



Hearing Examiner Staff Report and Recommendation

Report Date: December 03, 2020
Hearing Date: December 10, 2020

Application Submittal Date: 9/30/2019
Application Complete Date: 10/09/2019

Project Name: Four Seasons Preliminary Plat
Type of Application: PPLAT
Permit Number: 19-04523

Project Location

1309 WARNER AVE SE
PORT ORCHARD, WA 98366
Commissioner District #2

Assessor's Account

302402-4-048-2006

Applicant/Owner of Record

CAPSTONE HOMES INC
PO BOX 139
MAPLE VALLEY, WA 98038-0139

Recommendation Summary

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

VICINITY MAP



1. Background

Capstone Homes (hereafter, "the Applicant") is requesting approval of a 35-lot Preliminary Plat application. The project site is a 4.45-acre parcel within the Port Orchard Urban Growth Area (UGA). The parcel is zoned Urban-Low Residential (5-9 dwelling units/acre). The subject site is situated along the easterly side of Warner Avenue Southeast (hereafter, "Warner Ave.") and approximately 760-feet north of Mile Hill Rd. Surrounding land use is single-family residential and properties are similarly zoned Urban-Low (Exhibit 42).

2. Project Request

The Applicant proposes to subdivide one parcel, totaling 4.45 acres into 35 single-family lots. The proposal includes public roadways, recreation space, on-street parking, and an underground infiltration gallery. A single access is proposed via Warner Ave. and is proposed to be dedicated as county-maintained, public right-of-way. Public sewer and water are proposed to serve the site (West Sound Utility District). The proposal includes upgrades and extensions to the existing sewer and water systems. Recreational open space is provided in

proposed Tract A, totally 13,682 square feet (Exhibit 37). Landscaping is proposed along the entrance of the subdivision, all street frontages, and on individual lots (Exhibit 20 and 34).

3. SEPA (State Environmental Policy Act)

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

Pursuant to WAC 197-11-355, the optional DNS process was utilized for this project. The SEPA Comment period previously occurred concurrent with the Notice of Application dated 10/22/2019 (Exhibit 15). Comments were received on the proposal related to parcel dimensions, density, access, preservation of neighbor access to property, vehicle access, storm facility design, and landscaping. The comments received by the department will be addressed in the staff report and SEPA substantive authority will not be used. All comments are adequately addressed by Kitsap County Code provisions and conditions listed in Section 13 of this report.

A Determination of Nonsignificance (DNS) was issued on 11/25/2020 (Exhibit 36). The SEPA appeal period will expire on 12/9/2020. If no appeals are filed, the SEPA determination is final.

4. Physical Characteristics

An abandoned residence is located in the southwest corner of the property (Exhibit 38). The remainder of the site is covered with field grass and variable forested areas. The northeast portion of the site, where the storm tract area is proposed, is lower in elevation than the remainder of the site. Overall, slopes across the site are gentle with an overall elevation change of about 20 (+/-) feet (Exhibit 2).

Table 1 - Comprehensive Plan Designation and Zoning

Comprehensive Plan: Urban Low Density Residential (ULDR) Zone: Urban Low (UL)	Standard	Proposed
Minimum Density	5 (5 x 3.23 acres) = 16.15, or 16 units minimum	8 dwelling units per acre (35 units/4.45 acres = 7.86)
Maximum Density	9 (9 x 4.45 acres) = 40.05, or 40 units maximum	
Minimum Lot Size	2400 square feet	3400 square feet
Maximum Lot Size	9000 square feet	5049 square feet
Minimum Lot Width	40 feet	40 feet
Minimum Lot Depth	40 feet	80 feet
Maximum Height	35 feet	NA, no structures proposed at this time
Maximum Impervious Surface Coverage	NA	NA
Maximum Lot Coverage	NA	NA

Table 2 - Setback for Zoning District

	Standard	Proposed
Front	20 feet for garage or carport; 10 for habitable area	20 feet
Side	5 feet	5 feet
Side	5 feet	5 feet
Rear	10 feet	10 feet

Table 3 - Surrounding Land Use and Zoning

Surrounding Property	Land Use	Zoning
North	Single Family Residences	Urban Low (UL)
South	Single Family Residences	Urban Low (UL)
East	Single Family Residences	Urban Low (UL)
West	Single Family Residences and ROW	Urban Low (UL)

Table 4 - Public Utilities and Services

	Provider
Water	West Sound Utility District
Power	Puget Sound Energy
Sewer	West Sound Utility District
Police	Kitsap County Sheriff
Fire	South Kitsap Fire & Rescue
School	South Kitsap School District #400

5. Access

A single access point is proposed at *Warner Ave.*, a county-maintained right-of-way. Internal roads are also proposed to be dedicated as public, county-maintained right-of-way.

6. Site Design

The proposal includes 35-lots situated along two interior roads. A recreational open space tract (Tract A) is located near the center of the site, with parking located on-street. Landscaping is provided at the entrance to the subdivision and street trees are proposed along all existing and proposed roads. No lighting or signage is proposed at this time.

7. Policies and Regulations Applicable to the Subject Proposal

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

Kitsap County Comprehensive Plan, adopted June 30, 2016.

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

Land Use Goal 1

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

Land use Policy 2

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

Land Use Policy 14

Through development standards, encourage urban amenities such as open space, plazas, and pedestrian features in areas of more intensive development within Urban Growth Areas.

Land Use Policy 15

Link non-motorized planning requirements to land use planning decisions.

Housing and Human Services Goal 6.

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

Housing, Human Svcs Policy 23

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

Transportation Goal 1

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

Transportation Policy 2.

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

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

Code Reference	Subject
Title 12	Storm Water Drainage
Title 13	Water and Sewers
Title 14	Buildings and Construction
Title 17	Zoning
Chapter 18.04	State Environmental Policy Act (SEPA)
Chapter 20.04	Transportation Facilities Concurrency Ordinance
Chapter 21.04	Land Use and Development Procedures

8. Documents Consulted in the Analysis

A complete index of exhibits is located in the project file. To date, the index to the record consists of Exhibits 1 through 45.

Exhibit #	Document	Dated	Date Received
1	Concurrency Test		10/9/2019
2	Geotech Report		10/9/2019

3	Preliminary Drainage Report		10/9/2019
4	Preliminary Plat Plan Set & Landscape Plan v.1		10/9/2019
5	Project Narrative		10/9/2019
6	Deviation Request - Road Standards		10/9/2019
7	Permit Questionnaire		10/9/2019
8	SEPA Environmental Checklist		10/9/2019
9	Sewer Availability Letter		10/9/2019
10	Water Availability Letter		10/9/2019
11	Site Assessment & Planning Packet		10/9/2019
12	Stormwater Worksheet		10/9/2019
13	Traffic Impact Analysis		10/9/2019
32	Notice of Complete Application		10/9/2019
14	Public Comment: Jason Lee Halsey		10/21/2019
15	Notice of Application		10/22/2019
16	Public Comment: Multiple Property Owners		10/28/2019
17	Public Comment: Leanne Cornell		11/7/2019
18	Info Request v.1		12/23/2019
19	Deviation Request - Road Standards		3/3/2020
20	Landscape Plan v.2		3/3/2020
21	Preliminary Drainage Report v.2		3/3/2020
22	Preliminary Plat Plan Set v.2		3/3/2020
23	Site Assessment & Planning Packet v.2		3/3/2020
24	Stormwater Worksheet v.2		3/3/2020
25	Applicant Response to Info Request v.1		3/3/2020
26	Authorization Form		6/17/2020
27	Info Request v.2		7/7/2020
28	Applicant Response to Info Request v.2		8/25/2020
29	Preliminary Plat Plan Set v.3.0		8/25/2020
30	Project Narrative v.3		8/25/2020
31	Preliminary Drainage Report v.3		8/25/2020
33	Preliminary Condition Memo		11/10/2020
34	Communication: Email from Matt Weber		11/20/2020
35	Notice of Public Hearing		11/25/2020
36	SEPA Determination of NonSignificance		11/25/2020
37	Preliminary Plan Set v3.1_signed by Surveyor	8/25/2020	11/30/2020
38	Map: 2019 Aerial		11/30/2020
39	Map: Assessor		11/30/2020
40	Map: Comp Plan		11/30/2020

41	Map: Critical Areas		11/30/2020
42	Map: Zoning		11/30/2020
43	Preliminary Condition Memo v.2		12/3/2020
44	Staff Report		12/3/2020
45	Staff Presentation		12/9/2020

9. Public Outreach and Comments

A Notice of Application, dated October 22, 2019, was sent to all parties required by Kitsap County Code Title 21, Land Use and Development Procedures. Three public comments were received. One email was received from Leanne Cornell, dated November 7, 2019 (Exhibit 17). Two written comments were received: one from Jason Lee Halsey, dated October 21, 2019 (Exhibit 14) and one signed by multiple neighbors, dated October 28, 2019 (Exhibit 16).

Issue Ref. No.	Summary of Concern (See corresponding responses in the next table)	Comment Letter Exhibit Reference No.
1	Concern was expressed regarding the location of the proposed access road and its proximity and alignment with Southeast Sweethome Lane (<i>Sweethome Ln.</i>).	17
2	Concern was expressed about the amount of landscaping and buffers proposed. A request was received to require additional planting at the development's entrance along <i>Warner Ave.</i> Additional requests were received to require the development to place a 30-ft separation buffer along existing properties, fencing, and green space.	14, 16
3	Concern was expressed that the proposed density is too high. Requests were received to require the development to adhere to a maximum density of 5 dwelling units per acre, or 22 total homes.	17, 14, 16
4	Concern was expressed about the loss of "green space" and the ability of neighbors to enjoy the natural resources and unofficial walking trails on the subject site. Requests were received to require the development to include community space, such as a park or playground.	14, 16
5	Concern was expressed regarding the design of the stormwater facilities. Requests were received to ensure the storm facilities are consistent with Title 12 regulations and are prevented from becoming a habitable place for undesirable vermin or bacteria.	14, 16

Issue Ref. No.	Issue	Staff Response
1	Road Alignment	<p>Roadway design has been evaluated for compliance with applicable Kitsap County Codes (KCC) including KCC 16.40.030.D, 16.04.080.B and Kitsap County Road Standards KCC 11.22.</p> <p>Kitsap County Code requires alignment, connection, and coordination with adjacent roads, when feasible. See Section 10.j for a detailed analysis.</p>
2	Landscaping and Planting Buffers	<p>Landscaping and planting buffers have been evaluated for compliance with applicable Kitsap County Codes (KCC) including KCC 16.24.040.F and 17.500.</p> <p>The proposal meets provides adequate landscaping at the entrance to the development and street trees along the planned roads. A final landscaping plan will be required with the SDAP.</p> <p>A screening buffer around the perimeter of the subdivision is not required unless abutting a rural zone (KCC 17.500.027.B.2). The project does not abut a rural zone; therefore, no screening buffer is required by the department except for at the entrance to the development, consistent with KCC 17.500.</p> <p>See Section 10.e for a detailed analysis.</p>
3	Density	<p>The subject site is within the Port Orchard UGA. Designated UGAs "are intended to accommodate the majority (76 percent) of 20 years' population growth, based on official growth management forecasts adopted by the State of Washington Office of Financial Management" (Kitsap County Comprehensive Plan, Chapter 1).</p> <p>The proposed density is within the allowable density for the Urban Low zone and is consistent with KCC Chapter 17.420.052 and the Kitsap County Comprehensive Plan. The department will not require a reduced overall density for the development.</p>
4	Community Space	<p>A minimum of 13,650 square feet of recreational open space is required and the applicant submitted a preliminary plat map (Exhibit 37) showing a 13,682 square foot open space tract, meeting this requirement.</p>

		<p>Recreational open space areas must provide amenities such as play equipment, sports courts, community gardens or other similar facilities. A preliminary landscape plan has been submitted showing a playground, field, and benches.</p> <p>It should be noted that though the subject site may have historically been enjoyed by neighbors, the subject site is privately owned and there is no requirement for the owner to dedicate any portion of the land for public recreational use. Recreational open space is required, and the size of open space is determined by the number of proposed lots within the development. This tract will remain owned in common by the owner of record withing the subdivision.</p>
5	Stormwater Design	<p>Development Services and Engineering has reviewed the preliminary drainage report and plans and has granted preliminary approval. See Section 10.h for a detailed analysis. Final drainage plans and supporting reports will be required with the Site Development Activity Permit (SDAP), prior to any construction activity and the project will be reviewed for full compliance.</p> <p>Regarding bacteria and undesirable vermin, no open-air storm ponds are proposed. Rather, stormwater runoff is collected and conveyed to an infiltration gallery, which is an underground facility. The storm facility is proposed to be a public facility, which will be maintained annually by Kitsap County Public Works - Storm Division.</p>

10. Analysis

a. Planning/Zoning

The intent of Urban-Low Residential zone is to recognize, maintain, and encourage urban low-density residential areas by including a full range of urban services and facilities that are adequate at the time of development. This zone is also intended to create cost-efficient residential areas which are capable of allowing the provision of community services in a more economical manner.

Detached single-family dwellings are a permitted use the Urban-Low Residential Zone. Per KCC Chapter 16.40.030, Preliminary subdivisions are classified as Type III applications under Chapter 21.04.

The proposed Four Seasons Preliminary Plat was reviewed for consistency with requirements pursuant to KCC 17.420.037 Singe-family Subdivision/Design Standards, Chapter 16.04 General Provisions, Chapter 16.24 Land Segregation Standards, and Chapter 16.40 Subdivisions. Details are provided in the following sections.

b. Lighting

Project will be conditioned to meet the lighting requirements for exterior lighting in KCC 17.420.030(C).

c. Off-Street Parking

Parking standards for preliminary subdivisions are found in KCC 16.24.040.D and KCC 17.420.037.E. These two sections are duplicative and are summarized below:

- 1. Projects shall provide off-street parking consistent with the requirements of Chapter 17.490.*
- 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.*

Each lot is allocated 2 off-street parking spaces, to be verified at the time of building permit (70 total off-street parking spaces). The Applicant is proposing 18 on-street parking spaces. Note: The current plans show 19 proposed on-street parking spaces, but the Applicant has indicated their final design will reduce parking by one space. The entire development will provide a total of 88 parking spaces, consistent with the minimum parking requirements in 17.490 illustrated in Table 5 below.

Table 5 - Parking Table

Use Identified in 17.490.030	Standard	Required Spaces	Proposed Spaces/Existing Spaces
Single Family (attached or detached)	During subdivision, 2 per unit + 0.5 per unit on street or set aside	70 + 18 on street or set aside	70 provided on lots + 18 on street
Total		88	88

d. Signage

Signage is not proposed at this time. Pursuant to KCC 17.510. Sign Code, the applicant can apply for signage near the entrance of the subdivision during or after construction.

When the final plat is recorded to establish the subdivision, and lots are for sale, all signage will be required to be consistent with 17.510.060.M Conditionally

Exempt signs - Real Estate Signage Program.

e. Landscaping

Landscaping standards for preliminary subdivisions are found in KCC 16.24.040.F, and KCC 17.420.037.D. These two sections are duplicative and are summarized below:

1. *Landscaping shall be provided at all entrances to the project development consistent with the landscaping standards of Chapter 17.500.*
2. *Street trees, shall be provided along all public and private streets.*

Staff Comment: Required landscaping at entrances and street trees are shown on the preliminary landscape plan provided by the Applicant (Exhibit 20). At the time of Site Development Activity Permit, the final landscape plan shall illustrate full compliance with the applicable landscaping standards provided in KCC 16.24.040.F, KCC 17.420.037.D, and KCC 17.500 including: 15% of total site landscaping, a solid screening buffer around the storm drainage facilities, with the exception of vegetation-based LID BMPS, a partial screening buffer at the entrance of the development, street trees along *Warner Ave.* and all internal roads, and proposed landscaping within the recreational open space tract (Condition 2 and 3).

Table 6 - Landscaping Table

	Required	Proposed
Required Landscaping (Sq. Ft.) 15% of Site	29,041 square feet	29,041 square feet to be verified at SDAP
Required Buffer(s) 17.500.		
North	NA	NA
South	NA	NA
East	NA	NA
West	Partial Screening Buffer	Partial Screening Buffer
Street Trees	Warner Ave. and road frontages	Warner Ave. and road frontages

f. Frontage Improvements

The proposal was reviewed for compliance with applicable standards in KCC 16.04.080, KCC 16.24.040, and 17.420.037, summarized below:

Pursuant to KCC 16.04.080.B.5, 16.04.080.C.1, and 16.04.080.C.2 frontage improvements consisting of 10-foot travel lane, vertical curb, gutter and 5-foot

sidewalk, are required along the entire parcel frontage on *Warner Ave.* Frontage improvements are also required on interior plat Road A and Road B, consisting of vertical curb and gutter on both sides and 5-foot sidewalk on one side of each (Condition 45 and 46).

Pursuant to KCC 16.04.080.C.3 & 16.24.040.C.1.c, required sidewalks shall be constructed to comply with all applicable standards, including but not limited to county road standards and shall apply the federal American 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. Final civil design will be reviewed with the associated Site Development Activity Permit (SDAP). Staff recommends multiple conditions of approval to ensure compliance (See section 13.b and 13.d).

Pursuant to KCC 16.24.040.B, the Director shall determine if transit stops, shelters, and/or space for said shops or shelters is necessary. Kitsap Transit Route 86 - Southworth Shuttle runs along SE Mile Hill Drive, approximately 760-ft south of the proposed development (Exhibit 13). There are four transit shelters serving Route 86 within in the vicinity: two at Mile Hill at Fircrest and two at Mile Hill at Village Lane. No additional transit facilities are proposed or required.

Pursuant to KCC 16.24.040.C.1 and 17.420.037.A, sidewalks shall be required on a minimum of one side of *Warner Ave.*, Road A, and Road B as indicated on the submitted plans (Exhibit 37). Staff recommends Condition 45 and 46 to ensure compliance with this standard.

Pursuant to KCC 16.24.040.C.1.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. The applicant has indicated that the cluster is provided behind the sidewalk to not interfere with horizontal or vertical clear zones. If the clustered mailbox needs to move closer to the curb, the applicant has verified, via email dated 11/25/2020 (Exhibit 34), the sidewalk can be widened, with no effect on the road width for vehicle or fire access. Final design will be reviewed at the time of SDAP submittal and Staff recommends Condition 6, to ensure compliance with this standard.

16.24.040.C.1.e & 17.420.037.A.3: Rolled curbs and thickened edge asphalt are prohibited, except where the sidewalk is separated from the street by at least five feet. Rolled curbs and thickened edge asphalt are not proposed on the plans or through the technical deviation process. Staff recommends Condition 7, to be verified with SDAP submittal.

g. Design Districts/Requirements

The subject site is not within a designated design district or Sub-Area. Single-family residential development is exempt from the general design standards in KCC 17.420.030.

Pursuant to 16.24.040.H, the proposal requires a minimum of 390 square feet of recreational open space per unit. The 35-lot proposal requires 13,650 square feet of recreational open space (390 x 35 = 13,650). Tract A is reserved as a recreational open space tract and is 13,682 total square feet, satisfying this requirement. A preliminary landscape plan (Exhibit 20) was provided showing additional details of the recreational open space area. A final open space plan at the time of SDAP submittal to ensure compliance with the design, location, and size standards (Condition 15). The proposed infiltration facility is located within this tract, underground at a depth of approximately 6.9 feet. Stormwater runoff being conveyed to the facility by underground piping. The proposed recreation facility location does not pose a threat to the functioning of the infiltration facility.

Pursuant to 16.04.080.D, the side lines of lots, as far as practicable, run at right angles to the street upon which the lots face. Slight adjustments are provided where right angles are not practicable, such as cul-de-sacs and access tracts (Exhibit 37).

h. Development Engineering/Stormwater

Stormwater quantity is proposed to be controlled via a system of catch basins and pipes to collect runoff from roadways, sidewalks, and landscaped areas, and convey it to an underground infiltration gallery; and via individual lot infiltration facilities to collect roof runoff. Stormwater quality is proposed to be provided by directing pollution-generating runoff to a StormFilter manhole, prior to runoff entering the infiltration gallery.

Development Services and Engineering has reviewed the proposal and finds the concept supportable in its approach to civil site development. Development Services and Engineering accepts the concepts contained in this preliminary submittal and recommends 39 conditions as indicated on the Preliminary Comment Memo, dated December 3, 2020 (Exhibit 43). These conditions are recommended in Section 13 of this report.

The storm facility is proposed to be a publicly maintained facility (Exhibit 28) and staff recommends Condition 31 to ensure public rights to access and maintain the facility are upheld.

i. Environmental

The proposal was reviewed for compliance with Kitsap County Code Title 18 (Environment) and Title 19 (Critical Areas Ordinance), summarized below:

Pursuant to KCC 18.04, this project is subject to SEPA review, as detailed in Section 3 of this report.

Pursuant to KCC 18.16, a Kitsap County Timber Harvest Permit is required if timber volume is found to be over 5,000 board feet at the time of Site Development Activity Permit review (Condition 35).

Pursuant to KCC 19.600.615, land uses identified in Table 19.600.620 that are proposed in a Category II aquifer recharge area may be required to submit a hydrogeological report. The subject site is within Category II Critical Aquifer Recharge Area (Exhibit 41); however, single-family residential development is not included in this table. Therefore, no hydrogeological report is required.

No other mapped or potential critical areas were found to be present on the subject site. (Exhibit 41)

j. Access, Traffic and Roads

The proposal was reviewed for compliance with applicable access, traffic, and road standards in KCC 16.04.080, 16.24.040.A, 16.40.030, 17.420.037, summarized below:

Pursuant to KCC 16.04.080.B.1, 16.24.040.A.3, and 17.420.037.B, dedication of right-of-way is required. The Applicant is proposing all interior roads be provided as public right-of-way and staff recommends Condition 38 to ensure compliance.

Pursuant to KCC 16.04.080.B.2 and 16.40.030.D, road connectivity, alignment and coordination is required. The proposed access to the plat (Road A) connects, aligns, and is coordinated with *Sweethome Ln.* across *Warner Ave.*, to the west. A north-south connection for proposed Road B (Exhibit 37 and 38) is determined infeasible due to existing development patterns, nor would it be desirable. *Warner Ave.* provides adequate north-south connectivity to the existing road systems. Additional connectivity to adjacent properties to the north, east, and south is not proposed or required.

Pursuant to KCC 16.04.080.B.3, the applicant shall demonstrate sufficient access rights for the entire access route, where access to the segregation is gained via private easements. Private access easements are proposed on Lots 13 to 15, 19, 20, and 23 to 25 (Exhibit 37). The 20-ft wide easement area is adequate, satisfying this requirement.

Pursuant to KCC 16.04.080.B.7, the Director may limit direct access to certain streets and require on-site public or private streets in lieu of individual driveways, in accordance with the county road standards. The applicant proposes one point of

access from *Warner Ave.*, meeting this standard. Staff recommends Condition 42 to further limit potential direct access to *Warner Ave.*

Pursuant to KCC 16.24.040.A.1.a, road approaches must meet Kitsap County Road standards when accessing paved county right-of-way. A Kitsap County Road Approach permit is required to ensure all work in public right-of-way is properly designed (Condition 51).

Pursuant to KCC 16.24.040.A.1.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. Appropriate drainage facilities are provided, as discussed in Section 10.h of this report.

Pursuant to KCC, 16.40.030.E: The proposed streets shall be adequate to accommodate anticipated traffic. The Applicant provided a Traffic Impact Analysis (Exhibit 13) which found that, based on the Institute of Transportation Engineer's (ITE) published data, the project is estimated to generate approximately 29 AM peak hour trips and 36 PM peak hour trips. The report assumes project buildout and full-occupancy and forecasts no operational deficiencies. The report recommends no additional mitigation beyond payment of traffic impact fees, which will be required at the time of building permit (Condition 8). Kitsap County Public Works, Traffic Division and Development Services and Engineering - Traffic have reviewed the applicant's proposal and Traffic Impact Analysis.

k. Fire Safety

Pursuant to KCC 16.24.040.E, 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.

The Kitsap County Fire Marshal's Office has reviewed the project and has indicated that Fire Flow is required. The minimum fire flow requirements for one- and two-family dwellings in subdivisions shall be 500 gallons per minute for thirty (30) minutes. In areas where full fire flow is impractical, a residential sprinkler system may be substituted. Staff recommends Condition 52, to ensure minimum fire requirements are met at the time of SDAP and/or building permit submittal.

l. Solid Waste

A private solid waste provider (Waste Management) is proposed to serve the development. 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 for the project (Condition 53).

m. Water/Sewer

Pursuant to KCC 16.24.040.G, connection to the available public water and sewer system is required. The applicant is proposing public water and sewer through West Sound Utility District. An 8-inch sewer main will be extended from an existing manhole #1198 in SE Horstman to the plat. The existing 4-inch water main in *Warner Ave.* will be removed and replaced with an 8-inch water main and extended to the site.

The Applicant submitted a binding sewer availability letter (Exhibit 9) and non-binding water availability letter (Exhibit 10). At the time of SDAP submittal, a binding water availability letter and an updated binding sewer availability letter that matches the proposed number of lots is required. (Condition 4).

n. Kitsap Public Health District

Pursuant to KCC 16.40.030.G, the Kitsap County Public Health Department has reviewed the preliminary plat and finds the preliminary plat to be feasible regarding domestic water supply and sewage disposal. A Sewered Building Clearance (BC) is required for each lot at the time of building permit submittal (Condition 54).

11. Review Authority

The Hearing Examiner has review authority for this Preliminary Plat application under KCC, Sections 17.550.020 and 21.04.100. The Kitsap County Commissioners have determined that this application requires review and approval of the Hearing Examiner. The Hearing Examiner may approve, approve with conditions, or deny a Preliminary Plat permit. The Hearing Examiner may also continue the hearing to allow for additional information necessary to make the proper decision. The powers of the Hearing Examiner are at KCC, Chapter 2.10.

12. Findings

1. The proposal is consistent with the Comprehensive Plan.
2. The proposal complies or will comply with requirements of KCC Title 17 and complies with or will comply with all of the other applicable provisions of Kitsap County Code and all other applicable regulations, including all applicable development standards and design guidelines, through the imposed conditions outlined in this report.
3. The proposal is not materially detrimental to existing or future uses or property in the immediate vicinity.
4. The proposal is compatible with and incorporates specific features, conditions, or revisions that ensure it responds appropriately to the existing character, appearance,

quality or development, and physical characteristics of the subject property and the immediate vicinity.

13. Recommendation

Based upon the analysis above, the Department of Community Development recommends that the Preliminary Plat (PPLAT) request for Four Seasons Preliminary Plat be approved, subject to the following 54 conditions:

a. Planning/Zoning

1. A Final Plat shall be prepared by a licensed Land Surveyor in compliance with KCC Title 16.
2. At the time of Site Development Activity Permit, a final landscape plan illustrating full compliance with the applicable landscaping standards provided in KCC 16.24.040.F, KCC 17.420.037.D, and KCC 17.500 shall be submitted.
3. 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 special mitigating circumstances. Maintenance of street trees and landscaping within county right-of-way is the responsibility of the fronting property owner(s).
4. At the time of SDAP submittal a binding water availability letter and an updated binding sewer availability letter that matches the proposed number of lots are required.
5. Ten feet for utility easement shall be provided on each side of public road rights-of-way.
6. 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.
7. Rolled curbs and thickened edge asphalt are prohibited, except where the sidewalk is separated from the street by at least five feet.
8. All building permits issued on the proposed lots shall be subject to the impact fees pursuant to Ordinance # 143-192 and 144-1992.
9. The names of the roads in this land segregation shall be approved by Community Development prior to final subdivision approval.
10. All required permits shall be obtained prior to commencement of land clearing, construction and/or occupancy.

11. The decision set forth herein is based upon representations made and exhibits contained in the project application (19-04523). Any change(s) or deviation(s) in such plans, proposals, or conditions of approval imposed shall be subject to further review and approval of the County and potentially the Hearing Examiner.
 12. 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.
 13. A developer's extension agreement for sewer must be entered into prior to plat approval, as deemed necessary by Kitsap County.
 14. 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.
 15. 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.
- b. Development Engineering**
16. Construction plans and profiles for all roads, storm drainage facilities and appurtenances prepared by the developer's engineer shall be submitted to Kitsap County for review and acceptance. No construction shall be started prior to said plan acceptance.
 17. Approval of the preliminary plat shall not be construed to mean approval of the total number of lots or configuration of the lots and tracts. These parameters may be required to be revised for the final design to meet all requirements of Kitsap County Code Titles 11 and 12.
 18. 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, demonstrating a design in compliance with Minimum Requirements 1-9, as stated in the Kitsap County Stormwater Design Manual.
 19. Stormwater quantity control, quality treatment, and erosion and sedimentation control shall be designed in accordance with Kitsap County Code Title 12

effective at the time the Preliminary Plat application was deemed complete, October 9, 2019. 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.

20. Any project that includes off site improvements that create additional impervious surface such as lane widening, sidewalk or shoulder installation or intersection channelization shall provide stormwater mitigation in accordance with Kitsap County Code Title 12 effective at the time the Preliminary Plat application was deemed complete, October 9, 2019.
21. The site plan indicates that greater than 1 acre will be disturbed during construction. This threshold requires a National Pollutant Discharge Elimination System (NPDES) Stormwater Construction permit from the State Department of Ecology. More information about this permit can be found at: <http://www.ecy.wa.gov/programs/wq/stormwater/construction/> or by calling Josh Klimek at 360-407-7451, email joshklimek@ecy.wa.gov. This permit is required prior to issuance of the SDAP.
22. The Washington State Department of Ecology (Ecology) may require registration of the infiltration trench as an Underground Injection Control (UIC) well in accordance with the Underground Injection Control Program (Chapter 173-218 WAC). The applicant shall contact Ecology to determine if the facility is regulated under the UIC program.
23. The application indicates that a significant quantity of grading material may be exported from the site. Prior to issuing the SDAP an approved fill site(s) must be identified.
 - Any fill site receiving 150 cubic yards or more of material must obtain an SDAP.
 - Fill sites receiving 5,000 cubic yards or more, or located within a critical area, must have an engineered SDAP.
 - For any fill site receiving less than 150 cubic yards, the SDAP holder shall submit to Kitsap County Department of Community Development load slips indicating the location of the receiving site and the quantity of material received by said site.
24. The application indicates that a significant quantity of grading material may 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.
25. The design of the infiltration facilities will be accordance with Volume II, Chapter 5 of the Kitsap County Stormwater Design Manual.

26. The infiltration facilities shall remain offline until the drainage areas are stabilized, and the water quality treatment facility is adequately established. Temporary erosion and sedimentation ponds shall not be located over infiltration facilities.
27. 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.
28. All lots shall use individual on-site infiltration systems. Before the issuance of building permits and/or occupancy permits, the property owner shall submit to the Department of Community Development for review, a sketch showing the design and location of a stormwater infiltration facility for the distribution of surface water runoff. Maintenance of these systems will be the responsibility of the homeowner.
29. Before SDAP acceptance, the applicant shall submit a set of drawings to the City of Port Orchard for review. The applicant shall notify Development Services and Engineering in writing when the plans have been submitted to the City. Development Services and Engineering shall coordinate with the City to determine if the City has any comments to the submittal.
30. Prior to SDAP approval, the applicant shall submit a letter of concurrence for roadway improvements and traffic impacts from the City of Port Orchard. The applicant shall document a good faith effort to obtain such concurrence, including a copy of all written correspondence sent to the City, dates and receipts of submittal to the City (either actual receipts from the City of Port Orchard or parcel delivery receipts). If the City does not respond within the time frame requested by the applicant, minimum of 20 working days required, the County shall not require further efforts.
31. Upon completion of the public roadways and storm drainage facilities, the developer will be required to post a two-year maintenance bond for the facilities. The developer will be responsible for providing regular and adequate maintenance during this two-year period and supportive maintenance records. At the end of this time, the County will inspect the system and, when the facility is acceptable and 80% of the homes have been completed, the County will take over maintenance and operation of the system. Wording to this effect must appear on the plat and in the covenants before final recording. Areas proposed to be maintained by the County that are not in the right-of-way must be shown

as a separate tract/s or drainage easement/s with Kitsap County being designated as the grantee.

32. Prior to recording the Final Plat, soil amendment is required over all disturbed areas within Tracts that are not covered by hard surface; provided, that in the event completion of a Recreational Tract has been bonded, soil amendment shall be completed prior to expiration of the bond covering that work.
33. The following condition shall be added to the face of the Final Plat: At the time of submittal of a building permit for any lot within this plat, soil amendment is required for all disturbed areas not covered by hard surface.
34. If the project proposal is modified from that shown on the site plan accepted for review August 25, 2020, Development Services and Engineering will require additional review and potentially new conditions.

c. Environmental

35. A Kitsap County Timber Harvest Permit will be required if greater than 5000 board feet of merchantable timber is harvested for the proposal.

d. Traffic and Roads

36. 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.
37. Public roads shall not exceed 12% grade or less depending on the road classification per Kitsap County Road Standards.
38. The interior roads of the proposed plat shall be designed and constructed in accordance with Kitsap County Code 11.22 and the Kitsap County Road Standards for a local access road or an approved higher standard. Roads shall be publicly maintained, and the right-of-way dedicated to Kitsap County as proposed.
39. The Site Development Activity Permit application shall include a request for technical deviation, for the proposed depressed curb/sidewalk along the cul-de-sac, and for the perpendicular on-street parking.
40. 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.
41. Sidewalk ramps shall conform to the current requirements of the Americans with Disabilities Act per WSDOT standard plans at the time of construction.
42. All lots shall access from interior roads only. This note shall appear on the face of the final plat map.
43. 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.

44. Provide surveyed cross-sections at 50-foot intervals along the parcel frontage on *Warner Ave.* The cross-sections should show existing and proposed pavement, shoulders, ditches, and slopes. The cross-sections should also depict centerline of pavement and right-of-way, the right-of-way lines, and easements.
45. Frontage improvements, consisting of 10-foot travel lane, vertical curb, gutter and 5-foot sidewalk, are required along the entire parcel frontage on *Warner Ave.*
46. Frontage improvements are required on interior plat Road A and Road B, consisting of vertical curb and gutter on both sides and 5-foot sidewalk on one side of each road. Travel lane widths and on-street parking configurations shall be designed in compliance with Kitsap County Road Standards for a local access road, or as allowed via a technical deviation.
47. 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. Existing approaches may need to be improved to meet current standards.
48. Any required sidewalk shall be constructed prior to roadway paving. This note shall appear on the face of the final construction drawings.
49. The developer's engineer shall certify that there is adequate entering sight distance at the intersection of *Warner Ave.* and Road A. 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.
50. 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, Manual on Uniform Traffic Control Devices (MUTCD), National Electrical Manufacturer's Association (NEMA), National Electrical Code (NEC), Washington State Department of Transportation

(WSDOT) Standard Specifications and Standard Plans, and the Occupational Safety and Health Administration (OSHA).

51. Prior to the issuance of the Site Development Activity Permit, the applicant shall apply for and have an approved Right of Way permit for all work within the county right of way. Additional permit conditions, bonding, traffic control, inspections, and other requirements may apply to the right of way permit and will be determined by Kitsap County Public Works.

e. Fire Safety

52. The minimum fire flow requirements for one- and two-family dwellings in subdivisions shall be 500 gallons per minute for thirty (30) minutes. Please indicate hydrant locations on final plat and SDAP. In areas where full fire flow is impractical, a residential sprinkler system may be substituted.

Water line size and the location of fire hydrants must be shown on SDAP plans. A letter of water availability indicating available fire flow from the water purveyor is required to be submitted to the Kitsap County Fire Marshal's office prior to the approval of any building permits.

If electing to sprinkler, please add the following note to the face of the final plat: "Automatic fire sprinklers, as approved by the Kitsap County Fire Marshal, shall be installed throughout homes here and after constructed on lots created by this land division".

f. Solid Waste

53. 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 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.

g. Kitsap Public Health District

54. A Sewered Building Clearance (BC) is required for each lot at the time of building permit submittal.

Report prepared by:



12/02/2020

Tasha Santos, Staff Planner / Project Lead

Date

Report approved by:



Shawn Aire, Department Manager

12/02/2020

Date

Attachments:

Attachment A – Zoning Map

Attachment B – Site Plan

Attachment C – Preliminary Landscape Plan

CC: CAPSTONE HOMES INC & WEBER J MICHAEL dave@capstonehomes.com

Sheri Greene (AHBL) sgreene@ahbl.com

Interested Parties:

David Dahlke	dahl@telebyte.com
Jason Halsey	JASONHALSEY@catholicealth.net
Greg Stojack	1170 Marlin Dr SE, Port Orchard, WA 98366
Rob Frazer	1330 Marlin Dr SE, Port Orchard, WA 98366
Christina Wiley	1240 Marlin Dr. SE, Port Orchard, WA 98366
Lorna Lehner	1190 Marlin Dr. SE, Port Orchard, WA 98366
Leanne Cornell	4131 SE Sweethome Lane, Por Orchard, WA 98366

Kitsap County Health District, MS-30

Kitsap County Public Works Dept., MS-26

DCD Staff Planner: Tasha Santos

Attachment C:
 Preliminary Landscape Plan

