



Notice of Hearing Examiner Decision

07/14/2023

To: Interested Parties and Parties of Record

RE: Project Name: Stoneridge
 Applicant: Johnson & Holmes 4, LLC
 3599 NW Carlson St
 Silverdale, WA 98383 &
 Sequoia Spring II LLC
 18300 Redmond Way Ste 120
 Redmond, WA 98052
 Application: Preliminary Plat (PPlat) &
 Performance Based Development (PBD)
 Permit Number: 22-01032 & 22-00424

The Kitsap County Hearing Examiner has **APPROVED** the land use application for **Permit #22-01032 & 22-00424 Stoneridge Preliminary Plat & Performance Based Development: Project Name – Application Type, subject to the conditions outlined in this Notice and included Decision.**

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

The applicant is encouraged to review the Kitsap County Office of Hearing Examiner Rules of Procedure found at:
<https://kitsapgov.com/dcd/HEDocs/HE-Rules-for-Kitsap-County.pdf>

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

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

CC: Applicant/Owner: Johnson & Holmes 4, LLC, Levi@Chartwellland.com; Sequoia Spring II LLC, max@bluefern.com;
Authorized Agents: Deb Purcell, debra.p@jwjgroup.com; Holly Blinn, holly.b@jwjgroup.com; Core Design Inc, permits@coredesign.com;
Engineers: Holli Heavrin, hkh@coredesigninc.com; NL Olson & Associates, nlolson2@nlolson.com

Biologist: Ecological Land Services; joanne@eco-land.com

Health District

Public Works

Parks

Navy

DSE

Kitsap Transit

Central Kitsap Fire District

Central Kitsap School District

Puget Sound Energy

Kitsap PUD #1

Sewer Purveyor

Point No Point Treaty Council

Suquamish Tribe

Port Gamble S'Klallam Tribe

Squaxin Island Tribe

Puyallup Tribe

WA Dept of Fish & Wildlife

WA Dept of Transportation/Aviation

WA State Dept of Ecology-SEPA

WA State Dept of Ecology-Wetland Review

WA State Dept of Transportation

DCD Staff Planner: Cecilia Olsen

Interested Parties:

Paul Salo, pachalo@comcast.net; Alan H Anderson, hank-susan@wavecable.com; Bill Roark - APOIA (Apex Property Owners Improvement Association), wbroark@wavecable.com

**BEFORE THE HEARING EXAMINER
FOR KITSAP COUNTY**

In the Matter of the Application of)	No. 22-01032
)	No. 22-00424
)	
Johnson & Holmes 4, LLC, and)	Stoneridge Proposal
Sequoia Spring II, LLC)	
)	
)	
For Approval of a Preliminary Plat and)	FINDINGS, CONCLUSIONS,
<u>Performance Based Development</u>)	AND DECISION

SUMMARY OF DECISION

The request for a preliminary plat and performance based development—to subdivide six parcels totaling approximately 143.41 acres into 761 single-family residential lots and associated improvements, including 76 affordable housing units—on property at 9575 Dickey Road NW in the Silverdale area of unincorporated Kitsap County, is **APPROVED**. Conditions are necessary to mitigate specific impacts of the proposed development.

SUMMARY OF RECORD

Hearing:

The Hearing Examiner held an open record hearing on the request on June 8, 2023. The record was left open until June 15, 2023, to allow any member of the public having difficulty participating at the hearing through remote access to provide written comments in lieu of live testimony. No additional comments from members of the public were submitted and, accordingly, the record closed on June 15, 2023.

Testimony:

The following individuals testified under oath at the open record hearing:

Kathlene Barnhart, County Senior Planner
Levi Holmes, Applicant Representative
Alan Anderson

Exhibits:

The following exhibits were admitted into the record:

1. Staff Report, dated June 1, 2023
2. Performance Based Development Application Submission Form, dated January 31, 2022;
Preliminary Plat Application Submission Form, dated March 3, 2022

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3. Authorization Form (Parcel No. 182501-4-026-2008), dated January 3, 2022;
Authorization Form (Parcel No. 192501-1-023-2006), dated January 3, 2022;
Authorization Form (Parcel No. 192501-1-006-2007), dated January 3, 2022;
Authorization Form (Parcel No. 192501-2-009-2002), dated January 6, 2022;
Authorization Form (Parcel No. 192501-2-008-2003), dated January 6, 2022;
Authorization Form (Parcel No. 182501-3-031-2003), dated January 6, 2022
4. Engineer's Affidavit, dated January 5, 2022
5. Concurrency Test, undated
6. Post Construction Soil Quality and Depth Worksheet, undated
7. Preliminary Landscape Plans, dated January 5, 2022
8. Preliminary Storm Drainage Report, Core Design, Inc., dated January 4, 2022
9. Preliminary Site Plans, dated January 5, 2022
10. Preliminary Civil Plans, dated January 5, 2022
11. Project Narrative, dated January 2022
12. SEPA Environmental Checklist, dated January 14, 2022
13. Site Assessment and Planning Packet, undated
14. Stormwater Worksheet, undated
15. Stormwater Pollution Prevention Plan (SWPPP) Narrative, undated
16. Stormwater Pollution Prevention Plan (SWPPP), Core Design, Inc., dated December 17, 2021
17. Stormwater Infeasibility and Best Management Practices (BMPs) Worksheet, undated
18. Traffic Impact Analysis Update, Gibson Traffic Consultants, Inc., dated December 2021
19. Sewer Availability Agreements, dated January 10, 2022
20. Stoneridge Lot Sizes, received March 14, 2022
21. Water and Fire Flow Availability Letter, dated January 13, 2022
22. Non-Project Development Agreement, dated December 13, 2022
23. Matrix of Development Agreement Compliance, dated January 21, 2022
24. Geotechnical Engineering Investigation, N.L. Olson and Associates, Inc., dated November 23, 2021
25. Critical Areas Report, Ecological Land Services, Inc., revised December 30, 2021
26. Email to Washington State Department of Transportation, dated January 7, 2022
27. Email to Apex Airport, dated January 12, 2022
28. Email to Port Gamble S'Klallam Tribe, dated January 14, 2022
29. Email to Point No Point Treaty Council, dated January 14, 2022
30. Email to the Suquamish Tribe, dated January 14, 2022
31. Notice to Title re: Apex Airport, received March 14, 2022
32. Notice to Title re: Affordability, received March 14, 2022
33. Notice of Application, dated April 12, 2022
34. Comment from Washington State Department of Ecology, dated April 26, 2022
35. Comment from Central Kitsap School District, dated April 26, 2022
36. Comment from Washington State Department of Transportation, dated April 28, 2022
37. Revised Traffic Impact Analysis, Kimley-Horn and Associates, Inc., dated July 5, 2022

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38. Revised Critical Areas Report, Ecological Land Services, Inc., revised September 16, 2022
39. Revised Civil Plans, dated October 18, 2022
40. Revised Site Plans, dated October 18, 2022
41. Revised Project Narrative, dated October 20, 2022
42. Boundary and Topographic Survey, dated October 16, 2019
43. Traffic Comment Summary Memorandum, Kimley-Horn and Associates, Inc., dated July 15, 2022
44. Applicant Response to Planning Comments, dated September 22, 2022
45. Applicant Response to SEPA Comments, received October 26, 2022
46. Applicant Response to Preliminary Plat Comments, received October 26, 2022
47. Applicant Response to Performance Based Development Comments, received October 26, 2022
48. County Development Services and Engineering Memorandum, dated February 13, 2023
49. Project-Specific Informal Director's Code Interpretation, dated April 27, 2023
50. Revised Critical Areas Report, Ecological Land Services, Inc., revised April 25, 2023
51. Revised Civil Plans, dated April 19, 2023
52. Revised Site Plans, dated April 19, 2023
53. Revised Project Narrative, received May 2, 2023
54. Technical Engineering Memorandum, Core Design, Inc., dated April 20, 2023
55. Bonneville Power Administration (BPA) Plans, undated; Topographic Survey, dated October 16, 2019; Puget Sound Energy Consent Request Form, received May 2, 2023
56. Email Thread between Puget Sound Energy and Applicant, dated March 30, 2023, to April 5, 2023
57. Email Thread between Bonneville Power Administration and Applicant, dated February 14, 2023, to February 21, 2023
58. Applicant Response to Performance Based Development Comments, dated April 26, 2023
59. Applicant Response to Preliminary Plat Comments, dated April 26, 2023
60. Email from Washington State Department of Ecology re: Contamination, dated May 11, 2023
61. Determination of Nonsignificance, dated May 16, 2023
62. Notice of Public Hearing, dated May 24, 2023
63. Certification of Public Notice, dated May 31, 2023
64. Email Thread between Applicant, County Staff, and Kitsap Transit, dated May 31, 2023
65. Staff Presentation
66. Hearing Sign-In Sheet
67. Application Presentation
68. Revised Staff Report, dated June 8, 2023
69. Email Thread between Applicant and County Staff re: Revised Conditions Language, dated June 12, 2023

The Hearing Examiner enters the following findings and conclusions based upon the testimony at the open record hearing and the admitted exhibits:

FINDINGS

Background

1. Johnson & Holmes 4, LLC and Sequoia Spring II, LLC (Applicant) request approval of a preliminary plat and performance based development (PBD), to subdivide six parcels totaling approximately 143.41 acres into 761 single-family residential lots and associated improvements. Approximately 109 acres of the project site were formerly part of the Dickey Pit Sand and Gravel Mine. No mining operations have occurred on the site in over 20 years and site remediation has occurred since the cessation of mining operations. The parcels still contain a large screening pile and two existing storm ponds. The remainder of the six parcels—approximately 34 acres—remain vacant and undeveloped.

Most of the parcels are subject to a site-specific amendment to the Kitsap County Comprehensive Plan—Comprehensive Plan Amendment (CPA) No. 18-00495—which was conditionally approved in 2020. Conditions of approval are articulated by a Development Agreement (DA) (adopted through Ordinance No. 587-2020) between the Applicant and Kitsap County, which was approved on December 13, 2021.¹ The Kitsap County Comprehensive Land Use Designation Map and zoning map have not yet been updated to reflect the zoning changes under the DA. The CPA, however, would be fully approved and the zoning map updated upon approval of the requested preliminary plat and PBD. *Exhibit 68, Staff Report, pages 1, 2, 11, and 15; Exhibit 22; Exhibit 23; Exhibit 53.*

Application and Notice

2. As noted above, the Applicant requests approval of a preliminary plat and PBD to subdivide six parcels totaling approximately 143.41 acres into 761 single-family residential lots. The lots would consist of 588 detached and 173 attached single-family residences, including 76 affordable housing units. The proposed development would be constructed in four phases. Phase 1 would include development of 173 attached single-family lots on approximately 31.07 acres. Phase 2 would consist of development of 216 detached single-family residences on approximately 42.81 acres. Phase 3 would include development of 183 detached single-family residences on approximately 33.33 acres. Finally, Phase 4 would include development of 189 single-family residences on approximately 36.20 acres.

¹ The Hearing Examiner issued a recommendation of approval for the Development Agreement on December 13, 2021. *Findings, Conclusion, and Recommendation, Kitsap Hearing Examiner, Dickey Pit Development Agreement (No. 21-01506), dated December 13, 2021.*

Associated improvements include tracts supporting utilities, open space, stormwater facilities, recreational amenities, vegetative buffer, protected critical areas and their associated buffers. The Applicant would also construct 15 roads internal to the plat, pedestrian pathways, and frontage improvements along Dickey Road NW. Access to the property would be provided by Dickey Road NW via a 60-foot wide boulevard access road, with a second emergency vehicle access point provided along the western boundary of the site where NW Warehouse Way stubs at the boundary. The project site is located at 9575 Dickey Road NW in Silverdale.² *Exhibit 2; Exhibit 3; Exhibits 9 through 11; Exhibit 13; Exhibits 39 through 42; Exhibits 44 through 47; Exhibits 51 through 53; Exhibit 58; Exhibit 59; Exhibit 68, Staff Report, page 2.*

3. Kitsap County (County) determined that the application was complete on March 14, 2022. On April 12, 2022, the County provided notice of the application consistent with the requirements of Kitsap County Code (KCC) 21.04.210 by publishing notice in the publishing newspaper of record and by mailing or emailing notice to property owners within 800 feet of the site and to reviewing departments and agencies. The County's notice materials stated that written comments on the proposal could be submitted up until seven days before the date of the open record hearing associated with the application. On May 24, 2023, the County mailed notice of the open record hearing associated with the application to interested parties and property owners within 800 feet of the site, published notice in the publishing newspaper of record, and posted notice on the property.

The County received one comment on the proposal in response to its notice materials (unrelated to the State Environmental Policy Act, discussed below). The Washington State Department of Ecology (DOE) stated that the project site's proximity to the Ace Paving Maintenance Shop Site should not pose a concern to the proposed development. DOE also stated that the project developer should look for indications of contamination in soil and groundwater during gravel pit reclamation and project construction because of the project site's proximity to the Kitsap County Silverdale Landfill Site. DOE indicated that contamination above Model Toxics Control Act (MTCA) clean up levels must be managed in accordance with the MTCA regulation. *Exhibit 33; Exhibit 60; Exhibit 62; Exhibit 63; Exhibit 68, Staff Report, page 11.*

State Environmental Policy Act

4. The County acted as lead agency and analyzed the environmental impacts of the project as required by the State Environmental Policy Act (SEPA), Chapter 43.21C Revised Code of Washington (RCW). The County consolidated notice of the SEPA review and application comment periods under the optional process provided for by Washington Administrative Code (WAC) 197-11-355. The County's notice materials indicated that the County anticipated to issue a Determination of Nonsignificance for the proposal. The

² The properties are identified by Tax Assessor Parcel Nos. 192501-1-023-2006; 182501-3-031-2003; 192501-2-009-2002; 182501-4-026-2008; 192501-1-006-2007; 192501-2-008-2003. *Exhibit 3.*

County received the following comments on its SEPA review in response to its notice materials:

- DOE stated that a Dam Safety construction permit is required for dams or ponds that can impound a volume of 10 acre-feet or more of water or other liquids above ground level, including ponds that share a common berm which in combination the volume is 10 acre-feet or more.
- The Central Kitsap School District (CKSD) commented that, at full buildout, the proposed development would generate students that exceed the existing capacity of the elementary, middle, and high schools. CKSD also stated that the Applicant's analysis assumes that there is no other development within the District, but that the District is Aware of other pending development that would impact availability of school capacity. CKSD stated that it would require mitigation in order to accommodate students from new development, requested the proposed development be conditioned on school mitigation fees in the amounts that result from the District's work with the County, and requested that the Applicant provide a safe walking route to Silverdale Elementary School.
- Washington State Department of Transportation (WSDOT) commented that mitigation must be implemented to address the level of service (LOS) F that would result at the southbound ramp terminal delay after full build out of the proposal.

Exhibit 12; Exhibits 34 through 36; Exhibit 68, Staff Report, pages 2, 3, 11, and 12.

5. The County provided the following responses to comments it received on the proposal during the SEPA review:

- The Applicant submitted a Revised Traffic Impact Analysis that addresses comments and provides for proportionate share of off-site improvement costs. Permit(s) would be conditioned to provide documentation from WSDOT regarding mitigation needs.
- The Applicant met with a CKSD representative at which time it was indicated that the district approved of the proposed "safe walk route" as shown on sheet C1.35 of the Preliminary Civil Plans. Interior bus stops were also discussed at this meeting and due to the dynamic nature of the eventual demographics of the neighborhood, it was requested that the Applicant not determine bus stop locations in the plat at this time. Bus stops in CKSD do not generally include a covered structure and therefore, their placement within the neighborhood can be fluid as needs change over the course of the buildout of the project and as assessed annually by the District.
- The Applicant has been in contact with DOE regarding dam safety. At this time, Ponds 5 and 6 have been designated as requiring a dam safety design. This would be further evaluated during final design to confirm if this is applicable. If applicable, the design component would be incorporated into the site development activity permit (SDAP) plans for the phase in which the pond is constructed. The

Applicant understands that separate review and approval from DOE is required and is included as condition to address with the SDAP.

Following the comment period, the County reviewed the Applicant's environmental checklist and other information on file and determined that, with implementation of the conditions of the Development Agreement, the proposal would not have a probable significant adverse impact on the environment. Accordingly, the County issued a Determination of Nonsignificance (DNS) on May 16, 2023, with an appeal deadline of May 30, 2023. The DNS was not appealed. *Exhibit 12; Exhibit 61; Exhibit 63; Exhibit 68, Staff Report, pages 12 and 13.*

Existing Site and Critical Areas

6. As noted above, the majority of the site is a former sand and gravel mine. The site contains significant soil and earth disturbance, two remnant construction/stormwater ponds and screening and soil piles. The former mine area does not contain intact forested areas and is populated with intermittent vegetated areas. The portion of the site not part of the former mine is vegetated with upland stands of trees, upland shrubs, and grasses. The access point from Dickey Road is heavily disturbed with an existing power line easement, invasive scotch broom, vegetation, and a stormwater pond.

Topography varies throughout the site, ranging from gentle to steep sloping. N.L. Olson and Associates, Inc., submitted a report on behalf of the Applicant addressing the geology of the property, entitled "Geotechnical Engineering Investigation" ("Geotechnical Report" or "GR"), dated November 23, 2021. The Geotechnical Report indicates that the former mine area is susceptible to liquefaction and settlement, but that the proposed grading plan, which would include extensive grading, would adequately minimize these risks. The GR also determined that the risk of damage from soil instability to existing buildings east and south of the property would be minimal with the implementation of the recommendations enumerated in the GR. The Geotechnical Report recommends that the Applicant backfill the remnant construction ponds; strip all pavement, slab-on-grade, fill and/or building areas of all organic soil, existing fill pond muck, and debris; proof roll newly exposed subgrade in parking lot areas; place all structural fill on a firm subgrade in loose layers approximately eight inches in thickness; utilize continuous and column footing system bearing on properly compacted structural fill or dense undisturbed native granular soils; connect or structural support the floor slab into the strip and column foundations if slab-on-grade floors are utilized; and limit the size of temporary cuts. The GR also recommends that a series of drainage ways along the base of both remnant ponds be excavated at the time the ponds are drained and in the process of being mucked out in order to channelize waterflow to the outfall area. *Exhibit 24; Exhibit 53; Exhibit 68, Staff Report pages 3 and 20.*

7. Ecological Land Services, Inc., prepared a report addressing critical areas on the properties on behalf of the Applicant, entitled “Critical Areas Report” (“Critical Areas Report” or “CAR”), revised April 25, 2023. The Critical Areas Report identified seven wetlands on the property (Wetlands A, B, C, D, E-1, E-2, and E-3) and two off-site wetlands (Wetlands E-4 and F) located within 250 feet of the properties. Wetland A is a Category IV slope wetland located in the northeast corner of the property and extending off-site. The CAR identified a stream channel within Wetland A that flows seasonally to the north. Wetlands B and C are both Category III depressional wetlands that are permanently flooded and composed of both aquatic bed and forested wetland communities. These wetlands are located adjacent to one another in the depressions immediately east of the large sediment pond in the central portion of the project site. Wetland D is also a Category III depressional wetland. Wetland D, which is located in the southeastern portion of the property, is composed of shrub and forested vegetation communities. Wetlands E-1 to E-3 are Category III depressional wetlands located in the western portion of the property. Each wetland is forested with dense shrub and herbaceous understories. Wetland E-4 is a Category IV slope wetland located off-site to the southwest. Wetland F is a small, slope wetland located east of the property.

The Critical Areas Report also identified two streams on the east and west ends of the project site. The eastern stream originates in Wetland F and flows across the south end of Wetland D. The stream becomes a Type F stream after it exits Wetland D and flows northeasterly into the Strawberry Creek drainage basin, which then flows to Puget Sound. The western stream originates off-site and crosses the very western edge of the project site near Wetlands E-1, E-2, and E-3 before entering the Anderson Creek basin, which drains into Hood Canal. The CAR indicates that the western stream appears to have two water types within the study area: Type F to the south as it exits the property and Type N where it crosses the property.

The CAR determined that Wetlands A, D, E-1, E-2, and E-3 have habitat scores of 5 and Wetlands B, C, and E-4 have habitat scores of 4. Under Kitsap County Code (KCC) 19.200.220.A, the proposed high intensity use would require a 50-foot buffer for Wetlands A and E-4, and an 80-foot buffer for Wetlands B, C, D, E-1, E-2, and E-3. Per KCC 19.300.315, a 150-foot buffer is required for the Type F eastern stream and a 50-foot buffer is required for the Type N western stream.

The proposed development has been designed to avoid direct and indirect impacts to the critical areas and their associated buffers. Critical areas and their associated buffers comprise approximately 21.59 acres of the total project site, including approximately 11.31 acres of wetland and 10.28 acres of associated buffers. All development would be located outside of onsite critical areas and their associated buffers except where the main road (Road A), which connects to Dickey Road, crosses the north end of Wetland D. Core Design Inc., submitted a memorandum addressing the location of Road A, entitled

“Stoneridge Technical Engineering Memo” (“Engineering Memo”), dated April 20, 2023. The Engineer Memo determined that, because of road slope limitations of 12 percent for vertical curves, horizontal curves, stopping sight distance and safety, shifting Road A north to avoid impacts to the Wetland D buffer altogether is not feasible. The Applicant proposes buffer averaging to compensate for impacts to Wetland D by reducing the buffer to 60 feet and restoration in the temporarily impacted portion of the reduced buffer. Restoration would involve installation of native plant species in the temporarily impacted buffer to recover lost vegetation. Temporary impacts to the wetland buffer would total 3,234 square feet. Buffer averaging would remove 5,088 square feet of the buffer on the northern side of Wetland D and add 5,088 square feet of buffer in another area along Wetland D. The Critical Areas Report concludes that there would be no net loss of wetland buffer function as a result of the proposed development. *Exhibit 25; Exhibit 38; Exhibit 50; Exhibit 54; Exhibit 68, Staff Report, pages 2, 3, 17, 19, 20, and 39.*

Comprehensive Plan

8. As noted above, the subject properties are subject to a site-specific Comprehensive Plan Amendment (CPA) No. 18-00495, which was conditionally approved in 2020. The CPA would be fully approved, and the zoning map updated upon approval of the preliminary plat and PBD applications. The properties would be located in three land use designations under the County Comprehensive Plan. 456 units would be on property designated “Commercial.” The other 305 unit would be located on property designated “Urban Low Density.” A 50-foot tract located adjacent to industrial zones to the south and west of the property would be designated Urban Industrial.

County staff identified the following Comprehensive Plan goals and policies as relevant to the proposal:

- Focus current and future and planning on infill development of existing Urban Growth Areas. [Land Use Goal 1]
- Support innovative, high quality infill development and redevelopment in existing developed areas with Urban Growth Areas. [Land Use Policy 2]
- Address design variations in multifamily building design features and design variety through lot clustering, flexible setback requirements and mixed attached and detached housing types. [Land Use Policy 3]
- Through development standards, encourage urban amenities such as open space, plazas, and pedestrian features in areas of more intensive development with Urban Growth Areas. [Land Use Policy 14]
- Link non-motorized planning requirements to land use planning decisions. [Land Use Policy 15]
- Land use decisions near or within the operating envelope of an airport must not compromise air safety. [Land Use Policy 48]

- Compensatory mitigation shall be the last option of resort in mitigation sequencing, following documentation of avoidance and minimization of any impact to natural environment that triggers compensatory mitigation. Replacement of altered or displaced natural environments (including critical areas and buffers) must be mitigated either on-site, within the watershed, or service area as defined through an approved mitigation bank or in-lieu fee program. [Environment Policy 18]
 - Increase affordable housing units and ensure that a broad range of housing types are available. [Housing and Human Services Goal 2]
 - Integrate affordable housing and human services planning with transportation, workforce development, and economic development efforts. [Housing and Human Services Goal 6]
 - Continue to require sidewalks on roads when development occurs within Urban Growth Areas. [Transportation Policy 3]
- Exhibit 68, Staff Report, pages 1 through 5, 8, and 9.*

Zoning and Performance Based Development

9. 456 units would be located on properties zoned Neighborhood Commercial (NC), with a partial Mineral Resource Overlay (MRO). The purpose of the NC zoning district is to “provide for the quick stop shopping needs of the immediate neighborhood in which they are located. These centers should be based upon demonstrated need and shall be sized in a manner compatible with a residential setting.” *KCC 17.270.010*. The MRO zone is intended to:

Protect and enhance significant sand, gravel and rock deposits as identified mineral resource lands. It is also used to ensure the continued or future use without disrupting or endangering adjacent land uses, while safeguarding life, property, and the public welfare.

KCC 17.170.010.

Single-family attached and detached residences are permitted outright in the NC zoning district. *KCC 17.410.044*. Development regulations specific to the NC zoning district include a minimum density of ten units per net developable acre; a maximum density of 30 units per acre; a maximum building height of 35 feet; and a maximum impervious surface coverage of 85 percent. *KCC 17.420.054*. The proposed 456 units within the NC zone is between the minimum 319 dwelling units and maximum 2,134 units allowed on the project site, meeting density requirements. The maximum building height would be 35 feet. The maximum impervious surface coverage would be 52 percent. *Exhibit 68, Staff Report, pages 3, 4, and 38.*

10. 305 units would be located on parcels located in the Urban Low (UL) zone, also with a partial MRO. The purpose of the UL zoning district 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 are capable of allowing the provision of community services in a more economical manner.
KCC 17.200.010.

Single-family attached and detached residences are permitted outright in the UL zoning district. *KCC 17.410.042.* Development regulations specific to the NC zoning district include a minimum density of five units per net developable acre; a maximum density of 9 units per acre; and a maximum building height of 35 feet. *KCC 17.420.052.* The proposed 305 units within the UL zone is between the minimum 137 dwelling units and maximum 495 units allowed on the project site, meeting density requirements. The maximum building height would be 35 feet. *Exhibit 68, Staff Report, pages 4, 5, and 38.*

11. A 50-foot tract abutting properties to the south and west that are zoned Industrial (IND) is also zoned Industrial. The tract would be maintained as an open space buffer between the proposed development and adjacent industrial uses. As noted above, properties to the south and west are zoned IND with an MRO overlay. Properties to the north are zoned IND and Rural Residential (RR). Properties to the east are zoned IND and UL. Development south of the project site includes mining and single-family residences. Development west of the project site includes general warehouse, business and repair services, stormwater retention, and common area. Properties to the north are developed with warehouses and single-family residences. Properties east of the project site are developed with single-family residences. *Exhibit 68, Staff Report, pages 3 through 6, and 38.*

12. As discussed above, the Applicant proposes to develop the property using the performance based development (PBD) provisions of the municipal code. The purpose of the PBD regulations are to:
allow flexibility in design and creative site planning, while providing for the orderly development of the county. A performance based development (PBD) is to allow for the use of lot clustering in order to preserve open space, encourage the creation of suitable buffers between differing types of development, facilitate the residential densities allowed by the zone, provide for increased efficiency in the layout of the streets, utilities and other public improvements and to encourage the use of low-impact development techniques and other creative designs for the development of land.

KCC 17.450.010.

The PBD request includes a reduction to front and side setbacks for select lots located in the NC zoning district. The NC zoning district requires a front setback of 20 feet and a side setback of ten feet. The Applicant proposes to modify these requirements under the PBD standards to allow a front setback of ten feet and a side setback of zero to five feet. The Applicant also requests a reduction in minimum lot size and minimum lot width for select properties in the UL zoning district under the PBD standards. The UL zone requires a minimum lot size of 2,400 square feet and a minimum lot width of 40 feet. The Applicant proposes a minimum lot size of 2,125 square feet and a minimum lot width of 25 feet. The Applicant also requests a reduction in setbacks from the adjacent IND zone under the PBD standards from 50 feet to five to ten feet. The proposed development would meet all other applicable development regulations for the NC, UL, and IND zones. *Exhibit 68, Staff Report, pages 4, 5, and 14.*

13. The Applicant provided the following justifications for the requested modifications under the PBD provisions:

- **NC Front Setback:** The proposed reduction would be consistent with neighboring homes within the UL zone.
- **NC Side Setback:** The proposed reduction would be consistent with neighboring homes within the UL zone. The reduction is required to utilize single-family attached housing, an allowed use within the NC zone.
- **UL Minimum Lot Size:** The proposal provides a density that falls within the minimum and maximum required densities. The reduction would allow an efficient use of developable areas and accommodate market rate affordable homes. The proposed development would exceed open space requirements.
- **UL Minimum Lot Width:** 25-foot wide lots would accommodate market rate affordable homes.
- **Industrial Zone Setback:** The preliminary plat plans depict the required 50-foot IND-zoned tract that separates adjacent IND-zoned properties from the proposed residential development. The 50-foot-wide strip is intended to provide relief to adjacent IND-zoned properties by removing the requirement for any future industrial uses needing to setback 50-feet from the residentially zoned properties. The area is set aside as a special tract by the owners and no buildings are permitted or proposed, except those structures designed to function as part of the buffer, including, but not limited to stormwater facilities, berms, retaining walls, or fences. The plans include additional measures to provide a more robust buffer between neighboring industrial uses such as increasing the existing grades within the IND-zoned tracts to create six to 12-foot tall, landscaped berms to block noise, light, dust, etc., as well as planting of solid screening buffers of the IND-zoned areas to provide further separation between uses.

Exhibit 53.

14. County staff analyzed the Applicant's requested modifications under PBD and determined the following:
- The lot size reduction would provide a density that falls within the middle range required, provides for a more efficient use of developable areas, maximizes open space, and allows for lots that will accommodate market-rate affordable homes.
 - The setback reduction in the NC zoning district would be more consistent with the setbacks for the UL-zoned lots within the same phases of development but is also required for attached single-family housing allowed in the zone.
 - The reduced setback from the IND zone to five to ten feet is addressed through the preliminary plat plans depicting the required 50-foot IND-zoned tract that separates adjacent IND-zoned properties from the proposed residential development. This 50-foot-wide strip is intended to provide relief to adjacent IND-zoned properties by removing the requirement for any future industrial uses needing to setback 50 feet from residentially zoned properties. The area is set aside as a special tract by the owners and no buildings are permitted or proposed, except those structures designed to function as part of the buffer, including, but not limited, to stormwater facilities, berms, retaining walls, or fences. The plans include additional measures to provide a more robust buffer between neighboring industrial uses such as increasing the existing grades within the IND-zoned tracts to create six to 12-foot-tall, landscaped berms to block noise, light, dust etc., as well as planting of solid screening buffers of these industrially zoned areas to provide further separation between uses.
 - The preliminary plat and performance based development applications include plans for a future site development activity permit (SDAP) that shall satisfy the requirements in Kitsap County Code 17.170.065 and allow for the removal of the MRO designation.
 - Project-level SEPA review has been completed.
 - Proposed conditions would ensure compatibility with surrounding zones.
- Exhibit 68, Staff Report, pages 14 and 15.*

Preliminary Plat

Landscaping and Screening

15. Chapter 17.500 KCC describes landscaping requirements for all development. KCC 17.500.025 requires that a minimum of 15 percent of the total site area be landscaped. The Applicant proposes to landscape 24 percent of the total site area. In addition, the Applicant would maintain existing vegetation in Critical Areas Tracts 1, 2, 3, 5, and Open Space Tract 34, which constitute 16 percent of the total site area. The proposed development would also include landscaping at the entrance, street trees, and landscaping in accordance with urban land segregation standards under KCC 16.24.040. The Applicant would install 195 street trees along public roadways and roads internal to the

plat. The Applicant would provide solid screening buffers along the north, south, and west property lines. Along the east side of the property, the Applicant would provide roadside and setback buffer separation. As noted above, the proposed development would include a 50-foot tract boundary where the project site abuts adjacent IND zones to the south and west. These dedicated tracts would serve as physical distancing buffers between industrial and residential land uses. These tracts would include six to 12-foot tall, landscaped berms.³ *Exhibit 7; Exhibit 51; Exhibit 52; Exhibit 68, Staff Report, pages 2, 17, and 18.*

Open Space

16. PBD regulations require 15 percent of the gross site area to be dedicated open space. The proposed development would provide 1,775,609 square feet of common open space, nearly double the required 838,567 square feet of common space required for the 6,246,945 square foot project site (143.41 acres). Common open space amenities would include protected critical areas, landscape areas, common lawn gathering areas, and native growth protection areas. PBD regulations also require 5 percent of the gross site area to be maintained as recreation. The Applicant would provide 449,253 contiguous square feet of recreational open space, exceeding the required 312,347 square feet required for the proposed development. Recreational amenities would include sports courts, athletic field, play equipment, trails, picnic areas, benches, dog park, and community gardens. Common and recreational open space would be maintained by the future homeowner's association. *Exhibits 51 through 53; Exhibit 68, Staff Report, page 19.*

Stormwater

17. Core Design, Inc., prepared a report on behalf of the Applicant addressing stormwater, entitled "Preliminary Storm Drainage Report" ("Stormwater Report" or "SR"), dated January 4, 2022. The Stormwater Report identified three basins on the property – a west, east, and north basin. Stormwater from all hard surfaces would be collected and conveyed to one of six stormwater ponds or mitigate using flow control Best Management Practices (BMPs). One pond would serve the west basin and one pond would serve the north basin. The remaining four ponds would serve the east basin. The ponds would provide both flow control and runoff treatment. Flow control BMPs would be implemented to the maximum extent feasible. Core Design, Inc., also prepared a report addressing stormwater pollution, entitled "Stormwater Pollution Prevention Plan" ("SWPPP"), dated December 17, 2021. The SWPPP provides BMPs to mitigate for

³In addition to the separate 50-foot buffer, a Notice to Title is required in KCC 17.17.070 for new lots of a subdivision within 500-feet of industrial activities. County staff determined that the owner of the adjacent mine plans to continue operations, including accessory uses such as batch plants and rock crushers, for the duration of the estimated 75-year remaining life span of the quarry. The noise from those activities will surpass the 500-foot radius called for in Kitsap County Code. County staff are recommending a condition for this to be included as a Notice to Title to extend to all parcels within the proposal. *Exhibit 68, Staff Report, page 15.*

stormwater impacts during construction, including measures to control flow rates; preserve flow rates; stabilize soils, slopes, channels, and outlets; protect drain inlets; and control pollutants and dewatering.

The Geotechnical Report prepared by N.L. Olson and Associates, Inc. determined that the slope area located along or near the proposed stormwater pond area does not constitute a landslide hazard. The GR states that the proposed pond would not increase the likelihood of future soil movement. The GR also indicates that the risk of erosion can be mitigated through normal landscaping and the control of surface runoff. The GR recommends that, to reduce erosion during construction activities, construction be completed during the drier months; ditching be used during heavy rainfall; the Applicant replant disturbed areas and slopes with fast-growing, deep-rooted vegetation. The Geotechnical Report concluded that the proposed location of the stormwater facilities appears conducive with detention. The GR recommends that the Applicant construct the pond berm embankments on native consolidated soils and greater than four feet in exposed height; accomplish embankment compaction in a manner as to produce dense, low permeability engineered fill that can tolerate post-construction settlements with a minimum of cracking; install a subsurface drain system within the pond areas; and have a geotechnical engineer field verify the keyway prior to the placement of backfill materials.

County Development Services and Engineering issued a memorandum (“County Stormwater Memo”) addressing the Applicant’s proposed stormwater facilities, dated February 13, 2023. The County Stormwater Memo states that the department has reviewed the Applicant’s proposed stormwater facilities and, with conditions, approves of the proposed development. The conditions have been incorporated as recommended conditions of approval for this decision. *Exhibit 4; Exhibit 6; Exhibit 8; Exhibit 9; Exhibits 14 through 17; Exhibit 24; Exhibit 48; Exhibit 68, Staff Report, pages 2, 18, and 19.*

Utilities

18. County staff determined that a septic system and well are located on one of the parcels (No. 192501-1-006-2007) associated with the development proposal. The Applicant would be required to decommission the well and abandon the septic tank. Water would be provided by Silverdale Water District. Silverdale Water District provided a letter confirming water and fire flow availability for the proposed development on January 13, 2022. Sewer services would be provided by the County. The Applicant and County provided a sewer availability agreement for the proposed development, dated January 10, 2022. Power would be provided by Puget Sound Energy. Central Kitsap Fire and Rescue would provide fire services to the proposed development. *Exhibit 19; Exhibit 21; Exhibit 68, Staff Report, pages 6, 21, and 22.*

Access, Traffic, and Parking

19. Access to the site would be provided from Dickey Road NW, an existing County right-of-way, via a 60-foot wide boulevard access road. The Applicant would be required to construct frontage improvements along Dickey Road NW, including a 13-foot travel lane, vertical gutter, five-foot sidewalk, a left turn lane, and an acceleration lane. An emergency access point, which connects with NW Warehouse Way to Willamette Meridian, would be a gated, access-controlled point to be used by emergency personnel only. Access to individual lots would be provided roads internal to the plat. Roads A through L, which are internal to the plat, would be dedicated as County rights-of-way. Sidewalks would be provided along both sides of all proposed public rights-of-way. Vehicle access to Phase 1 does not include sidewalks on the street side. However, the Applicant would provide sidewalks on open space sides and front sides from parking spaces to the dwelling units. The Applicant would also provide over 1.7 miles of trails and pedestrian paths throughout the proposed development. *Exhibit 53; Exhibit 68, Staff Report, pages 6, 20, and 21.*

20. Kimley-Horn and Associates, Inc., prepared a report addressing traffic on behalf of the Applicant, entitled “Traffic Impact Analysis Update” (“TIA”), dated July 2022. The TIA determined that the proposed development would generate 6,417 average daily trips, with 458 AM peak-hour trips and 625 PM peak-hour trips. The TIA determined that all roadways are anticipated to operate at capacity except for NW Anderson Hill Road, which is expected to operate over capacity before full buildout of the proposed development. The TIA also determined that all studied intersections would continue to operate at acceptable levels of service following full buildout of the proposed development and other future development except for Dickey Road NW at NW Newberry Hill Road and NW Provost Road at NW Newberry Hill Road during the AM peak-hour and the intersections of NW Anderson Hill Road at Apex Airport Road NW, Old Frontier Road NW at Greaves Way, Dickey Road NW at NW Newberry Hill Road, Provost Road NW at NW Newberry Hill Road and SR-3 southbound ramps at NW Newberry Hill Road during the PM peak-hours. All of these intersections have been identified for improvements by the County 6-Year Transportation Improvement Plan (TIP).

Improvements in the TIP include signalization and channelization at NW Anderson Hill Road at Apex Airport Road; a southbound right turn lane at Old Frontier Road NW/Provost Road NW at NW Anderson Hill Road; a new roundabout at Old Frontier Road NW at Greaves Way; a roundabout with a slip lane at Dickey Road NW/NW Eldorado Boulevard at NW Newberry Hill Road; and a second westbound lane and protected permitted phasing at Provost Road NW at NW Newberry Hill Road. The TIA determined that, with these improvements, all studied intersections are anticipated to operate at an acceptable level of service following full build out of the proposed development.

The proposal is conditioned such that the Applicant would contribute a proportionate share of intersection improvements at the intersection of Dickey Road NW at Newberry Hill Road and the intersection of Provost Road NW at Newberry Hill Road to the County. The Applicant would also be required to pay for impacts and any required mitigation on State rights-of-way to WSDOT.

The nearest public transit stop is located 1.3 miles away and Kitsap Transit currently does not have a route servicing Dickey Road. However, Kitsap Transit has identified growth in the area where the proposed development is located and has planned service for the area. The Applicant has worked with Kitsap Transit and County Public Works to identify a location at the north end of the Dickey Road frontage for a transit stop. *Exhibit 5; Exhibit 18; Exhibit 37; Exhibit 43; Exhibit 64; Exhibit 68, Staff Report, pages 20 and 21.*

21. The County Department of Community Development issued a project-specific “Informal Director’s Code Interpretation” (“Director’s Parking Interpretation”) addressing parking requirements under KCC 21.04.040.C.2 and KCC 17.490.030, dated April 27, 2023. The Director’s Parking Interpretation concluded that the counting of a single garage parking stall towards total off-street parking for attached housing lots 18-feet wide or less is authorized and the requirement of 1.5 per unit and 0.5 per unit on-street or set aside is allowed for these lots in the proposed development.

The Applicant is required to provide 1.5 off-street stalls per unit and 0.5 on-street parking spaces per unit for reduced width single-family attached residences and 2 off-street stalls per unit and 0.5 on-street parking spaces per unit for standard width single-family attached and detached residences. The proposed development includes 60 reduced width attached single-family residences and 701 standard width-attached and detached single family residences. Accordingly, the Applicant is required to provide 1,492 off-street parking spaces and 381 on-street parking spaces. The Applicant would provide 1,522 off-street parking spaces and 381 on-street parking spaces. Off-street and on-street parking is proposed to be constructed in proportion to its phased development. *Exhibit 49; Exhibit 53; Exhibit 68, Staff Report, pages 16 and 17.*

Schools

22. The proposed subdivision would be served by Central Kitsap School District No. 401. At the open record hearing, the Applicant Representative Levi Holmes indicated that the Applicant had been in contact with the District, which indicated that the Applicant should not install a designated bus stop because the District reassesses routes every year based on enrollment. *Exhibit 68, Staff Report, page 6; Testimony of Levi Holmes.*

Development Agreement

23. As noted above, the Development Agreement is the governing document for the proposed development. The DA requires the Applicant to:
- Obtain 40 Transfer of Development Rights (TDR) certificates.
 - Record a Notice to Title (NTT) on each lot designated as affordable housing, as the threshold for housing affordability is determined in the DA.
 - Designate 10 percent of housing units in each phase as affordable.
 - Pay a compensatory fee in the event the Applicant is unable to provide affordable housing with each phase.
 - Provide a separate tract for the 50-foot industrial buffer and condition on the final plat.
 - Provide compatibility/mitigation measures for screening.
 - Record an NTT for all lots regarding Apex Airport.
 - Provide non-motorized, shared-use path.
 - Conduct outreach prior to submission of the application with the Washington State Department of Transportation Aviation Division, Apex Airport, Suquamish Tribe, Port Gamble S’Klallam Tribe, and Point No Point Treaty Council.
 - Close out existing mining and reclamation permits.
 - Conduct project-level State Environmental Policy Act (SEPA) analysis.
- Exhibit 22; Exhibit 23; Exhibit 68, Staff Report, pages 1, 2, and 15.*
24. The Applicant provided documentation detailing its compliance with the DA. Specifically, the Applicant notes:
- The proposal identifies 76 (10 percent of 761 units proposed, rounded to 76) total units proposed in various phases of the project to be dedicated as affordable. The lots are disbursed throughout the development and include a mix of single-family attached and detached for-sale lots/units. If at the time of Final Plat approval another means of achieving the affordable housing requirement has not been met, a Notice to Title shall be recorded on any lot/unit designated as affordable.
 - The Applicant has obtained the required 40 TDRs and is in the process of transferring those rights to Kitsap County pursuant to Kitsap County Code 17.580 – Transfer of Development Rights. The Transfer of Development Rights certificates shall be issued by the County prior to preliminary plat approval.
 - The Applicant has prepared and submitted a comprehensive project-level SEPA checklist, which addresses cumulative impacts, as part of the preliminary plat and performance based development application package.
 - The preliminary plat plans depict the required 50-foot IND-zoned tract that separates adjacent IND-zoned properties from the proposed residential development. This 50-foot-wide strip is intended to provide relief to adjacent industrially zoned properties by removing the requirement for any future industrial uses needing to setback 50-feet from residentially zoned properties.

The area is set aside as a special tract by the owners and no buildings are permitted or proposed, except those structures designed to function as part of the buffer, for example but not limited to stormwater facilities, berms, retaining walls, or fences.

- The Applicant's plans include additional measures to provide a more robust buffer between neighboring industrial uses, such as increasing the existing grades within the IND-zoned tracts to create six to 12-foot-tall, landscaped berms to block noise, light, dust etc., as well as planting of solid screening buffers of these industrially zoned areas to provide further separation between uses. In addition, the single-family attached homes are approximately 100 feet setback from adjacent parcels and approximately 175 feet from Dickey Road NW.
- The Applicant has been in contact with the Department of Transportation Aviation Division as well as Apex Airport. The proposed development was designed to include storm ponds, significant open space, critical areas and their buffers, and roads within WSDOT Airport Compatibility Zone 3. Limited housing units are proposed in the southeast portion of Zone 3 and are clustered to provide maximum separation from the airport runway.
- The Applicant has proposed a ten-foot-wide shared use path. The path would provide future connections to the north and south and will be formalized via a public access easement.
- Roads internal to the plat, as well as frontage improvements along Dickey Road meet the requirements and standards as prescribed in Kitsap County Code 11.22 and the Kitsap County Road Standards as adopted June 8, 2020.

Exhibit 23.

25. In addition, the Applicant reached out to the Port Gamble S'Klallam Tribe, the Point No Point Treaty Council, and the Suquamish Tribe on January 14, 2022, prior to submission of the application and in compliance with the Development Agreement. County staff reviewed the proposal and determined that, with conditions, it would comply with the conditions of the DA. *Exhibit 22; Exhibit 23; Exhibits 28 through 30; Exhibit 68, Staff Report, pages 14, 15, 17, 21, 23, and 24.*

Testimony

26. County Senior Planner Kathlene Barnhart testified generally about the proposal and how, with conditions, it would meet the criteria for preliminary plat and performance based development approval. She noted that the project site contains 109 acres that were previously the site of the Dickey Pit Sand and Gravel Mine, which has been nonoperational for over 20 years. She explained that the subject properties are subject to a Comprehensive Plan site-specific zoning amendment, which is conditioned upon a Development Agreement that governs development of the proposal. She testified that the proposal complies with all the required elements of the Development Agreement, including screening, pedestrian pathways, and a Notice to Title (NTT) requirement

related to the nearby Apex Airport. She stated that the proposal is for 761 single-family lots, including 173 attached residences and 588 detached residences.

Ms. Barnhart explained that the Applicant requested review under the performance based development standards with regards to lot size, dimensions, and setback for select lots. She noted that the proposed modifications would allow a density that falls within a middle range of density, provide for a more efficient use of developable areas, maximize open space, allows for the accommodation of market rate affordable homes, and allows consistent setbacks throughout the proposed development. She explained that the proposed development would comply with all other development regulations, and critical area, stormwater, landscaping, open space, parking, traffic, and access requirements.

Testimony of Ms. Barnhart.

27. Applicant Representation Levi Holmes testified that the Applicant would be reclaiming and repurposing the site of the former Dickey Pit Sand and Gravel Mine. He noted that that there are no environmental contamination issues on the site. He noted that 10 percent of the proposed residences would be designated affordable housing. He also stated that the proposed development would avoid impacts to all critical areas and their associated buffers except where Road A must cross the northern portion of the buffer of Wetland D. Mr. Holmes also explained that the Applicant would be paying traffic impact fees to assist in mitigating the impacts of the proposed development on major intersections, which have already been identified for improvement by the County and WSDOT. He stated that the 50-foot tract with berms and landscaping abutting industrial uses would ensure compatibility of the proposed development with adjacent uses. He also noted that the Applicant would be constructing 1.7 miles of pedestrian pathway throughout the proposed development. He clarified that SEPA review was completed for the site-specific rezone. Mr. Holmes explained that, in discussions with the Central Kitsap School District, the District indicated that it did not want the Applicant to create any designated bus stops because the District reassesses routes based on enrollment each year. *Testimony of Mr. Holmes.*
28. Area resident Alan Anderson expressed concerns about increased traffic on Anderson Hill Road, noting that traffic has increased over the last few decades. *Testimony of Mr. Anderson.*

Staff Recommendation

29. Ms. Barnhart testified that County staff recommends approval of the conditional use permit application, with conditions. Mr. Holmes testified that the Applicant understands and would comply with County staff's recommended conditions. *Exhibit 68, Staff Report, pages 22 through 34; Testimony of Ms. Barnhart; Testimony of Mr. Holmes.*

CONCLUSIONS

Jurisdiction

The Hearing Examiner is granted jurisdiction to hear and decide applications for preliminary plats and performance based developments. The Hearing Examiner may approve, approve with conditions, remand, or deny the application. *KCC 2.10.070; KCC 17.450.020; KCC 21.04.050; KCC 21.04.100.*

Criteria for Review

Preliminary Plat

For all types of land segregations, appropriate provisions shall be made for the public health, safety and general welfare, including but not limited to: open spaces, drainage ways, streets or roads, alleys, other public ways, nonmotorized access, road and pedestrian connectivity, parking, transit stops, fire protection facilities, potable water supplies, sanitary sewage wastes, solid wastes, landscaping, parks and recreation, playgrounds, sites for schools and school grounds, sidewalks or other planning features that assure safe walking conditions for students who only walk to and from school. The public use and interest will be served by the proposed land segregation. *KCC 16.04.080.*

An application for a subdivision of land must also meet the criteria of the state statute governing subdivisions, detailed in Chapter 58.17 RCW, which is almost identical to the provisions of KCC 16.04.080 and contains the following requirements for approval of a subdivision application:

A proposed subdivision and dedication shall not be approved unless the city, town, or county legislature body makes written findings that: (a) [a]ppropriate provisions are made for the public health, safety, and general welfare and for such open spaces, drainage ways, streets or roads, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, parks and recreation, playgrounds, schools and schoolgrounds and all other relevant facts, including sidewalks and other planning features that assure safe walking conditions for students who only walk to and from school; and (b) the public use and interest will be served by the platting of such subdivision and dedication.

RCW 58.17.110(2).

Performance Based Development

KCC 17.450.040 provides the following performance based development standards for residential uses:

A. Access, Parking and Circulation.

1. General. The PBD shall have adequate pedestrian and vehicle access and parking commensurate with the location, size, density and intensity of the proposed development. Vehicle access shall not be unduly detrimental to adjacent areas and shall take into consideration the anticipated traffic which the development may generate.

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2. Streets. Provide adequate road access, connected road network, safe pedestrian access, and emergency vehicle access.
 3. Parking. The number of vehicular parking spaces shall be provided in accordance with Section 17.490.030. Vehicular parking may be provided either on street or off street within the PBD, provided the total number of available spaces is at least equal to the parking requirements specified in the parking and loading requirements.
 4. Pedestrian Circulation. Adequate pedestrian circulation facilities shall be provided. These facilities shall be durable, serviceable, safe, convenient to the buildings and separated by curb or other means from the vehicle traffic facilities.
- B. Common Open Space. No open area may be accepted as common open space within a performance based development, unless it meets the following requirements:
1. The location, shape, size, and character of the common open space is suitable for the performance based development, however in no case shall the common open space be less than fifteen percent of the gross acreage of the subject property(s). No area shall be calculated as common open space if less than five hundred square feet in size, except if the area provides a reasonable functional or aesthetic benefit to the residents of the PBD;
 2. The common open space is suitable for use as an amenity or recreational purpose, provided the use authorized is appropriate to the scale and character of the planned density, topography, and the number and type of dwellings provided;
 3. Common open space may be improved for its intended use. Common open space containing critical areas may be enhanced consistent with the requirements of Title 19, Critical Areas Ordinance. Vegetation-based LID BMPs are permitted within common open space areas. The buildings, structures, and improvements to be permitted in the common open space are those appropriate to the uses which are authorized for the common open space; and
 4. Land shown in the final development plan as common open space, and the landscaping and/or planting contained therein, shall be permanently maintained by and conveyed to one of the following:
 - a. An association of owners formed and continued for the purpose of maintaining the common open space. The association shall be created as an association of owners under the laws of the state of Washington and shall adopt articles of incorporation of association and bylaws. The association shall adopt, in a form acceptable to the prosecuting attorney, covenants and restrictions on the open space providing for the continuing care of the area. No common open space may be altered or put to a change in use in a way inconsistent with the final development plan unless the final development plan is first amended. No change of use or alteration shall be considered as a waiver of any covenants limiting the use of the common open space, and all rights to enhance these covenants against any use permitted are expressly reserved;
 - b. A public agency which agrees to maintain the common open space and any buildings, structures, or other improvements which have been placed on it; or

- c. A private nonprofit conservation trust or similar entity with a demonstrated capability to carry out the necessary duties and approved by the county. Said entity shall have the authority and responsibility for the maintenance and protection of the common open space and all improvements located in the open space.
- C. Recreational Open Space. All residential PBDs within urban zones shall provide a developed recreational area that meets the following requirements:
- 1. A contiguous area that is a minimum of five percent of the gross acreage of the subject property(s) (excluding perimeter screening buffers, critical areas and critical area buffers). No area shall be calculated as recreational open space if less than five hundred square feet in size, except if the area provides a reasonable functional or aesthetic benefit to the residents of the PBD. Said area shall meet the following additional requirements:
 - a. Developed as an open grass field or a natural area (not inside perimeter buffers, critical areas or their buffers);
 - b. Owned in common and/or available for use by all residents of the PBD; and
 - c. A provision made by the covenants for perpetual maintenance.
 - 2. A developed active recreation amenity(s) consistent with the number of units/lots contained within the PBD. Amenities shall be provided as follows:
 - a. Developments of zero to nineteen lots/units are not required to have such an amenity;
 - b. For developments with greater than nineteen lots or units, one amenity shall be provided for every twenty lots/units within the development. Required amenities shall be sized to accommodate three hundred ninety square feet per lot/unit;
 - c. Amenities shall be centrally located within the development in clearly visible areas on property suitable for such development. Amenities may be located in other areas of the development if directly linked with a regional trail system or other public park facility;
 - d. Based upon topographical or site design characteristics of the subject property(s), amenities may be combined (while continuing to meet the overall square footage requirements established above) if the combination provides for increased benefit to all residents of the PBD;
 - e. Amenities may be located within, and be calculated towards, the recreational open space area if contiguous;
 - f. An athletic field with a minimum size of one hundred twenty yards long and sixty yards wide or swimming pool shall count as two amenities;
 - g. An equestrian development or similar theme community may be provided in lieu of other amenities;
 - h. Owned in common and available for use by all residents of the PBD;
 - i. The active recreational amenity(s) shall be located on five percent grade or less, except if a greater grade is necessary for the activities common to the amenity, e.g., skate park, trails; and

- j. Written provisions or agreement for perpetual maintenance by the homeowners' association or a public agency willing to assume ownership and maintenance.

The criteria for review adopted by the Kitsap County Board of Commissioners are designed to implement the requirement of Chapter 36.70B RCW to enact the Growth Management Act. In particular, RCW 36.70B.040 mandates that local jurisdictions review proposed development to ensure consistency with County development regulations, considering the type of land use, the level of development, infrastructure, and the characteristics of development. *RCW 36.70B.040.*

Conclusions Based on Findings

1. **With conditions, the preliminary subdivision would meet the criteria for preliminary plat approval under the municipal code.** The project site is designated “Commercial,” “Urban Low Density,” and “Urban Industrial.” County staff identified several Comprehensive Plan goals and policies related to the proposal, including goals to focus current and future planning on infill development of existing urban growth areas; support innovative high quality infill development and redevelopment; address design variations in multifamily building design features and design variety through lot clustering, flexible setback requirements, and mixed attached and detached housing types; encourage urban amenities in areas of more intensive development; link non-motorized planning requirements to land use planning decisions; not compromise air safety; use compensatory mitigation as the last option of resort in mitigation sequencing; increase affordable housing units; integrate affordable housing and human services planning with transportation, workforce development, and economic development efforts; and continue to require sidewalks on roads within urban growth areas.

The County provided reasonable notice and opportunity to comment on the proposal. The County received several comments on the proposal from reviewing agencies in response to its notice materials. Conditions of approval for the proposal have been added to reflect comments made by reviewing agencies.

One member of the public expressed concerns about increased traffic in the area. The Applicant provided a traffic impact analysis (TIA) which demonstrates that the proposed development would generate 6,417 average daily trips, with 458 AM peak-hour trips and 625 PM peak-hour trips. The TIA concluded that, with improvements already identified by the County and WSDOT, all studied intersections would continue to operate at acceptable level of service following full buildout of the proposed development.

Access to the site would be provided by a 60-foot boulevard connecting to Dickey Road NW. The Applicant would be required to install frontage improvements along Dickey Road NW, including a 13-foot travel lane, vertical gutter, five-foot sidewalk, a left turn lane, and an acceleration lane. Access to the individual lots would be provided by roads internal to the plat. Most of these roads (Roads A through L) would be developed with

sidewalks on both sides and would be dedicated as County public rights-of-way. Only the roads providing vehicle access to the attached dwelling units in Phase 1 would not have sidewalks on both sides. The Applicant would provide sidewalks on open space and front sides from parking spaces to residences in these areas. The proposed development would also include 1.7 miles of trails and pedestrian pathways throughout the site.

The proposed development is required to provide 1,492 off-street parking spaces and 381 on-street parking spaces. The Applicant would provide 1,522 off-street parking spaces and 381 on-street parking spaces, in excess of this requirement. Parking would be constructed in proportion to the phased development. The subdivision would be adequately served by public utilities. Students residing in the subdivision would attend schools in the Central Kitsap School District. Stormwater would be collected on-site in a six detention ponds. The ponds would provide both flow control and runoff treatment. The Applicant would implement Best Management Practices (BMPs) both during and after construction to mitigate for stormwater impacts. The proposed development would comply with all landscaping requirements under Chapter 17.500 KCC. The Applicant would also provide a 50-foot tract containing six to 12 foot berms and landscaping to screen between the proposed development and adjacent industrial uses.

The County analyzed the environmental impacts of the proposal, determined that it would not have a probable significant adverse impact on the environment, and issued a DNS, which was not appealed. The project site contains several wetlands and two streams, which comprise approximately 21.59 acres of the site. All development would be located outside of the critical areas and their associated buffers except where the boulevard (Road A) providing access to the property from Dickey Road NW must cross through the buffer associated with Wetland D because of grading limitations. The Applicant would utilize buffer averaging to remove 5,088 square feet of the buffer on the northern side of Wetland D and add 5,088 square feet of buffer in another area along Wetland D. The Critical Areas Report provided by the Applicant determined that there would be no net loss of wetland buffer function as a result of the proposed development. The Applicant would permanently protect the critical areas and their associated buffers as open space. The proposed development would provide 1,775,609 square feet of common open space and 449,253 square feet of recreational open space. Recreational amenities, which would be distributed throughout the site, include sports courts, athletic field, play equipment, trails, picnic areas, benches, dog park, and community gardens.

The proposed development is governed by a Development Agreement between the Applicant and the County. County staff reviewed the application for compliance with the Development Agreement and determined that, with conditions, it would comply with requirements of the Development Agreement. The Hearing Examiner concurs with this assessment. The proposal includes the reclamation and repurposing of the former Dickey Pit Sand and Gravel Mine. The public interest would be served by the platting of the

subdivision. Conditions, as detailed below, are necessary to ensure that the project would meet all applicable criteria for preliminary plat approval and all other local, state, and federal requirements. *Findings 1 – 29.*

- 2. With conditions, the proposal would comply with preliminary subdivision requirements under the State Subdivision Act (RCW 58.17.110).** The criteria of RCW 58.17.110 are identical to the criteria for preliminary plat approval under the municipal code, as found in KCC 16.04.080. As discussed in Conclusion 1, the proposal would comply with the criteria for a preliminary plat approval.

Conditions, as detailed below, are necessary to ensure that the project would meet all applicable criteria for preliminary plat approval and all other local, state, and federal requirements. *Findings 1, 4 – 29.*

- 3. With conditions, the proposal would comply with the requirements for a performance based development under KCC 17.450.040.** The purpose of the performance based development (PBD) regulations is to allow flexibility in design and creative site planning, while providing for the orderly development of the county. *KCC 17.450.010.* The project site is divided between the Neighborhood Commercial (NC) and Urban Low (UL) zoning districts, with a 50-foot tract zoned Industrial (IND) that abuts IND-zoned parcels to the south and west. The proposed development would comply with all development regulations for the applicable zoning districts, except for front and side setbacks for select lots in the NC zone; minimum lot size and lot width for select lots in the UL zone; and setbacks in the IND-zoned tract. The Applicant proposes to reduce the front setback to ten feet and the side setback to zero to five feet. The proposed reductions would allow for development in the NC zoning district to be more consistent with development in the UL zone. The UL zone requires a minimum lot size of 2,400 square feet and a minimum lot width of 40 feet. The Applicant proposes a minimum lot size of 2,125 square feet and a minimum lot width of 25 feet. The reduce lot widths and size would allow for the Applicant to provide a density that falls within the minimum and maximum required densities, make efficient use of developable area, and accommodate market rate affordable homes. The Applicant also proposes to reduce the IND-zone setback from 50 feet to five to ten feet. As discussed in Conclusion 1, the Applicant would be providing a 50-foot tract containing berms and landscaping to screen between the proposed development and adjacent industrial uses.

PBD regulations require 15 percent of the gross site area to be dedicated open space and 5 percent of the gross site area to be maintained as recreation. As discussed in Conclusion 1, the proposed development would provide 1,775,609 square feet of common open space, nearly double the required 838,567 square feet of common space required for the site, and 449,253 square feet of recreational open space. Conditions, as detailed below, are necessary to ensure that the project would meet all applicable criteria

for preliminary plat approval and all other local, state, and federal requirements.
Findings 9 – 14, 16.

DECISION

Based on the preceding findings and conclusions, the request for a preliminary plat and performance based development—to subdivide six parcels totaling approximately 143.41 acres into 761 single-family residential lots and associated improvements, including 76 affordable housing units—on property at 9575 Dickey Road NW in the Silverdale area of unincorporated Kitsap County, is **APPROVED**, with the following conditions:

1. This project is subject to Development Agreement (Resolution 232-2021), dated December 13, 2021.
2. A final plat shall be prepared by a licensed Land Surveyor in compliance with Title 16 KCC.
3. All required permits shall be obtained prior to commencement of land clearing, construction and/or occupancy.
4. All private roads shall be labeled as tracts and constructed in accordance with Fire Code requirements. Ten feet for utility easement shall be provided on each side of private road tracts.
5. 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.
6. 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.
7. Proof of rights of use of the easement shown as providing access to the subject property shall be submitted with the Final Plat application materials.
8. The names of the roads in this land segregation shall be approved by Community Development prior to final subdivision approval.
9. The decision set forth herein is based upon representations made and exhibits contained in the project application (22-01032 and 22-00424). Any change(s) or deviation(s) in such plans, proposals, or conditions of approval imposed shall be subject to further review and approval of the County and potentially the Hearing Examiner.

10. Pursuant to KCC 17.420.030, artificial outdoor lighting shall be arranged so that light is directed away from adjoining properties and so that no more than one foot candle of illumination leaves the property boundaries.
11. Pursuant to Section 2.5 of the Development Agreement, one of the options outlined in Kitsap County Code Section 17.170.060 or .065 shall be utilized. Prior to SDAP final approval and any building permit issuance, Applicant shall demonstrate the project reclamation meets the requirements of DNR permit 17- 011156 or a new reclamation plan is approved consistent with Kitsap County Code.
12. The plans and specifications for a new bus stop along the north end of the Dickey Road frontage, as depicted in the Civil Plan excerpt, dated May 31, 2023, in the Preliminary Plat record shall be included on the SDAP Civil site plan submittal.
13. 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.
14. A monument sign is proposed at the north side the Dicky Road entrance. Proposed sign(s) will be reviewed pursuant to Chapter 17.510 KCC and sign permit(s) as needed.
15. A ten-foot utility easement shall be located along those lot frontages within the land segregation project that abut private and public roads. This easement shall accommodate what is commonly referred to as broadband access.
16. To ensure that each phase meets the requirements of KCC.17.450.050, the proposed phasing order shown must be followed at final plat. Any alternative phasing order shall require prior review and approval by Kitsap County.
17. Per KCC 16.24.040.F.2 - the street trees may be in the front yard, which for lots 589-761 (attached housing) is the side opposite the alley per KCC 17.420.052. The Applicant will plant the required number of street trees consistent with KCC 17.500 in the front yard open space of these lots, spaced at least one tree per 25 feet. The preliminary landscape plan has this area identified for 'general landscaping', which includes tree species. The project is conditioned to identify and locate trees in this area to meet this requirement with the final landscape plan with SDAP submittal.

18. A Notice to Title which outlines the methods in which the affordable housing requirements of Section 2.2.4 of the Development Agreement can be met and is required on each lot designated as affordable. This NTT shall be immediately released by Kitsap County upon receipt of documentation demonstrating that the affordable housing requirements as defined in the Development Agreement Section 2.2.3- 2.2.8 are met. If at the time of Final Plat approval, the Applicant has demonstrated compliance with the affordable housing requirement of the Development Agreement (Permit 21-01506) off-site or by some other approved means, any lot designated as affordable on the Preliminary Plat plan shall have the designation removed from the Final Plat and shall not be subject to the requirements for affordable housing outlined in the Development Agreement.
19. Households qualifying for for-sale products will maintain eligibility for as long as required by the specific housing assistance program or loan program utilized to purchase lots/units pursuant to Section 2.2.4.1 of the Development Agreement (Permit 21-01506).
20. For-rent units shall be available to qualifying households for a period of ten years in accordance with Section 2.2.5.2 of the Development Agreement (Permit 21-01506).
21. In the unlikely event that Owners are unable to meet the total required units of affordable housing, compensatory funds shall be collected based on the difference between the mean sale price of a single-family home in Kitsap County rounded up to the nearest \$1000 (excluding Bainbridge Island) in that year and the HUD loan limit for a single-family home in Kitsap County for that year (base fee).
 - If there is a deficit of 1% to 25% of the total affordable units, then the base fee per unit shall be collected;
 - If there is a deficit of 26% to 50% of the total affordable units, then an additional 25% of the base fee per unit shall be collected;
 - If there is a deficit of 51% to 75% of the total affordable units, then an additional 50% of the base fee per unit shall be collected;
 - If there is a deficit of 75% or greater of the total affordable units, then an additional 75% of the base fee per unit shall be collected.
22. A Notice to Title shall be placed on all new lots at the time of final plat approval that states “Apex Airport is an established public-use airport located in a portion of the West half of Section 18, Township 25 North, Range 1 East, east of the Willamette Meridian and south of Anderson Hill Road. No contest shall be made regarding airport operations.”
23. The following notice shall be placed on the face of the final plat and Notice to Title required for all lots within the plat:

“The subject property is within or near land in which resource activities are permitted and encouraged, including a variety of activities which may not be compatible with residential use for certain periods of limited duration. In addition to other activities, these may include noise, dust, smoke, visual impacts and odors resulting from harvesting, planting, surface mining, quarrying, application of fertilizers, herbicides and associated reclamation and management activities. When performed in accordance with state and federal law, these resource activities are not subject to legal action as a nuisance.”

24. The following condition shall be placed on the face of the final plat: “Within Tracts OS 18, OS 21 and OS 31, no buildings are permitted, except those structures designed to function as part of the buffer, for example but not limited to: stormwater facilities, berms, retaining walls, or fences. These areas are intended to be buffers between residential development and adjacent industrially zoned properties. Tracts OS 18, OS 21 and OS 31 are designated as common open space.”
25. Throughout the term of the Development Agreement (approved 12/13/21; term 15 years), all land use and development applications shall be reviewed under the following Kitsap County Codes in effect upon the effective date of this Agreement. Full copies of these regulations shall be kept by the Owners and Kitsap County in the Revised Amendment Application file. Nothing herein shall prohibit the Owners, at their sole discretion, from providing more than the minimum required by the codes in effect upon the effective date of this Agreement.
 - Title 11 Roads, Highways and Bridges
 - Title 13 Water and Sewers
 - Title 16 Land Division and Development
 - Title 17 Zoning
 - Title 18 Environment
 - Title 19 Critical Areas Ordinance
 - Title 20 Transportation
26. 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.
27. All soft-surface pathways and multi-use trails separated from and adjacent to roadways shall use a construction profile and detail approved by the Department of Community Development.
28. 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.

29. The information provided demonstrates this proposal is a Large Project as defined in Kitsap County Code Title 12, and as such will require Full Drainage Review through a Site Development Activity Permit (SDAP) from Development Engineering.
30. The proponent has proposed phasing of the project. Each phase can be demonstrated as a Large Project defined by Kitsap County Code Title 12 requiring Full Drainage Review and shall require its own SDAP.
31. Should the proponent propose subsequent phasing of the project, a phasing plan shall be submitted to Development Engineering for review and approval. The phasing plan shall, as a minimum, address the following items: Timetables indicating the anticipated time between initial site grubbing/grading activity and the completion of construction, including site stabilization of that specific phase; and the extent of drainage improvements to be installed during the various phases.
32. Stormwater quantity control, quality treatment, and erosion and sedimentation control shall be designed in accordance with Kitsap County Code Title 12 effective at the time the SDAP permit application is deemed fully complete. The submittal documents shall be prepared by a civil engineer licensed in the State of Washington. The fees and submittal requirements shall be in accordance with Kitsap County Code in effect at the time of SDAP application.
33. 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 SDAP permit application is deemed fully complete.
34. 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. This permit is required prior to issuance of the SDAP. Processing time for NPDES permit is a minimum of 37 days.

35. Per WAC 173-175, the construction of pond berms that will impound a volume of ten acre-feet or more of water requires review and approval by the Department of Ecology. This approval must be completed prior to issuance of the associated SDAP.
36. The application indicates that a significant quantity of grading material will be imported to and/or exported from the site. Typically, this means five or more trucks entering/leaving the site per hour. Because of this a vehicle wheel wash must be included as an element of the siltation erosion control plan.
37. Individual on-site infiltration systems may be used instead of a secondary drainage system and will be required on lots that cannot be directed to the secondary system. The engineer shall submit a detailed site and grading plan showing the location and design of those proposed stormwater infiltration systems to Development Engineering with the SDAP submittal. Prior to issuance of building permits, the property owners shall submit a sketch for approval by Development Engineering, showing the design and location of the proposed stormwater infiltration systems. Maintenance of these systems will be the responsibility of the homeowner.
38. The impervious area per lot accounted for in the overall drainage facilities installed shall be indicated on the face of the final plat, along with the following note: Additional impervious surfaces created on an individual lot beyond the amount accounted for in the overall drainage facilities shall be mitigated in accordance with Kitsap County Code Title 12 and may require a Site Development Activity Permit.
39. The following shall be added to the face of the Final Plat, under the heading Notes and Restrictions:
 - a. Maintenance of roof and yard drains and appurtenances shall be the responsibility of the individual homeowners.
 - b. All runoff from roof and yard drains must be directed so as not to adversely affect adjacent properties.
 - c. All lots are obligated to accept road drainage at the natural locations after the grading of streets is complete.
 - d. 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.
40. 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.

41. 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.
42. The owner shall be responsible for maintenance of the storm drainage facilities for this development following construction. Before requesting final inspection for the SDAP (or for the Building Permit if an SDAP is not required) for this development, the person or persons holding title to the subject property for which the storm drainage facilities were required shall record a Declaration of Covenant that guarantees the County that the system will be properly maintained. Wording must be included in the covenant that will allow the County to inspect the system and perform the necessary maintenance in the event the system is not performing properly. This would be done only after notifying the owner and giving them 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.
43. If the project proposal is modified from that shown on the site plan approved for this permit application, Development Engineering will require additional review and potentially new conditions.
44. This project shall follow all critical area buffers and setbacks as depicted in the Critical Areas Report (Ecological Land Services; 9/16/22 and revised 4/25/23). Wetland A (Cat. IV) shall maintain a 50-foot vegetated buffer and 15-foot building setback; Wetlands B and C (Cat. III) shall maintain an 80-foot vegetated buffer and 15-foot building setback; Wetland D (Cat. III) will have an 80-foot vegetated buffer and a partial buffer average no less than 60-foot width, and a 15-foot building setback; Wetland E-1 thru E-3 (Cat. IV) will maintain an 80-foot vegetated buffer and 15-foot building setback; Wetland E- 4 (Cat. IV) will maintain a 50-foot vegetated buffer and 15-foot building setback. The Eastern Stream (Type F) will maintain a 150-foot vegetated buffer and 15-foot building setback; and the Western Stream (Type Ns) will maintain a 50-foot vegetated buffer and 15-foot building setback. Signage indicating stream and wetlands protection shall be installed every 50 feet along the buffers. Signs are available from DCD.
45. Split-rail fencing shall be placed at the outer edge of critical area buffers, as depicted on the approved Landscape Plan.
46. A final Planting and Mitigation Plan shall be submitted with SDAP for the temporary impacts to Wetland D due to road construction.
47. Per the Geotechnical Engineering Investigation (N.L. Olson and Associates, Inc., dated November 23, 2021), a revised geotechnical analysis will be required with the SDAP

application and engineered design to reassess the liquefaction analysis to determine at what elevation the subsurface water level can be maintained. This revised report should include review of the most recent engineered design.

48. The Kitsap County Silverdale Landfill Site (FSID 50996873; CSID 3741) is south of the proposed subdivision on Dickey Rd NW in Silverdale. Confirmed contamination includes metals and polycyclic aromatic hydrocarbons (PAHs). These and other contaminants may be impacting groundwater, surface water, and air. In response to this potential concern, the developer shall observe for indications of contamination in soil and groundwater during gravel pit reclamation and project construction and sampling conducted as appropriate. Contamination above MTCA cleanup levels must be managed in accordance with the MTCA regulation.
49. Prior to recording the Final Plat, vehicular access shall be constructed to provide access to all proposed lots.
50. Public roads shall not exceed 12% grade depending on the road classification per Kitsap County Road Standards.
51. Interior roads A-L 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 A-L shall be publicly maintained, and any right-of-way dedicated to Kitsap County as proposed.
52. The interior roads of the proposed plat shall be designed and constructed in accordance with Fire Marshal standards for emergency vehicular access.
53. The following shall appear on the face of the Final Plat, under the heading Conditions:
 - a. All interior roads, except for Roads A-L, shall remain private. Should the applicant or his successors or assigns choose to dedicate these roads to Kitsap County, it shall be subject to a further review by Kitsap County Development Engineering. All improvements necessary to bring said road to the then current Kitsap County standards shall be done, at no expense to the County, prior to being accepted into the Kitsap County road system for maintenance.
 - b. All lots shall access from interior roads only.
 - c. 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.

54. 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.
55. Sidewalk ramps shall conform to the current requirements of the Americans with Disabilities Act per WSDOT standard plans at the time of construction.
56. The property owners shall be responsible for maintenance of all landscaping within the existing and proposed right-of-way including any structures other than roadway, storm drainage facilities, and traffic signage. Maintenance shall include, but not be limited to, mowing of lawn areas. A note to this effect shall appear on the accepted construction plans. In addition, Development Engineering reserves the right to require that covenants be recorded to address special maintenance requirements depending on final design.
57. Frontage improvements are required along the entire property frontage on Dickey Rd NW and shall consist of a 13-foot-wide travel lane, vertical curb, gutter, 5-foot sidewalks, a left turn lane; and an acceleration lane, unless otherwise determined by County staff.
58. The Applicant shall provide surveyed cross-sections at 50-foot intervals along the parcel frontage on existing fronting roads where access is proposed. The cross-sections shall show existing and proposed pavement, shoulders, ditches and slopes. The cross-sections shall also depict centerline of pavement and right-of- way, the right-of-way lines, and easements.
59. The Site Development Activity Permit shall include plans for construction of the road approach between the edge of existing pavement and the right-of-way line at all intersections with county or state rights-of-way. Approaches to county rights of way shall be designed in accordance with the Kitsap County Road Standards as established in Chapter 11.22 of the Kitsap County Code. Approaches to state rights of way shall be designed in accordance with current WSDOT standards. Existing approaches may need to be improved to meet current standards.
60. Conditions for SDAP submittal and review:
 - a. Public roadway intersections shall be sufficient distance from all curves to provide sight distance for the intersecting road and for the through road. Provide sight distance calculations per KCRS Section 4.2.4 and Figure 4-6 for all intersections.

- b. Provide K Values for all vertical curves. Vertical curves shall be designed for design speed of 25 mph. Vertical sag curves shall be illuminated if K Value fall below the minimum value.
 - c. Intersection corner radii shall be 35 feet minimum.
 - d. Per KCRS Section 4.3.1, a residential road approach (found in Figure 4-3) can serve up to 4 single family residences. Tracts AC 8, 9, 10, 11, 15 and 16 exceed this threshold.
 - e. All intersections shall have curb cuts for each direction of pedestrian travel.
61. The developer shall contribute proportionate share of off-site mitigation as identified in the Stoneridge Traffic Impact Analysis by Kimley Horn, July 2022. The proportionate shares are:
- a. 18.44% towards the total project cost of the Dickey Road NW at Newberry Hill Road Intersection Improvement Project.
 - b. 8.3% towards the Provost Road NW at NW Newberry Hill Road Intersection Project.
62. The shared-use path needs to be shown inside an easement dedicated to the public on the Final Plat.
63. Any required sidewalk shall be constructed prior to roadway paving. This note shall appear on the face of the final construction drawings.
64. The developer's engineer shall certify that there is adequate entering sight distance at all project intersections with County rights of way or State rights of way. Such certification shall note the minimum required sight distance, the actual sight distance provided, and a sight distance diagram showing the intersection geometry drawn to scale, topographic and landscaping features, and the sight triangle. The sight distance shall meet the requirements of the Kitsap County Road Standards for County rights of way and shall meet WSDOT standards for state rights of way. The certification shall also note necessary measures to correct and maintain the minimum sight triangle. The required information shall be submitted with the SDAP, or with the commercial building permit application if a SDAP is not required.
65. 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).

66. Final plan approval will require documentation of Washington State Department of Transportation (WSDOT) approval for impacts to and any required mitigation on State rights of way. WSDOT point of contact is Dale Severson who can be reached at (360) 357-2736 or by email dale.severson@wsdot.wa.gov.
67. 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.
68. 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.
69. Sewer Availability Agreement account(s) must be kept current and in good standing.
70. 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.
71. Rock and retaining walls shall meet all applicable setback requirements of Vol. II, Chapter 9 of the Kitsap County Stormwater Drainage Manual.
72. Prior to any combustibles being placed anywhere on the site, approved fire department access and water for firefighting operations must be in place, available, and operational. Failure to comply with this condition will result in a stop work order being issued.
73. Prior to SDAP approval, applicant shall provide documentation from the solid waste/recycling service provider that their requirements for this project have been met. Waste Management Northwest can be reached at pnwcmsservices@wm.com or 1-800-592-9995; their website is <http://wmnorthwest.com/kitsap/index.html>
74. Fire Apparatus Access. The required 2nd fire apparatus access point to Warehouse Way (Tract 24) shall be constructed and operational together with an approved roadway leading to the 2nd access point meeting the requirements of the fire code for fire apparatus access prior to commencing building construction in other than phase one. Alternatively, the fire marshal may amend this requirement where buildings in phases two through four are provided with automatic fire sprinklers. Temporary cul-de-sac

turnarounds indicated in 3rd cycle submitted plans shall be approved prior to aboveground combustible construction in the respective phases.

75. Records indicate a septic and well on tax ID No. 192501-1-006-2007. Final plat approval will require the well be decommissioned by a licensed well driller and the septic tank abandoned per KPHD code. Sewer and water availability will be required for all lots prior to final plat approval.

DECIDED this 14th day of July 2023.



ANDREW M. REEVES
Hearing Examiner
Kitsap County