



Memo

To: Covington City Council
From: Richard Hart, Community Development Director
Ann Mueller, Senior Planner
CC: Regan Bolli, City Manager
Date: February 15, 2017
Re: Lakepointe Urban Village Development Agreement Annual Report

Attached you will find a memo provided to the City, from Oakpointe, the Master Developer of the Lakepointe Urban Village along with the report they submitted to comply with terms of the [Lakepointe Urban Village Development Agreement](#) Section 36 related to Annual Reports and excerpted below:

36. ANNUAL REVIEW.

36.1 Annual Examination Required. Pursuant to Section IV(A) of the Planned Action, no later than December 31st of each year, Master Developer shall submit a report to the Designated Official, including, at a minimum, the following topics:

- 36.1.1. What obstacles, opportunities and/or constraints might exist for Master Developer that were unexpected when the Agreement was written;
- 36.1.2. Status of reclamation;
- 36.1.3. Status of progress and compliance with the Planned Action mitigation measures;
- 36.1.4. Documentation of reclamation compliance from Department of Natural Resources;
- 36.1.5. Parking;
- 36.1.6. Traffic;
- 36.1.7. Road Construction;
- 36.1.8. Public safety issues/concerns;
- 36.1.9. Status of trail construction;
- 36.1.10 Status of required focal points; and
- 36.1.11 What sustainably features have been incorporated into Lakepointe Urban Village development pursuant to Section 6.

36.2 The Designated Official shall work cooperatively with the Master Developer to schedule a time for the Master Developer to present its report to the City Council. Notice of such presentation shall at a minimum be published in the local newspaper by the City a minimum of eighteen (18) days prior to the City Council meeting. The Designated Official shall keep track of comments and concerns raised by the public and City staff between annual reports and provide that list for consideration during the Master Developer's presentation to the City Council. The City shall use the report to monitor the progress of the Lakepointe Urban Village development to ensure it is consistent with the assumptions of the Planned Action and Planned Action EIS.

Public Notice

Staff placed a display ad in the February 2, 2018 edition of the Covington Reporter to give notice of the Master Developer's (Oakpointe) Annual Report presentation to the City Council at their February 27, 2018 meeting. Staff also posted notice at City Hall and on the City's website of the Annual Report.

Public Comments & Concerns

Staff continues to field on a regular basis, phone calls and at the front counter inquires, many from new residents, about what uses are allowed in the Lakepointe Subarea, when development will occur, concerns about traffic, as well as preservation of open space, trees, and the green space buffer. These are addressed by staff by referencing the history of planning for the area, the original Hawk Property Subarea Plan and Planned Action EIS, and mitigation measures adopted in the Planned Action Ordinance as well as the Development Agreement, all of which are accessible on the city's website and in hardcopy at city hall.

More recently staff has been addressing questions raised by residents along 204th Ave SE related to the impacts of the planned roadway improvements and the potential impact on their properties, traffic congestion, and access during construction.

Consistency Review to Date

City Council approved the Development Agreement in April 2017. After approval there were several items that needed to be addressed by the Master Developer in the near term. These included:

- 6/8/2017 Oakpointe obtained a United States Army Corps of Engineers (ACOE) determination that the waterfilled depressions within the Gravel Pit were not waters of the US. This determination applies only to waterfilled depressions within the subarea. Other waters and wetlands (i.e. Jenkins Creek and the associated wetlands) were not subject to this determination (DA Section 14.4).
- 7/12/2017 Recording of the Boundary Line Adjustment with King County. After which the approved zoning for the new parcel configuration was provided to King County (DA Section 8.1, 8.2, 8.3 & 14.2).
- 8/17/2017 Development Agreement was recorded with King County (CMC 18.114.050(4)).
- 9/15/2017 A Tree Risk Assessment letter was submitted to the City by Oakpointe which included an inventory of the type and health of trees located within the green space buffer located to the west of 191st Place SE. A tree inventory and management plan of the green space buffer was required to be submitted to the city within 6 months (by Oct. 15, 2107) of the approval of the development agreement. The city has subsequently met and exchanged correspondence with Oakpointe requesting clarification on, and changes to the Tree Risk Assessment letter, its recommendations on the hazard trees, and their approach to addressing the root rot disease identified in this buffer area and the need for a tree management plan.

The city has notified Oakpointe that the information they have provided to date does not contain an adequate tree management plan for the green space buffer area, and we have provided them a detailed framework of what should be address in that plan, to show how they will manage the area to address the short- and long-term health of the forested buffer and includes specific management practices and activities that will be undertaken to preserve, restore and enhance the tree buffer, specifically activities to address the identified forests health issues(e.g. root disease), and provide a visual

buffer between the Lakepointe Urban Village and the residences to the south. To date the city has not received a Tree Management Plan from Oakpointe (DA Section 19.2.6).

2018-19 Development Agreement and Planned Action elements being monitored by Staff

- The Development Agreement states that any hazard trees identified in the Green Space buffer area shall be removed and replanted within one year of the agreements approval (i.e. April 18, 2018). The developer and city's arborist have discussed habitat snagging the identified hazard trees and planting a new tree for every identified hazard tree based on a list of root disease resistant tree species provided by the city. To undertake this work, the developer will need to submit for a Tree Permit soon to allow staff adequate time to review the permit application and notify neighbors prior to the April 18, 2018 deadline (DA Section 19.2.6).
- Highlights of Covington Connector roadway elements:
 - The Subarea Design Standards require the Master Developer to work with an artist familiar with large infrastructure projects as part of their project design team to integrate art into the aesthetic treatment of retaining walls, overcrossings, and underpasses of the Covington Connector roadway. Oakpointe has not yet identified the artist they are working with to implement this requirement (DA Section 21, Exhibit P, Design Standards 1.4 and 1.5).
 - All runoff from pollution-generating surface must be captured, treated, and, where feasible, infiltrated to prevent poor surface and ground water quality. Water quality treatment shall be through low impact development facilities (DA Section 23.4 & PA Ord. Attachment B-1 mitigation measure 6, 7 and 22).
 - If the Master Developer proposes public facilities that are privately maintained (such as privately maintained stormwater facilities for the Covington Connector roadway) a separate infrastructure Maintenance Agreement must be entered in to (DA Section 23.6).
 - Once the baseline impact necessary for construction of the Covington Connector, trails and other infrastructure such as utilities, are determined, the identified wetland buffer (or modified buffer if impacts cannot be avoided), shall be placed in an easement or non-buildable tract and dedicated to the City or other conservation organization approved by the city (PA Ord. Attachment B-1 mitigation measure 23).
 - A stewardship program for natural open spaces and critical areas shall be created at the time easements or tracts are approved by the city and prior to development occurring within 500 feet of the onsite critical areas (PA Ord. Attachment B-1 mitigation measure 24).
 - Public landscaped areas, stormwater bioswales, and other green space areas provided in the subarea shall be planted with native grasses, groundcovers, trees, and shrubs whenever possible to maximize wildlife habitat and minimize the needed maintenance (PA Ord. Attachment B-1 mitigation measure 25).
 - To reduce habitat fragmentation between the Jenkins Creek corridor and habitat patches to the south and west, a wildlife crossing is required to be incorporated into the Covington Connector roadway design (PA Ord. Attachment B-1 mitigation measure 29).
- To date no site plans for future commercial or residential development have been provided to the city for review for consistency with the Development Agreement, Planned Action, and vested zoning standards. The Development Agreement states that Covington's Police Chief shall be provided with early review of all site and building design documents prior to review and approval by the Master Developers Design Review Committee (DA Section 17.3).

Public Benefits

As part of the Development Agreement several specific Public Benefits (DA Section 6) were provided, and staff will review future development activities to ensure these are provided for as part of the design of development within the Subarea as we move forward. These include:

- Reserving space for a Covington Police Department storefront substation within the commercial area of the Lakepointe Urban Village.
- Vehicle parking reserved for Cedar Creek Park visitors in proximity to the parks access points, as well as pedestrian access points to connect the subarea's trail system with the parks trails.
- Integrating sustainability measures, such as the principles of smart growth, urbanism, and green building into the design.

Current Development Agreement Related Activities Under City Review

Public Works staff has reviewed and commented on the 60% design plans submitted by Oakpointe for roadway improvements to 204th Ave SE. Public Works staff and Oakpointe consultants have meet with three homeowners on 204th to discuss the proposed roadway profiles.

Public Works staff is currently reviewing and commenting on the 60% design plans for SR 18 improvements and the Covington Connector.

Legislative Action Permit submitted by Oakpointe in 2018

LA18-0002 Comprehensive Plan Amendment- Oakpointe has submitted a request to amend the city's Comprehensive Plan to increase the allowed development thresholds within the Subarea from 1,500 to 1,750 housing units and from 850,000 to 1.32 million square feet of commercial. Again, no site plan or layout is being review as part of this request. This request will be review by the Planning Commission and forwarded to the City Council who will determine if the amendment should be docketed and processed as part of the city's yearly comprehensive plan amendment process. If the City Council places this request on the docket for future review, several related project documents will need to be reviewed for necessary revisions to ensure consistency with this request and to determine what, if any, additional impacts may result from this proposal. These related documents include the Planned Action EIS, Planned Action Ordinance, and Subarea Plan.

LA18-0005 Code Amendment – Oakpointe has submitted a code amendment to Covington's Municipal Code Chapter 8.20 Noise Control. The proposed amendment is to revise the existing language to allow the City Manager to approve nighttime work that is associated with an approved Department of Natural Resources Reclamation Permit for work involving fill activities. This amendment would provide Oakpointe with the opportunity to bring in fill material associated with the reclamation activities to the subarea at night and shorten the overall duration of on-site fill activity.

Attachment: Dec. 27, 2017 Lakepointe Annual Report from Oakpointe



December 27, 2017

Ann Mueller
City of Covington
16720 SE 271st Street, Suite 100
Covington, WA 98042-4964

Re: Lakepointe Annual Report

Ann, attached is a copy of the Lakepointe Annual Report Pursuant to Section 36.1 of the Lakepointe Development Agreement. I would welcome placement on the City Council Agenda early in 2018 to provide a verbal summary and to address any questions.

Thank You

Colin Lund
Director of Development

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2017 Annual Review

Pursuant to Section 36.1 of the Lakepointe Development Agreement (DA), the Master Developer (Oakpointe) must provide an annual report to the City of Covington Designated Official. Below is a listing of each of the areas to be addressed and a response by Oakpointe:

36.1.1 What obstacles, opportunities and/or constraints might exist for the Master Developer that were unexpected when the Agreement was written

The DA is primarily focused on activities that occur during site entitlement, construction and operation. To date, most of Oakpointe's activities are associated with the pre-development process. However, on June 8, 2017, Oakpointe received confirmation from the US Army Corps of Engineers (Corps) that the water-filled gravel pits and associated pre-settling pond area are not waters of the US. This approval satisfies Section 14.4 of the DA, which requires the Corps determination prior to any implementing project or off-site development projects discharging water into the existing pond areas.

While Oakpointe was negotiating and seeking approval of the DA with the City of Covington, it also undertook a significant site planning process in order to understand how the terms and standards of the DA impacted the carrying capacity of the Lakepointe project site. Oakpointe found that additional commercial space and additional residential units are possible within the same footprint of the development area of the Lakepointe project site, as a result of structured parking, the mix of residential product type, and by providing a variety of building heights. An example of this is on the site's peninsula, Section 19.1.3 of the DA requires the peninsula area to be developed with mixed-use, including upper story residential units. Oakpointe had not originally contemplated residential in this area; however, by providing upper story residential units, it provides for additional units that had not originally been considered.

Oakpointe has begun exploring with City of Covington staff opportunities to bring forward a request to increase the amount of commercial and residential units on the Lakepointe project site while retaining the same site footprint as indicated under the DA.

36.1.2 Status of Reclamation

Oakpointe expects that by the end of 2017 approximately 260,000 yards of fill material will have been imported to the site. The fill is primarily being placed on the far easterly portion of the Lakepointe project site and the peninsula area. Golder Associates has been performing on-site geological construction monitoring and compaction testing to ensure compliance with the reclamation plan and industry standard compaction for future construction. The most recent report was submitted to the City of Covington via e-mail on November 11, 2017. Goodfellow Bros. Inc., Oakpointe's general contractor, is on the site everyday managing the import of material and conducting the actual placement and compaction work.

The rate of import of fill dirt in 2017 was significantly less than Oakpointe had originally anticipated. This deficit is the result of a combination of other site's competing for material, the location of the export sites, and inability to accept material during extended hours. To this end, Oakpointe has discussed with City of Covington staff the possibility to request the ability to allow fill material to be accepted on the Lakepointe site during extended hours (just delivered, not placed). Several large urban export projects are only permitted to haul at night due to traffic in and out of the city in which they are located. Having the ability to accept this material would significantly increase the rate of the fill activity at Lakepointe. Allowing the import of fill does, however, require a change to the City code to allow the Designated Official to consider the request and grant approval with necessary conditions. Oakpointe intends to submit a request for City code modification to allow the request to be considered by the Designated Official.

36.1.4 Status of progress and compliance with the Planned Action mitigation measures

(Not applicable at this time)

36.1.5 Parking

(Not applicable at this time)

36.1.6 Traffic

(Not applicable at this time)

36.1.7 Road Construction

Oakpointe has been working with the City of Covington to prepare final engineering plans for the Covington Connector road (Lakepointe Boulevard) that extends from the west off-ramp of Highway 18 at SE 256th Street to the intersection of 204th Avenue SE and SE Kent Kangley Road. The plans have been divided into two sections. The first section includes improvements to 204th Avenue SE (from Maple Hills to SE Kent Kangley Road) as one plan set. The second section includes the Highway 18 interchanges and the portion of the road through the Lakepointe site as a second plan set. Oakpointe's consultant is currently working on construction bid documents and will be providing the City the plans and bid package information for the City's use going forward.

36.1.8 Status of trail construction

(Not applicable at this time)

36.1.9 Status of required focal points

(Not applicable at this time)

36.1.10 What sustainably features have been incorporated into Lakepointe Urban Village development pursuant to Section 6.

(Not applicable at this time)