



## **KITSAP COUNTY DEPARTMENT OF COMMUNITY DEVELOPMENT**

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Larry Keeton, DIRECTOR

# **STAFF REPORT**

## **RECOMMENDATION TO THE HEARING EXAMINER**

**Date:** November 4, 2008

**Application Date:** April 18, 2007

**Project:** Sedgwick Meadows PBD

**Type of Application:** Preliminary Plat / Performance Based Development

**LIS Number:** 07 50566

### **Request Summary:**

The applicant, Sedgwick Meadows LLC, is requesting the approval of a Performance Based Development subdivision application. The Plat would subdivide a parcel of approximately 4.84 acres of land into 44 lots. Each lot would be approximately 2506 Square Feet in size. The site is zoned Urban Low (UL) and will be served by public sewer and water. Proposed housing types include permitted single family detached. The proposal includes construction of associated private streets and parking for off-street parking of 97 spaces. Sidewalks are located on both sides of the internal plat streets. Street trees are proposed at approximately 40 feet on center along both sides of the internal plat roads. Open space and developed park sites are provided throughout the plat, and all the necessary utilities to serve the lots in the plat are provided.

**Decision Summary:** Recommending Approval subject to conditions

### **Project Location:**

The subject property is located in Port Orchard Washington North of SE Sedgwick Road and just to the west of the Villa Carmel Subdivision at 2691 SE Sedgwick Road. Commissioner District #2.

**Assessor's Account #:** 01230-14-038-2005

### **Applicant and Owner of Record:**

Sedgwick Meadows LLC  
Attention: Daniel Horovitz  
2497 Bethel Road SE  
Port Orchard, WA 98366

**Project Representative and Engineer:**

Ryan Moore  
Vector Engineering Inc  
309 Washington Street NE  
Olympia, WA 98501

**State Environmental Policy Act (SEPA) Status:**

Pursuant to WAC 197-11-340, a Mitigated Determination of Non-Significance was signed by the Responsible Official October 24<sup>th</sup>, 2008. This determination was not appealed.

**COMMENTS:**

The SEPA comment period previously occurred concurrent with the Notice of Application dated July 10, 2008. Multiple comments were received, including but not limited to concerns with regard to contaminated material dumping, emergency vehicle access, pedestrian safety, project density, infrastructure capacity, and traffic circulation. The applicant has submitted special reports for consideration, including stormwater, traffic and critical area assessments. For additional background information with regard to the Urban zoning designation, the Kitsap County Comprehensive Plan Environmental Impact Statement is hereby incorporated by reference, and may be viewed at [www.kitsapgov.com](http://www.kitsapgov.com).

The following mitigation measures are required to address identified waste material dumping, stormwater, pedestrian safety and traffic impacts, and are implemented pursuant to KCC Section 18.04.D.3 (C,K,L,N) (SEPA Substantive Authority):

1. Cleanup of existing waste materials on site shall be the responsibility of the property owner, pursuant to Kitsap County Board of Health regulations.
2. Low impact stormwater treatment devices shall be utilized to infiltrate stormwater on site. Stormwater from roadways will be collected and conveyed to Filterra Units by Filterra Bioretention Systems (or equivalent) for water quality treatment. For water quantity control the proposal includes discharge to multiple infiltration galleries, which requires a technical deviation per the Kitsap County Stormwater Design Manual. An approved technical deviation or a method of stormwater quantity mitigation acceptable to Kitsap County will be required at time of final design.
3. The applicant shall construct a two-way left turn lane at the Jackson Ave SE & SE Villa Carmel Dr intersection on Jackson Ave SE. The turn lane shall tie into the existing left turn lane at the intersection of Jackson Ave E & State Highway 160. Construction shall meet all Kitsap County Road Standards.
4. Pursuant to Kitsap County Comprehensive Plan Section 8.2.10 (Non-Motorized Travel), road frontage improvements consisting of curb, gutter, and sidewalk shall be constructed on the entire north side of SE Villa Carmel Dr from Jackson Ave SE to the project entrance.
5. Wheelchair ramps shall be provided on both sides of the intersection of SE Villa Carmel Dr and SE Beechcrest Ct and SE Villa Carmel Dr and Pancho Villa CT SE. Include on the plan set curb ramp details that meet the requirements of the Americans with Disabilities Act per WSDOT Standard Plan F-40 cement concrete sidewalk and approach details.
6. Emergency vehicle access shall comply with all Kitsap County Fire Marshall standards, including but not limited to fire suppression systems in homes where required.

**Site Physical Characteristics:**

The subject property parcel is long and narrow in a rectangular shape with dimensions of approximately 165' wide and 1276' long. The parcel is characterized with forested uplands on the northern end of the parcel and scattered second growth Douglas Fir, Bigleaf Maple and other associated species and associated shrub vegetation on the middle to southern end of the parcel. An abandon single family residence is located at the southern end of the parcel just off Sedgwick Road.

The slope is generally to the center of the property, which is higher in elevation at the north and south ends.

The USDA Soil Conservation Service (SCS) classifies the native soil on the site as typically Harstine gravelly sandy loam and Indanola loamy sand. The slopes on the site range from 0-15%. Much of the site will need to be regarded for the development.

**Existing Zoning and Comprehensive Plan Designation:**

The subject property is designated Urban Low (densities of 4 to 9 dwelling units per acre). The proposed PBD has a density of 9 units per acre.

The Urban Low (UL) is intended to recognize, maintain, and protect urban low density residential areas and establish urban densities where a full range of community services and facilities are present. The following are other site requirements for the UL Zone.

- Minimum Lot Area = 3,600-square feet
- Minimum Lot Width = 60-feet
- Minimum Lot Depth = 60-feet
  
- Minimum Density = 4-dwelling unit/acre
- Maximum Density = 9-dwelling units/acre
  
- Minimum Setbacks = 20-feet front yard  
= 5-feet side yard  
= 5-feet rear yard

Maximum Building Height = 35 Feet

The proponent is developing the property as a Performance Based Development which allows reductions in minimum lot size in exchange for greater open space within the development.

**Surrounding Land Use and Zoning:**

The area surrounding the subject property is Urban Low (UL) zoning designations. To the immediate east is the existing neighborhood of Villa Carmel. Villa Carmel is a 104 unit development characterized with approximately 25' wide streets with rolled asphalt curbs. It is proposed to access the development of Sedgwick Meadows through Villa Carmel using SE Villa Carmel Drive. Also, to the west is a smaller neighborhood zoned UL accessed from Sedgwick which serves 7 residences. To the west is another small neighborhood on Griffith Lane SE, also accessed from Sedgwick Road which serves approximately 14 residences.

Adjacent to the northwest corner of the development are a few residences accessed from SE Vale Road. To the south is SE Sedgwick Road.

**Public Utilities and Services:**

Water: West Sound Sewer and Water District  
Power: Puget Sound Energy  
Sewer: West Sound Sewer and Water District  
Police: Kitsap County Sheriff  
Fire: South Kitsap Fire Protection District  
Schools: South Kitsap School District

**Transportation:**

The applicant proposes to access the 44 residential lot subdivision by connecting to the end of SE Villa Carmel Drive, which is a county maintained road. SE Villa Carmel Dr is a 25' wide neighborhood collector road within a 50' wide County ROW, which intersects with Jackson Ave, an arterial road. The proposed road for this project will remain private.

Kitsap Transit serves the general area with transit route #7 which has a stop around Jackson Ave SE and SE Sedgwick Road. There is also a bus shelter for school children at the intersection of SE Villa Carmel Drive and Jackson Ave SE, on the north side of SE Villa Carmel Drive. This bus shelter serves the children residing in Villa Carmel as well as surrounding areas. School busses from at least 3 South Kitsap schools use this shelter. (see Exhibit 38).

**Stormwater:**

Stormwater from roadways will be collected and conveyed to Filterra Units by Filterra Bioretention Systems (or equivalent) for water quality treatment. For water quantity control the proposal includes discharge to multiple infiltration galleries, which is not allowed for residential developments per the Kitsap County Stormwater Design Manual. An approved technical deviation or a method of stormwater quantity mitigation acceptable to Kitsap County will be required at time of final design.

**Off-Street Parking:**

Building permits for individual lots will need to demonstrate that at least two off-street parking spaces are available, per KCC 17.435 Off-Street Parking and Loading. Staff is also requesting additional spaces to provide for guest/overflow parking. Total parking provided is 97 parking spaces. Each single family lot will provide 2 parking spots on residential aprons and allowances have been made for 9 street side parking spaces by a park.

**Policies and Regulations Applicable to the Subject Proposal:**

Kitsap County Code

*Stormwater Drainage, Title 12*

*Preliminary Plat, General Provisions, Title 16.04*

*Preliminary Plat, Title 16.12*

*Kitsap County Zoning Code, Title 17, (February 15, 1999 and as amended)*

- Section 110 Definitions
- Section 330 Urban Low Residential

- Section 400 Land Use Review
- Section 405 Pre-Application Review
- Section 421 Conditional Use Permit
- Section 425 Performance Based Development
- Section 435 Off-Street Parking and Loading
- Section 520 Appeals
- Section 525 Revocations of Permits or Variances

*Kitsap County Critical Areas Ordinance, Title 19, (Adopted May 7, 1998, Amended August 9, 1999)*

*Kitsap County Land Use and Development Procedures Title 21, (May 18, 1998 and as amended)*

*Kitsap County Comprehensive Plan (May 7, 1998 and as amended)*

The following provisions are land use goals of the Comprehensive Plan addressing the preliminary plat:

Goal 11 Encourage new residential growth to locate within designated UGAs at higher densities than in rural areas.

Response: *The applicant is proposing to develop at the maximum density allowed within the Urban Low zone.*

Goal 13 Ensure that new development is compatible with established residential areas and provide for quality development.

Response: *The project is being developed as a Performance Based Development allowing for parks and open space within the development. Sidewalks and street trees are to be provided within the new development. Access to the development is through an existing neighborhood without sidewalks. The project is conditioned by SEPA to provide a sidewalk along the access drive, SE Villa Carmel, to provide a safe walking environment to the neighborhood school bus shelter. A six foot high solid cedar fence is also being provided along neighboring residences down the western and eastern property lines.*

Goal 33 Encourage the development of low-impact development standards for stormwater mitigation and to maximize groundwater resources.

Response: *The preliminary plat is being developed to capture and infiltrate all of the storm runoff with a safety overflow that outlets to a swale along Sedgwick Road.*

### **Analysis:**

The applicant's proposal meets the zoning requirements in KCC, Title 17, and development regulations pursuant to KCC Sections 16.04 General Provisions, 16.08 Definitions and 16.12 Preliminary Plat Standards. The applicant has submitted a preliminary plat drawing, which meets the subdivision regulations, dated January 10, 2008.

The Hearing Examiner is required to make findings for the following requirements:

- A. KCC Section 16.12.080 Hearing - Appropriate facilities and Improvements determinations.  
The Hearing Examiner determines whether the proposal includes appropriate provisions for drainage, roads, alleys and other public ways, water supplies, sanitary wastes, parks, playgrounds, fire protection facilities, school sites and grounds and other public and private facilities and improvements.

*Reponse: Kitsap County has reviewed the preliminary plat comprehensively to ensure that the development will not be detrimental to the health, safety and welfare of persons residing in this subdivision and or to persons residing near the subdivision. The Kitsap County Fire Marshal's Office, Health District, Public Works, Development Engineering and Planning were involved with the review of the project.*

- B. KCC Section 16.012.090 Hearing Conformance to Comprehensive Plan determination.  
The hearing examiner shall determine if the proposed subdivision conforms to the general purposes of the Comprehensive Plan, and if the public use and interest will apparently be served by the proposal.

- C. KCC 17.421.030 Hearing Examiner CUP  
The hearing examiner shall determine if the proposed subdivision conforms to the general purposes of the Comprehensive Plan, and if the public use and interest will apparently be served by the proposal.

- A. The hearing examiner may approve, approve with conditions, or deny a hearing examiner conditional use permit. Approval or approval with conditions may be granted only when all the following criteria are met:
1. The proposal is consistent with the Comprehensive Plan;
  2. The proposal complies with applicable requirements of this title;
  3. The proposal will not be materially detrimental to uses or property in the immediate vicinity; and
  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.
- B. As a condition of approval, the hearing examiner may:
1. Increase requirements in the standards, criteria, or policies established by this title;
  2. Stipulate the exact location as a means of minimizing hazards to life, limb, property damage, erosion, landslides, or traffic;
  3. Require structural features or equipment essential to serve the same purpose set forth in Chapter 17.382.
  4. Include requirements to improve parity with other uses permitted in the same zone protecting them from nuisance generating features in matters of noise, odors, air pollution, wastes, vibration, traffic, physical hazards, and similar matters. The hearing examiner may not in connection with action on a conditional use permit, reduce the requirements specified by this title as pertaining to any use nor otherwise reduce the requirements of this title in matters for which a variance is the remedy provided;

5. Assure that the degree of compatibility with the purpose of this title shall be maintained with respect to the particular use on the particular site and in consideration of other existing and potential uses, within the general area in which the use is proposed to be located;
  6. Recognize and compensate for variations and degree of technological processes and equipment as related to the factors of noise, smoke, dust, fumes, vibration, odors, and hazard or public need;
  7. Require the posting of construction and maintenance bonds or other security sufficient to secure to the county the estimated cost of construction and/or installation and maintenance of required improvements; and
  8. Impose any requirement that will protect the public health, safety, and welfare.
- C. If the approval criteria are not met or conditions cannot be imposed to ensure compliance with the approval criteria, the conditional use permit shall be denied.

*Response: The Department has reviewed the preliminary plat and found the project consistent with Comprehensive Plan policies and the implementation regulations in the KCC Title 17 Zoning. The density for the plat proposal falls within the range of 5 to 9 dwelling units per acre with 9 dwelling units per acre, which is consistent with the UL zoning designation.*

### **Performance Based Development (PBD) Standards and Requirements**

Abbreviated standards from KCC 17.425.040 are listed below (italics), with a discussion of the individual standard immediately following:

A. *Building Height.*

*There is no request to exceed the building height of the zone.*

B. *Common Open Space.*

1. *The location, shape, size, and character of the common open space is suitable for the performance based development, however in no case shall the common open space be less than fifteen percent of the total site.*

The location, shape, size and character of the common open space are suitable and it exceeds fifteen percent of the total site area.

2. *The common open space is suitable for use as an amenity or recreational purpose, provided the use authorized is appropriate to the scale and character of the planned density, expected population, topography, and the number and type of dwellings provided.*

Enough of the common open space is suitable for use as an amenity which includes an underdeveloped open space tract retaining forested uplands found on the site. The recreation amenity will be landscaped and will be supplemented with trees, shrubs and other landscaping. The diversity and extent of the recreational opportunities with the development is sufficient.

3. *Common open space may be improved for its intended use. Common open space containing critical areas or other natural features worthy of preservation may be left unimproved. The buildings, structures, and improvements to be permitted in the common open space are those appropriate to the uses which are authorized for the common open space.*

There are no critical areas on the site. Some of the open space will contain native trees worthy of preservation.

4. *Land shown in the final development plan as common open space, and its landscaping and/or planting contained therein, shall be permanently maintained by and conveyed to an association of owners, a public agency, or a private non-profit conservation trust or similar entity.*

The common open space would be held in common by an association of owners of the entire plat. This requirement shall be reflected in the Conditions, Covenants and Restrictions (CC&R's) required as part of the final plat.

C. *Recreational open space.*

1. *A contiguous area that is five percent of the lot area (excluding perimeter buffers, critical areas and critical area buffers), Said area shall be:*
  - a. *Developed as an open grass field (manicured to a condition that allows mowing by mechanical means) or a natural area (not inside perimeter buffers, critical areas or their buffers) that contains a pathway and benches;*
  - b. *Owned in common and /or available for use by all residents of the PBD;*
  - c. *A provision made by the Covenants for perpetual maintenance.*
2. *A developed active recreation facility or facilities commensurate with the number of units/lots contained within the PBD. A "facility" shall be: a paved "sport court"; children's play area; exercise fitness trail; community garden with water service; or similar amenity.*
  - b. *13 to 49 lots/units shall provide one facility*
    - d. *Facilities may be located within the contiguous recreational areas;*
  - g. *Owned in common and available for use by all residents of the PBD;*  
*and*
  - h. *Written provisions or agreement for perpetual maintenance by the Home Owner's Association or a public agency willing to assume ownership and maintenance.*

A developed recreational park is proposed that is at least 5% of the lot area.
3. *In rural zones, common open space shall be no less than fifty per cent of the total site area.*

The subject properties are all in an urban zone; therefore, standard number 3 does not apply.

5. *In order to promote creativity and innovation, these standards and criteria may be modified or substituted with other design concepts if so approved by the board of county commissioners.*

There is no request for these standards and criteria to be modified or substituted with other design concepts and none have been approved by the Board of County Commissioners.

### **Review and Analysis by Local Agencies:**

County Health District:	Recommends approval with conditions.
County Development Engineering/	A memorandum dated October 29, 2008 recommends approval with conditions.
County Fire Prevention Bureau:	Recommends approval with conditions.
Public Input:	Numerous residents (approximately 70) of Villa Carmel have submitted letters and/or signed a petition and commented on this proposal. They are all opposed to this project and are listed on the interested parties list.

### **Public Comment:**

The public comments are summarized and include versions of the issues is listed below:

1. Safety concerns with increased traffic and the safety of children and pedestrians.
2. Utility impacts with storm water and sewer
3. Maintain access to water district open lands
4. Loss of quality of life and property values
5. Environmental concerns with waste dumping on the site
6. Construction impacts of noise and dust to neighbors and damage to Villa Carmel Dr.
7. Existing Traffic congestion at Villa Carmel and Jackson
8. Capacity at local schools, they are currently overcrowded

### **Findings:**

Staff has reviewed the Sedgwick Meadows Performance Based Development against the requirements in the Kitsap County Code and found the project consistent. The following are findings for the preliminary plat request:

1. The proposed development/use is one permitted within the subject zoning designations and complies with all of the applicable provisions of this Ordinance and all other applicable regulations, including prescribed development/performance standards and all applicable development standards and design guidelines.