



July 5, 2019

Greetings:

**Subject: Village at Cain Road
File Number 18-3178**

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

In general, any appeal of a final land use decision must be filed in court within twenty-one (21) days. See Revised Code of Washington, Chapter 36.70C, for more information relating to timeliness of any appeal and filing, service and other legal requirements applicable to such appeal. In particular, see RCW 36.70C.040.

Please contact the City of Olympia, Community Planning and Development Department, at 601 4th Avenue East or at PO Box 1967, Olympia, WA 98507-1967, by phone at 360-753-8314, or by email cpdinfo@ci.olympia.wa.us if you have questions.

Sincerely,

Kenneth Haner
Program Assistant

Enclosure:

BEFORE THE CITY OF OLYMPIA HEARINGS EXAMINER

IN RE:) HEARING NO. 18-3178
)
VILLAGE AT CAIN ROAD) FINDINGS OF FACT,
SUBDIVISION,) CONCLUSIONS OF LAW
) AND DECISION

APPLICANT: Summit Land Development, LLC
1868 State Avenue N.E.
Olympia, Washington 98516

REPRESENTATIVE:

Jeff Pantier
Hatton, Godat Pantier
3910 Martin Way E., Suite B
Olympia, Washington 98506

SUMMARY OF REQUEST:

The Applicant requests preliminary approval of a subdivision containing 24 single-family lots on 5.01 acres, with associated improvements.

LOCATION OF PROPOSAL:

2017 22nd Avenue S.E. Thurston County Assessor's Tax Parcel Nos. 09940068005 and 09940069000 located in Section 24, Township 18 North, Range 2 West, W.M. The site is located at the southeast corner of the Cain Road S.E. and 22nd Avenue S.E. interchange.

SUMMARY OF DECISION:

The proposed subdivision is **approved** subject to conditions.

BACKGROUND

The subject property, located at 2017 22nd Avenue S.E., is a largely undeveloped parcel of five acres at the southeast corner of the Cain Road S.E. and 22nd Avenue S.E. interchange. There currently exists one single-family residence (to be demolished and removed) with the remainder constituting an urban forest adjacent to the McGrath Woods Park.

*Findings of Fact, Conclusions of Law
and Decision - 1*

CITY OF OLYMPIA HEARING EXAMINER
299 N.W. CENTER ST. / P.O. BOX 939
CHEHALIS, WASHINGTON 98532
Phone: 360-748-3386/Fax: 748-3387

1 As part of site development the following will occur:

- 2 • The existing single-family residence will be demolished.
- 3 • Most of the trees, with the exception of those in tree protection areas, will be
4 felled and the site will be cleared and graded.
- 5 • Utilities will be extended along Cain Road connecting to each of the lots.
- 6 • A "wet pond" and a "detention pond" will be constructed in the northwest corner
7 of the site for proper management of stormwater.
- 8 • 22nd Avenue will be widened to allow for a new left turn lane onto Cain Road.
9 Cain Road will be widened to establish left turn and right turn lanes onto 22nd as well as bike
10 lane.
- 11 • A new local access street will be constructed off of Cain Road into the
12 development, terminating in a cul-de-sac.
- 13 • Cain Road, 22nd Avenue and the new local access street will include sidewalks,
14 planter street trees and streetlights.
- 15 • A center island and other improvements will be made to the pedestrian crossing
16 on 22nd Avenue from the project site to the Nova Middle School.

17 The project calls for several tracts to be created for open space, stormwater management,
18 soil and vegetation protection, private access lanes, and a pedestrian trail:

- 19 • Tract A, located in the northwest corner of the site, will contain the wet pond and
20 detention pond as well as tree protection areas.
- 21 • Tract B, located along the southwest boundary of the property, adjacent to
22 McGrath Woods Park, will be a soil and vegetation preservation area, allowing for a tree buffer
23 between the development and the adjoining park.

1 ● Tract C is located between Lots 13 and 14 along the east boundary of the
2 development. This tract was originally proposed as a pedestrian trail connecting to the Nut Tree
3 neighborhood but is now intended for utility access and stormwater management.

4 ● Tract D is located along the north boundary of the site and is adjacent to several
5 residences to the north abutting 22nd Avenue S.E. This tract is designated as Open Space to
6 serve as a buffer between the project and the residences to the north. It is not intended as a tree
7 preservation area as the existing trees are unsafe. These trees will be removed and the area will
8 be landscaped.

9 ● Tracts E and F are private access lanes to service the eastern-most lots off the end
10 of the new public street's cul-de-sac.

11 ● A pedestrian lane will be constructed from the cul-de-sac south to the boundary
12 with the McGrath Woods Park, allowing for pedestrian access from the development to the park.

13 The project has drawn a fair amount of public comment. Not surprisingly, there is a
14 general disappointment that the project will eliminate much of the standing forest on the site, and
15 concern over the project's impact to neighboring properties due to the removal of trees.
16 Separately, a number of concerns have been expressed as to how the project will affect
17 neighborhood traffic, especially at the intersection of Cain and 22nd.

18 In response to these concerns, the Applicant, working with City Staff, has made a number
19 of changes to the subdivision. The Applicant proposes to save far more trees onsite than what is
20 minimally required in order to improve the buffering between the development and adjoining
21 properties. The project has also been modified to establish left and right turn lanes from Cain
22 onto 22nd, and a left turn lane from 22nd onto Cain, along with an elevated crossing from the
23 development across 22nd to the Nova Middle School to provide a safer, more efficient flow of
24 traffic while perhaps also moderating speeds.

1 The City recommends approval of the project subject to several conditions. The
2 Applicant accepts all of the City's proposed conditions of development.

3 **PUBLIC HEARING**

4 Prior to the public hearing I took an independent site visit. My visit included a walk
5 around the perimeter of the property as well as through adjoining neighborhoods and the
6 McGrath Woods Park.

7 The public hearing commenced at 6:30 p.m., on Monday, June 24, 2019, in the City
8 Council Chambers in the City Hall. The City appeared through Catherine McCoy of Planning
9 Staff. Other members of City Staff present at the hearing included Tim Smith, Senior Planner,
10 Cari Hornbein, Planner, Shelly Bentley, City Forester, Jeff Fant, City Engineer, Steve Thompson
11 of Public Works, and Dave Smith, Transportation Engineer. The Applicant, Rob Rice, was
12 present along with Jeff Pantier and Steven Hatton, Engineers, and the Applicant's Urban
13 Forester, Mike Jackson. Approximately ten to fifteen members of the public were present and
14 six testified. A list of those providing testimony is attached hereto. A verbatim recording was
15 made of the public hearing and all testimony was taken under oath.

16 Documents considered at the time of the hearing were the City Staff Report consisting of
17 Attachments 1 through 29 (Exhibits 1-29). The following, additional exhibits were entered
18 during the hearing:

| | | |
|----|------------|---|
| 19 | Exhibit 30 | Additional public comment |
| 20 | Exhibit 31 | Revised Soil & Vegetation Plan presented by Applicant |
| 21 | Exhibit 32 | Revised Site Map showing additional areas of |
| 22 | | tree protection |

23 After consideration of the testimony and exhibits described above, the Hearing Examiner
24 makes the following Findings of Fact, Analysis, Conclusions of Law and Decision:

FINDINGS OF FACT

General Description.

1. The Applicant seeks preliminary plat approval to subdivide 5.01 acres of land into 24 detached single-family residential lots with associated streets, frontage improvements, stormwater facilities, open space, and improvements to adjoining streets. The configuration of the proposed subdivision is shown in Attachment 3.

2. The project site is bounded on the west by Cain Road S.E. Across Cain Road is church-owned property currently under renovation. The project site is bounded on the north by 22nd Avenue S.E. Across 22nd Avenue is the Nova Middle School, a private middle school. To the east of the project site is the Nut Tree Loop Subdivision, an attractive single-family neighborhood on generously sized lots. Along the south border of the project site is the McGrath Woods Park, a pleasant forested neighborhood park offering forested trails (see Attachment 17). Beyond these adjoining properties, the project site is surrounded by residential neighborhoods mostly containing single-family residences.

3. The project site has a zoning designation of Residential 6-12 (R6-12), although one small area within the project site is designated Residential 4-8 (R4-8). As a result, 97% of the project site is in R6-12 zone with less than 3% in the R4-8 zone. City Staff therefore applies the least restrictive zoning requirements (R6-12) to the entire project.

4. The R4-8 zoning designation continues eastward of the project while the R6-12 zoning designation applies to properties to the west.

5. The project site is generally flat and does not contain any critical areas.

6. There is a single residence on the property located along 22nd Avenue and across the street from the Nova Middle School. This residence is to be demolished.

7. The remainder of the site contains an older diverse forest. This forest blends seamlessly with the forest comprising the McGrath Woods Park to the south. The forest

continues to the east boundary of the project site, creating a thick canopy of trees up to the boundary with the adjoining residential properties on that Nut Tree Loop.

8. The site is bounded by Cain Road S.E. to the west and 22nd Avenue to the north. Cain Road terminates at its intersection with 22nd. Just north of the Cain Road/22nd interchange, and slightly east, is the Wilson Road/22nd Avenue interchange. With Cain Road coming from the south, and Wilson Road coming from the north, with both intersecting 22nd Avenue a short distance from each other, this series of intersections creates a less than desirable traffic pattern. Neighbors report that traffic along 22nd travels well above the posted 25-mile per hour speed limit. There is currently no left turn from 22nd onto Cain, nor a left turn from Cain onto 22nd, and turning left from one to the other is problematic, especially with the additional problem of the offset Wilson Road intersection to the north.

9. The project was initially reviewed by the Site Plan Review Committee and found to need several changes. Following a second review, and additional revisions to the Preliminary Site Plan, the Site Plan Review Committee met on May 22, 2019 and recommended approval of the project subject to the conditions found in the Staff Report.

10. Notification of the public hearing was mailed to the parties of record, property owners within 300 feet and recognized neighborhood associations, posted on the site and published in The Olympian on May 26, 2019, in conformance with Olympia Municipal Code 18.78.020.

11. Pursuant to the State Environmental Policy Act, the City, as lead agency, issued a Determination of Nonsignificance (DNS) on May 24, 2019. The SEPA Determination was not appealed.

12. City Staff recommends approval of the project subject to the conditions found in the Staff Report. The Applicant does not object to any of the conditions proposed by City Staff.

1 Findings Relating to the Olympia Comprehensive Plan.

2 12. The site is designated as Low Density Neighborhood in the City's Future Land
3 Use Map of the Comprehensive Plan. This designation provides for low density residential
4 development, primarily single-family detached housing and low rise multi-family housing in
5 densities ranging from twelve units per acre to one unit per five acres depending on
6 environmental sensitivity of the area. The project complies with this designation.

7
8 13. The Staff Report, at pages 5 and 6, contains Findings relating to the project's
9 compliance with the goals of the Comprehensive Plan for land use and urban design;
10 transportation; and utilities. Staff finds that the project is consistent with Goals GL1, GT9 and
11 GU1, and with the Policies set forth in PL1.2, PL1.5, PL16.1, PT9.1, PT9.2, and PU1.2. The
12 Hearing Examiner has reviewed these Findings and adopts them as his own Findings of Fact.

13 Findings Relating to Tree, Soil and Native Vegetation Protection and Replacement.

14 14. The project has received considerable public comment regarding its proposal to
15 remove much of the mature forest onsite. Individuals have expressed concern over the loss of
16 this urban forest; over the reduction in habitat and protection for local wildlife; over potential
17 impacts to the adjoining McGrath Woods Park; over the loss of the tree buffer adjoining the
18 residences on Nut Tree Loop and, conversely, concerns by these neighbors that any remaining
19 trees immediately west of their properties may be exposed to high winds and storms, causing
20 damage to their property.

21
22 15. The project is subject to Chapter OMC 18.60 regarding tree densities and tree
23 protection. At least 75% of the required minimum tree density shall be located within separate
24 Tree, Soil and Vegetation Protection Areas held in common ownership by the homeowners
25 association.

1 16. The Applicant has submitted a Level IV Soil and Vegetation Plan (Attachment
2 15) by its Urban Forester, Michael Jackson. This plan was recently updated (Exhibit 31).

3 17. The Applicant's plan concludes that the required minimum tree density to be
4 retained is 127 tree units. Total tree retention is 231 tree units, or approximately 80% more than
5 the minimum required.

6 18. The retained tree units will be retained in Tract A and Tract B.

7 19. In addition to these retained trees, the Applicant is working to have the proposed
8 sidewalk along 22nd Avenue slightly relocated so as to preserve a large Douglas Fir. It is also
9 working to increase a number of retained trees along the east boundary and southeast boundary.
10 These additional areas of retained trees are identified in yellow highlighted areas on Exhibit 32.
11 Existing trees in these highlighted areas will be examined on a case-by-case basis to determine if
12 they can be safely retained, that is, that their retention will not pose a danger to the adjoining
13 residential properties to the east.
14

15 20. The City has approved the Applicant's Tree Protection Plan and finds that the
16 project, as conditioned, is in compliance with the standards of Chapter 18.60 OMC regarding
17 tree densities and tree protection.

18 Findings Relating to Transportation.

19 21. The site adjoins 22nd Avenue to the north and Cain Road to the west. Both are
20 major collector streets.
21

22 22. InterCity bus stops are located on both sides of 22nd Avenue a short distance west
23 of the project site (west of Wilson Street).

24 23. The north side of 22nd Avenue west of Wilson does not have sidewalks.
25

1 24. The project calls for widening both 22nd Avenue and Cain Road near their
2 intersection. Cain Road will be widened to establish separate left and right turn lanes at the
3 intersection with 22nd. This is expected to reduce congestion on Cain Road.

4 25. 22nd Avenue will be widened to create a left turn lane onto Cain Road. This is
5 expected to reduce congestion on 22nd by avoiding backups behind left turning vehicles.

6 26. The traffic improvements along 22nd include a traffic island east of the Cain
7 Road interchange and an elevated pedestrian path from the project site north toward the Nova
8 Middle School. These additional improvements are expected to provide traffic calming benefits,
9 reducing the speed of traffic along 22nd Avenue.

10 27. The project calls for full street improvements including street lights, curb and
11 gutters, sidewalks and planter strips along the west property line abutting Cain Road as well as
12 along 22nd Avenue.

13 28. The project also calls for the construction of a new street, located off of Cain
14 Road, to service the subdivision, terminating in a cul-de-sac within the development.

15 29. The new street and the roadway improvements to Cain Road and 22nd Avenue
16 are designed to satisfy the requirements of the EDDS.

17 30. Traffic-related matters were the most commonly raised subject during public
18 testimony. Members of the public are concerned that traffic along Cain and 22nd is heavily
19 congested and prone to backups, and that traffic along 22nd travels well above the posted 25-
20 mile per hour speed limit. In addition, the public is concerned about the current location of the
21 InterCity bus stops along 22nd Avenue west of the project site. They feel that the bus stops are
22 too far west; are not easily accessed via crosswalks, and there is no sidewalk along the north side
23 of 22nd west of Wilson Street to use to gain access to the westbound bus stop. Somewhat
24
25

1 separately, the Nova Middle School remains concerned that the pedestrian crossing does not
2 have robust enough safeguards to protect students and other pedestrians.

3 31. Despite these concerns, the public is pleased by the proposed left turn lanes on
4 Cain and 22nd Avenue as well as the other pedestrian crossing improvements. Although future
5 intersection improvements (traffic lights, etc.) may someday become necessary, the proposed
6 improvements are expected to relieve congestion and perhaps reduce speeds on 22nd Avenue.

7
8 32. City Staff believes that the project, as conditioned, fully addresses the traffic
9 impacts of the project, and that traffic-related conditions will improve traffic conditions at the
10 Cain Road/22nd Avenue intersection. City Staff concurs that the existing bus stops west of the
11 site along 22nd Avenue are not ideal. Staff is working with InterCity to have these stops
12 relocated further east to a location east of the intersection with Wilson Street. The proposed
13 relocation of the bus stops is not a condition of project approval nor within the City's control.
14 Nonetheless, the public encourages the City's efforts to improve the location of the bus stops.

15 33. The project site is within one mile of Pioneer Elementary School, Washington
16 Middle School and Olympia High School. Pursuant to EDDS 2.040.B18 and Chapter 58.17
17 RCW, safe walking grids for students must be provided when schools are located within walking
18 distance (one mile).

19 34. As set forth at page 14 of the Staff Report, the Applicant has demonstrated that
20 safe walking routes will be provided to these public schools and that the project complies with
21 safe walking requirements. In addition, the Olympia School District has verbally stated that bus
22 service will likely be provided as well.
23
24
25

1 Findings Relating to General Subdivision Requirements.

2 35. OMC 17.16.090.A requires that in order for a subdivision to be approved the
3 Hearing Examiner shall determine if appropriate provisions are made for, but not limited to,
4 public health, safety and general welfare, open space, drainage ways, streets, alleys, other public
5 ways, water supplies, sanitary waste, parks and playgrounds, site for school and school grounds,
6 fire protection and other public facilities, and shall consider all other relevant facts, including the
7 physical characteristics of the site and determine whether the public interest will be served by the
8 subdivision and the mitigation.
9

10 36. The Staff Report, at pages 7 and 8, contains proposed Findings with respect to
11 each of these requirements. The Hearing Examiner has reviewed these Findings and adopts them
12 as his own Findings of Fact.

13 37. The Staff Report, at pages 8 and 9, contains proposed Findings relating to the
14 additional requirements for dedication of land, OMC 17.16.090.B, and compliance with any
15 requirements of the Health Department, OMC 17.116.090.E. The Hearing Examiner has
16 reviewed these additional Findings and adopts them as his own Findings of Fact.

17 Findings Relating to Compliance with Residential District Development Standards.
18 Chapter 18.04 OMC.

19 38. As noted earlier, 97% of the project site lies within the R6-12 zoning district
20 while the remaining 3% lies in the R4-8 zoning district. Pursuant to OMC 18.02.160.C the R6-
21 12 zoning district is considered the least restrictive of the two zoning designations and the
22 project is therefore being reviewed under the R6-12 residential development standards.
23

24 39. Single-family housing is a permitted use in the R6-12 district.
25

1 40. This project must satisfy all residential development standards imposed on
2 development within the R6-12 district as set forth in OMC 18.04.080 Table 4.04.

3 41. After taking into consideration areas set aside for open spaces and other dedicated
4 areas, the net developable area for this project is 3.77 acres.

5 42. Based upon the net available development area, the minimum number of housing
6 units is 23. The project proposes the development of 24 lots, satisfying the minimum housing
7 density requirement.

8 43. The project also satisfies the maximum housing density requirement; minimum
9 lot size, minimum lot width and all other requirements for the R6-12 zoning designation set forth
10 in Chapter 18.04 OMC. The Staff Report, at pages 9 and 10, contains additional Findings that
11 these requirements have been satisfied. The Hearing Examiner has reviewed these Findings and
12 adopts them as his own Findings of Fact.
13

14 Findings Relating to Historic Preservation and Cultural Resources.

15 44. As disclosed in the SEPA Checklist, the site has a moderately low risk of
16 encountering archeological items. City Staff finds, that as conditioned, the project will comply
17 with Chapter 18.12 OMC.

18 Findings Relating to Landscaping.

19 45. The site is subject to the requirements of OMC 18.36.040 for landscaping
20 requirements.
21

22 46. The Applicant proposes to provide landscaping in Tract D along the north
23 boundary of the property, as well as in Tract A in the northwest corner of the property. The wet
24 pond and detention pond in Tract A must be attractively landscaped with native or well-adaptive
25 drought-tolerant plants which are integrated into the site design. Staff hopes that these

1 stormwater facilities will eventually have a similar attractive appearance as the stormwater
2 facilities across the street at the southwest corner of Cain Road and 22nd Avenue.

3 47. The Staff Report, at page 11, finds that a landscaping plan has been submitted
4 and that some minor additions to the landscape plan are needed in order to fully satisfy the
5 requirements of OMC 18.136.080.B but that these final additions/revisions will occur at
6 engineering plan review. Staff finds that the landscaping, as conditioned, complies with the
7 requirements of Chapter 18.36 OMC.
8

9 Findings Relating to Property Development and Protection Standards.

10 48. OMC 18.40.060.I requires a minimum of 30 feet of frontage on a public or private
11 street. The Director may allow street frontage to be reduced or eliminated to the extent
12 necessary to enable access to property.

13 49. All lots except Lots 11 and 22 have lot widths of at least 30 feet of frontage from
14 a public or private street. Lots 11 and 22 are accessed from a private access lane and the
15 Director has approved their reduced frontage to enable access. Staff finds that the project, as
16 conditioned, complies with OMC 18.40.060.I.

17 Findings Relating to Design Review.

18 50. Residential homes located on lots less than 5,000 square feet are subject to the
19 design requirements outlined in Chapter 18.100 OMC.

20 51. The project has several lot that are less than 5,000 square feet requiring review
21 under the design requirements outlined in Chapter 18.100 OMC. This review will occur at time
22 of building permit review. Staff finds that the project, as conditioned, complies with Chapter
23 18.100 OMC.
24
25

1 Findings Relating to Compliance with the Engineering Design and Development
2 Standards (EDDS) and Other Design Standards.

3 52. The Staff Report, at page 12, explains that the preliminary site plan was reviewed
4 for compliance with the EDDS relative to sewer, water, solid waste, streets and street trees, and
5 the drainage plan was reviewed for compliance with the DDECM. Staff finds that the project, as
6 conditioned will satisfy each of these requirements. The Hearing Examiner has reviewed these
7 proposed Findings and adopts them as his own Findings of Fact.

8 ANALYSIS

9 There is an understandable general disappointment that this project will eliminate
10 approximately five acres of urban forest adjoining the City's McGrath Woods Park. There is a
11 related concern that any trees left remaining would be fully exposed to the elements, putting the
12 neighboring residences to the east at significant risk. To its credit, the Applicant has addressed
13 both of these concerns by providing significantly more tree protection than what City regulations
14 minimally require and, further, by providing careful attention to trees along the eastern boundary
15 with a goal of preserving as many as possible without imposing risks to adjoining residences.

16 Public testimony revealed a significant amount of concern over increasing traffic
17 problems along both 22nd and Cain Road and their intersection. Individuals also expressed
18 concerns about problems with the current locations of bus stops on 22nd Avenue and the
19 difficulty reaching them because of limited crosswalks and the lack of sidewalks. These existing
20 problems are, of course, not the fault of the Applicant but development could worsen them. The
21 project will widen both 22nd Avenue and Cain to establish left turn lanes which should
22 significantly improve traffic flow, while other traffic improvements may serve to reduce traffic
23 problems along both 22nd and Cain Road and their intersection. Individuals also expressed
24 concerns about problems with the current locations of bus stops on 22nd Avenue and the
25 difficulty reaching them because of limited crosswalks and the lack of sidewalks. These existing

1 speeds. Meanwhile, the City promises to continue working with InterCity to improve the
2 location of bus stops.

3 Although many individuals would like to see the property kept is, neighboring residents
4 understand the landowner's right to seek development consistent with the permitted uses in the
5 R6-12 zoning district. The Staff finds that the project, as conditioned, satisfies these conditions
6 and I concur.

7 Accordingly, I make the following:

8 **CONCLUSIONS OF LAW**

9
10 1. The Hearing Examiner has jurisdiction over the parties and the subject matter.

11 2. Any Conclusions of Law contained in the foregoing Background Section,
12 Findings of Fact or Analysis are incorporated herein by reference and adopted by the Hearing
13 Examiner as his Conclusions of Law.

14 3. The requirements of SEPA have been met.

15 4. Appropriate provisions are made for the public health, safety and general welfare,
16 for open spaces, drainage ways, streets, alleys, and other public ways, water supplies, sanitary
17 waste, parks, playgrounds, sites for schools and school grounds, fire protection, and other public
18 facilities.

19 5. After considering all other relevant facts, including the physical characteristics of
20 the site, the public interest would be served by the subdivision and dedication.

21 6. The project is in compliance with the purposes of the R6-12 zoning designation.

22 7. The project has satisfied the requirements for Chapter 17.16 OMC relating to
23 subdivisions and preliminary plats.
24

8. The project, as conditioned, has satisfied the requirements of Chapter 16.60 OMC relating to tree, soil and native vegetations protection and replacement.

9. The project, as conditioned, satisfies the requirements of Chapter 18.12 OMC relating to the inadvertent discovery of archaeological material.

10. The project, as conditioned, satisfies the requirements of Chapter 18.36 OMC for site landscaping.

11. The preliminary project design satisfies the requirements of Chapter 18.40 OMC, Property Development and Protection Standards.

12. The requirements of OMC 18.78.020 and .040 for public notice of the hearing have been satisfied.

13. The project, as conditioned, is in compliance with the requirements of EDDS.

14. The project, as conditioned, is consistent with the City's Comprehensive Plan.

15. All of the requirements of OMC 17.16.090 have been satisfied.

16. The project should be approved subject to the 22 conditions recommended by the Site Plan Review Committee.

17. Approval of the preliminary plat shall be effective for five (5) 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 of conditions upon which the preliminary approval is given will not be changed, except as provided for in OMC 17.20.040.

DECISION

The Applicant's request for preliminary approval of a subdivision containing 24 single-family lots on a 5-acre site, with associated improvements, shall be **approved** subject to the following:

*Findings of Fact, Conclusions of Law
and Decision - 16*

CITY OF OLYMPIA HEARING EXAMINER
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CHEHALIS, WASHINGTON 98532
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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 a 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 square feet 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).

1 8. In accordance with OMC Title 15, City of Olympia impact fees for transportation,
2 parks and schools shall be paid prior to building permit issuance.

3 9. The project shall comply with the City of Olympia Construction Codes as adopted
4 through the Olympia Municipal Code, Chapter 16.04.

5 10. At engineering permit application, the Applicant shall submit an updated Level 5
6 Soil and Vegetation Report reflecting the current preliminary plat layout, including the location
7 of trees to be saved, final tree density county, detailed off site tree protection measures and fence
8 location.

9 11. Maintenance requirements shall apply in perpetuity to all soil and vegetation
10 areas, required landscaping, individually retained trees and street trees. The language found in
11 OMC 16.60.100.B shall be added to the face of the final plat.

12 12. It shall be noted on the face of the final plat map that soil, native vegetation and
13 trees within the Soil and Vegetation Protection Areas (SVPAs), within McGrath Woods Park, or
14 on neighboring properties shall not be removed or disturbed without approval by the City Urban
15 Forester.

16 13. Trees to be saved (on and off-site) shall be site-verified by the Applicant's Urban
17 Forester prior to installation of tree protection fencing. Tree protection fencing shall be
18 inspected and approved by the Applicant's Urban Forester and the City Urban Forester prior to
19 any clearing and grading of the site.

20 14. Specific street tree locations shall be determined at the time of engineering permit
21 plan review.

22 15. An engineering permit application shall be submitted for review and approval
23 prior to construction. The permit submittal shall comply with the Engineering Design and
24

1 Development Standards (EDDS) and the Drainage Design and Erosion Control Manual
2 (DDECM).

3 16. Curbside solid waste collection shall be set up for one-side road collection on the
4 non-parking side of the street. The solid waste collection route shall be considered prior to
5 determining locations of on-street parking locations at time of engineering plan review.

6 17. Erosion control measures must be in place prior to any clearing, grading, or
7 construction. These control measures must be effective to prevent stormwater runoff from
8 carrying soil and other pollutants into surface water or storm drains that lead to waters of the
9 State. A Construction Stormwater General Permit must be obtained for this site from the
10 Washington State Department of Ecology prior to commencement of any ground-disturbing
11 activities.
12

13 18. Bonds or other allowable securities shall be submitted to the City to guarantee the
14 performance of work within the subject site and rights-of-way, or maintenance of required public
15 infrastructure intended to be offered for dedication as a public improvement. See both EDDS
16 Section 2.030.F and Volume 1, Section 2.6.1 of the 2016 DDECM for more information.

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

20 20. Prior to any final plat approval confirmation of water and sewer construction
21 approval from the City of Olympia shall be submitted to the Thurston County Public Health &
22 Social Services Department.
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1 21. A licensed well driller per Washington State Department of Ecology standards
2 shall decommission the three existing monitoring wells. A copy of the decommissioning reports
3 shall be submitted to the Thurston County Public Health & Social Services Department.

4 22. Any contamination discovered during site development must be immediately
5 reported to the Hazardous Waste Section of Thurston County Environmental Health at
6 360-867-2664 and the Washington State Department of Ecology at 360-407-6300.
7

8
9 CONSTRUCTION PURSUANT TO THIS PERMIT SHALL NOT BEGIN AND IS NOT
10 AUTHORIZED UNTIL TWENTY-ONE DAYS FROM THE DATE OF FILING AS DEFINED
11 IN RCW 90.58.140(6) AND WAC 173-27-130, OR UNTIL ALL REVIEW PROCEEDINGS
12 INITIATED WITHIN TWENTY-ONE DAYS FROM THE DATE OF SUCH FILING HAVE
13 TERMINATED; EXCEPT AS PROVIDED IN RCW 90.58.140(5)(a)(b)(c).

14 DATED this 3 day of July, 2019.

15
16 
17 _____
18 Mark C. Scheibmeir
19 City of Olympia Hearing Examiner
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22
23
24
25

WITNESSES

Christina Noddings
Linda Wozniak
Dale O'Key
Yona Mokowski
Barbara Hutton
Jean Meyn

*Findings of Fact, Conclusions of Law
and Decision - 21*

**CITY OF OLYMPIA HEARING EXAMINER
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