



To enable the development of quality, affordable, structurally safe and environmentally sound communities.

5/13/2025

RE: Project Name: PROVOST - 16 Residential Lots - Preliminary Plat
 Applicant: Huber Properties LLC
 6391 SE Mullenix Rd
 Port Orchard, WA 98367
 Application: PPLAT
 Permit Number: 23-03248

619 Division Street MS-36 Port Orchard, WA 98366-4682
(360) 337-5777 | www.kitsap.gov/dcd

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Prosecutor's Office

Assessor's Office

DCD

Kitsap Sun

Health District

Public Works

Parks

Navy

DSE

Kitsap Transit

Central Kitsap Fire District

Central Kitsap School District

Puget Sound Energy

Water Purveyor: Silverdale Water District

Sewer Purveyor: KPUD1

Point No Point Treaty Council

Suquamish Tribe

Port Gamble S'Klallam Tribe

Squaxin Island Tribe

Puyallup Tribe

Skokomish 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

WA Dept of Natural Resources

Dept of Archaeological Historic Preservation

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3 **BEFORE THE HEARING EXAMINER FOR KITSAP COUNTY**

4 Phil Olbrechts, Hearing Examiner

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RE: Provost Preliminary Plat File No. 23-03248	FINDINGS OF FACT, CONCLUSIONS OF LAW AND DECISION
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10 **INTRODUCTION**

11 Huber Properties, LLC has applied for preliminary plat approval of a 16-lot division of
12 4.63 acres located on Provost Road NW (APN 202501-2-085-2006). The application
is approved subject to conditions.

13 This decision addresses the preliminary plat only. It does not address an associated
14 critical areas variance (see pages 10-16 of the Staff Report, Ex.1). The Notice of
15 Application for the project as well as the staff report project description make no
16 mention of a variance application. There is no mention of consolidated permit review
17 in the staff report. Critical area variances are of significant concern to several
stakeholders in the Kitsap County community. Those stakeholders have not been given
code required notice of the pending variance application. Consequently, the variance
application will have to be considered in a separately advertised review process.

18 The primary focus of preliminary plat review is ensuring that the proposed subdivision
19 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
20 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.
21 The applicant has established that the plat will be served by appropriate and adequate
22 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
23 proposed infrastructure and impacts of the preliminary plat proposal are addressed in
detail in the Findings of Fact on pages 3 - 6. The rest of this Decision applies the
24 County's subdivision standards to those findings and ends with conditions of approval.

25 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

1 points of concern are traffic impacts and the adequacy of the traffic impact fee,
2 emergency access, use of private vs public sanitary waste infrastructure, and density.

3 In regard to compatibility and lot size, Table 1 of the staff report identifies that proposed
4 density is well within County zoning standards. The subject property is 4.63 acres. Of
5 those, 3.27 acres are unencumbered by critical areas and their required buffers. The
6 minimum allowed density is five dwelling units per acre (16 dwelling units based on
7 the lot size); and maximum density is nine dwelling units per acre (42 dwelling units
8 based on the lot size). The proposed plat is designed for a maximum of 16 dwelling
9 units, which is the maximum allowed under the code. Lot sizes are required to be within
10 the range of 2,400sf to 9,000sf. Proposed lot sizes range from 3,600sf to 5,678sf, well
11 within the upper and lower bounds permitted within the code. Compatibility of these
12 authorized lot sizes is enhanced with extensive landscaping and critical areas
13 protection, helping the lots blend in with the rural aesthetics of the surrounding area.

14 Public comment regarding public sewer versus private septic facilities suggested the
15 development should be serviced by public sewer (Ex. 39). However, the nearest sewer
16 connection is over a mile away, beyond the 200 foot threshold required for review of a
17 public sewer connection required by the code.

18 Several members of the public provided written comments and oral testimony
19 regarding the traffic congestion on local streets and the rapid development in the area.
20 One related concern is the lack of ability for emergency access vehicles to reach calls
21 during the busier parts of the commute (Ex. 26-27, and 38-39). The Fire Marshal has
22 reviewed the site plan and provided several conditions of approval that must be met at
23 the point of site development activity permit (SDAP). The applicant will also be
24 required to pay traffic impact fees. A condition of approval will require the applicant
25 to submit a Traffic Impact Assessment at the time of SDAP that will review the most
affected intersections with respect to concurrency with adopted levels of service.

ORAL TESTIMONY

18 A computer-generated transcript of the hearing has been prepared to provide an
19 overview of the hearing testimony. The transcript is provided for informational purposes
20 only as 39. The transcript is not intended to provide a precisely accurate rendition of
21 testimony but generally identifies the subjects addressed during the hearing. The
22 transcript is entered as an exhibit solely to accommodate the County's land use
23 permitting record retention system. The transcript should not be construed as evidence
24 and is only provided as a convenience for persons wishing to be generally informed
25 about hearing testimony. For a precise rendition of hearing testimony, a recording of the
hearing is available at Kitsap County.

EXHIBITS

Exhibits 1-35 identified on the Index to the Record were admitted during the April 24,
2025 hearing. Comment letters from WSDOT (Ex. 36) and Dunn (Ex. 38) were also
admitted during the hearing. The examiner left the record open until April 29, 2025 to

allow for a revised condition of approval (Ex. 37) and any comment thereto. During that time the County also received a comment letter from Nord dated April 26, 2025. That comment was not admitted as it was submitted after the close of the hearing for general public comment. The record was only left open after the date of hearing for the revised condition.

FINDINGS OF FACT

Procedural:

1. Applicant. The Applicant is Huber Properties, LLC, 6391 SE Mullenix Road, Port Orchard, WA 98367.

2. Hearing. A hybrid hearing (participation in person at the Kitsap County Commissioners' Chambers at 619 Division Street, Port Orchard, WA or virtually via Zoom) was held on the application on April 24, 2025, at 9:00 AM; Zoom Webinar Meeting ID No. 897 9232 8612. The examiner left the record open until April 29, 2025 to allow for a revised condition of approval (Ex. 37) and comment on that condition.

Substantive:

3. Site Proposal/Description. Huber Properties, LLC has applied for preliminary plat approval of a 16-lot division of 4.63 acres of sloped, undeveloped forestland located on Provost Road NW (APN 202501-2-085-2006). The site is on a knoll with an overall topographic change of 40 across the site. There is a Category IV wetland on the north side of the property and an associated fish bearing stream transversing the northwest corner of the project site (Ex. 14). Tracts are provided for critical areas, open space/recreation and utilities. Tracts A, E and F are roadway and parking tracts (28,604sf). Tracts B, G and H are critical areas and slopes (44,387sf). Tract C is designated for recreation/open space use (7,845sf). Finally, Tract D is a utility tract for the group septic system.

The minimum allowed density under the zoning is five net dwelling units per acre (16 dwelling units based on the lot size); and maximum density is nine dwelling units per acre (42 dwelling units based on the lot size). The net density is determined by subtracting critical areas from the gross acreage. The proposed plat is designed for a maximum of 16 dwelling units, which is the maximum allowed under the code. Lot sizes are required to be within the range of 2,400sf to 9,000sf. Proposed lot sizes range from 3,600sf to 5,678sf, well within the upper and lower bounds permitted within the code.

The internal road (Road A) will intersect Provost Road NW, a County-maintained Local Road. The internal road will end in a cul-de-sac with two access tracts branching off the cul-de-sac to the south and to the east. The southern access tract provides access to two residential lots and guest parking for the subdivision. The eastern access tract provides for access to the group septic system tract. Two additional parking spaces will be located as parallel parking off Road A in front of the recreation/open space tract

1 (Tract C). The plan provides for 41 total parking spaces as required by code. Sidewalks
2 are proposed along the Provost Road NW frontage, along the southern portion of Road
A and around the circumference of the cul-de-sac.

3 Water is provided by Kitsap PUD #1. The site will be serviced by a private group septic
4 system divided into zones. Stormwater will be designed to meet the Kitsap County
5 Code stormwater standards. The applicant's Geotechnical Report suggests
6 conventional spread footing foundations will be adequate. A condition of approval will
require the applicant to comply with the recommendations of the geotechnical report
(Ex. 4).

7 4. Characteristics of the Area. The surrounding uses are mixed. The entire area is
8 zoned Urban Low Density Residential (UL). There are single family residences to the
9 north and west. To the south is undeveloped land. To the east is transportation corridor
including Provost Road NW and railroads.

10 5. Adverse Impacts. There are no significant adverse environmental impacts
11 associated with the proposed preliminary plat. A State Environmental Policy Act
12 (SEPA) Determination of Non-Significance (DNS) with a single mitigation measure
13 requiring adherence to the County's adopted stormwater code was issued on September
10, 2024 (Exhibit 22). The SEPA Determination was not appealed. Pertinent impacts
are addressed as follows:

14 A. Critical Areas. The project is encumbered by a Category IV wetland, a fish-
15 bearing stream, a moderate landslide hazard areas, and an aquifer recharge area.
16 The Applicant has prepared a detailed Wetland Delineation Report and Stream
17 Assessment prepared by Land Services Northwest to classify the critical areas
18 and delineate their buffers (Exhibit 14). Wetland A is located on the north side
19 of the property and is primarily off-site. About 270sf of the approximately
20 12,332sf wetland is on-site. This wetland requires a 50-foot buffer and an
21 additional 15-foot building setback buffer. There is a defined channel and
22 stream bed on the property that has previously been unmapped. About 75 linear
feet of the 426-foot-long channel is located on the subject property. Water flows
seasonally. The drainage enters a three-foot culvert and crosses Provost Road
and Hwy 3. Land Services Northwest felt the channel was likely not fish
passable. However, the WDFW suggested fish passage is possible, therefore the
County classified this a Type F stream with a 150-foot buffer and 15-foot
building setbacks. Residential subdivisions are not listed as potential threats
pursuant to KCC 19.600.620. Therefore, a hydrogeologic report is not required.

23 The applicant has requested both buffer averaging and a 25% administrative
24 crucial area buffer reduction request to reduce the stream buffer width to 112.5
25 feet in the vicinity of Lots 15 and 16 with enhancement areas in Tracts B and C
(Ex. 1, pages 10-16). As noted in the Introduction section of this Decision, the
buffer averaging and reduction requests are both subject to the notification
procedures of KCC Chapter 21.04 for a Type 1 administrative decision (KCC

1 19.300.315.A.5 and KCC 21.04.210.C). The variance requests were not
2 consolidated with the preliminary plat decision (KCC 21.04.180). Notification
3 of the requested variances was not given (Ex. 11, 22, 23 and 32). Therefore, the
4 buffer averaging and reduction requests cannot be considered with this
5 Decision. A condition of approval requires the applicant to comply with all
6 standard buffer and building setback requirements adjacent to critical areas
7 unless a separate permit is approved. A separate condition of approval notes
8 there is no guarantee approval of the preliminary plat will result in the lot count
9 requested for this Decision. Finally, a condition of approval requires the
10 applicant to otherwise comply with Section 9 Mitigation of the Wetland
11 Delineation Report and Stream Assessment (Ex. 14).

12 B. Compatibility. The proposal is compatible with surrounding uses. Surrounding
13 uses are a mix of single family residential, undeveloped land and transportation
14 corridors. With respect to the type of ownership (Ex. 38), the law does not
15 discriminate between ownership and rental tenancy and instead upon the
16 density, lot size and configuration, all of which comply with the applicable
17 zoning code. All impacts to surrounding properties have been adequately
18 mitigated as identified in Findings of Fact No. 5 and 6. There will be native
19 vegetation along the north, east and half of the southeast portion of the plot as
20 well as street trees along the internal drive (Ex. 17). No lots are directly adjacent
21 to Provost Road NW. All residential lots on the west side of the tract are
22 adjacent to a road easement (Ex. 31). The parcel to the south is undeveloped.
23 The plat as proposed provides for aesthetic compatibility.

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

A. Water and Sewer Service. Adequate provisions are made for water and sewer
infrastructure and service. Water will be provided by Silverdale Water District (Ex.
10). Sewer service will be provided by three community septic system located on
Tract D. The septic system will serve three zones with a zone for Lots 1-5 (Zone
A), Lots -10 (Zone B) and Lots 11-16 (Zone C) (Ex. 34). These systems have been
submitted to the Kitsap County Health Department for review. A condition of
approval will require Health Department approval of the final septic system design.
Public comments expressed concern about the private septic system and called for
the development to be serviced by the public sewer system (Ex. 39 and Hearing
testimony). Kitsap County staff noted the nearest connection to the public sewer
system is outside the distance threshold for connection. The required distance is
200 feet and adequate capacity. The nearest public sewer connection is over a mile
away.

1 B. Stormwater Drainage. The proposal will be served by adequate and appropriate
2 stormwater facilities and drainage ways in conformance with the County's
3 stormwater regulations.

4 Kitsap County has adopted the Department of Ecology Stormwater Management
5 Manual for Western Washington (SWMMWW). See KCC 12.04 – 12.32. The
6 Manual effectively mitigates against stormwater impacts by requiring that the
7 project limit off-project site flows to those generated from the project site in a
8 vacant, forested condition. Stringent water quality standards are also imposed,
9 requiring that the water quality be treated with all known, available and reasonable
10 methods of prevention, control and treatment. See RCW 90.52.040 and RCW
11 90.48.010.

12 The Applicant has prepared several stormwater documents (Ex. 8, 16, 19, and 21)
13 including a Preliminary Drainage Report (Ex. 19). The applicant proposed to
14 construct stormwater facilities that conform to the requirements of the Department
15 of Ecology Stormwater Manual. The proposed stormwater facilities include
16 multiple infiltration trenches for stormwater quantity control; and with two
17 StormFilter sized to handle 100% of the incoming stormwater. The first system will
18 be sized to handle the road runoff being directed to Provost Road NW. The second
19 system will be sized to handle runoff being directed into the infiltration trenches
20 within the private road. Public Works staff have evaluated the plan and added
21 conditions to ensure compliance with the Manual.

22 C. Parks/Open Space. The Kitsap County code requires 390sf of active open space
23 per lot, with grades less than or equal to 5%. The minimum area of active open
24 space for this development is equal to 6,240sf. The project is providing 6,676sf of
25 recreation space in Tract C. This tract meets the grade and dimensional
requirements, is located on the site and has good visibility from approximately half
of the homes. Sidewalks are located along the southern portion of the access road
and around the circumference of the access tract (Ex. 31). As conditioned, the
project will comply with the requirements of the KCC Section 17.450.040.

KCC Chapter 4.110 – Impact Fees, provides for the imposition of impact fees on
new development for Parks and Open Space. These fees are designed to mitigate
for the additional demand placed by the project on the County's park system. As
conditioned, the project will pay the parks impact fees at the time of building permit
review.

D. Transportation. The proposal provides for adequate streets, roads, sidewalks in
and adjacent to the subject property. Access to the development will be via a new
internal road intersecting Provost Road NW. Sidewalks will be provided along the
project frontage and on one side of the internal access road.

Written (Exhibits 25, 26, 27, 38 and 39) and oral testimony was provided by several
residents in the area raising concerns regarding impacts of traffic from 16 new

1 single-family homes. A particular concern was congestion on local roads (Ex. 25).
2 As described by Jones (Ex. 26), traffic growth from multiple projects is outpacing
3 the development of infrastructure improvements even with the collection of traffic
4 impact fees. Several residents expressed frustration over traffic in the NW
5 Anderson Hill corridor (Ex. 26 and 27). Mr. Korsnes (Ex. 27) noted that though a
6 NW Anderson Hill Corridor Study has been planned, there are funding constraints
7 that have prevented the study from occurring. Staff responded to these concerns by
8 noting the County requires approved pipeline projects (private development) to
9 account for background traffic at a rate of 1.5% growth (See Ex. 27 staff response).
10 Each new traffic impact analysis must consider other pipeline projects in the
11 vicinity. Based on the size and location of this project, the County does not expect
12 site traffic to distribute a significant amount of traffic to the west, meaning the
13 County will not require an assessment of the NW Anderson Hill from Provost to
14 Olympic View. However, the project will need to study the subdivision entrance,
15 the Provost/Anderson Hill intersection and the Provost/Newberry Hill intersection.
16 The County noted the current roadway classification system for the area is
17 appropriate with 12-foot travel lanes and 6-foot sidewalks. Finally, the County
18 noted the impacts fee rate study is based on a study that accounted for future
19 deficiency and cost of mitigation to stay in compliance with the County's roadway
20 level of service standards. A condition of approval will require the applicant to
21 provide a traffic impact analysis at the time of SDAP.

13 Another issue raised by the public is emergency access (Ex. 26, 38 and 39).
14 Members of the public cited local and regional congestion as issues that might
15 impede emergency access to the project site and inadequate lane width inside the
16 project to allow for emergency response vehicles. The interior road will be
17 constructed with 12-foot paved drive lanes. Central Kitsap Fire and Rescue District
18 #1 reviewed and conditioned the proposal. Fire flow verification and adequate fire
19 apparatus access for emergency responders will be reviewed during the Site
20 Development Application Process (SDAP).

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

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

CONCLUSIONS OF LAW

Procedural:

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

Substantive:

2. Zoning Designation. The property is currently zoned Urban Low Residential (UL).

3. Review Criteria. The criteria of approval for preliminary plat approval is fairly diffuse, with compliance in general required with all the requirements of applicable chapters of Title 16 KCC. *See* KCC 16.04.080. Chapter 16.40 KCC specifically addresses preliminary plat applications. KCC 16.40.030 requires conformance to the general standards of Chapter 16.04 and 16.24 KCC. The staff report assesses all pertinent Title 16 KCC subdivision standards. The findings of the staff report in this regard are adopted by reference. This decision will address the primary focus of preliminary plat review, which as required by RCW 58.17.100 is adequacy of infrastructure and mitigated environmental and community impacts. The requirements of RCW 58.17.110 are largely duplicated in the opening paragraph of KCC 16.04.080, which is quoted below in italics and applied via a corresponding conclusion of law.

KCC 16.04.080: *For all types of land segregations, appropriate provisions shall be made 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, sidewalks or other planning features that assure safe walking conditions for students who only walk to and from school. The public use and interest will be served by the proposed land segregation. The following general requirements shall be met for all land segregations proposed under this title. ¹In addition, all specific requirements relevant to each individual type of land segregation are found in their respective chapters of this title.*

4. Criterion met. The criterion quoted above is met. The proposal provides for adequate infrastructure and public services for the reasons identified in Finding of Fact

¹ KCC 16.04.070 lists preliminary plat approval requirements as compliance with the Kitsap County Comprehensive Plan and the Kitsap County Code and specifies requirements for adequacy of access, safe walking conditions, lot configurations, and homeowners' associations.

1 No. 6. The public use and interest is served because the proposal creates no significant
2 adverse impacts as determined in Finding of Fact No. 5 while also encouraging
3 development at urban densities within an urban growth area as encouraged by the
Washington State Growth Management Act. Public health, safety and welfare are
provided for all the foregoing reasons.

4 **DECISION**

5 Based upon the findings of fact and conclusions of law above, the preliminary plat
6 application is approved subject to the following conditions:

7 **GENERAL PERMITTING REQUIREMENTS**

- 8 1. Required Civil Permits. All required permits shall be obtained prior to
9 commencement of land clearing and/or construction.
- 10 2. Payment of Impact Fees Required. All building permits for new residential
11 construction are subject to Impact Fees per the Kitsap County Code.
- 12 3. Duration of Decision. Pursuant to KCC Section 21.04.270 Duration of decisions,
13 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.
- 14 4. Deviations Subject to Additional Review. The decision set forth herein is based
15 upon representations made and exhibits contained in the project application (23-
16 03248). 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
17 and potentially the Hearing Examiner.
- 18 5. Compliance with all Local, State and Federal Requirements. The authorization
19 granted herein is subject to all applicable federal, state, and local laws,
regulations, and ordinances. Compliance with such laws, regulations, and
20 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
21 the development and activities allowed will comply with such laws, regulations,
and ordinances. If, during the term of the approval granted, the development and
22 activities permitted do not comply with such laws, regulations, or ordinances, the
applicant agrees to promptly bring such development or activities into
23 compliance.
- 24 6. Violations Grounds for Revocation. Any violation of the conditions of approval
25 shall be grounds to initiate revocation of this Plat.

GENERAL PLAT REQUIREMENTS

7. Total Lot Count Not Guaranteed. 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, 12, 13 and 19.
8. Building Setbacks Must Be Shown on Plat. Include a note on the face of the plat showing building setbacks for the lots as conditioned per the plat approval.
9. Total Impervious Surface Calculation Shall be Shown on Plat. The face of the plat shall show the total impervious surface in square footage as calculated in the design for the overall drainage facilities.
10. Required Plat Notes. The following shall be added to the face of the Final Plat, under the heading Notes and Restrictions:
 - a. *This Plat is subject to all elements of the Declaration of Covenant Conditions and Restrictions (CC&R's) recorded under Auditor File Number #####*
 - b. *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.*
 - c. *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.*
 - d. *Maintenance of roof and yard drains and appurtenances shall be the responsibility of the individual homeowners.*
 - e. *All runoff from roof and yard drains must be directed so as not to adversely affect adjacent properties.*
 - f. *All lots are obligated to accept road drainage at the natural locations after the grading of streets is complete.*
 - g. *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.*
 - h. *Property owners shall be responsible for maintenance of all landscaping within the existing and proposed right-of-way. Maintenance shall include, but not be limited to, mowing of lawn areas.*

1 11. Required Plat Conditions. The following shall appear on the face of the Final
2 Plat, under the heading Conditions:

3 a. *All interior roads shall remain private unless public dedication is approved*
4 *by Kitsap County.*

5 b. *All lots shall access from interior roads only.*

6 **GENERAL CRITICAL AREAS PROTECTION REQUIREMENTS**

7 12. Critical Areas Protection Required. The applicant shall comply with Section 9
8 Mitigation of the Wetland Delineation Report and Stream Assessment (Ex. 14)
as well as the following:

9 a. Unless otherwise approved via a critical areas variance, the applicant shall
10 comply with all standard critical areas buffers and setback requirements.

11 b. Split-rail fencing shall be placed at the outer edge of critical area buffers, as
12 depicted on the approved Landscape Plan.

13 c. A final Planting and Mitigation Plan shall be submitted with SDAP for the
14 temporary impacts to Wetland D due to road construction.

15 **FIRE PROTECTION**

16 13. Fire Suppression Required. A fire suppression system is required for each
17 dwelling on each lot created by this plat as an alternate means and method for fire
department access grade greater than 12%.

18 14. Fire Flow Requirement. Fire flow in the amount of 500 gpm at 20psi is required
19 for this project. The applicant shall request a Fire Flow Letter from the Silverdale
Water District to the Fire Marshall at time of building permit.

20 15. Fire Hydrants Required. Fire hydrant shall be installed and in service prior to any
21 combustible material being placed on site.

22 16. No Parking Fire Lane Signs Required. No parking signs complying with IFC
23 503.3 shall be placed on both sides of the road. See Appendix D103.6 for a
24 specification of signage.
25

CIVIL IMPROVEMENTS

General

17. Construction Plans and Profiles Required.

- a. 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.
- b. The applicant shall provide surveyed cross-sections at 50-foot intervals along parcel frontages where access is proposed to existing fronting roads. The cross-sections shall show existing and proposed pavement, shoulders, ditches and slopes. The cross-sections shall also depict the centerline of pavement and right-of-way, the right-of-way lines, and easements.

18. Required Construction Drawing Notes. The following notes are required on the face of the final construction drawings:

- c. *Rock and retaining walls shall meet all applicable setback requirements of Vol. II, Chapter 9 of the Kitsap County Stormwater Drainage Manual.*
- d. *All required sidewalks shall be constructed prior to final roadway paving.*

19. Permit Required for Retaining Walls and Civil Structures in Excess of Four Feet. A building permit is required for all civil structures in excess of four feet in height, including retaining walls. All such structures shall be designed by a licensed civil engineer.

20. Homeowners Association Required. The applicant is required to form a Homeowner Association, registered with the State of Washington. The Conditions, Covenants and Restrictions (CC&R) document shall address, at a minimum, ownership of and maintenance responsibilities for any private roads and frontage improvements, private septic, common ownership water lines, private storm water facilities and all common area landscaping and irrigation facilities and equipment. The CC&R shall be recorded with the recording number listed on the face of the final plat.

21. Mailboxes. The applicant shall specify the location and type of mailbox clusters at the time of SDAP consistent with KCC 16.24.040.

Clearing and Grading

22. Compliance with Geotechnical Recommendations Required. The applicant shall comply with the recommendations of the geotechnical engineering report from South Sound Geotechnical Consulting (SSGC), dated January 12, 2023, per KCC Title 19.400 and KCC 19.700.
23. Forest Conversion Permit Required. The applicant shall submit a Forest Practices application for review during SDAP.
24. Approved Fill Sites Required. Prior to issuing the SDAP approved fill site(s) must be identified.
- a. Any fill site receiving 150 cubic yards or more of material must obtain an SDAP.
 - b. Fill sites receiving 5,000 cubic yards or more, or located within a critical area, must have an engineered SDAP.
 - c. For any fill site receiving less than 150 cubic yards, the SDAP holder shall submit to Kitsap County Department of Community Development load slips indicating the location of the receiving site and the quantity of material received by said site.
25. Wheel Wash Station Required. The applicant must provide a wheel washing station as an element of the siltation erosion control plan.
26. Soil Amendment Required. 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.

Stormwater

27. Site Development Activity Permit Required. 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 Engineering.
28. NPDES Stormwater Construction Permit Required. The site plan indicates that greater than 1 acre will be disturbed during construction. This threshold requires a National Pollutant Discharge Elimination System (NPDES) Stormwater Construction permit from the Washington State Department of Ecology (ECY). This permit is required prior to the issuance of the SDAP.

- 1 29. Hydraulic Project Approval. Hydraulic Project Approval (HPA) may be required
2 for work at the proposed outfall. Prior to SDAP approval, the applicant shall
3 submit an approved HPA from the Washington State Department of Fish and
4 Wildlife (WDFW) or documentation from WDFW specifying that an HPA is not
5 required.
- 6 30. Stormwater System Design. Stormwater quantity control, quality treatment, and
7 erosion and sedimentation control shall be designed in accordance with Kitsap
8 County Code Title 12 effective at the time this permit application was deemed
9 fully complete. The submittal documents shall be prepared by a civil engineer
10 licensed in the State of Washington. The fees and submittal requirements shall be
11 in accordance with Kitsap County Code in effect at the time of either the SDAP
12 application or the Building Permit if an SDAP is not required.
- 13 31. Infiltration.
- 14 a. The design of the infiltration facilities shall be accordance with Vol. II,
15 Chapter 5 of the Kitsap County Stormwater Design Manual. Infiltration
16 testing and groundwater monitoring reports shall be provided with SDAP
17 submittal.
- 18 b. The Washington State Department of Ecology (Ecology) may require
19 registration of the infiltration trench as an Underground Injection Control
20 (UIC) well in accordance with the Underground Injection Control
21 Program (Chapter 173-218 WAC). The applicant shall contact Ecology
22 to determine if the facility is regulated under the UIC program.
- 23 c. During the construction of the proposed infiltration facilities, the Project
24 Engineer shall provide an inspection(s) to verify that the facilities are
25 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.
- d. 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.
32. Mitigation for Impervious Improvements. Any project that includes off-site
improvements that create additional impervious surface such as lane widening,
sidewalk or shoulder installation or intersection channelization shall provide
stormwater mitigation in accordance with Kitsap County Code Title 12 effective
at the time this permit application was deemed complete.

1 33. Maintenance of Storm Drainage Facilities. The owner shall be responsible for
2 maintenance of the storm drainage facilities for this development following
3 construction. Before requesting final inspection for the SDAP (or for the Building
4 Permit if an SDAP is not required) for this development, the person or persons
5 holding title to the subject property for which the storm drainage facilities were
6 required shall record a Declaration of Covenant that guarantees the County that
7 the system will be properly maintained. Wording must be included in the
8 covenant that will allow the County to inspect the system and perform the
9 necessary maintenance in the event the system is not performing properly. This
10 would be done only after notifying the owner and giving him a reasonable time
11 to do the necessary work. Should County forces be required to do the work, the
12 owner will be billed the maximum amount allowed by law.

8 **Utilities and Solid Waste**

9 34. Water Service.

- 10 a. The applicant shall obtain binding water availability letters for each unit from
11 the Silverdale Water District prior to final plat approval.
- 12 b. The applicant shall receive approval of the final water system design from the
13 Kitsap County Health District.

14 35. Septic Service. The applicant shall obtain final approval of the community septic
15 systems design from the Kitsap County Health District prior to final plat
16 approval.

17 36. Solid Waste Service. The applicant shall obtain approval from Waste
18 Management for solid waste service to the plat prior to final plat approval.

18 **Roads and Frontage Improvements**

19 37. Access Required. Prior to recording the Final Plat, vehicular access shall be
20 constructed to provide access to all proposed lots. The study shall include, at a
21 minimum, the following intersections:

- 22 a. the subdivision entrance at Provost Road NW,
23 b. the Provost/Anderson Hill intersection and
24 c. the Provost/Newberry Hill intersection.

25 38. Interface with County Roads.

- a. Traffic Impact Analysis Required. At the time of Site Development Activity
Permit, the applicant shall provide a Traffic Impact Analysis analyzing
background traffic and the project's contribution to future traffic.

- 1 b. Road Approaches. The Site Development Activity Permit shall include plans
2 for construction of the road approach between the edge of existing pavement
3 and the right-of-way line at all intersections with county rights-of-way.
4 Approaches to county rights of way shall be designed in accordance with the
5 Kitsap County Road Standards as established in Chapter 11.22 of the Kitsap
6 County Code.
- 7 c. Sight Distance. The developer's engineer shall certify that there is adequate
8 entering sight distance at all project intersections with County rights of way.
9 Such certification shall note the minimum required sight distance, the actual
10 sight distance provided, and a sight distance diagram showing the intersection
11 geometry drawn to scale, topographic and landscaping features, and the sight
12 triangle. The sight distance shall meet the requirements of the Kitsap County
13 Road Standards for County rights of way. The certification shall also note
14 necessary measures to correct and maintain the minimum sight triangle.
- 15 d. Right of Way Permits Required. A Public Works permit is required for any
16 work performed within the County right-of-way. Performance and
17 maintenance bonds may be required.
- 18 39. Traffic Control Devices. All work, equipment and materials for traffic signal and
19 street lighting installations shall meet and be in compliance with all requirements
20 of the:
- 21 a. Kitsap County Road Standards,
22 b. Project Contract Provisions of Plans and Specifications accepted for
23 construction by Kitsap County,
24 c. Manual on Uniform Traffic Control Devices (MUTCD) as amended by the
25 Washington Administrative Code
d. National Electrical Manufacturer's Association (NEMA),
e. National Electrical Code (NEC),
f. Washington State Department of Transportation (WSDOT) Standard
Specifications and Standard Plans, and the
g. Occupational Safety and Health Administration (OSHA).
40. WSDOT Review Required.
- a. Before SDAP acceptance, the applicant shall submit a set of drawings to the
Washington State Department of Transportation for review. The applicant
shall notify Development Services and Engineering in writing when the plans
have been submitted to WSDOT. Development Services and Engineering
shall coordinate with WSDOT to determine if WSDOT has any comments to
the submittal, but responsibility for obtaining concurrence from WSDOT lies
with the property owner.

- 1 b. Final plan approval will require documentation of Washington State
2 Department of Transportation (WSDOT) approval for impacts to and any
3 required mitigation on State rights of way. WSDOT point of contact is Jeff
Smiley who can be reached at (360) 874-3052 or by email
SmileyJ@wsdot.wa.gov.

4 41. Frontage Improvements.

- 5 a. Frontage improvements are required along the entire property frontage on
6 Provost Rd NW, and shall consist of 12' travel lanes, 5' bike lane and 6'
7 sidewalk.
8 b. Sidewalk ramps shall conform to the current requirements of the Americans
with Disabilities Act per WSDOT standard plans at the time of construction.

9 **Landscaping**

10 42. Landscape Plan Required. The applicant shall submit a Final Landscape Plan
11 consistent with KCC 17.500.030 Landscaping as part of SDAP review. The
12 landscaping plan shall depict the native vegetation, proposed plantings and
irrigation. The Landscape Plan shall include a monitoring and maintenance plan
13 (KCC 17.500.030).

14 43. Trees.

- 15 a. Street trees shall be planted along the access road on individual lots at
16 approximately 25-ft spacing in the vegetative strip between the sidewalk and
thickened edge.
17 b. Trees on individual lots are required to be installed prior to Certificate of
18 Occupancy of individual units.

19 44. Maintenance. The applicant shall ensure the survival of all landscaping for the
20 first two years after planting or until a Homeowner's Association (HOA) is
21 formed, whichever is later. Once the plat maintenance has been transferred to the
HOA, the HOA shall become responsible for all common area landscaping
22 maintenance including irrigation. Maintenance of landscaping shall be consistent
with the Tree Care Industry Association's standard practices.

23 **Recreation and Open Space**

24 45. Recreation and Open Space Plan Required. The applicant shall submit a
25 recreation and open space plan compliant with KCC 16.24.040.H for review and
approval as part of the SDAP.

Dated this 13th day of May, 2025.

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2 Phil Olbrechts,
3 Kitsap County Hearing Examiner

4 **Appeal Right and Valuation Notices**

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

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