



Kitsap County Hearing Examiner

ADMINISTRATION BUILDING, 619 DIVISION ST, MS-36
http://www.kitsapgov.com/dcd/lu_env/he/

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NOTICE OF HEARING EXAMINER DECISION

June 10, 2016

To: Interested Parties and Parties of Record

RE: Project Name: Northlake Way Storage
Applicant: Deborah Quance and Paul Sessions
8291 NW Holly Road
Bremerton, WA 98312
Application: Conditional Use Permit and Variance
Permit Number: 16 00424 and 16 00425

Enclosed is the Decision issued by the Kitsap County Hearing Examiner in the above-referenced matter.

The applicant is encouraged to review the Kitsap County Office of Hearing Examiner Rules of Procedure found at: http://www.kitsapgov.com/dcd/lu_env/he/HE%20Rules%20for%20Kitsap%20County%20-%206-23-09.pdf

The Decision of the Hearing Examiner is final, unless appealed, as provided under Washington law.

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, Monday through Thursday, 8:00 AM to 4:00 PM and Friday 9:00 AM to 1:00 PM, except holidays. If you wish to view the case file or have other questions, please contact Constance Blackburn at cblackburn@co.kitsap.wa.us or (360) 337-5777.

Cc Applicant and/or Rep:

Deborah Quance and Paul Sessions: 8291 NW Holly Rd. Bremerton, WA 98312
William Palmer: wpconslts@telebyte.net

Interested Parties:

Frank Welch: durustechnologies@gmail.com
Kim Adair: OneSssyRedhead@yahoo.com
Bard Davis: barbledavis47@yahoo.com

**BEFORE THE HEARING EXAMINER
FOR KITSAP COUNTY**

| | | |
|--|---|--------------------------|
| In the Matter of the Application of |) | No. 16 00425 |
| |) | |
| Deborahlee Quance and Paul Sessions |) | Northlake Storage |
| |) | |
| |) | |
| For Approval of a Conditional Use Permit |) | FINDINGS, CONCLUSIONS, |
| <u>And Variance</u> |) | AND DECISION |

SUMMARY OF DECISION

The request for a conditional use permit for mini-storage/recreational vehicle storage is **APPROVED**. The request for a variance to allow the existing development to continue its existing encroachment within the front, sides, or rear setbacks, and to allow for the use of the associated parking space for storage pods within the south side setback, at 3050 Northlake Way NE, Bremerton, Washington, is **GRANTED**. Conditions are necessary to mitigate project impacts and to ensure the proposal complies with the Kitsap County code.

SUMMARY OF RECORD

Hearing Date:

The Hearing Examiner held an open record hearing on the request on May 26, 2016.

Testimony:

The following individuals presented testimony under oath at the open record hearing:

Jeff Smith, County Senior Planner
William Palmer, for the Applicant
Larry Eyler

Exhibits:

The following exhibits were admitted into the record:

1. Project Application, received February 3, 2016
2. Supplemental Application – Variance Zoning, received February 3, 2016
3. Supplemental Application – Concurrency Test, undated
4. Concurrent Review, Kitsap Public Health District, dated January 28, 2016, with Commercial Building Clearance form, dated January 21, 2016, and site plan, dated January 11, 2016
5. SEPA Environmental Checklist, dated January 21, 2016
6. Water Availability Letter, Erland Point Water Co., dated January 30, 2016
7. Variance Request Narrative, received February 3, 2016
8. Notice of Complete Application, dated February 9, 2016

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9. Kitsap County Health District, Health Officer Decision, dated February 10, 2016
10. Notice of Application, dated February 24, 2016
11. Elevations Photos, received February 3, 2016, and legal description
 - a. Front Elevation
 - b. East and North Elevations
 - c. Legal Description
12. Maps and Site Plan
 - a. Vicinity Map, undated
 - b. Aerial View, received February 3, 2016
 - c. Landscape Schedule Detail Sheet, undated
 - d. Site Plan, received February 3, 2016
13. Public comments
 - a. Email from Kim Adair to Jeff Smith, dated March 7, 2016
 - b. Email from Candy Mursell to Christine DeGeus, dated May 3, 2016, with email string
 - c. Email from Christine DeGeus to Jeff Smith, dated May 2, 2016
 - d. Email from Barb Davis to Jeff Smith, dated March 7, 2016
 - e. Email from Frank Welch to Jeff Smith, dated February 29, 2016
14. Memorandum from Jeff Smith to Candy Mursell, dated March 2, 2016
15. SEPA Determination of Nonsignificance, dated April 22, 2016
16. Seven maps/aerial photos, printed May 3, 2016; Map Number R08N, dated March 25, 2016
17. Notice of Public Hearing, dated May 12, 2016
18. Certification of Public Notice, dated May 11-18, 2016
19. Staff Report, dated May 19, 2019
20. Kitsap County PowerPoint presentation (12 slides), dated May 26, 2016

The Hearing Examiner enters the following Findings and Conclusions based upon the testimony and exhibits admitted at the open record hearing:

FINDINGS

Application and Notice

1. Deborahlee Quance and Paul Sessions (Applicant) request a Conditional Use Permit (CUP) for mini-storage/recreational vehicle (RV) storage, and a variance¹ to allow an existing building, driveways, parking area, and mobile home to continue their existing encroachment within the front, sides, or rear setbacks, and to allow for the use of the

¹ The County staff report references Dimensions Table KCC 17.382.080 for setbacks. This table is the Airport and Industrial Density and Dimensions Table. Footnote 26 provides: “No service road, spur track, or hard stand shall be permitted within required yard areas that abut a residential zone.” KCC 17.382.110.A.26. *Exhibit 19, Staff Report, page 1.*

associated parking space for storage pods within the south side setback. The property is located at 3050 Northlake Way NW, in Bremerton, Washington.³ *Exhibits 1-4; Exhibit 7; Exhibit 11; Exhibit 12; Exhibit 19, Staff Report, pages 1 and 2.*

2. Kitsap County (County) determined that the application was complete on February 9, 2016. On February 24, 2016, the County published notice of the application and SEPA determination in the local newspaper and mailed notice of the application to the Applicant, Applicant Representative, property owners within 800 feet of the property, and interested parties. On May 11, 2016, the County posted notice of the opening record hearing on the property and, the next day, published notice in the local newspaper and mailed notice of the open record hearing to the Applicant, Applicant Representative, property owners within 800 feet, and interested parties. *Exhibit 8; Exhibit 10; Exhibit 17; Exhibit 18.*
3. The County received the following email public comments: Kim Adair asked the County to deny the CUP and variance because of concerns about security, the need for the proposed storage use, encroachment on the county road right-of-way, impacts to the on-site septic system and drainfields, storage pods placed close to the property lines, and hours of operation. Christine DeGeus requested that no portion of any installed gates, while open or closed, be within the county road right-of-way and raised concerns about road conditions. Barbara Davis opposed the project because the area is a family neighborhood and not a commercial area. She also expressed concerns about community safety. Frank Welch requested that a buffer remain between his residence and the Applicant's property abutting to the west. He requested a privacy fence be constructed. *Exhibit 13; Exhibit 19, Staff Report, page 10.*

State Environmental Policy Act

4. The County acted as lead agency and analyzed the environmental impacts of the project as required by the State Environmental Policy Act (SEPA), Chapter 43.21C Revised Code of Washington (RCW). The County used the optional Determination of Nonsignificance (DNS) process under Washington Administrative Code (WAC) 197-11-355. The County provided notice of the SEPA comment period concurrent with the Notice of Application, dated February 24, 2016. The County analyzed the Applicant's SEPA Checklist and other available information and issued a Determination of Nonsignificance (DNS) on April 22, 2016. A DNS condition requires the Applicant to comply with County code provisions governing stormwater control (KCC Title 12) and land use impacts (KCC Title 17). *Exhibit 5; Exhibit 15; Exhibit 19, Staff Report, page 2.*

³ The Assessor Tax Parcel Number associated with the parcel is 082401-2-147-2009. *Exhibit 2.* A full legal description of the parcel is included with the SEPA Environmental Checklist. *Exhibit 5.*

Comprehensive Plan, Zoning, and Surrounding Property

5. The County's Comprehensive Plan contains a Rural and Resource Lands Chapter to define and provide policy direction to preserve and enhance the rural character of Kitsap County. This chapter designates areas in Kitsap County as appropriate for rural and resource activities, both residential and non-residential. The Comprehensive Plan intends to preserve and protect rural character by providing a definition of rural character in Kitsap County and establishing measures to preserve it. *County Comprehensive Plan (December 2012), Ch. 3 at 3.* The Comprehensive Plan designates the property as Rural Commercial. Lands contained within this designation are often found at crossroads, where historical development has allowed for smaller lot sizes. These areas also serve neighboring residences, with quick shopping that is compatible with neighboring uses. Land uses include businesses that provide a service to rural residents. Rural lands goals and policies regarding commercial uses refer to these uses outside of Urban Growth Areas (UGAs). *County Comprehensive Plan, Ch. 3 at 39.*

6. County staff identified as relevant to the proposed project Comprehensive Plan goals and policies, including Land Use Goal 2 to encourage development standards that help preserve the County's rural character and Policy RL-8 to limit new commercial and industrial uses in rural areas to those permitted in rural areas, per Comprehensive Plan amendments (Chapter 21.08 KCC), and Land Use Goal 5 to encourage and foster rural businesses and business opportunities on currently designated commercial and industrial lands in the rural area and monitor the rural need for new commercial and industrial allocations consistent with the Growth Management Act requirement to foster rural economies. *Exhibit 19, Staff Report, page 4.*

7. In 2012, the County rezoned the property from Highway Tourist Commercial to Rural Commercial (RCO). The County uses the Rural Commercial zone to implement the Rural Commercial Comprehensive Plan designation. *County Comprehensive Plan, Ch. 3 at 39.* The RCO zone, like its Comprehensive Plan counterpart, permits the location of small-scale commercial retail businesses and personal services that serve a limited service area and rural population outside established UGAs. The RCO zone permits small-scale retail, sales, and services located along county roads on small parcels that serve the immediate rural residential population. Rural businesses that serve the immediate rural population may be located at crossroads of county roads, state routes, and major arterials. *KCC 17.355.010.D.* This is the only RCO zoned property in the vicinity with similar property rights. The County applied the Limited Areas of More Intensive Rural Development zone density and dimensions table, which lists maximum impervious coverage of 85 percent, maximum building height of 35 feet, and no minimum/maximum density, or minimum lot area, width or depth. *KCC 17.382.090.* The zoning and the current uses of the surrounding properties are smaller lots, zoned Rural Residential, with individual and multiple single-family homes. Abutting the south, east, and north property lines are nine single-family dwelling units with associated

outbuildings. A mobile home park with approximately 40 dwellings is located further to the south. *Exhibit 19, Staff Report, pages 3, 4 and 9.*

Existing Property

8. The property has an average width of 151.3 feet and a length of 359.5 feet. The Applicant's site plan depicts an existing 5,091 square-foot building (75 feet x 97 feet) fronting Northlake Way NW, with two driveways. The building is surrounded by a paved area on the south, east, and north sides. A graveled parking area and a caretaker's mobile home, as well as primary and reserve drainfields, are located in the rear of the property. The building housed a tavern, which closed three to four years ago. The building was constructed prior to adoption of Kitsap County regulations in 1952. The Applicant's Environmental Checklist lists songbirds as observed or known to be on or near the site. No threatened or endangered species are known to be on or near the site. *Exhibit 5; Exhibit 7; Exhibit 12.d; Exhibit 19, Staff Report, pages 8 and 9.*

Conditional Use Permit

9. County zoning ordinances make some uses conditional in certain zones. *KCC 17.110.175.* A *conditional use* is an activity specified by Title 17 KCC as a principal or accessory use that may be approved or denied based on consistency with specific criteria. *KCC 17.110.175.* In the RCO zone, self-service storage is listed as an industrial conditional use,⁴ and a caretaker's dwelling is listed as a residential permitted use. *KCC 17.381.040(B).* William Palmer, Land Use Consultant, testified for the Applicant that Ms. Quance and Mr. Sessions would live in the mobile home. He testified that RV storage is offered to provide security for RVs. He noted RVs are not moved often and that no more than 12 RVs would be stored on-site. He testified that boats on trailers could also be stored on-site. *Testimony of Mr. Palmer.*

Landscaping and Screening

10. At least 15 percent of the site must be landscaped. *KCC 17.385.025.* The Applicant would provide landscaping on 47 percent of the site. Existing wood fences are located on the north and south sides of the site. The Applicant proposes to maintain the rear lawn area, add planting beds for façade plantings, and plant additional trees and shrubs against the perimeter six-foot solid wood panel fencing. The Applicant provided a landscape schedule to accompany the site plan. Security fencing would be provided along Northlake Way NW. The Applicant proposes that storage activities would take place within the existing building, with outside storage pods located within the fenced area. Mr. Palmer testified that there is a six-foot tall fence along the east property boundary

⁴ Both indoor and outdoor storage are also listed as industrial conditional uses in the RCO zone. *KCC 17.381.040(B).* In addition, footnote 75 provides: All storage must be screened from public view by a twenty-five-foot buffer in order to meet rural compatibility. Applicant must also demonstrate how the storage would serve the immediate population. *KCC 17.381.050.A.75.*

with the residence to the east. County Planner Jeff Smith testified that the proposed 8- by 10-foot storage pods are 8 feet tall and could be stacked three high to a height of 24 feet, if adequate screening is provided. The County would review any roof-mounted HVAC equipment location at time of building permit review. The Applicant would comply with the County's solid waste standards for recycle/waste collection enclosures. *Exhibit 12.c; Exhibit 19, Staff Report, pages 6 to 8; Testimony of Mr. Palmer; Testimony of Mr. Smith.*

Access and Circulation

11. The property is bounded by Northlake Way NW on the west, with two driveway approaches that would provide one-way circulation around the existing building. A designated bicycle route is located along the property frontage. The Applicant proposes to provide pedestrian access around the existing building and from the street to the building. Americans with Disabilities Act (ADA) parking would be evaluated during building permit review. The Applicant would submit plans for construction of the road approach between the edge of existing pavement and the right-of-way line at all intersections with County rights-of-way and approaches would be designed to Kitsap County Road Standards and require a Public Works permit. No gates would be installed that would be within County right-of-way when open or closed. No business signs are proposed at this time. *Exhibit 12.d; Exhibit 19, Staff Report, pages 7, 13, and 14.*
12. The Kitsap County Fire Marshal's Office requested maintained fire apparatus access roads with an unobstructed width of 20 feet and a clearance height of 13 feet six inches, an all-weather driving surface to support a 60,000 pound fire apparatus, an inside turning radius of a minimum 25 feet, access roads extended to within 150 feet of all portions of the exterior walls of the first story of the building, no road with more than 12 percent grade, a minimum of two fire hydrants, an addressable fire alarm system, and a rapid access secured key box for buildings with a fire alarm, fire sprinkler, or other fire protection systems. Mr. Palmer requested that proposed condition 13 regarding fire flow be deleted because the referenced fire flow pressure is not available in this area. *Exhibit 19, Staff Report, pages 12 and 13; Testimony of Mr. Palmer.*

Off-street parking

13. The Applicant is required to provide one parking space per 3,000 square foot of gross floor area. The former tavern building contains 5,091 square feet. Two parking spaces are required for the caretaker's mobile home. The Applicant would provide up to six parking spaces. Mr. Palmer testified that pod storage involves sending a pod to a location by truck, then storing it at a person's residence or a place of business, or returning it and placing it in storage at the proposed site. There would be no storage of materials or structures on the drainfield area. The storage business would operate from 8:00 AM to 9:00 PM. *Exhibit 19, Staff Report, page 7; Testimony of Mr. Palmer.*

Stormwater

14. The Applicant would retain the existing impervious areas, and no additional impervious surfaces are proposed. County Development Services and Engineering reviewed the proposed project and did not propose any additional stormwater controls. *Exhibit 14; Exhibit 19, Staff Report, page 6.*

Lighting

15. Exterior lighting would be centered on-site with no spill-over to adjacent properties. Light cutoff shields would be used if necessary. *Exhibit 19, Staff Report, page 6.*

Services

16. The property is within Erland Point Water Company service area and the water company provided a water availability letter, dated January 30, 2016, indicating that water service would be available, subject to compliance with the County Comprehensive Plan. Puget Sound Energy would provide electricity; the Kitsap County Sheriff would provide police protection; and South Kitsap Fire and Rescue #1 would provide fire protection. The site is served by an on-site sewage disposal system and the Kitsap Public Health District reviewed and approved a Building Clearance related to the project for onsite sewage and water systems on February 10, 2016. *Exhibit 6; Exhibit 9; Exhibit 12.d; Exhibit 19, Staff Report, page 4.*

Testimony

17. Larry Eyler testified that he lives across the street from the proposed use. He requested that no tarps, but only pre-fitted covers, be used to cover any stored RVs; that a caretaker live on the premises; and that no parking should be allowed in front of the building. Mr. Palmer responded that only pre-fitted covers would be used, a caretaker would live on-site, and that there would be no parking in front of the building. *Testimony of Mr. Eyler; Testimony of Mr. Palmer.*

Variance

18. With the 2012 rezone to RCO, the County determined that the building and mobile home are nonconforming structures because they now encroach into the setbacks. *KCC 17.460.040.* The County determined that the property requires 20-foot front, side, and rear setbacks, with 50-foot side and rear setbacks “when abutting residential,” based on the LAMIRD Density and Dimensions Table. *KCC 17.382.090.* In addition, “No service road, spur track, or hard stand shall be permitted within required yard areas that abut a residential zone.” *KCC 17.382.110.A.26. Exhibit 19, Staff Report, page 3 and 8.*
19. The Applicant describes the building as set back approximately 80.7 feet from the south boundary and approximately 20 feet from the north boundary. The front setback for the building is 20 feet and is positioned seven to 20 feet from the front property line. The pavement alongside and to the east of the building extends to a point shy of the property

boundary. On the south side, the pavement comes within 10 feet in one area and about five feet in another portion of the site. On the north side of the building, there is a 12-foot access driveway that forms a triangle with the north boundary of the site, with a green space varying in width from zero to about 20 feet. The graveled parking area is set back from the north boundary 20 to 30 feet. A caretaker's mobile home is located at the back of the site, near the east boundary. It is set back from the east boundary 33 to 40 feet. From the north boundary, the setback varies between 10 to 15 feet. The Applicant requests a variance for the existing building and paved area of 40 to 45 feet on the south side, 30 to 50 feet on the north side, and 8 to 13 feet on the front side. The variance request for the existing mobile home is 35 to 40 feet on the north side and 10 to 17 feet on the east side. The County determined that the required setbacks would leave an area unfeasible to operate the proposed project. *Exhibit 4; Exhibit 7; Exhibit 19, Staff Report, pages 8 and 9.*

Staff Recommendation

20. County staff recommends approval of the CUP and variance, with conditions. The recommended conditions include requirements that the Applicant complies with relevant federal, state, and local statutes, regulations, and ordinances, including Kitsap County Road Standards, solid waste requirements, and Kitsap County Fire Marshal's Office requirements; files a Notice of Land Use Binder; obtains all permits before commencing land-clearing or construction; submits a final landscape plan; and submits documentation that the solid waste/recycling service provider requirements have been met. *Exhibit 19, Staff Report, pages 11 to 14.*

CONCLUSIONS

Jurisdiction

The Kitsap County Hearing Examiner has jurisdiction to hear and decide Conditional Use Permit applications as Type III permit decisions. *KCC 17.421.020; KCC Table 21.04.30.* The Kitsap County Hearing Examiner is authorized to hear and decide variance requests. *Kitsap County Code (KCC) 2.10.070; KCC 17.500.010; KCC Table 21.04.030.*

Criteria for Review

Conditional Use Permit

The Hearing Examiner may approve, approve with conditions, or deny a conditional use permit. Approval or approval with conditions may be granted by the Hearing Examiner only when all the following criteria are met:

- (1) The proposal is consistent with the Comprehensive Plan;
- (2) The proposal complies with applicable requirements of this title;
- (3) The proposal will not be materially detrimental to uses or property in the immediate vicinity; and

- (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.

KCC 17.421.030.A.

Variance

The Hearing Examiner may permit and authorize a variance of any numerical standard, excluding housing density, from the requirements of KCC Title 17 only when unusual circumstances relating to the property cause undue hardship in the application of KCC Title 17. The granting of such a variance shall be in the public interest. A variance shall be made only when all of the following conditions and facts exist:

- A. There are special circumstances applicable to the subject property, including size, shape, topography, location or surroundings, that were not created by the applicant and do not apply generally to other property in the same vicinity or zone;
- B. Such variance is necessary for the preservation and enjoyment of a substantial property right or use of the applicant possessed by the owners of other properties in the same vicinity or zone;
- C. The authorization of such variance will not be materially detrimental to the public welfare or injurious to property in the vicinity or zone in which property is located; and
- D. The variance is the minimum necessary to grant relief to the applicant.

KCC 17.500.010.

The criteria for review adopted by the Kitsap County Board of Commissioners are designed to implement the requirement of Chapter 36.70B RCW to enact the Growth Management Act. In particular, RCW 36.70B.040 mandates that local jurisdictions review proposed development to ensure consistency with County development regulations, considering the type of land use, the level of development, infrastructure, and the characteristics of development. *RCW 36.70B.040.*

Conclusions Based on Findings

Conditional Use Permit

1. With conditions, the proposal would be consistent with the CUP approval criteria found in KCC 17.421.030.A.

- a. *The proposal would be consistent with the County Comprehensive Plan. The Comprehensive Plan designates the site as Rural Commercial and would be consistent with the Comprehensive Plan's land use goal to encourage and foster rural businesses*

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and business opportunities on currently designated commercial and industrial lands in the rural area.

- b. *The proposal would be consistent with the provisions of Title 17 KCC, with the exception of setbacks. The existing building, mobile home, parking area, and access driveways encroach into the setbacks. The Applicant has requested a separate variance to allow the existing features to continue to encroach into the setbacks, and allow the use of the associated parking space for storage pods within the south setback.*
- c. *The proposal would not be materially detrimental to existing uses or property in the immediate vicinity. The County determined that, with a condition to comply with KCC Title 12 stormwater controls and mitigate for Title 17 land use impacts, the project would not have probable, significant adverse environmental impacts and issued a DNS. The DNS was not appealed. The site is fenced, and the proposed use would utilize the existing building and mobile home. With a variance, the building and mobile home would remain in their current locations. Concerns from the public were addressed to ensure that any installed gates would not intrude into the county road right-of-way, that the on-site septic system and drainfields would not be impacted, that a buffer would remain between the site and property to the east, and that, before outdoor storage pods are stacked, adequate landscaping would be provided. The Applicant would provide six parking spaces to accommodate the proposed self-service facility and mobile home, and two driveways would directly access Northlake Way NW from the property.*
- d. *The proposal would be compatible with the existing character, physical characteristics, quality, and development of the property and nearby properties. The proposed self-storage facility would be fenced and the Applicant would provide landscaping to screen any storage pods from the nearby residences.*

Conditions are necessary, including those to ensure that the Applicant: complies with relevant law, including Kitsap County Road Standards, solid waste requirements, and Kitsap County Fire Marshal's Office requirements; files a Notice of Land Use Binder; obtains all permits before commencing land-clearing or construction; submits a final landscape plan; limits uses to those proposed in the application; obtains further review upon changes to the application; and submits documentation that the solid waste/recycling service provider requirements have been met. *Findings 1-17, 20.*

Variance

- 2. There are special circumstances applicable to the subject property, including size, shape, topography, location, or surroundings, that were not created by the Applicant and do not apply generally to other property in the same**

vicinity or zone. The Applicant's property contains a building formerly used as a tavern, as well as mobile home. These buildings were in place prior to the County rezone of the property from Highway Tourist Commercial to Rural Commercial. The building, mobile home, and associated driveways and parking area encroach into different portions of the front, side, and rear setbacks. A variance is required to allow the existing features to continue to encroach into the setbacks and to allow the use of the associated parking space for storage pods within the south setback. *Findings 1, 8, 18-20.*

3. **The variance is necessary for the preservation and enjoyment of a substantial property right or use of the Applicant possessed by the owners of other properties in the same vicinity or zone.** The property had a previous commercial use as a tavern. A self-storage facility is an allowed use with a CUP. Because of the 2012 rezone of the property to RCO, the existing features would not comply with setbacks without a variance. The Applicant's property is the only one zoned RCO in the vicinity, and is surrounded by Rural Residential zoning on three sides. *Findings 1-8, 18-20.*
4. **With conditions, approving the variance would not be materially detrimental to the public welfare or injurious to property in the vicinity or zone in which the property is located.** The Applicant requests a variance to allow the existing building, driveways, parking area, and mobile home to continue their existing encroachment within the required front, sides, or rear setbacks, and to allow for the use of the associated parking space for storage pods within the south setback, as shown on the Applicant's site plan (Exhibit 12.d). The site is fenced, and the proposed use would utilize the existing building and mobile home. The County provided reasonable notice and opportunities to provide comments on the applications and at the open record hearing. Concerns from the public were addressed to ensure that any installed gates would not intrude into the county road right-of-way, that the on-site septic system and drainfields would not be impacted, that a buffer would remain between the site and property to the east, and that, before outdoor storage pods are stacked, adequate landscaping would be provided. The Applicant would provide six parking spaces to accommodate the proposed self-service facility and mobile home and two driveways would directly access Northlake Way NW from the property. The facility would operate from 8:00 AM to 9:00 PM. Conditions are necessary, including those to limit RV storage to 12 RVs, and to provide adequate landscape screening before pod stacking occurs. *Findings 1-8, 10, 18-20.*
5. **The variance is the minimum necessary to grant relief to the Applicant.** Because of the property's rezone in 2012, 20-foot front and 50-foot side and rear setbacks are required. The proposed variance would accommodate the existing

building, paved area, parking, access driveways, and mobile home and would allow additional outside storage within the south side setback. No new buildings are proposed on-site. *Findings 1, 8, 18-20.*

DECISION

Based on the preceding Findings and Conclusions, the request for a conditional use permit for mini-storage/recreational vehicle storage is **APPROVED**, and the request for a variance to allow the existing development to continue its existing encroachment within the front, sides, or rear setbacks, and to allow for the use of the associated parking space for storage pods within the south side setback, as shown on the Applicant's site plan (Exhibit 12.d), at 3050 Northlake Way NE, Bremerton, Washington, is **GRANTED**, with the following conditions:

1. All required permits shall be obtained prior to commencement of any land clearing and/or construction.
2. At time of Building Permit submit a final landscape plan consistent with KCC 17.385 Landscaping.
3. The Applicant shall to incorporate landscaping design features and fencing to provide compatibility with the abutting residential neighborhood. The Applicant shall propose nursery stock plantings that will adequately screen pod containers stacked three-high or 24 feet. No pod stacking may occur until screening is in place in accordance with Condition 25.
4. Landscaping shall be installed and maintained in conformance with the requirements of Kitsap County Code (KCC) 17.385. 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. This Conditional Use Permit approval shall automatically become void if no development permit application is accepted as complete by the Department of Community Development within three years of the Notice of Decision date or the resolution of any appeals.
6. Land use approval is limited to the uses proposed by the Applicant on the recommended site plan and the SEPA Environmental Determination dated February 3, 2016. Unless in conflict with the conditions stated and/or any regulations, all terms and specifications of the application shall be binding conditions of approval. Any modifications or expansion of the project will be subject to further review pursuant to the requirements of the appropriate sections of the Kitsap County Code.
7. This decision is based upon representations made and exhibits contained in the project

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application. 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.

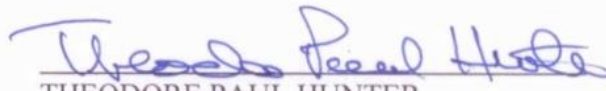
8. The authorization granted herein is subject to all applicable federal, state, and local laws, regulations, and ordinances. Compliance with such laws, regulations, and ordinances is a condition to the approvals granted and is a continuing requirement of such approvals. By accepting this/these approvals, the Applicant represents that the development and activities allowed will comply with such laws, regulations, and ordinances. If, during the term of the approval granted, the development and activities permitted do not comply with such laws, regulations, or ordinances, the Applicant agrees to promptly bring such development or activities into compliance.
9. Any violation of the conditions of approval shall be grounds to initiate revocation of this Conditional Use Permit.
10. The recipient of any 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 and agreement to abide by the terms and conditions of the conditional use permit and as a notice to prospective purchasers of the existence of the permit. The Binder shall be prepared by the Department and recorded at the Applicant's expense. The Applicant shall provide recorded copies of the Binder to the Department immediately after recording. The Binder shall be recorded within 30 days of notification from the Department that the Binder is ready to be recorded.
11. The Applicant is required adhere to all applicable requirements of the Kitsap County Public Health District.
12. Fire apparatus access roads are required and must be maintained. Any proposed revision to these roads must be submitted to, reviewed and approved by the Kitsap County Fire Marshal's Office. IFC 503 Amended by Kitsap County. Access roads shall comply with the following:
 - 1) There shall be unobstructed width of 20 feet and height of 13 feet 6 inches.
 - 2) Access shall be designed and maintained to support a 60,000 pound fire apparatus and be provided with an all-weather driving surface.
 - 3) Dead-end access roads exceeding 150 feet in length shall be provided with an approved turnaround.
 - 4) The inside turning radius of the access shall be a minimum of 25 feet.
 - 5) Access roads shall extend to within 150 feet of all portions of the exterior walls of the first story of the structure as measured by an approved route around the exterior of the

- structure or facility.
- 6) The road shall not be more than 12% grade.
 13. Not used.
 14. An addressable fire alarm system is required for this project under a separate fire code permit.
 15. A minimum of 2 fire hydrants are required and should be placed no more than 400 feet from each other, up to 600 feet if protected by a fire sprinkler system for commercial building. One hydrant shall be within 50 feet of the fire department connection (FDC). IFC 508.5.1 Amended by Kitsap County.
 16. A rapid access secured key box (e.g., Knox box) will be required for buildings with a fire alarm, fire sprinkler or other fire protection system because immediate access is necessary for lifesaving and firefighting purposes. The owner or occupant will be required to provide keys to gain access to all portions of the building, including sprinkler system control valves and fire alarm panels. The key box should be located adjacent to the main entrance or as approved by the Fire Code Official. An application for a key box must be obtained from the local Fire District. Multiple key boxes may be required for large structures or facilities, depending on operational considerations. The Fire District shall identify the required model for the applicable structure.
 17. Submit an Application for Concurrency Test (KCPW Form 1601) as required by Section 20.04.030, Transportation Concurrency, of the Kitsap County Code. The KCPW 1601 form reserves road capacity for the project.
 18. Submit plans for construction of the road approach between the edge of existing pavement and the right-of-way line at all intersections with County rights-of-way. Approaches shall be designed in accordance with the Kitsap County Road Standards as established in Chapter 11.22 of the Kitsap County Code. Existing approaches may need to be improved to meet current standards.
 19. 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 building permit. The need for and scope of bonding will be determined at that time.
 20. While the plans show no gates at this time at the existing accesses, if gates are installed, no portion of the gate while open or closed shall be within County right-of-way.
 21. Adequate space between the edge of the roadway and any future gate shall be provided so

that the entering vehicle is completely off the roadway.

22. All gates shall meet the requirements of Kitsap County Code Title 14.
23. The solid waste service provider, Waste Management (360) 674-3166, shall be contacted for information on implementing the service provider's solid waste/recycling storage requirements for the proposed activity. Documentation shall be provided by the solid waste/recycling service provider that their requirements for this project have been met. The required information shall be submitted with the commercial building permit application.
24. Outdoor storage on the site shall be limited to 12 RVs. No tarps shall be placed on the RVs.
25. No storage pod stacking shall take place until suitable landscape screening is in place, as determined in writing by the Department of Community Development. No pod stacking over 8 feet tall shall occur until landscape screening is 16 feet high, as determined by the Department of Community Development. No pod stacking over 16 feet shall occur until landscape screening is 24 feet high as determined by the Department of Community Development.
26. The Applicant shall designate one driveway as ingress and one driveway as egress to provide one-way circulation on-site.
27. A caretaker for the storage facility shall live on-site as long as the storage facility operates on the site.

DECIDED this 9th day of June 2016.



THEODORE PAUL HUNTER
Hearing Examiner
Sound Law Center