

LETTER OF TRANSMITTAL

DATE: June 10, 2010

TO: City of Oroville Planning Commission

FROM: Community Development Staff

cc: Parties of Record

Re: **Staff Report – Planned Development Approval
East Oroville Harvest Park, Oroville Housing Authority**

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BACKGROUND

In pre-application meetings with City Staff starting in January, 2010, representatives of the Oroville Housing Authority (OHA) including the Office of Rural and Farmworker Housing, Coffman Engineering, Zeck Butler Architects, and Northwest Land Surveying, have developed a general concept for a multi-family housing development on their property at the northeast corner of the City along Sawtell Road, and it has been affirmed that the Planned Development (PD) provision of the Oroville Zoning Code is the applicable process for approval.

On March 20, 2007 the Housing Authority was granted a zoning conditional use permit for the development of a residential care facility northern portion of the subject parcel. This permit has since expired by limitation [17.92.040(b)(2) OMC]. The Oroville Housing Authority (OHA) owns three additional parcels of land surrounding the subject parcel, and operates a migrant farm worker temporary housing facility one of their adjacent parcels to the south.

THE PROPOSAL

OHA proposes to construct 10 permanent units of seasonal housing to serve low-income seasonal farm workers. The development consists of 9 two-bedroom units and 1 one-bedroom unit with attached office and laundry facility, related parking lot and infrastructure improvements (i.e., extension of public sewer approx. 1,100') in the R-2 Zoning District. The proposal will be built in a single phase and is intended to remain under single ownership.

The existing, approximately 4.81 acre site is proposed to be divided (short plat) into two separate parcels. Harvest Park will be located on the south parcel and the area where the assisted living facility was proposed is open on the north parcel.

The site is proposed to be served by a dedicated right of way (currently a shared private road) that connects to Sawtell Road (County) and be served internally by privately maintained roadway/parking lot system. Water and sanitary sewer service will be connected (extended) from City services. Storm-water service will be addressed on site

by a local collection and dispersal system. Servicing utilities (e.g., electrical, cable, etc) will be installed to be dedicated to the respective utility.

The newly dedicated right of way is proposed to be 50' in width instead of the usual 60' which is acceptable under the City's subdivision standards due to the near flat terrain, existing drainfield and riparian corridor to the immediate west. Additionally, the street improvements will be fully completed adjacent to the Harvest Park parcel (i.e., pavement sidewalk, curb and gutter) while an adequate street base and 24' of pavement will be constructed leading to the development from Sawtell Rd. No other exceptions/deviations from the development standards have been considered.

DESIGNATIONS

Comprehensive Plan (November 1995): The property is referred to as part of the 10-year sub-area. The plan states that there are likely annexation proposals in this area and acknowledges that the planning for the area includes less detail than the Priority Planning Area. (pg. I-2). See III-15 through III-16 for Objectives and Policies for residential areas.

Zoning: The property is zoned Residential Two (R-2). The intent of the R-2 District is to provide for a mixture of residential types while limiting non-residential uses. These areas are typically existing residential areas that have had a relatively high build-out.

Floodplain: Flood hazard reduction standards will not be applied to the development since it is not located within the regulatory floodplain (100-year).

Shoreline Designation: Not applicable.

Critical Areas: The Critical Areas Ordinance (CAO) designates that the site is part of the Aquifer Recharge Area; all future improvements will need to be in compliance with the Eastern Washington Stormwater Manual. The CAO also notes that there are areas subject to frequent flooding in the vicinity, and Suburban riparian habitat and wetlands.

REPORT: A Critical Areas Report has been filed; the conclusions indicate that proposed mitigation will address any potential impacts.

SEPA

Actions: The project was issued a DNS on May 17, 2010, published on May 20, 2010, fully circulated by May 24, 2010; the comment period closed June 16, 2010 and the SEPA procedural appeal period will end 30 days after the final action is taken on this proposal.

Mitigation: The applicant included a variety of control measures that are proposed to lessen and reduce potential impacts felt by the community and the environment including off-site improvements and on-site dedications. No additional mitigation is required.

ACTIONS ON OTHER RELEVANT PERMITS

There are four (4) relevant permits.

1. Utility Extension Authorizations – This is the review of the proposed work construction and dedication of the utilities other than those provided by the City pursuant to franchise agreements.
2. Road Approach Permit (Okanogan County Public Works) - Construction authorization approval is contingent on prior acquisition of such permit.
3. Okanogan County permit to install sewer pursuant to the City's franchise for the sewer in the county roadway.
4. Short Plat approval – Dividing the property into two parcels/lots including related ROW dedications.
5. Routine Building Permits (Authorization to begin construction of the related buildings).

FINDING OF FACT

The project site is located on Sawtell Road, Oroville, Washington. Known as Lot 53, Plat of East Oroville Orchards, the project site is within the city limits of the City of Oroville, thereby, Chapter 35A.63 of the Revised Code of Washington establishes the City of Oroville as the authority with jurisdiction on local land use decisions.

The subject property is within the Residential Two (R-2) Zoning District. 17.88.060 OMC provides general design and location standards for Planned Developments (PD).

Chapter 58.17 RCW and 16.20.110 OMC provides specific issues that should be investigated in determining if the public interest is served by the approval of a PD that includes subdivision of land.

17.20.040(1) OMC allows multifamily in the R-2 District by PD.

17.88.060 OMC specifies design and location standards for Planned Developments.

Section 17.88.080 OMC empowers and directs the Planning Commission to hear and develop a recommendation to the City Council to approve, conditionally approve or deny PD applications.

On May 17, 2010 the proponent filed a complete application for a Single-use PD, attached and incorporated herein.

Relying on the information provided in the pre-application process, the application itself and the performance of the control measures stated therein, the SEPA Official issued the project a threshold determination of non-significance on May 17, 2010.

Sawtell Road is a platted 50' in width right of way per East Oroville Orchards Plat.

16.32.030(14) OMC provides that Collector Streets and Minor residential streets be situated in not less than a 60' in width right of way.

16.32.030(2) OMC provides that streets provide for continuance unless topography or other restrictions makes it inappropriate.

The Oroville Comprehensive Plan Objectives for the Multi-family Residential Classification include the following:

Future residential developments should include construction of sidewalks to accommodate the pedestrian public and discourage unnecessary automobile traffic and air pollution.

Sufficient off-street parking should be a required element of all new residential development.

All notice regarding said application required by Chapter 18.100 OMC has satisfactorily been performed. Affidavits of said notice are attached and incorporated herein.

CONCLUSIONS

1. With respect to overall safe pedestrian travel and that within a residential area, the closest formal sidewalk is approximately $\frac{3}{4}$ of a mile to the west and south at the Cherry Street Bridge. However, the need for a sidewalk and/or trail system in the future is expected while such plans for that use are currently in progress. The need for a sidewalk immediately adjacent to the site where there is a direct nexus to the proposed development is necessary to feed to either pedestrian ways along Sawtell Road and/or Baumes Road ROW. Given the small scope of the proposed development additional sidewalk improvements are not appropriate but incremental improvements are warranted.

The application states and Okanogan County Public Works provided comment, that a road approach permit is required from Okanogan County Public Works. Additionally, a permit is required pursuant to the City's franchise for sewer in the Sawtell Road ROW. Controls should be implemented to ensure compliance prior to issuance of a building permit.

With respect to the disparity between the existing right of way width of Sawtell Road and the prescribed width for Collectors it is necessary to secure the additional ROW from property owners where development creates a nexus to such needs.

2. *The proposed planned development is in conformity with the Comprehensive Plan, applicable zoning requirements as follows:*

COMPREHENSIVE PLAN

The approval of and the final build-out of the planned development is a promotion of the Comprehensive Plan.

ZONING

The application for the Planned Development is in full compliance with the local zoning for the property.

FLOODPLAIN

The project parcel is landward and above the 500-year floodplain. The City's flood hazard prevention standards do not apply.

SHORELINE

The project parcel is not located within the Shoreline Master Program jurisdiction.

3. *The proposed planned development provides access to the individual site/lot in accordance with current road standards or must receive a deviation provided:*

(1) *The comprehensive plan for the area and the suitability of the proposed standards in terms of the plan:*

The proposed right of way width will provide room for all of the desired improvements (travel lanes, parking, curbs and sidewalks) General Objectives and Policies #10 (page III-14); the proposed paving width north of the Harvest Park Lot is a pragmatic approach to ensure that the project remains viable; while making the necessary improvements in the area directly abutting the Harvest Park Lot.

(2) *The intensity and intended use of the proposed short subdivision or subdivision:*

The proposed improvements are in a manner that is measured to the intensity of the proposed use.

(3) *The level of vehicle or pedestrian traffic expected; and level of guarantee, by zoning or commitments prohibiting further subdivision, so that further increases in traffic or density will not occur:*

By locating the new full street improvements at the edge of the dedicated right of way provides room should future proposals which exceed expected intensity be considered; additionally land use controls do exist such that future proposals in excess of an individual single family dwelling or duplex will include additional improvements to the right of way.

(4) *The relationship of the proposed nonstandard street or other improvement to the overall street system or streets or improvements to serve adjacent properties that might be further divided:*

The proposed street does not at present have continuity with the existing city street system (see recommended condition of approval #8), the lands which abut where the proposed street is to be sub-standard are vacant, future land use controls will ensure the eventual improvement to full standard.

(5) *The opportunity, by reducing the standards the intended end would be less disturbance of vegetation, water courses, wetlands, topography, and riparian habitat:*

The reduced right of way width does provide more width to the westerly adjacent lot; thus provides less development pressure towards Tonasket Creek's riparian corridor.

16.32.030(2). OMC provides that streets must either provide for the continuation or appropriate projection of existing principal streets in surrounding areas or meet neighborhood plan.

16.32.030(17) OMC provides that cul-de-sacs (permanent) may serve a maximum potential of 200 vehicles per day and should otherwise be limited to 600'.

As shown on the preliminary plat drawings and submittal documents, revision is needed.

With respect to length of travel to reach an alternative route to the transportation system, the Administrator finds and concludes that providing for continuation to adjoining properties for fire protection service is warranted and within reasonable scope provided such continuance is not dictated as a primary route but provided as an opportunity for mutual benefit.

4. *The proposed planned development (short plat) meets the requirements of Chapter 16.32 OMC and all lots/sites have determined to be buildable or have been designated as non-buildable lots/sites; and*

Each individual area proposed for a building site is by definition buildable.

5. *The proposed planned development makes adequate provisions for sites for schools and school grounds; and*

It is expected that the development by its nature and size is below the threshold necessitating such dedications. Confirmation of this should come from filed comments from the School District. In the absence of such filed comments on this application, comments on similar applications were relied upon to develop this conclusion.

6. *The proposed planned development makes adequate provisions for wildlife, parks and playgrounds; and*

The Comprehensive Plan makes no mention of the need for an additional (Bud Clark Field is about a 1/2 mile of the site) formal park in the proposal vicinity. Additionally, the Plan provides as a program policy to develop, make usable and/or make accessible to the public existing city park facilities. Should the applicant desire to develop additional recreational facilities within the development, such facilities must remain a private endeavor.

Adequate provisions are made for wildlife, parks and playgrounds. The application, filed comments and the noted sections of Comprehensive Plan were relied upon to develop this conclusion.

7. *The territory of the proposed planned development has access to adequate urban services.*

DOMESTIC WATER

The City currently has adequate right and capacity to provide domestic water access to the development. New connections and extensions will need to be provided by the developer.

Filed comments from the Public Works Department were relied upon to develop this conclusion.

WATER - FIRE FIGHTING

The City currently has adequate reserve and capacity to provide access to adequate water for fire-fighting purposes to serve the development. The installation of a system of mains and hydrants in conjunction with access roads will need to be provided within the development. As proposed, restrictions on parking are needed due to the width of the proposed roads.

This development has been reviewed as being built to standard (full urban infrastructure in place and approved prior to issuance of the building permits for the individual sites). No interim stages have been considered.

WATER - IRRIGATION

The City has adequate right and capacity for such use.

The application and filed comments from the Public Works Department were relied upon to develop this conclusion.

WATER - SEWER

The City currently has adequate capacity to provide domestic wastewater service access to the development. New sewer line extension and connections, services and internal mains will need to be provided; this includes adequate easements for service and maintenance of said system. On-site septic systems were not considered.

The application and filed comments from the Public Works Department were relied upon to develop this conclusion.

TRANSPORTATION

The project is served by Sawtell Road a county road. In the absence of comments from Okanogan County Public Works to the contrary said road is adequate to serve the development. Additional permitting from Okanogan County Public Works is necessary.

POWER

In the absence of filed comments from the Okanogan PUD #1, there is no way the Staff is able to determine if there is adequate capacity available to serve the development with electrical service. Certification is necessary.

PHONE

In the absence of filed comments from Qwest, there is no way the Staff is able to determine if there is adequate capacity available to serve the development with phone service. Certification is necessary.

CABLE

In the absence of filed comments from Charter, there is no way the Staff is able to determine if there is adequate capacity available to serve the development with cable service. Certification is necessary.

8. *The planned development application has given proper attention to soils and geology:*

The application (SEPA Checklist) notes the proper designations and control concerns regarding the various soil types found on the property. The primary concern is from dust during the construction phase. Adequate watering is proposed to control dust on the short term, physical controls will be put in place to control dust of the long term. This information will be included in the peer review of the construction documents.

9. *The planned development application has given proper attention to drainage:*

The application provides a conceptual storm-water disposal method. The required state storm water permit and peer review of the construction documents will verify proper addressing of these issues.

10. *The planned development application has taken in to consideration architectural compatibility:*

The application provided conceptual drawings which will be applied to the residential units. If these or similar features are applied compliance if found.

11. *The planned development application includes a plan and program for the extension of such utilities as power, telephone, water and sewer required by the development. Evidence shall be provided that there exists or soon will exist sufficient demand for utility extension:*

The proponent indicates that they plan to extend the services to the property.

12. *The planned development application has shown via an on-site and off-site traffic engineering analysis that safe ingress and egress can be attained with the development and that efficient utilization of land has been proposed*

The application notes that a road approach permit is required from Okanogan County Public Works together with additional right of way width dedication to the City for Sawtell Road and the dedication of the access together with the dedication for right of way continuance to the east. Compliance is found if the issuance of such permit is included into the construction documents for peer review.

13. *The planned development application shows how the proposed project design and location meets the goals and objectives of the Comprehensive Plan.*

The application makes provisions for right of way dedications through and by the property and provisions for extensions of services through the property.

14. *The single use planned development application adheres to uses of the underlying zoning district.*

The proposed dwelling units in multiple buildings are deemed multifamily use and are permitted in the district with a planned development.

15. *The mixed use planned development application specifies the proposed uses to be approved by the Planning Commission:*

The activities that are in addition to the multifamily use such as laundry and administrative office are deemed a collective accessory use.

16. *Mobile/Manufactured Home parks by planned development are restricted to the density of the underlying district.*

Not applicable.

RECOMMENDATION

Staff recommends approval application subject to all general conditions of approval applicable to planned developments and short plat applications together with the following specified conditions of approval:

Specified Conditions:

1. The Applicant shall provide evidence of a County Road Approach Permit and Permit/Franchise for the proposed activity or a written exemption thereof with the civil drawings for infrastructure approval.

PURPOSE: To ensure safe vehicle ingress and egress to the site, avoid likely pedestrian conflicts and reduce negative impacts on the transportation system.

BASIS: This is a prescriptive requirement of a site being served by a county road.

2. The design of the water system serving the development shall have provisions to be inter-looped with adequate valves consistent with Department of Health Safe Drinking Water current design standards. In addition, Water, Sewer, Storm-water, and Irrigation lines shall be designed and constructed such that they have the prescribed vertical and horizontal separations defined by either the Departments of Health and/or Department of Ecology.

PURPOSE: To ensure that the water system can provide service to the area with only minimal disruptions should situations arise that necessitate shutting down specific line segments within the development area.

BASIS: It is a goal of the Water System Comprehensive Plan to have a water system that can provide reliable water service pressure, flow and quality during operational disruptions and maintenance.

3. The design of the sewer system serving the development shall have provisions to accommodate the adjoining and vicinity parcels.

PURPOSE: To ensure that the City's sewer system can provide service to the area and minimize the number of satellite systems (private & public) and in particular, the number of forced sewer lines in any particular right-of-way.

BASIS: It is a goal of the Sewer System Comprehensive Plan to have a system that can provide reliable service during operational disruptions and maintenance.

4. In the event of a discovery of a suspected archaeological material or human remains are encountered during the course of the development, all operations will cease in accordance with federal Native American Graves Repatriation Act and Chapter 27.44 RCW and the Tribal Historic Preservation Officer for the Colville Tribes will be notified immediately.

PURPOSE: To avoid, with all practical intent, the degrading of cultural and historic resources and remove confusion on what is expected in the event of an encounter.

BASIS: Although the result of this condition is redundant of state and federal law, the subject matter is of local interest and sensitivity; by stating it specifically in the conditions of approval and requiring specific mitigation, all persons involved in the project should clearly know their responsibility.

5. The permit holder shall dedicate to the city as public right of way the most northerly 5' of Lot 53 to provide additional right of way width to Sawtells Road. The permit holder is encouraged to also dedicate concurrently the most northerly 5' of the portions of Lot 54 that they own.

PURPOSE: To provide additional right of way to promote the Transportation element of the Comprehensive Plan.

BASIS: As stated in the conclusions.

6. The permit holder shall dedicate a strip of land not less than 50' in width to the city as public right of way along the westerly boundary of Lot 53; said land may be from Lot 53 or an adjacent lot or combination thereof.

PURPOSE: To support the development and promote the Transportation element of the Comprehensive Plan.

BASIS: As stated in the conclusions.

7. Said dedicated roadway in Condition No. 6 shall be developed into a city street as follows:

Roadbed - Provide a 40' wide section centered in the right of way of crushed base course over ballast from the southerly boundary to Sawtell Rd.

Pavement – Constructed two lanes of travel with 24' of pavement centered on a 40' roadbed from the southerly boundary to Sawtell Rd. and a parking strip not less than 7' in width of pavement along the westerly boundary of the Harvest Park Lot.

Drainage – Roadbed and pavement are to drain to the sides and provide a standard gutter drain facility and curb along the westerly boundary of the Harvest Park Lot for drainage and swales elsewhere.

Sidewalk – Provide a 4'-6" wide sidewalk (5' wide including the curb) along the westerly boundary of the Harvest Park Lot.

PURPOSE: To support the development and promote the Transportation element of the Comprehensive Plan.

BASIS: As stated in the conclusions.

8. The permit holder shall maintain said street noted in Condition No. 7 until such time as it connects directly to a city maintained street.

PURPOSE: To reduce adverse impacts on city services.

BASIS: As stated in the conclusions.

9. The permit holder shall dedicate a strip of land not less than 50' in width to the city as public right of way along the southerly boundary of Lot 53; said land may be from Lot 53 or an adjacent lot or combination thereof.

PURPOSE: To provide for continuance and promote the Transportation element of the Comprehensive Plan.

BASIS: As stated in the conclusions.

10. The applicant shall develop and implement a Fugitive Dust Control Plan (FDCP) incorporating all of the components of a best management plan as described by Ecology Air Quality Section. Said plan shall be reviewed and concurred with by the Permit Administrator prior to the start of work.

PURPOSE: To reduce the likeliness of fugitive dust adversely affecting the adjoining property owners.

BASIS: The likely presence of Okanogan Loam on the site and its inherent likeliness of being eroded by wind when exposed.

11. The driveways shall be marked as fire lanes to the satisfaction of the Fire Chief.

PURPOSE: To ensure that emergency vehicles have adequate maneuvering room.

BASIS: Seasonal residents and visitors may not be aware that such maneuvering areas are for emergency response vehicles and not convenient/informal parking.

Suggested Motion:

“I move to adopt by reference the Staff Findings of Fact and Conclusions and recommend to the City Council to approve the planned development application as recommended by Staff with the specified conditions”.

Synopsis of Returned Comments
(Where appropriate Staff rebuttal for each comment are in italic font)

Parties of Record:

As of this date no member of the public or agency has requested Party of Record Status.

Returned Comments:

Public

There have been no general filed comments from the public as of this date.

Agencies

City of Oroville

Public Works

“The development of this area has been included in the design potentials during reviews and adoptions of the City’s Water, Sewer and Street Plans. With respect to fundamental infrastructure requirements;

WATER: City of Oroville has adequate water supply and capacity to service the proposed development; typical extensions within the site are expected to be preformed by the developer.

SEWER: The City has adequate sewer capacity in the area serving line and at the plant to service the proposed development, it should be noted that a gravity service from the property is likely; an extension from the Oroville/Chesaw Road should be designed to minimize the need for additional satellite pumping stations in the vicinity. Such sewer extension line should be sized in capacity to serve the adjacent lands that will also need to be served by such; these extensions and improvements must be installed by the developer. The details of and the acceptance by the City Council of any latecomers agreement or cost share/recovery program must be approved prior to the commencement of the work.

STREETS: Sawtell Road is a County road generally the acceptability of the existing road to serve the development and any additional localized improvements and utility franchises which will be required as a result of the development is under the purview of Okanogan County Public Works. It should be noted that Sawtell Road is a 50' right of way; provisions should be made to increase the width to 60'. Provisions for continuance of the dedicated right of way should be incorporated into the subdivision.

OTHER: Assurances should be made that refuse collection can be accomplished routinely in the development. Specific design comments will be made after submittal of the build plans.”

City of Oroville

Fire

“Based on the information provided at least an additional hydrant will be required; driveway approaches and parking lot can be used as apparatus turn-around provided appropriate marking are made to ensure that the areas are maintained free from obstacles.. Specific comments will be made at plan review of the construction project.”

City of Oroville

Building "The proposal site has no regulatory enforcement history. Preliminary building plan reviews has determined that none of the proposed buildings will have unusual challenges. Routine permitting should be expected."

City of Oroville

Permitting (Zoning) "The proposed multifamily use is permitted in the R-2 with a planned development approval."

Okanogan County

Planning "No comment."

Okanogan County

Public Works " Thank you for the opportunity to review and comment on the above-mentioned project. Based on information you provided, Okanogan County Public Works will require the following:

Permits are required to work within Okanogan County Road right-of-way.

- Utilities installed shall submit a plan and profile of the proposed installation complete with a legend of abbreviations and codes.
- No work may commence until the county's review is completed, all differences and questions resolved and a written permit is issued to the utility.
- The utility shall notify the county two working days prior to commencing any physical work on county right of way."