



## Hearing Examiner Staff Report and Recommendation

**Report Date:** April 17, 2025  
**Hearing Date:** April 24, 2025

**Application Submittal Date:** July 11, 2023  
**Application Complete Date:** August 3, 2023

**Project Name:** PROVOST Subdivision 16-Lots  
**Type of Application:** Preliminary Plat  
**Permit Number:** 23-03248

### Project Location

XXX Provost Rd. N.W.  
(No Site Address)  
Silverdale, WA 98383  
Commissioner District 3

**Assessor's Account #**  
202501-2-085-2006

### Applicant/Owner of Record

Huber Properties LLC  
6391 SE Mullenix Rd.  
Port Orchard, WA 98367

### Recommendation Summary

Approved subject to conditions listed under section 13 of this report.

### VICINITY MAP



### 1. Background

Proposal for preliminary plat (P-Plat) in the Silverdale Urban Growth Area. Site improvements to include stormwater management, onsite parking, utilities, landscape buffers, and critical area and recreational open space Tracts. Access via Provost Road NW. Services provided by Silverdale Water and onsite community septic drainfields.

### 2. Project Request

Applicant requests approval to subdivide approximately 4.63 acres into 16 lots for the benefit of single-family detached residences.

### 3. SEPA (State Environmental Policy Act)

The State Environmental Policy Act (SEPA), found in Chapter 43.21C RCW (Revised Code of Washington), is a state law that requires the County to conduct an environmental impact review of any action that might have a significant, adverse impact on the

environment. The review includes the completion of an Environmental Checklist by the applicant and a review of that checklist by the County. If it is determined that there will be environmental impacts, conditions are imposed upon the applicant to mitigate those impacts below the threshold of “major” environmental impacts. If the impacts cannot be mitigated, an environmental impact statement (EIS) must be prepared. The decision following environmental review, which may result in a Determination of Nonsignificance (DNS), Mitigated DNS, or the necessity for an EIS is called a threshold determination. A separate notice of the threshold determination is given by the County. If it is not appealed, it becomes part of the hearing record as it was issued, since it cannot be changed by the Hearing Examiner.

Pursuant to WAC 197-11-355, the optional DNS process was utilized for this project. The SEPA Comment period previously occurred concurrent with the Notice of Application dated August 24, 2023. A Determination of Nonsignificance (DNS) was issued on September 10, 2024.

The SEPA appeal period expired September 24, 2024. No appeals were filed; therefore, the SEPA determination is final.

**4. Physical Characteristics**

This property is an undeveloped forested lot with mixed conifer and deciduous trees, and an understory of ferns and brush. Provost Road is directly east with SR3 further east and Dyes Inlet in the distance. There is an undeveloped forested parcel to the south, single family residences to the north and west, and an undeveloped parcel to the southwest. The subject property is a hilly fully forested property flanked on the north side by a drainage valley, Provost Road to the east, single family homes to the west and vacant forested land to the south. A small portion of the mostly offsite category IV wetland is found onsite. A Type F stream runs diagonally across and located at the far northwest corner of the site. It is on a knoll with gentle to steep slopes to the east, north, and west. Elevation change between the highest areas of the site and Provost Road NW are on the order of 40 feet (+/-).

**Table 1 - Comprehensive Plan Designation and Zoning**

Comprehensive Plan: Urban Low Residential Zone: UL	Standard	Proposed
Minimum Density	5 (3.27 acres of net developable acreage x 5 = 16 required units)	16
Maximum Density	9 (4.64 acres x 9 = 41.76 or 42 maximum units)	
Minimum Lot Size	2,400	3,600
Maximum Lot Size	9,000	5,678
Minimum Lot Width	40 feet	40
Minimum Lot Depth	60 feet	60

Maximum Height	35 feet	<35 feet
Maximum Impervious Surface Coverage	NA	~65,340 or 32%
Maximum Lot Coverage	NA	NA

Applicable footnote: *KCC 17.420.060 # 25. For new building permit applications on vacant lots over eighteen thousand square feet located in urban low residential (ULR) and urban cluster residential (UCR) zones, the maximum lot size shall not exceed nine thousand square feet. This restriction shall not apply if: a. The net developable area of the existing parcel is less than eighteen thousand square feet, or b. The project application will meet minimum density requirements as established by this chapter.*

Staff Comment: Consistent with KCC 17.420.020.A, density was correctly calculated using net developable area to determine project density and complies with the requirement above for maximum lot size.

**Table 2 - Setback for Zoning District**

	Standard	Proposed
Front	20 feet for garage or carport; 10 for habitable area	20 feet for garage or carport; 10 for habitable area
Side	5 feet	5 feet
Side	5 feet	5 feet
Rear	10 feet	10 feet, 15 feet (Lots 15-16)

Fronts: Lots 1-6 (west) Lots 7-9 (north) Lots 10-16 (east)

**Table 3 - Surrounding Land Use and Zoning**

Surrounding Property	Land Use	Zoning
North	Single-family residences (SFR)	Urban Low Residential (UL)
South	Undeveloped Land	UL
East	Provost Rd. N.W./Railroads	UL/Military
West	SFR	UL

**Table 4 - Public Utilities and Services**

	Provider
Water	Kitsap PUD #1
Power	Puget Sound Energy
Sewer	Kitsap County
Police	Kitsap County Sheriff
Fire	Central Kitsap Fire & Rescue
School	Central Kitsap School District #401

**5. Access**

The property receives access from Provost Rd. N.W. which is a County-maintained Road with a Local Roads classification.

**6. Site Design**

The preliminary plat will include recreational open space amenities consistent with subdivision standards. Construction of amenities shall meet the latest industry safety standards and be reviewed in the SDAP and added as a condition of approval at the end of this report.

Recreation space requirements for the plat are 390 square feet of active open space per lot, with grades less than or equal to 5%. The minimum area of active open space for this development is equal to  $390 \times 16 = 6,240$  square feet. The project is providing 6,676 square feet. The Tract C active recreation area/open space meets the Kitsap County Code for the development: within 5% grade, located on site and has good visibility with approximately half of the homes and meets dimensional requirements.

**7. Policies and Regulations Applicable to the Subject Proposal**

The Growth Management Act of the State of Washington, RCW 36.70A, requires that the County adopt a Comprehensive Plan, and then implement that plan by adopting development regulations. The development regulations must be consistent with the Comprehensive Plan. The Comprehensive Plan process includes public involvement as required by law, so that those who are impacted by development regulations have an opportunity to help shape the Comprehensive Plan which is then used to prepare development regulations.

Kitsap County Comprehensive Plan, adopted June 30, 2016, and as amended thereafter.

The following Comprehensive Plan goals and policies are most relevant to this application:

**Land Use Goal 1.**

Focus current and future and planning on infill development of existing Urban Growth Areas.

**Land use Policy 2.**

Support innovative, high quality infill development and redevelopment in existing developed areas with Urban Growth Areas.

**Land Use Policy 14.**

Through development standards, encourage urban amenities such as open space, plazas, and pedestrian features in areas of more intensive development within Urban Growth Areas.

Land Use Policy 15.

Link non-motorized planning requirements to land use planning decisions. Housing and Human Services Goal 6. Integrate affordable housing and human services planning with transportation, workforce development, and economic development efforts.

Housing, Human Services Policy 23.

Promote housing preservation and development in areas that are already well-served by schools, public transportation, commercial facilities, and have adequate infrastructure to support alternative modes of transportation.

Transportation Goal 1.

Provide a safe and reliable multi-modal transportation system for people of all ages and abilities.

Transportation Policy 2.

Approve site design that is supportive of transit Service and its patrons.

Silverdale Sub Area Plan and Goals and Policies Silverdale Goal 1.

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 Policy 5.

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.

Housing Silverdale Goal 7.

Promote and protect the long-term viability, safety, character and identity of existing neighborhoods.

Silverdale Policy 18.

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 Goal 11.

Improve safety and circulation for bicyclists and pedestrians.

Silverdale Policy 27.

Establish priorities for completion of sidewalks and bicycle lanes in the design district areas.

The County's development regulations are contained within the Kitsap County Code. The following development regulations are most relevant to this application:

Code Reference	Subject
Title 12	Storm Water Drainage
Title 13	Water and Sewers
Title 14	Buildings and Construction
Title 17	Zoning
Chapter 18.04	State Environmental Policy Act (SEPA)
Chapter 19	Critical Areas Ordinance
Chapter 20.04	Transportation Facilities Concurrency Ordinance
Chapter 21.04	Land Use and Development Procedures

### 8. Documents Consulted in the Analysis

A complete index of exhibits is located in the project file. To date, the index to the record consists of the following Exhibits.

Exhibit #	Document	Dated	Date Received / Accepted
1	<b>STAFF REPORT</b>		
2	Concurrency		8/3/23
3	Critical Area Report	6/22/23	8/3/23
4	Geotech Report	1/12/23	8/3/23
5	Lot Size Table		8/3/23
6	Narrative	6/22/23	8/3/23
7	SEPA Checklist	6/22/23	8/3/23
8	Stormwater Worksheet	8/3/23	
9	Submission	7/11/23	8/3/23
10	Water Capacity Letter (Silverdale Water)	11/29/22	8/3/23
11	Notice of Application	8/24/23	
12	Public Comment – Suquamish Tribe		9/19/23
13	Public Comment – Ecology		9/21/23
14	Critical Areas Variance Report	12/14/23	1/16/24
15	Info Request Response Letter	1/12/24	1/16/24
16	Preliminary Storm Drainage Report	1/3/24	1/16/24
17	Revised Landscape Plan	1/8/24	1/16/24
18	Site Distance Exhibit	1/5/24	1/16/24
19	Drainage Report Updated	5/21/24	5/24/24
20	Information Request	5/23/24	5/24/24
21	Stormwater Conditions Memo	8/30/24	
22	SEPA Determination	9/10/24	

23	Notice of Public Hearing	9/25/24	
24	Certification of Public Notice	10/1/24	
25	Public Comment – Klos	10/7/24	10/7/24
26	Public Comment – Jones & Staff Response	10/14/25	10/14/24
27	Public Comment – Korsnes & Staff Response	10/16/24	10/16/24
28	Building Site Application: Lots 1-5	12/6/24	12/18/24
29	Building Site Application: Lots 6-10	12/6/24	12/18/25
30	Building Site Application: Lots 11-16	12/6/24	12/18/24
31	Revised Preliminary Plat Map	4/9/25	4/10/25
32	Revised Notice of Public Hearing	4/9/25	
33	Certification of Revised Public Notice	4/10/25	
34	Staff Presentation		
35	Hearing Sign-In		

**9. Public Outreach and Comments**

Issue Ref. No.	Summary of Concern (See corresponding responses in the next table)	Comment Letter Exhibit Reference No.
1	Public Comment – Suquamish Tribe Request for stream typing site visit 09/12/24-09/19/24. (Rod Malcom)	12
2	Public Comment – Ecology to confirm not attending site visit. No concern if stream buffer exceeds wetland buffer. (Neil Molstad)	13
3	Public Comment – Congestion, density, infrastructure (Klos)	25
4	Public Comment – Traffic impact assessment (Korsnes)	27
5	Public Comment – Traffic impact fees (Dave Jones)	26

Issue Ref. No.	Issue	Staff Response
1	Stream Typing	Facilitated field visit. Determined it was a Type F. Proponent’s Biologist updated report and included the critical area variance review criteria.
2	Wetland Buffer	Site visit occurred, confirmed critical areas and buffers.
3	Congestion, density, infrastructure	KCC to be followed. Added as an interested party.
4	Traffic impact assessment	Forwarded to Public Works Traffic. TIA triggers.
5	Traffic impact fees	Fees assessed at bldg. permit review.

**10. Analysis**

**a. Planning/Zoning**

The proposed Provost Preliminary Plat was reviewed for consistency with requirements pursuant to KCC 17.420.037 Single-family Subdivision/Design Standards, Chapter 16.24 Land Segregation Standards, and Chapter 16.40 Subdivisions.

The preliminary plat is required to comply with urban development standards for utilities, roads, sidewalks, landscaping and recreation facilities.

**b. Lighting**

Lighting and Central Mailboxes for Urban Plats: Urban residential plats generally include illumination of internal roadways and street lighting at the intersection where private roads intersect with County right-of-way, pursuant to 11.40 Street Lighting. The developer is responsible for installing lighting at the County’s intersection and conveying the lights to the County. If desired, the developer and or Homeowners Association (HOA) may install the internal street lighting. The individual property owners would be billed through the power purveyor for lighting, with the HOA responsible for maintenance.

Comparable developments have moved away from traditional rural box styles and instead install a clustered mailbox design for efficiency, security, and aesthetics. Consistent with KCC 16.24.040 Urban Standards 1.C (d.), where clustered mailboxes are proposed, the mailboxes must meet clear zone requirements.

**c. Off-Street Parking**

The Plat was reviewed for consistency with KCC 17.490 Off-street Parking and Loading and the plat is consistent with requirements. The proposal includes on-street and off-street parking. The applicant is proposing 32 off-street parking spaces in driveways and 9 on-street parking spaces. Per 17.490.020, the County calculates the required number of spaces in the driveway and within individual residential garages. During review of individual building permits for the homes, the location and number of off-street parking spaces will be verified. The 16 single family homes will have driveways from the private roadway, with area for parking of two vehicles for each home.

**Table 5 - Parking Table**

Use Identified in 17.490.030	Standard	Required Spaces	Proposed Spaces/Existing Spaces
Single family (17 units)	2 per unit + 0.5 per unit on street or set aside		32 per unit 9 on-street
Total		41	41



**d. Signage**

Pursuant to KCC 17.510 Sign Code, the applicant can apply for signage near the entrance of the subdivision during or after construction. The applicant has not proposed specific signage at this time. When the final plat is recorded to establish the subdivision and lots are for sale, all signage will be required to be consistent with 17.510.060.M Conditionally Exempt signs - Real Estate Signage Program.

**e. Landscaping**

Pursuant to KCC 16.24 Urban Standards Landscaping Requirements, landscaping is required at entrances and street trees planted by the developer along streets or on individual lots at construction or for individual units prior to certificate of occupancy. The applicant will be required to submit a final landscape plan, for approval with the Site Development Activity Permit application, showing landscaping, including street trees, the recreation facilities, open space and natural vegetation, and around storm drainage facilities if applicable. See conditions of approval at end of this report.

**Table 6 - Landscaping Table**

	Required	Proposed
Required Landscaping (Sq. Ft.) 15% of Site	NA	NA
Required Buffer(s) 17.500.027		
North	NA	NA
South	Roadside and Setback Buffer	Roadside and Setback Buffer
East	Roadside and Setback Buffer	Roadside and Setback Buffer
West	Roadside and Setback Buffer	Roadside and Setback Buffer
Street Trees	25 to 30 feet spacing	25 to 30 feet spacing

**f. Frontage Improvements**

Consistent with Comprehensive Plan polices, KCC 16.04.080 General Requirements, KCC 17.420.037 Single Family Design Standards and KCC Title 11 Kitsap County Road Standards, the preliminary plat is required to include frontage improvements along Provost Rd. N.W. The proposal is for a curb, gutter, sidewalk and bike lane across the frontage to the plat entry. The internal roadways will include frontage improvements on one side of the internal private road shown as Tract A, including the entire cul-de-sac bulb.

**g. Design Districts/Requirements**

The project is located outside of designated Kitsap County design districts.

**h. Development Engineering/Stormwater**

The proposed stormwater facilities include multiple infiltration trenches for stormwater quantity control; and with two Storm Filters for stormwater quality control. The proposed development includes frontage improvements on Provost Rd NW. Development Engineering (DE) has reviewed the above land use proposal and accepts the concepts contained in its approach to civil site development. DE recommends conditions found at the end of this report.

**i. Environmental**

A Critical Areas Report was first completed by Land Services Northwest on June 22, 2023, as part of the first submittal. After the Stream ID team did a site visit on 9/28/2023, the stream was determined to be a Type F for fish-bearing, therefore requiring a 150-foot buffer. A revision to the Critical Areas Report, titled Wetland and Stream Delineation, Assessment and Habitat Management Plan dated December 14, 2023, to address the findings and apply mitigation sequencing for a buffer averaging and a 25 percent administrative critical area buffer reduction request.

One regulated on and offsite wetland and one regulated on and offsite stream were found. Wetland A was determined to be a Category IV wetland with an overall score of 14 and a habitat score of six (MLH). Wetlands in Kitsap County with a habitat score of six (MLH) and a high intensity land use will typically carry a 50-foot buffer. The unnamed stream was mostly dry at the time of the survey, and it has a culvert that crosses Highway 3 and Provost Road, but is determined to be an F-type stream as it is >2 feet wide with less than a 16% grade. This stream will carry a one hundred fifty-foot buffer.

A variance is requested to allow a 25% buffer reduction from 150-feet to 112.5 feet in the vicinity of lots 15-16 and added in the area of Tract B and C using a combination of buffer averaging and buffer enhancement in order to maintain stream functions. The reduction will also allow for consistent lot size, provide open space and enable the number of lots necessary to have a viable project consistent with the recommended zoning density.

Excerpt From Critical Area Report (12/14/23)

Table 2 - Summary of Wetlands and Streams on or in the Vicinity of the Subject Property

Wetland	Size		Category /Type	Base Buffer Width (feet)	Mitigation Ratio	Cowardin Class	Comments
	On-site	Off-site (estimated)	Kitsap County				
Wetland A <sup>1</sup>	270 sq ft	~12,062 sq ft	Category IV	50	None needed	PFOC <sup>1</sup>	No wetland impacts
Un-named stream	75 lineal feet	361 lineal ft	NS	150	1:1 enhancement to impact	-	Stream buffer impacts

A building or impervious surface setback line of fifteen feet is required from the edge of any wetland buffer. Minor structural or impervious surface intrusions into the areas of the setback may be permitted if the department determines that such intrusions will not adversely impact the wetland. The setback shall be identified on a site plan.

19.300.316 A. 3. Provision for Decreasing Buffer

- a. The department may grant an administrative reduction to buffer widths when the following are met:
  - i. The applicant demonstrates that buffer widths cannot be met, according to the variance criteria in Section [19.100.135](#);
  - ii. The applicant submits a habitat management plan (HMP) that meets the requirements as described in Chapter [19.700](#) (Special Reports);
  - iii. The HMP is reviewed and consultation with the Washington State Department of Fish and Wildlife determines that a reduction is the minimum necessary for the permitted use; and
  - iv. The conditions are sufficient to assure no net loss of ecological functions of the affected fish and wildlife habitat conservation area.
- b. The department may reduce the buffer width by up to twenty-five percent in a Type I decision under Chapter [21.04](#). When applicable, the order of sequence for buffer reductions shall be as follows:
  - i. Use of buffer averaging, maintaining one hundred percent of the buffer area under the standard buffer requirement;
  - ii. Reduction of the overall buffer area by no more than twenty-five percent of the area required under the standard buffer requirement;

- iii. Enhancement of existing degraded buffer area and replanting of the disturbed buffer area;
- iv. Use of alternative on-site wastewater systems in order to minimize site clearing;
- v. Infiltration of storm water where soils permit; and
- vi. Retention of native vegetation on other portions of the site in order to offset habitat loss from buffer reduction.

Applicant Comments: The applicant has minimized the impacts to the point that lots were necessarily removed, however, due to the type of development, the applicant cannot reduce the development further and maintain the objective of providing market rate housing to which the zoning allows and maintain the open space requirements. Any further reduction would not be practicable in this context. This has been the impetus of the hybrid with buffer average and enhancement to allow for an improved buffer over what would typically be provided in this instance. This would also be consistent with the recent efforts in the state legislature to provide relief for higher density in order to provide much needed affordable housing.

We have rated the adjacent wetlands and looked at stream buffer functions using the currently accepted BAS (Hruby, 2013), (WDFW, 2014) and determined that there will be no-net loss of the stream and wetland functions and values. Since Water Quality is the primary attribute that we would like to enhance, planting native plants to improve the water quality functions will ensure the functions of the stream will be maintained.

Staff Comments: A habitat management plan meeting KCC19.700.720 was included in the application materials and provides conditions sufficient to assure no net loss of ecological functions of the affected fish and wildlife habitat conservation area. A buffer averaging plan with buffer enhancement will make sure that there is no net loss of stream function due to the development. The maintenance and monitoring plan contains contingencies to ensure success of the plantings for 10 years.

#### 19.100.135 Variances.

A variance in the application of the regulations or standards of this title to a particular piece of property may be granted by Kitsap County, when it can be shown that the application meets all of the following criteria:

1. *Because of special circumstances applicable to the subject property, including size, shape, or topography, the strict application of this title is found to deprive the subject property of rights and privileges enjoyed by other properties in the vicinity; provided, however, the fact that those surrounding properties have been developed under regulations in force prior to the adoption of this ordinance shall not be the sole basis for the granting of a variance.*

Applicant Response: The applicant would like to apply for the permits on their own merits even though the surrounding development was done previously and may have a different standard. The location of the Type F stream buffer has created a hardship that would make the proposal infeasible without the variance to allow the number of lots that have been applied for in this application. The number of lots has already been reduced and the applicant has provided a project that avoids and minimizes the impacts to the greatest extent possible while still maintaining the objectives of providing market rate housing which meets the density requirements for the zoning. The open space has been located nearest the buffer to allow for an extension of the buffer in that area. The portion nearest the

2. *The special circumstances referred to in subsection (A)(1) of this section are not the result of the actions of the current or previous owner.*

Applicant Response: The applicant has not created this condition as they were not responsible for the zoning or the size and shape of the lot. The stream that is creating the difficult development situation will maintain a 25% reduced buffer which should be allowed.

Although the stream does meet the fish bearing physical characteristics of greater than 2 feet wide with less than 16 percent grade, the stream must pass through a culvert that goes underneath Highway 3 and Provost Road before it emerges on the neighboring property. From there it goes up to the southwest where the stormwater from the neighboring subdivision which comprises much of the stream's basin before it enters the subject property. The point is that this is not a typical type F stream and in fact it is not shown on any of the stream inventories.

The applicant will not only use buffer averaging to extend the buffer where they are able, but they will also use buffer enhancement with invasive species removal in order to maintain the buffer functions through increased buffer density. The area that will be reduced for the averaging is an area that is sloped toward the road to the west, so the area of impact is in an area with little exposure to the stream.

3. *The granting of the variance will not result in substantial detrimental impacts to the critical area, public welfare or injurious to the property or improvements in the vicinity and area in which the property is situated or contrary to the goals, policies and purpose of this title.*

Applicant Response: There should be no substantial detrimental impacts to the critical area as shown in the buffer assessment. No direct impacts shall occur to the wetlands or the stream. The public welfare will be maintained through the

setback which is sufficient to prevent erosion or other impacts. There should be no increase in flooding and the subdivision will use a Kitsap County approved septic system. The goals of the title is to maintain the functions and values of the wetlands, streams and other critical areas and it is the policy to avoid impacts which we have done through the careful consideration where the impacts will occur and the mitigation will work best for the benefit of the streams and wetlands.

This should meet the comprehensive plan goals and the state's growth management goals of providing market rate housing at a density which will maximize this housing while maintaining the functions for the benefit of all the citizens of Kitsap County. Recent legislation supports the enhancement of buffers in order to provide higher housing density for affordable housing.

4. *The granting of the variance is the minimum necessary to accommodate the permitted use.*

Applicant Response: We have minimized the impacts to the point where any more reductions in the quantity of lots would render the project unviable. Given the zoning, we are maintaining the maximum number of lots in accordance with the zoning goals and providing the mitigation necessary to maintain the functions of the stream. This is consistent with recent bills that have passed in the legislature to increase affordable housing in Washington State. Therefore, the granting of the variance is the minimum necessary.

5. *No other practicable or reasonable alternative exists. (See Definitions, Chapter 19.150.)*

Applicant Response: As was just mentioned, there does not appear to be any other alternative due to the position of the property in the landscape in consideration of the stream and wetland buffers. Since we are maintaining the buffers within the 25% allowable reduction any more would be impracticable.

6. A mitigation plan (where required) has been submitted and is approved for the proposed use of the critical area.

Applicant Response: We have provided the mitigation plan with this study to show how we intend to maintain the functions of the stream. The mitigation plan has a 10-year monitoring plan to assure success of the plantings and the improvements they bring to the buffer.

Staff Comments: Staff has reviewed the administrative buffer reductions based on the criteria and standards referenced in this chapter and finds the variance criteria has been met. Conditions are added for a final mitigation planting plan

with SDAP submittal. Monitoring and maintenance will be required as a condition of approval.

#### Development Impacts

No direct or indirect impacts to the streams are expected, however, the buffers of the stream will require a reduction in the outer 25% as allowed through a variance to 112.5 feet for lots 15-16 in order to maintain the general size of the lot. These impacts would be offset by extending the buffer using buffer averaging with a native plant enhancement plan in the vicinity of Tracts B and C where there will be a more intense land use due to the proximity to Road A.

#### Impact Avoidance and Minimization

The property has undeveloped forestland. The applicant proposes to avoid direct impacts to wetlands and streams. The stream buffer could not be completely avoided, but we were able to maintain the impacts within the outer 25% of the stream buffer and provide enhancement to the remaining buffer in the vicinity of the park / open space Tract B and C to reduce the overall impact.

The buffer averaging should also maintain the outer buffer by adding buffer in a portion that is slightly more sensitive due to the closer proximity of the wetland buffer. Since trees will be removed for the road in the area we plan to enhance, the overall shading will be reduced. We will add and enhance the buffer in the portion of the buffer that is close to the road, while still maintaining an open space park. This will close the gap between the remaining forest and the emergent and Shrub layer.

The stormwater will be maintained onsite and will infiltrate to groundwater where eventually it will serve to augment stream flow via the constricted layer found in the nearby wetland so the wetland will not be dewatered by the overall development activities of the subdivision.

The applicant will use construction BMPs to reduce any impacts from construction. The location of the open space tracts was chosen to improve any buffer functions. Mulch used in the plantings will improve the adsorption of the contaminant and nutrients to improve water quality above and beyond the typical enhancement plan and the native plants used in the plantings will improve the nutrient uptake in order to maximize the effect of the plan.

#### Minimization of Water Quality Impacts

Implementing water quality and sedimentation best management practices (BMPs) will act to minimize sedimentation and protect water quality on-site and any bare areas will be planted with a cover crop. Silt fences and straw waddles will be used where necessary. Splash blocks and infiltration galleries and stormwater ponds will be used to reduce stormwater impacts from the residences. Open space tracts will also prevent

channelized water from entering the stream and the project will be built according to the most recently approved Kitsap County Stormwater Manual.

South Sound Geotechnical Consulting provided a geotechnical engineering report, dated January 12, 2023, to address 19.400 for landslide hazards to assess site slopes as being considerably stable based on-site observations and document review and the proposed development should not adversely impact slope stability on the site or on adjacent properties utilizing proper construction practices. They recommend that individual houses maintain a setback of at least 20 feet from the top of slopes having inclinations greater than 35 percent.

The property is located within a Critical Aquifer Recharge (CARA-1) due to highly permeable soils and a shallow aquifer, however, the preliminary subdivision is not a listed as a land use in Table 19.600.620 Activities with a Potential Threat to Groundwater Quality and does not require a hydrogeologic report.

**j. Access, Traffic and Roads**

The proposed development includes improvements to Provost Rd. N.W., along the entire site frontage, including the entrance, and includes a sidewalk and bike lane. Private interior plat road sections 1 and 2 will be constructed with 12-foot paved drive lanes with 9-foot parking for 2 stalls along one side of road section 2. The shared access sections (Tracts E & F) provide 9-foot paved drives, with 7 additional off-site parking stalls. The access road (Tract A) into the plat as well as the shared access road segments, have a slope of approximately 2%.

**k. Fire Safety**

The project is located within the Central Kitsap Fire & Rescue District #1. The nearest fire station is located near the corner NW Newberry Hill Road and Dicky Road NW. The Fire Marshal has reviewed and conditioned the proposal, included at the end of this report. Fire flow verification and adequate fire apparatus access for emergency responders are required and will be reviewed through the SDAP.

**l. Solid Waste**

Individual property owners will be responsible for solid waste collection. Waste Management approval is required for solid waste service for the plat.

**m. Water/Sewer**

The project requires an urban level of service for water and sewer service. The applicant has provided documentation that the water service is available from Silverdale Water District and is not required to connect to public sewer. Building site applications for three (3) community septic systems have been submitted for approval by Kitsap County Health District.

**n. Kitsap Public Health District**



The Kitsap County Health District has approved the preliminary plat and does not have concerns with the request. The Health District has requested the binding water availability letters for each unit be submitted prior to final plat approval.

### **11. Review Authority**

The Hearing Examiner has review authority for this Preliminary Plat application under KCC, Sections 16.40.030 and 21.04.100. The Hearing Examiner may approve, approve with conditions, remand, or deny the project request. The Hearing Examiner may also continue the hearing to allow for additional information necessary to make the proper decision. The powers of the Hearing Examiner are at KCC, Chapter 2.10.

### **12. Findings**

1. The proposal is consistent with the Comprehensive Plan.
2. The proposal complies or will comply with requirements of KCC Title 17 and complies with or will comply with all of the other applicable provisions of Kitsap County Code and all other applicable regulations, including all applicable development standards and design guidelines, through the imposed conditions outlined in this report.
3. The proposal is not materially detrimental to existing or future uses or property in the immediate vicinity.
4. The proposal is compatible with and incorporates specific features, conditions, or revisions that ensure it responds appropriately to the existing character, appearance, quality or development, and physical characteristics of the subject property and the immediate vicinity.

### **13. Recommendation**

Based upon the analysis above and the decision criteria found in KCC 16.40.030, the Department of Community Development recommends that the Preliminary Plat request for Provost be **approved**, subject to the following conditions:

#### **a. Planning/Zoning**

1. All required permits shall be obtained prior to commencement of land clearing and/or construction.
2. Review the linked Hearing Examiner decision for conditions of approval. The Staff Report conditions below are only recommended conditions to the Hearing Examiner and may be modified or not required by the Hearing Examiner.
3. All Building permits on these lots will be subject to impact fees pursuant to Kitsap County Code.

4. 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.
5. A final landscape and irrigation plan will be subject to approval by the Department prior to SDAP approval.
6. Street trees shall be planted along the access road on individual lots at approximately 25-ft spacing in the vegetative strip between the sidewalk and thickened edge. Trees on individual lots are required to be installed prior to Certificate of Occupancy of individual units.
7. 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.
8. 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.
9. A recreational open space plan shall be submitted to the department and reviewed and approved with the site development activity permit (SDAP). Said plan shall show dimensions, finished grade, equipment, landscaping and improvements to demonstrate that the requirements of this subsection 16.24.040 H. Recreational Requirements are met.
10. Include a note on the face of the plat showing building setbacks for the lots as conditioned per the plat approval.
11. 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.
12. Pursuant to KCC Section 21.04.270 Duration of decisions, 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.
13. The decision set forth herein is based upon representations made and exhibits contained in the project application found as an Exhibit. 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.

14. 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.
15. Any violation of the conditions of approval shall be grounds to initiate revocation of this Plat.
16. Land segregations of five or more lots within a UGA that propose roads and/or storm water 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 storm water facilities.

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. Rock and retaining walls shall meet all applicable setback requirements of Vol. II, Chapter 9 of the Kitsap County Stormwater Drainage Manual.

17. 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.
- b. Development Engineering**
18. 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.

19. 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.
20. 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.
21. 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 this permit application was deemed fully complete. 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 Code in effect at the time of SDAP application, or Building Permit if an SDAP is not required.
22. 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.
23. The site plan indicates that greater than 1 acre will be disturbed during construction. This threshold requires a National Pollutant Discharge Elimination System (NPDES) Stormwater Construction permit from the State Department of Ecology. More information about this permit can be found at: <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. Processing time for NPDES permit is a minimum of 37 days.
24. 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.
25. The application indicates that a significant quantity of grading material will be exported from the site. Prior to issuing the SDAP an approved fill site(s) must be identified.

- Any fill site receiving 150 cubic yards or more of material must obtain an SDAP.
  - Fill sites receiving 5,000 cubic yards or more, or located within a critical area, must have an engineered SDAP.
  - For any fill site receiving less than 150 cubic yards, the SDAP holder shall submit to Kitsap County Department of Community Development load slips indicating the location of the receiving site and the quantity of material received by said site.
26. The application indicates that a significant quantity of grading material will be imported to and/or exported from 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.
27. The design of the infiltration facilities shall be accordance with Vol. II, Chapter 5 of the Kitsap County Stormwater Design Manual. Infiltration testing and groundwater monitoring reports shall be provided with SDAP submittal.
28. 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.
29. 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.
30. 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.
31. 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.
32. 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.
33. 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.
34. The owner shall be responsible for maintenance of the storm drainage facilities for this development following construction. Before requesting final inspection for the SDAP (or for the Building Permit if an SDAP is not required) 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 site plan approved for this permit application, Development Services and Engineering will require additional review and potentially new conditions.
36. Prior to recording the Final Plat, vehicular access shall be constructed to provide access to all proposed lots.

37. The following shall appear on the face of the Final Plat, under the heading Conditions:
- f. 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 Services and 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.
  - g. All lots shall access from interior roads only.
38. 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.
39. Sidewalk ramps shall conform to the current requirements of the Americans with Disabilities Act per WSDOT standard plans at the time of construction.
40. Any required sidewalk shall be constructed prior to final roadway paving. This note shall appear on the face of the final construction drawings.
41. The property owners 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 accepted construction plans.
42. Frontage improvements are required along the entire property frontage on Provost Rd NW, and shall consist of 12' travel lanes, 5' bike lane and 6' sidewalk.
43. Provide surveyed cross-sections at 50-foot intervals along the parcel frontage on existing fronting roads where access is proposed. The cross-sections shall show existing and proposed pavement, shoulders, ditches and slopes. The cross-sections shall also depict centerline of pavement and right-of-way, the right-of-way lines, and easements.
44. The Site Development Activity Permit shall include 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 to county rights of way shall be designed in accordance with the Kitsap County Road Standards as established in Chapter 11.22 of the Kitsap County Code.

45. The developer's engineer shall certify that there is adequate entering sight distance at all project intersections with County rights of way. 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 for County rights of way. The certification shall also note necessary measures to correct and maintain the minimum sight triangle. The required information shall be submitted with the SDAP.
46. 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).
47. 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.
48. Final plan approval will require documentation of Washington State Department of Transportation (WSDOT) approval for impacts to and any 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](mailto:SmileyJ@wsdot.wa.gov).
49. 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 process, if a SDAP is not required. The need for and scope of bonding will be determined at that time.
50. 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 1-800-592-9995, [pnwcmsservices@wm.com](mailto:pnwcmsservices@wm.com) or <http://wmnorthwest.com/kitsap/index.html>

**c. Environmental**

51. 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 engineering report from South Sound Geotechnical Consulting (SSGC), dated January 12, 2023, per KCC Tile 19.400 and KCC 19.700.
52. This project shall follow all critical area buffers and setbacks as depicted in the Critical Areas Report (Land Services Northwest, dated December 14, 2023, Wetland A (Cat. IV) shall maintain a 50-foot vegetated buffer and 15-foot building setback; The Unnamed Type F Stream (Type F) will maintain a 150-foot vegetated buffer and 15-foot building setback along the buffers. Signs are available from DCD.
53. Split-rail fencing shall be placed at the outer edge of critical area buffers, as depicted on the approved Landscape Plan.
54. A final Planting and Mitigation Plan shall be submitted with SDAP for the temporary impacts to Wetland D due to road construction.
55. Conversion logging will be reviewed under the SDAP. A Forest Practice application shall be submitted with application.

**d. Fire Safety**

56. A fire suppression is required for each dwelling on each lot created by this plat as an alternate means and method for fire department access grade greater than 12%.
57. Fire flow in the amount of 500 gpm at 20psi is required for this project. A fire flow letter from the water district is required to be submitted to the fire marshal office at time of building permit.
58. Fire hydrant shall be installed and in service prior to any combustible material being placed on site.
59. No parking signs complying with IFC 503.3 shall be placed on both side of the road. See Appendix D103.6 for a specification of signage.

**e. Solid Waste**

60. Permit will be conditioned for Waste Management approval with SDAP.

**f. Kitsap Public Health District**

62. Binding water availability letters for each unit must be submitted prior to final plat approval

**Report prepared by:**



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Jenny Kreifels, Staff Planner

April 1, 2025

Date

**Report approved by:**



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Darren Gurnee, Planning Supervisor

4/3/2025

Date

**Attachments:**

Attachment A – Site Plan

Attachment B – Critical Areas Map

Attachment C – Zoning Map

Attachment D – Landscape Plan

**CC:**

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Authorized Agents: Sheri Greene - AHBL, [sgreene@ahbl.com](mailto:sgreene@ahbl.com); Jessica Bruce, [jbruce@ahbl.com](mailto:jbruce@ahbl.com)

Biologist: Alex Callender, [landservicesnw@gmail.com](mailto:landservicesnw@gmail.com)

Contractor: Dylan Huber, [dylan@spp-mfg.com](mailto:dylan@spp-mfg.com)

Interested Parties: Lulu Potter, [homelulu@hotmail.com](mailto:homelulu@hotmail.com); Neil Molstad – DOE Wetland, [nemo461@ECY.WA.GOV](mailto:nemo461@ECY.WA.GOV); Rod Malcolm – Suquamish Tribe, [rmalcom@suquamish.nsn.us](mailto:rmalcom@suquamish.nsn.us); Adam Samara – WDFW, [Adam.Samara@dfw.wa.gov](mailto:Adam.Samara@dfw.wa.gov); Gregory & Jennifer Klos, [jennmklos@yahoo.com](mailto:jennmklos@yahoo.com); David Jones, [dcjones@windermere.com](mailto:dcjones@windermere.com); Michael Korsnes, [Michael.Korsnes@gmail.com](mailto:Michael.Korsnes@gmail.com); Jeannie Jazuk Dunn, [jazdu9000@live.com](mailto:jazdu9000@live.com)

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Kitsap County Health District, MS-30

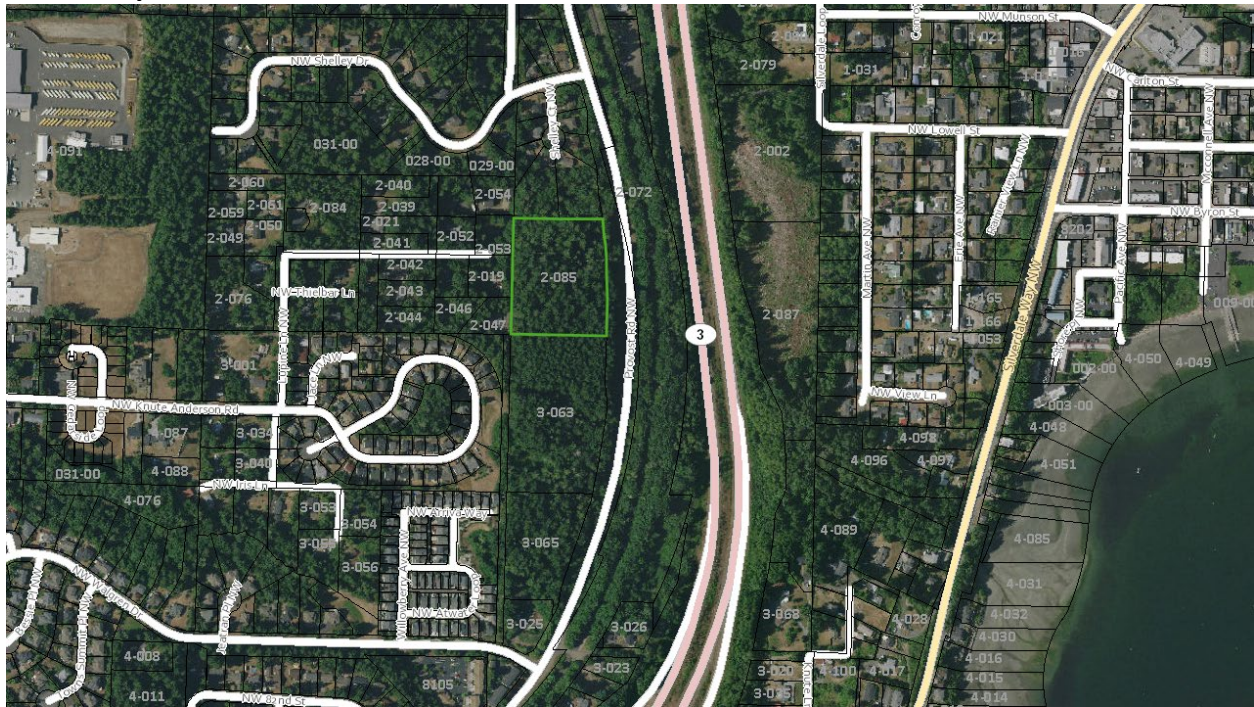
Kitsap County Public Works Dept., MS-26

DE & PEP

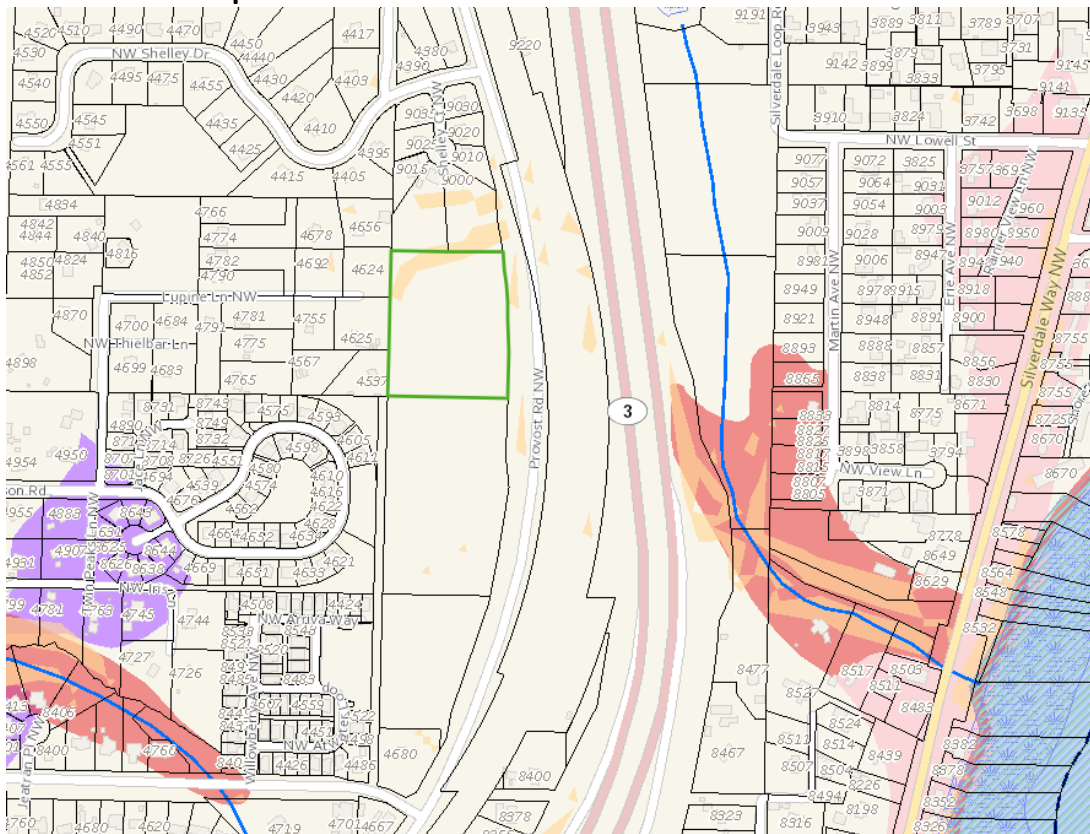
DCD Staff Planner: Jenny Kreifels



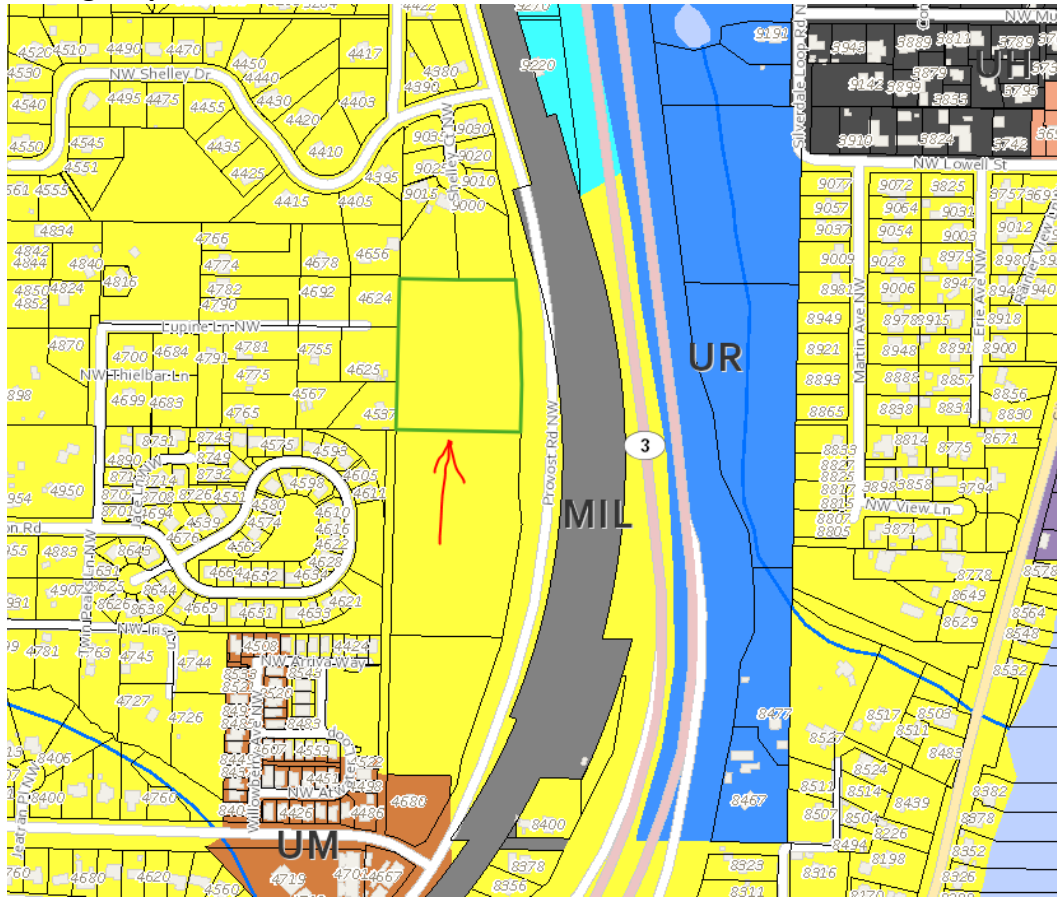
### Aerial Map 2021



### Critical Areas Map



**Zoning Map**



**Landscape Plan & Planting List**

NATIVE PLANT LIST			
SYMBOL	QTY	DESCRIPTION	SIZE
TREES			
⊖	4	Acer macrophyllum Big Leaf Maple	1.5" Cal. Min. Well Formed
⊖	17	Cornus nuttallii Pacific Dogwood	1.5" Cal. Min. Well Formed
⊖	3	Crataegus douglasii Western Hawthorne	1.5" Cal. Min. Well Formed
⊖	8	Pseudotsuga menziesii Douglas Fir	4' Ht Min Full/Compact
⊖	8	Thuja plicata Western Red Cedar	4' Ht Min Full/Compact
SHRUBS			
⊕	46	Arctostaphylos uva ursi Kinnikinnick	1 Gal. @ 24" OC Triangular Spacing
⊙	41	Berberis aquifolium Tall Oregon Grape	1 Gal. Min. @ 60" Spacing
⊖	12	Holodiscus discolor Oceansoray	1 Gal. Min. @ 60" Spacing
⊙	69	Rosa gymnocarpa Wild Rose	1 Gal. Min. @ 60" Spacing

NOTE: ALL PLANT MATERIAL IS NATIVE. XERISCAPING SIZING AND MAINTENANCE ARE APPLIED.

