



## Administrative Staff Report

**Report Date:** August 15, 2018

**Application Submittal Date:** March 21, 2018

**Application Complete Date:** April 5, 2018

**Project Name:** Settler's Field Subdivision

**Type of Application:** Plat Amendment & Performance Based Development Revision - Minor

**Permit Number:** Permit #18-01308 & 18-01547

### Project Location

6700 Stampede Boulevard NW  
Bremerton, Washington  
Central Kitsap County  
Commissioner District 3

### Assessor's Account #

272501-4-046-2003 4.20 acres  
272501-4-048-2001 0.46 acres  
272501-4-049-2000 9.39 acres

### Applicant/Owner of Record

Harbor Custom Homes LLC  
11515 Burnham Drive NW  
Gig Harbor, WA 98332

Michael A. Shea

PO Box 514

Tracyton, WA 98393-0514

### Recommendation Summary

Approved subject to the 81 conditions listed under section 13 of this report.

#### 1. Background

The Settler's Field project is vested to the rules in place at the time of the complete original preliminary plat, performance-based development (PBD) and conditional use permit (CUP) applications, which was November 30, 2005.

The original proposal was to subdivide 4 existing parcels totaling 14.04 acres into 57 lots, which would include 33 detached single-family residential lots and 24 attached townhouse units. The attached housing was for 12, zero-lot line, 2-unit attached single-family residential lots. The site plan of record showed public roads and 37 on-street parking spaces. The project

### VICINITY MAP



also showed a sport court recreational facility located above the stormwater detention vault and a walking path or trail along with a picnic area and benches within a portion of the designated open space. The project would be served by public water and sewer.

The Hearing Examiner approved the original request for Settler's Field Preliminary Plat/Performance Based Development and Conditional Use Permit, permit number 05 28314, subject to 67 conditions; the Notice of Decision was issued August 21, 2007.

The current request no longer includes attached housing; therefore, the CUP is no longer required or relevant to this project.

The minor amendment proposal covers 14.04 acres, the same area as the original preliminary plat/performance based development (PBD), but due to a boundary line adjustment only 3 parcels are subject to the amendment rather than the original 4 parcels. The minor size difference from that indicated in the original and amendment applications of 14.04 acres to 14.05 acres listed by the Assessor's records is the result of the rounding of lot area.

## **2. Project Request**

The applicant has submitted a minor plat amendment to eliminate all the attached housing and provide a detached single-family residence on each lot of the 52 undeveloped lots, modify the stormwater facility from a detention vault to a detention pond and eliminate the bioswale, eliminate the sport court recreational facility located above the vault to provide a "big toy" and associated picnic tables that have been relocated to a more centrally located park-like facility amongst the housing units, switch from public roads to private roads and reduce the number of on-street parking from 45 to 28 spaces. In addition, the applicant has also submitted a minor performance based development (PBD) revision or amendment to modify the zoning setbacks from that originally proposed. The current proposal is to allow the front setback to be only 10 feet from the habitable area, while the garage will remain at the original 20 feet, all side setbacks will be 5 feet, and the rear is proposed to increase from 5 feet to 10 feet. The PBD to reduce the minimum lot size, lot width and depth is not changing from that originally proposed.

The current plat/PBD proposal is for 53 lots to be developed with 52 detached single-family residences and 1 existing residence for a total of 53 dwelling units.

## **3. SEPA (State Environmental Policy Act)**

The Kitsap County Department of Community Development is issuing an addendum to the SEPA Determination of Nonsignificance (DNS) for the Settler's Field Preliminary Plat project issued November 14, 2006. Please note that consistent with section WAC 197-11-625 of the State Environmental Policy Act (SEPA), Kitsap County is sending this addendum to recipients of the Mitigated DNS (MDNS) decision. The SEPA comment period for the Preliminary Plat Amendment occurred concurrent with the Notice of Application, dated April 12, 2018. There is not an appeal period for this SEPA addendum.

The addendum has been prepared in compliance with SEPA (RCW 43.21.C), the SEPA Rules (WAC 197-11), and Chapter 18.04 Kitsap County Code, implementing SEPA in Kitsap County procedures.

The addendum provides additional information about the Settler's Field Preliminary Plat amendment proposal. The modifications and the impacts of these modifications are within the range of alternatives and significant adverse environmental impacts previously analyzed in the November 14, 2006 MDNS, and this addendum does not substantially change that analysis (see WAC 197-11-600). The addendum does the following:

- Reduces the number of lots from the approved 55 lots to 53 lots, all of which will be single-family detached lots. Based on review of the revised submittal received on March 21, 2018, no significant change is expected.
- Amends stormwater management from a concrete detention vault to an open detention pond. This revision will include impacts to the wetland buffer which will be mitigated with buffer enhancement through a Habitat Management Plan. The amendment also moves the active recreation amenity to a location interior to the project.
- Minor internal road revisions to accommodate City of Bremerton water distribution system extensions. Internal roads have changed from public to privately maintained, however no significant change is expected.
- All conditions shall apply to the Preliminary Plat and Plat Amendment per the Staff Report and Memorandum Summary of Stormwater and Roadway features, as provided from the Kitsap County Development Engineering section.
- All applicable conditions of the Hearing Examiner Decision for the previous Land Use Actions shall apply.

#### **4. Physical Characteristics**

The smallest parcel is developed with a single-family residence and the other two are undeveloped. The undeveloped parcels are currently under site development. Previously the area was forested with coniferous and deciduous trees, except the developed parcel. On the eastern half of the project area, there is a Category II wetland with a seasonal stream running through it and Pahrman Creek, a type F (fish-bearing) stream, and steep slopes. The western half has a gradual slope from the west to the east, which is the area to be developed. The Soil Conservation Service (SCS) identifies the on-site soils as Alderwood, Indianola and Norma. Alderwood soils are described as moderately deep and moderately well drained. Indianola is described as deep, somewhat excessively drained soil on broad uplands. Norma is described as deep, poorly drained soil.

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

Comprehensive Plan: Urban Low Density Residential Zone: Urban Restricted (UR)	Standard	Proposed
Minimum Density	1 dwelling/acre (8.45 acres of net developable acreage x 1 = 8.45 or 8 required units)	53 dwelling units/lots
Maximum Density	5 dwelling units/acre (14.04 acres x 5 = 70.20 or 70 maximum units)	
Minimum Lot Size	5,800 square feet	2,584 square feet
Maximum Lot Size	Not Applicable	13,409 square feet
Minimum Lot Width	60 feet	34 feet
Minimum Lot Depth	60 feet	74 feet
Maximum Height	35 feet	35 feet
Maximum Impervious Surface Coverage	50%*	~96,675 square feet or 50%
Maximum Lot Coverage	Not Applicable	

\*Maximum lot coverage by impervious surface shall not exceed 50%.

**Table 2 - Setback for Zoning District**

	Standard	Proposed
Front	20 feet	20 feet to garage, 10 feet to habitable area
Side	5 feet	5 feet
Side	5 feet	5 feet
Rear	5 feet	10 feet

**Table 3 - Surrounding Land Use and Zoning**

Surrounding Property	Land Use	Zoning
North	Detached single-family residences	Urban Restricted (UR)
South	Detached single-family residences	UR
East	Undeveloped and a detached single-family residence	UR
West	Detached single-family residences	UR and Urban Low Residential (UL)

**Table 4 - Public Utilities and Services**

	Provider
Water	City of Bremerton
Power	Puget Sound Energy
Sewer	Kitsap County Public Works
Police	Kitsap County Sheriff
Fire	Central Kitsap Fire & Rescue, Fire District #1
School	Central Kitsap School District #401

**5. Access**

Access to the site is from Stampede Boulevard NW, a paved county road classified as an Urban Minor Arterial.

**6. Site Design**

Not applicable

**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 May 7, 1998 and Amended June 10, 2002, December 8, 2003 and October 25, 2004

The following Comprehensive Plan goals and policies are most relevant to this application: The relevant goals and policies were previously covered in the original staff report.

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

Code Reference	Subject
Title 12	Storm Water Drainage
Title 13	Water and Sewers
Title 14	Buildings and Construction
Title 16	Land Division and Development
Title 17	Zoning
Chapter 18.04	State Environmental Policy Act (SEPA)
Title 19	Critical Areas Ordinance
Chapter 20.04	Transportation Facilities Concurrency Ordinance
Chapter 21.04	Land Use and Development Procedures

## 8. Documents Consulted in the Analysis

<u>Applicant Submittals</u>	<u>Dated or date stamped</u>
Application: Preliminary Subdivision Amendment	March 21, 2018
Application: PBD Revision	April 2, 2018
Buffer Mitigation Plan	January 23, 2018
Environmental (SEPA) Checklist (revised)	June 11, 2018
Landscape Plans (revised)	August 1, 2018
Preliminary Plat (revised)	August 1, 2018
Project Narrative (revised)	June 11, 2018
Site Plans (revised)	August 1, 2018
<u>Staff Communication</u>	<u>Dated</u>
Dev. Services & Engineering Memo	August 14, 2018

## 9. Public Outreach and Comments

No public comments received as of August 14, 2018.

## 10. Analysis

### a. Planning/Zoning

Plat Amendment

Amendments to an approved preliminary subdivision are governed by Kitsap County Code (KCC) Title 16. The code criteria are outlined in italics with the findings following each element.

*KCC 16.40.040(B) Minor Amendment. (2) A proposed minor subdivision amendment may be approved if the director makes written findings that all of the following are satisfied. If one or more are not satisfied, the application must proceed as a major amendment.*

*a. The proposal does not result in significant impacts to the subdivision or the surrounding property. Impacts may include, but are not limited to, storm water, traffic, open space, landscaping, screening, on-street or set-aside parking, or noise;*

**Staff Response:** The proposed change from a concrete detention vault to an open detention pond and elimination of the bioswale is not expected to have any significant impact to the subdivision or surrounding properties. This change increases the area occupied by the stormwater facility and impacts the wetland buffer; however, the impacts will be mitigated with buffer enhancement through a Buffer Mitigation Plan.

The proposed change from public to private roads is not expected to have any significant impact to the subdivision or surrounding properties. The subdivision's private

roads will meet the same safety related requirements as public roads. The internal road configuration is modified from the original as a result of the lot layout and dimensional changes to provide for all detached housing as well as to accommodate the public water distribution system extension.

Although there is a reduction in the number of on-street or set-aside parking from the 33 originally proposed spaces and the 45 spaces conditioned by the Hearing Examiner under Condition 55, the 28 parking spaces slightly exceeds the code requirement of 27 on-street or set-aside parking spaces. Therefore, the on-street or set-aside parking will have no significant impact to the subdivision or surrounding properties.

The amendment also proposed relocation of the active recreation amenity to a centrally located position interior and adjacent to the residential uses of the project. This revision is considered preferred and an enhancement to the overall project.

Zoning setbacks for each single-family residence are proposed to change from the original approval. The setbacks are detailed on page 14 under item j. and under the PBD criteria outlined on page 15 under item B.1.

*b. The proposal satisfies the applicable general requirements of this title;*

**Staff Response:** The proposed changes fall within the scope of the original subdivision; the conditional use permit is no longer applicable because the attached housing component has been eliminated. Although there will be 4 less dwelling units, the project still meets and exceeds the minimum density requirement of the Urban Restricted (UR) zone.

The proposed PBD revision changes for this application apply to the building setbacks only, the lot size and lot dimensions were previously covered under the original application. The project originally and currently complies with the required performance based development criteria, standards and requirements.

*c. The proposal does not result in a change of use;*

**Staff Response:** There is no change of use proposed, only a change of housing style. The project is eliminating the attached housing component and only providing detached single-family residences. Due to site limitations, there will be 4 less dwelling units or lots than originally approved.

*d. The proposal falls within the scope of the original approval and complies with the intent of the conditions originally imposed;*

**Staff Response:** The proposed amendments fall within the scope of the original approval. However, many Hearing Examiner (HE) conditions will need to be modified and 3 deleted to address the changes to the stormwater facility, the recreational facility, the internal road system from public to private and the reduction in the number of on-street or set-aside parking spaces. As a result of the proposed amendments and revisions, additional conditions are required and are listed at the end of this staff report. Other HE conditions require modification and are listed after the ones related to the stormwater, recreational facility and open space, roads and parking. Condition 8 has been modified to provide current contact information, Condition 25 has been modified because the code citation was incorrect. Condition 30 has been modified because lot numbers have changed, Condition 63 has been modified because the sign code has been renumbered, and Condition 64 has been modified as a result of the allowances in state law and this amendment.

HE Condition 6

The bioswale shall be sized to provide treatment of the post-developed peak flow rate from the 6-month, 24-hour storm event per KCSDM Section 6.2

Condition 6

Deleted.

HE Condition 9

This project includes the construction of a detention vault, which requires a building permit issued by the Department of Community Development. A Structural Engineer, registered in the State of Washington, shall prepare the construction drawings. In addition, a geotechnical engineering analysis of the vault design is required. That analysis will be prepared by a Civil Engineer licensed in the State of Washington, knowledgeable in the practice of soils engineering and mechanics. The analysis will address the effects of groundwater infiltration, seepage, potential slip planes, and changes in soil bearing strength. The proposed facilities will be designed following the recommendations of the geotechnical analysis.

Condition 9

Deleted.

HE Condition 12

The interior roads of the proposed plat shall be built to County standards for local access road or an approved higher standard and publicly maintained and the right-of-way dedicated to Kitsap County as proposed.

Condition 12

Deleted.



HE Condition 13

Vertical curves shall meet AASHTO sight distance requirements for a 25 mph posted speed.

Condition 13

No change.

HE Condition 14

Horizontal curves for public roads shall have minimum centerline radii as outlined in the Kitsap County Road Standards unless a technical deviation is granted.

Condition 14

Modified.

Horizontal curves for roads shall have minimum centerline radii as outlined in the Kitsap County Road Standards unless a technical deviation is granted.

HE Condition 19

The approach to Stampede Blvd. shall be designed in accordance with Kitsap County Road Standards, with minimum return radii of 35 feet. The approach grade shall not exceed 5% from the flow line to twenty feet beyond the right-of-way line. Note the design vehicle on the final plans.

Condition 19

No change.

HE Condition 22, modified for clarification, refer to item k below on page 15.

HE Condition 23

The developer's engineer shall certify that there is adequate entering sight distance at the intersection of Site Access and Stampede Blvd. 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.

Condition 23

No change.

HE Condition 44

Tracts D, E and F are open space tracts. The tracts shall be labeled as non-clearing native vegetation buffer. Tree removal is prohibited for the location of the trail. Limited clearing shall be allowed within Tract D for installation of the bioswale and Tract E for

installation of the trail. Within Tract D, only the bioswale and areas outside the 100-foot wetland buffer may be hydroseeded with grass. Disturbed buffer areas shall be replanted with native vegetation.

Condition 44

Modified.

Tracts D, E and F are open space tracts. The tracts shall be labeled as non-clearing native vegetation buffer. Tree removal is prohibited for the location of the trail. Limited clearing shall be allowed within Tract E for installation of the trail. Disturbed buffer areas shall be replanted with native vegetation.

HE Condition 47

The picnic tables shall be relocated outside the required wetland buffer area to an appropriate location in Tract D.

Condition 47

Modified.

The picnic tables shall be relocated outside the required wetland buffer area to an appropriate location in Tract J.

HE Condition 48

The trail, picnic area and bench locations shall be staked out and evaluated and approved by DCD environmental staff prior to final design and location.

Condition 48

Modified.

The trail and associated bench locations shall be staked out and evaluated and approved by DCD environmental staff prior to final design and location.

HE Condition 49

A split rail fence, as depicted on Exhibit 83, sheet L2, shall be installed along the outer wetland buffer edge prior to final SDAP construction approval.

Condition 49

Modified.

A split rail fence, as depicted on the revised site plans approved by the Department of Community Development, shall be installed along the outer wetland buffer edge prior to final SDAP construction approval.

HE Condition 51

Disturbances to wetland buffers through the construction of the bioswale in Tract D must be quantified and a restoration plan provided prior to final SDAP construction

approval. Financial surety for the performance and maintenance of these restored areas will be required a 150% of the estimated cost.

Condition 51

Modified.

Disturbances to wetland buffers through the construction of the stormwater facility in Tract C must be quantified and a restoration plan provided prior to final SDAP construction approval. Financial surety for the performance and maintenance of these restored areas will be required at 150% of the estimated cost.

HE Condition 53

Maximum overall lot coverage by impervious surface shall not exceed fifty percent. The applicant must designate the specific amount of impervious coverage for each lot and note said amount on the final plat. This requirement shall be included in the CC&Rs filed with the plat.

Condition 53

Modified.

Maximum overall lot coverage by impervious surface shall not exceed fifty percent. The applicant must designate the specific amount of impervious coverage for each lot, accounted for in the overall drainage facilities installed, and note said amount on the final plat. This requirement shall be included in the CC&Rs filed with the plat.

HE Condition 55

A minimum of 45 on-street parking spaces for plat guests and/or visitors shall be provided.

Condition 55

Modified.

A minimum of 28 on-street parking spaces for plat guests and/or visitors shall be provided as depicted on the site plan.

HE Condition 56

The recreational amenities (sport court, picnic area and trail) shall be maintained and be in good working order by the lot owners within the plat and/or the plat's Home Owner's Association.

HE Condition 56

Modified.

The recreational amenities (park, picnic tables and trail) shall be maintained and be in good working order by the lot owners within the plat and/or the plat's Home Owner's Association.

HE Condition 57

A final landscaping plan shall be required prior to construction plan approval (Site Development Activity Permit (SDAP)). The plan shall include the final design of the sport court (Tract C), picnic area (Tract D) and trail (Tracts D and E). Benches shall be provided adjacent to the trail and sport court and be detailed on the plan. The landscape plan shall conform to the requirements of Kitsap County Code 17.385.

Condition 57

Modified.

A final landscaping plan shall be required prior to construction plan approval (Site Development Activity Permit (SDAP)). The plan shall include the final design of the park (Tract J), picnic area (Tract J) and trail (Tracts D and E). Benches shall be provided adjacent to the trail and big toy area and be detailed on the plan. The landscape plan shall conform to the requirements of Kitsap County Code 17.385.

HE Condition 60

Installation of the sport court, picnic area, trail and perimeter fence along the north and south property line in the areas of development will be required prior to final SDAP construction approval.

Condition 60

Modified.

Installation of the park features, big toy area, picnic area, trail and perimeter fence along the north and south property line in the areas of development will be required prior to final SDAP construction approval.

HE Condition 8

The site plan indicates that greater than 1 acre will be disturbed during construction. This threshold requires a National Pollutant Discharge Elimination System (NPDES) permit from the State Department of Ecology. More information about this permit can be found at: <http://www.ecy.wa.gov/programs/sea/pac/index.html> or by calling Charles Gilman at (360) 407-7451, email [chgi461@ecy.wa.gov](mailto:chgi461@ecy.wa.gov). This permit is required prior to issuance of the SDAP.

Condition 8

Modified.

The site plan indicates that greater than 1 acre will be disturbed during construction. This threshold requires a National Pollutant Discharge Elimination System (NPDES) 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](mailto:joshklimek@ecy.wa.gov). This permit is required prior to issuance of the SDAP.

HE Condition 25

The final plat map shall be prepared in compliance with Kitsap County Code Title 16.16.

Condition 25

Modified.

The final plat map shall be prepared in compliance with Kitsap County Code Title 16.

HE Condition 30

The existing driveway for proposed Lot 56 must be relocated prior to final plat recording to preclude encroachments.

Condition 30

Modified.

The existing driveway for proposed Lot 52 must be relocated prior to final plat recording to preclude encroachments.

HE Condition 63

Signage shall comply with Kitsap County Code 17.445, in effect at the time of a complete sign permit application, and be reviewed and approved by the Department of Community Development prior to installation. Signage may require a separate permit.

Condition 63

Modified.

Signage shall comply with Kitsap County Code 17.510, in effect at the time of a complete sign permit application, and be reviewed and approved by the Department of Community Development prior to installation. Signage may require a separate permit.

HE Condition 64

If the preliminary plat is approved, the property owner shall submit a final plat within five years of the preliminary plat approval. The submission shall meet all the legal requirements and conditions of approval.

Condition 64

Modified.

The property owner shall submit a final plat within five years of the preliminary plat amendment and performance based development revision decision. The submission shall meet all the legal requirements and conditions of approval.

*e. The proposal does not change the perimeter boundary of the original plat, or the boundary of any phases within the original plat;*

**Staff Response:** The minor amendment proposal covers the same perimeter boundary and area of 14.04 acres as the original preliminary plat/performance based

development (PBD), but due to a boundary line adjustment only 3 parcels are subject to the amendment rather than the original 4 parcels. The slight difference in lot area from that indicated by the Assessor's records, 14.05 acres, versus 14.04 acres indicated in the original and current application is a result of number rounding.

*f. The proposal does not increase residential density by greater than ten percent, provided the density requirements of the zone are maintained;*

**Staff Response:** The minor amendment proposal is for 4 less lots for a total of 53 lots/dwelling units rather than the original approval of 57 lots/dwelling units. The project still meets and exceeds the minimum density requirement and doesn't exceed the maximum density of the Urban Restricted (UR) zone.

*g. The proposal does not increase the intensity of housing types; for example, from detached single-family to attached one- and two-family dwellings;*

**Staff Response:** The amendment proposal modifies the housing types from that originally proposed and approved by the Hearing Examiner, from a combination of detached and 2-unit attached single-family residences to only detached single-family residences. However, the proposed change is not an increase in the intensity. In fact, it is considered a decrease in the intensity of housing types. Furthermore, there are 4 less single-family residences; originally there were 57 single-family residences approved by the Hearing Examiner and the current proposal is for 53 detached single-family residences.

*h. The proposal does not reduce the designated perimeter buffers, recreation or open space areas by more than ten percent;*

**Staff Response:** There is a reduction in the open space provided because the stormwater facility has increased in size. The stormwater facility is located in Tract C, which increased over 20,000 square feet and resulted in a similar decrease in open space for Tract D. The original recreational and open space areas exceeded 338,900 square feet; the current recreational and open spaces areas are approximately 319,400 square feet. The overall recreational area and open space decreased less than 6%, well below the threshold of 10%.

*i. The proposal does not reduce or increase the number of access points or significantly alter the location of access points;*

**Staff Response:** Only 1 access point was proposed originally, and the amendment does not change the number of access points. The location may have shifted to the south slightly from the original, but no more than 10 feet.

*j. The proposal does not reduce required setbacks; and*

**Staff Response:** The proposal does reduce a portion of the required UR standard front setback, but there is an increase in the side yard setback for some lots as a result of the elimination of the attached housing and the applicant has proposed an increase in the rear yard setback for all lots. Furthermore, this reduction in a required setback is allowable due to the PBD that applied to the original proposal. The applicant has appropriately outlined this change by submitting the PBD revision - minor application. The standard required zoning front setback is 20 feet, side setback is 5 feet and rear setback is 5 feet. The performance based development provides for a reduction in setbacks and in this case the applicant has proposed the following setbacks:  
Front: 20 feet setback to the garage, 10 feet setback to the habitable area  
Sides: 5 feet  
Rear: 10 feet, which is an increase of 5 feet over the standard  
As a result, this code requirement is not violated and is in fact satisfied through the PBD provisions of code.

*k. The proposal does not reduce any street frontage improvements (e.g., sidewalks, curb/gutter, and bicycle lanes).*

**Staff Response:** The amendment does not propose any change to street frontage improvements. To clarify the curb/gutter requirement, which is a vertical curb, Hearing Examiner condition 22 needs to be modified to "Improvements along the entire site frontage shall consist of vertical curb, gutter, and sidewalk on the east side of Stampede Blvd."

Staff has evaluated items a-k and finds that the proposed amendments comply with the elements specified to declare this a minor amendment.

#### PBD Revision or Amendment

Revisions to an approved performance based development are governed by KCC Title 17. The code criteria are outlined in italics with the findings following each element.

*KCC 17.450.110 Revision of performance based development.*

*A. Revision of a performance based development or of conditions of permit approval is permitted as follows:*

*1. Minor revisions may be permitted by the department and shall be properly recorded in the official case file. No revision in points of vehicular access to the property shall be approved without prior written concurrence of the director of the department of public works. Minor revisions shall be processed as a Type I application.*

**Staff Response:** The single point of vehicular access to the property is predominately the same as in the original instance. There is a slight adjustment to the access point, estimated to be less than 10 feet to the south from the original, and public works staff acting on the behalf of the director have reviewed the project and have approved the proposed location.

*2. Major revisions, including any requested change in permit conditions, shall be processed as a Type III application if the performance based development is in conjunction with a subdivision. All other major revisions shall be processed as a Type II application.*

**Staff Response:** The applicant has not requested any change to permit conditions. There are a variety of permit conditions that require elimination or a modification from those originally imposed as a result of the amendments requested. New conditions are also warranted as a result of the proposed amendments. The resultant changes in permit conditions are not considered to rise to the level of major revisions in this case. Also, the request in project revisions do not fall under the classification of a major revision.

*B. Minor and major revisions are defined as follows:*

*1. A "minor" revision means any proposed change which does not involve substantial alteration of the character of the plan or previous approval.*

**Staff Response:** The proposed PBD revisions only apply to zoning setbacks in this specific instance. The change in setbacks do not involve substantial alteration of the character of the previous approval. The project eliminates the zero lot lines for some side setbacks as a result of the removal of all attached housing units. The elimination of the attached housing is not considered a substantial alteration of the character of this project.

The front yard setback is proposed to change from 20 feet for the entire structure to remain at 20 feet to the garage and decrease to 10 feet to the habitable area. This is a decrease of 10 feet for a portion of the residence. However, the applicant could have proposed this under the original application along the other dimensional standards that were covered under the PBD request. The applicant has proposed an increase of 5 feet to the standard rear yard setback for a total rear yard setback of 10 feet. The reduction of the front setback is not a substantial alteration of the character. In fact, it provides greater building articulation along the front setback and sets the garage farther back than the habitable area of the residence. This results in the garage being less dominate over the rest of the front façade.

*2. A "major" revision means any expansion of the lot area covered by the permit or approval, or any proposed change that includes any one of the following:*



**Staff Response:** The lot area of the project is not changed.

*a. Substantial relocation of buildings, parking or streets;*

**Staff Response:** There is only one existing building and its location is not changing. The lot layout is changing slightly so the development of each lot will change including the location of each single-family residence, but that is not considered to be a substantial relocation of buildings. The street configuration is changing due to the modification in lot layout and that results in the on-street parking changing somewhat, but again this is not a substantial change. Parking is still provided throughout the site to appropriately serve all lots and their resultant visitors.

*b. A reduction in any perimeter setback;*

**Staff Response:** There is no reduction in any perimeter setback.

*c. An increase in the residential density;*

**Staff Response:** There has been a reduction in residential density, but the project still complies with the minimum required density.

*d. An increase in the gross floor area of a multifamily, commercial, industrial or commercial component of a project greater than ten percent;*

**Staff Response:** The project does not involve any multifamily, commercial or industrial feature. Therefore, this item is not applicable.

*e. Any relocation of the common open space which makes it less accessible or reduces the area greater than five percent;*

**Staff Response:** The active recreational component of the common open space, which is located on Tract J and labeled as "park" on the site plan, has been relocated to make it more accessible to a considerably larger number of lots than the location of the previous sport court. The park is larger than the sport court.

There is a reduction in the overall open space provided because the stormwater facility has increased in size. The stormwater facility increased over 20,000 square feet and resulted in a similar decrease in open space. The original recreational and open space areas exceeded 338,900 square feet; the current recreational and open spaces areas are approximately 319,400 square feet. The overall recreational area and open space decreased less than 6% but greater than 5%. However, the required PBD open space threshold is a minimum of 15% of the total site area or approximately 91,737 square

feet and this project originally provided open space that exceeded 50% of the total site and the current proposal also exceeds 50% of the total site. As a result, although the reduction in area is greater than 5% it is not relevant based on the standard code requirement. This project exceeds the required standard by a factor of 3.

*f. Any change in the landscape buffers resulting in a reduction in width or density of planting between the development and adjoining properties;*

**Staff Response:** There is no reduction in the perimeter landscaping.

*g. Any substantial change in the points of access;*

**Staff Response:** There is no substantial change in the single point of access, which was outlined in item A.1. above.

*h. Any increase in structure height; or*

**Staff Response:** There is no increase in the proposed structure height.

*i. An alteration in dwelling unit separation, e.g., attached or detached dwelling units.*

**Staff Response:** There is an alteration in dwelling unit separation; however, the project is eliminating the attached dwelling units, which is considered to be a reduction in impacts and more compatible with the surrounding character of housing types. The surrounding area is characterized by detached single-family residences.

Based upon a review of the criteria outlined in KCC 17.450.110, the project as proposed meets the requirements to classify the revisions as minor.

Both the plat and PBD amendments are classified as minor.

**b. Lighting**

Not applicable to the amendment or revision request.

**c. Off-Street Parking**

Addressed under section a. Planning/Zoning above, pages 6-18.

**d. Signage**

Not applicable to the amendment or revision request. However, Condition 63 required revision because the sign code has been renumbered.

**e. Landscaping**

Addressed under section a. Planning/Zoning above, pages 6-18, and in the original staff report.

**f. Frontage Improvements**

Addressed under section a. Planning/Zoning above, pages 6-18, and in the original staff report.

**g. Design Districts/Requirements**

Not applicable.

**h. Development Engineering/Stormwater**

The Preliminary Plat application, approved via Hearing Examiner Decision issued August 21, 2007, proposed a stormwater management system consisting of a concrete detention vault. This amendment proposes a revision to the stormwater management system to an open detention pond for stormwater quantity control. Water quality enhancement will be provided through a Bayfilter Baysaver treatment device, the same as in the original proposal. These revisions have been reviewed to ascertain that the design adheres to the requirements of Kitsap County Code Title 12 Stormwater Management, and to the requirements of the Kitsap County Stormwater Design Manual in effect at the time of the project vesting date; appropriate conditions of approval have been established, as stated at the end this Staff Report.

**i. Environmental**

The proposed stormwater change has increased the area required for the facility, as a result, it will impact 13,828 square feet of the approved 100-foot buffer on the Category II wetland; the impact is to the outer 50 feet of the 100-foot buffer on the west side. The 1998 Critical Areas Ordinance, which is the code this project is vested to, allows for a 50% buffer reduction for the stormwater pond. The buffer reduction requires mitigation and the project will be conditioned to comply with the enhancement and replanting requirements outlined in the Wetland Mitigation Plan prepared by Ecological Land Services, dated January 23, 2018. The sloped area of the facility that lies within the buffer will be required to be planted. The buffer restoration will cover 10,379 square feet and will not include the trail area. In addition, the forested area buffer will be enhanced with native vegetation in the areas where blackberry plants will be removed. The total mitigation area will be 16,045 square feet for an overall ratio of 1.16:1, which slightly exceeds the minimum required buffer mitigation ratio of 1:1. The 100-foot buffer north of the pond will be required to remain intact. The project will be required to provide an as-built report, which will need to comply with the mitigation requirements and outline monitoring units for the annual reporting requirements for a 5-year period upon acceptance of the as-built report by the Department of Community Development.

A 6-foot solid board fence and split rail fence are required as shown on the landscape plans.

Critical Area buffer signs will be required along the common boundaries of the recreational trail and the wetland and stream buffers, spaced approximately 50 feet apart, visual from sign to sign. Signs need to be attached to existing trees with diameter breast height greater than 4 inches or an alternative method such as 4-inch by 4-inch wood posts, metal posts or split rail fencing. The applicant will install a standard 6-foot cedar fence along the outer buffer edge or rear lot line of Lots 31-39. Signage is required as shown on the landscape plans.

**j. Access, Traffic and Roads**

Addressed under section a. Planning/Zoning above, pages 6-18, and in the original staff report.

**k. Fire Safety**

Fire flow is required. The minimum fire flow requirements for one- and two-family dwellings in subdivisions is 500 gallons per minute for thirty (30) minutes. Water line size and location and the location of fire hydrants will be required on the site development activity permit (SDAP) plans. A letter of water availability indicating available fire flow from the water purveyor will be required to be submitted to the Kitsap County Fire Marshal's office prior to the approval of any building permits.

**l. Solid Waste**

Not applicable to the amendment or revision request.

**m. Water/Sewer**

Addressed under section a. Planning/Zoning above, pages 6-18, and in the original staff report.

**n. Kitsap Public Health District**

The Kitsap Public Health District recommends approval of the minor amendment and revision as proposed.

**11. Review Authority**

The Director has review authority for this Preliminary Subdivision - Minor Amendment and Performance Based Development - Minor Revision aka Minor Amendment applications under KCC, Sections 16.40.040, 17.450.110 and 21.04.100. The Kitsap County Commissioners have determined that these applications require review and approval of the Director. The Director may approve, approve with conditions, or deny a Preliminary Subdivision - Minor Amendment and/or Performance Based Development - Minor Revision.

## **12. Findings**

1. The findings of the Hearing Examiner for Settler's Field Preliminary Plat/Performance Based Development and Conditional Use Permit, permit number 05 28314, still substantially apply. Therefore, the Hearing Examiner's findings are applicable and incorporated into this decision, except to modify the findings for the ownership changes, which are listed on the first page of this document, for the change in the number of detached single-family residences (SFRs) from 33 to 53 SFRs along with the elimination of 24 attached SFRs for a total of 53 lots, for the change from a detention vault to a detention pond, for the change to internal private roads, for the change to 28 parking spaces along the sides of the internal plat roads, and elimination of the sport court above the detention vault and the addition of a park centrally located on Tract J and amongst the lots.
2. It is appropriate to modify and delete some Hearing Examiner conditions and add new conditions based on the proposed plat amendment and PBD revision.

## **13. Recommendation**

The Department of Community Development reviewed the requested preliminary subdivision – minor amendment in accordance with KCC 16.40.040(B) and verified compliance with performance based development standards and requirements at KCC 17.425.040 in effect during the original project review and approves the minor amendment request to provide a detached single-family residence on each lot, modify the stormwater facility from a detention vault to a detention pond and eliminate the bioswale, eliminate the sport court recreational facility to provide a "big toy" and associated picnic tables within a park tract, switch from public roads to private roads, reduce the number of on-street parking from 45 to 28 spaces and modify the zoning setbacks to allow the front setback to be 10 feet from the habitable area and the garage to remain at 20 feet, all side setbacks to be 5 feet, and the rear to be 10 feet for Settler's Field Preliminary Plat Amendment - Minor and Performance Based Development Revision - Minor, subject to the 81 conditions listed below.

1. 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.
2. 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 altered for the final design to meet all requirements of Kitsap County Code Titles 11 and 12.
3. Impervious area allowed per lot shall be indicated on the face of the final plat.

4. The information provided demonstrates this proposal is a Major Development as defined in Kitsap County Code Title 12, and as such will require a Site Development Activity Permit (SDAP) from Development Engineering.
5. Stormwater quantity control, quality treatment, and erosion and sedimentation control shall be designed in accordance with Kitsap County Code Title 12 or as amended at the time of SDAP application. 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.
6. Deleted.
7. Any project that includes off site improvements that create additional impervious surface such as lane widening, sidewalk or shoulder installation or intersection channelization will be required to provide stormwater mitigation in accordance with Kitsap County Code Title 12 or as amended at the time of SDAP application.
8. The site plan indicates that greater than 1 acre will be disturbed during construction. This threshold requires a National Pollutant Discharge Elimination System (NPDES) 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](mailto:joshklimek@ecy.wa.gov). This permit is required prior to issuance of the SDAP.
9. Deleted.
10. 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.
11. Road shall not exceed 12% grade.
12. Deleted.
13. Vertical curves shall meet AASHTO sight distance requirements for a 25 mph posted speed.

14. Horizontal curves for roads shall have minimum centerline radii as outlined in the Kitsap County Road Standards unless a technical deviation is granted.
15. Submit a Road Approach Permit Application and 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. Please denote the design vehicle on the plan set. Existing approaches may need to be improved to meet current standards.
16. Construction of handicap access facilities within existing or proposed County right-of-way shall conform to the requirements of the Americans with Disabilities Act.
17. All lots shall access from interior roads only. This note shall appear on the face of the final plat map.
18. 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 Engineering reserves the right to require that covenants be recorded to address special maintenance requirements depending on final design.
19. The approach to Stampede Blvd. shall be designed in accordance with Kitsap County Road Standards, with minimum return radii of 35 feet. The approach grade shall not exceed 5% from the flow line to twenty feet beyond the right-of-way line. Note the design vehicle on the final plans.
20. Provide wheelchair ramps on both sides of the site approach. Include on the plan set curb ramp details that meet the requirements of the Americans with Disabilities Act per WSDOT Standard Plan F-3 cement concrete sidewalk and approach details.
21. Any required sidewalk shall be constructed prior to roadway paving. This note shall appear on the face of the final construction drawings.
22. Improvements along the entire site frontage shall consist of vertical curb, gutter, and sidewalk on the east side of Stampede Blvd.
23. The developer's engineer shall certify that there is adequate entering sight distance at the intersection of Site Access and Stampede Blvd. 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.

24. The gravel road to be relocated on the adjacent parcels to the north shall be evaluated for stormwater mitigation requirements as part of the overall project. New impervious surfaces associated with roadway relocation shall be mitigated in accordance with Kitsap County Code Title 12 or as amended at the time of SDAP application.
25. The final plat map shall be prepared in compliance with Kitsap County Code Title 16.
26. The 10 feet for utility easement shall be provided on each side of all streets on the face of the final plat.
27. Protective Covenants, Conditions and Restrictions (CC&Rs) shall be established, reviewed, approved and recorded with the final plat. The CC&Rs must ensure the perpetual maintenance of storm drainage facilities, recreational facilities and common open space.
28. Private road tracts, access tracts, recreational areas, common open space and stormwater management areas shall be labeled as separate tracts. Ownership and maintenance of all tracts will be addressed on the face of the plat as well as in the CC&Rs.
29. A short subdivision amendment must be recorded to extinguish the ingress, egress and utility easement across the north 30 feet of lots B, C & D of Short Plat No. 662R-1. The owner of lot A must be signatory to the amendment.
30. The existing driveway for proposed Lot 52 must be relocated prior to final plat recording to preclude encroachments.
31. Prior to recording the final plat, rectify the driveway encroachment along the northern boundary of the proposed preliminary plat.
32. Kitsap County sanitary sewer is available for the project. Applicant needs to submit a complete set of sewer plan, profiles, and specifications designed in accordance with KCPW - Wastewater Division Standards and Regulations.
33. Prior to SDAP approval, Waste Management (360) 674-3166 shall be contacted for information on implementing the service provider's solid waste/recycling storage requirements for the proposed activity. Indicate method of waste disposal on the final plans.



34. Retaining walls shall meet setback requirements of KCSDM 4.7.5.
35. All retaining walls greater than 4-feet shall require a building permit.
36. A 3 foot clear space shall be maintained around the circumference of fire hydrants.
37. Water is to be provided by the City of Bremerton.
38. A Sewered Building Clearance is required for each lot prior to issuance of the building permit.
39. Sewerage is to be provided by Kitsap County.
40. The septic tank for the existing house must be properly abandoned. A pump receipt and a tank abandonment form must be submitted to the Health District.
41. The water main must be extended and replaced
42. Trails shall be limited to pedestrian use. Trail width shall not exceed five feet unless there is a demonstrated need, subject to review and approval by the department. Trails shall be constructed with pervious materials unless otherwise approved by DCD environmental staff.
43. The trail within Tract D shall be boardwalked in the area of the wetland crossing plus 5 feet on each end. The boardwalk shall be constructed to minimize impacts to the wetland and its function.
44. Tracts D, E and F are open space tracts. The tracts shall be labeled as non-clearing native vegetation buffer. Tree removal is prohibited for the location of the trail. Limited clearing shall be allowed within Tract E for installation of the trail. Disturbed buffer areas shall be replanted with native vegetation.
45. Planting enhancement along the trail may be required, but the removal of large stand or individual native vegetation materials must avoided to the greatest extent possible.
46. Trees and/or vegetation within Tracts D, E and/or F considered hazardous shall be evaluated by DCD staff and/or a certified arborist and DCD shall grant approval prior to removal of any vegetation. Replanting of removed vegetation may be required. This requirement shall be included in the CC&Rs filed with the plat.
47. The picnic tables shall be relocated outside the required wetland buffer area to an appropriate location in Tract J.

48. The trail and associated bench locations shall be staked out and evaluated and approved by DCD environmental staff prior to final design and location.
49. A split rail fence, as depicted on the revised site plans approved by the Department of Community Development, shall be installed along the outer wetland buffer edge prior to final SDAP construction approval.
50. Construction limits shall incorporate tree protection area criteria designed to protect each tree or tree stand along the outer edge of wetland buffers in Tract D. Tree protection areas shall be added and clearly labeled on all applicable site development and construction drawings, submitted to the department.
51. Disturbances to wetland buffers through the construction of the stormwater facility in Tract C must be quantified and a restoration plan provided prior to final SDAP construction approval. Financial surety for the performance and maintenance of these restored areas will be required at 150% of the estimated cost.
52. Each lot and all development within the plat shall comply with the Urban Restricted Zone requirements outlined in Kitsap County Code 17.325 except as modified by the PBD. This note shall appear on the face of the final plat map and shall be included in the Covenants, Conditions and Restrictions (CC&Rs) filed with the plat.
53. Maximum overall lot coverage by impervious surface shall not exceed fifty percent. The applicant must designate the specific amount of impervious coverage for each lot, accounted for in the overall drainage facilities installed, and note said amount on the final plat. This requirement shall be included in the CC&Rs filed with the plat.
54. Any Covenants, Conditions and Restrictions (CC&Rs) placed on the plat shall not be in conflict with the Kitsap County Code or County regulations.
55. A minimum of 28 on-street parking spaces for plat guests and/or visitors shall be provided as depicted on the site plan.
56. The recreational amenities (park, picnic tables and trail) shall be maintained and be in good working order by the lot owners within the plat and/or the plat's Home Owner's Association.
57. A final landscaping plan shall be required prior to construction plan approval (Site Development Activity Permit (SDAP)). The plan shall include the final design of the park (Tract J), picnic area (Tract J) and trail (Tracts D and E). Benches shall be provided adjacent to the trail and big toy area and be detailed on the plan. The landscape plan shall conform to the requirements of Kitsap County Code 17.385.

58. Street trees shall be provided at a minimum interval of 15 feet and a maximum of 30 feet.
59. Street trees shall be 2½ to 3 inch caliper.
60. Installation of the park features, big toy area, picnic area, trail and perimeter fence along the north and south property line in the areas of development will be required prior to final SDAP construction approval.
61. Landscaping shall be installed and maintained in conformance with the requirements of Kitsap County Code 17.385. The planting of street trees, the entry landscape and plantings within the open space shall be installed and inspected prior to final plat approval.
62. To ensure survivability of the required landscaping, a bond for a two year period shall be required prior to final Site Development Activity Permit (SDAP) construction approval. The bond shall be 75% of the planting and installation cost. A bid for the landscaping and installation cost shall be provided prior to final SDAP approval.
63. Signage shall comply with Kitsap County Code 17.510, in effect at the time of a complete sign permit application, and be reviewed and approved by the Department of Community Development prior to installation. Signage may require a separate permit.
64. The property owner shall submit a final plat within five years of the preliminary plat amendment decision. The submission shall meet all the legal requirements and conditions of approval.
65. The solid board fence along the south property line shall extend east to the west edge of the wetland buffer setback.
66. The decision set forth herein is based upon representations made and exhibits, including plans and proposals submitted at the hearing conducted by the hearing examiner. Any substantial change(s) or deviation(s) in such plans, proposals, or conditions of approval imposed shall be subject to the approval of the hearing examiner and may require further and additional hearings.
67. 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 precedent 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.

68. All interior roads shall remain private as proposed by the applicant. Should the applicant or his successors or assigns choose to dedicate these roads to Kitsap County, it shall be subject to a further review by Kitsap County Development Engineering. All improvements necessary to bring said roads to the then current Kitsap County standards shall be done at no expense to the County prior to being accepted into the Kitsap County road system for maintenance. This note shall appear on the face of the final plat map.
69. 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.
70. Provide surveyed cross-sections at 50-foot intervals on Stampede Blvd. 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.
71. 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.
72. 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.
73. 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.
74. The approach to Stampede Boulevard shall be designed in accordance with Kitsap County Road Standards, with minimum return radii of 35 feet. The approach grade shall not exceed 5% from the flow line to twenty feet beyond the right-of-way line. Note the design vehicle on the final plans.

75. 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).
76. 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.
77. The names of the roads in this land segregation shall be approved by Community Development prior to final subdivision approval.
78. Wetland buffer mitigation, including enhancement, replanting and planting, shall be completed consistent with the Wetland Mitigation Plan, prepared by Ecological Land Services, dated January 23, 2018, prior to final inspection of the SDAP. Critical Area buffer signs shall be placed along the common boundaries of the recreational trail and the wetland and stream buffers, spaced approximately 50 feet apart, visual from sign to sign. Signs shall be attached to existing trees with diameter breast height greater than 4 inches or an acceptable alternative method such as 4-inch by 4-inch wood posts, metal posts or split rail fence. The applicant shall install a standard 6-foot cedar fence along the outer buffer edge or rear lot line of Lots 31-39. Signage shall be provided as shown on the landscape plans submitted August 1, 2018.
79. All required permits shall be obtained prior to commencement of land clearing, construction and/or occupancy.
80. Fire flow shall be provided. The minimum fire flow requirements for one- and two-family dwellings in subdivisions shall be 500 gallons per minute for thirty (30) minutes.
81. Water line size and location and the location of fire hydrants shall be shown on the SDAP plans. A letter of water availability indicating available fire flow from the water purveyor shall be submitted to the Kitsap County Fire Marshal's office prior to the approval of any building permits.

**Report prepared by:**



Meg Sands, Staff Planner / Project Lead

15 August 2018

Date

**Report approved by:**



Shawn Alire, Department Manager / Supervisor

08/15/2018

Date

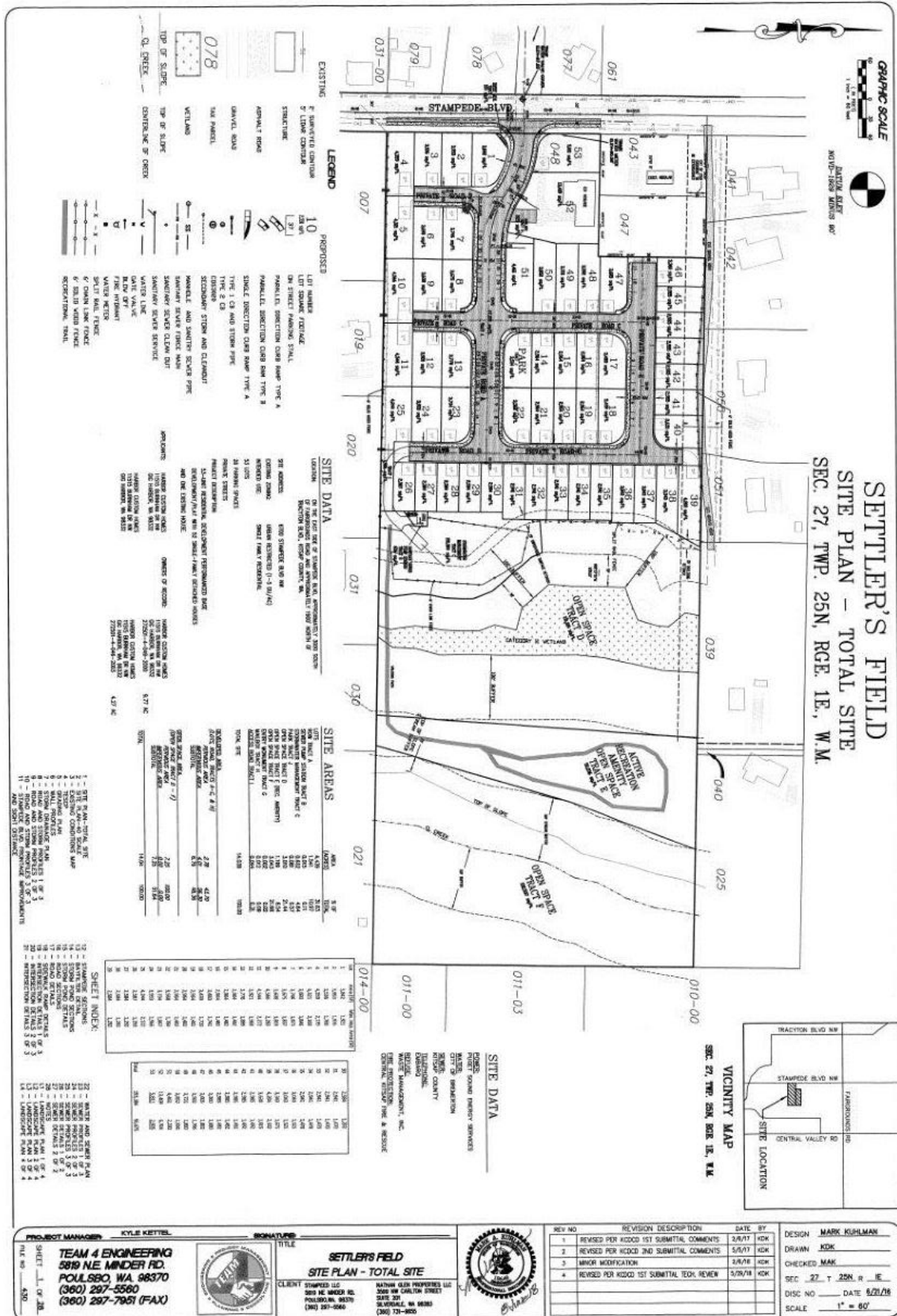
**Attachments:**

Attachment A – Zoning Map - Original

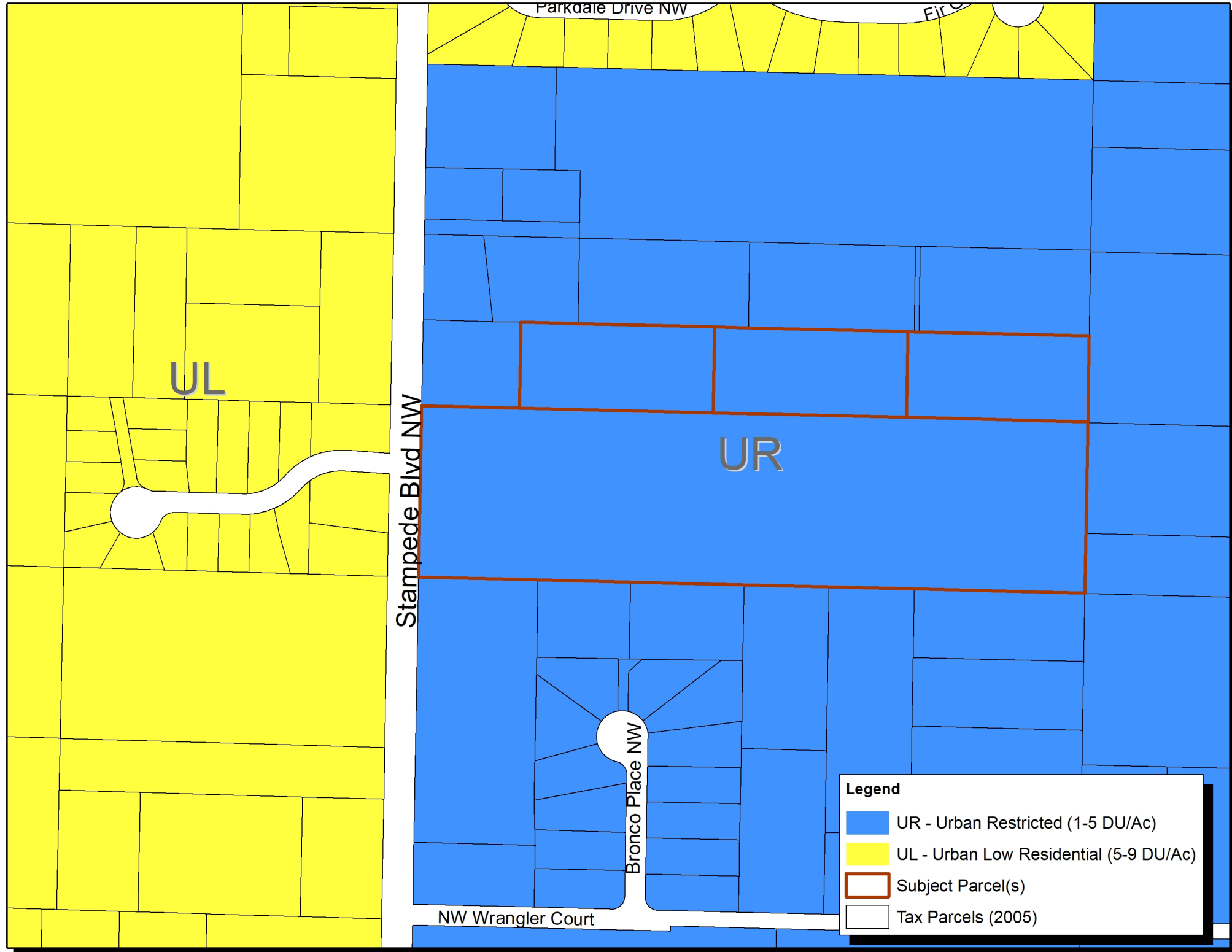
Attachment B – Zoning Map - Current

Attachment C – Original Staff Report

CC: Applicant/Owner email  
Engineer or Project Representative email  
Interested Parties:  
Mark & Megan Pulkkinen  
Kenneth & Donna Puryear  
Francis G. Maeirt  
Michael & Joyce Peterson  
Helen Rohrer  
David M. & Susan E. Tufts  
Sheldon & Heather Rath  
Garcia & Linda Fenton  
Robert T. Fessler  
Gary & Lorna Woodward  
Esther Hawkins  
Kitsap County Health District, MS-30  
Kitsap County Public Works Dept., MS-26  
DCD Staff Planner: Meg Sands



# ATTACHMENT A - ORIGINAL ZONING MAP

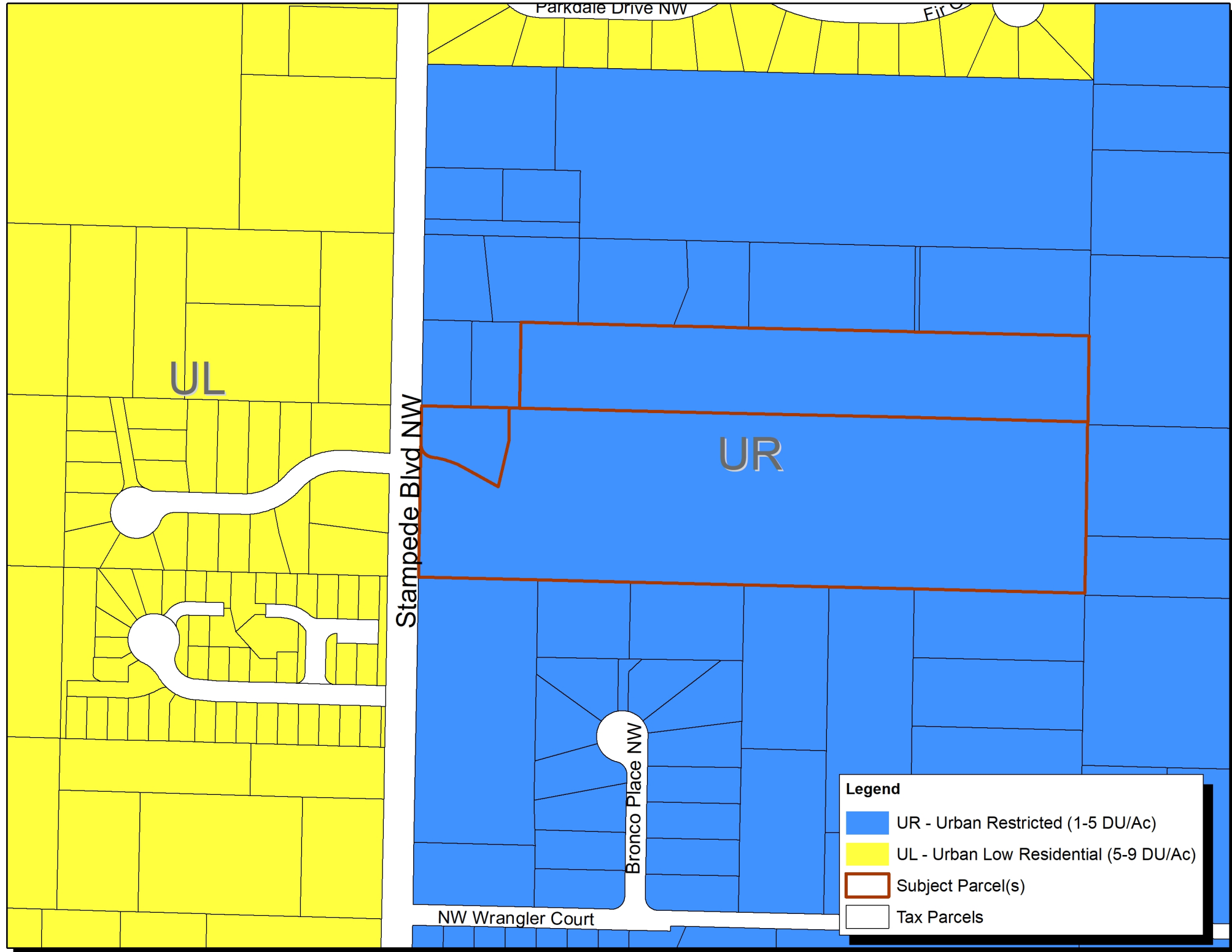


**Legend**

- UR - Urban Restricted (1-5 DU/Ac)
- UL - Urban Low Residential (5-9 DU/Ac)
- Subject Parcel(s)
- Tax Parcels (2005)



# ATTACHMENT B - CURRENT ZONING MAP



Parkdale Drive NW

Fir

UL

UR

Stampede Blvd NW

Bronco Place NW

NW Wrangler Court

**Legend**

- UR - Urban Restricted (1-5 DU/Ac)
- UL - Urban Low Residential (5-9 DU/Ac)
- Subject Parcel(s)
- Tax Parcels



**KITSAP COUNTY DEPARTMENT OF COMMUNITY DEVELOPMENT**

614 DIVISION STREET MS-36, PORT ORCHARD WASHINGTON 98366-4682  
(360) 337-7181 FAX (360) 337-4925 HOME PAGE - [www.kitsapgov.com](http://www.kitsapgov.com)

LARRY KEETON, DIRECTOR

**STAFF REPORT  
and  
RECOMMENDATION TO THE HEARING EXAMINER**

**Report Date:** December 6, 2006      **Application Complete Date:** November 30, 2005  
**Hearing Date:** December 14, 2006

**Project: Settler's Field  
Preliminary Plat/Performance Based Development  
Conditional Use Permit**

**Project Summary:**

Staff is recommending modification to the applicant's request for a Preliminary Plat/Performance Based Development and Conditional Use Permit to subdivide four existing parcels totaling 14.04 acres into 57 single-family residential lots. Without the modification, staff recommends denial of the applicant's request. The applicant's proposal is for 33 detached single-family residential lots and 24 attached townhouse units. The attached housing would be 12, zero lot line, two-unit attached single-family residential lots. Staff's recommendation is for a total of 42 dwelling units or lots. Staff recommends approval, subject to the modifications, with conditions. All parcels are zoned Urban Restricted (UR) and the project will be served by public sewer and water. The site is located on the east side of Stampede Boulevard, approximately a quarter mile north of Tracyton Boulevard and a half mile south of Fairgrounds Road in Bremerton, Central Kitsap County.

**Application Number:** 05 28314

**Types of Applications:**

Preliminary Plat/Performance Based Development (PBD)  
Conditional Use Permit

**Request:**

The applicant has applied to subdivide four existing parcels totaling 14.04 acres into 57 total lots, which would consist of 33 detached single-family residential lots and 24 attached townhouse units. The attached housing would be 12, zero lot line, two-unit attached single-family residential lots.

**Project Location:**

6700 Stampede Boulevard NW  
 Bremerton, Washington  
 Central Kitsap County

**Assessor's Account #:**

272501-4-035-2006 1.42 acres  
 272501-4-036-2005 1.42 acres  
 272501-4-037-2004 1.44 acres  
 272501-4-006-2001 9.76 acres

**Applicants:**

Stampeed, LLC  
 5819 NE Minder Road  
 Poulsbo, WA 98370

Westbrook Investments, LLC  
 437 29<sup>th</sup> Street NE  
 Puyallup, WA 98372

**Owners of Record:**

Stampeed, LLC  
 5819 NE Minder Road  
 Poulsbo, WA 98370

Bushnell Brothers  
 2056 Lexington Drive  
 Bremerton, WA 98311

**Project Representative:**

Mark Kuhlman  
 5819 NE Minder Road  
 Poulsbo, WA 98370

**SEPA Status:**

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 January 30, 2006. A Mitigated Determination of Nonsignificance (MDNS) (Exhibit 92) was issued November 14, 2006. No appeals were filed.

**Physical Characteristics:**

The three northerly parcels are undeveloped. The southerly parcel is developed with a single-family residence near the west end of the property. The site is forested (coniferous and deciduous trees) except in the area of development. On the eastern half of the project area, there is a Category II wetland with a seasonal stream running through it and Pahrman Creek, a type F (fish-bearing) stream, and steep slopes. The Soil Conservation Service (SCS) identifies the on-site soils as Alderwood, Indianola and



Norma. Alderwood soils are described as moderately deep and moderately well drained. Indianola is described as deep, somewhat excessively drained soil on broad uplands. Norma is described as deep, poorly drained soil.

**Comprehensive Plan Designation and Zoning:**  
Urban Restricted (UR)

Minimum Lot Area = 5,800 square feet  
Minimum Lot Width = 60 feet  
Minimum Lot Depth = 60 feet

Density Range = 1 to 5 dwelling units/acre

Minimum Setbacks = 20 feet - front yard  
= 5 feet - side yard  
= 5 feet - rear yard

Lot Coverage = maximum lot coverage by impervious surface shall not exceed 50%

**Surrounding Land Use and Zoning:**

The immediate surrounding area is zoned Urban Restricted (UR) on the east side of Stampede Boulevard and Urban Low Residential (UL) on the west side of Stampede Boulevard. The zoning changes to UL less than ¼ mile to the north on the east side of Stampede Boulevard and UR less than ½ mile to the north on the west side of Stampede Boulevard (Exhibit 97). The predominate land use is single-family residences on varying lot sizes, both less than an acre and greater than an acre. Olympic High School is less than a ¼ mile north of the project area on the west side of Stampede Boulevard. The Kitsap County fairgrounds and ball fields are located farther north, generally less than a ½ mile, off Fairgrounds Road and generally west of Stampede Boulevard.

**Public Utilities and Services:**

Water: City of Bremerton  
Power: Puget Sound Energy  
Sewer: Kitsap County Public Works – Wastewater Division  
Police: Kitsap County Sheriff  
Fire: Fire Protection District No. 1  
Schools: Central Kitsap School District

**Access:**

Stampede Boulevard is a paved county road classified as an Urban Minor Arterial.

**Policies and Regulations Applicable to the Subject Proposal:**

*Kitsap County Comprehensive Plan*

Adopted May 7, 1998 (Amended June 10, 2002, December 8, 2003 and October 25, 2004)

## Land Use

### B. Residential Development

*Urban Restricted: The Urban Restricted designation is applied to those areas within urban growth areas (UGAs) which have been identified as critical areas and regulated pursuant to the Critical Areas Ordinance, or are planned as greenbelts or urban separators, and are therefore appropriate for lower density development. These areas include significant salmon spawning streams, wetlands and steep slopes. The intent is that development would be limited in these areas to protect the environmentally sensitive areas within UGAs. Nonresidential development would also be limited. Actual allowed densities will be determined at the time of application following a review of the site and potential impacts to the critical area. At a minimum the following elements will be reviewed by staff in order to determine allowable densities: proximity to critical areas, critical area category ratings, site topography, storm water infiltration vs. retention/detention, total impervious surface, percentage of the site to be retained in native vegetation, sewer availability, and the opportunity for clustered development.*

### Urban Residential Policies

#### Policy LU-2

*Where densities are expressed as a range on the Kitsap County Comprehensive Plan Land Use Map and/or in the Kitsap County zoning code, the lower end of the density range should be considered as a minimum density for new development within urban residential classifications. All new residential development within the Urban Growth Area should achieve these minimum densities except where lower densities are appropriate to:*

- 1) recognize the presence of critical areas including streams, wetlands, fish and wildlife habitat, geologically hazardous areas, flood-prone areas and aquifer recharge areas and*
- 2) recognize the existence of neighborhoods or subdivisions that have little vacant land, and little or no opportunity for infill or redevelopment.*

#### Policy LU-5

*Following the adoption and initial implementation of this comprehensive plan, Kitsap County should encourage innovative, high quality infill development and redevelopment in existing developed areas within the Urban Growth Area. Possible approaches may include a variety of regulatory, incentive and program strategies. Guidelines should address the following issues:*

- a. Preservation of historic and natural characteristics of neighborhoods and sites;*
- b. Provision of community space, pedestrian mobility and safety;*
- c. Creation of usable open spaces, community facilities and non-motorized access;*
- d. Design variety through lot requirements and mixed attached and detached housing types; and*
- e. Design variations in multi-family buildings such as variations in facades, roof lines and other building design features.*

## Natural Systems

### Surface Water Resources

*Kitsap County's surface water resources include all streams, wetlands, lakes and marine waters of Puget Sound. The quality and quantity of these waters is important for public health, fish and wildlife habitat, recreational and commercial pursuits such as shellfish harvesting, fishing and tourism. A network of streams carries water from the county's uplands to lakes, wetlands and the marine environment. A system of freshwater and saltwater wetlands, which stretches throughout the county, also plays a vital role in filtering and storing water.*

*The quantity and quality of the county's surface waters are greatly affected by land use activities. Due to the continuity between ground and surface waters, many of the actions necessary to protect surface water resources are similar to those necessary for preservation of groundwater quality and quantity. The county's surface water resources are mapped based upon information provided by the U.S. Fish and Wildlife Service's National Wetlands Inventory, the Natural Resources Conservation Service and the Washington State Department of Natural Resources; and are shown in Figure NS-8 of the Natural Resources appendix. As more information becomes available, this map will be revised.*

### Goals

11. *Protect the water quality of rivers, streams, lakes, wetlands, Puget Sound and Hood Canal while allowing for compatible growth and development.*
12. *Evaluate potential impacts to surface water quality during the development review process.*
15. *Enhance and restore degraded wetland, stream and shoreline areas.*

### Surface Water Resources Policies

#### Policy NS-26

*Kitsap County shall safeguard surface water resources by only allowing development that is compatible in critical areas such as steep slopes, wetlands, shorelines and riparian corridors.*

#### Policy NS-27

*Kitsap County shall consider cumulative impacts of existing and future development on surface water quality and quantity.*

#### Policy NS-28

*Kitsap County should minimize and mitigate for impervious surface and loss of natural vegetative cover associated with development. Native vegetative cover provides many benefits, reduces stormwater runoff, provides wildlife habitat and maintains rural character.*

Policy NS-32

*Kitsap County shall require construction activities to use best management practices to minimize erosion and siltation problems.*

Policy NS-33

*The County shall require native vegetation buffers along streams and wetlands to protect the functions and values of those surface waters.*

Housing

Policy HS-12

*Greenbelts, open space and play areas, particularly in areas of higher population concentration, shall be encouraged.*

Policy HS-13

*Development regulations shall consider minimum standards for on-site outdoor play areas for children, especially in higher densities, as appropriate.*

Policy HS-15

*Pedestrian-scale and cluster residential neighborhoods in urban areas shall be encouraged.*

Transportation

Roadway Aesthetics

*The goal and policies of this section address the need to provide landscape enhancement of existing and new roads to support the local character.*

Policy T-81

*Provide streetscape designs in urbanized areas.*

Policy T-83

*Retain native vegetation as a priority.*

*Kitsap County Code (KCC)*

Title 11 Roads, Highways and Bridges

Title 12 Storm Water Drainage

Title 13 Water and Sewers

Title 14 Buildings and Construction

Title 16 Land Division and Development

Title 17 Zoning

Chapter 18.04 State Environmental Policy Act (SEPA)

Title 19 Critical Areas Ordinance

Chapter 20.04 Transportation Facilities Concurrency Ordinance

Chapter 21.04 Land Use and Development Procedures

**Documents Consulted in the Analysis:**

**Applicant submittals:**

<u>Document</u>	<u>Exhibit #</u>	<u>Dated or date stamped</u>
Building Elevations and Floor Plans (rev.)	94	November 21, 2006
Condition Use Permit Application (rev.)	79	August 22, 2006
Environmental (SEPA) Checklist (rev.)	75	August 22, 2006
Landscape Plan (rev.)	83	August 22, 2006
Preliminary Plat/PBD Application (rev.)	80	August 22, 2006
Project Narrative (rev.)	78	August 22, 2006
Site Plan (rev.)	83	August 22, 2006
Storm Drainage Report (rev.)	81	August 22, 2006
Traffic Impact Analysis (rev.)	82	August 2006
Wetland Analysis Report (rev.)	77	August 4, 2006

**Staff communication:**

<u>Document</u>	<u>Exhibit #</u>	<u>Dated or date stamped</u>
Development Engineering Memo	89	September 26, 2006
Development Engineering Email	106	December 5, 2006
Determination of Nonsignificance	92	November 14, 2006
Health District Memo	66	March 3, 2006

**Public comments:**

<u>Document</u>	<u>Exhibit #</u>	<u>Dated or date stamped</u>
Garcia & Linda Fenton Letter	55	February 22, 2006
<p>Raised concerns about density, impact to the critical area, compatibility and traffic. Raised issues about the accuracy of some of the applicant's responses to the Environmental (SEPA) Checklist.</p>		
Robert & Karen Fessler Letter	53	February 21, 2006
<p>Raised issues or concerns about density, compatibility, and impact to the critical area. The Fessler's recommend less density, an increase in the critical area buffer and installation of a fence around the perimeter of the development.</p>		
Frances G. Maeirt Letter	64	February 27, 2006
<p>Raised concerns about the impact and traffic of this development. Maeirt recommends installation of a fence on the property line prior to any construction or development, paved sidewalks or paved shoulder and additional lighting on Stampede Blvd. and a buffer to protect her property.</p>		
Michael & Joyce Peterson Letter	44	February 13, 2006
<p>Raised issues or concerns regarding the applicant's responses to many items of the Environmental (SEPA) Checklist.</p>		



<u>Document</u>	<u>Exhibit #</u>	<u>Dated or date stamped</u>
Mark & Megan Pulkkinen Letter Raised issues or concerns about density, lot size, development of site and traffic. Raised issues about the accuracy of some of the applicant's responses to the Environmental (SEPA) Checklist.	51	February 14, 2006
Kenneth L. Puryear Letter Opposed to this project on several grounds. Raised issues or concerns on density, compatibility, stormwater runoff, impact to the critical area and traffic.	63	March 1, 2006
G.W & Lorna Woodward Letter Raised issues about the accuracy of some of the applicant's responses to the Environmental (SEPA) Checklist. The Woodward's recommend a 20-foot buffer along the intire (sic) right a way (sic) between the proposed homes and the right a way to mitigate noise and provide existing home owners some privacy.	52	February 14, 2006

**Analysis:**Urban Restricted Zone

The subject property is zoned Urban Restricted (UR). Per KCC, Section 17.325.010, *The urban restricted (UR) zone is applied to those areas within urban growth boundaries which have identified parcels constrained by critical areas of 50% or greater. Development would be limited to a density range of one to five dwelling units per acre. Actual densities allowed will be determined at the time of land use application, following an analysis of the site and review of potential impacts to the critical areas.* The Comprehensive Plan states the *Urban Restricted designation is applied to those areas within urban growth areas which have been identified as critical areas and regulated pursuant to the Critical Areas Ordinance, or are planned as greenbelts or urban separators, and are therefore appropriate for lower density development.*

The Kitsap County Comprehensive Plan promotes the establishment of greenbelts and urban separators to protect critical areas. Under the strict application of the Zoning Code's 50% constraint criteria, it would create a checkerboard pattern of isolated properties inconsistent with this goal and the Comprehensive Plan Land Use Map. Therefore, staff looks to the goals and policies of the Comprehensive Plan when applying the requirements of KCC, Chapter 17.325.

Based on criteria outlined in the Comprehensive Plan and in order to determine the appropriate density within the allowed range of one to five dwelling units per acre for the subject property, staff reviewed the following elements: proximity of the development to the critical areas, critical area category ratings, site topography, stormwater infiltration versus retention/detention, total impervious surface, percentage of the site to be retained in native vegetation, sewer availability, and the opportunity for clustered development.

Density

The applicant has proposed 57 lots, each to be developed with a single-family residence. The plat density, based on gross acreage, is four dwelling units per acre, plus one additional

unit (14.04 gross acres X 4 dwelling units/acre = 56 dwelling units). The plat density, based on net developable acreage (gross acreage – critical areas and their required buffers), is over 6 dwelling units per acre (57 dwelling units ÷ 8.45 net developable = 6.75 dwelling units/acre).

Per KCC 17.325.010, "Development would be limited to a density range of one to five dwelling units per acre. Actual densities allowed will be determined at the time of land use application, following an analysis of the site and review of potential impacts to the critical areas." Staff attempts to provide an appropriate density, when feasible, prior to the time of land use application. The applicant had a pre-application meeting on September 20, 2005. It was the desire of staff to conduct a site visit prior to issuing the pre-application summary letter in order to evaluate the site and provide a general indication of the appropriate density. Staff conducted a site visit with Mike O'Connor, Team 4 Engineering, on December 23, 2005. Environmental staff was unavailable prior to December 2005 because the Critical Areas Ordinance (CAO) was undergoing a state mandated update. The applicant submitted their preliminary plat/performance based development application on November 17, 2005, in order to have their application vest under the critical areas ordinance in effect at that time. A new Critical Areas Ordinance went into effect December 1, 2005. The subdivision application in review is vested under the rules in effect prior to the current CAO.

If staff were to evaluate the project area on the gross acreage alone, a minimum of 14 dwelling units (14.04 gross acres X 1 dwelling unit/acre = 14 dwelling units) to a maximum of 70 dwelling units (14.04 gross acres X 5 dwelling units/acre = 70 dwelling units) could be allowed. However, additional information must be considered when evaluating a project within the UR zone to determine the appropriate density in conjunction with the critical areas. If no critical areas or their buffers are present within the project area then it can be appropriate to consider the upper range of five dwelling units per acre. If a large or significant critical area is present, especially when coupled with the lack of sewer availability, the lower end of one dwelling unit per acre may be the only feasible option.

Based upon staff's evaluation of the proximity of the development to the critical areas, critical area category ratings, critical area values and functions, the size, extent and locations of the critical areas, site topography, stormwater infiltration versus retention/detention, total impervious surface, percentage of the site to be retained in native vegetation, sewer availability, and the opportunity for clustered development, staff determined that three dwelling units per gross acreage was appropriate. The maximum number of dwelling units would be 42 (14.04 gross acres X 3 dwelling units/acre = 42 dwelling units). If the standard lot requirements of the UR zone were applied, 60 foot lot width by 60 foot lot depth with a minimum lot size of 5,800 square feet, it appeared based on the general layout of the planned development that the maximum number achievable would be approximately 28 dwelling units (two dwelling units per gross acre, 14.04 gross acres X 2 dwelling units/acre = 28 dwelling units). Only two of the proposed lots meet the minimum lot requirements for width, depth and area. In addition, staff found it appropriate to consider the net developable area (gross acreage – critical areas and their buffers) to evaluate appropriate density. There are two areas that are adjacent to the critical areas but not encumbered by required buffers. Those "island" areas are not appropriate to develop because in order to access the "islands", there would be impacts to the critical areas and the CAO stipulates that a project needs to

avoid and minimize impacts to those areas. At the same time, it is reasonable to give some consideration to those "island" areas and shift the potential density to the developable area. As a result, staff determined the project would be penalized without shifting some density to the western side due to the configuration of the on-site critical areas, in relation to areas outside of the critical areas and their buffers. Based on net developable area the resultant density would be just under five dwelling units per acre or the maximum allowed in the UR zone (42 dwelling units ÷ 8.45 net acres = 4.97 dwelling units/acre). This evaluation provided further confirmation that three dwelling units per gross acreage was appropriate and defensible.

Any argument that a greater density should be allowed because sewer is available is not compelling. Sewer is an urban service and would be expected to be available within an urban growth area, which includes the UR zone. In addition, the minimum lot size of 5,800 square feet in the UR zone would not support a septic system on the lot. Typically, a minimum lot area of 12,500 square feet is needed for a septic system and even then it would likely require an "alternative method" not a standard gravity system, depending on the soil type and conditions.

Staff supports a 42-lot plat configuration, and requires that each lot be limited to one dwelling unit. Staff has determined this density is reasonable and meets the density allowed within the Urban Restrict (UR) zone, as well as other requirements, as intended through the Kitsap County Comprehensive Plan and KCC.

#### Lot Coverage

Maximum lot coverage by impervious surface shall not exceed fifty percent (KCC 17.325.070). Only 17 lots comply with the maximum lot coverage allowed. None of the attached housing complies with this requirement. Overall, it ranges from approximately 7 square feet to 346 square feet over the allowed maximum (Exhibit 83, sheet 1). Based on staff's recommendation for fewer lots, most of the resultant lots may be increased in size. All lots shall comply with the maximum lot coverage by impervious surface requirement.

#### Critical Areas

The area is a mixed coniferous and deciduous forest with a moderate to thick understory. There is a Category II wetland near the center of the project area. The on-site wetland is part of a larger wetland that lies off-site to the northeast and with a seasonal stream running through the center that represents a secondary stream outlet from the wetland to the north. The stream is located in a moderately steep ravine and is a tributary to Pahrman Creek and connects to it off-site to the south. The wetland mainly outlets via Pahrman Creek, which flows across the east end of the project area. Pahrman Creek, a type F (fish-bearing) stream, is located within a steep ravine. The stream continues off-site to the south. Both the wetland and Pahrman Creek require a 100-foot buffer with an additional 15-foot impervious surface setback. The project has demonstrated compliance with the required buffers and the 15-foot setback is only required along the western buffer of the wetland because of the adjacent proposed development. The eastern half will be within an open space area and an additional impervious surface setback is not necessary.

Sewage Disposal

Public sewer has been proposed for this project. The applicant's proposal is to install a force main sewer system, with an on-site pump station within the plat. Sewage will gravity flow within the plat to the pump station and then exit the site through the force main (Exhibit 83, sheet 7).

Stormwater

On-site stormwater runoff will be directed, via catch basins and underground pipes, to a bioswale and detention vault (Exhibit 83, sheet 6). The bioswale will provide water quality treatment of the stormwater runoff, following the detention vault.

A National Pollutant Discharge Elimination System (NPDES) permit, from the State Department of Ecology, will be required because the total amount of clearing will be over one acre.

Development Engineering has reviewed the preliminary engineering plans and analysis and finds that the project meets the requirements of KCC, Title 12 and is feasible in its approach to civil site development. Final design of the stormwater facilities shall meet the requirements of KCC, Title 12 for a "Major Development" (Exhibit 89).

Access

A new public access, from Stampede Boulevard, with internal public roadways will be created to provide access to the new lots within the plat. The roadway system will be paved asphalt with concrete curb, gutter and sidewalks.

Concerns have been raised regarding an existing easement that serves several parcels abutting the project to the north. There are two separate 30-foot easements, one located north of the project area and one located along the north property line of the project area (Exhibit 102). The easement located on the project area is proposed to be extinguished. The plat's proposed road system eliminates the need for the existing easement within the project parcels (Exhibit 83). The existing roadway that serves the parcels to the north currently traverses over a portion of the project area. The roadway is proposed to be re-aligned to fall within the existing northerly 30-foot easement that serves the parcels north of the project area. The applicant/owner shall obtain consent from the affected parcels prior to re-aligning the roadway.

Traffic

The anticipated trip generation from the proposed 57 lots in the plat is estimated to be 620 trips per day or approximately 10 trips per single-family residence. The anticipated trip generation from staff's recommendation for 42 lots in the plat is estimated to be 457 trips per day or approximately 10 trips per single-family residence.

Sidewalks

A five-foot sidewalk shall be provided on both sides of the proposed roadways within the plat and along the project area's road frontage on the east side of Stampede Boulevard.

### Off-Street and On-Street Parking

A single-family residence is required to provide two off-street parking spaces, per KCC 17.435.030.A.1. An additional half a parking space is required within the right-of-way to provide on-street parking for guests and visitors of the plat residents. A minimum of 29 guest/visitor parking spaces would be required for the 57 proposed lots. The applicant has demonstrated parking for 37 vehicles on the site plan (Exhibit 83, sheet 1). Based on staff's recommendation for 42 lots, only 21 guest/visitor parking spaces would be required. Staff would anticipate that the same number of parking spaces or more would be available based on the lot layout remaining in a similar pattern and the allowed lots being larger in size.

### Parks, Playgrounds and Recreation

The applicant has proposed a sport court, which would be located above the stormwater detention vault (Tract C) and a "walking path" or trail within a portion of the designated open space (Tracts D and E) (Exhibit 83, sheets L1 and L2). Four benches and two picnic tables are proposed along the trail. At least one bench shall also be provided at the sport court. A portion of the trail and the picnic tables are proposed within the wetland buffer. The trail shall be located outside the buffer or near the outer buffer edge to the greatest extent possible and the tables shall be relocated outside the required wetland buffer area. The trail, picnic area and bench locations shall be staked out and evaluated and approved by DCD environmental staff prior to final design and location. Some planting enhancement along the trail may be required, but existing native vegetation shall be retained and avoided to the greatest extent possible. The sport court and trail will provide adequate recreational opportunities for residents of this plat. The actual design of the recreational facilities will be required prior to Site Development Activity Permit (SDAP) approval and installation will be required prior to final SDAP construction approval.

### Landscaping/Streetscape

Landscaping will be required along the roadways. A curb/gutter, minimum 5-foot planting strip and a minimum 5-foot sidewalk cross-section is required. The proposed landscaping along the interior roads helps to create a visually appealing streetscape and additional habitat (Exhibit 83, sheets L1 and L2). However, more street trees will be required. Street trees shall be provided at a minimum interval of 15 feet and a maximum of 30 feet; the required caliper shall be 2 ½ to 3 inches. The entry to the plat shall also be landscaped with appropriate vegetation. Within Tract D, only the bioswale and areas outside the 100-foot wetland buffer may be hydroseeded with grass. Where possible, existing vegetation shall be retained. The final landscape plan shall differentiate between retention of existing vegetation and new plantings. A final landscaping plan that complies with KCC 17.385 will be required prior to Site Development Activity Permit (SDAP) approval. The planting of street trees, the entry landscape, and plantings within the open space and installation of the perimeter fence along the north and south property line in the areas of development will be required prior to final SDAP construction approval. To ensure initial survivability of the landscaping, a bond shall be required.

### Site Plan Review Standards

The proposed attached two-unit townhouses require a Conditional Use Permit (CUP) per KCC 17.325.030.G. As a result, a CUP requires review of the standards outlined in the Site

Plan Review chapter per KCC 17.420.030. Standards from the KCC 17.410.040.B are listed below (*italics*), with a discussion of the individual standard immediately following:

1. *All uses shall be conducted within a completely enclosed structure. Limited outside uses; (e.g.; patio dining areas and nursery sales limited to plants and trees) shall be subject to site plan review.*

This standard is more appropriately targeted towards commercial and business uses and activities, not uses associated with a residential development. Typical outside residential uses by members of the plat are allowed without restriction.

2. *All roof-mounted air conditioning or heating equipment, vents, ducts, or other equipment shall not be visible from any abutting lot, or any public street or right-of-way as feasible. This shall be accomplished through the use of parapet roof extensions, or screened in a manner which is architecturally integrated with the main structures.*

No roof mounted air conditioning or heating equipment currently exists and none is proposed.

3. *Locate service areas, outdoor storage areas and other intrusive site features away from neighboring properties to reduce conflicts with adjacent uses. There shall be no visible storage of motor vehicles (except display or auto sales to a limited degree; compatible with neighboring properties), trailers, airplanes, boats, recreational vehicles or their composite parts, tents, equipment or building materials in any portion of a lot. No storage shall occur on any vacant parcel. Building materials for use on the same premises may be stored on the parcel during the time that a valid building permit is in effect for construction.*

No service or outdoor storage areas are proposed. This standard is more appropriately targeted towards commercial and business uses and activities, not uses associated with a residential plat. Typical residential outside storage on the subject properties would be allowed without restriction.

4. *Every parcel with a structure shall have a trash receptacle on the premises. The trash receptacle shall comply with adopted public works standards and be of sufficient size to accommodate the trash generated. All receptacles shall be screened on three sides with fencing and or landscaping as determined appropriate by the director.*

Public works does not have any trash receptacle standards for a residence or plat. A single-family residence is not required to fence or landscape the area where a trash receptacle is placed for residential garbage pick-up.

5. *Pedestrian access shall be accommodated on-site from the public right-of-way, and throughout the site to minimize potential conflicts between pedestrian and vehicular circulation. Pedestrian paths must correspond with state and local codes for barrier-free access. Projects should also integrate walkways into the site plan leading to transit stops within 1,200 feet of the site; together with incorporating transit stops within the site plan design as appropriate.*

Sidewalks have been planned throughout the site and along the road frontage on the east side of Stampede Boulevard. This project does not create any conflict between pedestrians and vehicular traffic. No transit stops were observed within 1,200 feet of the site.

6. *Developments shall be limited to one ingress/egress per three hundred lineal feet along a public arterial. Small parcels that provide less than two hundred fifty feet of road frontage shall be limited to one parking lot entrance lane and one exit lane as measured horizontally along the street face. Access points may be required at greater intervals as directed by the director of public works as demonstrated through a traffic analysis. Developments shall attempt to share access with adjoining parcels to minimize access points and potential conflicts from vehicles entering and exiting onto traveled roadways, unless deemed not feasible due to natural constraints such as critical areas or topographical relief, or existing development that precludes the ability to share access. Developments shall attempt to minimize vehicular movement conflicts with public roadways by use of connected frontage lanes.*

There will be only one access point, from the existing county right-of-way, for the plat. Any additional shared access is unnecessary based on the location of adjacent parcels and the public road system (Exhibit 102).

7. *Signs shall be permitted according to the provisions of Chapter 17.445.*

A plat sign is proposed near the entrance (Exhibit 83, sheet 1).  
A sign permit shall be required for the proposed sign.

8. *Off-street parking and loading shall be provided according to the provisions of Chapter 17.435.*

Two parking spaces are required on each lot developed with a dwelling unit. An additional half a parking space is required within the right-of-way to provide on-street parking for guests and visitors of the plat residents. A minimum of 29 guest/visitor parking spaces would be required for the 57 proposed lots. The applicant has demonstrated parking for 37 vehicles on the site plan (Exhibit 83, sheet 1).

9. *Landscaping shall be provided according to the provisions of Chapter 17.385.*

Landscaping is required for the plat in order to meet the intent to the Comprehensive Plan's policy to provide streetscape designs in urbanized areas. Landscaping is not required for each individual lot through the subdivision process. However, there may be required landscaping upon an individual lot as part of the streetscape planting requirements.

*Performance Based Development (PBD) Standards and Requirements*

Abbreviated standards from KCC 17.425.040 are listed below (italics), with a discussion of the individual standard immediately following:

A. *Building Height.*

There is no request to exceed the 35-foot building height of the zone.

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 fifteen percent of the total site.*

The location, shape, size and character of the common open space is suitable for the proposed project and it exceeds fifteen percent of the total site area. The common open space exceeds 50% of the total site.

2. *The common open space is suitable for use as an amenity or recreational purpose, provided the use authorized is appropriate to the scale and character of the planned density, expected population, topography, and the number and type of dwellings provided.*

The common open space is suitable for the proposed project (Tracts D, E and F). The proposed trail is estimated to be approximately a half mile in length from the starting point through the loop and back to the starting point. Benches are planned at the beginning of the trail and at selected points along the trail to provide resting places and locations to view the flora and fauna.

3. *Common open space may be improved for its intended use. Common open space containing critical areas or other natural features worthy of preservation may be left unimproved. The buildings, structures, and improvements to be permitted in the common open space are those appropriate to the uses which are authorized for the common open space.*



The common open space containing critical areas and their required buffers will mostly be unimproved except for a trail that passes through them. The proposed picnic tables located within the wetland buffer shall be relocated outside the buffer.

4. *Land shown in the final development plan as common open space, and its landscaping and/or planting contained therein, shall be permanently maintained by and conveyed to an association of owners, a public agency, or a private non-profit conservation trust or similar entity.*

The common open space would be held in common by an association of owners of the entire plat. This requirement shall be reflected in the Conditions, Covenants and Restrictions (CC&Rs) required as part of the final plat.

C. *Recreational open space.*

1. *A contiguous area that is five percent of the lot area (excluding perimeter buffers, critical areas and critical area buffers), Said area shall be:*
  - a. *Developed as an open grass field (manicured to a condition that allows mowing by mechanical means) or a natural area (not inside perimeter buffers, critical areas or their buffers) that contains a pathway and benches;*
  - b. *Owned in common and /or available for use by all residents of the PBD;*
  - c. *A provision made by the Covenants for perpetual maintenance.*

The proposed contiguous area is located outside of critical areas and their required buffers (Tract E). Tract E is 1.19 acres or 8.48 percent of the lot area ( $1.19 \text{ acres} \div 14.04 \text{ acres} \times 100 = 8.48 \text{ percent}$ ). The contiguous area will be located within a natural area. The open space area will be owned in common and available for use by all residents of the Settler's Field Plat/PBD. The Home Owner's Association (HOA) shall address perpetual maintenance of the open space and recreational facilities and components within the Covenants, Conditions and Restrictions (CC&Rs).

2. *A developed active recreation facility or facilities commensurate with the number of units/lots contained within the PBD. A "facility" shall be: a paved "sport court"; children's play area; exercise fitness trail; community garden with water service; or similar amenity.*
  - b. *13 to 49 lots/units shall provide one facility*
  - c. *50 to 79 lots/units shall provide two facilities*
  - d. *Facilities may be located within the contiguous recreational areas;*

- g. Owned in common and available for use by all residents of the PBD; and*
- h. Written provisions or agreement for perpetual maintenance by the Home Owner's Association or a public agency willing to assume ownership and maintenance.*

A sport court is planned over the stormwater facility (Tract C). A picnic area with two picnic tables is proposed within the wetland buffer (Tract D). The picnic area cannot be located within the buffer area. In order to be counted as a facility it may be located within the contiguous recreational area (Tract E). The sport court and picnic area will each count toward a recreational facility, assuming the picnic area is relocated outside the wetland buffer. The trail and benches is a component of the five percent contiguous area required as an element of the recreational open space within a Performance Based Development (PBD). Only one facility would be required based upon staff's recommendation for 42 dwelling units/lots. The sport court is the recommended facility because it involves a more active recreational component than a picnic area. However, staff has no opposition to a second facility such as a picnic area with tables, as long as it is located outside of any required critical area buffer. The designated open space and recreational facilities shall be owned in common and available for use by all residents of the PBD and the plat's HOA shall address perpetual maintenance of the common open space and recreational facilities and components within the CC&Rs.

- 3. In rural zones, common open space shall be no less than fifty per cent of the total site area.*

The subject properties are all in an urban zone; therefore, standard number 3 does not apply.

- 4. In order to promote creativity and innovation, these standards and criteria may be modified or substituted with other design concepts if so approved by the board of county commissioners.*

There is no request for these standards and criteria to be modified or substituted with other design concepts and none have been approved by the board of county commissioners.

Agency Recommendations

Development Engineering recommends approval of this project with 35 conditions (Exhibits 89 and 106). Fire Marshal's Office recommends approval with one condition. Kitsap County Health District recommends approval with five conditions (Exhibit 66). Kitsap County Land Use and Environmental Review recommend approval with 24 conditions, subject to modification of the number of dwelling units/lots for the project. Land use recommends denial without the modification.

If the Hearing Examiner concurs with staff's recommendation for 42 dwelling units or lots, only 21 guest or visitors parking spaces would be needed and given the applicant demonstrated parking for 37 on-street vehicles that element would be able to be met. Unless the impervious area increases, which does not seem likely with less units/lots, the stormwater design would not need to be altered. If minor adjustments were necessary that required an alteration, the SDAP would have to address those changes. It does not appear any change to sewer would be needed. Access, sidewalks, landscaping and recreational components would still be required (one active recreational facility vs. two facilities) and would not be significantly different under the reduced number of dwelling units/lots scenario. Staff supports the sport court rather than the picnic area as the preferred recreational facility.

**Findings:**

1. The Hearing Examiner has review authority for this Preliminary Plat/Performance Based Development (PBD) application and Conditional Use Permit application per *Kitsap County Code* (KCC) 16.12, 17.420.020, 17.425.020 and 21.04.030.

The following findings are based upon staff's recommended modification for a maximum of 42 dwelling units/lots. Staff is unable to make the necessary findings to support 57 dwelling units/lots.

## Conditional Use Permit (CUP)/Site Plan Review (SPR)

2. The proposed development/use is one permitted within the Urban Restricted (UR) zoning designation subject to Preliminary and Final Plat approval, Performance Based Development approval, Conditional Use Permit approval and Site Plan Review approval meets or will meet through imposed conditions the standards of Land Division and Development outlined in KCC, Title 16 and UR zone outlined in KCC, Chapter 17.325, and all of the other applicable provisions of the KCC and all other applicable regulations, including prescribed development/performance standards and all applicable development standards and design guidelines.
3. The proposed development would be harmonious and compatible with existing and future developments within the land use designation and general area.
4. The subject site is physically suitable for the type, density and intensity of the use being proposed.

5. Appropriate provisions have been made for the public health, safety and general welfare for open spaces, drainage ways, streets or roads, alleys and other public right-of-ways, transit stops, potable water supply, sanitary waste, parks and recreation, playgrounds, schools and all other relevant facts, including: sidewalks or other planning features that ensure safe walking conditions for students who walk to and from school.
6. The location, size, design and operating characteristics of the proposed development/use would not be detrimental to the public interest, health, safety, or welfare of the County.
7. The preliminary plat, as conditioned below, incorporates appropriate provisions for the public health, safety, and general welfare, as required by RCW 58.17.110(2) and KCC, Section 16.12.160.

Performance Based Development (PBD)

8. 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.
9. The design of the PBD is compatible with neighboring land uses.
10. The site for the proposed use relates to streets and highways adequate in width and pavement type to carry the quantity and kind of traffic generated by the proposed use.
11. The proposed and/or existing public facilities and utilities are adequate to serve the project.
12. The establishment, maintenance, and/or conduct of the 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 the circumstances of the particular case, be detrimental to the public welfare, injurious to property or improvements in said neighborhood, or contrary to orderly development.

**Recommendation:**

Based upon the applicant's proposal, staff recommends denial.

Based upon staff's modification and the concomitant findings, it is recommended that the Preliminary Plat/Performance Based Development (PBD) and Conditional Use Permit request for Settler's Field be approved, subject to the following conditions:

Development Engineering

All requirements of Kitsap County Development Engineering shall be met, including but not limited to:

### General

1. 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.
2. 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 altered for the final design to meet all requirements of Kitsap County Code Titles 11 and 12.
3. Impervious area allowed per lot shall be indicated on the face of the final plat.

### Stormwater

4. The information provided demonstrates this proposal is a *Major Development* as defined in Kitsap County Code Title 12, and as such will require a Site Development Activity Permit (SDAP) from Development Engineering.
5. Stormwater quantity control, quality treatment, and erosion and sedimentation control shall be designed in accordance with Kitsap County Code Title 12 or as amended at the time of SDAP application. 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.
6. The bioswale shall be sized to provide treatment of the post-developed peak flow rate from the 6-month, 24-hour storm event per KCSDM Section 6.2.
7. Any project that includes off site improvements that create additional impervious surface such as lane widening, sidewalk or shoulder installation or intersection channelization will be required to provide stormwater mitigation in accordance with Kitsap County Code Title 12 or as amended at the time of SDAP application.
8. The site plan indicates that greater than 1 acre will be disturbed during construction. This threshold requires a National Pollutant Discharge Elimination System (NPDES) permit from the State Department of Ecology. More information about this permit can be found at: <http://www.ecy.wa.gov/programs/sea/pac/index.html> or by calling Charles Gilman at (360) 407-7451, email [chgi461@ecy.wa.gov](mailto:chgi461@ecy.wa.gov). This permit is required prior to issuance of the SDAP.

9. This project includes the construction of a detention vault, which requires a building permit issued by the Department of Community Development. A Structural Engineer, registered in the State of Washington, shall prepare the construction drawings. In addition, a geotechnical engineering analysis of the vault design is required. That analysis will be prepared by a Civil Engineer licensed in the State of Washington, knowledgeable in the practice of soils engineering and mechanics. The analysis will address the effects of groundwater infiltration, seepage, potential slip planes, and changes in soil bearing strength. The proposed facilities will be designed following the recommendations of the geotechnical analysis.
10. 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.

#### Traffic and Roads

11. Roads shall not exceed 12% grade.
12. The interior roads of the proposed plat shall be built to County standards for local access road or an approved higher standard and publicly maintained and the right-of-way dedicated to Kitsap County as proposed.
13. Vertical curves shall meet AASHTO sight distance requirements for a 25 mph posted speed.
14. Horizontal curves for public roads shall have minimum centerline radii as outlined in the Kitsap County Road Standards unless a technical deviation is granted.
15. Submit a Road Approach Permit Application and 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. Please denote the design vehicle on the plan set. Existing approaches may need to be improved to meet current standards.

16. Construction of handicap access facilities within existing or proposed County right-of-way shall conform to the requirements of the Americans with Disabilities Act.
17. All lots shall access from interior roads only. This note shall appear on the face of the final plat map.
18. 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 Engineering reserves the right to require that covenants be recorded to address special maintenance requirements depending on final design.
19. The approach to Stampede Blvd. shall be designed in accordance with Kitsap County Road Standards, with minimum return radii of 35 feet. The approach grade shall not exceed 5% from the flow line to twenty feet beyond the right-of-way line. Note the design vehicle on the final plans.
20. Provide wheelchair ramps on both sides of the site approach. Include on the plan set curb ramp details that meet the requirements of the Americans with Disabilities Act per WSDOT Standard Plan F-3 cement concrete sidewalk and approach details.
21. Any required sidewalk shall be constructed prior to roadway paving. This note shall appear on the face of the final construction drawings.
22. Improvements along the entire site frontage shall consist of curb, gutter, and sidewalk on the east side of Stampede Blvd.
23. The developer's engineer shall certify that there is adequate entering sight distance at the intersection of Site Access and Stampede Blvd. 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.
24. The gravel road to be relocated on the adjacent parcels to the north shall be evaluated for stormwater mitigation requirements as part of the overall project. New impervious surfaces associated with roadway relocation shall be mitigated in accordance with Kitsap County Code Title 12 or as amended at the time of SDAP application.

### Survey

25. The final plat map shall be prepared in compliance with Kitsap County Code Title 16.16.
26. The 10 feet for utility easement shall be provided on each side of all streets on the face of the final plat.
27. Protective Covenants, Conditions and Restrictions (CC&Rs) shall be established, reviewed, approved and recorded with the final plat. The CC&Rs must ensure the perpetual maintenance of storm drainage facilities, recreational facilities and common open space.
28. Private road tracts, access tracts, recreational areas, common open space and stormwater management areas shall be labeled as separate tracts. Ownership and maintenance of all tracts will be addressed on the face of the plat as well as in the CC&Rs.
29. A short subdivision amendment must be recorded to extinguish the ingress, egress and utility easement across the north 30 feet of lots B, C & D of Short Plat No. 662R-1. The owner of lot A must be signatory to the amendment.
30. The existing driveway for proposed Lot 56 must be relocated prior to final plat recording to preclude encroachments.
31. Prior to recording the final plat, rectify the driveway encroachment along the northern boundary of the proposed preliminary plat.

### Wastewater

32. Kitsap County sanitary sewer is available for the project. Applicant needs to submit a complete set of sewer plan, profiles, and specifications designed in accordance with KCPW - Wastewater Division Standards and Regulations.

### Solid Waste

33. Prior to SDAP approval, Waste Management (360) 674-3166 shall be contacted for information on implementing the service provider's solid waste/recycling storage requirements for the proposed activity. Indicate method of waste disposal on the final plans.

### Other

34. Retaining walls shall meet setback requirements of KCSDM 4.7.5.



35. All retaining walls greater than 4-feet shall require a building permit.

#### Fire Marshal

All requirements of the Kitsap County Fire Marshal's Office shall be met, including but not limited to:

36. A 3 foot clear space shall be maintained around the circumference of fire hydrants.

#### Health District

All applicable Kitsap County Health District regulations shall be adhered to, including but not limited to:

37. Water is to be provided by the City of Bremerton.
38. A Sewered Building Clearance is required for each lot prior to issuance of the building permit.
39. Sewerage is to be provided by Kitsap County.
40. The septic tank for the existing house must be properly abandoned. A pump receipt and a tank abandonment form must be submitted to the Health District.
41. The water main must be extended and replaced.

#### Land Use and Environmental Review

All requirements of the Kitsap County Land Use and Environmental Review Division shall be met, including but not limited to:

##### Environmental

42. Trails shall be limited to pedestrian use. Trail width shall not exceed five feet unless there is a demonstrated need, subject to review and approval by the department. Trails shall be constructed with pervious materials unless otherwise approved by DCD environmental staff.
43. The trail within Tract D shall be boardwalked in the area of the wetland crossing plus 5 feet on each end. The boardwalk shall be constructed to minimize impacts to the wetland and its function.
44. Tracts D, E and F are open space tracts. The tracts shall be labeled as non-clearing native vegetation buffer. Tree removal is prohibited for the

location of the trail. Limited clearing shall be allowed within Tract D for installation of the bioswale and Tract E for installation of the trail. Within Tract D, only the bioswale and areas outside the 100-foot wetland buffer may be hydroseeded with grass. Disturbed buffer areas shall be replanted with native vegetation.

45. Planting enhancement along the trail may be required, but the removal of large stand or individual native vegetation materials must avoided to the greatest extent possible.
46. Trees and/or vegetation within Tracts D, E and/or F considered hazardous shall be evaluated by DCD staff and/or a certified arborist and DCD shall grant approval prior to removal of any vegetation. Replanting of removed vegetation may be required. This requirement shall be included in the CC&Rs filed with the plat.
47. The picnic tables shall be relocated outside the required wetland buffer area to an appropriate location in Tract D.
48. The trail, picnic area and bench locations shall be staked out and evaluated and approved by DCD environmental staff prior to final design and location.
49. A split rail fence, as depicted on Exhibit 83, sheet L2, shall be installed along the outer wetland buffer edge prior to final SDAP construction approval.
50. Construction limits shall incorporate tree protection area criteria designed to protect each tree or tree stand along the outer edge of wetland buffers in Tract D. Tree protection areas shall be added and clearly labeled on all applicable site development and construction drawings, submitted to the department.
51. Disturbances to wetland buffers through the construction of the bioswale in Tract D must be quantified and a restoration plan provided prior to final SDAP construction approval. Financial surety for the performance and maintenance of these restored areas will be required a 150% of the estimated cost.

#### Planning

52. Each lot and all development within the plat shall comply with the Urban Restricted Zone requirements outlined in *Kitsap County Code* 17.325. This note shall appear on the face of the final plat map and shall be included in the Covenants, Conditions and Restrictions (CC&Rs) filed with the plat.

53. Every lot in the plat is limited to one dwelling unit. No duplexes or accessory dwelling units shall be permitted. This note shall appear on the face of the final plat map and shall be included in the Covenants, Conditions and Restrictions (CC&Rs) filed with the plat.
54. Maximum lot coverage by impervious surface shall not exceed fifty percent. This requirement shall be included in the CC&Rs filed with the plat.
55. Any Covenants, Conditions and Restrictions (CC&Rs) placed on the plat shall not be in conflict with the *Kitsap County Code* or County regulations.
56. A minimum of 21 on-street parking spaces for plat guests and/or visitors shall be provided.
57. The recreational amenities (sport court, picnic area and trail) shall be maintained and be in good working order by the lot owners within the plat and/or the plat's Home Owner's Association.
58. A final landscaping plan shall be required prior to construction plan approval (Site Development Activity Permit (SDAP)). The plan shall include the final design of the sport court (Tract C), picnic area (Tract D) and trail (Tracts D and E). Benches shall be provided adjacent to the trail and sport court and be detailed on the plan. The landscape plan shall conform to the requirements of *Kitsap County Code* 17.385.
59. Street trees shall be provided at a minimum interval of 15 feet and a maximum of 30 feet.
60. Street trees shall be 2½ to 3 inch caliper.
61. Installation of the sport court, picnic area, trail and perimeter fence along the north and south property line in the areas of development will be required prior to final SDAP construction approval.
62. Landscaping shall be installed and maintained in conformance with the requirements of *Kitsap County Code* 17.385. The planting of street trees, the entry landscape and plantings within the open space shall be installed and inspected prior to final plat approval.
63. To ensure survivability of the required landscaping, a bond for a two year period shall be required prior to final Site Development Activity Permit (SDAP) construction approval. The bond shall be 75% of the planting and installation cost. A bid for the landscaping and installation cost shall be provided prior to final SDAP approval.

64. Signage shall comply with *Kitsap County Code* 17.445, in effect at the time of a complete sign permit application, and be reviewed and approved by the Department of Community Development prior to installation. Signage may require a separate permit.
65. If the preliminary plat is approved, the property owner shall submit a final plat within five years of the preliminary plat approval. The submission shall meet all the legal requirements and conditions of approval.

c: Stampeed, LLC; 5819 NE Minder Road; Poulsbo, WA 98370  
Westbrook Investments, LLC; 437 29<sup>th</sup> Street NE; Puyallup, WA 98372  
Bushnell Brothers; 2056 Lexington Drive; Bremerton, WA 98311  
Mark Kuhlman; 5819 NE Minder Road; Poulsbo, WA 98370  
Garcia & Linda Fenton; 6762 Stampede Boulevard NW; Bremerton, WA 98311  
Robert T. & Carolyn L. Fessler; 6439 Bronco Place NW; Bremerton, WA 98311  
Frances Maeirt; 6476 Stampede Boulevard; Bremerton, WA 98311  
Michael & Joyce Peterson; 6445 Bronco Place NW; Bremerton, WA 98311-9700  
Mark & Megan Pulkkinen; 6444 Bronco Place; Bremerton, WA 98311  
Kenneth L. Puryear; 6405 Holland Road NW; Bremerton, WA 98311  
Heather & Sheldon Raph; PO Box 723; Norwich, CT 06360  
Helen C. Rohrer; 17819 N 135<sup>th</sup>; Sun City West, AZ 85375  
David & Susan Tufts; PO Box 3072; Bremerton, WA 98310  
Gary & Lorna Woodward; 6790 Stampede Boulevard NW; Bremerton, WA 98311  
Kitsap County Health District, MS-30  
Kitsap County Public Works Dept., MS-26  
Kitsap County Parks & Recreation Dept., MS-6  
DCD Staff Planner: Meg Sands  
DCD Code Enforcement  
DCD File (05 28314)  
DCD Building Permit File  
DCD Development Engineering, MS-26  
DCD Fire Marshal  
Hearing Examiner  
Clerk of Hearing Examiner

