

NOTICE OF DECISION
For
City of Oak Harbor Clean Water Facility
Site Plan (SIT-15-05), Landscape Plan (PLN-15-04), SEPA (SEP-13-00004),
Transportation Concurrency (TRC-15-04),
Administrative Variance (VAR 15-01 & VAR 15-02)

The City of Oak Harbor has issued a Notice of Decision for a Project Permit as required by the Regulatory Reform Act (RCW 36.70B.130) and Oak Harbor Municipal Code (OHMC 18.20.390), and has APPROVED the following project:

Proponent: City of Oak Harbor, 865 SE Barrington Dr., Oak Harbor, WA 98277

Location: 1501 SE City Beach St., Oak Harbor, WA 98277

Description of Proposal: Construction of a new clean water facility to treat and discharge wastewater within the City of Oak Harbor service area.

SEPA Decision: A Mitigated Determination of Non-significance (MDNS) was issued under WAC 197-11-350 for this project on September 11, 2013. Following a fourteen day comment period, the MDNS became final on September 25, 2013.

Project Decision: The project is a Type II review process. This process, in conformance with OHMC 18.20.240, is an administrative review of the project for requirements of the OHMC and adopted Design Guidelines and Regulations. The application for Site Plan review was submitted on July 24, 2015. The review included a staff-applicant meeting on August 20, 2015 and one cycle of revisions.

Notice of Decision for Site Plan Review:

The submitted site plan and administrative variances are hereby approved subject to the conditions listed below:

Conditions:

Planning

- 1) The project shall be constructed in general conformance with site plan submittal drawing numbers 00A04; 00G07; 05L01-05L07; 05L10-05L15 dated June 2015; the Overall Site Plan dated August, 2015, and as may be modified by these conditions of approval .
- 2) A revised site plan incorporating these conditions of approval shall be submitted to the City of Oak Harbor Development Services Department prior to the issuance of a building permit. The revised site plan is not required to depict those items related to Condition No. 10. Site improvements that may be proposed as a result of Condition No. 10 may be addressed through a separate application process.

- 3) Site plan needs to refine proposed parking lot P1 and P2 to reflect requirements of OHMC 19.44.130 and the Oak Harbor Design Regulations and Guidelines.
- 4) Site plan shall provide for and reflect pedestrian circulation within proposed parking lots P1 and P2 and linkages to the site perimeter and Windjammer Park.
- 5) Light and glare shall be restricted in conformance with OHMC 20.14.060.
- 6) Structure architecture and proposed building elevations submitted as part of the July 24, 2015 submittal package represented design "Concept A". Resolution 15-27, adopted by the Oak Harbor City Council on September 1, 2015 approved use of design "Concept B". Building elevations for the project shall be submitted consistent with design "Concept B" and in conformance with the City of Oak Harbor's Design Regulations & Guidelines (April 2006) and shall be approved by the City of Oak Harbor Development Services Department prior to the issuance of a building permit.
- 7) A landscape plan, in conformance with OHMC 19.46.100 shall be submitted to the City of Oak Harbor Development Services Department prior to the issuance of a building permit. The landscape plan required by this condition shall address the landscaping conceptually shown as part of the Overall Site Plan, dated August 2015. Landscape improvements that may be proposed as a result of Condition No. 10 may be addressed through a separate application process.
- 8) An administrative height variance is requested. In conformance with OHMC 19.66.090(1)(b), administrative variances may be granted for up to a five (5) percent increase in lot coverage and building heights from the amount required in the zoning district in which the subject property is located. Approval for this administrative variance is granted. An additional ten (10) feet in height is also requested under OHMC 19.28.040. Applicant must meet conditions of OHMC 19.28.040(1-4) for use of this additional height.
- 9) Bicycle racks shall be provided for all nonresidential multifamily uses. Such racks shall provide space for a minimum of one bicycle for each 10 parking spaces required to a maximum of 10 bicycle spaces. One rack (or 10 spaces) shall be provided at the south (re-developed) parking lot and one rack (or 10 spaces) provided at the future parking lot (Whidbey Island Bank building site).
- 10) Applicant shall be in conformance with all mitigation measures identified in the Mitigated Determination of Non-significance dated September 11, 2013. Of particular note is condition #5 of this MDNS which states: "*Any existing park facility, structure, equipment, access etc. that will be impacted during construction and the eventual siting of the facility must be replaced with new facilities, structures, and equipment that meet the current codes. Replacement of these facilities must be done in consultation with the Parks Division.*" The following mitigation is required in order to comply with the above:
 - 10a) Use of the kitchen and bathroom buildings located to the south of the redeveloped

parking lot (identified as lot P2) is impacted during construction. The applicant shall remodel or replace buildings.

10b) Use of the existing RV park is being interrupted as a result of the project. As mitigation for this interruption, the applicant shall determine the replacement cost for this facility as-is and either:

- i. Construct a similar RV facility in the same location, or
- ii. Construct a similar RV facility in a different location, or
- iii. Contribute the amount of the replacement cost to an enhanced RV facility, or
- iv. Construct other park amenities, as may be approved by the City Council, of an equal or greater cost.

10c) An approximately 30-month long, major construction project will have an impact on the public's ability to use and enjoy Windjammer Park. The nature of the activities and uses in the park, however, make it difficult to objectively quantify the nature of the impact (or establish a dollar amount associated with the impact). Nevertheless, mitigation measures must be identified and implemented. As mitigation for this impact the Sewer Fund shall fund an effort to determine what improvements the public may wish to see in Windjammer Park. The improvements could be upgrades to existing facilities and/or the construction of new facilities. To the degree that a reasonable relationship between the proposed improvements and the impacts of the Project can be established, the Project shall fund the design and construction of one or more of the projects.

11) Supplemental documentation shall be provided which addresses OHMC 20.24.030(4)(a-d) for the proposed wetland buffer averaging.

12) The site is located in an area of moderate to high liquefaction. Applicant shall conform with the structural and ground improvement measures to mitigate the seismic/liquefaction as recommended in the Geologically Hazardous Area Site Assessment, (GeoEngineers, March 2015).

13) Floodproofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into floodwaters, OHMC 17.20.190(3).

14) Access routes elevated to or above the level of the base floodplain shall be provided to all critical facilities to the extent possible, OHMC 17.20.190(3).

15) All remaining aspects of cultural resources discovery, excavation monitoring, restricted zones, communication protocol, tribal coordination, curation, site restoration, and reporting shall be in conformance with the Archaeological Work Plan: City of Oak Harbor Waste Water Treatment Plan Project Phase 2, Oak Harbor, Washington, (ERCI, March 2015).

Services (Fire)

16) Provide the Fire Department with 3 sets of fire sprinkler system plans for fire department, Washington survey and Rating review. (Fire Sprinkler System IFC Section 903)

- 17) Provide the Fire Department with 2 sets of fire alarm plans for review. (Fire Alarm System IFC Section 907)
- 18) Install a Knox key box for Fire Department access, application will be provided by the Fire Department. (Knox Key Box IFC Section 506)
- 19) The fire apparatus access road shall comply with Sections 503.1.1 through 503.2.5 of the International Fire Code.
- 20) On site fire hydrants shall be spaced no more than 300' apart along an approved fire access route. (Oak Harbor Fire Protection Standards Chapter 6)
- 21) Install size (2A-10BC) portable fire extinguishers throughout the treatment plant with a maximum travel distance of 75 feet. (Fire Extinguishers IFC Section 906 & NFPA 10)

Streets

- 22) Half street improvements along street frontages are required as part of site plan approval. Improvements include, but are not limited to, street lighting, storm drainage, curb, gutter, sidewalk, sewer, water and pavement. As the street frontages already have some existing improvements, the half street improvement requirement is an update to current standards. As a minimum, updating will require that the driveways, sidewalk, curb, gutter and curb ramps be improved to meet current standards. Please also be aware that street cross sections should be included with the next site plan submittal. OHMC 19.48.037(4)(e).
- 23) If not already provided, a ten foot utility frontage easement shall be provided along the public street frontages. In addition to City uses, this easement is to provide for cable, telephone, gas, and power. Easement language can be provided by the City. (OHMC 19.48.037(4)(f))
- 24) The parking memorandum indicates that there will be a loss of 10 parking spaces within City Beach Street right-of-way. The existing parking is unstriped. Striping the parking will organize and optimize the available parking. A striping plan shall be shown on the appropriate civil plans.

Water

- 25) Please refer to sheet 10C19. The proposed water main extension appears to be proposed as an 8" line that loops around and through portions of the facility, supplying two to three fire hydrants, and providing two 4" supply lines. Please provide clarification as to which 4" line is the metered supply and which is a fire sprinkler connection. Also, the 4" domestic and fire line sizes are understood to be "place holders" at this time, and that specific sizing is still to occur.
- 26) A fire department connection (FDC) and post indicator valve (PIV) will be required near a fire hydrant.

- 27) The water main should be routed in open accessible areas as much as possible. For example, the line at the southeast corner should route within the asphalt drive lane area of the east/west parking lot lane.
- 28) The park irrigation system is likely to be impacted. Consideration for locating, capping, and repairing the system needs to occur.
- 29) An approved backflow prevention device is required to be installed after the domestic water service meter and after any irrigation deduct meter. The type of device is to be determined after completion and review of a commercial cross connection control questionnaire. The questionnaire is provided with the building permit application, and hardware specification is subject to building plan review. The questionnaire is also available upon request through the Development Services Department Building Division and Permit Coordinator. OHMC 13.13.120
- 30) If an irrigation system is supplied off of the domestic water service, the domestic water service line and meter have to be sized for the combined domestic and irrigation flow. An irrigation system water demand work sheet is to be completed and returned to the Building Department to confirm proper irrigation and service sizes.
- 31) The facility is in an area of known higher water pressures (up to 105 psi). A PRV will be necessary for the domestic plumbing system (set to 80 psi or less), and possibly in other locations for process water supply.
- 32) Use of City water for construction shall be approved and metered.
- 33) Water line easements may be required over public mains, as approved by the Public Works Department.

Stormwater

- 34) An existing public stormwater line currently routes southerly under the buildings at 275 SE Pioneer Way (Peoples Bank & DSHS) draining from Pioneer Way to wetland A. It is suggested that installation of an alternative drainage conveyance be considered under the proposed new parking lot to the east.
- 35) The Draft Conceptual Drainage Report (Harmsen, July 16, 2015) generated the following comments:
 - 35a) The report omits recognition and necessary protections of Wetland A.
 - 35b) The report states that flow control is not required due to the use of man-made conveyances to a flow control exempt waterbody. A portion of the existing conveyance from City Beach Street easterly to the outfall is identified in the 2006 Stormwater Comp Plan as having insufficient capacity. The Clean water Facility project may not exacerbate this situation and will need some form of flow control and/or conveyance improvement if runoff is increased over existing conditions. (Please refer to 2005 DOE Manual Volume I Section 2.5.7)

35c) Page 5 (Conveyance Calculations) indicates that some portion of the existing stormdrain system will be replaced with 12" pipe. This pipe replacement is not yet indicated on the site plan.

35d) The report includes a preliminary SWPPP. A SWPPP was already submitted by Hoffman and approved for the current construction phase, and is intended to be amended for future phases as the project progresses.

35e) Stormwater quality treatment shall be in accordance with City of Oak Harbor and Washington State Department of Ecology requirements.

Miscellaneous

36) The above comments must be addressed in future site plan and civil plan submittals, as appropriate.

Transportation Concurrency

36) The submitted Trip Generation and Traffic Mitigation memorandum (Gibson, July 15, 2015) is approved and transportation concurrency is expected to be issued soon.

Truck Access

37) Please refer to sheets 10C22 through 10C24. The truck movement modeling on these 3 sheets includes more than one truck size. Please label the truck sizes and verify that the appropriate truck for biosolids hauling and any other truck that will service the facility was modeled for the appropriate maneuvers. (One of the modeled trucks backs up to the secondary treatment building, while the other two do not.)

Internal Parking

38) The submitted project memorandum regarding parking (July 17, 2014) states that only 4 employees will work per shift and only allots 4 internal parking stalls for staff's personal vehicles. The reviewer was informed that the staff level will be 6 employees, all working the same shift. Please provide at least 6 parking stalls for staff's personal vehicles and a minimum of 2 guest stalls in addition to the two covered stalls for city trucks.

SEPA

39) Stormwater responses on page 15 (C.1.) and page 20 (d) conflict. They state different methodologies for treating stormwater that is exposed to process areas. This discrepancy should be resolved with future stormwater plan submittals.

General

In addition to the aforementioned required conditions, the following comments are included as recommendations for considerations. While not required for implementation, they represent suggestions which have been discussed at the design team level and would further mitigate project impacts and enhance public perception and acceptance.

- City Beach Street is classified as a local street along the treatment plant project. Between Bayshore Drive and Pioneer Way, City Beach Street is classified as a minor arterial. The local portion of City Beach Street is a dead end that only serves the WWTP, baseball fields, and the rest of Windjammer Park. Consideration should be given to changing City Beach Street into a reduced speed park road with significant pedestrian facilities along each side and a cross section that befits the specific need of the location. This might include altering the entrance to that portion of City Beach Street that is south of Bayshore Drive to look like a park entrance and incorporating traffic calming on City Beach Street combined with enhanced pedestrian crossings.
- Considering the above comment and some traffic movement concerns at the intersection of Bayshore Drive and City Beach Street, it is suggested that installation of a traffic circle or some other channelization improvement be considered at or near the intersection.
- Many members of the community enjoy parking at the end of City Beach Street and eating their lunch in their cars while enjoying the view. Reviewer suggests that consideration be given to incorporating some stalls off of the circular turnaround to preserve this activity.
- Related to condition 4), conceptual drawings presented at the August 12, 2015 public Open House identified landscape and pedestrian enhancements to the east side of City Beach Street. It is recommended that these improvements be considered as part of City Beach Street improvements.

Expiration and Extension of Approval

Per OHMC 19.48.120 the final approval of a site plan shall expire within two years of the date of approval. The project permit expiration date is October 9, 2017. A single two-year extension may be granted for good cause by the approval body which approved the original site plan.

Please note that this decision does not imply approval for any other City application, such as building permits, engineering plans or landscape plans that may be required for this approval. This decision is the City's final decision in the matter of site plan approval only.

Project Permit Expiration Date: October 9, 2017

Project Decision: Approved w/conditions

Appeals

Any appeals of this project decision must be filed within fourteen (14) calendar days from issuance of this Notice of Decision. Appeals must be delivered to the Development Services Department by mail or personal delivery during normal business hours by **5:00 pm, October 23, 2015**, at City Hall, 865 SE Barrington Drive, Oak Harbor, WA 98277. Appeals must be filed on the appropriate form and must be accompanied by the applicable fee. Work may not take place on the project until the 14-day appeals period has ended.

Contact Person: Steve Powers, AICP, Development Service Director, (360) 279-4511



Steve Powers, AICP
Development Services Director

10/9/15
Date

cc: File