

## **Excerpt of Conditions from City of Olympia Hearing Examiner Decision issued March 15, 2004**

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1. The applicant shall construct such off-site improvements as necessary to conform downstream drainage systems flowing to Grass Lake and/or Green Cove Creek with the respective and applicable Drainage Manuals of the City of Olympia and Thurston County. *(This is a SEPA based condition and Mitigating Measure #2.)*

**Staff Response: Work is completed and easements have been recorded.**

2. Due to the extraordinary topography and extent of proposed grading and to provide for system adjustments if problems should arise during housing construction, the plat shall include storm water easements along the rear and side yard property lines of lots for the conveyance of storm water as determined necessary by the development Engineering Supervisor. The specific location and width of easements are to be determined during the engineering review and prior to final plat approval.

**Staff Response: Easements have been established and shown on the face of the plat.**

3. Due to the steepness of the site and its location in the Green Cove Creek basin, seasonal grading restrictions shall be imposed to protect downstream resources. Clearing and grading of the site shall only be permitted from May 1<sup>st</sup> through October 1<sup>st</sup> in any year.

**Staff Response: These procedures were followed throughout the construction of the plat improvements.**

4. At final plat applicant must show schedule showing lot grading, building envelope, foundation, type, and how on-site drainage (roof, yard, and foundation water) will be conveyed to avoid problems and meet Building Code requirements.

**Staff Response: All lots have been provided with individual connections to storm water conveyance system.**

5. The applicant may elect to eliminate the bypass pipe system and instead plumb the wetland overflow directly into the main storm water system.

**Staff Response: The wetland overflow was plumbed to the storm water system.**

6. The Plat shall provide a 20' storm water easement from the street to the wetland in the vicinity of proposed Lot 76. As part of the wetland construction plan review, the Development Engineering Supervisor may require that the applicant make the wetland

connection as part of the project, or later at public expense. Right to access and construct an outfall in the tract shall be provided on the face of the final plat.

**Staff Response: Easements have been provided and shown on the face of the plat.**

7. All catch basins in sump/low points shall have curb face inlets.

**Staff Response: Done.**

8. All outfall locations shall have engineering energy dissipation splash pads, sized for 100 year peak flows.

**Staff Response: Done.**

9. Any orifice smaller than 2-inches should have a protection screen, either self-cleaning or that can be accessed and cleaned.

**Staff Response: Done.**

10. The applicant shall pay a storm water fee-in-lieu to the City for both detention and treatment based on the City's standard methodology of calculation.

**Staff Response: Done.**

11. Prior to issuance of engineering permits, the Drainage Report shall be revised to provide consistency and accuracy between the model input information and these tables. The proposed ponds shall be remodeled and sized for all of the impervious surfaces. The revised Drainage Report shall be supplemented with soil borings at the pond locations to evaluate the effect ground water will have on the ponds.

**Staff Response: Done.**

12. The applicant shall obtain any necessary permits and easements for discharge over the adjacent properties prior to issuance of engineering and construction permits for the subdivision.

**Staff Response: Done.**

13. The applicant shall obtain and present to the City a water quality or storm water discharge (NPDES) permit from the Washington Department of Ecology (407-6437) or a letter of exception from such permit for grading of this site. Written confirmation shall

be submitted to the Olympia Community Planning and Development Department prior to issuance of engineering permits.

**Staff Response: Done.**

14. Prior to issuance of grading permits, the applicant shall submit a description of the household debris on site and proposed disposal plan.

**Staff Response: Debris has been removed.**

15. Extend Goldcrest Drive through the plat west to Kaiser Road as a Neighborhood Connection.

**Staff Response: Done.**

16. Include a north-south road as required by the Comprehensive Plan conforming to the City's Neighborhood Collector standard with terminuses designed and signed for future extension. The applicant shall place a note on the final plat and install signs stating that these roads will be connected at some time in the future.

**Staff Response: Done.**

17. The applicant shall construct frontage improvements along Kaiser Road meeting rural collector standards of Thurston County, including a 6-foot paved shoulder, recoverable slopes and associated storm water flow improvements. *(This is a SEPA based condition and Mitigating Measure #3)*

**Staff Response: Done.**

18. The applicant shall either construct right-turn channelization and tapers at Kaiser Road and 14<sup>th</sup> Avenue, and at Kaiser Road and Goldcrest Drive, or shall demonstrate to the Hearing Examiner a lack of proportionality between the probable impacts of this development and the need for such improvements. *(This is a SEPA based condition and Mitigating Measure #5)*

**Staff Response: Done.**

19. Applicant shall either construct improvements at the Evergreen Parkway ramps of Mud Bay Road, or pay to Thurston County (and provide a receipt copy to the Olympia Community Planning and Development) a voluntary fee of \$14,420.00 for impacts to this facility. *(This is a SEPA based condition and Mitigating Measure #6.)*

**Staff Response: Mitigation fees for \$14,420.00 have been remitted to the City.**

20. Prior to final plat approval a traffic signal shall be installed at this intersection and lane improvements constructed in accordance with the Capital Facilities Plan of Olympia, including north and southbound left-turn lanes and shared through-right lanes on Kaiser Road and east and westbound left-turn lanes on Harrison Avenue. Should the applicant construct such improvements, the applicant may seek impact fee credits for the cost of such improvements not to exceed 40% of the City's budgeted cost of the improvements. Alternatively, the applicant may await construction of such improvements by other parties. *(This is a SEPA based condition and Mitigating Measure #7)*

**Staff Response: Since this plat received preliminary approval, the City has made improvements to Harrison Avenue.**

21. The applicant shall demonstrate to the satisfaction of the County Engineer that the proposed intersection of Goldcrest Drive and Kaiser Road conforms to applicable standards, or propose alternative means of conforming to the neighborhood collector linkage illustrated on Map 6-3 of the Olympia Comprehensive Plan. *(This is a SEPA based condition and Mitigating Measure #4.)*

**Staff Response: Improvements completed under the City Capital Facilities Plan and Mitigation fees for the plat's proportionate mitigation paid under 19.**

22. See Conclusion 35.

**Staff Response: N/A**

23. To minimize slope, the proposed pathway labeled as Tract 991 shall be re-oriented east-west, instead of north-south. At the applicant's discretion this pathway may be in the form of public alley or private easement to provide vehicular access to adjacent lots.

**Staff Response: Done.**

24. The final plat shall include a public pathway connecting either proposed Road F, or the northerly portion of Road E (or the applicant may elect both) to Kaiser Road with a terminus location and form on Kaiser Road.

**Staff Response: Improvements started and bonded for.**

25. To the extent feasible, pathways within wetland and tree tracts shall be located along existing routes or through disturbed areas. Slopes shall not exceed 15 percent. Any pathway in the vicinity of the wetland will be subject to OMC 14.10.339(55), including:

impervious surfaces shall be minimized (pavement width generally not to exceed 5 feet); removal of trees, shrubs, snags, stumps and other wildlife habitat shall be the minimum necessary for trail construction, standard trail construction and maintenance standards shall be followed, no more than one bench or other feature shall be installed within the wetland buffer, water quality protection measures shall be employed to assure that storm water run-off does not flow directly to wetlands, and an alignment shall be utilized that minimizes damage to wetlands and their functional value.

**Staff Response: No pathways were recommended through the wetlands by the school district due to safety concerns for children.**

26. Prior to final plat approval all new streets shall be named and lots numbered in accordance with the Uniform Street Naming and Housing Numbering Ordinance of Olympia (OMC 12.48)

**Staff Response: Done**

27. Olympia access standards require that vehicular access to corner lots be taken from the lesser street. To ensure conformance to the standard; an appropriate 'no vehicle access' prohibition shall be placed on the face of the final plat with regard to Lots 116, 125, 142, 143, 146, and 147. Proposed lots shall be accessed from the easement proposed from Road E and not from Kaiser Road or Goldcrest Drive.

**Staff Response: Noted on face of plat.**

28. The applicant shall reimburse the City of Olympia Traffic Division for the construction and installation of required traffic control street name and other signs.

**Staff Response: City policy has changed since preliminary approval and now requires the Developer's contractor to install signs per a private sign company.**

29. The applicant shall install required street lighting.

**Staff Response: Done.**

30. The applicant shall install temporary street barricades across the temporary dead-end streets. These barricades will be removed when roads are extended to adjacent developments.

**Staff Response: Done.**

31. Removable bollards shall be placed at the terminus of all pathways.

**Staff Response: Due to narrow width required by standards at time of preliminary approval (5' wide) no bollards were required.**

32. The applicant shall construct or improve such off site walkways and curbs as necessary to provide safe walkways conforming to the Americans with Disabilities Act standards from the site to Hansen Elementary School and to Marshall Middle School. *(This is a SEPA based condition and Mitigating Measure #8)*

**Staff Response: Done.**

33. Water main extensions shall be installed to provide adequate domestic supply and fire flow protection complete with internal system looping and a loop to Kaiser Road from Goldcrest Drive.

**Staff Response: Done.**

34. A 12-inch water main shall be extended north from the intersection of 14<sup>th</sup> at Kaiser Road along the full Kaiser Road frontage to the northwest corner of the plat as described in Olympia's Water Master System Plan.

**Staff Response: Done.**

35. The applicant shall construct such off-site improvements as necessary to connect the proposed lots to the municipal sewer wastewater system in a manner conforming to the Master Plan of the City of Olympia. *(This is a SEPA based condition and Mitigating Measure #1)*

**Staff Response: Improvements have been either constructed or bonded for.**

36. The applicant shall install sewer main extensions and appurtenances to and through the development complying with the City's Sewer Master Plan, with a sewer lift station in the vicinity of the southwest corner of the plat near Kaiser Road at 14<sup>th</sup> Avenue. In addition, the applicant shall construct sewer force main extensions and downstream lift station upgrades as required to accommodate added flows in accordance with the Master Plan.

**Staff Response: Done.**

37. Proposed Tract 999, the pump station, shall be dedicated 'in fee' to the City of Olympia.

**Staff Response: The entire site was able to install gravity sewer mains eliminating the requirement for a pump station.**

38. All proposed limits of clearing shall also be limits of grading and staked and fenced in accordance with Olympia's Urban Forestry Manual prior to such activities.

**Staff Response: Done.**

39. Trees to be felled outside tree protection and critical area buffers shall not be felled into such areas.

**Staff Response: Done.**

40. Prior to final plat approval the applicant shall submit a hazard tree report to the Olympia urban forester identifying any hazard trees within the tree protection area including a proposal for removal of such trees , as well any selective pruning proposed to improve the health of trees within the tree protection areas. Such proposals shall be implemented upon and only with the written approval of the Olympia urban forester.

**Staff Response: Done.**

41. The Urban Forester may require that hazard trees to be felled within tree and wetland tracts remain in such areas and not be removed, and in the alternative may require that snags be created as habitat enhancement.

**Staff Response: Done.**

42. After initial clearing of the road right-of-ways, any trees to be retained on the individual lots shall be flagged in the field by the applicant's forester, and protected with a temporary 4-foot (minimum) chain link fence, or other protective measures as deemed necessary by the Olympia urban forester, installed at the minimum distance from the trees necessary to provide protection of the critical root system pursuant to OMC 16.60.

**Staff Response: No trees were able to be retained.**

43. Prior to final plat approval, the applicant will be required to plant or provide financial surety for all trees proposed for planting. A portion of the performance surety will be retained for 3-years from the time of planting to ensure proper maintenance of the trees.

**Staff Response: Completion assignment of savings set aside for \$40,370.00 posted to cover the installation and maintenance.**

44. All tree reserves shall become the property of the homeowners association to be established pursuant to conditions of approval of this plat.

**Staff Response: Tree tracts are noted on the face of the plat.**

45. See Conclusion 13-21, Wetlands and Buffers.

**Staff Response: N/A.**

46. Prior to issuance of grading and clearing permits, the applicant shall demonstrate to the satisfaction of the Principal Planner that the plat has been redesigned to exclude steep slopes and required buffers in the vicinity of proposed Lots 15 through 17.

**Staff Response: Area has been made a common area tract of land.**

47. Prior to issuance of grading or other construction permits, the applicant shall submit additional geotechnical analysis demonstrating to the satisfaction of the Development Engineering Supervisor that steep slopes within proposed Tract 990 will not be destabilized by the proposed activities.

**Staff Response: Done.**

48. Before construction begins the applicant shall submit a complete set of construction drawings to CP&D for review and approval. Construction drawings shall be prepared according to the Development Guidelines and Public Works Standards.

**Staff Response: Done.**

49. Prior to start of construction the applicant shall submit engineered design plans to CP&D for review, approval and permitting, including sewers, storm sewer streets, water mains, curbs, walkways, lighting, clearing and grading and erosion controls.

**Staff Response: Done.**

50. Erosion control measures are to be in place prior to any clearing, grading, or construction. These control measures must be effective to prevent soil from being carried into surface water by storm water run-off erosion and sediment control practices shall be used on the construction site and adjacent areas to prevent sediments from entering drainage areas or downstream surface waters. The applicant is responsible for carefully monitoring the site to determine effectiveness of the plan and ensuring that it is upgraded as necessary during the construction period. All areas



disturbed or newly created by construction activities shall be seeded, vegetated, or given some other equivalent type of protection against erosion.

**Staff Response: Done.**

51. Notice of proposed clearing, grading, and construction activity shall be clearly posted upon the site or at the nearest adjacent public street at least 10 days prior to such activity.

**Staff Response: Done.**

52. Notice of the off-site improvements shall be provided by first class mail by the applicant to all adjacent property owners in accordance with Olympia Public Works Department practices at least 30 days prior to construction of such improvements.

**Staff Response: Done.**

53. The following fees are collected before plat improvement construction permits are issued: engineering construction plan review fees, Engineering Construction Permit/Inspection fees, and Storm Drainage Service Charge (OMC 04.24.010.D.I.c) for single-family parcels.

**Staff Response: Done.**

54. Any and all existing septic systems or other wastewater disposal systems on the site shall be abandoned in accordance with the standards set-forth in the Thurston County Sanitary Code.

**Staff Response: No septic systems were found on the site.**

55. Any and all existing wells on the site shall be abandoned in accordance with Department of Ecology standards. Written verification of such abandonment from a licensed well driller will be required prior to final plat approval.

**Staff Response: No wells were found on the site.**

56. Maintenance of the storm water system shall be the responsibility of the developer and the homeowners association and shall be outlined in a maintenance agreement provided by the City, except maintained in a maintenance agreement provided by the City, except maintenance of all underground transmission lines in the right-of-way will be by the City.

**Staff Response: Through the Covenants Conditions and Restrictions (CC&Rs) the Homeowners Association (HOA) will be responsible for the maintenance of these systems.**

57. A homeowners association shall be created, prior to final plat approval, and vested with the responsibility to maintain the storm water system, including the storage, treatment and retention areas.

**Staff Response: These documents are ratified by the recording of the plat.**

58. The City shall be granted permanent access to all storm water storage and treatment facilities. This access shall be conveyed as an easement which may be exercised by the City in case of emergency, or default on maintenance by the applicant or owner.

**Staff Response: Easements for these grants are shown on face of plat.**

59. The applicant shall file an agreement with the City to assure the full and faithful performance of the operation and maintenance of all public improvements and the site storm water facilities for a period of two years following final construction approval. This guarantee through the appropriate surety shall be in place and approved by the City before final plat approval. The amount of the bonding will be 25 percent of the cost of the improvements. (See PWS 3.090, Appendix.)

**Staff Response: Done.**

60. Except as conditioned by this decision, the applicant shall install the improvements as depicted on the approved preliminary plat map and associated document. Said map shall not be altered in any way except as modified by these conditions of approval or as may be modified or approved by the Community Planning and Development Department.

**Staff Response: Done.**

61. All required major improvements are to be constructed prior to submitting for final plat approval. Major improvements shall be satisfactorily installed prior to "Final Plat Approval." Prior to requesting "Final Plat Approval" the applicant shall either install the required minor improvements or execute and file with the City an agreement with surety specifying the period within which required improvements shall be completed.

**Staff Response: All major improvements are either constructed or bonded for with \$100,000.00 for maintenance on the plat improvements and \$253,000.00 for the completion of sewer pump station improvements.**

62. The applicant shall provide for the relocation of any utilities which must be relocated to accommodate street or other required improvements.

**Staff Response: None encountered.**

63. The applicant shall install individual sanitary sewer laterals to each lot within the plat from mains constructed to City of Olympia Standards.

**Staff Response: Done.**

64. The utility system shall be extended to the plat boundary at each street “stub.”

**Staff Response: Done.**

65. The applicant shall depict all wells within 100 feet of the plat boundary on the final plat map with the required 100 foot protective radius.

**Staff Response: None encountered.**

66. The applicant shall install fire hydrants in locations as determined by the Fire Department.

**Staff Response: Done.**

67. The applicant shall install individual water meters and mains constructed to City of Olympia Standards to each lot.

**Staff Response: Done.**

68. Except as specifically authorized by the Director for model homes, prior to issuance of building permits, water mains, hydrants and all crossings of roadways by utilities shall be completed and accepted by the City.

**Staff Response: Done.**

69. At least 30-days before submitting a final plat application, the applicant shall submit an Integrated Pest Management Plan to the City and to the Thurston County Health Department for review and approval.

**Staff Response: Done.**

70. All Thurston County Environmental Health fees associated with the review of this project, if any, shall be paid prior to final plat approval.

**Staff Response: Thurston County's signature is required on the face of the final plat, and they will not sign if all fees are not paid in full.**

71. The final plat map shall clearly indicate all utility easements which are required for telephone, electric, gas, cable, and other services, and the applicant shall furnish the City with copies of all easements, dedications or other which are required with each service utility company.

**Staff Response: These are shown on the face of plat.**

72. In addition to the other notations required by other conditions of approval, the following notations shall appear on the face of the final plat map:

ALL LANDSCAPED AREAS IN PUBLIC RIGHTS-OF-WAY SHALL BE MAINTAINED BY THE ABUTTING OWNER AND THEIR SUCCESSOR(S) AND MAY BE REDUCED OR ELIMINATED BY THE CITY OF DEEMED NECESSARY FOR OR DETRIMENTAL TO CITY ROAD PURPOSES. STORWATER, WETLAND AND TREE TRACTS ARE AND SHALL BE OWNED BY A HOMEOWNERS ASSOCIATED AND SHALL BE MAINTAINED FOR THE BENEFIT OF ALL LOT OWNERS.

PURSUANT TO CITY ORDINANCE, THE CITY OF OLYMPIA MAY DENY ISSUANCE OF BUILDING OR OCCUPANCY PERMITS FOR ANY STRUCTURE WITHIN THIS PLAT UNTIL STREET, SIDEWALK, OR OTHER REQUIRED PAT IMPROVEMENTS HAVE BEEN INSTALLED. IT IS INTENDED THAT ROADS HEREIN DEDICATED TO THE CITY AND BARRICADED AT THE BOUNDARY OF THE PLAT WILL BE OPENED AND CONNECCTED BY THE CITY IN THE FUTURE.

**Staff Response: These conditions are shown on the face of the plat.**

73. Except as otherwise specifically authorized, all improvements shall be installed and accepted by the City prior final plat approval. (See OMC 17.32.140.A.5)

**Staff Response: All improvements authorized to be deferred by the City have been bonded for.**

74. General Facility Charges for the City utilities (water, sewer, storm water, and solid waste) and LOTT sanitary sewer Capacity Development Charge (CDC) will be assessed after final plat approval when individual residential construction permits are issued. (See OMC 13.16)

**Staff Response: Will be done at time of Building Permit Application.**

75. Prior to issuance of grading and clearing permits, the applicant shall submit a supplemental Hydrogeological Report to identify and quantify likely effects of lateral pond interflow upon adjacent downhill properties.

**Staff Response: Done.**

76. The applicant shall indemnify the City for three years following final plat approval against any harm to homes and property between the site and 14<sup>th</sup> Avenue resulting from impacts directly related to increased surface and interflow. These impacts may include failure of on-site septic systems (as determined by the Thurston County Health Department), flooding erosion, or harm to structures. Downstream owners should be notified at least 60 days prior to start of construction of the opportunity at their expense to establish a record of the pre-development situation, i.e., existing condition of their property, including the possibility of submitting a property inspection report to the City. See Conclusion 31.

**Staff Response: An Indemnification Agreement has been submitted, reviewed and approved.**

77. The applicant shall agree to connect or pay the cost of connecting any southerly adjacent homes to City sewer if within three years of final plat approval the Health Department determines that such system has failed and was not failing prior to plat construction.

**Staff Response: Part of indemnification agreement in 77.**

78. The applicant shall install curtain drains at the property line, excavated below the till, with pipe leading to Kaiser Road and/or the proposed southerly pond release points.

**Staff Response: Done.**

79. All known, available, and reasonable erosion control and sediment treatment technologies shall be employed to prevent violation of surface water quality standards; these technologies shall include chemical treatment, unless otherwise approved by the City. The applicant may also be required to collect run-off and surface water samples to verify compliance with applicable standards and performance guidelines.

**Staff Response: Done.**

80. To discourage direct access, dumping, of debris, and entry by pets prior to final plat approval, the applicant shall install a minimum 5-foot chain link or other form of fence approved by the senior planner along the boundary of all lots adjoining wetland tract 989. Gates shall only be installed at approved common access points and a notation on the face of the plat shall so state.

**Staff Response: Bonded to be installed in first 6 months following final plat before occupancy of first home.**

81. Prior to issuance of grading and clearing permits, the applicant shall submit and obtain written approval from the senior planner of a proposed planting plan for the “gravel pit” portion of tract 989. Such plan shall include invasive plant removal and financial surety provision for maintenance, and shall be implemented prior to final plat approval.

**Staff Response: Done.**

82. The grading plan for the project shall be adhered to as necessary to avoid any substantial drainage into the wetland tract from adjacent lots.

**Staff Response: Done.**

83. An appropriate presentation of missing data followed by review in accordance with conclusion 31 is necessary.

**Staff Response: Done.**