

About the Hearing Examiner's Decision on DR Horton's Master Plan Application for Trillium (May 2011)

The lengthy process before the hearing examiner has now ended. On April 26, 2011, the Hearing Examiner recommended denial of the Trillium Master Plan Application for the third time. This is good news!

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Key Findings by the Hearing Examiner that led him to recommend denial of Trillium Master Plan

The denial was based on the finding that the application is not consistent with Olympia's Comprehensive Plan and Olympia Municipal Code. The main points are discussed below.

The key issue for denial is the lack of transit service. The Applicant and City staff had argued that simply building a shelter to the specifications of Intercity Transit would meet the transit requirement. The Examiner ruled that a transit stop must include bus service. He pointed out "the great majority of Trillium residences [would be] substantially more than ¼ mile from any existing transit stop." Intercity Transit will not create a new bus route unless an adequate east-west corridor is built through to Wiggins Road. Since transit service may never materialize, the Examiner determined that the application is not consistent with the requirements of plat's zoning (neighborhood village).

Another key finding the Examiner highlighted in his decision is that the Applicant refused to sell land to the Olympia School District. The Examiner points out that this action is "plainly inconsistent" with comprehensive plan policies (PF 33.5 and LU 7.1) that state "each neighborhood should have...[a] readily accessible elementary school..." The District plans to bus children to elementary schools on the Westside (Garfield) or Downtown (Madison) since McKenny, Centennial and Pioneer will not have adequate capacity. Middle School and High School students will also need to be bussed outside the area since Washington Middle School and Olympia High School are full. Whether or not the students would end up in portables at the alternate locations was a point of contention. Evidence presented showed the negative consequences from the use of portables in schools. The Examiner ruled that use of portables need not be scrutinized because the District asserted that Garfield and Madison would have capacity through the 2015-2016 school year without needing portable units. The basis for the District's assertion is based on assumptions of phasing the building of developments, and potential lower near-term enrollment. (What happens after 2015-2016? This was not addressed at all in the decision.)

Pedestrian and bicycle connectivity has also been a major point of contention. The Olympia Safe Streets Campaign presented detailed recommendations for increased connectivity options. The Applicant made some modifications to the proposal, and the Examiner accepted them, though stating, “the role of judges and hearing examiners is not to determine whether an ideal could be better realized through redesign.” (Thus, from a perspective of the people living in the area, bicycle and pedestrian connectivity remains an important unresolved issue.)

Although the County vacated the Highline Drive vehicular connection to Wilderness, the City of Olympia is still interested in it. The Examiner recommended, “the right of way for a full vehicular connection at Highline Drive should not be dedicated, unless the City Council remands to the Hex for a hearing on that issue.” This will remain a possibility, particularly in light of the City’s interest in the annexation of Wilderness. The City of Olympia is budgeted to study and pursue annexation by end of 2011.

Multiple Issues of Concern

DR Horton’s plan of building 500 dwellings results in numerous negative impacts to the Chambers Prairie Basin, along with a significant degradation of the quality of life in Southeast Olympia. Among the issues of concern are:

- (1) **Heightened traffic congestion** without relief from bus transit service, and inadequate pedestrian and bicycle connectivity.
- (2) **Lack of community cohesion.** Bussing or driving elementary, middle school and high school students to Westside or downtown will result in less quality time for students and their families, heightened congestion, and weaken the sense of community. Next-door neighbors could have their children attending two or three different schools. Southeast neighborhoods will be isolated islands without a quality network of pedestrian/bicycle-friendly paths between them and to regional links such as the Chehalis Western Trail.
- (3) **Financial burden of development** placed on residents rather than developers. The current school impact fees do not even cover enough for the purchase of portable units to house all the expected elementary students that the Trillium development is estimated to generate. A new school is likely, and will be largely paid through the passage of more school capital bonds.
- (4) **Destruction of natural habitat and wildlife corridors,** and of the natural, hydraulic retention capacity of the existing forest.
- (5) **Over-crowding of LBA Park.**
- (6) **Stormwater is a key issue.** The County raised serious concerns about the high rate and volume of stormwater that potentially could be generated from the Trillium development. Flooding downstream is already occurring and has increased over the years as new development in the basin has occurred. Potential

for more severe flooding down-stream is very high. In particular, Spooner's Strawberry Farm has experienced significant flooding and washout. Erosion of the Chambers Ditch/ Creek has occurred in the past, and is likely to exacerbate with increased flows potentially impacting downstream ecosystems and roads and private property along it.

- (7) **The water quality of Stormwater will likely be worsened from Trillium and additional developments.** The Chambers Ditch/Creek flows into the Deschutes River. During high storm events, contamination of water is likely to occur. As the elevated groundwater, due to increased flows from over-development, mixes with septic drainage it flows into the river. The Department of Ecology states in their web-site: "Unfortunately, the quality of water in some areas of the Deschutes River, Capitol Lake and Budd Inlet are below state standards. The Deschutes River is under pressure from growth, resulting in many small, uncontrolled sources of pollution entering the river. Local city, county, and state government agencies work hard to monitor and protect the quality of our water. Recently, water quality monitoring revealed that measurements of pH, dissolved oxygen, temperature, fine sediment, and fecal coliform were not normal..."

Next Steps—We Need Your Support

Your presence is needed and requested on June 21st at the Olympia City Council Chambers. This will be the last opportunity to weigh in on the Trillium Master Plan Application. Participants from prior hearings on this matter can provide written briefs and oral arguments related only to the issues of transit, schools and connectivity, and based on testimony already on the record. Let's urge our Council members to vote to uphold and support our city's municipal code, comprehensive plan and state RCW as detailed by the hearings examiner by denying the Trillium Master Plan Application.

The Council agreed to the following schedule:

June 7, 2011: Written briefs due from anyone who has participated in Trillium hearings in the past.

June 21, 2011: City council hears oral comments/arguments by parties. Please attend!

Check the city web site for meeting time and agenda updates:

<http://olympiawa.gov/en/city-government/city-council-and-mayor/agenda.aspx>.

To read the extensive Trillium documents on record: www.olympiawa.gov/city-services/planning-and-zoning/trillium-master-plan.aspx.

Attend the Olympia City Council meeting. Thus far, citizen input has resulted in three consecutive recommendations for denial. Please don't stop now. Let your voice be heard!