



Staff Report for the Hearing Examiner

Report Date: March 1, 2018

Application Date: September 27, 2017

Hearing Date: March 8, 2018

Application Complete: September 27, 2017

Permit Number: 17-04030 and 17-04032

Project Name: McWilliams Preliminary Plat/ Performance Based Development (PBD)

Type of Application: Type-III Plat/PBD

This staff report was prepared by Jeff Smith, Planner, Candy Vickery, Engineering 1, and Steve Heacock, Environmental Planner, based on information available up until the time the report was prepared. New information relevant to review of this application may become available prior to the hearing or at the hearing. Staff may wish to change their analysis based upon that new information, and reserves the right to do so.

Proposal Summary:

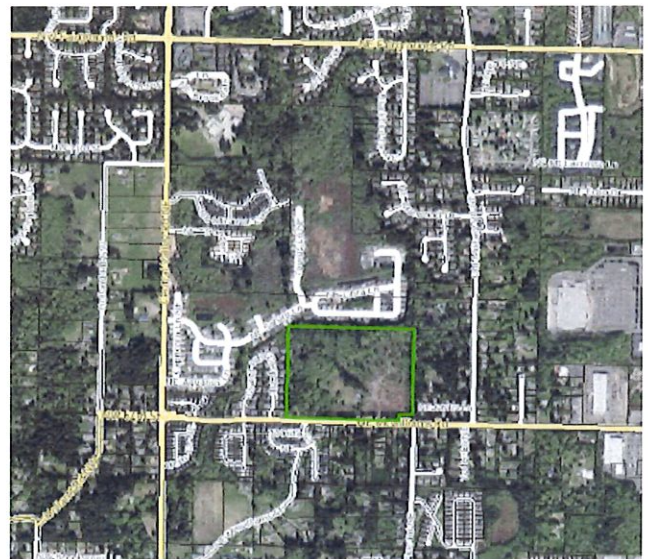
The proposal is for a three-phased preliminary Plat/Performance Based Development to subdivide 29.1 acres into 152 lots for attached housing. The project involves the construction of two private access roads from NE McWilliams Road, stormwater treatment and detention control facilities, and utilities. The proposal includes open space, recreational amenities, and preserved areas for wetlands and associated buffers. The request was reviewed pursuant to Kitsap County Code (KCC) Title 16 Land Segregations, Title 17 Zoning, KCC Titles 12 Storm Water Drainage and 19 Critical Areas. The Hearing Examiner is the Review Authority for the development and makes a recommendation to the Board per Title 21 Land Use and Development Procedures.

Project Request:

McWilliams Road LLC is requesting a Preliminary Plat/Performance Based Development to create 152 multi-family urban lots in Central Kitsap County.

Project Location:

700 NE McWilliams Road,
Bremerton, WA Commissioner District 3



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Assessor's Account #

262501-3-007-2003

Applicant/Owner of Record:

McWilliams Road LLC
P.O. Box 115
Hobart, WA 98025

Applicant's Representative:

Blue Architects and Interiors
245 4th St., Ste. 508
Bremerton, WA 98337

SEPA (State Environmental Policy Act):

The State Environmental Policy Act (SEPA), found in Chapter 43.21C RCW (Revised Code of Washington), is a state law that requires the County to conduct an environmental impact review of any action that might have a significant, adverse impact on the environment. The review includes the completion of an Environmental Checklist by the applicant and a review of that checklist by the County. If it is determined that there will be environmental impacts, conditions are imposed upon the applicant to mitigate those impacts below the threshold of "major" environmental impacts. If the impacts cannot be mitigated, an environmental impact statement (EIS) must be prepared. The decision following environmental review, which may result in a Determination of Nonsignificance (DNS), Mitigated DNS, or the necessity for an EIS is called a threshold determination. A separate notice of the threshold determination is given by the County. If it is not appealed, it becomes part of the hearing record as it was issued, since it cannot be changed by the Hearing Examiner.

Pursuant to WAC 197-11-355, the optional DNS process was utilized for this project. The SEPA Comment period previously occurred concurrent with the Notice of Application dated October 27, 2017 (Exhibit 16). A Determination of Nonsignificance (DNS) was issued on February 20, 2018 (Exhibit 26). SEPA noted the following information/SEPA mitigation conditions have been imposed and are listed under conditions 22 at the end of this report:

This DNS is issued after using the optional DNS process in WAC 197-11-355. There is no further comment period on the DNS.

COMMENTS:

1. The SEPA comment period previously occurred concurrent with the Notice of Application dated October 21, 2017. There were public comments received by neighbors concerned with potential traffic impacts, and stormwater controls. Comments will be addressed in the staff report.

CONDITIONS:

1. The proposal will be conditioned for stormwater control pursuant to KCC Title 12 (Stormwater Management). On-site bioretention and stormwater detention is proposed.
2. Due to the presence of steep slopes on the property and unclassified drainage conveyance systems, the proposal will be conditioned to follow all recommendations of the geotechnical report per KCC Title 19.400 and KCC 19.700.
3. On site wetlands will be buffered from impacts and placed in a protective Open Space Tract, per KCC Title 19.200.
4. Frontage improvements along the entire property frontage of NE McWilliams Road are required, including 14-foot travel lanes, 5-foot bicycle lane, vertical curb, gutter, and 5-foot

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sidewalks.

5. A Hydraulic Project Approval with the Washington State Department of Fish and Wildlife may be required for stormwater overflow outfall flows to Mosher Creek.

MITIGATION MEASURES:

1. The engineered design plans propose to detain and infiltrate stormwater through innovative stormwater techniques. Should the designs change upon future permitting or phasing of the Site Development Activity Permit (Final Plat designs), a revised SEPA Decision may be issued by the SEPA responsible official.
2. The Kitsap County Comprehensive Plan (revised in June of 2016) requires concurrence with the Transportation Element. The application has been reviewed for consistency with these elements, and requires the following, per the January 2018 Development Engineering staff and Kitsap County Public Works memorandum:

TRAFFIC AND RIGHT OF WAY MITIGATION:

The conditions, as listed below, are required pursuant to SEPA Substantive Authority (KCC 18.04.200.D):

3. Frontage improvements shall also include curb ramps for each direction of pedestrian travel at the intersection of Road B and NE McWilliams Road; this will require construction of sidewalk with curb ramps on the south side of NE McWilliams Road, to match the location of the curb ramps on the north side, as well as continuation of sidewalk, around the radius, southerly on Juanita Circle NE.

The SEPA appeal period expires March 6, 2018. No appeals have been submitted at this time.

Physical Characteristics:

The subject property is 29.1 acres in size and contains a single-family dwelling built in 1965 and associated out buildings formerly used for agriculture. The property topography is rolling with a few steep slopes and ravines. The site generally slopes from the east to the west with slopes between 5 to 15 % and slopes as high as 25% in limited areas. The property is split into two drainage basins, which both drain into Mosher Creek. Two wetlands have been delineated on the property. Wetland-A is categorized as a type IV wetland, 2,036 in size and described as a depressional wetland located in the southwest corner of the property. Wetland- B is located near the northwest corner of the property and is a Category-III wetland, and 60,554 square feet in size. The parcel was thinned under a County Conservation Option Harvest permit in 2011 (Permit 11-96110) There are mature stands of trees remaining associated with the wetlands, and within the northeast corner. The project vests to the previous version of the KCC 19.200 Critical Areas Code, which allowed the vegetation in the northeast corner to be included in wetland buffer averaging. Approximately 10 acres of the site is in pasture with brush and includes an existing dwelling, outbuildings, and paved and gravel driveways. The development site and the surrounding area is within a Category I Aquifer Recharge Area. The proposed development is below the threshold to require a hydrogeologic report.

Comprehensive Plan Designation and Zoning:

The following are requirements for the Urban Medium zone per KCC 17.220 Urban Medium Residential. The intent of the zone is to provide for higher densities where a full range of community services and facilities are present or will be present at the time of development. The following are development requirements for the zone:

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Urban Medium residential zone per KCC Chapter 17.420.050

Minimum Density	= 10-dwelling units/acre
Maximum Density	= 18-dwelling units/acre
Minimum Lot Area	= 2,400 square feet for Single-Family
Minimum Lot Width	= 40-feet
Minimum Lot Depth	= 60-feet
Maximum Height	= 35 feet
Maximum Impervious Coverage	= 85%
Minimum Setback	= 20-feet front yard garage or carport opening = 10-feet side yard habitable area = 5-feet side yard, on alley, 10 feet for garage o

Surrounding Land Use and Zoning:

Properties to the north, west and a small portion to the south of the development site are zoned Urban Restricted. Most of the area to the south is zoned Urban Low. The properties zoned Urban Restricted contain critical areas and have been subdivided with clustered residential development with critical areas in open space. The properties on the east side of are zoned Urban Medium, with residential uses.

Public Utilities and Services:

Water:	City of Bremerton
Power:	Puget Sound Energy
Sewer:	Kitsap County Waste Water
Police:	Sheriff
Fire:	Central Kitsap Fire and Rescue
Schools:	Central Kitsap School District #401

Access:

Currently the property is accessed via driveways for the single-family home from McWilliams Road and a second access was used for the historic use and for logging the property.

Policies and Regulations Applicable to the Subject Proposal:

The Growth Management Act of the State of Washington, RCW 36.70A, requires that the County adopt a Comprehensive Plan, and then implement that plan by adopting development regulations. The development regulations must be consistent with the Comprehensive Plan. The Comprehensive Plan process includes public involvement as required by law, so that those who are impacted by development regulations have an opportunity to help shape the Comprehensive Plan which is then used to prepare development regulations.

Kitsap County Comprehensive Plan, Adopted June 30, 2016

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

Land Use Element

Land Use Goal 1

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

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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 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 17

Support compact commercial areas in order to encourage pedestrian and non-motorized travel and transit use.

Transportation Element

Transportation Goal 1

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

Transportation Policy 3

Continue to require sidewalks on roads when development occurs within Urban Growth Areas. of corridors that are safe for all ages.

Staff Comment: *Consistent with the policy above, staff conditioned the project to ensure there were safe walking conditions and encourage completing the pedestrian connection along McWilliams Road.*

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

Kitsap County Code (KCC)

- Title 11 Road Standards
- Title 12 Storm Water Drainage
- Title 13 Water and Sewers
- Title 14 Buildings and Construction
- Title 17 Zoning
- Title 19 Critical Areas

Chapter 18.04 State Environmental Policy Act (SEPA)

Chapter 20.04 Transportation Facilities Concurrency Ordinance

Chapter 21.04 Land Use and Development Procedures

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 34 exhibits.

Exhibit #	Document	Date or date stamped
1a	Project Application – 17 04030	09/27/17
1b	Project Application – 17 04032	09/27/17
1c	Submittal Checklist	09/27/17
2a	Supplemental Application – 17 04030 Preliminary Land Divisions	09/27/17

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2b	Supplemental Application – 17 04032 Performance Based Development	09/27/17
3	SEPA Environmental Checklist	09/27/17
4	Supplemental Application – Concurrency Test	09/27/17
5	Project Narrative	09/27/17
6	Parking Analysis	09/27/17
7	Stormwater Worksheet	09/27/17
8	Site Assessment / Planning Packet	09/27/17
9	Building Elevations / Floor Plans	09/27/17
10	Water Availability Letter	09/27/17
11	Sewer Availability Agreement	09/27/17
12	Geotechnical Report	09/27/17
13	Wetland Delineation & Mitigation Plan	09/27/17
14	Traffic Impact Analysis	09/27/17
15	Engineered Drainage Report	09/27/17
16	Notice of Application	10/26/17
17	Interested Party Email – Sanchez	11/15/17
18	Request for Info Response Email – Blue Architect	01/17/18
19	Site / Drainage Plans	01/17/18
20	Landscape Plan	01/17/18
21	DCD Stormwater Engineering Memo – Vickery	02/15/18
22	SEPA Determination	02/20/18
23	SEPA Determination Response Email – Olson	02/20/18
24	Notice of Public Hearing	02/21/18
25	Interested Party Email – Coviello	02/27/18
26	SEPA Determination Response Email – DeGeus Public Works	02/28/18
27	Map – Zoning	02/28/18
28	Map – Critical Areas	02/28/18
29	Map – Comprehensive Plan	02/28/18
30	Map – Aerial	02/28/18
31	Map – Utilities	02/28/18
32	Certification of Public Notice	02/28/18
33	Staff Report	
34	Staff Presentation	

Public 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 project has three interested parties. The Department has received public comments from Bev Sanchez, one of the interested parties, who is an adjacent property owner. Bev Sanchez has the following comments: 1) The plat should have a 10-foot no-cut buffer along the west property line abutting the Grand Pine Subdivision.; and 2) The new plat should have enough parking so residents of the plat are not using NE McWilliams Road as over flow parking.

Preliminary Plat Analysis and Recommendation:

Project Characteristics:

The applicant is proposing to develop the 29-acre parcel into 152 lots. Lots are sized

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approximately 3,000-4,000 square foot for attached townhomes (limited to two connected units). The residential dwellings will be wood frame construction up to three-stories. The Performance Based Development is for the relaxation of the side yard setback from 5 feet to zero lot construction on shared internal property lines. The proposal includes passive and active open space. Recreational amenities include trails, an exercise circuit, playground, and areas for wetlands and associated open space buffers. The proposed improvements include internal roads with sidewalks, on-street parking, and storm drainage facilities. The applicant is proposing a sidewalk, curb and gutter for approximately 1,170 linear feet along the property frontage on NE McWilliams Road. The project is considered a large development with the quantity of earth work approximately 60,000 cubic yards of cut and fill.

Project Data Summary	Preliminary Plan	% of Area
Total Lot Area	29.08 acres	100%
Residential Lots	152	
Required Rec. Space 170 square feet/per unit (Multi-family)	25,840	
Contiguous Lot Area for Rec. (5%)	622,180 square feet	5.90%
Landscaping/Open Space	410,319 square feet (9.32 acres)	32.39%
On-street Parking Spaces	76 spaces	76 spaces required
Private Road Tracts	189,388 square feet	14.9%
Private Roads, Sidewalks & Buildings (Total Impervious Area	527,121 square feet (12.10 acres) %	41.60%
Gross Density	11.71 Dwelling Units Per Acre	
Required Density	10 to 18 dwelling units per acre	

Access and Transportation:

The functional classification of NE McWilliams Road is a minor arterial. The intent is that minor arterials deliver traffic from other minor arterials, collector roads to principal arterials or highways (SR-303). Vehicular access is proposed via on-site private roads serving the lots, which will intersect NE McWilliams Road at two points along the south property line. For traffic safety, the western access will align with Juanita Circle NE located on the south side NE McWilliams Road. For pedestrian safety, Public Works conditioned the project with off-site mitigation, to require installation of curb returns on Juanita Circle NE, accessing to the Collings Subdivision. The proposal includes frontage improvements on NE McWilliams that includes a 5-foot sidewalk, curbs and a future 5-foot bike lane. The SEPA determination, substantive authority Condition #4 requires frontage improvement on McWilliams Road requiring a 14 foot travel lane and a 5-foot bike lane. It was pointed out by the applicant's engineer that was an error, the 14-foot figure and should be 11-foot travel lane and correct through the staff report.

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The private roads include a 5-foot sidewalk, curbs on both sides of the roadway and parallel parking. The internal private road tracts without parking are 38 feet wide with approximately two 12-foot wide travel lanes without on-street parking. Roadways with parking are 44 feet wide with 11 feet travel lanes, and 8 feet for parallel parking. There are four areas within the plat that include on-street perpendicular parking. The applicant has requested the County to condition the Final Plat to allow for public streets with approval by Public Works. The applicant has prepared a traffic impact analysis report (Exhibit 14). Engineering staff and Public Works have reviewed the transportation component of the project and issued preliminary approval on February 15, 2018 (Exhibit 21).

Stormwater:

The proposal includes a stormwater system, comprised of bioretention cells with underdrains to collect runoff from roads and driveways for water quality treatment; a system of pipes and catch basins will convey runoff from the bioretention cell underdrains, overflows and rooftops to four water quantity ponds, two for each basin (north and south basins). The applicant has prepared a storm drainage report (Exhibit 15). The applicant is requesting that the storm drainage system be publicly maintained. It is Kitsap County policy that storm water facilities are only publicly maintained when roads are public. Engineering has reviewed the stormwater element of the project and issued preliminary approval on February 15, 2018 (Exhibit 21).

Sewer and Water Service

The proposal includes connection to public sewer, provided by Kitsap County; and public water service, provided by the City of Bremerton. The project has received sewer and availability letters from both service providers.

Schools:

Central 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.

Landscaping

Kitsap County Code (KCC) requires that a minimum of 15% of the total site area be landscaped and dedicated open space to the standards in the titled section. The applicant has provided a landscaping plan that conforms to the intent of the landscaping requirements for preliminary land use. The plan includes screening of the site with trees, shrubs, and groundcover along the perimeter, street trees and landscaping of recreation facilities, and storm drainage tracts. The applicant will be required to submit a final landscaping plan with the Site Development Activity Permit.

Preliminary Plat Analysis and Recommendation:

The proposed McWilliam Plat/PBD was reviewed through the following requirements, pursuant to KCC Section 17.382.030 Design Standards, Chapter 16.24 Land Segregation Standards, and Chapter 16.40 Subdivisions. Staff comments are in italics.

KCC 17.420.037 Single-Family Subdivision /Development Standards

The following development standards apply to the proposed preliminary subdivision pursuant to KCC 17.420.037 (Single-Family Subdivision /Development Standards):

A. Sidewalk Requirements:

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1. Sidewalks are required on both sides for all public or private streets meeting the classification of principal, minor arterial, collector, local sub-collector, or local minor roads described by the Road Standards.

Staff Comment: The roads within the plat will remain private and will have a functional classification as a local access road. The applicant is requesting to reserve the option to petition Public Works to accept the internal streets as public maintained roads.

2. Sidewalks are required at a minimum one side of all public private meet the criteria as local roads per the Road Standards.

Staff Comment: The revised site plan dated January 17, 2018 shows sidewalks on both sides of the private roadway internal to the plat. To increase safety, and reduce pedestrian and vehicle conflicts, the site plan includes sidewalks on both sides of the roadways. The site plan shows five-foot wide sidewalks on both sides of the private roads within the plat. Frontage improvements are required along NE McWilliams Road for pedestrian safety.

3. Rolled curbing is prohibited, except where the road is separated by a bioswale or other water quality treatment facility.

Staff Comment: Rolled curbing is not proposed.

- B. Public Streets and Connectivity Requirements: The dedication of or deeding property for right-of-way within or along the boundaries of single-family subdivisions or developments may be required.

Staff Comment: The preliminary subdivision will include private streets, which will not involve the dedication of the roads to the County. The applicant wants the option in the future to dedicate the roadways to the County. It appears there is not an opportunity for connectivity due to the limitations with topography, critical areas and existing development.

- C. Utility Connectivity Requirements for public utility extensions to abutting or contiguous properties.

Staff Comment: There is not an opportunity for connectivity, similar to road connectivity limitations, above.

- D. Landscaping Requirements: Landscaping is required at entrances and street trees along streets or on individual lots or units prior to occupancy.

Staff Comment: Landscaping is required along NE McWilliams Road and around storm drainage facilities. The applicant is proposing street trees along the private roadway and around the recreation facilities. Notes on the revised landscape plan state sight obscuring buffer along the north and south property lines. The final landscape plan will need to be consistent with the requirements in this section and KCC Chapter 17.500.

- E. Off-street Parking: Project shall provide off-street parking per KCC 17.490 Off-street and Loading.

Staff Comment: On street and off-street parking is included with this proposal consistent with KCC 17.435. The applicant is proposing 304 off-street parking spaces in driveways. Per the

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parking narrative, the applicant is proposing 76 parallel and perpendicular on-street parking spaces (9'x 20') for guests. Per 17.490.020, the County calculates the required number of spaces in the driveway and not within individual residential garages.

Title 16 Land Division and Development

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

16.24.040 Urban Standards

The following are land segregation standards for preliminary subdivisions:

A. Access- See access comments above.

B. Public Transit Provisions

Kitsap County Transit has inquired on the type of frontage improvements to determine the feasibility of the construction of a bus shelter.

C. Non-motorized Facilities

There are internal trails proposed. Public Works has identified a required bicycle lane, which is to be constructed to address the non-motorized plan requirements.

D. Off-Street and On-Street Parking

The preliminary plat is required to be consistent with KCC 17.490 Off-Street Parking and Loading. Two off-street parking spaces are required per residential lot and 0.5 per lot for over flow on-street parking. Based on the number of lots the project will need to include a minimum of 304 off-street spaces and 76 on-streets parking spaces are required.

Staff Comments: Off-street parking will be verified at the time of building permit application. The applicant has documented that the project is consistent with the minimum overflow parking requirements and that will be shown on the SDAP civil site plan.

E. Fire Protection

The Fire Marshal's Office has reviewed the project, included conditions of preliminary approval, and forwarded a copy of the plans to Central Kitsap Fire and Rescue #1. The Fire Marshal conditioned the project to provide fire flow with fire hydrants not more than 600 feet apart within the plat.

F. Landscaping Requirements

Street trees are required to be spaced at a minimum of 25 feet on-center. The applicant is proposing that the road frontage along NE McWilliams Road be landscaped with native vegetation, drought tolerant native plants such as Shore Pine, Douglas Fir, Vine Maple, Elderberry, Serviceberry, etc. The landscape plan includes Crabapple and Dogwood trees within the entrance, and Leyland Cypress around the perimeter.

Staff Comments: The development is generally consistent with preliminary landscaping standards. A final landscape plan will be required to be submitted with the Site Development Activity Permit that includes additional landscaping on and around storm drainage facilities and perpendicular on-street parking. The proposed street trees adjacent to sidewalks should be a variety with a limb height to not impede pedestrians walking on the sidewalk,

G. Utilities

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Water Supply: The single-family homes within the plat will be served by the City of Bremerton. The City of Bremerton serves the incorporated and the unincorporated urban growth area for drinking water. The applicant has received a non-binding letter of water availability form from the water utility (Exhibit 7).

H. Recreation Requirements

The preliminary plat will include recreational open space amenities consistent with subdivision standards. The applicant calculated the area based on standards (11.07%). The proposal includes a total of 0.88 acres of open space that includes the recreation area and area along the perimeter boundary of the plat.

Staff Comments: *The recreation facility will be centrally located near the southeast side of Wetland-B in the second phase. Provisions must be made to provide a level area to provide a safe location for playgrounds catering to younger children. The proposal includes play equipment.*

16.24.060 Low Impact Development: 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.

KCC 17.470 Multifamily Development – Design Criteria

Lighting and Central Mail Boxes 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 desired, the developer and or Home Owners Association (HOA) install the internal street lighting. The individual property owners are billed through the Silverdale Water District - water purveyor for lighting with the HOA responsible for maintenance.

The trend is to move away from traditional rural boxes 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, that the sidewalk meet clear zone requirements.

Performance Based Development:

The purpose statement of the Performance Based Development (PBD) KCC 17.450.010 states to allow flexibility in design and creative site planning. The PBD is for clustering lots to preserve open space, encourage the creation of suitable buffers between incompatible types of development, provide for increased efficiency in the layout of the streets, utilities, other public improvements; and encourage the use of creative techniques for development of land. In addition, the PBD is to allow for mixed uses, subject to the density limits of the zone in which the project is located. Consistent with the intent of the PBD, the applicant is proposing the following project amendments:

Lot Configuration: *The applicant is requesting a reduction to setbacks. The lots are arranged for common wall construction reducing to zero-lot line construction for the 76 individual buildings. The reduction allows for clustering and in return protecting critical areas using low-impact construction. The public benefit includes common areas, recreational areas, and trails that are centrally located.*

Section 17.450.040 Standard Requirements

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A. Building Height

With review and approval of the Hearing Examiner, the height of a proposed building may be allowed greater than otherwise permitted.

Staff Comments: There is not a request for an increase in building height.

B. Common Open space

1. The location, shape, size and character of the common open space is suitable for the Performance Based Development; however, in no case shall the common open space be less than be less than 15% of the total site.

Staff Comments: The applicant is proposing 32.39% of the site in open space far exceeding the minimum of 15% required for an urban development.

2. The common open space is suitable for use as an amenity for recreational purposes.
3. Common open space containing critical areas or other natural features worthy of preservation may be left unimproved.
4. Land shown in the final development as common open space and its landscaping and /or planting contained therein, shall be permanently maintained by and conveyed to one of the following:
 - a. An association of owner formed and contained for the purpose of maintaining the common open space;
 - b. A public agency, which agrees to maintain the common open space; and
 - c. A private non-profit conservation trust or similar entity with a demonstrated capability to carry out the necessary duties and approved by the County.

Staff Comments: Consistent with preliminary approval, the applicant will be required to create a Home Owner's Association to maintain the road, storm facilities, the common open space, the required landscaping, and playground equipment.

C. Recreational Open Space

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

1. A contiguous area that is five percent of the lot area (excluding perimeter buffers, and critical area buffers):
 - a. Developed as a grass field (manicured to a condition that allows mowing by mechanical means) or a natural area (not inside perimeter buffers, critical area, or their buffers) that contains a pathway and benches;
 - b. Owned in common and/or available for use by residents of the PBD; and
 - c. A provision made by covenants for perpetual maintenance.
2. A developed active recreation facility or facilities commensurate with the number of units/lots contained in the within the PBD.

Staff Comments: The above section requires 8 recreation facilities for 150 lots/units. The applicant has proposed active recreation areas that include a lot with a big toy playground, playfield, and fenced dog park. The passive recreation facilities include a loop trail system with wetland viewing gazebo connecting to NE McWilliams Road, and a

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native meadow park open space. There are several small open space tracts internal to the project for the residents of the plat.

Section 17.450.50 Findings

In recommending approval of the preliminary plat and PBD, conditionally or otherwise, the Hearing Examiner shall make a finding that all the following conditions exist:

- A. The site of the proposed use is adequate in size and shape to accommodate said use and all yards, spaces, walls and fences, parking, loading, landscaping, and other features are adequate, as required by this title;

Staff Comments: The Department finds that the site for the Plat/PBD is adequate to accommodate the residential development while being consistent with required development standards.

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

Staff Comments: The residential development is compatible with neighboring residential land uses adjacent to the development site. The project has been conditioned to address perimeter landscaping/sight obscuring buffers, frontage improvements, which include pedestrian facilities to promote safe walking conditions inside and outside the plat.

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

Staff Comments: Based on project traffic impacts the project was conditioned through the MDNS to construct frontage improvements along NE McWilliams Road for mitigation. Also see Kitsap Transit project comments (Exhibit 25).

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

Staff Comments: The development will be served by City of Bremerton for potable water and Kitsap County Public Works for sanitary sewer service. The project will be served by adequate public facilities and utilities.

- E. The establishment, maintenance, and/or conduct of use for which the development plan review is sought will not, under the circumstances of the particular case, be detrimental to the health, safety or welfare of persons residing or working in a neighborhood of such use and will not, under any circumstances of the particular case, be detrimental to public welfare, injurious to property or improvements in said neighborhood, or contrary to orderly development.

Staff Comments: Staff has reviewed the Preliminary Plat/PBD major plat amendment to ensure that the development will not be detrimental to the health, safety, and welfare of persons residing in this subdivision and/or to persons residing adjacent to the project on NE McWilliams Road and the neighboring Grand Pine Subdivision. The Kitsap County Fire Marshal, Kitsap Public Health, Public Works, Development Services and Engineering have reviewed the project comprehensively. The project has been conditioned to address roadway improvements, playground/recreational facilities, access for pedestrians to NE McWilliams Road and off-site road frontage improvements.

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Staff Evaluation of Decision Criteria

KCC Section 16.04.080 General Provisions-Appropriate facilities and Improvements determinations.

The County must determine whether the proposal includes appropriate provisions for drainage, roads, alleys and other public ways, water supplies, sanitary wastes, parks, playgrounds, fire protection facilities, school sites and grounds and other public and private facilities and improvements. The Hearing Examiner is required to make findings for the following requirements:

- A. Must be documented that the proposed subdivision complies with applicable provisions of the Kitsap County Comprehensive Plan, and Kitsap County Code if the public use and interest will apparently be served by the proposal.

Staff Comments: The Department determined that the plat proposal is consistent with the Urban Medium zoning and is consistent with the Comprehensive Plan policies. The project falls within the required density of 10 to 18 dwelling units. The proposed density is based upon the gross developable acreage, which is 12 dwelling units per acre when rounding

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

The development receives access from NE McWilliams Road, which has an urban road functional classification as a minor arterial. The applicant is proposing to construct private roads that meet minimum fire access requirements. Vertical curbs are required for designated on-street parking areas. The Engineering staff has reviewed the transportation element of the project and issued a preliminary approval on February 15, 2018 (Exhibit 21).

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

- C. Safe Walking Conditions: The applicant is required to provide information on pedestrian needs generated by the proposed land segregation.

Staff Comments: Pursuant to KCC Title 16, sidewalks are required. The applicant is providing internal sidewalk on both sides of the private road tracts.

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

Staff Comments: The proposed 152 lots within the project comply with the above standard for lot configuration. The applicant is proposing 20-foot front yard setbacks from the driveway access off the private road. Lots 95 and 96 may need relief to the rear yard setback from 10 feet to 5 feet.

Recommendation to Hearing Examiner

Based upon the information above, the Department of Community Development recommends that the Preliminary Subdivision/Performance Based Development request for the McWilliams Plat development be **approved**, subject to the following 57 conditions:

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Planning/Zoning

All required permits shall be obtained prior to commencement of land clearing and/or construction.

1. All Building permits on these lots will be subject to impact fees pursuant to Kitsap County Code.
2. A Final Landscape Plan will be required to be submitted consistent with KCC 17.500 Landscaping, during civil site plan review, which depicts natural vegetation, and the planting and irrigation plan. The tree retention plan recommended should be included with the SDAP.
3. Street trees shall be planted along the access driveway and on individual lots at approximately 25' spacing. A final landscape plan will be subject to approval by the Department prior to SDAP approval. Trees on individual lots are required to be installed prior to Certificate of Occupancy of individual residential units.
4. Include a note on the face of the plat showing building setbacks for the lots as conditioned per the plat approval.
5. Consistent with the Performance Based Development allow a reduced rear yard setback from 10 feet to 5 feet Lots 95 and 96.
6. Prior to the plat transferring to the Home Owner's Association (HOA), the developer will be responsible for irrigation, and maintenance of all landscaping to ensure survival up to two years. The developer or the HOA should maintain all landscaping consistent with the Tree Care Industry Association standard practices.
7. Pursuant to KCC Section 21.04.110 Timeline and Duration of Approval, Kitsap County's land use approval for the preliminary plat is valid for a period of up to five (5) years from the decision date of the preliminary plat consistent with RCW 58.17.140 and .170.
8. The decision set forth herein is based upon representations made and exhibits contained in the project application (Exhibits 1A and 1B). Any change(s) or deviation(s) in such plans, proposals, or conditions of approval imposed shall be subject to further review and approval of the County.
9. The authorization granted herein is subject to all applicable federal, state, and local laws, regulations, and ordinances. Compliance with such laws, regulations, and ordinances is a condition to the approvals granted and is a continuing requirement of such approvals. By accepting this/these approvals, the applicant represents that the development and activities allowed will comply with such laws, regulations, and ordinances. If, during the term of the approval granted, the development and activities permitted do not comply with such laws, regulations, or ordinances, the applicant agrees to promptly bring such development or activities into compliance.
10. Any violation of the conditions of approval shall be grounds to initiate revocation of this Plat.

Environmental

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11. Land use approval is limited to the uses proposed by the applicant on the recommended site plan and the SEPA Environmental Determination dated February 20, 2018. Unless in conflict with the conditions stated and/or any regulations, all terms and specifications of the application shall be binding conditions of approval. Any modifications or expansion of the project will be subject to further review pursuant to the requirements of the appropriate sections of the Kitsap County Code.

Development Engineering

General

12. The information provided demonstrates this proposal is a Large Project as defined in **Kitsap County Code Title 12**, and as such will require a Site Development Activity Permit (**SDAP**) from Development Services and Engineering.
13. The information provided demonstrates this proposal is a Large Project as defined in **Kitsap County Code Title 12**, and as such will require a Site Development Activity Permit (**SDAP**) from Development Services and Engineering.

Stormwater

14. Stormwater quantity control, quality treatment, and erosion and sedimentation control shall be designed in accordance with **Kitsap County Code Title 12** effective at the time the Preliminary Plat/Performance Based Development application was deemed complete, September 27, 2017. The submittal documents shall be prepared by a civil engineer licensed in the State of Washington. The fees and submittal requirements shall be in accordance with Kitsap County Ordinances in effect at the time of SDAP application.
15. Should the proponent propose phasing of the project, a phasing plan shall be submitted to Development Services and Engineering for review and approval. The phasing plan shall, as a minimum, address the following items:
 - a. Time tables indicating the anticipated time between initial site grubbing/grading activity and the completion of construction, including site stabilization of that specific phase.
 - b. The extent of drainage improvements to be installed during the various phases.
16. Any project that includes offsite improvements that create additional impervious surface such as lane widening, sidewalk or shoulder installation or intersection channelization shall provide stormwater mitigation in accordance with **Kitsap County Code Title 12** effective at the time the Preliminary Plat/Performance Based Development application was deemed complete, September 27, 2017.
17. The Washington State Department of Fish and Wildlife may require a Hydraulic Project Approval for the work required at the proposed outfall at Mosher Creek.
18. The project proponent shall be responsible for installing any necessary off-site downstream drainage improvements – the storm drainage discharge to Mosher Creek, northerly of the site. Procurement of any permits or easements necessary to install off-site improvements shall be the responsibility of the project proponent.
19. 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:

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<http://www.ecy.wa.gov/programs/wq/stormwater/construction/> or by calling Josh Klimek at 360-407-7451, email joshklimek@ecy.wa.gov. This permit is required prior to issuance of the SDAP.

20. Per WAC 173-175, the construction of pond berms that will impound a volume of ten acre-feet or more of water requires review and approval by the Department of Ecology. This approval must be completed prior to issuance of the SDAP.
21. The application indicates that a significant quantity of grading material will be exported from the site. Prior to issuing the SDAP an approved fill site(s) must be identified. Any fill site receiving more than 150 cubic yards of material must obtain an SDAP. Fill sites receiving 5,000 cubic yards or more must have an engineered SDAP.
22. The application indicates that a significant quantity of grading material will be exported from the site. Typically, this means five or more trucks leaving the site per hour. Because of this a vehicle wheel wash must be included as an element of the siltation erosion control plan.
23. The design of the infiltration facilities will be accordance with the Kitsap County Stormwater Design Manual.
24. 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.
25. During the construction of the proposed infiltration facilities, the Project Engineer shall provide an inspection to verify that the facilities are installed in accordance with the design documents and that actual soil conditions encountered meet the design assumptions. The Project Engineer shall submit the inspection report properly stamped and sealed with a professional engineer's stamp to Development Services and Engineering.
26. The owner shall be responsible for maintenance of the storm drainage facilities for this development following construction. Before issuance of Occupancy Permits 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.
27. Kitsap County will not be responsible for any damage to any private roads, tracts, and/or easement areas that may occur during routine maintenance activities and that in Kitsap County's judgment occur, in whole or in part, because of any construction materials or techniques, or any maintenance materials or techniques. This includes, but is not limited to, damage to pavement or vegetated areas caused by maintenance trucks.
28. The rooftop and driveway hard surface area per lot accounted for in the overall drainage facilities installed shall be indicated on the face of the Final Plat.
29. The following condition shall be placed on the face of the Final Plat: Additional hard surfaces created on an individual lot beyond the amount accounted for in the overall

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drainage facilities shall be mitigated in accordance with Kitsap County Code Title 12.

30. If the project proposal is modified from that shown on the submitted site plan dated January 17, 2018, Development Services and Engineering will require additional review and potentially new conditions.

Traffic and Roads

31. Submit an Application for Concurrency Test (KCPW Form 1601) as required by Chapter 20.04.030, Transportation Concurrency, of the Kitsap County Code. The KCPW 1601 form reserves road capacity for the project.
32. The interior plat roads shall be private roads, as proposed by the applicant.
33. 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.
34. Sidewalk ramps shall conform to the current requirements of the Americans with Disabilities Act per WSDOT standard plans at the time of construction. Sidewalk ramps shall be provided at all intersections for each permissible pedestrian movement.
35. All lots shall access from interior roads only. This note shall appear on the face of the final plat map.
36. The property owners within the plat shall be responsible for maintenance of all landscaping within the existing and proposed right-of-way including any structures other than roadway, storm drainage facilities, and traffic signage. Maintenance shall include, but not be limited to, mowing of lawn areas. A note to this effect shall appear on the face of the final plat map and the accepted construction plans. In addition, Development Services and Engineering reserves the right to require that covenants be recorded to address special maintenance requirements depending on final design.
37. Frontage improvements along the entire property frontage of NE McWilliams Road, consisting of a 14-foot travel lane, vertical curb, gutter and 5-foot sidewalks are required and shall be depicted on the Site Development Activity Permit plans.
38. Frontage improvements shall also include curb ramps for each direction of pedestrian travel at the intersection of Road B and NE McWilliams Road; this will require construction of sidewalk with curb ramps on the south side of NE McWilliams Road, to match the location of the curb ramps on the north side, as well as continuation of sidewalk, around the radius, southerly on Juanita Circle NE.
39. Provide surveyed cross-sections at 50-foot intervals along the parcel frontage on NE McWilliams Road. The cross-sections should show existing and proposed pavement, vertical curb, gutter and sidewalk, shoulders, ditches and side slopes. The cross-sections should also depict centerline of pavement and right-of-way, the right-of-way lines, and easements.
40. Submit plans for construction of the road approach between the edge of existing pavement and the right-of-way line at all intersections with county rights-of-way. Approaches shall be designed in accordance with the Kitsap County Road Standards as established in Chapter 11.22 of the Kitsap County Code and in accordance with Kitsap County Road Standards Figure 4-3.
41. Frontage improvements along the interior plat roads, consisting of vertical curb, gutter

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and 5-foot sidewalks are required and shall be depicted on the Site Development Activity Permit plans.

42. Any required sidewalk shall be constructed prior to roadway paving. This note shall appear on the face of the final construction drawings.
43. The developer's engineer shall certify that there is adequate entering sight distance at the intersection of NE McWilliams Road and Road A; and at the intersection of NE McWilliams Road and Road C. Such certification shall note the minimum required sight distance, the actual sight distance provided, and a sight distance diagram showing the intersection geometry drawn to scale, topographic and landscaping features, and the sight triangle. The sight distance shall meet the requirements of the Kitsap County Road Standards. The certification shall also note necessary measures to correct and maintain the minimum sight triangle.
44. Prior to issuance of the Site Development Activity Permit, the applicant shall contribute proportionate shares for the following capital improvement project, included in the 2018-2023 Transportation Improvement Program, that is within the project study area: Bucklin Hill Road/Nels Nelson Road. The applicant's proportionate share is \$4,833.00, calculated as follows:
 - Estimated project cost = \$985,000.00
 - Build-out year background PM peak hour entering intersection volume = 1,014
 - Site traffic entering intersection volume = 5
 - Proportionate share = $(5 / (1,014 + 5)) \times 985,000 = \$4,833.00$
45. All work, equipment and materials for traffic signal and street lighting installations shall meet and be in compliance with all requirements of the Kitsap County Road Standards, Project Contract Provisions of Plans and Specifications accepted for construction by Kitsap County, MUTCD Manual on Uniform Traffic Control Devices, NEMA National Electrical Manufacturer's Association, NEC National Electrical Code, WSDOT Standard Specifications and Standard Plans, and the Occupational Safety and Health Administration (OSHA).
46. The applicant shall apply for and satisfy all conditions of a Right-of-Way Permit through the Department of Public Works for any and all work performed in the county Right-of-Way associated with this project. You may contact Kitsap County Public Works, Right-of-Way Division at (360) 337-5777 to obtain a Right-of-Way permit.
47. The following condition shall appear on the face of the Final Plat: All interior roads shall remain private, as proposed by the Applicant. If at any time, 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 Services and Engineering and Public Works. For roads to be dedicated to Kitsap County, they must meet all the requirements of the KCC as adopted at the time of dedication. All improvement necessary to bring said roads to current Kitsap County standards shall be done at the expense to the County prior to being accepted into the Kitsap County road system.

Survey

48. A Final Plat shall be prepared by a licensed Land Surveyor in compliance with KCC Title 16.

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49. All private roads shall be labeled as tracts and constructed in accordance to Fire Code requirements. Ten feet for utility easement shall be provided on each side of private road tracts.
50. All potential park areas, common open space, buffers and stormwater management areas shall be labeled as separate tracts. The ownership and maintenance responsibility shall be addressed on the face of the final plat, as well as in the CCRs.

Wastewater

51. Sewer Availability Agreement account(s) shall be kept current and in good standing through permit approval date.
52. Kitsap County sanitary sewer is available for the project. Applicant needs to submit an "Application to Construct Sanitary Sewer" to KCPW Sewer Utility Division.
53. Kitsap County sanitary sewer is available for the project. Applicant needs to submit a complete set of sewer plans, profiles, and specifications designed in accordance with Kitsap County Public Works - Sewer Utility Division Standards and Regulations.

Solid Waste

54. Prior to SDAP approval, Waste Management (360) 674-3166 shall be contacted for information on implementing the solid waste/recycling storage requirements influenced by the service provider (e.g. dumpster size and location) for the project. Pay particular attention to the access requirements of collection trucks. Documentation shall be provided from the solid waste/recycling service provider that their requirements for this project have been met.

Other

55. 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.
56. Rock and retaining walls shall meet all applicable setback requirements of Kitsap County Stormwater Design Manual, Vol. II, Chapter 9.4.4.
57. A Hydraulic Project Approval (HPA) may be required for discharge to Mosher Creek. Prior to SDAP approval, the applicant shall submit an approved HPA from the Washington State Department of Fish and Wildlife (WDFW) or documentation from WDFW specifying that an HPA is not required.

Attachments:

Appendix A – Site Plan
Appendix B – Phasing Plan
Appendix C – Wetland Location Map

Jeff Smith, Staff Planner

Date

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March 1, 2018



Shawn Aire, Development Services and Engineering Supervisor

Date

CC: McWilliams Road LLC, beauharer@lakeshorecommunities.com
Blue Architects, matt@blue-nw.com
NL Olson & Associates Inc, nlolson2@nlolson.com
Interested Parties:

Don Rockwell, billmackem@comcast.net

Larry Myers, larrymyers@comcast.net

Bev Sanchez, bevsanchez@comcast.net

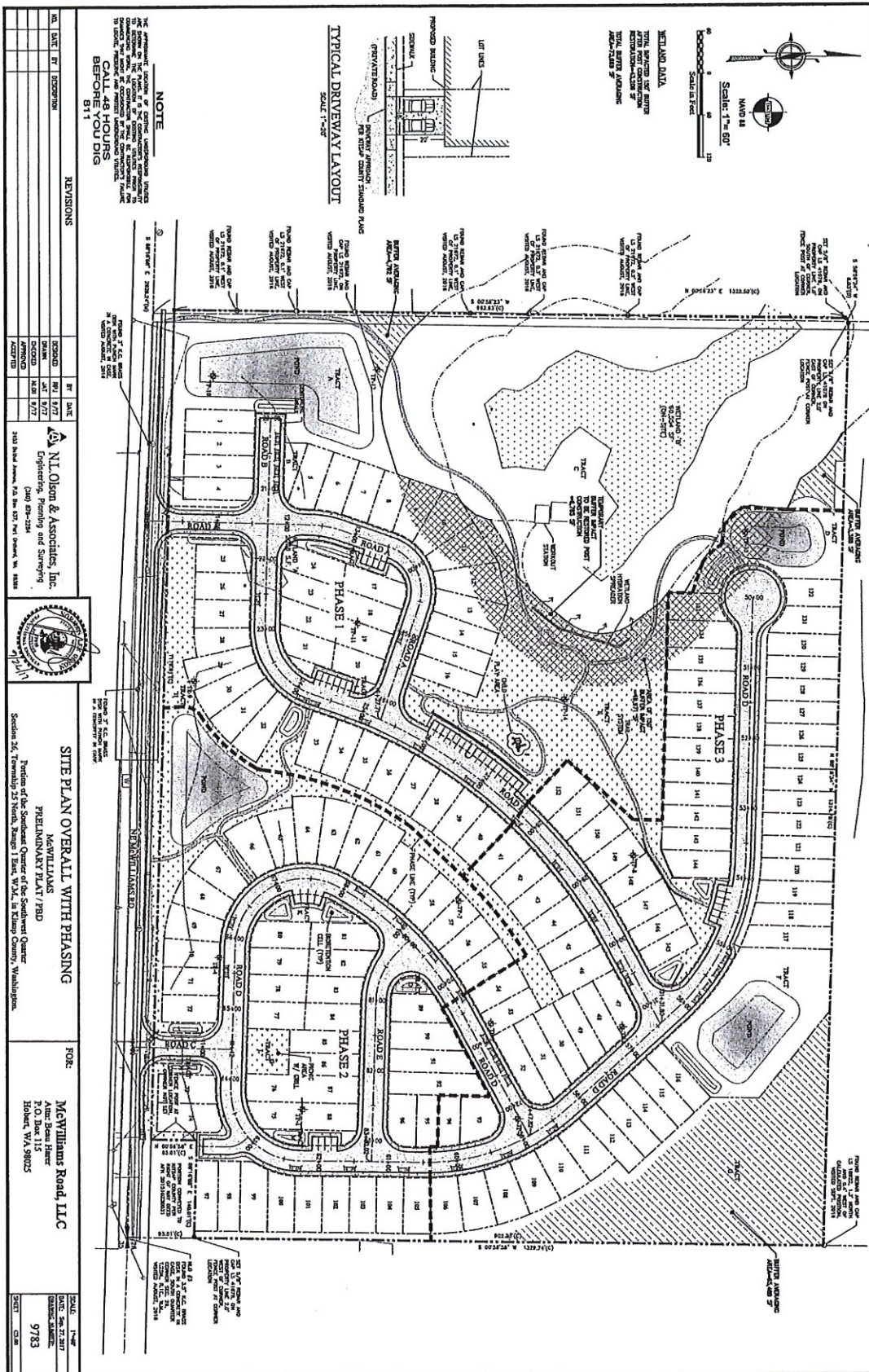
Kitsap County Health District, MS-30

Kitsap County Public Works Dept., MS-26

DCD Staff Planner: Jeff Smith

DCD File 17-04030 & 17-04032

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REVISIONS

NO.	DATE	BY	DESCRIPTION
1	08/14/17	AS	ISSUED FOR PERMIT
2	08/14/17	AS	ISSUED FOR PERMIT
3	08/14/17	AS	ISSUED FOR PERMIT
4	08/14/17	AS	ISSUED FOR PERMIT
5	08/14/17	AS	ISSUED FOR PERMIT
6	08/14/17	AS	ISSUED FOR PERMIT
7	08/14/17	AS	ISSUED FOR PERMIT
8	08/14/17	AS	ISSUED FOR PERMIT
9	08/14/17	AS	ISSUED FOR PERMIT
10	08/14/17	AS	ISSUED FOR PERMIT

NOTE

1. ALL UTILITIES SHOWN ARE BASED ON RECORD DRAWINGS AND FIELD SURVEY. THE ENGINEER HAS CONDUCTED VISUAL INSPECTIONS OF THE UTILITIES SHOWN AND HAS FOUND THEM TO BE CORRECT. THE ENGINEER HAS CONDUCTED VISUAL INSPECTIONS OF THE UTILITIES SHOWN AND HAS FOUND THEM TO BE CORRECT. THE ENGINEER HAS CONDUCTED VISUAL INSPECTIONS OF THE UTILITIES SHOWN AND HAS FOUND THEM TO BE CORRECT.

CALL 48 HOURS BEFORE YOU DIG

811

McWilliams & Associates, Inc.
 Engineers, Planners and Surveyors
 2410 South Avenue, P.O. Box 327, Fort Collins, CO 80521



SITE PLAN OVERALL WITH PHASING

McWilliams & Associates, Inc.
 PRELIMINARY PLAT/PBD

Parties of the Superior Court of the State of Washington
 Superior Court, Department of Public Safety, 1000 4th Avenue, North, Seattle, WA 98109

FOR: McWilliams Road, LLC
 Attn: Brian Hiner
 2000 West 11th Street
 Hoboken, WA 98025

SCALE: 1"=60'

DATE: 08/14/17

DESIGNED BY: AS

CHECKED BY: AS

PROJECT NO.: 9783

SCALE: 1"=60'

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