



Kitsap County Hearing Examiner

Stephen K. Causseaux, Jr.

COUNTY COURTHOUSE, 614 DIVISION STREET MS-36
http://www.kitsapgov.com

PORT ORCHARD WASHINGTON 98366-4682
(360) 337-7181 FAX (360) 337-4925
kashcraf@co.kitsap.wa.us

AMENDED SUPPLEMENTAL DECISION – WITH CORRECT DEVELOPMENT ENGINEERING CONDITIONS NOTICE OF HEARING EXAMINER DECISION

January 16, 2009

To: Interested Parties and Parties of Record

RE: Project Name: **Ridgeline Preliminary Plat**
Applicant: **Fred Depee**
P.O. Box 586
Manchester, WA 98353-0596
South Kitsap County, Commissioner District #2
Application: **Preliminary Plat**
Case Number: **080124-005 (182302-2-004-2009; 039-20080 LIS#07**
44774

Enclosed is the Decision issued by the Kitsap County Hearing Examiner in the above-referenced matter.

THE DECISION OF THE HEARING EXAMINER IS FINAL, UNLESS APPEALED TO THE KITSAP COUNTY BOARD OF COMMISSIONERS, AS PROVIDED BY SECTION 120 OF THE KITSAP COUNTY LAND USE AND DEVELOPMENT PROCEDURES. **ANY APPEAL MUST BE FILED ON OR BEFORE THE CLOSE OF BUSINESS ON FEBRUARY 2, 2009. PLEASE NOTE: THE COURTHOUSE WILL BE CLOSED ON JANUARY 19, 2009.**

Pursuant to the Kitsap County Land Use and Development Procedures, (KCC 21.04.120) an appeal may be filed objecting to the Hearing Examiner's Decision. An appeal must be made in writing, and filed with both the Department of Community Development (DCD) and the Board of County Commissioners (BCC) offices. At the time of filing the appeal, the appellant shall pay the sum of **five hundred dollars (\$500.00)**. 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 case 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 contract representative for all contact with the DCD Director and BCC. All

NOTICE OF HEARING EXAMINER DECISION – RIDGELINE – PRELIMINARY PLAT
January 16, 2009
Page 2

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 aspects(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 case file will be available for review at the Department of Community Development, Monday through Friday, except holidays, 8:00 a.m. to 4:00 p.m.

If you have questions, please contact me at (360) 337-4487. If you have procedural questions regarding the appeal hearing before the Board of County Commissioners, please contact the Clerk of the Board at (360) 337-7146.

Sincerely,



Karen Ashcraft
Clerk of the Examiner

Enclosure

See attached transmittal

RECEIVED

JAN 14 2009

KITSAP COUNTY DEPT. OF
COMMUNITY DEVELOPMENT



Kitsap County Hearing Examiner

Stephen K. Causseaux, Jr.

COUNTY COURTHOUSE, 614 DIVISION STREET MS-36 PORT ORCHARD WASHINGTON 98366-4682

<http://www.kitsapgov.com/dcd>

(360) 337-7181 FAX (360) 337-4925

kashcraf@co.kitsap.wa.us

OFFICE OF THE HEARING EXAMINER

KITSAP COUNTY

AMENDED SUPPLEMENTAL DECISION

CASE NO.: 080124-005
RIDGELINE PRELIMINARY PLAT

**APPLICANT/
OWNER:** Fred Depee
P.O. Box 586
Manchester, WA 98353-0586

ENGINEER: Craig Baldwin, P.E.
West Sound Engineering, Inc.
217 Wilkins Dr.
Port Orchard, WA 98366

**PROJECT
REPRESENTATIVE:** West Sound Engineering, Inc.
217 Wilkins Dr.
Port Orchard, WA 98366

1. By Report and Decision dated June 26, 2008, the Examiner issued a decision concluding that with the exception of drainage ways the proposed Ridgeline preliminary plat met all Kitsap County Code and State Subdivision Act requirements for preliminary plat approval. However, the Examiner returned the threshold Mitigated Determination of Nonsignificance (MDNS) to the Kitsap County Environmental Official for further consideration of the proposed preliminary plat stormwater retention system and for consideration of conflicting evidence regarding a groundwater connection between the storm drainage pond and Lake Emelia. The Examiner also returned the MDNS to the environmental official for an assessment of potential trespassing and visual impacts on properties abutting the west property line of the plat parcel.
2. Subsequent to the decision the Examiner received a number of documents identified in the index to the record as Exhibits "102" and "108-112". Based upon the above referenced documents the following additional conclusions are made

hereinafter.

3. RCW 58.17.020(4) defines "preliminary plat" as follows:

- (4) Preliminary plat is a neat and approximate drawing of a proposed subdivision showing the general layout of streets and alleys, lots, blocks, and other elements of a subdivision consistent with the requirements of this chapter. The preliminary plat shall be the basis for the approval or disapproval of the general layout of a subdivision. (emphasis supplied)

At the preliminary plat stage an applicant need not provide the final engineering details as to the operation of the storm drainage system. Such details are necessary to obtain final plat approval. Prior to obtaining final plat approval, an applicant must show that the final plat contains "all elements and requirements set forth in this chapter and in local regulations adopted under this chapter" (RCW 58.17.020(5)). At final plat stage an applicant must provide the final engineering details showing that the storm drainage system meets County standards and SEPA mitigating measures, if any.

4. In response to the requirements of Kitsap County Development Engineering, the concerns raised by residents of the area, and the studies performed by ADA Engineering, the applicant conducted significant studies of the soils and evaluated storm drainage options for the project. In addition, the Examiner referred this matter to the Kitsap County Responsible Official for evaluation of the open culvert connecting the proposed plat storm drainage pond to Lake Emelia. The Responsible Official also considered conflicting evidence regarding the possibility of a ground water connection between the proposed storm drainage pond and Lake Emelia.
5. Based upon the responses by Development Engineering and the Responsible Official, the Examiner is satisfied that the revised preliminary storm drainage plan provides the detail necessary for preliminary plat approval. The applicant will need to perform additional studies prior to receiving final storm drainage approval. The Examiner has added a condition of approval which requires the applicant and Development Engineering to provide a copy of the final storm drainage plans to the environmental appellants along with a three week period in which to provide comments prior to final approval by Kitsap County. The County has sole discretion as to approval or disapproval of the plans.
6. The Examiner has added the condition of approval recommended by Development Engineering together with the change advanced by Mr. Herbert A. Armstrong to address the possible groundwater connection between the storm drainage pond and Lake Emelia.

7. The Examiner has also added a condition of approval incorporating the Environmental Official's recommendation of fencing along the west property line but further requiring greater rear yard setbacks and vegetation screening for lots abutting the Simmons ownership.

DECISION:

The environmental appeals of Peter Boorman and William Simmons are hereby denied subject to compliance with the conditions set forth hereinafter:

The preliminary plat of Ridgeline now makes appropriate provision for drainage ways and provides appropriate buffering and screening for the Simmons parcel subject to compliance with the following conditions:

1. All Building permits on these lots will be subject to impact fees pursuant to Kitsap County Code.
2. A mitigation plan for wetland and buffer impacts associated with the road construction must be included in the Site Development Application Permit pursuant Title 19.200 Kitsap County Code.
3. Street Trees 2-1/2" to 3" caliper will be provided along all interior roadways. Quantity of trees will be based on 30-foot spacing along each roadway curb length per KCC Section 385.010 D. The actual planting spacing may vary tighter or wider, but will not exceed 50' in length. Species and planting plan will be subject to approval by DCD planner prior to SDAP approval.
4. The play area will be fully developed with Consumer Product Safety Commission (CPSC) approved play equipment and professionally landscaped. The Development Plans, Landscape Plans and Irrigation Plans for these areas will be subject to approval by DCD planner prior to SDAP approval.
5. Details for all plantings and street trees will be provided to the DCD planner for approval, the details shall show automatic irrigation design, soil amendments and planting details, and a minimum of 2 inches of bark mulch over all disturbed soils of the planting area. Per KCC Section 385.010 H. I. J., prior to SDAP approval.
6. The owner shall create a homeowner's association, conveyed to subsequent property owners, that will ultimately be responsible for the maintenance of recreational open space facilities, tot lot, critical area buffer fencing, perimeter and entry landscaping, street trees, roadway maintenance and other activities associated with the infrastructure and support of a residential community.

7. Land use approval is limited to the uses proposed by the applicant on the recommended site plan and the SEPA Environmental Checklist dated June 06, 2007. Any modifications or expansion of the project will be subject to further review pursuant to the requirements of the appropriate sections of the Kitsap County Code.
8. Pursuant to RCW, the land use approval is valid for a period of up to five (5) years from the decision date.
9. Water is to be provided by Annapolis Water Company.
10. Sewerage is to be provided by Karcher Creek Sewer District.
11. Any wells or septic tanks that may be found on the property would have to be properly decommissioned.
12. A Building Clearance for Sewered Properties is required from the Health District prior to issuance of each building permit. These will each require a binding water availability letter, and sewer letter.

The Fire Marshal's Office has reviewed the above project for fire protection purposes and has the following conditions:

A fire protection review of the above project was performed using the codes in effect at the present time, which is the 2003 edition of the International Fire Code as amended by the state of Washington and Kitsap County and effective July 1, 2004, and amended September 14, 2005. This review shall not be construed as a complete review of the project and will cover the general requirements related to land use such as apparatus access design and required fire protection. The code in effect at the time of permit application will govern the regulations that will apply.

The following conditions have been noted as a result of the pre-application conference dated March 17, 2007 of the above project for fire protection purposes:

13. A minimum of 500 gallons of water per minute, measured at a residual pressure of 20 p.s.i. supplied for a minimum of 2 hours will be required to provide adequate fire flow for a building of less than 3,600 square feet, if the construction type consists of Type V-B. The required fire flow of 500 gpm requires a minimum of 1 hydrant to supply said volume.
14. Where a portion of the building hereafter constructed is more than 600 feet from a hydrant on a fire apparatus access road, as measured by an approved route around the exterior of the building, on-site fire hydrants shall be provided.
15. Access roads shall be extended to within 150 feet of all portions of an exterior

- wall on all buildings, portions of buildings, or facilities being considered, as measured by an approved route around the exterior of the building or facility.
16. The unobstructed width of a fire apparatus access road shall be not less than 20 feet, except for approved security gates. The fire apparatus access road shall have an unobstructed vertical clearance of not less than 13 feet 6 inches.
 17. Fire apparatus access roads shall be designed and maintained to support an imposed load of 75,000 pounds and shall be surfaced so as to provide all-weather driving surface.
 18. All dead-end fire apparatus access roads in excess of 150 feet in length shall be provided with approved provisions or the turning around of fire apparatus.
 19. The turning radius of a fire apparatus access road shall be a minimum of 25 feet inside diameter.
 20. Fire department access roads shall not exceed 12% grade.
 21. Fire apparatus access and water supply are required for this project. Such access and water supply shall be installed and made serviceable prior to and during the time of construction except when approved alternative methods are provided.
 22. Approved vehicle access for fire fighting shall be provided to the construction site.
 23. Vehicle access shall be provided by either temporary or permanent roads capable of supporting vehicle loading (75,000 pounds) under all-weather conditions.
 24. Vehicle access shall be maintained until permanent fire apparatus access roads are available.
 25. An approved water supply for fire protection, either temporary or permanent, shall be made available as soon as combustible material arrives on site.
 26. Buildings shall be constructed in accordance with the provisions of the International Building Code, and the International Fire Code, as adopted and enforced by Kitsap County.

Development Engineering has reviewed the above land use proposal and finds the concept supportable in its approach to civil site development. A site evaluation was conducted on March 24, 2007. These comments are

based on a review of the Preliminary Drainage Report and Preliminary Engineering Plans stamped received November 7, 2007 to Kitsap County Development Engineering.

Development Engineering accepts the concepts contained in this preliminary submittal and requires the following conditions as an element of the land use approval:

27. 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.
28. Approval of the preliminary plat shall not be construed to mean approval of the total number of lots or configuration of the lots and tracts. These parameters may be required to be revised for the final design to meet all requirements of Kitsap County Code Titles 11 and 12.
29. The information provided demonstrates this proposal is a Major Development as defined in **Kitsap County Code Title 12**, and as such will require a Site Development Activity Permit (**SDAP**) from Development Engineering.
30. 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.
31. Should the proponent propose phasing of the project, a phasing plan shall be submitted to Development Engineering for review and approval. The phasing plan shall, as a minimum, address the following items:
 - Time tables 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.
32. The water quality BMP shall be sized to provide treatment of the post-developed peak flow rate from the 6-month, 24-hour storm event per the KCSDM Section 6.2.
33. Any project that includes off site improvements that create additional impervious

surface such as lane widening, sidewalk or shoulder installation or intersection channelization shall provide stormwater mitigation in accordance with **Kitsap County Code Title 12** or as amended at the time of SDAP application.

34. The Washington State Department of Fish and Wildlife may require a Hydraulic Project Approval for the work required at the proposed outfall.
35. The project proponent shall be responsible for installing any necessary off-site downstream drainage improvements. Procurement of any permits or easements necessary to install off-site improvements shall be the responsibility of the project proponent.
36. The site plan indicates that greater than 1 acre will be disturbed during construction. This threshold requires a National Pollutant Discharge Elimination System (NPDES) Stormwater Construction permit from the State Department of Ecology. More information about this permit can be found at: <http://www.ecy.wa.gov/programs/wq/stormwater/construction/> or by calling Charles Gilman at (360) 407-7451, email chgi461@ecy.wa.gov. This permit is required prior to issuance of the SDAP.
37. The design of the infiltration facilities will be according to Section 5.3.5 of the Kitsap County Stormwater Design Manual. Soils exploration shall be performed at the proposed location of the facilities before final design to determine the infiltration rate and depth to seasonal high ground water table and/or impermeable layer. The soil report shall include Particle-Size Analysis performed by ASTM Test Method D-422-63, soil log elevation, and location. The storage volume of the facility shall be adjusted to reflect the true infiltration rates with a safety factor of two applied. A Soils Engineer shall prepare the above information.
38. 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.
39. 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 Engineering.
40. All lots shall use individual on-site infiltration systems. A secondary drainage system may be used on lots where infiltration is not feasible. Prior to final plan

acceptance the design engineer shall provide either a design of the individual infiltration systems or the secondary system(s) serving each lot. Maintenance of either of these systems will be the responsibility of the homeowner.

41. Should a Utilities Local Improvement District (U.L.I.D.) for the installation of storm drainage facilities be formed, which includes this property within the ULID boundary, the owners of this property shall be obligated to participate. A covenant shall be recorded before the issuance of Occupancy Permits or plat recording indicating participation in the future ULIDs.
42. Upon completion of the storm drainage facilities, the developer will be required to post a two-year maintenance bond for the facility. The developer will be responsible for providing regular and adequate maintenance during this two-year period and supportive maintenance records. At the end of this time, the County will inspect the system and, when the facility is acceptable and 80% of the homes have been completed, the County will take over maintenance and operation of the system. 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 right-of-way must be shown as a separate tract/s or drainage easement/s with Kitsap County being designated as the grantee.
43. Kitsap County will not be responsible for any damage to any private roads, tracts, and/or easement areas that may occur during routine maintenance activities and that in Kitsap County's judgment occur, in whole or in part, because of any construction materials or techniques, or any maintenance materials or techniques. This includes, but is not limited to, damage to pavement or vegetated areas caused by maintenance trucks.
44. 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.
45. At Building Permit application, submit (KCPW Form 1601) for issuance of a Concurrency Certificate, as required by KCC Section 20.04.030 Transportation Concurrency.
46. Roads shall not exceed 12% grade.
47. The interior roads of the proposed plat shall be designed and constructed in accordance with Kitsap County Code 11.22 and the Kitsap County Road Standards for a local access road or an approved higher standard. Roads shall be publicly maintained and the right-of-way dedicated to Kitsap County as proposed. Note that portions of the roads as shown on the preliminary plat,

including corner radii and horizontal curves, do not meet the current KCRS and shall be revised as part of the SDAP.

48. Vertical curves shall meet AASHTO sight distance requirements for a 25 mph posted speed.
49. Horizontal curves for public roads shall have minimum centerline radii as outlined in the Kitsap County Road Standards unless a technical deviation is granted.
50. Construction of handicap access facilities within existing or proposed County right-of-way shall conform to the requirements of the Americans with Disabilities Act.
51. All lots shall access from interior roads only. This note shall appear on the face of the final plat map.
52. 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 Engineering reserves the right to require that covenants be recorded to address special maintenance requirements depending on final design.
53. Provide surveyed cross-sections at 50-foot intervals on Phillips Road SE. 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.
54. Frontage improvements shall include extension of curb, gutter and sidewalk from the southern property boundary on Phillips Road SE to the western property boundary on SE Baker Road. Frontage improvements shall meet KCRS and address associated stormwater mitigation improvements.
55. The applicant shall construct a left turn pocket on Phillips Road at the southern most entrance to the plat. This improvement is for SEPA mitigation. The design shall meet Kitsap County Road Standards and shall be constructed as part of the SDAP for the Ridgeline development.
56. The applicants shall pay their fair share towards the cost of design and construction of a future westbound right-turn lane on Phillips Road at the intersection of Phillips Road and Mullenix Road. The right-turn lane will be constructed on the north leg of the intersection for southbound vehicles on Phillips Road turning to go westbound on Mullenix Road. The applicant's fair

share is \$20,000, based on December 2007 dollars. An annual inflationary increase equal to the Seattle-Tacoma-Bremerton CPI-U from January through December shall be added to the \$20,000 until the money is paid to Kitsap County. This right-turn lane improvement is not listed on the Kitsap County 6-year Transportation Improvement Program. This payment is for SEPA mitigation and shall be paid prior to issuance of the SDAP.

57. 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 Kitsap County Code. Please denote the design vehicle on the plan set if different than the Kitsap County design vehicle. Existing approaches may need to be improved to meet current standards.
58. Wheelchair ramps shall be provided on both sides of the site approach. Include on the plan set curb ramp details that meet the requirements of the Americans with Disabilities Act per WSDOT Standard Plan F-40 cement concrete sidewalk and approach details.
59. Any required sidewalk shall be constructed prior to roadway paving. This note shall appear on the face of the final construction drawings.
60. The developer's engineer shall certify that there is adequate entering sight distance at the intersection of the access road and SE Baker Road and the access road and Phillips Road SE. 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.
61. Final plat approval will require documentation of WSDOT approval for impacts to SR 160 and required mitigation. The mitigation will consist of traffic signalization at the SR 160/Phillips Road SE intersection to accommodate a three lane configuration on both SR 160 and Phillips Road SE. The poles and arms will be constructed to accommodate the future widening and channelization of Phillips Road at the SR 160 intersection from two lanes to three lanes. This mitigation project, however, shall not include widening of Phillips Road at the intersection. The design details will be worked out through discussions between the applicant and WSDOT. The WSDOT point of contact is Dale Severson at (360) 357-2736.

Washington State Department of Transportation
Development Review Attn: Dale Severson
P.O. Box 47440

Olympia, WA 98504-7440

62. Any work within the County right-of-way shall require a permit to perform work on County right-of-way 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.
63. A Final Plat Subdivision prepared by a Professional Land Surveyor in compliance with Kitsap County Code Title 16.16.
64. The widths of rights-of-way shall comply with potential classifications and Kitsap County Road Standards. Ten feet for utility easement shall be provided on each side of the rights-of-way.
65. All potential park areas, common open space, buffers and stormwater management areas shall be labeled as separate tracts. The ownership and maintenance shall be addressed on the face of the final plat as well as in the CCRs.
66. At Final Design, additional subsurface investigations of soil and ground water conditions shall be conducted in the area of the proposed retention pond. These studies should include the excavation of test pits to depth of at least six feet below the proposed pond base, preparation of soil logs (including observations of groundwater, moisture content and mottling) for test pits. Based on the soil investigation results, the installation of temporary piezometers and period measurement of ground water levels may be required to verify the seasonal high water table.

ORDERED this 12th day of January, 2009.


STEPHEN K. CAUSSEAU, JR.
Hearing Examiner

TRANSMITTED this 16th day of January, 2009, to the following:

**APPLICANT/
OWNER:**

Fred Depee
P.O. Box 586
Manchester, WA 98353-0586

ENGINEER:

Craig Baldwin, P.E.
West Sound Engineering, Inc.
217 Wilkins Dr.
Port Orchard, WA 98366

RECEIVED

JAN 14 2009

KITSAP COUNTY DEPT. OF
COMMUNITY DEVELOPMENT

PROJECT
REPRESENTATIVE:

West Sound Engineering, Inc.
217 Wilkins Dr.
Port Orchard, WA 98366

OTHERS:

See Attached List

Kitsap County Board of Commissioners
Kitsap County Department of Community Development
Kitsap County Department of Public Works
Kitsap County Prosecutor – Civil Division
Kitsap County Department of Parks and Recreation
Bremerton-Kitsap County Health Department
The Sun Newspaper

Pursuant to Kitsap County Code Section 21.04.120 and the Land Use Hearing Examiner Rules of Procedure, an OBJECTION to the Examiner's Decision may be filed, in this matter, in writing, with the Clerk of the Board of County Commissioners, on or before FEBRUARY 2ND, 2009. Prior to the filing of an Objection, the objector shall pay the sum of FIVE HUNDRED AND NO/100 DOLLARS (\$500.00) to the Department of Community Development.

RECEIVED

JAN 14 2009

KITSAP COUNTY DEPT. OF
COMMUNITY DEVELOPMENT