



Navy  
DSE  
Kitsap Transit  
Central Kitsap Fire District  
Central Kitsap School District  
Puget Sound Energy  
Water Purveyor  
Sewer Purveyor  
Point No Point Treaty Council  
Suquamish Tribe  
Port Gamble S'Klallam Tribe  
Squaxin Island Tribe  
Puyallup Tribe  
WA Dept of Transportation/Aviation  
WA State Dept of Ecology-SEPA  
Interested Parties:

Piazza, Katelynn - WA St Dept Ecology, [katelynn.piazza@ecy.wa.gov](mailto:katelynn.piazza@ecy.wa.gov); Anderson, Hank and Susan, [hank-susan@wavecable.com](mailto:hank-susan@wavecable.com); Sheldon, Kelly - Dept of Ecology, [kesh461@ECY.WA.GOV](mailto:kesh461@ECY.WA.GOV);

**BEFORE THE HEARING EXAMINER  
FOR KITSAP COUNTY**

In the Matter of the Application of	)	No. 21-02379
	)	
<b>Miles Walker, on behalf of</b>	)	<b>Puget Sound Kidney Center – Silverdale</b>
<b>Puget Sound Kidney Centers</b>	)	<b>Conditional Use Permit Proposal</b>
	)	
	)	
<u>For Approval of a Conditional Use Permit</u>	)	FINDINGS, CONCLUSIONS, AND DECISION

**SUMMARY OF DECISION**

The request for a conditional use permit to construct a one-story, 7,663 square foot kidney dialysis clinic with 13 patient chairs and associated parking for 36 vehicles, on three parcels totaling approximately two acres, located on the east side of Dickey Road NW, to the north of the intersection of Dickey Road NW and NW Newberry Hill Road, in the Silverdale area of unincorporated Kitsap County, is **APPROVED**. Conditions are necessary to mitigate specific impacts of the proposal.

**SUMMARY OF RECORD**

Hearing Dates:

The Hearing Examiner held an open record hearing on the request on July 28, 2022, utilizing a hybrid approach allowing for participation in person or through remote access technology. The record was left open until August 4, 2022, to allow any member of the public having difficulty participating at the hearing through remote access to provide written comments in lieu of live testimony, and to allow the County to provide additional information on fire stations in the area. No additional public comments were received and, accordingly, the record closed on August 4, 2022.

Testimony:

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

Carla Lundgren, County Planner  
Miles Walker, Applicant Representative  
David Harmsen, Project Civil Engineer  
Alan Anderson

Exhibits:

The following exhibits were admitted into the record:

1. Staff Report, dated July 21, 2022

*Findings, Conclusions, and Decision  
Kitsap County Hearing Examiner  
Puget Sound Kidney Center – Silverdale CUP  
No. 21-02379*

2. Floor Plans, dated April 22, 2021
3. Elevation Plans, dated April 22, 2021
4. Geotechnical Engineering Investigation Report, Krazan and Associates, Inc., dated August 3, 2020
5. Owner Authorization Form, dated April 27, 2021
6. Parking Analysis Worksheet, received April 28, 2021
7. Project Narrative, dated April 22, 2021
8. Concurrency Test, received April 28, 2021
9. Required Permit Questionnaire – Conditional Use Permit, received April 28, 2021
10. Stormwater Worksheet, received April 28, 2021
11. Water Availability Letter, dated May 11, 2021
12. Sewer Availability Agreement (Lot 62), dated April 30, 2021
13. Sewer Availability Agreement (Lot 63), received June 2, 2021
14. Sewer Availability Agreement (Lot 64), dated June 2, 2021
15. Notice of Application, dated September 17, 2021
16. Email from Carla Lundgren to Washington State Department of Ecology, dated May 11, 2022
17. Revised Civil Plans (11 Sheets), received April 5, 2022
18. Stormwater Drainage Report, Harmsen, Inc., revised March 3, 2022
19. Geotechnical Engineering Investigation Addendum Letter, Krazan and Associates, Inc., dated March 25, 2022
20. Revised Landscape Plans (3 Sheets), received April 5, 2022
21. Traffic Impact Analysis, Kimley-Horn and Associates, Inc., dated March 1, 2022
22. Revised Site Plan, received May 13, 2022
23. Monument Sign Plans, dated June 30, 2014
24. SEPA Environmental Checklist, dated May 9, 2022
25. Stormwater and Traffic Conditions Memorandum, dated May 27, 2022
26. Determination of Nonsignificance, dated July 1, 2022
27. Notice of Public Hearing, published July 13, 2022
28. Certification of Public Notice, dated July 19, 2022
29. Staff Presentation, dated July 28, 2022
30. Hearing Sign-In Sheet, dated July 28, 2022
31. County Staff Response to Public Testimony, dated August 2, 2022

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

## **FINDINGS**

### Application and Notice

1. Miles Walker, on behalf of Puget Sound Kidney Centers (Applicant), requests a conditional use permit (CUP) to allow construction of a one-story, 7,663 square foot kidney dialysis clinic with 13 chairs for kidney dialysis patients. Access to the site would

*Findings, Conclusions, and Decision*  
*Kitsap County Hearing Examiner*  
*Puget Sound Kidney Center – Silverdale CUP*  
*No. 21-02379*

be provided from a single entry off Dickey Road NW, and the project would include street frontage improvements, an accessible ramp connection to the street, and a covered drop-off area at the front entrance of the proposed building. Parking for 36 vehicles would be provided on-site. Associated improvements would include landscaping, stormwater management features, utility extensions, and a six-foot fence on the north property line that would provide a visual buffer for adjacent single-family residential development to the north. The approximately two-acre subject property is comprised of three parcels located on the east side of Dickey Road NW, north of the intersection of Dickey Road NW and NW Newberry Hill Road, in the Silverdale area of unincorporated Kitsap County.<sup>1</sup> *Exhibit 1, Staff Report, pages 1 and 2; Exhibits 2; Exhibit 3; Exhibit 7; Exhibit 9; Exhibit 17; Exhibit 20; Exhibit 22.*

2. Kitsap County (County) determined that the application was complete on June 22, 2021. On September 17, 2021, the County mailed or emailed notice of the application to property owners within 800 feet of the site and to reviewing departments and agencies. The County's notice materials stated that written comments on the proposal could be submitted up until seven days before the date of the open record hearing associated with the application. On July 13, 2022, the County provided notice of the open record hearing associated with the application by mailing notice to interested parties and to property owners within 800 feet of the site, publishing notice in the County's publishing newspaper of record, and posting notice on-site. The County received one comment on the proposal in response to its notice materials from the Washington State Department of Ecology (DOE). DOE requested that the Applicant complete questions that were omitted from the State Environmental Policy Act (SEPA) environmental checklist. DOE also provided information about a neighboring contaminated site that is awaiting cleanup. On May 11, 2022, County Planner Carla Lundgren informed DOE that the Applicant had updated the SEPA environmental checklist to include answers to the previously omitted questions. *Exhibit 1, Staff Report, pages 1 and 8; Exhibit 15; Exhibit 17; Exhibit 24; Exhibit 27; Exhibit 28.*

#### State Environmental Policy Act

3. The County acted as lead agency and analyzed the environmental impacts of the project, as required by SEPA, Chapter 43.21C Revised Code of Washington (RCW). The County consolidated notice of the SEPA review and application comment periods under the optional process provided for by Washington Administrative Code (WAC) 197-11-355, with a SEPA comment deadline of October 1, 2021. The County did not receive any comments on the environmental review of the proposal. The County reviewed the Applicant's environmental checklist and other information on file and determined that, with one mitigation measure, the proposal would not have a probable significant adverse impact on the environment. Accordingly, the County used a Mitigated Determination of

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<sup>1</sup> The subject parcels are identified by Kitsap County Assessors Tax Parcel Account Nos. 192501-4-062-2002, 192591-4-063-2001, 192501-4-064-2000. *Exhibit 1, Staff Report, page 1.*

Nonsignificance (MDNS)<sup>2</sup> on July 1, 2022, with an appeal deadline of July 15, 2022. The same day, the County published the MDNS in the County’s publishing newspaper of record. The MDNS was not appealed. The MDNS would require the developer to “pay proportionate share towards Dickey Road/Newberry Hill Road and Apex Road/Andersen Hill Road intersection improvements.” *Exhibit 1, Staff Report, page 2; Exhibit 15; Exhibit 24; Exhibit 26; Exhibit 28.*

Comprehensive Plan, Zoning, and Surrounding Property

4. The property is designated “Urban Industrial” by the County Comprehensive Plan. County staff identified the following Comprehensive Plan goals and policies as relevant to the proposal:

- Focus current and future planning on infill and redevelopment of existing Urban Growth Areas. [Land Use Goal 1]
- Support innovative, high quality infill development and redevelopment in existing developed areas with the Urban Growth Areas. [Land Use Policy 2]
- Create performance standards for commercial and industrial areas that reflect impact of use for zoning purposes. [Land Use Policy 8]
- Direct development to designated Urban Growth Areas consistent with projected population growth, Growth Management Act and Countywide Planning Policies while considering development patterns that reduce sprawl, use urban land more efficiently, and that incorporate feasible, innovative, and sustainable practices. [Land Use Goal 6]
- Through application of Growth Management Act goals, increase density in urban areas and limit sprawl in rural lands. [Land Use Policy 29]
- Require that all plats, short plats, development permits, and building permits issued for development activities on, or within five hundred feet of, lands designated as mineral resource lands, contain a notice that the subject property is within or near designated mineral resource lands on which a variety of commercial activities may occur that are not compatible with residential development of certain periods of limited duration. The notice for mineral resource lands shall also inform that an application might be made for mineral-related activities, including mining, extraction, washing, crushing, stockpiling, blasting, transporting, and recycling of minerals. [Land Use Policy 77]

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<sup>2</sup> Although the County labeled its determination as a Determination of Nonsignificance, for clarity this decision refers to the determination as a Mitigated Determination of Nonsignificance or MDNS because it includes a required mitigation measure. *Exhibit 26.*

- Promote a healthy and diverse economy that provides for a strong and diverse tax base, encourages business formation, retention, and expansion; creates industrial and professional business and employment opportunities to attract new business to the County. [Economic Development Goal 1]
- Provide a diverse mix and appropriate range of commercial, industrial, and business and uses that will encourage economic activity capable of providing living-wage jobs and reasonably scaled to the needs of the community. [Economic Development Policy 3]
- Reduce the risk of damage to life, property, and the natural environment through appropriate regulatory and incentive-based approaches in land use, transportation, and development engineering programs. [Environment Goal 3]
- Approve site design that is supportive of transit services and its patrons. [Transportation Policy 3]
- Continue to require sidewalks on roads when development occurs within Urban Growth Areas. [Transportation Policy 3]

*Exhibit 1, Staff Report, pages 5 and 6.*

5. The property is zoned “Industrial” (IND) and is in the Silverdale Urban Growth Area. The IND zone allows:

a wide range of industrial activities including heavy industry such as fabrication, warehousing, processing of raw materials, bulk handling and storage, construction, and heavy transportation. This zone is intended to provide sites for activities which require processing, fabrication, storage, and wholesale trade. Generally, these activities require reasonable accessibility to major transportation corridors including highways, rail, airports or shipping.

*Kitsap County Code (KCC) 17.320.010.*

The property was also previously zoned “Mineral Resource Overlay” (MRO). The Applicant, however, was able to have the MRO zoning classification removed, in accordance with KCC 17.170.060 and KCC 17.170.056, such that the underlying IND zoning classification of the property is no longer constrained. Clinic<sup>3</sup> uses are allowed in the IND zone with a conditional use permit. *KCC 17.410.044. Exhibit 1, Staff Report, pages 3, 4, and 9; Exhibit 2; Exhibit 3; Exhibit 17; Exhibit 20; Exhibit 22.*

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<sup>3</sup> KCC 17.110.164 defines *clinic* as “a building or portion of a building containing offices for providing nonemergency chiropractic, medical, dental, vision, or psychiatric services not involving overnight housing of patients.”

6. There are no maximum impervious surface requirements or lot size, width, or depth requirements for the IND zone. *KCC 17.420.054*. The IND zone has a 35-foot maximum building height requirement. *KCC 17.420.054*. The proposed height of the clinic building would be 24 feet 10 inches, in accord with this requirement. The maximum lot coverage in the IND is 60 percent. *KCC 17.420.054*. The proposed development would meet this requirement by providing approximately 58 percent of lot coverage. The IND zone a 20-foot minimum front yard setback requirement but does not have any maximum front yard setback or minimum side or rear setback requirements. *KCC 17.420.054*. The proposed clinic building would be set back 129 feet from the front property line to the west. Because the proposal would involve a non-residential use abutting a residential zone, a 50-foot screening buffer must be provided to reduce impacts on residential uses such as noise, light, odors, dust, and structure bulk. *KCC 17.420.060.A.27*. The eastern portion of the property abuts the Urban Low Residential (UL) zone. No development, however, is proposed on the subject property's eastern lot that would be subject to the requirement. The Applicant is aware of the screen buffer requirement if future development on the east lot is considered in the future. *Exhibit 1, Staff Report, pages 3, 4, and 9; Exhibit 2; Exhibit 3; Exhibit 17; Exhibit 20; Exhibit 22*.
7. Medical Clinics are generally required to provide one off-street parking per 200 square feet of gross floor area. *KCC 17.490.030*. The Applicant proposes to provide 36 parking stalls on-site, which would be less than the 38 spaces required under *KCC 17.490.030*. *KCC 17.490.030.A.1*, however, allows for the Director to administratively approve a 25 percent reduction in required off-street parking. Kimley-Horn and Associates, Inc., prepared a traffic impact analysis (TIA) for the proposed development, dated March 1, 2022, which determined that the anticipated parking demand for the proposed use would be 2.09 parking stalls per chair based on parking studies of existing Puget Sound Kidney Centers. Accordingly, the anticipated parking demand for the proposal would be 27 spaces based on the 13 patient chairs, less than the 36 parking spaces proposed. *Exhibit 1, Staff Report, pages 2, 9, and 11; Exhibits 6 through 8; Exhibit 17; Exhibits 20 through 22*.
8. The TIA also determined that the proposed use would generate 136 new average daily trips, with 10 new AM peak-hour trips and 13 new PM peak-hour trips. In addition, the TIA determined that the intersection at NW Anderson Hill Road and Apex Airport Road would operate at a deficient level of service (LOS) with or without the proposed development and that the intersection at Dickey Road NW/Eldorado Blvd and NW Newberry Hill Road would continue to operate at a deficient LOS with or without the proposed development. To mitigate for the project impacts to the failing intersections, the Applicant would be required to pay a proportionate share toward planned improvements to the intersections, as required under the MDNS. The Applicant would also be required to pay traffic impact fees to mitigate for the proposal's impacts to the County's transportation network. In addition, the Applicant has agreed to construct

frontage improvements along Dickey Road NW that would include a 14-foot travel lane and 6-foot sidewalks. *Exhibit 1, Staff Report, pages 2, 9, and 11; Exhibits 6 through 8; Exhibit 17; Exhibits 20 through 22.*

#### Existing Site, Critical Areas, and Proposed Development

9. The subject property is currently undeveloped and heavily forested, with vegetation consisting of deciduous and evergreen trees with thick underbrush. The east parcel (192501-4-064-2000) is one acre and has a 30-foot-wide utility easement running north and south near the center of the property with a gravel access road. The two west parcels (192501-4-063-2001 and 192501-4-062-2002) combined measure 1.01 acres. The two west parcels would contain the proposed kidney center building and associated parking lot. The proposal is located in a Category I Critical Aquifer Recharge Area, but the proposed clinic use of the property is not listed as an activity with a potential threat to groundwater quality. *KCC 19.600.620*. The western portion of the site proposed for development is relatively flat, and the eastern portion of the property contains gentle slopes that descend to the east. Krazan and Associates, Inc., prepared a geotechnical engineering investigation report for the proposed development, dated August 3, 2020, which determined that the project area does not contain any geologic hazard areas and that the proposed development would be feasible from a geotechnical perspective. No other critical areas were identified on the subject property. Properties to the north are zoned IND and are developed with single-family residences. Properties to the east are zoned UL and are developed with single-family residences. Properties to the south are zoned MRO/IND and are undeveloped. Properties to the west, across Dickey Road NW, are zoned MRO/IND and are being utilized with surface mining uses. *Exhibit 1, Staff Report, pages 2, 4, 11, and 21 through 23; Exhibit 4; Exhibit 7; Exhibit 17; Exhibit 20; Exhibit 22.*
  
10. Harmsen, Inc., prepared a preliminary stormwater drainage report of the proposed development, revised March 3, 2022. The Applicant proposes to collect and convey stormwater to a detention vault for water quality treatment and flow control before discharging to a level spreader that would sheetflow runoff into native vegetation. The County Development Engineering Department reviewed and preliminarily approved the drainage plan. Water service supporting the proposed use would be provided by Silverdale Water District. Silverdale Water District issued a water and fire flow availability letter on May 11, 2021. The County would provide sanitary sewer service and issued sewer availability agreements for each of the subject parcels on April 30, 2021. A dumpster is proposed to be located on the south side of the clinic building and would be screened with fencing and/or landscaping in accordance with *KCC 17.420.030.D.3*. The Applicant would be required to provide documentation to the County from Waste Management Northwest that their requirements for garage disposal have been met prior to issuance of the site development activity permit. *Exhibit 1, Staff Report, pages 10 and 11; Exhibits 10 through 14; Exhibit 18; Exhibit 25.*

11. County staff reviewed the Applicant’s landscape plan and determined that the proposed landscaping would comply with applicable landscaping requirements, including requirements that a minimum of 15 percent of the site include landscaping, that the project provide a minimum of 10 street trees, and that the project provide separation buffers to the south and east, a solid screening buffer to the north, and a roadside and setback buffer to the west. The proposal would have one freestanding monument sign measuring 7 feet 4 inches by 6 feet located north of the driveway within the 20-foot front setback. The sign would be a double-sided, internally illuminated cabinet with one and a half retainers, white faces, and translucent 3M vinyl graphics. The proposed signage would be required to meet the application and design requirements of the County’s sign code, Chapter 17.510 KCC Sign Code. *Exhibit 1, Staff Report, pages 9 and 10; Exhibit 20; Exhibit 22; Exhibit 23.*

#### Conditional Use Permit

12. The County zoning code makes some uses conditional in certain zoning districts. A *conditional use* is an activity specified by the zoning code “as a principal or accessory use that may be approved or denied based on consistency with specific criteria.” *KCC 17.110.175*. County staff analyzed the proposal and determined that it would meet the specific criteria for CUP approval under *KCC 17.550.030.A*, noting:
  - The proposed Puget Sound Kidney Center would create an added service within the Urban Growth Area and would support projected growth in the area. The project supports the performance standards set for the Urban Growth Area and accounts for minimal negative impact. The Center would provide economic growth in the area by increased employment opportunities while providing a valuable service to the residents. The proposal includes road improvements including adding sidewalks for increased transit access and walkability.
  - With conditions, the proposed use would comply with zoning code requirements and all other applicable regulations, including all applicable development standards and design guidelines.
  - The project is in the Silverdale Urban Growth Area. The surrounding properties to the north and to the east are residential. The Center would provide a service to the neighboring residents. This proposal does not present negative impacts to the existing or future uses of the property or the surrounding properties.
  - The parcels for this project are currently undeveloped and heavily treed with thick underbrush vegetation. The project is developing two of the three contiguous parcels, leaving the third parcel to the east heavily treed and full of vegetation. The proposal for development on the other two parcels would be surrounded fully by landscaping and provide screening, as needed, for the residential properties to the north.

*Exhibit 1, Staff Report, page 12.*

### Testimony

13. County Planner Carla Lundgren testified generally about the proposal and how it would meet the specific requirements for approval of a conditional use permit. She explained that the Applicant owns all three parcels but that the parcel to the east would remain undeveloped. Ms. Lundgren noted that the site is zoned Industrial and is within the Silverdale Urban Growth Area. She stated that the proposal meets all setback requirements and that visual impacts to surrounding land uses would be appropriately mitigated by fencing and landscape screening. Ms. Lundgren noted that there are adequate public utility services to serve the proposed use. *Testimony of Ms. Lundgren.*
14. Applicant Representative Miles Walker clarified that the proposed development would occur on only the two western parcels and that the Applicant is not proposing to develop the eastern parcel and that future development of that parcel is highly unlikely in the future given the presence of an existing utility easement. He noted that the 36 proposed parking spaces would be sufficient to support the proposed use because many patients do not drive and because the center would be accessible by public transit. *Testimony of Mr. Walker.*
15. Project Civil Engineer David Harmsen explained that treated stormwater would be discharged to the vegetated areas on the eastern parcel, noting that this parcel would not likely be developed in the future due to site conditions and development restrictions. *Testimony of Mr. Harmsen.*
16. Area resident Alan Anderson expressed concerns about the staff report indicating that the nearest location of a fire station was a half mile away on NW Newberry Hill Road, noting that this “fire station” is an administrative building not equipped for fire rescue and that the closest fire station is five miles from the project site. He suggested that County staff clarify the location of the nearest fire station from the project site. Mr. Anderson stated that, apart from this concern, he fully supports the proposed development. After the hearing, Ms. Lundgren provided a memorandum in response to Mr. Anderson’s concerns, which indicated that there are two fire stations located approximately four miles from the project site, specifically the Silverdale Community Fire Station located at 10955 Silverdale Way NW and the Seabeck/Nicholas Community Fire Station located at 6470 Seabeck Hwy NW. *Testimony of Mr. Anderson; Exhibit 31.*

### Staff Recommendation

17. Ms. Lundgren testified that County staff recommends approval of the application, with conditions. Mr. Walker testified that the Applicant understands and would comply with County staff’s recommended conditions. *Exhibit 1, Staff Report, page 12; Testimony of Ms. Lundgren; Testimony of Mr. Walker.*

## CONCLUSIONS

### Jurisdiction

The Hearing Examiner has jurisdiction to hear and decide requests for a conditional use permit. *KCC 2.10.070; 17.550.020.*

### Criteria for Review

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

1. The proposal is consistent with the Comprehensive Plan;
2. The proposal complies with applicable requirements of [the zoning code];
3. The proposal will not be materially detrimental to existing or future uses or property in the immediate vicinity; and
4. The proposal is compatible with and incorporates specific features, conditions, or revisions that ensure it responds appropriately to the existing character, appearance, quality or development, and physical characteristics of the subject property and the immediate vicinity.

*KCC 17.550.030.A.*

As a condition of CUP approval, the Hearing Examiner may:

1. Increase requirements in the standards, criteria, or policies established by [the zoning code];
2. Stipulate the exact location as a means of minimizing hazards to life, limb, property damage, erosion, landslides, or traffic;
3. Require structural features or equipment essential to serve the same purpose set forth in Chapter 17.420;
4. Include requirements to improve compatibility with other uses permitted in the same zone, protecting them from nuisance generating features in matters of noise, odors, air pollution, wastes, vibration, traffic, physical hazards, and similar matters. The hearing examiner may not, in connection with action on a conditional use permit, reduce the requirements specified by [the zoning code] as pertaining to any use nor otherwise reduce the requirements of [the zoning code] in matters for which a variance is the remedy provided;
5. Assure that the degree of compatibility with the purpose of [the zoning code] shall be maintained with respect to the particular use on the particular site and in consideration of other existing and potential uses, within the general area in which the use is proposed to be located;

6. Recognize and compensate for variations and degree of technological processes and equipment as related to the factors of noise, smoke, dust, fumes, vibration, odors, and hazard or public need;
7. Require the posting of construction and maintenance bonds or other security sufficient to secure to the county the estimated cost of construction and/or installation and maintenance of required improvements; and
8. Impose any requirement that will protect the public health, safety, and welfare.

*KCC 17.550.030.B.*

#### Conclusions Based on Findings

**With conditions, the proposed project would be consistent with the CUP approval criteria found in KCC 17.550.030.A.** The County provided reasonable notice and opportunity to comment on the proposal and to testify at the open record hearing. The County did not receive any comments from members of the public in response to its notice materials. A member of the public, Alan Anderson, testified in support of the proposal at the open record hearing but requested clarification from County staff regarding the location of the nearest fire station to the project site. County staff provided this requested clarification in a memorandum submitted after the hearing. The County analyzed the environmental impacts of the proposal; determined that, with a mitigation measure requiring the Applicant to pay a proportionate share toward intersection improvements, it would not have a probable significant adverse impact on the environment; and issued an MDNS, which was not appealed. The proposal is located in a Category I Critical Aquifer Recharge Area, but the proposed clinic use of the property is not listed as an activity with a potential threat to groundwater quality. No other critical areas were identified on the property.

The proposed use would be consistent with several goals and policies of the Comprehensive Plan by developing a kidney dialysis center clinic providing needed services, potential economic growth, and employment opportunities on undeveloped property adequately served by existing public services, while mitigating for impacts to surrounding land uses through sufficient landscape screening. The subject property is located in the IND zone, and the proposed use would comply with all applicable zoning requirements related to maximum building height, maximum lot coverage, minimum front yard setbacks, and screening buffers. The Applicant would also provide adequate parking to serve the proposed use, as supported by the TIA prepared for the development and as allowed through the 25 percent off-street parking reduction that would be administratively reviewed and approved by the Director. The Applicant's landscaping plan demonstrates compliance with applicable requirements related to minimum landscaping area, street trees, and landscape buffers. The required landscape buffers, together with fencing along the northern property line, would reduce visual impacts of the proposed use to surrounding properties, including properties developed with single-family residences, and would ensure that the proposed use would be compatible with the existing character of the surrounding

*Findings, Conclusions, and Decision  
Kitsap County Hearing Examiner  
Puget Sound Kidney Center – Silverdale CUP  
No. 21-02379*

area. There are adequate public utilities, including water and sanitary sewer, to serve the proposed use. The County Development Engineering Department reviewed and preliminarily approved the Applicant's stormwater drainage plan. Conditions, as detailed below, are necessary to ensure that the proposal meets the specific requirements for a conditional use permit and complies with all other relevant federal, state, and local statutes, ordinances, and regulations. *Findings 1 – 17.*

### **DECISION**

Based on the preceding findings and conclusions, the request for a conditional use permit to construct a one-story, 7,663 square foot kidney dialysis clinic with 13 patient chairs and associated parking for 36 vehicles, on three parcels totaling approximately two acres, located on the east side of Dickey Road NW, to the north of the intersection of Dickey Road NW and NW Newberry Hill Road, in the Silverdale area of unincorporated Kitsap County, is **APPROVED**, subject to the following conditions:<sup>4</sup>

1. 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.
2. Any and all signage design and location (including exempt signs) shall comply with KCC 17.510 and be reviewed and approved by the Department of Community Development prior to installation. Signage requires a separate permit.
3. KCC 17.420.054, footnote 27 applies to the parcel to the east #192591-4-064-200, as it abuts the Urban Low Residential zone: As approved by the director, wherever an industrial zone abuts a residential zone, a fifty-foot screening buffer area shall be provided. This screening buffer is intended to reduce impacts to abutting residential uses such as noise, light, odors, dust and structure bulk. No structures, open storage, or parking shall be allowed within this area. The director shall only approve screening buffers that improve the compatibility between the proposed use and the residential zone. The director may reduce this buffer to a minimum of twenty-five-foot width only when based upon a site-specific determination that topography, berming or other screening features will effectively screen industrial activities from the residential zone. Conversely, based upon a similar site-specific determination, the director may increase the buffer width from fifty feet to ensure adequate buffering and compatibility between uses.

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<sup>4</sup> This decision includes conditions designed to mitigate impacts of this proposed project as well as conditions required by the County code.

4. Artificial outdoor lighting shall be arranged so that the lighting is fully recessed or fully shielded from side view and directed downward and away from surrounding properties. No more than one foot-candle of illumination shall leave the property boundary. Lighting shall be the minimum necessary for safety purposes and be compatible with the rural character of the area. Light standards (poles) shall not exceed 20 feet in height.
5. The recipient of any conditional use permit shall file a Notice of Land Use Binder with the county auditor prior to any of the following: initiation of any further site work, issuance of any development/construction permits by the county, or occupancy/use of the subject property or buildings thereon for the use or activity authorized. The Notice of Land Use Binder shall serve both as an acknowledgment of and agreement to abide by the terms and conditions of the conditional use permit and as a notice to prospective purchasers of the existence of the permit. The Binder shall be prepared and recorded by the Department at the Applicant's expense.
6. All required permits shall be obtained prior to commencement of land clearing, construction and/or occupancy.
7. 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.
8. The information provided demonstrates this proposal is a Full Drainage Review as defined in KCC Title 12 and will require a Site Development Activity Permit (SDAP) from Development Services and Engineering. (SDAP #21-02401 is being reviewed concurrently)
9. The application indicates that a significant quantity of grading material will be imported to and/or exported from the site. Typically, this means five or more trucks entering/leaving the site per hour. Because of this a vehicle wheel wash must be included as an element of the siltation erosion control plan.
10. Stormwater quantity control, quality treatment, and erosion and sedimentation control shall be designed in accordance with KCC Title 12 effective at the time the Conditional Use Permit application was deemed fully complete, June 23, 2021. 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 KCC in effect at the time of SDAP application.
11. Soil amendment is required for all disturbed areas not covered by hard surface. The required Site Development Activity Permit(s) shall include details of the soil amendment quantities and replanting.

12. This project includes the construction of a detention vault, which requires a building permit issued by the Department of Community Development. A Structural Engineer, registered in the State of Washington, shall design the vault and prepare the construction drawings. In addition, a geotechnical engineering analysis is required. The analysis will address the effects of groundwater infiltration, seepage, potential slip planes, and changes in soil bearing strength. The proposed facilities will be designed following the recommendations of the geotechnical analysis.
13. The owner shall be responsible for maintenance of the storm drainage facilities for this development following construction. Before (requesting final building inspection/recording the final plat/binding site plan) 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. Landscaping shall be installed and maintained in conformance with the requirements of KCC 17.500. Landscaping shall be installed and inspected prior to requesting a final inspection or guaranteed by means of an assignment of funds or bonded in the amount of 150 percent of the cost of installation.
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 Services 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 Kitsap County Timber Harvest Permit will be required if greater than 5000 board feet

of merchantable timber is harvested for the proposal.

17. Existing native vegetation shall be retained on the site except for areas to be cleared for the construction of the new business as depicted on land use approval.
18. Please contact Department of Community Development at (360) 337-5777 for a landscape inspection prior to requesting a final inspection.
19. At building permit application, submit KCPW Form 1601 for issuance of a concurrency certificate, as required by KCC Section 20.04.030, Transportation Concurrency.
20. The property owners shall be responsible for maintenance of all landscaping within the existing and proposed right-of-way including any structures other than roadway, storm drainage facilities, and traffic signage. Maintenance shall include, but not be limited to, mowing of lawn areas. A note to this effect shall appear on the accepted construction plans. In addition, Kitsap County reserves the right to require that covenants be recorded to address special maintenance requirements depending on final design.
21. Frontage improvements are required along Dickey Road and shall consist of a 14-foot travel lane and 6-foot sidewalks.
22. Any required sidewalk shall be constructed prior to roadway paving. This note shall appear on the face of the final construction drawings.
23. 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.
24. Developer shall pay proportionate share towards Dickey Road/Newberry Hill Road and Apex Road/Anderson Hill Road intersection improvements. The developer shall work with County staff to determine the amount and manner in which the proportionate share shall be paid.
25. Water line size and location, fire hydrants, fire department connections, and externally accessed riser rooms must be shown on SDAP plans. A letter of water availability indicating available fire flow from the water purveyor is required to be submitted to the Kitsap County Fire Marshal's office prior to the approval of any building permits.
26. Fire apparatus access roads are required and must be maintained in accordance with IFC 503 Amended by Kitsap County Code. Any proposed revision to these roads must be

*Findings, Conclusions, and Decision*  
*Kitsap County Hearing Examiner*  
*Puget Sound Kidney Center – Silverdale CUP*  
*No. 21-02379*

submitted to, reviewed, and approved by the Kitsap County Fire Marshal's Office. Access roads shall comply with the following:

- Unobstructed width of 20 feet and height of 13 feet 6 inches.
  - Roads shall be designed and maintained to support a 60,000-pound fire apparatus and be provided with an all-weather driving surface.
  - Dead end access roads exceeding 150 feet in length shall be provided with an approved turnaround.
  - Inside turning radius shall be a minimum of 35 feet (commercial).
  - Access roads shall extend to within 150 feet of all portions of the exterior walls of the first story of the structure as measured by an approved route around the exterior of the structure or facility.
  - Roads shall not be more than 12% grade.
27. The project indicates the instillation of a fire sprinkler system, a separate permit is required.
28. A fire alarm will be required to monitor the fire sprinkler system, separate permit required.
29. Piping for the underground portion of the fire sprinkler system has not been reviewed and is not approved on this application. A separate fire code permit shall be submitted.
30. When required by the Fire Code Official, fire department access roads shall be posted with approved signs or marked as follows: All curbs shall be painted red on the sides and top, and shall be labeled with 4-inch-high white lettering at 25-foot intervals with the words "NO PARKING FIRE LANE" IFC 503.3
31. A rapid access secured key box (Knox box) will be required for buildings with a fire alarm, fire sprinkler or other fire protection system because immediate access is necessary for lifesaving and firefighting purposes. The owner or occupant will be required to provide keys to gain access to all portions of the building, including sprinkler system control valves and fire alarm panels. The key box should be located adjacent to the main entrance or as approved by the Fire Code Official. An application for a key box must be obtained from the local Fire District. Multiple key boxes may be required for large structures or facilities, depending on operational considerations. The Fire District shall identify the required model for the applicable structure.
32. The Sewer Availability Agreement account must be kept current and in good standing through approval date of this permit.
33. 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](mailto:pnwcmsservices@wm.com) or 1-800-

592-9995; their website is <http://wmnorthwest.com/kitsap/index.html>

34. 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.
35. A sewer building clearance is required prior to building permit issuance.

**DECIDED** this 18<sup>th</sup> day of August 2022.

A handwritten signature in black ink, appearing to read "Andrew M. Reeves", is written over a horizontal line. The signature is cursive and stylized.

Andrew M. Reeves  
Hearing Examiner  
Sound Law Center