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**Olympia Hearing Examiner
Public Hearing
June 30, 2003, 6:30 p.m.
City Hall Council Chambers
900 Plum Street SE, Olympia, WA 98501**

AGENDA

1. **Call to Order** **6:30 p.m.**
2. **Public Hearing** **6:35 p.m.**

Case: **Briggs Village Master Plan (97-0187)**

Applicant: Gary Briggs, President
Briggs Development Company
4407 Henderson Blvd. SE
Olympia WA 98501

Request: A proposed 133-acre, mixed-use development. A total of 810 housing units are proposed, with 242 single-family detached residences and townhouses, 228 multi-family apartments, 200 senior housing units, and 140 units in missed-use buildings. Also proposed is 224,000 square feet of commercial floor space including a grocery and associated streets, utilities, and public services. Approximately 55 acres of the site are proposed to be occupied by parks, an arboretum, a "village green," and other open spaces. The applicant proposes to develop the site in five phases over a period of approximately 25 years.

Location: 4400 Henderson Blvd. SE (north of the intersection of Henderson Blvd. and Yelm Hwy.)

3. **Adjournment**

If you require special accommodations during your attendance at this meeting, please contact the Community Planning and Development Department at (360) 753-8314 by 10:00 a.m. the date of the meeting.

City of Olympia
OLYMPIA HEARING EXAMINER
June 30, 2003

STAFF REPORT

Case: 97-0187, Briggs Village

Applicant: Gary Briggs, President
Briggs Development Company
4407 Henderson Boulevard SE
Olympia WA 98501

Request: Approval of Briggs Urban Village Master Plan
(Attachments A and B)

Legal Description: The complete legal description is on file with the Community Planning and Development Department (Attachment C).

Site Area: Approximately 133 acres.

Zoning District: Urban Village

SEPA Compliance: On May 1, 2003, the City issued the Final Environmental Impact Statement (FEIS) in accordance with the requirements of the State Environmental Policy Act.

Notice: On or before June 20, 2003, notice of public hearing was posted in the vicinity of the subject site, mailed to property owners of record within 1,000 feet of the subject site, and published in *The Olympian* (Attachment N).

Staff Recommendation: Approval, subject to conditions.

Existing Site Conditions: The proposed Briggs Village is located on the site of the existing Briggs Nursery, north of the intersection of Henderson Boulevard and Yelm Highway. The site is approximately 133 acres. The site includes the Briggs Nursery, consisting of field and container production, laboratory facilities, and a landscape sales yard, along with ten structures associated with the nursery operations. In addition, there are nine residences on the site. The Briggs YMCA, an approximately 40,000 square-foot facility, is located at the northwest corner of the intersection of Henderson Boulevard and Yelm Highway. (See Attachment B, Plan Sheets 1 and 4.)

The site has six “kettles” (depressions formed by glaciers), ranging in size from one to nine acres. Some of the kettles have wetlands, which combined total approximately 9.5 acres. Ward

Lake is adjacent to and east of the site. It is also a kettle; the lake is approximately 65 acres. Steep slopes comprise approximately nine acres of the site and are generally found along the shore of Ward Lake and in the vicinity of the on-site kettles (Attachment B, Plan Sheets 5 and 6).

Surrounding Land Use: The site is bounded on the south by Yelm Highway and The Farm residential neighborhood, on the east by Ward Lake, on the north and northwest by Brigadoon and South Street residential neighborhoods, and on the west by a portion of the Deschutes residential neighborhood, a kettle, and an undeveloped area.

Project Description: A proposed 133-acre, mixed-use development. A total of 810 housing units are proposed with 242 single-family detached residences and townhouses, 228 multi-family apartments, 200 senior housing units, and 140 units in mixed-use buildings. Also proposed is 224,000 square feet of commercial floor space including a grocery and associated streets, utilities, and public services. Approximately 55 acres of the site are proposed to be occupied by parks, an arboretum, a "village green," and other open spaces. The applicant proposes to develop the site in five phases over a period of approximately 25 years (Attachment B, Plan Sheet 8).

Review Process: Pursuant to 18.57.080, Master Plan approval process, the Design Review Board and the Hearing Examiner are to review the Master Plan and forward their recommendations to the City Council. The Design Review Board completed their review of the design components of the Master Plan and voted to recommend approval with conditions on May 8, 2003 (Attachments D and E). The Hearing Examiner is charged with reviewing the Master Plan application and schematic maps, the proposed draft ordinance, and Chapter 18.05 in a public hearing. Pursuant to 18.57.080.C, the Examiner is not to recommend approval unless he determines that the proposal meets the requirements of Chapter 18.05. The Examiner may recommend terms and conditions of approval, require the provision and further public review of additional information and analyses, or recommend denial.

Although what the Examiner may not do is made clear in the code, what the Examiner may do is not quite as clear. During the staff review of the Master Plan proposal, numerous questions have surfaced regarding the level of detail needed at the Master Plan review stage and what details are more appropriately set aside to be determined at the time of preliminary plat, binding site plan, or commercial development submittal.

The requirements of Chapters 18.57 and 18.05 must be met. However, some of the requirements of 18.05 are at a level of detail so precise that it would be unreasonable to require the Master Plan to comply. For example, pursuant to 18.05.050, the proposal is required to provide a certain number of residential units, with a certain mix between single family and multifamily, and a certain variety of types of housing. In addition, the lot sizes, widths, and building setbacks are also stated. Staff recommends that determining if the proposal meets the required number, type, and variety of units be considered as part of the Master Plan review, while residential lot sizes, widths and set backs, and building heights be deferred until the time of preliminary plat and building permit submittals.

Similarly, there are requirements other than zoning that have levels of detail that are reasonable to defer until a specific land use application is submitted. For example, a stormwater system is necessary and required by the Development Guidelines and Public Works Standards. The proposed stormwater system for the entire site has been reviewed for general compliance with the Drainage Design and Erosion Control Manual; the details of the stormwater system design for each phase or development will be reviewed at the time of application for that phase or development.

Applicable Policies and Regulations: The following polices and standards apply to this proposed project: Comprehensive Plan; Title 14, Environmental Protection, including Chapter 14.04, Environmental Policy, Chapter 14.08, Shoreline Master Program, and Chapter 14.10, Interim Critical Areas Ordinance; the Shoreline Master Program for Thurston Region; Zoning Code, including Chapters 18.57, Master Planned Development, 18.05, Villages and Centers, 18.05A, Urban Village Design Criteria; and Design Guidelines and Public Works Standards.

I. Comprehensive Plan

Background Information

Chapters 18.57, 18.05, and 18.05A OMC reflect the Goals and Policies in the Land Use Chapter of the Comprehensive Plan for Urban Villages. The only Policy in the Comp Plan not found in the zoning code chapters is LU10.4,

Ensure that the location and timing of construction of the various village components provides a sensitive transition with existing development adjoining the site. (See LU 8.3.) Locate, orient, and design uses likely to attract a substantial number of people from outside of the village (e.g., supermarkets) so that they do not significantly detract from the village's pedestrian-oriented character.

Staff Response: Although this policy does not appear specifically in the zoning code for villages, the Briggs Village proposal does comply with it. The single-family residential components of the village are proposed for the areas of the site that abut existing single-family development and the commercial portion is adjacent to Henderson Boulevard, with direct access from it. Parking for the commercial component is proposed between the grocery site and the YMCA and between the commercial and multifamily buildings within the village center.

II. Shorelines

A. Background Information—Shoreline Master Plan for Thurston Region

1. **Section Two - General Goals and Policies, Part V. Regional Criteria** states, "All development within the jurisdiction of this Master Program

shall demonstrate compliance with the following policies.” Of the eight policies listed, the following apply to this proposal: (A.) “Public access to shorelines shall be permitted only in a manner which preserves or enhances the characteristics of the shoreline which existed prior to establishment of public access;” (B.) “Protection of water quality and aquatic habitat is recognized as a primary goal;” (F.) “Applicants for permits shall have the burden of proving that a proposed substantial development is consistent with the criteria which must be met before a Permit is granted;” (G.) “Shorelines of this Region which are notable for their aesthetic, scenic, historic or ecological qualities shall be preserved;” and (H) “Protection of public health is recognized as a primary goal.”

Staff Response: The application as proposed meets the requirements of policies A, B, G, and H. The proposal for a trail system and an arboretum will preserve the rural and scenic nature of the shoreline, while allowing the public to view the shoreline. Also, the proposal will be required to protect water quality, public health, and aquatic habitat through stormwater treatment prior to discharge; erosion control during construction; storage of construction materials on the upland side of the building site; and other protection measures as appropriate. Evaluation of the degree of compliance with the criteria by any proposal, as required in Policy (F), will be done as a specific development proposal is submitted to the City for review. Please note, however, that the residential lots shown within the shoreline on the Master Plan do not comply with the required lot size (20,000 square feet minimum) or the required lot width (100 feet minimum). Adjustments will need to be made to the lots prior to submittal of the east residential phase or the plat that includes these lots.

2. **Section Two – General Goals and Policies, Part VII. Shoreline Environments, Subsection C. Rural Environment.** The purpose of the rural shoreline is “to protect areas from urban expansion, restrict intensive developments . . . function as a buffer . . . and maintain open spaces.” Pursuant to the definition, the rural environment does not exceed two dwelling units per acre. The public access goal is to provide adequate public access while minimizing conflicts with other rural uses. The circulation goal encourages trail systems for safe, non-motorized traffic when they are compatible with rural uses. The restoration goal is to restore to a useful or original condition those areas that have been blighted by uses or structures.

Staff Response: The proposed development in the shoreline of Ward Lake will be low-density residential, a trail system, and an arboretum, all of which meet the goals of the rural shoreline environment.

3. **Section Three – Policies and Regulations for Use Activities, Part XVI. Residential Development.** All of the eleven policies listed could apply to

this proposal. The following are appropriate to review at the Master Plan stage: (2.) Clustering is encouraged; (3.) Adequate common access to the shoreline and open space along the shoreline should be provided to the residents; and (11.) Location and design of residences should not require filling, beach feeding, bulkheading, shoreline berms, construction groins or jetties, or substantial grading of the site.

The following policies will be more appropriately reviewed at the specific development stage, such as a preliminary plat: (1.) minimize adverse environmental and visual impacts; (4.) At the subdivision stage, land within the shoreline may be set aside as an open space tract; (5.) Provide an easement for public shoreline access, if there has been significant historical usage by the public; (6.) Be consistent with the shoreline regulations and with the City's land use plans and ordinances (in case of conflict the most restrictive shall apply); (7.) Minimize removal of vegetation; (8.) Store construction materials upland; (9.) Provide a variety of housing types, as allowed by the rural environment and zoning code; and (10.) Minimize obstruction of views of the water from upland areas.

Staff Response: Staff finds that the proposal complies with Policies 1 and 3. At the time of a development proposal for the shoreline area, the proposal must then comply with Policies 6, 7, 8, 9, 10, and 11 and may comply with Policy 4. The proposal need not comply with Policy 5 unless it can be shown that "significant historical usage by the public" has been the case; if it has, then the proposal will need to comply. At the time of a development proposal, the proposal may need to comply with Policy 2, clustering, if necessary to meet other requirements or can comply if desired by the applicant for other reasons.

B. Shoreline Management Act

The following sections of the Act apply to this proposal:

WAC 173-27-090 (2)(a) "Construction shall be commenced . . . within two years of the effective date of a shoreline permit." This time limit may be extended one time, for one year, if the applicant requests the extension prior to the expiration of the permit, and if parties of record and the Department of Ecology are notified.

WAC 173-27-110 outlines the notification requirements.

WAC 173-27-130 & 280 outline the application requirements.

WAC 173-27-140(1) Development proposals must comply with the Shoreline Management Act and the Master Program.

WAC 173-27-150(1)(a) A shoreline substantial development permit may only be granted if the proposal is consistent with the policies and procedures of the Act, the provisions of WAC 173, and the Master Program.

WAC 172-27-190(1) When a substantial development permit is issued by the City of Olympia, the permit must be filed with the Department of Ecology. Per WAC

173-27-130, this filing shall be after the decision has been issued and the appeal period has run. No construction may begin until twenty-one days from the date of filing with Ecology, or until all review proceedings initiated within those twenty-one days have been terminated.

Staff Response: The processes outlined above will be applicable to development in the shoreline at the time of a specific development proposal, such as construction of the arboretum, the trail system, stormwater facilities in the northeast kettle or in the buffer of the southeast kettle, or residential buildings. These would require a shoreline substantial development permit (SDP). SDPs require a public hearing process, with appropriate notification and appeal periods.

III. Interim Critical Areas Ordinance (Chapter 14.10 OMC)

A. Wetlands - Background Information

1. **U.S. Army Corps of Engineers.** The Corps ruled in a letter dated December 17, 1997, that they had jurisdiction over the wetlands on the Briggs site and that a Nationwide Permit was required. The Corps issued an NWP for work in 1.5 acres of wetland on the Briggs site. Since that time, a court ruling has narrowed the definition of "isolated wetlands." In a letter dated September 4, 2001, the Corps stated that,

. . . compliance with the Nationwide Permit conditions is no longer required. In addition, a Department of the Army permit is not required for any future work in the wetlands and waters delineated as part of the 1997-4-01903 authorization. There will be no impacts to a "water of the United States."

However, in a letter dated February 4, 2003, in response to issuance of the Draft EIS, the Corps recommended that the applicant request a "jurisdictional determination" from the Corps to determine if the Corps does have jurisdiction over the Briggs wetlands. (See Final EIS comment letter from the Corps and Attachment F.)

2. **Washington State Department of Ecology.** Ecology has not ruled on the wetlands or their use as stormwater facilities. However, Ecology staff has advised Olympia staff on questions regarding the applicant's proposal to use the existing kettles (with their associated wetlands) as stormwater facilities (Attachment G).
3. **City of Tumwater.** There are two wetland issues that could affect Tumwater: the proposed use of the south kettle for stormwater, and the proposed changes to the central kettle.

- a) The south kettle is bounded on its south side by a portion of Yelm Highway, which is in Tumwater. As part of a road widening project, the City of Tumwater built a retaining wall adjacent to the south kettle. The footing elevation for the wall is 143.5 pursuant to the as-built drawings. The proposal to use the south kettle as a stormwater facility is expected to occasionally increase the water level to elevation 139. The City of Tumwater has submitted comments on this issue and requests a condition be placed on the Master Plan approval that “the proponent’s professional engineer provides a report to the City of Tumwater that demonstrates no impacts on Yelm Highway and the associated retaining wall from construction of the South Kettle drainage facility” (Attachment I).
- b) Changes to the central kettle include restoration, enhancement, and replacement for the impacts to the south kettle. As part of the restoration, the applicant proposes to remove the constructed earthen dam at the west end of the kettle. If the kettle were to overflow, this stormwater would then flow from the Briggs site into an existing wetland in a kettle in Tumwater.

4. **Alternatives.** The current situation is that all the kettles receive a portion of the site’s stormwater, either through surface runoff or through pipes. The central, northwest, and north kettles receive some surface runoff from off-site; in addition, the central kettle receives piped stormwater from South Street in Tumwater.

The applicant described in the EIS two possible alternatives to the use of the south kettle as the site of stormwater facilities and as the primary receiver of on-site stormwater. Option A would relocate the wet pond system outside the wetland buffer. Stormwater would still be released into the south kettle. Option B would relocate the wet pond system to the north, within the central kettle drainage basin, but outside the wetland buffer. In this option, substantial runoff would be discharged to the central kettle. A wet pond system would still be required for runoff to the south kettle.

Staff Response: Olympia City staff propose a third alternative: install a compost filter system prior to discharging stormwater into either the south kettle or the central kettle from their respective drainage basins, depending on the need to keep the wetlands wet enough to survive. Include a diversion device that could direct the water to either the South Kettle or the Central Kettle and an overflow system in the Central Kettle that would allow diverted stormwater beyond system capacity to discharge west to the Tumwater Kettle. This alternative would still allow fluctuations in the water level in the kettles but would allow flexibility in routing the stormwater, depending on where it was needed. This system would also

allow overflow into the central kettle if necessary to keep the water level in the south kettle below the retaining wall foundation. Generally, stormwater in other parts of the site would be treated and directed from the drainage basin to the kettle in that drainage basin. Stormwater entering the northeast kettle would be treated after it left the kettle, prior to flowing into Ward Lake.

Olympia City staff support the condition recommended by City of Tumwater staff that the applicant submit a letter from a professional engineer stating that the stormwater system proposed for the south kettle will not harm Yelm Highway or its associated retaining wall at the south side of the south kettle.

B. Wetlands - Code Requirements

The central kettle has been classified as a Type II wetland; all other kettles have been classified as Type III wetlands. The north kettle is less than 10,000 square feet and, therefore, non-jurisdictional. City of Olympia staff accepts these categories based on the wetland reports and field reconnaissance with Ecology staff (Attachments G and H).

1. **OMC 14.10.105.** One of the stated purposes of the critical areas ordinance is “to achieve no overall net loss in acreage and functions of the city’s remaining wetland base and, over the long term, to increase the quantity and quality of wetlands within Olympia.”
2. **OMC 14.10.303.** Table of regulated uses and activities within critical areas and buffers. The table shows that stormwater facilities are allowed, under a conditional use permit, within a Class III wetland, and that fill is allowed (as part of another use or activity) within both Class II and Class III wetlands under a conditional use permit. These allowed uses are subject to Article XIV, Wetlands, and to the performance standards of Section 14.10.339.

Staff Response: Stormwater currently flows into both the south and central kettles, both overland and through pipes. The applicant proposes to treat, regulate, and increase these flows and to construct the treatment facilities within the wetland buffer of the south kettle. Construction of the stormwater system would require grading and filling in the wetland buffer.

3. **OMC 14.10.339.B.51 & 52, Stormwater.** New surface water discharge to wetlands may be allowed if the discharge “does not increase the rate of flow nor decrease the water quality of the wetland.” Also, the use of buffers for stormwater facilities may be allowed only in the outer 50% of the buffer and only if there is no practicable alternative, the facility does

not exceed 25% of the buffer, and the functions of the buffer and the wetland are not adversely impacted.

Staff Response: The rate of flow to the south kettle is expected to periodically increase; however, the quality of the water would also increase. The conceptual stormwater facilities are shown outside the required 100-foot buffer for the south kettle on Sheet C-2, Briggs Village Utility Plan Storm Drain. In the staff's recommended option, compost filters would be located outside the wetlands and their buffers; a tight-line system would direct the treated stormwater to the appropriate kettle in that drainage basin.

4. **OMC 14.10.339.B.23, Fill.** Fill in Class II wetlands and their buffers can only be allowed if the impact is unavoidable and necessary and the project is in the general public interest.

Staff Response: This requirement does not apply to the proposed grading and filling in the South Kettle, as it is a Class III wetland.

5. **OMC 14.10.1420, Wetlands – Compensation projects.** The wetland compensation proposal for the south and central kettles must be part of the permit application. The applicant is to set aside the compensation area in a critical area tract or conservation easement. The applicant must demonstrate sufficient expertise, supervisory capability, and financial resources to carry out the compensation project, including specific information on the person(s) responsible for oversight of the project. Penalties may be imposed pursuant to Section 14.10.425 for any violation of an approved mitigation plan.

Staff Response: At the Master Plan stage, the applicant needs to show generally what the compensation project consists of, where it is proposed, and how he will meet the general requirements of the critical areas ordinance. At the time of a specific development proposal that includes the critical areas, the applicant must supply all the information for a full and detailed review by staff and the Hearing Examiner.

6. **OMC 14.10.1425, Wetlands – Creation and restoration.** Compensation for altering a regulated wetland must be equivalent to or greater than the disturbed wetland. Also, the restored or created wetland must be a higher category than the disturbed wetland. A qualified wetland ecologist must determine the functions and values of the two wetlands.

Staff Response: The south kettle is a Class III wetland, while the central kettle is a Class II wetland. Therefore, the proposed restoration is appropriate. The restored area has a ratio of approximately 2.9 to 1. Therefore, the size of the project is appropriate. City staff and Ecology

staff have reviewed the wetlands on site and determined that the proposal is reasonable and could work. More details need to be provided at the time of a specific development application.

7. **OMC 14.10.1430, Wetlands – Replacement ratios.** The ratio for a Class II or III wetland is 3:1 for a forested wetland, 2:1 for scrub-shrub, and 1.5:1 for emergent, if the creation or restoration is in-kind, on-site, will be done prior to or concurrent with the alteration, and has a high probability of success. If the creation or restoration does not meet these four criteria, then the ratio needs to be higher. The ratio may be decreased if the interdisciplinary team finds that no net loss can be attained. In all cases, the minimum ratio is 1:1.

Staff Response: The area of the central kettle will be approximately 2.95 times the area of the south kettle.

8. **OMC 14.10.1440, Wetlands – Mitigation type.** In-kind compensation shall be provided unless the wetland system is already significantly degraded, there is existing exotic or nuisance vegetation or a change in hydrology, or out-of-kind compensation will be better. If out-of-kind compensation is proposed, the replacement ratio may be greater. “In-kind” compensation means that the replacement wetland will have characteristics closely approximating the replaced wetland. “Compensatory mitigation” includes restoration, creation, or enhancement.

Staff Response: The applicant is proposing in-kind compensation. The conceptual plan for the enhancement of the central kettle shows plant diversity and wetland characteristics similar to the south kettle (i.e., open water and forested wetland classes).

9. **OMC 14.10.1445, Wetlands – Mitigation location.** The preference for the location of mitigation is an upland area that was formerly a wetland on the site.

Staff Response: The central kettle is a wetland on the site.

10. **OMC 14.10.1450, Wetlands – Mitigation timing.** Compensatory projects must be completed prior to activities that will disturb wetlands whenever feasible. All projects shall be timed to reduce impacts to existing fauna and fisheries.

Staff Response: These should be requirements of the Master Plan approval.

11. **OMC 14.10.1470, Wetlands – Special reports.** The following reports are required for any development within a wetland: wetland boundary survey, wetland mitigation plan, and wetland rating report. The standards for reports are found in CAO Article V.

Staff Response: The wetlands have been surveyed, the rating reports have been submitted, and a mitigation plan has been submitted (Attachments H and J).

12. **OMC 14.10.515. Special reports – General contents.** Special reports shall include a scaled map and a written report, which identify and characterize the critical area, propose adequate protection mechanisms, and be prepared by experts. The City may retain consultants at the applicant's expense to assist in the review.

Staff Response: The special report with details must be submitted prior to any permit being issued as noted above.

13. **Interim Critical Areas Ordinance Administrator's Manual, Section 4.13. Discharges to Wetlands.** Requires that any discharges maintain the hydroperiod and flows needed to preserve or enhance the existing functions and values. Alternatives shall be evaluated and employed where feasible.

Staff Response: This is really the crucial issue in reviewing the proposal to route much of the stormwater to the south kettle and to mitigate the loss of wetland there by enhancing the central kettle. As noted in the LC Lee wetland report, the kettles all receive stormwater and irrigation return flow now. In addition, a portion of the wetland water levels represent groundwater levels. The amount of each type of water the kettles now receive has been estimated, but the exact amount is unknown. In addition, the amount of stormwater that the kettles would be expected to receive in the future has also been estimated, but the exact amount is also unknown.

The "hydroperiod" is the key element in a successful wetland enhancement project. The timing of inundation and the elevation of that inundation will determine what vegetation will survive over time. Staff suggests that there be some flexibility in the tight-lined stormwater system so that additional water could be routed to the central kettle, if needed to maintain the wetland.

C. Steep Slopes

Steep slopes on the site consist of the shoreline of Ward Lake, the sides of the kettles, and several areas where the applicant has graded hillsides to create protected areas for plant cultivation. This grading has resulted in flat places for

the plants and steep slopes instead of hills. Pursuant to 14.10.200, Definitions, the Hearing Examiner may exclude steep slopes (those with 40% or greater slopes) from the Critical Area Ordinance definition of "landslide hazard area" where "non-natural slopes are found to be stable and meet the Uniform Building Code." The applicant proposes to regrade the man-made steep slopes if the Examiner determines that they can be excluded from regulation by the Critical Areas Ordinance.

Some work in the kettles is proposed to accommodate stormwater facilities. Stormwater facilities are allowed in the steep slope buffer at the toe of the slope; any such projects are to be reviewed administratively.

The only work proposed on the steep slope adjacent to the lake is a trail system and cultivation of various plants for an arboretum. Trails and outdoor recreation activities are permitted uses in steep slope areas. Restoration/revegetation of a site is an allowed use with administrative review.

Staff Response: Staff recommends conceptual approval of the trail and arboretum proposed on the steep slope adjacent to Ward Lake with detailed administrative review of the proposal to be completed at the time of the proposed development. Also, staff recommends that the Examiner exclude the man-made steep slopes from regulation by the Critical Areas Ordinance. In addition, staff recommends that any stormwater facilities proposed for the steep slopes within the kettles be reviewed administratively at the time the development is proposed.

IV. Zoning

A. OMC 18.57, Master Planned Development – Purposes

The purposes of the Master Planned Development regulations are to allow greater flexibility in design; to promote urban infill, more economical use of land, and compatibility with existing neighborhoods; to provide a variety of housing choices and a high level of urban amenities; and to provide recreation and other common facilities not usually found in conventional land development.

Staff Response: The proposed Briggs Village meets these general purposes.

B. OMC 18.57.080 Master Plan Approval Process

As noted above, a Final EIS was issued on May 1, 2003, and the Design Review Board has completed their review and made their recommendation. The final step, prior to City Council review and decision, is the public hearing by the Hearing Examiner.

1. **OMC 18.57.080.E.** A master plan may be developed in phases, but the whole project must be shown on the master plan.

Staff Response: The Briggs Village is proposed to be developed in five phases. These are shown on the Master Plan. Each phase will be reviewed on its own merits for compliance with applicable City codes and for compliance with the Master Plan, when it is submitted.

2. **OMC 18.57.080.F.** Amendments may be made to the master plan, but only through the same process as the original master plan (i.e., review by the Hearing Examiner and final decision by the Council).
3. **OMC 18.57.080.G.** There are no time limitations on a master plan. However, the City Council may initiate an amendment or a rezone if the master plan does not continue to serve the public use and interest or comply with the Comprehensive Plan.

- C. **OMC 18.05, Urban Villages. 18.05.020 - Purposes.** There are eleven purposes for urban villages. In summary, these include a pattern of design that provides convenient access from one home to another and from homes to businesses and transit for vehicles, bicycles, and pedestrians. They also require a variety of housing types, locations, densities, and design compatibility within the urban village and with the existing neighborhoods. There are also requirements for open spaces.

Staff Response: Briggs Village as proposed will meet these general purposes for urban villages.

- D. **OMC 18.05.040, Permitted, conditional, required and prohibited uses.** Table 5.01 lists those uses that are permitted outright, are subject to a conditional use permit, or are required in an Urban Village. Uses that are not listed are not permitted. In addition, there are eight uses listed that are specifically not allowed.

Staff Response: The Briggs Village proposal includes all the uses that are required and none of the uses that are not allowed.

- E. **OMC 18.05.050, General Standards**

1. **Section A.** Outlines project approval, rezones, interim uses, and pre-existing uses.

Staff Response: The proposal complies.

2. **Section B.** Includes requirements for the size of a village project (between 40 and 200 acres).
3. **Section C.** Requires each village to have a village center that includes a village green or park, private and common open space, a sheltered transit

stop, commercial development as market conditions allow, and civic uses. At least 10 percent of the gross floor area of the village center must be residential. Sixty percent of the total ground floor street frontage fronting on the square must be occupied by retail or services. A sheltered transit stop is required. The village green must be constructed before more than 50 percent of the commercial space is constructed. The location of the Briggs village center must be separated from a community-oriented shopping center by at least one mile and must abut an arterial street. The village must have the potential for moderate-density residential development (7 to 14 units per acre) and for commercial uses sized to serve a 1 ½-mile radius.

Staff Response: The Briggs Village proposal meets the separation requirement; would be located on an arterial street (Henderson Boulevard); includes a village green; and includes residential, office, retail, and civic uses as required. These and the other requirements must be met at the time of a land use application for the buildings proposed for the village center.

4. **Section D.** Includes Table 5.02, which lists the amount of commercial space allowed. This section also includes details on the location of commercial space and the maximum distance allowed from the village square.

Staff Response: The proposal complies.

5. **Section E.** Addresses the mix and location of residential uses and includes Tables 5.03A (Mix of Housing Types) and 5.03B (Required Variety of Dwelling Unit Types).

Staff Response: The proposal complies (Attachment B, Plan Sheets 11 and 16).

VI. Development Guidelines and Public Works Standards

The following standards apply to this proposal:

Olympia Municipal Code Title 12 - Chapter 12.02 Olympia Development Standards, Section 12.02.020 **Development Guidelines and Public Works Standards**, with 2000 Amendments (**Standards**); Ordinance No. 6055.

Olympia Municipal Code Title 13 - Chapter 13.16 Storm and Surface Water Utility, Section 13.16.017 **Drainage Design and Erosion Control Manual**, 1994 Edition (**Manual**); Ordinance No. 5429.

Olympia Municipal Coder Title 14 - Chapter 14.04 Environmental Policy, Section 14.04.010 **State Environmental Policy Act (SEPA)**, RCW 43.21C.120, and SEPA Rules, WAC 197-11-904; Ordinance No. 4563

Findings And Conclusions

- A. State Environmental Policy Act (SEPA) - Substantive Authority and Mitigation:** When complete, the Briggs Village will add over 1,000 vehicle trips to area roadways during the afternoon peak traffic hour. Traffic congestion at area intersections will degrade absent improvements or mitigation. By 2020 traffic movements at Henderson/I-5 Interchange, Henderson/Eskridge, Henderson/Carlyon, Capitol/Custer, Henderson/North, and Yelm/Henderson intersections will fall below minimum level-of-service standards. In addition, movements at some of the new Briggs Village intersections will fall below Level of Service D unless traffic signals are installed.

The Olympia School District projects a total of 265 children being added to the public elementary, middle, and high schools as a result of the Briggs Village development. The School District has noted that the state's commitment and ability to fund student transportation services continues to fluctuate.

Mitigation measures related to traffic may apply to the entire project, to every phase, or only to a specific phase.

Staff Response:

Briggs Village Transportation Mitigation Fund

1. Each phase (major project) of development within Briggs Village will require a Traffic Impact Analysis that includes a mitigation plan.
2. Mitigation will be either by construction of the necessary improvements or a voluntary contribution of the pro-rata mitigation cost to the Briggs Village Transportation Mitigation Fund. This fund will be used for the collection and disbursement of mitigation funds during the development of Briggs Village. Any voluntary fund shall be established prior to preliminary plat approval of the first phase of Briggs Village. A list of possible improvements is attached and is hereby incorporated as a part of the Briggs Village Master Plan (Attachment M).
3. Mitigation for each phase will be based on the proportion of new growth contributed by the phase (major project) through a facility according to the

regional traffic model. Mitigation for the phase will also include any improvements that will be warranted by the phase (major project) within a six-year period after the phase (major project) horizon year.

4. The City will collect mitigation fees “Lump Sum” at time of final residential plat, binding site plan, or land use approval. The City will disburse the mitigation funds to the appropriate jurisdiction or agent.

B. Standard 2.040.A, Frontage Improvements in General. Unless deferred or exempt as provided for in the Standards, any development permit authorizing a development will require that the developer construct or install frontage improvements.

1. **Transportation Goals and Policies (Comprehensive Plan) - Street Design Policies**

T. 3.11. Design intersections to safely accommodate both pedestrian and vehicular traffic. Construct intersections with the minimum dimensions necessary to maintain established levels of service. Discourage construction of turning lanes where they would deter pedestrians.

T 3.13. General criteria for the placement of streets include (b.) Connect streets to minimize the need for multiple lanes at intersections and elsewhere. Where added lanes are proposed, analyze the effect that adding lanes will have on all modes of travel.

2. **Appendix 6A: Transportation Policy Background - Why We Need To Reexamine Street Widths.** Where new streets are built, new street standards need to make rights-of-way as narrow as possible while still accommodating a variety of users safely. The amount of traffic allowed on streets (level of service) is partly driven by a concern for safety. According to conventional wisdom, adding lanes automatically decreases congestion and improves safety. Unfortunately, as lanes are added, vehicle movement gets more complicated, sometimes at higher speeds, causing serious accidents. This plan accepts the fact that there will be more traffic, especially downtown and along High Density Residential Corridors. While concern for safety will continue and accidents will still happen, they are likely to be less serious at slower speeds. On arterials and major collectors that will move more traffic than today, increasing width and adding lanes for vehicles must be done as a last resort while support for bicycle riders, pedestrians, and transit riders becomes a high priority. This is especially important in the downtown and on the High

Density Residential Corridors where public and private investment will encourage these areas to evolve into people-friendly places. Support for alternatives to driving alone is essential in order to reduce dependence on cars and meet Regional Transportation Plan goals. Creation of additional two-lane road connections will help relieve the need to widen existing arterials and major collectors and is also essential to reaching the Regional Transportation Plan goals.

Staff Response: Briggs Village has street frontage on two existing City streets: Henderson Boulevard that bisects the site north to south, and Yelm Highway that is the south boundary of the site (a City of Olympia street east of Henderson Boulevard and a City of Tumwater street west of Henderson Boulevard).

1. **Yelm Highway** frontage improvements in Tumwater are newly constructed and complete (except for street trees; which are being proposed in the Master Plan). Yelm Highway frontage improvements in Olympia are listed in the City's 2003-2008 Capital Facilities Plan as impact fee-funded capacity improvements to be constructed in 2007 (Reference CFP Pages T 65-7). Therefore, the proposal complies.
2. **Henderson Boulevard** is a recently annexed County road that will require full frontage improvements as the Briggs Village phased developments occur according to the Master Plan.
3. **Henderson Boulevard** as proposed in the Master Plan is a five-lane Major Collector; this does not comply with the City's Comprehensive Plan or Standards, which calls for Henderson Boulevard to be a two/three-lane Major Collector standard. Staff analysis shows that Henderson Boulevard will operate at an optimal LOS when built to the adopted two/three-lane Major Collector standard. Therefore, staff recommends that Henderson Boulevard be strictly limited to the adopted two/three-lane Major Collector standard, from the north boundary of the site south to the intersection of Briggs Boulevard. However, Staff recommends that Henderson Boulevard be limited to the adopted two/three-lane Major Commercial standard from Briggs Boulevard south to Yelm Highway unless a future phase Traffic Impact Analysis (Village Center Phase) shows that the five-lane configuration will better serve the Village Center Phase.

- C. **Standard 2.040.B, Streets and Alleys, and 2.040.B.1, General.** Streets and alleys will be designed and constructed in conformance with the provisions of the Development Guidelines and Public Works Standards, Chapter 4. The minimum

requirements established by the current editions of the American Association of State Highway and Transportation Officials (AASHTO) and the Institute of Transportation Engineers (ITE) standards and as identified by Table 11, Chapter 4.

Staff Response: The proposal complies.

- D. Standard 2.040.B.2, Access to Developments.** A development will abut a public right-of-way and have public right-of-way frontage with site access to one or more streets improved to comply with the standards as set forth in Table 1, Chapter 4, of the Development Guidelines and Public Works Standards.

Staff Response: The proposal complies.

- E. Standard 2.040.B.3, Alignment and Location.** Proposed streets and other primary accesses will be aligned with existing streets or accesses as identified in the Transportation Element of the Olympia Comprehensive Plan. Street alignments will relate where practical to natural topography and will be selected so as to minimize grading and avoid excessive runoff. Alignment and connections of newly constructed public streets will be provided in accordance with the following conditions and Table II, Chapter 4, unless otherwise prohibited:

- a. Street connection will be provided to any existing public street or right-of-way “stub” abutting the proposed development.
- b. Pedestrian and emergency access will be provided to any abutting public school, public building, urban trail, or transit stop.
- c. Streets will be located for the development of adjoining land.
- d. Provisions such as “stub” roads will be made for connection to any adjacent undeveloped, contiguous land area of one acre or more and to any site officially designated for a public facility. Such stubs will be located to provide for future block sizes consistent with these guidelines and connections to other “stub” roads on adjacent and nearby property. Signs indicating intent to extend in the future are required at the end of these stub streets.
- e. Blocks in residential zoning districts (listed in OMC 18.04 and 18.05) shall not exceed a perimeter of 1,320 feet, measured at the edge of the right-of-way, except one (1) block in a co-housing development (see OMC

Section 18.04.060[F]) and all blocks in the R-4 District may have a perimeter of up to 2,200 feet, provided street connections are made to adjoining streets and property as required by Section 2.040.B.3 (a, c, d, and f). Such residential blocks with a perimeter greater than 1,320 feet shall contain a public pathway near midblock conforming to the Olympia Development Guidelines and Public Works Standards. Blocks in commercial districts (listed in OMC Chapter 18.06) shall not exceed a perimeter of 2,200 feet. Where larger blocks are necessary due to topography, existing development, or other constraints, intervening public cross-block pedestrian, bicycle, and emergency access will be provided. The approval authority may waive this section (e) to allow development of schools, parks, and other large public facilities which must have a large site uninterrupted by a street. Applicants for such uses must demonstrate to the satisfaction of the approval authority that the required street(s) would make the site unviable for the proposed use.

- f. Where physically possible, more than one connection to the existing public street system will be provided for any development, or part thereof, of four acres or more (excluding critical areas and associated buffers). If not otherwise prohibited, each connection will be to a different collector or arterial street. Where the site includes only a single frontage of less than 400 feet, this requirement may be met by provision of one or more stub roads. The intersection spacing requirements in Table 11, Chapter 4, will not be used as criteria/justification to close existing streets.

Staff Response: Standard 2.040.B.3(a) above calls for the connection of Pifer Road located at the northwest corner of Briggs Village, an abutting public street in the City of Tumwater (Reference EIS Pages 5-1, 2 and 3). Staff recommends that a full vehicle connection be made at this location when the North Residential Phase develops according to City of Olympia and City of Tumwater standards and Traffic Impact Analysis mitigation Standards **2.040.B.3(e) and (f)** above are the “street grid spacing standards.” The Briggs Village proposal generally complies, with the following exceptions:

1. **Pifer Road Connection.** A connection at this location with proper mitigation will reduce what is now a very large 13,500-foot (2.56 mile) perimeter block (mitigation may include right-of-way acquisition from the Tumwater residence at 1129 South Street to facilitate a “T” intersection design). Staff recommends that a full vehicle connection be made at this location when the North Residential Phase develops.

2. **Delta Lane Connection.** A connection at this location would further reduce existing block sizes in the area, but there are significant topographical, existing development, and other constraints to the west of the West Residential Phase that prohibit a vehicle connection to Delta Lane: (1) Narrow Delta Lane right-of-way located on a narrow saddle between two wetlands, (2) Significant wetlands and wetland buffers, and (3) An existing residence directly in line with Delta Lane that is also listed on the City of Olympia's Historical Properties Inventory. Staff does not recommend a vehicle or emergency access connection to Delta Lane. Staff does recommend an intervening public cross-block pedestrian/bicycle connection to Delta Lane when the West Residential Phase develops.
3. **West Residential Connection to Yelm Highway.** This connection requires special consideration, balancing the need for block sizing against the loss of an exceptionally large and prominent Douglas fir. Staff recommends saving the Douglas fir and associated smaller grove of trees by relocating this street connection further west. If this is not feasible, then eliminate the street connection and provide a public cross-block pedestrian, bicycle, and emergency access further to the west, which is feasible.

F. Standard 2.040.B.4, Rights-of-way, Easements, and Improvements. The developer will dedicate right-of-way, grant easements, and clear and grade the area required to comply with Chapter 4 of the City of Olympia Development Guidelines and Public Works Standards and install all necessary improvements in conformance with the standards prescribed.

Staff Response: The proposal complies.

G. Standard 2.040.B.5, Horizontal or Vertical Curves, Sight Distance, Grades, and Tangents. Horizontal or vertical street curves, sight distance, grades, and tangents will be based on the current edition of AASHTO standards. A design proposal that differs from the AASHTO standard may be approved by the Director of Community Planning and Development, without a variance, if the deviation is justified to minimize grading, avoid excessive run-off or topographic conditions attending the development site, or to implement traffic calming techniques when warranted.

Staff Response: The proposal complies.

H. Standard 2.040.B.6, Street Intersections

- a. Primary points of access or street intersections with centerline offsets of

less than one hundred fifty (150) feet will not be allowed unless city staff finds special conditions requiring a reduction.

- b. Unless required by street spacing standards, intersections on curves will be avoided.
- c. Right-of-way and curb radii will be provided at all intersections in accordance with Table 1, Chapter 4, of the Development Guidelines and Public Works Standards.
- d. Turning lanes and acceleration/deceleration lanes will be provided as required by city staff.

Staff Response: The proposal complies.

- I. **Standard 2.040.B.7, Cul-de-sacs and Dead-end Streets.** A turning area with a curb line radius as specified in Table I, Chapter 4, of the Development Guidelines and Public Works Standards will be provided at the end of all dead-end streets and cul-de-sacs. Alternative designs for turning areas will be permitted in accordance with the Standard Plans. Where a street dead-ends, a barricade constructed in accordance with the specifications of the City will be installed. When cul-de-sacs are constructed, maximum length will be limited to three hundred (300) feet.

Staff Response: The proposal complies.

- J. **Standard 2.040.B.8, New Streets.** Where a street is designated by the City's officially adopted Comprehensive Plan are shown to be within the boundaries of a development, after completion of a TIA(Traffic Impact Analysis) by the applicant, the developer may be required to dedicate the entire right-of-way and construct improvements as described in Table 1, Chapter 4, of the Development Guidelines and Public Works Standards. Where said street is adjacent to a boundary of a development, the developer may be required to dedicate the necessary right-of-way and construct improvements as described in Table I for one-half of the street.

Staff Response: The proposal complies.

- K. **Standard 2.040.B.9, Half Streets.** The construction of half streets will be permitted only along the boundaries of a development. Pavement, at least twenty (20) feet in width or as required for that street classification (measured from gutter line), will be provided and an adequate right-of-way width will be dedicated. As required by the Olympia Fire Department, "No Parking" signs will be installed as required to ensure fire access. Signs are to be spaced on 50 feet staggered spacing or 100 feet for one-side spacing.

Staff Response: The proposal complies.

- L. **Standard 2.040.B.10, Limited Access to Streets.** Vehicular access rights to an arterial or major collector will be restricted. A frontage road or other type(s) of limited access design may be required where land adjoins or fronts on an arterial street. Refer to the driveway and intersection criteria to determine sufficient distance between the frontage road and intersection or other access point locations.

Staff Response: The proposal complies.

- M. **Standard 2.040.B.11, Alleys.** Alleys may be permitted at the rear of single-family residential, multi-family residential, commercial, or industrial property. Dead-end alleys are prohibited. Alleys not required for fire suppression access, solid waste collection, or other public purposes may be privately owned. Unless Council approves an exemption, private alleys will conform with all improvement standards for public alleys, will be posted, and will meet all other provisions applicable to private streets.

Staff Response: The proposal complies.

- N. **Standard 2.040.B.12, Private Streets.** Only if directly approved by the City Council, any street that is intended for private use and posted as a private street at all times may be established as a private street. The design and improvement of any private street will be subject to all of the requirements prescribed by this document for public streets. Private street easements will meet the standards for dedicated right-of-way identified in Table 1. Final site plans that depict private streets will include an unconditional and irrevocable offer of dedication that may be accepted by the City Council at such time as the street is needed for development of contiguous property or for the protection of public health, safety, and welfare. Final site plans will further contain statements that grant the City of Olympia the right to fully use the private street for emergency access and utilities maintenance and that provide for the ownership and maintenance of the private street by the owners with the development.

Staff Response: There are private streets proposed in the Briggs Village as shown on Master Plan Volume 1, Schematic Map 18 in the Village Center Phase, and in the East Residential Phase. These private streets require Council approval, with specific conditions. Staff recommends Council approval with the specified conditions.

- O. **Standard 2.040.B.13, Street Names.** All street names will be approved by the Director of Public Works in accordance with the requirements of Chapter 12, Olympia City Code.

Staff Response: The proposal complies.

P. Standard 2.040.B.14, Street Lights. The developer will provide for the installation of street lights in accordance with the standards prescribed in Table 1, Chapter 4, of the Development Guidelines and Public Works Standards.

Staff Response: The proposal complies.

Q. Standard 2.040.B.15, Street Barricades. The developer will construct and install approved barricades where required by the Director of Public Works.

Staff Response: The proposal complies.

R. Standard 2.040.B.16, Turning and Acceleration/Deceleration Lanes. When required by city staff, the developer will construct turning and acceleration/deceleration lanes and traffic channelization devices along all development frontages and/or off-site as indicated in a traffic impact analysis.

Staff Response: The proposal complies.

S. Standard 2.040.B.17, Relocation of Utilities. The developer will provide for the relocation of any utilities that must be relocated to accommodate street or other required improvements.

Staff Response: The proposal complies.

T. Standard 2.040.C.1, Franchise Utilities - Undergrounding of Overhead Utilities. Improvements required by this subsection will be installed in accordance with the standards and specifications of the City and the serving utility.

Staff Response: The proposal complies.

U. Standard 2.040.C.2, Street Signs. The City will install all street signs (including street name signs, warning signs, and regulatory signs). The developer will reimburse the City for the cost of furnishing and placing said signs.

Staff Response: The proposal complies.

V. Standard 2.040.D, Bikeways and Walk-ways, and 2.040.D.1, Easements. Where needed for purposes of traffic safety or access to schools, playgrounds, urban trails, shopping facilities, or other community facilities, public easements for bikeways or walkways, not less than ten (10) feet in width, will be provided and installed.

Staff Response: Staff recommends an intervening public cross-block pedestrian, bicycle connection to Delta Lane from the West Residential Phase as identified in Section 2.040.B.3.(e) above, compliant with this standard.

- W. Standard 2.040.D.2, Improvement Standards.** Bikeways and walkways will be surfaced with asphalt concrete and designed to the standards in Table I, Chapter 4, of these Standards and Table 3 of the Urban Trails Plan. Bikeways and walkways will be illuminated in accordance with the specifications set forth in this standard. Posts or other facilities designed to prohibit the passage of motor vehicles through pedestrian easements will be installed to the specifications of the Development Guidelines and Public Works Standards.

Staff Response: The proposal complies.

- X. Standard 2.040.E.1, Sidewalks, Planting Strips, and Medians.** Sidewalks, planting strips and/or medians will be constructed within all new developments and on the development sides of any streets abutting the exterior of all developments. Said construction will be subject to the conditions and regulations set forth in Chapter 4 of the Development Guidelines and Public Standards and the following:

- a. Where a Pathway Plan is incorporated in a development plan, the approval authority may waive the requirement for sidewalks across the frontage of each individual lot.
- b. New developments that are a continuation of a previous development may be developed to reflect the overall street characteristics of the area, including the same curb and sidewalk standards, unless the Director of Community Planning and Development determines application of existing road side features currently in place are detrimental and cause safety concerns to the public interest.
- c. Maintenance of the above-ground improvements between the curb and the abutting private property line is the responsibility of adjacent property owners.
- d. Pedestrian access will be provided to all new transit stops.

Staff Response: The proposal complies.

- Y. Standard 2.050.A Sewer.** The developer will install sewer facilities in accordance with the provisions of Chapter 7 of the Development Guidelines and Public Works Standards.

Staff Response:

1. The City has capacity to serve the Briggs Village sanitary sewage system demands.
2. An addendum has recently been made to the City's Sewage Disposal Master Plan, 1997. This addendum changed the size of the future Henderson Boulevard sanitary sewer from a 10-inch diameter pipe to a 15-inch diameter pipe.
3. Many segments of the proposed on-site sanitary sewer system are located outside the standard street right-of-way location. Additional design work will be required during the plat review process to show that this occurrence has been minimized. When sanitary sewer must be located outside the standard location, maintenance vehicle access to the entire system is required.
4. There are two sanitary sewer lift stations proposed to serve the low areas west of Henderson Boulevard. Additional design work will be required during the plat review process to show that it is not feasible to serve these areas with one lift station.

- Z. Standard 2.050.B, Water.** The developer will install water facilities in accordance with the provisions of Chapter 6 of the Development Guidelines and Public Works Standards.

Staff Response:

1. The City has capacity to server the Briggs Village domestic water and fire suppression systems demands.
2. There are segments of the proposed water main system that appear to be oversized. Additional design work (system modeling) will be required during the plat review process to ensure optimal system performance (avoid stagnation).
3. The proposed 12-inch water main "loop" serving the West Residential Phase is located outside the standard street right-of-way location, on private properties and through the Neighborhood Park. This water main "loop" shall be relocated back to the original (optimal) location on Yelm Highway (Reference A.W. Mackie letter dated July 8, 1998).

AA. Standard 2.050.C, Storm Drainage. The developer will provide for the treatment storage and disposal of surface drainage through a storm drainage system designed to the current Drainage Design and Erosion Control Manual for Olympia (Manual).

Staff Response:

1. The proposed stormwater facility designs are viable according to the Drainage Design and Erosion Control Manual for Olympia (Manual). The designs will require additional features to facilitate either a designed stormwater system release or an emergency overboard stormwater system release from the central kettle west to the Tumwater kettle.
2. As proposed, the Briggs Village stormwater system is designed to route a disproportionately large amount “as much as possible” of site-generated stormwater to the south kettle. This design will cause unnaturally high water elevations in the south kettle, which has no emergency release to protect Tumwater’s Yelm Highway retaining wall structure. Furthermore, this high water will have a significant negative impact on critical areas and critical area buffers in the south kettle and on the associated mature stands of timber around the west and south boundaries of the south kettle. These stormwater impacts are reasonable grounds for staff to require that additional stormwater design alternatives be considered.
3. Staff believes that a more balanced (natural, proportional) approach to the use of the south and central kettles would better meet the goals of the overlapping Stormwater, Tree Protection and Replacement, and Critical Area regulations that apply to these areas and features. Furthermore, staff believes that the use of compost filters versus the proposed wet pond for stormwater treatment will better serve the site for the following reasons: (1) Consistent performance through the wet seasons; (2) Smaller impact (footprint) on critical areas; (3) A versatile Best Management Practice (BMP) for removing a variety of pollutants (the filter cartridges are filled with media selected to treat the specific pollutant loadings at each site); and (4) The site-specific filter media options give the system the ability to remove high levels of stormwater pollutants such as sediments, oil and grease, soluble heavy metals, organics and soluble nutrients. Staff recommends the use of compost filters for all required stormwater treatment.
4. **Downstream Analysis.** The majority of Briggs Village stormwater discharged off site will flow either west from the central kettle to the

Tumwater kettle (a closed basin) or east from the northeast kettle and southeast kettle to Ward Lake (a closed basin). The Briggs Village Drainage and Erosion Control Report shall demonstrate that both the rate and duration of stormwater discharge off site will be equal to or less than occurred in the pre-developed state to be compliant with the following sections of the Manual relevant to the closed basin and private property issues: Section 4.12, Downstream Analysis may Trigger Additional Requirements, and Section 4.5, Closed Basin Triggers Higher Infiltration Standard. Discharge to a closed basin shall be allowed only if the Project Engineer can satisfactorily demonstrate that no significant public health, safety, welfare, or property damage issues are present.

5. **Performance Verification/Mitigation Plan and Bond (Appendix Olympia-1).** Newly constructed storm drainage facilities often fail and cause flooding. This may occur because of improper design, installation, or failure to use best management practices for erosion and sedimentation control. The developer shall file an agreement with the City (to include 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.

- BB. Standard 2.050.D, Private Utilities.** The private utility shall provide design and plans in accordance with the provisions of Chapter 3 of the Development Guidelines and Public Works Standards.

Staff Response: The proposal complies.

- CC. Standard 2.050.E Easements.** Easements for water, sewer, drainage facilities, will be no less than twenty (20) feet wide (generally, ten [10] feet either side of the centerline of the facility). Additional width may be required if necessary to accommodate the maintenance of a facility.

Staff Response: The proposal complies.

- DD. 2.050.F, Capacity and Routing.** The capacities and dimensions of water mains, sewerage, and drainage facilities will be adequate to provide for the future needs of other properties in the general vicinity. Said facilities will be extended in

public rights-of-way or easements along each frontage of a development or along alternative routes to the boundaries of adjoining properties as approved by the Director of Public Works. Oversizing of facilities may be required of the developer. The City may participate in the cost of oversizing if sufficient funds are available.

Staff Response:

1. The proposal complies for sanitary sewer provided the Henderson Boulevard sanitary sewer is changed from the 10-inch diameter pipe to a 15-inch diameter pipe (see Staff Response – 2.050.A).
2. The proposal complies for water, provided the West Residential Phase water main loop is relocated to Yelm Highway and system sizing is further refined for optimal performance (see Staff Response - 2.050.B).

VII. Tree Code

OMC Chapters 16.56, 16.58, and, 16.60; PW Standards 4.G.100; and Master Street Tree Plan, April 23, 2002.

A. Street Trees – Background Information

Both the Development Guidelines and Public Works Standards (4.G. 100) and the Master Street Tree Plan (Adopted by City Council, April 23, 2002) contain street tree standards. Generally the street tree design concepts outlined in the Briggs Village Master Plan comply. However, there are some conflicts between some of the proposed species and the spacing recommendations outlined in the Landscape Addendum.

Staff Response: Staff recommends that the species selections be limited to a “tree type” (i.e., tall-narrow, short-wide, tall-wide, etc.) rather than specific species and that the spacing between trees should be consistent with the anticipated mature width of the “tree type.” This will provide greater flexibility for the landscape designers and will ensure that trees are able to fully develop their crowns without hindrance from abutting trees.

As detailed landscape design work is proposed for each phase of the development, the species selection and spacing between trees shall be specified at that time. This will ensure the tree species will be appropriate for the specific site conditions, and it will also ensure streetscape design continuity throughout the development.

B. Tree Protection and Replacement – Background Information

OMC 16.60 requires applicants of development proposals to submit a tree plan and to meet the minimum tree density, which is 30 tree units per acre for new development. No trees may be removed from the site without a permit to do so, unless exempted pursuant to OMC 16.60.040.

Staff Response: The applicant is planning to remove trees and develop the site. The required tree plan was submitted (Attachment A, Plan Sheet 25, and Appendix D. – Tree Survey). The tree plan is complete for the Master Plan; however, more detailed plans need to be submitted as each phase and/or project is reviewed for approval and permitting pursuant to OMC 16.60.050.

OMC 16.60.070.D gives authority to the approval authority to make changes to the proposed development as necessary to ensure “preservation and conservation of wooded areas and trees.” This section also requires subdivisions to provide tree tracts and lists the priority for preservation of trees. The priority for saving trees is landmark trees, specimen trees, trees within or buffering critical areas, trees within or buffering significant wildlife habitat, and other individual trees or groves of trees.

Staff Response: Staff recommends that two specific forested portions of the subject property be preserved: the large fir tree and associated smaller trees that are located directly north of the proposed western access to the property from the Yelm Highway and a stand of large fir trees south of the central kettle adjacent to and included in the area identified as the Foley property. To require such modifications, the Hearing Examiner will need to determine that there are “feasible and prudent” location alternatives on site for the proposed building structures and other site improvements. Given the scale of the entire Briggs Village proposal and the design flexibility that can be inferred from such scale, it can be assumed with relative assurance that there are “feasible and prudent” location alternatives on site for proposed building structures and other site improvements.

OMC 18.05.080.F.1(a)(ii) notes that the Hearing Examiner may require clustering of housing units on a portion of the site to “enable retention of trees” (based upon a recommendation by the City’s Urban Forester, consistent with Chapter 16.60, Tree Protection and Replacement).

In addition to the upland trees, there are trees within the kettles both in and providing buffering for critical areas. These trees should not be removed. If stormwater levels in the kettles rise to a level where the roots of fir trees are inundated, the trees will die (depending on the length of inundation). Causing a tree to die is the same as removing it (see definition of “removal” in 16.60.020 Definitions). Pursuant to the proposed stormwater plan, the water level in the south kettle could rise approximately 15 feet. The bottom elevation of the

wetland is currently 124; if the water rises as shown in the calculations, then the elevation of the water would be 139. The Douglas fir trees on the west side of the south kettle are at or below 140 elevation. Their roots would thus be inundated. If trees in any of the kettles die as a result of stormwater inundation, the owner of the stormwater system shall submit a restoration plan for that kettle to replace the lost tree units, pursuant to approval of the City's Urban Forester, pursuant to 16.60.080, Tree Density Requirement, and Table 14.10.303, Regulated Uses and Activities in Critical Areas and Buffers.

Specific individual trees and tree tracts, pursuant to 16.60.070(d)(4) will be identified at the preliminary plat of each development phase. For each plat, a tree tract or tracts will be identified that meets 75% of the required minimum tree density for each plat.

VIII. SEPA Determination.

As noted above, the Final EIS was issued on May 1, 2003 (Attachment K).

Staff Recommendation: Approval of the Master Plan with the following conditions:

1. **Master Plan.** The Master Plan as described in the Master Plan for Briggs Village (text), as shown on the Briggs Village schematic maps, 1-25, and as described with mitigation for impacts in the Final EIS is conceptually approved. More detailed plans and environmental information shall be submitted as each phase and/or project is reviewed for approval and permitting. These plans must show in greater detail how the development proposal complies with the applicable codes. In addition, each phase or development shall comply with the approved Master Plan (Attachment A), the approved Master Plan schematic maps (Attachment B), the Final EIS (Attachment K), and all conditions of this Master Plan approval.
2. **Modifications.** Any future subdivision of lots or tracts that would increase the density in the original project area beyond the maximum density allowed or decrease the density below what is required or deviate from the mix of dwelling types required in the Master Plan above is prohibited.
3. **Phasing.** 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.
4. **Briggs Village Transportation Mitigation Fund.**
 - a. Each phase (major project) of development within Briggs Village will require a Traffic Impact Analysis that includes a mitigation plan.
 - b. Mitigation will be either by construction of the necessary

improvements or a voluntary contribution of the pro-rata mitigation cost to the Briggs Village Transportation Mitigation Fund. This fund will be used for the collection and disbursement of mitigation funds during the development of Briggs Village. Any voluntary fund shall be established prior to preliminary plat approval of the first phase of Briggs Village. A list of possible improvements is attached and is hereby incorporated as a part of the Briggs Village Master Plan (Attachment M).

- c. Mitigation for each phase will be based on the proportion of new growth contributed by the phase (major project) through a facility according to the regional traffic model. Mitigation for the phase will also include any improvements that will be warranted by the phase (major project) within a six-year period after the phase (major project) horizon year.
 - d. The City will collect mitigation fees “Lump Sum” at time of final residential plat, binding site plan, or land use approval. The City will disburse the mitigation funds to the appropriate jurisdiction or agent.
5. **Henderson Boulevard.** Henderson Boulevard shall be strictly limited 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 limited to the adopted two/three-lane Major Commercial standard from Briggs Boulevard south to Yelm Highway unless a future phase Traffic Impact Analysis (Village Center Phase) shows that the five-lane configuration will better serve the Village Center Phase.
6. **Pifer Road Connection.** A Pifer Road vehicle connection shall be constructed, with proper mitigation, which 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.
7. **Delta Lane Connection.** A Delta Lane intervening public cross-block pedestrian/bicycle connection shall be constructed when the West Residential Phase develops.
8. **West Residential Connection to Yelm Highway.** The large prominent Douglas fir and associated smaller grove of trees at this location shall be saved. Relocate this street connection further west; 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.

9. **Private Streets.** Obtain City Council approval for the proposed private streets in the Village Center Phase and the East Residential Phase.
10. **Sanitary Sewer.** 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.
11. **Water.** Relocate the proposed 12-inch water main “loop” serving the West Residential Phase south to Yelm Highway.
12. **Stormwater**
 - a. Revise the stormwater system design to better replicate the natural drainage patterns of the Briggs Village site.
 - b. All site-generated stormwater requiring treatment shall be treated by a compost filter type treatment system.
 - c. The developer shall file an agreement with the City (that includes 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.
13. **Tree Tracts.** For each plat, a tree tract or tracts will be identified that meets 75% of the required minimum tree density for each plat. Specific individual trees and tree tracts, pursuant to OMC 16.60.070d.4, will be identified at the preliminary plat of each development phase.
14. **Large Fir Tree.** Preserve the large fir tree and associated smaller trees that are located directly north of the proposed western access to the property from the Yelm Highway. To accomplish this, eliminate the access road to Yelm Highway and replace it with a smaller fire/pedestrian-only access located west of the

current proposed access location. The exact location will be determined after the trees and their critical root zones are surveyed and a tree protection plan is prepared by the applicant's qualified professional forester. The tree (and associated neighboring trees) and their critical root zones shall be required to be placed in a separate deeded tree tract as part of the formal platting process for the property.

15. **Fir Tree Stand/Hawk Nesting Site.** Preserve the stand of large fir trees south of the central kettle adjacent to and included in the area identified as the Foley property (see photo exhibit L). To accomplish this condition, staff recommends that several of the lots and a portion of the proposed street be relocated. The exact location and dimensions of this tree preservation area will be determined after the trees and their critical root zones are surveyed and a tree protection plan is prepared by the applicant's qualified professional forester. The trees and their critical root zones shall be required to 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.
16. **South Kettle Trees.** Provide a restoration plan to ensure a long-term forest is maintained in this kettle, if the proposed stormwater use would raise the water elevation in the bottom of the kettle to 139 elevation.
17. **Lot sizes, widths, and setbacks.** Residential lot sizes, widths, and set backs shall be reviewed for compliance with the applicable code at the time of preliminary plat submittal.
18. **Building heights.** Proposed buildings shall be reviewed for compliance with the applicable codes at the time of building permit submittal.
19. **Shorelines.** Any proposed development within the shoreline of Ward Lake must 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.
20. **Wetland Impacts.** 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 the CAO.
21. **Steep Slopes.** Although staff recommends conceptual approval of the trail and arboretum proposed on the steep slope adjacent to Ward Lake at this time, detailed administrative review of the proposal shall be completed at the time of the proposed development.

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

Staff Report By: Susan Messegee, AICP, Associate Planner, on behalf of the Site Plan Review Committee comprised of Jeff Fant, Engineering Review; Ben Barnes, Building Division; and George Zieseemer, Fire Marshal; and with comments from Joe Roush, Urban Forester.

Attachments:

- A. City of Olympia General Land Use Application and Master Planned Development Supplement, dated January 28, 1999.
- B. Plan set with Sheets 1-25 (11x17")
- C. Legal Description
- D. Briggs Village Design Guidelines, Revised, dated June, 2003
- E. Design Review Board Recommendation
- F. Army Corps of Engineers letters dated December 17, 1997; September 4, 2001; and February 24, 2003
- G. Email from Ann Boeholt, Department of Ecology, dated June 18, 2003
- H. Wetland Reports: Wetland Categories for South, Central, Northwest and North Wetlands, dated December 12, 1996; Report Addendum – An Analysis of the Jurisdictional Status of Waters of the United States, Including Wetlands, at the Briggs Nursery Property East of Henderson Boulevard SE, Dated May 26, 1997; Technical Memorandum, dated March 2, 2000; all by L.C. Lee & Associates
- I. Letter from Chris Carlson, Senior Planner, City of Tumwater, dated June 18, 2003
- J. Revised Addendum to the Preliminary Mitigation and Monitoring Plan, dated April 8, 1999 by L.C. Lee & Associates, Inc.
- K. Final EIS
- L. Aerials of site showing locations of trees recommended to be saved
- M. Traffic Mitigation
- N. Notice of Public Hearing

03324016.006 (1696x2248x2 tiff)

SCHEDULE A

That part of the Southwest Quarter Section 25 and the Northeast Quarter of Section 35 and the Northwest Quarter Section 36, Township 18 North, Range 2 West, W.M., more particular described as follows:

Beginning at the intersection of the North right-of-way of Middle Street with the northerly extension of the Easterly right-of-way line of Pifer Road, said point is common to the city limits of Olympia and Tumwater; thence southerly along the East right-of-way of Pifer Street, which is Tumwater's city limits, to its intersection with the easterly extension of the northerly line of the Plat of South Street Heights as recorded in Volume 24 of Plats, page 14, records of Thurston County, Washington; thence southerly along the easterly margin of Third Street as shown on the Plat of Ward Homestead as recorded in Volume 2 of Plats, page 63, records of said county to its intersection with the northeasterly extension of the southerly margin of Pifer Street as dedicated in said Plat of South Street Heights; thence southwesterly along said extension, said extension being a non tangent curve with a radius of 125 feet, to the centerline of said Third Street; thence southerly along said centerline to the southerly right-of-way line of South Street; thence westerly along said right-of-way for 15 feet more or less to the Tumwater City limits; thence continuing westerly along said right-of-way and Tumwater's city limits to the southwest corner of the Plat of South Street Heights; thence southerly 569.31 feet and westerly 382.57 feet along the existing Tumwater city limits to the easterly line of the Plat of Deschutes Valley Addition as recorded in volume 5 of Plats, Page 74, records of said county; thence southerly along said plat line and Tumwater's city limits to the northerly right-of-way line of Yelm Highway; thence easterly along said right-of-way line to the northerly extension of the easterly right-of-way line of the southerly leg of Henderson Boulevard; thence southerly along said extension to the southerly right-of-way line of Yelm Highway; thence easterly along said right-of-way line to a point 373 feet westerly of the North-South Center Section Line of said Section 36; thence northerly parallel to the North-South center of section line along the westerly line of the Betty Burns Living Trust as recorded in Volume 2102 of Deeds, page 311, to the North line of the Southeast Quarter of the Northwest Quarter of said Section 36; thence East along said line to the Northeast Corner of the said Southeast Quarter, which point is on the existing city limits of Olympia; thence northerly, easterly, northerly and westerly along the Existing Olympia city limits to the point of beginning.

Legal Description (abbreviated)	Part of the SW 1/4 Section 25 and NE 1/4 Section 35 and NW 1/4 Section 36, T 18 N, R 2 W, W.M., Thurston County.
Assessor's Tax Parcel ID Nos.	12835110000, 12835140100, 12836120000, 12836120101, 12836120102, 12836120103, 12836120104, 12836120105, 12836120106, 12836121500, 12836210000, 12836210100, 12836210200, 12836210201, 12836220100, 12836220200, 12836230000, 12836240300, 12836240301, 12836240302, 12836240601, 12836240800, 12836240801, 82200700100, 82200700200, 82200700201, 82200700300, 82200700400, 82200700402, 82200700403, 82200800301, 82200800303, 82200800304, 82200800305, 82200800306, 82200800307, 82200800400, 82200800401, 82200800402, 82200800403
Reference Nos. of Related Documents	n/a

Attachment D
Ergonomics Design Guidelines
Revised 6/03



City of
OLYMPIA

Community Planning & Development, Box 1967, Olympia, WA 98507-1967
Phone (360) 753-8048 - Fax (360) 753-8766 - E-mail
smessege@ci.olympia.wa.us

Memorandum

To: Olympia City Council

From: Susan Messegee, AICP, Associate Planner

Date: May 15, 2003

Subject: Briggs Urban Village Design (97-0187)
Design Review Board Recommendation

The Design Review Board (DRB) met on April 24, May 1, and May 8, 2003, to consider the Briggs Urban Village Master Plan Design issues. Notice of the April 24th meeting was included in the Notice of availability of the Final EIS, which was mailed to the mailing list staff has maintained for the Briggs proposal, published in the newspaper, and posted on the site in two places. The meetings of May 1st and May 8th were continuations of the first meeting. Notice of the May 1st meeting was distributed at the April 24th meeting and posted on the door to the City Hall Council Chamber, since that meeting was not a regularly scheduled Design Review Board meeting. Several citizens attended the April 24th meeting; only one person not directly associated with the proposal attended the other two meetings.

At their first meeting, the DRB reviewed the Briggs Urban Village master plan proposal for compliance with Chapters 18.05A., Urban Village Design Criteria, and 18.20., City-Wide Design Criteria. The applicant presented a 30-minute video to explain the project. In addition to showing the video, the applicant and his representatives spoke briefly and answered questions. Review of the master plan was both broad and deep. The citizens in the audience declined to speak when offered the opportunity. *The video is part of the record; staff highly recommends Council view it.*

At the second meeting, the DRB reviewed the Briggs Village Design Guidelines to determine if the guidelines were understandable, cohesive, and consistent with applicable City code. The DRB discussed the details of the guidelines at length, both with the applicant's representatives and among themselves. They reviewed the changes that they had discussed the previous week with the applicant, and which the applicant had agreed to make. The one citizen in attendance spoke to the DRB, explaining that she was generally supportive of the proposal but would like to know how her view to the east from her house (which is adjacent to the Briggs west property line and takes access from Delta Lane) would be impacted.

The third meeting consisted of reviewing the additional changes that had been discussed at the second meeting, and discussing the proposed master plan in general and in detail. Bob Jacobs submitted a comment letter since he was unable to attend the meeting; copies of the letter were distributed to everyone at the meeting. His letter focused on one issue: public access to Ward Lake for swimming. Staff explained that the issue had been reviewed early in the process; parks staff and planning staff had determined that the access to the lake on its west side was too steep, and the lake itself too deep at the shoreline to be a safe public access. Mr. Jacobs was aware of this determination (which was published in the EIS). He stated in his letter that he agreed with the determination, but was asking that “competent swimmers” be allowed access. The DRB agreed with staff that since access was not safe for the general public, it should not be a public access at all; public access cannot exclude a portion of the population (in this case, those who are not “competent swimmers”).

The DRB then voted to recommend approval of the Briggs Urban Village as follows:

The Design Review Board recommends approval of the Master Plan for the Briggs Urban Village as shown on the revised site plan date-stamped May 1, 2003; of the Briggs Design Guidelines, Volume 2, dated January, 2001, with the revised illustration for page 17; of the Landscape Addendum revised April 17, 2003; and, of the NBBJ memo dated May 6, 2003, with the following conditions:

1. 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)
2. 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.
3. 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)
4. 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)
5. Provide screening for all mechanical equipment, storage areas, etc.; show on land use application plans. (18.20.060)

Jane LaClergue moved, Bob Findlay seconded; the vote was unanimous (all nine members of the Board attended and voted).



REPLY TO
ATTENTION OF
Regulatory Branch

DEPARTMENT OF THE ARMY
SEATTLE DISTRICT, CORPS OF ENGINEERS
P.O. BOX 3755
SEATTLE, WASHINGTON 98124-3755



FEB 24 2003

Mr. Todd Stamm
Olympia Community Planning & Development
837 - 7th Avenue Southeast
Post Office Box 1967
Olympia, Washington 98507-1967

Reference: 2003-4-00209
Briggs Development Company
Briggs Village Master Plan

Dear Mr. Stamm:

We are in receipt of the Draft Environmental Impact Statement (DEIS) for the above-referenced project. The DEIS discusses the proposed construction of a 133-acre mixed-use residential and commercial development off Henderson Boulevard and Yelm Highway in Olympia, Washington.

The U.S. Army Corps of Engineers (Corps) is aware of wetlands in this area. The DEIS states, "the Clean Water Act does not apply to "isolated" wetlands. "Isolated" wetlands are those that are not adjacent or connected to a navigable water body, such as a river, lake, or marine waters. By this definition, several of the kettles on the Briggs Nursery site (e.g., South Kettle Central Kettle) probably qualify as isolated wetlands. Following this ruling, the U.S. Army Corps of Engineers apparently no longer has regulatory oversight of these two kettles".

The definition stated in the DEIS is not totally correct and these wetlands may be in Corps jurisdiction. If these kettle wetlands will be impacted by the proposed project, it is our recommendation that the applicant request the Corps to perform a jurisdictional determination prior to work being performed at the site.

Thank you for this opportunity to provide comments. If you have any questions regarding Corps jurisdiction or our Regulatory program, please telephone our office at (206) 764-3495.

Sincerely,

Michael Lamprecht
Chief, Enforcement Section

REPLY TO
ATTENTION OF**DEPARTMENT OF THE ARMY**
SEATTLE DISTRICT, CORPS OF ENGINEERS
P.O. BOX 3766
SEATTLE, WASHINGTON 98124-3766

Regulatory Branch

SEP 4 2001

Department of Ecology
RECEIVEDBriggs Development Corporation
C/o Owens Davies Mackie, P.S.
ATTN: Alexander W. Mackie
Post Office Box 187
Olympia, Washington 98507-0187

SEP 14 2001

Shorelands & Environmental
Assistance Program

Reference: 1997-4-01903

Briggs Development Corporation

Ladies and Gentlemen:

In your letter of 7 June 2001, you requested clarification on whether you still needed to comply with mitigation requirements for Nationwide Permit authorization 1997-4-01903 due to recent changes in Corps jurisdiction over isolated wetlands.

Our letter of 17 December 1997 (copy enclosed) determined that the wetlands in your project area were isolated waters of the U.S. A recent Supreme Court ruling, *Solid Waste Agency of Northern Cook County v. U.S. Army Corps of Engineers*, No. 99-1178 (January 9, 2001), determined that isolated wetlands and waters, whose interstate commerce connection is based solely on migratory birds, are not jurisdictional under the Clean Water Act. Because the only interstate commerce connection for these wetlands and waters migratory birds, compliance with the Nationwide Permit conditions is no longer required. In addition, a Department of the Army permit is not required for any future work in the wetlands and waters delineated as part of the 1997-4-01903 authorization. There will be no impacts to a "water of the United States". Please note that only the U.S. Army Corps of Engineers makes the determination if a wetland or waterbody is a "water of the United States".

Please note that other Federal, State, and local regulations may apply to impacting wetlands. Isolated wetlands are still regulated by the Washington State Department of Ecology (Ecology). You should contact Ecology's Permit Assistance Center at (800) 917-0043 or ecypac@ecy.wa.gov for more information on how to obtain state approval for your project.

Regulations and guidelines implementing our permit program under Section 404 require that you obtain a permit prior to the discharge of any dredged or fill material into waters of the United States (definitions enclosed). If any filling, grading, excavation, or

-2-

mechanized land clearing is planned for other wetland areas, then a Department of the Army permit may be required.

If you have any questions, please contact Ms. Cindy Barger at telephone (206) 764-5526.

Sincerely,

SIGNED

Thomas F. Mueller
Chief, Regulatory Branch

Enclosures

cc:

Washington Department of Ecology
ATTN: Permit Assistance Center

DEPARTMENT OF THE ARMY
SEATTLE DISTRICT, CORPS OF ENGINEERS
P.O. BOX 3755
SEATTLE, WASHINGTON 98124-2255



REPLY TO
ATTENTION OF

DEC 17 1997

Regulatory Branch

Briggs Development Company
c/o L.C. Lee and Associates, Inc.
221 First Avenue West
Seattle, Washington 98105

Reference: 97-4-01903
Briggs Development
Corporation

Ladies and Gentlemen:

Nationwide Permit (NWP) 26 authorizes the proposed impact to 1.50 acres of wetlands for a storm water detention facility in the Deschutes River drainage near Olympia, Thurston County, Washington. The work must be performed as depicted on the enclosed drawings. You must meet specific requirements and conditions. Please pay particular attention to the special condition.

We have determined that the wetlands on the site are isolated waters of the United States.

The regulations which govern our permit program contain a series of NWPs. Each NWP authorizes a specific category of work, provided certain conditions are met. The NWP 26 (Federal Register, December 13, 1996, Vol. 61, No. 241) authorizes "discharges in headwaters and isolated waters." The entire text of NWP 26 and conditions are enclosed. The following special condition applies to your project:

The Corps is currently reviewing the proposed mitigation and monitoring plan. This nationwide permit is not valid until you have received written approval from the Corps of the mitigation and monitoring plan.

Prior to the start of construction, this project requires individual 401 Water Quality Certification (WQC) and Coastal Zone Management (CZM) Consistency Response from the State of Washington Department of Ecology. To obtain the appropriate certifications, you should contact:

Washington State Department of Ecology
Post Office Box 47600
Olympia, Washington 98504-7600
ATTN: Mr. Rick Vining
Telephone (360)407-6944

You must send us a copy of the individual WQC and CZM Response authorizations for our file. In order for this NWP to be valid, you must comply with any conditions the State includes in their WQC and CZM Response. You may then proceed to construction.

If more than 180 days pass and the State has not responded to your individual WQC and CZM Response request, WQC and CZM Response become waived. To confirm this, you must send us a copy of only your WQC application and then receive a letter from the Corps before proceeding with your proposed work.

This NWP 26 verification will be valid until December 13, 1998, or until it is modified, reissued, or revoked. If the project meets the enclosed terms and conditions, you will need no further authorization from us for the above described project.

You must still comply with other Federal, State, and local requirements which may pertain to the project. If you have any questions, please contact Cindy Barger at telephone (206) 764-5526.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert H. Martin". The signature is fluid and cursive, with a large initial "R" and "M".

Robert H. Martin
Chief, Applications Review Section

Enclosures

ATTACHMENT G

Susan Messegee

From: Boeholt, Ann [aboe461@ECY.WA.GOV]
Sent: Monday, June 23, 2003 10:27 AM
To: Susan Messegee
Subject: FW: Ecology input on Briggs Urban Village Wetland Mitigation Plan

-----Original Message-----

From: Boeholt, Ann
Sent: Wednesday, June 18, 2003 4:35 PM
To: 'smesse@ci.olympia.wa.us'
Cc: 'Todd Stamm (tstamm@ci.olympia.wa.us)'
Subject: Ecology input on Briggs Urban Village Wetland Mitigation Plan

Dear Susan,

The mitigation plan which I find in the Ecology file is the April 8, 1999 "Revised Addendum to the Preliminary Mitigation and Monitoring Plan for Briggs Urban Village Stormwater Facility". This is an addendum to the September 25, 1997 Preliminary Mitigation and Monitoring Plan (75% design level) for Briggs Urban Village Stormwater Facility and is to be used as a companion document to it.

This plan states that Brigg's preferred alternative is to construct a two-cell stormwater treatment facility in the South Kettle. This would result in impacts to 1.5 acres of wetlands. According to other information in the file, this impact would result from 0.83 acres of excavation and 0.58 acres of fill in the South Kettle wetland. This plan further states that 4.43 acres of wetland mitigation would be provided: restoration of 0.16 acres of filled wetlands and 4.27 acres of enhancement within the existing Central Kettle wetland. The Corps of Engineers approved this mitigation plan. Ecology concurred that it was sufficient.

However, in speaking with Sandy Mackie on May 16, 2003, he told me that no impact would occur to the South Kettle: that the 100' buffer is to be retained around the South Kettle, and only that the last polishing pond is to be within the last 50 feet of the buffer. He said that they would still do the wetland restoration however--with Phase II of the Urban Village project. He said the overall stormwater plan is to gather, treat, and discharge stormwater to composting filters: that no stormwater would leave the site and that no wetlands would be disturbed to accomplish this.

I am therefore unclear as to what impacts to the South Kettle wetland, if any, will occur.

The South Kettle wetland is, indeed, a category III wetland. It scores as a high III and does provide some valuable wetland habitat functions.

There are unquestionably restoration/enhancement opportunities within and in the buffer of the Central Kettle wetland.

If it is possible to treat and detain stormwater in upland areas of the site (or in wetland buffers, if necessary) and to leave all existing wetlands undisturbed, that would be ideal. However, it must also be recognized that upland areas of this property naturally drained to the kettle wetlands and that was augmented with irrigation run-off. The stormwater system should be designed so as to maintain natural release rates of surface water to the kettle wetlands.

As these wetlands are isolated, disturbance to them would require an administrative order (pursuant to RCW 90.48) from the Department of Ecology. I have mentioned such to Sandy Mackie and he has assured me that

6/23/2003

Briggs will apply for this administrative order when the time comes but that they do not want to apply for it now.

It is difficult to say anything more about this at this time. But please let me know if I can assist you further in this review.

Sincerely,

Ann Boeholt, Wetland Specialist
Department of Ecology, SWRO
(360) 407-6221
abo461@ecy.wa.gov



TUMWATER CITY HALL
555 ISRAEL ROAD SW
TUMWATER, WA 98501-6558
www.ci.tumwater.wa.us
FAX: 360/754-4126

ADMINISTRATION
CITY ADMINISTRATOR
MAYOR AND COUNCIL
360/754-4120

ATTORNEY
360/754-4121

DEVELOPMENT SERVICES
BUILDING PERMITS
ZONING & ENGINEERING
360/754-4180

BUILDING INSPECTION
REQUEST LINE
360/754-4189

FINANCE DEPARTMENT
CITY CLERK
INFORMATION SYSTEMS
360/754-4130

MUNICIPAL COURT
360/754-4190

FIRE DEPARTMENT
360/754-4170
FAX: 360/754-4179

GENERAL SERVICES
PERSONNEL
360/754-4122
JOB LINE: 360/754-4129

PARKS & RECREATION
360/754-4160
FAX: 360/754-4166

MUNICIPAL GOLF COURSE
4611 TUMWATER VALLEY DR SE
TUMWATER, WA 98501
360/943-9500
FAX: 360/943-4378

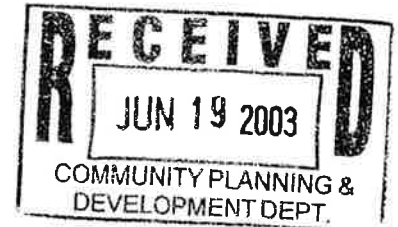
OLD TOWN CENTER
215 N. 2ND STREET SW
TUMWATER, WA 98512
360/754-4164
FAX: 360/754-2063

PLANNING & FACILITIES
LONG RANGE PLANNING
BUILDINGS & GROUNDS
HISTORIC PROGRAMS
360/754-4210
FAX: 360/754-4142

POLICE DEPARTMENT
360/754-4200
FAX: 360/754-4198

PUBLIC WORKS
ENGINEERING
360/754-4140
FAX: 360/754-4142

OPERATIONS &
MAINTENANCE
360/754-4150



ATTACHMENT I

June 18, 2003

City of Olympia Community Planning and Development

Attn: Susan Messegee

P.O. Box 1967

Olympia, WA 98507-1967

SUBJECT: Briggs Village Master Plan

Dear Ms. Messegee:

After reviewing the project records, the City of Tumwater requests that the following items be addressed in the Hearing Examiner's report and decision on this matter.

TRANSPORTATION

1. It appears that traffic signals are being prescribed at Yelm Hwy and the two entrances into Briggs Village. It's not apparent, however, when exactly they would be constructed. A condition should be placed on approval of the project that an evaluation of need for these signals would be completed as the phases of the Master Plan move forward. In addition, the City of Tumwater requests that approval of the project be contingent upon completion of an agreement between the City of Tumwater, the City of Olympia, and Briggs that the total cost of these signals would be borne by either Olympia and/or Briggs. We believe that the agreement is necessary since these signals would exist for the purpose of providing adequate access to the Briggs Village and that the City of Tumwater should not be financially liable for the cost of the remedy for future level of service failures at these intersections. Once the signals are constructed, they would be dedicated, owned and operated by Tumwater since Yelm Hwy is Tumwater right-of-way. Since Tumwater citizens don't benefit and we get no tax support, the ongoing cost of the signals should be borne by Olympia also.
2. The City of Tumwater opposes any vehicular connections to Pifer Street or Delta Lane. Non-motorized connections are acceptable.

3. The City of Tumwater's six-year Capital Facilities Plan (CFP) includes \$640,000 for improvements to Custer Way between Capitol Blvd. and Cleveland Avenue. These improvements are required in order to accommodate traffic growth in the area. The Briggs Village should be required to pay a pro-rata share of the cost of these improvements. From information contained in the Tumwater Transportation Plan, the Tumwater Public Works Director estimates that there will be a total of 715 new peak-hour trips through this area in 2020 that should share in the cost of the improvements. Trips generated within the City of Tumwater pay their share through Transportation Impact Fees. From prior modeling, 51% of the trips are from within the city and 49% are external. A pro-rata calculation would then have 350 external trips paying for approximately \$314,000 of the project which equates to a per trip cost of \$897/trip. The North and West Residential phases include 83 trips through this area for a total pro-rata share of \$74,450. The City of Tumwater requests that a condition be included in the Master Plan approval that the proponent is required to enter into voluntary agreements with the City of Tumwater to pay pro-rata share mitigation fees prior to a phase or phases of the Master Plan being approved.
4. The scope of future transportation improvement projects in the Custer/Cleveland/Capitol area will be identified thru a study by the City of Tumwater that has just gotten underway. The dollar amounts shown in the CFP and the improvements identified will likely change based on the results of the study.

All phases of the Briggs Village should contribute with the shares being identified as each phase moves forward. Table 4-6 shows existing LOS E at Capitol/North and an improved LOS with constructed improvements. The traffic study that was done assumed some minor channelization/signalization reconfigurations that while they might work may not fit with the overall transportation solution for this area.

There has been some discussion with Olympia staff that we may not have any other opportunities to identify mitigations after the Master Plan is approved. The City of Tumwater believes that it is appropriate that a condition be placed in the Hearing Examiner's decision that each of the phases needs to have a finding of concurrency prior to phase approval. These findings need to include concurrency of affected Tumwater facilities. Appropriate mitigations would need to be identified at that time. The Draft and Final Environmental Impact Statements for the project provide reasonable documentation for the 2007 condition including the North and West residential phases. Any phases beyond the North and West residential phases need to be fully evaluated.

STORM DRAINAGE

1. It is proposed that a majority of the storm drainage from the site is to be directed to the South Kettle adjacent to Yelm Highway. There is a retaining wall that was installed when the City of Tumwater widened Yelm Highway a few years ago adjacent to the Kettle. The City of Tumwater requests that a condition be added to approval of the Master Plan, that the proponent's professional engineer provides a report to the City of Tumwater that demonstrates no impacts on Yelm Highway and the associated retaining wall from construction of the South Kettle drainage facility.
2. A portion of the Central Kettle is located within the City of Tumwater. Modifications to the Central Kettle are proposed to mitigate storm water and wetland impacts associated with the project. Permits must be obtained from the City of Tumwater for modifications to the Central Kettle that are proposed on the portion of the site within the City of Tumwater.

WATER

1. The City of Tumwater has an interest in working with the City of Olympia on a cross-site water line connection through this project.

PARKS

1. The City of Tumwater is in agreement with the assessment of parks and recreation impacts that the Briggs Village Master Plan has defined. According to the Draft and Final Environmental Impacts Statements for the project, build-out of the Briggs Village will create an additional need of 7.25 acres of community parkland in the City of Tumwater. The 7.25-acre estimate is based on a population projection of 1,450 new residents associated with full build-out of Briggs Village, and the City of Tumwater's adopted standard of 5 acres of community parkland for each 1,000 population.

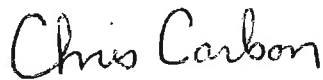
The City of Tumwater Parks and Recreation Plan indicates that Pioneer Park is 83 acres in size, with 45 acres developed, and 38 acres undeveloped. The City of Tumwater's six-year Capital Facilities Plan (CFP) includes \$739,335.00 for completion of Phases 3, 4 and 5 of the Pioneer Park Master Plan. In order to mitigate impacts to Tumwater parks, the City of Tumwater requests a condition be added to approval of the Master Plan that the developer be required to enter into a voluntary agreement with the City of Tumwater to pay pro-rata mitigation fees for impacts to Pioneer Park prior to a phase or phases of the Master Plan being approved. The City has calculated pro-rata share mitigation fees of \$141,057.30 for full build-out of the Village, which translates to \$176.10 per residential unit.

The City of Tumwater calculated the pro-rata mitigation fee by dividing the cost of completing Pioneer Park Phases 3, 4, and 5 (\$739,335.00) by the

undeveloped portion of the park (38 acres) to arrive at an average of \$19,456.18 per acre to complete the park. The Draft and Final Environmental Impact Statements for Briggs Village acknowledge that based on the number of residents anticipated at full build-out (1,450) and the City of Tumwater's adopted standard of 5 acres of parkland for each 1,000 population, the Briggs project would create a need for an additional 7.25 of community park. The pro-rata mitigation fee for this project is therefore 7.25 acres (Briggs Impact) x \$19,456.18 (cost per acre to complete Pioneer Park phase 3,4, and 5) = \$141,057.30.

The City of Tumwater appreciates the opportunity to review and comments on the Briggs Urban Village proposal. With the suggested conditions outlined above, the City of Tumwater believes impacts to the City of Tumwater will be adequately mitigated.

Sincerely,



Chris Carlson, AICP
Senior Planner

c: Gary Briggs, 4407 Henderson Blvd. SE, Olympia, WA 98501
Sandy Mackie, 111 Market Street NE, Suite 200, Olympia, WA 98501-1008
Parametrix, Attn: Amy Head, 8830 Tallon Lane NE, Suite B, Lacey, WA 98516

Attachment M

POSSIBLE TRANSPORTATION / PEDESTRIAN SAFETY TUMWATER PARK IMPROVEMENTS

1. Briggs Village Master Plan FEIS, Chapter 4, Transportation - Mitigation Measures (Page 4-58 thru 4-60).
2. Briggs Village Master Plan FEIS, Chapter 5, Transportation Options - Connection to Pifer Road, Connection to Delta lane, Roundabout Intersection (Page 5-1 thru 5-7).
3. City of Tumwater letter to City of Olympia dated June 18, 2003 - Transportation: Item No.1 Yelm Highway Signal Agreement, Item No.3 Custer Way between Capital Boulevard and Cleveland Mitigation, Item No. 4 Custer/Cleveland/Capitol Mitigation and Concurrency; Parks: Item No.1 Pioneer Park Mitigation.
4. Briggs Village Master Plan Development Transportation Study dated June 2002 - Chapter VII. Mitigation Summary (Page 55, 56)
5. Olympia School District letter to the City of Olympia dated May 30, 2003 - I. School Access Issues: A. Intersection of Henderson Boulevard and Carlyon Drive, B. Intersection of Henderson Boulevard and North Street, C. Sidewalks on Pifer Road and the Intersection of Pifer Road and North Street, D. Sidewalks on Henderson Boulevard, E, Bus Transportation.

NOTICE OF PUBLIC HEARING

**City of Olympia Hearing Examiner
June 30, 2003**

The City of Olympia Hearing Examiner will hold a public hearing on **June 30, 2003, at 6:30 p.m.** in the **Olympia City Council Chambers, 900 Plum Street SE, Olympia Washington** to receive public comments prior to making a recommendation on the following Urban Village Master Plan application:

Time: 6:30 p.m.
Case Name: Briggs Village Master Plan
Location: 4400 Henderson Blvd. SE (north of the intersection of Henderson Blvd. and Yelm Hwy.)
File Number: 97-0187
Applicant: Gary Briggs, President, Briggs Development Company, 4407 Henderson Blvd. SE, Olympia WA 98501
Request: Review Briggs Village Master Plan and make recommendation to City Council
Land Use Zone: Urban Village
Staff Contact: Susan Messegee, AICP, Associate Planner, (360) 753-8048, smessege@ci.olympia.wa.us

Anyone interested is invited to attend the hearing and present oral or written testimony regarding the above proposal.

Written statements may also be submitted prior to the hearing. Address these to Susan Messegee, Olympia Community Planning and Development Department, PO Box 1967, Olympia WA 98507. Written statements must be received either prior to or at the public hearing.

If you need special accommodations to participate in this meeting, please call (360) 753-8314 and ask for the ADA Coordinator.

COMMUNITY PLANNING AND DEVELOPMENT

DO NOT PUBLISH BELOW THIS LINE
Publish: June 20, 2003

