



KITSAP COUNTY DEPARTMENT OF COMMUNITY DEVELOPMENT

614 DIVISION STREET MS-36, PORT ORCHARD WASHINGTON 98366-4682
(360) 337-7181 FAX (360) 337-4925 HOME PAGE - www.kitsapgov.com/dcd/

STAFF REPORT And INFORMATION FOR THE HEARING EXAMINER

Report Date: June 1, 2016

Application Submittal Date: March 29, 2016

Hearing Date: June 9, 2016

Application Complete Date: March 31, 2016

Project: Word of Truth Conditional Use Permit (CUP)

This staff report was prepared by Jeff Smith, Senior Planner, Candy Mursell Engineering Technician, and Steve Heacock, Environmental Planner, based on information available up until the time the report was prepared. New information relevant to review of this application may become available prior to the hearing; Development Services and Engineering staff may wish to change their analysis based upon that new information, and reserves the right to do so.

Project Description:

The applicant is requesting a change of use with modifications from its previous use as a commercial Optical Laboratory buildings to a place of worship. The minor interior modifications provide for larger restrooms, add two walls in the north building to create a 684 square foot classroom, remove a wall in the north building to create one larger office space, and add a cafe. In the south building a kitchen will be constructed to the larger office. The modifications will include 87 square feet of impervious rooftop between the two buildings. The church has been meeting at the Olympic High School for over 10 years and has an opportunity to move and lease the two buildings.

Pursuant to Kitsap County Code (KCC) Chapter 17.421, the applicant is required to demonstrate the church is compatible with the adjacent residential character for existing and future permitted land uses in the area. The Review Authority is the Kitsap County Hearing Examiner consistent with KCC Title 21 'Land Use and Development Procedures' for the Conditional Use Permit.

Application Number: 16 01225

Type of Application: Conditional Use Permit

Project Request: The applicant is requesting approval of a CUP for the Word of Truth Fellowship Church.

Assessor's Account #: 362501-3-019-2007

Project Applicant:

Pastor Tim McNeal
Word of Truth Fellowship Church
6514 Grand Pine Loop NE
Bremerton, WA 98311

Property Owner of Record:

Blayne & Patricia Rollman
2929 Pawnee Drive
Bremerton, WA 983110

State Environmental Policy Act (SEPA) Status:

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 (Exhibit 5), 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 be a determination of Non Significance, Mitigated Impacts, or Significant for an EIS is called a threshold determination. The County gives a separate notice of the threshold determination. 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.

Pursuant to WAC 197-11-355, the Responsible Official signed a Determination of Nonsignificance (DNS) on May 24, 2016 (Exhibit 23) with an appeal period ending on June 7, 2016. The following comments describe the SEPA determination:

COMMENTS:

1. The SEPA comment period previously occurred concurrent with the Notice of Application dated April 20, 2016.
2. We received two comments, which will be addressed in the staff report.

CONDITIONS:

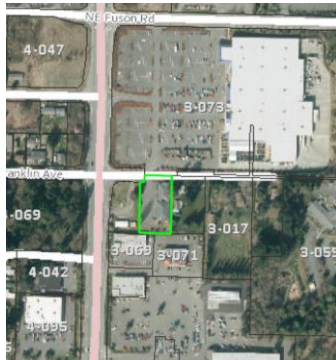
The proposal to convert the existing warehouse buildings to a church will create moderate impacts. The project will be conditioned for stormwater control pursuant to KCC Title 12 Storm Water Drainage and land use impacts per KCC Title 17 Zoning.

Site Description:

The subject property is flat, rectangle shaped, and 0.74 acres in size. The property contains existing buildings, off-street parking and landscaping. A stormwater detention facility is located south of the parking area. The two buildings total 7,064 square feet (per County Assessor records) with wood frame construction which were previously used by Peninsula Optical Laboratory. The property received approval for a 3,500-square foot addition to the previous optical laboratory through an Administrative Conditional Use Permit (File 03 11891) on February 11, 2004.

Project Location: The subject property is located at: 1631 NE Franklin Ave.,

Bremerton, WA within the Central Kitsap County Urban Growth Area.



Existing Zoning and Comprehensive Plan Designation:

The property has a Comprehensive Plan land use designation of Commercial and is zoned Mixed Use (MU) Commercial. The MU zone is intended to encourage flexible land uses, recognizing that the exact configuration of uses must be responsive to community needs and market conditions. Accordingly, commercial and residential uses may be mixed either vertically or horizontally in the MU zone. Such a mix of uses is encouraged within individual projects and/or between adjacent projects. The MU zone is intended to foster a development pattern focused on the public street that will provide for an integrated, compatible mix of single and multi-family housing and commercial businesses and services.

The following are requirements for the Mixed Use zone per KCC Chapter 17.382.090:

Minimum Density = 10

Maximum Density = 30

Minimum Lot Area = None

Minimum Lot Width = None

Minimum Lot Depth = None

Maximum Height = 35 feet

Maximum Impervious Coverage = 60 to 85%

Minimum Setback = 10 feet front yard

Maximum Setback = 20 feet front yard

= 10 feet side yard (20-feet when abutting a residential zone)

= 10 feet rear yard (20-feet when abutting a residential zone)

KCC 17.381.050 Footnote # 12: Special setback standards and conditional use development is required in order to have access off a County road.

Surrounding Land Use and Zoning:

The subject property is bounded on the north, south and west by other commercial properties, and to the east by property currently in use as a private residence.

Public Utilities and Services:

- Water: North Perry Road Water District
- Power: Puget Sound Energy
- Sewer: Kitsap County
- Police: Kitsap County Sheriff
- Fire: Central Kitsap Fire and Rescue #1
- Schools: Central Kitsap School District No.401

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 that is then used to prepare development regulations.

The following provisions are goals and policies of the Kitsap County Comprehensive Plan that address the proposed use:

Land Use Goals Polices

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

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.

Goal 18 Encourage an attractively designed commercial land use pattern.

LU-94 Minimize adverse traffic impacts associated with Regional Commercial centers through siting and development standards.

Kitsap County Code

Title 11 Road Standards

Title 12 Stormwater Drainage, at the time of vesting

Title 14 Buildings and Construction

Title 17 Zoning

- Chapter 110 Definitions
- Chapter 352 Mixed-Use Commercial
- Chapter 382 Density, Dimensions, and Design
- Chapter 385 Landscaping
- Chapter 400 Land Use Review
- Chapter 421 Conditional Use Permit
- Chapter 435 Off-Street Parking and Loading
- Chapter 520 Appeals
- Chapter 525 Revocations of Permits or Variances

Chapter 18.04 State Environmental Policy Act (SEPA), and Title 21 Land Use and Development Procedures

Hearing Examiner Review

The Kitsap County Board of Commissioners has determined that this application requires review and approval of the Kitsap County Hearing Examiner. The Hearing Examiner may approve, deny, or approve the application with conditions. The Hearing Examiner may also continue the hearing to allow for additional information necessary to make the proper decision. The powers of the Hearing Examiner are enumerated in KCC Chapter 2.10 Hearing Examiner.

Staff Communication:

<u>Document</u>	<u>Exhibit #</u>	<u>Dated or date stamped</u>
Development Engineering Memo	18	May 17, 2016
SEPA comments	23	May 24, 2016
Fire Marshal’s Condition	19	May 4, 2016
Public Health District Memo	17	April 4, 2016

(For all other documents and special reports, see the project index to be included within the public record for the Conditional Use Permit.)

Project Features:

The commercial zone requires this change of land use be reviewed through a Conditional Use Permit. The request will be subject to conditions of approval pursuant to KCC Titles 17 Zoning, 12 Storm Water Drainage, and 21 Land Use and Development Procedures. The site plan, dated March 29, 2016, was reviewed for the Conditional Use Permit (Exhibit 14).

Transportation Review

Access to the site is by NE Franklin Avenue which fronts onto State Highway 303, just north of Fred Meyer and south of Lowe’s. NE Franklin Avenue has a functional classification as a local access road and State Highway 303 has an urban arterial designation. Development Services and Engineering has reviewed the transportation element of the project proposal and has issued preliminary approval dated May 17, 2016 (Exhibit 19).

Stormwater Facilities:

The applicant is not proposing any changes to the stormwater management system and only a minor amount of 87 square feet of additional impervious surface area. Development Services and Engineering has reviewed the stormwater proposal for the project and has issued preliminary approval dated May 17, 2016 (Exhibit19).

Kitsap Public Health District

The Health District has reviewed the proposal for the property to be used as a place of worship. The District supports the concept and had no comments, per a letter, dated April 4, 2016 (Exhibit 17).

Conditional Use Permit Analysis and Recommendation:

The proposal was reviewed for consistency with zoning requirements in KCC Sections Chapter 17.382.030 Design Standards and 17.421.030 Decision Criteria, Conditional Use Permit. The Hearing Examiner is required to make findings for the following requirements:

Required Design Standards

The proposed Word of Truth Fellowship Church was reviewed through the following requirements, pursuant to KCC Section 17.382.030 Design Standards. Staff comments are in italics.

Building Height, Buffering and Screening Modification

The director may increase or decrease landscaping, screening and setbacks to minimize conflicts.

Staff Comment: The subject property includes an existing landscaping around the parking area and building that will help screen the site.

Exterior 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.

Staff Comment: The applicant may attach lights to the exterior of the building and shall install cutoff shields to prevent spillover if necessary.

Screening of equipment, storage, and refuse areas

A. The roof-mounted HVAC equipment shall not be visible from abutting lots or roadways.

Staff Comment: If architectural elevations for the church building are submitted for the Building Permit, staff will review the location of the HVAC equipment.

B. Locate service areas, outdoor storage areas, and intrusive features away from neighboring properties.

Staff Comment: Activities will occur within the interior of the building.

C. The project will be required to comply with all county solidwaste standards and provide concurrence from Waste Management as part of the permit process.

Staff Comment: The project is required to comply with all County solid waste standards for recycle/waste collection enclosures per Engineering conditions. The County will review for solid waste facilities prior to Building Permit issuance and will be required to coordinate with Waste Management for truck accessibility.

Access and Circulation

D. Safe pedestrian access and handicap access shall be required on-site from public rights-of-way to minimize pedestrian and vehicular conflicts.

Staff Comment: Consistent with this requirements, the applicant is proposing to maintain pedestrian access in front of the building and from the street to the

building. Through the Building Permit application review, the project will be conditioned to have accessible parking and a crosswalk with Lowe's parking area.

- E. Development is limited to one ingress /egress per 300-lineal feet along a public arterial. Small parcels that provide less than 200 feet of road frontage shall be limited to one parking lane and exit.

Staff Comment: *The applicant is proposing to use the existing driveway approach on NE Franklin Avenue.*

- F. Signs permitted according to KCC Section 17.446.

The applicant is required to apply for sign permits in accordance KCC Section 17.446 Signs.

Staff Comment: *There are no new signs proposed at this time. If and when signs are proposed, the sign must be designed to be consistent with the sign code for monument and wall mounted signs.*

- G. Off-street parking and loading per KCC Section 17.435.

The project is required to provide adequate off-street parking consistent with the standards in KCC Chapter 17.435 Off-street Parking and Loading.

The applicant states that the combined square footage is 6,868 square feet. The proposed auditorium seating will be 184 locking chairs. KCC Section 17.435.030 requires one space per four seats or eight feet of bench, requiring 46 spaces. The applicant has documented 30 spaces onsite and acquired an additional 62 spaces (overflow on Sundays) in the Lowe's southwest parking area for free use via a written agreement. The total parking will be 92 spaces available. The applicant has agreed that a new crosswalk will be required from Lowe's parking to the place of worship.

Staff Comments: *The applicant is providing up to 42 spaces over the minimum required parking with the agreement with Lowe's. Staff supports sharing parking facilities to not create additional impervious surface to be treated and detained. Staff will recommend that the project be conditioned to submit a written agreement and install a crosswalk prior to occupancy. The proposal is consistent with KCC Chapter 17.435 Off-Street Parking and Loading standards (See attached parking diagram).*

- H. Landscaping provided per KCC Section 17.385.

The KCC requires that a minimum of 15% of the total site area be landscaped to the standards in the titled section.

Staff Comment: *The applicant is proposing to maintain the lawn area at the front and perimeter landscape beds around the off-street parking area. Based on staff's calculations the existing site is consistent with the 15% requirement. In some areas the landscaping needs maintenance and staff recommends planting additional shrubs and groundcover where needed. The proposal is consistent with KCC 17.385 Landscaping.*

Public Comment:

Pursuant to KCC Title 21, Land Use, and Development Procedures, the Department gave proper public notice for the CUP request. To date, the Department has not received comments from the public.

Evaluation of Decision Criteria Conditional Use Permit:

The Hearing Examiner has review authority for this Conditional Use Permit application under KCC, Sections 17.421.020 and 21.04.080. The Kitsap County Commissioners have determined that this application requires review and approval of the Hearing Examiner. The Hearing Examiner may approve, approve with conditions, or deny a Conditional Use Permit. The Hearing Examiner may also continue the hearing to allow for additional information necessary to make the proper decision. The powers of the Hearing Examiner are enumerated at KCC, Chapter 2.10.

- A. The proposal is consistent with the comprehensive plan.
- B. The proposal complies with or will comply with requirements of Title 17 and complies with or will comply with all of the other applicable provisions of the KCC and all other applicable regulations, including all applicable development standards and design guidelines, through the imposed conditions outlined in this report.
- C. The proposal will not be materially detrimental to uses or property in the immediate vicinity.

Staff Comments: The project incorporates existing features such as landscaping to improve compatibility. The existing building functions to screen noise and light from the abutting residential property to the east.

- D. The proposal is compatible with and incorporates specific features, conditions, or revisions that ensure it responds appropriately to the existing character, appearance, quality of development, and physical characteristics of the subject property and the immediate vicinity.

Recommendation to the Hearing Examiner:

Based upon the information above, the Department of Community Development recommends that the Hearing Examiner grant approval of the Conditional Use Permit (CUP) requests for the Word of Truth Fellowship Church, subject to the following conditions:

1. All required permits shall be obtained prior to commencement of any land clearing and/or construction.
2. The church is required to submit a written agreement with Lowe's allowing overflow parking and to install a crosswalk prior to approval of the certificate of occupancy.
3. Landscaping shall be installed and maintained in conformance with the requirements of KCC 17.385. 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.

4. This Conditional Use Permit approval shall automatically become void if no development permit application is accepted as complete by the Department of Community Development within three years of the Notice of Decision date or the resolution of any appeals.
5. Land use approval is limited to the uses proposed by the applicant on the recommended site plan and the SEPA Environmental Determination dated May 24, 2016. Unless in conflict with the conditions stated and/or any regulations, all terms and specifications of the application shall be binding conditions of approval. Any modifications or expansion of the project will be subject to further review pursuant to the requirements of the appropriate sections of the Kitsap County Code
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.
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.
8. Any violation of the conditions of approval shall be grounds to initiate revocation of this Conditional Use Permit.
9. The recipient of any 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 and agreement to abide by the terms and conditions of the conditional use permit and as a notice to prospective purchasers of the existence of the permit. The Binder shall be prepared by the Department and recorded at the applicant's expense. The applicant shall provide recorded copies of the Binder to the Department immediately after recording. The Binder shall be recorded within 30 days of notification from the Department that the Binder is ready to be recorded.
10. The applicant is required to adhere to all applicable requirements of the Kitsap County Public Health District.

The applicant is required to adhere to all applicable requirements of the Kitsap County Fire Marshal's Office, including the following:

11. Fire apparatus access roads are required and must be maintained. Any proposed revision to these roads must be submitted to, reviewed and approved by the Kitsap County Fire Marshal's Office. IFC 503 Amended by Kitsap County. Access roads shall comply with the following:
 - 1) There shall be unobstructed width of 20 feet and height of 13 feet 6 inches.
 - 2) Access shall be designed and maintained to support a 60,000 pound fire apparatus and be provided with an all-weather driving surface.
 - 3) Dead-end access roads exceeding 150 feet in length shall be provided with an approved turnaround.
 - 4) The inside turning radius of the access shall be a minimum of 25 feet.
 - 5) Access roads shall extend to within 150 feet of all portions of the exterior walls of the first story of the structure as measured by an approved route around the exterior of the structure or facility.
 - 6) The road shall not be more than 12% grade.
 - 7) Fire flow in the amount of 1500 gpm @ 20 psi for a minimum of 2 hours is required for the project. This is based on the proposed building of 7154 square feet and constructed of Type V-B construction. A reduction in required fire flow of up to 50% as approved for commercial buildings has been calculated due to the building being required to be provided with an approved automatic fire sprinkler system. Any changes to the structure will require a recalculation of fire flow. IFC 508.5 Amended by Kitsap County.
 - 8) Water line size and location and the location of fire hydrants must be shown on SDAP plans. A letter of water availability indicating available fire flow from the water purveyor is required to be submitted to the Kitsap County Fire Marshal's office prior to the approval of any building permits.
12. A minimum 2 of hydrants are required and should be placed no more than 400 feet from each other, up to 600 feet if protected by a fire sprinkler system for commercial building. One hydrant shall be within 50 feet of the fire department connection (FDC). IFC 508.5.1 Amended by Kitsap County.
13. Automatic fire sprinklers will be required for this project. A fire alarm shall be installed to monitor the fire sprinkler system.
14. A rapid access secured key box (eg, Knox box) will be required for buildings with a fire alarm, fire sprinkler or other fire protection system because immediate access is necessary for lifesaving and firefighting purposes. The owner or occupant will be required to provide keys to gain access to all portions of the building, including sprinkler system control valves and fire alarm panels. The key box should be located adjacent to the main entrance or as approved by the Fire Code Official. An application for a key box must be obtained from the local Fire District. Multiple key boxes may be required for large structures or facilities, depending on operational

considerations. The Fire District shall identify the required model for the applicable structure.

Development Services and Engineering accepts the concepts contained in this preliminary submittal and requires the following conditions as an element of approval:

STORMWATER

15. This project will add additional impervious area to an existing stormwater management facility. Prior to building permit approval this additional area must be evaluated for any impact to that system for compliance with KCC Title 12. This evaluation will be performed by a licensed Civil Engineer.
16. With submittal of required building permits, provide documentation that the existing stormwater management facility has been adequately maintained.
17. If the project proposal is modified from that shown on the submitted site plan dated March 29, 2016, Development Services and Engineering will require additional review and potentially new conditions.

TRAFFIC AND ROADS

18. Submit an Application for Concurrency Test (KCPW Form 1601) as required by Chapter 20.04.030, Transportation Concurrency, of the Kitsap County Code. The KCPW 1601 form reserves road capacity for the project.
19. 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 building permit. The need for and scope of bonding will be determined at that time.

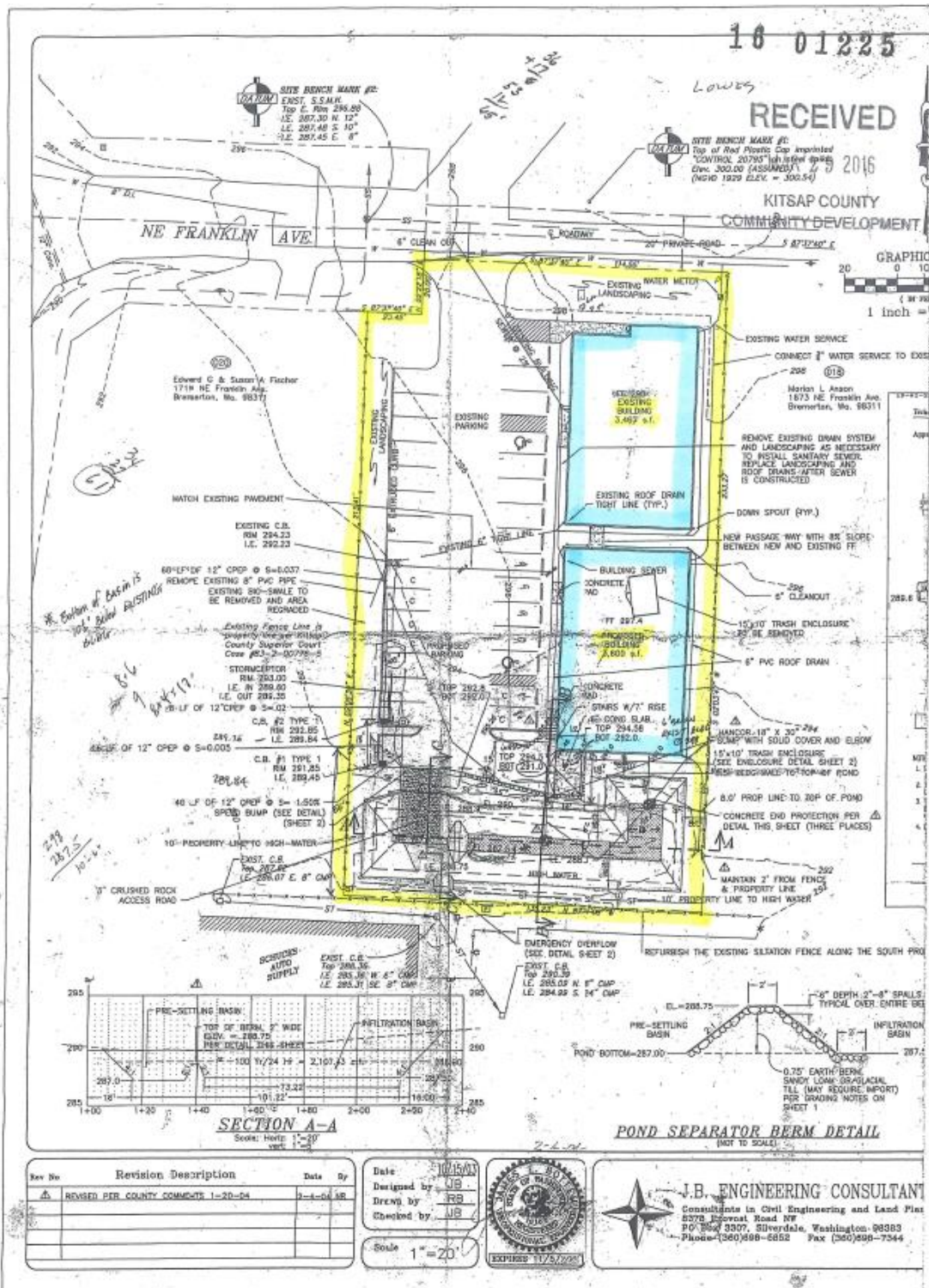
SEWER UTILITY

20. Kitsap County sanitary sewer is available for the project. Applicant needs to submit an "Application to Construct Sanitary Sewer" to KCPW Sewer Utility Division.
21. Kitsap County currently serves sanitary sewer service to the property. Any changes to the service will require approval from KCPW - Sewer Utility Division.
22. An exterior grease interceptor, using sizing criteria set forth in the Uniform Plumbing Code, will be required for the proposed kitchen.

SOLID WASTE

23. The solid waste service provider, Waste Management (360) 674-3166, shall be contacted for information on implementing the service provider's solid waste/recycling storage requirements for the proposed activity. Indicate method of waste disposal on the final plans. Documentation shall be provided by the solid waste/recycling service provider that their requirements for this project have been met. The required information shall be submitted with the commercial building permit application.

cc: Pastor Tim McNeal
Blayne & Patricia Rollman
Interested Parties: None
Kitsap County Health District, MS-30
Kitsap County Parks & Recreation Dept., MS-6
Kitsap County Development Engineering / Public Works
DCD Staff Planner Jeff Smith
DCD Code Enforcement
Hearing Examiner
Clerk of Hearing Examiner
DCD File
DCD Building Permit File



Site Plan

Traffic Analysis Map



Yellow – Traffic Routes

Lower Red Box – Church Buildings and 30 car parking lot

Upper Red Box – Park lot free use agreement with Lowes

Notes: Hwy 303 has a middle lane, traffic light at Fusion Road can easily used