Olympia

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September 19, 2018

Greetings:

Subject: **Briggs Village West Residential Preliminary Plat, Phase 1**
File Numbers 17-4199

The enclosed decision of the Olympia Hearing Examiner hereby issued on the above date may be of interest to you. This is a final decision of the City of Olympia.

In general, any appeal of a final land use decision must be filed in court within twenty-one (21) days. See Revised Code of Washington, Chapter 36.70C, for more information relating to timeliness of any appeal and filing, service and other legal requirements applicable to such appeal. In particular, see RCW 36.70C.040.

Please contact the City of Olympia, Community Planning and Development Department, at 601 4th Avenue East or at PO Box 1967, Olympia, WA 98507-1967, by phone at 360-753-8314, or by email cpdinfo@ci.olympia.wa.us if you have questions.

Sincerely,

Kenneth C Haner

Kenneth Haner
Office Specialist III

Enclosure

MAYOR: CHERYL SELBY **MAYOR PRO TEM:** NATHANIEL JONES **CITY MANAGER:** STEVEN R. HA
COUNCILMEMBERS: JESSICA BATEMAN, JIM COOPER, CLARK GILMAN, LISA PARSHLEY, RENATA ROLLIN

BEFORE THE CITY OF OLYMPIA HEARINGS EXAMINER

IN RE:	)	HEARING NO. 17-4199
	)	
BRIGGS VILLAGE WEST RESIDENTIAL PRELIMINARY PLAT, PHASE 1,	)	FINDINGS OF FACT, CONCLUSIONS OF LAW AND DECISION
	)	
Applicant.	)	

APPLICANT: Briggs RE Development, LLC
2633 Eastlake Avenue East, Suite 300
Seattle, Washington 98102

REPRESENTATIVE:

Amy Head, PE
SCJ Alliance
8730 Tallon Lane N.E., Suite 200
Lacey, Washington 98516

SUMMARY OF REQUEST:

The Applicant requests preliminary plat approval to subdivide 20.15 acres of land into 46 residential lots as well as additional tracts for stormwater, open space, soil and vegetation protection areas, and critical areas.

LOCATION OF PROPOSAL:

1200 Block of Eagle Bend Drive S.E.

SUMMARY OF DECISION:

The proposed subdivision is **approved** subject to conditions.

BACKGROUND

Briggs Village, a Master Plan Development, was approved by Ordinance No. 6299 in 2003. The approved Master Plan calls for 810 residential units, 224,000 square feet of commercial and office space and numerous community uses, all radiating from the Village Center.

In 2014, following the Hearing Examiner's recommendation, the City Council amended the Master Plan for Briggs Village. The most significant amendment (but one not affecting this

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project) was to greatly reduce the square footage for office and retail use in the Village Center. The second, less controversial, amendment (but having some bearing on the current application) was to change the allowed mix of residential units while still retaining a total residential count of 810.

Much of the Village was platted in 2004. Since then several hundred single and multi-family residential units have been constructed, primarily north of the Village Center, and senior housing units have been constructed east of Henderson Blvd. The Village Center remains undeveloped, as does the west residential area which is the subject of the pending application.

The West Residential Plat of Briggs Village was approved as part of the 2004 Village Plat approval but was not developed and plat approval eventually expired.

Under new ownership, the Applicant seeks to reestablish plat approval for Phase 1 of the West Residential area under relatively similar conditions to the 2004 approval, but with a few updates and modifications.

Unlike the 2014 amendments to the Master Plan, the requested plat approval has caused little controversy or opposition. Some neighbors to the west have expressed understandable concerns over possible impacts to their properties, while others have expressed concerns over potential impacts to wildlife and environmentally sensitive areas, but there is no opposition to the requested plat approval.

The current proposal for Phase 1 of the West Residential Plat of Brigg Village bears a strong resemblance to the earlier plat approved in 2004. It proposes 46 residential lots on 20.15 acres. All of the lots, except two (Lots 20 and 21) will be single-family residences, with Lots 20 and 21 offering townhomes. This configuration is in keeping with the required mix of units imposed by the amended Master Plan.

The most notable physical aspect of this portion of Briggs Village is the "south kettle" - one of several kettles within the Briggs Village area. The south kettle is a large, steeply sloped

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wetland, surrounded in part by large, old trees. The presence of the south kettle and associated critical areas limits the available development area to about 10 acres, or half of the project site.

It is worth noting that the current proposal for the re-platting of the West Residential area of Briggs Village does not require any further modifications or amendments to the Briggs Village Master Plan. Stated slightly differently, the current plat proposal is consistent with the Master Plan as previously amended in 2014.

It is also important to note that the current application is limited to Phase 1 of the West Residential area, leaving Phase 2 still to be developed and platted. Collectively Phases 1 and 2 are designated to have 54 residential units, with 46 of these units proposed in the current Phase 1 leaving the remaining 8 for the future Phase 2. The Phase 2 area is under different ownership and it is unclear when/if it will be developed.

PUBLIC HEARING

Prior to the public hearing I took an independent site visit. My visit included a walk/drive through all of Briggs Village, including a walk through the project area and around the south kettle.

The public hearing commenced at 6:30 p.m., on Monday, August 27, 2018, in the City Council Chambers in the City Hall. The City appeared through Nicole Floyd, Senior Planner, although the Staff Report was prepared by Cari Hornbein, fellow Senior Planner. The Applicant appeared through Amy Head of SCJ Alliance. Testimony was received from the City through Ms. Floyd and from the Applicant through Ms. Head. A fairly small crowd attended the public hearing and only four individuals testified. A brief summary of each individuals testimony is included. A verbatim recording was made of the public hearing and all testimony was taken under oath.

Documents considered at the time of the hearing were the City Staff Report including Attachments (collectively Exhibits 1 through 27). Each of these exhibits is described at the

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conclusions of the Staff Report. The following, additional exhibits were entered during or after the hearing:

Exhibit 28	Correspondence with Department of Ecology
Exhibit 29	Correspondence with Weed Control Board
Exhibit 30	Staff's proposed language for additional Condition No. 43
Exhibit 31	Staff's proposed language for additional Condition No. 44 relating to bonding
Exhibit 32	Email correspondence between Staff and Applicant regarding the south kettle "shelf"
Exhibit 33	Additional public comment
Exhibit 34	Proposed changes to recommended conditions as agreed to by Staff and Applicant

The public hearing commenced with the testimony of the Applicant's representative, Amy Head. Ms. Head explained that the plat for the West Residential area had been approved in 2003 for the construction of 72 residential units. That plan eventually expired for lack of development. The 2014 amendments to the Master Plan reduced the number of residential units in the West Residential area from 72 units to 54 units. The current proposal for the Phase 1 plat provides for the development of 46 of these 54 units, consisting of 44 single-family residences and 2 townhomes. This mix of single-family and townhome units is consistent with the amended Master Plan. Ms. Head explained that the remaining portion of the West Residential area (Phase 2) is a small area in the northwest portion of the West Residential area and is under different ownership. Phase 2 would address development of the remaining 8 residential units allowed in the West Residential area but it is unclear when or if the owner of this property will seek its development.

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Ms. Head concluded her testimony by confirming that the Applicant agrees with the proposed conditions of development with the exception of some language found in proposed Condition No. 7 regarding vegetative plantings around the "shelf" of the south kettle.

Following Ms. Head's testimony the City testified through Nicole Floyd, Senior Planner, who was appearing in the absence of Cari Hornbein, fellow Senior Planner and author of the City's Staff Report. Ms. Floyd relied primarily on the information contained in the lengthy Staff Report but addressed a few matters of particular importance or involving changes to recommended conditions. Ms. Floyd explained that the south kettle area, including its wetlands, steep slopes and forested areas, will be preserved with the only intrusion being a stormwater line directing stormwater to the south kettle. Once this line is constructed the disturbed area will be replanted and restored. Ms. Floyd also testified that the proposed development is subject to a number of development regulations, identified more fully in the Staff Report, as well as Safe Walking Route provisions, City of Tumwater engineering standards and the conditions found in the original Master Plan as amended in 2014. Ms. Floyd added that several of the development regulations affecting the project have been amended since the earlier preliminary plat, again more fully noted in the Staff Report.

In the course of Ms. Floyd's testimony it became clear that the Applicant and the City had different expectations for an "overlook park" as required in the Master Plan. The Applicant believed that this requirement would be satisfied by the proposed "Commons" - a .17 acre park area to be located on Tract B northwest of the south kettle. In contrast, the City anticipated a separate park area northeast of the south kettle at the intersection of Dogwood Drive and Eagle Bend Drive.

Ms. Floyd explained that City Staff recommends approval of the preliminary plat subject to the 43 conditions found in the Staff Report (plus a 44th condition), but that some of these conditions require further explanation or refinement:

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- Condition No. 4 requires construction of the overlook park which, again, is inconsistent with the Applicant's understanding.
- Condition No. 4 also allows for construction of the main loop trail along the west side of the existing Eagle Bend Drive in lieu of constructing a sidewalk. This will allow the main loop trail to be connected and extended into the West Residential area in a manner that will not interfere with sensitive areas surrounding the south kettle.
- Condition No. 5 contains a typographical error. The correct ordinance citation is OMC 18.05A.280.
- Condition No. 7 imposes a final landscape plan including landscaping around the south kettle "shelf". The City agrees with the Applicant that this language needs further refinement as this shelf area contains geologically hazardous areas where landscaping is inappropriate. Staff therefore agrees to work with the Applicant on revising the language of this proposed condition.
- Staff may want to modify the language of proposed Condition No. 8 in coordination with the Applicant.
- Conditions No. 39 through 42 had been added at the request of the Department of Ecology.
- Condition No. 43 may need to be revised in order to better address concerns with the removal of invasive knotweed.
- An additional Condition No. 44 is being added to impose required bonding, with the proposed language found in Exhibit 31.

At the conclusion of Ms. Floyd's testimony it became clear that the Applicant and the City were not as fully in agreement on the conditions of plat approval as had earlier been believed. Ms. Floyd and Ms. Head proposed to work together to offer an updated set of conditions of plat approval for the Hearing Examiner's consideration.

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Following Ms. Floyd's testimony the hearing was opened to public comment. Again, there was a fairly small crowd in attendance and only four individuals asked to testify:

- Chris Kautsky resides on Delta Lane immediately west of the project site and her property adjoins the development. Ms. Kautsky is a land use planner by profession. Ms. Kautsky asked that a screening fence be considered along the west boundary of the project to separate it from the large backyards of the residences along Delta Lane and to further serve as a noise barrier. Ms. Kautsky also recommends preserving as many trees on the site as possible to maintain the site's natural character and assist with wildlife habitat. She also recommends developing the proposed Commons (Tract B) in a manner which allows the passage of wildlife to and from the south kettle.

Ms. Kautsky also provided an interesting analysis of the Briggs Village development as a whole. She explained that when the Village was initially proposed surrounding landowners were assured that the Village's commercial/retail development would be a regional benefit. Surrounding landowners were also told that the development's traffic and other impacts would be minimized as development of the Village Center would reduce the need of Village residents to travel by car for many of their needs, as the Village Center would provide for these needs. Fifteen years later there has only been development of residential areas, with no development of commercial/retail areas. Brigg Village has therefore proven to be more burden than benefit to the surrounding community. Ms. Kautsky is concerned that the residential portions of the Village will continue to be developed without any development of the commercial/retail area, and that the developer may even ask that the commercial area be converted to yet more residential development. If so, the promises made to the surrounding community will not have been met and the Village's traffic and other impacts will be far greater than originally envisioned.

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- Sukh Samra testified that Olympia has a significant shortage of single-family lots available for development and therefore strongly encouraged approval of the West Residential Plat.
- Jacob Alexander owns adjoining properties on Delta Lane. Like Ms. Kautsky, Mr. Alexander encourages a screening fence along the west boundary of the plat to separate the development from the properties along Delta Lane. Mr. Alexander also notes that there are large trees on or near proposed Lot 1 at the southwest corner of the plat and fears that these trees will be removed or injured in the development process. Mr. Alexander asks that these trees be protected during the development of Lot 1 and the construction of the new access road into the plat.
- Gordy Gill has assumed ownership of the Briggs Development since amendment of the Master Plan in 2014. Mr. Gill testified as to his intention to maintain steady construction of the Village, noting the current construction around the perimeter of the Village Center, as well as additional apartments to be constructed north of the Center in the near future.

At the conclusion of public testimony the City and Applicant agreed that further work was necessary on mutually agreeable conditions of plat approval. The parties asked for a two week extension to allow them to work together on a revised set of conditions. On September 6, 2018, Ms. Floyd submitted a set of revised conditions of approval to the Hearing Examiner as jointly recommended by the City and Applicant (Exhibit 34). These agreed revisions modified the terms of proposed Condition Nos. 4, 5, 7, 8, 43, and 44.

Again, although a few adjoining neighbors have encouraged the construction of a fence along the west boundary, as well as steps to protect the natural beauty and wildlife associated with the south kettle, there has been no opposition to plat approval. At the same time, City Staff and the Applicant have worked to establish a mutually agreeable set of plat conditions.

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As conditioned the proposed plat recognizes and protects the natural environment, complies with current development regulations and is consistent with the Briggs Village Master Plan as amended. The neighbors' request to impose a fence along the west boundary is worth considering but requires additional consideration by City Staff and the Applicant. I do not find it appropriate to impose as a condition but I recommend its further consideration.

The Hearing Examiner therefore makes the following:

FINDINGS OF FACT

General Description.

1. The Applicant seeks preliminary plat approval to subdivide 20.15 acres into 46 residential units, including 44 single-family residences and 2 townhouses, with associated streets, frontage improvements, stormwater facilities, open space, and critical areas. The configuration of the proposed subdivision is shown on the drawings contained in Exhibit 9.

2. The project site is within the 137-acre Master Plan development for Briggs Village and is subject to the Briggs Village Master Plan as amended in 2014. The Briggs Village Master Plan allows for 810 residential units but with various conditions imposed on the type, size and location of these units. The Master Plan also contains design guidelines for these units.

3. The project site was earlier platted in 2004 but was not timely developed and plat approval expired. The earlier plat allowed up to 72 units in the West Residential area. The 2014 amendments to the Master Plan reduce the allowed number of residential units in the West Residential area to 54 units. The current project constitutes Phase 1 of the development of the West Residential area and provides for construction of 46 (of the allowed 54) units in the West Residential area as allowed by the amended Master Plan.

4. The remainder of the West Residential area of Briggs Village, referred to as "Phase 2", is not included in the current project. It is located north of the current project and west of the Kettle View Park. Phase 2 is under different ownership and there are no immediate

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plans for its development.

5. The project site is bounded on the east by other portions of the Briggs Village including multi-family units (the Parkway Apartments). It is bounded on the north by Eagle Bend Drive and, further north, the Kettle View City Park and Phase 2 of the West Residential area. It is bounded on the west by large lot single-family residences along Delta Lane within the City of Tumwater. It is bounded on the south by Yelm Highway and further south by the Tumwater City limits and large scale residential development including the development known as "The Farm".

6. The project site has a zoning designation of Urban Village. All properties within the Briggs Village have a similar zoning designation.

7. The south half of the site contains a geologic kettle formation commonly referred to as the "south kettle" along with associated steep slopes. The kettle is approximately 60 feet deep. The south kettle and associated critical areas reduce the developable portion of the site to approximately 10 acres. Proposed development will occur in an area north and northwest of the south kettle, all as depicted on Exhibits 9 and 10.

8. The site is presently undeveloped. Current vegetation includes a variety of coniferous and deciduous trees, shrubs, grasses and invasive species including Scotch Broom and blackberry. A wetland is present at the bottom of the south kettle and its buffer is dominated by Alder, Maple, Hazelnut and blackberries. The location of the south kettle and its wetland buffer are delineated on Exhibit 9.

9. In addition to wetlands and associated buffers, the site contains several other critical areas. These include a wellhead protection area affecting the eastern third of the site including Lots 19, 20, 21, 35, 36 and Tract B, all as identified on the preliminary plat map (Exhibit 10). There is also a landslide hazard area surrounding the south kettle due to slopes exceeding 40%. A landslide hazard buffer is required varying in width between 8 and 22 feet

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identified on Sheet 4 of Exhibit 9.

10. Immediately west of the south kettle, and east of proposed residential development, is a significant stand of trees including several large diameter Douglas Fir. The stand of trees has been placed within a separate tract (Tract A) as shown on Exhibit 9. It is to be protected from development as provided for in a Tree Protection Plan (Exhibit 13).

11. The project proposes a "Commons" area identified as "Tract B" on Exhibit 9, located along Roadway C between residential Lots 36 and 37, just northwest of the south kettle. The Commons is proposed to be a mostly open area with minimal improvements, providing some common amenities and a public viewing area to the south kettle.

12. The Master Plan requires the development of an "overlook park" envisioned to be located northeast of the south kettle at the intersection of Dogwood Drive and Eagle Bend Drive. At the time of the public hearing the Applicant was unaware of this separate requirement. Subsequent to the public hearing the Applicant and City Staff have agreed to a condition of project approval providing for the construction of an overlook park. This condition is found in a new proposed Condition No. 4 included in Exhibit 34.

Additional Project Description.

13. Access/Circulation. Access to the project will be from two sources: Dogwood Drive northeast of the project (allowing access to the remainder of Briggs Village) and Yelm Highway Southeast south of the project via Roadway A, commencing near the southwest corner of the project. Internal roadways, including Roadways A, B, C and Eagle Bend Drive, will match those built in other residential neighborhoods within Briggs Village and include two traffic lanes, parking on one side of the street, 8 foot planter strips, and 5 foot sidewalks on both sides of the road, with the exception that the sidewalk along the southwest side of Eagle Bend Drive will be replaced by the main loop trail to avoid further, unnecessary intrusion into the critical areas surrounding the south kettle. Per the Briggs Village Design Standards, the trail

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shall be paved and be 10 feet wide with 2-foot shoulders. The trail shall cross Eagle Bend Drive and connect the existing accessible ramp south of the park entrance and also connect to the plan sidewalk near Lot 34. The sidewalk on the north side of Eagle Bend Drive will tie into an existing sidewalk at Kettle View Park and provide access to the rest of Briggs Village.

14. The new intersection onto Yelm Highway will be designed to allow both right in and left in movements, but allow only a right out movement. A turn pocket and pedestrian crossing will be constructed subject to the review and approval by the City of Tumwater.

15. Utilities. Each lot will be served by water and sewer utilities. Stormwater will be collected and released into the south kettle as approved in the Master Plan.

16. Open Spaces. Approximately half the site, or roughly 10 acres, will remain in open space. This includes the area surrounding the south kettle, the tree protection area (Tract A) and the Commons area (Tract B).

17. Landscaping/Tree Protection. The stand of trees on Tract A will be preserved in accordance with Tree Protection Plan (Exhibit 11).

18. Critical Areas. No disturbance within wetlands and landslide hazard areas is proposed. There will be a minor disturbance two the wetland buffer to allow construction of a storm drainage pipe between Lot 45 and the south kettle. Once this line is constructed the disturbed area will be replanted and restored. The Applicant may seek to undertake grading within the landslide hazard area buffer behind Lots 37, 38 and 39 but does not anticipate this being necessary. Development is allowed within the wellhead protection area as long as the mitigation measures found in OMC 18.32.225 are satisfied.

Project Review Process.

19. A neighborhood meeting was held on October 24, 2017, to allow neighborhood review of the project. Concerns raised at the meeting touched on traffic impacts, wildlife and impacts to adjacent residential lots.

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20. Following the neighborhood meeting City Staff determined that additional information was necessary and asked the Applicant to provide revised plans, reports and supplemental information. The application was then taken to the Site Plan Review Committee on July 24, 2018. The SPRC recommended approval subject to the conditions set forth in the Staff Report.

21. Notification of the public hearing was mailed to the parties of record, property owners within 300 feet and recognized neighborhood associations, posted on the site and published in The Olympian on July 31, 2018, in conformance with OMC 18.78.020.

22. Pursuant to the State Environmental Policy Act the City, as lead agency, issued a Determination of Non-Significance (DNS) on July 31, 2018 (Exhibit 5). The SEPA DNS has not been appealed.

23. Subsequent to the public hearing City Staff, in cooperation with the Applicant, recommends a revised set of conditions of plat approval (Exhibit 34). These revisions modify proposed Condition Nos. 4, 5, 7, 8, 43 and 44 in the Staff Report.

General Subdivision Requirements.

24. OMC 17.60.090(A) requires that in order for a subdivision to be approved the Hearing Examiner shall determine if appropriate provisions are made for, but not limited to, public health, safety and general welfare, open space, drainage ways, streets, alleys, other public waste, water supplies, sanitary waste, parks and playgrounds, site for schools and school grounds, fire protection and other public facilities, and shall consider all other relevant facts, including the physical characteristics of the site and determine whether the public interest will be served by the subdivision and the mitigation.

25. The Staff Report, at pages 8 and 9, contains proposed Findings with respect to each of these requirements. The Hearing Examiner has reviewed these Findings and adopts them as his own Findings of Fact.

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26. The Staff Report, at pages 9 and 10, contains proposed Findings relating to additional requirements for subdivision approval set forth in OMC 17.60.090.B and .D as well as OMC 17.20.010. The Hearing Examiner has reviewed these proposed Findings and adopts them as his own Findings of Fact.

Requirements for Villages and Centers, Chapter 18.05 OMC.

27. OMC 18.05.020 identifies eleven purposes of the Urban Village District. As set forth in the Staff Report, the purpose of this district is to enable to the development of mixed use communities containing a variety of housing types arranged around a village center with commercial uses, establishment of housing densities for cost effective extension of utilities, be compatible with surrounding uses, allow for innovative site and building design, and provide for open space and recreational facilities. The Briggs Village Master Plan and design standards were developed in accordance with these purposes.

28. The Staff Report, at page 10, contains proposed Findings that development is in keeping with the Briggs Village Master Plan and design guidelines and is therefore in compliance with the purposes of the Urban Village District, Chapter 18.05 OMC. The Hearing Examiner has reviewed these Findings and adopts them as his own Findings of Fact.

29. The Staff Report, at pages 10 and 11, contains additional proposed Findings with respect to each of the requirements for development in the Urban Village District including Findings relating to OMC 18.05.040, Table 5.01; 18.05.050.E; 18.05.080; 18.05.080.B.C.D.G.H-L and N, finding that the project is consistent with all of these standards and requirements. The Hearing Examiner has reviewed these proposed Findings and adopts them as his own Findings of Fact.

30. Pursuant to 18.05.100 the project is subject to additional regulations found in Chapter 18.04 OMC, including 18.04.060.E, Garage Placement Width. The Staff Report contains Findings that Lots 20 and 38 are both less than 5,000 square feet and therefore subject

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to these garage width standards, and recommends compliance with these standards as a condition of plat approval. The Hearing Examiner has reviewed these Findings and adopts them as his own Findings of Fact.

31. The project is subject to the provisions of Chapter 18.12 OMC relating to archaeological sites. The Staff Report, at page 12, contains proposed Findings that the site has a low risk of containing archaeological resources. Nonetheless, provisions are made in the conditions of approval providing for procedures to be followed should archaeological materials or human remains be encountered during project activities. The Hearing Examiner has reviewed these proposed Findings and adopts them as his own Findings of Fact.

Compliance with Critical Areas Regulations, Chapter 18.32 OMC.

32. The site contains a wetland and landslide hazard areas. It is therefore subject to provisions of the Interim Wetland Regulations (Exhibit 25) and the 2017 version of OMC 18.32.600 through 640.

33. Lots 19, 20, 21, 34, 35, 36 and Tract B are located within a wellhead protection area.

34. The Staff Report, at pages 12-16, contains proposed Findings relating to compliance with the critical areas ordinance including compliance with the requirements of 18.32.110.D; 18.32.110.F, 18.32.135.A, 18.32.205-240; 18.32.525.K; and 18.32.535.B.D; 18.32.605; 18.32.610 and 18.32.630. The Hearing Examiner has reviewed these proposed Findings and adopts them as his own Findings of Fact.

Compliance with Property Development and Protection Standards.

35. The Staff Report, at page 16, contains proposed Findings relating to the project's compliance with Chapter 18.40 OMC - Property Development and Protection Standards, including site perimeter grading standards, OMC 18.40.060.C.6. The Hearing Examiner has reviewed these Findings and adopts them as his own Findings of Fact.

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Compliance with Engineering Design and Development Standards.

36. The development is subject to engineering standards for stormwater, drinking water, wastewater and waste resources. Internal streets must be constructed to the standards used in earlier phases but not currently found in the EDDS. The City of Tumwater standards will be used for improvements to Yelm Highway.

37. The Applicant seeks to deviate from the EDDS to allow minimum sewer pipe slope of 0.4% instead of the 1% currently required. Engineering staff supports this request. It will be finalized by the City Engineer during engineering permit review.

38. The Staff Report, at page 17, contains proposed Findings that the project has been reviewed for compliance with EDDS and found to be compliant. The Hearing Examiner has reviewed these Findings and adopts them as his own Findings of Fact.

Compliance with Briggs Village Conditions of Approval and Other Project Related Items.

39. The Staff Report notes that the project remains subject to the original Master Plan/Preliminary Plat approval and the amended Master Plan and finds that the project is consistent with these conditions. The Hearing Examiner has reviewed this proposed Finding and adopts it as his own Finding of Fact.

40. The Staff Report further notes that design review for the single-family residences and townhomes will be required at the time of building permit application, at which time each unit will be reviewed for compliance with the Briggs Village design guidelines.

41. The Staff Report also notes that the landscape plan will receive detail review during engineering permit review for compliance with the landscaping and screening requirements of Chapter 18.36 OMC as well as Briggs Village design standards. The Applicant and City Staff have agreed to revise the proposed Condition No. 7 relating to the final landscape plan to recognize areas that do not require landscaping due to special conditions including steep

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slopes. (Exhibit 34)

42. The Staff Report, at page 17, notes that tree protection standards in Chapter 16.60 OMC will be applied during engineering permit review.

43. City Staff and the Applicant have agreed to make special provisions for the removal of Japanese knotweed, recognizing that careful attention must be taken as to the means by which it is removed so as to avoid its spread. These provisions have been incorporated into the revised Condition No. 43. (Exhibit 34)

44. The City proposes, and the Applicant agrees, to a right-of-way performance bond as is set forth in new proposed Condition No. 44. (Exhibit 34)

Consistency with the Comprehensive Plan.

45. The project site is designated Planned Development on the City's Future Land Use Map.

46. The Staff Report, at pages 6 and 7, contains proposed Findings relating to the project's consistency with the City's Comprehensive Plan, finding that the project complies with and furthers the applicable goals and policies of the Comprehensive Plan. The Hearing Examiner has reviewed this proposed Finding and adopts it as his own Finding of Fact.

Based upon the foregoing Findings of Fact, the Hearing Examiner makes the following:

CONCLUSIONS OF LAW

1. The Hearing Examiner has jurisdiction over the parties and the subject matter.

2. Any Conclusions of Law contained in the foregoing Background section or Findings of Fact are incorporated herein by reference and adopted by the Hearing Examiner as his Conclusions of Law.

3. The requirements of SEPA have been met.

4. Appropriate provisions are made for the public health, safety and general welfare, for open space, drainage ways, streets, alleys, and other public ways, water supplies, sanitary

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waste, parks, playgrounds, sites for school and school grounds, fire protection, and other public facilities.

5. After considering all relevant facts, including the physical characteristics of the site, the public interest would be served by the subdivision and dedication.

6. The project, as conditioned, is consistent with the City's Comprehensive Plan.

7. All requirements of OMC 17.16.090.A have been satisfied.

8. The project, as conditioned, will satisfy all requirements of OMC 16.16.090.B and D.

9. The project, as conditioned, satisfies all other requirements of the Preliminary Plat Ordinance, Chapter 17.60 OMC.

10. The project, as conditioned, satisfies all requirements of the Villages and Centers Ordinance, Chapter 18.05 OMC.

11. The project, as conditioned, satisfies the requirements of OMC 18.04.060.EE.

12. The project is in compliance with the Archaeological Sites Ordinance, Chapter 18.12 OMC.

13. The project, as conditioned, is in compliance with all requirements of the Critical Areas Ordinance, Chapter 18.32 OMC.

14. The project, as conditioned, is in compliance with the Property Development and Protection Standards Ordinance, Chapter 18.40 OMC, including OMC 18.40.060.C.6.

15. Good cause has been shown for the requested deviation from the Engineering Design and Development Standards (EDDS) to allow minimum sewer pipe slope of .04% instead of 1%.

16. The project, as conditioned, is otherwise in compliance with the requirements of EDDS.

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17. The project is in compliance with the combined conditions of the original Briggs Village Master Plan and the 2014 amendment to the Master Plan.

18. As conditioned, the project is in compliance with the Landscaping and Screening Ordinance, Chapter 18.36 OMC.

19. As conditioned, the project is in compliance with the Tree Protection Standards found in Chapter 16.60 OMC.

20. Approval of the Preliminary Plat shall be effective for five (5) years form the date of approval by the Hearing Examiner during which time a final plat or plats may be submitted. During this time the terms and conditions upon which the preliminary approval is given will not be changed, except as provided for in Section 17.20.040 OMC.

21. The project is in compliance with the purposes of the Urban Village zoning district.

22. The project should be approved subject to the thirty-four (34) conditions as revised, recommended by the Site Plan Review Committee and approved by the Applicant.

DECISION

The Applicant's request for preliminary approval of a subdivision containing forty-four single-family residential lots and two townhomes on a 20.15 acre site, with associated improvements, shall be **approved** subject to the following:

CONDITIONS

1. The preliminary plat shall be substantially in conformance with the preliminary plat map and civil plans (Attachments 9 and 10), as modified by the conditions of approval herein. The conditions herein are based in part on staff's assessment of conditions of approval from the original and amended Briggs Village Master Plan, and original Briggs Village West

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Preliminary Plat (see Attachment 14, Combined Conditions of Approval). These conditions shall remain in effect and be applied where appropriate during the City's review of engineering and building permits.

2. The final plat shall be submitted in compliance with OMC 17.24 and RCW 58.17.

3. Preliminary plat approval shall be effective for five (5) years from the date of approval by the Hearing Examiner, during which time a final plat or plats may be submitted. During this time, the terms and conditions upon which the preliminary approval is granted shall not be changed, except as provided for in OMC 17.20.040 (OMC 17.20.010).

4. Pursuant to the open space plan contained in Volume II of the Briggs Village Design Standards, the applicant shall construct pedestrian amenities around the area called "Overlook Park" and that portion of the main loop trail that falls on the subject property. The design and detail shall include plantings along the of the curb on the west side of Eagle Bend Drive, shall include a bench, shall include landscape plantings inside of the traffic circle, and shall be submitted on plans for engineering permit review.

Construction of the main loop trail can substitute for a sidewalk along the west side of the existing Eagle Bend Drive as long as it meets design, accessibility, and lighting standards in Chapter 4 of the EDDS. Per the Briggs Village Design Standards, the trail shall be paved (asphalt, concrete, or a combination) and be ten feet wide with two-foot shoulders (this is equivalent to the neighborhood connector standard in the EDDS). The trail shall cross Eagle Bend Drive and connect to the existing accessible ramp south of the park entrance. The trail shall also connect to the planned sidewalk near lot 34.

5. Compliance with development standards in OMC 18.05 and garage placement and width standards in OMC 18.05A.280 shall be determined at the time of building permit application.

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6. The final grading plan shall comply with site perimeter grading requirements in OMC 18.40.060.C.6.

7. A final landscape plan prepared in compliance with OMC 18.36 and the Briggs Village Master Plan and Design Guidelines shall be submitted in conjunction with engineering permit application. The plan shall incorporate landscaping, within the nearest approximately 15' of Eagle Bend Drive and/or the trail around the "shelf" as described on page 106 of the 2014 Volume II, Design Guidelines. Areas with slopes greater than 20%, areas under existing trees, or where existing native vegetation is provided will not require additional plantings.

8. Areas within Tract A (Soil and Vegetation Protection Area) and the wetland buffer that are disturbed for installation of the stormwater line shall be restored and planted with native vegetation. Such planting shall be shown on the landscaping plan with the engineering permit application.

9. A vegetation maintenance bond (or other assurance) shall be provided following City acceptance of the landscape installation, including street trees prior to issuance of the certificate of occupancy. The bond amount shall be 125% of the cost estimate submitted with the landscape plan and approved by the City.

10. Pursuant to OMC 18.32.140, critical areas and associated buffers shall be placed in a separate tract. Limiting conditions shall be on the face of the recorded plat. Adjacent open space areas can be incorporated into this tract.

11. Pursuant to OC 18.32.135, impacts to landslide hazard area buffers shall first be avoided. If this is not feasible due to site conditions, buffers may then be reduced up to 50 percent (administrative review). The applicant must demonstrate that avoidance is not feasible and shall consider measures such as retaining walls and rockeries. If an administrative buffer reduction is sought, the Geotechnical Report shall be revised to address the requirements of OMC 18.32.630.E and submitted for review at the time of engineering permit application.

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12. Pursuant to OMC 18.32.145.A, signs shall be installed along the perimeter of the wetland buffer. The location of signs shall be included on plans submitted for engineering permit review.

13. Pursuant to OMC 18.32.535.D, wetland buffer conditions shall be evaluated to determine if additional tree units are needed. This evaluation shall be performed by a qualified professional such as a wetland biologist or urban forester.

14. Pursuant to OMC 18.32.145.B, the perimeter between the critical area buffer and areas to be disturbed shall be fenced and inspected by City staff prior to site work. This fencing shall be detailed and noted on plans submitted for engineering permit review and be maintained throughout the duration of the permit.

15. Pursuant to OMC 18.32.535.D, non-native vegetation in the wetland buffer shall be removed and restored with trees and an understory of native vegetation. A restoration plan, prepared in accordance with OMC 18.32.590 and Washington State Department of Ecology mitigation guidance shall be submitted at the time of engineering permit application. The restoration area shall be monitored and maintained for a five-year period. A maintenance bond for this time period shall be posted with the City.

16. Stormwater pipes and outfalls that discharge into the South Kettle shall be designed and constructed to minimize impacts to the wetland buffer and wetland.

17. The provisions of OMC 18.12.120 shall be followed if cultural/archaeological resources are observed during project activities.

18. In accordance with OMC Title 15, City of Olympia impact fees for transportation, parks, and schools shall be paid prior to building permit issuance. Traffic mitigation fees may be required by other jurisdictions during the SEPA process.

19. An engineering permit application shall be submitted for review and approval prior to construction. The permit submittal shall comply with the Engineering Design and

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Development Standards (EDDS) and Drainage Design and Erosion Control Manual (DDECM) in effect at the time of master plan approval.

20. A temporary license to construct (TLC) shall be required prior to the issuance of the engineering permit. The TLC will be implemented on the City of Olympia Parks Department property to facilitate the installation of the new water main.

21. The applicant shall secure and record a permanent easement on the City of Olympia Parks parcel for the newly installed water main prior to final plat approval. Payment for the easement and City Council approval is required prior to the recording of the easement.

22. The 20-foot-wide water main easement that crosses City Park property and Tract O shall be clearly shown and noted on the final plat map.

23. The applicant shall secure a permanent easement from the Briggs Village Assoc. Inc. (HOA) to the City of Olympia for the water main installation across Tract O (Briggs Village West Central Residential Phase Two Parcel # 37030000017) prior to final plat approval.

24. All required improvements located within City of Tumwater right of way shall be approved and permitted by the City of Tumwater. Approval of those items will be required as part of the City of Olympia's release of the engineering permits/plans.

25. Phase 1 of the Briggs Village West Residential plat does not have frontage at Delta Lane; it shall be noted on the face of the plat that the required pedestrian/bike connection to Delta Lane shall be installed with the Phase 2 of The Briggs Village West Residential plat. At the time Phase 2 is submitted to the City for preliminary plat review, the applicant of that development (which may be different than the applicant for Phase 1) shall provide for a direct pedestrian/bike connection to Kettle View Park (versus directing users to the sidewalk system in Phase 1). Signs shall be installed at the terminus of Roadway A stating that there will be a future trail connection.

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26. It shall be noted on the face of the final plat that all roof run-off shall be tight lined to an infiltration drywell located on each lot.

27. 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. The appropriate surety shall be in place and approved by the City before final plat approval. The guarantee shall remain in effect for two years or until performance verification/mitigation is complete, whichever occurs later. The amount of the bonding shall be 125% of the probable mitigation cost which shall include testing, engineering construction, system modification and construction permits.

28. Curbside solid waste collection shall be set up for one-side road collection on the non-parking side of the street. The solid waste collection route shall be considered prior to determining locations of on-street parking locations.

29. The final plat must comply with the following conditions:

a. Show monuments set, found, or held; give description on monuments and date visited;

b. Add legend with all line types and point symbols;

c. Identify basis of bearing;

d. Label City File Number 17-4199 where appropriate;

e. Include boundary and lot closure calculations with final submittal;

f. All lot corners shall be set or found;

g. Show complete dimensions for all lots, roads, and easements (bearings and distance) with ties to parcel boundaries where applicable;

h. Correct margins per OMC 17.24.020.B.4;

i. Identify record legal description;

j. Identify complete street addresses for each lot;

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k. New easements need to be tied to lot lines and existing easements need to reference recording numbers;

l. Identify survey procedures and equipment used;

m. Lines crossing text in several locations; and

n. Notify the City Surveyor when monuments are flagged and ready for inspection.

30. Residential fire sprinklers shall be required for all new homes.

31. Trees to be saved (on and off-site) shall be site verified by the applicant's Urban Forester prior to installation of tree protection fencing. Said fencing shall be inspected and approved by applicant's Urban Forester and the City's Urban Forester with each phase prior to demolition and clearing and grading. Where proposed utilities are located within the tree protection fencing (critical root zone), the applicant's Urban Forester shall inspect and consult with the City's Urban Forester on a course of action to protect and save trees.

32. The following information shall be shown on the civil plans at the time of engineering permit review:

a. Tree protection fence detail;

b. Tree protection measures;

c. Tree protection fence installation inspections; and

d. Timeline for clearing, grading, and installation of Soil and Vegetation Protection Area protective measures.

33. Street tree conflicts with utilities (above and below grade), light poles, and hydrants shall be addressed at the time of engineering permit review.

34. The project shall comply with all requirements of OMC 18.32.225 Drinking Water (Wellhead) Protection Areas - Minimum Mitigation Standards.

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35. A note shall be added to the face of the final plat stating that Lots 19, 20, 21, 22, 34, 35, and 36 are within a drinking water (wellhead) protection area and subject to the provisions of OMC 18.32.225.

36. At the time of engineering permit application, the applicant shall provide an updated Wellhead Protection Area Percentage of Lawn Area calculation for Briggs Village including this development.

37. Lots shall be addressed as noted in Attachment 29.

38. The project shall comply with the City of Olympia Construction Codes as adopted through the Olympia Municipal Code, Chapter 16.04.020.

39. All grading and filling of land must utilize only clean fill, i.e., dirt or gravel. All other materials, including waste concrete and asphalt, are considered to be solid waste. Necessary permits shall be obtained if these materials are used (WAC 173-350-990).

40. All removed debris shall be disposed of at an approved site. Contact the Thurston County Health Department for proper management of these materials.

41. If contamination of soil or groundwater is encountered during site work and constructions, the applicant shall notify the Department of Ecology's Environmental Report Tracing System Coordinator for the Southwest Regional Office at 360-407-6300.

42. Erosion control measures must be in place prior to any clearing, grading, or construction. These control measures must be effective to prevent stormwater runoff from carrying soil and other pollutants into surface water or storm drains that lead to waters of the State. If required, a Construction Stormwater General Permit must be obtained prior to site work.

43. Prior to any site disturbing activities efforts to remove the Japanese knotweed shall be taken using methods approved by Thurston County. Areas containing Japanese knotweed shall be marked and all disturbed soils in these areas shall be contained and remain on

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site. Heavy equipment used in the infested zones should be cleaned to prevent transport of plant fragments off site. Contact the Thurston County Weed Board at (360) 786-5576 for more information. Site disturbing activities may take place in areas identified as not having Japanese knotweed following appropriate marking of the knotweed containment area. Further, any Japanese knotweed located within the fenced off area of the kettle does not need to be removed.

44. A Right of Way Performance Bond shall be submitted with the engineering permit application. Bonds or other allowable securities will be required by the City to guarantee the performance of work within the subject site and rights-of-way, or maintenance of required public infrastructure intended to be offered for dedication as a public improvement. See both EDDS Section 2.030.F and Volume 1 Section 2.6.1 of the 2016 DDECM for more information.

CONSTRUCTION PURSUANT TO THIS PERMIT SHALL NOT BEGIN AND IS NOT AUTHORIZED UNTIL TWENTY-ONE DAYS FROM THE DATE OF FILING AS DEFINED IN RCW 90.58.140(6) AND WAC 173-27-130, OR UNTIL ALL REVIEW PROCEEDINGS INITIATED WITHIN TWENTY-ONE DAYS FROM THE DATE OF SUCH FILING HAVE TERMINATED; EXCEPT AS PROVIDED IN RCW 90.58.140(5)(a)(b)(c).

DATED this 18 day of September, 2018.

Mark C. Scheibmeir
City of Olympia Hearing Examiner

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EXHIBIT 28

RECEIVED 8/27/18

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY
PO Box 47775 · Olympia, Washington 98504-7775 · (360) 407-6300
711 for Washington Relay Service · Persons with a speech disability can call 877-833-6341

August 14, 2018

Cari Hornbein, Senior Planner
City of Olympia
Community Planning and Development
PO Box 1967
Olympia, WA 98507-1967

Dear Ms. Hornbein:

Thank you for the opportunity to comment on the revised determination of nonsignificance for the Briggs Village West Residential, Phase I Preliminary Plat Project (17-4199) located at the 1200 Block of Eagle Bend Drive as proposed by SCJ Alliance for Briggs RE Development, LLC. The Department of Ecology (Ecology) reviewed the environmental checklist and has the following comment(s):

SOLID WASTE MANAGEMENT: Derek Rockett (360) 407-6287

All grading and filling of land must utilize only clean fill, i.e., dirt or gravel. All other materials, including waste concrete and asphalt, are considered to be solid waste and permit approval may be required from your local jurisdictional health department prior to filling (WAC 173-350-990).

All removed debris and dredged material resulting from this project must be disposed of at an approved site. Contact the local jurisdictional health department for proper management of these materials.

TOXICS CLEANUP: Mohsen Kourehdar (360) 407-6256

If contamination is suspected, discovered, or occurs during the proposed SEPA action, testing of the potentially contaminated media must be conducted. If contamination of soil or groundwater is readily apparent, or is revealed by testing, Ecology must be notified. Contact the Environmental Report Tracking System Coordinator for the Southwest Regional Office (SWRO) at (360) 407-6300. For assistance and information about subsequent cleanup and to identify the type of testing that will be required, contact Mohsen Kourehdar with the SWRO, Toxics Cleanup Program at (360) 407-6256.

WATER QUALITY: Chris Montague-Breakwell (360) 407-6364

Erosion control measures must be in place prior to any clearing, grading, or construction. These control measures must be effective to prevent stormwater runoff from carrying soil and other pollutants into surface water or stormdrains that lead to waters of the state. Sand, silt, clay particles, and soil will damage aquatic habitat and are considered to be pollutants.

Any discharge of sediment-laden runoff or other pollutants to waters of the state is in violation of Chapter 90.48 RCW, Water Pollution Control, and WAC 173-201A, Water Quality Standards for Surface Waters of the State of Washington, and is subject to enforcement action.

The following construction activities require coverage under the Construction Stormwater General Permit:

1. Clearing, grading and/or excavation that results in the disturbance of one or more acres **and** discharges stormwater to surface waters of the State; and
2. Clearing, grading and/or excavation on sites smaller than one acre that are part of a larger common plan of development or sale, if the common plan of development or sale will ultimately disturb one acre or more **and** discharge stormwater to surface waters of the State.
   a) This includes forest practices (including, but not limited to, class IV conversions) that are part of a construction activity that will result in the disturbance of one or more acres, **and** discharge to surface waters of the State; and
3. Any size construction activity discharging stormwater to waters of the State that Ecology:
   a) Determines to be a significant contributor of pollutants to waters of the State of Washington.
   b) Reasonably expects to cause a violation of any water quality standard.

If there are known soil/ground water contaminants present on-site, additional information (including, but not limited to: temporary erosion and sediment control plans; stormwater pollution prevention plan; list of known contaminants with concentrations and depths found; a site map depicting the sample location(s); and additional studies/reports regarding contaminant(s)) will be required to be submitted.

You may apply online or obtain an application from Ecology's website at: http://www.ecy.wa.gov/programs/wq/stormwater/construction/ - Application. Construction site operators must apply for a permit at least 60 days prior to discharging stormwater from construction activities and must submit it on or before the date of the first public notice.

Ecology's comments are based upon information provided by the lead agency. As such, they may not constitute an exhaustive list of the various authorizations that must be obtained or legal requirements that must be fulfilled in order to carry out the proposed action.

If you have any questions or would like to respond to these comments, please contact the appropriate reviewing staff listed above.

Department of Ecology
Southwest Regional Office

(MLD:201804170)

cc: Derek Rockett, SWM
Mohsen Kourehdar, TCP
Chris Montague-Breakwell, WQ
Briggs RE Development, LLC (Proponent)

EXHIBIT 29

RECEIVED 8/27/18

MEMORANDUM

TO: Mark Scheibmeir, Hearing Examiner

FROM: Cari Hornbein, Senior Planner

SUBJECT: Additional Condition

DATE: August 27, 2018

Since issuance of the hearing packet, the City received information from Mark Axtell of the Thurston County Noxious Weed and Lakes Management Division that portions of the subject site is infested with Japanese knotweed (see attached e-mail for details). As a result of this new information, staff recommends the addition the following condition:

New condition: Prior to any site disturbing activities efforts to remove the Japanese knotweed shall be taken using methods approved by Thurston County. Areas containing Japanese knotweed shall be marked and all disturbed soils in these areas shall be contained and remain onsite. Heavy equipment used in the infested zones should be cleaned to prevent transport of plant fragments off site. Contact the Thurston County Weed Board at (360) 786-5576 for more information.

Cari Hornbein

EXHIBIT 30

RECEIVED 8/27/18

From: Mark Axtell <mark.axtell@co.thurston.wa.us>
Sent: Tuesday, August 21, 2018 4:57 PM
To: Cari Hornbein
Subject: Briggs Village Dev. Knotweed
Attachments: Knotweed Containment FAQs.pdf

Hi Cari, Here is the information you requested.

Reference: BRIGGS RE DEVELOPMENT LP
Location: 1200 Eagle Bend Drive SE – Planned Development
Parcel #37030000015
Noxious Weeds documented on parcel: Knotweed, Poison Hemlock, Tansy ragwort

The known area on this parcel containing Knotweed is South of Kettle View Park, which would include Eagle Bend Drive, going as far South as the turn around on Dogwood Street & looking West to near the center of the parcel. If you divided the parcel into four sections NW,NE,SW & SE the Knotweed will be in the NE sector.
There are scattered patches throughout this area from a few stalks to large infestations, up to approximately 20ft X 30ft. The herbicide should be applied from mid-June to mid-September using products containing only Imazapr as the active ingredient, on a large project such as this, a professional applicator is highly recommended.
Imazapr is a slow acting herbicide, so the site should remain undisturbed for at least six weeks (recommended), even yet some of the deeper tap roots will possibly remain active. It may take several seasons of treatments to control, For this reason infested areas should be marked and all disturbed soils from the infested area must remain on site and contained.
Also, any heavy equipment that is used to move soils in the infested 'zone', should be cleaned to prevent the transport of any plant fragments off of the site area.
Bottom line, No soils from the infested area should be removed or disposed of, it must remain on site and the area monitored.
The area with Poison Hemlock & Tansy Ragwort is below the Parkside Apartments (South end) on the slope in the unmaintained (non-mowed) area. Parkside Apartments had treated this area in the spring for several years and I expect more hemlock will return in the upcoming spring. If this area is disturbed the equipment will spread the seeds around. We do not have regulations regarding the disturbance of Poison Hemlock or Tansy Ragwort sites.

I hope this helps provide some direction on a control plan for the property.

Mark Axtell
Field Inspector
Thurston County Public Works
Noxious Weed and Lakes Management Division

360-786-5576x 5836 office
www.co.thurston.wa.us/tcweeds

QUESTIONS & ANSWERS ABOUT:

KNOTWEED CONTAINMENT

What is Knotweed?

Knotweed is a highly invasive, non-native weed that has become established in this area. The roots and rhizomes can be as much as 30 feet long and are capable of severely damaging foundations, buildings, retaining walls, roads and pavement. Knotweed infestations alter stream beds, reducing the channels capacity to carry flood water. Knotweed outcompetes almost all other vegetation, even trees.*

What does Knotweed Containment mean?

It means keeping noxious weeds where we know they are in order to limit their spread into new areas. Since disturbed land under development is one of the most likely to be a source of noxious weed spread, taking precautionary measures through the planning and permitting process is the most effective way to accomplish this. Remember: "An ounce of prevention is worth a pound of cure".

What are the rules for complying with the Noxious Weed Containment Ordinance?**

1. ***Dirt stays on the parcel.*** If you're grading, putting in utilities for a development, building a new house, or any other land use activity of this nature, then whatever dirt happens on the parcel, stays on the parcel. Many new knotweed infestations start from fragments of roots or rhizomes that are found in soil that has been moved from sites where knotweed infestation are found.
2. ***All equipment used in any of these development activities must be cleaned and inspected before it leaves the property.*** Staff from Noxious Weed Control will do the inspections free of charge, but you need to call us to schedule at ***least 24 hrs.*** before you want us to be there. Weekends and holidays excluded. Equipment should be completely cleaned before the time of inspection.
3. ***Don't take any vegetation offsite.*** Pieces of knotweed vegetation smaller than an inch long can take root and start another infestation wherever it's transported, or accidentally dropped along the way. There are some rare exceptions to this rule, but only if you have a plan that the board approves and does so in writing.
4. ***Clean it before you bring it.*** If equipment that you're going to use has been used in an area where noxious weeds are growing, it must be cleaned before bringing it into Thurston County. When you disturb land, it is particularly susceptible to infestations of unwanted plants.
5. ***What else?*** Any other requirement to contain or prevent the spread of noxious weeds included as a permit condition. There may be circumstances on any given parcel that require additional steps to prevent spreading weeds. We'll try to help you determine the best way to go about it.

Call the Noxious Weed Office to schedule wash-down inspections before moving equipment from infested property.

360-786-5576

9605 Tilley Rd. S
Olympia, WA 98512
Phone: 360-786-5576
E-mail: tcweeds@co.thurston.wa.us
www.co.thurston.wa.us

*For more information about identification, biology and control of knotweed, go to our factsheet located at: http://www.co.thurston.wa.us/tcweeds/factsheets/Knotweed_2017.pdf

** To see the original language of the Containment Area Management Standards, go to the Thurston County Code, Chapter 17.30.080: http://library.municode.com/HTML/16720/level2/TIT17EN_CH17.30NOWECO.html

THURSTON COUNTY

EXHIBIT 31

RECEIVED 8/27/18

BONDING AND LANDSCAPE PLAN TEMPLATE LANGUAGE FOR LAND USE APPROVAL DOCUMENTS

BONDING

- **Vegetation Maintenance Bond** – A vegetation maintenance bond (or other assurance) shall be provided following City acceptance of the landscape installation including street trees before issuance of the Certificate of Occupancy. The bond amount shall be 125% of the cost estimate submitted with the Landscape Plan and approved by the City.

- **Right of Way Performance Bond** – Bonds or other allowable securities will be required by the City to guarantee the performance of work within the subject site and rights-of-way, or maintenance of required public infrastructure intended to be offered for dedication as a public improvement. See both EDDS Section 2.030.F and Volume 1 Section 2.6.1 of the 2016 DDECM for more information.

PLANNING

- **Landscape Plan** – A final landscape plan, prepared in accordance with OMC 18.36, shall be submitted for review and approval at the time of engineering permit application submittal.

- **Landscape Maintenance Estimate** – Provide the following information with the landscape plan on a separate sheet of paper: cost estimate for the purchase, site preparation, installation and 3 –years of maintenance of all landscaping and irrigation.

18.36.220 Maintenance SHARE

A. Plant Maintenance. Whenever landscaping is required under the provisions of this Chapter, all shrubs and trees in the landscape and planting areas shall be maintained in a healthy condition. Property owners shall be responsible for pruning vegetation which interferes with pedestrians and bicyclists, and that obstructs vehicle clear vision triangles.

B. Irrigation. All portions of any irrigation system shall be maintained in order to perform its original function. Uncontrolled emission of water from any pipe, valve, head, emitter or other irrigation device shall be considered evidence of non-maintenance and a violation of this ordinance.

C. Hard scape. Maintenance of all landscape areas shall also include the painting, repairing, reconstruction, and restoration of landscape structures such as fences, walls, overheads, trellises, etc.

D. Bonding. In addition to any other remedy provided within this code for any landscape maintenance requirements imposed by this Chapter, the city may also require a performance or maintenance bond if maintenance is not adequately provided.

Language from WA Realtors SPRC Recommendation

PLANNING

- **Landscaping** – A final landscape plan, prepared in accordance with OMC 18.36, shall be submitted for review and approval at the time of engineering permit review.

- **Landscape Bond** – A landscape bond (or other assurance) shall be provided following City acceptance of the landscape installation. An estimate shall be submitted to the City for review and approval and include the cost of purchase, site preparation, installation, and maintenance of landscaping for a three-year period. If irrigation is installed, it shall be included in the estimate. (under planning)

URBAN FORESTRY

- **Landscape Plan** – Provide the following information on the landscape plan:
  a. Timeline and cost estimate for site preparation, installation and 3 years maintenance of newly planted trees on and off site; (under urban forestry)

- **Bonding** – A bond or other surety shall be provided to cover the purchase cost of on-site trees, their installation, and three years of maintenance per OMC 16.60.100.E. The surety shall be in the form approved by the city attorney. The surety document shall have a face amount equal to 125 percent of the estimated amount necessary to guarantee the maintenance of trees in conformance with maintenance requirements for a period of three years from the date the certificate of occupancy is issued by the city. (under urban forestry)

ENGINEERING

Bonding – Bonds or other allowable securities will be required by the City to guarantee the performance of work within the subject site and rights-of-way, or maintenance of required public infrastructure intended to be offered for dedication as a public improvement. See both EDDS Section 2.030.F and Volume 1 Section 2.6.1 of the 2009 DDECM for more information

Cari Hornbein

From: Amy Head <amy.head@scjalliance.com>
Sent: Tuesday, August 21, 2018 3:55 PM
To: Cari Hornbein
Cc: Brett Bures
Subject: RE: Briggs Staff Report
Attachments: IC-415-9D494632.pdf

EXHIBIT 32

RECEIVED 8/27/18

I don't necessarily have any official agreements regarding the shelf plantings but what I do have are previous decisions, conditions and information which make doing a shelf planting at the south kettle impractical at best and impossible in some cases.

The shelf is supposed to be a flat area between the developed part of Briggs and the kettles. Per Volume 2, the shelf is to showcase plant materials adjacent to roadways and at buffers between development and open space areas. The only place this really applies at the south kettle is on Eagle Bend Drive that is outside of developed lots. This area is either fairly steep or already covered with trees or both. The steepness of the south kettle slopes and tree coverage is why the trail system was removed from consideration within the kettle. I would assume doing shelf plantings would have some of the same logic. I have attached some information demonstrating slope steepness and presence of existing trees.

Amy Head, PE, LEED AP BD+C
SCJ Alliance
Principal
o. 360.352.1465
m. 360.584.7692
www.scjalliance.com

From: Cari Hornbein <chornbei@ci.olympia.wa.us>
Sent: Thursday, August 16, 2018 6:01 PM
To: Amy Head (amy.head@scjalliance.com) <amy.head@scjalliance.com>
Subject: Briggs Staff Report

Amy –

You should be receiving an e-mail tomorrow with a link to access the staff report. I wanted to let you know that we added some conditions that emerged as we were completing the staff report. Here's a quick summary:

1. Address grading within the landslide hazard area buffer.
2. TC Health Dept. review to be completed before engineering permit submittal.
3. Comply with grading/retaining wall limits in OMC 18.40.
4. Comply with garage width standards in OMC 18.04.060.EE
5. Construction of the main loop trail can be done in place of a sidewalk on the west side of Eagle Bend Drive but must meet accessibility and lighting standards, and provide a crossing that ties into ramp south of the city park entrance.
6. "Shelf" plantings per the landscape provisions in Vol. II (page 106).

We realize there may have been certain agreements about the sidewalk and "shelf" planting, but were under the gun to get the staff report done. If you have information regarding these items, we can discuss next week (I'm out of the office tomorrow).

Thanks, and have a good weekend.

Cari Hornbein, AICP, Senior Planner
City of Olympia
Community Planning and Development Department
360-753-8048 | chornbei@ci.olympia.wa.us

Master Landscape Concept

Landscape Design Character

Briggs Village is conceptualized and designed to be a community that will reflect the Briggs family commitment to values and beliefs.

- Residential neighborhoods are designed around "commons" areas that will support community gatherings and activities.
- The central location of the Village's center – including a grocery, retail stores, and offices – provides conveniences within easy walking distance (less than ¼ mile for most residents).
- Almost 40% of the site has been designated as open space, including Town Square, the six kettles and a City park.
- The Central Kettle will be restored as a significant wetland restoration effort, covering 17.6 acres, and
- In addition to the YMCA, there is opportunity include more than three miles of trails that are planned throughout the Village to promote jogging, walking, and exploration.

The master landscape concept for Briggs Village is intended to support the vision of family and health as well as reflect on the history of the Briggs family and the site, both having been rooted in the nursery trade since 1912. The project includes the designation of an Arboretum along the shores of Ward Lake; while the formal Arboretum is limited to 6.6 acres, all 137 acres should include the nursery history and perform as an informal Arboretum by incorporating a variety of lush plantings and providing an opportunity to learn about them in the Prairie Northwest.

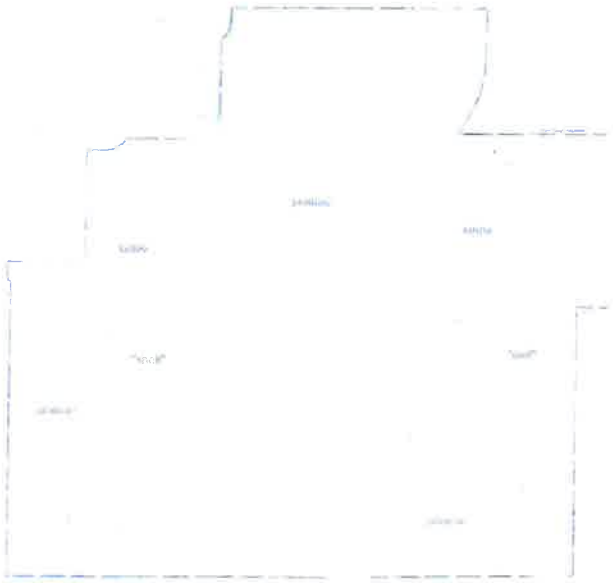
In addition to the arboretum treatment, the Briggs Village landscape concept is further defined by three key components linking together the neighborhoods within the Village. These landscape linkages involve:

- the "shelf," or resilient plateau connecting the kettles;
- pedestrian connections that tie together the Village neighborhoods; and
- streetscape hierarchy, providing circulation through the site.

Together these landscape linkages – via topography, trails, sidewalks, vehicles and bicycles, define one's experience of Briggs Village. The following pages describe these three key linkages and the landscape design ideas that help achieve the design intent for the whole site and the application of these tools to specific areas within the village. These guidelines are illustrated of the requirements that shall be met using the tools described herein.

Landscape Linkages: "The Shelf"

"The shelf" is the relatively flat area embracing and linking the six kettles on site. The shelf acts as the interface between nature and culture, between the kettles and the people places. This topographic feature is unique to Briggs Village, the shelf tells the story of both the geological history of the site and the operational history of the nursery. Grading and planting design will celebrate the shelf, for nature's sake and its role as the common green-belt, allowing all residents and visitors to experience this transition area. The shelf hosts the trail network, several outlooks into the kettles, the Arboretum and the 4 acre Neighborhood Park.



"The Shelf" Diagram

The 'Shelf' & Wetland Enhancement Areas

Intent of Guidelines

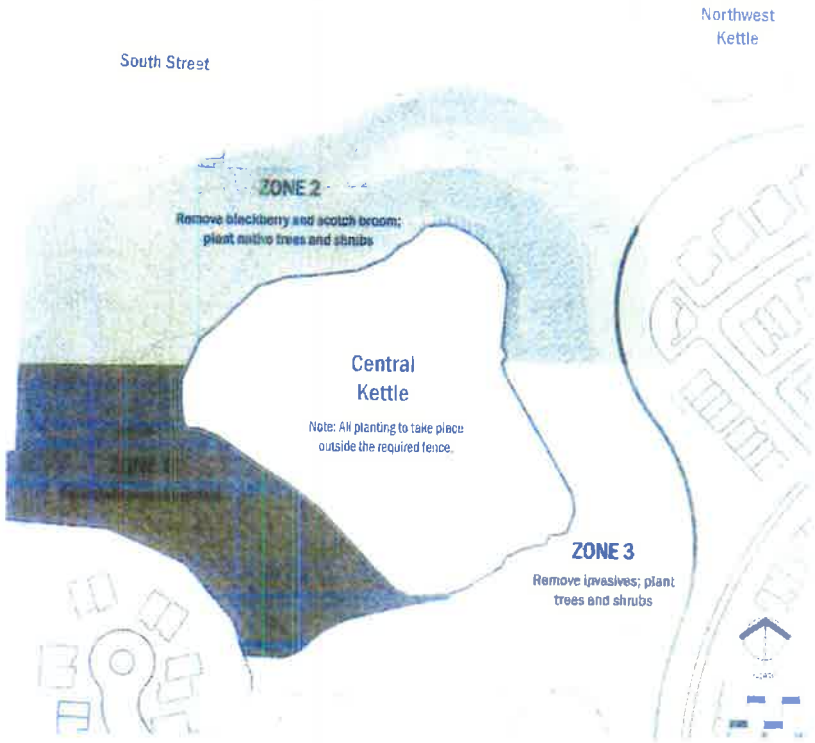
In addition to the role of the 'shelf' as a critical landscape linkage, the 'shelf' and the wetland enhancement areas will serve many functions:

- Offer numerous points of access to the village-wide trail network and places to walk, jog, bike, rest and meditate, picnic, recreate and take field trips
- Showcase Briggs Nursery plants and history
- Provide relief to the density of the built environment
- Utilize the natural features of the site, including slopes, kettles and views

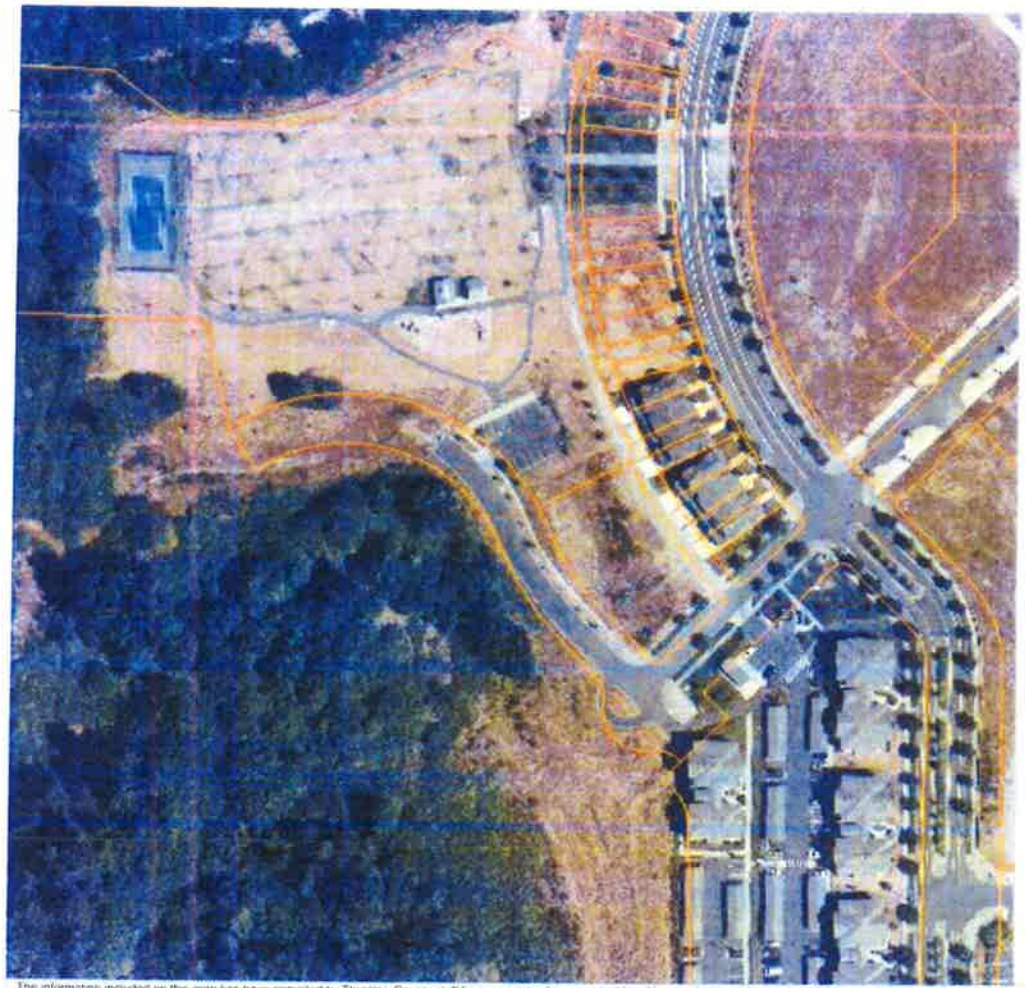
The intent of the 'shelf' is to showcase plant materials at areas adjacent to roadways and at buffers between building development and natural open space areas as defined by alleys, trails and other boundaries.

Wetland Enhancement Areas: Site Planning & Planting

The design of the Wetland Enhancement Areas, and the Central Kettle, in particular, will follow the guidelines set forth in the Corps approved mitigation plan. The extensive work at the Central Kettle will enhance the conditions - both natural and aesthetic, of the wetland and significantly contribute to the beauty of the Village open space. A simplified plan of the restoration work is included here, for convenience.



Central Kettle Restoration Plan: Planting Areas



shelf

Legend

- Parcel Boundaries
- Roads - Major
  - Major Roads
  - Ramp
  - I 5, US 101
- Roads (Large Scale)
- Railroads
- County Border

Scale 1: 2,684

0 100 200

Feet

Map Created Using GeoData Public Website

Published: 8/21/2018

Note:

THURSTON COUNTY

GeoData Center

The information included on the map has been compiled by Thurston County staff from a variety of sources and is subject to change without notice. Additional elements may be present in reality that are not represented on the map. Orthophotos and other data may not align. The boundaries depicted by these datasets are approximate. This document is not intended for use as a survey product. ALL DATA IS EXPRESSLY PROVIDED "AS IS" AND WITH ALL FAULTS. Thurston County makes no representations or warranties, express or implied, as to accuracy, completeness, timeliness, or rights to the use of such information. In no event shall Thurston County be liable for direct, indirect, incidental, consequential, special, or tort damages of any kind, including, but not limited to, lost revenues or lost profits, loss or anticipated, resulting from the use, misuse or reliance of the information contained on this map. If any portion of this map or disclaimer is missing or altered, Thurston County removes itself from all responsibility from the map and the data contained within. The burden for determining fitness for use lies entirely with the user and the user is solely responsible for understanding the accuracy limitation of the information contained in this map. Authorize for 3rd Party reproduction for personal use only.

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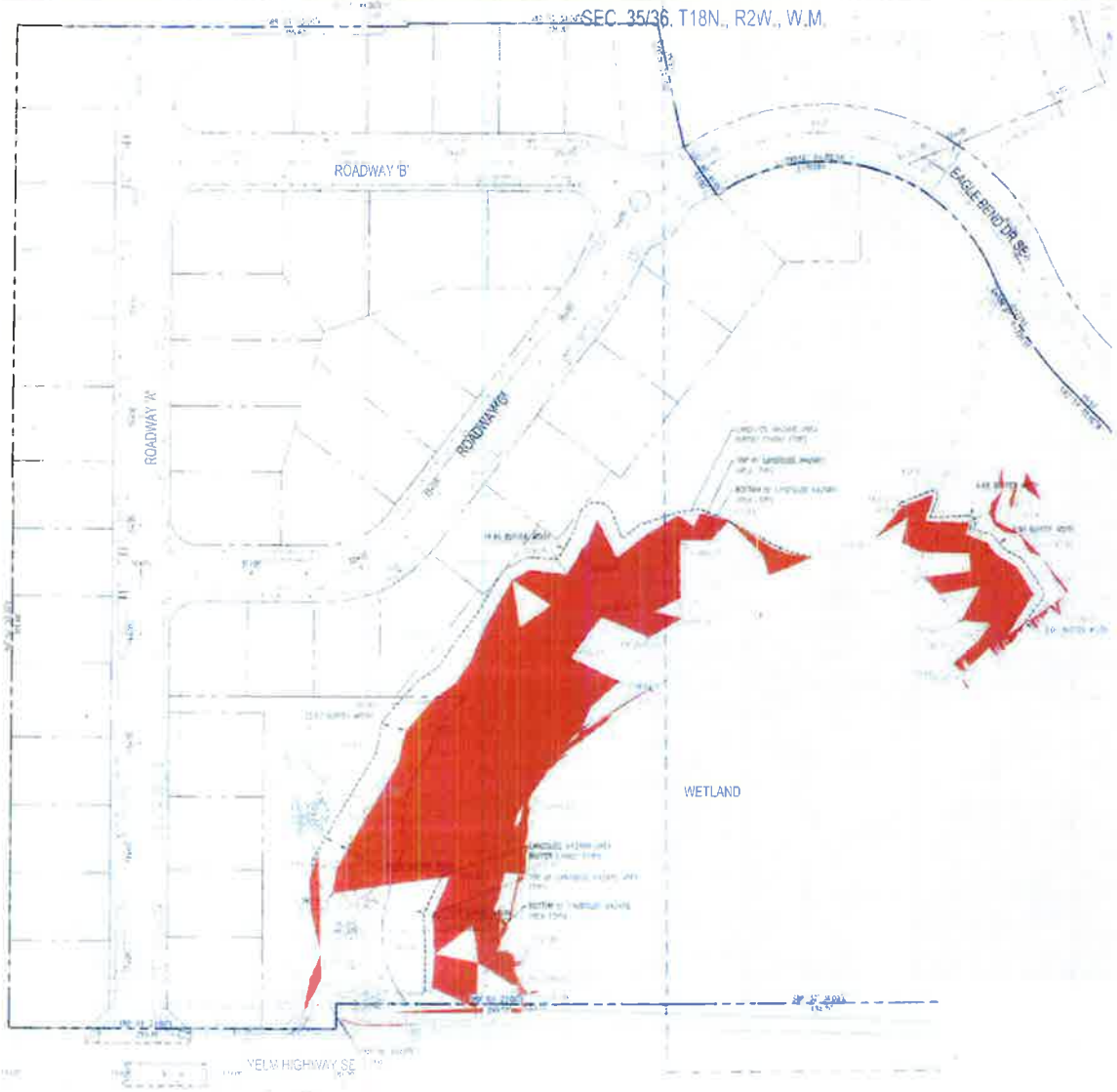


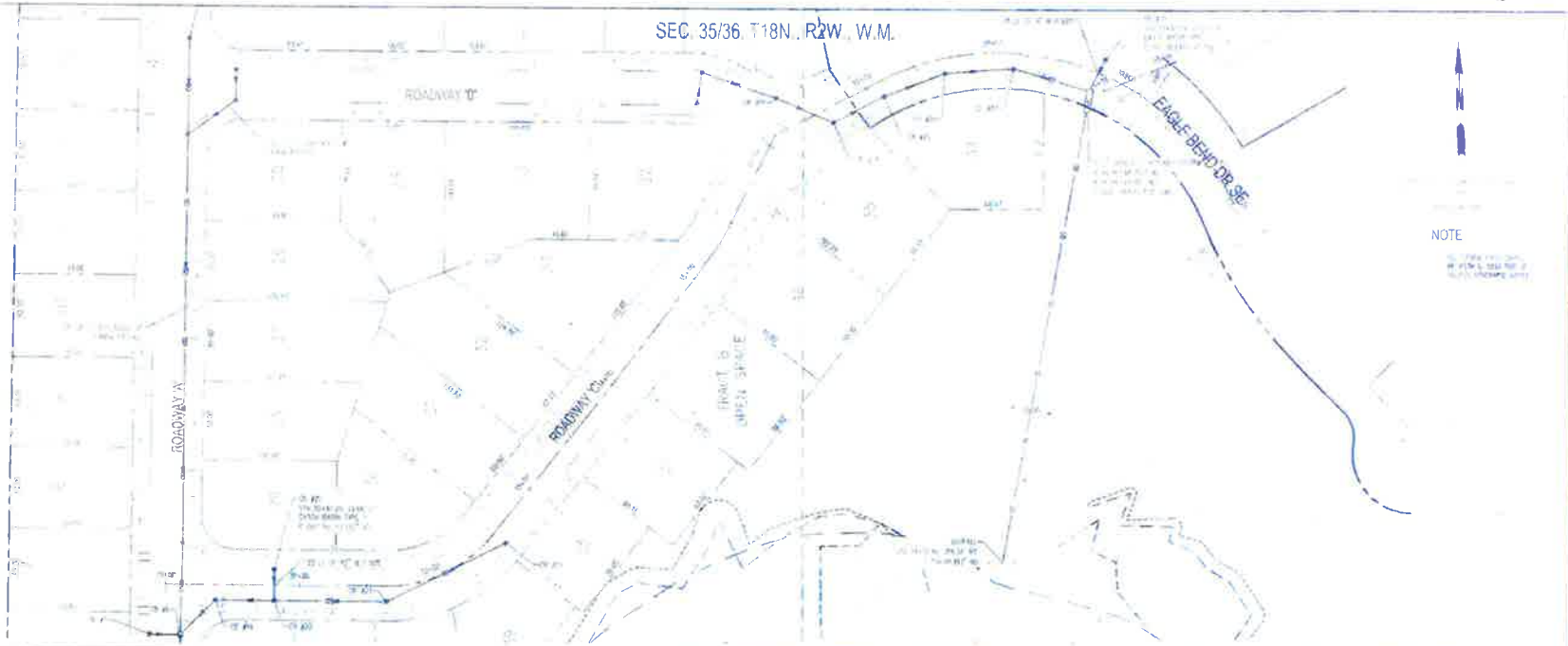
LEGEND

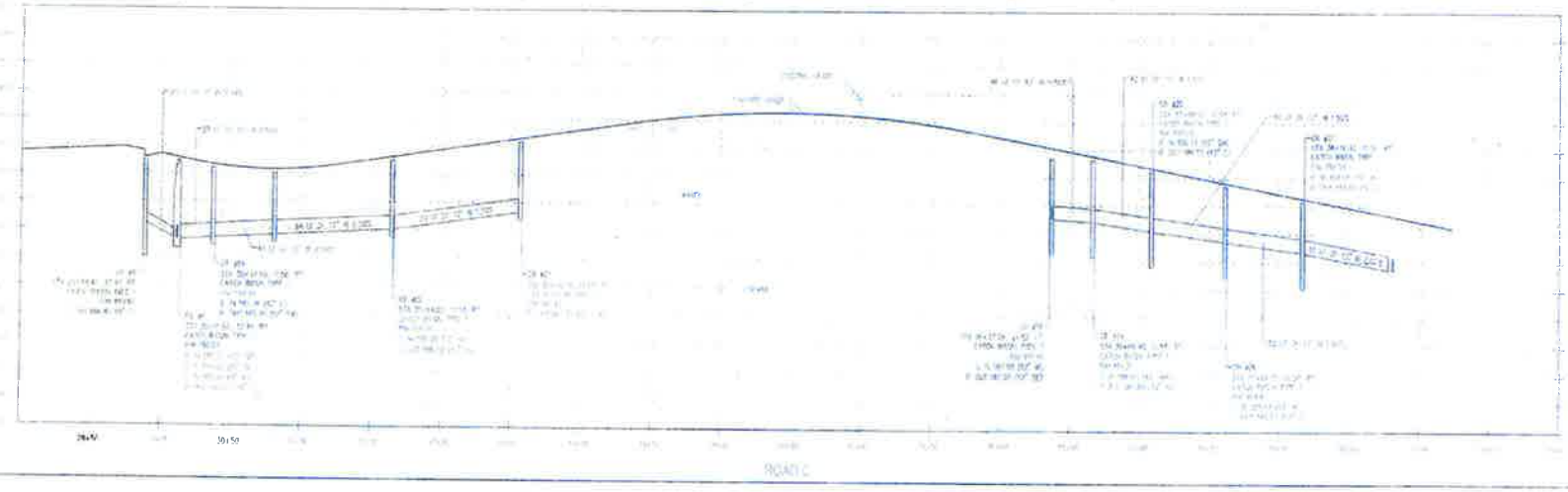
SCJ ALLIANCE

LANDSLIDE HAZARD AREA PLAN

BRIGGS VILLAGE WEST RESIDENTIAL

PHASE





SCJ ALLIANCE

STORM DRAINAGE PLAN AND PROFILE

BRIGGS VILLAGE WEST RESIDENTIAL

PHASE 1

Aug 13 2018

EXHIBIT 33

RECEIVED 8/27/18

Briggs Village West Residential Phase

Please coordinate with the Tumwater traffic on Yelm Highway. Stoplights & the project will need to be taken into consideration on Yelm Highway & Palomino Drive in Fawn Subdivision.

Peter Overton
1153 Palomino Dr SE
Tumwater
Wash 98501