



Administrative Staff Report

Report Date: September 4, 2020

Application Submittal Date: October 15, 2019

Application Complete Date: October 21, 2019

Project Name: Clear Creek Road Apartments

Type of Application: Administrative Conditional Use Permit

Permit Number: 19-04767

Project Location

11421 Clear Creek Road NW
Silverdale, WA 98383
Commissioner District #3

Assessor's Account

082501-4-019-2009
082501-4-020-2006

Applicant/Owner of Record

Rush Development
6622 Wollochet Dr. NW
Gig Harbor, WA 98335
cdewald@therushcompanies.com

VICINITY MAP



Decision Summary

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

1. Background

Rush Development is proposing a commercial development on 5.30 acres of an approximately 8.14-acre project site. The request is for approval of an Administrative Conditional Use Permit (ACUP) application to construct a 148-unit apartment complex within five buildings, and a recreational clubhouse with a total building footprint of 44,000 square feet. The commercial zoned property falls within the Waaga Way Design District of the Silverdale Design District, which required a connector road. There is a small Category IV wetland located on the eastern portion of the site. The project will be served by urban services and include associated landscaping and 240 off-street parking spaces.

2. Project Request

The request is for approval of an Administrative Conditional Use Permit.

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.

A mitigated DNS is issued under WAC 197-11-340(2), requiring an additional fourteen-day comment period and public notice. The comment submittal date was ended August 17, 2020.

COMMENTS:

The public comment period previously occurred concurrent with the Notice of Application dated October 30, 2019. The Department received agency comments from Kitsap Transit and Washington State Department of Fish and Wildlife (WDFW) and neighbors Chris Stearns and Gary Warner. The requirements in Title 17 Zoning requires landscape buffering to help mitigate potential impacts associated with the multi-family land use on the rural abutting zone. A comment was received from Ed Coviello, Kitsap Transit, requesting completion of a sidewalk along Clear Creek Road up to Greaves Way, to allow access to transit services. Originally, Adam Brown, WDFW, was under the assumption that the stream was a fish-bearing stream but later after a site visit agreed it was a non-fish bearing stream. The record indicates Gary Warner had general project questions and Chris Stearns had specific concerns regarding project impacts. These impacts were noise, traffic, potential crime, and impact to public schools.

CONDITIONS AND PROJECT MITIGATION:

STORM DRAINAGE

1. The proposal has been reviewed and will be conditioned for Stormwater Control per Kitsap County Code Title 12. This includes, but is not limited to, the Development Services and Engineering Preliminary Conditions Memorandum, dated May 15, 2020.

WETLAND MITIGATION

2. The proposal has been reviewed and will be conditioned for Wetland Mitigation per Kitsap County Code Title 19. This includes but is not limited to the Wetland Delineation & Mitigation Report by BGE, Environmental, dated October 11, 2019 (See Attachment B).

LAND USE

3. The proposal has been reviewed and will be conditioned for Zoning per Kitsap County Code (KCC) Title 17. Additionally, the project is subject to Silverdale Design Standards per KCC 17.410.050.A.19 and the project will be conditioned to meet these standards (See Attachment A).

TRAFFIC AND RIGHT-OF-WAY MITIGATION

The following mitigation measures are necessary to mitigate identified project impacts and are required pursuant to SEPA Substantive Authority at KCC 18.200.D.3 (Comprehensive Plan Non-Motorized Travel and Transportation Elements), and (Silverdale Design Standards Chapter 10 Waaga Way Town Center Design Standards) as required for the connector road, to support a parking reduction and provide critical pedestrian links to non-motorized transportation facilities located south of the project at or near the Trails Mall (See Attachment C).

4. Frontage improvements, consisting of 12-foot travel lane, 5-foot bike lane, and vertical curb, gutter and 6-foot wide sidewalk, are required along the property frontage on Clear Creek Road NW.
5. The Site Development Activity Permit shall include design for construction of the Greaves Connector Road and associated storm drainage features. The applicant shall be responsible for the construction of the north-south connector road through the site, as required by the Silverdale Design Standards, Chapter 10.
6. Design of the Greaves Connector Road shall be coordinated with development of the southerly adjoining parcel, to achieve a continuous connector roadway. That development, known as Fieldstone Senior Living Community, was conditioned to construct the Greaves Connector Road from its intersection with Greaves Way to the north boundary of the Fieldstone development (south line of this subject property).
7. Any required sidewalk shall be constructed prior to roadway paving. This note shall appear on the face of the final construction drawings.
8. A sidewalk shall be constructed along Clear Creek Road up to Greaves Way.

The SEPA appeal period expired August 17, 2020. No appeals were filed; therefore, the SEPA determination is final.

4. Physical Characteristics

The proposal is for a commercial apartment complex on 5.30 acres on approximately 8.14-acre site. The development site is comprised of two Tax Lots with an existing access from Clear Creek Road NW. The access road from Clear Creek Road NW has a joint-use access road with Fieldstone Silverdale Senior Living Community located south of the development. The site generally slopes from the west to the east with slopes from 2%-13% and for storm

drainage purposes is considered one drainage basin. The site is currently undeveloped. Silverdale Water District has interest in a portion of the property (0.97 acres) near the NW corner of the site.

Historically, the site was mostly pasture up until the 1990's. The site is fallow and is covered with mostly invasive species such as Scotchbroom near the center and on the west side are stands of conifers and deciduous trees. The site drains to a small Category IV wetland and then to a small ephemeral stream (non-fish) to the Ross Field Complex located on the eastern side of Clear Creek Road which is 0.73 acres (See Attachment B).

Table 1 - Comprehensive Plan Designation and Zoning

Comprehensive Plan: Urban High Intensity Commercial Zone: Commercial	Standard	Proposed
Minimum Density	10 (6.07 acres net developable area) =24.3	148
Maximum Density	30 (8.14 acres * 30) = 244 maximum allowed	
Minimum Lot Size	N/A	N/A
Maximum Lot Size	N/A	N/A
Minimum Lot Width	N/A	N/A
Minimum Lot Depth	N/A	N/A
Maximum Height	35 feet	35 feet
Maximum Impervious Surface Coverage	85%	43% (3.55 acres impervious surface proposed)
Maximum Lot Coverage	N/A	N/A

Applicable footnotes: 17.420.060 #33: Except for the height and density requirements reflected in Section 17.420.058, Silverdale Regional Center and design district density and dimension table, all development within the Silverdale design district boundaries must be consistent with the Silverdale Design Standards.

Staff Comment: The project includes 0.37 Ac right-of-way, 0.73 Ac critical areas, 7.04 Ac development area and with 6.7 Ac of net developable area.

Table 2 - Setback for Zoning District

	Standard	Proposed
Front: East	20 feet	420 feet
Side: North	10 feet	15 feet
Side: South	10 feet	10.5 feet
Rear: West	20 feet per KCC 17.420.060 footnote 21	20 feet

Table 3 - Surrounding Land Use and Zoning

Surrounding Property	Land Use	Zoning
North	Single-Family Residence	Commercial
South	Fieldstone Senior Living Community	Commercial
East	Ross Complex	Commercial
West	Single-Family Residences	Rural Residential /Commercial

Table 4 - Public Utilities and Services

	Provider
Water	Silverdale Water District
Power	Puget Sound Energy
Sewer	Kitsap County Public Works
Police	Kitsap County Sheriff
Fire	Central Kitsap Fire & Rescue
School	Central Kitsap School District #402

5. Access

Adequate vehicular access is provided via a joint use easement with the adjoining property to the south. The access road intersects Clear Creek Road NW and is currently being constructed under a separate Site Development Activity Permit (#18-02430) for the development known as Fieldstone Senior Living Community. Clear Creek Road NW has a minor arterial functional classification. The development will also receive vehicular and pedestrian access from a driveway by a commercial connector road on the west side of the site. As requirement of the design district a portion of a commercial connector is proposed to be constructed on the western portion of the site and with a connect to NW Greaves Way.

6. Site Design

KCC 17.420.030 Design Standards:

The apartment complex was reviewed through the following requirements, pursuant to KCC 17.420.030 Design Standards for landscaping, lighting, signage, solid waste, off-street parking, etc. The following analysis below provides information on consistency with design standards for land use review.

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

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

Staff Comment: The project with conditions is consistent with Comprehensive plan and meets the goals and policies listed.

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.

Silverdale Subarea Plan Silverdale Transportation

Silverdale Goal 13

Locate design and construct transportation connections to the NW Greaves Way that facilitate coordinated access to commercial, business center and industrial zoned lands.

Silverdale Policy 33.

Locate and develop connector roads for NW Greaves Way that provide access to surrounding properties. Coordinate with property owners on alignment alternatives and roadway.

Staff Comments: The project provides pedestrian access to transit stops consistent with policies to promote multi-modal transportation alternatives.

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 Questionnaire	October 16, 2019
Geotechnical Feasibility Report	October 16, 2019
Traffic Impact Analysis Report	October 16, 2019
Environmental (SEPA) Checklist	October 16, 2019
Wetland Delineation & Mitigation Plan	October 16, 2019
Revised Site Plan	April 30, 2020
Health District Approval	November 19, 2019
Project Narrative	October 17, 2019
Revised Transit Walking Route	August 10, 2020
 <u>Staff Communication</u>	 <u>Dated</u>
Development Services & Engineering Memo	May 15, 2020
SEPA Determination	August 3, 2020

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. The Department received questions and comments on the proposal. Gary Warner had general project questions and Chris Stearns has concerns regarding the project below.

Issue Ref. No.	Summary of Concern (See corresponding responses in the next table)	Comment Letter Exhibit Reference No.
1.	<p>I would like to object to the application. We live on Brian Lane and chose this area because of the proximity to the base, Silverdale and isolation of the neighborhood. I thank you for your time and appreciate your considering my comments.</p> <p>My main concerns are noise, traffic and potential crime. I have a 7-year-old typical and a 6-year-old autistic child. We chose Brian Ln, approximately 100- 200 yards through the woods from the proposed apartment complex, for its peace, quiet and isolation. The noise from the construction is already up and the additional 200+ people will certainly increase noise, traffic and raises the potential for crime. With the trails going through the woods from the complex, I'm concerned about foot traffic through our green zone and into our yards as well, e.g. dog walkers, afternoon/evening strolls, etc. Do you know if there will be fencing isolating the complex from the woods behind (west) of the complex? This may deter people from entering the woods and properties behind the complex.</p> <p>The increase in population may also affect school class sizes, and since the complex falls in clear creek zone, a school with classes already oversized, I'm concerned for my kids' education. My youngest, autistic child goes to cottonwood special education, so he would not be directly affected in that aspect. I'm not sure the school concerns are addressable.</p>	Chris Stearns

Issue Ref. No.	Issue	Staff Response
1	Noise, traffic and potential crime.	<p>Staff believes the project will create minor to moderate impacts with noise, light and traffic. These types of impacts were anticipated through the Comprehensive Plan and was determined through the Zoning Code that apartment projects in the Commercial Zone are permitted uses but conditionally approved via an ACUP. To help mitigate, the applicant will be required to maintain a 20-foot setback, construct a fence and install a screening buffer along the west property line. Unfortunately, crime is typically associated with existing</p>

2.	Increase in impacts to schools	and future urban growth and is not easily mitigated through land use regulations. As required by state law, population was forecasted to the Silverdale UGA. Central Kitsap District schools are an element of the capital facility plan and are required to be consistent with the population forecast.
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10. Analysis

a. Planning/Zoning

The proposed apartment complex is a permitted use but conditionally approved by an ACUP in the Commercial zone. The request was reviewed for consistency with the intent of the Commercial zone and compatibility with the abutting residential development, adjacent commercial uses, and the pedestrian circulation/traffic. The following are planning review categories in KCC 17.420.030 Design Standards:

b. Lighting

Consistent with KCC 17.420.030 Design Standards and KCC 17.105.110 if artificial outdoor lighting is 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. The project has been conditioned and the applicant has provided a functional screen along the west property line between the Commercial and the Rural Residential zones consistent with 17.500.027 to help mitigate potential glare impacts.

Staff Response: For urban lighting requirements staff will review at the time of Building Permit for location and shielding specifications.

c. Screening of Equipment, Storage, and Refuse Areas.

The location of service areas, outdoor storage areas and other intrusive site features away from neighboring properties to reduce conflicts with adjacent uses. Building materials for use on the same premises may be stored on the parcel during the time that a valid building permit is in effect for construction.

All roof mounted air conditioning or heating equipment, vents, ducts, or other equipment shall not be visible from the abutting lot, or any public street or right-of-way as feasible. This shall be accomplished through the use of a parapet roof extensions or screened in a manner which is architecturally integrated with the main structures.

Staff Response: Dumpster locations are adequately screened with vegetation and fencing. No other service areas are proposed. Elevations indicate the HVAC system is screened and not visible from the roadway or abutting properties. Visibility requirement will be verified at Building Permit Review.

d. Off-Street Parking

The project is required to provide adequate off-street parking consistent with the standards in KCC Chapter 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 148-unit development is 296 off-street parking spaces.

Parking Ratio Parking reduction

With the ACUP request, the applicant is requesting a reduction from 2.0 to 1.5 parking spaces per unit (up to a 25% reduction), with approximately 240 parking space being provided, consistent with KCC17.490.30A (1). The applicant provides the following justification for the off-street parking (19%) reduction (240):

9. The proposed parking ratios for different unit types and a unit mix with smaller apartment units that reduce the forecasted minimum number of parking spaces.

Applicant's Response: The proposed development has a mix of apartment sizes and number of bedrooms as document in a table below. In the table, each type of unit based on bedrooms was assigned a parking ratio found in other jurisdictions. Jurisdictions surveyed include cities of Bremerton, Lacey, Tacoma, Olympia and Pierce County. The applicant believes this is a reasonable method to determine the minimum number of spaces verses a single parking ratio. It has been is demonstrated that significant number of the units (46% of Total) will be studio or one-bedroom units. The higher percentage of smaller single bed style units in this development proposal is consistent with current rental housing trends.

Proposed Parking Ratios Based Unit Type and Mix

Unit Type	Area S.F.	% of Total units	Number of Type	Proposed Spaces/Unit	Min. Spaces Required
Studio	450	23%	34	1	34
1-bed small	594	23%	34	1.5	51
1-bed	690	24%	35	1.5	53
2-bed	903	22%	33	1.75	58
3-bed	1166	8%	12	2	24
Total		100%	148		219

2. The proposed development location has convenient access to public transit.

Applicant's Response: The development site entrance is less than a 1/4-mile walking distance (about 900' or about a 5-minute walk) to the bus transit route along NW

Greaves Way located just south of the development. The existing Silverdale Kitsap Transit Center will be moving up to Ridgetop Boulevard across from Harrison Hospital. Kitsap Transit anticipates that one or more routes will be maintained on along NW Greaves Way after the transit facilities is relocated. Convenient access to public transit such as is available to this development allows use of less costly public transportation verses car ownership.

3. Reduction of off-street parking based on comparison between required number of spaces per KCC 17.490.030 and the forecasted demand for parking-based ratios by Institute of Transportation Engineer (ITE) for multifamily development.

Applicants Response: The Casey plus De Chant Architects, LLC parking demand study, dated October 2019 concluded that the parking demand rate (spaces/unit) was determined to be from 1.28 to 1.31 parking ratio and between 189 - 194 parking spaces are needed during peak parking demand period. These ratios are less than the 1.5 spaces per unit. The justification for the requested 25% reduction above should be granted.

Staff Response: The applicant's response demonstrates justification for the 25% reduction based on the unit type, access to transit routes traffic engineering. The applicant submitted an updated Transit Walking Route diagrams in response to SEPA Traffic and Right-of-Way Mitigation condition #8. The updated document provides accurate information on the direct route to Greaves Way vs. the older diagram. The SEPA condition is satisfied and no longer applicable. It was unclear if the projections considered demand for visitor parking. Staff recommends the 18 additional parking spaces (240 parking spaces total) to remain as a safety factor until visitor parking trends are established.

Table 5 - Parking Table

Use Identified in 17.490.030	Standard	Required Spaces	Proposed Spaces/Existing Spaces
Multifamily (Apartments)	1.5 per unit + 0.5 per unit on street or set aside	222 + 74 on-street or set aside = 296	140 + 98 set aside = 238 (25% reduction requested)
Total		296	240 +/-

e. 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, and any stand-alone monument sign will need to be coordinated with the Certificate of Occupancy (1 sign per road frontage).

f. Landscaping

The project is required to be reviewed for consistency with KCC 17.500 Landscaping and 17.700 Appendices 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.

Staff Comment: The applicant has submitted a preliminary landscaping plan and plant schedule with the preliminary land use proposal. Consistent with a review comments by staff, the applicant has included a separation landscape buffer and a fence on the western zoned Rural Residential side of the party.

Table 6 - Landscaping Table

	Required	Proposed
Required Landscaping (Sq. Ft) 15% of Site	53,190 total square feet	81,558 square feet (23%)
Required Buffer(s) 17.500.025		
North	Separation Buffer	Separation Buffer/trail
South	Separation Buffer	Separation Buffer
East	Roadside Buffer	Separation Buffer
West	Solid Screening Buffer	Solid Screening Buffer
Street Trees	Yes	yes

g. Frontage Improvements

The project was reviewed for potential pedestrian and vehicular traffic impacts. The project site includes frontage improvements that provide for pedestrian safety, and commercial road approach to help reduce pedestrian and vehicle conflicts. Kitsap Transit commented that sidewalk improvement helps support access to transit, which is consistent with the parking reduction. (See Traffic and Roads Conditions.)

h. Design Districts/Requirements

Silverdale Design Standards

The applicant has prepared the following responses to the Chapter 10 Waaga Way Design District standards and design guidelines:

10.2 Design Intent

Waaga Way Town Center is intended to include a compatible mix of office/retail, business and residential uses constructed in a coordinated park-like setting.

10.3 Design Principles

A. Pedestrian accessibility

Applicant Response: A pedestrian accessible path is provided from Clear Creek Road that runs through the site at slopes less than 5% with a connection to the approved trail on the Fieldstone site.

B. Dispersed Parking

Applicant Response: The proposed parking areas are single row stalls with landscaped islands and pedestrian access via sidewalk. Bio-soils engineered soil mix is used as the technique used to clean storm water runoff from road and parking areas.

C. Retaining natural topography and the incorporation of view

Applicant Response: Approximately 40% of the site is to be landscaped with natural vegetation. Orientation of courtyards, gardens and common spaces is to the east, Clear Creek and Dyes Inlet.

D. Roads shall have landscaped edged medians

Applicant Response: As is practical, the interior road is bordered by landscaped islands and areas.

E. Larger Buildings shall have an exterior appearance from Public areas

Applicant Response: The buildings are designed with exterior appearance from the courtyards (common areas) which are in the center of the wings of the buildings.

F. Larger building architecturally broken up to provide distinction

Applicant Response: The buildings are designed with the exterior appearance of broken elevations and rooflines and facades.

G. Landscaping buffers shall protect residential developments

Staff Response: Approximately 170 feet of the western edge of the subject property project abuts the Brianwood Subdivision zoned Rural Residential. Pursuant to KCC 17.500.027 the applicant is including a separation buffer with landscaping to help mitigate impacts.

H. Green Building technologies shall be used where feasible

Applicant Response: The buildings are designed to be energy efficient.

I. Clear Creek Trail orientation of public spaces adjacent to the Clear Creek Trail System

Applicant Response: The buildings are within code limits.

10.4 Waaga Way Connector Roads

Applicant Response: A portion of the connector road is proposed. The design standards map shows the road crossing from NW Greaves Way through the adjoining parcel to the south. The proposed road construction area lies just on the parcel for the proposed development.

10.5.1 Site Development Standards

A. Primary building entrances shall be oriented toward pedestrian facilities

Applicant Response: The entrance to the buildings are toward the vehicle drop-off lanes with ADA accessibility.

B-D. NA

E. Applicant Response: Monument signage is to be provided at the main entrance of the facilities.

10.5.2 Architectural and Building height Design and Height

A. Applicant Response: The proposed buildings are not orientated to a connector road.

B. Applicant Response: Building facades have offset surfaces to avoid block appearance.

C. Applicant Response: The proposed buildings are not at the corner of a full-motion access intersection.

D. Applicant Response: Entrances have a portico and canopy to define the entrance space.

E-F. NAG. Applicant Response: Please see building elevation drawings.

H. Applicant Response: Awnings and overhangs are provided.

I. Applicant Response: The buildings are within limits.

10.5.4 Vehicular Circulation and Parking Standards

A. NA

B. Multi-modal circulation

Applicant Response: The site has sidewalks next to parking areas. The perimeter of the roadways and parking areas are landscaped. Connector road improvement include a 5' wide bike lane and 5' wide sidewalk, which are also included in the project proposal.

C. Shared Parking

Applicant Response: Tenant parking will be identified.

D. NA

E. Bicycle Interconnectivity

Applicant Response: An accessible path is provided to Clear Creek Road from the site with slopes less than 5%.

F. Zoned RC, C

G. For properties zoned Industrial - NA

H. Parking Rows shall have a Planting strip every 10 stalls

Applicant Response: Planting strips shall be provided every 10 spaces.

I. Parking Rows fronting buildings shall have a planting strip every 6 stalls with a 5' landscape strip

Applicant Response: Planting strips are provided every 6 stalls and landscaping strip is provided.

J. Parking spaces shall be limited to 100% of the requirement

Applicant Response: Off-street parking standards require 286 spaces at a minimum, however due to the proposed use the minimum parking spaces required this could vary to the proposed 240 spaces (See 10.C Off-street Parking for relaxation).

10.5.5 Pedestrian Infrastructure Standards

A. Pedestrian Linkages shall have direct paths

Applicant Response: An accessible path is provided to Clear Creek Road from the site with slopes of less than 5%. Also, there is a terrestrial path to the Greaves Road connector.

B.NA

C. Amenities such as benches sitting areas shall be provided along Pedestrian Paths

Applicant Response: Pedestrian plazas are provided along the path which include sitting areas.

D. Rain Protection to be provided for pedestrian, bicycle and building frontages

Applicant Response: There are 64 parking spaces proposed to be covered. The main entrances to the buildings are covered by roof overhangs.

10.6 Incorporation of Low-Impact Development Techniques

Applicant Response: Runoff from roads and parking areas are treated via engineered soil media. Site soils are not suitable for infiltration (See Geotechnical Report).

10.7 Silverdale Design Community

NA

Staff Comment: The Clear Creek Road Apartments was reviewed for consistency with the above criteria in the Waaga Way Design District of the Silverdale Design Standards. Based on the applicant's responses and the submitted documentation staff believes the project is consistent with the above criteria.

i. Development Engineering/Stormwater

The proposed storm drainage system achieves quantity flow control via the use of detention vaults, with controlled discharge to an on-site wetland; and achieves stormwater quality mitigation via use of underground vaults with engineered soil media, bioretention cells and Filterra units. Development Services and Engineering has reviewed the above land use proposal and finds the concept supportable in its approach to civil site development. These comments are based on a review of the Preliminary Drainage Report and Preliminary Engineering Plans stamped received May 15, 2020 to Kitsap County Development Services and Engineering.

j. Environmental

There is a small wetland in the eastern portion of the site. There was a wetland delineation and mitigation plan prepared by BGE Environmental LLC, dated October 11, 2019. The delineation determined the wetland was a Category IV with a habitat score as a four. The proposed land use is rated as high intensity land use requiring a standard 50-foot buffer. Adam Brown, WDFW was initially concerned that the stream was a fish stream. However, later in 2017 WDFW determined the stream is a Non-fish stream.

Administrative Buffer Reduction

The applicant is requesting a buffer reduction pursuant to KCC 19.200.220 Wetlands from 50 to 40 feet and a building setback 7.5 feet. The buffer impact is 1449 square and is the minimum necessary to accommodate the permitted use. Kitsap County may administratively reduce the buffer pursuant to the variance criteria listed in the criteria (KCC Title 19.100.135). Mitigation is proposed as full restoration of the wetland and buffer from degraded dominant invasive species to native complex. The wetland consultant recommends a follow up 5-year monitoring and maintenance program for the wetland and buffer restoration (See Attachment A and B).

k. Access, Traffic and Roads

Access and Circulation: Pedestrian access shall be accommodated on-site from the public right-of-way, and throughout the site to minimize potential conflicts between pedestrian and vehicular circulation. Pedestrian paths must correspond with state and local codes for barrier-free access. Projects should also integrate walkways into the site plan leading to transit stops within one thousand two hundred feet of the site and incorporate transit stops within the site plan design as appropriate.

The applicant proposes to construct a portion of a connector road to NW Greaves Way, as outlined in the Silverdale Waaga Way Town Center Design District. The collector road section includes two 5-foot sidewalks with concrete curb and gutter, two-12-foot wide drive lanes and 5-foot bike lane on the north bound side. The proposed road section is consistent with the design district guideline for a northern connector. Adequate vehicular access is provided via a joint use easement with the property adjoining on the south; the access road intersects Clear Creek Road and is currently being constructed under a separate Site Development Activity Permit (#18-02430) for the development known as Fieldstone Senior Living Community.

Staff Comments: Only one access point is proposed off Clear Creek Road. As noted above the project is consistent with access and circulation requirements per the Zoning Code and the Silverdale subarea plan.

l. Fire Safety

The Fire Marshal's office commented on the need to relocate FDCs/hydrants as indicated on plan and show PIVs or exterior accessed riser rooms on plan. All comments have been addressed. The Fire Marshal will review the site improvements through the Site Development Activity Permit.

m. Solid Waste

Every parcel with a structure shall have a trash receptacle on the premises. The trash receptacle shall comply with adopted public works standards and be of sufficient size to accommodate the trash generated. All receptacles shall be screened on three sides with

fencing and/or landscaping as determined appropriate by the director.

Staff Comments: The County will verify that solid waste and recycling requirement are addressed through the Site Development Activity Permit. If necessary, the County will solicit comments from Waste Management (See 17.420.030 Solid Waste).

n. Water/Sewer

Potable water is proposed to be provided by Silverdale Water District; sanitary sewage disposal is proposed to be provided by Kitsap County Public Works. The County will coordinate with utility providers for water and sewer during the development permit review.

o. Kitsap Public Health District

The applicant will be required to comply with all Kitsap Public Health District regulations and conditions of approval. If there is an existing onsite sewage disposal system, the system will be required to be abandoned per regulations.

11. Review Authority

The Director has review authority for this Administrative Conditional Use Permit application under KCC, Sections 17.540.020 and 21.04.100. The Kitsap County Commissioners have determined that this application requires review and approval of the Director. 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.
2. The proposal complies or will comply with requirements of KCC Title 17 and complies with or will comply with all of the other applicable provisions of Kitsap County Code and all other applicable regulations, including all applicable development standards and design guidelines, through the imposed conditions outlined in this report.
3. The proposal is not materially detrimental to existing or future uses or property in the immediate vicinity.
4. The proposal is compatible with and incorporates specific features, conditions, or revisions that ensure it responds appropriately to the existing character, appearance, quality or development, and physical characteristics of the subject property and the immediate vicinity.

13. Decision

Based upon the analysis above and the decision criteria found in KCC 17.540.040.A, the

Department of Community Development recommends that the Administrative Conditional Use Permit request for Clear Creek Road Apartments be **approved**, subject to the following 61 conditions:

a. Planning/Zoning

1. All required permits shall be obtained prior to commencement of land clearing, construction and/or occupancy.
2. As required with the Site Development Activity Permit a Final Landscaping Plan with an irrigation plan will be required to be submitted (include stream and wetland information) consistent with Kitsap County Code (KCC) 17.500.
3. 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.
4. Any and all signage design and location (including exempt signs) shall comply with KCC 17.510 and be reviewed and approved by the Department of Community Development 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.
7. The decision set forth herein is based upon representations made and exhibits contained in the project 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. This Administrative Conditional Use Permit approval shall automatically become void if no development permit application is accepted as complete by the Department of Community Development within four years of the Notice of Decision date or the resolution of any appeals.
10. Any violation of the conditions of approval shall be grounds to initiate revocation of this Administrative Conditional Use Permit.
11. The project shall follow the design criteria in the Silverdale Design Standards, Waaga Way Town Center District.

b. Development Engineering

GENERAL

12. Construction plans and profiles for all roads, storm drainage facilities and appurtenances prepared by the developer's engineer shall be submitted to Kitsap County for review and acceptance. No construction shall be started prior to said plan acceptance.

STORMWATER

13. The information provided demonstrates this proposal is a Large Project as defined in Kitsap County Code Title 12, and as such will require a Full Drainage Review Site Development Activity Permit (Commercial SDAP) from Development Services and Engineering, demonstrating a design in compliance with Minimum Requirements #1-9, as outlined in the Kitsap County Stormwater Design Manual.
14. Stormwater quantity control, quality treatment, and erosion and sedimentation control shall be designed in accordance with Kitsap County Code Title 12 effective at the time the Administrative Conditional Use Permit application was deemed complete, October 21, 2019. 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.

15. 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 Kitsap County Code Title 12 effective at the time the Administrative Conditional Use Permit application was deemed complete, October 21, 2019.
16. The Washington State Department of Fish and Wildlife may require a Hydraulic Project Approval for the work required at the proposed outfall.
17. The site plan indicates that greater than 1 acre will be disturbed during construction. This threshold requires a National Pollutant Discharge Elimination System (NPDES) Stormwater Construction permit from the State Department of Ecology. More information about this permit can be found at:
<http://www.ecy.wa.gov/programs/wq/stormwater/construction/> or by calling Josh Klimek at 360-407-7451, email joshklimek@ecy.wa.gov. This permit is required prior to issuance of the SDAP.
18. If a significant quantity of grading material will be exported from the site, prior to issuing the SDAP an approved fill site(s) must be identified. Any fill site receiving more than 150 cubic yards of material must obtain an SDAP. Fill sites receiving 5,000 cubic yards or more must have an engineered SDAP.
19. If a significant quantity of grading material will be imported to/exported from the site (typically, five or more trucks leaving the site per hour), a vehicle wheel wash must be included as an element of the siltation erosion control plan.
20. If this project includes the construction of detention vaults, a building permit issued by the Department of Community Development is required. 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 shall be prepared by a Civil Engineer licensed in the State of Washington, knowledgeable in the practice of soils engineering and mechanics. The analysis shall address the effects of groundwater infiltration, seepage, potential slip planes, and changes in soil bearing strength. The proposed facilities shall be designed following the recommendations of the geotechnical analysis.
21. The owner shall be responsible for maintenance of the on-site storm drainage facilities for this development following construction. Before requesting final inspection for the Site Development Activity Permit associated with this development, the person or persons holding title to the subject property for which the storm drainage facilities were required shall record a Declaration of Covenant that guarantees the County that the system will be properly maintained. Wording must be included in the covenant that will allow the County to inspect the system

- and perform the necessary maintenance in the event the system is not performing properly. This would be done only after notifying the owner and giving him a reasonable time to do the necessary work. Should County forces be required to do the work, the owner will be billed the maximum amount allowed by law.
22. Upon completion of the construction of the NW Greaves Way Connector Road and associated storm drainage facilities, the developer will be required to post a two-year maintenance bond for the facility. The developer will be responsible for providing regular and adequate maintenance during this two-year period and supportive maintenance records. At the end of this time, the County will inspect the road and storm system and, provided the road and storm facilities are acceptable, the County will take over maintenance and operation of the system. Wording to this effect must appear on the Accepted Plans. Areas proposed to be maintained by the County that are not in the right-of-way must be shown as a separate tract/s or drainage easement/s with Kitsap County being designated as the grantee.
 23. Soil amendment is required over all disturbed areas that are not covered by hard surfaces, and shall be verified by inspection prior to requesting the Site Development Activity Permit final inspection; provided, that in the event required landscaping has been bonded, soil amendment shall be completed and verified by inspection prior to expiration of the bond covering that work.
 24. Kitsap County will not be responsible for any damage to any private roads, tracts, and/or easement areas that may occur during routine maintenance activities and that in Kitsap County's judgment occur, in whole or in part, because of any construction materials or techniques, or any maintenance materials or techniques. This includes, but is not limited to, damage to pavement or vegetated areas caused by maintenance trucks.
 25. If the project proposal is modified from that shown on the submitted site plan dated April 23, 2020, Development Services and Engineering will require additional review and potentially new conditions.
- c. Environmental**
26. Permit approval subject to chapter 19.150.170 of Kitsap County Code, which states that critical area ordinance (CAO) buffers shall remain undisturbed natural vegetation areas except where the buffer can be enhanced to improve its functional attributes. Refuse shall not be placed in buffers.
 27. Prior to construction the boundary of the stream/wetland buffer must be clearly identified as a "CRITICAL AREA BUFFER - CLEARING AND GRADING STRICTLY PROHIBITED".

28. A follow up 5-year monitoring and maintenance program will be required for the wetland and buffer restoration.

d. Traffic and Roads

29. The applicant shall 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.

30. 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.

31. 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.

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

33. 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 Services and Engineering reserves the right to require that covenants be recorded to address special maintenance requirements depending on final design.

34. Provide surveyed cross-sections at 50-foot intervals along the parcel frontage on Clear Creek Road NW. The cross-sections should show existing and proposed pavement, shoulders, ditches and slopes. The cross-sections should also depict centerline of pavement and right-of-way, the right-of-way lines, and easements.

35. Frontage improvements, consisting of 12-foot travel lane, 5-foot bike lane, and vertical curb, gutter and 6-foot wide sidewalk, are required along the property frontage on Clear Creek Road NW.

36. The Site Development Activity Permit shall include design for construction of the NW Greaves Connector Road and associated storm drainage features. Applicant shall be responsible for the construction of the north-south connector road through the site, as required by the Silverdale Design Standards Chapter 10.

37. Design of the NW Greaves Way connector road shall be coordinated with development of the southerly adjoining parcel, to achieve a continuous connector

roadway. That development, known as Fieldstone Senior Living Community, was conditioned to construct the Greaves Connector Road from its intersection with Greaves Way to the north boundary of the Fieldstone development (south line of this subject property).

38. Any required sidewalk shall be constructed prior to roadway paving. This note shall appear on the face of the final construction drawings.
39. The developer's engineer shall certify that there is adequate entering sight distance at the intersection of the proposed site access and Clear Creek Road NW. Such certification shall note the minimum required sight distance, the actual sight distance provided, and a sight distance diagram showing the intersection geometry drawn to scale, topographic and landscaping features, and the sight triangle. The sight distance shall meet the requirements of the Kitsap County Road Standards. The certification shall also note necessary measures to correct and maintain the minimum sight triangle.
40. The developer's engineer shall certify that there is adequate entering sight distance at the intersection of the site access and Greaves Connector Road. Such certification shall note the minimum required sight distance, the actual sight distance provided, and a sight distance diagram showing the intersection geometry drawn to scale, topographic and landscaping features, and the sight triangle. The sight distance shall meet the requirements of the Kitsap County Road Standards. The certification shall also note necessary measures to correct and maintain the minimum sight triangle.
41. All work, equipment and materials for traffic signal and street lighting installations shall meet and be in compliance with all requirements of the Kitsap County Road Standards, Project Contract Provisions of Plans and Specifications accepted for construction by Kitsap County, MUTCD Manual on Uniform Traffic Control Devices, NEMA National Electrical Manufacturer's Association, NEC National Electrical Code, WSDOT Standard Specifications and Standard Plans, and the Occupational Safety and Health Administration (OSHA).
42. Prior to scheduling the preconstruction meeting, the applicant shall apply for and obtain an approved ROW permit for all work within the county right of way. Additional permit conditions, bonding, traffic control, inspections, and other requirements may apply to the right of way permit and will be determined by Kitsap County Public Works.

e. Fire Safety

43. Water line size and location, fire hydrants, fire department connections, and externally accessed riser rooms (if applicable) 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.
44. Where hydrants supply commercial or multi-family fire flows, a hydrant shall be placed between fifty (50) feet and one hundred fifty (150) feet from the protected building.
 45. For buildings with automatic sprinkler systems, one on-site hydrant should be located within approximately 50 feet of the fire department connection(s)
 46. Fire flow in the amount of 2,750 gpm @ 20 psi for a minimum of 2hrs is required for the project. This is based on the proposed building of 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.
 47. Automatic fire sprinklers will be required for this project. A fire alarm shall be installed to monitor the fire sprinkler system
 48. 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 503.3Condition

WASTEWATER

49. Kitsap County sanitary sewer may be available for the project. Applicant needs to submit a complete set of sewer plans, profiles, and specifications designed in accordance with Kitsap County Public Works - Sewer Utility Division Standards and Regulations.
50. Kitsap County sanitary sewer may be available for the project. Applicant needs to submit an "Application to Construct Sanitary Sewer."
51. Sewer Availability Agreement account(s) shall be kept current and in good standing through permit approval date.

f. Solid Waste

52. Prior to SDAP approval, Waste Management (360) 674-3166 shall be contacted for information on implementing the solid waste/recycling storage requirements influenced by the service provider (e.g. dumpster size and location) for the project. Pay particular attention to the access requirements of collection trucks.

53. Documentation shall be provided from the solid waste/recycling service provider that their requirements for this project have been met.
54. 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.
55. 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.
56. 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.

Other

57. This project includes the construction of rock walls or other retaining facilities that either exceed four feet in height or sustain a surcharge. A separate building permit with an engineered design is required for such walls. This note shall be placed on the face of the final construction drawings.
 58. Rock and retaining walls shall meet all applicable setback requirements of Vol. II, Chapter 9 of the Kitsap County Stormwater Design Manual.
 59. A Hydraulic Project Approval (HPA) may be required. Prior to SDAP approval, the applicant shall submit an approved HPA from the Washington State Department of Fish and Wildlife (WDFW) or documentation from WDFW specifying that an HPA is not required.
- g. Kitsap Public Health District**
60. This permit shall comply with all Kitsap Public Health District regulations and conditions of approval.
 61. The existing septic tank will need to be decommissioned to code.

Report prepared by:



Jeff Smith, Staff Planner / Project Lead

September 14, 2020

Date

Report approved by:



for

Shawn Alire, Department Manager / Supervisor

September 14, 2020

Date

Attachments:

- Attachment A – Site Plan
- Attachment B – Wetland Plans
- Attachment C -- Walking Route
- Attachment D -- Architectural Building Elevations
- Attachment E – Zoning Map

CC: Applicant/Owner email
Engineer: NL Olson & Associates Inc, nlolson2@nlolson.com; twalton@nlolson.com
Interested Parties: Chris Stearns, heo2300@gmail.com,
Gary Warner, PO Box 81, Union WA, 98592-0081
Kitsap County Health District, MS-30
Kitsap County Public Works Dept., MS-26
DCD Staff Planner: Jeff Smith

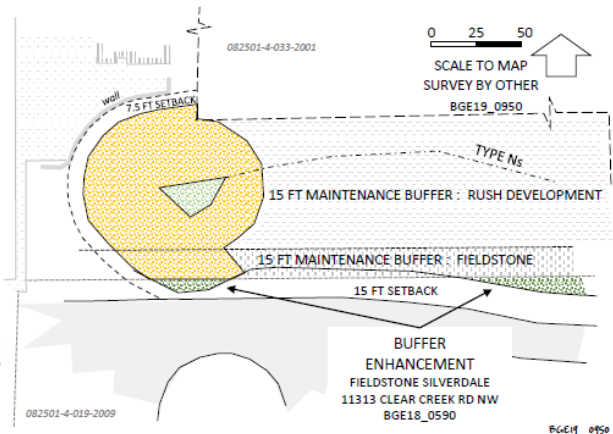
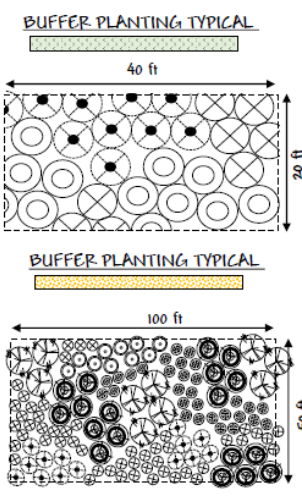
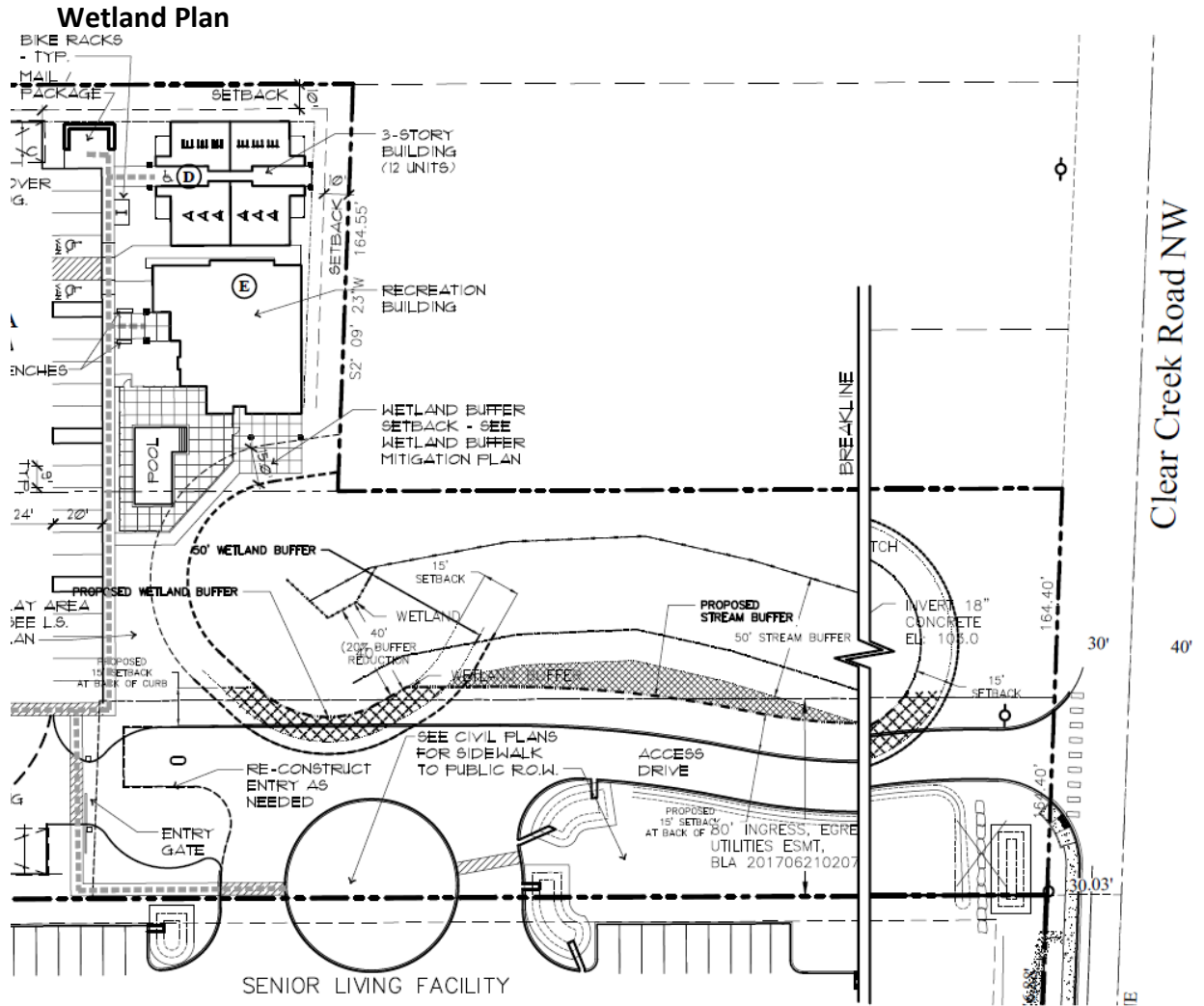
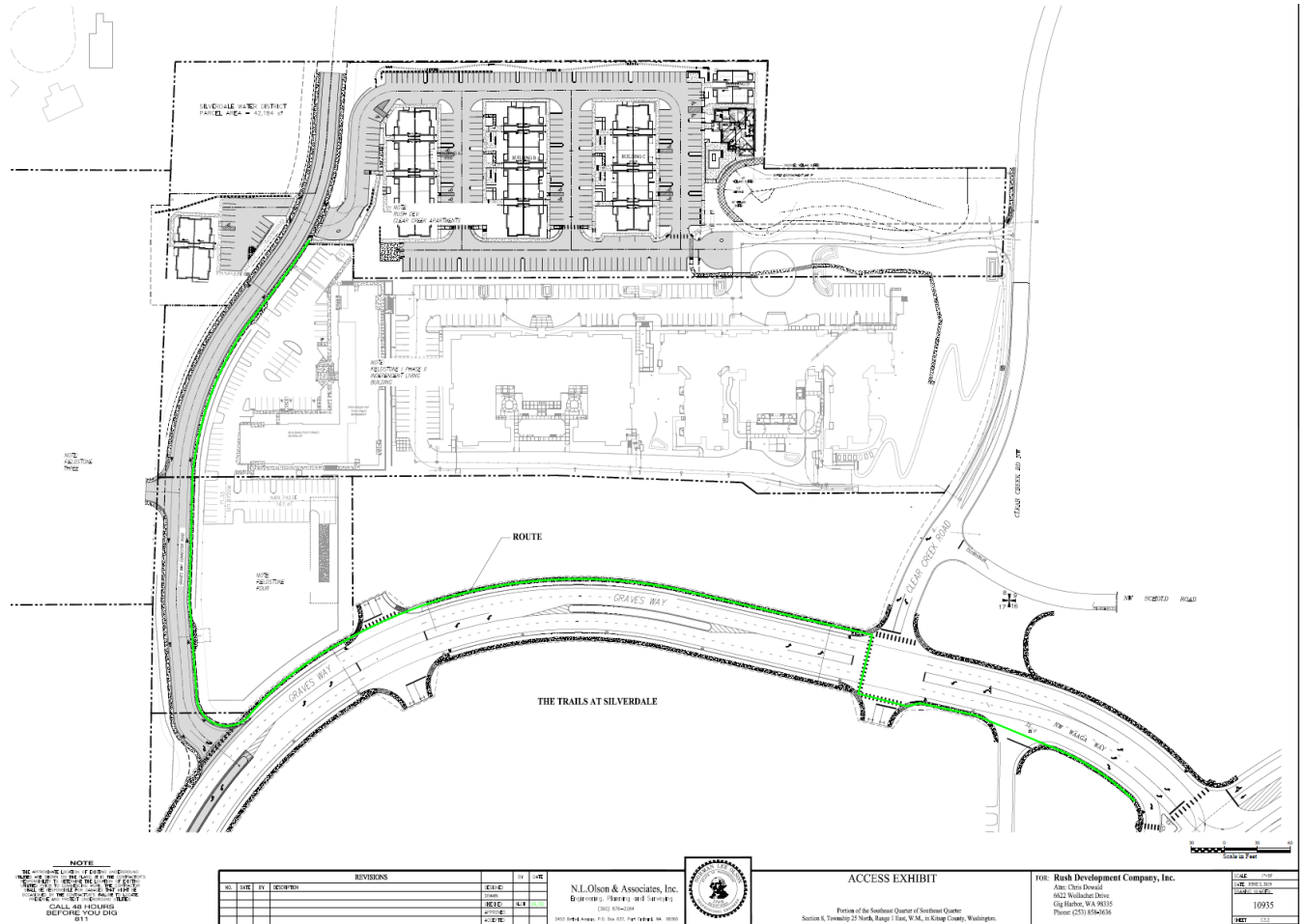


EXHIBIT F.0 CONCEPTUAL PLANTING PLAN	RUSH MULTI-FAMILY CLEAR CREEK ROAD NW 082501-4-019-2009	BGE Environmental, LLC Wetland Consulting & Land Use Planning
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Revised Transit Walking Route Diagram



NOTE
 THE INFORMATION ON THESE PLANS IS FOR INFORMATION ONLY. IT IS NOT TO BE USED FOR ANY OTHER PURPOSES. THE USER OF THESE PLANS SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES. CALL FOR MORE INFORMATION BEFORE YOU USE.

REVISIONS			
NO.	DATE	BY	DESCRIPTION

N.L. Olson & Associates, Inc.
 6000 15th Ave. S.E.
 Bellevue, WA 98004
 (206) 835-2000
 1001 15th Ave. S.E. Box 617, Tukwila, WA 98148

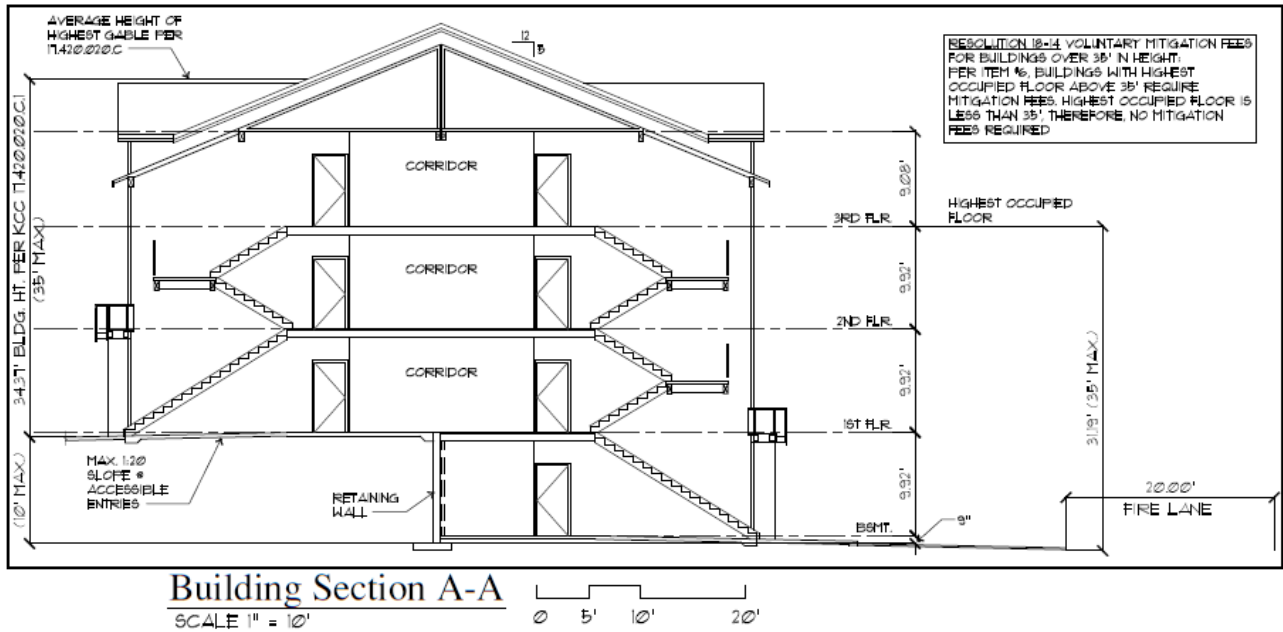


ACCESS EXHIBIT
 Portion of the Southeast Quarter of Southeast Quarter
 Section 6, Township 22 North, Range 1 East, W.M., in King County, Washington.

FOR: Rush Development Company, Inc.
 Attn: Chris Dowell
 6620 Washington Street
 Gig Harbor, WA 98515
 Phone: (253) 834-0616

DATE	11/19/20
FILE	19-04767
PROJECT NO.	10935
DATE	09/14/20

Building Architectural Elevations



Zoning Map

