

**KITSAP COUNTY HEARING EXAMINER
FINDINGS OF FACT, CONCLUSIONS OF LAW, AND DECISION**

**In the Matter of Request for Conditional Use Permit
File No. 16 05551**

April 24, 2017

The Hearing Examiner makes the following Findings of Fact, Conclusions of Law, and Decision:

1. FINDINGS OF FACT

1.1 Proposal. The Applicant requests a Conditional Use Permit (CUP) for the redevelopment of the Central Kitsap School District High School and Middle School campus. With the present high school originally constructed in 1942, and the middle school in 1959, a 2016 bond approval has provided funding to redevelop the site to replace these aged buildings and create a centralized, shared, and integrated campus.

The School District plans to reconstruct the schools and collocate them into a new approximately 331,000 square foot facility in the campus center. The new facility will be designed for 2,100 students (about 1,400 high school and 700 middle school). This figure is less than the present 2016-17 enrollment of 2,442 students. The project will include associated sports fields, auditorium, gymnasium, and off-street parking facilities. Construction will be phased to allow educational services to be maintained during construction.

The School District is in the process of relocating all on-site uses (excepting the two schools) offsite. This includes the transportation/bus barn facility, the centralized kitchen, the New Frontiers Alternative School, the West Alternative High School, the daycare portable (all accessed via Frontier Place NW), and the science kit building (accessed via NW Anderson Hill Road). Per a separate CUP, these uses will move to 9102 Dickey Road NW, helping to alleviate traffic and other impacts.¹ The project includes conversion of two residential properties centrally located off of Windy Ridge Lane. The Applicant/property owner, representative, and site location are:

- **Applicant/Property Owner:** Central Kitsap School District, P.O. Box 8, Silverdale, WA 98383, c/o Robin Shoemaker.
- **Applicant's Representative:** Lisa Klein, AHBL INC., 2215 N. 30th Street, Suite 200, Tacoma, WA 98403.
- **Site Location:** The high school is at 3700 NW Anderson Hill Road, and the middle school is at 10130 Frontier Place NW, Silverdale, WA 98393. (Assessor No. 172501-4-104-2004).

¹ See CUP File 16 0759.

1.2 Administrative Record. Prior to the hearing, the Hearing Examiner reviewed Exhibits 1-35, which included the revised Staff Report.² At the hearing, additional exhibits were submitted:

36	Revised Staff Report
37	DCD Power Point
38	Comments on Staff Report
39	SEPA Addendum
40	Applicant Power Point
41	Memo - Traffic Response
42	SEPA Comment and Responses Matrix
43	Site Plan - Lighting
44	Plans (2/10/17)
45	Applicant Response (12/15/17)
46	Public Comment, Ms. Ruth
47	Washington Sustainable Schools Protocol

The Examiner admitted all exhibits.

1.3 Hearing. The Hearing Examiner considered the proposal at an open record public hearing on April 13, 2017. The Department of Community Development (DCD) summarized the proposal and relevant code requirements. As DCD found the proposal consistent with applicable requirements, it recommended approval subject to conditions. DCD noted its concurrence with the Applicant's memo providing additional details on the project and minor revisions to proposed conditions. After being sworn in, Applicant representatives, including the project manager and several technical consultants, addressed the proposal in detail. The Applicant confirmed general consensus with DCD's proposal summary and conditions, and concurred with DCD's request to clarify proposed Condition 43 consistent with the SEPA Addendum.

Several members of the public also testified. Most who commented lived or worked nearby or adjacent to the project site. Comments varied, but focused on traffic, noise, security, construction impacts (including dust, noise, and traffic/emergency access during construction), bus barn site clean up, and stormwater concerns.

After listening to public comment, Applicant representatives provided additional information on the concerns raised. The Applicant noted that it elected to utilize a general contractor construction manager approach. As a result, the technical consultants designing the facility during the permitting phase will also be involved in construction. This helps ensure those constructing the project understand how the project was tailored to address public comment and concerns.

With respect to traffic concerns, the Applicant's traffic consultant provided detail on the revised traffic analysis and mitigation. Construction vehicle access will be timed to avoid peak

² The Revised Staff Report became Exhibit 36 at the hearing.

travel periods. This helps alleviate construction impacts and ensures continued emergency vehicle access. One individual, whose office is proximate to the roundabout, had noted his support for revisions made to address traffic concerns he had identified in earlier written comment.³ However, the individual remained concerned that traffic flow issues could arise in future. The individual had noted the challenging nature of these issues in discussions with the School District. He stated that the School District had agreed to meet with neighbors and to assess internal flow patterns and potential mechanisms for improving same (including potentially signage), should significant traffic congestion issues arise with the new traffic design. The Applicant confirmed the accuracy of these statements and reaffirmed its commitment to addressing these issues in the manner described.

Construction deliveries will be limited to somewhere between 10 a.m. and 1:30 p.m. for the majority of deliveries. The Applicant will adjust construction traffic so it occurs outside peak drop-off and pick-up times. Also, DCD stressed that during the Site Development Activity Permit review process, the contractor must prepare a traffic control plan, which Public Works will review to address traffic flow issues. County contact information will be available if issues arise.

The project has been designed with an eye towards "site balance," so that soils can be largely contained on-site. This will reduce off-site soil removal and addition activities. Also, to address potential dust impacts, a water truck will be on site during construction work. The water truck will be available if needed on weekends as well. The Applicant will provide a project contact during construction should issues arise, and emphasized the importance of neighbors to the school's successful construction and operation.

Pedestrian circulation on the site is extensive, with off-site connections being improved. A pedestrian trail may be extended to the site, and while the School District has been consulted on that, the trail is not a component of this project. This responded to security concerns raised about the proposed trail, which is still in a planning phase.

The project's civil engineer addressed stormwater concerns raised. She noted the present situation will be improved, as stormwater will no longer be allowed to sheet flow uncontrolled off the property's east slope.

The project involves cleaning up the bus barn area. As part of the planning process, a geotechnical/environmental engineer assessed underground storage tank removal. The engineer will be on site during the removal process to ensure that if any issues arise, they are adequately addressed. Clean up will occur consistent with local and state requirements.

The Applicant noted its plans to introduce themselves to the neighbors before construction and provide contact information, to ensure direct responses to concerns. The Applicant indicated that it views its neighbors as "eyes and ears," particularly when the construction crew is not on site. As the project is using public dollars, the Applicant noted the importance of making its facilities available to the public (helping to achieve local parks department objectives), while also being sensitive to neighbor concerns. Strategically placed

³ Exhibit 12.

lighting and gating assist with security, and provide a deterrence effect, with increased visibility to neighbors and law enforcement. The project will also incorporate security cameras, providing an added site management resource.

As the Examiner had a question about the applicable green building protocols, the record was kept open for an additional day, and the protocols were submitted within that time frame and admitted as Exhibit 47. No further written materials were submitted.

1.4 SEPA. DCD and the School District shared lead agency status, issuing a joint Mitigated Determination of Non-Significance (MDNS) on March 29, 2017, with the County's SEPA comment period running concurrent with the Notice of Application,⁴ and the School District also holding its own comment period of 30 days.⁵ The MDNS was informed by a detailed SEPA Checklist, or what could be referred to as an expanded SEPA Checklist.⁶

Concerns raised were addressed through a series of conditions and mitigation requirements, and, although SEPA does not require it, a response to comment matrix was prepared.⁷ A jointly prepared SEPA Addendum⁸ was also issued, which provided clarification on a SEPA condition related to the school bell schedule. At the hearing, this condition was proposed as Condition 43 to the CUP.

The Staff Report summarized the SEPA mitigation, although the MDNS includes numerous other conditions as Applicant comment notes.⁹ In reviewing the MDNS, the Examiner paid particular attention to those areas of concern also emphasized in public comment at the hearing. With respect to those issues (in summary), the MDNS notes relevant code requirements and also imposes conditions tailored to the specific proposal. Examples are noted below.

- **Stormwater/Grading:** In addition to County code requirements and conditions imposed to address grading under the "Earth" section, along with requirements imposed on the removal of the underground storage tanks,¹⁰ MDNS conditions provide specific details on stormwater management.

[T]he project will utilize a storm drainage system designed in accordance with Kitsap County's drainage manual, effective February 16, 2010, and Kitsap County Code Title 12 Stormwater Drainage. During construction, a stormwater pollution plan and associated BMP's will be implemented to manage storm water properly, as detailed in the Construction Mitigation Plan.

⁴ Exhibits 25 and 11.

⁵ Exhibit 38.

⁶ Exhibit 24.

⁷ Exhibit 42.

⁸ Exhibit 39.

⁹ Exhibit 38.

¹⁰ See MDNS Condition 10 under "Environmental Health."

Construction related surface water management will be handled in accordance with the Construction Mitigation Plan (CMP) prepared by Skanska dated March 2017.

- **Traffic Mitigation:** In addition to the traffic impact analysis, and clarification provided in the response to comment matrix, the MDNS imposes a series of mitigation conditions related to traffic. Mitigation includes frontage improvements along NW Anderson Hill Road, consisting of an 11-foot travel lane and a 5-foot bike lane. Also, six-foot sidewalks will be constructed along the property frontage on both NW Anderson Hill Road and Frontier Place NW. Continuous roadway lighting meeting WSDOT standards on NW Anderson Hill Road and Frontier Place NW to support site vehicular, bicycle and pedestrian activity during dark hours is required. School start time staggering is required to help address NW Anderson Hill Road and Frontier Place NW roundabout LOS (level of service). Construction of a left-turn lane at the driveway access on NW Anderson Hill Road will be designed to meet storage needs, per the revised Traffic Impact Analysis.

As noted below, following MDNS issuance, the site plan was revised to further address traffic concerns. In addition, an updated memo from the transportation consultant was submitted at the hearing. This memo further addresses citizen concerns on transportation issues.¹¹ As the memo notes, many of the concerns raised were also addressed in the updated February 2017 Traffic Impact Study. This analysis was conservative, meaning it addressed more students than the use is being designed for (2,300, as opposed to the 2,100 students to be accommodated).

- **Noise.** The MDNS identifies various KCC noise requirements. The MDNS also notes a code section providing that uses shall not produce "noise, smoke, dirt, dust ... which is materially deleterious to surrounding people, properties or uses," and providing for lighting "to be directed away from adjoining properties," with no "more than one foot candle of illumination" leaving the property boundaries. The MDNS also includes a condition addressing both noise and light impacts:

Upon submittal of the associated permit for the new stadium facility phase, a specific event noise study and light photometric study shall be generated and provided. The County may require follow up studies should County or School District officials receive significant public complaints regarding events generating noise and light exceedance.¹²

- **Screening Buffer/Landscaping.** The MDNS notes that screening and landscaping per KCC requirements is required. The updated site plans submitted at the hearing visually depict landscaping and buffering.¹³ Also, as the Staff Report notes, although the County landscaping requirements require 15% of the site to be landscaped, about 40% of the site will be landscaped, with vegetation on the east side to be retained, exceeding KCC Chapter 17.500, requirements.

¹¹ Exhibit 41.

¹² See also MDNS Condition 14 under "Light and Glare."

¹³ Exhibit 44.

1.5 Public Notice and Comment. Notice was given for the CUP application and public hearing, through both mailing and publication.¹⁴ Hearing notice was also given by posting notice at the site.¹⁵ Written public comment was received during this process and at the hearing, and no concerns on notice were raised. In response to public comments, the proposal was modified, and comments were considered, with response to comment matrixes prepared during SEPA review and also on traffic impacts.¹⁶

1.6 Agency Comment. The proposal was circulated within the County, and comment was received regarding regulatory compliance. There were no objections to approval, as long as applicable requirements are met.

1.7 Zoning/Plan Designations and Surrounding Land Uses. The site has Comprehensive Plan Public Facility and UMHDR (Urban Medium/High Density Residential) designations, and is zoned Urban High Residential (UH). The property is located within the Silverdale Design Standards' Northeast Business District. The primary purpose of the UH zone is for high-density residential development. The zone allows mixed uses with professional offices that complement the residential development. This zoning requires adequate urban services. Proposed uses other than residential require a higher level of review to ensure compatibility with the residential setting.

Residential development borders all sides of the School District property. The property is bounded by properties zoned Urban High Residential to the north and northwest; Urban Restricted to the southwest with single-family dwellings; and properties zoned Regional Center with multi-family and commercial uses to the east.

1.8 Site - Physical Characteristics. The 59 acre property is located west of the Silverdale commercial district. Currently, the high school is on the site's southern portion, with the middle school located to the north. The north area also includes the District's existing transportation facility, collocation site for wireless communication facilities, food/centralized kitchen and warehouse facilities, New Frontiers building, West Alternative High School, daycare portables, and the science kit building. The site also includes student and staff off-street parking mostly on the west side along NW Anderson Hill Road, two baseball, practice-football and soccer field athletic facilities. Two residential properties totaling five acres contain two single-family dwellings purchased by the School District. The dwellings will be removed and the land will be incorporated into the campus plan.

The campus is predominantly flat but gently slopes from the north down 100 feet in elevation to the southern corner along NW Bucklin Hill Road. The ridge has moderate hazard slopes down to Anderson Hill Road and Frontier Place to the west and down to Randall Way to the east.¹⁷ The site's eastern edge has stands of Douglas fir and deciduous trees, with very little understory, with portions covered with invasive plant species. On the west side, some of the site

¹⁴ Exhibits 11, 34, Staff Report, and DCD hearing testimony.

¹⁵ Exhibit 34.

¹⁶ See Exhibits 41 and 42.

¹⁷ Exhibit 23.

includes conifers down to Frontier Place NW. The southwest area is mapped as a Category II Critical Aquifer Recharge Area; to the site's southwest is a mapped 100-year floodplain. No wetlands or streams are present on site. Nevertheless, a Critical Areas Reconnaissance and Hydrologic Assessment was completed.

1.9 Utility and Public Services.

- **Water:** Silverdale Water District
- **Power:** Puget Sound Energy
- **Sewer:** Kitsap County Public Works
- **Police:** Kitsap County Sheriff
- **Fire:** Central Kitsap Fire and Rescue District No. 1
- **Schools:** Central Kitsap School District No. 401

1.10 Access and Site Revisions. The high school currently receives vehicular access from two minor arterials, NW Bucklin Hill Road and NW Anderson Hill Road. The middle school receives access via a local access road, Frontier Road NW. The two former home sites are accessed via NW Windy Ridge Lane, a local access road. The site plan was revised to address a number of issues, including transportation concerns. Exhibit 41 provides additional detail, but in summary:

- The new middle school driveway on NW Anderson Hill Road was shifted southerly, so it is about 450 feet from the NW Anderson Hill Road/Frontier Place NW roundabout. Space is provided for an 18-car backup in the westbound approach to the roundabout. Future backups on this approach with the project are estimated at 5-6 cars with the coordinated bell schedule.
- Southeast bound traffic entering the middle school driveway will have 250 feet of storage in a dedicated left turn lane (space for ten cars). The middle school driveway has dedicated left and right turn lanes for exiting traffic.
- Interior access roads were modified to improve circulation, fire access and onsite vehicle queue lengths.

The approach to traffic circulation is an improvement over the existing layout, in which renovation and additions occurred where space allowed, rather than taking a comprehensive look at the site and placing activities at ideal locations.

1.11 Compatibility, Generally. The School District identified a series of measures, coupled with preservation of certain existing conditions, which together will improve use compatibility with the surrounding area.

- **Visual.** The schools will be reconstructed into a single, centrally-located facility. This facility will take advantage of existing physical features, such as grades, and will retain much of the perimeter buffering vegetation. The retained vegetation will provide visual screening, and buffer noise and lighting impacts. The most intensive

school uses will be located within the central area, to further minimize impacts. The design allows for strategic spacing between buildings and offsite uses. The architectural design is based on a simple palette of building materials, including masonry, metal siding, and glazing.

- **Noise.** A noise study evaluated impacts. The study found that noise associated with outdoor events at the football field/track facilities is predicted to fall within allowable noise levels. Bleachers are oriented to the south and stadium roofing was designed to help contain sound. The Applicant will be preparing a follow-up noise analysis before the stadium permits are approved.
- **Lighting.** Light fixtures are the full cut-off type, using the latest LED technology. The fixtures will be pre-aimed toward the intended area and shielded. The photometric analysis found that there will be no more than one foot-candle of light spill at the adjacent property lines.
- **Traffic/Pedestrian Circulation.** Frontage and sidewalk improvements are addressed above. However, overall access and circulation will be better managed, with a net reduction in traffic impacts. A designated driveway for each school and dedicated bus driveway is outlined. The site design includes an internal queuing lane associated with the middle school to accommodate the stacking that can occur during drop-off and pick-up. Also, as mitigated by staggering bell times, roundabout level of service standards will be met. Pedestrian walkways are designed to connect points of entry to the buildings, courtyards, and play fields to provide safe and direct circulatory pathways. The site design features a series of gathering spaces of various sizes and scales. The School District's traffic consultant described these improvements in sworn testimony, which supplemented the technical analysis prepared, including the updated Traffic Impact Study¹⁸ and response to comments.¹⁹
- **Stormwater.** The project will collect stormwater in catch basins, downspouts, area drains, and under drains, and route it to quality and quantity control facilities. Detention and infiltration will be utilized. Runoff treatment is provided through bioretention facilities, wetponds, and one StormFilter. Following retention and treatment, stormwater will be conveyed to the public storm main located in Frontier or Anderson. During construction, a Stormwater Pollution Prevention Plan and associated Best Management Practices will be implemented to manage stormwater.²⁰

¹⁸ Exhibit 21.

¹⁹ Exhibit 41.

²⁰ The SEPA Checklist and technical analysis provide stormwater management details. See Exhibits 23 and 24.

2. CONCLUSIONS OF LAW

2.1 Hearing Examiner Review Authority.

The Hearing Examiner has review authority for this CUP application.²¹ The Hearing Examiner may approve, approve with conditions, or deny a CUP.²² The Hearing Examiner may also continue the hearing to allow for additional information necessary to make the proper decision.

2.2 Code Requirements Specific to the Proposed CUP in the UH Zone.

As detailed in the findings, applicable code requirements are met. There are no critical areas on site requiring setbacks and buffering or additional analysis, urban services can be provided to the site, stormwater management is fully mitigated and can meet Title 12 stormwater control requirements, and County transportation requirements are met. Extensive landscaping is provided consistent with KCC requirements. No code requirement was identified at the hearing which the Applicant would not meet.

2.3 Conditional Use Permit Requirements.

A CUP must comply with the following:

1. The proposal is consistent with the Comprehensive Plan;
2. The proposal complies with applicable requirements of this title [Title 17];
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.²³

These criteria are met. The Staff Report provided detail on a number of comprehensive plan policies. However, in general, the County's policies recognize that critical infrastructure projects, such as schools, are integral to the successful development of a community. Also, the policies include goals for repairing or replacing worn out or obsolete facilities, meeting the infrastructure needs of future development and redevelopment, supporting high quality infill development, and improving the transportation system (both motorized and non-motorized).

This project does that. It replaces a worn out school facility, which is critical for supporting redevelopment. The project includes transportation system improvements, including

²¹ KCC 17.410.010 and .040.

²² KCC 17.550.030(A).

²³ KCC 17.550.030(A).

street improvements and sidewalk additions, and overall will improve circulation within the area. The Applicant has fully mitigated traffic impacts, but remains committed to working with the local community to resolve issues should they occur. The proposal is consistent with the comprehensive plan.

As detailed above, the proposal is conditioned to ensure compliance with Title 17 and other applicable code requirements. No relevant code provision was identified which would not be complied with. Also, the proposal will not be materially detrimental to existing or future uses or property in the immediate vicinity. All impacts identified have been addressed and mitigated with appropriate mitigation and/or code requirements, including through the 60 conditions proposed for CUP inclusion.

Further supporting the project's lack of material detriment is its compatibility with surrounding existing and planned uses. Impacts identified (*i.e.*, transportation, noise, stormwater, security, construction impacts, landscaping/screening) were thoroughly considered through technical analysis and then mitigated. Mitigation includes road and pedestrian improvements, operational timing, and other measures outlined in the 60 proposed conditions. Construction issues are addressed through mitigation and regulatory requirements, and will undergo further review and analysis. Watering will be used as needed for dust control. Construction traffic circulation will undergo further review to maintain emergency access and avoid adding trips to peak hour traffic.

The project, which continues an existing use by redeveloping a site already devoted to school use, and moving a number of existing uses off-site, will not increase impacts on neighboring uses. To the contrary, with the mitigation, site re-design, and compliance with new regulatory requirements, the appearance of overall quality of the development will likely be improved upon.

The Hearing Examiner carefully reviewed the proposed conditions, including the minor revisions DCD and the Applicant both supported, in conjunction with written and oral public comment. Given the Applicant's technical responses at the hearing to comments raised, its continuing commitment to addressing issues as they arise and working with the local community, coupled with the sheer extent of the conditions and supporting technical analysis, the Examiner is satisfied that the Applicant has fully met the CUP compatibility criteria and avoided detrimental impacts on neighboring uses.

In addition, Washington requires new public buildings to meet certain sustainable development requirements, which help ensure successful project integration with the local and larger community.

The legislature finds that public buildings can be built and renovated using high-performance methods that save money, improve school performance, and make workers more productive. High-performance public buildings are proven to increase student test scores, reduce worker absenteeism, and cut energy and utility costs.²⁴

²⁴ RCW 39.35D.010(1); *see generally* Ch. 39.35D RCW, High Performance Public Buildings.

Schools can use either the Washington Sustainable Schools Protocol (WSSP) or the Leadership in Energy and Environmental Design standard. The project here is being built to be consistent with the WSSP.²⁵ WSSP focuses on improving building design to create a better learning environment (*i.e.*, through structural day-lighting, acoustics, air quality, and materials used), and better integrating the project with both the immediate and larger area.²⁶ As conditioned and proposed, the project meets all CUP criteria, and should be approved.

DECISION

The Hearing Examiner, pursuant to the above Findings of Fact and Conclusions of Law, approves the requested CUP, provided the following 60 conditions are adhered to.

Planning/Zoning.

1. All required permits shall be obtained prior to commencement of land clearing and/or construction.
2. At time of submittal of the Site Development Activity Permit, the Applicant shall submit a final landscape plan consistent with KCC 17.500 Landscaping.
3. The Applicant shall incorporate landscaping design features and a solid wood panel fence for screening along the 10-foot planting strip on the north property line to provide compatibility with the abutting residential neighborhood consistent with the Screening Buffer Provisions 17.500.027.B. Fencing shall only be provided where needed to fill in missing segments. The eastern perimeter will be assessed post-construction for its ability to meet the screening buffer requirements and, if needed, additional trees or fencing in open areas will be provided.
4. 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.
5. The Applicant shall include a vegetation management plan to prevent the additional spreading of invasive species or noxious weeds identified on the State Noxious Weed List (*i.e.* Scotch Broom), pursuant to RCW 17.10.140 and WAC 16.750 State Noxious Weeds. See the following references in Kitsap County Code: KCC 17.500.020(E) Existing Native Vegetation, KCC 12.08.010(45) Native Vegetation, KCC 18.20.010 Noxious Weeds, and KCC 19.150.110 Alterations.

²⁵ Exhibit 47.

²⁶ CUP criteria focus on neighborhood compatibility. While the protocols address local design issues, they also go beyond the immediate neighborhood, with a focus on energy and water efficiencies, and greenhouse gas emissions. The Applicant noted during the hearing that solar panels may be feasible and are under consideration.

6. The civil site plan for the high school and middle school shall identify areas for the future placement of a minimum of four portable classroom units. The area set aside may not be counted towards meeting required landscaping or park requirements.
7. There is a preliminary proposal for a regional trail connection between the school campus and the YMCA. When the specific location has been identified and construction plans submitted, the trail's design should incorporate fencing and/or landscaping, where feasible, to prevent pedestrians accessing private property.
8. This CUP approval shall automatically become void if no development permit application is accepted as complete by DCD within three years of the Notice of Decision date or the resolution of any appeals.
9. Land use approval is limited to the uses proposed by the Applicant on the recommended site plan and the SEPA Environmental Determination dated March 29, 2017. 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 KCC.
10. 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.
11. 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.
12. Any violation of the conditions of approval shall be grounds to initiate revocation of this CUP.
13. The recipient of any CUP 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 CUP 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.

Kitsap Public Health.

14. The Applicant is required to adhere to all Kitsap Public Health District requirements. The District requires that the appropriate licensed professionals must decommission the residential lots on NW Windy Ridge Lane with existing wells and septic systems.

15. A Building Sewered clearance will be required and will not be approved until the wells are properly decommissioned.

Fire.

16. A 20 foot unobstructed access road is required for all building here and after constructed on these lots. IFC 503 Amended by Kitsap County Code.

17. 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 Amended by Kitsap County. Access roads shall comply with the following:

- a. Unobstructed width of 20 feet and height of 13 feet 6 inches;
- b. Shall be designed and maintained to support a 75,000 pound fire apparatus and be provided with an all-weather driving surface;
- c. Dead end access roads exceeding 150 feet in length shall be provided with an approved turnaround;
- d. Inside turning radius shall be a minimum of 35 feet;
- e. 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; and
- f. Road shall not be more than 12% grade unless fully sprinklered and approved by the Fire Code Official and the local Fire District.

18. Plans indicate the use of gates for securing certain access roads for emergency vehicle use only. Fire district approves bollards, not gates, for blocking of access roads.

19. The base amount of fire flow in the amount of 4,000 GPM @ 20 psi for a minimum duration of two hours is required for the project. This is based on the proposed building of 292,000 square feet and constructed of Type IIB construction. This reduction includes a base reduction of 50% for the building being provided with an approved fire sprinkler system. A reduction in required fire flow of up to 75% has been approved by the Fire Marshal for this project resulting in a required final amount of 2,000 GMP for a duration of two hours. The resulting fire flow shall be provided by not less than two fire hydrants. Any changes to the structure will require a recalculation of fire flow. IFC 507.3 Amended by Kitsap County.

20. A minimum of two 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. Additional hydrants shall be spaced around the perimeter of the building and shall not be greater

than 600 feet between hydrants. One hydrant shall be within 50 feet of the fire department connection (FDC). IFC 507.5.1.1 Amended by Kitsap County.

21. Plans indicate the demolition of an underground tank(s). A separate permit is required for the demolition of underground storage tanks.

22. Water line size, 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.

23. Automatic fire sprinklers are required and a fire alarm shall be installed to monitor the sprinkler system.

24. Fire hydrants are required. The number and location shall be determined by the Kitsap County Fire Marshal.

25. Height of building is co-approved by the Kitsap County Fire Marshal's office and Central Kitsap Fire and Rescue. Developer shall contact Central Kitsap Fire and Rescue regarding voluntary mitigation contract.

Development Engineering.

26. Construction plans and profiles for all roads, storm drainage facilities and appurtenances prepared by the developer's engineer shall be submitted to Kitsap County for review and acceptance. No construction shall be started prior to plan acceptance.

Stormwater.

27. The information provided demonstrates this proposal is a Major Development as defined in KCC Title 12 and as such will require a Site Development Activity Permit (SDAP) from Development Services and Engineering.

28. Stormwater quantity control, quality treatment, and erosion and sedimentation control shall be designed in accordance with KCC Title 12 effective at the time the CUP application was deemed complete, December 15, 2016. The submittal documents shall be prepared by a civil engineer licensed in the State of Washington. The fees and submittal requirements shall be in accordance with Kitsap County Ordinances in effect at the time of SDAP application.

29. Should the proponent propose phasing of the project, a phasing plan shall be submitted to Development Services and Engineering for review and approval. The phasing plan shall, at a minimum, address the following items:

- a. Time tables indicating the anticipated time between initial site grubbing/grading activity and the completion of construction, including site stabilization of that specific phase.

- b. The extent of drainage improvements to be installed during the various phases.
30. Any project that includes off-site improvements that create additional impervious surface such as lane widening, sidewalk or shoulder installation, or intersection channelization shall provide stormwater mitigation in accordance with KCC Title 12 effective at the time the CUP application was deemed complete, December 15, 2016.
31. The Washington State Department of Fish and Wildlife may require a Hydraulic Project Approval for the work required at the proposed outfall.
32. The site plan indicates that greater than one acre will be disturbed during construction. This threshold requires a National Pollutant Discharge Elimination System (NPDES) Stormwater Construction permit from the State Department of Ecology. More information about this permit can be found at: <http://www.ecy.wa.gov/programs/wq/stormwater/construction/> or by calling Josh Klimek at 360-407-7451, email joshklimek@ecy.wa.gov. This permit is required prior to issuance of the SDAP.
33. The application indicates that a significant quantity of grading material will be exported from the site. Prior to issuing the SDAP, an approved fill site(s) must be identified. Any fill site receiving more than 150 cubic yards of material must obtain an SDAP. Fill sites receiving 5,000 cubic yards or more must have an engineered SDAP.
34. The application indicates that a significant quantity of grading material will be exported from the site. Typically, this means five or more trucks leaving the site per hour. Because of this, a vehicle wheel wash must be included as an element of the siltation erosion control plan.
35. The design of the infiltration facilities shall be in accordance with Section 7.3.4 of the Kitsap County Stormwater Design Manual.
36. The infiltration facilities shall remain off line until the drainage areas are stabilized and the water quality treatment facility is adequately established. Temporary erosion and sedimentation ponds shall not be located over infiltration facilities. In addition, retention ponds shall not be utilized as temporary erosion and sedimentation control ponds.
37. During construction of the proposed infiltration facilities, the Project Engineer shall provide an inspection to verify that the facilities are installed in accordance with the design documents and that actual soil conditions encountered meet the design assumptions. The Project Engineer shall submit the inspection report, properly stamped and sealed with a professional engineer's stamp, to Development Services and Engineering.
38. The owner shall be responsible for maintenance of the storm drainage facilities for this development following construction. Before issuance of Occupancy Permits for this development, the person or persons holding title to the subject property for which the storm drainage facilities were required shall record a Declaration of Covenant that guarantees the County that the system will be properly maintained. Wording must be included in the covenant

that will allow the County to inspect the system and perform the necessary maintenance in the event the system is not performing properly. This would be done only after notifying the owner and giving him a reasonable time to do the necessary work. Should County forces be required to do the work, the owner will be billed the maximum amount allowed by law.

39. If the project proposal is modified from that shown on the submitted site plan dated December 15, 2016, and on the updated hearing site plans (Exhibit 44), Development Services and Engineering will require additional review and potentially new conditions.

Traffic and Roads.

40. The Applicant shall construct frontage improvements along NW Anderson Hill Road, consisting of an 11-foot travel lane and a five-foot bike lane.

41. Six-foot sidewalks shall be constructed along the property frontage on both NW Anderson Hill Road and Frontier Place NW.

42. Continuous roadway lighting meeting WSDOT standards shall be provided on NW Anderson Hill Road and Frontier Place NW to support site vehicular, bicycle and pedestrian activity during dark hours.

43. School bell hours shall be staggered, so that only one school will start instruction in the morning peak hour, 7-8 a.m., per the revised Traffic Impact Analysis recommendations, to avoid overlapping arrival and departure site traffic, which would result in unacceptable Level of Service at the NW Anderson Hill Road and Frontier Place NW Roundabout.

44. A left-turn lane shall be constructed at the driveway access on NW Anderson Hill Road and shall meet the storage needs identified in the revised Traffic Impact Analysis.

45. The Applicant shall submit an Application for Concurrency Test (KCPW Form 1601) as required by Chapter 20.04.030, Transportation Concurrency, of KCC. The KCPW 1601 form reserves road capacity for the project.

46. The developer's engineer shall certify that there is adequate entering sight distance at all approaches to County right-of-way. Such certification shall note the minimum required sight distance, the actual sight distance provided, and a sight distance diagram showing the intersection geometry drawn to scale, topographic and landscaping features, and the sight triangle. The sight distance shall meet the requirements of the Kitsap County Road Standards. The certification shall also note necessary measures to correct and maintain the minimum sight triangle. The required information shall be submitted with the Site Development Activity Permit.

47. All traffic control devices on public and private roads shall comply with the Manual on Uniform Traffic Control Devices as amended by the Washington Administrative Code. This is in accordance with 23 Code of Federal Regulations (CFR), Part 655.

48. Sidewalk ramps shall conform to the current requirements of the Americans with Disabilities Act per WSDOT standard plans at the time of construction.

49. The Applicant shall provide surveyed cross-sections at 50-foot intervals along the parcel frontage on NW Anderson Hill Road and on Frontier Place NW. The cross-sections should show existing and proposed pavement, shoulders, ditches and slopes. The cross-sections should also depict centerline pavement and right-of-way, the right-of-way lines, and easements.

50. The Applicant shall submit plans for construction of the road approach between the edge of existing pavement and the right-of-way line at all intersections with county rights-of-way. Approaches shall be designed in accordance with the Kitsap County Road Standards as established in Chapter 11.22 of the KCC. Existing approaches may need to be improved to meet current standards.

51. Any required sidewalk shall be constructed prior to roadway paving. This note shall appear on the face of the final construction drawings.

52. All work, equipment and materials for traffic signal and street lighting installations shall meet and be in compliance with all requirements of the Kitsap County Road Standards, Project Contract Provisions of Plans and Specifications accepted for construction by Kitsap County, MUTCD Manual on Uniform Traffic Control Devices, NEMA National Electrical Manufacturer's Association, NEC National Electrical Code, WSDOT Standard Specifications and Standard Plans, and the Occupational Safety and Health Administration (OSHA).

53. 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. The need for and scope of bonding will be determined at that time.

Wastewater.

54. Kitsap County sanitary sewer is available for the project. The Applicant needs to submit a complete set of sewer plans, profiles, and specifications designed in accordance with KCPW – Sewer Utility Division Standards and Regulations.

Solid Waste.

55. Prior to SDAP approval, Waste Management shall be contacted at (360) 674-3166 for information on implementing the solid waste/recycling storage requirements influenced by the service provider (e.g. dumpster size and location) for the project. Pay particular attention to the access requirements of collection trucks. Documentation shall be provided from the solid waste/recycling service provider that its requirements for this project have been met.

56. The SDAP submittal shall show solid waste dumpster location, method for securing the enclosure gates in an open position, and pad sizes on the civil plans submitted for approval. Details of the enclosure, including interior dimensions, building materials and lighting, must be

included with the civil plans prior to final approval. These details may be architectural drawings attached to the civil plans. Provided area must accommodate a minimum six-yard dumpster.

57. The SDAP submittal shall show at least 150 square feet of exterior recyclable materials storage space for the project. Describe collection containers and show their locations, method for securing the enclosure gates in an open position, and pad dimensions on the civil plans submitted for approval. Details of the enclosure, including interior dimensions, building materials and lighting, must be included with the civil plans prior to final approval. These details may be architectural drawings attached to the civil plans.

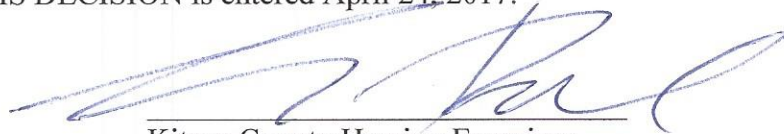
58. If using a compactor, liquid wastes generated as a result of compaction must not discharge into the stormwater system per BKCBH Ordinance No. 1996-11, Section IV.2.a.

Other.

59. Construction of rock walls or other retaining facilities that exceed four feet in height shall require a building permit.

60. Rock and retaining walls shall meet all applicable setback requirements of KCSDM 4.7.5.

THIS DECISION is entered April 24, 2017.



Kitsap County Hearing Examiner
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