

CITY OF OLYMPIA HEARING EXAMINER

STAFF REPORT

December 10, 2018

Project Name /File No.: WELLINGTON HEIGHTS 18-1315

Applicant: ABS Investments LLC

Authorized Representative: Olympic Engineering

Requested Action: The applicant is seeking preliminary plat approval to subdivide 9.4 acres of land into 56 lots for single family housing with connecting streets, stormwater facilities and soils and vegetation preservation areas.

Project Location: 2000 Block of 18th Avenue SW

Zone District: Residential Two-Family R-6-12

Comprehensive Plan Designation: Low Density Neighborhood and a portion of Auto Services

SEPA Determination: A Mitigated Determination of Nonsignificance was issued on October 26, 2018. The comment period ended on November 9, 2018 and the appeal period expired on November 16, 2018. No appeal of the SEPA determination was filed with the City.

Public Notification: Public notification of this hearing was issued on October 26, 2018. Notice was mailed to property owners within 300 feet of the subject property, parties of record, and recognized neighborhood associations; posted on-site; and published in *The Olympian* on November 2 2018, in conformance with OMC 18.78.020 (Attachment 2).

Staff Recommendation: Approve, subject to conditions

Staff Contact: Paula Smith, Associate Planner
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I. BACKGROUND INFORMATION

A. Property Description and Context

The 9.4 acre project site is undeveloped and basically flat with low lying vegetation and sparsely forested. The site is located in the southwest area of Olympia. Uses and zoning surrounding the project site are as follows:

- To the south and west are commercial uses, particularly, the Olympia Auto Mall, with the majority being automobile sales uses. Zoning in these areas are Auto Services.
- Percival Creek Business Park, consisting of multiple office buildings is directly to the southeast, zoned Auto Services.
- Single family developments, known as the Wellington West, which consists of 4 Divisions having a total of 118 units and a 9 lot short plat development called Elis Estates are located to the north. Primarily, these residential developments are completely built out. Zoned R-6-12- Two Family Residential.
- Properties directly to the east consist of multiple parcels held in single ownership. This property consists of two single family housing units with the remaining being undeveloped lots, which are part of an older plat, known as Lemon Addition. Zoned R-6-16- Two Family Residential.
- Further east is a pedestrian/bike trail.



B. Project Description:

Overview- The proposal is to subdivide a 9.40 acre site into 56 lots for single family housing. The project will provide associated roadways, storm drainage and public/private utility improvements, open space which consists of the following:

- Connections to existing streets known as Fern Street, Division Street and Cushing Street. These streets will be extended and looped throughout the plat.
- A new 18th Avenue street will be constructed and is design to be stubbed at the east boundary of the plat for a future road connection. This is designed as shown on the Transportation 2030 Street Capacity and Connectivity Map (Attachment 3) found in the Comprehensive Plan.

- Two tracts, that serve as private access lanes for some of the proposed lots that do not have direct street frontage
- Two soils and vegetation protections area tracts
- Two open space/storm tracts with associated landscaping
- Street trees
- Utilities for sewer, water and stormwater

C. Property History

The project site consists of multiple properties. The legal description for these parcels include multiple lots within an existing plat called Lemon Addition (Attachment 4), which was recorded in May of 1890. The streets and alleys within the blocks for these properties have since been vacated by court case 06-2-00351-16. It is assumed that the streets and alleys on these properties were vacated in preparation of a previous plat approval, granted by the Olympia Hearings Examiner in 2007 on this property. (Case details below).

The properties included within this project are within the Lemon Addition subdivision and are known as:

- Lots 1 through 10 of Block 2,
- Lots 1 through 10 of Block 3,
- Lots 1 through 14 of Block 4,
- Lots 1 through 7 of Block 5,
- Lots 1 through 5 of Block 6, and
- Lots 1 through 5 of Block 7

These 51 lots are considered to be existing lots of record (see map below), though legal access to them has been eliminated by the court case that vacated the streets and alleys.



Existing Lots of Record

D. Previous Plat Approval

The property was granted a preliminary plat approval for a project also known as Wellington Heights that consisted of 56 single family lot and designed similar to that of this current proposal. The City of Olympia Case No. 05-1256 decision granted approval with conditions by the Olympia Hearings Examiner in 2007 (Attachment 5). The applicant was Coffee Creek, LLC. The preliminary approval was extended through two separate legislative bills that were passed, Bill 2152 and 1074, which provided preliminary approval to up to 10 years. That approval expired in January of 2017.

E. Existing Easements

Within the proposed project there are connections being made to three (3) existing streets, known as Fern Street, Division Street and Cushing Street. At the time of development of the Wellington West subdivision, a defeasible road easement (Attachment 6) was granted by the property owner of the subject site to the developer of the Wellington West subdivision which provided for ingress and egress, construction and vehicle use and fire truck turnarounds for the plat. These are in the form of the cul-de-sac located at the end of each existing street. This easement is subject to termination at such time that public roads are built and connections are made to the existing streets within the Plat of Wellington West.

There is an existing storm drainage easement that runs through the property, recorded in 1996 under Auditor's File No. 3042434 (Attachment 7). The easement is referenced in the submitted preliminary plat map and is shown to be realigned. As the easement document indicates, the location of any drainage facilities and improvements may be modified from time to time in order to accommodate any future uses of the property, provided that such modification does not adversely affect the drainage facilities installed for the Wellington West developments.

This is a natural downstream conveyance system that originates off-site. Stormwater from the north is channeled into this system and through the Wellington West stormwater retention pond and outfalls into the project site and ultimately onto property owned by Bruce Titus, which is just south of the project site

F. Transportation Future Map- Amended

In 2014, the City Council amended the Transportation Future Map that ultimately eliminated two (2) street connections (areas highlighted in map below) that would have provided street connectivity to the south and west in this general vicinity.

- The Decatur Street to Caton Way future connection that were designated to provide connections to the south into the Auto Mall area is now designed as a bike/pedestrian trail.
- The 16th Avenue connection, located just west of Fern Street. 16th Avenue was actually connected during the development of the Wellington West subdivision and open for a short time and later closed.

These two street connections raised many concerns by a group of neighborhood citizens that petitioned the council to eliminate these two connections. There are no street connections in this vicinity that provide traffic flow to move southward.



G. City Review Process

Application Submittal: Prior to submitting for preliminary plat, the applicant had a Presubmission Conference with the Site Plan Review Committee in October of 2017. Many property owners in the vicinity reached out to City staff with their concerns about traffic, street connectivity and stormwater in this area.

After the Preliminary Plat application (Attachment 8) was submitted and deemed complete on March 30, 2018, the Notice of Application (Attachment 9) was issued on April 4, 2018 and three (3) public notice signs were posted at the end of each cul-de-sac by the applicant.

Neighborhood Meeting: The City and the applicant co-hosted a neighborhood meeting on April 23, 2018. This meeting was well attended by the interested citizens. The purpose of this meeting was to provide business and property owners, neighborhood associations and the general public an opportunity to receive detailed information about the proposal, the City regulations and the review process, to ask questions and raise concerns. A summary of the questions and concerns raised at this meeting can be found in Attachment 10.

Staff Review: City staff reviewed the project for compliance with applicable codes, standards and ordinances. It was found that additional information was needed and revisions were necessary. Written comments were provided to the applicant on January 25, 2018. The applicant submitted revised plans and reports on August 17, 2018. Following a second review, at the request of staff, amendments were made to the Preliminary Plat Map received November 02, 2018 (Attachment 11) and the Preliminary Drainage Plan received November 11, 2018 (Attachment 12). Staff made a recommendation on October 24, 2018 to approve the plat subject to a number of conditions, as provided at the end of this report.

Public Comment

Many public comments have been received throughout the various stages of the review process on this project (Attachment 13). Many comments from citizens that live or own property in the area expressed concerns about the development and are opposed to the project. Generally, these concerns are:

- Increased traffic volumes in the area;
- Negative impacts of pedestrians safety;
- Problems with existing storm water drainage in the area, and increased impacts due to the project;
- Street connectivity concerns of the proposed 18th Avenue future connection and where it would connect to Decatur Street in the future; and
- If the project would put increased traffic strains of this area that it might force the City to put in street connectivity to the south and west as previously shown in the Comprehensive Plan.

Hearing Examiner Authority

Per OMC 18.82.120 a preliminary plat application is within the jurisdiction of the Hearing Examiner.

II. APPLICABLE REGULATIONS AND ANALYSIS.

This section identifies specific regulations in the Olympia Municipal Code that apply to the proposed project. Staff's responses to these standards are noted in italics.

- A. City of Olympia Comprehensive Plan
- B. OMC 14.04 Environmental Policies
- C. OMC 16.60 Tree, Soil and Native Vegetation Protection and Replacement
- D. OMC 17.16 Subdivisions/Preliminary Plat
- E. OMC 18.04 Residential Districts
- F. OMC 18.12 Archaeological Sites
- G. OMC 18.36 Landscaping
- H. OMC 18.40 Property Development and Protection Standards
- I. OMC 18.100 Design Review
- J. Engineering Design and Development Standards (EDDS)/Drainage Design and Erosion Control Manual
- K. Revised Code of Washington (RCW) 58.17, specifically Safe Walking Routes

Below are details of the applicable regulations, as well as findings and conclusions applicable to the application.

A. COMPREHENSIVE PLAN

The subject property is designated Low Density Neighborhood on the Future Land Use Map. The City of Olympia Comprehensive Plan includes the following statements and policies that are relevant to the proposal:

Land Use and Urban Design

GL1: Land use patterns, densities, and site designs are sustainable and support decreasing automobile reliance.

- **Land Use and Urban Design Element Introduction.** *Establish land use patterns that ensure residential densities sufficient to accommodate 20-years of population growth.*
- **Policy PL1.1.** Ensure that new development is built at urban densities or can be readily modified to achieve those densities; and require that development lacking municipal utility service be designed to cost-effectively transform when services become available.
- **Policy PL1.5-** Require new development to meet appropriate minimum standards, such as landscaping and design guidelines, stormwater and other engineering standards, and buildings codes, and address risks, such as geologically hazardous areas; and require existing development to be gradually improved to such standards.
- **Policy PL16.1** Support increasing housing densities through the well-designed, efficient, and cost-effective use of buildable land, consistent with environmental constraints and affordability. Use both incentives and regulations, such as minimum and maximum density limits, to achieve such efficient use.
- **Future Land Use Designations Table and the Future Land Use Map in the Land Use and Urban Design Element.** Allow “Up to 12 units per acre” of “Single-Family Residential” uses for the underlying “Low-Density Neighborhoods” Future Land Use Designation.

Transportation

GT4: The street network is a well-connected system of small blocks, allowing short, direct trips for pedestrians, bicyclists, transit users, motorists, and service vehicles

- **PT4.3** Build new street and pathway connections so that people walking, biking or accessing bus stops have direct route option, making these modes more inviting.
- **PT4.7** Build new street connections so that emergency vehicles, transit, and other service vehicles have direct and efficient access.
- **PT4.10** Require new developments to connect to the existing street network and provide for future street connections to ensure the gridded street system is built concurrent with development.

GT9: The impacts of new land-use development on the transportation system are mitigated appropriately.

- **PT9.1** Require mitigation for new developments so that transportation levels of service does not fall below the adopted standards, except where policies allow.

- **PT9.2** Require new development to construct improvements or contribute funds towards measures that will improve the function and safety of the streets, such as installing bike and pedestrian improvements, turn pockets or special lanes for buses, or roundabouts, or modifying traffic signals.

Utilities

GU10: The frequency and severity of flooding are reduced and hazards are eliminated, except during major storm events.

- **PU10.1** Improve stormwater systems in areas that are vulnerable to flooding.
- **PU10.3** Evaluate the structural integrity of aging stormwater pipes and repair as needed.
- **PU10.6** Ensure that private pipes and pond systems are maintained.

Finding/Conclusion:

Together with the mitigated SEPA Measures and Conditions, noted at the end of this report, the proposed project will further these goals and policies of the Comprehensive Plan.

B. ENVIRONMENTAL POLICY (OMC 14.04)

Per OMC 14.04.150 for substantive authority, the City may attach conditions to a permit or approval so long as such conditions are necessary to mitigate specific probable adverse environmental impacts identified in any environmental document; such conditions are in writing; the City has considered whether other local, state or federal mitigation measures applied to the proposal are sufficient to mitigate the identified impacts and if such conditions are based on more than one or more policies.

Findings/Conclusion

After careful review of the revised submittal documents of the Environmental Checklist (Attachment 14), the Traffic Impact Analysis (Attachment 15), the Preliminary Drainage Report (Attachment 16 and Attachment 12) and consideration of the public comments the City received, City staff determined that conditions are necessary to mitigate off-site impacts of traffic and stormwater and the City issued a Mitigated Determination of Non-Significance (MDNS) (Attachment 17), pursuant to RCW 43.21C, WAC 197-11, and OMC 14.04 Environmental Policy.

These SEPA conditions are supported by applicable Comprehensive Goals and Policy references and/or various adopted codes or standards.

These impacts are identified in a memorandum dated October 2, 2018 from Steve Thompson to Jeff Fant (Attachment 19) that addresses an issue with the downstream conveyance system located on adjacent property that has insufficient capacity and in the letter from Dave Smith to Jeff Fant dated October 15, 2018 (Attachment 21) which indicates increased traffic impacts on Fern Street and the need to slow traffic and enhance safety.

This MDNS was issued with a 14 day comment period, as required by OMC 14.04.090.F and a 21 day appeal period. Comments from Washington State Department of Ecology were received during the

comment period (details below under Agency Comments) and no appeal was filed with the City. The hearing notice was combined with the MDNS notice.

Per OMC 14.04.155, the Hearing Examiner is authorized to modify mitigating conditions when deemed necessary by the Examiner to ensure consistency with any decision rendered by the Examiner on the underlying application or permit (OMC 14.04.155).

C. OMC 16.60, TREE, SOIL, AND NATIVE VEGETATION PROTECTION AND REPLACEMENT

The project is subject to standards in OMC 18.60 regarding tree densities and tree protection during construction. For residential subdivisions of five units or more, at least 75 percent of the required minimum tree density shall be located within separate deeded Soil and Vegetation Protection Area(s) held in common ownership by the homeowner's association, or comparable entity. Developing properties are required to meet the minimum density of 30 tree units per acre.

Findings/Conclusions: Individual lots within a subdivision are exempt from meeting tree density requirements when the entire subdivision has complied with the tree density and soil and vegetation protection requirements. The actual buildable area used to calculate required tree density is typically confirmed during engineering plan review to determine if any additional trees will need to be planted. As conditioned, the project will comply.

D. SUBDIVISION AUTHORITY (OMC 17.16)

17.16 Preliminary Plat. This section sets forth the requirements for preliminary plat applications including submittal requirements, distribution, review procedures, time limitations, public notice, hearing process, and review criteria.

Staff Finding: A complete application for the proposed plat was submitted to the Community Planning and Development Department on March 30, 2018. The proposal was distributed to City, County, and State agencies for review and comment. Notice of the proposal was issued to property owners in the vicinity and notice of the public hearing was issued in conformance with this chapter.

OMC 17.16.090(A). Inquiry into Public Use and Interest.

The Hearing Examiner shall determine if appropriate provisions are made for, but not limited to, the public health, safety and general welfare, for open spaces, drainage ways, streets, alleys, other public ways, water supplies, sanitary wastes, parks playgrounds, sites for schools and school grounds, fire protection and other public facilities, and shall consider all other relevant facts, including the physical characteristics of the site and determine whether the public interest will be served by the subdivision and dedication. If the Hearing Examiner finds that the proposed plat makes appropriate provisions for the above, then it shall be approved. If the Hearing Examiner finds that the proposed plat does not make such appropriate provisions or that the public use and interest will not be served, then the Hearing Examiner shall disapprove the proposed plat.

Finding/Conclusion: The proposed plat complies with OMC 17.16.090.A as follows:

1. *Public health, safety and general welfare provisions are made through:*
 - *Road standard and improvements,*
 - *Sanitary sewer supply,*

- *Stormwater management,*
 - *Water supply.*
 - *Accommodating additional population growth in an urban area is required by the Washington State Growth Management Act to protect the public's interest, health, and safety (RCW 36.70A.010 and RCW 36.70A.115)*
2. *Open space provisions are met with:*
 - *Two Soils and Tree Preservations Tracts and*
 - *Two Open Space/Storm Tracts.*
 3. *Drainage way provisions are made with stormwater management and new stormwater infrastructure.*
 4. *Street, alley provision, or other public way provisions are made with:*
 - *Addition of new streets that meet the City Engineering Design and Development Standards (EDDS).*
 5. *Water, sanitary sewer and solid waste:*
 - *All of these services will be provided by the City of Olympia.*
 6. *As a condition of approval, provisions for Parks are made through the payment of impact fees that are imposed on the subdivision.*
 7. *As a condition of approval, provisions for schools and school grounds are made through the payment of impact fees that are imposed on the subdivision. The impact fees are imposed at a proportionate share of the cost of improvements reasonably related to the new development, and will benefit the new development as determined by the Olympia School District, and required by WAC 365-196-850.*
 8. *Provisions for fire protection and other public facilities are made through road improvements (on and off site), utility improvements, and building code standards.*

OMC 17.16.090(B) Dedication.

Dedication of land or payment of fees to any public body may be required as a condition of subdivision approval. Evidence of such dedication and/or payment shall accompany final plat approval.

Finding/Conclusion:

Dedication of land for street rights of way is proposed by the applicant. As a condition of approval, payment of transportation, park, and school impact fees will be required at the time of building permit application.

OMC 17.16.090(D) Flood hazard areas.

The Hearing Examiner 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. No plat shall be approved covering any land situated in a flood control zone as provided in RCW Chapter 86.16, without the prior written approval of the State Department of Ecology.

Finding/Conclusion:

According to the FEMA Flood Hazard Map (Attachment 18), the project site is shown to be within Zone X, labeled as Areas of Minimal Flood Hazard.

With the existing storm drainage system that runs through the property and discharges into a swale located on adjacent property along the south border of the site, it has been found that during very intense stormwater events, these flows from this drainage system flood the parking lot of the adjacent dealership owned by Bruce Titus.

As referenced in the memorandum from Steve Thompson, Water Resource Engineer to Jeff Fant Engineering Plans Examiner dated October 2, 2018 (Attachment 19), the existing stormwater drainage system is degraded and cannot handle current flows. As a mitigated measure (SEPA condition No. 3), the project will improve the existing conditions and protect the downstream property owner from stormwater impacts.

Based on City and county mapping, no wetlands or swamp conditions exist on site.

OMC 17.16.090(E) Health Department

As a condition of preliminary plat approval, the Health Department may require lot sizes larger than the minimum permitted by the zoning code in those instances where topography, soils, water table or other conditions make larger lot sizes necessary in order to prevent possible health hazards due to water contamination or sewage disposal system malfunction.

Finding/Conclusion:

The application has been routed for review to Thurston County Environmental Health (TCEH), who did not require larger lot sizes than the minimum permitted by the zone.

E. OMC 18.04, RESIDENTIAL DISTRICTS

This proposed subdivision is subject to the regulations of the OMC 18.04, and include, but are not limited to, the Development Standards set forth below:

18.04.040, Table 4.01 Residential Permitted Uses

Single Family Housing is listed as a permitted use in the R-6-12, Two Family Residential District.

Findings/Conclusions:

The subject property is located in the R-6-12 Two Family Residential zoning district. The proposal is for single family housing.

18.04.060.EE Garage Placement and Width

Single family dwellings on lots five thousand (5,000) square feet or less in size located in subdivisions for which a complete preliminary plat application is submitted after April 22, 1996 is subject to the garage placement and width standards. OMC 18.04.060.EE establishes maximum percentages a garage can occupy a front façade, 60 percent for a two-story structure and 50

percent for a single story structure and how far in front of the front façade that a garage can protrude, 8 feet on a 2 story and 4 feet for single story residences.

Findings/Conclusions:

The preliminary plat application has been submitted after April 22, 1996 and the proposal has many lots that are less than 5,000 square feet in size for which these lots would be subject to the garage placement and width standards. As conditioned, the proposal will comply.

Residential Development Standards 18.04.080- Table 4.04:

<i>R-6-12 Development Standard</i>	<i>Required (OMC 18.04.080 Table 4.04)</i>	<i>Proposed</i>
Maximum Housing Density	12 units/acre	113 units is the maximum density based on 9.4 acre site
Minimum Housing Density	6 units/acre	51 units is the minimum units. For minimum density, the area designated for tracts for stormwater and trees can be taken out the land area. The net area for this site is 8.459 acres.
Minimum Lot Size	3,500 square feet	3,880 square feet is the size of the smallest lot
Minimum Lot Width	40 feet	Lots are between 40 feet to 52 feet

Findings/Conclusions:

The proposed density of 56 units meets the minimum density standards and does not exceed the maximum units allowed in the R-6-12 district as referenced in the table above. The lots within the plat meet the minimum lot size and lot width.

18.04.080.G.2 Varied Lot Width. The width of lots in a new subdivision with 10 or more lots shall be varied to avoid monotonous development patterns. No more than three (3) consecutive lots, uninterrupted by a street shall be the same width and shall be varied by a minimum of six (6) feet increments.

Findings/Conclusions:

The lots within the proposed plat meets the requirement for varied lot width with six (6) foot increments.

F. OMC 18.12, HISTORIC PRESERVATION

18.12.140 Cultural Resources

Cultural Resources shall be protected from damage during construction and all other development activities. Development projects that require a State Environmental Policy Act (SEPA) threshold shall be required to sign an Inadvertent Discovery Plan (IDP) prior to construction permits.

Finding/Conclusion: *As disclosed in the SEPA checklist (Attachment 14), the site has a low risk of encountering archaeological items. As conditioned, the project will comply with OMC Chapter 18.12.*

G. OMC 18.36, LANDSCAPING

18.36.040 Applicability. The chapter applies to all development applications, with the exception of individual single-family residential lots and development containing four (4) or less attached dwelling units.

18.36.040.J. Stormwater Ponds and Swales. Stormwater drainage ponds and swales and other stormwater facilities shall be located where they will not unreasonably impede pedestrian access to or between buildings. They shall be attractively landscaped with native, or well-adapted drought-tolerant plants and integrated into the site design.

Findings and Conclusions:

Single family lots are exempt from the landscaping requirements of this chapter. Stormwater ponds and swales within the plat are required to meet landscaping requirements. A landscaping plan has been submitted, some minor additions to the landscaping plans are needed in order to meet landscaping plan requirements of 18.36.080.B. Final landscaping plans are typically submitted at engineering plan review. As conditioned, the project will comply.

H. OMC 18.40 PROPERTY DEVELOPMENT AND PROTECTION STANDARDS.

18.40.060.I. Minimum Street Frontage. Each lot, other than in townhome, cottage or co-housing projects shall have a minimum of thirty feet of frontage on a public or private street. The Director may allow the street frontage to be reduced or eliminated to the minimum extent necessary to enable access to property.

Findings/Conclusions:

Each lot, with the exception of 4 lots (lots 5, 13, 15 and 56) have lot widths that have at least 30 feet of frontage from a public or private street. Lots 13 and 15 are accessed from a private access lane and as designed, the width of these lots could be increased in order to meet this requirement and not impact any lots from meeting the minimum lot size. Lot 5 and 56 as designed, the director can allow these lots widths to be less than the required frontage but it appears that an easement for ingress and egress should be considered. As conditioned, the project will comply.

I. OMC 18.100 DESIGN REVIEW

Residential homes located on lots less than 5,000 square feet in size are subject to design requirements outlined in OMC 18.175 Infill and Other Residential.

Findings/Conclusions: *The proposed plat has several lots that are less than 5,000 square feet in size. Design Review would be considered staff level review and be conducted at time of building permit. As conditioned, the project will comply.*

J. ENGINEERING DESIGN AND DEVELOPMENT STANDARDS (EDDS)/DRAINAGE DESIGN AND EROSION CONTROL MANUAL (DDECM)

The Revised Civil Plan Set date stamped received August 17, 2018 (Attachment 20) has been reviewed for compliance with the EDDS relative to sewer, water, solid waste, streets and street trees and Preliminary Drainage Report for compliance to the DDECM for stormwater.

Sewer 2.050.A - The developer will install sewer facilities in accordance with the provisions of Chapter 7 of the EDDS.

Findings/Conclusions:

The City has capacity for this development's anticipated sanitary sewage discharge. An existing public sewer main runs in an easement within the proposed Division Street right-of-way. This project will be required to extend a sewer main on the internal street network as shown on the plans. The proposed sanitary sewer main extensions and connections comply.

Water 2.060.B - The developer will install water facilities in accordance with the provisions of Chapter 6 of the "Engineering Design and Development Standards" (EDDS).

Findings/Conclusions:

The City has capacity for this development's domestic water and fire suppression requirements. A City water main exists on Fern Street, Division Street and Cushing Street, at the project boundaries. The proposed water main improvements and connections comply.

Frontage Improvements in General 2.040.A - Unless deferred or exempt as provided for in the Standards, any development permit authorizing a development will require that the developer construct or install frontage improvements.

Streets and Alleys 2.040.B, General 2.040.B.1 - Streets and alleys will be designed and constructed in conformance with the provisions of Engineering Design and Development Standards, Chapter 4. The minimum requirements established by the current editions of the American Association of State Highway and Transportation Officials (AASHTO) and the Institute of Transportation Engineers (ITE) standards, and as identified by Table 11, Chapter 4. Access to Developments 2.040.B.2 (EDDS) - 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 Table 1. Chapter 4 of the Engineering Design and Development Standards.

Findings/Conclusions:

This development has three existing streets stubbed to the northerly boundary - Fern Street, Division Street, and Cushing Street. All streets will be extended as shown on the plans; Fern Street and 18th Avenue to the Neighborhood Collector Standard; Division Street and Cushing Street to the Local Access Standard. In addition, the project will extend 18th Avenue as a street stub to the easterly boundary of the property, which will allow for a future extension as development occurs to the east. The proposed street improvements comply.

Traffic Impact Analysis Guidelines 2.040.G - OMC Chapter 15.20 Transportation Concurrency and Chapter 4 of the EDDS provides guidance on when a Traffic Impact Analysis (TIA) may be required for a proposed project, and what additional improvements may be required as a result of completing a TIA.

Findings/Conclusions:

This development required a TIA (Attachment 15); after review of the TIA was complete, additional offsite improvements were identified and referenced in a letter dated October 15, 2018 (Attachment 21) to Jeff Fant, Engineering Plans Examiner from Dave Smith, Public Works

Transportation Engineer. These off-site improvement are SEPA-Based Conditions and Mitigating Measures No.1 and No.2.

Street Trees 4H.100C - Street tree spacing and location. The City Engineer or Urban Forester may vary the following standards as necessary to ensure public safety and consistent streetscape design. Spacing and location of trees shall be determined by the Urban Forester in accordance with local conditions; the species, cultivars, or varieties used; and their mature height, spread, and form.

Findings/Conclusions:

The proposed street tree location represented on the plans submitted were reviewed by the City Forester; the location of these trees may not meet the applicable requirements that trees cannot be planted within 15 feet from any driveways or street intersections and that trees cannot be planted closer than 20 feet from any utility pole. The plan generally complies; additional review and revision will be done at time of engineering plan review.

Solid Waste 8.020 - Waste Resources provides for collection and disposal of all solid waste and recycling generated from all occupied residential premises within the City a minimum of once every two weeks. The developer will provide for automated side-load solid waste pick-up.

Findings/Conclusions:

The City has capacity for this development's anticipated solid waste generation. Pads have been conceptually shown on the public streets for cart placement associated with lots fronting on Private Access Lanes. The proposed solid waste improvements comply.

Storm Drainage 2.060.C - 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. General 5.010 - The standards established by this chapter are intended to represent the minimum standards for the design and construction of storm drainage facilities. Except as otherwise stated herein, these standards apply to all stormwater pipe and facilities, regardless of whether final ownership is private or public. The latest adopted edition of the City of Olympia Drainage Design and Erosion Control Manual (Drainage Manual, or DDECM) is considered a part of this chapter of the Engineering Design and Development Standards. This Drainage Manual sets forth the minimum drainage and erosion control requirements as supplemented herein.

Findings/Conclusions:

The proposed stormwater system described in the Revised Preliminary Drainage Report dated July 23, 2018 (Attachment 16), along with that of the Preliminary Drainage Plan Amendment dated October 10, 2018 (Attachment 12), generally complies with the provisions of the Drainage Design and Erosion Control Manual (DDECM).

*The Preliminary Drainage Plan Amendment dated October 10, 2018, addressed the significant adverse impact of the current stormwater outfall from the project site to the downgradient property (Bruce Titus dealership) in accordance with **DDECM Volume-1, Section 2.5.4 Core Requirement #4.c**. The necessary offsite downgradient improvements are identified in Wellington Heights, 18-1315, SEPA-Based Conditions and Mitigating Measures No.3.*

Special note needs to be made that satisfactory compliance with SEPA Condition No.3 will require additional collaboration between the Applicant, Project Engineer, downgradient property owner Mr. Titus, and City Engineering Plans Examiner; prior to approval of engineering plans, as explained in DDECM Volume-1, Section 2.5.4 Core Requirement #4.c (Attachment 22).

K. EDDS 2.040.B.18 AND RCW 58.17, SAFE WALKING CONDITIONS:

The City ensures that safe walking routes are provided for a development of this nature in order to comply with the EDDS 2.040.B.18 and RCW 58.17.110, if an elementary or middle school is located within walking distance, or to a school bus stop if the school district provides bus service to and from the school.

Findings/Conclusion: The schools that would serve this development are located over a mile away and a letter dated November 9, 2018 (Attachment 23) from the Olympia School District states that bus service would be provided to students from this development that would be attending Hansen Elementary School, Marshall Middle School and Capital High School. As such, safe walking conditions to school bus stops are required. The project will effectively extend and connect to the existing sidewalk system to the Wellington West development which already provides access and safe walking routes to the bus stops serving these schools in this area.

L. AGENCY COMMENTS

Agency review comments received through the review of the project are as follows:

- Washington State, Department of Ecology- Provided comments during the SEPA comment period (Attachment 24). These comments were based on review of the environmental checklist. The comments address soil contamination, erosion control measures and fill that the developer would need to adhere to.
- Thurston County Health Department- Provided a letter dated October 4, 2018 with their recommendation to approve of the plat with conditions (Attachment 25). These conditions and comments are as follows:
 - The project site is located within a Category II Aquifer Recharge Area as defined by the Thurston County Critical Area Ordinance. TCEH required that the applicant provide an Integrated Pest Management Plan (IPMP) (Attachment 26) for the project, which was submitted on August 17, 2018. The IPMP outlines landscape management practices which help to reduce impacts to surface and ground water. The county reviewed and has accepted this plan.
 - Because of an existing off-site well, which was identified on the Preliminary Map and is located within 100 feet of the project site, a non-restrictive covenant will need to be recorded for the portion of the sanitary control area that encroaches on the subject site.
 - Confirmation from the City of Olympia that indicates that City water and sewer services are being provided is required before final plat acceptance can be granted.

Findings/Conclusions: City staff reviewed these agency comments received and finds these conditions or requests acceptable. As conditioned, the project will comply.

III. CONCLUSION AND RECOMMENDATION

Pursuant to OMC 18.72.100, the Director finds that the project, as conditioned, meets all applicable codes and standards. Therefore, the Director recommends approval subject to the following conditions:

SEPA Conditions:

1. Fern Street is functionally classified as a neighborhood collector with traffic volumes typically ranging from 500 to 3,000 vehicles per day (EDDS, Chapter 4, Tables 2 and 3). Current levels of traffic just south of 9th Avenue exceed this range (4,000 vehicles per day). The proposed project is anticipated to increase daily trips on Fern Street by 426 trips, but will not exceed intersection and corridor levels of service in the area. Since this will intensify and increase traffic volumes on Fern Street, the applicant will be required to install three traffic calming devices between 14th Avenue and 9th Avenue in accordance with the Standards, Section 4B.210 Traffic Calming Devices. These devices will help slow traffic on Fern Street and thereby enhance safety, but will also help disperse project-generated traffic to Decatur Street, which has less traffic. The applicant will be required to participate in the City's Neighborhood Traffic Management Program to identify the type and location of traffic calming devices. ***Comprehensive Plan Goals and Policies: GT9, PT9.1, and PT9.2; Engineering Design Development Standards (EDDS): 4B Streets, 4B.010 General Standards, and 4B.210 Traffic Calming Devices.***
2. The July 2018 Traffic Impact Analysis indicates the lack of intersection control at Fern Street and 15th Avenue, which has a traffic-calming circle with no traffic control signage. With the anticipated increase of traffic on Fern Street, the applicant will be required to install yield signs on each approach leg to increase intersection safety and functionality. ***Comprehensive Plan Goals and Policies: GT9, PT9.1, and PT9.2; Engineering Design Development Standards (EDDS): 4B Streets, 4B.010 General Standards, and 4B.210 Traffic Calming Devices.***
3. Stormwater generated by the proposed project will be infiltrated on-site; however, it is anticipated that during some very high intensity stormwater events, excess stormwater will need to be conveyed off-site into an existing downstream drainage course that consists of a drainage swale at the base of the embankment and along the west property line of the adjoining property (Bruce Titus dealership). The embankment also seeps water that drains into the swale. As it currently exists, the downstream stormwater conveyance system is degraded and cannot handle such excess stormwater flows from the proposed project.

In addition, stormwater from the Wellington West development to the north is conveyed through the subject property into the existing drainage system noted above. During high stormwater events, flows flood the parking lot of the dealership.

The applicant is required to convey existing stormwater drainage from Wellington West and other developments to the north, which flow into the Wellington West storm pond. This will require offsite improvements on the dealership property.

Therefore, to mitigate off-site stormwater impacts, the applicant shall develop a conveyance system that can handle the 100-year design storm, convey the existing pass-through flows from the Wellington West storm ponds, provide an emergency overflow route for the proposed on-site infiltration system, and protect the downstream property owners from stormwater impacts.

Specifically, as mitigation for off-site stormwater impacts, the applicant shall do the following:

- Develop a safe and dependable on-site conveyance system that delivers stormwater from the Wellington Heights property to the northwest corner of the Bruce Titus property.
- Improve the existing off-site conveyance ditch from the northwest corner of the Bruce Titus property south to an existing 42" culvert under the west entrance to the Bruce Titus site.
- Restore the existing off-site stormwater swale that runs along the northern boundary of the Bruce Titus property as originally designed for the Evergreen Chrysler site in 1987. This swale will continue to convey any groundwater seepage from the embankment, and divert floodwater.
- Restore the screening buffer along the north boundary of the Titus property as identified on the original plat for the auto mall (Olympic Park Replat, Division One)

Comprehensive Plan Goals and Policies: GU10, PU10.1, PU10.3, and PU10.6; Drainage Design and Erosion Control Manual (DDECM): Volume 1, 2.5.4, Core Requirement #4, Supplemental Guideline (c).

Preliminary Plat, conditions of approval:

1. **Approved Plat Map.** The preliminary plat shall be substantially in conformance with the preliminary plat map dated October 10, 2018 (Attachment 11) and revised civil plans (Attachment 20), as modified by the conditions of approval herein, and as modified by the Hearing Examiner.
2. **Plat Approval.** Preliminary approval of the preliminary plat shall be effective for five years from the date of approval by the Hearing Examiner, during which time a final plat or plats may be submitted. During this time the terms and conditions upon which the preliminary approval is given shall not be changed, except as provided for in Section 17.20.040. (OMC 17.20.010)
3. **Landscape Plan.** A final landscape plan prepared in compliance with OMC 18.36 shall be submitted in conjunction with the engineering permit application.
4. **Vegetation Maintenance Bond.** A vegetation maintenance bond (or other assurance) shall be provided following City acceptance of the landscape installation, including street trees prior to final plat. The bond amount shall be 125% of the cost estimate submitted with the final landscape plan and approved by the City.
5. **Minimum Lot Width.** The lot width adjacent to the private access lane shall be no less than 30 feet for lots 13 and 15. An easement for ingress and egress and utilities will be needed for lots 5 and 56 and shall be shown on the final plat map.

6. **Hours of Construction.** Pursuant to OMC 18.40.080(C)(7), construction activity is restricted to the hours between 7:00 a.m. and 6:00 p.m.
7. **Design Review and Garage Placement and Width Requirements.** It shall be noted on the face of the final plat map that lots less than 5,000 sq. ft. in area are subject to Design Review and must also meet 18.04.060.EE for Garage Placement and Width requirements.
8. **Inadvertent Discovery Plan.** A signed Inadvertent Discovery Plan (IDP) which outlines how the project proponent and site crew will respond in the event that archaeological resources are uncovered during the course of project work shall be submitted by the applicant at the time of Engineering plan submittal (OMC 18.12.140).
9. **Impact Fees.** In accordance with OMC Title 15, City of Olympia impact fees for transportation, parks, and schools shall be paid at time of building permit issuance.
10. **Construction Codes.** The project shall comply with the City of Olympia Construction Codes as adopted through the Olympia Municipal Code, Chapter 16.04.
11. **Street Trees.** Specific street tree locations shall be modified as deemed necessary by the Urban Forester and/or City Engineer.
12. **Tree Density.** Minimum required tree units for this plat is 30 units per buildable acre and shall be located in a soils vegetation protection area. Location and species of additional tree planting to meet the minimum required tree density will be determined at the time of engineering permit review.
13. **Tree Protection Fencing.** The timeline for tree protection fence installation shall be added to the civil plan set during engineering plan review. Trees to be saved (on and off-site) shall be site verified by the applicant's Urban Forester prior to installation of tree protection fencing. Said fencing shall be inspected and approved by applicant's Urban Forester and the City's Urban Forester prior to any clearing and grading of the site. Where proposed utilities are located within the tree protection fencing (critical root zone), the applicant's Urban Forester shall inspect and consult with the City's Urban Forester on a course of action to protect and save trees during construction.
14. **Engineering Permit Application.** An engineering permit application shall be submitted for review and approval prior to construction. The permit submittal shall comply with the 2017 Engineering Design and Development Standards (EDDS) and the 2016 Drainage Design and Erosion Control Manual (DDECM).
15. **Solid Waste.** Curbside solid waste collection shall be set up for one-side road collection on the non-parking side of the street. The solid waste collection route shall be considered prior to determining locations of on- street parking locations at time of engineering plan review.
16. **Right of Way Performance Bond.** Bonds or other allowable securities shall be submitted to the City to guarantee the performance of work within the subject site and rights-of-way, or maintenance of required public infrastructure intended to be offered for dedication as a public

improvement. See both EDDS Section 2.030.F and Volume 1 Section 2.6.1 of the 2016 DDECM for more information.

17. **Erosion Control.** Erosion control measures must be in place prior to any clearing, grading, or construction. These control measures must be effective to prevent stormwater runoff from carrying soil and other pollutants into surface water or storm drains that lead to waters of the State. A Construction Stormwater General Permit must be obtained for this site from the Washington State Department of Ecology prior to commencement of any ground-disturbing activities.
18. **Contamination.** If contamination of soil or groundwater is encountered during site work and construction, the applicant shall notify the Department of Ecology's Environmental Report Tracking System Coordinator for the Southwest Regional Office at 360-407-6300.
19. **Grading and Fill.** All grading and filling of land must utilize only clean fill, i.e., dirt or gravel. All other materials, including waste concrete and asphalt, are considered to be solid waste. Necessary permits shall be obtained if these materials are used (WAC 173-350-990). All removed debris shall be disposed of at an approved site. Contact the Thurston County Health Department for proper management of these materials.
20. **Restrictive Covenant.** A non-public restrictive covenant shall be granted for the existing off-site well located within 100 feet of the property. The covenant must be reviewed by Thurston County Environmental Health prior to being recorded with the Thurston County Auditor's Office. The reference to this covenant shall be shown on the face of the final plat map.
21. **Water and Sewer Services.** Confirmation of water and sewer construction approval from the City of Olympia shall be submitted to Thurston County Environmental Health prior to final plat approval.
22. **Addressing.** The lots and tracts shall be addressed as noted in Attachment 27.

Submitted by: Paula Smith, Associate Planner, on behalf of the Director of Community Planning & Development and the Site Plan Review Committee
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Attachments:

2. Notice of hearing published November 2, 2018
3. Transportation 2030 Westside Map
4. Lemon Addition- Plat Map
5. 05-1256 Wellington Heights HEX Decision January 22, 2007
6. Defeasible Road Easement
7. Stormwater Easement
8. Preliminary Plat Application
9. Notice of Application
10. Neighborhood Mtg Summary April 23, 2018
11. Revised Preliminary Plat Map Sheet 1 of 5

12. Prelim. Drainage Report Amendment October 11, 2018
13. Public Comments
14. SEPA Checklist-Agency Comments
15. Traffic Impact Analysis August- Revised August 17, 2018
16. Prelim. Drainage Report- Revised August 17, 2018
17. Notice SEPA Mitigated Determination of Non-significance
18. Flood Hazard Map
19. Memo Thompson to Fant October 2, 2018
20. Civil Set Sheets 2-5 Revised August 17, 2018
21. TIA Letter Smith to Fant October 15, 2018
22. Core Requirement 4 Information
23. Olympia School District Letter November 9, 2018
24. Department of Ecology Letter October 9, 2018
25. Thurston County Environmental Health Letter October 4, 2018
26. Integrated Pest Management Plan August 17, 2018
27. Wellington Heights Address List