



## Notice of Hearing Examiner Decision

11/03/2021

To: Interested Parties and Parties of Record

RE: Project Name: Chagnon Preliminary Plat  
Applicant: ENVIRO HOMES NW INC  
PO Box 508  
Silverdale, WA 98383  
Application Type: Preliminary Plat (PPlat)  
Permit Number: 20-02686

The Kitsap County Hearing Examiner has **APPROVED** the land use application for **Permit # 20-02686: Chagnon Preliminary Plat (PPlat)**, 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](mailto:Help@Kitsap1.com) or (360) 337-5777.

CC: Owner/Applicant: Enviro Homes NW, LLC, [sdelhaute@aol.com](mailto:sdelhaute@aol.com)  
Engineer: Team 4 Engineering, [jason@team4eng.com](mailto:jason@team4eng.com), [jeff@team4eng.com](mailto:jeff@team4eng.com)  
Geologist: ENVIROSOUND CONSULTING, INC., [shawn@envirosound.net](mailto:shawn@envirosound.net)  
Authorized Agent: Melissa Siefert-Lawson with Sterling Estates Office, [sterlingestatesoffice@gmail.com](mailto:sterlingestatesoffice@gmail.com)  
DCD  
DSE  
Navy  
Public Works  
Parks

Health District  
Kitsap County Humane Society: Eric Stevens, [estevens@kitsap-humane.org](mailto:estevens@kitsap-humane.org)  
Central Kitsap Fire District  
Central Kitsap School District  
Bremerton School District  
Puget Sound Energy  
Water Purveyor: Silverdale Water  
Sewer purveyor: Kitsap County  
Point No Point Treaty Council  
Suquamish Tribe  
Port Gamble S'Klallam Tribe  
Squaxin Island Tribe  
Puyallup Tribe  
WA Dept of Fish & Wildlife  
WA State Dept of Ecology-SEPA  
Interested Parties: William Post, [wilberpost1952@msn.com](mailto:wilberpost1952@msn.com); Michael & Barbara Doty, [medoty@wavecable.com](mailto:medoty@wavecable.com); Kenton Vance, [kenton.vance@gmail.com](mailto:kenton.vance@gmail.com); Daniel Henrichsen, [311dmh@gmail.com](mailto:311dmh@gmail.com); Tami Hata, [thata5959@gmail.com](mailto:thata5959@gmail.com); Rustin Mackey, [rustin.mackey@yahoo.com](mailto:rustin.mackey@yahoo.com); Heather Lukaart, [hlukaart@yahoo.com](mailto:hlukaart@yahoo.com); Michael & Kim Schleis, [mschleis@wavecable.com](mailto:mschleis@wavecable.com)

**BEFORE THE HEARING EXAMINER  
FOR KITSAP COUNTY**

In the Matter of the Application of	)	No. 20-02686
	)	
<b>Scott Delhaute, Enviro Homes NW, Inc.</b>	)	Chagnon Preliminary Plat
	)	
	)	FINDINGS, CONCLUSIONS,
<u>For Approval of a Preliminary Plat</u>	)	AND DECISION

**SUMMARY OF DECISION**

The request for a preliminary plat to subdivide an approximately 19.34-acre parcel into 74 single-family residential lots, a stormwater tract, two open space tracts, an active recreation open space tract, and two private driveway tracts, located to east of the northern terminus of Chagnon Place NW, approximately 0.25 miles north of the intersection of Chagnon Place NW and NW Newberry Hill Road, is **APPROVED**. Conditions are necessary to address specific impacts of the proposal.

**SUMMARY OF RECORD**

Hearing Date:

The Hearing Examiner held an open record hearing on the request on October 14, 2021, using remote access technology. The record was left open until October 21, 2021, to allow any member of the public having difficulty connecting to the remote hearing to submit written comments in lieu of live testimony.

Testimony:

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

Jeff Smith, County Planner  
Candy Vickery, County Engineer  
Mark Kuhlman, Applicant Representative  
Matt Palmer  
Brian Thorson

Exhibits:

The following exhibits were admitted into the record:

1. Required Permit Questionnaire – Subdivisions – Preliminary, received August 18, 2020
2. Project Application, dated June 26, 2020
3. Preliminary Plat Plan Set (14 Sheets), received August 18, 2020
4. Supplemental Application – Concurrency Test, received August 18, 2020
5. Preliminary Storm Drainage Report, Team 4 Engineering, dated June 24, 2020
6. Geotechnical Engineering Report, EnviroSound Consulting, Inc., dated August 6, 2019

*Findings, Conclusions, and Decision  
Kitsap County Hearing Examiner  
Chagnon Preliminary Plat, No. 20-02686*

7. Landscape Plan, dated June 25, 2020
8. Lot Area Report, received August 18, 2020
9. Preliminary Plat Maps (7 Sheets), received August 18, 2020
10. Project Narrative, received August 18, 2020
11. Environmental Checklist, dated June 29, 2020
12. Sewer Availability Agreement, dated June 25, 2020
13. Site Assessment and Planning Packet, dated June 26, 2020
14. Submittal Waiver, dated June 26, 2020
15. Traffic Impact Analysis, Gibson Traffic Consultants, Inc., dated June 18, 2020
16. Water Availability Letter, dated June 16, 2020
17. Water Availability Letter, dated July 22, 2020
18. Location Map, undated
19. Comment from Tamra Hata, dated September 24, 2020
20. Comment from Mike Schleis, dated August 27, 2020
21. Notice of Application, dated September 11, 2020
22. Information Request Checklist, dated December 30, 2020
23. Preliminary Plat Plan Set (14 Sheets) with Markup Comments, received February 12, 2020
24. Landscape Plan with Markup Comments, received February 12, 2020
25. Revised Preliminary Plat Plan Set (14 Sheets) and Landscape Plan, received February 12, 2021
26. Revised Preliminary Plat Maps (7 Sheets), received February 12, 2021
27. Revised Project Narrative, dated February 10, 2021
28. Revised Preliminary Storm Drainage Report, dated February 10, 2021
29. Comment from Mike and Kim Schleis, dated April 5, 2021, with County Response
30. County Development Services and Engineering Memorandum, dated September 10, 2021
31. Second Revised Project Narrative, dated September 10, 2021
32. Mitigated Determination of Nonsignificance, dated September 28, 2021
33. Notice of Public Hearing, published September 29, 2021
34. Comment from Michael and Barbara Doty, dated October 6, 2021
35. Site Maps, dated October 4, 2021:
  - a. Aquifer Recharge Area Map
  - b. Comprehensive Plan Map
  - c. Critical Areas Map
  - d. Aerial Imagery
  - e. Zoning Map
36. Certification of Public Notice, dated September 11, 2020, and September 29, 2021
37. Staff Report, dated October 7, 2021
38. Staff Presentation
39. Hearing Sign-in Sheet
40. Comment from Kenton Vance, dated October 3, 2021

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

## **FINDINGS**

### Application and Notice

1. Scott Delhaute, Enviro Homes NW, Inc. (Applicant), requests preliminary plat approval to subdivide an approximately 19.34-acre parcel into 74 single-family residential lots. The proposed plat would also include a stormwater facilities tract; three open space tracts, including one centrally located open space tract that would provide recreational amenities for residents; and two private driveway tracts that would provide access to lots in the northeast and southeast corners of the subdivision. Associated improvements would include new interior private roadways, utility extensions, landscaping, and offsite road improvements to Chagnon Place NW, an existing dirt roadway that extends north from NW Newberry Hill Road and provides access to the site and to existing homes in the area. The property is located east of the northern terminus of Chagnon Place NW, approximately 0.25 miles north of the intersection of Chagnon Place NW and NW Newberry Hill Road.<sup>1</sup> *Exhibits 1 through 3; Exhibit 7; Exhibit 9; Exhibit 10; Exhibit 15; Exhibits 22 through 27; Exhibit 31; Exhibit 37, Staff Report, pages 1 and 2.*
  
2. Kitsap County (County) determined that the application was complete on August 18, 2020. On September 11, 2020, the County provided notice of the application consistent with the requirements of Kitsap County Code (KCC) 21.04.210 by publishing notice in the County's publishing newspaper of record and by mailing or emailing notice to property owners within 800 feet of the site and to reviewing departments and agencies. The County's notice materials stated that written comments on the proposal should be submitted at least seven days before the scheduled hearing. On September 29, 2021, the County provided notice of the open record hearing associated with the application by publishing notice in the County's publishing newspaper of record and by mailing notice to property owners within 800 feet of the site and to interested parties. The next day, the County posted notice of the hearing on-site. The County received comments on the proposal from members of the public, which generally raised concerns about the project's stormwater impacts and impacts to Chagnon Place NW. These comments, as well as the County's responses thereto, are discussed in detail later in this decision. *Exhibits 19 through 21; Exhibit 29; Exhibit 33; Exhibit 34; Exhibit 36; Exhibit 37, Staff Report, pages 1, 2, and 8 through 11.*

### State Environmental Policy Act

3. The County acted as lead agency and analyzed the environmental impacts of the proposed preliminary plat, as required by the State Environmental Policy Act (SEPA),

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<sup>1</sup> The property is identified by Kitsap County Assessor's Tax Account No. 192501-3-002-2007. *Exhibit 37, Staff Report, page 1.* A legal description of the property is included with the application materials. *Exhibit 1.*

Chapter 43.21C Revised Code of Washington (RCW). The County consolidated notice of the SEPA review and application comment periods under the optional process provided for by Washington Administrative Code (WAC) 197-11-355, with a comment SEPA deadline of September 25, 2020. The County's notice materials stated that it expected to issue a Determination of Nonsignificance (DNS) for the proposal. The Applicant's environmental checklist notes that the Washington State Department of Fish and Wildlife website lists the property as having the potential to contain western pond turtles but that the presence of western pond turtles on the site has not been confirmed. The County reviewed the Applicant's environmental checklist and other information on file and determined that, with mitigation measures, the proposal would not have a probable significant adverse impact on the environment. Accordingly, the County issued a Mitigated Determination of Nonsignificance (MDNS) on September 28, 2021. The next day, the County published its determination in the County's publishing newspaper of record, with an appeal deadline of October 12, 2021. The MDNS was not appealed. The MDNS requires the Applicant to:

- Manage stormwater consistent with the requirements of Title 12 KCC.
- Follow all recommendations of the geotechnical report dated August 6, 2019
- Depict all interior private roads as tracts.
- Pay a proportionate share toward signalized intersection improvements at NW Newberry Hill and Dickey Road/NW Eldorado Blvd prior to recording the final plat.
- Design site access to Chagnon Place NW consistent with Kitsap County Road Standards (KCRS), with a minimum face of curb line radii of 35 feet.
- Improve Chagnon Place NW consistent with KCRS Sections 3.6 and 3.6.1. Minimum travel lane width shall be 10 feet from NW Newberry Hill Road to site access. A 5-foot sidewalk is required along the east side of the road, and a 3-foot gravel shoulder is required on the west side of Chagnon Place from NW Newberry Hill Road to site access. The sidewalk shall transition to asphalt shoulder at NW Newberry Hill Road.
- Connect all grade changes greater than one percent on Chagnon Place NW with a vertical curve.
- Provide that all internal private roads be maintained by a Homeowner's Association via a covenant recorded to the plat.

*Exhibit 11; Exhibit 21; Exhibit 32; Exhibit 36; Exhibit 37, Staff Report, pages 2 and 3.*

#### Comprehensive Plan and Zoning

4. The property is designated "Urban Low-Density Residential" by the County Comprehensive Plan and is located within the Silverdale Subarea. County staff identified the following Comprehensive Plan and Silverdale Subarea goals and policies as relevant to the proposal:
  - Focus current and future planning on infill and redevelopment of existing Urban Growth Areas. [Land Use Goal 1]

- Support innovative, high-quality infill development and redevelopment in existing developed areas within Urban Growth Areas. [Land Use Policy 2]
- Through development standards, encourage urban amenities such as open space, plazas, and pedestrian features in areas of more intensive development with Urban Growth Areas. [Land Use Policy 14]
- Link non-motorized planning requirements to land use planning decisions. [Land Use Policy 15]
- Integrate affordable housing and human services planning with transportation, workforce development, and economic development efforts. [Housing and Human Services Goal 6]
- Promote housing preservation and development in areas that are already well-served by schools, public transportation, and commercial facilities and have adequate infrastructure to support alternative modes of transportation. [Housing and Human Services Policy 23]
- Provide a safe and reliable multi-modal transportation system for people of all ages and abilities. [Transportation Goal 1]
- Approve site design that is supportive of transit service and its patrons. [Transportation Policy 2]
- Provide sufficient capacity within the Urban Growth Area to properly accommodate a mix of residential, commercial, and industrial development to meet the extended population and employment projections for Silverdale. [Silverdale Goal 1]
- In areas where vehicular transportation will continue to be the predominate mode of travel, ensure that access to rights-of-way and site design standards provide for safe and convenient access by the traveling public. [Silverdale Policy 5]
- Promote and protect the long-term viability, safety, character, and identity of existing neighborhoods. [Silverdale Goal 7]
- Identify opportunities for community services and general recreation facilities within or between residential neighborhoods, with strong emphasis on private development and maintenance by neighborhoods. [Silverdale Policy 18]
- Improve safety and circulation for bicyclists and pedestrians. [Silverdale Goal 11]
- Establish priorities for completion of sidewalks and bicycle lanes in the design district areas. [Silverdale Policy 27]

*Exhibit 37, Staff Report, pages 3, and 5 through 7.*

5. The property is zoned Urban Low Residential (UL). The purpose of the UL 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.” *KCC 17.200.010*. The UL 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.” *KCC 17.200.010*. Development of single-family residences is a permitted use

in the UL zone. *KCC Table 17.410.042*. The UL zoning district provides for a minimum density of five dwelling units per acre and a maximum density of nine dwelling units per acre. *KCC Table 17.420.052*. Under KCC 17.420.020.A, maximum density is calculated based on the gross acreage of the site, whereas minimum density is calculated based on the net developable acreage of a site. The Applicant's site plans show that the developable acreage of the 19.34-acre site is approximately 10.9 acres. Therefore, the Applicant would be required to provide between 55 and 174 dwelling units. The Applicant proposes to subdivide the property into 74 single-family residential lots, in accord with the density requirements for the UL zone. Lots within the UL zone are required to have a minimum lot size of 2,400 square feet, maximum lot size of 9,000 square feet, minimum lot width of 40 feet, and minimum lot depth of 60 feet. *KCC Table 17.420.052*. The Applicant's project plans demonstrate that the proposed lots would comply with these dimensional standards. The Applicant's plans also demonstrate that the proposed development would comply with all front, side, and rear setbacks applicable to lots within the UL zone. *Exhibits 24 through 26; Exhibit 35; Exhibit 37, Staff Report, pages 3 and 4.*

#### Existing Site, Surrounding Property, and Critical Areas

6. The 19.34-acre undeveloped property is densely vegetated with coniferous and deciduous trees and heavy underbrush. The property is located on the western slope atop a high-elevation, north-south oriented ridge at the headwaters of Anderson Creek discharging to Hood Canal. The site descends from a high point of approximately 500 feet on the eastern edge of the property to a low point of approximately 400 feet on the western edge of the property. The property does not contain any waterbodies or drainage courses. Properties to the south are zoned UL and are developed with single-family residences. Properties to the west are zoned "Rural Residential" (RR) and are developed with single-family residences. Property immediately to the east is zoned "Mineral Resource Overlay/Industrial" (MRO/IND) and consists of a 40-acre parcel that serves as the site of an active gravel mining and asphalt plant operated by Pyramid Materials, LLC. Property to the north is also zoned MRO/IND and consists of a 20-acre parcel owned by Pyramid Materials, LLC, which has been logged and cleared but is not yet used for mining operations. *Exhibit 5; Exhibit 6; Exhibits 24 through 28; Exhibit 31; Exhibit 35; Exhibit 37, Staff Report, pages 3 and 4.*
7. EnviroSound Consulting prepared a Geotechnical Engineering Report (GER) for the Applicant, dated August 6, 2019. The GER determined that the project site does not contain any geologic hazard areas and that the proposed development would be feasible from a geotechnical perspective provided that the GER's recommendations are incorporated in the final design plans. The GER provided recommendations related to foundation support, drainage, floor slabs, retaining walls, pavement, clearing, excavations, permanent cut and fill slopes, structural fill, utility trench fill, wet weather earthwork, and erosion control. The property is located within a Category I Critical Aquifer Recharge Area due to highly permeable soils and a shallow aquifer. The

preliminary subdivision, however, is not listed as a land use activity posing a potential threat to groundwater quality and, therefore, a hydrogeological report is not required. *KCC 19.600.615 - .620*. No other critical areas were identified on the property. *Exhibit 6; Exhibit 37, Staff Report, pages 3 and 13*.

#### Access, Parking, and Traffic

8. Access to the property would be from Chagnon Place NW, an existing dirt roadway that connects to NW Newberry Hill Road, which is located approximately 0.25 miles to the south of the proposed subdivision. The Applicant would construct improvements to Chagnon Place NW from NW Newberry Hill Road to the site access, which would include 10-foot paved travel lanes, as well as vertical curb, gutter, and a 5-foot sidewalk on the east side of the road and a 3-foot gravel shoulder on the west side of the road. The Applicant would also install a turnaround at the north end of Chagnon Place NW to meet requirements of the fire code. Access to the individual lots within the subdivision would be provided by new internal private roadways (Roads A, B, C, and D). Road A would connect to Chagnon Place NW at the southwest corner of the property; extend northeast to the northwest corner lot; and then loop through the subdivision to provide access to lots along the northern, eastern, and southern perimeter before terminating at Road D at the southwest. Roads B and C would connect to Road A at both the north and south and would provide access to centrally located lots. Road D would provide access to eight lots in the southwest corner of the subdivision. Roads A, B, and C would be constructed with 11-foot paved drive lanes, 8-foot parking on one side, and sidewalks on both sides. Road D would be constructed with 10-foot paved drive lanes and would not contain sidewalks. *Exhibit 15; Exhibits 25 through 27; Exhibit 31; Exhibit 37, Staff Report, pages 13 through 15*.
  
9. Gibson Traffic Consultants, Inc., prepared a Traffic Impact Analysis (TIA) for the Applicant, dated June 2020. The TIA determined that the proposed development would generate 699 average daily trips, with 55 AM peak-hour trips and 73 PM peak-hour trips. The TIA further determined that all studied intersections would continue to operate at acceptable Levels of Service (LOS) following a full buildout of the proposal, except for the intersections at NW Eldorado Boulevard and NW Newberry Hill Road, Provost Road NW and NW Newberry Hill Road, and the State Route 3 southbound ramps and NW Newberry Hill Road, all of which would operate at LOS F with or without the proposed development. The Applicant would be required to pay a proportionate share of costs to construct intersection improvements at the NE Newberry Hill/NW Eldorado Boulevard intersection, which are expected to result in the intersection operating at LOS C under future development conditions. The Applicant would also be required to pay traffic impact fees to the County. Matt Palmer of Gibson Traffic Consultants, Inc., explained at the hearing that the required traffic impact fees would help fund identified improvements to the failing intersections. *Exhibit 15; Exhibit 32; Exhibit 37, Staff Report, pages 2, 3, 17, and 23; Testimony of Mr. Palmer*.

10. KCC 17.490.030 requires that subdivisions provide two off-street parking spaces and 0.5 on-street parking spaces for each single-family residential lot. Accordingly, the Applicant would be required to provide a minimum of 185 parking spaces within the subdivision, with a minimum of 148 off-street parking spaces, for the 74 proposed single-family residential lots. The Applicant would meet this requirement by providing two parking spaces within each lot driveway and by providing a minimum of 37 off-street parking spaces within the subdivision. County staff reviewed the Applicant's project plans and determined that it would meet or exceed the minimum on-street parking requirement. The County would verify the location and number of off-street parking spaces during its review of the building permits for each lot. *Exhibits 24 through 26; Exhibit 31; Exhibit 37, Staff Report, page 11.*

#### Stormwater

11. Team 4 Engineering prepared a Preliminary Storm Drainage Report for the Applicant, revised February 10, 2021. Stormwater runoff from roofs and pollution-generating impervious surfaces within the subdivision would be collected and conveyed to a bioretention/infiltration pond for water quality treatment before fully infiltrating on-site. Discharge from the pond during emergency overflow conditions would be addressed through an overflow structure with a downstream diffuser outlet that would be installed at the northwest corner of the pond, with discharge piped northwest toward Chagnon Place NW. Stormwater runoff from offsite improvements to Chagnon Place NW would be addressed by a compost-amended vegetated filter strip that would provide water quality enhancement along the entire improvement length. County Development Services and Engineering reviewed the project's proposed stormwater management measures and determined that, with conditions, the concept would be supportable in its approach to civil site development. The County would review the Applicant's final engineered drainage plans for compliance with applicable stormwater drainage requirements with the site development activity permit application. The Applicant would be required to obtain a National Pollutant Discharge Elimination System (NPDES) Stormwater Construction permit prior to issuance of a site development activity permit. *Exhibit 28; Exhibit 30; Exhibit 37, Staff Report, pages 13, and 19 through 22.*

#### Open Space and Landscaping

12. The proposed subdivision would be required to provide 390 square feet of recreational open space per lot, which amounts to 28,860 square feet of required recreational open space for the 74 proposed lots. *KCC 16.24.040.H*. The Applicant proposes to exceed this requirement by providing 25,406 square feet of recreational open space in proposed Tract E, located at the northern central portion of the property, and an additional 5,500 square feet of recreational open space within proposed Tract C, located at the northwestern portion of the property. The Applicant would plant street trees in accord with the landscaping requirements of *KCC 16.24.040.F* and Kitsap County Road Standards. Residential subdivisions abutting a rural zone require 25 to 50 feet of sight-obscuring, screening vegetation. *KCC 17.500.027.B.2*. The Applicant proposes to provide a 25-foot

landscape buffer along the western property line to visually screen the proposed development from RR-zoned properties to the west. The County would review the Applicant's final landscape plan for compliance with applicable open space and landscaping standards with the site development activity permit application. *Exhibits 24 through 26; Exhibit 31; Exhibit 37, Staff Report, pages 12, 13, and 15.*

#### Utilities and Services

13. The single-family homes within the subdivision would be served by the Silverdale Water District. The Silverdale Water District provided water availability letters, dated June 16 and July 22, 2020, which noted that the District has adequate capital facilities to provide water service to the property, subject to the payment of connection charges and other conditions. Kitsap County Public Works would provide sanitary sewer services. The Applicant entered into a Sewer Availability Agreement with the County, dated June 25, 2020. The Applicant would be required to submit a complete set of sewer plans, profiles, and specifications demonstrating compliance with County sewer utility standards and regulations. Puget Sound Energy would provide power service to the property. Individual property owners would be responsible for solid waste collection. Kitsap County Public Health District has reviewed and preliminarily approved the proposal, noting that sewer building clearances would be required prior to issuance of building permits. The Kitsap County Fire Marshal's Office reviewed the proposed development and has recommended approval with conditions addressing adequate emergency vehicle access and fire flow requirements. Chagnon Place NW is not currently served by Kitsap Transit, and a bus stop is not required. The nearest public transit stop is located on State Route 3, approximately 1.25 miles east of the proposed subdivision. *Exhibit 12; Exhibits 16 through 18; Exhibit 30; Exhibit 37, Staff Report, pages 1, 4, 5, 14, 15, and 21.*
14. Students residing in the subdivision would be served by the Central Kitsap School District. Central Kitsap School District did not provide any comments on the bus access and circulation for the proposed plat. County staff notes that students would likely be bussed to the nearest schools, which include Silverdale Elementary School on Dickey Road NW, Klahowya Middle School on NW Newberry Hill Road, and Central Kitsap High School on NW Anderson Hill Road. As noted above, proposed new internal private Roads A, B, and C would include sidewalks on both sides, and improvements to Chagnon Road NW would include a five-foot sidewalk on the east side of the roadway, ensuring safe walking conditions to any school bus stops located within the subdivision or along Chagnon Road NW. *Exhibit 25; Exhibit 26; Exhibit 37, Staff Report, pages 5, 12, and 17.*

#### Written Comments

15. As noted above, the County received comments on the proposal from members of the public in response to its notice materials, which generally raised concerns about the project's stormwater impacts and impacts to Chagnon Place NW. Specifically:

- Tamra Hata submitted a comment noting that Chagnon Place NW provides access to her home. She raised concerns that the existing conditions of Chagnon Place NW, which she described as a single-lane dirt road, would not accommodate construction activities associated with the proposed development while continuing to provide access to existing area residences. She also inquired about who would be responsible for maintaining improvements to Chagnon Place NW.
- Mike and Kim Schleis raised concerns that the Applicant's project plans do not demonstrate that Chagnon Place NW would be improved to applicable county road standards. They also raised concerns that an existing culvert is not depicted on the Applicant's civil plans and that a second culvert could be impacted by new traffic generated by the proposed development, which could result in damage to a pressurized sewer line and cause discharge of sewage to Little Anderson Creek. In addition, they inquired about who would be responsible for maintaining Chagnon Place NW.
- Michael and Barbara Doty submitted a comment inquiring about whether Chagnon Place NW would be redesignated as an improved county road requiring 10-foot travel lanes; whether street lighting would be installed along Chagnon Place NW; whether upslopes would be reinforced to prevent erosion; whether a sidewalk on the east side Chagnon Place NW would abut property lines; whether stormwater drains would be provided on the east side of Chagnon Place NW; whether Chagnon Place NW would be paved prior to logging and site development; whether school bus, waste management, and mail services would access the new development; and whether cable, power, and natural gas utilities would be upgraded to serve the proposed development. They also requested that traffic calming measures be installed on Chagnon Place NW.
- Kenton and Deena Vance raised concerns that the Applicant's project plans do not depict an existing culvert and do not show that Chagnon Place Road would be improved to applicable county road standards. They also inquired about whether improvements to Chagnon Place NW would include a shoulder and/or bicycle lane; whether street lighting would be installed along Chagnon Place NW; where stormwater from Chagnon Place NW would be channeled; whether traffic calming measures would be installed along Chagnon Place NW; and whether a noise ordinance would be enforced for all vehicles accessing Chagnon Place NW.

*Exhibit 19; Exhibit 20; Exhibit 29; Exhibit 34; Exhibit 37, Staff Report, pages 8 and 9.*

16. County staff provided responses to the concerns and inquires raised by members of the public, which note:
- Chagnon Place NW is a public road within the Silverdale Urban Growth Area subject to urban road standards. The developer would be required to construct only half of the urban road frontage improvements on the east side. The County would be responsible for maintenance of the public road.
  - The Applicant's civil design plans lacked information regarding existing culverts under Chagnon Place NW. All existing utilities and storm drainage features

would be required to be located and depicted on the Site Development Activity Permit (SDAP) plans.

- A recommended condition of preliminary plat approval would require the Applicant to improve Chagnon Place NW to applicable county road standards from NW Newberry Hill Road to the site access. These standards would require minimum travel lane widths of 10 feet, with vertical curb, gutter, and 5-foot sidewalk on the east side and a 3-foot gravel shoulder on the west side.
- Clearing within the Chagnon Place NW right-of-way would be necessary to construct the required improvements and to ensure that a clear sight distance would be provided at the intersection of the proposed road.
- The developer would not be required to illuminate the access route because it is a local road with no channelization. The Applicant may choose to add illumination at the site access. The Applicant may be required to illuminate the intersection at Chagnon Place NW and NW Newberry Hill Road to meet county road standards.
- Stormwater runoff from Chagnon Place NW would be managed through amended vegetative filter strips along the west side for some infiltration, with the remainder of runoff surface flowing to existing discharge locations.
- Traffic calming measures are not required for the proposal.
- The County noise ordinance, Chapter 10.28 KCC, would apply.
- The County would ensure that slopes and paving for road construction would meet applicable standards at the SDAP stage.
- Due to the scale of the proposed 74-lot plat, the school district and utility providers would require internal access to the subdivision.

*Exhibit 37, Staff Report, pages 8 through 11.*

#### Testimony

17. County Planner Jeff Smith testified generally about the proposal and how it would be consistent with the Comprehensive Plan, would comply with the zoning code, and would satisfy the specific criteria for approval of a preliminary plat. He noted that the proposal is to subdivide a 19.34-acre parcel into 74 single-family residential lots, with associated improvements that would include new interior private roadways, utility extensions, landscaping, and offsite road improvements to Chagnon Place NW. Mr. Smith described how the proposed development would meet applicable landscaping, screening, and recreational open space requirements, stressing that County would review the Applicant's final landscape plan for compliance with these requirements at the site development activity permit stage. He detailed the concerns raised by members of the public regarding site access from Chagnon Place NW, explaining that Chagnon Place NW is currently an unmaintained county dirt road with a varying width of 10 to 15 feet and that the Applicant would be required to improve Chagnon Place NW to urban road standards, including standards requiring 10-foot paved travel lanes. Mr. Smith also detailed other concerns raised by members of the public and the County staff's responses thereto, as described in the findings above. He noted that the Applicant would be required to pay a proportionate share toward signalized intersection improvements at NW Newberry Hill

and Dickey Road/Eldorado Blvd prior to recording the final plat, as a condition of the MDNS issued on September 28, 2021. Mr. Smith explained that the Applicant would be required to plant street trees along the new internal roads and the property's frontage with Chagnon Place NW but would not be required to plant street trees along the offsite portions of Chagnon Place NW. He also explained that any future mining activity on the property to the north would require a conditional use permit and would require adequate buffering to ensure that impacts to future subdivision residents from such mining activity would be appropriately addressed and mitigated. *Testimony of Mr. Smith.*

18. County Engineer Candy Vickery briefly testified about how stormwater would be managed on-site, explaining that, although the proposed stormwater pond would be designed to treat and fully infiltrate all stormwater runoff on-site, it would also include an overflow structure to address emergency overflow conditions. *Testimony of Ms. Vickery.*
19. Applicant Representative Mark Kuhlman of Team 4 Engineering testified that the Applicant agrees with County staff's analysis of the proposed preliminary plat as detailed in the staff report. He explained that the subject property has a net developable area of 10.91 acres, which would require a minimum density of 55 dwelling units. Mr. Kuhlman stated that the proposed development would exceed this minimum density requirement by providing 74 residential lots. He noted that the Applicant had originally proposed to improve Chagnon Place NW from NW Newberry Hill to the site access with only 8-foot paved travel lanes but, at the County's request, revised the plans to include 10-foot travel lanes, curb, gutter, a 5-foot sidewalk on the east side, and a 3-foot gravel shoulder on the west side. Mr. Kuhlman stated that the revised improvements to Chagnon Place NW would alleviate many of the concerns raised by area residents. He explained that both the County and the Applicant would take a closer look at existing culverts under Chagnon Place NW when reviewing the final road improvement design. Mr. Kuhlman noted that emergency overflow from the proposed stormwater bioretention/infiltration pond would discharge to a water of the state and, therefore, the Applicant would be required to contact the Washington State Department of Fish and Wildlife (WDFW) to determine if the proposal requires Hydraulic Project Approval. He stated that the Applicant would not have any issue with a condition requiring that development activity cease and WDFW be contacted if western pond turtles are identified on the property during site development. *Testimony of Mr. Kuhlman.*
20. Matt Palmer of Gibson Traffic Consultants, Inc., testified that the identified LOS failures to studied intersections are the result of traffic that would be generated from several development projects in the surrounding area and not just this proposed development specifically. He explained that improvements to the failing intersections have been identified and that the traffic mitigation fees that would be paid by the Applicant would help fund these improvements, which are expected to adequately address the LOS failures. *Testimony of Mr. Palmer.*

21. Brian Thorson testified that he lives to the west of the project site and that he has concerns about stormwater from the site impacting his property. He also stated that he has concerns that the proposed density of the development would not be compatible with existing residential development to the west. *Testimony of Mr. Thorson.*
22. Mr. Smith testified in response to Mr. Thorson's concerns about the proposed density of the project. He explained that, unlike rural properties to the west of the site, the subject property is within Silverdale Urban Growth Area and that the Applicant would be required to develop the site at an urban density. Mr. Smith noted that the Applicant would provide required landscaping along the western edge of the property to visually screen the proposed development from properties to the west. *Testimony of Mr. Smith.*
23. Ms. Vickery testified in response to Mr. Thorson's concerns about stormwater impacts to his property, noting that the Applicant's engineered stormwater design is required to match predevelopment condition flows from a 100-year storm event to ensure that properties in the area are not adversely affected by the development. She stressed that the proposed stormwater management system is designed to fully infiltrate stormwater on-site and that any outflow would occur only from emergency events. Ms. Vickery stressed that the County would verify that the proposed stormwater management system complies with all applicable requirements at the site development activity permit stage. *Testimony of Ms. Vickery.*
24. Mr. Kuhlman also responded to Mr. Thorson's concerns, stressing that the proposed stormwater management facilities would be designed to fully infiltrate all stormwater on-site and to prevent any discharge of runoff from the property. He also noted that the proposed development would comply with all zoning code density regulations applicable to the property. *Testimony of Mr. Kuhlman.*

#### Staff Recommendation

25. Mr. Smith testified that County staff recommends approval of the preliminary plat, with conditions. Mr. Kuhlman testified that the Applicant has reviewed County staff's recommended conditions and would not have any issue complying with the conditions. *Exhibit 37, Staff Report, pages 17 through 36; Testimony of Mr. Smith; Testimony of Mr. Kuhlman.*

### CONCLUSIONS

#### Jurisdiction

The Kitsap County Hearing Examiner is authorized to approve, approve with conditions, or deny a preliminary plat application through a Type III review process. *KCC 2.10.070; KCC 16.04.080; KCC 21.04.050; KCC 21.04.080; KCC 21.04.100.*

## Criteria for Review

### *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 the public health, safety, and general welfare, including but not limited to: open spaces, drainage ways, streets or roads, alleys, other public ways, nonmotorized access, road and pedestrian connectivity, parking, transit stops, fire protection facilities, potable water supplies, sanitary sewage wastes, solid wastes, landscaping, parks and recreation, playgrounds, sites for schools and school grounds, and sidewalks or other planning features that assure safe walking conditions for students who walk to and from school. The Hearing Examiner must also determine whether the proposed subdivision complies with the Comprehensive Plan and Kitsap County Code and whether the public use and interest would be served by the proposal. *KCC 16.04.020; KCC 16.04.080; KCC 16.24.040; KCC 16.40.030; KCC 21.04.080; KCC 21.04.100.*

The criteria set forth in the Kitsap County Code are substantially similar to those in the Revised Code of Washington (RCW) 58.17.110(1). The application must also comply with the subdivision criteria described in the RCW before it can be approved. RCW 58.17.110(1) provides that 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 walk to and from school; and the public interest must be served by the subdivision.

The criteria for review adopted by the Kitsap County Board of County 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.*

### Conclusions Based on Findings

- 1. With conditions, the proposal would satisfy the requirements for preliminary plat approval under KCC 16.04.080, KCC 16.24.040, and KCC 16.40.030.** The County provided reasonable notice and opportunity to comment on the proposal. The County received several comments on the proposal from members of the public, which generally raised concerns about the project's stormwater impacts and impacts to Chagnon Place NW. Stormwater runoff from roofs and pollution-generating impervious surfaces within the subdivision would be collected and conveyed to a bioretention/infiltration pond for water quality treatment before fully infiltrating on-site. The Applicant would also install an overflow structure at the northwest corner of the pond, which would direct discharge from the pond during an emergency overflow event toward Chagnon Place NW to the

northwest. Stormwater runoff from improvements to Chagnon Place NW would be addressed by a compost-amended vegetated filter strip that would provide water quality enhancement along the entire improvement length. The County Development Services and Engineering Department reviewed the Applicant's proposed stormwater management system and determined that it would be feasible, and the Applicant would be required to submit final engineered drainage plans demonstrating compliance with applicable stormwater drainage requirements before issuance of a site development activity permit. Access to the property would be from Chagnon Place NW, which connects to NW Newberry Hill Road approximately 0.25 miles to the south of the proposed subdivision. Chagnon Place NW currently consists of a dirt road with a varying width of 10 to 15 feet. The Applicant would improve Chagnon Place NW along its length from NW Newberry Hill Road to the site access by providing 10-foot travel lanes; vertical curb, gutter, and a 5-foot sidewalk on the east side of the roadway; and a 3-foot gravel shoulder on the west side of the roadway, in accord with Kitsap County Road Standards. Access to the individual lots within the subdivision would be provided by a system of internal private roads. With the exception of a small roadway (Road D) providing access to eight lots at the southwest corner of the property, all internal private roads would be constructed with sidewalks on both sides.

The development of single-family residences is a permitted use in the Urban Low Residential (UL) zone, and the proposal would comply with development standards applicable to the UL zoning district, including standards for required density, lot sizes, lot dimensions, recreational open space, parking, and landscaping, including landscaping required to adequately screen the proposed development from rural residential development to the west. The proposed development would be consistent with Comprehensive Plan goals and policies promoting infill residential development providing open space and pedestrian amenities within Urban Growth Areas that are adequately served by existing infrastructure. The proposal would also be consistent with several Silverdale Subarea goals and policies promoting appropriate residential development within the Urban Growth Area. The County analyzed the environmental impacts of the proposal, determined that with mitigation measures the proposal would not have probable significant adverse impacts on the environment, and issued a Mitigated Determination of Nonsignificance (MDNS) on September 28, 2021. This determination was not appealed. The property is located within a Category I Critical Aquifer Recharge Area. The proposed land use activity, however, is not listed as a potential threat to groundwater quality. No other critical areas were identified on the property.

The Applicant's Traffic Impact Analysis (TIA) analyzed the anticipated traffic impacts of the proposal to develop 74 single-family residences. The TIA determined that all intersections required to be analyzed would continue to operate at an acceptable Level of Service (LOS), except for three area intersections that would operate at LOS F with or without the proposed development. Improvements designed to allow each of these intersections to operate at an acceptable LOS with the proposed development have been

identified, and the Applicant would be required to pay traffic impact fees that would contribute to funding these improvements. The proposed subdivision would be adequately served by public water and sanitary sewer. The subdivision would be served by the Central Kitsap School District and would not be within walking distance of any area schools. As noted above, with the exception of proposed Road D, all new internal private roadways serving the subdivision would include sidewalks on both sides and Chagnon Place NW would be improved to include a 5-foot sidewalk on the east side of the roadway, which would ensure safe walking conditions to any school bus stops located within the subdivision or along Chagnon Place NW. Kitsap County Public Health District has reviewed and preliminarily approved the proposal. The Kitsap County Fire Marshal's Office reviewed the proposed development and has recommended approval, with conditions addressing adequate emergency vehicle access and fire flow requirements.

As detailed below, conditions unique to the proposal, and those required of all preliminary plats, are necessary to ensure that the development meets all requirements of the County code, as well as and all other applicable local, state, and federal development standards. *Findings 1 – 25.*

2. **With conditions, the requirements of RCW 58.17.110 have been satisfied.** The criteria for preliminary plat approval set forth in the County code are substantially similar to those in the Revised Code of Washington. With conditions, as detailed in full below, the proposal would satisfy all local and state requirements for plat development. *Findings 1 – 25.*

### DECISION

Based upon the preceding findings and conclusions, the request for a preliminary plat to subdivide an approximately 19.34-acre parcel into 74 single-family residential lots, a stormwater tract, two open space tracts, an active recreation open space tract, and two private driveway tracts, located to east of the northern terminus of Chagnon Place NW, approximately 0.25 miles north of the intersection of Chagnon Place NW and NW Newberry Hill Road, is **APPROVED**, subject to the following conditions:<sup>2</sup>

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.

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<sup>2</sup> This decision includes conditions designed to mitigate impacts of this proposed project as well as conditions required by County Code.

3. A Final Landscape Plan will be required to be submitted consistent with KCC 17.500.030 – Landscaping, during civil site development activity plan (SDAP) review, which depicts natural vegetation, and the planting and irrigation plan.
4. Street trees shall be planted along the access road on individual lots at approximately 25-foot spacing in the vegetative strip between the sidewalk and thickened edge. 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 units. Landscaping, including street trees are a condition of preliminary plat approval and required to be maintained in a healthy growing condition per KCC 17.500.030.
5. At the time of SDAP include the location of mailbox clusters consistent with KCC 16.24.040(C)(1)(d) and specify the type of the facility to be provided within Tract B per KCC 16.24.040(H)(4) and confirm at final inspection.
6. Include a note on the face of the plat showing building setbacks for the lots as conditioned per the plat approval.
7. Prior to the plat transferring to the Homeowner’s Association (HOA), the developer will be responsible for irrigation and maintenance of all landscaping to ensure survival up to two years. The developer or the HOA should maintain all landscaping consistent with the Tree Care Industry Association’s standard practices.
8. Pursuant to KCC 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. The decision set forth herein is based upon representations made and exhibits contained in the project application (20-02686). 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.
10. 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 approval granted and is a continuing requirement of such approval. By accepting this approval, 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.

*Findings, Conclusions, and Decision*  
*Kitsap County Hearing Examiner*  
*Chagnon Preliminary Plat, No. 20-02686*

11. Any violation of the conditions of approval shall be grounds to initiate revocation of this Plat.
12. Land segregations of five or more lots within a UGA that propose roads and/or stormwater facilities to be privately maintained shall form a homeowners' association registered with the state of Washington. The conditions, covenants, and restrictions (CCR) document shall address, at a minimum, ownership of and maintenance responsibilities for any private roads and any private stormwater facilities.
13. 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.
14. 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.
15. The information provided demonstrates this proposal is a Large Project as defined in Kitsap County Code Title 12, and as such will require a Full Drainage Site Development Activity Permit (SDAP) from Development Services and Engineering.
16. 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, August 18, 2020. The submittal documents shall be prepared by a civil engineer licensed in the State of Washington. The fees and submittal requirements shall be in accordance with Kitsap County Ordinances in effect at the time of SDAP application.
17. Any project that includes offsite improvements that create additional impervious surface such as lane widening, sidewalk or shoulder installation, or intersection channelization shall provide stormwater mitigation in accordance with Kitsap County Code Title 12 effective at the time the Preliminary Plat application was deemed complete, August 18, 2020.
18. The Washington State Department of Fish and Wildlife may require a Hydraulic Project Approval for the work required at the proposed outfall.
19. The project proponent shall be responsible for installing any necessary off-site downstream drainage improvements related to emergency overflow discharge from the bioretention/infiltration pond. Procurement of any permits or easements necessary to install off-site improvements shall be the responsibility of the project proponent.

20. 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](mailto:joshklimek@ecy.wa.gov). This permit is required prior to issuance of the SDAP.
21. Per WAC 173-175, the construction of pond berms that will impound a volume of ten acre-feet or more of water requires review and approval by the Department of Ecology. This approval must be completed 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 will be imported to the site. Typically, this means five or more trucks entering/leaving the site per hour. Because of this a vehicle wheel wash must be included as an element of the siltation erosion control plan.
24. The design of the infiltration facilities shall be accordance with Vol. II, Chapter 5 of the Kitsap County Stormwater Design Manual.
25. The infiltration facilities shall remain offline until the drainage areas are stabilized, and the water quality treatment facility is adequately established. Temporary erosion and sedimentation ponds shall not be located over infiltration facilities. In addition, retention ponds shall not be utilized as temporary erosion and sedimentation control ponds.
26. 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.
27. All retention facilities shall be a minimum of 200 feet from any slope steeper than 30 percent. This distance may be reduced based on a geotechnical engineering report. That analysis will be prepared by a Civil Engineer licensed in the State of Washington, knowledgeable in the practice of soils engineering and mechanics. The analysis will address the effects of groundwater infiltration, seepage, potential slip planes, and changes

in soil bearing strength. The proposed facilities will be designed following the recommendations of the geotechnical analysis.

28. Some of the proposed lots cannot connect to the proposed primary conveyance system. On-site infiltration systems should be used as a first priority for the individual lots. A secondary drainage system may be used on lots where infiltration is not feasible. Prior to final plan acceptance the design engineer shall provide either a design of the individual infiltration systems or the secondary system(s) serving each lot. Maintenance of either of these systems will be the responsibility of the homeowner.
29. The impervious area per lot accounted for in the overall drainage facilities installed shall be indicated on the face of the final plat; each lot's allowable impervious area shall be separated by rooftop area and driveway area in a chart titled Allowable Impervious Area, along with the following note: "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."
30. The following shall be added to the face of the Final Plat, under the heading Notes and Restrictions:
  - a. Maintenance of roof and yard drains and appurtenances shall be the responsibility of the individual homeowners.
  - b. All runoff from roof and yard drains must be directed so as not to adversely affect adjacent properties.
  - c. All lots are obligated to accept road drainage at the natural locations after the grading of streets is complete.
  - d. This Plat is subject to all elements of the Declaration of Covenant Conditions and Restrictions (CC&R's) recorded under Auditor File Number \_\_\_\_\_.
  - e. No owner or occupant may obstruct or re-channel the drainage flows after location and installation of drainage swales, storm sewers or storm drains. It is expressly understood that any alteration of the water flow shall be completed only after approval by Kitsap County Department of Community Development.
31. The Final Plat shall include notes regarding drainage easements, appropriate conveyance language, and access rights thereto, depending on final design. The specific notes will be determined during review of the Final Plat permit application.
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. 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.
35. If the project proposal is modified from that shown on the submitted site plan accepted for review February 11, 2021, Development Services and Engineering will require additional review and potentially new conditions.
36. Due to the presence of steep slopes on the property and grading of subsurface materials, the proposal will be conditioned to follow all recommendations of the geotechnical report, dated August 6, 2019, per KCC Title 19.400 and KCC 19.700.
37. The interior roads of the proposed plat shall be designed and constructed in accordance with the requirements of Kitsap County Fire Marshal for emergency vehicle access.
38. The interior roads of the proposed plat shall be constructed with travel lane widths; on-street parking; and vertical curb, gutter, and sidewalk in general conformance with that shown on the Preliminary Plat drawing.
39. Prior to recording the Final Plat, the developer shall pay proportionate share towards signalized intersection improvements at NW Newberry Hill and Dickey Road/Eldorado Blvd. Proportionate share shall be equal to highest of AM or PM site traffic to total intersection traffic for east/west left turn and minor approach movements.
40. Site access at Chagnon Place NW shall be designed and constructed to Kitsap County Road Standards Section 4.0. The minimum face curb line radii required is 35 feet. Clear intersection sight triangle shall be provided.
41. Vertical alignment of Chagnon Place NW shall be to Kitsap County Road Standards Section 3.1. All grade changes greater than 1 percent shall be connected by a vertical curve.

42. Chagnon Place NW shall be improved to Kitsap County Road Standards Section 3.6 for a local road, from NW Newberry Hill Road to the site access. Minimum travel lane widths shall be 10 feet with vertical curb, gutter, and 5-foot sidewalk on the east side and 3-foot gravel shoulder on the west side.
43. The Chagnon Place NW approach to NW Newberry Hill Road shall be improved to Kitsap County Road Standards.
44. The following shall appear on the face of the Final Plat, under the heading Conditions:
  - a. All interior roads shall remain private.
  - b. All lots shall access from interior roads only.
  - c. 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 law areas.
  - d. Road approach permits shall be obtained prior to commencement of work on an individual lot.
  - e. Lots 14 and 15 shall access Tract A Road only from Tract F; Lots 23 and 24 shall access Tract A Road only from Tract G.
  - f. Lots 43, 55, 63 and 68 shall access Tract A Road at the lot's west boundary.
  - g. Lots 49, 54, 62, 69 and 74 shall access Tract A Road at the lot's east boundary.
45. 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.
46. All rights of access for adjoining properties currently in existence shall be preserved and documented on the face of the final plat. Any amendment to the existing easement rights of adjoining property owners shall be properly executed and recorded prior to SDAP or final plat acceptance.
47. Sidewalk ramps shall conform to the current requirements of the Americans with Disabilities Act per WSDOT standard plans at the time of construction.
48. 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.

49. Provide surveyed cross-sections at 50-foot intervals along Chagnon Place NW from its intersection with NW Newberry Hill Road to the site access. 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.
50. 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.
51. Any required sidewalk shall be constructed prior to roadway paving. This note shall appear on the face of the final construction drawings.
52. The developer's engineer shall certify that there is adequate entering sight distance at the intersection of the interior plat road and Chagnon Place NW. 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.
53. 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).
54. 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 (or building permit if no SDAP is required). The need for and scope of bonding will be determined at that time.
55. Fire flow in the amount of 500GPM/30min is required. Fire flow water availability must be confirmed through water purveyor prior to building permit issuance. If fire flow is not available, 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.

56. A 20-foot-wide unobstructed access road is required for dwellings here and after constructed on lots created by this land division. Required fire apparatus access roads must be maintained in accordance with IFC 503 amended by Kitsap County. Any proposed revision to these roads must be submitted to, reviewed, and approved by the Kitsap County Fire Marshal's Office. Access roads shall comply with the following:
  - Unobstructed width of 20 feet and height of 13 feet 6 inches.
  - Shall be designed and maintained to support a 60,000-pound fire apparatus and be provided with an all-weather driving surface.
  - Dead end access roads exceeding 150 feet in length shall be provided with an approved turnaround.
  - Inside turning radius shall be a minimum of 25 feet.
  - Road shall not be more than 12 percent grade.
57. Prior to SDAP approval, the Applicant shall provide documentation from the solid waste/recycling service provider that their requirements for this project have been met. Waste Management Northwest can be reached at pnwcmsservices@wm.com or 1-800-592-9995; their website is <http://wmnorthwest.com/kitsap/index.html>.
58. Sewer Availability Agreement account(s) must be kept current and in good standing through permit approval date.
59. Kitsap County sanitary sewer is available for the project. The Applicant needs to submit a complete set of sewer plans, profiles, and specifications designed in accordance with Kitsap County Public Works - Sewer Utility Division Standards and Regulations.
60. Sewered building clearances will be required prior to building permit issuance with binding water and non-binding sewer letters.
61. If the project includes the construction of rock walls or other retaining facilities that either exceed four feet in height or sustain a surcharge, a separate building permit with an engineered design is required, and this note shall be placed on the face of the final construction drawings.
62. Rock and retaining walls shall meet all applicable setback requirements of Vol. II, Chapter 9 of the Kitsap County Stormwater Drainage Manual.
63. A Hydraulic Project Approval (HPA) may be required for work at the proposed outfall. Prior to SDAP approval, the Applicant shall submit an approved HPA from the Washington State Department of Fish and Wildlife (WDFW) or documentation from WDFW specifying that an HPA is not required.

64. If the presence of western pond turtles is discovered on-site, the Applicant shall immediately cease development activity and contact WDFW and the County for further guidance and shall follow all WDFW recommendations.
65. The Applicant shall comply with all requirements of the County's SEPA determination.

DECIDED this 2<sup>nd</sup> day of November 2021.



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ANDREW M. REEVES  
Hearing Examiner  
Sound Law Center