

BEFORE THE CITY OF OLYMPIA HEARINGS EXAMINER

IN RE:) HEARING NO. 19-3976
BLACKBERRY HILL SUBDIVISION,) FINDINGS OF FACT,
CONCLUSIONS OF LAW
AND DECISION

APPLICANT: Pawell O'Berc
Kapa Construction, LLC
PMB 121
1910 4th Avenue East
Olympia, Washington 98506

REPRESENTATIVES:

Chris Cramer
Patrick Harron & Associates
8270 28th Court N.E.
Olympia, Washington 98516

SUMMARY OF REQUEST:

The Applicant requests preliminary approval of a subdivision containing 35 townhome residences and 2 detached single-family lots on 4.77 acres, with associated improvements. The proposal also includes development in two phases.

LOCATION OF PROPOSAL:

2817 Boulevard Road S.E.

SUMMARY OF DECISION:

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

BACKGROUND

The Applicant seeks preliminary subdivision approval to subdivide 4.77 acres into 35 townhome residences together with 2 single-family lots. The project also includes a new public road, other road improvements, stormwater facilities, and soil and vegetation preservation areas. The project is referred to as the "Blackberry Hill Subdivision".

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

CITY OF OLYMPIA HEARING EXAMINER
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1 The site has an unusual history. It once contained a single-family residence whose
2 owner, Harry Carlson, used the property for the collection of derelict vehicles. By Mr. Carlson's
3 own admission, there were at least 100 inoperable vehicles stored on the premises causing visual
4 blight and leading to concerns regarding oil, brake fluid and other contamination. These
5 concerns resulted in a 1993 lawsuit by the City against Mr. Carlson. The lawsuit was successful
6 in having the derelict vehicles removed. The residence and all other outbuildings have also been
7 removed along with many of its trees. The site was briefly used a few years ago for staging
8 materials and equipment during improvements to Boulevard Road but has otherwise remained
9 unused and generally unkept, while surrounding properties have mostly developed into single-
10 family residential neighborhoods.

11 The project proposes to develop eight 4-unit townhome complexes and one 3-unit
12 complex for a total of 35 townhomes together with 2 single-family residential lots. The project
13 has resulted in concerns from neighbors regarding the project's intensity of use, limited
14 buffering, traffic impacts, stormwater impacts and other matters. City Staff recommends
15 approval of the subdivision subject to a list of conditions.

16 **PUBLIC HEARING**

17 Prior to the public hearing I undertook an independent site visit. My visit included a
18 walk through the interior of the site; a walk through surrounding neighborhoods; and a drive
19 through surrounding neighborhoods.

20 The public hearing commenced at 6:30 p.m. on Monday, August 10, 2020. Due to the
21 ongoing Covid-19 pandemic the hearing did not occur in person but rather was undertaken
22 virtually, via Zoom, as well as telephonically for those unable to utilize Zoom.

23 The City appeared through Paula Smith of Planning Staff. Ms. Smith was assisted by
24 various other staff members including Nicole Floyd, Tiffani King, Steve Thompson and Larry
25

1 Merrell. Ken Haner of City Staff served as the Hearing Clerk and host of the Zoom conference.
2 The Applicant, Pawell O'Berc, was present but did not testify. He was represented in the hearing
3 by his project engineer, Chris Cramer. Several members of the public participated in the hearing.

4 Testimony was received from the City through Ms. Smith, Ms. King, Mr. Thompson and
5 Mr. Merrell. Testimony from the Applicant was received from Mr. Cramer. Public testimony
6 was received from Robert Vadas, Denise Pantelis and Bob Highlands. A verbatim recording was
7 made of the public hearing and all testimony was taken under oath.

8
9 Documents considered at the time of the hearing were the City Staff Report including
10 Attachments 1 through 26. Just prior to the start of the hearing an additional comment from
11 Phyllis Booth, in the form of an email, was received by the City and introduced into the record as
12 Exhibit 27. No other documents were presented with the exception of the City's PowerPoint
13 presentation.

14 The testimony from City Staff was consistent with the information contained in the Staff
15 Report. In addition to establishing 35 townhomes and 2 single-family lots, the project provides
16 for the establishment of a new public street, "Hill View Street" connecting the development to
17 Boulevard Road to the east and with a stub allowing for its future expansion into the property to
18 the north. Other public improvements include sidewalks, street and landscape trees, sewer and
19 water utilities, stormwater management, access tracts, a soil and vegetative protective tract which
20 also serves as the stormwater area, and sidewalks along Boulevard Road running past the front
21 of the property and continuing south to the intersection with Morse Street. In addition,
22 improvements would be made to Boulevard Road including medians, a refuge island and a left
23 turn area for northbound traffic entering the development.

24 Concerns over potential contamination from the earlier collection of derelict vehicles was
25 addressed by Ms. Smith, who explained that a recent Soil Environmental Investigation by Insight

1 Geologic, Inc. (Attachment 7) had not discovered any contamination. Nonetheless, project
2 approval is conditioned on the requirement that should any contamination be discovered it be
3 reported to the Department of Ecology (proposed Condition 22).

4 The easterly, or front, half of the site is fairly level while the westerly, rear, half descends
5 at a moderately steep pitch, losing approximately 50 feet of elevation and descending into a
6 kettle where a small Class IV Wetland has been delineated. The majority of this westerly steep
7 slope, kettle and small wetland are to be preserved largely in their current state as a soils and
8 vegetation preservation tract, with the wetland also serving as the receiving place for the project's
9 stormwater.

10 The project currently has a scattering of trees including a few in the center of the site; a
11 line of trees along its south boundary obscuring the fence and single-family residences to the
12 south; and a number of trees surrounding the perimeter of the kettle in the northwest and
13 southwest corners of the property. The project calls for the elimination of almost all of these
14 trees with the exception of a few in the northwest and southwest corners, and their replacement
15 with street and landscaping trees as part of the landscaping plan. The net effect will be the
16 exposure of the fence separating the project from the residences to the south and the possibility
17 of these residences being viewed from the upper story of the townhomes.

18 Some of the westerly portion of the site lies within a mapped flood zone. The boundaries
19 of this flood zone are not entirely clear, however, and what, if any, lots will be affected by
20 inclusion in the flood zone. A final determination of the flood zone boundaries will need to be
21 determined by a licensed land surveyor. Development of any lots located within the designated
22 flood zone will need to satisfy all requirements resulting from the designation.

23 The design of the project envisions each townhome having a two-car garage with two
24 parking stalls in front of the garages. City Staff proposes a condition of project approval that
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1 there be no parking on the new public street or on Access Tract D so that emergency and solid
2 waste vehicles have clear access to all properties. As a practical matter, however, the narrowness
3 of all of the proposed access tracts precludes any on-street parking even if not expressly
4 prohibited. Thus, the only proposed parking places are the individual garages and parking stalls
5 in front of the garages.

6 Staff acknowledges that the current design of the project makes full use of its allowance
7 for impervious surfaces, leaving no remaining allowance for individual sidewalks, decks, patios,
8 storage sheds or other amenities. This may change as final design of the buildings is completed,
9 that is, if the footprint of each building is reduced there may be greater opportunity for these
10 amenities.

11 At the conclusion of the City's testimony Ms. Smith confirmed that the City recommends
12 approval of the subdivision subject to the 25 conditions set forth in the Staff Report.

13 Following presentation by City Staff, Chris Cramer spoke briefly on behalf of the
14 Applicant. The Applicant does not object to the proposed conditions of subdivision approval and
15 asks that the application be approved as conditioned by City Staff.

16 In response to questioning from the Hearing Examiner, Mr. Cramer acknowledged that
17 the design of the project effectively precludes any on-street parking. He also acknowledged that
18 the plans call for the removal of the trees currently shielding the fence and residences to the
19 south from view. Some of this common boundary will see new landscaping trees but the fence,
20 and the residences beyond, will be more open to view. Mr. Cramer believes that maintenance of
21 the boundary fence remains with the adjoining neighborhood since it constructed the fence. Mr.
22 Cramer also acknowledged that the current design makes full use of the allowance for
23 impervious surfaces, thereby precluding decks, patios, etc. but also noted that this design is
24 subject to change and may be revised to make provision for these amenities.

1 Following Mr. Cramer's testimony the hearing was opened to public testimony. Three
2 members of the public provided testimony. Robert Vadas expressed a number of concerns
3 including the need to better manage stormwater on the front (easterly) portion of the property;
4 the need for greater traffic calming devices; the loss of the vegetative buffer along the project's
5 south boundary; the greater intensity of the project's development relative to the surrounding
6 single-family neighborhoods; the lack of any balance in the proposed mix of units, and various
7 other concerns. Denise Pantelis expressed concern over the reporting of contamination should it
8 be discovered during development; the lack of any on-street parking; the decision by the City not
9 to require a Traffic Impact Analysis; the loss of the vegetative buffer/privacy currently afforded
10 to the homes along the project's south boundary; and the need for a homeowner's association.
11 Bob Highlands, who is the pastor of the Sonrise Church occupying the property north of the
12 project, expressed concern that the proposed stub road would not be sufficiently barricaded in
13 order to prevent the public from entering onto the church's property.

14 Following public comment City Staff or Mr. Cramer responded to several of the
15 comments. The City acknowledged that the Applicant will be responsible for reporting any
16 contamination it may discover during construction. City Staff also provided a fuller description
17 of the improvements to Boulevard Road intended to ensure both pedestrian and vehicular safety.
18 Staff also explained that the project fell well under the peak hour vehicle trips needed to justify a
19 Traffic Impact Analysis. Mr. Cramer acknowledged that the development will have a
20 homeowner's association as one is required to own and maintain the stormwater system, access
21 tracts and soil and vegetation preservation area. And in response to Pastor Highlands concerns,
22 City Staff agreed that it might be appropriate to impose an additional condition that a "Type III"
23 barrier be installed at the terminus of the stub road where it adjoins church property.

1 Near the conclusion of the hearing Ken Haner of City Staff explained that another
2 member of the public, Walt Jorgensen, had been connected to the hearing early on but then
3 became disconnected and apparently was unable to reconnect, either via Zoom or telephonically.
4 As Mr. Jorgensen had expressed a desire to provide testimony, and since his ability to testify
5 appeared to be prevented by reasons beyond his control, the Hearing Examiner continued the
6 hearing for a period of two days for the limited purpose of allowing Mr. Jorgensen to present
7 written testimony.

8 Later that evening Mr. Jorgensen presented his comments in the form of a written email,
9 expressing a concern that allowing 35 townhomes would equate to 140 dwelling units. The City
10 and the Applicant both responded the next day, August 11, and explained that Mr. Jorgensen's
11 concerns were misplaced. The proposal calls for 35 townhomes, not 35 buildings, with a total
12 number of residences, including single-family residences being 37. Mr. Jorgensen's comments
13 and the responses to it are collectively identified as Exhibit 28.

14 Having heard and considered the concerns of the project's neighbors, I appreciate their
15 uneasiness about the project's impacts, most particularly the loss of any vegetative buffer with
16 the neighborhood to the south; the overall intensity of the project relative to the surrounding
17 single-family neighborhoods; and the church's concern that nothing prevents the public from
18 using the stubbed road system to gain access to the church's grounds. Unfortunately, many of
19 the project's impacts are unavoidable given the City's need to infill its undeveloped areas in a
20 more intensive manner. Nonetheless, there are a few minor adjustments that can be made, such
21 as a shared responsibility for the common fence along the south boundary as well as a barrier
22 into the church property, that better insulate adjoining uses from the project's impacts. I concur
23 with the proposed conditions of approval suggested by City Staff but will add these two
24 additional conditions to my approval.

1 Accordingly, I make the following:

2 **FINDINGS OF FACT**

3 1. Any Findings of Fact contained in the foregoing Background Section are
4 incorporated herein by reference and adopted by the Hearing Examiner as his own Findings of
5 Fact.

6 **General Findings.**

7 2. The Applicant seeks preliminary plat approval to subdivide 4.77 acres of land into
8 35 townhomes and 2 single-family residences. The project includes the establishment of a new
9 public street "Hill View Street" connecting the development to Boulevard Road to the east and
10 with a stub allowing for its future expansion into the property to the north. Other public
11 improvements include sidewalks, street and landscape trees, sewer and water utilities,
12 stormwater management, access tracts, a soil and vegetative protective tract which also serves as
13 the stormwater area, and the extension of sidewalks along the west side of Boulevard Road
14 running past the front of the property and continuing south to the intersection with Morse Street.
15 Other improvements to Boulevard Road include medians, a refuge island and a left turn area for
16 northbound traffic entering the development. A map identifying the location of the project is
17 found on page 2 of the Staff Report. Additional maps of the subdivision are provided in
18 Attachments 5 and 11 and elsewhere.

19 3. The project is bounded on the east by Boulevard Road. Beyond Boulevard Road
20 to the east is a veterinary clinic followed by single-family residential neighborhoods. South of
21 the project are single-family neighborhoods and Washington Middle School. Immediately west
22 of the project is an undeveloped parcel surrounded by additional single-family neighborhoods.
23 North of the site is the Sunrise Church including several acres of undeveloped property. Further
24 north are additional residential neighborhoods.

1 4. The site has a zoning designation of Residential District R4-8. The proposed use
2 is a permitted use within this zoning designation subject to subdivision approval.

3 5. The project site is undeveloped and currently has no internal road system. The
4 easterly half, nearest to Boulevard Road, is generally flat with a scattering of trees and the
5 remainder covered in weeds and brambles. The westerly half of the site descends at a
6 moderately steep pace, losing approximately 50 feet in elevation at the west boundary. Near the
7 vicinity of the west boundary is a kettle and, within it, a small wetland with a designation of
8 Class IV. Most of the historic trees on the site have been removed with the exception of a few
9 scattered trees in the center; a line of trees along the south boundary, and a number of trees
10 surrounding the kettle in the southwest and northwest portions of the property.

11 6. Vehicle access is gained solely from Boulevard Road on its east boundary.
12 Boulevard Road has recently undergone significant improvements and currently contains bicycle
13 lanes on both sides and a sidewalk on its east side, but currently does not have a sidewalk along
14 its west side north of Morse Street. The project proposes to establish sidewalks along the west
15 side of Boulevard Road from the north boundary of the site and continuing south to the
16 intersection with Morse Street. The project also calls for additional improvements to Boulevard
17 Road including medians, a refuge island and a left turn area for northbound vehicles turning into
18 the development as identified on the Designs (Attachment 5).

19 7. The project would create a new public street, "Hill View Street" commencing at
20 Boulevard Road and running west through the center of the site then turning north and
21 terminating at a stub at the site's boundary with the Sonrise Church property to the north. The
22 extension of the public road to the church property is intended to allow for the possibility of
23 future development of the church site although no such development is currently envisioned. A
24 map of the proposed road system is found at Attachment 11.

1 8. A Soils and Vegetative Protective Tract, referred to as Tract F, will cover much of
2 the westerly portion of the site as indicated on the maps in Attachments 5 and 11. This area
3 contains moderately steep slopes descending westerly to a kettle and a small Category IV
4 Wetland. This area, including its existing trees, will generally remain untouched and retain its
5 current appearance.

6 9. The project calls for eight 4-unit townhouse buildings and one 3-unit townhouse
7 building, for a total of 35 townhomes all as identified in Attachments 5 and 11. The preliminary
8 design of these townhomes is shown on Sheets A03 and A04 of Attachment 11. The project also
9 calls for 2 single-family residential lots, referred to as Lots 36 and 37, located between the
10 townhomes to the east and the open space Tract F to the west, all as identified on Attachment 11.

11 Findings Relating to Public Notices and Meetings.

12 10. Notification of the initial public hearing was mailed to the parties of record,
13 property owners within 300 feet and recognized neighborhood associations, posted on the site
14 and published in The Olympia on July 29, 2020. Details of the application were also provided
15 on the City's website in conformance with OMC 18.78.020.

16 11. Prior to submitting the preliminary plat application, the Applicant had a pre-
17 submission conference with the Site Plan Review Committee in February 2019.

18 12. The preliminary plat application was submitted and deemed complete on
19 September 26, 2019.

20 13. The City and the Applicant co-hosted a neighborhood meeting on October 17,
21 2019. Questions and concerns raised during the neighborhood meeting are set forth in
22 Attachment 16 to the Staff Report. Following the neighborhood meeting, City Staff determined
23 that it needed additional information in order to proceed with the application. Substantive
24 review comments were provided to the Applicant on December 3, 2019. The Applicant
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1 submitted revised plans on February 6, 2020. Following a second review, the City issued a
2 second substantive review comments on March 20, 2020. The Applicant submitted additional
3 revisions on April 22, 2020. Minor additional changes, recommended by Staff, were made to the
4 preliminary plat and civil plan set on May 26, 2020. The Site Plan Review Committee then met
5 on June 10, 2020 to recommend approval subject to proposed conditions (Attachment 19).
6 Following that meeting additional conditions were added upon discovery that a portion of the
7 property was found to be within a flood control zone.

8 14. During the neighborhood meeting and at other times during the review process
9 there have been public comments expressing opposition or concerns about the impacts of the
10 project. These comments are collected in Attachment 20 to the Staff Report. Among other
11 things, the public has expressed concerns about possible soil contamination, traffic impacts,
12 impacts to flood plains, vehicle parking in the neighborhood, stormwater runoff, appropriate
13 buffers including tree buffers, and possible impacts to the Olympia schools. Many of these
14 concerns were reiterated during the public hearing as noted in the Background Section.

15 Findings Relating to the City's Comprehensive Plan.

16 15. The project is designated as Low Density Neighborhood in the City's
17 Comprehensive Plan.

18 16. The Staff Report, at pages 5 and 6, finds that the project, as conditioned, is
19 consistent with and will further the Goals and Policies of the City's Comprehensive Plan
20 including Goal GL1 and Policies PL1.1, PL1.5, and PL16.1 s well as Goal GT4 and Policies
21 PT4.3, PT4.7 and PT4.10. The Report also notes that the project is consistent with the Future
22 Land Use Designations Table and the Future Land Use Map in the Land Use and Urban Design
23 Element of the Plan.

1 Findings Relating to SEPA.

2 17. Pursuant to the State Environmental Policy Act, the City, as lead agency, issued a
3 Determination of Non-Significance (DNS) on June 3, 2020 (Attachment 21). A fourteen-day
4 comment period was provided pursuant to OMC 14.04.090.F. Comments were received from
5 various agencies including the Department of Ecology, the Nisqually Indian Tribe, the Squaxin
6 Indian Tribe and Thurston County. These comments are collectively found in Attachment 24 to
7 the Staff Report. There was no appeal of the DNS.

8 Findings Relating to General Subdivision Requirements.

9 18. The project is subject to the requirements of Chapter 16.60 OMC regarding tree
10 densities and tree protection. For residential subdivisions of five units or more, at least 75% of
11 the required minimum tree density shall be located within separate deeded soil and vegetative
12 protection areas held in common ownership by the homeowner's association.

13 19. The Applicant has presented a revised Level V Tree, Soil and Native Vegetation
14 Protection and Replacement Plan (Attachment 10 to the Staff Report), including an aerial photo
15 identifying all existing trees located on this site, with trees bearing numbers 1-85.

16 20. The project calls for the removal of all existing trees in the development area
17 except of existing trees in the Soil and Vegetative Protective Tract. The Staff Report, at page 6,
18 notes that the City's Urban Forester has identified 6 trees, containing 52 tree units, within the
19 Open Space Tract to be retained and protected during construction.

20 21. Developing properties are required to meet the minimum density of 30 tree units
21 per acre. The actual buildable area used to calculate the required tree density is confirmed
22 during engineering plan review in order to determine how many additional trees will need to be
23 planted.

1 22. Pursuant to OMC 17.16.090.D, the Hearing Examiner shall consider the physical
2 characteristics of a proposed subdivision site and may disapprove a proposed plat because of
3 flood inundation or swamp conditions. Construction of protective improvements may be
4 required as a condition of approval, and such improvements shall be noted on the final plat. No
5 plat shall be approved covering any land situated in a Flood Control Zone without the prior
6 written approval of the Department of Ecology.

7 23. As noted at page 8 of the Staff Report, the building official's review of the
8 preliminary plat application determined that a portion of the project site is within Flood Zone A
9 as shown on the FEMA Flood Hazard Map (Attachment 23 to the Staff Report).

10 24. The area of the project within Flood Zone A is not well defined. At a minimum, it
11 includes most or all of the Soils and Vegetation Protection Area (Tract F) which includes the
12 small wetland and the proposed stormwater facilities. It may also affect some lots on the west
13 end of the development. This will not be known until further surveying is undertaken.

14 25. If individual lots are affected by their inclusion in Flood Zone A, they are not
15 prevented from being developed but will require additional conditions of construction in
16 accordance with OMC 16.04.500.

17 26. City Staff finds that, as conditioned, the project will satisfy the requirements of
18 OMC 17.16.090.B for public dedications. This requirement is satisfied through dedication of
19 lands for street rights-of-way as well as through payment of transportation, park and school
20 impact fees.

21 27. As a condition of preliminary plat approval, the local health department may
22 require lot sizes larger than the minimum permitted by the zoning code in those instances where
23 topography, soils, water table or other conditions make larger lot sizes necessary in order to
24 prevent possible health hazards due to water contamination or sewage disposal system
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malfunction. OMC 17.16.090.E. The Staff Report, at page 9, notes that the application had been routed for review to Thurston County Environmental Health who has determined that the project does not require larger lot sizes than the minimum permitted by the zone.

28. The proposed subdivision is subject to the regulations found in Chapter 18.04 OMC including development standards. The Staff Report, at page 9-12 contains Findings relating to the project's compliance with these standards:

- Staff finds that the proposed density of 37 units on a 4.77 acre parcel meets the minimum density requirements and does not exceed the maximum density range of the district.

- Townhome development projects are allowed a 15% bonus. OMC 18.04.080.A.4.c. The project will utilize the available bonus.

- Both single-family residences and townhomes are permitted used in the R4-8 residential district.

- Single-family dwellings on lots of 5,000 square feet or less within subdivisions are subject to the garage placement and width standards found in OMC 18.04.060(EE). The maximum percentage a garage can occupy along the front of public street is 60% for two-story structure and 50% for a single-story structure. These regulations do not apply to lots that front on private access lanes. All of the townhome lots within the project are less than 5,000 square feet. Most of the lots are exempt from this regulation as they front on an access tract and not a public street. As currently designed, 7 lots (Lots 5-8 and Lots 17-19), face a public street and are required to meet the specific garage regulations and width standards. Staff concludes that, based upon preliminary design provided by the Applicant, the proposed townhomes will need additional modification in order to comply with this requirement. It has been determined that compliance with the requirement is feasible and therefore the Applicant has

1 not been required to revised the preliminary plat. Instead, City Staff recommends a condition of
2 approval that ensure plans are revised to comply with this requirement at the time of building
3 permit application.

4 ● The residential development standards for the project are set forth in OMC
5 18.04.080 Table 4.04. The Staff Report, at page 10, contains a table setting forth the
6 development standards for the project and its compliance with these requirements.

7 ● As set forth at pages 10 and 11 of the Staff Report, Staff calculates that the
8 project has an allowed maximum density of 40 units after consideration of the 15% density
9 bonus for townhouses, all as described more fully on page 11 of the Staff Report. Staff therefore
10 concludes that the proposal complies with the maximum housing density.

11 ● The Staff Report, at page 11, contains calculations for the minimum
12 density requirement for the project and finds that the minimum density for the project would be
13 16 residential units. The proposal therefore meets the minimum density requirement.

14 ● The project must satisfy the limitations on building, impervious and hard
15 surfaces coverage set forth in OMC 18.04.080. Townhome lots are allowed a maximum of 60%
16 for both building and impervious coverage and 70% hard surface coverage. Staff finds that the
17 project, as currently designed, satisfies the requirements for building, impervious and hard
18 surface coverage, both for the project as a whole and for each lot. Nonetheless, Staff remains
19 concerned that the current design leaves no additional allowance for patio slabs, decks, on-site
20 sidewalks, outdoor covered areas or storage sheds - all commonly found in such projects. Actual
21 compliance with the maximum building impervious and hard surface coverage allowances will
22 be determined at the time of building permit review. Recommended conditions of project
23 approval include a condition that requires compliance with this requirement at the point of
24 building permit application.

1 ● Staff recommends, and the Applicant acknowledges, that the building
2 footprints may need to be reduced in order to allow for the inclusion of patio slabs and other
3 common amenities. Notwithstanding this concern, Staff finds that the project complies with the
4 coverage allowances found in OMC 18.04.080 Table 4.01.

5 29. Pursuant to OMC 18.12.140, cultural resources shall be protected from damage
6 during construction and all other development activities. Both the Squaxin and Nisqually Tribes
7 have commented on the project but neither have expressed concern over any specific cultural
8 resources within the project boundaries. City Staff finds that the project has a low risk of
9 encountering archaeological items. Staff has requested a condition of approval requiring an
10 Inadvertent Discovery Plan to be submitted with the engineering permit application. As
11 conditioned, Staff finds that the project will comply with the requirements of OMC 18.12.140.

12 30. Project with wetlands or which lie within 300 feet of wetlands, are subject to the
13 standards set forth in OMC 18.32.100.A and OMC 18.32.505-18.32.595.

14 31. The Applicant has presented a Critical Areas Analysis Report prepared by
15 ACERA and dated March 2019 (Attachment 6). This report identifies a Class IV on-site wetland
16 near the western boundary of the property and shown on Attachment 25. The report concludes
17 that the wetland is less than 1,000 square feet in area. It also concludes that an off-site wetland
18 located on the adjoining property to the west is considered an unregulated wetland and therefore
19 not requiring a buffer.

20 32. Wetlands less than 1,000 square feet are exempt from mitigation sequencing,
21 buffering and wetland mitigation requirements if they meet the criteria found in OMC 18.32.515
22 for small wetlands.

23 33. The small Class IV Wetland found on the project satisfies the requirements of
24 OMC 18.32.515 as it is: (a) an isolated Class IV Wetland; (b) is not associated with a riparian
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1 corridor; (c) is not part of a wetland mosaic; (d) does not contain habitat as identified as essential
2 by the Washington State Department of Fish and Wildlife; and (e) is not part of a wetland within
3 a shoreline, and is therefore not subject to mitigation sequencing, buffer or wetland mitigation
4 requirements. Nonetheless, Staff notes that protection of the wetland during construction is
5 essential and has imposed conditions of project approval that provide protective measures for the
6 wetland.

7 34. OMC 18.32.140 imposes a condition on subdivisions requiring applicants to
8 create separate critical area tracts for portions of the site containing critical areas or buffers. In
9 compliance with this requirement, the Class IV Wetland described above has been included
10 within a Soils and Vegetation Protection Area Tract identified as Tract F on plat maps. The
11 responsibility of maintaining this tract will be on the homeowner's association. As conditioned,
12 the project complies with the requirements of OMC 18.32.140 for preservation of critical areas.

13 35. The project must comply with OMC 18.32.610 regulating landslide hazard areas.
14 The Applicant submitted a Geotechnical Report prepared by Insight Geologic, Inc., dated
15 August 2, 2018 (Attachment 7), which concludes that, although the site contains moderately
16 steep slopes in the western portion, none of its slopes constitute a landslide hazard as the site's
17 slopes do not exceed 40% and the site does not contain interbedded geology with groundwater
18 seep. City Staff concurs that no landslide hazards exist on the site.

19 36. The project is subject to the landscaping requirements of Chapter 18.36 OMC.

20 37. The Applicant has submitted a Conceptual Landscaping Plan (Attachment 8 to the
21 Staff Report). Staff finds that the Plan does not meet the requirements of 18.36.080.B as it
22 provides insufficient detail. Nonetheless, Staff concludes that the Plan adequately provides
23 sufficient detail necessary for preliminary plat approval as it identifies all areas intended for
24 landscaping. Final landscaping plans will be submitted at engineering plan review. Staff
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1 recommends that approval of the project be conditioned on providing appropriate landscaping
2 plans at the point of engineering permit submittal in accordance with Chapter 18.36.

3 38. OMC 18.40.060.I generally requires a minimum of 30 feet of frontage for any
4 residence on a public or private street. Frontage may be reduced or eliminated to the minimum
5 extent necessary to enable access to the property.

6 39. Townhomes are exempt from the requirements of OMC 18.40.060.I. The 2
7 single-family lots (Lots 36 and 37) are not accessed by a public or private street (they are
8 accessed by private access tracts) and are therefore also exempt. The Staff Report, at page 14,
9 notes that the 2 single-family lots have approximately 28 feet of frontage but, nonetheless, the
10 plat has been designed to allow adequate firetruck and utility access to serve these lots. Staff
11 therefore recommends approval of the plat with 28-foot frontages for the 2 single-family
12 residential lots.

13 40. OMC 18.64.040 regulates the establishment of 10 or more townhouse lots in the
14 R4-8 zoning district, a subdivision or short plat as required for all townhouse development so
15 that individual dwelling units are divided onto lots with the structural walls located on the lot
16 lines. The maximum site area for townhouse-only development in the R4-8 zoning district is
17 four acres, and each townhouse structure shall contain no more than four individual dwelling
18 units, and there shall be no more than one builder per townhouse structure. The side yard of
19 each building shall be not less than ten feet for buildings with three or four units.

20 41. As the project includes 2 single-family residential lots, it is not a townhouse-only
21 development and is therefore not limited to a maximum of four acres in size. But the project is
22 within the Transition Area and therefore townhome structures are limited to no more than four
23 individual units. The conceptual design of the project satisfies the requirements for not having
24
25

1 more than four units per building and complying with the ten foot side yard setback. The
2 conceptual design is therefore compliant with OMC 18.64.040.

3 42. Townhouses located on lots less than 5,000 square feet are subject to design
4 requirements outlined in Chapter 18.175 OMC. The proposed townhome lots are less than 5,000
5 square feet and are therefore subject to this requirement. Final design review for each townhome
6 structure is required and will be conducted by Staff at time of building permit review. This
7 requirement is imposed as a condition of project approval.

8 43. The Staff Report, at pages 15-17, addresses Engineering Design and Development
9 Standards (EDDS) as well as Drainage Design and Erosion Control Manual requirements
10 (DDECM). These standards cover installation of sewer facilities; installation of water facilities;
11 frontage improvements; streets and alleys; street names; a determination of whether a Traffic
12 Impact Analysis is necessary; street trees; solid waste; and storm drainage. Staff finds that the
13 project, as conditioned, will comply with all of these requirements. The Hearing Examiner has
14 reviewed these proposed Findings and adopts the Staff's Findings relative to these requirements.

15 44. The project must satisfy the requirements for Safe Walking Conditions set forth in
16 EDDS 2.04.B.18 and Chapter 58.17 RCW. The project lies within short walking distance to
17 Washington Middle School and also is within walking distance to McKenny Elementary School.
18 There are existing sidewalks or walking paths to each of these schools with the exception of the
19 west side of Boulevard Road from the project south to the Morse Road intersection. The project
20 has therefore been conditioned on establishing sidewalks along the front of the property and
21 extending south to the Morse Road interchange. As conditioned, the project is in compliance
22 with the Safe Walking Conditions requirements.

23 Findings Relating to Soil Contamination.

24 45. As noted in the Background Section, the property was subject to an action by the
25 City of Olympia during the 1990s to abate the collection of derelict vehicles. Attachment 3 to

*Findings of Fact, Conclusions
of Law and Decision - 19*

CITY OF OLYMPIA HEARING EXAMINER
299 N.W. CENTER ST. / P.O. BOX 939
CHEHALIS, WASHINGTON 98532
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1 the Staff Report contains pleadings, photographs and orders from this litigation. Through it, the
2 City was successful in gaining access to the site and abating the public nuisance.

3 46. Throughout this project's review nearby landowners have expressed concern
4 about the possibility of residual contamination from the oils, lubricants, brake fluids, etc. that
5 may have possibly spilled from these vehicles or from containers stored onsite.

6 47. To address these concerns, the Applicant retained Insight Geologic, Inc. to
7 undertake a limited environmental investigation of the site to determine whether contamination
8 was still likely to be present. The results of that investigation are contained within the
9 Geotechnical, Stormwater and Limits Environmental Investigation Report included as
10 Attachment 7 to the Staff Report.

11 48. Six soil samples were taken from areas where derelict vehicles were known to
12 have been stored. These samples were then tested for petroleum hydrocarbon and metals
13 analysis by an outside laboratory, Libby Environmental. Petroleum hydrocarbons were not
14 detected within any of the six samples submitted for analysis. Lead and chromium were detected
15 in each of the samples but at concentrations less than cleanup level requirements.

16 49. As set forth in the Staff Report at page 17, City Staff reviewed the environmental
17 analysis undertaken by Insight Geologic and is satisfied with its conclusion that no petroleum
18 hydrocarbons were found.

19 50. City Staff verified with the Department of Ecology that the site had not been
20 listed as a potential cleanup site. DOE recommended, however, that there be a condition of
21 project approval that if soil contamination is found, DOE must be notified (Attachment 24 to the
22 Staff Report). City Staff has conditioned project approval on this requirement.

23 51. During public testimony a question was raised as to who would be responsible for
24 fulfilling this requirement. Staff confirmed that it will be the Applicant's responsibility to notify
25 DOE should any contamination be found during construction.

1 Findings Relating to the Comments by Other Public Agencies.

2 52. The Staff Report, at page 18, sets forth comments received from other public
3 agencies during project review. Comments were received from Washington State, Department of
4 Ecology, Shoreline Environmental Water Quality Control and Watershed Resource Unit, Solid
5 Waste Management, and Toxic Cleanup. Comments were also received from the Thurston
6 County Health Department, all as more fully described in the Staff Report. These comments
7 have led to the imposition of several additional conditions of project approval including: the
8 need to report any contamination to DOE; the imposition of an integrated pest management plan
9 (Attachment 13) and the decommissioning of an existing on-site well. City Staff finds that the
10 conditions imposed on the project will satisfy all requests of other public agencies. The Hearing
11 Examiner has reviewed these Findings and adopts them as his own Findings of Fact.

12 Findings Relating to Compliance with OMC 17.16.090.A.

13 53. Pursuant to OMC 17.16.090.A, the Hearing Examiner shall determine if
14 appropriate provisions are made for public health, safety and general welfare, for open spaces,
15 drainage ways, streets, alleys, other public waste, water supplies, sanitary waste, parks,
16 playgrounds, sites for schools and schoolgrounds, fire protection and other public facilities, and
17 shall consider all other relevant facts, including the physical characteristics of the site and
18 determine whether the public interest will be served by the subdivision and dedications.

19 54. The Staff Report, at page 7 and 8, contains Findings relating to compliance with
20 these requirements. As set forth in the Staff Report, Staff finds:

21 (1) Public health, safety and general welfare provisions are satisfied through:
22 roads and offsite sidewalk improvements, sanitary sewer supply, stormwater
23 management, water supply; and accommodating additional population growth.

24 (2) Open space provisions are satisfied through the Soils and Tree

25 Preservations Tract.

1 (3) Drainage way provisions are made with stormwater management and
2 infrastructure.

3 (4) Provisions for streets, alleys and other public ways are satisfied through
4 the addition of new streets meeting the requirements of the EDDS.

5 (5) Requirements for water, sanitary sewer and solid waste are all satisfied.

6 (6) Provision for parks and playgrounds is satisfied through the
7 payment of appropriate impact fees.

8 (7) Provisions for sites for schools and schoolgrounds is satisfied through the
9 payment of school impact fees. In addition, the Olympia School District has confirmed
10 in writing that schools serving this development have a mix of under and over capacity
11 and that to accommodate students from this development the district may need to
12 reevaluate service areas. If it results in service areas being changed, the district will
13 provide transportation for any student more than one mile from a school (Attachment 22).

14 (8) Provisions for fire protection and other public facilities are made through
15 road improvements, both on and off-site, utility improvements and compliance with
16 building code standards.

17 55. City Staff finds that the project, as conditioned, satisfies all requirements of OMC
18 17.16.090.A. The Hearing Examiner has reviewed these Findings and adopts them as his own
19 Findings of Fact.

20 Findings Relating to Traffic Impacts.

21 56. During the course of project review several members of the public have voiced
22 concerns regarding the project's potential impact to regional traffic, especially on Boulevard
23 Road.

1 57. Chapter 15.20 OMC (Transportation Concurrency) and Chapter 4 of the EDDS
2 provide guidance on when a Traffic Impact Analysis (TIA) be required for proposed project.

3 58. The City's transportation staff has concluded that the project will not exceed 50
4 peak hour trips and therefore does not require a TIA. Nonetheless, the project does make
5 provision for traffic impacts by requiring several improvements along Boulevard Road. These
6 improvements are noted on the project's design, most notably Sheet C3.0 included within
7 Attachment 5. Required improvements include crosswalks across Boulevard Road; a median
8 with an island refuge and a modified median to allow for a left turn area for northbound traffic
9 turning into the project. The project is also conditioned upon the establishment of sidewalks on
10 the west side of Boulevard Road the length of the project and continuing south to the Morse
11 Street intersection.

12 59. City Staff finds that the project, as conditioned, satisfactorily addresses any traffic
13 impacts it may cause.

14 Findings Relating to Stormwater.

15 60. As noted earlier in Findings Relating to Critical Areas, the site contains a
16 Category IV Wetland located in the base of the kettle near the westerly boundary of the project.

17 61. Attachment 9 to the Staff Report is a Preliminary Stormwater Report prepared by
18 the Applicant's engineer, Chris Cramer. The report finds that the site's soils are found to not
19 support infiltration in the eastern (uphill) portion, but there was capacity for infiltration in the
20 lower portion around the identified wetland. This localized low spot will be used for the
21 collection of stormwater. A filterterra unit will be used to treat runoff meeting the enhanced
22 treatment requirements. Roof collection systems will be utilized to direct runoff directly to the
23 pond area. The report concludes that the proposed collection system has been designed in
24 accordance with the City's standards and will treat stormwater events per the 2016 Manual and
25

1 using the WWHM 2012 Modeling Program. As a result, stormwater management will meet or
2 exceed the City's requirements.

3 62. City Staff concurs that the proposed stormwater drainage system is designed to
4 the current Drainage Design and Erosion and Control Manual for Olympia (the "Manual") as
5 well as Chapter 5 of the EDDS. The City requests as a condition of project approval that all
6 stormwater elements be constructed in the first phase of development should the project be
7 phased. As conditioned, Staff finds that the project complies with stormwater requirements.

8 Findings Relating to Phasing of the Project.

9 63. The Applicant has submitted a proposal to allow the project to be developed in
10 two phases, allowing for final plat approval in the first phase before constructing the second
11 phase (Attachment 12 to the Staff Report).

12 64. The proposed first phase includes all Boulevard Road frontage improvements, all
13 Hill View Street road improvements (curb, gutter, landscape, sidewalk and street lights) to the
14 phase line (approximately 196 feet into the site); water and sewer lines to be stubbed into
15 Phase 2 on Hill View Street; construction of Access Tracts B and D to provide fire turnaround;
16 construction of stormwater facilities through Phase 2 to the infiltration area including all pipes
17 necessary to carry runoff to the treatment vault and down into the infiltration basin; and Phase 1
18 roof collection systems to be piped to the infiltration area and with stubs to Phase 2 buildings.

19 65. The proposed second phase will finish all road construction and extend the water
20 and sewer through the site and to the north property line. Stormwater will be completed by
21 connecting the remaining buildings to the infiltration basin along with all hard surfaces collected
22 and sent to the treatment vault prior to infiltration.

23 66. City Staff has reviewed the proposed phasing plan and has conditioned project
24 approval to ensure appropriate improvements are made during Phase 1 to ensure that the Phase 2
25

1 area is properly prepared for development. Subject to these conditions, City Staff does not
2 object to the proposed phasing of the project into two phases.

3 Additional Findings Relating to Concerns of the Public.

4 **Buffer/Fence Along the South Boundary.**

5 67. As noted in the earlier Background Section as well as in previous Findings,
6 members of the public have expressed concern about a number of the project's potential impacts.

7 68. A commonly cited concern is the loss of the vegetative buffer currently existing
8 between the project and the residential neighborhood to the south. As shown on the aerial photo
9 identified as Figure A at page 4 of the Critical Areas Analysis Report (Attachment 6) there exists
10 a line of trees along the south boundary of the property which shield the adjoining residences to
11 the south from view.

12 69. Just beyond this line of trees is a fence running east and west along the boundary
13 line with the adjoining residential properties. The fence further obscures the backyards of the
14 adjoining residential lots.

15 70. The project proposes to eliminate all of the trees along the site's south boundary
16 with the exception of a few in the southwest corner. As a result, the fence will become exposed
17 and the rear portions of the adjoining residential lots will become more exposed as well,
18 especially from second story vantages in the proposed townhomes.

19 71. With the loss of the tree buffer, maintenance of the existing boundary fence
20 becomes more critical in order to provide some degree of privacy to the residences to the south.
21 To date the boundary fence has been maintained by the neighborhood to the south. It is not
22 unreasonable to require that its future maintenance be shared equally with the project.

23 72. Pursuant to OMC 17.16.090.A, and to ensure that the public interest will be
24 served by the subdivision, it is appropriate to impose an additional condition that the
25

1 development share in the future maintenance of the boundary fence along the south boundary of
2 the site.

3 **Access to the Church Property.**

4 73. In accordance with City regulations, and to provide better traffic flow if/when
5 additional development takes place on the property north of this site, the project has been
6 designed to extend the proposed public street, Hill View Street, north to the site's boundary with
7 the Church-owned property to the north as identified in the project designs, Attachment 5.

8 74. The property to the north is owned by the Sonrise Church. The church property
9 contains several buildings in its easterly portion, near Boulevard Road, but the remainder of the
10 site is generally undeveloped with open areas for recreational activity and other church activities.

11 75. The church is concerned that the project's street system will allow public access
12 directly into the rear portion of the church property. The church seeks additional steps to
13 barricade the terminus of the road in order to discourage public access.

14 76. City Staff acknowledges that the conditions of project approval did not include
15 such a barricade and that it would not be unreasonable to impose a requirement that the
16 Applicant establish a "Type III" barricade along its north boundary.

17 77. Pursuant to OMC 17.16.090.A, and to ensure that the public interest will be served
18 by the subdivision, it is appropriate to impose a condition on approval that the Applicant install a
19 Type III barricade at the north terminus of the stubbed portion of the public street.

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

21 **CONCLUSIONS OF LAW**

22 1. The Hearing Examiner has jurisdiction over the parties and the subject matter.
23
24
25

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

4 3. The requirements of SEPA have been met.

5 4. Appropriate provisions are made for the public health, safety and general welfare,
6 for open spaces, drainage ways, streets, alleys, and other public ways, water supplies, sanitary
7 waste, parks, playgrounds, sites for schools and schoolgrounds, fire protection, and other public
8 facilities.

9 5. After considering all of the relevant facts, including the physical characteristics of
10 the site, together with the conditions recommended by City Staff as well as the additional
11 conditions imposed by the Hearing Examiner, the public interest would be served by the
12 subdivision and dedication.

13 6. All requirements of OMC 17.16.090.A have been satisfied.

14 7. The requirements for the dedication of land and/or payment of fees pursuant to
15 OMC 17.16.090.B have been satisfied.

16 8. All other requirements of Chapter OMC 17.16 have been satisfied.

17 9. The project is in compliance with the purposes of the R4-8 Zoning Designation.

18 10. Development is a permitted use within the R4-8 Zoning Designation.

19 11. The project, as conditioned, is in compliance with Residential Development
20 Standards set forth in Table 4.04. OMC 18.04.080

21 12. The project, as conditioned, is in compliance with all other requirements of
22 Chapter 18.04 OMC.

23 13. The project, as conditioned, is in compliance with Chapter 16.60 OMC for tree,
24 soil and native vegetation protection and replacement.

1 14. The project, as conditioned, satisfies the requirements of OMC 18.12.C relating to
2 the inadvertent discovery of archaeological material.

3 15. The project, as conditioned, is in compliance with Chapter 18.40 OMC, relating to
4 property development and protection standards, including minimum street frontage.

5 16. The project, as conditioned, is in compliance with Chapter 18.64 OMC, relating to
6 townhouse development.

7 17. The project, as conditioned, is in compliance with OMC Chapter 18.100, design
8 review.

9 18. The project, as conditioned, in in compliance with the EDDS for sewer, water,
10 frontage improvements, traffic impacts, street trees, solid waste, storm drainage, and all other
11 requirements of the EDDS.

12 19. The project, as conditioned, is in compliance with the Safe Walking Conditions
13 contained in the EDDS and Chapter 58.17 RCW.

14 20. The project, as conditioned, is in compliance with all other subdivision
15 requirements.

16 21. The on-site wetland is exempt from mitigation sequencing, buffering and wetland
17 mitigation requirements. OMC 18.32.515.

18 21. Approval of the preliminary plat shall be effective for five years from the date of
19 approval by the Hearing Examiner during which time a final plat or plats may be submitted.
20 During this time the terms of the conditions upon which the preliminary approval is given will
21 not be changed except as provided for in Chapter 17.20 OMC.

22 22. The project is consistent with the City Comprehensive Plan.

23 23. The project should be approved subject to the 35 conditions recommended in the
24 Staff Report together with two additional conditions imposed by the Hearing Examiner relating
25

1 to maintenance of the boundary fence along the south boundary and the construction of a Type
2 III barrier at the terminus of the public road along the north boundary.

3 **DECISION**

4 The Applicant's request for preliminary approval of subdivision containing 35
5 townhomes and 2 residential lots on a 4.77 acre site, with associated improvements, shall be
6 **approved** subject to the following conditions:

7 1. **Approved Plat Map.** The subdivision shall be substantially in conformance with
8 the preliminary map and civil plans dated May 26, 2020 and phasing plans dated May 8, 2020, as
9 modified by the conditions of approval herein, and as modified by the Hearing Examiner.

10 2. **Plat Approval.** Preliminary approval of the preliminary plat shall be effective
11 for five (5) years from the date of approval by the Hearing Examiner, during which time a final
12 plat or plats may be submitted. During this time the terms and conditions upon which the
13 preliminary approval is given shall not be changed, except as provided for in Section 17.20.040.
14 (OMC 17.20.010)

15 3. **Landscape Plan.** A final landscape plan prepared in compliance with OMC
16 18.36 shall be submitted in conjunction with the engineering permit application.

17 4. **Vegetation Maintenance Bond.** A vegetation maintenance bond (or other
18 assurance) shall be provided following City acceptance of the landscape installation, including
19 street trees prior to final plat. The bond amount shall be 125% of the cost estimate submitted
20 with the final landscape plan and approved by the City.

21 5. **Hours of Operation/Construction Noise.** Pursuant to OMC 18.40.080.C.7,
22 construction activity detectable beyond the site boundaries shall be restricted to the hours
23 between 7:00 a.m. and 6:00 p.m.

24 6. **Design Review and Garage Placement and Width Requirements.** Townhouse
25 developments shall meet OMC Residential Design Criteria, Chapter 18.175 and, if applicable,

1 shall comply with garage placement and width provisions of 18.04.060(EF), provided that such
2 design standards shall be applied to the entirety of each building, and not to each dwelling unit.
3 A Detail Design Review application is required prior to or at time of building permit application
4 for each townhome structure.

5 7. **Impervious/Hard Surface Coverage.** It shall be noted on the face of the final
6 plat that each lot is subject to maximum impervious coverage and hard surface coverage allowed
7 by the zoning district.

8 8. **Inadvertent Discovery Plan.** A signed Inadvertent Discovery Plan (IDP) which
9 outlines how the project proponent and site crew will respond in the event that archaeological
10 resources are uncovered during the course of project work shall be submitted by the Applicant at
11 the time of Engineering plan submittal (OMC 18.12.140).

12 9. **Wetland Protection.** Silt fencing and other Best Management Practices as
13 outlined in the Engineering Design and Development Standards (EDDS) shall be installed
14 around the wetland prior to commencement of any earthwork and maintained during all stages of
15 construction. Provide details on the civil plan set at time of engineering permit application.

16 10. **Wetland/Soils and Vegetation Tract.** A note substantially similar to the
17 following shall appear on the face of the final plat: "Note: The _____ is responsible for
18 maintenance and protection of the Soils and Vegetation Protection Area/Wetland. Maintenance
19 includes ensuring that no alterations occur and that all vegetation remains undisturbed unless the
20 express written authorization of the Olympia Community Planning and Development
21 Department has been received".

22 11. **Safe Walking Conditions.** In order to meet RCW 58.17 for safe walking
23 conditions for children who walk to and from school, off site sidewalks shall be constructed
24 along the west side of Boulevard Road starting at the existing walking path located adjacent to
25

1 2917 Boulevard Road S.E. and continue south to the northwest corner of Morse Road S.E. If the
2 plat is phased, these improvements shall be completed prior to finalizing Phase 1. Provide
3 details of construction on the civil plan set and provide at time of engineering permit application.

4 12. **Engineering Permit Application.** An engineering permit application shall be
5 submitted for review and approval prior to construction. The permit submittal shall comply with
6 the 2018 Engineering Design and Development Standards (EDDS) and the 2016 Drainage
7 Design and Erosion Control Manual (DDECM).

8 13. **Construction Stormwater General Permit.** No ground-disturbing activities
9 may occur without a Construction Stormwater General Permit (CSWGP) issued for this site.
10 Therefore, no Engineering or Grading Permits are to be issued until written proof is received by
11 the City that the contractor or owner has received this CSWGP form the Department of Ecology.

12 14. **Solid Waste.** The City of Olympia solid waste department shall have full
13 approval of final locations of waste pick up. Pickups may need to occur on one side of the street.
14 Determinations shall be finalized once collection begins.

15 15. **Street Parking.** No vehicle parking shall be allowed on the public roadway or
16 Tract D in order to facilitate solid waste and emergency vehicle movements. Signs shall be
17 posted prior to final plat approval.

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

23 17. **Tree Density.** Minimum required tree units for this plat is 30 units per buildable
24 acre. At least 75% of the minimum tree density shall be planted within a Soil and Vegetation
25

1 Protection Area (SVPA). The remaining 25% may be planted within the SVPA or elsewhere
2 within the plat.

3 18. **Tree Protection Measures.** The retention of six (6) trees (52 tree units) in the
4 northwest and southwest corners of the parcel shall be retained. The Project Forester shall
5 provide Tree Protection Measures, City of Olympia EDDS Tree Protection Fence Detail and tree
6 Protection Timeline. This information shall be added to the civil plans set and provided at time
7 of engineering permit application.

8 19. **Street Trees.** Street tree location and species along Boulevard Road and the new
9 internal street shall be determined at the time of engineering permit review.

10 20. **Final Map.** Provide the following details on the final map at time of final plat
11 application:

12 a. Label/note the full Right of Way width for Boulevard Road S.E. adjacent
13 to the preliminary plat property.

14 b. Show the approximate location of all existing structures within twenty-
15 five (25) feet of the external boundary lines of the preliminary plat. Specifically, look at
16 the parcel lying southerly of proposed Lot 31, Access Tract E, and Lot 35.

17 c. Place a note on the face of the map that indicates that Lots 1-10 are
18 townhome lots and subject to Design Review.

19 21. **Street Name.** Provide a list of alternative street names ranked sequentially (first
20 choice, second choice, last choice) to Community Planning & Development prior to engineering
21 permit application to be considered.

22 22. **Contamination.** If contamination of soil or groundwater is encountered during
23 site work and construction, the Applicant shall notify the Department of Ecology's
24 Environmental Report Tracking System Coordinator for the Southwest Regional Office
25 at 360-407-6300.

1 22. **Contamination.** If contamination of soil or groundwater is encountered during
2 site work and construction, the Applicant shall notify the Department of Ecology's
3 Environmental Report Tracking System Coordinator for the Southwest Regional Office
4 at 360-407-6300.

5 23. **Grading and Filling.** All grading and filling of land must utilize only clean fill,
6 i.e., dirt or gravel. All other materials, including waste concrete and asphalt, are considered to be
7 solid waste. Necessary permits shall be obtained if these materials are used (WAC 173-350-
8 990). All removed debris shall be disposed of at an approved site. Contact the Thurston County
9 Health Department for proper management of these materials.

10 24. **Integrated Pest Management Plan.** A revised Integrated Pest Management Plan
11 shall be submitted at time of Engineering Plan review for Thurston County Environmental
12 Health's review.

13 25. **On-site Well.** The Applicant must work with Department of Ecology to ensure
14 the dug well located on the site has been property decommissioned or addressed. A copy of the
15 decommissioning report or documentation from the Department of Ecology confirming the well
16 has bene adequately addressed must be submitted to Thurston County Environmental Health and
17 a copy provided to Community Planning & Development at time of engineering plan review.

18 26. **On-site Septic System.** In the event an on-site septic system is located during
19 site development it must be properly abandoned per Article IV of the Thurston County Sanitary
20 Code. An abandoned permit application is required to be submitted with copies of abandonment
21 documentation from a licensed septic system pumper to Thurston Count Environmental Health.

22 27. **Water and Sewer Services.** Confirmation of water and sewer construction
23 approval from the City of Olympia shall be submitted to Thurston County Environmental Health
24 prior to final plat approval.

1 28. **Impact Fees.** In accordance with OMC Title 15, City of Olympia impact fees for
2 transportation, parks, and schools shall be paid at time of building permit issuance.

3 29. **Flood Plain Area.** Show flood plain areas on all construction drawing submitted
4 within the Civil Engineering Plans and on the final plat map. All development within the flood
5 plain is subject to 16.04.500.

6 30. **Flood Certificate.** Place a note on eh final plat map that indicates the following:
7 "All lots located within a flood zone are subject to OMC 16.04.500 and will be required to
8 provide an elevation certificate prepared by a licensed land surveyor in the State of Washington
9 at time of building permit submittal to construct any new residence."

10 31. **Construction Codes.** The project shall comply with the City of Olympia
11 Construction Codes as adopted through the Olympia Municipal Code, Chapter 16.04.

12 32. **Fire Prevention.** The project shall adhere to OMC Ch. 16.32, 16.36, 16.40 &
13 16.44, Olympia Engineering Development and Design Standards (EDDS), Ch. 4 & 6, 2015 IBC,
14 and 2015 IFC. All new residential construction shall be sprinkled.

15 33. **Boundary Fence.** The development shall share in the future maintenance of the
16 boundary fence along the south boundary of the site.

17 34. **Barricade.** The Applicant shall install a Type III barricade at the north terminus
18 of the stubbed portion of the public street.

19 35. **Stormwater.** If the developer chooses to separate the construction plans into
20 phasing, all stormwater elements including access for stormwater maintenance shall be
21 constructed during Phase 1.

22 36. **T Intersection Improvements.** If the T intersection on the public roadway
23 labeled as Hill View Drive and Tract D are not installed with Phase 1 construction, the use of
24 Tract B shall be free and clear of all obstructions during the construction of the individual
25 buildings within the plat. Solid Waste and emergency vehicles shall have full access at all times.

37. **Driveway Approach.** The driveway approach to Tract B shall be wide enough (approx. 35 feet) to facilitate a solid waste truck turning movement if the T intersection on the public roadway labeled as Hill View Drive and Tract D is not constructed with Phase 1 improvements.

**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 17 day of August, 2020.

Mark C. Scheibmeir
City of Olympia Hearing Examiner