



Notice of Administrative Decision

Date: 01/22/2019

To: Applicant: Brett Bures, brett.bures@scjalliance.com
Interested Parties and Parties of Record

RE: Permit Number: 18-01762
Project Name: McDonald's Overflow Parking Lot in Port Orchard - ACUP
Type of Application: Administrative Conditional Use Permit (ACUP)

THE DECISION OF THE DEPARTMENT IS FINAL, UNLESS APPEALED TO THE KITSAP COUNTY HEARING EXAMINER ON OR BEFORE 14 DAYS FROM THE DATE OF DECISION PER KITSAP COUNTY CODE 21.04.290.

The written appeal shall be made on, or attached to, an appeal form found on DCD's website: <https://www.cognitofirms.com/KitsapCounty1/AppealObjectionOfAnAdministrativeDecision>.

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; if you wish to view the case file or have other questions, please contact help@kitsap1.com or (360) 337-5777. Please note DCD is open Monday to Thursday from 8:00am to 4:00pm and on Friday from 9:00am to 1:00pm except holidays.

CC: Owner: Laurier Enterprises Inc. – McDonald's Restaurants, swpearson@hotmail.com
Owner: McDonald's Port Orchard 5037, adam.brandenburg@us.mcd.com
Engineer: SCJ Alliance – Shea, Carr & Jewell Inc, tyrell.bradley@scjalliance.com
Kitsap County Health District, MS-30
Kitsap County Public Works Dept., MS-26
Navy
DSE
Kitsap Transit
South Kitsap Fire District
Puget Sound Energy
City of Port Orchard Planning Director
Water Purveyor
Point No Point Treaty Council

18-01762 McDonald's Overflow Parking Lot in Port Orchard - ACUP

Suquamish Tribe
WA State Dept of Ecology-SEPA

Interested Parties:

Brian Lyman, lymanarchitects@aol.com

Scott Walker & Cara Crowley, carascott@hotmail.com

DCD Staff Planner: Jeff N. Smith

DCD File 18-01762



Administrative Staff Report

Report Date: January 9, 2019

Application Submittal Date: April 12, 2018

Application Complete Date: May 2, 2018

Project Name: Port Orchard McDonald's Overflow Parking Lot

Type of Application: Administrative Conditional Use Permit Type-II

Permit Number: 18-01762

Project Location

4225 SE Mile Hill Drive
Port Orchard, WA 98366
Commissioner District 2

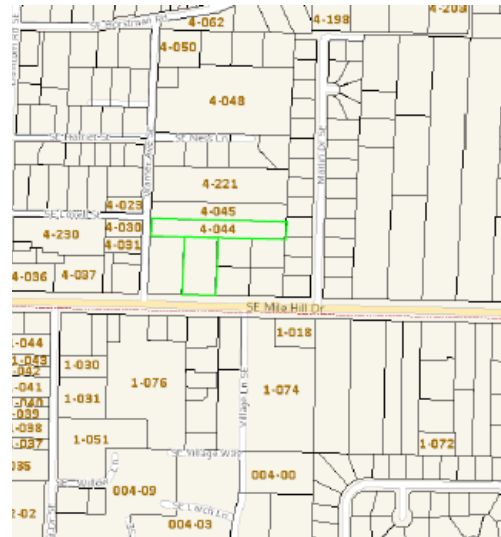
Assessor's Account

302402-4-044-2000

Applicant/Owner of Record

MCDONALDS PORT ORCHARD 5037
LAURIER ENTERPRISES INC.
1235 Market Street, Suite A,
Kirkland, WA 98033

VICINITY MAP



Decision Summary

Approved subject to conditions listed under section 13 of this report.

1. Background

The request is for approval of an Administrative Conditional Use Permit to construct an overflow off-street parking facility for 25 spaces only, directly behind the existing McDonalds restaurant, located at 4225 SE Mile Hill Road. The project site is currently forested and undeveloped. The proposal is to clear the entire parcel of all existing vegetation and create additional parking solely for the McDonalds Restaurant north of the existing restaurant. The proposed site grading will include approximately 1,400 cubic yards of material. The undeveloped project site abuts Urban Low Zone and is required to be reviewed by an Administrative Conditional Use Permit per KCC 17.420.030 Development Standards.

2. Project Request

Laurier Enterprises is requesting Administrative Conditional Use Permit approval to construct a 25-space overflow off-street parking facility to serve the existing McDonalds store.

3. SEPA (State Environmental Policy Act)

The State Environmental Policy Act (SEPA), found in Chapter 43.21C RCW (Revised Code of Washington), is a state law that requires the County to conduct an environmental impact review of any action that might have a significant, adverse impact on the environment. The review includes the completion of an Environmental Checklist by the applicant and a review of that checklist by the County. If it is determined that there will be environmental impacts, conditions are imposed upon the applicant to mitigate those impacts below the threshold of “major” environmental impacts. If the impacts cannot be mitigated, an environmental impact statement (EIS) must be prepared. The decision following environmental review, which may result in a Determination of Nonsignificance (DNS), Mitigated DNS, or the necessity for an EIS is called a threshold determination. A separate notice of the threshold determination is given by the County. If it is not appealed, it becomes part of the hearing record as it was issued, since it cannot be changed by the Hearing Examiner.

Comments:

Pursuant to WAC 197-11-355, the optional DNS process was utilized for this project. The SEPA Comment period previously occurred concurrent with the Notice of Application dated June 26, 2018. A Determination of Nonsignificance (DNS) was issued on December 13, 2018.

Conditions:

The project revisions have been reviewed and will be conditioned to follow stormwater control pursuant to KCC Title 12. The project will also be required to follow KCC Title 11 Road Standards. The project will follow the recommendations of the geotechnical report provided for the project, per KCC 19.400. On site screening using vegetation plantings and solid fence screening will be required to reduce glare for adjacent residents.

The SEPA appeal period expired December 28, 2018. No appeals were filed; therefore, the SEPA determination is final.

4. Physical Characteristics

The existing property is 1.21 acres in size and rectangle shaped. The site is currently a forested undeveloped lot. Most of the parcel gently slopes to the northeast at about 1.0% to a localized low spot within the parcel. The west property line fronts along Warner Ave SE and is located directly across from SE Lovell Street. The eastern portion of the parcel slopes to the northeast corner of the parcel and onto the residential properties and Marlin Drive.

Table 1 - Comprehensive Plan Designation and Zoning

Comprehensive Plan: Urban High Intensity Commercial Zone: Commercial	Standard	Proposed
Minimum Density	NA	NA
Maximum Density	NA	

Minimum Lot Size	NA	NA
Maximum Lot Size	NA	NA
Minimum Lot Width	NA	82.50-feet
Minimum Lot Depth	NA	638.65-feet
Maximum Height	35 feet	NA
Maximum Impervious Surface Coverage	85%	~7,841 or 82% landscaped
Maximum Lot Coverage	NA	NA

Applicable footnotes:

17.420.060.A #21, Twenty feet when abutting a residential zone.

Staff Comment: No service road, drive aisles or off-street parking is proposed within the required side or rear yard areas abutting a residential zone.

Table 2 - Setback for Zoning District

	Standard	Proposed
Front (South)	20 feet	5 feet (restaurant parking)
Side (East)	10-feet	319.29-feet (office buildings)
Side (West Front)	20-feet (Exterior side yard)	159.68-feet (Warner Avenue SE)
Rear (North)	10 feet (20 feet when abutting residential) * Abuts residential KCC 17.410.050.A.21 requires 20-foot setback in C zone.	20-feet (abuts residential zone with existing building)

Table 3 - Surrounding Land Use and Zoning

Surrounding Property	Land Use	Zoning
North	single-family residences	Urban Low Residential (UL)
South	restaurant/parking	Commercial (C)
East	commercial buildings	Commercial
West	single-family residences	Urban Low Residential

Table 4 - Public Utilities and Services

	Provider
Water	West Sound Utility District
Power	Puget Sound Energy
Sewer	West Sound Utility District
Police	Kitsap County Sheriff
Fire	South Kitsap Fire & Rescue
School	South Kitsap School District #402

5. Access

The new parking area will receive access through the existing McDonalds store parking lot, located south of the project site from a driveway that fronts on SE Mile Hill Drive, which has a functional classification as a minor arterial.

6. Site Design

The project site abuts Urban Low Zone along the north property line and is required to be reviewed by an Administrative Conditional Use Permit per KCC 17.420.030 Development Standards, pursuant to KCC 17.410.050 (A) #57. A Type-II decision is required for new private parking facilities when any component of development located within a commercial zone that involves the conversion of previously undeveloped land abuts a residential zone. The proposal is primarily reviewed under off-street parking and Landscaping requirements.

7. Policies and Regulations Applicable to the Subject Proposal

The Growth Management Act of the State of Washington, RCW 36.70A, requires that the County adopt a Comprehensive Plan, and then implement that plan by adopting development regulations. The development regulations must be consistent with the Comprehensive Plan. The Comprehensive Plan process includes public involvement as required by law, so that those who are impacted by development regulations have an opportunity to help shape the Comprehensive Plan which is then used to prepare development regulations.

Kitsap County Comprehensive Plan, adopted June 30, 2016

The following Comprehensive Plan goals and policies are most relevant to this application:

Land Use Goal 1

Focus current and future planning on infill and redevelopment of existing Urban Growth Areas.

Land Use Policy 2

Support Innovative, high quality infill development and redevelopment in existing developed

areas within the Urban Growth Areas.

Economic Development Goal 1

Promote a healthy and diverse economy that provides for a strong and diverse tax base, encourages business formation, retention, and expansion; creates industrial and professional business and employment opportunities to attract new business to the County.

Economic Development Policy 3

Provide a diverse mix and appropriate range of commercial, industrial and business and uses that will encourage economic activity capable of providing living-wage jobs and reasonably scaled to the needs of the community.

The County's development regulations are contained within the Kitsap County Code. The following development regulations are most relevant to this application:

Code Reference	Subject
Title 12	Storm Water Drainage
Title 13	Water and Sewers
Title 14	Buildings and Construction
Title 17	Zoning
Chapter 18.04	State Environmental Policy Act (SEPA)
Chapter 20.04	Transportation Facilities Concurrency Ordinance
Chapter 21.04	Land Use and Development Procedures

8. Documents Consulted in the Analysis

<u>Applicant Submittals</u>	<u>Dated or date stamped</u>
Project Narrative	April 17, 2018
Administrative CUP Application	April 25, 2018
Environmental (SEPA) Checklist	April 25, 2018
Site Plan	October 8, 2018
Landscape Plan	October 11, 2018
<u>Staff Communication</u>	<u>Dated</u>
Dev. Services & Engineering Memo	November 28, 2018

9. Public Outreach and Comments

Pursuant to KCC Title 21, Land Use, and Development Procedures, the Department gave proper public notice to properties 800-feet around the project site for the Administrative Conditional Use Permit. To date, the Department has received a few comments on the proposal. The Department received comments from the following interested parties:

Scott Walker and Cara Crowley, PO Box 1881Port Orchard WA, 98366-0680
Brian Lyman, and Family, 4235 SE Mile Drive, Suite D, Port Orchard, WA 98366

Issue Ref. No.	Summary of Concern (See corresponding responses in the next table)	Comment Letter Exhibit Reference No.
1	The interested party lives west of the development site. The points of concern brought up by the interested party was regarding removal of the vegetation on west side of the property, which functions as a visual buffer, light filter blocking headlights from vehicles using the drive-through, and vehicles using the roadway behind that blocks the businesses. They commented that removal of any of the trees and vegetation would expose their home to headlight glare (living room and bedroom).	
2.	Douglas fir trees can transpire much more water than grasses or decorative landscaping through the year. Douglas firs actively transpire during the rainy seasons. This would have a significant impact on the area of problem drainage, especially during heavy rains. See article: "Species differences in the seasonality of evergreen tree transpiration in a Mediterranean climate: Analysis of multi-year, half-hourly sap flow observations."	
3.	The trees/vegetation act as a garbage catchment, reducing the amount of McDonalds trash that ends up in their yard.	
4.	Brian Lyman commented that the Lyman Family are the owners of the Park Shore Building due east of the Port Orchard McDonalds. They indicated that they are supportive of the project to expand parking for overflow parking north of McDonalds. They support the clearing of the entire property to address vagrancy. Only comment is that the applicant incorporates LED lights into the new parking area.	

Issue Ref. No.	Issue	Staff Response
1	Removal of existing vegetation that functions as a screening buffer	Staff concurs that removal of existing vegetation may create visual impacts. Consistent with Footnote 17.410.060 #57 for land use review, and KCC 17.500.027(B) Solid Screening Buffer, the applicant has

		proposed perimeter landscaping with wood panel fencing for a functional screen.
2	Douglas firs and Transpiration	The science of transpiration has been noted.
3	Vegetation garbage catchment	The solid waste disposal requirements for the project include dumpsters and recycling facilities. Inadvertent litter and similar debris would be constrained by perimeter screening.
4	LED Lighting	The trend is for commercial owners to use more LED lighting to reduce long-term costs.

10. Analysis

a. Planning/Zoning

Conditional Use Permit Analysis and Agency Recommendations

Pursuant to table KCC 17.410.040 (B) Commercial Industrial, Parks and Public Facility Zones, Off-Street Private Parking facilities is a permitted use. Pursuant to Footnote 17.410.050 #57 when a component of development located within a Commercial zone involves the conversion of previously undeveloped land which abut a residential zone, it is required to be treated as a Type-II administrative decision. Kitsap County DCD is the review authority per KCC Title 21 and subject to standards criteria within KCC Section 17.420.030 and KCC Chapter 17.540 Administrative Conditional Use Permits. The following analysis was based on the site plan and landscape plan submitted on October 5, 2018, along with other information for review of the Administrative Conditional Use Permit.

b. Lighting

If artificial outdoor lighting is necessary, the lighting should be arranged so that light is fully shielded from the side view, directed downward, and away from adjacent residential properties.

c. Off-Street Parking

The project is required to provide adequate off-street parking consistent with the standards in KCC Chapter 17.490 Off-street Parking, Loading, and KCC Section 17.420.030 Design Standards. The proposed development is consistent with off-street parking requirements for meeting minimum and maximum parking spaces.

Table 5 - Parking Table

Use Identified in 17.490.030	Standard	Required Spaces	Proposed Spaces/Existing Spaces
Restaurant/bars/taverns	1 space per 80 square feet of gross floor area.	63 off-street parking	69 spaces (8% increase requested)
Total	63	63	69

d. Signage

The applicant is required to apply for sign permits in accordance KCC Section 17.480 Signs.

e. Landscaping

The KCC requires that a minimum of 15% of the total site area be landscaped to the standards in the Chapter KCC 17.500 Landscaping. The Administrative Conditional Use Permit is required because of the abutting residential zone and need for mitigating headlight and visual impacts for existing and permitted land uses. Pursuant to KCC 17.500.027.B.1.b, a screening buffer is required and shall screen the parking facility from the residential zone.

Table 6 - Landscaping Table

	Required	Proposed
Required Landscaping (Sq. Ft) 15% of Site	7,971 square feet	43,911 square feet (82%)
Required Buffer(s) 17.500.025		
North	Solid Screening Buffer	Solid Screening Buffer
South	Roadside and Setback Buffer	Roadside Setback Buffer
East	Roadside and Setback Buffer	Roadside and Setback Buffer
West	Solid Screening Buffer	Solid Screening Buffer
Street Trees	Yes	Fence can be moved to inside of landscaping

f. Frontage Improvements

Frontage improvements are not required at this time along Warner Avenue SE due to the location of the overflow parking and access is only through the existing McDonald's restaurant property. However, when the west half of the property along Warner Avenue SE is developed, then frontage improvements will be required.

g. Design Districts/Requirements

NA

h. Development Engineering/Stormwater

The overflow parking lot expansion was reviewed for consistency KCC Title 12 Storm Water Drainage and the storm drainage manual. The applicant is proposing 100% infiltration and use of ditches to contain stormwater onsite. Development Services and Engineering has reviewed the proposed land use and finds the storm drainage concept supportable and approved on the plans on November 28, 2018.

i. Environmental

The applicant submitted a geotechnical engineering investigation prepared by the Riley Groups. The report investigated infiltration rates and evaluated subsurface conditions. The project will follow the recommendations of the geotechnical report provided for the project, per KCC 19.400.

j. Access, Traffic and Roads

Pedestrian access shall be accommodated onsite from the public right-of-way, through the site to minimize potential conflicts between pedestrian and vehicular circulation, pursuant to KCC 17.420.030(E). Consistent with this requirement the civil site plan should show a safe pedestrian route from the overflow parking area to the front door.

k. Fire Safety

NA

l. Solid Waste

NA

m. Water/Sewer

NA

n. Kitsap Public Health District

NA

11. Review Authority

The Director has review authority for this Administrative Conditional Use Permit application under KCC, Sections 17.540.020 and 21.04.100. The Kitsap County Commissioners have determined that this application requires review and approval of the Director. The Director may approve, approve with conditions, or deny an Administrative Conditional Use Permit.

12. Findings

1. The proposal is consistent with the Comprehensive Plan.

2. The proposal complies or will comply with requirements of KCC Title 17 and complies with or will comply with all other applicable provisions of Kitsap County Code and all other applicable regulations, including all applicable development standards and design guidelines, through the imposed conditions outlined in this report.
3. The proposal is not materially detrimental to existing or future uses or property in the immediate vicinity.
4. The proposal is compatible with and incorporates specific features, conditions, or revisions that ensure it responds appropriately to the existing character, appearance, quality or development, and physical characteristics of the subject property and the immediate vicinity.

13. Decision

Based upon the analysis above and the decision criteria found in KCC 17.540.040.A, the Department of Community Development recommends that the Administrative Conditional Use Permit request for the Port Orchard McDonald's overflow parking be **approved**, subject to the following 21 conditions:

Planning/Zoning

1. All required permits shall be obtained prior to commencement of land clearing, construction and/or occupancy.
2. Landscaping shall be installed and maintained in conformance with the requirements of Kitsap County Code (KCC) 17.500. The fencing and landscaping shall be installed and inspected prior to requesting a final inspection or guaranteed by means of an assignment of funds or bonded in the amount of 150 percent of the cost of installation.
3. Any and all signage design and location (including exempt signs) shall comply with Kitsap County Code (KCC) 17.510 and be reviewed and approved by the Department of Community Development prior to installation. Signage may require a separate permit.
4. The recipient of any administrative conditional use permit shall file a Notice of Land Use Binder with the county auditor prior to any of the following: initiation of any further site work, issuance of any development/construction permits by the county, or occupancy/use of the subject property or buildings thereon for the use or activity authorized. The Notice of Land Use Binder shall serve both as an acknowledgment of an agreement to abide by the terms and conditions of the administrative conditional use permit and as a notice to prospective

purchasers of the existence of the permit. The Binder shall be prepared and recorded by the Department at the applicant's expense.

5. The uses of the subject property are limited to the uses proposed by the applicant and any other uses will be subject to further review pursuant to the requirements of the Kitsap County Code (KCC). Unless in conflict with the conditions stated and/or any regulations, all terms and specifications of the application shall be binding conditions of approval. Approval of this project shall not, and is not, to be construed as approval for more extensive or other utilization of the subject property.
6. The decision set forth herein is based upon representations made and exhibits contained in the project application Any change(s) or deviation(s) in such plans, proposals, or conditions of approval imposed shall be subject to further review and approval of the County and potentially the Hearing Examiner.
7. The authorization granted herein is subject to all applicable federal, state, and local laws, regulations, and ordinances. Compliance with such laws, regulations, and ordinances is a condition to the approvals granted and is a continuing requirement of such approvals. By accepting this/these approvals, the applicant represents that the development and activities allowed will comply with such laws, regulations, and ordinances. If, during the term of the approval granted, the development and activities permitted do not comply with such laws, regulations, or ordinances, the applicant agrees to promptly bring such development or activities into compliance.
 - a. **Development Engineering**
 8. Construction plans and profiles for all roads, storm drainage facilities and appurtenances prepared by the developer's engineer shall be submitted to Kitsap County for review and acceptance. No construction shall be started prior to said plan acceptance.
 9. The information provided demonstrates this proposal is a Large Project as defined in Kitsap County Code Title 12, and as such will require a Site Development Activity Permit (SDAP) from Development Services and Engineering, demonstrating compliance with Minimum Requirements #1-9, as set forth in the Kitsap County Stormwater Design Manual.
 10. Stormwater quantity control, quality treatment, and erosion and sedimentation control shall be designed in accordance with Kitsap County Code Title 12 effective at the time the Administrative Conditional Use Permit application was deemed complete, May 2, 2018. The submittal documents shall be prepared by a civil engineer licensed in the State of Washington. The fees and submittal

requirements shall be in accordance with Kitsap County Ordinances in effect at the time of SDAP application.

11. The Washington State Department of Ecology (Ecology) may require registration of the infiltration trench as an Underground Injection Control (UIC) well in accordance with the Underground Injection Control Program (Chapter 173-218 WAC). The applicant shall contact Ecology to determine if the facility is regulated under the UIC program.
12. The design of the infiltration facilities will be accordance with Vol. II, Chapter 5 of the Kitsap County Stormwater Design Manual.
13. The infiltration facilities shall remain off line until the drainage areas are stabilized and the water quality treatment facility is adequately established. Temporary erosion and sedimentation ponds shall not be located over infiltration facilities. In addition, retention ponds shall not be utilized as temporary erosion and sedimentation control ponds.
14. During the construction of the proposed infiltration facilities, the Project Engineer shall provide an inspection to verify that the facilities are installed in accordance with the design documents and that actual soil conditions encountered meet the design assumptions. The Project Engineer shall submit the inspection report properly stamped and sealed with a professional engineer's stamp to Development Services and Engineering.
15. The owner shall be responsible for maintenance of the storm drainage facilities for this development following construction. Before issuance of Occupancy Permits for this development, the person or persons holding title to the subject property for which the storm drainage facilities were required shall record a Declaration of Covenant that guarantees the County that the system will be properly maintained. Wording must be included in the covenant that will allow the County to inspect the system and perform the necessary maintenance in the event the system is not performing properly. This would be done only after notifying the owner and giving him a reasonable time to do the necessary work. Should County forces be required to do the work, the owner will be billed the maximum amount allowed by law.
16. If the project proposal is modified from that shown on the submitted site plan dated October 5, 2018, Development Services and Engineering will require additional review and potentially new conditions.
17. Any violation of the conditions of approval shall be grounds to initiate revocation of this Administrative Conditional Use Permit.

b. Environmental

18. The project will follow the recommendation of the Geotechnical Report provided for the project per KCC 19.400.

c. Traffic and Roads

19. The Site Development Activity Permit shall depict a safe pedestrian route of travel from the overflow parking lot to the McDonald's restaurant entry. This shall be in the form of sidewalks or, if sidewalks are not feasible, in the form of pavement markings to direct pedestrian traffic.

20. Any work within the County right-of-way shall require a Public Works permit and possibly a maintenance or performance bond. This application to perform work in the right-of-way shall be submitted as part of the SDAP process. The need for and scope of bonding will be determined at that time.

d. Fire Safety

NA

e. Solid Waste

NA

f. Kitsap Public Health District

21. This permit shall comply with all Kitsap Public Health District regulations and conditions of approval.

Report prepared by:



Jeff Smith, Staff Planner / Project Lead

01/14/2019
Date

Report approved by:



Shawn Alire, Department Manager / Supervisor

01/14/2019
Date

Attachments:

Attachment A – Site Plan Map

Attachment B – Landscaping Plan

Attachment C – Zoning Map

CC: Bures, Brett, SCJ ALLIANCE, brett.bures@scjalliance.com
Tyrell Bradley, SCJ ALLIANCE, tyrell.bradley@scjalliance.com
Laurier Enterprises INC., McDonald's Restaurants, swpearson@hotmail.com

Interested Parties:

Scott Walker and Cara Crowley, carascott@hotmail.com

Brian Lyman, and Family, lymanarchitects@gmail.com

Kitsap County Health District, MS-30

Kitsap County Public Works Dept., MS-26

DCD Staff Planner: Jeff Smith

Site Plan
Figure-A) Site Plan

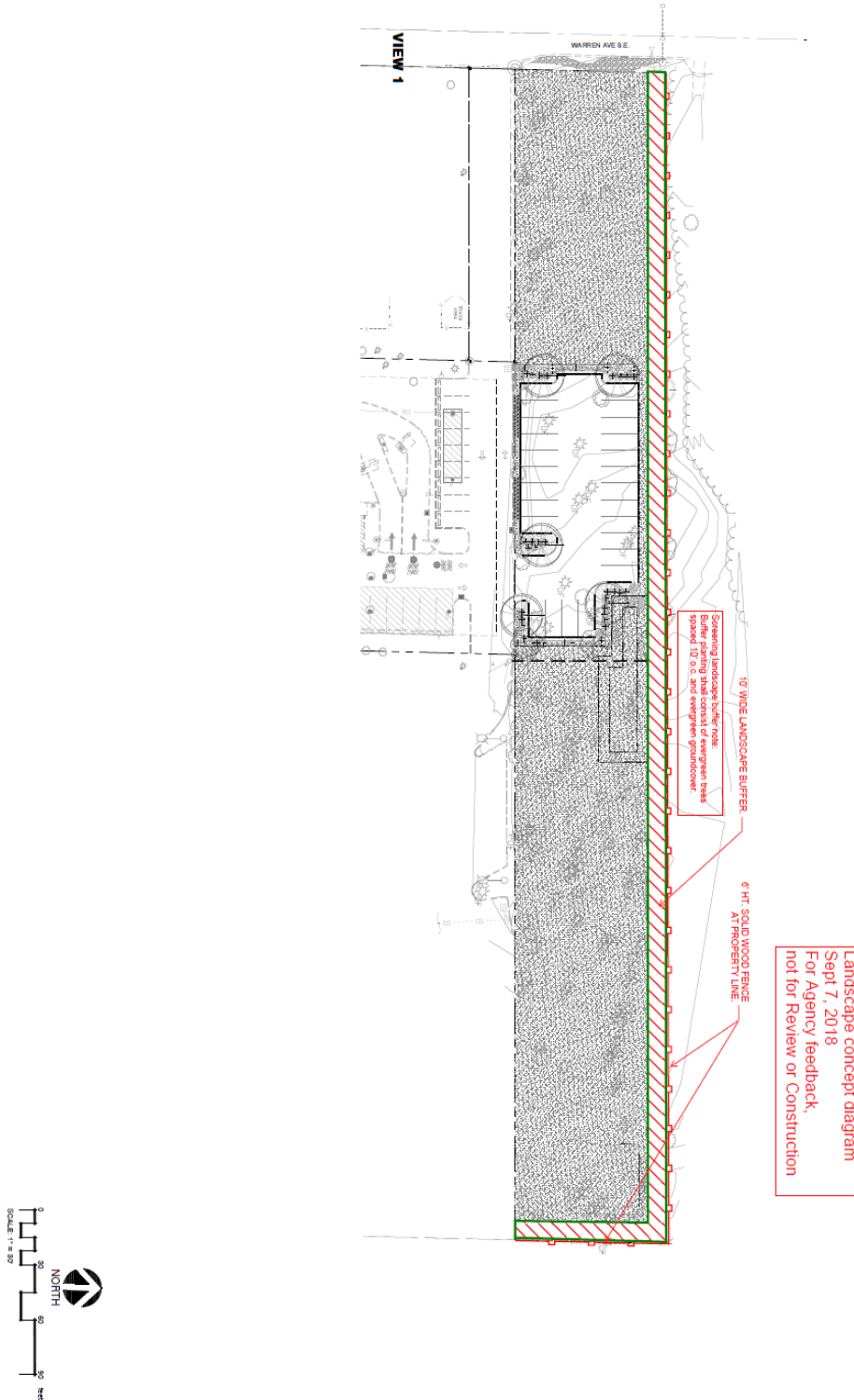


Figure-B) Landscape Plan

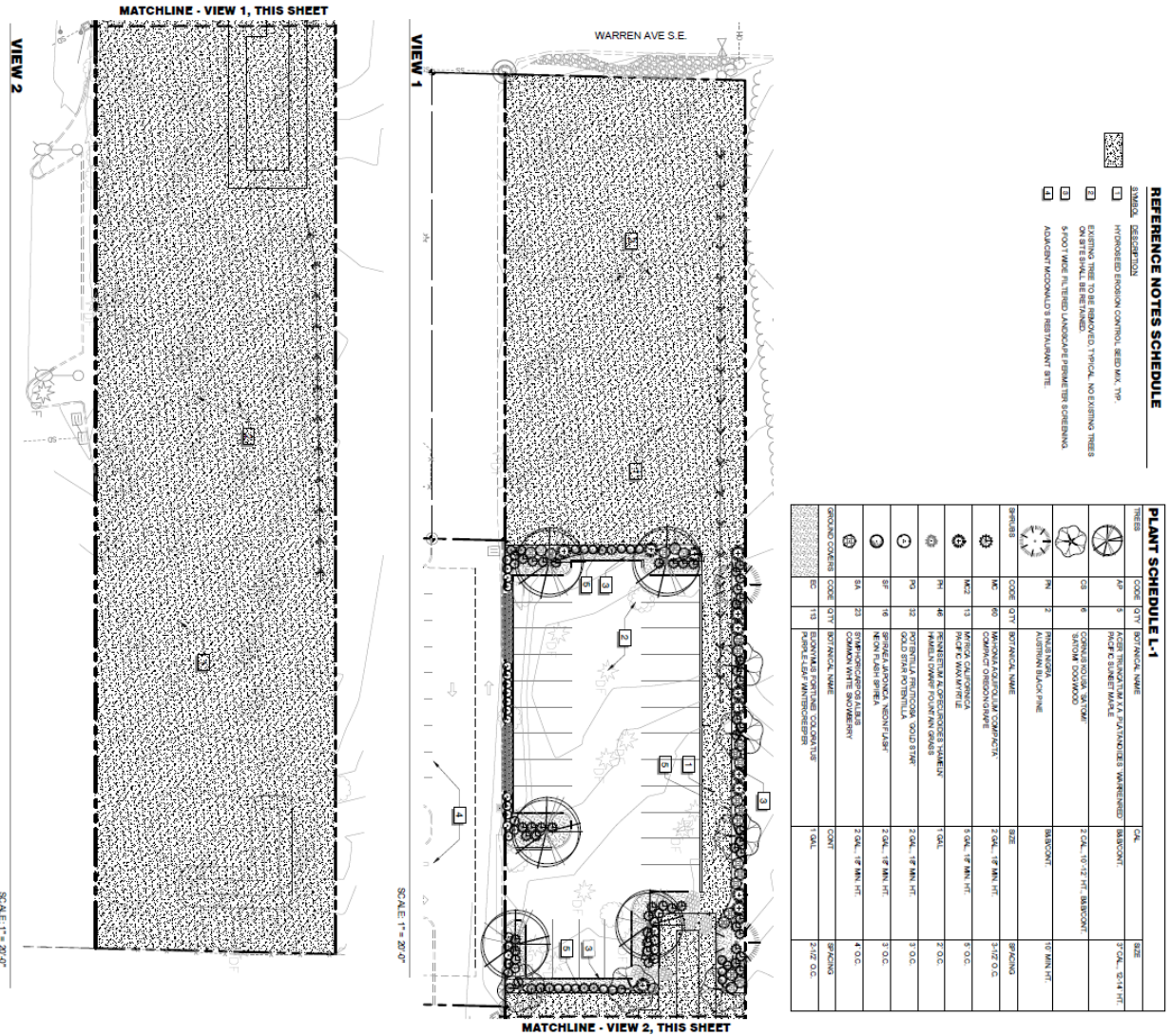


Figure-C) Zoning Map

