



## Notice of Administrative Decision

**Date:** 05/17/2021

**To:** CREATIVE COMMERCIAL INVESTMENTS LLC, jminder1@gmail.com  
WNEK ENGINEERING ATTN: MICHAEL WNEK , mike@wnekeng.com

**RE: Permit Number:** 20-05635  
**Project Name:** MINDER MEADOWS PLAT - Amendment to Reduce Road Width  
**Type of Application:** P PLAT AMEND MINOR

The Kitsap County Department of Community Development has **APPROVED** the land use application for 20-05635: **MINDER MEADOWS PLAT - Amendment to Reduce Road Width – P PLAT AMEND MINOR** subject to the conditions outlined in this Notice and included Staff Report.

**THE DECISION OF THE DEPARTMENT IS FINAL, UNLESS TIMELY APPEALED TO THE KITSAP COUNTY HEARING EXAMINER ON OR BEFORE 14 DAYS FROM THE DATE OF DECISION PER KITSAP COUNTY CODE 21.04.290.**

The written appeal shall be made on, or attached to, an appeal form found on DCD's website: <https://www.cognitofrms.com/KitsapCounty1/RequiredPermitQuestionnaireAppealObjectionOfAnAdministrativeDecision>.

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 at 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. Please note DCD is open Monday to Thursday from 8:00am to 4:00pm and on Friday from 9:00am to 1:00pm except holidays.

**CC:** Interested Parties:  
Priscilla Kim, leonlaikim@hotmail.com  
Kitsap County Health District, MS-30  
Kitsap County Public Works Dept., MS-26  
DCD Staff Planner: JEFF SMITH  
DCD File #20-05635



## Administrative Staff Report

**Report Date:** May 10, 2021

**Application Submittal Date:** December 1, 2020

**Application Complete Date:** December 9, 2020

**Project Name:** Minder Meadows Preliminary Plat Minor Amendment

**Type of Application:** Type-II

**Permit Number:** 20-05635

### Project Location

1898 NE John Carlson Rd Bremerton,  
WA98311 Commissioner District #3  
(Central)

### Assessor's Account #

252501-2-002-2001

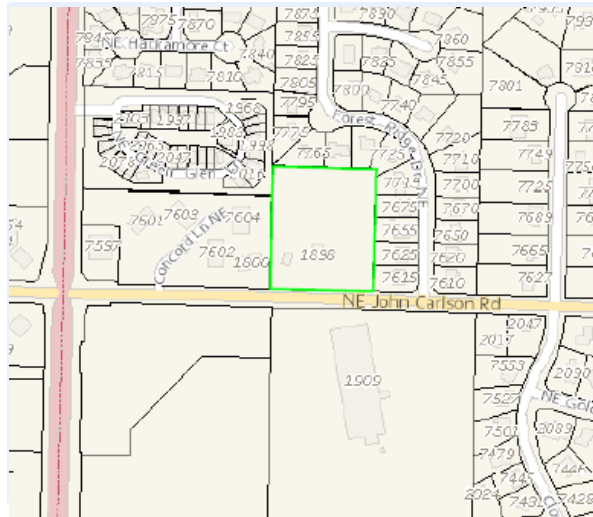
### Applicant/Owner of Record

Creative Commercial Investments LLC  
4338 Murphy Drive NW Gig Harbor, WA  
98335

### Decision Summary

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

### VICINITY MAP



### 1. Background

The project site is a 2.99-acre parcel, located within the Central Kitsap Urban Growth Area and zoned Urban-Low Residential (5-9 dwelling units/acre). The parcel is situated north of NE John Carlson Road, approximately 600 feet from SR 303. Surrounding land use is a mix of single-family, multi-family, and recreational. The property currently has a single-family residence and detached garage, both to be demolished. Through the plat approval process, the interior roadway was envisioned as a County Road. This included a standard 50-foot right-of-way as a local street. Eventually it was deemed that it would not become a County road, and the plat was approved with a private street.

### 2. Project Request

The project was approved to subdivide the 2.99-acre parcel into 20 single-family residential lots. A single access will be via NE John Carlson Rd which is a county-maintained right-of-way. Frontage improvements will include bike lane, curb, gutter and sidewalk, with sidewalks to be constructed on both sides of the plat road. The 50-foot right-of-way (25-feet either side of centerline) ties-up 4.5-feet of usable space behind the back of sidewalk. This preliminary plat

amendment will reduce the right-of-way width to 20.5-feet along the side of the road fronting the lots. This results in lots that are 4.5-feet deeper and creates more flexibility for configuring house footprints for each lot.

### **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 04/26/2019 (Exhibit 17). Due to clerical errors, the postcard notices to the 800-foot radius were not sent out on time. This was completed on 05/14/2019 and the SEPA comment period extended through 05/28/2019 (Exhibit 18). A Determination of Non-significance (DNS) was issued on 07/15/2019. The current request falls below the threshold of the original SEPA Determination and no further action is required.

#### Comments:

The SEPA comment period previously occurred concurrent with the Notice of Application dated April 26, 2019. Comments were received regarding setback/buffer requirements, vegetation and traffic. The proposal will be conditioned for Stormwater Control per Kitsap County Code Title 19, and Zoning per Kitsap County Code Title 17. This includes, but is not limited to, the Development Services and Engineering Preliminary Conditions Memorandum, dated July 3, 2019. A Traffic Impact Analysis was provided and reviewed by Kitsap County Public Works. SEPA comments regarding setbacks and traffic will also be addressed in the Staff Report.

The SEPA appeal period expired 07/29/2019. No appeals were filed; therefore, the SEPA determination is final.

**4. Physical Characteristics**

The property has an average grade of 15% with a southwesterly decline. Soils consist of Indianola loamy sand and Kitsap silty loam. Other than the moderate slopes, there are no other critical areas on the property. Steep slopes and mapped wetland/hydric soils are present off-site and across NE John Carlson Rd, but stormwater is proposed for infiltration and any runoff leaving the site will be treated and drained to an existing storm drainage system and conveyed to NE John Carlson Rd, draining south into a ditch along Hwy 303, which drains into Steele Creek approximately 1,100 feet downstream of the project parcel. The site has approximately 2-acres of existing tree cover, predominately at the north end of the parcel. An existing house and garage will be demolished.

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

Comprehensive Plan: Urban Low Density Residential Zone: Urban Low	Standard	Proposed
Minimum Density	5 (1.82 acres of net developable acreage x = 8.65 or 9 required units)	20
Maximum Density	9 (2.99 acres x9= 26.91 or 27 max. units)	
Minimum Lot Size	2,400 sf	3,219 sf
Maximum Lot Size	9,000 sf	9,000 sf
Minimum Lot Width	40 feet	45.92 feet
Minimum Lot Depth	60 feet	58.91 feet
Maximum Height	35 feet	3 stories, <35 feet
Maximum Impervious Surface Coverage	NA	NA
Maximum Lot Coverage	NA	NA

Applicable footnotes: None

*Staff Comment:* Net developable area was calculated to be 75,527 sf (1.73 acres) after deducting Right of Way, stormwater facilities and recreational area from the 2.99-acre gross lot area. Minimum density is calculated using net developable area, whereas maximum density is calculated using gross area. Net developable area will increase (3,920 sf) with the Minor Amendment, but density will still be consistent with the approval and the zone.

**Table 2 - Setback for Zoning District**

	Standard	Proposed
Front (South)	10 feet for habitable area (20-feet for garage or carport)	10 feet for habitable area, garages attached
Side (East)	5 feet (no applicable footnotes).	10 feet
Side (West)	5 feet (no applicable footnotes)	15 feet (setback is utility easement)
Rear (North)	10 feet (no applicable footnotes)	15 feet

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

Surrounding Property	Land Use	Zoning
North	Single-family residential	Urban-Low Residential (UL)
South	Recreational (Bremerton Tennis and Athletic Club)	Urban-High Residential (UH)
East	Single-family residential	Urban-Low Residential (UL)
West	Multi-family (condominiums) and Single-family residential	Urban-Medium Residential (UM)

**Table 4 - Public Utilities and Services**

	Provider
Water	North Perry Avenue Water District
Power	Puget Sound Energy
Sewer	Kitsap County Public Works
Police	Kitsap County Sheriff
Fire	Central Kitsap Fire & Rescue
School	Central Kitsap School District #400

**5. Access**

A single access is proposed at NE John Carlson Road, a county-maintained right-of-way with a functional classification as a minor arterial. The internal road will also be privately maintained.

**6. Site Design**

The proposed minor amendment to the Preliminary approved Minder Meadows Plat was reviewed for consistency with requirements pursuant to Chapter 16.04 Land Preliminary Plat to approved preliminary subdivision amendment. The preliminary plat was required to comply with urban development standards for utilities, roads, sidewalks, landscaping and recreation facilities. The project is required to incorporate frontage improvements along NE John Carlson Road.

## **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, amended 2018 and 2020

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 Svcs 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.*

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 16	Land Division and Development
Title 17	Zoning
Chapter 18.04	State Environmental Policy Act (SEPA)
Chapter 20.04	Transportation Facilities Concurrency Ordinance
Chapter 21.04	Land Use and Development Procedures

**8. Documents Consulted in the Analysis**

<u>Applicant Submittals</u>	<u>Dated or date stamped</u>
Permit Questionnaire Subdivision Amendment	December 3, 2020
Notice of Decision (19-01333)	September 5, 2019
Environmental (SEPA) Checklist	December 3, 2020
Civil Site Plan	December 3, 2020
Project Narrative	December 3, 2020

<u>Staff Communication</u>	<u>Dated</u>
Dev. Services & Engineering Memo	April 9, 2021

**9. Public Outreach and Comments**

Pursuant to KCC Title 21 Land Use, and Development Procedures, the Department gave proper public notice for the Preliminary Plat 800 feet around the property and to other agencies. Staff has not received comments through the Notice of Application. The public comments for the Preliminary Plat are summarized below:

Pursuant to KCC 17.500.027, Partial screening buffers are required to provide partial visual separation between compatible uses. The subject parcel is zoned Urban-Low, as are the parcels to the north and east. Retention of existing vegetation or planting of new buffers along the perimeter is not feasible. Such trees would be considered 'danger trees' per Kitsap County Code 18.16 and 19.150 and root systems could undermine structural foundations and possibly utilities. However, a separation buffer of a six-foot

fence around the north, east and west perimeters has been applied to reduce site-specific adverse impacts to adjacent land uses.

Issue Ref. No.	Summary of Concern (See corresponding responses in the next table)	Comment Letter Exhibit Reference No.
	None with this request	

Issue Ref. No.	Issue	Staff Response

**10. Analysis**

**a. Planning/Zoning**

The proposed Minder Meadows Preliminary Plat was originally 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 intent of Urban-Low Residential zone is to recognize, maintain, and encourage urban low-density residential areas by including a full range of urban services and facilities that are adequate at the time of development. This zone is also intended to create cost-efficient residential areas which can allow the provision of community services in a more economical manner. Detached single-family dwellings are a permitted use the Urban-Low Residential Zone.

**b. Lighting**

Urban residential plats generally include illumination of internal roadways. Pursuant to KCC 11.40 Street Lighting, street lighting at the intersection where private roads intersect with County right-of-way is required. The developer is responsible for installing the street lighting at the at intersections and conveyed to the County. If desired, the developer and/or Homeowners Association (HOA) may install the internal street lighting. The individual property owners are billed through the local water purveyor for lighting with the HOA responsible for maintenance.

**c. Off-Street Parking**

Consistent with KCC 17.490 the proposal includes on street and off-street parking. The applicant is proposing 40 off-street parking spaces in driveways and 10 on-street parking space. Per 17.490.020, the County calculates the required number of spaces in the driveway and not 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.



**Table 5 - Parking Table**

Use Identified in 17.490.030	Standard	Required Spaces	Proposed Spaces/Existing Spaces
Subdivision, Single-Family Residence	2 per unit + 0.5 per unit on street or set aside;	20 proposed lots (Off-street: 20 * 2= 40; On-street 20*0.5=10)	20 off-street proposed 10 On-street proposed
Total		20 off-street 10 on-street	20 10

**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. Signage is not proposed at this time. To be consistent with 17.510.060.M Conditionally Exempt signs - Real Estate Signage Program, when the final plat is recorded to establish the subdivision and lots are for sale, all signage will be required.

**e. Landscaping**

The previous Minder Meadows Plat decision included provisions for streetscape landscaping along roadways and by entrance signs. Street trees were required all along roadways at an interval of 25 to 30 feet, with coordination with the location of lot driveways.

The preliminary plat approval required the installation of a wooden fencing along the north, east and west property boundaries. While the adjacent zones are compatible (urban), the fencing will better reduce conflicts and create a visual separation. The purpose was to provide a functional screen from abutting residential property owners (See Landscape Conditions of Approval in previous decision, dated 9/4/2019). As conditioned per approval, the applicant submitted a landscape plan, dated June 20, 2019.

**Table 6 - Landscaping Table**

	Required	Proposed
Required Landscaping (Sq. Ft) 15% of Site	NA	NA
Required Buffer(s) 17.500.025		
North	Partial Screening Buffer	Partial Screening Buffer
South	Partial Screening Buffer	Partial Screening Buffer

East	Partial Screening Buffer	Partial Screening Buffer
West	Partial Screening Buffer	Partial Screening Buffer
Street Trees	Yes	NE John Carlson Rd (south) and internal roadway

*Staff Comment: A Separation Buffer of 6-foot fencing is proposed along the north, east and west property boundaries. While the adjacent zones are compatible (urban), the fencing will better reduce conflicts and create a visual separation. Existing vegetation or planted trees would be considered danger-trees and roots may also interfere with proposed foundations.*

**f. Recreation Facilities**

The preliminary plat will include recreational open space amenities consistent with subdivision standards. The applicant is required to include 7,800 sf of recreation facilities (20 units x 390 sf). The applicant is proposing a total of 13,214 sf of recreation area, centrally located in the plat. This space will include a tot lot/playground, community garden, and open space.

**g. Frontage Improvements**

Consistent with Kitsap County Road Standard and Comprehensive Plan policies, the preliminary plat is required to include frontage improvements along NE John Carlson Way. These improvements consist of 12-foot travel lane, 5-foot bike lane, and vertical curb, gutter and 6-foot sidewalk. As the internal roadway will be public roads, frontage improvements also apply there, consisting of vertical curb, gutter and 5-foot sidewalk.

**h. Design Districts/Requirements**

NA

**i. Development Engineering/Stormwater**

Stormwater runoff from roads and driveways will be collected and directed to Filterra units for treatment, then directed to one of two infiltration trench facilities for onsite stormwater management. Rooftop runoff will be collected and directed to one of two infiltration trench facilities for on-site stormwater management, rooftop runoff will be collected and directed to these infiltration facilities. Construction includes a stormwater tract as well as an infiltration trench facility for stormwater management within the recreational tract. Development Services and Engineering has reviewed and approved the concept in the Preliminary Drainage Report and Preliminary Engineering Plans on April 9, 2021.

**j. Environmental**

The site is mapped for moderate seismic hazard, which slopes exceeding the 15% threshold for a Moderate Geologic Hazard Area. A Limited Geotechnical Report

(Exhibit 26) is provided to support the proposal. The site is also mapped as a Category II Critical Aquifer Recharge Area, but the proposed land use is not a use of concern in KCC 19.600 and does not require further analysis. A Kitsap County Timber Harvest Permit will be required to be submitted at the time of the Site Development Activity Permit application.

**k. Access, Traffic and Roads**

The applicant has prepared a traffic impact analysis report for the subdivision. The proposal includes 20 dwelling units (1 existing, 19 new) and the traffic engineer estimates 189 average weekday daily trips. The project is anticipated to generate 15 new AM peak hour trips and 20 new PM peak hour trips. Based on the findings in the report, there should not be impacts to the local road network requiring mitigation. Development Services and Engineering has reviewed and approved the traffic analysis report on July 3, 2019.

**l. Fire Safety**

**Fire Safety**

The Fire Marshal has reviewed the proposal and conditioned. Fire flow verification and adequate fire apparatus access for emergency responders are required and will be reviewed through the Site Development Activity Permit.

**m. Solid Waste**

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

**n. Water/Sewer**

The project requires an urban level of service for water and sewer service. The application has provided non-binding documentation that the water service is available from North Perry Avenue Water District and sanitary sewer is available from Kitsap County Public Works (Exhibits 5 and 11).

**o. Kitsap Public Health District**

Kitsap Public Health District has reviewed the proposal and does not have concerns with the request.

**Revision to the Hearing Examiner's Decision and Recommendation**

Kitsap County Code 16.40.040 Amendment to approved preliminary subdivisions provides standards for Major and Minor Approved Preliminary Plat Amendments. The Department determined that the request is a minor plat amendment, which is reviewed pursuant to KCC 21.040.060 Land Use and Development Procedures as an administrative Type-II decision.

### **Minor Plat Amendment Analysis**

Staff made the following comments based on review of the revised site plan for the Minor Plat Amendment, dated March 13, 2019. The applicant provided the following comments on the criteria specified in KCC 16.40.040 for the minor amendment to the preliminary approved plat:

General Requirements: The minor amendment is classified as a Type-II decision under Chapter 21.04 and addresses those changes to an approved preliminary subdivision that fall within the scope of the original approval and/or do not significantly increase impacts to surrounding properties. For these purposes, "significant" shall mean a greater than 10% increase when the impact is quantifiable.

### **Staff Evaluation of Decision Criteria:**

#### **11. Review Authority**

The Director has review authority for this Minor Amendment to Preliminary Plat application under KCC, Sections 16.40.040 and 21.04.100. The Kitsap County Commissioners have determined that this application requires review and approval of the Director. The Director may approve, approve with conditions, or deny an Administrative Land Use Permit.

#### **12. Findings**

Written Findings: A proposed minor subdivision amendment may be approved if the Director makes written findings that all the following are satisfied. If one or more are not satisfied, the application must proceed as a major amendment. Criteria, which must be met, are outlined in Kitsap County Code 16.40.040, Items 1, and 2a through j. Preliminary Plat Amendment. The following are staff findings that address the criteria for the minor amendment:

- a. The proposal does not result in significant impacts to the subdivision or the surrounding property. Impacts may include, but are not limited to, storm water, traffic, open space, landscaping, screening, on-street or set-aside parking, or noise.**

Applicant Response: This proposal does not create any significant adverse impacts. It does not change the recreational space, landscaping, or parking requirements. It creates slightly more possible impervious roof area; however, the infiltration pits only need minor adjusting to accommodate the additional flow.

*Staff Comment: The applicant is proposing only minor changes to one side of the roadway and adding additional lot area to the abutting lots. The request should not result in significant impacts within the subdivision and to surrounding properties.*

- b. The proposal satisfies the applicable general requirements of this title.**

Applicant Response: The plat remains in compliance with KKCC 16.04, Subdivisions.

*Staff Comment: The proposal is only a minor adjustment to the roadway. The request is consistent with the goals and policies of the comprehensive plan, compatible with surrounding uses, and will not be detrimental to the health, safety, or welfare with the neighborhood.*

**c. The proposal does not result in a change of use.**

Applicant Response: This proposal does not change the proposed 'use'.

**d. The proposal falls within the scope of the original approval and complies with the intent of the conditions originally imposed.**

Applicant Response: This proposal would not alter the conditions of plat approval.

*Staff Comment: The minor plat amendment is consistent with the intent of the Hearing Examiner's decision, dated September 5, 2019, and is not proposing a change to the conditions of approval.*

**e. The proposal does not change the perimeter boundary of the original plat, or the boundary of any phases within the original plat.**

Applicant Response: This proposal does not change the perimeter boundary of the plat.

*Staff Comment: The applicant is not proposing to expand the perimeter boundaries of the single-family development.*

**f. The proposal does not increase residential density by greater than 10%, provided the density requirements of the zone are maintained consistent with the zone.**

Applicant Response: This proposal does not change the density, or the number of lots.

*Staff Comment: The applicant is not changing the number of residential lots approved through the preliminary land approval with the above requirement.*

**g. The proposal does not increase the intensity of housing types; for example, from detached single-family to attached one- and two-family dwellings.**

Applicant Response: This proposal does not change the proposed housing type.

Staff Comment: The housing within the plat will remain detached single-family dwellings.

**h. The proposal does not reduce the designated perimeter buffers, recreation or open space areas by more than 10%.**

Applicant Response: This proposal does not change the proposed housing type.

*Staff Comments: The minor amendment does not reduce the required buffer conditioned through the Hearing Examiner's decision.*

**i. The proposal does not reduce or increase the number of access points or significantly alter the location of the access points.**

Applicant Response: This proposal does not change the street layout or alter the access point.

*Staff Comment: The proposed minor amendment to the preliminary plat will not alter the plat access.*

**j. The proposal does not reduce required setbacks; and**

Applicant Response: This proposal does not alter building setbacks, other than to change the front setback location in relation to the new right-of-way lines.

*Staff Comment: The required setbacks will not be reduced by this amendment and are vested to the project approval. The policy is to require building setbacks on the face of the final plat.*

**k. The proposal does not reduce any street frontage improvements (e.g., sidewalks, curb/gutter, and bicycle lanes).**

Applicant Response: This proposal does not alter the frontage improvements. This proposal does not affect the SDAP construction plans except to alter the right-of-way line and associated 10-foot utility easement. The possible increase in roof area required minor adjustments to the infiltration pits; the project Drainage Report has been updated. An SDAP amendment will follow, after the preliminary plat amendment process.

*Staff Comment: The minor amendment does not change the frontage improvements conditioned by the previous approval.*

### **13. Review Authority**

The Director has review authority for this Minor Plat Amendment application under KCC, Sections 16.40.040 and 21.04.100. The Kitsap County Commissioners have determined that this application requires review and approval of the Director. The Director may approve,

approve with conditions, or deny an Administrative Conditional Use Permit.

#### **14. 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.

#### **15. Decision**

Based upon the analysis above and the decision criteria found in KCC 17.540.040.A, the Department of Community Development has reviewed the Type-II Minor Plat Amendment request for Minder Meadows Preliminary Plat be **approved**, subject to the following 65 conditions:

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

1. The Minor Plat Amendment will be subject to all conditions of approval per the Hearing Examiner's decision for the Minder Meadows Preliminary Plat, file # 19-01333, dated September 5, 2019. If there are conflicts between these conditions and the conditions per the approved preliminary plat, the conditions below shall apply.
2. This Preliminary Plat Minor Amendment approval shall automatically become void if no development permit application is accepted as complete by the Department of Community Development within four years of the Notice of Decision date or the resolution of any appeals.
3. 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.

4. The uses of the subject property are limited to the uses proposed by the applicant and any other uses will be subject to further review pursuant to the requirements of the Kitsap County Code (KCC). Unless in conflict with the conditions stated and/or any regulations, all terms and specifications of the application shall be binding conditions of approval. Approval of this project shall not, and is not, to be construed as approval for more extensive or other utilization of the subject property.
5. 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.

**b. Development Engineering**

6. 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. **Condition #16, HE Decision; this condition remains and is unchanged.**
7. 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. **Condition #17, HE Decision; this condition remains and is unchanged.**
8. The information provided demonstrates this proposal is a Large Project as defined in Kitsap County Code Title 12, and as such will require a Site Development Activity Permit (SDAP) from Development Services and Engineering, designed to meet Minimum Requirements 1-9. **Condition #18, HE Decision; this condition remains and is revised to clarify the required permit type. Revised Condition 18:** The information provided demonstrates this proposal is a Large Project as defined in Kitsap County Code Title 12, and as such requires a Site Development Activity Permit (SDAP). The Department has approved and issued SDAP 19-05309. Prior to the commencement of any grading or construction activities for SDAP 19-05309, an Addendum to SDAP 19-05309, which depicts the revisions approved through this Preliminary Plat Amendment, is required to be issued.
9. 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 Preliminary Plat application was deemed complete, April 17, 2019. 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. **Condition #19, HE Decision; this condition remains and is revised to clarify the permit application that determines the project vesting to Kitsap County Code Title 12. Revised Condition 19:** 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 original Preliminary Plat application was deemed complete, April 17, 2019. 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.

10. 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 the Preliminary Plat application was deemed complete, April 17, 2019. **Condition #20, HE Decision; this condition remains and is revised to clarify the permit application that determines the project vesting to Kitsap County Code Title 12. Revised Condition 20:** 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 the original Preliminary Plat application was deemed complete, April 17, 2019.
11. 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. **Condition #21, HE Decision; this condition remains and is unchanged.**
12. 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. **Condition #22, HE Decision; this condition remains and is unchanged.**
13. If a significant quantity of grading material will be imported/exported to/from the site, a vehicle wheel wash must be included as an element of the siltation erosion control plan. Typically, significant quantity of grading material means five or more trucks leaving the site per hour. **Condition #23, HE Decision; this condition remains and is unchanged.**
14. The design of the infiltration facilities will be accordance with Vol. II, Chapter 5 of the Kitsap County Stormwater Design Manual. **Condition #24, HE Decision; this condition remains and is unchanged.**

15. 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. **Condition #25, HE Decision; this condition remains and is unchanged.**
  
16. 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. **Condition #26, HE Decision; this condition remains and is unchanged.**
  
17. Upon completion of the storm drainage facilities and road construction, the developer will be required to post a two-year maintenance bond for the facilities and roads. 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, 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. **Condition #27, HE Decision; this condition remains and is revised to address the project revision from public roads/storm system to private road/storm system. Revised Condition 27:** 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.
  
18. The impervious area per lot for rooftop area and driveway area, as accounted for in the overall drainage facilities installed, shall be indicated on the face of the final plat. Additional impervious surfaces created on an individual lot beyond the amount accounted for in the overall drainage facilities shall require a Site Development Activity Permit for that lot and be mitigated in accordance with Kitsap County Code Title 12. **Condition #28, HE Decision; this condition remains and is unchanged.**

19. 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. **Condition #29, HE Decision; this condition remains and is unchanged.**
20. 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. **Condition #30, HE Decision; this condition remains and is unchanged.**
21. If the project proposal is modified from that shown on the submitted site plan received April 11, 2019, Development Services and Engineering will require additional review and potentially new conditions. **Condition #31, HE Decision; this condition remains and is revised to clarify the site plan on which this recommendation of approval is based. Revised condition 31:** If the project proposal is modified from that shown on the site plan submitted for this Preliminary Plat Amendment and accepted for review December 9, 2020, Development Services and Engineering will require additional review and potentially new conditions.
22. 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. **Condition #32, HE Decision; this condition remains and is unchanged.**
23. Rock and retaining walls shall meet all applicable setback requirements of Vol. II, Chapter 9 of the Kitsap County Stormwater Design Manual. **Condition #33, HE Decision; this condition remains and is unchanged.**
  - c. **Environmental**
24. As proposed by the applicant, the applicant shall follow recommendations by the civil engineer and the wetland consultant for revisions for stormwater controls and a revised report and water quality analysis to prevent potential impacts to Lake Emelia. **Condition #34 HE Decision; this condition remains and is unchanged.**
25. A Timber Harvest Permit application shall be provided with the application for the SDAP. **Condition #35 HE Decision, this condition remains and is unchanged.**
  - d. **Traffic and Roads**
36. Submit an Application for Concurrency Test (KCPW Form 1601) as required by Chapter 20.04.030, Transportation Concurrency, of the Kitsap County Code. The KCPW 1601 form reserves road capacity for the project. **Condition #36, HE Decision;**

- this condition remains and is unchanged.**
37. Public roads shall not exceed 12% grade or less depending on the road classification per Kitsap County Road Standards. **Condition #37, HE Decision; this condition is deleted, as the project proponent is no longer proposing public roads.**
  38. The interior roads of the proposed plat shall be designed and constructed in accordance with Kitsap County Code 11.22 and the Kitsap County Road Standards for a local access road or an approved higher standard. Roads shall be publicly maintained, and the right-of-way dedicated to Kitsap County as proposed. **Condition #38, HE Decision; this condition remains and is revised to address the project revision from public roads to private roads. Revised Condition 38:** The interior roads of the proposed plat shall be designed and constructed in accordance with the emergency vehicle access standards of the Kitsap County Fire Marshal Office.
  39. 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. **Condition #39, HE Decision; this condition remains and is unchanged.**
  40. Sidewalk ramps shall conform to the current requirements of the Americans with Disabilities Act per WSDOT standard plans at the time of construction. **Condition #40, HE Decision; this condition remains and is unchanged.**
  41. All lots shall access from interior roads only. This note shall appear on the face of the final plat map. **Condition #41, HE Decision; this condition remains and is unchanged.**
  42. 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. **Condition #42, HE Decision; this condition remains and is unchanged.**
  43. Provide surveyed cross-sections at 50-foot intervals along the parcel frontage on NE John Carlson Road. The cross-sections should show existing and proposed pavement, shoulders, ditches and slopes. The cross-sections should also depict centerline of pavement and right-of-way, the right-of-way lines, and easements. **Condition #43, HE Decision; this condition remains and is unchanged.**
  44. Submit 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 shall be designed in accordance with the Kitsap County Road Standards as established in Chapter 11.22 of the Kitsap County Code. Existing approaches may

- need to be improved to meet current standards. **Condition #44, HE Decision; this condition remains and is unchanged.**
45. Sawcut of existing asphalt shall provide minimum 3-foot compaction room. Pavement restoration shall be a minimum ½ lane with no paving joint in wheel tracks. **Condition #45, HE Decision; this condition remains and is unchanged.**
46. Frontage improvements, consisting of 12-foot travel lane; 5-foot bike lane; and vertical curb, gutter and 6-foot sidewalk are required along the property frontage along John Carlson Road. **Condition #46, HE Decision; this condition remains and is unchanged.**
47. Frontage improvements, consisting of vertical curb, gutter and 5-foot sidewalk are required on the interior plat road(s). **Condition #47, HE Decision; this condition remains and is unchanged.**
48. Any required sidewalk shall be constructed prior to roadway paving. This note shall appear on the face of the final construction drawings. **Condition #48, HE Decision; this condition remains and is unchanged.**
49. The developer's engineer shall certify that there is adequate entering sight distance at the intersection of the plat access road and NE John Carlson Road. 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. The certification shall also note necessary measures to correct and maintain the minimum sight triangle. **Condition #49, HE Decision; this condition remains and is unchanged.**
50. 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). **Condition #50, HE Decision; this condition remains and is unchanged.**
51. A Right of Way Permit is needed for any utility connections and road frontage improvements. Prior to scheduling the preconstruction meeting, the applicant shall apply for and obtain an approved ROW permit for all work within the county right of way. Additional permit conditions, bonding, traffic control, inspections, and other requirements may apply to the right of way permit and will be determined by Kitsap County Public Works. You may apply online at <https://co-kitsap-wa.smartgovcommunity.com> or contact Kitsap County Public Works, Right of Way Division at [rowpermits@co.kitsap.wa.us](mailto:rowpermits@co.kitsap.wa.us) with any questions. **Condition #51, HE**

**Decision; this condition remains and is unchanged.**

52. Prior to requesting a final inspection on the required Site Development Activity Permit with the Department of Community Development, the Applicant shall satisfy all conditions of a Right-of-Way Permit through the Department of Public Works for any and all work performed in the county Right-of-Way associated with this project. Apart from the Site Development Activity Permit (SDAP), the Right of Way permit may require extra work to comply with current Washington State Department of Transportation or Kitsap County Road Standards. You may contact Kitsap County Public Works, Right-of-Way Division at (360) 337-5777 to obtain a Right-of-Way permit. **Condition #52, HE Decision; this condition remains and is unchanged.**

**e. Survey**

53. A Final Plat shall be prepared by a licensed Land Surveyor in compliance with Kitsap County Code Title 16. **Condition #1, HE Decision; this condition remains and is unchanged.**

54. All private roads shall be labeled as tracts and constructed in accordance to Fire Code requirements. Ten feet for utility easement shall be provided on each side of private road tracts.

55. 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 CCRs. **Condition #2, HE Decision; this condition remains and is unchanged.**

56. 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. **Condition #3, HE Decision; this condition remains and is unchanged.**

**f. Fire Safety**

26. Water line size and location and the location of fire hydrants must be shown on SDAP plans. A letter of water availability indicating available fire flow from the water purveyor is required to be submitted to the Kitsap County Fire Marshal's office prior to the approval of any building permits. **This condition remains and is unchanged.**

57. . Hydrants are required and shall be placed no further than 600 feet from each other. **This condition remains and is unchanged.**

27. The minimum fire flow requirements for one and two-family dwellings in subdivisions shall be 500 gallons per minute for thirty (30) minutes. **This condition remains and is unchanged.**

**g. Solid Waste and Wastewater**

56. 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. **Condition #58, HE Decision; this condition remains and is unchanged.**
57. Condition Kitsap County sanitary sewer is available for the project. Applicant needs to submit a complete set of sewer plans, profiles, and specifications designed in accordance with Kitsap County Public Works - Sewer Utility Division Standards and Regulations. **Condition #56, HE Decision; this condition remains and is unchanged.**
58. Sewer Availability Agreement account must be kept current and in good standing through permit approval date. **Condition #57, HE Decision; this condition remains and is unchanged.**

**h. Kitsap Public Health District**

59. If septic tanks/wells are encountered during construction decommissioning will be required. Sewered building clearance will be required for each lot prior to building permit issuance. **Condition #59, HE Decision; this condition remains and is unchanged.**

**i. NEW CONDITIONS FOR THIS PRELIMINARY PLAT AMENDMENT**

60. The following notes shall be placed on the face of the final plat map, under the heading Notes and Restrictions:
- Maintenance of roof and yard drains and appurtenances shall be the responsibility of the individual homeowners
  - All runoff from roof and yard drains must be directed so as not to adversely affect adjacent properties.
  - All lots shall access from interior roads only.
  - 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. **Condition 61 was inadvertently omitted from the previous HE Decision.**
61. All lots shall direct roof and lot runoff to secondary drainage system per the Final Accepted Drainage Plans, on file under Site Development Activity Permit 19-05309 with Kitsap County Department of Community Development. At the time of Building Permit Application, the owners shall submit a plan of the roof and yard drainage conveyance system to the building department for review and acceptance. The secondary drainage system shall be installed and accepted prior to occupancy. **Condition 62 was inadvertently omitted from the previous, HE Decision.**
62. All private roads shall be labeled as tracts and constructed in accordance to Fire Code requirements. Ten feet for utility easement shall be provided on each side of

private road tracts. **Condition 63 addresses the revision from public roads to private roads.**

63. The required Site Development Activity Permit Addendum shall include the following note: "All site work shall be done in accordance with the latest edition of the Washington State Department of Transportation's "Standard for Road, Bridge, and Municipal Construction; work within County rights of way shall be done in accordance with Kitsap County Road Standards (adopted 06/08/2020). **Condition 64 addresses standards related to work in a County right of way.**

64. Per Kitsap County Road Standards 3.7.5.1, the required Site Development Activity Permit Addendum shall depict curb ramps for each direction of permitted pedestrian travel. **Condition 65 addresses information needed for the required SDAP Addendum.**

**Report prepared by:**



Jeff Smith, Staff Planner / Project Lead

5/10/2021

Date

**Report approved by:**



Scott Diener, Department Manager / Supervisor

5/10/2021

Date

**Attachments:**

Attachment A – Revised Project Site Plan

Attachment B – Revised Landscape Plan

Attachment C – Zoning Map

CC: Owner/Applicant: Creative Commercial Investments LLC, [jminder1@gmail.com](mailto:jminder1@gmail.com)  
Surveyor: AES Consultants, [aes@bainbridge.net](mailto:aes@bainbridge.net)  
Engineer: Wnek Engineering, Michael Wnek, [mike@wnekeng.com](mailto:mike@wnekeng.com)  
Health District Public Works Parks  
Navy  
DSE Kitsap Transit  
Central Kitsap Fire District  
Central Kitsap School District



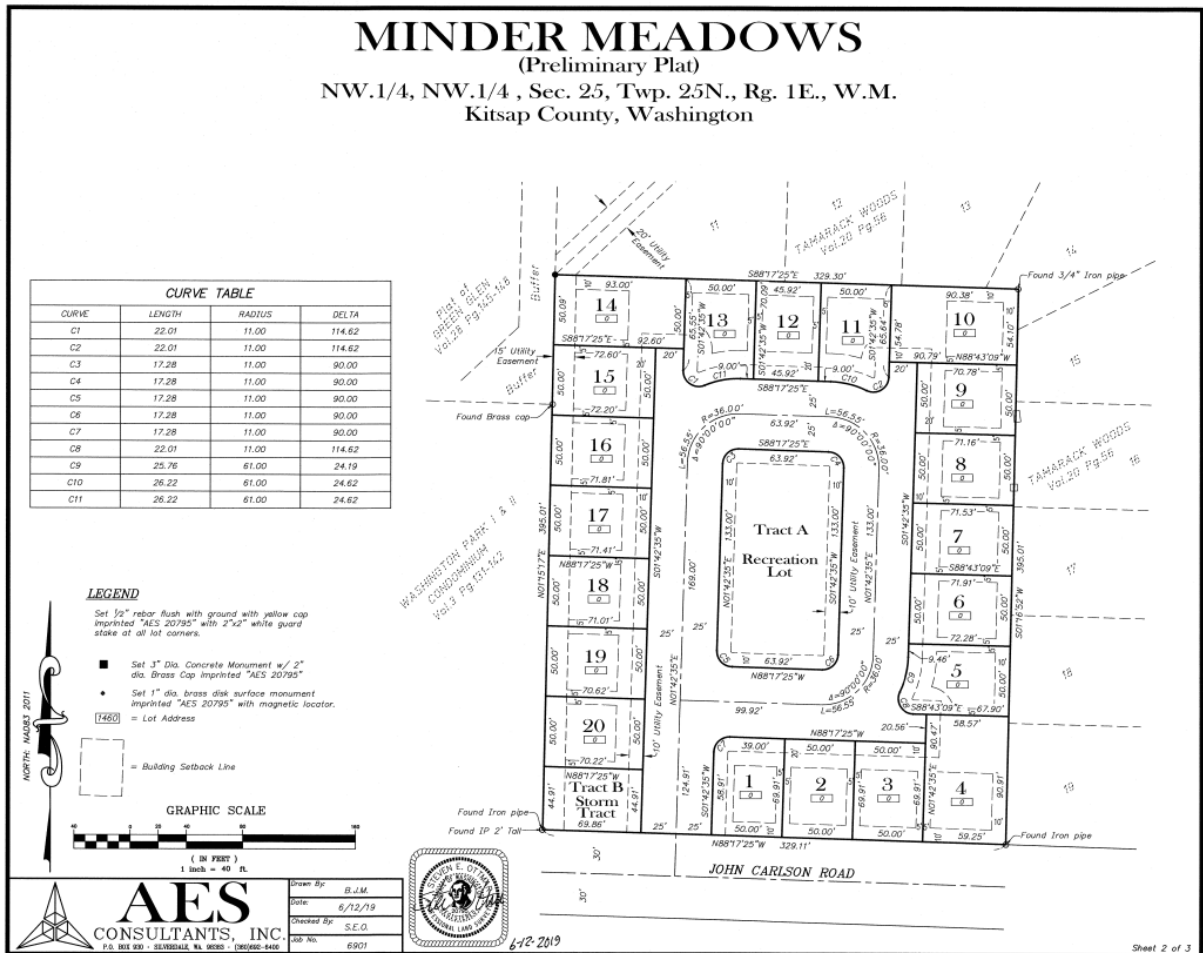
Interested Parties:

Vaughan, Randy & Susan, [suevau11@yahoo.com](mailto:suevau11@yahoo.com)  
Vaughan, Mariah & Tyler; Weller, Ashley, [mariahvaughan@gmail.com](mailto:mariahvaughan@gmail.com)  
Morgan, Tahnee, [morgantahnee@gmail.com](mailto:morgantahnee@gmail.com)  
Williams, Preeya, [preeyawilliams@gmail.com](mailto:preeyawilliams@gmail.com)  
Jones, Karol, [krjones@tscnet.com](mailto:krjones@tscnet.com)  
Malmborg, Barbara, [rara.i@comcast.net](mailto:rara.i@comcast.net)  
Malmborg, Charles, [malmborghb@comcast.net](mailto:malmborghb@comcast.net)  
Baker, Jonathan & Cynthia, [ARLB85@msn.com](mailto:ARLB85@msn.com)  
Ashcraft, Jennifer, [crashes@inbox.com](mailto:crashes@inbox.com)  
Lundy, Robert & Georgina, [ralundy8@hotmail.com](mailto:ralundy8@hotmail.com)  
Myers, Danan, [meemeetchr@live.com](mailto:meemeetchr@live.com) Roberts,  
Jadin & Rose Ellen, [jarobert98@yahoo.com](mailto:jarobert98@yahoo.com)  
Atkinson, Carol, [flutterby928@gmail.com](mailto:flutterby928@gmail.com)  
Kim Young, Pricilla, [leonlaikim@hotmail.com](mailto:leonlaikim@hotmail.com)  
Soterakopoulos, AW & MJ, [Guenhwyvar4@comcast.net](mailto:Guenhwyvar4@comcast.net)  
Yetter, Diane, [dianeyetter@comcast.net](mailto:dianeyetter@comcast.net)  
Cantrell, Sarah, [cantrell.sarah@hotmail.com](mailto:cantrell.sarah@hotmail.com)  
Cantrell, David & Renee, 7825 Forest Ridge Dr NE, Bremerton WA 98311  
Briggs, Jonathon & Connie, 7610 Forest Ridge Dr NE, Bremerton WA 98311  
Gray, Thomas & Teri Jean, 7720 Forest Ridge Dr NE, Bremerton WA 98311  
Charbonneaux, Jean, 7730 Forest Ridge Dr NE, Bremerton WA 98311  
Palmer, Timothy D. Jr., 7800 Forest Ridge Dr NE, Bremerton WA 98311  
Wiley, Timothy, 7625 Forest Ridge Dr NE, Bremerton WA 98311  
Mennegar, Brad, 7825 Forest Ridge Dr NE, Bremerton WA 98311  
Kinsfather, Kirk, 7650 Forest Ridge Dr NE, Bremerton WA 98311  
Poyega, Edward & Jacqueline, 7604 Concord Ln NE B-103, Bremerton, WA 98311  
Coggins, Darrell, 7604 Concord Ln NE, Bremerton, WA 98311  
Noser, Patty, 7604 Concord Ln NE B-201, Bremerton, WA 98311  
Miller, Randy & Hye, 7920 Forest Ridge Dr NE, Bremerton WA 98311  
Paguio, Rolito & Annabelle, 7755 Forest Ridge Dr NE, Bremerton WA 98311

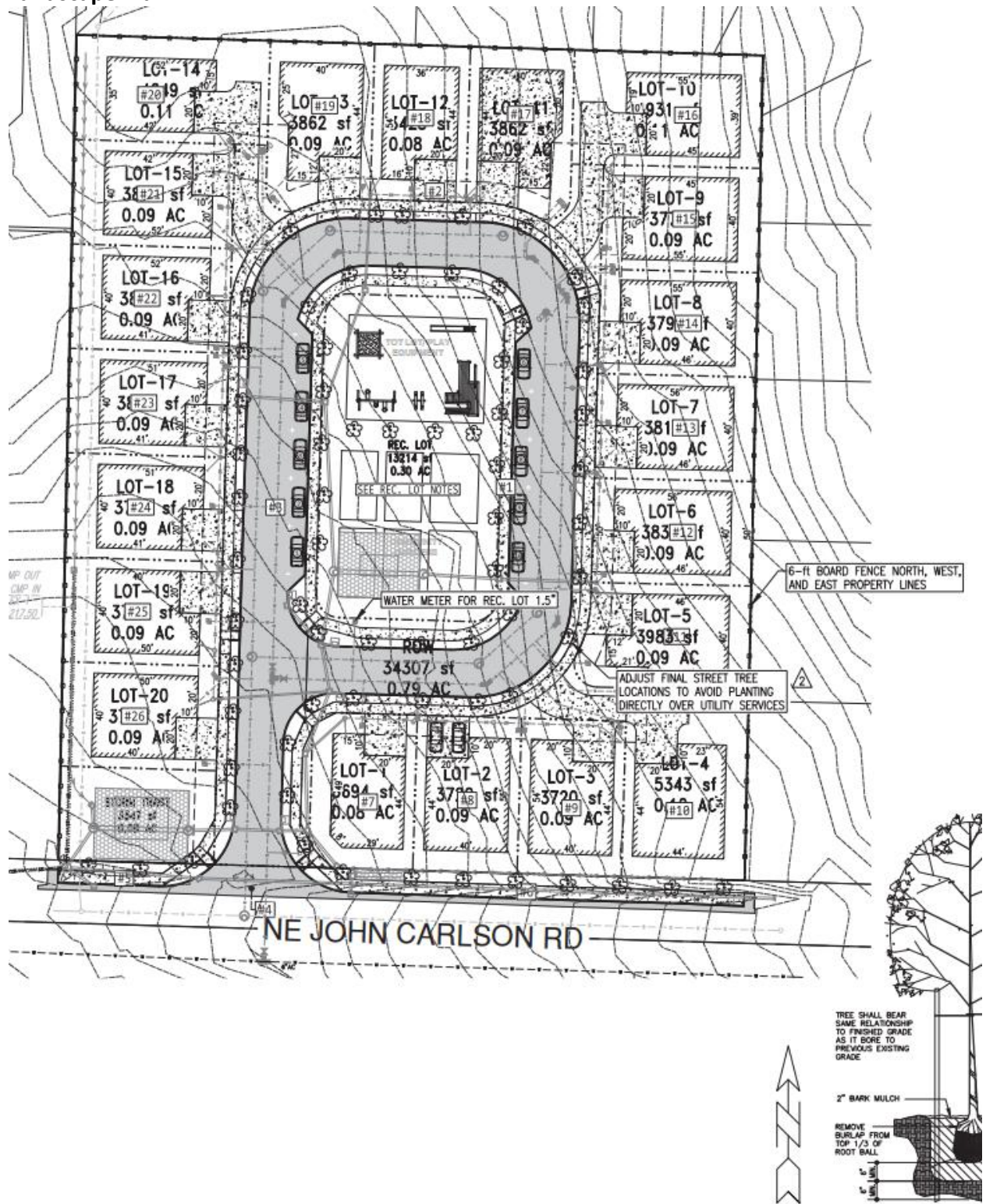
Kitsap County Public Works Dept., MS-26

DCD Staff Planner: Jeff Smith

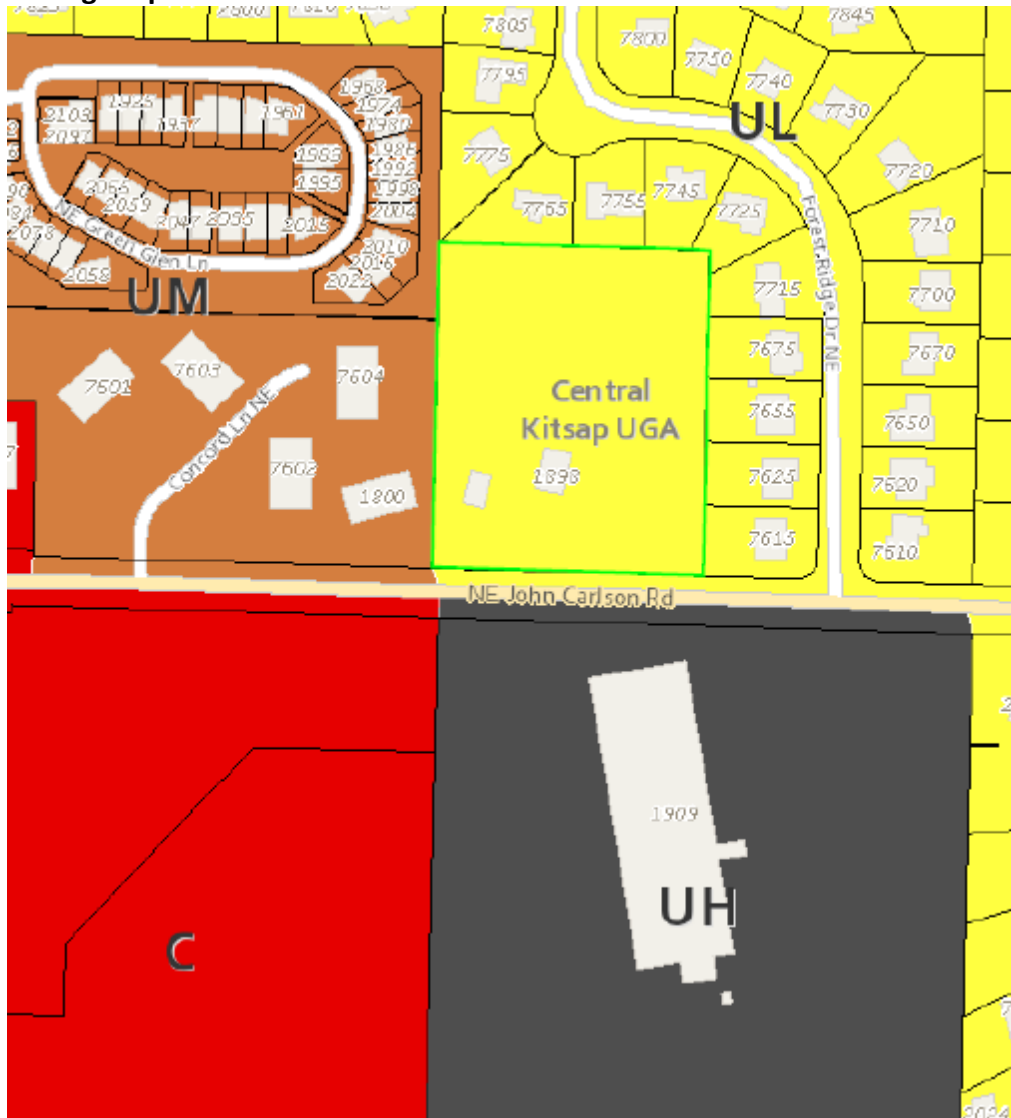
Site Plan



Landscape Plan



**Zoning Map**



- UL - Urban Low Residential (5-9 DU/Ac)
- UM - Urban Medium Residential (10-18 DU/Ac)
- UH - Urban High Residential (19-30 DU/Ac)
- Commercial (10-30 DU/Ac)



