



Notice of Hearing Examiner Decision

06/13/2024

To: Interested Parties and Parties of Record

RE: Project Name: Hungsung LLC Gas Station Mini Mart
 Applicant: Hungsung LLC
 12422 58th Ave NW
 Gig Harbor, WA 98332
 Application: Conditional Use Permit (CUP)
 Permit Number: 22-00463

The Kitsap County Hearing Examiner has **APPROVED** the land use application for **Permit #22-00463 Hungsung LLC Gas Station Mini Mart Conditional Use Permit (CUP)**, **subject to the conditions outlined in this Notice and included Decision.**

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

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

<https://www.kitsap.gov/dcd/HEDocs/HE-Rules-for-Kitsap-County.pdf>.

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

The complete case file is available for review by contacting the Department of Community Development; if you wish to view the case file or have other questions, please contact help@kitsap1.com or (360) 337-5777.

CC: Owner/Applicant: HUNGSUNG LLC, jjohnmpark@gmail.com
 Authorized Agent: WILLIAM M PALMER, wpconslts@telebyte.net
 DSE
 Public Works
 Parks
 Navy
 Kitsap Transit
 South Kitsap Fire District
 South 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 Dept of Transportation/Aviation
WA State Dept of Ecology-SEPA
WA State Dept of Transportation
Interested Parties: Roderick Malcom – Suquamish Tribe, rmalcom@suquamish.nsn.us;
CASANOVA JONATHAN & CASANOVA LORCA PAMELA, pamelitalorca@hotmail.com

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BEFORE THE HEARING EXAMINER FOR KITSAP COUNTY

Phil Olbrechts, Hearing Examiner

RE: Hungsung LLC Conditional Use File No. 22-00463	FINDINGS OF FACT, CONCLUSIONS OF LAW AND DECISION.
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INTRODUCTION

Hungsung LLC has applied for a conditional use permit to allow a gas station/mini mart at 5310 SE Mile Hill Dr., Port Orchard. The application is approved subject to conditions.

A major point of disagreement between Applicant and County staff was whether the proposal should be conditioned to require a site development activity permit (SDAP). That condition is not adopted. The issue of whether or not to require the permit will be left to code enforcement and/or building permit review. Review of the conditional use permit does not necessitate resolving the requirements of subsequent permits, including whether other permits are required in the first place. As noted at the end of this Introduction, the SDAP issue will nonetheless be resolved upon mutual agreement of the parties to re-open the hearing as part of a reconsideration request.

The SDAP cannot be resolved at this time because the record is too incomplete on the necessity for the permit. A major outstanding issue is whether the proposed paving is a “replacement” hard surface as opposed to a “new” hard surface. This is both a legal and factual issue in need of further information. One of the triggers for requiring an SDAP is if the proposal is subject to stormwater minimum requirements 1-9. See KCC 12.10.030(1). Minimum requirements 1-5 are required if the proposal involves 2,000 square feet of “*new plus replaced hard surfaces*.” See Figure 1-4.2, KCC 12.10.020. The additional minimum requirements 6-9, which would trigger the SDAP, are only required if the project adds 5,000 square feet or more of “*new hard surfaces*.” Id. Comparing these two requirements, it’s clear that the 6-9 trigger isn’t met by any “*replacement*” hard surfaces since the minimum requirement 1-5 trigger distinguishes between “*new*” and “*replacement*” hard surfaces. If the County is counting “*replacement*” hard surfaces to require the SDAP, it likely isn’t correctly applying the 6-9 trigger.

1 The County asserts that the proposal involves more than 5,000 square feet of “new”
2 hard surface. See Ex. 25. However, it appears to be basing most of this amount on
3 pavement that will be placed on top of or replace gravel and/or compacted earth. The
4 primary outstanding factual issue is whether the existing dirt/gravel surface is
5 composed of compacted earth¹, which in turn would qualify it as a hard surface. If this
6 dirt/gravel is compacted earth, the resulting legal question is whether the new pavement
7 placed on top of or replacing this compacted earth qualifies as a “replacement” of the
8 surface (that wouldn’t trigger an SDAP) as opposed to a “new” hard surface (that would
9 trigger an SDAP). Evidence on if and how the County has addressed this issue in the
10 past would be determinative in whether any deference is due to the County’s current
11 interpretation.

12 The only other potential grounds for requiring an SDAP suffers from similar
13 deficiencies of information in the record. KCC 12.10.030(3) requires an SDAP for
14 projects that involve moving more than 150 cubic yards of earth. In Ex. 27, the
15 Applicant’s representative challenges the County’s finding that 150 cubic yards will be
16 moved, repeatedly identifying that more than 500 cubic yards will be moved. Under
17 the numbers generated by the Applicant’s own representative, the trigger for KCC
18 12.10.030(3) has been met more than three times over. That presumably was not what
19 the Applicant intended to argue. Clarification is needed as to what the Applicant was
20 trying to establish with this argument.

21 The Applicant’s Ex. 26 letter creates other factual issues to which the County had no
22 opportunity to respond. The “new” verses “replacement” issue is the primary issue of
23 concern and as noted previously the record does not contain enough information to
24 resolve this important issue. It is not necessary and arguably beyond the scope of
25 conditional use review to be issuing interpretations on whether other permits are
required. The Applicant and County only had a very compressed post-hearing time
frame to address the SDAP issues raised by the Applicant at hearing. Since no one

¹KCC 12.08.220 defines a hard surface to mean an impervious surface, a permeable pavement or a vegetated roof. KCC 12.08.245 defines an impervious to include gravel roads and packed earthen materials. From this the Applicant asserts that gravel parking areas also qualify as hard surfaces. That position certainly merits further consideration, but from the information so far presented it is reasonable to conclude that gravel parking lots do not equate to gravel roads in terms of qualifying as hard surfaces. If all gravel surfaces were intended to qualify as hard surfaces the definition would not have limited the surface to roads. Gravel roads could conceivably be more compacted than parking surfaces in general since the roads could be more compacted through design and/or travel. Given the definition’s limitation to roads, it appears that graveled parking areas must qualify as packed earthen materials. In addition, given the aerial photographs of Ex. 27, it’s unclear if the gravel surface referenced by the Applicant even qualifies as gravel. The composition of the parking area in addition to whether gravel surfaces qualify as hard surfaces are two of the issues that need further clarification.

1 other than the Applicant and County attended the hearing, the parties can mutually
2 agree to reopen the hearing to resolve the SDAP issue in this proceeding. A request
3 for re-opening the hearing should be filed within five days of this decision as a timely
4 request for reconsideration as governed by Hearing Examiner Rule of Procedure 1.9.1.

5 It is recognized that removing the mandate for SDAP review from the conditions of
6 approval could also affect other conditions recommended by staff. Staff's
7 recommended conditions have been revised in an attempt to address that circumstance.
8 All revisions to staff recommended conditions are identified in track change at the end
9 of this decision. Staff may of course request reconsideration for additional revisions.
10 If the revisions are submitted with agreement from the Applicant, the revisions can be
11 adopted with minimal delay.

12 **ORAL TESTIMONY**

13 A computer-generated transcript of the hearing has been prepared to provide an
14 overview of the hearing testimony. The transcript is provided for informational
15 purposes only as Exhibit 27. The transcript is provided for the convenience of the
16 parties and should not be construed as having any probative value to this proceeding.
17 The transcript is only referenced as an exhibit for compatibility with the County record
18 retention system for land use hearings. A recording of the hearing is available from
19 Kitsap County should anyone need an accurate rendition of hearing testimony.

20 **EXHIBITS**

21 Exhibits 1-23 listed in the Index to the Record prepared by County staff were admitted
22 during the hearing. An April 8, 2022 letter from GeoConsulting, Inc. to Alex Wisniewid
23 was admitted as Exhibit 24 during the hearing. In post hearing briefing, a County
24 memo dated May 29, 2024 was admitted as Exhibit 25 and a response from the
25 Applicant dated May 30, 2024 was admitted as Exhibit 26.

26 **FINDINGS OF FACT**

27 **Procedural:**

- 28 1. Applicant. Hungsung LLC, 12422 58th Ave NW, Gig Harbor, WA 98332.
- 29 2. Hearing. The Hearing Examiner conducted a remote/hybrid hearing on the
30 application on May 23, 2024. The record was left open through May 31, 2024 for
31 briefing on whether an SDAP is required for the proposal.

32 **Substantive:**

- 33 3. Site/Proposal Description. Hungsung LLC has applied for a conditional
34 use permit to allow a gas station/mini mart at 5310 SE Milee Hill Dr., Port Orchard.

1 A 1,650 square foot (sf) convenience store was constructed on the 36,155 sf parcel in
2 1962 according to the Kitsap County Assessor's office. Approximately 11,000 sf of
3 paving was installed in 1987. The original store closed in 2000 to address leaking fuel
4 tanks. Cleanup of the parcel occurred after the store closed which included removing
the contaminated soil, fuel tanks, two multiple fuel pump dispensers (MPD), and fuel
pump canopy. The property owner installed a monitoring well to ensure no further
contamination after this clean-up occurred.

5 The property owner then procured building permit approval in 2016 to remodel the
6 remaining convenience store by reactivating the walk-in cooler and installing a new
7 roof, ADA compliant restrooms, counters, sinks, electrical, and revised entrance to
improve functionality. The permit also identified an installation of the following:

- 8 • a 2,000 gallon stormwater holding tank with sensing to prompt pumping of said
9 tank.
- new fuel tanks.
- 10 • a new fuel island expanded from the original two MPD to four MPD.

11 The building permit expired, rendering the project subject to establishing a new use on
12 the project site. The current proposal reduces the convenience store square footage to
1,441 sf from the original 1,650 sf. The amount of impervious surface would remain
13 the same, 22,319 sf or 38% of the project site.

14 The project site is ~ 182 feet wide and ~ 200 feet deep, relatively flat, vegetated with
15 grasses and shrubs on the northern portion, and vegetated with trees on the southern
portion. No critical areas exist on the parcel.

16 4. Characteristics of the Area. A single family residence is located to the
17 south. Miscellaneous services and a medical clinic are located to the south. A park
is located to the east and warehousing and a storage facility to the west.

18 5. Adverse Impacts. No significant adverse impacts are anticipated from the
19 proposal. Impacts are more directly addressed as follows:

- 20 a. Off-Street Parking. Chapter KCC 17.490.030 requires one space per 200 square
21 feet of gross floor area for retail establishments generating heavy automobile
22 traffic. The proposal involves 1,441 square feet of gross floor area, thus
requiring 6 spaces. The applicant is proposing 11 spaces.
- 23 b. Stormwater. The proposal is conditioned to meet the County's stormwater
24 standards, which will be reviewed during building permit review and
25 potentially SDAP review. As identified in the Introduction, it is an outstanding
issue whether an SDAP is required for the project. The City's stormwater
standards, including the thresholds for triggering SDAP review, are a legislative
determination of what constitutes adequate and appropriate stormwater
mitigation.

- 1 c. Environmental/Critical Areas. There are no critical areas or buffers on the project site.
- 2 d. Access, Traffic, Roads. Development Services and Engineering reviewed the proposal and found the existing access off of Seabeck Highway to be adequate for the proposal. The project proposes to use existing ingress/egress access points from the past use as a fueling station and convenience store. Mile Hill Drive and Long Lake Road, county maintained rights-of-way, provide direct access to the project site. The project is further conditioned to require site access per Kitsap County Road Standards.
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- 6 e. Fire Safety. The South Kitsap Fire District has reviewed the proposal. A condition of approval notes that due to the fire hazards involved in fuel dispensing, fire flow is required at 1500 gpm at 20 psi. At time of building plan submittal a fire flow letter from the water district indicated fire flow of 1500 gpm at 20psi is available.
- 7
- 8
- 9 f. Water/Sewer. Public water and a commercial septic system already serve the project site for the proposed use.
- 10
- 11 g. Compatibility. The proposal is compatible with surrounding uses. Most of the surrounding uses are commercial or park in nature except for a single-family residence to the south. That use will be buffered by a landscaped separation buffer as noted in Section 10e of the staff report. There is also an extensive amount of existing vegetation on the south side of the project site that will be retained and serve as buffering to the single-family residence.
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CONCLUSIONS OF LAW

Procedural:

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- 17 1. Authority of Hearing Examiner. KCC 17.550.030 authorizes the hearing examiner to issue decisions on applications for conditional use permits.
- 18

Substantive:

- 19
- 20 2. Zoning Designation. The property is zoned Rural Commercial (RCO).
- 21 3. Review Criteria. KCC 17.410.044 requires a conditional use permit to establish a fueling station with a convenience store in the Rural Commercial zoning designation. KCC 17.550.030A governs the criteria for conditional use permits. Pertinent criteria are quoted below and applied via corresponding conclusions of law.
- 22
- 23

KCC 17.550.030.A: *The hearing examiner may approve, approve with conditions, or deny a hearing examiner conditional use permit. Approval or approval with conditions may be granted only when all the following criteria are met:*

KCC 17.550.030.A.1: *The proposal is consistent with the Comprehensive Plan;*

1 4. Criterion met. The criterion is met for the reasons identified at pages 5-6 of the
2 staff report. The applicable policies require a balancing of retaining rural character
3 while fostering rural business opportunities. The landscaped site design and use of
existing structures furthers these policies.

4 **KCC 17.550.030.A.2:** *The proposal complies with applicable requirements of this*
5 *title;*

6 5. Criterion met. The criterion is met as demonstrated in Tables 1 and 2 of the staff
7 report as well as the review and approval from County planning, public works and fire
8 protection staff. At hearing the Applicant identified some minor discrepancies in the
9 Table 1 and 2 information regarding setbacks that were acknowledged by staff, but
those errors are not inconsistent with the determination that all setback standards as
proposed and conditioned are met.

10 **KCC 17.550.030.A.3.:** *The proposal will not be materially detrimental to existing or*
11 *future uses or property in the immediate vicinity; and*

12 6. Criterion met. The criterion is met for the reasons identified in Finding of Fact No.
13 5.

14 At hearing the Applicant contested a staff recommended condition requiring a
15 hydrogeological study. As noted by staff, KCC 19.600.620 requires a hydrogeological
16 study for the project. As further noted by staff, existing studies can be used to satisfy
17 the requirement if they meet the content requirements. Given these factors the staff
18 recommended hydrogeological study will be adopted by this decision.

19 At hearing the Applicant also contested the need for bicycle lanes in the staff
20 recommended conditions requiring bicycle lanes. The Applicant noted that there are
21 no bicycle lanes in the vicinity of the project. In *Burton v. Clark County*, 91 Wn. App.
22 505 (1998), known as the “road to nowhere” case, the court invalidated a road stub
23 requirement under constitutional takings law for a subdivision because the County
24 failed to show that the road stub would connect to a road within the foreseeable future.
25 That same concept likely applies to bike trail frontage improvements that have no
reasonable likelihood of connecting to future trail improvements. As far as can be
ascertained from the record, the Applicant raised this issue for the first time during the
hearing. This did not give County staff adequate time to prepare a response. The issue
does not need to be resolved at this time since the Applicant can request a deviation
request from the County Engineer via Section 1.4 of the County’s Road Standards. The
staff recommended condition of approval regarding frontage improvements has been
revised to expressly authorize the Applicant to request a deviation to the bike trail
standard.

KCC 17.550.030.A.4: *The proposal is compatible with and incorporates specific*
features, conditions, or revisions that ensure it responds appropriately to the existing

1 *character, appearance, quality or development, and physical characteristics of the*
2 *subject property and the immediate vicinity.*

3 7. Criterion met. The criterion is met for the reasons identified in Finding of Fact No.
4 5g.

5 **DECISION**

6 Based upon the conclusions of law above, the conditional use permit application is
7 approved subject to the following conditions (revisions to staff recommended
8 conditions are noted in track change):

9 A. Planning/Zoning

- 10 1. Review the linked Hearing Examiner decision for conditions of
11 approval. The Staff Report conditions below are only recommended
12 conditions to the Hearing Examiner and may not be valid.
- 13 2. The uses of the subject property are limited to the uses proposed by the
14 applicant and any other uses will be subject to further review pursuant
15 to the requirements of the Kitsap County Code (KCC). Unless in
16 conflict with the conditions stated and/or any regulations, all terms and
17 specifications of the application shall be binding conditions of approval.
18 Approval of this project shall not, and is not, to be construed as
19 approval for more extensive or other utilization of the subject property.
- 20 3. All required permits shall be obtained prior to commencement
21 of land clearing, construction and/or occupancy.
- 22 4. Landscaping shall be installed and maintained in conformance with the
23 requirements of Kitsap County Code (KCC) 17.500. Landscaping shall
24 be installed and inspected prior to requesting a final inspection, or
25 guaranteed by means of an assignment of funds or bonded in the
amount of 150 percent of the cost of installation. If no SDAP is
required, the Applicant shall submit a landscaping plan for planning
staff approval prior to any construction activity that conforms to Kitsap
County landscaping requirements.
5. The previously existing paved areas reduces the front and side
setbacks to less than 20 feet. In this circumstance the Department
recommends the addition of a sight obscuring fence on the West and
South parcel edges pursuant to KCC Section
17.500.027 A.2.d. if the site cannot achieve the intent of KCC Section
17.500.027 through vegetation alone.
6. Any and all signage design and location (including exempt signs) shall
comply with Kitsap County Code (KCC) 17.510, and be reviewed and
approved by the Department of Community Development prior to
installation. Signage may require a separate permit.
7. The recipient of any conditional use permit shall file a Notice of Land

1 Use Binder with the county auditor prior to any of the following:
2 initiation of any further site work, issuance of any
3 development/construction permits by the county, or occupancy/use of
4 the subject property or buildings thereon for the use or activity
5 authorized. The Notice of Land Use Binder shall serve both as an
6 acknowledgment of and agreement to abide by the terms and
7 conditions of the conditional use permit and as a notice to prospective
8 purchasers of the existence of the permit. The Binder shall be prepared
9 and recorded by the Department at the applicant's expense.

- 10 8. This Conditional Use Permit approval shall automatically
11 become void if no development permit application is accepted
12 as complete by the Department of Community Development
13 within four years of the Notice of Decision date or the resolution
14 of any appeals.
- 15 9. The decision set forth herein is based upon representations made and
16 exhibits contained in the project application (22-00463). Any
17 change(s) or deviation(s) in such plans, proposals, or conditions of
18 approval imposed shall be subject to further review and approval of
19 the County and potentially the Hearing Examiner.
- 20 10. The authorization granted herein is subject to all applicable federal,
21 state, and local laws, regulations, and ordinances. Compliance with
22 such laws, regulations, and ordinances is a condition to the approvals
23 granted and is a continuing requirement of such approvals. By
24 accepting this/these approvals, the applicant represents that the
25 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.
11. Any violation of the conditions of approval shall be grounds to
initiate revocation of this Conditional Use Permit.
12. This permit shall comply with all Kitsap Public Health District
regulations and conditions of approval.
13. Required Minimum
Zoning Setbacks-
Minimum Front
(North and East) :
20 Minimum Rear:
20

B. Development Engineering

~~14. The information provided demonstrates this proposal is a Full
Drainage Review as defined in Kitsap County Code Title 12 and~~

1 ~~will require a Site Development Activity Permit (SDAP) from~~
2 ~~Development Services and Engineering.~~

- 3 15. Stormwater quantity control, quality treatment, and erosion and
4 sedimentation control shall be designed in accordance with Kitsap
5 County Code Title 12 effective as applicable at the time the CUP
6 application was deemed fully complete, (June 24, 2022). The submittal
7 documents if required shall be prepared by a civil engineer licensed in
8 the State of Washington. The fees and submittal requirements if
9 required shall be in accordance with Kitsap County Code in effect at
10 the time of SDAP application.
- 11 16. Any project that includes off site improvements that create additional
12 hard surface such as lane widening, sidewalk or shoulder installation
13 or intersection channelization will be required to provide stormwater
14 mitigation in accordance with Kitsap County Code Title 12 effective
15 at the time the CUP application was deemed fully complete, (June 24,
16 2022).
- 17 17. The design of the infiltration facilities shall be in accordance with
18 Vol. II, Ch. 5.4 of the Kitsap County Stormwater Design Manual.
- 19 18. The infiltration facilities shall remain off line until the drainage areas
20 are stabilized and the water quality treatment facility is adequately
21 established. In addition, retention ponds shall not be utilized as
22 temporary erosion and sedimentation control ponds.
- 23 19. Immediately after excavation of the proposed infiltration facilities, the
24 Project Engineer shall provide an inspection(s) to verify that the actual
25 soil conditions encountered meet the design assumptions. The Project
Engineer shall submit the inspection report(s), properly stamped and
sealed to Development Services and Engineering.
- 20 20. This project includes the construction of a detention vault, which
21 requires a building permit issued by the Department of Community
22 Development. A Structural Engineer, registered in the State of
23 Washington, shall design the vault and prepare the construction
24 drawings. In addition, a geotechnical engineering analysis is required.
25 The analysis will address the effects of groundwater infiltration,
seepage, potential slip planes, and changes in soil bearing strength.
The proposed facilities will be designed following the
recommendations of the geotechnical analysis.
- 21 21. The owner shall be responsible for maintenance of the storm drainage
22 facilities for this development following construction. Before
23 (requesting final building inspection/recording the final plat/binding
24 site plan) for this development, the person or persons holding title to
25 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

1 is not performing properly. This would be done only after notifying the
2 owner and giving him a reasonable time to do the necessary work.
3 Should County forces be required to do the work, the owner will be
4 billed the maximum amount allowed by law.

5 C. Environmental

6 22. The project requires hydrogeological study as is or would be
7 required as part of the Site Development Activity Permit (SDAP).
8 This will include a report, controls, mitigation, and spill response
9 requirements prior to development activity commencing on the
10 site.

11 23. The applicant must complete all additional investigations, permits,
12 and required clean up prior to obtaining a certificate of occupancy.

13 The Remedial Investigation (RI) - Preliminary Planning Assessment
14 (PPA) Report pursuant to Independent Remedial Action concluded that
15 the interim actions did not result in meeting cleanup standards at the
16 site. Data shows that petroleum contaminated groundwater (PCGW)
17 partially extends beneath the east-adjacent Howe Farm County Park,
18 which consists of a historical farm that has been converted to public
19 park use, as well as undeveloped wooded areas and wetlands. The
20 extent of the PCGW related to this sensitive ecosystem has not been
21 fully delineated (critical data gap).

22 The report also identifies next steps. These next steps include a focused
23 feasibility study that integrates the vapor assessments, written
24 documentation of the stakeholder communication “good faith” effort,
25 and documented property specific No Further Action (NFA) indicating
an agreement to exclude off-property contamination as part of the Site
closure or engage in Site cleanup to protect human health and the
environment, regarding the use of the public Howe Farm County Park
and the sensitive wetland ecosystem located southeast of the Site.

26 D. Traffic and Roads

27 24. At building permit application, submit KCPW Form 1601 for
28 issuance of a concurrency certificate, as required by KCC Section
29 20.04.030, Transportation Concurrency.

30 25. Private driveway approaches to existing County roads shall be
31 reviewed and approved by Development Engineering.

32 26. Construction of handicap access facilities within existing or proposed
33 County right-of- way shall conform to the requirements of the
34 Americans with Disabilities Act.

35 27. The approach to (SE Mile Hill Drive) and (Long Lake Road SE) shall
be designed in accordance with Kitsap County Road Standards and
WSDOT Design Manual Figure 920-

1 5, with a minimum return radii of 35 feet. The approach grade shall not
2 exceed 5% from the flow line to twenty feet beyond the right-of-way
3 line. Note the design vehicle on the final plans.

4 28. Provide wheelchair ramps on both sides of the site approach. Include
5 on the plan set curb ramp details that meet the requirements of the
6 Americans with Disabilities Act.

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

10 30. The developer's engineer shall certify that there is adequate entering
11 sight distance at the intersection of (SE Mile Hill Drive) and (Long
12 Lake Road SE). Such certification shall note the minimum required
13 sight distance, the actual sight distance provided, and a sight distance
14 diagram showing the intersection geometry drawn to scale,
15 topographic and landscaping features, and the sight triangle. The sight
16 distance shall meet the requirements of the Kitsap County Road
17 Standards. The certification shall also note necessary measures to
18 correct and maintain the minimum sight triangle.

19 31. Work within the county right-of-way requires a permit to perform
20 work in the right-of- way from the Kitsap County Department of
21 Public Works.

22 32. Frontage improvements may be required if remodel exceeds 50% of the
23 assessed value of the structure in any 3 year period per KCRS Section
24 1.7. Woods Road and Mile Hill Road are both designated bike routes.
25 Woods Road frontage would consist of 12 foot travel lane and 8-foot
paved shoulders. Mile Hill would consist of 11-foot exclusive turn
lane, 5-foot bike lane with 6-foot sidewalk or 8-foot paved shoulder if
sidewalk is removed. These frontage improvements may be waived by
the County Engineer through the County's deviation process should they
meet the deviation criteria.

Site access shall be per Kitsap County Road Standards.

33. Exterior accessible route, parking, and signage shall meet the 2018
IBC Chapter 11 and ICC A117.

E. Fire Safety

34. Do to the fuel dispensing hazard fire flow is required in the about of
1,500 gpm at 20 psi. At time of building plan submittal a fire flow
letter from the water district indicated fire flow of 1500 gpm at
20psi is available.

F. Solid Waste

35. Contact Waste Management at (360) 674-3166 for information on
implementing the solid waste/recycling storage requirements
influenced by the service provider (e.g. dumpster size and location)
for the project. Pay particular attention to the access requirements of

1 collection trucks. Provide documentation from the solid
2 waste/recycling service provider that their requirements for this
3 project have been met.

4 36. Show solid waste dumpster location, method for securing the
5 enclosure gates in an open position and pad sizes on the civil plans
6 submitted for approval. Details of the enclosure, including interior
7 dimensions, building materials and lighting must be included with the
8 civil plans prior to final approval. These details may be architectural
9 drawings attached to the civil plans. Provided area must accommodate
10 a minimum 6- yard dumpster.

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

18 38. If using a compactor, liquid wastes generated as a result of
19 compaction must not discharge into the stormwater system per
20 KPHB 2010-1, Solid Waste Regulations.

21 **G. Kitsap Public Health District**

22 39. This permit shall comply with all Kitsap Public Health District
23 regulations and conditions of approval.

24 Dated this 13th day of June 2024.

25 *Phil Olbrechts*

Phil Olbrechts,
Kitsap County Hearing Examiner

Appeal Right and Valuation Notices

Pursuant to KCC 21.04.100 and KCC 21.04.110, this conditional use permit decision is a final land use decision of Kitsap County and may be appealed to superior court within 21 days as governed by the Washington State Land Use Petition Act, Chapter 36.70C RCW.

Affected property owners may request a change in valuation for property tax purposes notwithstanding any program of revaluation.