



KITSAP COUNTY DEPARTMENT OF COMMUNITY DEVELOPMENT

614 DIVISION STREET MS-36, PORT ORCHARD WASHINGTON 98366-4682
(360) 337-7181 FAX (360) 337-4925 HOME PAGE - www.kitsapgov.com/dcd/

NOTICE OF ADMINISTRATIVE DECISION

June 4, 2004

To: Interested Parties and Parties of Record

RE: Project Name: **Kingston Cedars Townhomes**
Application: Preliminary Short Subdivision #7239
File Number: **02 05142** (252702-2-058-2001)

Enclosed is the Administrative Decision issued by the Kitsap County Department of Community Development (DCD) for the above referenced application.

THE DECISION OF THE DEPARTMENT IS FINAL, UNLESS APPEALED TO THE KITSAP COUNTY HEARING EXAMINER BEFORE THE CLOSE OF BUSINESS ON JUNE 18, 2004.

Pursuant to the Kitsap County Land Use and Development Procedures, an appeal may be filed objecting to the Department's Decision. An appeal must be made in writing, and received by the Department of Community Development (DCD). At the time of filing the appeal, the appellant shall pay the sum of two hundred dollars (\$200.00). This fee is non-refundable and subject to change. Make check payable to Kitsap County Department of Community Development (DCD).

The written appeal shall be made on, or attached to, an appeal form provided by DCD, and shall contain the following information.

1. The project name, project applicant, application type, and file number designated by the County;
2. The name, address, and signature of each appellant. If multiple parties file a single appeal, the appeal document shall designate, in writing, one party as the contact representative for all contact with the DCD Director and the Office of the Hearing Examiner. All contact between the County and the appellants regarding the appeal, including notices, shall be through this contact representative; and
3. A written statement of the specific aspect(s) of the Decision and/or SEPA determination being appealed, the reasons why each is in error as a matter of fact or law, and the evidence relied upon to prove the error.

The complete application file will be available for review at the Department of Community Development, Monday through Friday, except holidays, from 8:15 a.m. to 4:00 p.m.

If you have questions, please contact me at (360) 337-4487 or Rick McNicholas at (360) 337-7153.

Sincerely,

Karen Ashcraft
Clerk of the Examiner

C: Terry Wagener, 16011 Agatewood RD NE, Bainbridge Island, WA 98110
Tim Cartwright, ADA Engineering, PO Box 847, Poulsbo, WA 98370

Interested Parties:

Fran Stefan, 26709 Ohio AVE, Kingston, WA 98348
Dave Debruyne, 3811 43rd AVE, Seattle, WA 98118
Ryan Vancil, Bricklin, Newman, Dold, LLP, 1424 4th AVE, Suite 1015, Seattle, WA 98101
Ray Emling, PO Box 1834, Kingston, WA 98346
Evan Stoll, 26730 Ohio AVE, Kingston, WA 98346
John & Lilly Bybel, 36696 Ohio AVE, Kingston, WA 98346



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June 4, 2004

Preliminary Short Subdivision # 7239 Kingston Cedars

Terry Wagener
16011 Agatewood Road NE
Bainbridge Island, WA 98110

Ms. Wagener:

This letter is to inform you that the subject Short Subdivision has been granted **preliminary approval**. The Department has reviewed the application to ascertain that it conforms to the following:

1. Zoning, Title 17, Kitsap County Code;
2. Kitsap County Comprehensive Plan and subarea plans;
3. Kitsap County Critical Areas Ordinance

And all elements of the Kitsap County Code that may pertain to this subdivision.

After extensive research and study, through studies conducted by the applicant (Krazan and Associates, Revised Hydrogeologic Impact Evaluation, November 2003) and by Kitsap County (Myers Biodynamics, Inc.; Third Party Review; April 2004), the Director has determined that the proposal will not cause undue risk to slope stability in the local area, nor will it unreasonably interfere with the use and enjoyment of properties downstream, providing the following conditions of approval are strictly adhered to:

Conditions of Approval:

1. Building Site Applications must be approved by the Kitsap County Health District prior to issuance of any building permits.
2. The applicant is required to ensure that the residences will use all low-flow, water conservation technology available for residential plumbing.
3. The applicant is advised to limit the clearing of the natural vegetation as much as is practical.
4. The applicant is further requested to retain as many trees in the drainfield area, as is feasible considering the design requirements set forth by the Health District.
5. The stormwater runoff generated on the property shall be collected into a stormwater detention system with an outfall tightlined to the Ohio Avenue drainage.
6. The applicant shall agree to participate in the future sewerage LID (Local Improvement District) and to connect to the sewers as soon as they are available.
7. A notice to title shall be placed on each lot informing prospective buyers of the terms and conditions of the Bald Eagle Site Management Plan developed by the applicant and the Washington Department of Fish and Wildlife (WFDW). A copy of the plan

8. Notice of existence of this Bald Eagle Management Plan shall be placed on the final plat map.
9. The landowners shall submit a specific tree removal plan for Lots A, B, C, and D to the WDFW for review prior to any land use activity.
10. Any building permit issued on a lot in this short subdivision may be subject to impact fees pursuant to Kitsap County Code.
11. The information provided demonstrates this proposal is a *Major Development* as defined in **Kitsap County Code Title 12**, and as such will require a Site Development Activity Permit (**SDAP**) from Development Engineering. 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.
12. Stormwater quantity control, quality treatment, and erosion and sedimentation control shall be designed in accordance with **Kitsap County Code Title 12** or as amended at the time of SDAP application. The submittal documents shall be prepared by a civil engineer licensed in the State of Washington. The fees and submittal requirements shall be in accordance with Kitsap County Ordinances in effect at the time of SDAP application.
13. 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.
14. A Road Maintenance Agreement will be required.
15. All easements within and leading to this Short Subdivision shall be labeled for purpose, lots affected by the granting, and all lands which will derive a beneficial use.
16. A title certificate is required at the time of submittal of the Final Short Subdivision. Please provide a title certificate and note or delineate all pertinent special exception items in schedule "B" of the title certificate.
17. The Notice and Director's Approval Box in the title block shall refer to Kitsap County Code 16.48
18. Please include "records of Kitsap County, Washington" at the end of the legal description.
19. Hatching obscures a number of bearings and distances. Topographic information can be removed from the final short plat. Please review and revise as necessary.

20. Show the correct location of the boundary line dividing Lot A and B of Short Plat 5834.
21. Sheets 2 and 3 are not necessary for recording. Please show the soil logs on sheet 1.

Preliminary approval of this short subdivision will expire three (3) years from the date of this letter. However, upon written request to the Department of Community Development by the original applicant and the current owner(s) of the subject property, at least thirty (30) days prior to expiration, a six (6) month extension may be granted.

Filing of the final short subdivision shall be done in accordance with Kitsap County Code 16.48 All applicable conditions of preliminary approval must be addressed prior to submitting the final short subdivision application. All of the above relevant conditions must appear on the final short plat. Any/all building setbacks and buffers established as conditions of approval must also be delineated on the final short plat.

If you have any questions on this matter, please do not hesitate to contact me at (360) 337-7181.

Sincerely,

Rick McNicholas
Senior Planner

Interested Parties:

Fran Stefan
26708 Ohio Avenue
Kingston WA 98348

Dave Debruyn
3811 43rd Avenue
Seattle WA 98118

Ryan Vancil
Bricklin, Newman, Dold, LLP
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26730 Ohio Avenue
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Kingston Cedars Short Plat #7239 – Preliminary Approval
Kitsap County Health District, MS 30
Development Engineering, MS 26
Fire Marshall
DCD Environment Review
DCD Forestry Review