



Hearing Examiner Staff Report and Recommendation

Report Date: April 2, 2020
Hearing Date: April 9, 2020

Application Submittal Date: November 4, 2019
Application Complete Date: November 19, 2019

Project Name: Ward Short Plat
Type of Application: Preliminary Short Plat and Shoreline Substantial Development
Permit Number: 19-5606 and 19-05107

Project Location

15490 Cove Point Lane NE
Keyport, WA 98345
Commissioner District 1

Assessor's Account

352601-1-012-2008

Applicant/Owner of Record

Jason and Claire Ward
PO BOX 144
Keyport, WA 98345

Recommendation Summary

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

VICINITY MAP



1. Background

The Department of Community Development is recommending approval of a Preliminary Short Plat and Shoreline Substantial Development permit that would divide an existing 1.22-acre parcel into two newly created lots. The newly created lots are proposed 0.72 acres and 0.50 acres, respectively.

2. Project Request

Jason and Claire Ward have applied for a Preliminary Short Plat to divide an existing 1.22-acre parcel in the Keyport Village Low Residential (KVRL) zone into two lots. The existing lot is developed with a one-story 2,440 square-foot single-family residence, an 848 square-foot detached garage, and a bulkhead. The second lot is being proposed for the development of an additional single-family residence.

A Shoreline Substantial Development Permit (SSDP) is required because the subdivision is within 200 ft of the shoreline. Kitsap County Code (KCC) 22.200.100.5 states: "shorelands adjacent to these water bodies, typically within two hundred feet of the ordinary high-water mark" are under the jurisdiction of the Shoreline Master Program. Kitsap County Code 22.600.105 requires a Shoreline Substantial Development Permit for subdivisions in the "shoreline residential" shoreline designation.

KCC 21.04.180(A) requires consolidated review for all project permit applications related to the same proposal to provide an integrated process and avoid duplication. As a result, the Hearing Examiner has authority to review and issue a decision for the Ward Preliminary Short Plat, Permit #19-05601 and the Ward Shoreline Substantial Development Permit, #19-05107. The two projects were reviewed concurrently in this staff report.

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 November 26, 2019 (Exhibit 13). A Determination of Nonsignificance (DNS) was issued on February 21, 2020 (Exhibit 18). SEPA noted the following information/SEPA mitigation conditions have been imposed and are listed under conditions 26 at the end of this report.

The SEPA appeal period expired March 6, 2020. No appeals were filed; therefore, the SEPA determination is final.

4. Physical Characteristics

The property is approximately 640 feet long and 85 feet wide and is rectangle shaped. Portions of the property are tidelands.

Table 1 - Comprehensive Plan Designation and Zoning

| Comprehensive Plan: Limited Area of More Intense Rural Development-I Zone: Keyport Village Low Residential | Standard | Proposed |
|---|--|---|
| Minimum Density | N/A | 2 newly created lots |
| Maximum Density | 2 | |
| Minimum Lot Size | 12,500 square feet | Two newly created lots: Lot 1 = 0.72 acres or 31,363 square feet Lot 2 = 0.50 acres or 21,780 square feet |
| Maximum Lot Size | N/A | N/A |
| Minimum Lot Width | 80 feet | 87.27 feet |
| Minimum Lot Depth | 80 feet | 639 feet |
| Maximum Height | 35 feet | This will be reviewed at the time of building permit. |
| Maximum Impervious Surface Coverage | 50% for residential properties less than or equal to 0.50 acres; 40% for residential properties greater than or equal to 0.51 acres | This will be reviewed at the time of building permit. |
| Maximum Lot Coverage | N/A | N/A |

Applicable footnotes:

17.120.060.A.45: Density in the KVLRL zone may be increased to three units per acre through a performance-based development (PBD) process pursuant to the regulations cited in Section 17.360A.030(B).

Staff Comment: Application does not include a performance-based development.

17.360.A.030.G: Within the Keyport village low residential zone, the following conditions apply to all newly created and/or reconfigured lots that request or result in a density of three units per acre.

*Staff Comment: The submitted proposal does not result in a density of three units per acre. Existing 1.22 existing lot multiplied by 2 = 1.22 * 2 = 2.44, rounded down to 2. This footnote does not apply.*

Table 2 - Setback for Zoning District

| | Standard | Proposed |
|-------|---|---|
| Front | 10 feet for habitable area, 20 feet for garage or carport | Project is conditioned to meet zoning setbacks at the time of building permit. Please see Condition 10. |
| Side | 5 feet | |
| Side | 5 feet | |
| Rear | 5 feet | |

Table 3 - Surrounding Land Use and Zoning

| Surrounding Property | Land Use | Zoning |
|----------------------|--------------------------|---|
| North | N/A (Waterbody) | N/A (Waterbody) |
| South | Single-family residence | Keyport Village Low Residential (KVLRL) |
| East | Single-family residences | Keyport Village Low Residential (KVLRL) |
| West | Single-family residences | Keyport Village Low Residential (KVLRL) |

Table 4 - Public Utilities and Services

| | Provider |
|--------|-----------------------------------|
| Water | Kitsap PUD #1 |
| Power | Puget Sound Energy |
| Sewer | Kitsap County |
| Police | Kitsap County Sherriff |
| Fire | North Kitsap Fire & Rescue |
| School | North Kitsap School District #400 |

5. Access

Access to the property is off Cove Pointe Lane which is a private drive.

6. Site Design

Site design is analyzed under Section 10 of this report.

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:

Housing, Human Services Policy 23.

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

Shoreline Policy 4

Permitted uses and developments should be designed and conducted in a manner that protects the current ecological condition and prevents or mitigates adverse impacts. Mitigation measures shall be applied in the following sequence of steps listed in order of priority:

- 1. Avoid the impact altogether by not taking a certain action or parts of an action;*
- 2. Minimize impacts by limiting the degree or magnitude of the action and its implementation by using appropriate technology or by taking affirmative steps to avoid or reduce impacts;*
- 3. Rectify the impact by repairing, rehabilitating or restoring the affected environment;*
- 4. Reduce or eliminate the impact over time by preservation and maintenance operations;*
- 5. Compensate for the impact by replacing, enhancing, or providing substitute resources or environments, including utilization of the in-lieu fee process where appropriate; and*
- 6. Monitor the impact and the mitigation projects and take appropriate corrective measures.*

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 | Building 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 in the project file. To date, the index to the record consists of 29 Exhibits.

| ITEM NO. | DOC. TYPE/SUBJECT | DATED | DATE ACCEPTED |
|----------|---|------------|---------------|
| 1 | Permit Questionnaires | | 11/04/2019 |
| 2 | Project Narratives | | 11/04/2019 |
| 3 | Concurrency Test | | 11/04/2019 |
| 4 | Preliminary Engineered Drainage Plans | | 11/04/2019 |
| 5 | Preliminary Drainage Report | | 11/04/2019 |
| 6 | Engineers' Affidavit | | 11/04/2019 |
| 7 | Google Maps, Site Picture | | 11/04/2019 |
| 8 | Property Photos | | 11/04/2019 |
| 9 | State Environmental Protection Act (SEPA) Checklist | | 11/04/2019 |
| 10 | Site Plan | | 11/04/2019 |
| 11 | Stormwater Worksheet | | 11/04/2019 |
| 12 | Joint Aquatic resources Permit Application (JARPA) | | 11/19/2019 |
| 13 | Notice of Application | 11/26/2019 | |
| 14 | Information Request / Step Deficiency Report | 01/16/2020 | |
| 15 | Response Memo | | 01/24/2020 |
| 16 | Critical Areas Assessment | | 02/11/2020 |
| 17 | Stormwater Conditions Memo – Vickery | 02/19/2020 | |
| 18 | SEPA Determination of Non-Significance (DNS) | 02/20/2020 | |
| 19 | Aerial Map | 03/05/2020 | |
| 20 | Aquifer Recharge Area Map | 03/05/2020 | |
| 21 | Assessor Map | 03/05/2020 | |
| 22 | Comprehensive Plan Map | 03/05/2020 | |
| 23 | Critical Area Map | 03/05/2020 | |
| 24 | Zoning Map | 03/05/2020 | |
| 25 | Notice of Public Hearing | 03/25/2020 | |
| 26 | Certification of Pubic Notice | 03/30/2020 | |
| 27 | Staff Report | | |
| 28 | Staff Presentation | | |
| 29 | Hearing Sign-In | | |

9. Public Outreach and Comments

Staff had one request for an interested party. However, no formal comment was submitted.

10. Analysis

a. Planning/Zoning

16.24.050 Rural standards. EXPLAIN LAMRIDs are Rural.

A. Access.

1. General.

- a. When accessing paved county right-of-way, the project approach shall be paved, per Chapter 4 of the Kitsap County Road Standards, as now or hereafter amended.
- 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.
- c. When accessing WSDOT right-of-way, the project approach shall meet WSDOT standards and WSDOT storm water requirements shall apply.

Staff Comment: Access is from a private road. The proposal was also reviewed and conditioned for Storm Water requirements.

2. Private Roads.

- a. The width of an access easement shall be a minimum of twenty feet when serving up to two lots and a minimum of thirty feet when serving three or more lots, unless a waiver is requested and granted. Waivers may be granted for existing easements leading to the proposed land segregation that are less than the required width. In such cases, the waiver request will be reviewed by the fire marshal's office for safety issues and by the director for adequacy of design.
- b. Access roads shall be cleared, grubbed, graded and surfaced. The driving surface may be graveled, paved or use LID surfacing techniques. The driving surface may be graveled or paved; when paved, permeable pavement shall be used where feasible, in accordance with the Kitsap County Stormwater Design Manual.

Staff Comment: The proposed newly created lots will access of an existing road. The Kitsap County Fire Marshal's Office reviewed and approved the submitted proposal.

3. Public Rights-of-Way.

- a. For land segregations proposing more than four lots, dedication of right-of-way shall be required when a proposed road meets the criteria for classification as an arterial, collector or sub-collector and shall be constructed in compliance with Kitsap County Road Standards.
- b. For any land segregation that proposes to connect to an existing county right-of-way and will either impact the level of service, safety, or operational efficiency thereof or is otherwise required to improve the existing right-of-way, one of the following will be required:

- i. The property owner must construct the improvements necessary to mitigate the impacts of the land segregation in accordance with the Kitsap County Road Standards; or
- ii. The property owner must pay its proportionate share of the necessary improvements prior to recording of the final plat. This option is only applicable if the improvements are identified in the county's Transportation Improvement Plan; or
- iii. The property owner must execute a legally binding agreement, in a form acceptable to the director, in which the property owner agrees to participate without protest in any local improvement district, local utility improvement district, road improvement district, transportation benefit district, or other similar entity formed for the construction of improvements that include those necessitated by the land segregation, and further agrees to sign any petition for the formation thereof and payment of subsequent fees or charges. Such agreement may be signed by the director on behalf of Kitsap County, must be recorded with the auditor and must be binding on all heirs, assigns, transferees, donees and successors in interest. Nothing in this section shall be construed to limit the ability of the property owner to challenge the amount of any assessment.

Staff Comment: The proposal is not a land segregation the exceeding four lots.

B. Nonmotorized Facilities.

1. Nonmotorized Trail Requirements. All development must be consistent with the Kitsap County Greenways, Bicycle Lane and Mosquito Fleet Trail Plan (Mosquito Fleet Trail Plan), as adopted. Where required by the Mosquito Fleet Trail Plan, a nonmotorized trail shall be provided. The trail shall be designed and built to the Mosquito Fleet Trail Plan standards for the required trail.

Staff Comment: The submitted application is not included in the County's Mosquito Fleet Trail Plan.

2. Multipurpose Facilities. Where required by the county's Mosquito Fleet Trail Plan, multipurpose facilities, including but not limited to bicycle lanes, shall be provided. All bicycle lanes shall be a minimum of five feet wide and constructed to WSDOT standards at locations required by the Mosquito Fleet Trail Plan.

Staff Comment: The submitted application is not included in the County's Mosquito Fleet Trail Plan.

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

Staff Comment: The Kitsap County Fire Marshal's Office reviewed and approved the submitted proposal.

16.24.070 Land segregations within the shoreline jurisdiction.

Where a land segregation occurs within the two-hundred-foot shoreline jurisdictional boundary, development shall occur in accordance with the standards at Title 22.

Staff Comment: Kitsap County Code 22.600.105 requires a Shoreline Substantial Development Permit for Subdivisions in the shoreline residential shoreline designation. The applicant includes a Shoreline Substantial Development (SSDP) permit. Shoreline analysis is done under Subsection i.

b. Lighting

Lighting elements were not required with this proposal.

c. Off-Street Parking

There is an existing single-family residence on one of the newly created lots. Parking requirements do not apply to this lot currently. However, the second newly created lot will be required to meet parking requirements at the time of building permit.

Table 5 - Parking Table

| Use Identified in 17.490.030 | Standard | Required Spaces | Proposed Spaces/Existing Spaces |
|------------------------------|----------|-----------------|--|
| Single-Family Residence | | | Reviewed at the time of building permit. |
| Total | | | |

d. Signage

Proposal does not include signage.

e. Landscaping

Landscaping is not required for this project.

Table 6 - Landscaping Table

| | Required | Proposed |
|--|----------|----------|
| Required Landscaping (Sq. Ft.) 15% of Site | N/A | N/A |

| | | |
|--------------------|-----|-----|
| Required Buffer(s) | | |
| North | N/A | N/A |
| South | N/A | N/A |
| East | N/A | N/A |
| West | N/A | N/A |
| Street Trees | N/A | N/A |

f. Frontage Improvements

Front improvements are not required for this project.

g. Design Districts/Requirements

The subject property is not within a design district.

h. Development Engineering/Stormwater

Development Services and Engineering has reviewed the above land use proposal and finds the concept supportable in its approach to site development. These comments are based on a review of the Preliminary Short Subdivision permit application materials received November 4, 2019 to Kitsap County Development Services and Engineering.

i. Environmental

22.400.105 General Regulations- Proposed Development

(A) Location

1. New development shall be located and designed to avoid or, if that is not possible, to minimize the need for new and maintenance dredging.

Staff Comment: The existing lot is developed with a one story 2,440 square-foot single-family residence, an 848 square-foot detached garage, and a bulkhead. The newly created Lot B is outside of the 200-ft Shoreline Jurisdiction. The newly created lot will not require new or maintenance dredging.

2. New development shall be located and designed to avoid the need for future shoreline stabilization for the life of the structure. Likewise, any new development which causes significant impacts to adjacent or down-current properties shall not be allowed.

Staff Comment: The second proposed lot is not a shoreline property. It is created landward of an existing development that has a bulkhead. The second lot will not require additional shoreline stabilization.

3. New development on lots constrained by depth, topography or critical areas shall be

located to minimize, to the extent feasible, the need for shoreline stabilization.

Staff Comment: The existing lot is developed with a bulkhead. The addition of the second lot will not require additional shoreline stabilization.

4. New development on steep slopes or bluffs shall be set back sufficiently to ensure that shoreline stabilization is unlikely to be necessary during the life of the structure, as demonstrated by a geotechnical analysis.

Staff Comment: The existing lot is developed with a bulkhead. The addition of the second lot will not require additional shoreline stabilization.

5. Subdivision shall be planned to avoid the need for shoreline stabilization for newly created lots, utilizing geotechnical analysis where applicable.

Staff Comment: The existing lot is developed with a bulkhead. The addition of the second lot will not require additional shoreline stabilization.

6. Non-water-oriented facilities and accessory structures, except for preferred shoreline uses, such as single-family residences and single-family residential appurtenances when consistent with buffer provisions in 22.400 of this program, must be located landward of buffers and adjacent water-oriented uses, or outside shoreline jurisdiction, unless no other location is feasible.

Staff Comment: The proposed newly created lot is outside of the 200-ft Shoreline Jurisdiction and the 85' standard buffer.

22.400.110 Mitigation

Staff Comment: The proposed newly created lot is located outside of the 85-foot shoreline buffer and requires no mitigation.

22.400.115 Critical Areas

Staff Comment: On the shoreline, there is a flood zone and moderate geologic hazards (slopes greater than 15%). The existing single-family residence is outside of the flood zone and away from the geologic hazards. The newly created is upland of these critical areas. The slopes on the second created lot measure ~11% which is under the threshold to be considered moderate geologic hazards.

22.400.120 Vegetation Conservation Buffers

Staff Comment: This parcel has a Shoreline Designation of 'Shoreline Residential', which requires a Standard Buffer of 85 feet. The newly created lot is outside of this buffer requirements.

22.400.130 Historic, Archeological, Cultural, Scientific and Educational Resources

Staff Comment: There were no cultural resources concerns with the subject property.

22.400.135 View Blockage

Staff Comment: There are no view blockage concerns for this project. The second created lot is not a shoreline property and will not be reviewed for view blockage requirements.

22.400.140 Bulk and Dimension Standards

Staff Comment: The proposed structure meets the criteria under this code.

22.500.100(B) Substantial Development Permit

1. The Act provides that no substantial development shall be undertaken on the shorelines of the state without first obtaining a substantial development permit (SDP).
2. An SDP shall be classified as a Type III permit under Chapter 21.04.
3. An SDP shall be granted only when the applicant can demonstrate that the proposed development is consistent with the policies and procedures of the Act and this program, as well as criteria in WAC 173-27-150.
4. The Act provides a limited number of exceptions to the definition of substantial development. Those exceptions are contained in RCW 90.58.030 and in the section below, and do not require an SDP. Whether or not a development constitutes a substantial development, all development must comply with the requirements contained in the Act and this program and may require other permits or approvals under this master program. Permits may be issued with limitations or conditions to assure consistency with the Act and this program.
5. All applications for shoreline substantial development permits or permit revisions shall be submitted to the Department of Ecology upon a final decision by local government pursuant to WAC 173-27-130. "Final decision by local government" shall mean the order of ruling, whether it be an approval or denial, that is established after all local administrative appeals related to the permit have concluded or the opportunity to initiate such appeals has lapsed.

Staff Comment: This proposal is consistent with the policies and procedures of the Shoreline Management Act and the Kitsap County Shoreline Master Program (KCC Title 22). Once staff has received the Notice of Decision from the Kitsap County Hearing Examiner, the application materials will be sent to the Department of Ecology.

22.600.170 Residential Development

3. Shoreline residential and high intensity:
 - a. Primary single-family residences are exempt pursuant to criteria in Section 22.500.100(C);
 - b. SDP if exemption criteria not met.
 - c. SDP for multifamily units, accessory dwelling units, and subdivisions.

Staff Comment: Because the proposal is within 200 ft of the shoreline, it falls under the jurisdiction of the Shoreline Master Program. The applicant has submitted a SSDP as required by Kitsap County Code 22.600.170.3.c.

B. Development Standards.

1. All new residential development, including subdivision of land, shall be designed, configured and developed in a manner that ensures no net loss of shoreline ecological function.

Staff Comment: Submitted with an application is a "Critical Area Assessment" (Exhibit 16) which states, "subdividing the parcel does not result in conflicts with development to Lot B, as proposed, or Lot A for achieving no net loss of shoreline ecological function."

2. All sewage disposal and water systems shall be in compliance with state and local health regulations including but not limited to Kitsap County board of health Ordinance 2008A-01 for on-site sewage requirements.

Staff Comment: Applicant is not proposing to connect to the County sanitary sewer. The proposal has met the Kitsap County Health District requirements for on-site sewage.

3. New and remodeled residential development and new subdivisions shall be designed, located and constructed so that structural improvements, including bluff walls and other stabilization structures, are not required to protect such structures and uses.

Staff Comment: The existing lot is developed with a bulkhead. The addition of the second lot will not require additional shoreline stabilization.

4. New over-water residences, including floating homes, are prohibited. Where such homes exist as of the adoption date of this program, they shall be reasonably accommodated to allow improvements associated with life safety matters and property rights.

Staff Comment: Not applicable.

5. Stormwater quality and quantity measures for residential development must comply

with current codes.

Staff Comment: This proposal has been reviewed under Kitsap County Title 12 and approved by staff with conditions. Please see Conditions 12-19 that have been placed on the project. Exhibit 17 address stormwater review and conditions.

6. Flood hazard reduction measures for residential development shall comply with Chapter 19.500, as incorporated here by Section 22.400.115 (Critical areas), and Section 22.400.150 (Flood hazard reduction measures) of this program and shall be designed to prevent net loss of shoreline ecological functions.

Staff Comment: The subject property does have a FEMA AE Flood Zone on the shoreline on the northern portion of the parcel. However, the existing single-family residence is outside of the flood zone. The newly created lot does not have a flood zone at this time.

7. New multi-unit residential development, including the subdivision of land for five or more parcels, shall provide for joint or community and/or public access, except where demonstrated to be infeasible due to any of the following:

- a. Incompatible uses;
- b. Safety;
- c. Security;
- d. Impact to the shoreline environment;
- e. Constitutional or other legal limitations that may be applicable.

8. In cases where on-site access is infeasible, alternate methods of providing public access shall be considered, such as off-site improvements.

Staff Comment: Not applicable to this proposal. This proposal creates two lots.

8. In cases where on-site access is infeasible, alternate methods of providing public access shall be considered, such as off-site improvements.

Staff Comment: Not applicable to this proposal.

9. Lot area shall be calculated using only those lands landward of the ordinary-high water mark.

Staff Comment: Lot area has been calculated using only those lands landward of the ordinary-high water mark. The ordinary-high water mark is considered the existing bulkhead.

10. Single-family residential uses are a priority use only when developed in a manner

consistent with control of pollution and prevention of damage to the natural environment.

Staff Comment: This proposal has demonstrated compliance with all applicable Kitsap County Code requirements, including Title 12: Stormwater, Title 19: Critical Areas Ordinance, and Title 22: Shoreline Master Program.

j. Access, Traffic and Roads

The project was reviewed for traffic and roads and approved with X conditions. Please see Conditions 20-26.

k. Fire Safety

Kitsap County Fire Marshal's Office reviewed and approved the proposal with no conditions.

l. Solid Waste

The project was reviewed for solid waste and approved with no conditions.

m. Water/Sewer

At the time of building permit for the second lot, a binding water availability letter will be required. Please see Condition 11.

n. Kitsap Public Health District

Kitsap County Health District reviewed and approved the proposal.

11. Review Authority

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

12. Findings

1. The proposal is consistent with the Comprehensive Plan.
2. The proposal complies or will comply with requirements of KCC Title 17 and complies with or will comply with all of the other applicable provisions of Kitsap County Code and all other applicable regulations, including all applicable development standards

and design guidelines, through the imposed conditions outlined in this report.

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

13. Recommendation

Based upon the analysis above and the decision criteria found in KCC 17.550.030.A, the Department of Community Development recommends that the Ward Preliminary Short Plat and Shoreline Substantial Development Permit request be **approved**, subject to the following 26 conditions:

a. Planning/Zoning

1. Proof of rights of use of the easement shown as providing access to the subject property shall be submitted with the Final Plat application materials.
2. A Road Maintenance Agreement will be required for the access easements shown on the face of the plat. This may be in the form of a note on the face of the Final Plat that addresses ownership and maintenance responsibilities of the access easement, or in the form of a Road Maintenance Agreement document to be recorded separately and referenced on the face of the Final Plat.
3. A Final Short/Large Lot/Subdivision Plat shall be prepared by a licensed Land Surveyor in compliance with KCC Title 16.
4. The names of the roads in this land segregation shall be approved by Community Development prior to final subdivision approval.
5. All required permits shall be obtained prior to commencement of land clearing, construction and/or occupancy.
6. The decision set forth herein is based upon representations made and exhibits contained in the project application (19-05106 and 19-05107). 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.
7. 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.

8. 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.
9. The final short plat may need adjacent property owners' signature and parcel number if the access or the existing easement is modified
10. At the time of building permit, each lot will be required to meet the requirements from Kitsap County Code 17.420.056.
11. A binding water letter from Kitsap Public Utility District will be required at the time of building permit for the newly created undeveloped lot.

b. Development Engineering

12. Construction plans and profiles for all roads, storm drainage facilities and appurtenances shall be submitted to Kitsap County, with the building permit application, for review and acceptance. No construction shall be started prior to said plan acceptance.
13. Approval of the preliminary plat shall not be construed to mean final 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.
14. The information provided demonstrates this proposal is a Small Project as defined in Kitsap County Code Title 12, and as such will require future building permits provide Stormwater Site Plans that depict a design in compliance with Minimum Requirements #1-5, as outlined in the Kitsap County Stormwater Design Manual.
15. On-site Stormwater Management, and erosion and sedimentation control shall be designed in accordance with Kitsap County Code Title 12 effective at the time the Preliminary Short Subdivision application was deemed complete, November 19, 2019.
16. The allowable impervious area for each lot shall be determined by dividing the available impervious area between the lots created. Information shall be provided in a table as shown below. ADD TABLE!!
17. The following condition shall be added to the face of the Final Short Plat: If any proposed impervious area exceeds the allowable square-foot square as

designated per the table, then an engineered Site Development Activity Permit (SDAP) will be required for that lot.

18. 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.
19. If the project proposal is modified from that shown on the submitted site plan received November 4, 2019, Development Services and Engineering will require additional review and potentially new conditions.

c. Environmental

None required.

d. Traffic and Roads

20. 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.
21. The following note shall appear on the face of the final plat map: All interior roads shall remain private.
22. All rights of access for adjoining properties currently in existence shall be preserved and documented on the face of the final plat. Any amendment to the existing easement rights of adjoining property owners shall be properly executed and recorded prior to recording the Final Short Plat.
23. All lots shall access from interior roads only. This note shall appear on the face of the final plat map.
24. 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. In addition, Development Services and Engineering reserves the right to require that covenants be recorded to address special maintenance requirements depending on final design.
25. With building permit application, 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.

26. Any work within the County right-of-way shall require a Public Works permit and possibly a maintenance or performance bond. This application to perform work in the right-of-way shall be submitted as part of the SDAP process or building permit if no SDAP is required. The need for and scope of bonding will be determined at that time.

e. Fire Safety

None Required.

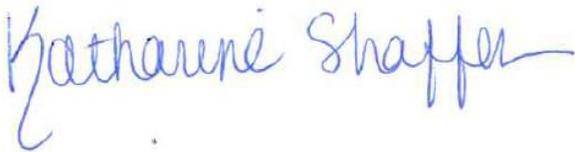
f. Solid Waste

None Required.

g. Kitsap Public Health District

None Required.

Report prepared by:



March 19, 2020

Katharine Shaffer, Planner

Date

Report approved by:



March 23, 2020

Scott Diener, DSE Manager

Date

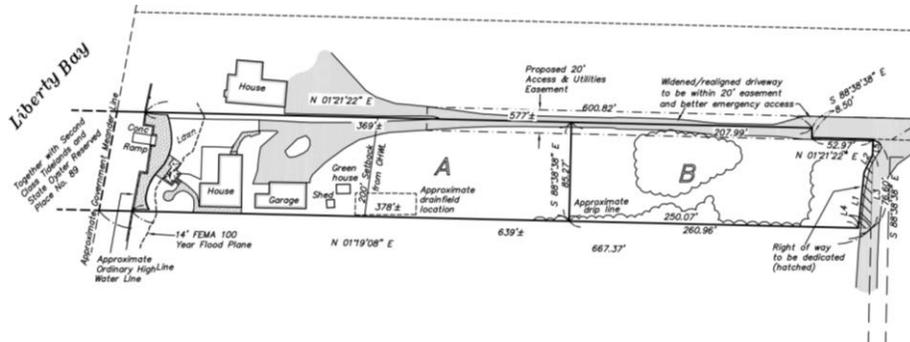
Attachments:

Attachment A: Zoning Map

CC: Applicant: Gain Oaks, gavin@agols.com
Owner: Jason and Claire Ward, csbward@gmail.com
Biologist: Robbyn Myers, bgerobbbyn@comcast.net

Interested Parties: Sheila Campbell, sheilac55@gmail.com
Kitsap County Health District, MS-30
Kitsap County Public Works Dept., MS-26
DCD Staff Planner: Katharine Shaffer

Site Plan



Zoning Map

