



## Hearing Examiner Staff Report and Recommendation

**Report Date:** October 7, 2021  
**Hearing Date:** October 14, 2021

**Application Submittal Date:** June 22, 2020  
**Application Complete Date:** August 18, 2020

**Project Name:** Chagnon Preliminary Plat  
**Type of Application:** Type III  
**Permit Number:** 20-02686

### Project Location

8400 Block Chagnon Place NW  
Silverdale, WA  
Commissioner District #3

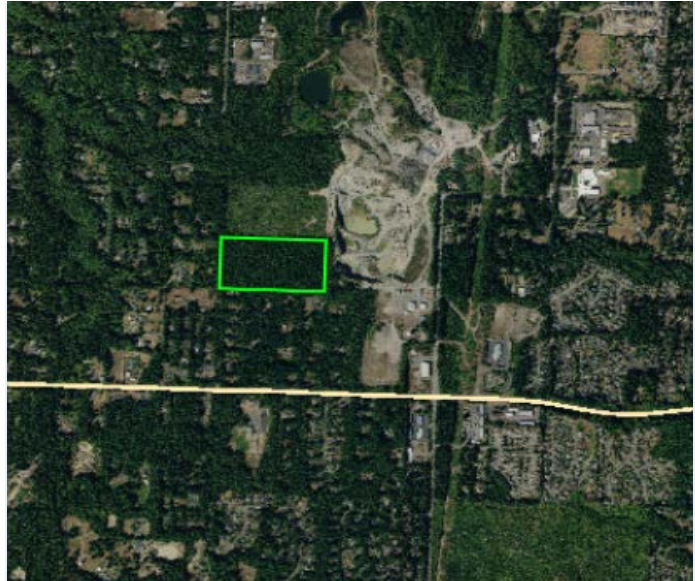
### Assessor's Account #

192501-3-002-2007

### Applicant/Owner of Record

Scott Delhaute  
Enviro Homes Applicant/Owner  
P.O. Box 508  
Silverdale, WA 98383

### VICINITY MAP



### Recommendation Summary

Approved subject to conditions listed under section 13 of this report.

#### 1. Background

The proposal is to subdivide an approximately 19.34-acre parcel into 74 single-family lots and 6 tracts: one stormwater, two open space, one recreational open space and two tracts for accessing lots at the eastern corners. Residential home sites are proposed to occupy about 50% of the parcel, with the remainder consisting of private roads, open spaces, and stormwater mitigation facilities. The average proposed lot size is 6,200 sf and range from 5,900 sf to 8,560 sf. Stormwater mitigation is proposed to be provided by a bioretention/infiltration pond located in the northwest corner of the proposal. Domestic water and fire flow are proposed to be provided by Silverdale Water District. Sanitary sewer is proposed to be provided by Kitsap County by connecting to an existing gravity sewer located in NW Newberry Hill Road. Gravity sewers are proposed throughout the project.

## **2. Project Request**

The applicant is requesting a Preliminary Plat approval to subdivide a 19.34-acre parcel into 74 single-family residential lots.

## **3. 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. A separate notice of the threshold determination is given by the County. If it is not appealed, it becomes part of the hearing record as it was issued, since it cannot be changed by the Hearing Examiner.

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 11, 2020 (Exhibit 21). A Determination of Nonsignificance (DNS) was issued on September 28, 2021 (Exhibit 32). SEPA noted the following information/SEPA mitigation conditions have been imposed and are listed end of this report:

### **COMMENTS:**

1. The SEPA comment period previously occurred concurrent with the revised Notice of Application dated September 11, 2020. Written comments were submitted by Mike Shleis, and Tami Hata related to road standards, access during road construction, responsibilities related to future road maintenance and questions about flood prevention for culvert replacements during road construction. The project will meet Kitsap County urban road standards for Chagnon Pl. NW. Public access will be guaranteed during road construction and culverts will be replaced outside of potential flooding periods.

### **CONDITIONS:**

1. The proposal will be conditioned for Stormwater control pursuant to KCC Title 12 (Stormwater Management).
2. Due to the presence of steep slopes on the property and grading of subsurface materials, the proposal will be conditioned to follow all recommendations of the geotechnical report, dated August 6, 2019 per KCC Chapters 19.400 and 19.700.
3. Related to traffic concerns, Kitsap County Public Works, Roads Division has provided the following: Interior private roads shall be shown as Tracts.
4. Prior to recording the Final Plat, the developer shall pay a proportionate share towards signalized intersection improvements at NW Newberry Hill and Dickey Road/Eldorado

Blvd. Proportionate share shall be equal to the highest of AM or PM site traffic to total intersection traffic for east/west left turn and minor approach movements.

5. Site access to Chagnon Place NW shall be designed per Kitsap Road Standards with minimum face of curb line radii of 35 feet.
6. Chagnon Place NW shall be improved per Kitsap County Road Standards Section 3.6. and 3.6.1. Minimum travel lane width shall be 10 feet from NW Newberry Hill Road to site access. A 5-foot sidewalk is required along east side of road and a 3-foot gravel shoulder on the west side of Chagnon Place from NW Newberry Hill Road to site access. Sidewalk shall transition to asphalt shoulder at NW Newberry Hill Road. Chagnon Place NW approach to NW Newberry Hill Road shall be improved to Kitsap County Road Standards (KCRS) per Figure 4-2.
7. All grade changes greater than 1 percent on Chagnon Place NW shall be connected by a vertical curve. See KCRS Section 3.1.
8. Internal roads will be private and will be maintained by a Homeowner’s Association via a covenant recorded to the Plat.

The SEPA appeal period expired October 12, 2021. No appeals were filed; therefore, the SEPA determination is final.

**4. Physical Characteristics**

The subject property consists of one parcel, tax account 192501-3-002-2007 encompassing 19.34 acres. The property is undeveloped and forested. The site is densely vegetated with coniferous and deciduous trees and heavy underbrush. The property is generally a west facing slope that descends from a high point of 500 feet on the eastern edge of the property to a low point of approximately 400 feet on the western edge of the property. The property is bordered by cleared, undeveloped land to the north, a commercial mining area to the east owned by Pyrmat Holdings LLC, which has an active MRO/WSDNR Surface Mining permit to mine sand. The property bordering the north property line does not have an approved land use permit to surface mine the site yet.

**Table 1 - Comprehensive Plan Designation and Zoning**

Comprehensive Plan: Urban Low Residential Zone: Urban Low Residential	Standard	Proposed
Minimum Density	5 (19.34 acres of net developable acreage x 5= 96.7 or 97 required units)	74
Maximum Density	9 (19.34 acres x 9 = 174.06 or 174 maximum units)	
Minimum Lot Size	2,400 sf	5,900 sf

Maximum Lot Size	9,000 sf	8,560 sf
Minimum Lot Width	40 feet	60 feet
Minimum Lot Depth	60 feet	100 feet
Maximum Height	35 feet	3 stories, <35 feet
Maximum Impervious Surface Coverage	NA	~474,294 or 59%
Maximum Lot Coverage	NA	71%

Applicable footnote: KCC 17.420.060 # 25. For new building permit applications on vacant lots over eighteen thousand square feet located in urban low residential (ULR) and urban cluster residential (UCR) zones, the maximum lot size shall not exceed nine thousand square feet. This restriction shall not apply if:

- a. The net developable area of the existing parcel is less than eighteen thousand square feet, or
- b. The project application will meet minimum density requirements as established by this chapter.

*Staff Comment: Consistent with KCC 17.420.020.A, density was correctly calculated using net developable area to determine project density and complies with the requirement above for maximum lot size.*

**Table 2 - Setback for Zoning District**

	Standard	Proposed
Front (West)	20 feet	20 feet-garage, 10 feet-habitual area
Side (North)	5 feet	5 feet
Side (South)	5 feet	5 feet
Rear (East)	10 feet	10 feet

*Staff Comment: Consistent with definition KCC 17.110.435 'Lot Line, front', Lots 14 and 24 are measured from the west property line; Lot 37 from the east property line.*

**Table 3 - Surrounding Land Use and Zoning**

Surrounding Property	Land Use	Zoning
North	Vacant (not an active mining site)	Mineral Resource Overly (MRO)/Industrial
South	Single-family residences	Urban Low Residential (UL)
East	Surface Mine (active mining site)	MRO/Industrial
West	Single-family residences	Rural Residential (RR)

**Table 4 - Public Utilities and Services**

	Provider
Water	Silverdale Water District

Power	Puget Sound Energy
Sewer	Kitsap County
Police	Kitsap County Sheriff
Fire	Central Kitsap Fire & Rescue
School	Central Kitsap School District #402

**5. Access**

The property receives access from NW Newberry Hill Road which is a County-maintained road with a federal functional classification as Minor Arterial, and Chagnon Place NW has a local access road. Chagnon Place NW is an existing county roadway with width varying from 10 ft to 15 ft with occasional pullouts. Improvements will be required to accommodate the additional traffic and include widening for two 10-ft lanes and with a 5-ft sidewalk on the east side. Interior roads A and B will be privately maintained.

**6. Site Design**

The proposed Chagnon Preliminary Plat was reviewed for consistency with requirements pursuant to KCC 17.420.037 Single-family Subdivision/Design Standards, Chapter 16.24 Land Segregation Standards, and Chapter 16.40 Subdivisions. The preliminary plat is required to comply with urban development standards for utilities, roads, sidewalks, landscaping and recreation facilities.

**7. Policies and Regulations Applicable to the Subject Proposal**

The Growth Management Act of the State of Washington, RCW 36.70A, requires that the County adopt a Comprehensive Plan, and then implement that plan by adopting development regulations. The development regulations must be consistent with the Comprehensive Plan. The Comprehensive Plan process includes public involvement as required by law, so that those who are impacted by development regulations have an opportunity to help shape the Comprehensive Plan which is then used to prepare development regulations.

Kitsap County Comprehensive Plan, adopted June 30, 2016 and amended April 27, 2020

The following Comprehensive Plan goals and policies are most relevant to this application:

*Land Use Goal 1*

*Focus current and future and planning on infill development of existing Urban Growth Areas.*

*Land use Policy 2*

*Support innovative, high quality infill development and redevelopment in existing developed areas with Urban Growth Areas.*

*Land Use Policy 14*

*Through development standards, encourage urban amenities such as open space, plazas, and pedestrian features in areas of more intensive development within Urban Growth Areas.*

*Land Use Policy 15*

*Link non-motorized planning requirements to land use planning decisions.*

*Housing and Human Services Goal 6.*

*Integrate affordable housing and human services planning with transportation, workforce development, and economic development efforts.*

*Housing, Human Svcs Policy 23*

*Promote housing preservation and development in areas that are already well-served by schools, public transportation, commercial facilities, and have adequate infrastructure to support alternative modes of transportation.*

*Transportation Goal 1*

*Provide a safe and reliable multi-modal transportation system for people of all ages and abilities.*

*Transportation Policy 2.*

*Approve site design that is supportive of transit Service and its patrons.*

Silverdale Sub Area Plan and Goals and Policies

*Silverdale Goal 1. Provide sufficient capacity within the Urban Growth Area to properly accommodate a mix of residential, commercial, and industrial development to meet the extended population and employment projections for Silverdale.*

*Silverdale Policy 5. In areas where vehicular transportation will continue to be the predominate mode of travel, ensure that access to rights-of-way and site design standards provide for safe and convenient access by the traveling public.*

*Housing Silverdale Goal 7. Promote and protect the long-term viability, safety, character and identity of existing neighborhoods.*

*Silverdale Policy 18. Identify opportunities for community services and general recreation facilities within or between residential neighborhoods, with strong emphasis on private development and maintenance by neighborhoods.*

*Silverdale Goal 11. Improve safety and circulation for bicyclists and pedestrians.*

*Silverdale Policy 27. Establish priorities for completion of sidewalks and bicycle lanes in the design district areas.*

The County's development regulations are contained within the Kitsap County Code. The following development regulations are most relevant to this application:

Code Reference	Subject
Title 12	Storm Water Drainage
Title 13	Water and Sewers
Title 14	Buildings and Construction
Title 17	Zoning
Chapter 18.04	State Environmental Policy Act (SEPA)
Chapter 20.04	Transportation Facilities Concurrency Ordinance
Chapter 21.04	Land Use and Development Procedures

### 8. Documents Consulted in the Analysis

A complete index of exhibits is located in the project file. To date, the index to the record consists of Exhibits 1-40.

Exhibit #	Document	Dated	Date Received / Accepted
1	Required Permit Questionnaire		08/18/2020
2	Project Application		08/18/2020
3	Civil Plans – Preliminary		08/18/2020
4	Concurrency Test		08/18/2020
5	Drainage Report – Preliminary		08/18/2020
6	Geotechnical Report		08/18/2020
7	Landscape Plans – Preliminary		08/18/2020
8	Lot Report		08/18/2020
9	Preliminary Plat Map		08/18/2020
10	Project Narrative		08/18/2020
11	SEPA Checklist		08/18/2020
12	Sewer Availability Agreement		08/18/2020
13	Site Assessment Planning Packet		08/18/2020
14	Submittal Waiver		08/18/2020
15	Traffic Impact Analysis		08/18/2020
16	Water Availability Letter (049.001)		08/18/2020
17	Water Availability Letter (Silverdale)		08/18/2020
18	Water Availability Letter (049.002)		08/18/2020
19	Public Comment – Hata		08/24/2020
20	Public Comment - Schleis		08/27/2020
21	Notice of Application	09/20/2020	
22	Information Response Request	02/12/2021	
23	Civil Plans – Markup Comments	02/12/2021	

24	Landscape Plans – Markup Comments	02/12/2021	
25	Civil Plans – Revised		02/12/2021
26	Preliminary Plat Map – Revised		02/12/2021
27	Project Narrative – Revised		02/12/2021
28	Drainage Report – Revised		02/12/2021
29	Public Comment - Schleis		04/05/2021
30	Stormwater Preliminary Conditions Memo – Vickery	09/10/2021	
31	Project Narrative – 2 <sup>nd</sup> Revision		02/12/21
32	SEPA Determination of Nonsignificance	09/28/2021	
33	Notice of Public Hearing	09/29/2021	
34	Public Comment – Doty		10/04/2021
35	Maps – Combined	10/04/2021	
36	Certification of Public Notice	10/06/2021	
37	Staff Report		
38	Staff Presentation		
39	Hearing Sign In		
40	Public Comment - Vance	10/03/2021	

**9. Public Outreach and Comments**

Pursuant to KCC Title 21 Land Use, and Development Procedures, the Department gave proper public notice for the Preliminary Plat 800 feet around the property. To date the project has received mostly comments on civil design from several interested parties who live adjacent to the project and access Chagnon Place NW. The following is a general staff response:

*Staff Comment: The applicant is required to submit Preliminary Storm Drainage Plans and Reports to 60% design level. The full design plan set is then required to be submitted with a Site Development Activity Permit (SDAP), which is the permit that authorizes actual construction infrastructure (roads, storm system, utilities).*

Issue Ref. No.	Summary of Concern (See corresponding responses in the next table)	Comment Letter Exhibit Reference No.
1	Chagnon Place NW is currently a narrow unmaintained County Road. The traffic impact analysis referrers to the road as half urban because the road is on the border of the UGA. Does the County consider the Chagnon Place NW to be rural or urban? Will the County be responsible for maintaining the road and removing debris from the County right-of-way?	#19, 20, 34



2.	The existing culverts are not shown on the civil plans. The existing culverts are in poor shape and require replacement. Will these items be added to civil plans and addressed appropriately	#20, 40
3.	The Civil Plans call out 8-foot verses the required 10-foot travel lanes, pursuant to Kitsap County Fire Code and Road Standards. Is this not excessive for the construction of the new road?	#20, 34, 40
4.	Will Chagnon Place NW construction include a shoulder and /or bicycle lane as Kitsap Road standards?	#40
5.	Will the east and west county right-of-way be 100% cleared of all trees and vegetation to establish a clear zone?	#40
6.	Will Chagnon Place NW Place road construction include illumination throughout the access route?	#34, 40
7.	Will Chagnon Place NW be constructed in the existing right-of-way (ROW)?	#40
8.	Will storm water from Chagnon Place NW be channeled to the nearest north-south culvert that crosses under the roadway?	#34, 40
9.	Will there be traffic calming devices?	#34, 40
10.	Will there be a noise ordinance required to be enforced for all vehicles that access Chagnon Place NW?	#40
11.	Will up slopes be reinforced to prevent erosion?	#34
12.	Will Chagnon Place be paved prior to logging and site development?	#19, 34
13.	Will school buses, Waste Management, US Mail services directly access the new development, or will all services remain at the intersection of New berry Hill Road	#20, 34, 40

Issue Ref. No.	Issue	Staff Response
1.	Chagnon Place NW	<i>Chagnon Place NW is a public road within the Silverdale Urban Growth Area and subject to urban road standards, consistent with the Kitsap County Comprehensive Plan and Road Standards. The developer will only be required to construct half of the urban road frontage improvements on the east side. Kitsap County will be responsible to maintaining the public road only.</i>
2.	Culverts under Chagnon Place	<i>The applicant's civil design was lacking this information. All existing utilities and storm drainage features are required to be located and depicted on the SDAP plans and appropriately addressed.</i>
3.	Civil Design of Roads A.	<i>The following is the Department's recommended condition of approval: #34 Chagnon Place NW shall be improved to Kitsap County Road Standards Section 3.6 for a local road, from NW Newberry Hill Road to the site access. Minimum</i>

		<i>travel lane widths shall be 10 feet with vertical curb, gutter and 5-foot sidewalk on the east side, and 3-foot gravel shoulder on the west side (20-foot minimum fire access).</i>
	Civil Design of Roads B.	<i>Please note the diagram in the civil plans, see the road centerline vs. the right-of-way (ROW) centerline; the 30-foot dimensions is to the ROW centerline. When improvements are required to existing roadways, they are located as much as possible over the existing improved road prism to lessen impacts, and that is the case here. As indicated above, the full design SDAP will depict the improvements required by the conditions of approval.</i>
4.	Nonmotorized Facilities	<i>See response above on Condition of Approval.</i>
5.	Kitsap County maintenance	<i>Clearing within the ROW of Chagnon Place NW will be necessary to construct the required improvements and assure a clear sight distance at the intersection with the proposed road.</i>
6.	Road lighting	<i>The developer will not be required to illuminate the access route since it is a local road with no channelization. The developer may choose to add illumination at the site access. The Kitsap County Road Standards Section 5.4 states that intersections with channelization (Newberry/Chagnon) shall be illuminated to ANSI/IES guidelines. It is likely the intersection will require additional streetlights to bring it up the ANSI/IES levels.</i>
7.	Dedication of additional Right-of-way	<i>Road construction will occur within the existing County ROW.</i>
8.	Preliminary Storm Drainage Design	<i>The proposed compost amended vegetative filter strips (CAVFS) along the west side of Chagnon Place NW will infiltrate some of the runoff; the remainder will surface flow to existing discharge location; and it is noted that a CVFS design is meant to result in no-point discharge</i>
9.	Traffic Calming	<i>None are proposed or required.</i>
10.	Noise Ordinance	<i>The current KCC Chapter 10.24 Noise applies</i>
11.	Slopes	<i>The applicant will be required through the SDAP to show 90% or better for submittals and 100% at civil engineering plan approval of road construction with retaining walls and silt and erosion control.</i>
12.	Paving	<i>Paving will be determined at SDAP. Paving usually occurs after logging and during construction of the plat. The developer may install one lift of asphalt to prevent turbid</i>

		<i>water leaving the site and caused by traffic on the roadway.</i>
13.	Road Access	<i>Due to the scale of the 74-lot plat, the School District and utility providers will require direct (internal) access to the development.</i>

**10. Analysis**

**a. Planning/Zoning**

The proposed Chagnon Preliminary Plat was reviewed for consistency with requirements pursuant to KCC 17.420.037 Single-family Subdivision/Design Standards, Chapter 16.24 Land Segregation Standards, and Chapter 16.40 Subdivisions.

**b. Lighting**

Lighting and Central Mailboxes for Urban Plats: Urban residential plats generally include illumination of internal roadways and street lighting at the intersection where private roads intersect with County right-of-way, pursuant to 11.40 Street Lighting. The developer is responsible for installing lighting at the County’s intersection and conveying the lights to the County. If desired, the developer and or Homeowners Association (HOA) may install the internal street lighting. The individual property owners would be billed through the Silverdale Water District, the water purveyor for lighting, with the HOA responsible for maintenance.

Comparable developments have moved away from traditional rural box styles and instead install a clustered mailbox design for efficiency, security, and aesthetics. Consistent with KCC 16.24.040 Urban Standards 1.C (d.), where clustered mailboxes are proposed, the mailboxes must meet clear zone requirements.

**c. Off-Street Parking**

The Plat was reviewed for consistency with KCC 17.490 Off-street Parking and Loading and the plat is consistent with requirements. The proposal includes on-street and off-street parking. The applicant is proposing 148 off-street parking spaces in driveways and 45 on-street parking spaces. Per 17.490.020, the County calculates the required number of spaces in the driveway and not within individual residential garages. During review of individual building permits for the homes, the location and number of off-street parking spaces will be verified. The 74 single family homes will have driveways from the private roadway, with area for parking of two vehicles for each home.

**Table 5 - Parking Table**

Use Identified in 17.490.030	Standard	Required Spaces	Proposed Spaces/Existing Spaces
Single-family	2 per unit + 0.5 per unit on street or set aside	148 + 37 on-street or set aside = 185	148 + 45 on-street or set aside = 193
Total			193

**d. Signage**

Pursuant to KCC 17.510 Sign Code, the applicant can apply for signage near the entrance of the subdivision during or after construction. The applicant shows a location for a monument sign at the entrance. However, the applicant has not proposed specific signage at this time. When the final plat is recorded to establish the subdivision and lots are for sale, all signage will be required to be consistent with 17.510.060.M Conditionally Exempt signs - Real Estate Signage Program.

**e. Schools**

The project will be served by Central Kitsap School District and students will most likely be bused to the nearest schools which includes Silverdale Elementary School on Dicky Road NW, Klahowya Middle School located west of the of the project site on NW Newberry Hill Road and Central Kitsap High School on NW Anderson Hill Road. The Department has not received comments from Central Kitsap School District on bus access and circulation on the preliminary plat.

**f. Landscaping**

Pursuant to KCC 16.24 Urban Standards Landscaping Requirements, landscaping is required at entrances and street trees planted by the developer along streets or on individual lots at construction or for individual units prior to certificate of occupancy. The applicant will be required to submit a landscape plan with the Site Development Activity Permit application showing landscaping around storm drainage facility, street trees, the recreation facilities, and natural vegetation (Exhibit24) (See Conditions of approval 4, 5 and 8).

**Table 6 - Landscaping Table**

	Required	Proposed
Required Landscaping (Sq. Ft.) 15% of Site	NA	NA
Required Buffer(s) 17.500.027		

North	NA	NA
South	NA	NA
East	NA	NA
West	Separation Buffer	Separation Buffer
Street Trees	Yes (25 to 30 feet spacing)	Yes

**g. Frontage Improvements**

Consistent with Comprehensive Plan polices, KCC 16.04.080 General Requirements, KCC 17.420.037 Single Family Design Standards and KCC Title 11 Kitsap County Road Standards, the preliminary plat is required to include frontage improvements along Chagnon Place NW. The proposal is for a curb, gutter and sidewalk on one side of the plat entry with ADA ramps provided. The internal roadways will include frontage improvements on both sides of private roads.

**h. Design Districts/Requirements**

The project is located outside of designated Kitsap County designate design districts.

**i. Development Engineering/Stormwater**

The proposed stormwater facilities include a system of conveyance pipes and catch basins to convey street and impervious area runoff to a bioretention/infiltration pond for stormwater quantity control and quality treatment; a secondary storm system will collect rooftop runoff for conveyance to the pond. Development Services and Engineering has reviewed the above land use proposal and finds the concept supportable in its approach to civil site development. These comments are based on a review of the Preliminary Drainage Report and Preliminary Engineering Plans accepted for review August 18, 2020, and as revised by additional materials accepted for review February 11, 2021 to Kitsap County Development Services and Engineering.

**j. Environmental**

The Kitsap County Resource maps do not show critical areas on the property. The parcel is in proximity to mapped moderate seismic hazard areas within the Dicky Pit, approximately 150 feet east of the parcel’s east boundary. However, the property is located within a Critical Aquifer Recharge (CARA-1) due to highly permeable soils and a shallow aquifer. The preliminary subdivision is not a listed as a land use in Table 19.600.620 Activities with a Potential Threat to Groundwater Quality and does not require a hydrogeologic report.

**k. Access, Traffic and Roads**

The proposed development includes improvements to Chagnon Place NW along the site frontage and continuing south to the intersection of NW Newberry Hill Road, and construction of private interior plat roads.

Interior privately maintained Roads A, B, and C will be constructed with 11-foot paved drive lanes with 8-foot parking on one side. Sidewalks are to be provided on both sides. Except for in front of lots 14 -24, Road A travels west to east up the incline of the project site and Roads B and C traverse the slope. The access road (Road A) into the plat has a slope of approximately 12% while all other road segments are approximately 4%. Private Road D serves 8 Lots and will be constructed with 10-foot paved drive lanes and no sidewalks. (See Condition of Approval #43)

**i. Fire Safety**

The project is located within the Central Kitsap County and Fire protection will be by Central Kitsap Fire and Rescue District #1. The nearest fire station is located near the corner NW Newberry Hill Road and Dicky Road NW. The Fire Marshal has reviewed the proposal and conditioned. Fire flow verification and adequate fire apparatus access for emergency responders are required and will be reviewed through the SDAP. (See Conditions of Approval #56 and 57)

**m. Solid Waste**

Individual property owners will be responsible for solid waste collection. Waste Management approval is required for solid waste service for the plat.

**n. Water/Sewer**

The project requires an urban level of service for water and sewer service. The applicant has provided documentation that the water service is available from Silverdale Water District and sanitary sewer is available from Kitsap County Public Works (Exhibits 12, 16, 17, and 18).

**o. Kitsap Public Health District**

The Kitsap Public Health District has reviewed the proposal and does not have concerns with the request. The District has requested Sewered building clearance prior to building permit issuance.

**Title 16 Land Division and Development**

The proposal was reviewed for consistency with zoning requirements in KCC, Chapter 16.04.080 General Provisions, 16.24.040 Urban Standards and 16.40 Subdivisions.

**16.04.080 General Requirements**

The public use and interest will be served by the proposed land segregation. 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.

*Staff Comment: The applicant's submittal met the general requirements per this section.*

### **16.24.040 Urban Standards**

The following are land segregation standards for preliminary subdivisions:

#### **a. Access**

The developed site will receive access from Chagnon Place NW, a Kitsap County public paved road.

#### **b. Public Transit Provisions**

Chagnon Place NW is not currently served by Kitsap Transit and a bus stop is not required. The nearest bus route is #202—Central Kitsap Fast Ferry Express—on State Route 3 and located approximately 1¼ miles east of the project.

#### **c. Non-motorized Facilities**

The applicant will be required to install sidewalks on one side of Chagnon Place and both sides within the plat as proposed. With the proposed trail within tract C, the project meets the general intent of Nonmotorized Trail requirements.

#### **d. Off-Street and On-Street Parking**

See off-street parking comments above in Table 5.

#### **e. Fire Protection**

The project will include a water main extensions and fire hydrants along with emergency vehicle access to meet the requirements of the Kitsap County Title 14 Building and Fire Code. The Project will be reviewed during the SDAP for fire and life safety requirements.

#### **f. Landscaping Requirements**

The applicant is providing street trees along Chagnon Place NW and internally on individual lots. Street trees will be required to be installed during construction of the plat or prior to issuance of the certificate of occupancy of the associated residence. The applicant is proposing Scarlet Sentinel Maple and Bradford Pear as the street tree (Exhibit 24). (See Conditions of Approval 4, 5, and 8)

#### **g. Utilities**

In addition to the project being served by an urban level of service for water and sewer as discussed above, the project will be served by Puget Sound Energy, and by other local utility providers (cable telephone, etc.).

#### **h. Recreation Requirements**

The preliminary plat will include recreational open space amenities consistent with subdivision standards. Recreation space requirements for the plat are 390 square feet 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  $390 \times 74 = 28,860$  square feet. The project provided 25,406.04 square feet, but later increased the recreation area with the addition of

5,500 square feet from Tract C. The Tract E active recreation area/open space meets the Kitsap County Code for the development: within 5% grade, located on site and has good visibility with approximately half of the homes and meets dimensional requirements. The applicant is also proposing a 5-foot wide gravel path with a length of 900 feet. The path extends around the perimeter of the pond between the pond fence and the 25-foot Rural Screening Buffer along Chagnon Place NW. (See Condition of Approval #43)

### **11. Review Authority**

The Hearing Examiner has review authority for this Conditional Use Permit application under KCC, Sections 16.04.080 and 21.04.100. The Kitsap County Commissioners have determined that this application requires review and approval of the Hearing Examiner. The Hearing Examiner may approve, approve with conditions, or deny a Conditional Use Permit. The Hearing Examiner may also continue the hearing to allow for additional information necessary to make the proper decision. The powers of the Hearing Examiner are at KCC, Chapter 2.10.

### **12. Findings**

KCC Section 16.04.080 General Provisions-Appropriate facilities and Improvements determinations. The County must determine whether the proposal includes appropriate provisions for drainage, roads, alleys and other public ways, water supplies, sanitary waste, parks, playgrounds, fire protection facilities, school sites and grounds and other public and private facilities and improvements. The Hearing Examiner is required to make findings for the following requirements:

1. Documentation that the proposed subdivision complies with applicable provisions of the Kitsap County Comprehensive Plan, and Kitsap County Code, and that the public use and interest will apparently be served by the proposal.

*Staff Comments: The Department determined that the plat proposal is consistent with the Urban Low zoning and is consistent with the Comprehensive Plan policies. The project falls within the required density of 5 to 9 dwelling units. The proposed density is based upon the net developable acreage, which is approximately 7 dwelling units per acre when rounding.*

2. Adequacy of Access: Each lot within land segregation shall have approved access. The development receives access from Chagnon Place NW, which has an urban road functional classification as a local access road. The applicant is proposing to construct a private road that meet minimum fire access requirements. Vertical curbs are required for designated on-street parking areas. The Engineering staff has reviewed the transportation element of the project and issued a preliminary approval on September 10, 2021 (Exhibit 30).

*Staff Comments: The applicant has addressed public safety by providing adequate*



*access for ingress and egress for the plat.*

3. Safe Walking Conditions: The applicant is required to provide information on pedestrian needs generated by the proposed land segregation.

*Staff Comments: Pursuant to KCC Title 16, sidewalks are required. Consistent with this requirement, the applicant is providing frontage improvements and an internal sidewalk on one side of Chagnon Place and both side of the private road tracts.*

4. Lot Configuration: Lots should run at right angles to the street upon which the lots face.

*Staff Comments: The proposed 74 lots within the project comply with the above standard for lot configuration. The applicant is proposing 20-foot garage setback from the driveway access off the private road and a minimum of 10-foot habitable area front yard if required.*

### **13. Recommendation**

Based upon the analysis above and the decision criteria found in KCC 16.04.080 and 21.04.100, the Department of Community Development recommends that the Preliminary Subdivision for Chagnon Preliminary Plat be **approved**, subject to the following 65 conditions:

1. All required permits shall be obtained prior to commencement of land clearing and/or construction.
  - a. **Planning/Zoning**
    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.
    3. 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 17.500.030 Landscaping, during civil site development activity plan (SDAP) review, which depicts natural vegetation, and the planting and irrigation plan.
    5. Street trees shall be planted along the access road on individual lots at approximately 25-ft spacing in the vegetative strip between the sidewalk and thickened edge. A final landscape plan will be subject to approval by the Department prior to SDAP approval. Trees on individual lots are required to be installed prior to

Certificate of Occupancy of individual units. 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.

6. At the time of SDAP include the location of mailbox clusters consistent with KCC 16.24.040(C)(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.
7. Include a note on the face of the plat showing building setbacks for the lots as conditioned per the plat approval.
8. Prior to the plat transferring to the Homeowner's Association (HOA), the developer will be responsible for irrigation, and maintenance of all landscaping to ensure survival up to two years. The developer or the HOA should maintain all landscaping consistent with the Tree Care Industry Association's standard practices.
9. Pursuant to KCC Section 21.04.110 Timeline and Duration of Approval, 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 .170.
10. The decision set forth herein is based upon representations made and exhibits contained in the project application (Exhibits 1 and 2). 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.
11. 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 this/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.
12. Any violation of the conditions of approval shall be grounds to initiate revocation of this Plat.
13. 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.

**b. Development Engineering**

14. 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.
15. 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**

16. 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 Services and Engineering.
17. 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 Preliminary Plat application was deemed complete, August 18, 2020. The submittal documents shall be prepared by a civil engineer licensed in the State of Washington. The fees and submittal requirements shall be in accordance with Kitsap County Ordinances in effect at the time of SDAP application.
18. Any project that includes offsite improvements that create additional impervious surface such as lane widening, sidewalk or shoulder installation or intersection channelization shall provide stormwater mitigation in accordance with Kitsap County Code Title 12 effective at the time the Preliminary Plat application was deemed complete, August 18, 2020.
19. The Washington State Department of Fish and Wildlife may require a Hydraulic Project Approval for the work required at the proposed outfall.
20. The project proponent shall be responsible for installing any necessary off-site downstream drainage improvements related to emergency overflow discharge from the bioretention/infiltration pond. Procurement of any permits or easements

necessary to install off-site improvements shall be the responsibility of the project proponent.

21. The site plan indicates that greater than 1 acre will be disturbed during construction. This threshold requires a National Pollutant Discharge Elimination System (NPDES) Stormwater Construction permit from the State Department of Ecology. More information about this permit can be found at:  
<http://www.ecy.wa.gov/programs/wq/stormwater/construction/> or by calling Josh Klimek at 360-407-7451, email [joshklimek@ecy.wa.gov](mailto:joshklimek@ecy.wa.gov). This permit is required prior to issuance of the SDAP.
22. Per WAC 173-175, the construction of pond berms that will impound a volume of ten acre-feet or more of water requires review and approval by the Department of Ecology. This approval must be completed prior to issuance of the SDAP.
23. The Washington State Department of Ecology (Ecology) may require registration of the infiltration trench as an Underground Injection Control (UIC) well in accordance with the Underground Injection Control Program (Chapter 173-218 WAC). The applicant shall contact Ecology to determine if the facility is regulated under the UIC program.
24. The application indicates that a significant quantity of grading material will be imported to the site. Typically, this means five or more trucks entering/leaving the site per hour. Because of this a vehicle wheel wash must be included as an element of the siltation erosion control plan.
25. The design of the infiltration facilities shall be accordance with Vol. II, Chapter 5 of the Kitsap County Stormwater Design Manual.
26. The infiltration facilities shall remain offline 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 to verify that the facilities are installed in accordance with the design documents and that actual soil conditions encountered meet the design assumptions. The Project Engineer shall submit the inspection report properly stamped and sealed with a professional engineer's stamp to Development Services and Engineering.

28. All retention facilities shall be a minimum of 200 feet from any slope steeper than 30%. This distance may be reduced based on a geotechnical engineering report. That analysis will be prepared by a Civil Engineer licensed in the State of Washington, knowledgeable in the practice of soils engineering and mechanics. The analysis will address the effects of groundwater infiltration, seepage, potential slip planes, and changes in soil bearing strength. The proposed facilities will be designed following the recommendations of the geotechnical analysis.
29. Some of the proposed lots cannot connect to the proposed primary conveyance system. On-site infiltration systems should be used as a first priority for the individual lots. A secondary drainage system may be used on lots where infiltration is not feasible. Prior to final plan acceptance the design engineer shall provide either a design of the individual infiltration systems or the secondary system(s) serving each lot. Maintenance of either of these systems will be the responsibility of the homeowner.
30. The impervious area per lot accounted for in the overall drainage facilities installed shall be indicated on the face of the final plat; each lot's allowable impervious area shall be separated by rooftop area and driveway area in a chart titled Allowable Impervious Area, 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."
31. 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.

32. The Final Plat shall include notes regarding drainage easements, appropriate conveyance language, and access rights thereto, depending on final design. The specific notes will be determined during review of the Final Plat permit application.
33. 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.
34. The following condition shall be added to the face of the Final Plat: At the time of submittal of a building permit for any lot within this plat, soil amendment is required for all disturbed areas not covered by hard surface.
35. The owner shall be responsible for maintenance of the storm drainage facilities for this development following construction. Before issuance of Occupancy Permits for this development, the person or persons holding title to the subject property for which the storm drainage facilities were required shall record a Declaration of Covenant that guarantees the County that the system will be properly maintained. Wording must be included in the covenant that will allow the County to inspect the system and perform the necessary maintenance in the event the system is not performing properly. This would be done only after notifying the owner and giving him a reasonable time to do the necessary work. Should County forces be required to do the work, the owner will be billed the maximum amount allowed by law.
36. If the project proposal is modified from that shown on the submitted site plan accepted for review February 11, 2021, Development Services and Engineering will require additional review and potentially new conditions.

**c. Environmental**

37. Due to the presence of steep slopes on the property and grading of subsurface materials, the proposal will be conditioned to follow all recommendations of the geotechnical report, dated August 6, 2019 per KCC Title 19.400 and KCC 19.700.

**d. Traffic and Roads**

38. The interior roads of the proposed plat shall be designed and constructed in accordance with the requirements of Kitsap County Fire Marshal for emergency vehicle access.
39. The interior roads of the proposed plat shall be constructed with travel lane widths; on-street parking; and vertical curb, gutter and sidewalk in general conformance with that shown on the Preliminary Plat drawing.

40. Prior to recording the Final Plat, the developer shall pay proportionate share towards signalized intersection improvements at NW Newberry Hill and Dickey Road/Eldorado Blvd. Proportionate share shall be equal to highest of AM or PM site traffic to total intersection traffic for east/west left turn and minor approach movements.
41. Site access at Chagnon Place NW shall be designed and constructed to Kitsap County Road Standards Section 4.0. The minimum face curb line radii required is 35 feet. Clear intersection sight triangle shall be provided.
42. Vertical alignment of Chagnon Place NW shall be to Kitsap County Road Standards Section 3.1. All grade changes greater than 1 percent shall be connected by a vertical curve.
43. Chagnon Place NW shall be improved to Kitsap County Road Standards Section 3.6 for a local road, from NW Newberry Hill Road to the site access. Minimum travel lane widths shall be 10 feet with vertical curb, gutter and 5-foot sidewalk on the east side and 3-foot gravel shoulder on the west side.
44. The Chagnon Place NW approach to NW Newberry Hill Road shall be improved to Kitsap County Road Standards.
45. The following shall appear on the face of the Final Plat, under the heading Conditions:
  - a. All interior roads shall remain private.
  - b. All lots shall access from interior roads only.
  - c. 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.
  - d. Road approach permits shall be obtained prior to commencement of work on an individual lot.
  - e. Lots 14 & 15 shall access Tract A Road only from Tract F; Lots 23 & 24 shall access Tract A Road only from Tract G.
  - f. Lots 43, 55, 63 & 68 shall access Tract A Road at the lot's west boundary.
  - g. Lots 49, 54, 62, 69 & 74 shall access Tract A Road at the lot's east boundary.
46. 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.

47. All rights of access for adjoining properties currently in existence shall be preserved and documented on the face of the final plat. Any amendment to the existing easement rights of adjoining property owners shall be properly executed and recorded prior to SDAP or final plat acceptance.
48. Sidewalk ramps shall conform to the current requirements of the Americans with Disabilities Act per WSDOT standard plans at the time of construction.
49. The property owners within the plat shall be responsible for maintenance of all landscaping within the existing and proposed right-of-way including any structures other than roadway, storm drainage facilities, and traffic signage. Maintenance shall include, but not be limited to, mowing of lawn areas. A note to this effect shall appear on the face of the final plat map and the accepted construction plans. In addition, Development Services and Engineering reserves the right to require that covenants be recorded to address special maintenance requirements depending on final design.
50. Provide surveyed cross-sections at 50-foot intervals along Chagnon Place NW from its intersection with NW Newberry Hill Road to the site access. The cross-sections should show existing and proposed pavement, shoulders, ditches and slopes. The cross-sections should also depict centerline of pavement and right-of-way, the right-of-way lines, and easements.
51. Submit plans for construction of the road approach between the edge of existing pavement and the right-of-way line at all intersections with county rights-of-way. Approaches shall be designed in accordance with the Kitsap County Road Standards as established in Chapter 11.22 of the Kitsap County Code. Existing approaches may need to be improved to meet current standards.
52. Any required sidewalk shall be constructed prior to roadway paving. This note shall appear on the face of the final construction drawings.
53. The developer's engineer shall certify that there is adequate entering sight distance at the intersection of the interior plat road and Chagnon Place NW. Such certification shall note the minimum required sight distance, the actual sight distance provided, and a sight distance diagram showing the intersection geometry drawn to scale, topographic and landscaping features, and the sight triangle. The sight distance shall meet the requirements of the Kitsap County Road Standards. The certification shall also note necessary measures to correct and maintain the minimum sight triangle.



54. All work, equipment and materials for traffic signal and street lighting installations shall meet and be in compliance with all requirements of the Kitsap County Road Standards, Project Contract Provisions of Plans and Specifications accepted for construction by Kitsap County, Manual on Uniform Traffic Control Devices (MUTCD), National Electrical Manufacturer's Association (NEMA), National Electrical Code (NEC), Washington State Department of Transportation (WSDOT) Standard Specifications and Standard Plans, and the Occupational Safety and Health Administration (OSHA).
55. Any work within the County right-of-way shall require 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 if no SDAP is required). The need for and scope of bonding will be determined at that time.

**e. Fire Safety**

56. Fire flow in the amount of 500GPM/30min is required. Fire flow water availability must be confirmed through water purveyor prior to building permit issuance. If fire flow is not available, automatic fire sprinklers as approved by the Kitsap County Fire Marshal shall be installed throughout homes here and after constructed on lots created by this land division.
57. A 20-foot-wide unobstructed access road is required for dwellings here and after constructed on lots created by this land division. Required fire apparatus access roads must be maintained in accordance with IFC 503 amended by Kitsap County. Any proposed revision to these roads must be submitted to, reviewed and approved by the Kitsap County Fire Marshal's Office. Access roads shall comply with the following:
  - Unobstructed width of 20 feet and height of 13 feet 6 inches.
  - Shall be designed and maintained to support a 60,000-pound fire apparatus and be provided with an all-weather driving surface.
  - Dead end access roads exceeding 150 feet in length shall be provided with an approved turnaround.
  - Inside turning radius shall be a minimum of 25 feet.
  - Road shall not be more than 12% grade.

**f. Solid Waste**

58. Prior to SDAP approval, applicant 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 [pnwcmervices@wm.com](mailto:pnwcmervices@wm.com) or 1-800-592-9995; their website is <http://wmnorthwest.com/kitsap/index.html>.

**g. Wastewater**

59. Sewer Availability Agreement account(s) must be kept current and in good standing through permit approval date.
60. Kitsap County sanitary sewer is available for the project. Applicant needs to submit a complete set of sewer plans, profiles, and specifications designed in accordance with Kitsap County Public Works - Sewer Utility Division Standards and Regulations.

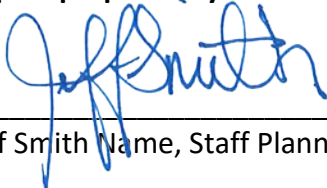
**h. Kitsap Public Health District**

61. Sewered building clearances will be required prior to building permit issuance with binding water and non-binding sewer letters.

**i. Other**

62. 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.
63. Rock and retaining walls shall meet all applicable setback requirements of Vol. II, Chapter 9 of the Kitsap County Stormwater Drainage Manual.
64. A Hydraulic Project Approval (HPA) may be required for work at the proposed outfall. Prior to SDAP approval, the applicant shall submit an approved HPA from the Washington State Department of Fish and Wildlife (WDFW) or documentation from WDFW specifying that an HPA is not required.

**Report prepared by:**



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Jeff Smith Name, Staff Planner / Project Lead

10/07/2021

Date

**Report approved by:**



10/07/2021

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Scott Diener, Department Manager / Supervisor

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Date

**Attachments:**

Attachment A – Site Plan

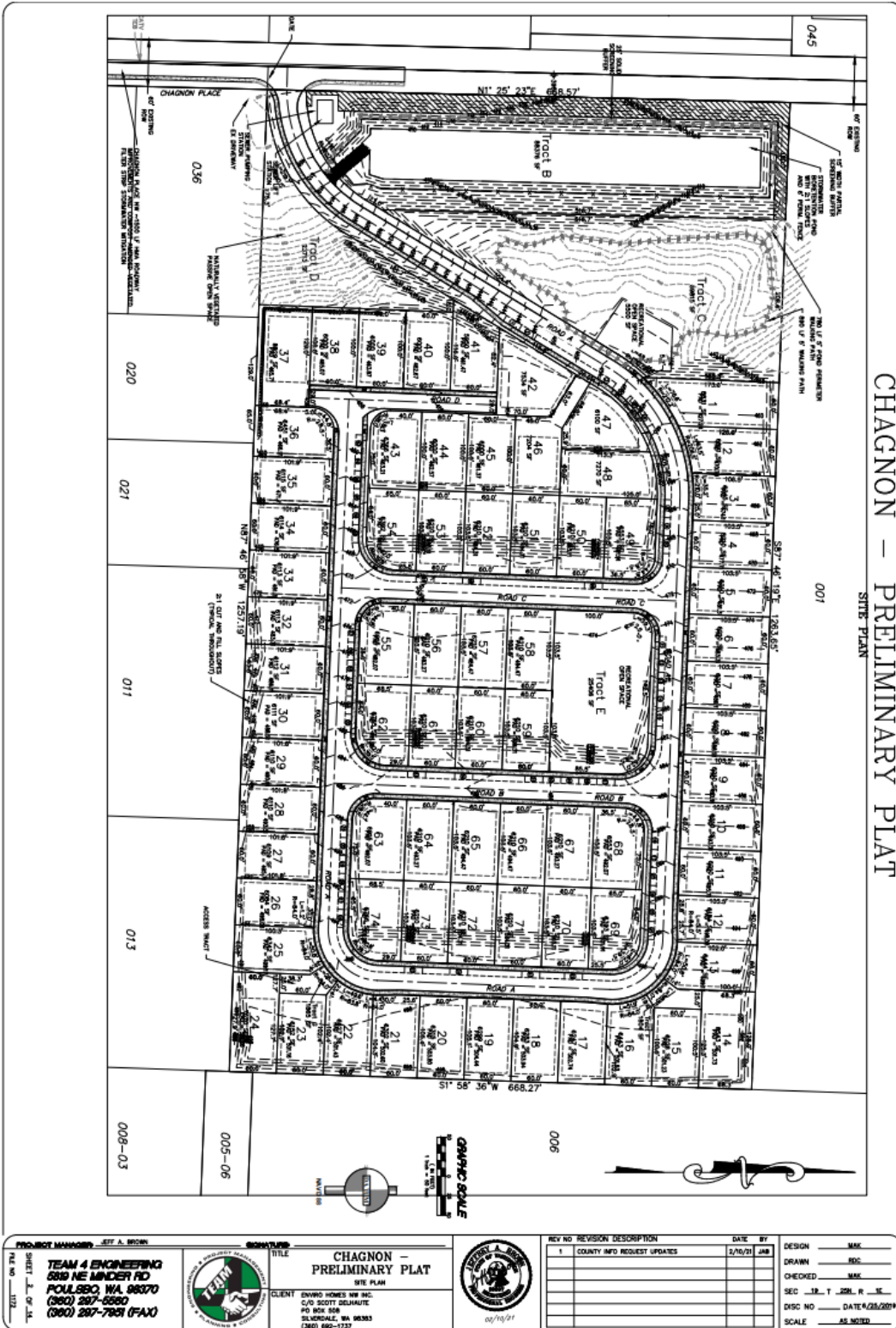
Attachment B – Landscape Plan

Attachment C – Zoning Map

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Kitsap County Health District, MS-30  
Kitsap County Public Works Dept., MS-26  
DCD Staff Planner: Jeff Smith

**Site Plan**

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Zoning Map

