



Notice of Hearing Examiner Decision

07/19/2024

To: Interested Parties and Parties of Record

RE: Project Name: Olympic View Leachate Pond Replacement
 Applicant: Waste Management of WA Inc.
 PO BOX 1450
 CHICAGO, IL 60690
 Application: Shoreline Variance (SVAR)Type III & Shoreline
 Substantial Development Permit (SSDP)Type II
 Permit Number: 23-01534 & 23-01249

The Kitsap County Hearing Examiner has **APPROVED** the land use applications for **Permit #23-01534 & 23-01249 Olympic View Leachate Pond Replacement Shoreline Variance (SVAR)Type III & Shoreline Substantial Development Permit (SSDP)Type II, 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: Waste Management of WA Inc., PO Box 1450 Chicago, IL 60690
Authorized Agent/Biologist: Chad Wallin, chadw@gretteassociates.com
Health District
Public Works
Parks
Navy
DSE
Kitsap Transit

South Kitsap Fire District
South Kitsap School District
Puget Sound Energy
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 Ecology-Wetland Review
WA State Dept of Ecology-Shoreline
WA State Dept of Transportation
WA State Dept of Archaeology and Historic Preservation-SEPA
WA State Dept of Health
Interested Parties: Mark Mahan, 17614 114th St E BONNEY LAKE, WA 98391

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BEFORE THE HEARING EXAMINER FOR KITSAP COUNTY

Phil Olbrechts, Hearing Examiner

<p>RE: Waste Management</p> <p>Critical Area Variance, Shoreline Variance and Shoreline Substantial Development Permit</p> <p>File No. 23-01534-SVAR and 23-01249-SSDP</p>	<p>FINDINGS OF FACT, CONCLUSIONS OF LAW AND DECISION.</p>
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INTRODUCTION

Waste Management requests approval of a shoreline variance, a critical areas variance and a shoreline substantial development permit (SSDP) to construct a replacement of an existing leachate storage pond within the 150 foot buffer of the North East Fork of the Union River (NEF) and the 300 foot buffer of an associated Category I wetland at the Olympic View Sanitary Landfill (OVSL) located at 10015 S.W. Barney White Rd, Bremerton. The applications are approved subject to conditions.

ORAL TESTIMONY

Jennifer Kreifels, County Staff Planner, summarized the staff report. No other comments were presented during the hearing.

EXHIBITS

Exhibits 1-25 listed in the Index to the Record prepared by County staff were admitted during the hearing.

FINDINGS OF FACT

Procedural:

1. Applicant. Waste Management of Wash. Inc. Po Box 1450, Chicago, IL 60690.

1 2. Hearing. The Hearing Examiner conducted a virtual hearing on the
2 application at 9:00 am on June 27, 2024.

3 **Substantive:**

4 3. Site/Proposal Description. Waste Management requests approval of a
5 shoreline variance, a critical areas variance and a SSDP to construct a replacement of
6 an existing leachate storage pond within the 150 foot buffer of the NEF and the 300
7 foot buffer of an associated Category I wetland at the Olympic View Sanitary Landfill
8 located at 10015 S.W. Barney White Rd, Bremerton. The new leachate pond will be
9 0.8 acres, double-lined with a floating cover.

10 The shoreline variance application is to reduce the 300-foot Category I wetland buffer
11 to 140 feet. The critical areas variance is to reduce the buffer to the Type F stream, the
12 North Fork of the Union River, from 150 feet to 75 feet. This divergence in permit
13 review is because the wetland is associated with the Union River, which has a flow rate
14 at 20 cubic feet per second or more, while the North Fork of the Union River does not
15 meet this flow threshold. Conclusion of Law No. 3 below identifies the legal
16 significance of this difference in flow rates as it pertains to permit review. This finding
17 is based upon Footnote No. 2 of the Critical Areas Report, Ex. 4, which identifies the
18 Union River as a mapped shoreline of the state while not assigning that classification
19 to the NEF.

20 The landfill is in a 30-year post closure monitoring and maintenance period. The
21 existing leachate pond is used for environmental monitoring and is located near the
22 western border of the landfill. The proposed project area where the new leachate pond
23 would be constructed is in a previously developed area that largely reflects the old
24 leachate ponds that were historically constructed. The new proposed pond is in
25 response to a 2018 dam safety inspection report prepared by the Washington State
Department of Ecology's (WDOE) Dam Safety Office. The report identified concerns
with the seismic stability of the Olympic View Sanitary Landfill's existing leachate
pond and the supporting northern embankment berm.

4. Characteristics of the Area. The area immediately north of the existing
leachate pond, as well as the proposed location of the new leachate pond, is steeply
sloped downward into an undeveloped forested area containing the Category I wetland
and the areas to the south largely consist of undeveloped forested areas that contains
the North East Fork (NEF) Union River.

5. Adverse Impacts. No significant adverse impacts are anticipated from the
proposed variance.

A. No Net Loss. The proposal will result in no net loss of ecological function. The
Applicant has submitted a "Shoreline No Net Loss and Mitigation Plan" that
concludes that with recommended mitigation that the proposal will result in in

1 net loss of ecological function. Ex. 18. The report was prepared by a biologist.
2 The conclusions of the report are uncontested with no information in the record
3 reasonably suggesting a contrary conclusion. Overall, despite the intensity of
4 the proposed use, the proposal results in minimal adverse impacts because it
5 simply displaces the existing leachate pond to an adjoining site that was
6 historically used for that purpose and that has currently degraded buffer
7 functioning. To ensure no net loss, the Applicant proposes to enhance
8 approximately 46,565 square feet of the degraded Category I wetland buffer.
9 As mitigated, the Net Loss report concludes that “*the reduced and enhanced
10 buffer is anticipated to provided equivalent function compared to those
11 functions the degraded standard buffer is currently providing.*” Ex. 18, p. 11.

12
13 B. Navigation. No work will be done within navigable waters and the proposal
14 thus will have no impact upon navigation.

15
16 C. Aesthetics. No significant adverse aesthetic impacts to the Union River
17 shoreline are anticipated. According to the critical areas report, Ex. 4, p. 8, the
18 closest the proposal is located to the Union River is 1,400 feet. As shown in
19 the aerial photographs of the critical areas report, the area surrounding the
20 project site is heavily forested and it is unlikely that the new leachate pond will
21 even be visible from the Union River.

22
23 6. Minimum Necessary. The requested variance is the minimum necessary to afford
24 relief. All the staff report concludes that all design minimization measures have been
25 implemented to the extent feasible. The existing leachate pond is approximately 57,000
square feet in size and the volume of the pond is approximately 13 acre-feet. The
proposed leachate pond will be approximately 34,850 square feet and is designed to
have a holding capacity of approximately 3.5 acre-feet. Additionally, the new leachate
pond will be constructed within an existing developed area that was historically utilized
for stormwater management purposes rather than utilizing potential undeveloped areas
in the vicinity of the existing leachate pond.

19
20 7. Special Circumstances. Special circumstances necessitate the proposal because it
21 is the only option that can feasibly use the existing infrastructure of the landfill. The
22 location of the existing leachate pond as well as the proposed new pond are specifically
23 located based on the design and construction of the maintenance and monitoring
24 infrastructure associated with the OVSL. More specifically, the OVSL infrastructure is
25 designed to utilize gravity to convey leachate that is collected beneath the OVSL to the
existing leachate pond. The new leachate pond is required to be at the relatively same
elevation as the existing leachate pond to maintain the existing designed function of
the OVSL’s infrastructure. The only feasible location to complete the proposed project
is to utilize the area adjacent to the existing leachate pond which is within the existing
footprint of the stormwater ponds that were constructed and utilized to manage
stormwater at the OVSL facility when the site was operational.

1 8. Practicable Alternatives. No practicable alternatives exist for the proposal. Four
2 design options to resolve the seismic stability concerns associated with the existing
3 leachate pond were considered. Two of the options were determined infeasible given
4 their cost and maintenance requirements and the only other option would require 0.25
5 acres of permanent impacts to the Category I wetland. The proposed design option is
6 the only practicable option to complete the Project.

7 **CONCLUSIONS OF LAW**

8 **Procedural:**

9 1. Authority of Hearing Examiner. KCC 21.04.100 classifies critical area and
10 shoreline variances as Type III process. As outlined in KCC 21.04.110, the Type III
11 process authorizes the hearing examiner to issue a final land use decision for the County
12 after holding a public hearing. The shoreline substantial development permit is a Type
13 II review process, but has been consolidated with the two variances for Type III review
14 as authorized by KCC 21.04.180.

15 **Substantive:**

16 2. Zoning/Shoreline Designation. The property is currently zoned Rural
17 Protection and the shoreline designation within the Category I wetland buffer is Rural
18 Conservancy.

19 3. Review Criteria. KCC 19.100.135A governs the criteria for hearing
20 examiner critical area variances. KCC 22.500.100E4 governs the criteria for shoreline
21 variances for projects landward of the ordinary high water mark. Applicable variance
22 criteria are quoted below in italics and applied via corresponding conclusions of law.

23 The staff report identifies that the wetland buffer reduction requires a shoreline
24 variance and that the stream buffer reduction requires a critical areas variance. The
25 wetland buffer reduction is within shoreline jurisdiction because the Union River flows
into it and that river is mapped as a shoreline of the state. See Ex. 4, Critical Areas
Report, FN No. 2. KCC 22.200.100A4 identifies that wetlands associated with
shorelines of the state are included within shoreline jurisdiction. KCC 22.200.100A6
further includes the buffer to those wetlands as within shoreline jurisdiction. RCW
90.58.030 defines “shoreline of the state” to include rivers with flow rates at or
exceeding 20 cubic feet per second. The Union River presumably meets this flow rate
since its mapped as a shoreline of the state.

In contrast to the Union River, the NEF is not subject to shoreline jurisdiction because
it’s not identified as meeting this flow rate in the record. Both the staff report and the
critical areas report do not treat the NEF as meeting this flow rate and there is no
evidence to the contrary. Although outside shoreline jurisdiction, the NEF still
qualifies as a Type F stream as designated in the Critical Areas Report, Ex. 4. As such,

1 the NEF is subject to a 150 foot buffer per the County’s critical areas ordinance and the
2 proposed 75-foot encroachment requires a critical areas variance.

3 The proposal necessitates a shoreline substantial development permit because it
4 qualifies as substantial development within shoreline jurisdiction. See KCC
5 22.500.100B1. KCC 22.150.605 defines substantial development as any development
6 exceed a fair market value of \$7,047.00. The proposal presumably exceeds this value.
7 KCC 22.500.100B3 sets the criteria for SSDPs, providing that an SSDP be granted only
8 when “*the applicant can demonstrate that the proposed development is consistent with
9 the policies and procedures of the Act [Shoreline Management Act] and this program,
10 as well as criteria in WAC 173-27-150.*” As pertinent, WAC 173-27-150 requires
11 conformance to the use regulations of the County’s shoreline master program in
12 addition to its policies.

13 The proposal is found to comply with all applicable SSDP criteria. It is found to
14 comply with SMP policies for the reasons identified in Section 7 of the staff report.
15 It’s found to comply with general SMP regulations for the reasons identified at Page
16 14 of the staff report and Finding No. 5 of this decision. As part of a landfill activity,
17 the proposal qualifies as a “utility” use under the SMP and as that type of use is subject
18 to the specific “utility” SMP use regulations of KCC 22.600.185. The proposal
19 conforms to those regulations for the reasons identified in Pages 19-21 of the staff
20 report. The findings of the staff report in support of these conclusions are adopted by
21 this reference. The proposal is found to conform to the policies of the Shoreline
22 Management Act because it creates no significant adverse impacts as determined in
23 Finding of Fact No. 5, including because it results in no net loss of ecological function,
24 has no impact on navigation and creates no adverse aesthetic impacts.

16 **Critical Area Variance for Stream Buffer Encroachment**

17 **KCC 19.100.135A1:** *A variance in the application of the regulations or standards of
18 this title to a particular piece of property may be granted by Kitsap County, when it
19 can be shown that the application meets all of the following criteria:*

20 *1. Because of special circumstances applicable to the subject property, including size,
21 shape, or topography, the strict application of this title is found to deprive the subject
22 property of rights and privileges enjoyed by other properties in the vicinity; provided,
23 however, the fact that those surrounding properties have been developed under
24 regulations in force prior to the adoption of this ordinance shall not be the sole basis
25 for the granting of a variance.*

4. Criterion met. The criterion is met. The proposed location is within both the Type
F stream buffer and the Category I wetland buffers where such development is
prohibited. As outlined in Finding of Fact No. 6, the proposed location is necessary to
use the topography and existing conveyance infrastructure of the site for existing
gravity flow leachate collection and conveyance. The developed character of the

1 project site additionally serves as a special circumstance in that the historical ponds at
2 the proposed location are ideally suited to minimize the ecological impacts of the
proposal.

3 **KCC 19.100.135A2:** *The special circumstances referred to in subsection (A)(1) of*
4 *this section are not the result of the actions of the current or previous owner.*

5 5. Criterion met. The criterion is met. As noted in Finding of Fact No. 3, the need
6 for the variance results from the geologic instability of the project site, not due to
actions of the Applicant.

7 **KCC 19.100.135A3:** *The granting of the variance will not result in substantial*
8 *detrimental impacts to the critical area, public welfare or injurious to the property or*
9 *improvements in the vicinity and area in which the property is situated or contrary to*
the goals, policies and purpose of this title.

10 6. Criterion met. The criterion is met for the reasons identified in Finding of Fact No.
11 5. Approval of the variance is consistent with the policies and purposes of Title 19 as
12 identified in KCC 19.100.105 because there will be no net loss of ecological function
under the mitigation plan proposed by the Applicants.

13 **KCC 19.100.135A4:** *The granting of the variance is the minimum necessary to*
14 *accommodate the permitted use.*

15 7. Criterion met. The criterion is met for the reasons identified in Finding of Fact No.
6.

16 **KCC 19.100.135A5:** *No other practicable or reasonable alternative exists. (See*
17 *Definitions, Chapter 19.150.)*

18 8. Criterion met. The criterion is met. KCC 19.150.510 defines Reasonable
19 Alternative as “*an activity that could feasibly attain or approximate a proposal’s*
20 *objectives, but at a lower environmental cost or decreased level of environmental*
degradation”. As determined in Finding of Fact No. 8, alternative locations have been
considered and were not feasible.

21 **KCC 19.100.135A6:** *A mitigation plan (where required) has been submitted and is*
22 *approved for the proposed use of the critical area.*

23 9. Criterion met. The criterion is met by the Applicant’s “*Shoreline No Net Loss and*
24 *Mitigation Plan,*” Ex. 18.

Shoreline Variance for Encroachment to Category I Wetland

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KCC 22.500.100E4a: *That the strict application of the bulk, dimensional or performance standards set forth in Chapters 22.400 and 22.600 precludes, or significantly interferes with, reasonable use of the property;*

10. Criterion met. The criterion is met. For the reasons identified in Findings of Fact No. 6-8, the proposed wetland encroachment is the only feasible location for the proposed leachate pond. The leachate pond and its relocation are essential functions of the current use and hence its denial would significantly interfere with reasonable use of the property.

KCC 22.500.100E4b: *That the hardship described in subsection (E)(1) of this section is specifically related to the property, and is the result of unique conditions such as irregular lot shape, size, or natural features and the application of this program, and, for example, not from deed restrictions or from the actions of the applicant or a predecessor in title;*

11. Criterion met. The criterion is met for the reasons identified in Conclusion of Law No. 4 and 5.

KCC 22.500.100E4c: *That the design of the project is compatible with other authorized uses within the area and with uses planned for the area under the Comprehensive Plan and this program, will not cause net loss to shoreline ecological functions and does not conflict with existing water-dependent uses;*

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

KCC 22.500.100E4d: *That the variance will not constitute a grant of special privilege not enjoyed by the other properties in the area;*

13. Criterion met. The criterion is met. The Applicant needs the variance to address an earthquake hazard while still maintaining the functionality of its project site. That is a right entitled to others either as a permitted use or via variances and modifications.

KCC 22.500.100E4e: *That the variance requested is the minimum necessary to afford relief; and*

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

1 **KCC 22.500.100E4f:** *That the public interest will suffer no substantial detrimental*
2 *effect.*

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

5 **DECISION**

6 Based upon the conclusions of law above, the shoreline and critical area variance
7 applications and shoreline substantial development permit applications are approved
8 subject to the following conditions:

9 **a. Planning/Zoning**

- 10 1. Subject to all conditions of approval from the Hearing
11 Examiner's decision. Final approval and conditions
12 subject to Washington Department of Ecology pursuant
13 to WAC 173-27-200. No approval shall be considered
14 final until it has been acted upon by Ecology.
- 15 2. Subject to all conditions of approval from the Hearing
16 Examiner's decision. Final approval and conditions
17 subject to Washington Department of Ecology pursuant
18 to WAC 173-27-200. No approval shall be considered
19 final until it has been acted upon by Ecology.
- 20 3. Upon final permit issuance, all construction for the project
21 must commence within two years and be complete within
22 five years. A one-time one-year extension is available
23 but only if requested on or before ninety days of original
24 permit expiration. No exceptions are allowed unless
25 provided for by law.
4. The decision set forth herein is based upon representations
made and exhibits contained in the project applications
23-01534 and 23-01249. 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.

b. Development Engineering

5. Construction plans and profiles for all roads, storm

1 drainage facilities and appurtenances prepared by the
2 developer's engineer shall be submitted to Kitsap
3 County for review and acceptance. No construction shall
4 be started prior to said plan acceptance.

- 5
- 6 6. The information provided demonstrates this proposal is a
7 Large Project as defined in Kitsap County Code Title 12,
8 and as such will require a Full Drainage Site
9 Development Activity Permit (SDAP) from
10 Development Services and Engineering.
- 11
- 12 7. Stormwater quantity control, quality treatment, and
13 erosion and sedimentation control shall be designed in
14 accordance with Kitsap County Code Title 12 effective at
15 the time the SDAP (or Building Permit if no SDAP
16 required) application is deemed fully complete. The
17 submittal documents shall be 23-01534, Olympic View
18 Leachate Pond Replacement, Shoreline Variance Type
19 III Page 2 prepared by a civil engineer licensed in the
20 State of Washington. The fees and submittal
21 requirements shall be in accordance with Kitsap County
22 Code in effect at the time of SDAP application, or
23 Building Permit if an SDAP is not required.
- 24
- 25 8. A Hydraulic Project Approval (HPA) permit may be
required for work below the ordinary high-water mark or
associated with the outfall. Prior to SDAP approval, the
applicant shall submit an approved HPA from the
Washington Department of Fish and Wildlife (WDFW),
or documentation from WDFW specifying that a HPA is
not required. Information regarding HPA's can be found
at <http://www.wdfw.wa.gov/hab/hpapage.htm> or by
calling the Office of Regulatory Assistance at (360) 407-
7037.
9. 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:

1 [http://www.ecy.wa.gov/programs/wq/stormwater/constr](http://www.ecy.wa.gov/programs/wq/stormwater/construction/)
2 [uction/](http://www.ecy.wa.gov/programs/wq/stormwater/construction/) or by calling Josh Klimek at 360-407-7451, email
3 joshklimek@ecy.wa.gov. This permit is required prior to
4 issuance of the SDAP. Processing time for NPDES
5 permit is a minimum of 37 days.

6 10. The application indicates that a significant quantity of
7 grading material will be exported from the site. Prior to
8 issuing the SDAP an approved fill site(s) must be
9 identified.

- 10 • Any fill site receiving 150 cubic yards or more of material must
11 obtain an SDAP.
- 12 • Fill sites receiving 5,000 cubic yards or more, or
13 located within a critical area, must have an engineered
14 SDAP.
- 15 • For any fill site receiving less than 150 cubic yards, the
16 SDAP holder shall submit to Kitsap County Department
17 of Community Development load slips indicating the
18 location of the receiving site and the quantity of
19 material received by said site.

20 11. The application indicates that a significant quantity of
21 grading material will be imported to and/or exported
22 from the site. Typically, this means five or more trucks
23 entering/leaving the site per hour. Because of this a
24 vehicle wheel wash must be included as an element of
25 the siltation erosion control plan.

12. All retention facilities shall be a minimum of 200 feet
from any slope steeper than 30%. This distance may be
reduced based on a geotechnical engineering report. That
analysis shall be prepared by a Civil Engineer licensed
in the State of Washington, knowledgeable in the
practice of soils engineering and mechanics. The
analysis shall address the effects of 23-01534, Olympic
View Leachate Pond Replacement, Shoreline Variance
Type III Page 3 groundwater infiltration, seepage,
potential slip planes, and changes in soil bearing strength.
The proposed facilities shall be designed following the
recommendations of the geotechnical analysis.

1 13. If the project proposal is modified from that shown on
2 the site plan approved for this permit application,
3 Development Services and Engineering will require
4 additional review and potentially new conditions.

5 **c. Environmental**

6 14. Construction techniques shall implement best
7 management practices to ensure protection of the
8 shoreline, its associated buffer, and local water quality.
9 Such best management practices shall include protective
10 silt fencing, protective orange construction fencing along
11 defined work areas, working during periods of limited
12 rainfall or potential for adverse erosion, and seeding of
13 exposed soils as needed to prevent adverse erosion.

14 15. The project is required to follow the mitigation and
15 monitoring plan as provided in the Shoreline No Net
16 Loss and Mitigation Plan (Grette Associates, dated
17 September 2023). The habitat biologist shall flag the
18 buffer location prior to start

19 of construction. An as-built report of the mitigation from
20 the biologist is required prior to final inspection of
21 SDAP.

22 16. The owner is responsible for maintenance of the planting
23 area for 5 years, including removal of invasive plant
24 species, reinstalling failed plantings, and irrigation.
25 Monitoring shall occur for 5-years, with reports
submitted to KCDCD by December 31 of each
monitored year. Project work shall be subject to the
conditions of the Washington Department of Fish and
Wildlife Hydraulics Project Approval (HPA) should an
HPA be required.

17. A Final Geotech will be required at time of SDAP review.
Approval of the SVAR and SSDP is subject to the final
recommendations and conditions of the Geotechnical
report. The submitted preliminary Geotech letter report,
dated March 7, 2023, prepared by Civil and
Environmental Consultants, Inc., associated with the

1 SVAR/SSDP approval is considered preliminary by the
2 authors and the Department of Community
3 Development.

4 **d. Traffic and Roads**

5 18. At building permit application, submit Kitsap County
6 Public Works Form 1601 for issuance of a concurrency
7 certificate, as required by Kitsap County Code
8 20.04.030, Transportation Concurrency.

9 19. The property owners shall be responsible for
10 maintenance of all landscaping within the existing and
11 proposed right-of-way including any structures other
12 than roadway, storm drainage facilities, and traffic
13 signage. Maintenance shall include, but not be limited to,
14 mowing of lawn areas. A note to this effect shall appear
15 on the accepted construction plans. In addition,
16 Development Services and Engineering reserves the
17 right to require that covenants be recorded to address
18 special maintenance requirements depending on final
19 design.

20 20. Any work within the County right-of-way shall require a
21 Public Works permit and possibly a maintenance or
22 performance bond. This application to perform work in
23 the right-of-way shall be submitted as part of the SDAP
24 process, or Building Permit process, if a SDAP is not
25 required. The need for and scope of bonding will be
determined at that time.

e. Fire Safety

21 21. Fire access will be adequate.

f. Solid Waste

22 22. No solid waste requirements.

g. Kitsap Public Health District

23 23. Not applicable to this proposal.
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Dated this 15th day of July, 2024.

Phil Olbrechts

Phil Olbrechts,
Kitsap County Hearing Examiner

Appeal Right and Valuation Notices

Pursuant to KCC 21.4.100 and KCC 21.04.110, the critical areas variance 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.

The shoreline variance decision is a final land use decision of Kitsap County and after approval or denial by the Washington State Department of Ecology may be appealed to the Washington State Shoreline Hearings Board as governed by RCW 90.58.180.

The shoreline substantial development permit decision is a final land use decision of Kitsap County and may be appealed to the Washington State Shoreline Hearings Board as governed by RCW 90.58.180.

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