

COUNCIL	<input checked="" type="checkbox"/>
STUDY SESSION	<input type="checkbox"/>
COMMITTEE	<input type="checkbox"/>
DATE	12-16-03
AGENDA ITEM NO	4M

Ordinance No. 6299

AN ORDINANCE relating to zoning; specifically to village master plans and in particular the proposed Briggs Village; approving and adopting the proposed Briggs Village Master Plan; adopting and approving the recommendations of the City's Design Review Board; adopting and approving, with modifications, the recommendations of the Olympia Hearing Examiner; adopting separate findings and conclusions with respect to modifications to the Hearing Examiner's recommendations; authorizing and directing amendment of the City's zoning map by changing a designated area from UV, Urban Village, to Briggs Village; and adding a new Section 18.05.120 to the Olympia Municipal Code.

WHEREAS, the Olympia Comprehensive Plan allows urban villages; and

WHEREAS, Olympia Municipal Code Chapter 18.57 sets out the process for review of urban village projects; and

WHEREAS, Briggs Development Company has proposed an urban village master plan to be known as Briggs Village; and

WHEREAS, the Final Environmental Impact Statement (FEIS) was issued on May 1, 2003 on the proposed Briggs Village and the Olympia City Council finds that sufficient evidence was presented in the EIS process as to the impact of the Briggs project on the surrounding area; and

WHEREAS, the City of Olympia's Design Review Board reviewed the Briggs Village Design Guidelines for compliance with Olympia Municipal Code (OMC) Chapter 18.05A and recommends its approval with conditions; and

WHEREAS, the Olympia Hearing Examiner reviewed the Briggs Village Master Plan for compliance with OMC Chapter 18.05 and recommends its approval with conditions; and

WHEREAS, the staff of the Department of Community Planning and Development has reviewed the FEIS, the Briggs Village Design Guidelines, and the Briggs Village Master Plan and recommends their approval with conditions; and

WHEREAS, the Olympia City Council on November 3, 2003, in regular session, has considered the record and recommendations of the City's Design Review Board, the Olympia Hearing Examiner, and the report and recommendations of the Department of Community Planning and Development; and

WHEREAS, the Olympia City Council desires to adopt as conditions of approval, the mitigation measures in the FEIS, the recommendations of the Design Review Board, and the recommendations of the Hearing Examiner with modifications, and adopts appropriate findings and conclusions with respect to those modifications; now, therefore,

THE OLYMPIA CITY COUNCIL ORDAINS AS FOLLOWS:

Section 1. The Olympia City Council hereby approves and adopts the Briggs Village Master Plan, which shall be comprised of the following elements, true copies of which are on file with the City Clerk and incorporated into this Ordinance by reference:

- A. Briggs Village Master Plan Development, Volume 1, dated November 2003.
- B. Briggs Village Design Guidelines, Volume 2, dated November 2003.
- C. Briggs Village Master Plan Final Environmental Impact Statement, dated May 2003.
- D. Briggs Village Master Plan Combined Conditions of Approval. These 56 conditions include recommendations to the City Council from the Design Review Board dated May 8, 2003, and recommendations of the Olympia Hearing Examiner contained in the "Findings and Recommendations of the Hearing Examiner of the City of Olympia" dated August 15, 2003, as modified by the Council on November 3, 2003, which the Council now adopts as conditions of approval.
- E. City Council Modified Conditions of Approval with Findings of Conclusions.


Section 2. The Director of the Department of Olympia Community Planning and Development is hereby authorized and directed to modify the Official City of Olympia Zoning Map to change the area of the Briggs Village as set forth in Section 1 of this Ordinance from "UV" (Urban Village) designation to "Briggs Village. See Ordinance No. 6299" [this Ordinance]. The City Clerk is hereby authorized and directed to fill in the ordinance number of this Ordinance in this section.

Section 3. Pursuant to OMC 18.57.080D(3), the City Council modifies certain recommendations of the Hearing Examiner so that they will be consistent with the City's adopted plans, policies, and ordinances. These modified recommendations, findings, and conclusions are attached to this Ordinance and incorporated herein by reference in the document entitled, "City Council Modified Conditions of Approval With Findings and Conclusions." The Briggs Village Master Plan Combined Conditions of Approval in Section 1 contains the modifications made by the Council in this Section 3.

Section 4. Section 18.05.120 of the Olympia Municipal Code is hereby enacted as a NEW SECTION, to read as follows:

Effective December 16, 2003, the Olympia City Council approved and adopted the Briggs Village Master Plan, the details and regulations of which are found in Ordinance No. 6299 [this Ordinance], on file with the City Clerk. The City Clerk is hereby authorized and directed to insert the effective date and number of this Ordinance in this section.


Section 5. Severability. If any provision of this ordinance or its application to any person or circumstances is held invalid, the remainder of this ordinance, or application of the provision to other persons or circumstances, shall be unaffected.


MAYOR

ATTEST:


CITY CLERK

APPROVED AS TO FORM:


CITY ATTORNEY

Passed: December 16, 2003
Approved: December 16, 2003
Published: December 19, 2003

EXHIBITS ORDINANCE 6299
ARE SCANNED INTO IMAGING SYSTEM AND FILED IN CLERK LIBRARY

<u>FOR EXHIBITS:</u>	<u>Clerk Library #</u>
A. Briggs Village Master Plan Development, Volume 1	#11144
B. Briggs Village Design Guidelines, Volume 2	#11145
C. Briggs Village Master Plan Final Environmental Impact Statement May 2003	#11146
D. Briggs Village Master Plan Combined Conditions of Approval	#11147
E. City Council Modified Conditions of Approval with Findings of Conclusion	#11148

November 2003



Briggs Village

Master Plan Development



NBBJ · Briggs Development Company

Volume **1**

FILE COPY
EX A



November 2003



Briggs Village

Design Guidelines



NBBJ • Briggs Development Company

Volume **2**

FILE COPY
IVR

MAY 2003

BRIGGS VILLAGE MASTER PLAN

FINAL

ENVIRONMENTAL IMPACT STATEMENT

Prepared for:

**Community Planning and Development
City of Olympia
837 7th Avenue SE
Olympia, WA**

Prepared by:

**Adolfson Associates, Inc.
5309 Shilshole Ave. NW, Suite 200
Seattle, WA 98107**

EXC

**Briggs Village Master Plan
Combined Conditions of Approval**

I. Compliance by future phases and developments.

1. All phases and developments of the urban village, including preliminary and final subdivision approvals, land use approvals and all other permits or approvals, shall comply with the approved Master Plan and conditions and with all applicable standards and requirements of law. For each such phase or approval, the applicant shall submit all plans and information required by law.

2. Any subdivision that would increase density beyond the maximum density allowed or decrease density below the minimum density required is prohibited. Any subdivision or development that would result in violation of any use or development standard or any other applicable standard is prohibited.

II. Phasing.

3. The urban village shall be developed in compliance with the phasing requirements of OMC 18.05.050 F.

4. Each phase of the Master Plan will be reviewed on its own merits for compliance with applicable City codes and for compliance with the Master Plan, when that phase is submitted for approval.

5. The Town Square shall be constructed before more than 50% of the commercial space is under construction.

6. Improvements proposed by the applicant for the neighborhood park shall be constructed in conjunction with the first phase of the West Residential phase. It will be conveyed to the City in accordance with the sales agreement.

7. Restoration of the Central Kettle, as described above, shall be completed and post-construction monitoring initiated by the end of the second phase of development, whether or not that is the West Residential phase as now proposed.

8. The Arboretum facility, associated parking and final trail network shall be completed by the third phase, whether or not that is the Central Residential phase.

III. Hazardous substances.

9. Thallium, DDE, DDT, Dieldrin and Aroclor 1254 (PCB) shall be contained or removed from the site so that those substances are below state and federal cleanup levels. Any area of identified contamination in excess of the required cleanup levels (a cell) shall be addressed in accordance with an Agreed Order with the Washington State Department of Ecology prior to approval of any development in the contaminated or affected area. As development occurs, any contaminated area outside the development area, which has not yet been cleaned up to levels protective of public health and safety under MTCA, shall be isolated to reduce risk of exposure to humans and pets.

10. The risk assessment methodologies described in the Findings by Washington and the EPA to determine site-specific cleanup levels for dioxin/furan compounds shall be carried out for the urban village property. The Washington State Department of Ecology shall act as a third party impartial expert to determine whether cleaning up dioxin/furan compounds to these site-specific levels will adequately protect human health. Removal or containment shall be commenced for those substances that exceed the standards. This action shall be overseen by Ecology through an agreed order.

11. All clean up required by these conditions or through reopening master plan approval, as just discussed, shall be completed prior to the start of each related construction phase.

IV. Stormwater and erosion control.

12. The South, Central, Northwest and North kettles may be used for storage and infiltration of stormwater. The stormwater flow to each shall mimic natural drainage flow. The diversion device proposed by the Staff (Ex. 1, pp. 7-8) [staff report to Hearing Examiner, dated June 30, 2003] shall be installed to regulate water levels of the South and Central kettles.

13. Stormwater shall not be routed to the Northeast Kettle.

14. Stormwater shall not be routed to the Southeast Kettle, unless all contamination in it, including Dieldrin and Arochlor 1254, has been cleaned up consistently with all applicable standards.

15. The Applicant shall file an agreement with the City, including an approved Performance Verification/Mitigation Plan, to assure the performance of the storm drainage facilities. This guarantee, through the appropriate surety, shall be in place and approved by the City before final plat approval of each phase. The guarantee shall remain in effect for two years or until performance verification/mitigation is complete, whichever occurs later. The amount of the bonding will be 125 percent of the probable mitigation cost which shall include testing, engineering, construction (system modification), and construction permits.

16. As part of the preliminary subdivision or land use approval for the first phase or subphase presented for approval, the Applicant shall present evidence as to how often water would

flow out of the Central Kettle and drain to the west, what volume of water would be discharged, and what effect it would have on property to the west. Preliminary subdivision or land use approval may be granted only if the evidence shows that the overflow will not flood or damage nearby property.

17. Erosion control measures complying with applicable state and local requirements shall be in place prior to any clearing, grading or construction.

18. Initial clearing and grading for each phase shall be limited to the minimum areas necessary.

19. Native vegetation shall be retained to control erosion and sedimentation in all critical areas and buffers and in all open space areas, except the Town Square, the neighborhood park, the commons area, and the Arboretum.

V. Tree retention.

20. The removal of trees is prohibited in all kettle wetlands and their buffers, except (1) trees may be removed from the Central Kettle if, in the opinion of the Urban Forester, the removal is necessary for proper restoration of the Kettle wetland, (2) trees may be removed if, in the opinion of the Community Planning and Development Department, the removal is necessary for proper functioning of the approved stormwater system, and (3) trees may be removed if, in the opinion of the Urban Forester, the removal is necessary for the health of the stand or to abate a hazard.

21. The large Douglas fir tree near Yelm Highway across from the entrance to the Farm subdivision, as pictured in the photographs attached to Ex. 20, shall not be removed. If the Applicant or any affected individual develops new evidence that the tree is or is likely to become hazardous, it may request an amendment of these conditions.

22. No trees shall be removed from the area around and behind the large fir tree, as shown on Ex. 1, Att. L [aerials of site showing locations of trees recommended to be saved], unless authorized as described in the Conclusions, above. If the Applicant decides to abandon the full vehicular access to Yelm Highway from the West Residential phase due to the requirement to keep the large fir tree, the Applicant shall either relocate this street connection further west or, if this is not feasible, eliminate the street connection and provide a public cross-block pedestrian, bicycle, and emergency access connection to Yelm Highway further to the west. The trees in this area required to be preserved and their critical root zones shall be placed in a separate deeded tree tract as part of the formal platting process for the property.

23. No trees shall be removed from the area outlined in Ex. 1, Att. L and labeled "Hawk Nest Site", unless authorized as described in the Conclusions, above. The mitigation measures to protect the hawk nest on p. 1-11 of the FEIS shall be followed. Trees in this area which are required to be preserved and which are outside the City park shall be placed in a separate deeded tree tract as part of the West Residential phase or at any time prior to that as necessary to protect the trees.

24. Trees in the Arboretum may be removed only to maintain the health of the trees, assure the safety of residents, or to assure a clear view from the public overlook. They may not be removed for any other purpose.

25. For each subdivision, a tree tract or tracts shall be identified that meet 75% of the required minimum tree density for that subdivision. This does not require, though, that the tree tract required for each subdivision be located in that subdivision. Specific individual trees and tree tracts, pursuant to OMC 16.60.070 D. 4, will be identified at the preliminary plat stage of each development phase. In removing trees, the Applicant shall preserve trees in the order of priority set in OMC 16.60.070 D. 5.

VI. Transportation impacts, street improvements, and street connections.

26. The transportation impacts of all development in the urban village shall be mitigated. Each preliminary subdivision and each land use approval will require a traffic impact analysis that includes a mitigation plan. This requirement does not apply to land use approvals the traffic impacts of which are analyzed through another permit or approval.

27. Mitigation for traffic and transportation impacts will be imposed at the specific development approval stage: preliminary subdivision, land use approval or, if neither is required, at construction approval.

28. At such specific development approval stages, the Applicant shall examine transportation impacts to the intersections of northbound Henderson to southbound Interstate 5 and Cain Road and North Street, as well as the intersections analyzed in the FEIS. The City Staff shall consider whether intersections such as Boulevard Road and Yelm Highway and Rich Road and Yelm Highway should also be examined at those stages.

29. The traffic analyses at the preliminary subdivision stages shall specifically analyze each walking route which students are likely to take to public schools. This shall include at a minimum

- (a) Pifer Street to North Street and the crossing of North Street at that point,
- (b) Pifer Street to North Street, hence to Henderson, and then north on Henderson to Pioneer Elementary, Washington Middle School and Olympia High School,
- (c) Henderson Boulevard to Carlyon and then to Pioneer Elementary, Washington Middle School and Olympia High School
- (d) routes to Centennial Elementary, if any residential area in the urban village remains in its attendance area.

30. At the preliminary subdivision stages, the Applicant, in consultation with the City, shall project the percentage of eligible students who in fact use school buses. The City decisionmaker

shall consider that, as well as the condition of the likely routes, in deciding whether safe walking conditions for schoolchildren are present to each public school with an attendance area that includes any part of the urban village. No permit or approval for any residential construction may be given, unless such safe walking conditions are present for students.

31. Each preliminary subdivision review shall address the potential problems from vehicle queuing at Pioneer Elementary and the other schools and shall consider whether trips by students and their drivers will cause unacceptable traffic congestion at those schools or along their routes.

32. Each preliminary subdivision review shall examine whether urban village traffic affects the safety of the crosswalk across Henderson Boulevard at Carlyon.

33. If transportation mitigation is offered in the form of impact fee payments, those payments shall be used to finance improvements or measures which will address traffic increases from this urban village.

34. At each preliminary subdivision stage, City staff shall examine and recommend measures to reduce commute auto use by residents of the urban village. Each preliminary subdivision approval shall require specific measures to reduce commute auto use by residents, unless it is specifically found that such measures are not reasonable. Examples of such measures include, but are not limited to, ride match services, preferential parking for carpools and vanpools, subsidized bus passes, promotional and educational programs and bicycle routes to employment centers.

35. The private streets proposed for the Briggs Village are permitted subject to the conditions described on page 22 of the staff report to the Hearing Examiner, dated June 30, 2003, and the granting of Public Use and Access Easements over that private street to assure access and use by the public, which contain adequate maintenance, indemnification and insurance by the owner to protect the public interests. In case the city has to dig up the private streets to install or maintain public utilities, this document shall also limit the level of restoration required by the city to levels comparable to restoration work done on public streets. The easement granting document shall be approved by the City Attorney.

36. Henderson Boulevard shall be improved to the adopted two/three-lane Major Collector standard from the north boundary of the site south to the intersection of Briggs Boulevard. Henderson Boulevard shall be improved to the adopted two/three-lane Major Commercial standard from Briggs Boulevard south to Yelm Highway, unless a future phase Traffic Impact Analysis shows that the five-lane configuration will better serve the Village Center Phase.

37. A full vehicle connection shall be made with Pifer Street, as proposed in Ex. 1, p. 19 [staff report to the Hearing Examiner, dated June 30, 2003], when the first building permits are issued for the North Residential phase. This may include right-of-way acquisition from the Tumwater residence at 1129 South Street to facilitate a "T" intersection design when the North Residential Phase develops. However, for any period of time in which the City of Tumwater refuses to allow a full vehicle connection at this point, only a connection for pedestrians and

emergency vehicles is required.

38. A vehicular connection with Delta Lane is not required. An intervening public cross-block pedestrian-bicycle connection to Delta Lane should be constructed, as recommended on p. 20 of Ex. 1 [staff report to the Hearing Examiner, dated June 30, 2003], when the West Residential Phase develops.

39. The future consideration of transportation impacts, including safe walking conditions for students, shall consider the cumulative impacts of the phase under consideration and already proposed or approved developments or phases of the urban village.

VII. Miscellaneous.

40. As part of City Council consideration, the Applicant shall present an analysis of maximum density showing that each of the four residential neighborhoods described in the Findings meets the maximum housing density of 24 units per acre.

41. The Applicant shall develop a landscape management plan to ensure the proper use and application of fertilizers and pesticides and to minimize the use of chemicals for those purposes.

42. At the time of a specific development proposal that includes any impacts to critical areas, the applicant must supply all the information required by the Critical Areas Ordinance, including special reports and detailed plans, and must meet all the applicable requirements of that ordinance.

43. No work within the steep slope adjacent to Ward Lake or within the kettles is to commence without administrative approval.

44. The Applicant shall carry out the Central Kettle restoration as generally described in Ex. 1, Att. A [General Land Use Application and Master Planned Development Supplement, dated January 28, 1999] and Att. J [Revised Addendum to the Preliminary Mitigation and Monitoring Plan, dated April 8, 1999].

45. City staff shall have the opportunity to participate in development of recommendations by the LCLA monitoring team for the Central Kettle restoration as described in Ex. 1, Att. J [see #44, above].

46. The recommendations by the monitoring team described in Ex. 1, Att. J [see #44, above]. shall be designed to reach the acceptable ranges for hydrology, water quality, plant community maintenance, and faunal habitat support set out in that document.

47. The Applicant shall carry out the recommendations of the monitoring team described in Ex. 1, Att. J [see #44, above] for the Central Kettle restoration.

48. Any proposed development within the shoreline of Ward Lake shall comply with the

Shoreline Management Act and the Shoreline Master Program for Thurston Region. Compliance will be determined at the time of preliminary plat or development proposal submittal. At that time, proposed residential lots shall be revised to comply with the minimum lot size and the required lot width for the Rural shoreline environment.

49. Utilities shall be located outside the site of the neighborhood park to be sold to the City. The Applicant shall give the City Parks, Arts and Recreation Department the opportunity to review and comment on all grading plans that could affect the park site.

50. The Henderson Boulevard sanitary sewer shall be constructed of 15-inch-diameter pipe from the current terminus of the City sanitary sewer system at the northeast corner of the site, south to Yelm Highway.

51. The Applicant shall relocate the proposed 12-inch water main loop serving the West Residential phase so that it is not within the neighborhood park or on private property. As stated on p. 25 of Ex. 1 [staff report to the Hearing Examiner, dated June 30, 2003], additional design is required during the subdivision process to insure optimal performance of the water system.

VIII. Design.

52. Provide landscape details at the time of specific land use application; ensure that landscaping provides screening as required; provide information regarding maintenance of landscaping. (18.05A.110, 18.20.060 and 18.20.150)

53. Provide additional site details for Ward Lake duplexes at the time of land use application, including the landscape easement and the landscape buffer in the easement.

54. Existing trees are to be preserved to the greatest extent possible. The “greatest extent possible” includes revising site plans, if necessary to achieve tree preservation. (18.05A.120)

55. At the time of site plan review for multifamily projects, provide enough detail that it can be determined if the building orientation and design provide privacy for the occupants of the multifamily building and for the occupants of adjacent buildings. (18.05A.200)

56. Provide screening for all mechanical equipment, storage areas, etc.; show on land use application plans. (18.20.060)

End of conditions

City Council Modified Conditions of Approval with Findings and Conclusions		
Hearing Examiner Recommendation	City Council Condition	Findings & Conclusions
6. "The neighborhood park shall be constructed by the end of the second phase of development, whether or not that is the West Residential phase as now proposed."	# 6. Neighborhood Park. Improvements proposed by the applicant for the neighborhood park shall be constructed in conjunction with the first phase of the West Residential phase. It will be conveyed to the City in accordance with the sales agreement.	Findings. The City has agreed to buy acreage for a park. The Parks Plan shows purchase of this park land (N-58) in 2005 and development in 2020. Conclusions. Only those improvements proposed by the applicant should be subject to a time limit; City improvements will occur when funded.
	Hazardous Substances.	
9. Thallium, DDE, DDT, Dieldrin and Aroclor 1254 (PCB) shall be removed from the site, so that those substances are below state and federal cleanup levels.	#9. Thallium, DDE, DDT, Dieldrin and Aroclor 1254 (PCB) shall be contained or removed from the site, so that those substances are below state and federal cleanup levels. Any area of identified contamination in excess of the required clean up levels (a cell) shall be addressed in accordance with an Agreed Order with the Washington State Department of Ecology prior to approval of any development in the contaminated or affected area. As development occurs, any contaminated area outside the development area, which has not yet been cleaned up to levels protective of public health and safety under MTCA, shall be isolated to reduce risk of exposure to humans and	Findings. Some contaminants are in kettle wetlands. Removal of these contaminants would conflict with city policies and state regulations limiting disturbance of wetlands. Staff consulted with Washington State Department of Ecology and Thurston County Environmental Health to determine appropriate removal and/or in-place containment. Conclusions. Some of the contaminants may need to be contained on site as removal may cause more environmental harm. The applicant should work with Ecology and Thurston County Health under an Agreed Order to determine the optimum process for each contaminant.

<p>10. “The risk assessment methodologies described in the Findings by Washington and the EPA to determine site-specific cleanup levels for dioxin/furan compounds shall be carried out for the urban village property. All dioxin/furan compounds shall be cleaned up to comply with those levels. The City shall select an impartial expert to examine the property and determine whether cleaning up dioxin/furan compounds to these site-specific levels will adequately protect human health. This analysis will be paid for by the Applicant. If the expert determines it will not adequately protect human health, this master plan approval shall be reopened to consider that issue.”</p>	<p>pets. #10. The risk assessment methodologies described in the Findings by Washington and the EPA to determine site-specific cleanup levels for dioxin/furan compounds shall be carried out for the urban village property. The Washington State Department of Ecology shall act as a third party impartial expert to determine whether cleaning up dioxin/furan compounds to these site-specific levels will adequately protect human health. Removal or containment shall be commenced for those substances that exceed the standards. This action shall be overseen by Ecology through an agreed order.</p>	<p>Findings. Staff consulted with Ecology and Thurston County Health regarding dioxin/furan compounds and the protection of human health. Ecology is the appropriate agency to determine cleanup levels and to oversee the cleanup process.</p> <p>Conclusions. Ecology should determine what containment or removal of dioxin/furan compounds is required to protect human health, and should then oversee those activities.</p>
<p>11. “All cleanup required by these conditions or through reopening master plan approval, as just discussed, shall be completed prior to the start of construction of any of the project phases.”</p>	<p>#11. All cleanup required by these conditions or through reopening master plan approval, as just discussed, shall be completed prior to the start of each related construction phase.</p>	<p>Findings. Staff consulted with Ecology regarding phasing and scale of cleanup activities. Ecology would find administration of single-stage cleanup difficult and less effective.</p> <p>Conclusion. Timing of cleanup should be consistent with the phased development approved by Council, and with advice received from Ecology.</p>
<p>19. “Native vegetation shall be retained to control erosion and sedimentation in all critical areas and buffers and in all open space areas, except the Town Square, the</p>	<p>#19. Arboretum. Native vegetation shall be retained to control erosion and sedimentation in all critical areas and buffers and in all open space areas, except</p>	<p>Findings. The Arboretum has been approved as part of the Master Plan. Development of the Arboretum would necessarily include some removal of</p>

<p>neighborhood park, and the commons areas.”</p>	<p>the Town Square, the neighborhood park, the commons areas, and the Arboretum.</p>	<p>existing vegetation along the shoreline of Ward Lake, so that a trail could be constructed and a variety of vegetation could be planted.</p> <p>The Shoreline Master Program for Thurston Region regulations would apply to development of the Arboretum. Those regulations require preservation and protection of the shoreline while encouraging public access, but they do not prohibit removal of vegetation.</p> <p>Conclusions. The approval of the Master Plan should be internally consistent. Therefore, a condition of approval that prohibits removal of vegetation except in certain areas must include the arboretum in its exceptions, or the arboretum could not be developed.</p>
<p>35. “The shall be public. The remaining streets shall be public or private as proposed. For all private streets, the Applicant is subject to the conditions described on Ex. 1, p. 22.”</p>	<p>#35. Private streets. The private streets proposed for the Briggs Village are permitted subject to the conditions described on page 22 of the staff report to the Hearing Examiner, dated June 30, 2003, and the granting of Public Use and Access Easements over that private street to assure access and use by the public, which contain adequate maintenance, indemnification and insurance by the owner to protect the public interests. In case the city has to dig up the private</p>	<p>Findings. Private streets are proposed for the short entry drive to the Town Square from Henderson Boulevard, the streets surrounding the Town Square, the radial streets extending from the Square, and the dead-end street on the east side of Henderson Boulevard which would serve the multi-family units.</p> <p>There are no master plan criteria for determining if streets should be private or public.</p>

	<p>streets to install or maintain public utilities, this document shall also limit the level of restoration required by the city to levels comparable to restoration work done on public streets. The easement granting document shall be approved by the City Attorney.</p>	<p>The design configuration includes bollards and other architectural features in lieu of the standard street section, particularly in the Town Square, to encourage pedestrian access and use. The Design Review Board recommended approval of this design.</p> <p>The City Council has the authority to approve private streets. City street standards may be modified to accommodate the proposed design, consistent with overall requirements for traffic and public safety as provided for in Ordinance No. 5534, Engineering Development Standards, Section 4, <u>Alternative Standards or Methods</u>, and by OMC 12.02, Olympia Development Standards, Section 2.040.B.12 <u>Private Streets</u>.</p> <p>Conclusions. Although the proposed street section is consistent with good engineering practice, it is not part of any standard city street section. However, due to the unique nature of a master plan, private streets are acceptable, under certain circumstances.</p> <p>In this case the Master Plan design elements can be achieved and the City preference for public access maintained by</p>
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		<p>providing that all private streets have an easement that assures public use and access. This easement will recognize the unique nature of Briggs Village, and its Town Square, and make appropriate provision for safe public access by vehicles and pedestrians. In addition, Access to the Town Square area (block size standards, or connectivity) is adequately addressed by the Boulevard and multiple points of entry via the proposed private street system.</p> <p>The private streets are acceptable under the Master Plan, and should be maintained by the development company, as the added cost of the alternative design features serves only the Briggs Village.</p>
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SUMMARY OF ORDINANCE NO. 6299

On December 16, 2003, the Olympia City Council passed and approved Ordinance No. 6299 relating to zoning; specifically to village master plans and in particular the proposed Briggs Village; approving and adopting the proposed Briggs Village Master Plan; adopting and approving the recommendations of the City's Design Review Board; adopting and approving, with modifications, the recommendations of the Olympia Hearing Examiner; adopting separate findings and conclusions with respect to modifications to the Hearing Examiner's recommendations; authorizing and directing amendment of the City's zoning map by changing a designated area from UV, Urban Village, to Briggs Village; and adding a new Section 18.05.120 to the Olympia Municipal Code.

The full text of Ordinance No. 6299 may be obtained for a fee at Olympia City Hall, 900 Plum Street, SE or will be mailed upon request for a fee. Call (360) 753-8325 or write to City of Olympia, P.O. Box 1967, Olympia, WA 98507-1967.

Do not publish below this line

PUBLISH: Friday, December 19, 2003