



Notice of Administrative Decision

Date: 11/08/2018

To: Team 4 Engineering (Jeff), jeff@team4eng.com
David & Heidi Bryant, dave@kitsaptowing.com
Interested Parties and Parties of Record

RE: **Permit Number:** 18-01398
Project Name: Kitsap Towing – Vehicle Storage and Tow Truck Turnaround Area
Type of Application: Administrative Conditional Use Permit (ACUP) – Type II

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

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

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

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

CC: Berni Kenworthy – Team 4 Engineering, berni@team4eng.com
Mark Kuhlman – Team 4 Engineering, mark@team4eng.com
Jaci Bryant, jaci@kitsaptowing.com
Interested Parties: None
Kitsap County Health District, MS-30
Kitsap County Public Works Dept., MS-26
Parks
Navy
DSE
Central Kitsap Fire District
Central Kitsap School District
Puget Sound Energy
Water Purveyor

18-01398 Kitsap Towing Vehicle Storage & Tow Truck Turnaround ACUP
11/08/18

Point No Point Treaty Council
Suquamish Tribe
WA Dept of Fish & Wildlife
WA State Dept of Ecology-SEPA
WA State Dept of Transportation
DCD Staff Planner: Jeff N. Smith
DCD File #18-01398



Administrative Staff Report

Report Date: October 28, 2018

Application Submittal Date: March 26, 2018

Application Complete Date: April 8, 2018

Project Name: Kitsap Towing - Vehicle Storage and Tow Truck Turnaround Area

Type of Application: Administrative Conditional Use Permit Type-II

Permit Number: 18-01398

Project Location

11632 Clear Creek Road NW
Silverdale, WA 98383
Commissioner District #3

Assessor's Account

092501-3-006-2005

Applicant/Owner of Record

David & Heidi Bryant
17992 9th Avenue NE
Poulsbo, WA 98370-8466

Decision Summary

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

VICINITY MAP



1. Background

The project proposal is to construct an approximately a 60-foot by 60-foot towed vehicle storage area to accommodate up to 15 vehicles and overflow parking for employees in the adjacent building. Kitsap Towing is a Registered Tow Truck Operator (RTTO). The proposal includes a small area for 3 off-street parking spaces for overflow parking for the building employees or patrons. The current coverage areas are designated Zone 9 of the Washington State Patrol rotational calls, which is the north end coverage law enforcement calls. Kitsap towing also covers calls for Kitsap County Sheriff calls for North and Central Kitsap County. Without an impound lot at their Silverdale office, Kitsap Towing cannot provide needed coverage to the State Patrol and the Kitsap County Sheriff. The project site was originally approved as the Dahl Complex with the business Dahl Glass through a Variance and an Administrative Site Plan Review for two 8,000 square foot commercial buildings (Files# 03-11950, 04-19562). The property was zoned Business Park and reviewed for land use requirements critical area stream buffers and storm drainage. Following land use review the project was reviewed through a Site Development Activity Permits (04-24874, 05-28647).

2. Project Request

The applicant is requesting approval of an Administrative Conditional Use Permit to operate a vehicle storage facility pursuant to KCC 17.540.

3. SEPA (State Environmental Policy Act)

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

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 April 27, 2018. A Determination of Nonsignificance (DNS) was issued on March 30, 2004. The current proposal falls below thresholds established in the previous DNS was approved with mitigation under Kitsap County Code for roads, storm drainage and critical areas.

4. Physical Characteristics

The subject property is 3.23 acres, relatively flat, with two 11,688 square foot industrial loft warehouse buildings. The vehicle storage area will be located on a paved area north of the buildings and the northern portion sloping down to a tributary to Clear Creek. The property was conditioned through a previous land use approval to include a 100-foot enhanced stream buffer per a Habitat Management Plan, pursuant to the KCC Title 19 Critical Areas.

Table 1 - Comprehensive Plan Designation and Zoning

Comprehensive Plan: Urban High Intensity Commercial Zone: Commercial	Standard	Proposed
Minimum Density	10 DU/Acre	NA
Maximum Density	30- DU/Acre	
Minimum Lot Size	NA	NA
Maximum Lot Size	NA	NA
Minimum Lot Width	NA	NA
Minimum Lot Depth	NA	NA

Maximum Height	35 feet	<35 feet
Maximum Impervious Surface Coverage	85%	~1.513 acres or 46%
Maximum Lot Coverage	NA	NA

Applicable footnotes:

17.420.060 #52 No motor vehicle parking allowed within the front yard setback.

Staff Comment: No parking or vehicle storage is proposed within required yard areas abutting a residential zone. The applicant has adjusted the site plan to be consistent with this requirement

Table 2 - Setback for Zoning District

	Standard	Proposed
Front (West)	20 feet	20 feet (vehicle storage area)
Side (North)	10-feet (20-feet when abutting residential).	120 feet (storage yard)
Side (South)	10-feet (20-feet when abutting residential).	211-feet (Storage yard stand) 142-feet (existing building #1) 19 feet (existing building #2)
Rear (East)	10 feet (20-feet when abutting residential).	10 feet (storage yard)

Table 3 - Surrounding Land Use and Zoning

Surrounding Property	Land Use	Zoning
North	Commercial Park and dwelling Approved through multiple permits since Conditional Use Permit for commercial development from 2014.	Commercial (C)
South	Commercial -Recreation Vehicle Sales	Commercial (C)
East	Commercial -Recreation Vehicle Sales	Commercial (C)
West	Single-family dwelling across Clear Creek Road NW	Commercial (C)

Table 4 - Public Utilities and Services

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

5. Access

The vehicle storage area will be accessed from Clear Creek Road NW, a Kitsap County maintained road which has a functional classification as a minor arterial. The current roadway has been construction consistent with rural standards with two 11-foot travel lanes and 5-foot shoulders.

6. Site Design

The proposed vehicle storage area is to be located within an existing developed site that was reviewed and approved through an Administrative Site Plan Review. The site was already reviewed for consistency with storm drainage, landscaping, and consistency with critical area requirements for the Clear Creek tributary. Consistent with the existing Storm Drainage Manual, the new vehicle storage is considered redevelopment and a revised storm drainage report was prepared to address storm events. The site plan was revised so the storage met the front yard setback and allow more room for equipment to access the storm drainage pond.

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:

Silverdale Goal 3

Enhance the status of Silverdale as a regional and retail service center.

Silverdale Goal 4

Achieve diversification of Silverdale 's economic base, particular through expansion of business and higher education opportunities.

Silverdale Goal 6

Support Commercial development and redevelopment that complement s and is compatible with the larger Silverdale community.

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

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

8. Documents Consulted in the Analysis

<u>Applicant Submittals</u>	<u>Dated or date stamped</u>
Administrative CUP Application	March 28, 2018
Supplemental Application	March 29, 2018
Habitat Management Plan & Supplement	July 11, 2018
Site Plan	September 18, 2018
Final Health District Approval	August 17, 2017
Project Narrative	March 28, 2018
 <u>Staff Communication</u>	 <u>Dated</u>
Dev. Services & Engineering Memo	October 26, 2018

9. Public Outreach and Comments

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

10. Analysis

a. Planning/Zoning

The proposed vehicle storage facility is required to be reviewed through an Administrative Conditional Use Permit, KCC Table 17.410.040(B) Commercial, Industrial, Parks and Public Facilities Zones. The project permit is reviewed for consistency with KCC 17.420.030 Design Standard and Administrative Conditional Use Permit decision criteria in KCC 17.540.040.

b. Lighting

If security lighting is required for the vehicle storage, not more than one-candle foot can leave the property line.

c. Off-Street Parking

The parking facility is an unstaffed facility to accommodate 15 vehicles. The request will not impact the required parking for the existing approved land uses and will provide 3 overflow parking spaces for building employees. The use is not listed in the table per KCC 17.490.030 and does not require off-street additional parking. Outside Storage/parking areas are required to be screened from adjacent land uses. All fencing should be dark coated vinyl fencing with slats to help provide a functional screen of vehicle parking/storage from roadway.

Table 5 - Parking Table

Use Identified in 17.490.030	Standard	Required Spaces	Proposed Spaces/Existing Spaces
Storage -Vehicles	NA	NA	NA
Total			

d. Signage

NA

e. Landscaping

The Design Standards require a minimum of 15% landscaping with an 85% maximum lot coverage by impervious surfaces. Landscaping was approved through the previous Site Plan Review. Landscaping is calculated based on the square footage planting beds, landscape buffer, and critical area buffers. It has been determined that that 2.09 acres of the site is in landscaping, which is approximately 53%. The current site conditions far exceed the 15% landscaping requirement per KCC 17.500.025 General Landscaping requirements.

Table 6 - Landscaping Table

	Required	Proposed
Required Landscaping (Sq. Ft) 15% of Site	0.48 acres (2,1104 sf)	2.09 acres (91,040 sf)
Required Buffer(s) 17.500.025		

North	0.89 acres Critical Buffer	0.89 acres Critical Buffer
South	Separation Buffer	No change
East	Separation Buffer	No Change
West	Road Side buffer	No change
Street Trees	No	No Change

f. Frontage Improvements

Frontage improvements, including sidewalks, are not required due to existing topography conditions and the existing wide paved and striped shoulder provides adequate walking space for pedestrians and bicycle traffic.

g. Design Districts/Requirements

Waaga Way Town Center (WWTC)

10.2 Design Intent

Waaga Way Town Center is intended to include a compatible mix of office/retail, business and residential uses. Developments in this area should be constructed in a coordinated park-like setting using landscaping and open spaces where appropriate. Businesses should be oriented toward pedestrian and bicycle pathways, transit facilities, recreational trails and gathering areas. Such development shall include an integrated system of pedestrian and bicycle pathways to ensure their compatibility with vehicular traffic in the area. Architecture shall be distinct and draw focus to business entrances and intersections with public streets and interior access roads.

1.4 Kitsap County & Silverdale Design Guidelines.

The design guidelines are specific to physical elements and contexts substantial reconstruction within the Silverdale Design Districts.

Staff Response: The design standards are only applicability to new structures or redevelopment with 50% or greater replacement value of the structure. The applicant is not proposing a new structure and therefore the design standards are not applicable.

h. Development Engineering/Stormwater

The request includes towed vehicle storage area and associated tow truck turnaround area at the towing office site. The proposal includes the addition of a small parking area, containing 3 parking stalls to accommodate overflow parking for building employees or patrons; expansion of an existing infiltration pond and bioswale to accommodate the additional stormwater runoff; and a new pond access road for maintenance of the infiltration pond.

i. Environmental

A stream is located to the north off-site that has an established buffer, which is marked by a split-rail fence; all construction for this project takes place outside the stream buffer area. The current proposal is outside the designated stream buffer and required setbacks.

j. Access, Traffic and Roads

Access to the site is from Clear Creek Road NW, a paved county road classified as an urban minor arterial. The storage of vehicles is expected to generate a minor amount of traffic and not impact the local road network.

k. Fire Safety

Fire flow is not required for this project.

l. Solid Waste

The project will not be required to have a trash receptacle for the vehicle storage yard.

m. Water/Sewer

Public water is provided to the site by Silverdale Water District but not required for the unstaffed parking facility.

n. Kitsap Public Health District

Kitsap Public Health District has reviewed the proposal and did not have comments. The property is served by an existing drainfield and public water.

11. Review Authority

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

12. Findings

1. The proposal is consistent with the Comprehensive Plan.
2. The proposal complies or will comply with requirements of KCC Title 17 and complies with or will comply with all 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.

13. Decision

Based upon the analysis above and the decision criteria found in KCC 17.540.040.A, the Department of Community Development recommends that the Administrative Conditional Use Permit request for Kitsap Towing Vehicle Storage be **approved**, subject to the following 23 conditions:

a. Planning/Zoning

1. All required permits shall be obtained prior to commencement of land clearing, construction and/or occupancy.
2. Any and all signage design and location (including exempt signs) shall comply with Kitsap County Code (KCC) 17.510 and be reviewed and approved by the Department of Community Development prior to installation. Signage may require a separate permit.
3. Outside storage will be limited to areas depicted on the Approved Site Plan.
4. 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.
5. 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.
6. The uses of the subject property are limited to the uses proposed by the applicant and any other uses will be subject to further review pursuant to the requirements of

the Kitsap County Code (KCC). Unless in conflict with the conditions stated and/or any regulations, all terms and specifications of the application shall be binding conditions of approval. Approval of this project shall not, and is not, to be construed as approval for more extensive or other utilization of the subject property.

7. The decision set forth herein is based upon representations made and exhibits contained in the project application (18-01398). 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.
8. 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.
9. 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.
10. Any violation of the conditions of approval shall be grounds to initiate revocation of this Administrative Conditional Use Permit.

b. Development Engineering

11. 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.
12. The information provided demonstrates this proposal is a Large Project as defined in Kitsap County Code Title 12, and as such will require a Site Development Activity Permit (SDAP) from Development Services and Engineering. The Site Development Activity Permit shall demonstrate compliance with Minimum Requirements #1-9 of the Kitsap County Stormwater Design Manual.
13. Stormwater quantity control, quality treatment, and erosion and sedimentation control shall be designed in accordance with Kitsap County Code Title 12 effective at the time the Administrative Conditional Use Permit application was deemed

complete, April 9, 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.

14. The design of the infiltration facilities will be accordance with Volume II, Chapter 5 of the Kitsap County Stormwater Design Manual.
15. The infiltration facilities shall remain off line until the drainage areas are stabilized and the water quality treatment facility is adequately established. Temporary erosion and sedimentation ponds shall not be located over infiltration facilities.
16. During the construction of the proposed infiltration facilities, the Project Engineer shall provide an inspection to verify that the facilities are installed in accordance with the design documents and that actual soil conditions encountered meet the design assumptions. The Project Engineer shall submit the inspection report properly stamped and sealed with a professional engineer's stamp to Development Services and Engineering.
17. The owner shall be responsible for maintenance of the storm drainage facilities for this development following construction. Before issuance of Occupancy Permits for this development, the person or persons holding title to the subject property for which the storm drainage facilities were required shall record a Declaration of Covenant that guarantees the County that the system will be properly maintained. Wording must be included in the covenant that will allow the County to inspect the system and perform the necessary maintenance in the event the system is not performing properly. This would be done only after notifying the owner and giving him a reasonable time to do the necessary work. Should County forces be required to do the work, the owner will be billed the maximum amount allowed by law.
18. To be consistent with best management practices, while towed vehicles are stored onsite, the applicant shall place and maintain drip pans underneath the radiator, engine block, transmission and differentials of each vehicle to collect residual fluids to protect water quality per KCC 9.56.070(2).
19. If the project proposal is modified from that shown on the submitted site plan dated March 30, 2018, Development Services and Engineering will require additional review and potentially new conditions.

c. Traffic and Roads

20. 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 final plat map and 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.

21. Any work within the County right-of-way shall require a Public Works permit and possibly a maintenance or performance bond. This application to perform work in the right-of-way shall be submitted as part of the SDAP process. The need for and scope of bonding will be determined at that time.
22. 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. 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.

d. Kitsap Public Health District

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

Report prepared by:



Jeff Smith, Staff Planner / Project Lead

10/31/2018

Date

Report approved by:



Shawn Alire, Department Manager / Supervisor

10/31/2018

Date

Attachments:

Staff Report: 18-01398 Kitsap Towing Vehicle Storage
October 28, 2018

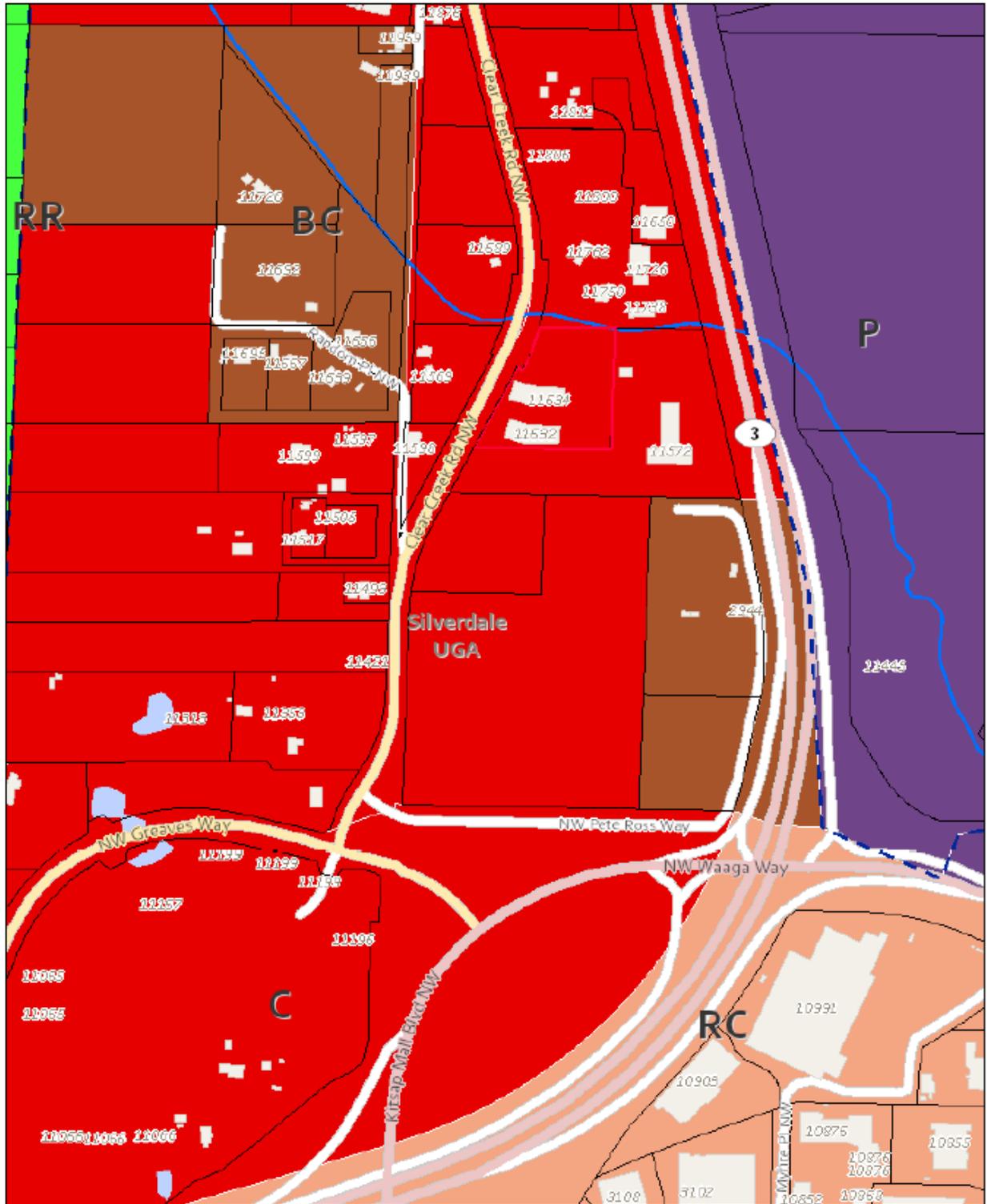
13

Attachment A – Site Plan

Attachment B – Zoning Map

CC: David & Heidi Bryant; dave@kitsaptowing.com
Mark Kuhlman PE, mark@team4eng.com
Interested Parties: None
Kitsap County Health District, MS-30
Kitsap County Public Works Dept., MS-26
DCD Staff Planner: Jeff Smith

Zoning



Comments

Parcel No: 092501-3-005-2005 TaxPayer: BRYANT DAVID L & HEIDI L SiteAddress: MULTIPLE ADDRESSES ON FILE

** This map is not a substitute for field survey ** Map Scale: 1 inch = 400 feet

Kitsap Co. Parcel Search Application



Printed October 23, 2018