



Notice of Hearing Examiner Decision

03/04/2024

To: Interested Parties and Parties of Record

RE: Project Name: Berg-Harris Preliminary Plat
 Applicant: FRECKLESBOAT LLC
 10813 32ND ST CT NW
 GIG HARBOR, WA 98335-5872
 Application: Conditional Use Permit
 Permit Number: 21-03314

The Kitsap County Hearing Examiner has **APPROVED** the land use application for **Permit #21-03314 Berg-Harris 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://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 by contacting the Department of Community Development; if you wish to view the case file or have other questions, please contact help@kitsap1.com or (360) 337-5777.

CC: Owner/Applicant: FRECKLESBOAT LLC, 10813 32ND ST CT NW GIG HARBOR, WA 98335-5872
 Authorized Agent: Paul Bogataj w/West Sound Engineering, paul@wsengineering.com
 Biologist: Ecological Land Services Inc., joanne@eco-land.com
 Engineer: West Sound Engineering: craig@wsengineering.com
 DSE
 Health District
 Public Works
 Parks

Navy
Kitsap Transit
South Kitsap Fire District
South Kitsap School District
Puget Sound Energy
West Sound Public Utility District
Point No Point Treaty Council
Suquamish Tribe
Port Gamble S'Klallam Tribe
Squaxin Island Tribe
Puyallup Tribe
WA Dept of Fish & Wildlife
WA Dept of Transportation/Aviation
WA State Dept of Ecology-SEPA
WA State Dept of Ecology-Wetland Review
WA State Dept of Transportation
Interested Parties: Cheryl Gudger, cegudger@wavecable.com

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

BEFORE THE HEARING EXAMINER FOR KITSAP COUNTY

Phil Olbrechts, Hearing Examiner

RE: Berg-Harris Preliminary Plat File No. 21-03314	FINDINGS OF FACT, CONCLUSIONS OF LAW AND DECISION.
--	---

INTRODUCTION

Frecklesboat LLC has applied for preliminary plat approval of a 17-lot division of 2.69 acres located at the end of SE Berg Folly Road, a new road connecting to Harris Road SE a few hundred feet north of the Harris Rd/SE Lund Ave intersection. The application is approved subject to conditions.

The primary focus of preliminary plat review is ensuring that the proposed subdivision will meet the County’s development standards for density and by providing the appropriate infrastructure to serve the new residential lots. As with all preliminary plat applications, the County’s community development and public works staff have subjected the plat to extensive review to ensure that all infrastructure needs are met. The Applicant has established that the plat will be served by appropriate and adequate infrastructure improvements as required by state law and the County’s subdivision regulations and provided in Kitsap County Code Chapter (KCC) 16.24. All the proposed infrastructure and impacts of the preliminary plat proposals are addressed in detail in the Findings of Fact on pages 2 - 6. The rest of this Decision applies the County’s subdivision standards to those findings and ends with conditions of approval. All the staff recommended conditions are adopted by this Decision.

Although this application is relatively modest both in size and the number of proposed lots, it has generated several concerns from neighboring property owners. The primary points of concern are the perceived lack of public notice to the neighbors prior to the public hearing; the proposed size of the lots and impacts to community character; and lack of sidewalks and narrow street width on Harris Road SE.

County staff addressed these concerns during the public hearing on the application. With respect to public notice concerns testimony and evidence were provided by staff that verified that public notice was issued in accordance with the county’s public notice requirements for a public hearing.

1 In regard to compatibility and lot size, Table 1 of the staff report identifies that proposed
2 density is well within County zoning standards. The subject property is 2.69 acres.
3 The minimum allowed density is 5 dwelling units per acre (13 dwelling units based on
4 the lot size); and maximum density is 9 dwelling units per acre (24 dwelling units based
5 on the lot size). The proposed plat is designed for a maximum of 17 dwelling units,
6 well within the maximum allowed under the code. Compatibility of these authorized
7 lot sizes is enhanced with extensive landscaping, helping the lots blend in with the rural
8 aesthetics of the surrounding area.

9 Regarding concerns of the roadway width and lack of sidewalks on Harris Road SE,
10 the project will be required to provide for frontage improvements across the width of
11 the subject property which includes curb, gutter and sidewalks as required by County
12 Code. By both code and legal requirements, Applicants cannot be made responsible
13 for fixing off-site road problems, which includes width and sidewalk issues on other
14 parts of Harris Road SE. As other large lots develop along Harris Road SE, they too
15 will be required to make improvements along their Harris Road frontage.

16 **ORAL TESTIMONY**

17 A computer-generated transcript of the hearing has been prepared to provide an
18 overview of the hearing testimony. The transcript is provided for informational
19 purposes only as Exhibit 47. The transcript is not intended to provide a precisely
20 accurate rendition of testimony but generally identifies the subjects addressed during
21 the hearing. The transcript is entered as an exhibit solely to accommodate the County's
22 land use permitting record retention system. The transcript should not be construed as
23 evidence and is only provided as a convenience for persons wishing to be generally
24 informed about hearing testimony. For a precise rendition of hearing testimony, a
25 recording of the hearing is available at Kitsap County.

26 **EXHIBITS**

27 Exhibits 1-44 identified on the Index to the Record; and Exhibits 45 (email from Steve
28 Heacock to the Applicant) & 46 (revised staff report dated 2/15/2024) which were
29 entered in the record at the February 16, 2024, public hearing.

30 **FINDINGS OF FACT**

31 **Procedural:**

- 32 1. Applicant. The Applicant is Frecklesboat, LLC, 10813 32nd St. Ct. NW, Gig
33 Harbor, WA 98335.
- 34 2. Hearing. A hybrid hearing (participation in person at the Kitsap County
35 Commissioners' Chambers at 619 Division Street, Port Orchard, WA or virtually via
Zoom) was held on the application on February 16, 2024, at 9:00 AM; Zoom Webinar
Meeting ID No. 825 4896 1587.

Substantive:

3. Site Proposal/Description. Frecklesboat LLC is requesting approval of a 17-lot preliminary plat application (Berg-Harris Preliminary Plat) to subdivide a 2.69-acre parcel into 17 standard residential lots for detached single-family residences. The proposed plat will gain access using the newly created SE Berg Folly Rd, from the east side of Harris Rd. SE. An existing home will be retained on the property as parcel 1, with access from Harris Road SE.

The property slopes generally to the east into an existing forest where two wetlands are situated at the base of the slope. The preliminary plat proposal will include an extension of the 30-foot-wide private roadway (SE Berg Folly Rd.) and includes a hammer-head road end for fire and safety, associated internal and external sidewalks, on-street parking, public sewer, and water from West Sound Utility. The proposal also includes a public walking trail to Harris Rd SE, a recreational amenity, and open space preserved area for a stream, wetland, and associated buffers. Due to on-site critical area constraints, buffer averaging was used. The on-site bioretention facility will be planted with native vegetation within the 150-foot stream buffer to enhance stream and wetland function beyond pre-development conditions. There was no channelized stream on the property, but it is assumed present offsite to the north as the Wetland A drainage discharges to the adjacent property to the north. The proposed plat configuration is shown on Attach “A” to Exhibit 46 (revised staff report). The lots would be served by supporting road and utility infrastructure improvements.

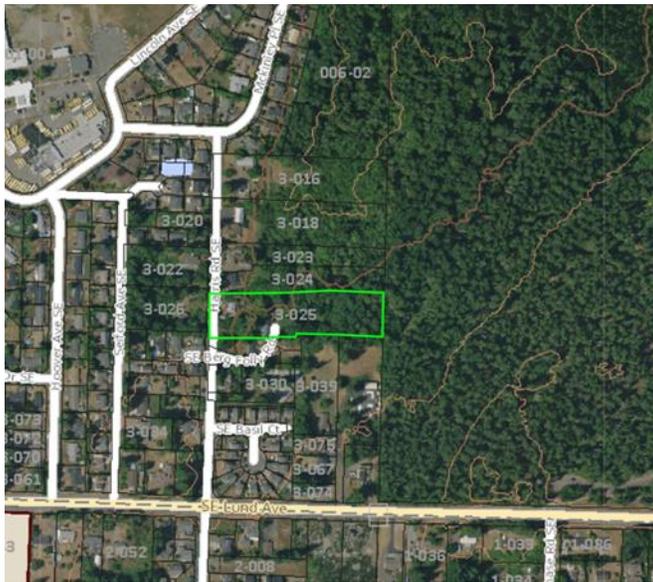


Figure 1 – Project area delineated in green.

4. Characteristics of the Area. Existing residences are located north, west, and south of the property. South Kitsap Regional Park is adjacent to the east. The topography on site slopes from Harris Road SE east toward the forest, then gradually slopes up to the

1 adjacent park. Including the subject property, the properties to the north, west and
2 south are all zoned Urban Low-Density Residential (UL) with a density range of 5 to 9
3 dwelling units per acre; the property to the east is zoned Park (P) and is developed with
4 the South Kitsap Regional Park.

5 5. Adverse Impacts. There are no significant adverse environmental impacts
6 associated with the proposed development. A State Environmental Policy Act
7 (SEPA) Determination of Non-Significance (DNS) with mitigation measures was
8 issued on December 21, 2023 (Exhibit 38). Pertinent impacts are addressed as
9 follows:

10 A. Critical Areas. The project has two wetlands and is adjacent to an offsite stream
11 which is fed by the wetlands. The Applicant has prepared a detailed Critical to
12 classify the critical areas and delineate their buffers (Exhibit 25). Wetland A,
13 a Category IV wetland is on the north side of the road existing onsite and
14 requires a 50-foot buffer. Wetland B, a Category III wetland, is on the south side of
15 the existing onsite road and requires an 80-foot buffer. The wetlands are
16 connected by a pipe under the existing road which flows from south to north
17 and feeds the offsite Type F stream. While the stream is located offsite, a 150-
18 buffer is required and will carry over onto the subject property. The critical
19 areas report also identifies buffer averaging as allowed by the KCC to address
20 existing structures on the site.

21 Written public comment was received (Exhibit 42) raising concerns of impacts
22 to the stream and wetlands on the subject property. The staff report (Exhibit
23 46) and in the numerous Critical Areas reports (Exhibits 12, 24 & 25) establish
24 that the proposal will conform to the County's critical area standards. Most
25 significant, the proposal will not involve any construction within wetland
buffers, thus assuring that the wetlands will not be adversely affected. The
stream will not be affected because it is located off-site and no development
will encroach into the stream buffer. Conformance to County's stormwater
standards assure that water quality for the stream and wetland will not be
adversely impacted by project stormwater flows.

The critical area and stormwater assessments conducted by Applicant and staff
were conducted by qualified professionals. There was no expert testimony or
evidence presented that these professional evaluations were erroneous or that
the proposal fails to meet county standards. For these reasons, since the
proposal meets County critical areas and stormwater requirements, the proposal
is not found to adversely affect the stream and wetlands associated with the
development.

B. Compatibility. The proposal is compatible with surrounding uses. As
previously noted, surrounding uses are all residential, the same as that proposed.
All impacts to surrounding properties have been adequately mitigated as
identified in Finding of Fact No. 5 and 6. As noted in the introduction the

1 proposed density is well within the range authorized for that location by the
2 zoning code. The lots and internal road will be heavily landscaped as identified
3 in Exhibit 23, thus providing for aesthetic compatibility.

4 Several public comments were received both in writing (Exhibits 40 & 42) and
5 during public testimony raising concerns regarding the size of the lots and
6 homes which they believe would not be consistent with the character of the
7 current homes in the area (larger lots and homes). Staff provided testimony
8 during the hearing addressing the proposed lot sizes indicating that they are in
9 compliance with the zoning requirements for the property. Home size will be
10 regulated during building permit review. While there is no maximum single-
11 family home size set by County development standards, home size is indirectly
12 limited by setbacks, building height and maximum lot coverage standards.
13 Beyond these limitations, there would be no sustainable legal basis for limiting
14 home size since there is no evidence in the record that the development potential
15 of the proposed lots would create homes of such massive bulk and scale as to
16 create significant adverse aesthetic impacts to surrounding properties.

17 6. Adequacy of Infrastructure/Public Services. The project will be served by adequate
18 and appropriate public infrastructure and public services. Preliminary infrastructure
19 design has been reviewed by the County Public Works Department and the preliminary
20 design concept has been determined to be supportable. Final design for streets,
21 sidewalks, storm drainage facilities and sanitary sewer will be required to meet County
22 Design Standards and implemented prior to final plat approval. Infrastructure needs
23 are more specifically addressed as follows:

24 A. Water and Sewer Service. The Applicant has provided a Water and Sewer
25 Availability letter from the West Sound Utility District (Exhibit 15). The proposal
provides for adequate water and sewer infrastructure and service.

B. Stormwater Drainage. The proposal will be served by adequate and appropriate
stormwater facilities and drainage ways because it conforms to the County's
stormwater regulations.

Kitsap County has adopted the Department of Ecology Stormwater Management
Manual for Western Washington (SWMMWW). See KCC 12.04 – 12.32. The
Manual effectively mitigates against stormwater impacts by requiring that the
project site limit off-project site flows to those generated from the project site in a
vacant, forested condition. Stringent water quality standards are also imposed,
requiring that the water quality be treated with all known, available and reasonable
methods of prevention, control and treatment. See RCW 90.52.040 and RCW
90.48.010.

The Applicant has prepared a preliminary storm drainage report, Ex. 32, to propose
stormwater facilities that conform to the requirements of the Manual. The
Applicant's stormwater analysis finds that the project site is composed of two

1 stormwater basins. Each basin shall drain into two separate bioretention ponds to
2 be constructed by the Applicant. The ponds are designed to treat and control
3 stormwater flows as required by the Manual, thus preventing any increase in off-
4 site stormwater flows. Public Works staff have evaluated the plan and added
5 conditions to ensure compliance with the Manual. See Ex 37.

6 C. Parks/Open Space. Per KCC, the project is required to provide 390 square feet
7 of open space per lot, equating to a minimum of 6,630 square feet. The preliminary
8 subdivision plan shows an open space tract of 6,970 square feet. Additionally, the
9 proposed plat includes internal pedestrian pathways in addition to the required
10 sidewalks adjacent to the streets (Exhibit 31). The proposal has included an open
11 space tract within the development which will provide adequate open space area in
12 conformance with the requirements of the KCC Section 17.450.040.

13 KCC Chapter 4.110 – Impact Fees, provides for the imposition of impact fees on
14 new development for Parks and Open Space. These fees are designed to mitigate
15 for the additional demand placed by the project upon the County’s park system. All
16 required fees are required to be paid during building permit review as required by
17 KCC Chapter 4.110.

18 D. Transportation. The proposal provides for adequate streets, roads, sidewalks in
19 and adjacent to the subject property.

20 Written (Exhibits 40 & 42) and oral testimony was provided by several residents in
21 the area raising concerns regarding the limited width of Harris Rd SE, sidewalks
22 for school children and the additional impacts of traffic from 16 new single-family
23 homes. Review of these issues and conditions to address these issues are addressed
24 below and in the staff report (Exhibit 46). One issue of particular concern was the
25 lack of a continuous sidewalk on east side of Harris Rd SE to SE Lund Ave.
Sidewalks along this stretch Harris Rd SE are intermittent at best and have only
been developed across the frontage of parcels when they are re-developed. The
application has been conditioned to require the installation of sidewalks across the
frontage of the property, however they are not required to develop additional
sidewalks off-site. Constitutionally, off-site improvements of this nature may not
be required.

The preliminary subdivision layout for Access, Parking and Circulation was
reviewed for compliance with the standards of KCC 17.450.040.A. Access to this
site for the 16 newly created lots would be via extension of the private SE Berg
Folly Road to Harris Rd. SE. The internal road extension will include sidewalks
and landscape strips. The existing residence would maintain its existing access
directly to Harris Rd. SE. The project will not result in any additional access points
to Harris Rd. SE, to minimize impacts to the public right-of-way. To provide
pedestrian access to Harris Road SE, the site plan includes a 5-foot wide asphalt
pedestrian walkway which will be built over the existing gravel driveway and

1 connect from interior private road to Harris Rd SE to provide a pedestrian
2 connection for all residents of the plat (Exhibit 31).

3 At hearing County staff confirmed that concurrency review had been approved for
4 the project. Such approval is essentially a determination that the proposal will not
5 generate traffic at levels that exceeds the County's adopted traffic congestion
6 standards, known as Level of Service (LOS) standards. To assist the County in
7 assessing LOS, the Applicant prepared a Traffic Impact Analysis (TIA), Ex. 9, that
8 assessed LOS impacts on potentially affected intersections. The TIA determined
9 that the intersection of SE Lund Ave and Harris Rd SE will operate at Level of
10 Service F (the worst level of congestion) with or without construction of the
11 proposal. The TIA and County regulations do not make it clear what the adopted
12 LOS is for the intersection. However, the TIA and planning staff at the hearing
13 acknowledged that LOS F was below the adopted standard. Public Works still
14 found that the proposal will conform to the County's adopted LOS presumably
15 because improvements are slated for the intersection in the County's 6-year
16 Transportation Improvement Plan that will bring the intersection up to the County's
17 adopted LOS.

18 The frontage of the subject property adjacent to Harris Rd. SE will be improved to
19 County standards with curb, gutter, and sidewalk. The extension of SE Berg Folly
20 Rd. on the subject property will include curb, gutter, and sidewalks consistent with
21 Kitsap County standards.

22 Impacts to the County's transportation system as a whole are addressed by the
23 County's traffic impact fees as provided for in KCC Chapter 4.110. These fees are
24 due during building permit review and are designed to compensate for
25 proportionate share impacts to the County's road network.

26 E. Schools. KCC Chapter 4.110 – Impact Fees, provides for the requirement for
27 new developments to offset the impact to public schools through the collection of
28 impacts payable to the district. All required fees are required to be paid as stipulated
29 in KCC Chapter 4.110.

30 CONCLUSIONS OF LAW

31 **Procedural:**

32 1. Authority of Hearing Examiner. KCC 21.04.100 provides that preliminary
33 plat applications are Type III applications subject to hearing examiner approval. KCC
34 21.04.110 identifies that the hearing examiner shall issue a final land use decision for
35 Kitsap County after holding an open public hearing.

Substantive:

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

- valid.
2. The names of the roads in this land segregation shall be approved by Community Development prior to final subdivision approval.
 3. All required permits shall be obtained prior to commencement of land clearing, construction and/or occupancy.
 4. The decision set forth herein is based upon representations made and exhibits contained in the project application (21-03314). Any change(s) or deviation(s) in such plans, proposals, or conditions of approval imposed shall be subject to further review and approval of the County and potentially the Hearing Examiner.
 5. 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.
 6. Timber Harvest is considered a conversion activity and is reviewed with the presentation of a Department of Natural Resources Forest Practice Application form provided with the application for the Site Development Activity Permit.
 7. A Final Landscape Plan will be required to be submitted with the Site Development Activity Permit, consistent with KCC 17.500 Landscaping, during civil site plan review, which depicts natural vegetation, and the planting and irrigation plan.
 8. Street trees shall be planted along the new private road on the fronts of individual lots with 25' to 35' spacing. Trees on individual lots are required to be installed prior to Certificate of Occupancy of individual residential units.
 9. Any and all signage design and location (including exempt signs) shall comply with Kitsap County Code (KCC) 17.510 and be reviewed and approved by the Department of Community Development prior to installation. Signage may require a separate permit.
 10. 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 shall maintain all landscaping consistent with the Tree Care Industry Association standard practices.
 11. Pursuant to KCC Section 21.04.110 Timeline and Duration of Approval, Kitsap County's land use approval for the preliminary

1 plat is valid for a period of up to five (5) years from the decision
2 date of the preliminary plat consistent with RCW 58.17.140 and
3 .170.

4 12. Any violation of the conditions of approval shall be
5 grounds to initiate revocation of this Plat.

6 **b. Development Engineering**

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

11 14. Approval of the preliminary plat shall not be construed to mean
12 approval of the total number of lots or configuration of the lots and
13 tracts. These parameters may be required to be revised for the final
14 design to meet all requirements of Kitsap County Code Titles 11 and
15 12.

16 15. The information provided demonstrates this proposal is a Large
17 Project as defined in Kitsap County Code Title 12, and as such will
18 require a Full Drainage Site Development Activity Permit (SDAP)
19 from Development Engineering.

20 16. Stormwater quantity control, quality treatment, and erosion and
21 sedimentation control shall be designed in accordance with Kitsap
22 County Code Title 12 effective at the time of SDAP application. The
23 submittal documents shall be prepared by a civil engineer licensed in
24 the State of Washington. The fees and submittal requirements shall be
25 in accordance with Kitsap County Code in effect at the time of SDAP
application.

17 17. Any project that includes offsite improvements that create additional
18 impervious surface such as lane widening, sidewalk or shoulder
19 installation or intersection channelization shall provide stormwater
20 mitigation in accordance with Kitsap County Code Title 12.

21 18. The site plan indicates that greater than 1 acre will be disturbed during
22 construction. This threshold requires a National Pollutant Discharge
23 Elimination System (NPDES) Stormwater Construction permit from
24 the State Department of Ecology. More information about this permit
25 can be found at:
<http://www.ecy.wa.gov/programs/wq/stormwater/construction/> or by
calling Josh Klimek at 360-407-7451, email joshklimek@ecy.wa.gov.
This permit is required prior to issuance of the SDAP. Processing time
for NPDES permit is a minimum of 37 days.

19 19. The design of the infiltration facilities shall be accordance with Vol.
20 II, Chapter 5 of the Kitsap County Stormwater Design Manual.

21 20. The infiltration facilities shall remain offline until the drainage areas
22 are stabilized and the water quality treatment facility is adequately
23 established. Temporary erosion and sedimentation ponds shall not be
24 located over infiltration facilities. In addition, retention ponds shall

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

- not be utilized as temporary erosion and sedimentation control ponds.
21. During the construction of the proposed infiltration facilities, the Project Engineer shall provide an inspection(s) 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(s), properly stamped and sealed to Development Services and Engineering.
 22. Individual on-site infiltration systems may be used instead of a secondary drainage system and will be required on lots that cannot be directed to the secondary system. The engineer shall submit a detailed site and grading plan showing the location and design of those proposed stormwater infiltration systems to Development Services and Engineering with the SDAP submittal. Prior to issuance of building permits, the property owners shall submit a sketch for approval by Development Services and Engineering, showing the design and location of the proposed stormwater infiltration systems. Maintenance of these systems will be the responsibility of the homeowner.
 23. The impervious area per lot accounted for in the overall drainage facilities installed shall be indicated on the face of the final plat, along with the following 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 and may require a Site Development Activity Permit.
 24. The following shall be added to the face of the Final Plat, under the heading Notes and Restrictions:
 25. Maintenance of roof and yard drains and appurtenances shall be the responsibility of the individual homeowners.
 26. All runoff from roof and yard drains must be directed so as not to adversely affect adjacent properties.
 27. All lots are obligated to accept road drainage at the natural locations after the grading of streets is complete.
 28. This Plat is subject to all elements of the Declaration of Covenant Conditions and Restrictions (CC&R's) recorded under Auditor File Number [#####]
 29. 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.
 30. 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.
 31. Prior to SDAP acceptance, the Applicant shall submit a set of drawings to the City of Port Orchard for review. The Applicant shall notify

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Development Engineering in writing when the plans have been submitted to the City. Development Engineering shall coordinate with the City to determine if the City has any comments to the submittal.

- 32. The owner shall be responsible for maintenance of the storm drainage facilities for this development following construction. Before requesting final inspection for the SDAP 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.
- 33. If the project proposal is modified from that shown on the site plan approved for this permit application, Development Engineering will require additional review and potentially new conditions.

c. Environmental

- 34. The proposal shall be conditioned to follow the restoration and mitigation plan provided by the project biologist in the revised Critical Area Report. Implementation of the mitigation plan and associated planting plan will be a condition of approval and shall be submitted with the associated Site Development Activity Permit.

d. Traffic and Roads

- 35. Prior to recording the Final Plat, vehicular access shall be constructed to provide access to all proposed lots.
- 36. The interior roads of the proposed plat shall be designed and constructed in accordance with Fire Marshal standards for emergency vehicular access.
- 37. The following shall appear on the face of the Final Plat, under the heading Conditions:
- 38. All interior roads shall remain private. Should the Applicant or his successors or assigns choose to dedicate these roads to Kitsap County, it shall be subject to a further review by Kitsap County Development Engineering. All improvements necessary to bring said road to the then current Kitsap County standards shall be done, at no expense to the County, prior to being accepted into the Kitsap County road system for maintenance.
- 39. Lots #2-17 shall access from interior roads only. Lot #1 shall maintain access from Harris Rd SE.
- 40. The hammerhead shall be designed to accommodate a SU design vehicle. The wheel path of the design vehicle shall remain within the

paved area for all required movements.

- 1 41. Frontage improvements are required along the entire property frontage
2 on Harris Rd SE, and shall consist of vertical curb, gutter and 5-foot
3 sidewalks.
- 4 42. Frontage improvements are required on the interior plat roads, and
5 shall consist of vertical curb, gutter and 5-foot sidewalks.
- 6 43. Sidewalk ramps shall conform to the current requirements of the
7 Americans with Disabilities Act per WSDOT standard plans at the
8 time of construction.
- 9 44. Any required sidewalk shall be constructed prior to final roadway
10 paving. This note shall appear on the face of the final construction
11 drawings.
- 12 45. The Site Development Activity Permit shall include plans for
13 improvements to the existing road approaches on the property frontage
14 connecting to Harris Rd SE. Approaches shall be designed in
15 accordance with the Kitsap County Road Standards as established in
16 Chapter 11.22 of the Kitsap County Code.
- 17 46. Any work within the County right-of-way shall require a Public Works
18 permit and possibly a maintenance or performance bond. This
19 application to perform work in the right-of-way shall be submitted as
20 part of the SDAP process, or Building Permit process, if a SDAP is
21 not required. The need for and scope of bonding will be determined
22 at that time.

14 **e. Fire Safety**

- 15 47. Fire flow in the amount of 500GPM/30min is required. Fire flow water
16 availability must be confirmed through water purveyor prior to
17 building permit issuance. If fire flow is not available, automatic fire
18 sprinklers as approved by the Kitsap County Fire Marshal shall be
19 installed throughout homes here and after constructed on lots created
20 by this land division.
- 21 48. A 20-foot unobstructed access road is required for dwellings here and
22 after constructed on lots created by this land division. Required fire
23 apparatus access roads must be maintained in accordance with IFC 503
24 amended by Kitsap County. Any proposed revision to these roads
25 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% grade.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

f. Solid Waste

- 49. Sanitary sewer is available for the project through West Sound Utilities.
- 50. Sewer Availability Agreement account(s) shall be kept current and in good standing through permit approval date. A signed availability agreement for 17 parcels is required prior to SDAP approval.
- 51. Prior to SDAP approval, 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 pnwcm services@wm.com or 1-800-592-9995; their website is <http://wmnorthwest.com/kitsap/index.html>

g. Kitsap Public Health District

- 52. Final plat approval will require:
 - a. All septic tanks abandoned per KPHD code
 - b. Water availability and outside utility agreement
 - c. Sewer availability

Dated this 4th day of March, 2024.

Phil Olbrechts

 Phil Olbrechts,
 Kitsap County Hearing Examiner

Appeal Right and Valuation Notices

Pursuant to KCC 21.4.100 and KCC 21.04.110, this preliminary plat decision is a final land use decision of Kitsap County and may be appealed to superior court within 21 days as governed by the Washington State Land Use Petition Act, Chapter 36.70C RCW.

Affected property owners may request a change in valuation for property tax purposes notwithstanding any program of revaluation.