

CITY OF OLYMPIA HEARING EXAMINER
HEARING CONTINUATION
STAFF REPORT ADDENDUM
February 4, 2019

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 Revised Mitigated Determination of Non-significance (MDNS) was issued on December 27, 2018. The comment period ended on January 10, 2019 and the appeal period expired on January 17, 2019.

Public Notification: The Revised MDNS and Hearing Continuation Notice was mailed to property owners within 300 feet of the subject property, parties of record, and recognized neighborhood association on December 27, 2018, The continuation of hearing was published in the Olympian on January 3, 2019 and posted on-site.

Staff Recommendation: Approve, subject to conditions

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

This staff report is to serve as an addendum is to the staff report dated December 10, 2018 and is written in response to the hearing for the case which was held on December 10, 2018. The Olympia Hearing Examiner ordered a hearing continuance to allow staff time to reexamine the procedures regarding the revision of mitigation measures on a SEPA Determination. The Hearing Examiner issued an Order on Motion to Continue on December 13, 2018 (Attachment 2) and an Order Continuing

Hearing and Returning the SEPA MDNS to City Staff for Further Consideration (Attachment 3) on December 18, 2018.

City staff provided a response (Attachment 4) to the Hearing Examiner's Order to Continue on December 17, 2018 that concluded that it was necessary for the City to reissue the MDNS in order to modify mitigation measures that were included as SEPA-Based Conditions in the original MDNS. On December 27, 2018, the city issued the Revised MDNS (Attachment 5) with a comment period ending on January 10, 2019 and an appeal deadline of January 17, 2019. Many comments were received and a part of an appeal application was filed (see those section below for more detail).

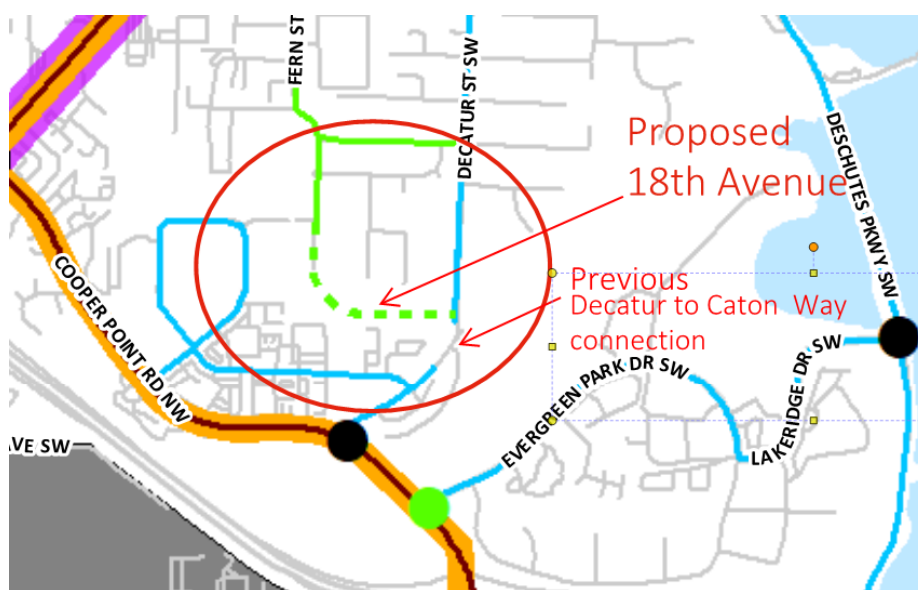
II. SEPA COMMENTS

A. Public Comments.

City staff received comments from the public (Attachment 6) after the date of the hearing on December 10, 2018, throughout the Revised MDNS SEPA comment period and up to the issuance of this staff report. There were many comments received that voiced concern over the "future 18th Avenue connection." Other comments pertained to the status of ABS Investment, LLC having an inactive status with the Washington Secretary of State for Corporations and Charities Division.

Staff Response: The Decatur Street to Caton Way connection is not shown as a future street connection in the Transportation Future Map in the Comprehensive Plan (see clip on map reference below). The Transportation Future Map does show a future 18th Avenue connection to Decatur Street. The future 18th Avenue connection as the project proposes is supported in the Comprehensive Plan.

As stated on the "notes" section of this map, "the specific alignment of the future streets will be determined based on more detailed analysis during development review or City alignment studies." How the connection of 18th Avenue will connect through the parcel to the east and connect to Decatur Street has not yet been determined.



City staff reviewed the records with the Secretary of State website to verify the status of the applicant's corporate business. The agency had reinstated ABS Investments LLC and is now listed with an active status (Attachment 7.)

B. Agency Comments

Agency comments from Washington State Department of Ecology and the Squaxin Island Tribe (Attachment 8) were received during the comment period on the Revised SEPA DNS.

Staff Response: No additional conditions are warranted based on the comments received.

C. Comments with Additional Information

The City received comments from Mr. Bruce Titus, the property owner to the south of the proposed project. Mr. Titus also provided a Drainage Evaluation (Attachment 9) prepared by Thomas Skillings of Skillings Connolly, Inc. for the city to consider in order to revise or withdraw the SEPA MDNS that was issued.

Staff Response:

City staff reviewed all the comments and documentation received on the Revised Mitigated Determination of Non-significance and concluded that withdrawing or further revising the MDNS was not warranted. In making this determination, the SEPA Official considered provisions in WAC 197-11-340 and concluded: 1) there were no substantial changes to the proposal that would result in significant adverse environmental impacts, 2) no new information was submitted identifying significant adverse environmental impacts, and 3) mitigation measures in the Revised MDNS are appropriate for mitigating offsite traffic and stormwater impacts.

The Drainage Evaluation prepared by Skillings Connolly, Inc. was reviewed by city staff and provides a response of such in a memorandum from Steve Thompson, Water Resource Engineer dated January 24, 2019 (Attachment 10). Staff concludes that the mitigation measures as stated in the Revised SEPA MDNS are appropriate to address off-site stormwater impacts. City engineering plan review staff will continue work with Mr. Titus and the applicant, throughout the development review and construction process, in accordance with the Drainage Design and Erosion Control Manual, Vol 1, Section 2.5.4(c). (Attachment 12)

The applicant's Authorized Representative, Chris Merritt of Olympic Engineering and Luke McCann of Material Testing and Consulting also provides a response (Attachment 11) to the Drainage Evaluation prepared by Skillings Connolly.

III. SEPA APPEAL

The City received an application for appeal on the Revised SEPA MDNS from Bruce Titus of BLT Investment LLC without the required \$1,000 filing fee. The appeal application form was received by the City on January 15, 2019. The filing fee was subsequently received by the City on Friday, January 18, 2019, after the appeal deadline of January 17, 2019 at 5:00 p.m.

Per Olympia Municipal Code 14.04.160.A.3, all appeals must be accompanied by the appropriate filing fee to be considered complete. The City of Olympia deemed this appeal application untimely and not effective to initiate the appeal.

IV. CONCLUSION AND RECOMMENDATION

Pursuant to OMC 18.72.100, the Director finds that with the revised SEPA-Based Conditions listed below, those plat conditions stated in the original staff report and Exhibit 32, presented at the December 10, 2018 hearing, the project meets all applicable codes and standards.

REVISED 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. The applicant is required to convey existing pass through stormwater from the Wellington West subdivision and other developments to the north that flow into the Wellington West storm pond, through the project site, and into an existing downstream stormwater conveyance system.

To mitigate off-site stormwater impacts, the applicant shall make improvements to an existing conveyance system so that it can 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 downstream properties from stormwater impacts.

The applicant's stormwater plan proposes to redirect the existing overland drainage route for pass through stormwater, and emergency overflow stormwater, by installation of a 36-inch diameter stormwater pipe along the south boundary of the project site. This stormwater will then bypass that portion of the existing degraded downstream drainage ditch located along the northern boundary of

the Titus property; therefore, no off-site mitigation to the existing ditch along the northerly boundary of the Titus property is necessary.

The redirected stormwater flows, conveyed by the new 36-inch pipe, will enter the existing offsite drainage ditch at the northwest corner of the Titus property. Downstream conveyance capacity in the portion of the existing drainage ditch from the northwest corner of the Titus property south to the existing 42" culvert under the west entrance to the Titus site is also degraded. Off-site capacity improvements to this portion of the existing ditch are necessary to establish required flow capacity for existing pass-through and emergency overflow.

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.

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).

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 HEX Order on Motion to Continue dated December 13, 2018
- 3 HEX Order Continuing Hearing dated December 18, 2018
- 4 City Response to HEX Order dated December 17, 2018
- 5 Notice of Revised MDNS and Hearing Continuation dated December 27, 2018
- 6 Public Comments
- 7 ABS Investment Business Status
- 8 Agency Comments
- 9 Titus Comment and Drainage Evaluation
- 10 City Memorandum- Response to Drainage Evaluation
- 11 Applicant/Auth. Rep. Response to Drainage Evaluation
- 12 DDECM Vol. 1 2.5.4