



Hearing Examiner Staff Report and Recommendation

Report Date: August 5, 2021
Hearing Date: August 12, 2021

Application Submittal Date: May 27, 2019
Application Complete Date: January 13, 2020

Project Name: Folk ADU
Type of Application: Conditional Use Permit
Permit Number: 19-02394

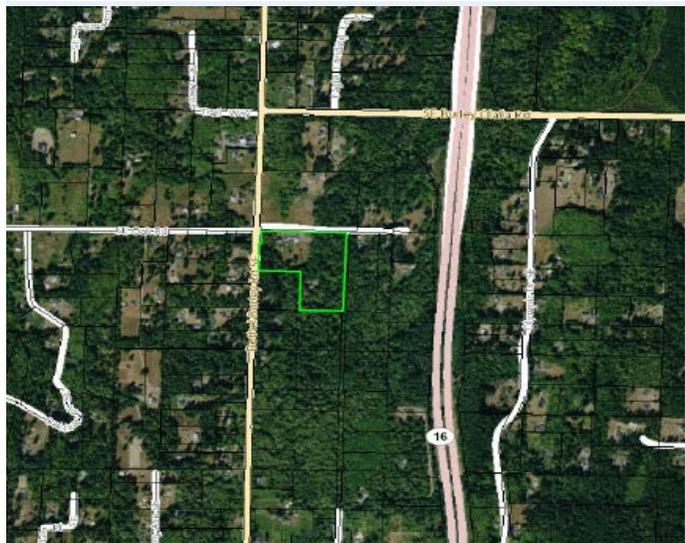
Project Location
1890 SE Oak Road
Port Orchard, WA 98367
Commissioner District 2

Assessor's Account #
4859-001-002-0109

Applicant/Owner of Record
Daniel Folk
1890 SE Oak Road
Port Orchard, WA 98367

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

VICINITY MAP



1. Background

The proposal is for approval of an after the fact Conditional Use Permit (CUP) for an Accessory Dwelling Unit (ADU). The proposed ADU involves converting a second floor of an existing detached garage into an 832-square foot ADU. The ADU will be accessory to an existing 2,472 square foot primary single-family unit. The existing garage has a separate entrance on the parcel, and off-street parking is provided. The ADU and primary unit will be served by two separate onsite septic systems. The existing garage was previously approved with a bathroom facilities and onsite septic system. The ADU will be served by a two party well for drinking water. The structure and utilities will be located outside of the 150-foot natural vegetation buffer and 15-foot building setback from a Type-F (fish) stream and Category-1 wetland with a 110-foot buffer and 15-foot building setback. Both the single-family residence and ADU are existing and will have same material, color and pitched roofing. The ADU will provide housing for the applicant's father and the applicant will live in the primary unit.

2. Project Request

The applicant is requesting approval of a Conditional Use Permit to allow the use of the second floor to be used as an 832-square-foot accessory dwelling unit. The ADU will be served by an on-site two-party well and two on-site septic systems.

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 May 5, 2021 (Exhibit 17). A Determination of Nonsignificance (DNS) was issued on July 21, 2021 (Exhibit 21). SEPA noted the following information/SEPA mitigation conditions have been imposed:

COMMENTS:

1. The proposal is conditioned to follow the requirements of Kitsap County Code (KCC) Title 17, Zoning, specifically all requirements for Accessory Dwelling Units in KCC 17.410.060.B.3.
2. The project will be conditioned for stormwater controls pursuant to KCC Title 12 and critical areas per KCC Title 19 Critical Areas Code.

The SEPA appeal period expired August 4, 2021. No appeals were filed; therefore, the SEPA determination is final.

4. Physical Characteristics

The subject property is located south of Port Orchard, south side of SE Oak Road and east of Bethel Burley Road SE. The property is L-shaped, 12.30 acres in size and the topography within the majority of the property is flat but includes a gentle slope to the south with a moderate slope downward toward the stream/wetland area located on the eastern portion of the property. The northwest portion of the property contains a single-family residence (SFR), constructed in 1904 and agricultural buildings. The existing garage was constructed in

2016, located within an area southwest portion of the property. The western half of the property contains open pasture area with scattered overstory trees while the eastern portion of the property is forested. A forested upland vegetative community surrounds the wetland and is comprised of dense, overstory of Douglas fir, Alder and Western Red Cedar. The Soil survey of Kitsap County indicates three onsite soil types, Indianola loamy sand, 0 to 5 % slopes, 5 to 15 % slopes, and Norma fine sandy loam. The National Wetlands Inventory shows the wetland in the eastern portion of the site.

A 2015 Delineation was prepared which identified and categorized onsite critical areas and was confirmed with another report. The delineation was performed to identify wetlands and associated buffers for future uses for the southern portion of the property. Wetland A was rated as a Category-I, emergent, scrub/scrub, forested, permanently and seasonally flooded wetland with a Type-F stream along the east property line. An additional Type-F stream was identified along the west property line.

Table 1 - Comprehensive Plan Designation and Zoning

Comprehensive Plan: Rural Protection Zone: Rural Protection Residential (RP)	Standard	Proposed
Minimum Density	Not Applicable	NA
Maximum Density	1-dwelling unit (DU) per 10 acres	Special provisions apply to an ADU
Minimum Lot Size	10 acres	12.30 acres
Maximum Lot Size	NA	NA
Minimum Lot Width	140 feet	829 feet
Minimum Lot Depth	140 feet	867 feet +/-
Maximum Height	35 feet	2 stories, <35 feet
Maximum Impervious Surface Coverage	NA	NA
Maximum Lot Coverage	NA	NA

Applicable footnotes: None

Table 2 - Setback for Zoning District

	Standard	Proposed
Front (North)	50'	560'
Side (West)	20'	32'
Side (East)	20'	169.75'
Rear (South)	20'	240'

Table 3 - Surrounding Land Use and Zoning

Surrounding Property	Land Use	Zoning
North	Developed Single-Family Unit	Rural Protection (RP)
South	Single-Family Unit	RP
East	Single-Family Unit	RP
West	Single-Family Unit	Rural Residential (RR)

Table 4 - Public Utilities and Services

	Provider
Water	On-site well (two-party)
Power	Puget Sound Energy
Sewer	Kitsap County
Police	Kitsap County Sheriff
Fire	South Kitsap Fire & Rescue
School	South Kitsap School District #402

5. Access

Access to the site is by a driveway approach onto SE Oak Road, a County-maintained road. A separate driveway on the eastern portion of the property runs north and south along the forested area serving as access to the southern portion of the property where the garage and proposed ADU site is located (see attached site plan).

6. Site Design

Consistent with KCC Title 17 Zoning for permitted uses, the parcel is developed with a single-family dwelling and a new ADU, reviewed for consistency with KCC 17.410.060 Provisions for Special Uses. There is off-street parking next to the SFR and next to the ADU, consistent with KCC 17.490 Off-Street Parking and Loading.

7. Policies and Regulations Applicable to the Subject Proposal

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

Kitsap County Comprehensive Plan, adopted June 30, 2016.

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

Limit the designated rural area to low residential densities that can be sustained by minimal infrastructure improvements, cause minimal environmental degradation, and that will not cumulatively create the future necessity or expectation of urban levels of service.

Land Use Policy 51

Permit residential uses in rural areas consistent with the planned rural character of the surrounding area.

Land Use Policy 53

Outside of the Type III Limited Area of More Intensive Rural Development (LAMIRD), limit development only to that which serves rural residential or resource needs and does not draw population from Urban Growth Areas. This policy is implemented through Comprehensive Plan Land Use designations, zoning designations, and zoning code provisions.

Housing and Human Services Policy 5

Use regulatory strategies to incentivize and provide flexibility for development of affordable and special needs housing.

Housing and Human Services Policy 7

Adopt regulatory changes to allow non-traditional housing types.

Housing and Human Services Policy 11

Promote fair housing to ensure that all residents of Kitsap County have an equal and fair opportunity to obtain safe and sanitary housing suitable to their needs and financial resources, regardless of race, religion, gender, sexual orientation, age, national origin, family status, income, disability, or other protected class.

Housing and Human Services Policy 12

Identify and remove regulatory barriers that limits access to or the provision of a diverse affordable housing supply.

Housing and Human Services Policy 14

Disperse affordable housing opportunities throughout the County.

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

Code Reference	Subject
Title 12	Storm Water Drainage
Title 13	Water and Sewers
Title 14	Buildings and Construction
Title 17	Zoning
Title 19	Critical Areas Ordinance

Chapter 18.04	State Environmental Policy Act (SEPA)
Chapter 20.04	Transportation Facilities Concurrency Ordinance
Chapter 21.04	Land Use and Development Procedures

8. Documents Consulted in the Analysis

A complete index of exhibits is in the project file. To date, the index to the record:

Exhibit #	Document	Dated	Date Accepted
1	Permit Questionnaire		01/13/20
2	Project Narrative		01/13/20
3	ADU Elevations		01/13/20
4	Authorization Form		01/13/20
5	Contour Map		01/13/20
6	ADU Floor Plans		01/13/20
7	SFR Floor Plans		01/13/20
8	Health District Approved Site Plan		01/13/20
9	Health District Building Site Application		01/13/20
10	SEPA Checklist		01/13/20
11	SFR Elevations		01/13/20
12	Site Assessment Planning Packet		01/13/20
13	Stormwater Pollution Prevention Plan (SWPPP) Drawings		01/13/20
14	SWPPP Narrative		01/13/20
15	Waiver Request		01/13/20
16	Wetland Report		01/13/20
17	Notice of Application	05/19/20	
18	Consultant Memo		06/24/21
19	Revised Site Plan		06/24/21
20	Step Deficiency Reply		06/24/21
21	SEPA Determination of Non-Significance	07/21/21	
22	Notice of Public Hearing	07/21/21	
23	Map – Comprehensive Plan	07/29/21	
24	Map – Critical Areas	07/29/21	
25	Map – Critical Areas Imagery	07/29/21	
26	Map – Utilities	07/29/21	
27	Map – Zoning	07/29/21	
28	Preliminary Conditions Memo – Vickery	07/30/21	
29	Certification of Public Notice	08/03/21	
30	Staff Report		
31	Staff Presentation		

9. Public Outreach and Comments

Pursuant to KCC Title 21 Land Use and Development Procedures, the Department gave proper public notice for the Conditional Use Permit through the Notice of Application with the notification of property owners located up to 800 feet around the site. After the issuance of the Notice of Application, the Department did not receive written responses from neighbors concerned about the Conditional Use Permit, as of the May 19, 2021 deadline.

Issue Ref. No.	Summary of Concern (See corresponding responses in the next table)	Comment Letter Exhibit Reference No.
NA		

Issue Ref. No.	Issue	Staff Response
NA		

10. Analysis

a. Planning/Zoning

An Accessory dwelling unit is defined under KCC 17.110.020. Accessory Dwelling Unit means separate living quarters detached from the primary residence. No mobile home or recreational vehicle shall be considered an accessory dwelling unit. This definition excludes guest houses. An accessory dwelling unit within the RP zone requires a Conditional Use Permit as specified in KCC 17.410.042(A) Rural, resource, and urban residential zones use table subject to footnote 1. Footnote 1 indicates an ADU is subject to compliance with Section KCC 17.410.060 Provisions applying to special uses.

Accessory Dwelling Unit (ADU) Standards

An ADU is required to meet the provisions and requirements outlined in KCC 17.410.060(B)(3) – Provisions applying to special uses; Accessory Dwelling Unit (ADU). In order to encourage the provision of affordable and independent housing for a variety of households, an accessory dwelling unit may be located within residential zones. Criteria from KCC 17.410.060(B)(3) are listed below, with a staff response of the individual standard immediately following:

- a. An ADU shall be allowed as a permitted use in those areas contained within an urban growth boundary.

Staff Response: The proposed ADU is not within an urban growth boundary. Therefore, the ADU cannot be permitted in conjunction with a building permit as

an outright use. Land use approval through a conditional use permit is required for this ADU.

- b. An ADU shall be subject to a conditional use permit in those areas outside an urban growth boundary.

Staff Response: The subject property is outside an urban growth area boundary. As a result, the applicant has applied for and is requesting approval of an after the fact conditional use permit as required by the KCC.

- c. Only one ADU shall be allowed per lot.

Staff Response: The applicant applied for a building permit for a garage with a bathroom (Permit # 16-01549) and will apply for the conversion of the upper-story of the garage into for one ADU is proposed for the subject lot.

- d. Owner of the property must reside in either the primary residence or the ADU.

Staff Response: The owners of the property are Daniel and Julie Folk, and will live onsite in the existing house, the primary dwelling.

- e. The ADU shall not exceed fifty percent of the square footage of the habitable area of primary residence or 900 square feet (sf), whichever is smaller. Dimensions are determined by exterior measurements.

Staff Response: The application shows a house as the primary unit with 2,472 sf of floor area. Consistent with the above requirement in KCC 17.410.060 the applicant is proposing an 832 sf of habitual area for the ADU.

- f. The ADU shall be located within 150 feet of the primary residence or shall be the conversion of an existing detached structure (i.e., garage).

Staff Response: As proposed through the site plan, the ADU is located approximately 350 feet from the primary residence (Exhibits 19). As stated in the requirement, the applicant can convert an existing detached garage on the property to an ADU and can exceed the required distance by 200 feet.

- g. The ADU shall be designed to maintain the appearance of the primary residence.

Staff Response: The primary SFR and ADU are planned to be similar in appearance. The applicant is proposing similar materials and paint colors for the ADU and the existing SFR. (Exhibits 3 and 11).

- h. All setback requirements for the zone in which the ADU is located shall apply.

Staff Response: The front yard setback, along the north property line is over 560 feet. The rear yard setback is shown as 240 feet, and the west side yard setback is over 83 feet. The east side yard is approximately 280 feet (Exhibit 19). All required zoning setbacks as delineated for the ADU comply with the KCC.

- i. The ADU shall meet the applicable health district standards for water and sewage disposal.

Staff Response: The Health District has reviewed and preliminarily approved the ADU on 8/03/2021.

- j. No mobile homes or recreational vehicles shall be allowed as an ADU.

Staff Response: The applicant has proposed a stick built ADU and primary SFR.

- k. An ADU shall use the same side street entrance as the primary residence and shall provide additional off-street parking.

Staff Response: The existing garage to be converted to an ADU has a separate access from the primary unit on SE Oak Road. The second access is proposed to be removed and fenced consistent with this code requirement. The ADU and the existing primary SFR will use the same existing access from the north property line and will have enough off-street parking.

- l. An ADU is not permitted on the same lot where an accessory living quarters exists.

Staff Response: Based on the information in the record, the SFR floor plan the structure will not have accessory living quarters (Exhibit 7).

b. Lighting

Not applicable; there are no lighting requirements for an ADU.

c. Off-Street Parking

Three parking spaces are required for the single-family residence and one additional parking space is required for the ADU.

Staff Response: The applicant has enough space to provide three spaces next to the primary unit and 2 off-street parking spaces will be provided next to the ADU. The proposal is consistent with off-street parking standards per KCC 17.490.030.

Table 5 - Parking Table

Use Identified in 17.490.030	Standard	Required Spaces	Proposed Spaces/Existing Spaces
Primary Residence & ADU	3 Historical Lot 1-Accessory Dwelling		3 Historical Lot 2-Accessory Dwelling
Total			5

d. Signage

Not applicable; there is no signage requirements for an ADU, and none is proposed.

e. Landscaping

Not applicable; there are no landscaping requirements for an ADU.

Table 6 - Landscaping Table

	Required	Proposed
Required Landscaping (Sq. Ft.) 15% of Site	NA	
Required Buffer(s) 17.500.025		
North	NA	NA
South	NA	NA
East	NA	NA
West	NA	NA
Street Trees	NA	NA

f. Frontage Improvements

Not applicable; there are no frontage improvement requirements for an ADU. However, there are access requirements that limit access to one road approach off a County road. This is addressed below under the access heading.

g. Design Districts/Requirements

Not applicable; the subject property is not located within a design district.

h. Development Engineering/Stormwater

The information provided demonstrates this proposal is a Small Project as defined in Kitsap County Code Title 12, and as such will require the ADU building permit site plan to demonstrates compliance with Minimum Requirements.

i. Environmental

The project is required to be reviewed pursuant to the Kitsap County Critical Areas Ordinance, KCC Title 19. The critical areas are regulated under the KCC Title 19 (CAO) that include geologically hazardous areas, frequently flooded areas, critical aquifer recharge area, wetlands, Fish and Wildlife habitat conservation areas. The Kitsap County resource maps show a that the project site includes a wetland and reviewed pursuant to KCC 19.200 Wetlands and a Type-F stream which is regulated per the requirement in KCC 19.300 Fish and Wildlife Conservation Areas.

A 2015 Delineation was prepared and identified categorized onsite critical areas and confirmed with another report. The delineation was performed to identify wetlands and associated buffers for future uses for the southern portion of the property. Wetland A was rated as a Category-I, emergent, scrub/scrub, forested, and seasonally flooded wetland with a Type-F stream along the east property line. An additional Type-F stream was identified along the west property line. Due to the age of the report the applicant hired a second wetland consultant to review existing environmental conditions and compliance KCC Title 19 Critical Areas Code.

Summary of Critical Buffers			
Critical Areas	Type	Habitat Score	Buffer
Wetland A	Category I	24 (Moderate)	110 feet
Stream assoc. w/ Wetland A	Fish	--	150 feet
Stream along Property Line	Fish	--	150 feet

The project involves the conversion of a second floor of an exist garage. The driveway and accessory dwelling are outside the critical area buffers. The existing garage building is 83 feet from the outer edge of the buffer. The exist primary unit is in the northwest corner of the property and may partially overlap with the Type-F stream buffer. However, the existing house and outbuildings have been in the same footprint since the property was developed in 1904. The applicant’s representative reviewed the proposal for consistency with KCC 19.100.130(A) for existing structures in the buffer which created a functional isolation and are not considered part of the buffer. The existing residence and access road are within the outer edge of the stream buffer. The existing driveway and residence eliminate or greatly reduce impacts of the project, there are no impacts to the stream or buffer function.

j. Access, Traffic and Roads

Access to the site is from a driveway approach from a County maintained road from SE Oak Street Road, which has a functional classification as a local access road. It is anticipated that the ADU will not create significant impacts to the rural local road network.

k. Fire Safety

The building permit for the ADU will be evaluated to ensure compliance with fire safety requirements in the International Residential Code (IRC) and International Fire Code (IFC).

l. Solid Waste

Waste Management is the local service provider. Solid waste generated by the ADU is expected to be picked up as part of the typical residential solid waste collection.

m. Water/Sewer

The property and dwellings will be served by a two-party well for water service and by an on-site sewage disposal system.

n. Kitsap Public Health District

Kitsap Public Health District (KPHD) has reviewed the application and recommends approval onsite septic and potable water from an existing two party well. KPHD approved the BSA on August 3, 2021.

11. Review Authority

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

12. Findings

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

13. Recommendation

Based upon the analysis above and the decision criteria found in KCC 17.550.030.A, the Department of Community Development recommends that the Conditional Use Permit request for the Folk Accessory Dwelling Unit be **approved**, subject to the following 35 conditions:

a. Planning/Zoning

1. All required permits shall be obtained prior to commencement of land clearing, construction and/or occupancy.
2. The ADU is subject to the payment of impact fees. Impact fees must be paid at time of permit issuance, or if deferred, must be paid prior to final inspection. No certificate of occupancy will be granted until all impact fees are paid.
3. Any proposed modification (not including cosmetic work such as painting, papering and similar finish work), remodel or expansion of the accessory dwelling unit (ADU) building, regardless of whether a building permit is required, shall be reviewed by the Department of Community Development and granted approval prior to such modification, expansion, construction and/or issuance of a building permit.
4. Only one ADU shall be permitted on the subject property.
5. The owner of the property must reside in either the primary residence or the ADU and only one of the structures may be rented at any one time.
6. The ADU's habitable area shall not exceed 50% of the primary residence or 900 sf, whichever is smaller. The proposed size of the ADU is 832 sf (Exhibit 6).
7. The ADU shall be located within 150 feet of the primary residence.
8. The ADU shall be designed to maintain the appearance of the primary residence.
9. This permit shall comply with all Kitsap Public Health District regulations and conditions of approval.
10. No mobile home or recreational vehicle shall be allowed as an ADU.
11. The ADU shall use the same side street entrance as the primary residence and shall provide one additional off-street parking space.
12. An accessory living quarters (ALQ) or guest house (GH) is not permitted on the same lot unless the ADU is removed or converted and the ALQ or GH complies with all requirements imposed by the Kitsap County Code (KCC).

13. A property with a primary residence and an accessory dwelling unit ADU cannot be segregated to create two separate legal lots unless it complies with all subdivision, zoning and density requirements in place at the time of a complete subdivision application.
14. The ADU cannot be sold separately from the primary residence unless it has legally been segregated onto its own lot.
15. The recipient of any conditional use permit shall file a Notice of Land Use Binder with the county auditor prior to any of the following: initiation of any further site work, issuance of any development/construction permits by the county, or occupancy/use of the subject property or buildings thereon for the use or activity authorized. The Notice of Land Use Binder shall serve both as an acknowledgment of an agreement to abide by the terms and conditions of the conditional use permit and as a notice to prospective purchasers of the existence of the permit. The Binder shall be prepared and recorded by the Department at the applicant's expense.
16. 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. 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.
17. 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.
18. The decision set forth herein is based upon representations made and exhibits contained in the project application 20-04553 Nguyen ADU CUP. Any change(s) or deviation(s) in such plans, proposals, or conditions of approval imposed shall be subject to further review and approval of the County and potentially the Hearing Examiner.
19. This Conditional Use Permit 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.

20. Any violation of the conditions of approval shall be grounds to initiate revocation of this Conditional Use Permit.

b. Development Engineering

21. This project is located within a critical area or critical area buffer and requires engineered drainage design that conforms with Kitsap County Code Title 12 Stormwater, at the time of building permit application.
22. 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 R-ADU application is deemed fully complete. 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 Code in effect at the time of SDAP application.
23. The design of the infiltration facilities shall be in accordance with Vol. II, Ch. 5.4 of the Kitsap County Stormwater Design Manual.
24. The infiltration facilities shall remain offline until the drainage areas are stabilized, and the water quality treatment facility is adequately established. In addition, retention ponds shall not be utilized as temporary erosion and sedimentation control ponds.
25. Immediately after excavation of the proposed infiltration facilities, the Project Engineer shall provide an inspection(s) to verify that the actual soil conditions encountered meet the design assumptions. The Project Engineer shall submit the inspection report(s), properly stamped and sealed to Development Services and Engineering.
26. Where slopes are steeper than 15% and flatter than 30%, infiltration facilities (excluding individual lot systems) shall be placed no closer to the top of slope than the distance equal to the total vertical height of the slope area. All retention facilities shall be a minimum of 200 feet from any slope steeper than 30%. This distance may be reduced based on a geotechnical engineering report. That analysis will be prepared by a Civil Engineer licensed in the State of Washington, knowledgeable in the practice of soils engineering and mechanics. The analysis will address the effects of groundwater infiltration, seepage, potential slip planes, and changes in soil bearing strength. The proposed facilities will be designed following the recommendations of the geotechnical analysis.
27. The owner shall be responsible for maintenance of the storm drainage facilities for this development following construction. Before (requesting final building

inspection/recording the final plat/binding site plan) 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.

c. Environmental

28. Permit approval subject to chapter 19.300.315 of Kitsap County Code, which states that buffers or setbacks shall remain undisturbed natural vegetation areas except where the buffer can be enhanced to improve its functional attributes. Refuse shall not be placed in buffers.
29. Permit approval subject to chapter 19.150.170 of Kitsap County Code, which states that critical area ordinance (CAO) buffers shall remain undisturbed natural vegetation areas except where the buffer can be enhanced to improve its functional attributes. Refuse shall not be placed in buffers.

d. Traffic

30. At building permit application, submit KCPW Form 1601 for issuance of a concurrency certificate, as required by KCC Section 20.04.030, Transportation Concurrency.
31. Private driveway approaches to existing County roads shall be reviewed and approved by Development Engineering.
32. 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.
33. Work within the county right-of-way requires a permit to perform work in the right-of-way from the Kitsap County Department of Public Works.

e. Fire Safety

None

f. Solid Waste
None

g. Kitsap Public Health District

34. The applicant shall comply with all applicable Kitsap Public Health District requirements.

Report prepared by:



Jeff Smith, Staff Planner / Project Lead

August 5, 2021

Date

Report approved by:



Scott Diener, DSE Manager

August 5, 2021

Date

Attachments:

- Attachment A – Site Plan
- Attachment B – Critical Areas
- Attachment C – Zoning Map, etc.

CC: Applicant/Owner email: Daniel Folk, danielfolk253@gmail.com
Engineer or Project Representative email
Interested Parties: NA
Kitsap County Health District, MS-30
Kitsap County Public Works Dept., MS-26
DCD Staff Planner: Jeff Smith

Critical Areas Map



Comments

** This map is not a substitute for field survey ** Map Scale: 1 inch = 200 feet
Parcel No: 4850-001-002-0100 TaxPayer: FOLK DANIEL W & JULIE Site Address: 1890 SE OAK RD

Kitsap Co. Parcel Search Application



Printed July 29, 2021