



September 18, 2019

Greetings:

**Subject: Copper Leaf Phase II  
File Number 18-3670**

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 4<sup>th</sup> 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](mailto:cpdinfo@ci.olympia.wa.us) if you have questions.

Sincerely,

Kenneth Haner  
Program Assistant  
Community Planning and Development

Enclosure:

BEFORE THE CITY OF OLYMPIA HEARINGS EXAMINER

IN RE: ) HEARING NO. 18-3670  
)  
COPPER LEAF PHASE II, ) FINDINGS OF FACT,  
) CONCLUSIONS OF LAW  
) AND DECISION

**APPLICANT:** Capital City Development, LLC

**REPRESENTATIVE:**

Tom Rieger  
Thomas Architecture Studios  
525 Columbia Street S.W.  
Olympia, Washington

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

**SUMMARY OF REQUEST:**

A Shoreline Substantial Development Permit together with a short subdivision to allow for the subdivision of a 6.4 acre parcel into seven duplex lots and one remaining lot for Phase 1 of Copper Leaf, a multi-family development.

**LOCATION OF PROPOSAL:**

4410 Henderson Blvd. S.E.

**SUMMARY OF DECISION:**

The Shoreline Substantial Development Permit and the short subdivision are **approved** subject to conditions requested by City Staff.

**BACKGROUND**

In 2003, the Briggs Village Master Plan was approved, allowing for the development of 137 acres into 810 residential units, 224,000 square feet of commercial and office space and

*Findings of Fact, Conclusions of Law  
and Decision - 1*

**CITY OF OLYMPIA HEARING EXAMINER**  
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1 various community amenities. The approved Master Plan was laid out in two volumes: Volume  
2 1, providing the overarching vision of the development as well as the types and quantities of  
3 commercial land uses and housing types; and Volume 2, its design guidelines.

4 "Copper Leaf" is part of the Briggs Village Master Plan. It is sandwiched between  
5 Henderson Blvd. and Ward Lake as well as by kettles to its north and south. The application for  
6 Copper Leaf was submitted in 2011 and proposed to be developed in two phases. Phase 1  
7 provided for the development of 72 apartments and most of the total project's infrastructure, and  
8 was approved in 2014. Phase 2 (this project) is to carry out the requirement in the Master Plan  
9 for 7 duplexes east of the apartments and west of Ward Lake. A diagram of Phase 2 is found at  
10 Exhibit 3 to the Staff Report.

11 Construction of the Phase 1 apartments is currently underway. For various reasons the  
12 Applicant delayed application for Phase 2, in part to resolve certain issues with the City's  
13 Development Regulations.

14 The proposed duplexes are located west of Ward Lake by a distance of at least 80 feet.  
15 Nonetheless, the project's proximity to Ward Lake triggers the need for a Shoreline Substantial  
16 Development Permit which, in turn, gives the Hearing Examiner authority over the short  
17 subdivision as well.

18 There has been relatively little public comment regarding the project. Much of this  
19 comment relates to matters outside the scope of this hearing. All relevant comment has been  
20 incorporated by Staff into the conditions of approval. There has been no public opposition to the  
21 project's approval.

## 22 **PUBLIC HEARING**

23 Prior to the public hearing I took an independent site visit to examine the project site and  
24 surrounding land uses, particularly, other development within Briggs Village.



1 The public hearing commenced at 6:30 p.m., on Monday, September 9, 2019, in the City  
2 Council Chambers in the City Hall. The City appeared through Nicole Floyd, Senior Planner,  
3 along with other members of City Staff. The Applicant appeared through its architect, Tom  
4 Rieger, and its engineer, Amy Head. A verbatim recording was made of the public hearing and  
5 all testimony was taken under oath. The only parties to provide testimony were Ms. Floyd and  
6 Mr. Rieger.

7 Documents considered at the time of the hearing were the City Staff Report consisting of  
8 sixteen attachments (Exhibits 1-16). Shortly before the hearing City Staff provided the Hearing  
9 Examiner with two additional public comments from the Department of Ecology and Karen  
10 Messmer (collectively Exhibit 17). Following the hearing Ms. Floyd provided the Hearing  
11 Examiner with a chain of emails through which the City and the Applicant agreed on revisions to  
12 proposed Conditions 6(b) (Exhibit 18). These agreed changes to Condition 6(b) are then  
13 demonstrated by proposed designs set forth in a series of drawings collectively identified as  
14 Exhibit 19.

15 Again, the only parties to provide testimony were Ms. Floyd and Mr. Rieger. There was  
16 no public testimony and, again, there has been no public opposition to the application.

17 After consideration of the testimony and exhibits described above, the Hearing Examiner  
18 makes the following Findings of Fact, Conclusions of Law and Decision:

19 **FINDINGS OF FACT**

20 **General Description.**

21 1. The Applicant seeks approval for a short subdivision to subdivide a 6.4 acre  
22 parcel into seven duplex lots and one remaining lot, being Phase 2 of the Copper Leaf project  
23 approved in 2014. A diagram of the proposed development is included in the Staff Report as  
24 Exhibit 3.

1           2.       The Applicant also seeks a Shoreline Substantial Development Permit as the  
2 project is located within 80 feet of Ward Lake, a shoreline of statewide significance.

3           3.       The Applicant's request for a short plat would normally be addressed  
4 administratively except for the additional requirement of a Shoreline Substantial Development  
5 Permit. This added requirement transfers responsibility for the short subdivision to the Hearing  
6 Examiner.

7           4.       The Copper Leaf project consists of two phases: Phase 1 is currently under  
8 construction and consists of 72 apartments in four buildings along Henderson Blvd. Phase 1 also  
9 includes most of the infrastructure for Phase 2. Phase 2 consists of the current application. It  
10 requests the shore plat of an existing 6.4 acre parcel into seven duplex lots, allowing for fourteen  
11 duplex units, plus one additional lots. Phase 2 is located immediately east of Phase 1 and west of  
12 Ward Lake. A map depicting both phases is included in the Staff Report as Exhibit 3.

13          5.       The Copper Leaf project is bounded on the west by Henderson Blvd. and, further  
14 west, by the majority of the Briggs Village development. North of the project site is an  
15 undeveloped area containing the Northeast Kettle. This area is within Briggs Village and is  
16 slated for development as a natural area (the Ward Lake Arboretum) including an extension of  
17 the development's pathways. To the east of the project site is Ward Lake, separated by a parcel  
18 of land that is a portion of the Ward Lake Arboretum. Steep slopes separate the project site from  
19 the lake. South of the project site is additional development within Briggs Village as well as an  
20 additional kettle (the Southeast Kettle).

21          6.       The project site has a zoning designation of Urban Village. This designation  
22 continues throughout the remainder of Briggs Village.

23          7.       The project's land designation in the Comprehensive Plan is Planned  
24 Development. Its designation in the Shoreline Master Program is Shoreline Residential  
25 (Ward 1).



1           8.       The site is generally flat until it reaches its east boundary where it encounters  
2 steep slopes leading downward to Ward Lake. Despite its proximity to these steep slopes, and to  
3 various water bodies nearby, the project is located outside any geologically hazardous area and  
4 any wetland buffer.

5           9.       The Ward Lake shoreline is designated Shoreline Residential under the County's  
6 Shoreline Master Program. This designation requires a 75-foot shorelines setback. The project  
7 is not located within this setback nor within the 20-foot vegetation conservation area.

8           10.      The project underwent initial City Staff review and was found to require  
9 additional information. Following the Applicant's submittal of this additional information in  
10 May, the Site Plan Review Committee (SPRC) recommended approval of the project subject to a  
11 number of conditions as set forth in the Staff Report.

12          11.      The Applicant does not object to the City's proposed conditions with the  
13 exception of proposed Condition 6(b) relating to the design of the duplexes. As discussed more  
14 fully below, the City and the Applicant have agreed to a revised Condition 6(b) relating to  
15 duplex design.

16          12.      Notification of the public hearing was mailed to the parties of record, property  
17 owners within 300 feet and recognized neighborhood associations, posted on the site and  
18 published in The Olympian on August 3, 2019, in conformance with Olympia Municipal Code  
19 18.78.020.

20          13.      Pursuant to the State Environmental Policy Act, the City, as lead agency, issued a  
21 Determination of Nonsignificance (DNS) for this Phase 2 project on August 2, 2019, an earliest  
22 DNS had been issued for both Phases 1 and 2 on July 3, 2014. The August 2, 2019 SEPA DNS  
23 was not appealed.

1           Findings Relating to the Olympia Comprehensive Plan.

2           14.     The subject property is designated Urban Village on the Future Land Use Map.  
3 This designation supports mixed use development as well as provisions for open space.

4           15.     The Staff Report, at page 4, contains Findings that the project is consistent with  
5 the Goals and Policies of the Comprehensive Plan including Goals G11, GL16 and GL24 as well  
6 as Policies PL1.6, PL16.12, PL24.4, PL24.8, and PL24.11. The Hearing Examiner has reviewed  
7 these Findings and adopts them as his own Findings of Fact.

8           16.     City Staff finds that the project is consistent with the Briggs Village Master Plan  
9 and is consistent with the City's Comprehensive Plan. The Hearing Examiner has reviewed these  
10 Findings and adopts them as his own Findings of Fact.

11           Findings Relating to Compliance with the Shoreline Master Program.

12           17.     City Staff finds that the proposed project complies with and furthers the  
13 applicable goals and policies of the Shoreline Master Program. In particular, Staff finds that the  
14 project is consistent with the following policies of the Shoreline Master Program: PN12.3.A;  
15 PN12.11.C; PN12.5.B, and PN12.19.B. The Hearing Examiner has reviewed these Findings and  
16 adopts them as his own Findings of Fact.

17           Findings Relating to Trees, Soil and Native Vegetation Protection.

18           18.     The Staff Report, at page 5, contains Findings that the overall tree density  
19 requirements for Briggs Village were met with its initial design and tree units are located  
20 throughout the village. Trees are therefore not required as an element of this project but existing  
21 trees on steep slopes must be protected. Protection of these trees is currently in place. City  
22 Staff, through its Urban Forester, has determined that the project is in compliance with Chapter  
23  
24  
25



1 16.60 OMC. The Hearing Examiner has reviewed these Findings and adopts them as his own  
2 Findings of Fact.

3 Findings Relating to Short Subdivision Approval, Chapter 17.32 OMC.

4 19. Preliminary short subdivisions are regulated by OMC 17.32.070.

5 20. The project is has been reviewed by the various parties listed in OMC 17.32.110  
6 and the project has been conditioned based upon these reviewers comments and explained more  
7 fully in pages 5 and 6 of the Staff Report.

8 21. The project has been reviewed for compliance with minimum lot size, width,  
9 setbacks and density provisions established in OMC 18.05.080 and has been found to be  
10 consistent with these provisions.

11 22. City Staff finds that the project, as conditioned, complies with all requirements for  
12 preliminary short plat approval. The Hearing Examiner has reviewed these Findings and adopts  
13 them as his own Findings of Fact.

14 Findings Relating to Compliance with Development Standards, Chapter 18.05 OMC.

15 23. The project is Phase 2 of the Copper Leaf project which, in turn, is part of the  
16 Briggs Village Master Plan. The project must therefore comply with the Briggs Village Master  
17 Plan as well as with the City's Development Regulations contained in Chapters 18.05 and  
18 18.05A OMC.

19 24. The Staff Report, at page 6, contains Findings that the vast majority of the  
20 requirements found in these two chapters are not applicable to the project as their requirements  
21 have already been incorporated into the overall design of Briggs Village. Staff finds that the  
22 proposed project complies with applicable development standards imposed either under the  
23  
24  
25



1 Master Plan or Chapter 18.05 and 18.05A OMC. The Hearing Examiner has reviewed the Staff's  
2 Findings and adopts them as his own Findings of Fact.

3 Findings Relating to Design Criteria.

4 25. Just as with general development standards, the bulk of the design criteria found  
5 in the Municipal Code has been incorporated into the Briggs Village Master Plan's design  
6 criteria. Staff notes that the design criteria found in the Briggs Village Master Plan is site  
7 specific and more detailed than design criteria found in the Municipal Code and, as a result,  
8 greater emphasis should be placed on the design criteria found in the Master Plan rather than  
9 what is found in the Municipal Code.  
10

11 26. A disagreement has arisen between the City Staff and the Applicant with respect  
12 to these design criteria in reference to the duplexes' diversity of appearance. City Staff notes  
13 that the Briggs Village design criteria direct that: "The duplex neighborhood overlooking Ward  
14 Lake is planned to allow a wide variety of housing style, like the single-family neighborhoods."  
15 For this reason City Staff asks the Hearing Examiner to impose a heightened level of diversity in  
16 the design of these duplex units.

17 27. The Applicant disagrees with City Staff and notes that duplex units in other  
18 portions of Briggs Village have been allowed to have common appearances, with little or no  
19 diversity in design. The Applicant therefore asks that these duplex be allowed a similar common  
20 appearance.  
21

22 28. During the course of the hearing the Hearing Examiner advised the Applicant that  
23 the City's interpretation of this requirement was the more reasonable one, and that if an  
24 agreement could not be reached on this issue the Hearing Examiner would impose a diversity in  
25

1 design consistent with the City's recommendations. The Applicant and City Staff were then  
2 given the opportunity to discuss this over the next several days to determine whether the parties  
3 could reach a consensus on appropriate design language.

4 29. By a string of emails dated September 11, 2019, City Staff and the Applicant  
5 agreed to a revised Condition 6(b) addressing diversity in design. City Staff and the Applicant  
6 concurred that the proposed Condition 6(b) as found in the Staff Report should be replaced with  
7 the following condition:  
8

9 "6(b) Buildings shall include a diversity of housing styles as outlined in the  
10 overall design intent statement for the Ward Lake duplexes section of the Briggs  
11 Village design standards (page 50). Building permit plans shall include a  
12 minimum of three different building masses, similar to those shown in Exhibit 19  
13 which include varied roof design and articulated facades that do not rely on subtle  
14 changes in color, material, or detailing. The variety of massing, and other  
15 detailing shall be dispersed among the seven buildings as evenly as possible to  
16 maximize diversity among them."

17 30. The Staff Report, at page 7, contains Findings relating to design criteria for the  
18 duplex's garages, including requirements for the garages to be recessed and to not dominate the  
19 dwelling's front facade. After a thorough review of these requirements, and after turning to  
20 OMC 18.04.060.EE "Garage Placement and Width" for further guidance, City Staff finds the  
21 proposed designs acceptable but encourages the Applicant to use elements of the design criteria  
22 within the project to further reduce the prominence of garages along the building facade.

23 31. City Staff concludes that the project, as conditioned, complies with the applicable  
24 design standards in Chapter 18.05A OMC as well as in the Briggs Village design guidelines.  
25 The Hearing Examiner has reviewed those Findings and adopts them as his own Findings of  
Fact.



1           Findings Relating to the Shoreline Master Program Regulations, Chapter 18.20 OMC.

2           32.     Pursuant to OMC 18.20.210 and WAC 173-27-150, in order to obtain a Shoreline  
3 Substantial Development Permit the project must be (1) consistent with the local Shoreline  
4 Master Program, (2) not interfere with the normal public use of the shoreline, (3) be compatible  
5 with existing and planned uses in the area, (4) have no significant adverse impact to the  
6 shoreline, and (5) the public interest will not suffer a substantial detriment.

7           33.     The project exceeds the threshold found in WAC 173-27-040 and therefore  
8 requires a Shoreline Substantial Development Permit.

9           34.     City Staff finds that the subject property is not directly adjacent to the shoreline  
10 and is outside the vegetation conservation area as well as the shorelines setback requirement.  
11 Staff finds that the project will not impact shoreline ecological functions.

12           35.     OMC 18.20.420 requires that all use and development within the shoreline shall  
13 comply with Chapter 18.32 OMC relating to critical areas. More detailed Findings relating to  
14 critical areas are found later in these Findings. The Staff Report, as page 8, notes that there is a  
15 wetland to the north of the project but that appropriate wetland buffers satisfying code  
16 requirements have been provided. The project is also adjacent to steep slopes but a Geotechnical  
17 Report has been submitted that establishes compliance with all code requirements.

18           36.     The Staff Report, at page 9, addresses public access requirements found in OMC  
19 18.20.450 and .460. Staff notes that physical access to Ward Lake is not feasible due to  
20 topography and a lack of direct connection to the shoreline. Visual public access is provided  
21 through an extension of the Briggs loop trail with seating and lighting as shown on plans for the  
22  
23  
24  
25

1 trail. Project approval is conditioned on requiring this portion of the loop trail to be completed  
2 prior to occupancy of the units.

3 37. The Staff Report, at page 9, contains Findings relating to compliance with the  
4 development standards set forth in Tables 6.2 and 6.3 OMC 18.20.690. City Staff finds that the  
5 project is designed to preserve the aesthetic character of the shoreline and minimize view  
6 obstructions and that it complies with setback and height limitations found in Tables 6.2 and 6.3.

7  
8 38. OMC 18.20.170 requires that utility facilities and lines must avoid impacts to a  
9 shoreline ecological functions and minimize conflicts with existing and planned uses. City Staff  
10 finds that utilities will be installed well away from the shoreline. Staff does not anticipate any  
11 impacts to shoreline ecological functions as a result of utilities.

12 39. Staff finds that the proposed project complies with the Shoreline Master Program  
13 and with the criteria found in WAC 173-27-150. The Hearing Examiner has reviewed these  
14 findings and adopts them as his own Findings of Fact.

15 Findings Relating to Critical Areas, Chapter 18.32 OMC.

16 40. The property is adjacent to a wetland located within the Northeast Kettle, located  
17 to the north of the project site.

18 41. The Applicant has submitted a Wetland Report prepared by SCJ Alliance which  
19 includes wetland delineations, rating classification and identifies its buffers. The report  
20 concludes that the wetland is a Category III Wetland requiring a 140-foot buffer.

21  
22 42. The buffer width does not extend into the project site and has an intact wetland  
23 community.

24 43. As the project is not impacting the wetland, nor directly adjacent to the wetland,  
25 City Staff finds that the requirements of Chapter 18.32 are not applicable.



1           44.     There is another kettle (the Southeast Kettle) located south of the site, but earlier  
2 analysis done in 2014 concluded that this kettle does not contain a wetland.

3           45.     A Geotechnical Report for the site was first prepared in 2011, amended several  
4 times, and amended again in 2019. The site is determined to be adjacent to geologically  
5 hazardous areas as defined in OMC 18.32.600 and therefore requires a buffer to be established  
6 by a geotechnical engineer.

7           46.     The Geotechnical Reports conclude that the development will be adequately  
8 setback from the geologically hazardous area. Nonetheless, conditions of approval will require  
9 all recommendations established in the Geotechnical Report to be implemented with the  
10 construction of the project.

11  
12           Other Findings.

13           47.     A Landscape Plan has been submitted and reviewed by City Staff and found to be  
14 conceptually compliant with the requirements of the Landscaping Chapter, 18.36 OMC.

15           48.     City Staff finds that the residential parking requirements of Chapter 18.38 OMC  
16 have been satisfied. Bicycle parking is not required for this project.

17           49.     The project has been reviewed for compliance with the Engineering Design and  
18 Development Standards (EDDS) and found to be compliant, as most infrastructure was installed  
19 as part of Phase 1 of Copper Leaf. Staff finds that the project, as conditioned, complies with the  
20 EDDS.

21           50.     The Staff Report, at page 10, contains comments made by the public and the  
22 City's responses. As noted, City Staff has responded to these comments where pertinent and has  
23 modified conditions of approval accordingly.  
24  
25

51. City Staff recommends approval of the project subject to the fourteen conditions set forth in the Staff Report provided, however, that Condition 6(b) is modified as noted above.

52. The Applicant does not object to the proposed conditions as modified.

Accordingly, I make 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 foregoing Findings Section 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. A Shoreline Substantial Development Permit is required for the proposed use at this site.

5. The site's designation in the Shoreline Master Program is Shoreline Residential (Ward 1).

6. The project, as conditioned, complies with the policies and regulations of the SMP, including those for the Shoreline Residential designation.

7. The project, as conditioned, is consistent with the Comprehensive Plan elements for the Shoreline Master Program.

8. The project, as conditioned, meets all requirements of the SMP, the Comprehensive Plan, the SMA, and all other shoreline regulations. Chapter 18.20 OMC.

9. The project, as conditioned, complies with all criteria found in WAC 173-27-150.



1           10.     As the project requires a Shoreline Substantial Development Permit issued by the  
2 Hearing Examiner, the Applicant's request for a short subdivision to subdivide the 6.4 acre parcel  
3 into seven duplex lots and one remaining lot must also receive Hearing Examiner approval.

4           11.     The project, as conditioned, complies with the Olympia Unified Development  
5 Code.

6           12.     The project, as conditioned, complies with the Briggs Village Master Plan.

7           13.     The project, as conditioned, is in compliance with the purposes of the Urban  
8 Village zoning designation.  
9

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

11          15.     The project, as conditioned, is in compliance with the requirements of Chapter  
12 16.60 OMC for tree, soil and native vegetation protection and replacement.

13          16.     The project complies with the requirements for preliminary short subdivisions.  
14 Chapter 17.32 OMC.

15          17.     The project, as conditioned, complies with the City's Critical Areas ordinance,  
16 Chapter 18.32 OMC.

17          18.     The project, as conditioned, satisfies the requirements of Chapter 18.36 OMC for  
18 site landscaping.

19          19.     The project, as conditioned, satisfies the requirements of Chapter 18.38 for  
20 residential parking.

21          20.     The project, as conditioned, complies with the Engineering Design and  
22 Development Standards (EDDS).

23          21.     All requirements for public notice of the hearing have been satisfied.  
24  
25

22. The requested Shoreline Substantial Development Permit and the requested short subdivision should be approved subject to the fourteen conditions requested by the Site Plan Review Committee, provided, however, that Condition 6(b) shall be revised as described in the Findings of Fact.

## DECISION

The Applicant's request for a Shoreline Substantial Development Permit together with a short subdivision to allow for the subdivision of a 6.4 acre parcel into seven duplex lots and one remaining lot for Phase 1 of Copper Leaf, a multi-family development, shall be **approved** subject to the following:

## CONDITIONS

1. The final short plat and site plan shall be substantially similar to the preliminary short plat (sheet SP-01) and the architectural site plan (sheet A1.1), as modified by the conditions of approval herein.

2. All future development including the construction of the duplexes shall comply with the Briggs Village Master Plan as amended (effective April 9, 2014, Ord. 6299).

3. The final short plat application shall be submitted in compliance with OMC 17.24 and RCW 58.17 and shall be revised as follows:

a. Add a note stating the homeowner association shall maintain the trail and associated improvements, not the City of Olympia.

b. Add a note stating that maintenance of critical area tracts is the responsibility of the homeowners association.

c. Add a note stating that no moorage or recreation floats are proposed, nor permitted in association with Ward Lake because no lot has physical shoreline access.



1 d. Revise language related to the shoreline to read "shoreline designation"  
2 rather than "shoreline buffer".

3 e. Revise the landslide hazard area buffer to reflect the reduced  
4 setback/buffer outlined in Geotechnical Report.

5 f. Show all easements that are needed to be established.

6 g. Phase I will become a separate parcel and has been shown as Lot 8.

7 h. All ingress/egress for both Phase I (Lot 8) and Phase II are physically  
8 located on Phase I parcel (Lot 8). An easement shall be established for all ingress/egress.  
9

10 i. Existing easements for adjacent privately owned parcels on Phase I (Lot 8)  
11 shall be shown and referenced with an auditor file number.

12 j. All utilities for both Phase I parcel (Lot 8) and Phase II are physically  
13 located on the Phase I (Lot 8). Easements for use of these utilities shall be established,  
14 shown on the plat map and recorded with the plat.

15 k. Legal description should reflect most current Deed (AFN 4288980), which  
16 is that the parcel description is Parcel C of Boundary Line Adjustment filed under AFN  
17 4040676.

18 l. The Applicant shall grant a non-public restrictive covenant for the  
19 portion of the off-site well's 100 foot sanitary control area that encroaches on the subject  
20 property. The covenant shall be submitted to Thurston County Environmental Health for  
21 review prior to being recorded with the Thurston County Auditor's Office.  
22

23 4. An engineering permit application shall be submitted for review and approval  
24 prior to construction. The permit submittal shall comply with the 2013 Engineering Design and  
25

1 Development Standards (EDDS) and the 2009 Drainage Design and Erosion Control Manual  
2 (DDECM) that were in effect at the time of master plan approval (March 2014, Ord. 6896). The  
3 following shall be addressed prior to submittal of the engineering permit application:

4           a.       Tree Protection: The project forester shall provide tree protection  
5 locations on the Demolition and Erosion Control Plans, and shall identify the timeline for  
6 installation of fencing and all other tree protection measures. The timeline shall indicate  
7 that the fencing will be installed prior to any onsite construction and inspected prior to  
8 the preconstruction meeting. The project forester shall be contacted throughout  
9 construction to advise if issues arise between trees and construction.  
10

11           b.       Landscaping: A final landscape plan, prepared in accordance with OMC  
12 18.36, shall be submitted and shall include a cost estimate for the site preparation,  
13 installation and 3-years of maintenance of all landscaping.

14       5.       Stormwater Permitting: The developer or their contractor shall obtain a  
15 Construction Stormwater General Permit from the Washington State Department of Ecology  
16 before any permit is issued for earth-disturbing activities associated with this project.

17       6.       Building Permit: The project shall comply with the City of Olympia Construction  
18 Codes as adopted through the Olympia Municipal Code, Chapter 16.04. Project shall comply  
19 with the provisions of accessibility as required by the International Building Code (IBC) and  
20 International Code Council (ICC) ANSI 117.1 2009 (or the version in effect at the time of permit  
21 submittal) and submit the following:  
22

23           a.       A detail design review application submittal shall be submitted  
24 concurrently with the building permit application. The submittal shall include all site  
25 amenities and feature anticipated for the trail.



1           b.       Buildings shall include a diversity of housing styles as outlined in the  
2 overall design intent statement for the Ward Lake duplexes section of the Briggs Village  
3 design standards (page 50). Building permit plans shall include a minimum of three  
4 different building masses, similar to those shown in Exhibit 19 which include varied roof  
5 design and articulated facades that do not rely on subtle changes in color, material, or  
6 detailing. The variety of massing, and other detailing shall be dispersed among the seven  
7 buildings as evenly as possible to maximize diversity among them.

8  
9       7.       Fire: This project shall adhere to the Olympia Municipal Code Ch. 16.32, 16.36,  
10 16.40, 16.44, and 13.04, Olympia Engineering Design and Development Standards (EDDS)  
11 Ch. 4, and 6, and the 2015 International Fire Code. Underground fire plans shall be submitted  
12 with the application for the Building Permit unless submitted sooner.

13       8.       Cultural Resources: Pursuant to OMC 18.12.140, an Inadvertent Discovery Plan  
14 shall be prepared and submitted with the construction permit application(s). The plan outlines  
15 how the project proponent and site crew will respond in the event that archaeological resources  
16 are uncovered during the course of project work. The plan shall be completed and approved  
17 prior to issuance of any construction permits or commencement of any site work, and a copy of  
18 the plan maintained on site throughout construction.

19       9.       All recommendation in the Geotechnical Report shall be implemented with  
20 construction of the project.

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22       10.      Vegetation Maintenance Bond: A vegetation maintenance bond (or other  
23 assurance) shall be provided following City acceptance of the landscape installation including  
24  
25

1 street trees before issuance of the Certificate of Occupancy. The bond amount shall be 125  
2 percent of the cost estimate submitted with the Landscape Plan and approved by the City.

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

8  
9 12. Hours of Operation/Construction Noise: Pursuant to 18.40.080.C.7, construction  
10 activity detectable beyond the site boundaries shall be restricted to the hours between 7:00 a.m.  
11 and 6:00 p.m.

12 13. Impact Fees: This project will be subject to impact fees. These fees will be due  
13 and payable when building permits are issued. Specific impact fees will be determined when a  
14 complete building permit application is submitted. Prior to that date, all impact fees are subject  
15 to change.

16 14. Construction pursuant to the Shoreline Substantial Development Permit shall not  
17 begin prior to 21 days from the date of filing as defined in RCW 90.58.140(6) and WAC 173-27-  
18 130, or until review proceedings initiated within 21 days from the date of such filing have  
19 terminated.

20  
21 CONSTRUCTION PURSUANT TO THIS PERMIT SHALL NOT BEGIN AND IS NOT  
22 AUTHORIZED UNTIL TWENTY-ONE DAYS FROM THE DATE OF FILING AS DEFINED  
23 IN RCW 90.58.140(6) AND WAC 173-27-130, OR UNTIL ALL REVIEW PROCEEDINGS  
24 INITIATED WITHIN TWENTY-ONE DAYS FROM THE DATE OF SUCH FILING HAVE  
25 TERMINATED; EXCEPT AS PROVIDED IN RCW 90.58.140(5)(a)(b)(c).



1 DATED this 16<sup>th</sup> day of September, 2019.

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4 Mark C. Scheibmeir  
City of Olympia Hearing Examiner  
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