



Staff Report and Administrative Decision

Report Date: March 20, 2017

Application Complete Date: January 18, 2017 Application Submittal Date: January 18, 2017

To: Sound Developers Group, andyschell23@gmail.com
David Bannon Engineering, bannoneng1@comcast.net
Interested Parties and Parties of Record

RE: Permit Number: 17 00237
Project Name: Prosperity Plat Minor Amendments
Type of Application: Minor Plat Amendment Type-II

Decision Summary:

Approval of a Minor Preliminary Plat Amendment to provide utility and vehicle access to an adjacent property.

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.

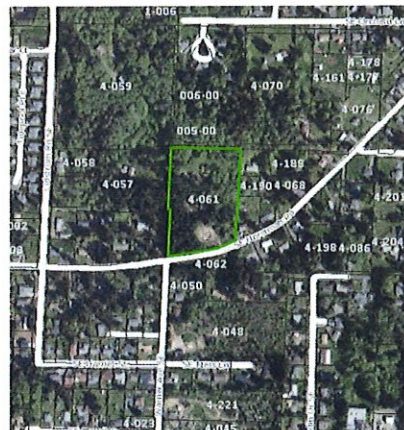
The written appeal shall be made on, or attached to, an appeal form found on DCD's website: <http://www.kitsapgov.com/dcd/forms/DocumentLibrary/applications/Appeals.pdf>.

Project Request:

The proposal is a minor modification of an approved preliminary plat to allow utilities and an access easement across Lot-1 of Prosperity Plat to John Loudon, a property owner of Lot-5 within the recorded Plat of Five Cedars. A request for a preliminary plat amendment to allow access across a lot with Pros-pine Preliminary is forth coming.

Project Location:

4217 SE Horstman Road, Port Orchard,
WA 98366,



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Assessor's Account #:

302402-4-061-2008

Applicant/Owner of Record:

Sound Developers Group Inc.
13614 Whispering Pines Drive
Gig Harbor, WA 98332

Applicant's Representative:

David Bannon, Bannon Engineering PE
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 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 19, 2011. A Determination of Nonsignificance (DNS) was issued on September 10, 2012. The SEPA appeal period expired September 24, 2012. No appeals were filed; therefore, the SEPA determination is final.

Physical Characteristics:

The subject property is 4.5 acres and approved for 36 single-family residential lots. The property is located on the north side of SE Horstman Road. Pros Pine Preliminary Plat borders the west side of the plat.

Comprehensive Plan Designation and Zoning:

The existing Comprehensive Plan and Zoning is Rural Residential. The Hearing Examiner preliminarily approved the preliminary plats when vested with a Comprehensive Plan designation of urban and zoned Urban Low 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 habitual Area to 20-foot garage

Side 5 feet

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Rear 5 feet (Changed 10 feet)

Surrounding Land Use and Zoning:

The preliminary plat vested when the project was included within the Port Orchard urban growth area. The abutting properties are smaller, included single-family homes and were zoned Urban Low Residential.

Public Utilities and Services:

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

Access:

Access to the site is off SE Horstman Road via private roads within the plat.

Revision to the Hearing Examiner's Decision and Recommendation

The 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 following are staff comments are based on review of the revised site plan for the Minor Plat Amendment, dated January 18, 2017. 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 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;

Staff Comment: *The number of lots is unchanged from the original approval will not change traffic, noise and the amount of utilities required to serve the plat.*

- b. The proposal satisfies the applicable general requirements of this title;
Staff Comment: *The request is consistent with the comprehensive plan goals and policies, compatible with surrounding uses, and will not be detrimental to the health, safety, or welfare with the neighborhood. The proposal is only for providing access and utilities (power, cable, water, and storm drainage). With the zoning and comprehensive plan change from urban to rural and vesting of the two plats, the property receiving access is not eligible to receive sanitary sewer from West Sound Utility District. The site map will be required to be amended accordingly.*

- c. The proposal does not result in a change of use;

Applicant: The proposed access to the adjacent lot will continue to be for a single-family residential unit.

- 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 not proposing a change to the conditions of approval and is consistent with the intent of the Hearing Examiner's decision, dated December 11, 2012.*

- 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 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 easement will not change the intensity of the housing within the plat or on the lot being served.*

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

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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

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

- 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 not received 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 Amendment to Approved Preliminary Plats and hereby **approves** the request for the Prosperity Preliminary Plat Amendment revised site plan, submitted on January 18, 2017.

1. The Minor Plat Amendment will be subject to all conditions of approval per the Hearing Examiner's decision for the Prosperity Plat Preliminary Plat, dated, December 11, 2012 (File No. 11 99204). If there are any conflicts between these conditions and the conditions attached to the preliminary plat approved in 2012, the conditions below shall apply.
2. 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 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 Stormwater conditions of the original preliminary plat still apply.
6. All Solid Waste conditions of the original preliminary plat still apply.

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- 7. All Traffic conditions of the original preliminary plat still apply.
- 8. All Fire conditions of the original preliminary plat still apply.
- 9. 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. 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

3/21/17

 Date



 Scott Diener, Development Services and
 Engineering Manager

3.20.17

 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 00237

Prosperity Plat

Situate in NW Quarter, SE Quarter of
Section 30, Township 24 North, Range 2 East, W.M.
Kitsap County, Washington

Easements

All lots and tracts within this plat shall be benefited by and subject to a permanent, non-exclusive easement over and under a ten foot wide strip of land along parallel with and adjoining the private streets on said lots and tracts as delineated on the plat map herewith for the purpose of serving this plat with storm drains, sanitary sewer, water power and cable services. All utility and service organizations, including Kitsap County, shall have the right to enter upon the easement areas at all times for the purposes hereto stated and shall, to the extent reasonable and practical, restore the easement areas following installation, maintenance or repair work to their pre-work condition. Within said easements, no structure, planting or other material shall be placed or permitted to remain which may damage existing facilities or interfere with the purposes herein stated.

The private road tracts of this plat shall be subject to a permanent easement over, under and across the Tract for the purposes of ingress and egress, and for parking (as shown on the plat), and for utilities. These easements shall benefit Kitsap County and this plat. Road Tracts A and C are also granted and conveyed to the lot directly to the West of this Plat as Access and Utility Easements.

Lots 24 and 31 are further encumbered over and under by storm drainage easements. These easements shall benefit the plat and Kitsap County, and shall allow access for maintenance and repair. Within said easements, no structure, planting or other material shall be placed or permitted to remain which may damage existing facilities or interfere with the purposes herein stated.

This plat shall also be benefited by a 15 foot wide access and utility easement 9.57 feet over the parcel adjoining to the West 3.43 feet over this plat, as shown on sheet four and as recorded under AFN.

This plat shall also be benefited by a 15 foot wide utility easement over the parcel adjoining to the West, a portion of which is shown on sheet four of this plat and as recorded under AFN.

This plat hereby grants and conveys 3.43 feet of a 15 foot wide access and utility easement to Mr. John Louisa, his assigns and heirs, and his lot 5501-003-002-0028 as shown on sheet four of this plat and as recorded under AFN.

This plat hereby grants and conveys an easement for ingress and egress over Tracts A and C to Mr. John Louisa, his assigns and heirs, and his lot 5501-003-002-0028.

Legend

- Property Line
- Right of Way
- Lot Line
- Section Line
- Easement
- Building Setback
- Centerline
- Parking
- Adjoining lot line



KC 120927-012 / 11 99204

DC SURVEYING

SURVEYORS ~ PLANNERS

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206-842-5123
tim@dcsurveyors.com

By: TMC	JOB NUMBER: 16-7529	SCALE: 1" = 50'
DRAWN: OCT 2016	Checked: MJD	SHEET 4 OF 4

