

Project Representative: David Bannon, bannoneng1@comcast.net

Health District

Public Works

Parks

Navy

DSE

Kitsap Transit

Central Kitsap Fire District

Central Kitsap School District

Puget Sound Energy

Water Purveyor

Sewer Purveyor

Point No Point Treaty Council

Suquamish Tribe

Port Gamble S'Klallam Tribe

Squaxin Island Tribe

Puyallup Tribe Owner:

WA Dept of Fish & Wildlife WA

State Dept of Ecology-SEPA

Interested Parties:

Ward, Derrick & Pivaroff Ward, Kendra, d_ward_83@hotmail.com; Lark,

Anthony & Joanna, antlaney28@msn.com;

Sievanen, Andrew & Cristina, sievanen@gmail.com; Sorensen, Monica,

monica_sorensen@hotmail.com; Schmitt, Julie & Michael,

nursetink69@icloud.com; Paulson, Jason, nightwolf1532@hotmail.com;

Wimmer, Pete, peterwimmer@live.com; Bigelow, Heidi,

bigelow718@comcast.net; Scadova, Gary & Shir, Xinlin,

gdova67@gmail.com; Kominek, Brenda, bjk213@wavecable.com;

Korsnes, Michael, michael.korsnes@gmail.com

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

**Hillsdale Preliminary Plat and Performance Based Development
File No. 20-02382 and No. 20-01731**

August 31, 2021

1. FINDINGS OF FACT

1.1 Proposal. Request for a Performance Based Development (PBD) and Preliminary Plat to divide 4.51 acres (two parcels on opposite sides of NW Knute Anderson Road) into 30 lots for single-family homes. The project includes construction of two private access roads, frontage improvements, landscaping, stormwater treatment and infiltration facilities, and public water and sewer. The proposal provides open space, recreational amenities, and preserved areas for wetlands and associated buffers. A five-foot trail system will connect to common and recreational open space, with a pedestrian easement in the north part of the development allowing public access to Silverdale Elementary.

Applicant/Property Owner: Hillsdale Kitsap LLC, 1631 15th Avenue West, Suite 318, Seattle, WA.

Location: NW Knute Anderson Road near Dickey Place NW. Assessor Parcel Nos. 192501-4-093-2005 and 192501-4-016-2009.

1.2 Hearing. An open record public hearing was held August 12, 2021. Due to COVID-19 restrictions, the hearing was conducted remotely, with the Examiner, Kitsap County Department of Community Development (“DCD”), and Applicant calling in. Access information was provided to the public to allow citizens to join via either a video link or telephone call-in. In case any citizens who wished to comment had difficulty calling in, the record was kept open for a week, through August 19.¹ Two additional written comments were received after the hearing, which were added to those received earlier.² At the hearing, DCD, through Mr. Poff, described the project. DCD found it consistent with requirements, and recommended approval with conditions. The Applicant, through Mr. Mangolese confirmed there were no concerns with DCD's proposed conditions. No member of the public indicated a wish to speak.

1.3 Administrative Record. The Examiner admitted Exhibits 1-39,³ which included the Staff Report, application materials, documentation of agency consultation, public notice documents, public comments, and a DCD Power Point presentation.

¹ Temporary Emergency Rule to Address COVID-19 Situation (April 1, 2020).

² Exhibits 38 and 39 (new comments, including one from the Applicant); Exhibit 37. Exhibit 38 includes DCD response to comment.

³ There is no Exhibit 19 or 24.

1.4 Notice. Hearing and application notice was provided consistent with KCC requirements.⁴

1.5 SEPA. DCD issued an unappealed Determination of Non-Significance,⁵ with these comments and requirements:

Stormwater

1. The proposal has been reviewed and will be conditioned for Stormwater Control per Kitsap County Code Title 12. The proposed storm system improvements, as designed, meet Title 12 requirements.

Critical Areas

2. There is a Type F stream south of the site, requiring a 150-foot stream buffer plus a 15-foot impervious surface setback. A 5-foot wide pervious trail is proposed in the outer portion of the stream buffer (extending from the open space recreation tract) resulting in approximately 1,221 square feet of buffer impact area. In addition, two emergency overflow pipes with dispersion tees are proposed to be installed underground along the steep slopes resulting in approximately 1,210 square feet of temporary and minor buffer disturbance. To offset these impacts, approximately 8,603 square feet of buffer enhancement is proposed along the top-of-slope buffer area to increase buffer screening from the proposed development.

Transportation

3. According to the submitted Traffic Impact Analysis (TIA), the 30-lot plat will generate approximately 343 average weekday daily traffic (AWDT).

4. In accordance with safe routes to school guidance, an 8.5-foot asphalt multi-use trail is proposed along the south side of Knute Anderson Road, connecting the development to the intersection at Dickey Place NW. A pedestrian access easement is also proposed through the northern portion of the development connecting to Silverdale Elementary School. [Footnote: An addendum may be issued to the SEPA DNS. The project originally proposed an 8.5-foot asphalt multi-use trail along the south side of Knute Anderson Road, connecting the development to the intersection at Dickey Place NW. The proposal was based on safe routes to school guidance due to proximity to Silverdale Elementary School. Subsequently, an easement was recorded between the applicant and the School District providing direct public access through the proposed development to the northernly border and to the Silverdale Elementary property, satisfying the safe

⁴ Exhibits 15, 28, 29, 31, and 32; Exhibit 35, p. 11; KCC 21.04.080, .210.

⁵ Exhibit 25; Exhibit 35 (Staff Report), pp. 2-3.

routes to school requirement and thus mitigating the impacts originally mitigated by the 8.5-foot trail. As a result, the 8.5-foot trail is no longer required nor proposed.]⁶

5. The development will contribute a proportionate share towards Anderson Hill/Apex Airport Road Intersection Project (2020-2025 Six Year TIP). The proportionate share shall be based on percentage of 2026 PM Peak hour site traffic to 2026 PM peak hour total traffic on stop-controlled approach at the intersection. Year 2026 total PM peak hour traffic shall be derived by applying a 1.5 percent annual growth to Figure 6, 2023 PM Peak Hour Traffic from the Anderson Hill Road at Apex Airport Road Traffic Study, Kitsap County Public Works, February 2020.

1.6 Written Comment. Comments were received from nearby residents before the hearing.⁷ Neighbors were concerned with traffic congestion, speeding, parking, density, neighborhood character and aesthetics, offsite frontage improvements, the proposed path, and emergency access. DCD provided responses in the Staff Report, pp. 12-15. Public comment was also raised just before and following the hearing. Concerns included vehicle speeds along NW Anderson Hill Road from Olympic View Road to Peachtree Court, just east of the railroad trestle, and road system connectivity for fire access. Speeding along Anderson was addressed in the Staff Report, p. 12. Also, the Project will contribute its proportionate share contribution towards Anderson Hill/Apex Airport Road Intersection Project. For traffic mitigation, *see* Conditions 38-53. Three access points are provided off NW Knute Anderson Road for the 30-lot plat. The Fire Marshall reviewed the plat (Staff Report, p. 14). Access follows the KCC.

1.7 Agency Comment. The proposal was circulated within the County. As long as requirements are met, there were no agency objections to approval. The Department of Archaeology and Historic Preservation (DAHP) commented recommending a cultural resources study. County staff consulted with DAHP and Suquamish Tribe, and it was determined that a cultural resources survey is not required at this time. An Inadvertent Discovery Plan will be required during Site Development Activity Permit (Condition 8).

1.8 Zoning/Plan Designations. The Comprehensive Plan designation is Urban Low Density Residential and the zoning is Urban Low Residential.⁸ This zone is designed to:

[R]ecognize, maintain, and encourage urban low density residential areas by including a full range of urban services and facilities that are adequate at the time of development. This zone is also intended to create cost-efficient residential areas which are capable of allowing the provision of community services in a more economical manner.⁹

⁶ Exhibit 35 (Staff Report), p. 3.

⁷ Exhibits 27, 30, and 37; Exhibit 35 (Staff Report), pp. 11-15.

⁸ Exhibit 35 (Staff Report), pp. 4-6.

⁹ KCC 17.200.010.

1.9 Zoning Code Sizing/Density Requirements. Urban Low Residential zone provides for minimum/maximum densities of 5-9 dwelling units per acre, or a maximum of 41 lots.¹⁰ At 30 units, the plat complies. Lot sizing requirements are also met.

Requirement	Proposed
Minimum Lot Size - 2,400 SF	3,236 SF (smallest proposed lot)
Maximum Lot Size - 9,000 SF ¹¹	4,597 SF (largest proposed lot)
Minimum Lot Width - 40 feet	Compliant
Minimum Lot Depth – 60 feet	Compliant
Maximum Height - 35 feet	TBD with building permit
Setbacks <ul style="list-style-type: none"> • Front, 10-20 feet • Side, 5 feet • Rear, 10 feet 	Using the PBD approval criteria, the Applicant is requesting the side setback be reduced to 4 feet for lots 1-18, and the front setback be reduced to 13 feet for portions of lots 22-25. Rear setbacks meet the standard.

The PBD is requested to reduce side setbacks for 18 lots north of Knute Anderson Road from five to four feet, and reduce front setbacks for four lots south of Knute Anderson Road from 20 to 13 feet. The front yard setback reduction is requested to accommodate a required 10-foot setback from the infiltration trench. While the setback to property line is reduced, future homes will still be at least 20 feet from the back of sidewalk.

1.10 Surrounding Land Use and Zoning. Surrounding properties are zoned Urban Low Residential and are developed with single-family homes to the south, east, and west; with Silverdale Elementary School to the north.

1.11 Physical Characteristics and Environmental. The southern parcel is vacant and the northern parcel contains a single-family home. The site is generally flat, aside from a steep ravine in the south of the property that leads to a Type-F stream. The flat areas consist of mowed lawn, while the undeveloped portions have trees and understory. The ravine and stream buffer includes mature vegetation. The development site and the surrounding area is within a Category I Aquifer Recharge Area. The proposed development is below the threshold to require a hydrogeologic report.

The stream is subject to a 150-foot buffer and 15-foot building setback. A five-foot wide pervious trail is within the outer portion of the stream buffer, extending from the open space recreation tract, resulting in 1,221 square feet of buffer impact. Also, two emergency overflow pipes with dispersion tees will be installed underground along the steep slopes, resulting in 1,210 square feet of temporary and minor buffer disturbance. To offset these impacts, 8,603 square feet of buffer enhancement is proposed along the top-of-slope buffer area.¹²

¹⁰ KCC 17.110.213 (minimum density calculation based on net developable acreage); KCC 17.110.212 (maximum density calculation based on gross acreage); Exhibit 35 (Staff Report), pp. 4, 13, and 16.

¹¹ KCC 17.420.060(A)(25).

¹² Exhibit 35 (Staff Report), pp. 3 and 24.

1.12 Access and Transportation. The proposal includes two private roads which will provide access to all lots, and which connect the development to Knute Anderson Road NW, a County right-of-way. The traffic impact analysis estimates 343 average weekday daily trips, 26 new AM peak hour trips, and 32 new PM peak hour trips.¹³ To address these impacts and ensure safe ingress and egress, consistent with Kitsap County Road Standards, road improvements will be made. Frontage improvements consist of five-foot sidewalk, curbs, and a six-foot landscaping strip along Knute Anderson Road, and direct pedestrian public access easement from the northerly boundary of the development to Silverdale Elementary School. Internal roads will have a five-foot sidewalk, five-foot landscape berm with river rock, on-street parking, and stormwater drainage facilities. Travel lane widths and on-street parking configurations will be designed consistent with Kitsap County Road Standards for a local access road. There are no public transportation routes or facilities in the vicinity.

1.13 Parking. The project includes on-street and off-street parking. Two off-street parking spaces are required per residential lot and 0.5 per lot for overflow on-street parking.¹⁴ 60 off-street parking spaces in driveways and 16 on-street parking spaces are provided.¹⁵ DCD calculates the required number of spaces in the driveway and not within individual residential garages.¹⁶ During individual building permit review for the homes, the location and number of off-street parking spaces will be verified.

1.14 Central Mailboxes, Urban Plats. The trend is to move away from traditional rural box style and install a clustered mailbox for efficiency, security, and aesthetics. Where clustered mailboxes are proposed, the sidewalk will meet clear zone requirements.¹⁷

1.15 Landscaping, Open Space, and Recreational Space. Entrance landscaping and street trees are required.¹⁸ The Applicant submitted landscape plans.¹⁹ The final landscape plan will be submitted with the SDAP (Conditions 3 and 4). 15% of lot area is required for open space or 29,452.99 square feet; 48,048 square feet is provided. 390 square feet per lot or 11,700 square feet of recreational space is required; 19,475 square feet is provided.²⁰

1.16 Signage. The Applicant may apply for signage near the entrance of the subdivision during or after construction,²¹ although signage is not now proposed. When the final plat is recorded, all signage must follow code requirements.

1.17 Lighting/Urban Plats. The project will meet lighting requirements for exterior lighting.²²

¹³ Exhibit 22 (Traffic Impact Analysis), p. 9; Exhibit 35 (Staff Report), p. 3.

¹⁴ KCC 17.490.030.

¹⁵ Exhibit 35 (Staff Report), pp. 16 and 22.

¹⁶ KCC 17.490.030.

¹⁷ KCC 16.24.040(C)(1)(d).

¹⁸ KCC 16.24.040(E); Ch. 17.500 KCC.

¹⁹ Exhibit 33, p. 14; Exhibit 35 (Staff Report), pp. 17-18.

²⁰ See Exhibit 33 (Revised Plans), p. 2.

²¹ Ch. 17.510 KCC.

1.18 Stormwater. Development Services and Engineering reviewed the proposal and based on its review of the Storm Drainage Report, found the stormwater management approach supportable.²³

1.19 Water and Sewer Service. Kitsap County Public Works will provide sewer, and Silverdale Water District will provide water.²⁴

1.20 Utility and Public Services.

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

1.21 Solid Waste. Individual property owners will be responsible for solid waste collection. Waste Management approval is required for the plat (Condition 61).

1.22 Fire Protection. The Fire Marshal reviewed the project and approved with conditions for emergency access. Minor alterations to access may be needed during SDAP application.²⁵

1.23 Schools. Notice was provided to the Central Kitsap School District. School impact fees are required.²⁶ *See also* § 1.5 (Condition 4) addressing safe walking conditions.

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

- Access. *See* above, including § 1.12.
- Public Transit. There are no public transportation routes or facilities in the vicinity.
- Non-Motorized Facilities. Sidewalks are required and will be constructed consistent with code. An internal pathway connects open space and recreation areas. An easement is included in the northern portion of the development to allow direct public access to Silverdale Elementary School. School-aged children from south of Knute Anderson Road may cross the road at designated curb cuts to access this easement. *See* §§ 1.5 and 1.12.

²² KCC 17.420.030(C), Ch. 11.40 KCC.

²³ Exhibits 21 and 26; Exhibit 35 (Staff Report), pp. 2 and 16.

²⁴ Exhibits 4, 5, 11, and 12; Exhibit 35 (Staff Report), p. 6.

²⁵ Exhibit 35 (Staff Report), pp. 24-25.

²⁶ Title 4 KCC; KCC 4.110.220.

- Parking. *See* § 1.13.
- Fire Protection. *See* § 1.22.
- Landscaping. *See* § 1.15.
- Utilities - Water and Sewer. *See* §§ 1.19 and 1.20. The project is served with water and sewer, and by Puget Sound Energy.
- Recreation. The plat will include recreational open space amenities consistent with subdivision standards (30 units x 390 square feet = 11,700 square feet of recreation facilities).²⁷ The Applicant is proposing 19,475 square feet.²⁸ *See* § 1.15.

1.25 Adequate Facilities and Improvements - KCC 16.04.080. Appropriate provisions for facilities and improvements have been made consistent with KCC 16.04.080, to ensure the plat serves the public interest.

- Code/Plan Consistency. The project, as conditioned, follows the Comprehensive Plan and County Code, which provide for attractive urban development adequately supported by urban facilities and services.
- Access. County transportation requirements and plat conditions ensure access requirements are met. *See* § 1.12.
- Safe Walking Conditions. *See* §§ 1.5 (Condition 4) and 1.12; sidewalks will be constructed to ensure safe walking conditions.
- Lot Configuration. Lots are not irregular and run at right angles to the street face.
- Homeowners Association. Conditions require property owner maintenance of certain plat conditions. Although an HOA may take responsibility for such work, such associations can be dissolved. Whether or not an HOA takes on these responsibilities, they remain with the ultimate property owners.

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

- Sidewalk Requirements. *See* § 1.12.
- Public Streets and Connectivity Requirements. *See* §1.12.

²⁷ KCC 16.24.040(H).

²⁸ Exhibit 35 (Staff Report), pp. 16 and 24.

- Utilities Connectivity Requirements. Utilities are adequately connected.
- Landscaping Requirements. *See* § 1.15.
- Off-Street Parking. *See* § 1.13.

1.27 Performance Based Development, KCC 17.450.050. The requested setback modifications meet the PBD criteria. The project follows code and the Comprehensive Plan and the site is adequate in size and character for the development. As mitigated and designed, the PBD is compatible with neighboring conforming land uses. Impacts from traffic are mitigated with landscaping and traffic mitigation. Traffic circulation and road connections meet code requirements and are adequate to provide for smooth traffic flow. The project does not block sunlight or generate noise beyond that of a typical plat. The streets are adequately sized and designed to accommodate expected traffic, and public facilities and utilities, with the planned improvements, are adequate to serve the project. The project is not detrimental to the health, safety or welfare of the surrounding neighborhoods. And the public benefits provided, including more than the required recreational and open space, are commensurate with the modifications.

1.28 Conditions. The Staff Report's proposed conditions are necessary to ensure code requirements are met and to achieve consistency with the above findings. The Applicant confirmed there were no objections to the conditions. Other than noting the July 30, 2021 site plan revisions at Condition 37, they should be incorporated without substantive revision.²⁹ Except as revised here, the Staff Report is incorporated.

2. CONCLUSIONS OF LAW

2.1 The Hearing Examiner reviews Preliminary Plat and PBD applications for consistency with Single-Family Subdivision/Development Standards and platting requirements.³⁰ These requirements include zoning and platting provisions in Titles 16 and 17, including KCC 16.04.080, KCC 16.24.040, and KCC 17.420.037, and the PBD requirements at KCC 17.450.050. These regulations require that plats meet sizing and related requirements (*i.e.*, density, height, setbacks, and landscaping), and be adequately served with necessary infrastructure and services (*i.e.*, stormwater facilities, sewage, water supply, transportation facilities, recreational facilities, and schools).

2.2 The zoning code authorizes the proposed residential use at the densities proposed. As the findings address, and assuming the below conditions are complied with, the proposal meets all platting requirements, including lot size and infrastructure requirements. With the PBD approval authorizing the requested setback deviations, code compliance on setbacks is achieved. The PBD criteria at KCC 17.450.050 are met, as detailed in Finding 1.27. Conditions are imposed to ensure these requirements are complied with.

²⁹ *See* Exhibit 34, a memo from the Project Engineer explaining the revisions.

³⁰ KCC 21.04.100.

2.3 Conditions are imposed to ensure County transportation, stormwater, and water/sewer service requirements are complied with. The proposal, as conditioned, and as the findings address, includes provisions to address impacts on drainage; roads, including adequate access and safe walking conditions; water supplies; sanitary wastes; fire protection; landscaping; and other supporting public and private facilities and improvements.

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

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

DECISION

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

Planning/Zoning

1. All required permits shall be obtained prior to commencement of land clearing and/or construction.
2. All building permits on these lots will be subject to impact fees pursuant to KCC.
3. A Final Landscape Plan will be required to be submitted consistent with KCC 17.500 Landscaping, during civil site plan review, which depicts natural vegetation, and the planting and irrigation plan.
4. Street trees shall be planted along the access driveway and on individual lots at approximately 25' spacing. The landscaping plan in this preliminary plat is assumed to be conceptual and more detail and/or additional landscaping may be required with a Site Development Activity Permit (SDAP). A final landscape plan will be subject to approval by the Department prior to SDAP approval. Trees on individual lots are required to be installed prior to Certificate of Occupancy of individual residential units
5. The required SDAP application materials shall include plans depicting a pedestrian path from the northerly interior plat road to the plat north boundary, and continuing through Central Kitsap School District (CKSD) property to established on-site school pedestrian facilities. Specific design features to assure pedestrian safety shall be coordinated with CKSD and DCD, and shall be depicted on the required SDAP plans; and an easement document granting public access over the pedestrian path and easement shall be executed and recorded.

6. Include a note on the face of the plat showing building setbacks for the lots as conditioned per the plat approval.

7. Consistent with the Performance Based Development allow a reduced side yard setback from 5 feet to 4 feet for lots 1-18 and a reduced front yard setback from 20 feet to as little as 13 feet for lots 22-25.

8. Based on the potential for historic and cultural resources in this area, an Inadvertent Discovery Plan (IDP) is required to be submitted prior to issuance of an SDAP.

9. Prior to the plat transferring to the Home Owner's Association (HOA), the developer will be responsible for irrigation and maintenance of all landscaping to ensure survival up to two years. The developer or the HOA should maintain all landscaping consistent with the Tree Care Industry Association standard practices.

10. Consistent with KCC 17.450.040.B.4, the Applicant will be required to create an HOA to maintain the road, storm facilities, the common open space, the required landscaping, and playground equipment.

11. Recreational amenities are required consistent with KCC 17.450.040.C.2. Details of these amenities should be provided with the final plat application.

12. Pursuant to KCC Section 21.04.110 Timeline and Duration of Approval, Kitsap County's land use approval for the preliminary plat is valid for a period of up to five (5) years from the decision date of the preliminary plat consistent with RCW 58.17.140 and .170.

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

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

15. Any violation of the conditions of approval shall be grounds to initiate revocation of this Plat.

Environmental

16. Land use approval is limited to the uses proposed by the Applicant on the recommended site plan and the SEPA Determination dated May 20, 2021 and any associated SEPA addendums or modifications. Unless in conflict with the conditions stated and/or any regulations, all terms and specifications of the application shall be binding conditions of approval. Any modifications or expansion of the project will be subject to further review pursuant to the requirements of the appropriate sections of the KCC.

17. To offset critical area buffer impacts from the proposed path, 8,603 square feet of buffer enhancement is proposed along the top-of-slope buffer area to increase buffer screening from the proposed development. A planting plan shall be submitted with the SDAP to be approved by DCD.

Development Engineering

General

18. Construction plans and profiles for all roads, storm drainage facilities and appurtenances prepared by the developer's engineer shall be submitted to Kitsap County for review and acceptance. No construction shall be started prior to said plan acceptance.

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

Stormwater

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

21. Stormwater quantity control, quality treatment, and erosion and sedimentation control shall be designed in accordance with KCC Title 12 effective at the time the Preliminary Plat application was deemed complete, June 16, 2020. The submittal documents shall be prepared by a civil engineer licensed in the State of Washington. The fees and submittal requirements shall be in accordance with Kitsap County Ordinances in effect at the time of SDAP application.

22. Any project that includes off-site improvements that create additional impervious surface such as lane widening, sidewalk or shoulder installation or intersection channelization shall provide stormwater mitigation in accordance with KCC Title 12 effective at the time the Preliminary Plat application was deemed complete, June 16, 2020.

23. The Washington State Department of Fish and Wildlife may require a Hydraulic Project Approval for the work required at the proposed outfall.

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

25. The Washington State Department of Ecology (Ecology) may require registration of the infiltration trench as an Underground Injection Control (UIC) well in accordance with the Underground Injection Control Program (Chapter 173-218 WAC). The Applicant shall contact Ecology to determine if the facility is regulated under the UIC program.

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

27. During the construction of the proposed permeable pavement infiltration facilities, the Project Engineer shall provide an inspection to verify that the facilities are installed in accordance with the design documents and that actual soil conditions encountered meet the design assumptions. The Project Engineer shall submit the inspection report properly stamped and sealed with a professional engineer's stamp to Development Services and Engineering.

28. The design of the infiltration facilities will be in accordance with Volume II, Chapter 5 of the Kitsap County Stormwater Design Manual.

29. The infiltration facilities shall remain offline until the drainage areas are stabilized and the water quality treatment facility is adequately established. Temporary erosion and sedimentation ponds shall not be located over infiltration facilities. In addition, retention ponds shall not be utilized as temporary erosion and sedimentation control ponds.

30. During the construction of the proposed infiltration facilities, the Project Engineer shall provide an inspection to verify that the facilities are installed in accordance with the design documents and that actual soil conditions encountered meet the design assumptions. The Project Engineer shall submit the inspection report properly stamped and sealed with a professional engineer's stamp to Development Services and Engineering.

31. 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 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.

32. Some of the proposed lots cannot connect to the proposed primary conveyance system. On-site infiltration systems should be used as a first priority for the individual lots. A secondary drainage system may be used on lots where infiltration is not feasible. Prior to SDAP acceptance the design engineer shall provide either a design of the individual infiltration systems or the secondary system(s) serving each lot. Maintenance of either of these systems will be the responsibility of the homeowner.

33. The owner shall be responsible for maintenance of the storm drainage facilities for this development following construction. Before requesting final SDAP inspection for this development, the person or persons holding title to the subject property for which the storm drainage facilities were required shall record a Declaration of Covenant that guarantees the County that the system will be properly maintained. Wording must be included in the covenant that will allow the County to inspect the system and perform the necessary maintenance in the event the system is not performing properly. This would be done only after notifying the owner and giving him a reasonable time to do the necessary work. Should County forces be required to do the work, the owner will be billed the maximum amount allowed by law.

34. The impervious area per lot accounted for in the overall drainage facilities installed shall be indicated on the face of the final plat. Additional impervious surfaces created on an individual lot beyond the amount accounted for in the overall drainage facilities shall be mitigated in accordance with KCC Title 12.

35. Prior to recording the Final Plat, soil amendment is required over all disturbed areas within Tracts that are not covered by hard surface; provided, that in the event completion of a Recreational Tract has been bonded, soil amendment shall be completed prior to expiration of the bond covering that work.

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

37. If the project proposal is modified from that shown on the submitted site plan accepted for review January 19, 2021, and as revised through the July 30, 2021 submittal, Development Services and Engineering will require additional review and potentially new conditions.

Traffic and Roads

38. Submit an Application for Concurrency Test (KCPW Form 1601) as required by Chapter 20.04.030, Transportation Concurrency, of the KCC. The KCPW 1601 form reserves road capacity for the project.

39. The interior roads of the proposed plat shall be designed and constructed in accordance with the Kitsap County Fire Marshal's Office standards for emergency vehicle access.

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

41. All traffic control devices on public and private roads shall comply with the Manual on Uniform Traffic Control Devices as amended by the Washington Administrative Code. This is in accordance with 23 Code of Federal Regulations (CFR), Part 655.

42. Sidewalk ramps shall conform to the current requirements of the Americans with Disabilities Act per WSDOT standard plans at the time of construction, and shall be provided for each direction of pedestrian movements at intersections.

43. All lots shall access from interior roads only. This note shall appear on the face of the final plat map.

44. The property owners within the plat shall be responsible for maintenance of all landscaping within the existing right-of-way and proposed road tracts including any structures other than public or private roadway, storm drainage facilities, and traffic signage. Maintenance shall include, but not be limited to, mowing of lawn areas. A note to this effect shall appear on the face of the final plat map and the accepted construction plans. In addition, Development Services and Engineering reserves the right to require that covenants be recorded to address special maintenance requirements depending on final design.

45. Prior to recording the Final Plat, the Applicant shall provide proof of payment of the development's proportionate share contribution towards Anderson Hill/Apex Airport Road Intersection Project.

46. Provide surveyed cross-sections at 50-foot intervals along the parcel frontage on both sides of Knute Anderson Road NW. The cross-sections should show existing and proposed pavement, shoulders, ditches, and slopes. The cross-sections should also depict centerline of pavement and right-of-way, the right-of-way lines, and easements.

47. Frontage improvements are required on both sides of Knute Anderson Road NW along the entire property frontage, and shall consist of 11-foot travel lanes, vertical curb and gutter, 6-foot landscaping strip, and 5-foot sidewalk.

48. Frontage improvements are required along the interior plat roads, and shall be of sufficient width to accommodate required on-street parking; rolled curb and gutter on both sides; and, on one side of the roads, a 5-foot sidewalk separated by a 5-foot landscape berm.

49. Submit plans for construction of the road approach between the edge of existing pavement and the right-of-way line at all intersections with county rights-of-way. Approaches shall be designed in accordance with the Kitsap County Road Standards as established in KCC Chapter 11.22. Existing approaches may need to be improved to meet current standards.

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

51. The developer's engineer shall certify that there is adequate entering sight distance at the intersection of Knute Anderson Road NW and each interior plat road. Such certification shall note the minimum required sight distance, the actual sight distance provided, and a sight distance diagram showing the intersection geometry drawn to scale, topographic and landscaping features, and the sight triangle. The sight distance shall meet the requirements of the Kitsap County Road Standards. The certification shall also note necessary measures to correct and maintain the minimum sight triangle.

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

53. Prior to completion of this permit with DCD, the Applicant shall satisfy all conditions of a Right-of-Way Permit through the Department of Public Works for any and all work performed in the county right-of-way associated with this project. Apart from the SDAP, the Right-of-Way permit may require extra work to comply with current WSDOT or Kitsap County Road Standards. You may contact Kitsap County Public Works, Right-of-Way Division at (360) 337-5777 to obtain a Right-of-Way permit.

Survey

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

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

56. All potential park areas, common open space, buffers and stormwater management areas shall be labeled as separate tracts. The ownership and maintenance responsibility shall be addressed on the face of the final plat, as well as in the CCRs.

57. Access to all lots shall be from roads within the proposed plat boundaries. A note to this effect shall be placed on the Final Plat.

Public Works Sewer

58. Sewer Availability Agreement account(s) must be kept current and in good standing through permit approval date.

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

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

Solid Waste

61. Prior to SDAP approval, provide documentation from the solid waste/recycling service provider that their requirements for this project have been met. Waste Management Northwest can be reached at pnwcmsservices@wm.com or 1-800-592-9995; their website is <http://wmnorthwest.com/kitsap/index.html>.

Other

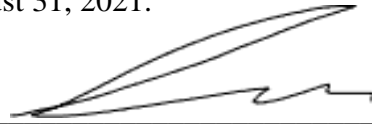
62. If this project includes the construction of rock walls or other retaining facilities that either exceed four feet in height or sustain a surcharge, a separate building permit with an engineered design is required. This note shall be placed on the face of the final construction drawings.

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

64. A Hydraulic Project Approval (HPA) may be required for the dispersion tee outfall. Prior to SDAP approval, the Applicant shall submit an approved HPA from the Washington State Department of Fish and Wildlife (WDFW) or documentation from WDFW specifying that an HPA is not required.

Absent a timely appeal or grant of reconsideration, this Decision is final.³¹

DECISION entered August 31, 2021.



Kitsap County Hearing Examiner
Susan Elizabeth Drummond

³¹ Ch. 36.70C RCW (providing requirements for appeal within 21 days to superior court); HE Rule 1.9.