



Notice of Administrative Decision

Date: 02/14/2020

To: Applicant: Fred Brown, fbrown@cesnwinc.com
Owner: Richmond American Homes of Washington, Inc., Barney.Skochdopole@mdch.com
Interested Parties and Parties of Record

RE: Permit Number: 19- 04237
Project Name: Ridgeline Preliminary Plat Minor Amendment
Type of Application: Preliminary Plat Minor Amendment (Type II Decision)

The Kitsap County Department of Community Development has APPROVED the land use application for Permit # 19-04237: Ridgeline Preliminary Plat Minor Amendment – Type-II Decision, subject to the conditions outlined in this Notice and included Staff Report.

THE DECISION OF THE DEPARTMENT IS FINAL, UNLESS TIMELY APPEALED TO THE KITSAP COUNTY HEARING EXAMINER ON OR BEFORE 14 DAYS FROM THE DATE OF DECISION PER KITSAP COUNTY CODE 21.04.290.

The written appeal shall be made on, or attached to, an appeal form found on DCD's website: <https://www.cognitofirms.com/KitsapCounty1/RequiredPermitQuestionnaireAppealObjectionOfAnAdministrativeDecision>.

Please note affected property owners may request a change in valuation for property tax purposes, notwithstanding any program of revaluation. Please contact the Assessor's Office at 360-337-5777 to determine if a change in valuation is applicable due to the issued Decision.

The complete case file is available for review at the Department of Community Development; if you wish to view the case file or have other questions, please contact help@kitsap1.com or (360) 337-5777. Please note DCD is open Monday to Thursday from 8:00am to 4:00pm and on Friday from 9:00am to 1:00pm except holidays.

CC: Interested Parties:
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Kitsap County Health District, MS-30
Kitsap County Public Works Dept., MS-26
DCD Staff Planner: Jeff Smith
DCD File # 19-02437

Permit # 19-04237, Ridgeline Preliminary Plat Minor Amendment
2/14/2020



Administrative Staff Report

Report Date: February 5, 2020

Application Submittal Date: September 13, 2019

Application Complete Date: October 9, 2019

Project Name: Ridgeline Preliminary Plat Minor Amendment

Type of Application: Type-II Decision

Permit Number: 19-04237

Project Location

Phillips Road SE and SE Baker Road
Port Orchard, WA 98367
Commissioner District #2

Assessor's Account

182302-2-004-2009
182302-2-039-2008

Applicant/Owner of Record

Richmond American Homes of
Washington Inc.
20819 72nd Avenue S. Ste 110
Kent, WA 98032

Recommendation Summary

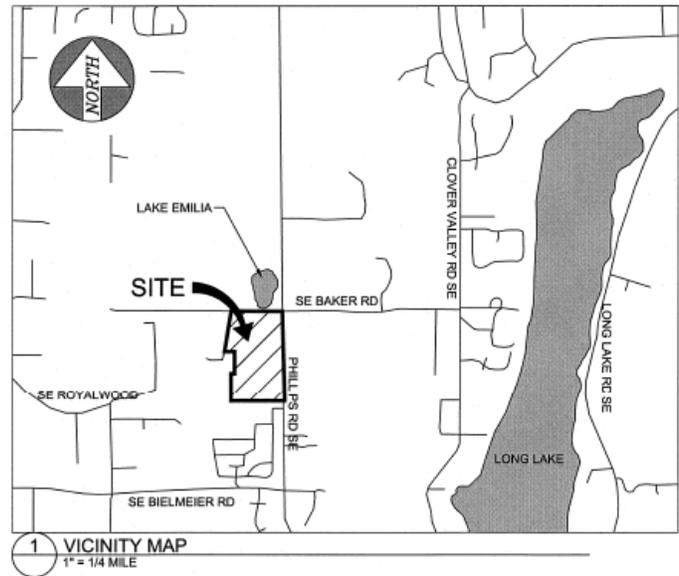
Approved subject to conditions listed under section 13 of this report.

1. Background

The applicant is requesting a minor amendment to the previous revision to the Ridgeline Preliminary Plat, dated April 25, 2019 to reduce the size of the development from 125 to 116 lots. The minor amendment will not significantly change what was preliminarily approved. The reduction of lots is required to relocate the proposed stormwater facilities from the private roadways to new storm drainage tracts adjacent to the roadways. To reduce stormwater impacts impervious surfaces areas have been reduced with the reduction of lots. The disturbed pervious area will be revegetated with compost amended soils. The civil designs will be amended to include a bioretention facility on Tract-A and a series of stormwater mitigation throughout the plat and Tract-G will contain an infiltration pond. The proposed storm drain system within Phillips Road was revised to include curb inlets along the curb line to an infiltration facility behind the curb.

A minor amendment was approved on April 25, 2019 which changed the road alignment, the road designation from public to private, storm mitigation provided by bioretention, reduction

VICINITY MAP



of lot widths to maintain lot count and provide additional open space in the east central area to provide a visual break in the road alignment (File #18-03673). The minor amendment is a Type-II decision, per Kitsap County Code 16.40.040 Amendments to approved preliminary plats, and per KCC Title 21 Land Use and Development Procedures. The Department is currently processing Ridgeline - Final Plat permit #19-01770 pursuant to KCC 16.40.050.

2. Project Request

The request is for preliminary plat minor amendment to the approved Ridgeline Preliminary Plat Alteration, as provided in Section KCC 16.40.040 Amendment to Approved Preliminary Subdivisions.

3. SEPA (State Environmental Policy Act)

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

The Kitsap County Department of Community of Development is issuing this Addendum to the SEPA MDNS for the Ridgeline Preliminary Plat with the associated Minor Plat amendment, reviewed under permit 19-04237. Please note that consistent with Section WAC 197-11-625 of the State Environmental Policy Act (SEPA), Kitsap County is sending this addendum to the recipients of the DNS decision. The SEPA comment period for the Minor Plat Amendment occurred concurrent with the Notice of Application, dated October 15, 2019. There is not an appeal period for this SEPA addendum.

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

The addendum provides additional information about the Minor Plat Amendment. The modification and the impacts of these modifications are within the range of the alternatives and significant adverse environmental impact previously analyzed in the March 30, 2011 MDNS, and the addendum does not substantially change that analysis (see WAC 197-600). The addendum does the following:

Describes modifications to the project per the revised submittal received and deemed complete on September 13, 2019, including a reconfiguration of lots, and a reduction in the number of units from 125, down to 116 units. The review includes an updated geotechnical report, which recommends alteration of the plat to include six separate sub-basins and recommends changes to the associated stormwater control facilities. The stormwater control facilities will provide for full infiltration of stormwater. All stormwater will be pre-treated using proprietary water quality treatment devices, prior to groundwater discharge.

2. All conditions of the Hearing Examiner’s Decision for the previous Land Use Actions shall apply including required SEPA substantive traffic and Right of Way mitigation conditions (Mitigation Measure 5, conditions 16 through 29).

4. Physical Characteristics

The subject property is approximately 18 acres in size and currently undeveloped. The development site slopes from the south down to the north. The site topography is characterized as rolling with fall of about 58 feet over the length of the site. Prior to clearing prior to issuance of the SDAP #18-0305, the vegetation consisted of Alder, Aspen, Fir, Cedar, Pine and associated shrubs and other under-story plants. The property is somewhat rectangular, oriented north and south. The applicant is waiting for approval on the addendum 18-0305A2. The average parcel width is 675 feet, and depth is approximately 1,300 square feet.

Table 1 - Comprehensive Plan Designation and Zoning

| Comprehensive Plan: Urban Low -Density Residential Zone: Urban Low-Residential (vested) | Standard | Proposed |
|--|--|--|
| Minimum Density | 5 -Dwelling Units per acre = 92 unit | The project density is now 6.4 dwelling units per acre (116 proposed lots 4,500 sf., lot dimensions 50' x 90') |
| Maximum Density | 9 dwelling Units per acre = 164 units | |
| Minimum Lot Size | 2,400 sf. | 3,655 sf. |
| Maximum Lot Size | NA | 10,559 sf |
| Minimum Lot Width | 40 feet | 40 feet |
| Minimum Lot Depth | 60 feet | 90 feet |
| Maximum Height | 35 feet | 2 stories, <35 feet |
| Maximum Impervious Surface Coverage | NA | ~439,956 or 56% |
| Maximum Lot Coverage | NA | NA |

Applicable footnotes: NA

Table 2 - Setback for Zoning District

| | Standard | Proposed |
|--|----------|----------|
|--|----------|----------|

| | | |
|-------|---|---|
| Front | 10 feet Habitable Area, 20-foot Garage | 10 feet Habitable Area, 20-foot Garage |
| Side | 5-feet | 5-feet |
| Side | 5-feet | 5-feet |
| Rear | 5-feet | 5-feet |

Staff Comment: The minor plat amendment is consistent with the Comprehensive Plan designation, the project vested to Urban Low Residential development standards and setbacks are listed in Table 1 and 2, pursuant to KCC 21.04.105 Vesting.

Table 3 - Surrounding Land Use and Zoning

| Surrounding Property | Land Use | Zoning |
|----------------------|--|------------------------|
| North | Currently undeveloped and single-family residences | Rural Protection (RP) |
| South | Undeveloped | Rural Residential (RR) |
| East | Single-family residences | Rural Protection (RP) |
| West | Single-family residences | Rural Protection (RP) |

Table 4 - Public Utilities and Services

| | Provider |
|--------|-----------------------------------|
| Water | West Sound Utility District |
| Power | Puget Sound Energy |
| Sewer | West Sound Utility District |
| Police | Kitsap County Sherriff |
| Fire | South Kitsap Fire & Rescue |
| School | South Kitsap School District #402 |

5. Access

The preliminary plat will receive access from SE Baker Road and Phillips Road SE Road from an internal privately maintained road. The private roads internal to the plat are classified as low-volume, local access roads. The County road, SE Baker Road, is a local access road that intersects with Phillips Road SE, which is classified as a major collector since it is located in a rural designated area. North of the project, Phillips Road SE intersects with State Route 160, which has a functional classification as a minor arterial, providing a connection with the Port Orchard Urban Growth Area and the Southworth Ferry terminal.

Based on an earlier decision for the Ridgeline Plat, to mitigate potential traffic impacts at the intersection of State Highway SR-160 and Phillips Road SE, the applicant is required to contribute to the cost of construction of a traffic signal. The traffic safety mitigation was required through an element of the Mitigated Determination of Nonsignificance, dated March 30, 2011. The applicant has completed the civil plan review and the work is bonded with Washington Department of Transportation. As a condition of final plat approval, the signal will be required to be installed.

6. Site Design

The proposed minor amendment to the Preliminary approved Ridgeline Plat was reviewed for consistency with requirements pursuant to Chapter 16.04.040 Amendments to approved Preliminary Subdivisions. The preliminary plat was required to comply with urban development standards for utilities, roads, sidewalks, landscaping and recreation facilities. The project is required to incorporate frontage improvements along SE Baker Road and Phillips Road SE.

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 December 2006

See Comprehensive Plan goals and polices in the previous staff report, when the project vested on October 12, 2009.

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

Land Use Goals and Policies,
Policy LU-2, Policy LU-3, Policy LU-14, Policy LU-133 Policy LU-137, Policy LU-148
Natural Systems Policies, Policy NS-27, Policy NS-28, Policy LU-32
Housing Policies, Policy HS-12, Policy HS-13, Policy HS-15
Transportation Polices: Policy T-81, Policy T-83

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 Divisions 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> |
|--|------------------------------|
| Minor Amendment Application | |
| Preliminary Plat Amendment | September 17, 2019 |
| Concurrency Test | October 3, 2019 |
| Environmental (SEPA) Checklist Revised | October 10, 2019 |
| Revised Preliminary Plat | September 17, 2019 |
| Project Narrative | September 17, 2019 |
| Revised Landscape Plan | October 8, 2019 |
| Engineered Drainage Report, Amend | September 17, 2019 |

| <u>Staff Communication</u> | <u>Dated</u> |
|---|-------------------------|
| Dev. Services & Engineering Memo | December 4, 2019 |
| SEPA Addendum | January 21, 2020 |

9. Public Outreach and Comments

Pursuant to KCC Title 21 Land Use, and Development Procedures, the Department gave proper public notice for the minor amendment with the notification of property owners up to 800 feet around the site. During the previous minor plat amendment, the Department received questions and comments on street lighting, fencing, the need for a public meeting and project vesting relative to the change to the comprehensive plan. To date the Department has only received comments or questions from Dr. Sheila Sheinberg, one of the representatives for the neighborhood. All interested parties on previous applications still have standing.

| Issue Ref. No. | Summary of Concern (See corresponding responses in the next table) | Comment Letter Exhibit Reference No. |
|----------------|--|---|
| 1. | Is there analysis of Lake Emelia as a critical drainage area? | Sheinberg 08/23/2019 |
| 2. | Is there analysis of Lake Emelia that shows that it drains to a closed depression? | Sheinberg |
| 3. | Is there documentation on the significance of Lake Emelia as a wetland?? | Sheinberg |
| 4. | In the event of contamination caused by outflow from the "Ridgeline Development" who is responsible for cleanup. | Sheinberg |
| Issue Ref. No. | Issue | Staff Response |
| 1. | Critical Drainage Area | Yes, analysis was completed on Lake Emelia as required by Title 12 per the 2010 Code. |

| | | |
|----|-----------------------|--|
| 2. | Closed Depression | Yes, when the development drains to the closed depression then the development is required to infiltrate all storm water equal or greater, which the applicant is proposing. |
| 3. | Lake Emelia - wetland | A technical report was prepared, dated March 8, 2019 by a wetland consultant to address any potential or plausible hydrologic impacts associated with stormwater. There are some documented wetland plant communities around the lake. The water body is not defined as an open water wetland per KCC 19.200. However, under KCC 19.300.315 Lake Emelia is classified as a lakes less than 20 acres. |
| 4. | Outfall Impacts | The property owner is responsible for maintaining the stormwater facility per KCC 12.24.010; violations are the responsibility of the owner. This project proposes to infiltrate all stormwater and does not propose stormwater discharge from the site. |

10. Analysis

a. Planning/Zoning

When the preliminary plat was approved the property was vested to Urban Low Residential zoning and the property was included in the 2006 South Kitsap urban growth area expansion. Later in 2016, the property's comprehensive Plan designation changed from urban to rural based in response to the population allocation and refinement of the land use holding capacity analysis to improve delivery levels of urban services. The project vested to Urban Low Residential development standards and setbacks, pursuant to KCC 21.04.105 Vesting. The current Minor Plat Amendment retains its vesting date for density and stormwater management (See Attachment C).

b. Lighting

Urban residential plats generally include illumination of internal roadways. Pursuant to KCC 11.40 Street Lighting, street lighting is required at the intersection of private roads and County rights-of-way. The developer is responsible for installing the street lighting at these intersections and convey to the County. If desired, the developer and/or Homeowners Association (HOA) may install the internal street lighting. The individual property owners are billed through the local water purveyor for lighting with the HOA responsible for maintenance.

c. Off-Street Parking

Consistent with KCC 17.490 Off-street and Loading, the proposal includes off-street and on-street parking. The current proposal is for a reduction of 18 off-street parking spaces with the reduction of building lots. The applicant is proposing 232 off-street parking spaces in driveways and 71 on-street parking space. The project was approved under

previous Chapter 17.435, which is now KCC 17.490 and the standards have not changed. Per 17.490.020, the County calculates the required number of spaces in the driveway and not within individual residential garages. During review of individual building permits for the homes, the location and number of off-street parking spaces will be verified. The proposal is consistent with parking requirements.

Table 5 - Parking Table

| Use Identified in 17.490.030 | Standard | Required Spaces | Proposed Spaces/Existing Spaces |
|-----------------------------------|--|--|---------------------------------------|
| Single-family (attached detached) | 2 per unit + 0.5 per unit on street or set aside | 232 + per unit + 58 on street or set aside | 232 + 71 on-street or set aside = 238 |
| Total | | 290 | 303 |

d. Signage

Pursuant to KCC 17.510. Sign Code the applicant can apply for signage near the entrance of the subdivision during or after construction. Signage is not proposed at this time. To be consistent with 17.510.060.M Conditionally Exempt signs - Real Estate Signage Program, when the final plat is recorded to establish the subdivision and lots are for sale, all signage will be required.

e. Landscaping

The previous Ridgeline Preliminary Plat Major Alteration and Amendment decision included provisions for streetscape landscaping along roadways and by entrance signs. Street trees were required all along roadways at an average interval of 30 feet with coordination with the location of lot driveways. The recommendation by staff was to retain natural vegetation. However, based on public testimony, the decision only conditioned the planting of vegetation and install a wooden fencing along the north and west sides of the of the subdivision. The purpose was to provide a functional screen from abutting residential property owners (See Landscape Conditions of Approval in previous decision). As conditioned per approval, the applicant submitted a revised landscape plan, dated October 8, 2019 with the required elements such as recreation area, street trees, landscape screening buffer with fencing along the north and west portions of the project boundary.

Table 6 - Landscaping Table

| | Required | Proposed |
|---|----------|----------|
| Required Landscaping (Sq. Ft) 15% of Site | NA | NA |

| | | |
|----------------------------------|------------------|----------------------|
| Required Buffer(s) 17.500.025 | | |
| North | Screening Buffer | Screening Buffer |
| South | NA | NA |
| East | NA | Roadside groundcover |
| West | Screening Buffer | Screening Buffer |
| Street Trees | Yes | Yes |

f. Recreation Facilities

Consistent with the Hearing Examiner decision, the applicant has included a recreation facility adjacent to the bio-retention facility on Park Tract A. The project is conditioned through the Site Development Activity Permit to provide recreational facilities for use by smaller children who will reside within the subdivision.

g. Frontage Improvements

Consistent with Kitsap County Road Standard and Comprehensive Plan policies the preliminary plat is required to include frontage improvements along SE Baker Road and Phillips Road SE. As conditioned, the project includes the installation of curbing, and sidewalks along the project frontage.

h. Design Districts/Requirements

NA

i. Development Engineering/Stormwater

The proposed revisions to the previous plat amendment include changes to interior roads, a change to storm drainage mitigation method to bioretention, catch basin filters, and infiltration trenches. The proposal is that all storm water will be contained onsite. The project is vested per the revisions on February 16, 2010.

The roads will have two-10-foot travel lanes with parking on one side and 5-foot sidewalks on both sides. Disturbed open space and lawn areas will be pervious and landscaped. The applicant has identified 10 onsite sub-basins and 3 offsite sub-basins at the time of post development. The previous proposal was infiltration trenches and bioretention pond to infiltrate run off onsite for flow control. Previous infiltration trenches for mitigating stormwater runoff from roadways, driveways, sidewalks and front yards were proposed under roadways. Updated geotechnical report, prepared by Earth Solutions, dated August 29, 2019, indicates changes to infiltration rates and some lots are infeasible for roof runoff infiltration. To prevent failure, the applicant is proposing four infiltration galleries and one infiltration pond in five storm tracts instead under the roadway. Storm filters upstream of the infiltration are proposed for basic water quality control with pre-treatment proprietary devices. The applicant's engineer has concluded the proposed conveyance system in each sub-basin have adequate

conveyance capacity for developed 100-year peak flow consistent with the Kitsap County Stormwater Manual dated January 11, 2010.

The storm drainage pipe under SE Baker Road was extended eastward to accommodate the required frontage (sidewalk) improvements, resulting in a slight change in pipe elevation. The storm drainage system is designed for 100% infiltration of storm water. The system is designed up to 100-year storm event. Consistent with code, the bioretention system along SE Baker Road will have an emergency overflow system to the existing concrete pipe under SE Baker Road. Lake Emelia has an overflow at the northeast corner that, when the lake is high enough, flows into a ditch on the west of Phillips Road and flows northerly along the road from the project site.

Development Services and Engineering has reviewed and approved the concept in the storm drainage report addendum dated September 2019, on December 4, 2019. The condition numbering referenced below is the same as in the Hearing Examiner Decision dated October 6, 2011, with Stormwater conditions being numbered 27 – 39; Traffic conditions, 40 – 55; and Survey conditions, 56 – 60. The disposition of each condition is shown below, and new conditions are added at the end of this memorandum.

j. Environmental

The project is vested under the 2005 Critical Areas Ordinance. The plans have changed since the initial reports. Stormwater outflow will be only sent to the lake north of SE Baker Road during emergency 100-year storms. Lake Emelia is considered an open water wetland per KCC 19.200 Wetlands but is classified under KCC 19.300.315 Lakes less than 20 acres - Wildlife Habitat Conservation Areas. The applicant submitted additional analysis on infiltration of storm drainage with avoidance of potential impacts on Lake Emelia. The revised analysis was reviewed by the Environmental and Stormwater Sections and found the applicant addressed all concerns.

k. Access, Traffic and Roads

See comments on access above.

l. Fire Safety

No change, the development is consistent with County policy by providing two fire access points for subdivisions that exceed 100 homes. The project provides fire access from the north by SE Baker Road and access at the southern end on Phillips Road SE. The Fire Marshal has reviewed the proposal and conditioned the project. Fire flow verification, fire hydrant placement and adequate fire apparatus access for emergency responders are required and will be reviewed through the Site Development Activity Permit, File # 18-03050 (See Fire safety Conditions of Approval).

m. Solid Waste

Individual property owners will be responsible for solid waste collection. Waste Management approval is required for solid waste service for the plat.

n. Water/Sewer

The project is vested at an urban level of service for water and sewer service. The applicant has provided documentation that the water and sanitary sewer service is available from West Sound Utility District. The West Sound Utility District issued a Binding Sewer Availability Letter and Non-Binding Water Letter to the JWJ Group on September 11, 2017. The District has issued a binding sewer letter and nonbinding water letter. The District received a petition for annexation of two Tax Parcels 182302-2-004-2009 and 182302-2-039-2008.

Consistent with the Comprehensive Plan, like other vested projects outside the urban growth area, the intent is that the subdivision will only be allowed to connect to sewer service (See Attachment F). However, all sewer facilities being extended to the Ridgeline Subdivision are conditioned to be the minimum size required to serve both Ridgeline Subdivision (116 lots) and the Emelia Landing Subdivision (37 lots), which has not been annexed into the District yet.

o. Kitsap Public Health District

The Kitsap Public Health District has reviewed the proposal and does not have comments and concerns with the request. The District commented previously that the District would require proper abandonment of any wells and onsite septic systems if found. At the time of Building Permit submittal, a sewer clearance approval and a binding water availability letter are required.

Revision to the Hearing Examiner's Decision and Recommendation

Kitsap County Code 16.40.040 Amendment to approved preliminary subdivisions provides standards for Major and Minor Approved Preliminary Plat Amendments. The Department determined that the request is a minor plat amendment, which is reviewed pursuant to KCC 21.040.060 Land Use and Development Procedures as an administrative Type-II decision.

Minor Plat Amendment Analysis

Staff made the following comments based on review of the revised site plan for the Minor Plat Amendment, dated March 13, 2019. The applicant provided the following comments on the criteria specified in KCC 16.40.040 for the minor amendment to the preliminary approved plat:

General Requirements: The minor amendment is classified as a Type-II decision under Chapter 21.04 and addresses those changes to an approved preliminary subdivision that fall within the scope of the original approval and/or do not significantly increase impacts to surrounding properties. For these purposes, "significant" shall mean a greater than 10% increase when the impact is quantifiable.

Staff Evaluation of Decision Criteria:

11. Review Authority

The Director has review authority for this Minor Amendment to Preliminary Plat application under KCC, Sections 16.40.040 and 21.04.100. The Kitsap County Commissioners have determined that this application requires review and approval of the Director. The Director may approve, approve with conditions, or deny an Administrative Land Use Permit.

12. Findings

Written Findings: A proposed minor subdivision amendment may be approved if the Director makes written findings that all the following are satisfied. If one or more are not satisfied, the application must proceed as a major amendment. Criteria, which must be met, are outlined in Kitsap County Code 16.40.040, Items 1, and 2a through j. Preliminary Plat Amendment. The following are staff findings that address the criteria for the minor 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.**

Applicant: The minor amendment requested does not result in significant adverse impacts to the subdivision or surrounding property. There are impacts to the stormwater with the relocation of the infiltration trenches from in the roadway to tracts, although this is not an adverse impact. The amount of open space is increased which is a beneficial impact.

Staff Comment: The applicant is proposing only minor changes to grading and the storm drainage system. The request should not result in significant impacts within the subdivision and to surrounding properties.

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

Applicant: The minor amendment request satisfies all applicable general requirements of the Kitsap County Code.

Staff Comment: The proposal is only for reconfiguring lot layout and relocating infiltration facilities outside of the roadway. The request is consistent with the goals and policies of the comprehensive plan, compatible with surrounding uses, and will not be detrimental to the health, safety, or welfare with the neighborhood.

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

Applicant: The minor amendment does not result in a change of use. A single-family subdivision is still proposed. The number of lots are reduced from 125 lots to 116 lots.

Staff Comment: The revised development proposal does not change land use.

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

Applicant: The minor amendment falls within the scope of the original approval and complies with the intent of the conditions as originally imposed.

Staff Comment: The minor plat amendment is consistent with the intent of the Hearing Examiner's decision, dated October 6, 2011, and is not proposing a change to the 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.

Applicant: The minor amendment does not change the perimeter boundary of the original plat.

Staff Comment: The applicant is not proposing to expand the perimeter boundaries of the single-family development.

f. The proposal does not increase residential density by greater than 10%, provided the density requirements of the zone are maintained consistent with the zone.

Applicant: The minor amendment requested decreases the residential density and provides a density within the range for the zoning.

Staff Comment: The applicant is not increasing the number of residential lots approved through the major revision. The density of the plat is reduced from 6.8 to 6.4 dwelling units per acre (rounded 7 to 6 du/ac).

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

Applicant: The minor amendment does not change the type of housing as single-family home were proposed and are still proposed. The number of lots are decreased from 125 lots to 116 lots.

Staff Comment: The housing within the plat will remain detached single-family dwellings.

- h. The proposal does not reduce the designated perimeter buffers, recreation or open space areas by more than 10%.**

Applicant: The minor amendment does not alter the designed perimeter buffers. The open space and recreation space are increased with the additional tract areas.

Staff Comments: Agree, the minor amendment does not reduce the required buffer conditioned through the Hearing Examiner's decision.

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

Applicant: The minor amendment does not alter the approved access points.

Staff Comment: The proposed minor amendment to the preliminary plat will not alter the plat access.

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

Applicant: The setbacks are the same.

Staff Comment: The required setbacks will not be reduced by this amendment and are vested to the project approval. The policy is to require building setbacks on the face of the final plat.

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

Applicant: The minor amendment does not alter the street frontage improvements.

Staff Comment: The minor amendment does not change the frontage improvements conditioned by the previous approval and on-street parking will remain the same.

13. Recommendation

Based upon the analysis above and the decision criteria found in KCC 16.04.040, the Department of Community Development recommends that the Minor Plat Amendment request for the Ridgeline Preliminary Plat be approved, subject to the following 53 conditions:

- a. Planning/Zoning**

1. The Minor Plat Amendment will be subject to all conditions of approval per the Hearing Examiner's decision for the Ridgeline Preliminary Plat, file # 10-93857, dated October 6, 2011 and File #18-03673, dated April 25, 2019. If there are conflicts between these conditions and the conditions per the approved preliminary plat, the conditions below shall apply.
2. This Preliminary Plat Minor Amendment approval shall automatically become void if no development permit application is accepted as complete by the Department of Community Development within four years of the Notice of Decision date or the resolution of any appeals.
3. The authorization granted herein is subject to all applicable federal, state, and local laws, regulations, and ordinances. Compliance with such laws, regulations, and ordinances is a condition to the approvals granted and is a continuing requirement of such approvals. By accepting this/these approvals, the applicant represents that the development and activities allowed will comply with such laws, regulations, and ordinances. If, during the term of the approval granted, the development and activities permitted do not comply with such laws, regulations, or ordinances, the applicant agrees to promptly bring such development or activities into compliance.
4. The uses of the subject property are limited to the uses proposed by the applicant and any other uses will be subject to further review pursuant to the requirements of the Kitsap County Code (KCC). Unless in conflict with the conditions stated and/or any regulations, all terms and specifications of the application shall be binding conditions of approval. Approval of this project shall not, and is not, to be construed as approval for more extensive or other utilization of the subject property.
5. Access to all lots shall be from roads within the proposed plat boundaries. A note to this effect shall be placed on the Final Plat.

b. Development Engineering

General

6. 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. This condition remains and is unchanged. (Condition 27, HE Decision 10/6/2011)
7. Approval of the preliminary plat shall not be construed to mean approval of the total number of lots or configuration of the lots and tracts. These parameters may be required to be revised for the final design to meet all requirements of Kitsap County Code Titles 11 and 12. This condition remains and is unchanged. (Condition 28, HE Decision 10/6/2011).

c. Stormwater

8. 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 Services and Engineering. This condition remains and is unchanged. (condition 29 in HE Decision 10/6/2011)
9. Stormwater quantity control, quality treatment, and erosion and sedimentation control shall be designed in accordance with Kitsap County Code Title 12 effective at the time the Preliminary Plat application was deemed complete, October 13, 2010. 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, and as amended subsequently. This condition is revised, due to vesting considerations. Revised Condition 30: Stormwater quantity control, quality treatment, and erosion and sedimentation control shall be designed in accordance with Kitsap County Code Title 12 effective at the time the Preliminary Plat application was deemed complete, October 13, 2010. 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. (condition 30, HE Decision 10/6/2011)
10. Any project that includes offsite improvements that create additional impervious surface such as lane widening, sidewalk or shoulder installation or intersection channelization shall provide stormwater mitigation in accordance with Kitsap County Code Title 12 effective at the time the Preliminary Plat application was deemed complete, October 13, 2010. This condition remains and is unchanged. (condition 31 in HE Decision 10/6/2011)
11. The site plan indicates that greater than 1 acre will be disturbed during construction. This threshold requires a National Pollutant Discharge Elimination System (NPDES) Stormwater Construction permit from the State Department of Ecology. More information about this permit can be found at:
<http://www.ecy.wa.gov/programs/wq/stormwater/construction/> or by calling Josh Klimek at 360-407-7451, email joshklimek@ecy.wa.gov. This permit is required prior to issuance of the SDAP. This condition remains and is unchanged. (condition 32 in HE Decision 10/6/2011)
12. During the construction of the proposed permeable pavement infiltration facilities, the Project Engineer shall provide an inspection to verify that the facilities are installed in accordance with the design documents and that actual soil conditions encountered meet the design assumptions. The Project Engineer shall submit the inspection report properly stamped and sealed with a professional engineer's stamp to Development Services and Engineering. This condition is deleted, because current

proposal does not include permeable pavement. (Condition 33 in HE Decision 10/6/2011)

13. The design of the porous pavement facilities shall be according to the Kitsap LID Guidance Manual. This condition is deleted, because the current proposal does not include porous pavement. (Condition 34 in HE Decision 10/6/2011).
14. The design of the individual lot infiltration facilities will be accordance with Chapter 5 of the Kitsap County Stormwater Design Manual. This condition remains and is unchanged. (condition 35 in HE Decision 10/6/2011)
15. The infiltration facilities shall remain offline until the drainage areas are stabilized, and the water quality treatment facility is adequately established. Temporary erosion and sedimentation ponds shall not be located over infiltration facilities. This condition remains and is unchanged. (condition 36 in HE Decision 10/6/2011)
16. On-site infiltration systems should be used as a first priority for the individual lots. Prior to final plan acceptance the design engineer shall provide a design of the individual infiltration systems serving each lot. Maintenance of either of these systems will be the responsibility of the homeowner. This condition is revised because all lots are proposed to use on-site infiltration systems. Revised Condition 37: All lots shall use individual on-site infiltration systems. Before the issuance of building permits and/or occupancy permits, the property owner shall submit to the Department of Community Development for review, a sketch showing the design and location of a stormwater infiltration facility for the distribution of surface water runoff. Maintenance of these systems will be the responsibility of the homeowner. (condition 37, HE Decision 10/6/2011)
17. Upon completion of the storm drainage facilities, the developer will be required to post a two-year maintenance bond for the roads and stormwater facilities in accordance with KCC 12.12.060. The developer will be responsible for providing regular and adequate maintenance during this two-year period and supportive maintenance records. At the end of this time, the County will inspect the system and, when the facility is acceptable and 80% of the homes have been completed, the County will take over maintenance and operation of the system. Wording to this effect must appear on the plat and in the covenants before final recording. Areas proposed to be maintained by the County that are not in the right-of-way must be shown as a separate tract/s or drainage easement/s with Kitsap County being designated as the grantee. This condition is revised because the current proposal is for private road and storm systems. Revised Condition 38: 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. (condition 38 in HE Decision 10/6/2011)

18. The impervious area per lot accounted for in the overall drainage facilities installed shall be indicated on the face of the approved construction plans and final plat. Additional impervious surfaces created on an individual lot beyond the amount accounted for in the overall drainage facilities shall be mitigated in accordance with Kitsap County Code Title 12. This condition remains and is unchanged. (condition 39, HE Decision 10/6/2011)

d. Environmental

19. As proposed by the applicant, the applicant shall follow recommendations by the civil engineer and the wetland consultant for revisions for stormwater controls and a revised report and water quality analysis to prevent potential impacts to Lake Emelia.

e. Traffic and Roads

20. At Building Permit application, Applicant must submit KCPW Form 1601 for issuance of a Concurrency Certificate, as required by KCC Chapter 20.04.030, Transportation Concurrency. This condition remains and is unchanged. (condition 40, HE Decision 10/6/2018)
21. The interior roads of the proposed plat shall be designed and constructed in accordance with Kitsap County Code 11.22 and the Kitsap County Road Standards for a local access road or an approved higher standard. Roads shall be publicly maintained, and the right-of-way dedicated to Kitsap County as proposed. This condition is deleted because the current proposal is for private roads. (condition 41, HE Decision 10/6/2011)
22. 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. This condition remains and is unchanged. (condition 42, HE Decision 10/6/2011)
23. Sidewalk ramps shall conform to the current requirements of the Americans with Disabilities Act per WSDOT standard plans at the time of construction. This condition remains and is unchanged. (condition 43, HE Decision 10/6/2011)

24. The property owners within the plat shall be responsible for maintenance of all landscaping within the existing and proposed right-of-way including any structures other than roadway, storm drainage facilities, and traffic signage. Maintenance shall include, but not be limited to, mowing of lawn areas. A note to this effect shall appear on the face of the final plat map and the approved 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. This condition remains and is unchanged. (condition 44, HE Decision 10/6/2011)
25. Provide surveyed cross-sections at 50-foot intervals along the parcel frontage on Phillips Road SE. 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. This condition remains and is unchanged. (condition 45, HE Decision 10/6/2011)
26. Provide surveyed cross-sections at 50-foot intervals along the parcel frontage on SE Baker Road. 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. This condition remains and is unchanged. (condition 46, HE Decision 10/6/2011)
27. Frontage improvements shall include curb, gutter and sidewalk from the southern property boundary on Phillips Road SE to the western property boundary on SE Baker Road. Frontage improvements shall meet KCRS and address associated stormwater mitigation improvements. The existing pavement width may need to be widened as well, such that there is 14 feet minimum from centerline of Phillips Road SE to face of curb and 11 feet minimum for SE Baker Road. This condition is revised to indicate vertical curb. Revised Condition 47: Frontage improvements shall include vertical curb, gutter and sidewalk from the southern property boundary on Phillips Road SE to the western property boundary on SE Baker Road. Frontage improvements shall meet KCRS and address associated stormwater mitigation improvements. The existing pavement width may need to be widened as well, such that there is 14 feet minimum from centerline of Phillips Road SE to face of curb and 11 feet minimum for SE Baker Road. (condition 47, HE Decision 10/6/2011)
28. Submit plans for construction of the road approach between the edge of existing pavement and the right-of-way line at all intersections with county rights-of-way. Approaches shall be designed in accordance with the Kitsap County Road Standards as established in Chapter 11.22 of the Kitsap County Code. This condition is revised to add the last two sentences, to clarify appropriate access details. Revised Condition 48: Submit plans for construction of the road approach between the edge

- of existing pavement and the right-of-way line at all intersections with county rights-of-way. Approaches shall be designed in accordance with the Kitsap County Road Standards as established in Chapter 11.22 of the Kitsap County Code. Existing approaches may need to be improved to meet current standards. The Site Development Activity Permit shall show access details applicable to single-family residential use, rather than multi-family or commercial uses. (condition 48, HE Decision 10/6/2011)
29. Any required sidewalk shall be constructed prior to roadway paving. This note shall appear on the face of the final construction drawings. This condition remains and is unchanged. (condition 49, HE Decision 10/6/2011)
 30. The applicant shall construct a left turn pocket on Phillips Road SE at the southern entrance to the plat. The design shall meet Kitsap County Road Standards and shall be constructed as part of the SDAP for the Ridgeline development. This condition remains and is unchanged. (condition 50, HE Decision 10/6/2011)
 31. The applicants shall pay their fair share towards the cost of design and construction of a future westbound right-turn lane on Phillips Road SE at the intersection of Phillips Road SE and SE Mullenix Road. The right-turn lane will be constructed on the north leg of the intersection for southbound vehicles on Phillips Road SE turning to go westbound on SE Mullenix Road. The applicant's fair share of \$70,000, based on December 2010 dollars. An annual inflationary increase equal to the Seattle-Tacoma-Bremerton CPI-U from January through December shall be added to the \$70,000 until money is paid to Kitsap County. This condition remains and is unchanged. (condition 51, HE Decision 10/6/2011)
 32. Final plat approval will require documentation of WSDOT approval for impacts to SR 160 and required mitigation. The mitigation will consist of traffic signalization at the SR 160/Phillips Road SE intersection to accommodate a three-lane configuration of both SR 160 and Phillips Road SE. The poles and arms will be constructed to accommodate the future widening and channelization of Phillips Road SE at the SR 160 intersection from two lanes to three lanes. The design details will be worked out through discussions between the applicant and WSDOT. This condition remains and is unchanged. (condition 52, HE Decision 10/6/2011)
 33. The developer's engineer shall certify that there is adequate entering sight distance at the intersection of the access road and SE Baker Road and the access road and Phillips Road SE. 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. This condition remains and is unchanged. (condition 53, HE Decision 10/6/2011)

34. 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). This condition remains and is unchanged. (condition 54, HE Decision 10/6/2011)
35. Any work within the County right-of-way shall require a Public Works permit to perform work on County right-of-way and possibly a maintenance or performance bond. This application to perform work in the right-of-way shall be submitted a part of the SDAP process. The need for and scope of bonding will be determined at that time. This condition remains and is unchanged. (condition 55, HE Decision 10/6/2011)

Survey

36. The final plat subdivision shall be prepared by a Professional Land Surveyor in compliance with Kitsap County Code Title 16.16. This condition is revised to reference Title 16 generally, as the Chapter numbering has been revised. Revised Condition 56: The final plat subdivision shall be prepared by a Professional Land Surveyor in compliance with Kitsap County Code Title 16. (condition 56, HE Decision 10/6/2011)
37. The final plat shall delineate a utility easement 10 feet in width on both sides of street rights of way whether public or private. This condition remains and is unchanged. (condition 57, HE Decision 10/6/2011)
38. On the final plat, all potential park areas, common open space, buffers and storm water management areas shall be labeled as separate tracts. The ownership and maintenance of said tracts shall be addressed on the face of the final plat as well as in the CC&Rs. This condition remains and is unchanged. (condition 58, HE Decision 10/6/2011)
39. All lots shall access from interior roads. This note shall appear on the face of the final plat. This condition remains and is unchanged. (condition 59, HE Decision 10/6/2011)
40. The applicant shall construct a six-foot high solid cedar fence along the plat boundary with the Simmons property prior to obtaining an occupancy permit for

subdivision residences, subject to County review and approval. This condition remains and is unchanged. (condition 60, HE Decision 10/6/2011)

STORMWATER – New conditions, applicable to this Preliminary Plat Amendment

41. During the construction of the proposed infiltration facilities, the Project Engineer shall provide an inspection to verify that the facilities are installed in accordance with the design documents and that actual soil conditions encountered meet the design assumptions. The Project Engineer shall submit the inspection report properly stamped and sealed with a professional engineer's stamp to Development Services and Engineering. New condition.
42. If the project proposal is modified from that shown on the submitted site plan dated July 25, 2018 (accepted on 10/14/2019), Development Services and Engineering will require additional review and potentially new conditions. New condition.
43. The Washington State Department of Ecology (Ecology) may require registration of the infiltration trench as an Underground Injection Control (UIC) well in accordance with the Underground Injection Control Program (Chapter 173-218 WAC). The applicant shall contact Ecology to determine if the facility is regulated under the UIC program. New condition.
44. The subject property conveys existing site runoff north into Lake Emelia, as noted in the engineer's drainage report dated December 13, 2018 (page 4, Existing Site Conditions, and Page 5, Downstream Analysis). Per Kitsap County Code 12.18.130, "Discharges to wetlands shall maintain the hydrologic conditions, hydrophytic vegetation, and substrate characteristics necessary to support existing and designated uses. The hydrologic analysis shall use the existing land cover condition to determine the existing hydrologic conditions unless directed otherwise by a regulatory agency with jurisdiction." At the time of SDAP submittal, the project engineer shall demonstrate compliance with this condition, with concurrence from the wetland biologist that the design ensures that the hydrology of the wetland system is neither decreased nor increased. New condition.

TRAFFIC – New conditions, applicable to this Preliminary Plat Amendment

45. The required Site Development Activity Permit shall depict the site accesses without crosswalk markings. New condition.
46. The required Site Development Activity Permit shall depict two curb ramps on the southwest corner of Baker Road and Phillips Road. New condition.
47. Before SDAP acceptance, the applicant shall submit a set of drawings to the Washington State Department of Transportation for review. The applicant shall notify Development Services and Engineering in writing when the plans have been

submitted to WSDOT. Development Services and Engineering shall coordinate with WSDOT to determine if WSDOT has any comments to the submittal, but responsibility for obtaining concurrence from WSDOT lies with the property owner. New condition.

48. Final plan approval will require documentation of WSDOT approval for impacts to and any required mitigation on SR 160. WSDOT point of contact is Dale Severson at (360) 357-2736:

Washington State Department of Transportation
Olympic Region Development Services Attn: Dale Severson
PO Box 47440
Olympia, WA 98504-7440 New condition.

49. The following note shall appear on the face of the final plat map. "All interior roads shall remain private." New condition.

50. All lots shall access from interior roads only. This note shall appear on the face of the final plat map. New condition.

f. Fire Safety

See Conditions 13-26 in previous decision, dated 4/25/2019.

g. Solid Waste

NA

h. Wastewater

51. All sewer facilities to be extended into the proposed sewer service boundary (Ridgeline Subdivision) shall be minimum size required to serve the previously permitted Ridgeline Subdivision (125 proposed single-family residential lots) and Emelia Landing Subdivision (petition for annexation not files WSUD identified as 37 single-family residential lots approved 2008).

i. Kitsap Public Health District

52. Any wells or septic tanks that may be found on the property would have to be properly decommissioned.

53. A Building Clearance for Sewered Properties is required from the Kitsap Public Health District prior to issuance of Building Permit. These will each require a binding water availability letter, and sewer letter.

Report prepared by:



Jeff Smith, Staff Planner / Project Lead

1/28/2020
Date

Report approved by:



Shawn Alire, Department Manager / Supervisor

1/28/2020
Date

Attachments:

- Attachment A – Proposed Site Plan - Minor Amendment, dated 9/13/2019
- Attachment B – Preliminary Approved Plat Map and Site Plan 10/06/2011
- Attachment C – Zoning Map (Required)
- Attachment D – SR-16/Phillips Road- Proposed Channelization Plan
- Attachment F – Vested Propertied Sewer Service Map

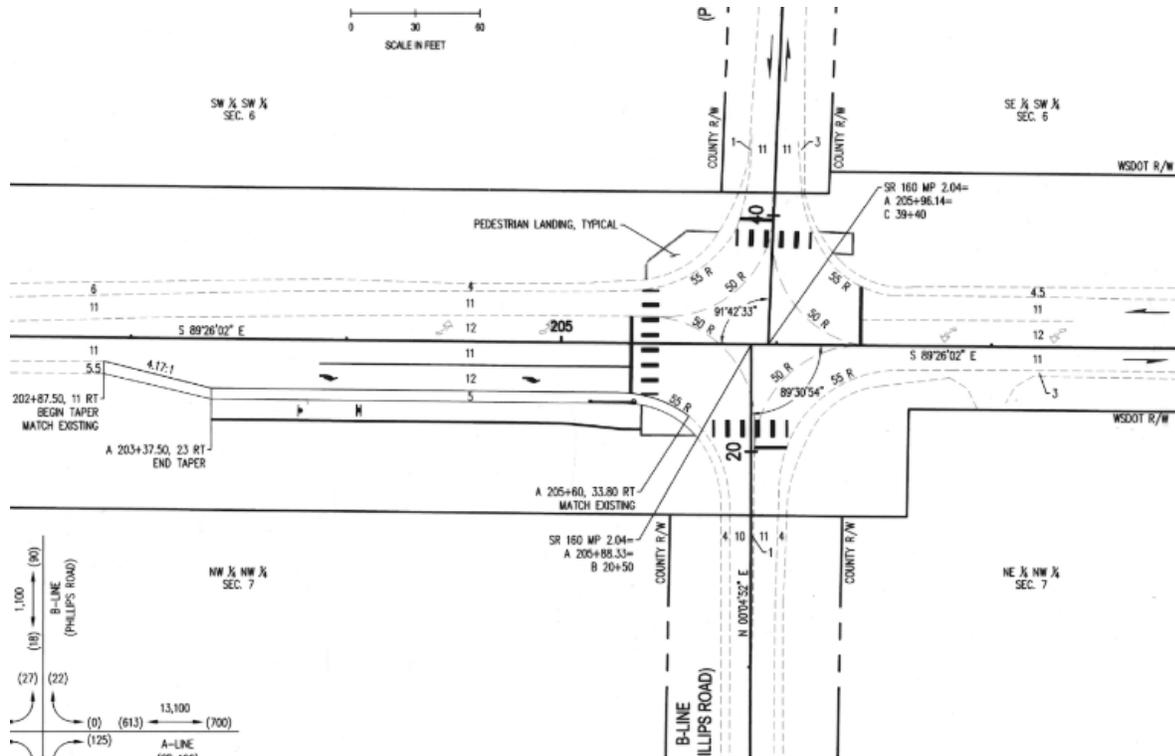
CC: Barney.Skochdopole@mdch.com>
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Kitsap County Health District, MS-30
Kitsap County Public Works Dept., MS-26
DCD Staff Planner: Jeff Smith
WSDOT

Attachment D
The proposed channelization for the new signal.
Source: WSDOT, dated April 24, 2019



Attachment F
Vested Properties Sewer Service Map

