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

**In Re:**

**ABS INVESTMENTS, LLC,  
  
Applicant,  
  
Re: Wellington Heights**

**File No. 18-1315**

**DECLARATION OF CHRIS MERRITT**

CHRIS MERRITT, P.E., declares under penalty of perjury under the laws of the State of Washington that the following is true and correct.

1. That I am a professional engineer and a principal of Olympic Engineering, Inc., and make this declaration to assist the Hearing Examiner in understanding the factual elements of this case.

2. On October, 2, 2018, Steve Thompson (City of Olympia Water Resource Engineer) sent a memorandum to Jeff Fant (City of Olympia Engineering Plans Examiner) regarding Stormwater Review of the Applicant's Preliminary Drainage and Erosion Control Plan, dated July 23, 2018. Mr. Thompson found the overall stormwater design concept to be acceptable but required some changes to meet City of Olympia Code. A portion of the existing off-site conveyance system located on Mr. Titus' parcel was determined by City staff

1 to have "insufficient capacity to handle current flows". Specifically, the east-west ditch along  
2 the northern portion of Mr. Titus' parcel does not have adequate capacity.

3           3. This existing east-west ditch receives pass-through and overflow stormwater  
4 runoff from the Wellington West subdivision and areas to the north of Wellington West. This  
5 ditch flows westerly and then southerly where it increases in overall size and then transitions  
6 into a small detention pond just north of Carriage St. (all on Mr. Titus' parcel). Overflow from  
7 the small detention pond is conveyed westerly along Carriage St. and then southerly to  
8 Percival Creek through a series of storm pipes.  
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11           4. Based on information provided by city staff, neighbors, and Mr. Titus, the only  
12 apparent capacity issue with the existing conveyance system from the Wellington West  
13 stormwater pond to Carriage St. (where it becomes City owned) is the east-west ditch on Mr.  
14 Titus' parcel. Based on a City provided drainage plan dated February 2, 1987, it does not  
15 appear this section of ditch was constructed per this drainage plan and/or it has not been  
16 maintained since then. Regardless, this section of ditch does not have capacity to  
17 accommodate current flows.  
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19           5. Between October 2, 2018 and October 10, 2018, I worked with City staff on  
20 resolving the issue by proposing to re-route the on-site pass-through/overflow conveyance  
21 system to discharge at the northwest corner of Mr. Titus' parcel at which point the existing off-  
22 site conveyance system has adequate capacity to accommodate the expected stormwater  
23 flows. The existing ditch that was determined to have insufficient capacity is being bypassed  
24 entirely as reflected on an amended drainage plan dated October 10, 2018 (accepted on  
25 October 11, 2018 by Mr. Thompson via e-mail). Additionally, the re-located discharge point  
26 is located entirely within an existing City of Olympia easement on Mr. Titus' parcel.

Declaration of Chris Merritt - 2

**RODGERS KEE CARD & STROPHY, P.S.**  
ATTORNEYS AT LAW  
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Olympia, Washington 98502  
(360) 352-8311, FAX: (360) 352-8501

1           6.       On October 26, 2018, the City issued the SEPA MDNS, 15-days after the  
2 revised drainage plan was accepted by city staff. However, the SEPA-BASED CONDITIONS  
3 and MITIGATING MEASURES in the MDNS do not reflect the amended drainage plan  
4 accepted by City staff on October 11, 2018 (specifically bullet points 3 & 4 under Condition  
5 3).  
6

7           7.       On December 4, 2018, I met with City staff and Mr. Titus to discuss the  
8 proposed drainage plan and the city mentioned needing to upgrade the east-west ditch  
9 along the northern portion of Mr. Titus' parcel. I reminded City staff that this section of  
10 ditch was proposed to be bypassed entirely per the amended and City accepted drainage  
11 plan dated October 10, 2018. I followed this meeting up with a formal letter to Mr. Fant  
12 that essentially stated that the upgrades to the east-west ditch were not warranted and  
13 would be an unnecessary financial burden on the Applicant. On December 6, 2018, Mr.  
14 Fant called me and stated that the City agreed that improvements to the east-west ditch  
15 were not warranted and he followed up with an e-mail stating that City staff plans "to  
16 recommend to the Hearing Examiner that SEPA Condition No. 3 be modified by striking  
17 mitigation bullet items 3 and 4".  
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20           8.       On December 10, 2018, the City provided a memorandum to the Hearing  
21 Examiner requesting the last two bullet points under Condition/Mitigation #3 be stricken as  
22 they are no longer applicable.

23           9.       Based on extensive soils investigations, a till (hardpan) layer was  
24 encountered approximately 39-inches below-grade across the majority of the subject site.  
25 This till layer is practically impermeable and rainfall makes its way down to this layer and  
26 generally flows below-grade down towards Mr. Titus' parcel. This water is in addition to

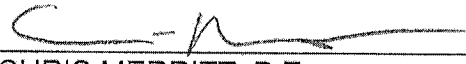
1 the pass-through and overflow stormwater runoff being directly conveyed to Mr. Titus'  
2 parcel.

3           10. The proposed Wellington Heights project will be infiltrating all the stormwater  
4 runoff generated by the proposed roadway areas along with the roof areas from Lots 38-56  
5 into a desirable sand layer that was found just below the till layer in proposed Open Space  
6 & Storm Tract E. The infiltration facility has been preliminary sized to exceed minimum  
7 city requirements. The infiltration facility will be monitored through at least one full wet  
8 season to evaluate the performance and, in the event the facility is not performing as  
9 designed, there is adequate space available to increase the size of the infiltration facility by  
10 approximately 33%.

11           11. Based on preliminary computer modeling, the "post-developed" stormwater  
12 runoff rate will be less than the "pre-developed" rate. This is due to the soil type, existing  
13 ground cover, and from proposing to infiltrate runoff from a lot of the hard surface areas.

14           12. Based on all of the above, I believe the revised and City accepted drainage  
15 proposal creates no negative impact to Mr. Titus' parcel.

16           DATED at Olympia, Washington, this 17<sup>th</sup> day of December, 2018.

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24 CHRIS MERRITT, P.E.

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DECLARATION OF SERVICE

The undersigned declares under penalty of perjury under the laws of the State of Washington that on the below date, I caused delivery, as noted below, of a true and correct copy of the foregoing document to:

Paula Smith *via email*  
Associate Planner, City of Olympia  
P.O. Box 1967  
Olympia, WA 98507  
*psmith@ci.olympia.wa.us*  
*tsmith@ci.olympia.wa.us*  
*chornbei@ci.olympia.wa.us*

Allen T. Miller *via email*  
The Law Office of Allen T. Miller, PLLC  
1801 West Bay Drive NW, #205  
Olympia, WA 98502  
*allen@atmlawoffice.com*

Hearing Examiner, Mark Scheibmeir *via email*  
*mscheibmeir@localaccess.com*  
*kfriend@localaccess.com*

DATED at Olympia, Washington, this 17<sup>th</sup> day of December, 2018.

Catherine Hitchman  
Catherine Hitchman