



Staff Report and Administrative Decision

Report Date: August 29, 2017

Application Complete Date: August 2, 2017 Application Submittal Date: July 25, 2017

To: M &P Builders, Inc., mpbergs@comcast.net
David Bannon Engineering, PE, bannoneng1@comcast.net
Interested Parties and Parties of Record

RE: **Permit Number:** 17 02934
Project Name: Pros Pine Minor Plat Amendment
Type of Application: Minor Plat Amendment Type-II

Decision Summary:

The applicant requests approval of a Minor Plat Amendment to convert Lots 13 and 14 to a Stormwater Tract-A.

THE DECISION OF THE DEPARTMENT IS FINAL, UNLESS APPEALED TO THE KITSAP COUNTY HEARING EXAMINER ON OR BEFORE 14 DAYS FROM THE DATE OF DECISION PER KITSAP COUNTY CODE 21.04.290.

The written appeal shall be made on, or attached to, an appeal form found on DCD's website: <http://www.kitsapgov.com/dcd/forms/DocumentLibrary/applications/Appeals.pdf>.

Project Request:

The Preliminary Plat Minor Amendment is to convert lots 13 and 14 into Stormwater Tract-A which is an infiltration gallery accepting conveyed stormwater drainage from Prosperity Plat. The proposal is a minor modification of an approved preliminary plat to reduce the plat from 14 to 12 lots, and add a driveway and storm drainage/utility easement to an adjacent property to the north pursuant to Kitsap County Code, Section 16.04.040 Amendments to Preliminary Approved Plats. Stormwater management will be provided by a shared infiltration trench within Tract- A and control structure with the Prosperity Plat for water quantity mitigation. Two Contech water quality structures will provide water quality mitigation. The plat will also include an access and utility easement in the northeast corner of the property.

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Project Location:

1125 Lidstrom Road SE
Port Orchard, WA, 98366



Assessor's Account #:

302402-4-057-2004

Applicant Owner of Record:

M&P Builders Inc.
10813 32nd St. Ct. NW
Gig Harbor, WA 98335

Applicant's Representative:

David Bannon, PE Bannon Engineering
23789 Brixton Place NW
Poulsbo, WA 98370

SEPA (State Environmental Policy Act):

The State Environmental Policy Act (SEPA), found in Chapter 43.21C RCW (Revised Code of Washington), is a state law that requires the County to conduct an environmental impact review of any action that might have a significant, adverse impact on the environment. The review includes the completion of an Environmental Checklist by the applicant and a review of that checklist by the County. If it is determined that there will be environmental impacts, conditions are imposed upon the applicant to mitigate those impacts below the threshold of "major" environmental impacts. If the impacts cannot be mitigated, an environmental impact statement (EIS) must be prepared. The decision following environmental review, which may result in a Determination of Nonsignificance (DNS), Mitigated DNS, or the necessity for an EIS is called a threshold determination. The County gives a separate notice of the threshold determination. If it is not appealed, it becomes part of the hearing record as it was issued, since the Hearing Examiner cannot change it.

Pursuant to WAC 197-11-355, the optional DNS process was utilized for this project. The SEPA Comment period previously occurred concurrent with the Notice of Application dated September 19, 2011. A Determination of Nonsignificance (DNS) was issued on September 28, 2016. The SEPA appeal period expired October 12, 2016. No appeals were filed; therefore, the SEPA determination is final. The Determination included two conditions: first condition is regarding protection critical areas with stormwater mitigation and the second the installation of a sewer line with a mitigation plan prepared by BGE Environmental.

Lot Description:

The subject property is developed with a single-family dwelling totaling 3.85 acres. The property is north of the intersection of Warner Avenue SE, and SE Horstman Road and approximately 300 feet north of the intersection of SE Horstman Road and Lidstrom Road.

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SE. The site slopes gently downward to the north at a general grade of approximately 5%. The steepest slope onsite is approximately 24% near the north property line. The applicant submitted a wetland report and mitigation plan with the application, dated June 20, 2016. A Category III wetland with an associated Type N stream is located on the west side of the development site.

Comprehensive Plan Designation and Zoning:

The preliminary plat vested when the project was included within the Port Orchard urban growth area. The Hearing Examiner approved the preliminary plat when vested with a Comprehensive Plan designation of urban and zoned Urban Low Residential. The existing Comprehensive Plan and Zoning is Rural Residential.

Base/Maximum Density: 5 to 9 dwelling unit per acres
 Minimum Lot Area 2,400 square feet
 Minimum Lot Width 40 feet
 Minimum Lot Depth 60 feet
 Maximum Height 35 feet

Standard Zoning Code Zoning vested Setbacks for Urban Low
 Front 10 feet habitable Area to 20-foot garage
 Side 5 feet
 Rear 5 feet (Changed 10 feet)

Surrounding Land Use and Zoning:

The abutting properties are single-family residences zoned Rural Residential and were zoned Urban Low Residential when project received approval.

Public Utilities and Services:

Water: West Sound Utility District
 Power: Puget Sound Energy
 Sewer: West Sound Utility District
 Police: Kitsap County Sheriff
 Fire: South Kitsap Fire and Rescue District #7
 Schools: South Kitsap School District #402

Access:

The plat receives access by an easement from a private road from Prosperity Plat, which connects to SE Horstman Road.

Revision to the Hearing Examiner's Decision and Recommendation

The Section 16.40.040 KCC Amendment to approved preliminary subdivisions provides standards for Major and Minor Approved Preliminary Plat Amendments. The Department determined that the request is a minor plat amendment, which is reviewed pursuant to KCC 21.040.060 Land Use and Development Procedures as an administrative Type-II decision.

Minor Plat Amendment Analysis

Staff made the following comments based on review of the revised site plan for the Minor Plat Amendment, dated July 27, 2017. The applicant provided the following comments on the criteria specified in KCC 16.40.040 for the minor amendment to the preliminary approved plat:

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1. General Requirements: The minor amendment is classified as Type-II decision under Chapter 21.04 and addresses changes to the approved preliminary subdivision, which has been determined to fall within the scope of the original approval and/or do not significantly increase impacts to surrounding properties. For these purposes, "significant" shall mean a greater than 10% increase when the impact is quantifiable.

Staff Evaluation of Decision Criteria:

2. Written Findings: A proposed minor subdivision amendment may be approved if the Director makes written findings that all of the following are satisfied. If one or more are not satisfied, the application must proceed as a major amendment. Criteria, which must be met, are outlined in Kitsap County Code 16.40.040, Items 1, & 2.a through j. Preliminary Plat Amendment. The following italics are staff findings that address the criteria for the minor amendment:
 - a. The proposal does not result in significant impacts to the subdivision or the surrounding property. Impacts may include, but are not limited to, storm water, traffic, open space, landscaping, screening, on-street or set-aside parking, or noise;

Applicant: The number of lots will be reduced from 14 to 12. Stormwater revisions will now be shared system with the neighboring east property and will infiltrate 99.94% of the developed stormwater flows as shown in the results of the Western Washington Hydrology Model. The new easement is a maintenance road to the stormwater discharge structure and access to one single-family residential property owned by John Loudon, of Lot-5 within the Plat of Five Cedars.

Staff Comment: *The request is to reduce the plat by two lots and to change how storm drainage impacts are mitigated due to existing site conditions. The request should not result in significant impacts to the subdivision and surrounding properties.*
 - b. The proposal satisfies the applicable general requirements of this title;

Applicant: The project is compatible with the surrounding uses and will not be detrimental to the health, safety, or welfare of other persons in the neighborhood. The proposal is consistent with the orderly development of the neighborhood.

Staff Comment: *The amended proposal is to mitigate for storm drainage. The request is consistent with the goals and policies of the comprehensive plan, compatible with surrounding uses, and will not be detrimental to the health, safety, or welfare with the neighborhood.*
 - c. The proposal does not result in a change of use;

Applicant: The proposal will remain a single-family detached residential development.
 - d. The proposal falls within the scope of the original approval and complies with the intent of the conditions originally imposed;

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Applicant: The proposal falls within the scope of the original approval and meets, the original intent imposed.

Staff Comment: *The minor plat amendment is not proposing a change to the conditions of approval and is consistent with the intent of the Hearing Examiner's decision, dated December 1, 2016.*

- e. The proposal does not change the perimeter boundary of the original plat, or the boundary of any phases within the original plat;

Applicant: The proposal does not change the perimeter boundary.

Staff Comment: *The applicant is not proposing a change to the location of the perimeter boundary of the development.*

- f. The proposal does not increase residential density by greater than 10%, provided the density requirements of the zone are maintained consistent with the zone;

Applicant: The proposal will reduce density.

Staff Comment: *The subdivision was approved at nine dwelling units per acre. The project density with the removal of two lots will still be nine dwelling units per acre when rounded up, per KCC 17.382.020 Measurement Methods.*

- g. The proposal does not increase the intensity of housing types; for example, from detached single-family to attached one- and two-family dwellings;

Staff Comment: *The housing within the plat will remain single-family detached.*

- h. The proposal does not reduce the designated perimeter buffers, recreation or open space areas by more than 10%;

Staff Comment: *There are no reductions of buffers, open space, or recreational amenities. Landscaping will be required for the storm drainage tract per KCC 17.385.027(B) (3).*

- i. The proposal does not reduce or increase the number of access points or significantly alter the location of access points;

Staff Comment: *The proposed amendment to the plat will not alter the plat access.*

- j. The proposal does not reduce required setbacks; and

Staff Comment: *The applicant's proposal is consistent with setbacks for the previous Urban Low Residential zone.*

- k. The proposal does not reduce any street frontage improvements (e.g., sidewalks, curb/gutter, and bicycle lanes).

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Staff Comment: The minor amendment does not reduce frontage improvements on the private road within the plat or on Horstman Road, a higher traveled road as defined by County road standards.

Public Comments:

Pursuant to KCC Title 21, Land Use, and Development Procedures, the Department gave proper public notice for the proposed Minor Plat Amendment. To date, the Department has not received any written public comments.

Decision:

The Department has reviewed the request in accordance with the conditions of approval for the minor amendment per 16.040.040 Amendments to Approved Preliminary Subdivisions and here-by **approves** the request for the Pros Pine Minor Plat Amendment revised site plan, submitted on July 20, 2017.

1. The Minor Plat Amendment will be subject to all conditions of approval per the Hearing Examiner's decision for the Pros Pine Plat Preliminary Plat, dated, December 1, 2016 (File 16 02805). If there are conflicts between these conditions and the conditions per the approved preliminary plat, the conditions below shall apply.
2. All existing septic tank(s) will need to be decommissioned when connecting to sewer.
3. Either the water main needs to be extended or a Bond for extending the water main is required prior to Plat Final.
4. Non-Binding Sewer Letters for each parcel are required prior to Final Plat.
5. Any existing wells must be decommissioned by a licensed well driller before any building permits are issued.
6. All previous approvals and conditions concerning fire department access, fire hydrant location, and fire flow noted on 16 02805 and 16 02806 remains in effect.
7. Development Engineering conditions #17-19, Stormwater conditions #20-29, Traffic conditions #30-37, and Solid Waste condition #42, as stated in the Hearing Examiner Decision for File No. 16 02805, dated November 28, 2016 still apply. Construction shall comply with these conditions, as well as with the plans approved for Site Development Activity Permit #16 02806 and any addendums thereto.
8. This project includes the construction of rock walls or other retaining facilities that either exceed four feet in height or sustain a surcharge. A separate building permit with an engineered design is required for such walls. This note shall be placed on the face of the final construction drawings.
9. Rock and retaining walls shall meet all applicable setback requirements of the Kitsap County Storm Drainage Manual.

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- 10. Proof of rights of use of the easement shown as providing access to the subject property shall be submitted with the Final Plat application materials.
- 11. A Final Short/Large Lot/Subdivision Plat shall be prepared by a licensed Land Surveyor in compliance with KCC Title 16.
- 12. Access to all lots shall be from roads within the proposed plat boundaries of Pros Pine. A note to this effect shall be placed on the Final Plat.
- 13. Before Final Plat approval, provide documentation of the offsite stormwater easement for the proposed stormwater overflow on the adjacent property (Prosperity Plat).

Please note affected property owners may request a change in valuation for property tax purposes, notwithstanding any program of revaluation. Please contact the Assessor's Office at 360-337-5777 to determine if a change in valuation is applicable due to the issued Decision. The complete case file is available for review at the Department of Community Development if you wish to view the case file or have other questions, please contact help@kitsap1.com or (360) 337-5777. Please note DCD is open Monday to Thursday from 8:00am to 4:00pm and on Friday from 9:00am to 1:00pm except holidays.

 FOR

Jeff Smith, Project Lead

8.29.17

Date

 FOR

Scott Diener, Development Services and Engineering Manager

8/29/17

Date

CC: Interested Parties: None
 Kitsap County Health District, MS-30
 Kitsap County Public Works Dept., MS-26
 DCD Staff Planner: Jeff Smith
 DCD File 17 02934

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