



KITSAP COUNTY DEPARTMENT OF COMMUNITY DEVELOPMENT

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Cindy Baker, Director

STAFF REPORT AND RECOMMENDATION TO THE HEARING EXAMINER

Date: November 9, 2004

Application Date: June 24, 2004

Project: McCormick North Master Plan: Phase I & II
McCormick North Preliminary Plat: Phase I & II
McCormick Urban Village Open Space, Parks, & Recreation Plan
Developer's Agreements

Application Number: 04 18788 Master Plan
04 18781 Preliminary Plat
04 18785 SDAP Developer's Agreement

Associated Permits: 04 16147 Master Plan Phase I Scoping
04 14867 Master Plan Phase II Scoping

Request:

McCormick Land Company an agent for GEM1, LLC, is requesting to Master Plan approximately 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. This application was submitted concurrently with the Master Plan Application as required by Kitsap County Code. The Phase I also includes an approximately 65 acre public open space and active park site. The 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, such as roads and stormwater management.

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 net density of 5.9 dwelling units per acre. The request also includes a 5.39-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 0.43 acres.

Additionally, the proposed plat request includes a 65.33- acre Tract P that encompasses a critical area open space/recreation 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 improvement needs and an implementation program to support full build-out of the McCormick Urban Village.

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

The Site Development Activity Permit (SDAP) and developer's agreements identify the legal and financial responsibility associated with the proposed improvements.

Project Location

The properties are located in South Kitsap County, southwest of the City of Port Orchard and southeast of the Sunnyslope area within Section 4 and 5, Township 25N, Range 1E Willamette Meridian, in South Kitsap County, Commissioner District #2.

The South Kitsap Urban Growth Area (UGA) / Utility Local Improvement District (ULID) #6 Sub Area also known as McCormick Urban Village encompasses approximately 2,384 acres and is generally located immediately adjacent and to the south of a portion of the City of Bremerton, and to the west in proximity to the City of Port Orchard.

The McCormick North Master Plan Phase I and Phase II property is located on the north side of Old Clifton Road and borders on the west side of Anderson Hill Road.

The McCormick North Preliminary Plat Phase I and Phase II includes a 186-acre site located north of Old Clifton Road. The parcel boundaries abut Old Clifton Road to the south and Anderson Hill Road to the east. Undeveloped parcels abut the north property boundary, and the east boundary is located east of the intersection of Old Clifton Road and Feigley Roads.

Decision Process

The applicant has submitted eight different applications which, if processed separately under KCC Chapter 21.04 ("Kitsap County Land Use and Development Procedure's Ordinance"), would be reviewed and approved by various entities, including the Director of DCD, the Hearing Examiner, and the Board of County Commissioners ("Board"). Since KCC Chapter 21.04 allows the County to classify development applications, the Board would review the applications if appealed. It is appropriate to streamline the process to eliminate the potential for confusion and procedural complications. Accordingly, Kitsap County, McCormick Land Company and the South Kitsap School District, have agreed to a process whereby each application is reviewed together, first by DCD with recommendations to the Hearing Examiner, next by the Hearing Examiner with an open record public hearing and recommendations to the Board, and then by the Board for final review and approval. See Agreement attached as Exhibit 103.

Applicant Information

Applicant:

McCormick Land Company
4978 S.W. Lake Flora Road
Port Orchard, WA 98367
(360) 876-3395

Geotechnical Engineer:

Terra & Associates, Inc.
12525 Willows Road, Suite 101
Kirkland, WA 98034
(425) 489-0790

Engineer:

Hugh G. Goldsmith & Associates,
P.O. Box 3565
Bellevue, WA 98009
(425) 462- 1080

Wetland Biologist:

Jon K. Dueker
15612 158th Avenue NE
Woodinville, WA 98072
(425) 489-0790

Architect/Planner:

Hackworth Architecture & Planning
1932 First Avenue
Seattle, WA 98101
(206) 443-1181

Landscape Architect:

The Berger Partnership
1721 Eight Avenue North
Seattle, WA 98109
(260) 325-6877

Traffic Engineer:

The Transpo Group
11730 118th N.E.
Kirkland, WA 98034
(425) 821-3665

Owner of Record
GEM1, LLC
8950 Cal Center Drive
Suite 201
Sacramento, CA 95826
(916) 362-8844

Assessor's Accounts:

McCormick North

Parcel Numbers:

042301-3-003-2005
042301-4-024-2008
052301-2-012-2005
052301-2-021-2004
052301-2-022-2003
052301-2-023-2002
052301-2-024-2001
052301-3-024-2002
052301-3-022-2001
052301-3-023-2000
052301-3-024-2009
052301-4-013-2000
052301-4-014-2009
052301-4-015-2008
052301-4-016-2007
052301-4-017-2006
052301-4-018-2005

Master Plan Phase 1:

042301-3-003-2005
042301-4-024-2008

Master Plan Phase 2:

052301-3-022-2001
052301-3-021-2002
052301-3-024-2009
052301-3-023-2000
052301-2-024-2001
052301-2-023-2002
052301-2-022-2003
052301-2-021-2004

Preliminary Plat Phase 1:

042301-3-003-2005
042301-4-024-2008

Preliminary Plat Phase 2:

052301-3-022-2001
052301-3-021-2002
052301-3-024-2009
052301-3-023-2000
052301-2-024-2001
052301-2-023-2002
052301-2-022-2003
052301-2-021-2004

McCormick Woods

Existing PUD (approved 1987)

McCormick West

Parcel Numbers:

082301-1-010-2006
082301-1-013-2003
082301-1-014-2002
082301-2-003-2003
172301-2-002-2003
172301-2-003-2002
172301-2-004-2001
172301-2-005-2000
172301-2-006-2009
172301-2-007-2008
172301-3-004-2009

SEPA Status

Pursuant to WAC 197-11-340, a Determination of Significance and Adoption of Existing Environmental Document was signed by the Responsible Official on October 21, 2004 adopting the final Supplemental EIS for the South Kitsap UGA/ULID #6 Sub-Area Plan. A draft Supplemental Environmental Impact Statement (EIS) for the Draft South Kitsap UGA/ULID #6 Sub-Area Plan was issued on October 26, 2001, as an integrated SEPA/GMA document phased environmental review under WAC 197-11-060(5). The final Supplemental EIS for the South Kitsap UGA/ULID #6 Sub-Area Plan was issued on January 9, 2002.

Existing information presented by the applicant for SEPA:

1986 – EIS for McCormick Woods and McCormick Woods Golf Course

1991 – Geotechnical Services – Project B-7845, for Campus Station (12 copies submitted to DCD 2/4/04)

1993 -- EIS Statement for McCormick Campus Station PUD, March 1992 (12 copies of Volume 2, Appendix A-E submitted to DCD on 2/4/04)

1995 – Addendum to EIS for McCormick Campus Station, September 1995

1998 – SEIS for Conference Center at McCormick Woods

2001 – DSEIS for ULID#6 Plan, dated October 26, 2001 with Appendix (Useful for detailed studies leading to FEIS; not available on web, 12 copies submitted to DCD on 2/4/04.)

2003 – FSEIS for ULID#6 Plan

http://www.kitsapgov.com/dcd/cpam/2003amend/ulid6_final_sub-area_plan_120803.pdf

Traffic and Access

Traffic

The applicant submitted in the original documents, a transportation package including a comprehensive McCormick Urban Village Transportation Plan, a Phasing Plan, a traffic impact analysis for each Master Plan phase, a proposal for Independent Roads Impact Fee, detailed plans for road improvements for Master Plan Phase I and Phase II, Transportation Concurrency Certificates for the Urban Village build-out, and a draft Transportation Mitigation Agreement.

The submitted Transportation plan defined transportation improvement needs and an implementation program to support full built-out of the McCormick Urban Village. The transportation plan was prepared pursuant to the requirements of KCC 17.428.060(6) and in compliance with the South Kitsap UGA/ULID #6 Sub-Area Plan.

In addition to identifying transportation improvement needs, the Transportation Plan presented an initial program for phasing improvements based upon a conceptual development phasing strategy. The transportation plan also included

a proposed program for funding the needed transportation system and project based improvements through modification of the Kitsap County Roads Impact Fee.

The Kitsap County Public Works Department reviewed the transportation package and failed to reach agreement with the applicant's transportation analysis methodology, allocation of traffic volume, distribution patterns of traffic movements, and specific improvements inclusion as a system-based improvement or a project generated improvement. Additional negotiation and resubmittal of documentation ensued throughout the project review period to attempt to arrive at conditions that would satisfy the transportation improvements identified and required within the South Kitsap UGA/ULID #6 Sub Area Draft Supplemental Environmental Impact Statement (See Exhibit 87) and Kitsap County Code (KCC). The Kitsap County Public Works Department also was at an impasse regarding acceptance of the proposal for Independent Roads Impact Fee.

On November 4, 2004 (See Exhibit 100), the applicant submitted a letter withdrawing the proposal for Independent Roads Impact Fee, the accompanying transportation mitigation agreements, and the Concurrency Certificates for the complete Urban Village build-out. The letter also indicated that the components of the submitted transportation package would serve to satisfy the requirements of KCC 17.428.060(6) and were in compliance with the South UGA/ULID #6 Sub Area Plan and that new independent Concurrency Certificates were requested for the McCormick North Master Plan Phase I and Phase II.

At the request of the applicant, Kitsap County Staff has agreed to withdraw the proposal for Independent Roads Impact Fee, the accompanying transportation mitigation agreements for transportation, and the Concurrency Certificates for the complete Urban Village build-out in the interest of moving the project forward to public hearing.

Existing Information:

1. McCormick Campus Station Planned Unit Development – Draft Environmental Impact Statement, Volume 2 – Traffic Impact Analysis, March 13, 1992
2. Draft South Kitsap UGA / GMA Document and Draft Supplemental Environmental Impact State (An Integrated SEPA/GMA Document) Chapter 3.4.2 Transportation, Issued: October 26, 2001
3. Draft South Kitsap UGA/ULID #6 Sub-Area Plan Appendix H, The Transpo Group – Individual Turning Movement Volumes on Transportation Analysis Study Area Roadways, September 2001
4. McCormick North Master Plan – Transportation Analysis, The Transpo Group, February 25, 2004

New Information

5. McCormick Urban Village Transportation Plan, McCormick Land Company, Revised October 19, 2004, including:
6. Transportation Impact Analysis(TIA) for Master Plan Phase I and Phase II, The Transpo Group, Revised October 27, 2004.
7. McCormick Urban Village Phasing Plan, The McCormick Land Company, June 24, 2004.
8. Detailed Plans for Road Improvements for Preliminary Plat Phase I and II, Goldsmith & Associates, Revised October 19, 2004

Withdrawn Information

9. Independent Roads Impact Fee Proposal, The McCormick Land Company, Submitted June 24, 2004, and Withdrawn November 4, 2004.
10. McCormick Urban Village Mitigation Agreement for Transportation, The McCormick Land Company, Revised October 1, 2004, Withdrawn November 4, 2004
11. Concurrency Certificate for full build-out of Urban Village, Submitted June 23, 2004, Withdrawn November 4, 2004.

Access

The access for the Preliminary Plat Phase I and Phase II is from Old Clifton Road and Anderson Hill Road which are classified by Kitsap County Public Works as a urban collector arterial. The applicant will be required to provide proof of adequate site distance for the plat access roads. The interior roads are proposed to have sidewalks on both sides.

Master Plan Phase I and II utilizes Old Clifton Road as the primary arterial connection between the McCormick Urban Village and the regional transportation system. Old Clifton Road is an east-west corridor. It currently has two travel lanes, with turn lanes at some intersections. Some of the McCormick North Master Plan area will access Old Clifton Road from existing streets, including Anderson Hill Road and Feigley Road. Old Clifton Road provides connections to the east to Tremont Street, which connects to the City of Port Orchard and to SR-16. To the west, Old Clifton Road connects Sunnyslope Road and SR-3.

Anderson Hill Road is a north-south, urban collector arterial north of Old Clifton Road. It is located on the east side of the Master Plan. Anderson Hill road provides ingress into the Master Plan from a right turn only access at SR-16 which allows access from areas north and east. Anderson Hill Road has two travel lanes and unpaved shoulders. A stop sign provides traffic control at the approach of Anderson Hill Road to Old Clifton Road.

Feigley Road is a north-south route located north of Old Clifton Road. It is located on the west side of the Master Plan. Feigley Road provides ingress into the Master Plan from a right turn only access at SR-16 in Gorst which allows

access from areas to the north. Feigley Road has two travel lanes and no shoulders. A stop sign provides traffic control at the approach of Feigley Road to Old Clifton Road.

Off-Street Parking

Within the Preliminary Plat Phase I and Phase II, the applicant proposes to provide two off-street parking spaces per lot, as required by KCC 17.435, Off Street Parking. The interior roads are to be at least 28 feet wide. This may provide for additional parking on one side of the street as shown on Exhibit 81. The Fire Marshal will require "No Parking" signs to be installed on one side of the street if the road is at least 28 feet wide.

Physical Characteristics

The proposed 186 acre area for Master Plan Phase I and Preliminary Plat Phase I and Phase II is comprised of three plateaus or "fingers" divided by the swales and ravines of the east and west forks of Anderson Creek. The plateaus slope relatively gently towards the ravines. The property is undeveloped, and is covered primarily by forest understory vegetation, some small stands of fir and some dense stands of young alder.

The 160-acre subject parcel for Master Plan Phase II is comprised of eight parcels of approximately 20 acres each, grouped in a line running north and south. The southern two-thirds of the site has a gentle rolling terrain. The center of the site has three small wetlands. The northern forty acres are characterized primarily by steep ravines and streams. The property is undeveloped, and is covered by second growth conifer forest.

Comprehensive Plan and Zoning Designations

The McCormick North Master Plan is within the South Kitsap UGA/ULID #6 Sub-Area Plan. This plan is functionally part of the Kitsap County Comprehensive Plan. It represents a more detailed plan for lands within the boundaries of Utility Local Improvement District #6 (ULID#6). The ULID #6 area encompasses land within the current limits of the South Kitsap Urban Growth Area (UGA) (i.e., the McCormick Woods and McCormick North areas).

Preliminary Plat Zoning Designations

The parcels within the preliminary plat are designated Urban Cluster Residential (UCR) within the UGA / ULID #6 Sub-Area Master Plan adopted on December 8, 2003.

Urban Cluster Residential - minimum five/maximum nine dwelling units per net developable acre. This designation allows a combination of single-family, townhouse, multi-family, and zero lot line development. The purpose of the designation is to encourage clustering of appropriate residential densities in areas most suitable for such development, while simultaneously providing a high

level of protection for wetlands, streams, and wildlife habitat areas, including areas that will help maintain the vitality of salmonid habitat.

Development in the UCR designation should include design and construction of an interconnected system of pedestrian and bicycle trails linking residential areas, transportation corridors and retail and employment opportunities, both within and without the zone.

Maximum allowed residential units for the entire Sub-Area is 4,172.

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| Minimum Lot Sizes: | None |
| Minimum Setbacks For Single Family, Townhouse, & Duplex | Front yard = 10 feet Rear yard = 5 feet* Side yard = 5 feet* |
| | * Zero-lot line developments may be approved with zero setbacks within the UCR zone. |

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| Minimum Setbacks For Multi-Family | 0 feet Front yard if the opposite side of the street front is a residential use, no setback if the opposite side of the street is a non-residential use. Side yard = 5 feet Rear yard = 5 feet |
| Maximum Height: | 35 feet |

Surrounding Land Use and Zoning

The existing land use in the surrounding area is a mix of rural residences and undeveloped properties. To the south is the McCormick Woods PUD which has been developed with a golf course and has approximately 600 single-family residences, and is permitted for a total of 1139. McCormick Woods is included in the South Kitsap UGA/ULID#6 Sub-Area. The neighboring parcels to the west of the plat are also in the ULID #6 and are zoned Business Park and Urban Village Center.

The zoning to the east of the subject parcels is Urban Reserve which allows one dwelling per 10 acres. When urban services become available, the densities of those parcels are anticipated to increase.

The land directly north of the subject parcels is within the jurisdiction of the City of Bremerton and is not within the ULID #6. This area has been approved by the City for a mix of office park and residential uses. The land has been logged but remains vacant at this time.

Public Utilities and Services:

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| Water | City of Bremerton - West 580 (W580) Zone |
| Power: | Puget Sound Energy (PSE) |
| Sewer: | City of Port Orchard |

Police: Kitsap County Sheriff
Fire: Kitsap County Fire District 7
Telephone: Quest
Natural Gas: Puget Sound Energy (PSE)
Solid Waste: Brem-Air Disposal
Cable TV: Charter
Schools: South Kitsap School District No. 401

Comprehensive Plan Policies and Code Requirements Applicable to the Proposal

Policies are shown in **bold** with staff responses in *italics*.

Kitsap County Comprehensive Plan

Goals - Residential

- 1. Encourage most new growth to locate within designated Urban Growth Areas at higher densities**
- 2. Provide a variety of housing types within Urban Growth Areas to meet the housing needs of all Kitsap residents.**
- 3. Provide public services and capital facilities to support planned growth**

The UGA/ULID#6 Sub-Area Plan meets the first three of the Comprehensive Plan's Residential Goals. Through the Sub-Area Plan, urban infrastructure in this UGA will be developed to support an additional 6400 (of the estimated 10,000 total) population in the South Kitsap area for the period up to 2017. The zoning has been adopted for the target densities to provide housing for this population allocation. The Sub-Area will ultimately provide up to 4172 dwelling units to meet the population demand.

The Sub-Area Plan includes a variety of housing types to meet the needs of all Kitsap residents. The residential areas are zoned Urban Cluster Residential (5-9 units per acre), Urban Medium Residential (10-18 units per acre) and Urban Village Center, with a mix of commercial and residential uses.

The McCormick North Master Plan Phases 1 and 2 area cover the Urban Cluster Residential zoned property in the planning area. The initial Preliminary Plat application (Master Plan Phase 1) is for 471 single-family residences on lots ranging from 4000 to 6000 square feet. The concept plan for the Master Plan Phase 2 is for development of up to 200 manufactured homes aimed at the retirement age community.

The infrastructure for supporting these communities is in place, or is planned for the near future. The City of Bremerton will provide water and the City of Port Orchard will provide sewer to the subject Master Plan parcels. Transportation improvements will be provided by the applicant, and Kitsap County as noted in the following discussions.

**South Kitsap Urban Growth Area / Utility Local Improvement District #6
Sub-Area Plan**

[The Department has determined that the following policies are pertinent to this Master Plan:]

Goal 1: To identify and plan, through collaborative inter-jurisdictional processes, to accommodate 6400 of the additional urban growth projected to occur in South Kitsap County for the period between 2013 to 2017.

Policy 1.3: Assure that capital facilities and levels of service do not fall below adopted standards or guidelines.

This Master Plan and the concomitant agreements for Transportation, Open Space and Parks, Public Water Supply and Public Sewerage ensure that the levels of service for the surrounding area will not be reduced.

Goal 2: To provide a planned, livable community that is an attractive place to live, work, and play.

Policy 2.3: Locate higher density uses and high density housing in areas of the ULID #6 most suitable for such uses, based on consideration of critical areas, proximity to the urban village center and location of transportation corridors.

The subject Master Plan and Preliminary Plat have concentrated the proposed housing within walking distance from the urban village center and are located on the principal transportation routes in the area. The developments provide for the minimum critical area buffers as required by Kitsap County Code.

Policy 2.5: Promote a pedestrian-friendly area so that residents and workers can walk and bike from home to work and to the urban village center.

The Preliminary Plat submitted, as part of the Master Plan Phase 1, will provide sidewalks on both sides of the streets throughout the residential developments. Pedestrian paths will connect the two neighborhoods with the proposed regional park to the west. The paths will further connect to the future urban village center. Kitsap Transit has indicated their plans to develop a transit center within the Urban Village Center, which will provide connecting service to the remainder of the transit system including the state ferries.

The Master Plan Phase 2 contains a 59-acre site proposed as a school site by the South Kitsap School District. This school site will be connected to the future

residential area to the north, and to the future urban village center, by pedestrian paths, as well as by roads.

Policy 2.7: **Ensure that each neighborhood is provided with pocket parks, natural open spaces or other types of meaningful open space for enjoyment and/or recreation.**

The applicant has set aside buffers for critical area protection as required by the Kitsap County Code. The applicant has identified a 30-acre site directly to the west of the two proposed residential development, for eventual use as a regional park. The timeframe for completion of the regional park is not known at this time.

Three pocket parks are identified in their proposed Preliminary Plat. In the Preliminary Plat-Phase 1 (the eastern portion of the plat) the applicant has identified one pocket park for the development of 271 homes. In the Preliminary Plat Phase 2, the applicant has identified two pocket parks for 200 homes. The Department has deemed that three pocket parks for the size of this development provides insufficient opportunity for recreational activity within the sites and recommends conditions of approval to mitigate this issue.

Policy 2.8: **Provide sites, as needed, for community schools.**

The applicant and the South Kitsap School District have identified a 59-acre site in the Master Plan Phase 2 area for future schools. As a concomitant agreement of this Master Plan application, the School District is seeking a Developer's Agreement to vest the storm water management for the future development of the school.

Goal 4: **To provide an appropriate mix of urban residential and commercial lands to conveniently serve the Sub-Area.**

Policy 4.4: **Develop neighborhood or pocket parks in higher density locations where the need is the greatest.**

As discussed above, the Department has deemed that the proposed pocket parks in the subject Master Plan and Preliminary Plat are insufficient for the size and intensity of the proposed development.

Goal 5: **To develop a comprehensive open space and trails system within the Sub-Area which protects the natural environment, provides passive recreational opportunities, and is designed to link neighborhoods with significant open spaces, parks, neighborhood shopping and employment areas.**

All five policies identified in the Sub-Area Plan are adequately addressed in the subject Master Plan. The long-term plans for parks, trails and open spaces identified in this specific Master Plan, and in the concomitant Open Space, Parks and Recreation Plan will serve the regional community as well as the residents. Wildlife corridors located within critical areas will be protected. Trails from Coulter Creek Heritage Park, Square Lake, Big Pond, and the Mosquito Fleet Trail will all be accessible to the subject planning area. The trails and parks of the Sub-Area are considered by County staff as some of the most desirable amenities of the overall Master Plan.

Goal 6: To assure that new urban residential and commercial development is adequately buffered from rural areas, contributes to identifiable neighborhoods, and incorporates quality building design and landscape features.

Policy 6.1: Preserve vegetative buffers between residential areas and major arterials, and between single-family and multi-family and non-residential uses.

The applicant proposes to clear an existing vegetated area that provides a buffer between the proposed residential development and Old Clifton Road. The buffer area will be graded to the elevations most consistent with the overall topography, and then will be replanted with a mix of native coniferous and deciduous trees, shrubs, and ground covers, as per the landscape design submitted by the applicant's consultant – The Berger Partnership. The Department supports that landscaping plan insofar as the plan meets all requirements of the Kitsap County Code.

Kitsap County Code

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| Chapter 11 | Roads, Highways and Bridges |
| Chapter 12 | Stormwater Drainage |
| Chapter 16.12 | Preliminary Plat |
| Chapter 17 | Zoning |
| Chapter 17.335 | Urban Cluster Residential Zone |
| Chapter 17.410 | Site Plan Review |
| Chapter 17.428 | Master Planning Requirements |
| Chapter 18 | State Environmental Policy Act /Timber Harvest |
| Chapter 19 | Critical Areas Ordinance |
| Chapter 21.04 | Land Use and Development Procedures |

**Kitsap County Code Chapter 17.335.010 Urban Cluster Residential (UCR)
Zone: Purpose**

The Urban Cluster Residential (UCR) zone is intended to encourage flexible land uses, recognizing that exact locations of uses must be based on the location of critical areas, transportation corridors, community needs and market conditions. The intent is to give flexibility to locate urban residential development in areas suitable for such uses by promoting a variety of housing choices, and to encourage affordable housing through innovative design. It allows a combination of single family, townhouse, duplex, and multiple-family housing, and zero lot line development, in order to encourage clustering of appropriate densities of residential housing in areas suitable for such development, while simultaneously providing a high level of protection for wetlands, streams and wildlife habitat areas, including areas which will help maintain the vitality of salmonid habitat. At the same time, the UCR zone should foster a development pattern that results in the design and construction of an interconnected system of pedestrian and bicycle trails and facilities linking residential neighborhoods with open spaces, recreational areas, transportation corridors and retail and employment opportunities, both within and outside the zone.

Analysis:

Review & Analysis by Local Agencies

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| Kitsap County Health District: | The Kitsap County Health District has submitted a Memorandum dated July 23, 2004, (See Exhibit 34) stating they have reviewed the proposal and recommend approval subject to the conditions listed below. |
| The City of Port Orchard: | The City of Port Orchard has submitted a letter of conditional sewer availability dated April 13, 2004, (See Exhibit 28) stating they have reviewed the proposal and recommend approval subject to the conditions listed below. |
| The City of Bremerton: | The City of Bremerton has submitted a letter of conditional water availability dated March 4, 2004, (See Exhibit 27) stating they have reviewed the proposal and recommend approval subject to the conditions listed below. |
| Kitsap County Development Engineering: | A memorandum dated Nov. 4th, 2004 (See Exhibit 96) states that staff has |

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| | reviewed the land use proposal and finds the concept supportable in its approach to civil site development, subject to the conditions listed below. |
| Kitsap County Fire Marshall's Office: | A memorandum dated November 4, 2004; (See Exhibit 98) recommends approval subject to the conditions listed below. |
| Kitsap County Department of Parks and Recreation | The Kitsap County Department of Parks and Recreation submitted comment letters on Sept. 14, 2004 (Exhibit 40 & 41) and have prepared a draft mitigation agreement to address the conditions of approval for the project. (Exhibit 23). |
| Suquamish Tribe: | The tribal Fisheries Biologist expresses concerns for the change in the natural hydrographic regime, water quality downstream, the cumulative effects of incremental impacts, and the increase in permeable surfaces. She recommends encouraging low impact rural land use, and more specific mitigation for storm water and impervious surface impacts. (See Exhibit 48) |
| South Kitsap School District Number 402 | The South Kitsap School District Number 402 submitted comment letters on August 16, 2004 (Exhibit 37) and has prepared a draft mitigation agreement to address the conditions of approval for the project. (Exhibit 70). |

Public Comments Received to Date:

In a email received by Kitsap County DCD on September 27, 2004, Mr. Mike McCudden, an owner within the existing McCormick Woods development expressed concerns regarding adequate wetland and stream delineations and the completeness of the technical analysis provided with the project application. In a subsequent meeting on October 26, 2004, Kitsap County staff met with Mr. McCudden to review the project file and provide additional information.

The email has been made part of the record (See Exhibit 91).

Land Use Regulation:

The following section discusses the proposal's conformity to the goals and policies contained in the South Kitsap Urban Growth Area / Utility Local Improvement District #6 Sub-Area Plan.

Policies are shown in **bold** with staff responses in *italics*.

**Kitsap County Code Chapter 17.428.020 Master Planning
Requirements for the South Kitsap Area UGA/ULID#6 Sub-Area -
Purpose**

- A. To encourage the comprehensive development of land within zoning districts as a single unit while allowing multiple phased development.**
- B. To provide greater flexibility and, consequently, more creative and imaginative design than generally is possible under conventional zoning regulations. Master planning promotes more economical and efficient use of the land by providing coordination of necessary infrastructure, site amenities, and protection of open space and natural systems.**
- C. To promote more economical and efficient use of land, while providing a development that is compatible with the environmental constraints of the land, critical areas, transportation corridors, community needs and market conditions.**
- D. To encourage clustering of appropriate densities of residential housing in areas suitable for such development, while simultaneously providing a high level of protection for wetlands, streams and wildlife habitat areas.**
- E. To foster a development pattern that results in the design and construction of an interconnected system of pedestrian and bicycle trails and facilities linking residential neighborhoods with open spaces, recreational areas, transportation corridors and retail and employment opportunities.**
- F. To foster a development pattern offering direct, convenient pedestrian, bicycle, and vehicular access between residences and businesses, in order to facilitate pedestrian and bicycle travel and reduce the number and length of automobile trips.**
- G. To promote a compact growth pattern to efficiently use developable land within the unincorporated UGA, to enable the cost-effective extension of utilities, services and streets, to enable frequent and efficient transit service, and to help sustain neighborhood businesses.**
- H. To foster the development of mixed-use areas that are arranged scaled and designed to be compatible with surrounding land.**

16.24.060 Streets - Dead-end

Where necessary to give access to or permit a satisfactory future subdivision of adjoining land, streets shall be extended to the boundary of the subdivision and the resulting dead-end streets may be approved with a cul-de-sac.

16.24.160 Pedestrian ways

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

Policy 2.1 Require that internal streets make provision for non-motorized transportation opportunities, consistent with Kitsap County design standards or approved variances

Policy 2.2 Require new development within the Sub-Area to provide internal trails or paths that connect residential, neighborhood commercial, business park, and other land uses within the Sub-Area. Ensure that trails and paths provide convenient connections within the Sub-Area.

Streets And Connectivity

The proposed development includes two vehicular access tracts, Tract C and Tract E to serve residential lots at the northern most edge of the plat boundary. These access tracts provide internal vehicular access to lots within the Preliminary Plat but do not provide for interconnectivity for future development of the undeveloped parcels adjacent to the north Plat boundary. The department promotes interconnectivity between residential developments to improve circulation for area traffic and minimize approaches to main roads reducing the potential for unnecessary bottlenecks at these entrances.

Although pedestrian access and trails have been addressed in both the McCormick North Preliminary Plat and McCormick Urban Village Transportation Plan, there is a outstanding issue regarding pedestrian access to the north. The proposed development includes pedestrian improvements of sidewalks on both sides of internal streets and trail connections to the McCormick Urban Village and the McCormick Village Neighborhood Park. All Pedestrian circulation along Anderson Hill Road and Old Clifton Road is proposed to occur through the interior roadways and sidewalks within the plat, yet no pedestrian access is proposed to the north along Anderson Hill Road nor within the interior of the plat to access developments to the north.

To promote consistency with South Kitsap Sub Area Plan Transportation Policy 2.1 and 2.2 and KCC 16.24.060, the department recommends that at least one of the access tracts is converted to right of way to the north edge of the plat boundary to accommodate the future vehicular and pedestrian interconnectivity

and to provide full pedestrian access to the lots those access tracts serve (Lots 97, 98, 111, & 112).

Urban Services

The urban services for the McCormick North Master Plan and Preliminary Plat include both the City of Port Orchard and the City of Bremerton. A conflict of conditional availability for urban services has surfaced in that each municipality has conditioned provision of services upon an agreement of future annexation of the same area.

The City of Bremerton has agreed to provide water service to the area of McCormick Urban Village that is north of Old Clifton Road, including the Master Plan and Preliminary Plat areas. The City of Bremerton has provided a letter of "Conditional Water Availability" dated March 4, 2004 and on January 30, 2004 entered into an Interlocal Agreement with the City of Port Orchard regarding the efficient delivery of water services to the entire McCormick Village area. A condition of the letter includes future annexation of the McCormick North Master Plan area by the City of Bremerton. (See Exhibit 27)

The City of Port Orchard has agreed to provide wastewater collection and treatment to the South Kitsap UGA/ULID #6 Sub Area. In 2000, the City adopted a Comprehensive Sewer Plan that includes the entire Sub Area within the City's sewer service area. The City of Port Orchard has provided a letter confirming sewer availability dated April 13, 2004. A condition of that letter includes future annexation of the Sub Area by the City of Port Orchard. (See Exhibit 28).

The department has discussed the discrepancy with the applicant and has been assured that the matter is currently under negotiation and will be resolved prior to final plat approval. A condition of approval has been included in the proposal to require a notarized agreement of future annexation for one or the other municipality and a notarized agreement of exclusion from annexation from the other municipality. Staff believes that the inclusion of the condition will ensure the matter is resolved prior to final plat approval and before any development of the site.

KCC 17.110.535 Definitions: Open Space

"Open space" shall mean land used for outdoor active and passive recreational purposes or for critical area or resource land protection, including structures incidental to these open space uses, including associated buffers, but excluding land occupied by dwellings or impervious surfaces not related to the open space uses and yards required by this title for such dwellings or impervious surfaces. "Open space" is further divided into the following categories:

A. "Common open space" shall mean space that may be used by all occupants of a development complex, or if publicly dedicated, by the general public;

B. "Active recreational open space" shall mean space that is intended to create opportunities for recreational activity. Active recreational open space may be occupied by recreational facilities such as ball fields, playground equipment, trails (pedestrian, bicycle, equestrian or multi-modal), swimming pools, and game courts or sculptures, fountains, pools, benches or other outdoor furnishings; and

C. "Passive open space" shall mean all common open space not meeting the definition of active recreational open space, including but not limited to, critical areas and their associated buffers.

Recreation Facilities

The provision of adequate recreation facilities and open space has been identified as a priority in the adoption of the Kitsap Open Space Plan (2000) and in the goals and policies of the South Kitsap UGA/ULID#6 Sub-Area Plan (Exhibit 90). The Sub Area Plan has identified a need within the entire UGA for 26 to 53 acres of regional parks, 5-10 acres of new local parks, and 26 to 52 acres of open space at full build-out based upon anticipated population.

Definitions of open space, both active recreational open space and passive open space is provided in Kitsap County Code Section 17.110.535.

The McCormick Urban Village Open Space, Parks and Recreation Plan identifies the McCormick Village park as a mixed open space and active recreation park that is a central gathering place for the Village residents which is to be adopted by the Kitsap County Board Of County Commissioners and will contribute to the Sub-Area Plan goal of 26-53 acres of new regional parks. The proposed McCormick North Preliminary Plat identifies Tract P (65.33 acres) as the future McCormick Village Park site, located on the north side of Old Clifton Road and on the west edge of the preliminary plat Phase II. The proposed tract and preliminary concept plan have been provided in the McCormick Urban Village Open Space, Parks and Recreation Plan (Exhibit 23).

In addition to the dedication of the McCormick Village park Tract P, the proposed McCormick North Preliminary Plat contributes a total of 2.07 acres of active recreation within three pocket parks; Tract B of 1.37 acres, Tract O of 0.43 acres, and Tract Q of 0.27 acres. The proposed recreation facilities provided a total of one, 1.37-acre pocket park for 272 homes within phase I, and a total of 0.7 acres of active recreation within two pocket parks to serve 200 homes within phase II.

KCC 17.425.040 (C)

A developed active recreation facility or facilities commensurate with the number of units/lots contained within the PBD. A "facility" shall be: a paved "sport court"; children's play area; exercise fitness trail; community garden with water service; or similar amenity.

a. 0 to 12; [n/a]

b. 13 to 49; [n/a]

- c. 50 to 79 lots/units shall provide two facilities, and there shall be an additional facility required for each additional 30 lots/units;
- d. Facilities may be located within the contiguous recreational areas;
- e. and f. [n/a]
- g. Owned in common and available for use by all residents of the PBD; and
- h. Written provisions or agreement for perpetual maintenance by the Home Owner's Association or a public agency willing to assume ownership and maintenance.

For the point of discussion regarding active recreation and the provision of "innovative" or superior site design, the proposed development may be compared with existing residential development standards, utilizing an example of a typical Performance Based Development (PBD). If the proposed McCormick North Preliminary Plat Phase I and II were to be regulated under the existing PBD design standards, a total of thirteen (13) active recreation facilities would be required for compliance with Kitsap County code.

The inclusion of convenient recreation facilities adjacent to the area of population that would most use them is identified in the Goals and Policies within the Land use element of the South Kitsap UGA/ULID#6 Sub-Area Plan.

Goal 2: To provide a planned, livable community that is an attractive place to live, work, and play.

Policy 2.7: Ensure that each neighborhood is provided with pocket parks, natural open spaces, or other types of meaningful open space for enjoyment and/or recreation.

Policy 4.4: Develop neighborhood or pocket parks in higher density locations where the need is the greatest.

Within the 346 acre McCormick North Master Plan, a minimum of five percent or 17.3 acres is required to be designated as active recreation space per KCC 17.428.070 (B)(6). The proposed development contributes a possible total of 67.40 acres or nineteen percent (19%) of the total Master Plan acreage, depending on the portion of Tract P, McCormick Village Park, that may be designated as active recreation space. The McCormick North Master Plan addresses the issue indicating that the policy is met by the provision of the McCormick Village Neighborhood Park, but it may be noted that McCormick Village Neighborhood Park would be approximately $\frac{3}{4}$ of a mile away from the easternmost lot within the Preliminary Plat Phase I.

McCormick North Preliminary Plat Phase I and II and Master Plan may meet the minimum five percent (5%) requirement of active open space as identified in KCC 17.428.070 (B)(6), but in review of standard performance based development regulations in comparison with the proposed design of the proposed development, the department feels that the provision of additional pocket parks similar to a PBD development would better meet the intent of “innovative” and superior site design as intended in KCC 17.428.090(A). Also the addition of more evenly distributed pocket parks would better satisfy Sub Area Plan Policy 4.44 to develop pocket parks where needed, given the distance required for families to utilize McCormick Village Park. The inclusion of McCormick Village Neighborhood Park may assist in satisfying the South Kitsap UGA/ULID#6 Sub-Area Plan goals of 25 to 53 acres of regional parks, but may not adequately contribute to the goals of 5 to 10 acres of local parks.

Open Space

The dedication of passive open space in the development is provided with Tract J contributing 25.98 acres to Critical Areas passive open space, combined with Tract A of 1.73 acres, and Tract D of 1.80 acres which serve as open space buffer tracts from the main roadways. The dedication of Tract P as a partial active recreation space and passive recreation space contributes to the provision of adequate open space identified in KCC 17.428.070 (B)(6) and South Kitsap UGA/ULID#6 Sub-Area Plan goals and policies.

DEVELOPMENT STANDARDS

Chapter 17.428.070. Master Plan Development standards.

The applicant has submitted a master plan that provides at least for the minimum development standards as identified in KCC Section 17.428.070. In most instances, the requirements to meet these standards are part of the Kitsap County Code, or are recommended Conditions of Approval of this application:

- 1. Clustering – the Master Plan includes residential development that provides for critical area protection and circulation characteristics.*
- 2. Circulation –the Master Plan meets the County Road Standards for traffic impact mitigation. It further provides for non-motorized transportation with pedestrian paths, transit facilities and sidewalks.*
- 3. Water and Sewer –These utilities are to be provided by the City of Bremerton and the City of Port Orchard, respectively.*
- 4. Storm Water-The applicant is required to provide storm water management that meets the standards set forth in Kitsap County Code Title 12- Storm water Management*

5. *Critical Areas-The Kitsap County Critical Areas Ordinance will apply to protection of streams, wetlands, steep slopes and other environmentally sensitive areas.*
6. *Open Space – The Open Space, Parks and Recreation Plan submitted by the applicant as part of the Master Plan provides for immediate and long term open space opportunities for the subject planning area. The application complies with the minimum standards set forth (common open space of at least 15%, and active recreation of at least 5% of the common open space). A Condition of Approval will ensure that an appropriate entity shall own and maintain the open spaces referred to in this standard.*
7. *Landscaping –Any landscaping will be required to meet the standards set forth in the Kitsap County Code 17.385*
8. *Mixed Commercial and Residential Uses – Not an element of this part of the Master Plan.*
9. *Public and Private Facilities – The applicant and the South Kitsap School District are negotiating for a 59-acre parcel at Feigley and Old Clifton Roads for a school site. Some of the McCormick North area, not part of this Master Plan application, has been zoned for commercial (urban village center) and business park. These areas will be subject to Master Planning in the future.*
10. *Parking – The Parking within the Preliminary Plat has been agreed upon by the Department and the applicant. Besides the two off-street parking spaces required for each lot by the Kitsap County Code, the applicant will provide parking on one side of the street, with appropriate signage to prohibit parking on the travel lanes within the residential development.*

Master Plan Decision Criteria per 17.428.090

An application for a Master Plan permit may be approved or approved with modifications if all of the following requirements, as further set forth in the development standards at subsection 428.070, are met:

A. The Master Plan demonstrates superior site design by incorporating the following:

1. Provisions for public facilities and/or amenities.

The Master Plan includes a provision for a 59-acre school site for the South Kitsap School District. Other amenities include open space, parks, and trails.

2. Clustering of development, as applicable.

The Master Plan concept is based on clustering of development on the most environmentally appropriate sites.

3. Innovative site design that complies with the development and design standards of the Master Plan and underlying zoning code.

There is no definition of "innovative site design" in the Code or any supporting documentation. Staff considers that the overall plan for the UGA/ULID # 6 Sub-Area is innovative, in that a variety of housing and a mix of land uses is proposed for later developments within the UGA. The McCormick North Master Plan Phase 1 and 2 and the Preliminary Plat Phase 1 and 2 as submitted by the applicant are not representative of innovative site design, in the opinion of the Department's Planning Staff. With the approval of the conditions listed below, the Department has determined that the proposal can be considered an innovative site design.

4. Preservation of critical areas, resource areas, and natural features.

The Master Plan meets the minimum requirements in the Critical Areas Ordinance for protection of the streams and wetlands on the subject parcels.

5. Provision for a coordinated, comprehensive, interconnected, and integrated system of parks, open spaces and recreational areas.

The applicant and the Kitsap County Parks Department have completed the Open Space, Parks, and Recreation Plan which is a design for a series of interconnected trails and parks for phased implementation as part of the ULID #6 Sub-Area Plan. One of the regional parks identified in the plan is a 30-acre parcel located within the Master Plan Phase 1.

6. Placement of structures, circulation systems and utilities that minimizes impervious surface and alteration of the land and also responds to physical characteristics of the property.

The ULID #6 Sub-Area Plan minimizes the creation of impervious areas by clustering development where it is appropriate, and by providing commercial and business park opportunities within walking distance from residential areas. Because the Department requires urban amenities such as sidewalks and adequate parking this Master Plan element of the Sub-Area Plan does not specifically utilize many low impact techniques commonly used in some developments, and somewhat conflicts with the low impact development techniques.

7. Site design that reduces dependency on automobiles by providing for pedestrian, bicycle and transit uses.

The Master Plan includes an integrated multi-modal transportation plan which encourages pedestrian and bicycle access within and outside the Master Plan area.

B. The Master Plan with each of the applicable design criteria contained in Sections 351 and 354, as applicable, which address site orientation, building size, scale, and mass, landscaping, fences, signage, lighting, and any other adopted design criteria for Urban Center, Multi-family, and Business Park development.

This element is not applicable to this Master Plan. It addresses commercial and multi-family development, and this is strictly a single-family residential proposal.

C. If occurring within the Urban Village Center (UVC) zoning district, the Master Plan provides adequate mixing of commercial and residential uses consistent with requirements and densities proposed for the zone.

The subject proposal does not occur in the Urban Village Center.

D. Adequate public service is available, including access roads, fire and storm drainage. Approval of the Master Plan should not reduce existing public levels of service for surrounding properties below acceptable levels without mitigation measures.

With the recommended conditions of approval there will be adequate public services including water, sewer, roads, fire protection, and stormwater management. With the recommended conditions of approval the levels of service for the surrounding properties will not be reduced.

E. The Master Plan is consistent with the goals and policies of the comprehensive plan and the ULID #6 Sub-Area Plan.

The Master Plan, complies the pertinent goals and policies of the Sub-Area Plan.

F. The Master Plan complies with all other applicable codes and policies of the County.

The Master Plan complies with all the Kitsap County Codes identified above.

G. If development of the Master Plan will be phased, each phase of a proposed development must contain adequate infrastructure, open space, recreational facilities, landscaping, and all other conditions of

the Master Plan to stand alone if no other subsequent phases are developed.

The Master Plan includes a phasing plan as required. The Phasing Plan includes a schedule for development of infrastructure, including open space, roads, and pedestrian paths.

H. The Master Plan sets forth the terms, conditions, covenants, and agreements regarding the intended development and terms, conditions, covenants, and agreements under which the property is bound.

The Department has listed recommended conditions for the Master Plan Phases 1 and 2 and the Preliminary Plat Phases 1 and 2, to ensure that the development meets all Code and Development Regulations, and further reflects agreements between the applicant and the Department for implementation of actions not specified in the regulations.

The applicant and the Kitsap County Parks Department have developed a Mitigation Agreement for Open Space, Parks, and Recreation. The Mitigation Agreement is an element of this Master Plan proposal.

I. If no other reasonable conditions or modifications can be imposed to ensure the application meets the criteria set forth above, then the application shall be denied.

The Department has determined that the recommended Conditions of Approval ensure that the application meets the criteria set forth in the Decision Criteria, Chapter 17.428.090. No other conditions are necessary.

Findings:

The applicant's proposal meets the requirements for zoning and development regulations, pursuant to Kitsap County Code Chapters 16.12 Preliminary Plat. The applicant has submitted a preliminary plat drawing which meets the land division, subdivision regulations.

The applicant has met the requirements for KCC Chapter 17.355.010 Urban Cluster Residential Zone. The proposed use of Single Family Residential is a permitted use within the UCR zone.

The previous section, entitled "analysis" contains conclusions germane to the applications, including conclusions about specific conditions of approval that are necessary to make the proposed preliminary plat compatible with the proposed McCormick North Master Plan and compatible with the goals and policies of the South Kitsap UGA/ULID #6 Sub-Area Plan. Concurrent approval of the preliminary plat with the McCormick North Master Plan would bring this project in compliance with the master plan provision of the UCR zone.

Recommendation:

Based upon the above findings, the Director recommends that the Hearing Examiner recommend APPROVAL of McCormick North Master Plan Phase I and Phase II and the McCormick North Preliminary Plat Phase I and Phase II, subject to the following conditions of approval:

Fire

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 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 an emergency vehicle Knox Box 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.

4. A gate, bollards, or similar device limiting private motorized access and a emergency vehicle Knox Box 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.

Kitsap County Health

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.
7. Sewered Building Clearances are required from the Health District for each lot prior to the issuance of Building Permits.

Land Use

8. All development within the boundaries of the Master Plan for Phases I and 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.
11. All conditions of approval of the preliminary plat shall be recorded on the face of 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 shall be provided for the entire development consistent with KCC 17.428.070 and KCC 17.385
14. A cross section of the proposed mounding of the open space/recreation landscaped buffer adjacent to Old Clifton Road and Anderson Hill Road as depicted on Exhibit 79, shall be shown on Sheet 25 of Exhibit 84 and upon the final plat documents.
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.
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. Revised Sheet L-1 date stamped received on October 28, 2004 of Exhibit 84 and final documents submitted for final plat approval shall comply with provisions set forth in KCC 17.385.020
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 Lot 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 driveways.
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. A trailhead information board shall be provided at the intersection of the trail with Old Clifton Road.
31. Trailhead signage shall be provided at the intersection of the trail with Road L between Lots 393 and Lot 394, between Lot 373 and 374, and between Lot 346 and the northern boundary of the plat.
32. Trailhead signage shall be provided at the intersection of the trail with Road K, between Lots 146 and Lot 147.
33. Trailhead signage shall be provided 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.

34. Trailhead signage shall be provided at the intersection of the trail with Road L at the entrance to the Preliminary Plat Phase 2.
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 as shown in 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 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.
42. The applicant shall provide a 25 foot vegetated buffer between the residential development and Anderson Hill Road.
43. The applicant shall replant all buffers 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 three years.
44. The Final McCormick Village Neighborhood Park Plan for the regional park designated within Tract P shall be completed prior to issuance of certificate of occupancy for the 250th unit for Preliminary Plat Phase I and II.
- 44a. If construction of the McCormick Village Neighborhood Park, designated within Tract P is not completed prior to January 1st, 2009, then no further building permits will be issued for the South Kitsap UGA/ULID #6 Sub Area until such time that the McCormick Village Neighborhood Park construction is complete.

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 A. 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 issuance of the 250th Certificate of Occupancy for the homes in the Master Plan Phase 1 development.
46. The applicant shall revise the Preliminary Plat site plan received on October 28, 2004 to remove the word "Recreation" from the titles of Tract A and Tract D to read "Open Space Tract A" and "Open Space Tract D", respectively.

Stormwater

47. Storm water quantity control, quality treatment, and erosion and sedimentation control shall be designed in accordance with Kitsap County Code Title 12.
48. Any work to be done below the ordinary high water mark will require a Hydraulic Project Approval (HPA) permit from the Washington Department of Fish and Wildlife. This permit is required prior to issuance of the SDAP.
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.
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.
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.
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.
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 indicates 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) 407-6437. 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 an impermeable liner.

Traffic and Roads

59. Roads to be dedicated to the county shall be designed in accordance with Kitsap County Code Title 11.
60. A Traffic Impact Analysis will be required with land use applications for all future development within Phase 2 of the Master Plan. 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.
62. At Building Permit application, submit (KCPW Form 1601) for issuance of a Concurrency Certificate, as required by KCC section 20.04.030 Transportation Concurrency.
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 requirements of the Fire Marshal 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.
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 Americans 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.

68. Any required sidewalk shall be constructed prior to roadway paving. This note shall appear on the face of the final construction drawings.
69. The developer's engineer shall certify that there is adequate entering sight distance at all approaches along Old Clifton and Anderson Hill Roads. 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. As identified in the Traffic Impact Analysis completed by Transpo, dated September 29, 2004, (See Exhibit 23) 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 1 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 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 prior to the issuance of any building permits within the eastern plat.
71. The applicant shall covenant to pay 100% toward the design and construction of a traffic signal at the intersection of Old Clifton Road and Anderson Hill Road. This is listed as one of the recommended mitigation measures in the Traffic Impact Analysis completed by Transpo, dated September 29, 2004 (See Exhibit 23). This improvement is not a part of the current Kitsap County 6-year Traffic Improvement Plan. Construction of the signal shall be completed at such time as the County Road Engineer deems necessary. This covenant to participate is considered SEPA mitigation and shall be executed and recorded in a form acceptable to the County prior to issuance of the Site Development Activity Permit.
72. As identified in the Traffic Impact Analysis by Transpo, dated September 29, 2004, (See Exhibit 23) the applicant shall covenant to contribute their proportionate share to WSDOT for the future improvements at the intersections of Old Clifton and the SR-16 Southbound and Northbound ramps. The proportionate share is based on the trip generation from plat in proportion to existing traffic volumes. The proportionate share for the Southbound ramp shall be 7.3% and the proportionate share for the Northbound ramp shall be 5.6%. This is SEPA mitigation for the Phase I McCormick North Plat.

73. Old Clifton Road is listed in the Kitsap County Bicycle Facilities Plan (KCBFP). The applicant shall improve the shoulder along the frontage of the McCormick North Plat on Old Clifton Road with a 5-foot asphalt bike lane and an additional 3-foot gravel shoulder, which is consistent with the design guidelines of the KCBFP for a non-curbed road section. The 8-foot shoulder is also consistent with Title 11 of the KCC for an Arterial 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.

Sewer

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. AI). These improvements are the responsibility of the developer and / or 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 developers 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 of 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.

Survey

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) shall be established, reviewed, approved and recorded with the Final Plat. The CC&R's must ensure the perpetual maintenance of storm drainage facilities, private roads, recreational facilities, common open space and any required by buffer plantings.

89. An additional 10-feet shall be provided on each side of all streets for utility easements.
90. The right-of-way for proposed Road "C" or "D" as shown on McCormick North Plat shall be extended to the northern boundary of the plat to provide for future connectivity.
91. For the McCormick North Plat, deed or dedicate 25 feet of right-of-way abutting the north margin of Old Clifton Road. Development Engineering shall approve all right-of-way deeds prior to recording.

Water

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, Washington. 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.

97. Water Hook Up: Development of the proposed project and connection to the 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 connection to the Port Orchard Water System must be approved and permitted by the City of Port Orchard.

Distribution

Applicant:
McCormick Land Company
4978 S.W. Lake Flora Road
Port Orchard, WA 98367

Owner of Record:
GEM1, LLC
8950 Cal Center Drive, Suite 201
Sacramento, CA 95826
(916) 362-8844

Engineer:
Hugh G. Goldsmith & Associates, Inc.
P.O. Box 3565
Bellevue, WA 98009

Interested Parties of Record:

Ray McGovern 7369 Hawkstone Ave. SW, Port Orchard, WA 98367
Mary Urback, 12417 12th Street E, Edgewood WA 98372
Mike McCuddin 6505 Wexford AVE, Port Orchard, WA 98367
DCD Planning Staff: Rick McNicholas
DCD Planning Staff: James Weaver
DCD Planning Staff: Rick Kimball
DCD Development Engineering Staff: Bill Edwards, P.E.
Public Works Staff: Greg Cioc
Public Works Staff: Dave Smith
Kitsap County Parks – Joseph Coppo
Suquamish Tribe
Washington Department of Fisheries
South Kitsap School District - Tom O'Brien, 1650 SE. Cedar Road, Port Orchard
WA 98366
City of Port Orchard - Glynis Casey
City of Port Orchard - Alan Lobdell
City of Bremerton – Water Utility
Karcher Creek Sewer District