

TOWN OF EATONVILLE

201 Center Street West PO Box 309 Eatonville Washington 98328 Phone: 360-832-3361 FAX: 360-832-3977

Staff Report

Bill Diamond, PLS, Contract Town Planner
Larson and Associates

Aviator Heights: Minor Preliminary Plat Modification

Town Council Meeting - May 12th, 2014

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I. SITE LOCATION AND BACKGROUND:

Aviator Heights Preliminary Plat abuts the west side of Weyerhaeuser Road, and the east side of the southerly portion of Swanson Airport.

The Aviator Heights Preliminary Plat was approved by the Town Council on February 12, 2007. It provides for 23 single family residential lots and four tracts (A through D) located on 18.543 acres. The plat is accessed from Weyerhaeuser Road NE via a new public roadway, just west of Center Street. The 23 residential lots will be served by a single, private cul-de-sac roadway. As originally approved, the private roadway also serves as a taxiway for airplanes. The four tracts were approved for undetermined commercial use (Tracts A and B), undetermined commercial use and airplane hangars (Tract C), and open space (Tract D).



Aerial photo of ~project site and surrounding area

II. APPLICATION SCOPE:

The Applicant's request is for Minor Modification of the 2007 preliminary plat of Aviator Heights, which includes the following nine (9) items:

- 1) Revise Condition of Approval No. 2 related to the Weyerhaeuser Road improvements from Lot 21 to plat/airport entrance road.
- 2) Revise Condition of Approval No. 3 to restrict the private road for lots 1-23 from airplane use and reconsider an approval of a security gate at the entrance to residential private road.
- 3) Revise Condition of Approval No. 9 as to locations and type of fencing.
- 4) Revise Condition of Approval No. 15 by adding stronger language to the final plat and CC&Rs for owner notification of the adjacent airport.
- 5) Revise Condition of Approval No. 17 to clarify the scope of allowed uses on Tract C.
- 6) Revise Condition of Approval No. 19 to clarify that the statement to be recorded on the face of the plat regarding future uses applies not only to Tracts A and B but to Tract C as well.
- 7) Revise Condition of Approval No. 21 to change required wording of signage by private residential road.
- 8) The addition of a new Condition of Approval No. 22 that allows a security gate at the entrance to Tract B.
- 9) The addition of a new Condition of Approval No. 23 to require an aviation themed park on Tract D.

III. APPLICATION BACKGROUND:

Owner/Applicant: Pacific Northwest Development and Land Company, LLC

Agent: AHBL
2215 North 30th St. Suite 300
Tacoma, WA 98403

Plat Status: APPROVED February 12, 2007. Aviator Heights Preliminary Plat is vested through February 12, 2017.

Application: Minor Preliminary Plat Modification

Application Submission: January, 15, 2014 as *revised and supplemented on* February 19, 2014 and May 2, 2014

Tax Parcel Numbers: 0416144156, 0416144157, 0416144158

Location: The site is located adjacent to Swanson Airport and also Weyerhaeuser Road N. in the SW1/4 of Sec 13 & the SE ¼ of Sec. 14, T.16N., R4E, WM.

Zoning: Aerospace Zone (AP)

Existing Conditions: The project is partially developed with the installation of the private road, sanitary sewer and storm system, as well as other improvements (such as 4 hangars).



View of the four (4) developed hangars



View of developed road and sidewalk infrastructure

IV. APPLICABLE TOWN RULES & REGULATIONS:

Eatonville Municipal Code (EMC) 17.22.100 provides:

17.22.100 Modification of plat.

A. If, after approval of the plat, circumstances render it impractical, unfeasible, or detrimental to the public interest to accomplish a particular feature or element of work required as a condition of preliminary plat approval or voluntarily proposed by the developer and accepted in good faith without having been imposed by the town as a special condition of plat approval, the applicant may file a request for modification of the original approval with the department of public works.

B. The request for modification must be accompanied by letters and data which the director deems necessary, and a modification fee to be set by resolution of the town council. The town clerk shall set a date for public hearing on the modification before the town council, and a notice shall be given as provided in EMC 17.20.070(B) and (C).

C. At the public hearing, prior to taking action on the proposed modification, the town council shall make findings of fact which represent the official determination of the town council, and shall include the following:

- 1. Why the modification is necessary;*
- 2. Whether appropriate provisions are made as required by EMC 17.20.080(B)(2);*

and

- 3. Whether the public use and interest will be served as required by the provisions*

plat.

D. The council shall, by resolution, approve or disapprove the modification of the proposed plat.

EMC 17.18.180 provides:

17.18.180 Private streets.

Private streets shall be constructed to meet or exceed the design standards established on the road standards for the town. Public access to developments or parts of developments containing private streets shall not be limited by the use of gates or other measures except when such limitation is approved by the town as a part of the consideration of the related preliminary land division approval or by approval in writing by the public works director.

V. STATE ENVIRONMENTAL POLICY ACT (SEPA):

A Mitigated Determination of Non-significance (MDNS) was issued on August 26th, 2006 with addenda on October 26th and on December 12, 2006.

- Pursuant to the May 1, 2014 letter provided by the Applicant's representative (AHBL) stating there were no increases in impacts as a result of the requested minor plat modifications, no addenda were required for this application.

VI. PROPOSED FINDINGS OF FACT:

1. The Aviator Heights Preliminary Plat was approved by the Town Council on February 12, 2007. It provides for 23 single family residential lots and four tracts (A through D) located on 18.543 acres adjacent to Swanson Airport.
2. The private road, sanitary sewer and storm system as well as other improvements including 4 hangars and paving have been constructed.
3. The applicant has requested modification to seven (7) of the preliminary plat conditions and has also asked to have two (2) new conditions added.
4. No changes are proposed as to the number or size of the 23 residential lots. No changes are proposed to the number or size of Tracts A-D.
5. A request for modification to a preliminary plat is allowed under EMC 17.22.100. The request for modification must be accompanied by letters and data, which the Town deems necessary for support.
6. On February 24, 2014, the Town held a duly noticed public hearing and received public comment on the applicant's request for modification to the Aviator Heights preliminary plat, which hearing was continued to March 10, 2014.
7. On March 25, 2014, the Town held a consultation with Washington State Department of Transportation and aviation stakeholders.

8. On May 12, 2014, the Town held a duly notice public hearing and received public comment regarding the applicant's request for modification of the Aviator Heights preliminary plat.
9. Condition of Approval No. 2 relates to the Weyerhaeuser Road improvements and reads:

A transportation study was submitted with the development application and following mitigation is required as a condition of final approval:

Weyerhaeuser Road Design: The applicant shall be responsible for preparing The Weyerhaeuser Road reconstruction plans from the public private road boundary at adjacent to lot 21 to Center Street E. This design should include sidewalks, storm water facilities, and street improvements. The design should include a realignment of Weyerhaeuser Road North with Weyerhaeuser Road South. The design shall be approved by the Town's Public Works department prior to final approval. Out of that design the applicant shall construct the western sidewalk and identified stormwater improvements, but shall not be responsible for street reconstruction or the eastern sidewalk improvements. The town may require minor street improvements in order to complete the stormwater and sidewalk improvements, to ensure that those improvements are compatible with the existing street, and to ensure safety until which time as full reconstruction will occur. Sidewalks on the west of Weyerhaeuser Road between Center Street and the entrance to the development shall be 8 feet in width to facilitate their use as part of the future trail system.

A transportation study was performed in conjunction with the Preliminary Plat application and as a result, Aviator Heights was required to perform certain improvements to Weyerhaeuser Road. These improvements were included in the MDNS issued by the Town. The applicant has reached an agreement with Lynch Quarry to partner improvements on Weyerhaeuser Road and to work with Lynch Quarry's engineer on the engineering plans.

10. Condition of Approval No. 3 allows the residential private road to be used as an airplane taxiway prohibits installation of a security gate at the entrance at of the residential road. It reads:

The proposed private road within the development is sufficient for continued processing, however, it should be noted on the face of the plat that this is a private road, taxiway, and utility easement. Roadway design and construction shall be in accordance with all applicable provisions of the EMC. All roadway plans shall be signed and stamped by an engineer and the plans shall be submitted to the town public works department for review and approval prior to construction. The proposed security gate and turnaround is unacceptable to the town as it may interfere with the taxiing of aircraft on the designated aircraft access easement located on lot 1 and would make emergency vehicle access and town access to public utilities located within the development more difficult. A maintenance

agreement shall be created and recorded for the private road as a condition of final approval. The agreement shall be approved by the planning director and public works director prior to being brought to council at final approval. The private road design including stormwater management and sidewalks should be airplane compatible and shall be evaluated by the town public works director or his/her designee for compatibility. Five foot sidewalks are required on both sides of the proposed private road and around the cul-de-sac.

The applicant contends that it is neither safe nor practicable to allow airplanes to taxi on a private residential street. To allow this will make the safe passing of a taxiing aircraft and either cars or Emergency vehicles impossible and unsafe. It will make the safe turning around of aircraft in the street very difficult. The applicant has done marketing analysis that shows lots with hangars are not desirable in a subdivision. Further, any taxiing aircraft leaving the private road and proceeding along the private road to the runway will have to negotiate the steep grade. Some planes are equipped with a device that prevents them from sliding backwards on the slope if power is lost but not all planes are so equipped. Should residents wish to have a hanger for an airplane; hangars will be available in the creation of Tract C.

Previously the Town Council did not favor a security gate at the private road to the lots stating that it would make it difficult to maneuver aircraft through the gate and make it difficult for emergency vehicles and the Town to maintain utilities. The applicant is now requesting that without aircraft taxiing down the private road, a security gate is desired for the new community. The Council is asked to give its approval now to a gate that will be designed with an Emergency Vehicle and Utilities Department approved rapid entry system such as a Knox-box or similar feature that allows for easy access.

11. Condition of Approval No. 9 relates to the type of fence required in certain locations and reads:

The applicant shall construct a 6-foot wooden fence along the east side of lots 13-23 and Tract D as a means to prevent access to this private section of Weyerhaeuser Road North and to ensure safety.

The applicant proposes to change the fence type on the east plat boundary from wood to black vinyl cyclone fencing in this and other locations because of attractiveness and maintenance. A similar fence is proposed around the perimeter of Tracts B and C.

12. Condition of Approval No. 15 addresses the text to be inscribed on the face of the final plat in order to give future buyers notice of the plat's location within the Airport Overlay Zoning District and the likelihood of aviation-related activities. It reads:

The following shall be recorded on the face of the plat: "This property is located within the Airport Overlay Zoning District in which a variety of airport aviation activities occur. Such airport aviation activities may impact the use of your property."

In order to address certain concerns of the aviation stakeholders, the applicant proposes to strengthen the wording of the text to be inscribed on the face of the plat.

13. Condition of Approval No. 17 relates to the type of uses allowed on Tract C and reads:

Taxi Way Paving and Construction. The applicant shall pave the gravel taxiway on the east side of the runway for the entire frontage of the applicant's property and shall connect the taxiway to the runway at two points. Further, the applicant shall construct a private access road from the public road to the proposed hangar locations on tract C, construct a separate taxiway from the private road to the proposed hangars, maneuvering areas, and runway access, and construct aircraft taxing and maneuvering areas, fire access, and vehicle access in front of all proposed hangars sites. All construction shall be in accordance with the Town of Eatonville public works standards, shall be airplane compatible, and shall be approved by the public works director or his/her designee prior to construction.

The applicant proposes to revise this condition by clarifying that the uses allowed on Tract C are all of the uses permitted under the Eatonville Municipal Code.

14. Condition of Approval No. 19 relates to the uses that are allowed on Tracts A, B, and C. It reads:

The statement "Future uses as permitted in Ordinance 2006-6" on the face of the plat shall be replaced with "future uses as permitted by the EMC."

The applicant proposes to revise this condition by clarifying that the reference to futures uses as permitted by the EMC refers to Tracts A, B, and C.

15. Condition of Approval No. 21 requires a sign to be placed on the residential private road that warns and alerts pedestrians and drivers to the hazards of airplane use on the private road. The condition reads:

Private Road/Taxiway signage which alerts drivers and pedestrians to the hazard of the taxiway shall be installed at the entrance to the private road; however, such signage shall not prohibit any public access with statement such as "no trespassing."

Changes to the signage will be required if Condition No. 3 is revised to prohibit use of the private road as an airplane taxiway

16. The applicant is requesting a new Condition of Approval, No. 22, to allow a gate near the end of the public road at the entrance to Tract B. The gate will provide security to both the Tract B area and the multi uses of Tract C. The gate will be designed with Knox-boxes or a similar rapid access system to allow emergency vehicles and maintenance vehicles.

17. The applicant is requesting a new Condition of Approval, No. 23, to emphasize the aviation-centric nature of the development. The new condition would specific that the recreational area, Tract D, would include a large airplane toy and interpretative signage describing the history of the airport and/or how airplanes fly.

VII. STAFF ANALYSIS & RECOMMENDATIONS:

A request for modification to a preliminary plat is allowed under EMC 17.22.100. The request for modification must be accompanied by letters and data to support the request. The administrative record consists of materials submitted by the applicant, members of the public, WSDOT, the FAA, and other aviation-related stakeholders.

All lots remain the same without changes. Tracts A-D also remain the same in size. The request for modification has been reviewed for conformance with the Eatonville Municipal Code, the original approval recommendations 1-21, and the SEPA Mitigated Determination of Non-Significance.

Based on the above-stated Findings, staff believes that the modifications proposed by the applicant address circumstances that render it impractical, unfeasible, or detrimental to the public interest to proceed with development of the plat as originally approved and that the public interest is served by adopting the revisions set forth below. See EMC 17.22.100 “Modification of Plat.”

1. Condition of Approval No. 2

The purpose of this modification is to revise the text to reflect that certain road improvements will be completed by other development projects. The 2007 Condition of Approval No. 2 requires improvements to Weyerhaeuser Road from Lot 21 to Center Street East that were supported by the Transportation Study of Aviator Heights. The Lynch Creek Quarry, located to south of Aviator Heights is also required to make improvements to Weyerhaeuser Road along the frontage of its development to Center Street E. Staff proposes that Condition No. 2 should be revised to reflect the improvements that are going to be completed by Lynch Creek Quarry from the edge of the plat to the Center Street E intersection and to correct duplicative requirements.

A transportation study was submitted with the development application and following mitigation is required as a condition of final approval:

Weyerhaeuser Road Design: The applicant shall be responsible for preparing The Weyerhaeuser Road reconstruction plans from the public private road boundary at adjacent to lot 21 to ~~the plat entrance road~~ ~~Center Street E~~. This design should include sidewalks, storm water facilities, and street improvements. The design should include a realignment of Weyerhaeuser Road North with Weyerhaeuser Road South. The design shall be approved by the Town’s Public Works department prior to final approval. Out of that design the applicant shall construct the western sidewalk and identified stormwater improvements, but shall not be responsible for street

reconstruction or the eastern sidewalk improvements. The town may require minor street improvements in order to complete the stormwater and sidewalk improvements, to ensure that those improvements are compatible with the existing street, and to ensure safety until which time as full reconstruction will occur. Sidewalks on the west of Weyerhaeuser Road between Center Street and the entrance to the development shall be 8 feet in width to facilitate their use as part of the future trail system.

2. **Condition of Approval No. 3**

Since the applicant, who will be the builder, is choosing not to build hangars on the individual lots and is opposed to housing aircraft within the individual lots for the previous stated reasons, a revision to 2007 Condition of Approval No. 3 to eliminate roadway use by airplanes is reasonable. Also, EMC 17.18.180 allows the use of gates on private streets if it is either approved during the preliminary land division or in writing by the public works director. The use of a gate was previously not allowed because of interference with aircraft taxiing on the private road. That concern will be no longer an issue. The gate will produce added security as requested. The applicant has designed the area in front of the security gate to provide sufficient room for vehicles to turnaround if entering gated area by mistake. Staff proposes that Condition No. 3 be revised to read:

The proposed private road within the development is sufficient for continued processing, however, it should be noted on the face of the plat that this is a private road, ~~taxiway,~~ and utility easement. Roadway design and construction shall be in accordance with all applicable provisions of the EMC. All roadway plans shall be signed and stamped by an engineer and the plans shall be submitted to the town public works department for review and approval prior to construction. The proposed security gate ~~and turnaround~~ is ~~un~~acceptable as allowed per EMC 17.18.180 and is required to meet rapid entry access requirements for public safety and utility maintenance to the town as it may interfere with the taxiing of aircraft on the designated aircraft access easement located on lot 1 and would make emergency vehicle access and town access to public utilities located within the development more difficult. A maintenance agreement shall be created and recorded for the private road as a condition of final approval. The agreement shall be approved by the planning director and public works director prior to being brought to council at final approval. The private road design including stormwater management and sidewalks ~~should be airplane compatible and~~ shall be evaluated by the town public works director or his/her designee for compatibility. Five foot sidewalks are required on both sides of the proposed private road and around the cul-de-sac.

3. **Condition of Approval No. 9**

The applicant is proposing to change the type of fencing to a more attractive and longer lasting black vinyl cyclone fence instead of wood. The applicant is also proposing clarify that the fencing will extend around the permit of Tracts B and C. Staff proposes that Condition No. 9 be revised to read:

The applicant shall construct a 6-foot ~~wooden~~black vinyl cyclone fence along the east side of lots 13-23 and Tract D as a means to prevent access to this private section of Weyerhaeuser Road North and to ensure safety. The applicant shall be allowed to install a similar black vinyl cyclone fence around the perimeter of Tracts B and C.

4. **Condition of Approval No. 15**

The applicant proposes and staff supports strengthening the text in Condition No. 15 to warn future buyers of lots 1 through 23 about the proximity of the development to Swanson airport. The revised text would read:

The following shall be recorded on the face of the plat: “This property is located within the Airport Overlay Zoning District and is adjacent to and within close proximity and flight paths of Swanson Field in which a variety of airport aviation activities occur. Such airport aviation activities may impact the use of ~~your~~ the property. Such activities may include, but are not limited to, noise, vibration, chemical odors, hours of operation, low overhead flights, and other associated activities. Current and future property owners are also notified that the Federal Aviation Administration (FAA) establishes standards and notification requirements for potential height hazards that may be caused by structures, buildings, tress, and other objects affecting navigable air space through 14 CFR Federal Aviation Regulations (FAR) Part 77, Civil Aviation Imaginary Surfaces. Any questions on establishing height hazards or obstructions should be directed to the FAA”

5. **Condition of Approval No. 17**

The applicant has requested that the text of Condition No. 17 be revised to clarify that the uses on Tract C are not limited to hangars but encompass all uses allowed by the Eatonville Municipal Code. The proposed revision does not expand the uses that were allowed when the plat was first approved in 2007. Staff recommends the following revision:

Taxi Way Paving and Construction. The applicant shall pave the gravel taxiway on the east side of the runway for the entire frontage of the applicant’s property and shall connect the taxiway to the runway at two points. Further, the applicant shall construct a private access road from the public road to the proposed multi-use/hangar locations on tract C, construct a separate taxiway from the private road to the proposed multi-use hangars, maneuvering areas, and runway access, and construct aircraft taxing and maneuvering areas, fire access, and vehicle access in front of all proposed multi-use hangars sites. All construction shall be in accordance with the Town of Eatonville public works standards, shall be airplane compatible, and shall be approved by the public works director or his/her designee prior to construction.

6. **Condition of Approval No. 19**

The change requested by the applicant is similar to the proposed revision to Condition No. 17. The applicant is asking that the text of Condition No. 19 be clarified to remove any doubt that all permitted uses allowed in the Airport Overlay Zoning District may be applied for on Tracts A, B and C. Staff recommends this condition be rewritten as follows:

The statement “Future uses as permitted in Ordinance 2006-6” on the face of the plat shall be replaced with “future uses of Tracts A, B, and C as permitted by the EMC.” It is understood that the uses in Tract C will not be limited to airplane hangars and could include other uses of a size and number as allowed by the EMC.

7. Condition of Approval No. 21

The applicant has requested that aircraft and hangars no longer be placed on any residential lot and the private road not serve as a taxiway. In order to be consistent with the changes to Condition No. 3, staff recommends that this condition be rewritten as follows:

Private Road/~~Taxiway~~ signage which ~~alerts drivers and pedestrians to the hazard of the taxiway-prohibits use of the road by airplanes~~ shall be installed at the entrance to the private road; however, such signage shall not prohibit any public access with statement such as “no trespassing.”

8. New Condition of Approval No. 22

The applicant has propose a security gate at the entrance of Tract B to provide additional security to Tracts B & C and enhance the purpose of the security fencing around both Tracts B & C. The security gate will be of a type similar to the security gate installed at the entrance to the residential development. Staff agrees that secured access to Tracts B and C is in the public’s interest and recommends a new condition to read:

A private gate will be allowed to be installed at the entrance to Tract B at the location shown on the Minor Modification Exhibit 1 dated May 2, 2014. The proposed security gate is allowed per EMC 17.18.180 and is required to meet rapid entry access requirements for public safety and utility maintenance.

9. New Condition of Approval No. 23

In order to enhance the aviation-centric nature of the development, the applicant has proposed that the recreational area, Tract D, incorporate a large airplane toy and/or interpretive signage. Accordingly, staff recommends the following new condition:

The recreational improvements to Tract D shall include, but not be limited to, aviation-related toys and interpretive signage describing the history of Swanson airport and general information related to different types of planes, how planes fly, and other aviation matters of general interest.