



## Initial Project Review

### Major Amendment to Approved Preliminary Plat / Planned Development District / Environmental Review:

#### Nicolina Meadows PDD

**Application Numbers: 915704 / 915723 / 915707**

**Tax Parcel Numbers: 0319154023 / 0319221059**

**Parkland-Spanaway-Midland Advisory Commission (PSMAC) Public Meeting:**  
**November 6, 2019, at 6:30 p.m.**, at the Parkland-Spanaway Sheriff's Precinct, Moran Room,  
495 Shandon Wright Way South, Tacoma, WA.

**Proposal:** The applicant requests a Major Amendment to the November 19, 2013, approval of a Preliminary Plat / Administrative Design Review (ADR49-09) / Shoreline Substantial Development Permit (SD5-09) for an original 62-lot single-family detached subdivision to make the following changes and additions:

1. Reconfigure the street and lot layout of the single-family lots south of Clover Creek, and reduce the number of lots from 62 to 60;
2. Eliminate the eastern access onto 20th Avenue Court East and reorient the access to the west with two roadway connections into the approved plat of Brookdale PDD;
3. Increase minimum and average lot sizes from 5,600 and 6,903 square feet to 5,952 and 8,902 square feet;
4. Add seven single-family lots north of Clover Creek, in place of a future development tract. The northern lots would also connect into the approved plat of Brookdale PDD to the west;
5. On-site recreation area is being increased from 26,145 square feet in three tracts to 46,323 square feet on one tract;
6. Wooded open space is proposed to be reduced from 117,385 square feet to 104,165 square feet;
7. Wetland and wetland buffer area is being increased from 382,012 to 398,500 square feet; and
8. The 52,468 square feet storm drainage facility tract is being eliminated and replaced with roadside and home infiltration trenches.

The encroachment tract on the south end of the plat will be retained. The driveway access to Brookdale Road East for the three single-family out-parcels will be maintained as an easement, rather than a separate tract.

The Planned Development District (PDD) is being requested to reduce interior yard setbacks from 10 to 5 feet.

The plat will access Brookdale Road East on the north and 152<sup>nd</sup> Street East on the south by way of the road network in the approved but not yet constructed Brookdale PDD plat to the west.

The plat will be served by public roads, public water, and sewer utilities.

**Project Location:** 14600 Block and approximately 180 feet south of Brookdale Road East and 175 feet north of 152nd Street East, in the SW 1/4 of Section 15, and NE 1/4 of Section 22, T19N, R3E, W.M., in Council District No. 5.

**Review Summary:** County staff has reviewed this proposal for compliance with all applicable policies, codes, and regulations. The County finds, based on an initial project review, that the proposal appears to be consistent with the applicable codes and regulations and that staff will be recommending approval of the proposal, subject to conditions.

**Zone Classification:** The site is with the Residential Resource (RR) zone classification, with a density range of 1-3 dwelling units per net developable acre. A 23.53-acre area on the north and south sides of Clover Creek is located within the Pierce County Open Space Corridor. The portion of Clover Creek, a Rural Residential shoreline environment under Title 20 is now not a regulated shoreline under Title 18S, which became effective October 31, 2018.

**State Environmental Policy Act (SEPA):** Pursuant to the State Environmental Policy Act and the Pierce County Environmental Regulations, Title 18E, an environmental checklist has been submitted since over 20 dwelling units are proposed, i.e., 67 single-family lots.

**County Contact:** Robert Jenkins, Current Planning Supervisor, 253-798-7016,  
[rob.jenkins@piercecountywa.gov](mailto:rob.jenkins@piercecountywa.gov)

**Pierce County Online Permit Information:**

<https://pals.piercecountywa.gov/palsonline/#/permitSearch/permit/departementStatus?applPermitId=915704>



## Project Data

Application Date: July 29, 2019

IPR Mailed Date: October 30, 2019

Property Owner/Applicant: Pacific Northwest Holdings LLC  
7802 63rd Avenue East  
Puyallup, WA 98371  
[sdorenbush@kw.com](mailto:sdorenbush@kw.com)

Agent: Azure Green Consultants  
409 East Pioneer, Suite A  
Puyallup, WA 98372  
[paul@mailagc.com](mailto:paul@mailagc.com)  
[jim@mailagc.com](mailto:jim@mailagc.com)

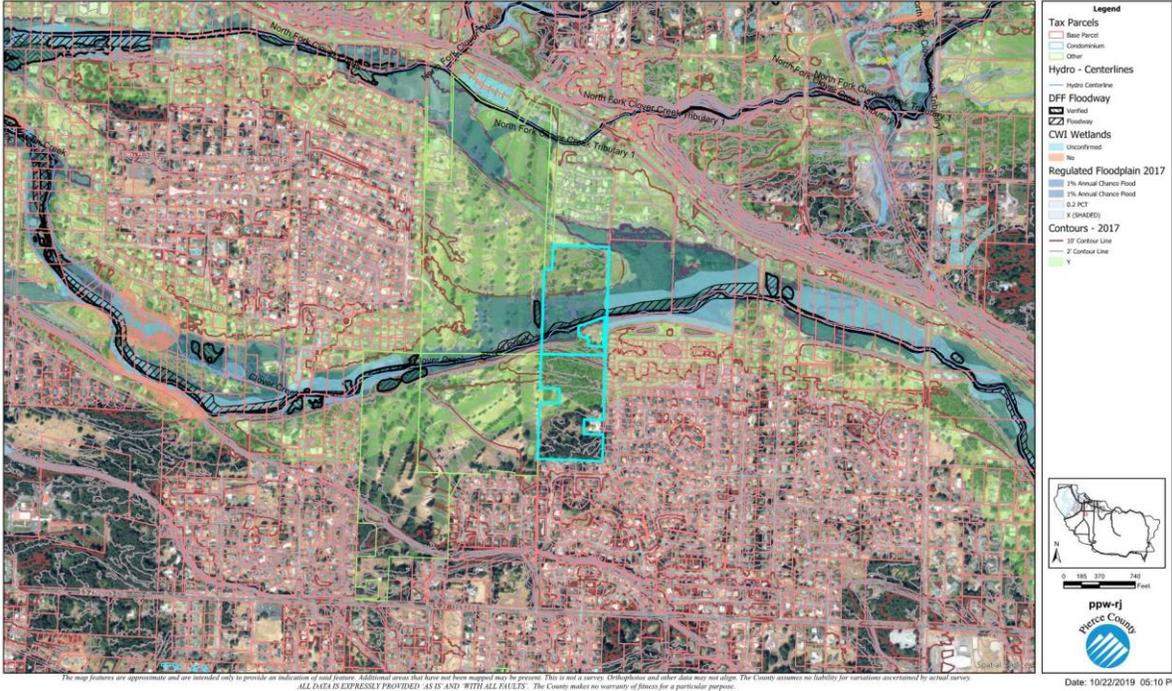
## Public and Legal Notice

- *August 15, 2019*: Notice of Application and Public Meeting Notice, was sent to property owners within a radius of 300 feet, but not less than two parcels deep, around the exterior boundaries of the subject property.
- *August 18, 2019*: The site was posted with a Public Notice sign, confirmed with a Declaration of Posting.
- *September 18, 2019*: A Rescheduling Notice, was sent to property owners within a radius of 300 feet, but not less than two parcels deep, around the exterior boundaries of the subject property.
- *October 23, 2019*: Legal Notice was published in the official County newspaper (*The News Tribune*), advertising the public meeting to be held by the Parkland-Spanaway-Midland Advisory Commission.

# Pierce County 2017 Aerial Photos

Neighborhood Scale:

Major Amendment to Preliminary Plat/PDD: Nicolina Meadows  
 Application Numbers: 915704 / 915723 / 915707



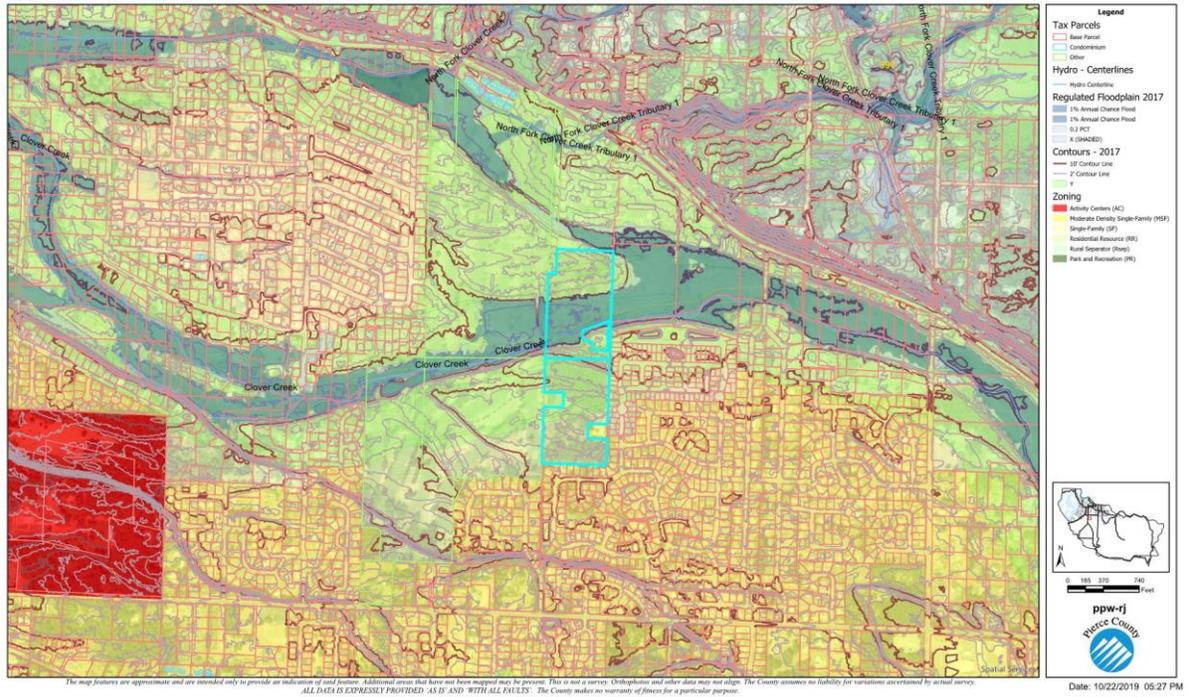
Close-Up Scale:

Major Amendment to Preliminary Plat/PDD: Nicolina Meadows  
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# Zoning Map

Major Amendment to Preliminary Plat/PDD: Nicolina Meadows  
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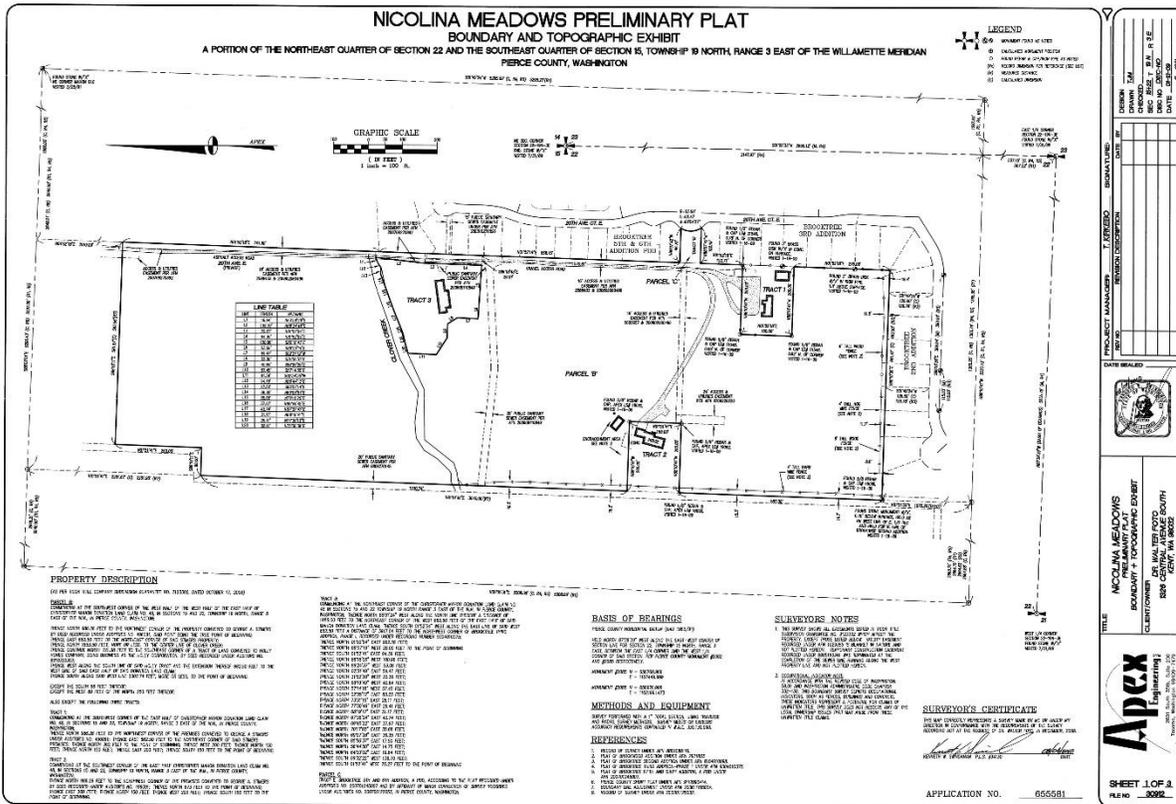
## BING Birds Eye Aerial Photos

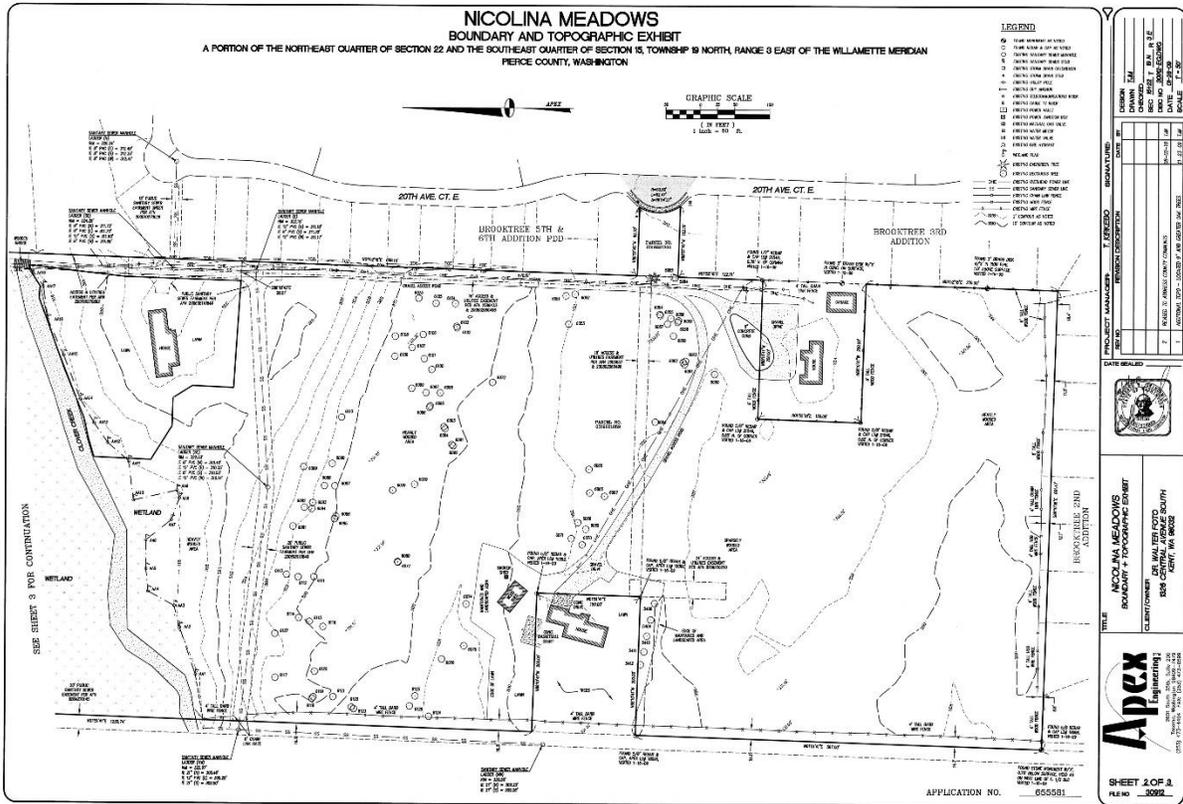
North End of Plat, Looking North:



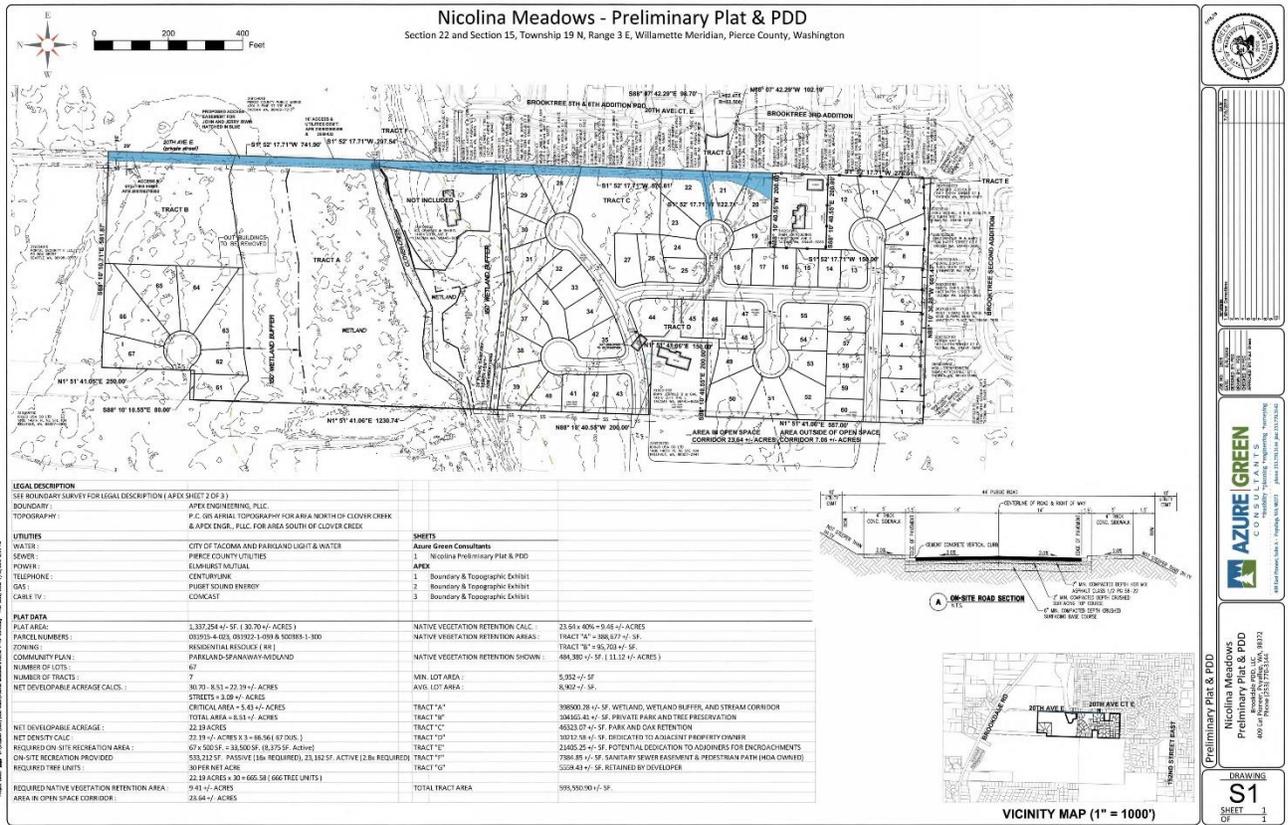


# Boundary and Topographic Exhibit and Oregon White Oak Tree Inventory Plans - Dated January 28, 2009





# Major Amendment/PDD Site Plan



## History

A public hearing was held on February 16, 2011, to hear the merits of the request for preliminary plat/shoreline substantial development permit approval of Nicolina Meadows. An initial report and decision was issued on March 10, 2011. A Request for Reconsideration was filed on March 18, 2011. In a June 7, 2011 decision, Deputy Hearing Examiner McCarthy prepared a complete decision with findings and conditions of approval but did not formally issue a decision, pending the outcome of the access and easement issues between the applicant and the three outparcel homeowners residing within the plat boundary.

Planning and Public Works was made aware by the applicant's agent on August 12, 2013, that the access and easement issues had been resolved by the Washington State Court of Appeals. Per advice from legal counsel, a hearing was set to accept testimony related to the March 19, 2013 decision of the Court of Appeals, and any other appropriate issue related to the preliminary plat/shoreline substantial development permit application, prior to a decision being made by the Pierce County Hearing Examiner on the merits of the proposed applications. A second public hearing was held on October 30, 2013. A final preliminary plat/shoreline substantial development permit decision was issued by Hearing Examiner Causseaux on November 19, 2013.

The current preliminary plat approval was extended from November 19, 2018 to November 19, 2020, by the Washington State Legislature through Great Recession related legislation. Any Major Amendment approval would have five years to record a final plat or request a one-time, one-year extension.

## Public and Agency Review Comments

Comments have been received to date on the Major Amendment from the following departments and agencies:

- Nisqually Indian Tribe:
  - Requested an archeological survey prior to site development activities taking place;
  - Report any archaeological discoveries promptly;
- Puyallup Tribe of Indians:
  - Requested an archeological survey prior to site development activities taking place;
  - Report any archaeological discoveries promptly;
- Tacoma Water:
  - Identified water system requirements for the plat;
- Washington Department of Archaeology and Historic Preservation:
  - Requested an archeological survey prior to site development activities taking place;
- Washington Department of Ecology:
  - Requested that water quality and toxic cleanup issues be evaluated per applicable State or local regulations; and
- Pierce County Fire Prevention Bureau, the Sewer Division of Planning and Public Works (PPW), the Cartography, Development Engineering, Resource Management and Current Planning Sections of PPW, and the Tacoma–Pierce County Health Department have all reviewed the proposal and have approved or requested additional information.

No comments have been received from neighbors or the general public to date.

Comments received on this proposal may be found by accessing the Online Permit Information referenced on page 2. The substance of these comments will be reflected, where appropriate, in the conditions in the staff report prepared for the Pierce County Hearing Examiner.

In addition, comments were received from Bethel Public Schools, Elmhurst Mutual Power and Light, and the Washington State Department of Transportation in 2011. No new comments have been received to date from these agencies.

## Background

Site Inspection: The project site is divided into two parts by Clover Creek, which flows westerly through the site. The northern portion of the project site, approximately 40% of the total site, is relatively level and slopes gently toward Clover Creek. This area is characterized by a large mixed stand of Douglas fir and Oregon white oak trees, with a mostly grassy pasture understory. Old outbuildings are located within this stand of trees. A large, mostly open, wetland and floodplain area lies to the north of Clover Creek. The south portion of the project site rises moderately away from Clover Creek and then is relatively level. This area includes three single-family out-parcels. The area immediately south of the creek is characterized by western red cedar cluster and wetland vegetation next to the creek. To the south is a sanitary sewer line that runs east-west. South of the sewer line is a large stand of Douglas fir and some cedar with significant clusters of Oregon white oak in the eastern portion of the site and individual oaks throughout. A fairly dense forest understory is also present. To the south of this woodland is an open area that was used as lawn and landscape area by two of the out parcels and includes isolated fir, oak, and ornamental trees. The southernmost portion of the project site is characterized by a thick stand of Douglas fir trees.

The project site is bordered on the north by a mobile home park, on the east, north of the creek, by a wetland mitigation site owned by Pierce County Public Works, on the east, south of Clover Creek, by urban density single-family homes, on the west by the Brookdale PDD Plat, and on the south by urban density single-family homes. The project site and properties to the north, west, and east, north of Clover Creek, are zoned Residential Resource (RR). The properties to the east, south of Clover Creek, and to the south are zoned Moderate Density Single-Family (MSF). Clover Creek has a Rural Residential Shoreline Environment.

Surrounding Land Use / Zoning Designation:

LAND USE		ZONING (Title 18A)
North	Mobile home park	Residential Resource (RR)
South	Urban density single-family	Moderate Density Single-Family (MSF)
East	Wetland Mitigation Site (N. of Creek/ Urban density single-family (S. of creek)	RR (North of creek) / MSF (South of creek)
West	Former Golf Course / Approved 385 lot single-family preliminary plat	RR

Utilities/Public Facilities: Utility service and public facilities are proposed as follows:

- Water - Parkland Light and Water (north of Clover Creek)  
Spanaway Water (south of Clover Creek)
- Sewer- Pierce County
- Power - Elmhurst Mutual Power and Light
- School- Franklin Pierce School District (north of Clover Creek)  
Bethel School District (south of Clover Creek)

**Governing Regulations**

The proposal has been reviewed for conformance with the following goals, policies and requirements in effect on the July 29, 2019 complete application date of this proposal:

- Title 19A Comprehensive Plan - January 1, 1995, as amended
- Title 17A Construction and Infrastructure Regulations – Site Development and Stormwater Drainage
- Title 17B Construction and Infrastructure Regulations – Road and Bridge Design and Construction Standards
- Title 18 Development Regulations - General Provisions
- Title 18A Development Regulations – Zoning
- Title 18D Development Regulations - Environmental
- Title 18E Development Regulations - Critical Areas
- Title 18F Development Regulations - Land Division and Boundary Changes
- Title 18H Development Regulations - Forest Practices
- Title 18J Design Standards and Guidelines

## **Initial Planning and Public Works (PPW) Staff Review for Consistency with Land Use Policies and Regulations**

### State Environmental Policy Act (SEPA)

- A new environmental determination, replacing the original December 30, 2010 Mitigated Determination of Nonsignificance will be issued once the review of the traffic impact analysis is complete and approved by the Development Engineering and Traffic Sections of PPW. Development Engineering has requested that the applicant submitted an updated traffic impact analysis addressing the redirection of all plat traffic to the west. That analysis has not yet been submitted for review.
- As part of the environmental review, the following reviews took place: floodplain, wetland and fish and wildlife habitat reviews.
  - The existing mapped flood hazard area was reviewed during the preliminary plat review with respect to the lots proposed with the development. No new lots are proposed within or near the flood hazard area. The limits of the flood hazard area will be required to be shown on the site development plans with the associated development.
  - A wetland analysis report titled: “Pacific NW Holdings-Brookdale Property Nicolina Plat Wetland and Stream Analysis Report,” dated May 29, 2009, and a critical fish and wildlife habitat area assessment titled: “Pacific NW Holdings-Brookdale Property Nicolina Plat Habitat Assessment Report,” dated May 28, 2009, both prepared by Sewall Wetland Consulting, Inc., and revised site plans dated August 5, 2010, were submitted for this proposed development.

Regulated Category II wetlands are located on-site in association with Clover Creek. Under Chapter 18E.30 - Wetlands, Pierce County Development Regulations - Critical Areas, the buffer for a Category II wetland is normally 100 feet. However, due to a high intensity land use the buffer is increased to 150 feet, with the exception of a portion of the buffer in the southwest area, which is allowed to stop at the edge of the existing public sanitary sewer easement per 18E.20.030 V. The project will be preserving the wetland and wetland and buffer in a separate tract of land. Pursuant to Chapter 18E.30, the proponent is required to obtain a Wetland Approval prior to any site development, including timber harvest, occurring on the project site. Compliance with Title 18E - Critical Areas and conditions of Wetland Approval will adequately mitigate for any significant adverse environmental impacts to the wetlands.

The County Environmental Biologist has determined that updated wetland review is not required. The final wetland and habitat conservation area approval required per Condition Nos. 15-19 of the original November 19, 2013 preliminary plat decision shall be complied with.

- This project contains Significant Oaks and Stands per 18E.40.020 D.1.b. This project will be meeting the Standards per Section 18E.40.040 C.1.b and Section 18E.40.040 C.2. No Priority Oregon White Oaks Woodlands are present per 18E.40.020 D.1.a.

### Title 18E, Development Regulations – Critical Areas

- Wetlands are regulated per Chapter 18E.30. Flood hazard areas are regulated per Chapter 18E.70. Oregon white oak habitat is regulated per Sections 18E.40.020.D.1. and 18E.40.040.C.1.b. Refer to earlier discussion.
- The project site contains a portion of a Type F1 stream (Clover Creek). The proposal is, therefore, subject to Chapter 18E.40, Regulated Fish and Wildlife Species and Habitat Conservation Areas – Development Regulations.

### Title 18A, Development Regulations - Zoning

- The RR zone classification is intended to accommodate and allow for low density single-family residential uses in a manner that is compatible with areas of unique open space character and/or environmental sensitivity.

The project site is in a Residential Resource (RR) zone classification, with a density range of 1-3 dwelling units per net developable acre. There are 22.19 net developable acres. The applicant is proposing 67 single-family dwelling units (3.01 dwelling units per net developable acre).

- Planned Development District (PDD) – The original preliminary plat approval was for 62 single-family lots. A PDD was not required at that time. In exchange for an additional five single-family lots and to reduce interior yard setbacks from 10 feet to five feet, the applicant is proposing to develop a 1.06-acre park Tract C in the southern end of the plat for active and passive recreation and a 2.39-acre passive recreation Tract B in the northeast corner of the plat. Both tracts will also provide for Oregon white oak tree preservation.

The number of lots in the southern portion of the plat are being decreased from 62 to 60. The majority of the 7 lots proposed in the northwest corner of the plat will be significantly larger than the lots in the southern portion of the plat. The applicant states that the PDD approval will have a beneficial effect on the area by providing lots that are similar in size or larger than surrounding areas and significant open space is being provided.

### Title 18J, Development Regulations – Design Standards and Guidelines

- Street trees will be provided at a minimum of 1 street tree per lot will be required prior to home occupancy and street trees at 1 per 30 lineal feet along the frontage of park Tract C.
- Curbs, gutters, sidewalks and street lights will be required within the plat.
- In addition to on-site recreational improvements, park impact fees, currently \$2,552.39 per dwelling unit, to be adjusted upward for inflation are required prior to building permit issuance.
- The RR zone requires that 30 tree units per net acre, respectively, be preserved and/or planted, i.e., 665 tree units on 22.17 net acres. The original approvals retained 690 tree units (274 trees). The applicant has not indicated how many tree units and trees the modified Major Amendment proposal will retain.

- As part of the review of original proposal, the original applicant's arborist, Washington Forestry Consultants, Inc. (WFCI), identified 105 Oregon white oak trees on this 30.70-acre site. Of these trees, 32 oak trees with 8 inches or greater DBH (30% of 105) were required to be retained. Twenty-seven of the significant oaks are located north of Clover Creek in original Tract I. Ninety percent of the 20 inches DBH or greater oaks are located north of Clover Creek - this satisfies the 70% retention in 18E.40.040. In the original proposal, WFCI identified 14 additional significant oaks to be retained south of Clover Creek in Tract C for a total of 37. Nine additional oaks less than 8 inches DBH were also located in original Tract "C". It is unclear how many significant oaks will be preserved in the portion of proposed Tracts A, B and C.

WCFI determined that there are 295 significant Douglas fir trees, 23 significant western red cedar trees, and 1 significant Sitka spruce tree. The applicant is required to preserve a minimum of 10% of these trees, i.e., 32 trees. Tree Conservation Plans are required to attempt to meet the tree unit requirement, i.e., 665 tree units, by first preserving as many trees as feasible. In his October 15, 2010, letter and table, Galen Wright of WFCI demonstrated that the original applicant would preserve 274 trees and 690 tree units in plat tracts. In an October 2010 table, Mr. Wright also indicated that 66 non-oak significant trees would be retained. An additional 126 other non-oak trees would be preserved in original Tracts A and I. It is unclear how many non-oak trees will be preserved in the portion of proposed Tracts A, B and C.

The proposed passive recreation Tract B is similar in size and location to original tree retention Tract I. The proposed wetland and stream corridor Tract A is similar in size and location to original wetland and stream corridor Tract A. The proposed active and passive recreation Tract C is similar in size and shape to original tree retention Tract C.

- Storm drainage is being handled through permeable pavement and/or infiltration through biofiltration facilities, which will not trigger the storm water facility design standards of Section 18J.15.170.D.2.a.
- None of the proposed lots meet the current criteria for infill compatibility requirements. In the original approval, there was testimony from property owners abutting the southern plat boundary stating that the rear fence lines of lots in the abutting subdivision have for decades encroached a minimum of 8.8 feet, a maximum of 18.4 feet and an average of between 11-12 feet into the subject site. To avoid a potential legal issue regarding the rear yard encroachments, the original applicant set aside a Tract that follows the historic fence line of the neighboring lots to the south. Per Condition No. 41 of the original 2013 decision, prior to final plat approval, the encroachment tract was to be conveyed to the eight southern property owners whose rear yards extend into the plat. The Major Amendment proposal continues to include the encroachment tract.

#### Historic Preservation:

- The project site has a tie to pioneer history. The Naches Trail crossed the project site. A wagon train encampment area was located on the former golf course to the west. There are no visible wagon wheel ruts located on the subject site.

- The Washington State Department of Archaeology and Historic Preservation (DAHP), the Puyallup Tribe and the Nisqually Indian Tribe requested subsurface archeological surveys of the plat.
- The proposed Major Amendment does not propose any development in the 9-acre wetland floodplain Tract A along Clover Creek and minimal development in the 2.39-acre passive recreation Tract B.
- The applicant will be required to comply with the “Inadvertent Archaeological and Historic Resources Discovery Plan” that we developed with the assistance of DAHP.
- Previous sanitary sewer installation in this area did not disturb and archeological elements. Absent any additional concrete evidence, staff does not believe it is warranted to require a professional archeological survey for the plat prior to construction.

### **Required Findings for Preliminary Plat and PDD Approvals**

#### **Title 18F, Development Regulations - Land Division and Boundary Changes**

##### Section 18F.40.030 Proposed Preliminary Plat Requirements.

C. Required Written Findings and Determinations. The Examiner's written decision on the preliminary plat shall include findings and conclusions, based on the record, to support the decision. The Examiner shall inquire into the public use and interest proposed to be served by the establishment of the subdivision and dedication. A proposed subdivision and dedication shall not be approved unless the Examiner makes written findings that:

1. *Appropriate provisions are made for, but not limited to, the public health, safety and general welfare, for open spaces, drainage ways, critical areas, streets or roads, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, parks and recreation, playgrounds, schools and school grounds, and all other relevant facts including sidewalks and other planning features that assure safe walking conditions for students who walk to and from school; and*
2. *The public use and interest will be served by the subdivision and dedication.*

#### **Title 18A, Development Regulations - Zoning**

##### Section 18A.75.050 Planned Development Districts (PDDs)

J. PDD Approval – Findings Required. The action by the Examiner to approve a preliminary development plan for a proposed PDD with or without modifications shall be based upon the following findings:

1. *That the proposed development is in substantial conformance with the Comprehensive Plan and adopted Community Plans.*
2. *That exceptions from the standards of the underlying district are warranted by the design and amenities incorporated in the development plan and program such as: setting aside additional open space; creating more functional park/open space areas; providing greater protection of critical areas; providing variations in housing style and*

*type; preserving native trees; and, providing transportation features such as narrower streets and alleyways. In order to achieve the base density within a zone classification, the Examiner may determine that additional design amenities are not necessary when a site has a significant percentage of land area encumbered by constraint areas such as wetlands or steep slopes.*

- 3. That exceptions or deviations from road standards are warranted by the design and amenities incorporated in the development plan and subject to review and approval of the County Engineer.*
- 4. That the proposal is in harmony with the surrounding area or its potential future use.*
- 5. That the system of ownership and means of developing, preserving, and maintaining open space is suitable.*
- 6. That the approval will result in a beneficial effect upon the area which could not be achieved under the current zoning and development regulations that apply to the property.*
- 7. That the proposed development or units thereof will be pursued and completed in a conscientious and diligent manner.*
- 8. That adequate provisions have been made for sidewalks, curb, gutters and street lighting for developments in urban areas.*

### **Questions for PSMAC Discussion and Consideration**

#### Preliminary Plat:

- Is the Major Amendment proposal adequately addressing public health, safety and general welfare issues as discussed above? If not, what changes are recommended?
- Will the public use and interest be served by the proposal? If not, what changes are recommended?

#### Planned Development District:

- Are the requests for additional density and reduced side yard setbacks to the 5-foot MSF standard warranted by the design and amenities incorporated in the plat design? If not, what changes are recommended?

### **Other Questions or Concerns?**

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