



Staff Report and Administrative Decision

Report Date: August 4, 2017

Application Complete Date: June 5, 2017

Application Submittal Date: June 5, 2017

To: Sound Developers Group, andyschell23@gmail.com
David Bannon Engineering, bannoneng1@comcast.net
Interested Parties and Parties of Record

RE: Permit Number: 17 02175
Project Name: Prosperity Plat Minor Amendment
Type of Application: Minor Plat Amendment Type-II

Decision Summary:

The applicant requests approval of a Minor Plat Amendment to convert Lot 30 to a Stormwater Tract-D and reconfigure Lot 31.

THE DECISION OF THE DEPARTMENT IS FINAL, UNLESS 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: <http://www.kitsapgov.com/dcd/forms/DocumentLibrary/applications/Appeals.pdf>.

Project Request:

The proposal is a minor modification of an approved preliminary plat to reduce the plat from 36 to 35 lots, pursuant to Kitsap County Code(KCC), Section 16.04.040 Amendments to Preliminary Approved Plats. The amendment is to the Hearing Examiner preliminary approval, file 11 99204, dated December 11, 2012 and Minor Amendment, file 17 00237, dated March 20, 2017 for utility and vehicle access to an adjacent property to the north.

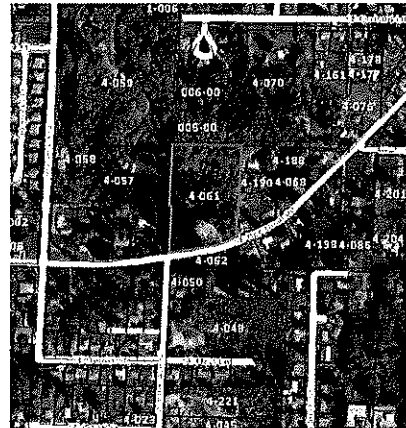
The Prosperity Plat project was designed for an infiltration trench to mitigate stormwater for the north end of the project. The trench is not infiltrating as designed. The amendment involves converting Lot 30 to a Stormwater Tract-D with detention pond, and reconfiguring Lot 31, which is now Lot 30 with a 10-foot storm drainage easement. The stormwater pond will connect to an overflow structure located northeast of the site on the abutting property which is the Pros Pine Preliminary Plat.

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Project Location:

4217 SE Horstman Road
Port Orchard, WA 98366



Assessor's Account #:

302402-4-061-2008

Applicant/Owner of Record:

Sound Developers Group Inc.
13614 Whispering Pines Drive
Gig Harbor, WA 98332

Applicant's Representative:

David Bannon, Bannon Engineering PE
23789 Brixton Place NW
Poulsbo, WA 98370

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. The County gives a separate notice of the threshold determination. If it is not appealed, it becomes part of the hearing record as it was issued, since the Hearing Examiner cannot change it.

Pursuant to WAC 197-11-355, the optional DNS process was utilized for this project. The SEPA Comment period previously occurred concurrent with the Notice of Application dated September 19, 2011. A Determination of Nonsignificance (DNS) was issued on September 10, 2012. The SEPA appeal period expired September 24, 2012. No appeals were filed; therefore, the SEPA determination is final.

Lot Description:

The subject property is 4.5 acres and approved for 36 single-family residential lots. The property is located on the north side of SE Horstman Road. Pros Pine Preliminary Plat, a 14-lot subdivision borders the west side of the plat.

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Comprehensive Plan Designation and Zoning:

The preliminary plat vested when the project was included within the Port Orchard urban growth area. The Hearing Examiner approved the preliminary plat when vested with a Comprehensive Plan designation of urban and zoned Urban Low Residential. The existing Comprehensive Plan and Zoning is Rural Residential.

Base/Maximum Density: 5 to 9 dwelling unit per acres

Minimum Lot Area 2,400 square feet

Minimum Lot Width 40 feet

Minimum Lot Depth 60 feet

Maximum Height 35 feet

Standard Zoning Code Zoning vested Setbacks for Urban Low

Front 10 feet habitable Area to 20-foot garage

Side 5 feet

Rear 5 feet (Changed 10 feet)

Surrounding Land Use and Zoning:

The abutting properties are single-family residences and are zoned Urban Low Residential.

Public Utilities and Services:

Water: West Sound Utility District

Power: Puget Sound Energy

Sewer: West Sound Utility District

Police: Sheriff

Fire: South Kitsap Fire and Rescue District #7

Schools: South Kitsap School District #402

Access:

Access to the site is by SE Horstman Road with lots receiving access by private roads within the plat.

Revision to the Hearing Examiner's Decision and Recommendation

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

Minor Plat Amendment Analysis

Staff made the following comments based on review of the revised site plan for the Minor Plat Amendment, dated June 5, 2017. The applicant provided the following comments on the criteria specified in KCC 16.40.040 for the minor amendment to the preliminary approved plat:

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

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Staff Evaluation of Decision Criteria:

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

- a. The proposal does not result in significant impacts to the subdivision or the surrounding property. Impacts may include, but are not limited to, storm water, traffic, open space, landscaping, screening, on-street or set-aside parking, or noise;

Applicant: The proposed changes generally fall within the scope of the original approval and little or no increase of project impacts. The number of lots will be reduced by one. The stormwater revisions will infiltrate the developed stormwater flows as shown in the results of the modeling.

Staff Comment: The request is only to reduce the plat by one lot. The applicant is proposing to change how storm drainage impacts are mitigated due to existing site conditions. The request should not result in significant impacts to the subdivision and surrounding properties.

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

Applicant: The project is compatible with the surrounding uses and will not be detrimental to the health, safety, or welfare of other persons in the neighborhood. The proposal is consistent with the orderly development of the neighborhood.

Staff Comment: The proposal is only to mitigate for storm drainage. The request is consistent with the goals and policies of the comprehensive plan, compatible with surrounding uses, and will not be detrimental to the health, safety, or welfare with the neighborhood.

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

Applicant: The proposal will remain a single-family detached residential development.

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

Applicant: The proposal falls within the scope of the original approval and meets, the original intent imposed.

Staff Comment: The minor plat amendment is consistent with the intent of the Hearing Examiner's decision, dated December 11, 2012, and is not proposing a change to the conditions of approval.

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- e. The proposal does not change the perimeter boundary of the original plat, or the boundary of any phases within the original plat;
Applicant: The proposal does not change the perimeter boundary.

Staff Comment: The applicant is not proposing a change to the location of the perimeter boundary of the development.

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

Staff Comment: The subdivision was approved at eight dwelling units per acre. The project density will be reduced slightly with the removal of one lot, but will still be eight dwelling units per acre when rounded up, per KCC 17.382.020 Measurement Methods.

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

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

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

Staff Comment: There are no reductions of buffers, open space, or recreational amenities.

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

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

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

Staff Comment: The applicant's proposal is consistent with setbacks for the previous Urban Low Residential zone.

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

Staff Comment: The minor amendment does not reduce frontage improvements on Horstman Road, a higher traveled road as defined by County road standards.

Public Comments:

Pursuant to KCC Title 21, Land Use, and Development Procedures, the Department gave proper public notice for the proposed Minor Plat Amendment. To date, the Department has not received any written public comments.

Decision:

The Department has reviewed the request in accordance with the conditions of approval for the minor amendment per 16.040.040 Amendments to Approved Preliminary Subdivisions and here-by **approves** the request for the Prosperity Preliminary Plat Amendment revised site plan, submitted on June 5, 2017.

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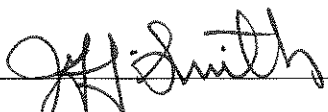
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1. The Minor Plat Amendment will be subject to all conditions of approval per the Hearing Examiner's decision for the Prosperity Plat Preliminary Plat, dated, December 11, 2012 (File 11 99204). If there are conflicts between these conditions and the conditions per the approved preliminary plat, the conditions below shall apply.
3. Access to all lots shall be from roads within the proposed plat boundaries. A note to this effect shall be placed on the Final Plat.
4. The plat will be served by West Sound Utility District for the public water supply and sanitary sewer. Sewered building clearance applications with binding sewer and water letters will be required at time of construction.
5. The Final Plat shall be prepared by a licensed Land Surveyor in compliance with KCC Title 16.
6. All private roads shall be labeled as tracts and constructed in accordance to Fire Code requirements. A ten- foot utility easement shall be provided on each side of private road tracts.
7. All potential 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.
8. Stormwater conditions #16-30, Traffic conditions #31-43, Solid Waste condition #50, and the Rock Wall condition #52, as stated in the Hearing Examiner Decision No. 120927-012 dated November 29, 2012 still apply. Construction shall comply with these conditions, as well as with the plans approved for Site Development Activity Permit #14 03368 and any addendums thereto.
9. All Fire conditions of the original preliminary plat still apply.
10. Before Final Plat approval provide documentation of the offsite stormwater easement for the proposed stormwater overflow on the adjacent property (Pros-Pine).

Please note affected property owners may request a change in valuation for property tax purposes, notwithstanding any program of revaluation. Please contact the Assessor's Office at 360-337-5777 to determine if a change in valuation is applicable due to the issued Decision. The complete case file is available for review at the Department of Community Development if you wish to view the case file or have other questions, please contact help@kitsap1.com or (360) 337-5777. Please note DCD is open Monday to Thursday from 8:00am to 4:00pm and on Friday from 9:00am to 1:00pm except holidays.


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Jeff Smith, Project Lead

8/4/2017
Date



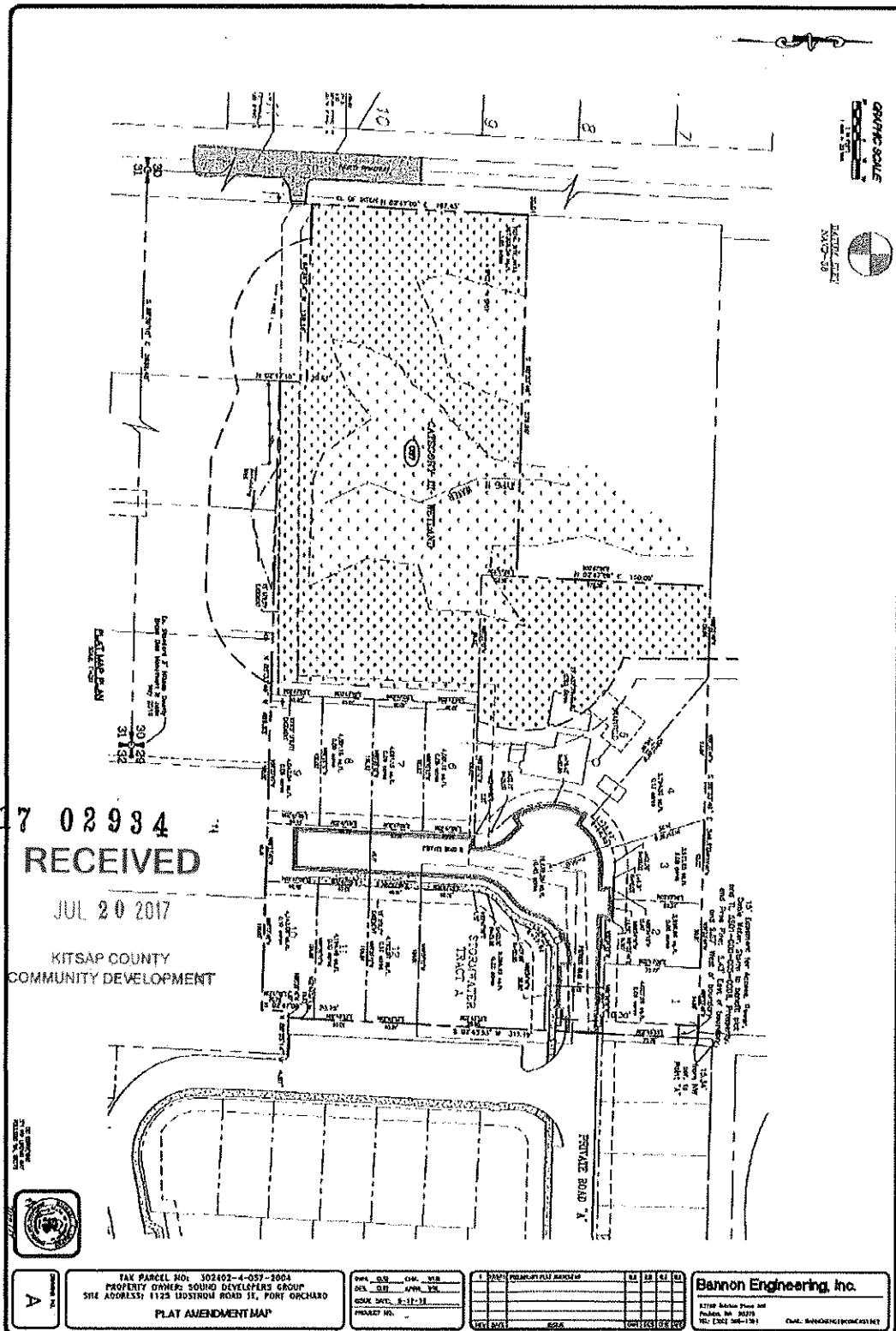
Scott Diener, Development Services and
Engineering Manager

8.4.17
Date

CC: Interested Parties: None
Kitsap County Health District, MS-30
Kitsap County Public Works Dept., MS-26
DCD Staff Planner: Jeff Smith
DCD File 17 00237

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