

CITY OF OLYMPIA HEARING EXAMINER

STAFF REPORT
Monday, December 8, 2008

Case Number: 07-0222

Case Name: North Cascade Village

Appellant: North Cascades Villages, LLC
 3016 10th Avenue NE
 Olympia, WA 98506-4913

Authorized Rep.: Chris Aldrich, Hatton Godat Pantier
 1840 Barnes Blvd. SW
 Tumwater, WA 98512

Type of Action Request: Applicant is seeking approval to subdivide 2.86 acres into 17 single-family homes.

Project Location: 2835 30th Ave SE

Legal Description: On File with Community Planning & Development

Comprehensive Plan Designation: Single-family Residential (R-4-8)

SEPA Determination: A Determination of Non-significance was issued on November 18, 2008

Public Notification: Public notification for this hearing was mailed to property owners within 300 feet and recognized neighborhood association/s, posted on the site, and published in *The Olympian* on or before November 28, 2008, in conformance with Olympia Municipal Code (OMC) 18.78.020.

Staff Recommendation: Approve with Conditions

Background:

A presubmission conference was held on June 6, 2004, and subdivision application was received on May 18, 2005. The application was allowed to expire and a new application was received and vested on November 14, 2007. The application submittal consisted of: General and Supplemental Applications, a SEPA Checklist, Preliminary Plan Set, Landscape and Stormwater plans, Tree Plan and adjacent property owner list. (Attachments A, B, C, D, E, and J)

The project has undergone revisions to the stormwater design and minor revisions to the plat design (Attachments N and O). The last stormwater and plan revisions were received on September 4, 2008 (Attachment M). A neighborhood meeting was held on December 4, 2007, in

the Smith Building conference room. On November 18, 2008, a SEPA Determination of Nonsignificance (Attachment K) was issued and the project was subsequently scheduled for public hearing. To date, several agencies and neighbors have commented on this requested action, their comments are included with this staff report (Attachments S through Y).

Applicable Policies and Regulations:

This proposed preliminary subdivision is subject to the Revised Code of Washington (RCW) 58.17, governing subdivisions; the City of Olympia Comprehensive Plan, Olympia Municipal Code Title 12 - Chapter 12.02, Olympia Development Standards, Section 12.02.020, Engineering Design and Development Standards (EDDS), November 2004 Edition (Standards), was adopted by Ordinance No. 6321. Olympia Municipal Code Title 13 - Chapter 13.16, Storm and Surface Water Utility, Section 13.16.017 City of Olympia Stormwater Manual, 2005 (Manual), was adopted by Ordinance No. 6345. The Olympia Environmental Code (OMC; Title 14 and 18), which adopts the RCW 197-11 by reference; the Olympia Development Guidelines and Public Works Standards, and the Tree Protection and Replacement Ordinance (OMC 16.60), Olympia Municipal Code (OMC; Title 17) regulating subdivisions within this jurisdiction and adopting the RCW by reference, and the Olympia Zoning Code (OMC; Title 18).

Analysis:

The following analysis of the standards outlined above addresses the necessary elements of review and offers recommended findings necessary to ensure that appropriate provisions are made to protect the public health, safety, and general welfare when inquiring into the public interest proposed by this subdivision, should it be approved.

Revised Code of Washington (RCW) 58.17.110 provides that the City shall inquire into the public use and interest proposed to be served by the establishment of the subdivision and related dedications. The City shall determine: (a) If appropriate provisions are made for, but not limited to, the public health, safety, and general welfare for open spaces, drainage ways, streets or roads, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, parks and recreation, playgrounds, schools and school grounds, and shall consider all other relevant facts, including sidewalks and other planning features that assure safe walking conditions for students who only walk to and from school; and (b) whether the public interest will be served by the subdivision. A proposed subdivision shall not be approved unless the City makes written findings that: (a) Appropriate provisions are made for the public health, safety, and general welfare and for such open spaces, drainage ways, 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 only walk to and from school; and (b) the public use and interest will be served by platting of such subdivision and dedications. Upon finding that the proposed subdivision makes such appropriate provisions and that the public use and interest will be served, then the City is to approve the proposed subdivision.

Dedication of land to any public body, provisions of public improvements to serve the subdivision, and/or impact fees imposed under RCW 82.02.050 through 82.02.090 may be required as a condition of subdivision approval. Dedications shall be clearly shown on the final plat. However, no dedication, provision of public improvements, or impact fees imposed under RCW 82.02,050 through 82.02.090 is allowed that constitutes an unconstitutional taking of private property. The City cannot, as a condition of approval of any subdivision, require a

release from damages to be procured from other property owners. RCW 58.17.120 provides that the City shall consider the physical characteristics of a proposed subdivision site and may disapprove a proposed plat because of flood, inundation, or swamp conditions. Construction of protective improvements may be required as a condition of approval, and such improvements shall be noted on the final plat. Comparable requirements are set forth in OMC 17.16.090, plus provisions for requiring other dedications consistent with adopted plans of the City and other agencies.

Unless provided otherwise in OMC 17.20.100, any preliminary plat approval expires in 5 years and, thus, required improvements must be constructed and the final plat application submitted within that period. Pursuant to OMC 17.44.020, financial guarantees can only be provided in lieu of minor improvements unless specifically authorized by the Examiner. The applicant has not requested authorization of such a deferral agreement for any major improvements.

RECOMMENDED FINDINGS:

Comprehensive Plan and Public Health and Safety:

Findings: The proposed plat complies with the Comprehensive Plan (See Land Use Chapter, Sections LU1.3, LU 2.8, LU 2.9, LU 6.1, and LU 8.4)

Open Spaces, Parks, Recreation, and Playgrounds:

Olympia Municipal Code 18.04 – Table 4.04 does not require projects located within residential zoning districts to provide for open spaces.

Findings: Appropriate provisions for open spaces have been provided for. Open space tracts will be accessible to all property owners who choose to live in the proposed development and maintained by the homeowners association.

Schools and School Grounds:

This project is located within the Olympia School District and will be served by Pioneer Elementary School, Washington Middle School, and Olympia High School.

Findings: Appropriate provisions for school and school grounds have been made. This project is subject to the City of Olympia School impact fees as required by Title 15 of the Olympia Municipal Code and are required to be paid at the time of building permit issuance.

Safe Walking Routes for School Children:

RCW 58.17.110 requires all plats to provide safe walking routes for school children. In addition, it is a City policy that all projects within one mile of elementary schools or middle schools are to provide walking routes directly to the school. If a project is located further than one mile from an elementary or middle school, then a safe walking route to the nearest bus stop is required.

Findings: This project is located more than one mile from Olympia High School, Pioneer Elementary School, and less than one mile from Washington Middle School. The project's required street improvements will cause it to connect to a sidewalk and serve the future residents with a safe walking route. Provided crosswalks, and a sidewalk along Boulevard Road are provided as outlined in condition #18.

Zoning:

The zoning development standards for the Single-family Residential R-4-8 zoning district are identified in OMC 18.04.080 – Table 4.04.

Findings: The zoning requirements outline in Title 18 of the Olympia Municipal Code have been provided for unless otherwise stated below.

Minimum Lot Width:

Olympia Municipal Code 18.40.060.1 requires that developments, other than townhouse, cottage, and co-housing projects shall have a minimum of 30 feet of frontage on a public or private street. Further, OMC 18.40.060.1.2 states that provisions for subdivision creating flag lots must meet specific requirements.

Findings: Though it appears that Lot 11 meets the minimum requirement of 30 feet of frontage along public or private road, it is because the required tree tract has been manipulated to show required tree units in an easement on private property. If not reconfigured Lot 11 would not meet the minimum width requirements. This reconfiguration is necessary to get an additional building lot which is in access of the original application. This lot is not necessary to meet minimum lots for the district and should not be allowed. Please also see tree comments below.

Trees:

A revised Tree Plan prepared by Professional Forestry Service, date-stamp received on November 14, 2007, combined with a revised plat map dated September 5, 2008, and accompanying Updated Tree Density Calculations **could be revised** to comply with the requirements of applicable municipal regulations (OMC 16.60). The required minimum tree density for the 2.86-acre buildable area is 79 tree units. The nineteen trees proposed for retention total 94 tree units, combined with plantings around the storm pond and street trees is acceptable subject to the following recommended conditions:

1. **Tract "A"** – Must be reconfigured so that all 11 Douglas Fir trees proposed for retention are located within the tree tract to meet minimum tree density. As discussed below, shifting the southern boundary further south to include the 5 additional trees currently on Lot 11 is recommended.

One possible alternative is an easement in favor of the homeowners association for access and maintenance of these trees. Under this alternative Lots 11 and 12 should be required to have a shared driveway to create space to protect the critical root zone. The easement must contain provisions that the trees not be removed unless first deemed hazardous by a professional forester and approved by the City. Finally, the easement must have provisions that an equal number of tree units be replanted in the tree or storm water track should the tree(s) be removed.

2. **Individual Trees: Lots 2 and 4**

- Lot 2 – the 28-inch Douglas Fir Tree may be counted toward minimum tree density and
- Lot 4 - has a 30-inch and 27-inch Douglas Fir trees proposed for retention to meet minimum tree density

3. **Street Trees** are required and must be installed pursuant to engineering design standards.

Water 2.050.B (Standards) - The developer shall install water facilities in accordance with the provisions of Chapter 6 of the "Engineering Design and Development Standards."

Finding/Conclusion – *The applicant has proposed to connect to the existing 8-inch PVC water main located in Shelburne Way where it abuts the proposed project. The applicant is proposing to extend the 8-inch PVC main to and through the site within the right-of-way of the proposed Shelburne Way extension. The applicant is proposing to dead-end the 8-inch PVC main near the property limits in the northwest portion of the site to serve future development to the west.*

The City has capacity for this development's anticipated domestic water requirements.

Sewer 2.050.A (Standards) - The developer will install sewer facilities in accordance with the provisions of Chapter 7 of the "Engineering Design and Development Standards."

Finding/Conclusion – *The applicant has proposed to serve the project's sanitary sewer needs by connecting to an existing 8" PVC sewer main located in the middle portion of 30th Avenue SE and extending an 8-inch PVC sewer main south through the property adjoining the project site to the north. The applicant is proposing a combined stormwater/sanitary sewer easement through this off-site parcel. Staff understands both the project site and the parcel to the north are under the same owner. The applicant has proposed to extend the 8-inch sanitary sewer south and east within the proposed right-of-way to serve all parcels within the project limits.*

The City has capacity for this development's anticipated sanitary sewer discharge.

Streetside Improvements in General 2.040.A - Unless deferred or exempt as provided for in these Standards, any development requiring a State Environmental Policy Act (SEPA) checklist, or any development creating an additional impact of more than 20 average daily vehicle trips, will require that the developer construct or install streetside improvements in accordance with the Standards.

Finding/Conclusion – *The applicant is proposing streetside improvements consistent with current local access street standards through the project site. These include curb, planter strip, five-foot sidewalk and street lighting. The applicant has proposed to extend Shelburne Way through the project site to serve the development, with Shelburne Way ending at the property line at the northwest portion of the site to serve future development to the west. The applicant has proposed an "eyebrow" or ½ cul-de-sac to serve as a temporary fire department and solid waste vehicle turn-around.*

The City has capacity for the short plat improvements.

Access to Developments 2.040.B.2 - A development will abut a public right-of-way and have public right-of-way frontage with site access to one or more streets improved to

comply with the standards as set forth in Chapter 4 of the *Engineering Design and Development Standards*.

Finding/Conclusion – *The project site is located south of 30th Avenue SE and west of Old Morse Road. The proposed development will take access from the extension of Shelburne Way. Staff has received public comments regarding the impacts from the proposed development along Old Morse Road. It is the determination of staff that Old Morse Road currently has adequate travel lane width to serve this development as proposed. A non-permitted structure (fence) and overgrown vegetation within existing public right-of-way are encroaching upon the south bound travel lane and allow poor sight visibility, giving the driving public the impression of limited travel lane width.*

The City has capacity for the short plat improvements.

Storm Drainage 2.050.C (Standards) - The developer will provide for the treatment storage and disposal of surface drainage through a storm drainage system designed to the current Drainage Design and Erosion Control Manual for Olympia (Manual) and Chapter 5 of the *Engineering Design and Development Standards*.

Findings/Conclusions – *The applicant is proposing to collect all on-site stormwater generated from this development and route to a treatment wetland and detention pond.*

The stormwater site plan and construction drawings state the required compost-amended soils will comply with BMP T 5.13 for all disturbed pervious surfaces.

Provide the location of the emergency overflow from the pond into the natural downstream path with the construction drawings.

Provide a landscaping plan for the stormwater facility which meets the requirements of Volume III, Section 3.2, of the Stormwater Manual.

The proposal as submitted has not made adequate provisions for stormwater management.

Clearing/Grading/Erosion Control – The applicant shall install all utilities, streets, improvements, etc., in accordance with all applicable standard specifications as outlined in the *Engineering Design and Development Standards* (3.010).

Finding/Conclusion – *The applicant is proposing to construct a 17-lot long plat and wet pond/detention cell on gently sloping terrain. The project consists of clearing and grading to provide a buildable space as well as a structural retaining wall on the southwest portion of the site.*

The proposed site plan has provided sufficient information to make a recommendation for approval.

Solid Waste 8.030 (Standards) - The design of solid waste/recyclables collection facilities will conform to current City standards.

Finding/Conclusion – *The applicant is proposing to provide a solid waste cart pick-up location which is accessible to solid waste collection vehicles.*

The City has capacity for this development's anticipated project-generated solid waste/recyclables.

RECOMMENDED CONDITIONS

City staff recommends that the Olympia Hearing Examiner approve the Preliminary Plat application known as the North Cascade Village (file No. 07-0222) with the following conditions:

1. Frontage Improvements and Site Civil Improvements shall be constructed according to the Standards, as conceptually shown on the plan set sheets.
2. The developer will install water facilities in accordance with the provisions of Chapter 6 of the Engineering Design and Development Standards.
3. The developer will install sewer facilities in accordance with the provisions of Chapter 7 of the Engineering Design and Development Standards.
4. The stormwater system improvements meet the Drainage Design and Erosion Control Manual requirements. The stormwater system can be conceptually approved with the following conditions:
 - A. On the stormwater site plan and construction drawings state the required compost-amended soils will comply with BMP T 5.13 for all disturbed pervious surfaces.
 - B. Provide the location of the emergency overflow from the pond into the natural downstream path with the construction drawings.
 - C. Provide a landscaping plan for the stormwater facility which meets the requirements of Volume III, Section 3.2, of the stormwater manual.
5. The developer will provide for the waste management/recycling for collecting of all solid waste generated from all occupied residential and commercial premises within the City a minimum of once every two weeks. The system is to be designed to the current Chapter 8 of the Engineering Design and Development Standards.
6. Before construction begins the applicant shall submit a complete set of detailed construction drawings to the Community Planning and Development Department for review and approval. Construction drawings shall be prepared according to the Engineering Design and Development Standards and Building Code requirements. In addition, the retaining walls shall be designed to meet all applicable City of Olympia

requirements and building codes. Final plat notes may identify the homeowners association responsible for retaining wall, if maintained by the homeowners association.

7. General Facility Charges for City utilities (Water, Sanitary Sewer, Stormwater, and Solid Waste) and the LOTT sanitary sewer Capacity Development Charge will be assessed at the time of individual building permits for each lot are issued.
8. All improvements shall be installed before final plat approval.
9. Bonding 2.030.E, 3.090 (Standards), Appendix Olympia-1 (Manual) - The developer shall file an agreement with the City to assure the full and faithful performance of the operation and maintenance of all public improvements and the site stormwater facilities for a period of two years following final construction approval. This guarantee, through the appropriate surety, shall be in place and approved by the City before final construction approval. The amount of the bonding will be 25 percent of the cost of the improvements, or as determined by the Development Engineer. In addition, a bond or other allowable securities will be required by the City to guarantee the performance of work within existing public rights-of-way or maintenance of required public infrastructure intended to be offered for dedication as a public improvement. Bonds or other allowable securities to guarantee work in an existing public right-of-way is required to be in place and submitted to the City prior to release of any approvals or permits for such work. The type and amount of security will be pursuant to code or, if not specified, be at a minimum of \$4,000 or 125 percent of the value of the work performed, whichever is greater, at the discretion of the City. Types of securities include, but are not limited to, a bond with a surety qualified to do a bonding business in this state, a cash deposit, an assigned savings account, or a set-aside letter as acceptable by the City Attorney.
10. Prior to final plat approval, each lot shall be served by a separate service and meter. All designs shall be in accordance with the provisions of Chapter 6 of the Engineering Design and Development Standards.
11. The project is required to pay the City of Olympia Impact Fees as provided by Title 15 of the Olympia Municipal Code for Transportation, Fire, Parks, and Schools at the time of Building Permit issuance.
12. In conformance with Olympia Municipal Code 18.100.060.6, all lots fewer than 5,000 square feet in size are subject to design review. Design review of these building sites will take place at the time of building permit review.
13. At time of final plat, all lots intended to be less than 5,000 square feet in lot size and/or have less than 50 feet of street frontage shall demonstrate frontage of 30 feet or more of width along a public or private street.
14. Lot 11 is to be omitted on the final plat.

15. At time of final plat application, the applicant must provide a copy of the Covenants, Conditions & Restrictions (CC&Rs) to make certain the approved Integrated Pest Management Plan (IPMP) has been incorporated.
16. Prior to final plat application all on-site wells must be decommissioned by a licensed well driller, per the requirements of the Washington State Department of Ecology, and a copy of the driller's "well log" must be provided.
17. Prior to final plat application all existing (if found during the course of site work) on-site sewage systems on this site must be abandoned, per the requirements of Article IV of the Thurston County Sanitary Code. An abandonment permit is required and a copy of the septic tank pumping report with a signed statement confirming abandonment was completed in accordance with Article IV must be provided.
18. Provide marked crosswalks across Shelburne Court SE, 30th Avenue SE, and Morse Road SE. In addition, unless provided by the city or another developer, and before final plat approval, a raised concrete ribbon sidewalk must be provided from Morse Road SE to the entrance of Washington Middle School. (*See Comprehensive Plan; Transportation Chapter; Sections: T 1.22, T 1.23, T 13.8, and T 5.3*)
19. The applicant is required to adhere to the requirements of the Washington State Department of Ecology for: Air Quality, Toxic Cleanup, Solid Waste, and Water Quality, as stated in the April 6, 2007 letter (Attachment Z).
20. A Note should be placed on the face of the Plat requiring that the homeowners' association is responsible for maintenance of the trees in the tree tract and storm pond tract.
21. Grading and utility plans shall clearly depict trees proposed for retention and the location of protective tree fencing.
22. Temporary Protective Chain link fence on driven posts be placed at the 20-foot critical root zone in Tract A and Lots 2 and 4. The Tree Fencing location and fencing detail must be depicted on the grading plan. It will need to be inspected by Professional Forestry Services prior to grading and maintained throughout construction.
23. Professional Forestry Services shall inspect the fencing location and monitor work related to all grading, any utility trenching and installation of sidewalks/roadway.
24. The applicant proposes storm water utility trenching near and under Lots 6 through 11 along the western boundary. Boring will be necessary through Tree Tract A since utility trenching will likely destroy these preserved trees.
25. Utility extensions are not currently proposed (except for item 23). Should any be realigned, they must remain outside the critical root zone. Any work within the critical

root zone must minimize root damage by excavating a 2-foot deep trench and then cut the roots cleanly with a sharp tool and cover with moist soil.

26. Dead, dying, damaged or diseased branches must be removed from the crown.
27. Landscape Plan: Applicant to submit a landscape plan for review and approval with the engineering permit application.
28. Install the street trees and storm pond landscaping.
29. Maintenance. Trees are to be maintained by the developer and homeowners association pursuant to OMC 16.60.100 (A & B)
30. Maintenance Agreement and Surety Bond is required pursuant to OMC 16.60.100 (D & E).

STAFF RECOMMENDATION: Approve with Conditions

Submitted By: Kraig Chalem, Associate Planner, on behalf of the Site Plan Review Committee.

Staff Contact: Kraig Chalem, Associate Planner
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Date Issued: December 3, 2008

Attachments:

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| Attachment A | General Land Use Application with Preliminary Long Plat Supplement, dated November 14, 2007. |
| Attachment B | Preliminary Long Plat Supplement, dated November 14, 2007. |
| Attachment C | Project Narrative Summary, dated November 14, 2007. |
| Attachment D | Project Letter from App. Representative, November 14, 2007. |
| Attachment E | Plat Certificate, dated November 14, 2007. |
| Attachment F | Notice of Land Use Application, issued November 20, 2007. |
| Attachment G | Site Posting Record, dated November 16, 2007. |
| Attachment H | Transmittal Memorandum, issued July 18, 2008. |
| Attachment I | Notice of Public Hearing, issued November 18, 2008. |
| Attachment J | SEPA Environmental Checklist, dated November 14, 2007. |
| Attachment K | SEPA DNS, issued November 18, 2008. |
| Attachment L | Forestry Report, dated November 14, 2007, with supplemental material dated April 2, 2008. |
| Attachment M | Revised Stormwater Site Plan, dated September 4, 2008. |
| Attachment N | Reduced set of Revised Plans (11"x17"), and including: 1-Cover & Preliminary Site Plan, 2-Preliminary Erosion Control Plan, 3-Preliminary |

- Utility Plan, 4-Preliminary Grading & Drainage Plan, 5-Drainage Details & Notes, dated September 4, 2008.
- Attachment O Full-sized set of Revised Plans, including: 1-Cover & Preliminary Site Plan, 2-Preliminary Erosion Control Plan, 3-Preliminary Utility Plan, 4-Preliminary Grading & Drainage Plan, 5-Drainage Details & Notes, dated September 4, 2008.
- Attachment P Staff Letter to Applicant's Representative Requesting Additional Information, dated January 1, 2008.
- Attachment Q Staff Letter to Applicant's Representative Requesting Additional Information, dated [unknown].
- Attachment R Staff Letter to Applicant's Representative Requesting Additional Information, dated November 3, 2008.
- Attachment S Letter from Robert and Carol Redfield, dated December 3, 2007.
- Attachment T Letter from Brent Campbell, dated December 17, 2007 (with attached letter from The Birches Homeowners Association).
- Attachment U Letter from the Olympia School District, dated February 1, 2008.
- Attachment V Comments from City of Olympia Staff; Public Works, dated July 28, 2008.
- Attachment W Comments from Olympia Fire Department, dated August 6, 2008.
- Attachment X Comments from City of Olympia Staff; Marcus Goodman, Development Engineering Plans Examiner, dated October 24, 2008.
- Attachment Y Comments from City of Olympia Staff, Steve Friddle, Acting Urban Forester, dated October 28, 2008.
- Attachment Z Comments from Department of Ecology, dated December 2, 2008.

(Please note - "dated" in the list above, means: 'Received; Community Planning and Development', and may vary from printed dated on letter or document)