



## Notice of Hearing Examiner Decision

09/18/2020

To: Interested Parties and Parties of Record

RE:           Project Name: Parkside Lane Preliminary Plat  
              Applicant: Capstone Homes, Inc.  
                          c/o Eric Soleim  
                          P.O. Box 139  
                          Maple Valley, WA 98038  
              Application: Preliminary Plat (PPlat)  
              Permit Number: 19-04880

The Kitsap County Hearing Examiner has **APPROVED** the land use application for Permit **19-04880: Parkside Lane 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://spf.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 at the Department of Community Development, Monday through Thursday, 8:00 AM to 4:00 PM and Friday 9:00 AM to 1:00 PM, except holidays. If you wish to view the case file or have other questions, please contact [Help@Kitsap1.com](mailto:Help@Kitsap1.com) or (360) 337-5777.

CC: Owner: Capstone Homes, Inc., c/o Eric Soleim, [eric@capstonehomes.com](mailto:eric@capstonehomes.com)  
Authorized Agent: Sheri Greene, AHBL, [sgreene@ahbl.com](mailto:sgreene@ahbl.com)  
Engineer: Matt Weber, [mweber@ahbl.com](mailto:mweber@ahbl.com); AHBL, [dhendrickson@ahbl.com](mailto:dhendrickson@ahbl.com)  
Health District  
Public Works  
Parks  
DCD  
DSE

Kitsap Transit  
South Kitsap Fire District  
South Kitsap School District  
Puget Sound Energy  
City of Port Orchard Planning Director  
Water Purveyor: West Sound Utility District  
Sewer Purveyor: West Sound Utility District  
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 Fish & Wildlife- SEPA  
WA Dept of Transportation/Aviation  
WA State Dept of Transportation  
WA Dept. of Transportation- SEPA  
WA State Dept of Ecology-SEPA  
WA State Department of Natural Resources- SEPA  
WA State Department of Health- SEPA  
WA State Department of Archaeology and Historic Preservation-SEPA  
Manchester CAC  
Interested Parties:

Arthur Cooke Estate, 2607 McGregor Road, Port Orchard, WA 98366  
David Dahlke, [dahl@telebyte.com](mailto:dahl@telebyte.com)  
Scott Walker & Cara Crowley, [carascott@hotmail.com](mailto:carascott@hotmail.com)  
Leanne Cornell, [lrayburn1973@hotmail.com](mailto:lrayburn1973@hotmail.com)

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

**Parkside Lane Preliminary Plat  
File No. 19-04880**

**September 18, 2020**

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**1. FINDINGS OF FACT**

**1.1 Proposal.** Divide 3.62 acres (two adjacent parcels) into 28 lots for single-family homes. The proposal includes a single access point, a county-maintained interior road, recreational space, onsite stormwater infiltration, landscaping, frontage improvements, and public water and sewer. An existing on-site residence and septic system will be removed.

**Applicant/Property Owner (at time of application):** Cook Arthur Estate, 2607 McGregor Road, Port Orchard, WA 98366.

**Applicant/Property Owner (current):** Capstone Homes c/o Eric Soleim, P. O. Box 139, Maple Valley, WA 98038.

**Location :** 1443 Warner Avenue SE, Port Orchard, WA 98366, Assessor No. 302402-4-045-2009 and No. 302402-4-221-2005.

**1.2 Hearing.** An open record public hearing was held September 1, 2020. Due to COVID-19 restrictions, the hearing was conducted remotely, with the Examiner, Kitsap County Department of Community Development (“DCD”), and Applicant calling in. Access information was provided to the public to allow citizens to join via either a video link or telephone call-in. There were no reported technical difficulties during the call or afterwards. However, in case any citizens who wished to comment had difficulty calling in, the record was kept open for a week, through September 8.<sup>1</sup> No citizen comment was received following the hearing; the Applicant submitted two additional exhibits.

At the hearing, DCD, through Ms. Barnhart, described the project. DCD found it consistent with requirements, and recommended approval with conditions. The Applicant, through its Project Engineer, Mr. Weber, P.E., confirmed Applicant agreement with DCD's proposed conditions. A neighbor, Mr. Walker, testified, raising concerns on density and traffic, which were also articulated in written comment he had submitted (Exhibit 27). The Examiner asked the Applicant about infrastructure improvements, schools, and safe walking conditions. Mr. Weber addressed the questions, agreeing to supplement the answers through a written response.

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<sup>1</sup> Temporary Emergency Rule to Address COVID-19 Situation (April 1, 2020).

**1.3 Hearing Comment, Details.** Mr. Walker's main concern was density, given the neighborhood's larger lot sizes. He was concerned with traffic impacts, particularly on Warner. Warner is short, has four uncontrolled entrances, and 4-8 driveways. With this plat and the Four Seasons plat, the project will increase traffic considerably and exacerbate speeding issues. Mr. Walker and Ms. Crowley's written comment provides further detail, and also raised questions on drainage, greenspace/playground, volume of traffic flowing to Mile Hill Drive, and noise/debris impacts, particularly during construction. Ms. McKay raised similar concerns. She also questioned urban service adequacy, including sewer, and the area's increasing noise, which has been exacerbated by vegetation lost with construction, including for a McDonalds.

**1.4 Applicant Response to Comment/Questions.** At the hearing, Mr. Weber referred to the Traffic Impact Analysis (Exhibit 12), which assessed level of service on Warner Avenue with the project, finding adequate capacity. The Applicant is not proposing traffic calming measures but will complete curb, gutter, and sidewalk improvements along the project's street frontage. This will also occur with the Four Season plat. Due to sewer line depth, with these improvements, Warner will basically be a new street from Parkside north to Four Seasons. The improvements, including the sidewalks, will improve pedestrian safety. These are coupled with the plat's internal sidewalks.

**1.5 Administrative Record.** At the hearing, the Examiner admitted Exhibits 1-28, which included the Staff Report (Revised), application materials, documentation of agency consultation, public notice documents, public comments (including two new comments), and a DCD Power Point presentation. The new public comments included comment from Mr. Walker and Ms. Crowley (Exhibit 27), and also from Ms. McKay (Exhibit 28). Three exhibits were subsequently added: Exhibit 29 (Hearing Sign-In Sheet); Exhibit 30 (Change of Ownership and Engineer Affidavit); and, Exhibit 31 (Applicant's supplemental information).

**1.6 Notice.** Hearing and application notice was provided consistent with KCC requirements.<sup>2</sup>

**1.7 SEPA.** DCD issued an unappealed Determination of Non-Significance.<sup>3</sup>

**1.8 Written Pre-Hearing Public Comment.** Three public comments were received from nearby residents.<sup>4</sup> Leanne Cornell supports the proposal but has concerns about street-level aesthetics and would like to see more done to beautify the entrance along Warner Avenue SE to offset the visual impacts of denser development. Scott Walker and Cara Crowley oppose the density of the project because of traffic volume and speed, as well as sewer and stormwater drainage concerns. Kate McKay also opposes the density of the project due to concern about traffic congestion, sewer capacity, and inadequate services (groceries, gas, etc.) in the vicinity.

**1.9 Agency Comment.** The proposal was circulated within the County. As long as requirements are met, there were no agency objections to approval.

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<sup>2</sup> Exhibits 14, 22 and 25; KCC 21.04.080, .210.

<sup>3</sup> Exhibit 21; Exhibit 26 (Revised Staff Report), p. 2.

<sup>4</sup> Exhibits 15, 27 and 28.

**1.10 Zoning/Plan Designations.** The Comprehensive Plan designation is Urban Low Density Residential and the zoning is Urban Low Residential.<sup>5</sup> This zone is designed to:

[R]ecognize, 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.<sup>6</sup>

**1.11 Zoning Code Sizing/Density Requirements.** Urban Low Residential zone provides for minimum/maximum densities of 5-9 dwelling units per acre, which equates to 13-33 units here.<sup>7</sup> At 28 units, the plat complies. Lot sizing requirements are also met.

Requirement	Proposed
Minimum Lot Size - 2,400 SF	3,889 SF (smallest proposed lot)
Maximum Lot Size - 9,000 SF <sup>8</sup>	4,780 SF (largest proposed lot)
Minimum Lot Width - 40 feet	40 feet
Minimum Lot Depth - 60 feet	74 feet
Maximum Height - 35 feet	Compliant
Setbacks <ul style="list-style-type: none"> <li>• Front, 10-20 feet</li> <li>• Side, 5 feet</li> <li>• Rear, 10 feet</li> </ul>	Compliant

**1.12 Surrounding Land Use and Zoning.** Surrounding properties to the north, east and west are zoned Urban Low Residential, with single-family and duplex construction. Vacant property to the south is zoned Commercial.

**1.13 Physical Characteristics and Environmental.** The property is vacant except for an abandoned residence (to be demolished). Most of the site is grass with some forested areas along the perimeters and to the east. The site has an overall elevation change of 15 feet with no steep slopes or other critical areas or buffers. The site is historically cleared and may not require a separate Timber Harvest permit if timber volume less than 5,000 board feet at the time of Site Development Activity Permit (“SDAP”) review. A geotechnical report was submitted and reviewed.<sup>9</sup>

**1.14 Access and Transportation.** There is one planned access point from Warner Avenue SE, a County maintained road. There is a single road inside the plat, to be dedicated as county-maintained, and provides access to all lots. The traffic impact analysis estimates 333 average weekday daily trips, 24 new AM peak hour trips, and 30 new PM peak hour

<sup>5</sup> Exhibit 26 (Revised Staff Report), p. 3 and Attachment A.

<sup>6</sup> KCC 17.200.010.

<sup>7</sup> KCC 17.110.213 (minimum density calculation based on net developable acreage); KCC 17.110.212 (maximum density calculation based on gross acreage); Exhibit 26 (Revised Staff Report), p. 3.

<sup>8</sup> KCC 17.420.060(A)(25).

<sup>9</sup> Exhibit 3.

trips.<sup>10</sup> To address these impacts and ensure safe ingress and egress, consistent with Kitsap County Road Standards, road improvements will be made. Frontage improvements consist of 10-foot travel lanes, vertical curb, gutter, and five-foot wide sidewalk along the entire 250-foot property frontage on Warner Avenue SE. The interior plat road shall be constructed to Kitsap County Road Standards, with frontage improvements consisting of 10-foot travel lanes, eight-foot parking strips on both sides, vertical curb, gutter and five-foot wide sidewalks on both sides. As Warner is flat and of uniform grade, site distance is adequate.<sup>11</sup> If speeding on Warner (25 mile per hour speed limit), continues to be an issue; this should be addressed with law enforcement.<sup>12</sup> Warner and Mile Hill Drive level of service was assessed. At LOS D, there is adequate capacity, and the intersection has adequate site distance.<sup>13</sup>

**1.15 Parking.** The project includes on-street and off-street parking. Two off-street parking spaces are required per residential lot and 0.5 per lot for overflow on-street parking.<sup>14</sup> 58 off-street parking spaces in driveways and 14-20 on-street parking spaces are provided.<sup>15</sup> DCD calculates the required number of spaces in the driveway and not within individual residential garages.<sup>16</sup> During individual building permit review for the homes, the location and number of off-street parking spaces will be verified.

**1.16 Central Mail Boxes, Urban Plats.** The trend is to move away from traditional rural box style and install a clustered mailbox for efficiency, security, and aesthetics. Where clustered mailboxes are proposed, the sidewalk will meet clear zone requirements.<sup>17</sup>

**1.17 Landscaping.** Entrance landscaping and street trees are required.<sup>18</sup> The Applicant submitted landscape plans.<sup>19</sup> The final landscape plan will be submitted with the SDAP (Condition 2). Due to written comment on street aesthetics, Ms. Barnhart provided details on landscaping.

**1.18 Signage.** The Applicant may apply for signage near the entrance of the subdivision during or after construction,<sup>20</sup> although signage is not now proposed. When the final plat is recorded, all signage must follow code requirements.

**1.19 Lighting/Urban Plats.** The project will meet lighting requirements for exterior lighting.<sup>21</sup>

**1.20 Stormwater.** Development Services and Engineering reviewed the proposal

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<sup>10</sup> Exhibit 12 (Traffic Impact Analysis), p. 9.

<sup>11</sup> Exhibit 31 (Applicant's supplemental information). This will be confirmed with civil design.

<sup>12</sup> Exhibit 31 (Applicant's supplemental information).

<sup>13</sup> Exhibit 31 (Applicant's supplemental information).

<sup>14</sup> KCC 17.490.030.

<sup>15</sup> Exhibit 26 (Revised Staff Report), pp. 7-8.

<sup>16</sup> KCC 17.490.030.

<sup>17</sup> KCC 16.24.040(C)(1)(d).

<sup>18</sup> Ch. 16.24 KCC; Ch. 17.500 KCC.

<sup>19</sup> Exhibits 6, 16 and 19.

<sup>20</sup> Ch. 17.510 KCC.

<sup>21</sup> KCC 17.420.030(C), Ch. 11.40 KCC.

and based on its review of the Preliminary Drainage Report and Preliminary Engineering Plans, found the stormwater management approach supportable.<sup>22</sup>

**1.21 Water and Sewer Service.** West Sound Utility District will provide water and sewer.<sup>23</sup>

**1.22 Utility and Public Services.**

- **Water:** West Sound Utility District
- **Power:** Puget Sound Energy
- **Sewer:** West Sound Utility District
- **Police:** Kitsap County Sheriff
- **Fire:** South Kitsap Fire and Rescue
- **Schools:** South Kitsap School District #402

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

**1.24 Fire Protection.** The Fire Marshal has reviewed the project and included conditions. Fire flow verification and adequate fire apparatus access for emergency responders are required, and will be reviewed through the SDAP.

**1.25 Schools.** The schools serving the project are Manchester Elementary, three miles east; John Sedgwick Middle School, over four miles away; and, South Kitsap High School, 1.3 miles away. Bus service will be provided. The Applicant consulted with the District, and confirmed that with the frontage improvements, the plat can provide a suitable waiting area for busses.<sup>24</sup> DCD also provided South Kitsap School District notice;<sup>25</sup> any comments will be included with the SDAP review. School impact fees are required.<sup>26</sup>

**1.26 Urban Standards – KCC 16.24.040.** These requirements are met.

- Access. *See* above, including § 1.14.
- Public Transit. No additional public transit provisions have been made, but sidewalks are being constructed with the project.
- Non-Motorized Facilities. Sidewalks are required and will be constructed consistent with code. *See* § 1.14.
- Parking. *See* § 1.15.

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<sup>22</sup> Exhibits 5 and 6.

<sup>23</sup> Exhibits 9 and 13.

<sup>24</sup> Exhibit 31.

<sup>25</sup> Exhibit 14 (Notice of Application).

<sup>26</sup> Title 4 KCC; KCC 4.110.220.

- Fire Protection. *See* § 1.24.
- Landscaping. *See* § 1.17.
- Utilities - Water and Sewer. *See* §§ 1.21 and 1.22. The project is served with water and sewer, and by Puget Sound Energy.
- Recreation. The plat will include recreational open space amenities consistent with subdivision standards (28 units x 390 square feet = 10,920 square feet of recreation facilities).<sup>27</sup> The Applicant is proposing 11,584 square feet of recreation area.<sup>28</sup>

**1.27 Adequate Facilities and Improvements - KCC 16.04.080.** Appropriate provisions for facilities and improvements have been made consistent with KCC 16.04.080, to ensure the plat serves the public interest.

- Code/Plan Consistency. The project, as conditioned, follows the Comprehensive Plan and County Code, which provide for attractive urban development adequately supported by urban facilities and services.
- Access. County transportation requirements and plat conditions ensure access requirements are met. *See* § 1.14.
- Safe Walking Conditions. *See* §§ 1.14 and 1.25; sidewalks will be constructed to ensure safe walking conditions.
- Lot Configuration. Lots are not irregular and run at right angles to the street face.
- Homeowners Association. Conditions require property owner maintenance of certain plat conditions. Although an HOA may take responsibility for such work, such associations can be dissolved. Whether or not an HOA takes on these responsibilities, they remain with the ultimate property owners.

**1.28 Single-Family Subdivision – KCC 17.420.037.** The plat meets these requirements.

- Sidewalk Requirements. *See* § 1.14.
- Public Streets and Connectivity Requirements. *See* §1.14.
- Utilities Connectivity Requirements. Utilities are adequately connected.

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<sup>27</sup> KCC 16.24.040(H).

<sup>28</sup> Exhibit 26 (Revised Staff Report), p. 2.

- Landscaping Requirements. *See* § 1.17.
- Off-Street Parking. *See* § 1.15.

**1.29 Conditions.** The Staff Report's proposed conditions are necessary to ensure code requirements are met and to achieve consistency with the above findings. The Applicant's representative confirmed there were no objections or concerns with these conditions. Except as revised here, the Staff Report is incorporated.

## **2. CONCLUSIONS OF LAW**

**2.1** The Hearing Examiner reviews Preliminary Plat applications for consistency with Single-Family Subdivision/Development Standards and platting requirements.<sup>29</sup> These requirements include zoning and platting provisions in Titles 16 and 17, including KCC 16.04.080, KCC 16.24.040, and KCC 17.420.037. These regulations require that plats meet sizing and related requirements (*i.e.*, density, height, setbacks, and landscaping), and be adequately served with necessary infrastructure and services (*i.e.*, stormwater facilities, sewage, water supply, transportation facilities, recreational facilities, and schools).

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

**2.3** Conditions are imposed to ensure County transportation, stormwater, and water/sewer service requirements are complied with. The proposal, as conditioned, and as the findings address, includes provisions to address impacts on drainage; roads, including adequate access and safe walking conditions; water supplies; sanitary wastes; fire protection; landscaping; and other supporting public and private facilities and improvements.

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

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

## **DECISION**

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

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<sup>29</sup> KCC 21.04.100.

## **Planning/Zoning**

1. A Final Subdivision Plat shall be prepared by a licensed Land Surveyor in compliance with KCC Title 16.
2. A Final Landscape Plan shall be provided with the SDAP.
3. Ten feet for utility easement shall be provided on each side of public road rights-of-way.
4. 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.
5. Access to all lots shall be from roads within the proposed plat boundaries. A note to this effect shall be placed on the Final Plat.
6. The names of the roads in this land segregation shall be approved by Community Development prior to final subdivision approval.
7. All required permits shall be obtained prior to commencement of land clearing, construction and/or occupancy.
8. The decision set forth herein is based upon representations made and exhibits contained in the project application (19-04880). 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.
9. 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.
10. A new Authorization Form and Change of Ownership form are required to be submitted prior to issuance of this permit.

## **Development Engineering**

11. If the project proposal is modified from that shown on the submitted site plan dated May 19, 2020, Development Services and Engineering will require additional review and potentially new conditions.

12. Developers agreement for sewer and water will be required prior to final plat.
13. 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.
14. Approval of the preliminary plat shall not be construed to mean approval of the total number of lots or configuration of the lots and tracts. These parameters may be required to be revised for the final design to meet all requirements of KCC Titles 11 and 12.
15. The information provided demonstrates this proposal is a Large Project as defined in KCC Title 12, and as such will require an SDAP from Development Services and Engineering that demonstrates compliance with Minimum Requirements 1-9, as outlined in the Kitsap County Stormwater Design Manual (KCSDM).
16. Stormwater quantity control, quality treatment, and erosion and sedimentation control shall be designed in accordance with KCC Title 12 effective at the time the Preliminary Plat application was deemed complete, November 4, 2019. The submittal documents shall be prepared by a civil engineer licensed in the State of Washington. The fees and submittal requirements shall be in accordance with Kitsap County Ordinances in effect at the time of SDAP application.
17. 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 KCC Title 12 effective at the time the Preliminary Plat application was deemed complete, November 4, 2019.
18. The site plan indicates that greater than one acre will be disturbed during construction. This threshold requires a National Pollutant Discharge Elimination System (NPDES) Stormwater Construction permit from the State Department of Ecology. More information about this permit can be found at: <http://www.ecy.wa.gov/programs/wq/stormwater/construction/> or by calling Josh Klimek at 360-407-7451, email [joshklimek@ecy.wa.gov](mailto:joshklimek@ecy.wa.gov). This permit is required prior to issuance of the SDAP.
19. The Washington State Department of Ecology (Ecology) may require registration of the infiltration trench as a Underground Injection Control (UIC) well in accordance with the Underground Injection Control Program (Chapter 173-218 WAC). The Applicant shall contact Ecology to determine if the facility is regulated under the UIC program.
20. If a significant quantity of grading material will be exported from the site, prior to issuing the SDAP an approved fill site(s) must be identified. Any fill site receiving more than 150 cubic yards of material must obtain an SDAP. Fill sites receiving 5,000 cubic yards or more must have an engineered SDAP.

21. If a significant quantity of grading material will be imported to and/or exported from the site (typically this means five or more trucks leaving the site per hour), a vehicle wheel wash must be included as an element of the siltation erosion control plan.

22. The design of the infiltration facilities will be in accordance with Vol. II, Chapter 5 of the Kitsap County Stormwater Design Manual.

23. 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.

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

25. All lots shall use individual on-site infiltration systems. Before the issuance of building permits, the property owner shall submit to DCD for review, a sketch showing the design and location of a stormwater infiltration facility for the distribution of surface water runoff. Maintenance of these systems will be the responsibility of the homeowner. This condition shall be placed on the face of the Final Plat.

26. Before SDAP acceptance, the Applicant shall submit a set of drawings to the City of Port Orchard for review. The Applicant shall notify Development Services and Engineering in writing when the plans have been submitted to the City. Development Services and Engineering shall coordinate with the City to determine if the City has any comments to the submittal.

27. Upon completion of the storm drainage facilities and roads, the developer will be required to post a two year maintenance bond for the roads and facilities. The developer will be responsible for providing regular and adequate maintenance during this two-year period and supportive maintenance records. Prior to the expiration period, Kitsap County will evaluate performance of the bonded facilities and, if not functioning as designed, will require the project owner to fix. The County may accept properly functioning facilities in accordance with KCC 12.24. Until such time as the County accepts maintenance, the developer must secure the proper functioning and maintenance of the facilities. Wording to this effect must appear on the plat and in the covenants before final recording. Areas proposed to be maintained by the County that are not in the rights-of-way must be shown as a separate tract/s or drainage easement/s with Kitsap County being designated as the grantee.

28. 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.

29. 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.

### **Traffic and Roads**

30. Prior to completion of this permit with DCD, the Applicant shall satisfy all conditions of a Right-of-Way Permit through the Department of Public Works for any and all work performed in the county Right-of-Way associated with this project. Apart from the SDAP, the Right-of-Way permit may require extra work to comply with current Washington State Department of Transportation or Kitsap County Road Standards. You may contact Kitsap County Public Works, Right-of-Way Division at (360) 337-5777 to obtain a Right-of-Way permit.

31. Prior to SDAP approval, the Applicant shall submit a letter of concurrence for roadway improvements and traffic impacts from the City of Port Orchard. The Applicant shall document a good faith effort to obtain such concurrence, including a copy of all written correspondence sent to the City, dates and receipts of submittal to the City (either actual receipts from the City of Port Orchard or parcel delivery receipts). If the City does not respond within the time frame requested by the Applicant, minimum of 20 working days required, the County shall not require further efforts.

32. Submit an Application for Concurrency Test (KCPW Form 1601) as required by Chapter 20.04.030, Transportation Concurrency, of the KCC. The KCPW 1601 form reserves road capacity for the project.

33. Public roads shall not exceed 12% grade or less depending on the road classification per Kitsap County Road Standards.

34. The interior roads of the proposed plat shall be designed and constructed in accordance with KCC 11.22 and the Kitsap County Road Standards for a local access road or an approved higher standard. Roads shall be publicly maintained and the right-of-way dedicated to Kitsap County as proposed.

35. 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.

36. Sidewalk ramps shall conform to the current requirements of the Americans with Disabilities Act per WSDOT standard plans at the time of construction.

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

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

39. Provide surveyed cross-sections at 50-foot intervals along the parcel frontage on Warner Avenue SE. The cross-sections should show existing and proposed pavement, sidewalks, shoulders, ditches and slopes. The cross-sections should also depict centerline of pavement and right-of-way, the right-of-way lines, and easements.

40. Submit plans for construction of the road approach between the edge of existing pavement and the right-of-way line at all intersections with county rights-of-way. Approaches shall be designed in accordance with the Kitsap County Road Standards as established in Chapter 11.22 of the KCC. Existing approaches may need to be improved to meet current standards.

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

42. The developer's engineer shall certify that there is adequate entering sight distance at the intersection of Warner Avenue SE and the plat access road, designated as Road A on the Preliminary Plat drawings. Such certification shall note the minimum required sight distance, the actual sight distance provided, and a sight distance diagram showing the intersection geometry drawn to scale, topographic and landscaping features, and the sight triangle. The sight distance shall meet the requirements of the Kitsap County Road Standards. The certification shall also note necessary measures to correct and maintain the minimum sight triangle.

43. Frontage improvements, consisting of 10-foot travel lanes, vertical curb, gutter and 5-foot wide sidewalk, are required along the entire property frontage on Warner Avenue SE. Frontage improvements shall be from center of travel way.

44. The interior plat roads shall be constructed to Kitsap County Road Standards, with frontage improvements, consisting of 10-foot travel lanes, 8-foot parking strips on both sides, vertical curb, gutter and 5-foot wide sidewalks on both sides.

45. 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, MUTCD Manual on Uniform Traffic Control Devices, NEMA National

Electrical Manufacturer's Association, NEC National Electrical Code, WSDOT Standard Specifications and Standard Plans, and the Occupational Safety and Health Administration (OSHA).

46. Any work within the County right-of-way shall require a Public Works permit and possibly a maintenance or performance bond. This application to perform work in the right-of-way shall be submitted as part of the SDAP process (or building permit if no SDAP is required). The need for and scope of bonding will be determined at that time..

#### **Fire Safety**

47. A 20-foot unobstructed access road is required for dwellings here and after constructed on lots created by this land division.

When required by the Fire Code Official, fire department access roads shall be posted with approved signs or marked as follows: All curbs shall be painted red on the sides and top, and shall be labeled with 4-inch high white lettering at 25-foot intervals with the words "NO PARKING FIRE LANE" IFC 503.3

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

#### **Solid Waste**

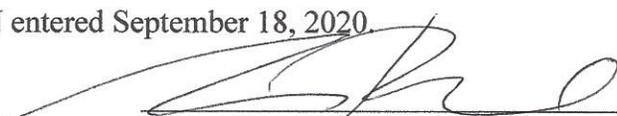
48. The solid waste service provider, Waste Management (360) 674-3166, shall be contacted for information on implementing the service provider's solid waste/recycling storage requirements for the proposed activity. Indicate method of waste disposal on the final plans. Documentation shall be provided by the solid waste/recycling service provider that their requirements for this project have been met.

#### **Kitsap Public Health District**

49. Existing septic tank to be pumped and abandoned per code.

Absent a timely appeal or grant of reconsideration, this Decision is final.<sup>30</sup>

DECISION entered September 18, 2020



Kitsap County Hearing Examiner  
Susan Elizabeth Drummond

<sup>30</sup> Ch. 36.70C RCW (providing requirements for appeal within 21 days to superior court); HE Rule 2.12.1.