

**OFFICE OF THE HEARING EXAMINER FOR THE CITY OF OLYMPIA**

**RE:** Shoreline Substantial Development )  
Approval to construct a 46 acre park ) **FILE NO'S. 97-0242 SDP (Oly)**  
on the east shoreline of the north basin ) **SMA 2-96 (Tumwater)**  
of Capitol Lake, and construct wetlands )  
in the middle basin. )  
)  
)

**SUMMARY OF PROPOSAL AND DECISION**

**Proposal:** The Washington State Department of General Administration seeks a Shoreline Substantial Development Permit to construct Heritage Park along the eastern shore of the north basin of Capitol Lake within the City of Olympia. The Heritage Park site covers a total of 46.16 acres of which 22.1 acres lie within Capitol Lake waterward of the ordinary high water line and 24.06 acres upland. In addition to park improvements, approximately 3.59 acres of shoreline and upland wetland will be filled in exchange for 9.83 newly created and enhanced wetlands - of which 8.15 acres are in the middle basin in the City of Tumwater. This project will be completed in four phases with each phase constructed as funded by the legislature.

**Decision:** This decision approves the request by the State of Washington General Administration Department to construct a 46 acre park in the City of Olympia, and to create and enhance 8.15 acres of wetland in the City of Tumwater.

**PROJECT AND SITE INFORMATION**

The Hearing Examiner hereby adopts the description of the site, the request, and surrounding area and zoning history of the site stated in the both the City of Olympia and Tumwater Planning Department Report and Recommendation, and the description of various construction phases contained in the Department of General Administration's response to the City of Olympia staff report dated June 23, 1997.

**BACKGROUND AND PROCEDURAL INFORMATION**

**Hearing Date:** June 23, 1997

**SEPA:** A Final Environmental Impact Statement for this project was issued in January of this year by the State of Washington Department of General Administration.

**Testimony:**

Brad Davis, City of Olympia Planning Department, presented the Planning Department Report and Recommendation.

Lenore Miller, Department of General Administration, spoke in support of the project and stated the Department is in agreement with the planning department report and also agrees with the recommended conditions of approval.

Dennis Meyer, The Portico Group, spoke in support of the project and described the various construction phases as well as the goals and objectives of the project.

No one else spoke either in support or in opposition to the project.

**Exhibits:**

1. Planning Department Report and Recommendation and attachment thereto
2. Department of General Administration Reply to the City's Staff Report.

**DISCUSSION**

The environmental impact statement (EIS) for this project indicates that parking demand during the weekday will not exceed 70 stalls and weekend demand will not exceed approximately 370 stalls seventy-five percent (75%) of the time. Because specific mitigation was missing from the EIS, the City of Olympia proposes this demand be met in a variety of ways, to include the use of Capitol Campus parking lots, Deschutes Parkway, the north parking lot, Marathon Park, and the use of two government office buildings on Fifth Avenue. If approved by the City, Water Street and Seventh Avenue will be converted into a street with angle parking. Parking along the western side of Deschutes Parkway may be used for parking after a sidewalk and crosswalks are installed in addition to a bicycle lane. The Washington State Department of General Administration is in agreement with these conditions of approval.

**FINDINGS AND CONCLUSION**

The Hearing Examiner hereby adopts the findings and conclusions set forth in both Planning Department's Staff Reports.

**DECISION**

The Hearing Examiner hereby **APPROVES** the Shoreline Substantial Development Permit application of the Washington State Department of General Administration for the City of Olympia (case no. 97-0098 SDP), and the Substantial Development Permit application for the City of

Tumwater (case no. SMA 2-96) subject to the following conditions:

### City of Olympia Conditions of Approval

1. Heritage Park shall be developed in compliance with the schematic design plan listed as attachment G in the General Land Use Application. The Site Plan Review Committee (SPRC) shall review and approve the future Phases of II through IV for compliance to zoning and engineer development standards as well as this schematic design plan. SPRC shall also review future phases for compliance to the shoreline permit and conditions of approval. If subsequent phases differ from the schematic design plan, but are within the scope and intent of the original Substantial Development Permit as defined by WAC 173-14-064, such revision will be reviewed by city staff. Any proposed change that is inconsistent with the schematic design plan and not within the scope and intent of the original permit shall require review by the Hearing Examiner.

#### Engineering Conditions:

2. The following erosion control measures shall be strictly followed:
  - a. A WSDOT certified (or equal) erosion control expert shall be retained by the state to supervise the installation of all erosion control devices listed in the Preliminary Drainage and Erosion Control Report dated April 3, 1997. This person shall also be on call at all times to mitigate any failures.
  - b. A detailed construction phasing and sequencing plan shall be submitted for city approval prior to issuance of engineering or building permits. If the contractor(s) deviate from such plan the engineering department shall be notified immediately.
  - c. Erosion *prevention* versus *treatment* is emphasized. This means that soils shall not be allowed to become mixed with runoff in the first place. For example, research being conducted by WSDOT, as well as by the agricultural industry, has shown polyacrylamide to be effective in preventing soil erosion when sprayed on soil.
  - d. Regular meetings shall be held on-site, commencing with a preconstruction conference and continuing throughout all phases of the project. The intent of these meetings is to inspect and troubleshoot erosion control features. These meetings will be incorporated into the construction sequence.
  - e. A final report shall be prepared to include the following elements:
    - Detailed construction phasing and sequencing plan.
    - Detailed measures as to how soil erosion will be prevented.
    - Name of person or persons responsible in supervising the installation of erosion control devices as well as maintaining them.
    - An erosion protocol shall be developed and approved by the city to monitor stormwater runoff. This protocol shall identify a maximum threshold of 500mg/L of total suspended solids that cannot be exceeded under any circumstance. Each violation of this amount will result in an automatic payment of \$500 to the city.
3. Haul Route Conditions of approval:

- a. A minimum of one flagger shall be located at the following intersections:
    - Union Avenue and Columbia Street.
    - 7th Avenue and Columbia Street
    - 7th Avenue and Water Street
    - Construction exits at 5th Avenue
  - b. A haul road agreement shall be signed by the State to reimburse the City in the event road surfaces on Henderson Boulevard, Union Avenue, Columbia Street, 7th Avenue, Water Street or 5th Avenue are damaged or in need of repair.
  - c. All security fences and site boundary fencing must permit the safe passage of pedestrians around the site perimeter.
4. The planned 16 inch water transmission line will be placed in the *permanent* fire access lane. Fire hydrants will be required when this road is fully improved. If the State changes the construction schedule and installs fire hydrants before the City installs the line, the State will pay to install the line. The city will pay the cost difference of an 8 inch versus a 16 inch line.
  5. The proposed fire hydrant line proposed to be installed at Tier 2 from the intersection of Water Street and 7th Avenue need not exceed 8 inches in diameter.
  6. The temporary fire access lane must meet the structural requirements for Local Access Road.
  7. Stormwater treatment for any new impervious surface must be installed. Fifth Avenue will need to be widened at Phase II so the State may choose to install compost filters now rather than later to avoid disturbing the new bulkhead and other shoreline improvements.

Planning:

8. Phase I of IV shall be constructed per the schematic design plan listed as attachment G in the General land Use Application and the Arc of Statehood plans listed in attachment J, dated 11-14-96.
9. Landscape:
  - a. All wetland plantings identified on fill and grade plans dated April 8, 1997 shall be installed immediately following the reconstruction of wetlands.
  - b. Tree and shrub removal for Phase I shall correspond to plans in attachment J of the General Application, sheets L1.1 through 1.5.
  - c. A Memorandum of Understanding shall be prepared by the State and signed by the City indicating when trees will be planted to meet the city's minimum tree density. This agreement will stipulate when trees will be planted and include a contingency plan to plant trees in the event various park phases are not completed pursuant to the construction schedule dated May 27, 1997.
  - d. Prior to issuance of any construction/engineering permits, the applicant shall submit a grading plan for review and approval. Such plan shall contain at a minimum the following information:

- 1) Indicate the location, species, and size of trees proposed for removal and those to be preserved at Phase I of construction.
- 2) Define the exact location of tree protection fencing around the critical root zone for all trees to be preserved. All plans shall contain a detail indicating protection fencing is to be a chain link fence a minimum of six feet high.

10. Wetlands:

- a. Wetland mitigation will be completed pursuant to the Comprehensive Mitigation Plan for Wetlands and Aquatic Habitat at Heritage Park, as prepared by Herrera Environmental Consultants, dated January 1997.
  - b. The monitoring plan described on page 67 of the above mentioned report shall be administered on a yearly basis for the first five years after the wetlands are reconstructed. A report will be filed with the Department in the month of September each year for five years and evaluate the success or failure of the newly created wetlands; to include changes in vegetation, hydrology, soils, fauna, and habitat conditions.
  - c. If the reconstructed or enhanced wetlands are not flourishing and meeting the performance standards listed in the mitigation plan, the State shall immediately remedy the problem. Failure to do so within 6 months after the problem is identified and reported to the Department may cause the city to mitigate the problem and charge the State for such services. The city also reserves the right under OMC 18.36.220.4. to require a maintenance or performance bond if wetland maintenance is found to be inadequate or detrimental to their survival.
  - d. A plan describing the method of dewatering behind the earthen dike shall be submitted prior to the issuance of engineering permits. This plan shall be a component of the Final Drainage and Erosion Control Report.
  - e. To protect the reconstructed wetlands into perpetuity, a conservation easement shall be recorded indicating the location and type of wetlands to be preserved. This shall be completed prior to issuance of engineering clearing and grading permits.
11. All construction materials shall be removed immediately following the completion of Phase I.
12. Parking: Vehicle parking for Phase I shall be provided as follows:
- a. Approximately 140 stalls along the eastside of Deschutes Parkway shall be restriped for vehicle parking. Of this amount 84 stalls may be devoted to Department of Correction's employees as long as shuttle service remains in effect along Deschutes Parkway (parking further away than 700 feet from a parking generator requires shuttle service). The remaining stalls shall be signed for park users.
  - b. Approximately 52 stalls shall be removed from the north parking lot with the remaining 48 stalls devoted as temporary parking for park users. A sign shall be erected at the parking lot entrance indicating the lot is for park users only.
  - c. Signs shall be erected around the perimeter of the park directing weekend users to additional parking at the General Administration parking lot and the Columbia Street parking lot, and any other parking areas provided around the park. Signs shall be placed at the lot entrances identifying their use as weekend parking for Heritage Park.

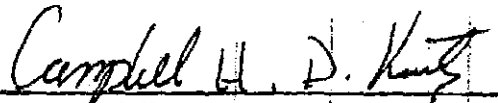
- d. Signs shall be erected around the eastern perimeter of the park directing weekday users to additional parking along Deschutes Parkway, Marathon Park and the Capitol Campus visitor parking areas.
  - e. Approximately 55 parking stalls will be provided at all times to park users at Marathon Park.
  - f. The State Department of General Administration shall negotiate with the owners of the Capitol Center Building (approx. 130 stalls) at the northwest corner of 5th Avenue and Sylvester Street and the Thurston County Health Department Building (approx 134 stalls) north of the park and east of Kentucky Fried Chicken restaurant to share parking during weekends. The department shall also negotiate with the owners of the Department of Personnel Building at 521 S. Capitol Way to provide additional weekend parking . The State shall provide written verification of such agreement or provide verification why an agreement could not be reached. This parking is considered interim parking until such time it is discontinued. At that time replacement parking shall be provided along the westside of Descutes Parkway or some other permanent location approved by the city.
  - g. Parking along the west side of Descutes Parkway shall not be installed prior to considering the shared use of the aforementioned parking lots. When and if the westside of Descutes Parkway is used, a sidewalk shall be constructed along its perimeter and crosswalks installed. If parking is installed prior to the proposed Class II bike lane, the State shall indicate the bike lane on design drawings for Deschutes Parkway and describe when and how it will be constructed. Parking on the westside of Descutes Parkway shall not foreclose on opportunities to install a bike lane in the future.
13. **Bicycle Racks:** All bicycle racks shall be covered with a shelter similar in architectural style to other park buildings. The location of such shelters and racks shall be approved by the City of Olympia Bicycle and Pedestrian Advisory Committee.
14. **Bicycle Lanes:** It is expected the Class III bike lanes on 5th Avenue and Water Street between Legion and 5th Avenue will be changed to a Class II bike lane. A Class II lane is a dedicated 5 foot lane whereas a Class III lane is within the vehicle right-of-way. Design drawings for the improvement of Water Street and 5th Avenue to be completed at Phase II shall depict a Class II Bicycle Lane, if so required by the City.
15. **Fire:** The future installation of fire hydrants and water main location is acceptable. Emergency access to the power plant is also acceptable.
16. **Building:**
- a. Permits must be obtained from the Community Planning and Development Department prior to the demolition of any structure
  - b. Prior to the construction of any structure including but not limited to the precast concrete retaining wall, plans must be approved and permits obtained from the Department.
  - c. A special inspector is required for the construction of the retaining wall. This

inspector will be hired by the owner/contractor and will be approved by CP&D prior to issuance of building permits.

### City of Tumwater Conditions of Approval

1. The Department of General Administration shall submit an abbreviated erosion control plan for the wetland mitigation site to the Tumwater City Engineer for review and approval. The plan must meet the requirement of the Drainage Design and Erosion Control Manual for Thurston Region.
2. The haul route within the City of Tumwater shall be cleaned daily as needed during the haul operation associated with excavation at the project site to prevent vehicles from transporting materials onto Tumwater streets.
3. A detailed wetland mitigation plan shall be submitted for review and approval. The plan must comply with Tumwater Municipal Code Section 16.28.230 (Wetland Mitigation Plans). The mitigation plan must also address effects on the success of the mitigation project for a proposal to direct stormwater coming off Deschutes Parkway through the wetland system.
4. A traffic control plan for the haul route(s) associated with the project will be required to be submitted to the City Engineer for review and approval.
5. All other necessary permits must be secured including Hydraulic Project Approval (HPA) through the Department of Fish & Wildlife, 401 Water Quality Certification and Temporary Water Quality Modification through the Department of Ecology, and a 404 permit through the U.S. Army Corps of Engineers.
6. A conservation easement shall be recorded against the property at the Capitol Lake Interpretive Center, to assure that the property will remain open space/greenbelt in perpetuity, prior to issue of grading and engineering permits.

DATED this 24 day of July, 1997.

  
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Campbell H. D. Kintz  
Hearing Examiner for City of Olympia

A copy of this decision was transmitted on the 28 day of July, 1997, by the City of Olympia Planning Department to the following:

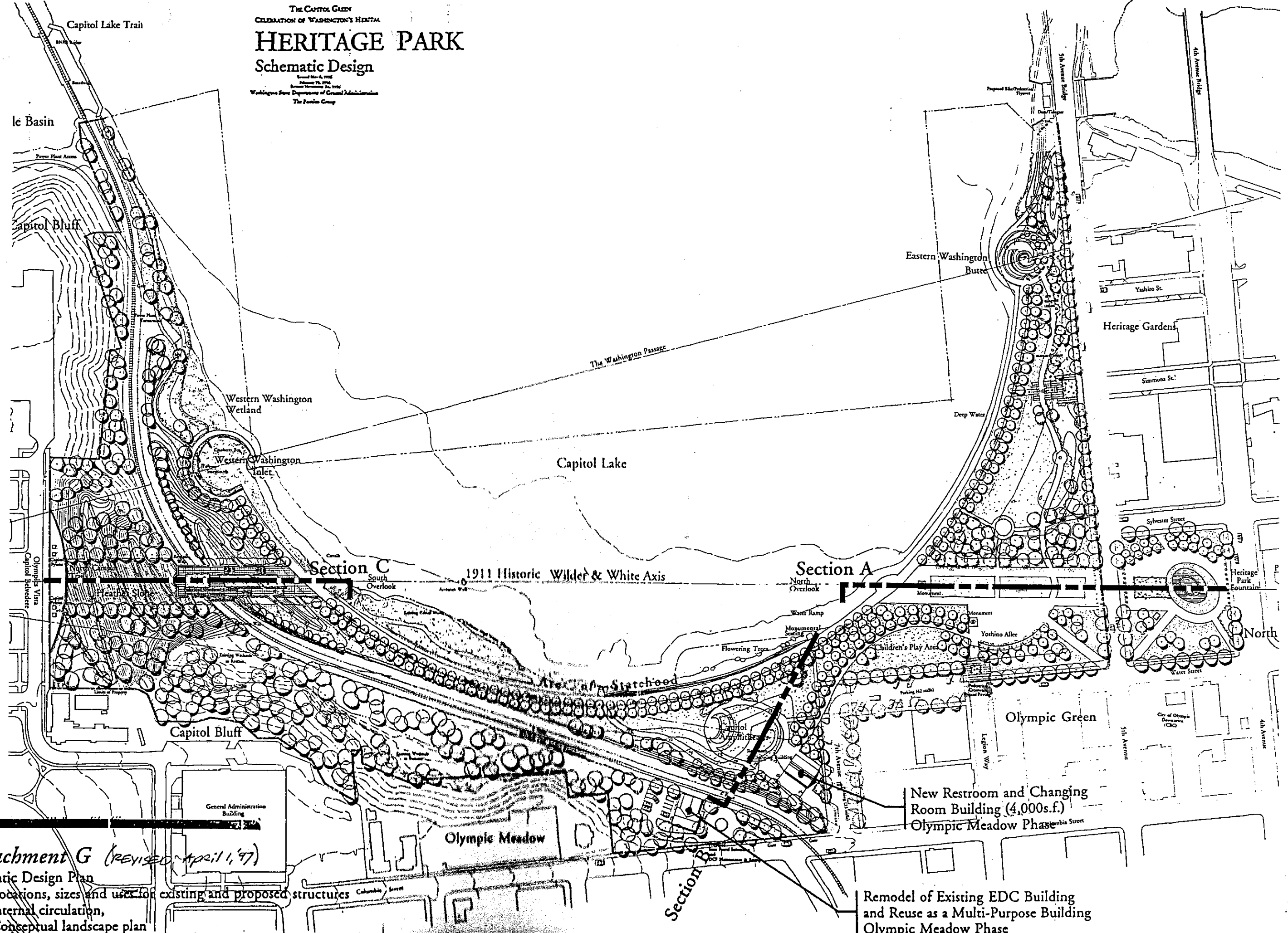
Heritage Park  
97-8242 SDF (Olympia)  
SMA 1-96 (Tumwater)

Findings, Conclusions  
and Decision





THE CAPITOL GARDEN  
 CELEBRATION OF WASHINGTON'S HERITAGE  
**HERITAGE PARK**  
 Schematic Design  
 Second March 1997  
 Revised November 28, 1997  
 Washington State Department of General Administration  
 The Perkins Group



Attachment G (revised April 1, 97)

Schematic Design Plan  
 Locations, sizes and uses for existing and proposed structures  
 internal circulation,  
 Conceptual landscape plan

Remodel of Existing EDC Building  
 and Reuse as a Multi-Purpose Building  
 Olympic Meadow Phase

