



Kitsap County Department of Community Development

Notice of Hearing Examiner Decision

04/26/2019

To: Interested Parties and Parties of Record

RE: Project Name: Bakker's Hillside Estates - Preliminary Plat
Amendment Major
Applicant: 12th Man LLC
12900 NE 180th Street, Ste 220
Bothell, WA 98011
Application: Preliminary Plat Amendment Major
Permit Number: 17-02233

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

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

<https://spf.kitsapgov.com/dcd/HEDocs/HE-Rules-for-Kitsap-County.pdf>

The Decision of the Hearing Examiner is final, unless appealed, as provided under Washington law.

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

The complete case file is available for review at the Department of Community Development, Monday through Thursday, 8:00 AM to 4:00 PM and Friday 9:00 AM to 1:00 PM, except holidays. If you wish to view the case file or have other questions, please contact Help@Kitsap1.com or (360) 337-5777.

CC: Applicant/Owner: 12th Man LLC, Eric Clarke eric@reoconsultants.biz
Engineer: TEAM 4 ENGINEERING Attn: MARK KUHLMAN, mark@team4eng.com
Health District
Public Works
Parks
Navy
DSE
Kitsap Transit
Central Kitsap Fire District
Central Kitsap School District

Puget Sound Energy
Water Purveyor
Sewer Purveyor
Point No Point Treaty Council
Suquamish Tribe
WA State Dept of Ecology-SEPA
WA State Dept of Transportation

Interested Parties:

Paul & Anna Dobson, pals1975@msn.com
Holly Smelser & Jim Miller, wrigleysfan@gmail.com
Stanton Phillip Beck, beck@lanepowell.com
Paul & Jenny Moore, jmproperties@wavecable.com
Jason & Tabitha Meadows, tabmeadows@hotmail.com
Marana Investment Co Inc., cecil@crwhitlockcpa.com
Virginia Nurse, 1361 NW Hogan Ln Bremerton, WA 98311

KITSAP COUNTY HEARING EXAMINER
AMENDED¹ FINDINGS OF FACT, CONCLUSIONS OF LAW, AND DECISION

Bakker's Hillside Estates
Preliminary Plat, Major Amendment, File No. 17-02233

April 26, 2019

1. FINDINGS OF FACT

1.1 Proposal. Request to divide 9.25 acres into 60 single family lots. The project would amend, and modestly downsize, an earlier plat approval for 75 lots on 9.55 acres. The plat includes private roadways and associated sidewalks, overflow parking, a recreation area, open space, landscaping, frontage improvements, and public water and sewer.

Applicant: Eric Clarke, Element Residential Inc., 12900 NE 180th Street, Suite 220 Bothell, WA 98011.

Owner: 12th Man LLC, 12900 NE 180th Street, Suite 235, Bothell, WA 98011.

Location: North of State Highway 303 also known as Waaga Way, west of Nels Nelson Road NW and south of NW Hogan Lane, between 955 and 1135 NW Hogan Lane in Bremerton, Washington. Parcel numbers: 152501-3-006-2007 (4.77 acres); 152501-3-050-2002 (2.38 acres); 152501-3-047-2008 (0.75 acres); and, 152501-3-048-2007 (1.35 acres).

1.2 Hearing. An open record public hearing was held on April 4, 2019. The Kitsap County Department of Community Development ("DCD"), through Ms. Sands, summarized the proposal. With the proposed conditions, DCD found the plat consistent with the Kitsap County Code ("KCC") vested to, and recommended approval. The Applicant, through Mr. Kuhlman and Mr. Clarke, provided additional information and addressed questions raised during public testimony. Two neighbors testified, Mr. Miller and Ms. Smelser, both residing at 10296 Nels Nelson Road. Their testimony is summarized below.

1.3 Public Testimony. Mr. Miller raised concerns on cumulative impacts from this project and others. Traffic is a significant concern. He questioned the low volume characterization. Area development includes Red Barn (68 homes), this project (60 homes), and the mobile home park. With each residence likely having two cars, traffic volumes will be significant. This is an issue for the area. There is only one access to and from Nels Nelson Road when coming from Highway 303's north side. If traveling Highway 303 south, one has to go all the way to Central Valley, and that road is backing up. He identified other traffic issues, and explained that with this project and the others in the pipeline, the situation will continue to worsen.

¹ DCD requested clarification on a footnote on vesting, removal of the term "duplex," and minor changes to Findings 1.24, 1.27, and 1.29. The requested non-substantive revisions improve clarity, so were made.

Mr. Miller understands housing will be built, but there are issues, which will increase, particularly if a planned retirement community is built. Also, Kitsap Transit will put their transfer station across from the hospital. He is concerned about the adequacy of road improvements, and about a nearby intersection. He wondered if a three-way stop sign and street lighting could improve safety for kids on bicycles. He is also concerned about garbage pick-up.

He has issues with his property from ongoing development. His private road is being used for cutting a sewer line and he still has flooding issues. Also, at Whispering Meadows, a fence with black plastic is still in place. He asked the home owners association to please remove it, but they said they could not. He asked if Mr. Kuhlman could look into the situation.

Ms. Smelser also emphasized traffic concerns. She was concerned about the discrepancy in the descriptions of "low volume" versus "Medium Urban." There are 60 homes with this project, Red Barn has 68, then there is Whispering Meadows, the trailer park, plus the original homes. All total, there may be 141 new homes. This is coupled with garbage trucks and school busses to serve that development. It will become extremely difficult to get to work. There are also street lighting and garbage collection issues. She expressed concern with the disregard shown to the community, which was illustrated by tree/vegetation removal at the transformer site to clear access.

1.4 Clarification/Responses from the Applicant. The Applicant, through Mr. Clarke, emphasized his company cares about how their work impacts the community, and will provide his contact information to the individuals who testified, so they have a resource when issues arise. While he may not be able to address everything, if there are issues with contractors his company has employed, he can address problems, such as their traffic speeds. As to garbage collection, it will occur on site, so there will not be a line of garbage cans along Hogan Lane. As for damage to trees around the transformer, he indicated that he wished he had more control over PSE, but if there is anything he can do to assist with these issues, he will follow through.

Mr. Kuhlman indicated that the fence identified in testimony may be an erosion control fence from Whispering Meadows original construction. Those fences protect against erosion during construction and remain until the soil is stabilized. They must be removed within about two years of the last house. But, occasionally, there is confusion on removal timing. He will confirm what kind of fence is in place. If it is an erosion control fence, he will let the home owners association know it can be removed.

Mr. Kuhlman detailed home number and road capacity. There is Whispering Meadows (13); Red Barn (68); this project (60); Hogan Heights (60); the mobile home park (80 maybe); a dozen homes up the extension to Nels Nelson that Mr. Miller and Ms. Smelser live on; and, probably 20 further up the end of Hogan Lane. That is about 300/310 dwelling units, existing and potential. With trip generation volume at just under 10 per residence, there will be about 3,000 cars per day on Nels Nelson Road. A standard two lane road starts at 10,000 cars a day standard capacity. That figure is adjusted based on amenities. For example, if there is a center left turn lane, capacity is added. With a sidewalk on both sides, no capacity adjustment is needed; if just on one side, a decrease is made. A road like Nels Nelson is probably qualified to

handle about 6,000 cars per day. So, as much of a change as it is, capacity is still within the parameters of what the road can handle.

1.5 DCD Clarifications. Ms. Sands clarified there will be light standards at the entries of both roads. This may not address concerns over the area's general lighting, but it does help with this project. Also, on street trees and sight distance, DCD does not allow obstructions which will be a problem. Generally, street trees can be seen around so do not obstruct views, but positions may need to be slightly adjusted to ensure sight distance is protected. This is addressed during Site Development Activity Permit review.

1.6 Administrative Record. Exhibits 1-35 were admitted. Following the hearing, on April 12, the Examiner re-opened the record through April 15, to address a question on the correct lot width requirement.² DCD responded with an explanatory e-mail and the corrected Title 17, and the Applicant provided additional detail on lot widths. Although submitted a day late, there is no prejudice with admission. The Examiner requested clarification and may take judicial notice of adopted laws. DCD's submission was admitted as Exhibit 36 and the Applicant's as Exhibit 37.

1.7 SEPA. A DNS was issued and not appealed.³ An addendum addressing the revised project was also issued.⁴

1.8 Public Notice. Notice was provided consistent with KCC requirements, with both mailing and publication for the notice of application and public hearing.⁵

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

1.10 Zoning/Plan Designations. The Comprehensive Plan and zoning designations vested to are Urban Low Residential. This zone is designed to "recognize, maintain, and encourage urban low density residential areas and establish urban densities where a full range of community services and facilities are present or will be present at the time of development...."⁶ Although vested to Urban Low, the site and surrounding zoning is now zoned for higher density, at Urban Medium.⁷

1.11 Zoning Code Sizing/Density Requirements. Urban Low Residential requires minimum/maximum densities of 5-9 dwelling units per acre.⁸ At 60, the plat complies.⁹

² Limited Re-Opening of Record (April 12, 2019), per HE Rule 1.8.3.

³ Exhibit 1 (DNS, marked as Sub-Exhibit 114); Exhibit 6 (Supplemental SEPA Checklist for Revised Project).

⁴ Exhibit 23.

⁵ Exhibits 16, 25, and 26.

⁶ Exhibit 31 (KCC 17.330.010). Some modification has since been made. See KCC 17.200.010.

⁷ KCC 17.420.052, requiring 10-18 dwelling units per acre.

⁸ Exhibit 31 (KCC 17.200.010).

⁹ Minimum/maximum densities are 46 and 83 units. Exhibit 21; Exhibit 28 (Staff Report), pg. 3.

Requirement (Exhibits 31and 36, Ch. 17.330 KCC)	Project
Minimum Lot Width - 40 feet ¹⁰	About 46 feet (40-63 range) ¹¹
Minimum Lot Depth - 60 feet	About 76 feet
Maximum Height - 35 feet	35 feet
Setbacks <ul style="list-style-type: none"> • Front, 20 feet • Side, 5 feet • Rear, 5 feet 	Identical ¹²

1.12 Surrounding Land Use and Zoning. Surrounding properties are now zoned Urban Medium, although as with this site, earlier projects are being developed under the area's previous lower density zoning.

1.13 Project Revisions. The original proposal from June 24, 2005, was to subdivide five existing parcels into 75 single-family residential lots. 40 would have been 20 2-unit attached single-family residences, and 35 would have been single family homes. The revision eliminates the attached single-family residences, removing the need for the earlier, approved PBD and CUP. Due to a boundary line adjustment, the plat now involves only four parcels, and 60 homes.

1.14 Site Geography. The undeveloped site is relatively flat near the western edge, with rolling topography sloping down, west to east. The western parcels were recently cleared, but retain a mix of trees and shrubs, with some cleared areas. The eastern parcel is more thickly vegetated with conifers and some deciduous trees; with a large cleared area on the south vegetated with scotch broom, blackberries, and other shrubs.

1.15 Transportation. The original traffic impact analysis addressed road system impacts from a larger project with 766 average daily trips.¹³ The revision reduces traffic volumes. As the Applicant and public addressed at the hearing, even with reduced trips, the project and other development represents a marked change from earlier residential development patterns. The increase is a function of the zoning code, which allows for an increase in home supplies to address rising housing costs. It is also a function of road system design.¹⁴ To address this, impacts are measured against level of service and road capacity standards.¹⁵

As the Staff Report, SEPA Checklist, and Applicant testimony detail, 600-680 trips per day or ten or so average daily trips per lot are estimated, with peak hours of generation at 7-9

¹⁰ The current KCC 17.420.052 requires 40 foot lot widths, as does the code vested to. Exhibit 36 (DCD e-mail and code vested to). Exhibit 31 has a scrivener's error at KCC Table 17.330.060(A), which Exhibit 36 corrects.

¹¹ Exhibit 37.

¹² Ten feet was originally proposed for front non-access; but this exception is not available with the code vested to. Exhibit 28 (Staff Report), pg. 4.

¹³ Exhibit 13 (traffic impact analysis), pg. 13.

¹⁴ When traffic is funneled onto primary arterials in urbanizing areas (rather than being spread out on multiple streets through a tighter street grid), congestion results.

¹⁵ Ch. 21.04 KCC; Exhibit 15 (Concurrency Application).

A.M. and 4-6 P.M.¹⁶ The updated SEPA Checklist states that with these additional trips, future levels of service will be maintained.¹⁷ While the Checklist describes the supporting road system as having sufficient capacity, and meeting concurrency requirements is a project condition (Condition 14) the project does impact the road system, so street improvements are required, as set forth in the conditions and summarized below.

Access is from NW Hogan Lane, an urban local access street. To address traffic impacts and ensure safe ingress and egress, and consistent with County Road Standards and Comprehensive Plan policies, the project will incorporate frontage improvements. A sidewalk on the south side of Hogan Lane will be constructed along the entire width of the parcels, as shown on the site plan.¹⁸ Shoulder improvements to increase pedestrian access on the south side of Hogan Lane from the end of the sidewalk east to Nels Nelson Road shall also be accomplished as adequate right-of-way exists. Within the plat, a five foot sidewalk on one side of the private road will be constructed.¹⁹ These measures address KCC requirements. However, as testimony addressed, that does not mean there are not larger transportation system issues warranting further attention.

1.16 Lighting. Four light standards are proposed; two at each entrance, one on each side of the access road into the plat.²⁰ Public testimony indicated a concern with lighting issues in the area generally, but the project is providing for lighting.

1.17 Parking. Two off-street parking spaces are per residential lot and 0.5 per lot for overflow on-street parking is the current KCC standard.²¹ The plat provides at least two off-street parking spaces per lot and 31 on-street parking spaces.²² During individual residence building permit review, the location and number of off-street parking spaces will be verified.

1.18 Landscaping. Landscaping is required along the interior roads.²³ Street trees of 2.5-3 inches in caliper will be planted at 15-30 foot intervals.²⁴ The plat entry and recreational amenities will be landscaped. The street trees, the entry landscape, and plantings within the open space and recreational areas are coupled with a perimeter fence along the east, west and south property lines in the areas of development.²⁵ A final landscape plan that complies with KCC 17.385 and the conditions is required before Site Development Activity Permit approval. A maintenance bond will be required to ensure landscaping survivability.

¹⁶ Exhibit 28 (Staff Report), pg. 11, § k; Ex. 6 (SEPA Checklist), pg. 17.

¹⁷ Exhibit 6 (SEPA Checklist), pg. 17. A traffic impact analysis on the original project estimated 766 daily trips for the earlier, and larger project. Exhibit 13, pg. 13. This figure is over 100 trips more than the revised project. Road system capacity is also addressed through GMA concurrency requirements. Exhibit 15 (concurrency application form); Ch. 21.04 KCC. *See Condition 14.*

¹⁸ Condition 24; Exhibit 21; Exhibit 28 (Staff Report), pgs. 10-11.

¹⁹ Condition 40.

²⁰ Exhibit 21.

²¹ KCC 17.490.030 (current requirement); Exhibit 31, KCC 17.435.030(A)(1) (original provision; requires two off street parking spaces per lot).

²² Exhibit 28 (Staff Report), pg. 8; Exhibit 21 (Site Plan).

²³ Exhibit 22 (Landscape Plans, revised).

²⁴ Condition 55.

²⁵ *See Conditions 53 and 54.*

1.19 Recreational Facilities. A 28,138 square feet recreational area, Tract B, is included, but lacks an active recreational facility. KCC 16.12.080 and 16.12.160 (Exhibit 30) require provisions for parks and playgrounds.²⁶ To address these requirements, the project is providing a minimum 9,500 square feet of same (Condition 47), to be included on the landscape plan required with the Site Development Activity Permit.

1.20 Signage. An entry plat sign has not been proposed. Any future proposed signage shall comply with Ch. 17.510 KCC (sign code), in effect at the time of a complete sign permit application. A separate sign permit may be required.

1.21 Environmental. The site is within a Category I Critical Aquifer Recharge Areas.²⁷ Residential development is not identified as "activities with potential threat to groundwater"²⁸ so a hydrogeological report is not required. However, the project will be conditioned to prohibit such activities without DCD review and approval.

1.22 Stormwater. The approach to stormwater is detailed in the Applicant's Drainage Report. DCD has reviewed the engineering analysis, including the approach to detention facility design, and found the conceptual design is consistent with KCC requirements, and proposed conditions to ensure KCC compliance.²⁹

1.23 Utility and Public Services.

- **Water:** Silverdale Water District
- **Power:** Puget Sound Energy
- **Sewer:** Kitsap County
- **Police:** Kitsap County Sheriff
- **Fire:** Fire Protection District No. 1
- **Schools:** Central Kitsap School District #401

1.24 Solid Waste. Each homeowner must meet solid waste service provider requirements. In response to public testimony, the Applicant confirmed trash pick-up will be on site, and there will be no line up of trash receptacles along Hogan Lane.

1.25 Fire Protection. Fire apparatus access roads and fire flow are required. The number and location of fire hydrants shall be determined through Site Development Activity Permit review.

1.26 Schools. School impact fees will be paid.³⁰ As to safe walking conditions, when coupled with the development being built out, and the required sidewalk improvements, students will be able to walk safely to school.

²⁶ Current requirements provide more detail. KCC 16.24.040(H).

²⁷ Exhibit 27.

²⁸ KCC 19.600.620.

²⁹ Exhibits 20, 21 and 24.

³⁰ See Ch. 4.110 KCC; Exhibit 6 (Supplemental SEPA Checklist), § 27.

1.27 Maintenance. While homeowner association ownership and maintenance of the private internal streets, recreation, and drainage facilities is authorized, KCC requirements must be met. Conditions are imposed to address maintenance. *See e.g.*, Conditions 10, 15, 18, 28, 29, 51, and 52. Conditions require property owner maintenance of certain plat conditions. Although an HOA may take responsibility for such work, such associations can be dissolved. Plat conditions ensure that regardless of whether an HOA takes on these responsibilities, they remain with the ultimate property owners.

1.28 Urban Facilities and Infrastructure. As detailed above, adequate provision for necessary supporting urban facilities and infrastructure is provided. The findings which must be made are outlined in former KCC 16.12.160 (Exhibit 30), with further detail found more generally in Titles 16 and 17, and in other requirements, including those addressing transportation and stormwater management. The Staff Report also details how these criteria are met, and is incorporated by reference, except as modified here.³¹

1.29 Conditions. The proposed conditions, as revised at the hearing and in Exhibits 32 and 35,³² were not objected to, and are necessary to ensure code requirements are met. Substantive revisions were unnecessary.

2. CONCLUSIONS OF LAW

2.1 The Hearing Examiner reviews major amendments to a preliminary plat.³³ The amendment can only be approved if the Examiner finds "the public use and interest are served" and the project "complies with all development regulations in effect at the time of preliminary subdivision approval."³⁴ These requirements include zoning and platting requirements in Titles 16 and 17. These titles have been revised, but are included at Exhibits 30, 31, and 36. They require that plats meet various sizing requirements (*i.e.*, density, lot size, height, and setbacks), 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 code authorizes the proposed residential use at the densities proposed. As conditioned, the proposal meets the platting requirements vested to, including lot size, setbacks, and infrastructure requirements. Conditions are imposed to ensure County transportation, stormwater, and water/sewer service requirements are complied with. The proposal, as conditioned, addresses drainage; transportation impacts, including adequate access and safe walking conditions; will be served by public water and sewer; addresses fire protection; includes measures to manage waste; is landscaped; and, includes other supporting improvements. Public testimony raised concerns on road system adequacy. The revision will reduce the number of daily vehicle trips from that originally approved. Road system improvements adjacent to the project and traffic impact fees, along with the connecting internal improvements, help address these impacts.

³¹ Current urban standards requirements provide more detail, but the impacts which must be addressed are similar. *See* KCC 16.24.040, KCC 16.04.080, and KCC 17.420.037.

³² Revisions discussed at the hearing addressed Conditions 25, 30, 40, 42, 43, 47, 53, 55, 58, and 70.

³³ KCC 16.40.040(C); see also KCC 21.04.100.

³⁴ KCC 16.40.040(C)(2).

2.3 As mitigated, the project is consistent with Comprehensive Plan policies providing for attractively designed urban development adequately supported by urban facilities and services. As such, the plat serves the public use and interest.

2.4 The revised plat meets KCC requirements, so should be approved.

DECISION

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

1. 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.

2. 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 Kitsap County Code Titles 11 and 12.

3. The information provided demonstrates this proposal is a Major Development as defined in Kitsap County Code Title 12, and as such will require a Site Development Activity Permit (SDAP) from Development Engineering.

4. Stormwater quantity control, quality treatment, and erosion and sedimentation control shall be designed in accordance with Kitsap County Code Title 12 effective at the time the original Preliminary Plat application was deemed complete, June 24, 2005. 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.

5. Should the proponent propose phasing of the project, a phasing plan shall be submitted to Development Engineering for review and approval. The phasing plan shall, as a minimum, address the following items:

a. Time tables indicating the anticipated time between initial site grubbing/grading activity and the completion of construction, including site stabilization of that specific phase.

b. The extent of drainage improvements to be installed during the various phases.

6. 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 Kitsap County Code Title 12 effective at the time the original Preliminary Plat application was deemed complete, June 24, 2005.

7. The project proponent shall be responsible for installing any necessary off-site downstream drainage improvements. Procurement of any permits or easements necessary to install off-site improvements shall be the responsibility of the project proponent.

8. 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 joshklimek@ecy.wa.gov. This permit is required prior to issuance of the SDAP.

9. Individual on-site infiltration systems may be used instead of a secondary drainage system and will be required on lots that cannot be directed to the primary or secondary system. The engineer shall submit a detailed site and grading plan showing the location and design of those proposed stormwater infiltration systems to Development Engineering with the SDAP submittal. Maintenance of these systems will be the responsibility of the homeowner.

10. The owner shall be responsible for maintenance of the storm drainage facilities for this development following construction. Before issuance of the Site Development Activity Permit 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.

11. Deleted.

12. The water quality BMP shall be sized to provide treatment of the post-developed peak flow rate from the 6-month, 24-hour storm event per the KCSDM Section 6.2.

13. The impervious area per lot accounted for in the overall drainage facilities installed shall be indicated on the face of the final plat, along with the following condition: Additional impervious surfaces created on an individual lot beyond the amount accounted for in the overall drainage facilities shall require a Site Development Activity Permit for that lot.

14. At Building Permit application, submit (KCPW Form 1601) for issuance of a Concurrency Certificate, as required by KCC section 20.04.030 Transportation Concurrency.

15. The following note shall appear on the face of the final plat map. "All interior roads shall remain private as proposed by the applicant. Should the applicant or his successors or assigns choose to dedicate these roads to Kitsap County, it shall be subject to a further review by Kitsap County Development Engineering and Public Works. For roads to be dedicated to Kitsap County, they must meet all the requirements of the Kitsap County Code as adopted at the time of dedication. All improvements necessary to bring said roads to the then current Kitsap County standards shall be done at no expense to the County prior to being accepted into the Kitsap County road system for maintenance."

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

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

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

19. Provide surveyed cross-sections at 50-foot intervals on NW Hogan Lane along entire length of roadway improvement. 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.

20. Submit plans for construction of the road approach between the edge of existing pavement and the right-of-way line at all intersections with county rights-of-way. Approaches shall be designed in accordance with the Kitsap County Road Standards as established in Chapter 11.22 of the Kitsap County Code. Please denote the design vehicle on the plan set if different than the Kitsap County design vehicle. Existing approaches may need to be improved to meet current standards.

21. Sidewalk ramps shall be provided on both sides of each site approach. Include on the plan set sidewalk ramp details conforming to the current requirements of the Americans with Disabilities Act per WSDOT standard plans at the time of construction. Catch basins shall not be placed within the area of sidewalk ramps.

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

23. The developer's engineer shall certify that there is adequate entering sight distance at the intersection of site access and NW Hogan Lane. 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.

24. The applicant shall construct frontage improvements along NW Hogan Lane that meet Kitsap County Road Standards for an urban local road, consisting of two 11-foot travel lanes and vertical curb, gutter and 5-foot wide sidewalk on the south side.

25. The applicant shall install 2 foot shoulders outside of the driving lane on the south side of NW Hogan Lane from the end of the sidewalk to be constructed east to the intersection of Nels Nelson Road. If inadequate right of way exists to construct this improvement or extensive existing improvements preclude this construction, Kitsap County will determine an alternative mitigation prior to SDAP approval.

26. The final plat map shall be prepared in compliance with Kitsap County Code Title 16.16.

27. An additional 10 feet for utility easement shall be provided on each side of all Rights-of-Way and private road tracts.

28. Protective Covenants, Conditions and Restrictions (CC&Rs) shall be established prior to final plat approval to ensure the perpetual maintenance of storm drainage facilities and common open spaces.

29. Label Open Space, Park Areas, Common Areas and Storm Water Management Facilities as separate tracts. Ownership and maintenance shall be addressed on the face of the plat as well as in the CC&Rs.

30. Deleted.

31. Contact the solid waste service provider Waste Management @ (360) 674-3166 for information on implementing the service provider's solid waste/recycling storage requirements for the proposed activity. Indicate method of waste disposal on the final plans. Provide documentation from the solid waste/recycling service provider that their requirements for this project have been met.

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

33. Rock and retaining walls shall meet all applicable setback requirements of KCSDM 4.7.5.

34. Any wells on site must be properly decommissioned by a licensed well driller.

35. Any septic tanks on site must be properly abandoned by a licensed septic system installer with certification to the Health District.

36. All homes within the plat must be connected to sewers.

37. A water main extension is required.

38. All homes connected to the existing group B water system must be connected to Silverdale Water. The existing group B well must be decommissioned by a licensed well driller in accordance with WAC 173.160.

39. The yard setback requirements shall be included on the face of the final plat.

40. Sidewalks shall be required on one side of the internal roadways. Sidewalks and trails shall also be provided as depicted on the preliminary plat amendment or equivalent as shown on the approved Site Development Activity Permit (SDAP). Sidewalks and trails shall be installed prior to final SDAP construction plan approval.

41. Deleted.

42. A minimum of two off-street parking spaces shall be provided for each lot within the plat. Parking spaces shall be a minimum 9 feet by 20 feet.

43. A minimum of 30 on-street parking spaces shall be provided for the plat. On-street parking spaces shall be a minimum 8 feet by 20 feet.

44. Deleted.

45. Parallel parking spaces shall provide a minimum of six feet between spaces for maneuvering.

46. The SDAP shall reflect all parking requirements.

47. Two recreational amenities shall be provided, and the final design shall be included as part of the SDAP application. The facilities shall be for an active recreational use such as a play field, sport court and/or tot lot. The active recreation area within the tract shall be a minimum of 9,500 square feet or if the active recreation areas are divided into two separate areas within the tract each area shall be a minimum of 4,750 square feet. No dimension shall be less than 50 feet. The grade across the entire active recreation area(s) shall not exceed 5%. Fencing may be required depending on the proposed use(s) and/or design.

48. The appropriate number of benches shall be provided for all recreational facilities and shall be shown on the final landscape plan.

49. All recreational facilities/amenities shall be made available to all residents within the plat.

50. All recreational facilities/amenities shall be installed prior to final SDAP construction plan approval.

51. All recreational facilities/amenities shall be maintained and be in good working order by the lot owners within the plat and/or the plat's Home Owners' Association.

52. Covenants, Conditions and Restrictions (CC&Rs) shall include requirements for perpetual maintenance of the common open space and recreational facilities and amenities.

53. A six-foot solid board fence shall be required on the perimeter along the east, west and south property lines in the area of development including Tract B (Exhibits 21 and 22) except for the storm drainage pond, which shall meet code requirements. The applicant and staff may agree to install slats in portions of the existing chain link fence. Perimeter fencing shall be reflected on the landscaping plan and SDAP. Installation shall be required prior to final SDAP construction plan approval.

54. A final landscape plan shall be submitted as part of the SDAP application. The plan shall differentiate between existing vegetation to remain and new plantings. The plan shall include the final design of all recreational facilities/amenities. Benches shall be provided adjacent to the recreational facilities/amenities and at appropriate trail locations and be detailed on the plan. The manufacturer's specifications and "cut sheets" for any playground equipment shall be included with the plan. The equipment shall be approved by the National Playground Association. The landscape plan shall conform to the requirements of Kitsap County Code 17.385.

55. Street trees shall be provided at a minimum interval of 15 feet and a maximum of 30 feet. The required caliper shall be a minimum of 2½ to 3 inches.

56. Landscaping shall be installed and maintained in conformance with the requirements of Kitsap County Code 17.385. All proposed and required landscaping shall be installed and inspected prior to final SDAP construction plan approval.

57. To ensure survivability of the required landscaping, a bond for a two year period shall be required prior to final SDAP construction approval. The bond shall be 75% of the planting and installation cost. A bid for the landscaping and installation cost shall be provided prior to final SDAP approval.

58. A sufficient planting area to accommodate the proposed and installed vegetation shall be provided along the sidewalks as depicted on the preliminary plat amendment (Exhibits 21 and 22).

59. All interior roadways shall comply with apparatus access requirements.

60. Any storage associated with a common area shall be located within a building and/or appropriate location that has been approved by Kitsap County Department of Community Development.

61. Any community garbage pick-up or dumpster shall comply with Kitsap County Code screening requirements.

62. Deleted.

63. Signage shall comply with Kitsap County Code 17.510, in effect at the time of a complete sign permit application, and be reviewed and approved by the Department of Community Development prior to installation. Signage may require a separate permit.

64. All tracts shall be labeled consecutively.

65. If the preliminary plat amendment is approved, the property owner shall submit a final plat within five years of the preliminary plat amendment approval. The submission shall meet all the legal requirements and conditions of approval.

66. The decision set forth herein is based upon representations made and exhibits, including plans and proposals submitted at the hearing conducted by the hearing examiner. Any substantial change(s) or deviation(s) in such plans, proposals, or conditions of approval imposed shall be subject to the approval of the hearing examiner and may require further and additional hearings.

67. 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 precedent 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.

68. 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.

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

70. Grading quantities and volume of import/export will be evaluated during SDAP review, and if conditions warrant, a vehicle wheel wash shall be included as an element of the siltation erosion control plan.

71. If the project proposal is modified from that shown on the submitted site plan dated February 7, 2019, Development Services and Engineering will require additional review and potentially new conditions.

72. 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.

73. All rights of access for adjoining properties currently in existence shall be preserved and documented on the face of the final plat. Any amendment to the existing easement rights of adjoining property owners shall be properly executed and recorded prior to SDAP acceptance.

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

75. After issuance of the Site Development Activity Permit and prior to any work in the County right-of-way, the applicant shall apply for and 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. You may contact Kitsap County Public Works, Right-of-Way Division at (360) 337-5777 to obtain a Right-of-Way Permit. Sidewalks: $\frac{1}{2}$ lane of pavement removal and replacement on NW Hogan Lane for sidewalk installation. Sidewalks to meet current ADA requirements.

76. A 20-foot unobstructed access road is required for dwellings here and after constructed on lots created by this land division consistent with IFC 503 amended by Kitsap County Code.

77. Fire apparatus access roads are required and shall be maintained. Any proposed revision to these roads shall be submitted to, reviewed and approved by the Kitsap County Fire Marshal's Office. Access roads shall comply with IFC 503 amended by Kitsap County and the following:

- a. Be an unobstructed width of 20 feet and height of 13 feet 6 inches.
- b. Be designed and maintained to support a 60,000 pound fire apparatus and be provided with an all-weather driving surface.
- c. Dead end access roads exceeding 150 feet in length shall be provided with an approved turnaround.
- d. Inside turning radius shall be a minimum of 25 feet for residential and 35 feet for commercial development.
- e. Access roads shall extend to within 150 feet of all portions of the exterior walls of the first story of the structure as measured by an approved route around the exterior of the structure or facility.
- f. Road shall not be more than 12% grade.

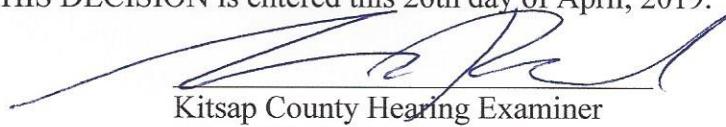
78. The minimum fire flow requirements for one- and two-family dwellings in subdivisions shall be 500 gallons per minute for thirty (30) minutes.

79. For Group R-3 and U occupancy, the distance requirement shall be 600 feet for fire hydrants and comply with IFC 507.5.1.

80. Water line size and location and the location of fire hydrants must be shown on SDAP plans. A letter of water availability indicating available fire flow from the water purveyor is required to be submitted to the Kitsap County Fire Marshal's office prior to the approval of any building permits.

81. No uses that are identified as "activities with potential threat to groundwater" at Kitsap County Code 19.600.620 shall occur prior to obtaining the required approval from the Department of Community Development and/or the Hearing Examiner.

THIS DECISION is entered this 26th day of April, 2019.



Kitsap County Hearing Examiner
Susan Elizabeth Drummond