



Hearing Examiner Staff Report and Recommendation

Report Date: April 15, 2021
Revised Date: April 29, 2021
Hearing Date: April 22, 2021

Application Submittal Date: March 04, 2020
Application Complete Date: April 08, 2020

Project Name: Kennedy – 3 Lot Short Plat
Type of Application: Preliminary Short Plat (P SP) and Shoreline Substantial Development Permit (SSDP)
Permit Number: 20-00981 (P SP) and 20-00983 (SSDP)

Project Location

15478 COVE POINT LN NE
KEYPORT, WA
Commissioner District 1

Assessor's Account

352601-1-010-2000

Applicant/Owner of Record

ARTHUR KENNEDY
PO BOX 663
KEYPORT, WA 98345



Recommendation Summary

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

Summary of Changes to Staff Report

Revisions are included as redlines throughout this revised staff report. A summary of these changes is listed below:

1. Page 1: Added revised staff report date.
2. Page 1: Added summary of changes (this section).
3. Section 2 (Page 2): A correction to the property line where frontage improvements are required.
4. Section 3 (Page 3): The SEPA appeal period has closed and is final. Language has been updated to reflect this.
5. Section 4, Table 1 (Page 3): A correction to a misspelled word.
6. Section 5 (Page 5): Same correction as #2 above.
7. Section 8 (Page 6): Added missing exhibit number.
8. Section 8 (Page 7): Added new exhibit (this revised report).

9. Section 10.f (Page 16): Added missing exhibit number.
10. Section 10.l (Page 18): Additional language added to address a correction regarding ROW dedication width, as requested at the Public Hearing from Mr. Gavin Oak.

1. Background

Arthur Kennedy (hereafter, “the Applicant”) has applied for a Preliminary Short Plat (P SP) to divide an existing 1.52-acre parcel in the Keyport Village Low Residential (KVLR) zone into three lots. The subject site is also within 200-ft of the shoreline (Exhibit 34) and is, therefore, under the jurisdiction of the Shoreline Master Program (Kitsap County Code (KCC) 22.200.100). The site is within the “Shoreline Residential” Environmental Designation and a Shoreline Substantial Development Permit (SSDP) is required for subdivisions within this Environmental Designation (KCC 22.600.105).

KCC 21.04.180(A) requires consolidated review for all project permit applications related to the same proposal to provide an integrated process and avoid duplication. As a result, the Hearing Examiner has authority to review and issue a decision for the Kennedy Preliminary Short Plat, Permit #20-00981 and the Kennedy Shoreline Substantial Development Permit, Permit #20-00983. The two projects were reviewed concurrently in this staff report.

2. Project Request

The Applicant proposes to subdivide an existing 1.52-acre parcel in the Keyport Village Low Residential (KVLR) zone into three lots (Lots A, B, and C).

The resultant lots vary in size, as follows (Exhibit 25):

- Proposed Lot A: 18,000 square feet
- Proposed Lot B: 24,062 square feet
- Proposed Lot C: 26,873 square feet

The subject site is developed with a single-family residence and appurtenant structures. The existing structures will remain on proposed Lot C and the two additional lots are proposed to accommodate new single-family residences.

All lots are proposed to be accessed from Cove Point Lane NE, a county-maintained right-of-way. To accommodate adequate access, the Applicant also proposes to dedicate additional right-of-way along proposed Lot A’s westerly and southerly property lines (Exhibit 25).

3. SEPA (State Environmental Policy Act)

The State Environmental Policy Act (SEPA), found in Chapter 43.21C RCW (Revised Code of Washington), is a state law that requires the County to conduct an environmental impact review of any action that might have a significant, adverse impact on the environment. The review includes the completion of an Environmental Checklist by the

applicant and a review of that checklist by the County. If it is determined that there will be environmental impacts, conditions are imposed upon the applicant to mitigate those impacts below the threshold of “major” environmental impacts. If the impacts cannot be mitigated, an environmental impact statement (EIS) must be prepared. The decision following environmental review, which may result in a Determination of Nonsignificance (DNS), Mitigated DNS, or the necessity for an EIS is called a threshold determination. A separate notice of the threshold determination is given by the County. If it is not appealed, it becomes part of the hearing record as it was issued, since it cannot be changed by the Hearing Examiner.

Pursuant to WAC 197-11-355, the optional DNS process was utilized for this project. The SEPA Comment period previously occurred concurrent with the Notice of Application dated April 17, 2020 (Exhibit 20). A Determination of Nonsignificance (DNS) was issued on April 9, 2021 (Exhibit 27).

The SEPA appeal period expired April 23, 2021. No appeals were timely filed; therefore, the SEPA determination is final.

4. Physical Characteristics

The property is approximately 797 feet long and approximately 86 feet wide and is rectangle shaped. Portions of the property are tidelands. The site slopes down gradually from south to north at an overall grade measuring approximately 4%. The subject site is developed with a 1.5 story, 1462 square-foot single-family residence, a 484 square-foot detached garage, and a bulkhead (Exhibit 28).

Table 1 - Comprehensive Plan Designation and Zoning

Comprehensive Plan: LAMRID - Limited Area of More Intensive Rural Development-I Zone: Keyport Village Low Residential KCC 17.420.056	Standard	Proposed
Minimum Density	N/A	~1.97 (3 single-family lots)
Maximum Density	2 (1.52 acres x 2 = 3.04 or 3 maximum units)	
Minimum Lot Size	12,500 square feet	Lot A: 18,000 square feet
Maximum Lot Size	N/A	Lot C: ~26, 873 square feet
Minimum Lot Width	80 feet	Lot A: 80.37 feet

Minimum Lot Depth	80 feet	Lot A: 144.22 feet
Maximum Height	35 feet	To be reviewed at the time of building permit.
Maximum Impervious Surface Coverage	50% for residential properties less than or equal to 0.50 acres; 40% for residential properties greater than or equal to 0.51 acres	To be reviewed at the time of SDAP and/or building permit. Please see Condition 20.
Maximum Lot Coverage	NA	NA

Applicable footnotes:

17.420.060(A)(45): Density in the KVLR zone may be increased to three units per acre through a performance-based development (PBD) process pursuant to the regulations cited in Section 17.360A.030(B).

Staff Comment: Not applicable. Application does not propose to increase density to three units per acre, and no performance-based development is proposed or required.

Table 2 - Setback for Zoning District

	Standard	Proposed
Front	10 feet for habitable area, 20 feet for garage or carport	Project is conditioned to meet zoning setbacks at the time of building permit. Please see Condition 13.
Side	5 feet	
Side	5 feet	
Rear	5 feet	

Table 3 - Surrounding Land Use and Zoning

Surrounding Property	Land Use	Zoning
North	N/A (Waterbody)	N/A (Waterbody)
South	Single-family residence	Keyport Village Low Residential (KVLR)
East	Single-family residences	Keyport Village Low Residential (KVLR)
West	Single-family residences	Keyport Village Low Residential (KVLR)

Table 4 - Public Utilities and Services

	Provider
Water	Kitsap PUD #1
Power	Puget Sound Energy
Sewer	Private Septic
Police	Kitsap County Sheriff
Fire	North Kitsap Fire & Rescue
School	North Kitsap School District #400

5. Access

All lots are proposed to be accessed from Cove Point Lane NE, a county-maintained right-of-way. To accommodate adequate access, the Applicant also proposes to dedicate additional right-of-way along proposed Lot A's westerly and southerly property lines (Exhibit 25). The on-site access easement includes a portion of the adjacent property, and staff recommends Conditions 3, 4, 12, and 26 be approved to ensure adequate access rights are granted prior to final plat approval.

6. Site Design

Site design is analyzed under Section 10 of this report.

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 with updates through April 2020.

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

Land Use Goal 13

Protect Kitsap County's unique rural character.

Land Use Policy 50.

Limit the designated rural area to low residential densities that can be sustained by minimal infrastructure improvements, cause minimal environmental

degradation, and that will not cumulatively create the future necessity or expectation of urban levels of service.

Land Use Policy 51. Permit residential uses in rural areas consistent with the planned rural character of the surrounding area.

Land Use Policy 52. For Type I Limited Area of More Intensive Rural Development (LAMIRD), allow for limited areas of more intensive rural development, including necessary public facilities and public services to serve the limited area as follows: Rural development consisting of the infill, development, or redevelopment of existing commercial, industrial, residential, or mixed-use areas, whether characterized as shoreline development, villages, hamlets, rural activity centers, or crossroad development and in accordance with Growth Management Act Requirements.

Environment Goal 1. Formally treat natural environments, including forest lands, shorelines, freshwater systems, intact ecosystems, and other critical areas, as an essential asset that is planned for, managed, and invested in to meet the needs of current and future generations.

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)
Title 19	Critical Areas Ordinance
Chapter 20.04	Transportation Facilities Concurrency Ordinance
Chapter 21.04	Land Use and Development Procedures
Title 22	Shoreline Master Program

8. Documents Consulted in the Analysis

A complete index of exhibits is located in the project file. To date, the index to the record consists of Exhibits 1 through 40.

Exhibit #	Document	Dated	Date Received
1	Authorization Form		4/3/2020
2	Building Site Application (BSA)		4/3/2020
3	Concurrency Test		4/3/2020
4	Drainage Report		4/3/2020

5	Fire Flow Letter		4/3/2020
6	Joint Aquatic Resources Permit Application (JARPA)		4/3/2020
7	Photos		4/3/2020
8	Preliminary Short Plat Plans v.1		4/3/2020
9	Project Narrative		4/3/2020
10	Questionnaire P SP		4/3/2020
11	Questionnaire SSDP		4/3/2020
12	Site Assessment and Planning Packet		4/3/2020
13	Site Plan		4/3/2020
14	Soil Evaluation		4/3/2020
15	State Environmental Protection Act (SEPA) Checklist		4/3/2020
16	Stormwater Worksheet		4/3/2020
17	Submittal Waiver		4/3/2020
18	Water Availability Letter		4/3/2020
19	Technical Memo – BGE Environmental		4/3/2020
20	Notice of Application	4/17/2020	
21	Information Request - 20-00983	7/13/2020	
22	Information Request - 20-00981	7/15/2020	
23	Public Inquiry: Tom Ballard		8/5/2020
24	Staff Response to Inquiry: Tom Ballard	8/7/2020	
25	Preliminary Short Plat Plans v.2		10/1/2020
26	Response Memo		10/1/2020
27	SEPA Determination of Nonsignificance (DNS)	4/9/2021	
28	Assessor Records: Building and Improvements	4/12/2021	
29	Map – Aerial Imagery (2019)	4/12/2021	
30	Map – Assessor	4/12/2021	
31	Map – Comprehensive Plan	4/12/2021	
32	Map – Critical Aquifer	4/12/2021	
33	Map – Critical Areas	4/12/2021	
34	Map – Shoreline	4/12/2021	
35	Map – Zoning	4/12/2021	
36	Notice of Public Hearing	4/14/2021	
37	Certification of Public Notice	4/15/2021	
38	Staff Report	4/15/2021	
39	Staff Presentation	4/21/2021	
40	Revised Staff Report	4/29/2021	

9. Public Outreach and Comments

Staff received one inquiry from Tom Ballard (Exhibit 23), which staff responded to (Exhibit

24). No formal comments on the project were received.

10. Analysis

a. Planning/Zoning – Title 17

KCC 17.360A.030 provides special provisions for properties located within this LAMRID. Subsection F (copied below) applies to all newly created and/or reconfigured lots in the Keyport Rural Village LAMRID. All other provisions of this sections do not apply, as they are generally applicable to commercial development and properties outside of the KVLR zone.

1. “All new construction, including any site development activity permit (SDAP), grading or building permit requiring access to a county right-of-way, must undergo appropriate review by the department of public works to meet current right-of-way use requirements before any site work may begin”.

Staff Comment: Kitsap County Public Works has reviewed and approved this application, satisfying this requirement.

2. No grading of more than seventy-five cubic yards of earth may occur unless a site development activity permit (SDAP) is first obtained.

Staff Comment: No grading is authorized as part of this preliminary approval and grading quantities will be reviewed again at the time of Site Development Activity Permit (SDAP) or building permit. Staff recommends Condition 11 be approved to ensure compliance.

3. “Drainage review is required prior to issuance of any SDAP or building permit. When the issuance of a grading or building permit will result in an increase in the total amount of impervious surface that currently exists on a lot...”.

Staff Comment: These provisions are reviewed at the time of SDAP or building permit submittal.

KCC 17.410.046 provides requirements for specific land uses within LAMRIDs. The department understands this subdivision is intended for the future development of single-family residences. Single-Family Dwellings are a permitted use in the KVLR zone, subject to footnotes 43 and 101. Footnote 43 is related to special care and Footnote 101 is related to transitory accommodations; neither are applicable to this proposal. Proposed land uses will be reviewed again at the time of building permit submittal.

KCC 17.420.056 provides density, dimension, and design standards within LAMRIDs. The proposal meets all standards (See Tables 1 and 2 of this report).

b. Planning/Subdivision Standards – Title 16

KCC 16.04.080 provides general requirements for all types of land segregations, copied below.

- 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 complies or will be conditioned to comply with all applicable provisions as detailed throughout 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”;

Staff Comment: All proposed lots gain access from an existing right-of-way (Cove Point Ln NE) and the proposal includes dedication of ROW to improve access, satisfying this requirement.

2. “Shall determine if road connectivity between the land segregation and adjacent properties is required...”

Staff Comment: The existing road network provides adequate connectivity and additional connectivity is not required.

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: The private access easement is existing and is shared with the adjacent properties to the east. The Department reviewed this easement

under prior permits (19-05106 and 19-5107). Staff recommends standard Conditions 3, 4, 12, and 26 be approved to ensure compliance.

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: Not applicable, the easement is existing.

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: Off-site improvements are required along NE Petterson Rd and Cove Point Ln NE and the applicant has included those requirements in the proposal (Exhibit 25), satisfying this requirement. See Section 10.g Frontage Improvements for details.

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: Not applicable, site conditions do not warrant provisions to be made for future subdivisions. Surrounding sites to the east and west and south are at sizes that are not likely to be further segregated.

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: Direct access to public ROW is limited to the existing one access point off Cove Point Ln NE and no further limitation is warranted.

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: The proposal is not anticipated to create adverse impacts to pedestrian needs. As part of ROW frontage improvements, the applicant is proposing to install a 3-ft gravel shoulder, in addition to roadway improvements, thus meeting this standard.

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: Not applicable.

- 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: The side lot lines generally run at right angles to the access easement along the west of the properties.

- 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...".

Staff Comment: Not applicable. The proposal is not for five or more lots within a UGA.

KCC 16.24.050 provides additional subdivision standards, specific to rural areas, copied below. As discussed earlier, the project site is within a LAMRID, which are considered rural.

- 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".

Staff Comment: This standard will be reviewed at the time of development permit, and staff recommends Condition 27 to ensure compliance.

- 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: This standard will be reviewed at the time of development permit, and staff recommends Conditions 15 through 23 to ensure compliance.

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

Staff Comment: Not applicable, the project does not access WSDOT right-of-way.

2. Private Roads.

- a. “The width of an access easement shall be a minimum of twenty feet when serving up to two lots and a minimum of thirty feet when serving three or more lots, unless a waiver is requested and granted...”.

Staff Comment: Though the easement provides access to three or more lots, the standard is meant to allow adequate width for the installation of a 20-ft road, primarily for fire access. As noted in Section 10.1 below, the fire access road is not proposed or required. Rather, fire sprinklers are required to meet fire safety standards. As no additional roadway will be constructed, and because both the KVLR zone and shoreline designation favor reduced impervious surface creation (17.420.056 and 22.300.110) – the department recommends approval using the existing 20-ft access easement.

- b. “Access roads shall be cleared, grubbed, graded and surfaced. The driving surface may be graveled, paved or use LID surfacing techniques. The driving surface may be graveled or paved; when paved, permeable pavement shall be used where feasible, in accordance with the Kitsap County Stormwater Design Manual”.

Staff Comment: This standard will be reviewed at the time of SDAP or building permit.

3. Public Rights-of-Way.

- a. “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 and shall be constructed in compliance with Kitsap County Road Standards”.

Staff Comment: Not applicable, the project does not propose more than four lots. However, the applicant is proposing to dedicate right-of-way, exceeding this standard.

- b. “For any land segregation that proposes to connect to an existing county right-of-way and will either impact the level of service, safety, or operational efficiency thereof or is otherwise required to improve the existing right-of-way, one of the following will be required:
 - i. The property owner must construct the improvements necessary to mitigate the impacts of the land segregation in accordance with the Kitsap County Road Standards; or
 - ii. The property owner must pay its proportionate share of the necessary improvements prior to recording of the final plat...
 - iii. The property owner must execute a legally binding agreement, in a form acceptable to the director...

Staff Comment: The applicant is proposing to construct the improvements necessary (road dedication and frontage improvements), meeting this standard. Frontage improvements are analyzed in Section 10.q of this report.

B. Nonmotorized Facilities.

1. “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...”.
2. “ Multipurpose Facilities. Where required by the county’s Mosquito Fleet Trail Plan, multipurpose facilities, including but not limited to bicycle lanes, shall be provided...”.

Staff Comment: Not applicable. The submitted application is not included in the County's Mosquito Fleet Trail Plan.

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

Staff Comment: The Kitsap County Fire Marshal's Office reviewed and approved the submitted proposal. To meet fire protection standards, the Applicant has chosen to provide fire sprinklers for all future structures. A note indicating this is required to be added to the face of the final plat (Condition 31).

KCC 16.24.070 says, “Where a land segregation occurs within the two-hundred-foot shoreline jurisdictional boundary, development shall occur in accordance with the standards at Title 22”.

Staff Comment: Compliance with KCC Title 22 is provided in section 10.j of this report.

KCC 16.48.020 (D through H) provides additional standards for preliminary short subdivisions, copied below.

- D. The proposed streets shall align and be coordinated with streets serving adjacent properties;
- E. The proposed streets shall be adequate to accommodate anticipated traffic;
- F. If road or pedestrian connectivity between the short 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: No new streets are proposed and existing roadways are proposed to be improved to accommodate anticipated traffic, which will be minimal for two new single family residences. Connectivity is not required, as discussed previously.

c. Lighting

No lighting elements are required or proposed.

d. Off-Street Parking

There is an existing single-family residence on one of the newly created lots. The newly created lots have adequate space to provide the required parking on site and minimum parking standards will be reviewed again at the time of building permit.

Table 5 - Parking Table

Use Identified in 17.490.030	Standard	Required Spaces	Proposed Spaces/Existing Spaces
Single-Family (attached or detached)	For historical lots or lots with no standing	3 per unit	To be reviewed at the time of building permit.

	requirement, 3 per unit. Garages are not calculated towards any parking requirement.		
Total		3 per unit	3 per unit

e. Signage

No signage is required or proposed.

f. Landscaping

Landscaping is not required for this project. The Applicant has provided justification (Exhibit 26) and photographs (Exhibit 7) of the surrounding area and existing conditions. The combination of: 1) flexibility noted in both Titles 16 and 17 regarding screening/vegetation buffers, detailed below; 2) existing lot dimensional constraints; 3) existing neighborhood compatibility; and 4) possible concerns of neighboring shoreline view lines given the site’s topography, the Department supports waiving native vegetation and screening buffers, as described below.

KCC 16.48.020(C)(10) requires a native vegetation buffer of 25-ft around the perimeter of the short subdivision. KCC 16.48.020(G) provides further that, “if the required native vegetation buffer, as it exists, is void of native vegetation, plantings of native species will be required to create or recreate the buffer. This requirement may be modified by the director to be compatible with the surrounding area, upon submittal with the preliminary application, of narrative and photographic documentation of existing conditions”.

KCC 17.500.027(B)(2) requires a 25 to 50-foot solid screening buffer around residential subdivisions. KCC 17.500.027 also gives the director the authority to modify buffers “depending on the proposed use of the site and adjacent zones and/or uses”.

Table 6 - Landscaping Table

	Required	Proposed
Required Landscaping (Sq. Ft.) 15% of Site	NA	NA
Required Buffer(s)		

17.500.025		
North	NA	NA
South	NA	NA
East	NA	NA
West	NA	NA
Street Trees	NA	NA

g. Frontage Improvements

Kitsap County Public Works – Traffic Division reviewed the proposal and requested that a right-of-way dedication measuring 18.5-feet in width, along the portion of the property fronting Cove Point Lane NE be provided to allow for an 8-foot travel lane and a 3-foot gravel shoulder. Also requested was a dedication of right-of-way along the entire property frontage of NE Petterson Road measuring 15-ft in width. The Applicant revised their proposal (Exhibit 25) and KCPW reviewed and approved the revised plan.

Staff recommends Conditions 28 through 30 to ensure compliance.

h. Design Districts/Requirements

The subject site is not within a designated design district. All other general design features were discussed previously in Sections 10a and 10b of this report.

i. Development Engineering/Stormwater

Development Services and Engineering has reviewed the above land use proposal and finds the concept supportable in its approach to civil site development. These comments are based on a review of the Preliminary Drainage Report and Preliminary Engineering Plans accepted for review April 7, 2020 to Kitsap County Development Services and Engineering, and as revised by resubmitted materials accepted for review October 1, 2020.

Development Services and Engineering accepts the concepts contained in this preliminary submittal and requires the 15 conditions as an element of the land use approval (Attachment C – Preliminary Condition Memo).

j. Environmental

Title 19 – Critical Areas Ordinance.

Along the northern boundary of the subject site, various critical areas are found (Exhibit 33) including a flood area, geologically hazardous area, and marine wetlands. All mapped critical areas are within the boundary of proposed Lot C, which is already developed. The proposed subdivision does not affect any known critical areas.

Title 22 – Shoreline Master Program.

The subject site is also within the Shoreline Residential designation (Exhibit 34) and is subject to applicable standards in KCC Title 22. As previously mentioned, a Substantial Development Permit (SSDP) is required for subdivisions within the Shoreline Residential designation (KCC 22.600.105). A SSDP application is included with this proposal, meeting this standard.

KCC 22.400 provides general regulations for existing and proposed development for elements such as including mitigation, vegetation buffers, and bulk and dimension standards. No new development activity within the 200-ft shoreline jurisdiction is proposed as part of this subdivision. In addition, the Applicant submitted a Technical Memorandum by BGE Environmental, dated March 25, 2020 confirming “that no change to the shoreline development is necessary or proposed with the pending short plat”. The report goes on to say, “Subdividing the parcel does not result in conflicts with development to Lot A or Lot B, as proposed, or Lot C for achieving no net loss of shoreline ecological function”. Staff agrees with this analysis and no further review is required.

k. Access, Traffic and Roads

All lots are proposed to be accessed from Cove Point Lane NE, a county-maintained right-of-way. To accommodate adequate access, the Applicant also proposes frontage improvements, as described in Section 10.g above.

l. Fire Safety

The proposal has been reviewed and approved by the Kitsap County Fire Marshal’s Office. The initial proposal was returned to provide a turn-around for fire access; however, in lieu of a turnaround, fire sprinklers are an approved alternative (Exhibit 26). Staff recommends Condition 31 be approved to require the Applicant to show this requirement as a note on the final short plat to inform present and future landowners.

Mr. Gavin Oak testified at the public hearing on April 22, 2021 and requested clarification regarding the required ROW dedication width along Cove Point Lane. The dedication shall be 18.5-feet as discussed in the original staff report and conditions and shall continue along the entire frontage of Cove Point Lane.

m. Solid Waste

The project was reviewed for solid waste and approved with no conditions. No adverse impacts to solid waste services are anticipated.

n. Water/Sewer

The applicant has submitted a non-binding Water Availability letter dated February 14, 2019 (Exhibit 18) indicating that Kitsap PUD has adequate water availability to serve the future subdivided lots from the Keyport Water System #38550J. Staff recommends Condition 14 be approved to require a Binding Water Availability Letter to be submitted with the associated building permits on proposed Lots A and B.

The Applicant is not proposing to connect to the County sewer system. Private septic systems are regulated by the Kitsap Public Health District and an approved Building Site Application will be required at the time of building permit submittal (Condition 32).

o. Kitsap Public Health District

The Kitsap Public Health District has reviewed and approved the proposal with one condition, requiring Building Site Applications (BSAs) at the time of building permit application (Condition 32).

11. Review Authority

The Hearing Examiner has review authority for this SSDP and PSP application under KCC, Sections 21.04.180 and 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 at KCC, Chapter 2.10.

12. Findings

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

13. Recommendation

Based upon the analysis above and the decision criteria found in KCC 16.48.020 and KCC 22.500.100, the Department of Community Development recommends that the Preliminary Short Plat and Shoreline Substantial Development Permit request for Kennedy Short Plat be **approved**, subject to the following 32 conditions:

a. Planning/Zoning

1. The decision set forth herein is based upon representations made and exhibits contained in the project application (20-00981 and 20-00983). Any change(s) or deviation(s) in such plans, proposals, or conditions of approval imposed shall be subject to further review and approval of the County and potentially the Hearing Examiner.
2. 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.
3. Proof of rights of use of the easement shown as providing access to the subject property shall be submitted with the Final Plat application materials.
4. A Road Maintenance Agreement will be required for the access easements shown on the face of the plat. This may be in the form of a note on the face of the Final Plat that addresses ownership and maintenance responsibilities of the access easement, or in the form of a Road Maintenance Agreement document to be recorded separately and referenced on the face of the Final Plat.
5. A Final Short/Large Lot/Subdivision 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. Ten feet for utility easement shall be provided on each side of private road tracts.
7. The names of the roads in this land segregation shall be approved by Community Development prior to final subdivision approval.
8. The final plat shall be recorded in accordance with the provisions set forth at Section 16.04.110.
9. Pursuant to KCC 16.48.060(A), Land in a short subdivision may not be further divided in any manner within a period of five years after the recording of the final short plat without the filing of a final plat pursuant to Chapter 16.40, except that when the short plat contains fewer than four lots, nothing in this section shall prevent the owner who filed the original short plat from filing an alteration within the five-year period to create up to a total of four lots within

the original short plat boundaries.

10. Pursuant to KCC 16.48.060(C), **the following condition shall be added the face of the final plat:** No lot in a short subdivision can be divided further without following Kitsap County Code in effect at the time of application for said further division.
11. Pursuant to KCC 17.360A.030(F), **the following conditions shall be added to the face of the final plat:** No grading of more than seventy-five cubic yards of earth may occur unless a site development activity permit (SDAP) is first obtained. Drainage review is required prior to issuance of any SDAP or building permit.
12. The final short plat may need adjacent property owners' signature and parcel number if the access or the existing easement is modified.
13. At the time of building permit, each lot will be required to meet the requirements from Kitsap County Code 17.420.056.
14. A binding water letter from Kitsap Public Utility District will be required at the time of building permit for the newly created undeveloped lot.

b. Stormwater

15. Building permits submitted for development of lots within this Short Subdivision shall include construction plans and profiles for all roads, driveways, storm drainage facilities and appurtenances. No construction shall be started prior to said plan acceptance.
16. 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.
17. The information provided demonstrates this proposal is a Small Project as defined in Kitsap County Code Title 12, and is within 200' of a mapped critical area; as such future building permit(s) shall include a storm drainage design demonstrating compliance with Minimum Requirements #1-5, as outlined in the Kitsap County Stormwater Design Manual.
18. Stormwater quantity control, quality treatment, and erosion and sedimentation control, as required for the lot development, shall be designed in accordance with **Kitsap County Code Title 12** effective at the time the Preliminary Short Subdivision application was deemed complete, April 8, 2020. If lot development meets the thresholds for engineered drainage design, the drainage plans and supporting 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 Building Permit Application.
The available impervious area for each lot shall be determined by dividing the allowable impervious area between the lots created. Information shall be provided in a table as shown below.

Allowable Impervious Area	5,000 square feet
Available Impervious Area, Lot A	
Available Impervious Area, Lot B	
Available Impervious Area, Lot C	

19. **The following condition shall be added to the face of the Final Short Plat:** If any proposed impervious area exceeds the allowable square footage as designated per the table, then an engineered Site Development Activity Permit (SDAP) will be required for that lot.
 20. **The following condition shall be added to the face of the Final Short Plat:** The maximum impervious surface allowed is 50% for residential properties less than or equal to 0.50 acres and 40% for residential properties greater than or equal to 0.51 acres
 21. **The following condition shall be added to the face of the Final Short Plat:** At the time of building permit application and/or any additional road construction or site work, the property owner shall comply with Kitsap County Code Title 12 effective at the time the Preliminary Short Subdivision Application was deemed complete, April 8, 2020.
 22. **The following condition shall be added to the face of the Final Short Plat:** At the time of submittal of a building permit for any lot within this plat, soil amendment is required for all disturbed areas not covered by hard surface.
 23. If the project proposal is modified from that shown on the submitted site plan dated October 1, 2020, Development Services and Engineering will require additional review and potentially new conditions.
- c. Environmental**
 None Required.
- d. Traffic and Roads**
24. At the time of building permit, submit an Application for Concurrency Test (KCPW Form 1601) as required by Chapter 20.04.030, Transportation Concurrency, of the Kitsap County Code. The KCPW 1601 form reserves road capacity for the project.
 25. The property owners within the plat shall be responsible for maintenance of all landscaping within the existing and proposed right-of-way including any structures other than roadway, storm drainage facilities, and traffic signage. Maintenance shall include, but not be limited to, mowing of lawn areas. A note to this effect shall appear on the face of the final plat map and the accepted construction plans. In addition, Development Services and Engineering reserves the right to require that covenants be recorded to address special maintenance requirements depending on final design.
 26. All rights of access for adjoining properties currently in existence shall be

preserved and documented on the face of the final plat. Any amendment to the existing easement rights of adjoining property owners shall be properly executed and recorded prior to recording the Final Short Plat.

27. At the time of building permit application, submit plans for construction of the road approach between the edge of existing pavement and the right-of-way line at all intersections with county rights-of-way. Approaches shall be designed in accordance with the Kitsap County Road Standards as established in Chapter 11.22 of the Kitsap County Code. Existing approaches may need to be improved to meet current standards.
28. The Final Short Plat shall depict dedication of right of way along the property frontage of Cove Point Lane NE to provide for 8-foot travel lane and a 3-foot gravel shoulder. The right of way dedication shall be 18.5 feet in width, along the portion of the property fronting Cove Point Lane NE.
29. The Final Short Plat shall depict dedication of right of way along the entire property frontage along NE Petterson Road; the right of way dedication shall be 15 feet in width.
30. 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 (or building permit if no SDAP is required). The need for and scope of bonding will be determined at that time.

e. Fire Safety

31. In lieu of turnaround access requirement, automatic fire sprinklers are required. **The following condition shall be added to the face of the plat:**
"Automatic fire sprinklers, as approved by the Kitsap County Fire Marshal, shall be installed throughout homes here and after constructed on lots created by this land division".

f. Kitsap Public Health District

32. At the time of building permit application, a Building Site Application (BSA) from the Kitsap Public Health District is required.

Report prepared by:



Tasha Santos, Staff Planner / Project Lead

4/15/2021

Date

Report approved by:



4/15/2021

Scott Diener, Department Manager

Date

Attachments:

Attachment A – Site Plan

Attachment B – Zoning Map

Attachment C – Preliminary Condition Memo

CC: Applicant/Owner: ARTHUR KENNEDY a.r.kennedy@me.com

Project Representative: GAVIN OAK gavin@agols.com

Interested Parties: None

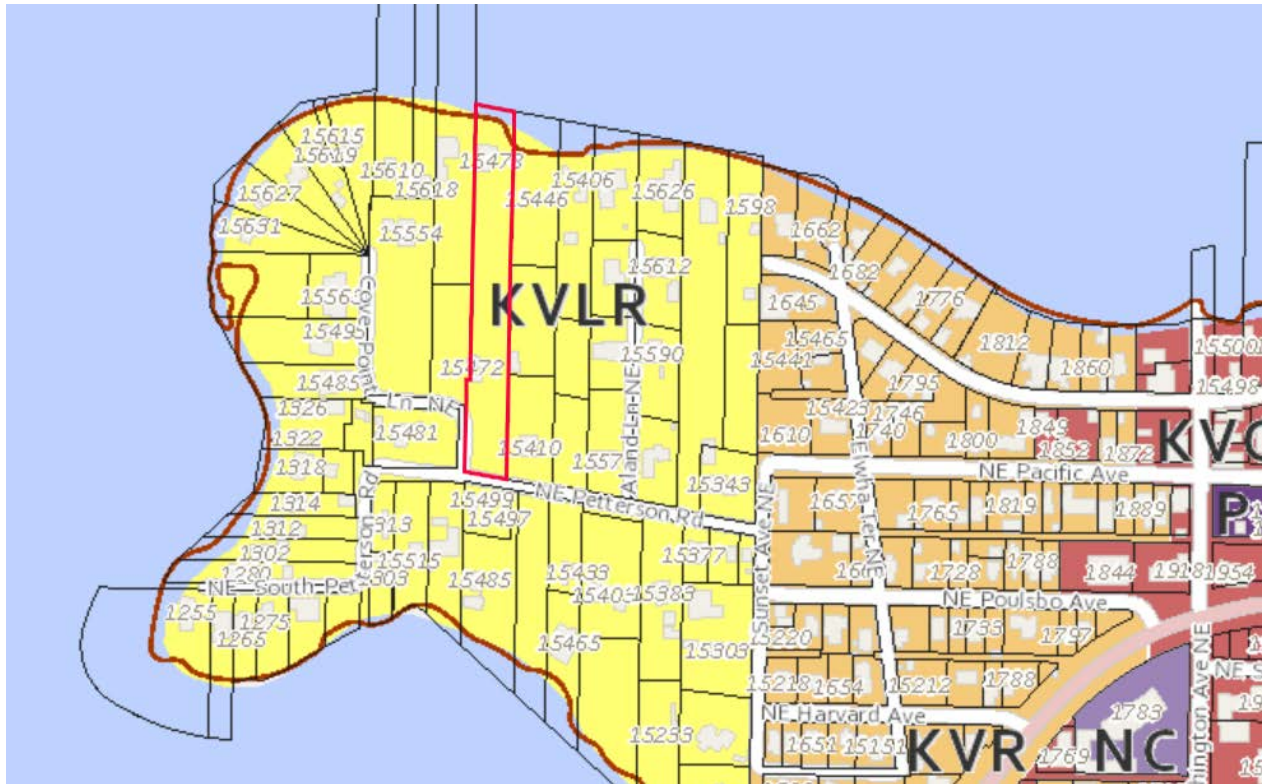
Kitsap County Health District, MS-30

Kitsap County Public Works Dept., MS-26

DCD Staff Planner: TASHA SANTOS lsantos@co.kitsap.wa.us

Attachment A

Site Plan



MEMORANDUM

To: Peggy Bakalarski and Tasha Santos, Development Services and Engineering

From: Candy Vickery, Development Services and Engineering

Subject: 20-00981 Kennedy Preliminary Short Subdivision
20-00983 Kennedy Substantial Shoreline Development Permit

Date: February 19, 2021

Summary of Stormwater and Roadway Features

Applicant proposes to divide an approximate -acre parcel into three lots for single-family residential use; a Shoreline Substantial Development is also required for the proposal, due to the project's proximity to the shoreline. Potable water is proposed to be provided by Keyport Water System; sanitary sewage disposal is proposed to be provided by individual on-site septic systems. Adequate vehicular access exists, via an existing road within an access easement intersecting Cove Point Lane NE. The parcel has shoreline frontage on its north side. Because the land division project does not trigger any thresholds to require stormwater quantity or quality controls at this time, having no new road construction for residential access, future building permits submitted for development of the proposed lots require compliance with Kitsap County Code Title 12, Storm Water Drainage.

Preliminary Conditions

Development Services and Engineering has reviewed the above land use proposal and finds the concept supportable in its approach to civil site development. These comments are based on a review of the Preliminary Drainage Report and Preliminary Engineering Plans accepted for review April 7, 2020 to Kitsap County Development Services and Engineering, and as revised by resubmitted materials accepted for review October 1, 2020.

Development Services and Engineering accepts the concepts contained in this preliminary submittal and requires the following conditions as an element of the land use approval:

GENERAL

1. Building permits submitted for development of lots within this Short Subdivision shall include construction plans and profiles for all roads, driveways, storm drainage facilities and appurtenances. No construction shall be started prior to said plan acceptance.
2. 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

3. The information provided demonstrates this proposal is a Small Project as defined in **Kitsap County Code Title 12**, and is within 200' of a mapped critical area; as such future building permit(s) shall include a storm drainage design demonstrating compliance with Minimum Requirements #1-5, as outlined in the Kitsap County Stormwater Design Manual.
4. Stormwater quantity control, quality treatment, and erosion and sedimentation control, as required for the lot development, shall be designed in accordance with **Kitsap County Code Title 12** effective at the time the Preliminary Short Subdivision application was deemed complete, April 8, 2020. If lot development meets the thresholds for engineered drainage design, the drainage plans and supporting 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 Building Permit Application.
5. The available impervious area for each lot shall be determined by dividing the allowable impervious area between the lots created. Information shall be provided in a table as shown below.

Allowable Impervious Area	5,000 square feet
Available Impervious Area, Lot A	
Available Impervious Area, Lot B	
Available Impervious Area, Lot C	

6. The following condition shall be added to the face of the Final Short Plat: If any proposed impervious area exceeds the allowable square footage as designated per the table, then an engineered Site Development Activity Permit (SDAP) will be required for that lot.
7. The following condition shall be added to the face of the Final Short Plat: At the time of building permit application and/or any additional road construction or site work, the property owner shall comply with Kitsap County Code Title 12 effective at the time the Preliminary Short Subdivision Application was deemed complete, April 8, 2020.
8. The following condition shall be added to the face of the Final Short Plat: At the time of submittal of a building permit for any lot within this plat, soil amendment is required for all disturbed areas not covered by hard surface.
9. If the project proposal is modified from that shown on the submitted site plan dated October 1, 2020, Development Services and Engineering will require

additional review and potentially new conditions.

g. TRAFFIC AND ROADS

10. At the time of building permit, submit an Application for Concurrency Test (KCPW Form 1601) as required by Chapter 20.04.030, Transportation Concurrency, of the Kitsap County Code. The KCPW 1601 form reserves road capacity for the project.
11. The property owners within the plat shall be responsible for maintenance of all landscaping within the existing and proposed right-of-way including any structures other than roadway, storm drainage facilities, and traffic signage. Maintenance shall include, but not be limited to, mowing of lawn areas. A note to this effect shall appear on the face of the final plat map and the accepted construction plans. In addition, Development Services and Engineering reserves the right to require that covenants be recorded to address special maintenance requirements depending on final design.
12. At the time of building permit application, submit plans for construction of the road approach between the edge of existing pavement and the right-of-way line at all intersections with county rights-of-way. Approaches shall be designed in accordance with the Kitsap County Road Standards as established in Chapter 11.22 of the Kitsap County Code. Existing approaches may need to be improved to meet current standards.
13. The Final Short Plat shall depict dedication of right of way along the property frontage of Cove Point Lane NE to provide for 8 foot travel lane and and 3 foot gravel shoulder. The right of way dedication shall be 18.5 feet in width, along the portion of the property fronting Cove Point Lane NE.
14. The Final Short Plat shall depict dedication of right of way along the entire property frontage along NE Petterson Road; the right of way dedication shall be 15 feet in width.
15. 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 (or building permit if no SDAP is required). The need for and scope of bonding will be determined at that time.