



**OLYMPIA  
HEARING EXAMINER  
DECISION**

Community Planning & Development  
601 4<sup>th</sup> Avenue E. – PO Box 1967  
Olympia WA 98501-1967  
Phone: 360.753.8314  
Fax: 360.753.8087  
[cpdinfo@ci.olympia.wa.us](mailto:cpdinfo@ci.olympia.wa.us)  
[www.olympiawa.gov](http://www.olympiawa.gov)

**April 23, 2014**

**Greetings,**

**Subject: OLYMPIA VISTA SHORT PLAT DEFERRAL REQUEST**  
**Case# 14-0013**

The enclosed decision of the Olympia Hearings Examiner hereby issued on the above date may be of interest to you. This is a final decision of the City of Olympia.

In general, any appeal of a final decision must be filed in court within twenty-one days. See Revised Code of Washington, Chapter 36.70, for more information relating to timeliness of any appeal and filing, service and other legal requirements applicable to such appeal. In particular, see RCW 36.70C.040.

Please contact the City of Olympia, Community Planning and Development Department, at 601 4<sup>th</sup> Avenue E or at PO Box 1967, Olympia, WA 98507-1967, by phone at 360-753-8314, or by e-mail at [cpdinfo@ci.olympia.wa.us](mailto:cpdinfo@ci.olympia.wa.us) if you have any questions.

Sincerely,

**CARI HORNBEIN**  
Senior Planner  
Community Planning & Development

CH:ps

Enclosure

BEFORE THE CITY OF OLYMPIA HEARINGS EXAMINER

IN RE: ) HEARING NO. 14-0013  
)  
OLYMPIA VISTA APARTMENT ) FINDINGS OF FACT,  
ASSOCIATES, ) CONCLUSIONS OF LAW  
) AND DECISION  
Applicant. )

**APPLICANT/** Olympia Vista Apartment Associates  
**REPRESENTATIVE:** c/o Dave Sinnett  
110 110th Avenue N.E., Suite 550  
Bellevue, Washington 98004

**SUMMARY OF REQUEST:**

The Applicant seeks approval of a Subdivision Improvement Deferral Agreement.

**LOCATION OF PROPOSAL:**

1000 Yauger Way SE/3600 Forestbrooke Way SW

**SUMMARY OF DECISION:**

The proposed Subdivision Improvement Deferral Agreement is **approved**.

**BACKGROUND**

The Applicant seeks to construct a 141-unit senior multi-family project known as Olympia Vista at a site south of Forestbrooke Way SW and east of Yauger Way. The project site occupies five acres of a larger twenty-two acre parcel of which the Applicant is seeking preliminary short plat approval. As part of the short plat approval the Applicant seeks approval of a Deferral Agreement to delay construction of public improvements until after the final short plat is recorded. The Deferral Agreement is part of the complicated financing for this project.

The public hearing commenced at 9:00 a.m., on Monday, April 21, 2014, in the Council Chambers at City Hall. The City appeared through Cari Hornbein, Senior Planner, and Fran Eide

1 of Engineering Staff. The Applicant appeared through Dave Sinnett. Testimony was received  
2 from Ms. Hornbein, Ms. Eide and Mr. Sinnett. A verbatim recording was made of the public  
3 hearing and all testimony was taken under oath. Documents considered at the time of the  
4 hearing were the City Staff Report including all attachments, all of which had been received  
5 prior to the hearing, together with a letter to the City dated March 27, 2014 (Exhibit 2).

6 Ms. Hornbein of Planning Staff briefly explained the nature of the proposed  
7 development; the reasons why a Deferral Agreement was sought by the Applicant; the public  
8 improvements to be included in the Deferral Agreement; and the estimated cost of those  
9 improvements. Ms. Hornbein explained that through extended negotiations with the Applicant  
10 the parties had reached an agreement on the public improvements subject to deferral, the  
11 estimated cost of those improvements, and the amount of security the Applicant would need to  
12 provide in order to ensure that all public improvements were made. Following Ms. Hornbein's  
13 testimony Ms. Eide provided some supplemental information on behalf of City Staff relating to  
14 the need for certain utility improvements. Ms. Eide confirmed that the public improvements  
15 needed for this project are agreed upon and their cost is well established. The proposed Deferral  
16 Agreement, negotiated by the City Attorney's Office, establishes financial assurance that if the  
17 Applicant fails to make the public improvements the City will have sufficient financial security  
18 to undertake the improvements on its own.

19 Following the testimony of City Staff Mr. Sinnett testified briefly and confirmed that the  
20 Applicant agrees with the estimated cost of public improvements and does not object to the terms  
21 of the Deferral Agreement.

22 There has been no public comment regarding this request and no members of the public  
23 were present at the hearing.  
24  
25

1 The proposed Deferral Agreement is straightforward. The needed public improvements  
2 are well established and their estimated cost is agreed. The terms of the Deferral Agreement,  
3 approved by the City Attorney's Office, provide the City with adequate financial assurance that  
4 all required improvements will be undertaken.

5 Accordingly, I make the following:

6 **FINDINGS OF FACT**

7 1. The Applicant requests approval of a Subdivision Improvement Deferral  
8 Agreement, allowing for delay in the construction of certain public improvements as part of  
9 preliminary short plat approval.

10 2. The proposed site is located at 1000 Yauger Way SE/3600 Forestbrooke Way SW  
11 where the Applicant intends to construct a 141-unit senior multi-family project known as  
12 Olympia Vista.

13 3. The Applicant seeks approval of a Deferral Agreement that would allow delayed  
14 construction until after the final short plat is recorded of the following public improvements:

15 a. Reconstruction of the south side of Forestbrooke Way SW to a major  
16 collector standard.

17 b. Construction of half street improvements along the eastern property line of  
18 proposed Lot 1 to neighborhood collector standards.

19 c. Construction of water and sewer mains.

20 d. Construction of stormwater improvements.

21 e. Installation of street lights, landscaping and street trees.

22 A more complete list of all improvements and their estimated cost is attached as Exhibit  
23 C to the draft Deferral Agreement.

4. The Staff Report at pages 2 through 5, contain Findings related to compliance with Chapter 17.44 OMC. The Hearing Examiner has reviewed those Findings and adopts them as his own Findings of Fact.

5. The City Staff and Applicant have entered into a draft written agreement subject to the approval of the Hearing Examiner.

Based upon the foregoing Findings of Fact, the Hearing Examiner makes the following:

## CONCLUSIONS OF LAW

1. The Hearing Examiner has jurisdiction over the parties and the subject matter.

2. Any Findings herein which may be deemed a Conclusion are hereby adopted as such.

3. Pursuant to OMC 17.44.020 a developer may request deferral of actual construction of major improvements or repair by entering into a Subdivision Improvement Deferral Agreement with the City.

4. The proposed Deferral Agreement, as conditioned, satisfies all requirements of OMC 17.44.020 including Subsections A through E.

The Hearing Examiner having entered his Findings of Fact and Conclusions of Law,  
now, therefore, makes the following:

## DECISION

The proposed Subdivision Improvement Deferral Agreement, Attachment 5 to the Staff Report, is approved subject to the following conditions:

1. That the Agreement is fully executed by the parties;

2. That all terms of the Agreement shall be met; and

3. Proof of liability insurance coverage shall be delivered to the Public Works Director or its designee prior to preliminary plat approval.

DATED this 22 day of April, 2014.

Mark C. Scheibmeir  
City of Olympia Hearing Examiner