Rafe Wysham
DIRECTOR

KitsapCounty

COMMUNITY DEVELOPMENT

Notice of Hearing Examiner Decision

September 28, 2026

To: Interested Parties and Parties of Record

RE: Project Name: MADRONA RIDGE PLAT - 22 Single Family Residential Lots – Preliminary Plat

Applicant: CC-PHILLIPS LLC
113 CHERRY ST PMB 82013
SEATTLE, WA 98104-2205

Application: P PLAT

Permit Number: 22-03572

The Kitsap County Hearing Examiner has **APPROVED** the land use application for 22-03572: MADRONA RIDGE PLAT – Preliminary Plat, subject to the conditions outlined in this Notice and included Decision.

THE DECISION OF THE HEARING EXAMINER IS FINAL, UNLESS TIMELY APPEALED, AS PROVIDED UNDER WASHINGTON LAW.

The applicant is encouraged to review the Kitsap County Office of Hearing Examiner Rules of Procedure found at https://www.kitsap.gov/dcd/HEDocs/HE-Rules-for-Kitsap-County.pdf.

Please note affected property owners may request a change in valuation for property tax purposes, notwithstanding any program of revaluation. Please contact the Assessor's Office at 360.337.5777 to determine if a change in valuation is applicable due to the issued Decision.

The complete case file is available for review by contacting the Department of Community Development. If you wish to view the case file or have other questions, please contact help@kitsap1.com or 360.337.5777.

CC:

Applicant and/or Rep: CC-PHILLIPS LLC, 113 CHERRY ST PMB 82013, SEATTLE, WA 98104-2205

Owner: James Upchurch with CONTOUR CONSTRUCTION GROUP, LLC, james.contourcg@gmail.com

Authorized Agent:	Paul Bogataj with WESTSOUND ENGINEERING INC, paul@wsengineering.com
Interested Parties:	Althea Greene, altgreene@hotmail.com Renee Scherdnik, reneerose14@hotmail.com Brian Armstrong, brianglennarmstrong@gmail.com James Greene, 4483 CARLA CT SE, PORT ORCHARD, WA 98366 John Ley, jmley444@gmail.com Dawnell Vaughn, dawnell.vaughn@gmail.com James Fisk - City of Port Orchard, jfisk@portorchardwa.gov Jerri Koziel, Kozipad@gmail.com
Agency Contacts:	Prosecutor's Office Assessor's Office DCD Kitsap Sun Health District Public Works Parks Navy DSE Kitsap Transit South Kitsap Fire District South Kitsap School District Puget Sound Energy City of Port Orchard Planning Director Water Purveyor Sewer Purveyor Point No Point Treaty Council Suquamish Tribe Port Gamble S'Klallam Tribe Squaxin Island Tribe Puyallup Tribe WA Dept of Fish & Wildlife WA Dept of Transportation/Aviation WA State Dept of Ecology-SEPA WA State Dept of Transportation

BEFORE THE HEARING EXAMINER FOR KITSAP COUNTY

Phil Olbrechts, Hearing Examiner

RE: Madrona Preliminary Plat File No. 22-03572	**FINDINGS OF FACT, CONCLUSIONS OF LAW AND DECISION**

OVERVIEW

CC-PHILLIPS LLC/James Upchurch has applied for preliminary plat approval of a 22-lot division of three acres located at 4414 Phillips Rd. S.E. in the Port Orchard area of South Kitsap County. The application is approved subject to conditions.

The proposal drew a few comments of concern. One of the concerns was over current speeding. Speeding is an enforcement issue that is not directly attributable to new development. If there are speeding issues in the vicinity of the project that is an issue that should be raised with the Sheriff's Office as to enforcement and/or the County's public works department for speed bumps or other traffic calming measures. A round-about was also requested to reduce speeding. The proposal doesn't generate enough trips under County road standards that would require a traffic study that in turn could be used to legally justify off-site improvements such as a traffic circle. Even with a traffic study, the additional traffic generated by the proposal is too modest for the County to be able to legally defend a requirement that the Applicant make a substantial contribution to the costs of such a round-about.

Another public comment requested a reduction in density. State law prohibits reconsideration of density allowances during permit review. RCW 36.70B.030. The project site is also located within a designated urban growth area, which is specifically adopted to provide for urban as opposed to rural densities. The proposal also includes a significant amount of open space along project frontage that will serve to off-set the aesthetics of the proposed and entitled urban density.

There was a also a concern expressed about impacts to trees on the property of an adjoining residence. Washington courts have held that property owners have a right to remove tree roots that trespass onto their property from trees on adjoining properties. *See Mustoe v. Ma*, 193 Wn. App. 161, 371 P.3d 544 (2016). Due to this case, adjoining

property owners likely have no enforceable expectation to have their trees protected from adjoining development absent development standards that specifically restrict clearing and grading around such trees. A condition of approval has been added requiring that the Applicant conform to any such specific standards in the County code. Beyond that the condition requires that the Applicant confer with the property owners as to any potential tree impacts and also requires the Applicant to present the tree owners with documentation showing the final approved clearing and grading limits for the project to the extent they may affect the adjoining trees.

ORAL TESTIMONY

A computer-generated transcript of the hearing has been prepared to provide an overview of the hearing testimony. The transcript is provided for informational purposes only as Ex. 44. The transcript is not intended to provide a precisely accurate rendition of testimony but generally identifies the subjects addressed during the hearing. The transcript is entered as an exhibit solely to accommodate the County's land use permitting record retention system. The transcript should not be construed as evidence and is only provided as a convenience for persons wishing to be generally informed about hearing testimony. For a precise rendition of hearing testimony, a recording of the hearing is available at Kitsap County.

EXHIBITS

Exhibits 1-41identified on the Index to the Record were admitted during the September 10, 2026 hearing. The following exhibits were also admitted during the hearing:

Exhibit 42: County errata sheet

Exhibit 43: September 9, 2026 email from Koziel

FINDINGS OF FACT

Procedural:

1. Applicant. CC-PHILLIPS LLC/James Upchurch; 113 Cherry St. PMB 82013

Seattle, WA 98104-2205

2. Hearing. A hybrid hearing (participation in person at the Kitsap County Commissioners' Chambers at 619 Division Street, Port Orchard, WA or virtually via Zoom) was held on the application on September 10, 2026, at 10:00 AM.

Substantive:

3. Site Proposal/Description. CC-PHILLIPS LLC/James Upchurch has applied for preliminary plat approval of a 22-lot division of three acres located at 4414 Phillips Rd. S.E. in the Port Orchard area of South Kitsap County.

The project site is currently developed with a single-family residence. Vegetation across most of the site consists of coniferous and deciduous trees with a moderately dense understory of native and invasive plants and shrubs. The proposal removes some vegetation in the northeastern portion of the site, around the existing 1,564 single-family residence. This includes scattered coniferous and deciduous trees, grass lawn, and typical residential landscaping.

The site slopes up to the northwest from Phillips Road SE, ranging from 5 to 20 percent with an average slope of 7%. The Natural Resources Conservation Service classifies soils on the site as Kapowsin Gravely Ashy Loam 0 to 6 percent slopes. From Phillips Road SE, the ground surface of the site slopes up to the northwest at approximately 8 to 15 percent. These slopes continue through the central portions of the site. The total topographic relief of the site is on the order of approximately 45 ft and shown on the Site Vicinity Map, Figure 3 of the Geotechnical Report found in the exhibits.

4. Characteristics of the Area. Existing residential development occurs to the north, west, and south and by Phillips Road SE to the east.

5. Adverse Impacts. There are no significant adverse environmental impacts associated with the proposed preliminary plat. A Determination of Non-significance (DNS) was issued on June 4, 2026. Pertinent impacts are addressed as follows:

A. Critical Areas. The proposal is not encumbered by any critical areas or their buffers.

The staff report doesn't address critical areas except to append a "Critical Areas Map" that doesn't show any critical areas at the project site. The SEPA checklist, Ex. 8, p. 7, identifies that there are no critical areas on the project site. The stormwater report identifies no aquifer recharge area. Ex. 11. The geotechnical reviews conclude there are no geologic hazards at the project site. Ex. 22. There is no evidence in the record to the contrary.

B. Compatibility. The proposal is compatible with surrounding uses. All of the surrounding development is zoned or developed for single-family use. The project site is also located just one block west from the city limits of the City of Port Orchard. Public concerns about the density are addressed in the overview section and adopted by reference as part of this finding.

6. Adequacy of Infrastructure/Public Services. The project will be served by adequate and appropriate public infrastructure and utility services. Preliminary infrastructure

design has been reviewed by the County Public Works Department and the preliminary design concept has been determined to be supportable. Final design for streets, sidewalks, storm drainage facilities and sanitary sewer will be required to meet County Design Standards and implemented prior to final plat approval. Infrastructure needs are more specifically addressed as follows:

A. Water and Sewer Service. The applicant has provided a limited availability letter from West Sound Utility District for the water and wastewater services. The applicant must provide binding letters of availability for both sewer and water, prior to approval of any permit granting occupancy.

B. Stormwater Drainage. The proposal will be served by adequate and appropriate stormwater facilities and drainage ways in conformance with the County's stormwater regulations.

Kitsap County has adopted the Department of Ecology Stormwater Management Manual for Western Washington (SWMMWW). See KCC 12.04 – 12.32. The Manual effectively mitigates against stormwater impacts by requiring that the project limit off-project site flows to those generated from the project site in a vacant, forested condition. Stringent water quality standards are also imposed, requiring that the water quality be treated with all known, available and reasonable methods of prevention, control and treatment. *See* RCW 90.52.040 and RCW 90.48.010.

The Applicant has prepared a preliminary drainage report and stormwater plan to demonstrate compliance with the County's stormwater regulations. Ex. 11 and 14. Water quality and flow control for rooftops, driveways, sidewalks, and new roads are provided by onsite bioretention

C. Parks/Open Space. The proposal provides for adequate and appropriate open space.

Kitsap County Code (KCC) Section 16.24.040 I. requires 390 sf of active open space per lot, with grades less than or equal to 5%. The minimum area of active open space for this development is equal to 390 x 22 = 8,580 sf. Tract C designates area for active recreation area open space which meets KCC for development. This area meets the 5% grade requirement, is located on site, maintains visibility from approximately half of the homes, and meets dimensional requirements.

As part of Site Development Activity Permit review, a recreational plan shall be included in the landscaping plan for review and approval. Play equipment, paved sports courts, exercise fitness trails, community gardens with water service, age-appropriate facilities or similar amenities shall be provided within the recreational open space tract. Construction of amenities shall meet the latest industry safety standards.

KCC Chapter 4.110 provides for the imposition of impact fees on new development for Parks and Opens Space. These fees are designed to mitigate for the additional demand placed by the project on the County's park system. As conditioned, the project will pay the parks impact fees at the time of building permit review.

D. Transportation. The proposal provides for adequate and appropriate transportation facilities.

Phillips Rd. SE, a county-maintained right-of-way (ROW), provides direct access to the site.

According to County staff testimony, no traffic impact study was required because County development standards only require such studies for projects that generate more than 25 PM trips. The proposal generates less traffic than this threshold.

Impacts to the County's transportation system as a whole are addressed by the County's traffic impact fees as provided for in KCC Chapter 4.110. These fees are due during building permit review and are designed to compensate for proportionate share impacts to the County's road network.

Public concerns about speeding area addressed in the Overview section of the decision and adopted by reference as part of this finding.

E. Schools. The proposal makes adequate and appropriate provision for schools.

The project is served by the South Kitsap School District No. 402. The District was notified regarding the approval of the pending preliminary plat and no comments were submitted. As testified by County planning staff the project site is located more than one mile walking distance from any school so under County standards no off-site walking conditions are required. The proposal includes sidewalks to provide safe walking conditions for school children.

Capital facility needs generated by the proposal are mitigated by the imposition of school impact fees pursuant to Chapter 4.110 KCC. These impact fees generally become due at the time of building permit review and are based upon proportionate share demand created by new residential development.

CONCLUSIONS OF LAW

Procedural:

1. Authority of Hearing Examiner. KCC 21.04.100 provides that preliminary plat applications and critical area variances are Type III applications subject to hearing

examiner approval. KCC 21.04.110 identifies that the hearing examiner shall issue a final land use decision for Kitsap County after holding an open public hearing.

Substantive:

2. Zoning Designation. The property is currently zoned Urban Low Residential (UL).

3. Review Criteria. The criteria of approval for preliminary plat approval is fairly diffuse, with compliance in general required with all the requirements of applicable chapters of Title 16 KCC. *See* KCC 16.04.080. Chapter 16.40 KCC specifically addresses preliminary plat applications. KCC 16.40.030 requires conformance to the general standards of Chapter 16.04 and 16.24 KCC. The staff report assesses all pertinent Title 16 KCC subdivision standards. The findings of the staff report in this regard are adopted by reference. This decision will address the primary focus of preliminary plat review, which as required by RCW 58.17.100 is adequacy of infrastructure and mitigated environmental and community impacts. The requirements of RCW 58.17.110 are largely duplicated in the opening paragraph of KCC 16.04.080, which is quoted below in italics and applied via a corresponding conclusion of law.

Preliminary Plat

KCC 16.04.080: *For all types of land segregations, appropriate provisions shall be made for the public health, safety and general welfare, including but not limited to: open spaces, drainage ways, streets or roads, alleys, other public ways, nonmotorized access, road and pedestrian connectivity, parking, transit stops, fire protection facilities, potable water supplies, sanitary sewage wastes, solid wastes, landscaping, parks and recreation, playgrounds, sites for schools and school grounds, sidewalks or other planning features that assure safe walking conditions for students who only walk to and from school. The public use and interest will be served by the proposed land segregation. The following general requirements shall be met for all land segregations proposed under this title. In addition, all specific requirements relevant to each individual type of land segregation are found in their respective chapters of this title.*

4. Criterion met. The criterion quoted above is met. The proposal provides for adequate infrastructure and public services for the reasons identified in Finding of Fact No. 6. The public use and interest is served because the proposal creates no significant adverse impacts as determined in Finding of Fact No. 5 while also encouraging development at urban densities within an urban growth area as encouraged by the Washington State Growth Management Act. Public health, safety and welfare are provided for all the foregoing reasons.

DECISION

Based upon the findings of fact and conclusions of law above, the preliminary plat and variance applications are approved subject to the following conditions:

Planning/Zoning

1. All required permits shall be obtained prior to commencement of land clearing and/or construction.

2. Review the linked Hearing Examiner decision for conditions of approval. The Staff Report conditions below are only recommended conditions to the Hearing Examiner and may be modified or not required by the Hearing Examiner.

2. All Building permits on these lots will be subject to impact fees pursuant to Kitsap County Code.

4. A Final Landscape Plan will be required to be submitted, consistent with KCC 17.500 Landscaping, during civil site development activity plan (SDAP) review, which depicts natural vegetation, and the planting and irrigation plan. The tree retention plan shall be included with the SDAP.

5. A recreational open space plan shall be submitted to the department and made part of the final landscape and irrigation plan subject to approval by the Department prior to SDAP approval. And reviewed and approved with the site development activity permit (SDAP). Said plan shall show dimensions, finished grade, equipment, landscaping and improvements to demonstrate that the requirements of this subsection are met.

6. Street trees shall be planted along the access and throughout the internal road on individual lots at approximately 25-ft spacing in the vegetative strip between the sidewalk and thickened edge. Trees on individual lots are required to be installed prior to Certificate of Occupancy of individual residential units.

7. Landscaping, including street trees are a condition of preliminary plat approval and required to be maintained in a healthy growing condition per KCC 17.500.030.

8. At the time of SDAP include the location of mailbox clusters consistent with KCC 16.24.040©(1)(d) and specify the type of the facility to be provided within Tract B per KCC

16.24.040(H)(4) and confirm at final inspection.

9. This project shall follow all recommendations of geotechnical engineering report from GeoResources Earth Sciences & Geotechnical Engineering (GES), dated December 31, 2024, and under KCC Tile 19.400 and KCC19.700.

10. Prior to transferring the Plat to the Homeowner's Association (HOA), the developer will be responsible for irrigation, and maintenance of all landscaping to ensure survival for two years. The developer or the HOA shall maintain all landscaping, consistent with the Tree Care Industry Association's standard practices.

11. Pursuant to KCC Section 21.04.270 Duration of decisions, Kitsap County's land use approval for the preliminary plat is valid for a period of up to five (5) years from the decision date of the preliminary plat consistent with RCW 58.17.140 and RCW 58.17.170.

12. The decision set forth herein is based upon representations made and exhibits contained in the project application found as an Exhibit. Any change(s) or deviation(s) in such plans, proposals, or conditions of approval imposed shall be subject to further review and approval of the County.

13. The authorization granted herein is subject to all applicable federal, state, and local laws, regulations, and ordinances. Compliance with such laws, regulations, and ordinances is a condition to the approvals granted and is a continuing requirement of such approvals. By accepting these approvals, the applicant represents that the development and activities allowed will comply with such laws, regulations, and ordinances. If, during the term of the approval granted, the development and activities permitted do not comply with such laws, regulations, or ordinances, the applicant agrees to promptly bring such development or activities into compliance.

14. Any violation of the conditions of approval shall be grounds to initiate revocation of this Plat.

15. Land segregations of five or more lots within a UGA that propose roads and/or storm water facilities to be privately maintained shall form a homeowners' association, registered with the state of Washington. The Conditions, covenants and restrictions (CCR) document shall address, at a minimum, ownership of and maintenance responsibilities for any private roads and any private storm water facilities.

16. If the 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, and this note shall be placed on the face of the final construction drawings. Rock and retaining walls shall meet all applicable setback requirements of Vol. II, Chapter 9 of the Kitsap County Stormwater Drainage Manual.

17. Parking spaces 7 through 11 as shown in a parallel formation on the civil plan set are not permitted, however the applicant has agreed to reorient and shift the layout of

the five (5) parking spaces to 90-degree parking with a small area for backing movements.

18. Separation buffers consistent with KCC Section 17.500.027 A. shall be part of the landscape plan when making application for SDAP review and approval.

19. The face of the final plat shall include a note as follows: Fences and/or vegetation plantings shall be maintained in perpetuity to comply with the partial separation buffer requirements of the project.

20. All stormwater facilities require a solid screen buffer consistent with KCC Section 17.500.027 B. The associated SDAP must show detailed plant spacing, schedule, and implementation notes. All installations must comply with KCC Section 17.500.030 Installation and maintenance.

21. A Forest Practices Application shall be reviewed and approved by Kitsap County DCD prior to the commencement of any conversion logging of the site as applicable under KCC 18.16. Any proposal to thin or log existing forested areas outside of the project area are subject to the requirement of a timber harvest conversion option harvest plan with Kitsap County DCD to the extent required by County or state regulations.

22. Building permits shall comply with the building setbacks required at the time of application.

Development Engineering
GENERAL
19. 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.
20. 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.

STORMWATER
21. The information provided demonstrates this proposal is a Large Project as defined in Kitsap County Code Title 12, and as such will require a Full Drainage Site Development Activity Permit (SDAP) from Development Engineering.

22. Stormwater quantity control, quality treatment, and erosion and sedimentation control shall be designed in accordance with Kitsap County Code Title 12 effective at the time the SDAP (or Building Permit if no SDAP required) application is deemed fully complete. The

submittal documents shall be prepared by a civil engineer licensed in the State of Washington. The fees and submittal requirements shall be in accordance with Kitsap County Code in effect at the time of SDAP application or Building Permit if an SDAP is not required.

23. Any project that includes offsite improvements that create additional hard surface such as lane widening, sidewalk or shoulder installation or intersection channelization shall provide stormwater mitigation in accordance with Kitsap County Code Title 12.

24. 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/. This permit is required prior to issuance of SDAP.

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

26. 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.

27. During the construction of the proposed infiltration facilities, the Project Engineer shall provide an inspection(s) 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(s), properly stamped and sealed to Development Engineering.

28. The impervious area per lot accounted for in the overall drainage facilities installed shall be indicated on the face of the final plat, along with the following note: Additional impervious surfaces created on an individual lot beyond the amount accounted for in the overall drainage facilities shall be mitigated in accordance with Kitsap County Code Title 12 and may require a Site Development Activity Permit.

29. 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 Declaration of Covenant Conditions and Restrictions (CC&R's) recorded under Auditor File Number ####
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.
30. The following condition shall be added to the face of the Final Plat: At time of submittal for a building permit for any lot within this plat, soil amendment is required for all disturbed areas not covered by hard surface.

31. Prior to recording the Final Plat, soil amendment is required over all disturbed areas within Tracts that are not covered by hard surface; provided that in the event completion of a Recreational Tract has been bonded, soil amendment shall be completed prior to expiration of the bond covering that work.

32. All publicly maintained drainage systems outside public dedicated right of way shall be located either in a tract dedicated to Kitsap County or in an easement, granted to Kitsap County, for ingress, egress, operations and maintenance of the stormwater facilities contained therein.
33. Prior to SDAP acceptance, the applicant shall submit a set of drawings to the City of Port Orchard for review. The applicant shall notify Development Engineering in writing when the plans have been submitted to the City. Development Engineering shall coordinate with the City to determine if the City has any comments to the submittal.

34. 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.

35. The owner shall be responsible for maintenance of the storm drainage facilities for this development following construction. Before requesting final inspection for the SDAP (or for the Building Permit if an SDAP is not required) 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.

36. Prior to recording the Final Plat, all work associated with the required Site Development Activity Permit shall be completed, including approval of all required inspections, and submittal of all engineer's certifications or other documentation required by the Site Development Activity Permit.
37. If the project proposal is modified from that shown on the site plan approved for this permit application, Development Engineering will require additional review and potentially new conditions.

TRAFFIC AND ROADS
38. When making application for individual building permits, the Transportation Concurrency Test must be submitted as required by Kitsap County Code 20.04.030.

39. Prior to recording the Final Plat, vehicular access shall be constructed to provide access to all proposed lots.
40. Public roads shall not exceed 12% grade or less depending on the road classification per Kitsap County Road Standards.

41. 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.

42. The interior roads of the proposed plat shall be designed and constructed in accordance with Fire Marshal standards for emergency vehicular access.

43. 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.

44. 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.

45. The hammerhead shall be designed to accommodate an SUV design vehicle. The wheel path of the design vehicle shall remain within the paved area for all required movements.

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

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

48. The property owners 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 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.

49. Frontage improvements are required along the entire property frontage on Phillips Rd and shall consist of 10-foot-wide travel lane, vertical curb, gutter and 5-foot sidewalks.

50. Subdivisions must bring adjacent road frontages up to standard. Phillips Road is an Urban Local Road, the standards for that are 10’ travel lane and 5’ sidewalk that transition to asphalt shoulders at frontage boundary. These improvements must be included in the SDAP and Final Plat submittals.

51. ADA-accessible pedestrian crossings are required where the public road intersects private Tract A & Tract B. At the end of the public road, provide an ADA-accessible connection from the south side to the north side. This could be accomplished with ramps typical for an intersection, or by carrying the sidewalk around the end of the road.

52. If internal roads are to be public, they must
a. Be constructed to Kitsap County Road Standards for very low volume urban road with design speed of 20 mph
b. Provide a traffic study that demonstrates the site access will operate at Level of Service (LOS) D or better under PM peak hour traffic.
c. Provide intersection line of sight calculations for site access.

53. Frontage improvements are required on the interior plat roads and shall consist of 10-foot-wide travel lanes, vertical curb, gutter and 5-foot sidewalks.

54. Interior plat roads shall be constructed to current County standards and deeded as public right-of-way.

55. Provide surveyed cross-sections at 50-foot intervals along the parcel frontage on existing fronting roads where access is proposed. The cross-sections shall show existing and proposed pavement, shoulders, ditches and slopes. The cross-sections shall also depict centerline of pavement and right-of-way, the right-of-way lines, and easements.

56. The Site Development Activity Permit (or Building Permit, if an SDAP is not required) shall include plans for construction of the road approach between the edge of existing pavement and the right-of-way line at all intersections with county or state rights-of-way. Approaches to county rights of way shall be designed in accordance with the Kitsap County Road Standards as established in Chapter 11.22 of the Kitsap County Code. Approaches to state rights of way shall be designed in accordance with current WSDOT standards. Existing approaches may need to be improved to meet current standards.

57. The developer's engineer shall certify that there is adequate entering sight distance at all project intersections with County rights of way or State rights of way. Such certification shall note the minimum required sight distance, the actual sight distance provided, and a sight distance diagram showing the intersection geometry drawn to scale, topographic and landscaping features, and the sight triangle. The sight distance shall meet the requirements of the Kitsap County Road Standards for County rights of way and shall meet WSDOT standards for state rights of way. The certification shall also note necessary measures to correct and maintain the minimum sight triangle. The required information shall be submitted with the SDAP, or with the commercial building permit application if a SDAP is not required.

58. Any work within the County right-of-way requires a Public Works permit and possibly a maintenance or performance bond. This application to perform work in the right-of-way shall be submitted as part of the SDAP process, or Building Permit process, if a SDAP is not required. The need for and scope of bonding will be determined at that time.

59. A Final Short/Large Lot/Subdivision Plat shall be prepared by a licensed Land Surveyor in compliance with KCC Title 16.

60. All private roads shall be labeled as tracts and constructed in accordance to Fire Code requirements. Ten ft for utility easement shall be provided on each side of private road tracts.

61. All potential park areas, common open space, buffers and stormwater management areas shall be labeled as separate tracts. The ownership and maintenance responsibility shall be addressed on the face of the final plat, as well as in the CCRs.

62. Access to all lots shall be from roads within the proposed plat boundaries. A note to this

effect shall be placed on the Final Plat.

Solid Waste

63. Prior to SDAP approval, applicants 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 pnwcmservices@wm.com or 1-800-592-9995; their website is http://wmnorthwest.com/kitsap/index.html.

Environmental

64. This project shall follow all recommendations of the geotechnical engineering report from GeoResources Earth Sciences & Geotechnical Engineering (GES), dated December 31, 2024, and under KCC Tile 19.400 and KCC 19.700.

65. Conversion logging will be reviewed under the associated SDAP. A Forest Practice application shall be submitted with application.

Traffic and Roads

65. The proposed roads will be public roads designed to the 2020 Kitsap County Road Standards.

Fire Safety

66. A fire hydrant shall be placed at the entrance of the development.

Kitsap Public Health District

67. The existing septic tank must be abandoned to code. A tank abandonment form must be submitted to this office.

68. Binding water and Sewer availability letters will be required prior to final plat approval.

Hearing Examiner

69. Upon request from the Armstrongs (adjoining property owners) the Applicant shall confer with them to identify any potential construction impacts to the Armstrong trees. The Applicant shall conform to all applicable clearing and grading standards that may apply to protection of the Armstrong trees with the right to seek code compliant variances/modifications. The Applicant shall provide documentation establishing the final authorized clearing and grading limits for their project as pertinent to the Armstrong property so that the Armstrongs are reasonably apprised of construction impacts to their trees.

Dated this 24th day of September, 2026.

Phil Olbrechts,

Appeal Right and Valuation Notices

Pursuant to KCC 21.4.100 and KCC 21.04.110, this preliminary plat decision is a final land use decision of Kitsap County and may be appealed to superior court within 21 days as governed by the Washington State Land Use Petition Act, Chapter 36.70C RCW.

Affected property owners may request a change in valuation for property tax purposes notwithstanding any program of revaluation.