

Initial Project Review

Preliminary Plat / Planned Development District: Key Center #5 PDD

Application Numbers: 883451, 883453
Parcel Number: 0122304039

Key Peninsula Advisory Commission (KPAC) Meeting: June 20, 2018, at 6:30 p.m., at the Key Peninsula Civic Center, VFW Room, 17010 South Vaughn Road, Vaughn, WA

Proposal: Subdivide a 5.05-acre parcel into ten lots and seven tracts. Five senior housing duplexes would be constructed with each half of the duplex on its own lot. The tracts would be for stormwater, native vegetation, private road/utilities, and septic drainfield. A new private road will extend westward into the site from 138th Avenue KPN. In 2009, the Pierce County Hearing Examiner approved on the same site a somewhat similar senior housing project, consisting of 12 dwellings. However, the approval later expired.

Project Location: 13819 Key Peninsula Highway North, on the west side of the intersection of 138th Street KPN and the Key Peninsula Highway, in the Rural Neighborhood Center zone classification and Key Peninsula Community Plan area, within the SE ¼ of Section 30, T22N, R1E, W.M., in Council District #7.

Review Summary: Staff has reviewed the proposal for compliance with all applicable policies and regulations (including the Key Peninsula Community Plan). In summary, it appears the proposed use and subdivision (preliminary plat) of the site are appropriate. However, the following are potential concerns:

1. Is the proposal providing enough amenities to warrant the granting of the PDD?
2. Is the amount of grading/filling necessary?
3. The KPAC had some safety concerns with the prior proposal,

State Environmental Policy Act (SEPA): The proposal is exempt from SEPA as Pierce County Code Title 18D.20.010 exempts residential developments consisting of 20 dwelling units or less.

County Contact: Ty Booth, Planner, ty.booth@piercecountywa.gov, 253-798-3727

Pierce County Online Permit Information:

<https://palsonline.co.pierce.wa.us/palsonline/#/permitSearch/permit/departementStatus?applPermitId=883451>



Project Data

Complete Application Date: April 4, 2018

Initial Project Review Mailed: June 13, 2018

Property Owners/Applicants: John and Carole Holmaas
P.O. Box 206
Gig Harbor, WA 98335

Applicants' Agent: Halsan Frey LLC
Attn: Mr. Carl Halsan
P.O. Box 1447
Gig Harbor, WA 98335

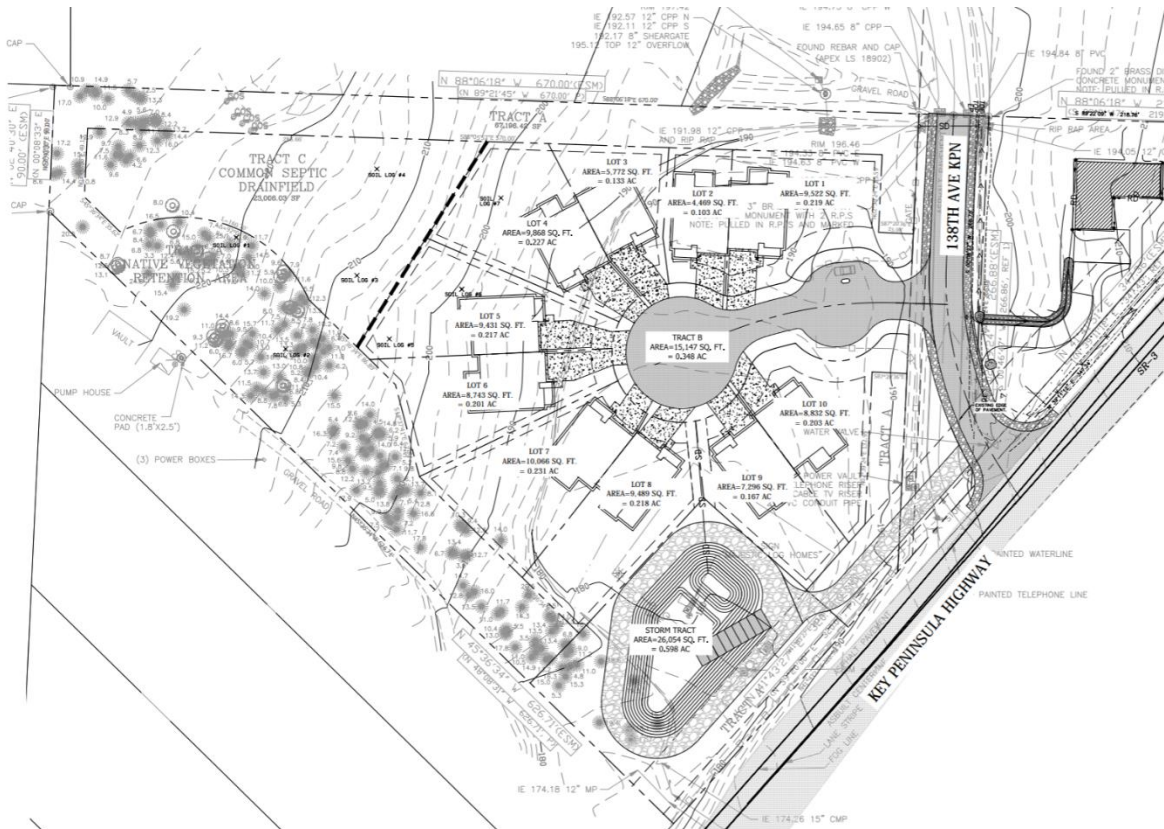
Legal and Public Notice

- *April 11, 2018*: Notice of Application and Public Meeting Notice was sent to the following:
 - Property owners within a radius of 300 feet, but not less than two parcels deep, around the exterior boundaries of the site.
 - Applicable governmental agencies
- *April 16, 2018*: Public Notice sign was posted on the site, confirmed with a Declaration of Posting.
- *June 6, and 7, 2018*: Legal notices were published in the official County newspaper (*Tacoma News Tribune*), and *Peninsula Gateway* newspaper, advertising the Key Peninsula Advisory Commission (KPAC) public meeting.

2017 County Aerial Photo



Site Plan



Comments from Abutting Property Owners, Public, and Agencies

- Abutting Property Owners/Public. Staff has received comments in opposition to the proposal. The comments are from the residents of the Huckleberry Ridge subdivision to the north. They state, in part, the use is not allowed; too high of density; first of its kind on the Key Peninsula; creates a traffic hazard; construction damage to abutting road; out of character with area; traffic study and environmental impact statement should be required; too much density; what happens if it ceases to be senior housing; safety hazard for children/school buses; don't want it to turn into low income housing, will decrease property values; seniors are too far removed from services; and it will damage the environment.
- Comments from Agencies. Various comments have been received. The following are of note:
 - Pierce County Development Engineering Division:
 - The County will require right-of-way along the highway be dedicated to bring the existing right-of-way up to the standard width. A ten (10) foot wide strip of right-of-way shall be deeded along this project's frontage.
 - A traffic study will be required to determine if a left-turn pocket or a two-way left lane is warranted on the highway.
 - A geotechnical report will be required.
 - A conceptual storm drainage report may be required.

- Pierce County Resource Management Division (Biologists): There is a drainage on-site but it is not regulated (no buffer). Further, there are no wetlands/wetland buffers on-site.
- Fire Prevention Bureau: Fire sprinklers will be required in each building and additional fire hydrants will be required

History

- January 31, 2007: Applications were submitted to subdivide the same 5.05-acre parcel into four multi-family residential lots and two tracts. Each lot would be developed with a triplex for senior housing. A new private road will extend westward into the site from 138th Avenue KPN. The road will be gated and terminate in a cul-de-sac. A total of 25,800 cubic yards of fill will be necessary. The lots will be served by on-site septic systems. The site is zoned Rural Neighborhood Center (RNC).
- June 1, 2008: Effective date of the Key Peninsula Community Plan.
- September 17, 2008: The proposal was heard by the KPAC. The KPAC recommended approval subject to traffic safety concerns being addressed at the intersection of 138th and the highway. Specifically, a bus pull-out shall be provided for public transportation. The motion passed by a vote of 6 yes, 1 no.
- August 5, 2008: Pursuant to the State Environmental Policy Act (SEPA), the County issued a Determination of Nonsignificance (DNS) on August 5, 2008. No appeal was subsequently filed.
- October 1, 2008: Deputy Hearing Examiner held a public hearing.
- January 22, 2009: Deputy Hearing Examiner issued a decision approving the proposal.
- May 2013: An application was submitted to amend the approval by subdividing the same 5-acre parcel into 12 lots. Six duplexes would be developed with each half on a separate lot. The 12 total dwelling units would not be limited to senior housing. It was later determined the proposed amendment was not allowed as senior housing does not allow single-family or duplexes, and the proposed density is only allowed for senior housing projects.
- Applicant works with County Council to change regulations.
- May 2016: The existing approval was cancelled as it was not recorded in time.
- April 4, 2018: The current proposal was submitted. It again requires a review/recommendation by the KPAC and approval by the Examiner.

Site Characteristics

- Staff has visited the site.
- The project site consists of one vacant parcel. It is Lot 10 of a large lot subdivision recorded in 1982 (Pierce County Auditor recording #8207300364).
- The parcel is approximately five acres in size.
- The project site is five sided and irregularly shaped.

- The south side is abutted by Key Peninsula Highway North and the east side by 138th Street KPN, which provides access to the parcel via an existing driveway located in the southeast corner.
- The current topography creates a shallow bowl. The highway sits several feet higher than the southern boundary.
- Although presently vacant, in the past, a log home business was located in a flat area in the middle of this bowl.
- The area around the business was cleared of vegetation. The south and east sides consist of a mixture of cleared bushy areas and trees; whereas, the west and north sides consist of dense trees and bushes.
- A storm drainage pond is located near the northeast corner of the property. An excavated drainage ditch flows from that pond through dense vegetation in the northern portion of the project site. The drainage then turns south and flows along the margin of the densely vegetated area to the west and the area cleared for the former business. The drainage disappears into the ground prior to reaching the embankment for the highway.
- A well exists off-site to the west and a 100-foot well buffer radius extends on-site.

Abutting Uses:

- The area is very rural in appearance although this site is within a small commercial node surrounded by a variety of land uses.
- The road serving the plat, 138th Street KPN, extends further north and provides access to a single-family residential subdivision (Huckleberry Ridge).
- Across the street to the east is a single-family residence.
- Across the highway are two single-family residences and a commercial building.
- The west side of the project site is abutted by what appears to be a contractor yard.

Abutting Zoning:

- The surrounding zoning consists of a mixture of Rural Neighborhood Center (RNC), Rural Sensitive Resource (RSR) and Rural 10 (R10).

Additional Details on Proposal and Initial Planning and Public Works Staff Review for Consistency with Applicable Policies/Regulations

Land Use

- Zoning Code Section 18A.33.210 F. defines senior housing and breaks it down into three levels (only Level 3 is noted below).

Senior Housing Use Type refers to living accommodations where at least one member of the family or an individual is age 55 or over and no member of the household is under 18 years of age. A covenant describing the conditions of approval, including age restrictions, shall be recorded with the Pierce County Auditor on the Title of each Senior Housing parcel.

Level 3: Housing types that consist of independent living and are comprised of grouped attached housing where elderly individuals or families reside and care for themselves. These housing types are subject to density requirements of the underlying zone except as allowed under PCC 18A.15.020 A.7.

- Zoning Code Section 18A.26.020 states that all levels of senior housing are permitted outright in the RNC zone.

Staff Comment: The proposal matches Senior Housing – Level 3, which is permitted outright in the RNC zone. However, the proposal requires a preliminary plat application as a subdivision is proposed and a planned development district application as the required 5-foot side/interior yard setbacks are proposed to be reduced to zero (so as to allow the duplex to cross over the lot lines). It should be noted that in the RNC zone a variety of other residential, civic, utility, office/business, resource, commercial, and industrial uses are permitted outright (require no public hearing) or are allowed with a conditional use permit (public hearing). Compared to the current proposal, some of these other uses could result in impacts greater than the current proposal.

Density

Zoning Code Section 18A.15.020 A.7. states, in part, that in rural centers “the densities for senior and assisted-living centers shall be based upon the requirements of the Health Department.”

Staff Comment: Ten dwelling units on 5.05 acres are proposed. This equates to a density (dwelling units per acre) of 1.98 (10 divided by 5.05 = 1.98). There are no sewers in this area and instead an on-site septic disposal system (septic tanks and drainfields) will be installed. The drainfields will be located in the western portion of the site. The number of units proposed is allowed provided the Applicants can obtain approval from the Health Department. Presumably the Applicants would not have made this application if they did not believe they could obtain approval from the Health Department. It should be noted that in the abutting RSR and R10 zones senior housing is not permitted but single-family residences and duplexes are permitted. However, based on the density regulations, a comparably sized 5.05-acre parcel in those zones would only be large enough to support one-single family residence and no duplex.

Lot Dimension/Lot Size

Zoning Code Section 18A.15.020-2 has no requirements.

Building Setbacks:

- Zoning Code Section 18A.15.040-2 requires the following minimum setbacks:
 - Front (setback from roads): 25 feet.
 - Side/interior: 5 feet.
 - Rear: 5 feet.

Note: there are some exceptions including for corner lots.

- Zoning Code Section 18A.15.040 B.1.c. states that “the minimum setback for any new senior and assisted-living center or commercial building abutting R5, R10, R20 or R40 zone classification shall be 30 feet.” The parcels across the street/highway to the east and south are zoned R10.

Staff Comment: Currently the PDD has been submitted to reduce the interior/side yard setback to zero on one side of all the lots so as to allow the duplex to cross over the lot lines. Typically, setback reductions are requested through a Zoning Code Variance. However, the Planning Department does not allow the variance process to request multiple setback reductions such as this. Instead, the proposed reduction requires a PDD. The proposal's consistency with the PDD criteria is addressed at the end of this report.

However, it is unclear to Staff if the buildings will also meet the setback from the proposed internal road (depending upon where the edge of the road easement is located). If this is a problem, it appears the lots would be large enough to pull back the structures or redesign the structures. If that is not possible, then they would need to be included in the PDD application.

Otherwise, the proposed buildings meet setbacks from 138th Avenue KPN. However, setbacks could potentially be an issue along the Key Peninsula Highway as 10 feet would need to be dedicated and there appear to be remnant easements located next to and paralleling the highway.

Building Height

Zoning Code Section 18A.17.030 B.2.-2 states that structures shall be limited to 45 feet in height.

Staff Comment: The buildings are not proposed to exceed this limitation.

Residential

Design Standards Code Section 18J.15.185 has standards that are intended to ensure residential structures are integrated with the existing and adjacent neighborhoods by reducing the scale of structures and by incorporating architectural design features to increase compatibility with adjacent structures and uses.

Staff Comment: Building plans have not been submitted yet but will need to comply with these standards. It contains requirements for how duplexes are supposed to look. Additional design standards specific to the Key Peninsula area are addressed later in this report in the PDD section.

Critical Areas:

Critical areas (wetlands, stream, hazard areas, etc.) are addressed in Pierce County Code Title 18E.

Staff Comment: No critical areas have been identified on the site with the exception of a potential landslide/erosion hazard area (necessitating the need for the geotechnical report) and aquifer recharge area.

Site Design

Design Standards Code Section 18J.15.015 states that site development for buildings, roadways and other site improvements should be designed to fit the natural topography with the minimum amount of site disturbance and grade changes possible.

Staff Comment: It appears a substantial amount of cut and/or fill (dirt movement) will be necessary and staff is unclear why (aside from storm pond). It is possible a Site Plan Review (SPR) application may be necessary to deviate from this requirement. An SPR application is considered by the Examiner when deviations are proposed to the design standards in Title 18J.

Vegetation Retention

Design Standards Code Section 18J.15.020 states that an objective of this section is to minimize site clearing to preserve and enhance the visual appearance and preserve the natural wooded character of the Pacific Northwest, promote utilization of natural systems for habitat, reduce the impacts of development on the storm drainage system and water resources. Sites located within open space corridors and RNC zones are required to maintain a minimum of 30% native vegetation retention.

Staff Comment: The northern portion of the site is within an open space corridor. It appears the proposal is meeting the regulation.

Tree Conservation

Design Standards Code Section 18J.15.030 requires 30% of significant trees be retained and, within an RNC zone, a minimum of 20 trees unit credits (per acre) be provided for all trees.

Staff Comment: It appears the proposal will retain all significant trees and 2 ½ times in excess of the amount of tree credits required. However, the tree plan may be outdated. It may have been prepared for the prior approved proposal.

Landscaping

Design Standards Section 18J.15.040 contains landscaping regulations. Along the highway, an 8-foot buffer is required, abutting existing single-family developments an 8-foot buffer is required, and abutting industrial uses a 20-foot buffer is required. Note, a 50-foot buffer is typically required along the highway but is reduced to 8 feet in the RNC zone.

Staff Comment: The proposal appears to be providing in excess of the minimum landscaping required.

Street Trees

Design Standards Section 18J.15.050 contains street tree regulations. It does not appear they are required in the rural area.

Staff Comment: Although not required, street trees are proposed along the new internal plat road/cul-de-sac. The Key Peninsula Community Plan also has some discussion of the street trees along the highway in the RNC zone.

Stormwater Facilities

Design Standards Code Section 18J.15.170. Minimize visual impacts of stormwater facilities with landscaping, contouring, and other techniques

Staff Comment: A stormwater drainage pond would be located in the southwest corner of the parcel next to the highway. It appears the pond would be screened with a 20-foot landscaping buffer on both the south and west sides. However, they are supposed to be designed in a curvilinear, non-rectangular shape (per the Key Peninsula Community Plan).

Roads

A private, gated, internal plat road is proposed. Further, the intersection of 138th and the highway will be reconfigured; 138th is a private road that extends over the applicants' parcel.

Off-Street Parking

Zoning Code Section 18A.35.040-1. requires two off-street parking spaces for each dwelling unit.

Staff Comment: The site plan shows that each dwelling will have a driveway. As such, at least one car could park in the driveway. Further, although a plan has not been submitted as to what the buildings will look like...it can be reasonably assumed that each dwelling will also have a garage.

Pedestrian, Bus and Bicycle Facilities

Design Standards Section 18J.15.080 does not appear to apply to this proposal.

Staff Comment: Although the bike paths do not appear to be required for this section, it appears the intent of the Key Peninsula Community Plan is to provide sidewalk, shoulders, paths, etc. along the highway in the RNC zone.

Sidewalks:

Design Standards Title 18J do not require them in the rural area.

Staff Comments: A number of amenities are required in the urban areas. These consist of sidewalks, curbs, gutters, street lighting, and street trees. However, the site is located in a rural area and such is not typically required by code. However, it appears that the intent of the Key Peninsula Community Plan is to consider them in the RNC zone.

For the prior proposal, it was noted that the County Six-Year Road Plan contains a proposed project to construct paved shoulders from Key Center to State Route (SR) 302. In lieu of providing a trail on the west side of the highway where abutting the site, Staff recommends the applicants contribute a fair share contribution to constructing a shoulder at that location.

Further, regarding the last KPAC recommendation, while Staff agrees such is a good idea it is unclear if there is a nexus to require this project to construct the pull-out. This development would not contribute any school aged children and there is currently no scheduled transit service in the area.

Lighting

Design Standards Code Section 18J.15.085. As part of the site development and building plans, a lighting plan will be necessary.

Sewers/Septic:

Addressed previously in this report under the Density heading.

Water:

Water would be provided by Washington Water Service Company.

Impact Fees:

At the time of building permit, the County charges impact fees for traffic and parks. In addition, typically school impact fees are paid as well but this proposal would be exempt as it is for senior housing.

Key Peninsula Community Plan

- Pierce County Design Standards Chapter 18J.90 contains design standards for the Key Peninsula Community Plan area. It is focused on development proposed within rural commercial zones. Outdoor plazas and seating areas, architectural character, exterior building materials, building mass and size, roof forms, architectural detailing, window treatments, building color. However, Section 18J.90.020-1 states that the Chapter applies to multi-family, civic, commercial, industrial, and binding site plans. The proposal does not involve any of those activities and, therefore, possibly is not subject to those standards. However, it appears the intent of the Plan itself is that these standards apply to any development in the RNC zone. This is further addressed later in this report under the Planned Development District (PDD) section.
- The Key Peninsula Community Plan itself is found Plan at Pierce County Code, Title 19A, Chapter 19A.10, Chapter 14, Appendix G) or at the following link:
<http://www.co.pierce.wa.us/DocumentCenter/View/38488>

Staff Comment: There are any number of policies from this Plan that could apply to this proposal but would result in an extensively long report. The proposal's consistency with these policies was previously addressed in this report.

Preliminary Plat

- Pursuant to the Pierce County Land Divisions and Boundary Changes Code (Pierce County Code, Title 18F), the Pierce County Hearing Examiner shall review all proposed preliminary plats.
- Section 18F.40.030 of the Land Divisions and Boundary Changes Code states the Examiner's written decision on the preliminary plat shall include findings and conclusions, based on the record, to support the decision. The Examiner shall inquire into the public use and interest proposed to be served by the establishment of the subdivision and dedication. A proposed subdivision and dedication shall not be approved unless the Examiner makes written findings that:

- Appropriate provisions are made for, but not limited to, the public health, safety and general welfare, for open spaces, drainage ways, critical areas, streets or roads, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, parks and recreation, playgrounds, schools and school grounds, and all other relevant facts including sidewalks and other planning features that assure safe walking conditions for students who walk to and from school; and
- The public use and interest will be served by the subdivision and dedication.

Staff Comment: The public has raised the issue that this senior housing project will be located out in the middle of nowhere and adequate services do not exist to support an elderly population. However, County elected officials have outright permitted senior housing in these rural commercial areas. With that in mind, it can be presumed that this argument has already been discussed. In addition, it is not as if there are no services in the area. The little commercial node in which this site is located has convenience stores, churches, and employers. Further, many of the commercially zoned parcels remain vacant and may be developed with other uses in the future. In addition, Key Center and its many services are only located approximately 2-3 miles to the south. It is notable to point out that the applicants could construct a senior housing facility with no public hearing whatsoever provided a plat was not proposed.

Planned Development Districts (PDDs)

- Pierce County Zoning Code Section 18A.75.050 addresses PDDs.
- A PDD is intended to be a flexible zoning concept; it will provide the Examiner a chance to mold a district so that it creates more desirable environments, and results in as good or better use of land than that produced through the limiting standards provided in the regular zone classifications. The uses within the PDD depend on the uses in the underlying zone.
- The required finding for a PDD are as follows:
 - That the proposed development is in substantial conformance with the Comprehensive Plan and adopted Community Plans.
 - That exceptions from the standards of the underlying district are warranted by the design and amenities incorporated in the development plan and program such as: setting aside additional open space; creating more functional park/open space areas; providing greater protection of critical areas; providing variations in housing style and type; preserving native trees; and, providing transportation features such as narrower streets and alleyways. In order to achieve the base density within a zone classification, the Examiner may determine that additional design amenities are not necessary when a site has a significant percentage of land area encumbered by constraint areas such as wetlands or steep slopes.
 - That exceptions or deviations from road standards are warranted by the design and amenities incorporated in the development plan and also subject to review and approval of the County Engineer.
 - That the proposal is in harmony with the surrounding area or its potential future use.
 - That the system of ownership and means of developing, preserving, and maintaining open space is suitable.

- That the approval will result in a beneficial effect upon the area which could not be achieved under the current zoning and development regulations that apply to the property.
- That the proposed development or units thereof will be pursued and completed in a conscientious and diligent manner.

Staff Comment: The application does not include any rebuttal from the Applicants as to why they believe the proposal meets the PDD criteria (to reduce the side yard setbacks). On the positive side, it appears more vegetation would be retained and/or landscaping proposed than required by codes. If the KPAC does not believe that is enough to warrant the granting of the PDD, then it may want to consider that Chapter 18J.90 (specific to the Key Peninsula area) contains additional architectural standards. The Chapter consists of standards regarding architectural character, exterior building materials, building mass and size, roof forms, architectural detailing, window treatments, and building color (in other words, buildings that look rural and rustic). While the standards in 18J.90 may not necessarily apply, if the buildings proposed were shown to go above and beyond a standard cookie-cutter looking duplex (and ones that match the architectural detail envisioned in the Key Peninsula Community Plan) then this may ease any concerns of the KPAC. Associated concerns still exist, though, as to the amount of filling/grading necessary and appearance of the storm pond. Further, the KPAC may also want to consider provisions for pedestrians.

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