



## **Administrative Staff Report**

**Report Date:** April 30, 2020

**Application Submittal Date:** December 17, 2019

**Application Complete Date:** January 22, 2020

**Project Name:** Chena Reservoir - Alteration to Boundary Line for ACUP 13-01381

**Type of Application:** Minor Revision (Type-I)

**Permit Number:** 19-05357

### **Project Location**

1649 NW Chena Road  
Silverdale, WA 98383  
Commissioner District #3

### **Assessor's Account #**

162501-4-067-2000

### **Applicant/Owner of Record**

Silverdale Water District  
5300 NW Newberry  
Silverdale, WA 98383

### **Decision Summary**

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

### **VICINITY MAP**



### **1. Background**

The Silverdale Water District is requesting a Minor Revision to an Administrative Conditional Use Permit (ACUP) for the permit 13-01381. The project vested to regulations in effect on May 7, 2013. The proposed boundary line alteration is for the planned realignment of NW Sid Uhinck Drive for the siting and future operation of the planned Silverdale Transit Center. The new alignment of Sid Uhinck Drive is part of a strategic plan agreed upon between Harrison Hospital and the Kitsap County to mitigate traffic impacts associated with the expansion of Harrison Hospital (14-03073 CUP and 14-02962 PBD). The right-of-way acquisition would: 1) Provide for future aligned roadway to move vehicular access to a traffic signal, and 2) The permanent slope easement on water district property will allow slope maintenance by others for the future roadway.

The Administrative Conditional Use Permit (File# 13-01381) was for construction of a 2.02-million-gallon water reservoir, 28 feet tall and 125 feet in diameter and pump station. The minor revision includes a reduction to the side yard setback along the west property line.

**2. Project Request**

Silverdale Water District is requesting approval of a Minor Revision to the preliminary approved Administrative Conditional Use Permit for the Chena Reservoir for the purchase of future right-of-way realignment of NW Sid Uhinck Drive, consistent with KCC 17.540.050.

**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 for the Chena Reservoir construction was utilized for this project. The SEPA Comment period previously occurred concurrent with the Notice of Application dated May 14, 2013. A Determination of Nonsignificance (DNS) was issued on July 31, 2013. The SEPA appeal period expired August 14, 2013. No appeals were filed; therefore, the SEPA determination is final.

The project proposal for Alteration to Boundary Line is SEPA Exempt under KCC 18.04 State Environmental Policy Act.

**4. Physical Characteristics**

The subject is square shaped, approximately 1.0 acre in size that includes a 2.02-million-gallon reservoir and a pump station, off-street parking and planting beds around the perimeter. The original development site was approved through a Site Development Activity Permit (13-01382). The landscaping was not completed, and the permit never received final approval and expired.

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

Comprehensive Plan: Urban Low Residential Zone: Urban Low	Standard	Proposed
Minimum Density	5 dwelling units per acre	NA
Maximum Density	9 dwelling units per acre	
Minimum Lot Size	2,400 square feet	Parcel will be reduced from approximately

		43,560 square feet to 42,601 square feet
Maximum Lot Size	9,000 square feet	Parcel will continue exceed maximum lot size
Minimum Lot Width	40-feet	Lot width exceed minimum
Minimum Lot Depth	60-feet	No change
Maximum Height	35 feet	No change to reservoir height
Maximum Impervious Surface Coverage	85%	~21,692 or 49%
Maximum Lot Coverage	NA	NA

Applicable footnotes: Water reservoir vested to development standards in effect on May 7, 2013

**Table 2 - Setback for Zoning District**

	Standard	Proposed
Front (South)	20 feet	No change. Setback from front will be retained.
Side (West)	5-feet	No change
Side (East)	5-feet	No Change
Rear (North)	5-feet	Rear yard setback is 28 feet from property line to reservoir. Right-of-way acquisition would result in a 25-foot setback. Minimum setback is retained (See Figure 3).

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

Surrounding Property	Land Use	Zoning
North	Currently undeveloped.	Regional Center (RC)
South	Single-family residence	Urban Low (UL)
East	Single-family residences	UL
West	Current undeveloped	RC

**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 #402

**5. Access**

The subject property receives access from NW Chena Road, a local access road that runs along the east and south property lines.

**6. Site Design**

The Silverdale Reservoir and Pump Station was previously reviewed pursuant to KCC 17.382.030 Design Standards to review for compatibility with the abutting residential zone, screening, landscaping and setbacks, etc. The minor revision was reviewed under applicable regulations when the project vested.

**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 August 2012

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

*See the relevant polices in the original ACUP land use decision (File# 13-01381).*

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>
Minor Amendment, ACUP Application	November 19, 2019
Site Plan	November 25, 2019
Landscape plan, Revised	December 16, 2019
Project Narrative	November 19, 2019
 <u>Staff Communication</u>	 <u>Dated</u>
Dev. Services & Engineering Memo	April 22, 2020

**9. Public Outreach and Comments**

Pursuant to KCC Title 21 Land Use and Development Procedures, the Department was given proper public notice for the Administrative Conditional Use Permit (Type-II) through the Notice of Application, dated May 14, 2013. The Minor Revision permit (Type-I) does not require additional public notice.

Issue Ref. No.	Summary of Concern (See corresponding responses in the next table)	Comment Letter Exhibit Reference No.
NA		

Issue Ref. No.	Issue	Staff Response
NA		

**10. Analysis**

**a. Planning/Zoning**

The subject property is designated through the Comprehensive Plan as Urban Low Residential and zoned with the same classification. The water reservoir use is classified as institutional use under the public facility category per KCC 17.410.042 Rural, Resources and Urban Residential zones use table. Consistent with the footnote KCC 17.410060 #16, the reservoir was less than 35 feet in height and reviewed under an ACUP. The reservoir and pump station were reviewed as permitted use but conditionally approved addressing compatibility (paint color and landscaping) with the local permitted residential uses.

**b. Lighting**

NA

**c. Off-Street Parking**

The project was required to provide adequate off-street parking consistent with the requirements in place at the time of approval pursuant to KCC 17.435 Off-street Parking and Loading. The facility is an unmanned facility and on the approved site plan the off-street parking was enough for service vehicles for the unmanned facility. The alteration to the boundary does not impact the approved off-street parking.

*The minor alteration to the boundary does not affect the parking for service vehicles.*

**Table 5 - Parking Table**

Use Identified in 17.490.030	Standard	Required Spaces	Proposed Spaces/Existing Spaces
NA -Unmanned facility	1-off-street parking space per service vehicle	1-space per service vehicle	Approximately 2-spaces per each service vehicle
Total			2 spaces

**d. Signage**

NA

**e. Landscaping**

The landscape plan received preliminary approval through the ACUP (File #13-01381) and final approval through the SDAP (File # 13-01382). The landscape plan approved through the SDAP review process was required to be installed and inspected and approved. The applicant has submitted a revised landscape plan, dated December 16, 2019 consistent with the preliminary approved plan. The landscaping will be required to be planted under new SDAP. Landscaping is required installed pursuant to KCC 17.500.020.F, 1-3.

**Table 6 - Landscaping Table**

	Required	Proposed
Required Landscaping (Sq. Ft) 15% of Site	15% (6,534 sf)	47% (20,610 sf)
Required Buffer(s) 17.500.025		
North	Roadside Buffer	Roadside Buffer

South	Separation Buffer	Separation Buffer
East	Separation Buffer	Separation Buffer
West	Separation Buffer	Separation Buffer
Street Trees	No	

**f. Frontage Improvements**

NA - Wall and slope easement required.

**g. Design Districts/Requirements**

NA

**h. Development Engineering/Stormwater**

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 permit application materials received November 19, 2019 to Kitsap County Development Services and Engineering. Development Services and Engineering accepts the concepts contained in this preliminary submittal.

**i. Environmental**

NA

**j. Access, Traffic and Roads**

The proposal for the minor revision does not change access to the reservoir site but only changes the building setback and includes a slope easement. The amendment proposes a permanent slope easement for this road realignment and a temporary construction easement agreement with Kitsap Transit for the planned Silverdale Transit Center.

**k. Fire Safety**

NA

**l. Solid Waste**

NA

**m. Water/Sewer**

NA

**n. Kitsap Public Health District**

NA

### **11. Review Authority**

The Director has review authority for this Minor Revision to the 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 a Minor Revision to the Administrative Conditional Use Permit.

### **12. Findings**

The following finding are made for the review and approval of the minor revision to the Chena Reservoir ACUP:

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 hereby approves the Minor Revision request for Chena Reservoir Minor Revisions, subject to the following 27 conditions:

#### **a. Planning/Zoning**

1. The Minor Revision to the Administrative Conditional Use Permit will be subject to all conditions of approval per the Department's decision for the ACUP issued on August 27, 2013 (File #13-01381). If there are conflicts between these conditions and conditions per the approved ACUP, the conditions below shall apply.
2. 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.



3. This Minor Revision to the 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.
4. 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.
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.

**b. Development Engineering**

GENERAL

6. (10) 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.

*Condition deleted; a Site Development Activity Permit for this project has been reviewed and accepted for construction.*

STORMWATER

7. (11) The information provided demonstrates this proposal is a Major Development as defined in Kitsap County Code Title 12, and as such will require a Site Development Activity Permit (SDAP) from Development Services and Engineering.  
Condition deleted; a Site Development Activity Permit for this project has been reviewed and accepted for construction.

*Condition deleted; a Site Development Activity Permit for this project has been reviewed and accepted for construction.*

8. (12) 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, May 2, 2013. 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.

*Condition deleted; a Site Development Activity Permit for this project has been reviewed and accepted for construction.*

9. (13) The project proponent shall be responsible for installing any necessary off-site downstream drainage improvements such as ditch shaping in the right-of-way if found necessary. Procurement of any permits or easements necessary to install off-site improvements shall be the responsibility of the project proponent. Condition deleted; all construction associated with this project has been completed.

*Condition deleted; a Site Development Activity Permit for this project has been reviewed and accepted for construction.*

10. (14) 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 more than 150 cubic yards of material must obtain an SDAP. Fill sites receiving 5,000 cubic yards or more must have an engineered SDAP.

*Condition deleted; a Site Development Activity Permit for this project has been reviewed and accepted for construction.*

11. (15) The application indicates that a significant quantity of grading material will be exported from the site. Typically, this means five or more trucks leaving the site per hour. Because of this a vehicle wheel wash must be included as an element of the siltation erosion control plan.

*Condition deleted; a Site Development Activity Permit for this project has been reviewed and accepted for construction.*

12. (16) In the event of a discharge from the reservoir into the storm drainage system, it is understood that Washington Code 90.48.080 will be observed, and the appropriate authorities notified.

*Condition remains and is unchanged.*

13. (17) 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.

*Condition remains and is unchanged.*

14. (18) 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.

*Condition remains and is unchanged.*

15. (19) Kitsap County will not be responsible for any damage to any private roads, tracts, and/or easement areas that may occur during routine maintenance activities and that in Kitsap County's judgment occur, in whole or in part, because of any construction materials or techniques, or any maintenance materials or techniques. This includes, but is not limited to, damage to pavement or vegetated areas caused by maintenance trucks.

*Condition remains and is unchanged.*

16. (20) The impervious area per lot accounted for in the overall drainage facilities installed shall be indicated on the face of the final plat. Additional impervious surfaces created on an individual lot beyond the amount accounted for in the overall drainage facilities NW Sid Uhinck Drive Realignment be mitigated in accordance with Kitsap County Code Title 12.

*Condition deleted; a Site Development Activity Permit for this project has been reviewed and accepted for construction.*

**c. Environmental**

None

**d. Traffic and Roads**

17. (21) At Building Permit application, submit (KCPW Form 1601) for issuance of a Concurrency Certificate, as required by KCC Section 20.04.030, Transportation Concurrency.

*Condition deleted; the required form has been submitted.*

18. (22) 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.

*Condition remains and is unchanged.*

19. (23) Provide surveyed cross-sections at 50-foot intervals along the parcel frontage on NW Chena Rd. 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.

*Condition deleted; A Site Development Activity Permit for this project has been reviewed and accepted for construction.*

20. (24) 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.

*Condition deleted; a Site Development Activity Permit for this project has been reviewed and accepted for construction.*

21. (25) Road frontage improvements consisting of curb gutter, and sidewalk shall be constructed along the east and south property lines fronting NW Chena Rd. Frontage improvements shall meet KCRS and address associated stormwater mitigation improvements.

*Condition deleted; a Site Development Activity Permit for this project has been reviewed and accepted for construction.*

22. (26) Sidewalk ramps shall conform to the current requirements of the Americans with Disabilities Act per WSDOT standard plans at the time of construction.

*Condition deleted; a Site Development Activity Permit for this project has been reviewed and accepted for construction.*

23. (27) Any required sidewalk shall be constructed prior to roadway paving. This note shall appear on the face of the final construction drawings.

*Condition deleted; a Site Development Activity Permit for this project has been reviewed and accepted for construction.*

24. (28) The developer's engineer shall certify that there is adequate entering sight distance at the intersection of NW Chena Rd 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.

*Condition deleted; a Site Development Activity Permit for this project has been reviewed and accepted for construction.*

25. (29) 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).

*Condition deleted; a Site Development Activity Permit for this project has been reviewed and accepted for construction.*

26. (30) 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.

*Condition deleted; a Site Development Activity Permit for this project has been reviewed and accepted for construction.*

**e. Fire Safety**

None

**f. Solid Waste**

27. (31) 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 for the project. Pay particular attention to the access requirements of collection trucks. Provide documentation from the solid waste/recycling service provider that their requirements for this project have been met.

*Condition deleted; a Site Development Activity Permit for this project has been reviewed and accepted for construction.*

**g. Kitsap Public Health District**

None

**h. Other**

28. (32) Construction of rock walls or other retaining facilities that four feet in height shall require a building permit.

*Condition deleted; a Site Development Activity Permit for this project has been reviewed and accepted for construction.*

29. (33) Rock and retaining walls shall meet all applicable setback requirements of KCSDM 4.7.5.

Condition deleted; a Site Development Activity Permit for this project has been reviewed and accepted for construction.

**i. New Stormwater Conditions**

30. Prior to requesting a final inspection for associated Commercial Building Permit #16-01906, the applicant shall submit As-Built drawings of the construction associated with Site Development Activity Permit #13-01382.

31. Prior to requesting a final inspection for associated Commercial Building Permit #16-01906, the applicant shall obtain approval of all inspections associated with Site Development Activity Permit #13-01382 that were not approved at the time of its expiration, to include Landscape, Sidewalk, As-Built and Engineering Final inspections.

**Report prepared by:**



Jeff Smith, Staff Planner/Project Lead

4/22/2020  
Date

**Report approved by:**



Shawn Alire, Department Supervisor

04/22/2020  
Date

**Attachments:**

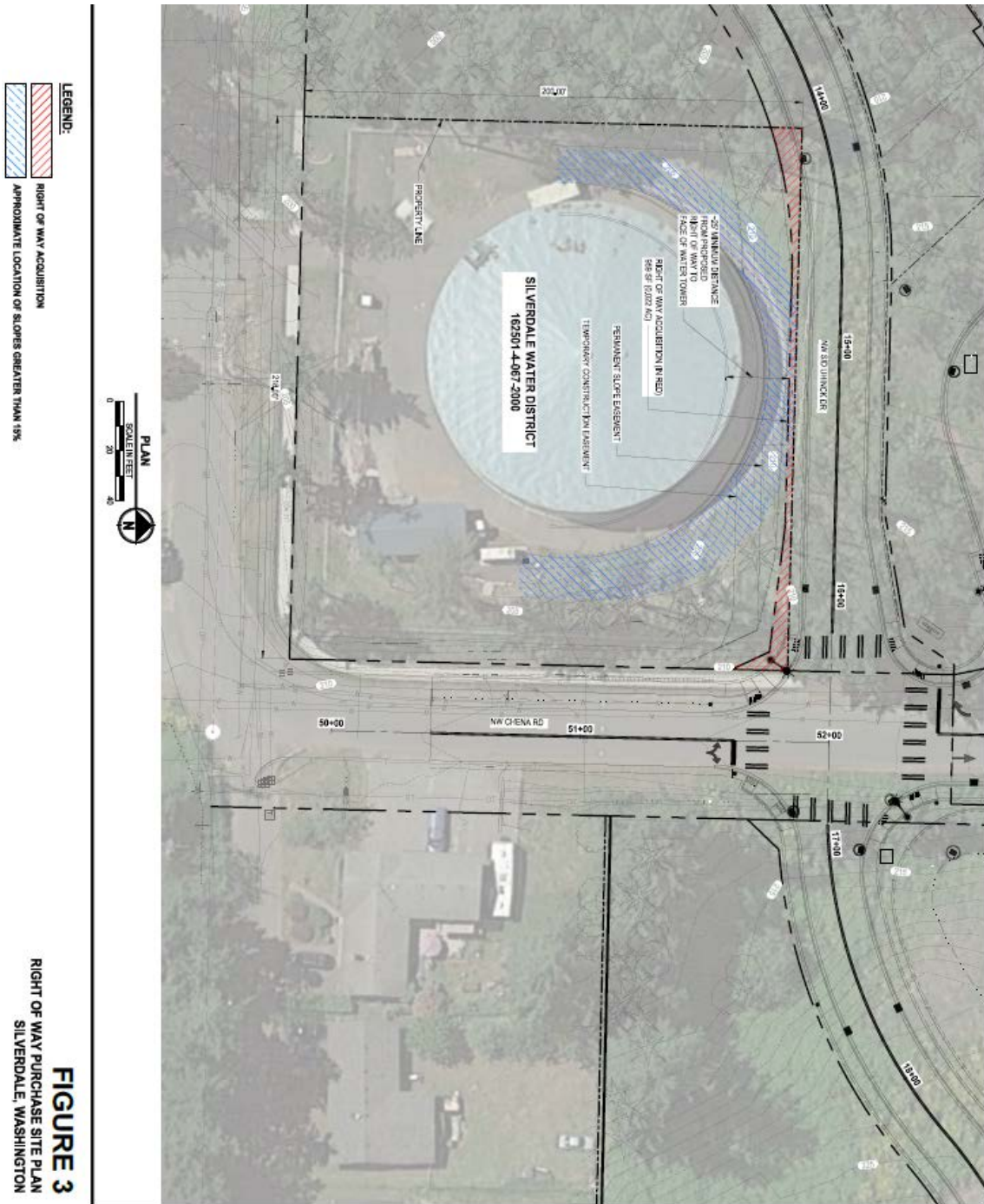
Attachment A – Site Plan

Attachment B – NW Sid Uhinck Drive Realignment

Attachment C – Zoning Map

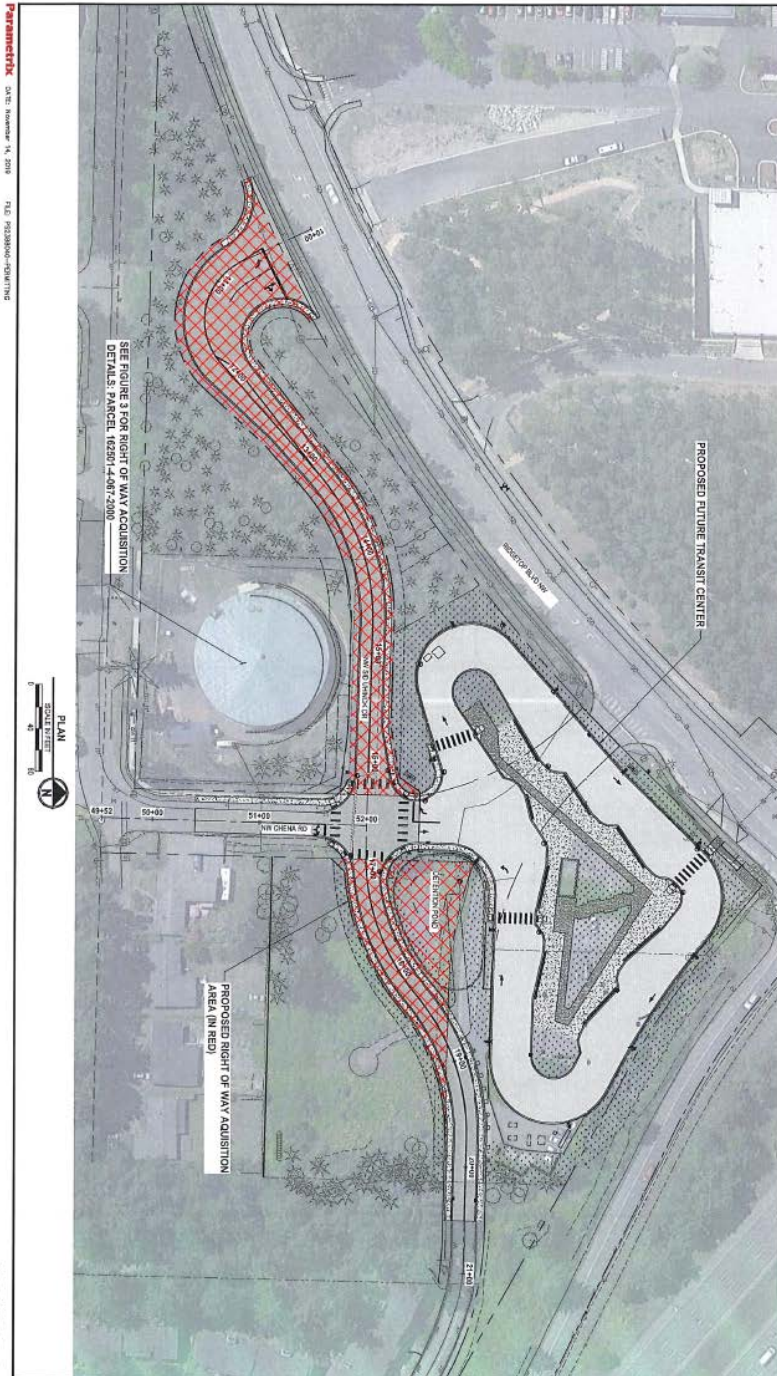
CC: Morgan Johnson, mjohnson@swd16.org  
Katheryn Seckel, KSeckel@parametrix.com  
Sandy Glover, SGlover@parametrix.com  
Interested Parties: NA  
Kitsap County Health District, MS-30  
Kitsap County Public Works Dept., MS-26  
DCD Staff Planner: Jeff Smith

Site Plan

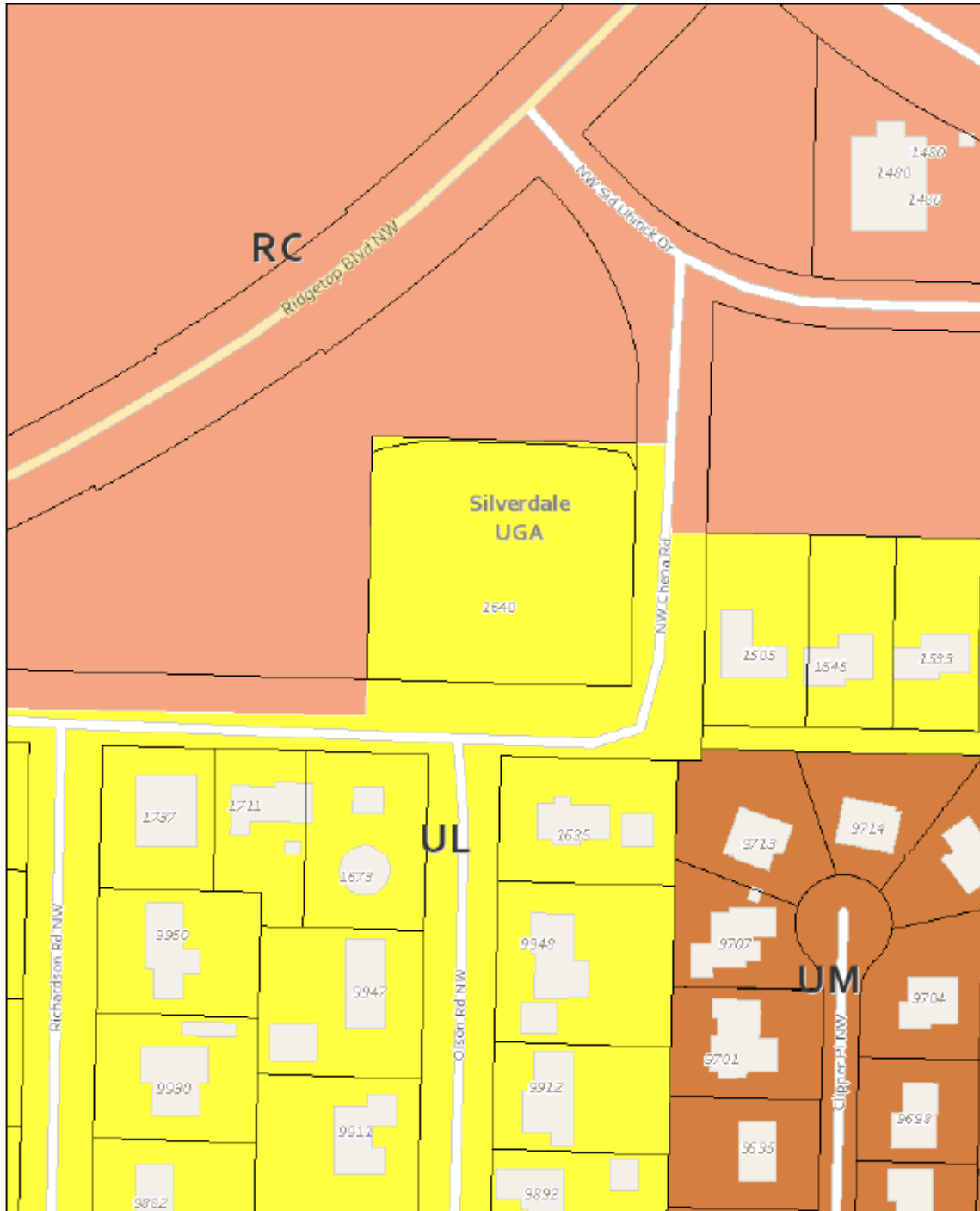




### NW Sid Uhinc Drive Realignment



### Zoning Map



**Comments**

\*\* This map is not a substitute for field survey \*\* Map Scale: 1 inch = 100 feet  
Parcel No: 092501-4-087-2005 TaxPayer: SHAW DORNALD L & SHIRLEY T SiteAddress: NO ADDRESS FOUND

Kiwap Co. Parcel Search Application

Printed March 17, 2020