



## KITSAP COUNTY DEPARTMENT OF COMMUNITY DEVELOPMENT

614 DIVISION STREET MS-36, PORT ORCHARD WASHINGTON 98366-4682  
(360) 337-7181 FAX (360) 337-4925 HOME PAGE - [www.kitsapgov.com/dcd/](http://www.kitsapgov.com/dcd/)

Cindy Baker, Director

### NOTICE OF ADMINISTRATIVE DECISION

December 27, 2004

To: Interested Parties and Parties of Record

RE: Project Name: Green Acres Landscape Maintenance Yard  
Application: Administrative Site Plan Review  
File Number: **LIS# 04 14604** (282601-3-002-2005)

Enclosed is the Administrative Decision issued by the Kitsap County Department of Community Development (DCD) for the above referenced application.

**THE DECISION OF THE DEPARTMENT IS FINAL, UNLESS APPEALED TO THE KITSAP COUNTY HEARING EXAMINER BEFORE THE CLOSE OF BUSINESS ON JANUARY 11, 2005. PLEASE NOTE: THE COURTHOUSE WILL BE CLOSED ON DECEMBER 31, 2004.**

Pursuant to the Kitsap County Land Use and Development Procedures, an appeal may be filed objecting to the Department's Decision. An appeal must be made in writing, and received by the Department of Community Development (DCD). At the time of filing the appeal, the appellant shall pay the sum of two hundred dollars (\$200.00). This fee is non-refundable and subject to change. Make check payable to Kitsap County Department of Community Development (DCD).

The written appeal shall be made on, or attached to, an appeal form provided by DCD, and shall contain the following information.

1. The project name, project applicant, application type, and file number designated by the County;
2. The name, address, and signature of each appellant. If multiple parties file a single appeal, the appeal document shall designate, in writing, one party as the contact representative for all contact with the DCD Director and the Office of the Hearing Examiner. All contact between the County and the appellants regarding the appeal, including notices, shall be through this contact representative; and
3. A written statement of the specific aspect(s) of the Decision and/or SEPA determination being appealed, the reasons why each is in error as a matter of fact or law, and the evidence relied upon to prove the error.

Notice of Administrative Decision – Green Acres Landscape Maintenance Yard –  
Administrative Site Plan Review  
December 27, 2004  
Page 2

The complete application file will be available for review at the Department of Community Development, Monday through Friday, except holidays, from 8:15 a.m. to 4:00 p.m.

If you have questions, please contact me at (360) 337-4487 or Rick McNicholas at (360) 337-7153.

Sincerely,

Karen Ashcraft  
Clerk of the Examiner

C: Ken Perry, Team Innovative, PO Box 885, Silverdale, WA 98383  
James Bottem, PE, PO Box 3307, Silverdale, WA 98383  
Kitsap County Fire District #18

Interested Parties:  
(None)



## KITSAP COUNTY DEPARTMENT OF COMMUNITY DEVELOPMENT

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Cindy Baker, Director

# STAFF REPORT and DECISION ADMINISTRATIVE SITE PLAN REVIEW Approval with Conditions

**Date:** December 21, 2004

**Application Date:** April 19, 2004

**PROJECT:** Green Acres Landscape Maintenance Yard

**APPLICATION NUMBER:** LIS 04 14604

**ASSESSOR'S ACCOUNT #:** 282601-3-002-2005

### REQUEST:

The applicant proposes to build four commercial storage buildings on 2.5 acres on Clear Creek Road. He intends to operate his existing Team Innovative Landscaping business from two buildings on that site. He intends to lease two other buildings to businesses for commercial storage. There will be no vehicle maintenance, residential mini-storage or industrial processing of any kind at this site.

### PROJECT LOCATION:

The project is located on the east side of Clear Creek Road at 16952, directly south of the Poulsbo Sportsman's Club and north of NW Peterson Road. The parcel is situated in Section 28, Township 26 North, Range 1 East and is in Commissioner District 1.

### APPLICANT:

Ken Perry  
Team Innovative  
P.O. BOX 885  
Silverdale WA 98383

**PROJECT REPRESENTATIVE:** James Bottem, P.E.  
P.O. Box 3307  
Silverdale WA 98383

**OWNER OF RECORD:** Same As Applicant

### PHYSICAL CHARACTERISTICS:

The subject property is a 2.5-acre flat, almost square parcel, currently occupied by a residential structure that was used more than two years ago as an office and a small garage. A large area of the site has been graveled by previous owners for storage of trucks and buses.

**EXISTING ZONING:** Neighborhood Commercial (NC)

Minimum Lot Area	=	No minimum lot area
Minimum Lot Width	=	None
Minimum Lot Depth	=	None
Minimum Setbacks	=	front yard - 20 feet
	=	side yard – 20 feet (since it is abutting a residential zoned property)
	=	rear yard – 20 feet (since it is abutting a residential zoned property)

**SURROUNDING LAND USE AND ZONING:**

The Poulsbo Sportsman’s Club occupies the abutting property to the north and east, which is primarily an extensive shooting range. The remaining parcels are rural home sites and vacant lands.

The surrounding zoning is Rural Residential (RR) with housing density of one dwelling per five acres.

**SEPA STATUS:**

Pursuant to WAC 197-11-340, a Determination of Nonsignificance was signed by the Responsible Official on July 2, 2004.

**PUBLIC UTILITIES AND SERVICES**

- Water: Private well
- Power: Puget Sound Energy
- Sewer: On-site sewage system
- Police: Kitsap County Sheriff
- Fire: Fire District #18
- Schools: Central Kitsap District #401

**TRANSPORTATION:**

Automobile access is from Clear Creek Road. There is no bus service in this area.

**OFF-STREET PARKING:**

There is no land use identified in the parking regulations - Kitsap County Code Chapter 17.435 – as Landscape Maintenance Company. The Department has determined that the listed land use most closely similar to your operation is “warehouse, storage, and wholesale facilities”. The Code calls for one parking space per two employees on duty simultaneously, and one space per company vehicle parked on the site over night. Your site plan shows 26 spaces located throughout the site. That appears to be an adequate number of spaces at this time.

**LANDSCAPING**

At least 15% of the site must be in landscaping. The applicant’s concept landscape plan meets the requirements of KCC title 17.385 Landscaping Standards. Building Façade Plantings and Roadside Plantings are prescribed by the Code. The landscaping must be installed prior to issuance of the Certificate of Occupancy (CO).

The wetland consultant has identified a need for revegetation of the buffer along the eastern edge of the property. That part of the site will also need to have its landscaping installed prior to the issuance of the CO.

## **POLICIES AND REGULATIONS APPLICABLE TO THE SUBJECT PROPOSAL:**

The proposed development has been reviewed for compliance with the following policies and regulations:

### ***Kitsap County Comprehensive Plan (May 7, 1998)***

**LU-16:** All commercial development shall be subject to special development standards relating to setbacks, landscaping, physical buffers, screening, access, signs, building heights and design review.

### ***Kitsap County Zoning Code Title 17.355 Commercial Zones (February 15, 1999)***

Title 17.355.020 Commercial Use Table does not include "Landscape Maintenance: business. The listed land use that is most similar to the applicant's business is Farm and Garden supplies including nurseries. A Site Plan Review (SPR) is required to develop such a business on your property.

**Title 17.410. Site Plan Review** states that an administrative decision on the SPR may be used providing that the development is not on previously undeveloped land abutting a residential zone. This proposal is not on previously undeveloped land; therefore the Administrative Site Plan Review is appropriate for this proposal.

### **Title 17.410.040.B Standards:**

1. All uses shall be conducted within a completely enclosed structure.  
*The applicant has indicated that there will be no outside storage of material at this site. Some company vehicles will be parked overnight. Any tenants leasing the facility will be held to the same standards in all respects.*
2. All roof-mounted air conditioning or heating equipment, vents, ducts, or other equipment shall not be visible from any abutting lot, or any public street, or right-of-way as feasible. This shall be accomplished through the use of parapet roof extensions, or screened in a manner which is architecturally integrated with the main structures.  
*The air conditioning and heating units will be enclosed in structures that provide complete screening of the machinery.*
3. Locate service areas, outdoor storage areas and other intrusive site features away from neighboring properties to reduce conflicts with adjacent uses. No storage shall occur on any vacant parcel. Building materials for use on the same premises may be stored on the parcel during the time that valid building permit is in effect for construction.  
*The site will not have any outdoor storage associated with its operation.*
4. Every parcel with a structure shall have a trash receptacle on the premises.  
*As a condition of approval the applicant will provide solid waste collection as prescribed by the solid waste provider, Waste Management, Inc. The collection equipment will be screened on at least three sides with the fencing and or landscaping as determined appropriate by the Director.*

5. 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.

*The project site plan does not include installation of sidewalks on the road frontages.*

6. Developments shall be limited to one ingress/egress per 300 lineal feet along a public arterial. Developments shall attempt to share access with adjoining parcels to minimize access points and potential conflicts from vehicles entering and exiting onto traveled roadways, unless deemed not feasible due to natural constraints such as critical areas or topographic relief, or existing development that precludes the ability to share access.

*The applicant's proposal meets this site plan requirement.*

### **ANALYSIS:**

Kitsap County Health District:	A letter dated July 15, 2004 recommends approval with conditions. A revised letter dated September 30, 2004 recommends approval with additional conditions to address the lack of a public water system at this time.
Development Engineering (DE):	A memo dated December 17, 2004 states "Development Engineering accepts the concepts contained in this preliminary submittal and requires the following conditions as an element of the land use approval.
Kitsap Fire Marshal's Office:	A memo received July 14, 2004 recommends approval subject to the condition listed below.
Public Input:	None

### **CONCLUSIONS:**

The proposed development/use is one permitted within the Neighborhood Commercial zoning designations with a Site Plan Review, and complies with all of the applicable provisions of this Ordinance and all other applicable regulations, including prescribed development/performance standards and all applicable development standards and design guidelines.

With the Conditions of Approval, the proposed development would be harmonious and compatible with existing and future developments within the land use designation and general area.

The subject site is physically suitable for the type, density and intensity of the use being proposed.

Appropriate provisions have been made for the public health, safety and general welfare for, drainage ways, streets, roads and sidewalks, alleys and other public right-of-ways, transit stops, potable water supply, sanitary waste, and all other relevant concerns.

The location, size, design and operating characteristics of the proposed development/use would not be detrimental to the public interest, health, safety, or welfare of the County.

**DECISION:**

**Based upon the above findings, the Administrative Site Plan Review is approved for the Green Acres landscape maintenance operation proposed by Team Innovative subject to the following conditions:**

1. The Administrative Site Plan Review is for building a facility for a landscape maintenance business. The applicant may lease out space to other commercial operations which fully meet the Kitsap County Zoning Code for **Neighborhood Commercial Use**. Each prospective tenant must apply for a *Building Permit – Tenant Improvement*, to ensure that the proposed land use is reviewed by the Department. The Department may determine that the land use is approved, approved with conditions, or may be need to be determined by a Hearing Examiner as in a Conditional Use.
2. Maintenance work on vehicles, residential mini-storage, and industrial processing of any kind is strictly prohibited at this site.
3. Commercial Building Clearances are required from the Kitsap County Health District prior to issuance of the Building Permits.
4. Building installations shall be constructed with floors that slope away from the existing well on the property.
5. Floor drains are not allowed in the buildings.
6. Containers of lawn products or other product containers shall not be stored outdoors, where they would be exposed to precipitation. These containers shall not be stored within 100-feet of the existing well.
7. The facility shall maintain adequate spill response equipment to contain and clean up any spills.
8. The proposed stand-alone employee restroom shall be constructed with an onsite sewage disposal system. The toilets and urinals shall be plumbed to the onsite sewage system. Hand washing facilities shall be installed, but shall not be connected to the existing water supply because it is not approvable as a public water supply. When public water becomes available the hand washing sinks shall be plumbed to that water system. In lieu of the plumbed fixtures for hand washing, a waterless hand-sanitizing device shall be installed for use in the restroom.
9. The employees working in the first two storage buildings shall utilize the employee restroom as specified above.
10. The applicant shall provide signage that prohibits illegal discharges to the restroom plumbing, or ground surface anywhere on site.
11. The existing well on the property shall only serve employees working in the existing office building and supply non-potable use for those employees utilizing the proposed new restroom. The applicant shall provide bottled drinking water to the employees working in the proposed storage buildings until such time as public water is made available from PUD #1.

12. The applicant shall connect his development to the public water supply immediately upon its availability, and the existing well shall be decommissioned in accordance with Chapter 173-160 WAC, Minimum Standards for Construction and Maintenance of Wells. A well decommissioning form shall be turned in to the Health District and a well log shall be submitted from a licensed Washington State Well Driller indicating that the well has been properly decommissioned.
13. Upon connection to public water, the applicant shall provide to the Health District a receipt from a licensed plumber indicating connection to both the public water supply line and the sewer line serving the facility. All employees shall be permitted to drink water from the public water supply once it has been tested and approved for public consumption.
14. In the event the public water does not become available, the applicant shall continue to provide bottled water for employees working in the buildings and the plumbing for the proposed restrooms shall remain connected to toilets and urinals only. Hand washing facilities shall be provided by a non-water use method approved by the Health District.
15. Fire flow is not required if each building is constructed with exterior fire-resistive walls such that each building is considered a separate building by the building code. If the buildings are not separated in accordance with the building code or by exterior fire-resistive construction, fire flow is required.
16. Fire apparatus access roads shall be provided when any portion of the facility or any portion of an exterior wall of the first story of the building is located more than 150 feet from fire apparatus access as measured by an approved route around the exterior of the building or facility. A key box, or other locking device approved by the Fire District, will be required for the gate.
17. The road to the south that is labeled as NW Peterson Road is not actually built or named. The road was an extension of NW Peterson Road on the east side of Highway 3. Since the road is no longer connected to NW Peterson Road, this road will be required to have a separate name.
18. A commercial building permit is required to occupy the house or the garage as uses for the business.
19. A full automatic fire alarm system is required for buildings greater than 4000 square feet. If the buildings are not separated as separate buildings, the fire alarm system is required.
20. Measures to reduce or control direct impacts to emergency services include annual fire inspections by either the local fire district or the Kitsap County Fire Marshal's Office, immediate correction of any fire or building code violations, proper storage of hazardous materials or other materials that may present hazards, and good fire safe practices. Emergency numbers to summon emergency medical aid, first responders for fire or other hazards, and law enforcement should be posted and the means to summon help (i.e., telephone) shall be identified. Kitsap County has an Enhanced 9-1-1 system to identify the premises from where a telephone call is made, and the telephone service provider will be given the correct address that has been assigned by the Kitsap County Addressing Technician for each building. The address numbers will be posted at the road so as to be seen by emergency responders from either direction, and each building will have an address identification posted at or near the building.

21. A Kitsap County Unified Hazardous Materials Plan (KCUHMP) may be required for your project due to the amount of hazardous materials in the business. A complete listing of each hazardous material, Material Safety Data Sheets, quantities of each material to be used and stored, and a description of the operation will be required at the time of building permit application. An electronic version of the KCUHMP is available at [www.kitsapgov.com/dcd/fm](http://www.kitsapgov.com/dcd/fm).
22. Separate Fire Code Permits may be required to maintain, store, use or handle materials, or to conduct processes, which produce conditions hazardous to life or property.
23. The landscaping and irrigation system shall be installed prior to issuance of the Certificate of Occupancy.
24. All exterior lighting shall be shielded in a manner, which ensures that no more than one-foot candle of light shall leave the property.
25. Sign permits must be obtained for each of the signs proposed.
26. 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.
27. The information provided demonstrates this proposal is a *Major Development* as defined in **Kitsap County Code Title 12**, and as such will require a Site Development Activity Permit (**SDAP**) from Development Engineering.
28. Stormwater quantity control, quality treatment, and erosion and sedimentation control shall be designed in accordance with **Kitsap County Code Title 12** or as amended at the time of SDAP application. 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.
29. Any off site improvements that create additional impervious surface such as lane widening or intersection channelization are required to provide stormwater mitigation in accordance with **Kitsap County Code Title 12** or as amended at the time of SDAP application.
30. The project proponent shall be responsible for installing any necessary off-site downstream drainage improvements, specifically: replace the downstream 8" culvert crossing at NW Peterson Rd. with a new 12" culvert. Procurement of any permits or easements necessary to install off-site improvements shall be the responsibility of the project proponent.
31. The application indicates that a significant quantity of grading material will be exported from the site. Prior to issuing the SDAP an approved fill site(s) must be identified. Any fill site receiving 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.
32. In the event of a discharge from the reservoir into the storm drainage system, it is understood that Washington Code 90.48.080 will be observed and the appropriate authorities notified.
33. The owner shall be responsible for maintenance of the storm drainage facilities for this development following construction. Before issuance of Occupancy Permits for this

development, the person or persons holding title to the subject property for which the storm drainage facilities were required shall record a Declaration of Covenant that guarantees the County that the system will be properly maintained. Wording must be included in the covenant that will allow the County to inspect the system and perform the necessary maintenance in the event the system is not performing properly. This would be done only after notifying the owner and giving him a reasonable time to do the necessary work. Should County forces be required to do the work, the owner will be billed the maximum amount allowed by law.

34. At Building Permit application, submit (KCPW Form 1601) for issuance of a Concurrency Certificate, as required by KCC section 20.04.030 Transportation Concurrency.
35. All rights of access for adjoining properties currently in existence shall be preserved (and documented on the face of the final plat). Any amendment to the existing easement rights of adjoining property owners shall be properly executed and recorded prior to **SDAP or final plat acceptance**.
36. Private driveway approaches to existing County roads shall be reviewed and approved by Development Engineering.
37. Provide surveyed cross-sections at 50-foot intervals on NW Peterson Rd. 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.
38. The approaches to NW Peterson Rd. and to Clear Creek Rd. shall be WSDOT Type D, per WSDOT Design Manual Figure 920-5, with minimum return radii of 35 feet. The approach grade shall not exceed 5% from the flow line to twenty feet beyond the right-of-way line. Note the design vehicle on the final plans.
39. The developer's engineer shall certify that there is adequate entering sight distance at the intersection of Clear Creek Rd. and NW Peterson Rd. 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 site distance shall meet the standards found in the *AASHTO A Policy on Geometric Design of Highways and Streets 2001*. The certification shall also note necessary measures to correct and maintain the minimum sight triangle.
40. Per the technical deviation approval of December 17, 2004, the driveway location from the site on NW Peterson Rd. shall be located a minimum of 118 feet from Clear Creek Road, measured along the property line from the intersecting road right-of-way line to the edge of the road approach width.
41. Contact Waste Management (360) 674-3166 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. Provide documentation from the solid waste/recycling service provider that their requirements for this project have been met.
42. 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.

43. Provide 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.
44. The Site Plan Review shall be valid for a period of three years from the date of the approval, during which time a complete application for a building permit meeting all the legal requirements and conditions of approval shall be made. If an application for a permit or a request for an extension is not made within this timeframe the Site Plan Review shall be invalid.

**DISTRIBUTION:**

**Applicant:**

Ken Perry  
Team Innovative  
P.O. Box 885  
Silverdale WA 98383

**Engineer:**

James Bottem, P.E.  
P.O. Box 3307  
Silverdale WA 98383

Kitsap County Health District, Tim Quayle, MS-30  
DCD - Development Engineering, Sean Wells, MS 26  
DCD Staff Planner - Rick McNicholas  
Clerk of Hearing Examiner  
DCD Building Permit File  
Kitsap County Fire Marshal's Office  
Kitsap County Fire District #18

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