



Hearing Examiner Staff Report and Recommendation

Report Date: August 6, 2020
Hearing Date: August 13, 2020

Application Submittal Date: 01/09/2020
Application Complete Date: 01/28/2020

Project Name: Friedman Short Plat Subdivision
Type of Application: Shoreline Conditional Use Permit and Shoreline Exemption
Permit Number: 20-00116

Project Location

9399 Mickelberry Rd NW
Silverdale, WA 98383
Commissioner District #3 (Central)

Assessor's Account

212501-2-001-2006

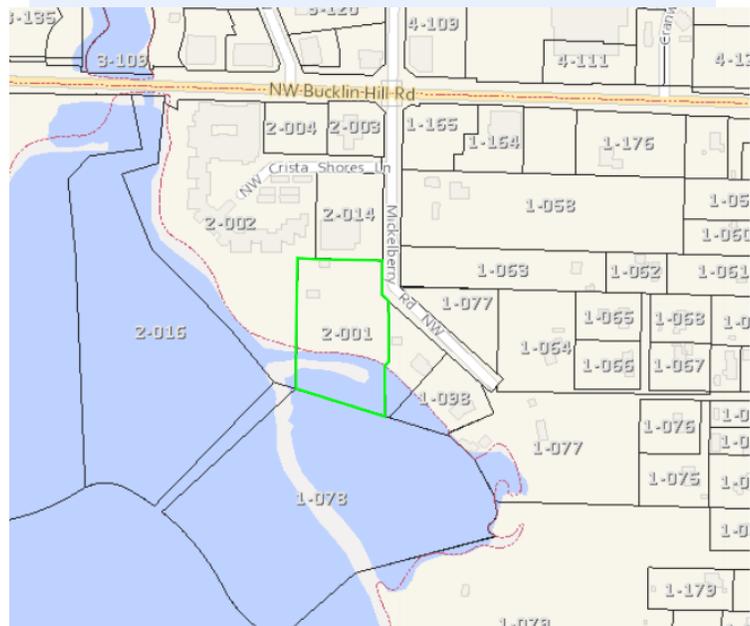
Applicant/Owner of Record

Richard and Kirsten Friedman
23361 W Ludvick Lake Dr
Seabeck, WA 98380

Recommendation Summary

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

VICINITY MAP



1. Background

The subject parcel is a waterfront parcel on Dyes Inlet in Silverdale, Zoned UR, urban restricted. There is an existing house, garage and permitted boat house on the parcel. The existing residence is served by Silverdale Water with on-site septic. An existing gravel driveway provides access from Mickelberry Rd. NW.

2. Project Request

The request is to subdivide the existing parcel into two residential lots. The existing house and garage are proposed for Lot A. The existing gravel driveway to these structures which will remain and will be the access point for the proposed Lot B. Lot B will provide for one additional single-family resident. Single family residential development is exempt from a Shoreline Substantial Development Permit, so this report is to cover that analysis and approval as well. Both parcels will be served by Silverdale Water and will utilize On-site septic. A Shoreline and Habitat Report are provided with all buffers met as shown, as well as frontage improvements with sidewalk and landscaping.

3. SEPA (State Environmental Policy Act)

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

Pursuant to WAC 197-11-355, the optional DNS process was utilized for this project. The SEPA Comment period previously occurred concurrent with the Notice of Application dated 02/06/20 (Exhibit 17). A Determination of Nonsignificance (DNS) was issued on 07/28/20 (Exhibit XX). SEPA noted the following information and SEPA conditions have been imposed and are listed under conditions at the end of this report:

A Cultural Resources Report will be required at the time of building permit application.

The SEPA appeal period expired 08/11/20. As of the date of this report, no appeals were filed; Should any appeals be filed, they may be heard with the 08/13/20 hearing, otherwise the SEPA determination is final.

4. Physical Characteristics

The parcel is flat and partially within the FEMA 100-year floodplain along the marine shoreline. Off-site wetlands are located adjacent to proposed Lot A, which is already developed and buffers as shown on the site plans. The parcel is bordered along the south by Dyes Inlet, Puget Sound. The parcel is mostly cleared with lawn, which some deciduous trees and shrubs along the perimeter and proposed property line. An bulkhead is existing along the full length of the existing parcel.

Table 1 - Comprehensive Plan Designation and Zoning

Comprehensive Plan: Urban Low Density Residential (ULDR)	Standard	Proposed
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Zone: Urban Restricted (UR)		
Minimum Density	1 du/ac 2.11 acres net developable x 1= 2.11 or 2 dwelling units	2 dwelling units
Maximum Density	5 du/ac (18) 1.19 acres net developable x 5=5.95=6 dwelling units	
Minimum Lot Size	5,800 square feet	36,924 square feet
Maximum Lot Size	NA	51,651 square feet
Minimum Lot Width	60 feet	292.80 feet
Minimum Lot Depth	60 feet	122.14 feet
Maximum Height	35 feet	<35 feet
Maximum Impervious Surface Coverage	50%	
Maximum Lot Coverage	50%	

Applicable footnotes:

17.120.060.A.18 The minimum and maximum densities within the range are based upon the net acreage of the property(ies) after the removal of critical areas. In determining a development proposal's actual density within the range, the features of the subject parcel including on-site or adjacent wetlands, streams or steep slopes shall be considered first.

Table 2 - Setback for Zoning District

	Standard	Proposed
Front (East)	20-feet	20-feet
Side (North)	5-feet	5-feet (4-feet, existing non-conforming garage)
Side (South)	5-feet	100-foot (Shoreline Urban Conservancy Standard Buffer), plus additional 15-foot building setback
Rear (West)	10-feet	10-feet (plus shoreline and wetland buffers, as depicted to the south on short plat)

Table 3 - Surrounding Land Use and Zoning

Surrounding Property	Land Use	Zoning
North	State- assessed utilities (489) Convalescent center (656); Christa Shores	Urban Restricted (UR) Regional Center (RC)- Waterfront District
South	Tidelands (939), private	Urban Restricted (UR)
East	Convalescent center (656); Christa Shores	Regional Center (RC)- Waterfront District
West	Single-family residence (111); CU Open Space (940)	Urban Restricted (UR)

Table 4 - Public Utilities and Services

	Provider
Water	Silverdale Water
Power	Puget Sound Energy
Sewer	On-Site Septic
Police	Kitsap County Sherriff
Fire	Central Kitsap Fire & Rescue
School	Central Kitsap School District #401

5. Access

Access will be the existing gravel driveway off Mickelberry Rd. NW. Frontage improvements, including 10-foot travel lanes, curb, gutter, sidewalk and landscaping are conditions of approval.

6. Site Design

Landscaping is conditioned per KCC 17.500, as detailed in the conditions section below.

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.

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

Housing, Human Services Policy 23.

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

Shoreline Policy 4

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

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

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

Code Reference	Subject
Title 12	Storm Water Drainage
Title 13	Water and Sewers
Title 15	Flood Hazard Areas
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
Title 22	Shoreline Master Program

8. Documents Consulted in the Analysis

A complete index of exhibits is located in the project file. To date, the index to the record consists of 30 Exhibits.

Exhibit #	Document	Dated	Date Received
1	Permit Questionnaire		01/09/20
2	Project Narrative		01/09/20
3	Site Plan		01/09/20
4	Stormwater Packet		01/09/20
5	Stormwater Worksheet		01/09/20
6	SWPPP Narrative		01/09/20
7	Soils Report		01/09/20
8	SEPA Checklist	10/26/19	01/09/20
9	Photos		01/09/20
10	No Net Loss Report	12/30/19	01/09/20
11	JARPA	01/05/20	01/09/20
12	Wetland Delineation Report		01/09/20
13	Drainage Report		01/09/20
14	Drainage and SWPPP Plan		01/09/20
15	Concurrency Test		01/09/20
16	Cumulative Impacts Report		01/09/20
17	Notice of Application	02/06/20	
18	Suquamish Tribe Comment Email	02/11/20	
19	Drainage and SWPPP Plans Revised	05/11/20	05/22/20
20	Drainage Report	05/11/20	05/22/20
21	Site Plan Revised		05/22/20
22	Landscape Design	05/15/20	05/22/20
23	Approved BSA		05/22/20
24	Short Plat Survey		05/22/20
25	Site Plan Architectural	05/15/20	05/22/20
26	Preliminary Conditions Memo	07/07/20	
27	SEPA DNS	07/28/20	
28	NOPH	07/29/20	
29	Cert Pub Notice	07/29/20	
30	Staff Report	08/05/20	

9. Public Outreach and Comments

Issue Ref. No.	Summary of Concern (See corresponding responses in the next table)	Comment Letter Exhibit
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		Reference No.
1	The project is located in an area with known or potential cultural resources. The Suquamish Tribe has requested a Cultural Resources report be completed and reviewed prior to building permit issuance associated with the proposed Lot B.	18

Issue Ref. No.	Issue	Staff Response
1	Cultural Resources	A condition has been added to require a Cultural Resources report prior to any ground disturbing activities, reviewed with the SDAP and/or building permits.

10. Analysis

a. Planning/Zoning

KCC 16.24.040 Urban Standards

Access.

1. General.

a. When accessing paved county right-of-way, the project approach shall be paved, per Chapter 4 of the Kitsap County Road Standards, as now or hereafter amended. When adjacent to or accessing Washington State Department of Transportation (WSDOT) right-of-way, WSDOT shall be provided the opportunity to review and comment on the proposed land segregation with respect to access.

b. Appropriate drainage facilities to mitigate construction of roads shall be provided and constructed in accordance with Title 12, Storm Water Drainage, as now or hereafter amended.

c. When accessing WSDOT right-of-way, the project approach shall meet WSDOT standards and WSDOT storm water requirements shall apply.

Staff Comment: See Preliminary Conditions Memo (Exhibit 26), and conditions section below.

2. Private Roads. All private roads within single-family developments proposing more than four lots shall be in the form of separate access tracts and shall be constructed in compliance with the requirements of the fire marshal's office regarding emergency vehicle access. Private roads shall be cleared, grubbed, graded and paved, using permeable pavement where feasible in accordance with the Kitsap County Stormwater Design Manual.

3. Public Rights-of-Way. For land segregations proposing more than four lots, dedication of right-of-way shall be required when a proposed road meets the criteria for classification as an arterial, collector or sub-collector in the KCRS. All road(s) shall be constructed in compliance with adopted Kitsap County Road Standards, as now or hereafter amended.

Staff Comment: Not applicable; proposal is only for two lots.

4. Shared Driveways. For the purposes of limiting access to county roads or reducing impervious surfaces, a shared driveway may be permitted for accessing up to two lots, where approved by the director. Each owner of the shared driveway shall have an appropriate easement to the use of the driveway. Maintenance responsibilities shall be specified within the recorded easement documents or on the face of the final plat. The maximum width for a shared driveway shall be twenty-four feet.

Staff Comment: See conditions for Road Maintenance Agreement for shared driveway.

B. Public Transit Provisions. Land segregations shall provide for transit stops, shelters and/or space for said stops or shelters, as deemed necessary.

Staff Comment: Not applicable or necessary.

C. Nonmotorized Facilities.

1. Pedestrian Sidewalk Requirements.

a. Sidewalks shall be required on both sides of all public or private streets that meet the criteria for classification as a principal or minor arterial, collector, local sub-collector or local minor road as determined under the Kitsap County Road Standards.

b. Sidewalks shall be required on a minimum of one side of all public or private streets that meet the criteria for classification as local road, cul-de-sac or very low volume local road as determined under the Kitsap County Road Standards. Sidewalks may be required on both sides based upon site-specific conditions.

c. Sidewalk design shall be consistent with all applicable standards, including but not limited to Kitsap County Road Standards, shall apply the Americans with Disabilities Act (ADA) standards for sidewalk ramps at all intersections, pedestrian crossings and transit stops and shall be a minimum of five feet wide.

Staff Comment: Sidewalks meeting ADA standards are required along one side of Mickelberry Rd. NW, as conditioned.

d. Where clustered mailboxes are proposed or required at the entrance and/or within the development, sidewalks shall be widened to meet required horizontal and vertical clear zones.

e. Rolled curbs and thickened edge asphalt are prohibited, except where the sidewalk is separated from the street by at least five feet.

Staff Comment: Not applicable as proposed.

2. Nonmotorized Trail Requirements. All development must be consistent with the Kitsap County Greenways, Bicycle Lane and Mosquito Fleet Trail Plan (Mosquito Fleet Trail Plan), as

adopted. Where required by the Mosquito Fleet Trail Plan, a nonmotorized trail shall be provided. The trail shall be designed and built to the Mosquito Fleet Trail Plan standards for the required trail classification. Based upon topographic features, safety or other factors, provision of a trail may reduce the requirement for sidewalks.

3. Multipurpose Facilities. Where required by the Mosquito Fleet Trail Plan, multipurpose facilities, including but not limited to bicycle lanes shall be provided. All bicycle lanes shall be constructed to WSDOT standards at locations required by the Mosquito Fleet Trail Plan.

Staff Comment: This proposal has been reviewed and approved by Kitsap County Public Works for Non-motorized requirements.

D. Off-Street Parking.

1. Projects shall provide off-street parking consistent with the requirements of Chapter 17.490. Kitsap County encourages the use of low impact development (LID) techniques that conserve natural areas and minimize development impacts. Deviations from the off-street parking requirements set forth herein may be supported when LID techniques are employed without risk to the traveling public, critical infrastructure or maintenance operations.

2. When calculating the required number of parking spaces, fractional parking space requirements shall be rounded up to the nearest whole number.

3. If the development includes set-aside parking areas, each area shall be limited to no more than ten spaces and shall be distributed throughout the development.

Staff Comment: Three parking spaces are identified for each single-family residence.

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

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

F. Landscaping Requirements.

1. Landscaping shall be provided at all entrances to the project development consistent with the landscaping standards of Chapter 17.500.

2. Street trees, landscaping and storm water consistent with Titles 12 and 17 shall be provided along all public and private streets that meet the criteria for classification as a principal or minor arterial, collector or local sub-collector and local access roads as determined by the Kitsap County Road Standards. Street trees shall be located in the road right-of-way or access tract, or the front yards of individual lots or units. Street trees located on individual lots may be installed before final plat approval or before the certificate of occupancy for individual building permits. There shall be at least one tree per every twenty-five feet of road frontage. Trees shall be spaced no further apart than thirty-five feet. Street tree species shall be consistent with the Kitsap County Road Standards (KCRS) and shall be large canopy trees unless otherwise approved by the director for special mitigating circumstances. Maintenance of street trees and landscaping within county right-of-way is the responsibility of the fronting property owner(s).

Staff Comment: Landscaping requirements are met as shown on the Landscape Plan (Exhibit 22).

G. Utilities.

1. Water Supply and Sanitary Sewer System. Where an approved public water supply and/or an approved public sewer system is available to the land segregation project, connection thereto may be required upon the recommendation of the health officer or other Kitsap County requirements.
2. Utility Easements. A ten-foot utility easement shall be located along those lot frontages within the land segregation project that abut private and public roads. This easement shall accommodate what is commonly referred to as broadband access.
3. Utility Connectivity Requirements. Easements for future public utility extensions to abutting properties shall be required as a condition of application approval in cases where the county finds the following:
 - a. Vacant or underutilized land abuts the proposed land segregation or development; and
 - b. The location of said utility easement is reasonable based upon the design needs for future utility infrastructure; and
 - c. The establishment of said easement will further the extension of utility infrastructure within the urban growth area; and
 - d. The extension of utilities using the easement is foreseeable; and
 - e. The establishment of said easement furthers the goals and policies of the Comprehensive Plan.

Staff Comment: A 20-foot access and utility easement is provided along the north of the lot, along the existing access driveway. There are no vacant lands abutting the parcel where utilities would need to be expanded to.

H. Recreation Requirements.

1. All land segregations (except those segregations proposed as a performance based development) of more than four lots within residential zoning designations or that include residential units and that result in lots of less than eight thousand square feet in size shall provide recreational open space...

Staff Comment: This section is not applicable; only two lots are proposed and both are over 8,000 square feet.

16.24.070 Land segregations within the shoreline jurisdiction.

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

Staff Comment: Kitsap County Code 22.600.105 and .170 requires a Shoreline Conditional Use Permit for Subdivisions in the Urban Conservancy Shoreline designation.

The applicant has applied for this Shoreline Conditional Use Permit, to be approved prior to the Short Plat approval. Shoreline analysis is done under Subsection I of this report.

b. Lighting

Lighting elements were not required with this proposal.

c. Off-Street Parking

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

Table 5 - Parking Table

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

d. Signage

Proposal does not include signage.

e. Landscaping

Landscaping is conditioned as required in KCC 17.500.

17.500.027 Buffer types – When required.

The director may require different buffer types depending on the proposed use of the site and adjacent zones and/or uses. Vegetation-based LID BMPs may be utilized within buffers as long as the primary purpose of the landscaping or screening buffer is not compromised. These types of buffers shall include:

A. Partial Screening Buffer. This type of landscaping is intended to provide partial visual separation of uses from streets and between compatible uses in order to soften the appearance of parking areas and building elevations.

1. Roadside and Setback Area Buffer. Required along existing or planned roads and side and rear property lines within urban growth areas. The planting area shall encompass the required front setback area, and areas adjacent to side and rear property lines, and consist of:

- a. Evergreen and/or deciduous trees;
- b. Evergreen shrubs planted to screen parking areas, in an amount and configuration to screen parked cars;
- c. Ground covers as required;

- d. Bioretention and other drainage features, only when in a configuration that preserves the integrity of the roadside and setback area planting; and
- e. Existing vegetation, where feasible and appropriate.

Staff Comment: This project is located within the Silverdale Urban Growth Area and requires partial screening buffers along the front of Mickelberry Rd. NW, as well as the sides and rear. Screening will consist of a mix of retention of existing mature vegetation as well as planting deciduous trees and shrubs/groundcovers. See also Planning/Zoning Analysis of KCC 16.24.040.

Table 6 - Landscaping Table

	Required	Proposed
Required Landscaping (Sq. Ft.) 15% of Site	Lot A= 36,924 sq. ft. 15%= 5,538 sq. ft. Lot B= 51,651 sq. ft. 15% = 7, 747 sq. ft.	Lot A= 6,664 sq. ft. existing (exceeds required) Lot B =9,836 existing and proposed (exceeds required)
Required Buffer(s) 17.500.025		
North	Separation Buffer	Separation Buffer- vegetation and existing fencing
South	Shoreline Buffer	Shoreline Buffer (130-feet)
East	Roadside and Setback Buffer	Roadside and Setback Buffer plus existing fencing
West	Separation Buffer	Separation Buffer- vegetation and existing fencing
Street Trees	Required along front (east)	Proposed along front (east)

f. Frontage Improvements

Frontage improvements are required to include street trees (see Planning/Zoning Analysis above) , as well as curb, gutter and sidewalk as described in the Preliminary Conditions Memo (Exhibit 26) and in the conditions section below.

g. Design Districts/Requirements

Not within a Design District.

h. Development Engineering/Stormwater

Development Services and Engineering has reviewed this proposal and finds the concept supportable in its approach to civil site development. Conditions noted below are based on a review of the Preliminary Drainage Report and Preliminary Engineering Plans accepted for review to Kitsap County Development Services and

Engineering on January 22, 2020, and as revised by resubmitted materials accepted for review on May 26, 2020.

i. Environmental

KCC 22.400.105 Proposed Development

A. Location.

1. New development shall be located and designed to avoid or, if that is not possible, to minimize the need for new and maintenance dredging.
2. New development shall be located and designed to avoid the need for future shoreline stabilization for the life of the structure. Likewise, any new development which would require shoreline stabilization which causes significant impacts to adjacent or down-current properties shall not be allowed.
3. New development on lots constrained by depth, topography or critical areas shall be located to minimize, to the extent feasible, the need for shoreline stabilization.
4. New development on steep slopes or bluffs shall be set back sufficiently to ensure that shoreline stabilization is unlikely to be necessary during the life of the structure, as demonstrated by a geotechnical analysis.
5. Subdivision shall be planned to avoid the need for shoreline stabilization for newly created lots, utilizing geotechnical analysis where applicable.
6. Non-water-oriented facilities and accessory structures, except for preferred shoreline uses, such as single-family residences and single-family residential appurtenances when consistent with buffer provisions in this chapter, must be located landward of buffers and adjacent water-oriented uses, or outside shoreline jurisdiction, unless no other location is feasible.

Staff Comment: The existing lot, and therefore both proposed lots, has an existing shoreline bulkhead.

KCC 22.400.100(A) Mitigation Sequencing

A. Mitigation Sequencing.

1. Permitted uses and developments shall be designed and conducted in a manner that protects the current ecological condition, and prevents or mitigates adverse impacts. Mitigation measures shall be applied in the following sequence of steps, listed in order of priority:
 - a. Avoid the impact altogether by not taking a certain action or parts of an action;
 - b. Minimize impacts by limiting the degree or magnitude of the action and its implementation by using appropriate technology or by taking affirmative steps to avoid or reduce impacts;
 - c. Rectify the impact by repairing, rehabilitating or restoring the affected environment;
 - d. Reduce or eliminate the impact over time by preservation and maintenance operations;
 - e. Compensate for the impact by replacing, enhancing, or providing substitute resources or environments, including utilization of the in-lieu fee process where appropriate; and
 - f. Monitor the impact and the mitigation projects, and take appropriate corrective measures.
2. Application of the mitigation sequence shall achieve no net loss of ecological functions for each new development and shall not result in required mitigation in excess of that necessary to assure that development will result in no net loss of shoreline ecological functions and not have

a significant adverse impact on other functions fostered by the policy of the Act or this program.

Staff Comment: The proposal for subdivision is designed to meet or exceed the required 100-foot Standard Buffer for the Urban Conservancy shoreline designation and additional 15-foot building setback to protect buffer functions (KCC 22.400.120(B)). The 110-foot wetland buffer on Lot A will be maintained. A No Net Loss Report is provided in Exhibit 10. Any development within the FEMA 100-year floodplain will be required to provide a Habitat Assessment at time of building permit and constructed to meet the Flood Hazard code requirements of Title 15 KCC.

KCC 22.400.125 Water Quality and Quantity

Staff Comment: This proposal will be required to apply for a Site Development Activity Permit, meeting all the water quality and quantity requirements of Title 12 KCC-Stormwater, and applicable state permits.

KCC 22.400.130 Historic, Archeological, Cultural, Scientific and Educational Resources

Staff Comment: A SEPA comment was received from the Suquamish Tribe in conjunction with the Notice of Application regarding concern for potential cultural resources. This proposal is conditioned to provide a Cultural Resources Report with the Site Development Activity Permit application.

KCC 22.400.135 View Blockage

Staff Comment: The lot is located within an irregular shoreline (cove). The view line is met using the average setback line of the two adjacent principal buildings, as well as meeting the required buffer.

KCC 22.400.140 Bulk and Dimension Standards

Staff Comment: The standards for the Urban Conservancy designation are met. The lot width exceeds the minimum 60-feet, 5-foot side setbacks are met, maximum impervious surface and height are conditioned. The lot exceeds the minimum 1:2 width to depth ratio for subdivided shoreline lots.

KCC 22.400.145 Public Access

Staff Comment: KCC 22.400.145(F) states that public access is not required for single-family residential development of four (4) or fewer lots. The proposal is for one additional lot (2 total), therefore public access is not required.

KCC 22.500.100(D) Conditional Use Permits

1. The purpose of a CUP is to provide flexibility in authorizing uses in a manner consistent with RCW 90.58.020. Accordingly, special conditions may be imposed to prevent undesirable effects of the proposed use and/or to assure consistency of the project with the Act and this program.

2. CUPs shall be classified as a Type III permit under Chapter 21.04. Where administrative CUPs are allowed, they shall be classified as a Type II permit under Chapter 21.04. Unless specified otherwise in this program, the CUP criteria apply in addition to the applicable SDP criteria, and shall be combined into a single review process.
3. Shoreline CUPs shall be granted only after the applicant can demonstrate compliance with WAC 173-27-160 and this section as follows:
 - a. That the proposed use is consistent with the policies of RCW 90.58.020 and this program;
 - b. That the proposed use will not interfere with the normal public use of public shorelines and does not conflict with existing water-dependent uses;
 - c. That the proposed use of the site and design of the project is compatible with other authorized uses within the area and with uses planned for the area under the comprehensive plan and this program;
Staff Comment: This proposal, as demonstrated in this report, is consistent with the Shoreline Management Act and the Kitsap County Shoreline Master Program, including the SSDP criteria. It is a similar use and density as the surrounding area and does not interfere or alter the public's use of the shoreline.
 - d. That the proposed use will not result in significant adverse effects or a net loss to the shoreline ecosystem functions in which it is to be located;
Staff Comment: This proposal is conditioned to meet the required shoreline and wetland buffers, as well as floodplain development and water quality standards. A No Net Loss Report is provided in Exhibit 10.
 - e. That the public interest suffers no substantial detrimental effect;
 - f. That consideration has been given to the cumulative impact of additional requests for like actions in the area and shall not result in substantial adverse effects or net loss of shoreline ecosystem functions. For example, if CUPs were granted for other developments in the area where similar circumstances exist, the total of the conditional uses shall also remain consistent with the use preference policies and shall not produce substantial adverse impacts to the shoreline environment. Consideration shall be demonstrated through preparation of a cumulative impacts report, if requested, that substantially conforms to the applicable provisions of Chapter 22.700 (Special Reports);
Staff Comment: A Cumulative Impacts Report has been provided (Exhibit 16) and determined the proposal will not result in substantial adverse impacts to the shoreline environment.
 - g. Other uses which are not classified or set forth in this program may be authorized as conditional uses provided the applicant can demonstrate consistency with the requirements of this section and the requirements for conditional uses contained in the master program;
 - h. Uses which are specifically prohibited by this master program may not be authorized pursuant to this section.

Staff Comment: Residential subdivision is permitted in the Kitsap County Shoreline Master Program through the CUP process in the Urban Conservancy Shoreline Designation.

4. All applications for shoreline CUPs, including administrative CUPs, approved by the county shall be forwarded to Ecology pursuant to WAC 173-27-200, for final approval, approval with conditions, or denial. No approval shall be considered final until it has been acted upon by Ecology.

KCC 22.600.170 Residential Development

(A)(2) CUP for multi-family units, accessory dwelling units, and subdivisions in the Urban Conservancy designation.

Staff Comment: This report is for the CUP request for subdivision related to residential development.

(B) Development Standards

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

Staff Comment: The proposal is designed to meet all required buffers and setbacks and a No Net Loss Report has been provided (Exhibit 10).

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

Staff Comment: See Water/Sewer Analysis below.

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

Staff Comment: The parcels have an existing shoreline bulkhead. Any future structural improvements to the existing bulkhead will need to demonstrate need for in-kind replacement. As the 100-foot shoreline buffer and 15-foot building setback are to be met, it is feasible that alternative shoreline armoring techniques may be appropriate.

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

Staff Comment: Not applicable to the is proposal.

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

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

Staff Comment: This project is conditioned to meet all current stormwater code (Title 12) and Flood hazard area (Title 15) requirements at the time of site development.

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

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

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

Staff Comment: Not applicable. This proposal is only for two lots in total.

9. Lot area shall be calculated using only those lands landward of the OHWM.

10. Single-family residential uses are a priority use only when developed in a manner consistent with control of pollution and prevention of damage to the natural environment.

j. Access, Traffic and Roads

The project was reviewed for traffic and roads and approved with 9 conditions. Please see Conditions 18 - 25.

k. Fire Safety

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

l. Solid Waste

The project was reviewed for solid waste and approved with conditions (see Condition #28 below).

m. Water/Sewer

Silverdale Water will be providing service to the new lot and residence. The lot will be served by on-site septic. Sewer main is over 200-feet from the property line and is therefore not required to connect to public sewer (KCC 17.260.020).

n. Kitsap Public Health District

Kitsap County Health District reviewed and approved the proposal, with condition for a Building Site Application for construction on Lot B.

11. Review Authority

The Hearing Examiner has review authority for this Conditional Use Permit application under KCC, Sections 17.550.020 and 21.04.100. The Kitsap County Commissioners have determined that this application requires review and approval of the Hearing Examiner. The Hearing Examiner may approve, approve with conditions, or deny a Conditional Use Permit. The Hearing Examiner may also continue the hearing to allow for additional information necessary to make the proper decision. The powers of the Hearing Examiner are at KCC, Chapter 2.10. After approval by the Hearing Examiner, final approval, approval with conditions, or denial shall be made by the Washington Department of Ecology pursuant to WAC 173-27-200. No approval shall be considered final until it has been acted upon by Ecology.

12. Findings

1. The proposal is consistent with the Comprehensive Plan.
2. The proposal complies or will comply with requirements of KCC Title 17 and Title 22 and complies with or will comply with all of the other applicable provisions of Kitsap County Code and all other applicable regulations, including all applicable development standards

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

13. Recommendation

Based upon the analysis above and the decision criteria found in KCC 17.550.030.A and KCC 22.500.100(D), the Department of Community Development recommends that the Shoreline Conditional Use request for Friedman Shoreline Short Plat be approved, subject to the following 29 conditions:

a. Planning/Zoning

1. The following condition shall be placed on the face of the Final Plat: Access for both lots is limited to the access easement depicted hereon.
2. A Final Short Plat shall be prepared by a licensed Land Surveyor in compliance with KCC Title 16.

b. Development Engineering

3. 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.
4. 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.
5. The information provided demonstrates this proposal is a Large Project as defined in Kitsap County Code Title 12, and as such will require a Full Drainage review Site Development Activity Permit (SDAP) from Development Services and Engineering, demonstrating how the project meets Minimum Requirements 1-9, as outlined in the Kitsap County Stormwater Design Manual.
6. 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 Short Subdivision (first complete Land Use permit submittal for the project) application was deemed complete, January 22, 2020. 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.
7. Any project that includes off site improvements that create additional impervious surface such as lane widening, sidewalk or shoulder installation or intersection channelization shall provide stormwater mitigation in accordance with Kitsap County Code Title 12 effective at the time the Preliminary Short Subdivision application was deemed complete, January 22, 2020.
8. The owner shall be responsible for maintenance of the storm drainage facilities for this development following construction. Before issuance of the Site Development Activity Permit 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.

9. The impervious area per lot accounted for in the overall drainage facilities installed shall be indicated on the face of the 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.
 10. The following condition shall be added to the face of the Final Plat: At the time of submittal of a building permit for any lot within this plat, soil amendment is required for all disturbed areas not covered by hard surface.
 11. If the project proposal is modified from that shown on the submitted site plan accepted for review January 22, 2020, Development Services and Engineering will require additional review and potentially new conditions.
- c. Environmental**
12. At the time of site development application, the project will be required to meet the standards of KCC Title 15- Flood Hazard Areas. This will include a Flood Elevation Certificate to meet building requirements and a FEMA Habitat Assessment.
 13. A cultural resources report shall be provided at the time of SDAP application due to the project's proximity to known or potential cultural resources.
 14. The 100-foot shoreline buffer and 15-foot building setback shall be maintained. No refuse shall be placed in the buffer. Any future clearing, grading, or building in the buffer will require separate review and appropriate permits.
 15. The 110-foot wetland buffer on Lot A shall be maintained as shown on the approved site plan.
 16. The Washington State Department of Fish and Wildlife may require a Hydraulic Project Approval for the work required at the proposed outfall. Prior to SDAP approval, the applicant shall submit an approved HPA from the Washington State Department of Fish and Wildlife (WDFW) or documentation from WDFW specifying that an HPA is not required.
 17. Per KCC 22.400.140, the maximum building height shall be 35-feet and the maximum impervious surface of each lot shall be 25% of the lot area.
- d. Traffic and Roads**
18. Sidewalk ramps shall conform to the current requirements of the Americans with Disabilities Act per WSDOT standard plans at the time of construction.

19. 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.
20. Frontage improvements, consisting of 10-foot travel lane and vertical curb, gutter and 5-foot sidewalk, are required along the property frontage on Mickleberry Road NW.
21. The Site Development Activity Permit plans shall include surveyed cross-sections at 50-foot intervals along the parcel frontage on Mickleberry Road NW. 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.
22. 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.
23. Any required sidewalk shall be constructed prior to roadway paving. This note shall appear on the face of the final construction drawings.
24. Prior to issuance of the required Site Development Activity Permit with the Department of Community Development, the Applicant shall satisfy all conditions of a Right-of-Way Permit through the Department of Public Works for any and all work performed in the county Right-of-Way associated with this project. Apart from the Site Development Activity Permit (SDAP), the Right of Way permit may require extra work to comply with current Washington State Department of Transportation or Kitsap County Road Standards. You may contact Kitsap County Public Works, Right-of-Way Division at (360) 337-5777 to obtain a Right-of-Way permit.
25. A Road Maintenance Agreement will be required for the access easements shown on the face of the plat. This may be in the form of a note on the face of the Final Plat that addresses ownership and maintenance responsibilities of the access easement, or in the form of a Road Maintenance Agreement document to be recorded separately and referenced on the face of the Final Plat.

e. Fire Safety

26. The minimum fire flow requirements for one and two family dwellings in subdivisions shall be 500 gallons per minute for thirty (30) minutes.

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

f. Solid Waste

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

g. Kitsap Public Health District

29. A building site application will be required prior to building permit issuance for Lot B.

Report prepared by:



Kathlene Barnhart, Staff Planner / Project Lead

08/06/20____
Date

Report approved by:



Shawn Alire, Department Supervisor

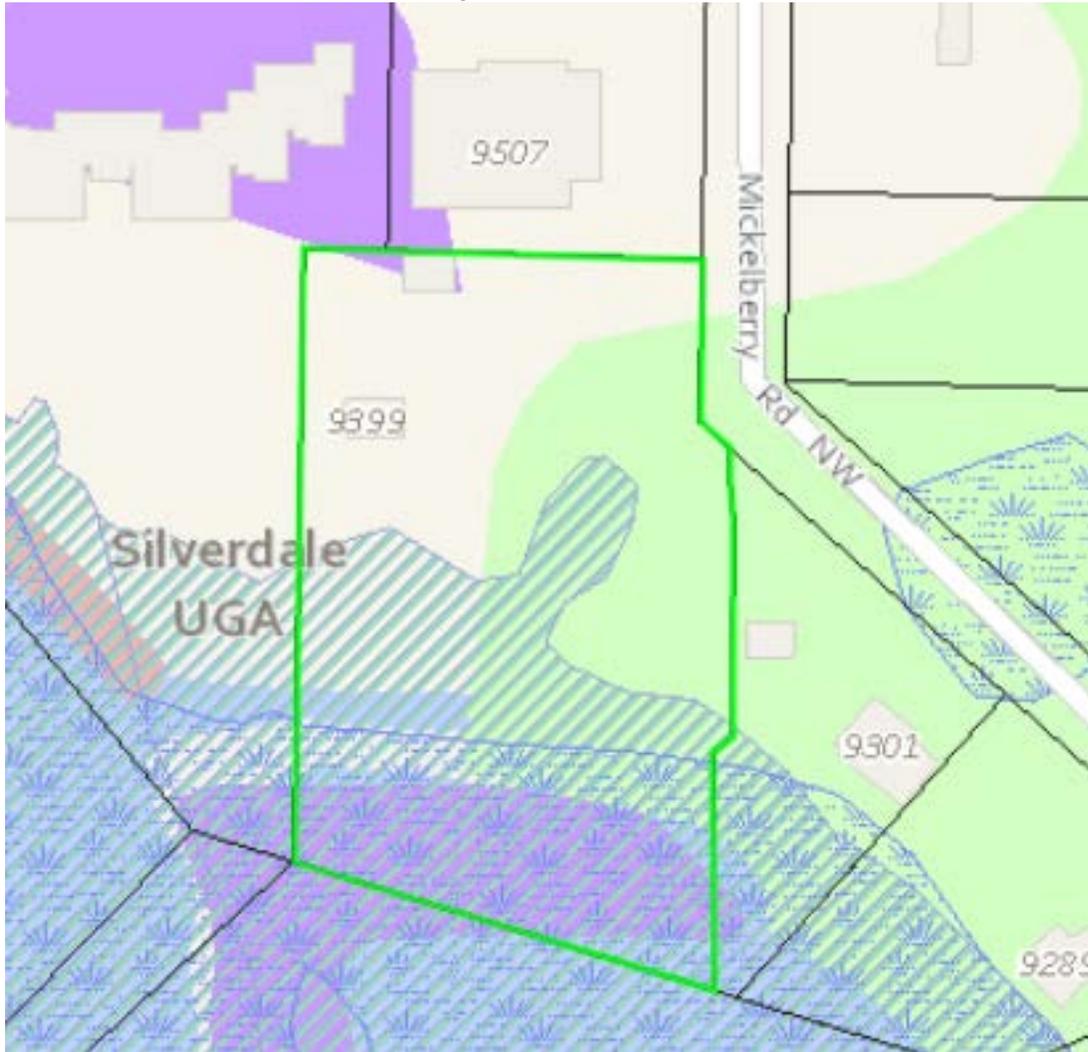
__08/06/20____
Date

Attachments:

- Attachment A – Critical Area Map
- Attachment B – Shoreline Map
- Attachment C – Zoning Map

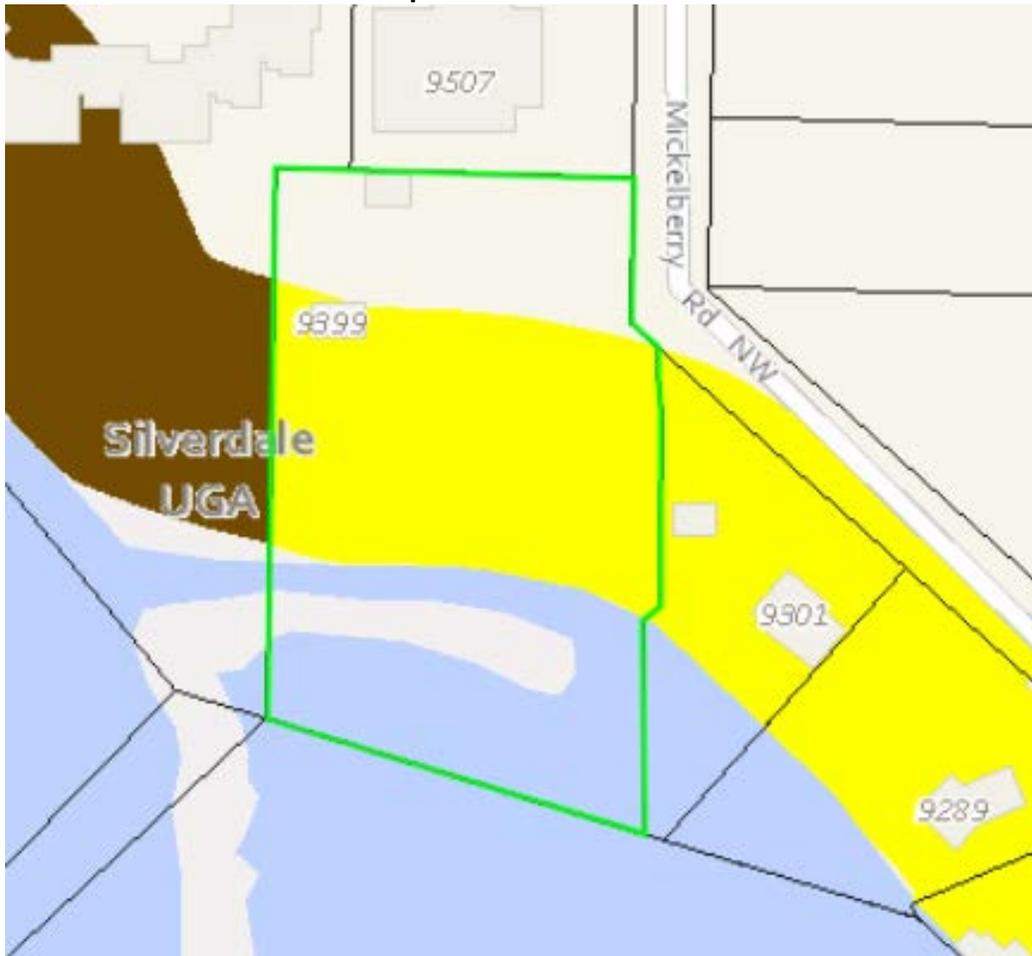
CC: Applicant: Richard and Kirsten Friedman
Aaron Trampush, SHEDBUILT; aaron@shedbuilt.com
Clover McIngalls, The Watershed Company; cmcingalls@watershedco.com
Interested Parties:
Kitsap County Health District, MS-30
Kitsap County Public Works Dept., MS-26
DCD Staff Planners: Peggy Bakalarski, Candy Vickery

ATTACHMENT A: Critical Areas Map



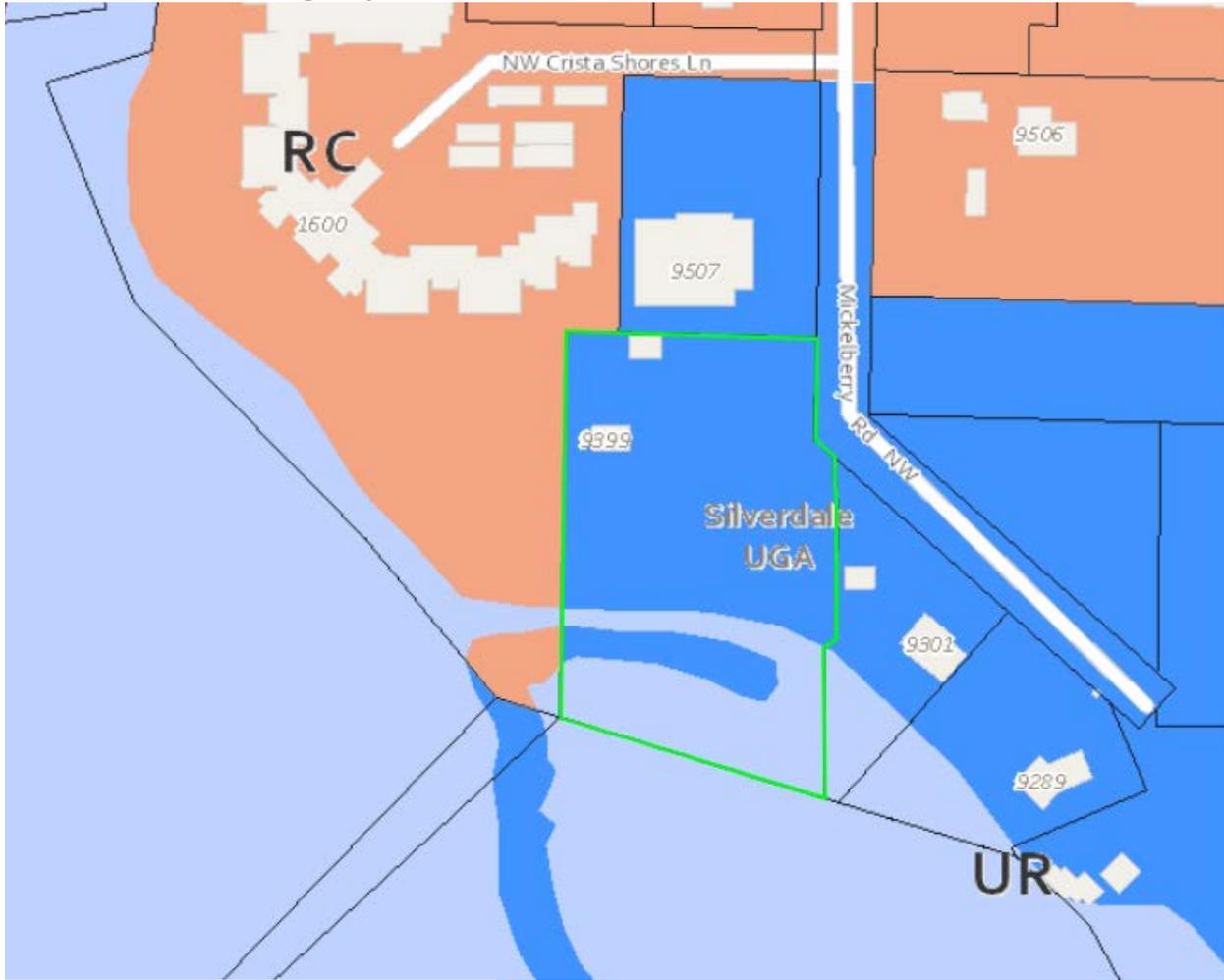
- Critical Areas**
- Waterbodies
 - Includes DNR NWI and Surveyed Wetlands
 - Wetlands
 - DNR NWI Surveyed Wetlands
 - FEMA Flood Hazard Areas
 - 100 Year Floodplain
 - Storm Induced Velocity Wave Hazard
 - Hydric Soils
 - Potential Wetlands
 - Geologic Critical Areas**
 - Seismic High Hazard Area
 - High
 - Landslide Hazard areas
 - High
 - Moderate
 - Erosion Hazard Area
 - High
 - Moderate
 - Seismic Moderate Hazard Area
 - Moderate

ATTACHMENT B: Shoreline Map



- Shoreline Master Plan**
Shoreline Master Plan Environmental
Designations 2014
- Natural
 - Rural Conservancy
 - Shoreline Residential
 - Urban Conservancy
 - High Intensity
 - Aquatic

ATTACHMENT C: Zoning Map



-  UR - Urban Restricted (1-5 DU/Ac)
-  Regional Center (10-30 DU/Ac)