



Kitsap County Hearing Examiner

ADMINISTRATION BUILDING, 619 DIVISION ST, MS-36
http://www.kitsapgov.com/dcd/lu_env/he/

PORT ORCHARD, WA 98366
(360) 337-5777

NOTICE OF HEARING EXAMINER DECISION

April 7, 2016

To: Interested Parties and Parties of Record

RE: Project Name: Monarch Ridge and Ridgeview Plat
Applicant: Byron Harris
1225 NW Darling Road
Bremerton, WA 98311
Application: Preliminary Plat and Plat Alteration
Permit Number: 14 03958 and 15 03388

Enclosed is the Decision issued by the Kitsap County Hearing Examiner in the above-referenced matter.

The applicant is encouraged to review the Kitsap County Office of Hearing Examiner Rules of Procedure found at: http://www.kitsapgov.com/dcd/lu_env/he/HE%20Rules%20for%20Kitsap%20County%20-%20206-23-09.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 Constance Blackburn at cblackburn@co.kitsap.wa.us or (360) 337-5777.

Cc Applicant and/or Rep:

Byron Harris: byrondharris@gmail.com
Team 4 Engineering: berni@team4eng.com

Interested Parties:

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**BEFORE THE HEARING EXAMINER
FOR KITSAP COUNTY**

In the Matter of the Application of)	No. 15 03388
)	No. 14 03958
)	
Byron Harris)	Ridgeview Division 2 Plat and
)	Monarch Ridge Preliminary Plat
)	
For Approval of a Plat Alteration and)	FINDINGS, CONCLUSIONS,
<u>Preliminary Plat</u>)	AND DECISION

SUMMARY OF DECISION

The request for a plat alteration to the Ridgeview Division 2 Plat to convert Lot 11 to a private roadway at 1094 NW Poppy Court is **APPROVED**.

The request to subdivide two parcels totaling 10.24 acres into 33 lots (Monarch Ridge preliminary plat) on property located within the Ridgetop Area, on NW Poppy Court, a cul-de-sac, approximately 1,000 feet to the northeast of Ridgetop Boulevard NW, in unincorporated Silverdale, Washington, is **APPROVED**. Conditions are necessary to mitigate impacts of the proposed project and to comply with the Kitsap County Code.

SUMMARY OF RECORD

Hearing Date:

The Hearing Examiner held an open record hearing on the requests on March 24, 2016.

Testimony:

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

Jeff Smith, County Senior Planner
Mark Kuhlman, P.E., for Applicant
Mickhael Pangwi
Joe Phillips
Iestyn Mullins

Exhibits:

The following exhibits were admitted into the record for the Plat Alteration:

R-1. Project Application, received August 25, 2015

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- R-2. Submittal Checklist-Final Land Division Alterations and Submittal Waiver, received August 25, 2015
- R-3. Supplemental Application-Final Land Division Alteration, received August 25, 2015
- R-4. Project Narrative, received August 25, 2015
- R-5. Notice of Complete Application, dated August 25, 2015
- R-6. Information Request, dated August 24, 2015
- R-7. Survey Information, received August 25, 2015
- R-8. Notice of Application, dated September 2, 2015
- R-9. Determination of Nonsignificance, dated December 28, 2015
- R-10. Staff Report-Recommendation to the Hearing Examiner, prepared for June 11, 2009, open record hearing
- R-11. Email from Byron Harris to Jeff Smith, dated January 20, 2016
- R-12. Tax Title Strip Location map, undated
- R-13. Notice of Hearing Examiner Recommendation, dated July 30, 2009, with *Hearing Examiner Findings, Conclusions, and Recommendation, Ridgeview Division 2 Plat Alteration, No. 080424-029* (July 28, 2009)
- R-14. Boundary Line Adjustment, dated July 7, 2010; with email from Dennis Oost to Dennis Oost, dated April 8, 2015, with email string
- R-15. Resolution 055-2009, adopted April 13, 2009
- R-16. Fifth Amendment to Declaration of Conditions, dated September 7, 1995
- R-17. Memorandum from W. Daniel Phillips to Board of County Commissioners, dated May 12, 1997
- R-18. Staff Report, dated March 16, 2016
- R-19. Certificate of Public Notice, dated March 11 and 16, 2016
- R-20. Email from George Concepcion to Jeff Smith, dated March 18, 2016, with eight photos
- R-21. Email from Dennis Oost to Mike Pangwi, dated September 21, 2015, email string
- R-22. Kitsap County PowerPoint (11 slides), dated March 24, 2016

The following exhibits were admitted into the record for the Preliminary Plat:

- M-1. Project Application, received October 27, 2014
- M-2. Supplemental Application-Preliminary Land Divisions, received October 27, 2014
- M-3. Supplemental Application-Concurrency Test, received October 27, 2014
- M-4. Supplemental Application-Environmental SEPA Checklist, dated June 12, 2014
- M-5. Project Narrative, received October 27, 2014
- M-6. Preliminary Storm Drainage Report, Team 4 Engineering, revised September 26, 2014
- M-7. Geotechnical Evaluation, Aspect Consulting, dated October 2, 2014
- M-8. Supplemental Application-Concurrency Test, received October 27, 2014
- M-9. Letter from Morgan Johnson, Silverdale Water District, to Byron Harris, RE: Water Availability Application, dated June 10, 2014

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- M-10. Sewer Availability Agreement, Kitsap County Department of Public Works – Wastewater Division, dated May 30 and June 5, 2014
- M-11. Access Analysis/Report, Gibson Traffic Consultants, dated March 3, 2008
- M-12. Kitsap Public Health District Application, dated July 7, 2015
- M-13. Notice of Application, dated January 14, 2015
- M-14. Determination of Nonsignificance, dated December 28, 2015
- M-15. Memorandum from Candy Mursell, Development Services and Engineering, to Meg Sands and Darren Gurnee, dated December 22, 2015
- M-16. Parcel map, dated January 17, 2013, and site maps and aerial photos (17), printed March 9, 2016
- M-17. Site Plans, dated September 30, 2014
 - a. Site Data (Sheet 1 of 13)
 - b. Site Plan (Sheet 2 of 13)
 - c. Preliminary Plat (Sheet 3 of 13)
 - d. TESC Plan (Sheet 4 of 13)
 - e. Existing Slopes (Sheet 5 of 13)
 - f. Grading Plan (Sheet 6 of 13)
 - g. Road Profiles (Sheet 7 of 13)
 - h. Road Sections (Sheet 8 of 13)
 - i. Storm Drainage Plan (Sheet 9 of 13)
 - j. Pond Sections (Sheet 10 of 13)
 - k. Sewer Plan (Sheet 11 of 13)
 - l. Water Plan (Sheet 12 of 13)
 - m. Landscape Plan (Sheet 13 of 13)
- M-18. Email from John Kiess, Kitsap Public Health District, to Peggy Bakalarski, dated March 4, 2016
- M-19. Memorandum from Candy Mursell, Development Services and Engineering, to Jeff Smith, dated March 4, 2016
- M-20. Conditions on Permit #14 03958, printed March 8, 2016
- M-21. Notice of Public Hearing – Legal Notice, published March 10, 2016
- M-22. Notice of Complete Application, dated October 27, 2014
- M-23. Notice of Application, dated January 14, 2015
- M-24. Staff Report, dated March 16, 2016
- M-25. Certificate of Public Notice, dated March 11 and 16, 2016
- M-26. Kitsap County PowerPoint (11 slides), dated March 24, 2016

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

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FINDINGS

Background

1. The Hearing Examiner held a hearing on June 11, 2009, on Byron Harris's (Applicant's) request for a Ridgeview Division 2¹ final plat alteration modifying Lot 11. The purpose of the alteration was to create a roadway to access adjacent parcels to the north created by a boundary line adjustment (BLA-3113844).² Conclusion 1 of the Hearing Examiner's 2009 recommended denial of the final plat alteration states: "The Applicant should proceed with a combined preliminary plat/final plat alteration open record hearing, during which the issues of impacts to the Ridgeview Division 2 subdivision and vicinity and access to the parcels created by BLA-3113844 will be squarely before the hearing authority."³ Kitsap County received a preliminary plat application for Monarch Ridge on October 27, 2014, and a final plat alteration application on August 25, 2015. *Exhibit R-1; Exhibit R-13; Exhibit M-1.*

Final Plat Alteration

Final Plat Alteration Application and Notice

2. Lot 11 is located within the Ridgeview Division 2 subdivision plat along NW Poppy Court.⁴ Mr. Harris (Applicant) requests a Ridgeview Division 2 final plat alteration modifying Lot 11 to create a roadway accessing adjacent parcels to the north created by a boundary line adjustment (BLA-3113844). *Exhibit R-1; Exhibit R-4; Exhibit R-7.*
3. Kitsap County (County) determined the application was complete on August 25, 2015. On September 2, 2015, the County mailed the Notice of Application to the Applicant, Applicant Representative, interested parties, and adjacent property owners within 800 feet of the proposed project. The County posted the Notice of Public Hearing on the property on March 9, 2016, and the next day published notice and mailed the notice to the

¹ The County's staff report refers to Ridgeview Division II. Attached to the staff report is the Applicant's proposed plat alteration for Ridgeview Division 2. *Exhibit R-18, Staff Report, pages 1, 11, and 22.* The Applicant also listed Ridgeview Div. 2, as the project name on the application. *Exhibit R-1.* Therefore, this decision will refer to Ridgeview Division 2.

² The County determined the final plat application complete on August 30, 2007. *Exhibit R-13.*

³ Kitsap County Hearing Examiner Kimberly Allen issued the recommendation in 2009. *Exhibit R-13.*

⁴ The Ridgeview Division 2 final plat was recorded with the Kitsap County Auditor on June 8, 1993. *Exhibit R-13.*

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Applicant, Applicant Representative, interested parties, and adjacent property owners within 800 feet of the proposed project compliance with Kitsap County Code (KCC) 21.04.210. *Exhibit R-5; Exhibit R-8; Exhibit R-19.*

State Environmental Policy Act

4. The County acted as lead agency and analyzed the environmental impact of the proposed plat alteration under SEPA, Chapter 43.21C RCW. The County reviewed the Applicant's environmental checklist and other information on file with the County. The County determined that the proposed final plat alteration, along with an associated preliminary plat, would not have a probable significant adverse impact on the environment. The County issued a Determination of Nonsignificance (DNS) on December 28, 2015, for both the Monarch Ridge Preliminary Plat and the plat alteration.⁵ The DNS was not appealed. *Exhibit R-8; Exhibit R-9.*

Comprehensive Plan and Zoning

5. Lot 11 is designated Urban Low Density Residential under the County Comprehensive Plan. The Urban Low Density Residential designation primarily focuses on single-family dwellings but may include innovative dwelling types, such as clustered housing. It also includes regulated environmentally critical areas within the Urban Growth Areas (UGAs) and other areas identified for low-density urban development. *Kitsap County Comprehensive Plan (August 2012), page 2-19.*
6. Comprehensive Plan goals and policies are relevant to the proposal. Goal 14 provides residential areas with convenient access to transportation, urban amenities, and goods and services. Policy LU-22 encourages development patterns in UGAs that support pedestrian connectivity between neighborhoods and to community destinations where possible. Policy LU-44 allows flexible development standards in residential zones. *Exhibit R-18, Staff Report, pages 4 and 5.*
7. Lot 11 is zoned Urban Low Residential (UL). The intent of this zone is to recognize, 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 capable of allowing the provision of community services in a more economical manner. *KCC 17.330.010. Exhibit R-18, Staff Report, page 4.*

⁵ County Senior Planner Jeff Smith testified that the Notice of Application for the plat alteration incorrectly listed the plat alteration as exempt from SEPA. *Exhibit R-8; Testimony of Mr. Smith.*

8. A Declaration of Conditions and Restrictions (Declaration) for Ridgeview Division 2 was recorded with the Kitsap County Auditor as Auditor's File No. 9306020330 on June 2, 1993, and replaced by an Amended Declaration recorded July 27, 1993. This was followed by four additional amendments to the Amended Declaration. The last amendment, recorded with the Kitsap County Auditor on September 8, 1995 (Auditor's File No. 9509080177), amends Article 5 to state: "Lot 11 of Ridgeview, Division II, or any portion thereof, may be utilized or dedicated as a private or public roadway and no such use shall be deemed to violate any provision of this Declaration." *Exhibit R-13; Exhibit R-16.*

Boundary Line Adjustments

9. In 1998, the Applicant recorded a boundary line adjustment in order to change Lot 11 of the Ridgeview Division 2 to the south for use as a private roadway (BLA-3113844) to access a proposed new subdivision to the north. In 2010, in order to address adjacent neighboring property owner concerns about creating non-conforming setbacks and corner lots, the Applicant recorded a second boundary line adjustment (AFN 201007070267) which added two strips of land from Lot 11 to the parcel to the north: a five-foot strip of land along the abutting west side property line and 15-foot strip of land along the abutting east side property line. This provides a five-foot side-yard setback boundary for adjoining properties, which are no longer considered corner lots. *KCC 17.110.010; KCC 17.110.410. Exhibit R-14; Exhibit R-18, Staff Report, pages 3 and 7.*

Existing Property and Surrounding Property

10. The proposed final plat alteration would allow a 30-foot wide private roadway access from NW Poppy Court through Lot 11 to the proposed plat to the north. When the Ridgeview Division 2 plat was recorded in 1993, Lot 11 was depicted as 50 feet wide by 120 feet deep and 6,000 square feet. With the 2010 boundary line adjustment, Lot 11 of the Ridgeview Division 2 subdivision is now part of a flag-shaped "┌" parcel, with the flag portion extending approximately 100 feet east into the neighboring parcel to the north.⁶ The parcel to the north now extends south into Lot 11 on either side of the flag pole portion. The proposed 30-foot wide private road within Lot 11 is separated from the lots to the east and west by the extensions of the northern parcel. Both Lot 11 and the larger parcel to the north are vacant. Single-family residences, part of Ridgeview Division 2, are located to the east and south, and single-family residences, part of Ridgeview Division 3, are located to the west and south of Lot 11. Lot 11 fronts NW Poppy Court on the south. *Exhibit R-13; Exhibit R-18, Staff Report, page 3.*

⁶ The flag-shaped parcel is identified by Tax Parcel No. 102501-3-056-2001. The parcel to the north is identified by Tax Parcel No. 102501-3-055-2002. *Exhibit R-18, Staff Report, pages 2 and 3.* A legal description of the subject property is included on the proposed Plat Alteration sheet. *Exhibit R-7.* The property has a street address of 1094 N.W. Poppy Court. *Exhibit 13.*

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Preliminary Plat
Application and Notice

11. The Applicant also requests preliminary plat approval to subdivide two parcels totaling approximately 10.24 acres into 33 lots, a stormwater tract (Tract A), four access tracts (Tracts B-E), a recreation tract (Tract F), two open space tracts (Tracts G and H), and a native vegetation protection buffer (Tract I). The property is located within the Ridgetop Area, on NW Poppy Court, a cul-de-sac, approximately 1,000 feet to the northeast of Ridgetop Boulevard NW, in unincorporated Silverdale, Washington. *Exhibits M-1 to M-5; Exhibit M-17; Exhibit M-24, Staff Report, page 1.*

12. The County determined the preliminary plat application was complete on October 27, 2014. On January 9, 2015, the County published the Notice of Application and the State Environmental Policy Act (SEPA) threshold determination, and mailed the notice to the Applicant, Applicant Representative, interested parties, and adjacent property owners within 800 feet of the proposed project. The County received comments from Kitsap Transit identifying transit service within a half mile and noting that Ridgetop Boulevard lacks an effective crossing point for pedestrians. The County posted the Notice of Public Hearing on the property on March 9, 2016, and the next day published notice and mailed the notice to the Applicant, Applicant Representative, interested parties, and adjacent property owners within 800 feet of the proposed project in compliance with KCC 21.04.210. *Exhibit M-21; Exhibit M-22; Exhibit M-23; Exhibit M-24, Staff Report, page 12; Exhibit M-25.*

State Environmental Policy Act

13. The County acted as lead agency and analyzed the environmental impact of the proposed preliminary plat and associated final plat alteration under SEPA, Chapter 43.21C RCW. The County reviewed the Applicant's environmental checklist and other information on file with the County. The County determined that, with conditions, the proposed preliminary plat, along with an associated preliminary plat, would not have a probable significant adverse impact on the environment. Under Washington Administrative Code (WAC) 197-11-355, the optional Determination of Nonsignificance (DNS) process was utilized for this project. The SEPA comment period occurred concurrently with the Notice of Application, dated January 14, 2015. The County issued a Determination of Nonsignificance (DNS) on December 28, 2015. The DNS includes conditions to address stormwater control, to follow the recommendations of the geotechnical report, to follow Kitsap County Road Standards for access roads, and to require the homeowners'

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association to maintain the roads.⁷ The DNS was not appealed. *Exhibit M-4; Exhibit M-14; Exhibit M-23; Exhibit M-24, Staff Report, pages 2 and 3; Exhibit M-25.*

Comprehensive Plan and Zoning

14. The property is designated Urban Low Density Residential under the County Comprehensive Plan. The Urban Low Density Residential designation primarily focuses on single-family dwellings but may include innovative dwelling types, such as clustered housing. It also includes regulated environmentally critical areas within the Urban Growth Areas (UGAs) and other areas identified for low-density urban development. *Kitsap County Comprehensive Plan (August 2012), page 2-19.*
15. Comprehensive Plan goals and policies are relevant to the proposal. Goal 14 provides residential areas with convenient access to transportation, urban amenities, and goods and services. Policy LU-22 encourages development patterns in UGAs that support pedestrian connectivity between neighborhoods and to community destinations where possible. Policy NS-42 encourages developers to protect continuous corridors of native revegetation and to enhance or restore wildlife habitat by transplanting or planting native vegetation in the developed landscape. Policy LU-44 allows flexible development standards in residential zones. In addition, the County's Silverdale Subarea Plan Policy SB-27 encourages attractive site and building design compatible in scale and character with existing or planned development. *Exhibit M-24, Staff Report, pages 4 and 5.*
16. The property is zoned Urban Low Residential (UL). The intent of this zone is to recognize, 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 capable of allowing the provision of community services in a more economical manner. *KCC 17.330.010.* Development of single-family detached residences is allowed within the UL zoning district. *KCC Table 17.381.040(A).* Single-family residential lots may be developed in the UL zoning district at a minimum density of five dwelling units per acre (du/ac) and a maximum density of nine du/ac, with density based on net acreage of the property after removal of critical areas. *KCC 17.382.060; KCC 17.382.110(18).* Lots within the UL zoning district must be a minimum of 2,400 square feet, with minimum 20-foot front-yard setbacks and minimum five-foot side- and rear-yard setbacks. *KCC 17.382.060.* All proposed residential lots meet the minimum lot size standards. After accounting for critical areas and open-space buffers, the proposal has a net density of 7.69 du/ac. *Exhibit M-5; Exhibit M-17.c; Exhibit M-24, Staff Report, pages 4 and 8.*

⁷ Mr. Smith testified that "conditions" listed in the DNS are not mitigation conditions, but rather KCC requirements. *Exhibit R-8; Testimony of Mr. Smith.*

Existing Property and Surrounding Property

17. The square site is 10.24-acres of undeveloped property comprised of two parcels: a small flag-shaped “ Γ ” portion of the adjacent Ridgeview Division 2 subdivision, which includes Lot 11 (102501-3-056-2001), with the majority of the site in parcel 102501-3-055-2002. The larger parcel is forested with secondary growth. It slopes from west to east. The northwest corner contains a ravine with approximately 50 percent slopes, with another ravine in the southeast corner. The Applicant’s Environmental Checklist identified songbirds and deer as having been observed or known to be on or near the site. Surrounding property is designated Urban Low Density Residential and zoned Urban Low Residential with residential development to the northwest, west, and southwest. Property to the east and northeast remains undeveloped. *Exhibit M-4; Exhibit M-6; Exhibit M-16; Exhibit M-24, Staff Report, page 4.*

Critical Areas

18. Aspect Consulting prepared a Geotechnical Evaluation (GE), dated October 2, 2014, for the Applicant. The GE identified drainage ravines in the eastern half of the site with slopes of 30 to 35 percent. The slopes are mapped as moderately hazardous slopes by Kitsap County. The site plan depicts a 40,279 square foot Open Space Tract H in the northeast corner of the site, a 44,888 square foot Stormwater Tract A to the south, and a 57,080 square foot Open Space Tract G in the southeast corner of the site to protect these slopes and retain existing native vegetation. In addition, the Applicant would provide a 14,400 square foot Recreation Tract F in the center of the site, which also contains 15 to 30+ percent slopes. The GE determined that the proposed project is technically feasible and that normal, typical construction practices can be employed during earthwork and foundation preparation. The GE recommended that permanent cut slopes and permanent fill slopes should be inclined no greater than 2H:1V. Permanent excavation slopes along the western and northern boundary lines (six to 12 feet in height) should be started with the top of the slope no closer than five feet from the boundary lines, with no clearing within the five-foot buffer strip. The Applicant’s Environmental Checklist identified a Type N stream approximately 250 feet north of the site, which flows easterly for approximately 1,500 feet to Barker Creek. *Exhibit M-4; Exhibit M-7; Exhibits M-17.b, and e.*

Access, Parking, and Traffic Impacts

19. From the proposed plat, a private internal Road A would extend south and cross NW Poppy Court, a local access road running west/east within the Ridgetop Division 2 and 3 subdivisions, to connect with Lobelia Avenue NW. Lobelia Avenue NW is a two-lane residential access roadway running north/south, with no posted speed limit, 10- to 11-foot lanes, and a sidewalk along the east side of the roadway. Lobelia Avenue NW intersects

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to the south with Marigold Drive NW, a two-lane residential access roadway, with a posted speed limit of 25 MPH, 11- to 13-foot lanes, and a sidewalk along the south of the roadway. At the point of intersection, Marigold Drive NW runs west/southeast and connects to the west with a main road, Ridgetop Boulevard NW. Ridgetop Boulevard NW is a two-lane urban collector running north/south, with a 35 MPH speed limit and 13- to 17-foot lanes in the site vicinity. Within the plat, Road A would extend north and serve Lots 1, 2, and 21-24. A “T” Road B would branch off to the west to serve Lots 3-11 and 31-33 in the southern portion of the plat. A “T” Road C would also branch off to the west to serve Lots 12-20 and 28-30 in the northern portion of the plat. A stub Road D off of Road A would serve Lots 25-27 to the east near the stormwater tract. The proposed lots would run at right angles to the street they face. The Applicant would provide internal sidewalks on the west side of Road A and on the south side of Road B and C, consistent with KCC 17.382.037, to provide safe walking conditions within the proposed subdivision. *Exhibit M-16; Exhibits M-17.c, .g, and .h; Exhibit M-24, Staff Report, pages 8 and 9.*

20. The Applicant has proposed a separate Ridgeview Division 2 plat alteration, considered as part of this hearing, which would modify Lot 11 for use a private roadway to access the proposed Monarch Ridge subdivision. The access road would be an extension of proposed Monarch Ridge Road D and would intersect Lobelia Avenue NW and NW Poppy Court to the south. The access road would align with Lobelia Avenue NW. Gibson Traffic Consultants prepared an Access Analysis for the Applicant based on a 62-lot subdivision, dated March 3, 2008. The Access Analysis determined that that all study roadway intersections and segments would operate at an acceptable level-of-service based on traffic from 62 lots.⁸ The Applicant’s Environmental Checklist identified 316 trips per day based on a 33-lot plat, as calculated by Trip Generation by Microtrans, with 25 peak AM vehicle trips and 33 peak PM vehicle trips. *Exhibit M-4; Exhibit M-11; Exhibit M-24, Staff Report, page 6.*
21. The proposed subdivision would provide for two off-street parking spaces per residential lot and .5 overflow, on-street parking spaces per lot, consistent with Chapter 17.435 KCC. The project would provide 66 off-street parking spaces and 17 on-street spaces. Off-street parking would be verified at the time of building permit application. No trails are proposed, and no critical trail connections on the property were identified. *Exhibit M-24, Staff Report, page 9.*

⁸ Congestion is measured in terms of Level-of-Service where LOS A being free flow and LOW F being forced flow or over-capacity conditions. The 2008 Access Analysis determined that the intersection of Ridgetop Blvd NW at Marigold Drive NW operates at LOS B with 15.0 seconds of delay. The Intersection of Lobelia Ave NW at Marigold Drive NW operates at LOS A with 9.4 seconds of delay. *Exhibit M-11.*

Stormwater Management

22. Team 4 Engineering, prepared a Preliminary Storm Drainage Report (PSDR) for the Applicant revised September 26, 2014. The PSDR identified soils on-site as #22 Alderwood very gravelly sandy loam, with 6 to 15 percent slopes. The Applicant proposes a storm detention pond in the eastern central portion of the site. Stormwater runoff from the detention pond would flow to a ravine south of the pond. Runoff would sheet flow easterly, southeasterly approximately 1,500 feet to Barker Creek. Barker Creek flows southerly approximately two miles to Dyes Inlet. The County determined that the proposed project would be a major new development, pursuant to Title 12 KCC, and would require a SDAP from Development Engineering. The Applicant estimates a balanced cut and fill on-site of 20,000 cubic yards, with approximately 16,000 cubic yards of strippings distributed on non-structural fill areas of the site. Approximately 3.89 acres (38 percent) of the total area would be new impervious surface. *Exhibit M-4; Exhibit M-6; Exhibit M-7; Exhibits M-17.i and .j; Exhibit M-24, Staff Report, page 15.*
23. Stormwater quality control, quality treatment, and erosion and sedimentation control would be designed in accordance with Title 12 KCC. The Applicant would submit a Temporary Erosion and Sedimentation Control Plan (TESCP) to the County, which would include best management practices. A National Pollutant Discharge Elimination System (NPDES) Stormwater Construction permit is required from the Washington State Department of Ecology. A Surface Water Pollution Prevention Plan would be prepared as part of the NPDES permit. County Development Services and Engineering reviewed the stormwater element of the project on March 4, 2016, and supported the proposed plat with conditions. *Exhibit M-4; Exhibit M-17.d; Exhibit M-19; Exhibit M-24, Staff Report, page 7.*

Open Space, Recreation, and Landscaping

24. The preliminary plat would include recreational open space amenities. The Applicant is required to provide 390 square feet per lot for a minimum of 12,870 square feet. The Applicant proposes to provide 15,500 square feet of recreation open space in Tract F. The Applicant may propose play equipment, exercise fitness trail, or a community garden as part of the Site Development Activity Permit. The Applicant would also provide two open space tracts (Tract G at 57,080 square feet and Tract H at 40,279 square feet), retaining existing native vegetation, south and north of the proposed stormwater tract. The Applicant would provide landscaping at the entrance on NW Poppy Court. Street trees would be spaced up to 35 feet apart, with additional trees along the west side for the hammer head turn arounds. A 15-foot non-clearing native vegetation buffer (Tract I at 38,390 square feet) would be established around the proposed subdivision perimeter. The Applicant submitted a landscape plan with the application and would submit a final landscape plan with the Site Development Activity Permit application that provides sight

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obscuring landscaping along the perimeter of the storm drainage facility. *KCC 17.385.027.B.3. Exhibits M-17.a and .m; Exhibit M-24, Staff Report, page 10.*

Utilities and Public Services

25. Impact fees would be paid at the time the site development activity permit or certificate of occupancy is issued for each unit in the development, using the impact fee rates in effect at the time of permit issuance. *KCC. 4.110.020.* The single-family homes within the subdivision would be served by the Silverdale Water District. The Silverdale Water District provided a letter of water availability, dated June 10, 2014, conditioned on current charges paid at time water service is requested and compliance with the Kitsap County Comprehensive Land Use Plan. Kitsap County Public Works would provide sewer service. Sewer lines are located in the roadway of NW Poppy Court and along the west property line. The Applicant entered into a Sewer Availability Agreement with the County, dated June 5, 2014, which is in effect for three years. The Applicant would provide non-binding water and sewer availability letters for final plat approval. *Exhibit M-9; Exhibit M-19; Exhibit M-24, Staff Report, pages 4, 7, 10, 12, and 14.*
26. Puget Sound Energy would provide power for the proposed development. Central Kitsap Fire and Rescue #1 would provide fire protection service, and the Kitsap County Sheriff would provide police services. Kitsap Transit serves the neighborhood within a half mile of the proposed subdivision and provided comments that Ridgetop Boulevard NW lacks effective crossing points for pedestrians to reach bus stops. *Exhibit M-24, Staff Report, pages 4, 7, and 9.*
27. Central Kitsap School District No. 401 would serve the subdivision. Emerald Heights Elementary School is located less than a quarter mile north of the project site. Ridgetop Junior High School is a quarter mile to the south. Central Kitsap High School is approximately two miles from the project site. The Applicant would provide internal sidewalks within the proposed subdivision to provide safe walking conditions. *Exhibit M-17.c; Exhibit M-24, Staff Report, pages 8 and 9.*
28. The Fire Marshal reviewed the proposed development and recommended conditioning plat approval on providing a 20-foot unobstructed fire access designed to support a 60,000 pound fire apparatus; an approved turnaround; a minimum 25-foot inside turning radius of any road; extension of roads to within 150 feet of all portions of the exterior walls of the first story of the structure; roads with no more than 12 percent grade; minimum fire flow; depiction of water line size and location, and location of fire hydrants to be shown on SDAP plans; and no-parking signs when required by the Fire Code Official. *Exhibit M-24, Staff Report, pages 9 and 14.*

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Public Comments and Staff and Applicant Responses

29. George Concepcion, a resident who lives adjacent to and east of Lot 11, sent an email dated March 18, 2016, opposing the plat alteration and expressing concerns about buffers; increases in vehicular traffic and noise; drainage problems from the proposed subdivision to the north; and location of power, water, and sewer lines. *Exhibit R-20.*
30. Mickhael Pangwi, a resident who lives to the west and adjacent to Lot 11, sent an email dated September 18, 2015, expressing concerns about violations of existing building codes and regulations similar to concerns with the previous plat alteration application in 2007. Dennis Oost responded to Mr. Pangwi by email on September 21, 2015, explaining that under RCW 58.17.215, pertaining to subdivision alterations, only the Applicant's signature was needed to alter Lot 11 and that the requested alteration complies with the RCW. Mr. Pangwi testified at the hearing, raising concerns that changing the lot to a road should require more than the signature of the Lot 11 owner; that a secondary fire access road should be included; that his lot would become a corner lot; that the proposed road within Lot 11 would not align properly with Lobelia Avenue NW to the south, and asking where utility easements to the proposed subdivision would be located. Mark Kuhlman testified for the Applicant that the adjacent residential lots do not meet the requirements of a corner lot because they are no longer abutting, adjoining, or adjacent to the proposed private road.⁹ In addition, the Applicant has provided adequate setbacks from the proposed private road to the neighboring lots. He testified Kitsap County allows a single access for up to 100 lots. The Applicant would show utility easements as part of final plat approval, but this should not be a problem with the private road access. He noted that the access road's traffic lanes would line up with the road to the south even though the center survey lines may not. The County would review this during construction approval. *Exhibit R-21; Testimony of Mr. Pangwi; Testimony of Mr. Kuhlman.*
31. Joe Phillips testified that he lives adjacent to the proposed development's SW corner. He expressed appreciation for reducing the number of lots and for addressing the preliminary plat's vegetation buffer, but he had concerns about clearing the property and not disturbing this area. He also noted increasing traffic on existing roads and requested some type of traffic adjustments to mitigate impacts. Mr. Kuhlman responded that the vegetative buffer would be protected through the County's inspection procedures and that the clearing limits would be staked. County Senior Planner Jeff Smith testified that the vegetation buffer for the preliminary plat would be marked. *Testimony of Mr. Phillips; Testimony of Mr. Kuhlman; Testimony of Mr. Smith.*

⁹ Mark Kuhlman is listed as the Authorized Agent/Representative on the Monarch Ridge Preliminary Plat application. *Exhibit M-1.*

32. Iestyn Mullins testified that he lives about 10 houses to the east. He expressed concerns about altering Lot 11 to an access road; about whether alternative access was available; and about whether school buses would access the new development. Mr. Kuhlman testified that he doesn't anticipate school buses would enter the project, but rather that school children would walk to existing bus stops. *Testimony of Mr. Mullins; Testimony of Mr. Kuhlman.*
33. Mr. Smith testified that RCW 58.17.215 requires a final plat alteration application from the person or persons having an ownership interest in the lot to be altered. He testified that past concerns about the width of public street access to the Monarch plat were no longer of concern because the access would be via a private street. He noted that the 2008 traffic analysis for a 62-lot Monarch Plat was still valid because the Applicant has reduced the number of lots to 33. He explained that the Ridgeview Division 2 plat alteration would avoid creating incompatibilities with the adjacent lots and that these would not be considered corner lots. *Testimony of Mr. Smith.*

Staff Recommendation

34. The County staff determined that the proposed plat alteration application contained the signature of the Lot 11 owner; that no restrictive covenants or easements apply; and that a condition requiring the Applicant to submit a drawing of the approved alteration for processing, approval, and recording. The County staff recommended approval of the final plat alteration and preliminary plat applications, with conditions. The Applicant's Representative agreed with the proposed conditions. *Exhibit M-24, Staff Report, pages 8 to 12; Testimony of Mr. Kuhlman.*

CONCLUSIONS

Jurisdiction

The Kitsap County Hearing Examiner is authorized to approve, approve with conditions, or disapprove of a preliminary plat application through a Type III review process. *KCC 16.04.080; KCC 21.04.050; KCC 21.04.080; KCC 21.04.100.* The Hearing Examiner is authorized to deny or approve a final plat alteration through a Type III review process. *KCC 16.60.020.B and F.*

Criteria for Review

Final Plat Alteration

The Kitsap County Code provides:

- A. Alterations after a final plat has been recorded shall be processed in accordance with RCW 58.17.215 through 58.17.218; provided, that when an application for plat alteration is submitted more than seven years after final plat

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approval, the altered portions of the plat shall comply with regulations in effect at the time the alteration application was determined complete.

B. An application for an alteration of a recorded final plat shall be processed as a Type III application.

C. Alteration applications and documents to be recorded shall contain the signatures of a majority of those persons having an ownership interest in lots, tracts, parcels or divisions in the subject subdivision or portion to be altered.

D. Any features contained on the original subdivision that have been relied upon in subsequent land development or county planning decisions shall be retained and depicted on the alteration map.

E. If the final plat is subject to restrictive covenants that were filed at the time of the recording of the final plat, and the application for alteration would result in the violation or alteration of a covenant, the application shall contain an agreement signed by all parties required by the provisions of the covenants, providing that the parties agree to terminate or alter the relevant covenants to accomplish the purpose of the alteration.

F. The hearing examiner shall determine the public use and interest in the proposed alteration and may deny or approve the application for alteration. If any land within the alteration is part of an assessment district, any outstanding assessments shall be equitably divided and levied against the remaining lots, parcels or tracts, or be levied equitably on the lots resulting from the alteration. If any land within the alteration contains a dedication to the general use of persons residing within the subdivision, such land may be altered and divided equitably between the adjacent properties.

G. Any easement established by dedication cannot be extinguished or altered without the approval of the easement owner or owners, unless the plat or other document creating the dedicated easement provides for an alternative method to extinguish or alter the easement.

H. After approval of an alteration, the applicant shall submit a drawing of the approved alteration of the final subdivision, to be processed, approved and recorded in the same manner as set forth for final subdivisions at Chapter 16.40.

KCC 16.60.020.

Relevant portions of RCW 58.17.215 apply to the final plat alteration request:

When any person is interested in the alteration of any subdivision or the altering of any portion thereof, except as provided in RCW 58.17.040(6), that person shall submit an application to request the alteration to the legislative authority of the city, town, or county where the subdivision is located. The application shall contain the signatures of the majority of those persons having an ownership

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interest of lots, tracts, parcels, sites, or divisions in the subject subdivision or portion to be altered . . . The legislative body shall determine the public use and interest in the proposed alteration and may deny or approve the application for alteration . . . After approval of the alteration, the legislative body shall order the applicant to produce a revised drawing of the approved alteration of the final plat or short plat, which after signature of the legislative authority, shall be filed with the county auditor to become the lawful plat of the property.

RCW 58.17.215.

Preliminary Plat

At the open record hearing, the Hearing Examiner must consider all relevant evidence to determine whether to approve the preliminary plat. The Hearing Examiner must determine whether the proposal includes appropriate provisions for drainage, roads, alleys, and other public ways, and for water supplies, sanitary wastes, parks, playgrounds, fire protection facilities, school sites and grounds, and other public and private facilities and improvements. The Hearing Examiner must determine if the proposed subdivision conforms to the general purposes of the Comprehensive Plan, and whether the public use and interest will be served by the proposal.

KCC 16.04.020; KCC 16.04.080; KCC 16.24.040; KCC 21.04.080; KCC 21.04.100.

The criteria set forth in the Kitsap County Code are essentially identical to those in the Revised Code of Washington (RCW). The application must also comply with the subdivision criteria described in the RCW before it can be approved:

Appropriate provisions must be made for the public health, safety and general welfare, for open spaces, drainage ways, streets or roads, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, parks and recreation, playgrounds, schools and school grounds and all other relevant facts including sidewalks and other planning features that assure safe walking conditions for students who only walk to and from school; and the public interest must be served by the subdivision.

RCW 58.17.110.

The criteria for review adopted by the Kitsap County Board of Commissioners are designed to implement the requirement of Chapter 36.70B RCW to enact the Growth Management Act and of RCW 58.17.110 to enact subdivision codes. In particular, RCW 36.70B.040 mandates that local jurisdictions review proposed development to ensure consistency with County development regulations, considering the type of land use, the level of development, infrastructure, and the characteristics of development. *RCW 36.70B.040.*

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Conclusions Based on Findings

Final Plat Alteration

1. With a condition, the final plat alteration would serve the public use and interest.

The County gave reasonable notice and opportunity to comment on the application. The County reviewed the project and issued a DNS after determining that it would not have a probable adverse impact on the environment. The County addressed concerns raised about the proposed plat alteration. The Applicant's 2010 boundary line adjustment modified Lot 11 to add strips of land to the parcel to the north. Therefore, the proposed private road would no longer be abutting the residential lots on either side. This removes previous objections that constructing an access road would create abutting non-conforming and corner lots within Ridgeview Division 2 and 3. This alteration does not alter any of the other planning features of the Ridgeview Division 2 subdivision. No restrictive covenants or easements are involved. The Applicant is the only person having an ownership interest in Lot 11. The Comprehensive Plan designates this area as Urban Low Density Residential and the area is zoned Urban Low Residential (UL). The intent of this zone is to recognize, 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. The proposed final plat alteration meets the Comprehensive Plan goals and zoning by providing access to a proposed neighboring subdivision for single-family residences. A condition is necessary to ensure that the Applicant submit a drawing of the approved alteration of the final subdivision, processed, approved, and recorded in the same manner as set forth for a final subdivision in Chapter 16.40 KCC. *Findings 1-10, 29-34.*

Preliminary Plat

2. With conditions, the preliminary subdivision would make appropriate provisions for drainage, roads, alleys, and other public ways, and for water supplies, sanitary wastes, parks, playgrounds, fire protection facilities, school sites and grounds, and other public and private facilities and improvements.

Single-family residential development is an allowed use within the County's UL zoning district. Stormwater runoff from the proposed development would be controlled and diverted to an on-site detention pond. The proposed private internal roads would provide vehicular and pedestrian access to proposed lots from NW Poppy Court. Elementary and junior high schools are located near the proposed subdivision. The Applicant would provide internal sidewalks to provide safe walking conditions. The proposed project would adequately provide for public utilities, including water and sewage. Two open space tracts would protect the steep slopes in the eastern portion of the subdivision. The Applicant would provide a 15,500 square foot recreational open space tract in the middle of the subdivision. Conditions are necessary to ensure adequate stormwater management and control, and to provide for compliance with Kitsap County Fire Marshal requirements,

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County Health District requirements, DCD requirements, and County requirements for parking, traffic, and roads. *Findings 1, 11-34.*

3. **With conditions, the preliminary subdivision would conform to the general purposes of the Comprehensive Plan, and the public use and interest would be served by the proposal.** Single-family residential development on the property is consistent with the property's Urban Low Residential designation under the County Comprehensive Plan. The County gave reasonable notice and opportunity to comment on the proposed development. The County reviewed the project and issued a DNS after determining that it would not have a probable adverse impact on the environment. The DNS was not appealed. Public comment expressed concern about traffic, access, and landscape protection. The proposed subdivision would include 33 lots, approximately half the number proposed earlier. Access would be provided through Lot 11 of Ridgeview Division 2, which is being altered to allow a private road to be constructed to the proposed plat. The Applicant would maintain a 15-foot non-clearing native vegetation buffer around the perimeter of the development. Conditions are necessary to ensure adequate stormwater management and control, and to provide for compliance with Kitsap County Fire Marshal requirements, County Health District requirements, DCD requirements, and County requirements for parking, traffic, and roads. *Findings 1, 11-34.*

DECISION

Final Plat Alteration

Based upon the preceding Findings and Conclusions, the request for a final plat alteration to convert Lot 11 of Ridgeview Division 2 to a private roadway at 1094 NW Poppy Court is **APPROVED**, with the following condition:

The Applicant shall submit a drawing of the approved alteration of the final subdivision and processed, approved, and recorded in the same manner as set forth for a final subdivision in Chapter 16.40 KCC.

Preliminary Plat

Based upon the preceding Findings and Conclusions, the request for a preliminary plat to subdivide two parcels totaling 10.24 acres into 33 lots on property located within the Ridgetop Area, on NW Poppy Court, a cul-de-sac, approximately 1,000 feet to the northeast of Ridgetop Boulevard NW, in unincorporated Silverdale, Washington, is **APPROVED**, with the following conditions:¹⁰

¹⁰ These recommendations include conditions designed to mitigate impacts of this proposed project as well as conditions required by County Code.

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 Kitsap County Code.
3. A Final Landscape Plan will be required to be submitted consistent with Chapter 17.385 KCC Landscaping, during civil site plan review, which depicts landscaping and natural vegetation, and the planting and irrigation plan.
4. Street trees (2 to 2.5') shall be planted along the access driveway and on individual lots at approximately 30 to 35' spacing. 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 final landscape plan will be required to include a sight obscuring buffer around the storm drainage facility per KCC 17.385.027.
6. Include a note on the face of the plat showing setbacks for the lots as required per the UL zone.
7. Prior to the plat transferring to the Homeowners' 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.
8. 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.
9. Land use approval is limited to the uses proposed by the Applicant on the recommended site plan and the SEPA Environmental Determination dated June 23, 2015. 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 Kitsap County Code.
10. The decision set forth herein is based upon representations made and exhibits contained in the project application (Exhibits M-2 and M-3). Any change(s) or deviation(s) in such

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plans, proposals, or conditions of approval imposed shall be subject to further review and approval of the County.

11. 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.
12. Any violation of the conditions of approval shall be grounds to initiate revocation of this Plat.
13. Non-binding water and sewer availability letters will be required for final plat approval.
14. Individual sewer building clearance with binding sewer and water letters will be required prior to single-family construction.
15. Fire apparatus access roads are required and must be maintained. Any proposed revision to these roads must be submitted to, reviewed, and approved by the Kitsap County Fire Marshal's Office. IFC 503 Amended by Kitsap County. Access roads shall comply with the following:
 - a. Roads shall be unobstructed width of 20 feet and height of 13 feet 6 inches.
 - b. Roads shall 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. The inside turning radius of any road shall be a minimum of 25 feet. 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.
 - e. Roads shall not be more than 12% grade.
16. The minimum fire-flow requirements for one- and two-family dwellings in subdivisions shall be 500 gallons per minute for thirty (30) minutes.
17. 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

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purveyor is required to be submitted to the Kitsap County Fire Marshal's office prior to the approval of any building permits.

18. When required by the Fire Code Official, the fire department access roads shall be posted with approved signs or marked as follows: All curbs shall be painted red on the sides and the top, and shall be labeled with 4-inch high white lettering at 25-foot intervals with the words "NO PARKING TOW AWAY ZONE." *IFC503.3.*
19. 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.
20. 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.
21. 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 Services and Engineering.
22. 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 Preliminary Plat application was deemed complete, October 27, 2014. 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.
23. Should the proponent propose phasing of the project, a phasing plan shall be submitted to Development Services and Engineering for review and approval. The phasing plan shall, as a minimum, address the following items:
 - Time tables indicating the anticipated time between initial site grubbing/grading activity and the completion of construction, including site stabilization of that specific phase.
 - The extent of drainage improvements to be installed during the various phases.
24. The site plan indicates that greater than 1 acre will be disturbed during construction. This threshold requires a National Pollutant Discharge Elimination System (NPDES) Stormwater Construction permit from the State Department of Ecology. More information about this permit can be found at:

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<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 owner shall be responsible for maintenance of the storm drainage facilities for this development following construction. Before issuance of Occupancy Permits 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.
26. Kitsap County will not be responsible for any damage to any private roads, tracts, and/or easement areas that may occur during routine maintenance activities and that in Kitsap County's judgment occur, in whole or in part, because of any construction materials or techniques, or any maintenance materials or techniques. This includes, but is not limited to, damage to pavement or vegetated areas caused by maintenance trucks.
27. 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 Kitsap County Code Title 12.
28. Submit an Application for Concurrency Test (KCPW Form 1601) as required by Chapter 20.04.030, Transportation Concurrency, of the Kitsap County Code. The KCPW 1601 form reserves road capacity for the project.
29. The following note shall appear on the face of the final plat map. "All interior roads shall remain private."
30. 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.
31. Sidewalk ramps shall conform to the current requirements of the Americans with Disabilities Act per WSDOT standard plans at the time of construction.

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32. All lots shall access from interior roads only. This note shall appear on the face of the final plat map.
33. 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.
34. 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. Existing approaches may need to be improved to meet current standards.
35. Any required sidewalk shall be constructed prior to roadway paving. This note shall appear on the face of the final construction drawings.
36. The developer's engineer shall certify that there is adequate entering sight distance at the intersection of NW Poppy Court 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.
37. Any work within the County right-of-way shall require a Public Works permit and possibly a maintenance or performance bond. This application to perform work in the right-of-way shall be submitted as part of the SDAP process. The need for and scope of bonding will be determined at that time.
38. Per RCW 46.61.570, parking is prohibited within 5 feet of the end of the curb radius of a driveway; within 15 feet of a fire hydrant; within 20 feet of a crosswalk; and within 30 feet of the approach to a stop sign. The SDAP plans shall demonstrate compliance with these requirements.
39. A Final Subdivision Plat shall be prepared by a licensed Land Surveyor in compliance

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with KCC Title 16.

40. All private roads shall be labeled as tracts and constructed in accordance to Fire Code requirements. Ten feet for utility easement shall be provided on each side of private road tracts.
41. 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.
42. Proof of rights of use of the easement shown as providing access to the subject property shall be submitted with the Final Plat application materials.
43. Easements to encompass all storm water facilities that lie outside of the road tracts shall be established and delineated on the face of the final plat.
44. Kitsap County sanitary sewer is available for the project. Applicant needs to submit an "Application to Construct Sanitary Sewer" to KCPW Sewer Utility Division.
45. 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 KCPW - Sewer Utility Division Standards and Regulations.
46. 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.

Decided this 7th day of April 2016.


LEE RAAEN
Hearings Examiner
Sound Law Center

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