



**KITSAP COUNTY DEPARTMENT OF COMMUNITY DEVELOPMENT**

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Cindy Baker, Director

**OFFICE OF THE HEARING EXAMINER**

**KITSAP COUNTY**

**FINDINGS, CONCLUSIONS AND DECISION**

**CASE/ PROJECT: McCORMICK NORTH MASTER PLAN PHASE 1 & 2  
PRELIMINARY PLAT –PHASES 1 & 2, SDAP  
DEVELOPER’S AGREEMENT, MASTER PLAN PHASE I  
AND MASTER PLAN PHASE II SCOPING**

**APPLICATION Number: 04 18788 (MASTER PLAN)  
04 18781 (PRELIMINARY PLAT)  
04 18785 (DEVELOPER’S AGREEMENT)**

**04 16147 PHASE I SCOPING  
04 14867 PHASE II SCOPING**

**APPLICANT: McCormick Land Co for GEM 1 LLC (Linda Niebanck)  
4978 S.W. LAKE FLORA ROAD  
PORT ORCHARD, WA 98367**

**AGENT and ATTORNEY : ROBERT D. JOHN  
CYPRESS BUILDING  
1500 114<sup>TH</sup> AVE SE, SUITE 102  
BELLEVUE, WA 98004**

**ATTORNEY FOR KITSAP COUNTY: LISA NICHOL  
DEPUTY PROSECUTING ATTORNEY  
614 DIVISION – MS 35A  
PORT ORCHARD, WA 98366-4676**

**ATTORNEY FOR SOUTH KITSAP SCHOOL DISTRICT: MARY J. URBACK  
12417 12 Street East  
Edgewood, WA 98372-1454**

**PROPOSAL:** Applicant is requesting to Master Plan 346 acres of land within the South Kitsap Urban Growth Area Utility Local Improvement District (ULID) #6 Sub Area. Phase I proposal includes a Preliminary Plat Application to subdivide the 186 acres into as many as 471 residential lots. Phase I also includes an approximately 65 acre public open space and active park site. Phase II proposal includes master planning for 160 acres that includes a 59 acre school site, a residential site, and open space with associated infrastructure (roads, stormwater management). The property is located adjacent to and south of the Old Clifton Road, west of Anderson Hill Road and east of McCormick Woods Drive.

**PUBLIC HEARING:**

After reviewing the Staff Report and having reviewed all available information on file with the application, and after viewing the property, the Examiner conducted a public hearing on the request as follows:

The hearing was open on Thursday November 18th, 2004 at 1:30 P.M. All parties wishing to testify on this request were sworn in by the Examiner. The following exhibits, along with the staff report, were submitted at the hearing and all are made a part of the record as follows:

See Attachment A – List of Exhibits - ENTITLED INDEX TO RECORDS

Rick McNicholas , associate planner, presented the application and the Staff Report and the Exhibits 1 through 109.. He stated that proper notice was given pursuant to Code. He stated the Preliminary Plat approval will establish 471 single-family residential housing lots within the Urban Cluster Residential (UCR) zone. Proposed minimum lot sizes are 4,000 square feet with a density of 5.9 dwelling units per acre. The request also includes a 5.9 acre storm water tract and a 1.37 acre active recreation tract for Phase I. The Phase II request includes a 2.75 acre stormwater tract and two active recreation tracts of 0.27 acres and .043 acres. The proposed plat also includes a 65.33 acre Tract P that encompasses a critical area open space/recreational tracts, a 26.98 acre Tract J critical area tract and 83.94 acres of open space/recreation tract, access tracts, and utility tracts. The Transportation plan request includes a Mitigation Agreement for transportation and an Application for Concurrency Test. The McCormick Urban Village Transportation Plan defines transportation needs and an implementation program to support full build-out of the McCormick Urban Village.

He said the Open Space, Parks and Recreation Plan requests include the planning context, a description of plan projects, a Financing Plan, a Phasing Plan, a Summary of Standards, and Mitigation Agreement. He said the Plan is intended to meet all requirements for the infrastructure facilities at full build out of the McCormick Urban Village as the Plan includes all of the South Kitsap UGA/ULID #6 Sub-Area plan area.

He said the project is located within the ULID #6 and is west of Port Orchard and south of a portion of the City of Bremerton. The McCormick North Master Plan Phase I and Phase II property is located on the north side of Old Clifton Road and west of Anderson Hill Road. The preliminary plat Phase I and II are located within that area and abut Old

Clifton Road to the south and Anderson Hill Road to the east and the east boundary is east of the intersection of Old Clifton Road and Feigley Road.

He outlined the eight different applications and stated they were combined under County Land Use ordinances and include Kitsap County, McCormick Land Company and South Kitsap School District.

At this time he submitted the initial Exhibits 1 through 9 and then submitted Exhibit 109, the Village Agreement Draft, Exhibit 111, Master Plan Phase I, Exhibit 112, Master Plan Phase II and Exhibit 113, the Transpo Group memo on traffic volumes. He then outlined the staff's presentation with Bill Edwards, Greg Cioc, Joseph Coppo, James Weaver and Lisa Nichol. He said to avoid complications they arrived at 6 elements of the applications. He gave the background of the sites and the UGA/ULID # 6 total area, and Sub Area Comprehensive Plan with the 4 elements of Urban growth, open space, employment and services. Master planning is required to allow for flexibility and clustering, but all connected to transportation

The scoping of the applications was done to inform the applicant of the requirements of all requirements. The original applications were filed on June 24, and completed on August 6, with technical review done in September and October.

Rick Kimball took the stand and stated he was the environmental designee and he stated the SEPA review was completed and a Determination of Significance and Adoption of the existing Environmental Document was signed on October 21, 2004 adopting the Supplemental EIS for the South Kitsap UGA/ULID # 6 Sub-Area Plan. No appeal was taken from that determination. He said the master planning and mitigation requirements were the same and covered critical areas and transportation and stormwater. He said the applicant is following the critical area ordinance for mitigation.

Bill Edwards, Development Engineer discussed the transportation needed in the area up to 2017 and indicated the different improvements including improvements to Old Clifton Road and to the intersection with Anderson Hill Road. He said the applicant was not doing the expansion of Old Clifton Road to 5 lanes.

Joseph Coppo, parks department, discussed the proposed six year plan for parks including open space, trails and large and small parks. He discussed the County Park and State Park and the plan to connect same by trail to McCormick Urban Village. He discussed the applicant's plan of a Village Park of 65 acres and pocket parks in the developed areas.

James Weaver, community development and land use planner, gave the overview of 4000 homes in the Urban Village build out and said it was in the growth area goals with parks, an overall master plan and transportation. He said in Phase I, 270 and in Phase II 200. He outlined the Bremerton City limits with the Campus Parkway on the West and Phase I with Old Clifton Road and Anderson Hill roads as access and Phase II, access just off Old Clifton Road. He gave a view of the area with three plateaus with Anderson Creek and critical areas in between. He said the zone (Urban Cluster Zone) allowed the 471 lots at 5.9 units per acre. The lot size of 4000 maximum. He pointed out the storm water tract: T1 and T 2. He discussed the 1.3 pocket park in Phase I and .2 pocket park in Phase II. He said the staff wants more park sites and two additional open space sites in Phase II: area next to lots 393 and 394 and wants the trail developed as non-vehicular use and wants additional buffering along both Anderson Hill Road and Old Clifton Road and mix additional native and conifers in the buffer. The main park in Phase I was adequate. He described the transportation and storm water requirements.

Bill Edwards discussed the storm water drainage and pointed out the mitigating measures outlined by Transpo, the consultant. He discussed Condition 70 and wants left and right turn lanes at access sites and under Condition 71 wants traffic signal at Old Clifton and Anderson Hill Road. He discussed the sign requirements and wants, under Condition 72, participation in the future improvement of the ramps on State Highway 16 and wants under Condition 73 shoulder improvement and also desires a bicycle lane on Old Clifton Road. He wants an 8 foot shoulder on Old Clifton Road and a 6 foot shoulder on Anderson Hill Road. He said Kitsap County allows deviation from road standards. He discussed Condition 63 which is subject to the fire marshal and on Condition 90 he wants connectivity with City of Bremerton. He said the storm water meets the code and the detention pond releases meet the code.

Bill Edwards stated they have the storm water development agreements and a Site Development Permit. He said for Master Plan approval needs 3 sites for ponds.

Rick McNicholas again took the stand and said under ULID #6 the Master Plan Criteria per 17.428.090 was outlined on pages 22 of Staff Report and included provisions for public facilities and amenities, innovative site design, preservation of critical areas, resource areas and natural features, comprehensive park system, open space, use of the physical properties in placement of structures, reduction of automobile use, adequate public facilities for water, sewer, roads, fire protection and stormwater management. He said the applications and Master Plan meets all applicable code otherwise. He then stated the staff recommended approval with 97 Conditions which would provide the necessary criteria for compliance with all codes, requirements and ordinances.

Bob Johns, attorney for applicant, addressed the Hearing Examiner and stated he was an original member of the team in the development of McCormick Urban Village and he gave the history of McCormick Woods and the golf course with 1200 homes and 1300 acres, and the development allowed clustering of homes with 600 now approved with additional later. The development of ULID #6 sub area was dependant on availability of sewers and the installed line for McCormick Woods was oversized to accommodate McCormick North and West. He discussed the original plan for community college with the Campus Station, but that failed when the college located elsewhere. He said the Growth Management Act changed all planning laws and McCormick had to re-design to meet the Urban Growth requirement of 5 to 5.9 units per acre. The McCormick North has a new density to meet the GMA. He discussed the 2003 amendment to the Kitsap County Comprehensive Plan and the Sub-Area approval with the Urban Village zoning and Urban Cluster zoning. He discussed Phase I and II and to the west, the school site and future residential with the Urban Village to be between West and North developments. He discussed the 2 Master Plans with 2 divisions and the storm water management plan and open space. He said they withdrew the Transportation Plan after the staff made additional recommendations. He discussed the storm plan that will include land in Master Plan II site and the school and residential area. He said Feigley cuts through the school site. The plan is to realign the road along the east side of school property and 90 degrees to Old Clifton Road. He said they designed the storm facility for the entire region and includes the school and future residential area. In the development agreement, it limits the impervious surfaces and has time limits. He introduced Exhibit 114 which is the Storm Water Agreement.

He introduced Exhibit 115, the Open Space and Park Agreement. He said the trails in McCormick Woods is owned by the Homeowners Association and it is not settled as to the use of same for the public.

Linda Nieback, President of McCormick Land Company said the design was innovative and gives Kitsap County a variety of housing choices. She said the Transportation Plan has been withdrawn. She re-entered the Transportation Plan. She introduced Exhibit 114 to 119 and ask the Hearing Examiner to consider recommending approval of the applications to the County Commissioners.

Bob Johns again took the stand and proceeded to review the conditions offered by the Staff with recommendation for and against said Conditions. He presented Exhibit 120, entitled "Staff Report and Recommendation to the Hearing Examiner" and "Revisions Proposed by Applicant, Dated November 18, 2004. In said Exhibit, applicant desires changes to allow Concurrency Certificates for up to 471 housing units in Preliminary Plat and 200 housing units in Phase II; amendment to Staff Report as to Development Agreement for Stormwater between County, School District and Applicant; striking any reference to KCC 17.425.040© as it does not apply and the Urban Village Plan for Open Space, Parks and Recreation exceeds requirements. It also adds to the Findings that the Subarea Plan and UCR Residential zone standards are applicable which set different open space and recreational requirements.

He then recommended changes to the Recommendations and outline the list of items to be considered and recommended to the County Commissioners (Page 6 & 7 of Exhibit 120). He then outlined many proposed revisions to the Conditions, starting from Condition 2 through Condition 73. He also addressed Condition 88 and 90. The applicant's main objections apply to the number of park sites, signage on the trails, conditions regarding stormwater management, traffic mitigation, including the traffic mitigation agreement, traffic signal at Old Clifton Road and Anderson Hill intersection, credit for impact fees, and contribution toward ramps on State Highway #16.

Mary Urback, attorney, stated that she represented South Kitsap School District and was working on the appropriate Development Agreements.

Both County and applicant, recognizing the time, allowed the public to present testimony on the applications.

Mike McCuddin, lives in McCormick Woods and is involved with the water testing in Anderson Creek as it is a very fragile area and the area can be damaged easily. Because of the location of the clustered homes and the density, he worries about the effect on the stream and the critical areas adjacent to the development. He agrees with the clustering concept but not in this area. The density is too high and development is too dense. As the critical area is between the developments there is a possibility of attempting to cross the creek which would greatly damage the environment. He said there is the need for more parks to keep the kids from playing in the Creek area and the proposed split rail fence isn't going to keep anyone away. He closed by saying too many homes in the critical area.

Sandra Quinn said the schools are full now and there is no place for the kids between K to 12. The high school is full and the other schools are overcrowded. She said the money is needed to fix schools not build new ones.

Karen Lee testified by saying they need to fix the roads first before they talked about developing the land.

Tom O'Brien, representing the School District said the air quality in the school are excellent and there is no truth to statements that there is any trouble. He said the high school is large but we can handle the students and with this proposed growth, we are working with McCormick to establish a new high school, an intermediate and an elementary school.

Bill Edwards started to testify but the time was running out.

The Hearing was continued to Thursday, December 9, 2004 at 1:00 P.M.

The Examiner made recommendations to the applicant and the staff to organize the Conditions so that the right conditions apply to the right application. (With so many applications, it would be confusing to the public and the County Commissioners if the conditions were not definitive to each application.)

No further testimony was taken, and the Hearing was recessed at 5:20 P.M.

The Recessed Public Hearing was re-opened on Thursday, December 9<sup>th</sup>, 2004 at 1:10 P.M. All parties wishing to testify on this request were sworn in by the Examiner.

The first witness was Rick McNicholas who submitted new Exhibits 122 and 123, Prosecuting Attorney's brief, and 124 and 125, citizens comments, 126, Port Orchard's comments, Exhibit 127, updated Staff Report Addendum with Exhibit A and B.

James Weaver, planner, presented the specific Conditions as they relate to specific applications, Exhibit 127 through Exhibit 131. 83 of the Conditions as presented by applicant in Exhibit 120 were acceptable to the Staff. However, 13 Conditions still remained in disagreement:

Exhibit 127 relates to Master Plan Phase I and consists of agreed to Conditions in Exhibit A attached thereto and not agreed Conditions in Exhibit B ( condition number retain the original numbering as set out in Exhibit 108). Conditions unresolved between the Staff and Applicant relate to Land Use Approval for future development, timing of completion of park projects, signage at trailhead and amount of park projects.

Exhibit 129 outlines the applicants proposed conditions that they are not in agreement with the staff as set forth in Exhibit 127.

Exhibit 130 relates to the Master Plan Phase II and sets forth applicant's proposed conditions.

Exhibit 131 relates to the Preliminary Plat (Master Plan Phase I) and sets forth the Condition that applicant proposes in opposition to Staff Conditions.

Weaver reviewed the Conditions and said Conditions 8 and 9 were procedural.

Conditions 31 through 34 related to trail signage. Conditions 35, 36,37,39 and 45 relate to parks and Condition 44 relates to development phasing of installation of parks. He stated the staff did not come to an agreement regarding Condition 8 and 9. He said the vesting occurs at the time of the land use application and not with Master Plan approval. On Condition 9, they need one description for consistency of all maps. On Condition 30 to 34, Staff wants trail head signage because across Old Clifton Road, in McCormick Woods, trails are private and the public needs to know which trails are private and which are public and accessible. They want consistent signage. On the size of the parks, staff wants minimum not approximate and want a new additional park instead of open space.

They want a ½ acre size park the same as in Tract B as 271 units require the additional park. He also said the design in Preliminary Plat needs to be innovative and the new park is necessary for the general area. He stated they desire a scheduling of park construction so the parks are completed as needed for completion of each development.

Bill Edwards, professional engineer, from Development Engineers, testified concerning the Transportation Plan and the Development Agreement. He said the plan agreement shows the conceptual improvement plan and how the roads are to be built. He discussed the impact fees within ULID #6. They have not seen a revised Transportation Agreement. Linda Nichol, deputy prosecuting attorney, discussed how to finance the roads and requested the record be kept open so as to receive possible Traffic Agreement. She discussed the need to connect to Glenwood.

Bill Edwards again testified that Exhibit 128 does not have Glenwood Road and they need the Developer Agreement with a transportation plan.

Bob Johns, attorney for applicant, testified on Conditions to Phase I Master Plan that Condition 5 and 6 should refer to cities and not county on bonding. On Condition 8, he said it would eliminate confusion as to future ordinance. He said the same with Condition 9 except it should be split. On Condition 330, he said the comprehensive signage should be part of the final plan. He suggested removal of Condition 92 to 96 and use Condition 5 and 6 of Exhibit 129. He said Condition 44 in Exhibit 130 had been accepted by applicant.

He referred to Exhibit 130, which outlines conditions not in agreement for Preliminary Plat, and referenced Condition 30,31,32,33 and 34 and said there may be some changes in lot location during final planning.

On Conditions 35 to 37, they oppose as more than required by Urban Master Plan and they oppose changing open space area to park site. On Condition 45, they oppose additional park site.

He said they want Condition 98 so to clarify that it is a preliminary plat. He said they agree in principle with the Transportation Plan and Agreement which would provide funding method to pay the costs of the total traffic in Urban Village. Covers additional impact fees which would pay for County construction of some of the project. On Glenwood Road connector, it would be included in impact fees and McCormick Urban Village would build. On the 2 ravines which are in the critical area are adequately protected by present standards.

On innovative site design, he testified that the present concept with individual areas with different housing variety with some commercial apartments, trails and open space provides adequate innovative design.

On trails, he said they plan on an integrated system under the Master Plan and includes roads as well as trails. The central business site with trails leading to the site, along with bicycle trails and roads all fit together with residential in all the developments, including McCormick North, McCormick Woods, County and State Parks. He closed with the request to keep the record open.

Mary Urback, representing South Kitsap School District, said they are working on the Developer Agreement and discussed several of the Conditions.

James Weaver in rebuttal said Conditions 5 and 6 were from the City of Bremerton and Port Orchard. He had no comment on Condition 8. On Conditions 30 to 34 he recommends Construction as part of the plan.

Public Comment:

Mike McCuddin submitted Exhibit 133, letters from concerned citizens, and he said the planning commission several years ago voted against the changes now proscribed. He said with the planned number of units in Phase I and II there will become rundown areas. On the Glenwood Road connector, the public will commence using McCormick Woods Drive to Glenwood Road to avoid the traffic on Old Clifton Road and make McCormick Woods roads arterials. They are now local roads with little automobile traffic. The plan will endanger the residents of McCormick Woods. He wanted to know where are the jobs in Kitsap County to require the housing needs in this development. He said the bicycle lane is better than none but desired wider and better. He reiterated his prior testimony that there is no way to protect the ravines from damage with this dense development.

Karla McArdle presented Exhibit 134, letter in opposition to the development. She said they residents were misled by the developer and the public has not had adequate time to review the proposal and Conditions. She disagreed with the innovative design. She said it is just a cluster of homes jammed together and will cause more urban sprawl. She said if the development is approved, there is need for more parks. She said the Park Plan is flawed as McCormick Woods Homeowners Association owns the trails in McCormick Woods and the Association probably won't agree to joint use of the trails. She said the schools are inadequate with several financial bond issues having failed. Traffic is bad now and will become congested with this development.

Patricia Xoloveichik, said that McCormick Woods is beautiful and the new development with clustered small homes will downgrade the area. She said the kids will be forced to play in the streets as the parks are too small and not enough of them. There will be over 50,000 cars on Old Clifton Road and it needs improvement now. She is opposed to too much development and they want good neighbors.

Celeste Berry, read her letter, Exhibit 125, and stated the removal of trees along Old Clifton and Anderson Hill was wrong and replanting won't suffice to make a good buffer. She said the use of McCormick Woods parks is wrong as they are not big enough for the present residents. She worried that Nuibeck was president of McCormick Land Company and the Homeowners Association and that would be a conflict. She requested time to review new exhibits

Darlene Mantz wants development to be minimize.

Bill Edwards testified the Transportation Improvement Plan includes 4 intersections and needs the road improvements staff recommends. Bicycle lanes are under an independent fee.

James Weaver testified that garages are included with every lot and Exhibit 81 shows a typical front yard.

Mike McCuddin testified he saw no garages on pictures.

Bob Johns testified that Glenwood Connector Road was already required as part of McCormick Woods and the road has just been approved and in the process of being constructed. On Density, he said the Commissioners outlined the urban density of 5 to 9 units per acre and this development will be over the 55 units per acre and is consistent with the Growth Management Act. He said the green on the side of Old Clifton Road is not recreation but buffer and they are not going to clear cut and the removal of trees will be keep to the minimum. He said the 30 acres in Parcel P is to be for everybody including

McCormick Woods and all of the Urban Village build out. He said there will be more Parks in McCormick Woods as it is built out. The parks and trails in McCormick Woods are owned by Homeowners Association and the same will be true for the parks in McCormick North and future residential development. Each development will have its own association and then one overall association will be created to manage the Urban/regional Parks.

Kathy Hawkins testified she opposes the development.

Karla McArdle wants further clarification of parks and the amount of parks for all the developments. She said the traffic from McCormick West is going through McCormick Woods and the traffic from the North development will also use the roads in McCormick West.

Celeste Berry wanted to know where the kids were going to play with such small lot sizes.

The Examiner directed the parties to submit the Developers Agreement on or before Friday, December 17, 2004 and the record was to remain open until January 7<sup>th</sup> to allow citizens an opportunity to review exhibits and the Developers Agreement and submit comments and letters.

No further testimony was received and the Examiner concluded the public hearing and except for leaving the record open, took the matter under advisement.

NOTE: A complete record of this hearing is available in the office of the Kitsap County Department of Community Development.

Exhibit 135, McCormick Urban Village Development Agreement for Transportation with Revised Exhibit A was received on December 17, 2004. Exhibit 136, Memo from William Edwards, Development Engineer, was received on December 17, 2004. Letters from Concerned citizens were received from December 22, 2004 to and through January 7<sup>th</sup>, 2005. Exhibit 138, a letter from Robert D. Johns, applicant's attorney, was received on January 6<sup>th</sup>, 2005 and Exhibit 139, comments from GEM LLC, applicant, was received on January 6, 2005 and Exhibit 140, a letter from Mary J. Urback, attorney for South Kitsap School District, was received on January 7<sup>th</sup>, 2005. All exhibits were made part of the record by the Examiner.

The citizens letters and comments in the main object to the density of the development as not being the same or similar to McCormick Woods ( the clustering of smaller homes and starter homes and apartments); object to the Urban Park plan which includes the trails in McCormick Woods as joint use facilities for all of the Urban Village; and object to the use of McCormick Woods Drive and the Glenwood connector as a secondary access which will increase the traffic in the residential neighborhood.

## **FINDING, CONCLUSIONS AND RECOMMENDATIONS**

### **FINDINGS:**

1. The Hearing Examiner has admitted documentary evidence into the record, viewed the property, heard the testimony, reviewed the reports and Exhibits and the record.
2. Notice and publication were given pursuant to the law.
3. Applicant is requesting to Master Plan 346 acres of land within the South Kitsap Urban Growth Area Utility Local Improvement District (ULID) #6 Sub Area. Phase I proposal includes a Preliminary Plat Application to subdivide the 186 acres into as many as 471 residential lots. Phase I also includes an approximately 65 acre public open space and active park site. Phase II proposal includes master planning for 160 acres that includes a 59 acre school site, a residential site, and open space with associated infrastructure (roads, stormwater management).  
The property is located adjacent to and south of the Old Clifton Road, west of Anderson Hill Road and east of McCormick Woods Drive.
4. Pursuant to WAC 197-11-340, a Determination of Significance and Adoption of Existing Environmental Document was signed by the Responsible Official adopting the final Supplemental EIS for the South Kitsap UGA/ULID # 6 Sub-Area Plan
5. The applicant requests recommendation of approval on the following applications:
  - 5.1 McCormick North Phase I Master Plan
  - 5.2 Preliminary Plat for construction of Phase I of McCormick North
  - 5.3 McCormick North Phase II Master Plan
  - 5.4 Development Agreement for Stormwater (Phase II of McCormick North)
  - 5.5 McCormick Urban Village Development Agreement for Transportation
  - 5.6 Development Agreement regarding Open Space, Parks, and Recreation
  - 5.7 McCormick Urban Village Plan for Open Space, Parks and Recreation
6. Master Plan Phase I and II utilize Old Clifton Road as the primary arterial connection between the McCormick Urban Village and the regional transportation system. Anderson Hill Road is a north/south urban collector and is the east boundary of the Master Plan for McCormick North.
7. The Master Plan Phase I and II covers an area between Feigley Road and Anderson Hill Road and is on the opposite side of Old Clifton Road from McCormick Woods and the golf course.
8. Master Plan Phase I and the Preliminary Plat Phase I and Phase II comprise three fingers divided by the swales and ravines of the east and west forks of Anderson Creek.
9. Master Plan Phase II comprises 169 acres and the intended use of the site consists of a large South Kitsap School District site for development of a high school, a secondary and an elementary, and a residential site and stormwater facilities.
10. The Urban Village site sits between Master Plan Phase I and Phase II and the proposed use will be the village center which will have the commercial infrastructure to

serve all of the Urban Village including McCormick Woods, McCormick West, and McCormick North and other future developments in the area. The concept of the Urban Village Park plan is to connect all the developments by trails, roads and bicycle paths to accommodate vehicular and pedestrian traffic.

11. The McCormick North Master Plan is within the South Kitsap UGA/ULID #6 Sub-Area and is part of the Comprehensive Plan and the lands within the Preliminary Plat are designated Urban Cluster Residential (UCR) within the UGA/ULID #6 Sub-Area Master Plan which allows a combination of single-family, townhouse, multi-family and zero lot line development.

12. The land surrounding the area consists of McCormick Woods PUD and mainly undeveloped properties.

13. Utilities are available to the site from either the City of Bremerton or the City of Port Orchard and consists of water, power and sewer.

14. The Kitsap County Comprehensive Plan encourages growth within designated Urban Growth Areas at higher densities and to provide a variety of housing types and provide the public services and capital facilities to support the planned growth. The McCormick North Master Plan 1 and 2 plans meet this requirement as the Preliminary Plat Phase I consists of 471 single family residence on lots ranging from 4000 to 6000 square feet and the infrastructure is in place or planned.

15. With the proposed agreements and plans of the applicant the levels of service to the citizens will not fall below adopted standards or guidelines and will provide a planned livable community with a higher density plan and which protects the critical areas and meets the policy goals of the Sub-Area Plan.

16. The Preliminary Plat submitted as part of the Master Plan Phase I will provide for sidewalks, pedestrian and bicycle paths that will eventually connect to the Urban Village Center and to the future school site.

17. The Preliminary Plat Phase I identifies three different park sites, but the staff deems the number of sites insufficient for recreational activity and has recommended additional park sites. The testimony from a member of the committee monitoring the ravines and Anderson Creek shows the need to protect the critical areas from intrusion and substantiates the need for additional park sites over and above present Kitsap County Regulations.

18. The proposed Master Plans Phase 1 and 2 comply with the Land Use Regulations with the clustering of residential housing in areas suitable for development with the proposed construction of the infrastructure. The Plans provide for clustering of homes, provides for both motorized and non-motorized transportation circulation, provides for adequate utilities, provides for storm water management, provides for parks, recreation and open space, and protects critical areas.

19. The overall plan for the UGA/ULID #6 Sub-Area is innovative with the clustering of homes with parks, sidewalks, trails and bicycle paths to assist in movement of the inhabitants.

20. The Master Plan is consistent with the goals and policies of the comprehensive plan and the ULID #6 Sub-Area Plan and complies with all other applicable codes and policies of the County.

21. The applicant's proposal meets the requirements for zoning and development regulations, pursuant to Kitsap County Code Chapters 16.12 Preliminary Plat and meets the land division, subdivision regulations.

22. The applicant has met the requirements for KCC Chapter 17.355.010 Urban Cluster Residential Zone.

24. The staff has recommended approval of the several applications subject to 97 Conditions. The applicant objected to many of the Conditions at the initial public hearing. The staff and the applicant have worked out many of the differences, but there still remains several areas of disagreement.

25. The citizens object to the clustering of homes in the Master Plan Phases I and II but the zoning in the area allows for said type of development and the Urban Growth regulations actually demand the increase of density over the density planned for the McCormick Woods development. The citizens have also raised objection to the transportation plan calling for traffic controls and improvements to Old Clifton Road and the construction of the Glenwood extension; however, the Glenwood extension is necessary for public safety as an alternate route from the McCormick development and Old Clifton Road needs to be improved not only to handle McCormick North traffic but to handle the present volume of traffic when McCormick Woods and McCormick West are built out.

26. The staff and the applicant and the School District have agreed to a Development Agreement for Stormwater and a Development Agreement for Transportation.

27. The proposals make provision for public health, safety, and general welfare for open spaces, drainage ways, streets, and other public ways, potable water supplies, sanitary wastes, parks and recreation, schools and playgrounds and the safety of students and other pedestrians utilizing the streets and sidewalks and comply with the policies and goals of the Growth Management Plans of Kitsap County and the Comprehensive Plan and the Zoning and Platting Regulations.

21. The public interest will be served by the completion of this project.

## **CONCLUSIONS:**

1. The Hearing Examiner has jurisdiction to hear and recommend to the County Commissioners.
2. The applications all meet the goals, policies and regulations of Kitsap County and should be approved subject to specific conditions to insure the public health, safety and general welfare.
3. The applications for Master Plan Phase I and Master Plan Phase II, the Preliminary Plat Phase I, the Urban Village Park, Open Space and Recreation Plan, and the Development Agreements make provision for public health, safety, and general welfare for open spaces, drainage ways, streets, and other public ways, potable water supplies, sanitary wastes, parks and recreation, schools and playgrounds and the safety of students and other pedestrians utilizing the streets and sidewalks and comply with the policies and goals of the Growth Management Plans of Kitsap County and the Comprehensive Plan and meet the requirements of the Zoning, Development and Platting Regulations.

## **RECOMMENDATIONS:**

As this is a complex application process, the Hearing Examiner will address each of the applications separately and will utilize the original condition numbering system:

### **I. McCORMICK NORTH MASTER PLAN PHASE I.**

The Hearing Examiner recommends the approval of Master Plan Phase I subject to the following conditions:

5. McCormick North is currently within the City of Bremerton water service area and water will be provided by the City of Bremerton. A binding water availability letter is required prior to final plat approval. All water main extensions must be installed or bonded to 150% prior to final plat approval.
6. McCormick North is currently within the City of Port Orchard sewer service area and sewer service will be provided by the City of Port Orchard.
8. All development within the boundaries of the Master Plan Phase I shall be subject to Land Use approval.
9. Final McCormick North Master Plan documents shall include complete descriptions of a total acreage of 346 acres, including Phase I acreage of 186 acres.
10. Exact acreage and land use designations shall be shown within the Final McCormick North Master Plan documents to reflect acreage consistent with the goals and policies of the South Kitsap UGA/ULID #6 Sub-Area Plan.

15. The property owners shall create a homeowner's association that will ultimately be responsible for the maintenance of recreational open space facilities, critical area buffer fencing, perimeter and entry landscaping, and other activities associated with the infrastructure and support of a residential community. The overall village plan includes one homeowner's association created for each residential development, and then one larger homeowners association encompassing the entire Urban Village to manage the more regional facilities such as the McCormick Village Park (Tract P).

30. A comprehensive trail signage program indicating all public access trails and connections to the Coulter Creek Heritage Park shall be prepared as part of the final plan for the McCormick Village Park and submitted to the Parks Department for review and approval. In the interim, as part of said program trailhead information boards and signage shall be provided in the Preliminary Plat of McCormick North Phase I.

47. Storm water quantity control, quality treatment, and erosion and sedimentation control shall meet the requirements of KKC Title 12. In addition, those said improvements within Master Plan Phase I shall be designed generally in conformance with the Preliminary Drainage Analysis submitted by the applicant which is approved in concept for compliance with Title 12. Details of the design shall be reviewed as part of SDAP.

48. Per RCW 77.55, any work to be done below the ordinary high water line of state waters will require a Hydraulic Project Approval (HPA) permit from the Washington Department of Fish and Wildlife. This permit is required prior to construction.

49. Per WAC 173-175, Dam Safety, the construction of ponds that will impound a volume of ten acre-feet or more of water as measured at the dam crest elevation require review and approval by the Department of Ecology prior to issuance of the SDAP. The proposed Phase 1-East Pond within Master Plan Phase I as proposed requires Dam Safety Review. Said review shall be completed prior to construction and acceptance of the permanent dam for the East Pond as part of the SDAP.

63. The interior roads of the proposed McCormick North Plat shall be designed and constructed in accordance with Title 11 of the Kitsap County Code or as otherwise described in the McCormick North Master Plan and Phase 1 Preliminary Plat Proposed Development Standards for Roadway Design dated October 2004; with the exception that conditions of the Fire Marshall in regards to Emergency Vehicle Access shall supersede the Phase 1 Preliminary Plat Proposed Development Standards for Roadway Design dated October 2004 if such a conflict exists.

71. Approval of the Preliminary Plat and Master Plan Phase I and II is contingent upon approval by the Board of County Commissioners of the Development Agreement for Transportation, the McCormick Urban Village Transportation Plan, and the Independent Fee Calculation.

73. The applicant shall provide an 8-foot gravel shoulder along the entire frontage of the McCormick North Plat along Old Clifton Road.

91. Deed or dedicate 25 feet of right of way abutting the north margin of Old Clifton Road along the frontage of Master Plan Phase I and II to allow for public improvements. This shall be either shown as a dedication on the face of the final plat, or Development Engineering shall approve all right-of-way deeds prior to recording.

92. Permitted Land Use: The availability of water service is subject to the Kitsap County Comprehensive Land Plan on the property discussed herein. The 470 lot residential development is located in the SW Quarter of Section 04, Township 23N, Range 1E, Willamette Meridian; at the NW corner of the intersection of Old Clifton Road and Anderson Hill Road SW in Kitsap County. Any change in this designated land use or property description will require a new application and render the March 4, 20044 notice of conditional utility availability null and void.

93. Water Service: Upon the W580 zone infrastructure improvements, water service will be available via an interim intertie connection to the Port Orchard system as provided in the City of Bremerton and City of Port Orchard executed Interlocal Agreement for Cooperative Water System Development.

94. This development is also subject to participation in development of future distribution system improvements in Old Clifton Road. This obligation must be formalized via the execution of an LID Agreement or other acceptable instrument

95. Construction of water service within Kitsap County right-of-way requires a right-of-way permit from Kitsap County Public Works Department prior to construction. The developer is responsible for obtaining this permit prior to construction.

96. Annexation Agreement: An Outside Utility Agreement in support of future annexation of the subject property to the City of Bremerton or an agreement that the development is excluded from annexation to the City of Bremerton shall be provided prior to final plat approval. The Outside Utility Agreement or the Annexation exclusion agreement shall be signed and notarized by all applicable owners and delivered to the City of Bremerton, the City of Port Orchard, and Kitsap County prior to final plat approval.

## **2. McCORMICK NORTH MASTER PLAN PHASE II**

The Hearing Examiner recommends approval of McCormick North Master Plan Phase II upon the following Conditions:

5. Water is to be provided by the City of Bremerton. A binding water availability letter is required prior to final plat approval. All water main extensions must be installed or bonded to 150% prior to final plat approval.

6. Sewer to be provided by the City of Port Orchard.

8. All development within the boundaries of the Master Plan Phase II shall be subject to Land Use approval. The future schools identified in Phase II will require a Conditional Use Permit consistent with the requirements of Title 17 of the Kitsap County Code (KCC), as adopted at the time of application. The proposed plat identified in Phase II of the Master Plan will require Preliminary and Final Plat approval consistent with the requirements of Title 16 of the KCC, as adopted at the time of application.

9 Final McCormick North Master Plan documents shall include complete descriptions of a total acreage of 346 acres, including Phase I acreage of 186 acres, and Phase II acreage of 160 acres.

10. Exact acreage and land use designations shall be shown within the Final McCormick North Master Plan documents to reflect acreage consistent with the goals and policies of the South Kitsap UGA/ULID # 6 Sub-Area Plan.

15. The property owners shall create a homeowner's association that will ultimately be responsible for the maintenance of recreational open space facilities, critical area buffer fencing, perimeter and entry landscaping, and other activities associated with the infrastructure and support of a residential community.

The overall village plan includes one homeowner's association created for each residential development, and then one large homeowners association encompassing the entire Urban Village to manage the more regional facilities such as the McCormick Village Park (Tract P).

44. The McCormick Village Park shall be designed and constructed as spelled out in the McCormick Urban Village Open Space, Parks and Recreation Plan, date stamped received October 28, 2004, "Phasing of Proposed Projects", page 14 and 15. Specifically: The final plan will be prepared in cooperation with KC Parks and the McCormick Woods Association (MWA) in year 1 (2005);

Park will be developed in phases, consistent with housing occupancy:

Phase 1, prior to final occupancy of 300 units;

Phase 2, prior to final occupancy of 500 units;

Phase 3, prior to occupancy of 50 units of housing in the Village Center Area

If the park is not completed as per this phasing plan, land use approval for further development of the McCormick North area shall not be considered by the County.

48. Per RCW 77.55, any work to be done below the ordinary high water line of state waters will require a Hydraulic Project Approval (HPA) permit from the Washington Department of Fish and Wildlife. This permit is required prior to construction.

59. Roads within Master Plan Phase II to be dedicated to the county shall be designed in accordance with Kitsap County Code Title 11.

60. A supplemental Traffic Impact Analysis will be required with land use applications for all future development within Master Plan Phase II. Additional mitigation measures for road improvements will be determined at time of application.

61. South Kitsap School District shall be allowed the road approach locations as shown on the Phasing Plan for McCormick North Master Plan included in Exhibit 23, subject to compliance with the Kitsap County Code in effect at the time of application of a Site Development Activity Permit.

63. The interior roads of the proposed McCormick North Plat shall be designed and constructed in accordance with Title 11 of the Kitsap County Code or as otherwise described in the McCormick North Master Plan and Phase I Preliminary Plat Proposed Development Standards for Roadway Design dated October 2004; with the exception that conditions of the Fire Marshall in regards to Emergency Vehicle Access, as listed above, shall supersede the Phase I Preliminary Plat Proposed Development Standards for Roadway Designed dated October, 2004 if such a conflict exists.

92. Permitted Land Use: The availability of water service is subject to the Kitsap County Comprehensive Land Plan on the property discussed herein. The 470 lot residential development is located in the SW Quarter of Section 04, Township 23N, Range 1E, Willamette Meridian; at the NW corner of the intersection of SW Old Clifton Road and Anderson Hill Road SW in Kitsap County. Any change in this designated land use or property description will require a new application and render the March 4, 2004 notice of conditional utility availability null and void.

93. Water Service: Upon the W580 zone infrastructure improvements, water service will be available via an interim intertie connection to the Port Orchard system as provided in the City of Bremerton and City of Port Orchard executed Interlocal Agreement for Cooperative Water System Development.

94. This development is also subject to participation in development of future distribution system improvements in Old Clifton Road. This obligation must be formalized via the executions of an LID agreement or other acceptable instrument prior to final plat submittal.

95. Construction of water service within Kitsap County road rights-of-way requires a right-of-way permit from Kitsap County Public Works Department prior to construction. The developer is responsible for obtaining this permit prior to construction.

96. Annexation Agreement: An Outside Utility Agreement in support of future annexation of the subject property to the City of Bremerton or an agreement that the development is excluded from annexation to the City of Bremerton shall be provided prior to final plat approval. The Outside Utility Agreement or the Annexation exclusion agreement shall be signed and notarized by all applicable owners and delivered to the

City of Bremerton, the City of Port Orchard, and Kitsap County prior to final plat approval.

### **3. McCORMICK NORTH PRELIMINARY PLAT**

The Hearing Examiner recommends the APPROVAL of McCormick North Preliminary Plat subject to the following Conditions:

1. Fire flow is required for this proposal. Based on a residential development, fire flow is required in the amount of 500 gpm at 20 psi for 30 minutes. The Fire Flow System shall meet all requirements of the Kitsap County Building and Fire Code.
2. Emergency apparatus access is required for each lot with a minimum width of 20 feet and shall be unobstructed at all times. NO PARKING TOWAWAY ZONE signage on both sides of the street shall be provided for streets up to 28 feet wide, and on one side of the street if the street is 28 to 36 feet wide. For maintenance of the access width, each property shall have a condition stating the emergency apparatus access is to be kept clear at all times. A condition shall be added to the Conditions, Covenants and Restrictions for each affected lot that parking is allowed on only one side of the street in order to allow emergency access. The parking plan and NO PARKING signage shall be included on the face of the plat when the plat receives final approval.
  - 2a. The emergency access on Tract P for the west plat shall be designed and built such that it will withstand the weight of a fire apparatus and shall be wide enough to allow access to emergency vehicles and emergency egress for the residents. A gate, bollards, or similar device limiting private motorized access and an emergency vehicle lock box approved by Fire District # 7, shall be provided at the termination of the 10-14 wide emergency access drive/gravel path shown within Tract P between lots 373 and 374. Emergency access improvements shall be shown on sheet 5 of Exhibit 84 and the final plat documents.
  - 2b. Tract C and E serve as utility easements and access to Lots 97,98, 111, and 112. Tract H serves as access to Lots 225 and 226. Tract K serves as the access to Lot 403. These tracts are required to have a drivable width of at least twenty feet for emergency apparatus access.
3. A gate, bollards, or similar device limiting private motorized access and a emergency vehicle Knox Box or other similar device, approved by Fire District # 7, shall be provided at the termination of the 10-14 wide emergency access drive/gravel path shown within Tract P between lots 373 and 374. Emergency access improvements shall be shown on the SDAP plans generally consistent with Sheet 5 of Exhibit 84 and shall be made a separate tract on the final plat.
4. A gate, bollards, or similar device limiting private motorized access and a emergency vehicle Knox Box, or similar device approved by Fire District # 7, shall be provided at the termination of the 10-14 wide emergency access drive/ gravel path shown

within Tract P at Old Clifton Road. Emergency access improvements shall be shown on Sheet 5 of Exhibit 84 and the final plat documents.

5. Water is to be provided by the City of Bremerton. A binding water availability letter is required prior to final plat approval. All water main extensions must be installed or bonded to 150 % prior to final plat approval.
6. Sewer is to be provided by the City of Port Orchard. All sewer main extensions must be installed or bonded (in accordance with City protocol) prior to final plat approval.
7. Sewered Building Clearances are required from the Health District for each lot prior to the issuance of Building Permits.
11. Those conditions of approval of the preliminary plat which will continue to be applicable after the final plat, as determined by DCD shall be referenced on the face of the plat and attached as a recorded document with the final plat.
12. A forest practice permit shall be required from Kitsap County prior to any clearing, grubbing, grading, or development activities.
13. Landscaping and screening, as shown on sheet L-1 of the preliminary plat is consistent with KCC 17.428.070 and KCC 17.385. If existing vegetation is disturbed it shall be replanted pursuant to the requirements of KC 17.385. Landscaping and screening shall be installed as shown on sheet L-1 of the preliminary plat. Any changes to the plan must be approved in writing by DCD.
14. Any disturbance of native vegetation proposed within the open space buffer adjacent to Old Clifton Road and Anderson Hill Road as described in conditions 41 and 42 shall be re-vegetated. This disturbance could be by excavation, or clearing or filling for a landscape berm. Berms, to the extent feasible, shall be included in the buffer area to be filled.
15. The property owners shall create one or more homeowner's associations that will ultimately be responsible for the maintenance of recreational open space facilities, critical area buffer fencing, perimeter and entry landscaping, and other activities associated with the infrastructure and support of a residential community.
16. A split rail wood fence or similar barrier shall be installed between rear yards of residential lots and critical area boundaries of Tract J, and Track P as shown on Sheet 24 of Exhibit 84.
17. Landscaping shall be installed per revised Sheet L-1 of the preliminary plat, date stamped received October 24, 2004. Any changes must be approved in writing by DCD.

18. Planter strips and street trees shall be installed at Road A between Old Clifton Road and Road D as shown on Sheet 7 of Exhibit 84 and as described in Exhibit 82.
19. Planter strips and street trees shall be installed at Road A between Road D and Road E as shown on Sheet 7 of Exhibit 84 and as described in Exhibit 82
20. Planter strips and street trees shall be installed at Road F from Anderson Hill Road as shown on Sheet 7 of Exhibit 84 and as described in Exhibit 82.
21. Planter strips and street trees shall be installed at Road L between Old Clifton Road and Lot 401 and Lot 272. A cross section as shown on Sheet 2 of Exhibit 82 shall be shown on Sheet 8 of Exhibit 84 and on the final plat documents.
22. A marked pedestrian crosswalk shall be installed at a point determined by the developer between Old Clifton Road and Lot 393 across Road L. This pedestrian crosswalk shall be included on the Sheet 5 of Exhibit 84 and on the final plat documents.
23. A marked pedestrian crosswalk shall be installed across Road A at the intersection of Road D, Road B, and Road A. The pedestrian crosswalk shall be included on the Sheet 5 of Exhibit 84 and on the final plat documents.
24. A marked pedestrian crosswalk shall be installed across Road F at the intersection of Road D. The pedestrian crosswalk shall be included on the Sheet 5 of Exhibit 84 and on the final plat documents.
25. A minimum 5 foot to 8 foot multi-use trail shall be constructed from the edge of the sidewalk at Road K, to the intersection of Old Clifton Road and McCormick Woods Drive as shown on Exhibit 59.
26. A gate, bollards, or similar device limiting private motorized access shall be provided at the termination of the 10-14 wide emergency access drive/gravel path shown within Tract P between lots 393 and 394, and between Lots 346 and the northern boundary of the plat. These access improvements shall be shown on Sheet 5 of Exhibit 84 and the final plat documents.
27. A minimum 10-14 foot wide gravel path shall be constructed within Tract P, within or adjacent to the Bremerton-Port Orchard water main access easement, from the edge of Old Clifton Road to the north edge of the plat, as shown on Exhibit 65.
28. Provided that Private Access Tracts E and C are not converted to Right of Way, sidewalks, or delineated pedestrian travel paths shall be provided to access Lots 97,98,111 and 112. Curb, gutter, and sidewalk shall continue around the corner of Road D and Road L, and signage shall be provided to indicate private.

29. Sidewalks or delineated pedestrian travel paths shall be provided within Access Tract H to access Lots 225 and 226. Curb, gutter, and sidewalk shall continue along Road J across Private Access Tract H.
30. Trailhead signage state “public access trail” or similar signage shall be provided at the intersection of the trail with Road L between Lots 393 and 394, between Lots 373 and 374, and between Lot 346 and the northern boundary of the plat, and at the intersection of the trail with Road K between Lots 146 and 147, and at the intersection of the trail with the proposed pedestrian crosswalk and future connection with the Coulter Creek Heritage Trail at the intersection of McCormick Woods Drive and Old Clifton Road; and at the intersection of the trail with Road L at the entrance to the Preliminary Plat Phase 2. The form of the signage and the final locations may be modified after review and approval by DCD.
35. A minimum of 0.43 acre active recreation tract shall be provided at the intersection of Road N and Road Q
36. A minimum of 0.27 acre active recreation tract shall be provided at the intersection of Road L and Road M.
37. A minimum of 1.37 acre active recreation tract shall be provided at the intersection of Road E and Road C, developed at shown on Exhibit 60.
38. A minimum of one tree per lot shall be installed within the front yard of each lot as shown within Exhibit 81 prior to issuance of certificate of occupancy.
39. Additional active recreation tracts/ pocket parks shall be provided at the location of trail access to Road L between Lots 373 and 374 and between Lots 393 and 394. Active recreation tracts/ pocket parks shall be developed to equivalent standards as Tracts B, Tract O, and Tract Q.
40. Artificial outdoor lighting at the entry shall be arranged so that the light is directed away from adjoining properties so that not more than one (1’) foot candle of illumination leaves the property boundary.
41. The applicant shall provide a 75 foot vegetated buffer between the residential development and Old Clifton Road, except adjacent to Lots 146, 147 and 148.
42. The applicant shall provide a 25 foot vegetated buffer between the residential development and Anderson Hill Road as depicted on the Preliminary Plat.
43. The applicant shall replant all perimeter buffers to the extend disturbed per the landscaping plan as submitted in Exhibit 84. The landscaping plan shall include an irrigation plan and a bond for maintenance of the plantings for a period of two years. Changes to the plan as submitted will require approval in writing by DCD staff.

45. The applicant shall provide one active recreational park, a minimum half-acre in size, in addition to the Tract B within the Preliminary Plat Phase I, with a design similar in quality to Tract B. The specific location of the additional park shall be determined by the Department in consultation with the applicant. The additional park shall be completed prior to issue of the 250<sup>th</sup> Certificate of Occupancy for the homes in the Master Plan Phase I development.

46. The word “Recreation” shall not be included in the titles of Tract A and Tract D on the Final Plat. The Final Plat shall read “Open Space Tract A” and “Open Space Tract D”, respectfully.

47. Storm water quantity control, quality treatment, and erosion and sedimentation control shall meet the requirements of KKC Title 12. In addition, those said improvements within Master Plan Phase I shall be designed generally in conformance with the Preliminary Drainage Analysis submitted by the applicant which is approved in concept for compliance with Title 12. Details of the design shall be reviewed as part of the SDAP.

48. Per RCW 77.55, any work to be done below the ordinary high water line of state waters will require a Hydraulic Project Approval (HPA) permit from the Washington Department of Fish and Wildlife. This permit is required prior to construction.

49. Per WAC 173, Dam Safety, the construction of ponds that will impound a volume of ten acre-feet or more of water as measured at the dam crest elevation require review and approval by the Department of Ecology prior to issuance of the SDAP. The proposed Phase I- East Pond within Master Plan Phase I as proposed requires Dam Safety Review. Said review shall be completed prior to construction and acceptance of the permanent dam for the East Pond as part of the SDAP.

50. The information provided demonstrates this proposal is a Major Development as defined in Kitsap County Code (KCC) Title 12, and as such will require a Site Development Activity Permit (SDAP) from Development Engineering.

51. 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. At the Director of DCD’s discretion, a separate Site Development Activity Permit for clearing and grading may be approved prior to approval of the said construction plans and profiles for all roads, storm drainage facilities and appurtenances.

52. Should the proponent propose phasing of the project, a phasing plan shall be submitted to Development Engineering for review and approval. The phasing plan shall, as a minimum, address the following items:

52a. Time tables indicating the anticipated time between initial site grubbing/grading activity and the completion of construction, including site stabilization of that specific phase.

- 52b. The extent of drainage improvements to be installed during the various phases.
53. Any off site improvements that create additional impervious surface, such as lane widening or intersection channelization, are required to provide storm water mitigation in accordance with Kitsap County Code Title 12. Stormwater control for said off-site improvements may be provided within the proposed on-site drainage control facilities (East pond and West pond). Details of designs shall be provided with the SDAP.
54. The project will create 5 acres of new impervious area exposed to vehicular traffic. The Kitsap County Storm Water Design Manual requires that projects with this impervious threshold area provide a wetpond as the storm water quality enhancement. It is proposed that this be provided within the stormwater control facilities ( East Pond and West Pond). Details of designs shall be provided with the SDAP.
55. The Washington State Department of Fish and Wildlife may require a Joint Aquatic Resource Permit Application or Hydraulic Project Approval for the work required at the proposed outfall.
56. The site plan indicate that greater than 5 acres will be disturbed during construction. This threshold requires a National Pollutant Discharge Elimination System (NPDES) permit from the State Department of Ecology. More information about this permit can be found at: <http://www.ecy.wa.gov/programs/sea/pac/index.html> or by calling Linda Matlock at (360) 4407-6437. This permit is required prior to issuance of the SDAP.
57. Upon completion of the storm drainage facilities, the developer will be required to post a two-year maintenance bond for the facility. The developer will be responsible for providing regular and adequate maintenance during this two-year period and supportive maintenance records. At the end of this time, the County will inspect the system and, when the facility is acceptable and 80 % of the homes contributing to the pond in that phase have been completed, the County will take over maintenance and operation of the system. Wording to this effect must appear on the plat and in the covenants before final recording of each phase. Areas proposed to be maintained by the County that are not in the right-of-way must be shown as a separate tract/s or drainage easement/s with Kitsap County being designated as the grantee.
58. The pond designs shall incorporate the recommendations of the Geotechnical Engineer, as listed in the report by Terra Associates, Inc dated revised May 13, 2004 (see Exhibit 30), or as amended. The recommendations include lining of both ponds with a impermeable liner.
63. The interior roads of the proposed McCormick North Plat shall be designed and constructed in accordance with Title 11 of the Kitsap County Code or as otherwise described in the McCormick North Master Plan and Phase I Preliminary Plat Proposed Development Standards for Roadway Design dated October 2004; with the exception that

conditions of the Fire Marshal in regards to Emergency Vehicle Access, as listed above, shall supersede the Phase I Preliminary Plat Proposed Development Standards for Roadway Design dated October 2004 if such a conflict exists.

64. The interior roads of the proposed McCormick North Plat will be publicly maintained and the right-of-way dedicated to Kitsap County as proposed.

65. Construction of handicap access facilities within existing or proposed County right-of-way shall conform to the requirements of the American with Disabilities Act.

66. All lots within the McCormick North Plat shall access from interior roads only. This note shall appear on the face of the final plat map.

67. 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. A note to this effect shall appear on the face of the final plat map (construction plans). In addition, Development Engineering reserves the right to require that covenants be recorded to address special maintenance requirements depending on final design.

69. The developer's engineer shall include with the SDAP application certification that there is adequate entering sight distance at all approaches along Old Clifton Road and Anderson Hill 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 site distance shall meet the standards found in the Kitsap County Road Standards (KCRS). The certification shall also note necessary measures to correct and maintain the minimum sight triangle.

70. The applicant shall construct a westbound right-turn lane, an eastbound left-turn lane, and an eastbound refuge lane on Old Clifton Road at both approaches (McCormick North Phase I East and West) onto Old Clifton Road for SEPA mitigation. The designs shall meet WSDOT and Kitsap County Road Standards. The construction of the approach and related improvements for the western plat shall be completed or bonded prior to the issuance of any building permits within the western plat, and the construction of the approach and related improvements for the eastern plat shall be completed or bonded prior to the issuance of any building permits within the eastern plat.

71. Approval of the Preliminary Plat and Phase I and Phase II Master Plans is contingent upon approval by the Board County Commissioners of the ( or some modified version) Development Agreement for Transportation, The McCormick Urban Village Transportation Plan, and the Independent Fee Calculation and the McCormick Urban Village Park, Open Space and Recreation Plan.

73. The applicant shall provide an 8-foot gravel shoulder along the entire frontage of the McCormick North Plat along Old Clifton Road.

74. The shoulder along the project frontage on Anderson Hill Road from the intersection of Anderson Hill Road and Old Clifton Road to the approach of the McCormick North Plat shall be improved to a minimum width of 8-feet, consistent with the requirements of Title 11 of the KCC (based on traffic volumes at full buildout of this plat).

75. The shoulder along the project frontage on Anderson Hill Road from the approach of the McCormick North Plat to the northern most property line shall be improved to a minimum width of 6-feet, consistent with the requirements of Title 11 of the KCC ( based on traffic volumes at full buildout of this plat).

76. Sidewalk and vertical curb shall be provided on both sides of all roads within the McCormick North Plat, except on cul-de-sacs, which only require sidewalk on one side of the road per Kitsap County Road Standards.

77. Sewer service will require the construction of on-site sewage collection system improvements. The developer is responsible for construction of all required on-site collections system improvements to serve the new development. Note that neither the City of Port Orchard nor Kitsap County is responsible for the installation of any low-pressure sewer system improvements (septic tanks, grinder pumps, etc.). These improvements are the responsibility of the developer and/or the individual home builder.

78. All improvements constructed by the developer shall be designed and constructed to the standards of the City of Port Orchard, and in accordance with approved Sewer Comprehensive Plans. Construction plans for sewer system improvements shall be submitted to the City of Port Orchard for reviews and approval prior to the start of any construction.

79. The developer is responsible for acquiring all necessary permits and approvals needed to construct the sewerage improvements.

80. Acceptance of the completed sewer system by the City of Port Orchard for ownership and maintenance is contingent upon the developer meeting all Port Orchard standard requirements for acceptance, such as inspection, testing, bonding, etc.

81. No sewer service connections shall be made to the system until the system is accepted by the City of Port Orchard for ownership and maintenance, unless otherwise approved by the City of Port Orchard.

82. If development is phased, the City of Port Orchard may require the developer to construct sewer mains across future undeveloped phases in McCormick North to secure sewage service.

83. Easements shall be provided for all public sewer system improvements outside of public right-of-way. All public sewer easements, and final plat documents, if they contain

easements or dedications to the City of Port Orchard, shall be submitted to the City of Port Orchard for review and approval prior to recording.

84. The developer shall pay all standard and customary City of Port Orchard fees and charges for sewer and sewer system extensions.

85. An agreement between McCormick Land Company ( or their assignees) and the City of Port Orchard in support of future annexation by McCormick North to the City of Port Orchard or an agreement that the development is excluded from annexation to the City of Port Orchard shall be provided prior to final plat approval. The Annexation Agreement or the Annexation exclusion agreement shall be signed and notarized by all applicable owners and delivered to the City of Port Orchard, the City of Bremerton, and Kitsap County prior to final plat approval.

86. The Final Plat shall be prepared in compliance with Kitsap County Code. Title 16.16.

87. Ownership and maintenance of all tracts will be addressed on the face of the Final Plat as well as in the CC & R's.

88. Protective Covenants, Conditions and Restrictions (CC & R's) for the Home Owners Association (HOA) for the Preliminary Plat shall be recorded prior to or simultaneously with the recording of the Final Plat. The CC & R's shall be reviewed by Development Engineering prior to recording to check that adequate provisions are made for perpetual maintenance of storm drainage facilities (other than those which will be dedicated to and maintained by Kitsap County), any private roads, recreational facilities, common open space and any required buffer plantings on tracts to be retained by said HOA.

89. An additional 10-foot shall be provided on each side of all streets for utility easements.

90. The applicant shall record easements for future pedestrian pathways in proposed Tract C and E of the Preliminary Plat to provide for future pedestrian connectivity to the northern property line.

91. Deed or dedicate 25 feet of right-of-way abutting the north margin of Old Clifton Road along the frontage of Master Plan Phases I and II to allow for public improvements. This shall be either shown as a dedication on the face of the final plat, or Development Engineering shall approve all right-of-way deeds prior to recording.

92. Permitted Lane Use: The availability of water service is subject to the Kitsap County Comprehensive Land Plan on the property discussed herein. The 470 lot residential development is located in the SW Quarter of Section 04, Township 23N, Range 1E, Willamette Meridian; at the NW corner of the intersection of SW Old Clifton Road and Anderson Hill Road SW in Kitsap County. Any change in this designated land

use or property description will require a new application and render the March 4, 2004 notice of conditional utility availability null and void.

93. Water Service: Upon the W580 zone infrastructure improvements, water service will be available via an interim intertie connection to the Port Orchard system as provided in the City of Bremerton and City of Port Orchard executed Interlocal Agreement for Cooperative Water System Development.

94. This development is also subject to participation in development of future distribution system improvements in Old Clifton Road. This obligation must be formalized via the execution of an LID agreement or other acceptable instrument prior to final plat submittal.

95. Construction of water service within Kitsap County road rights-of-way requires a right-of-way permit from Kitsap County Public Works Department prior to construction. The developer is responsible for obtaining this permit prior to construction.

97. Water Hook UP: Development of the proposed project and connection to Utility System shall be completed in accordance with the City of Bremerton Department of Utilities Development and Construction Standards, APWA/DOT Specifications, AWWA Standards, and Title 15 of the Bremerton Municipal Code. Any connections to the Port Orchard Water System must be approved and permitted by the City of Port Orchard.

#### **4. DEVELOPMENT AGREEMENT FOR STORM WATER (PHASE II OF McCORMICK NORTH)**

The Hearing Examiner recommends the approval of the Development Agreement for Storm Water (Phase II of McCormick North).

#### **5. McCORMICK URBAN VILLAGE DEVELOPMENT AGREEMENT FOR TRANSPORTATION**

The Hearing Examiner recommends the approval of the Development Agreement for the McCormick Urban Village Development Agreement for Transportation.

#### **6. DEVELOPMENT AGREEMENT REGARDING OPEN SPACE, PARKS AND RECREATION**

The Hearing Examiner recommends the approval of the Development Agreement Regarding Open Space, Parks and Recreation.

#### **7. McCORMICK URBAN VILLAGE PLAN FOR OPEN SPACE, PARKS AND RECREATION.**

The Hearing Examiner recommends the approval of McCormick Urban Village Plan for Open Space, Parks and Recreation.

**DATED This 26<sup>th</sup> day of January, 2005.**

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**KEITH D. McGOFFIN  
HEARING EXAMINER PRO TEM**

**TRANSMITTED** this \_\_\_\_ day of \_\_\_\_\_, 2005, to the following:

**APPLICANT: McCormick Land Co for GEM 1 LLC (Linda Niebanck)  
4978 S.W. LAKE FLORA ROAD  
PORT ORCHARD, WA 98367**

**AGENT and ATTORNEY : ROBERT D. JOHN  
CYPRESS BUILDING  
1500 114<sup>TH</sup> AVE SE, SUITE 102  
BELLEVUE, WA 98004**

**ATTORNEY FOR KITSAP COUNTY: LISA NICHOL  
DEPUTY PROSECUTING ATTORNEY  
614 DIVISION – MS 35A  
PORT ORCHARD, WA 98366-4676**

**ATTORNEY FOR SOUTH KITSAP SCHOOL DISTRICT: MARY J. URBACK  
12417 12 Street East  
Edgewood, WA 98372-1454**

**OTHERS:**

Cara Nelson  
Nathaniel Wolfcale  
20710 87<sup>th</sup> Avenue SW  
Vashon, WA 98070

Ray McGovern  
7369 Hawkstone Avenue SW  
Port Orchard, WA 98367-7631

Alison O'Sullivan  
Suquamish Tribe  
P.O. Box 498  
Suquamish, WA 98392

Tom O'Brien  
South Kitsap School District  
1962 Hoover Avenue SE  
Port Orchard, WA 98366

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7020 McCormick Woods Drive  
Port Orchard, WA 98367

Ric Leir  
1408 Palisade Blvd.  
Dupont, WA 98327

Alice Harris  
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Elist Sandra Quinn  
6412 Wexford Avenue  
Port Orchard, WA 98367

Mr. and Mrs. WM Dumar  
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Kitsap County Board of Commissioners  
Kitsap County Department of Community Development  
Kitsap County Department of Public Works  
Kitsap County Prosecutor – Civil Division  
Kitsap County Fair and Parks Division  
Bremerton-Kitsap County Health Department  
The Sun Newspaper

**Pursuant to Kitsap County Land Use and Development Procedures Chapter 21.04.120 and the Land Use Hearing Examiner Rules of Procedure, an OBJECTION to the Examiner's Decision may be filed, in this matter, in writing, with the Clerk of the Board of County Commissioners, on or before \_\_\_\_\_, 2005. Prior to the filing of an Objection, the objector shall pay the sum of TWO HUNDRED AND NO/100 DOLLARS (\$200.00) to the Department of Community Development.**