

# CITY OF ROY STAFF REPORT

## Oakview Preliminary Plat and Major Variances

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*This staff report is prepared and submitted in accordance with RCC 11-8-2(C).*

**APPLICANT / OWNER:** Roy Meadows Development Group, LLC

**AGENT:** Tres Kirkebo, APEX Engineering, LLC

**CASE NUMBERS:** PPL-22-0001, MVA-RMDG-22-01, MVA-RMDG-22-02, MVA-RMDG-22-03, SEP-22-0001

**APPLICATION DATES:** May 23, 2022, and September 7, 2022

**COMPLETE APPLICATION DATES:** September 20, 2022, and November 23, 2022

**APPLICATIONS:**

- (1) *Preliminary Plat* to allow construction of a 79-lot single detached dwelling subdivision.
- (2) *Major Variance* to allow construction of two cul-de-sac streets in lieu of a single street.
- (3) *Major Variance* to retain existing street width and eliminate requirements to add parking and a sidewalk on south side of 292<sup>nd</sup> Street.
- (4) *Major Variance* to reduce the number of replacement trees to be planted to mitigate the loss of significant trees per tree retention requirements.

**LOCATION:** 29401 SR 507 South. Abutting 292<sup>nd</sup> South, east of Tacoma Rail – Mountain Division Railroad ROW, west of Oakview Heights Addition, and north of McKenna Meadows

**PARCEL ID:** Assessor Parcel Number 021703-6-009

**COMPREHENSIVE PLAN DESIGNATION:** Low Density Residential (LDR)

**ZONING CLASSIFICATIONS:** Single Family Residential (SFR)

**ADJACENT ZONING:** North: SFR; East: SFR, and Rural 10 (Pierce County); South: SFR, and Rural 10 (Pierce County); West: SFR.

**PROPOSAL SUMMARY:** The Oakview Preliminary Plat would contain 79 single detached dwelling lots located on a 38.4-acre site. The subdivision would include seven additional tracts containing wetland/wetland buffers, tree preservation open space, storm drainage facilities, primary and reserve septic drainfields, and communications infrastructure. Minimum lot size would be 7,200 SF. Average lot area would be 10,454 SF. Gross density would be 2.05 dwelling units per acre. Access to the site from State Route 507 would be provided via 292<sup>nd</sup> Street South. The proposal includes requests for three major variances seeking relief from tree

retention/replacement standards, approval of two cul-de-sac streets, and elimination of a required sidewalk on 292<sup>nd</sup> Street South.

**NOTICE OF APPLICATION:** The City issued a Notice of Application (NOA) on December 15, 2022, by publishing a summary in the City's official newspaper and mailing notice to neighboring property owners in accordance with the requirements of RCC 11-6-1. The applicant posted the site and the entrance to 292<sup>nd</sup> Street South at SR 507, per RCC 11-6-1. A compendium of comments received in response to the NOA are provided as an Exhibit.

**NOTICE OF HEARING:** The City issued a Notice of Public Hearing on March 16, 2023, by publishing a summary in the City's official newspaper and mailing notice to neighboring property owners in accordance with the requirements of RCC 11-6-1. The applicant posted the site and the entrance to 292<sup>nd</sup> Street South at SR 507, per RCC-11-6-1. Comments received in response to the notice of hearing are provided as Exhibits.

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**ENVIRONMENTAL DETERMINATION:** The City issued a Mitigated Determination of Nonsignificance (MDNS) on January 26, 2023, with a 14-day comment period ending February 8, 2023. The MDNS included eight mitigation measures, pertaining to earth, water, plants, environmental health, and transportation.

The Bethel School District submitted timely comments on the MDNS notifying the City that the Oakview Plat would create a significant adverse impact on the District's ability to house the students to be generated from the Oakview Plat. The District identified that the Oakview Plat would increase the District's housing deficit and cause a need for additional classroom capacity, for 27 elementary students at Roy Elementary School and 11 high school students Bethel High School, directly related to the plat.

The District filed a purported administrative appeal of the City's SEPA determination, requesting imposition of a mitigation measure that would require the applicant to pay school impact fees to the District. In processing the appeal, the City determined that its applicable land use and environmental procedures (RCC Title 11 Land Development and Chapter 5-3 RCC) do not provide for an administrative appeal of determinations relating to SEPA. Therefore, any appeal of an MDNS must be filed with the Pierce County Superior Court in accordance with the standards, procedures, and timeframes set forth in the Land Use Petition Act, Chapter 36.70C RCW. The City has informed the District and applicant of this determination.

In consideration of the new information presented by the District, the City issued a Modified MDNS on February 23, 2023, with a 14-day comment period ending March 8, 2023. The Modified MDNS includes the following nine mitigation measures, pertaining to earth, water, plants, environmental health, transportation, and public services. Minor revisions have been made to original mitigation #1 and a new school impact fee mitigation measure (#9) has been added to the modified MDNS.

1. *Project design, implementation, construction, and maintenance shall comply with the current applicable Stormwater Management Manual for Western Washington (SWMMWW), as the same may be amended or otherwise updated. The Applicant shall ensure that erosion control measures are 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.*

2. The Applicant shall provide the City of Roy a Construction Stormwater Pollution Prevention Plan (CSWPPP) prepared in accordance with the SWMMWW as part of the site development permit package. Per the SWMMWW, the CSWPPP shall be completed using the Department of Ecology's Construction Stormwater General Permit CSWPPP template.

3. The project design shall ensure that subdivision improvements and facilities will not encroach into the Category III Wetland, or its associated wetland buffer located within Tract C of the Oakview Plat and identified in the Wetland Delineation and Habitat Conservation Areas Assessment prepared by Habitat Technologies, dated March 30, 2022.

4. The Oakview Plat shall incorporate an Oregon White Oak Conservation Tract to delineate actively managed and protected Oregon White Oak stands. The Applicant and Oakview Plat Homeowner's Association shall implement the Preliminary Oregon White Oak Woodland Restoration Program prepared by Habitat Technologies, dated June 21, 2022. If the "preliminary" program is superseded by a City-approved "final" program that will be consistent with, and will achieve, the objectives of the preliminary program, the Applicant and Oakview Plat Homeowner's Association shall implement the final approved program.

5. The Applicant shall retain and replace significant trees in a manner generally consistent with the objectives and recommendations of the Preliminary Tree Protection Plan prepared by Washington Forestry Consultants, Inc, dated August 3, 2022, and the Preliminary Tree Replacement Plan prepared by Bradley Design Group, Inc. dated November 10, 2022. The Applicant's obligation to retain and replace significant trees per the Preliminary Tree Protection Plan may be adjusted to reflect any approvals granted by the City of Roy through its major variance process.

6. Prior to demolition of any existing structures, the Applicant shall remove and dispose of any potentially dangerous or hazardous materials present, such as asbestos, PCB-containing lamp ballasts, fluorescent lamps, and wall thermostats containing mercury, in accordance with the Department of Ecology's "Dangerous Waste Rules for Demolition, Construction, and Renovation Wastes".

7. The Applicant shall construct a left-turn lane on SR-507 at 292<sup>nd</sup> Street S. Final design shall be coordinated with and meet WSDOT standards in terms of storage length, tapers, and other design elements.

8. The Applicant shall provide pavement marking and signage at the railroad crossing on 292<sup>nd</sup> Street S as agreed to with Tacoma Rail. Along with standard railroad crossing sign assemblies along 292<sup>nd</sup> Street S, the Applicant shall include a MUTCD warning sign (W10-4) at the western proposed subdivision local neighborhood street due to proximity to the rail crossing.

9. The Bethel School District (District) has notified the City of Roy that the Oakview Plat would create a significant, adverse impact on the District's ability to house the students to be generated from the Oakview Plat. As set forth under the District's Capital Facilities Plan 2021-2026 adopted by the Board of Directors of the District consistent with the requirements of the Growth Management Act, the District has determined, based upon a Student Generation Study of residential development within District boundaries, that the Oakview Plat would generate approximately 51 new students, including 27 elementary, 12 middle school, and 11 high school students. Two of the District's schools that would be housing these students, Roy Elementary School, and Bethel High School, are at overcapacity. The District has identified that the Oakview Plat will increase the District's housing deficit and cause a need for additional classroom capacity at these two schools for 27 elementary students and 11 high school students directly related to the plat.

To address the impact of the need for additional classroom capacity to house the students directly generated by the Oakview Plat, the District must provide temporary housing through the acquisition and siting of additional portable classrooms. The District has calculated a sum of \$7,115.00 per lot as the pro rata share of the cost per student to house new students at the elementary school level and at the high school level generated by the Oakview Plat.

*The District proposes to address the impact created by the Oakview Plat in the same fashion as other developments of typical residential development within the jurisdictional boundaries of Pierce County. The District has identified the appropriate payment amount from the Applicant as \$4,440.00 per lot for single-family residential development based upon the current Growth Management Impact Fee amount assessed within unincorporated Pierce County. This amount represents a 38% reduction from the District's calculated cost of housing each student generated by the Oakview Plat within new portable classrooms at two overcapacity schools, namely Roy Elementary School, and Bethel High School.*

*Based upon the above information, the Applicant shall pay a school impact fee of \$4,440.00 per lot to the District prior to the City of Roy issuing building permits for all new homes in the Oakview Plat. Written documentation of the District's receipt of such payment(s) shall be provided to the City prior to building permit issuance for each new home. In imposing this condition, the City's SEPA Responsible Official has specially considered and has been guided by applicable SEPA standards, including without limitation RCW 43.21C.060 and RCC 5-3-7(B). Without limitation of the foregoing:*

- *Pursuant to WAC 197-11-444(2)(d)(iii), schools are an element of the environment for which SEPA review is required.*
- *The school impact fee condition is necessary to mitigate specific, probable environmental impacts of the proposed preliminary plat—i.e., the addition of new school-aged children to the community that will create additional demand on the Bethel School District's facilities.*
- *The school impact fee condition is reasonable and capable of being accomplished. Most, if not all, other municipalities within the Bethel School District's jurisdiction have adopted a GMA-based school impact fee program in accordance with Chapter 82.02 RCW. The per-unit fee amount imposed by this condition is equivalent to the GMA-based school impact fees imposed by these other municipalities. As a practical matter, developers can and frequently do pay these fees as a matter of course.*
- *The City has considered whether other local, state, or federal mitigation measures applied to the proposed development are sufficient to mitigate the identified impacts to schools and has answered this question in the negative. Again, unlike other local municipalities, the City of Roy has not adopted a GMA-based impact fee program to ensure that new development funds school system improvements. No other condition imposed on the Oakview Plat is specific to, or otherwise sufficient to mitigate for, the school impacts that will be created from this development.*
- *The school impact fees assessed by the modified MDNS are supported by and are in furtherance of the following City of Roy Comprehensive Plan Capital Facilities Element policies:*

*Policy CF1.2 Require transportation, storm water and water facilities concurrent with development. Other public facilities such as schools and parks will be provided based on adopted plans and development schedules.*

*Policy CF1.3 Issue no development permits (such as a building permit or a land use approval associated with a building permit) unless sufficient capacity for facilities exists or is developed concurrently to meet the minimum level of service for both existing and proposed development.*

*Note: Capital Facilities Element Table 7-1 Summary of LOS Standards establishes "LOS as adopted by Bethel School District" for the District's school facilities.*

*Policy CF6.7 Inform the Bethel School District early in the permit application review process for any residential developments that will significantly increase demand for school facilities. Permit applications may be denied if the school district is unable to provide educational services at the time that development is available for occupancy. Impact fees may be imposed to compensate for the school facilities impact of new developments.*

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**PRELIMINARY PLAT PROCESS:** Per Ordinance No. 1008 (attached to this report), decisions on Type III-A preliminary plat applications are made by the Examiner in accordance with RCC 11-4-3. The applicable criteria for preliminary plat approval are set forth in RCC 11-43-4 and Chapter 58.17 RCW. General requirements for subdivision approvals are provided in RCC 11-46-1.

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**CRITERIA FOR PRELIMINARY PLAT APPROVAL (RCC 11-43-4):** The hearing examiner shall approve the subdivision and/or dedication if it has been determined that:

- A. *The preliminary plat conforms to Chapter 11-46, General Requirements for Subdivision Approval.*
- B. *Appropriate provisions are made for, but not limited to, the public health, safety and general welfare, for open spaces, drainage ways, streets or roads, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, power, parks and recreation, playgrounds, schools and school grounds, and for sidewalks and other planning features that assure safe walking conditions for students who walk to and from school.*
- C. *The public interest will be served by the subdivision and/or dedication.*

**Analysis of Criteria A -- Conformance with Chapter 11-46.**

The general requirements in RCC 11-46-1 largely apply to final plats, for which the City will need to confirm that dedications have been appropriately addressed, subdivision infrastructure has been constructed or guaranteed per code, and all other plat recording requirements have been met. Nonetheless, preliminary plat approval should not be granted unless the following are found per RCC 11-46-1. A, which states (in part):

*"In addition to the criteria for approval applicable to an individual application, all subdivisions must meet the following general requirements in order to be approved:*

*A. Zoning. No subdivision may be approved unless written findings of fact are made that the proposed subdivision or proposed short subdivision is in conformity with the city's adopted comprehensive plan and land development regulations, including but not limited to zoning and critical areas standards and design guidelines."*

**Criteria A -- Title 11 Land Development Code Analysis.** The following discussion summarizes compliance with applicable codes.

**RCC 11-12-1 Permitted Uses** – The project site is zoned SFR. The proposed subdivision is designed to accommodate single-family dwellings consistent with this section.

**RCC 11-12-6 Development Standards** – The plat design complies with applicable density, lot area, lot width, and frontage standards for SFR development. The building permit review process will ensure other applicable development standards are met.

**RCC 11-22 Specific Use And Structure Regulations** – Infrastructure designs and construction activities will need to comply with the following performance standards:

*I. Erosion and Sedimentation. A temporary erosion and sedimentation control plan detailing measures for controlling erosion and sediment-laden runoff shall be submitted for approval by the city prior to issuance of*

*a clearing and grading permit or other construction permit for a project. Measures shall include provisions to remove depositions of soil and material from streets and to prevent discharge of soil and materials onto adjoining properties or environmentally sensitive areas. The plan shall be implemented by the applicant before and during construction, and the applicant's performance shall be monitored by the city. The plan shall be upgraded as deemed necessary by the city to ensure effective control during construction.*

*J. Particulates. During site development activities, construction dust and other particulates shall be controlled through frequent watering and/or other dust control measures approved by the city. Reclaimed water shall be used whenever practicable. Soil that is transported in trucks to and from the construction site shall be covered to the extent practicable to prevent particulates from being released.*

*K. Stormwater Management. Stormwater facilities shall be designed to meet or exceed the standards outlined in the latest edition of the Department of Ecology Stormwater Management Manual for Western Washington. Plans demonstrating compliance with the manual shall be submitted for approval by the city engineer prior to issuance of site development permits. Larger projects triggering the manual's requirements for water quality treatment and/or flow control shall incorporate low impact development components to the extent practicable consistent with The Low Impact Development Technical Guidance Manual for Puget Sound.*

*L. Contaminants. During site development activities, all releases of oils, hydraulic fluids, fuels, other petroleum products, paints, solvents, and other deleterious materials shall be contained and removed in a manner that will prevent their discharge to waters and soils of the state. The cleanup of spills shall take precedence over other work on the site.*

**RCC 11-23-8** Parking and driveway design standards -- The building permit review process will ensure the following standards are met:

*D. Driveway Widths and Locations. Driveways for single-family dwellings shall not exceed 20 feet in width in a required front yard or corner side yard unless the city planner approves an alternative design that uses a permeable surface such as interlocking pavers, grasscrete or other pervious pavement that minimizes impervious surface. In no case shall the driveway exceed 20 feet within the public right-of-way or exceed the minimum width necessary to provide reasonable access to the dwelling. Generally, no more than one driveway is permitted to provide access to a single-family detached dwelling. Driveways for all other developments may cross required setbacks or landscaped areas in order to provide access between the off-street parking areas and the street; provided, that driveway width does not exceed the minimum necessary to provide safe vehicular and pedestrian circulation. Driveways oriented parallel to a street shall not be located within the minimum and maximum yard setback areas adjoining the street, unless there is no other practicable alternative to provide access to the interior of a site.*

**RCC 11-24-4** Public right-of-way landscaping requirements – This section requires street rights-of-way adjacent to a lot to be landscaped. The applicant's preliminary street tree exhibit, and preliminary tree replacement plan, generally comply with the standards set forth in RCC 11-24-9. Final ROW landscape plans will need to be submitted for administrative approval. To protect the street tree root zone, the portion of a ROW that is not devoted to street, driveway or sidewalk pavement shall not be covered with impervious material or used for vehicle parking or storage.

**RCC 11-24-10** Retention and protection of significant trees – The applicant has submitted a *Preliminary Tree Protection Report* (WFCI, August 3, 2022) that evaluates all significant trees in the project area and assesses their potential to be incorporated into the project. The study identifies 937 "significant trees", 857 of which are healthy, long-term trees. A total of 427 healthy trees would need to be removed during site clearing to make room for the proposed development. A total of 1,923 to 2,139 trees, depending on their size, would need to be replanted to replace the removed trees.

The applicant's *Preliminary Tree Replacement Plan* (Bradley Design Group, Inc., November 10, 2022) identifies proposed tree types and locations that would help mitigate the loss of significant trees on the site due to construction. This plan calls for 856 replacement trees on site, which represents 60% of the 2,139 replacement trees required. The applicant has requested a major variance to reduce the tree replacement requirement to this 60% threshold. An analysis of the variance request is provided later in this report.

The applicant's *Biological Assessment* (WFCI, January 6, 2020) assesses the Oregon white oak trees on and in the vicinity of the project site. The study concludes that although some oak stand characteristics meet the standard for qualifying as "Priority Habitat" per Washington Department of Fish and Wildlife guidelines, the stands do not qualify due to (1) the lack of oak trees that are 20 DBH and larger and showing signs of decadence; and (2) the presence of invasive blackberry.

The applicant has also submitted a *Preliminary Oregon White Oak Woodland Restoration Program* (Habitat Technologies, June 21, 2022) that would be implemented during initial site development actions and then adopted by the homeowner's association to ensure the long-term survival of the Oregon white oak woodland plant community and associated available habitats. The restoration program would implement measures in a manner consistent with the *Management Recommendations for Washington's Priority Habitats: Oregon White Oak Woodlands* (WDFW, 1998). Invasives such as blackberry and Scot's broom would be removed and replaced with desirable native species.

The *modified MDNS* for the project imposes the following mitigation measures:

4. *The Oakview Plat shall incorporate an Oregon White Oak Conservation Tract to delineate actively managed and protected Oregon White Oak stands. The Applicant and Oakview Plat Homeowner's Association shall implement the Preliminary Oregon White Oak Woodland Restoration Program prepared by Habitat Technologies, dated June 21, 2022. If the "preliminary" program is superseded by a City-approved "final" program that will be consistent with, and will achieve, the objectives of the preliminary program, the Applicant and Oakview Plat Homeowner's Association shall implement the final approved program.*

5. *The Applicant shall retain and replace significant trees in a manner generally consistent with the objectives and recommendations of the Preliminary Tree Protection Plan prepared by Washington Forestry Consultants, Inc, dated August 3, 2022, and the Preliminary Tree Replacement Plan prepared by Bradley Design Group, Inc. dated November 10, 2022. The Applicant's obligation to retain and replace significant trees per the Preliminary Tree Protection Plan may be adjusted to reflect any approvals granted by the City of Roy through its major variance process.*

#### Criteria A -- Chapter 10-5 Critical Areas Analysis.

RCC 10-5-4 authorizes the city planner to administer and interpret the City's critical area regulations. An initial assessment is warranted during preliminary plat reviews to ensure that project designs will be sensitively designed to avoid impacts on critical areas.

The applicant has submitted a *Wetland Delineation and Habitat Conservation Areas Assessment* (Habitat Technologies, March 30, 2022) that identifies a single wetland at the southeastern portion of the project site. The assessment classifies the wetland as a Category II wetland, which is subject to a standard buffer width of 105 feet measured perpendicular from the wetland boundary.

The assessment also identified the presence of the following City of Roy "listed "habitat conservation areas":

1. A portion of the southwestern corner of the project site was previously identified to provide habitats for *Mazama pocket gopher* – a federally listed threatened species by the U.S. Fish and Wildlife Service.

2. A portion of the southwestern corner of the project site was previously identified to provide habitats for *Mazama pocket gopher* – a state listed threatened species by the Washington Dept. of Fish and Wildlife.

3. Wetland A – this wetland is located within the southeastern corner of the project site and is defined as both a State of Washington “priority habitat” and as a State of Washington “water of the state.”

4. The mixed conifer and Oregon white oak woodland dominating the northcentral and northeastern portions of the project site meets the definition criteria for designation as a State of Washington “priority habitat.”

- State Priority Habitats

A stand of mixed conifer (Douglas fir) and Oregon white oak (*Quercus garryana*) trees was identified within the central and north central portion of the project site. This stand of trees was identified to meet the criteria for designation as a State Priority Habitat and was noted to have been actively utilized as livestock pasture at one time and the understory has become dominated by dense blackberry thickets.

A second State Priority Habitat – Wetland A – was identified within the southeastern portion of the project site. This wetland is defined as a “water of the state.”

- Federally Listed Species

A single federally listed threatened species – *Mazama pocket gopher* – has been previously identified (2008 through 2012) to utilize a portion of the southwestern corner of the project site. However, more recent assessments did not identify this species within the project site. This species has also been documented offsite to the south and well offsite to the north and west of the project site.

The project site was not observed and has not been documented to provide critical habitats for other federally listed endangered, threatened, or sensitive species. A federally listed “species of concern” – bald eagle – has been documented to utilize the habitats generally associated with larger area lakes and surface water drainages within the general area of the project site. However, the project site was not identified to provide critical habitat for this species.

The creation of this preliminary plat would not encroach into the identified Category III Wetland or its associated buffer in the southeastern portion of the project site. The preliminary plat would establish a “Tree Conservation Program” within the identified mixed conifer/oak woodland in the northcentral and northeastern portions of the project site. The wetland buffer would be separated from the nearest residential lots and developed area of the plat by approximately 420 feet of open space within conservation Tract C. This non-wetland/buffer portion of Tract C would be heavily planted with replacement trees. No specific measures to protect or enhance the wetland or buffer are required or warranted.



Criteria A -- Design Standards and Guidelines for Streetscape Elements Analysis.

The City's *Design Standards and Guidelines for Streetscape Elements* provide guidance for the design of streetscape improvements in the vehicular zone (streets) and pedestrian zone (sidewalks, planter strips, street trees, etc.). The City has applied the *Neighborhood Street* standards to the Oakview Plat. Travel lanes and the overall road section are relatively narrow, contributing to the residential character of the streetscape on neighborhood streets. The preliminary plat street design drawings call for street pavement, sidewalks, and planter strips that are consistent with applicable street standards and guidelines. Preliminary landscape plans include a street tree planting scheme that is generally consistent with the City's approved street tree palette and other design requirements. Final detailed plans will need to be submitted for administrative approval.

The applicant has requested a major variance from the *Neighborhood Street* standards to obtain approval for the use of two cul-de-sac streets in lieu of a single loop street, and the use of cul-de-sacs instead of hammerhead designs for these two streets. A second major variance has been requested to retain a 24-foot street width on 292<sup>nd</sup> instead of the required minimum of 28 feet, and to eliminate the requirement for installing a sidewalk on the south side of 292<sup>nd</sup>. Staff analyses of each variance is provided in later section of this report.

Criteria A -- Comprehensive Plan Analysis.

The proposed preliminary plat is consistent with, and/or supportive of, the following *Comprehensive Plan* goals and policies. For some of the goals and policies, this assessment is predicated on the applicant constructing a sidewalk on the south side of 292<sup>nd</sup>.

**Policy CC5.3** Foster the natural environment and maintain and enhance the green character of the city, while integrating healthy built environments through techniques such as:

- Encouraging design that minimizes impact on natural systems;
- Using innovations in public projects that improve natural systems;
- Preserving key areas of open space; and
- Requiring the preservation, maintenance and installation of street trees and other vegetation in accordance with the City's design standards and guidelines, and landscaping requirements.

**GOAL CC7** Promote the planning, management and preservation of a safe and healthy urban forest that reflects community character goals by establishing effective practices and administering landscaping standards and guidelines.

**Policy CC7.1** Require landscaping with a drought-tolerant native plant component (trees, shrubs and groundcovers) to be installed when significant development activities take place.

**Policy CC6.3** Design and create trails, urban linear parks, sidewalks, bikeways and paths to increase physical activity and connectivity for people by providing safe, direct or convenient links between the following:

- Residential neighborhoods;
- Schools;
- Parks, open spaces, greenbelts and recreation facilities;
- Employment centers;
- Shopping and service destinations; and
- Civic buildings and spaces.

**GOAL CC8** Achieve community character and design goals through the preservation, installation and maintenance of street trees and other landscaping in accordance with the City's adopted street tree list, landscape regulations, and applicable design standards and guidelines.

**GOAL CC9** Support residential infill development and redevelopment that responds to local preference and demand for innovative, high quality housing, that is sensitive to surrounding residential areas, and that supports community character goals and objectives.

**Policy LU2.8** Residential infill development should be compatible with surrounding development in terms of scale, form, relationship to the street and other design elements.

**Policy LU8.2** The quality of stormwater runoff should be improved, flooding due to stormwater runoff should be minimized, and the erosion of land by stormwater runoff should be minimized, in order to maintain natural aquatic communities and beneficial uses. Development regulations should be enforced to minimize stormwater runoff as a result of development projects by limiting grading and clearing of a development site only to the extent reasonably needed to accommodate the development project, minimizing roadways and other impervious surfaces in the completed project, and encouraging the use of natural vegetation and ground covers during development and in the completed project.

**Policy LU8.3** Where removal of trees or other vegetation may result in runoff and erosion, the city should require effective erosion control during and after the tree or vegetation removal. Where extensive removal of trees or other vegetation occurs, the city may require restoration and replanting consistent with landscaping guidelines and significant tree retention and protection standards.

**Policy T3.5** Employ traffic calming measures on residential streets to discourage or slow neighborhood through-traffic.

**Policy T3.6** Use landscaped medians, pedestrian bump-outs, roundabouts and other traffic calming measures to reduce speeds and increase safety. Where appropriate, design these facilities to provide pedestrian refuge areas that reduce pedestrian crossing distances, reduce conflict points and enhance streetscape landscaping. Use other traffic calming measures that offer pedestrian protection such as on-street parking, or increase driver awareness of pedestrians through the use of textured pavement and signage.

**Policy T3.7** Avoid the creation of excessively large blocks and long local access streets that are uninterrupted by intersections, mid-block neck-downs, or other traffic calming elements in order to discourage higher motor vehicle speeds that reduce pedestrian and cyclist safety.

**Policy T3.8** Avoid the construction of sidewalks next to street curbs or highway shoulders and provide physical separation between traffic lanes and sidewalks to enhance pedestrian safety, add to sidewalk users' comfort, and encourage higher pedestrian usage. Wherever possible, separate pedestrians from traffic lanes by installing landscaped planter strips that include street trees.

**GOAL T4** Improve vehicular and pedestrian traffic circulation within the City to enhance the quality of life.

**Policy T4.1** Ensure that streets and sidewalks provide access between residential neighborhoods and areas that are common destinations, including commercial and mixed use areas, schools, and parks. Maintain and enhance continuity of the street and sidewalk pattern by avoiding dead-end and half-streets not having turnaround provisions and by requiring through-connections in new developments.

**GOAL T6** Develop facilities for pedestrians and cyclists to achieve a walkable community to support active and independent living, health, environmental quality and cost savings for travel.

**Policy T6.1** Require sidewalk facilities on all new and substantially redeveloped public streets to enhance public safety. Ensure the provision of sidewalks in close proximity to schools to offer protection for children who walk to and from school. Assign high priority to projects that complete planned pedestrian facilities or

trails. Support the provision of pedestrian facilities on non-arterial streets to supplement principal pedestrian facilities located on arterials. Ensure that crosswalks, signing, and pedestrian-activated signals conform to the Manual on Uniform Traffic Control Devices (MUTCD).

**Policy T6.2** Develop a system of bicycle routes, pathways and other facilities that allows people to conveniently travel between and within neighborhoods and local parks, commercial and mixed use areas. Coordinate the planning, design, and construction of these facilities with the Washington State Department of Transportation when developing improvements, including park and ride facilities, along SR 507. Base the design and type of bicycle facilities on the design standards for the functional classification of the roadway.

**Policy T6.3** Require that during the project review process for new development or redevelopment:

- Projects are consistent with applicable pedestrian and bicycle plans, master plans and development standards;
- Planned facilities include required frontage and crossing improvements consistent with applicable pedestrian and bicycle plans;
- On-site bicycle trails and pedestrian facilities have formal, direct and safe connections between buildings and subdivisions and the general circulation system;
- New subdivisions and short plats include, consistent with state law, the required pedestrian facilities (frontage and off-site improvements) that assure safe walking conditions for students who walk to and from school; and
- Safety and security considerations for pedestrians and cyclists are factored into the review of development proposals.

**GOAL T7** Maintain a consistent level of service on the arterial system that mitigates impacts of new growth and is adequate to serve adjoining land uses.

**Policy T7.1** Except as otherwise designated, establish a capacity LOS standard C for intersections and roadways on arterials and minor streets where they intersect with an arterial street.

**Policy T7.2** Ensure transportation facilities and services are in place concurrent with or within a reasonable time period to support growth as it occurs consistent with the Growth Management Act, as restated in VISION 2040 and the Pierce County Countywide Planning Policies. Make sure facilities and services do not drop below the adopted level of service and thereby cause negative impacts such as congestion, diminished safety, environmental and health impacts. Ensure concurrency by requiring payment of traffic impact fees to be used for capacity improvements, using SEPA to mitigate development-related impacts, or requiring developers to pay a proportionate share of traffic mitigation measures to maintain the adopted level of service.

**Policy T12.2** Adopt and implement design standards to improve water quality and create more appealing streetscapes. Emphasize the use of landscaping elements in street improvement projects that help curb stormwater runoff – bioswales, planters, rain gardens, and street trees – and that are mutually beneficial for mobility and ecology. Design these green elements to be deterrents of crashes and injuries and contribute to a more comfortable and visually interesting environment for all users. When designing complete streets, include trees and other plants to clean runoff and manage stormwater at the site. Use traffic-calming elements like islands, medians and curb extensions to provide site opportunities for bioswales, street trees, and rain gardens.

**GOAL T13** Consider benefits and impacts to health of all population segments in the design of transportation infrastructure by providing opportunities for exercise, and reducing exposure to air, water and noise pollution.

**Policy T13.1** Identify opportunities for bike lanes, sidewalks, pathway and trail connections between neighborhoods and to parks and schools to encourage greater pedestrian facility use and reduce reliance on automobiles. Support the construction of improvements to trail systems to provide connections between parks and neighborhoods for walkers and cyclists.

**Policy T13.2** Design, build and maintain bike lanes, sidewalks, paths and trails to expand opportunities for walking and biking to improve individual and community health. Provide transportation facilities that are walkable and bicycle friendly to improve economic and living conditions so that businesses and skilled workers are attracted to the City.

The following Comprehensive Plan goals and policies pertain to the provision of parks and open space -- and the payment of impact fees impact fees as a means by which to achieve park, recreation, and open space objectives:

**GOAL P1** Work with public and private entities to develop a high quality, diversified system of parks, recreation facilities, and open spaces that are attractive, safe, functional, conveniently accessible, and available to all segments of the population.

**Policy P1.1** Provide a mix of passive and active parks, open spaces and activities that fulfil the recreational needs of the City's residents.

**Policy P1.2** Develop new, or improve existing, multi-use facilities to increase flexibility of use for new activities, or other new trends, when there is a demonstrated need in the community.

**Policy P1.3** Design and manage park facilities and recreational trails to offer universal accessibility for residents of all physical capabilities, skill levels, ages, incomes, and activity interests.

**Policy P1.4** To ensure adequate park and open space land is dedicated within Roy, the city should ensure that park or open space land has been dedicated or impact fees collected to contribute to park land acquisition and facility development before granting development or redevelopment approvals for residential projects.

**Policy P1.8** To ensure walkability and accessibility, the city should support the provision of convenient access to a park with a play structure, an open space area, or a trail within ½ mile of all residents.

**Policy P3.4** Preserve and protect significant environmental features for parkland open space use, including unique wetland, open spaces, and woodlands that reflect Roy's natural heritage.

**GOAL P4** Enhance Roy's landscape and provide habitat for wildlife by increasing the amount of property permanently dedicated for open space uses with preference given to properties having the greatest significance as critical areas, properties that can act as buffers between different land use types and intensities, and properties that represent a valuable natural or aesthetic asset to the community.

**Policy P4.1** To enhance Roy's landscape and provide habitat for wildlife, the city should encourage an increase in the amount of property permanently dedicated as open space, with preference given to properties having the greatest significance as critical areas and properties that can act as buffers between different land use types and intensities. Consistent with Countywide Planning Policy Environment-15, methods the City may use to increase public open space include, but are not limited to:

- Public acquisition of property in fee simple or through development easement acquisition;
- Private acquisition with covenants, conditions and/or restrictions limiting the use of the property to open space; and
- Alternatives to public purchase, including, but not limited to: flexible zoning, subdivision and regulatory approaches designed for protection or preservation; land trust; conservation easement; transfer of development rights, purchase of development rights, and other compensable regulatory approaches; donations; preferential assessments; planned developments; dedications; impact fees; view easements; and use value assessments.

**GOAL P5** Conduct appropriate long range and current planning analyses that will support the preservation, development, maintenance and expansion of park, recreation and open space facilities to meet the long-term needs of the community.

**Policy P5.4** To ensure adequate park and open space land is dedicated within Roy, the City should ensure that park or open space land has been dedicated or impact fees collected to contribute to park land acquisition and facility development before granting development or redevelopment approvals for residential projects.

**Policy P5.5** Improvements to dedicated open space should be appropriate for the natural constraints imposed by the open space area. Proposed improvements in critical areas designated as open space should be subject to review under the critical areas ordinance.

**Policy CF1.2** Require transportation, storm water and water facilities concurrent with development. Other public facilities such as schools and parks will be provided based on adopted plans and development schedules.

**Criteria A -- Park Impact Fee Analysis.**

**RCC Title 3 Chapter 5 Parks Impact Fee** establishes a parks impact fee program consistent with the Roy comprehensive plan for joint public and private financing of parks improvements necessitated by development. A purpose is to ensure adequate levels of parks service consistent with the comprehensive plan. It creates a mechanism to fairly collect fees to ensure that all new development bears its proportionate share of the capital costs of parks facilities. For each new residential dwelling unit permitted in the City, the permit applicant shall, at the time that the applicable building permit is ready for issuance, pay a parks impact fee as set forth in the City of Roy Fee Schedule. The current fee is \$903.00.

**RCC 3-5-3** allows for the adjustment of fees if a subdivider dedicates parks to the City. This section provides:

*If a subdivider of land desires to dedicate to the general public any land and/or facilities for recreational purposes, and if said land or facilities satisfies a specific recreational need as identified in the parks element of the comprehensive plan, and if the size, location, developability, and other characteristics of said land or facilities comply with that portion of the parks element entitled "satisfying the deficits", then the City may accept such dedication and credit toward the parks impact fee to be paid by future builders of homes in said subdivision an amount representing that housing unit's pro rata share of the fair market value of the land and/or facilities dedicated to the public.*

**Criteria A – RCC 11-46 Additional Approval Requirements.**

Code requirements for dedications, releases from damages, and bonds generally apply to the final plat stage. Provisions pertaining to flood, inundation or swamp conditions do not apply given the absence of these conditions on the site.

**Analysis of Criteria B -- Appropriate Provisions.**

**Public health** – The plat will be accessible to emergency responders via a mix of paved public and private streets, and will provide a planned, orderly and code-compliant residential neighborhood for the Roy community.

- *Safety and general welfare* – The plat will be served by Roy City Police and South Pierce Fire and Rescue District.
- *Open spaces* – The preliminary plat includes a 4.94-acre Oregon White Oak Conservation area (Tract A), and a 4.84-acre open space/wetland/wetland buffer area (Tract C). Combined recreational/environmental conservation open space totals 10.01 acres, roughly 26.1% of total site area. The plat includes three additional open space areas (Tracts B, D, and F) that serve as primary and reserve drainfields facilities, an additional open space area (Tract E) that serves as a storm facility, and a cell tower site (Tract G). These utility open space areas total 3.19 acres, roughly 8.3% of total site area.
- *Drainage ways* – Project design, implementation, construction, and maintenance are required to comply with the current applicable *Stormwater Management Manual for Western Washington*. The project intends to meet the Manual’s LID Performance Standard. To comply with this standard, most of drainage from the developed plat is proposed to be collected by catch basins and conveyed to an infiltration pond located along the western boundary of the site (Tract E) for water quality/quantity control.
- *Streets or roads, alleys, other public ways* – Project designs comply with, or will need to demonstrate compliance with, the City’s *Design Standards and Guidelines for Streetscape Elements* and RCC Chapter 8-2 *Street Construction* standards, except to the extent relief is granted to the applicant by the Examiner through the major variance process.

The project is also anticipated to achieve *Comprehensive Plan Policy T7.1*, which establishes a capacity LOS standard C for intersections and roadways on arterials and minor streets where they intersect with an arterial street. *Policy 7.2* requires payment of traffic impact fees for capacity improvements, using SEPA to mitigate development-related impacts, or requiring developers to pay a proportionate share of traffic mitigation measures to maintain the adopted level of service.

The applicant’s Traffic Impact Analysis (Heath and Associates, June 15, 2022) provides the following summary, with recommended mitigations, and demonstrates project consistency with the applicable transportation concurrency plan policies:

*The Oakview – Roy Meadows is a proposed 79-unit single-family plat located in the city of Roy with a site address of 29401 SR-507 S. The subject site is located on the 38.36-acre tax parcel #: 0217036009. Access to the site is proposed via two roadways extending south from 292nd Street S. Based on ITE data the project is anticipated to generate up to 60 (16 inbound / 44 outbound) AM peak hour trips and 81 (50 inbound / 30 outbound) PM peak hour trips. Baseline 2022 level of service at the study intersection of SR-507 S & 292nd Street S is shown to operate at LOS C or better during the AM and PM peak hours.*

*A five-year horizon of 2027 was analyzed and assumes project buildout and full occupancy. Forecast 2027 AM and PM peak hour delays at the intersection of study and project access are anticipated to operate at LOS C or better indicating no operational deficiencies. Moreover, a left turn lane warrant was analyzed at the study intersection of SR-507 S & 292nd Street S and was found warranted under forecast 2027 PM peak hour conditions. The timing and design of the left turn lane should be made based on discussions with WSDOT. Based on the findings above, proposed mitigation is as follows:*

1. *Construct a left turn lane on SR-507 at 292nd Street S. Procedures described in WSDOT’s Design Manual (Figure 1310-9) were used to ascertain left turn storage length requirements. Based on the 40-mph posted speed limit at the intersection and additional criteria, a*

*southbound 150-foot left-turn storage length appears to be warranted at SR-507 at 292nd Street S. A conceptual southbound left-turn lane design is illustrated in the preceding page. Final design shall be coordinated with and meet WSDOT standards in terms of storage length and tapers.*

*2. Provide MUTCD standard pavement markings and signage at the railroad crossing on 292nd Street E as agreed to with Tacoma Rail. Along with standard railroad crossing sign assemblies along 292nd Street E, it is recommended to include MUTCD warning sign—W10-3—at the western proposed access road due to proximity to rail crossing.*

The mitigations recommended by Heath and Associates are listed as mitigation measures #7 and #8 in the modified MDNS. WSDOT will require an intersection control evaluation (ICE) to be performed for proposed improvements to the SR-507/292nd Street South intersection.

- *Transit stops* – This consideration is inapplicable, as the City of Roy is currently not served by public transit.
- *Potable water supplies* – The City of Roy has issued a Certificate of Water Availability. Tacoma Pierce County Health Department has approved drinking water for the plat, per Michelle Harris, June 28, 2022.
- *Sanitary wastes* – Tacoma Pierce County Health Department has approved on site sewage disposal for the plat, per George Waun, RS, June 15, 2022.
- *Power* – Puget Sound Energy will serve the plat with electric utility service.
- *Parks and recreation* – *The Roy City Park* is approximately 1.5 miles from the Oakview Plat. The plat includes a 5.17-acre Oregon White Oak Conservation area (Tract A), and a 4.84-acre open space/wetland/wetland buffer area (Tract C). Combined passive open space recreation area totals 10.01 acres. Park impact fees pursuant to Chapter 3-5 RCC will also apply to the homes constructed within the plat.
- *Playgrounds* – The nearest public playground is located at Roy City Park, approximately 1.5 miles from the Oakview Plat. The Roy Elementary School playground is approximately one mile from the Oakview Plat.
- *Schools and school grounds* – Oakview Plat students attending Bethel School District facilities will be bused to Roy Elementary School, Cougar Mountain Middle School, and Bethel High School. The City's modified MDNS requires the applicant to pay school impact fees to the District to increase capacity at Roy Elementary and Bethel High to house the additional students expected to reside in the plat.
- *Sidewalks and other planning features that assure safe walking conditions for students who walk to and from school* – The applicant will need to comply with Bethel School District requirements for the installation of a school bus stop at the Oakview Plat's easternmost street intersection at 292<sup>nd</sup> Street South. Oakview students riding a school bus to or from a District school will be picked up or dropped off at this bus stop. The proposed plat design includes sidewalks on all internal streets. The applicant has requested a major variance to eliminate the requirement for a sidewalk on the south side of 292<sup>nd</sup>. Students walking to and from Roy Elementary would travel approximately 0.9 to 1.3 miles each direction.

### **Analysis of Criteria C -- Public Interest.**

The proposed subdivision will serve the public use and interest by providing an attractive location for a single-family residential subdivision with significant amenities. The 79 proposed lots will be highly variable in size with the intent being to provide a mix of single-family housing at various price points that will help meet housing demand at different market levels. The plat will dedicate as permanent open space a 4.94-acre Oregon White Oak Conservation area (Tract A), and a 4.84-acre open space/wetland/wetland buffer area (Tract C). Combined recreational/environmental conservation open space accessible to the public will total 10.01 acres, roughly 26.1% of total site area. A large portion of the existing stand of Oregon White Oak will be preserved, enhanced, and managed for long term habitat values and passive recreation. Environmentally sensitive areas including a Category III wetland and associated buffer will be permanently dedicated for protection from project impacts. The proposal includes the installation of 671 deciduous trees and 185 conifers (856 total) to be planted within the Oregon White Oak Conservation area (Tract A), the wetland buffer in Tract C, rear yards, and as street trees within the street ROWs. Pedestrian facilities (sidewalks and pathways) will be constructed on all public streets and within Tract A to help ensure pedestrian safety and facilitate healthy recreational activity.

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**MAJOR VARIANCE PROCESS:** Decisions on Type III-A major variance applications are made by the Examiner in accordance with RCC 11-4-3.

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### **CRITERIA FOR VARIANCE APPROVAL (RCC 11-32-3):**

Before any variance may be granted, the review authority (Examiner) shall adopt written findings showing that the following criteria are met by the proposal:

- A. There are special circumstances applicable to the subject property or to the intended use such as size, shape, topography, location, or surroundings that do not apply to other property or class of use in the same vicinity and zoning classification.*
- B. The variance is necessary for the preservation and enjoyment of a substantial property right or use that is possessed by other property in the same vicinity and zoning classification but denied to the subject property because of special circumstances.*
- C. The granting of the variance will not be materially detrimental to the public welfare or injurious to property or improvements in the vicinity and zoning classification in which the subject property is located.*
- D. Strict enforcement of the provisions of this title would create a practical difficulty or unnecessary hardship for the property owner.*
- E. The practical difficulty or unnecessary hardship has not been created by the owner or by a predecessor in title. (This finding does not apply if the zoning classification for the property has changed and the difficulty or hardship was created solely as a result of the reclassification.)*



*F. The granting of the variance will be consistent with the purpose and intent of the zoning classification and the comprehensive plan land use designation of the subject property and will not conflict with other applicable codes, design guidelines, and comprehensive plan goals and policies.*

Additionally, per RCC 11-32-2, “[t]he review authority shall not grant a variance that establishes a use otherwise prohibited within a zoning district.”

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**Staff Analysis -- Cul-De-Sac Street Design Variance:**

A major variance has been requested to construct cul-de-sacs at the ends of two interior streets in lieu of a single loop street. The variance application provides the applicant’s rationale for the request and a discussion as to the benefits of using cul-de-sacs in lieu of hammerhead designs or a loop street.

The City’s *Design Standards and Guidelines for Streetscape Elements* applies *Neighborhood Street* standards to the plat’s streets. These standards state, in part:

*Cul-de-sacs are permitted only when site topography, property configuration or other physical constraints require their use to provide adequate access to portion of a site. A hammerhead design turnaround should be used in lieu of a cul-de-sac when it provides access no more than six dwelling units, provided the city makes a determination that the street (and subdivision) design will fully address all fire and life safety issues and provide functional vehicular and pedestrian circulation.*

Since the initial plat design was submitted to the City for review, numerous iterations have been presented. An earlier version of the plat relied on a loop street to serve a block containing 10 lots east of Tract A. The City had concerns that this design would require a substantial amount of earthwork that would eliminate numerous significant trees as defined in RCC 11-24-10. A. RCC 11-24-10. B states (in part):

*For new development, site improvements shall be designed and constructed to retain existing significant trees to the extent practicable. Significant trees that do not interfere with the proposed development shall be retained.*

Although a loop street *could potentially* be designed to meet the *Neighborhood Street* standards, the City’s preference is for a cul-de-sac design that would reduce the footprint of the street and retain more trees, per RCC 11-24-10. B. Such a design would, however, trigger the need for a variance to be approved.

The streetscape standards express a preference for hammerheads but also state that these should not serve more than six lots. Since the proposed streets would serve between eight and 12 lots each depending on driveway locations, the City prefers the use of cul-de-sacs instead of hammerheads at these two locations, consistent with the applicant’s variance request. Except as stated below, the City also generally concurs in the applicant’s stated rationale for the requested variance.

Analysis of Variance Criteria as they apply to the street design variance:

*A. There are special circumstances applicable to the subject property or to the intended use such as size, shape, topography, location, or surroundings that do not apply to other property or class of use in the same vicinity and zoning classification.*

Staff comment: The presence of a substantial number of significant trees (Oregon White Oak) when combined with steeply sloping topography in this portion of the site make it difficult to construct a loop street without greatly increasing the number of significant trees required to be removed to accommodate a loop design or shifting the street location to the east to minimize tree removal, thereby reducing the number of lots.

*B. The variance is necessary for the preservation and enjoyment of a substantial property right or use that is possessed by other property in the same vicinity and zoning classification but denied to the subject property because of special circumstances.*

Staff comment: Requiring a loop street in this location would eliminate numerous additional significant trees or result in the loss of multiple homesites. The use of a cul-de-sac design in this location would be consistent with how adjacent neighborhoods are served by cul-de-sac streets.

*C. The granting of the variance will not be materially detrimental to the public welfare or injurious to property or improvements in the vicinity and zoning classification in which the subject property is located.*

Staff comment: Relying on two cul-de-sac streets to serve a limited number of lots will satisfy emergency vehicle access requirements.

*D. Strict enforcement of the provisions of this title would create a practical difficulty or unnecessary hardship for the property owner.*

Staff comment: Requiring a loop street in this location would eliminate numerous additional significant trees or result in the loss of multiple homesites – each of which would be a practical difficulty or unnecessary hardship for the property owner.

*E. The practical difficulty or unnecessary hardship has not been created by the owner or by a predecessor in title. (This finding does not apply if the zoning classification for the property has changed and the difficulty or hardship was created solely as a result of the reclassification.)*

Staff comment: The practical difficulty stems from unique site conditions, namely steep topography and the presence of significant trees.

*F. The granting of the variance will be consistent with the purpose and intent of the zoning classification and the comprehensive plan land use designation of the subject property and will not conflict with other applicable codes, design guidelines, and comprehensive plan goals and policies.*

Staff comment: The Comprehensive Plan and Land Development Code each support the development of housing to help meet the current and projected demand. Granting of this variance will support additional housing construction beyond what would be possible under strict application of the code. The resulting street design will meet all other applicable street design standards and guidelines.

***Recommendation: The City supports approval of the requested cul-de-sac street design variance.***

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### **Staff Analysis – Tree Retention and Replacement Variance**

A major variance has also been requested to reduce the number of replacement trees required to be planted as mitigation for removal of significant trees on the site. The variance application provides the applicant's rationale for the request and an analysis of the extent to which tree replacement can be achieved while balancing site constraints with competing objectives of the Comprehensive Plan and other RCC requirements. The City is generally in agreement with the applicant's rationale except as set forth herein.

The pertinent provisions are found in *RCC 11-24-10 Retention and Protection of Significant Trees*. Subsection A defines significant trees as being:

*“Healthy evergreen or deciduous trees that have a minimum caliper of 12 inches dbh, and Garry Oak, also known as Oregon White Oak, which have a minimum caliper of 9 inches dbh”.*

Subsection B provides the parameters for retention, maintenance, and removal of significant trees. It states, in part:

*“For new development, site improvements shall be designed and constructed to retain existing significant trees to the extent practicable. Significant trees that do not interfere with the proposed development shall be retained.”*

Subsection F provides replacement ratios for the removal of significant trees. The ratios are based on the size and type of significant trees being removed and in some instances the size and type of replacement tree. The code's *minimum tree replacement ratio table* provides the applicant with latitude to plant fewer larger trees or additional smaller trees to achieve the same tree replacement goals.

The Variance application states that 427 significant trees would be removed from the site, triggering a requirement for replacement with either a mixture of 1,923 large and small trees or 2,139 small trees. The applicant is seeking relief from this requirement by requesting a 60% reduction in the number of replacement trees. This would result in a replacement requirement of either a mix of 769 large and small trees, or 856 small trees.

Bradley Design Group, Inc. has prepared for the applicant a preliminary tree replacement plan that shows the types and locations where replacement trees could be planted. The plan calls for 671 deciduous trees and 185 conifers (856 total) to be planted within the Oregon White Oak Conservation area (Tract A), the wetland buffer in Tract C, rear yards, and as street trees within the street ROWs. There may be additional planting opportunities available on-site, including within allowable building setbacks, but these are likely limited due to potential conflicts with septic drainfields and utilities, and other physical constraints. The City believes the preliminary tree replacement plan represents a reasonable assessment of on-site tree planting capacity.

The City's tree retention and replacement provisions contemplate and may work well for sites where there are few significant trees and/or greater opportunities for replacement tree plantings. The Oakview plat, however, given the extensive forested area largely comprised of Garry Oak, can only meet the replacement standards on-site by significantly reducing the number of lots and the area of the site devoted to housing. This conflicts with the applicant's goals of providing a range of housing options, which are shared by the city as expressed through its Comprehensive Plan goals and policies.

Subsection G provides options for off-site planting or in-lieu payment, as follows:

*"If the tree replacement requirement under section F results in an excess of the minimum number of trees required elsewhere in this chapter and there is insufficient space to accommodate the replacement trees on site, the additional trees may be planted off-site upon the approval of the city. The city may accept the additional trees or payment in lieu of the additional trees for tree plantings on public property. In-lieu payment shall be based on cost of the tree and professional installation multiplied by 125% to provide additional funding for maintenance. Upon acceptance, the city shall attempt to locate the trees on a public site that is as close to the donor property as practicable."*

The City has explored options for off-site tree planting on public property and is unable to identify locations that could accommodate a significant number of trees. The City also has concerns about maintenance responsibilities for any new public trees given staffing capacity constraints even if it were to receive in-lieu fees.

Analysis of Variance Criteria as they apply to the tree retention and replacement variance:

*A. There are special circumstances applicable to the subject property or to the intended use such as size, shape, topography, location, or surroundings that do not apply to other property or class of use in the same vicinity and zoning classification.*

Staff comment: The stand of Oregon White Oak is unique in Roy in terms of the large area it covers and the concentration of a large number of trees.

*B. The variance is necessary for the preservation and enjoyment of a substantial property right or use that is possessed by other property in the same vicinity and zoning classification but denied to the subject property because of special circumstances.*

Staff comment: The presence of a substantial number of significant trees (Oregon White Oak) makes it difficult to construct a sizable number of lots without removing a large number of trees on this site. Replacement of trees at the level required by code is not physically possible on the site as there is insufficient room to accommodate them. Other properties in the City are not faced with this tradeoff to the same extent.

*C. The granting of the variance will not be materially detrimental to the public welfare or injurious to property or improvements in the vicinity and zoning classification in which the subject property is located.*

Staff comment: A large portion of the existing stand of Oregon White Oak will be preserved, enhanced, and managed for long term habitat values and passive recreation. The proposal includes the installation of 671 deciduous trees and 185 conifers (856 total replacement trees) as mitigation for the loss of significant trees.

*D. Strict enforcement of the provisions of this title would create a practical difficulty or unnecessary hardship for the property owner.*

Staff comment: Strict enforcement would require the installation of a mix of 1,923 large and small trees or 2,139 small trees, whereas the site can only physically support a mix of 769 large and small trees, or 856 small trees. The applicant would need to pay a cost-prohibitive in-lieu fee to the city for the trees it was unable to plant or it would need to substantially reduce the number of platted lots, thereby impacting project viability.

*E. The practical difficulty or unnecessary hardship has not been created by the owner or by a predecessor in title. (This finding does not apply if the zoning classification for the property has changed and the difficulty or hardship was created solely as a result of the reclassification.)*

Staff comment: The practical difficulty stems from unique site conditions, namely the presence of an unusually large stand of mature Oregon White Oak.

*F. The granting of the variance will be consistent with the purpose and intent of the zoning classification and the comprehensive plan land use designation of the subject property and will not conflict with other applicable codes, design guidelines, and comprehensive plan goals and policies.*

Staff comment: The Comprehensive Plan and Land Development Code each support the development of housing to help meet the current and projected demand. And, they each support the retention of significant trees to the extent practicable. Granting of the variance will balance these competing goals and objectives in a manner consistent with the purpose and intent of the SFR zoning classification and the LDR comprehensive plan land use designation for the subject property.

***Recommendation: The City supports approval of the requested tree retention and replacement variance.***

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### **Staff Analysis – 292<sup>nd</sup> Street South – Street Design Variance**

The existing 292<sup>nd</sup> Street South, a private street, would serve as the northerly boundary for the project. A major variance has been requested to retain the existing street width and eliminate requirements to add parking and a sidewalk on the south side of the street. This street currently provides access from SR 507 to the 83-lot Oakview Heights residential plat located east of the proposed Oakview Plat. The 79-lot Oakview Plat would likewise be provided access from SR 507 via 292<sup>nd</sup>. The variance application provides the applicant's rationale for the request and presents justifications for approval.

The existing 292<sup>nd</sup> Street functions to some degree as a *Local Feeder Street* under the City's *Design Standards and Guidelines for Streetscape Elements*, as it provides a feeder connection between SR507 and the existing Oakview Heights neighborhood. This street also has characteristics of a *Neighborhood Street* in that it has a narrower width more commonly associated with neighborhood streets than local feeder streets. And, it has more of a residential character than what may be more commonly associated with a feeder street given the number of homes on lots abutting, and gaining direct access from, the street. The City has advised the applicant that it will

apply *Neighborhood Street* standards to 292<sup>nd</sup>. The variance seeks relief from three of these design standards.

First, it requests approval of a design that would retain the existing 24-foot pavement section width, whereas a minimum 28-foot width is required. Second, it requests relief from a requirement that curbside parking be constructed. Third, it requests relief from a requirement that a sidewalk be constructed on the south side of the street.

RCC 11-47-4.C requires sidewalks to be constructed on both sides of all public and private streets in new subdivisions, except when exempted in accordance with the City's streetscape standards and guidelines. The City may also waive the requirement for sidewalks in exceptional circumstances when, due to topography or other physical or environmental constraints, such construction would be infeasible or contrary to the public interest.

The City interprets the RCC provisions requiring street improvements, including sidewalks, as applying only to the south side of 292<sup>nd</sup> where the project fronts the street. Half-street improvements on the south side are required to meet code except when modified through the variance process. The north side of 292<sup>nd</sup>, which serves lots located in the Oakview Heights plat, would not be required to undergo upgrades to current City standards.

Parking and pavement width. 292<sup>nd</sup> functions as a local neighborhood street that serves a low-density residential neighborhood with relatively large lots. Historically, 292<sup>nd</sup> has not been used for parking. Lots 1-8 of Oakview Heights are located directly across the street from the proposed Oakview Plat and are sufficiently large to provide off-street parking that meets current and anticipated parking demand for these lots.

The proposed lots on the south side of 292<sup>nd</sup> within the Oakview Plat will have driveways and front doors oriented to an interior street – away from 292<sup>nd</sup>. Given the proposed plat configuration, the City believes it unlikely that residents of these homes and their visitors will park on 292<sup>nd</sup>. The City supports retaining the existing 24-foot pavement width, which exceeds the requirement to provide two 10-foot drive lanes. In addition, the City supports waiving the requirement for adding curbside parking on the south side of 292<sup>nd</sup>, as current and anticipated parking demand would not warrant additional stalls. The City prefers keeping the street at its current width to minimize impervious surface and calm traffic.

Sidewalk installation. The city's *Neighborhood Street* standards and guidelines require the installation of a 6-inch vertical cement concrete curb, a 5.5 to 7-foot planted buffer strip, and 5-foot cement concrete sidewalk on both sides of a street, or as the City intends to apply the code, on the south side only for 292<sup>nd</sup>.

As noted above, the existing street functions to some extent as a feeder for the 83-lot Oakview Heights Addition. The proposed 79-lot Oakview Plat would contain a number of neighborhood streets dedicated to the public. Two of these interior streets would connect to 292<sup>nd</sup>, which extends to the west where it connects to SR507. The City anticipates a sizable number of Oakview Plat residents and visitors will access the neighborhood via 292<sup>nd</sup> at the easternmost intersection given the proximity of numerous lots and the ease of access this intersection would offer. The most direct route for many Oakview Plat residents and visitors to SR507, whether their trips are via automobile or bicycle or by walking, would be via the easterly street connection to 292<sup>nd</sup>.

The applicant's variance application states that current residents of Oakview Heights Addition do not walk on 292<sup>nd</sup> and that it is doubtful that a newly added sidewalk would cause people to start walking on this street. The City has received emailed comments from Tim and Shauna Baker, in

response to the NOA, expressing concerns that dangerous conditions currently exist for walkers on 292<sup>nd</sup>, which was built without sidewalks under Pierce County codes. The City shares these concerns and anticipates that doubling the number of homes in the neighborhood, from 83 today in Oakview Heights -- to 162 with the addition of the Oakview Plat, will increase the pool of potential walkers placed in harm's way on 292<sup>nd</sup> if a sidewalk is not constructed.

The applicant argues that a sidewalk on 292<sup>nd</sup> is not required for the Examiner to find that there are appropriate provisions being made *for sidewalks and other planning features that assure safe walking conditions for students who walk to and from school*. The Bethel School District (District) has identified a proposed location for a school bus stop at the easterly street connection to 292<sup>nd</sup> (email from the District's Caitlin McIntyre to Staci Saunders of Apex Engineering, Inc.). For those school children riding the bus to school, the City concurs that it is unlikely they will be accessing the bus stop via 292<sup>nd</sup>. However, these and other schoolchildren from the new neighborhood may well be inclined to walk on 292<sup>nd</sup> at other times on weekdays and on weekends.

People of all ages may choose to walk on 292<sup>nd</sup> since it would be the most direct route for many trips. And, the new streets combined with 292<sup>nd</sup> will provide a loop for residents and visitors traveling by auto, bicycle or on foot, whether a sidewalk is provided. It is unrealistic to assume that all Oakview Plat residents will avoid walking on 292<sup>nd</sup> by walking much longer distances through the neighborhood. Conversely, if a sidewalk is constructed on 292<sup>nd</sup> Street, public safety will be enhanced, and current and future residents and visitors will walk on this street because they feel safe – unlike today.

Installation of a sidewalk on 292<sup>nd</sup> per Roy City Code standards would support the purpose and intent of the City's streetscape standards and guidelines, per Section 3.1 Sidewalks and Curbs:

*The sidewalk is a unifying element that can knit Roy together, from the city's historic core to the adjacent residential neighborhoods that are being built around it. Providing pedestrian linkages is vital to achieving character and a sense of community. Nicely designed sidewalks that are inviting are principal factors in creating and increasing pedestrian activity. Sidewalks can also aid in decreasing the amount of traffic throughout Roy and providing safe routes for multiple users. Sidewalks can be designed to create a sense of community and social engagement.*

#### **Guidelines**

- *Dedicate adequate space within the public street right-of-way to support a safe, comfortable, attractive, and robust pedestrian environment;*
- *Public sidewalks should provide a direct and continuous pedestrian network that connects neighborhoods to each other with a clear, unobstructed pedestrian pathway that is designed to accommodate the needs of a broad range of users, including the elderly, those with disabilities, and young children; and*
- *Landscaping of the public sidewalk is encouraged as a means of adding color and visual interest, softening the urban edges, providing shade, and improving air quality. Landscaping generally should be located in the amenity and frontage zones and should not obstruct through pedestrian traffic or access to the street.*

Installation of a sidewalk on 292<sup>nd</sup> would also be supported by, and be consistent with, the following Comprehensive Plan discussions, goals, and policies:

**GOAL CC6** *Pay special attention to street design in order to create a sense of unique character that distinguishes Roy from neighboring communities.*

**Policy CC6.3**

*Design and create trails, urban linear parks, sidewalks, bikeways and paths to increase physical activity and connectivity for people by providing safe, direct or convenient links between the following:*

- Residential neighborhoods;
- Schools;
- Parks, open spaces, greenbelts and recreation facilities;
- Employment centers;
- Shopping and service destinations; and
- Civic buildings and spaces.

**A MULTIMODAL TRANSPORTATION NETWORK.** *The automobile is expected to remain the dominant mode of transportation for the foreseeable future. However, there appears to be increasing demand for, or desire to use, other forms of transportation. Mass transit, ride-sharing, biking, walking, as well as driving personal vehicles, are increasingly in the mix of choices being considered and used. In today's society, expanding the use of modes of transportation other than the privately-owned automobile will be important in reducing congestion on roadways, emissions, and fuel consumption. Improving circulation in the City for all modes of transportation will help promote the safe, convenient and reliable movement of people, goods and services.*

**GOAL T1** *Develop, maintain and operate a multimodal transportation system that provides for the safe, efficient and reliable movement of people, goods and services.*

**Policy T1.1** *Create a transportation network that includes vehicle, pedestrian and bicycle components located throughout the City -- and transit connections to adjacent communities -- to provide for the safe, efficient, convenient and reliable movement of people, goods and services.*

**ACCESSIBILITY TO TRANSPORTATION** *Approximately one-third of the region's population does not drive or have access to an automobile. This group includes people who choose not to drive, people without licenses or with disabilities, people who are not able to afford a car, and young people under the driving age. These people rely on others to provide them private automobile mobility, public transit, walking and cycling. Providing facilities for all modes of transportation will help enable these individuals to meet their transportation needs and more fully participate in society.*

**GOAL T2** *Transportation improvements within the City should ensure alternative transportation choices are available to the community and provide mobility choices for people with special needs including persons with disabilities, the elderly, young and low-income populations.*

**Policy T2.2** *Design and build complete streets with facilities for all modes of transportation. Connect residential neighborhoods to commercial and mixed use areas with sidewalks, paths and bike lanes to provide greater access to transportation choices for those who do not drive and those who have limited mobility resources.*

**TRANSPORTATION SAFETY** *Transportation safety is affected by how the transportation system is designed, constructed, operated and maintained. Traffic conditions on residential streets can greatly affect neighborhood livability and environment. When streets are safe and pleasant, the quality of life is enhanced. When high vehicle speeds or excessive volumes of through traffic become a daily occurrence, residents' sense of community and personal well-being are threatened. These in turn can lead to related problems, such as collisions, conflicts with driveway access, and unreasonable safety risks for pedestrians and cyclists.*

**GOAL T3** *Improve the safety of the transportation system, reduce speeds and protect the quality of life in residential neighborhoods.*

**Policy T3.2** *Protect the quality of life in residential neighborhoods by monitoring traffic volumes and developing comprehensive, integrated and cost-effective traffic, bicycle and pedestrian safety*



improvements in residential areas. Such improvements may include sidewalks and pathways to connect to schools, parks, and transit stops -- should transit service become available in the community. Additional improvements may include signage, bicycle facility and street improvements that include traffic calming design elements.

**Policy T3.8** Avoid the construction of sidewalks next to street curbs or highway shoulders and provide physical separation between traffic lanes and sidewalks to enhance pedestrian safety, add to sidewalk users' comfort, and encourage higher pedestrian usage. Wherever possible, separate pedestrians from traffic lanes by installing landscaped planter strips that include street trees.

**VEHICULAR AND PEDESTRIAN CIRCULATION** Roadway, sidewalks, trails, designated bicycle areas, and other areas of public circulation should be designed to provide the highest level of safety for the protection of human life and to ensure that there are transportation choices for people of all ages and abilities. Pedestrian facilities must meet ADA accessibility requirements. An integrated, safety-oriented pedestrian and bicycle system increases mobility choices, reduces reliance on single-occupant vehicles, provides convenient access to schools, commercial and mixed use centers, parks and other recreation areas throughout the city, and encourages regular physical activity to enhance health and wellness.

**GOAL T4** Improve vehicular and pedestrian traffic circulation within the City to enhance the quality of life.

**Policy T4.1** Ensure that streets and sidewalks provide access between residential neighborhoods and areas that are common destinations, including commercial and mixed use areas, schools, and parks. Maintain and enhance continuity of the street and sidewalk pattern by avoiding dead-end and half-streets not having turnaround provisions and by requiring through-connections in new developments.

**SIDEWALKS AND BICYCLE LANES** The needs of cyclists and pedestrians must be integrated in all roadway projects. Sidewalk networks should be well connected with opportunities for regular safe street crossings. The availability of bicycle facilities can encourage people to bike rather than drive for short- and moderate-distance trips. If a roadway is designed to discourage vehicular speeding, it can be comfortably used by pedestrians and cyclists alike. Walking and bicycling provide numerous individual and community benefits related to health, safety, the environment, transportation and quality of life. People who cannot or prefer not to drive should have safe and efficient transportation choices.

**GOAL T6** Develop facilities for pedestrians and cyclists to achieve a walkable community to support active and independent living, health, environmental quality and cost savings for travel.

**Policy T6.1** Require sidewalk facilities on all new and substantially redeveloped public streets to enhance public safety. Ensure the provision of sidewalks in close proximity to schools to offer protection for children who walk to and from school. Assign high priority to projects that complete planned pedestrian facilities or trails. Support the provision of pedestrian facilities on non-arterial streets to supplement principal pedestrian facilities located on arterials. Ensure that crosswalks, signing, and pedestrian-activated signals conform to the Manual on Uniform Traffic Control Devices (MUTCD).

**Policy T6.2** Develop a system of bicycle routes, pathways and other facilities that allows people to conveniently travel between and within neighborhoods and local parks, commercial and mixed use areas. Coordinate the planning, design, and construction of these facilities with the Washington State Department of Transportation when developing improvements, including park and ride facilities, along SR 507. Base the design and type of bicycle facilities on the design standards for the functional classification of the roadway.

**Policy T6.3** Require that during the project review process for new development or redevelopment:

- Projects are consistent with applicable pedestrian and bicycle plans, master plans and development standards;

- *Planned facilities include required frontage and crossing improvements consistent with applicable pedestrian and bicycle plans;*
- *On-site bicycle trails and pedestrian facilities have formal, direct and safe connections between buildings and subdivisions and the general circulation system;*
- *New subdivisions and short plats include, consistent with state law, the required pedestrian facilities (frontage and off-site improvements) that assure safe walking conditions for students who walk to and from school; and*
- *Safety and security considerations for pedestrians and cyclists are factored into the review of development proposals.*

**GOAL T11** *Integrate land use and transportation planning to support active communities through the provision of a variety of travel choices, improve accessibility and mobility.*

**Policy T11.2** *Design and construct complete streets, bicycle-friendly facilities, secure bicycle racks or lockers, and pedestrian pathways.*

**ENVIRONMENTAL HEALTH** *The transportation system within Roy represents major public facilities whose quality of design, sensitivity to human needs, and integration with their surroundings can enhance a small town/rural environment or erode it. The transportation system needs to be designed in a manner that contributes to the long-term benefit of the community and supports Roy's environmental health policies.*

**GOAL T12** *Reduce environmental and health equity impacts associated with transportation infrastructure and operations.*

**Policy T12.2** *Adopt and implement design standards to improve water quality and create more appealing streetscapes. Emphasize the use of landscaping elements in street improvement projects that help curb stormwater runoff – bioswales, planters, rain gardens, and street trees – and that are mutually beneficial for mobility and ecology. Design these green elements to be deterrents of crashes and injuries and contribute to a more comfortable and visually interesting environment for all users. When designing complete streets, include trees and other plants to clean runoff and manage stormwater at the site. Use traffic-calming elements like islands, medians and curb extensions to provide site opportunities for bioswales, street trees, and rain gardens.*

**GOAL T13** *Consider benefits and impacts to health of all population segments in the design of transportation infrastructure by providing opportunities for exercise, and reducing exposure to air, water and noise pollution.*

**Policy T13.1** *Identify opportunities for bike lanes, sidewalks, pathway and trail connections between neighborhoods and to parks and schools to encourage greater pedestrian facility use and reduce reliance on automobiles. Support the construction of improvements to trail systems to provide connections between parks and neighborhoods for walkers and cyclists.*

**Policy T13.2** *Design, build and maintain bike lanes, sidewalks, paths and trails to expand opportunities for walking and biking to improve individual and community health. Provide transportation facilities that are walkable and bicycle friendly to improve economic and living conditions so that businesses and skilled workers are attracted to the City.*

The applicant's variance submittal provides seven "detriments" that would result if the variance were not allowed:

- impacts on privacy from tree removal.
- additional impervious surfaces and stormwater runoff.

- loss of rural aesthetics.
- the unlikelihood that the frontage improvements would connect to similar future improvements to the east and west.
- increased cost with no clear benefit to the ultimate owners of the homes.
- additional road maintenance costs.
- an increase in the cost of housing.

The City offers the following observations and recommendations.

*Tree removal* – There are few significant trees that would be in direct conflict with a new sidewalk. The City is willing to accept a sidewalk design that allows for some undulation in the sidewalk location within the road easement. If there is a significant or otherwise desirable tree that the applicant wishes to retain, it may be possible to shift the sidewalk location closer to the street to accommodate tree retention. The applicant has not provided the City with any detailed plans that identify which trees might warrant some sidewalk deviation. Absent such information, the City is unable to assess if any privacy would be impacted for residents of future homes.

*Impervious surfaces and stormwater runoff* – The applicant could explore the use of pervious or permeable materials that could minimize impervious surface and stormwater runoff. The applicant could also explore the use of drainage swales that could effectively minimize runoff if soils will allow for infiltration.

*Loss of rural aesthetics* – The City has heard from the applicant that some current neighborhood residents would prefer to see the existing street corridor maintained with a more rural appearance. The City is willing to accept a sidewalk and right-of-way improvement design that maintains a more rural character. For example, the use of asphalt in lieu of cement concrete, the use of a more informal street tree planting design with more tree variety and irregular spacing, and the use of a variable planter strip width to accommodate existing tree retention, could all be used to retain a more rural character.

*Frontage improvements connections* – The applicant may be correct that a sidewalk on 292<sup>nd</sup> abutting the Oakview Plat will not connect to similar improvements to the east or west in the foreseeable future. However, the City believes the benefit to the public, including the new residents of the plat, from the construction of a sidewalk on 292<sup>nd</sup> next to the Oakview Plat far outweighs any concern that the residents of the existing Oakview Heights plat will not have comparable facilities built along their street frontages. While the sidewalk is intended to address a public safety issue for new Oakview Plat residents and visitors, existing Oakview Heights residents may well benefit from a safer 292<sup>nd</sup> Street, as well.

*Increased cost with no clear benefit to homeowners* – The ability to safely walk on neighborhood streets is a substantial recreational benefit that should be capitalized on as a selling point to prospective buyers.

*Additional road maintenance costs* – The City concurs there will be an incremental increase in maintenance costs that will be borne by an HOA.

*Increase in the cost of housing* – The City has no information on which to determine whether construction of a sidewalk will lead to more expensive housing. Many factors may influence the cost of housing.

#### Sidewalk Variance Findings.

- The City has identified there is a public problem, namely the lack of safe pedestrian access on the principal street providing access to the proposed Oakview Plat. Application of the City's codes to the project, which is supported by, and consistent with, numerous Comprehensive Plan goals and policies, is designed to address this public problem.
- The City has identified that doubling the number of homes in the existing Oakview Heights Addition / planned Oakview Plat neighborhood accessing 292<sup>nd</sup> Street South, from 79 homes to 162 homes, will exacerbate the identified public problem.
- Construction of a sidewalk on the south side of 292<sup>nd</sup> to connect with the neighborhood streets internal to the Oakview Plat neighborhood will solve or alleviate the identified public problem.
- The Oakview Plat would add 79 homes to the neighborhood accessing 292<sup>nd</sup>. This represents 49% of the total homes in the neighborhood, existing and proposed. The required half-street improvements, including sidewalk, on the south side of 292<sup>nd</sup> abutting the project site but not including improvements on the north side of the street abutting the existing Oakview Heights plat, will be roughly proportional to that part of the problem that is created by the development.
- The 292<sup>nd</sup> Street South design variance should be approved, in part, by authorizing a reduced (current) street width of 24 feet and the elimination of the requirement to add curbside parking. The portion of the variance requesting relief from the sidewalk requirement should be denied. The City supports a condition of approval that would allow alternative pavement, variable planter strip width, and flexibility in street tree placement.

Analysis of Variance Criteria as they apply to the street design variance:

In regards to the applicant's requested variance to reduce the width of 292<sup>nd</sup> Street South, the City generally concurs with the applicant's stated rationale as set forth in the applicant's August 31, 2022 variance application. However, the City disagrees with the applicant's variance request as it relates to the sidewalk requirement.

*A. There are special circumstances applicable to the subject property or to the intended use such as size, shape, topography, location, or surroundings that do not apply to other property or class of use in the same vicinity and zoning classification.*

Staff comment: All of the homes being proposed by the project do not front on 292<sup>nd</sup> Street South, but rather front on new interior streets within the plat. As such, it is unlikely that people will need parking on 292<sup>nd</sup> in the manner required and to the extent required by the City's regular standards. With respect to sidewalks, however, there is nothing unique about the subject property or the surrounding area that would operate to satisfy this criterion.

*B. The variance is necessary for the preservation and enjoyment of a substantial property right or use that is possessed by other property in the same vicinity and zoning classification but denied to the subject property because of special circumstances.*

Staff comment: With respect to the road widening request, the applicant's request would effectively allow the development and use of the subject property in a manner consistent with how similar neighborhoods in the vicinity are configured and used. The same rationale, however, does not necessarily apply with respect to the requested sidewalk variance. Other

streets within the vicinity, including without limitation 295<sup>th</sup> Street South, have been successfully developed with sidewalks. The City disagrees that there are special circumstances implicated by the Oakview plat that would justify a variance to avoid the sidewalk requirement.

*C. The granting of the variance will not be materially detrimental to the public welfare or injurious to property or improvements in the vicinity and zoning classification in which the subject property is located.*

Staff comment: With respect to the requested sidewalk variance, the proposed development will increase the volume of traffic on 292<sup>nd</sup>, making it more difficult and more hazardous for pedestrians and bicyclists to use the use.

*D. Strict enforcement of the provisions of this title would create a practical difficulty or unnecessary hardship for the property owner.*

Staff comment: Widening an existing private road would result in the unnecessary removal of trees without a corresponding public benefit. With respect to the sidewalk variance, the City does not believe that enforcement of the City's regular standards would create a hardship or practical difficulty under these circumstances. In practice, many neighborhoods with similar configuration and topography do in fact include sidewalks.

*E. The practical difficulty or unnecessary hardship has not been created by the owner or by a predecessor in title. (This finding does not apply if the zoning classification for the property has changed and the difficulty or hardship was created solely as a result of the reclassification.)*

Staff comment: With respect to the road widening issue, the practical difficulty or hardship results primarily from the fact that the road in question is privately owned and maintained, which is merely a function of history rather than any self-created hardship by the owner its predecessor. With respect to the sidewalk issue, the City again disagrees that there is a practical difficulty or unnecessary hardship in the first instance.

*F. The granting of the variance will be consistent with the purpose and intent of the zoning classification and the comprehensive plan land use designation of the subject property and will not conflict with other applicable codes, design guidelines, and comprehensive plan goals and policies.*

Staff comment: For the reasons set forth above: With respect to the road width variance request, the requested variance would be consistent with the purpose and intent of the single-family residential zoning designation of the property and would allow its reasonable, productive development in a manner that does not unnecessarily cause the removal of trees, which is another value protected by the City's development regulations. With respect to the sidewalk issue, the requested variance is inconsistent with the various policies and goals of the Comprehensive Plan cited above that promote pedestrian movement and safety and specifically encourage sidewalks.

***Recommendation: The City supports approval of the requested street design variance as it pertains to maintaining current street width and eliminating the requirement for adding curbside parking.***

**The City does not support a variance to eliminate the required sidewalk on the south side of 292<sup>nd</sup>.**

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**PRELIMINARY PLAT RECOMMENDATION:** The City recommends approval of the preliminary plat subject to the suggested conditions listed below and any additional conditions deemed warranted by the Hearing Examiner.

Proposed Conditions.

1. The proposed utility plans that have been provided by the applicant provide an overall scheme but will need more detail prior to final plat approval. Utility plans for final plat approval will need to be at a scale no smaller than 1 inch equals 50 feet with profiles for all utilities. The utilities will need to meet or exceed applicable City standards. Final utility design will need to include details showing that the design will meet City standard details.
2. The applicant's Preliminary Drainage Report (March 11, 2022) will need to be updated as the design of the development including individual lots occurs. Without limitation of the foregoing, the Preliminary Drainage Report indicates that some portion of the runoff would be infiltrated at each home site via individual roof downspout infiltration trenches. This should be quantified and included in the analysis of the final report including the final sizing calculations for the stormwater pond and conveyance system.
3. The applicant's proposed stormwater system appears to be schematic in plan view. Profiles for each stormwater alignment may reveal a need for more catch basins where slopes change or other conditions dictate. Conveyance calculations for the stormwater system will need to be included to ensure it is adequately sized.
4. More detail will need to be furnished for the storm pond including pond cross sections, emergency overflow detail, and stormwater facility sizing calculations. Details on maintenance facilities will need to be provided along with an O&M plan. A Stormwater Pollution Prevention Plan will need to be included with the final plat submittal.
5. The applicant's proposed water system as shown may also need some modification in the final design. Waterline profiles may show the need for additional accessories such as air release valves at local high points. In addition, connecting the ends of the two waterlines aligned in the cul-de-sacs to form a loop may be required to meet fireflow requirements.
6. Pursuant to RCC 11-46-4, construction of all improvements shall comply with the City's adopted public works construction standards and subdivision improvement standards, including without limitation the requirements set forth at Chapter 11-47 RCC.
7. The applicant shall comply with all conditions set forth or otherwise referenced in this staff report, including without limitation all conditions imposed by the modified MDNS.

8. The applicant shall comply with all applicable requirements, standards and procedures set forth in the Roy City Code and the City's adopted, plans and policies.

#### **VARIANCE RECOMMENDATIONS:**

- The City recommends approval of the tree retention and replacement variance as requested by the Applicant.
- The City recommends approval of the cul-de-sac street design variance as requested by the Applicant.
- The City recommends approval of the 292<sup>nd</sup> Street design variance as it pertains to maintaining current street width and eliminating the requirement for adding curbside parking.
- The City recommends denial of a variance to eliminate the required sidewalk on the south side of 292<sup>nd</sup>. However, the City does support authorization of administrative approval of alternative pavement, variable planter strip width, and flexibility in street tree placement through the site development review process.



March 22, 2023

Date

City of Roy William Starks as  
SEPA Responsible Official designee



March 22, 2023

Date

Jeff Boers  
City of Roy Planning Consultant

#### **EXHIBITS:**

1. City of Roy Staff Report
2. Preliminary Plat Application
3. Variance Application (292<sup>nd</sup> Street design)
4. Variance Application (cul-de-sac turnarounds)
5. Variance Application (replacement trees)
6. Critical Area Application
7. Notice of Public Hearing (mailed/emailed version)
8. Notice of Public Hearing (published Nisqually Valley News version)
9. Notice of Application
10. Modified Mitigated Determination of Nonsignificance
11. SEPA Environmental Checklist
12. City of Roy Ordinance No. 1008
13. City of Roy Certificate of Water Availability
14. Updated Title Report
15. Bethel SD Bus Stop Location email

16. Oakview Declaration of CC&Rs (draft)
17. Access Easement East Side of Railroad
18. Access Easement West Side of Railroad
19. Tacoma Rail Easement
20. TPCHD Preliminary Plat Application
21. TPCHD Application Receipt
22. TPCHD Preliminary On-Site Sewage Approval
23. Cell Tower Tract G Plat Revision letter
24. Preliminary Plat (Includes Tract G)
25. Preliminary Plat (colored version)
26. Septic Site Plan
27. Boundary and Topographic Survey
28. Preliminary Grading Profiles – Utilities
29. Street Tree Exhibit
30. Wetland Delineation Habitat Report
31. Preliminary Plat Drainage Report
32. Preliminary Tree Protection Plan
33. Preliminary Tree Replacement Plan
34. White Oak Restoration Program
35. Updated Traffic Impact Analysis
36. Tacoma Rail Exhibit
37. Turning Lane Exhibit
38. Traffic Impact Analysis Scoping Information
39. Biological Assessment
40. Comment Letter from Oakview Heights Homeowners Association
41. Notice of Application Comments
42. Notice of Hearing Comments