

## EXHIBIT F

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

[Hearing Examiner 8/15/03 and City Council 12/16/03; & Hearing Examiner 12/31/13 and  
City Council 1/28/14]

**I. Compliance by future phases and developments.**

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

2. Any subdivision that would increase density beyond the maximum density allowed in OMC 18.05.050 and 18.050.060 is prohibited. Any subdivisions or development that would result in violation of any use or development standard or any other applicable standard is prohibited.

**II. Phasing.**

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

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

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

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

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

**III. Hazardous substances.**

8. Thallium, DDE, DDT, Dieldrin and Aroclor 1254 (PCB) shall be contained or removed from the site so that those substances are below state and federal cleanup levels. Any area of identified contamination in excess of the required cleanup levels (a cell) shall be addressed in accordance with an Agreed Order with the Washington State Department of Ecology prior to approval of any development in the contaminated or affected area. As development occurs, any contaminated area outside the

development area, which has not yet been cleaned up to levels protective of public health and safety under MTCA, shall be isolated to reduce risk of exposure to humans and pets.

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

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

**IV. Stormwater and erosion control.**

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

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

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

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

15. As part of the preliminary subdivision or land use approval for the first phase or subphase presented for approval, the Applicant shall present evidence as to how often water would flow out of the Central Kettle and drain to the west, what volume of water would be discharged, and what effect it would have on property to the west. Preliminary subdivision or land use approval may be granted only if the evidence shows that the overflow will not flood or damage nearby property.

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

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

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

## **V. Tree retention.**

19. The removal of trees is prohibited in all kettle wetlands and their buffers, except (1) trees may be removed from the Central Kettle if, in the opinion of the Urban Forester, the removal is necessary for property restoration of the Kettle wetland, (2) trees may be removed if, in the opinion of the Community Planning and Development Department, the removal is necessary for property functioning of the approved stormwater system, and (33) trees may be removed if, in the opinion of the Urban Forester, the removal is necessary for the health of the stand or to abate a hazard.

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

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

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

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

24. For each subdivision, a tree tract or tracts shall be identified that meet 75% of the required minimum tree density for that subdivision. This does not require, though, that the tree tract required for each subdivision be located in that subdivision. Specific individual trees and tree tracts, pursuant to OMC 16.60.070 D. 4, will be identified at the preliminary plat stage of each development phase. In removing trees, the Applicant shall preserve trees in the order of priority set in OMC 16.670.070 D. 5.

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

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

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

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

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

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

29. At the preliminary subdivision stages, the Applicant, in consultation with the City, shall project the percentage of eligible students who in fact use school buses. The City decisionmaker shall consider that, as well as the condition of the likely routes, in deciding whether safe walking conditions for schoolchildren are present to each public school with an attendance area that includes any part of the urban village. No permit or approval for any residential construction may be given, unless such safe walking conditions are present for students.

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

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

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

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

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

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

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

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

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

## **VII. Miscellaneous.**

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

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

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

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

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

44. City staff shall have the opportunity to participate in development of recommendations by the LCLA monitoring team for the Central Kettle restoration as described in Ex. 1, Att. J [see #43, above].

45. The recommendations by the monitoring team described in Ex. 1, Att. J [see #43, above] shall be designed to reach the acceptable ranges for hydrology, water quality, plant community maintenance, and faunal habitat support set out in that document.

46. The Applicant shall carry out the recommendations of the monitoring team described in Ex. 1, Att. J [see #43, above] for the Central Kettle restoration.

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

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

49. 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.

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

#### VIII. Design.

51. 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)

52. 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.

53. 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)

54. 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)

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

56. One-story commercial structures along Henderson Avenue, Maple Lane, Orchard Lane and Town Square Lane, Dogwood Lane and Magnolia Lane shall have a minimum 24-foot exterior façade (with 30-foot building corners); and an 18-foot interior ceiling. Commercial buildings may be two or three stories, not to exceed 45-feet, provided the commercial retail and office mix does not exceed a maximum of 175,000 Sq. Ft. pursuant to OMC 18.05.050(D) and Table 5.02; they must contain not less than the 10% residential mix pursuant to OMC 18.05.050(C)(2) or more; and they must meet the minimum parking codes contained in OMC 18.38. In meeting or exceeding the 10% residential mix above, residential units in these commercial mixed use buildings shall be calculated as "other residences" pursuant to OMC 18.05.050(E)(1)(c) and may exceed the 810 required residential units described in the Briggs Master Plan Development.

57. The Applicant shall construct the secondary access to the YMCA parking lot to the Briggs Town Center north-south private street (Maple Lane). The City will secure written consent from the YMCA for the Applicant to construct improvements associated with the secondary access on YMCA property. After the City secures the written consent, this secondary access shall be completed prior to issuance of a Certificate of Occupancy for the Briggs Grocery Store or the next commercial building permit for Briggs Village, whichever occurs first.

58. The applicant shall re-construct the existing 90-degree turn along Maple Lane to a three-way intersection and to allow the access to the YMCA parking lot described above. This re-alignment shall be rebuilt to meet Public Works EDDS. This secondary access shall be completed prior to issuance of a Certificate of Occupancy for the Briggs Grocery Store or the next commercial building permit for Briggs Village, whichever occurs first.

59. The applicant shall be required to submit for Land Use Approval and Design Review with each future development and meet applicable requirements to include Brigg Village Master Plan & Amendments, OMC 18.05; 18.05A, 18.57, design review and Public Works EDDS.