



# Kitsap County Hearing Examiner

ADMINISTRATION BUILDING, 619 DIVISION ST, MS-36  
[http://www.kitsapgov.com/dcd/lu\\_env/he/](http://www.kitsapgov.com/dcd/lu_env/he/)

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## NOTICE OF HEARING EXAMINER DECISION

June 20, 2016

To: Interested Parties and Parties of Record

RE: Project Name: Word of Truth Fellowship  
Applicant: Word of Truth Fellowship Church  
2929 Pawnee Drive  
Bremerton, WA 98310  
Application: Conditional Use Permit  
Permit Number: 16 01225

Enclosed is the Decision issued by the Kitsap County Hearing Examiner in the above-referenced matter.

The applicant is encouraged to review the Kitsap County Office of Hearing Examiner Rules of Procedure found at: [http://www.kitsapgov.com/dcd/lu\\_env/he/HE%20Rules%20for%20Kitsap%20County%20-%20206-23-09.pdf](http://www.kitsapgov.com/dcd/lu_env/he/HE%20Rules%20for%20Kitsap%20County%20-%20206-23-09.pdf)

The Decision of the Hearing Examiner is final, unless appealed, as provided under Washington law.

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, Monday through Thursday, 8:00 AM to 4:00 PM and Friday 9:00 AM to 1:00 PM, except holidays. If you wish to view the case file or have other questions, please contact Constance Blackburn at [cblackburn@co.kitsap.wa.us](mailto:cblackburn@co.kitsap.wa.us) or (360) 337-5777.

Cc Applicant and/or Rep:

Word of Truth Fellowship Church: [pastortim@wotfellowship.com](mailto:pastortim@wotfellowship.com)

Blayne & Patricia Rollman: 2929 Pawnee Drive Bremerton, WA

JB Engineering Consultants, Inc.: 8378 Provost Road Silverdale, WA 98383

Interested Parties:

None

**BEFORE THE HEARING EXAMINER  
FOR KITSAP COUNTY**

In the Matter of the Application of	)	No. 16 01225
	)	
<b>Tim McNeal, on behalf of the Word of</b>	)	<b>Word of Truth Fellowship CUP</b>
<b>Truth Fellowship Church</b>	)	
	)	FINDINGS, CONCLUSIONS,
<u>For Approval of a Conditional Use Permit</u>	)	AND DECISION

**SUMMARY OF DECISION**

The request for a conditional use permit to change the use of property located at 1631 NE Franklin Avenue, as well as make minor modifications to two existing buildings, is **APPROVED**. The Applicant seeks to convert a commercial facility to a place of worship. The minor modifications to the buildings would facilitate the conversion and would include the expansion of the existing restrooms, the addition of two walls in the northern building to create a classroom, the removal of a wall in the northern building create a single large office space, the potential addition of a café in the northern building, and the construction of a kitchen and sanctuary with stage in the southern building. Conditions are necessary to mitigate project impacts and to ensure the proposal complies with relevant statutes, ordinances, and regulations.

**SUMMARY OF RECORD**

Hearing Date:

The Hearing Examiner held an open record hearing on the request on June 9, 2016.

Testimony:

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

Jeff Smith, County Senior Planner  
Tim McNeal, Applicant Representative  
Candy Mursell, County Development Services Engineering Specialist

Exhibits:

The following exhibits were admitted into the record:

1. Project Application, received March 29, 2016
2. Supplemental Application – Conditional Use Permit, received March 29, 2016
3. Supplemental Application – Concurrency Test, received March 29, 2016
4. Project Narrative, dated February 11, 2016

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5. SEPA Environmental Checklist, dated February 26, 2016
6. Sewer Availability Agreement, dated February 26, 2016
7. Water District Service Availability Letter, dated February 19, 2016
8. Parking Analysis, undated
9. Overflow Parking Agreement, dated February 29, 2016
10. Traffic Analysis, undated
11. Revision Documents, undated
12. Floor Plans, dated January 15, 2016
13. Submittal Waivers, dated March 12, 2016
14. Site Plans (8 sheets), dated February 4, 2004, and January 16, 2016
15. Notice of Complete Application, dated March 30, 2016
16. Notice of Application, dated April 20, 2016
17. Health District – Land Use Conditional Use Approval, dated April 14, 2016
18. Memo from Candy Mursell to Jeff Smith, dated May 17, 2016
19. Fire Marshal Comments, undated
20. Administrative Conditional Use Approval, dated February 11, 2004
21. Land Use Maps (6 sheets), printed May 31, 2016
22. Reduced Site Plan, dated February 4, 2004
23. Mitigated Determination of Nonsignificance, dated May 24, 2016
24. Notice of Public Hearing, dated May 26, 2016
25. Certification of Public Notice, dated June 2, 2016
26. Staff Report, dated June 2, 2016
27. PowerPoint Presentation (9 slides), dated June 9, 2016

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. Tim McNeal, on behalf of the Word of Truth Fellowship Church (Applicant), requests a conditional use permit (CUP) to change the use of two existing buildings located at 1631 NE Franklin Avenue, as well as make minor modifications to those buildings.<sup>1</sup> The Applicant wishes to convert an existing commercial facility to a place of worship. To do so, the Applicant would modify the existing building by expanding the restrooms, adding and removing internal walls to create a classroom and a single large office in the northern building, adding a café in the northern building, building a kitchen and sanctuary area with a stage area in the southern building, and building a covered porch. The project

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<sup>1</sup> The Assessor Tax Parcel Number associated with the parcel is 362501-3-019-2007. *Exhibit 1*. A full legal description of the parcel is included with the land use, environmental, and site development application. *Exhibit 1*.

would add 87 feet of impervious surface at the subject property. *Exhibit 1; Exhibit 4; Exhibit 11; Exhibit 12; Exhibit 14; Exhibit 26, Staff Report, page 26.*

2. Kitsap County (County) determined that the application was complete on March 30, 2016. On April 20, 2016, the County published notice of the application in the *Kitsap Sun* and mailed notice of the application to the Applicant, Applicant Representative, persons owning property within 400 feet of the property, and interested parties. On May 25, 2016, the County posted notice of the open record hearing associated with the application at the property. One day later, the County published notice of the open record hearing in the *Kitsap Sun* and mailed notice of the open record hearing to the Applicant, Applicant Representative, interested parties, and persons owning property within 400 feet of the property. *Exhibit 15; Exhibit 16; Exhibit 24; Exhibit 25.*

#### State Environmental Policy Act

3. The County acted as lead agency and analyzed the environmental impacts of the project as required by the State Environmental Policy Act (SEPA), Chapter 43.21C Revised Code of Washington (RCW). The County used the optional Determination of Nonsignificance (DNS) process under Washington Administrative Code (WAC) 197-11-355. Accordingly, on April 20, 2016, the County published notice of the SEPA comment period in the *Kitsap Sun* and mailed notice of the SEPA comment period to the Applicant, Applicant Representative, property owners within 400 feet, and interested parties. The SEPA comment period occurred concurrently with the notice of application. The County received no comments. The County analyzed the Applicant's SEPA Checklist and other available information and issued a Mitigated Determination of Nonsignificance (MDNS) on May 24, 2016. The MDNS contains conditions requiring the Applicant to comply with provisions of the Kitsap County Code concerning stormwater control and land use impacts.<sup>2</sup> County Senior Planner Jeff Smith testified that the MDNS determination was not appealed. *Exhibit 5; Exhibit 23; Exhibit 25; Testimony of Mr. Smith.*

#### Comprehensive Plan, Zoning, and Surrounding Property

4. The County designated the property Urban High-Intensity Commercial/Mixed Use (UHIC) in its Comprehensive Plan. The UHIC designation focuses primarily on larger commercial centers, including commercial uses that require large sites and draw customers at the community and regional scale, such as superstores, department stores, automotive parts and sales, home improvement stores, hotels and motels, and restaurants. Mixed-use developments incorporating residential units are also appropriate on property given the UHIC designation. *County Comprehensive Plan (August 2012), page 2-26.* The County has also given the adjacent parcels the UHIC designation. *Exhibit 21; Exhibit 27.*

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<sup>2</sup> The SEPA threshold determination states that the County issued a Determination of Nonsignificance. Mr. Smith testified at the open record hearing that it was appropriate to refer to the SEPA threshold determination as a MDNS because it does impose conditions on the project. *Testimony of Mr. Smith.*

5. The County zoned the property Mixed Use (MU).<sup>3</sup> The County adopted the Mixed Use zone to encourage flexible land uses, recognizing that the exact configuration of use must be responsive to community needs and market conditions. Commercial and residential uses may be mixed either vertically or horizontally in the MU zone. Such a mix of uses is encouraged within individual projects and/or between adjacent projects. The MU zone is intended to foster a development pattern focused on the public street that will provide for an integrated, compatible mix of single and multi-family housing and commercial businesses and services. *KCC 17.352.010*. No minimum lot size or lot length or width requirements apply to the MU zone, and the minimum front, side, and rear setbacks are 10 feet. *KCC 17.382.070*. Structures must be no more than 35 feet high in the MU zone. *KCC 17.382.070*. Maximum impervious lot coverage is generally 85 percent in the zone. *KCC 17.382.070*. The County zoned surrounding properties to the west, south, and east MU; the County zoned the property to the north Highway/Tourist Commercial. The properties to the north, south, and west are currently developed with commercial uses; the property to the east is currently used for a private residence. *Exhibit 21; Exhibit 26, Staff Report, page 3; Exhibit 27*.
6. County staff identified as relevant to the proposed project Comprehensive Plan Land Use Element goals that encourage and reinforce development patterns in urban growth areas (UGAs) that are distinct from those in rural areas and encourage an attractively designed commercial land use pattern.<sup>4</sup> County staff identified as relevant to the proposed project Comprehensive Plan Land Use Element policies that encourage development patterns in UGAs that encourage transit use, such as in and around more intensive nodes or mixed-use development along major transportation corridors, and that minimize adverse traffic impacts associated with Regional Commercial centers through siting and development standards.<sup>5</sup> *Exhibit 26, Staff Report, page 4*.

#### Existing Property

7. The property is a flat, rectangular 0.74-acre parcel. Two existing wood frame buildings totaling 7,064 square feet, landscaping, parking spaces, and a stormwater detention facility occupy the property. There are no shorelines, creeks or streams, lakes, critical areas, or endangered species present at the property. *Exhibit 1; Exhibit 2; Exhibit 5; Exhibit 26, Staff Report, page 2; Exhibit 27*.

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<sup>3</sup> Mr. Smith testified that the County is in the process of consolidating its zoning code and eliminating the MU zone. Any change that the County should later approve does not affect this application, which vested to the version of the code currently in effect. *Testimony of Mr. Smith*.

<sup>4</sup> Staff identified as relevant Land Use Element Goals 6 and 18. *Exhibit 26, Staff Report, page 4*.

<sup>5</sup> Staff identified as relevant Land Use Element policies LU-29 and LU-94. *Exhibit 26, Staff Report, page 4*.

### Conditional Use Permit

8. County zoning ordinances make some uses conditional in certain zones. *KCC 17.110.175*. A *conditional use* is an activity specified by Title 17 KCC as a principal or accessory use that may be approved or denied based on consistency with specific criteria. *KCC 17.110.175*. Places of worship are a conditional use in the MU zone. *KCC Table 17.381.040(B)*.
9. The property owners signed a Sewer Availability Agreement with the Kitsap County Department of Public Works, Wastewater Division, on March 3, 2016. The Applicant also obtained a non-binding Statement of Service Availability from the North Perry Avenue Water District on February 19, 2016. The Kitsap Public Health District reviewed the proposed on-site sewage system and the water system and approved them on April 14, 2016. *Exhibit 6; Exhibit 7; Exhibit 17*.
10. The Applicant would carry out activities within the interior of the two buildings. Mr. Smith testified that activities occurring indoors would not disturb neighboring property owners because most sound would be contained within the structure. *Exhibit 26, Staff Report, page 6; Testimony of Mr. Smith*.
11. The Applicant does not propose any changes to the existing stormwater management system. Mr. Smith testified that the County does not intend to treat the proposed project as a major development for purposes of stormwater review. County Development Services Engineering Specialist Candace Mursell testified that, because the project would increase the amount of the lot covered by impervious surface by 87 feet, a civil engineer must certify that the stormwater management system is properly maintained and that the proposed new use would not impact the system. County Development Services and Engineering staff reviewed the proposed project and issued preliminary approval for the stormwater element, with conditions. *Exhibit 18; Exhibit 26, Staff Report, page 5; Testimony of Mr. Smith; Testimony of Ms. Mursell*.
12. NE Franklin Avenue provides access to the property, which fronts State Highway 303. NE Franklin Avenue and State Highway 303 are classified, respectively, as a local access road and an urban arterial. The KCC permits a single ingress/egress point per 300 linear feet along a public arterial. *KCC 17.382.030.E.2*. The Applicant would retain the existing driveway approach on NE Franklin Avenue. The church would hold a meeting every Friday between 7:00 p.m. and 8:00 p.m. and a service, with some pre-service prayer, every Sunday between 9:15 a.m. and 11:30 a.m. The church would employ one full-time pastor and one part-time youth pastor. The proposed project is not expected to impact traffic on State Route 303 due to the time of church activities and the limited number of church employees who would work at the site. County Development Services

and Engineering staff reviewed the proposed project and issued preliminary approval for the transportation element, with conditions. *Exhibit 10; Exhibit 11; Exhibit 18.*

13. KCC 17.382.030 requires safe pedestrian access and handicap access from public rights-of-way. The Applicant would maintain pedestrian access to the front of the building and from the street to the building. *Exhibit 26, Staff Report, page 6.*
14. For houses of worship, the KCC requires one off-street parking space for every four seats or eight feet of bench seating. *KCC 17.435.030.* The Applicant proposes an auditorium providing 184 seats. That number of seats necessitates 46 parking spaces under the KCC. The property has 30 on-site parking spaces that the Applicant would retain. The Applicant signed an agreement to allow use of the neighboring Lowe's southwest parking area, providing an additional 62 spaces for overflow parking. The Applicant would install a cross-walk between the Lowe's parking area and the place of worship. *Exhibit 4; Exhibit 9; Exhibit 26, Staff Report, page 7.*
15. The KCC requires code-compliant landscaping on at least 15 percent of the total site area. *KCC 17.385.025.* The Applicant proposes retaining the existing landscaping and vegetation and would replace any that is damaged or removed during construction. Staff determined that the existing landscaping satisfies the requirements of KCC 17.385.025. The landscaping would screen the parking area and buildings. *Exhibit 11; Exhibit 26, Staff Report, pages 6 and 7.*

#### Staff Recommendation

16. Mr. Smith testified that County staff recommends approval of the application, with 20 conditions.<sup>6</sup> These conditions generally require the Applicant to obtain all necessary permits before beginning project work; submit a written agreement governing overflow parking in the Lowe's parking area; obtain further review upon changes to the project; submit a Notice of Land Use Binder to the County Auditor; comply with all relevant ordinances, statutes, and regulations; comply with conditions imposed by the Fire Marshal and Kitsap County Department of Public Health; hire a civil engineer to evaluate the stormwater control system and project impacts to it; submit an application for a concurrency test; obtain a County Public Works permit for any work within the County right-of-way; submit an application to construct a sanitary sewer system to the County Department of Public Works; and install an exterior grease interceptor to the kitchen lines. Applicant Representative Tim McNeal had questions about the conditions related to stormwater control, which Candy Mursell, County Development Services Engineering Specialist, answered. Mr. McNeal expressed no concerns about any of the other

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<sup>6</sup> The staff report contained 31 separately numbered conditions. Mr. Smith testified that it would be best to edit the conditions and their numbering slightly. That resulted in, as shown later, 20 separately numbered conditions. *Testimony of Mr. Smith.*

conditions. *Exhibit 26, Staff Report, pages 8 through 11; Testimony of Mr. Smith; Testimony of Mr. McNeal; Testimony of Ms. Mursell.*

## CONCLUSIONS

### Jurisdiction

The Hearing Examiner has jurisdiction to hear and decide Conditional Use Permit applications as Type III permit decisions. *KCC 17.421.020.*

### 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 this title;
- (3) The proposal will not be materially detrimental to 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 17.421.030.A.*

The criteria for review adopted by the Kitsap County Board of Commissioners are designed to implement the requirement of Chapter 36.70B RCW to enact the Growth Management Act. In particular, RCW 36.70B.040 mandates that local jurisdictions review proposed development to ensure consistency with County development regulations, considering the type of land use, the level of development, infrastructure, and the characteristics of development. *RCW 36.70B.040.*

### Conclusion Based on Findings

**With conditions, the proposed project would be consistent with the CUP approval criteria found in KCC 17.421.030.A.** The County provided reasonable notice of the application and a reasonable opportunity to comment on it. The County determined that the project would not have probable, significant adverse environmental impacts. That determination was not appealed.

- a. *The proposed project would be consistent with the County Comprehensive Plan.* The proposed house of worship is a permitted, conditional use within the MU zone that implements the High-Intensity Commercial/Mixed Use Comprehensive Plan designation given to the property. The proposed new use provides for adequate

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parking and would not adversely impact traffic on State Route 303 or NE Franklin Avenue.

- b. *The proposed project would be consistent with the provisions of Title 17 KCC.* Houses of worship are a conditional use in the MU zone and allowed with a CUP. The proposed project meets the lot size, setback, height, and impervious surface coverage of the MU zone. The Applicant would retain the existing landscaping, which complies with the provisions of KCC 17.382.025. The Applicant would also retain the existing stormwater control system, and conditions of approval would ensure that a licensed civil engineer certifies that the system is properly maintained and that the project would not adversely affect the system. The Applicant would retain the existing driveway approach on NE Franklin Avenue. The Applicant would maintain pedestrian access to the front of the building and from the building to the street. The Applicant would also install a crosswalk to create a safe route between the overflow parking area and the place of worship. The Applicant would build a sanctuary with 184 seats, necessitating 46 off-street parking spaces under the KCC. The Applicant would provide 92: 30 in the existing on-site parking lot, which the Applicant would retain, and another 46 through an agreement allowing use of the neighboring Lowe's south parking area. The Applicant has signed a sewer availability agreement and obtained a non-binding letter of water service availability from the relevant utilities; the County Department of Public Health has approved the proposed sewer and water systems.
- c. *The project would not be materially detrimental to other uses or property in the vicinity.* The proposed new use would employ one full-time lead pastor and a part-time youth pastor. The church would hold a meeting between 7:00 p.m. and 8:00 PM on Friday nights and service with pre-service prayer on Sundays between 9:15 AM and 11:30 AM. Given the low number of full-time employees and the times of meetings, functions, and services, the proposed use should not impact traffic on nearby streets. The Applicant would retain existing parking spaces and has signed an agreement with a neighboring business to permit overflow parking to mitigate any parking impacts on neighboring properties. The Applicant would hold meetings, functions, and services inside, and the use should not result in noise or visual impacts on neighboring properties. The Applicant would retain existing landscaping, which would screen off the parking area and buildings from neighboring properties.
- d. *The proposal would be 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.* The Applicant would retain the existing buildings, landscaping, and stormwater control system, making only minor modifications to the buildings.

As discussed above, conditions are necessary to mitigate project impacts and ensure compliance with relevant federal, state, and local statutes, ordinances, and regulations. These conditions generally require the Applicant to obtain all necessary permits before beginning project work; submit a written agreement governing overflow parking in the Lowe's parking area; obtain further review upon changes to the project; submit a Notice of Land Use Binder to the County Auditor; comply with all relevant ordinances, statutes, and regulations; comply with conditions imposed by the Fire Marshal and Kitsap County Department of Public Health; hire a civil engineer to evaluate the stormwater control system and project impacts to it; submit an application for a concurrency test; obtain a County Public Works permit for any work within the county right-of-way; submit an application to construct a sanitary sewer system to the County Department of Public Works; and install an exterior grease interceptor to the kitchen lines. *Findings 1-16.*

### DECISION

Based on the preceding Findings and Conclusions, the request for a conditional use permit to change the use of two existing buildings located at 1631 NE Franklin Avenue, in Bremerton, Washington, as well make minor modifications to those buildings, is **APPROVED**. These minor modifications include expanding the existing restrooms, adding and removing internal walls to create a classroom and a single large office in the northern building, adding a café in the northern building, building a kitchen and sanctuary area with a stage area in the southern building, and building a covered porch. Conditions are necessary to mitigate specific impacts of the proposed development and to ensure compliance with all relevant laws:

1. All required permits shall be obtained prior to commencement of any land clearing and/or construction.
2. The church is required to submit a written agreement with Lowe's allowing overflow parking and to install a crosswalk prior to approval of the certificate of occupancy.
3. Landscaping shall be installed and maintained in conformance with the requirements of Chapter 17.385 KCC. Landscaping shall be installed and inspected prior to requesting a final inspection, or guaranteed by means of an assignment of funds or bonded in the amount of 150 percent of the cost of installation.
4. This Conditional Use Permit approval shall automatically become void if no development 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.
5. Land use approval is limited to the uses proposed by the Applicant on the recommended

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site plan and the SEPA Environmental Determination dated May 24, 2016. Unless in conflict with the conditions stated and/or any regulations, all terms and specifications of the application shall be binding conditions of approval. Any modifications or expansion of the project will be subject to further review pursuant to the requirements of the appropriate sections of the Kitsap County Code

6. The decision set forth herein is based upon representations made and exhibits contained in the project application. Any change(s) or deviation(s) in such plans, proposals, or conditions of approval imposed shall be subject to further review and approval of the County.
7. 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.
8. Any violation of the conditions of approval shall be grounds to initiate revocation of this Conditional Use Permit.
9. 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 by the Department and recorded at the Applicant's expense. The Applicant shall provide recorded copies of the Binder to the Department immediately after recording. The Binder shall be recorded within 30 days of notification from the Department that the Binder is ready to be recorded.
10. The Applicant is required to adhere to all applicable requirements of the Kitsap County Public Health District.
11. The Applicant is required to adhere to all applicable requirements of the Kitsap County Fire Marshal's Office, including the following:
  - a. Fire apparatus access roads are required and must be maintained. Any proposed

revision to these roads must be submitted to, reviewed and approved by the Kitsap County Fire Marshal's Office. *IFC 503 as amended by Kitsap County*. Access roads shall comply with the following:

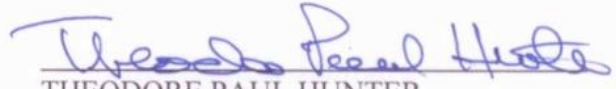
- i) There shall be unobstructed width of 20 feet and height of 13 feet 6 inches.
  - ii) Access shall be designed and maintained to support a 60,000 pound fire apparatus and be provided with an all-weather driving surface.
  - iii) Dead-end access roads exceeding 150 feet in length shall be provided with an approved turnaround.
  - iv) The inside turning radius of the access shall be a minimum of 25 feet.
  - v) 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.
  - vi) The road shall not be more than 12% grade.
- b. Fire flow in the amount of 1500 gpm @ 20 psi for a minimum of 2 hours is required for the project. This is based on the proposed building of 7154 square feet and constructed of Type V-B construction. A reduction in required fire flow of up to 50% as approved for commercial buildings has been calculated due to the building being required to be provided with an approved automatic fire sprinkler system. Any changes to the structure will require a recalculation of fire flow. *IFC 508.5 as amended by Kitsap County*.
- c. Water line size and location and the location of fire hydrants 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.
- d. A minimum 2 of hydrants are required and should be placed no more than 400 feet from each other, up to 600 feet if protected by a fire sprinkler system for commercial building. One hydrant shall be within 50 feet of the fire department connection (FDC). *IFC 508.5.1 as amended by Kitsap County*.
- e. Automatic fire sprinklers will be required for this project. A fire alarm shall be installed to monitor the fire sprinkler system.

- f. A rapid access secured key box (*e.g.*, 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.
12. This project will add additional impervious area to an existing stormwater management facility. Prior to building permit approval this additional area must be evaluated for any impact to that system for compliance with Title 12 KCC. This evaluation will be performed by a licensed Civil Engineer.
13. With submittal of required building permits, provide documentation that the existing stormwater management facility has been adequately maintained.
14. If the project proposal is modified from that shown on the submitted site plan dated March 29, 2016, Development Services and Engineering will require additional review and potentially new conditions.
15. The Applicant shall submit an Application for Concurrency Test (KCPW Form 1601) as required by KCC 20.04.030. The KCPW 1601 form reserves road capacity for the project.
16. 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 building permit. The need for and scope of bonding will be determined at that time.
17. Kitsap County sanitary sewer is available for the project. Applicant needs to submit an "Application to Construct Sanitary Sewer" to KCPW Sewer Utility Division.
18. Kitsap County currently serves sanitary sewer service to the property. Any changes to the service will require approval from KCPW - Sewer Utility Division.
19. An exterior grease interceptor, using sizing criteria set forth in the Uniform Plumbing Code, will be required for the proposed kitchen.
20. The solid waste service provider, Waste Management (360) 674-3166, shall be contacted

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for information on implementing the service provider's solid waste/recycling storage requirements for the proposed activity. Indicate method of waste disposal on the final plans. Documentation shall be provided by the solid waste/recycling service provider that their requirements for this project have been met. The required information shall be submitted with the commercial building permit application.

DECIDED this 17<sup>th</sup> day of June 2016.



THEODORE PAUL HUNTER  
Hearing Examiner  
Sound Law Center