



Notice of Hearing Examiner Decision

12/23/2020

To: Interested Parties and Parties of Record

RE: Project Name: Four Seasons Preliminary Plat
 Applicant: CAPSTONE HOMES INC
 PO BOX 139
 MAPLE VALLEY, WA 98038-0139
 Application: Preliminary Plat
 Permit Number: 19-04523

The Kitsap County Hearing Examiner has **APPROVED** the land use application for **Permit #: 19-04523 Four Seasons Preliminary Plat, subject to the conditions outlined in this Notice and included Decision.**

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

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

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

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

The complete case file is available for review 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:

Owner: CAPSTONE HOMES INC & WEBER J MICHAEL, dave@capstonehomes.com

Applicant: Sheri Greene (AHBL) sgreene@ahbl.com

Interested Parties:

David Dahlke dahl@telebyte.com

Jason Halsey JASONHALSEY@catholicealth.net

Greg Stojack 1170 Marlin Dr SE, Port Orchard, WA 98366

Rob Frazer 1330 Marlin Dr SE, Port Orchard, WA 98366

Christina Wiley 1240 Marlin Dr. SE, Port Orchard, WA 98366

Lorna Lehner 1190 Marlin Dr. SE, Port Orchard, WA 98366

Leanne Cornell 4131 SE Sweethome Lane, Por Orchard, WA 98366
Kitsap County Health District, MS-30
Kitsap County Public Works Dept., MS-26
DCD Staff Planner: Tasha Santos, lsantos@co.kitsap.wa.us
Kitsap County Prosecutor's Office:
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Kitsap Sun, sunnews@kitsapsun.com

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

**Four Seasons Preliminary Plat
File No. 19-04523**

December 22, 2020

1. FINDINGS OF FACT

1.1 Proposal. Divide a 4.45 acre parcel into 35 lots for single-family homes. The proposal includes a single access point, county-maintained interior roads, recreational space, onsite underground stormwater infiltration, landscaping, frontage improvements, and public water and sewer. An existing abandoned residence will be removed.

Applicant/Property Owner: Capstone Homes Inc., P. O. Box 139, Maple Valley, WA 98038-0139.

Location : 1309 Warner Avenue SE, Port Orchard, WA 98366. Assessor Parcel No. 302402-4-048-2006.

1.2 Hearing. An open record public hearing was held December 10, 2020. 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. There were no reported technical difficulties during the call or afterwards. However, in case any citizens who wished to comment had difficulty calling in, the record was kept open for a week, through December 17.¹ No comment was received following the hearing. At the hearing, DCD, through Ms. Santos, described the project. DCD found it consistent with requirements, and recommended approval with conditions. The Applicant, through Mr. Weber, confirmed there were no concerns with DCD's proposed conditions, other than a minor change to Condition 24.² No member of the public indicated a wish to speak.

1.3 Administrative Record. At the hearing, the Examiner admitted Exhibits 1-45, which included the Staff Report, application materials, documentation of agency consultation, public notice documents, public comments, and a DCD Power Point presentation.

1.4 Notice. Hearing and application notice was provided consistent with KCC requirements.³

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

² Determination on whether wheel wash would be required deferred to subsequent permitting, as it may not be needed.

³ Exhibits 15, 34 and 44; KCC 21.04.080, .210.

1.5 SEPA. DCD issued an unappealed Determination of Non-Significance,⁴ with conditions requiring compliance with Title 12 to address stormwater control, Title 19 to address critical areas, and Title 17 to address land use impacts. Comments were received related to lot sizes, density, road approach, preservation of neighbor access to property, storm facility design, and landscaping. All comments are adequately addressed by KCC provisions and conditions of approval.

1.6 Written Pre-Hearing Public Comment. Several comments were received from nearby residents.⁵ Leanne Cornell supports the project but was concerned about entrance location and also requested improved landscaping/street beautification at the entrance. Several neighbors (Jason Halsey, Chrissy Wiley, Rob Frazer, Lora Lehner, and Greg Stojack) identified concerns about lot sizes, density, privacy buffers/setbacks, maintaining cross-neighborhood access, and preservation of wildlife and serenity of the neighborhood. They requested adequate privacy buffers, fencing, greenspace, and recreational areas. They requested a reduction in density to 22 lots from the proposed 35; and that retention ponds be designed to not attract pests or cause diseases.

The Staff Report noted 15% of the site will be landscaped and a 13,682 square foot open space recreation area provided. There will be street trees along Warner and the internal roads, a partial screening buffer at the entrance, a solid screening buffer around the storm drainage facilities, and landscaping with the recreational open space tract. The drainage facility is underground, which minimizes and may eliminate the pest/algae concern. The entrance location meets requirements, as does the density and lot sizing.⁶

1.7 Agency Comment. The proposal was circulated within the County. As long as requirements are met, there were no agency objections to approval.

1.8 Zoning/Plan Designations. The Comprehensive Plan designation is Urban Low Density Residential and the zoning is Urban Low Residential.⁷ 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.⁸

⁴ Exhibit 35; Exhibit 42 (Staff Report), p. 2.

⁵ Exhibits 14, 16, and 17.

⁶ Testimony, Ms. Santos; Exhibit 42 (Staff Report), p. 11; see also Exhibit 13 (Traffic Impact Analysis), summarized on pp. 14-15 of the Staff Report.

⁷ Exhibits 39 and 41; Exhibit 42 (Staff Report), p. 3 and Attachment A.

⁸ 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, which equates to 16-40 units here.⁹ At 35 units, the plat complies. Lot sizing requirements are also met.

Requirement	Proposed
Minimum Lot Size - 2,400 SF	3,400 SF (smallest proposed lot)
Maximum Lot Size - 9,000 SF ¹⁰	5,049 SF (largest proposed lot)
Minimum Lot Width - 40 feet	40 feet
Minimum Lot Depth – 60 feet	80 feet
Maximum Height - 35 feet	Compliant
Setbacks <ul style="list-style-type: none"> • Front, 10-20 feet • Side, 5 feet • Rear, 10 feet 	Compliant

1.10 Surrounding Land Use and Zoning. Surrounding properties are zoned Urban Low Residential. Uses include single-family homes to the north, south and east; and single-family homes and right-of-way to the west.

1.11 Physical Characteristics and Environmental. The property is vacant except for an abandoned residence (to be demolished). Most of the site is grass with some forested areas. The site has an overall elevation change of about 20 feet with no steep slopes or other critical areas or buffers.¹¹ A Kitsap County Timber Harvest permit is required if timber volume is over 5,000 board feet at the time of Site Development Activity Permit (“SDAP”) review. A geotechnical report was submitted and reviewed.¹²

1.12 Access and Transportation. There is one planned access point from Warner Avenue SE, a County-maintained road. Two internal roads are proposed to be dedicated as county-maintained and will provide access to all lots. The traffic impact analysis estimates 385 average weekday daily trips, 29 new AM peak hour trips, and 36 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 10-foot travel lanes, vertical curb, gutter, and five-foot wide sidewalk along the entire property frontage on Warner Avenue SE. The interior plat roads will have frontage improvements consisting of vertical curb and gutter on both sides, and five-foot wide sidewalks on one side. Travel lane widths and on-street parking configurations will be designed in compliance with Kitsap County Road Standards for a local access road, or as allowed via a technical deviation. The project is served by transit, with four nearby facilities.

⁹ KCC 17.110.213 (minimum density calculation based on net developable acreage); KCC 17.110.212 (maximum density calculation based on gross acreage); Exhibit 42 (Staff Report), p. 3.

¹⁰ KCC 17.420.060(A)(25).

¹¹ Exhibit 40.

¹² Exhibit 2.

¹³ Exhibit 13 (Traffic Impact Analysis), p. 9.

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 70 off-street parking spaces in driveways and 18 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. 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 2 and 3).

1.16 Signage. The Applicant may apply for signage near the entrance of the subdivision during or after construction,²⁰ 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.²¹

1.18 Stormwater. Development Services and Engineering reviewed the proposal and based on its review of the Preliminary Drainage Report and Preliminary Engineering Plans, found the stormwater management approach supportable.²²

1.19 Water and Sewer Service. West Sound Utility District will provide water and sewer.²³

1.20 Utility and Public Services.

- **Water:** West Sound Utility District
- **Power:** Puget Sound Energy
- **Sewer:** West Sound Utility District
- **Police:** Kitsap County Sheriff
- **Fire:** South Kitsap Fire and Rescue

¹⁴ KCC 17.490.030.

¹⁵ Exhibit 42 (Staff Report), p. 10.

¹⁶ KCC 17.490.030.

¹⁷ KCC 16.24.040(C)(1)(d).

¹⁸ Ch. 16.24 KCC; Ch. 17.500 KCC.

¹⁹ Exhibits 4 and 20.

²⁰ Ch. 17.510 KCC.

²¹ KCC 17.420.030(C), Ch. 11.40 KCC.

²² Exhibits 3, 21, 31, and 43.

²³ Exhibits 9 and 10.

- **Schools:** South Kitsap School District #402

1.21 Solid Waste. Individual property owners will be responsible for solid waste collection. Waste Management approval is required for the plat (Condition 53).

1.22 Fire Protection. The Fire Marshal has reviewed the project and included conditions. Fire flow verification and adequate fire apparatus access for emergency responders are required and will be reviewed through the SDAP (Condition 52).²⁴

1.23 Schools. Notice was provided to the South Kitsap School District. Any comments received will be considered during SDAP review.²⁵ School impact fees are required.²⁶

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

- Access. *See* above, including § 1.12.
- Public Transit. No additional public transit provisions have been made, but sidewalks are being constructed with the project and the project is proximate to four transit facilities.
- Non-Motorized Facilities. Sidewalks are required and will be constructed consistent with code. *See* § 1.12.
- Parking. *See* § 1.13.
- Fire Protection. *See* § 1.22.
- Landscaping. *See* §§ 1.6 and 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 (35 units x 390 square feet = 13,650 square feet of recreation facilities).²⁷ The Applicant is proposing 13,682 square feet of recreation area.²⁸

²⁴ Exhibit 42 (Staff Report), p. 15.

²⁵ Exhibit 15.

²⁶ Title 4 KCC; KCC 4.110.220.

²⁷ KCC 16.24.040(H).

²⁸ Exhibit 42 (Staff Report), pp. 8 and 13; Exhibit 20.

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* § 1.12; 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.
- Utilities Connectivity Requirements. Utilities are adequately connected.
- Landscaping Requirements. *See* § 1.15.
- Off-Street Parking. *See* § 1.13.

1.27 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's representative confirmed there were no objections or concerns with these conditions, other than the minor revision DCD agreed to on Condition 24. That revision was made. Except as revised here, the Staff Report is incorporated.

2. CONCLUSIONS OF LAW

2.1 The Hearing Examiner reviews Preliminary Plat applications for consistency with Single-Family Subdivision/Development Standards and platting requirements.²⁹ 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. 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, setbacks, and infrastructure requirements. Conditions are imposed to ensure these requirements are complied with.

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 is consistent with 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, provided these conditions are adhered to.

Planning/Zoning

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

2. At the time of Site Development Activity Permit, a final landscape plan illustrating full compliance with the applicable landscaping standards provided in KCC 16.24.040.F, KCC 17.420.037.D, and KCC 17.500 shall be submitted.

3. Street trees shall be located in the road right-of-way or access tract, or the front yards of individual lots or units. Street trees located on individual lots may be installed before

²⁹ KCC 21.04.100.

final plat approval or before the certificate of occupancy for individual building permits. There shall be at least one tree per every twenty-five feet of road frontage. Trees shall be spaced no further apart than thirty-five feet. Street tree species shall be consistent with the Kitsap County Road Standards (KCRS) and shall be large canopy trees unless otherwise approved by the director for special mitigating circumstances. Maintenance of street trees and landscaping within county right-of-way is the responsibility of the fronting property owner(s).

4. At the time of SDAP submittal a binding water availability letter and an updated binding sewer availability letter that matches the proposed number of lots are required.

5. Ten feet for utility easement shall be provided on each side of public road rights-of-way.

6. Where clustered mailboxes are proposed or required at the entrance and/or within the development, sidewalks shall be widened to meet required horizontal and vertical clear zones.

7. Rolled curbs and thickened edge asphalt are prohibited, except where the sidewalk is separated from the street by at least five feet.

8. All building permits issued on the proposed lots shall be subject to the impact fees pursuant to Ordinances 143-1992 and 144-1992.

9. The names of the roads in this land segregation shall be approved by Community Development prior to final subdivision approval.

10. All required permits shall be obtained prior to commencement of land clearing, construction and/or occupancy.

11. The decision set forth herein is based upon representations made and exhibits contained in the project application (19-04523). Any change(s) or deviation(s) in such plans, proposals, or conditions of approval imposed shall be subject to further review and approval of the County and potentially the Hearing Examiner.

12. 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.

13. A developer's extension agreement for sewer must be entered into prior to plat approval, as deemed necessary by Kitsap County.

14. 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.

15. A recreational open space plan shall be submitted to the Department and reviewed and approved with the SDAP. Said plan shall show dimensions, finished grade, equipment, landscaping and improvements.

Development Engineering

16. 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.

17. 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.

18. The information provided demonstrates this proposal is a Large Project as defined in KCC Title 12, and as such will require an SDAP from Development Services and Engineering, demonstrating a design in compliance with Minimum Requirements 1-9, as stated in the Kitsap County Stormwater Design Manual.

19. 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, October 9, 2019. 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.

20. 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, October 9, 2019.

21. 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.

22. 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.

23. The application indicates that a significant quantity of grading material may be exported from the site. Prior to issuing the SDAP an approved fill site(s) must be identified.

- Any fill site receiving 150 cubic yards or more of material must obtain an SDAP.
- Fill sites receiving 5,000 cubic yards or more, or located within a critical area, must have an engineered SDAP.
- For any fill site receiving less than 150 cubic yards, the SDAP holder shall submit to DCD load slips indicating the location of the receiving site and the quantity of material received by said site.

24. The application indicates that a significant quantity of grading material may be exported from the site. Typically, this means five or more trucks leaving the site per hour. Because of this a vehicle wheel wash may need to be included as an element of the siltation erosion control plan.

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

26. 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.

27. 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.

28. All lots shall use individual on-site infiltration systems. Before the issuance of building permits and/or occupancy permits, the property owner shall submit to DCD for review, a sketch showing the design and location of a stormwater infiltration facility for the distribution of surface water runoff. Maintenance of these systems will be the responsibility of the homeowner.

29. Before SDAP acceptance, the Applicant shall submit a set of drawings to the City of Port Orchard for review. The Applicant shall notify Development Services and Engineering in writing when the plans have been submitted to the City. Development Services and Engineering shall coordinate with the City to determine if the City has any comments to the submittal.

30. Prior to SDAP approval, the Applicant shall submit a letter of concurrence for roadway improvements and traffic impacts from the City of Port Orchard. The Applicant shall document a good faith effort to obtain such concurrence, including a copy of all written correspondence sent to the City, dates and receipts of submittal to the City (either actual receipts from the City of Port Orchard or parcel delivery receipts). If the City does not respond within the time frame requested by the Applicant, minimum of 20 working days required, the County shall not require further efforts.

31. Upon completion of the public roadways and storm drainage facilities, the developer will be required to post a two-year maintenance bond for the facilities. The developer will be responsible for providing regular and adequate maintenance during this two-year period and supportive maintenance records. At the end of this time, the County will inspect the system and, when the facility is acceptable and 80% of the homes have been completed, the County will take over maintenance and operation of the system. Wording to this effect must appear on the plat and in the covenants before final recording. Areas proposed to be maintained by the County that are not in the right-of-way must be shown as a separate tract/s or drainage easement/s with Kitsap County being designated as the grantee.

32. 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.

33. 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.

34. If the project proposal is modified from that shown on the site plan accepted for review August 25, 2020, Development Services and Engineering will require additional review and potentially new conditions.

Environmental

35. A Kitsap County Timber Harvest Permit will be required if greater than 5000 board feet of merchantable timber is harvested for the proposal.

Traffic and Roads

36. 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.

37. Public roads shall not exceed 12% grade or less depending on the road classification per Kitsap County Road Standards.

38. The interior roads of the proposed plat shall be designed and constructed in accordance with KCC 11.22 and the Kitsap County Road Standards for a local access road or an approved higher standard. Roads shall be publicly maintained and the right-of-way dedicated to Kitsap County as proposed.

39. The SDAP application shall include a request for technical deviation, for the proposed depressed curb/sidewalk along the cul-de-sac, and for the perpendicular on-street parking.

40. 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.

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

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

43. 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 Services and Engineering reserves the right to require that covenants be recorded to address special maintenance requirements depending on final design.

44. Provide surveyed cross-sections at 50-foot intervals along the parcel frontage on Warner Avenue. 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.

45. Frontage improvements, consisting of 10-foot travel lane, vertical curb, gutter and 5-foot wide sidewalk, are required along the entire parcel frontage on Warner Avenue.

46. Frontage improvements are required on interior plat Road A and Road B, consisting of vertical curb and gutter on both sides and 5-foot sidewalk on one side of each road. Travel lane widths and on-street parking configurations shall be designed in compliance with Kitsap County Road Standards for a local access road, or as allowed via a technical deviation.

47. 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 KCC. Existing approaches may need to be improved to meet current standards.

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

49. The developer's engineer shall certify that there is adequate entering sight distance at the intersection of Warner Avenue and Road A. 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.

50. 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).

51. Prior to the issuance of the SDAP, the Applicant shall apply for and have an approved Right of Way permit for all work within the county right of way. Additional permit conditions, bonding, traffic control, inspections, and other requirements may apply to the right of way permit and will be determined by Kitsap County Public Works.

Fire Safety

52. The minimum fire flow requirements for one- and two-family dwellings in subdivisions shall be 500 gallons per minute for thirty (30) minutes. Please indicate hydrant locations on final plat and SDAP. In areas where full fire flow is impractical, a residential sprinkler system may be substituted.

Water line size 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.

If electing to sprinkler, please add the following note to the face of the final plat: "Automatic fire sprinklers, as approved by the Kitsap County Fire Marshal, shall be installed throughout homes here and after constructed on lots created by this land division."

Solid Waste

53. Prior to SDAP approval, Waste Management (360) 674-3166 shall be contacted for information on implementing the solid waste/recycling storage requirements influenced by the service provider for the project. Pay particular attention to the access requirements of collection trucks. Documentation shall be provided from the solid waste/recycling service provider that their requirements for this project have been met.

Kitsap Public Health District

54. A Sewered Building Clearance (BC) is required for each lot at the time of building permit submittal.

Absent a timely appeal or grant of reconsideration, this Decision is final.³⁰

DECISION entered December 22, 2020.



Kitsap County Hearing Examiner
Susan Elizabeth Drummond

³⁰ Ch. 36.70C RCW (providing requirements for appeal within 21 days to superior court); HE Rule 2.12.1.