



Kitsap County Department of Community Development

Hearing Examiner Staff Report and Recommendation

Report Date: 2/9/2024
Hearing Date: 2/16/2024

Application Submittal Date: 6/14/2021
Application Complete Date: 8/03/2021

Project Name: Berg-Harris- 17 Lot Preliminary
Plat Type of Application: Preliminary Plat (P Plat)
Permit Number: 21-03314

Project Location

3003 Harris Road SE, Port Orchard,
WA, Commissioner District 2

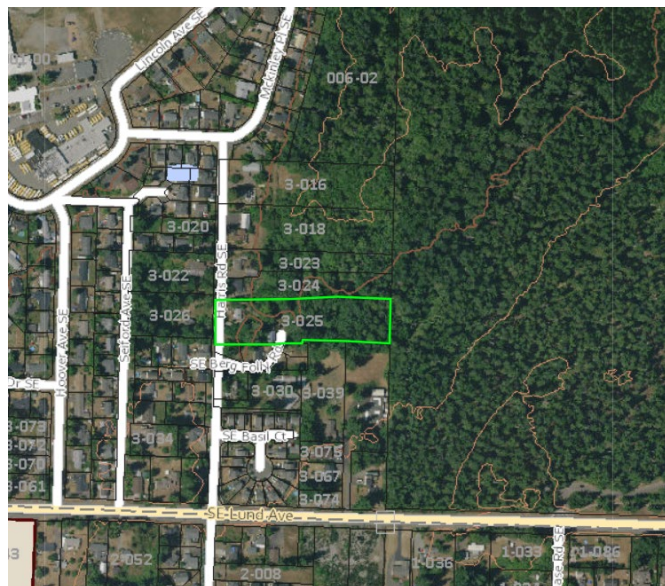
Assessor's Account #
362401-3-025-2000

Applicant/Owner of Record

Frecklesboat LLC
10813 32nd St, Ct. NW Gig
Harbor, WA 98335

Recommendation Summary Approved
subject to conditions listed under
section 13 of this report.

VICINITY MAP



1. Background

Frecklesboat LLC on behalf of West Sound Engineering has made a request to subdivide a 2.69-acre parcel into 17 standard residential lots for detached single-family homes using the newly created access SE Berg Folly Rd, from the east side of Harris Rd. SE. An existing home will be retained on the property as parcel 1, with access from Harris Road SE. The preliminary plat proposal will include an extension of the 30-foot-wide private roadway and includes a hammer-head road end for fire and safety, associated internal and external sidewalks, on-street parking, public sewer and water from West Sound Utility. The proposal also includes a public walking trail to Harris Rd SE, a recreational amenity, and open space preserved area for a stream, wetland, and associated buffers. The request was reviewed pursuant to Kitsap County Code (KCC) Title 16 Land Segregations, Title 17 Zoning, KCC Titles 12 Storm Water Drainage and 19 Critical Areas. The Hearing Examiner is the Review Authority for the development and makes a recommendation to the Board per Title 21 Land Use and Development Procedures. Due to on-site critical area constraints, buffer averaging was used. The on-site bioretention facility will be planted with native vegetation within the 150-foot stream buffer to enhance stream and wetland function beyond pre-development conditions.

2. Project Request

The applicant is requesting Preliminary Plat approval to subdivide a 2.69-acre parcel into 17 single-family residential lots.

3. SEPA (State Environmental Policy Act)

The State Environmental Policy Act (SEPA), found in Chapter 43.21C RCW (Revised Code of Washington), is a state law that requires the County to conduct an environmental impact review of any action that might have a significant, adverse impact on the environment. The review includes the completion of an Environmental Checklist by the applicant and a review of that checklist by the County. If it is determined that there will be environmental impacts, conditions are imposed upon the applicant to mitigate those impacts below the threshold of “major” environmental impacts. If the impacts cannot be mitigated, an environmental impact statement (EIS) must be prepared. The decision following environmental review, which may result in a Determination of Nonsignificance (DNS), Mitigated DNS, or the necessity for an EIS is called a threshold determination. 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 August 12, 2021 (Exhibit 19). No public comments were received but we received comments from the Washington State Department of Fish and Wildlife, and the Suquamish Tribe. The project was altered to address the comments, which will be detailed in the comment matrix in section 9 of this report.

A Determination of Nonsignificance (DNS) was issued on December 21, 2023 (Exhibit 38). There were no appeals or comments provided so the SEPA decision is considered finalized.

SEPA noted the following information/SEPA mitigation conditions have been imposed and are listed under conditions at the end of this report:

COMMENTS:

The SEPA comment period occurred concurrent with the Notice of Application dated August 12, 2021. The Department received comments from Washington State Department of Fish and Wildlife and the Suquamish Tribe related to the proximity of the plat to a fish type creek. The comments will be addressed in the associated staff report.

CONDITIONS:

1. The proposal will be conditioned for stream buffers per KCC Title 19.300, and for wetland buffers per KCC Title 19.200
2. The proposal will be conditioned for Stormwater control pursuant to KCC Title 12 (Stormwater Management). On-site biofiltration is proposed for water quality and water quantity with an associated stormwater infiltration facility.
3. 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 revised Preliminary Plat application was reviewed, June 15, 2023. The project

requires a Site Development Activity Permit (SDAP), and 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.

4. Frontage improvements, consisting of two 10-foot travel lanes with vertical curb and gutter on both sides, and a 5-foot sidewalk on one side, are required on the interior plat roads as well as the frontage of Harris Road SE. A sidewalk shall be located on the east side of Harris Road SE.

4. Physical Characteristics

The site is located on the east side of Harris Road SE approximately 600 feet north of the intersection with SE Lund, in unincorporated Port Orchard. The subject property is 2.69 acres in size and currently occupied by a residence, barn and shed, all accessed from Harris Road SE. The existing residence is on the west side of the parcel. An additional driveway is located to the north of the residence and runs through the property in an east-west direction. The property slopes generally to the east into an existing forest where two wetlands are situated at the base of the slope. Existing residences are located north, west and south of the property. South Kitsap Regional Park is adjacent to the east. The topography on site slopes from Harris Road SE, east toward the forest, then gradually slopes up to the adjacent park. The wetlands are situated on the slope and east of the house, located on the north and south of the road. The wetlands are connected by a pipe under the existing road which flows from south to north. Wetland A is on the north side of the road and ends on the property line. This wetland is a forested/slope wetland with a saturated only hydroperiod. Wetland B is on the south side of the road and is a depressional system dominated by emergent and scrub/shrub vegetation with a permanently flooded hydroperiod. There was no channelized stream on the property but is assumed present offsite to the north as the Wetland A drainpipe discharges to the adjacent property to the north.

Table 1 - Comprehensive Plan Designation and Zoning

Comprehensive Plan: Urban Low-Density Residential Zone: Urban Low (UL)	Standard	Proposed
Minimum Density	5 du/acre * 2.69 acres = <u>13 dwelling units</u> required	17 dwelling units
Maximum Density	9 du/acre * 2.69 acres = <u>24 dwelling units</u>	
Minimum Lot Size	2,400 sq. ft.	2,513 sq. ft.
Maximum Lot Size	NA	3,120 sq. ft.
Minimum Lot Width	40	40.00 ft
Minimum Lot Depth	60	68.00 ft
Maximum Height	35 (5) (33)	Up to 35 feet
Maximum Impervious Surface Coverage	N/A	N/A

Maximum Lot Coverage	N/A	NA
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Applicable footnotes: Footnotes 5 and 33 are not applicable to the project area.

Staff Comment: The Urban Low zoning designation calculates density using the net developable area for both the minimum and maximum density. Critical areas restrict development on the parcel; therefore, the proposed density of 6.3 du/acre is correctly calculated. The Department didn't receive any comments from an airport that would restrict building heights.

Table 2 - Setback for Zoning District

	Standard	Proposed
Front	20 feet	20 feet
Side	5-feet	5-feet
Side	5-feet	5-feet
Rear	10-feet	10-feet

Table 3 - Surrounding Land Use and Zoning

Surrounding Property	Land Use	Zoning
North	Single-family residence	Urban Low Residential (UL)
South	Single-family residence	Urban Low Residential (UL)
East	Park	Park (P)
West	Single-family residence	Urban Low Residential (UL)

Table 4 - Public Utilities and Services

	Provider
Water	West Sound Utility District
Power	Puget Sound Energy
Sewer	West Sound Utility District
Police	Kitsap County Sheriff
Fire	South Kitsap Fire & Rescue
School	South Kitsap School District

5. Access

SE Berg-Folly Road provides direct access to the project site which extends into Harris Road SE via the M&P short plat development. Private roads internal to the development provide vehicular, bike, and pedestrian access to the individual residences.

6. Site Design

The Department reviewed the proposed Berg-Harris Preliminary Plat for consistency with requirements pursuant to KCC 17.420.037 Single-family Subdivision/Design Standards, Chapter 16.24 Land Segregation Standards, and Chapter 16.40 Subdivisions and requires compliance with urban development standards for utilities, roads, sidewalks, landscaping and recreation facilities.

7. 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 30, 2016

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

Land Use Goal 1

Focus current and future and planning on infill development of existing Urban Growth Areas.

Land use Policy 2

Support innovative, high quality infill development and redevelopment in existing developed areas with Urban Growth Areas.

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 15

*Link non-motorized planning requirements to land use planning decisions.
Housing and Human Services Goal 6.*

Integrate affordable housing and human services planning with transportation, workforce development, and economic development efforts.

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.

Transportation Goal 1

Provide a safe and reliable multi-modal transportation system for people of all ages and abilities.

Transportation Policy 2.

Approve site design that is supportive of transit Service and its patrons.

Staff Comment: *Consistent with the policies above, staff has conditioned the project to ensure there is safe walking conditions and to encourage the completion of the pedestrian connection*

along SE Harris Rd. A trail is planned to connect the interior of the plat with the required sidewalk on SE Harris Rd. A transit stop is located ~900 feet to the south at the intersection of Harris Road SE and SE Lund Avenue.

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

Code Reference	Subject
Title 11	Roads, Highways, and Bridges
Title 12	Storm Water Drainage
Title 13	Water and Sewers
Title 14	Buildings and Construction
Title 16	Land Division and Development
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

8. 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 1-44.

Exhibit #	Document	Dated	Date Received
1	STAFF REPORT	02/09/2024	
2	Notice of Complete	06/24/2021	
3	Required Permit Questionnaire		07/22/2021
4	Project Narrative		07/22/2021
5	SEPA Checklist	06/11/2021	07/22/2021
6	Preliminary Storm Drainage Report	06/08/2021	07/22/2021
7	Preliminary Site Plan	06/22/2021	07/22/2021
8	Submittal Waiver	06/13/2021	07/22/2021
9	Traffic Impact Analysis	06/04/2021	07/22/2021
10	Auth Form	06/13/2021	07/22/2021
11	Engineered Plans	07/16/2021	07/22/2021
12	Critical Areas Report	05/03/2021	07/22/2021
13	Geotech Soils Report	11/30/2020	07/22/2021
14	Concurrency Report		07/22/2021
15	Non-binding Sewer & Water Availability Letters	05/27/2021	07/22/2021
16	Stormwater Worksheet		07/22/2021
17	Notice of Application	08/12/2021	
18	Agency Comment – Suquamish Tribe		08/19/2021
19	Agency Comment – WDFW		08/25/2021
20	Information Request Response		04/26/2022
21	Revised Narrative		04/26/2022

22	Request for Technical Deviation		04/26/2022
23	Revised Civil Site Plan	04/22/2022	04/26/2022
24	Plat Memo RE Critical Area	04/16/2022	04/26/2022
25	Revised CAR Report	04/21/2022	04/26/2022
26	Revised Plat Drawings	04/21/2022	04/26/2022
27	Public Works Approval o Technical Deviation	11/02/2022	
28	Information Request Response		04/20/2023
29	Email – Diener RE Safe Routes to School	03/08/2023	04/20/2023
30	Geotech Soils Report Addendum	03/20/2023	04/20/2023
31	Revised Preliminary Site Plan	04/19/2023	04/20/2023
32	Revised Preliminary Storm Drainage Report	04/19/2023	04/20/2023
33	Revised Stormwater Worksheet		04/20/2023
34	BLA Exhibits	02/01/2023	04/20/2023
35	Boundary Line Adjustment	06/02/2023	
36	Quit Claim Deed	06/02/2023	
37	SW Conditions Memo	06/15/2023	
38	SEPA Determination of Non-Significance	12/21/2023	
39	Notice of Public Hearing	02/01/2024	
40	Interested Party Comment – Gudger	02/02/2024	
41	Certification of Public Notice	02/08/2024	
42	Interested Party Comment – Alsterberg	02/08/2024	
43	Staff Presentation		
44	Hearing Sign-In Sheet		

9. Public Outreach and Comments

The Department did not receive initial public comments regarding this project. We received two comments from agencies, including the Washington State Department of Fish and Wildlife and the Suquamish Tribe. We recently received a comment form Cheryl Gudger regarding road width and traffic concerns. Any new comments received will be addressed at the public hearing presentation. The comments and responses are detailed, below:

Issue Ref. No.	Summary of Concern (See corresponding responses in the next table)	Comment Letter Exhibit Reference No.
WDFW and Suquamish Tribe @ 1 st submittal	Adam Brown, WDFW and Kathlene Barnhart, Suquamish Tribe. Comments are very similar and are therefore combined. RE: 21-03314 Berg-Harris – Preliminary Plat. The stream mentioned in the Critical Areas Report (CAR) is identified as Type N by the consultant and the Type break is considered offsite to the north of the property line at the outlet of the culvert. WDFW has previously been to this property to provide a stream type and concluded that the stream has the capability to support fish past this point, through both wetland A and wetland B. The Type-F designation extends upstream through both culverts and both wetlands. The associated buffers should also extend through to the upper extent of wetland B. The wetland report will need to be modified as the consideration that both wetlands are considered fish habitat will likely change the category of each wetland. Both culverts	Exhibits 18, 19

Gudger comment	<p>are currently acting as a barrier to fish passage and should be removed or replaced in conjunction with or prior to development of the parcels. A new access road, stormwater facility and multiple new lots are proposed within the 150-foot buffer of the stream and wetlands. WDFW does not support the creation of non-conforming lots nor the need for a variance and reductions to standard buffers to create new lots. We ask that the County include WDFW in any future visits planned for this project.</p> <p>Harris Road is very small and is heavily traveled. Are there any plans for relieving the added traffic that 17 single dwelling residences will bring? Cheryl Gudger</p>	Exhibit 40
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Issue Ref. No.	Issue	Staff Response
1.	Biologist revisions	<p>From the revised CAO report. The biologist has revised the project layout and rationale, as follows. The revised site plan shows the existing barn remaining in this subdivision as a part of the amenity facility. As the barn and associated area is situated within the 150-foot stream buffer, the functional buffer becomes confined to the area between the barn and stream with the remainder beyond the home providing no function whatsoever for the stream. The barn also blocks the potential impacts of the proposed new activity because it <i>"does not further intrude into the critical area or its buffer"</i> and the new structure (road) is no closer to the critical area than the existing structure. Because the barn both interrupts the function of the buffer and eliminates or greatly reduces the impacts of the proposed activity, there will be no impact to the stream or buffer function as a result of this project.</p> <p>The proposed road lies at the outer edge of the required stream buffer and will be situated southeast of the detention pond, which once it is planted, will function as part of the buffer. All of the proposed residential lots are outside the stream buffers. The bioretention facility itself will not impose any negative impacts to the stream despite being in the buffer because the detention pond construction is a temporary impact and mitigation is proposed to improve the function of the buffer on the pond slopes and within the adjacent buffer area. The stream will be afforded a buffer of at least 65 feet because the 50-foot buffer required from Wetland A will be retained and the stream is within the interior of the wetland. There will be no impact to the offsite segment of stream because there is an old farm road on the adjacent north property that interrupts the function of the buffer as it extends onto the property. The road appears to be somewhat raised where it crosses the stream adjacent to Wetland A with a culvert under the road connecting Wetland A to the offsite stream. Additionally, the bioretention facility is</p>

2.	Staff response	<p>proposed in an area where there is the lowest quality buffer vegetation within the small canopy opening where there are common herbaceous weeds and invasive plant species. Therefore, the removal of this vegetation from within the buffer will not have a negative impact on the stream. Despite the lack of impact to the stream, restoration and enhancement of the stream buffer is proposed to create a higher functioning buffer than exists onsite at this time. <i>Staff summary: the trail use on the road surface minimizes impacts, while still serving a connection to the required sidewalks on Harris Road SE. The connection is necessary for the project. Further, planting enhancements both improve the full habitat functions of the 150-foot stream buffer, and also will improve the water quality of the receiving waters by the installation of native plantings and biofiltration functions. There is a net gain and enhancement of the stream functions, enhancement of an existing degraded stream buffer, and the wetlands are fully protected with the required 50- and 80-foot buffers.</i></p> <p>Hello Cheryl Gudger:</p> <p>The roadway will be widened, but we {DCD} can only ask the applicant to pay for and implement that prism of {Harris Road} within the portions in their control (owned by the applicant). Sidewalks are planned for this area, as well. I am providing a copy of the site plan, below. Best, Steve Heacock. <i>Further response: Kitsap County Public Works is analyzing the associated roadway and Lund Rd intersection, (current rating, F) within the Kitsap County Public Works Traffic Improvement Plan (TIP) and a study for future improvements and funding is being reviewed (see the project Traffic Impact Analysis report for further information).</i></p>
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1. Analysis

a. Planning/Zoning

The proposed Berg-Harris Preliminary Plat was reviewed for consistency with requirements pursuant to KCC 17.420.037 Single-family Subdivision/Design Standards, Chapter 16.24 Land Segregation Standards, and Chapter 16.40 Subdivisions.

The project will be served by South Kitsap School District and students will most likely be bused to the nearest schools. The nearest elementary school is over 1,000 feet away so does not require sidewalk extensions beyond the frontage on SE Harris Road (see Exhibit 29) email from DCD Land Use Manager Scott Diener, dated March 8, 2023). The Department has not received comments from South Kitsap School District on bus access and circulation on the preliminary plat.

b. Lighting

Lighting and Central Mailboxes for 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 11.40 Street Lighting. The developer is responsible for installing lighting at the County's intersection and

conveying the lights to the County. If desired, the developer and or Homeowners Association (HOA) may install the internal street lighting with the HOA responsible for maintenance.

Comparable developments have moved away from traditional rural box styles and instead install a clustered mailbox design for efficiency, security, and aesthetics. Consistent with KCC 16.24.040 Urban Standards 1.C (d.), where clustered mailboxes are proposed, the mailboxes must meet clear zone requirements.

c. Off-Street Parking

The Plat was reviewed for consistency with KCC 17.490 Off-street Parking and Loading and the plat is consistent with requirements. The proposal includes on-street and off-street parking. The applicant is proposing 32 off-street parking spaces in driveways and 8 on-street parking spaces. Per 17.490.020, the County calculates the required number of spaces in the driveway and not within individual residential garages. During review of individual building permits for the homes, the location and number of off-street parking spaces will be verified. The 16 new single-family homes will have driveways from the private roadway, with area for parking of two vehicles for each home.

Table 5 - Parking Table

Use Identified in 17.490.030	Standard	Required Spaces	Proposed Spaces/Existing Spaces
Single-Family (attached or detached)	During subdivision, 2 per unit + 0.5 per unit on street or set aside. Garages are not calculated towards any parking requirement.	<u>32 off-street spaces</u> (16 parcels * 2 spaces per parcel) + <u>8 on street or set aside spaces</u> (16 parcels * .50 spaces per parcel)	32 off street spaces + 8 on street or set aside spaces
Total		40 spaces	40 spaces

d. Signage

Pursuant to KCC 17.510 Sign Code, the applicant can apply for signage near the entrance of the subdivision during or after construction. The applicant shows a location for a monument sign at the entrance. However, the applicant has not proposed specific signage at this time. When the final plat is recorded to establish the subdivision and lots are for sale, all signage will be required to be consistent with 17.510.060.M Conditionally Exempt signs - Real Estate Signage Program.

e. Landscaping

Pursuant to KCC 16.24 Urban Standards Landscaping Requirements, landscaping is required at entrances and street trees planted by the developer along streets or on individual lots at construction or for individual units prior to certificate of occupancy. The applicant will be required to submit a landscape plan with the Site Development Activity Permit application showing landscaping street trees, the recreation facilities,

and natural vegetation (Exhibit 23).

Table 6 - Landscaping Table

	Required	Proposed
Required Landscaping (Sq. Ft.) 15% of Site	N/A	N/A
Required Buffer(s) 17.500.025		
North	N/A	N/A
South	N/A	N/A
East	N/A	N/A
West	N/A	N/A
Street Trees	Yes (25 to 30 feet spacing)	Yes (25 to 30 feet spacing)

f. Frontage Improvements

Consistent with Comprehensive Plan polices, KCC 16.04.080 General Requirements, KCC 17.420.037 Single Family Design Standards and KCC Title 11 Kitsap County Road Standards, the preliminary plat is required to include frontage improvements along SE Harris Road. The proposal is for a curb, gutter and sidewalk on the west side of the plat frontage with a 5-foot paved walking trail connecting the plat to SE Harris. The internal roadways will include frontage improvements on both sides of private roads.

g. Design Districts/Requirements

The project is located outside of designated Kitsap County design districts.

h. Development Engineering/Stormwater

Drainage and impervious area runoff will be conveyed to a Kitsap County Stormwater system. Development Services and Engineering has reviewed the above land use proposal and finds the concept supportable in its approach to civil site development. These comments are based on a review of the revised Preliminary Drainage Report (Exhibit 32) and revised Preliminary Engineering Plans accepted for review April 20, 2023, to Kitsap County Development Services and Engineering.

i. Environmental

The Kitsap County Resource maps show a Fish-type creek on the property. The project biologist has also identified 2 wetlands (unmapped) and the mapped fish-type stream on the property. The stream is conveyed from each wetland within a piped drain line and outlets to the adjacent property to the north. Wetlands will be buffered, as well as the stream feature. The wetlands and stream will be placed in an Open Space tract. The property is located within a Critical Aquifer Recharge Area (CARA-1) due to highly permeable soils and a shallow aquifer. The preliminary subdivision is not a listed as a land use in Table 19.600.620 Activities with a Potential Threat to Groundwater Quality and does not require a hydrogeologic report. As detailed in the revised biological report, as the trail is a necessary component of the project to safely access residents to sidewalks on Harris Rd SE, the trail use on the existing internal E-W road surface

minimizes impacts, while still serving a connection. Further, planned planting enhancements (through the mitigation plan) both improve the full habitat functions of the 150-foot stream buffer, and also will improve the water quality of the receiving waters by the installation of native plantings and biofiltration functions. There is a net gain and enhancement of the stream functions, enhancement of an existing degraded stream buffer, and the wetlands are fully protected with the required 50- and 80-foot buffers. A buffer mitigation plan and monitoring and maintenance bond are required and will be required at time of SDAP approval.

j. Access, Traffic and Roads

The proposed development includes improvements to Harris Road SE along the site frontage and construction of private interior plat roads. Harris Road improvements include a 5-foot sidewalk with solid curb and gutter, which include 2 urban residential approaches for the existing residence.

The interior privately maintained road will be constructed with 10-foot paved drive lanes with 8-foot parking on portions of the private road. Sidewalks will be provided on the north and south road edge. The access road segment will meet the road grade percentages required by Kitsap County Code (less than 12%).

k. Fire Safety

The project is located within the South Kitsap Fire District and fire protection will be by South Kitsap Fire and Rescue District. The nearest fire station is located near at 1974 Fircrest Drive SE, Port Orchard, approximately 2 miles northeast of the project site. The Fire Marshal has reviewed the proposal and conditioned the permit Fire flow verification and adequate fire apparatus access for emergency responders are required and will be reviewed through the SDAP.

l. Solid Waste

Individual property owners will be responsible for solid waste collection. Waste Management approval is required for solid waste service for the plat. Curbside pick is allowed for the plat.

m. Water/Sewer

The project requires an urban level of service for water and sewer service. The applicant has provided documentation that the water service and sanitary sewer is available from West Sound Utility District (Exhibits 15). The Department confirmed utility, water, sewer capacity and service availability for 17 lots. The project is conditioned to require confirmed availability for all utilities and services for the 17 lots prior to Site Development Activity Permit (SDAP) approval.

n. Kitsap Public Health District

The Kitsap Public Health District has reviewed the proposal and does not have concerns with the request. The District has requested Sewered building clearance prior to building permit issuance. The applicant has provided a Water and Sewer Availability letter from the West Sound Utility District.

o. Title 16 Land Division and Development

The proposal was reviewed for consistency with zoning requirements in KCC, Chapter 16.04.080 General Provisions, 16.24.040 Urban Standards and 16.40 Subdivisions. 16.04.080 General Requirements.

The public use and interest will be served by the proposed land segregation. General requirements shall be met for all land segregations proposed under this title. In addition, all specific requirements relevant to each individual type of land segregation are found in their respective chapters of this title.

16.24.040 Urban Standards

The following are land segregation standards for preliminary subdivisions:

a. Access

The developed site will receive access from SE Berg Folly Road, a private paved road which is directly connected to Harris Road SE.

b. Public Transit Provisions

Per the provided Traffic Impact Analysis: A review of the Kitsap Transit regional bus schedule indicates that transit service is provided within walking distance of the subject site. The nearest bus stop is located just south of the subject site at the SE Lund Avenue & Harris Road SE intersection, servicing Route 9. Route 9 – South Park provides service from Salmonberry & Jackson to the Port Orchard Ferry Dock. The measured distance the transit stop is approximately 900 feet. Weekday service is provided from 7:30 AM – 6:20 PM with 60-minute headways. Saturday service is provided from 10:30 AM to 5:15 PM with 60-minute headways.

c. Non-motorized Facilities

The applicant will be required to install sidewalks, curb and gutter on the east side of Harris Road SE, along the frontage of the plat.

d. Off-Street and On-Street Parking

See off-street parking comments above in Table 5.

e. Fire Protection

The project will include water main extensions and fire hydrants along with emergency vehicle access to meet the requirements of the Kitsap County Title 14 Building and Fire Code. The Project will be reviewed during the SDAP for fire and life safety requirements.

f. Landscaping Requirements

The applicant is providing street trees along the new private roadway and internally on individual lots. Street trees will be required to be installed during construction of the plat or prior to issuance of the certificate of occupancy of the associated residence. The applicant is proposing Ginko biloba as the principal street tree (Exhibit 23). Other landscaping is proposed, including significant replanting of the bioretention ponds.

g. Utilities

In addition to the project being served by an urban level of service for water and

sewer as discussed above, the project will be served by Puget Sound Energy, and by other local utility providers (cable telephone, etc.).

h. Recreation Requirements

The preliminary plat is conditioned to include the proposed recreational open space amenity consistent with subdivision standards. Recreation space requirements for the plat are 390 square feet of active open space per lot, with grades less than or equal to 5%. The minimum area of active open space for this development is equal to $390 \times 17 = 6,630$ square feet. The project provides 6,970 sf within Tract C, which is located on site with good visibility from approximately half of the homes. The amenity tract meets the intent of the code and the dimensional requirements.

2. Review Authority

The Hearing Examiner has review authority for this Conditional Use Permit application under KCC, Sections 17.550.020 and 21.04.100. The Kitsap County Commissioners have determined that this application requires review and approval of the Hearing Examiner. The Hearing Examiner may approve, approve with conditions, or deny a Conditional Use Permit. 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 at KCC, Chapter 2.10.

3. Findings

- a. The proposal is consistent with the Comprehensive Plan.

Staff Comments: The plat proposal is consistent with the Urban Low zoning designation and with the Comprehensive Plan policies. The project falls within the required density of 5 to 9 dwelling units. The proposed density is based upon the net developable acreage, which is approximately 6 dwelling units per acre when rounding.

- b. The proposal complies with or will comply with requirements of KCC Title 17 and complies with or will comply with all of the other applicable provisions of Kitsap County Code and all other applicable regulations, including all applicable development standards and design guidelines, through the imposed conditions outlined in this report.

Staff Comments: The applicant has addressed public safety by providing adequate access for ingress and egress for the plat.

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

Staff Comments: The development receives access from SE Berg Folly Road. This private road is connected to Harris Road SE, which has an urban road functional classification as a minor arterial road. The applicant is proposing to construct an extension of the SE Berg Folly using a private road internal to the development that meets minimum fire access requirements. Vertical curbs are required for designated on-street parking areas. The Engineering staff has reviewed the transportation element of the project and issued preliminary approval.

- d. 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. Consistent with this requirement, the applicant is providing frontage improvements on one side of SE Harris road and both sides of the private road tract.

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

Staff Comments: The proposed 16 lots within the project comply with the above standard for lot configuration. Lot 1 is a separate 9,000 square foot parcel with access from Harris Road SE. The applicant is proposing a 20-foot garage setback from the driveway access off the private road. The residents will require a minimum of 10-foot habitable area front yard (if that is planned).

- f. The proposal is not materially detrimental to existing or future uses or property in the immediate vicinity.
- g. The proposal is compatible with and incorporates specific features, conditions, or revisions that ensure it responds appropriately to the existing character, appearance, quality or development, and physical characteristics of the subject property and the immediate vicinity.

4. Recommendation

Based upon the analysis above and the decision criteria found in KCC 17.550.030.A, the Department of Community Development recommends that the (Type III) request for the Berg-Harris Preliminary Plat be **approved**, subject to the following 52 conditions:

a. Planning/Zoning

1. Review the linked Hearing Examiner decision for conditions of approval. The Staff Report conditions below are only recommended conditions to the Hearing Examiner and may not be valid.
2. The names of the roads in this land segregation shall be approved by Community Development prior to final subdivision approval.
3. All required permits shall be obtained prior to commencement of land clearing, construction and/or occupancy.
4. The decision set forth herein is based upon representations made and exhibits contained in the project application (21-03314). Any change(s) or deviation(s) in such plans, proposals, or conditions of approval imposed shall be subject to further review and approval of the County and potentially the Hearing Examiner.
5. 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.
6. Timber Harvest is considered a conversion activity and is reviewed with the

presentation of a Department of Natural Resources Forest Practice Application form provided with the application for the Site Development Activity Permit.

7. A Final Landscape Plan will be required to be submitted with the Site Development Activity Permit, consistent with KCC 17.500 Landscaping, during civil site plan review, which depicts natural vegetation, and the planting and irrigation plan.
8. Street trees shall be planted along the new private road on the fronts of individual lots with 25' to 35' spacing. Trees on individual lots are required to be installed prior to Certificate of Occupancy of individual residential units.
9. Any and all signage design and location (including exempt signs) shall comply with Kitsap County Code (KCC) 17.510 and be reviewed and approved by the Department of Community Development prior to installation. Signage may require a separate permit.
10. Prior to the plat transferring to the Homeowner'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 shall maintain all landscaping consistent with the Tree Care Industry Association standard practices.
11. 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 plat consistent with RCW 58.17.140 and .170.
12. Any violation of the conditions of approval shall be grounds to initiate revocation of this Plat.

b. Development Engineering

13. 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.
14. 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.
15. The information provided demonstrates this proposal is a Large Project as defined in Kitsap County Code Title 12, and as such will require a Full Drainage Site Development Activity Permit (SDAP) from Development Engineering.
16. 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 of SDAP application. 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 Code in effect at the time of SDAP application.
17. Any project that includes offsite 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.
18. 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. Processing time for NPDES permit is a minimum of

37 days.

19. The design of the infiltration facilities shall be accordance with Vol. II, Chapter 5 of the Kitsap County Stormwater Design Manual.
20. The infiltration facilities shall remain offline 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. In addition, retention ponds shall not be utilized as temporary erosion and sedimentation control ponds.
21. During the construction of the proposed infiltration facilities, the Project Engineer shall provide an inspection(s) 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(s), properly stamped and sealed to Development Services and Engineering.
22. 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 Services and Engineering with the SDAP submittal. Prior to issuance of building permits, the property owners shall submit a sketch for approval by Development Services and Engineering, showing the design and location of the proposed stormwater infiltration systems. Maintenance of these systems will be the responsibility of the homeowner.
23. The impervious area per lot accounted for in the overall drainage facilities installed shall be indicated on the face of the final plat, along with the following note: 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 and may require a Site Development Activity Permit.
24. The following shall be added to the face of the Final Plat, under the heading Notes and Restrictions:
25. Maintenance of roof and yard drains and appurtenances shall be the responsibility of the individual homeowners.
26. All runoff from roof and yard drains must be directed so as not to adversely affect adjacent properties.
27. All lots are obligated to accept road drainage at the natural locations after the grading of streets is complete.
28. This Plat is subject to all elements of the Declaration of Covenant Conditions and Restrictions (CC&R's) recorded under Auditor File Number [#####]
29. No owner or occupant may obstruct or re-channel the drainage flows after location and installation of drainage swales, storm sewers or storm drains. It is expressly understood that any alteration of the water flow shall be completed only after approval by Kitsap County Department of Community Development.
30. The following condition shall be added to the face of the Final Plat: At the time of submittal of a building permit for any lot within this plat, soil amendment is required for all disturbed areas not covered by hard surface.
31. Prior to SDAP acceptance, the applicant shall submit a set of drawings to the City of Port Orchard for review. The applicant shall notify Development Engineering in writing when the plans have been submitted to the City. Development Engineering shall coordinate with the City to determine if the City has any comments to the submittal.
32. The owner shall be responsible for maintenance of the storm drainage facilities for this development following construction. Before requesting final inspection for the SDAP 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.

33. If the project proposal is modified from that shown on the site plan approved for this permit application, Development Engineering will require additional review and potentially new conditions.

c. Environmental

34. The proposal shall be conditioned to follow the restoration and mitigation plan provided by the project biologist in the revised Critical Area Report. Implementation of the mitigation plan and associated planting plan will be a condition of approval and shall be submitted with the associated Site Development Activity Permit.

d. Traffic and Roads

35. Prior to recording the Final Plat, vehicular access shall be constructed to provide access to all proposed lots.
36. The interior roads of the proposed plat shall be designed and constructed in accordance with Fire Marshal standards for emergency vehicular access.
37. The following shall appear on the face of the Final Plat, under the heading Conditions:
38. All interior roads shall remain private. 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. All improvements necessary to bring said road 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.
39. Lots #2-17 shall access from interior roads only. Lot #1 shall maintain access from Harris Rd SE.
40. The hammerhead shall be designed to accommodate a SU design vehicle. The wheel path of the design vehicle shall remain within the paved area for all required movements.
41. Frontage improvements are required along the entire property frontage on Harris Rd SE, and shall consist of vertical curb, gutter and 5-foot sidewalks.
42. Frontage improvements are required on the interior plat roads, and shall consist of vertical curb, gutter and 5-foot sidewalks.
43. Sidewalk ramps shall conform to the current requirements of the Americans with Disabilities Act per WSDOT standard plans at the time of construction.
44. Any required sidewalk shall be constructed prior to final roadway paving. This note shall appear on the face of the final construction drawings.
45. The Site Development Activity Permit shall include plans for improvements to the existing road approaches on the property frontage connecting to Harris Rd SE. Approaches shall be designed in accordance with the Kitsap County Road Standards as established in Chapter 11.22 of the Kitsap County Code.
46. 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, or Building Permit process, if a SDAP is not required. The need for and scope of bonding will be determined at that time.

e. Fire Safety

47. Fire flow in the amount of 500GPM/30min is required. Fire flow water availability must be confirmed through water purveyor prior to building permit issuance. If fire flow is not available, automatic fire sprinklers as approved by the Kitsap County Fire Marshal shall be installed throughout homes here and after constructed on lots created by this land division.

48. A 20-foot unobstructed access road is required for dwellings here and after constructed on lots created by this land division. Required fire apparatus access roads must be maintained in accordance with IFC 503 amended by Kitsap County. Any proposed revision to these roads must be submitted to, reviewed and approved by the Kitsap County Fire Marshal's Office. Access roads shall comply with the following:

- Unobstructed width of 20 feet and height of 13 feet 6 inches.
- Shall be designed and maintained to support a 60,000-pound fire apparatus and be provided with an all-weather driving surface.
- Dead end access roads exceeding 150 feet in length shall be provided with an approved turnaround.
- Inside turning radius shall be a minimum of 25 feet.
- Road shall not be more than 12% grade.

f. Solid Waste

49. Sanitary sewer is available for the project through West Sound Utilities.
50. Sewer Availability Agreement account(s) shall be kept current and in good standing through permit approval date. A signed availability agreement for 17 parcels is required prior to SDAP approval.
51. Prior to SDAP approval, applicant shall provide documentation from the solid waste/recycling service provider that their requirements for this project have been met. Waste Management Northwest can be reached at pnwcmresources@wm.com or 1-800-592-9995; their website is <http://wmnorthwest.com/kitsap/index.html>

g. Kitsap Public Health District

52. Final plat approval will require:
- a. All septic tanks abandoned per KPHD code
 - b. Water availability and outside utility agreement
 - c. Sewer availability

Report prepared by:



Steve Heacock, Senior Planner / Project Lead

2/09/2024

Date

Report approved by:



Katharine Shaffer, Planning Supervisor

2/09/2024

Date

Attachments:

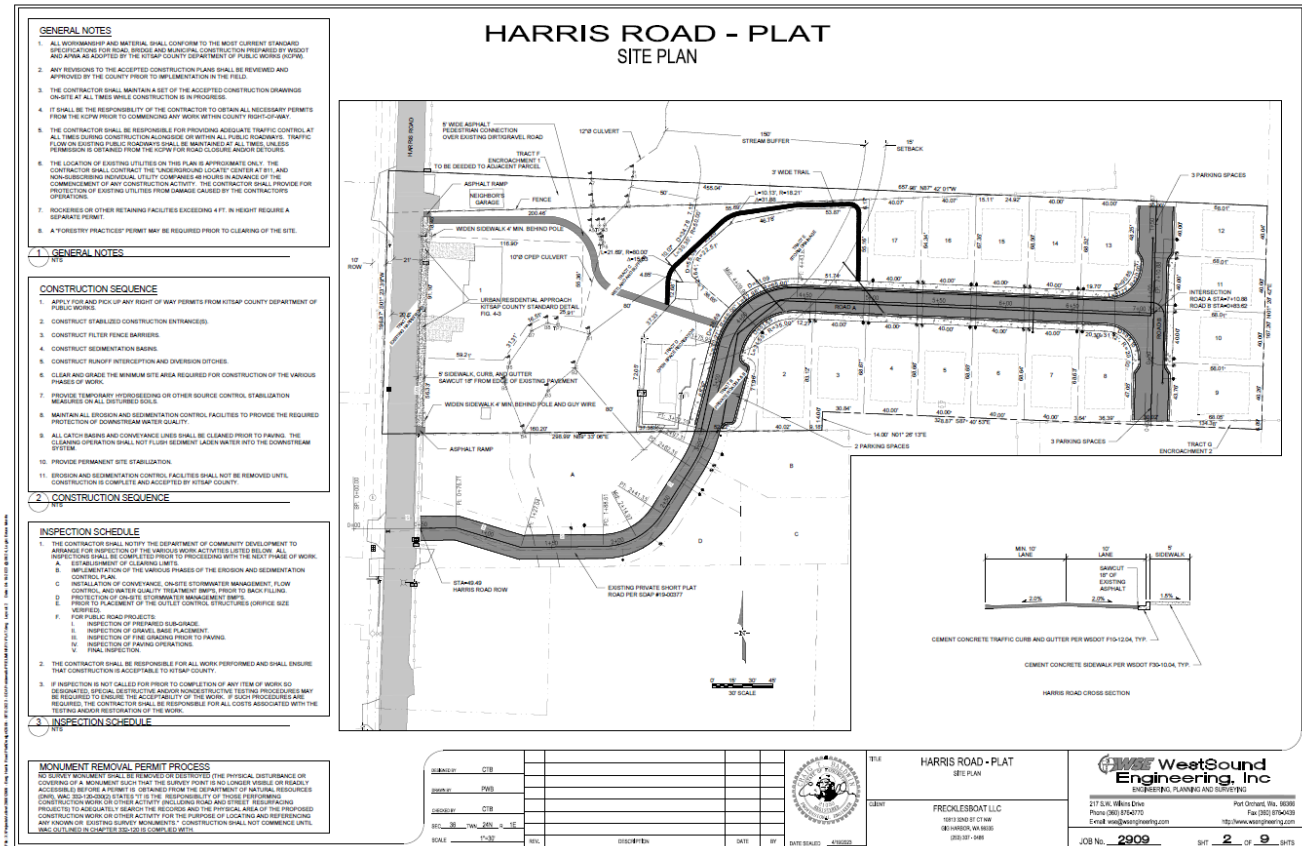
Attachment A – Zoning Map

Attachment B – Critical Areas Map

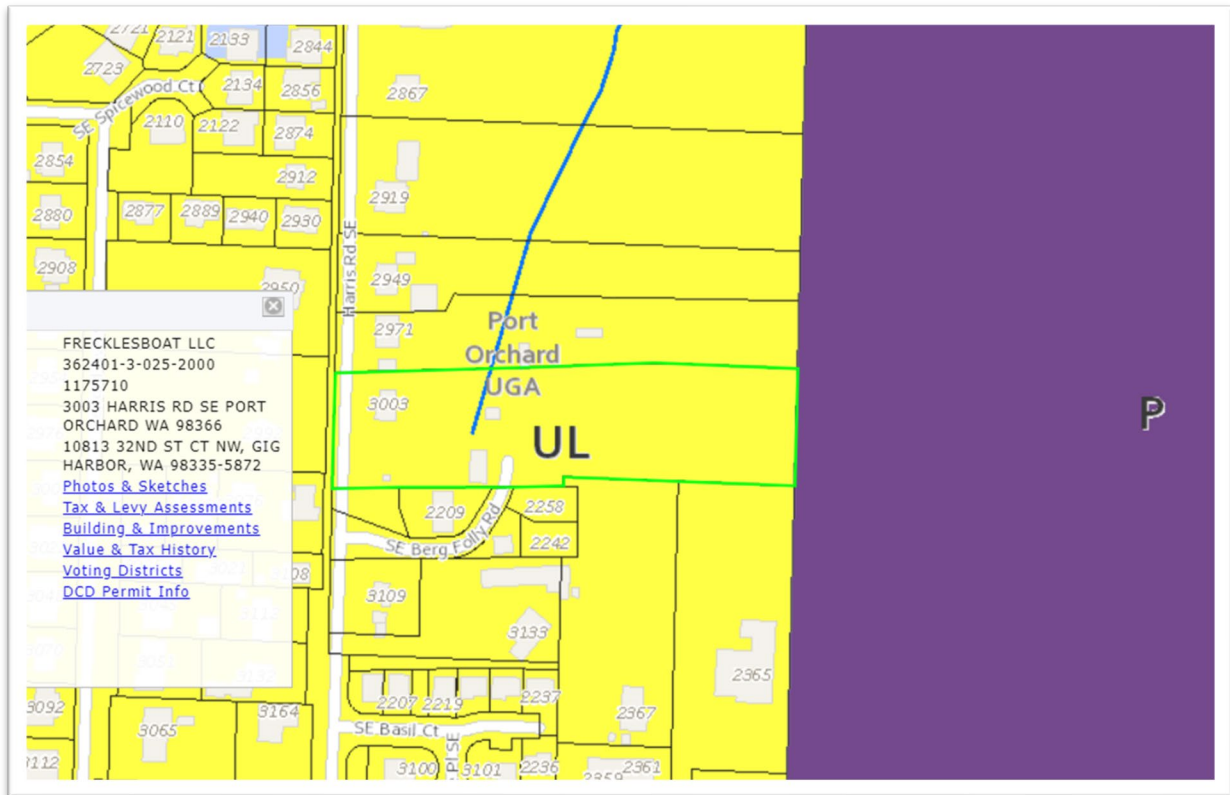
Attachment C – Aerial Imagery

CC: Applicant/Owner email
 Engineer or Project Representative email
 Interested Parties:
 Kitsap County Health District, MS-30
 Kitsap County Public Works Dept., MS-26
 DCD Staff Planner: Steve Heacock

Site Plan



Attachment A: Zoning Map



The screenshot displays a GIS application interface. On the left, a 'Manage Layers' panel is open, showing a list of layers categorized under 'Critical Areas', 'Waterbodies', 'Wetlands', 'FEMA Flood Hazard Areas', 'Hydric Soils', and 'Geologic Critical Areas'. The 'Critical Areas' section includes 'Includes DNR NWI and Surveyed Wetlands', 'DNR NWI Surveyed Wetlands', '100 Year Floodplain', and 'Storm Induced Velocity Wave Hazard'. The 'Hydric Soils' section includes 'Potential Wetlands'. The 'Geologic Critical Areas' section includes 'Seismic High Hazard Area' (High) and 'Landslide Hazard areas' (High and Moderate). The map area shows a residential neighborhood with property lines, parcel numbers, and street names. A blue line represents a waterbody, and a green line outlines a specific area labeled 'Port Orchard UGA'.

012-00 008-00 007-00 006-00 005-00 004-00 047-00 003-00 002-00 3-073 3-072 3-070 3-061 3-060 012-00 010-00 009-00 3-085 3-085 3-020 3-095 3-022 3-026 3-028 3-089 3-090 3-091 3-085 3-088 3-071 3-087 3-034 3-055 3-085 3-065 3-066 3-016 3-018 3-023 3-024 3-025 3-100 3-096 3-097 3-101 3-098 3-091 3-030 3-039 3-066 3-075 3-067 3-040 010-00 011-00 012-00