



KITSAP COUNTY DEPARTMENT OF COMMUNITY DEVELOPMENT

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LARRY KEETON, DIRECTOR

STAFF REPORT and INFORMATION FOR THE HEARING EXAMINER

Report Date: March 2, 2016

Application Submittal Date: June 29, 2015

Hearing Date: March 10, 2016

Application Complete Date: June 29, 2015

Project: Hogan Heights Preliminary Subdivision

This staff report was prepared by Meg Sands, Planner, Lisa Lewis, Environmental Planner, and Candy Mursell, Development Engineering Specialist, based on information available up until the time the report was prepared. New information relevant to review of this application may become available prior to the hearing or at the hearing. Staff may wish to change their analysis based upon that new information, and reserves the right to do so.

Project Summary:

The Department is recommending approval, with 63 conditions, of the applicant's request for a Preliminary Subdivision to subdivide 10 acres into 61 single-family residential lots. The proposal is for a 2-phase development: Phase 1, which consists of 29 lots, construction of the main entrance and portions of Road A including 2 temporary cul-de-sacs, Road B and retaining walls, installation of the stormwater facility, recreation facility and 25 on-street parking spaces; Phase 2, which consists of 32 lots, construction of the remaining portions of Road A, 14 on-street parking spaces, and removal of the temporary cul-de-sacs. The 2 separate 5-acre parcels are both zoned Urban Low Residential (UL). The project will be served by public sewer and water. The property is located on the north side of NW Hogan Lane, less than a quarter mile west of Nels Nelson Road NW.

Application Number: 15 02528

Type of Application: Preliminary Subdivision

Project Request:

The applicant requests preliminary subdivision approval to subdivide 10 acres consisting of 2 separate 5-acre parcels into 61 lots; each lot to be developed with a detached single-family residence and attached garage. Phase 1 is 6.21-acres and 29 single-family residential lots; Phase 2 is 3.79-acres and 32 single-family residential lots.

Project Location:

The project area is located north of State Highway 303 (Waaga Way), west of Nels Nelson Road, approximately a third of a mile north of the intersection of NE Waaga Way and Nels Nelson Road NW on the north side of Hogan Lane, between 950 and 1275 NW Hogan Lane in Bremerton, Washington.
Central Kitsap County

Assessor's Account #:

152501-3-004-2009
152501-3-005-2008

Applicant/Owner of Record:

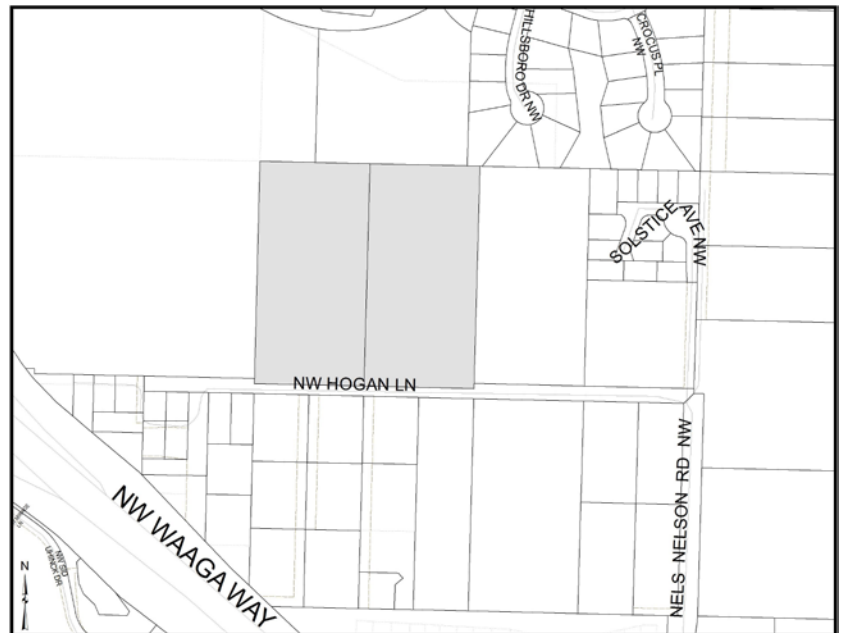
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Silverdale, WA 98383

Surveyor:

John D. Kieffer, PLS
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State Environmental Policy Act (SEPA) Status:

The State Environmental Policy Act (SEPA), found in Chapter 43.21C RCW (Revised Code of Washington), is a state law that requires the County to conduct an environmental impact review of any action that might have a significant, adverse impact on the environment. The review includes the completion of an Environmental Checklist by the applicant (Exhibit 4), and a review of that checklist by the County. If it is determined that there will be environmental impacts, conditions are imposed upon the applicant to mitigate those impacts below the threshold of "major" environmental impacts. If the impacts cannot be mitigated, an environmental impact statement (EIS) must be prepared. The decision following environmental review, which may result in a Determination of Nonsignificance (DNS), Mitigated DNS, or the necessity for an EIS is called a threshold determination. A separate notice of the threshold determination is given by the County. If it is not appealed, it becomes part of the hearing record as it was issued, since it cannot be changed by the Hearing Examiner.

Pursuant to WAC 197-11-355, the optional DNS process was utilized for this project. The SEPA comment period previously occurred concurrent with the Notice of Application dated July 6, 2016 (Exhibit 20). A Mitigated Determination of Nonsignificance (MDNS) was issued

February 11, 2016 (Exhibit 27). The MDNS noted the following SEPA mitigation measures: The project will be conditioned for road frontage improvements from Nels Nelson Road NW on NW Hogan Lane westward to the farthest west property line of the project. The project will be conditioned for stormwater control pursuant to KCC Title 12.

Resultant conditions have been imposed and are listed under conditions 50 and 28 at the end of this report.

The SEPA appeal period expired February 25, 2016. No appeals were filed; therefore, the SEPA determination is final.

Property Characteristics:

The 2 rectangular 5-acre parcels are currently undeveloped and forested with a mix of coniferous and deciduous trees. The project area slopes from the northwest corner downward towards the southeast corner. The Kitsap County critical areas map shows a Type N (non-fish habitat) stream bisecting the property from the north to the east (Exhibit 15). However, the Washington State Department of Natural Resources (DNR) evaluated a request from the applicant and concurred that there was no stream crossing the subject properties (Exhibit 7). There are no known critical areas such as streams, wetlands or steep slopes located on the project area. The southeast corner of the project area lies within a Category I Critical Aquifer Recharge Area (Exhibit 16).

Comprehensive Plan and Zoning Designations:

The Comprehensive Plan designation is Urban Low-Density Residential (Exhibit 13) and the Zoning designation is Urban Low Residential (UL, Exhibit 14).

Minimum Density = 5 dwelling units/acre
Base/Maximum Density = 9 dwelling units/acre

Minimum Lot Size = 2,400 square feet
Lot Width = 40 feet
Lot Depth = 60 feet
Maximum Height = 35 feet
Maximum Impervious Surface Coverage Not Applicable

Setbacks*

Front = 20 feet for garage or carport, 10 feet for habitable area
Side = 5 feet
Rear = 5 feet

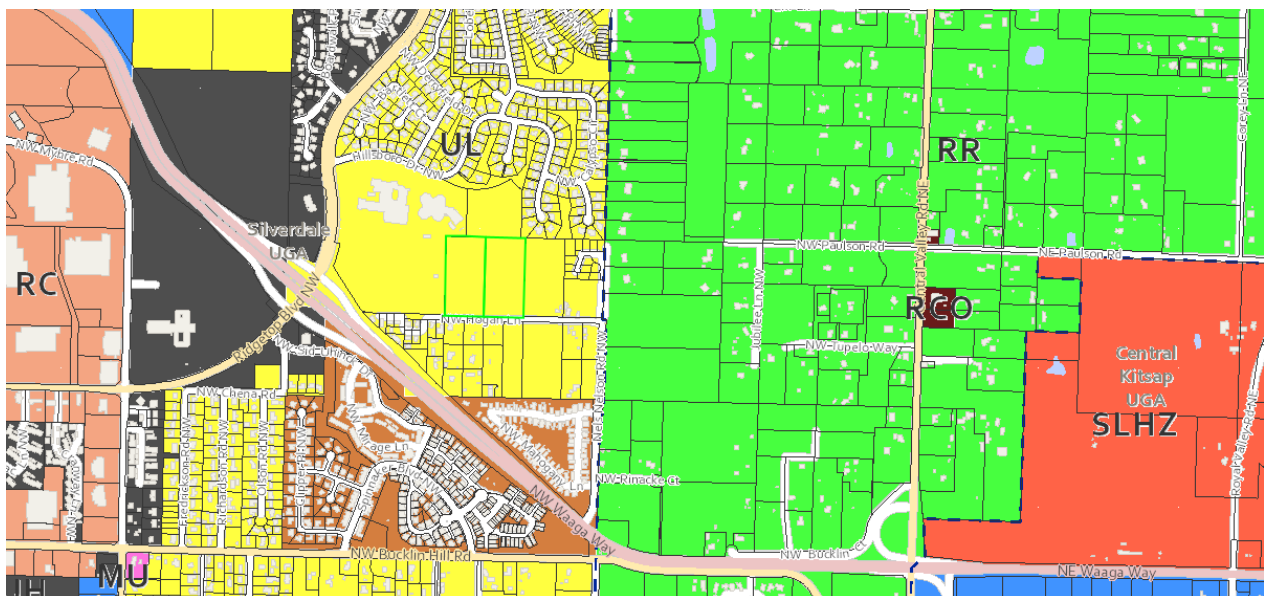
*Footnote 29 does not apply, which states “*One-hundred-foot setback required for single-family buildings abutting FRL or RW zones.*” The subject properties do not abut the Forest Resource Lands (FRL) or Rural Wooded (RW) zones.

Surrounding Land Use and Zoning:

The surrounding area to the north is generally characterized by platted urban size lots, less than a half acre (0.5 acres) and typically less than a quarter acre (0.25 acres), developed with a detached single-family residence (SFR). Silver Ridge Elementary School and

Ridgetop Junior High School, located on 26.71 acres, abuts the westerly subject parcel to the north and west. Adjacent to the school parcel to the east and abutting the subject parcels to the north is a Kitsap County Parks & Recreation-owned parcel that is 4.41 acres and developed with a ballfield, which is used by the elementary school. Immediately to the south of Hogan Lane is a mix of urban size lots and larger acreage lots. Most of the lots that are less than an acre have been developed with a SFR. Larger acreage lots are in the process of subdividing or will likely in the future. Farther to the south is a 13.78-acre mobile home park. To the east is generally larger acreage lots that have been developed with a SFR.

Immediately surrounding the subject parcels, outlined in green below, the area is zoned UL; west of Nels Nelson Road, the area is zoned Rural Residential (RR). Less than a quarter mile to the south, the area is zoned Urban Medium Residential (UM); generally west of Ridgetop Boulevard, the area is zoned Urban High Residential (UH). The white areas within lots below represent buildings.



Public Utilities and Services:

- Water: Silverdale Water District
- Power: Puget Sound Energy
- Sewer: Kitsap County Public Works
- Police: Kitsap County Sheriff
- Fire: Fire Protection District No. 1
- Schools: Central Kitsap School District #401

Policies and Regulations Most Applicable to the Subject Proposal:

The Growth Management Act of the State of Washington, RCW 36.70A, requires that the County adopt a Comprehensive Plan, and then implement that plan by adopting development regulations. The development regulations must be consistent with the Comprehensive Plan. The Comprehensive Plan process includes public involvement as required by law, so that those who are impacted by development regulations have an

opportunity to help shape the Comprehensive Plan which is then used to prepare development regulations.

Kitsap County Comprehensive Plan

Adopted December 11, 2006 (Amended December 2012)

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

Land Use

Policy LU-16

Require urban-level sanitary sewer service or equivalent wastewater service in all UGAs. Update county-owned and -operated wastewater facility plans to include, not only capacity demand and needs, but also future major collection or conveyance systems for the 2025 planning horizon (existing and projected).

Policy LU-19

In accordance with Kitsap County Health District and Washington State requirements, require connection to a public sewer system for new or extensively remodeled development located within 200 feet of the public sewer system, and within an urban growth area or LAMIRD.

Policy LU-26

Encourage compact development patterns within UGAs, allowing for efficiencies in transportation and utilities, as well as public and capital facilities.

Policy LU-27

Encourage infill development on vacant and underutilized lands within UGAs.

Policy LU-28

Encourage development patterns in UGAs that support pedestrian connectivity between neighborhoods and community destinations where possible.

Policy LU-48

Require all new residential development within the UGA to achieve minimum densities except where lower densities are appropriate to recognize the presence of critical areas including streams, wetlands, fish and wildlife habitat, geologically hazardous areas, flood-prone areas and aquifer recharge areas.

Policy LU-58

Encourage innovative, high quality infill development and redevelopment in existing developed areas within the UGA, while addressing the following issues:

- a. Preservation of historic and natural characteristics of neighborhoods and sites;*
- b. Provision of non-motorized access, and pedestrian mobility and safety;*
- c. Creation of usable open spaces, community space and facilities;*
- d. Design variety through lot clustering, flexible setback requirements and mixed attached and detached housing types; and*

- e. *Design variations in multifamily buildings such as in facades, roof lines and other building design features.*

Policy LU-60

Encourage urban amenities such as open space, plazas, and pedestrian features in areas of more intensive development within UGAs.

Policy LU-62

Encourage non-motorized and pedestrian linkages in UGAs.

Policy LU-65

Encourage development in residential zones to occur in a manner that results in the design and construction of an interconnected system of pedestrian and bicycle trails linking residential neighborhoods with open spaces, recreational areas, transportation corridors and retail and employment opportunities.

Policy LU-133

Protect property from excess stormwater runoff, erosion and sedimentation.

Policy LU-135

Require that all surface water and stormwater entering a project site in its predevelopment state be received at the naturally occurring or otherwise legal location. Require all surface and stormwater leaving a project site to be discharged at all times during and after development at the naturally occurring or otherwise legally existing locations so as not to be diverted onto or away from downstream properties.

Policy LU-136

Require that runoff resulting from development activity and roads be controlled so that the peak rates, durations and volumes of runoff leaving the post-developed site do not exceed the capacity of receiving drainage conveyance facilities, do not increase the potential for stream bank erosion, and do not add significant volume to an offsite closed depression. Seek to maintain the quantity of runoff, flow peaks, and flow durations at pre-development levels to reduce runoff and related flooding.

Policy LU-138

Require that all sites meeting the definition of a major development as defined in KCC section 12.08.010 provide permanent facilities for the treatment of water runoff quality and quantity control through the application of BMPs. Encourage monitoring of larger-scale development projects and roads to assess their impacts to surface water quality.

Policy LU-139

Require individuals and groups responsible for operation and maintenance of stormwater facilities to operate and maintain their facilities in accordance with the requirements of Title 12 of the KCC, Stormwater Management Ordinance and Design Manual.

Policy LU-162

Promote construction of facilities and technologies that maximize the retention and recharge of stormwater.

Natural Systems

Policy NS-42

Encourage developers to protect continuous corridors of native vegetation wherever possible, to disturb as little natural vegetation as feasible, and to enhance or restore wildlife habitat by transplanting or planting native vegetation in the developed landscape.

Housing

Policy H-13

Pedestrian pathways should be provided that link residential areas with schools, recreational, shopping and employment areas in urban areas.

Transportation

Policy T-11

Provide a transportation system that allows people to get to and from their destination in an acceptable time period via alternative mode options.

Policy T-18

Promote pedestrian paths, greenbelt links, and compatible street orientation to link residential and employment centers.

Policy T-25

Maintain roadway /intersection site distance standards. Eliminate site obstructions such as utility poles, signs, parked vehicles and vegetation where site distance standards are not met.

Policy T-26

Provide safe access for disabled individuals in accordance with the Americans with Disabilities Act.

Policy T-29

Provide adequate lighting for roadway and intersection visibility in accordance with adopted standards.

Policy T-30

Provide adequate lighting for pedestrian and cyclists where needed.

Policy T-38

Encourage multi-modal connections between major buildings/activity areas both within and outside a development.

Policy T-39

Increase the percentage of Kitsap County residents located within reasonable walking distance of designated transit stops.

Policy T-63

Require the provision of accessible bicycle/pedestrian facilities within the roadway system of new developments.

Policy T-64

Promote, establish and coordinate a “safe routes to schools” program with local school districts.

Policy T-66

Develop a system of non-motorized transportation facilities that:

- *Are constructed primarily within the rights-of-way of existing and proposed public streets or roads.*
- *Provide safe transportation among a variety of regional, inter-community and local Kitsap County destinations for bicyclists and pedestrians.*

Policy T-85

Develop and apply innovative roadway design standards that enhance neighborhood identities but do not infringe on the safety of motorized and nonmotorized traffic.

Policy T-86

Refer to the Kitsap County Road Design Standards during development review and transportation project development.

Policy T-88

Maintain a transportation concurrency management system that tests new development for its impacts on the network at the site-specific level (area of influence), and also periodically monitors the cumulative effect at the countywide level.

Policy T-91

Maintain roadway segment LOS standards that have been adopted for county roadways, as defined in the Capital Facilities Plan (CFP).

Policy T-94

Coordinate LOS standards with regional and state agencies.

Policy T-99

Apply driveway spacing standards based upon roadway functional classification.

Policy T-101

Implement access standards for all roadway types.

Policy T-102

Provide streetscape designs in urbanized areas.

Policy T-104

Retain native vegetation as a priority.

The County's development regulations are contained within the *Kitsap County Code*. The following development regulations are most relevant to this application:

Kitsap County Code (KCC)

- Title 11 Roads, Highways and Bridges
- Title 12 Storm Water Drainage
- Title 13 Water and Sewers
- Title 14 Buildings and Construction
- Title 16 Land Division and Development
- Title 17 Zoning
- Chapter 18.04 State Environmental Policy Act (SEPA)
- Title 19 Critical Areas Ordinance
- Chapter 20.04 Transportation Facilities Concurrency Ordinance
- Chapter 21.04 Land Use and Development Procedures

Relevant Documents Consulted in the Analysis:

A complete index of exhibits is located in the project file. To date, the index to the record consists of Exhibits 1 – 30.

Applicant submittals:

<u>Document</u>	<u>Exhibit #</u>	<u>Dated or date stamped</u>
Drainage Report	10	June 24, 2015
Drainage Plan (rev., sheet 6 of 8)	26	December 8, 2015
Environmental (SEPA) Checklist	4	June 29, 2015
Geotechnical Report	8	December 1, 2014
Landscape Plan (rev., sheet 2 of 8)	26	December 8, 2015
Parking Narrative (revised)	28	February 11, 2016
Preliminary Subdivision Application	2	June 29, 2015
Project Narrative (revised)	28	February 11, 2016
Sewer Availability Agreement	6	June 24, 2015
Site Plan (revised)	26	December 8, 2015
Traffic Impact Analysis (TIA)	9	May 2015
Utilities Plan (rev., sheet 7 of 8)	26	December 8, 2015
Water Availability Letter	5	May 4, 2015
Water Type Modification Form (WSDNR)	7	June 29, 2015

Staff communication:

<u>Document</u>	<u>Exhibit #</u>	<u>Dated or date stamped</u>
Development Engineering Memo	30	February 22, 2016
Determination of Nonsignificance	27	February 11, 2016
Health District Memo	22	July 22, 2015

Public comments:

<u>Document</u>	<u>Exhibit #</u>	<u>Dated or date stamped</u>
Hume email	21	July 12, 2015

Hume recommended a second access point for the general area due to this project.

Issues raised by the public comments received to date have been reviewed by staff and have been addressed in the analysis below.

Analysis:

Land Use and Zoning

The project proposal is a subdivision for 61 lots to be developed with a detached single-family residence per lot. Per Kitsap County Code (KCC) 17.381.040(A) Urban Residential Zones, the use table indicates a single-family detached dwelling in the Urban Low Residential (UL) zone is permitted without any additional or separate land use review.

Phased Subdivision

The applicant has proposed 2 phases for this subdivision. Phasing will be conditioned to comply with KCC 16.04.120 Phased development.

Phase 1

All project grading, open space/recreation area, stormwater pond, pedestrian access to the elementary school and Hogan Lane off-site improvements will be completed in Phase 1. All roads, sidewalks, utilities, and landscaping required to support the 29 single-family residential lots of Phase 1 will also be completed as part of this phase (Exhibit 28 and 26, sheet 2 of 8).

Phase 2

The remaining roadway and sidewalks not constructed in Phase 1 and utility infrastructure and landscaping to support the 32 single-family residential lots of Phase 2 will be completed as part of this last phase (Exhibit 28 and 26, sheet 2 of 8).

Urban Low Residential (UL) Zone

The subject property is zoned UL. The purpose of this zone at KCC 17.330.010 states, "*The intent of this zone is to recognize, maintain, and encourage urban low density residential areas by including a full range of urban services and facilities that are adequate at the time of development. This zone is also intended to create cost-efficient residential areas which are capable of allowing the provision of community services in a more economical manner.*"

Density

At KCC 17.110.210, "*Density*" means a ratio comparing the number of dwelling units with land area. At KCC 17.382.020(A) Density. *Except as provided in Section 17.382.110(A)(18), density shall be calculated as follows: In all zones where a maximum or base density is identified, maximum or base density is calculated on gross acreage of the site. In all zones where a minimum density is required, minimum density is calculated on net developable acreage. Net developable acreage is determined by subtracting critical areas and required buffers, streets, and storm water facilities from the gross acreage. If a calculation results in a partial dwelling unit, the partial dwelling unit shall be rounded to the nearest whole number. Less than .5 shall be rounded down. Greater than or equal to .5 shall be rounded up.*

Density in the UL zone stipulates a minimum density requirement of 5 dwelling units per acre and a maximum density of 9 dwelling units per acre. The subject property's gross acreage is

10 acres and the total net developable area is 5.63 acres. The minimum required density is 28 dwelling units (5 dwelling units per acre X 5.63 acres = 28.15 or 28 dwelling units) and allows up to a maximum of 90 dwelling units (9 dwelling units per acre X 10 acres = 90 dwelling units).

Phase 1

The gross acreage of Phase 1 is 6.21 acres and the net developable area is 2.65 acres. The minimum density requirement for this phase is 13 dwelling units (5 dwelling units per acre X 2.65 acres = 13.25 or 13 dwelling units) and the maximum density is 56 dwelling units (9 dwelling units per acre X 6.21 acres = 55.89 or 56 dwelling units).

The applicant has proposed 29 lots or dwelling units for Phase 1.

Phase 2

The gross acreage of Phase 2 is 3.79 acres and the net developable area is 2.98 acres. The minimum density requirement for this phase is 15 dwelling units (5 dwelling units per acre X 2.98 acres = 14.90 or 15 dwelling units) and the maximum density is 34 dwelling units (9 dwelling units per acre X 3.79 acres = 34.11 or 34 dwelling units).

The applicant has proposed 32 lots or dwelling units for Phase 2.

This project proposes 61 dwelling units, which is more than double the minimum density required. Therefore, the proposed subdivision complies with the minimum density required and does not exceed the maximum density of 90 dwelling units for the UL zone. Each phase has also been evaluated and Phase 1, which proposes 29 lots, is over double the minimum lots required at 13 dwelling units and doesn't exceed the maximum allowed at 56 dwelling units. Phase 2, which proposes 32 lots, is over double the minimum lots required at 15 dwelling units and doesn't exceed the maximum allowed at 34 dwelling units.

Lot Dimensions

Standard lot width is 40 feet and depth is 60 feet. The proposed lot dimensions vary with the smallest generally 45 feet wide by 75 feet in depth and the largest 55 feet wide by 90 feet plus in depth.

Setbacks

Standard setbacks apply to this subdivision and the final plat will need to list the zoning setbacks for the zone. The standard zoning setbacks in the UL zone are the following:

- Front = 20 feet for garage or carport, 10 feet for habitable area
- Side = 5 feet
- Rear = 5 feet

Critical Areas

The only critical area is a Category I Critical Aquifer Recharge Area located in the southeast corner (Exhibit 16). Single-family development is not a threat and doesn't require any further analysis or reports within this recharge area designation.

The Kitsap County critical areas map shows a Type N (non-fish habitat) stream bisecting the property from the north to the east (Exhibit 15). However, the Washington State Department of Natural Resources (DNR) evaluated a request from the applicant and concurred that there was no stream crossing the subject properties (Exhibit 7).

Water

Public water, provided by Silverdale Water District, has been proposed for this project (Exhibits 5 and 26, sheet 7 of 8). The applicant will also install “purple pipe” to convey reclaimed water for irrigation purposes.

Sewage Treatment

Public sewer, provided by Kitsap County Public Works, has been proposed for this project. The applicant’s proposal is to install a gravity sewer system (Exhibits 6 and 26, sheet 7 of 8). The actual design will be reviewed and approved by Kitsap County Public Works through a Site Development Activity Permit (SDAP).

Stormwater

On-site stormwater quantity control is proposed to be provided by a wetpool detention pond. Water quality treatment is proposed through the use of a wet pond, which is considered enhanced treatment (Exhibit 10 and 26, sheet 6 of 8). Although residential subdivisions do not typically require enhanced treatment of the generated stormwater runoff, it is required in this instance because the site drains to Barker Creek, and ultimately to Dyes Inlet. Dyes Inlet has been listed under section 303(d) of the Clean Water Act for fecal coliform; therefore, enhanced treatment applies to stormwater discharges for this residential subdivision.

Fire Flow

Fire flow is required for this project. The number and location of fire hydrants shall be determined through review of the SDAP.

Access and Roads

Access to the site is via NW Hogan Lane, which is classified as urban local access. Hogan Lane is a paved maintained county right-of-way from the intersection of Nels Nelson Road NW and NW Hogan Lane for 327 feet, and is unmaintained county right-of-way west of the designated maintenance point. A new public roadway, from Hogan Lane, will be created to provide access to all the lots within the plat. Portions of Road A including 2 temporary cul-de-sacs and Road B are proposed to be constructed as part of Phase 1. Construction of the remaining portions of Road A and removal of the temporary cul-de-sacs are proposed for Phase 2. All roadways will be a paved asphalt road with concrete sidewalks. Frontage improvements along NW Hogan Lane will be required in order to meet Kitsap County Road Standards. The access from Hogan Lane to and within the proposed plat shall meet apparatus access requirements.

Traffic

The proposed 61 dwelling units or single-family residences (SFRs) would increase traffic generation in the area. The expected average daily trip (ADT) generation for the subdivision is 610 or 10 trips per SFR (61 SFRs X 10 trips/SFR = 610 trips).

The Traffic Impact Analysis (TIA) submitted by the applicant was reviewed and the analysis was accepted by the county.

A neighbor, Renee Hume, outlined a concern with the additional traffic generated by this project and the existing access point from State Highway 303 (Waaga Way) that serves the general area. She requested an additional access point be created. Washington State Department of Transportation (WSDOT) didn't require any mitigation for the project. There is no other feasible location for a second access given the existing ownership and development pattern within the area.

Sidewalks

A 5-foot ADA compliant sidewalk will be required on both sides of the proposed interior roadways (Exhibit 26, sheet 2 of 8). A 5-foot ADA compliant sidewalk will also be required along the north side of NW Hogan Lane for the entire project frontage and for a portion off-site along NW Hogan Lane (Exhibit 26, sheet 8 of 8). In addition, shoulder improvements to increase pedestrian access on the north side of NW Hogan Lane from the end of the sidewalk east to Nels Nelson Road NW will also be required.

Off-Street Parking and On-Street Parking

A single-family residence is required to provide two off-street parking spaces, per KCC 17.435.030. The applicant will need to demonstrate two parking spaces per dwelling unit/lot at the time of building permit for each lot and a garage cannot count towards this requirement.

An additional half a parking space per dwelling unit/lot is also required or in this instance 31 parking spaces (61 dwelling units/lots X .5 space/dwelling unit/lot = 30.5 or 31 spaces) within the right-of-way to provide on-street parking for guests and visitors of the plat's residents. The applicant has proposed 39 parking spaces for guest and visitor parking. The guest and visitor parking are evenly spaced out and the number of spaces provided complies with code. The SDAP and landscape plan shall reflect the required parking.

Parks, Playgrounds and Recreation

KCC 16.24.040(H) specifies recreation requirements for a subdivision. Subdivisions that have a density of 9 units or less per acre, which applies to this subdivision, shall provide 390 square feet per unit. Based on the Hogan Heights Subdivision proposal, 23,790 square feet of usable recreation space is required (390 square feet/unit X 61 units = 23,790 square feet). The applicant has proposed 23,926 square feet, which slightly exceeds the minimum requirement. The proposed facility is centrally located such that it affords good visibility of the tract from roads, sidewalks and a majority of dwellings. The area is at least 50 feet wide and over 300 feet in length, exceeding the 30-foot minimum dimension requirement. It is over the minimum 500 square foot size, is located in one area and will be available and accessible for year-round use by all residents within the subdivision. The recreation facility as currently designed complies with code requirements and it will be conditioned to comply with all code requirements.

Landscaping/Streetscape

Landscaping along the roadways will be required as depicted (Exhibit 26, Sheet 2 of 8). The proposed landscaping helps to create a visually appealing streetscape and helps minimize stormwater impacts. Roadside or streetscape plantings shall conform to the requirements in KCC 17.385 and Kitsap County Road Standards 2007, Section 3.8.5.

Lighting

In order to provide sufficient lighting for the traveling public at the subdivision's access point and ensure adequate lighting for pedestrian and potentially cyclists safety, street lighting shall be provided at the access point with Hogan Lane.

Signage

A sign is proposed on the west side of the entrance to the subdivision (Exhibit 26, sheet 2 of 8). No details of the sign have been provided. Any signage will be required to comply with KCC 17.446 Sign Code.

Agency Recommendations

All reviewing entities recommend approval of the proposed project and any required conditions are stipulated at the end of this report.

Kitsap County Department of Community Development, Development Services and Engineering Division recommends approval with 57 conditions, Fire Marshal recommends approval with 2 conditions; Kitsap Public Health District recommends approval with 4 conditions.

Staff Evaluation of Decision Criteria:

1. The Hearing Examiner has review authority for this Preliminary Subdivision application under KCC 21.04.100. The Kitsap County Commissioners have determined that this application requires review and approval of the Hearing Examiner. The Hearing Examiner may approve, approve with conditions or deny a Preliminary Subdivision. The Hearing Examiner may also continue the hearing to allow for additional information necessary to make the proper decision. The powers of the Hearing Examiner are at KCC, Chapter 2.10.
2. The proposal is consistent with the comprehensive plan.
3. The proposal complies with or will comply with requirements of KCC Title 16 and Title 17 and complies with or will comply with all of the other applicable provisions of the KCC and all other applicable regulations, including all applicable development standards and design guidelines, through the imposed conditions outlined in this report.
4. The proposal will not be materially detrimental to existing or future uses or property in the immediate vicinity.
5. The proposal is compatible with and incorporates specific features, conditions, or revisions that ensure it responds appropriately to the existing character, appearance,

quality or development, and physical characteristics of the subject property and the immediate vicinity.

6. The preliminary subdivision, as conditioned below, incorporates appropriate provisions for the public health, safety, and general welfare, as required by RCW 58.17.110(2), KCC 16.04.060 and 16.04.080.

Recommendation:

Based upon the information above, the Department of Community Development recommends that the Preliminary Subdivision request for Hogan Heights Subdivision be approved, subject to the following 63 conditions:

Development Services and Engineering

Engineering General

1. 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.
2. Approval of the preliminary plat shall not be construed to mean approval of the total number of lots or configuration of the lots and tracts. These parameters may be required to be revised for the final design to meet all requirements of Kitsap County Code Titles 11 and 12.

Engineering Other

3. Construction of rock walls or other retaining facilities that exceed four feet in height shall require a building permit.
4. Rock and retaining walls shall meet all applicable setback requirements of KCSDM 4.7.5.

Environmental Review

5. A Forest Practices Application (FPA) shall be submitted with the Site Development Activity Permit (SDAP). An approved Conversion FPA for timber harvest of this subdivision will be required prior to approval of the SDAP.

Planning/Zoning

6. All required permits shall be obtained prior to commencement of land clearing, construction and/or occupancy.

7. The face of the final plat shall list the required zoning setbacks for the UL zone as follows:
Minimum UL zoning setbacks:
Front = 20 feet for garage or carport, 10 feet for habitable area
Side = 5 feet
Rear = 5 feet
8. If phasing is proposed at the time of SDAP submittal, it shall be consistent with the phasing plan outlined in the subdivision application. Phasing shall comply with Kitsap County Code 16.04.120.
 - a. Phase 1 shall construct or consist of 29 single-family residential lots and all roads, sidewalks, utilities, and landscaping required to support those lots, all project grading, open space/recreation area tract development, stormwater pond, pedestrian access to the elementary school and Hogan Lane off-site improvements.
 - b. Phase 2 shall construct or consist of 32 single-family residential lots, the remaining roadway and sidewalks not constructed in Phase 1 and utility infrastructure and landscaping to support the remaining lots.
9. Sidewalks shall be widened in area of clustered mailboxes and comply with Kitsap County Code 16.24.040(C)(1)(d); mailbox locations shall be included on the SDAP and landscape plans.
10. A minimum of 2 off-street parking spaces shall be provided on each lot within the subdivision. Garages are not calculated towards this requirement.
11. A minimum of 31 on-street parking spaces shall be provided for guests/visitors. The SDAP and landscape plan shall delineate all lot/tract access points and each on-street parking space shall be numbered consecutively.
12. A final landscaping plan shall be submitted with the SDAP application. Street trees shall be provided along the internal roadway and along Hogan Lane as reflected on Exhibit 26, Sheet 2 of 8. Street trees shall be provided at a minimum interval of 15 feet and a maximum of 30 feet. Landscape plan shall delineate curb cuts, parking spaces and landscaping elements. The plan shall differentiate between existing vegetation to remain and new plantings. The plan shall include all proposed and required fencing. The plan shall include the final design of all recreational facilities/amenities and landscaping around the stormwater facility. Benches shall be provided within the recreation facility/open space area and be detailed on the plan. The manufacturer's specification and "cut sheets" for the recreation equipment and benches shall be included with the plan. The equipment shall be approved by the National Playground Association. The landscape plan shall conform to the requirements of Kitsap County Code 17.385 and Kitsap County Road Standards 2007, Section 3.8.5. All proposed and required landscaping shall be installed and inspected prior to SDAP final inspection approval and sign off.

13. Landscaping shall be installed and maintained in conformance with the requirements of Kitsap County Code 17.385 and the approved landscaping plan. Maintenance of street trees located within the roadway shall be the responsibility of all lot owners within the plat and/or the plat's Home Owners' Association. Required street trees on private property shall be the responsibility of the lot owner to maintain and replace if it is damaged, diseased or destroyed.
14. To ensure survivability of the required landscaping, a bond for a two year period shall be submitted prior to SDAP final inspection approval and sign off. The bond shall be 100% of the planting and installation cost. A preliminary bid for the landscaping and installation cost shall be provided prior to SDAP final inspection approval and sign off.
15. The survivability bond shall be extended for two year periods if any replanting is required.
16. All recreational facilities/amenities shall be made available to all residents within the plat.
17. All recreational facilities/amenities shall be maintained in good working order by the lot owners within the plat and/or the plat's Home Owners' Association.
18. Street lighting, at a minimum, shall be provided at the access point with NW Hogan Lane. This lighting shall be delineated on the SDAP.
19. Covenants, Conditions and Restrictions (CC&Rs) shall include requirements for perpetual maintenance of street lighting, street trees, common open space, and recreational facilities and amenities.
20. A monument sign shall comply with Kitsap County Code 17.446. The monument sign shall be located within an easement and landscaping shall be installed around the base.
21. At a minimum, conditions 6, 7, 10, 13, 16, 17, 39 and 43, shall be included on the face of the final plat.
22. This permit shall comply with all Kitsap Public Health District regulations and conditions of approval.
23. The property owner shall submit a final subdivision application and plat within five years of the Notice of Decision date for the preliminary subdivision approval including any appeals. The submission shall meet all the legal requirements and conditions of approval.
24. The decision set forth herein is based upon representations made and exhibits contained in the project application 15 02528. Any change(s) or deviation(s) in such plans, proposals, or conditions of approval imposed shall be subject to further review and approval of the County and potentially the Hearing Examiner.

25. The authorization granted herein is subject to all applicable federal, state, and local laws, regulations, and ordinances. Compliance with such laws, regulations, and ordinances is a condition to the approvals granted and is a continuing requirement of such approvals. By accepting this/these approvals, the applicant represents that the development and activities allowed will comply with such laws, regulations, and ordinances. If, during the term of the approval granted, the development and activities permitted do not comply with such laws, regulations, or ordinances, the applicant agrees to promptly bring such development or activities into compliance.

Solid Waste

26. Prior to SDAP approval, Waste Management shall be contacted at (360) 674-3166 for information on implementing the solid waste/recycling storage requirements influenced by the service provider for the project. Pay particular attention to the access requirements of collection trucks. Documentation shall be provided from the solid waste/recycling service provider that their requirements for this project have been met.

Stormwater

27. The information provided demonstrates this proposal is a Major Development as defined in Kitsap County Code Title 12, and as such shall require a Site Development Activity Permit (SDAP) from Development Services and Engineering.
28. Stormwater quantity control, quality treatment, and erosion and sedimentation control shall be designed in accordance with Kitsap County Code Title 12 effective at the time the Preliminary Plat application was deemed complete, June 29, 2015. The submittal documents shall be prepared by a civil engineer licensed in the State of Washington. The fees and submittal requirements shall be in accordance with Kitsap County ordinances in effect at the time of SDAP application.
29. Should the proponent propose phasing of the project, a phasing plan shall be submitted to Development Services and Engineering for review and approval. The phasing plan shall, as a minimum, address the following items:
 - a. Time tables indicating the anticipated time between initial site grubbing/grading activity and the completion of construction, including site stabilization of that specific phase.
 - b. The extent of drainage improvements to be installed during the various phases.
30. The applicant proposes phasing of the project; all required road frontage improvements shall be constructed with Phase 1.
31. Any project that includes off site improvements that create additional impervious surface such as lane widening, sidewalk or shoulder installation or intersection channelization shall provide stormwater mitigation in accordance with Kitsap County

Code Title 12 effective at the time the Preliminary Plat application was deemed complete, June 29, 2015.

32. Although the project will not exceed the impervious area threshold that requires stormwater quality enhancement via a wetpond, the applicant has correctly identified Dyes Inlet as a Listed 303D site for fecal coliform. Because the stormwater runoff ultimately drains to Dyes Inlet, enhanced treatment applies to stormwater discharges and shall be achieved through use of a wetpond.
33. The site plan indicates that greater than 1 acre will be disturbed during construction. This threshold requires a National Pollutant Discharge Elimination System (NPDES) Stormwater Construction permit from the State Department of Ecology. More information about this permit can be found at:
<http://www.ecy.wa.gov/programs/wq/stormwater/construction/> or by calling Josh Klimek at 360-407-7451, email joshklimek@ecy.wa.gov. This permit is required prior to issuance of the SDAP. Processing time for NPDES permit is a minimum of 37 days.
34. Upon completion of the public roads and 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 have been completed, the County will take over road maintenance and maintenance and operation of the storm system. Wording to this effect shall appear on the final plat and in the covenants before final recording. 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.
35. Kitsap County will not be responsible for any damage to any private roads, tracts, and/or easement areas that may occur during routine maintenance activities and that in Kitsap County's judgment occur, in whole or in part, because of any construction materials or techniques, or any maintenance materials or techniques. This includes, but is not limited to, damage to pavement or vegetated areas caused by maintenance trucks.
36. The impervious area per lot accounted for in the overall drainage facilities installed shall be indicated on the face of the final plat. Additional impervious surfaces created on an individual lot beyond the amount accounted for in the overall drainage facilities shall be mitigated in accordance with Kitsap County Code Title 12.

Survey

37. A Final Subdivision Plat shall be prepared by a licensed Land Surveyor in compliance with KCC Title 16.

38. All potential park areas, common open space, buffers and stormwater management areas shall be labeled as separate tracts. The ownership and maintenance responsibility shall be addressed on the face of the final plat, as well as in the CCRs.
39. Access to all lots shall be from roads within the proposed plat boundaries. A note to this effect shall be placed on the face of the final plat.

Traffic and Roads

40. Submit an Application for Concurrency Test (KCPW Form 1601) as required by Section 20.04.030, Transportation Concurrency, of the Kitsap County Code. The KCPW 1601 form reserves road capacity for the project.
41. Public roads shall not exceed 12% grade or less depending on the road classification per Kitsap County Road Standards.
42. The interior roads of the proposed plat shall be designed and constructed in accordance with Kitsap County Code 11.22 and the Kitsap County Road Standards for a local access road or an approved higher standard. Roads shall be publicly maintained and the right-of-way dedicated to Kitsap County as proposed.
43. All lots shall access from interior roads only. This note shall appear on the face of the final plat.
44. All traffic control devices on public and private roads shall comply with the Manual on Uniform Traffic Control Devices as amended by the Washington Administrative Code. This is in accordance with 23 Code of Federal Regulations (CFR), Part 655.
45. Sidewalk ramps shall conform to the current requirements of the Americans with Disabilities Act (ADA) per WSDOT standard plans at the time of construction.
46. Curb ramps shall be provided for all movements at all intersections. In the State of Washington, there are three "crosswalks" (marked or unmarked) at a T-intersection unless signage is posted (RCW 46.61.240). The following is United State Department of Justice (USDOJ) guidance/expectations from 2007 ADA Best Practices Tool Kit for State and Local Governments: "When highways, streets, and roads are built or altered post-ADA, they must have curb ramps at certain locations. Curb ramps must be located wherever there are curbs or other barriers to entry from a pedestrian walkway or sidewalk, including any intersection where it is legal for a pedestrian to cross the street, whether or not there is any designated crosswalk. Curb ramps must also be located wherever there are curbs or other barriers to entry at any designated pedestrian crosswalks that are located mid-block. Likewise, when sidewalks or walkways are built or altered post-ADA, they must include curb ramps or other sloped areas wherever they intersect with highways, streets, or roads and pedestrians may legally cross the vehicular way as well as at public transportation stops."

47. Per RCW 46.61.570, parking spaces shall be placed more than 20 feet from a crosswalk. Crosswalks are defined as any portion of the roadway between the intersection area and a prolongation or connection of the farthest sidewalk line or in the event there are no sidewalks then between the intersection area and a line ten feet therefrom, except as modified by a marked crosswalk.
48. The property owners within the plat shall be responsible for maintenance of all landscaping within the existing and proposed right-of-way including any structures other than roadway, storm drainage facilities, and traffic signage. Maintenance shall include, but not be limited to, mowing of lawn areas. A note to this effect shall appear on the face of the final plat and the accepted construction plans. In addition, Development Services and Engineering reserves the right to require that covenants be recorded to address special maintenance requirements depending on final design.
49. Applicant shall dedicate an additional 15 feet of right-of-way along the entire property frontage for NW Hogan Lane.
50. In order for Kitsap County to accept the NW Hogan Lane for maintenance, NW Hogan Lane shall be improved to current County standards for an urban local road minor with a vertical curb, gutter and sidewalk across the property frontage and continuing east to Station 106+56.59 (as shown on the Preliminary Plat); and shall be improved to current County standards for an urban local road minor with a 3-foot shoulder from the end of the sidewalk to the east terminating at the intersection of Nels Nelson Road NW and NW Hogan Lane.
51. Provide surveyed cross-sections at 50 foot intervals along the parcel frontage on NW Hogan Lane and east to its intersection with Nels Nelson Road NW. The cross-sections should show existing and proposed pavement, shoulders, ditches and slopes. The cross-sections should also depict centerline of pavement and right-of-way, the right-of-way lines, and easements.
52. Submit plans for construction of the road approach between the edge of existing pavement and the right-of-way line at all intersections with county rights-of-way. Approaches shall be designed in accordance with the Kitsap County Road Standards as established in Chapter 11.22 of the Kitsap County Code. Existing approaches may need to be improved to meet current standards.
53. Any required sidewalk shall be constructed prior to roadway paving. This note shall appear on the face of the final construction drawings.
54. The developer's engineer shall certify that there is adequate entering sight distance at the intersection of Road A and NW Hogan Lane. 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 sight distance shall meet the requirements of the Kitsap County Road Standards. The certification shall also note necessary measures to correct and maintain the minimum sight triangle.

55. All work, equipment & materials for traffic signal and street lighting installations shall meet and be in compliance with all requirements of the Kitsap County Road Standards, Project Contract Provisions of Plans and Specifications accepted for construction by Kitsap County, Manual on Uniform Traffic Control Devices (MUTCD), National Electrical Manufacturer's Association (NEMA), National Electrical Code (NEC), WSDOT Standard Specifications & Standard Plans, and the Occupational Safety & Health Administration (OSHA).
56. Any work within the County right-of-way shall require a Public Works permit and possibly a maintenance or performance bond. This application to perform work in the right-of-way shall be submitted as part of the SDAP application. The need for and scope of bonding will be determined at that time.

Wastewater

57. Kitsap County sanitary sewer is available for the project. Applicant needs to submit a complete set of sewer plans, profiles, and specifications designed in accordance with KCPW - Sewer Utility Division Standards and Regulations.

Fire Marshal

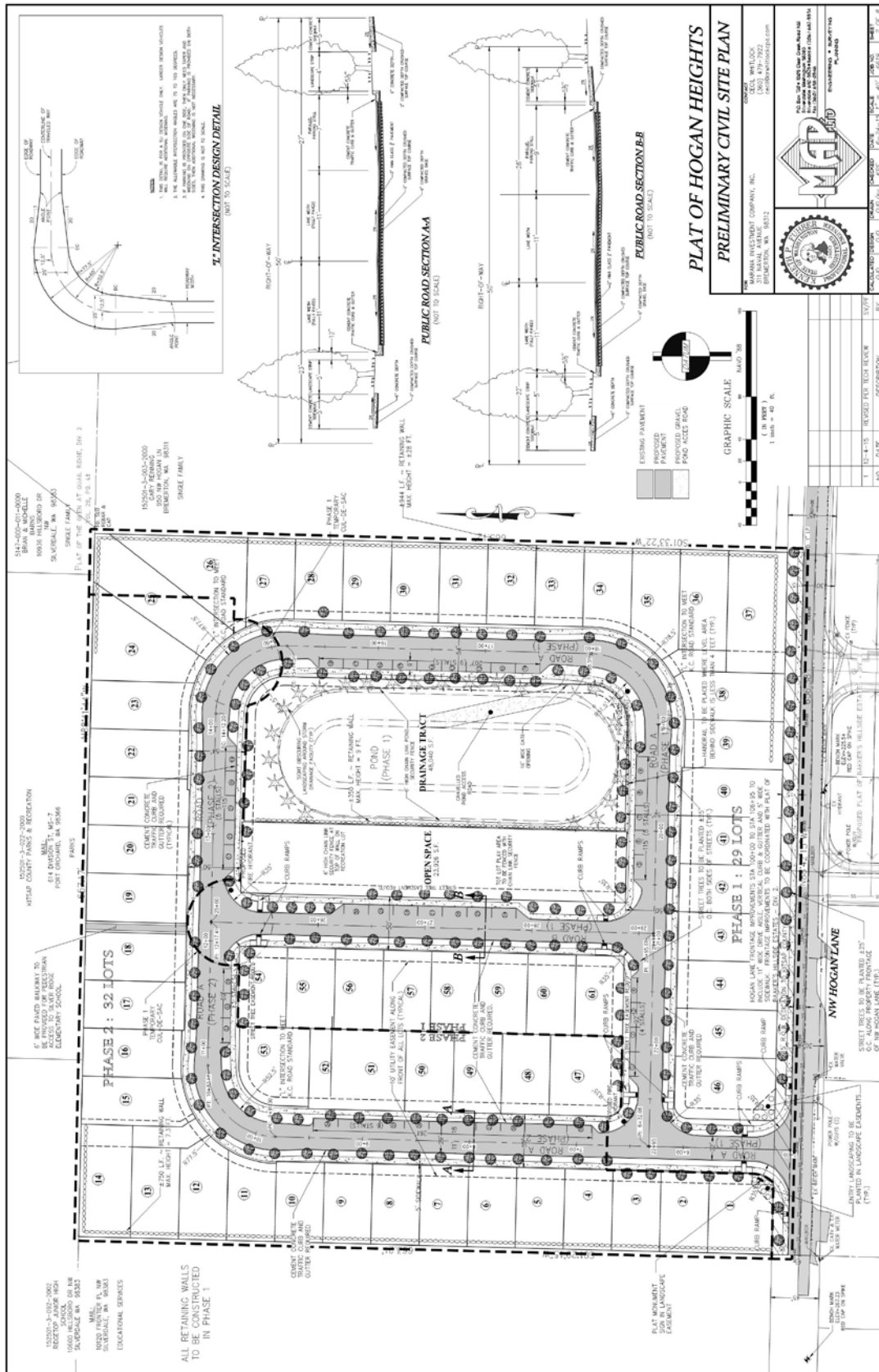
58. Fire apparatus access roads shall comply with the International Fire Code (IFC) 503 as amended by Kitsap County and be maintained. Any proposed revision to these roads must be submitted to, reviewed and approved by the Kitsap County Fire Marshal's Office. Access roads shall comply with the following:
- a. There shall be an unobstructed width of 20 feet and height of 13 feet 6 inches.
 - b. The access roads shall be designed and maintained to support a 60,000 pound fire apparatus and be provided with an all-weather driving surface.
 - c. The dead end access roads exceeding 150 feet in length shall be provided with an approved turnaround.
 - d. The inside turning radius shall be a minimum of 25 feet.
 - e. The access roads shall extend to within 150 feet of all portions of the exterior walls of the first story of the structure as measured by an approved route around the exterior of the structure or facility.
 - f. The road shall not be more than 12% grade.
59. The minimum fire flow requirements for one- and two-family dwellings in subdivisions shall be 500 gallons per minute for thirty (30) minutes.

Health District

60. The project shall be served by Kitsap County Public Works sanitary sewer.
61. The project shall be served by Silverdale Water District.

62. Any existing wells or septic tanks shall be decommissioned in accordance with Kitsap Public Health District requirements.
63. Future building permits shall submit sewer building clearance applications with binding water and sewer letters to Kitsap Public Health District for review and approval. An approved sewer building clearance shall be submitted with the County's building permit application.

c: Marana Investments Company, Inc., c/o Cecil Whitlock, cecil@crwhitlockcpa.com
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John D. Kieffer, PLS, johnk@map-limited.com
Interested Parties: Renee Hume, rwelderchick@msn.com
Kitsap County Health District, MS-30
Kitsap County Public Works Dept., MS-26
DCD Staff Planner: Meg Sands
DCD Code Compliance
DCD File 15 02528
DCD Building Permit File
DCD Development Services and Engineering
DCD Fire Marshal
Hearing Examiner
Clerk of Hearing Examiner



Site Plan (Exhibit 26)