BEFORE THE HEARING EXAMINER
FOR THE CITY OF PORT ORCHARD

In the Matter of the Application of No. CUP 033-10
Tony Williams Hovde Road Mini-Storage
For a Conditional Use Permit. FINDINGS, CONCLUSIONS, AND DECISION

SUMMARY OF DECISION

The request for a conditional use permit to construct two three-story buildings containing a total of approximately 129,100 square feet of self-service mini-storage and 2,000 square feet of office space on 2.79 acres approximately 800 feet east of the intersection of Hovde Road and Sidney Road SE, Port Orchard is GRANTED. Conditions of approval are necessary to mitigate specific project impacts.

SUMMARY OF RECORD

Request:
Tony Williams requests a conditional use permit to construct two three-story buildings containing a total of approximately 129,100 square feet of self-service mini-storage and 2,000 square feet of office space in on 2.79 acres. The property is located approximately 800 feet east of the intersection of Hovde Road and Sidney Road SE, Port Orchard, Washington.

Hearing Date:
The Hearing Examiner held an open record hearing on the request on April 22, 2010.

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

Tom Bonsell, City Planner
Norm Olson, Applicant Representative

Exhibits:
The following exhibits were admitted into the record:
1. Letter from James Fisk, City of Port Orchard, to Tony Williams, Pre-Application letter, dated December 8, 2008
2. Application submittal, including the following documents:
   A. CUP Application, received January 29, 2010
   B. Contact Information, received January 29, 2010
   C. SEPA Environmental Checklist, received January 29, 2010
   D. Property Owners List Verification, received January 29, 2010

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E. Project Narrative, received January 29, 2010
F. Response to Conditional Use Permit Criteria POMC 16.30.010(a-g), received January 29, 2010
G. Legal Descriptions, received January 29, 2010
I. Wetland Report prepared by SNR Company, dated December 18, 2009
J. Preliminary Storm Drainage Analysis prepared by N.L. Olson, dated January 2010
K. Site Drawings (13 sheets)
   1. Cover Sheet, dated January 21, 2010
   2. Existing Conditions and TESC Plan, dated December 20, 2009
   3. Site Plan, dated December 20, 2009
   4. Grading & Storm Drainage Plan, dated December 20, 2009
   5. Road Sections & Miscellaneous Notes & Details, dated December 20, 2009
   6. Storm Drainage Notes & Details, dated December 20, 2009
   7. TESC Notes & Details, dated December 20, 2009
   8. Utility Plan, dated December 20, 2009
   9. Water Notes & Details, dated December 20, 2009
   10. Sanitary Sewer Notes & Details, dated December 20, 2009
   13. Planting Plan, dated January 18, 2010

5. Comments from South Kitsap Fire & Rescue, dated February 10, 2010
6. Determination of Completeness, dated February 9, 2010
7. Notice of Application/SEPA Threshold Determination, dated February 12, 2010
8. Affidavit of Publication of NOA/SEPA, dated February 12, 2010
10. Affidavit of Mailing & Posting of NOA/SEPA, dated February 12, 2010
11. Email from Thomas Brobst, Puget Sound Energy, to Ellen Ferguson, dated February 22, 2010, with email string
12. Mitigated Determination of Nonsignificance, dated March 19, 2010
13. MDNS Distribution list and MDNS, dated March 19, 2010
15. Notice of Public Hearing, undated
16. Affidavit of Publication of Public Hearing, dated April 9, 2010
17. Affidavit of Mailing and Posting of Public Hearing, dated April 9, 2010
18. Staff Report, undated

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

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FINDINGS

1. Tony Williams (Applicant) requests a conditional use permit (CUP) to construct two three-story buildings containing a total of approximately 129,100 square feet of self-service mini-storage and 2,000 square feet of office space in on 2.79 acres. The property is located approximately 800 feet east of the intersection of Hovde Road and Sidney Road SE,\(^1\) in Port Orchard, Washington.\(^2\) Exhibit 2.A; Exhibit 2.B; Exhibit 18, Staff Report, page 1.

2. The City of Port Orchard (City) determined the CUP application was complete on February 9, 2010. The City Planning Department signed an affidavit, dated February 12, 2010, certifying that the notice of application/SEPA threshold determination was mailed to surrounding property owners and posted on the subject property in accord with City ordinances. Exhibit 10; Exhibit 12. The City published a notice of application/SEPA threshold determination in the Port Orchard Independent on February 12, 2010. Exhibit 8. The City received one comment from Puget Sound Energy (PSE) expressing concern over future landscaping on a PSE 115kV line along Hovde Road. Exhibit 11; Exhibit 18, Staff Report, pages 2 and 6. On April 9, 2010, the City Planning Department signed an affidavit certifying that the notice of public hearing was mailed to surrounding property owners and posted on the subject property. Exhibit 17. The City Planning Department signed an affidavit certifying that the notice of public hearing was published in the newspaper of record on April 9, 2010. Exhibit 16.

3. The City acted as lead agency to analyze the environmental impact of the proposed use as required by the State Environmental Policy Act (SEPA), Chapter 43.21C RCW. The City reviewed the environmental checklist and other information on file with the City and determined that with conditions the proposed project would not have a probable significant adverse impact on the environment. The City issued a Mitigated Determination of Nonsignificance (MDNS) on March 19, 2010. Mitigation conditions include low growing trees no greater than 20-feet tall at maturity in close proximity to PSE overhead power lines; half-street improvements of Hovde Road, including a 10-feet right-of-way dedication; waivers from the City Council for deviations of road standards requested by the Applicant; and completion of road improvements or performance bond prior to issuance of a building permit. No appeal of the MDNS was filed. The MDNS

\(^1\) The Assessor’s Radius Map depicts Sidney Road SW and SW Hovde Road. Exhibit 2.D. The Applicant’s Traffic Impact Analysis references Sidney Road SW and SW Hovde Road. Exhibit 2.H, pages 3 and 4. The Applicant’s Wetland Identification and Delineation Report references Sidney Road SW and SW Hovde Road. Exhibit 2.I, pages 3, 8 and 9. Tom Bonsell, City Planner, testified that the roads are Sidney Road SE and Hovde Road. Testimony of Mr. Bonsell.


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conditions are incorporated into the proposed conditions for the CUP. *Exhibit 12; Exhibit 18, Staff Report, page 6.*

4. The property is designated Commercial under the City Comprehensive Plan. Surrounding property to the east and south is designated Commercial; property to the north and west is designated Low Density Residential. The property is surrounded by churches to the north and west, an auto dealership with a garage to the east and undeveloped property to the south. The City reviewed the proposal and determined that it was consistent with the 2008 City Comprehensive Plan and would further the general health, safety and welfare of the community. *Exhibit 3; Exhibit 18, Staff Report, pages 2 and 3.*

5. The subject property lies within the City’s Commercial retail and office zoning district (Co). The purpose of the Co zone is to provide for the broadest mix of retail, service, office, and commercial recreation/cultural uses serving the Port Orchard and surrounding market areas and offering significant employment opportunities. Surrounding properties are zoned Co to the east and south, and R 4.5 to the north and west. *Port Orchard Municipal Code (POMC) 16.13.150(1); Exhibit 18, Staff Report, page 1.*

6. Self-service storage uses are allowed in Co zoning district subject to the conditional use review procedures and general requirements specified in Chapter 16.30 POMC. The purpose of POMC 16.35.010 (Conditional Uses) is to allow certain uses deemed necessary to the public convenience but possessing characteristics not easily identified with any particular zone classification. The conditional use permit is a mechanism by which special conditions may be placed on development or to ensure that designated uses or activities are compatible with other uses in the vicinity. *POMC 16.30.020(3); POMC 16.30.030-Table 1; POMC 16.35.010(1); POMC 16.35.010(2); Exhibit 18, Staff Report, page 3.*

7. The site is made up of four rectangular-shaped tax parcels extending north of Hovde Road, totaling 2.79 acres (121,494 square feet). A single family residence on the site has been removed. The Applicant’s Wetland Identification and Delineation Report described a well on site. No critical areas were identified. The site slopes downward to the east between two and 20 percent and contains various trees, shrubs and grassy areas. The site would be graded and no fill would be taken out or brought in. *Exhibit 2.F; Exhibit 2.I, page 8; Exhibit 18, Staff Report, pages 1 and 2.*

8. The Applicant proposes to construct two three-story buildings: Building “A,” featuring 69,900 square feet of self-service mini-storage and 2,000 square feet of office space and Building “B,” with 61,200 square feet of self-service mini-storage. The Applicant would provide 51 parking spaces, including two handicapped parking stalls. The two buildings, asphalt, and sidewalks would create 102,955 square feet of impervious surface. The Applicant would install 18,539 square feet (0.43 acres) of landscaping. *Exhibit 2.K.1.*

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9. Heath & Associates, Inc., prepared a Traffic Impact Analysis (TIA) for the Applicant, dated December 2009. A single entrance onto Hovde Road would provide access to the site. Hovde Road is an east-west, two-lane local road that borders the south side of the project with grass/gravel shoulders and a 25 mph speed limit. To the west of the property, Hovde Road intersects with Sidney Road SE, a north-south two-lane roadway. The TIA utilized Institute of Transportation Engineer data for mini-warehouse land uses. The proposed 127,200 square feet of mini-warehouse is estimated to generate, 318 new total trip movements into and out of the site, with 19 AM peak hour trips and 33 PM peak hour trips. With the proposed project, the Sidney Road SE/Hovde Road intersection would continue at a LOS C\(^3\) with a slight additional delay (16.6 seconds to 18.3 seconds). The TIA did not recommend any traffic mitigation measures. City Planner Tom Bonsell testified that the mini-warehouse was evaluated based on total square footage and not on individual units. Exhibit 2.H; Testimony of Mr. Bonsell.

10. Hovde Road dead-ends to the east of the property. The Applicant would provide half street improvement along Hovde Road, including paving, curbs, gutters and sidewalks. The zoning code requires one parking space for each 3,500 square feet of storage space and one parking space for each 300 square feet of office space, or 43 parking spaces. The Applicant proposes to provide 51 parking spaces. Chapter 16.45 POMC; Exhibit 2.H; Exhibit; Exhibit 2.K.3; Exhibit 18, Staff Report, pages 4, 5 and 9.

11. Laura Gongaware and Erika Wittmann, for SNR Company, prepared an 83-page Wetland Identification and Delineation Report with attachments for the Applicant, dated December 18, 2009. No wetlands were identified on the property. The southeastern portion of the site contains an area that appears to be used as a detention pond for off-site stormwater. Overflow from the detention pond enters a storm sewer system. This discharges into another storm water detention facility located north of the Chevrolet dealership, which lies to the east. Stormwater then appears to enter a rightline that drains to the south to an outfall into Blackjack Creek. Exhibit 2.I, page 80.

12. N.L. Olson & Associates, Inc. prepared a Storm Drainage Analysis for the Applicant, dated January 2010. An upstream analysis found an existing storm detention system with no significant discharge to the proposed site. Two culverts discharge stormwater onto the site just east of the existing access where it is conveyed via pipe to an existing drainage system along the eastern property boundary line. The proposed stormwater improvements include a system of pipes and catch basins that would convey site runoff to two underground detention tank systems. The detention systems would release runoff

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\(^3\) Capacity analysis is used to determine level of service (LOS) which is an established measure of congestion for transportation facilities. LOS A represents primarily free-flow operations at average travel speeds. LOS F characterizes arterial flow at extremely low speeds, with intersection congestion likely, with long delays and extensive queuing. Exhibit 2.H, pages 6, 16, and 17.

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through multiple orifice structures designed to match 50 percent of the two-year, 100 percent of the 10-year, and 100 percent of the 100-year storm events for the pre-developed area. A CDS (continuous deflective separation) water quality vault downstream of the detention system would provide water quality mitigation prior to discharge to the existing drainage system. The Storm Drainage Analysis included specific erosion control and stormwater management control measures, soil stabilization and sediment trapping procedures, and inspection and maintenance practices to maintain erosion and sediment controls. Exhibit 2.J, pages 1 – 4.

13. Chapter 16.40 POMC sets out common development standards including a 10-foot wide street right-of-way; 85 percent maximum covered surface; and maximum building height of 33 feet. The Applicant would dedicate a 10-foot wide street right-of-way. The maximum covered surface would be less than 85 percent of the site. The two proposed storage facility buildings would be large box structures with east elevations of 33 feet and west elevations of 24 feet. Exhibit 2.K.1; Exhibit 2.K.3; Exhibit 2.K.12; Exhibit 18, Staff Report, page 5.

14. The City reviewed the Applicant’s draft landscape plan, which proposes tree planting for screening from adjacent properties. The Applicant proposes to remove 14 trees. Norm Olson, Applicant Representative, testified that an especially large tree (over 36 inches) would be retained. Chapter 16.50 POMC; 2.K.13; Exhibit 2.F; Exhibit 18, Staff Report, page 5; Testimony of Mr. Olson.

15. Chapter 16.55 POMC contains recommended design guidelines. The proposed buildings would have little visibility from Hovde Road and the mini-storage buildings would be constructed from a standard design. The City recommended that to the maximum extent possible the proposed project is in conformance with this chapter. Exhibit 18, Staff Report, page 5.

16. The City would provide water and sewer service to the property. The Applicant proposes a connection to an existing sewage force main in Sidney Avenue SE. Potable water is available in the ROW of Hovde Road through an existing eight inch water main. Exhibit 18, Staff Report, page 4.

17. The South Kitsap Fire and Rescue’s Prevention Office reviewed the Applicant’s plans and provided comments regarding maximum building distance from hydrants; approval of hydraulic calculations or an on-site fire flow test, and fire department access. Exhibit 5. The City Public Works Department reviewed the proposal and provided comments that were incorporated into the proposed conditions of approval, including compliance with the City’s Developers Handbook, construction of off-site water and sewer improvements, and half-street improvements along Hovde Road. The Planning Department determined that, as conditioned, the proposal would be consistent with the Comprehensive Plan, the Municipal Code and other applicable City regulations and
recommended approval of the CUP with conditions. *Exhibit 14; Exhibit 18, Staff Report, pages 7, 8 and 9.*

18. Mr. Olson testified that in his experience visits to storage units occur mostly on weekends, and that the estimated PM peak total of 33 is likely on the high side. A mix of unit sizes would be offered and the unit size can change over time. He testified that any on-site well would be decommissioned prior to issuance of building permits. *Testimony of Mr. Olson.*

**CONCLUSIONS**

**Jurisdiction**

The City of Port Orchard Hearing Examiner is authorized to hold a hearing on the conditional use permit application. Based on the evidence in the record, the Hearing Examiner may grant, grant with conditions, or deny the application. *Port Orchard Municipal Code (POMC) 2.76.080; POMC 2.76.100; POMC 2.76.110; POMC 16.01.021(3).*

**Criteria for Review**

A conditional use permit shall be granted only if the applicant demonstrates that the proposed use:

(a) Will be designed in a manner which is compatible with the character and appearance with the existing, or proposed development in the vicinity of the subject property;

(b) Will not hinder neighborhood circulation or discourage the permitted development or use of neighboring properties due to the location, size, and height of buildings, structures, walls and fences, and screening vegetation of the proposed use;

(c) Will be designed in a manner that is compatible with the physical characteristics of the subject property;

(d) Will mitigate impacts in a manner equal to or greater than the standards of this code;

(e) Will not conflict with the health and safety of the community;

(f) Will not create pedestrian and vehicular traffic that will be hazardous or conflict with existing and anticipated traffic in the neighborhood; and

(g) Will provide adequate public facilities or services and will not adversely affect public services to the surrounding area or conditions can be established to mitigate adverse impacts on such facilities.

*POMC 16.35.010(3).*

In addition, RCW 36.70B.040 requires consistency with City development regulations or the appropriate elements of the comprehensive plan, considering:

a. The type of land use;

b. The level of development, such as units per acre or other measures of density;

c. Infrastructure, including public facilities and services needed to serve the development; and

d. The characteristics of the development, such as development standards.

*RCW 36.70B.040.*

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Conclusions

1. The proposed project would be designed in a manner compatible with the character and appearance with the existing or proposed development in the vicinity of the subject property. The subject property is zoned Co, as is property to the east and south. Two large churches are located to the north and west and a car dealership garage to the east. The proposed building design is compatible with the surrounding large structures and within the height limitation for the Co zone. Findings 1-18.

2. The proposed project would not hinder neighborhood circulation or discourage the permitted development or use of neighboring properties. Development of the proposed project would provide a sidewalk along the property frontage with Hovde Road. A TIA was prepared and no traffic mitigation for increased traffic was recommended. Neighboring properties to the east, north, and west are already in use. Undeveloped property to the south across Hovde Road is zoned Co and would not be discouraged from permitted development. Findings 1-10.

3. The design is compatible with the physical characteristics of the subject property. The subject property would be graded and 14 trees removed. Adequate parking would be provided to accommodate the mini-storage and office buildings. The City reviewed a draft landscape plan, prepared by the Applicant, and supports the proposed design. Findings 1, 3-18.

4. With conditions, impacts would be mitigated in a manner equal to or greater than the standards of the City code. The City reviewed the Applicant’s environmental checklist and issued an MDNS with conditions that are included with this decision. A TIA was prepared and no traffic mitigation for increased traffic was recommended. The Applicant would provide adequate parking spaces. The City has reviewed the draft landscape plan provided by the Applicant. Conditions are necessary to ensure that the proposal conforms to the most recent copy of the City’s Developers Handbook; that a Site Development Activity Permit be obtained prior to construction; that off-site water and sewer improvements are completed; that stormwater quantity, control, quality treatment, and erosion and sedimentation control be designed as set out in the City’s Developer’s Handbook; that half-street improvements be constructed along Hovde road; and that an on-site well be decommissioned. Findings 1, 3-18.

5. With conditions, there would be no conflict with the health and safety of the community. The City provided adequate public notice of the CUP application and associated open record hearing. The proposal is allowed with a conditional use permit in the Co zone and is not expected to affect health or safety of surrounding land uses. The South Kitsap Fire & Rescue reviewed the proposal and provided
comments regarding approval by the Fire District prior to any building permit approval. Water and sewage connections are available. Conditions are necessary to ensure that the proposal conform to the most recent copy of the City’s Developers Handbook; that a Site Development Activity Permit be obtained prior to construction; that off-site water and sewer improvements are completed; that stormwater quantity, control, quality treatment, and erosion and sedimentation control be designed as set out in the City’s Developer’s Handbook; that half-street improvements are constructed along Hovde road; and that an on-site well be decommissioned. Findings 1-18.

6. There would be no pedestrian and vehicular traffic that would be hazardous or conflict with existing and anticipated traffic in the neighborhood. A TIA was prepared and no traffic mitigation for increased traffic was recommended. The proposed project would provide a sidewalk fronting Hovde Road. Findings 1-10.

7. With conditions, the proposed project would provide adequate public facilities or services and would not adversely affect public services to the surrounding area. The South Kitsap Fire & Rescue reviewed the proposal and provided comments regarding approval by the Fire District prior to any building permit approval. Water and sewage connections are available. The City Public Works department provided comments on the proposal. Conditions are necessary to ensure that the proposal conform to the most recent copy of the City’s Developers Handbook; that a Site Development Activity Permit be obtained prior to construction; that off-site water and sewer improvements are completed; that stormwater quantity, control, quality treatment, and erosion and sedimentation control be designed as set out in the City’s Developer’s Handbook; that half-street improvements are constructed along Hovde road; and that an on-site well be decommissioned. Findings 1, 11-18.

8. With conditions of approval, the proposed project would be consistent with City development standards, as required by RCW 36.70B.040. The proposed project would be consistent with the Comprehensive Plan designation of Commercial and with the common development standards of Chapter POMC Chapter 16.40. The project design, including parking, can be accommodated on the site and the level of development is appropriate. Infrastructure including water and sewer is available, and the Applicant would provide half-street improvements along Hovde Road. Development standards, including building height, street right-of-way and maximum covered surface would be met. Conditions are necessary to ensure that the proposal conform to the most recent copy of the City’s Developers Handbook; that a Site Development Activity Permit be obtained prior to construction; that off-site water and sewer improvements are completed; that stormwater quantity, control, quality treatment, and erosion and sedimentation control be designed as set out in the City’s

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Developer's Handbook; that half-street improvements are constructed along Hovde road; and that an on-site well be decommissioned. Findings 1-18.

DECISION

Based on the above findings and conclusions, the request for a conditional use permit to construct two three-story buildings totaling approximately 129,100 square feet of self-service mini-storage and 2,000 square feet of office space on 2.79 acres located approximately 800 feet east of the intersection of Hovde Road and Sidney Road SE, Port Orchard is GRANTED, subject to the following conditions:

SEPA Mitigation

1. Final Landscape plans shall show relatively low growing trees in close proximity to PSE overhead power lines. At maturity, the trees should not greater than twenty feet tall.

2. Half street improvements of Hovde Road, including a 10 feet right-of-way dedication as shown on the submitted plans are required. Road way improvements shall be constructed to city standards, Resolution 1971: and shall at a minimum be constructed in conformance with Section 7-Road Construction Standards to the standard of an “Access Road” pursuant to the City of Port Orchard Developers Handbook 2004 for Development Standards.

3. If deviations from the above described road standards are requested by the applicant, the City Council may issue a waiver in conformance with City Council Resolution No. 1971.

4. Prior to issuance of a building permit for the Hovde Road Self-Service Mini-Storage, road improvements must be completed to the satisfaction of the City Engineer or a performance bond must be secured as prescribed by the City Engineer.

Planning Conditions

5. Prior to commencing any construction activities the applicant is required to obtain a Site Development Application Permit (SDAP) or a grading permit. In addition, the applicant must obtain a building permit prior to commencement of any building activities.

6. The required SDAP/Grading plan shall include a revised landscape plan providing screening between the commercial zoning designation and residential zoning on the north property boundary.

7. As the site plan indicates the applicant shall dedicate 10 feet of right-of-way and install sidewalks as described in the plans. Improvements and dedications shall be completed prior to Certificate-of Occupancy issuance.

8. No client parking shall be allowed in the street right-of-way.

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4 This decision includes conditions required to reduce project impacts as well as conditions required to meet City Code standards.

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9. Subsequent landscape plans, if any, must be in conformance with Chapter 16.50 POMC of the municipal code. The applicant is required to post a two-year performance bond including provisions for irrigation bonding.

Public Works/Engineering Conditions

General

10. All of the development shall conform to the most recent copy of the City of Port Orchard’s Developers Handbook at the time of complete application.

11. Following land use approval, a Site Development Activity Permit (SDAP) will be required prior to construction activities. Submit seven (7) copies of plans with SDAP Application.

12. Approval of the Conditional Use shall not be construed to mean approval of the total number of lots or configuration of the lots and tracts. Prior to SDAP issuance, documentation that this project and or buildings are located on a single lot must be provided to the City of Port Orchard.

13. Provide a copy of all compaction and materials testing reports to the Assistant Engineer upon completion and before the Certificate of Occupancy will be issued.

14. Applicant shall submit two sets of as-built blueprints and one electronic media copy at the end of the project.

15. Prior to approval of the construction plans, all off-site easements must be recorded and submitted to the City.

Water

16. In conjunction with the 2009 Water System Plan, water service is available to your parcel(s) with the provision that off-site improvements shall be required to facilitate the service of your proposed project. Please note that the installation of adequate system improvements to serve the aforementioned parcel(s), or a proportionate share of these improvements, will be required as part of the entitlement process for any project on these parcels. The determination of your project’s impact to the water system and consistency with the proposed capital facility plan is best determined via review by PACE Engineers. The cost of this review service is to be provided by the project proponent.

17. Prior to approval of the construction plans, all off-site easements must be recorded and submitted to the City.

Sewer

18. In conjunction with the 2009 Comprehensive Sanitary Sewer Plan Update, sanitary sewer service is available to your parcel(s) with the provision that off-site improvements shall be required to facilitate the service of your proposed project. Please note that the installation of adequate system improvements to serve the aforementioned parcel(s), or a proportionate share of these improvements, will be required as part of the entitlement process. The determination of your
project's impact to the sanitary sewer system and consistency with the proposed capital facility
plan is best determined via review by BHC Consulting Engineers, Inc. The cost of this review
service is to be provided by the project proponent.

19. All sanitary sewer system improvements shall comply with City of Port Orchard Standards.
Provide testing for sewer to the building per the Developer's Handbook.

20. To address capacity issue on force main and the low fixture count an onsite septic system through
the Kitsap County Health Department might be an option if feasible.

Stormwater

21. Please note that Stormwater Permits are only good for three years from issuance per City of Port
Orchard Municipal Code 15.32.030(5)(e):

A stormwater management permit shall, at the time of its issuance, specify a maximum
expiration date, not to exceed three years from the date of issuance. A stormwater
management permit shall expire upon approved completion of construction, or upon the
specified maximum expiration date, whichever comes first. In the event that a stormwater
management permit expires prior to the completion of construction, all construction
activity must cease, a new stormwater management permit application must be
submitted, and the issuance of a new stormwater management permit shall be, at the
discretion of the director, subject to city site development standards in force at the time
of the new permit application.

22. Stormwater quantity control, quality treatment, and erosion and sedimentation control shall be
designed in accordance with the vested City of Port Orchard Developer's Handbook. 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 City of Port Orchard Ordinances
in effect at the time of application.

23. The project proponent shall be responsible for installing any necessary off-site
downstream drainage improvements as identified within the downstream capacity
analysis. Procurement of any permits and/or easements necessary to install said off-site
improvements shall be the responsibility of the project proponent. As indicated above,
prior to approval of the construction plat, all easements must be recorded and submitted
to the City.

24. The site plan indicates that greater than 1 acre will be disturbed during construction. This
threshold requires a National Pollutant Discharge Elimination System (NPDES) Stormwater
Construction permit from the State Department of Ecology. More information about this permit
can be found at: http://www.ecy.wa.gov/programs/wq/stormwater/construction/ or by calling
Josh Klimek at 360-407-7451, email jokl461@ecy.wa.gov. This permit is required prior to
issuance of the Stormwater Permit.

25. This project includes the construction of a detention vault, which requires a building
permit issued by the Department of Community Development. A Structural Engineer,
registered in the State of Washington, shall prepare the construction drawings. In
addition, a geotechnical engineering analysis of the vault design is required. That

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analysis will be prepared by a Civil Engineer licensed in the State of Washington, knowledgeable in the practice of soils engineering and mechanics. 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.

Traffic and Roads
26. To improve and accommodate traffic flows and public safety address realignment of Hovde at Sidney in cooperation with adjacent property developers, address during site plan development.

27. Construction of handicap access facilities within existing or proposed City right-of-way shall conform to the requirements of the Americans with Disabilities Act.

28. The sight distance shall meet the requirements of the City of Port Orchard Road Standards. The sight distance certification shall also note necessary measures to correct and maintain the minimum sight triangle.

29. All work, equipment & materials for traffic signal and street lighting installations shall meet and be in compliance with all requirements of the City of Port Orchard Road Standards, Project Contract Provisions of Plans and Specifications accepted for construction by City of Port Orchard, MUTCD Manual on Uniform Traffic Control Devices, NEMA National Electrical Manufacturer’s Association, NEC National Electrical Code, WSDOT Standard Specifications & Standard Plans, and the Occupational Safety & Health Administration (OSHA).

30. Any work within the City right-of-way shall require a permit to perform work on City right-of-way and possibly a maintenance or performance bond. This application to perform work in the right-of-way shall be submitted separately. The need for and scope of bonding will be determined at that time.

31. Half street improvements shall be required along Hovde road, including, but not limited to paving, curbs, gutters, and sidewalks, as shown for an access road or as approved by the Public Works Director.

Other
32. Any existing well on site shall be decommissioned in accordance with Washington Department of Ecology standards prior to issuance of building permits.

Decided this 2 day of May 2010.

THEODORE PAUL HUNTER
Hearing Examiner
Sound Law Center

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