



Notice of Administrative Decision

Date: 06/02/2022

To: DIXON SPE LLC

Brian Walsh, bwalsh@rhinoig.com

KPFF Consulting Engineers, ben.enfield@kpff.com

RE: Permit Number: 20-03023

Project Name: Village Lane - Proposed Multi-Family Development

Type of Application: Administrative Conditional Use Permit

The Kitsap County Department of Community Development has **APPROVED** the land use application for 20-03023: **Village Lane - Proposed Multi-Family Development – Administrative Conditional Use Permit**, subject to the conditions outlined in this Notice and included Staff Report.

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

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

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

The complete case file is available for review at the Department of Community Development; if you wish to view the case file or have other questions, please contact help@kitsap1.com or (360) 337-5777. Please note DCD is open Monday to Friday from 8:00am to 12:00pm except holidays.

CC: Interested Parties:

None

Kitsap County Health District, MS-30

Kitsap County Public Works Dept., MS-26

DCD Staff Planner: Jeff Smith

DCD File #20-03023



Administrative Staff Report

Report Date: May 27, 2022

Application Submittal Date: July 09, 2020

Application Complete Date: July 16, 2020

Project Name: Village Lane Multi-Family Development/Port Orchard Apartments

Type of Application: Administrative Conditional Use Permit Type-II

Permit Number: 20-03023

Project Location

1779 Village lane SE
Port Orchard City, WA
Commissioner District #2

Assessor's Account

4609-000-004-0003

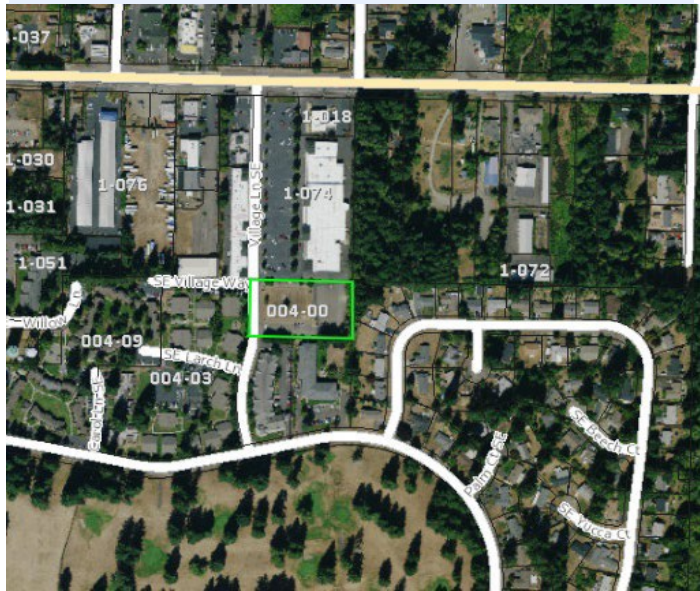
Applicant/Owner of Record

Dixon SPE LLC
101 E Vineyard, Ste 201
Livermore, CA 94550

Decision Summary

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

VICINITY MAP



1. Background

The development consists of a four-story apartment building with 48 units and associated off-street parking. The request is for development of an apartment complex on a project site located within the South Park Mall. The property is zoned Commercial and the multi-family use is permitted within the Commercial zone. The Village Lane Apartments (Port Orchard Apartments) proposes a 14,620-sf building footprint with 72 off-street parking spaces, along with the utilities and infrastructure required to service the development.

2. Project Request

The applicant is requesting preliminary approval of an Administrative Conditional Use Permit for Village Lane Apartments for 48 units in a four-story structure.

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 July 23, 2020. A Determination of Nonsignificance (DNS) was issued on April 22, 2022. SEPA noted the following information/SEPA mitigation conditions have been imposed and are listed under conditions XX at the end of this report:

COMMENTS:

The SEPA comment period occurred concurrent with the Notice of Application dated July 23, 2020 for the Administrative Conditional Use Permit. There were no public comments.

CONDITIONS AND PROJECT MITIGATION:

The following conditions are critical to the determination that the project will not have a significant adverse environmental impact.

LAND USE

1. The proposal is conditioned to follow all Zoning Codes per KCC Title 17. The proposed use (multi-family dwelling) is permitted in the applicable zoning district Commercial (C) zoning districts.
2. Outdoor lighting fixtures should be recessed and pointed downward to prevent unnecessary glare on adjacent residential property owners, consistent with KCC 17.105.110.
3. The project revisions have been reviewed and will be conditioned to follow stormwater control pursuant to KCC Title 12.

PROJECT MITIGATION

1. The landscape plan design incorporates a functional screen around the perimeter of the property and a filtered view from adjacent residential properties. The landscaping shall be installed and retained per the approved landscaping plan, consistent with KCC 17.500.027 and 030. The landscaping plan includes a screening buffer along the east property line. Consistent with KCC 17.500.027.B.1 (b) a six-foot

solid wood panel screening fence shall be installed along the east property at least until such time that functional screening landscaping matures.

2. Any and all signage design and locations (including exempt signs) shall comply with and be reviewed and approved by the Department prior to installation. A free-standing monument sign shall be consistent with KCC 17.510.100 Monument Sign. The monument and wall mounted signs shall be arranged so that light is directed away from adjoining properties and so that no more than one candle-foot of illumination leaves the property boundaries per 17.105.110.

The SEPA appeal period expired May 6, 2020. No appeals were filed; therefore, the SEPA determination is final.

4. Physical Characteristics

The site is currently a 1.59-acre vacant property, previously cleared, graded, and developed with a building in the center of the site (approximately 1,700 square foot building pad). Approximately 20 years ago, the property was occupied by a Puget Sound Energy office and Subway Restaurant. The building was demolished, and the parcel was cleared. The private roadway (Village Lane SE), asphalt parking lot, sidewalk, and utilities remain and will be replaced as an element of the proposed development. Kitsap Transit currently has an actively used bus stop on the subject property which is part of the South Park bus route.

Existing Land Cover for Parcel		
	Area sf	Area (Ac)
Concrete Sidewalks	4,590	0.106
Asphalt Pavement	37,090	0.852
Vegetation	28,126	0.646



Table 1 - Comprehensive Plan Designation and Zoning

Comprehensive Plan: High Intensity Commercial Zone: Commercial	Standard	Proposed
Minimum Density	10 (1.60 acres of net developable acreage x 10 = 16 required units)	48 dwelling units
Maximum Density	30 (1.60 acres x 30 = 48 maximum units)	
Minimum Lot Size	NA	NA
Maximum Lot Size	NA	NA
Minimum Lot Width	NA	NA
Minimum Lot Depth	NA	NA
Maximum Height	35'	4 stories, <42'-8"
Maximum Impervious Surface Coverage	85%	~57,000 or 82%
Maximum Lot Coverage	NA	NA

Applicable footnotes: 17.420.060 Footnote #17 A greater height may be allowed with approval of the fire marshal/fire district with decrease of building coverage, an increase in public amenities and/or efficient use of the land.

KCC 17.420.060 Footnote #21 Twenty feet when abutting a residential zone. *Staff Comment: Determined the project is consistent with requirement for rear and side setbacks in this instance; see below.)*

17.420.060 Footnote #40 Height limitations shall not apply: elevators, HVAC systems
Staff Comment: Fire Marshal's Office approved the request for the height increase. It was noted by Fire Marshal's Office request that South Kitsap and Rescue owns a ladder truck for fire access to taller buildings.

Table 2 - Setback for Zoning District

	Standard	Proposed
Front (West)	20'	20'
Side (North)	10' (exterior side)	10'
Side (East)	20'	20'
Rear (South)	20'	20'

Table 3 - Surrounding Land Use and Zoning

Surrounding Property	Land Use	Zoning
North	Off-street Parking South Park Mall	Commercial (C)

South	Multi-family Residential housing complexes	Urban High (UH) and Urban Medium (UM) Residential
East	Single-family residences	Urban Low Residential (UL)
West	Multi-family Residential housing complex	UM

Table 4 - Public Utilities and Services

	Provider
Water	Wet Sound Utility District
Power	Puget Sound Energy
Sewer	West South Utility District
Police	Kitsap County Sheriff
Fire	South Kitsap Fire & Rescue
School	South Kitsap School District #400

5. Access

The access will be via a 26-foot commercial driveway aisle and fire lane internal to the South Park Mall. The commercial access driveway functions like a local access road. Commercial access is privately maintained with two entrances on SE Mile Hill Drive NE and the other on Madrona Drive SE.

6. Site Design

Within the Commercial zone the apartment complex is a conditionally permitted use approved by an Administrative Conditional Use Permit (ACUP), per KCC per 17.240 Commercial Zone). The request was reviewed for consistency with KCC 17.540, the intent of the Commercial zone and compatibility with the abutting residential development, adjacent commercial uses, and the pedestrian circulation/traffic.

The development was reviewed for consistency with requirements in KCC Title 17 Zoning, 17.410.042 Allowed Uses, 17.420.030 Design Standards, 7.420.052 Commercial, Industrial, Parks and Public Facilities Zones Density and Dimensions Table, and 17.540 Administrative Conditional Use Permit. KCC 17.110.250 defines “dwelling, multi-family” as a building or portion thereof containing three or more dwelling units and designated for occupancy by three or more families. The below are planning review categories in KCC 17.420.030 Design Standards.

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 amended April 27, 2020. The following Comprehensive Plan goals and policies are most relevant to this application:

Chapter 1 Land Use

Land Use Goal 1

Focus current and future planning on infill and redevelopment of existing Urban Growth Areas

Land Use Policy 2

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

Land Use Policy 17

Support compact commercial areas in order to encourage pedestrian and non-motorized travel and transit use.

Chapter 4 Housing

Housing and Human Services Goal 6.

Integrate affordable housing and human services planning for transportation, workforce development and economic development efforts.

Housing, Human Svcs. Policy 23.

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

Chapter 5 Transportation

Transportation Goal 1

Provide a safe and reliable multi-modal transportation system for people of all ages and abilities.

Transportation Policy 3

Continue to require sidewalks on roads when development occurs within Urban Growth Areas.

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

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

8. Documents Consulted in the Analysis

<u>Applicant Submittals</u>	<u>Dated or date stamped</u>
Administrative CUP Application	July 10, 2020
Project Narrative	July 10, 2020
Environmental (SEPA) Checklist	July 10, 2020
Traffic Impact Analysis/Parking Assessment	June 9, 2020
Revised Site Plan	February 7, 2022
Landscape Plan-Update	February 7, 2022
Preliminary Engineered Drainage Plans	April 30, 2021
<u>Staff Communication</u>	<u>Dated</u>
Dev. Services & Engineering Memo	October 08, 2021
SEPA Environmental Determination	April 22, 2022

9. Public Outreach and Comments

Pursuant to KCC Title 21, Land Use, and Development Procedures, the Department gave proper public notice 800 feet around the subject property for the Administrative Conditional Use Permit. To date, the Department has not received project comments from the public.

10. Analysis

a. Planning/Zoning

The proposed is for multi-family housing for apartments, which are permitted use but conditionally approved under an ACUP within the Commercial zone. The proposal was reviewed for consistency with the intent of the Commercial zone and compatibility with the abutting single-family, multi-family residential developments and adjacent commercial uses. The proposal was reviewed for consistency with requirements KCC 17.420.030 Design Standards for pedestrian circulation/traffic to avoid pedestrian-vehicle conflicts.

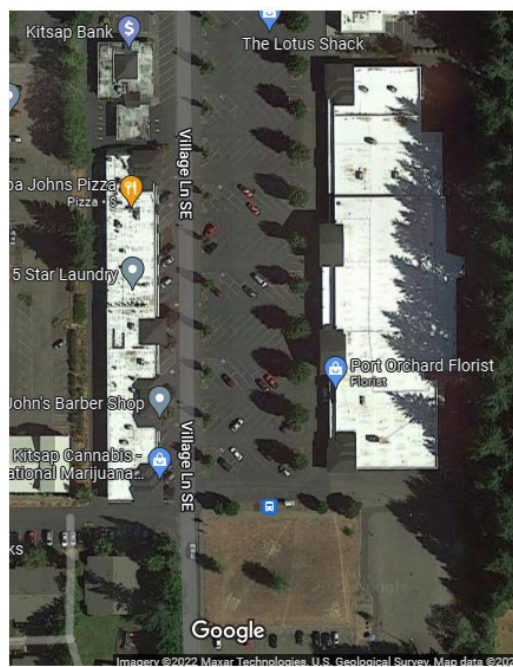
b. Lighting

Consistent with KCC 17.420.030 Design Standards and 17.105.110 artificial outdoor lighting, if necessary, the lighting should be arranged so that light is fully shielded from the side view, directed downward, and away from adjacent single-family residential properties. Not more than one-foot candle of illumination may leave the property boundaries. The applicant has prepared a photometric map showing lighting coverage. The project has been conditioned and the applicant has provided a functional screen along the west property line between the Commercial and the Urban low zone, consistent with KCC 17.500.027 to help mitigate potential glare impacts.

c. Off-Street Parking

The project is required to provide adequate off-street parking consistent with the standards in KCC 17.490 Off-street Parking and Loading. Pursuant to KCC 17.490.030 Number of required spaces, the project is required to provide minimum off-street parking for multi-family at a ratio is 1.5-spaces per unit and 0.5 per unit of overflow and set-aside parking. Using the off-street parking ratio of 2.0 spaces per unit, the minimum number of spaces for a 48-unit development is 96 off-street parking spaces.

Pursuant to KCC 17.490.030(A) Deviation of from Required Spaces, the applicant is requesting a reduction in off-street parking from 96 to 72 spaces (25% reduction). Per the applicant’s Trip Generation and parking Assessment, dated June 9, 2020, the applicant is requesting up to a 25% reduction based on anticipated parking demand of the project and the accessibility to public transit (Kitsap Transit).



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Table 5 - Parking Table

Use Identified in 17.490.030	Standard	Required Spaces	Proposed Spaces/Existing Spaces
Multifamily (Condos / Townhomes / Apartments)	1.5 per unit + 0.5 per unit on street or set aside	72 + 24 on-street or set aside = 96	72 (15% reduction requested)
Total		96	72

Staff Comment: Based on analysis with the ITE Parking Generation Manual, the demand is estimated at 1.31 vehicles per unit, which is less than the 2.0 required by code. The existing transit stop on the site is served by Kitsap Transit Route #9 South Park. Staff concurs with findings and ministerially approves the request.

d. Signage

Pursuant to KCC 17.510 Sign Code the applicant can apply for signage near the entrance to the apartment complex during or after construction. Signage is not proposed at this time. To be consistent with 17.510.100.E Monument Signs, any stand-alone monument sign will need to be coordinated with the Certificate of Occupancy with one sign per road frontage (see Condition #3).

e. Landscaping

The project is required to be reviewed for consistency with KCC 17.500 Landscaping and 17.700 Appendix A. The Landscaping Plan is required to show how all disturbed areas, buildings and structures, and off-street parking areas are to be landscaped. Landscaping was calculated based on total site area. The applicant preliminary landscaping plan is consistent with landscaping standards in KCC 17.500 Landscaping for size, spacing and function. (See Condition #2 below)

Table 6 - Landscaping Table

	Required	Proposed
Required Landscaping (Sq. Ft) 15% of Site	10,454 sf (15%)	11,020 sf (16%)
Required Buffer(s) 17.500.025		
North	Roadside Setback Area Buffer	Roadside Setback Area Buffer
South	Separation Buffer	Separation Buffer
East	Separation Buffer	Separation Buffer
West	Roadside Setback Buffer	Roadside Setback Buffer
Street Trees	Yes	Yes

f. Frontage Improvements

The project was reviewed for potential pedestrian and vehicular traffic impacts. The project site includes building frontage improvements that provide for pedestrian safety, and commercial road approach to help reduce pedestrian and vehicle conflicts. The project site is not located on a conventional road and does not require frontage improvements but will require pedestrian improvements internal to the commercial mall. The proposed pedestrian facilities are consistent KCC 17.420.030 Design Standards -Pedestrian Circulation. The existing transit stop is located on the frontage and is proposed to remain.

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:

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 to the mall parking and to Village Lane SE, a private road and includes pedestrian and vehicle access.*

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 located within an existing commercial development abutting Urban Low residential (UL) to the east. The project is not isolated within the*

commercial zone, but screening is required with a greater setback of 20 feet abutting the single-family UL zone.

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 well-lit areas with access to the multifamily walkway network. Provide for shielding and directing of light to minimize impacts upon residents and abutting property owners.

Staff Comment: The project will be required to minimize glare with associated lighting. The applicant has prepared a photometric study demonstrating compliance. The applicant is proposing adequate lighting and pedestrian access around the complex, the supporting facilities, transit stop, off-street parking and to building entries. All lighting shall be recessed and/or directed down (see Condition #3 below).

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. Except for the east side of the project, there is little vegetation to preserve. Applicant's landscape plan will augment vegetation around the development site per KCC 17.500 Landscaping.

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

Staff Comment: The project complies 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 (UVC).

Staff Comment: The off-street parking is broken up into small areas around the building with minimum vehicular access to the complex, thereby lowering impacts.

KCC 17.470.100 Multifamily -Site Design -Screening

Requirement. Provide adequate screening for support facility needs associated with multifamily developments.

Staff Comment: Support facilities such as the dumpster is located adjacent to parking, away in the southwest corner, and will be fully screened within an enclosure.

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.

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. The information provided demonstrates this proposal is a Large Project as defined in KCC Title 12 and reviewed through a Site Development Action Permit for civil plan review (See conditions below).

i. Environmental

The only critical area is that the parcel is within a mapped Category I Critical Aquifer Recharge area. The proposed use multi-family residential use is not listed as prohibited land use in KCC 19.600.620, and no additional information is required.

j. Access, Traffic and Roads

Development Services and Engineering has reviewed the above land use proposal for transportation and finds the added vehicle trips should not impact the local road network.

k. Fire Safety

The Kitsap Fire Marshall has reviewed to the proposal for consistency with fire and life safety requirements. The applicant has requested a height increase from 35 feet to 42 feet 8 inches to allow the 4-story building. The Fire Marshall believes the height increase is supportable consistent with KCC 17.420.060.A.17.

I. Solid Waste

The applicant is proposing the solid waste enclosure be in the southeast corner of the site. Waste Management is the County's waste handler/hauler. The applicant will be required to obtain written approval from Waste Management for the proposed location and to document that all standards for solid waste and recycling have been addressed. The proposal is consistent with KCC 4290.030 Design Standards for trash enclosures (*See conditions below*).

m. Water/Sewer

West Sound Utility District provides potable water service, fire flow and sanitary sewer service for the multifamily project. The applicant has submitted binding letters of water and sewer availability to confirm service.

n. Kitsap Public Health District

The Kitsap Public Health District has reviewed the request and recommends preliminary approval. The District has determined that a Sewered Building Clearance will be required prior to building permit issuance.

11. Review Authority

The Director has review authority for this Administrative Conditional Use Permit application under KCC 17.540.020 and 21.04.100. The Director may approve, approve with conditions, or deny an Administrative Conditional Use Permit.

12. Findings

1. The proposal is consistent with the Comprehensive Plan.

Staff Comment: The proposed use is consistent with the Comprehensive Plan, providing multi-family development in the Commercial zone.

2. The proposal complies or will comply with requirements of KCC Title 17 and complies with or will comply with all 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.

Staff Comment: The proposed multi-family project is permissible and should not create adverse impacts on the surrounding zones.

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 Comment: The building design incorporates physical characteristics such as modulation of walls, roof and fenestration to reduce building mass and help promote pedestrian scale.

13. Decision

Based upon the analysis above and the decision criteria found in KCC 17.540.040.A, DCD recommends that the Administrative Conditional Use Permit request for Village Lane Apartments 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. Landscaping shall be installed and maintained in conformance with the requirements of 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. Artificial outdoor lighting shall be arranged so that the lighting is fully recessed or fully shielded from side view and directed downward and away from surrounding properties. No more than one foot-candle of illumination shall leave the property boundary. Lighting shall be the minimum necessary for safety purposes and be compatible with the rural character of the area. Light standards (poles) shall not exceed 20 feet in height.
4. Any and all signage design and location (including exempt signs) shall comply with KCC 17.510 and be reviewed and approved by DCD prior to installation. Signage may require a separate permit.
5. The recipient of any administrative conditional use permit shall file a Notice of Land Use Binder with the county auditor prior to any of the following: initiation of any further site work, issuance of any development/construction permits by the county, or occupancy/use of the subject property or buildings thereon for the use or activity authorized. The Notice of Land Use Binder shall serve both as an acknowledgment of an agreement to abide by the terms and conditions of the administrative conditional use permit and as a notice to prospective purchasers of the existence of the permit. The Binder shall be prepared and recorded by the Department at the applicant's expense.
6. The uses of the subject property are limited to the uses proposed by the applicant and any other uses will be subject to further review pursuant to the requirements of the 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.

5. The decision set forth herein is based upon representations made and exhibits contained in the project application (insert #). 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 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.
8. This Administrative Conditional Use Permit approval shall automatically become void if no development permit application is accepted as complete by DCD within four years of the Notice of Decision date or the resolution of any appeals.
9. Any violation of the conditions of approval shall be grounds to initiate revocation of this Administrative Conditional Use Permit.

b. Development Engineering

GENERAL

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.

STORMWATER

11. The information provided demonstrates this proposal is a Large Project as defined in KCC Title 12, and as such will require a Full Drainage Site Development Activity Permit (SDAP) from Development Services and Engineering.
12. Stormwater quantity control, quality treatment, and erosion and sedimentation control shall be designed in accordance with KCC Title 12 effective at the time the Administrative Conditional Use Permit application was deemed complete, July 16, 2020. 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.

13. Should the proponent propose phasing of the project, a phasing plan shall be submitted to Development Services and Engineering for review and approval. The phasing plan shall, as a minimum, address the following items:

Timetables indicating the anticipated time between initial site grubbing/grading activity and the completion of construction, including site stabilization of that specific phase.

The extent of drainage improvements to be installed during the various phases.

14. Any project that includes offsite improvements that create additional impervious surface such as lane widening, sidewalk or shoulder installation or intersection channelization shall provide stormwater mitigation in accordance with KCC Title 12 effective at the time the Administrative Conditional Use Permit application was deemed complete, July 16, 2020.

15. The project proponent shall be responsible for installing any necessary off-site downstream drainage improvements. Procurement of any permits or easements necessary to install off-site improvements shall be the responsibility of the project proponent.

16. The Washington State Department of Ecology (Ecology) may require registration of the infiltration vault 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. 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 150 cubic yards or more of material must obtain an SDAP.
- Fill sites receiving 5,000 cubic yards or more, or located within a critical area, must have an engineered SDAP.
- For any fill site receiving less than 150 cubic yards, the SDAP holder shall submit to Kitsap County Department of Community Development load slips indicating the location of the receiving site and the quantity of material received by said site.

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

19. The design of the infiltration facilities shall be accordance with Vol. II, Chapter 5 of the Kitsap County Stormwater Design Manual.
20. The infiltration facilities shall remain offline 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.
21. During the construction of the proposed infiltration facilities, the Project Engineer shall provide an inspection to verify that the facilities are installed in accordance with the design documents and that actual soil conditions encountered meet the design assumptions. The Project Engineer shall submit the inspection report properly stamped and sealed with a professional engineer's stamp to Development Services and Engineering.
22. All retention facilities shall be a minimum of 200 feet from any slope steeper than 30%. This distance may be reduced based on a geotechnical engineering report. That analysis will be prepared by a Civil Engineer licensed in the State of Washington, knowledgeable in the practice of soils engineering and mechanics. The analysis will address the effects of groundwater infiltration, seepage, potential slip planes, and changes in soil bearing strength. The proposed facilities will be designed following the recommendations of the geotechnical analysis.
23. This project includes the construction of an infiltration vault, which requires a building permit issued by the Department of Community Development. A Structural Engineer, registered in the State of Washington, shall prepare the construction drawings. In addition, a geotechnical engineering analysis of the vault design is required. That analysis will be prepared by a Civil Engineer licensed in the State of Washington, knowledgeable in the practice of soils engineering and mechanics. The analysis will address the effects of groundwater infiltration, seepage, potential slip planes, and changes in soil bearing strength. The proposed facilities will be designed following the recommendations of the geotechnical analysis.
24. All publicly maintained drainage systems outside public dedicated right of way shall be located either in a tract dedicated to Kitsap County or in an easement, granted to Kitsap County, for ingress, egress, operations and maintenance of the stormwater facilities contained therein.
25. Should a Utilities Local Improvement District (ULID) 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.

26. 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.
27. If the project proposal is modified from that shown on the submitted site plan accepted for review April 29, 2021, Development Services and Engineering will require additional review and potentially new conditions.

c. Environmental

None

d. Traffic and Roads

28. Submit an Application for Concurrency Test (KCPW Form 1601) as required by Chapter 20.04.030, Transportation Concurrency, of the Kitsap County Code. The KCPW 1601 form reserves road capacity for the project.
29. All traffic control devices on public and private roads shall comply with the Manual on Uniform Traffic Control Devices as amended by the Washington Administrative Code. This is in accordance with 23 Code of Federal Regulations (CFR), Part 655.
30. 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.
31. Sidewalk ramps shall conform to the current requirements of the Americans with Disabilities Act per WSDOT standard plans at the time of construction.
32. Any required sidewalk shall be constructed prior to roadway paving. This note shall appear on the face of the final construction drawings.
33. 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, Manual on Uniform Traffic Control Devices (MUTCD), National Electrical Manufacturer's Association (NEMA), National Electrical Code (NEC), Washington State Department of Transportation (WSDOT) Standard Specifications and Standard Plans, and the Occupational Safety and Health Administration (OSHA).

e. Fire Safety

34. Water line size and location, fire hydrants, fire department connections, and externally accessed riser rooms must be shown on SDAP plans. A letter of water availability indicating available fire flow from the water purveyor is required to be submitted to the Kitsap County Fire Marshal's office prior to the approval of any building permits.
35. Fire flow in the amount of 3,500 gpm @ 20 psi for a minimum of 3 hrs is required for the project. This is based on the proposed building of 15,160 square feet and constructed of Type VB construction. A reduction in required fire flow of up to 75% as approved for commercial buildings is allowed when the building is provided with an approved automatic fire sprinkler system. The resulting fire flow shall not be less than 1000 gpm. Any changes to the structure will require a recalculation of fire flow. IFC 507.3 Amended by Kitsap County.
36. Piping for the underground portion of the fire sprinkler has not been reviewed and is not approved on this application. A separate fire code permit shall be submitted.
37. Automatic fire sprinklers will be required for this project. A fire alarm shall be installed to monitor the fire sprinkler system.
38. When required by the Fire Code Official, fire department access roads shall be posted with approved signs or marked as follows: All curbs shall be painted red on the sides and top, and shall be labeled with 4-inch-high white lettering at 25-foot intervals with the words "NO PARKING FIRE LANE" IFC 503.3
39. Where fire hydrants are subject to impact by a motor vehicle, guard posts or other approved means shall comply with Section 312. IFC 507.5.6 Condition

f. Solid Waste

40. Prior to SDAP approval, Waste Management (360) 674-3166 shall be contacted for information on implementing the solid waste/recycling storage requirements of the service provider (e.g. access requirements, dumpster size and location) for the project. Pay particular attention to the access requirements of collection trucks. Documentation shall be provided from the solid waste/recycling service provider that their requirements for this project have been met.

- 41. 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.
- 42. The SDAP submittal shall show that at least 150 square feet of exterior recyclable materials storage space for the project. Describe collection containers and show their locations, method for securing the enclosure gates in an open position and pad dimensions on the civil plans submitted for approval. Details of the enclosure, including interior dimensions, building materials and lighting must be included with the civil plans prior to final approval. These details may be architectural drawings attached to the civil plans.
- 43. If using a compactor, liquid wastes generated as a result of compaction must not discharge into the stormwater system per BKCBH Ordinance No. 1996-11, Section IV.2.a.

g. Kitsap Public Health District

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

Report prepared by:



Jeff Smith, Staff Planner / Project Lead

May 25, 2022

Date

Report approved by:



Scott Diener, Department Manager / Supervisor

May 26, 2022

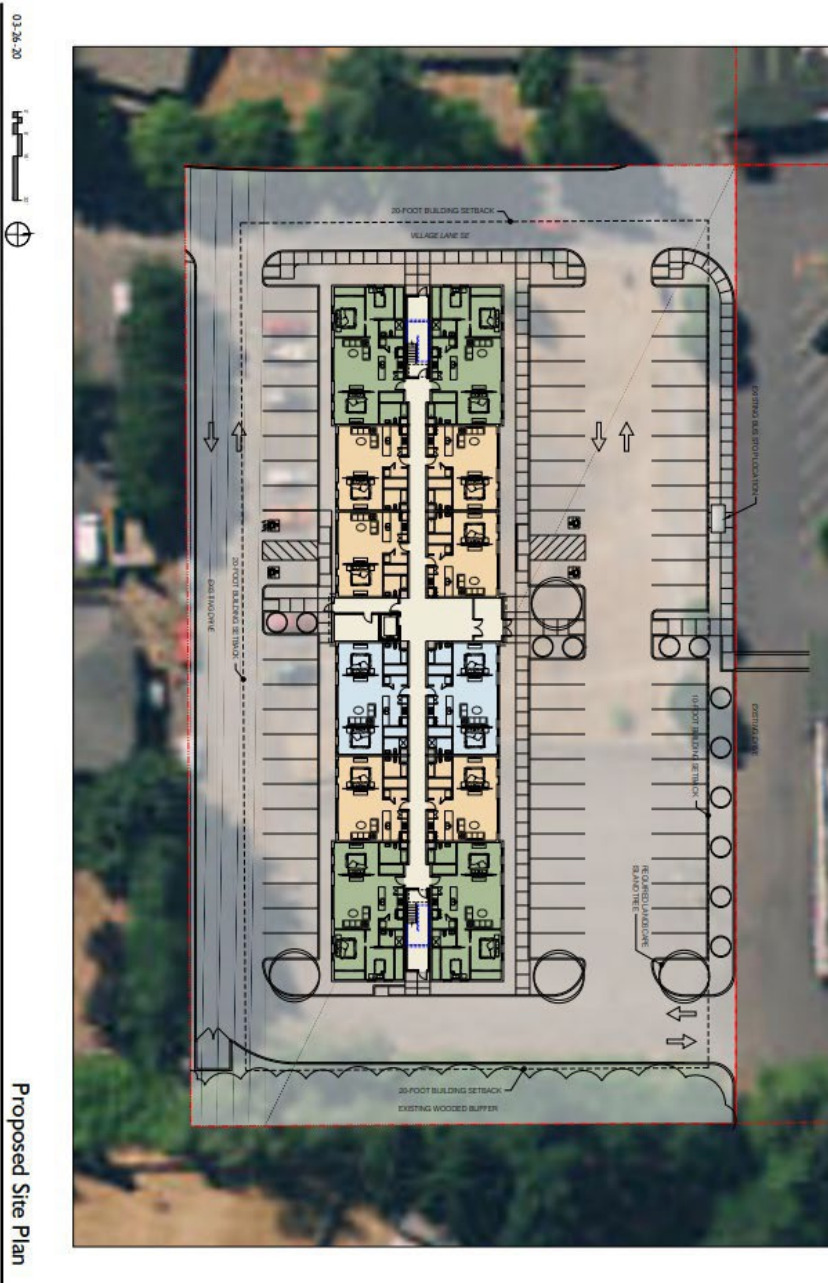
Date

Attachments:

- Attachment A – Site Plan
- Attachment B – Architectural Elevations
- Attachment C – Zoning Map

CC: Jonathon Wall, jwall@rhinoig.com
Ben Enfield, Ben.Enfield@kpff.com
Interested Parties: None
Kitsap County Health District, MS-30
Kitsap County Public Works Dept., MS-26
DCD Staff Planner: Jeff Smith

Site Plan



Proposed Site Plan

1727 Village Ln SE Port
Orland WA 98366

UNIT COUNT:

Unit A - (1) bedroom: 21 units
Unit B - (2) bedroom: 11 units
Unit C - (3) bedroom: 16 units
Total = 48 units

PARKING:

Min. Requirement:
1.5 per unit + 0.5 per
unit on street or set
aside

Required = 96
Shown = 72
(25% reduction based
on existing bus stop)

LOT COVERAGE:

Impervious lot
coverage = 83%
(85% permitted)



THIS DRAWING IS FOR GENERAL INFORMATION ONLY AND DOES NOT REPRESENT A CONTRACT. BEFORE ANY CONSTRUCTION, CONSULT THE ARCHITECT FOR ALL DIMENSIONS AND SPECIFICATIONS. SEE THE CONTRACT FOR ALL CONDITIONS AND TERMS.



Architectural Elevations

03-25-20



Front Perspective | Option 1

1727 Village Ln SE Port
Orland, WA 98356

UNIT COUNT:

- Unit A - (1) bedroom: 21 units
- Unit B - (2) bedroom: 11 units
- Unit C - (3) bedroom: 16 units
- Total = 48 units**



THIS DRAWING IS FOR GENERAL INFORMATION ONLY. IT DOES NOT CONSTITUTE AN OFFER OF ANY FINANCIAL PRODUCT OR SERVICE. THE INFORMATION CONTAINED HEREIN IS NOT INTENDED TO BE USED AS A BASIS FOR ANY INVESTMENT DECISION. CONSULT YOUR FINANCIAL ADVISOR FOR MORE INFORMATION.



Zoning Map



Comments

** This map is not a substitute for field survey ** Map Scale: 1 inch = 200 feet
Parcel No: 4609-000-004-0003 TaxPayer: RHINO HOLDINGS SOUTH PARK LLC Site Address: 1779 VILLAGE LN SE

Kitsap Co. Parcel Search Application



Printed May 2, 2022