

**CITY OF OLYMPIA HEARING EXAMINER
STAFF REPORT
JUNE 24, 2019**

Project Name /File No.: Village at Cain Road, FILE 18-3178

Applicant: Summit Land Development, LLC
1868 State Ave NE
Olympia WA 98516

Authorized Representative: Rob Rice

Requested Action: The applicant is seeking preliminary plat approval to subdivide 5.01 acres of land into 24 lots for single family housing and multiple tracts for stormwater, open space, soil and vegetation protection areas, and a private access trail.

Project Location: 2017 22nd Ave SE

Zone District: Residential 4-8 (R 4-8) and Residential 6-12 (R 6-12)

Comprehensive Plan Designation: Low Density Neighborhood

SEPA Determination: A Determination of Nonsignificance was issued on May 24, 2019. The comment period ended on June 7, 2019 and the appeal period expired on June 14, 2019. No appeal of the SEPA determination was filed with the City.

Public Notification: Public notification of this hearing was issued on May 24, 2019. 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* newspaper on May 26, 2019, in conformance with OMC 18.78.020.

Staff Recommendation: Approve, subject to conditions.

Staff Contact: Catherine McCoy, Associate Planner
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I. BACKGROUND INFORMATION

A. Existing site Conditions and Context

The development site consists of 5.01 acres in southeast Olympia in the southeast quadrant at the intersection of Cain Road SE and 22nd Avenue SE. Cain Road and 22nd Ave are both major collector streets along the north and west boundaries of the site. The site is entirely forested and relatively flat except for a slight depression in the northwest area of the parcel. Surrounding development within one mile of the subject site consists of the City of Olympia McGrath Woods Park abutting the site on the south, NOVA Middle School north of the development site across 22nd Ave, and single family residential housing in every direction (Figure 1).

InterCity transit stops are located within 150 feet of the site on both sides of 22nd Ave. Pioneer Elementary School, Washington Middle School, and Olympia High School are each within one mile south and southwest of the development site. The site is within the Cain Road Recognized Neighborhood Association, and north across 22nd Ave is the Indian Creek Recognized Neighborhood Association.



Figure 1: Surrounding Land Uses. City of Olympia ZOOM. 2019.

Property History

The project lies on tax parcels 09940068005 and 09940069000 in Section 24, Township 18 North, Range 2 West, W.M. According to a 2014 Legal Lot Determination City staff could not come to a clear conclusion regarding the underlying lots – when or whether they were legally segregated from the original parcel dating back to the original E.H. Wilson D.L.C. No. 45 (Attachment 2). A record search of existing warranty deeds, quit claim deeds, surveys, and agency communications depict an incomplete record of platting dating back to 1950.

Surveys as part of the record include several parcels segregated from the original parcel 09940069000 where the house is currently located; parcels 09940068001, 09940068002, 09940068003, 09940068005, and 09940068006 which was when the City purchased four acres for the McGrath Woods Park, Ordinance 5791. The preliminary plat map combines parcels 09940069000 and 09940068005 (Attachment 3).

Split Zoning

The entire McGrath property and surrounding properties were designed for single family residential development dating back to 1962. Zoning maps designated the site Residential Single Family (R-1) until 1994, when the City underwent a full update in 1995 changing the subject site and approximately 130 parcels to Residential 6-12 (R 6-12), while surrounding parcels in every direction were zoned Residential 4-8 (R 4-8).

The rezone resulted in approximately six parcels having split zoning, including one 5,000 sq.ft. parcel, parcel number 09940069000, within the preliminary plat proposal of Village at Cain Road. The sliver of R 4-8, 5,000 sq.ft., represents 2.3% of the 5.01 acre plat (Figure 2).

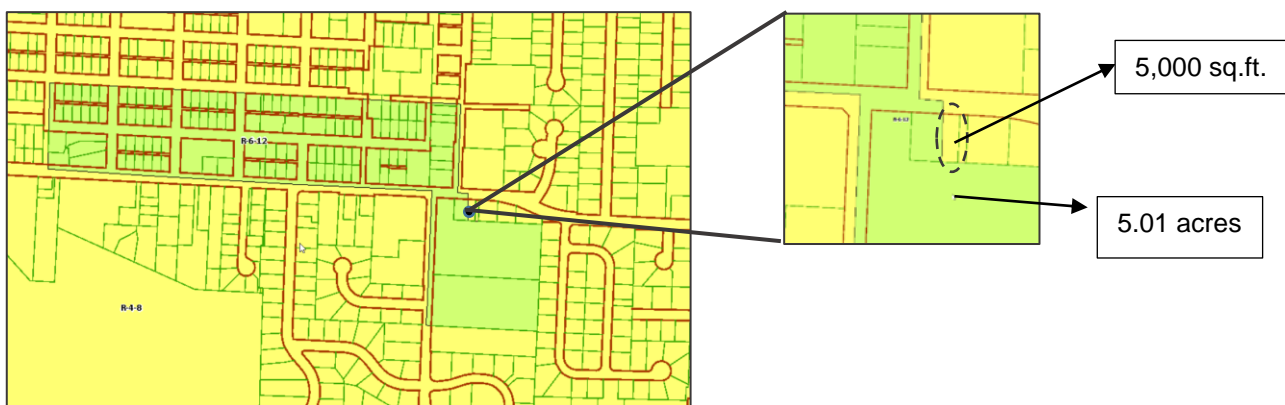


Figure 2: Area and Site Zoning – R 4-8 and R 6-12. City of Olympia ZOOM. 2019.

B. Project Description

The application is for preliminary approval to subdivide the undeveloped land into 24 lots for zero-lot single family residential homes. The project includes the following:

- The existing single family house will be demolished;
- The site will be cleared and graded;
- Public and private utilities along Cain Road will be installed and extended to each lot in the subdivision;
- Stormwater facilities will include a wet pond and detention pond in the northeast corner of the site;

- Road improvements at the intersection of Cain Road and 22nd Ave will include a new left turn lane on 22nd Avenue onto Cain Road, and a new left turn lane, right turn lane, and bike lane along Cain Road extending from the southwest corner of the property to 22nd Ave;
- A new local access street will extend 435 feet into the site from Cain Road to a cul-de-sac;
- Cain Road, 22nd Ave, and the new public street will include sidewalks, planter strip, street trees and streetlights;
- Several tracts will be created for stormwater, a soil and vegetation protection area, open space, private access lanes, and a pedestrian trail extending from the cul-de-sac to McGrath Woods Park.

C. City Review Process

Application Submittal: Prior to the current application for preliminary plat, the applicants requested a presubmission conference with the Site Plan Review Committee on December 6, 2017 (Attachment 4). The application was submitted and deemed complete on July 25, 2018 (Attachment 5). Application materials were routed to City, County, and State agency staff for review, and a Notice of Application was issued on July 31, 2018 (Attachment 6).

Neighborhood Meeting: The City and the applicant co-hosted a neighborhood meeting on August 21, 2018. The purpose of the meeting was to provide property owners, neighborhood associations, and the general public an opportunity to receive detailed information about the proposal. Staff explained applicable regulations, the process of review and approval, and captured questions and concerns. Concerns raised at the meeting and contained in public comment received throughout the review process touched on the following issues (Attachments 7 and 8):

- Traffic impacts and congestion at the intersection of Cain Road and 22nd Ave;
- Concerns for the safety of children, pedestrians, cyclists;
- Concern that traffic exceeds the posted 25 mph speed limit;
- Loss of woodlands and impacts on wildlife;
- Impacts of site grading on bordering trees;
- Increased noise;
- Density increase and shift in neighborhood character.

Staff Review and Director's Recommendation: Staff reviewed the project for compliance with applicable codes, standards, and ordinances. The team found that additional information was needed, and revisions were necessary. Written comments were provided to the applicant on November 5, 2018 (Attachment 9). The applicant submitted revised plans and reports on March 28, 2019 (Attachment 10).

Following a second review, and additional revisions to the preliminary site plan at the request of staff, the project was taken to the Site Plan Review Committee for a recommendation on May 22, 2019, at which time the Committee recommended approval of the project subject to conditions (Attachment 11). The Site Plan Review Committee serves in an advisory capacity to the Director who shall be responsible for all land use related decisions. However, pursuant to OMC 18.60.080.B, if a public hearing is required prior to land use approval, the Director shall issue the Director's recommendation to the Hearing Examiner in a manner that will provide the Hearing Examiner sufficient time to issue a notice of final decision within 120 days of the date of complete application. Legal notice of the public hearing was published in *The Olympian* on May 26, 2019 (Attachment 12).

II. POLICY AND REGULATORY FRAMEWORK

Applicable Regulations

The proposed development is subject to the following City policies and regulations (in order as they appear in the report):

- OMC 18.82 Hearing Examiner Authority
- City of Olympia Comprehensive Plan – Online 2019
- OMC 14.04 Environmental Policies
- OMC 16.60 Tree, Soil and Native Vegetation Protection and Replacement
- OMC 17.16 Subdivisions/Preliminary Plat
- OMC 18.04 Residential Districts
- OMC 18.12 Archaeological Sites
- OMC 18.36 Landscaping
- OMC 18.40 Property Development and Protection Standards
- Engineering Design and Development Standards (EDDS)/Drainage Design and Erosion Control Manual

The project is also subject to the following:

- Revised Code of Washington (RCW) 58.17, Safe Walking Routes

A. Hearing Examiner Authority, OMC 18.82.120

Preliminary plat applications are within the jurisdiction of the Hearing Examiner. OMC 18.82.120.

B. Comprehensive Plan

The subject site is designated *Low Density Neighborhood* in the Future Land Use Map of the Comprehensive Plan. Future land uses in this zone should be consistent with this designation, which provides for “low-density residential development, primarily single-family detached housing and low-rise multi-family housing, in densities ranging from twelve units per acre to one unit per five acres depending on environmental sensitivity of the area.”¹ Comprehensive Plan policies that support the type of development proposed include the following:

Land Use and Urban Design

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

- **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.
- **PL1.2.** Focus development in locations that will enhance the community and have capacity and efficient supporting services, and where adverse environmental impacts can be avoided or minimized.

¹ Appendix A – Future Land Use Map Designations. Low-Density Neighborhoods. Land Use and Design. Olympia Comprehensive Plan online version. Retrieved June 8, 2019. <https://www.codepublishing.com/WA/Olympia/?OlympiaNT.html>

- **PL1.5.** Require new development to meet appropriate minimum standards, such as landscaping and design guidelines, stormwater and other engineering standards, and building codes, and address risks, such as geologically hazardous areas; and require existing development to be gradually improved to such standards.
- **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.

Transportation

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 do 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

GU1: Utility and land use plans are coordinated so that utility services can be provided and maintained for proposed future land uses.

- **PU1.2.** Require new developments to construct drinking water, wastewater and stormwater utilities in ways that meet the community development, environmental protection, and resource protection goals of this Plan, and that are consistent with adopted utility plans and extension policies.

Staff Finding:

The proposed project complies with and furthers applicable goals and policies of the Comprehensive Plan.

C. Environmental Policy, OMC 14.04

The preliminary plat application is subject to the State Environmental Policy Act (SEPA) because the plat proposes the construction of residential structures of more than 9 units, and the preliminary plat proposes landfill and excavation of more than 500 cubic yards (OMC 14.04.065).

Staff Finding: After careful review of the revised SEPA checklist (Attachment 13), associated environmental documents and public comment, the Department issued a Determination of Nonsignificance (DNS) on May 24, 2019. Notice of public hearing was combined with the issuance of SEPA DNS pursuant to OMC 18.78.040 (Attachment 14). The Hearing Examiner is authorized to modify mitigation measures to ensure consistency with any decision rendered by the by the Examiner on the underlying application or permit (OMC 14.04.155).

D. Tree, Soil, and Native Vegetation Protection and Replacement, OMC 16.60

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.

Staff Finding: As part of the 1.39 acres of open space, 0.39 acres has been designated as tree tract for the preservation of a forested area, and an additional 0.15 acres of the site will provide landscaping and tree retention (Attachments 15). 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. Preliminary Plat, OMC 17.16

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.

OMC 17.16.090.A. Council and Examiner 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.

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

1. Public health, safety, and general welfare:
 - Construction of the subdivision will be in accordance with City regulations and engineering standards.
 - Transit is located within 150 feet of the project.
 - A right turn lane will be constructed on Cain Road at the intersection of Cain Road and 22nd Ave.
 - A left turn lane will be constructed on 22nd Ave for traffic turning left onto Cain Road.
 - Full street improvements, including streetlights, curb and gutter, sidewalk and planter strip will be constructed along the west property line abutting Cain Road.
 - Full street improvements will be provided along the right-of-way abutting the property to the north along 22nd Ave, including a bike lane, sidewalk, planter strip, and curb and gutter.
 - Curb ramps will be installed where the new public road intersects with Cain Road, and across Cain Road (Attachment 16).

2. Open space:
 - A 6 foot wide pedestrian trail will extend from the public road cul-de-sac south to connect with McGrath Woods Park (Attachment 17).
 - Approximately 5,000 sq.ft. will be provided as open space identified as Tract D.
 - Seventy-five percent of the required number of trees will be preserved in a soil and vegetation protection area as Tract B.
3. Drainage ways:
 - The storm water system is designed to collect and transport stormwater in the wet pond for treatment and in the retention pond for infiltration into the ground. Stormwater from the east half of Cain Road, starting at McGrath Woods Park and ending near the intersection with 22nd Ave will be caught via catch basins and conveyed to the wetpond via piping. Stormwater along 22nd Ave will be caught and conveyed to the west draining to the existing catch basin located at the southeast corner of the intersection (Attachment 18).
4. Streets and other public ways:
 - The addition of a new street will meet the City Engineering Design and Development Standards (EDDS).
 - Roadway infrastructure improvements meeting the requirements of the EDDS will be constructed along Cain Road and 22nd Ave.
5. Water, sanitary sewer and solid waste:
 - City services will be extended to each lot in the subdivision.
6. Safe Walking Routes (RCW 58.17.110):
 - Elementary and middle school students will have a safe walking route to schools within one mile of the subject site.
7. As a condition of approval, provisions for Parks are made through the payment of impact fees that are imposed on the subdivision.
8. 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.
9. Fire Protection and Other Public Facilities:
 - Street widths in the proposed subdivision will accommodate fire trucks and other emergency service vehicles.
 - A fire hydrant will be located on the new public street.
 - New residential structures will have fire suppression systems and will meet building code requirements for fire safety.

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.

Staff Finding:

A 5.5 foot dedication of land along the north property line abutting 22nd Ave 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.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.

Staff Finding:

The application was routed for review to Thurston County Environmental Health (TCEH), who did not require larger lot sizes than the minimum permitted by the zone (Attachment 19).

E. OMC 18.04 RESIDENTIAL DISTRICTS

This proposed subdivision is subject to the provision in 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.

Staff Finding:

The subject property is split-zoned approximately 97% R 6-12 and 3% R 4-8 (Figure 2). Pursuant to OMC 18.02.160.C., the R 6-12 zoning district, as the least restrictive of the two types of residential zoning districts, the project was reviewed as R 6-12 zoning and subject to the R 6-12 residential development standards.

OMC 18.02.160.C. Use District Boundaries.

1. Land use district boundaries, unless otherwise indicated by natural landforms, are intended to follow lot lines or the centerline of streets and alleys as shown on the zoning map. Where the lot line location or street layout on the ground varies from that shown on the zoning map the designations shown on the map shall be applied to carry out the intent and purpose of this title.
2. Land use district boundary lines shall extend parallel from their landward location to a point of intersection at the center of all bodies of water. Bodies of water include the Puget Sound and all rivers, streams, and lakes.
3. If the use district boundary line clearly divides a parcel of land having a single ownership of record at the time this title became effective, all such property shall take the least restrictive classification within its general land use classification (residential, commercial, industrial), provided the property is developed as one unit, and provided that a nonresidential use shall be permitted to extend into a residential use district only if that portion of the property lying within such district has an area less than 4,500 square feet or is of such shape that it cannot be occupied by a residence.
4. Except, if the use district boundary line divides a parcel zoned High Density Corridor-4 (HDC-4) which is located between Phoenix Street and Lilly Road, if the parcel of land is under a single ownership of record at the time this title became effective, and if the parcel is deeper than 400 feet as measured from Martin Way or Pacific Avenue, then that portion of the property beyond

400 feet shall have the use and development standards of the General Commercial (GC) zoning district.

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 a garage can protrude; 8 feet on a 2 story and 4 feet for single story residences.

Staff Finding:

The preliminary plat application was 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 (Attachment 20). As conditioned, the proposal will comply.

18.04.080 Development Standards

<i>R-6-12 Development Standard</i>	<i>Required (Table 4.04)</i>	<i>Proposed</i>
Maximum Housing Density	12 units/acre	60 units is the maximum density based on 5.01 acre site.
Minimum Housing Density	6 units/acre	23 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 3.77 acres.
Minimum Lot Size	3,500 square feet	4,200 square feet is the size of the smallest lot.
Minimum Lot Width	40 feet	Lots are a minimum of 40 feet in width.

Staff Finding:

The proposed density of 24 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.

Staff Finding:

The lots within the proposed plat meet 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.

Staff Finding:

As disclosed in the SEPA checklist, the site has a moderately 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 landscaping chapter applies to all development applications, except for 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.

Staff Finding:

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 landscape plan are needed in order to meet landscaping plan requirements of 18.36.080.B (Attachment 21). 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.

Staff Finding:

Each lot, except for 2 lots (lots 11 and 22), have lot widths of at least 30 feet of frontage from a public or private street. Lots 11 and 22 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. However, the director may allow lot widths to be reduced to the minimum extent necessary to enable access to property where public street access is not feasible. 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.

Staff Finding:

The proposed plat has several lots that are less than 5,000 square feet in size. Staff level review will be conducted at time of building permit review. As conditioned, the project will comply.

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

The Preliminary Civil Plan Set was reviewed for compliance with the EDDS relative to sewer, water, solid waste, streets and street trees (Attachment 22). The Preliminary Drainage Report was reviewed for compliance to the DDECM for stormwater (Attachment 18).

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

Staff Finding:

The City has capacity for this development's anticipated sanitary sewage discharge. A public sewer main runs in the Cain Road right-of-way. The project is required to extend a sewer main to the internal street network as shown on the plans. The proposed sanitary sewer main extensions and connections comply.

Water - The developer will install water facilities in accordance with the provisions of Chapter 6 of the EDDS.

Staff Finding:

The City has capacity for this development's domestic water and fire suppression requirements. A City water main exists in Cain Road at the project boundary; the project is required to extend a sewer main to the internal street network as shown on the plans. The proposed water main improvements and connections comply.

Frontage Improvements in General - 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 - Streets and alleys will be designed and constructed in conformance with the provisions of EDDS, 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 EDDS.

Staff Finding:

The new public street extending east from Cain Road into the subdivision will meet local access street standards. Cain Road and 22nd Ave will be improved to meet major collector street standards, as shown in the Preliminary Civil Plan Set. The proposed street improvements comply.

Traffic Impact Analysis Guidelines for New Developments - OMC Chapter 15.20 Transportation Concurrency and Chapter 4 of the EDDS provides guidance when a Traffic Impact Analysis (TIA) may be required for a proposed project. The requirement for a TIA will be based on the size of the development proposed, existing street and intersection conditions, traffic volumes, accident history, community concerns, and other pertinent factors relating to traffic impact attributable to new developments.

Staff Finding:

Public Works transportation engineering planners determined that a TIA was not required. Projects generating less than 50 vehicles in the peak hour on the adjacent streets and intersection will typically not be required to conduct a TIA. They will make proportionate share contributions to identified transportation facility improvement projects in the area of development – in this case road improvements to Cain Road and 22nd Ave. Except as otherwise provided in the OMC, all new developments will be charged transportation impact fees. As conditioned the proposal complies.

Street Trees - The City Engineer or Urban Forester may vary 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, species, cultivars or varieties used, and their mature height, spread and form.

Staff Finding:

The proposed street tree locations 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 conducted at the time of engineering plan review.

Solid Waste - 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.

Staff Finding:

The City has capacity for this development's anticipated solid waste generation. At the engineering stage of review pads will be shown on the public streets for cart placement associated with lots fronting on private access lanes. The proposed solid waste improvements comply.

Storm Drainage - 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 EDDS. 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 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 EDDS. This Drainage Manual sets forth the minimum drainage and erosion control requirements as supplemented herein.

Staff Finding:

The proposed stormwater system described in the Revised Preliminary Drainage Report has been found to generally comply with the provisions of the Drainage Design and Erosion Control Manual (DDECM).

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

The City ensures that safe walking routes are provided for students who only walk to and from school when 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.

Staff Finding: This requirement applies to public schools intended to serve the site, not to magnet or alternative schools, and not necessarily to the nearest school. The walking route is to be to the school if located within one mile and to a school bus stop if the site is over one mile from the school. The schools that would serve this development are located less than a mile away, and the Olympia School District has verbally stated that bus service would likely be provided to students from this development to Pioneer Elementary School, Washington Middle School and Olympia High School. The applicant has demonstrated that safe walking routes will be provided to the public schools associated with this development proposal. The project complies with this requirement (Attachments 23, 24, 25).

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 26). These comments were based on review of the environmental checklist. The comments address required toxics cleanup if contamination is suspected or discovered during any stage of construction; solid waste management; and water quality.
- Thurston County Health Department - Provided comments and a recommendation of approval subject to conditions (Attachment 19).
- The Nisqually Indian Tribe had no concerns with the preliminary plat proposal (Attachment 27).

Staff Finding:

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

III. SITE PLAN REVIEW COMMITTEE RECOMMENDATION AND CONDITIONS OF APPROVAL

Pursuant to OMC 18.72.100, the Director finds that as conditioned the Village at Cain Road Preliminary Plat, File No. 18-3178, will meet all applicable codes and standards. Therefore, the Director recommends approval of the preliminary plat subject to the following conditions:

1. The preliminary plat shall be substantially in conformance with the preliminary plat map (dated June 3, 2019), as modified by the conditions of approval herein and as modified by the Hearing Examiner.
2. Preliminary plat approval 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. The terms and conditions upon which the preliminary plat approval is given shall not be changed, except as provided for in OMC 17.20.040.
3. A final landscape plan prepared in compliance with OMC 18.36 shall be submitted in conjunction with the engineering permit application.
4. A vegetation maintenance bond or other assurance shall be provided following City acceptance of the landscape installation, including street trees, prior to issuance of Certificate of Occupancy. The bond amount shall be 125% of the cost estimate, submitted on a separate sheet of paper with the landscape plan, and approved by the City.
5. Pursuant to OMC 18.40.080.C.7, construction activity detectable beyond the site boundaries shall be restricted to the hours between 7:00 a.m. and 6:00 p.m.

6. It shall be noted on the face of the final plat map that lots less than 5,000 sq. ft. in area must meet OMC 18.04.060.EE for Garage Placement and Width requirements, and OMC 18.175 for Infill and Other Residential design requirements.
7. At the time of engineering plan submittal the applicant shall submit 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 (OMC 18.12.140).
8. In accordance with OMC Title 15, City of Olympia impact fees for transportation, parks, and schools shall be paid prior to building permit issuance.
9. The project shall comply with the City of Olympia Construction Codes as adopted through the Olympia Municipal Code, Chapter 16.04.
10. At engineering permit application, the applicant shall submit an updated Level 5 Soil and Vegetation Report reflecting the current preliminary plat layout, including the location of trees to be saved, final tree density count, detailed off site tree protection measures and fence location.
11. Maintenance requirements shall apply in perpetuity to all soil and vegetation areas, required landscaping, individually retained trees and street trees. The language found in OMC 16.60.100.B shall be added to the face of the final plat.
12. It shall be noted on the face of the final plat map that soil, native vegetation and trees within the Soil and Vegetation Protection Areas (SVPAs), within McGrath Woods Park, or on neighboring properties shall not be removed or disturbed without approval by the City Urban Forester.
13. 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. Tree protection fencing shall be inspected and approved by the applicant's Urban Forester and the City Urban Forester prior to any clearing and grading of the site.
14. Specific street tree locations shall be determined at the time of engineering permit plan review.
15. An engineering permit application shall be submitted for review and approval prior to construction. The permit submittal shall comply with the Engineering Design and Development Standards (EDDS) and the Drainage Design and Erosion Control Manual (DDECM).
16. 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.
17. 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. 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.

19. The project shall adhere to OMC Ch. 16.32, 16.36, 16.40, & 16.44, Olympia Engineering Development and Design Standards (EDDS), Ch. 4 & 6, 2015 IBC, and 2015 IFC. All new residential construction shall be sprinkled.

Thurston County Environmental Health

20. Prior to final plat approval confirmation of water and sewer construction approval from the City of Olympia shall be submitted to the Thurston County Public Health & Social Services Department.
21. A licensed well driller per Washington State Department of Ecology standards shall decommission the three existing monitoring wells. A copy of the decommissioning reports shall be submitted to the Thurston County Public Health & Social Services Department.
22. Any contamination discovered during site development must be immediately reported to the Hazardous Waste Section of Thurston County Environmental Health at 360.867.2664 and Washington State Department of Ecology at 360.407.6300.

Submitted by: Catherine McCoy, Associate Planner, on behalf of the Director of Community Planning & Development and the Site Plan Review Committee
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 E-mail: cmccoy@ci.olympia.wa.us

Attachments:

2. 2014 Legal Lot Determination
3. Preliminary Plat Map
4. Presubmittal Conference, December 6, 2017
5. General Land Use and Preliminary Plat Application, July 25, 2018
6. Notice of Application, July 31, 2108
7. Neighborhood Meeting Agenda and Sign-in, August 21, 2018
8. Public Comment
9. Substantive Review Letter and Table, November 5, 2018
10. Response to Substantive Comments, March 28, 2019
11. Conditions of Approval, May 22, 2019
12. HEX Legal Notice
13. SEPA Checklist-Agency Comments, May 17, 2019
14. Notice of SEPA DNS and Public Hearing, May 24, 2019
15. Revised Level V SVP
16. Cain Road Crossing_JF Graphic
17. McGrath Woods Park Site Map
18. Revised Drainage Report
19. TCEH Comments
20. Concept Design Drawings
21. Preliminary Landscape Plan
22. Preliminary Civil Plan Set

- 23. Safe Walking Route Exhibit
- 24. Safe Walking Route Pics
- 25. Safe Walking Route CPD Memo
- 26. Department of Ecology Comments
- 27. Nisqually Tribe Comments
- 28. Revised Integrated Pest Management Plan
- 29. Wetland Report