



Notice of Hearing Examiner Decision

December 1, 2016

To: Interested Parties and Parties of Record

RE: Project Name: Pros Pine - Preliminary Plat
 Applicant: Sound Developers Group Inc
 13614 Whispering Pines Dr
 Gig Harbor, WA 98332-8126
 Application: Type III
 Permit Number: 16 02805

Enclosed is the Decision issued by the Kitsap County Hearing Examiner in the above-referenced matter.

The applicant is encouraged to review the Kitsap County Office of Hearing Examiner Rules of Procedure found at: http://www.kitsapgov.com/dcd/lu_env/he/HE%20Rules%20for%20Kitsap%20County%20-%206-23-09.pdf

The Decision of the Hearing Examiner is final, unless appealed, as provided under Washington law.

Please note affected property owners may request a change in valuation for property tax purposes, not withstanding any program of revaluation. Please contact the Assessor's Office at 360-337-5777 to determine if a change in valuation is applicable due to the issued Decision.

The complete case file is available for review at the Department of Community Development, Monday through Thursday, 8:00 AM to 4:00 PM and Friday 9:00 AM to 1:00 PM, except holidays. If you wish to view the case file or have other questions, please contact Help@Kitsap1.com or (360) 337-5777.

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Kitsap Sun

Kitsap County Health District

Kitsap County Public Works

Kitsap County Prosecutor's Office

Kitsap County Assessor's Office
DCD Director
DCD Deputy Director
DCD Development Services and Engineering Manager
DCD Development Services and Engineering Supervisor
Project Lead

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

Pros Pine Preliminary Plat - File No. 16 02805

November 28, 2016

The Pros Pine Preliminary Plat proposal came before the Kitsap County Hearing Examiner at a public hearing on October 27, 2016. The Hearing Examiner makes the following Findings of Fact, Conclusions of Law, and Decision.

1. FINDINGS OF FACT

1.1 Proposal.

Applicant/Property Owner: Andrew Schell, Sound Developers Group, Inc., 13614 Whispering Pines Drive, Gig Harbor, WA 98402.

Project Location: The subject property is located at 1125 Lidstrom Road SE, Port Orchard, WA 98366, north of SE Horstman Road in Silverdale, in South Kitsap County, WA.

Assessor's Number: 302402-4-057-2004

Description. The Applicant requests a Preliminary Plat to subdivide a 3.85 acre parcel into 14 detached single-family residential lots. An existing single-family home will remain on one of the lots. The subdivision will include a private road tract and an open space tract with a wetland and buffer to remain in common ownership. The building lots will range in size, but not be less than 3,597 square feet. The Applicant is proposing single-family homes with 2-story wood frame construction, painted wood siding, composition roof, and heights of up to 35 feet.

A private road serving a nearby plat (Prosperity Plat)¹ that abuts the project's east side will provide access via SE Horstman Road. The Preliminary Plat includes a sidewalk on one side, storm drainage facilities, and will be served by public water and sanitary sewer.

The preliminary subdivision application was determined complete on June 24, 2016, before zoning code, zoning map, and comprehensive plan amendments were adopted on June 30, 2016.² The County Department of Community Development ("DCD") reviewed the application for consistency with Kitsap County Code ("KCC") in effect prior to the adoption of the amendments. Finding the application consistent with local requirements, at the hearing, DCD recommended in favor of Hearing Examiner approval.

¹ Issued December 11, 2012 (File No. 11 99204).

² With these revisions, the property was removed from the urban growth area. However, as the plat vested to the earlier regulations, these are the regulations it is reviewed under.

1.2 Administrative Record. The Hearing Examiner reviewed Exhibits 1-27 (submitted before the hearing), which included the Staff Report, and Exhibits 28-33 (submitted at the hearing). There were no objections to any exhibits.

1.3 Notice. Pursuant to KCC Title 21, Land Use and Development Procedures, DCD provided public notice of the Preliminary Plat. Notice included the Notice of Application published on June 30, 2016,³ and a Notice of Public Hearing published on October 13, 2016.⁴ The Open Record Hearing was scheduled for October 27, 2016. No concerns as to notice were raised in written comment or at the hearing.

1.4 Public Comment. Prior to the hearing, DCD received written comment from a neighbor.⁵ The neighbor, Mr. Jerles, identified concerns with trees cut on his property, and damage to his yard when a sewer line was installed within an easement across his property. The situation resulted in drainage issues which impacted his property. Mr. Jerles also identified concerns with the sewer district's application of its rules in establishing sewer connections.

At the hearing, several neighbors provided sworn testimony.⁶ The testimony largely centered on concerns over whether drainage issues would be adequately dealt with. There were concerns with how Prosperity Plat had been built out and how work within the easement had led to drainage issues on several adjoining properties. Numerous photographs from two neighbors were admitted at the hearing documenting these conditions.⁷

1.5 SEPA (State Environmental Policy Act). Pursuant to Chapter 43.21C RCW, the Applicant completed an Environmental Checklist⁸ and the Responsible Official issued a Determination of Nonsignificance ("DNS") on September 28, 2016,⁹ which was not appealed. The DNS summarized comments received and included two conditions.

Comments: The SEPA comment period previously occurred concurrent with the Notice of Application dated 6/30/2016. There were several comments received related to the sewer line easement road and neighboring access, which will be addressed in the staff report.

Conditions:

- (1) The proposal contains wetlands and a moderate geologic slope and will be conditioned pursuant to KCC 19.200 and 19.400. The proposal is also subject to Stormwater Management per KCC Title 12.
- (2) Due to off site sewer line construction minor wetland impacts will be mitigated per the wetland report and associated mitigation plan prepared by BGE Environmental.

³ Ex. 12.

⁴ Ex. 18.

⁵ Ex. 14.

⁶ See Ex. 33 (sign in sheet) and hearing transcript.

⁷ Exs. 30 and 31.

⁸ Ex. 4.

⁹ Ex. 16.

1.6 Hearing. The Hearing Examiner considered the requested approval at an open record public hearing on October 27, 2016. DCD provided a proposal summary. The presentation identified relevant code requirements and how they were met. As DCD found the proposal consistent with applicable requirements, it recommended approval. The Applicant was sworn in, expressed agreement with the DCD summary of the proposal, and had no objection to DCD's recommended conditions.

Public comment was also received. As summarized in section 1.4 above, several neighbors voiced concerns over drainage and stormwater management, which were documented through photographs. Following a brief recess, the Applicant stated that a site visit would be taking place that afternoon to ensure concerns from neighboring property owners over drainage were fully addressed. As a result, the Hearing Examiner kept the written record open for ten business days (through November 14, 2016), to allow the public and Applicant to further comment on the drainage issues, which could entail identifying additional conditions. No additional Applicant or public comment was submitted during that time frame.

1.7 Agency Comment. Agency comment was received regarding regulatory compliance, as further described below. As long as applicable requirements are met, there were no objections to approval.

1.8 Site Use and Characteristics. The subject parcel is developed with a single-family dwelling totaling 3.85 acres. The property is north of the intersection of Warner Avenue SE and SE Horstman Road, and approximately 300 feet north of the intersection of SE Horstman Road and Lidstrom Road SE. The development site is currently forested with Douglas fir, cedar, alder and maple trees with an understory. The Soil Survey of Kitsap County lists the existing soils as Alderwood very gravely sandy loam, 6 to 15% slopes; and Harstine gravely sandy loam, 0 to 6% slopes and 15 to 30% slopes. Both soil units are moderately deep, moderately well drained and found on broad uplands.

The site slopes gently downward to the north at a general grade of approximately 5%. The steepest slope onsite is approximately 24% near the north property line. The Applicant submitted a Geologic Slope Assessment Report to address slope stability and setbacks, consistent with Title 19.400 of the Critical Area Ordinance. The topography of the property and properties south of the development site drains via a seasonal creek northward into Sullivan Creek, which eventually drains to Sinclair Inlet.

The Applicant submitted a wetland report and mitigation plan with the application, dated June 20, 2016. A Category III wetland with an associated Type N stream is located on the west side of the development site and was reviewed for consistency with Title 19.200 of the Critical Area Ordinance. The wetland is bisected onsite, but part of one system is connected offsite to the north. The smaller lobe of the wetland is located near the northwest corner, measuring 5,657 square feet in size and the larger wetland is 21,124 square feet in size and connects to the seasonal creek.

1.9 Administrative Wetland Buffer Reduction. The category III wetlands require an 80-foot wetland buffer, but due to existing residential development and on-site constraints, an administrative buffer reduction is applicable. The reduction is measured at 61.2 feet at its narrowest point and is less than the 25% allowed per KCC 19.200.220(C)(1)(b). DCD determined the reduced buffer is the minimum necessary to accommodate the development, while still protecting wetland functions and meets the criteria at KCC 19.100.135.

Due to minor clearing of the wetland buffer and associated sewer line installation along the existing residential driveway, the associated mitigation plan will be implemented to compensate for project impacts. Incidental wetland fill on the sewer easement road from the sewer extension for Prosperity Plat and this project will be removed. Per the mitigation plan, the 485 square feet of fill will be removed and the area replanted with native vegetation. In addition, 3,890 square feet of degraded wetland buffer on site will be restored and replanted with native vegetation. Also, a 45 lineal foot hedgerow will be installed to act as a functional screen between the existing residence and the wetland. Split rail cedar fencing will be installed on the proposed buffer edge between the wetland and lots 6 through 9.

1.10 Land Use Designations/Zoning. The project vested to a zoning designation of Urban Low Residential located within the Port Orchard Urban Growth Area. This zoning provides minimum/maximum densities of 5-9 dwelling units per acre, with a minimum lot area of 2,400 square feet.¹⁰ Project net densities are calculated at 8.6 dwelling units per acre, and minimum lot size requirements are met. In addition, the following code provisions apply:

- Minimum Lot Width: 40 feet
- Minimum Lot Depth: 60 feet
- Maximum Height: 35 feet
- Setbacks: Range up to 20 feet, depending on structure and location on lot

1.11 Surrounding Land Use and Zoning. The current zoning and land uses of properties surrounding the development site include the Rural Residential zone and single-family dwellings on larger lots.

1.12 Comprehensive Plan. The Kitsap County Comprehensive Plan encourages urban development adequately supported with urban services and facilities, and with pedestrian connectivity between neighborhoods and community destinations; protection of open spaces, critical areas, and recreational areas with wildlife corridors; and preservation of corridors of native vegetation. DCD further addressed these policies in its Staff Report and at the hearing. The project is served by urban facilities and services, and includes wetland protections, and provides for replanting with native vegetation, as the findings throughout address.

¹⁰ See former KCC 17.382.037 Single-Family Subdivision Development Standards, Table 17.382 Density, Development Density, Dimensions, and Design).

1.13 Utility and Public Services. Utility and other services are as follows:

- **Water:** West Sound Utility District
- **Power:** Puget Sound Energy
- **Sewer:** West Sound Utility District
- **Police:** Kitsap County Sheriff
- **Fire:** South Kitsap Fire & Rescue District No. 7
- **Schools:** South Kitsap School District No. 402

1.14 Transportation Impacts/Sidewalks. The private access road will have a functional classification as a local-access road. The private road tract is 45 feet wide with two 12-foot wide driving lanes, a cul-de-sac in the center of the plat, an 8-foot parking lane against the sidewalk and curbs on both sides of the roadway. The project's internal streets will remain private and function as local access roads. Sidewalks are required on at least one side of all public or private roads categorized as local roads. The Applicant will construct a five-foot wide sidewalk on one side that will connect to the sidewalk in the abutting Prosperity Plat. Rolled curbing is not proposed. Roadway drainage design will be consistent with Title 12 and roadway design will be consistent with all emergency access requirements. Engineering staff and Public Works reviewed the proposal and in a preliminary analysis found it consistent with County transportation requirements.¹¹

1.15 Stormwater.

The project is considered a major development. The proposed stormwater system consists of an infiltration trench for water quantity mitigation and two Bay Filters for water quality mitigation. Engineering staff reviewed the project and in a preliminary analysis found it consistent with stormwater requirements.¹² Staff recommended a series of conditions to manage stormwater and require compliance with applicable requirements, including requiring additional engineering review. These conditions are identified below and also summarized within this decision. Also, encouraging communication between the Applicant and neighboring property owners during development may help address early concerns before they become code/permit issues, and avoid a repeat of previous development issues, so a condition is added addressing same.

Low impact development practices shall be reviewed during Site Development Activity Permit review to reduce storm drainage runoff. The Applicant is proposing a low impact design by including an infiltration trench in the roadway to infiltrate storm water from roof drains and other sources.

¹¹ Ex. 15.

¹² Ex. 15.

1.16 Sewer and Water Service. The Kitsap Public Health District confirmed the sewer and public water provider will be West Sound Utility District, and that the existing septic tank must be properly abandoned.¹³ Based on the zoning vested to, the project proposal is consistent the KCC for providing an urban level of service of sanitary sewer.¹⁴

1.17 Schools. The local schools that will serve the development are Orchard Heights Elementary School and Marcus Whitman Junior High, both of which are located approximately 0.75 mile south of the project site; and South Kitsap High School, which is located approximately one mile west in Port Orchard.

1.18 Lighting. 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 KCC 11.40 Street Lighting. The developer is usually responsible for installing lighting at the County's intersection and conveyed to the County. If desired, the developer and/or Home Owners Association (HOA) install the internal street lighting. The individual property owners are billed through the local purveyor for lighting, with the HOA responsible for maintenance. However, lighting is not required for this plat.

1.19 Fire Protection. The Fire Marshal's Office reviewed the project, included conditions of preliminary approval, and forwarded a copy of the plans to South Central Kitsap Fire and Rescue #7. The fire station on Fircrest Drive SE is the primary responder for this plat. The Fire Marshal's Office conditioned the project to provide fire flow with fire hydrants no more than 600 feet apart within the plat.

1.20 Landscaping. Landscaping is required at entrances and street trees are required along streets or individual lots. The Applicant has proposed landscaping with street trees, utilizing Trident Maple and Raywood Ash. Street trees will be spaced up to 25 feet on-center. The final landscape plan must be consistent with this decision, KCC Ch. 17.385, and other applicable code requirements. The landscaping plan shall identify wetland buffer enhancement areas and a split rail fence. If a fence is not installed to screen Prosperity Plat overflow parking, the Applicant shall install a six-foot solid wood panel fence along the perimeter of lots 10 through 14.

1.21 Central Mail Boxes Urban Plats. The County trend has been to move away from traditional rural mail boxes and install clustered mailbox design for improved efficiency, security, and aesthetics. Consistent with KCC 16.24.040(C)(d) Urban Standards, where clustered mailboxes are proposed, the sidewalk must meet clear zone requirements.

1.22 Parking. The plat must be consistent with KCC 17.435 Off-Street Parking and Loading. Two off-street parking spaces are required per residential lot and .5 per lot for overflow on-street parking. Based on the number of lots, the project will need to include a minimum of 28 off-street spaces and seven on-street spaces. The project has proposed providing seven on-street parking spaces. Off-street parking will be verified at the time of building permit

¹³ Ex. 6.

¹⁴ See former KCC 17.381.050 Footnotes for zoning table, FN #48 and Staff Report addressing same.

application. The Applicant has documented project consistency with minimum overflow parking requirements, which will be shown in the Site Development Activity Permit site plan.

1.23 Urban Standards - 16.24.040. As addressed below, KCC urban standards requirements are met.

- Access. *See* above, including section 1.14.
- Public Transit. The neighborhood adjacent to the project site is not served by a Kitsap Transit route. The nearest bus route is Route 86, Southworth Shuttle, located approximately a quarter mile south on SE Mill Hill Drive.
- Non-Motorized Facilities. No trails are proposed. The non-motorized plan does not identify trail connections on the project site. With respect to sidewalks, *see* section 1.14 above.
- Off-Street and On-Street Parking. *See* section 1.22 above.
- Fire Protection. *See* section 1.19 above.
- Landscaping Requirements. *See* section 1.20 above.
- Utilities - Water Supply. West Sound Utility District will provide water service. The Applicant received a non-binding letter of water availability from the Water District.¹⁵
- Recreation. The project is less than 19 dwelling units. It will comply with applicable code requirements.

1.24 Appropriate Provisions for Facilities and Improvements - KCC 16.04.080. As addressed below, appropriate provisions for facilities and improvements have been made consistent with KCC 16.04.080, to ensure the plat serves the public interest.

- Code/Plan Consistency. The project, as conditioned, is consistent with the Comprehensive Plan and County Code. Both provide for attractive urban development adequately supported by urban facilities and services. Plan policies and code requirements are further addressed within this decision. No comment was received identifying a police or code provision the project would be inconsistent with.
- Adequacy of Access. The Applicant will construct private roads that meet minimum fire access requirements. Vertical curbs are required for designated on-street parking areas. These measures, along with compliance with County

¹⁵ Ex. 6.

transportation requirements, provide for adequate access. *See also* 1.25 below.

- Safe Walking Conditions. *See* section 1.14 above, which addresses the provision of sidewalks to ensure safe walking conditions are in place.
- Lot Configuration. Consistent with KCC requirements, the proposed 14 lots run at right angles to the street the lots face. The Applicant has proposed 10 and 20 foot front yard setbacks from the driveway off the private road for lots nine and ten.
- Home Owner Associations. Applicable code requirements shall be met. Several conditions are included addressing same.

1.25 Single-Family Subdivision/Development Standards.¹⁶ The plat meets single-family platting requirements.

- Sidewalk Requirements. *See* section 1.14 above.
- Public Streets and Connectivity Requirements. The plat includes a private street, which will not be dedicated to the County. There is no opportunity for road connectivity due to topography and critical area limitations.
- Utilities Connectivity Requirements for Public Utility Extensions to Abutting or Contiguous Properties. As the plat vested to urban requirements, it will be served by sewer.
- Landscaping Requirements. *See* section 1.20 above.
- Off-Street Parking. On-street parking for seven vehicles is included with the plat.¹⁷ Off-street parking will be verified for individual single-family building permits.

2. CONCLUSIONS OF LAW

2.1 The Hearing Examiner reviews Preliminary Plat applications for consistency with Single-Family Subdivision/Development Standards and relevant platting requirements. These requirements include zoning requirements in KCC 16.04.080 General Provisions, KCC 16.24.040 Urban Standards, and KCC 16.40 Subdivisions. These regulations require that plats meet sizing and related requirements (*i.e.*, density, height, setbacks, and landscaping), and be adequately served with necessary infrastructure and services (*i.e.*, stormwater facilities, sewage, water supply, transportation facilities, recreational facilities, and schools).

¹⁶ *See former* KCC 17.382.037.

¹⁷ *See former* KCC Ch. 17.435.

2.2 The zoning code authorizes the proposed residential use at the densities proposed. As addressed in the findings above, and assuming the below conditions are complied with, the proposal can meet all platting requirements, including lot size, setbacks, and infrastructure requirements. Conditions are imposed to ensure these requirements are complied with.

2.3 Conditions are imposed to ensure County transportation, stormwater, and water/sewer service requirements are complied with. Particular concerns with regard to stormwater were identified during the hearing. Conditions are imposed to directly address these concerns. The proposal, as conditioned, and as the findings address throughout, includes appropriate provisions to address impacts on drainage; roads, including adequate access and safe walking conditions; water supplies; sanitary wastes; fire protection; and, other supporting public and private facilities and improvements.

2.4 As mitigated and proposed, the project is consistent with Comprehensive Plan policies providing for attractively designed urban development which is adequately supported by urban facilities and services.

2.5 Given project consistency with applicable requirements and policies, the Hearing Examiner concludes it should be approved.

DECISION

The Hearing Examiner, pursuant to the above Findings of Fact and Conclusions of Law, approves the requested Preliminary Plat, provided the following conditions are adhered to.

General.

1. All required permits shall be obtained prior to commencement of land clearing and/or construction.
2. All building permits on these lots will be subject to impact fees pursuant to Kitsap County Code.
3. At SDAP the Final Landscape Plan will be required to be submitted consistent with KCC 17.385 Landscaping, during civil site plan review, which depicts natural vegetation, and the planting and irrigation plan.
4. Street Trees (2' to 2.5' caliber) shall be planted along the access driveway and on individual lots at approximately 25' spacing. A final landscape plan will be subject to approval by the department prior to SDAP approval. Trees on individual lots are required to be installed prior to Certificate of Occupancy of individual residential units.
5. Include a note on the face of the plat showing building setbacks for the lots as conditioned per the plat approval.

6. Prior to the plat transferring to the Home Owners 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 standard practices.

7. Pursuant to KCC 21.04.110 Timeline and Duration of Approval, Kitsap County's land use approval for the Preliminary Plat is valid for a period of up to five (5) years from the decision date of the Preliminary Plat consistent with RCW 58.17.140 and .170.

8. Land use approval is limited to the uses proposed by the Applicant on the recommended site plan and the SEPA Environmental Determination dated September 28, 2016. Unless in conflict with the conditions stated and/or any regulations, all terms and specifications of the application shall be binding conditions of approval. Any modifications or expansion of the project will be subject to further review pursuant to the requirements of the appropriate sections of the Kitsap County Code.

9. The decision set forth herein is based upon representations made and exhibits contained in the project application (Exhibits 1 and 2). 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. The project shall be platted as described in this decision and consistent with the conditions herein.

10. The authorization granted herein is subject to all applicable federal, state, and local laws, regulations, and ordinances. Compliance with such laws, regulations, and ordinances is a condition to the 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.

11. Any violation of the conditions of approval shall be grounds to initiate revocation of this Plat.

Public Health.

12. All existing septic tank(s) will need to be decommissioned when connecting to sewer.

13. Either the water main needs to be extended or a bond for extending the water main is required prior to Plat Final.

14. Non-binding sewer letters for each parcel are required.

Fire.

15. For Group R-3 and U occupancies, the distance requirement shall be 600 feet for fire hydrants. IFC 507.5.1.
16. Fire hydrants are required to be installed within this plat.

Development Engineering.

17. 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 plan acceptance.
18. 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 KCC Titles 11 and 12.

19. The information provided demonstrates this proposal is a Major Development as defined in KCC Title 12, and as such will require a Site Development Activity Permit (SDAP) from Development Services and Engineering. The Applicant has requested concurrent review of the Preliminary Plat and the SDAP; the roads, stormwater system, and utilities shall be constructed in compliance with the accepted SDAP construction drawings, once approved.

Stormwater.

20. Stormwater quantity control, quality treatment, and erosion and sedimentation control shall be designed in accordance with KCC Title 12 effective at the time the Preliminary Plat application was deemed complete, June 27, 2016. The submittal documents shall be prepared by a civil engineer licensed in the State of Washington. The fees and submittal requirements shall be in accordance with Kitsap County Ordinances in effect at the time of SDAP application.
21. The site plan indicates that greater than one (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. This permit is required prior to issuance of the SDAP.
22. The Washington State Department of Ecology (Ecology) may require registration of the infiltration trench as an Underground Injection Control (UIC) well in accordance with the Underground Injection Control Program (Chapter 173-218 WAC). The Applicant shall contact Ecology to determine if the facility is regulated under the UIC program.
23. The design of the infiltration facilities will be in accordance with Section 7.3.4 of the Kitsap County Stormwater Design Manual.

24. The infiltration facilities shall remain off line 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.

25. During the construction of the proposed infiltration facilities, the Project Engineer shall provide an inspection to verify that the facilities are installed in accordance with the design documents and that actual soil conditions encountered meet the design assumptions. The Project Engineer shall submit the inspection report properly stamped and sealed with a professional engineer's stamp to Development Services and Engineering.

26. The owner shall be responsible for maintenance of the storm drainage facilities for this development following construction. Before issuance of Occupancy Permits for this development, the person or persons holding title to the subject property for which the storm drainage facilities were required shall record a Declaration of Covenant that guarantees the County that the system will be properly maintained. Wording must be included in the covenant that will allow the County to inspect the system and perform the necessary maintenance in the event the system is not performing properly. This would be done only after notifying the owner and giving him a reasonable time to do the necessary work. Should County forces be required to do the work, the owner will be billed the maximum amount allowed by law.

27. Kitsap County will not be responsible for any damage to any private roads, tracts, and/or easement areas that may occur during routine maintenance activities and that in Kitsap County's judgment occur, in whole or in part, because of any construction materials or techniques, or any maintenance materials or techniques. This includes, but is not limited to, damage to pavement or vegetated areas caused by maintenance trucks.

28. 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 condition: Additional impervious surfaces created on an individual lot beyond the amount accounted for in the overall drainage facilities shall be mitigated in accordance with KCC Title 12.

29. If the project proposal is modified from that shown on the submitted site plan dated June 22, 2016, Development Services and Engineering will require additional review and potentially new conditions.

Traffic and Roads.

30. An Application for Concurrency Test (KCPW Form 1601) shall be submitted as required by Chapter 20.04.030, Transportation Concurrency, of the Kitsap County Code. The KCPW Form 1601 reserves road capacity for the project.

31. The following note shall appear on the face of the final plat map. "All interior roads shall remain private."

32. All rights of access for adjoining properties currently in existence shall be preserved (and documented on the face of the final plat). Any amendment to the existing easement rights of adjoining property owners shall be properly executed and recorded prior to SDAP acceptance.

33. Sidewalk ramps shall conform to the current requirements of the Americans with Disabilities Act per Washington State Department of Transportation (WSDOT) standard plans at the time of construction.

34. All lots shall access from interior roads only. This note shall appear on the face of the final plat map.

35. The property owners within the plat shall be responsible for maintenance of all landscaping within the existing and proposed right-of-way including any structures other than roadway, storm drainage facilities, and traffic signage. Maintenance shall include, but not be limited to, mowing of lawn areas. A note to this effect shall appear on the face of the final plat map and the accepted construction plans. In addition, Development Services and Engineering reserves the right to require that covenants be recorded to address special maintenance requirements depending on final design.

36. Any required sidewalk shall be constructed prior to roadway paving. This note shall appear on the face of the final construction drawings.

37. 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. The need for and scope of bonding will be determined at that time.

Survey.

38. A Final Subdivision Plat shall be prepared by a licensed Land Surveyor in compliance with KCC Title 16.

39. At Final Plat submittal, provide recorded easement rights through Prosperity Plat.

40. All potential park areas, common open space, buffers and stormwater management areas shall be labeled as separate tracts. The ownership and maintenance responsibility shall be addressed on the face of the final plat, as well as in the Covenants, Conditions and Restrictions (CCRs).

41. Access to all lots shall be from roads within the proposed plat boundaries. A note to this effect shall be placed on the final plat.

Solid Waste.

42. Prior to SDAP approval, Waste Management (360-674-3166) shall be contacted for information on implementing the solid waste/recycling storage requirements influenced by the service provider for the project. Pay particular attention to the access requirements of collection trucks. Documentation shall be provided from the solid waste/recycling service provider that their requirements for this project have been met.

Other.

43. The SEPA conditions, set forth below, shall be complied with.

(1) The proposal contains wetlands and a moderate geologic slope and will be conditioned pursuant to KCC 19.200 and 19.400. The proposal is also subject to Stormwater Management per KCC Title 12.

(2) Due to off site sewer line construction minor wetland impacts will be mitigated per the wetland report and associated mitigation plan prepared by BGE Environmental.

44. The Applicant should make reasonable efforts to consult with neighboring property owners to avoid issues such as those identified at the hearing related to drainage/stormwater, to help keep minor issues from escalating and becoming code/permit compliance concerns.

THIS DECISION is entered this 28th day of November, 2016.



Kitsap County Hearing Examiner
Susan Elizabeth Drummond