



Notice of Hearing Examiner Decision

10/01/2021

To: Interested Parties and Parties of Record

RE: Project Name: Royal Valley Preliminary Plat
 Applicant: ROYAL VALLEY LLC
 PO BOX 2849
 POULSBO, WA 98370-2849
 Application: Preliminary PLAT
 Permit Number: 20-05572

The Kitsap County Hearing Examiner has **APPROVED** the land use application for **20-05572: Royal Valley Preliminary Plat (PPlat)**, 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 or (360) 337-5777.

CC: Owner/Applicant: Royal Valley LLC, ellrosscardoso@gmail.com
 Authorized Agent: Trish Walton with NL Olson & Associates Inc, twalton@nlolson.com
 Engineer: Norm Olson with NL Olson & Associates Inc, nlolson2@nlolson.com
 Project Representative: Berni Kenworthy with Axis Land Consulting,
 berni.kenworthy@axislandconsulting.com
 Project Manager: Steve Yester, syester@therushcompanies.com
 Kitsap County Prosecutor's Office: Lisa Nickel, LNickel@co.kitsap.wa.us; Laura Zippel,
 lzipfel@co.kitsap.wa.us
 Kitsap County Assessor: Assessor@co.kitsap.wa.us

Kitsap County Department of Community Development: Jeff Rimack, Director, jrimack@co.kitsap.wa.us; Angie Silva, Assistant Director, asilva@co.kitsap.wa.us; Scott Diener, Development Services & Engineering Manager, sdiener@co.kitsap.wa.us; Colin Poff, Project Lead, cpoff@co.kitsap.wa.us
Kitsap Sun: sunnews@kitsapsun.com
Interested Parties: Davide Dahlke, dahl@telebyte.com; Kenneth & Susan Olcott – Trustee, olcottken65@gmail.com; Wilber Dahlke, cdahlke@msn.com; Karen Smith, kjsmith360@outlook.com; Linda Buchanan, verdeconfluenceconsulting@gmail.com; Sunny Rocheleau, silverdale@detentemgmt.com; Marian Wiggins, mwiggins7@msn.com; Rosalie Macway, rmacway@wavecable.com; Randy Pratt, rt.pratt@comcast.net; Pat Yeik, yeik@sitestar.net; Ashley Grimes, ashleygrimes56@hotmail.com; Charion Walker, PO Box 3079 Silverdale, WA 98383

**BEFORE THE HEARING EXAMINER
FOR KITSAP COUNTY**

In the Matter of the Application of)	No. 20-05572
)	
Rush Development Company, Inc.,)	Royal Valley Preliminary Plat
on behalf of Royal Valley, LLC,)	
)	FINDINGS, CONCLUSIONS,
<u>For Approval of a Preliminary Plat</u>)	AND DECISION

SUMMARY OF DECISION

The request for a preliminary plat to subdivide two parcels totaling 46.09 acres into 159 single-family residential lots, with associated improvements, located to the northeast of the intersection at Central Valley Road NW and SR 303/NE Waaga Way, is **APPROVED**. Conditions are necessary to address specific impacts of the proposal.

SUMMARY OF RECORD

Hearing Date:

The Hearing Examiner held an open record hearing on the request on September 9, 2021, using remote access technology. The record was left open until September 16, 2021, to allow any member of the public having difficulty connecting to the remote hearing to submit written comments in lieu of live testimony.

Testimony:

The following individuals presented testimony under oath at the open record hearing:

Colin Poff, County Planner
Candy Vickery, County Department of Community Development Engineer
Bob Jewell
Steve Yester, Applicant Representative
Norm Olson
Ken Olcott

Exhibits:

The following exhibits were admitted into the record:

1. Preliminary Plat Plan Set (32 Sheets), dated June 29 and July 22 and 29, 2020
2. Required Permit Questionnaire – Subdivisions – Preliminary, received December 7, 2020
3. Sanitary Sewer Construction Application, dated August 10, 2020
4. Owner Authorization Form, dated August 3, 2020
5. Supplemental Application – Concurrency Test, received December 7, 2020
6. Critical Area Assessment, BGE Environmental, LLC, dated July 30, 2020
7. Geotechnical Engineering Report, GeoResources, LLC, dated July 16, 2020

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8. Fire Flow Analysis, BHC Consultants, LLC, dated May 30, 2017
9. Non-Binding Water Availability Letter, dated July 10, 2020
10. Preliminary Storm Drainage Analysis, N.L. Olson and Associates, Inc., dated July 30, 2020
11. Sewer Availability Agreement, dated July 29, 2020
12. Stormwater Worksheet, received December 7, 2020
13. Submittal Waiver, dated November 25, 2020
14. Traffic Scoping Analysis, SCJ Alliance, dated July 28, 2020
15. Notice of Application, dated January 29, 2021
16. Email from Steve Yester to Tasha Santos and Colin Poff, dated August 2, 2021, with email string
17. Revised Critical Area Buffer Mitigation Plan, BGE Environmental, LLC, dated August 9, 2021
18. Technical Memorandum, BGE Environmental, LLC, dated August 9, 2021
19. Landscaping Plans (7 Sheets), revised August 6, 2021
20. Project Narrative, updated August 9, 2021
21. SEPA Environmental Checklist, dated August 9, 2021
22. Email from Aaron Knight to Steve Yester, dated June 2, 2020, with email string
23. State Route 303 Plan for Approval, revised November 10, 2020
24. State Route 303 Site Access Improvements Plan Set (12 Sheets), dated April 29, 2021
25. Hydraulics Report, SCJ Alliance, dated April 26, 2021
26. Intersection Control Evaluation, SCJ Alliance, dated July 17, 2021
27. Traffic Impact Analysis, SCJ Alliance, dated April 12, 2021
28. Public Comments:
 - a. Comments from Ken Olcott, dated February 8 and 9, 2021, with County Responses, dated February 8 and 9, 2021
 - b. Comment from Brent and Patty Yeik, undated
 - c. Comment from Christian Vosler, dated March 8, 2021, with County Response, dated March 9, 2021
 - d. Comment from Jason Caldwell, dated February 27, 2021
 - e. Comments from Ken Olcott, dated August 30 and September 1, 2021, with Applicant Response, dated August 30, 2021
 - f. Comment from Marsha Masters, dated December 14, 2020, with County Response, dated December 17, 2020
 - g. Comment from Troy Hubbs, dated February 26, 2021
29. Notice of Public Hearing, published August 26, 2021
30. Mitigated Determination of Nonsignificance, dated August 26, 2021
31. Certification of Public Notice, dated January 29 and August 11, 25, and 26, 2021
32. Staff Report, dated September 1, 2021
33. County Staff Presentation, dated September 9, 2021
34. Hearing Sign-in Sheet
35. Additional Public Comments:
 - a. Comment from Marsha Masters, undated

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- b. Comment from Ken Olcott, dated September 3, 2021, with County Response, dated September 8, 2021
 - c. Comment from Ken Olcott, dated September 4, 2021, with County Response, dated September 8, 2021
 - d. Comment from Marian Wiggins, dated September 4, 2021
36. Applicant Presentation
 37. County Staff's Proposed Revisions to Recommended Conditions, dated September 10, 2021
 38. Additional Comments and Materials Submitted following Hearing:
 - a. Comments from Charmion Walker, dated September 9, 2021
 - b. Comment from Washington State Department of Archaeology and Historic Preservation, dated September 9, 2021, with Applicant Responses, dated September 13 and 16, 2021
 - c. Comment from Marsha Masters, dated September 13, 2021
 - d. Comment from Brent and Patty Yeik, dated September 14, 2021, with Applicant Response, dated September 16, 2021
 39. County Staff Responses to Hearing Testimony, dated September 13, 2021

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

FINDINGS

Application and Notice

1. Rush Development Company, Inc., on behalf of Royal Valley, LLC (Applicant), requests preliminary plat approval to subdivide two parcels totaling 46.09 acres into 159 single-family residential lots. Associated improvements would include new interior roads, stormwater management facilities, utilities, open spaces areas, landscaping, and offsite road improvements. The property is located to the northeast of the intersection at Central Valley Road NW and SR-303/NE Waaga Way, between NE Paulson and SR-303/NE Waaga Way.¹ *Exhibit 1; Exhibit 2; Exhibit 19; Exhibit 20; Exhibit 32, Staff Report, pages 1 and 2.*
2. Kitsap County (County) determined the application was complete on December 8, 2020. On January 29, 2021, the County provided notice of the application consistent with the requirements of Kitsap County Code (KCC) 21.04.210 by publishing notice in the County's publishing newspaper of record and by mailing 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 should be submitted at least seven days before the scheduled hearing. On August 11, 2021, the County published

¹ The property is identified by Kitsap County Assessor's Tax Account Nos. 142501-3-034-2004, 142501-3-035-2003, 142501-3-036-2002, 142501-3-037-2001, and 142501-4-050-2001. *Exhibit 32, Staff Report, page 1.* A legal description of the property is included on the Site Plan. *Exhibit 1.*

notice of the associated open record hearing in the County's publishing newspaper of record. On August 25, 2021, the County posted notice of the hearing on-site and mailed notice to property owners within 800 feet of the site and to interested parties. The County received several comments on the proposal from members of the public in response to its notice materials, which are discussed in detail later in this decision. *Exhibit 15; Exhibit 29; Exhibit 31; Exhibit 32, Staff Report, pages 1 and 13; Exhibit 33..*

State Environmental Policy Act

3. The County acted as lead agency and analyzed the environmental impacts of the proposed preliminary plat, as required by the State Environmental Policy Act (SEPA), Chapter 43.21C Revised Code of Washington (RCW). 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 Mitigated Determination of Nonsignificance (MDNS) on August 26, 2021. The County sent its determination to reviewing government agencies the same day and, on August 27, 2021, published its determination in the *Kitsap Sun*, with a comment and appeal deadline of September 10, 2021. *Exhibit 21; Exhibit 30; Exhibit 31; Exhibit 32, Staff Report, page 2.*

4. The County received one comment on the MDNS from the Washington State Department of Archaeology and Historic Preservation (DAHP), dated September 9, 2021, which noted that the project area has the potential to contain archaeological resources, including previously identified graves of members of the Paulson homestead family, and that a professional archaeological survey of the project area should be conducted prior to ground-disturbing activities. The Applicant provided a response to DAHP's comment, dated September 13, 2021, which noted that it had verified that the Paulson homestead family graves are located within critical areas and buffers outside of the development area on which ground-disturbing activities would occur. The Applicant noted that it would continue to consult with the Suquamish Tribe as a component of the Inadvertent Discovery Plan that would be implemented for the proposed development. The MDNS was not appealed. The MDNS requires the Applicant to:
 - Implement stormwater quality and quantity controls pursuant to Title 12 KCC.
 - Comply with the critical areas provisions of Chapters 19.200, 19.300, and 19.700 KCC for all proposed impacts to critical areas and associated buffers.
 - Submit a Cultural Resources Inadvertent Discovery Plan prior to any ground disturbance.
 - Stop development activity and contact the State Historical Preservation Officer, Suquamish Tribe, and the Kitsap County SEPA Official if any archaeological resources are discovered on-site.
 - Design interior public roads to County road standards for local road designation at 25 miles per hour.
 - Coordinate any required frontage and access improvements along SR 303 with the Washington State Department of Transportation (WSDOT) and provide final

WSDOT approval to Kitsap County Public Works prior to issuance of a Site Development Activity Permit (SDAP).

- Complete any intersection improvements required by WSDOT at the westbound off-ramp of SR 303 at Central Valley Road NE prior to final plat approval.
- Limit access to the property from NE Paulson Road to emergency vehicles.
- Pay required traffic impact fees.

Exhibit 21; Exhibit 30; Exhibit 32, Staff Report, page 2; Exhibit 38.b; Testimony of Colin Poff.

Comprehensive Plan and Zoning

5. The property is designated “Urban Low-Density Residential” by the County Comprehensive Plan. County staff identified the following Comprehensive Plan goals and policies as relevant to the proposal:
- Focus current and future planning on infill and redevelopment of existing Urban Growth Areas. [Land Use Goal 1]
 - In accordance with Kitsap County Health District and Washington State requirements, require connection to a public sewer system for new or extensively remodeled development located within 200 feet of the public sewer system, and within an urban growth area. [Land Use Policy 11]
 - Promote health in the built environments. [Land Use Goal 2]
 - Review spatial requirements and proximity as considerations when requiring new development to provide connectivity to existing trails, paths, and sidewalks and seek locations and means to expand existing trail system. [Land Use Policy 12]
 - Support more dense residential areas with access to transportation, urban amenities, goods and services, physical activity, and healthy foods. [Land Use Goal 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]
 - Promote housing preservation and development in areas that are already well-served by schools, public transportation, and commercial facilities and have adequate infrastructure to support alternative modes of transportation. [Land Use Policy 16]
 - Direct development to designated Urban Growth Areas consistent with projected population growth, the Growth Management Act, and Countywide Planning Policies, while considering development patterns that reduce sprawl, use urban land more efficiently, and incorporate feasible, innovative, and sustainable practices. [Land Use Goal 6]
 - Through application of Growth Management Act goals, increase density in urban areas and limit sprawl in rural lands. [Land Use Policy 29]

Exhibit 32, Staff Report, pages 6, 10, and 11.

6. The property is zoned Urban Cluster Residential (UCR). The purpose of the UCR zone is as follows:

The urban cluster residential zone is intended to apply to areas that are characterized by large contiguous ownership parcels capable of development as a single, unified project. Clustering of appropriate residential densities in areas most suitable for such development, while simultaneously providing a high level of protection for wetlands, streams, critical aquifer recharge areas and wildlife habitat areas, is encouraged. Flexibility related to site planning and affordable housing through innovative design is also encouraged, as the exact locations of uses should be based on the location of critical areas, transportation corridors, community needs and market conditions.

At the same time, the UCR zone should foster a development pattern that results in the design and construction of an interconnected system of pedestrian and bicycle trails and facilities linking residential neighborhoods with open spaces, recreational areas, transportation corridors and retail and employment opportunities, both within and outside the zone.

KCC 17.210.010. Exhibit 32, Staff Report, page 6.

7. Development of detached, single-family residences is a permitted use in the UCR zone. *KCC 17.410.042.* The UCR zoning district provides for a minimum density of five dwelling units per acre and a maximum density of nine dwelling units per acre. *KCC 17.420.052.* The proposed development would result in a density of 8.95 dwelling units per acre, in accord with these requirements. Lots within the UCR zone are required to have a minimum lot size of 2,400 square feet, maximum lot size of 9,000 square feet, minimum lot width of 40 feet, and minimum lot depth of 60 feet. *KCC 17.420.052.* The Applicant's project plans demonstrate that the proposed lots would comply with these dimensional standards. The County would review the proposed development for compliance with applicable building height and setback requirements at the building permit stage. *Exhibit 1; Exhibit 20; Exhibit 32, Staff Report, pages 6 and 7.*

Existing Site and Surrounding Property

8. The 46.09-acre property is largely undeveloped and consists of forest and pasture areas. As discussed in further detail below, the subject property contains several critical areas and associated buffers, which are generally located along the eastern and western borders of the property. NE Paulson Road borders the property to the north, and properties to the north of NE Paulson Road are zoned "Rural Residential" (RR) and are developed with single-family residences. Properties to the west are zoned UCR and RR and consist of critical areas, agricultural land, single-family residences, and a convenience store. Properties to the east are zoned UCR and consist of critical areas, undeveloped land, and

North Perry Avenue Water District property. Properties immediately to the south of the subject property are zoned UCR and consist of three parcels upon which the Applicant plans to construct access and utility improvements necessary to serve the proposed development. The parcels currently contain six small to medium structures, utilities, and parking areas that are associated with a former golf driving range and current drive-through coffee stand. The parcels have been identified by the Applicant as areas of potential future residential development. Properties further to the south, across SR 303, are zoned “Urban Restricted” and “Urban Low” and are developed with single-family residences and a religious institution. *Exhibit 1; Exhibit 6; Exhibit 20; Exhibit 32, Staff Report, pages 4 through 8.*

Critical Areas

9. BGE Environmental, LLC (BGE), prepared a Critical Area Assessment for the Applicant, dated July 30, 2020, which identified 10 jurisdictional wetlands (Wetlands A through J) in the project area; the area includes both the subject property as well as the three parcels to the south, which have been identified for potential future development and would contain access and utility improvements necessary to serve the proposed subdivision. BGE also identified four offsite wetlands (Wetlands DD through GG) within 250 feet of the project boundary. BGE determined that Wetlands A, C, D, and G are Category IV wetlands requiring 50-foot protective buffers; Wetlands B, E, F, and H are Category III wetlands requiring 80-foot protective buffers; Wetlands I and J are Category III wetlands requiring 150-foot protective buffers; offsite Wetlands EE, FF, and GG are Category IV wetlands requiring 50-foot protective buffers; and offsite Wetland DD is a Category III wetland requiring a 150-foot protective buffer. A portion of Wetland F and the entirety of Wetlands G, H, I, and J are located along the western boundary of the subject property. Offsite wetlands DD through GG are located to the east of the property’s eastern boundary line and have protective buffers that extend onto the property. Wetlands A through E, and the remaining portion of Wetland F, are located on the parcels immediately to the south of the subject property. BGE also identified three Type F waterbodies requiring 150-foot protective buffers on the property, which include Crouch Creek along the eastern boundary of the property, a tributary to Hoot Creek along the western boundary of the property, and Insanity Lake Creek, which consists of the overflow from an existing stormwater pond at the southeast corner of the property. In addition, BGE identified a Type F/Type N waterbody requiring 150-foot and 50-foot protective buffers in the eastern portion of the parcels to the south of the property. *Exhibit 6; Exhibit 17; Exhibit 20; Exhibit 21; Exhibit 32, Staff Report, pages 3 through 5, 31, and 32.*
10. The proposed development would result in impacts to the buffers associated with Wetland J, Insanity Lake Creek, and the Type F/Type N waterbody on the parcel to the southeast. BGE prepared a Critical Area Buffer Mitigation Plan addressing these proposed impacts, dated August 9, 2021. The Applicant proposes to reduce a portion of the Wetland J buffer by 25 percent, from 150 feet to 112.5 feet, to accommodate construction of a stormwater pond at the northeast corner of the property, as permitted

under the buffer averaging provisions of *KCC 19.200.220.B.1*. The proposed reduction would impact 9,421 square feet of buffer area, and to mitigate for this impact, the Applicant would establish and enhance 65,000 square feet of buffer area. The Applicant also proposes to reduce the buffer associated with the Type F/Type N waterbody on the parcel to the southeast by 25 percent to accommodate construction of an offsite pump station and stormwater pond that would serve the proposed subdivision, as permitted under *KCC 19.200.220.B.2*. The proposed reduction would impact 46,545 square feet of buffer area, and to mitigate for this impact, the Applicant would enhance the remaining buffer area associated with the Type F/Type N waterbody. In addition, the Applicant proposes to redevelop the existing Insanity Lake stormwater pond at the southeast corner of the property, which would result in impacts to the Insanity Lake Creek buffer. County staff determined that the proposed restoration activity would be exempt from requirements of the County critical areas ordinance under *KCC 19.100.125.E*, which provides an exemption for normal and routine maintenance or repair of existing utility structures. The proposed redevelopment of the stormwater pond would include channel restoration, installation of habitat elements, and buffer enhancements. *Exhibit 6; Exhibits 17 through 21; Exhibit 32, Staff Report, pages 3 through 5, 31, and 32.*

11. GeoResources, LLC, prepared a Geotechnical Engineering Report (GER) for the Applicant, dated July 16, 2020. The project area generally slopes up, from the west to the east, to an upper ridge that runs through the central portion of the site before sloping back down to the east and northeast. From the west, the site slopes up, to the east and southeast, at an approximate 2 to 8 percent gradient toward the toe of the upland ridge area. The site then slopes up to the east toward the top of the ridge at about 10 to 35 percent before sloping back down to the east at about 6 to 35 percent. From the eastern toe of the ridge, the site is generally level to gently sloping down to the northeast. Crouch Creek flows along the northeastern portion of the site and contains side slopes at an approximate 40 to 70 percent gradient. The GER identified the slopes in the upper central and western portion of the site as slight to moderate erosion hazards and identified the steep slopes along Crouch Creek as severe erosion and moderate landslide hazards. The GER determined that a 25-foot span of native vegetation and an additional 15-foot building setback would be required from the top of the steep slopes along Crouch Creek. The GER further determined that the potential for erosion to impact the project site or adjacent parcel would be minimal if the project implements typical erosion and sediment control best management practices. The GER also identified seismic hazards areas in the project area and provided recommendations for seismic design, as well as recommendations related to foundation support, slab-on-grade floors, retaining walls, temporary excavations, permanent cut and fill slopes, site drainage, infiltration, and earthwork. *Exhibit 7; Exhibit 32, pages 4 through 6.*

Access, Parking, and Traffic

12. Primary access to the property would be from SR 303/NE Waaga Way via a new roadway (Road A) that would be constructed through an adjacent parcel to the south.

The new roadway would extend through the center of the property to provide access to several of the individual residential lots, with access to the remaining lots provided by two additional internal roads (Roads B and C). The proposed new internal roadways would include 5-foot-wide sidewalks on both sides. Following consultation with WSDOT, the Applicant has proposed to design the new access intersection along SR 303 to provide full access for vehicles entering the development but right-out only access for vehicles exiting the development. Associated improvements to SR 303 would include a new deceleration/turn lane to accommodate safe access into the development. The Applicant submitted to WSDOT a Plan for Approval for the proposed access design, which WSDOT approved on November 23, 2020. The Applicant would be required to submit to the County an executed Developer Agreement with WSDOT for the proposed improvements to SR 303 prior to issuance of a site development activity permit. Additional emergency access to the subdivision would be provided from NE Paulson Road to the north. The proposed emergency access would be gated and would not accommodate pedestrian or bicycle access. *Exhibit 1; Exhibit 16; Exhibits 20 through 27; Exhibit 32, Staff Report, pages 2, 4, 5, 9, 14, 28, 29, and 33.*

13. SCJ Alliance prepared a Traffic Impact Analysis (TIA) for the Applicant, dated April 12, 2021. The TIA analyzed the anticipated traffic impacts of both the current proposal for 159 single-family residences and a potential future development on adjacent parcels, to the south, with up to 196 single-family residences and 100 apartment units. The TIA determined that the current proposed project would generate an additional 157 PM peak-hour trips and that the potential future development would generate an additional 238 PM peak-hour trips, for a total of 395 PM peak-hour trips. The TIA also determined that the proposed intersection along SR 303 and the new site access roadway would operate at Level of Service (LOS) D after a full buildout of both the current proposal and potential future development, which WSDOT deems an acceptable LOS standard for SR 303. In addition, the TIA determined that the four-way intersection at Central Valley Road, NW Bucklin Hill Road, and the Eastbound SR 303 Ramps would continue to operate at LOS D after a full buildout of both the current proposal and the potential future development but that the intersection at Central Valley Road NW and the westbound SR 303 ramps would operate at LOS F with or without the proposed and potential development projects.

At the request of WSDOT, SCJ Alliance prepared an Intersection Control Evaluation (ICE), dated July 17, 2021, to determine appropriate mitigation for the project's impacts to the intersection at Central Valley Road NW and the westbound SR 303 ramps. The ICE evaluated the feasibility of several intersection control alternatives, including re-striping an existing left-turn lane to a two-way left-turn lane, constructing a single-lane roundabout, or installing traffic signal controls. The ICE determined that construction of a roundabout would not be feasible because it would require road widening that would impact nearby critical areas and that both the re-striping and traffic signal alternatives would allow the intersection to operate at an acceptable LOS with the proposed and potential future development. The ICE ultimately recommended that the re-striping

alternative be implemented, noting that its projected cost would be approximately \$30,000 and that the \$450,000 projected cost for constructing the traffic signal alternative would render it infeasible at this time. WSDOT is in the process of reviewing the Applicant's proposed intersection improvements, and as noted above, the Applicant would be required to submit to the County an executed Developer Agreement with WSDOT for the proposed SR 303 improvements prior to issuance of a site development activity permit. *Exhibit 1; Exhibit 14; Exhibit 16; Exhibits 20 through 28; Exhibit 32, Staff Report, pages 2, 4, 5, 9, 14, 28, 29, and 33.*

14. KCC 17.490.030 requires that subdivisions provide 2 off-street parking spaces and 0.5 on-street parking spaces for each single-family residential lot. Accordingly, the Applicant would be required to provide a minimum of 398 parking spaces, with a minimum of 318 off-street parking stalls, for the 159 proposed single-family residential lots. County staff reviewed the Applicant's project plans and determined that it would satisfy this requirement. *Exhibit 1; Exhibit 19; Exhibit 32, Staff Report, pages 19, 24, 25, and 28.*

Stormwater

15. N.L. Olson and Associates, Inc., prepared a Preliminary Storm Drainage Analysis for the Applicant, dated July 30, 2020. Stormwater runoff from approximately 25 percent of the site currently discharges to the west into a tributary of Hoot Creek, with runoff from the remaining area of the site discharging to the east toward Crouch Creek. Runoff from new pollution-generating impervious surfaces would be collected and conveyed to Filterra devices for water quality treatment before being directed to stormwater ponds designed to release runoff at predevelopment flow rates, in accord with the requirements of the Kitsap County Stormwater Drainage Manual. County Development Services and Engineering reviewed the project's proposed stormwater management measures and determined that, with conditions, the concept would be supportable in its approach to civil site development. The County would review the Applicant's final engineered drainage plans for compliance with applicable stormwater drainage requirements with the site development activity permit application. The Applicant would be required to obtain a National Pollutant Discharge Elimination System (NPDES) Stormwater Construction permit prior to issuance of a site development activity permit. *Exhibit 1; Exhibit 10; Exhibit 12; Exhibit 20; Exhibit 32, Staff Report, pages 3, 21, 31, and 37.*

Open Space and Landscaping

16. The proposed subdivision would be required to provide 390 square feet of recreational open space per lot, which amounts to 62,010 square feet of required recreational open space for the 159 proposed lots. *KCC 16.24.040.H*. The Applicant proposes to exceed this requirement by providing 63,210 square feet of active and passive recreation space in several dedicated tracts within the subdivision. The Applicant would plant street trees in accord with the landscaping requirements of *KCC 16.24.040.F* and Kitsap County Road Standards. The project would be required to provide landscaping on a minimum of 15

percent of the total site area, which amounts to 6.91 acres of required landscaped areas for the 46.09-acre property. *KCC 17.500.025*. The Applicant proposes to exceed this requirement by providing landscaping on 18.27 acres of the site. Residential subdivisions abutting a rural zone require 25 to 50 feet of sight-obscuring, screening vegetation. *KCC 17.500.027.B.2*. The Applicant proposes to provide a 50-foot landscape buffer along the northern property line to visually screen the proposed development from RR-zoned properties to the north. The landscape buffer would retain existing native trees and shrubs, and the Applicant would install understory plantings as necessary to ensure adequate screening. The Applicant also proposes to provide the required screening from RR-zoned properties to the west through existing vegetation and critical area buffers along the western property line. With respect to proposed lots 22-26 at the northwest portion of the development area, the required landscape screening would be located on adjacent property to the west. The County would verify at the site development activity permit stage that the proposed landscape separation for lots 22-26 meets the intent of *KCC 17.500.027.B*. All potential common open space, buffers, and stormwater management areas would be labeled as separate tracts, and the ownership and maintenance responsibility of these areas would be addressed on the face of the final plat, as well as in the Covenants, Conditions, and Restrictions (CCRs). The County would review the Applicant's final landscape plan for compliance with applicable open space and landscaping standards with the site development activity permit application. *Exhibit 1; Exhibit 19; Exhibit 20; Exhibit 32, Staff Report, pages 25, 27 through 30, 35, and 41.*

Utilities and Services

17. The single-family homes within the subdivision would be served by the North Perry Avenue Water District. The North Perry Avenue Water District provided a non-binding letter of water availability, dated July 10, 2020, which noted that a main extension or other capital facility improvement may be required to provide water service to the property. The Applicant would be required to submit a binding water availability letter with the site development activity permit application. Kitsap County Public Works would provide sanitary sewer services. The Applicant entered into a Sewer Availability Agreement with the County, dated July 29, 2020. The Applicant would be required to submit a complete set of sewer plans, profiles, and specifications demonstrating compliance with County sewer utility standards and regulations. Puget Sound Energy would provide power service to the property. Kitsap County Public Health District has reviewed and preliminarily approved the proposal. The Kitsap County Fire Marshal's Office reviewed the proposed development and has recommended approval with conditions addressing adequate emergency vehicle access and fire flow requirements. *Exhibit 8; Exhibit 9; Exhibit 11; Exhibit 32, Staff Report, pages 9, 33, 34, 41, and 42.*

18. Students residing in the subdivision would be served by the Central Kitsap School District. County staff notes that there are no school facilities within a mile of the proposed subdivision and, therefore, it would be unlikely that student residing at the subdivision would be within walking distance of a school. As noted above, the proposed

new access roadway and all proposed internal roadways would include 5-foot-wide sidewalks on both sides, which would ensure safe walking conditions to any school bus stops located within the subdivision. The County determined that sidewalks would not be required to be installed along NE Paulson Road to maintain the existing rural character of the area and because access to the property from this location would be limited to emergency vehicles. The portion of SR 303 bordering the adjacent properties to the south and providing access to the proposed subdivision does not include existing pedestrian infrastructure or pedestrian crossing due to the road width and vehicular speeds along this stretch of the road. The County determined that a non-motorized east-west connection along the north side of SR 303 to Central Valley Road would not be feasible due to the location of Wetlands C and D in the southeast portion of the project area. SR 303 is not a County-maintained road, and WSDOT standards apply to improvements along SR 303. As part of the Applicant's approved Plan for Approval to WSDOT, improvements to SR 303 would include a continuous 5-foot-wide accommodation for bicycle use on the north side of SR 303. As noted above, the Applicant would be required to submit to the County an executed Developer Agreement with WSDOT for the proposed SR 303 improvements prior to issuance of a site development activity permit. *Exhibit 1; Exhibit 16; Exhibit 20; Exhibit 22; Exhibit 23; Exhibit 32, Staff Report, pages 9, 19, and 23.*

Written Comments

19. As noted above, the County received several written comments on the proposal from members of the public, which generally raised concerns about the project's impacts to traffic, stormwater, and the existing rural character of property along NE Paulson Road. Specifically:
- Ken Olcott submitted several comments that raised concerns about the proposed location for emergency vehicle access to the property from NE Paulson Road and about whether a 50-foot buffer would be adequate to maintain the rural character of NE Paulson Road. He also raised concerns about the proposed project's traffic impacts and about whether adequate notice of the proposal had been provided to the public.
 - Brent and Patty Yeik submitted a comment noting that their property has existing drainage issues and raising concerns about the proposal's stormwater impacts.
 - Christian Vosler requested additional information about the zoning history of the property.
 - Jason Caldwell raised concerns about the traffic and safety impacts of the proposal.
 - Marsha Masters submitted comments opposing the project, noting her concerns about increased density in the area and its impacts on wildlife habitat and the neighborhood's existing rural character. She also raised concerns about the proposal's traffic impacts.

- Marian Wiggins raised concerns about the traffic and safety impacts of the proposal, noting that there are existing issues with vehicles speeding along SR 303.

Exhibit 28; Exhibit 32, Staff Report, pages 13 and 14; Exhibit 35.

20. The County provided responses to several of the comments on the proposal, which, as summarized here, note:

- Access to the property from NE Paulson Road would be limited to emergency vehicles. The emergency access would be gated and would not be designed to accommodate pedestrians or bicycles.
- The Applicant's traffic consultant provided a Traffic Impact Analysis addressing the proposal's traffic impacts.
- The development would include a 50-foot landscaped buffer to the north of the site along NE Paulson Road, in accordance with County code requirements.
- Traffic leaving the site would be right-turn only. WSDOT does not require or desire a traffic light at this location.
- The Applicant's project engineer, N.L. Olson and Associates, provided a detailed memorandum addressing stormwater concerns, which clarified that only approximately 25 percent of the project site drains toward Hoot Creek, with a majority of the site draining east toward Crouch Creek. Proposed stormwater facilities would be required to capture and store stormwater so that runoff would mimic old growth forest conditions, which would result in less flow than the current agricultural and recreational uses of the property and would improve downstream conditions.

Exhibit 28, Exhibit 32, Staff Report, pages 13 and 14; Exhibit 35.

Testimony

21. County Planner Colin Poff testified generally about the proposal and how it would be consistent with the Comprehensive Plan, would comply with the zoning code and critical areas ordinance, and would satisfy the criteria for approval of a preliminary plat. He noted that the proposal is to subdivide two parcels totaling 46.09 acres into 159 single-family residential lots but explained that the project area includes three additional parcels to the south to accommodate necessary access and utility improvements that would serve the residential development. Mr. Poff explained that 17.75 acres of the 46.09-acre property would be developed with the residential lots, with the remaining areas to be dedicated as tracts for access and roads, stormwater management facilities, utilities, landscaping, open space, and critical areas and associated buffers. He stated that access to the property would be provided from SR 303/NE Waaga Way to the south, with only emergency vehicle access provided from NE Paulson Road to the north. Mr. Poff stated that the property contains several wetlands and streams on-site and that the proposal would result in unavoidable impacts to the buffer associated with Wetland J at the northwest corner of the property to accommodate construction of a stormwater pond, the buffer associated with Wetland J at the northwest corner of the property, the buffer

associated with a Type F/Type N waterbody on an adjacent parcel to the southeast to accommodate construction of an offsite pump station and stormwater pond that would serve the proposed development, and to Insanity Lake Creek to accommodate redevelopment of the existing Insanity Lake stormwater pond. He explained that the Applicant would mitigate for these impacts in accordance with the County's critical areas ordinance. Mr. Poff detailed how the proposal would meet all development standards for the UCR zone, including standards related to minimum and maximum density, minimum and maximum lot sizes, minimum lot widths and depths, landscaping, and recreational open space. He also detailed how the proposed internal roads would be constructed in compliance with County road standards. Mr. Poff stressed that the Applicant would be responsible for coordinating with WSDOT for any required frontage and access improvements along SR 303 and that final WSDOT approval would be required before issuance of a site development activity permit. Mr. Poff also explained that access from NE Paulson Road would be limited to emergency vehicles and that the Applicant would provide a minimum 50-foot landscape buffer along the road, which would ensure that the existing rural character of the area would be maintained. He further explained how the concerns about the project's traffic and stormwater impacts were addressed by the Applicant's TIA and Preliminary Storm Drainage Analysis for the project, stressing that the analyses included potential impacts from conceptual future development of the parcels to the south of the subject property. *Testimony of Mr. Poff.*

22. County Department of Community Development Engineer Candy Vickery briefly explained the County's process for determining whether a proposed development project would meet applicable concurrency requirements. *Testimony of Ms. Vickery.*
23. Bob Jewell, of SCJ Alliance, testified about the Traffic Impact Analysis prepared for the proposed development. He explained that the extensive traffic scoping process conducted prior to preparing the TIA had determined which County and WSDOT roads and intersections would have to be evaluated to determine if the proposed project would have impacts requiring mitigation measures. Mr. Jewell explained that "Level of Service" (LOS) is a quantitative analysis of delay at an intersection and that the TIA determined that all studied intersections would continue to operate at an acceptable LOS with the proposed development, except for the intersection at Central Valley Road NW and the westbound SR 303 ramps. He noted that WSDOT is in the process of reviewing the Applicant's proposal to mitigate for the project's impacts to this intersection by re-striping an existing left-turn lane to a two-way left-turn lane. Regarding concerns from members of the public about the proposed access intersection along SR 303, Mr. Jewell explained that the Applicant had wanted to install a traffic signal at the new intersection, but WSDOT raised concerns that it would be located too close to the existing SR 303 interchange to the west. He noted that WSDOT has approved the proposal to design the intersection to provide only right-out access for vehicles exiting the development, with a new deceleration/turn lane along SR 303 to accommodate safe access into the development from either direction. Mr. Jewell stated that the Applicant anticipates

finalizing a Developer Agreement with WSDOT for improvements to SR 303 by the end of the year. *Testimony of Mr. Jewell.*

24. Applicant Representative Steve Yester, of Rush Development Company, Inc., testified that the proposal would be consistent with the purpose of the UCR zone by clustering residential development at an appropriate density in an area suitable for such development while protecting on-site critical areas. He addressed the general concerns raised by members of the public. Regarding concerns about the potential impacts to the existing rural character along NE Paulson Road, he noted that the project would provide a landscape buffer along the property's frontage with NE Paulson Road in accordance with code requirements and that only emergency vehicle access would be provided from the road. Regarding concerns about additional traffic on NE Paulson Road, Mr. Yester noted that vehicles exiting west from the subdivision on SR 303 and seeking to travel east would not likely use NE Paulson Road as an alternative eastbound route rather than circling back on SR 303 because of the additional distance and travel time that would be required. *Testimony of Mr. Yester.*
25. Norm Olson, of N.L. Olson and Associates, testified that the Applicant would obtain a site development activity permit to allow fill from the project area to be relocated to the future development areas on the parcels to the south of the subject property. He discussed how stormwater would be managed on-site, noting that the drainage analysis for the project accounts for the additional capacity required to accommodate potential future development on the parcels to the south of the property. Mr. Olson also explained that several stormwater ponds would be utilized for both the current development proposal and potential future development activity because site conditions are not suitable for full infiltration. He addressed a concern raised by neighboring property owners about stormwater impacting their property, noting that, in addition to designing stormwater management features that would reduce stormwater flow from the site, the neighbors' property is located upstream of the location where stormwater runoff from the site would ultimately discharge, and, therefore, their property would not be impacted by the proposal. Mr. Olson explained that the final design for stormwater management would likely include features to provide hydrologic recharge to wetlands in the project area. *Testimony of Mr. Olson.*
26. Ken Olcott testified that he lives in the area and has concerns about future residents of the subdivision using NE Paulson Road as an alternative eastbound route. He stated that he has concerns that the TIA prepared for the project addresses only impacts to SR 303 and does not address the project's impacts to County-maintained roads and intersections, noting that people who want to avoid delays on SR 303 may utilize county roads and thereby increase traffic to those roads. Mr. Olcott stressed that he does not oppose the project generally but wants to ensure that it would adequately mitigate for its impacts. *Testimony of Mr. Olcott.*

27. In response to Mr. Olcott's testimony, Mr. Jewell stated that that the TIA for the project was prepared consistent with all applicable County and WSDOT requirements.
Testimony of Mr. Jewell.

Additional Materials

28. The Hearing Examiner left the record open until September 16, 2021, in light of the applicable SEPA comment and appeal period ending on September 10, 2021, and to allow for submission of additional comments on the proposal. As noted above, the MDNS issued for the proposal was not appealed. The County received the following additional comments from members of the public, and Applicant responses thereto, prior to the close of the record:
- Charmion Walker raised concerns that a traffic signal would be installed at the access intersection location on SR 303, which would impede her ability to exit her property along SR 303. The Applicant provided a response to Ms. Walker's comment, which noted that no traffic signal would be installed at that location.
 - Marsha Masters raised concerns about the stormwater impacts of the proposed development, noting that she has been in contact with WSDOT about existing culverts under Bucklin Court and the SR 303 ramps being blocked with trees, brush, and other overgrowth, which causes water to be diverted to her property.
 - Brent and Patty Yeik reiterated their previous concerns about the proposal's stormwater impacts to their property, noting that, while they appreciated the Applicant's clarifications at the hearing about stormwater management measures for the proposed development, they are unclear about how the proposal would result in less stormwater runoff. They requested additional detailed information about the proposed stormwater management system. The Applicant provided a response to the Yeik's concerns, which included the additional detailed information requested by the Yeiks.

Exhibit 38.

29. In addition to the above material, the County submitted, after the hearing, a request to revise the language of two of its recommended conditions and to add an additional condition, all of which have been incorporated in this decision. The County also provided additional information regarding the traffic analysis prepared for the project in response to the concerns raised at the hearing by Mr. Olcott, which note that: the County follows the Institute of Transportation Engineers (ITE) recommended practices for transportation impact analysis for site development; ITE guidance indicates that the scope and extent of a traffic study be based on project's area of influence, which here included only the substantially impacted intersections along SR 303 that were included in the TIA; site traffic would be expected to dissipate substantially beyond those intersections such that county road intersections outside the area of influence would not be required to be analyzed in the TIA; traffic counts were collected according to industry standards; and it is fair to conclude that, based on the TIA trip distribution assumptions and proposed

mitigation, cut-through traffic on NE Paulson Road would not occur. *Exhibit 37; Exhibit 39.*

Staff Recommendation

30. County staff recommends approval of the preliminary plat, with conditions. *Exhibit 32, Staff Report, pages 35 through 43.*

CONCLUSIONS

Jurisdiction

The Kitsap County Hearing Examiner is authorized to approve, approve with conditions, or deny a preliminary plat application through a Type III review process. *KCC 2.10.070; KCC 16.04.080; KCC 21.04.050; KCC 21.04.080; KCC 21.04.100.*

Criteria for Review

Preliminary Plat

At the open record hearing, the Hearing Examiner must consider all relevant evidence to determine whether to approve the preliminary plat. The Hearing Examiner must determine whether the proposal includes appropriate provisions 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, and sidewalks or other planning features that assure safe walking conditions for students who only walk to and from school. The Hearing Examiner must also determine whether the proposed subdivision complies with the Comprehensive Plan and Kitsap County Code and whether the public use and interest would be served by the proposal. *KCC 16.04.020; KCC 16.04.080; KCC 16.24.040; KCC 16.40.030; KCC 21.04.080; KCC 21.04.100.*

The criteria set forth in the Kitsap County Code are substantially similar to those in the Revised Code of Washington (RCW) 58.17.110(1)). The application must also comply with the subdivision criteria described in the RCW before it can be approved. RCW 58.17.110(1) provides that appropriate provisions must be made for the public health, safety and general welfare, for open spaces, drainage ways, streets or roads, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, parks and recreation, playgrounds, schools and school grounds 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 the public interest must be served by the subdivision.

The criteria for review adopted by the Kitsap County Board of County Commissioners are designed to implement the requirement of Chapter 36.70B RCW to enact the Growth Management Act and of RCW 58.17.110 to enact subdivision codes. 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 proposal would satisfy the requirements for preliminary plat approval under KCC 16.04.080, KCC 16.24.040, and KCC 16.40.030.** The County provided reasonable notice and opportunity to comment on the proposal. The County received several comments on the proposal from members of the public, which generally raised concerns about the project's impacts to traffic, stormwater, and the existing rural character of property along NE Paulson Road. The Applicant's TIA analyzed the anticipated traffic impacts of both the current proposal to develop 159 single-family residences and the potential future development of adjacent parcels to the south with up to 196 single-family residences and 100 apartment units. County staff determined that the TIA was consistent with County requirements, which do not require analysis of impacts to County-maintained intersections outside of the project's area of influence. The TIA determined that all intersections required to be analyzed would continue to operate at an acceptable Level of Service (LOS) with the proposed and potential future development, except for the intersection at Central Valley Road NW and the westbound SR 303 ramps. This intersection is not maintained by the County and, instead, is under the jurisdiction of the Washington State Department of Transportation (WSDOT). After analyzing the feasibility of several intersection control alternatives, the Applicant has proposed to mitigate the project's impacts to this intersection by re-striping an existing left-turn lane to a two-way left-turn lane, which would result in the intersection operating at an acceptable LOS. WSDOT is currently in the process of reviewing this proposed intersection improvement and has approved the proposed design for the new intersection providing access to the subdivision from SR 303, which would provide right-out only access for vehicles exiting the development and would include a new deceleration/turn lane on SR 303 to accommodate safe access into the development. The Applicant would be required to submit to the County an executed Developer Agreement with WSDOT for any proposed SR 303 improvements prior to issuance of a site development activity permit.

Stormwater runoff from pollution-generating surfaces on-site would be collected and conveyed to water quality treatment devices and then directed to stormwater ponds designed to release runoff at predevelopment flow rates, in compliance with requirements of the Kitsap County Stormwater Drainage Manual. The County Development Services and Engineering Department reviewed the Applicant's proposed stormwater management system and determined that it would be feasible. The Applicant would be required to submit final engineered drainage plans demonstrating compliance with applicable stormwater drainage requirements before issuance of a site development activity permit. The proposal to limit access from NE Paulson Road to emergency vehicles and to provide a 50-foot landscape buffer along the road consistent with County landscape requirements

would ensure that the existing rural character of properties along the road would be maintained.

The County analyzed the environmental impacts of the proposal, determined that with mitigation measures the proposal would not have probable significant adverse impacts on the environment, and issued a Mitigated Determination of Nonsignificance (MDNS) on August 26, 2021, which was not appealed. The County received one comment on the MDNS from the Washington State Department of Archaeology and Historic Preservation (DAHP), which noted that the project area likely contains previously identified graves of historical significance and recommended that a professional archaeological survey of the project area be conducted prior to ground-disturbing activities. In response, the Applicant asserts that it has verified that the previously identified graves are located outside of the proposed development area and that it would comply with an Inadvertent Discovery Plan required under the MDNS. The Hearing Examiner, however, has not been provided with any documentation from DAHP confirming the Applicant's assertion. Accordingly, to ensure that the proposal would not adversely affect archaeological resources, approval of the preliminary plat application is conditioned upon the Applicant following DAHP's recommendation for a professional archaeological survey of the project area prior to ground-disturbing activities, unless the Applicant provides the County with confirmation from DAHP that its recommendation may be waived or otherwise modified.

The development of detached, single-family residences is a permitted use in the Urban Cluster Residential (UCR) zone, and the proposal would comply with development standards applicable to the UCR zoning district, including standards for required density, lot sizes, lot dimensions, landscaping, parking, and recreational open space. The proposed development would be consistent with Comprehensive Plan goals and policies promoting infill residential development on underdeveloped land with adequate access to public utilities and infrastructure. The project area, which includes both the subject property as well as the three parcels to the south that would be developed with access and utility improvements necessary to serve the subdivision, contains several regulated wetlands, Type F waterbodies, and their associated buffers. The proposed development would result in impacts to the buffers associated with three of these critical areas (Wetland J, Insanity Lake Creek, and a Type F/Type N waterbody on an adjacent parcel to the southeast) to accommodate necessary stormwater and utility improvements. The Applicant's Critical Area Buffer Mitigation Plan demonstrates that the project would appropriately mitigate for these impacts in accord with the requirements of the County's critical areas ordinance.

The proposed subdivision would be adequately served by public water and sanitary sewer. The subdivision would be served by the Central Kitsap School District and would not be within walking distance of any area schools. New internal roadways serving the subdivision would include 5-foot-wide sidewalks on both sides, which would ensure safe

walking conditions to any school bus stops located within the subdivision. Kitsap County Public Health District has reviewed and preliminarily approved the proposal. The Kitsap County Fire Marshal's Office reviewed the proposed development and has recommended approval, with conditions addressing adequate emergency vehicle access and fire flow requirements.

As detailed below, conditions unique to the proposal, and those required of all preliminary plats, are necessary to ensure that the development meets all requirements of the County code, as well as and all other applicable local, state, and federal development standards. *Findings 1 – 30.*

- 2. With conditions, the requirements of RCW 58.17.110 have been satisfied.** The criteria for preliminary plat approval set forth in the County code are substantially similar to those in the Revised Code of Washington. With conditions, as detailed in full below, the proposal would satisfy all local and state requirements for plat development. *Findings 1 – 30.*

DECISION

Based upon the preceding findings and conclusions, the request for a preliminary plat to subdivide two parcels totaling 46.09 acres into 159 single-family residential lots, with associated improvements, located to the northeast of the intersection at Central Valley Road NW and SR 303/NE Waaga Way, between NE Paulson Road and SR-303/NE Waaga Way, is **APPROVED**, subject to the following conditions:²

1. In accordance with KCC 16.04.120, any future development plans may be proposed in conjunction with an SDAP or a separate land use application. If a phased development is proposed, a phasing plan shall be prepared in accordance with Kitsap County Codes.
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 (20-05572). Any change(s) or deviation(s) in such plans, proposals, or conditions of approval imposed shall be subject to further review.
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 approval granted and is a continuing requirement of such approval. By accepting this approval, the Applicant represents that the development and activities allowed will comply with such laws, regulations, and ordinances. If, during the term of

² This decision includes conditions designed to mitigate impacts of this proposed project as well as conditions required by County Code.

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. The names of the interior roads in this land segregation shall be approved by Community Development prior to final subdivision approval.
6. All potential private roads, 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.
7. A final landscaping plan that meets the standards of Chapter 17.500 KCC is required to be submitted with the SDAP.
8. The landscaping separation required by KCC 17.500.027.B for lots 22-26 is proposed to be located within existing vegetation and critical area buffers to the west. If necessary, the director may require additional screening or fencing with the SDAP pursuant to KCC 17.500.027.
9. Pursuant to KCC 17.420.030(C), 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. Lighting on individual single-family lots is exempt from this standard. Proposed lighting plans shall be included at the time of SDAP submittal.
10. Prior to erecting any sign, a separate Kitsap County sign permit is required for all signs unless it is determined an exempt sign pursuant to KCC 17.510.050. The proposed sign shall conform to all applicable standards of Kitsap County's Sign Code (Chapter 17.510 KCC).
11. Where clustered mailboxes are proposed or required at the entrance and/or within the development, sidewalks shall be widened to meet required horizontal and vertical clear zones.
12. Adhere to the critical area and historical/cultural preservation conditions noted in the SEPA MDNS issued on August 27, 2021.
13. The Final Royal Valley Plat Mitigation Plan shall be submitted as part of the SDAP.
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. Adhere to the stormwater condition noted in the SEPA MDNS issued on August 27, 2021.
17. 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 SDAP from Development Services and Engineering.
18. Stormwater quantity control, quality treatment, and erosion and sedimentation control shall be designed in accordance with Kitsap County Code Title 12 effective at the time the Preliminary Plat application was deemed complete, December 7, 2020. 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.
19. Should the proponent propose phasing of the project, a phasing plan shall be submitted to Development Services and Engineering for review and approval with the SDAP. 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.
 - The extent of drainage improvements to be installed during the various phases.
20. Any off-site project improvements within Kitsap County jurisdiction that creates additional impervious surface such as lane widening, sidewalk or shoulder installation, or intersection channelization shall provide stormwater mitigation in accordance with Kitsap County Code Title 12 effective at the time the Preliminary Plat application was deemed complete, December 7, 2020.
21. The Washington State Department of Fish and Wildlife may require a Hydraulic Project Approval for the work required at the proposed outfall.
22. The project proponent shall be responsible for installing any necessary off-site drainage improvements associated with required improvements to State Route (SR) 303. Procurement of any permits or easements necessary to install off-site improvements shall be the responsibility of the project proponent.
23. 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. This permit is required prior to issuance of the SDAP.

24. 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 SDAP.
25. All retention facilities shall be a minimum of 200 feet from any slope steeper than 30 percent. This distance may be reduced based on a geotechnical engineering report. That analysis will be prepared by a Civil Engineer licensed in the State of Washington, knowledgeable in the practice of soils engineering and mechanics. The analysis will address the effects of groundwater infiltration, seepage, potential slip planes, and changes in soil bearing strength. The proposed facilities will be designed following the recommendations of the geotechnical analysis.
26. The impervious area per lot accounted for in the overall drainage facilities installed shall be indicated on the face of the final plat. Additional impervious surfaces created on an individual lot beyond the amount accounted for in the overall drainage facilities shall be mitigated in accordance with Kitsap County Code Title 12 and may require an SDAP.
27. 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. This Plat is subject to all elements of the recorded Declaration of Covenant Conditions and Restrictions (CC&R's).
 - e. 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
28. The Final Plat shall include notes regarding drainage easements, appropriate conveyance language, and access rights thereto, depending on final design. The specific notes will be determined during review of the Final Plat permit application.
29. The owner shall be responsible for maintenance of the storm drainage facilities for this

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

30. If the project proposal is modified from that shown on the submitted site plan accepted for review December 9, 2020, Development Services and Engineering will require additional review and potentially new conditions.
31. The Final Plat application materials shall include a definitive statement identifying the roads constructed for access to the plat and the interior plat roads as private or public roads.
32. Public roads shall not exceed 12 percent grade or less depending on the road classification per Kitsap County Road Standards.
33. The interior roads of the proposed plat shall be designed and constructed in accordance with Chapter 11.22 KCC and the Kitsap County Road Standards for a local access road or an approved higher standard. If the roads are to be public, the right-of-way shall be dedicated to Kitsap County on the face of the Final Plat.
34. The following shall appear on the face of the Final Plat, under the heading Conditions:
 - a. All lots shall access from interior roads only.
 - b. 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.
 - c. Road approach permits shall be obtained prior to commencement of work on an individual lot.
 - d. Vehicular access to NE Paulson Road is limited to emergency vehicles only.
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. Development Services and Engineering reserves the right to require that covenants be recorded to address special maintenance requirements related to landscaping within existing and proposed right of way, depending on final design.
38. Provide surveyed cross-sections at 50-foot intervals along the parcel frontage on NE Paulson Road. The cross-sections should show existing and proposed pavement, shoulders, ditches, and slopes. The cross-sections should also depict centerline of pavement and right-of-way, the right-of-way lines, and easements.
39. The Site Development Activity Permit shall include plans for construction of the road approach at the intersection of the plat emergency vehicle access road and NE Paulson Road. Approaches shall be designed in accordance with the Kitsap County Road Standards as established in Chapter 11.22 KCC, and shall be constructed with gates, bollards or other moveable barrier as approved by the Kitsap County Fire Marshal and Central Kitsap Fire and Rescue.
40. Any required sidewalk shall be constructed prior to roadway paving. This note shall appear on the face of the final construction drawings.
41. The developer's engineer shall certify that there is adequate entering sight distance at the intersection of the plat emergency vehicle access road and NE Paulson Road. Such certification shall note the minimum required sight distance, the actual sight distance provided, and a sight distance diagram showing the intersection geometry drawn to scale, topographic and landscaping features, and the sight triangle. The sight distance shall meet the requirements of the Kitsap County Road Standards. The certification shall also note necessary measures to correct and maintain the minimum sight triangle.
42. 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).
43. Before SDAP acceptance, the Applicant shall submit a set of drawings to the Washington State Department of Transportation for review. The Applicant shall notify Development Services and Engineering in writing when the plans have been submitted to WSDOT. Development Services and Engineering shall coordinate with WSDOT to determine if WSDOT has any comments to the submittal, but responsibility for obtaining concurrence from WSDOT, prior to SDAP issuance lies with the property owner.

44. Adhere to the condition for coordinating frontage and access improvements along SR 303 with WSDOT noted in the SEPA MDNS issued on August 26, 2021.
45. Prior to issuance of the Site Development Activity Permit for plat improvements, an executed agreement for construction of the plat access, and for the SR 303 frontage improvements required by WSDOT, shall be provided to Kitsap County Department of Community Development as evidence of final WSDOT approval of these improvements prior to SDAP issuance. SR 303 frontage improvements shall include a minimum 5-foot-wide continuous accommodation for bicycle use on the north side of SR 303. Construction of the plat access and required SR 303 frontage improvements shall occur concurrently with the Site Development Activity Permit construction and shall be completed prior to requesting final inspection of the Site Development Activity Permit.
46. Adhere to the condition for completing offsite intersection improvements per WSDOT noted in the SEPA MDNS issued on August 26, 2021.
47. The Applicant shall include east-west non-motorized facilities within the future phases of the overall Royal Valley project as the development expands easterly. These facilities shall include separated bicycle lanes/sidewalks and/or multi-modal pathways.
48. 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.
49. A Final Subdivision Plat shall be prepared by a licensed Land Surveyor in compliance with KCC Title 16.
50. All proposed 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.
51. Sewer Availability Agreement account(s) must be kept current and in good standing through permit approval.
52. At the time of SDAP submittal, the Applicant shall submit a complete set of sewer plans, profiles, and specifications designed in accordance with Kitsap County Public Works - Sewer Utility Division Standards and Regulations.
53. 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>

54. At the time of site development activity permit submittal, the Applicant shall submit a binding water availability letter from the water purveyor.
55. 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.
56. Rock and retaining walls shall meet all applicable setback requirements of Vol. II, Chapter 9 of the Kitsap County Stormwater Drainage Manual.
57. A Hydraulic Project Approval (HPA) may be required for the pond outfalls. Prior to SDAP approval, the Applicant shall submit an approved HPA from the Washington State Department of Fish and Wildlife (WDFW) or documentation from WDFW specifying that an HPA is not required.
58. A 20-foot unobstructed access road is required for dwellings here and after constructed on lots created by this land division. IFC 503 Amended by Kitsap County Code. Fire apparatus access roads are required and must be maintained in accordance with IFC 503 Amended by Kitsap County Code. Any proposed revision to these roads must be submitted to and reviewed and approved by the Kitsap County Fire Marshal's Office. Access roads shall comply with the following:
 - Unobstructed width of 20 feet and height of 13 feet 6 inches.
 - Shall be designed and maintained to support a 60,000-pound fire apparatus and be provided with an all-weather driving surface.
 - Dead end access roads exceeding 150 feet in length shall be provided with an approved turnaround.
 - Inside turning radius shall be a minimum of 25 feet.
 - Access roads shall extend to within 150 feet of all portions of the exterior walls of the first story of the structure as measured by an approved route around the exterior of the structure or facility.
 - Road shall not be more than 12 percent grade.
59. A minimum of two access points, separated by no less than half the diagonal of the property or area served, shall be required for developments that generate more than 1,000 ADT unless other mitigating measures are approved by the County Fire Marshal.
60. Water line size and location, fire hydrants, fire department connections, and externally accessed riser rooms 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.

61. The minimum fire flow requirements for one- and two-family dwellings in subdivisions shall be 500 gallons per minute for thirty (30) minutes.
62. Prior to site disturbing activity through an approved and issued SDAP, the project shall demonstrate compliance with the recommendations provided in the letter by Department of Archaeology and Historic Preservation (DAHP) dated September 9, 2021, or, alternatively, shall provide the County with confirmation from DAHP that its recommendation for a professional archaeological survey of the project area may be waived or modified.

DECIDED this 30th day of September 2021.



ANDREW M. REEVES
Hearing Examiner
Sound Law Center