



Hearing Examiner Staff Report and Recommendation

Report Date: 2/20/2025

Application Submittal Date:

6/16/2023 P-Plat

6/4/2024 PBD

Hearing Date: 2/27/2025

Application Complete Date:

8/1/2023 P-Plat

6/27/2024 PBD

Project Name:

Spring Hill

Type of Application:

Preliminary Plat (P-Plat) and
Performance Based
Development (PBD)

Permit Numbers:

23-03018

24-02627

Project Location:

10997 NE 272nd St

Kingston, WA 98346

Commissioner District #1

Assessor's Account #:

262702-1-008-2003

262702-1-007-2004

Applicant/Owner of Record:

Action Matrix Inc

1607 Ridgeway Ave

Colorado Springs, CO

80906

Vicinity Map:



** This map is not a substitute for field survey **

2 mi

Recommendation Summary:

The Department recommends denial based on the need for an Environmental Impact Statement and approved critical area variance for the current proposal.

1. Background

Action Matrix, Inc. proposes to build 230 single family residential – attached (SFR-Attached) dwelling units on approximately 20 acres composed of two parcels (262702-1-008-2003 and 262702-1-007-2004) in Kingston, WA. The applicant is requesting zero lot line development which requires a Performance Based Development (PBD) permit to supplement the Preliminary Plat (P-Plat) permit.

One primary driveway from Lindvog Road NE and two gated emergency access driveways are provide direct access to the project site. Phases I, II, and III provide off-street parking in addition to a single garage space provided by each SFR-Attached dwelling unit. Action Matrix, Inc. requests a parking reduction based on the availability of nearby transit and will host a bus turnaround on their site.

The site generally slopes from the east down to the west with steeper slopes on the south and western portions of the project site. Wetlands and streams with the associated buffers and building setbacks cover approximately three quarters of the land on the west, south and north. The project includes demolition of an existing house and two accessory structures located on the northern parcel (262702-1-008-2003).

2. Project Request:

The applicant is requesting approval to subdivide parcels in the Kingston Urban Growth Area into 283 residential parcels with associated infrastructure and recreational open space.

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 Department used the optional DNS process for this project. An initial SEPA Comment period occurred concurrent with the Notice of Application dated 12/15/2023 and a revised Notice of Application on 2/7/2025 that added references to the Performance Based Development permit number. The Department issued a Determination of Significance on 11/25/2024. In Kitsap County, a Determination of Significance prompts a separate comment and appeal period beyond those noted in a Notice of Application.

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The SEPA appeal period expired 12/9/2024. One appeal was filed; therefore, the SEPA determination is pending hearing examiner decision.

COMMENTS:

The Department received comments regarding the potential impacts to wetlands, streams, impacts to roads in the immediate vicinity. The Department also received comments that support the project’s provision of affordable housing.

4. Physical Characteristics:

This proposal consists of two (one developed and one undeveloped) urban parcels. Three wetlands cover nearly two thirds of the land, all of which are Category IV wetlands with 50’ buffers and 15’ building setbacks. The site also contains two streams that feed Fukazawa Creek and Carpenter Creek.

Wetland A

- Slope wetland that extends across most of the south parcel
- Type Ns stream outlets down the western slope of the property

Wetland B

- Slope wetland near the east property line of the south parcel
- No hydrologic connection to Wetland A

Wetland C

- Situated across the northwest corner of the north parcel
- Outlets into a stream (type Np) at the west end

The elevation changes from 260 feet in the northeast corner to 160 feet in the southwest corner, where the steepest slopes exist.

Table 1 – Adjacent Land Use and Zoning Designations

Surrounding Property	Current Land Use	Zoning Designation
North	Single-family residence	Rural Residential (RR)
South	Single-family residence	Urban Medium Residential (UM) RR
East	Single-family residence	RR
West	Undeveloped land	RR

Table 2 – Density, Dimensions, and Design (KCC 17.420)

Standard Dwelling Unit (du) Acre (ac)	UM (5)	Proposed
Min. density (du/ac)	unknown du required	230 du

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(acres = net developable area)	(10 du/ac * unknown ac)	
Max. density (du/ac) (acres = gross site acreage)	360 du allowed (18 du/ac * 20 ac)	
Min. lot size (square feet)	N/A for multifamily; 2,400 SF for single-family	437.5 sf
Max. lot size (square feet)	N/A	N/A
Min. lot width (feet)	N/A for multifamily; 40 ft for single-family	12.5 ft
Min. lot depth (feet)	N/A for multifamily; 60 ft for single-family	35 ft
Max. height (feet) (37)(40)(50)	45 ft	35 ft
Max. impervious surface coverage	85%	24%
Max. lot coverage	85%	N/A
Setbacks (34)(35)(48)		
Min. front (feet) (41)(42)(43)	10 ft for multifamily. For single-family, 20 ft for garage or carport, 10 ft for habitable area (29)	20 ft for garage or carport, 10 ft for habitable area
Max. front (feet)	NA	
Side (feet) (42)(43)	5 ft if on an alley, 10 ft for a garage or carport opening directly onto the alley or 5 ft in all other instances (29)	5 ft
Rear (feet) (42)(43)	10 ft if on an alley, 20 ft for a garage or carport opening directly onto the alley (29)	10 ft

Applicable footnotes:

17. A greater height may be allowed as set forth below and in accordance with the procedures in Title 21. Such approval must be consistent with the recommendations of the fire marshal/fire district and compatible with surrounding uses and zones. Such approval shall result in a decrease in building coverage, an increase in public amenities, and/or a more creative or efficient use of land. The maximum building height approved by the director shall not exceed:
- a. In the NC and P zones: forty-five feet.

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- b. In the UH and C zones: sixty-five feet.
- c. In the UM, BP, BC, and IND zones: fifty-five feet.
- d. Height and density requirements for urban high and regional center reflected in Section 17.420.058, Silverdale regional center and design district density and dimension table.

Staff Comment: The proposal includes a zero lot line development. A Performance Based Development (PBD) permit allows flexibility in design and creative site planning, while providing for the orderly development of the County. A PBD is to allow for the use of lot clustering in order to preserve open space, encourage the creation of suitable buffers between differing types of development, facilitate the residential densities allowed by the zone, provide for increased efficiency in the layout of the streets, utilities and other public improvements and to encourage the use of low-impact development techniques and other creative designs for the development of land.

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

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

Minimum and maximum densities and allowed uses authorized by the zone shall not be subject to modification through the use of a PBD.

Table 3 – Public Utilities and Services

Utility/Service	Provider
Water	Kitsap Public Utility District (KPUD)
Power	Puget Sound Energy
Sewer	Kitsap County Sewer
Police	Kitsap County Sheriff
Fire	North Kitsap Fire & Rescue
School	North Kitsap School District No. 400

5. Access:

Lindvog Rd, a county maintained right of way, provides direct access to the project site. The proposal includes three access points (two gated) between the intersections of Lindvog Rd and NE 272nd St to the north, and Lindvog Rd and NE Kingston Meadow Circle to the south.

6. Site Design:

The project is largely oriented east-west with one north-south street in the southeast corner. A common area is located between the primary east-west roads. Townhouses are grouped in blocks of five to nine with pedestrian alleys between buildings. A bus turnaround is located between the two north-most access points off Lindvog Rd. The northern access point is a gated emergency vehicle only entrance.

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 with annual updates through April 2020. The following Comprehensive Plan goals and policies are most relevant to this application:

Land Use Goal 1. Focus current and future planning on infill and redevelopment of existing Urban Growth Areas.

Land Use Policy 2. Support innovative, high quality infill development and redevelopment in existing developed areas within the Urban Growth Areas.

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

Land Use Policy 11. In accordance with Kitsap County Health District and Washington State requirements, require connection to a public sewer system for new or extensively remodeled development located within 200 feet of the public sewer system, and within an urban growth area.

Land Use Goal 2. Promote health in the built environment.

Land Use Policy 12. Review spatial requirements and proximity as considerations when requiring new development to provide connectivity to existing trails, paths and sidewalks and seek locations and means to expand existing trail system.

Land Use Policy 13. Examine health and equity impacts of land use decisions to all populations.

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

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Land Use Policy 16. Promote housing preservation and development in areas that are already well- served by schools, public transportation and commercial facilities, and have adequate infrastructure to support alternative modes of transportation.

Land Use Goal 6. Direct development to designated Urban Growth Areas consistent with projected population growth, Growth Management Act and Countywide Planning Policies while considering development patterns that reduce sprawl, use urban land more efficiently, and that incorporate feasible, innovative and sustainable practices.

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

Environment Goal 1. Formally treat natural environments, including forest lands, shorelines, freshwater systems, intact ecosystems, and other critical areas, as an essential asset that is planned for, managed, and invested in to meet the needs of current and future generations.

Environment Policy 5. Support projects that increase air quality, reduce carbon emissions, or reduce climate change impacts.

Environment Policy 17. Safeguard the quality and quantity of long-term water supplies by identifying and protecting critical aquifer recharge areas, and utilizing Low Impact Development (LID) site planning principles to the greatest extent possible for reducing stormwater runoff.

Environment Policy 18. Compensatory mitigation shall be the last option of resort in mitigation sequencing, following documentation of avoidance and minimization of any impact to the natural environment that triggers compensatory mitigation. Replacement of altered or displaced natural environments (including critical areas and buffers) must be mitigated either on-site, within the watershed, or service area as defined through an approved mitigation bank or in-lieu fee program.

Environment Policy 21. Support and coordinate voluntary stream, wetland and shoreline restoration and preservation efforts.

Housing, Human Services Goals and Policies

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

Housing and Human Services Goal 4. Ensure that all people have fair and equal access to housing and services.

Housing, Human Services Policy 11

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Promote fair housing to ensure that all residents of Kitsap County have an equal and fair opportunity to obtain safe and sanitary housing suitable to their needs and financial resources, regardless of race, religion, gender, sexual orientation, age, national origin, family status, income, disability, or other protected class.

Housing, Human Services Policy 12

Identify and remove regulatory barriers and limits access to or the provision of a diverse affordable housing supply.

Kingston Transportation Goal 12. Work to improve safety for pedestrians, bicycles, and vehicles within the Kingston Urban Growth Area.

Kingston Policy 38. Encourage connectivity between developments.

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 17	Zoning
Chapter 18.04	State Environmental Policy Act (SEPA)
Title 19	Critical Areas Ordinance
Chapter 20.04	Transportation Facilities Concurrency Ordinance
Chapter 21.04	Land Use and Development Procedures

Staff Comment: The proposal meets the goals and policies of the comprehensive plan for land use policies that support residential development in Urban Growth Areas. However, the project does not meet the goals and policies regarding protection of critical areas.

Publicly adopted codes implement the Comprehensive Plan goals and policies, which allow and expect residential uses in the Urban Medium Residential zoning designation. KCC does not allow these residential uses, including affordable housing, at the expense of impacting critical areas. A critical area variance for the proposal, which the applicant has not provided, might allow the Department to recommend approval. This would require analyzing the project against the critical area variance criteria and provides the necessary analysis to carry conditions forward in considering approval of the P-Plat and PBD.

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:

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Exhibit #	Document	Dated	Date Received / Accepted
1	Staff Report	2/20/2025	
2	22-02372 Staff Consult Email from Scott Diener	7/2/2022	6/28/2023
3	23-03018 Application Submission	6/27/2023	6/28/2023
4	Authorization Form	4/25/2022	6/28/2023
5	Conceptual Wetland Mitigation Plan	4/12/2023	6/28/2023
6	Critical Areas Report	4/12/2023	6/28/2023
7	Geotechnical Report	3/24/2023	6/28/2023
8	Letter to the Commissioners and Project Narrative	4/21/2023	6/28/2023
9	Original Phase 1 Preliminary Plat Drawings	4/19/2023	6/28/2023
10	Original Preliminary Plat Civil Drawings	4/20/2023	6/28/2023
11	Original Schematic Landscape Plan	3/31/2023	6/28/2023
12	Original Site Plan	2/16/2023	6/28/2023
13	Parking Demand Analysis	10/9/2023	6/28/2023
14	Preliminary Drainage Report	April 2023	6/28/2023
15	Preliminary Plat Lot Closures	4/18/2023	6/28/2023
16	Preliminary Plat Required Permit Questionnaire	1/10/2023	6/28/2023
17	SEPA Checklist	1/17/2023	6/28/2023
18	Sewer Availability Letter	4/13/2023	6/28/2023
19	Spring Hill Preliminary Plat Application Cover Letter		6/28/2023
20	Spring Hill Townhomes Floor Plan		6/28/2023
21	Stormwater Worksheet		6/28/2023
22	Water Availability Letter	4/11/2023	6/28/2023
23	Preliminary Drainage Report with Downstream Analysis	July 2023	7/27/2023
24	AHBL David Nason Response to Kitsap County Comments	5/24/2024	6/4/2024
25	AHBL David Nason Sewer Infeasibility Memo	5/24/2024	6/4/2024
26	Completed DOE Wetland Avoidance and Minimization Checklist	6/3/2024	6/4/2024
27	DOE Avoidance Checklist with Applicant Comments		6/4/2024
28	Letter of Support – Bremerton Housing Authority		6/4/2024
29	Letter of Support – KAHWG April 2023	4/13/2023	6/4/2024
30	Letter of Support – KAHWG June 2023	6/19/2023	6/4/2024
31	Letter of Support – KCR	4/20/2023	6/4/2024
32	Letter of Support – Kingston Chamber of Commerce	6/25/2023	6/4/2024
33	Letter of Support – Kingston Kiwanis	7/28/2023	6/4/2024
34	Letter of Support – Kitsap Chamber of Commerce	6/20/2023	6/4/2024
35	Letter of Support – Kitsap Transit	4/17/2023	6/4/2024

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36	Letter of Support – Chris Ugles	7/9/2023	6/4/2024
37	Phase 1 Preliminary Plat Drawings	5/23/2024	6/4/2024
38	Revised Landscape Plan	3/28/2024	6/4/2024
39	Revised Preliminary Plat Civil Drawings	5/24/2024	6/4/2024
40	Revised Schematic Landscape Plan	3/28/2024	6/4/2024
41	Site Plan in Color	4/9/2024	6/4/2024
42	Traffic Impact Analysis	March 2024	6/4/2024
43	Wetland Mitigation Plan	3/11/2024	6/4/2024
44	24-02627 Application Submission	6/4/2024	6/5/2024
45	Applicant Response to 23-03018 Request for Additional Information	1/25/2024	6/5/2024
46	Preliminary Drainage Report	May 2024	6/5/2025
47	Mitigation Sequencing and No Practicable Alternatives Analysis		11/21/2024
48	Applicant Response to Commissioner Project Briefing	10/21/2024	11/21/2024
49	Letter to County Regarding CAO Interpretations		11/21/2024
50	Letter to County Regarding CAO Interpretations Attachments	3/15/2023	11/21/2024
51	Wetland Specialists Letter	9/23/2024	11/21/2024
52	SEPA Determination of Significance	12/2/2024	
53	Public Comments	December 2023 – February 2025	December 2023 – February 2025
54	Notice of Application	2/7/2025	
55	Notice of Public Hearing	2/12/2025	
56	Certification of Public Notice	2/18/2025	
57	Staff Presentation		
58	Hearing Sign In		

9. Public Outreach and Comments:

The Department received comments in general opposition to the project while citing the potential impacts to existing tree stands, wetlands, streams, and infrastructure in the immediate vicinity. The Department also received comments in general support for the project specifically citing the provision of affordable housing. The Department recommendation, SEPA determination, and analysis in the staff report provides general response to comments.

10. Analysis:

Planning/Zoning

Land division and Development

16.40.030 Preliminary subdivisions.

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Preliminary subdivisions are classified as Type III applications under Chapter [21.04](#). The director shall review the application to ascertain if it conforms to the following requirements:

- A. Chapter [16.04](#), General Provisions;
- B. Chapter [16.24](#), Land Segregation Standards;
- C. The preliminary plat shall consist of the following:
 1. One or more maps, to scale no less than one inch to one hundred feet, which scale shall be shown on the drawing, both graphically and textually; the horizontal and vertical scales for street and utility profiles shall be two hundred feet to the inch and twenty feet to the inch, respectively;
 2. Map signed and sealed by a surveyor registered in the state of Washington;
 3. The name of the proposed subdivision;
 4. North point;
 5. Lots labeled numerically;
 6. The location of existing structures;
 7. The location of existing road approaches;
 8. The location of all existing and proposed roads, rights-of-way, and easements, labeling each of the foregoing by width;
 9. The location of all other existing and proposed easements appurtenant to the property, labeled with dimensions;
 10. The location of all property to be dedicated;
 11. Contour lines of at least five-foot intervals or sufficient intervals to show the topography of the land to be subdivided, referenced to either the United States Coast and Geodetic Survey datum, or other datum acceptable to the county;
 12. A layout of proposed lots, open space tracts, recreation areas, roads, alleys, sidewalks, other pedestrian or bicycle facilities, utility mains and parcels proposed to be dedicated or reserved for public or community school, park, playground or other uses;
 13. Generalized plans of proposed street systems, water distribution systems, sewerage systems, and drainage systems, signed and sealed by a civil engineer, licensed in the state of Washington;
 14. The location of all water bodies (including but not limited to lakes, ponds, saltwater shorelines, streams, and wetlands), their associated buffers and construction setbacks, and mapped flood hazard areas;
 15. The location of geologically hazardous areas and their associated buffers and construction setbacks. Delineate all slopes thirty percent in grade or greater, and all slopes from fifteen percent to thirty percent in grade where they are rated as areas of "moderate" or "high" geologic hazard pursuant to Section 19.400.410;
 16. The location of existing on-site sewage systems, and wells with their protective well radii within and contiguous to the proposal; and
 17. In subdivisions proposed to be served by individual or community septic systems, the location of soil log holes together with data regarding soil type and depth;

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Staff Comment: The project shows the required platting elements in the preliminary civil drawing sets. However, the proposed 230 dwelling units are shown in a combination of tracts and individual parcels while the project narrative suggests individual parcels for each unit. Easements and tracts for critical areas and stormwater facilities can be shown in the Final Plat after identification, review, and approval of these in the Site Development Activity Permit (SDAP) at 90% design.

- D. The proposed streets shall align and be coordinated with streets serving adjacent properties;

Staff Comment: The proposal aligns the entry with Lindvog Rd and 272nd Street.

- E. The proposed streets shall be adequate to accommodate anticipated traffic;

Staff Comment: The proposal includes alleys or private roads for internal vehicular circulation. The applicant proposes paying impact fees to provide offsite infrastructure improvements to meet the future traffic demands identified by the Traffic Impact Analysis (TIA).

- F. If road or pedestrian connectivity between the subdivision and adjacent properties is required, all ingress/egress accesses shall be dedicated to the public and developed consistent with Kitsap County Road Standards;

Staff Comment: The project includes an ingress/egress connection to Lindvog Rd within the Kitsap County right of way. The proposal includes pedestrian connections throughout the site which meets KCC.

- G. The Kitsap Public Health District shall recommend approval or denial. Said recommendation shall be in writing and shall address:
 - 1. Conformity with current regulations regarding domestic water supply and sewage disposal;
 - 2. Adequacy of lot area, soil type, topographic and drainage characteristics, if proposing a sewage disposal method other than public sewer.Approval of the preliminary subdivision shall constitute authorization for the subdivider to develop the required facilities and improvements in strict accordance with standards set forth in this title and in accordance with all conditions of approval.

Staff Comment: The project includes a water availability letter which meets this requirement. However, the project does not provide a non-binding sewer availability letter which does not meet application regulations.

16.24.040 Urban standards.

- A. Access.
 - 1. General.
 - a. When accessing paved county right-of-way, the project approach shall be paved, per Chapter 4 of the Kitsap County Road Standards, as now or hereafter amended. When adjacent to or accessing Washington State

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Department of Transportation (WSDOT) right-of-way, WSDOT shall be provided the opportunity to review and comment on the proposed land segregation with respect to access.

Staff Comment: The Traffic Impact Analysis (TIA) analyzed impacts to State Route 104 intersections with Kitsap County rights of way. Each intersection maintains acceptable levels of service.

- b. Appropriate drainage facilities to mitigate construction of roads shall be provided and constructed in accordance with Title 12, Storm Water Drainage, as now or hereafter amended.

Staff Comment: The Department concludes that the information provided in the Preliminary Drainage Report, Preliminary Drainage Plans, and Geotechnical Report is not sufficient to demonstrate that the project is feasible and can meet the applicable standards and requirements of KCC Title 12.

- c. When accessing WSDOT right-of-way, the project approach shall meet WSDOT standards and WSDOT storm water requirements shall apply.

Staff Comment: The project does not access directly from WSDOT rights of way.

2. Private Roads. All private roads within single-family developments proposing more than four lots shall be in the form of separate access tracts and shall be constructed in compliance with the requirements of the fire marshal's office regarding emergency vehicle access. Private roads shall be cleared, grubbed, graded and paved, using permeable pavement where feasible in accordance with the Kitsap County Stormwater Design Manual.

Staff Comment: The proposal includes private roads; however, these are not reflected as separate tracts, which does not meet KCC requirements.

3. Public Rights-of-Way. For land segregations proposing more than four lots, dedication of right-of-way shall be required when a proposed road meets the criteria for classification as an arterial, collector or sub-collector in the KCRS. All road(s) shall be constructed in compliance with adopted Kitsap County Road Standards, as now or hereafter amended.

Staff Comment: Internal vehicular circulation does not meet the definition of an arterial, collector, or sub-collector as defined in the KCRS. Right of way dedication is not required.

4. Shared Driveways. For the purposes of limiting access to county roads or reducing impervious surfaces, a shared driveway may be permitted for accessing up to two lots, where approved by the director. Each owner of the shared driveway shall have an appropriate easement to the use of the driveway. Maintenance responsibilities shall be specified within the recorded easement documents or on the face of the final plat. The maximum width for a shared driveway shall be twenty-four feet.

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Staff Comment: The proposal uses the equivalent of shared driveways throughout the site and does not exceed 24 feet wide.

- B. Public Transit Provisions. Land segregations shall provide for transit stops, shelters and/or space for said stops or shelters, as deemed necessary.

Staff Comment: The proposal includes a dedicated bus turnaround located on Lindvog Rd with ADA access.

- C. Nonmotorized Facilities.

- 1. Pedestrian Sidewalk Requirements.

- a. Sidewalks shall be required on both sides of all public or private streets that meet the criteria for classification as a principal or minor arterial, collector, local sub-collector or local minor road as determined under the Kitsap County Road Standards.
 - b. Sidewalks shall be required on a minimum of one side of all public or private streets that meet the criteria for classification as local road, cul-de-sac or very low volume local road as determined under the Kitsap County Road Standards. Sidewalks may be required on both sides based upon site-specific conditions.
 - c. Sidewalk design shall be consistent with all applicable standards, including but not limited to Kitsap County Road Standards, shall apply the Americans with Disabilities Act (ADA) standards for sidewalk ramps at all intersections, pedestrian crossings and transit stops and shall be a minimum of five feet wide.
 - d. Where clustered mailboxes are proposed or required at the entrance and/or within the development, sidewalks shall be widened to meet required horizontal and vertical clear zones.
 - e. Rolled curbs and thickened edge asphalt are prohibited, except where the sidewalk is separated from the street by at least five feet.

Staff Comment: Internal vehicular access within the development doesn't qualify for this requirement and will not require sidewalks beyond the proposed pedestrian circulation.

- 2. Nonmotorized Trail Requirements. All development must be consistent with the Kitsap County Greenways, Bicycle Lane and Mosquito Fleet Trail Plan (Mosquito Fleet Trail Plan), as adopted. Where required by the Mosquito Fleet Trail Plan, a nonmotorized trail shall be provided. The trail shall be designed and built to the Mosquito Fleet Trail Plan standards for the required trail classification. Based upon topographic features, safety or other factors, provision of a trail may reduce the requirement for sidewalks.

Staff Comment: Kitsap County Non-Motorized trail plan does not identify the project site as part of the overall plan. However, the proposal includes open space tracts and pedestrian connections throughout the entire site that allow non-motorized access. If approved, conditions of approval would require a durable surface trail with a trail detail to be conditioned by DCD.

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3. Multipurpose Facilities. Where required by the Mosquito Fleet Trail Plan, multipurpose facilities, including but not limited to bicycle lanes shall be provided. All bicycle lanes shall be constructed to WSDOT standards at locations required by the Mosquito Fleet Trail Plan.

Staff Comment: The project is not within the Mosquito Fleet Trail Plan areas.

D. Off-Street Parking.

1. Projects shall provide off-street parking consistent with the requirements of Chapter 17.490. Kitsap County encourages the use of low impact development (LID) techniques that conserve natural areas and minimize development impacts. Deviations from the off-street parking requirements set forth herein may be supported when LID techniques are employed without risk to the traveling public, critical infrastructure or maintenance operations.
2. When calculating the required number of parking spaces, fractional parking space requirements shall be rounded up to the nearest whole number.
3. If the development includes set-aside parking areas, each area shall be limited to no more than ten spaces and shall be distributed throughout the development.

Staff Comment: The proposal includes off-street parking areas and parking within a garage for each unit. However, the project does not comply with KCC 17.490 regarding number of parking spaces and design (see off-street parking analysis).

- E. Fire Protection. Fire protection including fire hydrants, water supplies for firefighting and emergency vehicle access shall be provided in accordance with Title 14, the Kitsap County Building and Fire Code, and other applicable ordinances.

Staff Comment: If approved, conditions of approval would require compliance with KCC fire codes and other applicable ordinances. This includes proper turn radii for roads, individual sprinkler systems for each residence, maintaining proper sight distances at intersections, and ensuring sufficient turnarounds where appropriate.

F. Landscaping Requirements.

1. Landscaping shall be provided at all entrances to the project development consistent with the landscaping standards of Chapter 17.500.
2. Street trees, landscaping and storm water consistent with Titles 12 and 17 shall be provided along all public and private streets that meet the criteria for classification as a principal or minor arterial, collector or local sub-collector and local access roads as determined by the Kitsap County Road Standards. Street trees shall be located in the road right-of-way or access tract, or the front yards of individual lots or units. Street trees located on individual lots may be installed before final plat approval or before the certificate of occupancy for individual building permits. There shall be at least one tree per every twenty-five feet of road frontage. Trees shall be spaced no further apart than thirty-five feet. Street tree species shall be consistent with the Kitsap County Road Standards (KCRS) and shall be large canopy trees unless otherwise approved by the director for

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special mitigating circumstances. Maintenance of street trees and landscaping within county right-of-way is the responsibility of the fronting property owner(s).

Staff Comment: Landscaping must comply with KCC 17.500. This includes landscaping for the development entrance, street tree requirements, buffer requirements, and compliance with Kitsap County Road Standards. The Department will review detailed planting plans and plant schedules with the required SDAP.

G. Utilities.

1. Water Supply and Sanitary Sewer System. Where an approved public water supply and/or an approved public sewer system is available to the land segregation project, connection thereto may be required upon the recommendation of the health officer or other Kitsap County requirements.

Staff Comment: Kitsap Public Utility District (KPUD) can serve the proposed development per the non-binding water availability letter.

The Department requires a non-binding demonstrating sewer capacity per KCC Title 13. At the preliminary land use level of review Kitsap County requires a non-binding sewer availability agreement to demonstrate an ability to serve the project with necessary infrastructure, including sewage disposal. Kitsap County Public Works Sewer Division requested this agreement. To date the Department received an email, not an official non-binding sewer availability letter.

2. Utility Easements. A ten-foot utility easement shall be located along those lot frontages within the land segregation project that abut private and public roads. This easement shall accommodate what is commonly referred to as broadband access.

Staff Comment: The proposal does not include a 10-foot utility easement to meet this requirement.

3. Utility Connectivity Requirements. Easements for future public utility extensions to abutting properties shall be required as a condition of application approval in cases where the county finds the following:
 - a. Vacant or underutilized land abuts the proposed land segregation or development; and
 - b. The location of said utility easement is reasonable based upon the design needs for future utility infrastructure; and
 - c. The establishment of said easement will further the extension of utility infrastructure within the urban growth area; and
 - d. The extension of utilities using the easement is foreseeable; and
 - e. The establishment of said easement furthers the goals and policies of the Comprehensive Plan.

Staff Comment: Extension of utilities would only serve rural parcels to the west, north, and east. Serving rural parcels with urban levels of service contradicts state law and thus would not be required.

H. Recreation Requirements.

1. All land segregations (except those segregations proposed as a performance based development) of more than four lots within residential zoning designations or that include residential units and that result in lots of less than eight thousand square feet in size shall provide recreational open space at the following ratios:
 - a. Where developed at a density of nine units or less per acre, three hundred ninety square feet per unit;
 - b. Where developed at a density of greater than nine units per acre, one hundred seventy square feet per unit;
 - c. If calculations result in a fraction, the fraction shall be rounded up to the nearest whole number;
 - d. A project applicant may propose a different standard for meeting these recreational requirements so long as the proposed facilities meet the minimum level of service for recreational facilities as set forth in the Kitsap County Comprehensive Plan.

Staff Comment: The proposal includes 230 units at ~11.5 dwelling units per acre. This requires 170 square feet per unit, or 39,100 square feet (0.90 acres). The project proposes 4.71 acres of passive and active recreational open space, which meets this requirement.

2. Recreation facilities shall be placed in a designated recreational open space tract and shall be dedicated to a homeowners' association or other acceptable organization, to provide continued maintenance of the recreational open space tract.

Staff Comment: The project does not create separate tracts for each recreational area. If approved, a condition of approval would require maintenance via a homeowners' association.

3. Recreational open space tracts shall:
 - a. Be of a grade and surface suitable for recreation improvements and generally have a maximum grade of five percent, unless a steeper grade is acceptable for the activities associated with the amenity;
 - b. Be located on the site of the proposed land segregation;
 - c. Be located within the land segregation in a manner that affords good visibility of the tract from roads, sidewalks and the majority of dwellings;
 - d. Have no dimensions less than thirty feet, except the width of trail segments;
 - e. Be at least five hundred square feet in size;
 - f. Be located in one designated area, unless it is determined that recreational opportunities would be better served by multiple areas developed with recreation or play facilities; and
 - g. Be accessible and convenient for year-round use to all residents within the land segregation.

Staff Comment: The project does not locate recreational areas in separate tracts from the residential structures.

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4. Play equipment, paved sports courts, exercise fitness trails, community gardens with water service, age-appropriate facilities or similar amenities shall be provided within the recreational open space tract. Construction of amenities shall meet the latest industry safety standards.

Staff Comment: The proposal includes multiple active recreational open space sites throughout the development. These locations include active recreational equipment and trails that would be reviewed with the SDAP at a 90% design.

5. A recreational open space plan shall be submitted to the department and reviewed and approved with the site development activity permit (SDAP). Said plan shall show dimensions, finished grade, equipment, landscaping and improvements to demonstrate that the requirements of this subsection are met.

Staff Comment: The project would require a SDAP. A recreational open space plan would be required as part of the SDAP submittal.

16.04.120 Phased development.

- A. Phased development may be proposed in conjunction with a preliminary subdivision application or with a site development activity permit (SDAP) associated with said preliminary subdivision application. When phased development is proposed, a phasing plan shall be submitted with the preliminary subdivision application or the SDAP application that clearly sets forth the density proposed for each phase, and identifies each amenity, including infrastructure, traffic mitigation, parks, open space, etc., proposed for each phase.
- B. Review of the phasing plan shall occur as follows:
 1. When phasing is proposed with the preliminary subdivision application, conditions regarding the phasing schedule, installation of required amenities and bonding requirements shall be included in the staff report to the hearing examiner.

Staff Comment: The project proposes three phases of development. Phasing a project is allowed; however, a condition of approval would require completion of infrastructure and critical area mitigation measures needed to address the project impacts prior to approval of the first phase.

17.420.020 Density

In accordance with KCC 17.420.020 minimum density is calculated using net developable acreage. In accordance with 17.420.020, maximum density is calculated using gross acreage of the site.

Staff Comment: The applicant did not provide a net developable area calculation as requested by staff; therefore, the Department cannot confirm the minimum number of dwelling units required.

For example: Pg. 4/6 of the submission form lists the net developable area as 871,200 (= 20 acres). This is the gross acreage. Pg. 2/6 of the original Preliminary Plat project narrative

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mentions that approximately 2/3 of the project site is covered by wetlands with the associated vegetative buffers and building setbacks.

Using the generalized information provided in the original permit narrative:

- The density range = 66 dwelling units (du) required up to 280 du allowed.
- Minimum Density required = Net Developable Area * minimum density = 20 acres * 1/3 = 6.6 acres of net developable area * 10 du/ac = 66 du required by Kitsap County Code
- Maximum Density allowed = Gross acreage * maximum density = 20 acres * 18 du/ac allowed provided the project meets Kitsap County Code.

Lighting 17.105.110 Obnoxious things.

In all zones, except as provided for elsewhere in this title, no use shall produce noise, smoke, dirt, dust, odor, vibration, heat, glare, toxic gas or radiation which is materially deleterious to surrounding people, properties or uses. Lighting is to be directed away from adjoining properties. Not more than one foot candle of illumination may leave the property boundaries.

Staff Comment: The project must comply with KC Road Standards which includes lighting requirements. However, parcel lighting would be conditioned to not exceed 1 candle foot at the edge of the project site. The project must use downcast lighting to reduce glare to parcels with visual access to the project site.

Off-Street Parking

Use Identified in 17.490.030	Standard	Number of Spaces Required	Number of Spaces Provided
Single-Family (attached or detached)	<p>During subdivision, 2 per unit + 0.5 per unit on street or set aside; for historical lots or lots with no standing requirement, 3 per unit.</p> <p>1 additional space for accessory dwelling units or accessory living quarters. Garages are not calculated towards any parking requirement.</p>	<p>230 dwelling units * 2 spaces per dwelling unit + 230 dwelling units * 0.5 = 460 spaces + 115 off-street = 575 spaces</p>	<p>230 garage spaces + 110 off-street spaces (@ 7.5 ft wide) and 30 on street spaces (@ 10 ft wide) = 340 spaces (40% reduction)</p>

Staff Comment: The proposed development includes single structures with multiple dwelling units and individual parcel ownership. This development and ownership model renders the proposal a single family attached dwelling, categorical use 118.

Per KCC Section 17.110.682 Single-family attached dwelling.

“Single-family attached dwelling” means a building containing two or more dwelling units, each designed for occupancy by not more than one family. No unit is located over another. Each unit

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is separated from adjacent units by one or more common vertical walls. Each unit includes an adjacent dwelling-specific yard area within its ownership.

The project proposes to use garages as part of the parking requirement. Garages qualify as a parking space provided it meets the dimensional requirements; however, when a project uses garages to meet a KCC requirement the Department requires more justification for a parking reduction than proximity to a transit stop. KCC doesn't qualify affordable as a justification for reducing the number of parking spaces required. The requested reduction of approximately 40% also requires approval of a Type III variance permit, for which the applicant has not applied.

KCC Section 17.490.040 A. parking stall minimum dimensions. The project proposes 110 parking spaces at 7.5 feet wide, less than the minimum design requirements of at least 8 feet wide for compact spaces. Furthermore, in certain circumstances KCC allows up to 30% of parking spaces to be compact stalls.

Signage

The proposal doesn't include signage; however, the project must comply with current KCC Chapter 17.510 which requires sign permits for permanent signage, such as entryway monument signs.

Landscaping

KCC 17.420 and 17.500 require 15% landscaping. Native vegetation buffers do not count towards landscaping and must be shown on the site plan (KCC section 17.500.020 G). The Civil and Landscape Plans show a general landscaping plan that meets a 60% design threshold for Preliminary Plat permit applications.

Landscape Buffers	Required	Proposed
North	Solid Screen Buffer	Separation Buffer
East	Solid Screen Buffer	Separation Buffer
West	Solid Screen Buffer	Separation Buffer
South	Separation Buffer	Separation Buffer
Stormwater Facilities	Solid Screen Buffer	None

Staff Comment: The project must install buffers that comply with KCC 17.500 based on clearing that occurs with each phase. Existing vegetation can qualify for the required buffers, which means phased clearing could allow installation of buffers in a phased approach. The project site plan doesn't indicate buffer types proposed but generally show landscaping that surrounds the proposed development. These buffers would be a condition of approval.

The SDAP requires a planting plan at a 90% design be shown. This includes a detailed plant schedule with spacing, and implementation that comply with KCC Section 17.500.030 Installation and Maintenance.

The project doesn't meet KCC or the Kitsap County Stormwater Design Manual. The Department won't know the appropriate buffer requirements, or conditions of approval, until the proposal achieves compliance with these regulations.

Frontage Improvements

Staff Comment: The project must comply with Kitsap County Codes regarding frontage improvements. All interior roads will be private, for which KCC doesn't provide design requirements. Only publicly dedicated rights of way shall include full frontage improvements with curb, gutters, sidewalks, landscaping, and a ten-foot utility easement beyond the right of way. KCC does require frontage improvements on Lindvog Rd. Lindvog Rd is an Urban Local Sub-Collector, the standards for which are a 13 ft travel lane with a 5 ft sidewalk.

If approved, a condition of approval would require these improvements based on KCC and the Kitsap County Road Manual.

Design Districts/Requirements

Staff Comment: The project site is not within a design district.

Performance Based Development

17.450.040 Standards and requirements – Residential.

A. Access, Parking and Circulation.

1. General. The PBD shall have adequate pedestrian and vehicle access and parking commensurate with the location, size, density and intensity of the proposed development. Vehicle access shall not be unduly detrimental to adjacent areas and shall take into consideration the anticipated traffic which the development may generate.
2. Streets. Provide adequate road access, connected road network, safe pedestrian access, and emergency vehicle access.
3. Parking. The number of vehicular parking spaces shall be provided in accordance with Section 17.490.030. Vehicular parking may be provided either on street or off street within the PBD, provided the total number of available spaces is at least equal to the parking requirements specified in the parking and loading requirements.
4. Pedestrian Circulation. Adequate pedestrian circulation facilities shall be provided. These facilities shall be durable, serviceable, safe, convenient to the buildings and separated by curb or other means from the vehicle traffic facilities.

Staff Comment: The project provides sufficient vehicular and pedestrian circulation. However, the project does not meet parking requirements of KCC Section 17.490.030 (see off-street parking analysis).

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

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

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2. The common open space is suitable for use as an amenity or recreational purpose, provided the use authorized is appropriate to the scale and character of the planned density, topography, and the number and type of dwellings provided;
3. Common open space may be improved for its intended use. Common open space containing critical areas may be enhanced consistent with the requirements of Title 19, Critical Areas Ordinance. Vegetation-based LID BMPs are permitted within common open space areas. The buildings, structures, and improvements to be permitted in the common open space are those appropriate to the uses which are authorized for the common open space; and
4. Land shown in the final development plan as common open space, and the landscaping and/or planting contained therein, shall be permanently maintained by and conveyed to one of the following:
 - a. An association of owners formed and continued for the purpose of maintaining the common open space. The association shall be created as an association of owners under the laws of the state of Washington and shall adopt articles of incorporation of association and bylaws. The association shall adopt, in a form acceptable to the prosecuting attorney, covenants and restrictions on the open space providing for the continuing care of the area. No common open space may be altered or put to a change in use in a way inconsistent with the final development plan unless the final development plan is first amended. No change of use or alteration shall be considered as a waiver of any covenants limiting the use of the common open space, and all rights to enhance these covenants against any use permitted are expressly reserved;
 - b. A public agency which agrees to maintain the common open space and any buildings, structures, or other improvements which have been placed on it; or
 - c. A private nonprofit conservation trust or similar entity with a demonstrated capability to carry out the necessary duties and approved by the county. Said entity shall have the authority and responsibility for the maintenance and protection of the common open space and all improvements located in the open space.

Staff Comment: The project meets the requirements of 15% common open space with 12.27 acres. If approved, conditions of approval would implement maintenance and ownership requirements of the open space areas.

- C. Recreational Open Space. All residential PBDs within urban zones shall provide a developed recreational area that meets the following requirements:
1. A contiguous area that is a minimum of five percent of the gross acreage of the subject property(s) (excluding perimeter screening buffers, critical areas and critical area buffers). No area shall be calculated as recreational open space if less than five hundred square feet in size, except if the area provides a reasonable functional or aesthetic benefit to the residents of the PBD. Said area shall meet the following additional requirements:
 - a. Developed as an open grass field or a natural area (not inside perimeter buffers, critical areas or their buffers);
 - b. Owned in common and/or available for use by all residents of the PBD; and

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- c. A provision made by the covenants for perpetual maintenance.
2. A developed active recreation amenity(s) consistent with the number of units/lots contained within the PBD. Amenities shall be provided as follows:
 - a. Developments of zero to nineteen lots/units are not required to have such an amenity;
 - b. For developments with greater than nineteen lots or units, one amenity shall be provided for every twenty lots/units within the development. Required amenities shall be sized to accommodate three hundred ninety square feet per lot/unit;
 - c. Amenities shall be centrally located within the development in clearly visible areas on property suitable for such development. Amenities may be located in other areas of the development if directly linked with a regional trail system or other public park facility;
 - d. Based upon topographical or site design characteristics of the subject property(s), amenities may be combined (while continuing to meet the overall square footage requirements established above) if the combination provides for increased benefit to all residents of the PBD;
 - e. Amenities may be located within, and be calculated towards, the recreational open space area if contiguous;
 - f. An athletic field with a minimum size of one hundred twenty yards long and sixty yards wide or swimming pool shall count as two amenities;
 - g. An equestrian development or similar theme community may be provided in lieu of other amenities;
 - h. Owned in common and available for use by all residents of the PBD;
 - i. The active recreational amenity(s) shall be located on five percent grade or less, except if a greater grade is necessary for the activities common to the amenity, e.g., skate park, trails; and
 - j. Written provisions or agreement for perpetual maintenance by the homeowners' association or a public agency willing to assume ownership and maintenance.
3. In rural zones, common open space shall be no less than fifty percent of the total site area. All open space, other than those areas needed for utilities or other infrastructure, shall be retained in native vegetation unless the PBD specifically provides for an alternative use. PBDs in rural zones shall be exempt from the requirements for contiguous developed recreation space as contained in subsection (C)(1) of this section, but shall be subject to the active recreational area requirements of subsection (C)(2) of this section.
4. In order to promote creativity and innovation, these standards and criteria may be modified or substituted with other design concepts if so approved by the board of county commissioners.

Staff Comment: The project identifies 4.71 acres of recreational open space. However, this calculation includes areas of required vegetative buffers to comply with KCC Chapter 17.500. The submitted materials do not provide enough detail to determine compliance with all criteria of a Performance Based Development permit. Conditions of approval would require compliance with recreational requirements for a PBD.

Environmental

Wetlands

19.200.220 Buffer Requirements

KCC requires mitigation sequencing for development that may impact wetlands. Mitigation sequencing first identifies the wetlands with the associated buffers and building setbacks based on the category and intensity of development. The following sequence addresses buffer reductions:

1. Avoidance.
2. Buffer averaging, if impacts can't be avoided.
3. Administrative buffer reduction, if buffer averaging is not feasible.
4. Critical Area Variance, if an administrative buffer reduction is not feasible.

KCC does not define avoidance and defers to the Miriam Webster definition of avoidance. However, for residential development the applicant must determine the required minimum density to meet KCC. The allowed maximum density is an upper limit subject to a project meeting other requirements of KCC. The applicant did not provide an exact net developable area nor provide the necessary information to analyze the feasibility of avoidance, buffer averaging, or administrative reductions. Furthermore, B.2.b allows for a reduction down to a 30 ft buffer. A proposal that reduces the buffer to less than 30 feet doesn't meet the administrative buffer reduction requirements. KCC Section 19.200.220 B.3 Variance. In cases where proposed development cannot meet the administrative buffer reduction criteria described in this section, a variance shall be required as described in Section 19.100.135. Applicants may propose to utilize provisions contained in Section 19.200.230.

A critical area variance requires an applicant to demonstrate how the proposal meets the criteria in KCC Section 19.100.135. This includes considering mitigation sequencing in detail. The applicant uses cost as a basis for no practicable or reasonable alternative exists to meet project objectives. The Department of Ecology Avoidance and Minimization checklist allows an applicant to use cost as a factor for avoidance and minimization. However, KCC Title 19 does not allow an applicant to use financial hardship to meet variance criteria. When approached with two different standards including state law, the most restrictive requirements shall apply.

i. Practicable alternatives are defined by KCC 19.150.465 as:

“Practicable alternative” means an alternative that is available and capable of being carried out after taking into consideration cost, existing technology, and logistics in light of overall project purposes, and having less impacts to critical areas. A practicable alternative may include an area not owned by the applicant for which an easement has been obtained in order to fulfill the basic purpose of the proposed activity.”

ii. Reasonable alternatives are defined by KCC 19.150.510 as:

“Reasonable alternative” means an activity that could feasibly attain or approximate a proposal's objectives, but at a lower environmental cost or decreased level of environmental degradation.”

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Without a critical area variance permit review process to review compliance with KCC, the Department rendered a Determination of Significance to address the practicable alternatives discussed above.

Discharge from the site is directed to wetlands and streams that discharge into Carpenter Creek and the Puget Sound. An Army Corps of Engineers permit is required for any project discharging to waters of the state. If approved, a condition of approval would require submittal of an approved ACOE permit with a Site Development Activity Permit (SDAP).

19.200.225 Development Standards

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.

Staff Comment: A project may include wetlands to meet minimum lot dimensional and area requirements. However, each parcel must include a viable building site outside the buffer and building setbacks as prescribed by KCC. The project proposes parcels completed encumbered by wetlands which does not meet KCC.

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.

Staff Comment: If approved, the conditions of approval would require wetlands and their associated buffers be dedicated as open space tracts as depicted in the site plan or as an easement on the final plat.

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.

Staff Comment: The project directly impacts wetlands and their associated buffers. The applicant provides alternatives based on number of units and cost allocations. A large open space central to the site and southern units could be switched as a design alternative. This and other design options for road/alley placement, different residential products types, were not explored as alternatives.

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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: If approved, the conditions of approval would require signage for wetlands and their associated buffers.

- E. Surface Water Management. Surface water discharges from stormwater facilities or structures may be allowed in wetlands and their buffers when they are in accordance with Title 12 (Stormwater Drainage) subject to the provisions of Section 19.100.145, Special use review, and this subsection. The discharge shall neither significantly increase nor decrease the rate of flow or hydroperiod, nor decrease the water quality of the wetland. Pretreatment of surface water discharge through biofiltration or other best management practices (BMPs) shall be required.

Staff Comment: The project directly discharges to wetlands yet does not meet KCC Title 12. The information provided in the Preliminary Drainage Report, Preliminary Drainage Plans, and Geotechnical Report is not sufficient to demonstrate that the project is feasible and can meet KCC or the Kitsap County Stormwater Design Manual (see stormwater analysis section).

- F. Trails and Trail-Related Facilities. Construction of public and private trails and trail-related facilities, such as benches and viewing platforms, may be allowed in wetlands or wetland buffers pursuant to the following standards:
 1. Trails and related facilities shall, to the extent feasible, be placed on existing road grades, utility corridors, or any other previously disturbed areas.
 2. Trails and related facilities shall be planned to minimize removal of trees, soil disturbance and existing hydrological characteristics, shrubs, snags and important wildlife habitat.
 3. Viewing platforms, interpretive centers, benches, picnic areas, and access to them, shall be designed and located to minimize disturbance of wildlife habitat and/or critical characteristics of the affected wetland. Platforms shall be limited to one hundred square feet in size, unless demonstrated through a wetland mitigation plan that a larger structure will not result in a net loss of wetland functions.
 4. Trails and related facilities shall generally be located outside required buffers. Where trails are permitted within buffers they shall be located in the outer twenty-five percent of the buffer, except where wetland crossings or for direct access to viewing areas have been approved by the department.
 5. Trails shall generally be limited to pedestrian use unless other more intensive uses, such as bike or horse trails, have been specifically allowed and mitigation has been provided. Trail width shall not exceed five feet unless there is a demonstrated need, subject to review and approval by the department. Trails

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shall be constructed with pervious materials except where determined infeasible.

6. Regional or public trails and trail-related facilities as identified in the 2013 Kitsap County Non-Motorized Facility Plan (and associated recognized community trails), and as amended, and provided design considerations are made to minimize impacts to critical areas and buffers, shall not be subject to the platform, trail width, or trail material limitations above. Such trails and facilities shall be approved through special use review (Section 19.100.145), unless any underlying permit requires a public hearing.

Staff Comment: The Civil and Landscape plans, show trails in required critical area vegetation buffers, including wetlands. The trails primarily only traverse over these critical areas to reach viewing platforms outside of wetlands and their buffers. An exception to this is pedestrian circulation around structures located on wetlands or in the associated buffers.

Streams

19.300.315 Development Standards

- D. Stream Crossings. Any private or public road expansion or construction proposed to cross streams classified within this title, shall comply with the following minimum development standards. All other state and local regulations regarding water crossing structures will apply, and the use of the Water Crossing Design Guidelines (WDFW, 2013) or as amended, is encouraged.
 1. Crossings shall not occur in salmonid streams unless no other feasible crossing site exists. For new development proposals, if existing crossings are determined to adversely impact salmon spawning or passage areas, new or upgraded crossings shall be relocated as determined by the Washington State Department of Fish and Wildlife (WDFW).
 2. Bridges or bottomless culverts shall be required for all Type F streams that have salmonid habitat. Other alternatives may be allowed upon submittal of a habitat management plan that demonstrates that other alternatives would not result in significant impacts to the fish and wildlife conservation area, as determined appropriate through the Washington State Department of Fish and Wildlife (WDFW) hydraulic project approval (HPA) process. The plan must demonstrate that salmon habitat will be replaced on a 1:1 ratio.
 3. Bridge piers or abutments shall not be placed in either the floodway or between the ordinary high water marks unless no other feasible alternative placement exists or to provide mid-span footings for the purpose of increased floodplain connectivity.
 4. Crossings shall not diminish flood carrying capacity.
 5. Crossings shall serve multiple properties whenever possible.
 6. Where there is no reasonable alternative to providing a culvert, the culvert shall be the minimum length necessary to accommodate the permitted activity.

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Staff Comment: The project includes pedestrian only stream crossings to reach viewing platforms outside of critical areas and their associated buffers. If approved, a condition of approval would require a bridge or culvert to review with a SDAP.

...

G. Land Divisions and Land Use Permits. All proposed divisions of land and land uses (subdivisions, short subdivisions, short plats, long and large lot plats, performance-based developments, conditional use permits, site plan reviews, binding site plans) that include fish and wildlife habitat conservation areas shall comply with the following procedures and development standards:

1. The open water area of lakes, streams, and tidal lands shall not be used in calculating minimum lot area.

Staff Comment: These are not included in the calculation of lot area.

2. Land division approvals shall be conditioned so that all required buffers are dedicated as open space tracts, or as an easement or covenant encumbering the 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.

Staff Comment: If approved, the conditions of approval would require streams and their associated buffers be dedicated as open space tracts as depicted in the site plan or as an easement on the final plat.

3. In order to avoid the creation of nonconforming lots, each new lot shall contain at least one building site that meets the requirements of this title, including buffer requirements for habitat conservation areas. This site shall also have access and a sewage disposal system location that are suitable for development and does not adversely impact the fish and wildlife conservation area.

Staff Comment: Each parcel includes a buildable area that complies with KCC setbacks and served by potable water and sewer facilities that don't impact fish and wildlife conservation areas.

4. After preliminary approval and prior to final land division approval, the department may require that the common boundary between a required buffer and the adjacent lands be identified using permanent signs. In lieu of signs, alternative methods of buffer identification may be approved when such methods are determined by the department to provide adequate protection to the buffer.

Staff Comment: If approved, the conditions of approval would require signage for streams and their associated buffers.

5. In order to implement the goals and policies of this title; to accommodate innovation, creativity, and design flexibility; and to achieve a level of

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environmental protection that would not be possible by typical lot-by-lot development, the use of the performance-based development process is strongly encouraged for projects within designated fish and wildlife habitat conservation areas.

Staff Comment: The project design achieves protection of streams and their associated buffers via avoidance.

Geological Hazards

19.400.435 Development standards

A. Erosion and Landslide Hazard Development Standards.

1. Development activities or actions requiring project permits or clearing shall not be allowed in landslide hazard areas unless a geotechnical report demonstrates that building within a landslide hazard area will provide protection commensurate to being located outside the landslide hazard area and meets the requirements of this section. This may include proposed mitigation measures.
2. Top of Slope Building Setback. All development activities or actions that require project permits or clearing in erosion and landslide hazard areas shall provide native vegetation from the toe of the slope to twenty-five feet beyond the top of slope, with an additional minimum fifteen-foot building and impervious surface setback, unless otherwise allowed through a geologic assessment. The minimum building and setback shall be increased from the top of the slope as follows:
 - a. For high landslide hazard areas, the setback shall be equal to the height of the slope (1:1 horizontal to vertical) plus the greater of one-third of the vertical slope height or twenty-five feet.
 - b. For moderate landslide hazard areas, the setback shall be forty feet from the top of slope.
3. Toe of Slope Building Setback. A geotechnical report may be required based on slope height and stability indicators. Where slope hazard indicators are not identified, the requirements of Chapter 14.04, the Kitsap County Building and Fire Code, will apply.
4. The department may require a larger native vegetation width than the standard buffer distance as determined above, if any of the following are identified through the geological assessment process:
 - a. The adjacent land is susceptible to severe erosion and erosion control measures will not effectively prevent adverse impacts; or
 - b. The area has a severe risk of slope failure or downslope storm water drainage impacts.
5. The minimum native vegetation width and/or building setback requirement may be decreased if a geotechnical report demonstrates that a lesser distance, through design and engineering solutions, will adequately protect both the proposed development and the erosion or landslide hazard area. The department may decrease the setback when such a setback would result in a greater than 1:1 slope setback.

B. Seismic Hazard Development Standards.

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1. Development activities or actions requiring a project permit occurring within two hundred feet of a “high hazard” seismic hazard area may be allowed with an approved geotechnical report that confirms the site is suitable for the proposed development and addresses any fill or grading that has occurred on the subject parcel.
2. Development activities or actions requiring a project permit within a seismic hazard area shall be in accordance with Chapter 14.04, the Kitsap County Building and Fire Code.

Staff Comment: The Geotechnical Report prepared by Terra Associates, Inc dated March 24, 2023 states no geotechnical conditions exist that would preclude the planned development. The residential buildings can be supported on conventional spread footings bearing on competent native soils or on structural fill placed on the competent native soils. Floor slabs and pavements can be similarly supported.

Some of site soils contain a sufficient amount of fines (silt- and clay-sized particles), such that they will be difficult to compact as structural fill when too wet or too dry. Accordingly, the ability to use the soils from site excavations as structural fill will depend on their moisture content and the prevailing weather conditions at the time of construction. If grading activities take place during the winter season, the owner should be prepared to import free-draining granular material for use as structural fill and backfill.

Detailed recommendations regarding the preceding issues and other geotechnical design and construction considerations are provided in detailed sections of the report. These recommendations should be incorporated into the final design drawings and construction specifications. If approved, a condition of approval would require implementation of the engineer’s suggestions.

These stabilization features allow for the safe development of individual residences, infrastructure, and recreational/open space elements of the proposal. Additional structural engineering may be required for the site based on the SDAP review at a 90% design.

Critical Aquifer Recharge Areas

19.600.615 Development standards

- A. Category I Critical Aquifer Recharge Areas.
 1. Land uses identified in Table 19.600.620 are prohibited in Category I critical aquifer recharge areas, unless a waiver is granted by the department.
 2. Requests for waivers for activities listed in Table 19.600.620 shall include a hydrogeological report (see Chapter 19.700, Special Reports) that includes a detailed risk-benefit analysis that considers credible worst-case scenarios. The hydrogeological report shall evaluate potential impacts of a proposed land use or activity on both groundwater and surface water quality and quantity. The waiver will be evaluated and treated as a special use review (Section 19.100.145) and be reviewed by the department, Kitsap public health, affected tribes, and the affected water purveyors.

....

- B. Storm Water. Storm water best management practices shall be accomplished in accordance with Title 12.

Staff Comment: KCC Section 19.600.620 (activities table) does not require a hydrogeological report for residential land uses and subdivisions. If approved, a condition of approval would require compliance with KCC Title 12 and implementation of stormwater BMPs.

Public Works & Traffic

Lindvog Road NE is a two-lane roadway classified as a local road north of SR 104 with a posted speed limit of 25 miles per hour (mph) in the vicinity of the project site. There are signalized pedestrian crossings across all legs of the Lindvog Road NE/SR 104 intersection. A sidewalk along Lindvog Road NE is provided along the west side of Lindvog Road NE for approximately 400 feet north of SR 104 and then transitions to shoulders further north. South of SR 104, Lindvog Road NE and then NE West Kingston Road includes continuous sidewalks connecting to the ferry terminal area.

State Route 104 is a Highway of Statewide Significance (HSS) classified as an urban principal arterial. The posted speed limit is 25 mph within the vicinity of the intersection with Lindvog Road NE. Sidewalks are provided along the north side of the roadway within the vicinity of Lindvog Road NE with paved shoulders available on the south side of the road intended for vehicle use when ferry backup is present.

The transportation impact analysis summarizes the traffic impacts associated with the proposed Spring Hill Townhomes development located in the Kingston subarea in Kitsap County.

- The proposed 230 townhomes, with 60 percent of the units qualified as affordable housing for households at less than 80 percent of the AMI are estimated to generate 916 total weekday daily trips with approximately 79 trips occurring during the weekday AM peak hour and 81 trips occurring during the weekday PM peak hour.
- The Lindvog Road NE/SR 104 intersection is forecast to operate at LOS B or better under both existing and future (2028) without and with-project conditions during both the weekday AM and PM peak hours, meeting the LOS D standard.
- Access to the site is proposed via one primary driveway onto Lindvog Road NE. Two additional emergency access driveways are also being provided, which will be gated. The primary access is forecast to operate acceptably at LOS A during both the weekday AM and PM peak hours. Sight distance and spacing of the driveway meets County road standards.
- The developer would be required to pay Kitsap County road impact fees. Based on the proposed project to include 92 townhomes and 138 affordable units, the estimated impact fee would be \$601,543.84. The final impact fees will be determined by the County at the building permit issuance.

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Stormwater

Staff concludes that the information provided in the Preliminary Drainage Report, Preliminary Drainage Plans, and Geotechnical Report is not sufficient to demonstrate that the project is feasible and can meet the applicable standards and requirements. Therefore, denial is recommended at this time.

Per Kitsap County Stormwater Design Manual (KCSDM), Vol II, 1.2.3.2 for Preliminary Design Review, the purpose of this review stage is to demonstrate that the project is feasible and can meet the applicable standards and requirements.

The project site is currently in a primarily forested, undeveloped condition. The proposed site improvements include 230 townhomes with associated roads & parking spaces, resulting in approximately 4.73 acres of new hard surfaces on-site. Per KCC 12.20.010, all new development that creates more than 5,000 square feet of hard surfaces within the UGA shall be subject to Minimum Requirements #1-9. On-Site Stormwater Management (Minimum Requirement #5), Runoff Treatment (Minimum Requirement #6) and Flow Control (Minimum Requirement #7) are proposed to be met through a combination of infiltration vaults and permeable pavement.

Critical Areas on site include high erosion hazards along the western property lines, three (3) Category IV Wetlands, and two (2) streams.

The applicant provided a revised Preliminary Drainage Report & Preliminary Civil Plans prepared by AHBL, dated May 2024, and a Geotechnical Report prepared by Terra Associates, dated March 2022.

Infiltration Feasibility

In KCSDM, Vol II, 5.3.2, specific steps are outlined to determine the feasibility of infiltration including: Evaluating Horizontal Setbacks & Site Constraints, Conducting Subsurface Investigations & Evaluating Vertical Separation Requirements, Conducting Infiltration Testing, Determining the Design Infiltration Rate, Conducting Groundwater Monitoring...and Infiltration Testing for Permeable Pavements, and Evaluating the Use of Infiltration to Meet the Minimum Requirements. The Preliminary Drainage Report is absent of sufficient information that these steps were performed to determine the feasibility of the proposed infiltration facilities and permeable pavement. The Geotechnical Report evaluates the feasibility of infiltration in Section 4.7 and states: "The site soils predominately consist of sand with various amounts of silt and gravel. This material has the potential to be suitable for infiltration. However, infiltration relies on regional geology to allow the water to flow away from the site and not fill up the available volume under the site. The site is mapped as Glacial Till and there are mapped wetlands to the west. These factors would indicate that the site is not suitable for infiltration as any water that is infiltrated will likely fill up the available volume and then cause minor local flooding since there is no regional outwash formation that is connected to the site."

Subsurface investigation logs are provided in the Geotechnical Report, but there is no infiltration testing data that supports the civil engineer's design infiltration rate. Test Pit #3

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terminated at approximately 5.5 feet with evidence of groundwater seepage. The Preliminary Drainage Plans propose a combination detention/infiltration vault in the vicinity of Test Pit #3. Per KCSDM, G.2.5, the minimum vertical separation to groundwater is 5 feet. Though no official groundwater monitoring has been submitted for review with the permit application, the Geotechnical Report discusses Groundwater in Section 3.3:

“Groundwater seepage was observed in Test Pit TP-3 between approximately one and five feet below current site grades. The groundwater appeared to be within the sand with gravel deposits along the mapped wetlands. Groundwater was not observed in the other explorations, however, some mottling was observed indicating the potential for perched seepage to develop at the project site.”

The proposed infiltration facility on the West portion of the site (Sub-Basin 3 Infiltration Trench) is within 50 feet of the high erosion hazard area with slopes that are steeper than 15%. Per KCSDM, 5.3.2, infiltration within proximity to steep slopes may be feasible with a detailed slope stability analysis completed by a licensed engineer or engineering geologist. The department has not received a slope stability analysis that evaluates the effects infiltration would have on the adjacent steep slopes.

Solid Waste

The project must comply with codes regulating Kitsap County solid waste. This includes providing vessels for trash removal from each residence served by Waste Management.

Water/Sewer

Per Kitsap County Board of Health Ordinance 2008A-01 Section 16.C.1.d Preliminary plat approval requires a non-binding water availability letter for the correct parcel and a non-binding sewer availability letter.

Staff Comment: Kitsap Public Utility District (KPUD) can serve the proposed development per the non-binding water availability letter.

The Department requires a non-binding letter or agreement demonstrating sewer capacity per KCC Title 13. At the preliminary land use level of review Kitsap County requires a non-binding sewer availability agreement to demonstrate an ability to serve the project with necessary infrastructure, including sewage disposal. Kitsap County Public Works Sewer Division requested this agreement. To date the Department received an email, not an official non-binding sewer availability letter.

Fire Safety

KCC section 14.04.730 requires 25 foot inside turn radius for fire department access throughout the site.

In accordance with the International Fire Code (IFC) Chapter 5, Section 501.3 as adopted by KCC Title 14, requires demonstrated emergency vehicle routes through development.

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Per the IFC Chapter 5, Section 503.1.2 adopted by KCC Title 14 and Kitsap County Road Standards 2020 Chapter 4, a second access is required when there are more than 150 dwellings. A second access shall be not less than one half the diagonal of the development.

Per IFC Chapter 5, Section 503.2, roads that have a dead end of more than 150 ft in length required a fire department turn around.

Per IFC Section 503.3, requires a clear understanding of how the roads will be maintained clear of residents parking on the roadway.

Per IFC Section 503.3, requires a clear indication on the plans where no parking signs or red curb parking with verbiage outlined in Kitsap County Code will be located.

Per KCC Title 14, 14.04.704 requires a clear indication of fire hydrant spacing within residential areas at every 600 ft.

Staff Comment: Most of the proposal includes the 25 ft internal radii. The 2 emergency entrances at the NE and SE corners of the project allow access to all of the project's built area via either 24' wide driveways serving parking and garages or 20' wide connecting roadways.

The applicant suggests the longest diagonal of the project 1025 ft, ½ of which is 512 ft. However, the project site includes designated recreational areas that extend to the westernmost boundary edge, including trails that cross the critical areas on the southwest portion of the site. This means the longest diagonal is approximately 1,412 ft, ½ of which is 706 feet. The 521 ft distance between the full access points doesn't meet this requirement.

The project does not provide an appropriately designed turn around for the westernmost portion of site. The road length of approximately 500 ft requires this turnaround designed with the 25 ft internal radius and sufficient room for emergency vehicle to maneuver.

The applicant indicates that all roads will include signage and red painted curbs. The site plan does indicate fire hydrants approximately 600 ft apart.

If approved, conditions of approval would require the project to comply with International Building Code, including the provisions mentioned above.

11. 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 Hearing Examiner may approve, approve with conditions, remand, or deny the project request. 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 not consistent with the Comprehensive Plan.

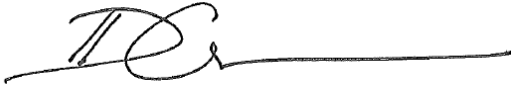
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2. The proposal does not comply with all requirements of KCC Title 17 and does not comply with many of the other applicable provisions of Kitsap County Code and all other applicable regulations, including all applicable development standards and design guidelines.
3. The proposal may be materially detrimental to existing or future uses or property in the immediate vicinity.
4. The proposal is not compatible with and does not incorporate 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, the Department of Community Development recommends that the Hearing Examiner **deny** the Spring Hill request.

Report prepared by:



Darren Gurnee, Planning Supervisor and Project Lead

2/19/2025

Date

Report approved by:



Scott Diener, Planning Manager

2/19/2025

Date

Attachment A: Project Site Plan

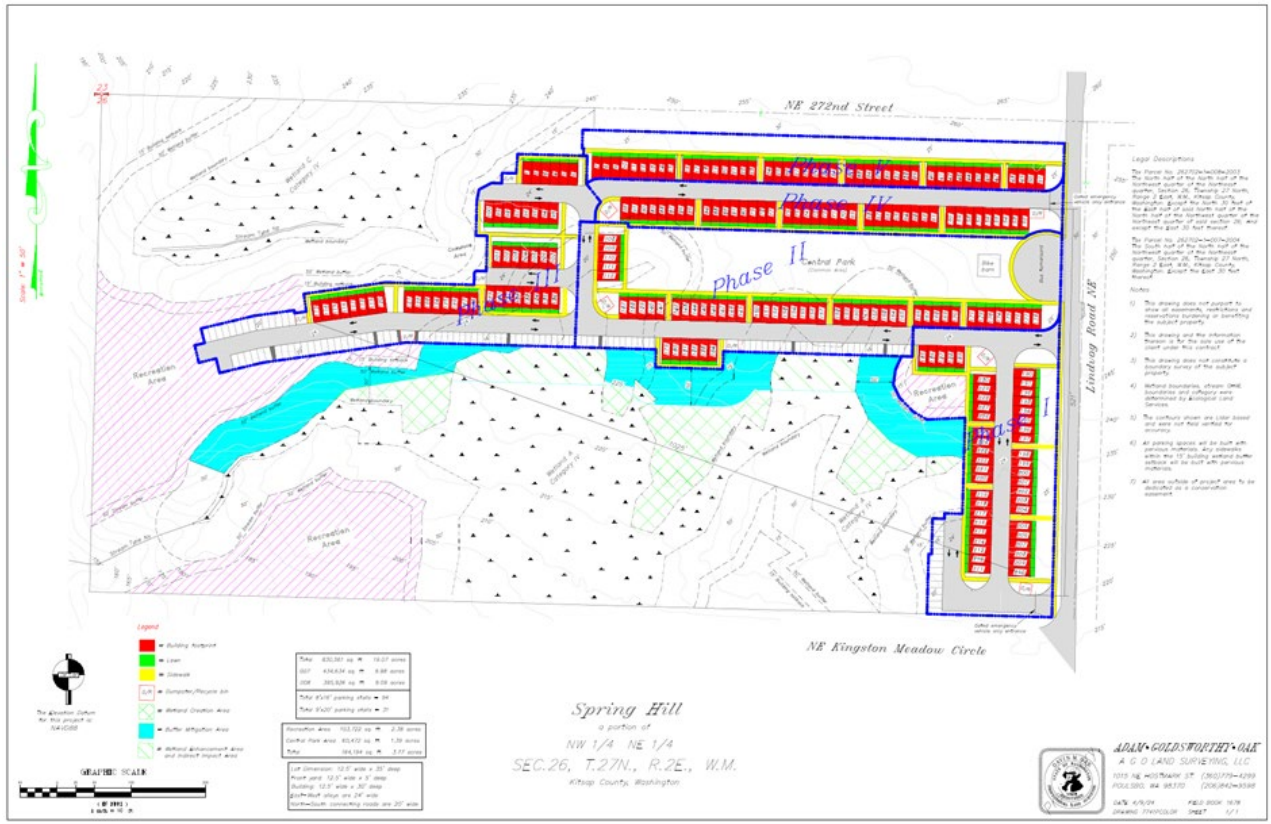
Attachment B: Zoning Map

Attachment C: Aerial Imagery

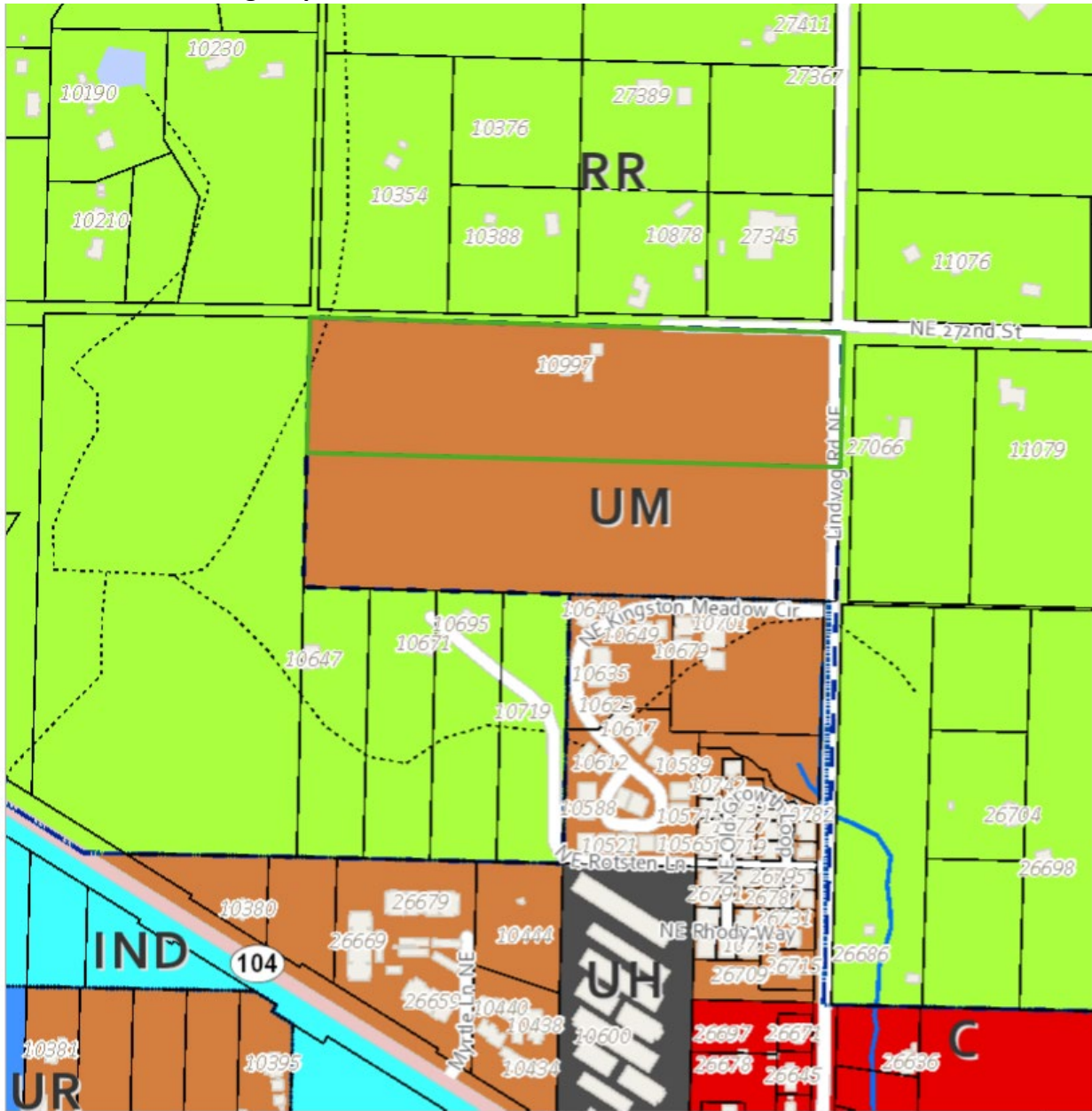
Attachment D: Critical Areas Map

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Attachment A: Project Site Plan



Attachment B: Zoning Map



** This map is not a substitute for field survey **

500 ft

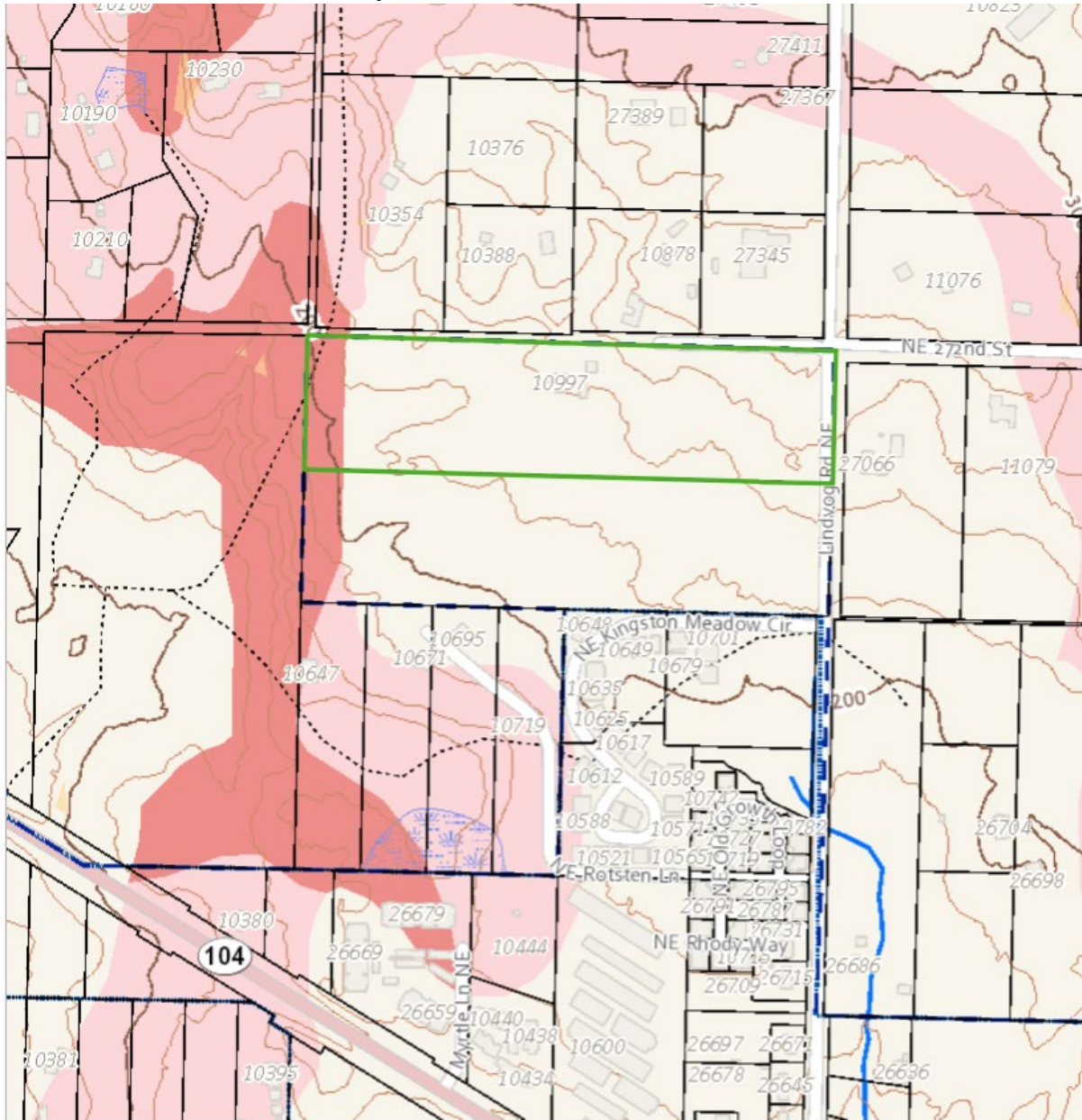
Attachment C: Aerial Imagery



** This map is not a substitute for field survey **

500 ft

Attachment D: Critical Areas Map



** This map is not a substitute for field survey **

500 ft