



## Administrative Staff Report

**Report Date:** June 01, 2023

**Application Submittal Date:** February 16, 2018

**Application Complete Date:** March 07, 2018

**Project Name:** Silver View Apartments Hearing Examiner Remand and Appeal

**Type of Application:** Type-II Administrative Conditional Use Permit

**Permit Number:** 18-00731 (HE Administrative Appeal 20-04126)

### Project Location

9506 Mickelberry RD NW  
Silverdale, WA 98383  
Commissioner District # 3

### Assessor's Account #

212501-1-058-2000

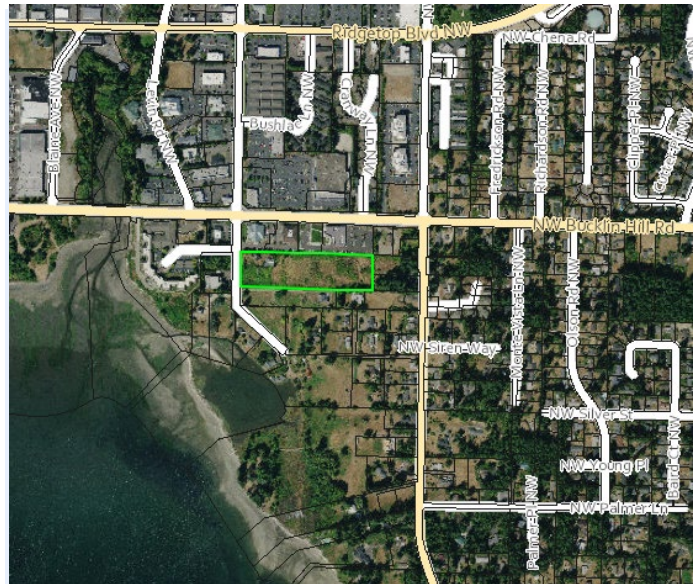
### Applicant/Owner of Record

Silver View, LLC  
9615 Levin RD NW STE 100  
Silverdale, WA 98383

### Decision Summary

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

### VICINITY MAP



### 1. Background

Silver View LLC is requesting to develop a 5.34-acre parcel with the construction of four 3-story over basement apartment buildings of 40 units each; one single-story 3,280 square foot clubhouse building, housing a management office, fireside room, workout space, flex-space, and restrooms; a separate structure housing 16 covered carport stalls, and 10 mini-storage spaces. Other site amenities include a concrete patio/gathering space outside the clubhouse and a small-fenced play area for pets. Potable water will be provided by Silverdale, Water District. Sanitary sewage disposal will be provided by Kitsap County Wastewater Division. Vehicular access is to be provided via direct access to NW Mickelberry Road.

The proposal is for the construction of 16 multi-family residential units within four separate 31,295 square foot buildings and an associated 4,032-sf community club house. A garage of 5,311 square feet and carport structures totaling 17,618 square feet are also planned. There are 245 proposed parking spaces provided for the development, of which 18 will be private spaces. This parking entails a 25% parking reduction approved administratively through a

Director's decision. The parking-reduction findings require that development access be provided to the nearby Kitsap Transit bus stop facility found on NW Bucklin Hill Rd. As a component of the parking reduction findings, 75 transit passes will be provided to residents for a ten-year period.

Stormwater treatment and detention control facilities are planned to occur on site and will be conveyed to the existing stormwater system at NW Bucklin Hill Road.

A small Category IV wetland is in the center of the parking area and is planned for preservation and enhancement. Wetland impacts are not expected. The onsite wetland is not considered a regulated feature for additional buffers per 19.200.210.C and meets code requirements. To enhance the wetland functions, stormwater management will use innovative techniques for water treatment adjacent to the wetland to re-create the functions and values of the on-site wetland by metering and augmenting flows as needed. Due to the presence of a shallow groundwater table on site, subsurface flows will be captured in a perforated pipe system and conveyed via High Density Polyethylene (HDPE) pipe, where it will then be dispersed into a rip-rap pad next to the NW Mickelberry Road ditch system, maintaining the natural hydrology of the site.

The project grading estimates are 26,377 cubic yards, comprised of 7,362 cubic yards of cut and 19,015 cubic yards of fill. The subject project will be served by Silverdale Water District and Kitsap County Wastewater Division. With the recent Kitsap Code update this proposed project would now be reviewed as a permitted use for land use and would go directly to a Type-II land use decision within a Site Development Activity Permit (SDAP).

The Kitsap County Hearing Examiner conducted a public hearing on November 12, 13, 19 and 23, 2020 to hear the appeals on the Revised SEPA determination, dated April 28, 2020, and the ACUP decision, dated August 26, 2020, by the Dyes Inlet Preservation Council and Maynard's Restaurant. The Hearing Examiner issued a decision on December 28, 2020. The Hearing Examiner remanded the application back to staff based on information in the public record and public testimony. The Examiner determined there were issues of material detriment, which included use compatibility, plan consistency with stormwater engineering and management, artesian aquifer protection, potential traffic impacts, off-street parking, and design standard guidelines within the Silverdale Waterfront District. The Examiner believed design guideline consistency is a greater issue based on combability, the wetland issue regarding critical area codes and Comprehensive Plan consistency. These issues of concern are addressed, as follows:

- *Wetland impacts,*
- *Design standard consistency management system design,*
- *Hydrogeological risks,*
- *Wetland sizing/protections,*
- *Traffic impacts,*
- *Stormwater design and hydrology were the Examiners greatest concern.*

## **2. Project Request**

Silver View LLC is requesting approval of an Administrative Conditional Use Permit to allow

for the construction of four multifamily apartment buildings totaling 160 units.

### **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 a DS and the necessity for an EIS is called a threshold determination. A separate notice of the threshold determination is given by the County. If the threshold determination is not appealed, it becomes part of the hearing record as it was issued, since it cannot be changed by the Hearing Examiner if not appealed.

**Land Use/SEPA Appeal permit number 20-04126:** A SEPA MDNS was first issued on April 28, 2020. The Land Use Decision was issued on August 3, 2020, and later revised on August 26, 2020. The SEPA MDNS was appealed to the Kitsap Hearing Examiner, as well as the preliminary land use approvals for the apartment complex. The HE decisions were for a Revised Administrative Conditional Use Permit and a Revised Mitigated Determination of Non-Significance (MDNS). The SEPA and Administrative appeal hearing was combined into one appeal hearing, where the Hearing Examiner determined that the appellant identified several issues requiring further explanation and remanded the project back to the Department to address the issues and revise the associated SEPA determination, specifically issues around stormwater management, wetlands, aquifer protection, transportation, and project design. The Hearing Examiner issued its findings on December 28, 2020.

A Mitigated DNS is issued under WAC 197-11-340(2), requiring an additional 14-day comment period and public notice.

### **COMMENTS**

The SEPA comment period previously occurred concurrent with the Notice of Application dated March 09, 2018. A comment was received from Kitsap Transit, requesting the addition of a trail (or a public connection) to accommodate the new ridership expected to be generated by the project. Comments were also received by the Suquamish Tribe, Department of Ecology and the Washington State Department of Fish and Wildlife regarding wetland delineation concerns.

At conclusion of the November 2020 appeal hearing, the Hearing Examiner determined there were issues that require further review, revisions, and analysis. The result was a remand of the permit and SEPA MDNS.

The issues identified and remanded back to staff included the following: Land use and plan compatibility, consistency with stormwater engineering and management requirements, artesian aquifer protection impacts, potential traffic impacts, off-street parking and design standard guidelines, and the impacts to the on-site wetland. These issues of concern are addressed with mitigation as follows:

### **PROJECT CONDITIONS**

1. The proposal has been reviewed and will be conditioned for stormwater control per Kitsap County Code Title 12 and critical areas per Kitsap County Code Title 19.
2. The project is conditioned to follow Kitsap County Comprehensive Plan (revised June 2016, amended April 2020) which also requires concurrence with the Silverdale Sub-area Plan (Waterfront District) and land use regulations.

### **PROJECT MITIGATION MEASURES**

#### **LAND USE COMPATIBILITY**

1. The project is required to comply with KCC 17.420.030 and KCC 17.500.027 which includes functional screening buffers of the site along the east and south property lines to reduce visual and light impacts onto the adjacent Urban Restricted zone. Building facades adjacent to this Urban Restricted zone shall also conform to this code by modulation of the building to reduce massing impacts. Consistent with the Comprehensive plan the project is required to comply with all applicable provisions of Kitsap County Code and all other applicable regulations, including all applicable development standards of the Silverdale design standards for the Waterfront District.

#### **STORM DRAINAGE**

The proposal has been reviewed and will be conditioned for Stormwater Control per Kitsap County Code Title 12 to address the following:

1. The project proposes to discharge stormwater into a wetland. SDAP submittal shall follow guidelines set forth in Appendix I-D of DOE's 2012 SWMMWW (amended 2014). Wetland hydrology analysis shall be included in the final storm drainage report and concurrence from the wetland consultant must be provided prior to SDAP approval.
2. In accordance with Kitsap County Code Title 12 and the Kitsap County Stormwater Design Manual, all stormwater conveyance lines not located within the right-of-way shall be located in a minimum 15-foot-wide drainage easement that grants Kitsap County right of access for inspection, maintenance, and repair. A landscaping buffer is proposed within the stormwater easement area along the southern property line. As such, an HDPE pipe is required in this area to reduce planting impacts to the pipe and system.

#### **CRITICAL AREAS**

#### **WETLAND MITIGATION**

1. The Category 4 wetland located on site will not be altered and will be enhanced using a restoration protocol coordinated with Soundview Consultants, Terra Science, and

reviewed by County staff. The 355-square-foot wetland will be incorporated within the landscaping area and enhanced with native plantings to increase wetland habitat functions and values. A wetland water balance will be reviewed and addressed at time of SDAP submittal.

#### ARTESIAN AQUIFER VULNERABILITY

1. Based on the review of the structural plans by the Hydrogeologist Robinson Noble, (report dated June 4, 2021), footing excavations will be approximately 2-feet deeper than the elevation of the finished floor. In review of Figures 5 through 12 of the report, the hydrogeologist demonstrates that there is a substantial thickness of till remaining below the bottom of the proposed excavations. Furthermore, none of the planned excavations will be deeper than the midpoint of the observed till thickness. Additionally, only minor seepage was encountered in the till during drilling. Based on these observations, the hydrogeologist believes that the remaining till thickness should continue to serve to confine the water table in the underlying sand and gravel. Excavations associated with the proposed development do not present a significant risk of breaching the till and causing uncontrolled aquifer discharge. Any changes from the reviewed plans shall be evaluated to ensure that the integrity of the till-capping layer is maintained. This review will be required at time of SDAP.

The following conditions and mitigation measures, listed below, shall also be required pursuant to SEPA Substantive Authority (KCC 18.04.200.D):

#### TRAFFIC AND RIGHT OF WAY MITIGATION

1. Frontage improvements, consisting of 11-foot travel lanes, vertical curb and gutter, and 5-foot-wide sidewalk are required along the entire property frontage on Mickelberry Road NW.
2. A transit stop/bus shelter pad will be provided on the frontage of NW Bucklin Hill Road. The pad will be a 6-foot by 14-foot concrete pad located parallel to the planned sidewalk. As a component of the parking reduction findings, 75 Kitsap Transit passes will be provided to residents for a ten-year period.
3. Sidewalks and ramps from the project site to the bus stop shall conform to the current requirements of the Americans with Disabilities Act per WSDOT standard plans at the time of construction. Transit stop directional signage will be provided.
4. Prior to completion of this permit with the Department of Community Development, the Applicant shall apply for and satisfy all conditions of a Right-of-Way Permit through the Department of Public Works for any, and all work performed in the county Right-of-Way associated with this project. Apart from the Site Development Activity Permit (SDAP), the Right of Way permit may require additional work to comply with current Washington State Department of Transportation or Kitsap County Road Standards. You may contact Kitsap County Public Works, Right-of-Way Division at (360) 337-5777 to obtain a Right-of-Way permit.

The SEPA 14-day comment period was through February 21, 2023. The appeal period expired

on March 7, 2023. An administrative appeal was filed February 27, 2023 (23-00913).

**4. Physical Characteristics**

The subject property is 5.34 acres in size and is rectangular-shaped (250 feet x 926 feet) running east to west. The western part of the property includes an old 1,472 square feet single-family residence constructed in 1912 with associated infrastructure, including outbuildings (carport and barn), utilities, and access from a gravel driveway and the rest of the property is unmaintained. The property was historically used for farming/agricultural uses such as raising poultry and was later used for grazing cattle. Vegetation on the subject property is dominated by grasses with areas of non-native, invasive Scotch broom and Himalayan blackberries. Topography on the site slopes gently downward from the northeast to the west-southwest, with elevations ranging between approximately 60 feet in the northeast corner of the site to 25 feet in the southwest corner. Slopes on the site average 4% with 12% being the steepest natural grade. The project site is approximately 325 feet from the shoreline of Dyes Inlet of the Puget Sound.

**Table 1 - Comprehensive Plan Designation and Zoning**

Comprehensive Plan: <i>Urban High Intensity Commercial</i> Zone:Regional Center	Standard	Proposed
Minimum Density	10	10 (5.43 acres (net developable acreage not provided) x 10 = 54.3 or 54 minimum units) 30 (5.43 acres x 30 = 162.9 or 163 maximum units)
Maximum Density	30	
Minimum Lot Size	NA	NA
Maximum Lot Size	NA	NA
Minimum Lot Width	NA	NA
Minimum Lot Depth	NA	NA
Maximum Height	55 ft/85 ft	4 stories, <36 feet
Maximum Impervious Surface Coverage	85%	67% (4.02 acre)
Maximum Lot Coverage	NA	NA

Applicable footnotes: KCC 17420.060.A

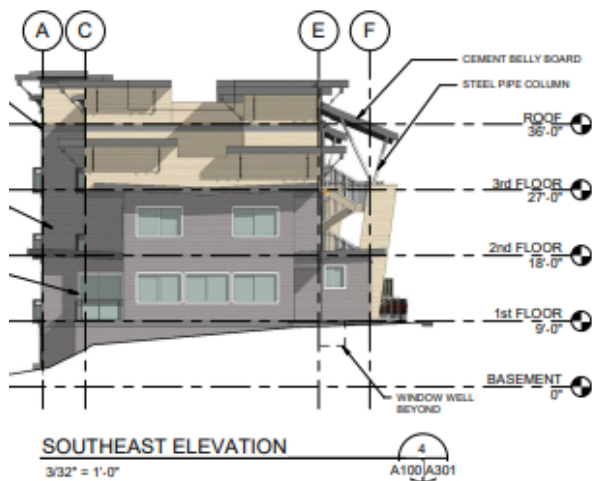
Footnote #17. A greater height may be allowed as set forth below and in accordance with the procedures in KCC Title 21. Such approval must be consistent with the recommendations of the fire marshal/fire district and compatible with surrounding uses and zones. Such approval shall result in a decrease in building coverage, an increase in public amenities, and/or a more creative or efficient use of land. The maximum building height approved by the Director shall not exceed:

- a. In the NC and P zones: forty-five feet.
- b. In the UH and C zones: sixty-five feet.

Footnote #21: 20 feet when abutting a residential zone.

Footnote #33: Except for the height and density requirements reflected in Section 17.420.058, Silverdale regional center and design district density and dimension table, all development within the Silverdale design district boundaries must be consistent with the Silverdale Design Standards.

Staff Comment: *The applicant is requesting a structure height of 36 feet well below the 55-foot height requirement.*



**Table 2 - Setback for Zoning District**

	Standard	Proposed
Front (West)	20 feet	30 feet
Side (North)	10 feet	40 feet
Side (South)	10 feet	20 feet (per footnote #21)
Rear (East)	10 feet	20 feet (per footnote #21)

**Table 3 - Surrounding Land Use and Zoning**

Surrounding Property	Land Use	Zoning
North	Medical Building / Social Security Building / Restaurant	Regional Center (RC)
South	Single Family Residences on acreage lots	Urban Restrictive (UR)
East	Single Family Residences on acreage lots	UR
West	Utilities (Qwest) / Multifamily Senior Housing	UR

**Table 4 - Public Utilities and Services**

	Provider
Water	Silverdale Water
Power	Puget Sound Energy
Sewer	Kitsap County
Police	Kitsap County Sheriff
Fire	Central Kitsap Fire & Rescue
School	Central Kitsap School District #403

**5. Access**

Access to the site is from NW Bucklin Hill Road, a Minor Arterial to Mickelberry Road NW, which is a County maintained Local Access Road. Local access roads typically provide direct access to properties and provide access to the arterial road network.

**6. Site Design**

Within the Commercial zone the apartment complex is a permitted use, but conditionally approved by an Administrative Conditional Use Permit (ACUP), per Kitsap County Code (KCC per 17.240 Commercial Zone). The request was reviewed for consistency with KCC 17.540, the intent of the Commercial zone and compatibility with the abutting residential development, adjacent commercial uses, and the pedestrian circulation/traffic.

The development was reviewed for consistency with requirements in KCC 17.410.042



Allowed Uses, KCC 17.420.030 Design Standards, KCC 17.420.052 Commercial, Industrial, Parks and Public Facilities Zones Density and Dimensions Table, and Chapter 17.540 Administrative Conditional Use Permit. KCC 17.110.250 defines dwelling, multi-family, as a building or portion thereof containing three or more dwelling units and designated for occupancy by three or more families. The information below includes planning review categories in KCC 17.420.030 (Design Standards).

**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:

*(See listed Comprehensive Plan policies in previous staff report, dated August 26, 2020, and applicant provided a response to comprehensive plan polices, dated...)*

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 11	Kitsap County Road Standards
Title 12	Storm Water Drainage
Title 13	Water and Sewers
Title 14	Buildings and Construction
Title 17	Zoning
Chapter 17.420	Silverdale Design Standards
Chapter 18.04	State Environmental Policy Act (SEPA)
Title 19	Kitsap County Critical Area Ordinance
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>
ACUP Supplemental Application Revised	July 11, 2022
Silver View-Exterior Finish Exhibit	July 21, 2022
Revised Environmental (SEPA) Checklist	July 21, 2022
Revised Response to Comprehensive policies	July 14, 2022

Revised Preliminary Drainage Report	July 21, 2022
Silver View Wetland Memorandum	June 23, 2021
Revised Site Plan Color	July 21, 2022
Parking analysis and Reduction Request	July 21, 2022
Revised Architectural Narrative	July 21, 2022
Offsite Wetland Technical Memorandum	December 17, 2021
Revised Robinson Noble Hydrology Assessment	June 4, 2021
Pedestrian Connectivity Plan	July 21, 2022
Silver View Photometric Plan	June 21, 2022
Revised Building Elevations	July 21, 2022
Revised Landscape Plans	December 17, 2021
Response to Appeal Issues	March 30, 2023
Revised Architectural Narrative Response...	July 15, 2022
<u>Staff Communication</u>	<u>Dated</u>
Dev. Services & Engineering Memo	December 12, 2022
Revised SEPA DNS	February 03, 2023

## 9. Public Outreach and Comments

Pursuant to KCC Title 21, Land Use, and Development Procedures, the Department gave proper public notice 800 feet around the subject property for the Silver View Apartments Administrative Conditional Use Permit - Remand.

## 10. Analysis

### a. Planning/Zoning

The proposal is for multi-family housing for apartments, which in current code is permitted use. The project is conditionally approved under an ACUP within the Regional Center commercial zone for this project. The proposal has been reviewed for consistency with the intent of the Regional Center zone and compatibility with the abutting single-family, multi-family residential developments and adjacent commercial uses. The proposal has been reviewed for consistency with requirements KCC 17.420.030 Design Standards that require that the applicant provide for functional screens, and pedestrian circulation/traffic to avoid pedestrian-vehicle conflicts. In addition, the project was reviewed for consistency with KCC 17.470 Multifamily Design Standards and the Silverdale Design Standards.

### Kitsap County Code 17.420.030.C-G, Design Standards:

#### C. Exterior Lighting.

Staff Response: *The project is conditioned for urban lighting requirements. Please see Condition 13.*

#### D. Screening of Equipment, Storage, and Refuse Areas.

1. All roof mounted equipment screened

*Staff Response: The proposal includes the use of parapet roof extensions to screen any rooftop mounted equipment. The project has been conditioned for screening requirements. Please see Condition 15.*

2. Locate service area, outdoor storage areas and other intrusive site features away from neighboring properties.

*Staff Response: There are no other service areas proposed. No outside storage or other intrusive site features are proposed or are authorized.*

3. Every parcel with a structure shall have a trash receptacle on the premises.

*Staff Response: Solid waste enclosure locations are adequately screened with vegetation and fencing. Please see Conditions 57-60.*

#### **E. Access and Circulation.**

1. Pedestrian Access

*Staff Response: The proposal includes sidewalk improvements along Mickelberry Road NW and along the north property line. Sidewalks and crosswalks are also proposed along building entrances. Sidewalks have been conditioned for ADA compliance. During SDAP submittal staff requests added mitigation measures to help increase pedestrian safety, which include colored, raised, and/or textured pavement, in addition to pavement markings to delineate pedestrian crossings across the driveways. Staff recommends that pedestrian access be provided across double row landscape islands and move accessible parking spaces to center of parking rows to help provide for building sidewalk access. Please see Condition 63.*

2. Development shall be limited one ingress/egress along a public arterial.

*Staff Response: The development is consistent with this requirement and only one access point is proposed.*

#### **Kitsap County Code 17.470, Multi-Family Design Criteria**

##### **17.470.040 Fences and walls**

**A. Requirement.** Design the site to minimize the need for fences and walls that inhibit or discourage pedestrian use of sidewalks or paths, isolate neighborhoods, or separate neighborhoods from main roads.

*Staff Response: The proposal includes fencing that is required for screening of adjacent incompatible uses. Per comments dated July 15, 2022, the applicant agreed to proposing a 6-foot solid cedar wood panel fence to help provide additional project screening from the Urban Restricted zone. The development is consistent with this requirement.*

**17.470.050 Recreation centers, mailboxes, site lighting, bus stops**

A. Requirement. Provide adequate lighting, screening, and pedestrian access to supporting facilities such as recreation centers, mailboxes, play yards, bus stops and dumpsters. If otherwise required as a condition of project approval, locate passenger shelters in well-lit areas with access to the multifamily walkway network. Provide for shielding and directing of light to minimize impacts upon residents and abutting property owners.

*Staff Response: The applicant will be providing bicycle parking throughout the project site.*

**17.470.060 Grading and tree/vegetation retention**

A. Requirement. To the extent reasonable and practicable, multifamily projects shall be designed to minimize impacts to existing topography and vegetation.

*Staff Response: The subject property is vegetated with mostly brush and invasive groundcover. Though clearing will occur, there is not any existing marketable timber onsite and will not trigger timber harvest thresholds. The topography of the site is less than 15% slopes and is not considered a geologic hazards area.*

**17.470.070 Open space**

A. Requirement. Open space shall be provided in or adjacent to multifamily development for all the residents of the development.

*Staff Response: The proposal includes open space amenities such as a courtyard, which includes a trail that is proposed to be outside of the required landscaped buffers. A clubhouse with meeting space, exercise equipment and a dog park are included as recreation facilities.*

**17.470.080 Landscape design**

A. Requirement. In addition to the requirements in Chapter 17.500, landscaping and supporting elements (such as trellises, planters, site furniture or similar features) shall be appropriately incorporated into the project design.

*Staff Response: During preliminary review, this requirement for a landscaping plan has been satisfied. This will be further analyzed with the Site Development Activity Permit. Please see Condition 4.*

**KCC 17.470.100 Multifamily -Site Design -Screening**

Requirement. Provide adequate screening for support facility needs associated with multifamily developments.

*Staff Response: Support facilities such as the solid waste enclosures/dumpster is located adjacent to parking, around the project site, and will be fully screened within enclosures.*

**KCC 17.470.0110 Multifamily - Signs**

Requirement. Minimize the amount of signage needed to identify the multifamily development.

Staff Response: Signage will be reviewed for consistency when a sign permit is submitted to the Department per 17.510.100.

**b. Lighting**

Consistent with KCC 17.420.030 Design Standards and 17.105.110 artificial outdoor lighting, if necessary, the lighting should be arranged so that light is fully shielded from the side view, directed downward, and away from adjacent single-family residential properties. Not more than one-foot candle of illumination may leave the property boundaries. The project has been conditioned and the applicant has provided a functional screen along the south and east property lines between the Urban Restricted Residential zone and the commercial zone, consistent with KCC 17.500.027. This is required to help mitigate potential glare impacts (See Photometric Map .LC-001).

Staff Response: Staff will review for urban lighting requirements at the time of Building Permit submittal for location and shielding specifications (See Photometric Study dated July 21, 2022).

**c. Off-Street Parking**

The project is required to provide adequate off-street parking consistent with the standards in KCC 17.490 Off-street Parking and Loading. Pursuant to KCC 17.490.030 number of required spaces. The project is required to provide the minimum off-street parking for multi-family at a ratio is 1.5-spaces per unit and 0.5 per unit of overflow and set-aside parking. The applicant is proposing 245 off-street parking spaces, which includes 159 standard spaces, 69 compact spaces, and 18 single occupancy garages. There will be 10 ADA (accessible) off-street parking spaces for the clubhouse and 2 for each building. The owner is proposing to implement two traffic reduction measures as allowed.

The applicant is requesting up to 25% reduction of off-street parking pursuant to KCC 17.490.030 A.1. The applicant met with Kitsap Transit on August 2018 to implement two traffic control reduction measures as allowed per Code and WAC 469-63 Trip Reduction. There is an agreement to pay towards a traffic shelter (\$8,000) 2) providing up to of 75 bus passes for 10 years for project residences.

Justification for Multifamily Parking Reduction Request

Applicant Response: As allowed by KCC 17.490.030.A.1. "Relaxation of Required Spaces," the applicant is requesting the Director of Community Development to authorize up to a 25% reduction to the minimum amount of required off-street parking for this development.

1. Proposed parking ratios for a trip demand reduction or public transit availability to forecasted minimum number of parking spaces.

2. Peak Parking Demand Calculation: An independent peak parking demand calculation was completed by applicant using the current (5<sup>th</sup>) edition of the ITE Parking Generation Manual. The applicant’s data was based on 73 different sites which averaged 261 apartment units. At 90% capacity with a peak parking demand of 189 parking spaces that equates to 210 spaces. The applicant asserts this is consistent with the 25% reduction allowed by Kitsap County Code.
3. Kitsap Transit Access: Applicant states that the proximity to transit services should reduce the need for personal vehicle ownership at the proposed project and provide an alternative mode of travel for visitors thus reducing the overall needed parking supply for the project.

**d. Bicycle Parking**

The project is required to be consistent with bicycle parking requirements, pursuant to KCC 17.490.020(H)(10). It recommended that applicant provide bicycle parking at a ratio of 1 space per 10 vehicle spaces and is required at a ratio 1 space per 20 vehicle spaces. The applicant is providing 245 parking spaces which requires a range between 12 to 25 bicycle parking spaces. The civil site plan for the SDAP will be required to show the distribution of bicycle parking across the project site.

Applicant Response: Sheet A-010 was revised during the last round of comment responses to better indicate the locations of bicycle storage racks, calling out each location of storage rack. This note remains at each location, and a table indicating the number of spaces provided has been added to sheet A-010C. We are providing bicycle storage racks with capacity of (4) bicycles at a total of (5) places around the site in front of each building and clubhouse for a total of 20 weather-protected bicycle storage parking spaces.

**Table 5 - Parking Table**

Use Identified in 17.490.030	Standard	Required Spaces	Proposed Spaces/Existing Spaces
Multifamily (Condos / Townhomes / Apartments)	1.5 per unit + 0.5 per unit on street or set aside	240 + 80 on-street or set aside = 280	159 standard + 69 compacts 98 + 18 single occupancy garages = 245 (25% reduction requested)
Total		320	245

**e. Signage**

Pursuant to KCC 17.510 Sign Code the applicant can apply for signage near the entrance to the apartment complex during or after construction. Signage is not proposed currently. To be consistent with 17.510.100.E Monument Signs, any stand-alone

monument sign will need to be coordinated with the Certificate of Occupancy with one sign per road frontage (see Conditions).

**f. Landscaping**

The project is required to be reviewed for consistency with KCC 17.500 Landscaping and 17.700 Appendix A. The Landscaping Plan is required to show how all disturbed areas, buildings and structures, and off-street parking areas are to be landscaped. Landscaping is calculated based on total site area. The applicant submitted a revised preliminary landscaping plan which is consistent with landscaping standards in KCC 17.500, landscaping for size, spacing and function. The landscaping plan to be submitted as part of the Site Development Activity permit will require more information on landscaping around the commercial site parking area for screening from the residential use and reduce the intensity of the commercial land use against the wetland buffer.

*Staff Response: The applicant has submitted a preliminary landscaping plan and plant schedule with the preliminary land use proposal. Consistent with a review of comments by staff, the applicant has included a Screening buffer with a screening fence added on the south and east zoned Urban Restricted zone. (See Condition #2 below).*

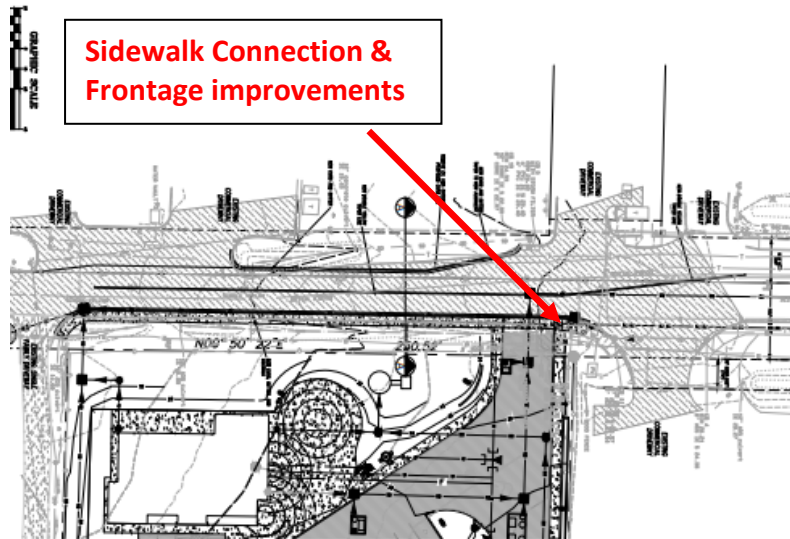
**Table 6 - Landscaping Table**

	Required	Proposed
Required Landscaping (Sq. Ft) 15% of Site	5.33 acres total site area. 15%= 0.8 acres or 34,848 square feet	59,677 square feet or 1.37 acres (25%) proposal, exceeding 15% requirement.
Required Buffer(s) 17.500.025		
North	Separation Buffer	Separation Buffer
South	Solid Screening Buffer	Solid Screening Buffer
East	Solid Screening Buffer	Solid Screening Buffer
West	Roadside and Setback Buffer	Roadside and Setback Buffer
Street Trees	Yes	Yes

**g. Frontage Improvements**

The project was reviewed for potential pedestrian and vehicular traffic impacts, which included analysis of adjacent intersections to monitor the vehicular level-of-service. There are property frontage improvements required along Mickelberry Road NW consisting of an 11-foot travel lane and 5-foot sidewalks. (Please see Condition 35).

### Diagram of Pedestrian Improvement Frontage improvements



#### h. Design Districts/Requirements

The property is within the Silverdale Design Standards, Waterfront District. Below is the analysis of the required design standards. (See comments- Revised Architectural plans, and Narrative, dated July 15, 2022, below).

#### i. Development Engineering/Stormwater

The project proposes to collect and convey stormwater runoff from the site west along the main access road to a diversion structure near Mickelberry Road NW. The diversion structure will convey the minimum required by code to a cartridge style filter system which will provide water quality mitigation. The portion of stormwater runoff, beyond the water quality requirement, will be diverted to a stormwater vault/pump station. Stormwater from the cartridge style filter system will discharge into the stormwater vault/pump station where all stormwater from the developed site will be pumped to the storm drainage conveyance system located at the intersection of Mickelberry Road NW and NW Bucklin Hill Roads. According to the owner of the project the County has designed the storm drainage conveyance system located in NW Bucklin Hill Road to convey the under-drained stormwater discharge from this project. Storm water discharge to the County system is anticipated to be without detention. Except for providing amended soils, the project is not proposing the use of any other LID BMPs due to the perched groundwater table and inability for onsite infiltration/dispersion. The geotechnical report does not recommend infiltration as an option for this site. The majority of the project's stormwater runoff is proposed to be collected, treated, and conveyed via a system of catch basins and pipes to an existing storm system located in NW Bucklin Hill Road; this existing storm system empties into Dyes Inlet at the same location where Clear Creek flows into Dyes Inlet. The remainder of the project site runoff will be collected treated and conveyed to a natural discharge point at the southwest corner of the site (see Attachment - B).

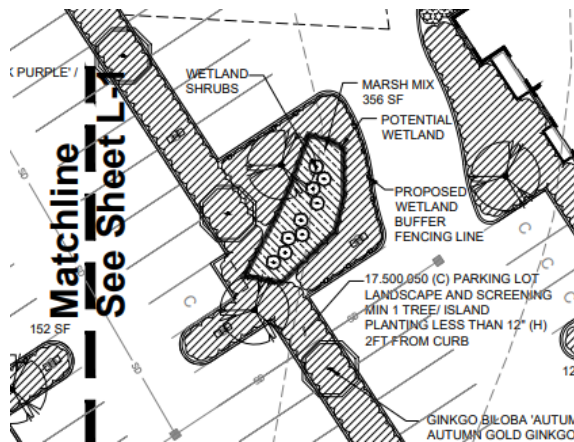


## j. Environmental

### Wetland

Kitsap County resource maps show approximately one-half of the property contains hydric soils. A small onsite wetland was delineated and confirmed by DOE and agency review rough multiple years and seasons. The described wetland is a sloped wetland, 355 square feet in area and was delineated during joint site visits in June 2018, and March of 2019. Additional information and details are provided in a Wetland Technical Memorandum dated May 27, 2021, that is included in the record.

### Category IV Wetland Restoration Site



There was a concern that another wetland was located on the property based on hydrology and potential plant indicators. A recent comment from September 17, 2021 questioned an offsite wetland or potential wetland, shown as hydric soils. The area was re-examined by Soundview staff, County staff a County-hired 3<sup>rd</sup> party wetland specialist (PWS scientist). Results of the investigation have been provided in a technical memorandum prepared by Soundview Consultants dated October 13, 2021, concluding that this area contained no wetland characteristics and therefore will not encumber the project.

### Ground Water

GeoResources prepared a Revised Geotechnical Engineering Report dated March 16, 2018, see Appendix B. This geotechnical report discussed the shallow groundwater conditions on the site. Mottling was observed at approximately 1.2 to 4 feet below the existing ground surface in all the test pits from the GeoResources report. According to this report, due to the high groundwater condition, infiltration is not feasible. In addition to the geotechnical report, a Hydrologic Analysis (dated March 16, 2011) was prepared by Aspect Consulting. These reports have been provided in the appendices.

## k. Access, Traffic and Roads

A revised Traffic Impact Analysis (TIA) was submitted with the development proposal, dated April 6, 2021. The applicant estimates that the project will generate 870 average daily trips per day. The TIA indicates that intersections will continue to operate at an

acceptable level of service (LOS) and that the project will not have significant traffic impacts. Mitigation consists of payment of impact fees in the amount of \$73,574.40. Additionally, Kitsap County Public Works has reviewed the application and determined that the project shall contribute proportionate shares for the NW Bucklin Hills/Nels Nelson Road project study area identified on the County's Traffic Improvement Plan (TIP) in the amount of \$4,833.00.

**i. Fire Safety**

Kitsap County's Fire Marshal's Office reviewed and approved the preliminary proposal. Further analysis will be done with the Site Development Activity Permit. (See Fire Conditions of approval below.)

**m. Solid Waste**

Solid Waste/Recycling enclosures are proposed along the north side of the parcel and have been located throughout the site. The project has been conditioned for compliance with solid waste requirements and approval from Waste Management.

Applicant Response: Through discussions with Waste Management, it was determined by Waste Management that the total average yardage for this size of development would be 264 cubic yards. Based on projections from Waste Management, they determined (2) 8-yard refuse containers and (2) 6-yard recycle containers, serviced twice weekly, would be required for the development. Additionally, Waste Management indicated concerns over the location of the refuse containers to the east of the Clubhouse, adjacent to Building 'A,' citing the lack of turning space which would require the truck to back all the way out of the parking area when servicing the containers. We have relocated this container area to the north end of the parking island between Buildings 'A' and 'B,' allowing easier and safer access for the trucks. The revised dumpster location is reflected on sheet A010C (Keynote #3) as well as all other attached site plans. A letter confirming acceptance of containers, locations and enclosure sizing is also provided as an attachment.

Staff Comments: See response by Waste Management submitted July 21, 2022. Please see Conditions 43-46

**n. Water/Sewer**

This project will be served by public water, by Silverdale Water District and Kitsap County Wastewater for sewer Service. Kitsap County sanitary sewer is available for the project. Applicant needs to submit a complete set of sewer plans, profiles, and specifications designed in accordance with Kitsap County Public Works - Sewer Utility Division Standards and Regulations. The applicant shall provide either binding water letters or proof on a construction agreement for a main extension prior to a Sewered Building Clearance approval.

**o. Kitsap Public Health District**

The Kitsap Public Health District has reviewed the development proposal and conditioned the project for a sewer building clearance and a binding water letter, or agreement with the water purveyor for the construction of a water-main extension. If

any septic tanks or wells are located on the property, they shall be decommissioned or abandoned to the satisfaction of the Health District prior to final inspection of the Site Development Activity Permit. (Please see Condition 61 and 62).

**11. REVISED NOTICE OF HEARING EXAMINER DECISION, DATED DECEMBER 28, 2020**

The Hearing Examiner decision requires that the applicant address the following Remand issues listed through the findings of fact:

<b>SILVER VIEW APARTMENTS ACUP AND SEPA REMAND SUMMARY</b>		
<b>TOPIC</b>	<b>REMAND SUMMARY</b>	<b>RESPONSE</b>
<b>1. Code Requirements/ Parking Reduction (HE Finds #10)</b>	<ul style="list-style-type: none"> <li>• ACUP Conditions references different location of bus stop and no reference to Kitsap Transit passes for a duration.</li> <li>• MDNS does not reference locations within the project vicinity nor applicability.</li> </ul>	<i>SEPA Determination, dated, February 3, 2023, corrected location of the Kitsap Transit bus stop, which now exists on NW Bucklin Hill Road.</i>
<b>2. Stormwater (60% design feasibility) (HE Finds #11)</b>	<ul style="list-style-type: none"> <li>• Insufficient technical analysis on stormwater pipe incline; is this sufficient for gravity force, and possible downstream impacts if failed.</li> <li>• Basic design details missing from engineering plans to demonstrate feasibility is sound (cartridge storm water filtration system, underground utility obstacles, etc.).</li> <li>• Did not note use of Western Hydrology model.</li> <li>• Southern discharge point impacts to off-site wetlands and lagoon.</li> </ul>	<i>The most recent plans and documents provide details for the biofiltration system, and the storm drainage report contains modeling from the WWHM (Western WA Hydrology Modeling program). Discharge designed to be consistent with historic drainage patterns (see Attachment-B).</i>
<b>3. Artesian Aquifer Vulnerability- Groundwater (HE Finds #12)</b>	<ul style="list-style-type: none"> <li>• If punctured during construction, could impact site constructability, worker safety, and off-site drainage concerns.</li> <li>• Limit bore testing holes (only 2), eight needed.</li> <li>• Lack of analysis of impacts to on-site wetlands including SW corner.</li> </ul>	<i>After the HE decision, the Robinson Noble Hydrology Report prepared documentation that 8 borings were completed, including local well data in the report dated April 16, 2021. Applicant</i>

		<i>documented the depth of confining layers above the aquifer. Determination was made that that the depth of the excavation for the foundation was not likely to penetrate the glacial till layer.</i>
<b>4. Shallow Critical Aquifer Recharge Area- Contamination (HE Findings #13)</b>	<ul style="list-style-type: none"> <li>• Must be adequately evaluated due to on and off-site wetlands, wells, etc.</li> </ul>	<i>No surface water from impervious area of this project will be discharged to the ground. All will be treated and then discharge to a conveyance system to NW Bucklin Hill Road.</i>
<b>5. Wetlands (HE Findings #14)</b>	<ul style="list-style-type: none"> <li>• No dispute on Category 4 designation but size and number.</li> <li>• Delineation of potential wetlands to the SW corner.</li> <li>• Enhanced plant typing and hydrology soil indicator assessment that ensure functions and values are maintained.</li> </ul>	<i>Wetland was not present based on analysis that was performed by applicant in conjunction with staff and third-party review. There was concurrence by DOE on report findings.</i>
<b>6. Traffic Impacts (HE Findings #15)</b>	<ul style="list-style-type: none"> <li>• Improper LOS standards assessed for Mickelberry NW and NW Bucklin Hill Roads.</li> <li>• Does not assess nearby intersections including, NW Bucklin Hill Rd/Silverdale Way NW, Ridgetop Blvd/Mickelberry Road and NW Buck Hill Rd, Tracyton Blvd/NW Bucklin Hill Rd.</li> </ul>	<i>Heath &amp; Associates, Transportation Engineers, reviewed the current LOS for four adjacent intersections and against the forecasted vehicle trips. Silver View is not expected to impact the local road network.</i>
<b>7. Silverdale Design Standards - Waterfront District</b>	<ul style="list-style-type: none"> <li>• Lack of record demonstrating consistency with standards (pictures</li> </ul>	<i>Additional information was added to the public record</i>

<p><b>(HE Findings #16)</b></p>	<p>of surrounding structures, design features, compatibility, and pattern.</p> <ul style="list-style-type: none"> <li>• Record demonstrating relationship to existing single-family residences.</li> <li>• Prominence of parking and oriented to the automobile.</li> <li>• Lack of pedestrian connectivity to all site uses and structures.</li> </ul>	<p><i>documenting textually and pictorially that the project site complies with Silverdale design standards and the site functions as a transitional land use between the Regional Commercial and the Urban Restricted Residential zones.</i></p>
<p><b>8. Pedestrian connectivity (HE Findings #16)</b></p>	<ul style="list-style-type: none"> <li>• Lack of pedestrian connectivity within the site.</li> <li>• Walkway is not connected to open space.</li> <li>• Pedestrian walkways along the north side do not include traffic calming and emphasize pedestrians.</li> <li>• The trail on the south is within what is intended to be within a solid green buffer and not ADA.</li> <li>• The site is generally auto oriented.</li> </ul>	<p><i>Frontage street improvements are proposed. The public right-of-way be connected directly to the entrance to the club house. This sidewalk will connect via a sidewalk that runs length wise across the project (See Pedestrian Connectivity, dated July 11, 2022). Pedestrian footpath will follow alongside the perimeter buffer along the southern property line</i></p>
<p><b>9. Landscaping (HE Findings #16)</b></p>	<ul style="list-style-type: none"> <li>• Creating landscape front yard patterns, that creates a Street presence to pedestrians.</li> <li>• Parking moved behind structures.</li> <li>• The site is being cleared and the design plans do not show framework for plants.</li> <li>• No attempt to include upper story planting boxes or retain natural green belt vegetation</li> </ul>	<p><i>Project provides required front yard setback landscaping with additional courtyard that provides open space and landscaping. Boundaries of the site are screened with landscaping and wood fencing. Applicant disputes architectural and landscaping</i></p>

		<i>elements referenced by Mr. Adams that are not in the County code.</i>
<b>10. View Blockage (HE Findings #16)</b>	<ul style="list-style-type: none"> <li>• View block is an issue for Maynard’s Restaurant with dining room and deck facing the inlet.</li> <li>• The project maximizes views for residents but causes view blockage for nearby properties.</li> </ul>	<i>Property owners in Kitsap County cannot claim disallowance of development when said development will be done in accordance with in-place zoning and associated development regulations. View blockage is a shoreline-specific code requirement in KCC 22.400.135; the properties are not in the shoreline jurisdiction.</i>

**12. Silver View Apartment Remand Response**

The purpose of the following section is to address comments and the above 10 issues raised by the Kitsap County Hearing Examiner in the Notice of Hearing Examiner Decision (dated December 28, 2020) for remand of the SEPA determination and the Revised ACUP. Additionally, these issues of concerns were listed in the previous appeals by the appellants for the Mitigated Determination of Significance (MDNS), and the Revised Administrative Conditional Use Permit:

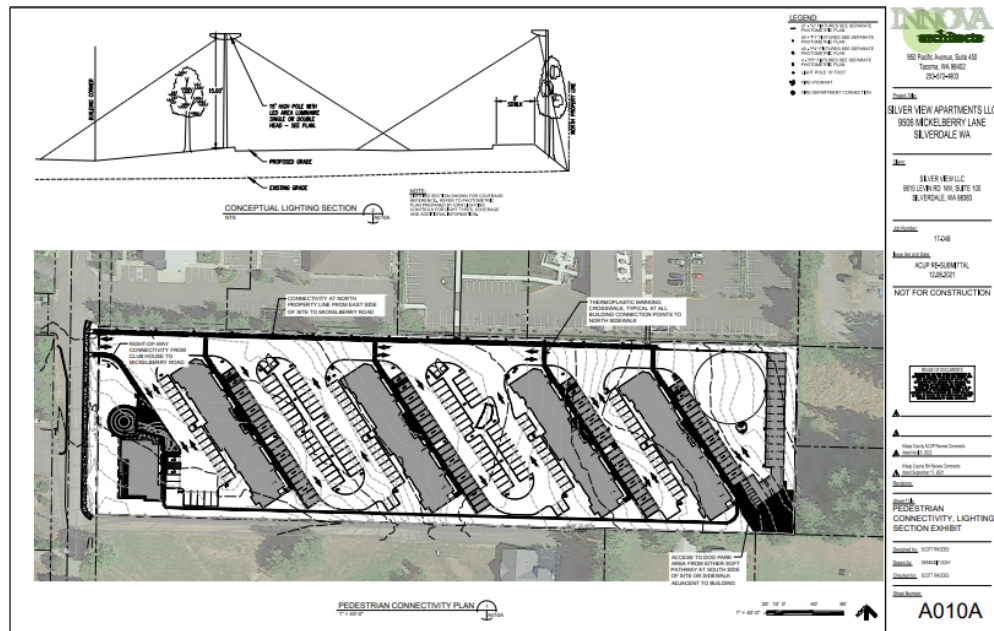
**1. Code Requirements/Parking Reduction issue (Findings of Fact 10)**

Hearing Examiner Comment (HE): While the code does authorize a parking reduction based on public transit reducing the parking demand, the ACUP and record are confusing on the mitigation being provided and the ACUP does not detail how transit will operate to reduce parking demand. Improving transit access may accomplish this objective. But the ACUP does not detail how, and the actual mitigation imposed requires clarification.

Applicant Response: The project provides 245 parking spaces, which is 25% or 75 less than KCC 17.490.030 otherwise requires for apartments (1.5 per unit plus .5 on street or set aside). Up to 25% less than the standard number is authorized if “trip demand reduction programs or public transit availability serves to further reduce parking demand.” The Applicant based its reduction request on placement of “a transit stop/bus shelter pad provided on frontage at Mickelberry Road NW.”

(Comments related to parking reduction and mitigation measures have been addressed in the Comprehensive Plan Goals Narrative and revised Architectural Narrative.)

## Pedestrian Access Diagram



**Staff Response:** The applicant demonstrates through mitigation that the parking standard exceeds demand which is allowed pursuant to WAC 468-63 and KCC 17.490.030. Project provides pedestrian access through the site to Mickelberry Road. Project includes frontage improvement along Mickelberry Road (curb gutter and sidewalk). Residents with bus passes will be able to use pedestrian access to the bus stop located on Bucklin Hill Road.

## 2. Stormwater, 60% design feasibility Issue (Findings of Fact #11).

**HE Comment:** Infrastructure “viability” is a pre-requisite to ACUP approval and must be addressed in the environmental review. The County Stormwater Manual states, “[p]erforming a comprehensive inventory analysis is an essential first step to site assessment and planning and must precede site design.” This was not disputed. Further detail will be provided during Site Development Activity Permit Review per KCC Title 12 and building permit review, but system viability must be present at the land use review (ACUP and SEPA) stage. The above discussion addressed discharge to the north. There are also issues with the southern discharge point. This runoff will discharge on neighboring properties and run down to the lagoon and Dyes Inlet. Untreated runoff has the potential to significantly affect these resources. Dr. Cooke detailed stormwater impacts on estuary or off-site wetlands and the lagoon, noting concerns about lack of treatment for street runoff, including from heavy metals and petroleum hydrocarbons. Stormwater runoff is an issue susceptible to mitigation, but the impact must be first identified, and mitigation determined.

**Applicant Response:** This comment was addressed in a submittal from INNOVA with revised plans and reports provided on 6/22/2021. An additional comments memorandum was received 9/17/2021. DCD responded to these comments on 12/14/2021 with both INNOVA plans, reports, and revisions. The latest comments dated

4/5/2022 has no stormwater concerns, however, plans and reports will be resubmitted to reflect planning updates to the site plan at time of Site Development Activity Permit (SDAP).

This site is allowed to have as much as 85% impervious areas. The proposed project has less than 67% impervious area, providing more than twice the required pervious area. All pavement areas of this project are designed with water quality treatment meeting the current county stormwater quality treatment regulations. Those treatment structures are shown on the civil plans and stormwater report dated July 12, 2022, which were submitted to the county on July 19, 2022, and form the basis of this application and its associated SEPA issuance. Almost all the surface water from the site will not flow to the downstream region of Mickelberry Road, but rather the majority of the stormwater is directed to the public stormwater pipe conveyance system in Bucklin Hill Road which was designed by the county for this site drainage.

The only water to flow to the downhill ditch and pipe system on Mickelberry Road are the flows which were flowing there in the pre-developed condition. Those flows came from the nearby subsurface flows coming from uphill of this site. That water is collected in new underground perforated pipe drains placed at the top of the hill and eastern edge of the site and along the foundation walls of each building, collecting the flows that naturally flowed to the ditches in Mickelberry Road. Those subsurface flows are collected in underground pipes and routed under the pet area in what will be solid pipes and then routed in solid pipes under the east and south edges of the site down to the Mickelberry ditch. This water is clean water from subsurface drainage not related to surface flows on the site. To match the surface flows of what fell onto the surface of the site in the pre-developed condition, a small area of new impervious area near the club house is treated with current required water quality treatment systems and then discharged to the ditch so that the post-developed flow matches the predeveloped flow. This has been carefully engineered so there is no pollution going to the downstream ditch and pipe system and there also is no change in water volume flowing to that ditch and pipe system. The entire storm system has been designed with pipe sizes and pipe elevations shown by calculation in the storm report and on the civil plans as properly sized to carry the required flows.

The storm system connecting offsite to the Bucklin Hill Road storm conveyance system flows by gravity and that system has been designed and shown on plans and calculations showing pipe size and pipe elevation to be of the required size and slope required to carry the flows. These plans both onsite and offsite have been reviewed by an independent third-party professional hired by the county, (company named BlueLine). They and county staff determined the design and application to be the proper level of analysis and plan detail for this application. Please reference the plans and storm report dated July 12, 2022.

The density of the project and parking meets and exceeds the code requirements. Outside parking stalls and all associated impervious area was reduced by 25% through



an administrative process whereby the applicant agreed to implement Kitsap Transit recommendations to reduce parking in exchange for providing 75 transit passes to its residents for a 10-year period. This action of the applicant goes beyond requirements and hopes to set the standard for others to follow. In this way the impervious area is significantly less than that allowed: 67% vs 85% allowed.

The applicant has provided significantly more planning, documentation and high-level design than is normally required for land use, which includes: 1) near complete design for architectural plans, 2) structural plans, 3) civil engineering plans with reports for traffic analysis, 4) wetland analysis, 5) hydrology, and 6) storm drainage. All of the preceding plans and reports were updated numerous times with additional studies and documentation following the December 29, 2019, hearing decision. (See the attached documents provided to the county since the time of that hearing decision.) The professional design team believes it may be the most well-planned and documented land use application in Kitsap County history, demonstrating with a preponderance of evidence its compliance to the required codes and regulations needed to warrant the issuance of this SEPA decision and associated ACUP permit.

*Staff Response: Staff concurs that the applicant has provided additional analysis which exceeds the 60% design margin supporting conveyance to the north to Bucklin Hill Road, metered storm drainage to the wetland and conveyance of existing flows off-site to the southwest corner of the project site (see Attachment - B).*

**3. Artesian Aquifer Vulnerability Issue (Findings of Fact #12).**

HE Comment: The site is underlain by an artesian aquifer. "Artesian" means the aquifer is spring fed, so subject to constant upward pressure. If a backhoe punctured it during construction, this could affect project constructability and worker safety. Once a puncture is closed, a risk of a permanent up-welling is present. Depending on the degree of the puncture, the water could drain off site and into the neighborhood, creating off site damage, potentially affecting downgradient artesian wells and possibly resulting in a take of state waters (if greater than the 5,000 gallons per day exempt well amount). The Appellants' hydrogeologist, Mr. Mathieu, testified that he had seen this happen on project sites before, identifying several examples.

This concern is amplified by the site's wet areas, such as at the southwest corner. This signals the potential for the artesian aquifer not being isolated. It would not have been difficult for the Applicant to secure the information to accurately detail site conditions and risk of puncture. According to Mr. Mathieu, this is done all the time. He added that a sufficient analysis would present an integrated picture of what is going on at the site to ensure an adequately informed assessment of artesian aquifer breach. Had the Applicant retained a hydrogeologist to complete this work, then the Appellants would not have had to pull information on wells within the area to provide this risk data.

Applicant Response: This comment was addressed in a report prepared by Robinson Noble dated 6/4/2021 and submitted with the package uploaded on 6/22/2021. No

comment on this was included in the 9/17/2021 and 4/5/2022 comments. A Hydrologic analysis was prepared by Aspect Consulting dated 3/16/2011 and is included with geotechnical report provided by GeoResources dated 3/14/2018. The GeoResources report is Appendix B of our Storm Report which we submitted on 6/22/2021 and 12/14/2021 and will be included with our next submittal.

No surface water from any impervious area of this project will be discharged to the ground. All will be treated and then discharged to the conveyance pipe system in Bucklin Hill Road. Therefore, groundwater quality shall remain unchanged from the post-developed site compared to the pre-developed site conditions.

The project in total addresses all water quality requirements. Groundwater is not affected as no water is discharged to the ground. Surface water is directed to the public system designed for this site by the county. Surface water on pavement is treated by the required methods required of all developments.

A detailed analysis was conducted of the hydrology of the site. Reference the Hydrology Report submitted June 15, 2021, authored by Robinson Noble dated June 4, 2021, referencing their 1Q21 work when they *drilled 8 holes* (spread around the parcel), 65 feet deep, to test and document the property hydrology. See bottom of page 3 of that report, which says, "Based on our review of the structural plans...As figures 5 through 12 demonstrate, there is a substantial thickness of till remaining below the bottom of the proposed excavations. Furthermore, none of the planned excavations will be deeper than the midpoint of the observed till layer. Based on these observations... the till thickness should serve to contain the water table... and the proposed project does not pose a significant risk." The fact is any aquifer (if there is one) under this property must be deeper than 65' and would not be impacted by this project.

*Staff Response: Through the Revised Robinson Noble hydrogeologic report, additional test holes were drilled. The report indicates that all but two borings encountered material consistent with Vashon Lodgment till (Qgt) the entire depths (25-36.5 feet deep), and it was demonstrated that the confining layer was deeper than anticipated and the shallow aquifer should not be impacted where excavation is proposed to occur. Only minor seepage was observed was encountered in the till drilling.*

#### **Shallow Critical Aquifer Recharge Issue- Contamination (Findings of Fact #13).**

Hearing Examiner (HE) Comment: Groundwater discharge impacts must be adequately evaluated. The project will increase impervious surface, increasing surface runoff and decreasing onsite infiltration. Lost infiltration has the potential to impact onsite and offsite wetlands, down-gradient drinking water wells, non-wetland vegetation reliant on shallow groundwater flow, and the lagoon. There is inadequate analysis on these issues so as to allow for independent evaluation.

Applicant Response: This comment was addressed in a report prepared by Robinson Noble dated 6/4/2021 and submitted with the package uploaded on 6/22/2021. No comment on this was included in the 9/17/2021 and 4/5/2022 comments. A Hydrologic analysis was prepared by Aspect Consulting dated 3/16/2011 and is included with the

geotechnical report provided by GeoResources dated 3/14/2018. The GeoResources report is Appendix B of our Storm Report which we submitted on 6/22/2021, 12/14/2021 and will include with our next submittal.

*Staff Response: The applicant has documented that the revised site plan is only proposing 67% impervious surface area, less than the 85% maximum amount of impervious surface allowed per the zoning code.*

**4. Wetlands Issue (Findings of Fact #14).**

HE Comment: The parties agree the on-site wetland is Category 4, the lowest category, but not on its delineation or on how to maintain the wetland's functions and values. The Applicant's consultant initially determined there were no wetlands, then delineated first a 150, then a 355 square-foot wetland. The Appellants' consultant delineated the wetland at 8,523 square feet. Ecology's position is unclear. Ecology biologist Ms. Hennessey visited the site and wrote up her analysis and delineating it at 3,290 square feet. But rather than adopting this analysis, Ecology stated it concurred with the Applicant. Dr. Cooke did not dispute the approach Ms. Hennessey took from Ecology, though she noted the more advantageous time of year she was at the site. However, she saw no science supporting Ecology's final position.

Delineation does present challenges due to the site's disturbed nature. Dr. Cooke acknowledged that it is "very difficult to delineate" the wetlands on this site as it has been farmed and plowed for decades, and used as pasture, so the site is "highly modified." Dr. Cooke testified that the timing of her visit (September 24, 2020) helped with her analysis, as she could better view the wetland grasses when they were green, and vegetation was in bloom, so species determination was easier. She stated that everyone else had been out at a different time, and she would "probably have had same amount of difficulty if she had been out when they were out."

The approach to mitigation was disputed. Although buffers are not necessarily required, the code requires that the wetland function and value be identified and protected to utilize this exemption. The wetland report does not detail how this criterion is met. Also, Dr. Cooke's testimony disputed that surrounding and isolating the wetland with a parking lot would protect the wetland. She was concerned that the surrounding impervious paving won't keep it hydrated. According to Dr. Cooke, this will not maintain pre-development conditions as required. Three species were identified to enhance the wetland. Over time, the invasive species will take over and convert the area to land not conducive to species now present. While rain gardens are planned, their locations are not detailed. Dr. Cooke stated it was not clear how the wetland will be regulated to maintain current ecological functions.

Applicant Response: The wetland will remain, mitigated, and preserved per our current plans, together with a memorandum prepared by Soundview Consultants, LLC and revision dated 5/27/2021 which defined the wetland area shown on our plans as provided with our submittal on 6/22/2021. There were no comments for the onsite wetland from the County memorandum, dated 4/5/2022.

See the Soundview Consultants revised Wetland and Fish and Wildlife Habitat Assessment dated May 27, 2021. Only brief elements are shared in this narrative to touch on major topics. For complete information, including maps, analysis, data points, wetland flagging, soil samples and photos of soil samples taken on site (see the entire 143-page documented report).

As a small (355 square-foot) Category IV wetland, Wetland A is exempt from the buffer requirements per KCC 19.200.210, due to the small wetland size (less than 7,500 square feet) and since the wetland is not associated with riparian areas, shorelines of the state, Class I Fish and Wildlife Habitat Conservation Areas, or buffers associated with such areas. The proposed project has been carefully designed to avoid direct impacts to Wetland A. A site plan is included in Attachment A.

Exempt wetlands under KCC 19.200.210.C such as Wetland A require conformance with the following provision under KCC 19.200.210.C.4: “The wetland report identifies the specific wetland function affected or at risk, and the proposed mitigation to replace the wetland function, on a per function basis.” Department of Ecology would require a permit to fill the wetland and require wetland creation in the same watershed.

**Location of Wetland A**

SILVER VIEW APARTMENTS - EXISTING CONDITIONS



The primary functions provided by Wetland A are water quality improvement, hydrologic, and habitat functions. A functional analysis of the existing wetland functions is provided in Attachment D via a wetland rating form completed using the current *Washington State Wetland Rating System for Western Washington* (Hruby, 2014) per the guidelines established in KCC 19.200.210 (Wetland identification and functional rating). Wetland A provides moderate water quality improvement potential according to the wetland

rating system, very low hydrologic functions, and very low habitat functions as documented in Attachment D.

No wetland functions are anticipated to be negatively affected by the proposed project. No direct wetland impacts will occur during construction; the project will utilize appropriate best management practices (BMPs) including use of silt fencing and high visibility construction fencing to prevent equipment or fill materials from entering the wetland area or impacting the existing vegetative community. Nevertheless, the Applicant is proposing voluntary mitigation in the form of native plantings within the 355-square foot wetland area in order to increase habitat and water quality conditions within the wetland area including species diversity, plant structure, and filtering ability.

With no negative direct wetland impacts being proposed, there will be no change in the wetland's ability to improve water quality from runoff entering the wetland. Stormwater runoff from the proposed impervious parking lot areas will be treated and conveyed to the project's stormwater system without entering the wetlands. Some clean roof water will be conveyed to the wetland via downspout(s) that will outlet just outside the wetland boundary to help maintain wetland hydrology; the amount of clean stormwater to be directed to Wetland A will be determined by the civil engineers during final design and will be designed to match pre-developed conditions to ensure that hydrologic functions are not negatively affected by the proposed development project and wetland preservation/habitat enhancement actions.

### Off-site Wetland Location

Attachment A1 – Kitsap County Wetland Inventory



***Staff Response:*** The applicant has committed to long-term preservation of the delineated 355-square foot Category IV wetland and voluntary buffer enhancement plan near the center of the property. During the post development project phase, roof drains will be directed to the wetland and metered to match existing site hydrology from sheet flow. The wetland analysis on and off the site has been rereviewed by the applicant's certified

*biologist, the Department, Department of Ecology, and the third-party reviewer from BlueLine.*

#### **5. Traffic impacts Issue (Findings of Fact #15).**

HE Comment: The transportation impact analysis evaluated one intersection proximate to the project, determining that “Mickelberry Road NW & NW Bucklin Hill Road will continue operate with satisfactory delays in the LOS A to LOS C range. Project traffic will have a minimal impact at this intersection.” Also, traffic impact fees are being paid to address transportation impacts. However, the transportation impact analysis did not assess other nearby intersections, including Bucklin Hill and Silverdale Way.

The project on its own, or with various improvements underway, may not result in significant impacts for SEPA purposes, and may be adequately supported by transportation infrastructure for ACUP purposes. But, without documentation in the record, it is impossible to independently assess adequacy.

Applicant Response: This comment addressed impact fees and concern to traffic at other intersections, we submitted a traffic impact analysis prepared by Heath & Associated Inc. dated 4/6/2021 and submitted with Innova’s submittal on 6/22/2021. No additional comments in the memorandum, dated 4/5/2022.

For traffic impacts reference the Traffic report by Heath and Associates updated April 2021, with revisions made from the original January 2018 report. The revisions were made at the request of the county, following the 2019 hearing, in order to expand the number of intersections examined. Intersections evaluated are shown in Figure 1 on page 3 of the report, and include the following intersections:

- Mickelberry Road NW and Ridgetop Blvd. NW
- Silverdale Way NW and NW Bucklin Hill Road
- Mickelberry Road NW and NW Bucklin Hill Road
- NW MYHRE Road/Tracyton Blvd. NW and NW Bucklin Hill Road

The report shows on page 14 that all intersections will operate with the project in place at a level of service C or better, except for the intersection at Silverdale Way NW and NW Bucklin Hill Road. That intersection is shown to operate at Level of service E with or without the project. The Silver View project will contribute 1% of the total volume of traffic to that intersection, so the project impacts are insignificant to that intersection’s level of service concerns. The county had already previously commissioned a study of that intersection dated 2018 conducted by Parametrix. That report indicated a priority rating of number 2 out of 10 for planned improvements to the intersection to improve capacity. However, the Silver View Apartment project contributes only 1% of potential traffic to that intersection. A prior report conducted calculated the intersection wait time to be 57.8 seconds. The Silver View project would add about one second delay to that wait time; the conclusion is the impacts of the project to that intersection are insignificant. Final conclusions are stated by the traffic engineer in section 5, on page 15 of the report indicating that the traffic impacts of the project on all surrounding roads are not a significant impact.

Staff Response: Through the revised transportation analysis and trip reduction with transit passes, the applicant has demonstrated that the Level of Service (LOS) of intersections within the local transportation network should not be impacted.

### **Views, Noise, Light, Glare, Aesthetics**

#### **6. Silverdale Design Standards Issue (Findings of Fact #16)**

"[D]evelopment within the Silverdale design district boundaries must be consistent with the Silverdale Design Standards found in Chapter 17.700, Appendix C3." The project is within the Waterfront District. Key Standards include:

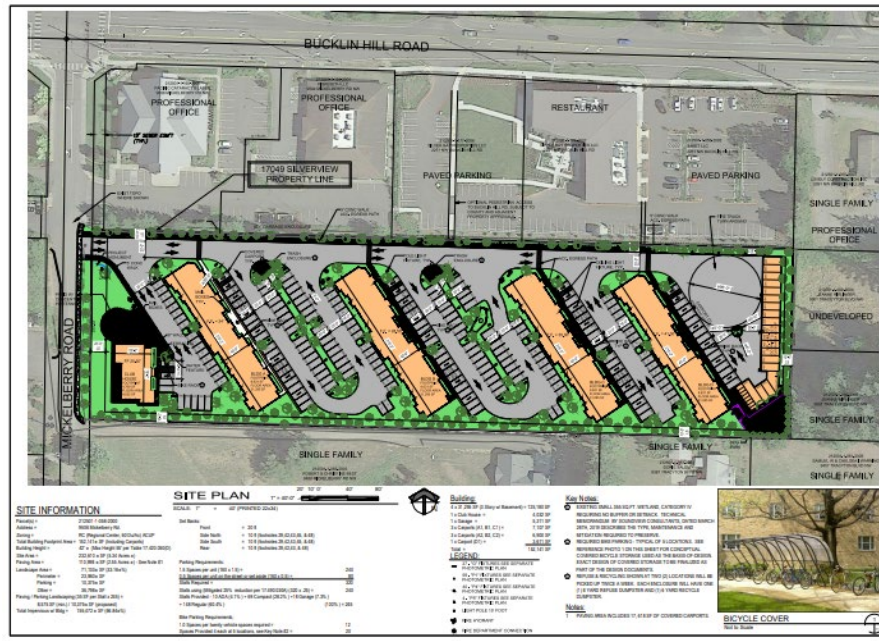
- SDS 1.1.1: The vision for the urban form is "[t]o encourage a compact growth pattern ... while ... preserving marine and mountain vistas."
- SDS 2.5.2: "Landscaped front yard pattern in Old Town, West Hill Neighborhood, and Waterfront Districts based on the historic Old Town typology."
- SDS 9.1: "Properties adjacent to Bucklin Hill Road and near Dyes Inlet enjoy partial views of Dyes Inlet and the Clear Creek corridor."
- SDS 9.3B: "New design will be respectful of existing single-family development."
- SDS 9.4.1(A): "Building orientation for new housing will reflect the existing residential building context."
- SDS 9.4.3(A): "Parking will be limited to rear or side yards."
- SDS 9.4.3(D): "Parking will be under building where feasible for multiple unit buildings."

HE Comment: Per the Hearing Examiner Finding #16, the project site plan and narrative do not demonstrate compliance with the Silverdale Design Guidelines Section 9.4.3A., requiring parking to be oriented to the side or rear yard. Mr. Adams detailed how the project does not comport with the Design Standards. The Design Standards (and Comprehensive Plan) require the project to be respectful of single-family development (see Comprehensive Plan LU Goal 1 and Policy 1) (*See design standards -Revised Architectural Narrative Response to County Comments, July 15, 2022*).

Appellants Comments: The proposed project consists of four large, four-story buildings, consisting of 160 units, a clubhouse, dog park, large parking lots, and minimal surrounding vegetation. This will certainly cause significant impacts to neighboring views and aesthetics. The proposed project will push up against appellant Bob and Chris Best's property, dominating views to the north, northwest, and northeast. The proposed project will destroy the views from Maynard's restaurant, which currently benefits from unobstructed views of open fields and the waterfront. The proposed project would effectively box in this local business where surrounding views of pastoral and marine scenery are part of its customer appeal. This proposed project will cause significant view, noise, light, glare, and esthetic impacts to surrounding property owners and businesses. Construction is allowed early in the morning and into the evening. The County fails to adequately consider, address, or mitigate these impacts.



**Colored Site Plan – Project layout**



*Staff Response: Staff concurs the project can operate as a transitional use between the more intensive commercial uses along Bucklin Hill Road to the north within the RC zone and provides a separation between the UR zone and associated single-family homes. The site plan shows the more intensive activities such as off-street parking adjacent to the RC zone. The building profiles show the apartment building stepped down with a screening buffer along the south and east property lines which reduces impacts to the Urban Restricted zone.*

**7. Lack of Pedestrian connectivity (HE Findings #16)**

**Hearing Examiner (HE) Comment:** Mr. Adams also testified to the lack of pedestrian connectivity within the site. Parking crossed to get to the clubhouse, and the walkway is not connected to the open space. The uncontrolled painted walkways on the site’s north do not include measure to calm traffic and emphasize the pedestrian. In general, the site is orientated around the automobile, rather designed for pedestrian activity.

**Applicant Response:** The clubhouse is the entrance building to this multi-building site. The clubhouse is adjacent to the frontage road and has direct sidewalk pedestrian access to the clubhouse. That pedestrian path will connect by crosswalk across the project private drive to another sidewalk which runs continuously along the east side and which itself provides a redundant second connection to the public right-of-way sidewalk. This pedestrian walk provides access along the length of the property and provides crosswalks across the private drive isles to the buildings. Each building has its own pedestrian sidewalk along the length of the building to serve interior site parking near each building and provides pedestrian access to the entrance to each building. All crosswalks within this site will be delineated with thermoplastic markings for both visibility and durability. See attached exhibit Sheet A-010B, Pedestrian Connectivity Plan.



A secondary, redundant pedestrian footpath will be provided with a path following alongside the perimeter buffer plantings along the south property line of the site. The 3-foot-wide soft path leads directly to the sidewalk in front of the clubhouse, while the sidewalk at the north of the site leads to the clubhouse by way of the sidewalk on Mickelberry Road.

Reference the documents that make up this application including but not limited to the site plan dated April 5, 2022, the building exterior finishes exhibits, exterior building elevations, site reference notes, site pedestrian connectivity plan, and more all submitted July 19, 2022. For the complete set of documents reference EXHIBIT-A attached to this letter. The clubhouse is the entrance building to this multi-building site. The clubhouse is adjacent to the frontage road and has direct sidewalk pedestrian access to the clubhouse (See response to Silverdale Design Standard SDS-9.4.1(A) and (B)).

*Staff Response: Staff has reviewed the proposal for pedestrian access through the apartment complex with a connection to Mickelberry Road and found the pedestrian access acceptable. Additionally, it is recommended that there be further treatment of the crosswalks for traffic calming (colored, raised, or textured pavement underlying the crosswalks).*

#### **8. Landscaping (HE Findings of Fact #16)**

HE Comment: The appellants also identified landscaping as a concern. The site will be being cleared, and the design plans do not show framework for plants. There are two planters by the clubhouse and a simple line of planting around the buildings. According to witness testimony there was no attempt to incorporate upper story plants/roof boxes, or to retain natural green belt vegetation, and does not respect the forested area to the east.

Applicant Response: The boundaries of the site are screened with a combination of wood fences and landscape screens and in some cases, both. To the south, along the property line, there is a 6' wood fence with a double row of vegetative screening.

*Staff Response: The appellant's architect spoke about vegetation retention and requirements for upper story planters that is like the City of Seattle's Green-scape program, which is not a requirement per Kitsap County Code or the Silverdale Design Standards. If the applicant voluntarily wanted to install upper story planters the Department would support the concept. The Department encourages the retention of native vegetation whenever possible for low impact. Due to property drainage characteristics and need to install conveyance lines, keeping the existing trees may be unfeasible.*

#### **9. View blockage for Maynard's Kitchen (HE Findings #16)**

HE Comment: View blockage is an issue, particularly for Maynard's Restaurant, with its dining room on the building's side, with windows and deck seating facing the inlet. The project maximizes views for its residents but presents significant view blockage for nearby properties. The apartment buildings are four stories tall with a large blue

parapet on top. While complying with the height and bulk limit, the four buildings are aligned not across the slope but going downhill, while walling off view to the water. That “maximizes” view blockage across the site. Mr. Adams details how waterfront development can be designed to fit into its surroundings, providing examples. The record and testimony do not detail how Mr. Adams’s design analysis is correct.

Applicant Response: Development within the Silverdale design district boundaries must be consistent with Silverdale Design Standards found in Chapter 17.700, Appendix C3. Each of the Silverdale Design Standards referenced in the comment as been addressed in the revised Architectural Narrative. The record does not contain a document with images of surrounding structures, along with diagrams of the adjacent area identifying the area’s “rhythm and pattern” and detailing how the project responds. The above comment has been addressed in the revised Architectural Narrative and buildings overall repeat the same gray design, with the bright blue parapet drawing the eyes up, accentuating height and bulk rather than working to blend the buildings with the setting.

Staff Response: *Staff believes the orientation of the buildings with existing topography and the view of the shoreline is the best location. The project is over 380 feet from the ordinary high-water mark (OHWM) from the shoreline on Dyes Inlet. Kitsap County Code does not legislate viewshed protection in this area of the county beyond the 200-foot designation of the Shoreline Master Program, unlike the Illahee-Greenbelt (GB) and Manchester Viewshed Overlay. Colors have been revised on the colored elevations and building massing has been reduced to 3 stories where adjacent to the residential zone to reduce overall massing.*

Applicant Response: The proposed project is intended to provide a transition between those two uses, both in colors, architectural style, and character.

Staff Response: *The previous color scheme from an earlier version showed white and blues for the exterior finishes. The applicant’s revised color pallet for the exterior finishes of the buildings and solid waste enclosures are more muted earth tones verses the previous colors. The revised color scheme, building modulation and off-street parking along the north property vs. the south property line will help provide greater compatibility against the UR zone.*

### **13. 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 Director may approve, approve with conditions, or deny an Administrative Conditional Use Permit.

### **14. Findings**

1. The proposal is consistent with the Comprehensive Plan.

Applicant’s Response: In overview: The project provides multi-family housing for Silverdale and transit commuters. The project is located close to public transit,

shopping, and waterfront activities. As the need for housing in the region continues to grow and the supply does not meet that demand, this site is zoned for housing, so that in times when housing is in demand in the region this site was designated at the location where such moderate to high density housing would be most beneficial to the community. This project is in direct response to the zoning and the regional demand for housing. In addition, the growth in Silverdale, with the new Harrison Medical Center [St. Michael's], continues to demand housing on a micro-local level for this area. We have provided the attached narrative, stating how this project complies with the Comprehensive Plan Goals, providing explanation for compliance of each goal separately (*See findings -Revised Architectural Narrative Response to County Comments, July 15, 2022*).

*Staff Comment: The proposed multi-family use is consistent with the Comprehensive Plan and Silverdale Waterfront Design District, providing multi-family development in the Commercial zone.*

2. The proposal complies or will comply with requirements of KCC Title 17 and complies with or will comply with all of the 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.

*Applicant's Response: Zoning for the project makes it particularly suitable since it was previously zoned high-density housing and recently rezoned to Regional Commercial. The adjacency to the water and mild slope allows us to maximize views of the bay and the Olympic Mountains. The site is situated off the main commercial core which enables renters to be able to take advantage of public transportation, pedestrian, and bicycle commuting. The density of 30du/acre is half that allowed for the zoning, which allows the property to be surface parked, yet push the buildings down into the hill to provide an effective transition to lower density uses to the south.*

*Staff Comment: The project complies with the Silverdale Subarea Plan, Silverdale Design Standard, the development standards per Title 17 Zoning and other applicable development regulations within KCC Titles 11 (Road Standards), Title 12 (Stormwater Drainage), Title 19 (Critical Areas Ordinance).*

3. The proposal is not materially detrimental to existing or future uses or property in the immediate vicinity.

*Applicant's Response: Adjacent uses include Crista Ministries extended care, the Social Security Office, a proposed grocery store, medical outpatient services, contractor office, a restaurant and retail and single family residential. The project has been designed to minimize the bulk and massing for the adjacent properties. The proposed development is across the street from an existing multi-family use. This project acts in some ways as a buffer between the more intense*

commercial uses to the north, example retail, office and restaurants, and the existing single-family housing to the south. For this reason, we do not propose any commercial or retail uses on this site, we propose only residential use.

Furthermore, this project proposed that the height and massing is stepped down as the project nears the south end of the site as a means to transition to the single-family uses abutting this site. To do that the height of the proposed buildings of this project step down from 3 story with basement to 2 story and finally to 1 story with basement level, as the project nears the south end of the site abutting the residential uses to the south. It complements and is in harmony with single family residential uses to the south and east, while also being of higher density to not be a future detriment to the commercial uses to the north.

This project is not materially detrimental to the surrounding uses, either to single family residential or to the adjoining commercial, but rather acts as a transition between the more intense commercial uses to the north and the single-family residential uses to the south.

*Staff Comment: The project complies with required development standards that mitigates impacts, per Title 17 (Zoning) and other applicable development regulations in KCC Titles 11 (Road Standards), Title 12 (Stormwater Drainage), Title 19 (Critical Areas Ordinance), and all applicable County codes.*

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.

Applicant's Response: As stated previously in the narrative, the site for this project is in a unique location, considered a "transitional zone" abutting both commercial and residential zones. We overcame this unique challenge by not designing to either "zone," but instead incorporating elements both "residential" and "commercial" in nature, with the goal of balancing the transition between uses. The notion that the project should fit in with a residential look and feel is just not responsible design if the intent is to balance the two different uses that our parcel abuts. This project adequately provides for transition between zones in character, quality, and appearance. Symmetry between our project and other buildings in the area is accomplished through the use of materials, roof types and the scale of the buildings.

The existing character of the surrounding area would be best described as vernacular, meaning architecture concerned with domestic and functional rather than public or monumental buildings. Of the nearby buildings, this project is closest in concept and design to Crista Ministry across the street, with the exception being that our project's roof type is flat to match the adjacent commercial buildings and minimize building height on our site. Our project also requires a higher density parking requirement to

meet code. The surrounding area is constructed primarily with lap siding on buildings with asphalt shingle roof. The newest medical building is brick and metal roof. The new restaurant and commercial space to the north is a modern commercial style, low slope roof.

This proposed project fits within all those parameters, by matching lap siding exterior with stone veneer wainscot to provide material changes as required by the design standards. The proposed plans have been revised to remove any stucco or metal siding and now uses only stone and lap siding as was requested by the September 17, 2021, County comments. The roof of the frontage building clubhouse is a shed roof, similar to that used by the adjoining Maynard's restaurant (see images included in Part II of this document). The clubhouse roof material is intended to be low slope asphalt shingles, further incorporating itself with the surrounding single-family homes. This is important to the rhythm of the neighborhood, as the clubhouse is the primary building visible from the frontage street. The buildings in the back of the site have flat roofs to match the more intense commercial uses to the north yet step down in height from 3-stories to 2-story and then to 1-story with a basement level as the site nears the abutting single-family homes on the south. This approach of stepping the buildings, along with keeping a small-scale single-story building on the frontage to Mickelberry Road, fit the character of the neighborhood yet have an individual style to suggest a mix/transition between commercial and residential.

The materials and colors selected further help with the transition between uses, with stone and painted sheet metal copings providing the hard look often associated with a more "commercial" structure, while the cement board siding and selected colors help soften the feel of the buildings, more closely matching the look and feel of a residential structure. All materials when viewed together provide transition between the commercial zone to the north and single family residential on the south, all while balancing the surrounding character. The elevations have been revised to remove the bright blue color. With selected colors now representing a more neutral color palate. This allows the structure to better blend in with the character of the area. Included are exterior elevations and renderings of the project, along with a color and material palate, explaining color and material choices in further detail.

The boundaries of the site are screened with a combination of wood fences and landscape screens and in some cases, both. To the south, along the property line, there is a 6' wood fence with a double row of vegetative screening. This screening allows for the residents to utilize the walking path just to the north of the vegetative screen while minimizing the disturbance to neighboring properties. Another site-related way our project is striving to lessen the impact on the built environment and neighboring properties is by our effort to reduce our impact on the night sky by selecting site and building lighting for the purpose of lighting the ground beneath the light and limiting the light "trespass" onto the neighboring properties. Our selected fixtures are following Dark Sky best practices by shining the light where it is needed, limiting the spread of unnecessary light rays.

On the following pages are images of the buildings in the surrounding area, so that the colors, elements, architecture, and character can be shown. It should become apparent that the character is a variety between the single-family homes to the south and the commercial uses to the north and west. The proposed project is intended to provide a transition between those two uses, both in colors, architectural style, and character.

*Staff Comment: The preliminary design of buildings incorporates physical characteristics such as modulation of walls, roof, and fenestration to reduce building mass and help promote pedestrian scale.*

## 15. 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 18-00731 Silver View Apartments-Hearing Examiner Remand be **approved**, subject to the following conditions:

### a. Planning/Zoning

1. All required permits shall be obtained prior to commencement of land clearing, construction and/or occupancy.
2. This permit shall comply with all Kitsap Public Health District regulations and conditions of approval.
3. Landscaping shall be installed and maintained in conformance with the requirements of Kitsap County Code (KCC) 17.500. 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. A final landscaping plan is required at Site Development Activity Permit (SDAP) submittal. As propose by the applicant, a solid wood panel fencing and screening buffer is proposed abutting the Urban Restricted zone, per Sheet L-4.
5. An irrigation plan is required at SDAP submittal.
6. 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. A separate sign permit is required prior to any installation of a sign.
7. 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.
8. 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 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.
  9. The decision set forth herein is based upon representations made and exhibits contained in the project application (#18-00731). 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.
  10. 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.
  11. This Administrative Conditional Use Permit approval shall automatically become void if no development permit application is accepted as complete by the Department of Community Development within four years of the Notice of Decision date or the resolution of any appeals.
  12. Any violation of the conditions of approval shall be grounds to initiate revocation of this Administrative Conditional Use Permit.
  13. Artificial outdoor lighting shall be arranged so that the lighting is fully recessed or fully shielded from side view and directed downward and away from surrounding properties. No more than one foot-candle of illumination shall leave the property boundary. Lighting shall be the minimum necessary for safety purposes and be compatible with surrounding properties. Light standards (poles) shall be consistent with KCC 17.105.110 Obnoxious things for lighting to be directed down away from adjoining properties.
  14. The project shall follow the design criteria in the Silverdale Design Standards, Waterfront District. An additional narrative that further describes how the project meets these design standards is required with SDAP submittal.
  15. All roof-mounted air conditioning or heating equipment, vents, ducts, or other equipment shall not be visible from any abutting lot, or any public street or right-of-way as feasible.

**b. Development Engineering**

16. 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.
17. The information provided demonstrates this proposal is a Large Project as defined in Kitsap County Code Title 12, and as such will require a Full Drainage Review Commercial Site Development Activity Permit (SDAP) from Development Services and Engineering that demonstrates a stormwater design in compliance with Minimum Requirements #1-9, as outlined in the Kitsap County Stormwater Design Manual.
18. 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 Conditional Use Permit application was deemed complete, March 7, 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.
19. The project proposes to discharge stormwater into a wetland. SDAP submittal shall follow guidelines set forth in Appendix I-D of DOE's 2012 SWMMWW (amended in 2014). Wetland hydrology analysis shall be included in final storm drainage report and concurrence from wetland biologist must be provided prior to SDAP approval.
20. In accordance with Kitsap County Code Title 12 and the Kitsap County Stormwater Design Manual, all stormwater conveyance lines not located within the right-of-way shall be located in a minimum 15-foot-wide drainage easement that grants Kitsap County right of access for inspection, maintenance, and repair. Where landscaping is proposed within the stormwater easement near the southern property line, HDPE pipe is required for the conveyance system.
21. Should the proponent propose phasing of the project, a phasing plan shall be submitted to Development Services and Engineering for review and approval. The phasing plan shall, as a minimum, address the following items:
  - Timetables indicating the anticipated time between initial site grubbing/grading activity and the completion of construction, including site stabilization of that specific phase.
  - The extent of drainage improvements to be installed during the various phases.
22. Any project that includes offsite improvements that create additional impervious surface such as lane widening, sidewalk or shoulder installation or intersection channelization shall provide stormwater mitigation in accordance with Kitsap County Code Title 12 effective at the time the Conditional Use Permit application was deemed complete (March 7, 2018).



23. The Washington State Department of Fish and Wildlife may require a Hydraulic Project Approval for the work required at the proposed outfall.
24. The project proponent shall be responsible for installing any necessary off-site downstream drainage improvements: conveyance pipes, catch basins, and treatment facilities within project site and conveyance pipes and catch basins within right of way on NW Mickelberry Rd & Bucklin Hill Rd to connect to existing storm system within Bucklin Hill Rd. Procurement of any permits or easements necessary to install off-site improvements shall be the responsibility of the project proponent.
25. The site plan indicates that greater than 1 acre will be disturbed during construction. This threshold requires a National Pollutant Discharge Elimination System (NPDES) Stormwater Construction permit from the State Department of Ecology. More information about this permit can be found at:  
<http://www.ecy.wa.gov/programs/wq/stormwater/construction/> or by calling Josh Klimek at 360-407-7451, email [joshklimek@ecy.wa.gov](mailto:joshklimek@ecy.wa.gov). This permit is required prior to issuance of the SDAP.
26. The application indicates that a significant quantity of grading material will be exported from the site. Prior to issuing the SDAP an approved fill site(s) must be identified.
  - Any fill site receiving 150 cubic yards or more of material must obtain an SDAP.
  - Fill sites receiving 5,000 cubic yards or more, or located within a critical area, must have an engineered SDAP.
  - For any fill site receiving less than 150 cubic yards, the SDAP holder shall submit to Kitsap County Department of Community Development load slips indicating the location of the receiving site and the quantity of material received by said site.
27. The application indicates that a significant quantity of grading material will be imported to the site. Typically, this means five or more trucks entering/leaving the site per hour. Because of this a vehicle wheel wash must be included as an element of the siltation erosion control plan.
28. All grading shall conform to Chapter 9 of the Kitsap County Stormwater Design Manual.
29. All publicly maintained drainage systems outside public dedicated right of way shall be located either in a tract dedicated to Kitsap County or in an easement, granted to Kitsap County, for ingress, egress, operations, and maintenance of the stormwater facilities contained therein.
30. Should a Utilities Local Improvement District (U.L.I.D.) for the installation of storm drainage facilities be formed, which includes this property within the ULID boundary, the owners of this property shall be obligated to participate. A covenant shall be recorded before the issuance of Occupancy Permits or plat recording indicating

participation in the future ULIDs.

31. Soil amendment shall be required for all disturbed areas that are not covered by hard surface.
32. Upon completion of the storm drainage facilities, the developer will be required to post a two-year maintenance bond for the facilities within public right of way. The developer will be responsible for providing regular and adequate maintenance during this two-year period and supportive maintenance records. At the end of this time, the County will inspect the system and, when the facility is acceptable, the County will take over maintenance and operation of the system. Areas proposed to be maintained by the County that are not in the right-of-way must be shown as a separate tract/s or drainage easement/s with Kitsap County being designated as the grantee.
33. The owner shall be responsible for maintenance of the private 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.
34. If the project proposal is modified from that shown on the submitted site plan, Development Services and Engineering will require additional review and potentially new conditions.

**c. Environmental**

35. The project shall follow the recommendations of the Geotechnical Engineer Report prepared by GeoResources dated March 16, 2018.
36. The project shall follow the recommendations and mitigation of the Revised Wetland and Fish and Wildlife Habitat Assessment prepared by Soundview Consultants dated March 28, 2019.

**d. Traffic and Roads**

37. 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.
38. All traffic control devices on public and private roads shall comply with the Manual on Uniform Traffic Control Devices as amended by the Washington Administrative Code. This is in accordance with 23 Code of Federal Regulations (CFR), Part 655.
39. Sidewalk ramps shall conform to the current requirements of the Americans with

Disabilities Act per WSDOT standard plans at the time of construction.

40. The property owners shall be responsible for maintenance of all landscaping within the existing and proposed right-of-way including any structures other than roadway, storm drainage facilities, and traffic signage. Maintenance shall include, but not be limited to, mowing of lawn areas. A note to this effect shall appear on the face of the accepted construction plans. In addition, Development Services and Engineering reserves the right to require that covenants be recorded to address special maintenance requirements depending on final design.
41. Frontage improvements, consisting of 11-foot travel lane, vertical curb, gutter and 5-foot-wide sidewalk, are required along the entire property frontage on Mickelberry Road NW.
42. Provide surveyed cross-sections at 50-foot intervals along the parcel frontage on NW Mickelberry Road and along the limits of construction on NW Bucklin Hill Road. The cross-sections should show existing and proposed pavement, shoulders, ditches, and slopes. The cross-sections should also depict centerline of pavement and right-of-way, the right-of-way lines, and easements.
43. Submit plans for construction of the road approach between the edge of existing pavement and the right-of-way line at all intersections with county rights-of-way. Approaches shall be designed in accordance with the Kitsap County Road Standards as established in Chapter 11.22 of the Kitsap County Code. Existing approaches may need to be improved to meet current standards.
44. Any required sidewalk shall be constructed prior to roadway paving. This note shall appear on the face of the final construction drawings.
45. The developer's engineer shall certify that there is adequate entering sight distance at the intersection of NW Mickelberry Road and the site access. Such certification shall note the minimum required sight distance, the actual sight distance provided, and a sight distance diagram showing the intersection geometry drawn to scale, topographic and landscaping features, and the sight triangle. The sight distance shall meet the requirements of the Kitsap County Road Standards. The certification shall also note necessary measures to correct and maintain the minimum sight triangle.
46. All work, equipment and materials for traffic signal and street lighting installations shall meet and be in compliance with all requirements of the Kitsap County Road Standards, Project Contract Provisions of Plans and Specifications accepted for construction by Kitsap County, Manual on Uniform Traffic Control Devices (MUTCD), National Electrical Manufacturer's Association (NEMA), National Electrical Code (NEC), Washington State Department of Transportation (WSDOT) Standard Specifications and Standard Plans, and the Occupational Safety and Health Administration (OSHA).
47. The applicant shall contribute proportionate shares for the following capital

improvement project, included in the 2018-2023 Transportation Improvement Program, which is within the project study area: Bucklin Hills/Nels Nelson Road. The applicants proportionate share is \$4,833.00 calculated as follows:

- Estimated project cost = \$985,000.00
- Build-out year background PM peak hour entering intersection volume = 1014 vehicles
- Estimated site traffic entering intersection volume = 5
- Proportionate share =  $(5 / (1014+5)) \times 985,000 = \$4,833.00$

48. Before SDAP acceptance, the applicant shall submit a set of drawings to the Washington State Department of Transportation for review. The applicant shall notify Development Services and Engineering in writing when the plans have been submitted to WSDOT. Development Services and Engineering shall coordinate with WSDOT to determine if WSDOT has any comments to the submittal, but responsibility for obtaining concurrence from WSDOT lies with the property owner.

49. Prior to completion of this permit with the Department of Community Development, the Applicant shall apply for and satisfy all conditions of a Right-of-Way Permit through the Department of Public Works for any and all work performed in the county Right-of-Way associated with this project. Apart from the Site Development Activity Permit (SDAP), the Right of Way permit may require extra work to comply with current Washington State Department of Transportation or Kitsap County Road Standards. You may contact Kitsap County Public Works, Right-of-Way Division at (360) 337-5777 to obtain a Right-of-Way permit.

50. 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 (or building permit if no SDAP is required). The need for and scope of bonding will be determined at that time.

**e. Fire Safety**

51. See revised locations of FDC and hydrants (C1). Fire flow requirements will be calculated with SDAP after construction type and total square footage of each building is demonstrated.

52. Fire apparatus access roads are required and must be maintained in accordance with IFC 503 Amended by Kitsap County Code. Any proposed revision to these roads must be submitted to, reviewed, and approved by the Kitsap County Fire Marshal's Office. Access roads shall comply with the following:

- Unobstructed width of 20 feet and height of 13 feet 6 inches.
- Shall be designed and maintained to support a 60,000-pound fire apparatus

and be provided with an all-weather driving surface.

- Dead end access roads exceeding 150 feet in length shall be provided with an approved turnaround.
- Inside turning radius shall be a minimum of 35 feet (demonstrate radius along access with SDAP)
- 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.
- Road shall not be more than 12% grade.

53. Water line size and location, fire hydrants, fire department connections, and externally accessed riser rooms 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.

3) Where hydrants supply commercial or multi-family fire flows, a hydrant shall be placed between fifty (50) feet and one hundred fifty (150) feet from the protected building.

54. For buildings with automatic sprinkler systems, one on-site hydrant should be located within approximately 50 feet of the fire department connection(s):

- a) Automatic fire sprinklers will be required for this project. A fire alarm shall be installed to monitor the fire sprinkler system. Separate permits are required.
- b) The underground portion of the fire sprinkler system is not reviewed as part of this application. A separate Fire Code permit is required.
- c) A minimum of two access points, separated by no less than half the diagonal of the property or area served, shall be required for developments that generate more than 1,000 ADT unless other mitigating measures are approved by the County Fire Marshal.
- d) When required by the Fire Code Official, fire department access roads shall be posted with approved signs or marked as follows: All curbs shall be painted red on the sides and top and shall be labeled with 4-inch-high white lettering at 25-foot intervals with the words "NO PARKING FIRE LANE" IFC 503.3 Condition.

**f. Water and Sewer**

55. Kitsap County sanitary sewer is available for the project. Applicant needs to submit a complete set of sewer plans, profiles, and specifications designed in accordance with Kitsap County Public Works - Sewer Utility Division Standards and Regulations.

56. Kitsap County sanitary sewer is available for the project. Applicant needs to submit an "Application to Construct Sanitary Sewer" to KCPW Sewer Utility Division.

57. Sewer Availability Agreement account(s) must be kept current and in good standing

through permit approval date.

**g. Solid Waste**

58. Prior to SDAP approval, Waste Management (360) 674-3166 shall be contacted for information on implementing the solid waste/recycling storage requirements of the service provider (e.g., access requirements, dumpster size and location) for the project. Pay particular attention to the access requirements of collection trucks. Documentation shall be provided from the solid waste/recycling service provider that their requirements for this project have been met.
59. The SDAP submittal shall show solid waste dumpster location, method for securing the enclosure gates in an open position and pad sizes on the civil plans submitted for approval. Details of the enclosure, including interior dimensions, building materials and lighting must be included with the civil plans prior to final approval. These details may be architectural drawings attached to the civil plans. Provided area must accommodate a minimum 6-yard dumpster.
60. The SDAP submittal shall show that at least 150 square feet of exterior recyclable materials storage space for the project. Describe collection containers and show their locations, method for securing the enclosure gates in an open position and pad dimensions on the civil plans submitted for approval. Details of the enclosure, including interior dimensions, building materials and lighting must be included with the civil plans prior to final approval. These details may be architectural drawings attached to the civil plans.
61. If using a compactor, liquid wastes generated as a result of compaction must not discharge into the stormwater system per BKCBH Ordinance No. 1996-11, Section IV.2.a.

**h. Kitsap Public Health District**

62. This permit shall comply with all Kitsap Public Health District regulations and conditions of approval.
63. KPHD will require Sewered building clearance prior to building permit issuance. The applicant shall provide either binding water letters or proof on a construction agreement for a main extension prior to Sewered building clearance approval. There are conflicting records showing septic and a well(s) on property. If a septic tank or a well(s) are located on the property, they will need to be decommissioned or abandoned in accordance with KPHD requirements.

**NEW CONDITIONS**

64. Consistent with KCC 17.420.030.E (Access and Circulation) and in order to increase pedestrian safety, the applicant will include colored raised and/or textured pavement marking to delineate pedestrian crossings across the driveway. This will be required during SDAP review.

65. All equipment and materials stockpiles should be kept out of the wetland area, and the area will need to be kept free of spills and/or hazardous materials. Equipment will be kept in good working order free of leaks. All fill material and road surfacing should be sourced from upland areas onsite or from approved suppliers and will need to be free of pollutants and hazardous materials. Construction materials along with all construction waste and debris should be effectively managed and stockpiled and kept free of the onsite wetland area.

**Report prepared by:**

  
 \_\_\_\_\_  
 Jeff Smith, Staff Planner / Project Lead

5-18-2023  
 Date

**Report approved by:**

Katharine Shaffer  
 \_\_\_\_\_  
 Katharine Shaffer, Planning Supervisor

5-18-2023  
 Date

**Attachments:**

Attachment A - Site Plan  
 Attachment B - Storm Drainage Conveyance Map (C3.0 Civil PLANS)  
 Attachment C – Building Architectural Elevations  
 Attachment D – Pedestrian Circulation Plan  
 Attachment E – Critical Areas Map  
 Attachment F – Zoning Map

CC: Applicant/Owner: Silver View LLC, [craig@waterfrontfm.com](mailto:craig@waterfrontfm.com)  
 Project Representative/Engineer: Innova Architects Inc, [srhodes@innovaarchitects.com](mailto:srhodes@innovaarchitects.com);  
[snelson@innovaarchitects.com](mailto:snelson@innovaarchitects.com); [paul@innovaarchitects.com](mailto:paul@innovaarchitects.com)

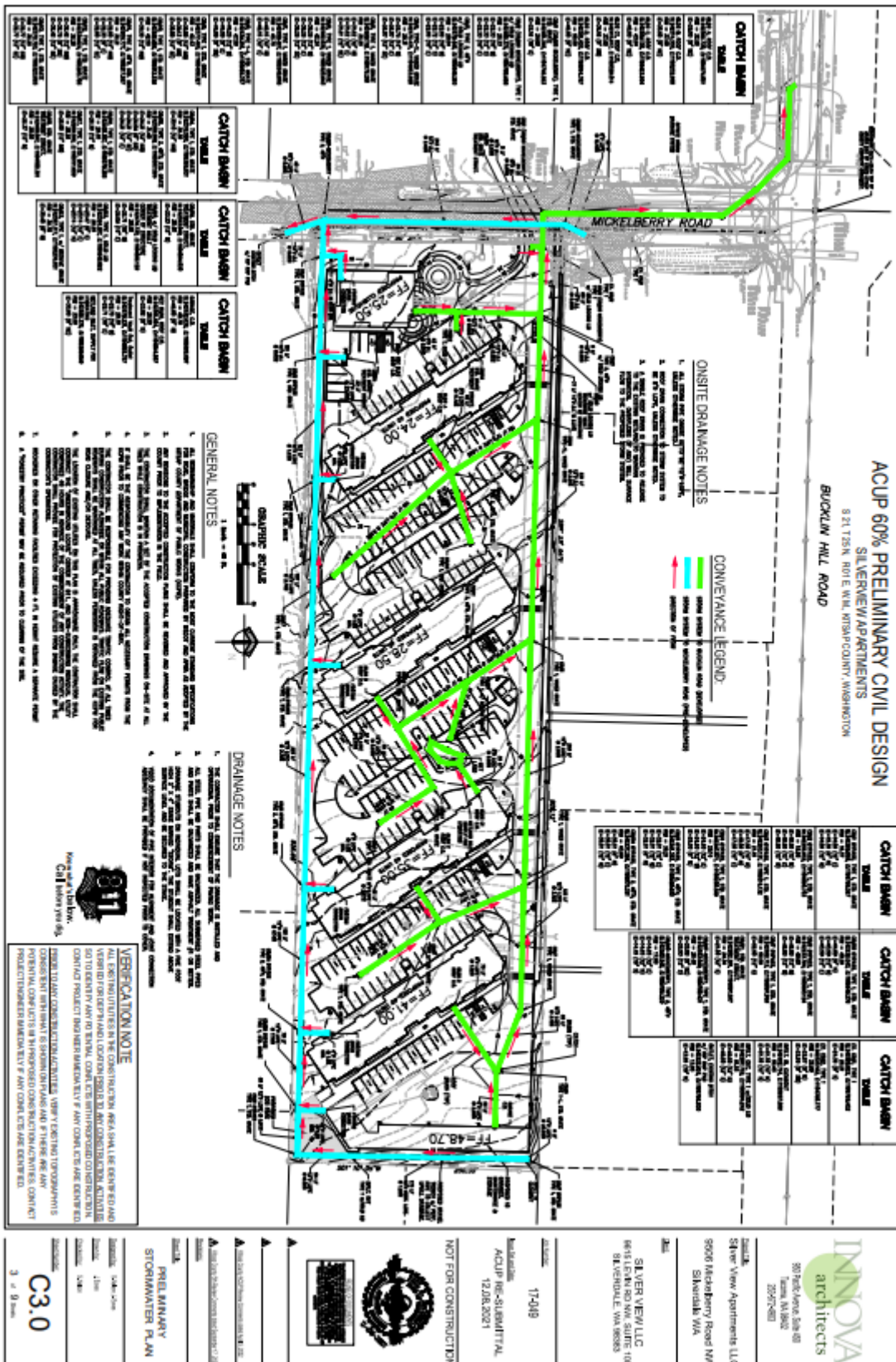
Interested Parties:

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 Kitsap County Health District, MS-30  
 Kitsap County Public Works Dept., MS-26  
 DCD: Staff Planner, Jeff N. Smith; DE Stormwater Reviewer, Cecilia Olsen





Attachment B - Storm Drainage Conveyance Map (C3.0 Civil PLANS)



Attachment C - Architectural Elevations



**INNOVA architects**  
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 Tacoma, WA 98402  
 253.572.4903

**Project:**  
 Madalberry Apartments  
 9506 Madalberry Lane  
 Silverdale, WA

**Client:**  
 SILVER VIEW LLC

**Architect:**  
 17-0-49

**Issued and Date:**  
 ACUP RESPONSE TO COUNTY COMMENTS  
 02.08.21

**ARCHITECT REGISTER ONLY**

**SCALE:**  
 1" = 8'-0"

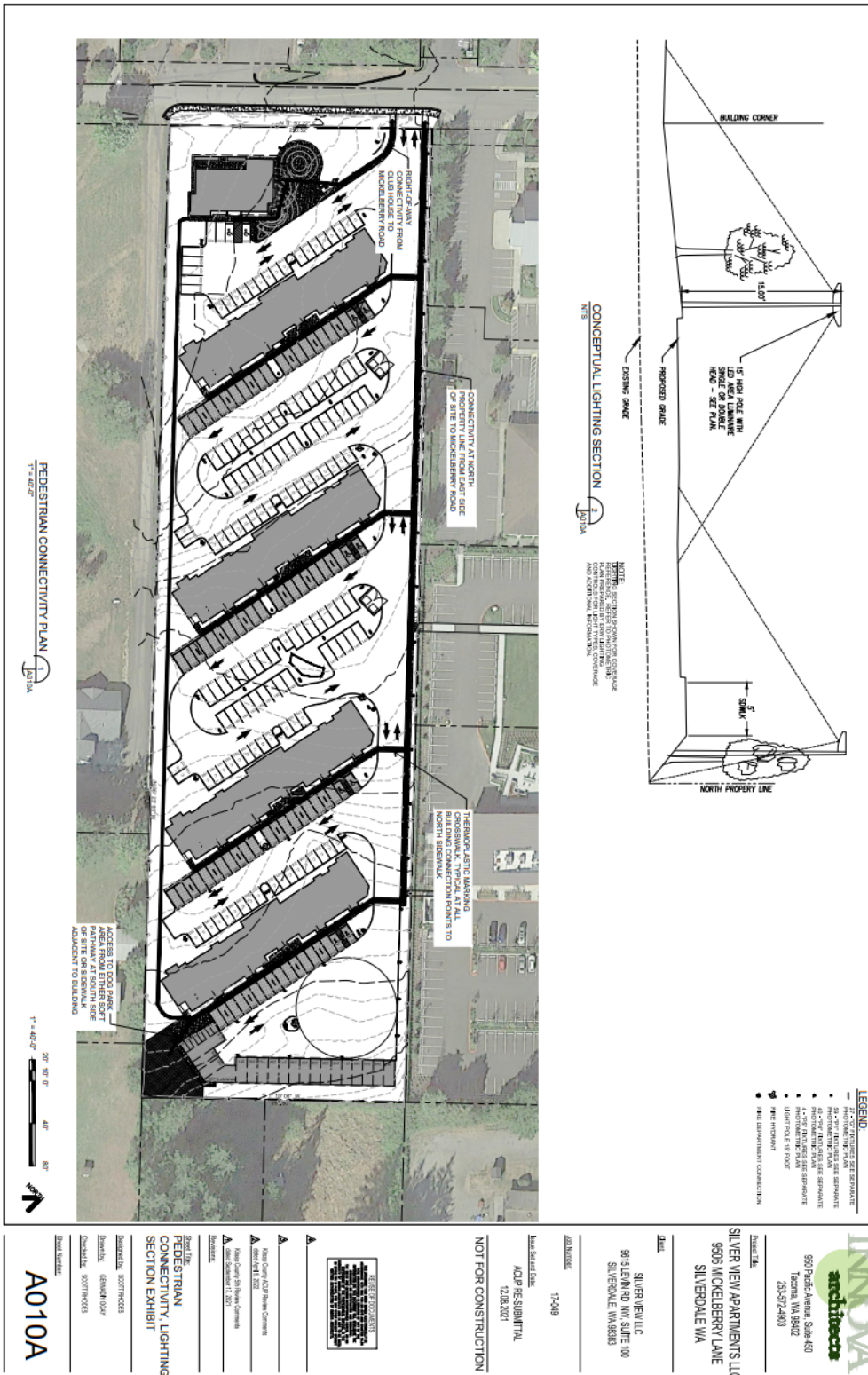
**DATE:**  
 02/08/21

**PROJECT:**  
 SILVER VIEW LLC

**ARCHITECT:**  
 INNOVA ARCHITECTS

**PROJECT NO.:**  
 A701

Attachment D - Pedestrian Circulation Plan





Attachment E - Critical Areas Map

