



Notice of Hearing Examiner Decision

08/23/2023

To: Interested Parties and Parties of Record

RE: Project Name: Carlson 14 Lot Preliminary Plat (PPlat)
 Applicant: Walter & Vicki Carlson
 720 NW Carmichael Way
 Bremerton, WA 98311
 Application: Preliminary Plat (PPlat)
 Permit Number: 21-05900

The Kitsap County Hearing Examiner has **APPROVED** the land use application for **Permit #21-05900 Carlson 14 Lot Preliminary Plat, 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: Walter & Vicki Carlson, waltercarlson@comcast.net
Business Owners: Paul Wandling, pwengineer@comcast.net; David Kessler, entkessler@gmail.com
Authorized Agents: Jason Hubbell, jhubbell@barghausen.com; Scott Shelton, plansguy@outlook.com; Sierra Baker, sbaker@barghausen.com
Health District
Public Works
Parks
Navy
DSE/PEP

Kitsap Transit
Central Kitsap Fire District
Central Kitsap School District
Puget Sound Energy
Water Purveyor
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
Interested Parties: STEFNIK MATTHEW & TONI, 2027 NELLITA RD NW
SEABECK, WA 98380-9289; Rick Becker, rickataz@olypen.com; Michael Curtis,
michael_curtis@comcast.net

**BEFORE THE HEARING EXAMINER
FOR KITSAP COUNTY**

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| In the Matter of the Application of |) | No. 21-05900 |
| |) | |
| |) | |
| Walter and Vicki Carlson |) | Carlson Preliminary Plat |
| |) | |
| |) | |
| <u>For Approval of a Preliminary Plat</u> |) | FINDINGS, CONCLUSIONS, AND DECISION |

SUMMARY OF DECISION

The request for preliminary plat approval to subdivide an approximately 2.75-acre property into 14 single-family residential lots, with a road tract, an open space tract, and other associated improvements—at 6476 Stampede Boulevard NW in the Bremerton 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 July 27, 2023. The record was left open until July 31, 2023, to allow for the conclusion of the appeal period under the State Environmental Policy Act. Following conclusion of this appeal period, the record closed on July 31, 2023.

Testimony:

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

Darren Gurnee, County Senior Planner
Jason Hubbell, Applicant Representative

Exhibits:

The following exhibits were admitted into the record:

1. Staff Report, dated July 20, 2023
2. Concurrency Test, undated
3. Drainage Report, Barghausen Consulting Engineers, Inc., dated November 15, 2021
4. Geotechnical Engineering Investigation, Krazan and Associates, Inc., dated May 20, 2021
5. Project Narrative, undated
6. Owner Authorization Form, dated October 3, 2021

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7. Request for Staff Consultation Meeting, approved March 2, 2021
8. Application to Construct Sanitary Sewer, dated November 18, 2021
9. Sewer Availability Agreement, dated October 1, 2021
10. Submission Application Form, dated November 22, 2021
11. Conditional Water Availability Letter, dated May 17, 2021
12. Notice of Application, dated April 4, 2022
13. Landscape Plan, dated August 26, 2022
14. SEPA Environmental Checklist, received October 14, 2022
15. Stormwater Pollution Prevention Plan (SWPPP) Narrative, received October 19, 2022
16. Post-Construction Soil Quality and Depth Worksheet, dated October 19, 2022
17. Waste Management Service Documentation, dated September 28, 2022
18. Site Development Responses to Comment Letter, Barghausen Consulting Engineers, Inc., dated October 14, 2022
19. Information Request Checklist, dated July 28, 2022
20. Agent Authorization Form, dated September 21, 2022
21. Revised Comment Response Letter, Barghausen Consulting Engineers, Inc., dated May 25, 2023
22. Civil Plan Set, revised May 25, 2023
23. Revised Drainage Report, Barghausen Consulting Engineers, Inc., dated May 25, 2023
24. Preliminary Stormwater Conditions Memorandum, dated June 14, 2023
25. Determination of Nonsignificance, dated June 20, 2023
26. Revised Notice of Application, dated July 7, 2023
27. Notice of Public Hearing, dated July 12, 2023
28. Certification of Public Notice, dated July 17, 2023
29. Staff Presentation
30. Hearing Sign-In

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

FINDINGS

Application and Notice

1. Walter and Vicki Carlson (Applicant) request approval of a preliminary plat to subdivide an approximately 2.75-acre property for development of 14 single-family residential lots, an open space tract, a road tract, and other associated appurtenances and improvements. The property is currently developed with one single-family residence, a wellhouse, and three outbuildings. The wellhouse would be decommissioned and the outbuildings would be demolished to accommodate the proposed development. The Applicant would retain the existing single-family residence and would construct 13 additional single-family

residences on the property. Access to individual lots would be provided by a new private road internal to the plat. The property is located at 6476 Stampede Boulevard NW.¹ *Exhibit 1, Staff Report, pages 1, 2, 5, and 21; Exhibit 5; Exhibit 7; Exhibits 9 through 11; Exhibits 18 through 21.*

2. Kitsap County (County) determined that the application was complete on March 10, 2022. On April 4, 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. On July 7, 2023, the County provided revised notice of the application² 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 July 12, 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 did not receive any comments on the proposal in response to its notice materials. *Exhibit 1, Staff Report, pages 1 and 7; Exhibit 12; Exhibits 26 through 28.*

State Environmental Policy Act

3. 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 on issuing a Determination of Nonsignificance for the proposal. The County did not receive any comments specific to its SEPA review in response to its notice materials. The County reviewed the Applicant's environmental checklist and other information on file and determined that, with mitigation measures, the proposal would not have a probable significant adverse impact on the environment. Accordingly, the County issued a Determination of Nonsignificance (DNS) on June 20, 2023. County staff determined that the appeal period for the DNS would expire with the conclusion of the public hearing in light of the revised notice that occurred. Ultimately, the Hearing

¹ The property is identified by Tax Assessor Parcel No. 272501-4-007-2000. *Exhibit 1, Staff Report, page 1.*

² The Revised Notice of Application provided a corrected description of the proposal as a 14-lot preliminary plat. The original Notice of Application incorrectly stated that the proposal was for a 13-lot preliminary plat. *Exhibit 12; Exhibit 26.*

Examiner left the record open until July 31, 2023, to allow for the DNS appeal deadline to expire, to ensure that appropriate/adequate time was allowed for comment or appeal of the SEPA determination. No further comments were received, however, and the DNS was not appealed. *Exhibit 1, Staff Report, page 2; Exhibit 12; Exhibit 14; Exhibit 25; Exhibit 26; Oral Ruling of the Hearing Examiner.*

4. The DNS requires the Applicant to implement the following mitigation measures:
- The proposal is conditioned to follow the requirements of Kitsap County Code (KCC) Title 12 “Stormwater” and KCC Title 19 “Critical Areas Ordinance.”
 - Follow recommendations of the Geotechnical Report (dated May 2021) by Krazan and Associates, Inc.
 - Follow recommendations of the Storm Water Management Report & BMP’s of the Drainage Report (November 15, 2021; Revised August 26, 2022; Revised May 25, 2023) prepared by Barghausen Consulting Engineers, Inc.
- Exhibit 25.*

Comprehensive Plan and Zoning

5. The property is designated “Urban Low-Density Residential” under the County Comprehensive Plan and located within the Central Kitsap urban growth area (UGA). 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]
 - 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]
 - Integrate affordable housing and human services planning with transportation, workforce development, and economic development efforts. [Housing and Human Services Goal 6]
 - Promote housing preservation and development in areas that are already well-served by schools, public transportation, commercial facilities, and have adequate infrastructure to support alternative modes of transportation. [Housing and Human Services Policy 23]
 - Provide a safe and reliable multi-modal transportation system for people of all ages and abilities. [Transportation Goal 1]
 - Approve site design that is supportive of transit Service and its patrons. [Transportation Policy 2]
- Exhibit 1, Staff Report, pages 3, 5, 6, and 23.*

6. The property is located in the Urban Restricted (UR) zone. Properties to the north, south, and east are also zoned UR. The property to the west is located in the Urban Low Residential (ULR) zoning district. The UR zoning district is applied to areas within urban growth areas that have been identified with a significant concentration of critical areas regulated pursuant to Title 19, or are planned as greenbelts, and are therefore appropriate for lower-density development. These areas may include significant salmon spawning streams, wetlands and/or steep slopes. Actual densities allowed will be determined at the time of land use approval, following a site-specific analysis and review of potential impacts to the on-site or adjacent critical areas.
KCC 17.180.010. Single-family residential development is permitted outright in the UR zoning district. *KCC 17.410.041. Exhibit 1, Staff Report, pages 4 and 22.*
7. Development regulations specific to the UR zoning district include a minimum density of one dwelling unit per acre; a maximum density of five dwelling units per acre; a minimum lot size of 5,800 square feet; a minimum lot width and lot depth of 60 feet; a maximum height of 35 feet; a maximum impervious surface coverage of 50 percent; a 20-foot front setback; five-foot side setbacks; and a ten-foot rear setback. *KCC 17.420.052.* The approximately 2.75-acre property requires a minimum density of three dwelling units and a maximum density of 14 dwelling units. The Applicant proposes to construct 14 dwelling units on the property. The proposed development would comply with all development regulations. Specifically, the Applicant proposes a minimum lot size of 5,836 square feet; a minimum lot width of 61 feet; a minimum lot depth of approximately 96 feet; a maximum height of less than 35 feet, a maximum impervious surface coverage of less than 50 percent; 20-foot front setbacks; five-foot side setbacks; and ten-foot rear setbacks. *Exhibit 1, Staff Report, pages 3 and 4; Exhibit 22.*

Existing Site, Surrounding Development, and Critical Areas

8. The property slopes gently from the northwest down to the southeast. As noted above, the property is currently developed with a single-family residence, a wellhouse, and three outbuildings. The wellhouse would be decommissioned and the outbuildings would be demolished to accommodate the proposed development. The existing single-family residence would be retained. The remainder of the property is covered with grasses, shrubs, and trees. There are no critical areas on the property. The property is located within a Critical Aquifer Recharge Area (CARA). However, the proposed preliminary subdivision is not listed in KCC Table 19.600.620 as an activity with a potential threat to groundwater quality. Accordingly, County staff determined that a hydrogeologic report is not required for the proposal. All surrounding properties are developed with single-family residences. *Exhibit 1, Staff Report, pages 3, 4, and 10.*

9. Krazan and Associates, Inc., prepared a report on behalf of the Applicant entitled “Geotechnical Engineering Investigation” (“Geotechnical Report” or “GR”), dated May 20, 2021. The Geotechnical Report determined that the site is compatible with the proposed development from a geotechnical standpoint, provided the Applicant implement the recommendations incorporated in the GR. The GR provided recommendations for the site design and development, including recommendations related to foundations, stormwater drainage and infiltration, subgrade preparation, temporary excavations, structural fill, retaining walls, erosion and sediment control, utility trenching, and pavement design. As noted above, the DNS would require the Applicant to comply with the recommendations incorporated in the Geotechnical Report. *Exhibit 1, Staff Report, page 2; Exhibit 4; Exhibit 25.*

Preliminary Plat

Landscaping and Screening

10. KCC 16.24.040.F requires landscaping at entrances and street trees along streets or on individual lots in urban areas. There should be at least one tree per 25 feet of road frontage and the trees should be no further apart than 35 feet. *KCC 16.24.040.F.2.* The Applicant proposes to install street trees along the property frontage on Stampede Boulevard NW. Street trees would be spaced between 25 and 30 feet apart. The Applicant would also install separation buffer to the north, south, and east, and roadside and setback buffer to the west. *Exhibit 1, Staff Report, pages 9 and 12; Exhibit 13.*

Open Space

11. Subdivisions in urban areas developed with a density of nine units or less per acre require 390 square feet of recreational open space per unit. *KCC 16.24.040.H.1.* Accordingly, the 14-unit subdivision requires 5,460 square feet of recreational open space. The Applicant proposes a 5,460 active open space tract (Tract A) on the eastern portion of the property in accordance with this requirement. *Exhibit 1, Staff Report, page 12; Exhibit 22.*

Stormwater

12. Barghausen Consulting Engineers, Inc., prepared a report on behalf of the Applicant addressing stormwater, entitled “Drainage Report” (“DR”), revised May 25, 2023. The Drainage Report notes that the new private road internal to the plat would be constructed with permeable pavement to allow infiltration for the roadway, driveways, and house roof areas. Backyard drainage would be conveyed to an infiltration trench along the east property line. The property’s frontage along Stampede Boulevard NW would include an infiltration trench to infiltrate most of the roadway drainage. The ground over the infiltration trenches would be vegetated. The DR determined that the proposed low impact development (LID) techniques would allow infiltration of all on-site runoff.

County Development Services and Engineering provided a memorandum (“County Stormwater Memo”) addressing the Applicant’s proposed stormwater facilities, dated June 14, 2023. The County Stormwater Memo states that the County 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 the proposal. *Exhibit 1, Staff Report, page 10; Exhibits 3 through 5; Exhibit 23; Exhibit 24.*

Utilities and Services

13. The City of Bremerton Public Works provided a letter confirming water and fire flow availability for the proposed development on May 17, 2021. Sewer services would be provided by the County. The Applicant and County provided a sewer availability agreement for the proposed development, dated October 1, 2021. Power would be provided by Puget Sound Energy. Central Kitsap Fire and Rescue would provide fire services to the proposed development. Individual property owners would be responsible for solid waste collection. Waste Management would provide solid waste service for the proposed development. In an email dated September 28, 2022, Waste Management staff commented that the proposed subdivision would be serviced at a group location on Stampede Boulevard NW because of the hammerhead design on the proposed road. However, during the open record hearing associated with the application, County Senior Planner Darren Gurnee testified that Waste Management later determined that curbside pickup would be available for the proposed development. *Exhibit 1, Staff Report, pages 4, 5, 10 and 11; Exhibit 8; Exhibit 9; Exhibit 11; Exhibit 17; Testimony of Darren Gurnee.*

Access, Traffic, and Parking

14. Access to the site would be provided from Stampede Boulevard NW. The Applicant would be required to construct frontage improvements along Stampede Boulevard NW, including curb, gutter, and sidewalk with ADA ramps on the eastern side of the road. As noted above, the Applicant would also install street trees along the property’s frontage on Stampede Boulevard NW. Access to individual lots would be provided by a private road internal to the plat (Road A). Road A would be constructed with ten-foot paved drive lanes, eight-foot parking on one side, and sidewalk on the west side. The proposed private road would meet required road grade percentages. *Exhibit 1, Staff Report, pages 1, 5, 9, and 10; Exhibit 2; Exhibit 13; Exhibit 22.*
15. The nearest public transit stop is located 1.25 miles away and Kitsap Transit currently does not have a route servicing Stampede Boulevard NW. County staff determined that a public transit bus stop is not required. *Exhibit 1, Staff Report, page 11.*
16. KCC 17.490.030 requires two off-street parking spaces per unit and 0.5 on-street or set aside parking spaces per unit. Garages are not included in the calculations toward

parking requirements. *KCC 17.490.030*. Accordingly, the Applicant is required to provide 28 off-street parking spaces and seven on-street or set aside parking spaces. The Applicant would provide 28 off-street parking spaces and nine on-street or set aside parking spaces. *Exhibit 1, Staff Report, page 8; Exhibit 22*.

Schools

17. The proposed subdivision would be served by Central Kitsap School District No. 401. County staff noted that most students would likely be bused to the nearest schools and that the County had not received comments from the School District on bus access and circulation for the proposed development. *Exhibit 1, Staff Report, pages 5 and 8*.

Testimony

18. County Senior Planner Darren Gurnee testified generally about the proposal and how, with conditions, it would meet the criteria for preliminary plat approval. He noted that the proposal meets low impact development standards by infiltrating drainage on-site. He explained that the County issued a revised notice of application to include the additional lot proposed by the Applicant. He stated that the Applicant initially proposed 13 total lots with a stormwater retention area on the south end of the site but that, after determining the stormwater retention area was not necessary, the Applicant added an additional lot to the proposed subdivision for a total of 14 lots. Mr. Gurnee noted that the SEPA analysis accounted for all 14 lots that are proposed by the Applicant. He stated that the SEPA appeal period would conclude with the close of the public hearing. He noted that the private road internal to the plat would have sidewalks on one side and that sidewalks on both sides are not required. Mr. Gurnee explained that the County would have the ability to request access and utility extensions in the event that development occurs on parcels to the east of the subject property. He clarified that in subsequent communications with Waste Management, Waste Management indicated that curbside pickup would be available for the proposed development. Mr. Gurnee stated that requirements for ADA ramps could be discussed during the site development activity permit (SDAP) process with the Applicant. *Testimony of Mr. Gurnee*.
19. Applicant Representative Jason Hubbell clarified that the proposed development initially included a stormwater detention pond but that after additional testing, the project geotechnical engineer determined that the stormwater pond is not necessary to address stormwater impacts on the property. He explained that the Applicant added bioretention swales along the eastern and southern property lines to the proposed development for stormwater management. He stated that the proposed development would infiltrate all stormwater on-site. He noted that there would be catch basins that collect drainage from the public roadway and sidewalks and discharge drainage into the County underground pipe system. Mr. Hubbell suggested that the Applicant should not be required to install two ADA ramps along Stampede Boulevard NW because the intersection of the proposed private road at Stampede Boulevard NW is not a four-way intersection. *Testimony of Mr.*

Hubbell.

Staff Recommendation

20. Mr. Gurnee testified that County staff recommends approval of the preliminary plat, with conditions. *Exhibit 1, Staff Report, pages 14 through 19; Testimony of Mr. Gurnee.*

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).

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

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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 of KCC 16.04.080.** The County provided reasonable notice and opportunity to comment on the proposal. The County did not receive any comments on the proposal in response to its notice materials. The project site is designated “Urban Low-Density Residential” under the County Comprehensive Plan. 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; encourage urban amenities in areas of more intensive development within urban growth areas; link non-motorized planning requirements to land use planning decisions; integrate affordable housing and human services planning with transportation, workforce development, and economic development efforts; promote housing preservation and development in areas that are already well-served by schools, public transportation, commercial facilities, and have adequate infrastructure to support alternative modes of transportation; provide a safe and reliable multi-modal transportation system for people of all ages and abilities; and approve site design that is supportive of transit service and its patrons.

Access to the site would be provided by Stampede Boulevard NW. Access to the individual lots would be provided by a new private road internal to the plat, Road A. The Applicant would construct frontage improvements along Stampede Boulevard NW, including curb, gutter, and sidewalk with ADA accessibility on the eastern side of the road. Road A would be constructed with ten-foot paved drive lanes, eight-foot parking on one side, and sidewalk on the west side. Pursuant to KCC 17.490.030, the Applicant is required to provide 28 off-street parking spaces and seven on-street or set aside parking spaces. The Applicant proposes to provide 28 off-street parking spaces and nine on-street or set aside parking spaces. The subject property is located approximately 1.25 miles from a public transit stop and a bus stop is not required for the proposed development.

The Applicant proposes a 5,460 square foot active open space tract (Tract A) on the eastern portion of the property in accordance with recreational open space requirements under KCC 16.24.040.H.1. The proposed development would comply with all landscaping requirements under Chapter 17.500 KCC and all urban landscaping requirements under Chapter 16.24 KCC. The proposed development includes street trees spaced between 25 and 30 feet apart along the property’s frontage on Stampede Boulevard NW. The proposed development would utilize low impact development (LID) techniques and would infiltrate all stormwater on-site. Infiltration trenches would be located along the eastern property line and along the property’s frontage on Stampede Boulevard NW. The ground over the infiltration trenches would be vegetated after

construction. The Applicant would also construct the new private road internal to the plat with permeable pavement to allow infiltration for the roadway, driveways, and house roof areas.

The subdivision would be adequately served by public utilities. Students residing in the subdivision would attend schools in the Central Kitsap School District. 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 property does not contain any critical areas. 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 – 20.*

2. **With conditions, the proposal would comply with preliminary subdivision requirements under the State Subdivision Act (RCW 58.17.110).** The criteria of the RCW 58.17.110 are identical to the criteria of KCC 16.04.080. As discussed in Conclusion 1, the proposal would comply with the criteria for a preliminary plat under KCC 16.04.080. *Findings 1 – 20.*

DECISION

Based on the preceding findings and conclusions, the request for preliminary plat approval to subdivide a 2.75-acre property into 14 single-family residential lots, at 6476 Stampede Boulevard NW in Bremerton, is **APPROVED**, with the following conditions:

1. The names of the roads in this land segregation shall be approved by Community Development prior to final subdivision approval.
2. All required permits shall be obtained prior to commencement of land clearing, construction and/or occupancy.
3. The decision set forth herein is based upon representations made and exhibits contained in the project application (21-05900). 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.
4. 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.

5. If necessary, a Timber Harvest permit application shall be provided with the application for the Site Development Activity Permit.
6. A Final Landscape Plan will be required to be submitted with the Site Development Activity Permit, consistent with KCC 17.500 Landscaping, during civil site plan review, which depicts natural vegetation, and the planting and irrigation plan.
7. Street trees shall be planted along the front (Stampede Blvd.) and fronts of individual lots with 25 feet to 35 feet spacing. Trees on individual lots are required to be installed prior to Certificate of Occupancy of individual residential units.
8. Any and all signage design and location (including exempt signs) shall comply with Kitsap County Code (KCC) 17.510 and be reviewed and approved by the Department of Community Development prior to installation. Signage may require a separate permit.
9. Prior to the plat transferring to the Homeowner's Association (HOA), the developer will be responsible for irrigation, and maintenance of all landscaping to ensure survival up to two years. The developer or the HOA shall maintain all landscaping consistent with the Tree Care Industry Association standard practices.
10. Pursuant to KCC Section 21.04.110 Timeline and Duration of Approval, Kitsap County's land use approval for the preliminary plat is valid for a period of up to five (5) years from the decision date of the preliminary plat consistent with RCW 58.17.140 and .170.
11. Any violation of the conditions of approval shall be grounds to initiate revocation of this permit.
12. Utility Easements. 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 and must be noted on the final plat.
13. Easements for future public utility extensions to abutting properties to the east shall be noted on the final plat.
14. 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.

15. 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.
16. The information provided demonstrates this proposal is a Large Project as defined in Kitsap County Code Title 12, and as such will require a Full Drainage Site Development Activity Permit (SDAP) from Development Engineering.
17. 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 application. 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.
18. 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.
19. 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.
20. During the construction of the proposed permeable pavement infiltration facilities, the Project Engineer shall provide an inspection to verify that the facilities are installed in accordance with the design documents and that actual soil conditions encountered meet the design assumptions. The Project Engineer shall submit the inspection report properly stamped and sealed with a professional engineer's stamp to Development Engineering.
21. The design of the infiltration facilities shall be accordance with Vol. II, Chapter 5 of the Kitsap County Stormwater Design Manual.
22. The infiltration facilities shall remain off line until the drainage areas are stabilized and the water quality treatment facility is adequately established. Temporary erosion and sedimentation ponds shall not be located over infiltration facilities. In addition, retention ponds shall not be utilized as temporary erosion and sedimentation control ponds.

23. 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.
24. 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.
25. 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.
26. 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.
27. The owner shall be responsible for maintenance of the storm drainage facilities for this development following construction. Before requesting final inspection for the SDAP for this development, the person or persons holding title to the subject property for which the storm drainage facilities were required shall record a Declaration of Covenant that guarantees the County that the system will be properly maintained. Wording must be included in the covenant that will allow the County to inspect the system and perform the necessary maintenance in the event the system is not performing properly. This would be done only after notifying the owner and giving him a reasonable time to do the necessary work. Should County forces be required to do the work, the owner will be billed the maximum amount allowed by law.

28. 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.
29. A Final Short/Large Lot/Subdivision Plat shall be prepared by a licensed Land Surveyor in compliance with KCC Title 16.
30. 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.
31. 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.
32. 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.
33. Prior to recording the Final Plat, vehicular access shall be constructed to provide access to all proposed lots.
34. The interior roads of the proposed plat shall be designed and constructed in accordance with Fire Marshal standards for emergency vehicular access.
35. The following shall appear on the face of the Final Plat, under the heading Conditions:
 - a. All interior roads shall remain private. Should the Applicant or his successors or assigns choose to dedicate these roads to Kitsap County, it shall be subject to a further review by Kitsap County Development 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 law areas.
36. Frontage improvements are required along the entire property frontage on Stampede Blvd NW, and shall consist of 12-foot wide travel lane, vertical curb, gutter, 5-foot bike lane, and 6-foot sidewalks.

37. Sidewalk at the north end of property frontage with Stampede Road shall connect to existing sidewalk. Sidewalk at south end of property frontage shall transition to asphalt shoulder.
38. The intersection of Stampede Road & Road A shall be designed per KCRS Section 4.2 with minimum face of curb line radii of 35 feet. 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.
39. The Applicant shall provide at least one curb ramp at intersection of Stampede Road & Snow Creek Way. Additional curb ramps may be required, however, as determined by further County review during the site development process.
40. Sidewalk ramps shall conform to the current requirements of the Americans with Disabilities Act per WSDOT standard plans at the time of construction.
41. Any required sidewalk shall be constructed prior to final roadway paving. This note shall appear on the face of the final construction drawings.
42. 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.
43. The developer's engineer shall certify that there is adequate entering sight distance at all project intersections with County rights of way. Such certification shall note the minimum required sight distance, the actual sight distance provided, and a sight distance diagram showing the intersection geometry drawn to scale, topographic and landscaping features, and the sight triangle. The sight distance shall meet the requirements of the Kitsap County Road Standards for County rights of way. The certification shall also note necessary measures to correct and maintain the minimum sight triangle. The required information shall be submitted with the SDAP.
44. 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.
45. 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.

46. Kitsap County sanitary sewer is available for the project. The 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.
47. Sewer Availability Agreement account(s) shall be kept current and in good standing through permit approval date. A signed availability agreement for 14 parcels is required prior to SDAP approval.
48. 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>
49. Final plat approval will require:
 - a. Well decommissioning of existing well
 - b. All septic tanks abandoned per KPHD code
 - c. Water availability and outside utility agreement
 - d. Sewer availability

DECIDED this 23rd day of August 2023.



ANDREW M. REEVES
Hearing Examiner
Kitsap County