



Staff Report and Administrative Decision

Report Date: November 21, 2017

Application Complete Date: July 26, 2016

Application Submittal Date: July 20, 2016

To: Sterling Estates Inc, Scott Delhaute, sdelhaute@aol.com
Team 4 Engineering, Mark Kuhlman, mark@team4eng.com
Interested Parties and Parties of Record

RE: **Permit Number:** 16 03275
Project Name: Sterling Hills Estates – Phase 3 Minor Amendment
Type of Application: Minor Plat Amendment Type-II

Decision Summary:

The applicant requests approval of a Type-II Minor Preliminary Plat Amendment to Phase 3 to improve project layout.

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: <https://spf.kitsapgov.com/dcd/FormsandBrochures/Appeals.pdf>.

Project Request:

The request is for a plat amendment to make minor modifications to the approved Sterling Estates Preliminary Plat/ Performance Based Development - Major Amendment dated July 31, 2014 (File 14 01025). The minor amendment is to improve the grading balance, modify the lot configuration of the preliminary subdivision to improve traffic circulation, revision to utilities, and minor revision to wetland buffers, per Kitsap County Code, Section 16.40.040 Amendment to Preliminary Approved Plats. The Phase 3 development is for 74 single-family residential lots, out of a total of 151 approved lots.

Project Location:

The property fronts and will receive access from NW Apex Airport Road





Kitsap County Department of Community Development

Assessor's Account #:

182501-2-048-2006

Applicant/Owner of Record:

Sterling Hill Estates Inc.
Scott Delhaute
PO Box 508
Silverdale, WA 98383

Applicant's Representative:

Team 4 Engineering
Mark Kuhlman, PE
5819 NE Minder Rd.
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 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 for the major plat amendment, dated September 19, 2011. The original Mitigated Determination of Nonsignificance (DNS) was issued on June 25, 2014. The SEPA appeal period expired September 24, 2014. No appeals were filed; therefore, the SEPA determination is final.

Comments:

The Kitsap County Department of Community Development is issuing this addendum to the SEPA MDNS for the Sterling Hills Estates Performance Based Development with the associated Minor Plat amendment, under permit 16 03275. Please note that consistent with section WAC 197-11-625 of the State Environmental Policy Act (SEPA), Kitsap County is sending this addendum to recipients of the MDNS decision. The SEPA comment period for the Minor Plat alteration under Administrative Conditional Use permit 16 03275 occurred concurrent with the Notice of Application, dated November 8, 2016. There is not an appeal period for this SEPA addendum.

The addendum has been prepared in compliance with SEPA (RCW 43.21.C), the SEPA Rules (WAC 197-11), and Chapter 18.04 Kitsap County Code, implementing SEPA in Kitsap County procedures.

The addendum provides additional information about the Minor Plat alteration proposal. The modifications and the impacts of these modifications are within the range of alternatives and significant adverse environmental impacts previously analyzed in the June 25, 2014 MDNS, and this addendum does not substantially change that analysis (see WAC 197-11-600). The addendum does the following:

- Describes proposed modifications to the project per the revised submittal received and

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deemed complete on July 26, 2016.

- All conditions shall apply to the revision per the Administrative Conditional Use Permit Staff Report and Memorandum Summary of Stormwater and Roadway features, as provided from the Kitsap County Development Engineering section.
- All conditions of the Hearing Examiner Decision for the previous Land Use Actions shall apply.

Physical Characteristics:

The project area for Phase 3 is approximately 23.0 acres of the 76.54-acre development site. The site is located on the north side of Apex Airport Road NW. Sterling Hills Estates Phases 1, 2B and 2A are located east of Phase 3. The project area includes a large Category III wetland (16.24 acres), a creek and associated buffers/open space, storm drainage facilities, recreation amenities, building lots, and roads. The upland ridge drains to Wetland A (16.24 acres). There are slopes on the western side of the site which range from 25 to 30%, and are approximately 150 feet high. The County resource maps show the creek along west of the project site as a tributary to Strawberry Creek.

Wetland Mitigation: The applicant prepared a revised buffer planting plan for Sterling Hill Estates Phase 3, on October 6, 2017. The applicant states a total of .030 acres of Wetland A is impacted under the modification, and is added to the buffer averaging accounting summary for the plat. A total of 0.04 acres of the creek buffer was impacted under the modification, and is averaged with 0.58 acres of creek buffer beyond the top of slope. The resulting buffer averaging for Sterling Hill Estates accounts for 2.46 acres of wetland buffer impacts. The replacement buffer totals 2.56 acres, including buffer improvements to restore native vegetation for all phases of the performance based development.

Comprehensive Plan Designation and Zoning:

The existing Comprehensive Plan and Zoning is Rural Residential. The Hearing Examiner preliminarily approved the preliminary plats at time of vesting, with a Comprehensive Plan designation of Urban Low Residential and Urban Restricted.

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

Front	10 feet Minimum habitable area to 20-foot minimum garage
Side	5 feet
Rear	5 feet

Surrounding Land Use and Zoning:

At the time of vesting, the preliminary plat was included within the Silverdale Urban Growth Area. The abutting properties are smaller, included single-family homes and were zoned Urban Restricted.

Public Utilities and Services:

Water: Silverdale Water District

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Power: Puget Sound Energy
Sewer: Kitsap County
Police: Kitsap County Sheriff
Fire: Central Kitsap Fire and Rescue District #1
Schools: Central Kitsap School District # 401

Access:

Access to the site is off Apex Airport Road NW via private roads within the plat.

Revision to the Hearing Examiner's Decision and Recommendation

Section 16.24.040 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

The original preliminary subdivision was approved on November 19, 2007 (File 07 46888). The major amendment was to reduce wetland buffers to the Category III wetland from 50 feet to 40 feet through buffer averaging and change lot orientation.

The following are staff comments are based on review of the revised site plan for the Minor Plat Amendment, dated July 20, 2016. The applicant provided the following comments on the criteria specified in KCC 16.24.040 for the minor amendment to the preliminary approved plat:

1. General Requirements: Minor amendments are classified as Type-II decision under Chapter 21.04, and address those changes to an approved preliminary subdivision that 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 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;

Staff Comment: The number of lots (151) is unchanged from the original approval by the Hearing Examiner, and will not change the number of vehicle trips, increase noise, or change the amount of utilities required to serve the plat.

- b. The proposal satisfies the applicable general requirements of this title;

Staff Comment: The revision to the project layout will improve plat functions, and will more consistent with the overall comprehensive plan goals and policies, be more

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 proposed change to the lot layout will continue to be for single-family detached residential units as approved by the Hearing Examiner.

- d. The proposal falls within the scope of the original approval and complies with the intent of the conditions originally imposed;

Staff Comment: *The minor plat amendment is only proposing minor changes to the conditions of approval and is consistent with the intent of the Hearing Examiner's decision for the Major Plat Amendment, dated July 31, 2014. A modification to the concept for Sterling Hill Estates Phase 2A, 2B, 3A and 3B has been approved with conditions. The applicant prepared a Buffer Planting Plan with minor modifications for phase 3, dated October 6, 2017.*

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

Staff Comment: *The applicant is not proposing a change to the location of the boundary of the residential 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;

Staff Comment: *The project density will remain unchanged.*

- 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 changes to the layout will not change the intensity of the housing within the plat but will improve efficiency to traffic circulation and balance cut and fill for grading.*

- 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.*

- 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

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Staff Comment: The applicant's proposal is consistent with the previous Urban Restricted and the Urban Low Residential zone represented in the Plat/Performance Based Development application.

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

Staff Comment: The minor amendment does not reduce frontage improvements on higher traveled roads 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 preliminary plat amendment. To date, the Department has received written public comments from Bonnie Chrey, private home owner, and Daniel Barry, President of the Apex Property Owners Improvement Association.

Bonnie Chrey commented the plat is inconsistent with RCW 36.70A.510 General Aviation Airports and 36.70A.547 General Aviation Airports-Siting of Incompatible Uses. Specifically, Ms. Chrey has concerns with steep slopes, and unstable soils on the development site due to the amount of grading. Ms. Chrey commented on how the 3rd phase of the plat will impact road capacity and traffic safety in the vicinity.

Dan Barry commented on the County changing the name to the County road providing access to the Apex airport, and the Association spending several hundred dollars to change the road name back to Apex Airport Road. The Association continues to have concerns with Phase 3 being 600 feet from the runway, and an advisory is given to future property owners in proximity to the Apex Airport.

Decision:

The Department has reviewed the request in accordance with the conditions of approval for the minor amendment per KCC 16.040.040 Amendment to Approved Preliminary Plats, previous land use approval, and hereby **approves** the request for the Sterling Hills Estates Plat Amendment, Phase 3 revised site plan, submitted on July 20, 2016 with the following conditions:

1. The Minor Plat Amendment will be subject to all conditions of approval per the Hearing Examiner's decision for the Sterling Hills Estates, Major Amendment, Plat Preliminary Plat/PBD, dated, July 31, 2014 (File No. 14 01025). If there are any conflicts between these conditions and the conditions attached to the preliminary plat approved in 2014, the conditions below shall apply.
2. Submit a landscape plan with the Site Development Activity that includes all landscaping including but not limited to: landscaping internal to the development, around recreation facilities, on storm drainage tract, and within with the open space where designated areas receive wetland buffer enhancement, per the required buffer averaging.
3. The easement note on the final plat shall include the following utilities: power, cable, water, and storm drainage.
3. Access to all lots shall be from roads within the proposed plat boundaries. A note to this

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effect shall be placed on the Final Plat.

4. Prior to the final recording of the Final Plat an easement agreement between Lot 005 and the subject property will need to be recorded and placed on the final plat.
5. All Fire Marshal conditions of the original preliminary plat still apply.
6. Easement access from plat is only approved for parcel 5501-000-005-0008. The addition of lots utilizing the approved easement would require a review of the Fire Marshal and shall comply with fire department access requirements.

GENERAL

7. 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.
8. 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

9. The Minor Amendment application does not propose any significant changes to the stormwater design concept. All Stormwater conditions of approval (Conditions 16-33), as stated in the Hearing Examiner Decision, Case Number 1400710-015 still apply.

TRAFFIC AND ROADS

10. The Minor Amendment application proposes a change to the traffic design, by revising Private Roads C and D; with the Minor Amendment application, those roads were revised to be one loop road with two access points to NW Apex Road (shown on the Minor Amendment plans as Tract J). The easterly access point shall be a full turning movement intersection, as proposed; and the westerly access point shall be a right-in only intersection, as proposed.
11. All Traffic conditions of approval (Conditions 34-49), as stated in the Hearing Examiner Decision, Case Number 1400710-015 still apply, except Condition 46, which shall be modified as stated below.
12. Condition #46 shall be modified to read as follows: Full width improvements consisting of 26 feet of asphalt (10-foot lanes with 3-foot paved shoulders) and a separated pedestrian asphalt path in the County right-of-way, or an easement to assure public use shall be constructed along NW Apex Road from its intersection with the most westerly intersection of Tract J to the intersection of NW Apex Road and Private Road B. Frontage improvements shall meet KCRS and address associated stormwater mitigation improvements.

SURVEY

13. The Minor Amendment application does not propose any significant changes related to the Survey requirements. All Survey conditions of approval (Conditions 50-54), as stated in the Hearing Examiner Decision, Case Number 1400710-015 still apply, except Condition 54, which shall be modified as stated below.
14. Condition 54 shall be modified to read as follows: Proposed Lots 41, 43, 78 and 151 must

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place driveway accesses at the farthest point possible from NW Apex Road. A note to this effect shall be placed on the face of the final plat.

WASTEWATER

15. 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.

SOLID WASTE

16. The Minor Amendment application does not propose any significant changes to the solid waste requirements. All Solid Waste conditions of approval (Condition 57), as stated in the Hearing Examiner Decision, Case Number 1400710-015 still apply.

OTHER

17. The Minor Amendment application does not propose any significant changes to the requirements regarding construction of rock walls or other retaining facilities. Conditions 58 and 59 related to rock walls, as stated in the Hearing Examiner Decision, Case Number 1400710-015 still apply.

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.




 Jeff Smith, Project Lead



 Scott Diener, Development Services and
 Engineering Manager



 Date



 Date

CC: Interested Parties: Daniel Barry, danbarry@wavecable.com
 Scott Woodberry, s64woody@aol.com
 Bonnie Chrey bchrey@wavecable.com
 Kitsap County Health District, MS-30
 Kitsap County Public Works Dept., MS-26
 DCD Staff Planner: Jeff Smith
 DCD File 16 03275



Buffer Averaging Plan