



## Hearing Examiner Staff Report and Recommendation

**Report Date:** September 1, 2021

**Application Submittal Date:** November 25, 2020

**Hearing Date:** September 9, 2021

**Application Complete Date:** December 08, 2020

**Project Name:** Royal Valley Preliminary Plat

**Type of Application:** Preliminary Plat

**Permit Number:** 20-05572

### Project Location

No address;

Commissioner District 1

### Assessor's Account #

142501-3-034-2004

142501-3-035-2003

142501-3-036-2002

142501-3-037-2001

142501-4-050-2001

### Applicant/Owner of Record

Royal Valley LLC

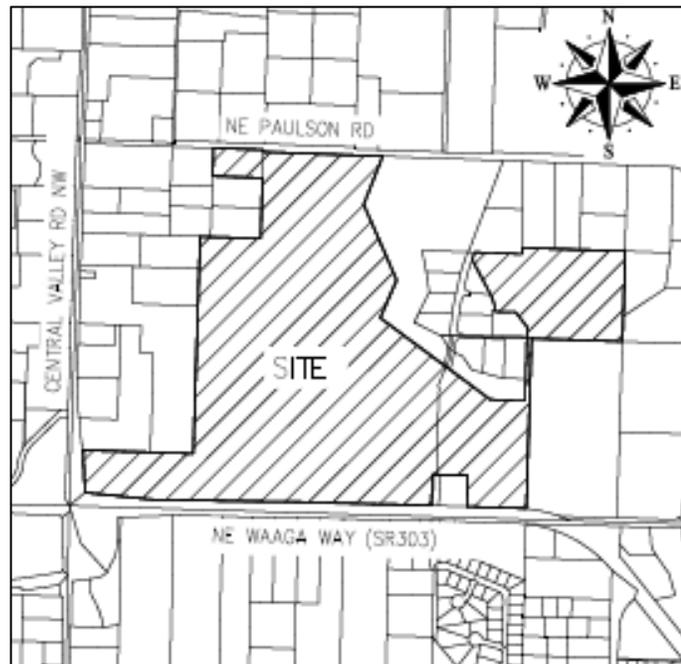
PO Box 2849

Poulsbo, WA 98370 2849

### Recommendation Summary

Approval subject to conditions listed under Section 13 of this report.

### VICINITY MAP



**Figure 1 Vicinity Map**

### 1. Background

Kitsap County's Department of Community Development (DCD) received a Preliminary Plat (Subdivision) application, which was determined complete on December 8, 2020. Per KCC 21.04.100, Preliminary Subdivisions are Type III applications that require Hearing Examiner Review and approval. The subject site is located within the Central Kitsap Urban Growth Area (UGA). A proposed rezone (#20-05577), located to the east of the proposal is being processed concurrently but is not included in this preliminary plat application.

### 2. Project Request

The applicant proposes to subdivide two parcels in the Urban Cluster Residential (UCR) zone (142501-3-034-2004 and 142501-3-035-2003) totaling 46.09 acres into 159 single family

residential lots and 20 tracts (A through T) for access/roads, stormwater facilities, utilities, landscaping, open space, and critical areas and their associated buffers. Access to the development is proposed directly from State Route 303 (NE Waaga Way) with secondary emergency vehicle access only to Paulson Road, a county right-of-way. The project is proposed to be served by public water (North Perry Water) and public sewer (Kitsap County) via a gravity flow system to a proposed sewer lift station. Stormwater is proposed to be captured, collected, and treated in six stormwater ponds in various locations around the development. Within the plat boundary, approximately 63,000 square feet (~1.45 acres) is proposed as recreational open space and an additional ~17 acres is proposed to remain naturally vegetated.

Access and utility extensions to the plat involve three additional parcels also in the Urban Cluster Residential (UCR) zone (142501-3-036-2002, 142501-3-037-2001 and 142501-4-050-2001) which have been identified for future development under one or more future development review and approval processes.

### **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.

A Mitigated Determination of Nonsignificance (MDNS) was sent to agencies on August 26, 2021. It was then published in the Kitsap Sun newspaper on August 27, 2021. The SEPA MDNS included an additional 14-day comment and appeal period, set to end on September 10, 2021. At the time of this report, no SEPA comments or appeals had been filed.

#### **COMMENTS AND PROJECT MITIGATION:**

A pre-application site visit was conducted on June 25, 2020 and then on January 15, 2021 with County and Washington State Department of Fish and Wildlife staff as well as the Suquamish Tribe to assist in this determination. On April 23, 2021, a follow up site visit was

conducted to review staking of the wetland delineation with Washington State Department of Ecology staff also participating. Public comments received as of the date of this report are addressed in Section 9 of this report.

The following features of the project, which are proposed by the applicant, are critical to the determination that the project will not have a significant adverse environmental impact.

#### **STORMWATER**

1. Stormwater runoff will be generated from rooftops, driveways and right of way improvements, and will be collected, provided water quality treatment where appropriate, and conveyed to eight stormwater detention ponds. The ponds will to existing drainage courses, mimicking the predeveloped state. The project currently proposes eight detention ponds for water quantity control, and Filterra devices for water quality control. The proposal will be conditioned for stormwater quality and quantity controls pursuant to Kitsap County Code Title 12 Stormwater Drainage.

#### **CRITICAL AREAS**

1. The proposal includes 10 jurisdictional wetlands of which six (6) are Category III and four (4) are Category IV. Surface waters include a tributary to Hoot Creek, Crouch Creek, Nadean Creek and Royal Valley Creek, all of which are Type F. Other regulated features on-site include discharge from a stormwater pond to a Type N stream whose confluence is to Crouch Creek. An updated Critical Areas Assessment and Buffer Mitigation Plan was prepared by BGE Environmental (August 9, 2021). The project proposes buffer averaging to a single wetland (wetland J). A conceptual mitigation plan applies wetland buffer averaging as well as buffer enhancement to a degraded area on-site within Hoot Creek Watershed. The details and recommendation of the mitigation actions will be provided in a Final Royal Valley Plat Mitigation Plan to support development plans consistent with Kitsap County Code Title 19.
2. The project proposes redevelopment of a stormwater pond known as Insanity Lake and applies an exemption criterion pursuant to Kitsap County Code 19.100.125(E) as normal and routine maintenance or repair of existing utility structures. Redevelopment includes mitigation to the receiving water through restoration of channel morphology, installation of habitat elements, and buffer enhancement to the ponds overflow termed Insanity Lake Creek.
3. Future development is anticipated on adjacent parcels (Parcels 3 and 5) and will require further analysis and environmental review. Mitigation sequencing will be required at that time. These future development areas include pasture wetlands, Type F waters, and their associated buffers. The Wetland Mitigation Plan prepared by BGE proposes a 25% buffer reduction to a Type N/F water outside of the Plat Boundary allowing for the construction of the sanitary sewer pump station that is required to serve the current Plat and future development phases.

4. The proposal will be conditioned to follow KCC Chapters 19.200, KCC 19.300 and KCC 19.700.

#### **HISTORIC AND CULTURAL PRESERVATION**

1. If an archaeological resource or site is found during construction, activity must be halted, and the State Historical Preservation Officer must be notified (Phone # 360-586-3065) and be requested to provide recommendations on how to proceed. The Suquamish Tribe and Kitsap County SEPA Official or SEPA Coordinator must also be notified. A Cultural Resources Inadvertent Discovery Plan will be required prior to any ground disturbance.

#### **TRANSPORTATION**

1. If interior roads are to be public, they shall be designed to Kitsap County road standards for local road designation at 25 mph.
2. A Traffic Impact Analysis (TIA) prepared by SCJ, and updated April 2021, was submitted for the subject plat with provisions for additional development of the adjacent Future Development Areas of Royal Valley (referred to in the TIA as Phase 1b).
3. The applicant is responsible for coordinating any required frontage and access improvements with Washington State Department of Transportation (WSDOT) along SR 303. Final WSDOT approval shall be provided to Kitsap County Public Works prior to issuance of a Site Development Activity Permit.
4. At the request of WSDOT, an Intersection Control Evaluation (ICE) regarding mitigation at the westbound offramp of SR 303 at Central Valley Road NE was prepared by the applicant for WSDOT review. If offsite intersection improvements are required, selected improvements will be required to be complete as a condition of final plat approval.
5. As included in the WSDOT Plan for Approval, the project construction will include a continuous 5-foot wide (minimum) accommodation for bicycle use on the north side of SR 303. In addition, the applicant will include east-west non-motorized facilities within the future phases of the overall Royal Valley project as the development expands easterly from the current plat boundary that is located on the western margin of the developable land. These facilities will include separated bicycle lanes/sidewalks and/or multi-modal pathways.
6. The project borders access to NE Paulson Road which is designed for a rural level of service. NE Paulson Road will be limited to access for emergency vehicles only.
7. The project will be subject to traffic impact fees pursuant to Kitsap County Code Chapter 4.100 – “Impact Fees”.

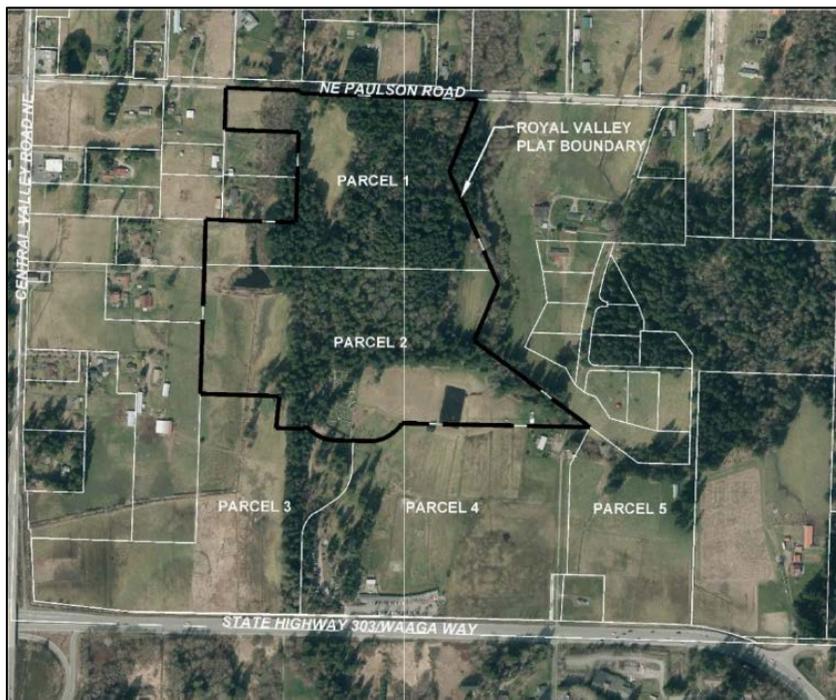
#### **4. Physical Characteristics**

A geotechnical engineering report by GeoResources, LLC dated July 2020 and Critical Area Assessment by BGE Environmental, LLC dated July 2020 and later updated on August 9, 2021 were included in the project application and provided detailed descriptions of the parcels, as summarized below.

The site is comprised of forest and pastureland and is vacant within the Plat boundaries. An existing, man-made drainage pond is located in the southeast corner which drains to a Type F water with confluence to Crouch Creek. The site has buildable areas throughout except along the eastern and western boundaries where critical areas and their buffers are located. In the development areas of Parcels 3 and 4 through which access and utilities are being extended to the Plat, there are approximately 6 small to medium structures, utilities and parking areas associated an existing mobile home, the farm, a former golf driving range and current coffee drive-through.

The site has varying topography, with elevations ranging from 80 feet to 157 feet. The steepest slopes of 45 percent are located just west of the existing site access. Vegetation on site includes mature forests of Douglas Fir, Western Red Cedar, Western Hemlock, Bigleaf Maple, and other species and various native understory.

Ten jurisdictional wetlands are identified as well as four surface waters; tributary to Hoot Creek, Crouch Creek, Nadean Creek, and Royal Valley Creek which are Type F streams.



**Figure 2 Aerial Image of Parcels with Plat Boundary**

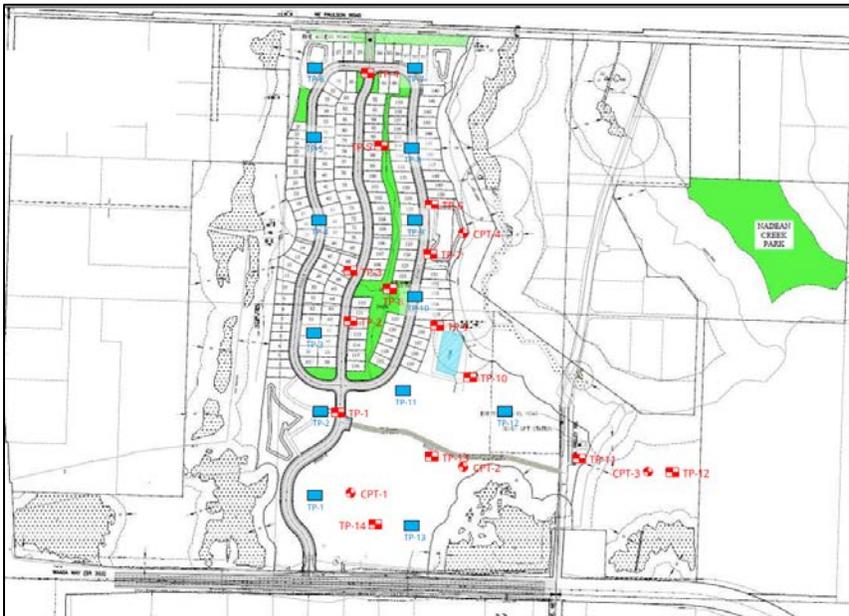


Figure 3 Image from Geotechnical Report

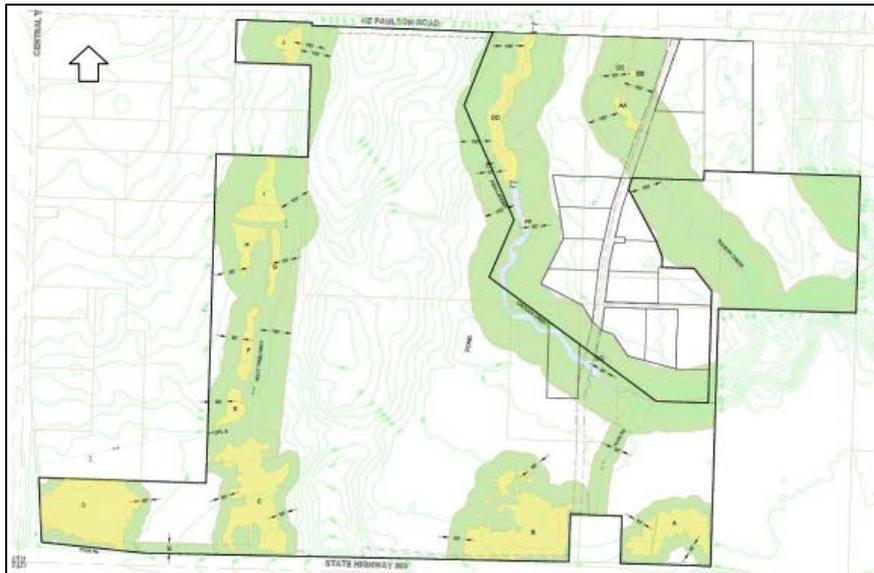


Figure 4 BGE Environmental Critical Area Assessment

Table 1 - Comprehensive Plan Designation and Zoning

Comprehensive Plan: Urban Low Density Residential (ULDR)	Standard	Proposed
Zone: Urban Cluster Residential (UCR)		
Minimum Density	5 units/acre*	159 lots

		3.45 DU/Acre (Gross) 8.95 DU/Acre (Net)
Maximum Density	9 units/acre	
Minimum Lot Size (square feet)	2,400	Lots range between 2,700 and 6,900 square feet
Maximum Lot Size (square feet)	9000	
Minimum Lot Width (feet)	40	Lots meet standard
Minimum Lot Depth (feet)	60	Lots meet standard
Maximum Height	35 feet	To be reviewed with individual building permits
Maximum Impervious Surface Coverage	NA	NA
Maximum Lot Coverage	NA	NA

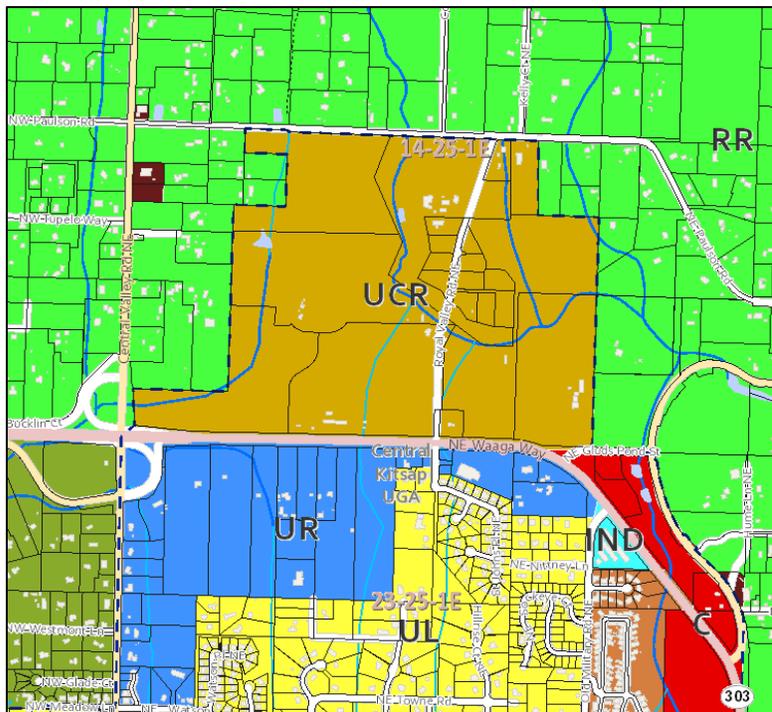
*\*Staff Comment: Minimum Density is calculated using net density (based on net developable acreage).*

**Table 2 - Setback for Zoning District**

	Standard	Proposed
Front	10 feet, for single-family	To be reviewed with individual building permits
Side	5 feet  If on an alley, 10 feet for a garage or carport opening directly onto the alley or 5 feet in all other instances	To be reviewed with individual building permits
Side	5 feet  If on an alley, 10 feet for a garage or carport opening directly onto the alley or 5 feet in all other instances	To be reviewed with individual building permits
Rear	5 feet  If on an alley, 20 feet for a garage or carport opening directly onto the alley	To be reviewed with individual building permits

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

Surrounding Property	Land Use	Zoning
North	Right of Way (NE Paulson Rd) and Single-family residence	Rural Residential (RR)
South	Right of Way (NE Waaga Way) Single-family residence Undeveloped Land Church (Peninsula Bible Fellowship)	Urban Restricted (UR) Urban Low (UL)
East	Undeveloped land Single-family residences Public Utility (North Perry Water)	Urban Cluster Residential (UCR)
West	Agriculture Single-family residence Convenience Store Public (Kitsap Conservation District)	Rural Residential (RR) Rural Commercial (RCO)



**Figure 5 Zoning Map**

**Table 4 - Public Utilities and Services**

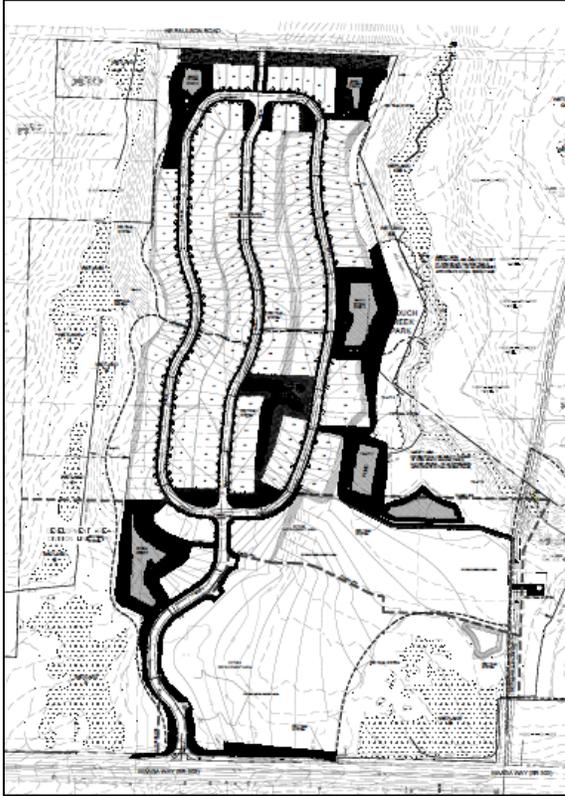
	Provider
Water	North Perry Avenue Water District
Power	Puget Sound Energy
Sewer	Kitsap County
Police	Kitsap County Sheriff
Fire	Central Kitsap Fire & Rescue
School	Central Kitsap School District

**5. Access**

The primary access to the project is proposed directly State Route 303 (NE Waaga Way) which is maintained by the Washington State Department of Transportation (WSDOT). All newly created lots are proposed to be accessed by new interior access roads. A secondary access is proposed for use by emergency vehicle access only to the north of the development along NE Paulson Road. NE Paulson Road is a County maintained public right-of-way.

**6. Site Design**

The proposal includes 159 new residential lots, with associated stormwater management facilities, utilities, interior roads, access, and open space network. The access road from State Route 303 (NE Waaga Way) indicates provisions for road extensions to serve the future development areas to the east. A lift station is indicated in a location at the low point of the property adjacent to the existing 24" public sewer main. See the attached site plan.



**Figure 6 Project Site Plan**

**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 and amended April 27, 2020.

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

*Land Use Goal 1. Focus current and future planning on infill and redevelopment of existing Urban Growth Areas.*

*Land Use Policy 11. In accordance with Kitsap County Health District and Washington State requirements, require connection to a public sewer system for new or extensively remodeled development located within 200 feet of the public sewer system, and within an urban growth area.*

*Land Use Goal 2. Promote health in the built environment.*

*Land Use Policy 12. Review spatial requirements and proximity as considerations when requiring new development to provide connectivity to existing trails, paths and sidewalks and seek locations and means to expand existing trail system  
Foster rural business and business opportunities on designated commercial and industrial lands in the rural area, while balancing protection of rural character.*

*Land Use Goal 3. Support more dense residential areas with access to transportation, urban amenities, goods and services, physical activity and healthy foods.*

*Land Use Policy 14. Through development standards, encourage urban amenities such as open space, plazas, and pedestrian features in areas of more intensive development within Urban Growth Areas.*

*Land Use Policy 15. Link non-motorized planning requirements to land use planning decisions.*

*Land Use Policy 16. Promote housing preservation and development in areas that are already well served by schools, public transportation and commercial facilities, and have adequate infrastructure to support alternative modes of transportation.*

*Land Use Goal 6. Direct development to designated Urban Growth Areas consistent with projected population growth, Growth Management Act and Countywide Planning Policies while considering development patterns that reduce sprawl, use urban land more efficiently, and that incorporate feasible, innovative and sustainable practices.*

*Land Use Policy 29. Through application of Growth Management Act goals, increase density in urban areas and limit sprawl in rural lands.*

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 11	Kitsap County Road Standards
Title 12	Storm Water Drainage
Title 13	Water and Sewers
Title 16	Land Division and Development

Title 17	Zoning
Title 19	Critical Areas
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 located in the project file. To date, the index to the record consists of the following exhibits.

Exhibit #	Document	Dated	Date Received / Accepted
1	Royal Valley PP Civil Plan Set		12/07/2020
2	Required Permit Questionnaire		12/07/2020
3	App to Construct Sanitary Sewer		12/07/2020
4	Royal Valley Authorization		12/07/2020
5	Concurrency Test		12/07/2020
6	Critical Area Assessment		12/07/2020
7	Geotechnical Report		12/07/2020
8	Fire Flow Analysis		12/07/2020
9	Non-Binding Water Availability		12/07/2020
10	Preliminary Storm Report		12/07/2020
11	Sewer Availability		12/07/2020
12	Stormwater Worksheet		12/07/2020
13	Submittal Waiver		12/07/2020
14	SJC Traffic Scoping		12/07/2020
15	Notice of Application	1/29/2021	
16	Washington State – Chronology Email	8/02/2021	
17	Critical Area Buffer Mitigation Plan - Updated		8/10/2021
18	BGE Technical Memorandum		8/10/2021
19	Landscaping Plans - Updated		8/10/2021
20	Project Narrative - Updated		8/10/2021
21	SEPA Checklist-Updated		8/10/2021
22	WSDOT Email to SCJ		8/10/2021
23	WSDOT Plan for Approval		8/10/2021
24	WSDOT FPS Construction Plans		8/10/2021
25	WSDOT FPS Hydraulic Report		8/10/2021
26	WSDOT Central Valley Offramp ICE		8/10/2021

27	Traffic Impact Analysis		8/10/2021
28	Public Comments Received (Combined)		Dec 2020 – Aug 2021
29	Notice of Public Hearing	8/25/2021	
30	SEPA MDNS	8/26/2021	
31	Certification of Public Notice	9/2/2021	
32	Staff Report	9/2/2021	
33	Staff Presentation		
34	Hearing Sign-In		

### 9. Public Outreach and Comments

A Notice of Application was issued on January 29, 2021 and a SEPA MNDS was issued on August 26, 2021. The table below describes public comments received at the time of this report.

Issue	Summary of Concern (See corresponding responses in the next table)
Access	<ul style="list-style-type: none"> <li>Neighbors to south concerned about difficulty in accessing HWY 303 from Radcliff Ave NE, and concerned that project will add more competing traffic. Wondering if a traffic light will be installed.</li> <li>Neighbors do not want traffic accessing NE Paulson Rd., which is rural.</li> </ul>
Traffic	<ul style="list-style-type: none"> <li>Concerned about impacts to the eastbound onramp to 303 from Central Valley Rd. NE causing Paulson Road to become a cut through for eastbound (traffic may exit the project on west bound 303 and then try to utilize this to go eastbound.</li> <li>If the access to Paulson Road allows for pedestrians and cyclists, this will cause a safety concern as it is a blind hill with no lighting.</li> </ul>
Landscape Buffers	<ul style="list-style-type: none"> <li>Concerned about landscaping buffer between project and NE Paulson Rd. Wondering if a 50-foot buffer is adequate to separate the urban development from rural character to the north.</li> </ul>
Stormwater Runoff	<ul style="list-style-type: none"> <li>To the southwest of the project, at Silvercreek Estates, there is a significant existing issue with stormwater runoff, soil saturation, and flooding. Neighbor is concerned that the proposal will add more runoff in this area and will increase the problem, resulting in property damage.</li> </ul>

**Staff Responses to Comments:**

The table below includes a brief summary of staff responses to public comments. Detailed responses can be found in Exhibit 28 to this report.

Issue	Summary Staff Response
Access	<ul style="list-style-type: none"> <li>• Traffic leaving the project site will be right-turn only. A traffic light is not required at this area nor desired by WSDOT.</li> <li>• The project will not directly access NE Paulson Rd. The access will include a gate and only usable by Emergency Vehicles.</li> </ul>
Traffic	<ul style="list-style-type: none"> <li>• The applicant’s traffic consultant, SCJ alliance, provided the Traffic Impact Analysis (TIA) and response to traffic related concerns, included in Exhibit 28 to this report. The TIA included a summary of “turnaround” traffic at Central Valley Rd. NE.</li> <li>• The Emergency Access off of Paulson Rd. will not be designed to accommodate bicycles or pedestrians.</li> </ul>
Landscape Buffers	<ul style="list-style-type: none"> <li>• The development will include a 50-foot landscaped buffer to the north of the site, meeting the requirement of KCC 17.500.027.B.</li> </ul>
Stormwater Runoff	<ul style="list-style-type: none"> <li>• The project’s engineer, N.L Olson and Associates, provided a detailed memo response regarding stormwater concerns. They clarified that only approximately 25% of the project site drains toward Hoot Creek, the majority drains east to Crouch Creek; in both cases, the new stormwater facilities are required to capture and store stormwater so runoff is the same as if the property were old growth forest before any human impacts. The result is stormwater from the development is discharged at a lesser flow than occurs today from the agricultural and recreational uses. The consultant argues that this should actually improve downstream conditions.</li> </ul>

## 10. Analysis

### a. Planning/Zoning

Per KCC 16.40.030, preliminary subdivisions are classified as Type III applications and shall conform to the following provisions:

A. Chapter 16.04, General Provisions.  
*See Section 10.a.G.i for detailed analysis.*

B. Chapter 16.24, Land Segregation Standards.  
*See Section 10.a.I-II for a detailed analysis.*

Additionally, KCC 16.40.030 subsections C through G (copied below) provide additional requirements for preliminary subdivisions. Staff comments are provided in italics.

C. “The preliminary plat shall consist of the following [17 features]...”

**Staff Comment:** *The applicant submitted a preliminary plat map (Exhibit 1) that includes all required features.*

D. “The proposed streets shall align and be coordinated with streets serving adjacent properties.”

**Staff Comment:** *The primary access for the development will have one access from State Route 303 (NE Wagga Way), which is a WSDOT maintained right-of-way. There is no opportunity near this access point to align with other streets.*

E. “The proposed streets shall be adequate to accommodate anticipated traffic”

**Staff Comment:** *The proposed interior streets are adequate to accommodate anticipated traffic. A full traffic analysis is provided in Section 10.j of this report.*

F. “If road or pedestrian connectivity between the subdivision and adjacent properties is required, all ingress/egress accesses shall be dedicated to the public and developed consistent with Kitsap County Road Standards”

**Staff Comment:** *Connectivity is not feasible to adjacent properties to the west due to the location of critical areas, primarily wetlands and streams. See Section 10.i for a detailed critical areas analysis. Connectivity to adjacent properties and future development areas to the east is feasible. These streets will be developed consistent with Kitsap County Road Standards. A condition of approval is added*

*that if these roads are to be public they will be dedicated to Kitsap County prior to final plat approval.*

G. "The Kitsap Public Health District shall recommend approval or denial..."

**Staff Comment:** *The Kitsap Public health District approved the project with no conditions. See Section 10.n for additional detail.*

**i. 16.04. General Provisions**

General requirements applicable to all land segregations are provided in 16.04.080, copied below with staff comments provided in italics.

A. The proposed land segregation shall comply with the applicable provisions of the Kitsap County Comprehensive Plan and Kitsap County Code.

**Staff Comment:** *The proposal, together with the recommended conditions of approval, complies with applicable provisions of Kitsap County Comprehensive Plan (See Section 7 of this report) and also complies with applicable provisions of Kitsap County Code, as detailed in Section 10 of this report.*

B. Adequacy of Access. Each lot within a land segregation shall have approved access to a street conforming to county road or access standards, unless an alternative standard has been approved by the director. To assure safe and adequate access, the director:

1. Shall require a developer to dedicate, establish, or deed right-of-way to the county for road purposes as a condition of approval of a land segregation, when to do so is reasonably necessary as a direct result of a proposed land segregation, for improvement, use or maintenance of the road system serving the development;
2. Shall determine if road connectivity between the land segregation and adjacent properties is required. In cases where the dedication, establishment, or deeding of additional right-of-way cannot be reasonably required as a direct result of the proposed development but such right-of-way is necessary for future expansion of the public road system, the director shall require reservation of the area needed for right-of-way for future conveyance to the county. Building setbacks and all other zoning code requirements will be established with respect to the

reservation line rather than the deeded, established, or dedicated right-of-way line. The area reserved for right-of-way may be donated to the county or will be purchased by the county through a county road project;

**Staff Comment:** *As discussed previously, interior access roads will be developed to Kitsap County Road Standards and may be dedicated as public (Condition 31).*

3. Shall be satisfied that the applicant has demonstrated sufficient access rights for the entire access route, where access to the segregation is gained via private easements;

**Staff Comment:** *Not applicable, access is not gained via private easements. Primary access to the project is gained directly from State Route 303 (NE Waaga Way) and with NE Paulson Rd only for emergency vehicle access only. Both NE Waaga Way and NE Paulson Road are public rights-of-way.*

4. Shall require that newly established easements for access purposes not be contiguous to an existing access easement, unless there is no other feasible access point as determined by the director;

**Staff Comment:** *The proposal meets this standard; no newly established easements for access are contiguous to existing easements.*

5. Shall require that off-site improvements be made to public or private streets, if needed to provide adequate access from the land segregation to a road acceptable to the director;

**Staff Comment:** *The proposal meets this requirement. See Section 10.f for a detailed analysis of frontage improvements.*

6. May approve private streets, and may require that adequate provision is made for access to the private street to accommodate future segregations, where the county finds the following:

- a. Vacant or underutilized land abuts the proposed land segregation or development; and

b. The location of said access easement is reasonable based upon the design needs for future streets; and

c. The establishment of said easement will further the extension of the street system within the urban growth area; and

d. The extension of the street system is reasonably foreseeable; and

e. The establishment of said easement furthers the goals and policies of the Comprehensive Plan;

**Staff Comment:** *Roads will be built to the county standards. If interior roads will be dedicated to be public, they shall meet Kitsap County Road Standards and shall be dedicated to the County prior to final plat recording.*

7. May limit direct access to certain streets and require on-site public or private streets in lieu of individual driveways, in accordance with the county road standards.

**Staff Comment:** *The applicant is proposing a single primary access point to the development along NE Waaga Way (SR 303), which leads to new interior access roads. No individual driveways along NE Waaga Way or NE Paulson Rd are proposed or allowed. Using the authority granted in this section, direct access to Paulson Rd is required and shall be limited to emergency vehicle access only.*

C. Safe Walking Conditions.

The applicant shall be required to provide information regarding pedestrian needs generated by the proposed land segregation. Where deemed necessary by the department, safe walkways shall be required.

1. School Children. In cases where a school is located within one mile of a land segregation and/or where it is likely the children will walk to school, safe walkways shall be required along roads interior to the land segregation and along existing roads fronting the site.

2. Pedestrian Safety. Any land segregation within a UGA shall provide sidewalks along existing public roads fronting the subject property(ies). Residential segregations creating more than four lots in UGAs shall provide sidewalks internal to the segregation.

3. When sidewalks are required, they shall be constructed to comply with all applicable standards, including but not limited to county road standards and shall apply the federal American with Disabilities Act (ADA) standards for sidewalk ramps at all intersections, pedestrian crossings and transit stops.

**Staff Comment:** *Interior access roads to the development will include 5-foot sidewalks on both sides. Outside of the project area, the project frontage is SR 303, which is a state highway and does not include existing pedestrian infrastructure or pedestrian crossings due vehicular speeds and width of the road. NE Waaga Way (SR 303) is not a county-maintained road and WSDOT standards would apply. There are no schools within 1-mile walking distance and it is unlikely children will walk to school. Additionally, prior to SDAP issuance, WSDOT final approval of improvements within their jurisdiction shall be required.*

*Additionally, the County assessed the possibility of a non-motorized east-west connection along the north side of SR 303, heading west to Central Valley Road. The project design team, including those involved with the WSDOT highway improvement design and those working with the on-site plat design, have attempted to determine a reasonable route and configuration for a non-motorized east-west connection north of the SR 303 traveled way. Wetland "C" and wetland "D" in the Southeast of the development are environmental constraints that make this connection unfeasible without direct wetland impacts.*

*As part of the applicants approved Plan for Approval (FPA) to WSDOT, the project improvements included a continuous 5-foot wide (minimum) accommodation for continued bicycle use on the north side of SR 303 through the project improvements.*

4. When reasonably necessary for public convenience, pedestrian ways may be required to connect to cul-de-sacs or to pass through unusually long or oddly shaped blocks.

**Staff Comment:** *The proposed design does not include unusually long or oddly shaped blocks. No additional pedestrian ways are required beyond what is proposed.*

D. Lot Configuration. The side lines of lots, as far as practicable, should run at right angles to the street upon which the lots face.

**Staff Comment:** *Proposed side lot lines are generally provided at right angles, with slight adjustments where right angles are not practicable, such as along curved roads, cul-de-sacs, and access tracts.*

E. Homeowners' Associations. Land segregations of five or more lots within a UGA that propose roads and/or storm water facilities to be privately maintained shall form a homeowners' association, registered with the state of Washington. Conditions, covenants and restrictions (CCR) document shall address, at a minimum, ownership of and maintenance responsibilities for any private roads and any private storm water facilities. In rural zones where private roads and/or storm water facilities are proposed, road and storm facility maintenance agreements may suffice.

**Staff Comment:** *CCR documents are required to be submitted with the final plat application. Staff recommends this standard be included as a Condition to ensure compliance (Condition 6 and Condition 50).*

ii. **16.24.040 Urban Standards**

The subject properties are within urban zoned areas; therefore, urban standards apply. These standards are copied below, with staff comments provided in italics.

A. Access.

1. General.

a. When accessing paved county right-of-way, the project approach shall be paved, per Chapter 4 of the Kitsap County Road Standards, as now or hereafter amended. 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.

**Staff Comment:** *The proposal meets this standard. The approach along NE Paulson Rd (county right-of-way) for emergency vehicle access only shall be paved per Chapter 4 of the Kitsap County Road standards.*

*Regarding the proposed access along NE Wagaa Way (SR 303), the Applicant has provided evidence of consistent coordination with*

*WSDOT (Exhibit 16). Additionally, DCD provided WSDOT with a Notice of Application and attended a meeting with WSDOT staff to better understand the agency's needs and goals for this section of SR 303. The proposed access along SR 303 is consistent with the department's understanding of WSDOT's needs.*

- 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.

**Staff Comment:** *The proposal meets this standard. The applicant submitted revised preliminary drainage plans (Exhibit 1) and a drainage report (Exhibit 10). The proposed stormwater facilities include eight detention ponds for stormwater quantity control; and treatment facilities (Filterra units) for stormwater quality control. Development Services and Engineering reviewed the proposal and found the concept supportable in its approach to civil site development with recommended conditions of approval. Final engineered drainage plans are required to be submitted at time of SDAP approval and will be reviewed for compliance with Title 12.*

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

**Staff Comment:** *As discussed previously in the above section, the proposal is consistent with the department's understanding of WSDOT needs along this section of SR 303.*

- 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.

**Staff Comment:** *If interior access roads will be dedicated to be public, they shall be developed to Kitsap County Road Standards.*

- 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, as the proposed interior roads are local access roads.*

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:** *No shared driveways are proposed at this time. Shared driveways may be proposed during SDAP or building permit phases and will be reviewed at that time.*

- 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:** *The applicant was in contact with Kitsap Transit. Kitsap Transit has no requirements or comments at this time.*

- 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:** *NE Waaga Way (SR 303) is not a county-maintained road; therefore, these standards do not apply, and development is guided by WSDOT as discussed previously in this report. Based on previous meetings it is the department's understanding that WSDOT does not desire sidewalks or pedestrian crossings at this section of SR 303 due to safety, maintenance, and other concerns.*

*In coordination with Kitsap County Public Works – Traffic Division, it was determined that sidewalks were not required along NE Paulson Rd due to the classification, intent of access off of NE Paulson Road is for emergency access only and in keeping with the character of the abutting rural zones.*

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.

**Staff Comment:** *As this is a preliminary plat application, no clustered mailboxes proposed, however a condition of approval has been included to address this in the SDAP (condition # 11).*

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:** *The department understands that no rolled curbs or thickened edge asphalt are proposed and if later proposed would be required to meet this standard through SDAP.*

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:** The Mosquito Fleet Trail Plan is not applicable to this location and the property is not on a designated non-motorized route or in a Community Trail Area per the Kitsap County Non-Motorized Facility Plan maps. However, the County assessed the possibility of non-motorized east-west connection along the north side of SR 303, heading west to Central Valley Road. The project design team, including those involved with the WSDOT highway improvement design and those working with the on-site plat design, have attempted to determine a reasonable route and configuration for a non-motorized east-west connection north of the SR 303 traveled way. Wetland "C" and wetland "D" in the Southeast of the development are environmental constraints that make this connection unfeasible without direct wetland impacts.*

*As part of the applicant's approved Plan for Approval (FPA) to WSDOT, the project improvements include a continuous 5-foot wide (minimum) accommodation for bicycle use on the north side of SR 303.*

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:** *The proposal is consistent with the requirements of Chapter 17.490. See Section 10.c for a detailed parking analysis.*

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:** *Kitsap County's Fire Marshal's Office has reviewed and approved the proposal with recommended conditions. Additional review for fire protection requirements will occur at the time of SDAP when final engineering plans are prepared. Staff recommends conditions of approval in section 13.d to ensure compliance.*

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:** *The proposal meets this standard. A revised preliminary landscape plan (Exhibit 19) was submitted that shows adequate landscaping at the subdivision entrance and along public and private streets. A final landscaping plan that meets the standards of KCC 17.500 is required to be submitted with the SDAP and the project will be reviewed for full compliance (Condition 7).*

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.

**Staff Comment:** *The proposal meets this requirement. Connection to the public sewer system is proposed.*

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.

**Staff Comment:** *The proposal meets this requirement. Utility easements are shown on preliminary plat plans.*

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:** *The applicant has provided for future utility connectivity to the extent feasible.*

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 at the following ratios:

a. Where developed at a density of nine units or less per acre, three hundred ninety square feet per unit;

b. Where developed at a density of greater than nine units per acre, one hundred seventy square feet per unit;

c. If calculations result in a fraction, the fraction shall be rounded up to the nearest whole number;

d. A project applicant may propose a different standard for meeting these recreational requirements so long as the proposed facilities meet the minimum level of service for recreational facilities as set forth in the Kitsap County Comprehensive Plan.

2. Recreation facilities shall be placed in a designated recreational open space tract and shall be dedicated to a homeowners' association or other acceptable organization, to provide continued maintenance of the recreational open space tract.

3. Recreational open space tracts shall:

a. Be of a grade and surface suitable for recreation improvements and generally have a maximum grade of five percent, unless a steeper grade is acceptable for the activities associated with the amenity;

b. Be located on the site of the proposed land segregation;

c. Be located within the land segregation in a manner that affords good visibility of the tract from roads, sidewalks and the majority of dwellings;

d. Have no dimensions less than thirty feet, except the width of trail segments;

e. Be at least five hundred square feet in size;

f. Be located in one designated area, unless it is determined that recreational opportunities would be better served by multiple areas developed with recreation or play facilities; and

g. Be accessible and convenient for year-round use to all residents within the land segregation.

4. Play equipment, paved sports courts, exercise fitness trails, community gardens with water service, age-appropriate facilities or similar amenities shall be provided within the recreational open space tract. Construction of amenities shall meet the latest industry safety standards.

5. A recreational open space plan shall be submitted to the department and reviewed and approved with the site development activity permit (SDAP). Said plan shall show dimensions, finished grade, equipment, landscaping and improvements to demonstrate that the requirements of this subsection are met.

**Staff Comment:** *The applicant submitted a preliminary revised landscape plan (Exhibit 19) including proposed recreational open space facilities that demonstrate feasibility and general compliance.*

*390 square feet of recreational open space per unit is required. For 159 units, that is 62,010 square feet of required open space. For convenience of review, the applicant provided a summary of all open space tracts. Several tracts are designated as active or passive recreation space meeting the standard of 390 square feet per unit. Calculations are shown in subsection (e.) below.*

*A final landscape plan demonstrating full compliance with this section is required at the time of SDAP submittal (Condition 7).*

**b. Lighting**

At the preliminary plat stage, lighting is not required to be shown on the plans and no lighting is proposed at this time. Any proposed exterior lighting will be reviewed at the time of SDAP submittal and is subject to KCC Title 17 and KCC Title 19, as applicable.

**c. Off-Street Parking**

Pursuant to KCC 17.490.030, the proposal requires 398 total parking stalls (318 stalls provided on individual lots, plus 0.5 stalls per unit (or 80 stalls) provided on street or set aside. Any fractional parking space shall be rounded up to the nearest whole number (KCC 17.490.010).

The applicant proposes 2 stalls on each lot and at least 80 stalls on street parking stalls distributed throughout the subdivision. On street parking stalls are shown and numbered on the submitted landscape plan (Exhibit 19).

**Table 5 - Parking Table**

Use Identified in 17.490.030	Standard	Required Spaces	Proposed Spaces/Existing Spaces
Single-Family (attached or detached)	During subdivision, 2 per unit + 0.5 per unit on street or set aside	318 + 80 on-street or set aside = 398	318 provided on individual lots + 80 provided on-street
Total		398	398

**d. Signage**

At this time, no signage is proposed. A separate Kitsap County sign permit is required for all signs unless it is determined an exempt sign pursuant to KCC 17.510.050.

**e. Landscaping**

A revised landscape plan (Exhibit 19) shows the project is compliant with applicable landscaping standards in KCC 17.500. The applicable standards are listed below, and further in the recommended conditions.

Per KCC 17.500.025, a minimum of fifteen percent of the total site area shall be landscaped.

Per KCC 17.500.027.B.2, a solid screening buffer measuring twenty-five to fifty feet of sight-obscuring, screening vegetation is required around residential subdivisions abutting a rural zone. The northerly and westerly boundaries of the proposed subdivision abut a rural (RR) zone. Along the northerly property boundary, new landscaping is proposed to comply with this standard. Along the westerly property boundary, existing native vegetation and critical area buffers are proposed to be retained to meet this requirement. In addition, voluntary wetland buffer enhancement is proposed along the western portion of the property to provide additional screening.

Per KCC 17.500.027.B.3, a solid screening buffer is required around the perimeter of storm drainage facilities, to provide sight-obscuring screening from adjacent properties and/or roadways.

**Table 6 - Landscaping Table**

	Required	Proposed
Required Landscaping (Sq. Ft.) 15% of Site	15% (6.91 acres)	(39%) 18.27 acres
Required Recreational Open Space	390 square feet per unit, 62,010 sf	63,210 sf
Required Buffer(s) (KCC 17.500.025)		
North	25-50 feet, sight obscuring	50-foot buffer
South	N/A	N/A
East	N/A	N/A
West	25-50 feet, sight obscuring	Provided through existing vegetation and critical area buffers*
Street Trees	Provided along roads, frontages, and entrances	Provided; see section 10.F.2

*\*Staff Comment: The landscaping separation for lots 22-26 is located within existing vegetation and critical area buffers to the west, however, this is not located on the subject parcel. A condition of approval #8 has been added to verify at the time of SDAP that this separation meets the intent of KCC 17.500.027.*

**f. Frontage Improvements**

Frontage Improvements along SR 303 is managed by WSDOT. An executed Developer Agreement for the SR 303 frontage improvements required by WSDOT will be provided to Kitsap County Department of Community Development as evidence of final WSDOT approval of these improvements. SR 303 frontage improvements include improvements to project access and a minimum 5-foot wide continuous accommodation for bicycle use on the north side of SR 303.

**g. Design Districts/Requirements**

The subject site is not within any recognized design district.

**h. Development Engineering/Stormwater**

The proposed stormwater facilities include eight detention ponds for stormwater quantity control; and treatment facilities (Filterra units) for stormwater quality control.

Development Services and Engineering has reviewed this land use proposal and finds the concept supportable in its approach to civil site development, based on a review of the Preliminary Drainage Report and Preliminary Engineering Plans accepted for review December 7, 2020, and as revised by additional materials accepted for review August 10, 2021 to Kitsap County Development Services and Engineering.

Development Engineering has provided numerous conditions of approval, found in section 13.c of this report.

**i. Environmental**

Four named surface waters are located on-site and include a tributary to Hoot Creek, Crouch Creek, Nadean Creek, and Royal Valley Creek, all of which are Type F. Ten jurisdictional wetlands were identified on-site and include Wetland A through J. Vicinity wetlands, those within 250 ft of the project limits, include Wetland DD, Wetland EE, Wetland FF, and Wetland GG. See the critical areas map in Attachment B at the end of this report.

The applicant has prepared a Critical Area Assessment as well as a draft Buffer Mitigation Plan, dated August 9, 2021. The Mitigation Plan is required as the applicant is proposing two unavoidable impacts to wetland and stream buffers. A third impact is in-kind replacement to Insanity Lake (stormwater pond). See revised draft Critical Area Buffer mitigation plan in Attachment C.

CRITICAL AREA	BUFFER IMPACT AREA	MODIFICATION TYPE	MITIGATED AREA
WETLAND J	9,421 sq ft	Buffer Averaging with Mitigation	9,546 sq ft
		Buffer Enhancement (Voluntary)	55,513 sq ft
		Temporary Wetland Buffer Impacts	7,111 sq ft
INSANITY LAKE CREEK	37,690 sq ft	Redevelopment with Stream & Buffer Restoration	54,039 sq ft
TYPE N/TYP E F WATER	15,678 sq ft	Buffer Reduction	46,545 sq ft
TOTAL	62,789 sq ft	TOTAL	172,754 sq ft

**Figure 7 Proposed Buffer Impacts and Mitigation**

Wetland buffer impacts include Wetland J (category III) in the northwest corner of the plat. A portion of this buffer will be reduced by 25%, from 150 to 112.5 feet, and the applicant has proposed wetland buffer averaging. The total buffer impact area will be 9,421 square feet. To offset impacts, a total of 65,000 square feet of area adjacent to the tributary of Hoot Creek is established and enhanced, resulting in a mitigation ratio of 7:1. The mitigation plan responded to the criteria for wetland buffer averaging in KCC 19.200.220.B.1.

The project proposes redevelopment of a stormwater pond known as Insanity Lake and applies an exemption criterion pursuant to Kitsap County Code 19.100.125(E) as normal and routine maintenance or repair of existing utility structures.

Redevelopment includes mitigation to the receiving water through restoration of channel morphology, installation of habitat elements, and buffer enhancement to the ponds overflow termed Insanity Lake Creek.

Future development is anticipated on adjacent parcels “3” (142501-3-036-2002) and “5” (142501-4-050-2001) and will require a SEPA checklist and further analysis and environmental review. Mitigation sequencing will be required at that time. These future development areas include pasture wetlands, Type F waters, and their associated buffers. The Wetland Mitigation Plan prepared by BGE Environmental proposes a 25% buffer reduction to a Type N/F water outside of the Plat Boundary allowing for the construction of the sanitary sewer pump station that is required to serve the proposed preliminary plat application, as well as future development phases.

**j. Access, Traffic and Roads**

The proposed development abuts NE Paulson Road to the north and NE Waaga Way (SR 303) to the south. The easterly and westerly property lines abut private property. A Traffic Impact Analysis (TIA) was prepared by SCJ, and updated April 2021, was submitted for the subject preliminary plat application with provisions for additional development of the adjacent Future Development Areas of Royal Valley (referred to in the TIA as Phase 1b).

Primary Access: NE Waaga Way (SR 303)

Primary access is proposed from NE Waaga Way (SR 303), which is a WSDOT maintained public right-of-way. Improvements along the property frontage abutting SR-303 is guided by WSDOT. As a result of close coordination with WSDOT, the applicant has proposed improvements consisting of a deceleration lane to the project access and a minimum 5-foot wide continuous accommodation for bicycle use on the north side of SR 303. These improvements were found to be in alignment with WSDOT requests. The applicant is responsible for coordinating any required frontage and access improvements with Washington State Department of Transportation (WSDOT) along SR 303. Final WSDOT approval shall be provided to Kitsap County Public Works prior to issuance of a Site Development Activity Permit.

At the request of WSDOT, an Intersection Control Evaluation (ICE) regarding mitigation at the westbound offramp of SR 303 at Central Valley Road NE was prepared by the applicant for WSDOT review. If offsite intersection improvements are required, selected improvements will be required to be complete as a condition of final plat approval.

Limited Access: NE Paulson Road

Access from NE Paulson Road is limited to one emergency vehicle access point. No public access to the development is proposed. Due to the limited access and the classification of NE Paulson Rd as a minor local road, improvements to NE Paulson Road were not deemed to be required. The proposed emergency vehicle access is required to be gated and provided with a knox box for fire access.

**k. Fire Safety**

The Kitsap County Fire Marshal's Office has reviewed the preliminary plat and approved the application with recommended conditions of approval (Condition 58 through 61).

**l. Solid Waste**

The application was reviewed and received preliminary approval for solid waste.

**m. Water/Sewer**

Public water (North Perry Water District) is proposed to serve the development. The applicant has submitted a non-binding water availability letter (Exhibit 9), demonstrating that there are adequate water resources to serve the proposed development. At the time of site development activity permit submittal, the applicant shall submit a binding water availability letter from the water purveyor (Condition 54).

Public Sewer (Kitsap County) is proposed to serve the development. Kitsap County Public Works Sewer Division has reviewed and approved the proposal with two conditions (Condition 51 and 52).

**n. Kitsap Public Health District**

The application was reviewed and received preliminary approval from the Health District.

**11. Review Authority**

The Hearing Examiner has review authority for this Preliminary Plat application under KCC Section 21.04.100. The Hearing Examiner may approve, approve with conditions, or deny this application. 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 located in KCC Chapter 2.10.

**12. Findings**

The purpose of this Title 16, Land Divisions, is to regulate the segregation of land and to promote the public health, safety and general welfare in accordance with standards established by the state and county to prevent the overcrowding of land; to lessen congestion in the streets and highways; to promote effective use of land; to promote safe and convenient travel by the public on streets and highways; to provide for adequate light and air; to facilitate adequate provision for water, sewerage, parks and recreation areas, open space areas, sidewalks, nonmotorized trails, sites for schools and school grounds and other public facilities and services; to provide for proper ingress and egress; to provide for the expeditious review and approval of proposed land segregations which conform to zoning standards and local plans and policies; to adequately provide for the housing and commercial needs of the citizens of the county; and to require uniform monumenting of land segregations and conveyancing by accurate legal description. The intent of this title is to carry out the goals and policies of the Kitsap County Comprehensive Plan, the Countywide Planning Policies and the laws of the state of Washington relating to land division.

### 13. Recommendation

Based upon the analysis above and various development standards, the Department of Community Development recommends that the request for Royal Valley Preliminary Plat be **approved** subject to the following conditions:

#### a. Planning/Zoning

1. In accordance to KCC 16.04.120 any future development plans may be proposed in conjunction with a SDAP or a separate land use application. If a phased development is proposed, a phasing plan shall be prepared in accordance to Kitsap County Codes.
2. All required permits shall be obtained prior to commencement of land clearing, construction and/or occupancy.
3. The decision set forth herein is based upon representations made and exhibits contained in the project application (20-05572). Any change(s) or deviation(s) in such plans, proposals, or conditions of approval imposed shall be subject to further review.
4. 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.
5. The names of the interior roads in this land segregation shall be approved by Community Development prior to final subdivision approval.
6. All potential private roads, common open space, buffers and stormwater management areas shall be labeled as separate tracts. The ownership and maintenance responsibility shall be addressed on the face of the final plat, as well as in the CCRs.
7. A final landscaping plan that meets the standards of KCC 17.500 is required to be submitted with the SDAP.
8. The landscaping separation required by KCC 17.500.027.B for lots 22-26 is proposed to be located within existing vegetation and critical area buffers to the west. If necessary, the director may require additional screening or fencing with the SDAP pursuant to KCC 17.500.027.
9. Pursuant to KCC 17.420.030(C), artificial outdoor lighting shall be arranged so that light is directed away from adjoining properties and so that no more than one-foot candle of illumination leaves the property boundaries. Lighting on individual single-family lots are exempt from this standard. Proposed lighting plans shall be included at the time of SDAP submittal.

10. Prior to erecting any sign, a separate Kitsap County sign permit is required for all signs unless it is determined an exempt sign pursuant to KCC 17.510.050. The proposed sign shall conform to all applicable standards of Kitsap County's Sign Code (KCC 17.510).
11. 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.

**b. Environmental**

12. Adherence to the critical area and historical/cultural preservation conditions noted in the SEPA MDNS issued on August 27, 2021.
13. The Final Royal Valley Plat Mitigation Plan shall be submitted as part of the SDAP.

**c. Development Engineering**

**GENERAL**

14. 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.
15. 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.

**STORMWATER**

16. Adherence to the stormwater condition noted in the SEPA MDNS issued on August 27, 2021.
17. 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 SDAP from Development Services and Engineering.
18. 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, December 9, 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.
19. Should the proponent propose phasing of the project, a phasing plan shall be submitted to Development Services and Engineering for review and approval with the SDAP. The phasing plan shall, as a minimum, address the following

items:

- Time tables indicating the anticipated time between initial site grubbing/grading activity and the completion of construction, including site stabilization of that specific phase.
  - The extent of drainage improvements to be installed during the various phases.
20. Any off-site project improvements within Kitsap County jurisdiction that includes creates 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, December 9, 2020.
  21. The Washington State Department of Fish and Wildlife may require a Hydraulic Project Approval for the work required at the proposed outfall.
  22. The project proponent shall be responsible for installing any necessary off-site drainage improvements associated with required improvements to State Route (SR) 303. Procurement of any permits or easements necessary to install off-site improvements shall be the responsibility of the project proponent.
  23. 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](mailto:joshklimek@ecy.wa.gov). This permit is required prior to issuance of the SDAP.
  24. Per WAC 173-175, the construction of pond berms that will impound a volume of ten acre-feet or more of water requires review and approval by the Department of Ecology. This approval must be completed prior to issuance of the SDAP.
  25. 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.
  26. 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, and may require a SDAP.
  27. The following shall be added to the face of the Final Plat, under the heading

Notes and Restrictions:

- a. Maintenance of roof and yard drains and appurtenances shall be the responsibility of the individual homeowners.
  - b. All runoff from roof and yard drains must be directed so as not to adversely affect adjacent properties.
  - c. All lots are obligated to accept road drainage at the natural locations after the grading of streets is complete.
  - d. This Plat is subject to all elements of the Declaration of Covenant Conditions and Restrictions (CC&R's) recorded under Auditor File Number \_\_\_\_\_.
  - e. No owner or occupant may obstruct or re-channel the drainage flows after location and installation of drainage swales, storm sewers or storm drains. It is expressly understood that any alteration of the water flow shall be completed only after approval by Kitsap County Department of Community Development.
28. The Final Plat shall include notes regarding drainage easements, appropriate conveyance language, and access rights thereto, depending on final design. The specific notes will be determined during review of the Final Plat permit application.
29. 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.
30. If the project proposal is modified from that shown on the submitted site plan accepted for review December 9, 2020, Development Services and Engineering will require additional review and potentially new conditions.

**TRAFFIC AND ROADS**

31. The Final Plat application materials shall include a definitive statement identifying the roads constructed for access to the plat and the interior plat roads as private or public roads.
32. Public roads shall not exceed 12% grade or less depending on the road classification per Kitsap County Road Standards.
33. 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. If the roads are to be public, the right-of-way shall be dedicated to Kitsap County on the face of the Final Plat.

34. The following shall appear on the face of the Final Plat, under the heading Conditions:
  - a. All lots shall access from interior roads only.
  - b. 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 law areas.
  - c. Road approach permits shall be obtained prior to commencement of work on an individual lot.
  - d. Vehicular access to NE Paulson Road is limited to emergency vehicles only.
35. 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.
36. Sidewalk ramps shall conform to the current requirements of the Americans with Disabilities Act per WSDOT standard plans at the time of construction.
37. Development Services and Engineering reserves the right to require that covenants be recorded to address special maintenance requirements related to landscaping within existing and proposed right of way, depending on final design.
38. Provide surveyed cross-sections at 50-foot intervals along the parcel frontage on NE Paulson 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.
39. The Site Development Activity Permit shall include plans for construction of the road approach at the intersection of the plat emergency vehicle access road and NE Paulson Road. Approaches shall be designed in accordance with the Kitsap County Road Standards as established in Chapter 11.22 of the Kitsap County Code, and shall be constructed with gates, bollards or other moveable barrier as approved by the Kitsap County Fire Marshal and Central Kitsap Fire and Rescue.
40. Any required sidewalk shall be constructed prior to roadway paving. This note shall appear on the face of the final construction drawings.
41. The developer's engineer shall certify that there is adequate entering sight distance at the intersection of the plat emergency vehicle access road and NE Paulson Road. 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.
42. 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, Manual on Uniform Traffic Control Devices (MUTCD), National Electrical Manufacturer's Association (NEMA), National Electrical Code (NEC), Washington State Department of Transportation (WSDOT) Standard Specifications and Standard Plans, and the Occupational Safety and Health Administration (OSHA).
  43. 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, prior to SDAP issuance lies with the property owner.
  44. Final plan approval will require documentation of WSDOT approval for impacts to and any required mitigation on Waaga Way (State Route 303) per the SEPA MDNS conditions.
  45. Prior to issuance of the Site Development Activity Permit for plat improvements, an executed agreement for construction of the plat access, and for the SR 303 frontage improvements required by WSDOT, shall be provided to Kitsap County Department of Community Development as evidence of final WSDOT approval of these improvements prior to SDAP issuance. SR 303 frontage improvements shall include a minimum 5-foot wide continuous accommodation for bicycle use on the north side of SR 303. Construction of the plat access and required SR 303 frontage improvements shall occur concurrently with the Site Development Activity Permit construction, and shall be completed prior to requesting final inspection of the Site Development Activity Permit.
  46. Prior to issuance of the Site Development Activity Permit for plat improvements, an executed agreement specific to intersection improvements (including the intersection control alternative selected) at the westbound offramp of SR 303 at Central Valley Road, shall be provided to Kitsap County Department of Community Development as documentation of final WSDOT approval of these improvements. The improvements shall be substantially complete prior to requesting final inspection of the Site Development Activity Permit.

47. The applicant shall include east-west non-motorized facilities within the future phases of the overall Royal Valley project as the development expands easterly. These facilities shall include separated bicycle lanes/sidewalks and/or multi-modal pathways.
48. Any work within the County right-of-way shall require a Public Works permit and possibly a maintenance or performance bond. This application to perform work in the right-of-way shall be submitted as part of the SDAP process. The need for and scope of bonding will be determined at that time.

#### **SURVEY**

49. A Final Subdivision Plat shall be prepared by a licensed Land Surveyor in compliance with KCC Title 16.
50. All proposed park areas, common open space, buffers and stormwater management areas shall be labeled as separate tracts. The ownership and maintenance responsibility shall be addressed on the face of the final plat, as well as in the CCRs.

#### **PUBLIC WORKS SEWER**

51. Sewer Availability Agreement account(s) must be kept current and in good standing through permit approval.
52. At the time of SDAP submittal, the applicant shall submit a complete set of sewer plans, profiles, and specifications designed in accordance with Kitsap County Public Works - Sewer Utility Division Standards and Regulations.

#### **SOLID WASTE**

53. Prior to SDAP approval, applicant shall provide documentation from the solid waste/recycling service provider that their requirements for this project have been met. Waste Management Northwest can be reached at [pnwcmervices@wm.com](mailto:pnwcmervices@wm.com) or 1-800-592-9995; their website is <http://wmnorthwest.com/kitsap/index.html>

#### **OTHER**

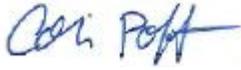
54. At the time of site development activity permit submittal, the applicant shall submit a binding water availability letter from the water purveyor.
55. This project includes the construction of rock walls or other retaining facilities that either exceed four feet in height or sustain a surcharge. A separate building permit with an engineered design is required for such walls. This note shall be placed on the face of the final construction drawings.
56. Rock and retaining walls shall meet all applicable setback requirements of Vol. II, Chapter 9 of the Kitsap County Stormwater Drainage Manual.
57. A Hydraulic Project Approval (HPA) may be required for the pond outfalls. 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.

**d. Fire Safety**

58. A 20 foot unobstructed access road is required for dwellings here and after constructed on lots created by this land division. IFC 503 Amended by Kitsap County Code  
Fire apparatus access roads are required and must be maintained in accordance with IFC 503 Amended by Kitsap County Code. Any proposed revision to these roads must be submitted to, reviewed and approved by the Kitsap County Fire Marshal's Office. Access roads shall comply with the following:
- Unobstructed width of 20 feet and height of 13 feet 6 inches.
  - Shall be designed and maintained to support a 60,000 pound fire apparatus and be provided with an all weather driving surface.
  - Dead end access roads exceeding 150 feet in length shall be provided with an approved turnaround.
  - Inside turning radius shall be a minimum of 25 feet.
  - Access roads shall extend to within 150 feet of all portions of the exterior walls of the first story of the structure as measured by an approved route around the exterior of the structure or facility.
  - Road shall not be more than 12% grade.
59. A minimum of two access points, separated by no less than half the diagonal of the property or area served, shall be required for developments that generate more than 1,000 ADT unless other mitigating measures are approved by the County Fire Marshal.
60. Water line size and location, fire hydrants, fire department connections, and externally accessed riser rooms must be shown on SDAP plans. A letter of water availability indicating available fire flow from the water purveyor is required to be submitted to the Kitsap County Fire Marshal's office prior to the approval of any building permits.
61. The minimum fire flow requirements for one- and two-family dwellings in subdivisions shall be 500 gallons per minute for thirty (30) minutes.

**Report prepared by:**



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Colin Poff, Staff Planner / Project Co-Lead

September 1, 2021

Date

**Report approved by:**



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Scott Diener, Current Planning Manager

September 1, 2021

Date

**Attachments:**

Attachment A – Site Plan

Attachment B-Comprehensive Plan Map

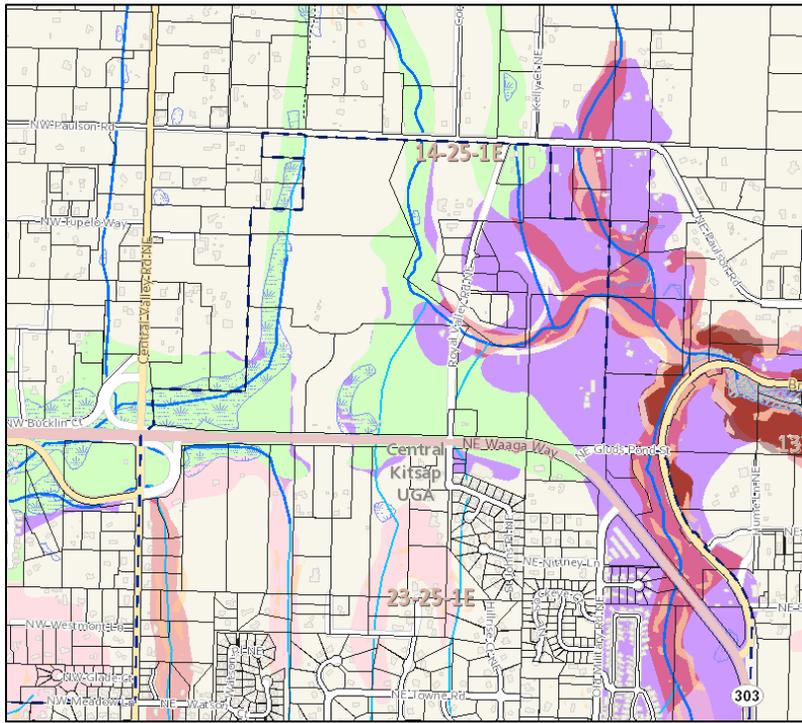
Attachment C – Critical Areas Map

Attachment D – Critical Areas Mitigation Exhibit

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Axis Land Consulting, Berni Kenworthy: berni.kenworthy@axislandconsulting.com  
Project Manager: Steve Yester: syester@therushcompanies.com  
Interested Parties  
WSDOT – Andy Larson  
Kitsap County Health District, MS-30  
Kitsap County Public Works Dept., MS-26  
DCD Staff Planner: Colin Poff







**Attachment C – Critical Areas Mitigation Exhibit**

