



Notice of REVISED Administrative Decision

Date: 08/26/2020

To: **Applicant/Owner:** Silver View LLC, craig@waterfrontfm.com
Project Representatives: Innova Architects Inc,
srhodes@innovaarchitects.com; snelson@innovaarchitects.com
Interested Parties and Parties of Record

RE: **Permit Number:** 18-00731
Project Name: Silver View Apartments – Admin CUP
Type of Application: Administrative Conditional Use Permit (ACUP)

The Kitsap County Department of Community Development has **APPROVED** the land use application for **18-00731 Silver View Apartments – Admin CUP (ACUP) subject to the conditions outlined in this Notice and included Staff Report.**

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

The written appeal shall be made on, or attached to, an appeal form found on DCD's website:

<https://www.cognitofrms.com/KitsapCounty1/RequiredPermitQuestionnaireAppealObjectionOfAnAdministrativeDecision>.

Please note affected property owners may request a change in valuation for property tax purposes, notwithstanding any program of revaluation. Please contact the Assessor's Office at 360-337-5777 to determine if a change in valuation is applicable due to the issued Decision.

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

CC: Applicant/Owner: Silver View LLC, craig@waterfrontfm.com
Project Representative: Innova Architects Inc, srhodes@innovaarchitects.com;
snelson@innovaarchitects.com
Kitsap County Health District, MS-30
Kitsap County Public Works Dept., MS-26

DCD

DCD Staff Planner: Jeff N. Smith

DSE

Interested Parties:

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Pat Brown, patbrown93@gmail.com

Bricklin & Newman LLP: Dave Bricklin, bricklin@bnd-law.com, Audrey

Clungeon clungeon@bnd-law.com;



Revised Administrative Staff Report

Report Date: August 26, 2020

Application Submittal Date: February 16, 2018

Application Complete Date: March 7, 2018

Project Name: Silver View Apartments

Type of Application: Administrative Conditional Use Permit (ACUP)

Permit Number: 18-00731

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 14 of this report.

VICINITY MAP



1. Background

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.

2. Project Request

The applicant proposes to construct four multifamily buildings consisting of 160 residential units (40 units per building) on 5.34 acres in Central Kitsap County. The apartment units range in size from 500 square-foot studios to 969 square-foot two bedroom, two-bathroom apartments. Additionally, 33 of the units will be one-bedroom furnished apartments. The buildings are four stories total. Three stories are above grade with daylight basements below. The proposal also includes a clubhouse, garage space and storage building, covered and uncovered parking, dog park, open space, sidewalks, frontage improvements to Mickelberry Road NW, utilities and stormwater facilities.

3. SEPA (State Environmental Policy Act)

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

Pursuant to WAC 197-11-355, the optional DNS process was utilized for this project. The SEPA Comment period previously occurred concurrent with the Notice of Application dated March 9, 2018. A Mitigated Determination of Nonsignificance (MDNS) was issued on April 28, 2020. A Mitigated DNS is issued under WAC 197-11-340(2), requiring an additional fourteen-day comment period which lasted from April 28 to May 12, 2020. SEPA mitigation conditions have been imposed and are listed under conditions at the end of this report.

On May 12, 2020 a SEPA Appeal was timely filed with the department (Record 20-1937).

4. Physical Characteristics

The property is rectangular shaped running east to west. The western portion of the subject property is developed with a single-family residence and associated infrastructure including outbuildings, utilities, and driveway. The remainder of the property consists of a maintained field. The property was historically used for farming/agricultural uses. Vegetation on the subject property is dominated by grasses with areas of non-native, invasive Scotch broom and Himalayan blackberry.

Topography on the site slopes gently downward 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.

Table 1 - Comprehensive Plan Designation and Zoning

Comprehensive Plan: Urban High Intensity Commercial (UHIC) Zone: Regional Center	Standard	Proposed
Minimum Density	10	10 (5.43 acres (net developable acreage not provided) x 10 =
Maximum Density	30	

		54.3 or 54 minimum units) 30 (5.43 acres x 30 = 162.9 or 163 maximum units)
Minimum Lot Size	N/A	
Maximum Lot Size	N/A	
Minimum Lot Width	N/A	
Minimum Lot Depth	N/A	
Maximum Height	55 ft/85 ft	36'
Maximum Impervious Surface Coverage	85%	75%
Maximum Lot Coverage	N/A	

Applicable footnotes: #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: Project was reviewed against the Silverdale Design Standards. Please see Section 10, g.

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
Rear: East	10 feet	20 feet

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	Urban Restrictive (UR)
West	Utilities / Multifamily Senior Housing	Urban Restrictive (UR)

Table 4 - Public Utilities and Services

	Provider
Water	Silverdale Water
Power	Puget Sound Energy
Sewer	Kitsap County
Police	Kitsap County Sherriff
Fire	Central Kitsap Fire and Rescue
School	Central Kitsap School District #401

5. Access

Access to the site is from Mickelberry Road NW, a county maintained, local access road.

6. Site Design

Site design is analyzed under Section 13 of this report.

7. Policies and Regulations Applicable to the Subject Proposal

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

Kitsap County Comprehensive Plan, adopted June 30, 2016.

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

Land Use Goal 1. Focus current and future planning on infill and redevelopment of existing Urban Growth Areas.

Land Use Policy 1. Establish specific development standards for medium- and high-density developments to ensure compatibility adjacent to existing low-density neighborhoods.

Land Use Policy 3. Address design variations in multifamily building design features and design variety through lot clustering, flexible setback requirements and mixed attached and detached housing types.

Land Use Goal 3. Support more dense residential areas with access to transportation, urban amenities, goods and services, physical activity and healthy foods.

Land Use Policy 16. Promote housing preservation and development in areas that are already well served by schools, public transportation and commercial facilities, and have adequate infrastructure to support alternative modes of transportation.

Land Use Goal 6. Direct development to designated Urban Growth Areas consistent with projected population growth, Growth Management Act and Countywide Planning Policies while considering development patterns that reduce sprawl, use urban land more efficiently, and that incorporate feasible, innovative and sustainable practices.

Land Use Policy 29. Through application of Growth Management Act goals, increase density in urban areas and limit sprawl in rural lands.

*Housing and Human Services Goal 2.
Increase affordable housing units and ensure that a broad range of housing types are available.*

Silverdale Goal 7. Promote and protect the long-term viability, safety, character and identity of existing neighborhoods.

Silverdale Policy 23. Develop an effective system of neighborhood traffic control to facilitate access while maintaining requisite safety for pedestrians, residents and normal local traffic.

Silverdale Policy 27. Establish priorities for completion of sidewalks and bicycle lanes in the design district areas

Staff Comment: The project with conditions is consistent with Comprehensive plan and meets the goals and policies listed above.

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

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

8. Documents Consulted in the Analysis

Applicant Submittals

Dated or date stamped

Administrative CUP Application	February 20, 2018
Environmental (SEPA) Checklist	February 20, 2018
Silver View Non-Wetland Memorandum	February 20, 2018
Site Plan	February 20, 2018
Parking analysis and reduction request	February 20, 2018
Narrative	February 20, 2018
Wetland Technical Memo Revised	April 22, 2019
Revised Building Elevations	April 22, 2019
Revised Landscape Plans	January 16, 2020

<u>Staff Communication</u>	<u>Dated</u>
Dev. Services & Engineering Memo	April 7, 2020
SEPA MDNS	April 28, 2020

Interested Party Comments	Dated
Lider Engineering Review Letter Report	June 29, 2020

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 Apartment Administrative Conditional Use Permit. The Department has received several informal inquiries about the project. The Department also received technical comments from William Lider, PE, CESCL, Lider Engineering, dated June 26, 2020, sent via Audrey Clungeon, Bricklin & Newman, LLP.

10. Public Outreach and Comments

Issue Ref. No.	Comment Letter Exhibit Reference No.	Summary of Concern	Staff Response to
1		<p>Cartridge filter, basic water quality design has not been shown as feasible.</p> <p>Most of the surface water runoff will be intercepted groundwater from footing drains will be routed north to Bucklin Hill, and flow west along NW Bucklin Hill Road and discharges near a</p>	<p>Per Kitsap County Stormwater Design Manual, Vol. II, Chapter 1, preliminary land use review requires the applicant demonstrate a Preliminary Design to 60% design or higher. Applicant has indicated an acceptable method of water quality treatment; these aspects of the design will be reviewed in detail, via the required Site Development Activity Permit. The Site Development Activity Permit</p>

		<p>saltwater lagoon via county outfall into Dyes Inlet. Surface Water runoff from this site drains to a Basic Treatment Receiving Water/saltwater body. Per the Preliminary Drainage Report "Stormwater quality mitigation will be provided by cartridge style system." The type of cartridge filter system has not been specified by the applicant nor the drawings provide information for the on-site pipe invert and catch basin rim elevations. For the current design stormwater design drawings dated January 13, 2020, the applicant has not shown location for the cartridge filters or the gravity drain cartridge filter system is feasible at the location without pumping.</p>	<p>stormwater design will be reviewed to assure it meets the provisions of Kitsap County Code Title 12 and the Kitsap County Stormwater Design Manual.</p>
2		<p>Utility conflicts on Mickelberry NW and Bucklin Hill Road not adequately identified.</p> <p>The Preliminary Drainage Report makes no mention of any potholing accomplished to locate underground utilities for the offsite stormwater pipe to NW Bucklin Hill Road. Appears that vertical locations of the underground utilities have been estimated,</p>	<p>Potholing to locate underground utilities is not required for Preliminary design. The required Site Development Activity Permit must provide these details. Conflicts with underground utilities, if any, must be resolved prior to Site Development Activity Permit approval; this will be accomplished during review of the Site Development Activity Permit.</p>

		which may result in conflicts during construction.	
3		<p>Additional stormwater treatment is required.</p> <p>The project proposes and interceptor gravel trench with perforated pipe to collect upgradient surface run-on and groundwater flow. No details of elevations have been providing at the point, limiting the any elevation of the effectiveness of the interceptor trench or its impact on the artesian groundwater aquifer.</p>	<p>Per Kitsap County Stormwater Design Manual, Vol. II, Chapter 1, preliminary land use review requires the applicant demonstrate a Preliminary Design to 60% design or higher. Details of the interceptor gravel trench and demonstration of its effectiveness are required to be included in and will be reviewed via the Site Development Activity Permit. The Site Development Activity Permit stormwater design will be reviewed to assure it meets the provisions of Kitsap County Title 12 and the Kitsap County Stormwater Design Manual.</p>
4		<p>Artesian groundwater impacts have not been addressed.</p> <p>The updated Geotechnical Engineering Report reports ground water through the site varying depths from 0.2 feet to 6 feet below grade. Figure 6 shows the footing drain located 4 inches below the building foundation. No structural drawings were furnished for this review showing the building's spread footings' elevation.</p>	<p>The preliminary design information discloses and acknowledges groundwater on this site; final design will evaluate groundwater recharge and protection per applicable Kitsap County Codes, including Title 12 Stormwater and Title 19 Critical Areas.</p>
5		<p>Construction dewatering impacts are not addressed.</p> <p>Per Section 2.1.4 of the Kitsap County Drainage Manual, "it is important to have early estimations of the</p>	<p>A complete Construction Stormwater Pollution Prevention Plan is required with the Site Development Activity Permit. The Site Development Activity Permit stormwater design will be reviewed to assure it meets the provisions of Kitsap County Title 12</p>

		groundwater discharge from the site.” No estimate of dewater flow was provided.	and the Kitsap County Stormwater Design Manual.
6		<p>Critical Aquifer Recharge Area impacts not addressed.</p> <p>The Silver View Apartment site is designated as a Category II Critical Aquifer Recharge Area (CARA), providing recharge to aquifers that are current potable and irrigation water supplies and are vulnerable to contamination based on the type of land use activity. Wells are located near Puget Sound and they are vulnerable to saltwater intrusion. This reduction in groundwater recharge flow to the Best’s artisan aquifer poses a threat to their well as well as their neighbor’s well.</p>	<p>KCC 19.600.615, Development standards, Category II Critical Aquifer Recharge Areas (CARA).</p> <p>1. Land uses identified in Table 19.600.620 that are proposed in a Category II aquifer recharge area may be required to submit a hydrogeological report (see Chapter <u>19.700</u>, Special Reports), as determined in subsection (B)(2) of this section. The scope of the report shall be based on site-specific conditions.</p> <p>2. The need for a hydrogeological report will be determined by the department, the health district and the affected water purveyor when the proposed land use or activity may impact groundwater and surface water quality and quantity. Based on the results of the report, controls, mitigation, and/or other requirements will be established as a condition of approval.</p> <p>C. Notification and Review.</p> <p>1. Affected water purveyors, tribes and Kitsap public health will be notified and invited to comment during the preliminary phases of the county’s review of any development application in a critical aquifer recharge area. The purveyor may recommend appropriate mitigation to reduce potential impacts and the department will consider these</p>

			<p>recommendations to develop appropriate permit conditions.</p> <p>2. The department will also notify Kitsap public health and affected water purveyors through the environmental review process when those development activities listed in Table 19.600.620 are proposed outside the areas designated critical aquifer recharge areas.</p> <p>D. Storm Water. Storm water best management practices shall be accomplished in accordance with Title <u>12</u>.</p> <p>Per the notification and review protocol, the county did provide notice to the water purveyor, Tribes, and Kitsap Public Health District. We received no comments in relation to the apartment complex proposal from any agency. Further, in review of the CARA chart referenced in KCC 19.600.620, apartments are not considered a land use action with a potential CARA impact. As such, the project meets KCC 19.600.615 requirements and does not require any additional analysis.</p>
7	Sanitary Sewer	<p>Sanitary sewer lift station and force main concerns.</p> <p>On February 7, 2018, the applicant executed a Sewer Availability Agreement with Kitsap County Wastewater Division for 120 units; however, the applicant is currently proposing to sewer 160 units in addition to a</p>	<p>For multifamily development, per KCC 13.14.140, Kitsap County Sewer Utility Division uses $\frac{3}{4}$ of a residential equivalent unit per apartment unit, as apartment occupancy is not always 100 percent. The proposed clubhouse is included in the calculation. There is currently adequate capacity in the County's sewer system to accommodate the proposed development.</p>

		<p>clubhouse. It must be confirmed that there is enough capacity in the County's sewer system for 160 units in addition to the clubhouse.</p>	<p>Response to Engineer's recommendation:</p> <ul style="list-style-type: none"> A. See explanation above. B. No waiver is required. The force main will be conveyed to the County for maintenance. C. Once installation is approved, the facilities will be conveyed to the County for maintenance. D. No, there will be a commercial pump station, if gravity sewer is not an option. E. Backup generators are a standard requirement for pump stations serving more than 100 units. F. Lift station review is performed during the Site Development Activity Permit (SDAP). Staff reviews to ensure safety and redundancy are provided.
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11. Analysis

a. Planning/Zoning

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

C. Exterior Lighting. In all zones, artificial outdoor lighting shall be arranged so that light is directed away from adjoining properties and so that no more than one-foot candle of illumination leaves the property boundaries.

Staff Response: Conditioned for urban lighting requirements. Please see Condition 13.

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

1. 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. This shall be accomplished through the use of parapet roof extensions, or screened in a manner which is architecturally integrated with the main structures;

Staff Response: The proposal includes the use of parapet roof extensions to screen any rooftop

mounted equipment. Project has been conditioned for screening requirements. Please see Condition 15.

2. Locate service areas, outdoor storage areas and other intrusive site features away from neighboring properties to reduce conflicts with adjacent uses. Building materials for use on the same premises may be stored on the parcel during the time that a valid building permit is in effect for construction;

Staff Response: Dumpster locations are adequately screened with vegetation and fencing. No other service areas are proposed. No outside storage or other intrusive site features are proposed or authorized.

3. Every parcel with a structure shall have a trash receptacle on the premises. The trash receptacle shall comply with adopted public works standards and be of sufficient size to accommodate the trash generated. All receptacles shall be screened on three sides with fencing and/or landscaping as determined appropriate by the director.

Staff Response: The proposal includes provisions for dumpster locations. The project has been conditioned for compliance with solid waste requirements. Please see Conditions 43-46.

E. Access and Circulation.

1. Pedestrian access shall be accommodated on-site from the public right-of-way, and throughout the site to minimize potential conflicts between pedestrian and vehicular circulation. Pedestrian paths must correspond with state and local codes for barrier-free access. Projects should also integrate walkways into the site plan leading to transit stops within one thousand two hundred feet of the site and incorporate transit stops within the site plan design as appropriate;

Staff Response: The proposal includes sidewalks along Mickelberry Road NW and along the north property line. Sidewalks are also proposed along building entrances. Sidewalks have been conditioned for ADA compliance. Please see Condition 33.

2. Developments shall be limited to one ingress/egress per three hundred lineal feet along a public arterial. Small parcels that provide less than two hundred fifty feet of road frontage shall be limited to one parking lot entrance lane and one exit lane. Access points may be required at greater intervals as directed by the director of public works as demonstrated through a traffic analysis. Developments shall attempt to share access with adjoining parcels to minimize access points and potential conflicts from vehicles entering and exiting onto traveled roadways, unless deemed not feasible due to natural constraints such as critical areas or topographical relief, or existing development that precludes the ability to share access. Developments shall attempt to minimize vehicular movement conflicts with public roadways by use of connected frontage lanes.

Staff Response: Only one access point is proposed. The development is consistent with this requirement.

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 does not include any fencing other than that required for screening of adjacent non-compatible uses. 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: Project is conditioned for urban light standards. Please see Condition 13.

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. Though some clearing will occur, no marketable timber exists on site and clearing will not trigger any timber permits. In addition, the topography is less than 15% and is not considered geologically hazardous.

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 including a trail within required landscaped buffers, a clubhouse with meeting space and exercise equipment and a dog park.

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 was shown to be satisfied. This will be further analyzed with the Site Development Activity Permit. Please see Condition 4.

b. Lighting

Artificial outdoor lighting shall be arranged so that light is directed away from adjoining properties and so that no more than one-foot candle of illumination leaves the property boundaries. Please see Condition 13.

c. Off-Street Parking

Kitsap County Code 17.490.030.A allows for relaxation of up to "twenty-five percent to the amount of required off-street parking if a applicant demonstrates that, due to the unusual nature of the proposed use, it is reasonable that the off-street parking required by this section exceeds any likely need." Application proposes a 18% reduction of parking requirements in exchange for a transit stop/bus shelter pad provided on frontage at Mickelberry Road NW. This exchange is allowed under WAC 468-63. Please see Exhibit: Parking Analysis and Reduction Request. Kitsap County Code 17.490.030 excludes garages toward parking calculations, but this requirement does not apply to multifamily.

Table 5 - Parking Table

Use Identified in 17.490.030	Standard	Required Spaces	Proposed Spaces/Existing Spaces
Multifamily, Apartments	1.5 per unit + 0.5 per unit on street or set aside	1.5 * 160 proposed units = 240 units 0.5 (set aside) = 80	10 ADA spaces 18 garages 73 compact spaces 161 regular space = 262 proposed spaces
Total		320	262

d. Signage

A monument sign location at the entrance to the development has been identified. The sign location is appropriate for the development. Any proposed signs will require separate permitting and shall be compliant with Kitsap County Code 17.510. Please see Condition 6.

e. Landscaping

Submitted landscape plan meets preliminary approval. The project will be conditioned to provide a final landscape plan for further analysis with the Site Development Activity Permit (SDAP). Please see Condition 3 and 4.

Table 6 - Landscaping Table

	Required	Proposed
Required Landscaping (Sq. Ft) 15% of Site	5.34 acres total site area. 15%= 0.8 acres or 34,848 square feet	58,500 square feet or 1.34 acres proposed, exceeding 15% requirement.
Required Buffer(s) 17.500.025		
North	Roadside and Setback Area Buffer	
South	Solid Screening Buffer	
East	Solid Screening Buffer	
West	Solid Screening Buffer	
Street Trees		
Building Façade Planting	4' wide over 2/3 or greater of horizontal distance of buildings	
Parking Lot Landscaping	100 or more spaces = 35 sq. ft. per space (240 x 35 sq. ft. = 8,400)	

f. Frontage Improvements

Frontage improvements are required along Mickelberry Road NW consisting of an 11-foot travel lane and 5-foot sidewalks. Please see Condition 35.

g. Design Districts/Requirements

Subject property is in the Silverdale Design Standards, Waterfront District. Below is the analysis of the required design standards.

9.4.1 RESIDENTIAL BUILDING ORIENTATION, HEIGHTS & TYPES

A. Building orientation for new housing will reflect the existing residential building context, with buildings and main entries facing front yards or from courtyards, decks, or plazas that relate to front yards.

Staff Comment: The proposal includes these listed features.

D. Weather protection features such as canopies and marquees shall be provided on buildings

along major pedestrian walkways.

Staff Comment: Canopies are proposed on residential buildings. Please see Building Elevations.

9.4.2 RESIDENTIAL OPEN SPACE & PEDESTRIAN CIRCULATION

A. All residential buildings will have a landscaped front yard (hard or soft materials) with major entries oriented to and accessible from a front yard.

Staff Comment: Submitted landscape plan meets criteria for preliminary approval. A final landscape plan demonstrating this requirement is a conditional of approval. Please see Condition 4.

B. "Front yard" may be defined as an entry courtyard, court, deck, porch, foyer or other foreground feature that contains the major entry(s) to building(s).

Staff Comment: Proposal meets criteria.

E. All new developments will have pedestrian sidewalk connections from front entry to public sidewalk, either from individual units, a collector sidewalk, or courtyards.

Staff Comment: Proposal meets criteria.

9.4.3 RESIDENTIAL STREETS & PARKING

A. Parking will be limited to the rear or side yards.

Staff Comment: Proposal meets criteria.

h. Development Engineering/Stormwater

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. Per Kitsap County Stormwater Design Manual, Vol. II, Chapter 1, preliminary land use review requires the applicant demonstrate a Preliminary Design to 60% design or higher. Development Services and Engineering has reviewed the above land use proposal and finds the concept supportable in its approach to civil site development. These comments are based on a review of the Preliminary Drainage Report and Preliminary Engineering Plans accepted the preliminary storm drainage concept dated March 7, 2018, and by resubmittals accepted for review April 22, 2019, January 15, 2020 and March 4, 2020 to Kitsap County Development Services and

Engineering. Further analysis will be done with the Site Development Activity Permit based on a 100 % project design.

i. Environmental

A Wetland and Fish Wildlife Habitat Assessment was submitted with the application prepared by Soundview Consultants dated February 1, 2018. The report stated, "No wetlands, streams, or other sensitive areas are documented on the subject property by any of the critical area inventories." However, The Department of Ecology requested a soil scientist from Natural Resources Conservation Service (an outside agency) review the site to determine the characteristics of the soil to determine hydric features. A site visit was conducted by BGE Environmental, Suquamish Tribe, Washington State Department of Fish and Wildlife, and staff from the Washington State Department of Ecology/wetland division. An on-site category 4 wetland was found. Due to site constraints, impacts to the on-site category 4 wetland is unavoidable. Functions and values of the wetland will be replaced on the adjacent Kitsap Mental Health property using a restoration protocol. As planned, a degraded and non-regulated wetland will be enhanced with native plantings and natural materials to recreate the functions and values of the on-site wetland. Please see Silver View Non-Wetland Memorandum in documents reference list above. The project will be conditioned for follow the recommendations and mitigation of the Revised Wetland and Fish and Wildlife Habitat Assessment prepared by Soundview Consultants dated March 28, 2019. Please see Condition 29.

Submitted with the application was a Geotechnical Engineer Report prepared by GeoResources dated March 16, 2018. The report stated "Based on the results of our site reconnaissance, subsurface explorations, and our experience in the area, it is our opinion that the site does not meet the technical area of a geologic hazard (erosion or landslide) area per Kitsap County Municipal Code Title 19.400." The project is conditioned to follow the recommendations of the report. Please see Condition 30.

j. Access, Traffic and Roads

A Traffic Impact Analysis (TIA) was submitted with the development proposal. The TIA indicates that intersections will continue to operate at acceptable levels 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 Bucklin Hills/Nels Nelson project study area identified on the County's Traffic Improvement Plan (TIP) in the amount of \$4,833.00.

k. 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.

l. Solid Waste

Dumpsters are proposed and have been located throughout the site. The project has been conditioned for compliance with solid waste requirements and approval from Waste Management. Please see Conditions 43-46.

m. Water/Sewer

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 sewer building clearance approval.

n. Kitsap Public Health District

This project will be served by public water and sewer. 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 48.

12. Review Authority

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

13. Findings

1. The proposal is consistent with the Comprehensive Plan.
2. The proposal complies or will comply with requirements of KCC Title 17 and complies with or will comply with all 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.
3. The proposal is not materially detrimental to existing or future uses or property in the immediate vicinity.
4. The proposal is compatible with and incorporates specific features, conditions, or revisions that ensure it responds appropriately to the existing character, appearance, quality or development, and physical characteristics of the subject property and the immediate vicinity.

14. 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 (ACUP) request for Silver View Apartments be **approved**, subject to the following 48 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.
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 and 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 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. Any project that includes off site 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.
 20. All permitting requirements of the Washington State Department of Fish and Wildlife, including a Hydraulic Project Approval, must be completed for the work required at the proposed outfall.
 21. The applicant shall be responsible for installing any necessary off-site downstream drainage improvements, i.e., conveyance pipes, catch basins, and treatment facilities from the project site to existing storm system within NW Bucklin Hill Road. Procurement of any permits or easements necessary to install off-site improvements shall be the responsibility of the project applicant.
 22. 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 contacting Josh Klimek at 360-407-7451 or joshklimek@ecy.wa.gov. This permit is required prior to issuance of a SDAP.
 23. Soil amendment shall be required for all disturbed areas that are not covered by hard surface.
 24. The owner shall be responsible for maintenance of the storm drainage facilities for this development following construction. Before issuance of Occupancy Permits for this development, the person or persons holding title to the subject property for which the storm drainage facilities were required shall record a Declaration of Covenant that guarantees to 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. County maintenance would only be done after notifying the owner and giving them reasonable time to do the necessary work. Should the County be required to do the maintenance work, the owner will be billed the maximum amount allowed by law.
 25. If the project proposal is modified from that shown on the site plan submitted January 15, 2020, Development Services and Engineering will require additional review and potentially new conditions.
 26. Kitsap County sanitary sewer is available for the project. Applicant is required 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, chapter 13.12 KCC.

27. Kitsap County sanitary sewer is available for the project. Applicant needs to submit an "Application to Construct Sanitary Sewer" to KCPW Sewer Utility Division.
28. Sewer Availability Agreement account(s) and sewer availability agreements must be kept current and in good standing through permit approval date.

c. Environmental

29. The project shall follow the recommendations of the Geotechnical Engineer Report prepared by GeoResources dated March 16, 2018.
30. 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

31. Apply 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.
32. 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.
33. Sidewalk ramps shall conform to the current requirements of the Americans with Disabilities Act per WSDOT standard plans at the time of construction.
34. 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.
35. 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.
36. 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.
37. 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, Figure 4-3a, as established in Chapter 11.22 of the Kitsap County Code.
38. Any required sidewalk shall be constructed prior to roadway paving. This note shall appear on the face of the final construction drawings.

39. 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.
40. 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, MUTCD Manual on Uniform Traffic Control Devices, NEMA National Electrical Manufacturer's Association, NEC National Electrical Code, WSDOT Standard Specifications and Standard Plans, and the Occupational Safety and Health Administration (OSHA).
41. The applicant shall contribute proportionate shares for the following capital improvement project, included in the 2018-2023 Transportation Improvement Program, that 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 = $(5/(1014+5)) \times 985,000 = \$4,833.00$
42. 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 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.

e. Fire Safety

None.

f. Solid Waste

43. Prior to SDAP approval, Waste Management (360) 674-3166 shall be contacted for information on implementing the solid waste/recycling storage requirements influenced by the service provider (e.g. dumpster size and location) for the project. The applicant shall meet 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.
44. 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.

45. 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
46. 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. Additional design may be required to demonstrate how liquid waste discharge will be mitigated.

g. Kitsap Public Health District

47. This permit shall comply with all Kitsap Public Health District regulations and conditions of approval.
48. 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.

Report prepared by:



Jeff N. Smith, Planner / Project Lead

August 20, 2020

Date

Report approved by:



Scott Diener, Department Manager

August 26, 2020

Date

Attachments:

Attachment A – Site Plan

Attachment B – Building Architectural Elevations

Attachment C – Zoning Map

CC: Applicant/Owner email: Silver View LLC, craig@waterfrontfm.com
Project Representative email: Innova Architects Inc, srhodes@innovaarchitects.com;
snelson@innovaarchitects.com

Interested Parties:

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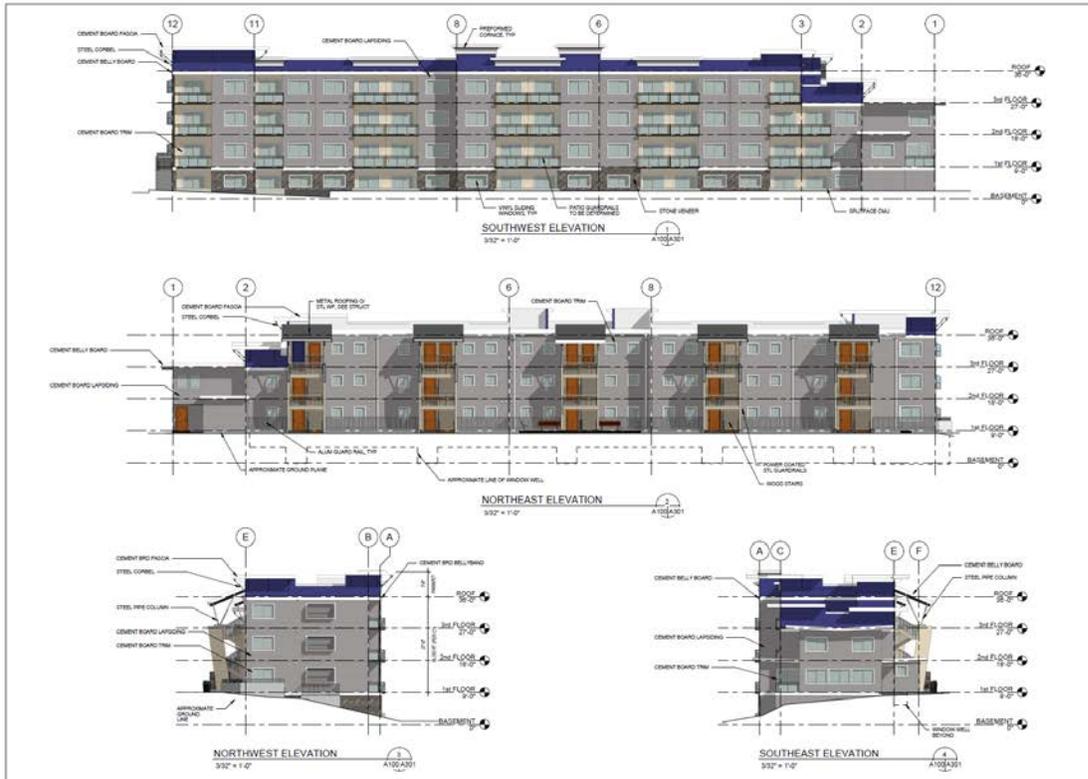
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clungeon@bnd-law.com;

Kitsap County Health District, MS-30

Kitsap County Public Works Dept., MS-26

DCD Staff Planner: Jeff N. Smith

BUILDING ARCHITECTURAL ELEVATIONS



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 Tacoma, WA 98402
 253-572-4903

Project Title: Mickleberry Apartments
 9506 Mickleberry Lane
 Silverdale WA

Client: SILVER VIEW LLC

Job Number: 17-049
 Issue Set and Date: ACUP
 11.30.18

AGENCY REVIEW ONLY

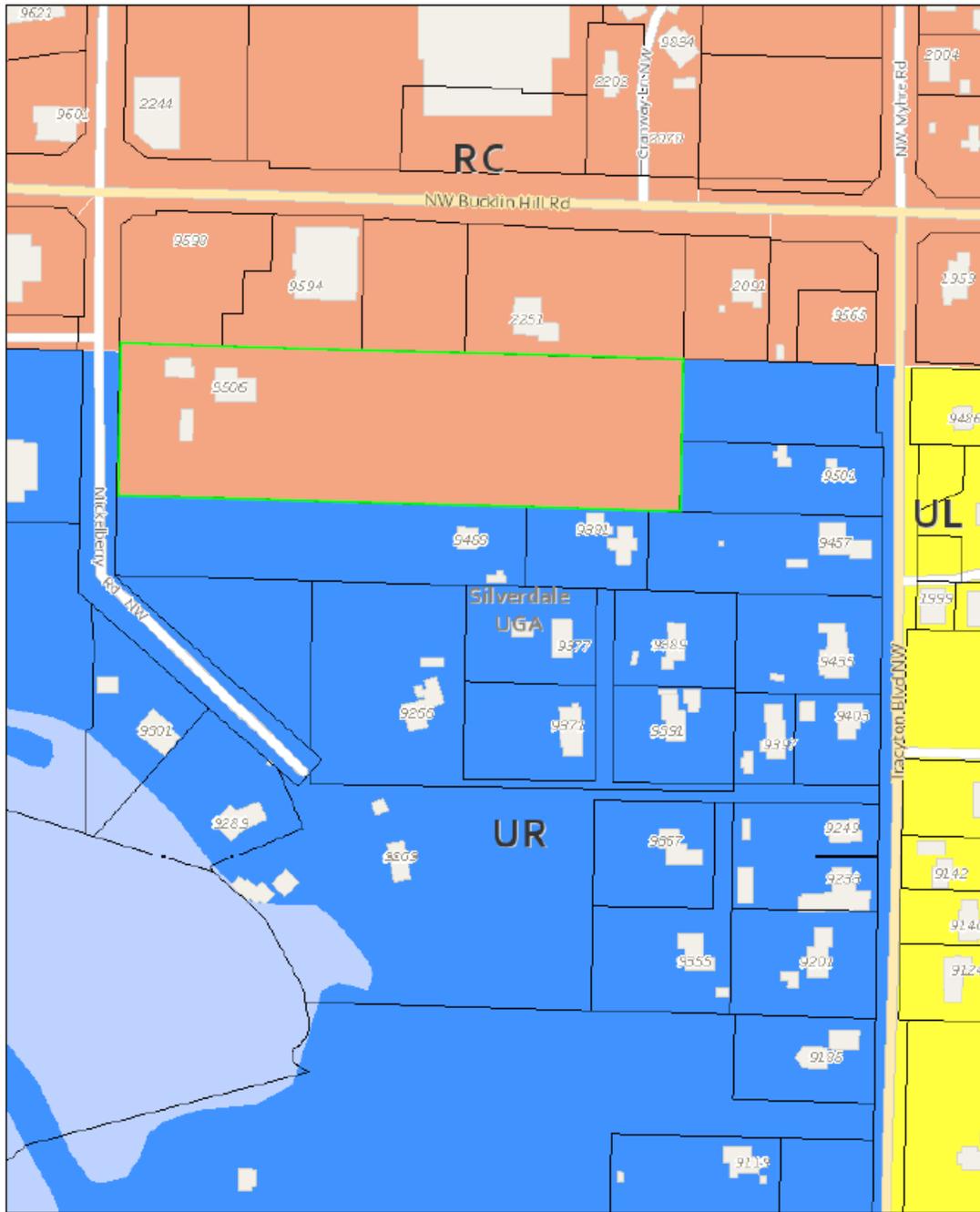
SEAL OF DOCUMENTS

DESIGNED BY: [Signature]
 DRAWN BY: [Signature]
 CHECKED BY: [Signature]

EXTERIOR ELEVATIONS

Sheet Number: **A301**

Project Zoning Map



Comments: ** This map is not a substitute for field survey ** Map Scale: 1 inch = 200 feet
Parcel No: 212501-1-058-2000 TaxPayer: SILVER VIEW LLC Site Address: 5506 MCKELBERRY RD NW
Kitap Co. Parcel Search Application
Printed July 29, 2020