



Staff Report and Administrative Decision

Report Date: April 10, 2017

Application Complete Date: March 13, 2017 Application Submittal Date: March 13, 2017

To: Washington Public Utilities District, bwhiteley@kpud.org
Jeff Coombe, jeff@jcmpm.com
Interested Parties and Parties of Record

RE: Permit Number: 17 00958
Project Name: Green Mountain Acres Water Tank & Pump House
Type of Application: Administrative Zoning Variance

Decision Summary:

Approved, subject to 8 conditions.

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

The written appeal shall be made on, or attached to, an appeal form found on DCD's website:
<http://www.kitsapgov.com/dcd/forms/DocumentLibrary/applications/Appeals.pdf>.

Project Request:

The applicant is requesting a 12-foot (or 24%) zoning setback variance to the required 50-foot front yard setback, which will result in a 38-foot setback from the front setback line, at the closest point, in order to construct a 20-foot diameter, 15-foot tall water tank and 16-foot by 10-foot associated pump house. The variance is limited to the water tank and pump house only, all other structures shall comply with the standard zoning setbacks.

Project Location:

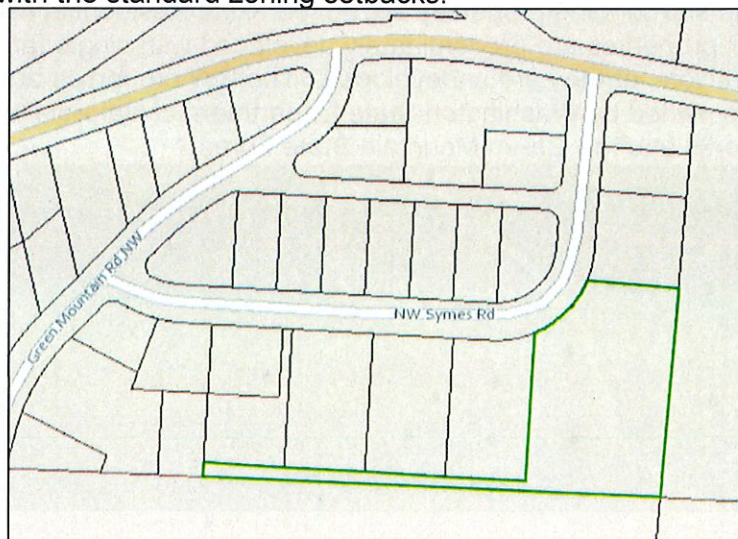
11415 NW Symes RD
Bremerton, WA 98312
Central Kitsap County
Commissioner District #3

Assessor's Account #:

4542-000-022-0001

Applicant/Owner of Record:

Kitsap County WA Public Utilities
District
PO Box 1989
Poulsbo, WA 98370



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SEPA (State Environmental Policy Act):

Pursuant to WAC 197-11-800(6)(e), this proposal is SEPA exempt.

Physical Characteristics:

The subject property is 1.82-acres and serves as part of the existing water system for the Plat of Green Mountain Acres. The property is located on the east side of the Green Mountain Acres development and east of NW Symes Road where it curves to the west, in the Lake Symington/Camp Union area of the County. It is a flag shaped lot with a curved section excluded at the northwest corner to account for the curved section of NW Symes Road. The property is largely undeveloped except for the existing water system features, which include an access road, two wells, pump house, storage tank, and excavated pond. The access road and areas containing the existing water system are situated on the terrace formed between the steep slopes from the south and west. The terrain slopes down from the access road into the lower portion of the property across the north end.

Comprehensive Plan Designation and Zoning:

The Comprehensive Plan and Zoning designations are both Rural Residential (RR).

Base/Maximum Density: 1 dwelling unit per 5-acres

Minimum Lot Area - 5 acres (for newly created lots, this is an existing lot)

Minimum Lot Width - 140-feet

Minimum Lot Depth - 140-feet

Maximum Height - 35-feet

Standard Zoning Setbacks*

Front - 50-feet

Side - 5-feet (accessory structures)

Rear - 5-feet (accessory structures)

*Kitsap County Code (KCC) 17.420.060.A.29 states "One-hundred-foot setback required for single-family buildings abutting FRL or RW zones." This property abuts the RW zone, however the proposed structures are not single-family buildings and therefore are not required to meet the 100-foot setback.

Surrounding Land Use and Zoning:

The surrounding properties are zoned Rural Residential (RR) and Rural Wooded (RW). The RR properties are predominately developed with single family residences on small historic rural lots, or they are undeveloped. The RW properties are large, typically over 100-acre, lots owned by Washington State Department of Natural Resources, Kitsap County Public Works and the Green Mountain State Forest.



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Public Utilities and Services:

Water: Kitsap Public Utility District #1
Power: Puget Sound Energy
Sewer: N/A
Police: Kitsap County Sheriff
Fire: Central Kitsap Fire and Rescue
Schools: Central Kitsap School District (401)

Access:

Access to the site is off of NW Symes Road, a county maintained, paved road.

Policies and Regulations Applicable to the Subject Proposal:

The Growth Management Act (GMA) of the State of Washington, Revised Code of Washington (RCW) 36.70A, requires that the County adopt a Comprehensive Plan, and then implement that plan by adopting development regulations. The development regulations must be consistent with the Comprehensive Plan. The Comprehensive Plan process includes public involvement as required by law, so that those who are impacted by development regulations have an opportunity to help shape the Comprehensive Plan which is then used to prepare development regulations.

Kitsap County Comprehensive Plan
Adopted June 30, 2016

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

Land Use Goals and Policies:

Land Use Goal 13 – Protect Kitsap County’s unique rural character

Land Use Policy 50

Limit the designed rural area to low residential densities that can be sustained by minimal infrastructure improvements, cause minimal environmental degradation, and that will not cumulatively create the future necessity or expectation of urban levels of service.

Land Use Policy 53

Outside of the Type III Limited Area of More Intensive Rural Development (LAMIRD), limit development only to that which serves rural residential or resource needs and does not draw population from Urban Growth Areas. This policy is implemented through Comprehensive Plan Land Use designation, zoning designation, and zoning code provisions.

Land Use Policy 55

Encourage development practices and design standards for the rural area, such as minimizing changes in grade from pre-development site conditions in order to maximize native vegetation retention.

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

Kitsap County Code (KCC)

- Title 11 Roads, Highways and Bridges
- 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
- Chapter 21.04 Land Use and Development Procedures

Documents Consulted in the Analysis:

Applicant submittals:

<u>Document</u>	<u>Dated or date stamped</u>
Administrative Variance Application	March 13, 2017
Health District Approval	March 13, 2017
Site Plan	March 13, 2017
Wetland Delineation	March 13, 2017

Public comments:

No public comment received to date.

Analysis:

Land Use and Zoning

The applicant is requesting a 12-foot (or 24%) zoning setback variance to the required 50-foot front yard setback, which will result in a 38-foot setback from the front setback line, at the closest point, in order to construct a 20-foot diameter, 15-foot tall water tank and 16-foot by 10-foot associated pump house. The variance is limited to the water tank and pump house only, all other structures shall comply with the standard zoning setbacks.

Zoning Variance

Conditions for granting a variance (KCC 17.560.010)

The hearing examiner (or the director >10% to ≤ 25%, KCC 21.04.100) may permit and authorize a variance of any numerical standard, excluding housing density, from the requirements of this title only when unusual circumstances relating to the property cause undue hardship in the application of this title. The granting of such a variance shall be in the public interest. A variance shall be made only when all of the following conditions and facts exist (staff's analysis follows each criterion):

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

There appear to be special circumstances applicable to the subject property, in particular steep slopes and a wetland which

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were not created by the applicant and do not apply generally to other property in the same vicinity or zone.

- B. *Such variance is necessary for the preservation and enjoyment of a substantial property right or use of the applicant possessed by the owners of other properties in the same vicinity or zone.*

Other properties in the same vicinity are developed with single family residences which utilized a reduced front yard setback because of lot size. The proposed water tank and pump house will serve the immediate lots in the area and will replace existing, failing water system components. The placement of the water tank and pump house serves to preserve the enjoyment of other properties in the same vicinity by providing access to safe drinking water.

- C. *The authorization of such variance will not be materially detrimental to the public welfare or injurious to property in the vicinity or zone in which property is located.*

This variance will not be materially detrimental to the public welfare or injurious to property in the vicinity or zone in which it is located. The water tank must be located in an area, and at an elevation to meet water pressure requirements. The homes in the immediate vicinity are served by this water tank. The water tank and pump house are beneficial to the public welfare as they will bring the existing water system into compliance with the Washington State Health Department's requirements.

- D. *The variance is the minimum necessary to grant relief to the applicant.*

The optimal location for the water tank and pump house would have been 30-feet from the front setback line, however the applicant was able to redesign the location and increase the setback to 38-feet. The applicant is requesting the minimum necessary to make the tank operable.

Setbacks

Properties in the immediate vicinity are historic rural lots, typically less than an acre in size, utilizing reduced setbacks as allowed in Kitsap County Code 17.420.060.A.42.b. Most structures in the immediate vicinity are less than 50-feet from the front setback line. The applicant requests to place the water tank and associated pump house within the required 50-foot setback to maximize pressure in the tank and reduce the need to cut and/or fill the site to change the grade. The variance request is consistent with the Comprehensive Plan goals and policies which encourage development practices for the rural area, that minimize changes in grade from pre-development site conditions in order to maximize native vegetation retention.

Critical Areas

A Wetland Delineation Report submitted by Ecological Land Services, Inc, dated March 2015 was submitted by the applicant. The Wetland Biologist noted that the existing pond is historic upland because two of the three wetland parameters were not present. This pond will be

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filled during construction. There is a delineated category 2 wetland on the north east corner of the property however, there is an existing access road that impacts the buffer. Environmental reviewers determined at permit intake that the project was SEPA exempt and that the proposed variance warranted no additional environmental review.

Access, Roads and Traffic

The property accesses directly from NW Symes Road, a county maintained paved road.

Off-Street Parking

The site is visited periodically for water system maintenance only. There is adequate parking area on the existing access road to accommodate maintenance vehicles on the site.

Signage

No signs are proposed or authorized.

Kitsap County Health District

Kitsap Public Health District has an approved Building Clearance Exemption on file. The Building Clearance Exemption approved site plan shows the structure setback 30-feet from the front setback line. The applicant revised the site plan to show the front setback at 38-feet for the variance application and inquired with the Health District regarding resubmitting the Building Clearance. The Health District indicated there was no need to revise or resubmit the site plan they had reviewed.

Findings:

1. The Director has review authority for this Administrative Zoning Variance application in Kitsap County Code 21.04.100.
2. All variance criteria shall be met in order to approve the application. The Director has determined that this application meets all four zoning variance criteria as outlined in KCC 17.560.010 (detailed above), under conditions for granting a variance.

Decision:

Based upon the above findings, the Director of the Department of Community Development grants approval of the variance for the Green Mountain Acres Water Tank and Pump House, subject to the following 8 conditions:

1. All required permits shall be obtained prior to commencement of land clearing, construction and/or occupancy.
2. This Variance approval shall automatically become void if no building permit application is accepted as complete by the Department of Community Development within three years of the Notice of Decision date or the resolution of any appeals.
3. The decision set forth herein is based upon representations made and exhibits contained in the project application 17 00958. 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.
4. The proposed dimensions and location of the water tank and pump house are limited to

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those proposed by the applicant and depicted on the site plan, date-stamped March 13, 2017.

5. 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.
6. Stormwater mitigation shall be addressed through the required building permits. If the quantity of on-site grading or import of fill materials needed to fill the on-site manmade pond exceeds regulatory thresholds, a Site Development Activity Permit for grading is required.
7. Prior to completion of this permit with the Department of Community Development, the Applicant shall apply for and satisfy all conditions of a Right-of-Way Permit through the Department of Public Works for any and all work performed in the county Right-of-Way associated with this project. You may contact Kitsap County Public Works, Right-of-Way Division at (360) 337-5777 to obtain a Right-of-Way permit.
8. This permit shall comply with all Kitsap Public Health District regulations and conditions of approval.

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

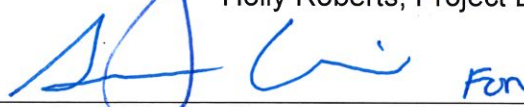
The complete case file is available for review at the Department of Community Development; if you wish to view the case file or have other questions, please contact help@kitsap1.com or (360) 337-5777. Please note DCD is open Monday to Thursday from 8:00am to 4:00pm and on Friday from 9:00am to 1:00pm except holidays.



 Holly Roberts, Project Lead

4/10/2017

 Date



 Scott Diener, Development Services and
 Engineering Manager

4/10/17

 Date

CC: Interested Parties: None
 Kitsap County Health District, MS-30
 Kitsap County Public Works Dept., MS-26
 DCD Staff Planner: Holly Roberts
 DCD File 17 00958
 DCD Building Permit File 16 05476 (Water Tank), 16 05475 (Pump House)

