



**Community and Economic Development Department Staff Report**

**Application:** Comprehensive Plan Land Use Designation and Zoning Map Amendment for Parcel 142308-9095, commonly known as WSDOT Tanner Pit Site  
**Date:** June 18, 2013  
**Proponent (via docket process):** City of North Bend

**Summary of Proposed Comprehensive Plan Land Use Designation and Zoning Map Amendment**

**Request:** On November 8, 2012, the Planning Commission reviewed the proposed 2013 Comprehensive Plan Docket List and agreed to address docket #4 which is to amend the WSDOT Tanner Pit property from Land Use Designation Employment Park to Residential and from EP-1 to LDR zone (See attached maps as Exhibit A.) The property is vacant and has historically been used for fill and excavation purposes resulting from other development. The location of this property on SE 140th Street adjacent to single family homes is not well suited to commercial or industrial uses, as permitted under the EP-1 zone.

In addition to staff support John Day of John Day Homes is also pursuing a Preliminary Plat development at this site, if the rezone is approved. However, the docket was drafted and accepted by the Planning Commission prior to John Day Homes consideration of a development proposal on the site.

**SEPA:** The proposed NBMC amendment is subject the State Environmental Policy Act (SEPA). A SEPA Determination of Non-Significance is scheduled to be issued June 26, 2013 with comment period ending July 11, 2013.

**Public Hearing:** A public hearing is required prior to a recommendation by the Planning Commission. The hearing will be scheduled for July 11, 2013.

**Comprehensive Plan and Zoning Map Amendment Process:** Comprehensive Plan and Municipal Code Amendments are governed by NBMC 20.08.070 through 20.08.110, evaluated in the staff report below.

## **A. STAFF FINDING AND FACTS:**

### **I. Context of Neighborhood**

Property to the north and east of the site is zoned LDR, to the East being the new Tannerwood Subdivision. To the west is EP-1 zone and adjacent to SE Tanner Road and SE 140<sup>th</sup>/SE North Bend Way is a mini-storage business with open storage behind. On the south side of SE 140<sup>th</sup> EP-1 zoned parcels is a mixture of vacant, residential and the Millwork Outlet which fronts SE North Bend Way.

The location of this property on SE 140th Street is adjacent to many single family homes, and some of the commercial or industrial uses permitted under the EP-1 zone may not be compatible for the area. Additionally, many local residents are interested to see a portion of this property protected for elk and

other wildlife crossing through this area. Re-designating the property to LDR would allow residential use, and better consideration of potential trail and wildlife migration issues.

## II. Impacts of Proposed Amendment

NBMC 20.08.070 and .080 requires that applications for municipal code amendments be evaluated for their environmental, economic and cultural impacts, as well as impacts to surrounding properties. These impacts are evaluated below.

- 1) **Environmental Impacts.** No significant environmental impacts are anticipated from amending the Land Use Designation and Zoning of the properties from Employment Park/EP-1 to Residential/LDR. Regulations protecting critical areas, managing stormwater runoff, and controlling floodplain impacts are governed by the Critical Area Regulations in NBMC Title 14, and apply regardless of what type of development occurs on a site. LDR Residential uses will require a minimum of 5% of the property to be developed or retained for park and open space uses. This may reduce the possible adverse impacts of the site when comparing the possible adverse impacts of the site if developed at the highest and best EP-1 use, which would not require this park/ open space areas.
- 2) **Economic Impacts.** Revising the land use designation and zoning for these properties from Employment Park/EP-1 to Residential/LDR will result in less overall land available for EP-1 commercial/industrial uses and the economic benefits that come with viable EP-1 uses, however due to the location of the site, which is accesses off 140<sup>th</sup> Street, it is questionable that site would attract highly desirable uses that are compatible with the residential surroundings. If redeveloped as LDR Residential the site would include a neighborhood park, development that is compatible with the nearby residential neighborhoods on northern side of 140<sup>th</sup> Street.
- 3) **Cultural Impacts.** No significant cultural impacts are anticipated from amending the Comprehensive Plan Land Use Designation from Employment Park to Residential, and the zoning from EP-1 to LDR.
- 4) **Impacts to Surrounding Properties.** Potential impacts to surrounding properties will be decreased by the development of residential rather than commercial or industrial, as evaluated below.
  - a. **Traffic and On-Street Parking.** A change in land use from Employment Park to Residential and in zoning from EP-1 to LDR would most likely reduce the amount of potential development in comparison to commercial or industrial uses and residential uses would generate less truck/delivery traffic than a Commercial/Industrial uses. Reducing the amount of commercial traffic off SE 140<sup>th</sup> will help to preserve the residential character of the area north of SE 140<sup>th</sup>. Additionally, applications for any new development will be required to provide a traffic study identifying the impacts of traffic generated from the use to City streets, which the City uses to require appropriate mitigation measures, and provide a transportation impact fee, which the City uses to fund transportation improvements to maintain levels of service. New development would also be required to meet its parking requirement, and therefore will not impact on-street parking for adjacent uses.
  - b. **Noise.** The amendments will result in less commercial and industrial activity and therefore the noise could reduce overall at build out. Residential developments include open space and new EP-1 uses adjacent to this site would be required to provide 30' of Type I landscaping. Additionally, all uses within the City are subject to the Noise Abatement and Control Regulations in Chapter 8.26 of the NBMC. These regulations establish maximum

- permissible noise levels measured at a property boundary at any time of the day, and establish a lower maximum between the hours of 10pm and 7am.
- c. **Light glare.** Unlike industrial or commercial uses residential uses do not require exterior lighting for parking areas and security around the perimeter of the building and/or property. If lighting is proposed in open space, park or trail areas it will be subject to compliance with the exterior lighting standards, which includes requirements to provide full-cutoff lighting fixtures and limitations on light level spillover at property boundaries.
  - d. **Disharmony to adjacent uses.** Commercial and Industrial developments permitted in EP-1 may be considered out of scale or context to existing adjacent single family homes in the area. The proposed residential use is compatible with the new Tannerwood subdivision to the east, and LDR zones to the north and northeast. With the exception of the adjacent parcel to the west (which is accessed off Tanner Road and North Bend Way), no other industrial properties are located on the north side of SE 140<sup>th</sup>, establishing a residential character to this area. Industrial development north of SE 140<sup>th</sup> could be out of scale and context with this residential character. The residential use will not negatively impact the existing storage business in EP-1 zone to the west, and future re-development of that site would be evaluated at that time. The residential design standards in NBMC 18.34 as well as the landscape regulations in NBMC 18.18 provide standards addressing the layout and appearance of proposed residential developments, and include provisions to ensure compatibility to surrounding uses and buffering to adjacent uses. Conformance to the design standards and landscape regulations should ensure compatibility with adjacent uses.

### **III. Compatibility of Proposed Amendment with North Bend Comprehensive Plan (NBCEP)**

In accordance with NBMC 20.08.070 and .080, applications for municipal code amendments must be evaluated for compliance with the Comprehensive Plan.

The Comprehensive Plan on p. 20 of the LU Element, calls for minimizing and mitigating incompatible land uses between residential and non-residential properties by way of setbacks, landscaping, and design guidelines, and providing limitations on permitted uses in specific locations. LU Policy 1.10 calls for protection of residential zoning districts from adverse impacts created by land uses permitted in adjoining commercial or industrial zoning districts. LU Policy 1.11 calls for the promotion of compact development within existing neighborhoods in an effort to reduce sprawl by creating development regulations that allow smaller lot infill development at a scale and intensity that preserves existing neighborhoods.

This proposal as recommended by staff limits commercial and industrial uses allowed by the EP-1 zone that could be of greater impact to the residential character of the area. The amendments are consistent with the Comprehensive Plan.

### **IV. Compatibility of Proposed Amendment with the North Bend Municipal Code (NBMC)**

In accordance with NBMC 20.08.070 and .080, applications for municipal code amendments must be evaluated for compliance with the North Bend Municipal Code. NBMC Section 18.10.020(A) established the purpose of the LDR zone shown below. Future applications to develop this site will need to comply with these provisions, as well as all provisions related to residential development established in the code.

18.10.020(A). Purposes – LDR District.

1. Provide for neighborhoods of predominately single-family structures at a gross density of four (LDR-4) dwelling units per acre as designated on the zoning map;
2. Accommodate other uses compatible with single-family residences and other types of innovative styles of residential units including accessory dwelling units and up to 15 percent of cottage housing with planned neighborhood district (PND) approval;
3. Maintain the integrity and character of existing neighborhood areas, including requiring that all units be held in fee simple ownership status;
4. Create attractive and satisfying neighborhood environments for family life;
5. Ensure that adequate sewer, water, and other utilities and services are provided;
6. Provide for public amenities such as passive and active recreation areas, open space, and trails and promote the opportunity for area-wide coordination and continuity of pedestrian, bicycle, and greenbelt corridors;
7. Assure development gives due consideration to existing development or that which can be reasonably anticipated on adjacent lands, with respect to common infrastructure requirements and compatibility of uses;
8. Promote a traditional neighborhood development pattern and scale which serves to maintain and enhance existing small-city character and pedestrian orientation;
9. Implement provisions of the comprehensive plan, including the vision plan, related to residential areas.

## **B. RECOMMENDED AMENDMENTS:**

### **I. Comprehensive Plan Land Use Map.**

The underlying Land Use Designation on the Comprehensive Plan Land Use Designation Map (Figure 1-1) for Parcel 142308-9095 along SE 140<sup>th</sup> Street, commonly known as the WSDOT Tanner Pit site shall be revised from Employment Park to Residential.

### **II. Zoning Map.**

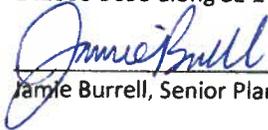
The City's Official Zoning Map shall be amended for Parcel 142308-9095 from Employment Park 1 (EP-1) zone to Low Density Residential (LDR) zone.

## **C. RECOMMENDATION**

Note – the above amendments have not yet been noticed to the Public and to property owners within 300 feet of the subject properties. Notification will be done in association with the public hearing required prior to a Planning Commission recommendation. The Planning Commission will need to

consider public comment received at the hearing prior to making their recommendation. Following consideration of public comment, the Planning Commission may provide a recommendation as appropriate.

After consideration of the above findings and analysis, staff recommends amendments to the Comprehensive Plan Land Use Map and Zoning Map, as provided in section A, above, applicable to Parcel 142308-9095 along SE 140<sup>th</sup> Street, commonly known as the WSDOT Tanner Pit site.

  
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Jamie Burrell, Senior Planner

8/9/2013  
Date

**Planning Commission Recommendation**

Based on the findings and analysis above, the North Bend Planning Commission recommends that the City Council **APPROVE** the amendments to the Comprehensive Plan Land Use Map, Zoning Map, as provided in section A, above, applicable to Parcel 142308-9095 along SE 140<sup>th</sup> Street, commonly known as the WSDOT Tanner Pit site.

  
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Planning Commission Chair

8/9/2013  
Date

**Exhibits:**

- 1) Docket List
- 2) City of North Bend Comprehensive Plan Land Use Map, showing area of proposed amendment
- 3) City of North Bend Zoning Map showing area of proposed amendment