



KITSAP COUNTY DEPARTMENT OF COMMUNITY DEVELOPMENT

614 DIVISION STREET MS-36, PORT ORCHARD WASHINGTON 98366-4682
(360) 337-5777 FAX (360) 337-4925 HOME PAGE - www.kitsapgov.com/dcd/

Larry Keeton, Director

NOTICE OF ADMINISTRATIVE DECISION

October 20, 2011

To: Interested Parties and Parties of Record

RE: Project Name: Whispering Meadows – Minor Plat Amendment
Application: Minor Plat Amendment
File Number: LIS#11 99550 (152601-3-054-2008)

Enclosed is the Administrative Decision issued by the Kitsap County Department of Community Development (DCD) for the above referenced application.

THE DECISION OF THE DEPARTMENT IS FINAL, UNLESS APPEALED TO THE KITSAP COUNTY HEARING EXAMINER BEFORE THE CLOSE OF BUSINESS ON NOVEMBER 3, 2011.

Pursuant to the Kitsap County Land Use and Development Procedures, an appeal may be filed objecting to the Department's Decision. An appeal must be made in writing, and received by the Department of Community Development (DCD). At the time of filing the appeal, the appellant shall pay the sum of **five hundred dollars (\$500.00)**. This fee is non-refundable and subject to change. Make check payable to Kitsap County Department of Community Development (DCD).

The written appeal shall be made on, or attached to, an appeal form provided by DCD, and shall contain the following information.

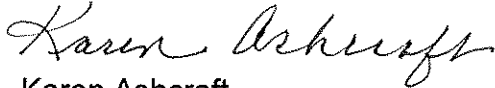
1. The project name, project applicant, application type, and file number designated by the County;
2. The name, address, and signature of each appellant. If multiple parties file a single appeal, the appeal document shall designate, in writing, one party as the contact representative for all contact with the DCD Director and the Office of the Hearing Examiner. All contact between the County and the appellants regarding the appeal, including notices, shall be through this contact representative; and
3. A written statement of the specific aspect(s) of the Decision and/or SEPA determination being appealed, the reasons why each is in error as a matter of fact or law, and the evidence relied upon to prove the error.

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The complete application file will be available for review at the Department of Community Development, Monday through Thursday, except holidays, from 10:00 a.m. to 3:45 p.m. by appointment only. You may make an appointment by calling me at (360) 337-4487.

If you have questions, please contact me at (360) 337-4487 or Jeff Smith at (360) 337-5777.

Sincerely,



Karen Ashcraft
Clerk of the Examiner

C: Sound Developer's Group, Inc., Andrew Schell, 940 Market ST, Tacoma,
WA 98402
Mark Kuhlman, PE, Team4 Engineering, 5819 Minder RD, Poulsbo, WA
98370

Interested Parties:
(None)



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Larry Keeton, Director

STAFF REPORT

ADMINISTRATIVE REVISION

Date: October 11, 2011

Application Date: August 1, 2011

Project: Whispering Meadows Plat

Type of Application: Minor Plat Amendment Type-I

Permit #: 11 99550

Request:

The applicant, Sound Developers Group, Inc., is requesting approval of a minor revision to a to the Hearing Examiner's decision, dated January 9, 2007. The proposal is to 1) revise the lot layout, to use "Low Impact" development techniques for the method for stormwater management, 2) modify the road designs to include pervious pavement and replace concrete curb and gutter section to thickened edge asphalt. The original Plat was to subdivide approximately 2.5 acre parcel into 12 single-family lots. The site is zoned Urban Low (UL) and will be served by public sewer and water. Proposed housing types include permitted single family detached. The proposal includes construction of associated streets, sidewalks, street trees, and utilities to serve the lots in the plat. Minor revisions to approved Preliminary Plats are allowed pursuant to DCD Guidance on Major and Minor Approved Preliminary Plat Amendment Memorandum dated February 7, 2011 - Decision Criteria.

Project Location:

The subject property is at 866 NW Hogan Lane off Nels Nelson Road NW in Central Kitsap County.

Assessor's Account #: 152601-3-054-2008

Applicant and Owner of Record:

Sound Developer's Group, Inc.
Andrew Schell
940 Market Street
Tacoma, WA 98402

Project Representative and Engineer:

Mark Kuhlman, PE
Team 4 Engineering
5819 NE Minder Road
Poulsbo, WA 98370

State Environmental Policy Act (SEPA) Status:

Pursuant to WAC 197-11-340 (2), the Responsible Official signed a Determination of Nonsignificance on November 20, 2006. The appeal period ended on December 4, 2006. No appeals were received. The revision to the Preliminary Plat is within the threshold of the environmental determination.

Project Analysis:

The request is to amend the following conditions that reference the requirements for the proposed minor revisions to the January 9, 2007 preliminary plat approval by the Hearing Examiner:

Condition of Approval No.1: Curbs, gutters, sidewalks and street trees will be constructed and planted on both sides of the interior road. Curb and gutters will be constructed on both sides of the access road and sidewalks and street trees will be on the west side of the access road.

Condition of Approval No.12: Approval of the preliminary plat shall not be construed to mean approval of the total number of 12 lots or the exact configuration of the lots and tracts. These elements of the plat may require alteration for the final design to meet all requirements of Kitsap County Code Titles 11 and 12.

Condition of Approval No.15: The combination wet pond/detention pond shall meet the minimum design criteria for wet ponds specified in the Kitsap County Stormwater Design Manual Ch. 6.4.1, including the requirements that the pond be multi-celled and have a minimum length to width ratio of 3:1.

Conditions of Approval No. 13 through 25: These conditions of approval define the project as a major new development and specify requirements to address stormwater quantity control, quality treatment, and erosion and sedimentation control shall be designed per Kitsap County Code Title 12 Storm Water Drainage.

The applicant is proposing a revision to the approved Preliminary Plat that includes the following:

1. Revise the lot and road layout, and add an additional lot for a total of 13.
2. Revise the stormwater management design from a detention pond for quantity control and a wet pond for water quality enhancement to under ground infiltration and pervious asphalt pavement.
3. Modify the road design to include pervious pavement, eliminate the gutters, and provide alternative curb designs.

Revision to the Hearing Examiner’s Decision and Recommendation

The Director issued a memorandum, dated February 7, 2011 to provide Guidance on Major and Minor Approved Preliminary Plat Amendment. It was determined by the Department that the request was considered a “minor plat amendment” processed pursuant to KCC 21.040.060 Land Use and Development Procedures Type-I, which is classified as a Type-I administrative application. The applicant provided a response to the criteria specified in A-2 of the memorandum DCD Guidance on Major and Minor Approved Preliminary Plat Amendment.

- A. Minor Amendment: Minor amendments are classified as Type I applications and shall address those changes to an approved preliminary plat that fall within the

scope of the original approval and do not significantly increase impacts to surrounding properties. For these purposes, when quantifiable, 'significant' shall mean a greater than 10% increase; however, other considerations, particularly when not quantifiable, may help to determine a minor (or major) change.

Staff Comments: The Department determined that the proposed amendments to the preliminary plat to change the storm drainage design, new lot layout with an additional lot, and amendment to the road design falls within the definition of minor amendment to the Whispering Meadows preliminary plat.

1. General Requirements: Any additions or expansions proposed through minor amendments that exceed the requirements noted herein shall be reviewed as a major amendment and shall be subject to current development regulations.

Staff Comments: The proposal is only for a minor alteration to the Hearing Examiner's condition and SEPA determination requiring the type of pedestrian facilities. The proposed amendment does not include additions or expansion of the project.

2. Required Written Findings and Determinations. The Director's written decision on a minor plat amendment shall include findings and conclusions, based on the record, to support the decision. A proposed minor plat amendment shall not be approved unless the Director makes written findings when the following criteria have been satisfactorily met:

- a. The proposal does not result in a change of use type from what was identified in the original approval;

Staff Comments: The Department agrees with applicant that the proposed minor amendment does not result in a change of use.

- b. Proposed changes to conditions of approval shall fall within the scope of the original approval and shall comply with the intent of the conditions originally imposed;

The applicant states that the proposed changes fall within the original scope of the Hearing Examiner's Decision, dated January 9, 2007. These changes include road sections related to the newly proposed stormwater strategy.

Staff Comments: The request generally falls within the intent of the Hearing Examiner's decision of approval. Staff agrees the project is consistent with the intent of the original single-family development.

- c. Proposed changes to conditions of approval or the proposal shall not result in significantly increased impacts to the surrounding property owners or modify

the intent of the original decision. Impacts may include, but are not limited to, stormwater, traffic, open space, or noise;

The applicant states that the proposal does not create a 10 percent impact for the originally approved plat in any category.

Staff Comments: Department agrees with the above statement. There will be a minor increase in vehicular trips and could be a minor increase in the amount of impervious surface within the plat. The increase in impervious surfaces will be mitigated by the stormwater facilities; and traffic will not require any additional mitigation.

- d. The perimeter boundary of the original site is not being increased;

Staff Comments: The perimeter boundary has not changed with the applicant's proposal.

- e. The change does not increase the number of residential lots, residential units, or residential density by greater than 10% from what was approved;

Staff Comments: The request does increase the lot count from 12 to 13 lots, less than the 10 percent that is allowed. Change in project density is very minor.

- f. The proposal does not increase the intensity of housing types. An example of an increase would include changing from single-family to duplex;

Staff Comments: The request does not change the housing type as approved by the Hearing Examiner.

- g. The proposal does not reduce the designated buffers, recreation or open space unless authorized by the Director;

Staff Comments: No reduction of buffers, open space, or recreational amenities.

- h. Access points are not reduced, increased or significantly altered; and

Staff Comments: The proposed amendments to the plat do not change access.

- i. The proposal does not reduce required setbacks.

Staff Comments: Setbacks to the preliminary plat or single-family homes within the plat are unchanged.

- j. The proposal does not reduce street frontage improvements as represented in the application reviewed by the Hearing Examiner and/or as approved by conditions of the Hearing Examiner (e.g. sidewalks, curb gutter, bike lanes).

Applicant states that street frontage improvements are changing to meet the needs of the newly proposed stormwater management strategy for the site. This change does not reduce street frontage improvements per a review of the proposal performed by Development Engineering on July 28 2011.

Staff Comments: The proposal includes changes to the street layout, and the private road section from curb and gutter to alternative curb section. A sidewalk is required on one side of the roadway. The applicant will construct the sidewalk along the alternative curb. The applicant is utilizing pervious pavement access in the 20-foot road. Except for the cul-de-sac, the private road tracts will have painted curbs, or signage designating no-parking zones. The Hearing Examiner allowed the required off-street and overflow parking to be on individual lots. The applicant will either retain this design or provide on street parking. All private road tracts are required to have painted curbs, or signage designating fire lanes, and striping a center line divider.

If overflow parking is to remain on individual lots, prior to final approval, the applicant is required to designate the lots and provide an easement and notice to title to allow parking on private property.

Approvals. The Director has the authority to approve or deny any proposed Minor Amendment and may impose additional or altered conditions and requirements as necessary to assure that the proposal conforms to the intent of the Comprehensive Plan, applicable community and subarea plans, design standards/guidelines and other applicable County Codes and state laws. Decisions of the Director are appealed to the Hearing Examiner.

Staff Comments: Setbacks to the preliminary plat or single-family homes within the plat are unchanged.

Decision:

Department has reviewed your request in accordance with DCD's guidance on Major and Minor Approved Preliminary Plat Amendment Memorandum, dated February 7, 2011, per the Decision Criteria, and here by **approves** your request to revise your site plan as submitted on July 29, 2011.

1. The project revision will be subject to all other conditions of approval of the Hearing Examiner's recommendation for preliminary plat approval of Whispering Meadows Plat dated, January 9, 2007.

2. The applicant shall submit a revised landscape plan showing the revised planting scheme that is consistent with the landscape plan approved by the Hearing Examiner during final plat review.
3. An easement to the public will be required for that portion of pedestrian path located on the frontage tract and to be maintained by the home owners association.
4. The uses of the subject property are limited to the uses proposed by the applicant and any other uses will be subject to further review pursuant to the requirements of the appropriate Kitsap County regulations. Unless in conflict with the conditions stated above and/or any regulation, all terms and specifications of the application shall be binding conditions of approval. Approval of this project shall not be construed as approval for more extensive or other utilization of the subject property.

Development Engineering accepts the concepts contained in this preliminary submittal and requires the following conditions as an element of the land use approval:

GENERAL

5. 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.
6. Approval of the amended 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

7. 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 Engineering.
8. 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 original Site Development Application Permit was deemed complete (July 11, 2007). 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.
9. The applicant shall verify if the Washington State Department of Fish and Wildlife (WDFW) will require a Hydraulic Project Approval (HPA) for the work proposed at the creek crossing just north of NW Hogan Lane. The applicant shall provide documentation from WDFW that an HPA is not required or a copy of the HPA prior to issuance of the SDAP.

10. The project proponent shall be responsible for installing any necessary off-site downstream drainage improvements. Procurement of any permits or easements necessary to install off-site improvements shall be the responsibility of the project proponent.
11. 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 jokl461@ecy.wa.gov. This permit is required prior to issuance of the SDAP.
12. 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.
13. During the construction of the proposed permeable pavement 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 Engineering.
14. The design of the infiltration facilities will be in accordance with the Kitsap County Stormwater Design Manual.
15. The infiltration facilities shall remain off line 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.
16. 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 Engineering.
17. Individual on-site infiltration systems may be used instead of a secondary drainage system and will be required on lots that cannot be directed to the secondary system. The engineer shall submit a detailed site and grading plan showing the location and design of those proposed stormwater infiltration systems to Development Engineering with the SDAP submittal. Maintenance of these systems will be the responsibility of the homeowner.
18. The owner shall be responsible for maintenance of the storm drainage facilities for this development following construction. Before the SDAP for this development is finalized, 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.

19. 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.
20. The impervious area per lot accounted for in the overall drainage facilities installed shall be indicated on the face of the final plat and accepted construction plans. 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.

TRAFFIC AND ROADS

21. At Building Permit application, submit (KCPW Form 1601) for issuance of a Concurrency Certificate, as required by KCC Section 20.04.030 Transportation Concurrency.
22. The following note shall appear on the face of the final plat map. "All interior roads shall remain private as proposed by the applicant."
23. 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.
24. Sidewalk ramps shall conform to the current requirements of the Americans with Disabilities Act per WSDOT standard plans at the time of construction.
25. All lots shall access from interior roads only. This note shall appear on the face of the final plat map.
26. 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.
27. Road frontage improvements consisting of curb, gutter, and sidewalk shall be constructed from the Nels Nelson Road NW/NW Hogan Lane intersection to the north into the proposed development. Frontage improvements may be constructed on one side of the interior roads throughout the development.

28. Any required sidewalk shall be constructed prior to roadway paving. This note shall appear on the face of the final construction drawings.
29. The developer's engineer shall certify that there is adequate entering sight distance at the intersection of the access road and NW Hogan Lane. 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.
30. 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.
31. All work, equipment & 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, MUTCD Manual on Uniform Traffic Control Devices, NEMA National Electrical Manufacturer's Association, NEC National Electrical Code, WSDOT Standard Specifications & Standard Plans, and the Occupational Safety & Health Administration (OSHA).
32. Before final SDAP or plat approval, the proponent must submit a letter of concurrence from the Washington State Department of Transportation.
33. Final SDAP or plat approval will require documentation of WSDOT approval for impacts to and any required mitigation for the intersection of Nels Nelson Road NW and State Highway 303. WSDOT point of contact is Dale Severson at (360) 357-2736:

Washington State Department of Transportation
Development Services Attn: Dale Severson
PO Box 47440
Olympia, WA 98504-7440

34. Any work within the County right-of-way shall require a Public Works permit to perform work on County right-of-way and may also require a maintenance or performance bond.

SURVEY

35. Provide a Final Plat Subdivision prepared in compliance with Kitsap County Code Title 16.16.
36. All roadways will be private and shall be so labeled on the plat.
37. Ten feet for utility easement shall be provided on each side of all rights-of-way and roadways (public or private.)
38. All potential park areas, common open space, buffers, and stormwater management

areas shall be labeled as separate tracts. The ownership and maintenance shall be addressed on the face of the final plat as well as in the CC&R's.

39. The Homeowners Association must be registered with the Secretary of State prior to recording the final plat.

WASTEWATER

40. Kitsap County sanitary sewer is available for the project. The applicant shall submit an "Application to Construct Sanitary Sewer".

SOLID WASTE

41. 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. Provide documentation from the solid waste/recycling service provider that their requirements for this project have been met.

OTHER

42. Construction of rock walls or other retaining facilities that exceed four feet in height or sustain a surcharge shall require a building permit.

43. Rock and retaining walls shall meet all applicable setback requirements of KCSDM 4.7.5.

This Administrative Decision issued on October 20, 2011. This Decision of the Director of the Kitsap County Department of Community Development may be appealed to the Kitsap County Hearing Examiner pursuant to Section 120 of the *Kitsap County Land Use and Development Procedures Ordinance* (May 18, 1998). Appeals must be filed with the Department of Community Development by the close of business on NOVEMBER 3, 2011.

cc: Sound Developer's Group, Inc., Andrew Schell, 940 Market Street, Tacoma, WA 98402
Mark Kuhlman, PE, Team 4 Engineering, 5819 NE Minder Road, Poulsbo, WA 98370
Richard Best, Central Kitsap School District
Interested Parties: None
Kitsap County Health District, MS-30
Kitsap County Parks & Recreation Dept., MS-6
Kitsap County Development Engineering / Public Works
DCD Staff Planner Jeff Smith
DCD Code Enforcement
Clerk of Hearing Examiner
DCD File