



Notice of Hearing Examiner Decision

01/13/2021

To: Interested Parties and Parties of Record

RE: Project Name: Port Gamble Redevelopment Plan
 Applicant: Olympic Property Group, LLC, c/o Linda Barry-Maraist
 19950 7th Avenue NE, Ste 200
 Poulsbo, WA 98370
 Application: Performance Based Development/Preliminary Plat
 (PBD/PPlat) & Shoreline Substantial Development
 Permit (SSDP)
 Permit Number: 13-00165 & 13-00164

The Kitsap County Hearing Examiner has **APPROVED** the land use application for **13-00165 & 13-00164 Port Gamble Redevelopment Plan – Performance Based Development/Preliminary Plat (PBD/PPlat) & Shoreline Substantial Development Permit (SSDP)**, subject to the conditions outlined in this Notice and included Decision.

THE DECISION OF THE HEARING EXAMINER IS FINAL, UNLESS TIMELY APPEALED, AS PROVIDED UNDER WASHINGTON LAW.

The applicant is encouraged to review the Kitsap County Office of Hearing Examiner Rules of Procedure found at:

<https://spf.kitsapgov.com/dcd/HEDocs/HE-Rules-for-Kitsap-County.pdf>

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 Help@Kitsap1.com or (360) 337-5777.

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

**Port Gamble Redevelopment Plan
Performance Based Development/Preliminary Plat and
Shoreline Substantial Development Permit**

File Nos. 13-00165 & 13-00164

January 11, 2021

1. FINDINGS OF FACT

1.1 Proposal. Request for a Performance Based Development/Preliminary Plat, and Shoreline Substantial Development Permit, to allow redevelopment of the historic town of Port Gamble. Besides new development, the project includes construction of private access roads from State Route 104, stormwater treatment and detention control facilities, and supporting utilities, along with open space, recreational amenities, and critical area and shoreline protections.

Port Gamble was one of the earliest and most significant lumber producing centers of the Puget Sound region. The town led timber industry development and international trade during the second half of the 19th century. It functioned as a company town for 150 years with the most continuously operating lumber mill in North America, closing in 1995, due to log supply restrictions.¹

In 1967, Port Gamble was added to the National Register of Historic Places and designated a Historic Landmark. The designation recognized the unique aspects of the town, including its development as a “company town” built around the former Pope Resources (Puget Mill Company/Pope & Talbot) sawmill. The mill began operation in 1853 and, until its closure in 1995, was the oldest continuously operating sawmill and company town in the nation. In recognition of the historic value of Port Gamble and the unique factors affecting maintenance and potential development or redevelopment of the town, the county created a special planning and zoning designation for the town. In addition, special town development objectives (TDOs) ... have been adopted to ensure that development maintains and enhances the defining and essential characteristics of the town.²

The town provides an example of New England style architecture and institutions. Since 1997, the successor owner of Port Gamble, Pope Resources and its land manager Olympic Property Group retained historic preservation expertise to guide changes, alterations to structures, and new construction.

¹ The northern spotted owl was listed in 1990. 55 FR 26114-26194.

² KCC 17.360C.020

The proposal would redevelop the town with residential, commercial, agricultural, and open space land uses intended to follow the town’s historic character. Included are 226-265 new residential units, a 100-room hotel, commercial uses, and 239-245 acres of open space.³ Build-out will depend on market conditions, but is planned to occur over a 15-year time frame, through 2034. The intent of the 318.4-acre redevelopment is to use economic revitalization to retain Port Gamble’s historic character.

Applicant/Property Owner: Olympic Property Group, LLC, c/o Linda Barry-Maraist, 19950 7th Avenue NE, Ste. 200, Poulsbo, WA 98370.

Location: 4790 NE State Hwy. 104, Poulsbo, WA 98370. 26 tax parcels are included.⁴

1.2 Hearing. An open record public hearing was held December 17, 2020. Due to COVID-19 restrictions, the hearing was conducted remotely, with the Examiner, Kitsap County Department of Community Development (“DCD”), and Applicant calling in. Access information was provided to the public to allow citizens to join via either a video link or telephone call-in. There were no reported technical difficulties during the call or afterwards. However, in case any citizens who wished to comment had difficulty calling in, the record was kept open for a week, through December 24.⁵

At the hearing, DCD, through Mr. Smith described the project. DCD found it consistent with requirements, and recommended approval with conditions. The Applicant, through Mr. Rose, and also through its legal counsel, Mr. Graham, addressed site and project history, and code compliance. No member of the public indicated a wish to speak.

1.3 Administrative Record. The Examiner admitted Exhibits 1-59 which included the Staff Report, application materials, documentation of agency consultation, public notice documents, and a DCD Power Point presentation. Exhibits 37-58 were submitted at the hearing, and included a comment from the Suquamish Tribe. Following the hearing, and during the week the record was kept open, the Applicant’s legal counsel submitted a memo addressing that comment. No further public comment was received.

1.4 Notice. Hearing and application notice was provided consistent with KCC requirements.⁶

1.5 SEPA. DCD issued an Environmental Impact Statement for the proposal. It included three alternatives, the Proposed Action, a Lesser Development, and No Action. The EIS found that with No Action, that within the Mill Site, some industrial use would redevelop, while other existing buildings and infrastructure would be expected to age and degrade.⁷ The EIS was not appealed.

³ See Exhibit 38 (Revised Staff Report), p. 33, for summary table of development.

⁴ Exhibit 33 (Staff Report), Attachment.

⁵ Temporary Emergency Rule to Address COVID-19 Situation (April 1, 2020).

⁶ Exhibits 20-21, 32, and 35; Exhibit 38 (Revised Staff Report), p. 32; KCC 21.04.080, .210.

⁷ Exhibit 38 (Revised Staff Report), p. 3.

1.6 Vesting. The project vested to regulations in effect on January 17, 2013, when the applications under review here were deemed complete.⁸

1.7 Public Comment. Public comment was provided during SEPA review, and included comments and responses published in the Final EIS.⁹ The Suquamish Tribe submitted comment on clustering, which was received at the hearing. In response, the Applicant prepared a legal memo detailing project compliance with clustering requirements, a code authorized tool for allowing rural development while maintaining rural character.

1.8 Agency Comment. The proposal was circulated within the County. As long as conditions and requirements are met, there were no agency objections to approval.

1.9 Comprehensive Plan and Zoning Designations. Kitsap County's Comprehensive Plan designates 113.4 acres of the Port Gamble site as a Type 1 Limited Area of More Intense Rural Development or LAMIRD, which provides for visually compatible infill development and redevelopment of existing commercial, industrial and residential areas. The remaining 204.9 acres outside the LAMIRD are designated Rural Residential and Rural Wooded, and are mostly planned as open space.

The Rural Residential zone is seven acres and includes the Hood Canal Nursery greenhouses, an office and new parcels. The rest of the zone will be primarily open space for critical areas and associated buffers. The Rural Wooded zone is about 197.9 acres and is primarily a wooded natural area containing trails and second growth forest. The area includes a former historic farm with associated fields used for grazing and abandoned farm out-buildings. The farm areas will be rural use parcels with the PBD used for residential clustering to better protect these areas. The remaining area, which includes critical areas and associated buffers, will be designated as project open space.

Port Gamble is the County's only Rural Historic Town. The Rural Historic Town zoning seeks to protect the existing historic character of Port Gamble through three zones:

- Rural Historic Town Residential;
- Rural Historic Town Commercial; and,
- Rural Historic Town Waterfront.

The Rural Historic Town Residential zone comprises 68 acres, with 27 homes, a church, special event facility (for weddings and conferences), and a cemetery. The Redevelopment Plan identifies 144 new dwelling units, with 40 in multifamily cottage housing and 104 new single-family dwelling units on individual lots. The single-family home design and layout will be compatible with the existing historic character and general development patterns. The proposal is for small lots with reduced setbacks consistent with historic patterns. The cottage housing will be generally two-stories and on a 24-unit parcel and a 16-unit parcel. 30 reserve lots were set aside to allow for residential unit relocation if cultural resources are found elsewhere. If not required to

⁸ KCC 21.04.150; Exhibit 38 (Revised Staff Report), p. 2.

⁹ Exhibit 30 (FEIS); Exhibit 38 (Revised Staff Report), p. 32.

avoid cultural resources, the lots will be left undeveloped as natural wooded or agricultural areas, converted to open space, yards, or other permitted uses.

The Rural Historic Town Commercial area is 13.8 acres. There are 21 commercial buildings (not including accessory structures), and one residential unit. Consistent with the listed permitted uses, the Applicant proposes mixed use with a range of new residential and commercial uses, including single-family units and mixed-use development with commercial uses on the ground floor and residential units above.

The Rural Historic Town Waterfront is 31.4 acres and called the old Mill Site. It includes land along the waterfront, including the small spit between Gamble Bay and Hood Canal. The area is flat and low-lying, with an elevation 10-14 feet above sea level. The site slopes upward about 40 feet to the town. The Mill site is accessed by an asphalt road that traverses down the bluff from the town site. The zoning allows a range of uses reflecting historic development while supporting town revitalization. Forest products manufacturing, natural resource-based industries are permitted based on SMP allowances, along with commercial uses.

Port Gamble's Rural Historic Town Zoning			
	RHTC Rural Historic Town Commercial	RHTR Rural Historic Town Residential	RHTW Rural Historic Town Waterfront
Max. Density (Du/Acre)	2.5	2.5 (FN 7)	2.5
Min. Lot Size	N/A	3,500 SF (FN 7)	N/A
Max. Lot Size	N/A	7,500 SF (FN 7)	N/A
Height	35	30	35 (FN 22)
Max. Lot Coverage	50%	50% or 2,000 SF, whichever is more	50%
Setbacks			
• Front	N/A	20	N/A
• Side	Title 14	5 (FN 5)	Title 14
• Rear	Title 14	5 (FN 5)	Title 14

Footnotes, Summary:

FN 7: Providing for Clustering

FN 22: 30 feet within shoreline jurisdiction

FN 40: Exemptions

1.10 Access, Transportation, and Parking. Primary access to the Port Gamble site is via SR-104 (Pope Street). Within Port Gamble, the functional classification of SR-104 is Class III principal rural arterial which intersects with Bond Road NE to the south and to the west crosses Hood Canal to Jefferson County. In general, the existing street grid system will be retained and expanded to reflect the town's historic character, with some streets improved to newer standards.

The project includes improvements to mitigate impacts on the intersections at Puget Way and SR-104, and at SR 104 and SR-307. At Puget Way/SR-104 a roundabout is proposed to

provide traffic control based on a LOS F at build out. The roundabout would improve operations to LOS A, providing traffic calming and efficient vehicle, bicycle, and pedestrian circulation. It also provides a new gateway.

Several surface streets provide circulation within the site, besides sidewalks and trails. Several streets will be improved to new standards. A major road improvement would include extending Carver Drive south to provide access to open space and lots within the Rural Wooded zone. Several new alleys are proposed as part of the residential development in the Rural Historic Town Residential zone. Primary access to the Mill Site is from NE View Drive, with secondary emergency access connecting back to Rainier Avenue NE.

The objective is to retain the existing road network based on the town's historic grid pattern and retain mature historic trees and structures, and provide a walkable community with pedestrian facilities throughout. The site plan shows separated sidewalk with planter strips on both roadway sides, to sidewalks on one side, with no sidewalks on lower traveled dead-end roads.

The Applicant prepared a Port Gamble Parking Master Plan. Parking is tailored to development type. Parking in the Rural Historic Town Residential zone is principally associated with new residences and would be provided within individual detached or attached garages with alley access. Parking areas for the Rural Historic Town Commercial zone would be provided on surface streets at Rainier Avenue's north end and to the west along Walker Street, areas historically used for parking. Surface lots would be behind existing and proposed buildings to minimize views to the lots from primary streets and would be screened and landscaped consistent with code. The actual parking space number will be determined with applications for specific uses.

1.11 Landscaping. The town site includes large lawn areas interspersed with trees and gardens. A principal historic landscape feature is mature trees, particularly the street trees along Rainier Avenue. The Mill Site has been heavily graded and devoid of most vegetation. Areas outside the town or LAMIRD boundaries include large tracts of conifers, deciduous trees, and undergrowth.

The Preliminary Landscape Master Plan provides for planting trees along roadways and retaining existing historical trees. The landscaping plan includes landscaping in planting beds, and a variety of street trees on both roadway sides ranging from 25-30 feet (*i.e.*, Maple, Ash, Elm trees). With the approach, the historic pattern of street trees will be maintained and expanded.

Although formal landscaping was not a part of Port Gamble's past, parking areas would include landscaping to provide a visual buffer from surrounding areas. Individual landscaping around homes, community facilities, and commercial buildings would be subject to design guidelines and reviewed by the County with building permits.

1.12 Open Space and Clustered Residential Development. About 75-77% of the total site area will be retained as open space, including natural/wooded area, critical areas and their buffers (wetlands, streams and steep slopes), and area developed as parks, trails, and for

agricultural uses. Besides the large contiguous areas of open space, the project includes small park areas (pocket parks) distributed throughout the site. The areas to the rear of the Walker-Ames house and along the north bluff are designed to evoke the historic park-like areas that existed in these locations. An entry feature to Port Gamble and substantial buffering of the town site provides additional open space. The proposed agrarian area development utilizes the Babcock farm and continues an historic use within a contemporary context. This agrarian use will complement the historic town site and provide a buffer from adjacent development.

About three miles of trails, including a new segment to support the County Sound to Olympic trail route, would supplement the existing trail network, including a beach access, shoreline bluff trail connecting to the County shoreline park, and waterfront trail system. The beach access and waterfront trail system are intended to provide residents and visitors with safe approaches to the saltwater, views over the water and to the Town Site, and potential interpretive opportunities along the Mill Site, which exceed the minimum 50% requirement in rural zones. Also included are a children's play area and seating on Tract -908 and a park and overlook/walking trail with seating on Tract-913 near the site's northeast corner above the shoreline.

Lot clustering in the Rural Wooded zone is designed to protect and maintain the Babcock Farm's historic, rural character and protect adjacent wetlands. The Rural Wooded zone accounts for about 197.9 acres. With the one dwelling unit per 20-acres allowed, ten homes could be constructed. The Applicant is clustering the homes on one acre each to allow for greater preservation of rural use tracts and open space. Structure design will be required to be consistent with the neighboring rural character of adjacent farms. Ten lots is a minimal number, will not invite the need for urban services, and will be situated to avoid the appearance of urban development. Screening and landscaping are required to ensure rural character compatibility.

1.13 Signage. New signage will be reviewed for consistency with Port Gamble Historic Town signage and design requirements, along with Ch. 17.510 KCC.

1.14 Stormwater. Development Services and Engineering reviewed the proposal and based on its review of the Preliminary Drainage Report and Preliminary Engineering Plans, found the stormwater management approach supportable. Two new stormwater outfalls on the Hood Canal shoreline (east and west) are proposed as part of the Port Gamble redevelopment. One is at an existing outfall location. The other would be new, and includes a pocket beach and pedestrian trail on Port Gamble's Hood Canal Shoreline.

1.15 Water and Sewer Service. Water and sewer utilities serve the project site. The Applicant has proposed improvements to provide additional and upgraded service. A regional water line has been extended north to Port Gamble allowing Kitsap Public Utility District to provide sufficient water service. Additional storage and conveyance lines will be provided and phased in over time to serve existing and new development.

Sewer service collection pipes will drain to a treatment facility, a large onsite septic system completed in 2017. The facility is an MBR sewer treatment plant followed by infiltration in a sand unit. The parcels within the plan's rural area are connected to the system which includes

a primary and reserve drain field. The system capacity was designed to serve the total project site so the old treatment plant and outfall to Hood Canal can be abandoned, and allow for opening of shellfish beds. KPUD will continue to manage the treatment plant.

Kitsap Public Health District reviewed the project and noted the project will be served by public water and the large on-site sewage disposal system. The District will require binding water and sewer letters with the Final Plat.

1.16 Utility and Public Services.

- **Water:** Kitsap PUD #1
- **Power:** Puget Sound Energy
- **Sewer:** Kitsap PUD #1
- **Police:** Kitsap County Sheriff
- **Fire:** Fire Protection District #18
- **Schools:** North Kitsap School District #400

1.17 Solid Waste. Many of the single-family homes will have curbside waste pickup. If inaccessible by Waste Management trucks, an off-site collection point will be required. Through the SDAP review, commercial and multi-family development will be reviewed for the dumpster and recycling enclosure location. Waste Management will have to review and approve enclosure location to ensure access.

1.18 Fire Protection. Port Gamble receives fire protection services from Fire District #18, with headquarters in the City of Poulsbo. The nearest fire station is three miles away. During SDAP review the project will be reviewed for fire access, fire flow, and location of existing and future fire hydrants. The Fire Marshall's Office reviewed the project and recommended approval with conditions.

1.19 Critical Areas and Shorelines.

Wetlands and Streams. The site houses 17 wetlands (A-Q) and five streams (Machias Creek and Streams 1-4), many within the site's south and central areas. Wetlands are Type II, III, or IV, with buffers ranging from 25-150 feet, and are within Open Space protection tracts. Machias Creek and Stream 4 are Type-F fish bearing, with 150-foot buffers (or 25-foot beyond ravine slope top, whichever is greater). Streams 1 and 2 are seasonal, non-fish bearing, as is Stream 3. They are subject to 50-foot buffers. These resources were analyzed in the 2013 GeoEngineers wetland and stream study, as revised in 2020.

Shoreline. The area within shoreline jurisdiction has an Urban Shoreline Designation, with a 50-foot buffer and 15-foot building construction setback. The buffer areas on the Mill site are devoid of native vegetation, and due to the narrow building area available from the associated bluff, the Applicant requested that the building setback line be reduced to five feet to accommodate planned commercial uses. Further limiting development capacity is the height

reduction from 35 to 30-feet required by Port Gamble's Rural Historic Town Waterfront zone.¹⁰ The requested minor modification would not adversely affect shoreline ecological functions and values.

The site is bordered by Port Gamble Bay to the east and Hood Canal to the north. Hood Canal is a Shoreline of State-Wide Significance. The shoreline around the mill site has been armored with a mix of concrete bulkheads and large riprap, to accommodate construction, expansion and maintenance of the industrial facility throughout the Mill Site over the last 160 years. A jetty made of large riprap extends into Hood Canal. Paved surfaces directly abut Port Gamble Bay throughout the Mill Site. Since cleanup has been completed, shoreline conditions have improved. The vegetation along the shoreline is typically non-native invasive plants and occur sporadically between armoring and upper elevations of the shoreline.

The County's shoreline regulations and policies incentive various shoreline uses while providing for preservation of ecological functions and values. The Urban designated shoreline provides for higher residential densities, commercial development, access to utilities, including water and sewer, open space, and areas of active and passive recreation. The redeveloped site fits within this vision, while protecting the natural environment and meeting or exceeding the 50-foot shoreline buffer.

The residential development proposed within shoreline jurisdiction is an attempt to recreate historic uses on the properties. The stormwater outfalls will accommodate the planned uses, while providing improved water quality and quantity controls. The recreational purpose is achieved with the recreational trail connections planned to the north and east areas, which will provide direct shoreline connections. The planned restaurant and hotel will provide shoreline public enjoyment by maximizing water views, while still meeting critical area buffering requirements. The redevelopment provides for water oriented uses with outdoor areas for shoreline views and associated public viewing trails and vistas. Water dependent uses from shoreline access trails are also planned, and support existing kayak and paddle board rentals.

The project improves water quality and shoreline habitat and biology, along with the shoreline aesthetics, circulation, and access. The use has been holistically designed to avoid use conflicts, respect historic uses, and protect cultural resources.

The site is along the Hood Canal, a Shoreline of Statewide Significance. Relevant shoreline policies are detailed in the Staff Report, but emphasize the areas unique marine, mountain, and forest scenic values and fragile water quality. The project protects both, with development improving both shoreline access and water quality

Wildlife. The forest area to the south once contained heron nests which the CAO regulates as a Class II Wildlife Conservation Area. The heron colony appears abandoned, with only intermittent nests in the native growth protection area. But a heron management plan has been prepared and the Open Space Tract, where the abandoned nests are located, will be retained

¹⁰ KCC 17.420.056, Footnote 22.

in native vegetation, with a tree canopy. No Bald eagles were found within the project area. Neither herons nor bald eagles are ESA listed species.

Geologically Hazardous Areas. The ravine areas and marine bluff are geologically hazardous areas due to their steep grade and erosion potential, so geological reports were prepared. The native vegetation buffer requirement is from the toe of the slope to 25-feet beyond the slope top. The project site plan includes the required buffering, and exceeds the requirement within the Open Space Tract through retention of native vegetation beyond the top of slope buffer.

Frequently Flooded Areas. The primary project site does not contain flood hazard areas, but the proposed hotel, restaurant, and outfall expansion are within a mapped flood zone along the Mill site's northern edge.¹¹ The Applicant submitted a habitat assessment biological report to assess impacts to listed species and biological resources for a proposed fill, along with an impact assessment from the outfall expansion.¹² Temporary impacts from importing five-eight feet of fill over portions of the Mill site, with the presence of existing armored shoreline, is not likely to negatively impact the environment. Particularly when considering existing conditions, fish and wildlife impacts would be minimal and localized.

Critical Aquifer Recharge Areas. The site is within a Category I Critical Aquifer Recharge Area. The Critical Areas ordinance regulates activities that pose a potential contaminant threat or could increase aquifer vulnerability under Ch. 19.600 KCC. The mill site has had industrial development since 1853 and cannot be used for drinking water wells. However, residential uses are allowed, and commercial development will be reviewed at building permit submittal for code compliance. A hydrogeologic report may be required for uses within Category I or Two Aquifer Recharge Areas.

1.20 Port Gamble Rural Historic Town Requirements, Ch. 17.321B. Large-scale development requires a town master plan setting forth a preferred development scenario and phasing, and may utilize Ch. 17.425 KCC's PBD process. Ch. 17.321B KCC identifies use, infrastructure, density, lot size, height, parking, and setback requirements, as well as street lighting and signage. Development must maintain and enhance the town's defining and essential characteristics. Building design must be based on historic structure characteristics, though it need not literally mimic historic styles. New structures are to be compatible with the old in mass, scale and character, but subtle differences in stylistic treatment which make the buildings distinguishable as new construction are appropriate. KCC 17.321B.025 details these requirements. In summary:

- Design is to reflect historic town patterns, including small lot development, alleys, narrow streets, sidewalks, and historic street design.
- The historic development patterns are to be retained. Homes shall face the street, with garages and parking off an alley access where possible. Detached garages are preferred, with alley access or shared driveway access from the street. Development patterns with

¹¹ KCC 19.600.615(A) and (B).

¹² Exhibit 15b (Floodplain Habitat Assessment Report).

repeating double-bay garage doors facing the street are prohibited.

- Large community open spaces are preferred, rather than large private yards.
- Development shall be compatible in massing, size, and scale with historic structures.
- Waterfront development may reflect the significant industrial and commercial nature of early uses, which were larger and bulkier.
- Parking in the Commercial and Waterfront areas is to be provided in shared or common parking areas whenever feasible.
- Landscaping must reflect the town's historical character and preserve and enhance publicly accessible open spaces and retain mature trees to the extent possible.

Existing buildings which contribute to the National Historic Landmark district will be retained. The existing street pattern will remain intact, and the historic district is buffered from and differentiated from surrounding development. Site historic components include lot layout, streetscapes, streets, alleys, parking, furnishings, lighting, and sidewalks, along with various character-defining elements.

- Mill Site. No historic buildings remain on the Mill Site. Proposed development includes traditional uses, including housing, commercial, and maritime-related activities. Many of the larger buildings would be concentrated in the center of the Mill Site. The commercial buildings, which would allow restaurant, hotel, retail and/or office uses, would be larger and bulkier in scale and mass, and would be designed and sited to provide a connection with the water and to allow public access to the waterfront. To the south the land uses transition to residential and/or open space, with townhomes closer to the commercial areas as part of mixed-used development.
- Town Site. The town's traditional layout is retained, with residential development predominating and commercial development within the RHTC zone. The traditional lot sizes, grid street system, use of alleys and orientation of new structures to the street system is implemented as feasible.
- Transition/Buffers. The buffer areas east of Rainier Avenue and along the north bluff that visually shield the town from the Mill Site are retained.
- Cemetery. The cemetery is unchanged.
- Commercial. Existing commercial nodes are retained. The primary commercial area at Rainier Avenue and Walker Street would be retained with limited new construction proposed. New infill is proposed for the area along Walker Street between Rainier Avenue and Puget Way, near the event pavilion. Historic structures, including the stables, are integrated into this commercial node as adaptive reuses. The automobile repair building along Highway 104/Pope Street would be retained and re-purposed. Commercial activity is proposed for the Mill Site, which reflects historic use.
- Residential. Historic residences will be retained with vacant lots infilled primarily with single family structures that reflect the size, materials, and character of existing residences. Lot sizes and layout would be maintained on the vacant lots. Housing at the Mill Site is an historically appropriate use, and new construction would reflect the site's historic character.
- Lot Layout. Lot sizes follow existing sizing. On the Mill Site, lots would be larger to accommodate the proposed commercial, residential, and educational activities.

- Streetscape, Streets, and Alleys. The historic street grid is anchored by Rainier Avenue (north/south axis) and SR 104 (east/west axis). Mill Site access would be substantially unchanged but improved to reflect new standards and provide emergency access. Streets through the Rural Historic Town would retain traditional widths and street trees are extended into areas of new construction. As feasible, alleys are proposed to retain their historic use and importance for vehicular access. Limited driveways are proposed where necessary, or where alley access is not practical due to site constraints. Garages will be to the rear of lots and accessed through alleys, though there are limited instances where site and physical constraints result in garages being accessed from the street in front of the home. These garages may be street facing or accessed via common driveway and grouped at the lot's rear.
- Sidewalks, Furnishings, and Lighting. The proposal includes sidewalks, street lighting, and street furnishings such as benches and waste bins. The specific design of these elements will be addressed in the eventual design guidelines and require County approval.

Coupled with this design is the open space and landscaping detailed in findings above. These provide a town commons or series of connected public open space linkages. This includes small park areas and a beach access and waterfront trail system. An entry feature to Port Gamble and substantial historic town buffering provide additional open space. The project meets Rural Historic Town requirements.

1.21 Performance Based Development, Ch. 17.425. The PBD zoning allows for design flexibility and creative site planning, while providing for orderly development. A PBD allows lot clustering to preserve open space; encourages suitable buffers between different development types; facilitates allowed residential densities; provides for increased efficiencies in street layout and placement of utilities and other public improvements; and, encourages creative techniques and designs for land development.¹³

The Port Gamble Rural Historic Town zoning requires developing a town master plan which lays out planned development and phasing in the three zones. The PBD process is authorized, though RHT substantive standards govern. The Port Gamble Redevelopment Plan addresses development objectives and zoning requirements, including density, height, parking, and other requirements. As authorized, the Applicant proposes several modifications.

- Modification to building setbacks in the Rural Historic Town Residential zone;¹⁴
- Reduced setbacks in the Rural Residential and Rural Wooded zones;
- Lot clustering in the Rural Wooded zone with a reduction of minimum lot area from 20 acres down to 1-acre lots, with the balance of the lot area in required 50% rural open space and five-acre minimum rural use tracts;
- Flexibility in use of shared off-street parking and counting on-street parking and single-family residential garages towards parking (per Master Parking Plan); and,
- The Rural Historic Town Residential area west of Machias Creek would include up to

¹³ KCC 17.425.010.

¹⁴ KCC 17.383.090, Footnote 9.

30 residential reserve lots to allow relocation of residential units/lots if cultural resources are found in other locations. If the reserve is not needed, this area may become open space, agriculture, yards or other permitted uses.

From 1853-1895, the street grid was established, with houses facing the street frontage. The grid pre-dated vehicular transportation. KCC 17.490.030 does not allow for garage off-street parking, but this makes vehicle more visible, affecting the town's historic character. And, in certain areas a two-car garage may not be supported, so the Applicant requested on-street parking. The RHTR building setback modification would modify the front setback from 20 feet to ten, with lot coverage limited to KCC 17.382.090 allowances.

The requested modifications are in keeping with maintaining the area's character, and overall support a project design which better protects both the rural area, historic character, and environmental resources. However, on-street parking shall not impact vehicular or emergency vehicle access. Besides setbacks, the face of the final plat should note requirements for allowing on-street parking.¹⁵ The commercial area provides parking for visitors and overflow.

More generally, the road design follows the historic character and is adequate to meet project vehicle trips. Access, parking, and circulation provisions have been made (KCC 17.425.040A), common open space is detailed (KCC 17.425.040B), as is recreational open space (KCC 17.425.040C). The PBD/Plat is adequate in size and character to accommodate the proposed uses consistent with required development standards, and the Comprehensive Plan. As conditioned and mitigated, the project is compatible with neighboring conforming land uses, with views, traffic, sunlight, and noise impacts addressed. A phasing plan consistent with standards has been submitted, with a Development Agreement being later implemented.

1.22 Subdivisions Standards – Rural Standards (16.24.050), Segregation with Shoreline Jurisdictions (KCC 16.24.070), Segregations Containing Critical Areas (KCC 16.24.080). The project adequately addresses the County's platting requirements. The Findings above provide detail, which cover:

- Sidewalks. Sidewalks are being constructed consistent with requirements. *See* Finding 1.10.
- Public Street and Street Connectivity. A tightly inter-connected street grid system is being designed consistent with code. *See* Finding 1.10.
- Fire Protection. *See* Finding 1.18.
- Landscaping. *See* Findings 1.11 and 1.12.
- Utilities. Provision of Utilities is detailed in Findings 1.15 and 1.16.
- Off-Street Parking. *See* Finding 1.10.¹⁶

KCC 16.24.070 requires plat consistency with the County's Title 22 shoreline

¹⁵ Exhibit 38 (Revised Staff Report), p. 46.

¹⁶ KCC 16.24.050.

requirements, which has been demonstrated (*see* Finding 1.19), and KCC 16.24.080 requires compliance with County’s Title 19 critical areas requirements, which has also been demonstrated (*see* Finding 1.19).

1.23 Adequate Facilities and Improvements - KCC 16.04.080. Appropriate provisions for facilities and improvements have been made consistent with KCC 16.04.080, to ensure the plat serves the public interest.

- **Code/Plan Consistency.** The project, as conditioned, follows the Comprehensive Plan and County Code, which provide for economic revitalization and attractive development adequately supported by facilities and services.¹⁷
- **Access.** County transportation requirements and plat conditions ensure access requirements are met.
- **Safe Walking Conditions.** The street configuration and sidewalks will be constructed to ensure safe walking conditions.
- **Lot Configuration.** Historic lot patterns will be maintained. Irregular lots are not being established, and lots run at right angles to the street face.
- **Plat Maintenance.** Conditions require property owner maintenance of certain plat conditions. Although an HOA may take responsibility for such work, such associations can be dissolved. Whether or not an HOA takes on these responsibilities, they remain with the ultimate property owners.

1.24 Conditions. The Staff Report's proposed conditions are necessary to ensure code requirements are met and to achieve consistency with the above findings. The Applicant's representative confirmed there were no objections or concerns with these conditions. No substantive revisions are needed.¹⁸ The Staff Report is incorporated into these Findings.

2. CONCLUSIONS OF LAW

2.1 Jurisdiction. The Hearing Examiner has jurisdiction over the Performance Based Development, Preliminary Plat, and Shoreline Substantial Development Permit.¹⁹

2.2 Performance Based Development. PBD requirements are designed to improve project design. The Examiner must find that the following conditions exist:

- A. The design of the PBD meets the requirements of this section, other sections of the county code and the goals and policies of the Comprehensive Plan and the site is adequate in size and character to accommodate the proposed development;

¹⁷ Exhibit 38 (Revised Staff Report), provides detail on the Comprehensive Plan goals and policies.

¹⁸ Minor typos were corrected in Conditions 10 and 17.

¹⁹ KCC 21.04.080 and .100; KCC 22.500.100; Ch 17.321B KCC.

B. The design of the PBD is compatible with neighboring conforming land uses. An assessment of compatibility shall include, but not be limited to, the consideration of association with adjacent land uses and the proposed project's effects on existing views, traffic, blockage of sunlight, and noise production;

C. If the development is phased, each phase of the proposed development shall meet the requirements of this chapter;

D. The site for the proposed use relates to streets and highways adequate in width and pavement type to carry the quantity and kind of traffic generated by the proposed use;

E. The proposed and/or existing public facilities and utilities are adequate to serve the project; and

F. The establishment, maintenance, and/or conduct of the use for which the development plan review is sought will not, under the circumstances of the particular case, be detrimental to the health, safety or welfare of persons residing or working in a neighborhood of such use and will not, under the circumstances of the particular case, be detrimental to the public welfare, injurious to property or improvements in said neighborhood, or contrary to orderly development.

G. Innovations and/or public benefits shall be commensurate with the code modifications proposed.²⁰

The plat follows these criteria. As addressed above, the PBD meets code requirements. It is consistent with the Comprehensive Plan, which provides for this type of development at this location, with adequate supporting infrastructure, attractively designed development, with supporting amenities and utilities.²¹ PPD design is compatible with neighboring land uses. The Applicant testified as to the efforts made to design the project consistent with its historical character and ensure town vitality through economic redevelopment.

Amenities provided are addressed above. Impacts from noise and traffic are addressed, view access is increased, sunlight blockage issues were not identified, and public facilities and utilities are adequate, and will be improved with redevelopment. The plat/PBD design will provide attractively designed development consistent with code. With mitigation, the impacts will not be "detrimental to the health, safety or welfare of persons residing or working in a neighborhood," and will not "be detrimental to the public welfare, injurious to property or improvements in said neighborhood, or contrary to orderly development."²² Given the open space and recreational amenities provided, along with the attendant infrastructure improvements, the benefits provided are commensurate with the code modifications proposed. The PBD requirements are met.

²⁰ KCC 17.450.050; *see generally* Exhibit 37 (Applicant's analysis), detailing consistency with requirements.

²¹ *See* Exhibit 38 (Revised Staff Report) identifying Comprehensive Plan policies.

²² KCC 17.450.050.

2.3 Preliminary Plat. The Hearing Examiner reviews Preliminary Plat applications for consistency with platting requirements.²³ These requirements include zoning and platting provisions in Titles 16 and 17, including KCC 16.04.050, .070, and .080, and KCC 16.04.080. These regulations require that plats meet sizing and related requirements (*i.e.*, density, height, setbacks, and landscaping), and be adequately served with necessary infrastructure and services (*i.e.*, stormwater facilities, sewage, water supply, transportation facilities, and recreational facilities).

The zoning code authorizes the proposed residential use at the densities proposed. As the findings address, and assuming the below conditions are complied with, the proposal meets all platting requirements, including lot size, setbacks, and infrastructure requirements. Conditions are imposed to ensure these requirements are complied with.

Conditions are imposed to ensure County transportation, stormwater, and water/sewer service requirements are complied with. The proposal, as conditioned, and as the findings address, includes provisions to address impacts on drainage; roads, including adequate access and safe walking conditions; water supplies; sanitary wastes; fire protection; landscaping; and, other supporting public and private facilities and improvements.

As mitigated and proposed, the project follows Comprehensive Plan policies providing for attractively designed development which respects the town's historic character and is adequately supported by utility facilities and services. More generally, it follows applicable requirements in Titles 16, 18, 19, and 22, and with RCW 58.17.110 requirements, which ensure the plat is consistent with the public health, safety, and welfare. Given project consistency with requirements and policies, it should be approved.

2.4 Shoreline Substantial Development Permit. The Hearing Examiner reviews SSDP applications.²⁴ An SSDP is granted only when the applicant can demonstrate that the proposed development is consistent with the policies and procedures of the Act and this program, as well as criteria in WAC 173-27-150.²⁵ As the findings above address, the project is consistent with Ch. 22 KCC, the County's shoreline regulations, WAC 173-27-150, and Ch. 90.58 RCW. The project improves public shoreline enjoyment, and promotes accessibility, with no net loss of shoreline ecological functions. The SSDP should be approved.

DECISION

The Hearing Examiner, pursuant to the above Findings of Fact and Conclusions of Law, approves the requested Preliminary Plat/Performance Based Development and Shoreline Substantial Development Permit, provided these conditions are adhered to:

²³ KCC 21.04.100.

²⁴ KCC 21.04.080, and .100; Ch. KCC 22.500 KCC.

²⁵ KCC 22.500.105(E).

Planning/Zoning

1. All required permits shall be obtained prior to commencement of land clearing and/or construction.
2. All building permits are subject to impact fees pursuant to Kitsap County Code.
3. A Final Landscape Plan will be required to be submitted consistent with KCC 17-385 Landscaping (per 2013 vesting), during civil site plan review, which depicts natural vegetation, and the planting and irrigation plan. The tree retention plan shall be included with the SDAP.
4. Street trees shall be planted along the access driveway and on individual lots at approximately 25-foot spacing. A final landscape plan will be subject to approval by the Department prior to SDAP approval. Trees on individual lots are required to be installed prior to Certificate of Occupancy for associated individual residential units.
5. Include a note on the face of the plat showing building setbacks for new development as conditioned per the plat approval.
6. Consistent with the PBD and the Town Development Objectives #2 (Maintain Historic Development Pattern) and #6 (Vehicle Parking), include the parking reduction criteria and allow single family garage parking to count towards required parking, per the Master Parking Plan (10/10/2019) on the final plat.
7. Pursuant to KCC Section 21.04.110 Timeline and Duration of Approval, Kitsap County's land use approval for the preliminary plat is valid for a period of up to five (5) years from the decision date of the preliminary plat consistent with RCW 58.17.140 and .170.
8. The decision set forth herein is based upon representations made and exhibits contained in the project application (File# 13-00165 and 13-00164). 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.
9. 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.
10. Any violation of the conditions of approval shall be grounds to initiate revocation of this approval.

Environmental

11. The uses of the stormwater outfall facility are limited to only approved land uses.
12. Design, construction and installation of the stormwater outfall shall be consistent with the site plan and application as submitted. Any substantive alterations or modifications to any approval shall require additional review and approval from Kitsap County and applicable State and Federal agencies.
13. A final stormwater outfall planting plan shall be required with the SDAP application submittal. Plant substitutions may be required.
14. Hydraulic Project Approval (HPA) will be required for outfall construction at the shoreline. The HPA will be conditioned to minimize scouring effects on the beach, thus mitigating impacts to intertidal habitat.
15. A National Pollution Discharge Elimination System (NPDES) permit will be required for general construction activity at the shoreline.
16. Upon final Shoreline Substantial Development Permit issuance, all construction must commence within two years and be complete within five years. A one-time one-year extension is available but only if requested on or before ninety days of original permit expiration. No exceptions are allowed unless provided for by law.
17. A Conversion Forest Practice Application (FPA) will be required with submittal of the SDAP if more than 5,000 board feet of merchantable timber is planned for removal.
18. All clearing limits shall be located outside of all buffer areas. Clearing limits shall be accurately reflected on the SDAP.
19. Slope buffers shall conform to the recommended setback.
20. Non-clearing native vegetation buffers shall be established along the perimeter of all on-site wetlands. The buffer shall be marked with wetland buffer signs on a split rail fence, or alternatively may be installed on live trees or posts. Sign spacing will be determined at time of site development activity permit. Buffer signs will be made available at that time.
21. A formal trail plan shall be required and approved by DCD environmental staff prior to any development, installation and/or construction. Trail width shall not exceed five feet unless there is a demonstrated need, subject to review and approval by the department. Trails shall be constructed with pervious materials unless otherwise approved by DCD environmental staff. The planned pocket beach shoreline trail width of 6 feet has been determined to be acceptable.
22. The trail and bench locations shall be staked out and evaluated and approved by DCD environmental staff prior to final design and location. Trails shall be depicted on the SDAP and Final Plat/PBD document.

23. Open space tracts shall be labeled as “non-clearing native vegetation buffer” on the SDAP and Final Plat/PBD. If a trail is proposed within open space tracts, tree removal shall be prohibited for the location of the trail unless otherwise approved by DCD staff.

24. Trees and/or vegetation within all open space and future development tracts considered hazardous shall be evaluated by DCD staff and/or a certified arborist and DCD shall grant approval prior to removal of any vegetation. Replanting of removed vegetation may be required. This requirement shall be included in the CC&Rs filed with the plat/PBD.

25. The open space tracts shall remain in native vegetation with the exception of vegetation removal approved by Kitsap County DCD for hazard tree management, trail installation or stormwater management. Clearing limits shall not extend any more than necessary and shall be limited to 10 feet from lot lines except where approved for hazard tree removal.

26. A split rail fence shall be installed along the outer wetland buffer edge prior to SDAP final inspection approval and sign off. The split rail fence shall be depicted on the SDAP and Final Plat/PBD.

27. Excavation work will be guided by an approved Inadvertent Discovery Plan (IDP) that will lay out steps to be taken and notifications to be made in case of a significant inadvertent discovery. In the event that potential human remains or significant cultural resource are discovered during construction site earthwork, work within 30 feet of the find would cease pending notification of the Washington State Historic Preservation Officer (SHPO) with the Washington Department of Archaeology and Historic Preservation. Consultation with SHPO would take place and if necessary, a qualified archaeologist would be retained to assess the significance of the find. Per state law, SHPO would communicate any find with the Suquamish, Port Gamble S’Klallam, and other local tribes. If recovery of an archaeological resource is necessary, an archaeological excavation permit would be required from SHPO. The 3/9/2018 Inadvertent Discovery Plan for the Port Gamble Redevelopment Project with 10/12/2020 addendum (per tribal review) will be updated and will provide for notification to Kitsap County DCD staff.

Fire Safety

28. 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 60,000-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 25 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.
 - f. Road shall not be more than 12% grade.
29. Fire flow at this time has not been determined. Calculation of fire flow shall be determined at time of SDAP.
30. 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.
31. Hydrant locations are not approved on this application. Further review shall be completed at time of SDAP. Hydrants shall be placed no more than 400 feet from each other, up to 600 feet if protected by a fire sprinkler system for commercial buildings. One hydrant shall be within 50 feet of the fire department connection (FDC). For Group R-3 and U occupancies, the distance requirement shall be 600 feet. Where hydrants supply commercial or multifamily fire flows, a hydrant shall be placed not more than one hundred fifty feet (150') nor less than fifty feet (50') from the protected building. IFC 508.5.1 as amended by Kitsap County.
32. Requirements for automatic fire sprinkler systems and fire alarm systems are not included in this review. Systems shall be determined at SDAP and building permit applications.

Development Engineering

General

33. 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.
34. Approval of the preliminary plat shall not be construed to mean approval of the total number of lots, or final configuration of all lots and tracts within the project. It is anticipated that a plat amendment(s) for the RHTC and RHTW zones, cottage development plans and other changes may be approved in the future. In all cases revisions will meet County code and not exceed zone density. These parameters may be required to be revised for the final design to meet all requirements of KCC Titles 11 and 12.

Stormwater

35. 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, designed to the 2010 version of the Kitsap County Stormwater Design Manual.

36. Stormwater quantity control, quality treatment, and erosion and sedimentation control shall be designed in accordance with KCC Title 12 effective at the time the Plat/Performance Based Development application was deemed complete January 17, 2013. The submittal documents shall be prepared by civil engineers 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.

37. 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, as a minimum, address the following items: 38-39.

38. Timetables indicating the anticipated time between initial site grubbing/grading activity and the completion of construction, including site stabilization of that specific phase.

39. The extent of drainage improvements to be installed during the various phases.

40. Any project that includes offsite 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 Plat/Performance Based Development application was deemed complete, January 17, 2013.

41. The Washington State Department of Fish and Wildlife may require a Hydraulic Project Approval for the work required at the proposed outfall.

42. The site plan indicates that greater than 1 acre will be disturbed during construction. This threshold requires a National Pollutant Discharge Elimination System (NPDES) Stormwater Construction permit from the State Department of Ecology. More information about this permit can be found at: <http://www.ecy.wa.gov/programs/wq/stormwater/construction/> or by calling Josh Klimek at 360-407-7451, email joshklimek@ecy.wa.gov. This permit is required prior to issuance of the SDAP.

43. Per WAC 173-175, the construction of pond berms that will impound a volume of ten acre-feet or more of water requires review and approval by the Department of Ecology. This approval must be completed prior to issuance of the SDAP.

44. The Washington State Department of Ecology (Ecology) may require registration of the infiltration trench as an Underground Injection Control (UIC) well in accordance with the Underground Injection Control Program (Chapter 173-218 WAC). The Applicant shall contact Ecology to determine if the facility is regulated under the UIC program.

45. The application indicates that a significant quantity of grading material may be exported from the site. Prior to issuing the SDAP an approved fill site(s) must be identified.

46. Any fill site receiving 150 cubic yards or more of material must obtain an SDAP.
47. Fill sites receiving 5,000 cubic yards or more, or located within a critical area, must have an engineered SDAP.
48. For any fill site receiving less than 150 cubic yards, the SDAP holder shall submit to Kitsap County Department of Community Development load slips indicating the location of the receiving site and the quantity of material received by said site.
49. If a significant quantity of grading material is to be exported from the site (five or more trucks leaving the site per hour) a vehicle wheel wash must be included as an element of the siltation erosion control plan.
50. The design of the infiltration facilities will be in accordance with Section 7.3.4 of the Kitsap County Stormwater Design Manual.
51. The infiltration facilities shall remain offline 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.
52. During the 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.
53. 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.
54. The impervious area per lot accounted for in the overall drainage facilities installed shall be indicated on the face of the final plat. Additional impervious surfaces created on an individual lot beyond the amount accounted for in the overall drainage facilities shall be mitigated in accordance with KCC Title 12 Stormwater Design.
55. If the project proposal is modified from that shown on the submitted site plan dated November 18, 2020, Development Services and Engineering will require additional review and potentially new conditions.

Traffic and Roads

56. Submit an Application for Concurrency Test (KCPW Form 1601) as required by Chapter 20.04.030, Transportation Concurrency, of the KCC. The KCPW 1601 form reserves road capacity for the project.
57. Public roads, if any, shall not exceed 12% grade or less depending on the road classification per Kitsap County Road Standards.
58. The interior roads of the proposed plat that are proposed as public roads, if any, shall be designed and constructed in accordance with KCC 11.22 and the Kitsap County Road Standards for a local access road or an approved higher standard. Such roads shall be publicly maintained, and the right-of-way dedicated to Kitsap County.
59. The following note shall appear on the face of the final plat map. “Interior roads [specify in the note names or other designations of all private roads] shall remain private.”
60. 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.
61. The hammerhead(s), if any, shall be designed to accommodate a SU design vehicle. The dumpster enclosure shall not be considered as part of the hammerhead. The wheel path of the design vehicle shall remain within the paved area for all required movements.
62. All rights of access for adjoining properties currently in existence shall be preserved and documented on the face of the final plat. Any amendment to the existing easement rights of adjoining property owners shall be properly executed and recorded prior to SDAP or final plat acceptance.
63. Sidewalk ramps shall conform to the current requirements of the Americans with Disabilities Act per WSDOT standard plans at the time of construction.
64. All lots shall access from interior roads only. This note shall appear on the face of the final plat map.
65. The property owners within the plat 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 face of the final plat map and the accepted construction plans. In addition, Development Services and Engineering reserves the right to require that covenants be recorded to address special maintenance requirements depending on final design. Any roads proposed as public roads shall be constructed to current County standards and deeded as public right-of-way.

66. Provide surveyed cross-sections at 50-foot intervals along the parcel frontage on State Route 104. The cross-sections should show existing and proposed pavement, shoulders, ditches and slopes. The cross-sections should also depict centerline of pavement and right-of-way, the right-of-way lines, and easements.

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

68. The developer's engineer shall certify that there is adequate entering sight distance at the intersections of State Route 104 and the interior plat roads. 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 Washington State Department of Transportation. The certification shall also note necessary measures to correct and maintain the minimum sight triangle.

69. 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).

70. Before SDAP acceptance, the Applicant shall submit a set of drawings to the Washington State Department of Transportation (WSDOT) for review. The Applicant shall notify Development Services and Engineering in writing when the plans have been submitted to WSDOT. Development Services and Engineering shall coordinate with WSDOT to determine if WSDOT has any comments to the submittal, but responsibility for obtaining concurrence from WSDOT lies with the property owner.

71. Final plan approval will require documentation of WSDOT approval for impacts to and any required mitigation on State Route 104. WSDOT point of contact is Dale Severson at (360) 357-2736:

Washington State Department of Transportation
Olympic Region Development Services
Attn: Dale Severson
P. O. Box 47440
Olympia, WA 98504-7440

72. 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.

Non-Motorized Transportation

73. The required SDAP shall depict the trail section south of NE Carver Drive at logging road #1100, and connecting to SR104 at Olympian as a “Proposed shared-use path” for Kitsap County’s proposed Sound to Olympics Trail.

Survey

74. The Final Plat shall be prepared by a licensed Land Surveyor in compliance with KCC Title 16.

75. All private roads shall be labeled as tracts and constructed in accordance to Fire Code requirements. Ten feet for utility easement shall be provided on each side of private road tracts.

76. All potential park areas, common open space, buffers and stormwater management areas shall be labeled as separate tracts. The ownership and maintenance responsibility shall be addressed on the face of the final plat, as well as in the CC&Rs.

77. Access to all lots shall be from roads within the proposed plat boundaries. A note to this effect shall be placed on the Final Plat.

Solid Waste

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

Other

79. If this project includes the construction of rock walls or other retaining facilities that either exceed four feet in height or sustain a surcharge, a separate building permit with an engineered design is required. This note shall be placed on the face of the final construction drawings.

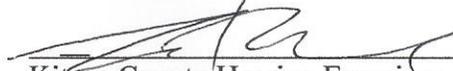
80. Rock and retaining walls shall meet all applicable setback requirements of KCSDM 4.7.5.

Kitsap Public Health District

81. Kitsap Public Health District will require binding water and sewer letters at the time of Final Plat.

Absent a timely appeal or grant of reconsideration, this Decision is final.²⁶

DECISION entered January 11, 2021.



Kitsap County Hearing Examiner
Susan Elizabeth Drummond

²⁶ HE Rule 2.12.1; Ch. 36.70C RCW (providing requirements for appeal within 21 days to superior court); Ch. 90.58 RCW, RCW 90.58.140, .180 (providing for appeal within 21-days to Shoreline Hearings Board).