



## Kitsap County Department of Community Development

### Hearing Examiner Staff Report and Recommendation

**Report Date:** May 15, 2025

**Hearing Date:** May 22, 2025

**Application Submittal Date:**

February 10, 2023, P-PLAT

April 11, 2023, CVAR

**Application Complete Date:**

July 12, 2023, P-PLAT

June 23, 2023, CVAR

**Project Name:** Colbie Court Subdivision

**Type of Application:** Preliminary Plat  
(P-PLAT)/Critical Area Variance (CVAR)

**Permit Number:**

23-00730 (P-PLAT)

23-01780 (CVAR)

**Project Location**

5230 Bethel Rd. S.E.

Port Orchard, WA 98367

Commissioner District 2

**Assessor's Account #**

112301-1-006-2007

112301-1-030-2007

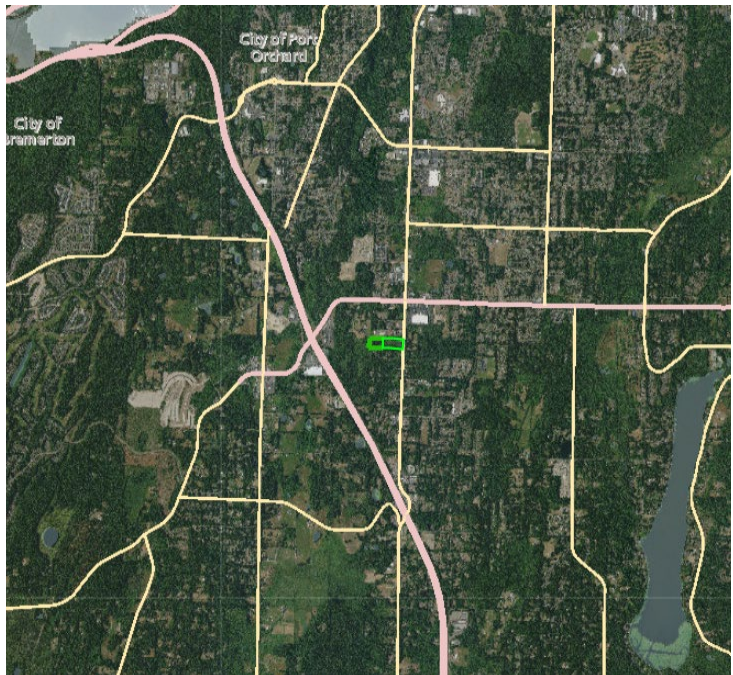
**Applicant/Owner of Record**

Agile SB PO1 LLC

17012 150<sup>th</sup> Ave. E.

Orting, WA 98360

#### VICINITY MAP



#### Recommendation Summary

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

#### 1. Background

The subject site is within the Urban Growth area (UGA) and required to meet density for Urban Low Residential (UL) Zoning. The parcel is encumbered by critical areas and associated buffers. Separate tracts are proposed for wetland buffers and recreational open space. Site development includes parking, landscaping, stormwater, frontage

improvements, and access from Bethel Rd. S.E. Services will be provided by West Sound Water and public Sewer.

Wetland buffer reduction variance (CVAR) is a request for a greater than 25% buffer reduction to the Category 3 wetland identified as Wetland A. The standard buffer for a Category 3 wetland is 150 feet.

## **2. Project Request**

Applicant requests approval for a preliminary land division proposal to subdivide two parcels totaling 9.77-acres for the benefit of fifty (50) single-family lots. In addition, applicant requests approval of a Critical Area Variance to construct an access road to the site.

## **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 Revised Notice of Application dated October 19, 2023. A Determination of Nonsignificance (DNS) was issued on March 7, 2025.

The SEPA appeal period expired March 21, 2025. No appeals were filed; therefore, the SEPA determination is final. SEPA noted the following information with conditions listed at the end of this report.

1. The proposal is conditioned to follow the requirements of Kitsap County Code (KCC) Title 12 ‘Stormwater’ and KCC Title 19 ‘Critical Areas Ordinance’.
2. This project shall follow all critical area buffers and setbacks as depicted in the Wetland Delineation and Mitigation Plans (Beaver Creek Environmental Services, Inc.; 01/10/24 and 8/06/24).
3. Per the Geotechnical Engineering Report, dated February 19, 2024, a revised geotechnical

analysis will be required with the SDAP application and engineered design to reassess the liquefaction analysis to determine at what elevation the subsurface water level can be maintained and should include review of the most recent engineered design.

4. A site visit occurred with the Suquamish Tribe, Ecology, Army Corp (USACE), and Department of Fish and Wildlife (WDFW), related to the wetlands and associated creek on the property. The creek has been determined to be a non-fish seasonal stream and is substantiated from the revised report from Beaver Creek Environmental.

5. A Traffic Impact Analysis (TIA), dated October 16, 2024, was received and submitted to Washington Department of Transportation (WSDOT). No additional information was requested by WSDOT. Traffic impact fees will be assessed on the building permits.

#### 4. Physical Characteristics

The project property is on the west side of Bethel Road SE covering approximately 9.77 acres. Access to the development will be provided by a private drive from Bethel Road. According to the Assessor's records parcel 112301-1-006-2007 is 5.77 acres, developed with a single-family residence and parcel 112301-1-030-2007 is a 4-acre undeveloped lot, both zoned Urban Low Residential (UL). A single-family home and outbuildings currently stand near the northeast corner of the project area with two driveway outlets onto Bethel Rd SE. are proposed to remain through a Boundary Line Adjustment (BLA) process.

Much of the site is currently undeveloped and covered with grass, brush, isolated trees, and some forest growth in the western portion. It is on gently sloping east-facing ground, with a steeper east-facing slope bordering the eastern boundary. Overall elevation change in the planned developed portion of the site is on the order of 30 (+/-) feet. The majority of the site is overgrown with blackberry bushes, scotch broom, and various low bushes. The western parcel is almost entirely forested with mature evergreen trees and dense undergrowth. Site topography generally ascends from east to west, reaching a crest near the center of the western parcel and descending to the west from there.

**Table 1 - Comprehensive Plan Designation and Zoning**

Comprehensive Plan: Urban Low Density Residential Zone: UL	Standard	Proposed
Minimum Density	5 (6 ac. of net developable acreage x 5 = 30 required units)	50 units/lots
Maximum Density	9 (9.24 acres x 9 = 83.16 or 83)	
Minimum Lot Size	2,400	3,514
Maximum Lot Size	9,000 (25)	6,036
Minimum Lot Width	40	NA
Minimum Lot Depth	60	NA

Maximum Height	35 feet	NA (<35 feet at building permit stage)
Maximum Impervious Surface Coverage	NA	NA
Maximum Lot Coverage	NA	NA

Applicable footnotes: 17.420.060 A.25. For new building permit applications for residential dwelling units on vacant lots over eighteen thousand square feet located in urban low residential (ULR) and urban cluster residential (UCR) zones, the maximum lot size shall not exceed nine thousand square feet.

**Staff Comment:** Lots are reviewed and conditioned to be consistent with the minimum lot area standard at time of preliminary plat approval. Minimum lot size is 3,514 sf and maximum lot size is 6,036 sf.

**Table 2 - Setback for Zoning District**

	Standard	Proposed
Front	20 feet garage, 10-feet habitable area	20 feet garage, 10-feet habitable area
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	Currently Undeveloped Land	Commercial (C)
South	Single-family residence (SFR)	Urban Low Density Residential (UL)
East	SFR	UL
West	SFR	City of Port Orchard

**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 #402

## **5. Access**

The plat proposes access from Bethel Rd. S.E. which is a publicly maintained road located east of the proposed development and has a functional classification as a collector/arterial. The proposed internal privately maintained road is classified as a low-volume local access road.

According to the Traffic Impact Analyses (TIA) prepared by Heath and Associates dated March 6, 2024, the project will generate 41 new AM peak trips and 54 new PM trips and discussed in 10j. of the analysis.

## **6. Site Design**

The proposed Colbie Court 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 preliminary plat is required to comply with urban development standards for utilities, roads, sidewalks, landscaping and recreation facilities. The project will be required to incorporate frontage improvements along the approximately 330 feet of property frontage on Bethel Rd. S.E. If improvements to an existing bus stop or a new facility are deemed necessary, coordination with Kitsap Transit will be required as a condition of approval.

## **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, and as amended thereafter. 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.*

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 12	Storm Water Drainage
Title 13	Water and Sewers
Title 14	Buildings and Construction
Title 16	Land Division and Development
Title 17	Zoning
Title 19	Critical Areas
Chapter 18.04	State Environmental Policy Act (SEPA)
Chapter 19	Critical Areas Ordinance
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 the following Exhibits.

Exhibit #	Document	Dated	Date Received / Accepted
1	<b>STAFF REPORT</b>	5/15/2025	
2	Habitat Upstream Comments 23-01780	3/9/2021	
3	Habitat Survey 23-01780	3/9/2021	
4	Application Submission 23-00730	2/14/2023	2/17/2023

5	Concurrency Test 23-00730		2/17/2023
6	Geotechnical Infiltration Report 23-00730	10/27/2020	2/17/2023
7	Landscape Plan 23-00730	1/13/2023	2/17/2023
8	Lot Size Table 23-00730		2/17/2023
9	Preliminary Storm Drainage Report 23-00730	January 2023	2/17/2023
10	Stormwater Worksheet 23-00730		2/17/2023
11	Wetland Delineation Report 23-00730	10/20/2019	2/17/2023
12	Application Submission 23-01780	4/19/2023	4/21/2023
13	Original Site Plan 23-01780	2/1/2023	4/21/2023
14	Variance Request Narrative 23-01780	4/10/2023	4/21/2023
15	Notice of Application	8/16/2023	
16	Public Comment – Dept of Ecology 23-00730	8/30/2023	
17	Public Comment – Kitsap Transit 23-00730		10/19/2023
18	Public Comment: Dept of Ecology 23-01780	11/2/2023	
19	Other Public Comments 23-01780		10/26/2023 – 11/3/2023
20	Site Photos 23-01780		12/3/2023
21	Public Comment: USACE 23-01780		12/6/2023
22	Public Comment: USACE Components of a Mitigation Plan	4/7/2015	12/6/2023
23	Public Comment: WDFW 23-01780		12/8/2023
24	Revised Notice of Application	10/19/2023	
25	Groundwater Monitoring Memorandum 23-00730	4/11/2024	4/29/2024
26	Non-Binding Sewer and Water Letter 23-00730	1/13/2023	4/29/2024
27	Project Narrative	3/8/2024	4/29/2024

	<i>23-00730</i>		
28	Response Letter to Cycle 2 Information Request <i>23-00730</i>	4/19/2024	4/29/2024
29	Revised Preliminary Storm Drainage Report <i>23-00730</i>	April 2024	4/29/2024
30	SEPA Checklist <i>23-00730</i>	3/8/2024	4/29/2024
31	Site Distance Analysis <i>23-00730</i>	1/13/2024	4/29/2024
32	Traffic Impact Assessment (TIA) <i>23-00730</i>	3/6/2024	4/29/2024
33	Public Comment – City of Port Orchard <i>23-00730</i>		8/13/2024
34	Other Public Comments <i>23-00730</i>		8/21/2023 – 9/11/2024
35	Coastal Zone Management (CZM) Certification <i>23-01780</i>		10/23/2024
36	DOE 401 Water Certification <i>23-01780</i>	6/5/2024	10/23/2024
37	JARPA <i>23-01780</i>	1/10/2023	10/23/2024
38	Response Letter to Cycle 3 Information Request <i>23-00730</i>	10/16/2024	10/23/2024
39	Revised Traffic Impact Assessment (TIA) <i>23-00730</i>	10/16/2024	10/23/2024
40	Updated Civil Plans <i>23-00730</i>	8/12/2024	10/23/2024
41	Wetland Delineation Report (Revision 2) <i>23-01780</i>	1/10/2024	10/23/2024
42	Wetland Mitigation Plan (Revision 5) <i>23-01780</i>	8/6/2024	10/23/2024
43	Public Comment: Dept of Ecology Clean-Up Site Rescindment <i>23-01780</i>	11/21/2024	
44	Geotechnical Report <i>23-00730</i>	2/19/2024	12/3/2024
45	Stormwater Conditions Memo <i>23-00730</i>	12/11/2024	
46	Curbing Diagram <i>23-00730</i>	8/12/2024	2/20/2025
47	SEPA Determination	3/7/2025	
48	Extended PM Trip Distribution		3/11/2025



	23-00730		
49	Notice of Public Hearing	5/7/2025	
50	Certification of Public Notice	5/14/2025	
51	Staff Presentation		
52	Hearing Sign In		

## 9. Public Outreach and Comments

Pursuant to KCC Title 21 Land Use, and Development Procedures, the Department gave proper public notice for the Preliminary Plat 800 feet around the property. To date the Department has not received requests from the public to be interested parties on the project.

Issue Ref. No.	Summary of Concern (See corresponding responses in the next table)
1	Ecology Comments recommend applicant schedule a site visit with County staff, SEA Program staff, US Army Corps of Engineers staff, and relevant representatives of the applicant (project engineer, wetland consultant, etc). The purposes of this site visit will be to confirm the boundaries and ratings of the on and off-site wetlands, discuss the wetland permitting process and wetland mitigation options, and outline the applicant's next steps. 8/30/23
2	<p>Agency WDFW Response Letter 09/8/23, was sent to applicant regarding a potential stream connection may exist between the project area and an unnamed tributary of Blackjack Creek. Wetland Report, provided by Beaver Creek Environmental Services, states a stream enters the site through a 36-inch diameter culvert from Bethel Rd and enters the onsite wetland from the north then the flow is then dispersed throughout the wetland and then outflows back to a roadside ditch where it terminates near the south boundary of the site.</p> <p>WDFW recommends that the applicant assesses whether these watercourses are regulatory waters of the state and verify any potential stream connectivity to a tributary of Blackjack Creek. Should a connection exist between the on-site wetland and the tributary of Blackjack Creek, the wetland may also provide habitat value for fish life within the watershed.</p> <p>Please also note that a HPA permit would be needed for any work affecting a regulatory watercourse of the state, such as potential culvert/road upgrades needed for this project. 9/8/23</p>

3	WSDOT -Request for Traffic Impact Analysis (TIA) 10/20/23
4	Kitsap Transit -Please consider creating a sidewalk connection to the nearby Fred Meyer location as transit is available there. It is also a method to support the Comprehensive Plan's non-motorized goals and policies. 10/19/23
5	Suquamish Tribe -Insufficient information and narrative discrepancies. Recommend additional long-term monitoring for permanent impacts of wetland fill. 11/7/23
6	City of Port Orchard Planning Director -Request for traffic mitigation fees, additional TIA intersection studies, request similar mitigation to Sinclair Ridge Plat. Forwarded MOU

## 10. Analysis

### a. Planning/Zoning

The proposed Colbie Court 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, 16.24.040 Urban Standards and Chapter 16.40 Subdivisions.

The property is zoned Urban Low, therefore requires density discussed above in Table 1 to create between 30 and 83 dwelling units per acre. Development plans include up to 50 new single-family residential lots to meet this requirement.

#### Utilities

In addition to the project being served by an urban level of service for water and sewer as discussed above, the project proposes to be served by West Sound Utility District's Water and Sewer service area, Puget Sound Energy, and by the local cable provider.

#### Recreation Requirements

The preliminary plat will include recreational open space amenities consistent with subdivision standards. The applicant is required to include 19,500 square feet of recreation facilities (50 units x 390 square feet). The applicant is proposing a 30,000 square foot active recreation area near the front property line (3,200 square feet) and also proposing a passive recreation area with hiking trails through the existing preserved vegetation on the east slope of the project site (6,450 square feet recreation area with trails) for a total of 9,650 square feet. The common open space tract of preserved native vegetation is 65,430 square feet in size.

The recreation facility will be somewhat centrally located near the west side. Provisions must be made to provide a level area to provide a safe location for playgrounds catering

to younger children. The proposal should include play equipment or other amenities consistent with housing demographic served.

Low impact development practices may be reviewed during SDAP to reduce storm drainage runoff. The applicant's storm drainage concept is a combination of infiltration and detention.

**b. Lighting**

Lighting and Central Mailboxes in Urban Plats: Urban residential plats generally include illumination of internal roadways and street lighting at the intersection where private roads intersect with County right-of-way, pursuant to 11.40 Street Lighting. The developer is responsible for installing lighting at the County's intersection and conveyed to the County, if applicable. If desired, the developer and or Homeowners Association (HOA) may install the internal street lighting. The individual property owners are billed through the WestSound Water District - water purveyor for lighting with the HOA responsible for maintenance.

The trend is to move away from traditional rural box style and 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 sidewalk shall meet clear zone requirements.

**c. Off-Street Parking**

Consistent with KCC 17.490 the proposal includes on street and off-street parking. The applicant is proposing 100 off-street parking spaces in driveways and 25 parking spaces off-site in separate Tracts. 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.

**Table 5 - Parking Table**

Use Identified in 17.490.030	Standard	Required Spaces	Proposed Spaces/Existing Spaces
Single Family (detached)	During subdivision, 2 per unit + 0.5/unit on street or set aside	100+25 on-street or set aside	100+25 on-street or set aside.
Total		125	125

**d. Signage**

A monument sign should be placed at the development entrance. Proposed sign(s) will be reviewed pursuant to KCC 17.510, and additional sign permit(s) as needed.

**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 of units prior to certificate of occupancy. The applicant will be required to submit a detailed landscape plan (90% design threshold) with the Site Development Activity Permit, showing landscaping around storm drainage facility, street trees, the recreation facilities and natural vegetation retained.

**Table 6 - Landscaping Table**

	Required	Proposed
Required Landscaping (Sq. Ft.) 15% of Site		
Required Buffer(s) 17.500.025		
North	Separation Buffer	Separation Buffer
South	Solid Screening Buffer	Solid Screening Buffer
East	Roadside and Setback Buffer	Roadside and Setback Buffer
West	Solid Screening Buffer	Solid Screening Buffer
Street Trees	Bethel Rd. S.E.	

**f. Frontage Improvements**

Consistent with Kitsap County Road Standard and Comprehensive Plan policies the preliminary plat is required to include frontage improvements along Bethel Rd. S.E. The project was conditioned through SEPA, as well as this report, for mitigation to install curbing, 6-foot sidewalks and 5-foot bike lane along the project frontage. Coordination with Kitsap Transit to integrate any required bus facilities is discussed in Section j.

**g. Design Districts/Requirements**

The project is located within the Port Orchard UGA, but not within a designated Design District. No further analysis is required.

**h. Development Engineering/Stormwater**

Development 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 Preliminary Drainage Report and Preliminary Engineering Plans accepted for review 6/30/23, and as revised by additional materials accepted for review 4/29/24 and 10/23/24 to Kitsap County Development Engineering.

Development Engineering accepts the concepts contained in this preliminary submittal and requires the conditions at the end of this report, as an element of the land use approval.

**i. Environmental**

A geotechnical report was submitted and anticipates the single-family residences will be multi-level wood-frame structures supported on conventional spread footings. Conventional asphalt pavement is anticipated for the access drive and individual driveways. A designated infiltration tract in the eastern portion of the site is proposed to support stormwater control. A condition of approval is added at the end of this report to adhere to recommendations found in the geotechnical report.

On November 30, 2023, county staff met onsite with the applicant's project representative and biologist, the Department of Ecology (ECY), the Department of Fish and Wildlife (WDFW), and the Corp of Engineers (USACE) to discuss the wetland and proposed mitigation measures associated with Colbie Court, a proposed residential plat. Based on the meeting and subsequent correspondence with the different agencies, the applicants submitted a revised mitigation plan, dated April 12, 2024, to include the creation of a 10,670-square foot wetland adjacent to the southwest corner of the existing wetland. The created wetland will be planted with native trees and shrubs, and supportive hydrology will continue to be provided by the existing wetland. In addition, the existing wetland and buffer area to be enhanced will be cleared of invasive plant species and revegetated with native trees and shrubs.

Wetland A is a 0.97-acre on-site wetland located within a depression in the east center of the project site. There is a 0.007-acre, or 310 square feet off-site wetland located on the parcel to the north of the subject property, identified as wetland D. Both are classified as a Category 3 wetlands, however Wetland D is exempt from buffer regulations due to its small size.

**19.100.135 Variances**

A variance in the application of the regulations or standards of this title to a particular piece of property may be granted by Kitsap County when it can be shown that the application meets all the following criteria:

*1. Because of special circumstances applicable to the subject property, including size, shape or topography, the strict application of this title is found to deprive the subject property of rights and privileges enjoyed by other properties in the vicinity; provided, however, the fact that those surrounding properties have been developed under regulations in force prior to the adoption of this ordinance shall not be the sole basis for the granting of a variance.*

Applicant Response: The property is approximately 9.77 acres in size and rectangular in shape (330 linear feet by 1,289 linear feet). As outlined in the Beaver Creek Environmental Services, Inc. "Wetland and Drainage Corridor Evaluation and Delineation Report" dated March 20, 2023, and the "Mitigation Plan" dated April 3, 2023, the project site contains a Kitsap County Category III wetland and associated

buffer. The location and overall site coverage of the wetland and associated buffer completely restricts access to the site. As a result of the character, shape, and location of the onsite wetland and associated buffers, the placement of the access roadway and access to the site is entirely impacted by the wetland and wetland buffer. Additionally, the wetland buffer extends offsite onto Bethel Road SE and frontage improvements will be a requirement of this project. Without a variance to reduce the buffer more than 25% and to fill a small portion of the wetland, the project is not feasible.

*2. The special circumstances referred to in subsection (A)(1) of this section are not the result of the actions of the current or previous owner.*

Applicant Response: The special circumstances are not the result of the actions of the current or previous owner.

*3. The granting of the variance will not result in substantial detrimental impacts to the critical area, public welfare or injurious to the property or improvements in the vicinity and area in which the property is situated or contrary to the goals, policies and purpose of this title.*

Applicant Response: The proposed access location is the only feasible area to minimize impacts to the wetland and wetland buffer. No detrimental effects to public welfare or the property are proposed. No significant net loss of ecological function is anticipated. A buffer mitigation plan will be implemented, which will compensate for the disturbed wetland buffer area. Enhancement of the buffer will increase the function of the buffer and thereby benefit the wetland.

*4. The granting of the variance is the minimum necessary to accommodate the permitted use.*

Applicant Response: The granting of the variance is the minimum needed to accommodate the project. There is no other access to the site.

*5. No other practical or reasonable alternative exists.*

Applicant Response: There is no other access to the site.

*6. A mitigation plan (where required) has been submitted and is approved for the proposed use of the critical area.*

Applicant Response: A mitigation plan has been prepared and submitted for review under the variance application.

Staff Comment: Staff concurs with applicants' assessment to the variance criteria. There is no alternative access to the site. The circumstances referred to in subsection (A)(1) above are not the result of the actions of the current or previous owner. Access is needed for the proposed dwelling units to meet density requirements. Mitigation sequencing is included, and monitoring of the mitigation plantings and enhancement will be included conditions of approval found at the end of this report.

Staff analysis concurs with the mitigation plan prepared by Beaver Creek Environmental Services, Inc., dated April 12, 2024, and that it meets goals and standards outlined in KCC 19.200. A condition of approval is found at the end of this report to follow the recommendations of the professional's report.

### **19.200.300 Wetland mitigation requirements:**

**Table 19.200.230**  
**Wetland Mitigation Replacement Ratios**

<b>Wetland Category</b>	<b>Reestablishment or Creation Only</b>	<b>Rehabilitation Only</b>	<b>1:1 Reestablishment or Creation (R/C) and Enhancement (E)</b>	<b>Enhancement Only</b>
All Category IV	1.5:1	3:1	1:1 R/C and 2:1 E	6:1
All Category III	2:1	4:1	1:1 R/C and 4:1 E	8:1

### **MITIGATION SEQUENCING**

#### **MITIGATION PLAN**

The selected site development actions for the Colbie Court development is the development of a single-family community consistent with the Kitsap County comprehensive plan and local land use zoning. Through site planning the project team has tried to design the development and associated utilities to avoid adversely impacting the identified onsite wetland. The wetland and the standard buffer of the wetland must be reduced to provide access to the western 70% of the site.

An encroachment into the identified wetland and buffer for the on-site wetland is required to improve access across the site, and required by Kitsap County development regulations. The proposed development is the minimum required to achieve reasonable use of the site. The development is situated as far from the wetland as practicable. No other access is possible with less impact on the wetland.

Area	Development Impact	Mitigation ratio	Wetland Creation	Wetland Enhancement	Buffer Enhancement
Wetland ROAD CROSSING	3,538 DIRECT	2:1 creation 8:1 enhancement	10,670 3:1		0
	11,156 INDIRECT	4:1 enhancement	7,618 x 4 =	30,472	
Buffer – access road	27,761	1:1.1	1:1.1		31,063
Buffer - frontage	3,217	1:1	1:1		3,250
<b>TOTAL buffer</b>	<b>30,978</b>				<b>34,313</b>
<b>wetland</b>	<b>3,538</b>		<b>10,670</b>	<b>30,472</b>	

Mitigation for the required wetland and buffer impact will be provided by replanting the retained buffer and a portion of the wetland with a variety of native trees and shrubs.

Through this compensatory mitigation the development would not result in a “net loss” of regulated wetland area, function, or value consistent with Kitsap County Code Title 19 - Wetlands.

Fencing: A fence will be installed at the western reduced buffer boundary of the wetland. Kitsap County wetland buffer boundary signage will be attached on every third post. No further activity will occur, other than regular maintenance and monitoring, within the fenced area once enhancement planting is complete.

The existing wetland in the interior of the site has been severely degraded by prior clearing of vegetation. The wetland is dominated by reed canarygrass and is devoid of tree recruitment and sparse in mature trees. The buffer is dominated by Himalayan blackberry (*Rubus armeniacus*) and is devoid of tree recruitment and sparse in mature trees.

Also proposed is the retention of existing downed large woody debris (tree logs & root wads) to provide surface for wildlife habitat and insect habitat.

Potential impacts to habitat from the development are:

1). Short-term construction disruption:

This impact will be mitigated thru the placement of silt fence barriers in every area which may flow into the wetland (see Colbie Court Site Civil Plans, erosion control Plan) and oversight by the project biologist during construction. The project biologist will observe and consult with construction crews during construction to ensure compliance with best management practices during the excavation of the buffer area.

2). Long-term impacts from development:

a). Permanent loss of habitat area. There will be no functional loss of habitat area. The present wetland and buffer in the mitigation area is moderate functional.



Functional buffer area will increase as a result of installation of trees and habitat structures.

b). Loss of habitat utility due to light and noise from the development and increased visitation by people. Lighting of the developed area will increase “spillover” of light to the mitigated buffer and wetland. All lighting will be directed away from the mitigation area. A boundary planting of shrubs within the retained buffer to provide light and auditory shading. The boundary fence will be a 2-post cedar fence to inhibit intrusion by people.

#### MITIGATION FUNCTIONAL COMPARISON

<b>ENVIRONMENTAL FUNCTION</b>	<b>EXISTING</b>	<b>PROPOSED</b>
Hydrological Support Function	Low	Moderate
Stormwater Storage Function	High	High
Floodwater Storage Function	High	High
Water Quality Function	Moderate	High
Groundwater Recharge Function	Moderate	Moderate
Natural Biological Functions	Moderate	High
Education and Recreational Opportunities	Low	Low
Threatened and Endangered Species	Moderate	Moderate

(after Adamus et al. 1987; Reppert et al. 1979)

#### DESCRIPTION OF THE MITIGATION PROGRAM

1. As mitigation for the unavoidable impact (fill) to 3,538 sq. ft. of Kitsap County regulated Category 3 Wetland at the north boundary of the project site, 10,670 sq. ft. (3:1) of wetland will be created adjacent to the southwest corner of the existing wetland.) of wetland will be created adjacent to the southwest corner of the existing wetland.
2. This area will be excavated to one foot below the existing wetland edge elevation and backfilled with organic topsoil.
3. The entire wetland creation area will be planted in native trees and shrubs. Supportive hydrology will continue to be provided by the existing wetland.
4. This wetland creation (2x) offsets the wetland creation ratio (2:1) needed and applies 3,540 sq. ft. to 11,156 sq. ft. impact 1:1, leaving 7,618 sq. ft. to be mitigated through enhancement.
5. As mitigation for the unavoidable impact to 7,618 sq. ft. of Kitsap County regulated Category 3 Wetland (that remains after wetland creation deduction) at the north boundary of the project site, a portion of the retained wetland of 14,851 sq. ft. (11,156 sq. ft. indirect impact area + 3,695 sq. ft. abutting the created wetland area) will be restored with native trees and shrubs. The wetland area to be enhanced is presently dominated by reed canarygrass and blackberries, interspersed with sapling willow. The wetland area to be enhanced will be cleared of exotic species (retaining native trees

and shrubs) and opportunistically planted with native trees around existing vegetation. Supportive hydrology will continue to be provided by the existing wetland.

6. The site will be treated to inhibit reed canarygrass growth. All areas of reed canarygrass will be mowed to ground level in dry season. Three layers of salvage cardboard will be laid over the mowed area. Layer of landscape burlap will be fastened over the cardboard. The revegetation trees and shrubs will be planted thru the installed ground cover.

7. As mitigation for the unavoidable impact to 27,761 sq. ft. of Kitsap County regulated Category 3 Wetland buffer at the north boundary of the project site for the access road and frontage improvements, a portion of the retained buffer of 31,063 sq. ft. west of the wetland will be restored with native trees and shrubs. The upland area to be enhanced is presently dominated by blackberries, interspersed with sapling douglasfir trees. The buffer area to be enhanced will be cleared of exotic species (retaining native trees and shrubs) and opportunistically planted with native trees around existing vegetation. Supportive hydrology will continue to be provided by the existing wetland.

8. As mitigation for the unavoidable impact to 3,217 sq. ft. of Kitsap County regulated Category 3 Wetland buffer at the east boundary of the site, a portion of the retained buffer of 3,250 sq. ft. will be restored with native trees and shrubs. This will be a boundary planting of two rows Douglas-fir trees at 10-ft. spacing, staggered along the 266-ft. length of the east boundary where the frontage improvements encroach on the wetland buffer. The upland area to be enhanced is presently dominated by blackberries. The buffer area to be enhanced will be cleared of exotic species (retaining native trees and shrubs) and opportunistically planted with native trees around existing vegetation. Supportive hydrology will continue to be provided by the existing wetland.

9. Temporary and long-term erosion control measures will be implemented (see Colbie Court Site Civil Plans erosion control Plan). These measures include silt fencing during site preparation and buffer enhancement, retention of all possible existing vegetation and planting of new vegetation.

10. All onsite activities will be monitored by the project biologist. Following the completion of onsite planting activities, a "record-drawing" plan will be prepared and submitted to Kitsap County. A five-year monitoring program will be undertaken to assure the success of the wetland and buffer enhancement program. A series of financial guarantees will also be implemented to assure that the proposed work is completed and is successful.

11. The outer boundaries of the established buffer tract facing the development would be marked with standard Kitsap County buffer boundary signs. The buffer boundaries will be fenced to limit human intrusions between the upland boundary of the remaining buffer and the developed portion of the site. In addition, the project team will remove the trash, debris, and invasive shrubs within the retained wetland and buffer areas.

12. Wetland and buffer vegetation cleared or otherwise damaged during the installation of the mitigation plan shall be revegetated with appropriate native plants installed at an appropriate density to restore the damaged condition. These plants shall be subject to the same performance standards indicated in the mitigation plan.

13. Notice On Title for the wetlands and buffers on the project site will be completed, including establishment of a critical area tract or conservation easement covering all compensatory mitigation areas.

19.200.225 Additional development Standards for certain uses:

In addition to meeting the development standards of this chapter, those uses identified below shall also comply with the standards of this section and other applicable state, federal and local laws.

D. Land Divisions and Land Use Permits. All proposed divisions of land and land uses (including but not limited to the following: short plats, large lot subdivisions, performance-based developments, conditional use permits, site plan reviews, binding site plans) which include regulated wetlands, shall comply with the following procedures and development standards:

1. The area of a wetland and its buffers may be included in the calculation of minimum lot area for proposed lots, except for the area with permanent open water.
2. Land division approvals shall be conditioned to require that wetlands and wetland buffers be dedicated as open space tracts, or an easement or covenant encumbering the wetland and wetland buffer. Such dedication, easement or covenant shall be recorded together with the land division and represented on the final plat, short plat or binding site plan, and title.
3. In order to implement the goals and policies of this title, to accommodate innovation, creativity, and design flexibility, and to achieve a level of environmental protection that would not be possible by typical lot-by-lot development, the use of the clustered development or similar innovative site planning is strongly encouraged for projects with regulated wetlands on the site.
4. After preliminary approval and prior to final land division approval, the department may require the common boundary between a regulated wetland or associated buffer and the adjacent land be identified using permanent signs and/or fencing. In lieu of signs and/or fencing, alternative methods of wetland and buffer identification may be approved when such methods are determined by the department to provide adequate protection to the wetland and buffer.

Staff Comment: The department finds that development Standards per KCC 19.200.225 are met.

19.500 Frequently Flooded Areas

The proposed development is outside of mapped flood hazard areas.

19.600 Critical Aquifer Recharge Areas

The site is within a Category I Critical Aquifer Recharge Area; however, single-family development is not a listed activity with potential threat to groundwater quality. No further review is required.

**j. Access, Traffic and Roads**

Bethel Road is an Urban Minor Arterial & a non-motorized route. Standards for an Urban Minor Arterial on a non-motorized route are 12' exterior lane, 5' bike lane, and 6' sidewalk. A condition of approval for these improvements is added to the end of this report.

Proposed streets are designed and conditioned to meet Kitsap County Road standards. Adequate vehicular access will be provided by the proposed interior plat roads, which will result in a singular access point to Bethel Rd S.E., an existing constructed County right-of-way. Development requires frontage improvements along the full length of the lot frontage of Bethel Road.

A Traffic Impact Assessment, dated March 6, 2024, was submitted with this application and describes in detail all aspects related to vehicular traffic considerations for the Colbie Court project. The development is anticipated to generate 553 new average weekday daily trips (AWDT) with 41 AM peak-hour trips and 54 PM peak-hour trips. Traffic mitigation has been made a condition of approval, at the end of this report, for impact fees to be assessed and paid at time of building applications.

Based on KCC 17.420.030 Design Standards: A safe walking path exceeds the maximum distance required (1,200 feet) in order to reach the nearest Bus Stop at Fred Meyer at Sedgwick and Bethel. PW-Traffic confirmed that there are no public roads between the proposal and Fred Meyer until you reach Sedgwick, and are required to cross at the intersection to reach the facility.

The project is also conditioned that final approval include documentation from WSDOT that provides approval for impacts to and any required mitigation on State rights of way.

Regarding public transit, the nearest stop is 1.3 miles away and Kitsap Transit does not currently have a route servicing Bethel Rd. However, Kitsap Transit has recently completed a long-range transit plan identifying the growth in this part of the UGA. Service is planned for this area and a bus stop has been requested.

Non-Motorized facilities: Pedestrian sidewalk requirements in the above section, sidewalks are required on both sides of public and private roadways, however, consistent with policy and the application of the Kitsap County Road Standards, the project falls below 400 average daily trips for a local minor road and sidewalks are allowed on one side of the private internal road.

**k. Fire Safety**

The project is located within South Kitsap Fire & Rescue District 07. The nearest fire station is located on Bethel Rd. S.E. near S.E. Rose Rd., approximately one-half mile to the south. The Fire Marshal has reviewed and approved the proposal. Fire flow verification and adequate fire apparatus access for emergency responders are required and will be reviewed through the SDAP.

**l. Solid Waste**

Permit will be conditioned for Waste Management approval with SDAP.

**m. Water/Sewer**

West Sound Utility District will serve the project site for water and sewer. Binding letters shall be required with the Site Development Activity Permit.

**n. Kitsap Public Health District**

The Kitsap Public Health District has reviewed the proposal and has added the following comments and conditions of approvals, which are included at the end of this report.

1. Any existing septic tanks on the lot must be pumped and abandoned to code.
2. Any wells on the lot must be decommissioned by a licensed well driller.
3. A sewer building clearance application including binding water and sewer availability letters for each unit/connection must be submitted with SDAP application.

**o. Schools**

South Kitsap School District was notified regarding the approval of the pending preliminary plat. When the District responds, their comments will be included with the review of the Site Development Activity Permit.

**11. Review Authority**

The Hearing Examiner has review authority for this Preliminary Plat application under KCC, Sections 16.40.030 and for this Critical Area Variance Permit application under KCC, Sections 19.100.135 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.

**12. Findings**

1. The proposal is consistent with the Comprehensive Plan.
2. The proposal complies 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.

3. The proposal is not materially detrimental to existing or future uses or property in the immediate vicinity.
4. 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.

### **13. Recommendation**

Based upon the analysis above and the decision criteria found in KCC 17.550.030.A and 19.100.135, the Department of Community Development recommends that the Preliminary Plat and the Critical Area Variance requests for Colbie Court be **approved**, subject to the following conditions:

#### **a. Planning/Zoning**

1. Permit approval is subject to conditions in the Hearing's Examiner Decision.
2. The proposal shall be compliant with the applicable zoning standards of the Urban Low (UL) zoning district.
3. At the time of SDAP submittal, the site plan shall show all current easements to ensure the project does not encroach on required setbacks or the easement(s) itself.

#### **b. Development Engineering**

##### GENERAL

4. 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.
5. Approval of the preliminary plat shall not be construed to mean approval of the total number of lots or configuration of the lots and tracts. These parameters may be required to be revised for the final design to meet all requirements of Kitsap County Code Titles 11 and 12.

##### STORMWATER

6. 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.

7. 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 SDAP (or Building Permit if no SDAP required) application is deemed fully complete. 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, or Building Permit if an SDAP is not required.
8. Any project that includes off site improvements that create additional hard surface such as lane widening, sidewalk or shoulder installation or intersection channelization shall provide stormwater mitigation in accordance with Kitsap County Code Title 12.
9. 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 Jasper Sogn at 360-972-6524 or by emailing at [jasper.sogn@ecy.wa.gov](mailto:jasper.sogn@ecy.wa.gov) . This permit is required prior to issuance of the SDAP.
10. The Washington State Department of Ecology (Ecology) may require registration of the infiltration trench as an Underground Injection Control (UIC) well in accordance with the Underground Injection Control Program (Chapter 173-218 WAC). The applicant shall contact Ecology to determine if the facility is regulated under the UIC program.
11. The design of the infiltration facilities shall be accordance with Vol. II, Chapter 5 of the Kitsap County Stormwater Design Manual.
12. 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. In addition, retention ponds shall not be utilized as temporary erosion and sedimentation control ponds.
13. 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 Engineering.
14. 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.

15. The following shall be added to the face of the Final Plat, under the heading Notes and Restrictions:
  - a. Maintenance of roof and yard drains and appurtenances shall be the responsibility of the individual homeowners.
  - b. All runoff from roof and yard drains must be directed so as not to adversely affect adjacent properties.
  - c. All lots are obligated to accept road drainage at the natural locations after the grading of streets is complete.
  - d. This Plat is subject to all elements of the Declaration of Covenant Conditions and Restrictions (CC&R's) recorded under Auditor File Number #####.
  - e. 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.
16. 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.
17. Prior to recording the Final Plat, soil amendment is required over all disturbed areas within Tracts that are not covered by hard surface; provided, that in the event completion of a Recreational Tract has been bonded, soil amendment shall be completed prior to expiration of the bond covering that work.
18. 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.
19. The owner shall be responsible for maintenance of the storm drainage facilities for this development following construction. Before requesting final inspection for the SDAP (or for the Building Permit if an SDAP is not required) 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.

20. 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.

#### OTHER

21. This project includes the construction of rock walls or other retaining facilities that either exceed four feet in height or sustain a surcharge. A separate building permit with an engineered design is required for such walls. This note shall be placed on the face of the final construction drawings.
22. Rock and retaining walls shall meet all applicable setback requirements of Vol. II, Chapter 9 of the Kitsap County Stormwater Drainage Manual.

#### **c. Environmental**

23. This project shall follow all critical area buffers and setbacks as depicted in the Wetland Delineation and Mitigation Plan (Beaver Creek Environmental Services, Inc.; 4/12/24 and revised 4/25/23).
24. Split-rail fencing shall be placed at the outer edge of critical area buffers, as depicted on the approved Landscape Plan.
25. A final Planting and Mitigation Plan shall be submitted with SDAP for the temporary impacts to Wetland A due to road construction.
26. Per the Geotechnical Engineering Report, dated February 19, 2024, a revised geotechnical analysis will be required with the SDAP application and engineered design to reassess the liquefaction analysis to determine at what elevation the subsurface water level can be maintained. This revised report should include review of the most recent engineered design.

#### **d. Traffic and Roads**

27. At building permit application, submit Kitsap County Public Works Form 1601 for issuance of a concurrency certificate, as required by Kitsap County Code 20.04.030, Transportation Concurrency.
28. Prior to recording the Final Plat, vehicular access shall be constructed to provide access to all proposed lots.
29. The interior roads of the proposed plat shall be designed and constructed in accordance with Fire Marshal standards for emergency vehicular access.
30. The following shall appear on the face of the Final Plat, under the heading Conditions:
  - a. 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.

- b. All lots shall access from interior roads only.
  - c. 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.
  - d. Road approach permits shall be obtained prior to commencement of work on an individual lot.
- 31. All traffic control devices on public and private roads shall comply with the Manual on Uniform Traffic Control Devices as amended by the Washington Administrative Code. This is in accordance with 23 Code of Federal Regulations (CFR), Part 655.
  - 32. The hammerhead shall be designed to accommodate a SU design vehicle. The dumpster enclosure shall not be considered as part of the hammerhead. The wheel path of the design vehicle shall remain within the paved area for all required movements.
  - 33. All rights of access for adjoining properties currently in existence shall be preserved. Any amendment to the existing easement rights of adjoining property owners shall be properly executed and recorded prior to SDAP acceptance or Building Permit approval, if a SDAP is not required.
  - 34. Sidewalk ramps shall conform to the current requirements of the Americans with Disabilities Act per WSDOT standard plans at the time of construction.
  - 35. The property owners 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 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.
  - 36. Frontage improvements are required along the entire current east side of Parcel #112301-1-006-2007, adjacent Bethel Rd., regardless of proposed, future BLA, and shall consist of 12' travel lane, 5' bike lane, and 6' sidewalk per WSDOT standard plan.
  - 37. Provide surveyed cross-sections at 50-foot intervals along the parcel frontage on existing fronting roads where access is proposed. The cross-sections shall show existing and proposed pavement, shoulders, ditches and slopes. The cross-

sections shall also depict centerline of pavement and right-of-way, the right-of-way lines, and easements.

38. The Site Development Activity Permit (or Building Permit, if an SDAP is not required) shall include plans for construction of the road approach between the edge of existing pavement and the right-of-way line at all intersections with county or state rights-of-way. Approaches to county rights of way shall be designed in accordance with the Kitsap County Road Standards as established in Chapter 11.22 of the Kitsap County Code. Approaches to state rights of way shall be designed in accordance with current WSDOT standards. Existing approaches may need to be improved to meet current standards.
  39. Any required sidewalk shall be constructed prior to roadway paving. This note shall appear on the face of the final construction drawings.
  40. The developer's engineer shall certify that there is adequate entering sight distance at all project intersections with County rights of way or State rights of way. 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 for County rights of way and shall meet WSDOT standards for state rights of way. The certification shall also note necessary measures to correct and maintain the minimum sight triangle. The required information shall be submitted with the SDAP, or with the commercial building permit application if a SDAP is not required.
  41. Before SDAP acceptance, the applicant shall submit a set of drawings to the Washington State Department of Transportation for review. The applicant shall notify Development Engineering in writing when the plans have been submitted to WSDOT. Development Engineering shall coordinate with WSDOT to determine if WSDOT has any comments to the submittal, but responsibility for obtaining concurrence from WSDOT lies with the property owner.
  42. Final plan approval will require documentation of Washington State Department of Transportation (WSDOT) approval for impacts to and any required mitigation on State rights of way.
  43. 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**
44. None at this time.

**f. Solid Waste**

45. Prior to SDAP approval, the 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 pnwcmsservices@wm.com or 1-800-592-9995; their website is <http://wmnorthwest.com/kitsap/index.html>

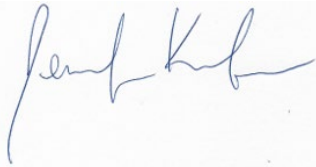
**g. Kitsap Public Health District**

46. Any existing septic tanks on the lot must be pumped and abandoned to code.

47. Any wells on the lot must be decommissioned by a licensed well driller.

48. A sewer building clearance application including binding water and sewer availability letters for each unit/connection must be submitted.

**Report prepared by:**



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Jenny Kreifels, Staff Planner

April 15, 2025  
Date

**Report approved by:**



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Darren Gurnee, Current Planning Supervisor

5/1/2025  
Date

**Attachments:**

Attachment A – Site Plan

Attachment B – Critical Areas Map

Attachment C – Zoning Map

Attachment D - Wetland Mitigation Map

Attachment E - Landscape Plan

**CC:**

Applicant: AHBL, [sgreene@ahbl.com](mailto:sgreene@ahbl.com), Agile SB P01 LLC, 17012 150TH AVE E ORTING, WA 98360

Owner: Agile SB P01 LLC, 17012 150TH AVE E ORTING, WA 98360

Authorized Agent: Dylan Huber, [dylan@spp-mfg.com](mailto:dylan@spp-mfg.com); Sheri Greene, [sgreene@AHBL.com](mailto:sgreene@AHBL.com);

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Engineer: AHBL, Matt Weber' [Mweber@AHBL.com](mailto:Mweber@AHBL.com)

Interested Parties: Rebecca Stone, [bollman.rebecca@gmail.com](mailto:bollman.rebecca@gmail.com); Russell Borman, PO BOX 54

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Malcom – Suquamish Tribe, [rmalcom@suquamish.nsn.us](mailto:rmalcom@suquamish.nsn.us)

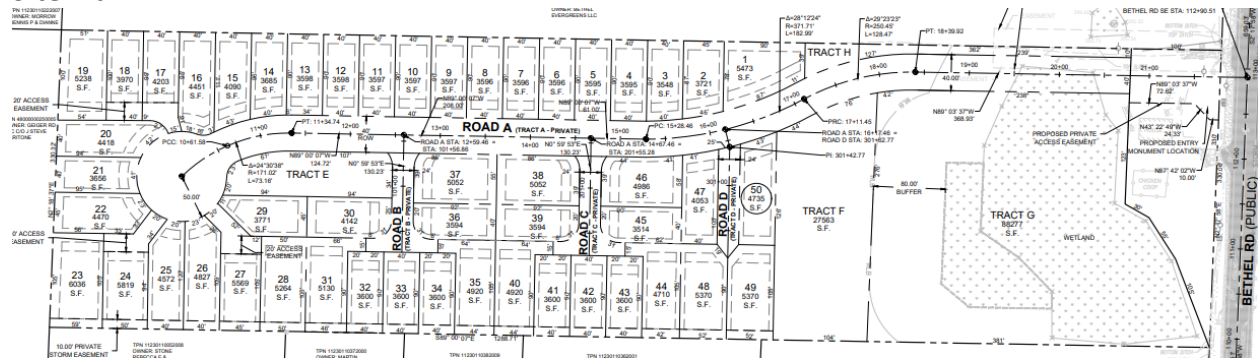
Other: Don Huber, [Don@SPP-MFG.com](mailto:Don@SPP-MFG.com)

Kitsap County Health District, MS-30

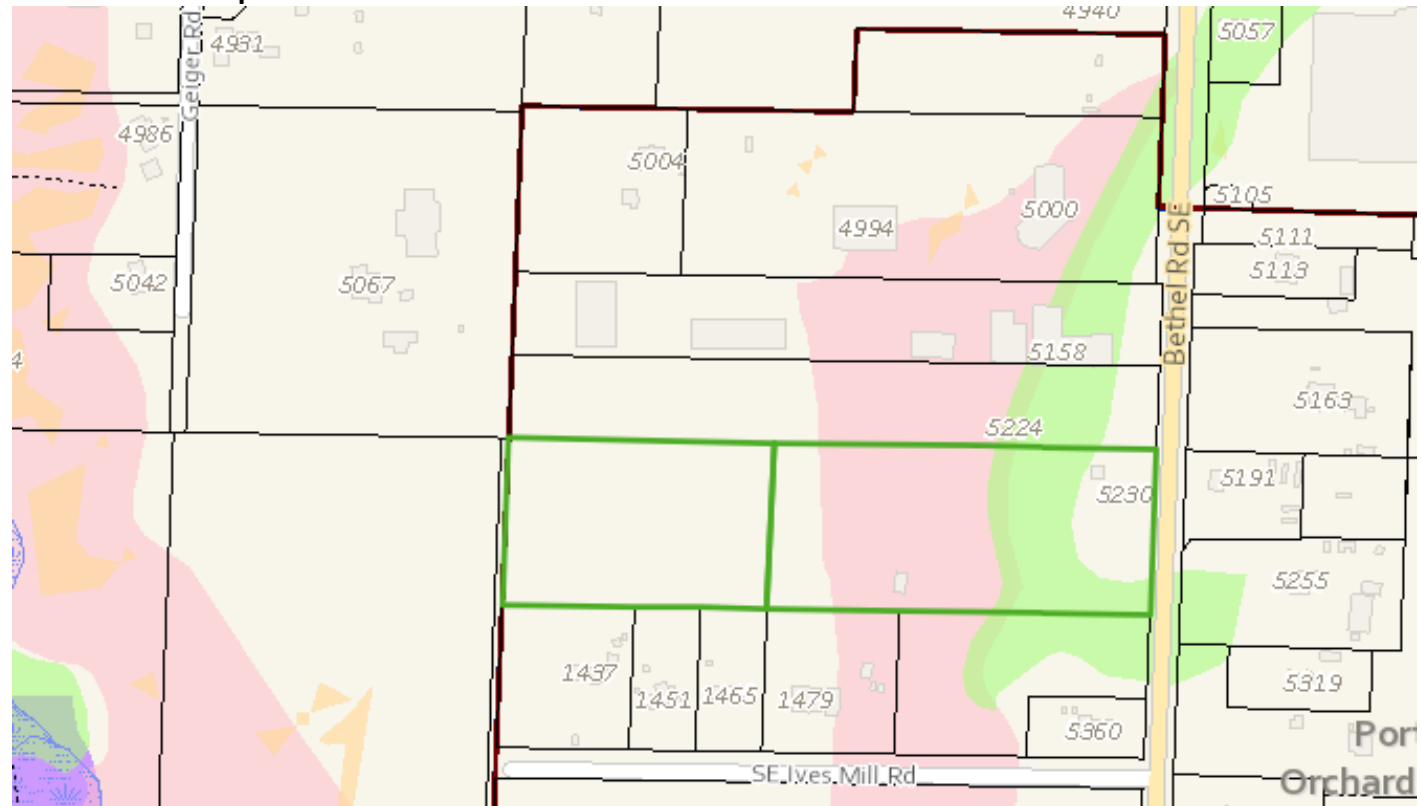
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DCD Staff Planner: Jenny Kreifels

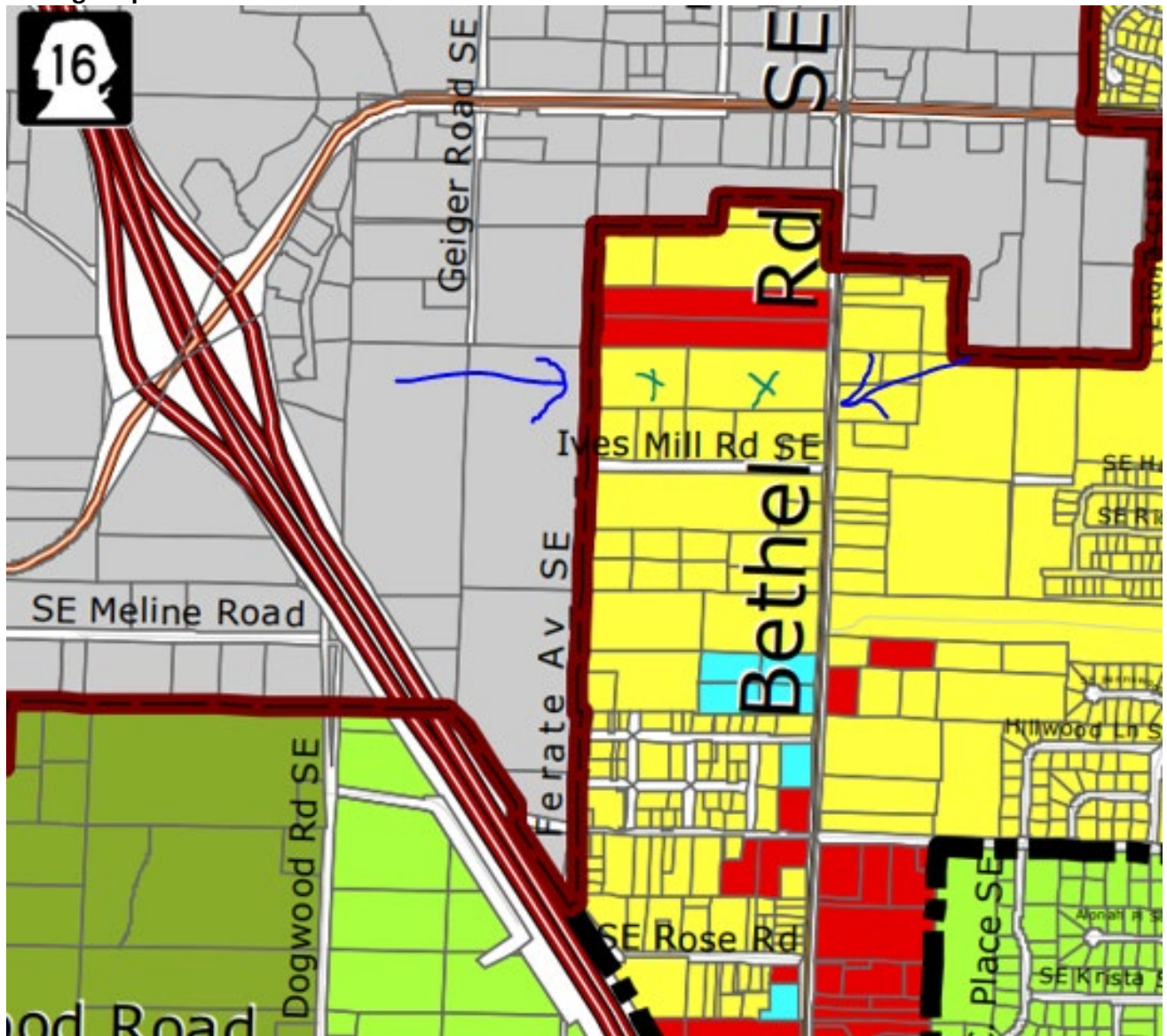
## Site Plan



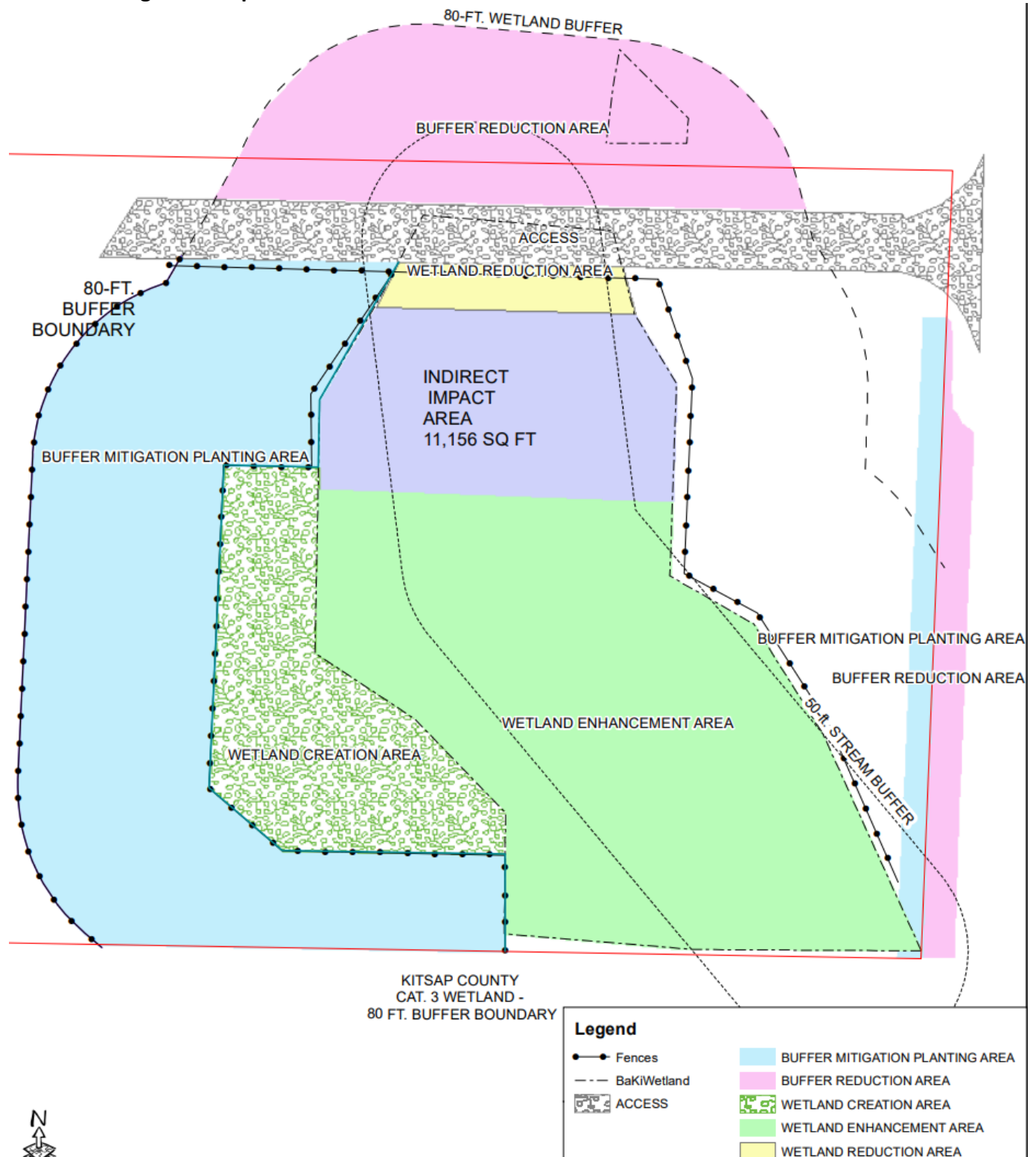
## Critical Areas Map



Zoning Map

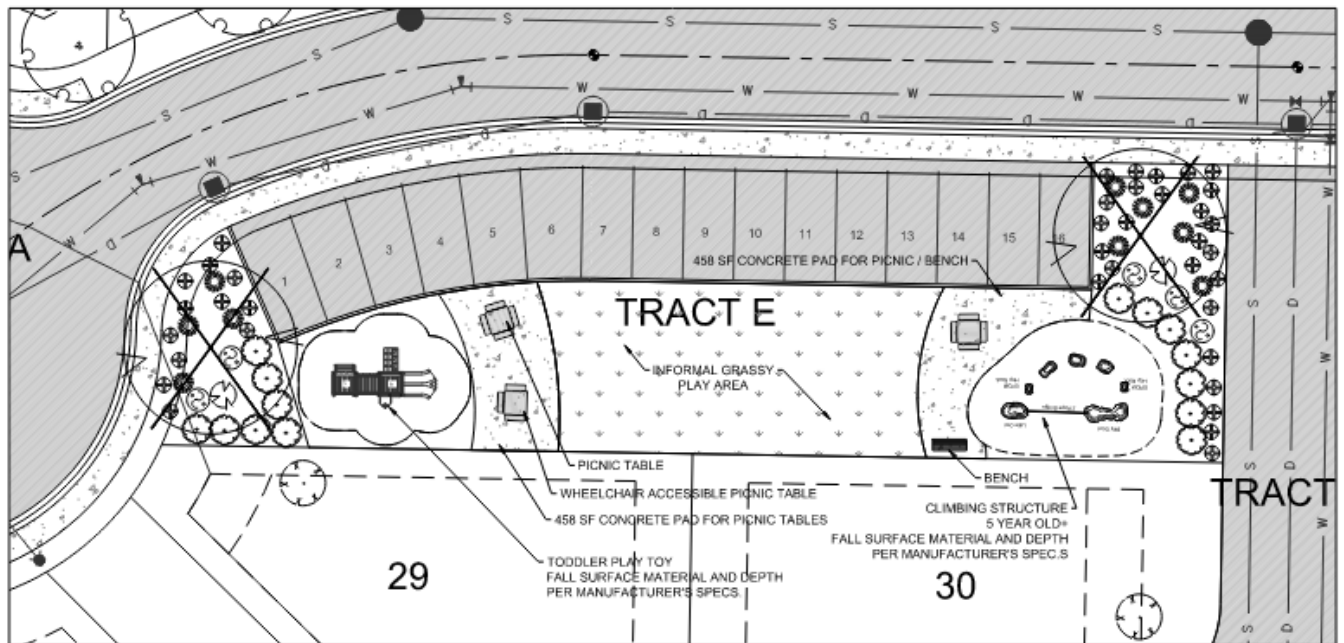
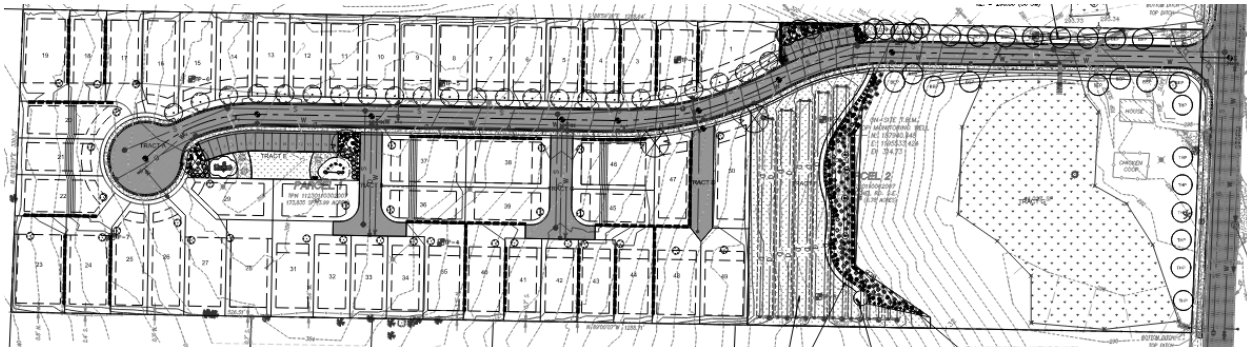




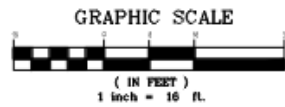
**Wetland Mitigation Map**



## Landscape Plan



**ENLARGED PARK  
PLAN**



PLANT LIST																					
SYMBOL	QTY	DESCRIPTION	SIZE																		
TREES																					
	16	Betula papyrifera Western Paper Birch	2" Cal. Min.																		
	2	Pseudotsuga menziesii Douglas Fir	6' Ht Min.																		
	11	Thuja plicata Western Red Cedar	6' Ht Min.																		
	23	Carpinus betulus 'Fastigiata' Pyramidal Columnar Hornbeam	2" Cal. Min.																		
	33	Cercis canadensis 'Forest pansy' Forest Pansy Eastern Redbud	2" Cal. Min.																		
	4	Betula jacquemontii Himalayan Paper Birch	2" Min. Cal. Multi Stem Preferred																		
SHRUBS																					
	149	Arctostaphylos uva-ursi Kinnikinnick	1 Gal. Min.																		
	11	Berberis aquifolium Tall Oregon Grape	1 Gal. Min.																		
	4	Holodiscus discolor Oceanspray	1 Gal. Min.																		
	68	Polystichum munitum Sword Fern	1 Gal. Min.																		
	13	Ribes sanguineum Flowering Currant	1 Gal. Min.																		
	41	Rosa gymnocarpa Wild Rose	1 Gal. Min.																		
	27	Symphoricarpos albus Snowberry	1 Gal. Min.																		
	14	Prunus lusitanica Portugal Laurel	3 Gal. Min.																		
	2	Rosmarinus officinalis Rosemary	2 Gal. Min.																		
	10	Stipa tenuifolia Mexican Feather Grass	1 Gal. Min.																		
		<b>Hydroseed for Typical Lawn Areas</b> SUNMARK NATIVE ECOTURF- Sunmark Seeds <a href="http://www.sunmarkseeds.com">www.sunmarkseeds.com</a> <table><tr><th>Botanical Name</th><th>Common Name</th><th>% by Weight</th></tr><tr><td>Festuca rubra</td><td>Native Red Fescue</td><td>45%</td></tr><tr><td>Bouteloua gracilis</td><td>Blue Grama</td><td>25%</td></tr><tr><td>Buchate dactyloides</td><td>Buffalograss</td><td>20%</td></tr><tr><td>Koeleria macrantha</td><td>Prairie Junegrass</td><td>7%</td></tr><tr><td>Trifolium fragiferum</td><td>Strawberry-Clover</td><td>3%</td></tr></table> 1 lbs per 1,000 SF or 43.67 lbs per acre	Botanical Name	Common Name	% by Weight	Festuca rubra	Native Red Fescue	45%	Bouteloua gracilis	Blue Grama	25%	Buchate dactyloides	Buffalograss	20%	Koeleria macrantha	Prairie Junegrass	7%	Trifolium fragiferum	Strawberry-Clover	3%	
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**PARK EQUIPMENT AND FURNISHINGS**

SYMBOL	QTY	DESCRIPTION
	1	Commercial Grade Play Structure - Max size space: 25'x31' Toddler Age group
	1	Commercial Grade Climbing Structure Rocks & Ropes Or sim. Max size space: 35'x25' 5- and older age group
	2	Picnic Table, 48" Sq. Recycled Plastic Table W/3 Seats, ADA Accessible, Surface Mount, Color: Natural and Black
	1	Picnic Table, 48" Sq. Recycled Plastic Table W/4 Seats, Surface Mount Color: Natural and Black
	2	Bench, 6" Recycled Plastic Bench W/Back, Surface Mount, Color: Natural and Black