



Kitsap County Hearing Examiner

ADMINISTRATION BUILDING, 619 DIVISION ST, MS-36
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NOTICE OF HEARING EXAMINER DECISION

July 5, 2016

To: Interested Parties and Parties of Record

RE: project name: CKSD Transportation Center, Food Service & Warehouse
applicant: Central Kitsap School Dist 401
9210 Silverdale Way
Silverdale WA, 98383
Application: Conditional Use Permit
Permit Number: 16 00759

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

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

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

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

The complete case file is available for review at the Department of Community Development, Monday through Thursday, 8:00 AM to 4:00 PM and Friday 9:00 AM to 1:00 PM, except holidays. If you wish to view the case file or have other questions, please contact Constance Blackburn at cblackburn@co.kitsap.wa.us or (360) 337-5777.

Cc Applicant and/or Rep:

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AHBL INC, dgavin@ahbl.com

Cc Interested Parties:

Hank and Susan, hank-susan@wavecable.com
Ann Erickson, ann1068@msn.com
Pat Jackson, jessen46@q.com
Dennis Kobelin, denniskobelin@wavecable.com
Marilyn Perry, marilyn9739@msn.com

**BEFORE THE HEARING EXAMINER
FOR KITSAP COUNTY**

In the Matter of the Application of)	No. 16 00759
)	
Lisa Klein, on behalf of the)	
Central Kitsap School District #401)	Transportation Center
)	
)	
<u>For Approval of a Conditional Use Permit</u>)	FINDINGS, CONCLUSIONS, AND DECISION

SUMMARY OF DECISION

The request for a conditional use permit to construct a 32,000 square foot food service warehouse, transportation administration, and transportation maintenance facility, with off-street parking for up to 102 buses, at 9102 Dickey Road NW in Silverdale is **APPROVED**. The improvements would occur on the northernmost 14 acres of a 39.1-acre site owned by the Central Kitsap School District and would allow for co-location of the new facility with an existing District maintenance and operation facility on-site. Conditions are necessary to mitigate project impacts on the adjacent neighborhood and to ensure the proposal complies with the Kitsap County code.

SUMMARY OF RECORD

Hearing Dates:

The Hearing Examiner held an open record hearing on the request on May 26, 2016; the hearing was continued until June 9, 2016, to allow the Applicant to submit additional information on potential noise and traffic impacts from the proposal and to provide additional information about a proposed sound wall and vegetative buffering along the northern property line.¹

Testimony:

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

Jeff Smith, County Senior Planner
Lisa Klein, Applicant Representative
Robin Shoemaker, CKSD Director of Capital Projects
Doreen Gavin, P.E., Stormwater Consultant
Kattie Nepper, CKSD Director for Transportation

¹ At the conclusion of the June 9, 2016, hearing, the Hearing Examiner ruled that the record would remain open until June 17, 2016, for the Applicant to provide additional information about the vegetative buffer along the northern property line, for further analysis of tree retention on-site, and to allow public comment on that information. These exhibits and responses are Exhibits 38 and 39.

Katherine Casseday, P.E., Traffic Engineering Consultant
Thomas Allen
Laberta Shafer
Dennis Kobelin
Brenda Kingsbury
Matthew Hoey
Ann Erickson
Tammy Allen
Pat Jackson

Exhibits:

The following exhibits were admitted into the record:

1. Letter from Jeff Smith to Robin Shoemaker, dated February 23, 2016, with Pre-application Summary and Checklist
2. Project Application, received February 26, 2016
3. Supplemental Application – Conditional Use or Administrative Conditional Use Permit, received February 26, 2016
4. Supplemental Application – Concurrency Test, received February 26, 2016
5. Letter from Lisa Klein, AHBL, to Kitsap County, dated February 24, 2016
6. Letter from Morgan Johnson, Silverdale Water District, to Lisa Klein, dated February 18, 2016
7. On-site Parking Memorandum, Casseday Consulting, received February 26, 2016
8. CUP Cover Sheet (Sheet No. C1.0), dated February 23, 2016
9. Site Plans (six sheets), dated February 23, 2016:
 - a. Cover Sheet (Sheet No. C1.0), dated February 23, 2016
 - b. Demolition and TESC Plan (Sheet No. C2.0), dated February 23, 2016
 - c. Grading & Storm Drainage Plan (Sheet No. C3.0), dated February 23, 2016
 - d. Utility Plan (Sheet No. C4.0), dated February 23, 2016
 - e. Dickey Road Plan and Profile (Sheet No. C5.0), dated February 23, 2016
 - f. Photometric Map (1 of 1), dated Feb. 4, 2016
10. SEPA Checklist, dated February 24, 2016
11. Letter from Daniel Kranenburg to Robin Shoemaker, dated August 25, 2015
12. Notice of Complete Application, dated February 29, 2016
13. Notice of Application, dated March 24, 2016
14. Letter from Scott Diener to Robin Shoemaker, dated March 29, 2016
15. Memorandum from Adam Bettcher, Stantec, to Robert Lindstrom, dated February 24, 2016
16. Traffic Impact Study, Casseday Consulting, dated February 2016
17. AHBL Reports:
 - a. Sewage Lift Station System Analysis, dated March 2016
 - b. Preliminary Drainage Report, dated February 2016

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Central Kitsap School District CUP
No. 16 00759

18. Spill Prevention & Response Plan, AHBL, dated April 2016
19. Memorandum from Peter Bannister, P.E., Aspect Consulting, to CKSD, Hydrogeological Report, dated April 13, 2016
20. Transmittal from Lisa Klein to Morgan Johnson, Silverdale Water District, dated April 20, 2016
21. Emails concerning the Hydrogeological Report, dated February 25 to May 9, 2016
22. SEPA Mitigated Determination of Nonsignificance, dated May 10, 2016
23. GIS Maps addressing Critical Aquifer Recharge Areas, Zoning, Utility Connections, Tax Parcel Numbers, and Geological Hazard Areas, undated
24. Memorandum from Candy Mursell to Jeff Smith, dated May 9, 2016
25. Notice of Public Hearing, dated May 12, 2016
26. Certification of Public Notice, dated May 18, 2016
27. Staff Report, dated May 19, 2016
28. County PowerPoint (7 slides), dated May 26, 2016
29. Letter from Jan Brower, Kitsap Public Health District, to Kitsap County, dated May 19, 2016
30. CKSD PowerPoint (7 slides), dated May 26, 2016
31. Noise Study, Stantec, dated May 2016
32. CKSD PowerPoint (10 slides), dated June 9, 2016
33. CKSD Response to Neighbor Comments, dated June 6, 2016
34. Tree Facts, printed from <http://www.savatree.com/tree-facts.html> on June 6, 2016
35. Information on health effects from diesel exhaust, submitted on June 9, 2016
36. Public Comment Letters:
 - a. Letter from Bruce and Marilyn Perry, dated June 7, 2016
 - b. Letter from Dan and Dianne Robinson, dated June 9, 2016
 - c. Letter from Fran Mundy, undated
 - d. Letter from Dennis Kobelin, dated June 7, 2016
 - e. Letter from Curtis Perdue, dated June 8, 2016
37. Petition Opposing the Project, undated
38. Email from Lisa Klein to Parties of Record, dated June 14, 2016, with attachments:
 - a. Demolition and TESC Plan (Sheet C2.0), dated February 23, 2016
 - b. Tree and Shrubbery Retainage Plan, undated
 - c. Planting Plan (Sheet L1.31), dated February 23, 2016
 - d. Site Photographs, undated
39. Public Comment Responses to Exhibit 38:
 - a. Email from Marilyn Perry, dated June 16, 2016
 - b. Letter from Dennis Kobelin, dated June 16, 2016

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

FINDINGS

Application and Notice

1. Lisa Klein, on behalf of the Central Kitsap School District (CKSD, or District) #401 (Applicant), requests a conditional use permit (CUP) to construct a 32,000 square foot consolidated food service warehouse, transportation administration, and transportation maintenance facility, with off-street parking for up to 102 buses, at 9102 Dickey Road NW in Silverdale. The proposal would allow CKSD to relocate operations from the existing consolidated transportation, food service, and warehouse facility at the Central Kitsap Junior High campus on Frontier Road NW to the northernmost 14 acres of a 39.1-acre, CKSD-owned site where a maintenance and operations facility is already located.² *Exhibits 1 through 4; Exhibit 9; Exhibit 27, Staff Report, pages 1 and 2.*
2. Moving the existing transportation facility and co-locating with the existing maintenance and operation facility on-site is part of a multi-phased capital improvement plan for the District. The 32,000 square foot building would include conference rooms and training space for District-wide support programs. One hundred twenty-six CKSD employees would work at the facility, which would operate Monday through Friday from 5:00 am to 5:30 pm. *Exhibit 5; Exhibit 27, Staff Report, page 7.*
3. Kitsap County (County) determined that the application was complete on February 29, 2016. On March 24, 2016, the County published notice of the application in the local newspaper and mailed notice of the application to the Applicant, Applicant Representative, property owners within 800 feet of the property, and interested parties. On May 11, 2016, the County posted notice of the opening record hearing associated with the proposal on the property. The next day, the County published notice in the local newspaper and mailed notice of the open record hearing to the Applicant, Applicant Representative, property owners within 800 feet, and interested parties. The County received no public comments in response to its notice materials. *Exhibit 12; Exhibit 13; Exhibit 25; Exhibit 26.*

State Environmental Policy Act

4. The County acted as lead agency and analyzed the environmental impacts of the project, as required by the State Environmental Policy Act (SEPA), Chapter 43.21C Revised Code of Washington (RCW). The County used the optional Determination of Nonsignificance (DNS) process under Washington Administrative Code (WAC) 197-11-355. Accordingly, the County provided notice of the SEPA comment period concurrently with the Notice of Application, dated March 24, 2016. The County received no public comments in response to its notice materials. The County analyzed the Applicant's SEPA Checklist and other available information and issued a Mitigated Determination of

² The Assessor Tax Parcel Number associated with the parcel is 192501-1-001-2002. *Exhibit 3.*

Nonsignificance (MDNS) on May 10, 2016.³ MDNS conditions and project mitigation require the Applicant to comply with County code provisions governing stormwater control (Title 12 KCC); notify the Silverdale Water District of spills at the facility and provide spill documentation as set out in the Spill Prevention & Response Plan (Exhibit 18); provide traffic and right-of-way mitigation through frontage improvements on adjacent and nearby streets; and contribute its proportionate share of costs for improving the Apex Airport Road/Anderson Hill Road intersection. The MDNS was not appealed. *Exhibit 10; Exhibit 13; Exhibit 22; Exhibit 27, Staff Report, page 2.*

Comprehensive Plan, Zoning, and Surrounding Property

5. The County designated the property Urban Low Residential in its Comprehensive Plan. The Urban Low Residential designation allows single-family dwellings and innovative dwelling types, including clustered housing; the County also uses the designation to protect critical areas within its Urban Growth Areas (UGAs) and to limit development in areas identified for low-density urban development. *County Comprehensive Plan (August 2012), page 2-19.* County staff identified as relevant to the proposed project Comprehensive Plan goals and policies that: encourage development patterns in UGAs that support pedestrian connectivity between neighborhoods and community destinations; prioritize the UGAs for Kitsap County expenditures for public services and facilities as a tool to encourage development, to make urban growth areas desirable places to live, and to use existing infrastructure more efficiently and cost effectively; encourage compact development patterns within UGAs, allowing for efficiencies in transportation and utilities as well as public and capital facilities; encourage attractive site and building design that is compatible in scale and character with existing and planned development; and, as part of the Silverdale Sub-Area Plan, encourage new development to be consistent with, and complementary to, adjoining or existing development and coordinate with school districts to provide adequate capacity for the current population and planned growth.⁴ *Exhibit 27, Staff Report, pages 5 and 6.*

6. The property is zoned Urban Low Residential (UL). The intent of the UL zone is to “recognize, maintain, and encourage urban low density residential areas by including a full range of urban services and facilities that are adequate at the time of development” and to create “cost-efficient residential areas . . . capable of allowing the provision of community services in a more economical manner.” *KCC 17.330.010. Exhibit 23.*

³ County Senior Planner Jeff Smith testified that, although the Applicant sought a CUP for a nearby off-street parking facility in 2015 off of NW Knute Anderson Road, the current proposal had not yet been considered by County staff and that any “piecemeal” approach to environmental review was unintentional. *Testimony of Mr. Smith.*

⁴ Staff specifically identified policies LU-22, LU-23, LU-26, LU-27, NS-42, as well as Goal 14 and Silverdale Sub-Area Plan Goals 8 and 28. *Exhibit 27, Staff Report, pages 5 and 6.*

7. The minimum lot size in the Urban Low Residential zone is 2,400 square feet. *KCC 17.382.060*. Minimum lot widths and depths in the zone are 40 and 60 feet respectively. *KCC 17.382.060*. The proposal satisfies the lot size and dimension requirements of the KCC. *Exhibit 9; Exhibit 27, Staff Report, page 4*.
8. Properties to the north, east, and south are also zoned UL. Property to the west, across Dickey Place NW, is zoned Industrial. *Exhibit 23; Exhibit 27, Staff Report, page 5*.
9. Because the proposal would involve a non-residential use abutting residential development, *KCC 17.385.027.B.a* requires either the planting of two offset rows of evergreen trees ten feet on center, with ground cover, or a six-foot screening fence and a single row of evergreen trees. As discussed more fully below, the Applicant would erect a fence, plant evergreens, and retain a vegetative buffer between the facility and abutting residential development. *Exhibit 27, Staff Report, page 5; Exhibit 38*.

Existing Property

10. The property is a square-shaped 39.1-acre parcel located east of Dickey Road NW. Silverdale Elementary School is located south of the proposed facility and occupies 14 acres of the site. The northern portion of the property—where the new facility would be located—is currently forested and undeveloped. The property slopes rapidly down to the east from Dickey Road NW and then gently slopes to the east through the rest of the site. Some steep slopes (greater than 15 percent) occur on the west side of the property adjacent to Dickey Road NW. The east side of the property contains Indianola loamy sand, and the west side contains Alderwood very gravelly sandy loam. *Exhibit 17; Exhibit 18; Exhibit 19; Exhibit 27, Staff Report, page 4*.

Conditional Use Permit

11. County zoning ordinances make some uses conditional in certain zones. *KCC 17.110.175*. A *conditional use* is an activity specified by Title 17 KCC as a principal or accessory use that may be approved or denied based on consistency with specific criteria. *KCC 17.110.175*. Public schools and public facilities, including transportation and parking facilities, are a permissible use in the UL zone with a CUP. *KCC Table 17.381.040(A)*.

Landscape and Screening

12. The Applicant would disturb approximately 20 acres of the 39-acre site, retaining approximately 9 acres of forest cover to the east of the improvements, 1.55 acres to the north, and 1.5 acres to the west along Dickey Road NW. Accordingly, over 30 percent of the site would be retained with native vegetation, satisfying the requirement in *KCC 17.385.025* that at least 15 percent of the property be landscaped. *Exhibit 9; Exhibit 27, Staff Report, page 11; Exhibit 38*.

13. The Applicant would retain an approximately 315-foot-wide buffer of existing native vegetation along the eastern property line to help provide a functional screen from abutting properties. To screen the facility from residential properties to the north, the Applicant would provide:
- a 6-foot cedar fence along the property boundary;
 - a 50-foot wide landscape buffer⁵ consisting of a combination of existing vegetation, including retention of 103 trees over 12” in diameter, and a single row of 55, 8-foot-tall (at planting) blue cypress trees planted to fill in gaps and replace 29 trees over 12” in diameter that would be removed as a result of grading and/or project improvements; and
 - a distance of approximately 140 feet from the northern property line to the bus parking area.

Exhibit 27, Staff Report, page 9; Exhibit 32; Exhibit 33; Exhibit 38.

14. The Applicant submitted a photometric analysis with its materials. That analysis indicates that there would be no light spill to adjacent properties, satisfying lighting requirements of KCC 17.382.030.C. Further, the Applicant would shield and downcast lights to minimize glare and visual impacts. *Exhibit 9,f; Exhibit 33.*
15. The Applicant would construct a noise control wall along the northern end of the driveway and parking facilities. The wall would be 8 feet tall along the bus exit driveway and 12 feet tall along the northern edge of the bus parking facilities. Stantec prepared a Noise Report assessing noise impacts to neighboring residential properties. The Noise Report determines that proposed activities on the property would not exceed allowable noise levels as defined by Chapter 10.28 KCC. *Exhibit 31.*
16. The County would assess other design review requirements of Chapter 17.382 KCC through the Site Development Activity Permit (SDAP) and Building Permit review processes. Specifically, the County would assess whether roof-mounted HVAC equipment would be visible from abutting lots or roadways; whether service areas, outdoor storage areas, and intrusive features would be sited away from neighboring properties; and whether the site would comply with all County solid waste standards. *Exhibit 27, Staff Report, pages 9 and 10.*

Access and Circulation

17. The proposed project would retain the central driveway from Dickey Road NW, currently used to access the existing maintenance and operation facility, and use it to provide access to the proposed facility. The Applicant would provide an additional access road to

⁵ Project plans indicate that, in some places, grading would reduce the existing vegetative buffer to approximately 13 feet. *Exhibit 9; Exhibit 38.*

Dickey Road NW along the north property line for bus traffic. The facility would be designed to provide counter-clockwise circulation of bus traffic within the site, with buses entering at the existing, central driveway and exiting from the northern driveway. Bus routing off-site would prioritize right turn movements to and from Dickey Road NW. *Exhibit 9; Exhibit 16.*

18. Casseday Consulting prepared a Traffic Impact Study (TIS) for the Applicant in February 2016. The study analyzed potential traffic impacts to Dickey Road NW, Newberry Hill Road NW, Dickey Place NW, Apex Airport Road NW, and Anderson Hill Road NW. The TIS determined that the proposal would have four peak traffic periods during a regular school day, closely tied to buses departing and returning to the site: 6 to 7 AM, 9 to 10 AM, 1:30 to 2:30 PM, and 4 to 5 PM. The TIS determined that the proposal would generate approximately 1,028 daily trips into and out of the site. Roadway levels of service for Dickey Road NW would remain at Level of Service (LOS) C or better. The TIS determined that the proposal would not have negative impacts on the LOS of the other area roads that were studied. *Exhibit 22.*
19. Dickey Road NW, Dickey Place NW, and NW Knute Anderson Road do not have sidewalks, curbs, and gutters. As part of the project, the Applicant would construct frontage improvements along Dickey Road NW, Dickey Place NW, and NW Knute Anderson Road, including sidewalks, curbs, and gutters. The Applicant would also contribute its proportionate share (14.07 percent) for the design and construction of a traffic signal and left-turn channelization at the Apex Airport Road/Anderson Hill Road intersection. *Exhibit 9; Exhibit 22; Exhibit 27, Staff Report, page 3.*

Parking

20. The Applicant would provide up to 290 parking spaces on-site, satisfying the parking requirements of Chapter 17.435 KCC. A total of 156 new vehicle spaces would be provided to the west of the new warehouse facility, including 129 spaces for employee and visitor parking, 19 spaces for District motorpool vehicles, and 8 ADA-accessible spaces. In addition, the Applicant would add an additional 32 parking spaces to the existing maintenance and operation facility to accommodate additional public parking, especially for conference attendees. The remaining 102 spaces would be located to the east of the facility and would be used exclusively for school buses. *Exhibit 16; Exhibit 32.*

Stormwater

21. Aspect Consulting prepared a Hydrogeological Report (HR) for the Applicant, dated April 13, 2016, to address Chapter 19.600 KCC concerning Critical Aquifer Recharge Areas. The site is in a Category I Critical Aquifer Recharge Area because a portion is located within the 5-year travel zone of a Group A well (Provost Well). The site is located within a Category II Aquifer Recharge Area of Concern because the site has thin

surface soils that are highly permeable. *KCC 19.600.610*. The HR proposes that the project include a combined application of engineering controls and best management practices (BMPs) to ensure no significant degradation of groundwater quality. *Exhibit 19*.

22. Aspect Consulting prepared a Geotechnical Engineering Report (GER) for the Applicant, dated February 22, 2016. The GER determined that the Applicant should be able to complete planned excavations with standard construction equipment. The GER provides recommendations concerning earthwork, foundations, wall considerations, drainage considerations, stormwater infiltration, and pavement design and construction considerations. *Exhibit 17.b*.
23. AHBL prepared a Preliminary Drainage Report (PDR) for the Applicant, dated February 2016. On-site and off-site drainage flows to four downstream systems are labeled the Maintenance Basin, the “CTFW” Basin, the North Dickey Road Offsite Basin, and the Silverdale Elementary Basin. Off-site stormwater runoff enters the project site from the west in the form of sheet flow from Dickey Road NW and from an 18-inch pipe discharge that crosses under Dickey Road NW. The Maintenance Basin is located south of the proposed project and includes the existing maintenance building and runoff from upstream. Any overflows would travel along Lupine Lane NW, through culverts under Provost Road NW, Highway 3, and Silverdale Way NW, before entering Dyes Inlet about 600 feet to the south of NW View Lane. The majority of the drainage within the CTFW Basin is absorbed by site vegetation and soils. Sheetflow is conveyed onto the NW Shelley Drive right-of-way, then to existing culverts under Provost Road NW and Highway 3 on its way to Dyes Inlet. The North Dickey Road Offsite Basin includes the east side of Dickey Road NW from a high point in the road located between the two driveways for the CTFW. The majority of flows are tributary to a creek approximately 1,000 feet north of the site. Drainage eventually enters NW Cascade Street through a drainage system piped to the east of Provost Road NW. The PDR identified a previous Warner Engineering study for information concerning the Silverdale Elementary Basin. *Exhibit 17.b*.
24. The Kitsap Public Health District (KPHD) reviewed the proposed CUP and determined that the site is located within 1,000 feet of a closed or abandoned landfill. KPHD provided a comment letter dated May 19, 2016, requesting the Applicant demonstrate that methane levels are below the lower explosive limit under all conditions and that any debris, contaminated materials, or contaminated soils uncovered during site excavation activities be removed from the site with proper disposal. In addition, KPHD requested that the Applicant employ best management practices (BMPs) related to the facility’s proposed aboveground diesel fuel tanks, including, but not limited to, using secondary containment or double-walled tanks; discharging tank water and condensate discharges to

the sanitary sewer or with a NPDES permit; and employing a tank overflow protection system. *Exhibit 29.*

25. The proposed project would add 6.97 acres (303,558 square feet) of new impervious surfaces to the on-site project area. All stormwater would be infiltrated on-site. The Applicant would collect stormwater in catch basins and downspouts and convey it to a shallow infiltration basin located adjacent to the north property line, to a bio-retention facility, or to infiltration chambers located in the northwestern parking lot. The KPHD commented that the stormwater drainage system operation should be consistent with the BMPs for Maintenance of Stormwater Drainage and Treatment Systems (Vol. IV, page 2-40, Western Washington Stormwater Manual (WWSM)), and fleet vehicle parking on-site should be consistent with the BMPs for Parking and Storage of Vehicles and Equipment (Vol. IV, page 2-48, WWSM). *Exhibit 17.b; Exhibit 27, Staff Report, page 8; Exhibit 29.*
26. AHBL prepared a Spill Prevention & Response Plan for the Applicant, dated April 2016. The plan describes procedures to prevent and respond to spills or illicit discharges of potentially hazardous materials. *Exhibit 18.*

Critical Areas

27. Ecological Land Services, Inc., prepared a Wetland Determination Report (WDR) for the Applicant, dated February 15, 2016. The WDR determined that no wetlands were present either on-site or within 250 feet of the property. Apart from the Aquifer Recharge Area (discussed above), there are no other known critical areas on-site. *Exhibit 17.b.*

Services

28. AHBL prepared a Sewage Lift Station System Analysis for the Applicant, dated March 2016. An existing lift station was designed and installed in 1993 to serve the existing maintenance and operation facility. The Silverdale Elementary School was served by an on-site septic system until 2015. At that time, the septic system was decommissioned and the existing lift station was demolished and replaced by a new lift station, with increased capacity, located east of the maintenance facility. AHBL determined that the lift station would be adequate to serve the existing facilities as well as the proposed CKSD food service warehouse, transportation administration, and transportation maintenance facility. *Exhibit 17.a.*
29. The Silverdale Water District would provide water to the site; Puget Sound Energy would provide electricity; the County would provide sewer service; and the Kitsap County Sheriff and Central Kitsap Fire and Rescue #1 would provide emergency services. *Exhibit 11; Exhibit 20; Exhibit 27, Staff Report, page 5.*

Public Testimony & Comments

30. Area resident Thomas Allen testified that he is concerned with the potential traffic impacts of the proposal. Specifically, he pointed out that the Applicant's traffic materials do not address traffic along NW Cascade Street, a residential road used by many as a "cut through" from Provost Road NW to Dickey Road NW to avoid traffic on NW Anderson Hill Road. Mr. Allen also testified that 10 of the residential properties along the northern property boundary of the site use a drainfield adjacent to the boundary and that excess stormwater runoff could create problems. *Testimony of Mr. Allen.*
31. Laberta Shafer testified that she lives adjacent to the drainfield that Mr. Allen discussed. She is concerned that stormwater runoff from the proposal could cause overflows for the drainfield and flooding on her property. Ms. Shafer also expressed concern about bus noise and pollution and submitted an exhibit, Exhibit 35, addressing the health risks associated with diesel exhaust. *Testimony of Ms. Shafer.*
32. Dennis Kobelin testified that his property is also adjacent to the drainfield and that he is especially worried about buffering along the northern property border. He expressed concern that the Noise Study only addresses the impacts of buses, but it fails to account for additional noise impacts from delivery trucks and employee traffic.⁶ Mr. Kobelin reiterated Mr. Allen's concern that the traffic study did not address traffic impacts to NW Cascade Street and Ms. Shafer's concerns about the health impacts from particulate matter in diesel exhaust, especially because it is unclear how the Applicant would monitor rules concerning bus idling. He also testified that light and glare from the project site would be a concern and that he would like to see the same 315-foot vegetative buffer to the north that property owners to the east would enjoy. Mr. Kobelin testified that he believes the site selection process was inadequate and that CKSD should have involved neighbors more in the site selection and design process. Mr. Kobelin submitted a petition, Exhibit 37, with signatures from approximately 50 local residents opposing the project because of its impacts on "noise, traffic congestion, water runoff and air quality issues." *Testimony of Mr. Kobelin.*
33. Area resident Brenda Kingsbury testified that she is concerned about traffic on NW Cascade Street and Dickey Road NW. She also testified that, with last year's wet winter, she had standing water in her yard for several weeks and is worried that stormwater runoff from the project site will exacerbate this problem. Ms. Kingsbury noted that children from the nearby elementary school (to the south) have created a path through the woods to neighboring residential neighborhoods to the north and that, with the proposed project and fencing, would have to walk on Dickey Road NW, which is unsafe. *Testimony of Ms. Kingsbury.*

⁶ The Noise Report accounts for noise impacts from loading and unloading of delivery trucks. *Exhibit 31, page 5.*

34. Matthew Hoey works for the Kitsap Humane Society, directly across from Dickey Road NW. He testified that he is concerned with traffic impacts affecting the Humane Society. Mr. Hoey also worried about whether Dickey Road NW would need to be closed to allow for infrastructure improvements as a result of the proposal. *Testimony of Mr. Hoey.*
35. Ann Erickson testified that she rents out a duplex in the area and is very concerned with traffic along Dickey Road NW. Specifically, her rental property is below the road's grade and worries that, because there is no railing, a vehicle could lose control and strike the duplex. Ms. Erickson also expressed concern about the impacts from large vehicles in the area, especially truck and bus noise, and does not want to lose tenants because of noise impacts from traffic. She also stressed that she would like to see a stop sign or traffic light at the intersection of Dickey Road NW and Dickey Place NW, because that intersection is especially dangerous. Because Dickey Road NW requires a 90 degree turn as it approaches Dickey Place NW, Ms. Erickson is concerned that a speeding vehicle could inadvertently drive off the road and impact nearby properties. *Testimony of Ms. Erickson.*
36. Tammy Allen testified that she researched the importance of trees on the internet and wanted to convey how valuable trees are to the area.⁷ She testified that she believes building the proposed facility is a waste of taxpayer dollars because there are so many older developments in the area that could be retrofitted to serve the District's needs. Ms. Allen also expressed concerns about pollutants, noise, impacts to area wildlife, stormwater runoff, and traffic. *Testimony of Ms. Allen.*
37. Area resident Pat Jackson testified that she is especially concerned about the effect that pollution will have on the show dogs she raises. She also expressed concern about replacing existing large trees with 8-foot-tall replacement trees because of potential windstorms. *Testimony of Ms. Jackson.*
38. As mentioned above, the open record hearing was continued until June 9, 2016, to allow the Applicant to submit additional information on potential noise and traffic impacts from the proposal and to provide additional information about a proposed sound wall and vegetative buffering along the northern property line. The County received several public comments between the May 26, 2016, hearing and the reconvened hearing on June 9, 2016:
 - Bruce and Marilyn Perry wrote a letter stating that they would not like to live "next to a facility that belongs in an industrial area" and expressed concern that the proposal would decrease the property value of their home. The letter also referenced a *Kitsap Sun* article from 2004 describing CKSD's efforts to site its

⁷ Ms. Allen submitted an exhibit, Exhibit 34, related to her research on trees.

bus maintenance facility in an industrial-zoned location. The letter also expressed concern over traffic and noise. Ms. Perry also sent an email on June 16, 2016, detailing her and Mr. Perry's concerns about the vegetative buffer, the impacts of windstorms in the area, and the negative impacts from noise, pollution, and traffic that the proposal would create.

- Dan and Dianne Robinson wrote a letter expressing concern about traffic and pollution impacts on the area.
- Fran Mundy wrote with concerns about traffic on NW Cascade Street, pollution, and the lack of public involvement in the process.
- Curtis Perdue expressed concern with the lack of public involvement and potential environmental impacts inadequately addressed under SEPA related to sewer issues, pollution, noise impacts, water quality, and traffic.
- Mr. Kobelin contributed a letter, reiterating many of the concerns he raised in his public testimony. Specifically, he stressed that the proposal would negatively impact nearby property values and air quality, and that he would prefer a larger vegetative buffer for the northern property line, increased noise wall length, additional study of traffic impacts to NW Cascade Street, air quality monitoring, and a formalized mechanism for area residents to resolve disputes with CKSD over problems related to the site.

Exhibit 39.

Applicant Response⁸

39. Applicant Representative Lisa Klein testified on behalf of CKSD in response to concerns from area residents. She noted that the site is designed to centralize District activities on-site and provide substantial vegetative buffering for residential areas to the north and east. Ms. Klein explained that the property would be fully fenced around its perimeter but that the Applicant would add a sidewalk along Dickey Road NW to provide a safe walking path for students at the nearby elementary school. She stated that CKSD had performed multiple studies related to noise impacts and determined that noise impacts would not violate the County's noise ordinances. Ms. Klein testified that, although many area residents expressed concern about "cut through" traffic on NW Cascade Street, the route involves three stop signs and is a circuitous route to the facility from major thoroughfares, making it unlikely the proposal would contribute negatively to traffic on NW Cascade Street. In regard to pollution, Ms. Klein explained that there are at least four agencies that regulate emissions and that emissions would be strictly regulated at the new facility. She explained that each bus in CKSD's fleet has specialized equipment monitoring idle times, that buses are inspected annually, that 25 percent of buses are randomly tested throughout the year for emissions issues, and that technology is constantly improving. New buses are equipped with technology that converts oxides of

⁸ In addition to public testimony, the Applicant submitted a detailed written response (Exhibit 38) addressing public concerns about the project.

nitrogen into harmless particulate emissions. Ms. Klein testified that the Applicant's proposed vegetative buffers would far exceed code requirements and that the project would have no significant light, traffic, or stormwater impacts that could not be mitigated. Finally, she stressed that, because the property is designated residential, if CKSD did not build the proposal as planned, it is likely that a developer would remove nearly all trees on-site and build residential communities that would have greater impacts to traffic and the environment. *Testimony of Ms. Klein.*

40. Robin Shoemaker, CKSD's Director of Capital Projects, testified that this proposal is a result of a bond measure approved in 2011 that intended to consolidate CKSD's transportation, maintenance and operations, and food service facilities in a single location. She explained that the current bus maintenance facility and warehouse is unsafe and that the District looked at five locations before selecting this site. Ms. Shoemaker stressed that using this site would save taxpayer money because the District already owns the land. She explained that the Director of Transportation would oversee operations on-site and that bus drivers are trained to self-police issues related to idling and exhaust. *Testimony of Ms. Shoemaker.*
41. Civil Engineer Doreen Gavin addressed concerns related to stormwater and drainage. She stressed that the proposal would meet all stormwater requirements of the Kitsap County Code and that the proposal is designed to withstand 100-year flood events. Ms. Gavin explained how the site's bio-retention and infiltration facilities would function. She expressed confidence that the proposal would not impact the neighbors' drainfield to the north because technical reports indicate that infiltration would be effective and that there are "backups" built in to the stormwater design, including a pipe that could disperse stormwater through a dispersal trench to the east. Ms. Gavin also noted that the water main along Dickey Road NW is already sufficient to handle additional water from the site and, accordingly, the road would not need to close during construction. *Testimony of Ms. Gavin.*
42. Kattie Nepper, CKSD's Director for Transportation, testified about the area impacts from buses on-site. She explained that buses would leave the facility in three different "tiers," a tier each for elementary, middle school, and high school students. Accordingly, buses on-site would not all leave at the same time significantly reducing traffic impacts. Ms. Nepper testified that, in accord with estimates from the TIS, there would typically be no more than seven buses idling simultaneously and individual buses would not idle for more than three consecutive minutes—especially because CKSD has a system to track this information. She testified that the Applicant would not oppose an approval condition capturing the requirement that no more than seven buses idle simultaneously, that no bus idles for more than three minutes at a time, and that a supervisor be available on-site to enforce these standards. *Testimony of Ms. Nepper.*

43. Katherine Casseday, P.E., Traffic Engineering Consultant, testified that she did assess traffic at the intersection of Dickey Road NW and Dickey Place NW but does not believe traffic at the intersection would warrant a traffic light, as suggested by some residents. She did acknowledge, however, that if the County reviewed the intersection it could find that a stop sign would be appropriate. Ms. Casseday acknowledged that she did not assess traffic on Cascade Way because the County did not direct her to assess that traffic, and it is unlikely the proposal would increase traffic impacts to a local, neighborhood road. *Testimony of Ms. Casseday.*

Staff Recommendation

44. County Senior Planner Jeff Smith testified generally about the application. He stressed that the Applicant would be required to maintain the vegetative buffer along the northern property line in perpetuity as a functional screen for neighboring residential properties. Mr. Smith testified that County staff recommends approval of the application, with conditions. The conditions generally require the Applicant to obtain all necessary permits before clearing land or beginning construction at the property; submit all necessary information; incorporate a wood panel fence into the cypress buffer on the northern portion of the property; comply with the KCC and relevant state and federal statutes and regulations; obtain further review upon modification of the project; apply for a development permit within three years; decommission the existing well and septic system on the property; notify the Silverdale Water District of any spills at the facility; install and maintain fire access roads, appropriate fire hydrants, and automatic fire sprinklers; ensure proper installation of stormwater facilities; use BMPs for stormwater as described by geotechnical reports; keep the stormwater infiltration facilities offline until their proper functioning is established; covenant that it will properly maintain, and allow inspection of, the stormwater system; ensure that the sidewalk ramps comply with the Americans with Disabilities Act; construct sidewalks before road paving occurs; certify that proper sight distance between the access driveway and Dickey Road NW exists; comply with relevant engineering and traffic safety manuals; and construct frontage improvements on Dickey Road NW, Dickey Place NW, and NW Knute Anderson Road. *Testimony of Mr. Smith.*

CONCLUSIONS

Jurisdiction

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

Criteria for Review

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

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

KCC 17.421.030.A.

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

Conclusions Based on Findings

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

- a. *The proposed facility would be consistent with the County Comprehensive Plan.* Applicable goals and policies include those that encourage the protection and promotion of corridors of native vegetation, pedestrian connectivity between neighborhoods and community destinations, and the provision of urban services in residential areas. The proposed facility would retain a buffer of native vegetation along the northern and eastern property boundaries. The project would also result in the construction of new frontage improvements, sidewalks, and crosswalks that would safely connect Silverdale Elementary School to the neighborhoods to the north. *Findings 5 – 9, 39 – 44.*
- b. *The proposed facility would be consistent with the provisions of Title 17 KCC.* Applicable provisions include those governing minimum lot size and design standards for buffers, landscaping, access and circulation, and off-street parking. The County code permits public school facilities, including transportation and maintenance facilities, in the Urban Low Residential zone with a CUP. The lot meets the minimum size and dimension requirements for the Low Urban Residential zone. As discussed above, the Applicant would retain native vegetation buffers on the northern and eastern portions of the property. The proposal would leave approximately 30 percent of the property in its natural, forested state. The project would provide safe pedestrian access to the school from the surrounding neighborhoods by increasing the amount of off-street parking, segregating bus and vehicle queues away from pedestrians, and constructing frontage

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improvements on Dickey Road NW, Dickey Place NW, and NW Knute Anderson Road. The proposed project would provide off-street parking sufficient to meet the requirements of KCC 17.435.030. *Findings 1, 2, 6 – 9, 11 – 29, 39 – 44.*

- c. *The proposed project would not be materially detrimental to existing uses or property in the immediate vicinity.* The proposed project would consolidate and co-locate existing CKSD facilities serving the area. The County analyzed the project and determined that, with conditions, it would not have probable, significant adverse environmental impacts. That determination was not appealed. The traffic impact study indicates that the proposal would not adversely impact traffic flow in the area and no credible evidence was presented to contradict that assessment. The project would provide additional off-street parking, vehicle and bus queueing lanes, and a connected network of sidewalks that would increase safety at the project site. The project would include vegetative buffers, fencing, and a sound wall to reduce visual and noise impacts on neighboring residential properties. The Applicant would use on-site detention and filtration for all stormwater, and the County has given preliminary approval to the proposed stormwater control system. *Findings 1 – 4, 10 – 44.*
- d. *The proposed project would be compatible with the existing character, physical characteristics, quality, and development of the property and nearby properties.* The proposed project is an expansion of an existing use on the parcel located to its immediate south. The proposed project would retain native vegetation where possible to screen the parking facility from the nearby residences to the north and east. Where necessary, the Applicant would plant a buffer of cypress trees and build a wood panel fence to screen off neighboring properties. Although a number of area residents—especially those living north of the project site—expressed opposition to the proposal, community displeasure alone cannot form the basis for a permit denial. *See Maranatha Mining, Inc. v. Pierce Cnty.*, 59 Wn. App. 795 (1990). *Findings 1, 2, 10 – 44.*

Conditions are necessary to mitigate project impacts and ensure compliance with federal, state, and local statutes, ordinances, and regulations. The conditions generally require the Applicant to obtain all necessary permits before clearing land or beginning construction at the property; submit all necessary information; incorporate a wood panel fence into the cypress buffer on the northern portion of the property; comply with the KCC and relevant state and federal statutes and regulations; obtain further review upon modification of the project; apply for a development permit within three years; decommission the existing well and septic system on the property; notify the Silverdale Water District of any spills at the facility; install and maintain fire access roads, appropriate fire hydrants, and automatic fire sprinklers; ensure proper installation of stormwater facilities; use BMPs for stormwater as described by geotechnical reports; keep the stormwater infiltration facilities offline until their proper functioning is established; covenant that it will properly maintain, and allow inspection of, the stormwater system; ensure that the sidewalk ramps comply with the Americans with Disabilities Act; construct sidewalks before

road paving occurs; certify that proper sight distance between the access driveway and Dickey Road NW exists; comply with relevant engineering and traffic safety manuals; and construct frontage improvements on Dickey Road NW, Dickey Place NW, and NW Knute Anderson Road. *Findings 1 – 44.*

DECISION

Based on the preceding Findings and Conclusions, the request for a Conditional Use Permit to construct a 32,000 square foot food service warehouse, transportation administration, and transportation maintenance facility, with off-street parking for up to 102 buses, at 9102 Dickey Road NW in Silverdale is **APPROVED**. Conditions are necessary to mitigate specific impacts of the proposed development and to ensure compliance with existing County ordinances:

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 Chapter 17.385 KCC.
3. The Applicant shall incorporate landscaping design features and a solid wood panel fence for screening along the 10-foot planting strip on the northern and eastern boundaries to provide compatibility with the abutting residential neighborhoods consistent with General Provisions.
4. Landscaping shall be installed and maintained in conformance with the requirements of Chapter 17.385 KCC. Landscaping shall be installed and inspected prior to requesting a final inspection, or guaranteed by means of an assignment of funds or bonded in the amount of 150% of the cost of installation.
5. This Conditional Use Permit approval shall automatically become void if no development permit application is accepted as complete by the Department of Community Development within three years of the Notice of Decision date or the resolution of any appeals.
6. Land use approval is limited to the uses proposed by the Applicant on the recommended site plan and the SEPA Environmental Determination dated February 29, 2016. Unless in conflict with the conditions stated and/or any regulations, all terms and specifications of the application shall be binding conditions of approval. Any modifications or expansion of the project shall be subject to further review pursuant to the requirements of the appropriate sections of the KCC.
7. 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

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conditions of approval imposed shall be subject to further review and approval of the County.

8. 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.
9. Any violation of the conditions of approval shall be grounds to initiate revocation of this Conditional Use Permit.
10. The recipient of any conditional use permit shall file a Notice of Land Use Binder with the County auditor prior to any of the following: initiation of any further site work, issuance of any development/construction permits by the County, or occupancy/use of the subject property or buildings thereon for the use or activity authorized. The Notice of Land Use Binder shall serve both as an acknowledgment of and agreement to abide by the terms and conditions of the conditional use permit and as a notice to prospective purchasers of the existence of the permit. The Binder shall be prepared by the Department and recorded at the Applicant's expense. The Applicant shall provide recorded copies of the Binder to the Department immediately after recording. The Binder shall be recorded within 30 days of notification from the Department that the Binder is ready to be recorded.
11. The Applicant shall abide by Kitsap Public Health District's requirement that existing wells and septic systems be decommissioned by appropriate licensed professionals.
12. The Applicant shall notify Silverdale Water District of spills at the facility. The Central Kitsap School Environmental Specialist shall provide immediate notification per Section 5.1 of the Applicant's Spill Prevention & Response Plan and provide a copy of all documents as called for in Section 5.6.
13. Fire apparatus access roads are required and shall be maintained. Any proposed revision to these roads must be submitted to be 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.

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- 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 percent grade.
14. Fire flow in the amount of 2375 gpm @ 20 psi for a minimum of 2 hours is required for the project. This is based on the proposed building of 33,027 square feet and constructed of Type V-B construction. The resulting fire flow shall not be less than 1500 gpm. Any changes to the structure will require a recalculation of fire flow. IFC 508.5 Amended by Kitsap County.
15. A 50 percent reduction in fire flow has been calculated for fire sprinklers that are required.
16. A minimum of 3 hydrants are required and should be placed no more than 400 feet from each other, up to 600 feet if protected by a fire sprinkler system for commercial building. One hydrant shall be within 50 feet of the fire department connection (FDC). IFC 508.5.1 Amended by Kitsap County.
17. Automatic fire sprinklers will be required for this project due to the size of the proposed building. A fire alarm shall be installed to monitor the fire sprinkler system.
18. Piping for the underground portion of the fire sprinkler has not been reviewed and is not approved on this application. A separate fire code permit shall be submitted.
19. 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.
20. 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.
21. Stormwater quantity control, quality treatment, and erosion and sedimentation control shall be designed in accordance with Title 12 KCC effective at the time the Conditional Use Permit application was deemed complete, February 29, 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.

22. The SDAP plans and drainage report shall describe and demonstrate the use of best management practices (BMPs) recommended in the Hydrogeological Report prepared by Aspect Consulting, dated April 13, 2016.
23. 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 Title 12 KCC effective at the time the Conditional Use Permit application was deemed complete, February 29, 2016.
24. 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.
25. The design of the infiltration facilities shall be in accordance with Section 7.3.4 of the Kitsap County Stormwater Design Manual.
26. 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.
27. 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.
28. 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 providing reasonable time to do the necessary work. Should County forces be required to do the work, the owner shall be billed the

maximum amount allowed by law.

29. Kitsap County shall not be responsible for any damage to any private roads, tracts, and/or easement areas that may occur during routine maintenance activities and that in Kitsap County's judgment occur, in whole or in part, because of any construction materials or techniques, or any maintenance materials or techniques. This includes, but is not limited to, damage to pavement or vegetated areas caused by maintenance trucks.
30. The SDAP shall demonstrate compliance with Chapter 3, Source Control of Pollution and Chapter 7, Water Quality of the Kitsap County Storm Drainage Manual (KCSDM), relating to the above ground bus fueling facility.
31. An emergency spill response and cleanup plan (per BMPs for Spills of Oil and Hazardous Substances) shall be submitted with the SDAP application materials.
32. If the project proposal is modified from that shown on the submitted site plan dated February 26, 2016, Development Services and Engineering shall require additional review and potentially new conditions.
33. The Applicant shall submit an Application for Concurrency Test (KCPW Form 1601) as required by Section 20.04.030 KCC, Transportation Concurrency. The KCPW 1601 form reserves road capacity for the project.
34. 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.
35. Sidewalk ramps shall conform to the current requirements of the Americans with Disabilities Act per WSDOT standard plans at the time of construction.
36. The property owners shall be responsible for maintenance of all landscaping within the existing and proposed right-of-way including any structures other than roadway, storm drainage facilities, and traffic signage. Maintenance shall include, but not be limited to, mowing of lawn areas. A note to this effect shall appear on the accepted construction plans. In addition, Development Services and Engineering reserves the right to require that covenants be recorded to address special maintenance requirements depending on final design.
37. The Applicant shall provide surveyed cross-sections at 50-foot intervals along the parcel frontage on Dickey Road NW. 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.


38. The Applicant shall provide surveyed cross-sections at 25-foot intervals along the parcel frontage on Dickey Place NW. 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.
39. The Applicant shall provide surveyed cross-sections at 25-foot intervals along the parcel frontage on NW Knute Anderson Road. 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.
40. 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.
41. Any required sidewalk shall be constructed prior to roadway paving. This note shall appear on the face of the final construction drawings.
42. Frontage improvements consisting of vertical curb, gutter and sidewalk shall be constructed along the property frontage of NW Knute Anderson Road, Dickey Place NW and Dickey Road NW. Phasing of the frontage improvements shall take place as follows:
 - a. Frontage improvements consisting of curb, gutter and sidewalk shall be provided with Phase 1B for NW Knute Anderson Road along the property frontage; and for Dickey Place NW from NW Knute Anderson Road north to just short of the intersection of Dickey Place NW and Dickey Road NW. Plans for said frontage improvements shall be included as an addendum to the required SDAP.
 - b. Frontage improvements consisting of curb, gutter and sidewalk shall be provided with Phase 2A for Dickey Road NW from the north end of improvements constructed with Phase 1B, north to the northern property boundary. Plans for said frontage improvements shall be included with the SDAP for Phase 2A.
43. The developer's engineer shall certify that there is adequate entering sight distance at the intersection of Dickey Road NW and the site access points. 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.
44. 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, Manual on Uniform Traffic Control Devices (MUTCD), National Electrical Manufacturer's Association (NEMA), National Electrical Code (NEC), Washington State Department of Transportation (WSDOT) Standard Specifications and Standard Plans, and the Occupational Safety and Health Administration (OSHA).

45. The District shall contribute their proportionate share of the costs of improving the Apex Airport Road/Anderson Hill Road intersection. The District's share for design and construction of a traffic signal and left-turn channelization on Apex Airport Road has been determined to be a maximum of 14.07 percent of the total based on the p.m. peak hour trips generated by the District versus the total p.m. peak hour trips for the Apex Airport Road approach. The District is required to execute a Traffic Participation Covenant Agreement (TPCA) with the County that will require payment of the finalized proportionate share (not to exceed 14.07 percent) when the County has secured funding. The TPCA shall be executed by the District and Board of County Commissioners prior to issuance of a Site Development Activity Permit.
46. Any work within the County right-of-way shall require a Public Works permit and possibly a maintenance or performance bond. The need for and scope of bonding will be determined at that time.
47. The proposed monument signs and the site's entrances shall not interfere with driveway line of sight.
48. Kitsap County sanitary sewer is available for the project. The Applicant shall submit an "Application to Construct Sanitary Sewer" to KCPW Sewer Utility Division.
49. Kitsap County sanitary sewer is available for the project. The Applicant shall submit a complete set of sewer plans, profiles, and specifications designed in accordance with KCPW - Sewer Utility Division Standards and Regulations.
50. Kitsap County sanitary sewer currently serves the project parcel. The project will have additional impacts on the sewer system and will be assessed additional newcomer fees.
51. 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. The Applicant shall pay particular attention to the access requirements of collection trucks. Documentation shall be provided from the solid waste/recycling service provider that their requirements for this project have been met.

52. If using a compactor, liquid wastes generated as a result of compaction shall not discharge into the stormwater system per BKCBH Ordinance No. 1996-11, Section IV.
53. Excluding emergency situations or other special circumstances, no more than seven buses shall be idle on the property at the same time and no bus shall remain idle for more than three minutes. A supervisor shall be on-site to enforce the District's policies on bus idling.

DECIDED this 30th day of June 2016.



THEODORE PAUL HUNTER
Hearing Examiner
Sound Law Center