



Notice of Hearing Examiner Decision

08/30/19

To: Interested Parties and Parties of Record

RE: Project Name: Cascade Court Preliminary Plat
 Applicant: Red Rock Equities Corporation
 9811 W. Charleston Blvd, Suite 2-564
 Las Vegas, NV 89117
 Application: Preliminary Plat (PPlat)
 Permit Number: 19-01266

Enclosed is the Decision issued by the Kitsap County Hearing Examiner for the above project.

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>

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

CC: Owner: Red Rock Equities Corporation, joseph@jlmanagement.com
Contractor: Rick Lander, ricklander.lc@gmail.com
Engineer: NL Olson & Associates Inc., nlolson2@nlolson.com
Project Representative: twalton@nlolson.com
Health District
Public Works
Parks
Navy
DSE
Kitsap Transit
Central Kitsap Fire District

Central Kitsap School District
Puget Sound Energy
Water Purveyor
Sewer Purveyor
Point No Point Treaty Council
Suquamish Tribe
Port Gamble S'Klallam Tribe
Squaxin Island Tribe
Puyallup Tribe
WA Dept of Fish & Wildlife
WA State Dept of Ecology-SEPA
WA State Dept of Transportation
Interested Parties:

Ralph Strickland, rstrict1@centurylink.net

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

Cascade Court Preliminary Plat, File No. 19-01266

August 30, 2019

1. FINDINGS OF FACT

1.1 Proposal. Divide 5.6 acres into 34 lots for single-family homes. The proposal includes two access tracts, a private interior road, open space, a stormwater pond, berm construction, landscaping, frontage improvements, and public water and sewer.

Applicant/Property Owner: Red Rock Equities Corporation, 9811 W. Charleston Blvd., Suite 2-564, Las Vegas, NV 89117.

Location: 9546 Dickey Road NW, Silverdale, WA 98383, Assessor No. 192501-1-011-2000.

1.2 Hearing. An open record public hearing was held on August 22, 2019. The Kitsap County Department of Community Development, through Ms. Shaffer, summarized the proposal. With the proposed conditions, DCD found the plat consistent with the Kitsap County Code, so recommended approval.¹ The Applicant, through Mr. Olson, provided additional information on the project and addressed Examiner questions on the geotechnical analysis related to the past landfill use.

1.3 Administrative Record. At the hearing, the Examiner admitted Exhibits 1-30, but kept the record open through August 27, to allow the Applicant to address a geotechnical question. The Applicant provided a letter from its engineers, admitted as Exhibit 31.

1.4 SEPA. The SEPA comment period occurred concurrent with the Notice of Application.² DCD issued a Determination of Non-Significance,³ requiring the proposal be conditioned for compliance with KCC Title 9: Health, Welfare and Sanitation, and for Stormwater Control per Title 12. No SEPA appeal was filed.

1.5 Public Notice. Notice was provided consistent with KCC requirements, with both mailing and publication for the notice of application and public hearing.⁴ A neighbor contacted DCD and asked to be an interested party.

¹ DCD made a correction to Exhibit 28 (Staff Report), pg. 11, changing "combination of infiltration and detention" to "lined pond."

² Exhibit 13.

³ Exhibit 20.

⁴ Exhibits 13, 27, and 30.

1.6 Agency Comment. Agency comment was received regarding regulatory compliance. As long as requirements are met, there were no objections to approval.

1.7 Zoning/Plan Designations. The Comprehensive Plan designation is Urban Low-Density Residential⁵ and the zoning is Urban Low Residential.⁶ This zone is designed to:

[R]ecognize, 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. This zone is also intended to create cost-efficient residential areas which are capable of allowing the provision of community services in a more economical manner.⁷

1.8 Zoning Code Sizing/Density Requirements. Urban Low Residential provides for minimum/maximum densities of 5-9 dwelling units per acre, which equates to 15-50 units here.⁸ At 34 units, the plat complies. Lot sizing requirements are also met.

Requirement	Proposed
Minimum Lot Size - 2,400 SF	3,000 SF (smallest proposed lot)
Maximum Lot Size - 9,000 SF ⁹	8,992 SF (largest proposed lot)
Minimum Lot Width - 40 Feet	40 Feet
Minimum Lot Depth - 60 Feet	Compliant
Maximum Height - 35 Feet	Compliant (<i>see</i> Condition 6)
Setbacks <ul style="list-style-type: none"> • Front, 10-20 Feet • Side, 5-10 Feet • Rear, 10-20 Feet 	Compliant (<i>see</i> Condition 5)

1.9 Surrounding Land Use and Zoning. Surrounding properties to the north, south, and east are zoned Urban Low Residential and are developed with single-family homes. Property to the west is zoned Industrial and includes a single family home and vacant land.

1.10 Physical Characteristics. The square sites contains lawn and about 20 trees. It is flat with slopes to about 15%. Three single-family residences and several outbuildings are present; one residence will be retained and the other buildings demolished. The property was known as the Arper-Dickey Road Dump and was one of three known former landfill-dump sites along Dickey Road NW. According to Kitsap County Health District records, the landfill was used from 1947 through 1955. Much of the site was characterized as unbuildable in 2015 analysis, but the findings were updated in 2019. Following Examiner questioning, project engineers clarified:

⁵ Exhibits 24 and 28 (Staff Report), p. 2.

⁶ Exhibits 21 and 28 (Staff Report), p. 2.

⁷ KCC 17.200.010.

⁸ KCC 17.110.213 (minimum density calculation based on net developable acreage); KCC 17.110.212 (maximum density calculation based on gross acreage); Exhibit 28 (Staff Report), pp. 2-3.

⁹ KCC 17.420.060(A)(25).

The recommendations in the 2015 Feasibility Report were based on test pits to a maximum depth of 12 feet. The recommendations in the 2019 Engineering Report were based on borings drilled to a maximum depth of 31.5 feet.... Information from both reports was incorporated in developing the recent report to better define the buildable areas as well as recommendations for stabilizing unsuitable areas. Consequently, the recommendations provided in the recent report (2019) supersede those ... in the earlier report (2015).

Kitsap Public Health District comment identified requirements applicable to construction at this former landfill site.¹⁰ The Applicant did not identify any concerns with complying with these requirements, and at the hearing, confirmed the plat would be constructed consistent with geotechnical engineer recommendations. A sentence was added to Condition 36 requiring plat consistency with this analysis and with geotechnical engineer recommendations.

1.11 Transportation. There are two planned access points from NW Cascade Street, a County maintained road, to serve the U-shaped private road inside the plat. The traffic impact analysis estimates 321 average weekday daily trips, 25 new AM peak hour trips, and 34 new PM peak hour trips.¹¹ To address these impacts and ensure safe ingress and egress, consistent with Kitsap County Road Standards, road improvements will be made. Frontage improvements consist of vertical curb, gutter, and five-foot wide sidewalk along 530 feet of NW Cascade Street, 460 feet of Dickey Road NW, and the interior plat roads. The Applicant is also contributing to improvements at the Anderson Hill Road/Apex Airport Road intersection (Condition 49).

1.12 Parking. The project includes on-street and off-street parking. Two off-street parking spaces are required per residential lot and 0.5 per lot for overflow on-street parking.¹² 68 off-street parking spaces in driveways and 18 on-street parking spaces are provided.¹³ DCD calculates the required number of spaces in the driveway and not within individual residential garages.¹⁴ During individual building permit review for the homes, the location and number of off-street parking spaces will be verified.

1.13 Central Mail Boxes, Urban Plats. The trend is to move away from traditional rural box style and install a clustered mailbox for efficiency, security, and aesthetics. Where clustered mailboxes are proposed, the sidewalk will meet clear zone requirements.¹⁵

1.14 Landscaping. Entrance landscaping and street trees are required.¹⁶ The Applicant submitted a preliminary landscape plan.¹⁷ The final will be submitted with the Site Development Activity Permit showing landscaped buffers (Conditions 3 and 4).

¹⁰ Exhibit 14. *See also* Conditions 54-56.

¹¹ Exhibit 9 (Traffic Impact Analysis).

¹² KCC 17.490.030.

¹³ Exhibit 28 (Staff Report), pgs. 7-8; Exhibit 19 (Revised Civil Plans).

¹⁴ KCC 17.490.030.

¹⁵ KCC 16.24.040(C)(1)(d).

¹⁶ Ch. 16.24 KCC; Ch. 17.500 KCC.

1.15 Signage. The Applicant may apply for signage near the entrance of the subdivision during or after construction,¹⁸ although signage is not now proposed. When the final plat is recorded, all signage must follow code requirements.

1.16 Lighting/Urban Plats. Urban residential plats generally include illumination of internal roadways and street lighting at the intersection where private roads intersect with County right-of-way consistent with Ch. 11.40 KCC requirements, which the project will adhere to.

1.17 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.¹⁹

1.18 Sewer and Water Service. Kitsap County will provide sewer service.²⁰ Silverdale Water District will provide water.²¹

1.19 Utility and Public Services.

- **Water:** Silverdale Water District
- **Power:** Puget Sound Energy
- **Sewer:** Kitsap County
- **Police:** Kitsap County Sheriff
- **Fire:** Central Kitsap Fire and Rescue
- **Schools:** Central Kitsap School District #401

1.20 Solid Waste. Individual property owners will be responsible for solid waste collection. Waste Management approval is required for the plat.

1.21 Fire Protection. The Fire Marshal's Office has reviewed the project and included conditions. Fire flow verification and adequate fire apparatus access for emergency responders are required, and will be reviewed through the SDAP.

1.22 Schools. Central Kitsap School District was provided notice,²² and any comments will be included with the SDAP review. Title 4 requires school impact fees.

1.23 Urban Standards – KCC 16.24.040. These requirements are met.

- Access. *See* above, including § 1.11.

¹⁷ Exhibit 19.

¹⁸ Ch. 17.510 KCC.

¹⁹ Exhibits 3 and 4. *See also* Exhibit 15.

²⁰ Exhibit 7.

²¹ Exhibit 10.

²² Exhibit 13 (Notice of Application).

- Public Transit. No additional public transit provisions have been made, but sidewalks are being constructed with the project.
- Non-Motorized Facilities. Sidewalks are required on both sides of public and private roadways and will be constructed consistent with code. *See* §§ 1.11 and 1.13.
- Parking. *See* § 1.12.
- Fire Protection. *See* § 1.21.
- Landscaping. *See* § 1.14.
- Utilities - Water and Sewer. *See* §§ 1.18 and 1.19. The project is served with water and sewer, along with Cascade Natural Gas and Puget Sound Energy.
- Recreation. The plat will include recreational open space amenities consistent with subdivision standards (34 units x 390 square feet = 13,260 square feet of recreation facilities).²³ The Applicant is proposing 14,712 square feet of recreation area, to include 6,508 square feet in the center of the plat and 8,204 square feet in the eastern portion of the plat.²⁴

1.24 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 attractive urban development adequately supported by urban facilities and services.
- Access. County transportation requirements and plat conditions ensure access requirements are met. *See* § 1.11.
- Safe Walking Conditions. *See* § 1.11; sidewalks will be constructed to ensure safe walking conditions.
- Lot Configuration. Lots are not irregular and run at right angles to the street faced.
- Homeowners Association. Conditions require property owner maintenance of certain plat conditions. Although an HOA may take responsibility for such work, such associations can be dissolved. Plat conditions ensure that

²³ KCC 16.24.040(H).

²⁴ Exhibit 28 (Staff Report), pg. 11.

regardless of whether an HOA takes on these responsibilities, they remain with the ultimate property owners.

1.25 Single-Family Subdivision – KCC 17.420.037. The plat meets these requirements.

- Sidewalk Requirements. *See* § 1.11.
- Public Streets and Connectivity Requirements. The preliminary subdivision will include an internal private road, so will not involve County dedication.
- Utilities Connectivity Requirements. There are utility easement requirements; future public utility extension easements per KCC 17.420.037 are not proposed.
- Landscaping Requirements. *See* § 1.14.
- Off-Street Parking. *See* § 1.12.

1.26 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. Consistent with Examiner questioning on the geotechnical analysis, a sentence was added to Condition 36 requiring plat consistency with geotechnical engineering recommendations. Except as revised here, the Staff Report is incorporated.

2. CONCLUSIONS OF LAW

2.1 The Hearing Examiner reviews Preliminary Plat applications for consistency with Single-Family Subdivision/Development Standards and platting requirements.²⁵ These requirements include zoning and platting provisions in Titles 16 and 17, including KCC 16.04.080, KCC 16.24.040, and KCC 17.420.037. 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, recreational facilities, and schools).

2.2 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.

2.3 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

²⁵ KCC 21.04.100.

access and safe walking conditions; water supplies; sanitary wastes; fire protection; landscaping; and other supporting public and private facilities and improvements.

2.4 As mitigated and proposed, the project is consistent with Comprehensive Plan policies providing for attractively designed urban development adequately supported by urban facilities and services.

2.5 Given project consistency with requirements and policies, the Hearing Examiner concludes it should be approved.

DECISION

The Hearing Examiner, pursuant to the above Findings of Fact and Conclusions of Law, approves the requested Preliminary Plat, provided these conditions are adhered to.

Planning/Zoning

1. All required permits shall be obtained prior to commencement of land clearing, construction and/or occupancy.
2. All building permits on these lots will be subject to impact fees pursuant to KCC.
3. A Final Landscape Plan will be required to be submitted with the SDAP, consistent with KCC 17.500 Landscaping, 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' spacing. A final landscape plan will be subject to approval by DCD prior to SDAP approval. Trees on individual lots are required to be installed prior to the Certificate of Occupancy of individual residential units.
5. A note on the face of the plat shall show building setbacks for the lots as conditioned per the plat approval.
6. Maximum height of all proposed structures is 35 feet.
7. All proposed sign design and location (including exempt signs) shall comply with KCC 17.510 and be reviewed and approved by DCD prior to installation. Signage may require a separate permit.
8. Prior to the plat transferring to the HOA, the developer will be responsible for irrigation and maintenance of all landscaping to ensure survival up to two years. The developer

or the HOA shall maintain all landscaping consistent with the Tree Care Industry Association standard practices.

9. 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.

10. The decision set forth herein is based upon representations made and exhibits contained in the project application. Any change(s) or deviation(s) in such plans, proposals, or conditions of approval imposed shall be subject to further review and approval of the County and potentially the Hearing Examiner.

11. The authorization granted herein is subject to all applicable federal, state, and local laws, regulations, and ordinances. Compliance with such laws, regulations, and ordinances is a condition to the approvals granted and is a continuing requirement of such approvals. By accepting this/these approvals, the Applicant represents that the development and activities allowed will comply with such laws, regulations, and ordinances. If, during the term of the approval granted, the development and activities permitted do not comply with such laws, regulations, or ordinances, the Applicant agrees to promptly bring such development or activities into compliance.

12. Any violation of the conditions of approval shall be grounds to initiate revocation of this plat.

13. A recreational open space plan shall be submitted to DCD and be reviewed and approved with the SDAP. The plan shall show dimensions, finished grade, equipment, landscaping and improvements to demonstrate that the requirements of this subsection are met.

Development Engineering

14. 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.

15. Approval of the preliminary plat shall not be construed to mean approval of the total number of lots or configuration of the lots and tracts. These parameters may be required to be revised for the final design to meet all requirements of KCC Titles 11 and 12.

16. The information provided demonstrates this proposal is a Large Project as defined in KCC Title 12, and as such will require an SDAP from Development Services and Engineering that demonstrates compliance with Minimum Requirements 1-9 of the Kitsap County Stormwater Design Manual.

17. Stormwater quantity control, quality treatment, and erosion and sedimentation control shall be designed in accordance with KCC Title 12 effective at the time the Preliminary Plat application was deemed complete, April 9, 2019. 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.

18. 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 Preliminary Plat application was deemed complete, April 9, 2019.

19. The site plan indicates that greater than one acre will be disturbed during construction. This threshold requires a National Pollutant Discharge Elimination System (NPDES) Stormwater Construction permit from the State Department of Ecology. More information about this permit can be found at:

<http://www.ecy.wa.gov/programs/wq/stormwater/construction/> or by calling Josh Klimek at 360-407-7451, email joshklimek@ecy.wa.gov. This permit is required prior to issuance of the SDAP.

20. The application indicates that a significant quantity of grading material will be exported from the site. Prior to issuing the SDAP an approved fill site(s) must be identified. Any fill site receiving more than 150 cubic yards of material must obtain an SDAP. Fill sites receiving 5,000 cubic yards or more must have an engineered SDAP.

21. The application indicates that a significant quantity of grading material will be exported from the site. Typically this means five or more trucks leaving the site per hour. Because of this a vehicle wheel wash must be included as an element of the siltation erosion control plan.

22. 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.

23. The impervious area per lot accounted for in the overall drainage facilities installed shall be indicated on the face of the final plat, along with the following condition: 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.

24. Prior to requesting a final inspection on the associated SDAP, soil amendment is required over all disturbed areas within tracts that are not covered by hard surface; provided that in the event completion of a Recreational Tract has been bonded, soil amendment shall be completed prior to expiration of the bond covering that work.

25. The following condition shall be added to the face of the Final Plat: At the time of submittal of a building permit for any lot within this plat, soil amendment is required for all disturbed areas not covered by hard surface.

26. If the project proposal is modified from that shown on the submitted site plan received April 8, 2019, Development Services and Engineering will require additional review and potentially new conditions.

27. A Final Subdivision Plat shall be prepared by a licensed Land Surveyor in compliance with KCC Title 16.

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

29. 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 CCRs.

30. 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.

31. Sewer Availability Agreement account must be kept current and in good standing through the permit approval date.

32. Kitsap County sanitary sewer is available for the project. Applicant needs to submit an "Application to Construct Sanitary Sewer" to KCPW Sewer Utility Division.

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

34. The 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 for such walls. This note shall be placed on the face of the final construction drawings.

35. Rock and retaining walls shall meet all applicable setback requirements of Vol. II, Chapter 9 of the Kitsap County Stormwater Design Manual.

Environmental

36. Preliminary Geotechnical Report prepared by EnviroSound Inc. dated January 15, 2019 was submitted. A Final Geotechnical Report shall be submitted with the SDAP. The plat will be designed and constructed consistent with this analysis and per geotechnical engineering recommendations.

Traffic and Roads

37. 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.

38. The following note shall appear on the face of the final plat map. "All interior roads shall remain private."

39. 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.

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

41. 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.

42. Provide surveyed cross-sections at 50-foot intervals along the parcel frontage on Dickey Road NW and on NW Cascade Street. 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.

43. Frontage improvements, consisting of vertical curb, gutter and five-foot wide sidewalk, shall be constructed along the property frontages along Dickey Road NW and NW Cascade Street.

44. Frontage improvements, consisting of vertical curb, gutter and five-foot wide sidewalk, shall be constructed along the interior plat road.

45. 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.

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

47. The developer's engineer shall certify that there is adequate entering sight distance at the intersection of the plat access roads and NW Cascade Street. 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.

48. 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).

49. 2019-2024 Six Year Transportation Improvement Plan lists Project #34 Anderson Hill Road/Apex Airport Road Intersection. The development will contribute six vehicles to the east approach during the PM peak hour. The combined background plus pipeline projects on the east leg of the intersection is 225 vehicles. The proportionate share of the Cascade Court Development is $6/225 = .0267$. The estimated cost of the intersection signalization and channelization is \$867,743. Prior to requesting the final inspection for the SDAP, the developer shall contribute \$23,169 to the project.

50. Prior to scheduling the SDAP preconstruction meeting, the Applicant shall apply for and have an approved ROW permit for all work within the County right-of-way. Additional permit conditions, bonding, traffic control, inspections, and other requirements may apply to the right-of-way permit and will be determined by Kitsap County Public Works. All public roads are to meet current Kitsap County Road Standards.

Fire Safety

51. A 20-foot unobstructed access road is required for dwellings here and after constructed on lots created by this land division. IFC 503 Amended by KCC.

52. 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 KCC. Access roads shall comply with the following:

1. Unobstructed width of 20 feet and height of 13 feet 6 inches.
 2. Shall be designed and maintained to support a 60,000-pound fire apparatus and be provided with an all-weather driving surface.
 3. Dead end access roads exceeding 150 feet in length shall be provided with an approved turnaround.
 4. Inside turning radius shall be a minimum of 25 feet (residential).
 5. 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.
 6. Road shall not be more than 12% grade.
- * Hydrants are required and should be placed no more than 600 feet from each other.

Solid Waste

53. 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 for the project. Pay particular attention to the access requirements of collection trucks. Documentation shall be provided from the solid waste/recycling service provider that its requirements for this project have been met.

Kitsap Public Health District

54. Construction at or near landfills is subject to the following requirements of the Kitsap County Board of Health Ordinance 2010-1, "Solid Waste Regulations": §460 – Construction and Notification Standards Near Landfills (1) Construction Requirements (a-e). Please see Exhibit 14.

55. Notification Requirements for Owners of Landfills. All owners of active, closed, or abandoned landfills shall:

- I. File a Notice to Title with the County Auditor's office noting the presence of a landfill on the tax parcel within one hundred and eighty (180) days of the effective date of these regulations.
- II. For any property without notice to title, the Health District may file a notice to title regarding the presence of a landfill on the property.

III. Disclose the presence of an active, closed, or abandoned landfill to all prospective purchasers of the property.

Soils used as borrow materials must be "clean," as defined in the Kitsap County Board of Health (BKCBH) Ordinance 2010-1 "Solid Waste Regulations." ...soils which are not a dangerous waste or problem waste. Problem waste includes the following: ...soils removed during the cleanup of a remedial action site, a dangerous waste closure, other cleanup efforts, or other actions, which contain hazardous substances, but are not dangerous wastes; ...dredge spoils from the dredging of surface waters of the state where contaminants are present in the dredge spoils at concentrations not suitable for open water disposal and the dredge spoils are not a dangerous waste and are not regulated by Section 404 of the Federal Clean Water Act (PL 95-217); or ...waste abrasive blasting grit or other material used in abrasive blasting that may contain, but is not limited to, silica, sand, utility slag or copper slag. Waste abrasive blasting grit does not include blasting grit that will be reused for its intended purpose...

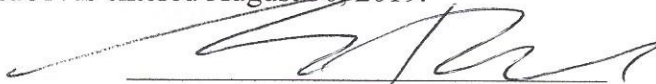
56. The Applicant must ensure, either by process knowledge or by testing, that fill material is not contaminated. This would include the Applicant's knowledge of the presence of industrial/commercial facilities, prior disposal activities, or other activities that may have contaminated the material to be used as fill.

a. Only suitable materials shall be used as fill. Suitable fill does not include vegetative organic matter, demolition or construction wastes, or other debris, except as provided for under the Uniform Building Code (1994).

b. All construction trenching activities conducted within 1,000 feet of an active or closed landfill should test for the presence of methane gas and take those safety or engineering precautions necessary for the protection of human health and the environment.

c. The Applicant shall use all appropriate measures to control roadway carry-on or fugitive dust from excavation activities or materials transportation activities necessary to protect public health or the environment.

THIS DECISION is entered August 30, 2019.



Kitsap County Hearing Examiner
Susan Elizabeth Drummond