



## Administrative Staff Report

**Report Date:** January 25, 2019

**Application Submittal Date:** September 19, 2018

**Application Complete Date:** September 4, 2018

**Project Name:** Hogan Heights Preliminary Subdivision

**Type of Application:** Preliminary Plat Amendment - Minor

**Permit Number:** 18-04620

### 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  
Commissioner District 3

### Assessor's Account #

152501-3-004-2009

152501-3-005-2008

### Applicant/Owner of Record

12th Man LLC

12900 NE 180th, Suite 220

Bothell, WA 98011

### Decision Summary

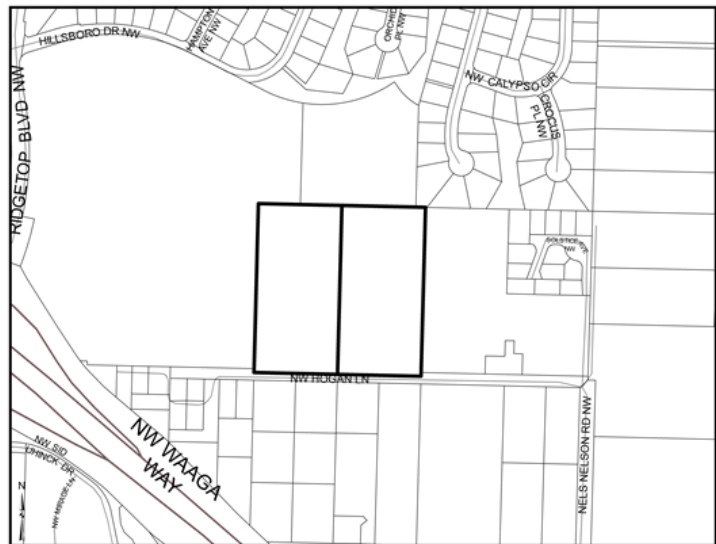
Approved subject to 69 conditions listed under section 13 of this report.

### 1. Background

The Hogan Heights Preliminary Plat Amendment Minor project is vested to the rules in place at the time of the complete Preliminary Plat application dated June 29, 2015.

The original proposal was 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. The project would be served by public water and sewer. The project was originally proposed to be developed in 2 phases. The site plan of record showed public roads and 31

### VICINITY MAP



parking spaces. The project also showed the stormwater facility oriented north/south towards the east side of the development and an open space tract oriented north/south on the west side of the stormwater facility that would provide active recreational opportunities including a playground with a big toy structure, an open field and a community P-patch and gathering space.

The Hearing Examiner approved the original request for Hogan Heights Preliminary Plat, permit number 15 02528, subject to 63 conditions; the Notice of Hearing Examiner Decision was issued March 31, 2016.

## **2. Project Request**

The applicant has submitted a minor plat amendment to reduce the lot count by 2 lots, modify the lot and internal roadway configuration and orientation of the stormwater facility to east/west on the long axis in order to eliminate and/or significantly reduce the height of retaining walls. The current proposal is for 59 lots to be developed in one phase, each lot to be developed with a detached single-family residence.

## **3. SEPA (State Environmental Policy Act)**

The Kitsap County Department of Community Development issued a Revised Mitigated Determination of Nonsignificance (MDNS) on November 19, 2018. The SEPA comment period ran concurrent with the Notice of Application (NOA) dated October 10, 2018. No written comments were received. The MDNS noted the following SEPA mitigation measures: All frontage and street improvements to Hogan Lane east to Nels Nelson Road will be completed in accordance with the requirements of the original Preliminary Plat and as shown on the approved Site Development Activity Permit (SDAP) for this project - Permit #17-00218A1. The proposal will be conditioned for Stormwater Control per Kitsap County Code Title 12. The SEPA appeal period expired on December 3, 2018. No appeals were filed; therefore, the SEPA determination is final.

## **4. Physical 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. However, the Washington State Department of Natural Resources (DNR) evaluated a request from the applicant during review of the first preliminary plat application, permit number 15 02528, and concurred that there was no stream crossing the subject properties. There are some steep slopes on the easterly lot. The southeast corner of the project area lies within a Category I Critical Aquifer Recharge Area.

**Table 1 - Comprehensive Plan Designation and Zoning**

Comprehensive Plan: Urban Low-Density Residential Zone: Vested: Urban Low Residential Current: Urban Medium Residential*	Standard	Proposed
Minimum Density	5 dwelling units/acre 5.62 acres of net developable acreage X 5 = 28.1 or 28 required dwelling units or lots	59 lots, each lot to be developed with a single-family residence
Maximum Density	9 dwelling units/acre 10 acres gross acreage X 9 = 90 maximum dwelling units or lots	
Minimum Lot Size	2,400 square feet	3,789 square feet
Maximum Lot Size	Not Applicable (NA)	5,463 square feet
Minimum Lot Width	40 feet	40 feet
Minimum Lot Depth	60 feet	92.4 feet
Maximum Height	35 feet	≤35 feet
Maximum Impervious Surface Coverage	NA	NA
Maximum Lot Coverage	NA	NA

\*The table only lists vested requirements.

Applicable footnotes: none

**Table 2 - Setback for Zoning District**

	Standard	Proposed
Front	20 feet: garage or carport 10 feet: habitable area	20 feet
Side	5 feet	5 feet
Side (2nd)	5 feet	5 feet
Rear	5 feet	5 feet

Applicable footnotes: KCC 17.382.110 Footnote 29 One-hundred-foot setback required for single-family buildings abutting FRL or RW zones.

*Staff Response: The subject properties do not abut the Forest Resource Lands (FRL) or Rural Wooded (RW) zones.*

**Table 3 - Surrounding Land Use and Zoning**

Surrounding Property	Land Use	Zoning
North	Ballfield, Silver Ridge Elementary School, Ridgetop Junior High School, platted urban size lots each developed with a single-family residence	Park, Urban Low Residential (UL)
South	Single-family residences and undeveloped but preliminary plan amendment major in review for 60 lots	Urban Medium Residential (UM)
East	Undeveloped but preliminary plat approval in July 2017 for 68 lots and single-family residences	UM
West	School track and ballfields	UL

**Table 4 - Public Utilities and Services**

	Provider
Water	Silverdale Water District
Power	Puget Sound Energy
Sewer	Kitsap County Public Works
Police	Kitsap County Sheriff
Fire	Fire Protection District No. 1, aka Central Kitsap Fire & Rescue
School	Central Kitsap School District #401

**5. Access**

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.

**6. Site Design**

The subdivision will be developed with a detached single-family residence on each urban sized lot; lots range in size from over 3,700 square feet to less than 5,000 square feet.

**7. Policies and Regulations Applicable to the Subject Proposal**

The Growth Management Act of the State of Washington, RCW 36.70A, requires that the County adopt a Comprehensive Plan, and then implement that plan by adopting development regulations. The development regulations must be consistent with the

Comprehensive Plan. The Comprehensive Plan process includes public involvement as required by law, so that those who are impacted by development regulations have an opportunity to help shape the Comprehensive Plan which is then used to prepare development regulations.

Kitsap County Comprehensive Plan, adopted December 11, 2006 and amended December 2012

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

The relevant goals and policies were previously covered in the original staff report, permit number 15 02528.

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

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

**8. Documents Consulted in the Analysis**

<u>Applicant Submittals</u>	<u>Dated or date stamped</u>
Application: Prelim. Subdiv. Amendment (rev.)	December 11, 2018
Environmental (SEPA) Checklist	October 9, 2018
Geotechnical Report	April 19, 2017
Hearing Examiner Notice of Decision	March 31, 2016
Project Narrative (revised)	December 10, 2018
Report: Engineered Drainage	June 15, 2018
Site Plan 2015: Hearing Examiner approved	September 19, 2018
Site Plan: Amendment Minor (revised)	December 11, 2018
Site Plan: Engineered Drainage	September 19, 2018
Site Plan: Landscape	September 19, 2018
Traffic Impact Analysis	May 2015
 <u>Staff Communication</u>	 <u>Dated</u>
Dev. Services & Engineering Memo	November 14, 2018

**9. Public Outreach and Comments**

No written comments received on the plat amendment minor application.

Issue Ref. No.	Summary of Concern (See corresponding responses in the next table)	Comment Letter Exhibit Reference No.

Issue Ref. No.	Issue	Staff Response

**10. Analysis**

**a. Planning/Zoning**

Plat Amendment

Amendments to an approved preliminary subdivision are governed by Kitsap County Code (KCC) Title 16. The code criteria are outlined in italics with the findings following each element.

*KCC 16.40.040(B) Minor Amendment. (2) A proposed minor subdivision amendment may be approved if the director makes written findings that all of the following are satisfied. If one or more are not satisfied, the application must proceed as a major amendment.*

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

Staff Response: The proposed change to reduce the lot count by 2 lots, modify the lot and internal roadway configuration and orientation of the open space/recreational facility and stormwater facility to east/west in order to eliminate and/or significantly reduce the height of retaining walls is not expected to have any significant impact to the subdivision or surrounding properties.

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

Staff Response: The proposed changes fall within the scope of the original subdivision approval. Although there will be 2 less dwelling units and concomitant lots, the project still meets and exceeds the minimum density requirement of 28 dwelling units. The project will comply with the same standards and requirements as the approved preliminary plat.

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

Staff Response: There is no change of use proposed. The proposed use is a detached single-family residence on each lot.

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

Staff Response: The proposed amendments fall within the scope of the original approval. However, a few of the Hearing Examiner (HE) conditions will need to be modified and/or deleted to address this project proposal, changes to the stormwater facility and landscaping elements, and the reduction in the number of required on-street or set-aside parking spaces. Condition 3 has been modified to clarify standard code requirements, Condition 8 has been deleted because phasing is no longer proposed, Condition 11 has been modified because the number of lots have been reduced thus reducing the number of required parking spaces., Condition 12 has been modified because the plat configuration has changed and the referenced exhibit number is no longer applicable, Condition 20 has been modified as a result of Kitsap County Code sign updates and renumbering of chapters, Condition 21 has been modified to include Condition 65 that requires additional information on the face of the plat, Condition 24 has been modified as a result of the amendment application, Condition 30 has been deleted because phasing is no longer proposed. As a result of the proposed amendment, 6 additional conditions are required and are listed near the end of this staff report under the heading "new conditions".

HE Condition 3

Construction of rock walls or other retaining facilities that exceed four feet in height shall require a building permit.

Condition 3

Construction of rock walls or other retaining facilities that exceed four feet in height, or sustain a surcharge, shall require a building permit.

HE Condition 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.

Condition 8

Deleted.

HE Condition 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.

Condition 11

A minimum of 30 on-street and set aside parking spaces shall be provided for guests/visitors. The SDAP and landscape plan shall delineate all lot/tract access points and each on-street and set aside parking space shall be numbered consecutively.

HE Condition 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.

Condition 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 required by Kitsap County Code. Street trees shall be provided at a minimum interval of 15 feet and a maximum of 30 feet. Additional trees may be required in the open space tract. 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.

HE Condition 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.

Condition 20

A monument sign shall comply with Kitsap County Code 17.510. The monument sign shall be located within an easement and landscaping shall be installed around the base.

HE Condition 21

At a minimum, conditions 6, 7, 10, 13, 16, 17, 39 and 43, shall be included on the face of the final plat.

Condition 21

At a minimum, conditions 6, 7, 10, 13, 16, 17, 39, 43 and 65, shall be included on the face of the final plat.

HE Condition 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.

Condition 24

The decision set forth herein is based upon representations made and exhibits contained in the permit application 18-04620. 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.

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

Staff Response: There is no change in the perimeter boundary of the original plat and no phasing of the project is proposed.

*f. The proposal does not increase residential density by greater than ten percent, provided the density requirements of the zone are maintained;*

Staff Response: The proposal is not for an increase in residential density. The minor amendment proposal is for 2 less lots for a total of 59 lots/dwelling units rather than the original approval of 61 lots/dwelling units. The resultant density will be 5.9 dwelling units per gross acre. The project still meets and exceeds the minimum density requirement of 28 dwelling units and doesn't exceed the maximum density of 90 dwelling units for the Urban Low Residential (UL) zone, which this project is vested to.

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

Staff Response: There is no proposed change to the original housing type, which was and still is a detached single-family residence on each lot.

*h. The proposal does not reduce the designated perimeter buffers, recreation or open space areas by more than ten percent;*

Staff Response: This project is not subject to perimeter buffers. This project doesn't reduce the recreation or open space areas. Due to the changes in lot configuration, this project is now proposing more open space than the original proposal. This project is required to provide recreational requirements at a ratio of 390 square feet per dwelling unit or lot. Originally the project was required to provide a minimum of 23,790 square feet based on 61 lots and the applicant proposed 23,926 square feet. The project is now only proposing 59 dwellings units or lots. Therefore, the minimum required area is 23,010 square feet (390 square feet/unit X 59 dwelling units/lots = 23,010 square feet). The applicant is proposing 28,933 square feet of active open space, which exceeds the minimum required by over 25%. The proposed facility is centrally located such that it affords good visibility of the tract from a reasonable number of dwellings and the 2 set aside parking areas. The playground and field areas are at least 40 feet wide, exceeding the 30-foot minimum dimension requirement, but some other areas are less than 30 feet that accommodates a trail. This reduced dimension is allowed for trail segments. 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 or the intent and it will be conditioned to comply with all code requirements.

Another 21,992 square feet is proposed for passive use because there are steep slopes that are not suitable for active recreation and cannot comply with other recreational standards identified above.

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

Staff Response: The number of access points from NW Hogan Lane is one, the same as originally approved. However, the access point into the plat from Hogan Lane has moved approximately 20 feet east of the original location due to the lot and tract configuration changes and changes to lot dimensions, but this is not considered a significant alteration of the access point location.

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

Staff Response: The proposal does not reduce required setbacks. The project is vested to UL setbacks even though the 2 parcels are currently zoned UM. The project will be conditioned to comply with UL setback requirements.

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

Staff Response: The proposal does not reduce any required street frontage improvements. All required frontage and street improvements to Hogan Lane east to Nels Nelson Road will be met subject to compliance with the conditions of approval.

**b. Lighting**

Lighting is not proposed to change. Street lighting will be provided at the plat's access point with NW Hogan Lane.

**c. Off-Street Parking**

This amendment is vested to Kitsap County Code 17.435 Off-Street Parking and Loading and Table 5, code reference is 17.435.030 not 17.490.030 as reflected in the standard template below. 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. The on-street and set aside parking is reduced slightly as a result of the reduction of 2 lots from the 61 lots originally approved. The required 30 on-street and set aside guest and visitor parking spaces are relatively evenly spaced out throughout the subdivision. The Site Development Activity Permit (SDAP) and landscape plan shall reflect the required on-street and set aside parking.

**Table 5 - Parking Table**

Use Identified in 17.490.030	Standard	Required Spaces	Proposed Spaces/Existing Spaces
Single-family (attached or detached)	2 per unit + .05 per unit on street or set aside	2 spaces on each lot, 59 lots/units X 2 spaces/unit = 118 spaces, garages are not calculated towards this requirement, 59 lots X .5 = 29.5 or 30 on-street or set aside parking space	2 spaces on each lot not counting the garage, 118 spaces on lots total, 30 on-street and set aside parking spaces for guests or visitors, 118 spaces on lots + 30 street/set aside = 148
Total		148 spaces	148 spaces

**d. Signage**

This amendment proposes no change in signage. A sign is proposed on the west side of the entrance to the subdivision. No details of the sign have been provided. Any signage will be required to comply with current code at the time of a sign permit application. The code reference today is KCC 17.510 Sign Code.

**e. Landscaping**

This amendment is vested to Kitsap County Code 17.385 Landscaping. Additional trees may be required in the open space tract.

**Table 6 - Landscaping Table**

	Required	Proposed
Required Landscaping (Sq. Ft) 15% of Site	15% not required for a subdivision, landscaping required for open space/recreation tract	Landscaping shown in open space/recreational tract, project will be conditioned for landscaping compliance
Required Buffer(s) 17.385.027		
North	Not Applicable (NA)	NA
South	Roadside Buffer	Roadside Buffer
East	NA	NA
West	NA	NA
Street Trees	Yes	Yes

**f. Frontage Improvements**

This amendment doesn't propose any changes to frontage improvements. A 5-foot wide ADA compliant sidewalk will be required on both sides of the proposed interior roadways. A 5-foot wide ADA compliant sidewalk will 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. 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.

**g. Design Districts/Requirements**

Not Applicable

**h. Development Engineering/Stormwater**

Although the orientation of the stormwater facility on the long axis is changing from north/south to east/west the type of treatment is not changing. 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. 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.

**i. Environmental**

There are some scattered steep slopes on the easterly parcel and a Category I Critical Aquifer Recharge Area located in the southeast corner of the entire site. 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. However, the Washington State Department of Natural Resources (DNR) evaluated a request from the applicant during review of the original subdivision application, permit number 15-02528, and concurred that there was no stream crossing the subject properties.

**j. Access, Traffic and Roads**

As a result of the lot layout reconfiguration, the access point from NW Hogan Lane into the subdivision is approximately 20 feet east of the original approved location. The roadway configuration is also changing so that the roadways end in hammerhead turnarounds with 2 small set aside parking areas of 7 to 8 parking spaces as an extension of the hammerhead turnaround rather than the roadways being connected. Hogan Lane 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.

**k. Fire Safety**

Fire flow requirements are not changing as a result of this amendment. Fire flow is still required for this project. The number and location of fire hydrants shall be determined through review of the SDAP.

**l. Solid Waste**

Waste Management is the local service provider. Each homeowner will be responsible for establishing an account with and meeting the requirements of the solid waste service provider.

**m. Water/Sewer**

This amendment is not proposing any changes to public water and sewer. As a result of the plat reconfiguration of the lot layout and the stormwater facility, underground pipe locations may be different.

Public water will be provided by the Silverdale Water District. The applicant will also install "purple pipe" to convey reclaimed water for irrigation purposes.

Public sewer treatment will be provided by Kitsap County Public Works, Sewer Utility. The applicant's proposal is to install a gravity sewer system. The actual design will be reviewed and approved by Kitsap County Public Works through a Site Development Activity Permit (SDAP).

**n. Kitsap Public Health District**

The Kitsap Public Health District (KPHD) reviewed the amendment application and approved their review step. The original 4 conditions from KPHD will be applied to the amendment.

**11. Review Authority**

The Director has review authority for this Preliminary Subdivision Amendment - Minor, also known as (aka) Minor Amendment, under KCC, Sections 16.40.040 and 21.04.100. The Kitsap County Commissioners have determined that this application requires review and approval of the Director. The Director may approve, approve with conditions, or deny a Minor Amendment Permit.

**12. Findings**

1. The proposal is consistent with the Comprehensive Plan.

2. The proposal complies 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 Kitsap County Code and all other applicable regulations, including all applicable development standards and design guidelines, through the imposed conditions outlined in this report.
3. The proposal is not materially detrimental to existing or future uses or property in the immediate vicinity.
4. The proposal is compatible with and incorporates specific features, conditions, or revisions that ensure it responds appropriately to the existing character, appearance, quality or development, and physical characteristics of the subject property and the immediate vicinity.
5. 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.
6. The findings of the Hearing Examiner for Hogan Heights Preliminary Plat, permit number 15 02528, still substantially apply. Therefore, the Hearing Examiner's findings are applicable and incorporated into this decision, except to modify the findings for the ownership change, which is listed on the first page of this document, for the change in number of lots from 61 lots to 59 lots and the corresponding change to on-street or set aside parking from 31 spaces to 30 spaces and the resultant open space/active recreational area requirement changing from 23,790 square feet to 23,010 square feet.
7. It is appropriate to modify and delete some Hearing Examiner conditions and add new conditions based on the proposed plat amendment.

### **13. Decision**

Based upon the analysis above and the decision criteria found in KCC 16.40.040.B, the Department of Community Development approves permit number 18-04620 for the Preliminary Subdivision Amendment - Minor request for Hogan Heights, subject to the following 69 conditions:

#### **a. 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, or sustain a surcharge, 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. Deleted.
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 30 on-street and set aside parking spaces shall be provided for guests/visitors. The SDAP and landscape plan shall delineate all lot/tract access points and each on-street and set aside 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 required by Kitsap County Code. Street trees shall be provided at a minimum interval of 15 feet and a maximum of 30 feet. Additional trees may be required in the open space tract. 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 17.510. 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, 43 and 65, 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 permit application 18-04620. 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. Deleted.
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](mailto: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 KCC 20.04.030. 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 Chapter 11.22 of the Kitsap County Code and 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.

**b. Fire Marshal**

58. Fire apparatus access roads shall comply with the International Fire Code (IFC) section 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.

**c. 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.

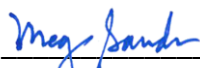
62. Any existing wells or septic tanks shall be decommissioned in accordance with Kitsap Public Health District requirements.

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.

**d. New Conditions**

64. Prior to recording the Final Plat, soil amendment is required over all disturbed areas within Tracts that are not covered by hard surface; provided, that in the event completion of a Recreational Tract has been bonded, soil amendment shall be completed prior to expiration of the bond covering that work.
65. The following condition shall be added to the face of the Final Plat: At the time of submittal of a building permit for any lot within this plat, soil amendment is required for all disturbed areas not covered by hard surface.
66. Frontage improvements, consisting of vertical curb, gutter and 5-foot wide sidewalk is required along both sides of the interior plat roads.
67. Access to parking lots shall be designed as a driveway approach per WSDOT Standard Plan F-80.10-04 Type 2.
68. Parking areas lying outside the rights-of-way shall be placed in separate tracts and identified by Tract letter designation on the Final Plat.
69. The raised garden beds in the south Community P-Patch, currently proposed as moveable galvanized feed troughs, shall be located so as to not block access to the Drainage Tract access road. The road shall remain accessible to maintenance vehicles/equipment at all times.

**Report prepared by:**



\_\_\_\_\_  
Meg Sands, Staff Planner / Project Lead

25 January 2019

Date

**Report approved by:**



\_\_\_\_\_  
Shawn Alire, Department Manager / Supervisor

01/28/2019

Date

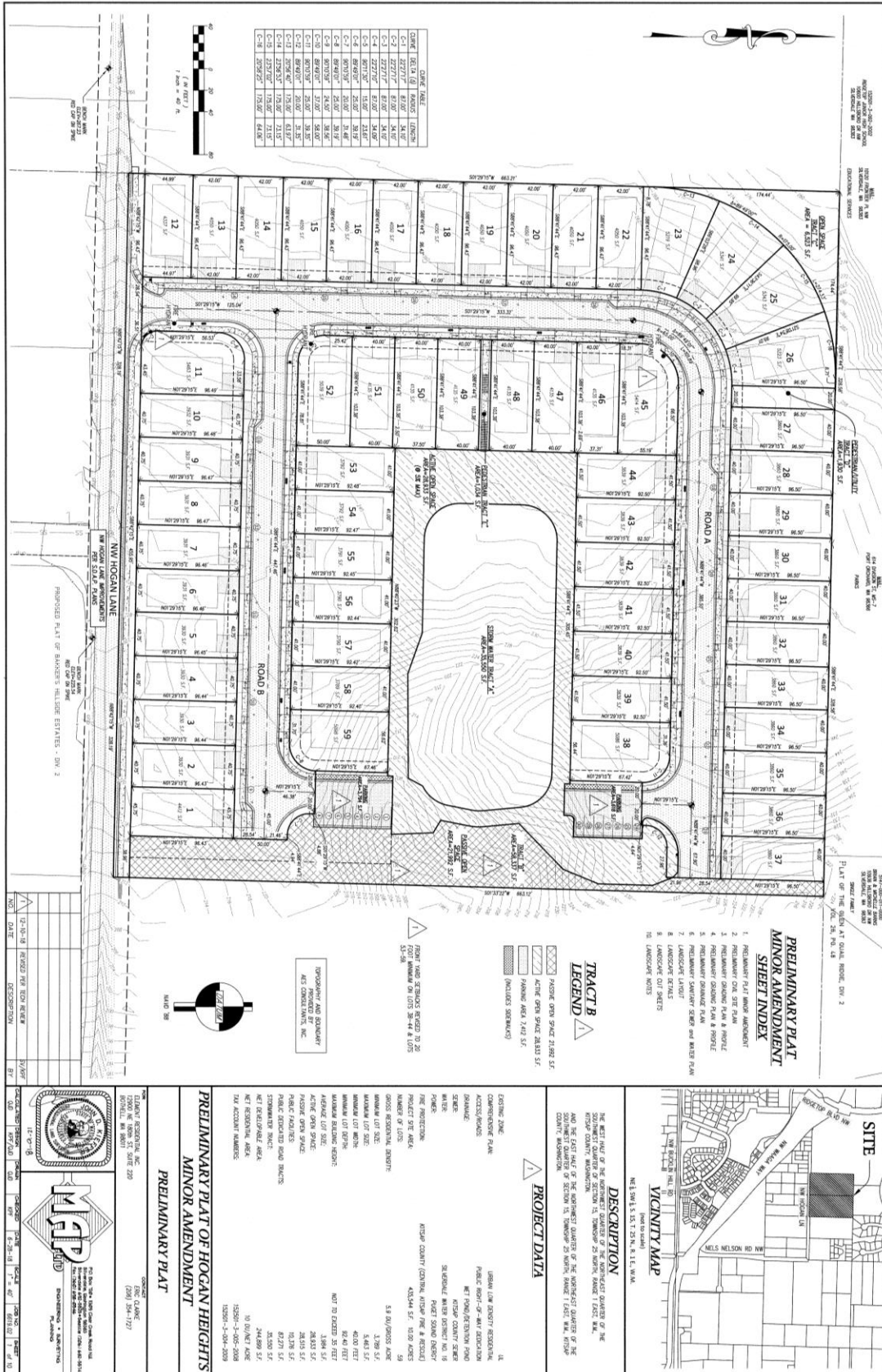
**Attachments:**

Attachment A – Zoning Map - Vested

Attachment B – Zoning Map - Current

Attachment C – 15 02528 Site Plan

CC: 12th Man LLC, eric@reoconsultants.biz  
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Kitsap County Health District, MS-30  
Kitsap County Public Works Dept., MS-26  
DCD Staff Planner: Meg Sands



Site Plan