



## Administrative Staff Report

**Report Date:** September 23, 2024

**Application Submittal Date:** February 21, 2023

**Application Complete Date:** March 22, 2023

**Project Name:** Sandy Beach Holding LLC

**Type of Application:** Administrative Conditional Use Permit (ACUP)

**Permit Number:** 23-00874

### Project Location

11026 N.E. Oregon St.  
Kingston, WA 98346  
Commissioner District 1

### Assessor's Account #

4340-003-002-0003  
4340-003-003-0002

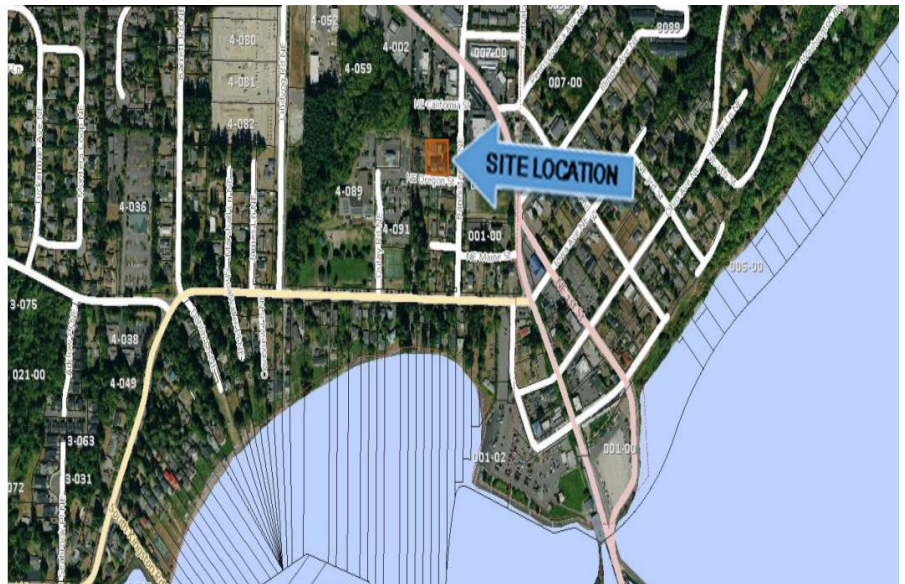
### Applicant/Owner of Record

Sandy Beach Holdings LLC  
Po Box 1688  
Kingston, WA 98346

### Decision Summary

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

VICINITY MAP



### 1. Background

Existing development consists of a 2,178-square-foot commercial building, recognized by the Assessor's office as Misc-Services. The request is for development of two multi-family structures on two contiguously owned lots totaling 0.45 acres in size, located within the Kingston UGA, zoned Urban Village Center (UVC), and in the Village Green Design District.

### 2. Project Request

Applicant requests approval of an ACUP to construct two, 4-story, 8-unit, multi-family buildings, each 8,640 gross square feet, for the benefit of sixteen, 2-bedroom dwelling units. Site improvements to include 29 onsite parking spaces, landscaping, stormwater drainage and design standards. Access will be via NE Oregon St, and services from KC sewer, KPUD water and PSE energy.

**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 May 8, 2023. A Determination of Nonsignificance (DNS) was issued on August 16, 2024. SEPA noted the following information.

**COMMENTS:**

1. The SEPA comment period previously occurred concurrent with the Notice of Application sent out on May 8, 2023.

**CONDITIONS:**

1. Project shall follow Kitsap County Title 12 – Stormwater Control.

The SEPA appeal period expired August 30, 2024. No appeals were filed; therefore, the SEPA determination is final.

**4. Physical Characteristics**

The subject property is square shaped and approximately 0.45-acre in size, located in the Village Green neighborhood. The property is located west of Bannister St NE, and fronts on NE Oregon St. halfway between NE West Kingston Road and NE State Highway 104. Residential homes with the same zoning abut the property on all perimeters.

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

Comprehensive Plan: Urban Low Intensity Commercial Zone: Urban Village Center (UVC)	Standard	Proposed
Minimum Density	10	

Maximum Density	NA	10 x 0.45 ac = 5 units (rounded up)
Minimum Lot Size	NA	NA
Maximum Lot Size	NA	NA
Minimum Lot Width	NA	NA
Minimum Lot Depth	NA	NA
Maximum Height	45 feet	4 stories, 44.5 feet
Maximum Impervious Surface Coverage	85%	16,560 sq. ft. or ~ 83%
Maximum Lot Coverage	Total gross floor area devoted to nonresidential use in any one structure shall not exceed 25,000 square feet.	NA- Proposal is residential use only.

Applicable 17.420.060 footnotes:

- A. 5. The Design Standards for the Community of Kingston sets forth policies and regulations for properties within the downtown area of Kingston. All development within this area must be consistent with these standards in Chapter 17.700, Appendix C1.

46. A front porch and associated steps shall meet a minimum five-foot setback from the front property line and the following requirements:

- a. Porches shall be at least forty percent open on each of two sides.
- b. Porches shall be a minimum of four feet by six feet.

Staff Comment: The project will be reviewed and conditioned to meet the Design Standards for the Village Greens District of the Kingston subarea.

**Table 2 - Setback for Zoning District**

	Standard	Proposed
Min. Front (South) (46)	NA	4.17 feet
Max. Front	NA	8.4 feet
Min. Side (West)	NA	5 feet
Min. Side (East)	NA	5 feet
Min. Rear (North)	NA	~95 feet (closest adjacent building line)

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

Surrounding Property	Land Use	Zoning
----------------------	----------	--------

Staff Report: 23-00874 Sandy Beach Holdings ACUP  
September 23, 2024

North	Single Family Residence (SFR)	Urban Village Center (UVC)
South	Misc Services-Comm/SFR	UVC
East	SFR	UVC
West	SFR	UVC

**Table 4 - Public Utilities and Services**

	Provider
Water	Kitsap PUD #1
Power	Puget Sound Energy
Sewer	Kitsap County
Police	Kitsap County Sheriff
Fire	North Kitsap Fire & Rescue
School	North Kitsap School District #402

#### 5. Access

The site is accessed from NE Oregon St, via Bannister St NE, both of which are local access, county-maintained public right of way (ROW).

#### 6. Site Design

The subject property is designated urban and zoned Urban Village Center (UVC). The subject property and all properties surrounding the site are designated UVC, although the community of the downtown Kingston core is speckled with a range of zoning designations, not unusual to a downtown waterfront community, offering a mix of residential densities as well as commercial uses, while maintaining a small-scale feel in the design elements. The purpose of the zone is to provide for convenient pedestrian, bicycle, and vehicular access between residences and compatible mix of small-scale commercial uses and mixed density housing, which are often multi-story buildings. Lighting and signage will be included as conditions of approval found at the end of the 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, and as amended. The following polices from the Comprehensive Plan apply towards the development proposal.

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

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

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

LU Policy 2. Support innovative, high quality infill development and redevelopment in existing developed areas within the Urban Growth Areas.

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

LU Policy 16. Promote housing preservation and development in areas that are already well-served by schools, public transportation and commercial facilities, a

LU 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.

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

LU Policy 32.5. The following Tables designate Centers in unincorporated Kitsap County consistent with the regional planning policies and Regional Centers Framework Update adopted by the Puget Sound Regional Council.

Urban Centers	
Kitsap County Center Location	2018 Regional Centers Framework Designation
Silverdale	Regional Growth Center
Puget Sound Industrial Center-Bremerton	Regional Manufacturing/Industrial Center
Kingston	Countywide Center

Kingston Transportation Goal 13. Work to ensure that an appropriate balance of long-term and short-term parking is available in the downtown area.

Kingston Policy 42. As feasible implement incentive-based parking programs within the Urban Village Center Zone, such as transit-oriented development, off-site parking, shared-use parking and on street parking.

Kingston Community Goal 14. Formalize Kingston community identity.

Kingston Policy 45. Preserve the small-town character of the Kingston Urban Growth Area in community planning and development.

Kingston LU Goal 16. Encourage development compatible with Kingston’s current design.

Kingston Policy 53. Encourage a mix of urban residential, mixed-use, and commercial development in the downtown core as defined by the boundaries of the Urban Village Center and other commercial zones.

Staff Report: 23-00874 Sandy Beach Holdings ACUP  
September 23, 2024

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

Code Reference	Subject
Title 11	Roads, Highways and Bridges
Title 12	Storm Water Drainage
Title 13	Water and Sewers
Title 14	Buildings and Construction
Title 17	Zoning Chapter 110: Definitions Chapter 260: UVC Zone Chapter 410: Allowed Uses Chapter 415: Allowed Use Standards Chapter 420: Density, Dimensions and Design Chapter 430: Land Use Review Chapter 490: Off-Street Parking and Loading Chapter 500: Landscaping Chapter 540: Administrative Conditional Use Permit Chapter 590: Appeals Chapter 600: Revocations of Permits or Variances
Kingston Subarea Plan	June 30, 2016, with revisions through April 2020
Chapter 8 Subarea Plans	Kingston Design Standards, Village Green Design District
Chapter 18.04	State Environmental Policy Act (SEPA)
Chapter 19	Critical Areas Ordinance
Chapter 20.04	Transportation Facilities Concurrency Ordinance
Chapter 21.04	Land Use and Development Procedures

#### 8. Documents Consulted in the Analysis

<u>Applicant Submittals</u>	<u>Dated or date stamped</u>
Submission (CUP Application)	March 17, 2023
Concurrency Test	March 17, 2023
Parking Memo	March 17, 2023
Project Narrative	March 17, 2023
Elevations	March 17, 2023
Environmental (SEPA) Checklist	March 17, 2023
Site Plan	March 12, 2024
Oregon St. Apts Utility Report Rev1	October 30, 2023
Oregon St. Lot 2 SAA	March 17, 2023
Oregon St. Lot 3	March 17, 2023
2 & 3 NE Oregon St. (Water Availability Ltr)	March 17, 2023

Staff Report: 23-00874 Sandy Beach Holdings ACUP  
September 23, 2024

Geotech Report	March 17, 2023
Oregon Street Apartments Civil Plans	March 12, 2024
Oregon Street Landscaping	March 12, 2024
Public Comment-Christopher Ifland	May 30, 2023
Public Comment-Rebecca Ifland	May 30, 2023
Public Comment-Rebecca Ifland	May 23 & May 25, 2023

<u>Staff Communication</u>	<u>Dated</u>
Dev. Services & Engineering Memo	January 25, 2024

### 9. Public Outreach and Comments

Issue Ref. No.	Summary of Concern (See corresponding responses in the next table)	Comment Letter Exhibit
1	Public noticing, Stormwater runoff, Parking, Bench	
2	Impervious Surface/Elevation	
3	Views of Mt Rainier, Maximum height allowance, loss of light and visual space, noise, privacy	

Issue Ref. No.	Issue	Summary of Staff Response
1	Public Input Deadlines. Views of Kingston Cove/Rainier/ Fireworks	Public comment is accepted beyond the 14 days stated on postcard (SEPA comment period). KCC states these decisions may be administratively appealed only if within fourteen days after written notice of the decision is mailed, a written appeal of the decision is filed with the department; however, you are still able to comment until that time. As an interested party, you will receive the notice of decision. The appeal process is in KCC 21.04.290 (the appeal code link for KCC 21.04.290: Chapter 21.04 Project Permit Application Procedures is at <a href="http://codepublishing.com">codepublishing.com</a> ). The renderings mentioned, submitted for this land use permit, may change over time and will be reviewed by the building division for compliance with Title 14, including egress window requirements for bedrooms. Planning will review the project for conformance with the zoning and that it meets requirements in county code, as well as the Kingston Design District standards.

2	Inconsistent plans, Noticing	The site plan can often change throughout the review process for land use, site development and building permits, in order to meet regulations. The Notice of Application can be distributed once the submittal documents are deemed complete for intake, which occurred 3/23. The proposal will be reviewed and conditioned for approval accordingly, per the requirements/standards from the appropriate code sections & include parking, design, and stormwater.
3	Height allowance, noise/view impacts	Maximum height is 45 feet in code as well as Kingston Design standards: <a href="https://www.kitsap.gov/dcd/Pages/Kingston_Design_District.aspx">https://www.kitsap.gov/dcd/Pages/Kingston_Design_District.aspx</a>

## 10. Analysis

### a. Planning/Zoning

The Kingston Subarea Plan promotes development of diverse housing types to include infrastructure that can interconnect the system for improved access to the shoreline, parks and safe routes to local schools by providing sidewalks, trails, and bike lanes.

### b. Lighting

The design standards require that there is adequate lighting for pedestrian walkways and building entries for public safety.

Exterior Lighting shall meet 17.420.030 C., artificial outdoor lighting shall be arranged so that light is directed away from adjoining properties and so that no more than two-foot candle of illumination leaves the property boundaries and all lighting be directed downward and away from adjacent properties.

### c. Off-Street Parking

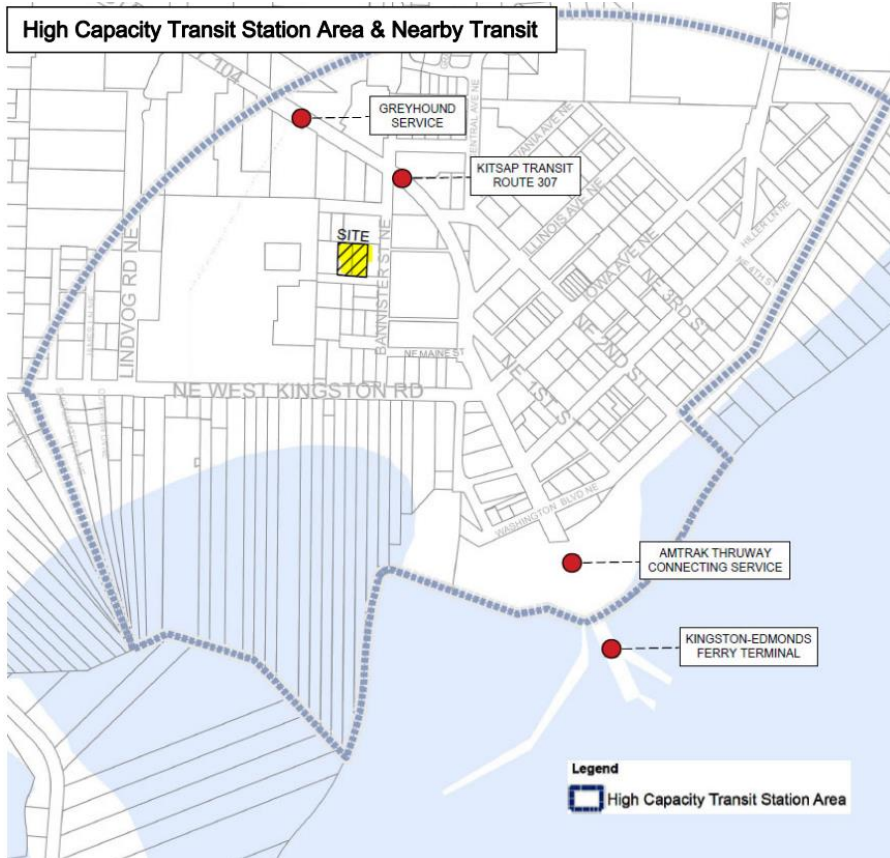
17.490.030 A. Deviation from Required Spaces.

1. The director may authorize a reduction up to twenty-five percent to the amount of required parking if a project proponent demonstrates that, due to the unusual nature of the proposed use, it is reasonable that the parking required by this section exceeds any likely need, or that trip demand reduction programs or public transit availability serves to further reduce parking demand.

Staff has reviewed the Parking Memorandum from Browne Wheeler Engineers, INC. as well as the Parking Assessment, dated June 23, 2022, conducted by Heath & Associates provided by the applicant, and agrees with the reduction of parking spaces requested. Based on the Institute of Transportation Engineers (ITE) average parking demand analysis,



the jurisdictional comparison analysis, and data submitted for High-Capacity Transit Station Area designation, as well as analyses for additional transit options and non-motorized alternatives to single occupancy vehicle (SOV) use. Staff finds the request presented a reasonable analyses providing factual justification for a 10 percent reduction from the standard 32 required spaces to 29 parking stalls.



**Table 5 - Parking Table**

Use Identified in 17.490.030	Standard	Required Spaces	Proposed Spaces/Existing Spaces
Multifamily (Condos / Townhomes / Apartments)	1.5 spaces/unit + 0.5 spaces per unit set aside.	1.5 x 16 = 24 0.5 x 16 = 8	< 10% reduction request
Total		32	29

**d. Signage**

Currently, no signs are proposed. A condition is added at the end of this report that signs proposed in the future will meet 17.510 Sign Code and Kingston Design Standards.

**e. Landscaping**

Kitsap County Code requires that a minimum of 15% of the total site area be landscaped to the standards in the titled section. In addition, KCC 17.490.040. B. requires 15 square feet of parking lot landscaping area per parking stall. A combined total of 3,441 of landscape area is required. The vide a minimum of 435 square feet of landscape area. The project should maintain a functional screen along the front property line. Solid screening along the side and rear perimeter boundaries shall include a solid wood board fence as part of the screening buffer requirement per KCC 17.500.027 B. as a condition of approval, reviewed with the SDAP for conformance. Landscape and Irrigation or a bond in lieu of will be reviewed in the SDAP as well.

**Table 6 - Landscaping Table**

	Required	Proposed
Required Landscaping (Sq. Ft) 15% of Site	3,006 (15%) <u>+ 435 (15 sf/stall)</u> = 3,441 Total sf.	3,549.52 SF
Required Buffer(s) 17.500.025		
North	Solid Screening	Solid Screening
South	Roadside & Separation Buffer	Roadside & Separation Buffer
East	Solid Screening	Solid Screening
West	Solid Screening	Solid Screening
Street Trees	Yes	Yes

**f. Frontage Improvements**

Oregon St frontage improvements include an 8.9-foot-wide sidewalk beyond the 10.6-foot-wide landscape area with integrated raingarden system. This will be reviewed and conditioned with the SDAP.

**g. Design Districts/Requirements**

The multi-family proposal is required to be reviewed for consistency with KCC 17.470 Multi-Family Development -Design Standards. The intent is to ensure that new multifamily development is sensitive to the character of the surrounding neighborhoods, to enhance the built environment for pedestrians in higher density areas and ensure adequate light, air and readily available open space for multifamily development in order to maintain public health, safety and welfare. The following are findings based on review of the proposal:

Staff Report: 23-00874 Sandy Beach Holdings ACUP  
September 23, 2024

Multi-family Design Standards KCC 17.470.020 Applicability - How to use the design standards Applicability. The “requirements sections” in the following design criteria apply to each multifamily project requiring conditional use review under Chapter 17.540 or 17.550.

Staff Comment: The project was reviewed under KCC 17.540 and therefore is required to be reviewed with the multi-family design standards.

KCC 17.470.030 Multifamily Site design – Orientation Requirement. Design multifamily projects to be oriented to public streets or common open spaces and to provide pedestrian and vehicular connections to existing neighborhoods.

Staff Comment: The apartments are oriented towards Oregon Street. Vehicular access to the parking lot located at the rear of the buildings helps to limit visibility from the front pedestrian design elements and allow community connectivity. The proposal is required to be in conformance with access and circulation. Safe pedestrian access and handicap access shall be required on-site from public rights-of-way to minimize pedestrian and vehicular conflicts. The project is consistent with this requirement by providing pedestrian connections to the roadway.

Development is limited to one ingress/egress per 300-lineal feet along a public arterial. Small parcels that provide less than 200 feet of road frontage shall be limited to one parking lane and exit. The above requirement is not applicable. The proposal is to use a driveway access off a local access road for parking and loading at the north rear portion of the site to provide architectural features, rather than vehicle elements at the visual front.

The project is designed in an early coastal architectural style intended to be consistent with the established style of downtown Kingston, the building form will have a parapet roof and cornice in conjunction with simple gables to modulate the mass of the building. The materials will be lap and board and baton siding. The design is intended to be in harmony with the existing neighborhood and the general design of historic Kingston.

KCC 17.470.040 Fences and Walls 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 Comment: The project site is proposing solid screening buffer under KCC 17.500.027 at the rear and sides of the back parking lot north of the dwelling units. The project meets this standard.

Staff Report: 23-00874 Sandy Beach Holdings ACUP  
September 23, 2024

KCC 17.470.050 Recreation centers, mailboxes, site lighting and bus stops 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 welllit 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 Comment: The project will be required to minimize glare with associated lighting as discussed in section 10b. The applicant will include a lighting diagram with the landscape plan for SDAP review. All lighting shall be recessed and/or directed down (see Condition at end of this report).

KCC 17.470.060 Grading and Tree/vegetation Retention Requirement. To the extent reasonable and practicable, multifamily projects shall be designed to minimize impacts to existing topography and vegetation.

Staff Comment: The project site is located within a developed site in an existing commercial development. There is little to no vegetation to preserve. Applicant's landscape plan will augment vegetation around the development site per KCC 17.500 Landscaping.

In addition to the landscape requirements per KCC Chapter 17.500 and to provide visual relief, the landscape design standards require that internal parking lot landscaping be provided from a range of 15 to 35 square feet depending on the number of parking spaces and provide a tree for every six parking spaces. The project site plan proposes 29 parking spaces, therefore will be required to include 435 square feet of parking lot landscaping as shown in Table 6 of the preceding section e.

An approved landscape plan, irrigation plan, recreation plan and site lighting is being developed, and will be conditioned to meet conformance on a pedestrian scale per the Kingston Design Standards, and will include street furniture, lighting, plantings, and a pedestrian route to allow non-motorized and pedestrian connectivity to the nearest bus stop facility along Kitsap Transit bus route 302, located at Bannister St. N.E. and West Kingston Rd.

KCC 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 Comment: Open space will be provided with landscaped and pedestrian areas around the site. KCC 17.470.080 Landscape Design Requirement. In addition to the requirements in Chapter 17.500, landscaping and supporting elements (such as trellises,

Staff Report: 23-00874 Sandy Beach Holdings ACUP  
September 23, 2024

planters, site furniture or similar features) shall be appropriately incorporated into the project design.

Staff Comment: The project will be conditioned to comply with KCC 17.500 Landscaping design standards and percentage of landscaping.

KCC 17.470.090 Multifamily-Site Design Parking Requirement. Minimize the impact of driveways and parking lots on pedestrians and neighboring properties by designing and locating parking lots, carports, and garages in a manner that creates few interruptions on the street, sidewalk or building facade.

Staff Comment: The proposed apartment buildings will separate the required off-street parking from the sidewalk along the front street side and will be accessed by one access from Oregon Street, thereby minimizing impacts.

KCC 17.470.100 Multifamily -Site Design -Screening Requirement. Provide adequate screening for support facility needs associated with multifamily developments. Screening of equipment, storage, and refuse areas.

Staff Comment: Support facilities, such as trash receptacles, is located adjacent to parking, not visible from the pedestrian pathway at the street front and will be fully screened within an enclosure. A trash receptacle site will be available at the rear of the buildings, not visible from adjacent properties. The tenant lease agreement with the property owner will be to maintain and remove garbage, maintain janitorial service consistent with good practices, and allows disposal of garbage in available dumpsters on site. The proposed project will be required to comply with all County solid waste standards and provide concurrence from Waste Management as part of the Site Development Activity Permit process.

The roof-mounted HVAC equipment shall not be visible from abutting lots or roadways. The applicant is required to adhere to this requirement through the Building Permit review process.

The mailboxes are to be located inside the building, accessible in a lighted, safe location. The applicant is proposing outdoor storage areas for the development to be located at the rear of the multi-family units, to limit visibility from the front perimeter.

KCC 17.470.0110 Multifamily - Signs Requirement. Minimize the amount of signage needed to identify the development the multifamily development.

Staff Comment: Signage will be reviewed for consistency when a sign permit is submitted to the Department. A monument sign is proposed at the southern portion of the site and

Staff Report: 23-00874 Sandy Beach Holdings ACUP  
September 23, 2024

front of the east building. The applicant is required to apply for a sign permit in accordance KCC Section 17.510 Signs. The signage will be reviewed for consistency with the above code section and the Design Standards for the community of Kingston.

Additional multi-family design standards will be reviewed for architectural & building design encouraged through the Kingston Design Standards to maintain the 'old town' character maritime community through architectural design to promote compatibility and diversity. This is accomplished through strengthening the community identity through architectural design elements in the Comprehensive Plan.

**h. Development Engineering/Stormwater**

Development Engineering has reviewed the land use proposal and finds the concept supportable in its approach to civil site development, based on a review of the Preliminary Drainage Report and Preliminary Engineering Plans accepted for review 03/17/2023, and as revised by additional materials accepted for review 10/30/23, to Kitsap County Development Engineering, and requires the conditions at the end of this report, as an element of the land use approval.

**i. Environmental**

The site is in an aquifer recharge area and subject to requirements to ensure runoff is managed to protect the aquifer. No other critical areas have been identified on or near the site.

**j. Access, Traffic and Roads**

One access driveway via NE Oregon Street proposed for ingress/egress will be used by the residents of the sixteen-unit complex. A Right of Way (ROW) Permit is needed for any frontage improvements and/or utility connection(s) and added as a condition of approval at the end of this report.

**k. Fire Safety**

Fire safety has reviewed and approved the land use component as proposed and includes the conditions found at the end of this report in section 13e.

**l. Solid Waste**

Approved for proposal. No comments.

**m. Water/Sewer**

Kitsap County currently serves sanitary sewer service to the property. Any changes to the service will require approval from Kitsap County Public Works - Sewer Utility Division. 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.

**n. Kitsap Public Health District**

A sewer building clearance will be required for each lot.

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

**12. Findings**

Staff has reviewed the Oregon Street Apartments Administrative Conditional Use Permit application against the requirements in KCC 17.470 Design Standards and satisfies the criteria set forth in KCC Section 17.420.040(A). Findings on each criterion are hereby made as follows:

1. *The proposal is consistent with the Comprehensive Plan.*

Staff Comments: As noted above the proposal is consistent with the Urban Village Center (UVC) designation of 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.*

Staff Comments: The proposal complies with applicable requirements of Title 17 KCC, assuming compliance with conditions of approval.

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

Staff Comments: The UVC zone for multi-family development will not be materially detrimental to uses or property in the immediate vicinity which includes significant industrial uses.

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.*

Staff Comments: The proposal is compatible with and incorporates specific features, conditions, or revisions that ensure it responds appropriately to the existing character,

Staff Report: 23-00874 Sandy Beach Holdings ACUP  
September 23, 2024

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 ACUP request be **approved**, subject to the following conditions:

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

1. All required permits shall be obtained prior to commencement of land clearing, construction and/or occupancy.
2. 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. Final Landscape Plan shall meet the minimum Code requirements including, plant schedule with sizes, spacing irrigation, and treatment of landscape beds consistent with Section 17.500 Landscaping.
4. An updated geotechnical report will be required prior to SDAP approval.
5. The applicant is to install landscaping prior to SDAP approval. If this cannot be installed at that time, the landscaping can be bonded for 150% of the cost of materials and labor.
6. The decision set forth herein is based upon representations made and exhibits contained in the project application 23-00874. 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.
7. The applicant should include preliminarily approved building elevations that incorporate those components outlined in the Chapter IV Architectural/Building Design from Design Standards for the Community of Kingston when applying for Building Permits.
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 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.
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 (4) years of the Notice of Decision date or the resolution of any appeals.
  10. Prior to issuance of a Building Permit, the applicant shall record a Land Use Permit Binder with the Kitsap County Auditor's Office pursuant to KCC Section 17.420.090 Land Use Binder Required. If conditions are not adhered to, contrary to the Land Use Permit Binder, the Administrative Conditional Use Permit may be rescinded, and the County may require that the facility be removed at the owner's expense.
  11. The applicant shall adhere to all applicable requirements of the Kitsap County Health District.
- b. Development Engineering**
12. 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.
  13. 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 Site Development Activity Permit (SDAP) from Development Engineering.
  14. 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 SDAP (or Building Permit if no SDAP required) application is deemed fully complete. 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 Code in effect at the time of SDAP application, or Building Permit if an SDAP is not required.
  15. Any project that includes off site improvements that create additional hard surface such as lane widening, sidewalk or shoulder installation or intersection channelization shall provide stormwater mitigation in accordance with Kitsap County Code Title 12.
  16. Washington State Department of Ecology (Ecology) may require registration of the infiltration trench as an Underground Injection Control (UIC) well in accordance with

- the Underground Injection Control Program (Chapter 173-218 WAC). The applicant shall contact Ecology to determine if the facility is regulated under the UIC program.
17. During the construction of the proposed permeable pavement 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 Engineering.
  18. The design of the infiltration facilities shall be accordance with Vol. II, Chapter 5 of the Kitsap County Stormwater Design Manual.
  19. 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. In addition, retention ponds shall not be utilized as temporary erosion and sedimentation control ponds.
  20. During the construction of the proposed infiltration facilities, the Project Engineer shall provide an inspection(s) 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(s), properly stamped and sealed to Development Engineering.
  21. The owner shall be responsible for maintenance of the storm drainage facilities for this development following construction. Before requesting final inspection for the SDAP (or for the Building Permit if an SDAP is not required) 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.
  22. If the project proposal is modified from that shown on the site plan approved for this permit application, Development Engineering will require additional review and potentially new conditions.

**c. Environmental**

23. None at this time.

**d. Traffic and Roads**

24. At building permit application, submit Kitsap County Public Works Form 1601 for issuance of a concurrency certificate, as required by Kitsap County Code 20.04.030, Transportation Concurrency.
25. All rights of access for adjoining properties currently in existence shall be preserved. Any amendment to the existing easement rights of adjoining property owners shall be properly executed and recorded prior to SDAP acceptance or Building Permit approval, if a SDAP is not required.
26. Sidewalk ramps shall conform to the current requirements of the Americans with Disabilities Act per WSDOT standard plans at the time of construction.
27. 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 accepted construction plans. In addition, Development Engineering reserves the right to require that covenants be recorded to address special maintenance requirements depending on final design.
28. The Site Development Activity Permit (or Building Permit, if an SDAP is not required) shall include plans for construction of the road approach between the edge of existing pavement and the right-of-way line at all intersections with county or state rights-of-way. Approaches to county rights of way shall be designed in accordance with the Kitsap County Road Standards as established in Chapter 11.22 of the Kitsap County Code. Approaches to state rights of way shall be designed in accordance with current WSDOT standards. Existing approaches may need to be improved to meet current standards.
29. Any required sidewalk shall be constructed prior to roadway paving. This note shall appear on the face of the final construction drawings.
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, or Building Permit process, if a SDAP is not required. The need for and scope of bonding will be determined at that time.

**e. Fire Safety**

Staff Report: 23-00874 Sandy Beach Holdings ACUP  
September 23, 2024

31. Fire flow will be determined at building construction review but shall not be less than 1500 gpm at 20 psi.
32. Not less than two fire hydrants shall be provided. Fire department connections shall be on (Oregon) street side, and within 50' from hydrant at an approved location.
33. This project required the following:
  - a) Fire Suppression system
  - b) Fire Alarm System
  - c) Fire Standpipe system
34. At time of building construction:
  - a) A fire department access route shall be identified to rear of building.
  - b) Electric vehicle stations shall be installed per WAC 51-50-0429
  - c) Provide a basic TIA that includes level of service for the intersection of NE Oregon St & Bannister St NE.
  - d) Frontage improvements shall include a 5' sidewalk.
  - e) Driveway shall be designed per Figure 4-4 of the Kitsap County Road Standards.

**f. Solid Waste**

35. Prior to SDAP approval, applicant shall provide documentation from the solid waste/recycling service provider that their requirements for this project have been met. Waste Management Northwest can be reached at pnwcmsservices@wm.com or 1-800-592-9995; their website is <http://wmnorthwest.com/kitsap/index.html>
36. 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.
37. The SDAP submittal shall show 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.

Staff Report: 23-00874 Sandy Beach Holdings ACUP  
September 23, 2024

38. Solid Waste enclosures shall be covered and placed on an impervious surface. Enclosures shall be directly connected to sewer system, where feasible. If direct connection to sewer is infeasible, the enclosure shall be sloped to drain into a dead-end sump.

**g. Kitsap Public Health District**

39. A sewer building clearance will be required for each lot.

**Report prepared by:**



Jenny Kreifels, Staff Planner

September 17, 2024  
Date

**Report approved by:**



Scott Diener, Planning & Environmental Programs Manager

September 19, 2024  
Date

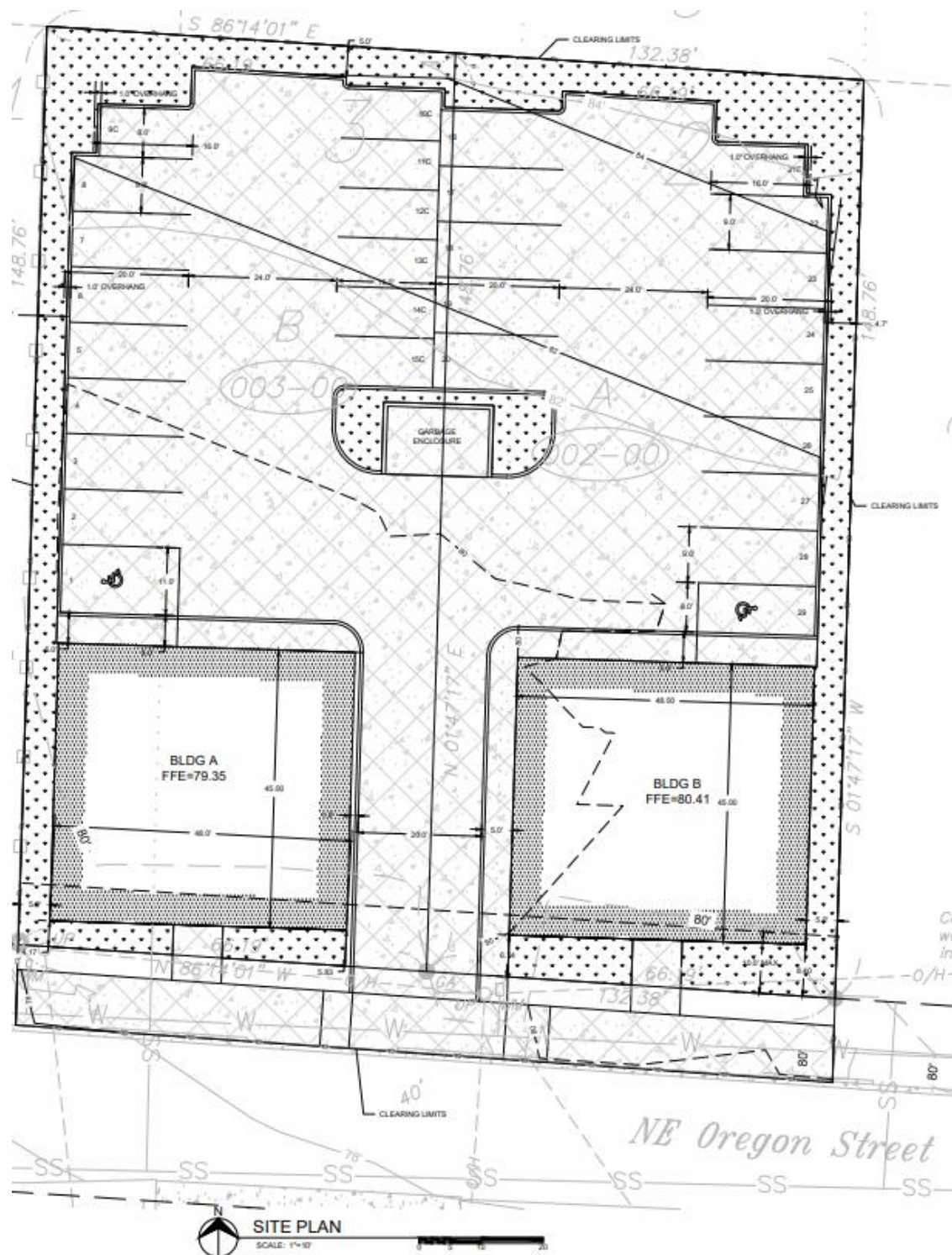
**Attachments:**

- Attachment A – Site Plan
- Attachment B – Critical Areas Map
- Attachment C – Zoning Map

CC: Applicant/Owner, Sandy Beach Holdings: [rlanning360@gmail.com](mailto:rlanning360@gmail.com)  
 Authorized Agent, Rick Lanning: [rlanning360@gmail.com](mailto:rlanning360@gmail.com)  
 Engineer: BROWNE WHEELER ENGINEERS INC: [Cadam@brownwheeler.com](mailto:Cadam@brownwheeler.com)  
 Project Representative, Rick Lanning: [rlanning360@gmail.com](mailto:rlanning360@gmail.com)  
 Engineer, Adam Wheeler: [adam@brownwheeler.com](mailto:adam@brownwheeler.com)  
 Engineer, Nicole Wheeler: [nikki@brownwheeler.com](mailto:nikki@brownwheeler.com)  
 Interested Parties: Christopher & Rebecca Ifland: [rebeccaifland@gmail.com](mailto:rebeccaifland@gmail.com)  
 Kitsap County Health District, MS-30  
 Kitsap County Public Works Dept., MS-26  
 DCD Staff Planner, Jenny Kreifels

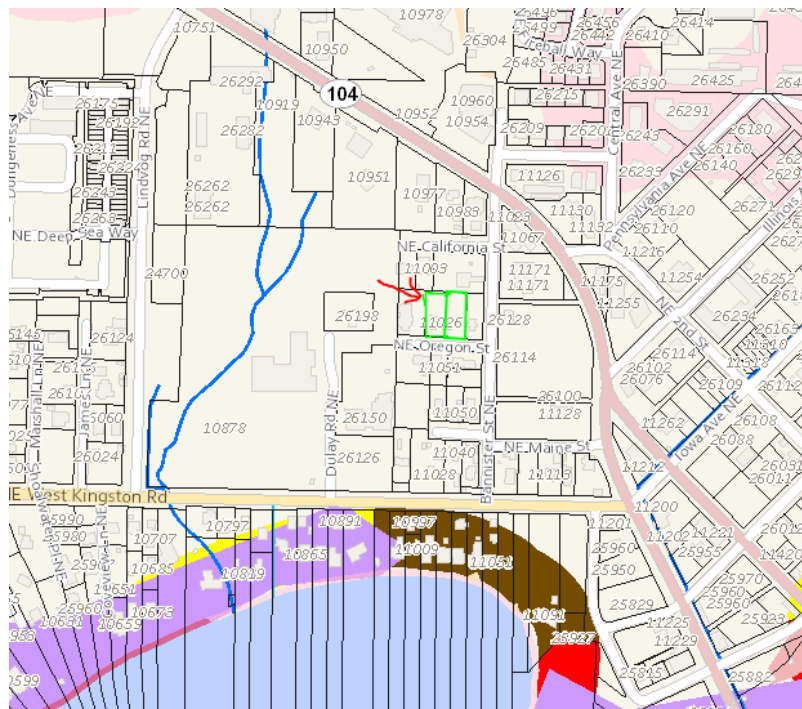
Staff Report: 23-00874 Sandy Beach Holdings ACUP  
September 23, 2024

**Attachment A**  
**Site Plan**



Staff Report: 23-00874 Sandy Beach Holdings ACUP  
September 23, 2024

**Attachment B**  
**Critical Areas Map**



**Attachment C**  
**Zoning Map**

