



## KITSAP COUNTY DEPARTMENT OF COMMUNITY DEVELOPMENT

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LARRY KEETON, DIRECTOR

# STAFF REPORT and INFORMATION FOR THE HEARING EXAMINER

Date: August 12, 2010  
Hearing Date: August 26<sup>th</sup>, 2010

Complete Application Date: August 23<sup>rd</sup>, 2007

### Project: Walgren Cottages Plat / Performance Based Development Alteration

Application Number: 10 92628

Hearing Case Number: 100826-014

**Assessor's Account #:**

From Original Application: 202501-3-005-2001 (4.48 AC) &  
202501-3-006-2000 (2.72 AC)

Post Boundary Line Adjustment: 202501-3-061-2002 (6.99 AC) &  
202501-3-062-2001 (0.22 AC)

**Type of Application:** PBD Preliminary Plat Alteration

This staff report was prepared by Senior Planner Dennis Oost and DE and ER staff, 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 new information and reserves the right to do so.

**Project Request:**

As background, the Hearing Examiner Decision originally approving the Walgren Cottages/PBD Preliminary Plat was issued on June 19, 2008. The approval was granted to subdivide 7.15 acres into 64 single family residential building lots of a range of sizes from 2400 square feet to approximately 3200 square feet with one new lot encompassing an existing single family residence of 9242 square feet. Total open space in the original PBD plat approval was 57,434 square feet. A 50-foot buffer was established to help protect steep slopes associated with a non-fish bearing stream on the northeast portion of the subject site.

The proposal is to alter the previously approved Preliminary Plat / PBD known as Walgren Cottages. The revised project is similar in nature to the originally approved Preliminary Plat

PBD with changes in open space, total number of lots, and number of off-street parking that is provided. These changes are detailed below.

The homes will be served by the Silverdale Water District for domestic water supply and fire protection, and Kitsap County Public Works for sanitary sewer service.

**Project Location:**

The 7.20-acre site is comprised of two parcels located on the north side of 4732 NW Walgren Drive, near the northwest corner of the intersection with Provost Road, west of Silverdale. The parcels are located in Section 20 of Township 25 North, Range 1 West of the Willamette Meridian.

**Legal Description:**

202501-3-061-2002:

RESULTANT PARCEL A OF BOUNDARY LINE ADJUSTMENT RECORDED UNDER AUDITOR'S FILE NO. 200912010365, RECORDS OF KITSAP COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS: THE EAST 205 FEET OF THE WEST THREE-QUARTERS OF THE SOUTH HALF OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER, SECTION 20, TOWNSHIP 25 NORTH, RANGE 1 EAST, W.M., IN KITSAP COUNTY, WASHINGTON; EXCEPT THE SOUTH 50 FEET THEREOF; ALSO THE EAST QUARTER OF THE SOUTH HALF OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER, SECTION 20, TOWNSHIP 25 NORTH, RANGE 1 EAST, W.M., IN KITSAP COUNTY, WASHINGTON; EXCEPT THE EAST 30 FEET THEREOF; AND EXCEPT THE SOUTH 50 FEET THEREOF; AND EXCEPT THAT PORTION THEREOF DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHEAST CORNER OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 20, THENCE NORTH 1\*29'29" EAST ALONG THE EAST LINE THEREOF A DISTANCE OF 671.81 FEET TO THE NORTH LINE OF THE SOUTH HALF OF SAID NORTHWEST QUARTER OF THE SOUTHWEST QUARTER; THENCE NORTH 88\*57'43" WEST ALONG SAID NORTH LINE A DISTANCE OF 30.00 FEET; THENCE SOUTH 1\*29'29" WEST 516.29 FEET TO THE TRUE POINT OF BEGINNING; THENCE CONTINUING SOUTH 1\*29'29" WEST 126.05 FEET TO THE NORTHERLY RIGHT-OF-WAY MARGIN OF NW WALGREN DRIVE; THENCE NORTH 82\*25'46" WEST ALONG SAID RIGHT-OF-WAY MARGIN A DISTANCE OF 73.00 FEET; THENCE NORTH 1\*33'57" EAST 89.78 FEET; THENCE NORTH 46\*32'27" WEST 41.66 FEET TO A POINT ON A CURVE, CONCAVE TO THE NORTHWEST, HAVING A RADIUS OF 82.50 FEET FROM WHICH THE RADIUS POINT OF SAID CURVE BEARS NORTH 44\*17'33" WEST; THENCE NORTHEASTERLY [COUNTERCLOCKWISE] ALONG SAID CURVE AN ARC DISTANCE OF 19.23 FEET THROUGH A CENTRAL ANGLE OF 13\*21'17"; THENCE SOUTH 53\*33'52" EAST 25.22 FEET; THENCE SOUTH 88\*26'03" EAST 71.09 FEET TO THE TRUE POINT OF BEGINNING; TOGETHER WITH THAT PORTION OF VACATED WALGREN DRIVE PER COMMISSIONER'S JOURNAL AS RECORDED UNDER AUDITOR'S FILE NO. 9410060132 WHICH WOULD ATTACH TO SAID PREMISES BY OPERATION OF LAW.

202501-3-062-2001:

RESULTANT PARCEL B OF BOUNDARY LINE ADJUSTMENT RECORDED UNDER AUDITOR'S FILE NO. 200912010365, RECORDS OF KITSAP COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS: THAT PORTION OF THE EAST HALF OF THE SOUTH HALF OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER SECTION 20, TOWNSHIP 25 NORTH, RANGE 1 EAST, W.M., IN KITSAP COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHEAST CORNER OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 20, THENCE NORTH 1\*29'29" EAST ALONG THE EAST LINE THEREOF A DISTANCE OF 671.81 FEET TO THE NORTH LINE OF THE SOUTH HALF OF SAID NORTHWEST QUARTER OF THE SOUTHWEST QUARTER; THENCE NORTH 88\*57'43" WEST ALONG SAID NORTH LINE A DISTANCE OF 30.00 FEET; THENCE SOUTH 1\*29'29" WEST 516.29 FEET TO THE TRUE POINT OF BEGINNING; THENCE CONTINUING SOUTH 1\*29'29" WEST 126.05 FEET TO THE NORTHERLY RIGHT-OF-WAY MARGIN OF NW WALGREN DRIVE; THENCE NORTH 82\*25'46" WEST ALONG SAID RIGHT-OF-WAY MARGIN A DISTANCE OF 73.00 FEET; THENCE NORTH 1\*33'57" EAST 89.78 FEET; THENCE NORTH 46\*32'27" WEST 41.66 FEET TO A POINT ON A CURVE, CONCAVE TO THE NORTHWEST, HAVING A RADIUS OF 82.50 FEET FROM WHICH THE RADIUS POINT OF SAID CURVE BEARS NORTH 44\*17'33" WEST; THENCE NORTHEASTERLY [COUNTERCLOCKWISE] ALONG SAID CURVE AN ARC DISTANCE OF 19.23 FEET THROUGH A CENTRAL ANGLE OF 13\*21'17"; THENCE SOUTH 53\*33'52" EAST 25.22 FEET; THENCE SOUTH 88\*26'03" EAST 71.09 FEET TO THE TRUE POINT OF BEGINNING; TOGETHER WITH THAT PORTION OF VACATED WALGREN DRIVE PER COMMISSIONER'S JOURNAL AS RECORDED UNDER AUDITOR'S FILE NO. 9410060132 WHICH WOULD ATTACH TO SAID PREMISES BY OPERATION OF LAW.

**Applicant/Owner:**  
AMALANI LLC & IBBO LLC  
c/o: Barry Mangolese  
108 S. Jackson #300  
Seattle, WA 98104

**Applicant's Engineer:**  
Mark Kuhlman  
Team 4 Engineering  
5819 NE Minder Rd  
Poulsbo, WA 98370

**SEPA (State Environmental Policy Act):**

A SEPA determination was previously issued for the proposal on April 7, 2008. Pursuant to review under WAC 197-11-340(3)(a), a new SEPA determination will not be required for the proposed plat modifications.

**Physical Characteristics:**

The project is comprised of two existing tax parcels of record covering 7.20 acres. The original tax parcels of record in the original Preliminary Plat / PBD Application were: 202501-3-005-2001 & 202501-3-006-2000. Since that time a Boundary Line Adjustment has occurred, which relocated the common boundary between these two parcels. At that time the new tax parcel numbers were designated and are shown above.

The site drains from the northwest to the southeast with a range in elevation of 235 feet to 200 feet, with an overall gradient ranging from 5 percent to 20 percent.

The site is currently cleared and graded with underground utilities in place as approved in a Site Development Activity Permit (SDAP #08 59546) granted in July 2010.

There are two streams located on or very near the site. A seasonal stream that drains from the northwest to south east is classified as "non-fish bearing" and has been provided a 50-foot buffer with an additional 15-foot building setback. A larger stream draining much of the drainage basin west on Walgren Drive is conveyed south under Walgren Drive at the southwest corner of the site.

**Summary of Proposed PBD Plat Revisions**

The proposed revisions are summarized below;

1. The original approval had an option to allow attached two unit townhomes on 30 foot wide lots at the outer perimeter of the project. The revised proposal has eliminated all attached housing in the project and increased the lot width to 40 foot minimum adjacent to the neighboring properties.
2. The original approval included the highest density of housing at the outer perimeter of the project with the lowest density at the interior portions of the project. The revised proposal has reversed this strategy by reducing the number of units located on the perimeter of the project and increasing the density of the housing at the interior of the project. The north boundary of the original proposal included 16 attached homes on 30 foot wide lots where the current proposal has 12 homes on 40 foot minimum width lots. The west boundary of the original proposal included 14 attached homes on 30 foot wide lots where the current proposal has 12 homes on 40 foot minimum width lots. The east boundary of the original proposal included 4 attached homes on 30 foot wide lots where the current proposal has 3 homes on 40 foot minimum width lots. The frontage on Walgren includes similar reductions in density, and increased lot size.

3. The Stormwater management system has been revised from a buried detention vault discharging to a Type V stream to a dispersed infiltration system. This revision eliminates concerns about stream bank erosion control and furthers the County's policy of treating "water as a resource" by enhancing groundwater recharge.
4. The original approval was for 64 homes. The revised proposal has reduced the total number of housing units to 61 homes.
5. The original approval included 39 on street parking spaces. The revised proposal provides 45 on street parking spaces.
6. The original proposal included two off street parking spaces per lot that did not include use of the garage as parking spaces. The revised proposal includes 26 alley loaded homes, which have 2 garage parking spaces but do not have enough driveway space to provide 2 non garage parking spaces. 35 of the homes have 2 garage parking spaces and 2 spaces in the driveway. Walgren Cottages is vested under the previous code which allowed the garage to fulfill the 2 off street parking space requirement. The applicant has addressed this concern by providing CC&R's that include a requirement that garages remain available for parking of cars and by increasing the number of on-street parking spaces to 45 total spaces.
7. The original and revised proposal's gross site area is 313,852 SF, so the required common open space at 15% is 47,078 SF. The original proposal provided 57,383 SF of open space. The revised proposal provides 47,112 SF of Common Open Space. The critical area and buffer area remains at 17,552 SF, which leaves 29,560 SF of common open space available for "amenity and recreational purposes". The revised proposal has reduced the total number of lots from 64 lots to 61 lots, but it has increased the lot sizes to a total lot area of 191,744 SF. So the recreation open space area requirement of the current proposal is increased to 9,588 SF (5% of 191,762 SF lot area). This recreational open space area requirement is less than the 29,560 SF of common open space available for amenity and recreational purposes.

### **Comprehensive Plan Designation and Existing Zoning:**

The Comprehensive Plan designations for these parcels are different:  
 Lot 5, the "L"-shaped parcel - Urban Medium/High Density Residential  
 Lot 6 – Urban Low Density Residential

### **Zoning Designations:**

Site: Dual Zone; Urban Medium and Urban Low Residential  
 North: Urban Low-Density Residential  
 South: Urban Medium-Density Residential  
 East: Dual Zone; Urban Medium and Urban Low Residential  
 West: Urban Low-Density Residential

### **Zoning Code Lot Requirements (UL Residential Zone)**

<b>Standard</b>	<b>Urban Medium</b>	<b>Urban Low</b>
Minimum Lot Area	-0-	3600 square feet
Minimum Lot Width	60	60

Minimum Lot Depth	60	60
Minimum Setbacks - Front	20	20
side yards	5	5
rear yard	5	5
Maximum Impervious Lot Coverage	85%	N/A

### Surrounding Zoning and Land Use:

The zoning and the current uses of all properties surrounding the subject parcels is a mix of urban residential zoning and uses.

Adjacent Parcel on the:	Zoning	Land use
North	Urban Low (UL)	Single Family Residential Plat – Honeysett Subdivision
East (South parcel) (North parcel)	UM UL	SFR Vacant
South	UM	Multi-Family Residences
West	UL	SFR Plat - Towns Summit Divs. 1 and 2

### Public Utilities and Services:

Water: Silverdale Water District  
 Power: Puget Sound Energy  
 Wastewater: Kitsap County Public Works  
 Police: Kitsap County Sheriff  
 Fire: Central Kitsap Fire and Rescue #1  
 Schools: Central Kitsap School District #401

### Access and Traffic:

The one access point into the subject site is from Walgren Drive, which is a local access road. Walgren Drive runs east-west and does not have an outlet, but it serves over 75 homes beyond the proposed subdivision. It has a paved 20-foot wide surface with rolled curbs and 5-foot wide thickened edge asphalt sidewalk on the south side of the drive.

The internal roads in the plat will be private, and will be improved with curbs, gutters, sidewalks, and street trees.

The applicant will be required by the Department to develop a curb, gutter and sidewalk on the north side of Walgren Drive along the property boundary, and extending to the gravel road to the west of the subject parcel. The proposed improvements also include the addition of parallel parking.

There is currently no public transportation on Walgren Drive or on Provost Road.

### **Parking**

The applicant is providing the required two off-street parking spaces on each lot either in the provided garage and or on the apron in front of the garage. An additional 45 guest spaces are located on-street. This guest parking is distributed throughout the site.

### **Stormwater**

The Stormwater management system has been revised from a buried detention vault discharging to a Type V stream to a dispersed infiltration system. This revision eliminates concerns about stream bank erosion control and furthers the County's policy of treating "water as a resource" by enhancing groundwater recharge. The proposed method of stormwater quantity management is infiltration for all impervious and pervious surfaces with the exception of the bypass areas. Contech CDS units will be utilized for stormwater quality treatment, except for a section of pervious asphalt. The stormwater systems and internal roads will be privately maintained.

### **Landscaping**

The applicant has provided a landscape plan that meets the intent of the Kitsap County Code Chapter 17.385 Landscaping. The plan was created by a Registered Landscape Architect and includes Walgren Drive frontage landscaping, open space landscaping and street trees. The applicant proposes to provide additional landscaping adjacent to the ravine buffer. The plantings include trees, shrubs and groundcovers.

### **Open Space**

The Kitsap County Code requires that the applicant provide at least 15 percent of the total site in common open space. The 7.20 acre (313,852 SF) site would require 1.08 acres of open space (47,078 SF). The applicant is providing 47,112 SF of common open space. The common open space includes the critical area (non-fish bearing steam ravine) and its buffer, and land contiguous with the buffer.

### **Fire Safety**

Central Kitsap Fire and Rescue's Assistant Fire Chief - Roy Lusk- submitted a letter dated September 18, 2007 regarding the Fire District's concern for the design of this development and fire safety. These conditions still apply. Chief Lusk notes that the clustering and lack of space between units presents undue hazards to firefighters and makes rescue efforts difficult. He recommends four mitigating actions to improve fire safety.

1. Residential sprinkler systems installed throughout all buildings in accordance with NFPA-13D.
2. Minimum one-hour fire walls on exposed exterior walls.
3. Fire resistant roofing material.
4. Covenant, Conditions, and Restrictions prohibiting the installation of fencing between houses.

The Fire Marshal reviewed the Fire Chief's concerns and determined that the *International*

*Fire Code Section 102.8 Matters Not Provided For* and the adopted *Kitsap County Fire Code Appendix B – 103.2 – Increases* supported the Department's recommendation that the Fire Chief's recommended mitigations for fire safety improvement become Conditions of Approval.

**ANALYSIS:**

The Growth Management Act (GMA) 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 Policies – Land Use**

LU-14 Require urban-level sanitary sewer service or equivalent wastewater service in all UGAs.

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

LU-22 Encourage development patterns in UGAs that support pedestrian connectivity between neighborhoods and community destinations where possible.

LU-43 Require all new residential development within the UGA to achieve minimum densities except where low densities are appropriate to recognize the presence of critical areas including streams, wetlands, fish and wildlife habitat, geologically hazardous areas, flood-prone areas and aquifer recharge areas.

LU-53 Encourage innovative, high quality infill development and redevelopment in existing developed areas within the UGA, while addressing the following issues:

- a. Preservation of historic and natural characteristics of neighborhoods and sites;
- b. Provision of non-motorized access, and pedestrian mobility and safety;
- c. Creation of usable open spaces, community space and facilities;
- d. Design variety through lot clustering, flexible setback requirements and mixed attached and detached housing types; and
- e. Design variations in multifamily buildings such as in facades, roof lines and other building design features.

LU-59 Provide density incentives in the UGA to encourage the provision of significant open space, community amenities, transportation-oriented planning and high quality design.

LU-60 Encourage development in residential zones to occur in a manner that results in the design and construction of an interconnected system of pedestrian and bicycle trails linking residential neighborhoods with open spaces, recreational areas, transportation corridors and retail and employment opportunities.

LU-61 Encourage development in residential zones to occur in a manner that results in the design and construction of an interconnected system of open space linking designated open spaces, critical areas, and recreational areas with wildlife corridors.

LU-62 Apply the Urban Medium Residential and Urban High Residential zones in areas near commercial areas and public open space, and on sites with good access to major arterials.

**Kitsap County Code Applicable to the Proposal:**

Chapter 12 Stormwater Drainage

Chapter 16.24 Subdivision Standards

Title 17 Development Code of 2007 prior to December 11th

Chapter 17.110 Definitions

Chapter 17.110.405 Lot Area

Chapter 17.110.535 Open Space

Chapter 17.381.040A Allowed Uses - Urban Residential Zones

Chapter 17.382.060 Density Dimensions and Design - Urban Residential Density and Dimensions Table

Chapter 17.405 Pre-Application Review

Chapter 17.425 Performance Based Development

Chapter 21.04 Land Use and Development Procedures

**Land use regulation:**

The proposal was reviewed against the zoning requirements in KCC - Title 17 Zoning in effect on April of 2007, and development regulations pursuant to KCC Chapters 16.04 General Provisions, 16.12 Preliminary Plat and 16.24 Subdivision Standards.

The applicant is providing urban amenities appropriate for the development, including curbs, gutters, sidewalks and street trees on the internal roads. The applicant is further providing for overflow/guest parking as well as for active and passive recreational open space for use by the residents of the plat.

**17.425.010 Performance Based Development – Purpose**

*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 the use of lot clustering in order to preserve open space, encourage the creation of suitable buffers between incompatible types of development, provide for increased efficiency in the layout of streets, utilities and other public improvements and to encourage the use of creative techniques for the development of land.*

The Kitsap County Code requires Single Family Detached lots in the Urban Low and the Urban Medium zones to have a minimum width of 60 feet and a minimum depth of 60 feet. The applicant is using the PBD to reduce the lot widths to 34, 35, 40 and a few at 45 feet. The KCC requires a minimum 3600 square foot lot area in the Urban Low zone, while the Urban Medium zone has no lot size requirement. The applicant has proposed 8 lots with an area as small as 2550 square feet.

The PBD allows these lot requirements to be relaxed providing that the density may not be increased, and that the standards and requirements of the Performance Based Development are met. The applicant has met the standards and requirements for PBDs as noted below.

17.425. Standards and Requirements:

040.B – Common Open Space

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 15% of the total site.*

The common open space is provided with a concentration in the eastern edge of the site associated with the stream buffer and setback. The applicant is required to provide 47,078 square feet of open space and has provided 47,112 square feet of common open space.

2. *The common open space is suitable for use as an amenity or recreational purpose. Over 17,552 square feet, of the provided 47,112 square feet of open space, is located within the Critical Area Buffer and setback. The Department supports a limited use of this area for better protection of the habitat area. Of the remaining open space (29,560 SF) 16,195 square feet is suitable for active recreational use and is to be developed with pathways and recreational facilities. The remaining 13,365 square feet of open space is not suited to recreational use and will be landscaped open space.*

3. *Common open space containing critical areas or other natural features worthy of preservation may be left unimproved.*

As noted above, a significant area of the open space is located within a critical area and its buffer and setback. It will be left unimproved.

4. *Land shown in the final development plan as common open space and its 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.*

- b. *A public agency which agrees to maintain the common open space...*

- c. *A private non-profit conservation trust or similar entity with a demonstrated capability to carry out the necessary duties and approved by the county...*

The applicant will be required to create a Homeowner's Association to maintain the roads, the common open space, the required landscaping, the playground equipment and the Community Garden irrigation and garden shed. The applicant will record and convey ownership of the open space to the Homeowner's Association.

040.C Recreational Open Space

*All residential PBD's within urban zones shall provide a developed recreational area that meets the following requirements:*

1. *A contiguous area that is five percent of the lot area (excluding perimeter buffers, critical areas, and critical area buffers).*
  - a. *Developed as an open grass field (manicured to a condition that allows mowing by mechanical means) or a natural area (not inside perimeter buffers, critical areas, or their buffers) that contains a pathway and benches;*
  - 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.*

The proposed development has 191,762 SF of lot area. The applicant is required to provide 5% or 9,588 square feet of contiguous open space suitable for a recreational area. The applicant shows approximately 16,195 square feet of contiguous open space suitable for recreational activity within the common open space dedication. All of the available 16,195 square feet is to be developed with landscaping, pedestrian paths, benches, picnic tables, and a play area. All of the open space will be owned in common by the residents of the plat and they will be responsible for the maintenance of those areas.

2. *A developed active recreation facility or facilities commensurate with the number of units/lots contained within the PBD...*

This Plat / PBD proposal is for 61 lots and requires two developed active recreational facilities. The applicant proposes a play area with tot-lot type play equipment, picnic tables and benches, and a community garden with water service and a garden shed.

*Kitsap County Code Chapter 21, Land Use, and Development Procedures* requires that the Department provide adequate public notice through procedures set by that Code. The Department has followed the notification procedures of Chapter 21.

#### **Review And Analysis By Local Agencies:**

County Development Engineering: Development Engineering has reviewed the above land use proposal and finds the concept supportable in its approach to civil site development. A site evaluation was conducted on September 15, 2006. These comments are based on a review of the Preliminary Drainage Report and Preliminary Engineering Plans stamped received August 23, 2007 to Kitsap County Development Engineering, as amended on April 8, 2008 and June 2010. Revised conditions are provided in a memorandum dated August 12, 2010.

Kitsap County Fire Marshal's Office: The Fire Marshal's Office has provided Conditions of Approval in the Department's LIS (Land Information System). The Fire Marshal has also adopted the recommendation of the Fire District Assistant Chief as noted below and in the Analysis of the Staff Report.

Central Kitsap Fire and Rescue #1: Assistant Fire Chief Roy Lusk submitted a letter dated September 18, 2007 expressing the District's concern for fire safety. His concerns were addressed by the Fire Marshal in his recommendation for increased fire safety requirements of the development.

Kitsap County Health District: A memorandum dated October 17, 2007 notes that the Health District recommends approval with several conditions. The conditions are listed in the Recommended Conditions of Approval.

### **Public comments:**

The Department received five communications by email or telephone regarding the original proposal, these are included with this application for alteration. The comments are noted below.

In response to the alteration notice staff received two phone call from interested parties who restated original concerns and still wanted mitigating fencing provided along the northern, western and eastern property lines.

### **Sender**

### **Summary of Concerns**

<p>George Meyer 4621 Knute Anderson Silverdale WA 98383</p>	<p>The Department was contacted by Mr. George Meyer who expressed concern for the safety of their homes when the subject parcel is logged and cleared. The few remaining mature Douglas Fir trees in the buffer that abuts the north boundary of the subject parcel will become danger trees. It is commonly understood by foresters and horticulturists that trees that mature in a forested condition become somewhat unstable when the surrounding forest is removed. The trees are then subjected to full wind loads without the protection from surrounding trees. The trees are more susceptible to falling because the root structure and strength of the base is not as robust as if the tree had matured in an open area. Mr. Meyer requests that the buffer be logged of the existing trees and replanted with conifers to make an effective screen.</p>
<p>Jason Mayer 4802 NW Walgren Drive Silverdale WA 98383</p>	<ol style="list-style-type: none"> <li>1) Is concerned for unsafe traffic conditions with a doubling of the current traffic load.</li> <li>2) Concerned for unsafe situation with parents waiting in cars for the school bus. It will get worse.</li> <li>3) Considers Provost Road to be dangerous at this intersection and believes that it should be improved for safety.</li> <li>4) Is concerned that these homes will be low income housing.</li> </ol>

Kelly Presnall 8406 Jeatran Place NW Silverdale WA 98383	Is concerned about this new development using Walgren Drive for the access because it will cause an unsafe situation especially regarding the children walking to the school bus stop at Provost Road.
Brian Peterson 8375 Kayla Place NW Silverdale WA 98383	Strongly opposed to the access to the plat from Walgren Drive. His development (Town Summit) has 75 homes at the top of the hill on Walgren Drive. He is concerned that the traffic will be unmanageable. He does not believe that the high density proposal is appropriate for this area.

**Staff Evaluation of Relevant Criteria:**

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 site of the proposed use is adequate in size and shape to accommodate said use and all yards, walls, and fences, parking, loading, landscaping, and other features are adequate, as required by this Ordinance;*

The Plat / PBD adheres to all elements of the Kitsap County Zoning Code regarding density, parking, stormwater management, open space and landscaping. There are no requirements for walls, fences, or loading in the Code for PBDs, however, there are walls and fences associated with the project and they will meet all Code requirements.

- B. *The design of the PBD is compatible with neighboring land uses;*

The design of this PBD is supported by the Kitsap County Comprehensive Plan policies regarding land use and housing.

The neighboring land uses are primarily suburban residential uses. The proposed residential development has a higher density than surrounding properties because the current Kitsap County Code requires higher density in urban areas than previous zoning allowed.

The conditions of approval will help make the proposed development more compatible with the surrounding homes. They will provide significant open space, internal sidewalks, street trees and road frontage improvements.

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

A Traffic Impact Analysis was completed by the applicant's consultant, and the proposed development was shown by their analysis "to have little traffic impact on the surrounding intersections and roadway corridors". They recommended that road improvements be completed on Walgren Drive. The Department has recommended a curb, gutter and sidewalk on Walgren Drive.

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

The proposed development would be served by Kitsap County Public Works for wastewater treatment and Silverdale Water District for domestic water supply. The applicant will provide road frontage improvements on Walgren Drive as noted above.

*E. 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 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.*

Kitsap County has reviewed the development plans to ensure that the development will not be detrimental to the health, safety and welfare of persons residing in this subdivision, or to persons residing near the subdivision. The Department has recommended Conditions of Approval that will provide for fire and traffic safety. The Department's Development Engineering, Fire Marshal's Office, Environmental Review, and Planning Sections, as well as Kitsap County Health District, have completed extensive review of the project to protect the health, safety and welfare of all persons residing in and near the proposed development.

## **RECOMMENDATION:**

**Based upon the above analysis, the Director recommends to the Hearing Examiner that the Alteration to Walgren Cottages Plat / Performance Based Development be approved, subject to the following recommended Conditions of Approval:**

### LAND USE AND ENVIRONMENTAL

1. Approval of the Preliminary Plat/Performance Based Development 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, 12, 16, 17 and 19.
2. The landscaping plans dated "received August 12, 2010" are acceptable to the Department.
3. A Final Landscaping Plan for construction shall be submitted to Kitsap County DCD prior to construction or Final Plat recording and shall include the irrigation system design.
4. The applicant shall install a 6-foot, 3 rail, solid board fence along the entire length of the north and Western property line and on the wall along the east boundary on lots 25 through 28.
5. The applicant shall include in the development's Covenants, Conditions, and Restrictions, a statement that the guest parking shall not be used as permanent parking for the residents. Signs to that effect shall be installed in the guest parking areas.

6. The applicant shall develop a Homeowners' Association that shall be responsible for maintenance of the internal roads, the guest parking areas, open space landscaping, street trees, the community garden irrigation system and shed, and any recreational equipment in the common open spaces.
7. The applicant shall complete an application for street names for the internal streets according to the requirements of the Department's Addressing System.

#### FIRE SAFETY

8. Residential sprinkler systems shall be installed throughout all buildings in accordance with NFPA-13D.
9. The proposed structures shall be constructed with minimum one-hour fire walls on exposed exterior walls.
10. All roofing will be of fire resistant materials.
11. Covenants, Conditions, and Restrictions shall include the prohibition of the installation of fencing between houses.
12. Based on a residential development, fire flow is required in the amount of 500 gpm at 20 psi for 30 minutes. The fire flow system shall meet all requirements of the Kitsap County
13. NO PARKING TOWAWAY ZONE signage on both sides of the street shall be provide for streets up to 28 feet wide, and on one side of the street if the street is 28 to 36 feet wide. For maintenance of the access width, each property shall have a condition stating the emergency apparatus access is to be kept clear at all times. A condition shall be added to the Conditions, Covenants and Restrictions for each affective lot that parking is not allowed on the street in order to allow emergency access. The parking plan and NO PARKING signage shall be included on the face of the plat when the plat received final approval. Note: The posting of signage may be eliminated until such time as the parking restrictions are no longer heeded and parking on the street creates a problem. A centerline painted on all of the access roads within the plat will service as notice as to the actual drive line.

#### ENVIRONMENTAL HEALTH

14. A Sewered Building Clearance approval is required prior to issuance of a Building Permit. Binding Sewer and Water Availability Letters are required with the Building Clearance Application.
15. Prior to final land use approval, existing septic tanks and existing wells must be properly abandoned with certification to the Kitsap County Health District.

#### DEVELOPMENT ENGINEERING GENERAL

16. 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.

17. 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.
18. A technical deviation was requested for the use of infiltration trenches in residential developments as indicated on the Drawings. The use of infiltration trenches in residential developments is not allowed unless a deviation from this requirement is granted by the Director. (Kitsap County Stormwater Design Manual, section 5.3.5). Staff is in process of reviewing this request. If the technical deviation cannot be supported, the stormwater design will need to be re-designed to meet the Kitsap County Stormwater Design Manual or an approved Technical Deviation.

### STORMWATER

19. 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.
20. Stormwater quantity control, quality treatment, and erosion and sedimentation control shall be designed in accordance with Kitsap County Code Title 12 effective at the time the Preliminary Plat application was deemed complete (August 6, 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.
21. Should the proponent propose phasing of the project, a phasing plan shall be submitted to Development 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.
22. Kitsap County Code Title 12 classifies all water quality BMPs other than wet ponds/vaults, oil/water separators, and biofilters as experimental. The design engineer shall provide the required information as described in Section 6.6 of the Kitsap County Stormwater Design Manual with the SDAP application in order to gain approval from Development Engineering to use the experimental BMP. This requirement may be waived if the Washington State Department of Ecology (Ecology) has approved the specific BMP and the BMP is being utilized in accordance with the Ecology approval parameters. The water quality BMP shall be sized to provide treatment of the post-developed peak flow rate from the 6-month, 24-hour storm event per KCSDM Section 6.2.

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 (August 6, 2007).
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 [jokl461@ecy.wa.gov](mailto:jokl461@ecy.wa.gov). This permit is required prior to issuance of the SDAP.
25. The Washington State Department of Ecology (Ecology) may require registration of infiltration trenches as Underground Injection Control (UIC) wells in accordance with the Underground Injection Control Program (Chapter 173-218 WAC). The applicant shall contact Ecology to determine if the facilities are regulated under the UIC program.
26. The design of the infiltration facilities will be according to Section 5.3.5 of the Kitsap County Stormwater Design Manual. Soils exploration shall be performed at the proposed location of the facilities before final design to determine the infiltration rate and depth to seasonal high ground water table and/or impermeable layer. The soil report shall include Particle-Size Analysis performed by ASTM Test Method D-422-63, soil log elevation, and location. The storage volume of the facility shall be adjusted to reflect the true infiltration rates with a safety factor of two applied. A Soils Engineer shall prepare the above information.
27. 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.
28. During the construction of the proposed infiltration facilities, the Project Engineer shall perform inspections 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.
29. 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.
30. The owner shall be responsible for maintenance of the storm drainage facilities for this development following construction. Before the final SDAP inspection 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.

31. 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.
32. The impervious area per lot accounted for in the overall drainage facilities installed shall be indicated on the face of the final plat. 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

33. At Building Permit application, submit (KCPW Form 1601) for issuance of a Concurrency Certificate, as required by KCC Section 20.04.030 Transportation Concurrency.
34. Roads shall not exceed 12% grade.
35. The following note shall appear on the face of the final plat map. "All interior roads shall remain private as proposed by the applicant. Should 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 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 for maintenance."
36. Wheelchair sidewalk ramps shall conform to the current requirements of the Americans with Disabilities Act per WSDOT standard plans at the time of construction.
37. Frontage improvements shall be constructed for the entire property width along NW Walgren Drive. Frontage improvements shall include curb, gutter and sidewalk to meet Kitsap County Road Standards (KCRS) and associated stormwater mitigation improvements.
38. 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 Engineering reserves the right to require that covenants be recorded to address special maintenance requirements depending on final design.

39. Provide surveyed cross-sections at 50-foot intervals on NW Walgren Drive. The cross-sections should show existing and proposed pavement, shoulders, ditches and slopes. The cross-sections should also depict centerline of pavement and right-of-way, the right-of-way lines, and easements.
40. 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. Please denote the design vehicle on the plan set if different than the Kitsap County design vehicle. Existing approaches may need to be improved to meet current standards.
41. Any required sidewalk shall be constructed prior to roadway paving. This note shall appear on the face of the final construction drawings.
42. The developer's engineer shall certify that there is adequate entering sight distance at the intersection of Road A and NW Walgren Drive. 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.
43. Should a County Road Improvement District (CRID) for the construction of road improvements be formed, which includes this property within the CRID boundary, the owners of this property shall be obligated to participate. A covenant shall be recorded before plat recording indicating participation in the future CRIDs.
44. Any work within the County right-of-way shall require a permit to perform work on County right-of-way 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.

#### SURVEY

45. A Final Plat prepared by a licensed Land Surveyor in compliance with Kitsap County Code Title 16.16.
46. Ten feet for utility easement shall be provided on each side of all private roadways within the plat.
47. All potential park areas, common open space, buffers, storm water management areas, and private roads 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&Rs.
48. All existing easements that benefit neighboring properties shall be maintained or properly extinguished prior to recording the Final Plat.
49. Access to all Lots shall be from interior roads only. This note shall be placed on the

face of the Final Plat.

50. The existing access for Lot 29 onto NW Walgren Drive shall be removed prior to recording the Final Plat.

OTHER

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

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

**DISTRIBUTION:**

**Applicant:** AMALANI LLC & IBBO LLC, c/o Barry Mangolese, 108 S Jackson #300, Seattle, WA 98104

**Applicant's Engineer:** Mark Kuhlman, Team4 Engineering, 5819 NE Minder RD Poulsbo, WA 98370

**Interested Parties:**

George Meyer, 4621 Knute Anderson Dr, Silverdale WA 98383

Jason Mayer, 4802 NW Walgren Dr, Silverdale WA 98383

Brian Peterson, 8375 Kayla Place NW, Silverdale WA 98383

Kelly Presnall, 8406 Jeatran Place NW, Silverdale WA 98383

Robert Collins, 4680 NW Walgren Dr, Silverdale WA 98383

**Agencies:**

Alison O'Sullivan, Suquamish Tribe, PO Box 498, Suquamish, WA 98392

Gina Piazza, WDFW Region 6, 48 Devonshire RD, Montesano, WA 98563

Kitsap County Health District, MS-30

Kitsap County Development Engineering, Doug Frick, MS 36

Clerk of the Hearing Examiner

DCD Planning Staff: Dennis Oost

Kitsap County Fire Marshal's Office

Central Kitsap Fire and Rescue #1

Central Kitsap School District #401

Kitsap Transit

Puget Sound Energy

Washington Department of Ecology