



Notice of Administrative Decision

Date: 12/30/2022

To: Lennar NW Inc, shaun.prestridge@lennar.com
Cara Visintainer, cvisintainer@barghausen.com
Cheryl Ebsworth, cebsworth@barghausen.com
Interested Parties and Parties of Record

RE: **Permit Number:** Permit # 22-03114
Project Name: PARKSIDE LANE- Preliminary Plat Amend to make internal road private
Type of Application: P PLAT AMEND MINOR

The Kitsap County Department of Community Development has **APPROVED** the land use application for **Permit # 22-03114 - PARKSIDE LANE- Preliminary Plat Amend to make internal road private - P PLAT AMEND MINOR**, subject to the conditions outlined in this Notice and included Staff Report.

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

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

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

The complete case file is available for review by contacting the Department of Community Development; if you wish to view the case file or have other questions, please contact help@kitsap1.com or (360) 337-5777.

CC: Interested Parties:
Kimberly Bartley; rebellah17@gmail.com
David Dahlke; dahl@telebyte.com
Scott and Cara Crowley; carascott@hotmail.com
Leanne Cornell; lrayburn1973@hotmail.com
Kitsap County Health District, MS-30
Kitsap County Public Works Dept., MS-26

Permit # 22-03114 - PARKSIDE LANE- Preliminary Plat Amend to make internal road private
12/30/2022

Parks
Navy
DSE
Kitsap Transit
South Kitsap Fire District
South Kitsap School District
Puget Sound Energy
City of Port Orchard Planning Director
Water Purveyor: West Sound Utility District
Sewer Purveyor: West Sound Utility District
Point No Point Treaty Council
Suquamish Tribe
Port Gamble S'Klallam Tribe
Squaxin Island Tribe
Puyallup Tribe
WA Dept of Fish & Wildlife
WA Dept. of Fish & Wildlife-SEPA
WA Dept of Transportation/Aviation
WA State Dept of Ecology-SEPA
WA State Dept of Transportation- SEPA
WA State Dept of Natural Resources-SEPA
WA State Dept of Health- SEPA
WA State Dept of Archaeology and Historic Preservation-SEPA
DCD Staff Planner: Caitlynn Anderson; smanderson@kitsap.gov
DCD Staff Planner: Kathlene Barnhart; kbarnhar@kitsap.gov



Administrative Staff Report

Report Date: 12/23/22

Application Submittal Date: 6/23/22

Application Complete Date: 7/12/22

Project Name: Parkside Lane Preliminary Plat Minor Amendment

Type of Application: Type II- Minor Amendment

Permit Number: 22-03114

Project Location

1443 Warner Ave SE
Port Orchard, WA 98366
Commissioner District 2 (South)

Assessor's Account

302402-4-045-2009
302402-4-221-2005

Applicant/Owner of Record

Lennar NW Inc
33455 6th Ave S
Unit B1
Federal Way, WA 98003

VICINITY MAP



Decision Summary

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

1. Background

The project site is located on two adjacent parcels with a total area of 3.62 acres within the Port Orchard Urban Growth Area. The parcels are zoned Urban-Low Residential (5-9 dwelling units/acre). The properties are situated along the east side of Warner Ave SE and approximately 360 feet north of Mile Hill Rd. Surrounding land use is single-family residential and vacant commercial (south). A previous Preliminary Plat was approved under permit #19-04880 to subdivide the 3.62 acres into 28 single-family residential lots with a public internal road.

2. Project Request

A single access will be via Warner Ave SE and plat road. The request for a minor amendment to the preliminary plat will change the internal road to private, rather than dedicated as

county-maintained right-of-way. The private road will be improved to the same standards and in the same location as the previously proposed public road. The private road will function and appear just like a public road however the maintenance for both the road and the storm water system will be with the future homeowner’s association (HOA).

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.

With the Preliminary Plat (19-04880) the optional DNS process was utilized for this project, pursuant to WAC 197-11-355. The SEPA Comment period previously occurred concurrent with the Notice of Application for that application, dated November 13, 2019. A Determination of Nonsignificance (DNS) was issued on June 30, 2020. The SEPA appeal period expired July 14, 2020. No appeals were filed; therefore, the SEPA determination was final. There are no substantive changes to this amendment proposal and therefore this request is exempt from additional SEPA comment.

4. Physical Characteristics

The property is currently vacant, excepting an abandoned residence (to be demolished) in the southwest corner of the property. Most of the site is grass with some forested areas along the perimeters and to the east. Soils are Hardstone Gravelly ashy sandy loam with an overall elevation change of 15 feet. There are not steep slopes or other critical areas or buffers onsite.

Table 1 - Comprehensive Plan Designation and Zoning

Comprehensive Plan: Urban Low Density Zone: Urban Low	Standard	Proposed
Minimum Density	5 (2.69 x5)= 13.45, or min. 13 units	28
Maximum Density	9 (3.62 acres x9) = 32.58 or 33 max. units	
Minimum Lot Size	2,400 square feet	3,889 square feet

Maximum Lot Size	9,000 square feet	4,780 square feet
Minimum Lot Width	40 feet	40 feet
Minimum Lot Depth	60 feet	74 feet
Maximum Height	35 feet	<35 feet
Maximum Impervious Surface Coverage	NA	NA
Maximum Lot Coverage	NA	NA

Staff Comment: Project meets density, lot size, and lot dimension requirements. No amendment proposed.

Table 2 - Setback for Zoning District

	Standard	Proposed
Front (West)	10-feet for habitable area (20-feet for garage or carport)	10-feet
Side (North)	5-feet (no applicable footnotes)	10-feet for plat sides; 5-feet between lots
Side (South)	5-feet (no applicable footnotes)	10-feet for plat sides; 5-feet between lots
Rear (East)	10-feet (no applicable footnotes)	10-feet

Table 3 - Surrounding Land Use and Zoning

Surrounding Property	Land Use	Zoning
North	Single-family (northwest) and duplex (northeast) residential	Urban-Low Residential (UL)
South	Vacant	Commercial (C)
East	Single-Family residential	UL
West	Single-Family residential	UL

Table 4 - Public Utilities and Services

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

5. Access

The previous approval called for a single access is provided at Warner Ave. SE, a county-maintained right-of-way, with internal road also as a county-maintained road. The stormwater system is located partially under the proposed Tract/Road A, but it has since been determined that the stormwater system cannot be located within a public road. Therefore, this amendment serves to change the internal plat road to become private so that the stormwater design can be in the proposed location.

The private road will be improved to the same standards and in the same location as the previously proposed public road. The private road will function and appear just like a public road however the maintenance for both the road and the storm water system will be with the future homeowner's association (HOA). The site development approval and the Final Plat approvals will ensure that a maintenance agreement and appropriate CC&Rs are in place to ensure future maintenance by the HOA.

6. Site Design

The proposed Parkside Preliminary Plat was reviewed for consistency with requirements pursuant to KCC 17.420.037 Single-family Subdivision/Design Standards, Chapter 16.24 Land Segregation Standards, and Chapter 16.40 Subdivisions. The preliminary plat is required to comply with urban development standards for utilities, roads, sidewalks, landscaping and recreation facilities. The project will be required to incorporate frontage improvements along the approximately 250 feet of property frontage on Warner Ave SE, as well as along internal plat roads.

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:

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

Land use Policy 2 Support innovative, high quality infill development and redevelopment in existing developed areas with Urban Growth Areas. 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.

Housing and Human Services Goal 6. Integrate affordable housing and human services planning with transportation, workforce development, and economic development efforts.

Housing, Human Svcs Policy 23 Promote housing preservation and development in areas that are already well-served by schools, public transportation, commercial facilities, and have adequate infrastructure to support alternative modes of transportation.

Transportation Goal 1 Provide a safe and reliable multi-modal transportation system for people of all ages and abilities.

Transportation Policy 2. Approve site design that is supportive of transit Service and its patrons.

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
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

<u>Applicant Submittals</u>	<u>Dated or date stamped</u>
1. Application Submittal	7/12/22
2. Stormwater Worksheet	7/12/22
3. Narrative	7/12/22
4. SEPA DSN	6/30/20
5. HE Decision	9/18/20
6. Preliminary Plat (5/15/20)	7/12/22
7. Preliminary Plat Amendment	7/12/22
8. Plans	7/12/22
9. Authorization Form	7/12/22
10. Water Availability	7/12/22
11. Sewer Availability	7/12/22

10. Analysis

a. Planning/Zoning

No amendment to planning/zoning elements. All density and lot configurations remain the same.

b. Lighting

No amendment proposed.

c. Off-Street Parking

No amendment off-street parking is proposed.

d. Signage

No amendment proposed.

e. Landscaping

No amendment proposed. All landscaping improvements remain as approved.

f. Frontage Improvements

No amendment proposed. All frontage improvements remain as approved.

g. Design Districts/Requirements

Not applicable.

h. Development Engineering/Stormwater

The proposed amendment includes: Changing the proposed internal road from public to private, and the road and stormwater conveyance system maintenance will be maintained by the future HOA. No aspect to the general design or civil plans is proposed to change. Changes to HE Conditions of Approval which reflect this minor amendment are provided in the Preliminary Conditions Memo dated 11/29/22.

i. Environmental

No amendment proposed.

j. Access, Traffic and Roads

Conditions referencing public roads are proposed to removal or revision. See Conditions section below.

k. Fire Safety

No amendment proposed.

l. Solid Waste

No amendment proposed.

m. Water/Sewer

No amendment proposed.

n. Kitsap Public Health District

No amendment proposed, but additional condition added that the existing septic tank must also be abandoned to code.

11. Review Authority

The Director has review authority for this Administrative Conditional Use Permit application under KCC, Sections 17.540.020 and 21.04.100. The Director may approve, approve with conditions, or deny this application.

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. Decision

Based upon the analysis above and the decision criteria found in KCC, the Department of Community Development recommends that the application be **approved**, subject to the following conditions:

a. Planning/Zoning

1. Condition #3, remains but is amended with addition: Ten feet for utility easement shall be provided on each side of public road rights-of-way. *All private roads shall be labeled as tracts and constructed in accordance with Fire Code requirements. Ten feet for utility easement shall be provided on each side of private road tracts.*
2. All other conditions remain as approved in HE Decision dated 9/18/2020.

b. Development Engineering

3. Condition #27, HE Decision is DELETED due to county no longer assuming maintenance of road/storm system. [Condition #27. Upon completion of the storm drainage facilities and roads, the developer will be required to post a twoyear maintenance bond for the roads and facilities. The developer will be responsible for providing regular and adequate maintenance during this two-year period and supportive maintenance records. Prior to the expiration period, Kitsap County will evaluate performance of the bonded facilities and, if not functioning as designed, will require the project owner to fix. The County may accept properly functioning facilities in accordance with Kitsap County Code 12.24. Until such time as the county accepts maintenance, the developer must secure the proper functioning and maintenance of the facilities. Wording to this effect must appear on the plat and in the covenants before final recording. Areas proposed to be maintained by the County that are not in the rights-of-way must be shown as a separate tract/s or drainage easement/s with Kitsap County being designated as the grantee.]
4. NEW. The impervious area per lot accounted for in the overall drainage facilities installed shall be indicated on the face of the final plat, along with the following note: 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 Site Development Activity Permit.
5. NEW. The owner shall be responsible for maintenance of the storm drainage facilities for this development following construction. Before requesting final inspection for the SDAP (or for the Building Permit if an SDAP is not required) 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.
6. All other conditions remain as approved in HE Decision dated 9/18/2020.

c. Environmental

7. No changes to the conditions as approved in the Hearing Examiner Decision dated 9/18/2020.

d. Traffic and Roads

8. Condition #33, HE Decision is DELETED due to proposed interior road changed from public to private. [Condition #33. Public roads shall not exceed 12% grade or

less depending on the road classification per Kitsap County Road Standards.]

9. Condition #34, HE Decision is DELETED due to proposed interior road changed from public to private. [Condition #34. The interior roads of the proposed plat shall be designed and constructed in accordance with Kitsap County Code 11.22 and the Kitsap County Road Standards for a local access road or an approved higher standard. Roads shall be publicly maintained and the right-of-way dedicated to Kitsap County as proposed.]
10. Condition #44, HE Decision is DELETED since not required for private roads. [Condition #44. The interior plat roads shall be constructed to Kitsap County Road Standards, with frontage improvements, consisting of 10-foot travel lanes, 8-foot parking strips on both sides, vertical curb, gutter and 5-foot wide sidewalks on both sides.]
11. NEW. Prior to recording the Final Plat, vehicular access shall be constructed to provide access to all proposed lots.
12. NEW. The interior roads of the proposed plat shall be designed and constructed in accordance with Fire Marshal standards for emergency vehicular access.
13. NEW. All interior roads shall remain private as proposed by the applicant. Should the applicant or his successors or assigns choose to dedicate these roads to Kitsap County, it shall be subject to a further review by Kitsap County Development Engineering. All improvements necessary to bring said roads to the then current Kitsap County standards shall be done at no expense to the County prior to being accepted into the Kitsap County road system for maintenance. This note shall appear on the face of the final plat map.
14. NEW. All rights of access for adjoining properties currently in existence shall be preserved. Any amendment to the existing easement rights of adjoining property owners shall be properly executed and recorded prior to SDAP acceptance or Building Permit approval, if a SDAP is not required.
15. NEW. Width of road only provides parking on one side. Provide no parking signs or marking for one side of road and cul-de-sac, per code. At time of final plat, plans shall identify no parking areas as approved by the fire marshal.
16. All other conditions remain as approved in HE Decision dated 9/18/2020.

e. Fire Safety

17. No changes to the conditions as approved in the Hearing Examiner Decision dated

9/18/2020.

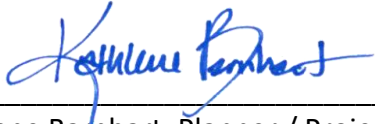
f. Solid Waste

18. No changes to the conditions as approved in the Hearing Examiner Decision dated 9/18/2020.

g. Kitsap Public Health District

19. Condition added that the existing septic tank must be abandoned to code. All other conditions as approved in the Hearing Examiner Decision dated 9/18/2020 apply.

Report prepared by:



Kathlene Barnhart, Planner / Project Lead

12/16/2022

Date

Report approved by:



Scott Diener, DSE Manager

12/21/2022

Date

Attachments:

Attachment A – Site plan

Attachment B – Zoning Map

CC:

Lennar NW Inc.: shaun.prestridge@lennar.com

Authorized Agents: cvisintainer@barghausen.com; cebsworth@barghausen.com

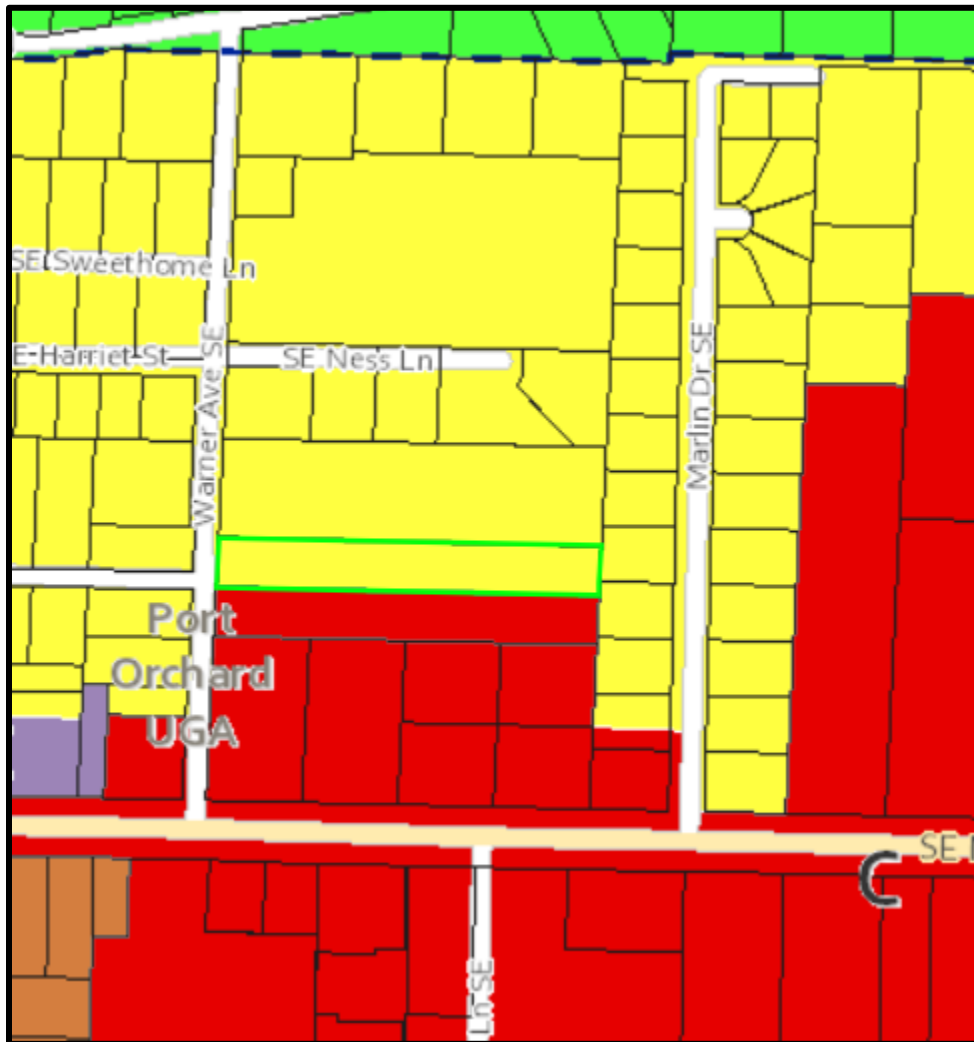
Interested Parties:

Kimberly Bartley; rebellah17@gmail.com

David Dahlke; dahl@telebyte.com

Scott and Cara Crowley; carascott@hotmail.com
Leanne Cornell; Irayburn1973@hotmail.com
Kitsap County Health District, MS-30
Kitsap County Public Works Dept., MS-26
DCD Staff Planner: Caitlynn Anderson; smanderson@kitsap.gov

Attachment B: Zoning Map



- Commercial (10-30 DU/Ac)
- UL - Urban Low Residential (5-9 DU/Ac)
- NC - Neighborhood Commercial (10-30 DU/Ac)
- UGA Boundary
- UGA Boundary