal to reclassify the Comprehensive Plan and Zoning Map designations for the subject property from UL to HTC does not comply with the provisions of the Washington State Growth Management Act (RCW 36.70A), Kitsap County-wide Planning Policies, and Kitsap County Comprehensive Plan.

RECOMMENDATION

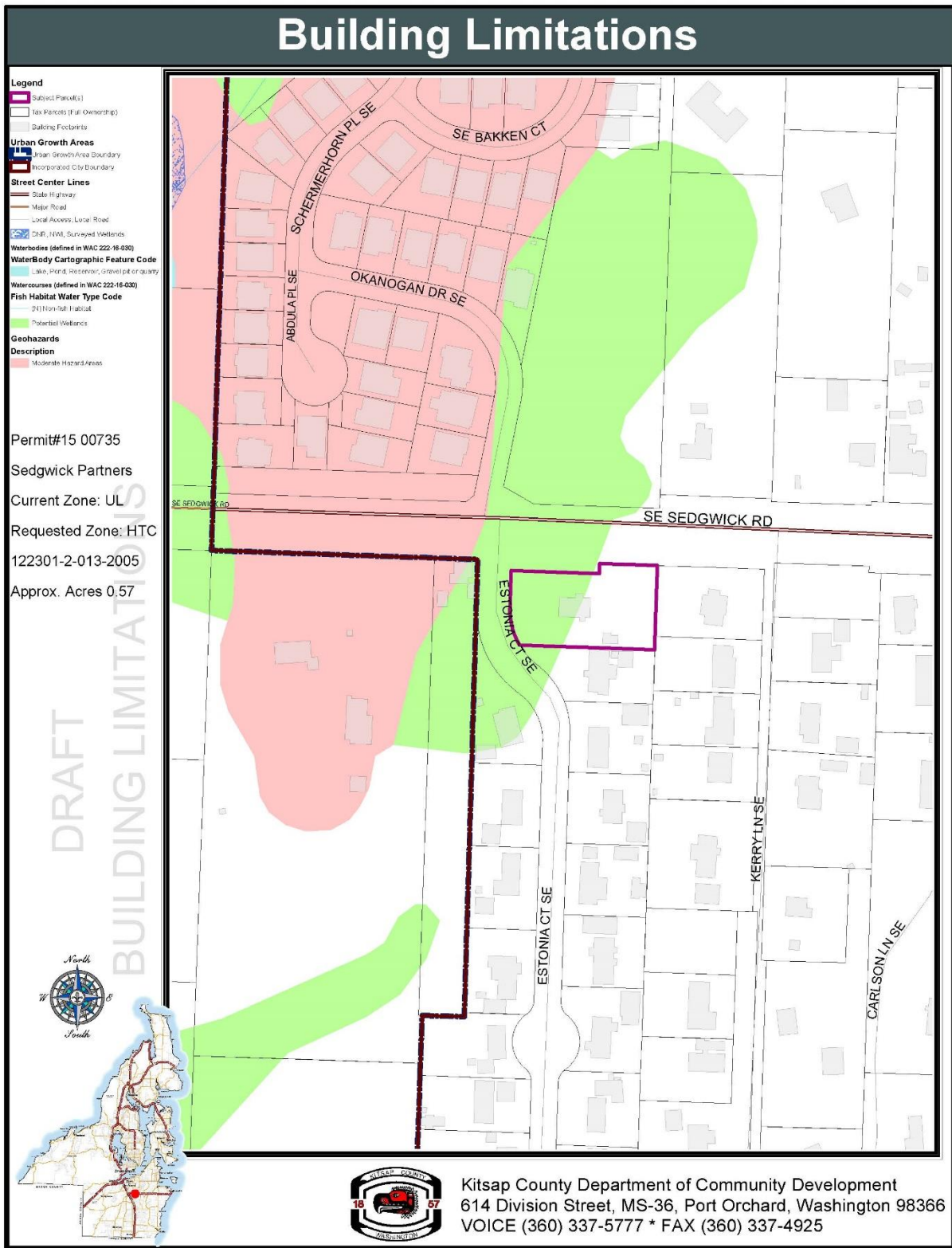
Based on the findings of act and conclusion of law staff recommends denial of permit #15 00735.

ATTACHMENTS

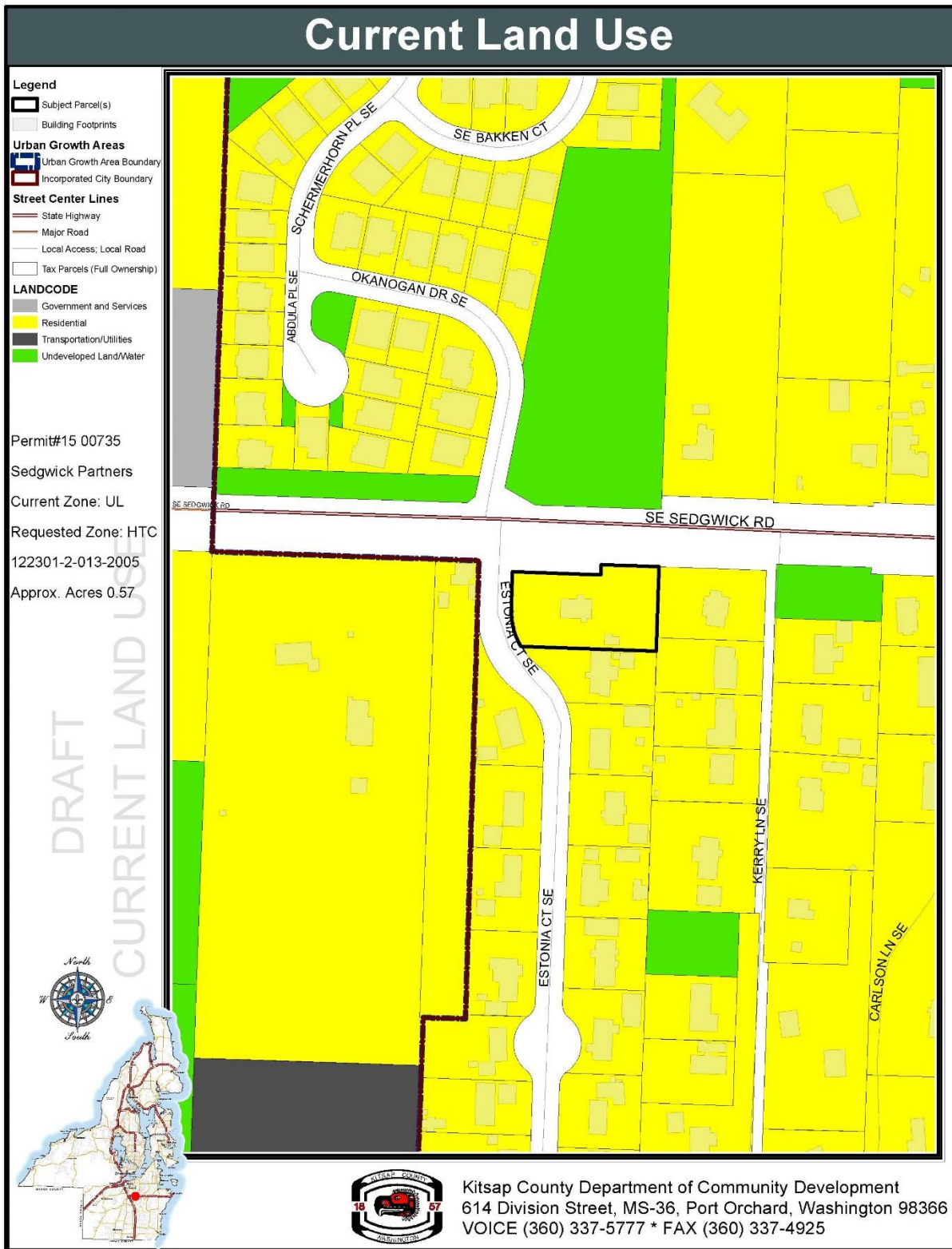
Attachment 1: Aerial Imagery



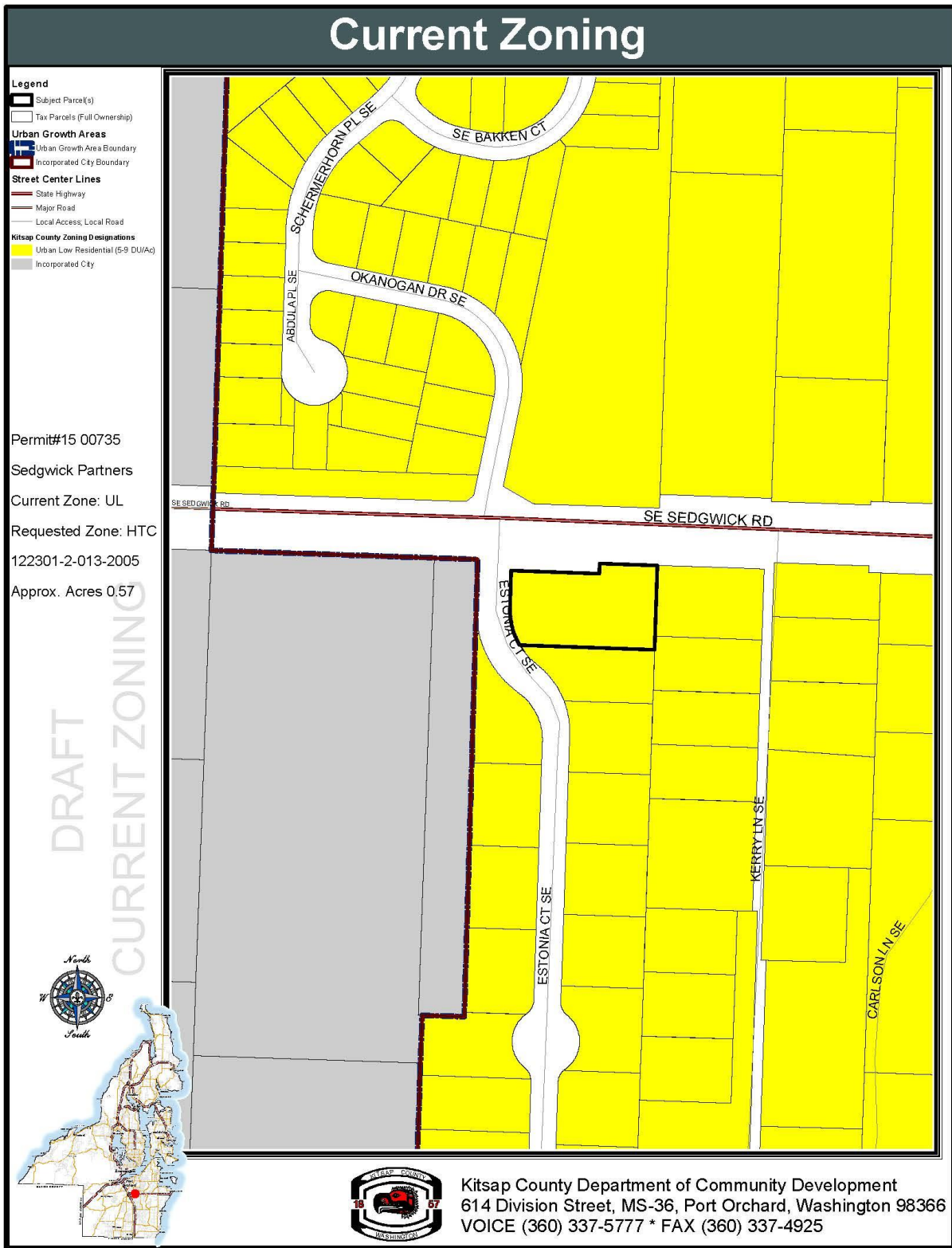
Attachment 2: Building Limitations



Attachment 3: Current Land Use



Attachment 4: Current Zoning



Attachment 5: Proposed Zoning

