

**BEFORE THE HEARING EXAMINER
FOR THE CITY OF BREMERTON**

In the Matter of the Application of)	No. BP18-00103
)	
Greg Bradford, on behalf of)	Riddell Road Mixed Use Project
Riddell Road, LLC)	
)	FINDINGS, CONCLUSIONS,
<u>For Approval of a Preliminary Plat</u>)	AND DECISION

SUMMARY OF DECISION

The request for a preliminary plat to subdivide seven parcels totaling approximately 19.67 acres, into 69 single-family residential lots and four multifamily/commercial lots, with associated improvements, within the District Center Core zone at 1051 NE Riddell Road, is **APPROVED**. Conditions are necessary to mitigate specific impacts of the proposed development.

Hearing Date:

The Hearing Examiner held an open record hearing on the request on December 16, 2019.

Testimony:

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

Garrett Jackson, City Planner
Greg Bradford, Applicant Representative
Norm Olson, PE, Applicant Representative
Tom Remick
Debbie Stone

Exhibits:

The following exhibits were admitted into the record:

1. Application for Preliminary Plat Subdivision, received November 2, 2018
2. Environmental Checklist, dated October 25, 2018
3. Legal Description, undated
4. Project Narrative, undated
5. Preliminary Storm Drainage Analysis, N.L. Olson Associates, Inc., dated October 2018
6. Title Report, No. SGW 08002824, dated October 25, 2018
7. Vicinity Map, undated
8. Preliminary Geotechnical Engineering Report, N.L. Olson Associates, Inc., dated October 3, 2018
9. Conditional Water and Sewer Availability Letter, dated October 8, 2018
10. Critical Aquifer Recharge Area Report, Richard Martin Groundwater, LLC, dated September 27, 2018

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11. Wetland Determination – Technical Memorandum, BGE Environmental, LLC., dated March 12, 2018
12. Area Calculation map, undated
13. Landscape plans (Drawings 1 to 3, of 3), dated February 11, 2019
14. Preliminary plat drawings, October 5, 2018
 - a. Cover Sheet
 - b. Topographic Survey & Existing Conditions (Sheet C2.00)
 - c. Preliminary Plat (Sheet C2.11)
 - d. Site Plan Overall (Sheet C3.00)
 - e. Site Plan NW (Sheet C3.01)
 - f. Site Plan SW (Sheet C3.02)
 - g. Site Plan SE (Sheet C3.03)
 - h. Site Plan NE (Sheet C3.04)
 - i. Road Sections & Site Details (Sheet C3.10)
 - j. Road Profiles (Sheet C3.20)
 - k. Storm & Grading Plan NW (Sheet C4.01)
 - l. Storm & Grading Plan SW (Sheet C4.02)
 - m. Storm & Grading Plan SE (Sheet C4.03)
 - n. Storm & Grading Plan NE (Sheet C4.04)
 - o. Utility Plan (Sheet C5.00)
15. Updated Traffic Analysis, Gibson Traffic Consultants, Inc., dated October 2019
16. Conceptual Site Plan, dated March 7, 2017; NE Riddell Road Improvements (Sheet C3.05), dated October 5, 2018
17. Mitigated Determination of Nonsignificance, issued November 27, 2019
18. Public notice
 - a. Determination of Completeness, dated May 7, 2019
 - b. Notice of Application and SEPA Determination, dated May 21, 2019
 - c. Declaration of Mailing, dated May 21, 2019, with attached notice of Application and SEPA Determination, dated May 21, 2019
 - d. Email from Garrett Jackson To Whom It May Concern, dated May 21, 2019
 - e. Email from Garrett Jackson To Whom It May Concern, dated May 21, 2019
 - f. Mailing labels
 - g. Declaration of Posting, dated May 21, 2019, with photo - Public Notice of Land Use Action, undated, and aerial map, undated
 - h. Invoice – *Kitsap Sun*, No. 0003572398, dated May 16, 2019, for publication on May 21, 2019
 - i. Email from Edward Coviello to Garrett Jackson, dated June 3, 2019, with email string
 - j. Email from Noreena M. Rodriguez-Eniz to Garrett Jackson, dated June 4, 2019
 - k. Email from Dennis Stone, to Garrett Jackson, dated June 5, 2019
 - l. Letter from Katelynn Piazza, SEPA Coordinator, Department of Ecology, to Garrett Jackson, dated June 5, 2019

- m. Letter from Norman L. Olson II, P.E., to Garrett Jackson, dated June 24, 2019
 - n. Notice of Hearing, undated, with Site Plan, undated
 - o. Declaration of Mailing, dated December 6, 2019, with attached Notice of Hearing, undated, and Site Plan, undated
 - p. Email from Garrett Jackson To Whom It May Concern, dated December 6, 2019
 - q. Mailing labels
 - r. Declaration of Posting, dated December 6, 2019, with photo- Public Notice of Land Use Action, undated, and aerial map, undated
 - s. Invoice – *Kitsap Sun*, No. 0003938816, dated December 5, 2019, for publication December 6, 2019
 - t. Email Comment from Dale Herbold, dated December 13, 2019,
19. Staff Report, dated December 6, 2019

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

FINDINGS

Application and Notice

1. Greg Bradford, on behalf of Riddell Road, LLC (Applicant), requests approval of a preliminary plat to subdivide seven parcels totaling approximately 19.67 acres, into 73 lots - 69 single-family residential lots and four multifamily/commercial lots - with associated development in the District Center Core zone. Site developments would include approximately 528 parking stalls, landscaping installation, street and utility installation, and 170,000 cubic yards of cut/fill grading. The property is located at 1051 NE Riddell Road.¹ *Exhibit 1; Exhibit 4; Exhibit 14; Exhibit 19, Staff Report, page 1.*

2. The City of Bremerton (City) determined the application was complete on May 7, 2019. Notice of the complete application was given on May 21, 2019, with a public comment period on the application open until June 5, 2019. On December 6, 2019, the City mailed or email notice of the application to property owners within 300 feet of the subject property and to applicable departments, agencies, and tribes, including the Bremerton School District, the Washington State Department of Fish and Wildlife (WDFW), the Department of Ecology (DOE), the Department of Transportation (DOT), Kitsap Transit, the Port of Bremerton, the Suquamish Tribe, and the U.S. Army Corps of Engineers (Army Corps). The same day, the City posted notice of the application on the subject property and published notice in the *Kitsap Sun*. On June 21, 2019, the City provided notice of the open record hearing associated with the application by mailing or emailing

¹ The existing lots are identified by tax assessor ID numbers 022401-1-002-2001, 022401-1-024-2005, 022401-1-079-2009, 022401-1-039-2008, 022401-1-042-2003, 022401-1-064-2006, and 022401-1-062-2008. *Exhibit 19, Staff Report, page 1.* A legal description is provided with the application materials. *Exhibit 3.*

notice to property owners within 300 feet of the property and to applicable departments, agencies, and tribes. The same day, the City posted notice of the hearing on the property. On June 22, 2019, the City published notice of the hearing in the *Kitsap Sun*. *Exhibit 18*.

3. Four comments were received in response to the notice of complete application. The Department of Ecology recommend a Phase I environmental assessment be conducted; Kitsap Transit recommended that a bus stop be installed along Riddell Road frontage; Noreena Rodriguez expressed concerns about impacts to wildlife, privacy and loss of views; and Dennis Stone expressed concerns about impacts to wildlife, loss of privacy, traffic impacts and construction impacts. The City and Applicant responded to these concerns by noting that a Phase I environmental assessment was completed, that a bus stop along Riddell Road frontage would be provided by the Applicant, that landscaping would be provided, that an open space area along the western property line would be provided for wildlife, and that the anticipated increase in traffic from the proposed development would be within the level of service standards established by the City. *Exhibit 19, Staff Report, page 11; Exhibit 18*.

State Environmental Policy Act

4. The City Department of Community Development (DCD) acted as lead agency and analyzed the environmental impact of the proposal, as required by the State Environmental Policy Act (SEPA), Chapter 43.21C RCW. The City consolidated the application and SEPA comment periods under the Optional DNS process provided for by the Washington Administrative Code (WAC) 197-11-355, with a comment deadline of June 5, 2019. Notice materials stated that DCD expected to issue a Mitigated Determination of Nonsignificance (MDNS) for the proposal. DCD reviewed the Applicant's Environmental Checklist and other information on file. The Environmental Checklist listed songbirds, squirrels and raccoons as having been observed or are known to be on or near the site. SEPA Responsible Official Andrea Spencer determined that, with five mitigation measures, the proposal would not have a probable significant adverse impact on the environment. Accordingly, DCD issued an MDNS on November 27, 2019, noting that an appeal may be filed pursuant to BMC 10.04.210. The mitigation measures require the Applicant to: (1) record a Notice to Title acknowledging density transfer of proposed single-family home acreage to proposed apartment parcels; (2) install all plat infrastructure prior to final plat with no phasing; (3) install solid screen fencing six feet in height between planned single-family and multifamily/commercial uses prior to final plat; (4) install right-of-way improvements; and (5) equip all structures, including residential structures, with fire sprinkler systems. *Exhibit 2; Exhibit 17; Exhibit 19, Staff Report, pages 1 and 11*.

Comprehensive Plan, Zoning, and Surrounding Property

5. The subject property is designated District Center (DC) under the City's Comprehensive Plan. One purpose of the DC is to encourage commercial, mixed-use and higher density

residential development within district centers. The Comprehensive Plan also is intended to protect the natural environment, promote infill development, encourage development of a variety of housing types and support access to quality and affordable housing for all city residents. City staff analyzed the proposal for consistency with the Comprehensive Plan and determined that, with the MDNS conditions noted above, the proposed development would conform to the plan. *Bremerton Comprehensive Plan Goals LU-1, LU-2, LU-3; Policies LU-31, LU2-DC (A). Exhibit 19, Staff Report, pages 2 and 3.*

6. The proposed development would be within the District Center Core (DCC) zone. The purpose of the DCC zone is to provide a mixed-use town center to support surrounding neighborhoods and the general public. The DCC zoning standards and regulations require that there be adherence to specific requirements related to design, structure setbacks, density, mixed-use development, parking, and landscaping. City staff analyzed the development proposal for compliance with these specific standards and regulations and determined that, with conditions, the proposed development would be in compliance with them. *Exhibit 19, Staff Report, pages 3 and 4; BMC Chapter 20.70.020 - .090.*

Preliminary Plat Requirements

Landscaping

7. A Preliminary Landscape Plan, dated February 21, 2019, was submitted as part of the plat application. City staff determined that this preliminary plan would need additional elements in order to comply with ordinance requirements. Specifically, the landscape plan must address frontage along Riddell Road and along the alley adjacent to the eastern property line. In addition, a visual landscape screen is required along the western border. Conditions of approval are necessary to ensure a final landscape plan is in full compliance with City ordinances. *Exhibit 13; Exhibit 19, Staff Report, pages 4 and 5.*

Access and Traffic Impacts

8. A Traffic Impact Analysis, dated October 3, 2019, was submitted as part of the plat application. The analysis recommends a left-turn lane be provided for access to the plat off of Riddell Road. With this improvement to traffic, the City staff determined that any traffic impact from the proposed development would be consistent with the level of service standards adopted by the City. The Applicant would install frontage improvements on streets, as required by BMC 11.12.110, including curbs, gutters, sidewalks, street lighting, street trees, and planter strips. *Exhibit 16; Exhibit 15; Exhibit 19, Staff Report, page 5.*

Parking

9. The Applicant proposes to provide 528 parking spaces for the proposed development. City staff determined that this number would meet the requirement in City ordinances, specifically noting that the exact location of the parking is not determined in the plat map

submitted with the application, but would be determined at the time of building permit review. *Exhibit 19, Staff Report, page 4.*

Stormwater

10. A Critical Aquifer Recharge Report, dated September 27, 2018, as well as a Preliminary Storm Drainage Analysis, dated October 29, 2018, were submitted as part of the plat application. The City Public Works and Engineering Department reviewed the proposal and determined that stormwater quantity and quality mitigation, under Title 15 BMC, would be required. The report states that the project would use low-impact development (LID) techniques to treat and disperse stormwater throughout this site, including use of bioretention cells and gravel storage trenches. The Applicant would ensure that natural drainage systems and outfalls are preserved and that stormwater flow is maintained on-site. The Applicant would submit a Storm Drainage Management Agreement to the City for review and approval prior to final plat approval, which would be recorded. *Exhibit 5; Exhibit 10, Exhibit 19, Staff Report, page 5.*

Utilities and Services

11. The City's Public Works and Utilities Department issued a letter, dated October 8, 2019, noting that the City of Bremerton has facilities and adequate capacity and supply to provide sewer and water service to the proposed development. *Exhibit 9.*
12. The Public Works and Utilities Department also noted that all public utilities must meet current standards at the time of Site Development Permit submittal; all utilities must be accessible by service vehicle and installed within the public right-of-way or within a utility easement; fire truck access must be available for all fire hydrants; and all connection fees must be paid prior to final occupancy approval. In addition, all utility easements and open space dedications would be noted on the face of the plat. *Exhibit 9; Exhibit 19, Staff Report, pages 5 and 6.*
13. Schools within the Bremerton School District would serve the project site. No school is within walking distance to the proposed development, such that school children would need to be bussed. City Planner Garrett Jackson testified that the Applicant would ensure that safe walking routes are provided to school bus stops, including one the Applicant would construct along the frontage on Riddell Road, prior to final plat approval. *Testimony of Mr. Jackson; Exhibit 18.m.*

Critical Areas

14. A Wetland Technical Memorandum, dated March 12, 2018, concluded that there are no wetlands on the subject property. A Critical Aquifer Recharge Report, dated September 27, 2018, determined that the subject property is within a Category II Critical Aquifer Recharge area and, accordingly, includes several recommendations to protect the aquifer.

A Preliminary Geotechnical Report, dated October 3, 2018, identified slope heights of 15 to 40 feet and slopes of from 15 percent to 100 percent. The report also noted uncontrolled fill has been placed on the site. The report includes several recommendations related to soil and slope stability on the site. *Exhibits 8, 10, and 11.*

Testimony

15. At the hearing, Mr. Jackson testified generally about the application and about how the current proposal would comply with the City's Comprehensive Plan, zoning ordinances, critical areas ordinances, and the criteria for plat approval under BMC 20.12.100. He also addressed some concerns of citizens who commented on the plat application. He noted that, although there would be initial adverse impacts on wildlife, the open space along the western boundary would be beneficial for wildlife in the long term, as it would be an area of sufficient size to provide suitable habitat for many creatures. He testified that the traffic would increase in the area with development of the plat, but stated that the traffic would remain within the level of service standards established by the City Council. *Testimony of Mr. Jackson.*
16. Applicant Representative Norm Olson also testified generally about the application and the history of the site. He stated that the project would be developed over a five year period, and not implemented all at one time. Mr. Olson responded to concerns expressed by citizens, noting that there would be over 100 feet of buffer between any development on the site and the western boundary to provide visual screening, and a wildlife habitat. He testified that storm water would be infiltrated on site to the maximum extent possible using low impact development techniques, so that there should be no negative impacts off site due to stormwater. He stated his agreement on behalf of his client with all conditions of approval recommended by the City. Applicant Representative Greg Bradford reiterated that statement that a sufficient buffer will be located along the western property line, including retention of most significant trees with the potential for a small berm to help screen the development from any visual impact. *Testimony of Mr. Olson and Mr. Bradford.*
17. Citizen testimony focused on concerns about impacts to wildlife, adverse traffic impacts and visual impacts. Tom Remick testified about his concern with potential adverse impacts to his septic tanks. Debbie Stone testified about her concerns with stability of banks on the site, adverse traffic impacts, and impacts on wildlife. In response, Mr. Olson stated that the site would be graded to remove unstable soils and slopes, and that the buffer is designed, in part, to provide visual screening and wildlife habitat. *Testimony of Mr. Remick, Ms. Stone, and Mr. Olson.*

Staff Recommendation

18. Mr. Jackson testified City staff determined that, with conditions, the proposed development would comply with the Comprehensive Plan, the City's zoning and critical

areas ordinances, and the applicable building and development regulations under the municipal code. *Testimony of Mr. Jackson.*

CONCLUSIONS

Jurisdiction

The Hearing Examiner is granted jurisdiction to hear and decide preliminary plat requests. *Bremerton Municipal Code (BMC) 20.12.090(a)(2)(i).*

Criteria for Review

The Hearing Examiner may approve a preliminary plat if it meets the following criteria:

- (a) The subdivision is in conformance with the Comprehensive Plan, Shoreline Master Program, and any other City-adopted plans;
- (b) Provisions have been made for water, storm drainage, erosion control and sanitary sewage disposal for the subdivision that are consistent with current standards and plans as adopted in City code or ordinance;
- (c) Provisions have been made for roads, utilities, street lighting, street trees and other improvements that are consistent with the zoning code and Engineering Standards;
- (d) Provisions have been made for dedications, easements and reservations;
- (e) The design, shape and orientation of the proposed lots are appropriate to the proposed use. In addition to meeting the minimum lot size density requirement, each residential lot must provide a building envelope. Therefore, corner lots, lots with easements, or lots with environmental constraints may have to be larger than other lots in the subdivision;
- (f) The subdivision complies with the relevant requirements of the zoning code and all other relevant local regulations;
- (g) Appropriate provisions are made to address all impacts identified by any special reports that have been prepared;
- (h) Appropriate provisions for maintenance and monitoring of privately owned common facilities have been made;
- (i) Appropriate provisions, in accordance with RCW 58.17.110, are made for:
 - (1) The public health, safety, and general welfare and for such open spaces, drainage ways, streets or roads, alleys or 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 [ensure] safe walking conditions for students who only walk to and from school; and
 - (2) The public use and interest will be served by the platting of such subdivision and dedication.

BMC 20.12.100.

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The above criteria carry out the state subdivision criteria, codified at Chapter 58.17 RCW, as follows:

A proposed subdivision and dedication shall not be approved unless the City, town, or county legislature body makes written findings that: (a) appropriate provisions are made for the public health, safety, and general welfare and for such open spaces, drainage ways, streets or roads, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, parks and recreation, playgrounds, schools and schoolgrounds 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 (b) the public use and interest will be served by the platting of such subdivision and dedication.

RCW 58.17.110(2).

The criteria for review adopted by the City Council are designed to implement the requirement of chapter 36.70B RCW to enact the Growth Management Act. In particular, RCW 36.70B.040 mandates that local jurisdictions review proposed development to ensure consistency with City development regulations, considering the type of land use, the level of development, infrastructure, and the characteristics of development. *RCW 36.70B.040.*

Conclusion Based on Findings

- 1. With conditions, the proposed plat would comply with the relevant requirements of the zoning code and all other relevant local regulations as required by BMC 20.12.100.** The proposed mixed use development is consistent with the designation of the subject property under the City Comprehensive Plan. The Applicant would install frontage improvements and street lighting, consistent with Comprehensive Plan Land Use and Housing Element goals and policies, to create walkable and safe neighborhoods. Safe walking conditions would be provided within the subdivision to an existing transit stop in the vicinity and would be provided to future bus stops for school-aged children. The City would provide water and sewer service to the property. Low-impact development techniques would, where feasible, be used to treat stormwater on-site and meet water quality storage requirements. The Applicant would also submit a Temporary Erosion and Sedimentation Control Plan (TESC) and obtain a Department of Ecology water quality construction permit prior to issuance of a Site Development Permit. Provisions have been made for roads, utilities, street lighting, and street trees within the proposed subdivision consistent with the zoning code, the applicable development standards of the BVSAP, and the City's Engineering Standards. The Applicant would mitigate for traffic impacts by providing frontage improvements and a left turn lane for access to the development. The Applicant would provide active recreation and passive recreation within open space tracts on-site. The Applicant would perform additional geotechnical review to ensure that sloped areas are sufficiently stable to allow construction of the proposed development.

Conditions are necessary to ensure that the Applicant constructs all improvements consistent with the submitted plans; ensures all utilities meet current standards and are accessible by service vehicles; cuts, caps, buries, and records all existing water, sanitary, sewer, and storm drainage services that would be abandoned; provides for stormwater quantity and quality mitigation as required under Chapter 15.04 BMC; provides all necessary plans and obtains all necessary permits prior to commencing construction; ensures that all utility connection fees are paid prior to final occupancy; provides all necessary frontage improvements; dedicates all public rights-of-way; ensures that standard driveway approaches are provided; ensures that all development complies with the recommendations of the submitted geotechnical reports; places a hold-harmless agreement on the face of the plat, consistent with BMC 20.14.130(g); submits a final landscaping plan; and submits an application for final plat approval in a timely fashion. *Findings 1 – 18.*

2. **With conditions, the preliminary plat will comply with requirements for approval provided in state law pursuant to RCW 58.17.110(2).** The City provided reasonable notice and opportunity to comment on the proposed preliminary plat. Environmental impacts of the proposed plat were considered, as required by SEPA, and the City issued a Mitigated Determination of Nonsignificance that was not appealed. The City's requirements for plat approval incorporate the preliminary plat requirements under RCW 58.17.110. Accordingly, the Applicant submitted plans that ensure that the subdivision would meet all requirements for plat approval under the municipal code and the State Subdivision Act. City staff analyzed the proposal and determined that appropriate provisions would be made for the public health, safety, and general welfare and for open spaces, drainage ways, streets or roads, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, parks and recreation, playgrounds, and schools and schoolgrounds, including sidewalks and other planning features that ensure safe walking conditions for students who walk to and from school. Staff also determined that the public use and interest would be served by the platting of such subdivision and dedication. As detailed above in Conclusion 1, conditions are necessary to ensure that the proposal meets all local, state, and federal code requirements. *Findings 1 – 18.*

DECISION

Based upon the preceding findings and conclusions, the request for a preliminary plat to subdivide seven parcels totaling approximately 19.67 acres, into 73 lots -- 69 single-family residential lots and four multifamily/commercial lots -- with associated improvements in the

District Center Core zone at 1051 NE Riddell Road, is **APPROVED**, subject to the following conditions:²

1. Per BMC 20.70.060(h), all structures adjacent to Riddell Road shall provide retail/commercial uses along a minimum of fifty (50) percent of the ground floor building facade.
2. All parking areas shall meet criteria provided in BMC 20.70.080 and Chapter 20.48 BMC.
3. A Type I visual screen is required adjacent to residential properties on the projects western border, the visual screen shall be incorporated into the final landscaping plan and submitted with the Site Development Permit.
4. A final landscaping plan consistent with the *February 21, 2019 Emily Russell Landscape Architecture* preliminary landscaping plan, BMC 20.50, and updated to include the final site design, shall be submitted with the Site Development Permit.
5. All plant material shall be maintained in a healthy growing condition free of weeds, trash or debris through the life and use of the development. Dead, damaged, diseased, or missing plant material shall be replanted or replaced as necessary to comply with the approved landscaping plan and the requirements of Title 20 BMC.
6. Development shall conform to conditions provided in the *October 8, 2018, Conditional Water and Sewer Availability Letter*, or most current letter.
7. Any tree planted within five feet of the right-of-way shall have a root barrier of at least 24 inches in depth installed.
8. A Site Development Permit shall be completed prior to Final Plat.
9. Setback standards per BMC 20.70.060(a)-(c) shall be illustrated on the face of the final subdivision.
10. Development shall conform to recommendations made in the *September 27, 2018, Richard Martin Groundwater LLC, Critical Aquifer Recharge Area Report*. At the time of Site Development Permit submittal, the Applicant shall provide an addendum to the report which confirms that Richard Martin Groundwater LLC has reviewed and approved final plans submitted with the Site Development.

² Conditions include both legal requirements applicable to all developments and conditions to mitigate the specific impacts of this development.

11. Per BMC 20.14.440(a)(4), the Applicant must explore low impact development (LID) site design alternatives and implement them. The Applicant shall demonstrate LID strategies with the Site Development Permit.
12. Development shall comply with the *October 3, 2018, N.L. Olson and Associates, Inc. Preliminary Geotechnical Engineering Report*.
13. A Hold Harmless Agreement shall be placed on the face of the plat, consistent with BMC 20.14.130(g).
14. Prior to final plat approval the Applicant shall form a Home Owners Association (HOA) which includes Covenants, Conditions, and Restrictions (CC&R), which adequately plan for commonly owned property. The City shall review and approve CC&Rs prior to the Applicant recording the document with the Kitsap County Auditor.
15. To ensure unimpeded sidewalk access, any future attached or detached garage, carport, or other structure housing a vehicle, whose vehicle entrance faces the street, shall have a front yard setback of at least twenty feet.
16. Per BMC 20.12.090(a)(2)(ii), the final formal subdivision shall be submitted to the Director within five (5) years of the date that the preliminary approval became final or as approved through extensions per BMC 20.12.060, General Provisions. Should the project fail to comply with these timelines, the formal subdivision shall become null and void.
17. An accessible route shall be provided within the site to and from the sidewalks, public streets, public transportation stops, accessible parking, accessible loading zones and accessible building entrances. The accessible route shall be provided by means of walkways, sidewalks and ramps that will comply with A117.1 Accessible and Usable Buildings and Facilities. The slope and cross slope of the finished elevations shall be shown of all walkways, sidewalks, and ramps that are required and intended to be used as part of the accessible route.
18. Before construction on any structures, roadway or parking areas may be approved, a geotechnical report is required to ensure the structures are on native soil or structural fill that has been placed properly. Geotechnical inspections and tests shall be performed in accordance with the geo-technical engineer's requirement and recommendations. All inspection results or density tests shall be provided to the Department of Community Development prior to requesting any soils related inspections (such as footing or foundation inspections). The following are required geotechnical inspections: 1.

- Structural fill and compaction; 2. Soil bearing; 3. Retaining wall and rockery placement; 4. Ongoing site monitoring during wet weather construction; 5. Final grading.
19. Per the October 3, 2019, Gibson Traffic Consultants, Inc. Updated Traffic Impact Analysis report, a left-turn pocket shall be installed at the site access on NE Riddell Road. The turn pocket shall be installed prior to final plat approval and the final design shall be approved by the City prior to construction. A preliminary turn-pocket design was submitted October 31, 2019; a final design shall be submitted with the Site Development Permit.
 20. Stormwater quantity and quality mitigation is required pursuant to Chapter 15.04 BMC and the current Washington State Department of Ecology Stormwater Management Manual for Western Washington. All required storm drainage infrastructure shall be installed under separate permits prior to Final Plat approval.
 21. A Storm Drainage Maintenance Agreement shall be submitted for review and approval prior to Final Plat approval. This agreement shall be recorded at the Kitsap County Auditor's office and the Auditor's File Number shall be referenced on the Final Plat.
 22. Public water and sanitary sewer mains are required and shall be designed, installed and accepted pursuant to BMC Title 15 and the City's Engineering Design and Construction Standards prior to Final Plat approval.
 23. All areas required to be dedicated as public right of way shall be shown on the face of the Final Plat.
 24. All frontage improvements shall be installed prior to Final Plat approval.
 25. Standard driveway approaches are required, per the Standard Driveway requirement in current City's Engineering Design and Construction Standards and Chapter 11.12 BMC.
 26. A Street Maintenance Agreement shall be submitted for review and approval prior to Final Plat approval. This agreement shall be recorded at the Kitsap County Auditor's Office and the Auditor's File Number shall be referenced on the Final Plat.
 27. Public street lighting may be required, and shall be installed prior to Final Plat approval pursuant to BMC 11.12.200.
 28. Utility access easements are required for review and approval prior to Final Plat approval and shall be recorded at the Kitsap County Auditor's Office and the Auditor's File Number shall be referenced on the Final Plat.

29. Parcel addresses and private street names are required and shall be shown on the face of the plat prior to Final Plat approval.
30. The developer shall coordinate with the US Postal Service for proper mail service prior to Final Plat approval.
31. Location of fire hydrants shall comply with requirements of the Fire Marshal and shall be shown on the plans for the Site Development Permit.
32. The developer shall coordinate with Kitsap Transit for the siting of a bus stop or bus shelter prior to Final Plat approval.
33. All public utilities must meet the City's Engineering Design and Construction Standards.
34. All utilities must be accessible by service vehicle and will be installed within the public right-of-way or within a City of Bremerton utility easement.
35. Temporary Erosion and Sedimentation Control Plan and a Stormwater Pollution Prevention Plan (SWPPP) are required prior to the issuance of any permit from the City. Ecology Construction Permit will be required prior to issuance of the Site Development Permit.
36. All utility plan review and connection fees shall be paid prior to final occupancy approval. Fees will be calculated based on the most current fee schedule.
37. All irrigation systems for commercial or industrial facilities shall have separate service lines and separate meters. Residential and multifamily facilities may install the irrigation system on the domestic supply. This requirement is in place because the wastewater billing fees are tied to water consumption. All facilities with irrigation systems shall have an approved double check valve assembly installed on the service line within two feet of the water meter to provide premises isolation (when the backflow assembly is off, everything on the property will be without water). Systems with chemical addition or auxiliary water supplies will be required to install an approved reduced pressure backflow assembly within two feet of the water meter to provide premises isolation. Approved assemblies are assemblies on the current Washington State Department of Health approved assembly list.
38. Fireline: Backflow assemblies (DCDAs) for firelines shall be installed in the mechanical room, less than 75 pipe feet away from where the water supply enters the property at the right-of-way or easement. If the distance to the mechanical room is greater than 75 pipe-feet, the backflow assembly shall be installed in an approved vault at the property line or edge of easement where the water supply enters the property.

39. Buildings over three stories tall require Double Check Valve Assembly backflow protection.
40. All approved assemblies must be tested by a certified Washington State backflow assembly tester at the time of installation, whenever serviced or moved, and annually thereafter.
41. All structures, including residential, shall be equipped with fire sprinkler systems.
42. The Applicant shall comply with the MDNS conditions:
 - a. In order to meet minimum density requirements, a Notice to Title prepared by the City shall be recorded with the Kitsap County Auditor acknowledging density transfer of proposed single-family home acreage to proposed apartment parcels.
 - b. All plat infrastructure shall be installed prior to final plat, with no permitted phasing.
 - c. Prior to final plat, solid screen fencing measuring six feet in height shall be installed between planned single-family and multifamily/commercial uses.
 - d. Right-of-way improvements meeting City standards identified in the October 2019 GTC Traffic Impact Analysis shall be installed.
 - e. All structures, including residential structures, shall be equipped with fire sprinkler systems.
43. The Applicant shall coordinate with Kitsap Transit for a location for a concrete pad bus stop within the proposed frontage improvements for the proposed development, and shall install the bus stop prior to final plat approval.

Decided this 31st day of December 2019.



ANDREW M. REEVES
Hearing Examiner
Sound Law Center