



Hearing Examiner Staff Report and Recommendation

Report Date: December 12, 2024
Hearing Date: December 19, 2024

Application Submittal Date: (Multiple dates)
Application Complete Date: (Multiple dates)

Project Name: North Beach Apartments
Type of Application: SVAR, SSDP, PBD REVISION-MAJOR
Permit Number: 23-01781, 23-01777, 22-04212

Project Location

3043 NW Bucklin Hill Road
Silverdale, WA 9838
Commissioner District #3

Assessor's Account

212501-2-017-2008

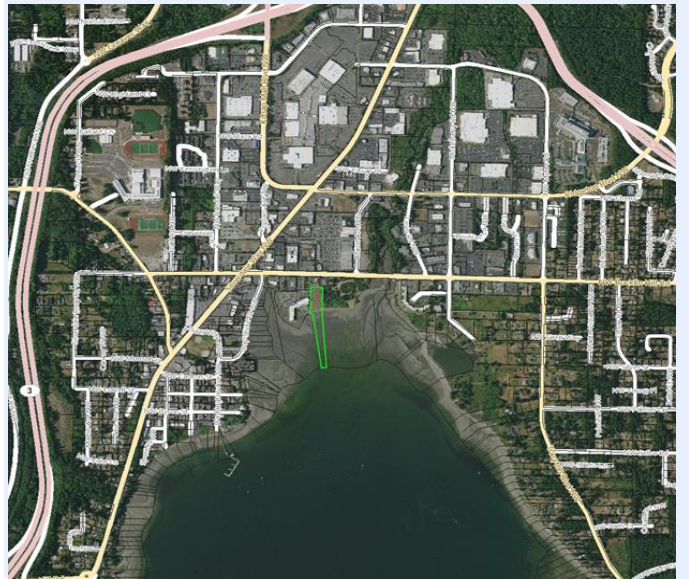
Applicant/Owner of Record

Daybreak Development, LLC
6141 Troon Ave SW
Port Orchard, WA98367-9196

Recommendation Summary

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

VICINITY MAP



1. Background

The applicant is requesting a revision to the building design and land use for the Bucklin Court Performance Based Development (PBD) by the Kitsap County Hearing Examiner (File 14 02210 and 14 02265). The project also includes a Shoreline Substantial Development Permit, Shoreline Variance for building height and revision to the previous Administrative Conditional Use Permit (ACUP). The project includes the construction of 4-story, 47-unit apartment building with 1-story parking below and additional parking on and off the apartment-site. The subject property is located within the Silverdale Regional Center and Bucklin Hill Design District, as well as the High Intensity Shoreline Designation. The applicant is requesting a Shoreline Variance to exceed the required shoreline building height 10 feet from 35' to 45' and PBD revision for the request for additional density, pursuant to KCC 17.450.110. Common open space and public shoreline access is proposed to and at the shoreline. The ACUP is Type-II permit that will be reviewed and issued separately.

2. Project Request

The applicant is requesting a Major Revision to the approved Performance Based Development by the Hearing Examiner

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.

COMMENTS:

The SEPA 14-day comment period previously occurred concurrent with the Notice of Application dated 07/05/2023. The Department received comments from State Department of Ecology and Suquamish Tribe on adjustments to the site plan for additional project mitigation. State Archaeology & Historic Preservation commented on the potential for historic resources onsite, which applicant will be required to address prior to construction. Pursuant to SEPA substantive authority at KCC 18.04.200(D), including Kitsap County Comprehensive Plan Policies and Zoning Code development standards for determining mitigation. Kitsap County Comprehensive Plan Environmental Goal 1 and Environmental Policy-21 direct that the environment (See Exhibit-25).

CONDITIONS:

1. The proposal is located within High Intensity designation for urban commercial and industrial intended and will be conditioned pursuant to KCC Title 22 Shoreline Master Program.
2. The proposal shall be consistent with KCC Title 22.150.525 for Residential - multifamily development within the High Intensity urban shoreline designation and shall be made a condition of approval.
3. The previous building height variance approval to allow building height up to 45' expired. Increase in residential density from 29 du/acre (39 du total) to 36 du/acre (47 du total). Due to required development density standards under the Kitsap County Comprehensive Plan and Title 17, another variance from the standard shoreline height guidelines has been reviewed with the submitted Major Revision to the PBD, and ACUP, and shall be analyzed with the SSDP and SVAR, per KCC 22.500.100.B and KCC 22.500.100.E respectively (See Exhibits- 7 & 26).

4. Due to the presence of an adjacent wetland on the Old Mill Pond Park site, the revised proposal shall be conditioned per KCC Title 19.200. The permit shall also be conditioned for revised shoreline buffers per KCC 22.400.120, 19.300.310 and for stormwater controls, pursuant to Octile 12 Stormwater Drainage.
5. Prior to SDAP acceptance Archaeologist review of relevant historic and geotechnical information from the property to prepare a desktop Survey to determine what project activities are likely impact native sediments.
6. As an addendum to the above archeological survey, a Monitoring & Inadvertent Discovery Plan (MIDP) should be provided outlining the planned monitoring procedures and Inadvertent Discovery Plan for any activities that do not require monitoring. Recommend that the applicant continue consultation with the Suquamish Tribe and staff for ongoing cultural resource issues (See Exhibits-21 & 22).

MITIGATION:

1. The building setbacks will be increased from the shoreline and offsite wetland as identified on the site plan to help reduce potential shoreline impacts as proposed by the applicant, dated March 01, 2024.
2. Follow building shading massing studies dated March 01, 2024, to reduce impacts on the adjacent Kitsap County Park and saltwater shoreline along Dyes Inlet (See Exhibit-37)
3. Mitigation shall be implemented per the submitted shoreline restoration plan with native plant landscape plan per the Shoreline No Net Loss Report and Landscape Plan, dated March 01,2024 (See Exhibit-38).
4. The Clear Creek Trail has been added as a project amenity with reduction plan that includes the trail reduction of net impervious surface area to a maximum 60" width reducing storm drainage impacts and includes ADA sitting area.

The SEPA appeal period expired December 10, 2024. No appeals were filed; therefore, the SEPA determination is final.

4. Physical Characteristics

The project site is located at 10310 NW Bucklin Hill Road between the Silverdale Hotel and the Old Mill County Park in Silverdale within Central Kitsap County, WA. The subject property is undeveloped, irregularly shaped, long, and narrow. The property includes associated tidelands. The parcel is 1.33 acres in size and was previously used as a concrete plant. The dimensions are 420 feet long x 168 feet wide. The parcel extends approximately 912 feet south from the mean high-water mark. The property receives access from Bucklin Hill Road via an existing four-way intersection and existing traffic signal, with a connecting easement across property to the north. The project site is located south of NW Bucklin Hill Road, between the Silverdale Hotel and the Old Mill Kitsap County Park. The property is on the north shoreline of Dyes Inlet with a gentle sloping bank, 4-foot-tall rock bulkhead and a 6-foot-wide compacted gravel Clear Creek trail parallels the upland side of the wall on the south side of the property.

The existing project site is an open grassy area separated by chain-link fencing. The shoreline consists of anchored logs and native vegetation and invasive plants interspersed. The

shoreline has a gentle sloping bank and a 4-foot-high rock bulkhead and a 6-foot-wide gravel trail that parallels the upside of the wall. The shoreline is exposed and receiving direct sunlight during summer months. The Shoreline Master Program jurisdiction runs horizontally approximately halfway through the property. It is noted that the property was formerly used as a concrete batch plant, and it has been noted that 10 feet of fill material was placed over the site. The 2013 testing showed that all contaminants were below cleanup levels. However, the fill material is unknown but if for some reason contaminations is suspected during excavation, Ecology is requesting the applicant to be prepared to implement mitigation measures consistent with the Model Toxics Control Act.

Table 1 - Comprehensive Plan Designation and Zoning

| Comprehensive Plan: Urban High Intensity Commercial Zone: Regional; Regional Center (RC) | Standard | Proposed |
|--|---|---------------------|
| Minimum Density | 10 (1.33 acres of net developable acreage x 10 = 28.4 or 28 required units) | 47 Units |
| Maximum Density | 30 (1.33 acres x 30 = 212.4 or 212 maximum units) | |
| Minimum Lot Size | NA | NA |
| Maximum Lot Size | NA | NA |
| Minimum Lot Width | NA | NA |
| Minimum Lot Depth | NA | NA |
| Maximum Height | 35 (55/85 feet) | 4 stories, <45 feet |
| Maximum Impervious Surface Coverage | 85% | ~ 40,243 sf or 70% |
| Maximum Lot Coverage | NA | NA |

Applicable footnotes:

17.420.060 Footnote #17 A greater height may be allowed as set forth in Title 21...

17.420.060 Footnote #22 Maximum height shall be thirty feet when located within the two-hundred-foot shoreline area...

17.420.060 Footnote #48: Shoreline properties are subject to Title 22 and may have additional buffers and setback requirements not listed in density tables.

17.420.060 Footnote #56 Height and density may be increased though Chapter 17.450, Performance Based Development, or qualifies as mixed-use development and meet modification or waiver request criteria as identified in Section 17.420.035, Additional Mixed use development standards.

Staff Comment: Except for Footnote #22, all the listed permits are applicable to the shoreline development. The Shoreline Master Program was amended to allow shoreline structures up to 35 feet which requires this footnote to be updated. Request is to reduce the side yard setback down from 10 feet down to 5 feet on the west side through the PBD.

Table 2 - Setback for Zoning District

| | Standard | Proposed |
|---------------|----------|--------------------|
| Front (North) | 20 feet | 20-feet |
| Side (East) | 10-feet | 30-feet |
| Side (West) | 10-feet | 5-feet |
| Rear (South) | 10 feet | 15/20' (shoreline) |

Table 3 - Surrounding Land Use and Zoning

| Surrounding Property | Land Use | Zoning |
|----------------------|---|--------------------------------|
| North | Taco Bell, Bank Building, (across NW Bucklin Hill Road Silverdale Plaza Retail Mall | RC |
| South | Shoreline- Dyes Inlet | Urban Shoreline Designation |
| East | Old Mill Kitsap County Park | RC (Park) |
| West | 3-story Silverdale Hotel | RC |

Table 4 - Public Utilities and Services

| | Provider |
|--------|------------------------------|
| Water | Silverdale Water District |
| Power | Puget Sound Energy |
| Sewer | Kitsap County Wastewater |
| Police | Kitsap County Sheriff |
| Fire | Central Kitsap Fire & Rescue |
| School | Central School District #400 |

5. Access

Access to the site is from NW Bucklin Hill Road, a Minor Arterial to Mickelberry Road NW, which is a County maintained Local Access Road. Local access roads typically provide direct access to properties and provide access to the arterial road network.

6. Site Design

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

The development was reviewed for consistency with requirements in KCC 17.410.042 Allowed Uses, KCC 17.420.030 Design Standards, KCC 17.420.052 Commercial, Industrial,

Parks and Public Facilities Zones Density and Dimensions Table, and Chapter 17.540 Administrative Conditional Use Permit. KCC 17.110.250 defines dwelling, multi-family, as a building or portion thereof containing three or more dwelling units and designated for occupancy by three or more families. The information below includes planning review categories in KCC 17.420.030 (Design Standards).

| Project Site Data Table | | | |
|---|----------------------|------------------|----------------------|
| Area/Units | Required Area | % of Area | Proposed Area |
| Total Lot Area | 1.33 acres | 100% | 1.33 acres |
| Lot coverage by Buildings | 20,220 sf | 21.2% | 13,980 |
| Landscaping/Open Space | 8,690 sf | 15% | 8,690 sf |
| Recreational Open Space | 2,897sf | 8% | 4,656 sf |
| Active Recreational Amenity | 18,330 | | 18,353 |
| Total Disturbed Area | 46,870 sf | 80% | 46,884 sf |
| | | | |
| Multifamily Lots | NA | N/A | NA |
| Multifamily Units | 10-30 units* | | 47 units |
| Commercial Lot Area | 57,935 sf | | 57,935 sf |
| | | | |
| Impervious Area within Shoreline Buffer | 1,413sf | | 1,068 sf |
| Residences | 42,100 sf | 100% | 42,100 sf |
| Net Density | 10 units | | 36 units/acre |
| Gross Density | 80 | NA | 60 units/acre |
| Total Building Area | 76,727 | | 76,727 sf |

*See 17.420.058 Silverdale regional center and design and dimensional table.

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, with revisions through April 2020

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

Chapter 1 Land Use

Land Use Goal 1

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

Land Use Policy 2

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

Land Use Policy 17

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

Chapter 3 Environment

Environment Policy 5. Support projects that increase air quality, reduce carbon emissions, or reduce climate change impacts.

Environment Policy 13. Use the best scientific information available to direct how functions and values of critical areas are preserved or enhanced.

Environment Policy 24. Consider and identify the vital connection between protection of Kitsap County's rural character, environmental essential assets and environmental benefits and economic opportunities.

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 Sub Area Plan

Silverdale Policy 5

In areas where vehicular transportation will continue to be predominate mode of travel, ensure that access to rights-of-way and site design standards provide for safe and convenient access by the traveling public.

Economic Development

Silverdale Goal 3

Enhance the status of Silverdale as a regional retail and service center.

Transportation

Silverdale Goal 10

Work with transit providers to develop programs, routes and schedule that better accommodate a larger number of citizens.

Silverdale Regional Center

SRV Connectivity and Mobility Goal 5

Reduce the share of trips made by single occupancy vehicles (SOV).

Staff Comments: *The project will provide pedestrian access to transit stops along NW Bucklin Hill Road 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) |
| Title 19 | Critical Areas Ordinance (CAO) |
| Chapter 20.04 | Transportation Facilities Concurrency Ordinance |
| Chapter 21.04 | Land Use and Development Procedures |
| Title 22 | Shoreline Master Program (SMP) |

8. Documents Consulted in the Analysis

A complete index of exhibits is located in the project file. To date, the index to the record consists of Exhibits 1-49.

| Exhibit # | Document | Dated | Date Received / Accepted |
|-----------|---|----------|--------------------------|
| 1 | STAFF REPORT | 12/12/24 | |
| 2 | SEPA Mitigated Determination | 11/20/14 | |
| 3 | Hearing Examiner Decision 12-24-2015 (22-04212) | 12/24/15 | 12/19/22 |
| 4 | Incomplete Application Response-PBD (22-04212) | 12/7/22 | 12/19/22 |

| | | | |
|----|--|-------------|----------|
| 5 | Submission Questionnaire Form (22-04212) | 1/31/22 | 12/19/22 |
| 6 | Authorization Form Shoreline Dev. SVAR Signed (23-01781) | 4/7/23 | 5/8/23 |
| 7 | Project Narrative Shoreline Variance (23-01781) | 4/10/23 | 5/8/23 |
| 8 | Submission Questionnaire Form (23-01781) | 4/19/23 | 5/8/23 |
| 9 | Authorization Form Shoreline Dev. SSDP Signed (23-01777) | 4/7/23 | 5/18/23 |
| 10 | Concurrency Test (23-01777) | 11/1/16 | 5/18/23 |
| 11 | North Beach Apartments Stormwater Report (23-01777) | 2/15/23 | 5/18/23 |
| 12 | Photo-plates (23-01777) | 10/17/22 | 5/18/23 |
| 13 | Preliminary Geotechnical Report (23-01777) | 12/5/22 | 5/18/23 |
| 14 | Shoreline Mitigation Plan (23-01777) | 12/1/22 | 5/18/23 |
| 15 | Stormwater Pollution Prevention Plan (SWPPP) (23-01777) | 9/15/22 | 5/18/23 |
| 16 | Stormwater Worksheet (23-01777) | | 5/18/23 |
| 17 | Submission Questionnaire Form (23-01777) | 4/19/23 | 5/18/23 |
| 18 | Survey (23-01777) | 7/11/22 | 5/18/23 |
| 19 | Traffic Impact Analysis (23-01777) | August 2022 | 5/18/23 |
| 20 | Notice of Application | 7/5/23 | |
| 21 | DAHP-Stephanie Jolivette, Local Gov't Archaeologist | 7/17/23 | |
| 22 | Suquamish Tribe. Concurrence with DAHP for Report | 7/18/23 | |
| 23 | Ecology-Rebekah Padgett, Shoreline Planner Comments | 8/4/23 | |
| 24 | Permit Response 1 SVAR (23-01781) | 1/31/24 | 2/23/24 |
| 25 | Architectural Site Plan (22-04212) | 1/31/24 | 2/23/24 |
| 26 | Civil Set SVAR (23-01781) | 1/31/24 | 2/23/24 |
| 27 | Civil Site Plan (22-04212) | 1/31/24 | 2/28/24 |
| 28 | Permit Response 1 PBD Major (22-04212) | 1/31/24 | 2/28/24 |
| 29 | Architectural Set (23-01777) | 1/31/24 | 3/1/24 |
| 30 | Civil Set SSDP (23-01777) | 1/31/24 | 3/1/24 |
| 31 | JARPA (23-01777) | 4/7/23 | 3/1/24 |
| 32 | Landscape Plan (23-01777) | 2/20/24 | 3/1/24 |
| 33 | Massing Study (23-01777) | 1/31/24 | 3/1/24 |

| | | | |
|----|--|----------|--------|
| 34 | Permit Response SSDP (23-01777) | 1/31/24 | 3/1/24 |
| 35 | Revised Architectural Site Plan (23-01777) | 1/31/24 | 3/1/24 |
| 36 | SEPA Checklist (23-01777) | 1/03/23 | 3/1/24 |
| 37 | Shading Study (23-01777) | 1/31/24 | 3/1/24 |
| 38 | Shoreline No Net Loss Report (23-01777) | 1/31/24 | 3/1/24 |
| 39 | Stormwater Drainage Civil Plan (23-01777) | 1/31/24 | 3/1/24 |
| 40 | Permit Response 2 SSDP (23-01777) | 8/26/24 | 9/6/24 |
| 41 | Revised Project Narrative (23-01777) | 8/5/24 | 9/6/24 |
| 42 | REVISED SEPA Mitigated Determination | 11/12/24 | |
| 43 | Ecology Kim Smith, Toxic Cleanup Program SEPA Comments | 11/26/24 | |
| 44 | Notice of Public Hearing | 12/4/24 | |
| 45 | Certification of Public Notice (22-04212) | 12/10/24 | |
| 46 | Certification of Public Notice (23-01777) | 12/10/24 | |
| 47 | Certification of Public Notice (23-01781) | 12/10/24 | |
| 48 | Staff Presentation | | |
| 49 | Hearing Sign In | | |

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 land use revisions (ACUP and PBD), and shoreline permits (SVAR, SSDP) for the North Beach Apartments. Public comment began with the joint Notice of Application (NOA) and Notice of SEPA Comment Period, dated 2/24/2023. The County received project and or SEPA comments from the Suquamish Tribe, Department of Ecology (DOE), and Department of Archology and Historic Preservation (DAHP) on the project proposal no SEPA appeals were filed (See Summary of comments below).

| Issue Ref. No. | Summary of Concern (See corresponding responses in the next table) | Comment Letter Exhibit Reference No. |
|----------------|---|--------------------------------------|
| 1 | <u>Department of Ecology Shoreline Planning</u> (DOE) commented on water dependent uses vs. no-water oriented uses | 23 |
| 2 | DOE had concerns with new impervious surface within the shoreline buffer. | 23 |
| 3 | Comments on viewing plat form. | 23 |
| 4 | What is the rational on exceeding the 35-foot height limitation | 23 |
| 5 | DOE commented that the proposal exceeds 45 feet and section of code for elevator shafts was deleted KCC 17.429.060 Footnote was deleted | 23 |

| | | |
|----|---|-----------|
| 6 | Need to remove rock wall/bulkhead | 23 |
| 7 | JARPA mentions Rooftop amenities. Does the proposal involve rooftop structures? | 23 |
| 8 | DOE commented on Geotechnical Report | 23 |
| 9 | <u>State Archeological and Historic Preservation</u> (DAHP) commented that the project will impact native sediments with excavation for foundation for structured parking | 21 and 22 |
| 10 | <u>DOE Toxics Cleanup Program</u> commented that with the history of the site being a concrete batch plant with 10 feet of fill. There is a probability the fill could be contaminated. | 43 |

| Issue Ref. No. | Issue | Staff Response |
|----------------|--|---|
| 1 | Water vs. non-water uses | <i>The applicant response is that the project is designated as a water enjoyment use per KCC 22.150.655. The project provides for recreational use and aesthetic enjoyment of the shoreline area designated as common open space. Designating the trail will limit invasives. An access easement will be recorded for this route encouraging water-dependent uses for parcels other north for the community and future developments. Staff agrees with the water enjoyment designation and is consistent with Code.</i> |
| 2 | Impervious surface in Shoreline Buffer | <i>Applicant response is that there will be 882 sf of impervious surface proposed with the 50-foot shoreline buffer. The proposal is for a 345-sf net reduction of imperious surface from the existing condition. The existing trail will remain gravel, reduced to 5 feet wide and maintain an ADA compliant surface. Staff supports the proposed reductions to trial surface.</i> |
| 3 | View Platform | <i>The applicant is proposing small lookout that will be within the building setback and will not have an impact to the function of the shoreline buffer. See the Revised Shoreline No Net Loss Report. The proposed lookout area is located SW corner and staff agrees area is outside the buffer and will not impact the shoreline buffer functions (See Exhibit-38).</i> |
| 4 | Exceeding Height Limitation | <i>The applicant responded stating that the project qualifies for a variance per KCC 22.500.100.E.4 and discrepancy with what is allowed in the zone pursuant to KCC 17.420.058 maximum height allowances. The applicant addressed hardship, minimum necessary, massing is further back from shoreline. The net buffer was increased, and the upper</i> |

| | | |
|----|--|---|
| | | <i>story is proposed to be stepped back. Staff believes the applicant addressed the DOE comment (See Exhibits 7, 26 and-33).</i> |
| 5 | Title 17 Zoning Code Footnote | <i>The applicant is proposing through the revised plans to eliminate portions of the stair extending to rooftop. The request is for a 45-foot height limitation with an elevator overrun not exceed 5' above the height limit. KCC 17.420.060 Footnote #40 still allows for an exception for the elevator shaft and other similar projections to exceed the height limit. Staff agrees to the exception that is allowed and is consistent with the previous approval.</i> |
| 6 | Rockwall approved under previous permit. | <i>All amenities and supporting structure have been removed except for an existing wooden bench.</i> |
| 7 | Rooftop Amenities | <i>The applicant states the stair amenity has been removed and architectural plans do not show rooftop amenities. The Kitsap Code only speaks to height limits related to the permeant structure, not to recreational activities if desired.</i> |
| 8 | Geotechnical Report | <i>The applicant is only required to submit a 60% design and applicant has confirmed ground improvements which was decreased toward the shoreline.</i> |
| 9 | Disturbance of Native sediments that may contain Archeological resources | <i>The 2013 geotechnical report indicated that an underground parking structure is proposed 10 to 12 feet deep. Per the DAHP comment, the project will be conditioned at the time of excavation for parking and utilities a professional archaeologist will have a preliminary report on potential impacts to native sediments. The report will contain a Monitoring & Inadvertent Discovery Plan if resources have been identified (See Exhibit 21 and 22).</i> |
| 10 | Site potential contamination | <i>Pursuant to the DOE Toxics Cleanup Program comments, the project will be conditioned to mitigate against potential impacts and address worker safety if contamination is discovered.</i> |

10. Analysis

a. Planning/Zoning

The proposal is for multi-family housing for apartments, which in current code is permitted use. The project was previously conditionally approved under a Shoreline Variance and PBD and an ACUP within the Regional Center commercial zone for this project. The current proposal has been reviewed for consistency with the intent of the Regional Center zone and compatibility with the abutting shoreline, the Kitsap County Park and adjacent commercial uses. The proposal has been reviewed for consistency with requirements KCC 17.420.030 Design Standards that require that

the applicant provide for functional screens, and pedestrian circulation/traffic to avoid pedestrian-vehicle conflicts. In addition, the project was reviewed for consistency with KCC 17.470 Multifamily Design Standards and the Silverdale Design Standards.

b. Lighting

Consistent with KCC 17.420.030 Design Standards and 17.105.110 artificial outdoor lighting, if necessary, the lighting should be arranged so that light is fully shielded from the side view, directed downward, and away from adjacent single-family residential properties. Not more than one-foot candle of illumination may leave the property boundaries.

c. Off-Street Parking

The project is required to provide adequate off-street parking consistent with the standards in KCC 17.490 Off-street Parking and Loading. Pursuant to KCC 17.490.030 number of required spaces. The project is required to provide the 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. The proposed North Beach project is a 47-unit multifamily residential development located on parcel number 212501-2-017-2008 with a site area of 1.33 acres (57,935 sf). The proposed density of the project is 36 dwelling units per acre. The project consists of four stories of residential dwelling unit over one level of structured below grade parking. The structured parking consists of 53 parking stalls and secure bicycle storage. To the north of the structure are 23 surface parking stalls for a total of 76 off-street parking stalls.

Parking Reduction: In accordance with KCC section 17.490.030 Multifamily developments shall provide parking at a ratio of 1.5 parking stalls per dwelling unit and 0.5 parking stalls per dwelling unit on street or set aside for a total of 2.0 stalls per dwelling unit. The director may authorize a reduction up to twenty five percent to the amount of required parking if a project proponent demonstrates that, due to the unusual nature of the proposed use, it is reasonable that the parking required by this section exceeds any likely need, or that trip demand reduction programs or public transit availability serves to further reduce parking demand. As outlined in the Traffic Impact Analysis report dated August 2022, the required parking exceeds the likely need due to the proximity and availability of public transit that is sufficient to reduce the parking demand. A bus stop is located within 300 feet of the development with a route connecting to the Silverdale Transit center having a bus arriving approximately every hour. Therefore, up to a twenty-five percent reduction in required parking, from 2.0 parking stalls per dwelling unit to 1.5 parking stalls per dwelling unit is proposed.

Bicycle Parking: The project is required to be consistent with bicycle parking requirements, pursuant to KCC 17.490.020(H)(10). It recommended that applicant provide bicycle parking at a ratio of 1 space per 10 vehicle spaces and is required at a ratio 1 space per 20 vehicle spaces. The applicant is providing 245 parking spaces which requires a range between 12 to 25 bicycle parking spaces. The civil site plan for

the SDAP will be required to show the distribution of bicycle parking across the project site(See Exhibit-27).

Charging Stations: Pursuant to KCC 17.490.080 the project is required to be consistent with the provisions for electrical vehicle charging spaces. The standard is one space required for every 10-standard vehicle parking space and provide site lighting for use outside of daytime hours. The applicant reviewed for consistency with the above code section and the International Building Code (IBC). The applicant separated out three categories: Electrical Vehicle spaces provided, Electrical Vehicle Ready and Electrical Vehicle capable.

Electrical Vehicle Spaces

| | |
|-------------------------------|-------------------|
| Electrical Vehicle (Provided) | 9 spaces (11.8%) |
| Electrical Vehicle (Ready) | 20 spaces (26.3%) |
| Electrical Vehicle (Capable) | 9 spaces 11.8% |
| ADA (Accessible) | 1 space |

Table 5 - Parking Table

| Use Identified in 17.490.030 | Standard | Required Spaces | Proposed Spaces/Existing Spaces |
|--|--|--------------------------------------|--|
| Multi-family (Condos / Townhomes / Apartments) | 1.5 per unit + 0.5 per unit on street or set aside | 71 spaces and 24 set aside /overflow | 76 off-street parking provided (20% reduction requested) |
| Total | | 95 | 76 |

Staff Comment: The project complies minimum requirements for off-street parking standards in KCC 17.490. The proposal for structured parking is consistent is with Silverdale Design Standards and required if feasible in in the adjacent Waterfront District. The applicant has demonstrated the parking reduction is supported with the pedestrian access to the adjacent Kitsap Transit facilities on NW Buckling Hill Road and shopping within walking distance of the project.

d. Signage

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

e. Landscaping

The project is required to be reviewed for consistency with KCC 17.500 Landscaping and 17.700 Appendix A. The Landscaping Plan is required to show how all disturbed areas, buildings and structures, and off-street parking areas are to be landscaped.

Landscaping is calculated based on total site area. The applicant submitted a revised preliminary landscaping plan which is consistent with landscaping standards in KCC 17.500, landscaping for size, spacing and function. The landscaping plan to be submitted as part of the Site Development Activity permit may require more information on landscaping around the commercial site parking area for screening from the residential use and reduce the intensity of the commercial land use against the wetland buffer.

Staff Comment: The project includes 40,762sf 70% of impervious area and 22,024sf of pervious area. The pervious area along the perimeter will be landscaped, internal to the site and the shoreline buffer. The applicant has submitted a preliminary landscape plan showing landscaping in all disturbed areas, the location, and plant schedule consistent with KCC 17.500.030. The landscape plan is consistent with minimum landscaping requirements per KCC 17.500 Landscaping.

Table 6 - Landscaping Table

| | Required | Proposed |
|---|-------------------|------------------------------|
| Required Landscaping (Sq. Ft.) 15% of Site | 8,690sf (15%) | 9,183* (16%) |
| Required Buffer(s) 17.500.025 | | |
| North | Setback Buffer | Setback Buffer |
| South | Separation Buffer | Separation Buffer |
| East | Separation Buffer | Setback/Critical Area Buffer |
| West | Separation Buffer | Separation Buffer |
| Street Trees | Yes | Yes |

*Includes parking and screening landscaping.

f. Frontage Improvements

The project does not front on public right-of-way (ROW), but still includes a landscaped front yard setback with pedestrian and vehicular access to NW Bucklin Hill Road via a driveway from NW Bucklin Hill Road.

g. Design Districts/Requirements

The property is located within the Silverdale Design Standards, Bucklin Hill Center District. Below is the analysis of the required design standards. (See comments- Revised Architectural plans, and Narrative, dated July 15, 2022, below).

Chapter 4 Bucklin Hill Center District Design Standards

The proposed project is located within the Bucklin Hill Center District of the Silverdale Design Standards. Below is an outline of compliance with the design standards, formatted to align with the chapters, sections, and subsections in the Silverdale Design Standards

4.1 Physical Identity Elements & Opportunities:

Applicant Response: The project is located outside of the boundary of the Community Campus Area. Therefore, it falls within the Silverdale Village design area.

4.2 Design Intent:

Applicant Response: The project is located in the southeast quadrant of the intersection of Silverdale Way and Bucklin Hill Road intersection, along the shore lands on the south side of Bucklin Hill Road. A mixed-use area of larger scale office, lodging, and entertainment buildings could be located in this area. A larger scale multi-family residential building is proposed, as permitted by KCC table 22.600.105 for High Intensity shoreline areas.

4.3 Design Principles:

Applicant Response: The project is not a former shopping plaza, and is not located along Silverdale Way, referred to as Silverdale Village. The project, being an undeveloped site, is unique to the Bucklin Hill Center, and shall complement the design standards of previously developed shopping plazas.

Basic Elements and Composition of the town or village center include:

A. A “main street” will be part of a private or public local service street network for each side of Silverdale Way, providing clearly defined on-site vehicular circulation, connecting on-site parking areas to major arterials and adjacent districts where feasible.

Applicant Response: The on-site parking areas are connected to Bucklin Hill Road via the existing traffic light intersection servicing the shopping center on the north side of Bucklin Hill Road and the Taco Bell and First Fed Bank on the south side of Bucklin Hill Road.

B. Local service street access to perimeter arterials will be coordinated with adjacent and nearby developments as development incrementally occurs. Applicant

Response: Site access is via an existing easement through the Taco Bell and First Fed Bank properties located on the north side of the property.

C. One to four story buildings shall be arranged along a “main street” and clustered around a village square and smaller pedestrian courtyards.

Applicant Response: The proposed project is a 4-story structure. The project does not front a “main street.” The Clear Creek Trail and dedicated open space along the trail serve as the pedestrian courtyard.

D. Pedestrian walkways, sidewalks, and other paths will provide a continuous pedestrian connection from on-site facilities to parking, adjacent public streets and nearby developments.

Applicant Response: Pedestrian walkways, sidewalks, and paths provide a continuous pedestrian connection from on-site facilities to parking, adjacent public streets, nearby developments, and the Clear Creek Trail.

Staff Comment: *Staff believes the proposal is consistent with this provision of the design standard by providing adequate pedestrian facilities.*

E. Housing or office units will be mixed with retail uses, either stacked above or clustered next to retail and located away from Silverdale Way where feasible.

Applicant Response: Housing units are located away from Silverdale Way and clustered next to retail sites.

F. A village square, plaza, greens, or commons shall be provided in a centralized location, along “main street,” as a focal leisure space for each development, integrated with ground floor retail and residential/office uses, and oriented to the southeast, south, or southwest.

Applicant Response: As the site is not located along the “main street,” the open space is oriented toward the public trail system, situated to the south of the proposed residential use. Integration between the use and the open space is minimized due to the sensitive nature of the shorelands.

Staff Comment: *Staff agrees the shoreline is the focal point which reflected in the building design.*

G. Parking areas will be in small, dispersed parking lots.

Applicant Response: Most of the parking is located below grade within the proposed structure. The finished floor elevation of the structural parking is located as far below grade as feasible, considering the potential for sea level rise. The remaining parking is in a small, surface parking lot.

Staff Comment: *Staff agrees the parking is disperse with structure and surface parking.*

H. One connecting east-west vehicular crossing with a signalized intersection can occur in the southern portions of each development.

Applicant Response: The project utilizes an existing signalized intersection for access.

I. Parking and vehicular access will be from a local street network with controlled access points to arterials safely away from the Bucklin Hill/Silverdale Way intersection.

Applicant Response: Parking and vehicular access is via an existing controlled access point along Bucklin Hill Road, away from the intersection with Silverdale Way.

J. Development on the south side of Bucklin Hill Road shall orient to Dyes Inlet and Silverdale Creek with landscaping and public pedestrian access facilities along the shoreline.

Applicant Response: The development is located on the south side of Bucklin Hill Road and is oriented to Dyes Inlet with landscaping and public pedestrian access facilities along the shoreline.

The open space requirement for the project is provided in this area between the structure and Dyes Inlet. The project is separated from Silverdale Creek by the adjacent Silverdale Hotel property and therefore is not oriented toward Silverdale Creek. The project is however oriented toward Clear Creek and the adjacent Old Mill Park. For that reason, the development is oriented toward both Dyes inlet and Old

Mill Park/Clear Creek. The development is stepped back from Old Mill Park to minimize the impact toward this public amenity area.

Staff Comment: The project includes active open space through the 4,656 sf shoreline area resident gardens and 4,573 sf courtyard.

4.4.1 Building Orientation, Heights, & Types:

A. Mixed-use buildings will be oriented to a “main street” and village square, with front and side yard setbacks ranging from zero to 8 feet maximum in depth along major pedestrian walkways.

Applicant Response: The project site does not front a main street, but instead fronts Dyes Inlet.

B. Civic or cultural buildings, if any, should have prominent locations, preferably at major intersections or on village square.

Applicant Response: The project is not a civic or cultural building.

C. New, remodeled or reconfigured building in the RC zone will have maximum base height of 35 feet, with an approved height increase not to exceed 45 feet.

Residential units should be located away from Silverdale Way and Bucklin Hill Road.

Applicant Response: The project is a new building in the RC zone and has a base height of 55 feet. When located along the shoreline area the base height is reduced to 35 feet. The project is requesting a height increase of 10 feet not to exceed 45 feet. Residential units are located away from Bucklin Hill Road.

Staff Comment: The project is consistent includes active open space through the 4,656 sf shoreline area resident gardens and 4,573 sf courtyard.

D. Weather protection features such as canopies and marquees shall be provided on storefront buildings along major pedestrian walkways.

Applicant Response: Weather protection features are provided at building entrances. The major pedestrian walkway fronting the structure is the Clear Creek Trail and weather protection is not warranted or desired along this pathway. The pathway is designed according to county code to minimize or eliminate impervious surfaces within the shoreline buffer area.

Staff Comment: Staff agrees on the applicant’s interpretation of impervious coverage is being kept at a minimum.

E. Commercial buildings at prominent corners shall have distinctive architectural features such as setback entries, corner towers, or architectural sculpture.

Applicant Response: The project does not front a right of way and is not located at a prominent corner. The project does, however, front two natural areas, Dyes Inlet and Old Mill Park. The building corner fronting the natural areas has distinctive architectural features. The building is set back from Old Mill Park and steps back at the residential levels and again at the top story creating unique terracing. The building is also modulated with a unique saw-toothed massing broken up by residential deck spaces (See Exhibit-33).

F. Live/work buildings can provide a transitional use and building type between commercial and residential buildings.

Applicant Response: Live/work units as a transitional use and building type between commercial and residential buildings are not proposed.

4.4.2 Open Space and Pedestrian System

A. Pedestrian-oriented village squares, greens, commons, courtyards, and walkways will be incorporated into mixed-use developments. They will contain a variety of hard and vegetated surfaces and will accommodate outdoor activities ranging from cafes and coffee shops to outdoor markets, sales and play areas.

Applicant Response: The pedestrian oriented open space incorporates walkways, hard and vegetated surfaces, and accommodates a range of outdoor activities along the shoreline. Due to the sensitive nature of the shoreline, the amenities and hard surfaces are kept to a minimum. Included is an accessible sitting/viewing area, native plantings, a walking trail, and kayak storage.

Staff Comment: *The project agrees with the above comment.*

B. The village square or green should be the largest and central space located on “main street,” with size varying according to site conditions and size of development, e.g., 7,000 to 8,000 square feet (approximating the size of a volleyball court) can provide space for diverse outdoor activities.

Applicant Response: The pedestrian oriented open space is the largest centralized space on the lot, measuring 15 percent of the lot area (8,690 sf). The project does not front a main street but rather fronts Dyes Inlet.

C. Commercial Courtyards, between 30 to 50 feet in width, shall be provided in or between retail clusters, with buildings on two or three sides.

Applicant Response: The project does not contain retail clusters or more than one building on site. Alternatively, the building on site wraps around a residential courtyard measuring approximately 65 feet by 85 feet.

D. Live/work buildings may accommodate some or all of the required residential outdoor open space on balconies or decks.

Applicant Response: The project does not contain Live/Work units. A small portion of the active recreation amenity space is provided by patios and decks.

E. Pedestrian promenades and “main street” walkways that connect major components of the village development and the village to perimeter arterials, will be 12 feet minimum in width for the walking area on at least one side of the street, and 8 to 12 feet on the remaining side...

Applicant Response: The property does not connect major components of the village development and the village perimeter to arterials. The surface parking does not abut main street walkways.

F. Parking lot walkways that connect parking lots and lots to retail clusters will be 8 feet minimum width.

Applicant Response: The surface parking area does not serve the adjacent retail clusters and therefore it is not necessary to connect this parking area with 8 feet wide walkways.

G. Pedestrian crossings within a parking lot will be 6 feet minimum in width and either striped, containing different paving materials for contrast or raised.

Applicant Response: Pedestrian crossings throughout the parking area are raised and measure 6 feet in width typical (excluding curbs).

H. Weather protection features such as canopies and freestanding shelters should be dispersed throughout parking areas for pedestrian comfort and safety.

Applicant Response: The on-site surface parking area is not sufficient in size to warrant the need for additional canopies and covered areas along the pedestrian crossings. Weather protection canopies are provided at the building entrances.

I. Two pedestrian highway crossings should be located along Silverdale Way south of Bucklin Hill Road and should connect mixed-use centers...

Applicant Response: Pedestrian highway crossings are not applicable to the proposed project location.

J. A pedestrian bridge should cross Silverdale Creek, south of Bucklin Hill Road...

Applicant Response: A pedestrian bridge is not applicable to the proposed project location.

K. A waterfront walkway will extend along the waterfront east of Silverdale Creek, from Bucklin Hill Road south and eastward to the county parking a Clear Creek corridor.

Applicant Response: A waterfront walkway extends along the waterfront east of Silverdale Creek from Bucklin Hill Road south and eastward to the county park and Clear Creek corridor. This is referred to as the Clear Creek trail and crosses the project site and serves as a portion of the pedestrian-oriented space for the project.

L. If feasible, a portion of "Silverdale Creek," a covered drainage channel flowing into Dyes Inlet, will be daylighted on the north side of Bucklin Hill Road...

Applicant Response: The drainage channel for Silverdale Creek is not applicable to the project site.

Staff Comment: Staff agrees the drainage change is on the neighboring property.

4.4.3 Streets & Parking.

A. "Main Streets" and collector street(s) connecting the development to major arterials will be 22 to 24 feet in width with parallel parking places on one or both sides of street, with a raised or protected sidewalk (bollards, planting features) on both sides of street.

Applicant Response: The project does not abutt a right of way on any side. There are no main streets or collector streets serving the property.

B. Secondary streets connecting parking lots to main streets and collector streets will be 20 to 22 feet in width with a raised or protected sidewalk (bollards, planting features) and a parking lane on at least one side of street.

Applicant Response: A secondary drive connecting the parking lot to the main street measures 24 feet in width (main street width for delivery lanes as noted in subsection D) and contains parking along one side with an adjacent raised pedestrian walkway.

C. Non-signalized streets connecting to arterials will have limited turning movements such as right turn in and right turn out, keeping with the flow of arterial traffic.

Applicant Response: The intersection connecting to the main street is currently signalized.

D. Local streets that serve as delivery lanes may use “main street” dimensions.

Applicant Response: The project is not served by a local street. The local drive that passes through the retail property to the north serves as a delivery lane and uses the main street dimensions of 24 feet. As the drive enters the property the width increases to 26 feet to accommodate the required fire apparatus access width for maneuvering space as reviewed and approved by the Fire Marshall.

E. Parking areas will be small clusters of lots consisting of one to two double-loaded parking bays maximum, i.e., one driving lane flanked by one row of parking stalls on each side.

Applicant Response: The parking area consists of small clusters consisting of one and two double-loaded parking bays. The parking bays are separated by landscaping and walkways.

F. On-street parking may be used to fulfill parking requirements for a proposed use if located on the subject parcel, contiguous with the public right-of-way and meeting all sidewalk and landscape requirements.

Applicant Response: No on street parking is proposed.

G. Individual parking clusters shall be separated by an 8 feet wide minimum sidewalk protected by curbs, plantings or artistic bollards.

Applicant Response: Individual parking clusters are separated by a 6-foot-wide sidewalk and planting area consistent with the width required for pedestrian crossings. As an alternative to providing an 8-foot-wide sidewalk, wheel stops are provided along this area to ensure the 6-foot width is not encroached by vehicles. The 6-foot width is necessary to accommodate the additional width required for fire apparatus access maneuvering clearances.

Staff Comment: *The project*

H. Parking lots and structures in the northeast quadrant of the Bucklin Hill Road and Silverdale Way intersection will be accessed from a local street network to the north, northeast and east of the intersection development.

Applicant Response: The project site is not located in the northeast quadrant of Bucklin Hill Road and Silverdale Way and does not require access from a local street network.

KCC 17.470 Multi-Family Design Standards

KCC section 17.470.030 Multifamily site design

Applicant Response: As required by KCC section 17.470.030, the project is oriented toward common open space and provides pedestrian and vehicular connections to existing neighborhoods as applicable to the specific site conditions. The common open space is located along the south of the property between the structure and shoreline. Clear Creek Trail passes through this area with a pedestrian connection to the trail passing through the site connecting to NW Bucklin Hill Road. Vehicular access is provided by an easement passing through the property to the north connecting to NW Bucklin Hill Road to an existing controlled intersection. This site to the north fronts NW Bucklin Hill Road and has surface parking located between the structures and the property of the proposed multifamily development. The ideal orientation of the multifamily development is away from the existing surface parking to the north and toward the Shoreline and common open space to the south. Much of the parking for the multifamily development is located below the building in accordance with the guideline outlined in KCC 17.470.030.B.2 with the remaining parking provided in a surface parking area abutting the existing surface parking area of the property to the north.

Staff Comment: *Staff agrees with the applicant's conclusion regarding building orientation.*

KCC 17.470.040 Fences and walls

Applicant Response: The site is designed to minimize the need for fences and walls and inhibit or discourage pedestrian use of sidewalks or paths that isolate or separate neighborhoods from main roads. Only perimeter fencing is provided as required by KCC section 17.500 for screening buffers. No controlled access for vehicles or pedestrians is provided for access to the site or within the site. Only a security gate is provided for access into the building from the proposed lookout area, this does not impact pedestrian circulation of the site. Where perimeter fencing is provided, landscape is utilized to break up solid or blank looking fences by provided varying heights as well as climbing ivy to create "green walls" that can climb and fill in the fencing panels.

KCC section 17.470.050 Recreation center mailboxes

Applicant Response: As required by KCC section 17.470.050, adequate lighting, screening, and pedestrian access to supporting facilities is provided. Site lighting is provided throughout the project. Security lighting is provided in the surface parking areas. All site lighting shall be shielded and/or otherwise directed away from dwelling units in the development as well as away from neighboring developments. Common mailboxes are located within the structure in the main entrance lobby. Convenient pedestrian access is provided from the main building entrance to the nearest transit

stop. Trash and recycling are collected in the trash room in the basement via chutes at each building floor. Building maintenance shall move the containers to the trash pickup staging area in the northeast corner of the site for collection by Waste Management. All areas within the site and within the structure are connected by an accessible route.

Staff Comment: The project will be required to be consistent with lighting standard that lighting be recessed and pointed down and not more than 1-candle foot can leave the property line per KCC 17.105.110.

KCC section 17.470.060 Grading and Tree Vegetation

Applicant Response: As required by KCC section 17.470.060, the project is designed to minimize impacts to existing topography and vegetation. The natural grades of the project have been incorporated in the overall design of the project. The site gently slopes from north to south and this natural grade is utilized for access to the below grade parking area along the east property line as well as pedestrian access to the Clear Creek Trail along the west property line. The grade is built up slightly on the north side of the structure to accommodate accessible slopes to parking and pedestrian walkways. The grade is built up along the south side of the structure to minimize the scale of the exposed below grade parking structure and enhance the area of recreational open space. The existing property is primarily an open grassy area, lacking opportunities to retain existing vegetation. The proposed project will introduce new vegetation around the perimeter of the site and the structure and within landscape islands.

KCC section 17.470.070 Open Space

Applicant Response: As required by KCC section 17.470.070, open space is provided in or adjacent to the multifamily development for use by all the residents of the development. Walkways connect the open spaces to the multifamily development, parking areas, and adjacent neighborhoods. A variety of activities for all age groups in the active recreation open space areas has been incorporated such as resident gardens, covered outdoor lounge, water feature, flex space, patio and deck spaces, secure bicycle storage, common deck with BBQ areas and fire pit, a lookout area with view of Dyes Inlet, Kayak Storage, as well as a multi-purpose flex space for various program activities.

Staff Comment: In addition to the multi-family requirements, the project includes many open space components is consistent with PBD open space requirements.

KCC section 17.470.080 Landscape design

Applicant Response: As required by KCC section 17.470.080, landscaping and supporting elements such as trellises, planters, site furniture and other similar features have been incorporated in the project design. Trellises are located along the west building façade to support climbing ivy used to break up the blank wall façade. Built-up planters are provided along the north façade. Perimeter planting is provided at the upper story along the perimeter of the common area. Plantings that require

low amounts of water, chemicals and fertilizers are proposed. Open areas are landscaped to the greatest extent feasible. Perimeter decorative security fencing located around the courtyard area is located within planters to serve also as trellis elements. A new bench with adjacent accessible space has been provided along the Clear Creek Trail.

Staff Comment: The project incorporates landscape elements with lower impact on the shoreline.

KCC section 17.470.090 Multifamily-Site Design-Parking location and design

Applicant Response: As required by KCC section 17.470.090, the impact of driveways and parking lots on pedestrians and neighboring properties has been minimized by designing and locating the parking lot and garage access in a way that creates few interruptions on the street, sidewalk, or building façade. The surface parking areas has been located to the rear of the lot. The surface parking lot is minimal and reduced in scale by providing internal landscape islands and perimeter planting. No new curb cuts are provided for access to the site. A shared access is provided through the adjacent site to the north. Visibility of the parking area to the street is reduced by providing landscape screening. Most of the parking is provided within the buildings. The surface parking area has been coordinated with the Fire Marshall to ensure adequate fire apparatus access to the structure.

Staff Comment: Staff concurs that surface parking is minimal due to the structured parking under the building.

KCC section 17.470.100-Multifamily -Site Design-Screening

Applicant Response: As required by KCC section 17.470.100, screening shall be provided for support facilities. All support facilities are located within the structure and no additional screening is required. A trash pickup staging area is shown on the site plan; however, this area is only a temporary area for pickup by Waste Management. Trash collection is provided within the structure. Nevertheless, this area is fenced in and/or provided with bollards, to ensure the area is reserved for this use and to prevent containers from inadvertently impacting parked vehicles. The perimeter of this area is planted on 3 sides (See Exhibit-25).

Staff Comment: The project is properly screened pursuant to the above requirements and KCC 17.420.030 Design Standards.

KCC section 17.470.110- Multifamily-Signs

Applicant Response: As required by KCC section 17.470.110, signage identifying the site shall be minimized and shall conform to KCC Chapter 17.510. A sign at the main entrance from the street shall be provided and shall include the street address. Internal directional signs showing access to the main entrance via the elevator shall be provided as this is the accessible entrance. The building will have clearly displayed street numbers and building name

Staff Comment: The sign permit will be reviewed separately prior to occupancy.

h. Development Engineering/Stormwater

Applicant proposes multifamily structure with a footprint of approximately 19,300 sf with off-street parking and utility infrastructure constructed with building. The stormwater runoff for the development (1.02ac) will be routed into two proprietary devices. The project will direct discharge into Dyes Inlet and flow control is not required. For water quality stormwater will enter the proprietary water quality devices where drainage will be filtered then piped into Dyes Inlet by way of existing point of discharge.

Development Engineering has reviewed the above land use proposal and finds the concept supportable in its approach to civil site development and issued conditions of approval on July 10, 2024. These comments are based on a review of the Preliminary Drainage Report and Preliminary Engineering Plans accepted for review for all four permits (22-04212, 23-00028, 23-01777, and 23-01781) and as revised by additional materials accepted for review to Kitsap County Development Engineering (See ___ Exhibit).

i. Environmental

Frequently Flooded Areas

The project was reviewed for consistency KCC 19.500 Frequently flooded areas. The purpose of these requirement is to protect the public health and safety and welfare from harm caused by flooding. Kitsap County resource maps identify approximately the 40-feet of the property of being in the 100 -year floodplain (Zone AE) with a Base Flood Elevation of 13 feet. The applicant states that site grading and finished floor elevations have been provided to minimize risk of flood hazard due to potential sea level rise. The Beach Reference line website, the elevation of mean higher high water (MHHW) is 9.35 feet and the highest astronomical tide (HAT) of 11.29 feet Per the Kitsap County Climate Change Resiliency Study (2020), the projected sea level rise is 1 to 5 feet by 2100.

Wetland

The nearest wetland is located on the Kitsap County Old Mill Park that located adjacent to the east side of the subject property, near the southwest corner and abuts Dyes Inlet. The Category-IV wetland was rated per the Washington State Wetland Rating System for Western Washington. There is a freshwater depressional system that has no inlet or outlet and is compose of forested and emergent vegetation. The wetland does not have a saltwater tidal connection to the shoreline unless there are extreme weather events with high tides. Per KCC 19.200.220 the wetland is a Category IV and requires a 50-foot wetland buffer. The project is outside the required 50-foot buffer of the offsite wetland. There is a 15-foot building and impervious surface setback at the edge of the required buffer per KCC 19.200.225.E. Approximately 10 feet of the wetland buffer extends onto the project site.

Geological Hazardous Areas

Erosion Hazard Areas

Kitsap County resource mapping identifies a Severe Erosion Hazard Area. The development will maintain a setback approximately 65 feet from the OHWM and the finished grade will be 13 feet higher than the OHWM. The existing site conditions do not include an erosion hazard due to the lack of slopes along the shoreline. The project is outside the mapped erosion hazard and will avoid erosion hazard impacts. The only activity that will occur in this area is revegetation to mitigate shoreline impacts. There is no landslide areas mapped at the site.

Seismic Moderate Hazard Areas

The southern half of the property is having a Moderate to High susceptibility to liquefaction. The existing fill and alluvium soils at the site are potentially liquifiable during the IBC design seismic event. The structure will be designed consistent with the 2008 IBC to be constructed to resist the effects of earthquake motions. The proposal is being conditioned to follow the recommendations of the geological assessment.

j. Access, Traffic and Roads

The development site receives access from the north via a driveway from NW Bucklin Hill Road, which is classified as an urban collector. The private access aligns with the traffic signal for Silverdale Plaza on the north side of NW Bucklin Road. The development receives vehicular and pedestrian access from one driveway. Access was established with an easement across the adjoining property to the north conveyed on Short Plat 3692 R-2 (Auditor's File No. 9412210135 and 9412210136). The applicant prepared a traffic impact analysis to determine if there were potential impacts (Exhibit-19).

Staff Response: Kitsap Transit operates Route 265 Silverdale Central with stops on NW Bucklin Hill Road. The route connects to the Silverdale Transit Center which provides local service and connections to Poulsbo, Bainbridge Island, and to Seattle via the Washington State Ferries. Kitsap Transit supports reduced off-street parking for the major revision due to the connection with transit mode of transportation.

k. Fire Safety

The Silverdale Way Fire Station #51 will be the primary responder for this development. Kitsap County's Fire Marshal's Office reviewed and approved the preliminary proposal. Further analysis will be done with the Site Development Activity Permit. (See Fire Conditions of approval below.)

l. Solid Waste

Solid Waste/Recycling enclosures are proposed along the north side of the parcel and have been located throughout the site. The project has been conditioned for compliance with solid waste requirements and approval from Waste Management.

m. Water/Sewer

This project will be served by public water, by Silverdale Water District and Kitsap County Wastewater for sewer Service. Kitsap County sanitary sewer is 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. The applicant shall provide either binding water letters or proof on a construction agreement for a main extension prior to a Sewered Building Clearance approval.

n. Kitsap Public Health District

The Kitsap Public Health District will review the proposal at the time of Site Development Activity Permi or Building Permit. The district has requested Sewered Building Clearance to review sewer and water availability. Based on the comment letter by DOE, if contamination is discovered the Health District Solid Waste Division may coordinate with the State for cleanup. Any fill to be removed must follow Kitsap Public Health District standards for disposal of hazardous soils.

o. Major Revision to a Performance Based Development

The request is for a major revision to the performance-based development (also known as Planned Unit Development) is through KCC 17.450.110. A major revision associated with subdivisions or increase in density is processed through a Type-III application and all other revisions are reviewed through Type-II permits. The following criteria are used to evaluate the proposal; in KCC 17.450.110.B.2 Major Revision. A major revision means any expansion of lot area covered by the permit or approval, or any proposed change that include the following:

a. Substantial relocation of buildings, parking or streets.

Staff Comment: The applicant revising off-street parking layout from 66 off-street surface parking spaces to mostly 76 off-street parking within a structured parking facility under the building.

b. Increase in residential density.

Staff Comment: The applicant is no longer proposing a commercial space. Consistent with KCC Table 17.420.058 Silverdale Regional Center has increased the number of units from 40 to 47 multi-family dwelling units which is approximately a 15% increase in density.

c. Reduction in any perimeter setback.

Staff Comment: The proposal is for the reduction of setback buffer/setback along the west property line from 10 to 5 feet

d. An increase in gross floor area of a multifamily, commercial, industrial, or commercial component of a project greater than 10%.

Staff Comment: The applicant is proposing a major revision to the previously approved Performance Based Development by increase overall structural square footage from 31,287 sf to 76,727 sf.

f. Any change to landscape buffers resulting in the reduction in width or density of plantings.

Staff Comment: A separation buffer is required pursuant to KCC 17.500.027.A. Partial Screening Buffer is required between two compatible uses with the same zone. The buffer/setback reduction will involve the removal of most of the vegetation along the west property line. A final landscaping plan will be required to be submitted with the SDAP showing the planting plan consistent with the above section that includes the required curbing, bollards and wheel stops per KCC 17.490.020.

g. Any substantial change in the points of access:

No Changes to points of access are proposed.

h. Any increase in structure height.

No Change

i. An alteration in dwelling unit separation.

NA

3. Any increase in traffic generation (more than 10%).

Staff Comment: It is estimated that there will be as stated above the applicant has increased the number of parking spaces from 66 to 76 (53 structured parking 23 surface parking space) and increased the number of dwelling units from 40 to 47 (15%). The applicant prepared a revised Traffic Impact Analysis with the anticipation that the development will generate 178 new average daily trips (based on 70 spaces) with 9 AM peak hours trips and 19 PM peak hour trips. There are no anticipated significant changes to the levels of service to adjacent intersections.

p. Cultural Resources

The State Department of Archology and Historic Preservation and the Suquamish Tribe has requested and overview /survey the of the site for potential cultural resources before ground disturbance (See Condition #33). It has been noted by the Tribe that within the project vicinity the Suquamish Tribe used the land extensively as a Suquamish camping place. Ethnographic place names were recorded in the area describing geographic features (See Exhibits 21 & 22).

q. Shoreline Review Process

SHORELINE MASTER PROGRAM PERMIT ANALYSIS

The multi-family project site is within the 200-foot shoreline along Dyes Inlet and falls under the Kitsap County Shoreline Master Program with a designation of Urban High Intensity. Pursuant to Table KCC 22.600.105 and KCC 22.600.170.A.3 a Shoreline Substantial Development Permit and Shoreline Variance permits (SVAR, SSDP) is required for the North Beach Apartments multi-residential residential development when located within High Intensity designation. The use is permitted and a 50-foot shoreline buffer with a 15-foot construction setback is required. The shoreline is exposed to direct sunlight during summer months. In the winter, the shoreline experiences severe weather events with high tides, wind, and saltwater spray.

The site vegetation is mostly maintained grass with some deciduous trees with an understory of blackberries. The north and west sides of the property are marked by a chain-link fence. The Kitsap County Park located to the east is forested and contains a Category-III freshwater Depressional Wetland (See the Wetland/Shoreline Buffer Mitigation Plan). which requires an 80-foot buffer. Approximately 10 feet of the wetland buffer extends onto the project site. The applicant has submitted a shoreline buffer enhancement plan and a geotechnical report to analyze subsurface geology. The Kitsap Soil Survey identified Kapowsin (0 to 6% slopes) gravelly-loam, moderately deep and well-drained soils. The applicant has submitted a shoreline buffer enhancement plan and a geotechnical report to analyze subsurface geology. A final planting plan shall be submitted with the associated Site Development Activity Permit.

Shoreline Master Program Policies

Policy SH-2. Recognize that nearly all shorelines, even substantially developed or degraded areas, retain important ecological functions.

Shoreline Goal Economic Development. Provide for the location and design of industries, transportation, port and tourist facilities, commerce and other developments that are particularly dependent upon a shoreline location and/or use, when the shoreline can accommodate such development.

Policy SH-16. Accommodate and promote, in priority order, water-dependent, water-related and water-enjoyment economic development. Such development should occur in those areas already partially developed with similar uses consistent with this program, areas already zoned for such uses consistent with the Kitsap County Comprehensive Plan, or areas appropriate for water-oriented recreation.

Policy SH-22. Designate and maintain appropriate areas for protecting and restoring shoreline ecological functions and processes to control pollution and prevent damage to the shoreline environment and/or public health.

Policy SH-39. Encourage and facilitate restoration and enhancement projects for priority habitats and species (Washington Department of Fish and Wildlife, PHS Program).

Policy SH-40. Shoreline ecosystem protection and restoration projects shall be prioritized, located, and designed utilizing the most current, accurate and complete scientific and technical information available to promote resiliency of habitats and species.

Policy SH-41. locate and design proposed transportation, parking facilities, and utility facilities where routes will avoid a net loss of shoreline ecological functions or will not adversely impact existing or planned water-dependent uses.

Policy SH-42 Parking facilities in shorelines are not a preferred use. Such facilities shall only be allowed as necessary to support an authorized use and only when environmental and visual impacts are minimized.

Policy SH-47. Recognize and protect the statewide interest over local interest.

SHORELINE SUBSTANTIAL DEVELOPMENT PERMIT (SSDP)

In accordance with KCC table 22.600.105 and KCC section 22.600.170.A.3 (RCW 173-27-150) a shoreline development permit is required for multifamily residential located in the High Intensity shoreline area. Multifamily is a permitted use according to KCC Table 22.600.105. The standard shoreline buffer is fifty feet with an additional building setback of fifteen feet.

KCC 22.200.110 High intensity:

Applicant Response: In accordance with KCC section 22.200.110.C.1 the proposed project is designated as a water enjoyment use (second priority) as defined in KCC Section 22.150.655. The project provides for recreational use and aesthetic enjoyment of the shoreline area for a substantial number of people in the following ways: designating a significant area along the shoreline as common open space, upgrading the existing bench and bench area along the existing trail to be ADA compliant, providing new secure kayak storage available for public use, providing ongoing maintenance by the development of the shoreline buffer area in an effort to minimize the expansion of invasive species, reducing the width of the existing trail to minimize impervious surfaces, and providing additional access opportunities for the public, residents, and their guests that didn't previously exist such as a pedestrian connection to NW Bucklin Hill Road, an access easement for the existing trail, kayak storage area, and a proposed viewing area.

Note that an additional point of entry connecting the public trail to NW Bucklin Hill Road is a significant undertaking. This path provides an ADA accessible route between the ROW and the trail including through the adjacent parcels to the north. This requires improvements to, and coordination with, the adjacent parcel to the

north and ROW. Appropriate wayfinding signage will be provided along this route. An access easement will be recorded for this route encouraging water-dependent uses for the parcels to the north, the community, and future developments.

Staff Comment: Staff concurs with the applicant's that the proposed use with the trail is consistent with water enjoyment definition.

KCC 22.600.170 Residential Development:

Applicant Response: The proposed development complies with KCC section 22.600.170.A.1, ensuring no net loss of ecological function, stormwater quality measures complying with current codes, flood hazard reduction measures, a project that provides joint community and public access to the shoreline area, and lot area calculations that have been made landward of the OHWM.

Staff Comment: Staff concurs with the applicant's findings regarding no-net loss of ecological functions and restoration plan to improve functions and values of the shoreline buffer (See Exhibit-38).

KCC 22.600.175 Shoreline Stabilization:

Applicant Response: No shoreline stabilization measures are proposed. The only feature located within the shoreline buffer is the existing Clear Creek Trail. The trail across this project site will be narrowed to 5 feet in width so there will be a net reduction in impervious features within the buffer. The narrowing of the existing trail is self-mitigating because it proposes less impervious surface and as a result, no new buffer mitigation planting is proposed within the shoreline area. However, the shoreline plantings installed for the removal of the historic bulkhead will be maintained by future building landscape staff to keep the cover by invasives lower and encourage the spread of existing native plants.

Staff Comment: As recommended by the DOE, the applicant has reduced impact with reduction of the width of the trail (See Condition #36).

KCC 22.500.100.B Substantial Development Permit Review Criteria.

1. The Act provides that no substantial development shall be undertaken on the shorelines of the state without first obtaining a substantial development permit (SSDP).
2. An SSDP shall be classified under Chapter [21.04](#).

Staff Comment: The review and approval of the SSDP is following the process laid out in KCC 21.04 and 18.04 Environmental Review for public notice required per the Growth Management Act.

3. An SDP shall be granted only when the applicant can demonstrate that the proposed development is consistent with the policies and procedures of the Act and this program, as well as criteria in WAC [173-27-150](#).

Applicant Response: This project, as described in the Shoreline No Net Loss Report dated January 31, 2024, will have no long term or cumulative impacts to the shoreline community along this section of Puget Sound. There will be short term construction noise impacts while constructing the building and paths but will return to normal following completion. The project will also not produce any new impacts to the

shoreline environment or buffer because the development is in keeping with the adjacent hotel and commercial development to the north and is maintaining the required 50-foot shoreline and wetlands buffers. Overall, there will be no net loss from construction of the proposed building because it is outside the shoreline buffer and there will not be a significant increase in the extent of onsite impervious surfaces. Because there are no buffer reductions proposed and no encroachments into the buffers, the project does not require mitigation to achieve no net loss of shoreline functions (See Exhibit-38).

Staff Comment: The project was reviewed pursuant to KCC 22.600.170 Residential Development per the review criteria for the SSDP and is consistent with provisions outlined in the regulations. The applicant has demonstrated through the permit action that the shoreline impacts were reduced, and impacts mitigated through the No-net loss report (See Condition #36).

4. The Act provides a limited number of exceptions to the definition of substantial development. Those exceptions are contained in RCW [90.58.030](#) and are summarized below in subsection (C)(3) of this section, and do not require a SSDP. Whether or not a development constitutes a substantial development, all development must comply with the requirements contained in the Act and this program and may require other permit or approvals under this master program. Permits may be issued with limitations or conditions to assure consistency with the Act and this program.
Staff Comment: This request does not qualify for an exception. As described below, in addition to the SSDP the applicant has applied for a shoreline height variance.
5. All applications for SSDP or permit revisions shall be submitted to the Department of Ecology upon a final decision by local government pursuant to WAC [173-27-130](#). “Final decision by local government” shall mean the order of ruling, whether it be an approval or denial, that is established after all local administrative appeals related to the permit have concluded or the opportunity to initiate such appeals has lapsed.

Staff Comments: The Department will follow all shoreline and permit procedures before issuing the required shoreline permits for the new development. The Hearing Examiner decision appeal period is 21 days, and the DOE shoreline comment/appeal period will be 30 days.

SHORELINE VARIANCE (SVAR)

A shoreline variance for a height increase from 35 feet to 45 feet is proposed in accordance with KCC section **22.500.100.E** as a necessary relief for the hardships imposed on the property. In addition, we proposed an exception to this building height limit for the elevator overrun, not to exceed 5 feet above the building height limit. Per KCC 22.500.100.E subsection 1, the variance is strictly limited to granting relief from specific bulk, dimensional, or performance standards set forth in the program where there are extraordinary or unique circumstances relating to the property such that the strict implementation of the master program will impose unnecessary hardships on the applicant or thwart the policies set forth in RCW 90.58.020 (See Exhibits-7 & 26).

Per KCC Section 17.420.058 the maximum height in the Bucklin Hill Center design district is 55 feet with an allowable increase of up to 85 feet maximum. Per KCC Table 22.400.140(A) the maximum height in a High Intensity shoreline area is 35 feet. Per KCC section 22.400.140.B, building heights above 35 feet, but consistent with underlying zoning allowances, require authorization via a shoreline variance. The bulk dimensional standard of 35 feet height is inconsistent with the underlying zoning and an increase to 45 feet is the minimum necessary to afford relief.

The project qualifies for a variance per KCC Section 22.500.100.E.4 as follows.

Applicant Response:

a. The strict application of bulk, dimensional, or performance standards set forth in chapter 22.400 and 22.600 precludes, or significantly interferes with reasonable use of the property. The property is located within the Bucklin Hill Center overlay. Per KCC Tables 17.420.058 and 22.400.140(A) there is a dramatic discrepancy between the height permitted between the shoreline bulk standards of 35 feet and the underlying zoning bulk standards of 55 feet with an allowable increase of up to 85 feet. In this application for a shoreline variance, we propose a height increase from 35 feet to 45 feet. This is the minimum necessary to remain compatible with existing structures along the shoreline and within this zone. It is feasible that adjacent parcels that may take advantage of a significantly higher permitted height limit of 55 to 85 feet.

b. That the hardships which create unique circumstances to the property that strict implementation of this master program will impose unnecessary hardships.

Applicant Response: The first hardship is related to the location of the property. The property is “landlocked” and does not front any right-of-way. Because there is no right-of-way adjacent to at least one side of the property, fire apparatus access must be provided on site to more than one side of the structure. This creates a unique condition which requires a significant portion of the property to be given over to fire apparatus access roads for proper access around all sides of the proposed structure. This significantly limits the footprint of the structure that would otherwise normally be permitted.

ii. The second hardship is related to resiliency. It is possible to locate the proposed structured parking deeper below finished grade to reduce the overall height of the structure, however in accordance with the Kitsap County Climate Change Resiliency Study (2020) in regard to sea level rise, the finished floor of the structured parking level is located as high in elevation as feasible to mitigate this concern. Setting the parking garage any further below grade (to reduce the overall building height) would set the garage floor level at an elevation that would be at higher risk of flooding due to future sea level rise.

c. The proposed project is compatible with authorized and planned uses in the area. The proposed project will not cause a net loss to shoreline ecological functions and does not conflict with existing or future water dependent uses.

Applicant Response: The proposed variance will not grant a special privilege not enjoyed by the other properties in the area. The proposed height increase will be comparable to the existing adjacent hotel and is reasonable due to the specific hardships associated with this property.

d. The variance will not constitute a grant of special privilege not enjoyed by the other properties in the area.

Applicant Response: The proposed height increase will be comparable to the existing adjacent hotel and is reasonable due to the specific hardships associated with this property.

e. The variance request is the minimum necessary to afford relief.

Applicant Response: The variance request is for a height increase to 45 feet, plus 5 additional feet for an elevator penthouse limited to the minimum are feasible. The underlying zoning code allows for 55 of height that may be increased to 85 feet. The North Beach Project Narrative Page 13 of 16 parcel is also landlocked limiting the building footprint that would otherwise be feasible for a property fronting the right-of-way.

f. The public interest will suffer no substantial detrimental effect.

Applicant Response: The height increase proposed is to accommodate a partial additional story. This partial story has been set back from the neighboring public park (Old Mill Park) to minimize the shading impact to the park in the evenings. The partial additional story is the minimum necessary to afford relief due to unique property conditions creating hardship. Note, the proposed building massing creates less of an impact than in previously approved SSDP and SVAR permits. The proposed massing is located further from the shoreline, stepped back further from the adjacent public park, and the overall top of structure elevation is lower than previously approved (See Exhibits 33 & 37).

Staff Comment: *The proposal meets all conditions per the SVAR criteria above, as follows, as it related to exceedance of the required 35-foot height restriction to 45 feet:*

- 1) *The proposal is consistent with RCW 90.58.020 and there will not be no anticipated public detriment.*
- 2) *Criteria a. through f.: The proposal meets or exceeds the minimum urban shoreline buffer requirements, which this is not the result of the applicant's actions. A Shadow Survey and Massing Study has been completed and in review, there will be no detrimental shoreline or view impacts from the 10-foot exceedance in the height restriction; the adjacent Silverdale Hotel development has a similar height, the proposal will be consistent with the neighboring property and is not a special privilege. The height exceedance is the minimum necessary for the development to be compliant with the required land use and zoning requirements and will be stepped and modulated to mee the 35-foot height at the shoreline, stepping back to a 45-foot height only on the park lot side of the project. The proposal provides water oriented and water related uses which encourage es public uses and provide shoreline connectivity (See Exihibit-33).*

- 3) *The Regional Center commercial zoning requires permits a residential use component, exceeding the 35-foot building height is the only alternative to meeting the required land use densities; no significant impacts are expected. No public or commercial navigation will be affected.*
- 4) *The proposal will provide restoration of the shoreline environment and restoration and improvement of the existing public trail connectivity, there are no anticipated detriments impacts from the proposed development.*
- 5) *No detrimental effects to the public interest have been identified, nor are anticipated (See Exhibits 7 & 25).*

Analysis: The proposal is consistent will all polices and requirements of the Kitsap County Shoreline Management Master Program. Please see the attached PBD, Major Revision Section of the Staff Report for further staff recommendations and additional conditions of approval.

Conclusion: The proposed development /use is conditional permitted when the subject zone and complies with an applicable provisions of the Shoreline Master Program, as conditioned and all other applicable development standards and design guideline referenced with the Performance Based Development-Major Revision.

6. Review Authority

The Hearing Examiner has review authority for these Shoreline Substantial Development Permit, Shoreline Variance and Performance Based Development Major Revision under KCC, Sections 22.500.100, 17.450.110 and 21.04.100. The Kitsap County Commissioners have determined that this application requires review and approval of the Hearing Examiner. The Hearing Examiner may approve, approve with conditions, or deny a Conditional Use Permit. The Hearing Examiner may also continue the hearing to allow for additional information necessary to make the proper decision. The powers of the Hearing Examiner are at KCC, Chapter 2.10.

7. Findings

1. The proposal is consistent with the Comprehensive Plan.
Staff Comment: The multi-family redevelopment is consistent with the Comprehensive Plan and the Regional Center Designation.
2. The proposal complies or will comply with requirements of KCC Title 17 and complies with or will comply with all the other applicable provisions of Kitsap County Code and all other applicable regulations, including all applicable development standards and design guidelines, through the imposed conditions outlined in this report.
Staff Comment: The request for the ACUP redevelopment complies with the applicable provisions of the KCC Title 17 of the Zoning Code.
3. The proposal is not materially detrimental to existing or future uses or property in the immediate vicinity.
Staff Comment: The facility redevelopment incorporates environmental analysis for

steep slopes, mitigation of stormwater management for quantity and quality, Critical Aquifer Recharge Area protection (See Condition #36).

4. The proposal is compatible with and incorporates specific features, conditions, or revisions that ensure it responds appropriately to the existing character, appearance, quality or development, and physical characteristics of the subject property and the immediate vicinity.

Staff Comment: The facility redevelopment incorporates design elements to help increase compatibility with Regional Commercial zone and High Intensity shoreline designation.

8. Recommendation

Based upon the analysis above and the decision criteria found KCC, Sections 22.500.100, 17.450.110 and 21.04.100, the Department of Community Development recommends that the Type-III Shoreline Substantial Development Permit, Shoreline Variance and Performance Based Development Major Revision request for North Beach Apartments be **approved**, subject to the following 39 conditions:

a. Planning/Zoning

1. All required permits shall be obtained prior to commencement of land clearing, construction and/or occupancy.
2. Landscaping shall be installed and maintained in conformance with the requirements of Kitsap County Code (KCC) 17.500. Landscaping shall be installed and inspected prior to requesting a final inspection, or guaranteed by means of an assignment of funds or bonded in the amount of 150 percent of the cost of installation.
3. All signage design and location (including exempt signs) shall comply with Kitsap County Code (KCC) 17.510 and be reviewed and approved by the Department of Community Development prior to installation. Signage may require a separate permit.
4. 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 Kitsap County Code (KCC). Unless in conflict with the conditions stated and/or any regulations, all terms and specifications of the application shall be binding conditions of approval. Approval of this project shall not, and is not, to be construed as approval for more extensive or other utilization of the subject property.
5. The decision set forth herein is based upon representations made and exhibits contained in the project application (49 Exhibits). Any change(s) or deviation(s) in such plans, proposals, or conditions of approval imposed shall be subject to further review and approval of the County and potentially the Hearing Examiner.
6. 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.

7. The PBD Major Amendment approval is guided by the Shoreline permit procedure and shall become void if no building permit application for the apartment building is applied and accepted as complete, by the Department of Community Development within two (2) years and completed in five (5) years from the date of the Hearing Examiner's decision and resolution of any appeals.

b. Development Engineering

8. 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 dated July 10, 2024.

STORMWATER

9. The information provided demonstrates this proposal is a Large Project as defined in Kitsap County Code Title 12, and as such will require a Full Drainage Site Development Activity Permit (SDAP) from Development Engineering.
10. 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 SDAP (or Building Permit if no SDAP required) application is deemed fully complete. 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 Code in effect at the time of SDAP application, or Building Permit if an SDAP is not required.
11. A Hydraulic Project Approval (HPA) permit may be required for work below the ordinary high-water mark or associated with the outfall. Prior to SDAP approval, the applicant shall submit an approved HPA from the Washington Department of Fish and Wildlife (WDFW), or documentation from WDFW specifying that a HPA is not required. Information regarding HPA's can be found at <http://www.wdfw.wa.gov/hab/hpapage.htm> or by calling the Office of Regulatory Assistance at (360) 407-7037.
12. 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/html> or by

calling Alyssa Brewer at 564-669-4922, email alyssa.brewer@ecy.wa.gov. This permit is required prior to issuance of the SDAP (See Exhibit-27).

13. The owner shall be responsible for maintenance of the storm drainage facilities for this development following construction. Before requesting final inspection for the SDAP (or for the Building Permit if an SDAP is not required) 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.
14. If the project proposal is modified from that shown on the site plan approved for this permit application, Development Engineering will require additional review and potentially new conditions (See Exhibit-27).

c. Environmental

15. Vegetation planting shall occur as specified in the approved planting plan produced in support of this permit. Planting of native vegetation shall occur within the first dormant season once the permitted project has been constructed and approved. When planting is complete, the applicant must contact Development Service and Engineering Staff at (360)337-5777 for a site inspection and as-built approval. Monitoring and maintenance of the planted area shall be conducted for three years after DCD staff approves planting. Monitoring includes live and dead vegetation counts and records of all maintenance activities. Maintenance activities can be defined as, but are not limited to, removal practices on invasive or nuisance vegetation and watering schedules. Monitoring information shall be summarized in a letter with photographs depicting conditions of the vegetation and overall site. Monitoring reports are due to Kitsap County Department of Community Development Services and Engineering Division by December 31 of each monitoring year. If more than 20 percent of the plantings do not survive within any of the monitoring years, the problem areas shall be replanted and provided with better maintenance practices to ensure higher plant survival.
16. A 50-foot-foot native vegetation buffer must be maintained along the delineated wetland boundary as depicted on the approved site. In addition, a building or impervious surface setback line of 15 feet is required from the edge of the buffer.
17. A 50-foot native vegetation buffer must be maintained landward of Ordinary High Water, as depicted on the approved site plan. In addition, a building or impervious surface setback line of 15 feet is required from the edge of the buffer (See Exhibit-25).

d. Traffic and Roads

18. At building permit application, submit Kitsap County Public Works Form 1601 for issuance of a concurrency certificate, as required by Kitsap County Code 20.04.030, Transportation Concurrency.
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 SDAP process, or Building Permit process, if a SDAP is not required. The need for and scope of bonding will be determined at that time Condition

e. Fire Safety

20. At time of building plan approval, a fire flow letter from the water district shall be provided to the fire marshal office stating they can provide the required fire flow as required.
21. No Parking - Fire Lane signage or red curbing with white lettering "No parking - Fire Lane" shall be provided at all areas not designated as parking.
22. Fire hydrants shall be installed and operational prior to any combustible material being placed on site.
23. This project will require a fire suppression system; standpipe system; and a fire alarm system.

f. Solid Waste

24. Prior to SDAP approval, applicant shall provide documentation from the solid waste/recycling service provider that their requirements for this project have been met. Waste Management Northwest can be reached at pnwcmsservices@wm.com or 1-800-592-9995; their website is <http://wmnorthwest.com/kitsap/index.html>
25. 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.
26. The SDAP submittal shall show 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.
27. Solid Waste enclosures shall be covered and placed on an impervious surface. Enclosures shall be directly connected to sewer system, where feasible. If direct connection to sewer is infeasible, the enclosure shall be sloped to drain into a dead-end sump.

g. Kitsap Public Health District

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

Shoreline Conditions of Approval

29. The proposal is located within High Intensity designation for urban commercial and industrial development, intended and will be conditioned pursuant to KCC Title 22 Shoreline Master Program.

30. The proposal shall be consistent with KCC Title 22.150.525 for Residential - multifamily development within the High Intensity urban shoreline designation and shall be made a condition of approval.

31. The previous building height variance approval to allow building height up to 45' expired. increase in residential density from 29 du/acre (39 du total) to 36 du/acre (47 du total). Due to required development density standards under the Kitsap County Comprehensive Plan and Title 17, another variance from the standard shoreline height guidelines has been reviewed with the submitted Major Revision to the PBD, and ACUP, and shall be analyzed with the SSDP and SVAR, per KCC 22.500.100.B and KCC 22.500.100.E respectively.

32. Due to the presence of an adjacent wetland on the Old Mill Pond Park site, the revised proposal shall be conditioned per KCC Title 19.200. The permit shall also be conditioned for revised shoreline buffers per KCC 22.400.120, 19.300.310 and for stormwater controls, pursuant to KCC Title 12 Stormwater Drainage.

33. Prior to SDAP acceptance Archaeologist review of relevant historic and geotechnical information from the property to prepare a desktop Survey to determine what project activities are likely impact native sediments.

34. As an addendum to the above archeological survey, a Monitoring & Inadvertent Discovery Plan (MIDP) should be provided outlining the planned monitoring procedures and Inadvertent Discovery Plan for any activities that do not require monitoring. Recommend that the applicant continue consultation with the Suquamish Tribe and staff for ongoing cultural resource issues.

Shoreline Mitigation:

35. The building setbacks will be increased from the shoreline and offsite wetland as identified on the site plan to help reduce potential shoreline impacts as proposed by the applicant, dated March 01, 2024 (See Exhibit-25).


36. Follow building shading and massing studies dated March 01, 2024, to reduce impacts on the adjacent Kitsap County Park and saltwater shoreline along Dyes Inlet (See Exhibit 33 and 37)

37. Mitigation shall be implemented per the submitted shoreline restoration plan with native plant landscape plan per the Shoreline No Net Loss Report and Landscape Plan, dated March 01, 2024 (See Exhibit-38).

38. The Clear Creek Trail has been added as a project amenity with reduction plan that includes the trail reduction of net impervious surface area to a maximum 60" width reducing storm drainage impacts and includes ADA sitting area.

39. The PBD Major Amendment approval is guided by the Shoreline permit procedure and shall become void if no building permit application for the apartment building is applied and accepted as complete, by the Department of Community Development within two (2) years and completed in five (5) years from the date of the Hearing Examiner's decision and resolution of any appeals, consistent with KCC 22.500.105.H.


Report prepared by:



Jeff Smith, Staff Planner / Project Lead

12/12/2024
Date

Report approved by:



Darren Gurnee, Department Manager/ Supervisor

12/12/2024
Date

Attachments:

- Attachment A – Site Plan
- Attachment B – Architectural Elevation Plan
- Attachment C – Critical Area Map
- Attachment D – Shoreline/Critical Areas Map
- Attachment E – Shoreline Existing Conditions Map
- Attachment F – Shoreline Proposed Mitigation Map
- Attachment G – Zoning Map

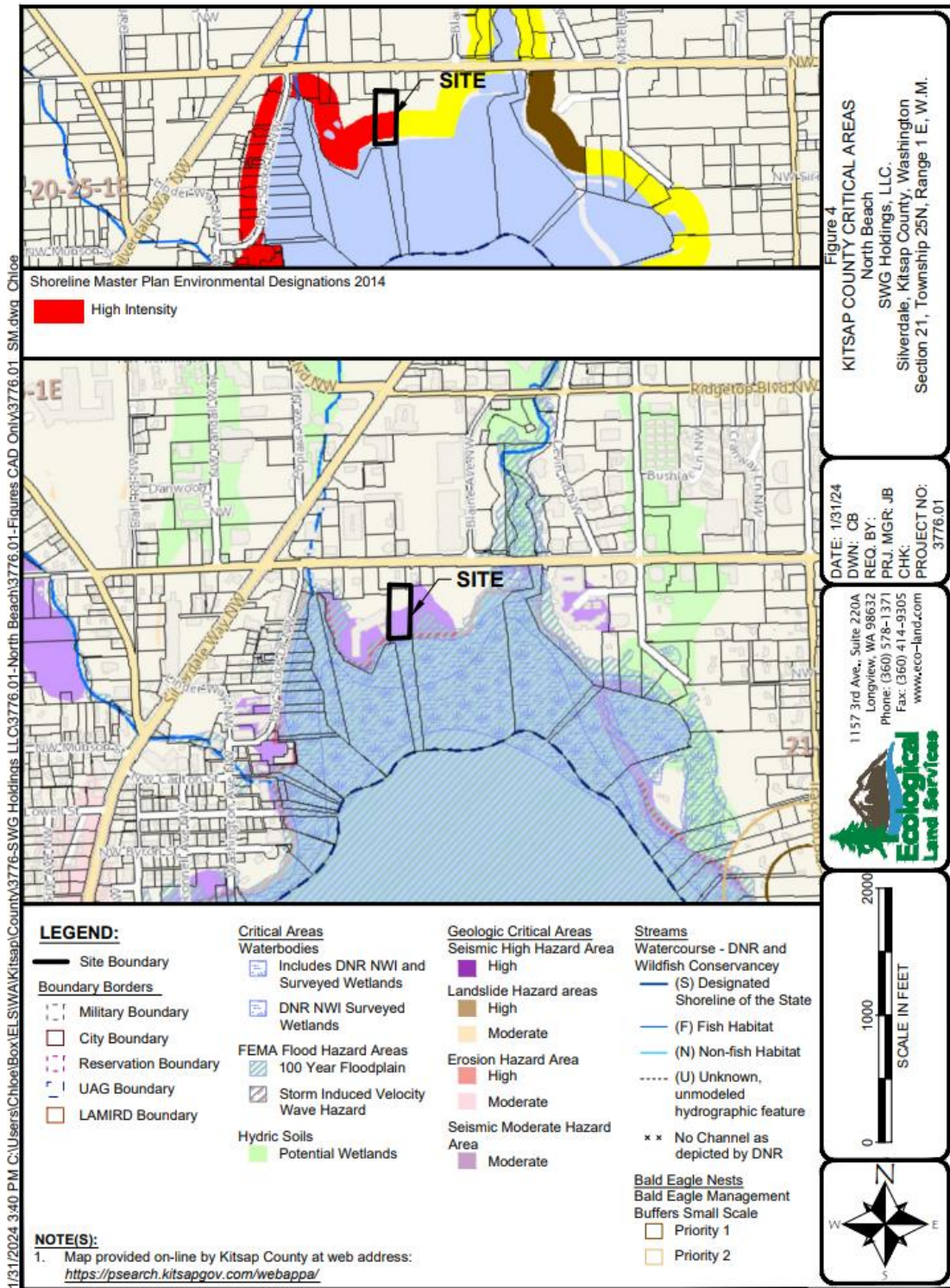
CC: Applicant/Owner email
Engineer or Project Representative email
Interested Parties: Jerry Reid, PO Box 307, Belfair, WA 98528
Kim Smith, Ecology, kim.smith@ecy.wa.gov
Rebekah Padgett, RPAD461@ecy.wa.gov
Stephaine Jolivette, Stephanie.Joilivette@dahp.wa.gov
Stephanie Trudel, studel@Suquamish.nsn.us
Kitsap County Health District, MS-30
Kitsap County Public Works Dept., MS-26
DCD Staff Planner: Jeff Smith

Architectural Elevation



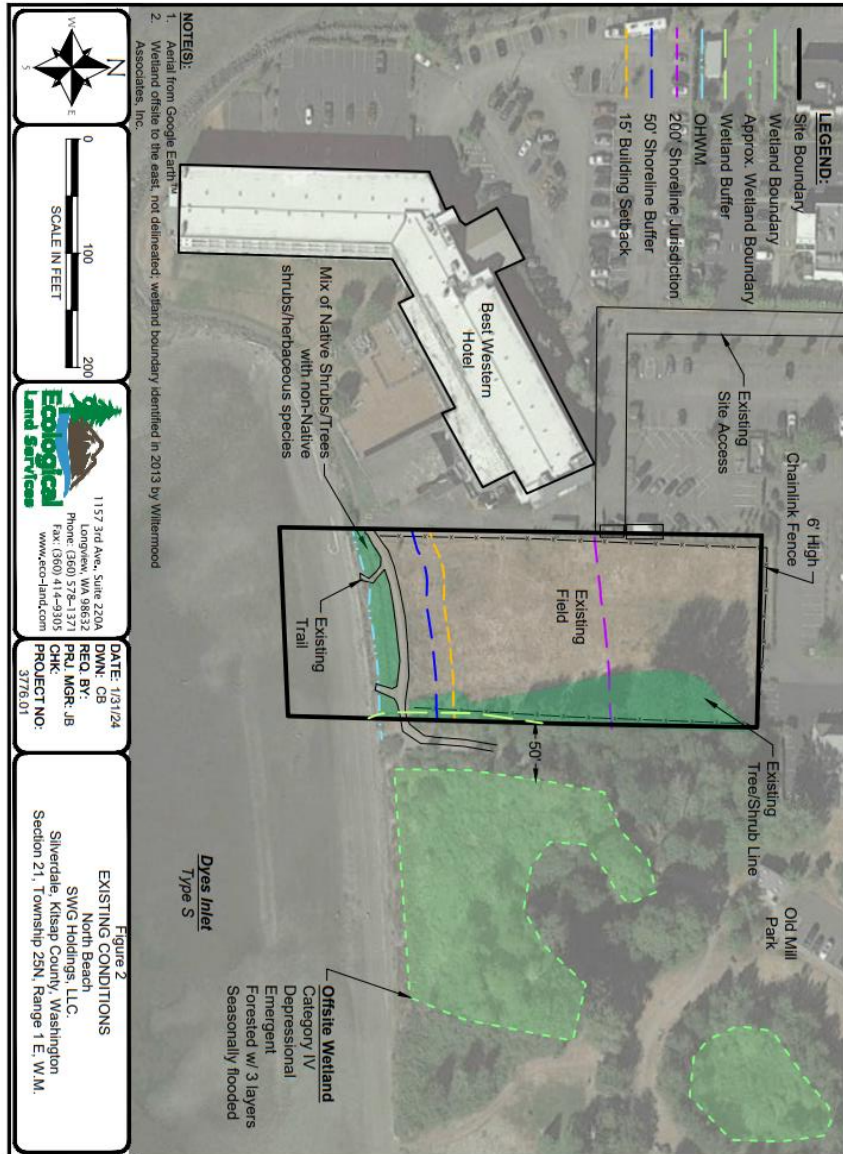
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| 01/13/2024 | PERMIT RESUBMITTAL | NORTH BEACH 3043 NW BUCKLIN HILL RD SILVERDALE, WA 98383 SWG DEVELOPMENT LLC | 3A NOT FOR CONSTRUCTION |
| A3.01 | ELEVATIONS | | |

Shoreline/Critical Area Map

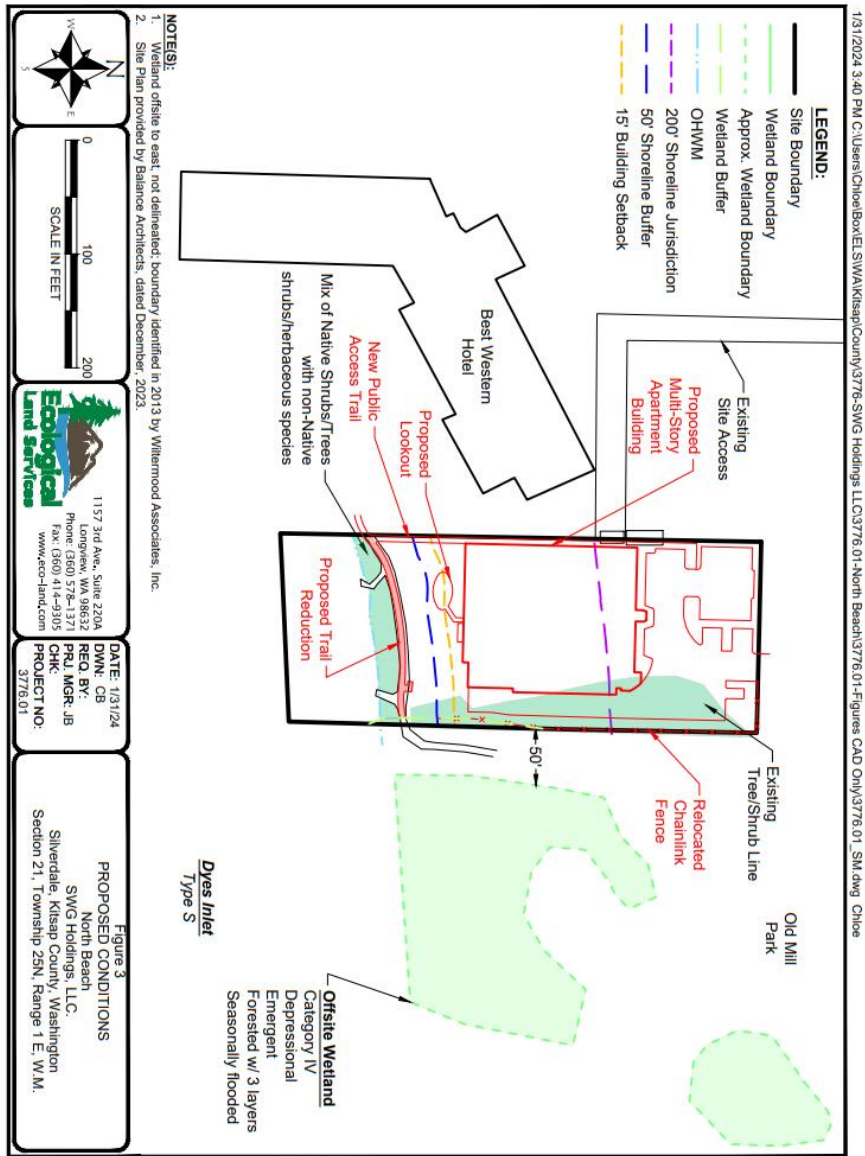


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Existing Conditions Map



Mitigation Map



Zoning Map

