



Staff Report for the Hearing Examiner

Report Date: July 6, 2017

Application Submittal Date: December 19, 2016

Hearing Date: July 13, 2017

Application Complete Date: December 19, 2016

Permit Number: 16 05582 and 16 05584

Project Name: Red Barn Lane

Type of Application: Preliminary Plat and Performance Based Development

This staff report was prepared by Katharine Shaffer, Planner, based on information available up until the time the report was prepared. New information relevant to review of this application may become available prior to the hearing or at the hearing. Staff may wish to change their analysis based upon that new information, and reserves the right to do so.

Proposal Summary:

The request is for approval of an application for a Performance Based Development (PBD) Preliminary Subdivision application. The proposal is to subdivide two parcels totaling 7.27 acres into sixty-eight lots. Sixty five lots will range from 1,733 to 3,596 square feet with attached townhomes. Three lots will range from 3,506 to 5,381 square feet for existing single family residences to remain. The proposal includes sidewalks, curb, gutter, and widening along NW Hogan Lane road frontage. Two private access roads, stormwater treatment and detention control facilities, and utilities will serve all the lots included in the proposed project.

The County has reviewed the application for consistency with Kitsap County Codes (KCC) Title 16 Land Division and Development; Section 17.382.037 Single-family Development Standards; Chapter 17.425, PBD requirements, and the Kitsap County Storm Drainage Manual. The applicant has demonstrated the development is physically suitable for the site. The Review Authority is the Kitsap County Hearing Examiner consistent with Title 21 of the KCC.

Project Request:

Levi Holmes/Nathan's Glen Properties, LLC is requesting approval for a Preliminary Plat using Performance Base Development standards to create 68 urban lots in Central Kitsap.

Project Location:

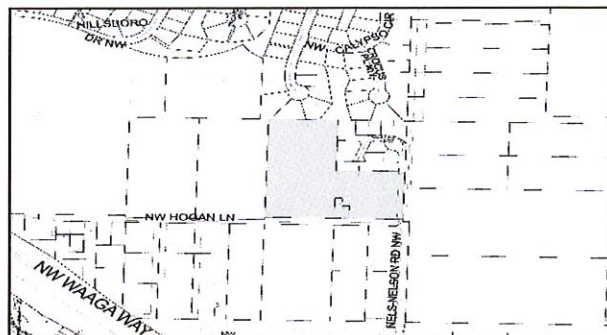
The subject area is located at the northwest corner of Nels Nelson Road NW and NW Hogan Lane.

Assessor's Account #:

Parcel #: 152501-3-095-2009
and 152501-3-096-2008

Applicant/Owner of Record:

Nathan Glen Properties, LLC
3599 NW Carlton Street Suite 201
Silverdale, WA 98383



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 to 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 January 9, 2017 (Exhibit 1). A Determination of Nonsignificance (DNS) was issued on April 26, 2017 (Exhibit 23). SEPA noted the following information/SEPA mitigation conditions have been imposed and are listed under conditions 56 at the end of this report:

The SEPA appeal period expired May 10, 2017. No appeals were filed; therefore, the SEPA determination is final.

Physical Characteristics:

The proposed subdivision consists of two existing parcels. One parcel is 6.97 acres that is developed with an existing barn. It is sloped and wooded on the western portion of the property. The eastern portion is cleared and flat. The second subject parcel is 0.30 acres with three existing single-family residences. The terrain is flat.

Comprehensive Plan Designation:

Urban Medium Residential (UM) – Single Family Standards:

Minimum Lot Area - 2,400 square feet for single-family
Minimum Lot Width – 40 feet for single-family
Minimum Lot Depth - 60’ feet for single-family
Maximum Height - 45 feet

Standard Urban Medium Residential Zoning Setbacks

Front - Single-family = 20 feet for garage or carport; 10 for habitable area
Side - 5 feet if on an alley, 10 feet for a garage or carport opening directly onto the alley or 5 feet in all other instances
Rear - 10 feet if on an alley, 20 feet for a garage or carport opening directly onto the alley

Surrounding Land Use and Zoning:

The subject property is surrounded by residential use and zoning. Urban Medium Residential zoning abuts the subject properties to the south and west. To the north, there’s a portion of the property that abuts Urban Low zone. A Rural Residential zone abuts a portion of the eastern property line.

Public Utilities and Services:

Water: Silverdale Water
Power: Puget Sound Energy
Sewer: Sewer
Police: Kitsap County Sheriff
Fire: Central Fire District
Schools: Central School District

Access:

Access to the site is off of NW Hogan Lane.

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 2016

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

General Land Use Goals and Policies

Land Use Policy 1. Establish specific development standards for medium- and high-density developments to ensure compatibility adjacent to existing low-density neighborhoods.

Land Use Policy 3. Address design variations in multifamily building design features and design variety through lot clustering, flexible setback requirements and mixed attached and detached housing types.

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 21. Encourage infill development on vacant and underutilized lands within UGAs.

Land Use Policy 22. Encourage development patterns in UGAs that support pedestrian connectivity between neighborhoods and community destinations where possible.

Land Use Policy 29. Through application of Growth Management Act goals, increase density in urban areas and limit sprawl in rural lands.

Land Use Policy 61. Encourage development in residential zones to occur in a manner that result in the design and construction of interconnected system of open spaces, critical areas and recreational areas with wildlife corridors.

Land Use Goal 3. Support more dense residential areas with access to transportation, urban amenities, goods and services, physical activity and healthy foods.

Housing and Human Services Goals and Policies

Housing, Human Services 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.

Housing and Human Services Goal 2. Increase affordable housing units and ensure that a broad range of housing types are available.

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

Kitsap County Code (KCC)

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

Hearing Examiner Review

The Kitsap County Board of Commissioners approved code that requires Type III applications must have review and approval of the Kitsap County Hearing Examiner. The Hearing Examiner may approve, deny, or approve the application with conditions. 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 enumerated in KCC Chapter 2.10 Hearing Examiner.

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 35.

Exhibit #	Document	Date or date stamped
1	Notice of Application	01/09/16
2	Project Application	12/19/16
3	Supplemental Application: Preliminary Land Division	12/19/16
4	Supplemental Application: Performance Based Development	12/19/16
5	State Environmental Policy Act (SEPA) Checklist	12/19/16
6	Supplemental Application: Concurrency Test	12/19/16
7	Project Narrative	12/19/16
8	Sewer Availability	12/19/16
9	Water Availability	12/19/16
10	Technical Memorandum from BGE Environmental, LLC	12/16/19
11	Preliminary Storm Drainage Analysis	12/19/16
12	First Submittal Plans	12/19/16

13	Traffic Impact Analysis	12/20/16
14	Health District Decision	1/11/17
15	Public Comment: Jenny Moore, Response	1/23/17
16	Public Comment: Amanda Todd, Response	1/23/17
17	Public Comment: Paul and Anna Dobson, Response	1/23/17
18	Public Comment: Holly Smelser and James Miller	1/23/17
19	Submittal #1 Return Comment Letter	3/2/17
20	Limited Geotechnical Engineering Report	3/17/17
21	Second Submittal Plans	4/6/17
22	Second Submittal Rendering	4/6/17
23	Determination of Non-significance	4/26/17
24	Second Return Letter	5/11/17
25	Memorandum from Candy Vickery, DSE	5/11/17
26	Map: Zoning	
27	Map: Critical Area	
28	Map: Aquifer Recharge	
29	Map: Comprehensive Plan	
30	Map: Aerial	
31	Map: Assessor Parcel	
32	Cover Sheet and Site Plan	6/28/17
33	Notice of Public Hearing	
34	Certification of Public Notice	
35	Staff Report	

Public Comments:

Public Comments were received and entered into the record, (Exhibits 15-18). The comments centered on pedestrian access which was reviewed by Public Works and Department of Community Development. There was a comment regarding the Rural Residential zone that abuts the subject property to the east. The subject property will have screening buffer in accordance with Kitsap County Code 17.500.027.B.2. The Urban Growth Area (UGA) Boundary runs along the eastern boundary of the subject property shown below. The UGA Boundary is represented in the dark blue line.



Analysis:**Preliminary Plat/PBD Analysis and Recommendation:**

Consistent with the intent of the Urban Medium Residential zone above, the plat is reviewed as a standalone residential development. The development was specifically reviewed for consistency with subdivision requirements in Kitsap County Code Title 16 Land Divisions and (Development Chapters 16.04 General Provisions, 16.40 Subdivisions), Title 17 Zoning: Chapter 17.382.037 Single-family Development Standards, Title 17.382 Density, Dimensions, and Design, and 17.500 Performance Based Development.

Project Characteristics

The request is to subdivide two parcels totaling 7.27 acres into 68 residential attached building lots. The subject property is located in Central Kitsap within in the Urban Growth Area. The applicant is requesting a PBD approval to reduce standard Urban Medium Residential lot size, width and depth, and the side yard setback.

Transportation: The proposed plat has three private roads two of which are access roads. One access road enters from the east on Nels Nelson Road NW and travels northwest through the development to a hammerhead shaped road on the northern portion of the parcel. The second access road enters the subject property from NW Hogan Lane and connects to the other interior roads. The application proposes sidewalks on both sides of all the interior roads within the plat and on the perimeter. On the east side of the property the sidewalk will connect to the Whispering Meadows development north of the subject property. To the property to the west, a preliminary plat subdivision, Hogan Heights is proposed. The sidewalks from the subject property will connect to the sidewalks of Hogan Heights.

Stormwater: Runoff for the northern third of the property discharges into the storm drainage system for Whispering Meadows to the east. The collection system has a Type 2 catch basin with a beehive grate. The runoff from the southern 2/3rd of the property discharges into an existing culvert under Nels Nelson Road on the east side of the basin, though a forested swale before discharging into Barker Creek. The project is conditioned for a Site Development Activity Permit (SDAP) in which stormwater will be extensively reviewed.

Sewage: The Public Works Wastewater Division confirms that sewer service will be available to serve the preliminary plat (Exhibit 8). Based on the previous designation, the project proposal is consistent with zoning table KCC 17.381.050.A Footnote #48 for providing an urban level-of service of sanitary sewer service.

Schools: Central Kitsap School District will be serving the Red Barn Lane subdivision. During review of the Site Development Activity Permit to construct the plat, Kitsap County will coordinate with the school district to determine if special provisions are required for a bus stop on Central Valley Road.

Lighting and Central Mail Boxes in 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 KCC 11.40 Street Lighting. The developer is usually responsible for installing lighting at the County's intersection which is then conveyed to the County. If desired, the developer and/or Home Owners Association (HOA) install the internal street lighting. The individual property owners are billed through the PUD water purveyor for lighting with the HOA responsible for maintenance.

The trend is to move away from traditional rural boxes and install clustered mailbox design for efficiency, security, and aesthetics. Consistent with KCC 16.24.040 Urban Standards 1.C (d.), where clustered mailboxes are proposed, clear zone requirements must be met.

Performance Based Development:

To allow flexibility in design and creative site planning, while providing for the orderly development of the county. A performance based development (PBD) is to allow for the use of lot clustering in order to preserve open space, encourage the creation of suitable buffers between differing types of development, facilitate the residential densities allowed by the zone, provide for increased efficiency in the layout of the streets, utilities and other public improvements and to encourage the use of low-impact development techniques and other creative designs for the development of land. Consistent with the intent of the PBD, the applicant is proposing the following project elements:

Section 17.450.010 Standard regulations that may be modified through the use of a PBD include:

- A. Lot size
- B. Lot width and depth
- C. Structure height (only within designated urban growth areas)
- D. Setbacks (front, side, and rear yards)

Staff Comments: Consistent with the intent of project flexibility, the applicant is requesting reduced lot size, width and depth, and side yard setbacks. Section "Comprehensive Plan Designation and Zoning" of this staff report lists standards for front, side and rear yard setback for the Urban Medium Residential zone. The Performance Based Developments allow for flexibility for lot dimension and setbacks to help avoid impacts to critical areas and promote an innovative design. The applicant is proposing the PBD to reduce lots size and side setbacks.

17.450.040 Standards and requirements – Residential.

The PBD shall have adequate pedestrian and vehicle access and parking commensurate with the location, size, density and intensity of the proposed development. Vehicle access shall not be unduly detrimental to adjacent areas and shall take into consideration the anticipated traffic which the development may generate.

- A. Access, Parking and Circulation
 1. PBD shall have adequate pedestrian and vehicle access
 2. Streets
 3. Parking
 4. Pedestrian Circulation

Staff Comments: The applicant is proposing a pedestrian connection/sidewalks consistent with a residential development and providing off street parking consistent with Kitsap County Code 17.490. Applicant is proposing sidewalks on both sides of the street throughout the plat in addition to a recreational walking trail which will reduce pedestrian and vehicle conflicts.

- B. Common Open Space. No open area may be accepted as common open space within a performance based development, unless it meets the following requirements:

1. The location, shape, size, and character of the common open space is suitable for the performance based development, however in no case shall the common open space be less than fifteen percent of the gross acreage of the subject property(s). No area shall be calculated as common open space if less than five hundred square feet in size, except if the area provides a reasonable functional or aesthetic benefit to the residents of the PBD;

Staff Comments: The applicant is providing 19.74% of the development site in open space and 8.43% of recreational open space consistent with Performance Based Development standards in Kitsap County Code 17.450.

2. The common open space is suitable for use as an amenity or recreational purpose, provided the use authorized is appropriate to the scale and character of the planned density, topography, and the number and type of dwellings provided;

Staff Comments: The common open space is centrally located and suitable for the subject property.

3. Common open space may be improved for its intended use. Common open space containing critical areas may be enhanced consistent with the requirements of Title 19, Critical Areas Ordinance. Vegetation-based LID BMPs are permitted within common open space areas. The buildings, structures, and improvements to be permitted in the common open space are those appropriate to the uses which are authorized for the common open space; and

Staff Comments: No common open spaced in proposed within a critical area. There was a mapped stream on the critical area map but this was found to be a mapping error, Exhibit 10.

4. Land shown in the final development plan as common open space, and the landscaping and/or planting contained therein, shall be permanently maintained by and conveyed to one of the following:

a. An association of owners formed and continued for the purpose of maintaining the common open space. The association shall be created as an association of owners under the laws of the state of Washington and shall adopt articles of incorporation of association and bylaws. The association shall adopt, in a form acceptable to the the Department of Community Development, covenants and restrictions on the open space providing for the continuing care of the area. No common open space may be altered or put to a change in use in a way inconsistent with the final development plan unless the final development plan is first amended. No change of use or alteration shall be considered as a waiver of any covenants limiting the use of the common open space, and all rights to enhance these covenants against any use permitted are expressly reserved;

b. A public agency which agrees to maintain the common open space and any buildings, structures, or other improvements which have been placed on it; or

c. A private nonprofit conservation trust or similar entity with a demonstrated capability to carry out the necessary duties and approved by the county. Said

entity shall have the authority and responsibility for the maintenance and protection of the common open space and all improvements located in the open space.

Staff Comments: As per the requirements, the applicant will be required to create a Home Owner's Association or an equivalent to maintain the development access, the common open space, and the required landscaping.

C. Recreational Open Space. All residential PBDs within urban zones shall provide a developed recreational area that meets the following requirements:

1. A contiguous area that is a minimum of five percent of the gross acreage of the subject property(s) (excluding perimeter screening buffers, critical areas and critical area buffers). No area shall be calculated as recreational open space if less than five hundred square feet in size, except if the area provides a reasonable functional or aesthetic benefit to the residents of the PBD. Said area shall meet the following additional requirements:

- a. Developed as an open grass field or a natural area (not inside perimeter buffers, critical areas or their buffers);
- b. Owned in common and/or available for use by all residents of the PBD; and
- c. A provision made by the covenants for perpetual maintenance.

Staff Comments: The applicant is proposing 0.61 acres of recreational open space which is 8.43% of the gross acreage of the subject parcel.

2. A developed active recreation amenity(s) consistent with the number of units/lots contained within the PBD. Amenities shall be provided as follows:

a. Developments of zero to nineteen lots/units are not required to have such an amenity;

b. For developments with greater than nineteen lots or units, one amenity shall be provided for every twenty lots/units within the development. Required amenities shall be sized to accommodate three hundred ninety square feet per lot/unit;

c. Amenities shall be centrally located within the development in clearly visible areas on property suitable for such development. Amenities may be located in other areas of the development if directly linked with a regional trail system or other public park facility;

d. Based upon topographical or site design characteristics of the subject property(s), amenities may be combined (while continuing to meet the overall square footage requirements established above) if the combination provides for increased benefit to all residents of the PBD;

e. Amenities may be located within, and be calculated towards, the recreational open space area if contiguous;

f. An athletic field with a minimum size of one hundred twenty yards long and sixty yards wide or swimming pool shall count as two amenities;

g. An equestrian development or similar theme community may be provided in lieu of other amenities;

h. Owned in common and available for use by all residents of the PBD;

- i. The active recreational amenity(s) shall be located on five percent grade or less, except if a greater grade is necessary for the activities common to the amenity, e.g., skate park, trails; and
- j. Written provisions or agreement for perpetual maintenance by the homeowners’ association or a public agency willing to assume ownership and maintenance.

Staff Comments: The application proposes 68 lots and 5 recreational amenities. The amenities are located in the south and central portion of the proposed plat. The amenities include a playground, restored barn, picnic bench, gazebo and pond lookout, and a trail system. Each amenity meets the minimum requirement of 500 square feet. The chart below demonstrates requirement b:

Recreational Open Space (KCC 17.450.040.C.b)		
68 Units	390 square feet per unit	26,520 sq ft required
		26,707 sq ft proposed

17.450.050 Decision findings.

In recommending approval of the preliminary development plans for a performance based development, conditionally or otherwise, the hearing examiner shall first make a finding that all of the following conditions exist:

- A. The design of the PBD meets the requirements of this section, other sections of the county code and the goals and policies of the Comprehensive Plan and the site is adequate in size and character to accommodate the proposed development;

Staff Comments: The application was reviewed and found to be consistent with Kitsap County Code and the Comprehensive Plan. The proposal was found to have adequate size and character.

- B. The design of the PBD is compatible with neighboring conforming land uses. An assessment of compatibility shall include, but not be limited to, the consideration of association with adjacent land uses and the proposed project’s effects on existing views, traffic, blockage of sunlight, and noise production;

Staff Comments: The development is compatible with neighboring residential land uses adjacent to the development site. The projects incorporates elements to address landscaping, and pedestrian facilities to promote safe walking conditions.

- C. If the development is phased, each phase of the proposed development shall meet the requirements of this chapter;

Staff Comments: The proposal is not phased.

- D. The site for the proposed use relates to streets and highways adequate in width and pavement type to carry the quantity and kind of traffic generated by the proposed use;

Staff Comments: *The proposed private streets meet County standards for street widths. The site will contribute traffic to Nels Nelson Road NW. The proposal will create 680 Average Daily Trips (ADT). The existing road network has capacity to support the additional vehicle trips generated by the residential plat.*

- E. The proposed and/or existing public facilities and utilities are adequate to serve the project; and

Staff Comments: *The subject property is located within a designated Urban Growth Area (UGA) and the project will be served by a full range of urban services and utilities.*

- F. The establishment, maintenance, and/or conduct of the use for which the development plan review is sought will not, under the circumstances of the particular case, be detrimental to the health, safety or welfare of persons residing or working in a neighborhood of such use and will not, under the circumstances of the particular case, be detrimental to the public welfare, injurious to property or improvements in said neighborhood, or contrary to orderly development.

Staff Comments: *The proposed residential use is compatible with surrounding land uses and zones. The project site plan meets the requirements of the Kitsap County Code and as such is not detrimental to the health, safety or welfare of persons residing or working in a neighborhood of such use and will not, under the circumstances of the particular case, be detrimental to the public welfare, injurious to property or improvements in said neighborhood, or contrary to orderly development. The Kitsap County Fire Marshal’s Office, Kitsap County Public Health District, Public Works, and Development Services Engineering have reviewed the project comprehensively.*

- G. Innovations and/or public benefits shall be commensurate with the code modifications proposed.

Staff Comments: *The applicant is proposing frontage improvements and sidewalks on Hogan lane to benefit the surrounding area. Within the community, the amenities and open space meet the requirements of a PBD in exchange for reduced lot size, width and depth, and side yard setback.*

Preliminary Plat Analysis and Recommendation:

The proposal was reviewed for consistency with zoning requirements in KCC, Chapter 16.04.080 General Provisions, 16.24.050 Urban Standards and 16.40 Subdivisions.

16.24.040 Urban Standards

The following are land segregation standards for preliminary subdivisions:

- A. Access-

Staff Comments: *The property is accessed off of Nels Nelson Road NW and NW Hogan Lane.*

- B. Public Transit Provisions

Staff Comments: *The neighborhood is served by Kitsap Transit routes.*

- C. Non-motorized Facilities

Staff Comments: The proposed plat will have sidewalks that connect to other existing and proposed adjacent developments.

D. Off-Street and On-Street Parking

Staff Comments: The preliminary plat is required to be consistent with 17.435 Off-Street Parking and Loading. Two off-street parking spaces are required per residential lot and 0.5 per lot for overflow on-street parking. The applicant is proposing 68 units within the development and proposing 34 overflow parking spaces meeting the requirement of 0.5 spaces per lot. Provided in Exhibit 32, the "Typical Driveway Layout," the applicant shows an 18' by 20' driveway for two off-street parking spaces per lot.

E. Fire Protection

Staff Comments: The Fire Marshal's Office has reviewed the project, and included conditions of preliminary approval, and forwarded a copy of the plans to Central Kitsap Fire and Rescue #1. The Fire Station on Silverdale Way is the primary responder for this preliminary plat. The Fire Marshal's Office conditioned the project to provide 20-foot unobstructed fire access, designed to support a 60,000 pound fire apparatus, an approved turnaround, and provide a minimum fire flow.

F. Landscaping Requirements

Staff Comments: The project will be conditioned to provide a landscaping plan in accordance with KCC 17.500 with the Site Development Activity Permit (SDAP).

G. Utilities

Staff Comments: Water Supply: The single-family homes within the plat will be served by Silverdale Water District for water service. Silverdale Water District is the water purveyor for drinking water for the Silverdale UGA and rural Central Kitsap. The applicant has received a non-binding letter of water availability form from the Water District (Exhibit 9).

H. Recreation Requirements

Staff Comments: The preliminary plat/PBD will include recreational open space amenities consistent with subdivision standards and PBD standards.

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 wastes, parks, playgrounds, fire protection facilities, school sites and grounds and other public and private facilities and improvements.

- A. Must be documented that the proposed subdivision complies with applicable provisions of the Kitsap County Comprehensive Plan, and Kitsap County Code if the public use and interest will apparently be served by the proposal.

Staff Comments: The Department determined that the plat proposal is consistent with Urban Medium Residential (UM) zoning and is consistent with the Comprehensive Plan policies. The project falls within the required density of 10 to 18 dwelling units based on for the UM zone. The proposed density is based upon the net developable acreage, which is 10 dwelling units per acre. The applicant provide the calculation of net developable area in Exhibit 32. The chart below described the minimum and maximum density:

Density Calculations based on KCC 17.100.212/213			
Net Developable Acreage 3.32 =	x	10 dwelling units (minimum) =	33.2 units
Gross Acreage 7.27 =	x	18 dwelling units (max)	130.86 units
Proposed units:			68

Adequacy of Access: Each lot within land segregation shall have approved access.

Staff Comments: The applicant has addressed public safety by providing adequate access for ingress and egress from the plat. The Engineering staff has reviewed the transportation element of the project and issued a preliminary approval on May 11, 2017 (Exhibit 25).

B. 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. The applicant is providing internal sidewalks on both sides of the proposed private roads.

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

Staff Comments: The proposed lots within the project comply with the above standard for lot configuration.

Recommendation:

Based upon the information above, the Department of Community Development recommends that the Preliminary Plat/PBD request for Red Barn Lane be **approved**, subject to the following 56 conditions:

PLANNING/ZONING

1. All Building permits on these lots will be subject to impact fees pursuant to Kitsap County Code.
2. A Final Landscape Plan will be required to be submitted consistent with KCC 17.500, during civil site plan review, which depicts natural vegetation, and the planting and irrigation plan. Trees on individual lots are required to be installed prior to Certificate of Occupancy of individual residential units.
3. Include a note on the face of the plat showing building setbacks for the lots as conditioned per the plat approval.
4. Prior to transferring the Home Owner’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 Tree Care Industry Association standard practices.
5. 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 plant consistent with RCW

58.17.140 and .170.

6. Land use approval is limited to the uses proposed by the applicant on the recommended site plan and the SEPA Environmental Determination dated April 26, 2017. Unless in conflict with the conditions stated and/or any regulations, all terms and specifications of the application shall be binding conditions of approval. Any modifications or expansion of the project will be subject to further review pursuant to the requirements of the appropriate sections of the Kitsap County Code.
7. The decision set forth herein is based upon representations made and exhibits contained in the project application (Exhibits 1, 2, and 3). Any change or deviation in such plans, proposals, or conditions of approval imposed shall be subject to further review and approval of the County.
8. 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.
9. Any violation of the conditions of approval shall be grounds to initiate revocation of this Plat.

KITSAP PUBLIC HEALTH

10. The applicant shall comply with all applicable Kitsap Public Health District requirements.
11. The existing residence at 950 NW Hogan Lane is served by an onsite septic system. This lot will need to be hooked to sanitary survey and the existing septic tank abandoned to code. Any wells or septic systems located on the plat must be abandoned per code.

ENVIRONMENTAL

12. Project shall follow the recommendations of the Limited Geotechnical Engineering Report written by EnviroSound Consulting, Inc dated March 17, 2017.
13. The SEPA Determination of Non-Significance was conditioned to follow KCC Title 17 Stormwater Management. Should the designs change upon future permitting or phasing of the Site Development Activity Permit (Final Plat designs), a revised SEPA Decision may be required by the SEPA responsible official.

FIRE

14. Fire apparatus access roads are required and must be maintained. Any proposed revision to these roads must be submitted to, reviewed and approved by the Kitsap County Fire Marshal's Office. IFC 503 Amended by Kitsap County. Access roads shall comply with the following:
 1. Unobstructed width of 20 feet and height of 13 feet 6 inches.

2. Shall be designed and maintained to support a 60,000 pound fire apparatus and be provided with an all weather driving surface.
 3. Dead end access roads exceeding 150 feet in length shall be provided with an approved turnaround.
 4. Inside turning radius shall be a minimum of 25 feet.
 5. Access roads shall extend to within 150 feet of all portions of the exterior walls of the first story of the structure as measured by an approved route around the exterior of the structure or facility.
 6. Road shall not be more than 12% grade.
15. The minimum fire flow requirements for one and two family dwellings in subdivisions shall be 500 gallons per minute for thirty (30) minutes.
16. Water line size and location and the location of fire hydrants must be shown on SDAP plans. A letter of water availability indicating available fire flow from the water purveyor is required to be submitted to the Kitsap County Fire Marshal's office prior to the approval of any building permits.
17. A 3-foot clear space shall be maintained around the circumference of fire hydrants. IFC 507.5.5

DEVELOPMENT SERVICES ENGINEERING

GENERAL

18. 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.
19. 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

20. The information provided demonstrates this proposal is a *Major Development* as defined in Kitsap County Code Title 12, and as such will require a Site Development Activity Permit (SDAP) from Development Services and Engineering.
21. 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, December 19, 2016. 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.
22. Should the proponent propose phasing of the project, a phasing plan shall be submitted to Development Services and Engineering for review and approval. The phasing plan shall, as a minimum, address the following items:

Time tables indicating the anticipated time between initial site grubbing/grading activity and the completion of construction, including site stabilization of that specific phase.

The extent of drainage improvements to be installed during the various phases.

23. Any project that includes off-site 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, December 19, 2016.
24. 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. This permit is required prior to issuance of the SDAP.
25. If a significant quantity of grading material will be exported from the site, prior to issuing the SDAP an approved fill site(s) must be identified. Any fill site receiving more than 150 cubic yards of material must obtain an SDAP. Fill sites receiving 5,000 cubic yards or more must have an engineered SDAP.
26. 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.
27. The owner shall be responsible for maintenance of the storm drainage facilities for this development following construction. Before issuance of the Site Development Activity Permit 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.
28. The impervious area per lot accounted for in the overall drainage facilities installed shall be indicated on the face of the final plat in a chart as shown below. 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.

	Available Impervious Area, Rooftop	Available Impervious Area, Driveway
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Lot 1		
Lot 2		
Etc. – list each lot		

29. The following conditions shall be added to the face of the Final Plat:
 - a. Kitsap County will not be responsible for any damage to any private roads, tracts, and/or easement areas that may occur during routine maintenance activities and that in Kitsap County’s judgment occur, in whole or in part, because of any construction materials or techniques, or any maintenance materials or techniques. This includes, but is not limited to, damage to pavement or vegetated areas caused by maintenance trucks.
 - b. If the per lot impervious area for rooftop or driveway surfaces exceed that shown in the chart, a Site Development Activity Permit will be required for that lot.
30. If the project proposal is modified from that shown on the submitted site plan dated April 12, 2017, Development Services and Engineering will require additional review and potentially new conditions.

TRAFFIC AND ROADS

31. Submit an Application for Concurrency Test (KCPW Form 1601) as required by Chapter 20.04.030, Transportation Concurrency, of the Kitsap County Code. The KCPW 1601 form reserves road capacity for the project.
32. The following condition shall appear on the face of the Final Plat: All interior roads shall remain private, as proposed by the applicant. If at any time, the applicant or his successors or assigns choose to dedicate these roads to Kitsap County, it shall be subject to a further review by Kitsap County Development Services and Engineering and Public Works. For roads to be dedicated to Kitsap County, they must meet all the requirements of the Kitsap County Code as adopted at the time of dedication. All improvements necessary to bring said roads to the then current Kitsap County standards shall be done at no expense to the County prior to being accepted into the Kitsap County road system.
33. 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.
34. 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 approval.
35. Provide surveyed cross-sections at 50-foot intervals along the parcel frontage on NW Hogan Lane. The cross-sections shall show existing and proposed pavement, shoulders, ditches and slopes. The cross-sections shall also depict centerline of pavement and right-of-way, the right-of-way lines, and easements.
36. 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.
37. Sidewalk ramps shall conform to the current requirements of the Americans with Disabilities Act per WSDOT standard plans at the time of construction.
 38. All lots shall access from interior roads only. This note shall appear on the face of the final plat map.
 39. 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.
 40. The interior plat roads, currently labelled Road A, Road B and Road C, shall be improved with vertical curb, gutter and sidewalk on both sides of the roads.
 41. NW Hogan Lane shall be improved to current County standards for an urban local road minor with an 11-foot travel lane, vertical curb, gutter and 5-foot sidewalk across the property frontage.
 42. Required frontage improvements along NW Hogan Lane shall be coordinated with the frontage improvements required for Hogan Heights Plat development adjoining on the west, to achieve a consistent cross-section along the frontage of both plats.
 43. The developer's engineer shall certify that there is adequate entering sight distance at the intersection of Road C and NW Hogan Lane and at the intersection of Road B and Tract F. 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.
 44. 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. The need for and scope of bonding will be determined at that time.
 45. Before SDAP acceptance, the applicant shall submit a set of drawings and the traffic study to the Washington State Department of Transportation for review. The applicant shall notify Development Services and Engineering in writing when these items have been submitted to WSDOT. Development Services and Engineering shall coordinate with WSDOT to determine if WSDOT has any comments to the submittal, but responsibility for obtaining concurrence from WSDOT lies with the property owner.
 46. Final plan approval will require documentation of WSDOT approval for impacts to and any required mitigation at the intersections of State Route 303/Ridgetop Boulevard and State Route 303/Central Valley Road. WSDOT point of contact is Dale Severson at (360) 357-2736:

Washington State Department of Transportation
Olympic Region Development Services Attn: Dale Severson

PO Box 47440
Olympia, WA 98504-7440

SURVEY

47. A Final Plat shall be prepared by a licensed Land Surveyor in compliance with KCC Title 16.
48. All private roads shall be labeled as tracts and constructed in accordance to Fire Code requirements. Ten feet for utility easements shall be provided on each side of private road tracts.
49. All potential park areas, common open space, buffers and stormwater management areas shall be labeled as separate tracts. The ownership and maintenance responsibility shall be addressed on the face of the final plat, as well as in the CCRs.
50. Proof of rights of use of the easement shown as providing access to the subject property shall be submitted with the Final Plat application materials.
51. At the time of the Final Plat please delineate and label each tract and indicate the purpose of each tract.

WASTEWATER

52. Kitsap County sanitary sewer is available for the project. Applicant needs to submit an "Application to Construct Sanitary Sewer" to KCPW Sewer Utility Division.
53. 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 KCPW - Sewer Utility Division Standards and Regulations.

SOLID WASTE

54. Prior to SDAP approval, Waste Management (360) 674-3166 shall be contacted for information on implementing the solid waste/recycling storage requirements influenced by the service provider for the project. Pay particular attention to the access requirements of collection trucks. Documentation shall be provided from the solid waste/recycling service provider that their requirements for this project have been met.

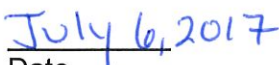
OTHER

55. Construction of rock walls or other retaining facilities that exceed four feet in height shall require a building permit.
56. Rock and retaining walls shall meet all applicable setback requirements of KCSDM 11.4.4.

Attachments:

Appendix A – Revised Site Plan


Katharine Shaffer, Staff Planner


Date



Scott Diener, Development Services and Engineering Manager

7.6.17

Date

CC: Levi Holmes, Levi@jwjgroup.com
Norm Olson, Nlolson2@nlolson.com

Interested Parties:

Jenny Moore

Amanda Todd

Paul and Anna Dobson

Holly Smelser/James Miller

Kitsap County Health District, MS-30

Kitsap County Public Works Dept., MS-26

DCD Staff Planner: Katharine Shaffer

DCD File (16 05582 and 16 05584)

