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Point No Point Treaty Council
Suquamish Tribe
Skokomish Tribe
Port Gamble S'Klallam Tribe
Squaxin Island Tribe
Puyallup Tribe
Dept of Archaeological Historic Preservation
WA Dept of Natural Resources
WA Dept of Fish & Wildlife
WA State Dept of Ecology-SEPA
WA State Dept of Transportation
Health District
Public Works
Parks
Navy
DE & PEP
Kitsap Transit
Central Kitsap Fire District
Central Kitsap School District
Puget Sound Energy
Water Purveyor WATER DIST SILVERDALE
Sewer Purveyor PUBLIC UTILITY DIST NO 1
WA Dept of Transportation/Aviation
Puget Sound Clean Air Agency
Central Kitsap CAC
DCD
Cascade Natural Gas
WA Department of Health
Prosecutor's Office
Assessor's Office
DCD
Kitsap Sun

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BEFORE THE HEARING EXAMINER FOR KITSAP COUNTY

Phil Olbrechts, Hearing Examiner

RE: Wixson Reservoir No. 2 Conditional Use File No. 25-03085	FINDINGS OF FACT, CONCLUSIONS OF LAW AND DECISION.
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INTRODUCTION

The Silverdale Water District has applied for a conditional use permit to construct a 2-million-gallon reservoir located just east of an existing 1-million-gallon reservoir on the property 8257 Dickey Road NW. The application is approved subject to conditions.

ORAL TESTIMONY

A Zoom computer-generated transcript of the hearing has been prepared to provide an overview of the hearing testimony. The transcript is provided for informational purposes only as Exhibit 22. Since the transcript is computer generated, it is not 100% accurate. A copy of the recording is available from the County’s planning department should anyone need to make an accurate transcription.

EXHIBITS

Exhibits 1-21 listed in the Index to the Record prepared by County staff were admitted during the hearing. An approximately accurate Zoom computer generated transcript of the hearing is admitted as Exhibit 22 for informational purposes only. The transcript is only designated as an exhibit to facilitate retention and distribution under the County’s permit record retention system.

FINDINGS OF FACT

Procedural:

1. Applicant. Silverdale Water District, 5300 NW Newberry Hill Rd, Silverdale, WA 98383.

1 2. Hearing. The Hearing Examiner conducted a virtual hearing on the
2 application at 9:00 am on June 11, 2026.

3 **Substantive:**

4 3. Site/Proposal Description. The Silverdale Water District has applied for a
5 conditional use permit to construct a 2-million-gallon reservoir located just east of an
6 existing 1-million-gallon reservoir on the property 8257 Dickey Road NW. The
7 proposed tank will serve as a regional facility that supports existing and future domestic
8 and fire flow demands within Silverdale Water District and adjacent water district
9 service areas. The proposal includes the new steel tank, water piping, overflow piping
10 (connecting to the existing overflow system), paved access without parking, security
11 fencing, and a security gate. The project will be constructed as one project and will not
12 be phased. The tower will be over 95 feet in height.

13 The 2.65-acre parcel is rectangular in shape, relatively flat, and vegetated with grasses
14 and shrubs. A concentration of trees is maintained along the east property line for
15 screening.

16 4. Characteristics of the Area. The surrounding area is zoned and used for
17 industrial park uses.

18 5. Adverse Impacts. No adverse impacts are anticipated from the proposal.
19 Dozens of staff recommended conditions of approval, adopted by this decision, ensure
20 that the proposal will be compatible and not adversely affect surrounding properties.
21 Impacts are more directly addressed as follows:

22 A. Lighting. The proposal will not create any significant lighting impacts. The
23 proposal is conditioned to comply with KCC 17.105.1110, which limits light
24 spillage to one foot candle outside property boundaries. KCC 17.105.110 also
25 requires that all lighting be shielded and directed downward away from
adjoining properties and that glare not be materially deleterious to surrounding
properties, people or uses. Reference in KCC 17.105.110 is also made to KCC
17.420.030C, which provides specific light fixture design standards. The staff
report also noted that the proposal must conform to Federal Aviation
Administration (FAA) lighting requirements for taller structures near an airport.
Apex airport to the north may require a light at the top of the structure.

B. Parking. The proposal provides for adequate parking. The staff report notes
that the project already meets parking requirements.

C. Landscaping/Aesthetics. The proposal will not create any significant aesthetic
impacts. The aesthetics of the site are adequately addressed by landscaping
requirements designed to address aesthetic impacts. The project provides more
than 15% landscaping. KCC 17.420 and 17.500 require 15 % landscaping with
solid screen buffering on all sides. Several conditions of approval ensure that

1 the required landscaping is installed and maintained as required by County
2 regulations.

3 D. Stormwater. The proposal will not create any significant stormwater impacts.

4 The Applicant has prepared a preliminary storm drainage analysis, Ex. 16.
5 Development Services and Engineering reviewed the analysis and found it
6 supportable in its approach to civil site development. The proposed stormwater
7 facilities include roof drainage via a conveyance system to a dispersion trench.
8 Further review will occur during civil permit and building permit review.
9 Several conditions of approval require conformance to KCC stormwater
10 standards. During civil review, the proposal will be made to comply with the
11 Kitsap County Stormwater Design Manual, which in general requires
12 development projects to not generate off-site stormwater flows that are more
13 than would be generated from on-site vacant and forested conditions. The
14 Manual also imposes stringent water quality treatment standards adopted
15 pursuant to state requirements that such standards be based upon all known,
16 available and reasonable methods of prevention, control and treatment. See
17 RCW 90.52.040 and RCW 90.48.010.

18 E. Critical Areas. No critical areas or steep slopes exist on the site.

19 F. Access, Traffic, Roads. The proposal will not create any significant
20 transportation impacts. The parcel is served by County right of way and already
21 has a driveway. The site is accessed from Dickey Rd NW. Development
22 Engineering has found the access sufficient. The type of use propose doesn't
23 appear to generate any significant traffic and no traffic study or report is
24 required under County regulations for the proposal.

25 G. Fire Safety. The proposal doesn't implicate any fire safety concerns. The
proposal will be served by Central Kitsap Fire & Rescue. County staff found
no need to impose any conditions to maintain fire safety and no need for such
conditions is evident from the record.

H. Utilities. The proposal will be served by adequate utilities. Potable water is
provided by the Applicant. No sewer service is necessary or required for the
project. Power will be supplied by Puget Sound Energy.

I. Compatibility. The proposal is compatible with surrounding uses, which are
industrial. The required landscaping provides for aesthetic compatibility. No
compatibility issues with the surrounding industrial uses are evident from the
record.

CONCLUSIONS OF LAW

Procedural:

1. Authority of Hearing Examiner. KCC 17.550.030 authorizes the hearing examiner to issue decisions on applications for conditional use permits.

Substantive:

2. Zoning Designation. The property is currently zoned Industrial.

3. Review Criteria. KCC 17.410.054 sets a maximum height limit of 35 feet for structures in the Industrial district. The proposed water tower is over 95 feet in height. The staff report asserts that Footnote 40 in KCC 17.420.060 allows water towers to exceed this height. Footnote 40 makes no such exception. Footnote 40 includes specific lists of structures not subject to the 35-foot height limitation. None identify water towers. There's a general reference to "similar projections." However, a water tower is not a "projection." The "similar projection" language is construed as limited to the prior references to "stair shafts." Although FN 40 isn't construed as authorizing the proposed height, KCC 17.415.400A5 does provide that flexibility. KCC 17.415.400A5 provides that water towers that exceed height limits are "subject" to conditional use permits. This provision is construed as authorizing water towers to exceed height limits if they acquire approval of a conditional use permit. The criteria for conditional use permits are governed by

KCC 17.550.030(A)(1): *The hearing examiner may approve, approve with conditions, or deny a hearing examiner conditional use permit. Approval or approval with conditions may be granted only when all the following criteria are met:*

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

4. Criterion met. The criterion is met. As identified at pages 4-5 of the staff report, the County's comprehensive plan has several goals and policies that encourage planning and construction of adequate public facilities to serve new development. The proposal is designed to meet that objective.

KCC 17.550.030(A)(2): *The proposal complies with applicable requirements of this title;*

5. Criterion met. The criterion is met. The proposal conforms to the County's zoning code as detailed in the staff report and Finding of Fact No. 5. Staff planning and public works staff have reviewed the proposal to ensure conformance to the County's zoning code for this level of review. The results of that work have been implemented in detailed conditions of approval, adopted by this decision. Nothing in the record suggests any outstanding compliance issues. More detailed compliance will be required during building and civil permit review.

1 **KCC 17.550.030(A)(3):** *The proposal will not be materially detrimental to existing*
2 *or future uses or property in the immediate vicinity; and*

3 6. Criterion met. The criterion is met for the reasons identified in Finding of Fact No.
4 5.

5 **KCC 17.550.030(A)(4):** *The proposal is compatible with and incorporates specific*
6 *features, conditions, or revisions that ensure it responds appropriately to the existing*
7 *character, appearance, quality or development, and physical characteristics of the*
8 *subject property and the immediate vicinity.*

9 7. Criterion met. The criterion is met for the reasons identified in Finding of Fact No.
10 5I.

11 **DECISION**

12 Based upon the conclusions of law above, the conditional use permit application is
13 approved subject to the following conditions:

14 **Planning/Zoning**

- 15 1. The uses of the subject property are limited to the uses proposed by the applicant
16 and any other uses will be subject to further review pursuant to the requirements
17 of the Kitsap County Code. Unless in conflict with the conditions stated and/or
18 any regulations, all terms and specifications of the application shall be binding
19 conditions of approval. Approval of this project shall not, and is not, to be
20 construed as approval for more extensive or other utilization of the subject
21 property.
- 22 2. All required permits shall be obtained prior to commencement of land clearing,
23 construction and/or occupancy.
- 24 3. The structure must be painted colors to blend in with the surrounding landscape.
- 25 4. Landscaping shall be installed and maintained in conformance with the
requirements of Kitsap County Code 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.
5. The public facility shall not substantially interfere with or detract from the intent
of the zone district.
6. The public facility shall provide a solid screening buffer to mitigate impacts on the
visual character of a neighborhood as seen from rights-of-way or adjacent
properties. Landscaping shall be installed and maintained in conformance with the
requirements of Chapter 17.500.
7. Noise, odor, dust and light impacts shall be mitigated from adjacent properties
consistent with Section 17.105.110, Obnoxious things.
8. The project must comply with Federal Aviation Administration (FAA) lighting
requirements for taller structures near an airport.

- 1 9. If, during excavation, contamination from the Model Toxics Control Act
2 Contaminated Site to the north were to be encountered, report this via the WA
3 Department of Ecology's website ([https://ecology.wa.gov/footer-pages/report-an-
4 environmental-issue/statewide-reporting-form-erts](https://ecology.wa.gov/footer-pages/report-an-environmental-issue/statewide-reporting-form-erts)). Any impacted soil, or other
5 environmental media at the project location should be characterized and, if
6 applicable, remediated in accordance with the applicable environmental
7 regulations, notably MTCA and Cleanup Rule (Chapter 173-340 WAC).
- 8 10. Any and all signage design and location (including exempt signs) shall comply
9 with Kitsap County Code 17.510, and be reviewed and approved by the
10 Department of Community Development prior to installation. Signage may require
11 a separate permit.
- 12 11. The recipient of any conditional use permit shall file a Notice of Land Use Binder
13 with the county auditor prior to any of the following: initiation of any further site
14 work, issuance of any development/construction permits by the county, or
15 occupancy/use of the subject property or buildings thereon for the use or activity
16 authorized. The Notice of Land Use Binder shall serve both as an acknowledgment
17 of and agreement to abide by the terms and conditions of the conditional use permit
18 and as a notice to prospective purchasers of the existence of the permit. The Binder
19 shall be prepared and recorded by the Department at the applicant's expense.
- 20 12. This Conditional Use Permit approval shall automatically become void if no -
21 development permit application is accepted as complete by the Department of
22 Community Development within four years of the Notice of Decision date or the
23 resolution of any appeals.
- 24 13. The decision set forth herein is based upon representations made and exhibits
25 contained in the project application (25-03085). 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.
14. 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.
15. Any violation of the conditions of approval shall be grounds to initiate revocation
of this Conditional Use Permit.

Development Engineering

16. Construction plans and profiles for all roads, storm drainage facilities and
appurtenances prepared by the developer's engineer shall be submitted to Kitsap
County for review and acceptance. No construction shall be started prior to said
plan acceptance.
17. The information provided demonstrates this proposal is a Large Project as defined
in Kitsap County Code Title 12, and as such will require a Full Drainage Site
Development Activity Permit (SDAP) from Development Engineering.

- 1 18. Stormwater quantity control, quality treatment, and erosion and sedimentation
2 control shall be designed in accordance with Kitsap County Code Title 12 effective
3 at the time the SDAP (or Building Permit if no SDAP required) application is
4 deemed fully complete. The submittal documents shall be prepared by a civil
5 engineer licensed in the State of Washington. The fees and submittal requirements
6 shall be in accordance with Kitsap County Code in effect at the time of SDAP
7 application, or Building Permit if an SDAP is not required.
- 8 19. The owner shall be responsible for maintenance of the storm drainage facilities for
9 this development following construction. Before requesting final inspection for
10 the SDAP (or for the Building Permit if an SDAP is not required) for this
11 development, the person or persons holding title to the subject property for which
12 the storm drainage facilities were required shall record a Declaration of Covenant
13 that guarantees the County that the system will be properly maintained. Wording
14 must be included in the covenant that will allow the County to inspect the system
15 and perform the necessary maintenance in the event the system is not performing
16 properly. This would be done only after notifying the owner and giving him a
17 reasonable time to do the necessary work. Should County forces be required to do
18 the work, the owner will be billed the maximum amount allowed by law.
- 19 20. If the project proposal is modified from that shown on the site plan approved for
20 this permit application, Development Engineering will require additional review
21 and potentially new conditions.

22 **Environmental**

23 N/A.

24 **Traffic and Roads**

- 25 21. 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.
- 22 22. The Site Development Activity Permit (or Building Permit, if an SDAP is not
23 required) shall include plans for construction of the road approach between the
24 edge of existing pavement and the right-of-way line at all intersections with county
25 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.
- 26 23. 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.

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Fire Safety
N/A.

Solid Waste

24. 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>

Kitsap Public Health District

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

Dated this 24th day of June, 2026.

Phil Olbrechts

Phil Olbrechts,
Kitsap County Hearing Examiner

Appeal Right and Valuation Notices

Pursuant to KCC 21.04.100 and KCC 21.04.110, this conditional use permit decision is a final land use decision of Kitsap County and may be appealed to superior court within 21 days as governed by the Washington State Land Use Petition Act, Chapter 36.70C RCW.

Affected property owners may request a change in valuation for property tax purposes notwithstanding any program of revaluation.