



Rafe Wysham  
Director

## KITSAP COUNTY DEPARTMENT OF COMMUNITY DEVELOPMENT

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

### Notice of Hearing Examiner Decision

01/27/2026

To: Interested Parties and Parties of Record

RE:           Project Name:       MORGAN-PHELPS - Performance  
  Based Development for 7 Units &  
  MORGAN-PHELPS - Short Plat  
  Amendment to Change 3 Duplex Lots to  
  Zero Lot Line Lots (2x6)  
                                  Applicant:       Ross Morgan & Dan Phelps  
  7240 CORNELL CT NW  
  BREMERTON, WA 98311  
                          Application:       PBD & P SP AMEND  
                  Permit Number:       24-03495 (PBD) & 25-02182 (PSP  
  AMEND)

The Kitsap County Hearing Examiner has **APPROVED** the land use application for **Permit 24-03495: MORGAN-PHELPS - Performance Based Development for 7 Units – PBD** and **Permit 25-02182: MORGAN-PHELPS - Short Plat Amendment to Change 3 Duplex Lots to Zero Lot Line Lots (2x6) – P SP AMEND**, subject to the conditions outlined in this Notice and included Decision.

**THE DECISION OF THE HEARING EXAMINER IS FINAL, UNLESS TIMELY APPEALED, AS PROVIDED UNDER WASHINGTON LAW.**

The applicant is encouraged to review the Kitsap County Office of Hearing Examiner Rules of Procedure found at:

<https://www.kitsap.gov/dcd/HEDocs/HE-Rules-for-Kitsap-County.pdf>.

Please note affected property owners may request a change in valuation for property tax purposes, notwithstanding any program of revaluation. Please contact the Assessor's Office at 360-337-5777 to determine if a change in valuation is applicable due to the issued Decision.

The complete case file is available for review by contacting the Department of Community Development; if you wish to view the case file or have other questions, please contact [help@kitsap1.com](mailto:help@kitsap1.com) or (360) 337-5777.

**CC:**

Applicant/Owner: Ross Morgan & Dan Phelps, [antrondst@hotmail.com](mailto:antrondst@hotmail.com)

Engineer: Michael Wnek with Wnek Engineering, [wnekeng@gmail.com](mailto:wnekeng@gmail.com)

Interested Parties:

John Tschida, [scheetah13@comcast.net](mailto:scheetah13@comcast.net)

Bill & Cheri Snell, [bsnell10@comcast.net](mailto:bsnell10@comcast.net)

Sarah Tassano, [sma98312@gmail.com](mailto:sma98312@gmail.com)

Tim Lyon, [lyonenterprises@gmail.com](mailto:lyonenterprises@gmail.com)

Stanley Yeadon, [justcallmestan@msn.com](mailto:justcallmestan@msn.com)

Marilyn Winterowd, [mwinterowd@aol.com](mailto:mwinterowd@aol.com)

Johnny Rodriguez, [jxrod75@aol.com](mailto:jxrod75@aol.com)

Prosecutor's Office

Assessor's Office

DCD

Kitsap Sun

Point No Point Treaty Council

Suquamish Tribe

Skokomish Tribe

Port Gamble S'Klallam Tribe

Squaxin Island Tribe

Puyallup Tribe

Dept of Archaeological Historic Preservation

WA Dept of Natural Resources

WA Dept of Fish & Wildlife

WA State Dept of Ecology-SEPA

WA State Dept of Transportation

Health District

Public Works

Parks

Navy

DE & PEP

Kitsap Transit

Central Kitsap Fire District

Central Kitsap School District

Puget Sound Energy

City of Bremerton Planning Director

Water Purveyor: KPUD 1

Sewer Purveyor: PUBLIC UTILITY DIST NO 1

WA Dept of Transportation/Aviation

WA State Dept of Ecology-Wetland Review

WA State Dept of Ecology-Shoreline Review

**KITSAP COUNTY HEARING EXAMINER  
FINDINGS OF FACT, CONCLUSIONS OF LAW AND DECISION**

**Performance Based Development and Preliminary Short Plat Amendment  
PBD 24-03495; PSP Amendment 25-02182  
Morgan-Phelps Single Family/Townhome Project**

**January 26, 2026**

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**Findings of Fact**

**1. Project.** Request for Performance Based Development (PBD) and Preliminary Short Plat amendment to allow six zero lot line duplex parcels (Lots A, B, C, D, E, and F) and one single-family residence parcel (Lot G). The plat includes three tracts. Two are for the septic drainfield and reserve drainfield. One is for recreation. Each parcel driveway contains two parking spaces. NW Vena Street frontage improvements include a sidewalk addition. Bunker St NW frontage improvements include widening for parking, with curb, gutter and sidewalk.

An earlier iteration of this project was approved through Preliminary Short Plat #20-00680 and Site Development Activity Permit #21-01593, which allowed three duplex parcels and one single-family residence parcel. Both proposals would allow seven dwelling units, but the revision allows for seven parcels instead of four. With the revision, six parcels would be for zero lot line townhomes (instead of three duplexes), with the seventh parcel for a single family residence. The PBD reduces building setbacks to zero between parcels A/B, C/D, and E/F to split the duplexes into independent ownership units on separate parcels. To reflect this change, the plat must be amended.

**2. Applicant/Property Owner.** Ross Morgan & Dan Phelps, 7240 Cornell Ct NW, Bremerton, WA 98311.

**3. Location:** Corner lot at NW Vena Street and Bunker Street NW in unincorporated Tracyton, WA. Parcel #352501-3-073-2001

**4. Public Notice.** Hearing notice must be mailed, published in a paper of general circulation, and the property posted 15-days before the hearing.<sup>1</sup> The notice for the Kitsap County Hearing Examiner Open Record Hearing was mailed, posted, and published per code requirements.<sup>2</sup>

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<sup>1</sup> KCC 21.04.080; KCC 21.04.210(C)(1)(2) and (3); KCC 17.450.110.

<sup>2</sup> Exs. 18 and 19, *see also* Exhibits 2 and 16.

**5. Hearing.** The Hearing Examiner considered the Applicant's request at an open record public hearing on January 8, 2026. At the hearing, the Kitsap County Department of Community Development, through Kate Millward, summarized the project review process and provided details on the project. The Applicant, through Dan Phelps, appeared, as did the project's civil engineer, Mike Wnek. Several citizens testified, raising various concerns, but particularly on drainage and septic system impacts. So the concerns could be further addressed, the record was kept open until January 12, with additional comment received (Exhibits 23-26). The Examiner also requested the health district review documentation referred to during the hearing (Exhibit 27).

**6. Administrative Record.** Exhibits 1-27 were admitted. The exhibits included the Staff Report and exhibits submitted after the hearing.

**7. Environmental Review.** The project is under the nine-unit threshold, so the Department determined the project is exempt from State Environmental Policy Act, Ch. 43.21C RCW review.<sup>3</sup>

**8. Site and Surrounding Land Uses.** The flat, rectangular 1.06 acre parcel is zoned Urban Residential. Vegetation includes mature trees. There are no critical areas. The surrounding zoning is also Urban Residential and is developed with single-family homes.

**9. Citizen Testimony.**

**Timothy Lyon.** Mr. Lyon stated that stormwater water drainage is a significant problem in the area. The culvert system along the road in front of the property already gets blocked up. Additional drainage into this system will be problematic. He was also concerned about adding density in the Tracyton area. He stated this did not seem beneficial to the community at this location and inconsistent with existing land use patterns and the area's character. He noted there are areas throughout Bremerton identified for increased density which would better accommodate this type of project.

**Bill and Cheri Snell.** Mr. Snell stated that he and his wife have lived at 35 NE Vena Street for 45 years and are directly across Bunker Street from the project. He explained that a few years ago, a gutter across the street overflowed onto their property, causing flooding and erosion in their front yard and driveway. The County dug out a ditch and installed water bars on their side of Bunker. That remedy has worked pretty well. However, they are downhill from the project and with the added residential units and no culverts for Bunker or Vena, he is concerned.

Mr. Snell stated he reviewed the site plans and drawings and stated they were difficult to follow. He asked that the County clarify what is being proposed and to mitigate excessive stormwater/drainage issues. He stated that it looks like some street gutters are being installed, but he had a question on where they drain to. Also, on widening Bunker, the planner had clarified that this will be on the project's side, so he is fine with that. He would appreciate simpler sketches to explain how street drainage will work. He also requested clarification on how the common areas will be owned and maintained.

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<sup>3</sup> Ex. 1 (Staff Report), p. 2; Ex. 9 (SEPA Checklist)

After hearing from the Applicant, Mr. Snell noted that he appreciated the information on the nature of the sandy soils but requested clarification on road infiltration given the new concrete parking stalls. The Snells submitted several written comments addressing their concerns.<sup>4</sup> The comment submitted after the hearing provided additional background:

Vena Street is a long steep hill and all the rainwater runs down the ditch on the south side of the road. The rainwater travels down the hill to the corner of Bunker and Vena where it collects in a 3-foot-deep ditch. During our past heavy rainstorms, the rainwater crested the road and dumped into our driveway and yard which caused damage by erosion. The county dug the current ditch deeper and also created a water bar in front of our driveway to help divert the runoff. **Our concern is when they widen Bunker to make room for the on-street parking and sidewalk.** The current ditch where all the rainwater collects will be replaced with parking and a sidewalk. Where do you think all that rainwater will collect? There is no culvert to allow the water to continue down the hill. We request the county consider installing a culvert under the road prior to approving this build.<sup>5</sup>

**Stanley Yeadon.** Mr. Yeadon lives a couple driveways down from the project, at 235 NW Bunker Hill Lane. He stated that back in 2006 he developed a two home project. He had a third home on the way, but it was hung up on “FN 48” which at the time precluded further development without sewer. He had built a house downhill from the ultimate lot which would have had a panoramic view of the sound. He had discussed the plan for a sewer line with the County which would allow the project to move forward. He was told sewer wouldn’t be coming to Tracyton within 50 years so he could not get approval for the additional home. But now, around the corner, are 60 homes with sewer. He stated that community sewer will put a strain on the water table and that the sewer line should be extended to protect it. Mr. Yeadon also described the area’s drainage issues as significant, emphasizing his concerns for the Snells. He detailed other issues including noise from other development. He supplemented his testimony with written comment which questioned the Applicant’s characterization of the soils as sandy. He further detailed his concerns with drainage and water table impacts from the septic system, noting the lot’s small size, and his concerns with noise from the neighbors (loud music and four to five times yearly, rifle fire, likely targeting wildlife).

**10. Applicant’s Response to Citizen Testimony.** The project engineer, Mr. Wnek, testified. He stated that the parcel had deep, sandy soils. They had dug test pits down to 12 feet, which is as far as the excavator could reach and the soils remained consistent. Consequently, the project can infiltrate all stormwater. He explained there are two infiltration systems. One is for the parcels themselves, including the driveways, and the other is for the frontage improvements. Per the County’s stormwater requirements, the project is designed to infiltrate all stormwater, with no off-site discharges. Mr. Wnek confirmed the project is not increasing discharge because it is infiltrating on site, so there is no downstream drainage and the project will not change stormwater directional flow.

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<sup>4</sup> Exs. 3, 17, 20, and 25.

<sup>5</sup> Ex. 25, emphasis added.

As for sewer, Mr. Wnek stated he is not aware of public sewer availability within a mile. He stated project representatives have worked with the health district to design a septic system and drainfield that works. He clarified this is not a community drain field. Septic is provided for each residence on a separate tract. He confirmed he would provide a simple drawing illustrating the drainage and septic system infrastructure. On open space maintenance, Mr. Wnek this will be through a homeowner's association. On density, Mr. Wnek noted this is not a project specific issue as the project complies with the development regulations implementing the Comprehensive Plan.

**11. Applicant's Supplemental Memo.** The Applicant provided a memo addressing public comment on stormwater and the septic system, which attached a diagram. In the memo, project engineers state the on-site test pits revealed "well-drained clean sand, which have been verified by on-site test pits to a depth of 12-feet"<sup>6</sup> and allow for onsite filtration.

The stormwater runoff mitigation design takes advantage of the native soils to infiltrate 100% of the increased runoff that is created by the development of the project. The infiltration takes place in 4 separate rain gardens and a single, drain-rocked filled, infiltration pit. **A separate infiltration trench will be constructed for the street improvements, designed to infiltrate the increased runoff created from street improvements.**<sup>7</sup>

The approach allows for "[g]roundwater pollution protection" through "treatment of the driveway storm runoff via the rain gardens."<sup>8</sup> The memo notes that the on-site soil conditions allow for the proposed septic design and provides detail on this system.

The project septic test pits found the same clean sand as revealed in the storm test pits. The septic system design provides separate tanks systems for each unit of the 3 townhouses (2 units per building), and a single set of tanks for the single-family lot. The tank systems drain to 3 separate pump tanks that pump the effluent to the common drainfield area. The drainfields are drip systems that will allow the mature native vegetation to remain in-place. Groundwater pollution protection is provided by proper design per Health District criteria, based on the soil type and predicted flows.

Current science and design standards, for both septic and storm systems, recognize that properly designed systems assist in groundwater recharge and prevent groundwater pollution. The proposed project meets all current design standards for stormwater and septic systems. The attached exhibit: "Schematic of Proposed Storm & Septic Systems" shows the layout of the proposed plat storm and septic systems.<sup>9</sup>

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<sup>6</sup> Ex. 24.

<sup>7</sup> Ex. 24, emphasis added.

<sup>8</sup> Ex. 24.

<sup>9</sup> Ex. 24.

**12. Planning Department Comment.** Planning Supervisor Darren Gurnee summarized code requirements. He noted that the project must comply with Kitsap County Title 12 on stormwater drainage and with the Stormwater Design Manual. He emphasized that at this stage, project design is more conceptual, with civil engineering details submitted with the Site Development Activity Permit, where stormwater issues are more closely addressed to make sure there are no downstream impacts. He noted that the sewer line is over 1,000 feet away and hookup cannot be required unless it is within 200 feet.<sup>10</sup> He explained that the code requires an urban level of service<sup>11</sup> and that on-site septic systems are accepted as an urban level of sanitary sewer if the Health District approves those systems. Health District regulations account for water supply impacts and proximity to sensitive sources. Here, the Health Department has issued its approval. Bri Ellis, Development Engineering Manager, also testified. She confirmed what that Mr. Gurnee accurately described the code structure. She stated that the County completes a comprehensive review of all stormwater associated with new hard surfaces and for on-site infiltration.

**13. Transportation/Access.** No new streets are proposed as driveways will access directly to Bunker Street, which is classified as a “Local Access” street. Frontage improvements are proposed for Bunker Street. This includes widening for additional parking, with curb, gutter and sidewalk. Each parcel driveway will contain two parking spaces. Bunker Street meets fire code criteria for lane-width and grade in its existing condition and there an existing fire hydrant on Bunker Street’s west side. Vena Street frontage improvements include a sidewalk addition.

**14. Utilities.** The Applicant documented that the project can be supplied with utility and other essential services.

- Water - City of Bremerton
- Power - Puget Sound Energy
- Police - Central Kitsap Police Department
- Fire - Central Kitsap Fire & Rescue

**15. Staff Report and Conditions.** The Staff Report, as revised at hearing, is incorporated as supplemental findings. At hearing, the Applicant and Department revised Conditions 13, 19, 36, and 38, which except for Condition 19 do not apply. To reflect the project’s infiltration of stormwater, Condition 19 required clarification. As revised, the Applicant did not object to the proposed conditions, which support the findings and are necessary for making the conclusions below. The conditions ensure code requirements are met. As revised at hearing, they should be incorporated without further substantive revision.

Questions were raised about drainage and septic design. Conditions 9-28 address stormwater code requirements and are designed to ensure the project does not create drainage issues for surrounding properties. An additional condition (Condition 40), consistent with the Department and Applicant testimony and the Applicant’s supplemental memo, should be added, to ensure final engineering design and construction does not increase stormwater impacts to surrounding properties and protects groundwater. Consistent with Department testimony, this condition requires documentation of Kitsap Public Health District approval of the septic system.

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<sup>10</sup> KCC 17.460.020.

<sup>11</sup> KCC 17.410.050(A)(5).

## CONCLUSIONS OF LAW

**1. Jurisdiction/Standard of Review.** The Hearing Examiner is assigned jurisdiction over Type III land use decisions, which include the PBD application and major preliminary short plat amendment, which were properly consolidated for hearing.<sup>12</sup> A minor preliminary plat amendment is limited to a less than 10% increase in development intensity.<sup>13</sup> Splitting the duplex parcels into two zero lot-line parcels nearly doubles the parcel number, so exceeds this threshold. Thus, while the plat amendment does not increase density, due to the parcel increase, the amendment was classified as major and consolidated with the PBD for Hearing Examiner review.

**2. Performance Based Development.** PBD projects must meet numerous criteria. Based on an assessment of set standards (KCC 17.450.070), there is flexibility in code requirements, including for the zero lot line project proposed here, if the criteria at KCC 17.450.090 are also met.

**2.1 Standards and Requirements, KCC 17.450.070.** The Applicant substantiated that the PBD standards are met.

**Access, Parking and Circulation.** The code requires adequate pedestrian and vehicle access, and parking. The project includes sidewalks for safe pedestrian access and an internal walking path to the recreation area. The proposal will use shared driveways for access, with Bunker Street widened to provide four additional on-street parking spaces coupled with the driveway parking. Sidewalks will be installed along street frontages on Bunker and Vena, with curb and gutter on Bunker, along with street trees.<sup>14</sup>

**Setbacks.** The project will meet standard setbacks for the Urban Low Residential Zone and PBD (which allows for the zero lot line development). Front setbacks of ten feet (for habitable space) and 20 feet (for garages), side setbacks of five (for detached housing) and zero feet (for a zero lot line PBD straddling a lot line), and standard ten foot rear setbacks are met.<sup>15</sup>

**Common Open Space.** Common open space of 14,031 square feet is provided, which is 30% of the parcel and over 15% of gross area. The landscape plan shows these areas will retain natural vegetation. Common areas will be maintained by a homeowner's association.<sup>16</sup>

**Recreational Open Space.** Though not required, a recreational lot is provided. The concept is a grassy play field with picnic table and separation landscaping. The Recreational Tract is 2,813 square feet.<sup>17</sup>

**Landscaping.** More than the required 15% landscaping is provided with the frontage improvements, retained native vegetation and plantings.<sup>18</sup> The plantings will encompass the

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<sup>12</sup> KCC 21.04.100; KCC 21.04.180; KCC 16.48.030(C)(1)(a).

<sup>13</sup> KCC 16.48.030(B)(1).

<sup>14</sup> Ex. 14 (revised plat); Ex. 1 (Staff Report), p. 11.

<sup>15</sup> Ex. 1 (Staff Report), pp. 2-3; KCC Ch. 17.420; Ex. 14 (revised plat).

<sup>16</sup> Ex. 1 (Staff Report), p. 8; Ex. 14; Applicant Testimony.

<sup>17</sup> Ex. 14 (revised plat).

<sup>18</sup> KCC 17.500.025. *See generally*, Ch. 17.420 KCC, Ch. 17.500 KCC.



required front setback area and areas adjacent to the side and rear property lines. The roadside buffer along Vena Street includes retained native vegetation, with street trees along Bunker Street.

**2.2 PBD Criteria, KCC 17.450.090.** A PBD must demonstrate Comprehensive Plan objectives and neighborhood compatibility criteria are met, along with providing adequate infrastructure for the project.

The design of the PBD meets the requirements of this section, other sections of the county code and the goals and policies of the Comprehensive Plan and the site is adequate in size and character to accommodate the proposed development;

The design of the PBD is compatible with neighboring conforming land uses. An assessment of compatibility shall include, but not be limited to, the consideration of association with adjacent land uses and the proposed project's effects on existing views, traffic, blockage of sunlight, and noise production;

If the development is phased, each phase of the proposed development shall meet the requirements of this chapter;

The site for the proposed use relates to streets and highways adequate in width and pavement type to carry the quantity and kind of traffic generated by the proposed use;

The proposed and/or existing public facilities and utilities are adequate to serve the project;

The establishment, maintenance, and/or conduct of the use for which the development plan review is sought will not, under the circumstances of the particular case, be detrimental to the health, safety or welfare of persons residing or working in a neighborhood of such use and will not, under the circumstances of the particular case, be detrimental to the public welfare, injurious to property or improvements in said neighborhood, or contrary to orderly development; and,

Innovations and/or public benefits shall be commensurate with the code modifications proposed.<sup>19</sup>

The County Comprehensive Plan provides for affordable residential development concentrated in urban areas and supported by urban services and infrastructure.<sup>20</sup> The project adds needed housing within an urban area where the Applicant has demonstrated adequate infrastructure is available. The project density is authorized and it provides more recreational space than required. This is coupled with frontage improvements, street landscaping, and urban infrastructure, which is necessary for compatibility with the surrounding neighborhood, with its similar residential uses. Noise and traffic additions are modest, and similar to the surrounding residential uses.

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<sup>19</sup> KCC 17.450.090(A)-(G).

<sup>20</sup> Ex. 1 (Staff Report), pp. 4-5, referencing Land Use Goals 2, 10, and 15, and Land Use Policy 15.3 and Housing Goals 1 and 2.

The street infrastructure is adequate to support the use with the frontage improvements, including sidewalks and added parking. Public facilities and utilities are adequate to serve the project. Stormwater and septic impacts have been reviewed and the project conditioned to ensure stormwater is properly infiltrated and does not adversely impact neighboring properties. Final engineering review, which includes health district approval, will assess the project for consistency with all requirements.

Given code requirements and conditions imposed, the project will not be detrimental to the health, safety or welfare. Nor will it be detrimental or injurious to neighborhood property and improvements, or contrary to orderly development. The zero lot line request does not alter project density; it simply allows for a different ownership approach. The modest revision is accompanied with more recreational space than required, providing added neighborhood compatibility. With the conditions described in the Findings, including an additional condition on the stormwater/septic system (Condition 40), the Applicant demonstrated PBD requirements are met.

**3. Short Plat Amendment.** A major short plat amendment cannot be approved absent written findings that “the public use and interest are served by the amendment and that the amendment complies with all development regulations.”<sup>21</sup> The plat has been reviewed against development regulations for density, setbacks, landscaping, and infrastructure requirements, including for drainage, access, and septic infrastructure, and complies with code.<sup>22</sup> While review of an amendment has a more narrow scope, the revised plat must continue to identify access and existing roads and proposed easements, be labeled with dimensions, and include a landscaping plan and specify the infrastructure.<sup>23</sup> The Applicant’s plat submittals complied with these requirements.<sup>24</sup>

The septic system and stormwater system infrastructure has been reviewed, with conditions imposed to ensure water supply and sewage disposal regulations are complied with and the “lot area, soil type, topographic and drainage characteristics” are adequate to support the proposal.<sup>25</sup> With Department and health district review, including through Condition 40, these requirements are met. As conditioned, the amended preliminary short plat continues to serve the public use and interest and meets KCC 16.48.020 requirements.

## DECISION

The Hearing Examiner, pursuant to the above Findings of Fact and Conclusions of Law, approves the requested Performance Based Development and Preliminary Short Plat Amendment, provided these conditions are met:

1. The proposal shall set aside at least 15% of the gross area for common open space.

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<sup>21</sup> KCC 16.48.030(C)(1)(a), KCC 16.40.040(C)(2); *see also* KCC 16.48.030.C.2.

<sup>22</sup> *See* Findings and PBD Conclusions and Ex. 1 (Staff Report).

<sup>23</sup> KCC 16.48.020.

<sup>24</sup> *See* Ex. 14; Ex. 6; Ex. 10.

<sup>25</sup> KCC 16.48.020(H).

2. The following condition shall be added to the face of the final short plat subdivision: Lots A, B, C, D, E and F are granted zero lot line setbacks along internal shared property lines between the duplexes.

3. This project shall follow the Geotechnical Reconnaissance Report by Resolve Environmental and Geotechnical, dated March 10, 2020 and Addendum Letter dated August 4, 2020.

4. The project shall adhere to all elements and requirements set forth in Kitsap County Code 16.48.

5. The following condition shall be added to the face of the final short plat subdivision: Building permits issued on a lot in this short subdivision may be subject to impact fees pursuant to Kitsap County Code.

6. All required permits shall be obtained prior to commencement of land clearing, construction and/or occupancy.

7. The decision set forth herein is based upon representations made and exhibits contained in the project application (20-006680, 24-03495 & 25-02182). Any change(s) or deviation(s) in such plans, proposals, or conditions of approval imposed shall be subject to further review and approval of the County and potentially the Hearing Examiner.

8. 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.

9. DE-PREL CONSTR PLANS ENG 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.

10. DE-PREL # OF LOTS 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.

11. DE-PREL SDAP LG 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.

12. DE-PREL ENG Stormwater quantity control, quality treatment, and erosion and sedimentation control shall be designed in accordance with Kitsap County Code Title 12 effective at the time the SDAP (or Building Permit if no SDAP required) application is 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.

13. *[Placeholder. Original #13 Not Applicable as total SDAP clearing area is 0.92 acres. If more than one acre were being disturbed, a National Pollutant Discharge Elimination System Stormwater Construction permit from the State Department of Ecology would be required]*

14. DE-PREL DOE UIC 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. Use when project proposes infiltration trenches.

15. DE-PREL GRDG FILL SITE 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.

- 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.

16. DE-PREL INFILT DESIGN The design of the infiltration facilities shall be in accordance with Vol. II, Chapter 5 of the Kitsap County Stormwater Design Manual.

17. DE-PREL INFILT OFFLINE 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.

18. DE-PREL INFILT INSP REPORT 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 Engineering.

19. DE-PREL INFILT ALL LOTS There are four rain gardens (RG's) for the lot driveways, roughed in on the SDAP (Site Development Activity Permit), which provide water quality for the driveways. Infiltration from roof drainage is through a residential Infiltration Pit. Before the

issuance of building permits and/or occupancy permits, the property owner shall submit to the Department of Community Development for review, a sketch showing the design and location of the stormwater infiltration facilities for the distribution of surface water runoff. Maintenance of these systems will be the responsibility of the homeowner.

20. DE-PREL IMP AREA/LOT DR FAC 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.

21. DE-PREL PLAT NOTES 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.

22. DE-PREL SOIL AMEND LOTS 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.

23. DE-PREL SOIL AMEND TRACTS 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.

24. DE-PREL MAINT BOND Upon completion of the storm drainage facilities, the developer will be required to post a two-year maintenance bond for the facility. The developer will be responsible for providing regular and adequate maintenance during this two-year period and supportive maintenance records. At the end of this time, the County will inspect the system and, when the facility is acceptable and 80% of the homes have been completed, the County will take over maintenance and operation of the system. Wording to this effect must appear on the plat and in the covenants before final recording. Areas proposed to be maintained by the County that are not in the right-of-way must be shown as a separate tract/s or drainage easement/s with Kitsap County being designated as the grantee.

25. Prior to recording the Final Plat, all work associated with the required Site Development Activity Permit shall be completed, including approval of all required inspections, and submittal of all engineer's certifications or other documentation required by the Site Development Activity Permit.

26. DE-PREL PLAN MOD If the project proposal is modified from that shown on the site plan approved for this permit application, Development Engineering will require additional review and potentially new conditions.

27. DE-PREL WALL BP This 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 for such walls. This note shall be placed on the face of the final construction drawings.

28. DE-PREL WALL KCSDM Rock and retaining walls shall meet all applicable setback requirements of Vol. II, Chapter 9 of the Kitsap County Stormwater Drainage Manual.

29. DE-PREL TRF CONCURRENCY At building permit application, submit Kitsap County Public Works Form 1601 for issuance of a concurrency certificate, as required by Kitsap County Code 20.04.030, Transportation Concurrency.

30. DE-PREL TRF PLAT CONDS The following shall appear on the face of the Final Plat, under the heading Conditions:

- a. Road approach permits shall be obtained prior to commencement of work on an individual lot.

31. DE-PREL TRF SIDEWALK RAMPS Sidewalk ramps shall conform to the current requirements of the Americans with Disabilities Act per WSDOT standard plans at the time of construction.

32. DE-PREL TRF FRTGE EXT. Frontage improvements are required along the entire property frontage on Bunker Street NW and shall consist of 22-foot wide travel lane, vertical curb, gutter and 5-foot sidewalks.

33. DE-PREL TRF CROSS SECTIONS 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.

34. DE-PREL TRF RDAP The Site Development Activity Permit (or Building Permit, if an SDAP is not required) 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 or state 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. Approaches to state rights of way shall be designed in accordance with current WSDOT standards. Existing approaches may need to be improved to meet current standards.

35. DE-PREL TRF SIDEWALK B4 PAVING Any required sidewalk shall be constructed prior to roadway paving. This note shall appear on the face of the final construction drawings.

36. [Place Holder]

37. DE-PREL TRF ROW. 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.

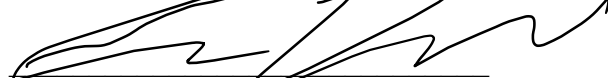
38. [Place Holder]

39. Building permit issuance will require recorded easements for the drainfield areas and final short plat approval (lot creation).

40. Drainage and septic civil engineering plans and infrastructure development shall be designed and constructed consistent with the Applicant's submittals and per regulatory requirements to ensure septic system operation and stormwater management which does not impair groundwater and does not increase stormwater drainage onto neighboring properties. Before final plat approval, the Kitsap Public Health District shall provide written confirmation to the Department that the proposal meets all its requirements, including with respect to lot area, soil type, and topographic and drainage characteristics.

DECISION entered January 26, 2026

KITSAP COUNTY HEARING EXAMINER

A handwritten signature in black ink, appearing to read 'Susan Drummond', is written over the printed name.

Susan Drummond, Hearing Examiner

***Decision Finality.*** *This is Kitsap County's final decision. Absent a timely reconsideration request made within five business days, final decisions must be appealed to superior court within 21 days.<sup>26</sup> Parties are responsible for determining appeal requirements.*

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<sup>26</sup> Kitsap County Hearing Examiner Rules of Procedure 2.12.1; KCC 21.04.080; Ch. 36.70C RCW.