



# Meeting Agenda

## City Council

City Hall  
601 4th Avenue E  
Olympia, WA 98501

Information: 360.753.8244

---

**Tuesday, May 4, 2021**

**7:00 PM**

**Online and Via Phone**

---

### Register to Attend:

[https://us02web.zoom.us/webinar/register/WN\\_AhTMO2pgSjCCoxta4o8Dgw](https://us02web.zoom.us/webinar/register/WN_AhTMO2pgSjCCoxta4o8Dgw)

#### 1. ROLL CALL

#### 1.A ANNOUNCEMENTS

#### 1.B APPROVAL OF AGENDA

#### 2. SPECIAL RECOGNITION

- 2.A [21-0380](#) Special Recognition - Proclamation Recognizing Olympia Heritage Month and Review of 2021 Preservation Award Nominations

Attachments: [Proclamation](#)

- 2.B [21-0416](#) Special Recognition - Olympia Community Solar Solarize Thurston Campaign

#### 3. PUBLIC COMMENT

*(Estimated Time: 0-30 Minutes) (Sign-up Sheets are provided in the Foyer.)*

*During this portion of the meeting, community members may address the City Council regarding items related to City business, including items on the Agenda. In order for the City Council to maintain impartiality and the appearance of fairness in upcoming matters and to comply with Public Disclosure Law for political campaigns, speakers will not be permitted to make public comments before the Council in these three areas: (1) on agenda items for which the City Council either held a Public Hearing in the last 45 days, or will hold a Public Hearing within 45 days, or (2) where the public testimony may implicate a matter on which the City Council will be required to act in a quasi-judicial capacity, or (3) where the speaker promotes or opposes a candidate for public office or a ballot measure.*

*Individual comments are limited to two (2) minutes or less. In order to hear as many people as possible during the 30-minutes set aside for Public Communication, the City Council will refrain from commenting on individual remarks until all public comment has been taken. The City Council will allow for additional public comment to be taken at the end of the meeting for those who signed up at the beginning of the meeting and did not get an opportunity to speak during the allotted 30-minutes.*

#### COUNCIL RESPONSE TO PUBLIC COMMENT (Optional)

#### 4. CONSENT CALENDAR

*(Items of a Routine Nature)*

- 4.A [21-0449](#) Approval of April 13, 2021 City Council Meeting Minutes  
**Attachments:** [Minutes](#)
- 4.B [21-0418](#) Approval of April 20, 2021 City Council Meeting Minutes  
**Attachments:** [Minutes](#)
- 4.C [21-0442](#) Approval of April 27, 2021 Work Session Meeting Minutes  
**Attachments:** [Minutes](#)
- 4.D [21-0407](#) Approval of 2021 Heritage Award Nominations  
**Attachments:** [Anderson Nomination](#)  
[Willis Nomination](#)  
[Thurston County Historic Commission Nomination](#)  
[Elliott Nomination](#)
- 4.E [21-0392](#) Approval of 2021 Neighborhood Matching Grants Awards  
**Attachments:** [Grant Review Team Recommendation](#)  
[Map](#)
- 4.F [21-0357](#) Approval of a Resolution Authorizing an Amendment to the Intergovernmental Emergency Medical Services Contract with Thurston County Medic One for Basic Life Support Services  
**Attachments:** [Resolution](#)  
[Amendment](#)  
[Agreement](#)
- 4.G [21-0358](#) Approval of a Resolution Authorizing an Interlocal Agreement between the City of Olympia and Thurston County Fire District 9 for Emergency Services  
**Attachments:** [Resolution](#)  
[Agreement](#)
- 4.H [21-0391](#) Approval of a Resolution Designating the Olympia Armory a Local Heritage Resource and Adding it to the Olympia Heritage Register  
**Attachments:** [Resolution](#)  
[Statement of Significance](#)  
[Olympia Municipal Code 18.12.085 Historic Preservation](#)
- 4.I [21-0393](#) Approval of a Resolution Authorizing a Grant Agreement with Interfaith Works for a Second Shelter at 3444 Martin Way East  
**Attachments:** [Resolution](#)  
[Agreement](#)

4.J [21-0406](#) Approval of a Resolution Authorizing an Interlocal Agreement with the LOTT Clean Water Alliance for a Recreational Vehicle Pumping Program  
**Attachments:** [Resolution](#)  
[Agreement](#)

4.K [21-0431](#) Approval of a Resolution Authorizing an Agreement to Sell City-Owned Real Property at 308-310 4th Avenue East to Urban Olympia 12, LLC, for Mixed Use Development  
**Attachments:** [Resolution](#)  
[Agreement](#)

4.L [21-0432](#) Approval of a Resolution Adopting the Olympia ADA Transition Plan  
**Attachments:** [Resolution](#)  
[ADA Transition Plan](#)  
[Appendices A-M](#)

#### 4. SECOND READINGS (Ordinances) - None

#### 4. FIRST READINGS (Ordinances)

4.M [21-0383](#) Approval of an Ordinance Amending the High-Density Corridor Zoning Text Regarding Drive Through Restaurants  
**Attachments:** [Ordinance](#)  
[Planning Commission Minutes 02/08/21](#)

#### 5. PUBLIC HEARING

5.A [21-0439](#) Public Hearing to Consider an Ordinance Declaring a Continuing State of a Public Health Emergency Related to Homelessness and COVID-19 - First and Final Reading  
**Attachments:** [Ordinance](#)

#### 6. OTHER BUSINESS

6.A [21-0453](#) Timberland Regional Library Update

6.B [21-0394](#) Approval of an Ordinance Adopting Proposed Amendments to the Shoreline Master Program and Critical Areas Ordinance  
**Attachments:** [Ordinance](#)  
[Project Webpage](#)  
[Ecology Initial Determination](#)  
[Response to Public Comments](#)  
[Amendments Proposed after Public Hearing Summary](#)  
[Additional Public Comments](#)

- 6.C**     [21-0441](#)     Approval of Joint Recommendation from City Manager and Finance Committee for Appropriation of 2020 Year-End Funds for General Fund and Proposed Use of America Rescue Plan funding.

**Attachments:**   [2020 End of Year Funds](#)  
[Olympia Economic Recovery Spending](#)

**7.            CONTINUED PUBLIC COMMENT**

*(If needed for those who signed up earlier and did not get an opportunity to speak during the allotted 30 minutes)*

**8.            REPORTS AND REFERRALS**

**8.A          COUNCIL INTERGOVERNMENTAL/COMMITTEE REPORTS AND REFERRALS**

**8.B          CITY MANAGER'S REPORT AND REFERRALS**

**9.            EXECUTIVE SESSION**

- 9.A**     [21-0422](#)     Executive Session Pursuant to RCW 42.30.110(1)(b); RCW 42.30.110 (1) (c) - Real Estate Matter

**9.            ADJOURNMENT**

*The City of Olympia is committed to the non-discriminatory treatment of all persons in employment and the delivery of services and resources. If you require accommodation for your attendance at the City Council meeting, please contact the Council's Executive Assistant at 360.753.8244 at least 48 hours in advance of the meeting. For hearing impaired, please contact us by dialing the Washington State Relay Service at 7-1-1 or 1.800.833.6384.*





## City Council

### Special Recognition - Proclamation Recognizing Olympia Heritage Month and Review of 2021 Preservation Award Nominations

**Agenda Date:** 5/4/2021  
**Agenda Item Number:** 2.A  
**File Number:**21-0380

---

**Type:** recognition **Version:** 1 **Status:** Recognition

---

#### **Title**

Special Recognition - Proclamation Recognizing Olympia Heritage Month and Review of 2021 Preservation Award Nominations

#### **Recommended Action**

##### **Committee Recommendation:**

Proclaim May as Olympia Heritage Month and review the 2021 Heritage Award Nominees recommended by the General Government Committee and the Heritage Commission.

##### **City Manager Recommendation:**

Proclaim May as Olympia Heritage Month and review the 2021 Historic Preservation Award nominees.

#### **Report**

##### **Issue:**

Whether to proclaim May as Heritage Month in Olympia and review nominations for 2021 Historic Preservation Awards.

##### **Staff Contact:**

Marygrace Goddu, Historic Preservation Officer, Community Planning & Development, 360.753.8031

##### **Presenter(s):**

Marygrace Goddu, Historic Preservation Officer  
Holly Davies, Heritage Commission Chair

##### **Background and Analysis:**

In May of each year, the City of Olympia recognizes the importance of our local history and heritage by declaring May as Heritage Month and hosting a series of educational events. Heritage Month 2021 will kick off a year-long focus by the Heritage Commission on new and creative ways to share local history and increase everyone's access to it; as well as recognizing and celebrating the stories and contributions of historically under-represented and marginalized groups in our community.

These efforts are motivated and informed by the learnings of 2020, when the Black Lives Matter Movement and the global pandemic together highlighted our long and continuing history of systemic injustice and social inequity. The pressures of the pandemic also inspired new and creative means of gathering, communicating, and educating, lowering barriers of time and space and enabling greater access in unexpected ways.

The Heritage Commission also works to promote excellence in historic preservation. To that end, each year in May the Commission nominates and recommends recipients for Olympia's Annual Historic Preservation Awards. These awards recognize people, projects, and places that serve as models for championing our cultural and built heritage.

This year there are four nominees for 2021 Historic Preservation Awards brought forward by the Heritage Commission and recommended for Council approval by the General Government Committee. There is an item on the Consent Calendar to approve these nominations.

Presentation of the awards will be held at an online Heritage Month event hosted by the Heritage Commission yet to be scheduled, later in May.

In the unprecedented Pandemic year of 2020, in which the norms of human interaction had to be re-imagined, the Commission's nominations for 2021 recognize heritage, history, and culture bearers who have worked in a variety of mediums to creatively connect, educate, tell our stories, and share our past.

The 2021 Historic Preservation Award Nominees:

- **Shane Anderson, Documentary Film maker and Storyteller** is recognized for his historical and current documentation of the land, water, and wildlife in our region and the complexity of human efforts to protect them. Shane's films have educated the public, inspired public policy, and communicated calls to action to protect, honor, and preserve these places that backdrop our city, from the Olympic Mountains to our local waterways. Historical background is a strong component of each of Shane's productions.
- **Playwright Bryan Willis** is nominated for his play, **The Hotel Olympian 100th Anniversary Grand Gala Extravaganza**, which successfully uses historic narratives to entertain and educate audiences. Using the 100<sup>th</sup> Anniversary of the Hotel Olympian in 2020 as his take-off point, Willis' play is set in the Hotel's Grand Opening event. With the clever use of a fortune-teller, he playfully takes observers on a 100-year, forward journey into Olympia's history and current landmarks, invoking a renewed sense of community, longevity, and a few good laughs. Originally planned as a live on-location play, Willis reproduced this work as a radio play in response to the social gathering restrictions of the Pandemic and maintained a 2020 release coinciding with the 100-year anniversary of the Olympian Hotel's opening.
- **The Thurston County Historic Commission** is nominated for their coordination and publication of ***Thurston County Water, Woods & Prairies, Essays on the History of Washington's Capital County***, an extensive account of the history of Washington's Capital County, and the first published in 100 years. The entire project was conducted with unpaid

volunteers starting in 2012. Featuring the work of nine local and regional historians and five essayists, this publication adds new information to the historical record of our region. The extensively researched and indexed publication provides valuable sources, including a wealth of historic images, drawings, and maps, for community historians. It was published in 2019 with support from the Thurston County Commissioners.

- **Alicia Elliott for McIntyre House Restoration and Placemaking** - Alicia Elliott's innovative effort blends placemaking with historic preservation in a prominent block on Olympia's Westside. Alicia's 2012 vision to create a neighborhood center and gathering place on the site of the former Rowland Lumber building at the corner of Harrison and Division led to the creation of West Central Park. Building on this success, she acquired and restored nearby historic homes including the 1892 era McIntyre House, which has been carefully restored and is now a successful inn. In less than a decade Alicia has created new public green space, preserved historic sites, sparked local economic development, and promoted sustainable development, in a testament to what one person can accomplish and an example for others to follow.

**Neighborhood/Community Interests (if known):**

General community interest in preserving, enhancing, and championing the people, places and stories that reveal our city's unique character.

**Options:**

1. Proclaim May as Heritage Month and review the 2021 Preservation Award nominees.
2. Do not proclaim May as Heritage Month or review the 2021 Preservation Award nominees.
3. Proclaim May as Heritage Month and modify the 2021 Preservation Award Nominees.

**Financial Impact:**

Heritage Month activities will not have a financial impact. Preservation Awards have a minimal cost to create certificates and awards using reclaimed City street bricks.

**Attachments:**

Proclamation  
Award Certificates

## PROCLAMATION

*WHEREAS, the City of Olympia values the positive financial, social, and environmental impacts of historic preservation and its contribution to the unique character, livability, and lovability of our community; and*

*WHEREAS, history and heritage are living and dynamic forces in a healthy community; and*

*WHEREAS, the stories and lived experiences of Olympians are as diverse as the people and events of our world, and evident in many differing and sometimes under-recognized forms; and*

*WHEREAS, the unprecedented events of the last year have brought into full view the historic and continuing presence of systemic inequality and injustice in our society, and highlight a need to recognize and value all lived experiences; and*

*WHEREAS, the pandemic year of 2020 also encouraged exploration of creative new ways to share, communicate, and educate; and*

*WHEREAS, Olympia's architecture and built environment is but a starting point for community-building and telling the stories of all Olympians, especially those of marginalized and under-represented populations; and*

*WHEREAS, the Heritage Awardees for 2021 reflect four very different methods for interpreting and celebrating our history, providing excellent examples of diverse ways of reflecting on our past to inform the future, enrich the present, contribute to our local economy, and strengthen Olympia's sense of place; and*

*NOW THEREFORE, BE IT RESOLVED, that the Olympia City Council does hereby proclaim May 2021 to be*

### **OLYMPIA HERITAGE MONTH**

*And encourage all Olympians to begin a year of exploring new ways of recognizing and celebrating our diverse history and heritage and expand access to it for our entire community.*

*SIGNED IN THE CITY OF OLYMPIA, WASHINGTON THIS 4th DAY OF MAY, 2021.*

**OLYMPIA CITY COUNCIL**

*Cheryl Selby*  
**Mayor**



## City Council

### Special Recognition - Olympia Community Solar Solarize Thurston Campaign

**Agenda Date:** 5/4/2021  
**Agenda Item Number:** 2.B  
**File Number:**21-0416

---

**Type:** recognition **Version:** 1 **Status:** Recognition

---

#### **Title**

Special Recognition - Olympia Community Solar Solarize Thurston Campaign

#### **Recommended Action**

##### **Committee Recommendation:**

Not referred to a committee.

##### **City Manager Recommendation:**

Recognize the launch of the solar group-purchasing program, Solarize Thurston.

#### **Report**

##### **Issue:**

Whether to recognize the launch of the solar group-purchasing program, Solarize Thurston.

##### **Staff Contact:**

Pamela Braff, PhD, Climate Program Manager, 360.753.8249

##### **Presenter(s):**

Mason Rolph, Olympia Community Solar

#### **Background and Analysis:**

Through Sept. 1, 2021, Thurston County residents and businesses can access solar at prices more than 25 percent below market rates through the solar group-purchasing program Solarize Thurston. The program will support 50 Thurston County homes and businesses in installing clean energy. The program will also support energy equity: For every 50 kilowatts installed, solar capacity will be donated through the program to low-income families.

Solarize Thurston will help make it easier to install solar energy on homes and business and is consistent with the Thurston Climate Mitigation Plan strategy to increase the production of local renewable energy. Shifting the production of electricity from fossil fuels to renewable sources like wind and solar is one of the most important steps to reduce regional greenhouse gas emissions.

The Solarize Thurston group-purchasing program is provided through a partnership between Olympia Community Solar, a 501 (c)(3) non-profit, and CapStone Solar, a local solar energy installer.

---

**Type:** recognition **Version:** 1 **Status:** Recognition

---

**Attachments:**

None



City Hall  
601 4th Avenue E.  
Olympia, WA 98501  
360-753-8244

## City Council

### Approval of April 13, 2021 City Council Meeting Minutes

**Agenda Date:** 5/4/2021  
**Agenda Item Number:** 4.A  
**File Number:**21-0449

---

**Type:** minutes **Version:** 1 **Status:** Consent Calendar

---

**Title**

Approval of April 13, 2021 City Council Meeting Minutes



# Meeting Minutes - Draft

## City Council

City Hall  
601 4th Avenue E  
Olympia, WA 98501

Information: 360.753.8244

---

**Tuesday, April 13, 2021**

**5:30 PM**

**Online and Via Phone**

---

**Register to Attend:**

[https://us02web.zoom.us/webinar/register/WN\\_YmwTH173TaePxyemRS8Ovg](https://us02web.zoom.us/webinar/register/WN_YmwTH173TaePxyemRS8Ovg)

**1. ROLL CALL**

**Present:** 7 - Mayor Cheryl Selby, Mayor Pro Tem Clark Gilman, Councilmember Jim Cooper, Councilmember Y  n Hu  nh, Councilmember Dani Madrone, Councilmember Lisa Parshley and Councilmember Renata Rollins

**1.A ANNOUNCEMENTS**

Home Fund Program Manager, Cary Retlin gave an overview of the Thurston County site mitigation pilot project.

**1.B APPROVAL OF AGENDA**

The agenda was approved.

**2. SPECIAL RECOGNITION**

**2.A** [21-0354](#) Special Recognition - West Bay Art Crossing Dedication

The recognition was received.

**2.B** [21-0353](#) Special Recognition - Proclamation Recognizing Olympia Bicycle Month

The recognition was received.

**2.C** [21-0373](#) Special Recognition - Proclamation Recognizing Workers Memorial Week

The recognition was received.

**3. PUBLIC COMMENT**

The following people spoke: Rene Dars, Charlotte Verdini Elliot, Sarah Lawrence, Angel Gonzalez, Holly Chisa, Tammie Hetrick, Lin Nelson and Nolan Hibbard-Pelly.

**COUNCIL RESPONSE TO PUBLIC COMMENT (Optional)**



**4. CONSENT CALENDAR**

- 4.A [21-0364](#) Approval of March 30, 2021 City Council Meeting Minutes

**The minutes were adopted.**

- 4.B [21-0367](#) Approval of 2021 Advisory Committee Work Plans

**The decision was adopted.**

- 4.C [21-0319](#) Approval of a Resolution Authorizing a Grant Agreement Between the City of Olympia and the Family Support Center of South Sound for Completion of a Homeless Shelter

**The resolution was adopted.**

- 4.D [21-0346](#) Approval of a Resolution Authorizing Amendment One to an Interlocal Agreement with the Regional Housing Council Regarding Use of Senate House Bill 1406 Funds

**The resolution was adopted.**

- 4.E [21-0356](#) Approval of a Resolution Authorizing a Project Funded Increase in City Staffing by One Quarter Full-Time-Equivalent to Support the Design and Re-construction of the Armory Creative Campus

**The resolution was adopted.**

- 4.F [21-0359](#) Approval of a Resolution Related to the Appointment of an Independent Salary Commission to Review City Council Compensation

**The resolution was adopted.**

- 4.G [21-0360](#) Approval of a Resolution Authorizing an Amendment to the Interlocal Agreement between the Cities of Olympia, Lacey and Yelm for Implementing the Deschutes Water Rights Mitigation Strategy - Phase V

**The resolution was adopted.**

**Approval of the Consent Agenda**

**Councilmember Madrone moved, seconded by Councilmember Parshley, to adopt the Consent Calendar. The motion carried by the following vote:**

**Aye:** 7 - Mayor Selby, Mayor Pro Tem Gilman, Councilmember Cooper, Councilmember Huynh, Councilmember Madrone, Councilmember Parshley and Councilmember Rollins

**4. SECOND READINGS (Ordinances) - None**

**4. FIRST READINGS (Ordinances) - None****5. PUBLIC HEARING - None****6. OTHER BUSINESS****6.A [21-0363](#) Approval of Poet Laureate for 2021-2023**

Arts Program Manager Stephanie Johnson and Arts Commission Chair Fredrick Dobler discussed the proposed Poet Laureate Ashly McBunch and share some of their work. Councilmembers asked clarifying questions.

**Councilmember Parshley moved, seconded by Councilmember Cooper, Move to approve the proposed 2021-2023 Poet Laureate. The motion carried by the following vote:**

**Aye:** 7 - Mayor Selby, Mayor Pro Tem Gilman, Councilmember Cooper, Councilmember Huynh, Councilmember Madrone, Councilmember Parshley and Councilmember Rollins

**6.B [21-0361](#) Briefing on the Social Justice and Equity Commission Public Engagement Process**

Equity and Inclusion Coordinator Olivia Salazar de Breaux gave an update on the launch of the public engagement process to form the new Equity and Social Justice Commission including dates for Community Conversation, an updated process timeline, and communications plan. Councilmembers asked clarifying questions.

**The information was received.**

**6.C [21-0345](#) Approval of a Resolution Authorizing the 2021 Home Fund Capital Awards for Supportive Housing**

Mr. Retlin presented the recommended 2021 Home Fund Capital Awards for the 2021 funding round for the Olympia Home Fund for affordable housing acquisition and construction.

The proposed awardees are:

Low Income Housing Institute (LIHI) in order to construct 63 more units in phase 2 at 2828 Martin Way. Phase 1 is already under construction (65 apartments and 60 shelter beds). The total construction cost is \$18.6 million or \$291,600 per unit.

The Housing Authority of Thurston County in order to acquire a 58-unit motel in Tumwater and convert it to transitional housing. The total acquisition cost is \$3.3 million for 58 units for a per unit cost of \$58,719.

Councilmembers asked clarifying questions.

**Councilmember Cooper moved, seconded by Councilmember Parshley, to approve the Home Fund Advisory Board's recommendation and authorize the 2021 Home Fund Capital Awards and authorize staff to proceed to send conditional award letters for the 2021 funding round for the Olympia Home Fund for affordable housing acquisition and construction. The motion carried by the following vote:**

**Aye:** 7 - Mayor Selby, Mayor Pro Tem Gilman, Councilmember Cooper, Councilmember Huynh, Councilmember Madrone, Councilmember Parshley and Councilmember Rollins

- 6.D** [21-0362](#) Approval of an Ordinance Relating to Employment in Olympia; Establishing Labor Standards Requirements for Additional Compensation for Grocery Employees Working in Olympia; and Declaring an Emergency and Establishing an Immediate Effective Date

City Attorney Mark Barber gave an overview of the ordinance. Councilmembers asked clarifying questions.

**Councilmember Cooper moved, seconded by Councilmember Parshley, Councilmembers, adopt an Ordinance providing grocery workers with hazard pay, as defined within the Ordinance, and for it to take immediate effect for the preservation of public peace, health, safety, and welfare. The motion carried by the following vote:**

**Aye:** 7 - Mayor Selby, Mayor Pro Tem Gilman, Councilmember Cooper, Councilmember Huynh, Councilmember Madrone, Councilmember Parshley and Councilmember Rollins

**Councilmember Cooper moved, seconded by Councilmember Parshley, to amend the Ordinance providing grocery workers with hazard pay, as defined within the Ordinance, to take effect May 2, 2021 at 12:01 a.m.. The motion carried by the following vote:**

**Aye:** 7 - Mayor Selby, Mayor Pro Tem Gilman, Councilmember Cooper, Councilmember Huynh, Councilmember Madrone, Councilmember Parshley and Councilmember Rollins

**Councilmember Cooper moved, seconded by Councilmember Parshley, to amend the Ordinance providing grocery workers with hazard pay to exclude truck fleet drivers and corporate staff employees from the definition of "Grocery employee" in Section 2 of the Ordinance. The motion carried by the following vote:**

**Aye:** 7 - Mayor Selby, Mayor Pro Tem Gilman, Councilmember Cooper, Councilmember Huynh, Councilmember Madrone, Councilmember Parshley and Councilmember Rollins

## **7. CONTINUED PUBLIC COMMENT**

## 8. REPORTS AND REFERRALS

### 8.A COUNCIL INTERGOVERNMENTAL/COMMITTEE REPORTS AND REFERRALS

Councilmembers reported on meetings and events attended.

Councilmember Rollins discussed reviving a referral from two years ago regarding creating a tenant displacement fund. The revived version would go to the Land Use and Environment Committee. Councilmembers Rollins, Madrone and Cooper will work together on this topic.

### 8.B CITY MANAGER'S REPORT AND REFERRALS

City Manager Burney announced that he will postpone the Police Chief Recruitment Process until the Reimagining Public Safety work has been completed. Interim Police Chief Aaron Jelcick will continue to lead the Department in the interim.

## 9. EXECUTIVE SESSION

### 9.A [21-0368](#) Executive Session Pursuant to RCW 42.30.110(1)(b); RCW 42.30.110 (1)(c) - Real Estate Matter

Mayor Selby recessed the meeting at 8:30 p.m. She asked the Council to reconvene in 5 minutes for an Executive Session Pursuant to RCW 42.30.110(1)(b); RCW 42.30.110 (1)(c) related to Real Estate. They announced no decisions would be made, the meeting was expected to last no longer than 1 hour, Mayor Selby reconvened the meeting at 8:35 p.m. The City Attorney was present at the Executive Session.

**The executive session was held and no decisions were made.**

## 9. ADJOURNMENT

The meeting adjourned at 9:29 p.m.



City Hall  
601 4th Avenue E.  
Olympia, WA 98501  
360-753-8244

## City Council

### Approval of April 20, 2021 City Council Meeting Minutes

**Agenda Date:** 5/4/2021  
**Agenda Item Number:** 4.B  
**File Number:**21-0418

---

**Type:** minutes **Version:** 1 **Status:** Consent Calendar

---

**Title**

Approval of April 20, 2021 City Council Meeting Minutes



# Meeting Minutes - Draft

## City Council

City Hall  
601 4th Avenue E  
Olympia, WA 98501

Information: 360.753.8244

---

Tuesday, April 20, 2021

5:30 PM

Online and Via Phone

---

**NOTICE OF POSTPONEMENT: AGENDA ITEMS HAVE BEEN POSTPONED UNTIL  
APRIL 27, 2021**

**Special Work Session**

**Attend: [https://us02web.zoom.us/j/87504247207?](https://us02web.zoom.us/j/87504247207?pwd=TDFrRGxaVzNIVFc5a00wbVZlbnV5QT09)  
[pwd=TDFrRGxaVzNIVFc5a00wbVZlbnV5QT09](https://us02web.zoom.us/j/87504247207?pwd=TDFrRGxaVzNIVFc5a00wbVZlbnV5QT09)**

### 1. ROLL CALL

**Present:** 7 - Mayor Cheryl Selby, Mayor Pro Tem Clark Gilman, Councilmember Jim Cooper, Councilmember Y  n Hu  nh, Councilmember Dani Madrone, Councilmember Lisa Parshley and Councilmember Renata Rollins

### ANNOUNCEMENTS

Mayor Selby read a statement regarding the outcome of the Derek Chauvin trial that was announced earlier in the day. She announced the agenda items for the evening have been postponed until April 27, 2021.

Councilmembers shared their thoughts on the trial and the death of George Floyd.

### 2. BUSINESS ITEMS

2.A [21-0387](#) Reimagining Public Safety Discussion

**The discussion was postponed.**

2.B [21-0382](#) Briefing on Parks, Arts and Recreation Needs Assessment Survey Results

**The report was postponed.**

### 3. ADJOURNMENT

The meeting adjourned at 5:43 p.m.



City Hall  
601 4th Avenue E.  
Olympia, WA 98501  
360-753-8244

## City Council

### Approval of April 27, 2021 Work Session Meeting Minutes

**Agenda Date:** 5/4/2021  
**Agenda Item Number:** 4.C  
**File Number:**21-0442

---

**Type:** minutes   **Version:** 1   **Status:** Consent Calendar

---

**Title**

Approval of April 27, 2021 Work Session Meeting Minutes



# Meeting Minutes - Draft

## City Council

City Hall  
601 4th Avenue E  
Olympia, WA 98501

Information: 360.753.8244

---

Tuesday, April 27, 2021

5:30 PM

Online and Via Phone

---

### Work Session

Attend: [https://us02web.zoom.us/j/86371617910?](https://us02web.zoom.us/j/86371617910?pwd=S0dZWUFUcjJ0TW1LZ0plaXRmcnNsZz09)  
[pwd=S0dZWUFUcjJ0TW1LZ0plaXRmcnNsZz09](https://us02web.zoom.us/j/86371617910?pwd=S0dZWUFUcjJ0TW1LZ0plaXRmcnNsZz09)

## 1. ROLL CALL

**Present:** 7 - Mayor Cheryl Selby, Mayor Pro Tem Clark Gilman, Councilmember Jim Cooper, Councilmember Yên Huỳnh, Councilmember Dani Madrone, Councilmember Lisa Parshley and Councilmember Renata Rollins

## 2. BUSINESS ITEMS

### 2.A [21-0387](#) Reimagining Public Safety Discussion

Assistant City Manager Debbie Sullivan and Strategic Planning & Performance Manager Stacey Ray gave an update on the Reimagining Public Safety engagement process and timeline.

Kerensa Mabwa and Paul Horton of Athena Group facilitated a discussion regarding opportunities and barriers that currently exist in addressing bias and inequities in the City's criminal justice system and areas where more learning is needed.

**The study session was completed.**

### 2.B [21-0382](#) Briefing on Parks, Arts and Recreation Needs Assessment Survey Results

Planning and Parks Manager Laura Keehan briefed the Council on the Parks, Arts and Recreation Needs Assessment Survey results and discussed Parks, Arts and Recreation Plan priorities. Councilmembers asked clarifying questions.

**The study session was completed.**

## 3. ADJOURNMENT

The meeting adjourned at 8:39 p.m.





## City Council

### Approval of 2021 Heritage Award Nominations

**Agenda Date:** 5/4/2021  
**Agenda Item Number:** 4.D  
**File Number:**21-0407

---

**Type:** decision **Version:** 1 **Status:** Consent Calendar

---

#### **Title**

Approval of 2021 Heritage Award Nominations

#### **Recommended Action**

##### **Committee Recommendation:**

The Heritage Commission and General Government Committee recommend approval of the 2021 Heritage Award nominees.

##### **City Manager Recommendation:**

Move to approve the recommended 2021 Heritage Award nominees.

#### **Report**

##### **Issue:**

Whether to approve the recommended 2021 Heritage Award nominees.

##### **Staff Contact:**

Marygrace Goddu, Historic Preservation Officer, Community Planning & Development, 360.480.0923

##### **Presenter(s):**

None - Consent Calendar Item.

#### **Background and Analysis:**

The members of the Heritage Commission have nominated four awardees for recognition in 2021. The nominations were reviewed by the General Government Committee and unanimously recommended for Council approval.

Following this unprecedented Pandemic year of 2020, in which the norms of human interaction had to be reimagined, these nominations recognize heritage, history, and culture bearers who have worked in a variety of mediums to creatively connect, educate, tell our stories, and share our past.

- **Shane Anderson, Documentary Film maker and Storyteller** is recognized for his historical and current documentation of the land, water, and wildlife in our region and the complexity of human efforts to protect them. Shane's films have educated the public, inspired public policy, and communicated calls to action to protect, honor, and preserve these places that backdrop our city, from the Olympic Mountains to our local waterways. Historical background is a strong

component of each of Shane's productions.

- **Playwright Bryan Willis** is nominated for his play, **The Hotel Olympian 100th Anniversary Grand Gala Extravaganza**, which successfully uses historic narratives to entertain and educate audiences. Using the 100<sup>th</sup> Anniversary of the Hotel Olympian in 2020 as his take-off point, Willis' play is set in the Hotel's Grand Opening event. With the clever use of a fortune-teller, he playfully takes observers on a 100-year, forward journey into Olympia's history and current landmarks, invoking a renewed sense of community, longevity, and a few good laughs. Originally planned as a live on-location play, Willis reproduced this work as a radio play in response to the social gathering restrictions of the Pandemic and maintained a 2020 release coinciding with the 100-year anniversary of the Olympian Hotel's opening.
- **The Thurston County Historic Commission** is nominated for their coordination and publication of **Thurston County Water, Woods & Prairies, Essays on the History of Washington's Capital County**, an extensive account of the history of Washington's Capital County, and the first published in 100 years. The entire project was conducted with unpaid volunteers starting in 2012. Featuring the work of nine local and regional historians and five essayists, this publication adds new information to the historical record of our region. The extensively researched and indexed publication provides valuable sources, including a wealth of historic images, drawings, and maps, for community historians. It was published in 2019 with support from the Thurston County Commissioners.
- **Alicia Elliott for McIntyre House Restoration and Placemaking** - Alicia Elliott's innovative effort blends placemaking with historic preservation in a prominent block on Olympia's Westside. Alicia's 2012 vision to create a neighborhood center and gathering place on the site of the former Rowland Lumber building at the corner of Harrison and Division led to the creation of West Central Park. Building on this success, she acquired and restored nearby historic homes including the 1892 era McIntyre House, which has been carefully restored and is now a successful inn. In less than a decade Alicia has created new public green space, preserved historic sites, sparked local economic development, and promoted sustainable development, in a testament to what one person can accomplish and an example for others to follow.

**Neighborhood/Community Interests (if known):**

General community interest in preserving, enhancing, and championing people, places and stories that reveal our city's unique character.

**Options:**

1. Move to approve the nominees for 2021 Heritage Awards.
2. Modify the list of awardees.
3. Do not move to approve the nominees for 2021 Heritage Awards.

**Financial Impact:**

Minimal cost to create certificates and awards using reclaimed City street bricks.

**Attachments:**

Anderson Nomination

Willis Nomination  
Thurston County Historic Commission Nomination  
Elliott Nomination



# 2021 Olympia Preservation Award Nomination

*Olympia's Preservation Award supports the Heritage Commission's goal of recognizing excellence in the rehabilitation of historic objects, buildings, structures, sites and districts, as well as new construction in historic areas (OMC 18.12.055).*

## PERSON MAKING NOMINATION:

Name	Contact Details	Date of Nomination
Audrey Henley	audrey@olympiafilmsociety.org	1/27/2021

## NOMINATION TYPE:

Person

Project

Other:

Organization

Building

**CATEGORY OF NOMINATION:**

- Preservation
- Education
- Other:
- New Construction
- Scholarship

**NOMINEE:**

Name	Address	Phone/Email
Shane Anderson	Olympia, WA	northforkstudios@gmail.com

**SIGNIFICANCE OF NOMINATION:**

*Brief summary of the significance of the person, organization, project or building. This text will be used by the City of Olympia in preparing and presenting the award at the City Council meeting. Attach additional pages as needed.*

Olympian Shane Anderson is an environmental documentarian and filmmaker. Shane is also the Director of Storytelling at Pacific Rivers, a conservation non-profit whose mission is to protect and restore the West's watershed ecosystems to ensure river health, biodiversity, and clean water for present and future generations.

He has produced award-winning short and full-length films, most notable Wild Reverence about the decline of wild steelhead in the Northwest, A River's Last Chance chronicling the 2014 dry up of the mighty Eel River of California. He is releasing a new film Chehalis: A Watershed Moment, about climate change and a legacy of human impact that has affected Washington's Chehalis River and the people living in the watershed. Told by the people grappling with decisions that will affect the river's fate, the salmon, and their communities. The film explores the intersection of social, cultural, economic, and environmental values increasingly being defined by a new climate reality.

Shane's films are an educational and conscious call to action to preserve, restore, and protect resources, communities, and wildlife affected by the destructive actions of mankind and mother nature.

North Fork Studios is a multi-media production company based out of Olympia, Washington specializing in storytelling through video focusing on outdoor, adventure, and conservation. Shane Anderson founded North Fork Studios in 2012 after realizing the importance of the video medium to tell stories that can lead to changes in public policy around the environment and natural resources management.

\*\*\*\*

This Preservation Award Nomination recognizes filmmaker and storyteller Shane Anderson for his historical and current documentation of the land, water, and wildlife in our area. Shane's films have educated the public, created protective policies, and calls to action that protects, honor, and preserve these places that backdrop our city, from the Olympic Mountains to the waterways that shape our community.

*X I have attached information to support my nomination, including documents, images, & other recognitions.*

*For a project nomination, I have included "before" and "after" photos.*

**ADDITIONAL INFORMATION – PROVIDE AS APPLICABLE**

**PROPERTY OWNER FOR BUILDING/PROJECT BEING NOMINATED** (if different from above):

Name	Address	Phone/Email

**ARCHITECT / CONSULTANT FOR PROJECT BEING NOMINATED** (if different from above):

Name	Address	Phone/Email

**BUILDING DETAILS:**

<b>Address</b>	<b>Historical Name</b>
<b>Year Built</b>	<b>Year Rehabilitated</b>
<b>Original/Early Owner</b>	<b>Original Architect/Builder</b>
<b>Original Use</b>	<b>Current Use</b>
<b>Heritage Designation Status</b>	<b>Other Information</b>

*Attach additional pages as needed*

Film Trailer links

**Chehalis: A Watershed Moment - <https://vimeo.com/377676805>**

The future of the Washington state's most diverse river hangs by a thread. Faced with worsening floods and a prized salmon population on the brink of extinction, a changing climate can no longer be ignored. On Dec. 3, 2007 the Chehalis river valley experienced a catastrophic flood like never before, marking the 4th major flood in 30 years and the resurgence of long-standing interest in building a flood retention dam. As the region prepares to pursue possible solutions with a combination of infrastructure and restorative design, this wild salmon stronghold faces rising water temperatures and a 100-year legacy of habitat degradation. The dam efforts have also caused diverse stakeholders, including the Confederated Tribes of Chehalis, Quinault Indian Nation and Washington Dept. of Fish and Wildlife to undertake massive scientific investigation in order to learn more about this little known basin and its fragile habitat. If no action is taken, the prized spring Chinook population will stay on trajectory toward extinction in coming years

*This film is planning to be shown at the Capitol Theater with a Q&A event to follow - date TBD.*

**Wild Reverence - <https://vimeo.com/ondemand/17698/100771622>**

Shane made a pilgrimage to the Olympic Peninsula in Washington state to the rivers he once fished as a boy. His relationship with the wild steelhead and the rivers in which they met upon taught him just how precious life can be. What was once a childhood fishing trip has evolved into a journey to find answers why his favorite fish is disappearing from the rivers and appearing on the Endangered Species list. How could this wild and beautiful creature slip toward the abyss of extinction?

WILD REVERENCE embarks on a quest to begin a movement to enact real change not only for the steelhead but for all ecosystems.

**Rising From the Ashes - [https://www.youtube.com/watch?v=9t\\_m1myVBBQ](https://www.youtube.com/watch?v=9t_m1myVBBQ)**

Less than six years ago, the second of two dams on the Elwha River, on Washington's Olympic Peninsula, was taken out to provide access for fish to the upper river located in the Olympic National Park. Since then, we have witnessed a remarkable transformation of the river – and of the wildlife that depend on it. Before the dams were installed in the early 1900s, the Elwha produced consistent and robust runs of salmon and steelhead and was a productive fishery. Afterwards, these runs dwindled almost to nothing. In fact, the river's summer run of steelhead was almost extirpated. But taking out the dams paid immediate dividends for salmon and steelhead, which are now being found throughout the watershed. And summer steelhead, in particular, have staged an amazing comeback. Like the Phoenix rising from the ashes, summer steelhead have repopulated the Elwha in numbers unthinkable a few years ago.

**North Fork Studios - [www.northforkstudios.net](http://www.northforkstudios.net)**

Please email completed form and attachments to Marygrace Goddu at: [mgoddu@ci.olympia.wa.us](mailto:mgoddu@ci.olympia.wa.us)

## 2021 Heritage Award Nomination

*Olympia's Preservation Award supports the Heritage Commission's goal of recognizing excellence in the rehabilitation of historic objects, buildings, structures, sites and districts, as well as new construction in historic areas (OMC 18.12.055).*

### PERSON MAKING NOMINATION:

Name	Contact Details	Date of Nomination
Andrea Pareigis	apareigi@ci.olympia.wa.us	1/18/2021

### NOMINATION TYPE:

Person	Project <b>X</b>	Other:
Organization	Building	

### CATEGORY OF NOMINATION:

Preservation	Education <b>X</b>	Other:
New Construction	Scholarship	

### NOMINEE:

Name	Address	Phone/Email
<b>The Hotel Olympian 100<sup>th</sup> Anniversary Grand Gala Extravaganza</b>		willis@olynet.com

### SIGNIFICANCE OF NOMINATION:

*Brief summary of the significance of the person, organization, project or building. This text will be used by the City of Olympia in preparing and presenting the award at the City Council meeting. Attach additional pages as needed.*

One of the many ways history is preserved is through the art of storytelling. World renowned, and locally inspired playwright Bryan Willis had made a career out of retelling history through inspired and creative plays. His latest work, **The Hotel Olympian 100th Anniversary Grand Gala Extravaganza**, not only showcases important Olympia history, but proves Willis' passion, perseverance and adaptability. Originally planned as a live on-location play, Willis reproduced this work as a radio play in response to the social gathering restrictions of the 2020 Pandemic and maintained a 2020 release coinciding with the 100 year anniversary of the celebrated Olympian Hotel.

**The Hotel Olympian 100th Anniversary Grand Gala Extravaganza** is a prime example of history, culture and the arts meeting. This play expands from the history of how and why the hotel was



built to include numerous references to other timely and significant facts including political leaders, Olympia Brewery, suffrage, and prohibition.

Prior to the building of The Hotel Olympian, Olympia was at risk of losing state capitol status. Critics were concerned over the lack of "world class accommodations" provided in Olympia. With the capitol status at risk, politicians, business leaders and other citizens formed and executed a plan to bring world class hospitality to Olympia. The result, The Hotel Olympian, still standing today at 116 Legion Way SE as part of the Downtown Olympia Historic District.

Willis' play goes into the details of this endeavor using the backdrop of the July 16<sup>th</sup>, 1920 Grand O pening. He recreates this historic event, and playfully takes observers on a 100-year, forward journey of Olympia's history through the creative use of a fortune teller. The play goes so far as to remind us, tongue in cheek, of the building's current use: low-cost senior living and a tattoo parlor. Historic figures, Governor Louis F Hart, brewer Peter G. Schmidt and Mayor Jesse T. Mills are among those recreated in this historic work.

Bryan Willis' uses his experiences and knowledge of Olympia to produce art appreciated globally. His plays have been produced throughout the United States and abroad in five different countries. While traveling has been a part of his career, he is still first and foremost a pacific northwest playwright. "As a native Olympian I think it's time we started telling our own stories." Willis was quoted in a News Tribune interview. Other plays inspired by Olympia include "Bootleg" and "Bicycle Noir: A Love Story on Wheels".

Bryan Willis should be commended on successfully using historic narratives to both entertain and educate audiences. Using the 100<sup>th</sup> Anniversary of the Hotel Olympian, Willis was able to connect our history to current landmarks, invoking a sense of community and longevity. A radio version of the play aired on local station KGY December 2020. Plans are currently in the works for this play to be produced live on location at the Hotel Olympian, furthering the connection to history and place.

*I have attached information to support my nomination, including documents, images, & other recognitions.*

*For a project nomination, I have included "before" and "after" photos.*

**ADDITIONAL INFORMATION – PROVIDE AS APPLICABLE**

**PROPERTY OWNER FOR BUILDING/PROJECT BEING NOMINATED (if different from above):**

Name	Address	Phone/Email
------	---------	-------------

--	--	--

**ARCHITECT / CONSULTANT FOR PROJECT BEING NOMINATED** (if different from above):

Name	Address	Phone/Email

**BUILDING DETAILS:**

<b>Address</b>	<b>Historical Name</b>
<b>Year Built</b>	<b>Year Rehabilitated</b>
<b>Original/Early Owner</b>	<b>Original Architect/Builder</b>
<b>Original Use</b>	<b>Current Use</b>
<b>Heritage Designation Status</b>	<b>Other Information</b>

***Attach additional pages as needed***

See Script Attached

Please email completed form and attachments to Marygrace Goddu at:  
[mgoddu@ci.olympia.wa.us](mailto:mgoddu@ci.olympia.wa.us)

## 2021 Heritage Award Nomination

*Olympia's Preservation Award supports the Heritage Commission's goal of recognizing excellence in the rehabilitation of historic objects, buildings, structures, sites and districts, as well as new construction in historic areas (OMC 18.12.055).*

### PERSON MAKING NOMINATION:

Name	Contact Details	Date of Nomination
Susan Rohrer	srohrer@ci.olympia.wa.us	1/27/2021

### NOMINATION TYPE:

Person

Project **X**

Other:

Organization **X**

Building

### CATEGORY OF NOMINATION:

Preservation **X**

Education **X**

Other:

New Construction

Scholarship **X**

### NOMINEE:

Name	Address	Phone/Email
Thurston County Historic Commission	2000 Lakeridge DR SW, Building One Second Floor, Olympia, WA 98502 [TCHC]	

### SIGNIFICANCE OF NOMINATION:

*Brief summary of the significance of the person, organization, project or building. This text will be used by the City of Olympia in preparing and presenting the award at the City Council meeting. Attach additional pages as needed.*

***Thurston County Water, Woods & Prairies, Essays on the History of Washington's Capital County*** is the most inclusive book ever written on Washington's Capital County, and the first published in 100 years. The entire project was conducted with unpaid volunteers starting in 2012. Featuring the work of nine local and regional noted historians and five essayists, this publication adds new information to the historical record of our region. The extensively researched and indexed information provide valuable sources, including a wealth of historic images, drawings and maps for historic preservationists and community historians. It was published in 2019 with support and from the Thurston County Commissioners.

***X I have attached information to support my nomination, including documents, images, & other recognitions.***

**PROPERTY OWNER FOR BUILDING/PROJECT BEING NOMINATED (if different from above):**

Name	Address	Phone/Email
------	---------	-------------

--	--	--

**ARCHITECT / CONSULTANT FOR PROJECT BEING NOMINATED** (if different from above):

Name	Address	Phone/Email

**BUILDING DETAILS:**

<b>Address</b>	<b>Historical Name</b>
<b>Year Built</b>	<b>Year Rehabilitated</b>
<b>Original/Early Owner</b>	<b>Original Architect/Builder</b>
<b>Original Use</b>	<b>Current Use</b>
<b>Heritage Designation Status</b>	<b>Other Information</b>

*Attach additional pages as needed*

**SEE ATTACHMENTS**

Please email completed form and attachments to Marygrace Goddu at: [mgoddu@ci.olympia.wa.us](mailto:mgoddu@ci.olympia.wa.us)

## 2021 Heritage Award Nomination

### Thurston County Historic Commission for Coordination and Publication of

#### *Thurston County Water Woods and Prairies*

***Thurston County Water, Woods & Prairies, Essays on the History of Washington's Capital County*** originated with the Thurston County Historic Commission in 2012, under the guidance of commissioner Sandra Crowell, a regional historian and editor of the publication. The idea was to fill a gap in the historical record of Thurston County and its communities. It is the most inclusive book ever written on Washington's Capital County, and the first published in 100 years. The entire project was conducted by unpaid volunteers with unpaid volunteers starting in 2012. It was published in 2019 with support and from the Thurston County Commissioners.

*Thurston County Water, Woods & Prairies* is not a traditional nomination for a historic preservation project. It is an education project focused on community history.

The publication is a valuable research resource for historians and preservationists, including historic home and business owners, due to the following:

- a wealth of well-researched and newly uncovered local historical information
- a large collection of historic images, maps and documents
- a professionally prepared index

A professional indexer was brought on to create a searchable history database. According to well-known local historian and historic preservationist Shanna Stevenson "The book has enduring value because it is thoroughly footnoted and has an extensive bibliography...and [includes] an extraordinary number of historic and contemporary images of the county-not done before."

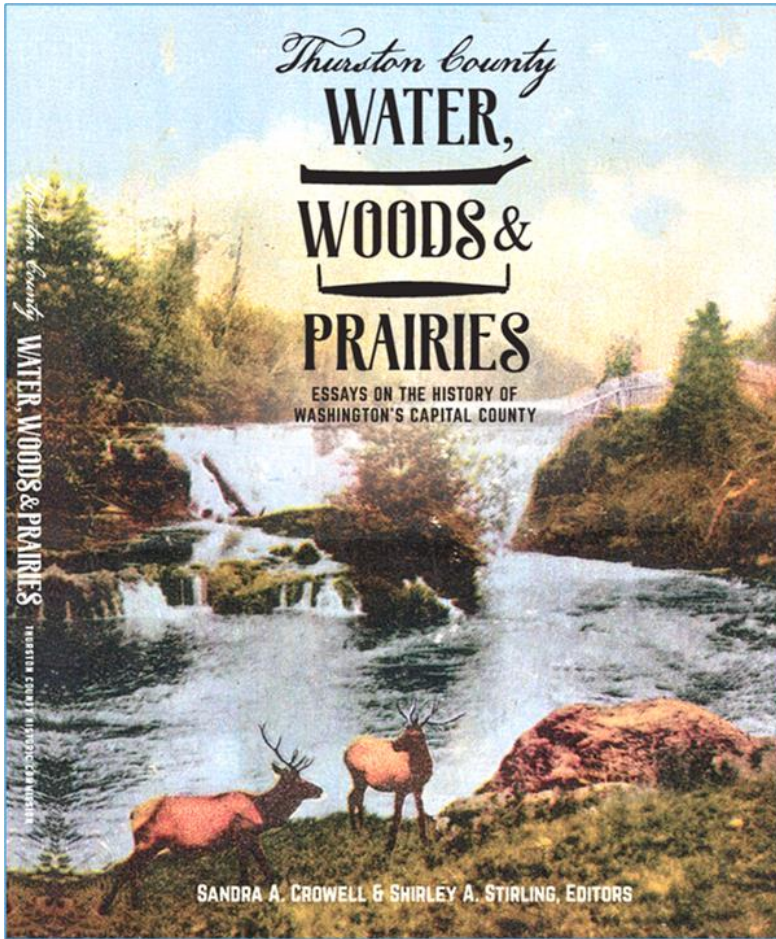
The book contains more than 250 images, original scanned documents and 12 maps, many which have never been published. There are 25 "sidebars" or short essays that include the Olympia music scene 1983 to 1999, and the 1860 establishment of the Pacific Restaurant and Hotel by Rebecca Howard on Main Street [now Capital Way].

Community history and historic preservation go hand in hand. The National Park Service, which owns and maintains historic properties across the country, has stated "Historic structures can serve to define a community, it is a way to tell our history. They connect us to specific times, places and events that are significant milestones to our past. Historic Preservation and the study of history go hand in hand and enrich and enhance our knowledge appreciation of our collective history."

The book originated with the Thurston County Historic Commission and the expertise of well-established historians, including Gerry Alexander, Drew Crooks, Jennifer Crooks, the late Les Eldridge, Dr. James Hannum, Karen Johnson, Shanna Stevenson, and Don Trospen. Other contributors include co-editors Sandra Crowell and Shirley Stirling. Chris Colton provided copy-editing while Tumwater resident David Nicandri, former director of the Washington State Historical Society, introduced the work. Proceeds from the sale of the book have been given to Arts and Heritage based organizations across the entire county.

Members and Former Members of the Thurston County Historic Commission who provided support for this project  
Charlie Roe, Rob Kirkwood, David Shipley; County staff, Cami Petersen; Jeremy Davis. Sonja Cady, Sandra Crowell, Shirley Stirling.

Thurston County Board of County Commissioners  
Carolina Mejia, Gary Edwards, Tye Menser



Olympia, Washington Territory, in 1857 by James M. Alden. One of the earliest views of Olympia Looking north toward the waterfront. (Washington State Historical Society)



# 2021 Olympia Preservation Award Nomination

*Olympia's Preservation Award supports the Heritage Commission's goal of recognizing excellence in the rehabilitation of historic objects, buildings, structures, sites and districts, as well as new construction in historic areas (OMC 18.12.055).*

## PERSON MAKING NOMINATION:

Name	Contact Details	Date of Nomination
Ken House		2-9-2021
Garner Miller		

## NOMINATION TYPE:

Person

Organization

Project

Building

Other:

## CATEGORY OF NOMINATION:

Preservation

New Construction

Education

Scholarship

Other: Placemaking

## NOMINEE:

Name	Address	Phone/Email
Alicia Elliott	6326 Cedar Flats Rd SW Olympia	360-915-8039

## SIGNIFICANCE OF NOMINATION:

*Brief summary of the significance of the person, organization, project or building. This text will be used by the City of Olympia in preparing and presenting the award at the City Council meeting. Attach additional pages as needed.*

This award recognizes Alicia Elliott's innovative actions that blend placemaking with historic preservation in a prominent block on Olympia's Westside. Alicia's 2012 vision to create a neighborhood center and gathering place on the site of the former Rowland Lumber building at the corner of Harrison and Division led to creation of West Central Park. Building on this success, she acquired and restored nearby historic homes including the 1892 era McIntyre House, now Marie's Bed and Breakfast, the adjacent Adams House, and the house that is Phoebe's Pastry Cafe. In less than a decade Alicia has created new public green space, preserved historic sites, sparked economic development and promoted sustainable development that is a testament to what one person can accomplish and an example for others to follow.

I have attached information to support my nomination, including documents, images, & other recognitions.

For a project nomination, I have included "before" and "after" photos.

**ADDITIONAL INFORMATION – PROVIDE AS APPLICABLE**

**PROPERTY OWNER FOR BUILDING/PROJECT BEING NOMINATED** (if different from above):

<b>Name</b>	<b>Address</b>	<b>Phone/Email</b>
Alicia Elliott		

**ARCHITECT / CONSULTANT FOR PROJECT BEING NOMINATED** (if different from above):

<b>Name</b>	<b>Address</b>	<b>Phone/Email</b>
Jeffrey Snyder, Architect	218 ½ 4 <sup>th</sup> Ave W	360/786-1775
Robin Healy of Greenland Solutions		

**BUILDING DETAILS:**

<b>Address</b>	<b>Historical Name</b>
123 North Cushing Street	McIntyre house
<b>Year Built</b>	<b>Year Rehabilitated</b>
1892	2018
<b>Original/Early Owner</b>	<b>Original Architect/Builder</b>
J.R. McIntyre, Carpenter	same
<b>Original Use</b>	<b>Current Use</b>
residence	Bed & Breakfast/Inn
<b>Heritage Designation Status</b>	<b>Other Information</b>
Listed on local heritage register	

*Attach additional pages as needed*



## **2021 Heritage Award Nomination**

### **Honoring Alicia Elliot for Placemaking through Historic Preservation and Restoration of the McIntyre House**

This award recognizes Alicia Elliott's innovative actions that blend placemaking with historic preservation in a prominent block on Olympia's Westside. Alicia's 2012 vision to create a neighborhood center and gathering place on the site of the former Rowland Lumber building at the corner of Harrison and Division led to creation of West Central Park. Building on this success, she acquired and restored nearby historic homes including the 1892 era McIntyre House, now Marie's Bed and Breakfast, the adjacent Adams House, and the house that is Phoebe's Pastry Cafe. In less than a decade Alicia has created new public green space, preserved historic sites, sparked economic development and promoted sustainable development that is a testament to what one person can accomplish and an example for others to follow.

Alicia Elliott's vision from 2012 has led to the restoration and adaptive reuse of buildings listed on the Olympia Historic Register and creation of a micro business and residential community. She has set an example of what can be done with historic buildings through adaptive reuse, restoration, careful remodeling and the addition of sensitively planned new construction. Her overall project may be unique in Olympia and certainly is a role model for combining historic preservation, community planning and contemporary use.

Alicia meticulously and thoroughly restored the J.R. McIntyre House at 123 Cushing Street NW after she purchased it in 2016. The home is individually listed on the Olympia Register of Historic Places. The restoration project, completed in 2018 and overseen by Robin Healy of Greenland Solutions, includes adaptive reuse of the 1892 home. It is now Marie's Bed and Breakfast. In addition to the rehabilitation of the house, the grounds were renovated and special care was taken to preserve an historic English oak tree on the site that was threatened by removal. Two new residential buildings were built onsite by Chris Ruef of Altis Construction in a style that complements the Queen Anne architecture of the original home. Their new construction, and the adaptive reuse of the structure, makes the restoration project more economically viable and helps ensure the long-term preservation of the historic home.

The McIntyre House restoration and adaptive reuse is part of a larger, multifaceted project and vision of Ms. Elliott's. Her vision extends to most of the block between Cushing Street, Black Lake Boulevard, Harrison Avenue and 4<sup>th</sup> Avenue NW. For example, she purchased the neglected 1920s era rental house at 106 Division and rehabilitated the structure. It now houses Phoebe's Pastry Café.

Alicia also bought the John and Elsie Adams house at 135 Cushing Street NW. Like the McIntyre House, the Adams House, built in 1900, is individually listed on the Olympia Historic Register. She plans to rehabilitate and enlarge the house to use as office space or a rental, under the review by the Historic Commission and with the assistance of architect Jeffrey Snyder. Here again, care is being taken to preserve the remains of an historic orchard and an original outbuilding.

In addition, Alicia contracted with Altis Construction to build the Parkside Café in a style to compliment, highlight and reflect the architecture of the block. She terms the design of the Café building as a "sign of respect" for the older structures on the block. The new building, also designed by Snyder, includes shop and restaurant space. It is intended to make the block more attractive to local residents and visitors. Ms. Elliott compliments Mr. Snyder's attention to detail, knowledge of local codes and interest in historic architecture.

Ms. Elliott's original interest in the block developed when she purchased the site of the Rowland Lumber Company in 2012. The land had been considered for construction of a gas station and convenience stores following demolition of the historic lumberyard building in 1997. Instead, she created a large public park space and donated the land to 501C3

non-profit corporation. The resultant West Central Park is committed to maintaining a green, vibrant, walkable neighborhood and a resilient, connected community. Traditional and historic crafts such as apple pressing, blacksmithing and carpentry have been demonstrated in the Park and at Marie's. Following the purchase of the lumberyard site, Alicia noticed the great historic architecture on the remainder of the block and began to acquire additional properties. She says that she drew inspiration for the overall project from the successful neighborhood business districts created in Portland that include historic buildings.

Ms. Elliott has been attentive to details that contribute to the success of this neighborhood redevelopment. She arranged to have the alley on the block vacated when she noticed it was being used by drivers evading traffic lights at high speed. The alley is now a pedestrian space connecting the various businesses on the block.

Ms. Elliott's vision has led to the preservation and restoration of historic buildings and the creation of a setting that promotes their appreciation and long-term survival, as well as improved public access and community green space where none existed before.



## City Council

### Approval of 2021 Neighborhood Matching Grants Awards

**Agenda Date:** 5/4/2021  
**Agenda Item Number:** 4.E  
**File Number:**21-0392

---

**Type:** decision **Version:** 1 **Status:** Consent Calendar

---

#### **Title**

Approval of 2021 Neighborhood Matching Grants Awards

#### **Recommended Action**

##### **Committee Recommendation:**

Not referred to a committee.

##### **City Manager Recommendation:**

Move to approve the Neighborhood Matching Grant proposals as recommended by the Grant Review Team.

#### **Report**

##### **Issue:**

Whether to approve funding for ten (10) Neighborhood Matching Grants.

##### **Staff Contact:**

Lydia Moorehead, Associate Planner, Community Planning & Development, 360.570.3746

##### **Presenter(s):**

None - Consent Calendar

##### **Background and Analysis:**

The Neighborhood Matching Grant program helps Olympia's Recognized Neighborhood Associations (RNAs) fund community-driven projects.

*The program goal is "to encourage projects that foster civic pride, enhance and beautify neighborhoods, expand citizen involvement, and promote the interests of the Olympia community. To accomplish this goal, the Olympia City Council will make available grant funds to Recognized Neighborhood Associations up to a 50/50 matching basis. The City Council firmly believes that community participation and commitment to accomplish improvements within our City are mutually beneficial to all Olympia residents."*

##### 2021 Application and Review Process

The City Council approved a budget of up to \$23,000 to fund the Neighborhood Matching Grant

program in 2021. Grant awards can range from \$500 to \$5000, can cover up to 50% of project costs, and must be matched by the RNA with direct financial contribution and/or in-kind labor and materials.

A total of twelve (12) applications were received for 2021. They were reviewed by an interdisciplinary team of city staff. Applications were evaluated against the following program goals:

- Result in a direct and lasting environmental benefit to the neighborhood and/or wider community.
- Enhance and beautify the neighborhood and/or wider community.
- Foster community engagement and enrichment opportunities through the use of neighborhood sweat equity.
- Ready to begin after funding has been approved.
- Likely to be completed by December 31, 2021 (or by December 31, 2022 for projects within the public right-of-way).
- Easily accomplished with volunteers.
- Does not require extensive City staff involvement to be completed.

The attached table provides a summary the applications received and recommended for funding. Which would award grants to the following RNA's Bigelow, Governor Stevens East Bay, East Side, Woodfield Estates, South Capitol, Southwest, Northeast, Northwest, and Cooper Crest.

Two applications are not recommended for funding because the applications were scored the lowest by the grant review team. Since the total amount requested exceeded the amount budgeted, not all projects could be completely funded. One of the unfunded proposals was determined to be the responsibility of the Homeowners Association and would not have been approved even if enough funds were available.

#### **Neighborhood/Community Interests (if known):**

RNAs continue to show a strong interest in this program. Over the last eight years, the city has funded an average of 8 applications per year. The 2021 Neighborhood Matching Grant funds will support many wonderful projects including community events, beautification efforts through mural maintenance and development, RNA communications, administration and gatherings, support of existing anti-graffiti programs, and landscape/trail improvements that increase community pride and sense of place. These projects bring residents together and benefit the wider community of Olympia by strengthening the vitality of our neighborhoods. The 2021 proposed projects continue a tradition to provide environmental, aesthetic, and community engagement benefits to City residents and businesses.

#### **Options:**

1. Approve the Neighborhood Matching Grants as recommended by the Grant Review Team.
2. Approve partial or full funding of a subset of grant requests that the Council finds consistent with the goals of the program.
3. Do not fund some of the applications recommended by the Grant Review Team.

*Note: All options would be contingent on negotiation of agreements with recognized neighborhood associations to complete each project in 2021 (or 2022 for projects within public right-of-way).*

**Financial Impact:**

The 2021 budget provides up to \$23,000 to fund the Neighborhood Matching Grant program. This funding will leverage \$73,558 in projects and improvements across the City and engage 1,495 volunteer hours of neighbors working together to make Olympia a better place to live. The estimated staff time to support each matching grant ranges from 10-15 hours, totaling 100-150 staff hours for the ten (10) recommended projects. Funding for this time is included in the City budget.

**Attachments:**

Grant Review Team Recommendation  
Map

**2021 Neighborhood Matching Grant Program  
Review Team Recommendation**

**RECOMMENDED FOR FUNDING:**

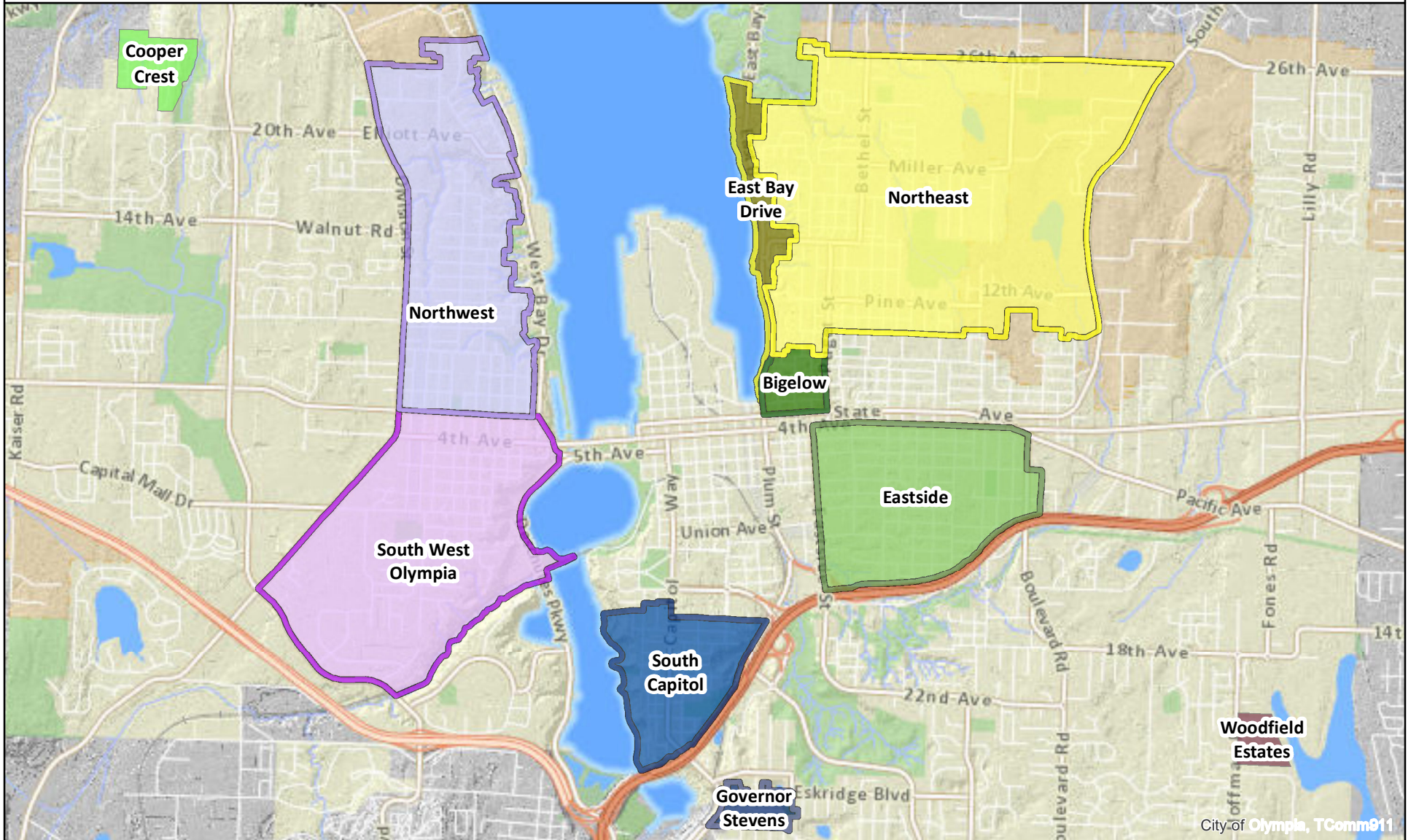
<b>Neighborhood Association</b>	<b>Proposed Project</b>	<b>Cash Contribution</b>	<b>Volunteer Hours</b>	<b>RNA Match</b>	<b>Total Project Value</b>	<b>Request to City</b>
Bigelow	Bench at Bigelow Springs Park, Little Free Libraries	\$ -	70	\$ 2,260	\$ 3,447	\$ 1,186
Governor Stevens	6 Portable Neighborhood Notice Signs	\$ -	13.5	\$ 428	\$ 728	\$ 300
East Bay	Neighborhood Oyster Planting Project	\$ -	171	\$ 5,425	\$ 9,425	\$ 4,000
Eastside	10 Portable Neighborhood Notice Signs & Central Street Mural	\$ 100	382	\$ 12,217	\$ 14,207	\$ 1,890
Woodfield Estates	Entry Sign & Beautification	\$ 2,392	17	\$ 539	\$ 5,323	\$ 2,392
South Capitol	Newsletter, Welcome Packet, Event	\$ 300	108	\$ 3,426	\$ 6,291	\$ 2,565
South West Olympia (SWONA)	Insurance, PO Box, Event, Pocket Park & Mural Maintenance, Traffic Yard Signs	\$ 300	302	\$ 9,579	\$ 12,659	\$ 2,780
Northeast (NENA)	Graffiti Busters Materials, Joy Avenue Trail Rejuvenation	\$ -	284	\$ 9,008	\$ 13,573	\$ 4,564
Northwest (NWONA)	NWONA Reorganization - website maintenance, signage, newsletters	\$ -	51	\$ 1,618	\$ 2,160	\$ 542
Cooper Crest	Convert Common Areas to Zeroscape	\$ -	96	\$ 3,045	\$ 5,745	\$ 2,700
Subtotals:		\$ 3,092	1494.5	\$ 47,547	\$ 73,558	\$ 22,920
Remaining balance						\$ 80
<b>Total:</b>						<b>\$ 23,000</b>







# Selected Neighborhoods



0 0.4 0.8 Miles 1 inch = 3,152 feet

Map printed 4/16/2021  
 For more information, please contact:  
 Lydia Moorehead, Associate Planner  
 lmoorehe@ci.olympia.wa.us  
 (360) 570-3746

This map is intended for 8.5x11" landscape printing.

The City of Olympia and its personnel cannot assure the accuracy, completeness, reliability, or suitability of this information for any particular purpose. The parcels, right-of-ways, utilities and structures depicted hereon are based on record information and aerial photos only. It is recommended the recipient and/or user field verify all information prior to use. The use of this data for purposes other than those for which they were created may yield inaccurate or misleading results. The recipient may not assert any proprietary rights to this information. The City of Olympia and its personnel neither accept or assume liability or responsibility, whatsoever, for any activity involving this information with respect to lost profits, lost savings or any other consequential damages.







## City Council

### Approval of a Resolution Authorizing an Amendment to the Intergovernmental Emergency Medical Services Contract with Thurston County Medic One for Basic Life Support Services

**Agenda Date:** 5/4/2021  
**Agenda Item Number:** 4.F  
**File Number:**21-0357

---

**Type:** resolution **Version:** 1 **Status:** Consent Calendar

---

#### **Title**

Approval of a Resolution Authorizing an Amendment to the Intergovernmental Emergency Medical Services Contract with Thurston County Medic One for Basic Life Support Services

#### **Recommended Action**

##### **Committee Recommendation:**

Not referred to a committee.

##### **City Manager Recommendation:**

Move to approve the Resolution authorizing an Amendment to the Intergovernmental Emergency Medical Services (EMS) Contract for Basic Life Support (BLS) Funding and authorize the City Manager to sign the Amendment.

#### **Report**

##### **Issue:**

Whether to approve an Amendment to the Intergovernmental EMS Contract with Thurston County for BLS services.

##### **Staff Contact:**

Toby Levens, Supervisor III, 360.753.8431  
Ron Stocking, Deputy Fire Chief, 360.753.8460

##### **Presenter(s):**

None - Consent Calendar Item

#### **Background and Analysis:**

Thurston County (Medic One) and the City of Olympia (Fire Department) have a long-standing working relationship for the delivery of Advanced Life Support (ALS) Paramedic Services and Basic Life Support (BLS) EMT/Firefighter Services. For over 40 years, there has been an Intergovernmental Agreement detailing the reimbursement from the County to the City regarding the

ALS services. Starting in 2019, an Intergovernmental EMS Contract for BLS services was executed to allow Thurston County to provide additional financial support and medical supplies to the City.

The amount of BLS financial support received by the City as Fire Department revenue and the amount of funding for BLS supplies and equipment (non-revenue) supplied to the Fire Department varies each year based on the Countywide EMS system call volumes. The amount of revenue received in 2020 for BLS financial support was \$115,402.00, with a similar funding amount provided to the Fire Department for BLS supplies and equipment. The BLS contract contains language to allow varying annual funding amounts without re-signing a new contract each year.

In 2020, the cost of BLS medical supplies and equipment increased substantially due to demand from COVID-19 impacts. Substantial cost increases caused a minimal overage to the 2020 BLS supply fund limit. This Amendment allows for overages to the supply fund limit be deducted from the following year's supply fund balance if it does not exceed the fund limit in that year.

**Neighborhood/Community Interests (if known):**

The delivery of Advanced Life Support (ALS) Paramedic Services and Basic Life Support (BLS) EMT/Firefighter Services are of great interest in the community.

**Options:**

1. Approve the resolution and authorize the City Manager to sign the Amendment to the Intergovernmental EMS Contract BLS funding.
2. Do not approve the resolution and request changes to the contract.
3. Consider the resolution at another time.

**Financial Impact:**

This Amendment allows for Thurston County Medic One to adjust overages to the annual BLS supply fund from the following year's BLS supply fund. This will have no financial impact to the City.

**Attachments:**

Resolution  
Amendment  
Agreement

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OLYMPIA, WASHINGTON, APPROVING AN AMENDMENT NO. 1 TO THE INTERGOVERNMENTAL EMS CONTRACT BETWEEN THE CITY OF OLYMPIA AND THURSTON COUNTY FOR BASIC LIFE SUPPORT FUNDING.**

**WHEREAS**, Chapter 39.34 RCW authorizes local governments to enter into agreements for joint and cooperative undertakings; and

**WHEREAS**, the City of Olympia, for the Fire Department (City), and Thurston County (County) have an existing Intergovernmental EMS contract for the reimbursement of Basic Life Support (BLS) service, which commenced on January 1, 2020 and has a five-year term; and

**WHEREAS**, the City and the County wish to amend the agreement to allow for any overspending in annual funding balance to be deducted from the following year's funding balance; and

**WHEREAS**, in consideration of the mutual benefits and covenants therein, the City wishes to enter into the Amendment No. 1 to the Intergovernmental EMS Contract, Basic Life Support (BLS) Funding;

**NOW, THEREFORE, THE OLYMPIA CITY COUNCIL DOES HEREBY RESOLVE** as follows:

1. The Olympia City Council hereby approves the form of Amendment No. 1 to the Intergovernmental EMS Contract between the City of Olympia and Thurston County for Basic Life Support (BLS) Funding and the terms and conditions contained therein.
2. The City Manager is authorized and directed to execute on behalf of the City of Olympia the Amendment No. 1 and any other documents necessary to execute said Agreement, and to make any minor modifications as may be required and are consistent with the intent of the Agreement, or to correct any scrivener's errors.

**PASSED BY THE OLYMPIA CITY COUNCIL** this \_\_\_\_\_ day of \_\_\_\_\_ 2021.

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CITY CLERK

APPROVED AS TO FORM:

*Michael M. Young*  
\_\_\_\_\_  
DEPUTY CITY ATTORNEY

INTERGOVERNMENTAL EMS CONTRACT  
AMENDMENT NO. 1

**THIS CONTRACT** is made and entered into in duplicate originals this day by and between the **COUNTY OF THURSTON**, a municipal corporation, hereinafter referred to as the "COUNTY" and **CITY OF OLYMPIA**, a municipal corporation, hereinafter referred to as the "AGENCY";

In consideration of the mutual benefits and covenants contained herein, the parties agree that the EMS Contract executed on January 1, 2020, shall be amended as follows, effective January 1, 2021:

**1. Section I (B) SERVICES:**

The COUNTY, through the Thurston County Emergency Medical Services Fund, shall provide the AGENCY with financial support and medical supplies, based on prior year call volume for said agency. In the event the AGENCY exceeds their annual supply fund limit for previously unforeseen circumstances, and based on the Emergency Medical Services Council recommendation, said AGENCY may request the COUNTY to deduct the overage amount from the following years supply fund provided that following year's supply fund is not exceeded

Executed this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

DATED: \_\_\_\_\_

DATED: \_\_\_\_\_

CITY OF OLYMPIA

EMERGENCY SERVICES/MEDIC ONE  
Thurston County, Washington

\_\_\_\_\_  
Steven J. Burney  
City Manager


\_\_\_\_\_  
Kurt Hardin, Director  
Emergency Services

APPROVED AS TO FORM:

APPROVED AS TO FORM:

*Michael M. Young*  
\_\_\_\_\_  
Deputy City Attorney

John Tunheim  
Thurston County Prosecuting Attorney

  
\_\_\_\_\_  
By Rick Peters, Deputy Prosecuting Attorney

**INTERGOVERNMENTAL EMS CONTRACT**  
Basic Life Support (BLS) Funding

**THIS CONTRACT** is made and entered into in duplicate originals this day by and between the **COUNTY OF THURSTON**, a municipal corporation, hereinafter referred to as the 'COUNTY' and **CITY OF OLYMPIA** (Fire Department) a municipal corporation, hereinafter referred to as the 'AGENCY';

**WHEREAS**, Chapter 39.34 RCW authorizes local governments to enter into agreements for joint and cooperative undertakings; and

**WHEREAS**, regulations over the provision of emergency medical services include Chapters 18.71, 18.73, 70.168 RCW and Chapter 246-976 WAC; and

**WHEREAS**, RCW 70.168.120 authorizes the County to establish local emergency medical services care councils; and

**WHEREAS**, Thurston County Medic One is supported by a county wide levy in order to provide county wide emergency medical services as provided by law; and

**WHEREAS**, certain local agencies have the Basic Life Support (BLS) resources, as defined in State Statute available to provide such services at the requisite level of quality and training; and

**WHEREAS**, the COUNTY desires to have the AGENCY perform BLS services as hereinafter set forth; requiring specialized skills and other supportive capabilities; and

**WHEREAS**, sufficient COUNTY resources are not available to provide such services; and

**WHEREAS**, the AGENCY represents that it is qualified and possesses sufficient skills and the necessary capabilities, including technical and professional expertise where required, to perform the BLS services set forth in this Contract;

THEREFORE, in consideration of the terms, conditions, covenants, and performance, contained herein, the parties hereto mutually agree as follows:

**I. SERVICES**

- A. The AGENCY shall perform such services and accomplish such tasks, as are identified and designated as AGENCY responsibilities throughout this Contract (Exhibit 'A').
- B. The COUNTY, through the Thurston County Emergency Medical Services Fund, shall provide the AGENCY with financial support and medical supplies, based on prior year call volume for said agency.

COUNTY BLS Supply Funds shall be used to provide emergency medical care or emergency medical services, including training for such personnel and related equipment, supplies, vehicles, structures needed to provide this care or service, and/or encourage preventative health measures. Expenses shall be consistent with the level of the public agency's State Department of Health Certification. These funds may be expended directly by COUNTY on behalf of the providing agency, or by the providing agency with reimbursement requested from COUNTY. The expended amount shall not exceed the amount allocated for each providing agency (Exhibit 'B' – subject to annual adjustment).

COUNTY Financial Support is provided directly to each jurisdiction to cover a portion of the costs for the provision of their BLS service delivery. The amount shall not exceed the amount allocated for each providing agency (Exhibit 'B').

- C. The COUNTY shall provide funding for the provision of certain occupational health vaccination and testing services, to include Hepatitis B vaccination series, Titer tests, Tuberculosis tests, Tetanus/Diphtheria/pertussis (Td or Tdap) and influenza vaccines for all Thurston County Fire agency EMS providers in addition to the Supply and Direct Support amounts.
- D. COUNTY shall provide and manage modems, for the ePCR system, as well as ePCR hardware/software, and associated support. AGENCY is responsible for providing a point of contact to COUNTY's Medic One Business Application Administrator. AGENCY is responsible for providing unlimited cellular data for each modem it uses.
- E. AGENCY shall provide COUNTY with access to COUNTY provided hardware.
- F. AGENCY shall not abuse or misuse COUNTY equipment.

## II. EFFECTIVE DATE; DURATION

The term of this Contract and the performance of the AGENCY shall commence on January 1, 2020. and shall automatically renew every year up to 5 years from the original contract effective date, upon mutual agreement between the parties hereto and pursuant to the terms and conditions herein. This agreement replaces all prior interlocal agreements regarding the subject matter contained in this agreement.

## III. THE EMERGENCY MEDICAL SERVICES COUNCIL

- A. The EMS Council is formally established by Thurston County Board of Commissioners Resolution No. 6131, and the EMS Council is recognized by the Washington State Department of Health.
- B. The EMS Council shall advise the COUNTY with regard to the formulation and implementation of an Emergency Medical Services System consistent with State and Federal guidelines, including budget allocations. The EMS Council is not a party to this Contract, and nothing herein shall serve to create third party rights in favour of the EMS Council, or any other person, or entity not specifically identified as a party to this Contract.

## IV. COMPENSATION AND METHOD OF PAYMENT

- A. No payment by the COUNTY shall be made for any service rendered by AGENCY except for services identified and set forth in this Contract.
- B. No payment by the COUNTY shall be made for any service rendered by AGENCY without a signed Intergovernmental EMS Contract, for BLS funding.
- C. If AGENCY is merged with another agency, allocated funds will remain in the budget, only through the current County biennial budget.

- D. Purchase requests over \$49,999.00 requires prior approval from Thurston County Medic One. Purchase requests over \$49,999.00 must be received at least 30 calendar days prior to ordering the item or service.
- E. Goods and services shall be ordered no later than November 30<sup>th</sup> of each year and must be received by December 31<sup>st</sup>.
- F. Invoices and reimbursement requests need to be submitted within 30 days from the date item is received.
- G. Invoices and requests for reimbursement for goods and services delivered in December must be received in the COUNTY's Medic One office no later than January 15<sup>th</sup> of the following year.
- H. In the rare circumstance where a Medic One Paramedic accompanies a patient on a BLS transport capable unit due to emergency circumstances, the Fire Agency shall bill Medic One according to the Fire Agency's respective rate schedules. Medic One will set their reimbursement rate schedule according to the Centers for Medicare & Medicaid Services (CMS) rate schedule and shall publish this no later than January 1<sup>st</sup> of each year. These transport charges shall be reimbursed utilizing the ALS budget and shall not utilize BLS funds. No additional fees, charges, or other costs shall be submitted to the patient or their health care provider

#### **V. ESTABLISHMENT AND MAINTENANCE OF RECORDS**

- A. The AGENCY agrees to maintain books, records and documents and accounting procedures and practices which accurately reflect all direct and indirect costs related to the performance of this Contract. Such fiscal books, records, documents, reports and other data shall be maintained in a manner consistent with the "Budgeting, Accounting, Reporting System for Counties and Cities, and Other Local Governments," referred to as "BARS," as issued by the Office of the State Auditor, State of Washington.  
  
The AGENCY further agrees that the COUNTY and/or State/Federal officials shall have the right to monitor and audit at their own expense the fiscal components of the AGENCY to ensure that actual expenditures remain consistent with the terms of this Contract.
- B. The AGENCY shall retain all books, records, documents and other material relevant to this Contract for the amount of time required by the State of Washington. The AGENCY agrees that the COUNTY or its designee shall have full access and right to examine any of said materials at all reasonable times during said period.
- C. The AGENCY'S fiscal management system shall include the capability to provide accurate, current and complete disclosure of the financial status of this Contract upon request.
- D. The patient care records of the Agency as submitted per Exhibit 'A' shall be accessible by the AGENCY for planning, quality control and all applicable public records requests.
- E. If it is determined that a Business Associate Agreement (BAA) is required, it shall be completed as an addendum to this Agreement and incorporated herein.



## **VI. ASSIGNMENT/SUBCONTRACTING**

- A. The AGENCY shall not assign any portion of this Contract without the written consent of the COUNTY, and it is further agreed that said consent must be sought in writing by the AGENCY not less than fifteen (15) days prior to the date of any proposed assignment.
- B. Any work or services assigned hereunder shall be subject to each provision of this Contract and proper bidding procedures where applicable as set forth by local, State and/or Federal statutes, ordinances and guidelines.
- C. The COUNTY will not unreasonably withhold consent. If the COUNTY fails to respond to a request by the agency to assign all or any portion of this Contract within fifteen (15) calendar days, consent shall be deemed to have been given.

## **VII. FUTURE SUPPORT**

The COUNTY makes no commitment to future support and assumes no obligation for future support of the activity contracted for herein, except as may be expressly set forth in this Contract. All compensation methods and formulas shall be reviewed for appropriateness, each contract period.

## **VIII. COMPLIANCE WITH LAWS**

The parties, in performance of this Contract, agrees to comply with all applicable local, State and/or Federal laws and ordinances, including standards for licensing, certification and operation of facilities, programs and accreditation, and licensing of individuals and any other standards or criteria as described in this Contract to assure quality of services.

## **IX. NON-DISCRIMINATION IN EMPLOYMENT AND SERVICES**

- A. The COUNTY and the AGENCY are equal opportunity employers.
- B. The AGENCY agrees that it shall not discriminate against any employee or applicant on the grounds of race, color, religion, sex, sexual orientation, national origin, creed, marital status, age, veteran status, or the presence of any disability; provided that the prohibition against discrimination in employment because of disability shall not apply if the particular disability prevents the particular worker involved from performing the occupational requirements of the job. The AGENCY shall take such action with respect to this Contract as may be required to ensure full compliance with state and federal law.
- C. The AGENCY shall not, on the grounds of race, color, sex, sexual orientation, religion, national origin, creed, marital status, age, veteran status or the presence of any disability deny any individual any services or other benefits provided under this Contract.

## **X. RELATIONSHIP OF PARTIES**

- A. No agent, employee, servant or representative of the AGENCY shall be deemed to be an employee, agent, servant or representative of the COUNTY for any purpose, and the employees of the AGENCY are not entitled to any of the benefits the COUNTY provides for COUNTY employees. The AGENCY shall be solely and entirely responsible for its acts and for the acts of its agents, and employees during the performance of this Contract.



- B. The COUNTY will not exercise control and direction over the work of the AGENCY, with the exception of agency personnel operating under Department of Health's approved protocol, and is interested primarily in the results to be achieved. However, the services contemplated herein must meet the general financial approval of the COUNTY and shall be subject to the COUNTY'S general rights of financial inspection and review to secure the satisfactory completion hereof.
- C. In the event that any of the AGENCY'S employees or agents, carry on activities or conduct themselves in any manner which may jeopardize the funding of this Contract, the AGENCY shall be responsible for taking adequate measures to prevent said employee or agent from performing or providing any of the services contained in this Contract.
- D. Communications between the AGENCY and the COUNTY shall be addressed to the regular place of business:

THURSTON COUNTY  
 c/o MEDIC ONE DIRECTOR  
 2703 PACIFIC AVE SE, SUITE C  
 OLYMPIA, WA 98501

CITY OF OLYMPIA  
 c/o FIRE CHIEF

- E. In the event that the COUNTY or the AGENCY individually or collectively with other AGENCIES providing EMS under this contract have reached an impasse regarding a material portion of this contract, the COUNTY and the AGENCY/AGENCIES may mutually agree to seek the services of a neutral third party for the purposes of fact finding and resolution recommendation regarding the specifics of the impasse. The neutral third-party entity shall be mutually agreed upon by all parties prior to engagement of the neutral third-party entity. Further, all parties shall agree to the purpose for which the neutral third-party entity shall be engaged and said purpose will be reduced to writing and signed by all parties. The recommendation of the third party shall be considered a non-binding recommendation. The cost of neutral third-party fact-finding services and recommendation shall be borne equally by all parties involved.

**XI. POLITICAL ACTIVITY PROHIBITED**

None of the funds, materials, property or services provided directly or indirectly under this Contract shall be used for the purpose of assisting a campaign for election of any person to any office or for the promotion of or opposition to any ballot proposition.

**XII. INDEMNIFICATION; HOLD HARMLESS**

- A. All services to be rendered or performed under this Contract shall be performed or rendered entirely at the AGENCY'S own risk and the AGENCY expressly agrees to indemnify and hold harmless the COUNTY and all of its officers, agents, employees, or otherwise, from any and all liability, loss or damage including reasonable costs of defense that they may suffer as a result of claims, demands, actions, or damages to any and all persons or property, costs or judgments against the COUNTY which result from or arise out of the services to be performed by the AGENCY under this Contract; provided, this section shall not apply to liability resulting exclusively from errors or omissions of the COUNTY, its officers, or employees.
- B. The COUNTY expressly agrees to indemnify and hold harmless the AGENCY and all of its officers, agents, employees, or otherwise, from any and all liability, loss or damage including reasonable costs of defense that they may suffer as a result of claims, demands, actions, or damages to any and all persons or property, costs or judgments against the AGENCY which result from or arise out of the failure of products or equipment provided by the COUNTY to

the extent such failure results from the negligence of the COUNTY, or the services to be performed by the AGENCY as a result of acting under the express and negligent direction or control of a COUNTY agent or representative, excluding the Medical Program Director or any other medical doctor.

- C. In the event that a claim and/or lawsuit is brought against a party to this Agreement, or against any party's officers, officials or employees for actions arising out of their conduct in responding to a request for assistance, it shall be the duty of each such party to promptly notify the other party that the same has been initiated.
- D. Solely for purposes of enforcing the indemnification obligations of a party under this Section XII, each party expressly waives, by mutual negotiation, its immunity under Title 51 of the Revised Code of Washington, the Industrial Insurance Act, and agrees that the obligation to indemnify, defend, and hold harmless provided for in this Section XIII extends to any such claim brought against the indemnified party by or on behalf of any employee of the indemnifying party. The foregoing waiver shall not in any way preclude the Indemnifying party from raising such immunity as a defense against any claim brought against the indemnifying party by any of its employees.

### **XIII. INSURANCE**

The AGENCY shall maintain insurance coverage sufficient to insure its operations, including professional legal liability and general liability either through membership in a Washington State approved government risk pool or through commercial insurance. Commercial coverage must meet the following minimum requirements:

- 1. **Professional Legal Liability:** The coverage shall apply to liability for a professional error, act or omission arising out of the scope of the AGENCY'S services provided subject to this Contract. Coverage shall not exclude bodily injury, property damage or hazards within the scope of the AGENCY'S services subject to this Contract.
- 2. **Commercial General Liability:** The AGENCY shall maintain Commercial General Liability coverage for bodily injury, personal injury and property damage, subject to limits of not less than \$1,000,000 per loss, or equivalent coverage provided through a joint self-insurance program approved by the Washington State Risk Manager. This shall automatically increase to a minimum of \$2,000,000 per loss in 2021.
  - a. The AGENCY'S general liability insurance shall apply separately to each insured against whom claim is made or suit is brought, except with respect to the limits of the insurer's liability.
- 3. **Other Commercial Insurance Provisions**
  - a. The AGENCY'S liability insurance provisions shall be primary with respect to any insurance or self-insurance programs covering the COUNTY, its elected and appointed officers, officials, employees and agents.
  - b. The AGENCY shall place insurance with insurers licensed to do business in the State of Washington and having A.M. Best Company ratings of no less than A-, with the exception that excess and umbrella coverage used to meet the requirements for limits of liability or gaps in coverage need not be placed with insurers or re-insurers licensed in the State of Washington, or equivalent coverage provided through a joint self-insurance program approved by the Washington State Risk Manager.

- c. Certificates of Insurance or other reasonable notices of coverage shall be provided to the Office or Department issuing the Contract. The address of the Certificate Holder shall be shown as the current address of the Office or Department. Written notice of cancellation or change shall be mailed to the COUNTY at the following address:

Attn: Risk Analyst  
Human Resources  
2000 Lakeridge Drive S.W.  
Olympia, Washington 98502

#### **XIV. SUSPENSION, TERMINATION AND CLOSE-OUT**

If the AGENCY fails to comply with the terms and conditions of this Contract, the COUNTY may pursue such remedies as are legally available including, but not limited to, the suspension or termination of this Contract in the manner specified herein.

- A. Suspension: If the AGENCY fails to comply with the terms of this Contract, or whenever the AGENCY is unable to substantiate full compliance with the provisions of this Contract, the COUNTY may suspend the Contract pending corrective action or investigation, after first allowing a reasonable period for the AGENCY'S cure. The COUNTY shall provide written notice of intent to suspend the Contract, and shall set forth the actions the AGENCY must take, and the time frame within which such action must occur to avoid suspension. If, following such reasonable period for cure the AGENCY fails to cure, the COUNTY may suspend the Contract pending corrective action or investigation by COUNTY employees or their agents. The effective date of suspension shall not be less than seven (7) business days following written notification of suspension to the AGENCY. The suspension shall remain in full force and effect until the AGENCY has taken corrective action to the satisfaction of the COUNTY and is able to substantiate its full compliance with the terms and conditions of this Contract. No obligation incurred by the AGENCY during the period of suspension shall be allowable under the Contract except any reasonable, proper and otherwise allowable costs which the AGENCY could not avoid during the period of suspension. If the AGENCY has corrected its action(s) to the satisfaction of the COUNTY, the COUNTY shall immediately notify the AGENCY in writing that the period of suspension has ended, and shall specify the effective date of the end of such suspension.
- B. Termination for Cause by County: If the AGENCY fails to cure the non-compliance issues that resulted in a suspension of the Contract by the COUNTY, and any of the below-listed conditions exist, the COUNTY may terminate this Contract in whole or in part. If the COUNTY exercises its right to terminate the Contract, it shall notify the AGENCY in writing of the effective date of the termination, and shall set forth the reasons for termination. The COUNTY shall not give less than 21 days' notice of intent to terminate the Contract. After the effective date of termination, no charges incurred by the AGENCY under any terminated portions of the Contract are allowable as against the COUNTY, except for any charges reasonably incurred or encumbered prior to the AGENCY receiving notice of intent to terminate.

Non-compliance, and one of the following conditions provides cause for termination:

1. The lack of compliance with the provisions of this Contract are of such scope and nature that the COUNTY deems continuation of this Contract to be substantially detrimental to the interests of the COUNTY;
2. The AGENCY has failed to take satisfactory action to correct non-compliance as directed by the COUNTY or its authorized representative within the time specified by same and as set forth in the request to cure notice in Section XIV A.

- C. Termination for Cause by Agency: In the event the COUNTY fails to comply with the terms and conditions of this Contract, the AGENCY shall give notice of such failure and allow a reasonable period for the COUNTY'S cure. Thereafter, in the event the COUNTY fails to cure, the AGENCY may terminate part or all of this Contract upon no less than twenty-one (21) days written notice to the COUNTY.
- D. Termination for Other Grounds: This Contract may also be terminated in whole or in part as follows:
  - 1. By either party with the mutual consent of the other party, in which case the two parties shall devise by mutual written agreement, the conditions of termination including the effective date thereof and in case of termination in part, that portion to be terminated;
  - 2. By the COUNTY, if the funds allocated by the COUNTY via this Contract are from anticipated sources of revenue, and if the anticipated sources of revenue do not become available for use in purchasing said services.
- E. Close-Out: In the event that this Contract is terminated in whole or in part for any reason, the following provisions shall apply:
  - 1. Upon written request by the AGENCY, the COUNTY shall make or arrange for payment to the AGENCY of allowable reimbursable costs not covered by previous payments;
  - 2. The AGENCY shall immediately refund to the COUNTY any monies paid in advance for services not performed;
  - 3. The AGENCY shall submit, within thirty (30) days after the date of expiration of this Contract, all financial, performance and other reports required by this Contract;
  - 4. In the event a financial audit has not been performed prior to close out of this Contract, the COUNTY retains the right to withhold a just and reasonable sum from the final payment to the AGENCY after fully considering the recommendations on disallowed costs resulting from the final audit.

## **XV. JURISDICTION**

- A. This Contract has been and shall be construed as having been made and delivered within the State of Washington, and it is agreed by each party hereto that this Contract shall be governed by the laws of the State of Washington, both as to interpretation and performance.
- B. Any action of law, suit in equity, or judicial proceeding for the enforcement of this Contract or any provisions thereof, shall be instituted and maintained only in any of the courts of competent jurisdiction in Thurston County or in the superior court of the two nearest judicial districts as determined pursuant to RCW 36.01.050.

## **XVI. SEVERABILITY**

- A. It is understood and agreed by the parties hereto that if any part, term or provision of this Contract is held by the courts to be illegal, the validity of the remaining provisions shall not be affected, and the rights and obligations of the parties shall be construed and enforced as if the Contract did not contain the particular provision held to be invalid.



- B. If it should appear that any provision hereof is in conflict with a statute of the State of Washington, said provision which may conflict therewith shall be deemed modified to conform to such statutory provision.

#### **XVII. ENTIRE AGREEMENT**

The parties agree that this Contract is the complete expression of the terms hereto and any oral representations or understandings not incorporated herein are excluded. This agreement replaces all prior interlocal agreements regarding the subject matter contained in this agreement. Further, any modification of this Contract shall be in writing and signed by both parties. Failure to comply with any of the provisions stated herein shall constitute material breach of contract and is cause for termination. Both parties recognize time is of the essence in the performance of the provision of this Contract. It is also agreed by the parties that the forgiveness of the non-performance of any provision of this Contract does not constitute a waiver of the provisions of this Contract.

#### **XVIII. NO THIRD PARTY LIABILITY**

This Contract shall not be construed to provide any benefits to or create a cause of action for or on behalf of any third parties. Specifically and without limiting the foregoing, this Agreement shall not create or be construed as creating an exception to the Public Duty Doctrine.

#### **XIX. DISPUTE RESOLUTION**

The parties shall use reasonable efforts to mediate any dispute arising under this Contract. In the event of such a dispute, each party may, upon mutual agreement of both parties, designate, in writing, not more than three (3) candidates it proposes to act as a non-binding mediator within ten (10) days following notification of a dispute. If the parties cannot agree on one of the mediators from the combined list within five (5) days, then the parties shall promptly meet and select a mediator by blind draw. Upon selection of the mediator, the parties shall within forty-five (45) days or as soon thereafter as possible, meet and engage in a mediation of the dispute with the assistance of the mediator. The cost for the mediation services shall be borne equally between the parties, each party paying one-half of the cost. The mediator shall determine reasonable procedures. Testimony and briefing, if any, provided to the mediator shall be inadmissible in any subsequent court proceedings. If mediation fails to resolve the dispute, the parties may thereafter seek redress in a court of competent jurisdiction. Nothing in this section shall be construed to prohibit either party from exercising its right to terminate this Agreement as otherwise provided in this Agreement or be construed as a pre-condition to the exercise of such right to terminate.

**XX. EQUAL OPPORTUNITY TO DRAFT**

Each party has had opportunity to consult with counsel in connection with the negotiation, execution and delivery of this Contract. Each of the provisions of this Contract has been reviewed and negotiated, and represents the combined work product of both parties hereto. No presumption or other rules of construction which would render the provisions of this Contract in favor of or against the party preparing the same will apply in connection with the construction or interpretation of any of the provisions of this Contract.

**XXI. MISCELLANEOUS**

**Successors.** All of the terms, covenants, and conditions in this Contract shall extend to and bind any approved legal successors and assigns of the parties hereto.

**Effect of Recitals** The headings and recitals in this Contract are for convenience only and do not in any way limit or amplify the provisions of this Contract

**Recording.** The parties shall ensure that copy of this Contract is filed with the Thurston County Recorder's Office or posted by subject on either party's website.

This Agreement does not establish a separate legal entity, joint board, or administrative section for the purpose of acquiring, managing, or disposing of property or any other financial obligation allowed under the Act.

This Agreement does not provide for jointly owned property. All property presently owned or hereafter acquired by one party to enable it to perform the services required under this Agreement, shall remain the property of the acquiring party in the event of the termination of this agreement.


**No Agency Created.** This Contract does not create a partnership between the parties and no separate legal entity is created by this Contract. No real or personal property belonging to the COUNTY shall be exchanged with AGENCY during the performance of this Contract. No real or personal property belonging to the AGENCY shall be exchanged with COUNTY during the performance of this Contract.

**Contract Administration.** This Contract shall be administered by the Fire Chief of the AGENCY and the COUNTY's Emergency Services Director.

DATED: 12/16/12

DATED: 1-2-20

  
\_\_\_\_\_  
Agency Representative

Thurston County, Washington  
  
\_\_\_\_\_  
Director, Emergency Services

APPROVED AS TO FORM:  
  
\_\_\_\_\_  
CITY ATTORNEY

JON TUNHEIM  
PROSECUTING ATTORNEY  
  
\_\_\_\_\_  
By: Rick Peters, Deputy Prosecuting Attorney

## EXHIBIT A: SERVICES

### I. SERVICE AREA

The following services shall be provided within Thurston County, or for mutual aid response outside of Thurston County, during the term of this Contract.

### II. SERVICES

- A. The AGENCY shall provide BLS patient care as dispatched and following all applicable COUNTY Medic One protocols. The COUNTY, through the Thurston County Emergency Medical Services Fund, shall provide the AGENCY with financial support and medical supplies, based on prior year call volume for said agency. Medic One BLS Supply Funds shall be used to provide emergency medical care or emergency medical services, including related personnel costs, training for such personnel and related equipment, supplies, vehicles, structures needed to provide this care or service, and/or encourage preventative health measures. Expenses shall be consistent with the level of the public agency's State Department of Health Certifications. These funds may be expended directly by Medic One on behalf of the providing agency, or by the providing agency with reimbursement requested from Medic One. The expended amount shall not exceed the amount allocated for each providing agency (Exhibit "B") – subject to annual adjustment. Medic One Financial Support is provided directly to each jurisdiction to cover a portion of the costs for the provision of their BLS service delivery.
- a. For non-transporting units, AGENCY shall submit the patient care reporting data as required by the COUNTY's current patient care data management system to the COUNTY within one (1) hour of the EMS run.
  - b. For transporting units, AGENCY shall submit the patient care reporting data before the unit leaves the hospital. If the ePCR system has failed, and patient care reporting data must be submitted in paper form, AGENCY shall submit data within 24 hours.
- B. The AGENCY assumes all responsibility for equipment/supplies received.
- C. COUNTY shall have supply orders filled and ready for pickup on the date requested by the Agency. Orders must be submitted no later than 2 business days prior to pick up. Orders not picked up by the Agency on the date requested will be returned to stock, unless prior notification is given for a delayed pick up.
- D. AGENCY shall notify COUNTY within 30 days of supplies/equipment purchased/received, for reimbursement requests.
- E. County shall provide monthly BLS supply fund expenditure reports within 15 business days following the last day of the previous month.
- F. AGENCY shall reconcile accounts within 30 days of receiving COUNTY's monthly BLS supply fund expended report.
- G. AGENCY shall use COUNTY ePCR in the field for patient care, and perform periodic updates as required.
- H. AGENCY shall leave modems, utilized by ePCR, powered on at all times.

- I. AGENCY shall report ePCR outages upon recognition of failure.
- J. AGENCY shall conduct OTEP, in accordance with COUNTY requirements.
- K. AGENCY shall establish, in writing, a BLS POC (point of contact), and provide this to the COUNTY.
- L. Agency shall provide BLS level of service in accordance with State Statute and Department of Health approved protocols.



## EXHIBIT B: PAYMENT

1. The formula for BLS funding may be updated by the Emergency Medical Services Council (EMSC) as needed without affecting other terms and conditions of this agreement.
2. The formula will take into consideration each individual AGENCY's relative share of run (incident) volume for the given fiscal year (January – December). This volume is calculated from the number of EMS runs that have occurred in that AGENCY's jurisdiction, and not include runs made by the AGENCY for mutual aid outside its jurisdiction.
3. The EMS run volume statistics shall be prepared by Thurston 911 Communications and provided to the COUNTY. This information shall be provided by February of each year.
4. The funding is based on the annual budget for BLS Direct Support (financial and supplies & equipment) as approved by the EMSC. The total amount is then allocated by the COUNTY to each AGENCY based on it's individual share (or percentage).
5. Each year, the COUNTY shall prepare an annual allocation form based on the EMSC approved budget. The form shall identify the following:
  - a. Each AGENCY's run volume;
  - b. The percentage of the total Thurston County run volume that AGENCY responded to;
  - c. The total approved budget for financial support for each AGENCY;
  - d. The financial support base compensation for each AGENCY (same for all AGENCYS);
  - e. The financial support compensation per run (call);
  - f. The financial support compensation for reimbursement of AGENCY mobile computer terminal costs per run (call);
  - g. The total approved budget for supplies & equipment for AGENCYS;
  - h. The supply & equipment support base compensation for each AGENCY (same for all AGENCYS);
  - i. The supply & equipment support compensation per run (call); and
  - j. The total compensation to be provided to each AGENCY.
6. The terms and conditions for compensation are covered in Section IV "Compensation and Methods of Payment" of this agreement.



## City Council

# Approval of a Resolution Authorizing an Interlocal Agreement between the City of Olympia and Thurston County Fire District 9 for Emergency Services

**Agenda Date:** 5/4/2021  
**Agenda Item Number:** 4.G  
**File Number:**21-0358

---

**Type:** resolution **Version:** 1 **Status:** Consent Calendar

---

### Title

Approval of a Resolution Authorizing an Interlocal Agreement between the City of Olympia and Thurston County Fire District 9 for Emergency Services

### Recommended Action

#### Committee Recommendation:

Not referred to committee.

#### City Manager Recommendation:

Move to approve a Resolution authorizing the City Manager to sign the Interlocal Agreement with Thurston County Fire District 9 for emergency services.

### Report

#### Issue:

Whether to approve a Resolution authorizing the Interlocal Agreement with Thurston County Fire District 9 for emergency services.

#### Staff Contact:

Kevin Bossard, Assistant Fire Chief, 360.753.2719  
Toby Levens, Supervisor III, 360.753.8431

#### Presenter(s):

None - Consent Calendar Item

### Background and Analysis:

Since 2007, the City of Olympia and Thurston County Fire District 9, a Fire District located on the western border of the City, have had an Interlocal Agreement in place for Emergency Services. Per the Agreement, Fire District 9 is the first to respond to fire and emergency medical calls in certain areas of the City, as their station is closer in that area than the Olympia station. City crews also respond to those calls, but due to geography it is expected that Fire District 9 will initiate the fire suppression or care until Olympia arrives. The Agreement also specified an area in Fire District 9 that

is an island in the northwest portion of the City that would be benefitted by City's first response.

All parties feel this arrangement is beneficial to the community, so a new Agreement has updated first response areas. Fire District 9 will continue responding to areas in the City as defined in the document, and the City will continue responding to areas in the Fire District 9 area as defined in the document. Both parties agree that call volume in those areas is similar and no funds will change hands under this Agreement.

**Neighborhood/Community Interests (if known):**

We believe that providing emergency fire and ems services with the closest emergency unit, regardless of jurisdiction, is in the best interest of the community and its inhabitants.

**Options:**

1. Approve the Resolution authorizing the Interlocal Agreement. Accept the terms of the Interlocal Agreement and authorize the City Manager to sign the Agreement. This will allow the Olympia Fire Department to continue to provide response in Thurston County Fire District 9's area and Thurston County Fire District 9 will continue to provide response to the City.
2. Do not approve the Resolution authorizing the Interlocal Agreement and send back to staff for modification.
3. Do not approve the Resolution authorizing the Interlocal Agreement and end the relationship with Thurston County Fire District 9 for Emergency Services.

**Financial Impact:**

None

**Attachments:**

Resolution  
Agreement

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OLYMPIA, WASHINGTON, APPROVING THE INTERLOCAL AGREEMENT FOR EMERGENCY SERVICES BETWEEN THE CITY OF OLYMPIA AND THURSTON COUNTY FIRE PROTECTION DISTRICT 9**

**WHEREAS**, Chapter 39.34.010 RCW authorizes local government to enter into agreements for joint and cooperative undertakings; and

**WHEREAS**, Chapter 39.34.080 RCW authorizes each party to contract with any one or more other public agencies to perform any governmental service, activity, or undertaking which each public agency entering into contract is authorized by law to perform; and

**WHEREAS**, the City of Olympia, through the Fire Department (“City”), and Thurston County Fire Protection District 9 wish to enter into an Interlocal Agreement (“Agreement”) with each other to establish fire suppression and emergency medical care services for the citizens within certain area of each agency’s service area and establish how the parties will cooperate in providing those services; and

**WHEREAS**, both parties desire to provide quality service within the identified boundaries and believe that this will be most efficiently accomplished by establishing services on a contractual basis in the manner provided in the Agreement; and

**WHEREAS**, the Agreement is an extension and modification of an agreement adopted by the CITY as an accessory to the area annexation in February 2013 and replaces the prior agreement and all amendments in its entirety.

**NOW, THEREFORE, THE OLYMPIA CITY COUNCIL DOES HEREBY RESOLVE** as follows:

1. The Olympia City Council hereby approves the form of Interlocal Agreement between the City of Olympia and Thurston County Fire Protection District 9 and the terms and conditions contained therein.
2. The City Manager is authorized and directed to execute on behalf of the City of Olympia the Interlocal Agreement, and any other documents necessary to execute said Agreement, and to make any minor modifications as may be required and are consistent with the intent of the Agreement, or to correct any scrivener's errors.

**PASSED BY THE OLYMPIA CITY COUNCIL** this \_\_\_\_\_ day of \_\_\_\_\_ 2021.

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CITY CLERK

APPROVED AS TO FORM:

*Michael M. Young*  
\_\_\_\_\_  
DEPUTY CITY ATTORNEY

**INTERLOCAL AGREEMENT FOR EMERGENCY SERVICES  
BETWEEN  
THE CITY OF OLYMPIA  
AND  
THURSTON COUNTY FIRE PROTECTION DISTRICT 9**

WHEREAS, RCW 39.34.010 permits local governmental units to make the most efficient use of their powers by enabling them to cooperate with other localities on a basis of mutual advantage and thereby to provide services and facilities in a manner and pursuant to forms of governmental organization that will accord best with geographic, economic, population, and other factors influencing the needs and development of local communities; and

WHEREAS, pursuant to RCW 39.34.080, each party is authorized to contract with any one or more other public agencies to perform any governmental service, activity, or undertaking which each public agency entering into the contract is authorized by law to perform: provided, that such contract must be authorized by the governing body of each party to the contract and must set forth its purposes, powers, rights, objectives, and responsibilities of the contracting parties;

NOW, THEREFORE, in consideration of the mutual promises contained herein, the City of Olympia (CITY) and Thurston County Fire Protection District 9 (DISTRICT) agree as follows:

**I. Purpose/Objective**

The purpose of this Agreement is to allow the City and the DISTRICT to contract with each other to establish fire suppression and emergency medical care services for the citizens within the identified boundaries on Exhibit 1 and set up terms of such service. Both parties desire to provide the quality service within the identified boundaries and believe that this will be most efficiently accomplished by establishing services on a contractual basis in the manner provided herein. This Agreement is an extension and modification of the Agreement adopted by the CITY as an accessory to the area annexation in February 2013 and replaces the prior agreement and all amendments in its entirety. Exhibit 1 shows the areas where the DISTRICT will respond for the CITY. Exhibit 2 shows the areas where the CITY will respond for the DISTRICT.

**II. Services**

Other mutual aid agreements are not affected by this agreement.

A. Services provided by the CITY are as follows:

1. Subject to the Incident Command provisions below, the City of Olympia Fire Department will be the second responder to calls occurring in the area shown on Exhibit 1.

2. Subject to the Incident Command provisions below, the City of Olympia Fire Department will be the first responder to the area shown on Exhibit 2.

3. The City of Olympia Fire Department will respond with the on-duty Shift Commander to the DISTRICT anytime a City of Olympia Fire Department resource is dispatched to the DISTRICT for multi-unit response, e.g. structure fire, MCI, MVA, or extrication.

**B. Services provided by the DISTRICT are as follows:**

1. Subject to the Incident command provisions below, the DISTRICT will be the first responder for the area shown on Exhibit 1. The DISTRICT will cooperate with the CITY in providing the documentation that the CITY might need in regard to the calls that the DISTRICT responds to on behalf of the CITY.

2. The DISTRICT will provide basic life support ambulance transport in the areas shown on Exhibit 2.

3. Subject to the Incident Command provisions below, the DISTRICT will be the second responder for the area shown on Exhibit 2.

**C. Incident Command**

Exhibit 1 Area:

1. The first arriving Emergency Response unit will initiate command following National Incident Management System (NIMS) protocols.

2. Transfer of Command will be made to the first arriving CITY command officer following the "Transfer of Command" as described in NIMS for the area shown on Exhibit 1.

3. In the event that no CITY Command staff are available to come to the scene, command functions will be handled by the DISTRICT units on scene according to the Thurston County Mutual Aid for Fire and Emergency Medical Services contract.

4. In the event that no DISTRICT staff are available to come to the scene, command functions will be handled by the CITY units on scene according to the Thurston County Mutual Aid for Fire and Emergency Medical Services contract.

Exhibit 2 Area:

1. The first arriving Emergency Response unit will initiate command following National Incident Management System (NIMS) protocols.
2. Transfer of Command will be made to the first arriving DISTRICT command officer following the “Transfer of Command” as described in NIMS for the area shown on Exhibit 2.
3. In the event that no DISTRICT Command staff are available to come to the scene, command functions will be handled by the CITY units on scene according to the Thurston County Mutual Aid for Fire and Emergency Medical Services contract.
4. In the event that no CITY staff are available to come to the scene, command functions will be handled by the DISTRICT units on scene according to the Thurston County Mutual Aid for Fire and Emergency Medical Services contract.

**D. Service Delivery:**

Neither party assumes liability for failure to provide fire and emergency medical services by the reason of any circumstance beyond its control. In the event of simultaneous fires or emergencies whereby the facilities, equipment, and staffing of any party is taxed beyond its capabilities to render appropriate services, each party has complete discretion as to the most expeditious manner of handling and responding to calls within its respective service area. This agreement creates no duty to third parties and creates no third party beneficiaries.

**III. Fire Service Forum**

A. Joint meetings between the CITY’s Fire Chief and the DISTRICT’s Fire Chief are known as the Fire Services Forum. Designated members of the CITY and the DISTRICT shall meet at least annually, or as often as requested by either party, to discuss issues of importance or concern to one or both parties.

B. The purpose of the Forum is to oversee the delivery of services under this Agreement and serve as a conduit for the exchange of information and discussion of issues of mutual interest, including but not limited to: service agreements, amendments or changes to this Agreement, the budget for fire services, level of service, master planning, third party actions that impact the parties to this Agreement, or other topics as identified by either party. The Forum has the authority to modify the Exhibit and the Services listed under Sections II.A and II.B by mutual agreement without further legislative approval from either party’s governing body.

C. The schedule for meetings of the Forum will be established by its members on an annual basis. Thereafter, the parties shall annually adopt a schedule for the meetings.

#### IV. Administration

##### A. General:

The parties mutually agree:

1. To execute all documents necessary to give effect to this Agreement.
2. To assign the responsibility of administering this Agreement to the City Fire Chief and the District Fire Chief under the policies of the governing bodies of the parties to this Agreement.

##### B. Modification:

This instrument constitutes the entire agreement between the parties. No modification or amendment is valid unless it is evidenced in writing, properly set forth, and signed by both parties. During the term of the Agreement, either party may request in writing to renegotiate in good faith. A request made under the provisions of this may not be considered a notice of intent to terminate the Agreement.

##### C. Dispute Resolution:

1. Participation. In the event that any dispute arises between the parties as to the interpretation or application of any term of this Agreement, or as to the validity of any claim made by either the party against the other as a result of this Agreement, and the parties are unable to resolve the dispute through negotiations, the parties agree to participate in a non-binding neutral evaluation and mediation of their dispute at a mutually agreeable location. Either party may request that any dispute be submitted to the neutral evaluation and mediation at any time upon giving written notice to the other party.

2. Selection of Mediator. If a party gives written notice as set forth in Paragraph 1, the parties shall attempt to select a neutral person to evaluate and mediate the dispute. If, after thirty (30) days, the appointment of the neutral person cannot be made for any reason, either party may terminate the dispute resolution process or the parties may, by agreement, seek other means of resolution.

3. Conflicts of Interest. Each party shall promptly disclose to the other any known circumstances that would cause justifiable doubt as to the independence or impartiality of any individual under consideration or appointed as a neutral mediator. If any such circumstances exist, the individual may not serve as a neutral mediator unless both parties agree in writing.



4. Compensation of Mediator. The neutral mediator's charges must be established at the time of appointment. Unless the parties otherwise agree, the fees and expenses of the neutral mediator must be split equally, and each party shall bear its own costs and expenses.

5. Mediation Session. The mediation session is intended to provide each party with an opportunity to present its best case and position to the other party and the neutral mediator, and for the parties to receive opinions and recommendations from the neutral mediator. The neutral mediator shall facilitate communication between the parties, identify issues, and generate options for settlement. The neutral mediator shall also discuss with each party separately the neutral mediator's opinion and evaluation of the strengths and weaknesses of that party's position. The terms of any settlement made by the parties as the result of the mediation must be set out in a written addendum to this Agreement.

6. Confidentiality. The dispute resolution process described in this section seeks to reach compromise through negotiation. To the extent allowed by law, the parties agree to maintain in confidence all offers, promises, conduct, and statements, oral or written, made during the mediation by either of the parties, their agents, employees, experts, representatives, or attorneys, or by neutral mediator. The pursuit of settlement and compromise will not be admissible or discoverable in subsequent legal proceedings pursuant to Washington Evidence Rule 408. The neutral mediator is disqualified as a trial or deposition witness, consultant, or expert of either party.

7. Reservation of Rights. In the event that the parties are unable to resolve any issue through the dispute resolution process established in this section, the parties reserve any and all other rights and remedies available to each of them regarding such dispute.

## **V. Indemnification & Insurance**

- A. The DISTRICT and the CITY each shall defend, indemnify, and hold the other, its officers, officials, employees, and volunteers harmless from any and all claims, injuries, damages, losses, or suits, including reasonable attorney fees, to the extent caused by each entity's respective negligence in performance of its responsibilities under this Agreement. For purposes of this Agreement, the parties each expressly waive their immunity under Title 51 of the Revised Code of Washington, the Industrial Insurance Act, for injuries to their employees and agree that the obligations to protect, save, defend, indemnify, and hold each other harmless provided in this Agreement extend to any claim brought by or on behalf of any employee of the parties. The foregoing waiver is mutually negotiated by the parties to this Agreement.

## B. Insurance.

### 1. Insurance Term

The DISTRICT and the CITY shall each procure and maintain for the duration of the Contract, insurance against claims for injuries to persons or damage to property, which may arise from or in connection with the performance of the Services by either party, its agents, representatives, volunteers, or employees.

### 2. No Limitation

The DISTRICT's and the CITY's maintenance of insurance as required by this Agreement may not be construed to limit the liability of either party to the coverage provided by such insurance, or otherwise limit either party's recourse to any remedy available at law or in equity.

### 3. Insurance Coverage

The DISTRICT and the CITY shall, to the best of their ability, coordinate their liability insurance coverage and/or self-insured coverages to the extent possible to fully implement and follow the Contract set forth herein. To that purpose, for the duration of this Agreement the DISTRICT and the CITY shall maintain occurrence-based general and professional liability insurance or self-insurance coverage with a limit of not less than ten million dollars (\$10,000,000) per occurrence. However, the consent of any liability insurance carrier or self-insured pool or organization is not required to make this Agreement effective between the DISTRICT and the CITY signing this Contract, and the failure of any insurance carrier or self-insured pool or organization to agree to follow the terms of this provision on liability does not relieve the DISTRICT and the CITY from its obligations under this Agreement.

### 4. Minimum Amounts of Insurance

The DISTRICT and the CITY shall maintain the following insurance limits:

a. Automobile Liability insurance with a minimum combined single limit for bodily injury and property damage of \$10,000,000 per accident.

b. Commercial General Liability insurance must be written with limits no less than \$10,000,000 each occurrence, \$10,000,000 general aggregate.

#### c. Verification of Coverage

The DISTRICT and the CITY shall furnish original certificates and a copy of the amendatory endorsements, including but not limited to the additional insured endorsement, evidencing the insurance requirements of the Contract before commencement of the work or substitute form such as an *Evidence of Coverage* letter from a government risk pool approved by the state of Washington in which the DISTRICT or the CITY is a member of.

## **VI. Duration of Agreement**

This Agreement takes effect on the date of the last authorizing signature affixed and proper recoding hereto and automatically renews unless otherwise terminated in the manner described under the termination section of this Agreement.

## **VII. Termination of Agreement**

This Agreement may be terminated by either party upon giving written notice thereof to the other party not less than six (6) months prior to the requested date of termination.

## **VIII. Severability**

If any provisions of this Agreement or any aspect of the implementation of this Agreement is held invalid, the remainder of the Agreement or the implementation of the remainder is not affected.

## **IX. Assets**

All property acquired by the DISTRICT to enable it to perform the services required under this Agreement remains the property of the DISTRICT if this Agreement is terminated. All property acquired by the CITY to enable it to perform the services required under this Agreement remains the property of the CITY if this Agreement is terminated.

## **X. Financing**

This Agreement does not include any financial contributions or payment by either party.

## **XI. Entire Agreement**

This Agreement sets forth all terms and conditions agreed upon by the DISTRICT and the CITY and supersedes any and all prior agreements oral or otherwise with respect to the subject matter addressed herein.

## **XII. Posting or Recording**

Prior to its entry into force, each party shall post this Agreement on its website or other electronically retrievable public source or either party may file this Agreement with the Thurston County Auditor's Office or as required by RCW 39.34.040.

## **XIII. Employment Relationship**

Employees of each agency remain at all times under the direction and control of their original agency and the performance of work for any other agency pursuant to this Agreement does not change that relationship for any purpose. Neither agency may be deemed to have agreed to pay the other agency's employees any wages or benefits afforded to its own employees. Further, each

agency's responsibilities to its own employees for work place injuries remains unchanged by this Agreement.

**XIV. Notice/Contract Representative**

Each party shall send any notice required under this Agreement to the other party at the address listed below; such notice is effective three days following the date of deposit in the United States Postal Service.

CITY OF OLYMPIA

Attn: Fire Chief

Re: Interlocal Agreement with Thurston County Fire District No. 9

PO Box 1967

Olympia, WA 98507-1967

Thurston County Fire District No. 9

Attn: Fire Chief

Re: Interlocal Agreement with City of Olympia

125 Delphi Road NW

Olympia, WA 98502

**XV. Records**

Each party shall maintain its own public records and is solely responsible for responding to records requests received about the subject matter of this Agreement. Any public records request addressed to the group as if this Agreement created a separate legal entity, must be deemed to be a request received by each member individually. Each member shall respond separately, unless agreed to otherwise in writing and properly documented.

**XVI. Interpretation and Venue**

This Agreement is governed by the laws of the State of Washington as to interpretation and performance. Venue for enforcement of this Agreement is the Superior Court of Thurston County.

**[SIGNATURES ON FOLLOWING PAGE]**

**CITY OF OLYMPIA**

**THURSTON COUNTY FIRE  
DISTRICT NO. 9**

\_\_\_\_\_  
Steven J. Burney, City Manager

\_\_\_\_\_  
Board Member

Date: \_\_\_\_\_

Date: \_\_\_\_\_

Approved as to form:

Approved as to form:

*Michael M. Young*  
\_\_\_\_\_  
Deputy City Attorney

\_\_\_\_\_  
District Attorney

**INTERLOCAL AGREEMENT FOR EMERGENCY SERVICES  
BETWEEN  
THE CITY OF OLYMPIA  
AND  
THURSTON COUNTY FIRE PROTECTION DISTRICT 9**

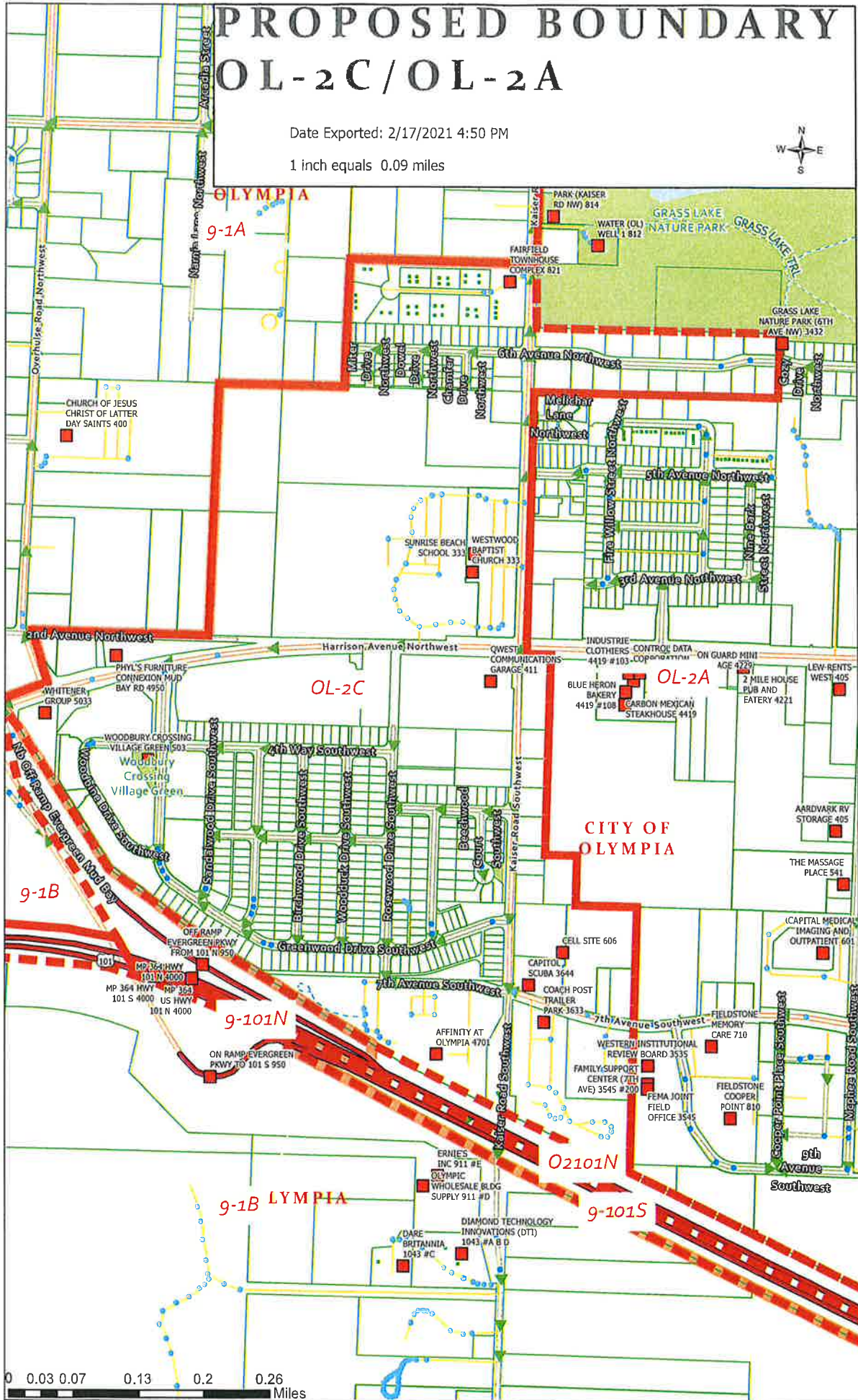
**EXHIBIT # 1**

**Exhibit #1 Response Area Map follows on subsequent page.**

# PROPOSED BOUNDARY OL-2C/OL-2A

Date Exported: 2/17/2021 4:50 PM

1 inch equals 0.09 miles



**INTERLOCAL AGREEMENT FOR EMERGENCY SERVICES  
BETWEEN  
THE CITY OF OLYMPIA  
AND  
THURSTON COUNTY FIRE PROTECTION DISTRICT 9**

**EXHIBIT # 2**

**Exhibit #2 Response Area Map follows on subsequent page.**



# Exhibit "2" Emergency Response Area Interlocal Agreement

City of Olympia | Capital of Washington State



**Vicinity Map**

Map created: November 5, 2012  
 Please contact Ladd Cluff with questions:  
 LCluff@cityofolympia.wa.us  
 (360) 753-8389

**Legend**

	City of Olympia Area		Major
	County Road		Mileage
	Highway		State Road
	Secondary/Local Road		US
	Primary Road		Unimproved
	Local Highway		Active Waterway



The City of Olympia and its personnel cannot assure the accuracy, completeness, reliability, or suitability of this information for any particular purpose. The photos, right-of-ways, utilities, and structures depicted herein are based on record information and aerial photos only. It is recommended the recipient and/or user verify all information prior to use. The use of this data for purposes other than those for which they were created may yield inaccurate or misleading results. The recipient may not assert any proprietary rights to this information. The City of Olympia and its personnel neither accept or assume liability or responsibility, whatsoever, for any activity involving this information with respect to lost profits, lost savings or any other consequential damages.



## City Council

### Approval of a Resolution Designating the Olympia Armory a Local Heritage Resource and Adding it to the Olympia Heritage Register

**Agenda Date:** 5/4/2021  
**Agenda Item Number:** 4.H  
**File Number:**21-0391

---

**Type:** decision **Version:** 1 **Status:** Consent Calendar

---

#### **Title**

Approval of a Resolution Designating the Olympia Armory a Local Heritage Resource and Adding it to the Olympia Heritage Register

#### **Recommended Action**

##### **Committee Recommendation:**

The Heritage Commission unanimously favors approval of a resolution designating the Olympia Armory a local heritage resource and adding it to the Olympia Heritage Register.

##### **City Manager Recommendation:**

Move to approve a resolution designating the Olympia Armory a local heritage resource and adding it to the Olympia Heritage Register.

#### **Report**

##### **Issue:**

Whether to approve a resolution designating the Olympia Armory a local heritage resource and adding it to the Armory on the Olympia Heritage Register.

##### **Staff Contact:**

Marygrace Goddu, Historic Preservation Officer, Community Planning & Development, 360.480.0923

##### **Presenter(s):**

Marygrace Goddu, Historic Preservation Officer

##### **Background and Analysis:**

Note: The recent State Capital Budget, passed just before the close of the 2021 Legislative Session on April 25, 2021, included transferring the Olympia Armory to the City of Olympia. The nomination to add the Armory to the Olympia Heritage Register was received in September 2020.

##### **Nomination Process**

A proposal to place the Olympia Armory on the Olympia Heritage Register was received in September 2020 from a coalition of community members from the Eastside Neighborhood Association. The building's owner, the Washington State Military Department (WMD), was notified of

the nomination and declined to comment, citing an agency policy of neutrality relative to historic designation of properties in WMD ownership.

Per Olympia Municipal Code 18.12.085 - Historic Preservation, if an owner does not consent to placement of their property on the Olympia Heritage Register, the Heritage Commission may recommend that the City Council approve designation without property owner consent.

The Heritage Commission followed the process defined in OMC 18.12.085B to consider the proposed listing, providing due notice to the owner and holding a public hearing on January 27, 2021. A member of the Washington Military Department was present at the public hearing.

### The Olympia Armory

The Olympia Armory is eligible for the Olympia Heritage Register for its architectural style and integrity, and for its association with important events that have contributed significantly to the broad patterns of Olympia and national history.

Built in 1939, the Armory is part of a long history of Army National Guard and Militia presence in Olympia from the earliest days of Washington Territory. It played an important role in Washington State and U.S. coastal defense systems as well as other operations during WWII, and today is home to the 81st Infantry Stryker Brigade headquartered at Joint Base Lewis-McChord. The Armory's units have been activated for State service in natural disasters and for various national service missions including in the Korean Conflict and Middle East deployments in the early 2000s, and recently, the Covid-19 response.

Alongside its military history, the Armory has been important to Olympia's community history as a familiar, well-used venue and community gathering place. It has hosted everything from auto shows and ski swaps to graduations and State Inaugural Balls. The two-story Drill Floor at the heart of the structure continues to be a popular location for indoor sports and community events.

The Olympia Armory is also significant because it carries the distinctive characteristics of the Art Moderne style of the Public Works Administration period, unchanged since its construction. Designed by Olympia's prolific, premier architect Joseph Wohleb, it is the most ornate among armories built in Washington during the late 1930s, befitting a capitol city.

### Implications of Local Listing

#### Benefits of Armory Local Listing:

- Grant Eligibility. Improves eligibility for supporting grants.
- Protection. Ensures the Armory Building will always be recognizable to the community as the same historic structure.
- Identity. Building will continue to establish a sense of place and community identity.
- History. Connectedness to a common past engenders a sense of continuity and shared purpose.
- Revitalization. The visible stewardship of designated buildings can stabilize or improve the surrounding community and support property values.

#### Practical Aspects of Local Listing:

- The exterior of the building cannot be significantly altered. Essential exterior alterations require

preservation review, and changes must be compatible.

- Interiors of the building can be altered. Important interior elements are noted in the nomination as worthy of preservation. Changes to these will require preservation review.
- The “Vehicle Barn” structure on the west side of the property is secondary to the main building and can be altered or demolished.
- Preservation Review runs concurrent with the normal City permit process. It can be expedited through pre-permit consultative review.

#### Myth Busting:

- Listing does NOT prevent an owner from making changes to a building. Exterior preservation is a high priority, but changes can be made as necessary to meet access, code and safety requirements. For public buildings, important interior features may be identified as deserving of preservation.
- Preservation Review is NOT an extra, time-consuming step. It is a regular step in the city’s permitting process that proceeds alongside other permit review disciplines.
- Listing does NOT require re-investment in failed materials or design elements, i.e., systems or designs that didn’t work the first time around.
- Listing does NOT restrict future use of the Armory. The City’s vision for a Creative Campus is a great fit for the building. The Armory’s central gathering hall surrounded by offices, meeting rooms, and a commercial kitchen, offers a configuration that is highly adaptable for classrooms, studios, and flexible learning and meeting spaces. The ground level industrial space and high-bay loading dock present opportunities for big ideas to literally take shape.
- While older buildings can sometimes be inefficient and more expensive to maintain; traditional materials and skilled workmanship are typically higher quality, longer-lasting, sustainable, and wrought by local crafts people, so the investment stays in the community.

#### Neighborhood/Community Interests (if known):

The Eastside Neighborhood is uniquely interested in the Armory and has expressed strong interest in its future use and ongoing preservation with the goal of ensuring that it continues to be an asset to the neighborhood and the community. They included action steps for its preservation in their January 2020 Eastside Neighborhood Association Sub-Area Plan, which was adopted by City Council, and nominated it for local register listing.

#### Options:

1. Approve a Resolution Designating the Olympia Armory a Local Heritage Resource and Adding It to the Olympia Heritage Register
2. Amend and approve the resolution.
3. Do not adopt the resolution.

#### Financial Impact:

Designating the Olympia Armory a local heritage resource and adding it to the Armory on the Olympia Heritage Register does not have a financial impact.

#### Attachments:

Resolution  
Statement of Significance

Olympia's Municipal Code 18.12.085

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OLYMPIA, WASHINGTON, DESIGNATING THE OLYMPIA ARMORY A LOCAL HERITAGE RESOURCE AND ADDING IT TO THE OLYMPIA HERITAGE REGISTER.**

**WHEREAS**, the Olympia Armory building located at 515 Eastside Street SE has been nominated by local citizens and determined by the Heritage Commission to have lasting social, cultural, and historic significance, meriting its addition to the Olympia Heritage Register; and

**WHEREAS**, the Washington State Military Department, the owner of the Olympia Armory property, has opted to remain neutral, as a matter of policy, rather than consent to the addition of the Olympia Armory property to the Heritage Register; and

**WHEREAS**, OMC 18.12.085 provides that when the owner of an individual property being considered for addition to the Heritage Register does not consent to such addition, City Council action, following certain public process, is required to add the property to the Heritage Register; and

**WHEREAS**, under OMC 18.12.085, the Heritage Commission may recommend that the City Council approve the addition of a property to the Heritage Register without property owner consent; and

**WHEREAS**, the Heritage Commission has followed the process set forth in OMC 18.12.085.B for adding an individual property to the Heritage Register without property owner consent, including providing due notice to the owner and holding a public hearing on January 27, 2021; and

**WHEREAS**, by action taken on January, 27 2021, the Heritage Commission unanimously recommended that the City Council add the Olympia Armory property to the Heritage Register for the reasons stated here and detailed in the Statement of Significance, attached as Exhibit A;

**NOW, THEREFORE, THE OLYMPIA CITY COUNCIL DOES HEREBY RESOLVE** as follows:

Based on its lasting social, cultural, and historic significance, and the procedures in OMC 18.12.085 having been followed, the Olympia Armory is designated a local heritage resource and is added to the Olympia Heritage Register.

**PASSED BY THE OLYMPIA CITY COUNCIL** this \_\_\_\_\_ day of \_\_\_\_\_ 2021.

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CITY CLERK

APPROVED AS TO FORM:

*Michael M. Young*  
\_\_\_\_\_  
DEPUTY CITY ATTORNEY

## EXHIBIT A

### **The Olympia Armory 515 Eastside Street SE**

#### **Nominating Statement of Significance**

*Amended to include Heritage Review Committee recommendation for future preservation treatment.*

#### **Significance of Property**

The Olympia Armory is eligible for the Olympia Heritage Register for its association with important events that have contributed significantly to the broad patterns of Olympia and national history.

The Olympia Armory, built in 1939, is part of a long history of Army National Guard and Militia presence in Olympia from the earliest days of Washington Territory. The role of the Coast Artillery units which first headquartered and trained at the building is part of the history of Washington state coastal defense in the era of the coastal gun emplacements of the early 20<sup>th</sup> century. These same units, activated from the Armory during World War II, were part of overall U.S. coastal defense as well as other wartime operations during the period. Washington State Guard Units were active at the Armory as was a unit of the Aircraft Warning Service during World War II.

Through a series of reorganizations to meet continuing military and state emergency needs leading to its present classification as part of the 81<sup>st</sup> Infantry Stryker Brigade headquartered at Joint Base Lewis-McChord, the National Guard units stationed at the Olympia Armory have maintained their tradition as an artillery force to the present era.

The Armory units have been activated by Washington Governors for service to the state in natural disasters as well as security missions and federally for service including in the Korean Conflict and Middle East deployments in the early 2000s.

With its commodious drill floor and open plan, the Armory has been central to Olympia's community history as a well-used venue and gathering place and is especially significant as the location of Washington State Inaugural Balls in the 1960s.

The Olympia Armory is also significant because it embodies the distinctive characteristics of the Art Moderne style of the Public Works Administration period, designed by architect Joseph Wohleb in association with Roland Borhek, both National Register-recognized architects.

Designed by Olympia's premier architect, Joseph Wohleb, with noted Tacoma architect Roland Borhek, who is listed as an associate on the project, the Olympia Armory is an excellent example of the PWA Moderne style. It is the most ornate of the PWA Moderne armories built in Washington during the late 1930s. The building is reflective of Wohleb's mastery of the Moderne genre as evidenced in his other commissions locally and around the state, some of which are listed on the National Register of Historic Places.

The distinctive Art Moderne eagle sculpture surmounting the front façade of the building is the work of renowned sculptor John Elliot whose work is recognized as a significant element in several National Register buildings including the Old Federal Courthouse, Northern Life Building and Washington Athletic Club in Seattle,

and is also found on Sundial at the State Capitol Campus associated with the National Register State Library Building.

As was stated when it was designed, the Armory is a building “fitting for a capitol city” and stands on the exterior much as it was when it was built in 1938-1939, a legacy of the Public Works Administration era and notable statewide for its continuous military and community service and architectural integrity. The building stands as only one of two PWA Moderne armories still in military use in Washington.

### **Historical Importance**

The Washington Army National Guard has its origins in the Territorial Militia of the 1850s, which was headquartered in Olympia during the Puget Sound Indian War of 1855-56.

Other volunteer militias including the “Puget Sound Rifles,” the “Olympia Light Brigade” and “Capitol Guards,” operated in Olympia from the 1860s to the 1880s. The Capitol Guards was one of the first companies that eventually became the Washington National Guard. The leader of the group, R. G. O’Brien, is known as the “Father of the Washington National Guard.”

After 1903 state militias became part of a federal reserve system. In World War I, a volunteer home guard was organized in Olympia, prior to the official National Guard in the city.

Part of the federal strategy in the 1880s was to create a coast defense which resulted in the construction of fixed artillery emplacements in Washington at locations such as at the entrance to the Straits of Juan DeFuca and the Columbia River. Local National Guard units were formed to work with regular Army to man these guns. In 1921 a new Coast Artillery Unit was organized in Olympia, first drilling at what was then the new American Legion Building. The unit also was called for domestic service by Washington’s Governors. Created as the 248<sup>th</sup> Coast Artillery, the unit was the first to occupy the new Armory in 1939 and its insignia is over the side doors on the front of the building.

The Olympia Armory was part of an effort of Washington State in partnership with the federal government through the Public Works Administration to build several new armories around the state. The location of the Armory was previously the site of the 1890s era Washington School that was replaced when the current “Old Washington” was built across the street in the 1920s. So it is a doubly important historical location in Olympia. Fittingly, it is bounded on the south side by “Legion Way” (named in 1927), an avenue of sweet gum and oak trees dedicated to the war dead of the Civil War, Spanish-American War, and World War I.

Olympia’s Armory was one of several built in what is described as the “PWA Moderne” style—which melded the then popular Art Moderne Style into the PWA construction. Joseph Wohleb with Roland Borhek, a Tacoma architect, designed the all-concrete Armory to serve as a base and training site for the Coast Artillery units which had been established in Olympia in the 1920s. The Armory is a stylish, landmark building replete with glass block and fluted concrete detailing surmounted by a stylized eagle done by noted sculptor John Elliot, who also designed the sundial on the Capitol Campus as well as ornamentation on other Seattle landmark buildings.

The Art Deco-inspired entry with “Armory” lettering and castle-like doors lead to the monumental drill hall on the interior which retains its original wood block flooring. Around the periphery were offices, lounges, kitchen, locker rooms and training spaces while the basement offered ground level access for motorized vehicles as well as a shooting range. These spaces have generally been upgraded and some re-configured over the life of the



building. The exterior has plaster insignias over the side doors for the 248<sup>th</sup> Coast Artillery. The Armory opened in May 1939 with civic ceremonies and the units at the Armory were re-designated as units of the 205<sup>th</sup> Coast Artillery in late 1939.

Olympia Guard units were inducted into federal service in February 1941 for training at Fort Lewis and in Olympia before being deployed for coastal defense in California and later for European war duty. Volunteer State Guard units operated at the Armory during the war for civil defense and a unit of the Aircraft Warning Service staffed by mostly women volunteers operated a “filter board” for tracking possible enemy aircraft was at the Armory from the early 1940s.

After World War II, military strategies moved away from fixed coast defense and the Guard was re-organized at Olympia in 1947 for anti-aircraft duty. A unit from Olympia was mobilized during the Korean conflict but did not see foreign action. Through the 1950s and 1960s the units at the Armory were variously part of infantry and armored units affiliated with the regular Army at Fort Lewis. The “long barn” or shed was built on the west side of the building in the late 1950s.

Guardsmen (no women were in the Guard until 1971) trained one weekend a month as well as two weeks in the summer—a regimen which continues. Field training was at Fort Lewis (now Joint Base Lewis-McChord or JBLM) and at the Yakima Firing Range. The Armory Building is used for drill, training, storage of gear and administration. The mission of the Guard units changes with the needs and strategies of the military nationally. The U.S. Army determines what Guard units are assigned to each state and the Washington Military Department assigns units to various armories around the state

Now the Headquarters and Headquarters Battery of the 2<sup>nd</sup> FAR (Field Artillery Regiment) of the 81<sup>st</sup> Stryker Brigade at JBLM, the units from the Armory were called to federal duty in in the Mideast in 2003 and 2008 and have served the state in operations including the Mt. St. Helens eruption, fires, floods and most recently in 2020 for the Governor’s mobilization related to COVID-19.

The Armory has always been a community gathering place as well and in many ways has been at the heart of Olympia activities--for recreational basketball, volleyball and ballroom dancing as well as being leased on weekends for swap meets antique shows and sales. Patrons of South Sound Cultural Activities (POSSCA) staged benefits at the Armory. Among the recurring Armory events have been the Olympia Ski Club Ski Swap, Artists’ Garage Sale and Capital Antique Show. Boxing matches, cat shows, Toys for Tots, boat shows, high school graduations, bird shows, wrestling and rock concerts have all found a home at the Armory. The Armory played host to St. Martin’s College (now University) intercollegiate basketball games in the 1940s and 1950s.

The Armory has also been a site for job fairs for homeless vets and community members as well as Guard events such as welcoming home troops from active duty. The Armory then has been more than a military installation but an integral part of Olympia’s history.

The Olympia Armory along with the Centralia Armory are the last of the PWA Moderne Armories still in use by the military in the state. (As of August, 2020, the Military Department has given notice that the Olympia Armory will be sold). The Armories from the same era in Seattle and Pullman have been sold or repurposed.

The Olympia Armory is an excellent example of the PWA Moderne style which has a little altered exterior and maintains its historic drill hall and other appointments on the interior. Exemplifying over eighty years of Olympia’s cultural, social, military and architectural history, the building is emblematic of the eras of National

Guard history and service statewide as well as the legacy of the Public Works Administration era of the 1930s in Washington State.

### **Architectural Importance**

Facing east, the Armory is located on a full block of almost two acres on the east side of Olympia on Eastside Street between 5<sup>th</sup> Avenue and Legion Way on a slight rise tapering to street level on the west side. Fronted by a circular driveway and a tall flagpole, the imposing PWA Art Moderne-style concrete structure is two stories tall with a full basement that opens to the rear of the building at ground level. Constructed of concrete, the building has a central vaulted roof surrounded by flat-roofed extensions with a front parapet.

The smooth concrete exterior walls form a plinth at their base, above which they are punctuated by recessed vertical bands of fluted concrete containing two rows of five windows each, which are original narrow steel casements. The alternating smooth and fluted concrete bands form a slightly crenelated parapet at the top of all of the walls of the building. The parapet is stone but now capped with metal.

Centered on the symmetrical front (east) facade and approached by handicap ramps (not original), the triple doors of the main entrance are recessed within a wide segmental arch topped by a row of small, recessed, sculpted shields and Moderne-style letters spelling "Armory." On the north side of the recessed entry is a bronze plaque reading: "Clarence D. Martin, Governor; Maurice Thompson, The Adjutant General; Edward C. Dohm Station Commander; Jos. H. Wohleb Roland E. Borhek, Associated Architects."

The castle-like, wooden front entry doors, which are original, have recessed panels, with newer hardware. Original light fixtures have been replaced on the sides of the entry.

Flanking the archway are tall, fluted, square pilasters which rise to the roofline, ornamented by small vertical bands of glass block at their bases. Above the entry at the apex of the front parapet is a large Moderne, streamlined eagle, sculpted in relief with incised lines radiating from the plaster eagle. The area above the entry has alternating fluted (three) and plain vertical elements. Three metal vertical windows are above the entry in the fluted elements.

The vault of the front façade is recessed behind the front parapet and has five pilasters which follow the arc of the vault and extend over the top of the vault.

The projecting entry towers on the north and south front facades are slightly lower than the main façade and have incised lines decorations. There are low steps which lead to a single door entry of the same design as the front doors on either side of the front. The doors are surmounted by colored plaster insignias of the 248<sup>th</sup> Coast Artillery, the original unit in the building. A single metal casement window is over the insignia.

Adjacent to each of the stairwells is a lower square element which has incised and sculptural block elements with the front plinth continuing to this area. There are vertical bands of glass block—two on the front and one on the side of these elements.

At the four corners of the vaulted roofline are large square columns with a fluted design and corner pilasters.

The front south side of the building rises to the height of the front facade and continues the same design as the front façade with fluted elements broken by vertical metal windows, separated by projecting smooth pilasters. There are two rows of nine windows, with three in each section between the pilasters.

The rear of the south side steps down to one story again with the plain and fluted pilasters. This section has a single band of six metal windows, separated in groups of three between three projecting pilasters.

Flanking this lower element is another stepped down, corner section with a flat roof and angled sides. It extends around the side to the rear of the building. Inset in this element is a vertical band of glass block on the south side, one in the corner and three in the rear. On the back side is a door entry with a flat concrete canopy.

The main section of the rear of the building follows the arch of the vaulted roof and has five projecting pilasters which extend over the roofline. The top part of the vault wall has a square incised design with two vents. The section below this top incised element was originally glass block which has been infilled. There remain eight small, multi-pane windows along the bottom of the first floor. The basement opens to the rear lot with a garage door bay in the center of the rear. The corners of the building have projecting pilasters with the fluted design.

The north façade has the vault roofline ornamented by the fluted and plain pilasters and on the rear a one story section mirrors the south side with fluted and plain elements and a single row of six metal windows between the pilasters. There is a small rear entry door at the northwest corner with a flat concrete canopy.

Rising on this side in the center of the one story section is a tall square chimney with smaller side projecting elements. The front of the north side mirrors the south side with similar fenestration and design. A signature of the pilasters on the north and south sides are flat projecting elements topped by a fluted design.

On the west side of the property is a large 50 x 128 feet storage shed built in the late 1950s which has garage bays on the north and south ends and small multi-pane windows set high in the building. There is also a small flammable materials storage shed. The rest of the rear of the building is a gravel parking lot—this area is surrounded by a security fence.

Interior:

The outstanding element of the interior is the original drill floor made of square wood block. The drill floor has offices on the front and sides reached by interior corridors and doors from the drill floor. The front of the building now has enclosed office spaces. There are balconies overlooking drill floor on the east side. A kitchen and dining area are on the north side of the building. There are offices on both floors of the building. The basement has locker rooms and shower facilities as well as large supporting columns in an open area which is accessed by a rear garage bay. The building also retains an original caretaker's apartment accessed from the basement as well as a maintenance area. The original basement shooting range has been removed.

### **Material and Design Integrity**

The Olympia Armory has good integrity and looks much like it did upon its completion in 1939. The major change to the exterior is the removal of the glass block on the west wall of the drill floor which was done in 1964 so is more than 50 years old. Although glass block is a signature element of the PWA Moderne style, the building has several other areas of glass block trim and embellishment. The front entry was altered with an ADA ramp in the late 1990s and there are newer lights mounted on the front exterior. The fenestration arrangement and window material are original. The original front entry doors and side doors are intact as is the signature eagle sculpture over the entry. A metal cap has been placed over the original stone parapet but the original material remains under the metal.

The major interior space which is most historically significant, the drill floor, including the original wood block, remains intact. Spaces on the interior have been altered but uses such as kitchen and locker room remain, although updated.

Anyone who would have viewed the Armory 1939 would certainly recognize it in 2020.

#### Vehicle Storage Building:

The vehicle storage building, measuring 50 feet x 128 feet, to the west of the Armory was built in the late 1940s (likely 1949) of concrete and originally had a pre-cast concrete plank roof. According to Ron Cross of the State Military Department, there were three standard plans for vehicle storage buildings issued by the military and this is one of them. The building is divided into shop area and vehicle storage on the interior. The gable roofed building has two overhead vehicle bay doors (newer) on either end of the building which runs north and south. There are two louvered vents over the vehicle bays on each end. There is a man-door (likely a newer metal replacement) on the northeast and southeast sides of the building. There are a series of six-over-six windows, seven on each side of the building which are placed high in the sides of the building. There is a concrete block chimney on the northeast side of the building.

#### **Future Preservation Treatment**

The entire exterior of the Armory Building is character-defining and should be preserved or restored.

The interiors of the Armory Building include the following character defining features which should be preserved or restored:

- The Main Entry Vestibule including the spatial entry sequence, original tile floor, and wood door casings;
- The large volume of space that constitutes the Drill Room ;
- The Drill Room floor; and
- The distinctive structural columns of the ground floor.

The “Long Barn” or Vehicle Storage Building also on the property is historic and should be retained and rehabilitated, but is secondary to the Armory Building.

**The Olympia Armory  
515 Eastside Street SE**

**Nominating Statement of Significance**

*Amended to include Heritage Review Committee recommendation for future preservation treatment.*

**Significance of Property**

The Olympia Armory is eligible for the Olympia Heritage Register for its association with important events that have contributed significantly to the broad patterns of Olympia and national history.

The Olympia Armory, built in 1939, is part of a long history of Army National Guard and Militia presence in Olympia from the earliest days of Washington Territory. The role of the Coast Artillery units which first headquartered and trained at the building is part of the history of Washington state coastal defense in the era of the coastal gun emplacements of the early 20<sup>th</sup> century. These same units, activated from the Armory during World War II, were part of overall U.S. coastal defense as well as other wartime operations during the period. Washington State Guard Units were active at the Armory as was a unit of the Aircraft Warning Service during World War II.

Through a series of reorganizations to meet continuing military and state emergency needs leading to its present classification as part of the 81<sup>st</sup> Infantry Stryker Brigade headquartered at Joint Base Lewis-McChord, the National Guard units stationed at the Olympia Armory have maintained their tradition as an artillery force to the present era.

The Armory units have been activated by Washington Governors for service to the state in natural disasters as well as security missions and federally for service including in the Korean Conflict and Middle East deployments in the early 2000s.

With its commodious drill floor and open plan, the Armory has been central to Olympia's community history as a well-used venue and gathering place and is especially significant as the location of Washington State Inaugural Balls in the 1960s.

The Olympia Armory is also significant because it embodies the distinctive characteristics of the Art Moderne style of the Public Works Administration period, designed by architect Joseph Wohleb in association with Roland Borhek, both National Register-recognized architects.

Designed by Olympia's premier architect, Joseph Wohleb, with noted Tacoma architect Roland Borhek, who is listed as an associate on the project, the Olympia Armory is an excellent example of the PWA Moderne style. It is the most ornate of the PWA Moderne armories built in Washington during the late 1930s. The building is reflective of Wohleb's mastery of the Moderne genre as evidenced in his other commissions locally and around the state, some of which are listed on the National Register of Historic Places.

The distinctive Art Moderne eagle sculpture surmounting the front façade of the building is the work of renowned sculptor John Elliot whose work is recognized as a significant element in several National Register buildings including the Old Federal Courthouse, Northern Life Building and Washington Athletic Club in Seattle, and is also found on Sundial at the State Capitol Campus associated with the National Register State Library Building.

As was stated when it was designed, the Armory is a building "fitting for a capitol city" and stands on the exterior much as it was when it was built in 1938-1939, a legacy of the Public Works Administration era and notable statewide for its continuous military and community service and

architectural integrity. The building stands as only one of two PWA Moderne armories still in military use in Washington.

## Historical Importance

The Washington Army National Guard has its origins in the Territorial Militia of the 1850s, which was headquartered in Olympia during the Puget Sound Indian War of 1855-56.

Other volunteer militias including the “Puget Sound Rifles,” the “Olympia Light Brigade” and “Capitol Guards,” operated in Olympia from the 1860s to the 1880s. The Capitol Guards was one of the first companies that eventually became the Washington National Guard. The leader of the group, R. G. O’Brien, is known as the “Father of the Washington National Guard.”

After 1903 state militias became part of a federal reserve system. In World War I, a volunteer home guard was organized in Olympia, prior to the official National Guard in the city.

Part of the federal strategy in the 1880s was to create a coast defense which resulted in the construction of fixed artillery emplacements in Washington at locations such as at the entrance to the Straits of Juan DeFuca and the Columbia River. Local National Guard units were formed to work with regular Army to man these guns. In 1921 a new Coast Artillery Unit was organized in Olympia, first drilling at what was then the new American Legion Building. The unit also was called for domestic service by Washington’s Governors. Created as the 248<sup>th</sup> Coast Artillery, the unit was the first to occupy the new Armory in 1939 and its insignia is over the side doors on the front of the building.

The Olympia Armory was part of an effort of Washington State in partnership with the federal government through the Public Works Administration to build several new armories around the state. The location of the Armory was previously the site of the 1890s era Washington School that was replaced when the current “Old Washington” was built across the street in the 1920s. So it is a doubly important historical location in Olympia. Fittingly, it is bounded on the south side by “Legion Way” (named in 1927), an avenue of sweet gum and oak trees dedicated to the war dead of the Civil War, Spanish-American War, and World War I.

Olympia’s Armory was one of several built in what is described as the “PWA Moderne” style—which melded the then popular Art Moderne Style into the PWA construction. Joseph Wohleb with Roland Borhek, a Tacoma architect, designed the all-concrete Armory to serve as a base and training site for the Coast Artillery units which had been established in Olympia in the 1920s. The Armory is a stylish, landmark building replete with glass block and fluted concrete detailing surmounted by a stylized eagle done by noted sculptor John Elliot, who also designed the sundial on the Capitol Campus as well as ornamentation on other Seattle landmark buildings.

The Art Deco-inspired entry with “Armory” lettering and castle-like doors lead to the monumental drill hall on the interior which retains its original wood block flooring. Around the periphery were offices, lounges, kitchen, locker rooms and training spaces while the basement offered ground level access for motorized vehicles as well as a shooting range. These spaces have generally been upgraded and some re-configured over the life of the building. The exterior has plaster insignias over the side doors for the 248<sup>th</sup> Coast Artillery. The Armory opened in May 1939 with civic ceremonies and the units at the Armory were re-designated as units of the 205<sup>th</sup> Coast Artillery in late 1939.

Olympia Guard units were inducted into federal service in February 1941 for training at Fort Lewis and in Olympia before being deployed for coastal defense in California and later for European war duty. Volunteer State Guard units operated at the Armory during the war for civil defense and a unit of the Aircraft Warning Service staffed by mostly women volunteers operated a “filter board” for tracking possible enemy aircraft was at the Armory from the early 1940s.

After World War II, military strategies moved away from fixed coast defense and the Guard was re-organized at Olympia in 1947 for anti-aircraft duty. A unit from Olympia was mobilized during the Korean conflict but did not see foreign action. Through the 1950s and 1960s the units at the Armory were variously part of infantry and armored units affiliated with the regular Army at Fort Lewis. The “long barn” or shed was built on the west side of the building in the late 1950s.

Guardsmen (no women were in the Guard until 1971) trained one weekend a month as well as two weeks in the summer—a regimen which continues. Field training was at Fort Lewis (now Joint Base Lewis-McChord or JBLM) and at the Yakima Firing Range. The Armory Building is used for drill, training, storage of gear and administration. The mission of the Guard units changes with the needs and strategies of the military nationally. The U.S. Army determines what Guard units are assigned to each state and the Washington Military Department assigns units to various armories around the state

Now the Headquarters and Headquarters Battery of the 2<sup>nd</sup> FAR (Field Artillery Regiment) of the 81<sup>st</sup> Stryker Brigade at JBLM, the units from the Armory were called to federal duty in in the Mideast in 2003 and 2008 and have served the state in operations including the Mt. St. Helens eruption, fires, floods and most recently in 2020 for the Governor’s mobilization related to COVID-19.

The Armory has always been a community gathering place as well and in many ways has been at the heart of Olympia activities--for recreational basketball, volleyball and ballroom dancing as well as being leased on weekends for swap meets antique shows and sales. Patrons of South Sound Cultural Activities (POSSCA) staged benefits at the Armory. Among the recurring Armory events have been the Olympia Ski Club Ski Swap, Artists’ Garage Sale and Capital Antique Show. Boxing matches, cat shows, Toys for Tots, boat shows, high school graduations, bird shows, wrestling and rock concerts have all found a home at the Armory. The Armory played host to St. Martin’s College (now University) intercollegiate basketball games in the 1940s and 1950s.

The Armory has also been a site for job fairs for homeless vets and community members as well as Guard events such as welcoming home troops from active duty. The Armory then has been more than a military installation but an integral part of Olympia’s history.

The Olympia Armory along with the Centralia Armory are the last of the PWA Moderne Armories still in use by the military in the state. (As of August, 2020, the Military Department has given notice that the Olympia Armory will be sold). The Armories from the same era in Seattle and Pullman have been sold or repurposed.

The Olympia Armory is an excellent example of the PWA Moderne style which has a little altered exterior and maintains its historic drill hall and other appointments on the interior. Exemplifying over eighty years of Olympia’s cultural, social, military and architectural history, the building is emblematic of the eras of National Guard history and service statewide as well as the legacy of the Public Works Administration era of the 1930s in Washington State.



## Architectural Importance

Facing east, the Armory is located on a full block of almost two acres on the east side of Olympia on Eastside Street between 5<sup>th</sup> Avenue and Legion Way on a slight rise tapering to street level on the west side. Fronted by a circular driveway and a tall flagpole, the imposing PWA Art Moderne-style concrete structure is two stories tall with a full basement that opens to the rear of the building at ground level. Constructed of concrete, the building has a central vaulted roof surrounded by flat-roofed extensions with a front parapet.

The smooth concrete exterior walls form a plinth at their base, above which they are punctuated by recessed vertical bands of fluted concrete containing two rows of five windows each, which are original narrow steel casements. The alternating smooth and fluted concrete bands form a slightly crenelated parapet at the top of all of the walls of the building. The parapet is stone but now capped with metal.

Centered on the symmetrical front (east) facade and approached by handicap ramps (not original), the triple doors of the main entrance are recessed within a wide segmental arch topped by a row of small, recessed, sculpted shields and Moderne-style letters spelling "Armory." On the north side of the recessed entry is a bronze plaque reading: "Clarence D. Martin, Governor; Maurice Thompson, The Adjutant General; Edward C. Dohm Station Commander; Jos. H. Wohleb Roland E. Borhek, Associated Architects."

The castle-like, wooden front entry doors, which are original, have recessed panels, with newer hardware. Original light fixtures have been replaced on the sides of the entry.

Flanking the archway are tall, fluted, square pilasters which rise to the roofline, ornamented by small vertical bands of glass block at their bases. Above the entry at the apex of the front parapet is a large Moderne, streamlined eagle, sculpted in relief with incised lines radiating from the plaster eagle. The area above the entry has alternating fluted (three) and plain vertical elements. Three metal vertical windows are above the entry in the fluted elements.

The vault of the front façade is recessed behind the front parapet and has five pilasters which follow the arc of the vault and extend over the top of the vault.

The projecting entry towers on the north and south front facades are slightly lower than the main façade and have incised lines decorations. There are low steps which lead to a single door entry of the same design as the front doors on either side of the front. The doors are surmounted by colored plaster insignias of the 248<sup>th</sup> Coast Artillery, the original unit in the building. A single metal casement window is over the insignia.

Adjacent to each of the stairwells is a lower square element which has incised and sculptural block elements with the front plinth continuing to this area. There are vertical bands of glass block—two on the front and one on the side of these elements.

At the four corners of the vaulted roofline are large square columns with a fluted design and corner pilasters.

The front south side of the building rises to the height of the front facade and continues the same design as the front façade with fluted elements broken by vertical metal windows, separated by projecting smooth pilasters. There are two rows of nine windows, with three in each section between the pilasters.

The rear of the south side steps down to one story again with the plain and fluted pilasters. This section has a single band of six metal windows, separated in groups of three between three projecting pilasters.

Flanking this lower element is another stepped down, corner section with a flat roof and angled sides. It extends around the side to the rear of the building. Inset in this element is a vertical band of glass block on the south side, one in the corner and three in the rear. On the back side is a door entry with a flat concrete canopy.

The main section of the rear of the building follows the arch of the vaulted roof and has five projecting pilasters which extend over the roofline. The top part of the vault wall has a square incised design with two vents. The section below this top incised element was originally glass block which has been infilled. There remain eight small, multi-pane windows along the bottom of the first floor. The basement opens to the rear lot with a garage door bay in the center of the rear. The corners of the building have projecting pilasters with the fluted design.

The north façade has the vault roofline ornamented by the fluted and plain pilasters and on the rear a one story section mirrors the south side with fluted and plain elements and a single row of six metal windows between the pilasters. There is a small rear entry door at the northwest corner with a flat concrete canopy.

Rising on this side in the center of the one story section is a tall square chimney with smaller side projecting elements. The front of the north side mirrors the south side with similar fenestration and design. A signature of the pilasters on the north and south sides are flat projecting elements topped by a fluted design.

On the west side of the property is a large 50 x 128 feet storage shed built in the late 1950s which has garage bays on the north and south ends and small multi-pane windows set high in the building. There is also a small flammable materials storage shed. The rest of the rear of the building is a gravel parking lot—this area is surrounded by a security fence.

#### Interior:

The outstanding element of the interior is the original drill floor made of square wood block. The drill floor has offices on the front and sides reached by interior corridors and doors from the drill floor. The front of the building now has enclosed office spaces. There are balconies overlooking drill floor on the east side. A kitchen and dining area are on the north side of the building. There are offices on both floors of the building. The basement has locker rooms and shower facilities as well as large supporting columns in an open area which is accessed by a rear garage bay. The building also retains an original caretaker's apartment accessed from the basement as well as a maintenance area. The original basement shooting range has been removed.

## **Material and Design Integrity**

The Olympia Armory has good integrity and looks much like it did upon its completion in 1939. The major change to the exterior is the removal of the glass block on the west wall of the drill floor which was done in 1964 so is more than 50 years old. Although glass block is a signature element of the PWA Moderne style, the building has several other areas of glass block trim and embellishment. The front entry was altered with an ADA ramp in the late 1990s and there are newer lights mounted on the front exterior. The fenestration arrangement and window material are original. The original front entry doors and side doors are intact as is the signature eagle sculpture over the entry. A metal cap has been placed over the original stone parapet but the original material remains under the metal.

The major interior space which is most historically significant, the drill floor, including the original wood block, remains intact. Spaces on the interior have been altered but uses such as kitchen and locker room remain, although updated.

Anyone who would have viewed the Armory 1939 would certainly recognize it in 2020.

### **Vehicle Storage Building:**

The vehicle storage building, measuring 50 feet x 128 feet, to the west of the Armory was built in the late 1940s (likely 1949) of concrete and originally had a pre-cast concrete plank roof. According to Ron Cross of the State Military Department, there were three standard plans for vehicle storage buildings issued by the military and this is one of them. The building is divided into shop area and vehicle storage on the interior. The gable roofed building has two overhead vehicle bay doors (newer) on either end of the building which runs north and south. There are two louvered vents over the vehicle bays on each end. There is a man-door (likely a newer metal replacement) on the northeast and southeast sides of the building. There are a series of six-over-six windows, seven on each side of the building which are placed high in the sides of the building. There is a concrete block chimney on the northeast side of the building.

## **Future Preservation Treatment**

The entire exterior of the Armory Building is character-defining and should be preserved or restored.

The interiors of the Armory Building include the following character defining features which should be preserved or restored:

- The Main Entry Vestibule including the spatial entry sequence, original tile floor, and wood door casings;
- The large volume of space that constitutes the Drill Room ;
- The Drill Room floor; and
- The distinctive structural columns of the ground floor.

The “Long Barn” or Vehicle Storage Building also on the property is historic and should be retained and rehabilitated, but is secondary to the Armory Building.



## City Council

### Approval of a Resolution Authorizing a Grant Agreement with Interfaith Works for a Second Shelter at 3444 Martin Way East

**Agenda Date:** 5/4/2021  
**Agenda Item Number:** 4.1  
**File Number:**21-0393

---

**Type:** resolution **Version:** 1 **Status:** Consent Calendar

---

#### **Title**

Approval of a Resolution Authorizing a Grant Agreement with Interfaith Works for a Second Shelter at 3444 Martin Way East

#### **Recommended Action**

##### **Committee Recommendation:**

Not referred to a committee.

##### **City Manager Recommendation:**

Move to approve a Resolution authorizing the City Manager to sign a grant agreement in the amount of \$250,000 with Interfaith Works for a second shelter at 3444 Martin Way East.

#### **Report**

##### **Issue:**

Whether to approve a Resolution authorizing the City Manager to sign a grant agreement with Interfaith Works in the amount of \$250,000 to construct a 27/7 shelter facility providing approximately 38 beds to adults who are homeless.

##### **Staff Contact:**

Cary Retlin, Home Fund Manager, 360.570.3956

##### **Presenter(s):**

None - Consent Calendar Item.

##### **Background and Analysis:**

Interfaith Works currently operates two 24-hour shelters in Olympia for adults who are homeless. Both sites are in church basements that were not designed with shelter in mind. One shelter, at First United Methodist Church of Olympia, is scheduled to close later this year as COVID restrictions are relaxed.

This agreement will support the construction of a facility for approximately 38 shelter beds that will be prioritized for adults at highest risk of death as a result of homelessness based on a vulnerability assessment. This includes those over the age of 60 or those living with other chronic high-risk

conditions. In the long-term the facility may transition to provide day services for homeless individuals.

The site is a half-acre lot with an existing 4,576 square foot building that will be demolished (most recently the site of the Foam and Fabric Store). This shelter will occupy part of the property, and an apartment building for people who have experienced homelessness is planned for the remaining part of the property in the future.

The shelter will be developed rapidly using modular construction components. The final structure will meet all relevant code and life safety requirements and must be inspected by the City prior to occupancy.

### Shelter Operations

Interfaith Works receives shelter referrals from a variety of agencies and organizations and uses a vulnerability index to prioritize access to limited beds. Generally, beds are assigned to specific shelter guests since most guests return to services each night. The shelter will provide 24-hour staffing and services, including a day room and meals.

Supportive services provided at the shelter include:

- Peer support-based case management through the Navigation Team
- Coordination with visiting clinical mental health workers from providers including Providence Behavioral Health and Behavioral Health Resources.
- Coordination of transportation to medical or other appointments.
- Two meals delivered daily from volunteers or donated by food organizations (no food preparation occurs on site).
- Coordination of shelter guest laundry.
- Daily shower and hygiene support.

### **Neighborhood/Community Interests (if known):**

Homelessness and the siting of homeless facilities are a significant interest of the public and businesses.

### **Options:**

1. Approve the Resolution authorizing the City Manager to sign a grant agreement in the amount of \$250,000 with Interfaith Works for a second shelter at 3444 Martin Way
2. Do not approve Resolution authorizing the City Manager to sign a grant agreement in the amount of \$250,000 with Interfaith Works for a second shelter at 3444 Martin Way and direct staff to amend the agreement to return for approval at a later date.
3. Direct staff to take other action

### **Financial Impact:**

\$250,000 from City General Fund

### **Attachments:**

Resolution  
Agreement

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OLYMPIA, WASHINGTON, APPROVING A GRANT AGREEMENT FOR DEVELOPMENT AND CONSTRUCTION OF A HOMELESS SHELTER AND DAY SERVICES CENTER LOCATED AT 3444 MARTIN WAY EAST, OLYMPIA, WASHINGTON, BETWEEN THE CITY OF OLYMPIA, A WASHINGTON MUNICIPAL CORPORATION, AND INTERFAITH WORKS, A WASHINGTON PUBLIC BENEFIT CORPORATION**

**WHEREAS**, the Olympia City Council passed Ordinance No. 7146 on July 17, 2018, finding, and declaring a public health emergency relating to human health and environmental conditions caused by increasing homelessness in the City of Olympia; and

**WHEREAS**, after considering public testimony and reviewing the conditions that gave rise to this public health emergency, the City Council found that the conditions still existed and passed and adopted ordinances declaring a *continuing* state of public health emergency relating to homelessness as follows:

- Ordinance No. 7179 – December 18, 2018
- Ordinance No. 7192 – May 7, 2019
- Ordinance No. 7207 – November 12, 2019

and

**WHEREAS**, after considering public testimony and finding that the emergency relating to homelessness was continuing and increasing in the City of Olympia and was further compounded and exacerbated by the special dangers posed by the COVID-19 pandemic, the City Council passed and adopted the following ordinances declaring a *continuing* state of public health emergency relating to homelessness:

- Ordinance No. 7243 – May 5, 2020
- Ordinance No. 7256 – November 2, 2020

**WHEREAS**, in 2019, the Thurston County Board of County Commissioners also declared a formal state of emergency with regard to homelessness in the county, recognizing that unsheltered homelessness and affordable housing were significant issues for Thurston County before the COVID-19 pandemic, which has been exacerbated by COVID-19; and

**WHEREAS**, overnight shelters are presently reduced to half capacity to accommodate social distancing guidelines due to the pandemic. Many people experiencing homelessness are living with permanent disabilities and chronic illness, and are at high risk for both transmission of and complications from COVID-19. As a result of COVID-19, Interfaith Works' year round shelter is full and has to turn many people away, thus requiring action to provide more space to meet a number of the Olympia community's emergent needs; and

**WHEREAS**, Interfaith Works has acquired real property located at 3444 Martin Way East in the City of Olympia, consisting of a site that is approximately .5 acres with an existing 4,576 square foot building

and gravel parking lot with ten (10) parking spaces. This property is accessed off of Martin Way East to the south and abuts the Mary Elder Road right-of-way to the north; and

**WHEREAS**, the plan for the site at 3444 Martin Way East in Olympia is to demolish the existing building and for Interfaith Works to construct parking and an enclosed outdoor space and an approximately 6,000 square foot building to operate a 24/7 shelter for thirty-eight (38) people, more or less, through 2021. Thereafter, the building shall be converted to a daytime service center upon the completion of the shelter and permanent supportive housing presently under construction at 2828 Martin Way East; and

**WHEREAS**, the shelter facility, as well as the exterior property at 3444 Martin Way East and its perimeter will be monitored and maintained by Interfaith Works' staff, which will respond as necessary to any problem or disruption; and

**WHEREAS**, the shelter facility proposed by Interfaith Works shall house men, women, couples, and gender non-conforming individuals, with sleeping rooms broken into four different sleeping rooms. Persons over fifty (50) years of age and those with pre-existing conditions shall be prioritized for shelter placement; and

**WHEREAS**, the proposal by Interfaith Works will require construction of a modular building. Included within the proposal is a prefabricated hygiene structure with toilets, showers, and washers/dryers. The hygiene structure will connect to the proposed building and necessary utilities. It will be ADA accessible and have HVAC, accessible flooring, fire suppression, four (4) sleeping dorms with 9-10 beds each, a common area, and access to the hygiene facilities from inside the structure so guests will not need to go outside. Additionally, a half bathroom for staff and three compartment sinks will be plumbed into the structure itself. Interfaith Works intends to fence the perimeter of the property at 3444 Martin Way East to provide privacy and attractive detailing for neighbors; and

**WHEREAS**, it is anticipated Interfaith Works will encounter extensive costs to update sewer connection, frontage improvements, and pedestrian accessibility to the site at 3444 Martin Way East; and

**WHEREAS**, Interfaith Works will prioritize highly vulnerable adult individuals and their pets, as well as couples without dependent children. The majority of Interfaith Works' guests may be over sixty (60) years old and meet the federal definition of "chronically homeless" and are living with complex challenges related to their physical and mental health; and

**WHEREAS**, Interfaith Works has trained, experienced staff and volunteers for whom safety is a top priority and who will be responsible for appropriately assessing a person's risk during intake for shelter services, providing beds for the most vulnerable members of the homeless community in the City of Olympia and Thurston County; and

**WHEREAS**, Interfaith Works shall take referrals from all local service providers, and shall work regularly with the Coordinated Entry system and utilize county-wide standard vulnerability index tool as well as the eligibility criteria of "high risk COVID-19" to prioritize the limited number of beds available, and to do so in a way that will serve all genders; and

**WHEREAS**, Interfaith Works shall follow all City of Olympia building occupancy limits, fire codes, building and zoning codes and other safety and comfort considerations for the development and construction of

the property at 3444 Martin Way East for a shelter and daytime service center with professional, trained staff on site at all times during the day and a minimum of two staff members overnight, with volunteers assisting in providing meals; and

**WHEREAS**, supportive services shall be provided by Interfaith Works, including but not limited to Targeted Peer Support based on case management through Interfaith’s Navigation Team Program; coordination of clinical support services including visiting clinical mental health workers; coordination of transportation to primary and specialty care appointments; providing meals from volunteers or food organizations; access to linens, towels, blankets, clothing, hygiene supplies, basic over-the-counter first aid and medicine supplies; coordination of guests personal laundry; and daily one-site shower coordination; and

**WHEREAS**, the Olympia City Council desires to provide grant funding in the amount of \$250,000 to Interfaith Works for the development and construction of a 24/7 shelter and day services facility at 3444 Martin Way East by Interfaith Works, upon the terms and conditions set forth in the Grant Agreement, so Interfaith Works may provide essential services to the City of Olympia’s and Thurston County’s homeless community who are at risk due to the COVID-19 pandemic;

**NOW, THEREFORE, THE OLYMPIA CITY COUNCIL DOES HEREBY RESOLVE** as follows:

1. The Olympia City Council hereby approves the Grant Agreement between the City of Olympia and Interfaith Works for construction and development of a homeless shelter and day services center located at 3444 Martin Way East Project upon the terms and conditions contained therein.
2. The City Manager is directed and authorized to execute on behalf of the City of Olympia the Grant Agreement with Interfaith Works, together with any other documents necessary in connection with said grant to Interfaith Works for the 3444 Martin Way East Project, and to make any minor modifications as may be required and are consistent with the intent of the Grant Agreement, or to correct any scrivener’s errors.

**PASSED BY THE OLYMPIA CITY COUNCIL** this \_\_\_\_\_ day of \_\_\_\_\_ 2021.

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CITY CLERK

APPROVED AS TO FORM:

**Mark Barber**  
\_\_\_\_\_  
CITY ATTORNEY



**GRANT AGREEMENT FOR DEVELOPMENT AND CONSTRUCTION OF A HOMELESS SHELTER AND DAY SERVICES CENTER LOCATED AT 3444 MARTIN WAY EAST, OLYMPIA, WASHINGTON, BETWEEN THE CITY OF OLYMPIA, A WASHINGTON MUNICIPAL CORPORATION, AND INTERFAITH WORKS, A WASHINGTON PUBLIC BENEFIT CORPORATION**

**THIS GRANT AGREEMENT** is effective as of the date of the last authorizing signature affixed hereto. The parties to this Agreement are the CITY OF OLYMPIA, a Washington municipal corporation (hereinafter the "City"), and INTERFAITH WORKS, a Washington public benefit corporation (hereinafter "Interfaith" or "IW"), and collectively referred to herein as the "Parties."

**RECITALS**

**WHEREAS**, the Olympia City Council passed Ordinance No. 7146 on July 17, 2018, finding, and declaring a public health emergency relating to human health and environmental conditions caused by increasing homelessness in the City of Olympia; and

**WHEREAS**, on December 18, 2018, the Olympia City Council passed Ordinance No. 7179, finding that the public health emergency caused by homelessness in the City of Olympia was continuing; and

**WHEREAS**, on May 7, 2019, the Olympia City Council passed Ordinance No. 7192, finding the public health emergency due to homelessness in the City of Olympia was continuing; and

**WHEREAS**, on November 12, 2019, the Olympia City Council passed Ordinance No. 7207, finding the public health emergency relating to homelessness in the City of Olympia was increasing and continuing; and

**WHEREAS**, the Olympia City Council, following a public hearing on May 5, 2020, passed Ordinance No. 7243, again finding the public health emergency relating to homelessness was increasing and continuing in the City of Olympia and was further compounded and exacerbated by the special dangers posed by the COVID-19 pandemic; and

**WHEREAS**, on November 2, 2020, the Olympia City Council, following a public hearing, passed Ordinance No. 7256 finding the public health emergency relating to homelessness was continuing in the City of Olympia and was compounded and exacerbated by the COVID-19 pandemic; and

**WHEREAS**, in 2019 the Thurston County Board of County Commissioners also declared a formal state of emergency with regard to homelessness in the county, recognizing that unsheltered homelessness and affordable housing were significant issues for Thurston County before the COVID-19 pandemic, which has been exacerbated by COVID-19; and

**WHEREAS**, overnight shelters are presently reduced to half capacity to accommodate social distancing guidelines due to the pandemic. Many people experiencing homelessness are living with permanent

disabilities and chronic illness, and are at high risk for both transmission of and complications from COVID-19. As a result of COVID-19, Interfaith Works' year round shelter is full and has to turn many people away, thus requiring action to provide more space to meet a number of the Olympia community's emergent needs; and

**WHEREAS**, Interfaith Works has acquired real property located at 3444 Martin Way East in the City of Olympia, consisting of a site that is approximately .5 acres with an existing 4,576 square foot building and gravel parking lot with ten (10) parking spaces. This property is accessed off of Martin Way East to the south and abuts the Mary Elder Road right-of-way to the north; and

**WHEREAS**, the plan for the site at 3444 Martin Way East in Olympia is to demolish the existing building and for Interfaith Works to construct parking and an enclosed outdoor space and an approximately 6,000 square foot building for the use and purpose of housing homeless persons. All shelter operations are proposed to be inside the building to be constructed upon the property and within the site, and shall be obscured within a fenced area (see, EXHIBIT A attached hereto); and

**WHEREAS**, after demolition of the existing building, Interfaith Works intends to construct a new building to operate a 24/7 shelter for thirty-eight (38) people, more or less, through 2021. Thereafter, the building shall be converted to a daytime service center upon the completion of the shelter and permanent supportive housing presently under construction at 2828 Martin Way East; and

**WHEREAS**, the shelter facility, as well as the exterior property at 3444 Martin Way East and its perimeter will be monitored and maintained by Interfaith Works' staff, which will respond as necessary to any problem or disruption; and

**WHEREAS**, the shelter facility proposed by Interfaith Works shall house men, women, couples, and gender non-conforming individuals, with sleeping rooms broken into four different sleeping rooms. Persons over fifty (50) years of age and those with pre-existing conditions shall be prioritized for shelter placement; and

**WHEREAS**, the proposal by Interfaith Works, as outlined in EXHIBIT A attached hereto, will require construction of a modular building. Included within the proposal is a prefabricated hygiene structure with toilets, showers, and washers/dryers. The hygiene structure will connect to the proposed building and necessary utilities. It will be ADA accessible and have HVAC, accessible flooring, fire suppression, four (4) sleeping dorms with 9-10 beds each, a common area, and access to the hygiene facilities from inside the structure so guests will not need to go outside. Additionally, a half bathroom for staff and three compartment sinks will be plumbed into the structure itself. Interfaith Works intends to fence the perimeter of the property at 3444 Martin Way East to provide privacy and attractive detailing for neighbors; and

**WHEREAS**, it is anticipated Interfaith Works will encounter extensive costs to update sewer connection, frontage improvements, and pedestrian accessibility to the site at 3444 Martin Way East; and

**WHEREAS**, Interfaith Works will prioritize highly vulnerable adult individuals and their pets, as well as couples without dependent children. The majority of Interfaith Works' guests may be over sixty (60)

years old and meet the federal definition of “chronically homeless” and are living with complex challenges related to their physical and mental health; and

**WHEREAS**, Interfaith Works has trained, experienced staff and volunteers for whom safety is a top priority and who will be responsible for appropriately assessing a person’s risk during intake for shelter services, providing beds for the most vulnerable members of the homeless community in the City of Olympia and Thurston County; and

**WHEREAS**, Interfaith Works shall take referrals from all local service providers, and shall work regularly with the Coordinated Entry system and utilize county-wide standard vulnerability index tool as well as the eligibility criteria of “high risk COVID-19” to prioritize the limited number of beds available, and to do so in a way that will serve all genders; and

**WHEREAS**, Interfaith Works shall follow all City of Olympia building occupancy limits, fire codes, building and zoning codes and other safety and comfort considerations for the development and construction of the property at 3444 Martin Way East for a shelter and daytime service center with professional, trained staff on site at all times during the day and a minimum of two staff members overnight, with volunteers assisting in providing meals; and

**WHEREAS**, supportive services shall be provided by Interfaith Works, including but not limited to Targeted Peer Support based on case management through Interfaith’s Navigation Team Program; coordination of clinical support services including visiting clinical mental health workers; coordination of transportation to primary and specialty care appointments; providing meals from volunteers or food organizations; access to linens, towels, blankets, clothing, hygiene supplies, basic over-the-counter first aid and medicine supplies; coordination of guests personal laundry; and daily one-site shower coordination; and

**WHEREAS**, the Olympia City Council intends to provide grant funding to Interfaith Works for the development and construction of a 24/7 shelter and day services facility at 3444 Martin Way East by Interfaith Works, upon the terms and conditions in the Grant Agreement as set forth below, so Interfaith Works may provide essential services to the City of Olympia’s and Thurston County’s homeless community who are at risk due to the COVID-19 pandemic;

**NOW, THEREFORE, THE PARTIES AGREE AS FOLLOWS:**

## **I. GENERAL PROVISIONS**

1.1 Grant Number. The number assigned to this Grant Agreement is **21-HFC-003 Interfaith Works Second Shelter**. This Grant Number shall appear on all invoices, addendums, modifications, or correspondence relating to this Agreement.

1.2 Grant Purpose. The general purpose of this Grant Agreement between the Parties is to develop and construct an Interfaith Works 24/7 homeless shelter and day services center with up to thirty-eight (38) beds, more or less, and support facilities subject to COVID protocols. The total Grant funding from the

City of Olympia to Interfaith Works is \$250,000.00 for funding of the Interfaith Works shelter located at 3444 Martin Way East, Olympia, WA.

1.3 Exhibits. The Exhibits attached to this Grant Agreement are listed below and are hereby incorporated into and made a part of this Grant Agreement:

- EXHIBIT A Letter to City of Olympia dated January 20, 2021
- EXHIBIT B Statement of Compliance with Nondiscrimination
- EXHIBIT C Certification Regarding Debarment, Suspension, Ineligibility, and Voluntary Exclusion
- EXHIBIT D Certification Regarding Lobbying
- EXHIBIT E Equal Benefits Compliance Declaration

## **II. SPECIAL TERMS AND CONDITIONS**

2.1 Definitions. As used throughout this Grant Agreement, the following terms shall have the meaning set forth below:

- a. "Authorized Representative" shall mean either the City Manager or the City Manager's designee, the Grantee's Executive Director and/or the designee authorized in writing to act on behalf of the Grantee's Executive Director.
- b. "City" shall mean the City of Olympia, a Washington municipal corporation.
- c. "Contract Manager" shall mean the representative for each Party who is responsible for and is a Party's contact person for all communications, notices, and invoices/billings regarding the performance of this Grant Agreement.
- d. "County" shall mean Thurston County, a political subdivision of the state of Washington.
- e. "Grant" or "Agreement" or "Grant Agreement" means the entire written agreement between the City of Olympia and the Grantee, Interfaith Works, including any Exhibits, documents, or materials incorporated by reference as part of this Grant Agreement.
- f. "Grantee" shall mean the entity set forth in this Grant Agreement and who shall produce a thirty-eight (38) bed, more or less, shelter and day services facility under the terms and conditions of this Grant and shall include all employees and agents of the Grantee. If more than one "Grantee" is a recipient under this Grant Agreement, use of the term "Grantee" shall apply to the singular and plural.
- g. "Interfaith Works" or "Interfaith" or "IW" shall mean the Grantee and recipient under this Grant Agreement.
- h. "Party" or "Parties" shall mean either the Grantor, City of Olympia, and the Grantee, Interfaith Works, or collectively.

i. "Personal or Confidential Information" as used in this Grant Agreement shall mean information identifiable to any person, including, but not limited to, information that relates to a person's name, health, finances, education, business, use or receipt of governmental services or other activities, addresses, telephone numbers, social security numbers, driver license numbers, other identifying numbers, and any financial identifiers that is protected by federal or state laws.

j. "State" shall mean the state of Washington.

k. "Subgrantee/Subcontractor" shall mean one not in the employment of the Grantee, who is performing all or part of those services under this Grant under a separate Grant with the Grantee. The terms "Subgrantee/Subcontractor" refers to any tier.

l. "Vendor" is an entity that agrees to provide the amount and kind of services requested by the City; provides services under the Grant only to those beneficiaries individually determined to be eligible by the City and provides services on a fee-for-service or per-unit basis.

**2.2 Grant Procedures Meeting.** Grantee, through their designated accounting personnel, shall meet with the City's Finance Director or designees following execution of this Grant Agreement. This meeting shall be known as the "Grant in-take meeting." This meeting or follow-up meetings shall be for the purpose of establishing procedures for submittal of invoices and requests for reimbursements under this Grant. The City's Finance Director or designees shall outline **required** billing/invoicing format, procedures and required documentation at the Grant in-take meeting between Grantee and the City. **Attendance at this "Grant in-take meeting" or follow-up meetings is mandatory and shall be held prior to any invoices being processed for reimbursement or payment under this Grant Agreement.**

Requests for reimbursement of invoices under this Grant shall be submitted in the format determined by the City. The City will provide Grantee with the "City of Olympia Grant Guide" or an internet link to the guide, which shall include form templates for Grantee's reimbursement requests with instructions on preparing same, together with other required forms, including but not limited to a Progress Report for work performed under this Grant Agreement, and information as to what constitutes acceptable documentation to the City that will support reimbursement of Grantee's invoices. Grantee shall provide the City with information as to its fiscal accounting year and the identity and contact information of the Grantee's independent auditor.

**2.3 Eligibility Dates for Grant Reimbursements.** After this Grant Agreement has been executed by all Parties, invoices submitted for work under this Grant are eligible for reimbursement. However, all invoices must be submitted by Interfaith Works within six (6) months following issuance of the City's final certificate of occupancy. If Grantee's invoices are not submitted to the City within the above referenced time periods, reimbursement of invoices incurred for work under this Grant may be disallowed by the City in its sole discretion.

**2.4 Billing Procedures and Payment.** The Grantee shall submit all requests for reimbursement by invoice to the City. Invoices shall be submitted at least quarterly, but not more often than monthly. The invoice shall be submitted to Connie Cobb, Senior Program Specialist, City of Olympia, 601 4<sup>th</sup> Ave E., P.O. Box 1967, Olympia, WA 98507. The City will pay each Grantee upon acceptance of the services

provided and receipt of properly completed invoices. Payment shall be considered timely if made by the City within forty-five (45) calendar days after receipt of properly completed invoices. Payment shall be sent to the address designated by the respective Grantee. The City may, in its sole discretion, terminate the Grant or withhold payments claimed by the Grantee for services rendered if the Grantee fails to satisfactorily comply with any term or condition of this Grant. **No payments in advance shall be made by the City in anticipation of services or supplies to be provided under this Grant.**

2.5 Duplication of Billed Costs. The Grantee shall not bill the City for services performed under this Grant, and the City shall not pay the Grantee, if the Grantee is entitled to payment or has been or will be paid by any other source, including grants, for that service.

2.6 Disallowed Costs. The Grantee is responsible for reimbursement to the City of any audit exceptions or disallowed costs incurred by its own organization or that of its Subcontractors.

### **III. ADDITIONAL TERMS AND CONDITIONS**

3.1 Compensation. The City shall pay an amount not to exceed \$250,000.00 for the performance of all things necessary for or incidental to the performance of work by Interfaith Works as set forth in EXHIBIT A. The Grantee agrees to comply with the financial and administrative requirements set forth in statutes, ordinances, and professionally recognized accounting rules.

3.2 Retention, Security, Staff Training, And Data Breaches. The City requires that all information created or collected as a result of this Grant funding be retained, either physically, electronically, or digitally, for not less than seven (7) years. It is expected that Grantee will allow for the cost of the creation of records maintenance plans and systems. If a Grantee collects data whose security is regulated by federal, state, or local law, it is expected that the Grantee will adhere to all relevant laws, rules, and regulations. Grantees are required to train every staff member who may have access to information created or collected under this Grant in proper data security and awareness and the elements of the plan mentioned above.

If the Grantee is made aware of a potential or actual breach of the security of any information created or collected as a result of this funding, the Grantee is to notify the City within forty-eight (48) hours of the suspected or actual breach. The Grantee is responsible for compliance with the appropriate laws, rules, and regulations regarding the reporting of a suspected or actual security breach to the proper agencies and participants.

3.3 Nondiscrimination. During the performance of this Grant, the Grantee shall comply with all federal, state, and local nondiscrimination laws, regulations, and policies, including but not limited to the Americans with Disabilities Act (ADA), which provides comprehensive civil rights protection to individuals with disabilities in the areas of employment, public accommodations, government services and telecommunications (see, EXHIBIT B).

In the event of the Grantee's non-compliance or refusal to comply with any nondiscrimination law, regulation or policy, this Grant may be rescinded, canceled, or terminated in whole or in part, and the Grantee may be declared ineligible for further Grants with the City. The Grantee shall, however, be

given a reasonable time in which to cure this noncompliance. Any dispute may be resolved in accordance with the "Disputes" procedure set forth in this Grant Agreement.

3.4 Equal Opportunity Employer. In all services, programs or activities, and all Grantee hiring and employment made possible by or resulting from this Grant Agreement, there shall be no unlawful discrimination by Grantee or by Grantee's employees, agents, subcontractors or representatives against any person based on any legally protected class status including but not limited to: sex, age (except minimum age and retirement provisions), race, color, religion, creed, national origin, marital status, veteran status, sexual orientation, gender identity, genetic information or the presence of any disability, including sensory, mental or physical handicaps; provided, however, that the prohibition against discrimination in employment because of disability shall not apply if the particular disability prevents the performance of the essential functions required of the position.

This requirement shall apply, but not be limited to the following: employment, advertising, layoff or termination, rates of pay or other forms of compensation, and selection for training, including apprenticeship. Grantee shall not violate any of the terms of Chapter 49.60 RCW, Title VII of the Civil Rights Act of 1964, the Americans with Disabilities Act, Section 504 of the Rehabilitation Act of 1973 or any other applicable federal, state, or local law or regulation regarding nondiscrimination. Any material violation of this provision shall be grounds for termination of this Grant Agreement by the City and, in the case of the Grantee's breach, may result in ineligibility for further City grants.

In the event of Grantee's noncompliance or refusal to comply with the above nondiscrimination plan, this Grant Agreement may be rescinded, canceled, or terminated in whole or in part, and the Grantee may be declared ineligible for further grants with the City. The Grantee shall, however, be given a reasonable time in which to correct this noncompliance.

To assist the City in determining compliance with the foregoing nondiscrimination requirements, Grantee must complete and return to the City the *Statement of Compliance with Nondiscrimination* and the *Equal Benefits Compliance Declaration* attached as EXHIBIT B.

3.5 Examination of Records. The Grantee authorizes the City and/or its designee and its representatives, access to and the right to examine all Grantee's records, books, paper, or documents related to this Grant within seventy-two (72) hours of the City's request.

3.6 Grant Management and Contract Managers. A representative for each of the Parties shall be responsible for and shall be the contact person for all communications, notices, and billings regarding the performance of this Grant Agreement after it is executed by all Parties. Any notices or invoices may be delivered personally to the addressee of the notice or may be deposited in the United States mail, postage prepaid, to the address set forth below. Any notice or invoice so posted in the United States mail shall be deemed received three (3) days after the date of mailing.

The Grant Agreement contract managers for the Parties shall be:

**GRANTOR: CITY OF OLYMPIA**

Cary Retlin  
Home Fund Manager  
City of Olympia  
601 4<sup>th</sup> Avenue East  
P.O. Box 1967  
Olympia, WA 98507  
(360) 570-3956  
[cretlin@ci.olympia.wa.us](mailto:cretlin@ci.olympia.wa.us)

**GRANTEE: INTERFAITH WORKS**

Meg Martin  
Executive Director  
Interfaith Works  
110 – 11<sup>th</sup> Avenue SE  
P.O. Box 1221  
Olympia WA 98507  
(360) 357-7224  
[meg@iwshelter.org](mailto:meg@iwshelter.org)

3.7 Grant Modification. Notwithstanding any provision of this Grant to the contrary, at any time during the Grant period, the City may, by written notification to the Grantee and without notice to any known guarantor or surety, make changes within the general scope of the program activities to be performed under this Grant. All other modifications shall not be valid unless made in writing and signed by the Parties. Any oral understandings and agreements not incorporated herein, unless made in writing and signed by the Parties hereto, shall not be binding. In addition, notwithstanding any provision of this Grant to the contrary, at any time during the Grant period, the City may analyze Grant expenditures as a proportion of the Grant budget. If the City determines, in its sole discretion, that the Grant funding is underutilized, the City, in its sole discretion, may unilaterally modify the grant to reduce the balance of the Grant budget. Funds de-obligated by the City as a result of a budget reduction may be made available to other Grantees for the provision of eligible Grant program activities.

3.8 Insurance. The Grantee shall provide insurance coverage as set out in this section. The intent of the required insurance is to protect the City should there be any claims, suits, actions, costs, damages, or expenses arising from any loss, or negligent or intentional act or omission of the Grantee or Subgrantee/Subcontractor, or agents of either, while performing under the terms of this Grant Agreement.

The insurance required shall be issued by an insurance company authorized to do business within the state of Washington. Except for Professional Liability or Errors and Omissions Insurance, the insurance shall name the City of Olympia, its agents, officers, and employees as additional insureds under the insurance policy. All policies shall be primary to any other valid and collectable insurance. The Grantee shall instruct the insurers to give the City thirty (30) calendar days advance notice of any insurance cancellation, non-renewal, or modification.

The Grantee shall submit to the City within fifteen (15) calendar days of the Grant start date, a certificate of insurance which outlines the coverage and limits defined in this insurance section. During the term of the Grant, the Grantee shall submit renewal certificates not less than thirty (30) calendar days prior to expiration of each policy required under this section. The Grantee shall provide insurance coverage that shall be maintained in full force and effect during the term of this Grant, as follows:

- a. Commercial General Liability Insurance Policy. Provide a Commercial General Liability Insurance Policy, including liability, written on an occurrence basis, in adequate quantity to protect against legal liability arising out of Grant activity but no less than \$1,000,000 per occurrence. Additionally, the Grantee is responsible for ensuring that any



Subgrantee/Subcontractor provide adequate insurance coverage for the activities arising out of their Grant related activities.

b. Automobile Liability. In the event that performance pursuant to this Grant involves the use of vehicles, owned, or operated by the Grantee or its Subgrantee/Subcontractor, automobile liability insurance shall be required. The minimum limit for automobile liability is \$1,000,000 per occurrence, using a Combined Single Limit for bodily injury and property damage.

c. Professional Liability, Errors and Omissions Insurance. The Grantee shall maintain Professional Liability or Errors and Omissions Insurance. The Grantee shall maintain minimum limits of no less than \$1,000,000 per occurrence to cover all activities by the Grantee and licensed staff employed by or under Grant to the Grantee.

3.9 Non-Supplanting Certification. No Grant funds will be used to supplant existing state, local, or other non-federal funding already in place to support current services or funding. Violation of the non-supplanting requirement can result in a range of penalties, including suspension of future funds under this Grant, or recoupment of monies provided under this Grant.

3.10 Reporting. Grantee will submit reports to the City in the form and format as specified in Paragraph 2.2 above, and at intervals specified by the City, for any work under this Grant performed by a Subgrantee(s) or Subcontractor(s) and the portion of Grant funds expended for work performed by a Subgrantee(s) or Subcontractor(s), including but not necessarily limited to minority-owned, woman-owned, and veteran-owned business Subcontractor(s) or Subgrantee(s). "Subcontractor(s)" shall mean Subcontractor(s) of any tier.

3.11 Restrictions and Certifications Regarding Non-Disclosure Agreements And Related Matters. No Grantee or Subgrantee under this Grant, or entity that receives a procurement contract or subcontract with any funds under this Grant, may require any employee or contractor to sign an internal confidentiality agreement or statement that prohibits or otherwise restricts, or purports to prohibit or restrict, the reporting (in accordance with law) of waste, fraud, or abuse to an investigative or law enforcement representative of any federal or state department or agency authorized to receive such information. In accepting this award, the Grantee:

- Represents that it neither requires nor has required internal confidentiality agreements or statements from employees or contractors that currently prohibit or otherwise currently restrict (or purport to prohibit or restrict), employees or contractors from reporting waste, fraud, or abuse as described above; and
- Certifies that, if it learns or is notified that it is or has been requiring its employees or contractors to execute agreements or statements that prohibit or otherwise restrict (or purport to prohibit or restrict), reporting of waste, fraud, or abuse as described above, it will immediately stop any further obligations of award funds, will provide prompt written notification to the City, and will resume (or permit resumption of) such obligations only if expressly authorized to do so by the City.

- If the Grantee does or is authorized under this Grant to make Subgrantee, procurement contracts, or both:
  - a. It represents that:
    1. it has determined that no other entity that the Grantee’s application proposes may or will receive Grant funds (whether through a Subgrant, procurement contract, or subcontract under a procurement contract) either requires or has required internal confidentiality agreements or statements from employees or contractors that currently prohibit or otherwise currently restrict (or purport to prohibit or restrict) employees or contractors from reporting waste, fraud, or abuse as described above; and
    2. it has made appropriate inquiry, or otherwise has an adequate factual basis, to support this representation; and
  - b. It certifies that, if it learns or is notified that any subgrantee, contractor, or subcontractor entity that receives funds under this Grant is or has been requiring its employees or contractors to execute agreements or statements that prohibit or otherwise restrict (or purport to prohibit or restrict), reporting of waste, fraud, or abuse as described above, it will immediately stop any further obligations of award funds to or by that entity, will provide prompt written notification to the City making this Grant, and will resume (or permit resumption of) such obligation only if expressly authorized to do so by the City.

3.12 Order of Precedence. In the event of an inconsistency in this Grant, the inconsistency shall be resolved by giving precedence in the following order:

- Applicable local, federal, and state of Washington statutes, ordinances, and regulations
- Special Terms and Conditions
- General Terms and Conditions
- Additional Terms and Conditions
- EXHIBIT A Letter to City of Olympia dated January 20, 2021
- EXHIBIT B Statement of Compliance with Nondiscrimination
- EXHIBIT C Certification Regarding Debarment, Suspension, Ineligibility, and Voluntary Exclusion
- EXHIBIT D Certification Regarding Lobbying
- EXHIBIT E Equal Benefits Compliance Declaration

3.13 Advance Payments Prohibited. As stated in Paragraph 2.4 of this Grant Agreement, no payments in advance of or in anticipation of goods or services to be provided under this Grant Agreement shall be made by the City of Olympia.

3.14 All Writings Contained Herein. This Grant Agreement contains all the terms and conditions agreed upon by the Parties. No other understandings, oral or otherwise, regarding the subject matter of this

Grant Agreement shall be deemed to exist or to bind any of the Parties hereto unless reduced to writing and signed by all Parties to this Grant Agreement.

3.15 Amendments. This Grant Agreement may be amended by mutual agreement of the Parties. Such amendments shall not be binding unless they are in writing and signed by personnel authorized to bind each of the Parties.

3.16 Assignment. Neither this Grant Agreement, nor any claim arising under this Grant, shall be transferred or assigned by the Grantee without prior written consent of the City.

3.17 Audit. The Parties agree that all funding and the expenses reimbursed pursuant to invoices paid pursuant to this Grant Agreement is subject to audit by the State Auditor, the City and/or the Grantee's independent audit services. The Parties further agree as follows:

a. General Requirements. Grantee shall procure independent audit services based on the following guidelines:

(i) The Grantee shall maintain its records and accounts so as to facilitate audits and shall ensure that Subgrantee(s)/Subcontractor(s) also maintain auditable records.

(ii) The Grantee is responsible for any audit exceptions incurred by its own organization or that of its Subgrantee(s)/Subcontractor(s).

(iii) The Grantee shall perform an independent audit each fiscal year. An audit report shall be submitted to the City within six (6) months after end of the Grantee's fiscal year.

b. Right to Recover Disallowed Costs. The City reserves the right to recover from the Grantee all disallowed costs resulting from the audit.

c. Audit Report. Responses to any unresolved financial findings and disallowed or questioned costs shall be included with the audit report. The Grantee must respond to the City's requests for information or corrective action concerning audit issues within thirty (30) days of the date of the City's request.

d. Documentation Requirements. The Grantee must send a copy of any required audit report no later than nine (9) months after the end of the Grantee's fiscal year by sending a scanned copy of the Audit Report to Jana Brown, Accounting Manager, [jbrown2@ci.olympia.wa.us](mailto:jbrown2@ci.olympia.wa.us) or a hard copy to:

City of Olympia  
ATTN: Jana Brown, Accounting Manager – GRANT AUDIT COMPLIANCE  
601 4<sup>th</sup> Avenue East  
P.O. Box 1967  
Olympia, WA 98507

In addition to sending a copy of the audit report when applicable, the Grantee must also send to the City any corrective action plan for audit findings within three (3) months of the audit report being received by the City.

3.18 Certification Regarding Debarment, Suspension or Ineligibility and Voluntary Exclusion—Primary and Lower Tier Covered Transactions. Grantee, defined as the primary participant and its principals, certifies by signing this Grant Agreement that to the best of its knowledge and belief the Grantee (EXHIBIT H):

A. Is not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any federal or state department or agency.

B. Has not within a three-year period preceding this Grant, been convicted of or had a civil judgment rendered against it for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public or private agreement or transaction, violation of federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, tax evasion, receiving stolen property, making false claims, or obstruction of justice.

C. Is not presently indicted for or otherwise criminally or civilly charged by a governmental entity (federal, State, or local) with commission of any of the offenses enumerated in paragraph (1)(b) of federal Executive Order 12549.

D. Has not within a three-year period preceding the signing of this Grant Agreement had one or more public transactions (federal, State, or local) terminated for cause of default.

The Grantee shall keep on file a copy of documentation to support Grantee's check for debarment, suspension, proposed debarment, declaration of ineligibility or voluntary exclusion in all solicitations for lower tier covered transactions. Where the Grantee is unable to certify to any of the statements in this Grant, the Grantee shall attach an explanation to this Grant Agreement as an addendum, explaining the circumstances why it cannot so certify.

The Grantee agrees by signing this Grant Agreement that it shall not knowingly enter into any lower tier covered transaction with a person or entity who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the City in writing. The Grantee further agrees by signing this Grant Agreement that it will include the clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion -- Lower Tier Covered Transaction," as follows, without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions:

LOWER TIER COVERED TRANSACTIONS

A. The lower tier Grantee certifies, by signing this Grant that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any federal or state department or agency.

B. Where the lower tier Grantee is unable to certify to any of the statements in this Grant, such Grantee shall attach an explanation in writing to this Grant Agreement.

C. The terms **covered transaction, debarred, suspended, ineligible, lower tier covered transaction, person, primary covered transaction, principal, and voluntarily excluded**, as used in this section, have the meanings set out in the Definitions and Coverage sections of the rules implementing Executive Order 12549.

3.19 Confidentiality/Safeguarding of Information. “Confidential or Personal Information” as used in this section includes:

A. All personal information in the possession of the Grantee that may not be disclosed under state or federal law. “Personal or Confidential Information” includes but is not limited to information related to a person’s name, health, finances, education, business, use of government services, addresses, telephone numbers, social security number, driver’s license number and other identifying numbers, and “Protected Health Information” under the federal Health Insurance Portability and Accountability Act of 1996 (HIPAA).

B. The Grantee shall comply with all state and federal laws related to the use, sharing, transfer, sale, or disclosure of Confidential or Personal Information. The Grantee shall use Confidential or Personal Information solely for the purposes of this Grant and shall not use, share, transfer, sell or disclose any Confidential or Personal Information to any third party except with the prior written consent of the City or as may be required by law.

C. The Grantee shall take all necessary steps to assure that Confidential or Personal Information is safeguarded to prevent unauthorized use, sharing, transfer, sale, or disclosure of Confidential or Personal Information or violation of any state or federal laws related thereto. Upon request, the Grantee shall provide the City with its policies and procedures on confidentiality. The City may require changes to such policies and procedures as they apply to this Grant whenever the City reasonably determines that changes are necessary to prevent unauthorized disclosures. The Grantee shall make the changes within the time period specified by the City. Upon request, the Grantee shall immediately take steps to protect any Confidential or Personal Information that the City reasonably determines has not been adequately protected by the Grantee against unauthorized disclosure.

D. The Grantee shall notify the City within three (3) working days of any unauthorized use or disclosure of any confidential information and shall take necessary steps to mitigate the harmful effects of such use or disclosure.

3.20 Conflict of Interest. The City may, in its sole discretion by written notice to the Grantee, terminate this Grant if it is found after due notice and examination by the City that there is a violation of the Ethics in Public Service Act, Chapters 42.23 RCW and 42.52 RCW; or any similar statute involving the Grantee in the procurement of, or performance under this Grant. Specific restrictions apply to granting with current or former state employees pursuant to Chapter 42.52 of the Revised Code of Washington. If it is

determined by the City that a conflict of interest exists, the Grantee may be disqualified from further consideration for the award of a grant.

In the event this Grant is terminated as provided above, the City shall be entitled to pursue the same remedies against the Grantee as it could pursue in the event of a breach of the Grant by the Grantee. The rights and remedies of the City provided for in this clause shall not be exclusive and are in addition to any other rights and remedies provided by law. The existence of facts upon which the City makes any determination under this section shall be an issue and may be reviewed as provided in the "Disputes" clause of this Grant Agreement.

3.21 Copyright Provisions. Unless otherwise provided, all materials produced under this Grant shall be considered "works for hire" as defined by the U.S. Copyright Act and shall be owned by the City. The City shall be considered the author of such materials. In the event the materials are not considered "works for hire" under the U.S. Copyright laws, the Grantee hereby irrevocably assigns all right, title, and interest in all materials, including all intellectual property rights, and rights of publicity to the City effective from the moment of creation of such materials. "Materials" means all items in any format and includes, but is not limited to, data, reports, documents, pamphlets, advertisements, books, magazines, surveys, studies, computer programs, films, tapes, and/or sound reproductions. "Ownership" includes the right to copyright, patent, register and the ability to transfer these rights.

For materials that are delivered under the Grant, but that incorporate pre-existing materials not produced under the Grant, the Grantee hereby grants to the City a nonexclusive, royalty-free, irrevocable license (with rights to sublicense to others) in such materials to translate, reproduce, distribute, prepare derivative works, publicly perform, and publicly display. The Grantee warrants and represents that the Grantee has all rights and permissions, including intellectual property rights and rights of publicity, necessary to grant such a license to the City. The Grantee shall exert all reasonable effort to advise the City, at the time of delivery of materials furnished under this Grant, of all known or potential invasions of privacy contained therein and of any portion of such document which was not produced in the performance of this Grant. The Grantee shall provide the City with prompt written notice of each notice or claim of infringement received by the Grantee with respect to any materials delivered under this Grant. The City shall have the right to modify or remove any restrictive markings placed upon the materials by the Grantee.

3.22 Disputes. Except as otherwise provided in this Grant Agreement, when a dispute arises between the Parties and it cannot be resolved by direct negotiation, either Party may request a dispute hearing with Keith Stahley, Assistant City Manager of the City of Olympia, who may designate a neutral person to decide the dispute.

The request for a dispute hearing must:

- A. be in writing;
- B. state the disputed issues;
- C. state the relative positions of the Parties;
- D. state the Grantee's name, address, and Grant number; and

- E. be mailed to the Contract Manager set forth in Paragraph 3.6 and the other Party's Contract Manager within three (3) working days after the Parties agree that they cannot resolve the dispute.

The responding Party or Parties shall send a written answer to the written request for a dispute hearing to each Party's Contract Manager as set forth in Paragraph 3.6 within five (5) working days. Keith Stahley, Assistant City Manager, shall review the written statements and reply in writing to all Parties within ten (10) working days or may extend this time period if necessary, by notifying the Parties in writing that additional time is necessary to review the Parties written statements. The decision shall not be admissible in any succeeding judicial or quasi-judicial proceeding. The Parties agree that this dispute process shall precede any action in a judicial or quasi-judicial tribunal. Nothing in this Grant shall be construed to limit the Parties' choice of a mutually acceptable alternate dispute resolution (ADR) method such as binding arbitration, in addition to the dispute hearing procedure outlined above.

3.23 Governing Law and Venue. This Grant Agreement shall be construed and interpreted in accordance with the laws of the state of Washington, and the venue of any action brought hereunder shall be in the Superior Court for Thurston County.

3.24 Indemnification. To the fullest extent permitted by law, the Grantee shall indemnify, defend, and hold harmless the City, its agents and employees, from and against all claims for injuries or death arising out of or resulting from the performance of the Grant. "Claim" as used in this Grant, means any financial loss, claim, suit, action, damage, or expense, including but not limited to attorney's fees, attributable for bodily injury, sickness, disease, or death, or injury to or the destruction of tangible property including loss of use resulting therefrom. The Grantee's obligation to indemnify, defend, and hold harmless includes any claim by Grantee's agents, employees, representatives, or any Subgrantee/Subcontractor or its employees. Grantee expressly agrees to indemnify, defend, and hold harmless the City for any claim arising out of or incident to Grantee's or any Subgrantee's/Subcontractor's performance or failure to perform the Grant.

Grantee's obligation to indemnify, defend, and hold harmless the City shall not be eliminated or reduced by any actual or alleged concurrent negligence of the City or its agents, employees, and officials. The Grantee waives its immunity under Title 51 RCW to the extent it is required to indemnify, defend, and hold harmless the City, its officers, agents, or employees. This provision of the Grant is and has been voluntarily negotiated between the Parties.

3.25 Independent Capacity of the Grantee. The Parties intend that an independent Grantee relationship will be created by this Grant. The Grantee and its employees or agents performing under this Grant are not employees or agents of the City. The Grantee will not hold itself out as or claim to be an officer or employee of the City, nor will the Grantee make any claim of right, privilege or benefit which would accrue to such officer or employee of the City under law. Conduct and control of the work will be solely with the Grantee.

3.26 Compliance with Laws. Grantee shall comply with and perform the services contemplated by this Grant in accordance with all applicable federal, state, and City laws including, without limitation, all City

codes, ordinances, resolutions, standards, and policies, as now existing or hereafter adopted or amended.

3.27 Licensing, Accreditation and Registration. The Grantee shall comply with all applicable local, state, and federal licensing, accreditation and registration requirements or standards necessary for the performance of this Grant, including but not limited to maintaining a valid license with the Washington Secretary of State as a Washington public benefit corporation.

3.28 Limitation of Authority. Only the Authorized Representative or the Authorized Representative's designee by writing (designation to be made prior to action) shall have the express, implied, or apparent authority to alter, amend, modify, or waive any clause or condition of this Grant. Furthermore, any alteration, amendment, modification, or waiver of any clause or condition of this Grant is not effective or binding unless made in writing and signed by all the Authorized Representatives of the Parties to this Grant Agreement.

3.29 Political Activities. Political activity of Grantee or its employees and officers are limited by the provisions of the Fair Campaign Practices Act, Chapter 42.17A RCW. No Grant funds may be used for working for or against ballot measures or for or against the candidacy of any person for public office, or as otherwise prohibited by law or the rules and regulations of the State's Public Disclosure Commission (EXHIBIT D).

3.30 Publicity. The Grantee agrees not to publish or use any advertising or publicity materials in which the City's name is mentioned, or language used from which the connection with the City's name may reasonably be inferred or implied, without the prior written consent of the City.

3.31 Recapture. In the event that the Grantee fails to perform this Grant in accordance with state or federal laws, municipal ordinances, and codes, and/or the provisions of this Grant, the City reserves the right to recapture funds in an amount to compensate the City for the noncompliance in addition to any other remedies available at law or in equity. Repayment by the Grantee of funds under this recapture provision shall occur within the time period specified by the City. In the alternative, the City may recapture such funds from payments due under this Grant.

3.32 Records Maintenance. The Grantee shall maintain books, records, documents, data, and other evidence relating to this Grant and performance of the services described herein, including but not limited to recognized professional accounting procedures and practices that sufficiently and properly reflect all direct and indirect costs of any nature expended in the performance of this Grant. The Grantee shall retain such records for a period of seven (7) years following the date of final payment. At no additional cost, these records, including materials generated under the Grant, shall be subject at all reasonable times to inspection, review or audit by the City and its authorized personnel, the Office of the State Auditor, and federal and state officials so authorized by law, regulation, or agreement. If any litigation, claim, or audit is started before the expiration of the seven (7) year period, the records shall be retained until all litigation, claims, or audit findings involving the records have been resolved. Grantee shall disclose to the City the specific location of all records kept by the Grantee for services performed under this Grant Agreement.



3.33 Registration with Department of Revenue. If required by law, the Grantee shall complete registration with the Washington State Department of Revenue.

3.34 Right of Inspection. The Grantee shall provide right of access to its facilities to the City, or any of its officers or employees, or to any other authorized agent or official of the state of Washington or the federal government, at all reasonable times, in order to monitor and evaluate performance, compliance, and/or quality assurance under this Grant.

3.35 Savings. In the event funding from state, federal, or other sources is withdrawn, reduced, or limited in any way after the effective date of this Grant and prior to normal completion, the City may terminate the Grant under the "Termination for Convenience" clause, without the ten (10) calendar day notice requirement. In lieu of termination, the Grant may be amended to reflect the new funding limitations and conditions.

3.36 Severability. The provisions of this Grant are intended to be severable. If any term or provision is illegal or invalid for any reason whatsoever, such illegality or invalidity shall not affect the validity of the remainder of the Grant.

3.37 Subgranting. The Grantee may only subgrant work contemplated under this Grant if it obtains the prior written approval of the City. If the City approves subgranting, the Grantee shall maintain written procedures related to subgranting, as well as copies of all subgrants and records related to subgrants. For cause, the City may, in writing: (a) require the Grantee to amend its subgranting procedures as they relate to this Grant; (b) prohibit the Grantee from subgranting with a particular person or entity; or (c) require the Grantee to rescind or amend a subgrant. Every subgrant shall bind the Subgrantee to follow all applicable terms of this Grant Agreement. The Grantee is responsible to the City if the Subgrantee fails to comply with any applicable term or condition of this Grant. The Grantee shall appropriately monitor the activities of the Subgrantee to assure fiscal conditions of this Grant. In no event shall the existence of a subgrant operate to release or reduce the liability of the Grantee to the City for any breach in the performance of the Grantee's duties. Every subgrant shall include a term that the City is not liable for claims or damages arising from a Subgrantee's performance of the subgrant.

3.38 Survival. The terms, conditions, and warranties contained in this Grant that by their sense and context are intended to survive the completion of the performance, cancellation or termination of this Grant shall so survive.

3.39 Taxes. All payments accrued on account of payroll taxes, unemployment contributions, the Grantee's income or gross receipts, any other taxes, insurance or expenses for the Grantee or its staff, including but not limited to all applicable sales or use taxes, shall be the sole responsibility of the Grantee.

3.40 Termination – Disruption in Funding. Subject to the availability of amounts appropriated for this specific purpose, the City will collect funds from available federal and state programs. In the event there is a disruption in the funding made available to the City for this program, the City reserves the right to terminate this Grant Agreement under Paragraph 3.42 (Termination for Convenience) as set forth herein.

3.41 Termination for Cause. In the event the City determines the Grantee has failed to comply with the conditions of this Grant in a timely manner, the City has the right to suspend or terminate this Grant. Before suspending or terminating the Grant, the City shall notify the Grantee in writing of the need to take corrective action. If corrective action is not taken within thirty (30) calendar days, the Grant may be terminated or suspended.

In the event of termination or suspension, the Grantee shall be liable for damages as authorized by law including, but not limited to, any cost difference between the original Grant and the replacement or cover Grant and all administrative costs directly related to the replacement Grant, e.g., cost of requests for proposals, mailing, advertising, and staff time. The City reserves the right to suspend all or part of the Grant, withhold further payments, or prohibit the Grantee from incurring additional obligations of funds during investigation of the alleged compliance breach and pending corrective action by the Grantee or a decision by the City to terminate the Grant. A termination shall be deemed a "Termination for Convenience" if it is determined that the Grantee: (1) was not in default; or (2) failure to perform was outside of its control, fault, or negligence.

The rights and remedies of the City provided in this Grant are not exclusive and are, in addition to any other rights and remedies, provided by law.

3.42 Termination for Convenience. Except as otherwise provided in this Grant, the City may, by seven (7) days' written notice, terminate this Grant, in whole or in part. If this Grant is so terminated, the City shall be liable only for payment required under the terms of this Grant for services rendered or goods delivered prior to the effective date of termination.

3.43 Termination Procedures. Upon termination of this Grant, the City in addition to any other rights provided in this Grant, may require the Grantee to deliver to the City any property specifically produced or acquired for the performance of such part of this Grant as has been terminated. The City shall pay the Grantee's invoices for completed work and services accepted by the City, and the amount agreed upon by the Grantee and the City for (i) partially completed work and services, properly invoiced; and (ii) other property or services that are accepted by the City. Failure to agree shall be a dispute within the meaning of the "Disputes" clause in Paragraph 3.22 of this Grant. The City may withhold from any amounts due the Grantee such sum as the City's Authorized Representative determines to be necessary to protect the City against potential loss or liability.

The rights and remedies of the City provided in this section shall not be exclusive and are in addition to any other rights and remedies provided by law or under this Grant. After receipt of a notice of termination, and except as otherwise directed by the City's Authorized Representative, the Grantee shall:

- A. Stop work under the Grant on the date, and to the extent specified, in the notice;
- B. Place no further orders or subcontracts/subgrants for materials, services, or facilities except as may be necessary for completion of such portion of the work under the Grant that is not terminated;

- C. Assign to the City, in the manner, at the times, and to the extent directed by the City's Authorized Representative, all of the rights, title, and interest of the Grantee under the orders and subcontracts/subgrants so terminated, in which case the City has the right, at its discretion, to settle or pay any or all claims arising out of the termination of such orders and subcontractors/subgrants;
- D. Settle all outstanding liabilities and all claims arising out of such termination of orders and subgrants, with the approval or ratification of the City's Authorized Representative to the extent the City's Authorized Representative may require, which approval or ratification shall be final for all the purposes of this clause;
- E. Transfer title to the City and deliver in the manner, at the times, and to the extent directed by the City's Authorized Representative any property which, if the Grant had been completed, would have been required to be furnished to the City;
- F. Complete performance of such part of the work as shall not have been terminated by the City's Authorized Representative; and
- G. Take such action as may be necessary, or as the City's Authorized Representative may direct, for the protection and preservation of the property related to this Grant, which is in the possession of the Grantee and in which the City has or may acquire an interest.

3.44 Waiver. Waiver of any default or breach shall not be deemed to be a waiver of any subsequent default or breach. Any waiver shall not be construed to be a modification of the terms of this Grant Agreement unless stated to be such in writing and signed by Authorized Representative of the City.

3.45 Attorneys' Fees. In the event either of the Parties defaults on the performance of any term of this Grant Agreement or either Party places the enforcement of this Grant in the hands of an attorney, or files a lawsuit, the prevailing party shall be entitled to its reasonable attorneys' fees, costs, and expenses to be paid by the other Party.

3.46 Assurances. The Grantee affirms that it has the requisite training, skill and experience necessary to provide the services under this Grant and is appropriately accredited and licensed by all applicable agencies and governmental entities.

3.47 Authority. Each individual executing this Agreement on behalf of the City and Grantee represents and warrants that such individuals are duly authorized to execute and deliver this Grant Agreement on behalf of the Grantee or the City.

3.48 Captions. The respective captions of the paragraphs or sections of this Grant Agreement are inserted for convenience of reference only and shall not be deemed to modify or otherwise affect any of the provisions of this Grant Agreement.

3.49 Performance. Time is of the essence in performance of this Grant Agreement and each and all of its provisions in which performance is a factor. Adherence to the description project, EXHIBIT A herein, is essential to the Grantee's performance of this Agreement.

3.50 Remedies Cumulative. Any remedies provided for under the terms of this Grant Agreement are not intended to be exclusive but shall be cumulative with all other remedies available to the City at law, in equity or by statute.

3.51 Counterparts. This Grant Agreement may be executed in any number of counterparts, which counterparts shall collectively constitute the entire Agreement.

3.52 Equal Opportunity to Draft. The Parties have participated and had an equal opportunity to participate in the drafting of this Grant Agreement, and the Exhibits, if any, attached. No ambiguity shall be construed against any Party upon a claim that that Party drafted the ambiguous language.

3.53 Electronic, Digital or Scanned Signatures. This Grant Agreement may be executed by electronic, digital, or scanned signature by any Party's Authorized Representative. Such electronic, digital, or scanned signature shall be recognized and accepted by all Parties as if such signature were actually signed on the Grant Agreement by the Party's Authorized Representative.

3.54 Ratification. Any work performed prior to the effective date of this Grant Agreement that falls within the work described in EXHIBIT A, of this Agreement, and is consistent with the Grant's terms, is hereby ratified and confirmed by the Parties, unless specifically rejected in writing by the City.

3.55 Recitals Incorporated by Reference. The Recitals set forth above are hereby incorporated into this Grant Agreement as though fully set forth herein.

3.56 City Business License. Grantee and any subgrantee/subcontractor performing work under this Grant Agreement shall apply for and obtain a City business license if required by law or ordinance. A City business license is a prerequisite to reimbursement of any invoices under this Grant Agreement.

3.56 Effective Date. This Grant Agreement is effective as of the date of the last signature of an Authorized Representative affixed hereto.

**IN WITNESS WHEREOF**, the Parties, through their respective Authorized Representatives, hereby have caused this Grant Agreement to be executed as of the dates set forth below:

**[Signatures follow on next page.]**

**GRANTEE:**

**INTERFAITH WORKS**, a Washington public benefit corporation

I hereby declare under penalty of perjury pursuant to the laws of the State of Washington that I am authorized by Interfaith Works to sign this Grant Agreement as its Authorized Representative.

By: Meg Martin  
Meg Martin, Executive Director

Date: 04/26/2021

**GRANTOR:**

**CITY OF OLYMPIA**, a Washington municipal corporation

I hereby declare under penalty of perjury pursuant to the laws of the State of Washington that I am authorized by the City of Olympia to sign this Grant Agreement as its Authorized Representative.

APPROVED AS TO FORM:

By: \_\_\_\_\_  
Steven J. Burney, City Manager

By: **Mark Barber** \_\_\_\_\_  
Mark Barber, City Attorney

Date: \_\_\_\_\_

# **EXHIBIT A**

**Letter to City of Olympia dated  
January 20, 2021**



January 20, 2021

To: Mark Barber  
City Attorney  
City of Olympia

**Interfaith Works Shelter and Day Center Development Narrative**  
3444 Martin Way E.

**Existing Conditions**

Interfaith Works has recently acquired the property located at 3444 Martin Way E, Olympia, WA 98506. The site is approximately .5 acres with an existing 4,576 SF building and gravel parking lot with 10 parking spaces. The site is accessed off of Martin Way to the south and abuts the Mary Elder Road right-of-way to the north.

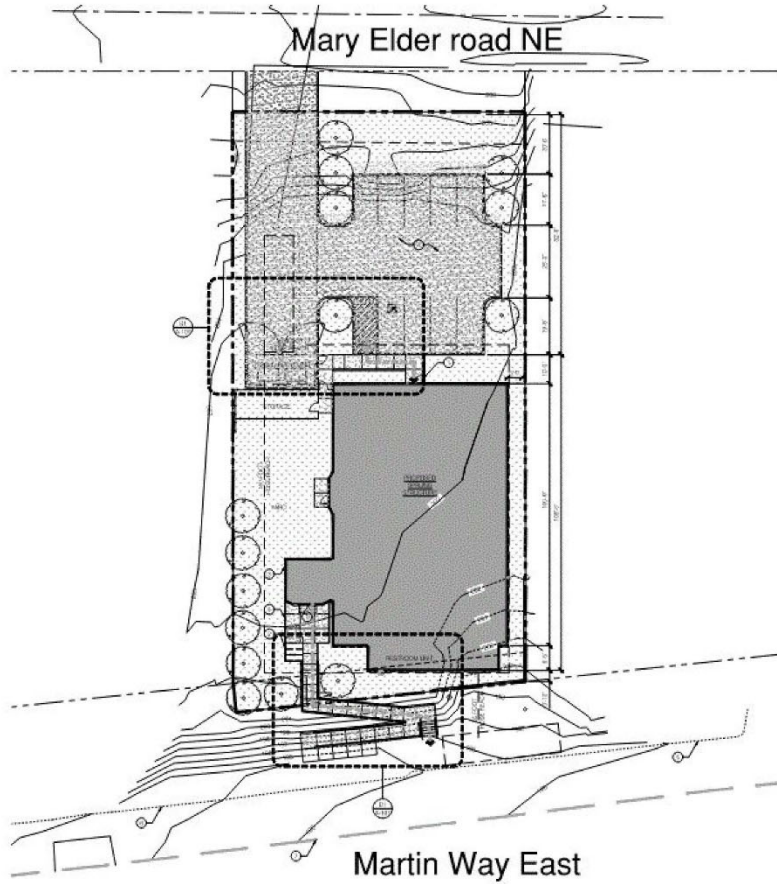
Further, homelessness was declared a formal State of Emergency through Thurston County Board of County Commissioners in 2019, and the City of Olympia in 2018. Unsheltered homelessness and affordable housing was a significant issue for Thurston County pre COVID-19, and now, thousands of our neighbors are facing housing instability due to the recession caused by COVID-19. To make matters worse, overnight shelters are reduced to half capacity to accommodate social distancing guidelines. Many people experiencing homelessness are living with permanent disabilities and chronic illness, and are at high risk for both transmission of, and complications from, COVID-19. Our year round shelter is full and has to turn many people away, and we are acting now to provide more space for the many more winter days ahead. This proposal meets a number of these emergent community needs.

**Site Plan**

The site plan is a half-acre vacant lot with an existing building to be demolished. The Applicant intends to construct parking, enclosed outdoor space and a 6,000SF building for the use purposes of housing homeless persons. All shelter operations are proposed to be happening inside the building or within the site obscuring the fenced area. The designated smoking area will be located within the site obscuring the fenced area. Parking and site access/ entries will be visible from the right-of-way. Parking for staff and guests will be in the parking lot on the north side of the building accessed off Mary Elder Way NE. A new trash/recycling enclosure will be adjacent to the parking on the north side of the site and if additional receptacles are needed, they will be co-located there. The interior of the building as well as exterior property and perimeter will be monitored and maintained by staff. In the event there is a disruption or mess, Interfaith Staff will respond accordingly to address the issue.



**External Site Plan:**

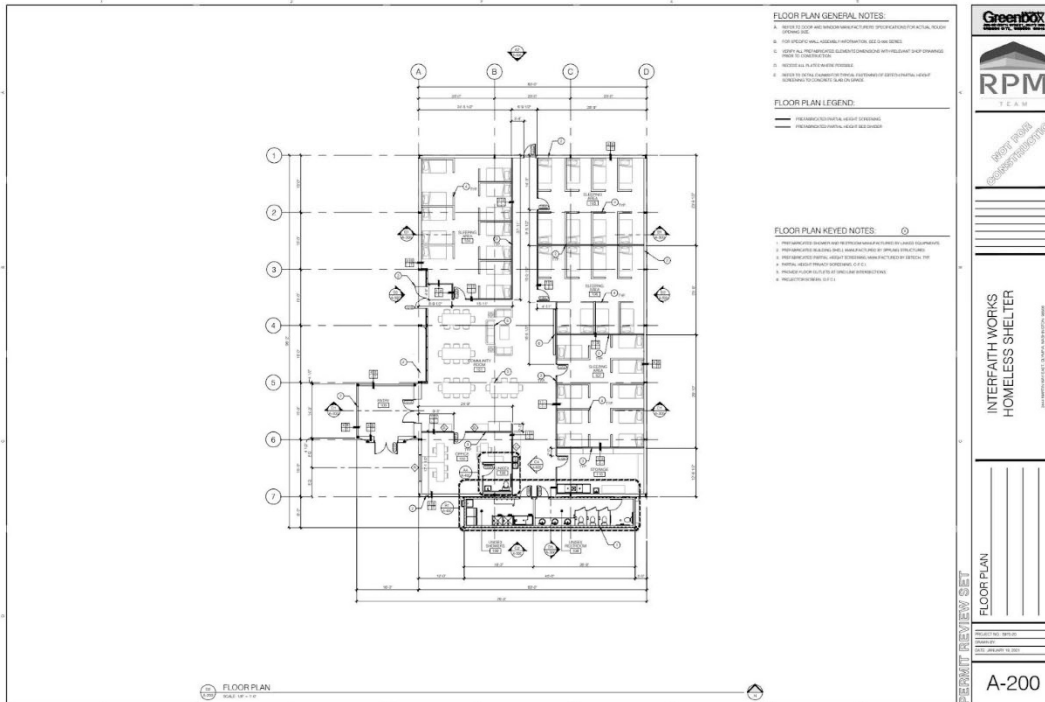


NOTE: SITE PLAN SUBJECT TO CHANGE PER SITE SURVEY  
PROPOSED SITE PLAN  
SCALE: 1/8" = 1'-0"





**Internal Site Plan:**



**Proposed Use**

Interfaith Works intends to demolish the existing building and construct a new building to operate a 24/7 shelter for 38 people through 2021. Thereafter, this building shall be converted to a daytime service center when the 2828 Martin Way development of shelter and permanent supportive housing is complete at the end of 2021. A long-term proposed goal for this property (2-10 years away) is construction of permanent supportive housing on this site. The future permanent supportive housing shall be addressed under a separate land use application, and on the south portion of the land.

The program is not unlike other shelters of this size. They will house men, women, couples, and gender non-conforming individuals – all are broken up into the four different sleeping rooms. Currently, folks over 50 years of age and those with pre-existing conditions are prioritized for shelter placement. The building will be staffed 24/7. Peak number of staff at a given time will be 5; this will be rare, and the number accounts for the uncommon time the manager is working in the office when the cleaner is in there as well. The minimum number



of staff at any given time is 2. No food is prepared on site. Food is provided by community donations. The food is scheduled, and the staff picks up the food from the volunteers/donors as those folks do not come into the facility. They eat around their bunks, in the community area, and outside.

In order to meet the immediate demand for sheltering homeless persons, the proposal will build a modular building of approximately 5600 SF called a Sprung Structure. This tensile structure is distinct in its quality and speed of construction as well as its shape. Included in the proposal is a prefabricated hygiene structure with toilets, showers, and washer/dryers. The hygiene structure will connect to the proposed building and necessary utilities. The Sprung Structure will be ADA accessible and have HVAC, accessible flooring, fire suppression, 4 sleeping dorms with 9-10 beds each, a common area, and access to the hygiene facilities from inside the structure so guests will not need to go outside. Additionally, a half bathroom for staff and three compartment sinks will be plumbed into the structure itself.

To the west of the structure will be a fenced designated outdoor area bordering the ravine. The outdoor area may include raised garden beds, benches, and grass. This area will be used for guests' pets as well as a smoking area. We intend to fence the perimeter with an attractive barrier and hope to have art or landscaping detail on the fencing to provide privacy and attractive detailing for the neighbors looking onto the site.

We anticipate extensive costs to update sewer connection, frontage improvements, and pedestrian accessibility to the site, so all additional support from regional partners is greatly appreciated.

#### **Clientele Served**

The IW shelter prioritizes highly vulnerable adult individuals and their pets, as well as couples without dependent children. The majority of our guests are over 60 years old, meet the federal definition of "chronically homeless" and are living with complex challenges related to their physical and mental health.

- Within our local system, homeless families with children, persons under age 24, and certain survivors of sexual and domestic violence are served by other sheltering agencies.
- We have trained, experienced staff and volunteers who consider safety a top priority and will be able to appropriately assess a person's risk during intake.
- In our 23 years of experience with shelter management for all genders, we have not found universal criminal checks to be a necessary step. Our shelter will be providing beds for the most vulnerable members of the homeless community who are not generally violent offenders.
- We reserve the right to run a criminal background check at any time on any guest staying at the shelter. In the event that we feel the need to run a check, our staff has instant access to the Washington State Patrol WATCH database, as well as



the WA State Sex offender Registry.

- In addition we work closely with local law enforcement and coordinate in the event that there is a person who poses a known risk to safety for any reason.

#### **Determining Vulnerability**

For this specific group of shelter beds we prioritize people who are at highest risk of contracting and experiencing complications of COVID-19. This includes who are close to or over 60 years old, and/or living with chronic illness that puts them at higher risk. We take referrals from all local service providers, work regularly with the Coordinated Entry system, and utilize the countywide standard vulnerability index tool as well as the eligibility criteria of "high risk COVID-19" to prioritize the limited number of beds available.

#### **Serving all Genders**

Prioritizing beds in this way means that we will serve all genders. In our experience we have found that all people in the street community regardless of gender regularly share space and utilize services in close proximity in a wide variety of public settings.

- We have developed an appropriate management and staffing plan to safely shelter all genders in the shelter space.
- The floor plan is subdivided in a way that allows separate sleeping areas and bathroom access to maintain safety and privacy of all genders.
- Our staff are trained and bring lived experience in safely supporting guests of all genders. Many of our staff identify as LGBTQIA+, and we are explicitly welcoming and accommodating of this particularly vulnerable group of people experiencing homelessness in our community.

#### **Number of Beds**

We intend to provide up to 38 beds, and follow all of the City of Olympia building occupancy limits, fire codes, zoning codes and other safety and comfort considerations.

- Beds are assigned, meaning that they are occupied by the same people night after night. There are no drop in services provided at the shelter.

**Hours of Operation:** 24/7.

#### **Intake Process**

After determining eligibility and a guest is offered an assigned space at the shelter, all guests are screened and go through a formal intake process by a trained staff person.

The formal intake includes:

- Tour of the facility and smoking/designated outdoor area - highlighting spaces that can be utilized and spaces that are off limit.
- Review the routine expectations including lights out and up times, as well as



curfew and communication expectations.

- Review and sign the Space Use Agreement.
- Review all required COVID-19 guest protocols.
- Review "Guest Facesheet" document with guests about specific needs and comfort measures they can identify as well as emergency contact information.
- Gather basic demographic information as required by our funders.
- Assessment by staff for any behavioral or health conditions that may require emergency intervention, or crisis prevention.
- Sex offender check through the Thurston County Sheriff's Office.
- Read and sign Homeless Management Information System (HMIS) consent form and all required intake paperwork.
- Review all relevant policies that apply to specific guest needs (pet policy, storage of personal items, weapons expectations, etc.).

#### **Staff and Volunteer Structure**

We will have a minimum of 3 professional, trained staff on site at all times during the day, and a minimum of 2 overnight. Shelter staff are supported by an on-site Manager either on-site, or on-call 24/7. Volunteers provide us with meals, (volunteer information found here) but do not currently come inside due to COVID-19 restrictions.

Staff shifts are as follows:

- 7am-3:30pm -- 3 staff, daily
- 10am-4pm -- 1 staff cleaning shift, daily
- 3pm-11:30pm -- 3 staff, daily
- 11am-7:30am -- 2 staff, overnight shift
- On site Managerial presence -- Approx. 9am-4pm daily
- On call Managerial presence -- 24/7

These staff to guest ratios average from 1:9 and 1:19 staff, the highest ratios we have had at any of our sites since the shelter opened in 2014.

Staff are trained in the following:

- Trauma Informed Care
- Harm Reduction
- Professional Boundaries and Self Preservation
- Supporting Transgender/Gender Non-Conforming Guests and Staff
- Mental Health Crisis Intervention
- CPR and Blood Borne Pathogens
- Trauma Informed De-escalation





- Active Shooter Response
- Naloxone Administration, Overdose Prevention Policy and Procedure
- Working with people with significant mental illness
- Substance Use 101
- Working with people with significant substance use disorders

#### **Supportive Services Provided**

- Targeted Peer Support based case management through our Navigation Team Program.
- Coordination of clinical support services including visiting clinical mental health workers (Behavioral Health Resources PACT Team, Providence Behavioral Health Clinical Case Management Team, etc.)
- Coordination of transportation to primary and specialty care appointments.
- Provide Two meals per day brought in from volunteers or food organizations (no on site cooking).
- Provide access to linens, towels, blankets, clothing, hygiene supplies, basic over the counter first aid and medicine supplies.
- Coordination of guests personal laundry.
- On site, daily shower coordination.

#### **Smoking Policy**

There will be a designated, fenced in outdoor/smoking area. Smoking is very prevalent among our guests and staff team, and is an incredibly useful de-escalation and self soothing tool for our guests living with complex mental health challenges. The designated smoking area will be monitored by staff and regularly cleaned to ensure that litter is managed throughout each day.

#### **Food and Meal Policy**

- Lunch and Dinner will be provided each day to encourage the “stay home, stay safe” COVID-19 mandate.
- Meals are prepared by volunteers, church and office groups, families with young children, and through partnership with Catholic Community Services Community Kitchen Program, and Bowl of Hope meal program.
- All food brought into the shelter will be confined to and stored in one room to mitigate the risk of rodents and pests. Shelter guests and staff will be expected to keep food only in the designated area.
- Shelter guests and staff will be expected to regularly clean the refrigerator and food storage area.
- There will be no cooking or hot plates used.

# **EXHIBIT B**

## **Statement of Compliance with Nondiscrimination**

**STATEMENT OF COMPLIANCE WITH NONDISCRIMINATION REQUIREMENT**

The Olympia City Council has made compliance with the City’s *Nondiscrimination in Delivery of City Services or Resources* ordinance (OMC 1.24) a high priority, whether services are provided by City employees or through contract with other entities. It is important that all contract agencies or vendors and their employees understand and carry out the City’s nondiscrimination policy. Accordingly, each City agreement or contract for services contains language that requires an agency or vendor to agree that it shall not unlawfully discriminate against an employee or client based on any legally protected status, which includes but is not limited to: race, creed, religion, color, national origin, age, sex, marital status, veteran status, sexual orientation, gender identity, genetic information, or the presence of any disability. Listed below are methods to ensure that this policy is communicated to your employees, if applicable.

- Nondiscrimination provisions are posted on printed material with broad distribution (newsletters, brochures, etc.).
- Nondiscrimination provisions are posted on applications for service.
- Nondiscrimination provisions are posted on the agency’s web site.
- Nondiscrimination provisions are included in human resource materials provided to job applicants and new employees.
- Nondiscrimination provisions are shared during meetings.

**Failure to implement at least two of the measures specified above or to comply with the City of Olympia’s nondiscrimination ordinance constitutes a breach of contract.**

By signing this statement, I acknowledge compliance with the City of Olympia’s nondiscrimination ordinance by the use of at least two of the measures specified above.

\_\_\_\_\_  
Authorized Representative, Interfaith Works

\_\_\_\_\_  
Date

\_\_\_\_\_  
Print Name of Person Signing

**Alternative Section for Sole Proprietor:** I am a sole proprietor and have reviewed the statement above. I agree not to discriminate against any client, or any future employees, based on any legally protected status.

\_\_\_\_\_  
(Sole Proprietor Signature)

\_\_\_\_\_  
(Date)

# **EXHIBIT C**

## **Certification Regarding Debarment, Suspension, Ineligibility, and Voluntary Exclusion**



**CERTIFICATION REGARDING DEBARMENT, SUSPENSION, INELIGIBILITY AND VOLUNTARY EXCLUSION**

The undersigned hereby states that it is not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any federal or state department or agency. Further, by signing this certification, the undersigned certifies that it has not, within a three-year period preceding this Grant, been convicted of or had a civil judgment rendered against it for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public or private agreement or transaction, violation of federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, tax evasion, receiving stolen property, making false claims, or obstruction of justice.

The undersigned further certifies that it is not presently indicted for or otherwise criminally or civilly charged by a governmental entity (federal, State, or local) with commission of any of the offenses enumerated in paragraph (1)(b) of federal Executive Order 12549, nor has it within a three-year period preceding the signing of this Grant Agreement had one or more public transactions (federal, State, or local) terminated for cause of default.

If the undersigned on behalf of the Grantee is unable to certify to any of the statements in this Grant, the Grantee shall attach an explanation to this Grant Agreement as an addendum, explaining the circumstances why it cannot so certify herein.

The undersigned agrees by signing this Certification that it shall not knowingly enter into any lower tier covered transaction with a person or entity who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this Grant, unless authorized by the City in writing. The undersigned further agrees by signing this Certification that it will include the clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion -- Lower Tier Covered Transaction," as follows, without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions:

LOWER TIER COVERED TRANSACTIONS

- A. The lower tier Grantee certifies, by signing this Grant that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any federal or state department or agency.
- B. Where the lower tier Grantee is unable to certify to any of the statements in this Grant, such Grantee shall attach an explanation in writing to this Grant Agreement.
- C. The terms **covered transaction, debarred, suspended, ineligible, lower tier covered transaction, person, primary covered transaction, principal, and voluntarily excluded**, as used in this section, have the meanings set out in the Definitions and Coverage sections of the rules implementing Executive Order 12549.

\_\_\_\_\_  
Signature of Authorized Representative of  
Interfaith Works

\_\_\_\_\_  
Date

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Title

**EXHIBIT D**  
**Certification Regarding**  
**Lobbying**

**CERTIFICATION REGARDING LOBBYING**

This certification is a material representation of fact upon which reliance was placed when this Grant was authorized or executed. Submission of this certification is a prerequisite for making or entering into this Grant Agreement.

The undersigned certifies, to the best of his or her knowledge and belief, that;

**A.** No federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any federal agency, a member of Congress, an officer or employee of Congress, or any employee of a member of Congress, in connection with the awarding of any federal contract, the making of any federal grant, the making of any federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any federal contract, grant, loan or cooperative agreement.

**B.** If any non-federal funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any federal agency, a member of Congress, an officer or employee of Congress, or an employee of a member of Congress in connection with any federal contract, grant, loan, or cooperative agreement, the undersigned shall initial here \_\_\_\_\_ and complete and submit “Disclosure of Lobbying Activities” in accordance with its instructions.

**C.** The undersigned shall require that the language of this certification be included in the award documents for all sub-awards at all tiers and that all sub-recipients shall certify and disclose accordingly.

**D.** The undersigned certifies that political activity of Grantee or its employees and officers are limited by the provisions of the Fair Campaign Practices Act, Chapter 42.17A RCW. The undersigned further certifies that no Grant funds will be used for working for or against ballot measures or for or against the candidacy of any person for public office, or as otherwise prohibited by law or the rules and regulations of the Washington State Public Disclosure Commission. The undersigned further certifies that violation of this term is grounds for termination of the Grant by the City of Olympia.

\_\_\_\_\_  
Signature of Authorized Representative of  
Interfaith Works

\_\_\_\_\_  
Date

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Title

**EXHIBIT E**  
**Equal Benefits Compliance**  
**Declaration**

**EQUAL BENEFITS COMPLIANCE DECLARATION**

**Contractors or consultants on City agreements or contracts estimated to cost \$50,000 or more** shall comply with Olympia Municipal Code, Chapter 3.18. This provision requires that if contractors or consultants provide benefits, they do so without discrimination based on age, sex, race, creed, color, sexual orientation, national origin, or the presence of any physical, mental or sensory disability, or because of any other status protected from discrimination by law. Contractors or consultants must have policies in place prohibiting such discrimination, prior to contracting with the City.

---

I declare that the Grantee listed below complies with the City of Olympia Equal Benefits Ordinance, that the information provided on this form is true and correct, and that I am legally authorized to bind the Grantee as its Authorized Representative.

\_\_\_\_\_  
Authorized Representative for Interfaith Works,  
Grantee

\_\_\_\_\_  
Print Name

Title: \_\_\_\_\_

Date: \_\_\_\_\_



## City Council

### Approval of a Resolution Authorizing an Interlocal Agreement with the LOTT Clean Water Alliance for a Recreational Vehicle Pumping Program

**Agenda Date:** 5/4/2021  
**Agenda Item Number:** 4.J  
**File Number:**21-0406

---

**Type:** decision **Version:** 1 **Status:** Consent Calendar

---

#### **Title**

Approval of a Resolution Authorizing an Interlocal Agreement with the LOTT Clean Water Alliance for a Recreational Vehicle Pumping Program

#### **Recommended Action**

##### **Committee Recommendation:**

Not referred to a committee.

##### **City Manager Recommendation:**

Move to approve a Resolution authorizing an Interlocal Agreement with the LOTT Clean Water Alliance for a Recreational Vehicle (RV) Pumping Program.

#### **Report**

##### **Issue:**

Whether to approve a Resolution authorizing an Interlocal Agreement with the LOTT Clean Water Alliance for an RV Pumping Program.

##### **Staff Contact:**

Keith Stahley, Assistant City Manager for Community Vitality, 360.753.8227

##### **Presenter(s):**

None. Consent item only.

##### **Background and Analysis:**

LOTT Board President and City Councilmember Lisa Parshley proposed to the LOTT Clean Water Alliance that they provide a recreational vehicle pumping program and the board supported her request. An Interlocal Agreement is required between the City of Olympia and LOTT Clean Water Alliance to support this effort. LOTT will pay for the direct cost of service delivery and the City of Olympia will manage the program.

The program will offer pumping services to RVs that are parked along City streets and are being used

as dwellings. While outreach staff will continue to encourage such residents to take advantage of the free dump facilities available at LOTT's downtown treatment facility, some vehicles parked along our streets are inoperable. City staff will focus on these vehicles.

This program will be operated in conjunction with and part of the Scattered Site Support System being developed in cooperation with Thurston County. As such, the program will be offered County-wide.

The City of Olympia has received water quality violations from the Department of Ecology for fecal coliform discharges into the stormwater system. To reduce the likelihood of such discharges staff researched and developed a proposal to initiate an RV pumping program similar to the one implemented by the City of Seattle.

**Neighborhood/Community Interests:**

Illicit discharge of fecal coliform laden water is a concern for all residents of Olympia.

**Options:**

1. Approve the Resolution authorizing an Interlocal Agreement with the LOTT Clean Water Alliance for an RV Pumping Program
2. Do not approve the Resolution authorizing an Interlocal Agreement with the LOTT Clean Water Alliance for an RV Pumping Program
3. Provide feedback and direction to staff to alter the proposed resolution and to return at a later date with an amended Interlocal Agreement

**Financial Impact:**

LOTT will provide up to \$50,000 to offset the direct costs of program delivery. The City of Olympia will be responsible for the cost of administering the program.

**Attachments:**

Resolution  
Agreement

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OLYMPIA, WASHINGTON, APPROVING THE INTERLOCAL AGREEMENT BETWEEN THE CITY OF OLYMPIA AND THE LOTT CLEAN WATER ALLIANCE FOR PUBLIC HEALTH EMERGENCY SUPPORT FUNDING – RV PUMPING PROGRAM**

**WHEREAS**, the homeless crisis has resulted in a significant increase in homeless people living in recreational vehicles (RVs) along City streets and not being able to afford to pay for dumping of human waste properly, resulting in illegal dumping along streets, sidewalks, and other outdoor areas, and this poses a risk to public health and the environment, as runoff can carry bacteria and nutrients into storm drains and nearby surface waters; and

**WHEREAS** the LOTT Board of Directors has established a Public Health Emergency Support Program to provide funding to LOTT’s members (its “partner jurisdictions”) to assist in the management of human waste associated with homelessness; and

**WHEREAS**, LOTT and the City desire to collaborate on efforts to protect public health and share common interest in projects that protect or enhance the quality of local surface waters, including LOTT’s receiving water;

**NOW, THEREFORE, THE OLYMPIA CITY COUNCIL DOES HEREBY RESOLVE** as follows:

1. The Olympia City Council hereby approves the form of Interlocal Agreement between the City of Olympia and the LOTT Clean Water Alliance for Public Health Emergency Support Funding and the terms and conditions contained therein.
2. The City Manager is authorized and directed to execute on behalf of the City of Olympia the Interlocal Agreement, and any other documents necessary to execute said Agreement, and to make any minor modifications as may be required and are consistent with the intent of the Agreement, or to correct any scrivener's errors.

**PASSED BY THE OLYMPIA CITY COUNCIL** this \_\_\_\_\_ day of \_\_\_\_\_ 2021.

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CITY CLERK

APPROVED AS TO FORM:

\_\_\_\_\_  
DEPUTY CITY ATTORNEY



**INTERLOCAL AGREEMENT BETWEEN CITY OF OLYMPIA AND THE LOTT  
CLEAN WATER ALLIANCE FOR PUBLIC HEALTH EMERGENCY SUPPORT  
FUNDING- RV PUMPING PROGRAM**

This Agreement is entered into as of the date of the last signature affixed hereto between the LOTT CLEAN WATER ALLIANCE, a Washington nonprofit mutual corporation and 501(c)(3) corporation acting as a public agency to provide wastewater resource management services (hereinafter “LOTT”) and City of Olympia, a municipal corporation (hereinafter “City”). LOTT and the City, are referred to herein collectively as “the Parties”.

WHEREAS, RCW 39.34.010 permits local governmental units to make the most efficient use of their powers by enabling them to cooperate with other localities on a basis of mutual advantage and thereby to provide services and facilities in a manner and pursuant to forms of governmental organization that will accord best with geographic, economic, population and other factors influencing the needs and development of local communities; and

WHEREAS, pursuant to RCW 39.34.080, each party is authorized to contract with any one or more other public agencies to perform any governmental service, activity, or undertaking which each public agency entering into the contract is authorized by law to perform provided that such contract shall be authorized by the governing body of each party to the contract and shall set forth its purposes, powers, rights, objectives and responsibility of the contracting parties; and

WHEREAS, the homeless crisis has resulted in a significant increase in homeless people living in recreational vehicles (RVs) along City streets and not being able to afford to pay for dumping of human waste properly, resulting in illegal dumping along streets, sidewalks, and other outdoor areas, and this poses a risk to public health and the environment, as runoff can carry bacteria and nutrients into storm drains and nearby surface waters; and

WHEREAS, the LOTT Board of Directors has established a Public Health Emergency Support Program to provide funding to LOTT’s members (its “partner jurisdictions”) for efforts to improve management of human waste associated with homelessness; and

WHEREAS, LOTT and the City desire to collaborate on efforts to protect public health and share common interest in projects that protect or enhance the quality of local surface waters, including LOTT’s receiving water;

NOW, THEREFORE, in consideration of the mutual promises contained herein and the documents incorporated herein, IT IS MUTUALLY AGREED AS FOLLOWS:

I  
PURPOSE

- 1.1 It is the purpose of the Agreement to allow LOTT to assist with funding for the City to administer an RV Pumping Program (“the RV Pumping Program”) as a public health service for unhoused persons living in RVs to safely and appropriately manage human waste.
- 1.2 This Agreement sets forth all terms and conditions agreed upon by LOTT and the City and supersedes any and all prior agreements oral or otherwise with respect to the subject matter addressed herein.

II  
SCOPE OF AGREEMENT

- 2.1 LOTT agrees to reimburse the City of Olympia up to \$50,000 toward the City’s RV Pumping Program (“Program”) for unhoused persons living in RVs along City streets. Reimbursement will be made within thirty (30) business days of LOTT’s receipt from the City of an invoice identifying the expenses associated with the requested reimbursement. Expenses eligible for reimbursement include services required to provide RV septic pumping and hauling services for the Program.
- 2.2 The City agrees to utilize the funding provided in this ILA only for the Program and only within LOTT’s service area.
- 2.3 LOTT agrees to waive any applicable Capacity Development Charges and hauled waste disposal fees for Program services to the regional sewer system.
- 2.4 The parties agree that LOTT has no other responsibility under this Agreement other than to provide funding toward the Program.
- 2.5 The City agrees to comply with all applicable laws, regulations, and permitting requirements in connection with its activities under this Agreement.
- 2.6 The term of this Agreement is for one year, to begin upon execution of this Agreement and continuing through April 30, 2022, unless otherwise terminated as provided herein..

III  
INDEMNIFICATION

3.0 The City agrees to indemnify, hold harmless and defend LOTT, its officers, officials, employees, agents from any and all claims, damages, losses, and costs, including, but not limited to, attorney’s fees and litigation costs, arising out of claims by third parties for property damage and bodily injury, including death, and any other third-party claims of any kind caused by or arising out of the City’s performance or failure to perform any of its obligations under this Agreement, except for claims arising out of the sole negligence of LOTT.

IV  
LEGAL RELATIONS / TERMINATION

4.0 No liability shall attach to the parties by reason of entering into this Agreement except as expressly provided herein.

4.1 Either party may terminate this agreement by providing thirty (30) days written notice to the other party.

V  
ADMINISTRATION AND NOTICE

5.0 The following individuals are designated as representatives of the respective parties. The representatives shall be responsible for administration of this Agreement and for coordinating performance under this Agreement. Wherever written notice is required under this Agreement, such notice shall be provided to the representatives designated below. In the event such representatives are changed, the party making the change shall notify the other party.

LOTT’s Representative

Justin Long  
Finance Director  
500 Adams Street NE  
Olympia, WA 98501  
(360) 528-5713  
[justinlong@lottcleanwater.org](mailto:justinlong@lottcleanwater.org)

City of Olympia Representative

Keith Stahley  
Assistant City Manager  
PO Box 1967  
Olympia, WA 98507-1967  
(360) 753-8227  
[kstahley@ci.olympia.wa.us](mailto:kstahley@ci.olympia.wa.us)

VI  
GOVERNING LAW AND VENUE

6.0 This Agreement has been and shall be construed as having been made and delivered within the State of Washington and it is agreed by each party hereto that this Agreement shall be governed by the laws of the State of Washington both as to its interpretation and performance. Any action at law, suit in equity, or judicial proceeding arising out of this Agreement shall be instituted and maintained only in a court of competent jurisdiction in Thurston County, Washington.

VII  
WAIVER

7.0 A failure by either party to exercise its rights under this Agreement shall not preclude that party from subsequent exercise of such rights and shall not constitute a waiver of any other rights under this Agreement unless stated to be such in a writing signed by an authorized representative of the party and attached to the original Agreement.

VIII  
SEVERABILITY

8.0 If any provision of this Agreement or any provision of any document incorporated by reference shall be held invalid, such invalidity shall not affect the other provisions of this Agreement which can be given effect without the invalid provision, if such remainder conforms to the requirements of applicable law and the fundamental purpose of this Agreement, and to this end the provisions of this Agreement are declared to be severable.

IX  
EQUAL OPPORTUNITY TO DRAFT

9.0 The parties have participated and had an equal opportunity to participate in the drafting of this Agreement, and Exhibits, if any, attached. No ambiguity shall be construed against any party upon a claim that such party drafted the ambiguous language.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the day and year first above written.

**[SIGNATURES ON FOLLOWING PAGE]**

CITY OF OLYMPIA

LOTT CLEAN WATER ALLIANCE

By: Steven J. Burney, City Manager  
[jburney@ci.olympia.wa.us](mailto:jburney@ci.olympia.wa.us)

By: Michael D. Strub, Executive Director  
[michaelstrub@lottcleanwater.org](mailto:michaelstrub@lottcleanwater.org)

Date: \_\_\_\_\_

Date: \_\_\_\_\_

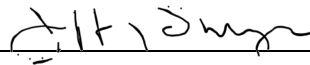
ATTEST: \_\_\_\_\_  
Sean Krier, City Clerk

ATTEST: \_\_\_\_\_  
Maegen McAuliffe, Corporate Secretary

Approved as to form

Approved as to form

By:   
Deputy City Attorney

By:   
Legal Counsel



## City Council

### Approval of a Resolution Authorizing an Agreement to Sell City-Owned Real Property at 308-310 4th Avenue East to Urban Olympia 12, LLC, for Mixed Use Development

**Agenda Date:** 5/4/2021  
**Agenda Item Number:** 4.K  
**File Number:** 21-0431

---

**Type:** resolution **Version:** 1 **Status:** Consent Calendar

---

#### **Title**

Approval of a Resolution Authorizing an Agreement to Sell City Owned Real Property at 308-310 4<sup>th</sup> Avenue East to Urban Olympia 12, LLC, for Mixed Use Development

#### **Recommended Action**

##### **Committee Recommendation:**

Not referred to a committee.

##### **City Manager Recommendation:**

Move to approve a Resolution authorizing the City Manager to execute all documents necessary to sell certain real property located at 308-310 4<sup>th</sup> Avenue East (formerly known as the Griswold Site) to Urban Olympia 12, LLC, for mixed use development including affordable housing for low-income households.

#### **Report**

##### **Issue:**

Whether to approve the Resolution authorizing the City Manager to execute all documents necessary to sell certain real property located at 308-310 4<sup>th</sup> Avenue East (formerly known as the Griswold Site) to Urban Olympia 12, LLC, for mixed use development including affordable housing for low-income households.

##### **Staff Contact:**

Mike Reid, Economic Development Director, 360.753.8591  
Mark Barber, City Attorney, 360.753.8223

##### **Presenter(s):**

None - Consent Calendar Item.

##### **Background and Analysis:**

On February 3, 2015, the Olympia City Council approved Resolution No. M-1814, declaring the real property located at 308-310 4<sup>th</sup> Avenue East in Olympia, Washington (aka the Griswold property), to

be within a blighted area as defined in RCW 35.81.010(2) and designated as a Community Renewal Area (CRA) pursuant to RCW Chapter 35.81. The City of Olympia acquired the Griswold property in 2016, with the objective of eliminating blight and creating opportunities for redevelopment and low to moderate income housing. The City and Urban Olympia, LLC have negotiated terms and conditions for the purchase of the City's real property that will provide mixed use and a percentage of residential units to be constructed for use as affordable housing made available to low-income households for a period of 20 years from issuance of a certificate of occupancy.

Affordable low-income housing is defined as serving persons with adjusted median income (AMI) in Thurston County, Washington of eighty percent (80%) AMI or less, as reported by the United States Department of Housing and Urban Development (HUD). Additionally, "affordable low income housing" is defined as set forth in Olympia Municipal Code (OMC) Section 5.86.010.H as residential housing that is rented by a person or household whose monthly housing costs, including utilities other than telephone, do not exceed thirty percent (30%) of the person's or household's monthly income. The percentage of required affordable housing in the development is reduced over the term of the 20-year commitment as follows:

- Years 1-12, 60% of the total units are required to meet affordability requirements
- Years 13-15, 30% of the total units are required to meet affordability requirements
- Years 16-20, 20 % of the total units are required to meet affordability requirements

A restrictive covenant providing for affordable low-income housing units shall be executed by the Parties and shall be recorded in the chain of title of the Property upon Closing, either as part of the deed or in a separate document.

The Parties also agree that Urban Olympia 12 LLC ("Buyer") shall apply to City of Olympia ("Seller") for an affordable housing multi-family tax exemption (MFTE) for the Property, pursuant to OMC Section 5.86.010.A.2.b. Seller agrees to timely process said application and submit same for consideration and approval by the Olympia City Council.

Additional terms include:

- Purchase price - \$50,000
- Closing shall occur within 30 days of the demolition by the City of Olympia of the existing structure on site.
- Buyer will have a 120-day Feasibility Contingency Period upon the execution of the Purchase and Sales Agreement to complete necessary due diligence on the site.
- Buyer will be required to submit for Design Review within 120 days of the removal of the Feasibility Contingency Period,
- Buyer will be required to apply for building permits within 120 days of design review approval.
- Buyer will be required to commence construction on the property within 10 months of the closing date.

The current budget for the demolition of the blighted structure on site is \$308,850.

By approving this Resolution, the Olympia City Council hereby accepts terms, among others, to sell the aforesaid real property for \$50,000 and commit to the demolition of the existing blighted structure.

#### **Neighborhood/Community Interests:**

Affordable housing and downtown redevelopment are interests that are shared by the Downtown

Neighborhood and the broader community.

**Options:**

1. Approve the Resolution authorizing the City Manager to execute all documents necessary to sell certain real property located at 308-310 4<sup>th</sup> Avenue East (formerly known as the Griswold Site) to Urban Olympia 12, LLC, for mixed use development including affordable housing for low-income households.
2. Do not approve the Resolution authorizing the City Manager to execute all documents necessary to sell certain real property located at 308-310 4<sup>th</sup> Avenue East (formerly known as the Griswold Site) Urban Olympia 12, LLC, for mixed use development including affordable housing for low-income households.
3. Refer the Resolution to a City Council Committee for further consideration.

**Financial Impact:**

The City of Olympia acquired the property in 2016 for \$300,000. The current tax assessed value of the property is \$212,300. Staff recommends selling the former Griswold property for \$50,000, obtaining the community benefit of 20 years of affordable housing on the site, and achieving the stated Community Renewal Benefit of blight elimination. The current estimate for demolition of the existing structure is \$308,850.

**Attachments:**

Resolution  
Agreement



RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OLYMPIA, WASHINGTON, APPROVING AN AGREEMENT TO SELL CITY-OWNED REAL PROPERTY TO URBAN OLYMPIA 12, LLC FOR THE PURPOSE OF PROVIDING AFFORDABLE LOW INCOME HOUSING TO PERSONS WITH ADJUSTED MEDIAN INCOME (AMI) IN THURSTON COUNTY, WASHINGTON OF EIGHTY PERCENT (80%) AMI OR LESS**

**WHEREAS**, in 2016, the City of Olympia acquired the real property located at 308 – 310 4<sup>th</sup> Avenue East, Olympia, Washington (the Property) for purposes of redevelopment, to remove blight, provide low-income housing, and to protect the public health, safety, and welfare; and

**WHEREAS**, pursuant to the Washington State Constitution, Article VIII, § 7, the City is permitted to make provision for the necessary support of the poor and infirm; and

**WHEREAS**, the City and Urban Olympia 12, LLC have determined that the Property is suitable for providing affordable low-income housing and that the Property is appropriate and suitable for redevelopment to reduce blight on 4<sup>th</sup> Avenue East; and

**WHEREAS**, the City and Urban Olympia 12, LLC have agreed that the Property shall be used in part to construct and provide affordable low income housing, as defined in Olympia Municipal Code Section 5.86.010.H, serving persons with adjusted median income (AMI) in Thurston County, Washington of eighty percent (80%) AMI or less, as reported by the United States Department of Housing and Urban Development (HUD), for a period of twenty (20) years; and

**WHEREAS**, the Olympia City Council hereby accepts the terms, among others, to sell the Property to Urban Olympia 12, LLC for Fifty Thousand Dollars and No Cents (\$50,000.00) U.S., subject to certain conditions, including a restrictive covenant that provides a percentage of affordable low income housing units for twenty (20) years shall be available for low-income persons upon the Property;

**NOW, THEREFORE, THE OLYMPIA CITY COUNCIL DOES HEREBY RESOLVE** as follows:

1. The Olympia City Council hereby approves the Real Estate Purchase and Sale Agreement between the City of Olympia as Seller and Urban Olympia 12, LLC as Buyer of the real property located at 308-310 4<sup>th</sup> Avenue East in the City of Olympia upon the agreed terms within the aforesaid Agreement.
2. The City Manager is directed and authorized to execute on behalf of the City of Olympia the Real Estate Purchase and Sale Agreement between the City of Olympia and Urban Olympia 12, LLC, and any other documents necessary to complete the sale of the City’s real property to Urban Olympia 12, LLC, and to make any minor modifications as may be required and are consistent with the intent of the aforesaid Real Estate Purchase and Sale Agreement, or to correct any clerical or scrivener’s errors.

**PASSED BY THE OLYMPIA CITY COUNCIL** this \_\_\_\_\_ day of \_\_\_\_\_ 2021.

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CITY CLERK

APPROVED AS TO FORM:

Mark Barber  
CITY ATTORNEY

## REAL ESTATE PURCHASE AND SALE AGREEMENT

This REAL ESTATE PURCHASE AND SALE AGREEMENT ("Agreement") is between the City of Olympia, a municipality organized under the laws of the State of Washington ("Seller"), and Urban Olympia 12 LLC, a Washington limited liability company ("Buyer"), jointly referred to as "the Parties." This Agreement shall not be effective until the "Effective Date" (as defined in Paragraph 18.16 below).

### RECITALS

Seller is the owner of certain real property located in the **City of Olympia, Thurston County, Washington**, located at 308 – 310 4<sup>th</sup> Avenue E, Olympia, Thurston County, Washington ("Property"), and more particularly described on **Exhibit "A"** (legal description) and location shown on **Exhibit "B"** (sketch), both exhibits attached hereto and by this reference incorporated herein.

Pursuant to the Washington State Constitution, Article VIII, § 7, Seller is permitted to make provision for the necessary support of the poor and infirm. The Seller intends, and the Parties agree, that the sale of the real property contemplated within this Agreement shall be used in part, to construct and provide affordable low income housing serving persons with adjusted median income (AMI) in Thurston County, Washington of eighty percent (80%) AMI or less, as reported by the United States Department of Housing and Urban Development (HUD), for the period of time provided herein. Affordable low income housing, as that term is used herein, shall be defined as set forth in Olympia Municipal Code (OMC) Section 5.86.010.H as residential housing that is rented by a person or household whose monthly housing costs, including utilities other than telephone, do not exceed thirty percent (30%) of the person's or household's monthly income.

The Parties agree that sixty percent (60%) of the housing units to be constructed by Buyer upon the Property, which is the subject of this Agreement, shall be affordable low income housing units serving persons with adjusted median income (AMI) in Thurston County, Washington, of eighty percent (80%) AMI or less, as reported by the United States Department of Housing and Urban Development (HUD), for a period of twelve (12) years following the City's issuance of a final Certificate of Occupancy. The Parties further agree the remaining forty percent (40%) of housing units constructed upon the Property may be leased or rented by Buyer at market rate.

After twelve (12) years have elapsed from the date of initial issuance of a final Certificate of Occupancy, the Parties agree that the low income affordable housing units may be reduced by fifty percent (50%) for the next three years of the twenty (20)-year restrictive covenant, so that thirty percent (30%) of the total housing units upon the Property will serve low income persons with incomes of eighty percent (80%) AMI or less in Thurston County, Washington, as reported by the United States Department of Housing and Urban Development (HUD). The Parties further agree the remaining seventy percent (70%) of housing units constructed upon the Property may be leased or rented by Buyer at market rate.

Commencing sixteen (16) years from the date of initial issuance of a final Certificate of Occupancy, the Parties agree that the low income affordable housing units upon the Property may be reduced for the final five (5) years of the restrictive covenant, so that twenty percent (20%) of the total housing units upon the Property will serve low income persons with incomes of eighty percent (80%) AMI or less in Thurston County, Washington, as reported by the United States Department of Housing and Urban Development (HUD). The Parties further agree the remaining eighty percent (80%) of housing units constructed upon the Property may be leased or rented by Buyer at market rate.

A restrictive covenant providing for affordable low income housing units shall be executed by the Parties and shall be recorded in the chain of title of the Property upon Closing, either as part of the deed or in a separate document.

The Parties also agree that Buyer shall apply to Seller for an affordable housing multi-family tax exemption (MFTE) for the Property, pursuant to OMC Section 5.86.010.A.2.b. Seller agrees to timely process said application and submit same for consideration and approval by the Olympia City Council.

Buyer has determined that the Property is suitable for providing affordable housing for the residents of the City of Olympia. Seller and Buyer also agree the Property is appropriate and suitable for redevelopment to provide new construction of affordable housing.

The signatories to this Agreement acknowledge they are authorized to execute associated documents, to correct legal descriptions if need be, and to correct scrivener's errors and other errors or omissions that are otherwise in substantial conformance with this Agreement.

The Parties now enter into this Agreement to memorialize the terms and conditions under which Seller will sell the Property to Buyer and Buyer will purchase the Property from Seller.

**NOW, THEREFORE**, in consideration of the mutual covenants and conditions contained herein, and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties agree as follows:

**1. Property.** Subject to the terms and conditions of this Agreement, Seller agrees to sell and convey to Buyer, and Buyer agrees to purchase from Seller, the following:

1.1 **Land.** The real property and structures thereon, constituting the Property legally described on **Exhibit "A"** to this Agreement and generally shown on a sketch attached as **Exhibit "B"** to this Agreement.

1.2 **Appurtenances.** All rights, privileges, and easements appurtenant to the Property owned by Seller, including without limitation any and all leases, subleases, easements, rights-of-way and other appurtenances, including any buildings, structures or fixtures used in connection with the beneficial use and enjoyment of the Property (the "Appurtenances").

The Property and Appurtenances described in Paragraph 1 above are collectively referred to in this Agreement as the "Property."

**2. Escrow.** Within thirty (30) business days after the Effective Date of this Agreement as defined in Paragraph 18.16, the Parties shall confirm that an escrow account is opened for the transaction contemplated by this Agreement with Thurston County Title Company (in such capacity, "Escrow Company"). Darla Wilkins or another designee of Escrow Company will serve as escrow agent for Closing of this Agreement ("Escrow Agent"). The Parties shall deliver a fully executed copy of this Agreement to Escrow Agent.

**3. Purchase Price.** The purchase price to be paid by Buyer to Seller for the Property (the "Purchase Price") is **Fifty Thousand Dollars and NO/100 Cents** (\$50,000.00) U.S.

**4. Payment of Purchase Price.** On the Closing Date, Buyer shall deposit with Escrow Agent the amount of the Purchase Price, less any amounts to be credited against the Purchase Price pursuant to this Agreement.

**5. Closing Date.** The Closing (the "Closing") of the purchase and sale of the Property under this Agreement shall be held at the offices of the Escrow Company, and shall occur twenty (20) days following completion of demolition upon the Property by Seller and written removal of the feasibility/contingency by Buyer, or the end of the feasibility/contingency period set forth in Paragraphs 7.4 and 7.5 of this Agreement, unless otherwise mutually agreed in writing by the Parties. Closing shall occur when the Deed to Buyer and the Restrictive Covenant (as hereinafter defined) is executed and recorded, and the Purchase Price is delivered to the Escrow Company for delivery to Seller.

**6. Title and Survey Matters.**

**6.1 Title Binder.** Buyer shall order a preliminary commitment for an ALTA owner's extended coverage title insurance policy provided by Thurston County Title Insurance Company ("Title Company") describing the Property, showing all matters of record pertaining to the Property and listing Buyer as the prospective named insured. Following the mutual execution of this Agreement, Buyer shall obtain from Title Company a written supplemental report to such preliminary commitment in a form acceptable to Buyer, updating the preliminary commitment to the execution date of the Agreement. Such preliminary commitment, supplemental reports and true, correct and legible copies of all documents referred to in such preliminary commitment and supplemental reports as conditions or exceptions to title to the Property are collectively referred to herein as the "Title Binder."

**6.2 Title Review.** Within fifteen (15) business days after Buyer's receipt of the updated Title Binder, Buyer shall review the Title Binder and any surveys of the Property, and shall notify Seller what exceptions to title, if any, affect the marketability or insurability of the title to the Property or which adversely affect the use of the Property (the "Title Review Period"). If no title matters appear in the updated Title Binder since the initial preliminary commitments, then the Parties shall proceed to Closing as set forth in this Agreement. If any title matters appear and Buyer objects to any of the same during the Title Review Period, then Seller shall have fifteen (15) business days after receiving Buyer's objections to notify Buyer if Seller will remove any of the

exceptions objected to prior to the Closing Date or if Seller elects not to remove such objected to exceptions. If Seller shall fail to remove any such exceptions objected to by Buyer from title prior to the Closing Date, and Buyer is unwilling to take title subject thereto, Buyer may elect to either terminate this Agreement, or take title despite the existence of such exception. If Buyer elects to terminate, neither Buyer nor Seller shall have any further liabilities, obligations or rights with regard to this Agreement which shall then become null and void and of no further force or effect.

6.3 **Title Policy.** At Closing, Seller and Buyer shall cause Title Company to issue a standard ALTA owner's policy ("Title Policy") to Buyer, at Buyer's cost. The Title Policy shall (a) be satisfactory to Buyer, (b) be issued in the amount of the total Purchase Price and (c) insure fee simple, indefeasible title to the Property in Buyer. The Title Policy shall contain endorsements as Buyer may require. Buyer's obligation to close this transaction shall be contingent on Buyer's approval, in its sole and absolute discretion of the Title Policy required under this Paragraph 6.

## 7. **Conditions and/or Contingencies to Buyer's Obligations.**

7.1 **Documents and Reports.** Within fifteen (15) business days after the execution and delivery of this Agreement (the "Document Delivery Date"), Seller shall deliver to Buyer copies of the documents and reports listed on attached **Exhibit "C"** to this Agreement and in Seller's possession. Seller shall certify to Buyer, as of the Document Delivery Date, as to any documents listed on **Exhibit "C"** not in Seller's possession.

7.2 **Inspection of the Property.** Buyer shall have the right and permission from the date Seller signs this Agreement through the Closing Date (or earlier termination of this Agreement) to enter upon the Property or any part thereof at all reasonable times and from time to time for the purpose, at Buyer's cost and expense, of making all tests and/or studies of the Property that Buyer may wish to undertake, including, without limitation, soils tests (including borings), toxic and hazardous waste studies, surveys, structural studies and review of zoning, fire, safety and other compliance matters; provided, however, Buyer shall indemnify and hold harmless Seller from and against any mechanic's or other liens or claims that may be filed or asserted against the Property or Seller as a direct result of any actions taken by Buyer in connection with the Property, including but not limited to permitting Seller to review a written description of Buyer's proposed testing and work to ensure same is properly done and will not exacerbate any existing condition of contamination on the Property. Buyer shall also provide Seller with a copy of all soil or environmental test results for the Property upon Seller's request. Buyer shall reasonably restore the Property to its condition immediately prior to any invasive testing. The effect of the representations and warranties made by Seller in this Agreement shall not be diminished or deemed to be waived by any inspections, tests or investigations made by Buyer or its agents.

7.3 **Appraisal of the Property.** Buyer shall have the right to obtain an appraisal. Buyer's appraiser may enter onto the Property upon reasonable notice to Seller as is necessary to appraise the Property.

7.4 **Approval of Property/Feasibility Contingency.** Buyer's obligation to purchase the Property shall be subject to and contingent upon Buyer's approval, in its sole and absolute discretion, prior to the expiration of the Contingency Period, of all aspects of the Property, including, without limitation, the physical condition of the Property and documents delivered by Seller pursuant to Paragraph 7.1 above, or otherwise obtained by Buyer regarding the Property. Buyer's approval and obligation to purchase the Property under this paragraph shall be for the period set forth in Paragraph 7.5. Upon waiver by Buyer or expiration of the feasibility contingency, the Parties shall move on to Closing.

7.5 **Feasibility Contingency Period.** As used herein, the term "Contingency or Feasibility Period" shall mean the period from the Effective Date of this Agreement as defined in Paragraph 18.16 until the period ending one hundred and twenty (120) days thereafter.

7.6 **Buyer's Right to Terminate.** If in Buyer's sole and absolute discretion, Buyer is not satisfied with the condition of the Property, Buyer may terminate this Agreement by sending written notice to Seller and Escrow Agent (such notice referred to as a "Termination Notice") prior to the expiration of the Contingency/Feasibility Period. If Buyer gives its Termination Notice to Seller, this Agreement shall terminate and neither Buyer nor Seller shall have any further liability to the other under this Agreement.

7.7 **Additional Closing Conditions.** Buyer's obligation to purchase the Property shall also be subject to the following conditions that must be satisfied as of Closing.

(i) Prior to Closing, all Contracts or Leases (whether written or oral) with respect to the Property, if any, shall be terminated in writing by Seller. Seller shall provide Buyer, prior to Closing, with written termination agreements with respect to all Contracts or Leases, that are not assumed by Buyer;

(ii) All representations and warranties of Seller contained herein, to the best of Seller's knowledge, shall be true, accurate and complete at the time of the Closing as if made again at such time;

(iii) Seller shall have performed all obligations to be performed by it hereunder on or before Closing (or, if earlier, on or before the date set forth in this Agreement for such performance);

(iv) At Closing, title to the Property shall be in the condition required by Paragraph 6 of this Agreement and Escrow Agent shall deliver the Title Policy to Buyer; and

If the conditions set forth in this Paragraph 7 are not satisfied as of Closing and Buyer does not waive the same, Buyer may terminate this Agreement, and thereafter neither Buyer nor Seller shall have any further liability to the other under this Agreement.

**8. Seller's Representations and Warranties.** Seller hereby makes the following representations and warranties, to the best of Seller's knowledge, which representations and warranties shall be deemed made by Seller to Buyer also as of the Closing Date:

8.1 **Title.** Seller is the sole owner of the Property, except for reservations of record. At Closing, Seller shall convey the entire fee simple estate and right, title and interest in and to the Property by statutory warranty deed to Buyer with a restrictive covenant limiting use of a portion of the Property to affordable housing as provided in the Recitals hereto, free and clear of unapproved encumbrances of record.

8.2 **Compliance with Law; Compliance with Property Restrictions.** The Property complies in all material respects (both as to condition and use) with all applicable statutes, ordinances, codes, rules and regulations of any governmental authority having jurisdiction over the Property related to zoning, building, subdivision, and engineering.

8.3 **Bankruptcy, etc.** No bankruptcy, insolvency, rearrangement or similar action involving Seller or the Property, whether voluntary or involuntary, is pending, threatened, by a third party, or contemplated by Seller.

8.4 **Taxes and Assessments.** Other than amounts disclosed by the Title Binder, no other property taxes have been or will be assessed against the Property for the current tax year, and there are no general or special assessments or charges that have been levied, assessed or imposed on or against the Property.

8.5 **Foreign Person.** Seller is not a foreign person and is a "United States Person" as such term is defined in Section 7701(a) (30) of the Internal Revenue Code of 1986, as amended (the "Code") and shall deliver to Buyer prior to the Closing an affidavit evidencing such fact and such other documents as may be required under the Code.

8.6 **Mechanics' Liens.** No labor, material or services have been furnished in, on or about the Property or any part thereof as a result of which any mechanics', laborer's or materialmen's liens or claims might arise.

8.7 **Underground Storage Tanks.** Seller has no knowledge of (a) subterranean storage or underground storage tanks that exist on the Property, and (b) any previously existing underground storage tanks that have been removed or filled in compliance with applicable law. If there had been an underground storage tank on the site, to the best of Seller's knowledge, the tank was decommissioned in compliance with applicable law.

8.8 **Leases and Other Agreements.** Seller represents that there are no leases, occupancy agreements, service agreements, licenses, easements, or option agreements with regard to the Property, except those of record or disclosed pursuant to Paragraph 7.1.

8.9 **Assumption of Liabilities.** Buyer, by virtue of the purchase of the Property, will not be required to satisfy any obligation of Seller arising prior to the Closing Date.

8.10 **Defaults.** Seller is not in default and there has occurred no uncured event, which, with notice, the passage of time or both would be a default, under any contract, agreement, lease, encumbrance, or instrument pertaining to the Property.

8.11 **Utilities.** The Property may or may not be served by water, storm and sanitary or septic sewer, electricity, and telephone supplied directly to the Property by facilities of public utilities. All such utilities are located within the boundaries of the Property or within lands dedicated to public use or within recorded easements for the same.

8.12 **Public Improvements.** Seller has no knowledge of any federal, state, county, municipal or other governmental plans to change the road system in the vicinity of the Property.

8.13 **Subdivision.** The conveyance of the Property will not constitute a violation of any subdivision ordinance. The improvements on the Property comply in all material respects with all applicable subdivision ordinances and statutes.

8.14 **Due Authority.** Seller and Buyer have all requisite power and authority to execute and deliver this Agreement and to carry out its obligations hereunder and the transactions contemplated hereby. This Agreement has been, and the documents contemplated hereby will be, duly executed and delivered by Seller and Buyer and constitute their legal, valid and binding obligation enforceable against Seller and Buyer in accordance with its terms.

8.15 **No Omissions.** The copies of any documents furnished to Buyer in connection with this transaction are true and complete copies of the documents they purport to be and contain no untrue statement of material fact and do not omit to state any material facts necessary to make the statements contained therein not misleading.

**9. Covenants of Seller.** Seller covenants and agrees as follows:

9.1 **Perform Obligations.** From the date of this Agreement to the Closing Date, Seller will perform any monetary and non-monetary obligations they have regarding the Property.

9.2 **No Liens.** From the date of this Agreement to the Closing Date, Seller will not allow any lien to attach to the Property, nor will Seller grant, create, or voluntarily allow the creating of, or amend, extend, modify or change, any easement, right-of-way, encumbrance, restriction, covenant, lease, license, option or other right affecting the Property or any part thereof without Buyer's written consent first having been obtained.

9.3 **Provide Further Information.** From the date of this Agreement to the Closing Date, Seller will notify Buyer of each event of which Seller becomes aware affecting the Property or any part thereof immediately upon learning of the occurrence of such event.

9.4 **Demolition Costs.** Seller covenants and agrees it will pay for demolition of the existing remnants of the structure upon the Property to prepare the Property for Buyer's redevelopment.



9.5 **Priority Review.** Seller agrees to give Buyer priority expedited review of Buyer's project application for the Property, including but not limited to building permits, and other land use approvals.

**10. Covenants of Buyer.** Buyer covenants and agrees as follows:

10.1 **Perform Obligations.** Buyer shall perform all obligations from the date of this Agreement, including all provisions herein that shall survive the Closing, including those relating to its obligations to provide affordable low income housing units upon the Property.

10.2 **Application for Multi-Family Tax Exemption.** Buyer shall file an application with Seller for a multi-family tax exemption pursuant to OMC Chapter 5.86, specifically for a twelve (12) year tax exemption under OMC Section 5.86.040.A.2.b., to provide affordable low income housing serving persons with adjusted median income (AMI) in Thurston County, Washington, of eighty percent (80%) AMI or less, as reported by the United States Department of Housing and Urban Development (HUD), in sixty percent (60%) of the housing units constructed on the Property for a period of twelve (12) years from issuance of a final Certificate of Occupancy. Following the twelve (12) year tax exemption under OMC Section 5.86.040.A.2.b, the number of housing units for affordable low income housing for persons with adjusted median income (AMI) in Thurston County, Washington, of eighty percent (80%) AMI or less, as reported by the United States Department of Housing and Urban Development (HUD) shall be reduced to thirty percent (30%) of the housing units on the Property for three years. For the final five (5) years of the restrictive covenant to be recorded upon the title of the Property, the number of housing units for affordable low income housing for persons with adjusted median income (AMI) in Thurston County, Washington, of eighty percent (80%) or less, as reported by the United States Department of Housing and Urban Development (HUD) shall be reduced to twenty percent (20%) of the housing units on the Property..

10.3 **Submittal for Design Review.** Buyer covenants and agrees it shall submit its Property project to Seller for design review within One Hundred and Twenty (120) days from written removal of the contingency/feasibility period set forth in Paragraphs 7.4 and 7.5 herein.

10.4 **Application for Building Permit.** Upon approval of design review, Buyer covenants and agrees it shall apply for a building permit for the Property within One Hundred Twenty (120) days of said design approval. Buyer further covenants and agrees it shall commence construction upon the Property within ten (10) months of the Closing date.

10.5 **Minimize Adjacent Business Disruption.** Buyer covenants and agrees to make all reasonable efforts to minimize business disruption to adjacent property owners and businesses during redevelopment of the Property.

10.6 **Seller's Option to Repurchase.** Buyer agrees that Seller shall have an option to repurchase the Property at the same price as the Property is sold to Buyer in this Agreement in the event Buyer fails to commence construction of the housing units contemplated in this Agreement within ten (10) months of the Closing date. Seller agrees that Buyer will have

an option to extend its period of construction for two additional years based upon an economic or financial circumstance beyond Buyer's control upon a showing of its best efforts to move forward with the construction of affordable low income housing units contemplated in this Agreement.

## **11. Closing.**

**11.1 Time and Place.** Provided that all the contingencies set forth in this Agreement have been previously fulfilled, the Closing shall take place at the place and time determined as set forth in Paragraph 5 of this Agreement.

**11.2 Documents to be Delivered by Seller.** For and in consideration of, and as a condition precedent to the payment to Seller of the Purchase Price, Seller shall obtain and deliver to Buyer at Closing the following documents (all of which shall be duly executed and acknowledged where required):

(i) **Title Documents.** Such other documents, including, without limitation, lien waivers, indemnity bonds, indemnification agreements, and certificates of good standing as shall be required by Buyer, or by the Title Company as a condition to its insuring Buyer's good and marketable fee simple title to the Property.

(ii) **Authority.** Such evidence as the Title Company shall require as to authority of Seller to convey the Property to Buyer.

(iii) **Surveys and Drawings.** All surveys, site plans and plans and specifications relating to the Property as are in the possession or control of Seller, if any.

(iv) **Assignment.** Seller and Buyer agree any assignment of Buyer's rights under this Agreement shall be subject to Seller's approval, which shall not be unreasonably withheld, conditioned or denied except as provided in this Agreement.

(v) **Warranty Deed.** A statutory warranty deed ("Deed") conveying to Buyer a good, marketable and indefeasible title in fee simple absolute to the Property in the form set forth in **Exhibit "D"** attached hereto, with a covenant restricting use of the property for the specific purpose of providing low income affordable housing as provided in this Agreement, which may be part of the Deed or be in a separate document.

**11.3 Payment of Costs.** At Closing, Buyer shall pay all charges for title insurance for a standard ALTA owner's title policy insuring Buyer's title, the escrow fee, the recording fee, the technology fee, and real property excise taxes, if any, and any other costs of Closing.

**11.4 Taxes.** Seller is exempt from payment of real property excise taxes for the Property pursuant to WAC 458-61A-205(2).

11.5 **Monetary Liens.** Seller shall pay or cause to be satisfied at or prior to Closing all monetary liens on or with respect to all or any portion of the Property, including, but not limited to, mortgages, deeds of trust, security agreements, assignments of leases, rents and/or easements, judgment liens, tax liens (other than those for taxes not yet due and payable) and financing statements, except where Seller is exempt by statute or administrative rule or regulation.

11.6 **Possession.** Possession of the Property shall be delivered to Buyer at Closing. The Property, including without limitation the improvements, if any, shall be delivered to Buyer in good order.

11.7 **Proration.** All amounts required to be prorated hereunder as of Closing, shall be calculated as if Buyer were in possession of the Property as of the date of Closing.

## 12. Environmental.

12.1 Notwithstanding anything to the contrary in this Agreement or otherwise, the Parties agree that Seller shall have no obligation to defend, indemnify, or hold Buyer harmless with respect to any loss, liability, claim, demand, damage, or expense of any kind, including attorneys' fees, costs, and expenses (collectively, "Loss") arising (a) out of the release or threatened release of Hazardous Substances on, under, above, or about the Property after Closing, or (b) out of the past release or threatened release of any Hazardous Substance on, under, above, or about the Property caused or contributed to by Buyer, or any employee, agent, tenant, or contractor of Buyer.

12.2 **Definitions.** The term "Hazardous Substance" includes without limitation (a) those substances included within the definitions of "hazardous substances," "hazardous materials," "toxic substances," "hazardous wastes," or "solid wastes" in any Environmental Law; (b) petroleum products and petroleum byproducts; (c) polychlorinated biphenyls; (d) chlorinated solvents; and (e) asbestos. The term "Environmental Law" includes any federal, state, municipal or local law, statute, ordinance, regulation, order or rule pertaining to health, industrial hygiene, environmental conditions, or hazardous substances.

13. **Indemnification.** Seller shall pay, protect, pay the defense costs of, indemnify and hold Buyer and their successors and assigns harmless from and against any and all loss, liability, claim, damage and expense suffered or incurred by reason of (a) the breach of any representation, warranty or agreement of Seller set forth in this Agreement, (b) the failure of Seller to perform any obligation required by this Agreement to be performed by Seller, (c) the ownership, maintenance, and/or operation of the Property by Seller prior to the Closing not in conformance with this Agreement, or (d) any injuries to persons or property from any cause occasioned in whole or in part by any acts or omissions of the Seller, its representatives, employees, contractors or suppliers that occurred before Closing; provided, however, that nothing in this Paragraph 13 applies to Losses arising out of the presence of Hazardous Substances on, under, above, or about the Property, including Hazardous Substances that migrate or migrated to or from the Property except as specifically provided in Paragraph 12 above.

**14. Condemnation.** In the event of any proceedings, to be commenced or consummated in eminent domain or condemnation (collectively “Condemnation”) respecting the Property or any portion thereof, Buyer may elect, by written notice to Seller, to terminate this Agreement and the escrow created pursuant hereto and be relieved of its obligation to purchase the Property. If Buyer terminates this Agreement, neither Buyer nor Seller shall have any further liability to the other hereunder. If Buyer fails to make such election prior to the Closing Date, this Agreement shall continue in effect, there shall be no reduction in the Purchase Price, and Seller shall, prior to the Closing Date, assign to Buyer, by an assignment agreement in form and substance satisfactory to Buyer, Seller’s entire right, title and interest in and to any condemnation award or settlement made or to be made in connection with such Condemnation proceeding. Buyer shall have the right at all times to participate in all negotiations and dealings with the condemning authority and approve or disapprove any proposed settlement in respect to such matter. Seller shall forthwith notify Buyer in writing of any such Condemnation respecting the Property.

**15. Casualty.** If any fire, windstorm or casualty occurs and materially affects all or any portion of the Property on or after the date of this Agreement and prior to the Closing, Buyer may elect, by written notice to Seller, to terminate this Agreement and the escrow created pursuant hereto and be relieved of its obligation to purchase the Property. If Buyer terminates this Agreement, neither Buyer nor Seller has any further liability to the other hereunder. If Buyer fails to make such election prior to the Closing Date, this Agreement shall continue in effect. The Purchase Price shall not be reduced by the amount of loss or damage occasioned by such casualty not covered by insurance, and Seller shall, prior to the Closing Date, assign to Buyer, by an assignment agreement in form and substance satisfactory to Buyer, its entire right, title and interest in and to all insurance claims and proceeds to which Seller may be entitled in connection with such casualty. Buyer shall have the right at all times to participate in all negotiations and other dealings with the insurance carrier providing such coverage and to approve or disapprove any proposed settlement in respect to such matter. Seller shall forthwith notify Buyer in writing of any such casualty respecting the Property.

**16. Notices.** Unless applicable law requires a different method of giving notice, any and all notices, demands or other communications required or desired to be given hereunder by any party (collectively, “Notices”) shall be in writing and shall be validly given or made to another party if delivered either personally or by Federal Express, UPS, USPS or other overnight delivery service of recognized standing, or if deposited in the United States mail, certified, registered, or express mail with postage prepaid. If such Notice is personally delivered, it shall be conclusively deemed given at the time of such delivery. If such Notice is delivered by Federal Express or other overnight delivery service of recognized standing, it shall be deemed given twenty-four (24) hours after the deposit thereof with such delivery service. If such Notice is mailed as provided herein, such shall be deemed given forty-eight (48) hours after the deposit thereof in the United States mail. Each such Notice shall be deemed given only if properly addressed to the party to whom such notice is to be given as follows:

To Seller: Steven J. Burney, City Manager  
City of Olympia  
601 4<sup>th</sup> Ave E  
Olympia, WA 98501  
Email: [jburney@ci.olympia.wa.us](mailto:jburney@ci.olympia.wa.us)

With a copy to: Mark Barber, City Attorney  
City of Olympia  
601 4<sup>th</sup> Ave E  
Olympia, WA 98501  
Email: [mbarber@ci.olympia.wa.us](mailto:mbarber@ci.olympia.wa.us)

To Buyer: Urban Management Company LLC  
Attn: Walker John, Managing Member  
206 State Ave NW  
Olympia, WA 98501  
Email: [walker@urbanolympia.com](mailto:walker@urbanolympia.com)

Any party hereto may change its address for receiving notices as herein provided by a written notice given in the manner aforesaid to the other party hereto.

**17. Event of Default.** In the event of a default under this Agreement by Seller (including a breach of any representation, warranty or covenant set forth herein), Buyer shall be entitled, in addition to all other remedies, to seek monetary damages and specific performance of Seller's obligations hereunder.

**18. Miscellaneous.**

**18.1 Applicable Law.** This Agreement shall in all respects, be governed by the laws of the State of Washington.

**18.2 Further Assurances.** Each of the Parties shall execute and deliver any and all additional papers, documents and other assurances, and shall do any and all acts and things reasonably necessary in connection with the performance of its obligations hereunder, to carry out the intent of the Parties hereto.

**18.3 Modification or Amendment, Waivers.** No amendment change or modification of this Agreement shall be valid, unless in writing and signed by all of the Parties hereto. No waiver of any breach of any covenant or provision in this Agreement shall be deemed a waiver of any preceding or succeeding breach thereof, or of any other covenant or provision in this Agreement. No extension of time for performance of any obligation or act shall be deemed an extension of the time for performance of any other obligation or act.

**18.4 Successors and Assigns.** All of the terms and provisions contained herein shall inure to the benefit of and shall be binding upon the Parties hereto and their respective heirs, legal representatives, successors and assigns. Any assignment shall be subject to Seller's

approval, which shall not be unreasonably withheld, conditioned or denied except by the terms of this Agreement. Buyer must notify and, if required, request approval by Seller of any such assignment prior to the Closing. Any such assignee shall for all purposes be regarded as Buyer under this Agreement.

**18.5 Entire Agreement and No Third Party Beneficiaries.** This Agreement constitutes the entire understanding and agreement of the Parties with respect to its subject matter and any and all prior agreements, understandings or representations with respect to its subject matter are hereby canceled in their entirety and are of no further force or effect. The Parties do not intend to confer any benefit under this Agreement to any person, firm or corporation other than the Parties.

**18.6 Attorneys' Fees.** Should either party bring suit to enforce this Agreement, the prevailing party in such lawsuit shall be entitled to an award of its reasonable attorneys' fees and costs incurred in connection with such lawsuit.

**18.7 Construction.** Captions are solely for the convenience of the Parties and are not a part of this Agreement. This Agreement shall not be construed as if it had been prepared by one of the Parties, but rather as if both Parties had prepared it. If the date on which Buyer or Seller are required to take any action under the terms of this Agreement is not a business day, the action shall be taken on the next succeeding business day.

**18.8 Partial Invalidity.** If any term or provision of this Agreement or the application thereof to any person or circumstance shall, to any extent, be invalid or unenforceable, the remainder of this Agreement, or the application of such term or provision to persons or circumstances other than those as to which it is held invalid or unenforceable, shall not be affected thereby; and each such term and provision of this Agreement shall be valid and be enforced to the fullest extent permitted by law.

**18.9 Survival.** The recitals, covenants, agreements, obligations to indemnify, representations and warranties made in this Agreement shall survive the Closing unimpaired and shall not merge into the Deed and the recordation thereof, and are fully enforceable by either Party.

**18.10 Finders' or Brokers' Fees.** Seller represents and warrants that it has not engaged the services of any broker or finder to which a commission or other fee is due in connection with any of the transactions contemplated by this Agreement. Seller agrees to indemnify, defend and hold harmless Buyer against any loss, liability, damage, cost, claim or expense, including interest, penalties and reasonable attorneys' fees that Buyer shall incur or suffer by reason of a breach by Seller of the representation and warranty set forth above.

**18.11 Time.** Time is of the essence of every provision of this Agreement.

**18.12 Risk of Loss.** All of Seller's personal property, of any kind or description whatsoever that is on the Property after Closing, shall be at Seller's sole risk of loss.

18.13 **Force Majeure.** Performance by Seller or Buyer of their obligations under this Agreement shall be extended by the period of delay caused by force majeure. Force majeure is war, natural catastrophe, strikes, walkouts or other labor industrial disturbance, order of any government, court or regulatory body having jurisdiction, shortages, blockade, embargo, riot, civil disorder, or any similar cause beyond the reasonable control of the party who is obligated to render performance (but excluding financial inability to perform, however caused).

18.14 **Recitals.** The Recitals set forth above are incorporated by this reference into this Agreement and are made a part hereof, and shall survive the Closing unimpaired and shall not merge into the Deed and the recordation thereof, and are fully enforceable by either Party.

18.15 **Counterparts.** This Agreement may be executed in a number of identical counterparts which, taken together, shall constitute collectively one Agreement; but in making proof of this Agreement, it shall not be necessary to produce or account for more than one such counterpart. Additionally, (i) the signature pages taken from separate individually executed counterparts of this Agreement may be combined to form multiple fully executed counterparts; and (ii) a facsimile or digital or electronic signature or an electronically scanned signature, where permitted by law, shall be deemed to be an original signature for all purposes. All executed counterparts of this Agreement shall be deemed to be originals, but all such counterparts, when taken together, shall constitute one and the same Agreement.

18.16 **Effective Date.** The term “date of this Agreement” or “date hereof” or “Effective Date,” as used in this Agreement, shall mean the later of the following dates: (1) the date of Buyer’s signature on this Agreement; or (2) the date of Seller’s signature on this Agreement.

**BUYER:**

**URBAN OLYMPIA 12 LLC**, a Washington limited liability company

Walker John  
Urban Management Company LLC,  
Walker John, for Managing Member

Date: 04/20/2021

**SELLER:**

**CITY OF OLYMPIA**, a Washington  
municipal corporation

\_\_\_\_\_  
Steven J. Burney, City Manager

Date: \_\_\_\_\_

APPROVED AS TO FORM:

**Mark Barber**  
\_\_\_\_\_  
Mark Barber, City Attorney

Date: 04/19/2021



**EXHIBIT "A"**  
**LEGAL DESCRIPTION**

Parcel A, Boundary Line Adjustment No. SS-5502, according to the short plat recorded under Recording Number 8711240029, records of Thurston County, State of Washington;

Situate in the County of Thurston, State of Washington.

**EXHIBIT "B"**  
**GENERAL VICINITY SKETCH**



**EXHIBIT “C”**  
**DOCUMENTS AND REPORTS**

1. Copies of all leases or other occupancy agreements relating to the Property, if any, with originals to be delivered at Closing.
2. Copies of all licenses permits and approvals, if any, issued by governmental authorities for the use and occupancy of the Property or any facility located thereon.
3. Any other information about the Property reasonably requested by Buyer if in the possession or control of Seller.
4. Any service contracts or other similar agreements related to the Property.
5. Reports of environmental conditions related to the Property, if any.
6. Surveys, if any.
7. Soils reports, if any.

**EXHIBIT "D"**  
**FORM OF STATUTORY WARRANTY DEED**

Urban Olympia 12 LLC  
Urban Management Company LLC  
206 State Ave NW  
Olympia, WA 98501

---

**Document Title:** Statutory Warranty Deed and Restrictive Covenants  
**Grantor:** City of Olympia, a Washington municipal corporation  
**Grantee:** Urban Olympia 12 LLC  
**Abbreviated Legal Description:** Parcel A BLA-5502  
**Assessor's Tax Parcel Number:** 7850-33-00700

The Grantor, **CITY OF OLYMPIA**, a Washington municipal corporation, for and in consideration of the sum of TEN and NO/100---(\$10.00) Dollars, and other good and valuable considerations, in hand paid, hereby conveys and warrants to the Grantee, **URBAN OLYMPIA 12 LLC**, a Washington limited liability company, the following described real estate and all rights thereto, situated in the City of Olympia, County of Thurston, in the State of Washington, including all after acquired title:

PARCEL A, BOUNDARY LINE ADJUSTMENT NO. SS-5502, ACCORDING TO THE SHORT PLAT RECORDED UNDER RECORDING NUMBER 8711240029, RECORDS OF THURSTON COUNTY, STATE OF WASHINGTON;

SITUATE IN THE COUNTY OF THURSTON, STATE OF WASHINGTON.

SUBJECT TO EASEMENTS, RESTRICTIONS, AND RESERVATIONS OF RECORD; AND FURTHER INCLUDING AND SUBJECT TO THE FOLLOWING:

**RESTRICTIVE COVENANTS**

As additional consideration to Grantor for the purchase of the above-referenced real property, Grantor and Grantee agree that the real property legally described above shall be held, transferred, sold, conveyed, leased, used and occupied for a period of fifteen (15) years from the date of issuance of a final Certificate of Occupancy by the City of Olympia, subject to the following covenants and restrictions:

1. The real property conveyed by this Statutory Warranty Deed shall be used, in part, to construct affordable low income housing units as referenced in Olympia Municipal Code (OMC) Sections 5.86.010.H and J, and 5.86.040.A.2.b, upon the terms agreed between the Grantor and Grantee as set forth herein, and for no other purpose except with the Grantor's express written consent; and

2. Sixty percent (60%) of the housing units constructed on the real property shall, for a period of twelve (12) years from issuance by Grantor of a final Certificate of Occupancy, be used to provide affordable low income housing units serving persons with adjusted median income (AMI) in Thurston County, Washington of eighty percent (80%) AMI or less, as reported by the U.S. Department of Housing and Urban Development (HUD), whose monthly housing costs, including utilities other than telephone, do not exceed thirty percent (30%) of the person's or household's monthly income; and
3. After twelve (12) years have elapsed from issuance by Grantor of a final Certificate of Occupancy, the percentage of affordable low income housing units serving persons with adjusted median income (AMI) in Thurston County, Washington of eighty percent (80%) AMI or less, as reported by the U.S. Department of Housing and Urban Development (HUD), whose monthly housing costs, including utilities other than telephone, do not exceed thirty percent (30%) of the person's or household's monthly income, shall be reduced to thirty percent (30%) of the total housing units on the real property for a period of three (3) years; and
4. Commencing sixteen (16) years from the date of initial issuance of a final Certificate of Occupancy by Grantor, twenty percent (20%) of the total housing units on the real property will serve low income persons with incomes of eighty percent (80%) AMI or less in Thurston County, Washington, as reported by the United States Department of Housing and Urban Development (HUD), whose monthly housing costs, including utilities other than telephone, do not exceed thirty percent (30%) of the person's or household's monthly income, for a period of five (5) years.
5. The restrictive covenants set forth herein shall terminate twenty (20) years after the date of issuance by Grantor of a final Certificate of Occupancy to Grantee for housing units constructed upon the real property, and thereafter shall have no further force or effect.

It is the express intent of the Grantor and Grantee that the provisions of the Restrictive Covenants stated herein shall run with the land, and shall pass to and be binding upon Grantee's successors in title, including any subsequent purchaser, grantee, owner, assignee, trustee, trustor, or lessee of any portion of the real property and any other person or entity having any right, title or interest therein and upon the respective heirs, executors, administrators, devisees, successors and assigns of any purchaser, grantee, owner, assignee, trustee, trustor, or lessee of any portion of the real property and any other person or entity having any right, title or interest therein.

It is further agreed by Grantor and Grantee, that Grantor shall have the right to enforce the aforesaid Restrictive Covenants in the Superior Court for Thurston County, State of Washington, by either a request for injunctive or equitable relief or an action at law for damages, or by both such equitable relief and monetary damages, as permitted by the laws of the State of Washington.





**Exhibit A**  
**Permitted Exceptions**





## City Council

### Approval of a Resolution Adopting the Olympia ADA Transition Plan

**Agenda Date:** 5/4/2021  
**Agenda Item Number:** 4.L  
**File Number:**21-0432

---

**Type:** resolution **Version:** 1 **Status:** Consent Calendar

---

#### **Title**

Approval of a Resolution Adopting the Olympia ADA Transition Plan

#### **Recommended Action**

##### **Committee Recommendation:**

Not referred to a committee.

##### **City Manager Recommendation:**

Move to approve a Resolution adopting the Olympia ADA Transition Plan.

#### **Report**

##### **Issue:**

Whether to approve a Resolution adopting the Olympia ADA Transition Plan.

##### **Staff Contact:**

Nicole Camus, Sr. HR Analyst/ADA Coordinator, Human Resources, 360.753.8213

##### **Presenter(s):**

None. Consent Calendar item.

#### **Background and Analysis:**

The City of Olympia has long been committed to removing barriers to accessibility in its services, programs, and activities. This commitment has been shown through improvements to sidewalks, access ramps, and transition of travel lanes to bicycle lanes. Additionally, investments in City owned buildings and in public meeting accommodations, such as hearing aid devices, have been a priority.

All of these improvements have been completed despite not having an overarching plan. To address this and to comply with regulatory requirements, the City has completed a Self-Evaluation and Transition Plan, which will inform future discussions related to project funding.

Staff will brief the City Council on the contents of the ADA Transition Plan at the May 4, 2021 Study Session.

**Neighborhood/Community Interests (if known):**

This Plan will provide a roadmap for continued removal of barriers in City owned buildings and right of way, improving accessibility for our community.

**Options:**

1. Approve a Resolution adopting the Olympia ADA Transition Plan.
2. Approve a Resolution adopting the Olympia ADA Transition Plan with Council-directed revisions.
3. Do not approve a Resolution adopting the Olympia ADA Transition Plan.

**Financial Impact:**

In 2018, the City entered into a contract with Sazan Environmental Services to complete a Self-Evaluation and Transition Plan that has been conducted over four phases with an overall total of \$268,867.22.

**Attachments:**

Resolution  
ADA Transition Plan  
Appendices A-M

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OLYMPIA, WASHINGTON, ADOPTING THE CITY OF OLYMPIA AMERICANS WITH DISABILITIES ACT (ADA) TRANSITION PLAN**

**WHEREAS**, the Americans with Disabilities Act prohibits discrimination against people with disabilities in several areas, including employment, transportation, public accommodations, communications, and access to state and local government and services; and

**WHEREAS**, the City of Olympia has long been committed to removing barriers to accessibility in its employment, services, programs, facilities, and activities; and

**WHEREAS**, the City's commitment has been shown through improvements to sidewalks, access ramps, and investments in City-owned buildings and public meeting accommodations to improve accessibility, including hearing aid devices, which have been a priority; and

**WHEREAS**, these improvements made by the City have been completed despite an overarching plan; and

**WHEREAS**, to address this and comply with regulatory requirements, the City has completed an ADA Self-Evaluation and Transition Plan (ADA Transition Plan), which will inform future discussions related to project funding; and

**WHEREAS**, the City's ADA Transition Plan will provide a roadmap for continued removal of barriers in City-owned buildings and right-of-way, which will improve accessibility for the Olympia community;

**NOW, THEREFORE, THE OLYMPIA CITY COUNCIL DOES HEREBY RESOLVE** that the City of Olympia's Americans with Disabilities Act (ADA) Transition Plan is hereby adopted and approved.

**PASSED BY THE OLYMPIA CITY COUNCIL** this \_\_\_\_\_ day of \_\_\_\_\_ 2021.

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CITY CLERK

APPROVED AS TO FORM:

**Mark Barber**  
\_\_\_\_\_  
CITY ATTORNEY



## City Council

### Approval of an Ordinance Amending the High-Density Corridor Zoning Text Regarding Drive Through Restaurants

**Agenda Date:** 5/4/2021  
**Agenda Item Number:** 4.M  
**File Number:**21-0383

---

**Type:** ordinance **Version:** 1 **Status:** 1st Reading-Consent

---

#### **Title**

Approval of an Ordinance Amending the High-Density Corridor Zoning Text Regarding Drive Through Restaurants

#### **Recommended Action**

##### **Committee Recommendation:**

The Planning Commission recommends approval of the proposed amendments to the High-Density Corridor Zoning text regarding drive through restaurants.

##### **City Manager Recommendation:**

Move to approve proposed amendments to the High-Density Corridor Zoning text regarding drive through restaurants as recommended by the Planning Commission.

#### **Report**

##### **Issue:**

Whether to approve the ordinance amending text in the Olympia Municipal Code, Title 18 Unified Development Code, Chapter 18.06 Commercial Districts which would allow drive through restaurants in the High-Density Corridor (HDC) 2 and 3 districts in buildings with established drive through services already in place subject to a conditional use permit.

##### **Staff Contact:**

Paula Smith, Associate Planner, Community Planning & Development, 360.753.8596

##### **Presenter(s):**

Paula Smith, Associate Planner

#### **Background and Analysis:**

Current development codes do not allow for new drive through restaurants in the HDC 2 & 3 zoning districts. The proposed amendment would allow drive through restaurants in these districts with a Conditional Use Permit. As proposed, it would only be allowed for buildings that have existing drive through facilities in place and that can meet current vehicle stacking requirements. There are approximately ten such properties in the HDC-2 and HDC-3 zones. Most of the buildings with existing drive throughs are currently used for restaurants or banking services. Some have converted to office

space over time.

The applicant of the text amendment application is SCJ Alliance, who is representing a client that owns a building on Pacific Avenue that has existing drive through service facilities. If the proposed amendments are approved, the property owner could apply for a Conditional Use Permit to have a drive through restaurant business.

**Neighborhood/Community Interests (if known):**

No public comments were received on the proposed text amendment. Neighborhood concerns may include visual impacts, related traffic volume, noise, or pedestrian safety. Any site-specific comments or concerns would be considered during the Conditional Use Permit review process.

**Options:**

1. Approve the proposed amendments as recommended by Planning Commission.
2. Modify the proposed amendments and direct staff to return with a revised ordinance.
3. Do not approve the proposed amendments.

**Financial Impact:**

None

**Attachments:**

Ordinance  
Planning Commission Minutes 02/08/21

**AN ORDINANCE OF THE CITY OF OLYMPIA, WASHINGTON, RELATED TO DRIVE THROUGH RESTAURANTS AND AMENDING SECTIONS 18.06.040 AND 18.06.060, COMMERCIAL DISTRICTS, OF TITLE 18, UNIFIED DEVELOPMENT CODE, OF THE OLYMPIA MUNICIPAL CODE**

**WHEREAS**, on October 1, 2020, the City of Olympia Community Planning and Development Department received an application to amend text in Chapter 18.06, Commercial Districts, in Title 18, Unified Development Code, of the Olympia Municipal Code (OMC) (the Proposed Amendments); and

**WHEREAS**, on January 6, 2021, the Proposed Amendments were sent to the Washington State Department of Commerce Growth Management Services with the Notice of Intent to Adopt Development Regulation amendments as required by RCW 36.70A.106, and no comments were received from state agencies during the comment period; and

**WHEREAS**, the City of Olympia Responsible Official under the State Environmental Policy Act (SEPA), issued a Determination of Non-significance on the Proposed Amendments, pursuant to 197-11-350(2) of the Washington Administrative Code and no comments or application to appeal was received; and

**WHEREAS**, on January 11, 2021, Notice of Application and Public Hearing on the Proposed Amendments was provided to all Recognized Neighborhood Associations within the City of Olympia pursuant to Chapter 18.78 OMC, Public Notification; and

**WHEREAS**, on January 15, 2021, a legal notice was published in *The Olympian* newspaper regarding the date of the Olympia Planning Commission's public hearing on the Proposed Amendments; and

**WHEREAS**, on January 25, 2021, the Olympia Planning Commission received a briefing on the Proposed Amendments; and

**WHEREAS**, on February 8, 2021, the Olympia Planning Commission held a public hearing, received public comment, and deliberated on the Proposed Amendments; and

**WHEREAS**, following the public hearing and deliberations, on February 8, 2021, the Planning Commission provided to the City Council its recommendation to amend Chapter 18.06, Commercial Districts, of Title 18 OMC, Unified Development Code, as proposed; and

**WHEREAS**, the Proposed Amendments are consistent with the Olympia Comprehensive Plan and other chapters of Title 18 OMC; and

**WHEREAS**, the Proposed Amendments have been reviewed pursuant to the Text Amendments process outlined in Chapter 18.58 OMC; and

**WHEREAS**, Chapters 35A.63 and 36.70A RCW and Article 11, Section 11 of the Washington State Constitution authorize and permit the City to adopt this Ordinance;

**NOW, THEREFORE, THE OLYMPIA CITY COUNCIL ORDAINS AS FOLLOWS:**

**Section 1. Amendment of OMC 18.06.040.** Olympia Municipal Code Section 18.06.040, Table 6.01, is hereby amended to read as follows:

18.06.040 TABLES: Permitted and Conditional Uses

TABLE 6.01

PERMITTED AND CONDITIONAL USES

COMMERCIAL DISTRICT	NR	PO/RM	GC	MS	UW	UW-H	DB	AS	CSH	HDC-1	HDC-2	HDC-3	HDC-4	APPLICABLE REGULATIONS
District-Wide Regulations	18.06.060(R)				18.06.060(F)(2)	18.06.060(HH)	18.06.060(F)(2)						18.130.020	
<b>1. EATING &amp; DRINKING ESTABLISHMENTS</b>														
Drinking Establishments			P		P	P	P		C 18.06.060(P)		P	P	P	
Drinking Establishments - Existing		P 18.06.060(GG)				P								
Restaurants, with drive-in or drive-through			P 18.06.060(F)(3)								<u>C</u> <u>18.06.060(F)(1)</u>	<u>C</u> <u>18.06.060(F)(1)</u>	P 18.06.060(F)(3)	
Restaurants, with drive-in or drive-through, existing			P				P 18.06.060(U)					C	P	
Restaurants, without drive-in or drive-through	P 18.06.060(U)(3)	C	P	P 18.06.060(U)(2)	P	P	P 18.06.060(U)(1)	P	P	P	P	P	P	



**TABLE 6.01**

**PERMITTED AND CONDITIONAL USES**

<b>COMMERCIAL DISTRICT</b>	<b>NR</b>	<b>PO/RM</b>	<b>GC</b>	<b>MS</b>	<b>UW</b>	<b>UW-H</b>	<b>DB</b>	<b>AS</b>	<b>CSH</b>	<b>HDC-1</b>	<b>HDC-2</b>	<b>HDC-3</b>	<b>HDC-4</b>	<b>APPLICABLE REGULATIONS</b>
District-Wide Regulations	18.06.060(R)				18.06.060(F)(2)	18.06.060(HH)	18.06.060(F)(2)							
<b>2. INDUSTRIAL USES</b>														
Industry, Heavy														
Industry, Light			C		P/C 18.06.060(N)									
On-Site Treatment & Storage Facilities for Hazardous Waste					P 18.06.060(Q)									
Piers, Wharves, Landings					P									
Printing, Industrial			C		P/C 18.06.060(N)									
Publishing		C	C		P		P		C	C				
Warehousing			P		P/C 18.06.060(AA)		P							

**TABLE 6.01**

**PERMITTED AND CONDITIONAL USES**

<b>COMMERCIAL DISTRICT</b>	<b>NR</b>	<b>PO/RM</b>	<b>GC</b>	<b>MS</b>	<b>UW</b>	<b>UW-H</b>	<b>DB</b>	<b>AS</b>	<b>CSH</b>	<b>HDC-1</b>	<b>HDC-2</b>	<b>HDC-3</b>	<b>HDC-4</b>	<b>APPLICABLE REGULATIONS</b>
Welding & Fabrication			C		P/C 18.06.060(N)		P							
Wholesale Sales		C 18.06.060(BB)(3)	P		P/C	18.06.060(BB)		P		P	18.06.060(BB)(2)			
Wholesale Products Incidental to Retail Business			P		P	P						P	P	
District-Wide Regulations	18.06.060(R)				18.06.060(F)(2)	18.06.060(HH)	18.06.060(F)(2)							
<b>3. OFFICE USES (See also SERVICES, HEALTH)</b>														
Banks		P	P		P/C 18.06.060(D)(2)	P 18.06.060(D)(2)	P/C 18.06.060(D)(2)	P	P	P	P	P 18.06.060(D)(1)	P 18.06.060(F)(3)	
Business Offices		P	P		P	P	P	P	P	P	P	P	P	
Government Offices		P	P		P	P	P	P	P	P	P	P	P	
District-Wide Regulations	18.06.060(R)				18.06.060(F)(2)	18.06.060(HH)	18.06.060(F)(2)							

**TABLE 6.01**

**PERMITTED AND CONDITIONAL USES**

<b>COMMERCIAL DISTRICT</b>	<b>NR</b>	<b>PO/RM</b>	<b>GC</b>	<b>MS</b>	<b>UW</b>	<b>UW-H</b>	<b>DB</b>	<b>AS</b>	<b>CSH</b>	<b>HDC-1</b>	<b>HDC-2</b>	<b>HDC-3</b>	<b>HDC-4</b>	<b>APPLICABLE REGULATIONS</b>
<b>4. RECREATION AND CULTURE</b>														
Art Galleries	P	P	P		P	P	P		P	P	P	P	P	
Auditoriums and Places of Assembly			P		P	P	P					P	P	
Boat Clubs					P	P								
Boating Storage Facilities					P			P						
Commercial Recreation		C	P		P	P	P	P		C	C	P	P	
Health Fitness Centers and Dance Studios	P	P 18.06.060(L)	P	P	P	P	P	P	P	P 18.06.060(L)	P 18.06.060(L)	P	P	
Libraries	C	C	C	C	P	P	P		P	C	P	P	P	18.04.060(V)
Marinas/Boat Launching Facilities					P 18.06.060(CC)	P								
Museums		C	P		P	P	P		P	C	C	P	P	18.04.060(V)
Parks, Neighborhood	P	P	P	P	P	P	P		P	P	P	P	P	18.04.060(T)
Parks & Playgrounds, Other	P	P	P	P	P	P	P		P	P	P	P	P	18.04.060(T)

**TABLE 6.01**

**PERMITTED AND CONDITIONAL USES**

<b>COMMERCIAL DISTRICT</b>	<b>NR</b>	<b>PO/RM</b>	<b>GC</b>	<b>MS</b>	<b>UW</b>	<b>UW-H</b>	<b>DB</b>	<b>AS</b>	<b>CSH</b>	<b>HDC-1</b>	<b>HDC-2</b>	<b>HDC-3</b>	<b>HDC-4</b>	<b>APPLICABLE REGULATIONS</b>
Theaters (Drive-in)			C											
Theaters (No drive-ins)			P		P	P	P				C	P	P	
District-Wide Regulations	18.06.060(R)				18.06.060(F)(2)	18.06.060(HH)	18.06.060(F)(2)							
<b>5. RESIDENTIAL</b>														
Apartments		P	P	P	P	P	P		P	P	P	P	P	
Apartments above ground floor in mixed use development	P	P	P	P	P	P	P		P	P	P	P	P	
Boarding Houses		P	P	P	P	P	P		P	P	P	P	P	
Co-Housing		P	P			P	P			P	P		P	
Collegiate Greek system residence, dormitories		C	P	P	P	P	P		P	C	P	P	P	
Duplexes	P	P	P	P			P		P	P	P		P	
Duplexes on Corner Lots	P	P	P	P			P		P	P	P	P	P	18.04.060(HH)
Group Homes (6 or less)	P	P	P 18.06.060(K)	P	P	P	P 18.06.060(K)		P	P	P	P 18.06.060(K)	P 18.06.060(K)	18.04.060(K)

**TABLE 6.01**

**PERMITTED AND CONDITIONAL USES**

<b>COMMERCIAL DISTRICT</b>	<b>NR</b>	<b>PO/RM</b>	<b>GC</b>	<b>MS</b>	<b>UW</b>	<b>UW-H</b>	<b>DB</b>	<b>AS</b>	<b>CSH</b>	<b>HDC-1</b>	<b>HDC-2</b>	<b>HDC-3</b>	<b>HDC-4</b>	<b>APPLICABLE REGULATIONS</b>
Group Homes (7 or more)	C	C	C 18.06.060(K)	C	C	C	C 18.06.060(K)		C	C	C	C 18.06.060(K)	P 18.06.060(K)	18.04.060(K)
Mobile or Manufactured Homes Park - Existing		C	C	C						C			C	18.04.060(P)
Quarters for Night Watch person/Caretaker					P	P								
Retirement Homes		P	P	P	P	P	P		P	P	P	P	P	
Single-Family Residences	P	P	P	P			P		P	P	P	P	P	
Single Room Occupancy Units			C		P	P	P		P				C	
Townhouses	P	P	P	P 18.06.060(T)		P	P		P	P	P	P	P	
Triplexes, Fourplexes, and Cottage Housing		P											P	
District-Wide Regulations	18.06.060(R)				18.06.060(F)(2)	18.06.060(HH)	18.06.060(F)(2)							

**TABLE 6.01**

**PERMITTED AND CONDITIONAL USES**

<b>COMMERCIAL DISTRICT</b>	<b>NR</b>	<b>PO/RM</b>	<b>GC</b>	<b>MS</b>	<b>UW</b>	<b>UW-H</b>	<b>DB</b>	<b>AS</b>	<b>CSH</b>	<b>HDC-1</b>	<b>HDC-2</b>	<b>HDC-3</b>	<b>HDC-4</b>	<b>APPLICABLE REGULATIONS</b>
<b>6. RETAIL SALES</b>														
Apparel and Accessory Stores			P		P	P	P					P	P	
Boat Sales and Rentals			P		P	P	P	P					P	
Building Materials, Garden and Farm Supplies	P		P		P	P	P					P	P	
Commercial Greenhouses, Nurseries, Bulb Farms	C	C 18.04.060(G)	C	C					C		P	P		18.04.060(G)
Electric Vehicle Infrastructure	P	P	P	P	P 18.06.060(W)	P 18.06.060(W)	P 18.06.060(W)	P	P	P	P	P	P	
Food Stores	P	P 18.06.060(H)	P		P	P	P		P	P 18.08.060(H)	P	P	P	
Furniture, Home Furnishings, and Appliances			P		P	P	P				P	P	P	

**TABLE 6.01**

**PERMITTED AND CONDITIONAL USES**

<b>COMMERCIAL DISTRICT</b>	<b>NR</b>	<b>PO/RM</b>	<b>GC</b>	<b>MS</b>	<b>UW</b>	<b>UW-H</b>	<b>DB</b>	<b>AS</b>	<b>CSH</b>	<b>HDC-1</b>	<b>HDC-2</b>	<b>HDC-3</b>	<b>HDC-4</b>	<b>APPLICABLE REGULATIONS</b>
Gasoline Dispensing Facilities accessory to a permitted use	P 18.06.060(W)(4)		P		P 18.06.060(W)		P 18.06.060(W)(2)	P				P 18.06.060(W)	P 18.06.060(W)	
Gasoline Dispensing Facility accessory to a permitted use - Existing	P 18.06.060(W)		P		P 18.06.060(W)		P 18.06.060(W)				P	P 18.06.060(W)	P	
General Merchandise Stores	P	P 18.06.060(J)	P		P	P	P			P 18.06.060(J)	P	P	P	
Mobile, Manufactured, and Modular Housing Sales			P											
Motor Vehicle Sales			P				P	P					P	
Motor Vehicle Supply Stores			P		P	P	P	P			P	P	P	
Office Supplies and Equipment		P 18.06.060(DD)	P		P	P	P		P	P 18.06.060(DD)	P	P	P	18.06.060(CC)
Pharmacies and Medical Supply Stores	P	P 18.06.060(EE)	P	P	P	P	P		P	P 18.06.060(EE)	P	P	P	18.06.060(DD)

**TABLE 6.01**

**PERMITTED AND CONDITIONAL USES**

<b>COMMERCIAL DISTRICT</b>	<b>NR</b>	<b>PO/RM</b>	<b>GC</b>	<b>MS</b>	<b>UW</b>	<b>UW-H</b>	<b>DB</b>	<b>AS</b>	<b>CSH</b>	<b>HDC-1</b>	<b>HDC-2</b>	<b>HDC-3</b>	<b>HDC-4</b>	<b>APPLICABLE REGULATIONS</b>
Specialty Stores	P 18.06.060(Y)(3)	P 18.06.060(Y)(4)	P	C 18.06.060(Y)(2)	P	P	P			P 18.06.060(Y)(4)	P	P 18.06.060(Y)(1)	P	
District-Wide Regulations	18.06.060(R)				18.06.060(F)(2)	18.06.060(HH)	18.06.060(F)(2)							
<b>7. SERVICES, HEALTH</b>														
Hospitals				P			P		P					
Nursing, Congregate Care, and Convalescence Homes	C	P	C	P			C		C	C	C	P	P	18.04.060(S)
Offices, Medical		P	P	P	P	P	P	P	P	P	P	P	P	
Veterinary Offices/Clinics		P	P	P			P			P	P	P	P	
District-Wide Regulations	18.06.060(R)				18.06.060(F)(2)	18.06.060(HH)	18.06.060(F)(2)							
<b>8. SERVICES, LODGING</b>														
Bed & Breakfast Houses (1 guest room)	P	P 18.06.060(E)	P 18.06.060(E)	P 18.06.060(E)	P	P	P			P	P	P	P	18.04.060(L)(3)(c)



**TABLE 6.01**

**PERMITTED AND CONDITIONAL USES**

<b>COMMERCIAL DISTRICT</b>	<b>NR</b>	<b>PO/RM</b>	<b>GC</b>	<b>MS</b>	<b>UW</b>	<b>UW-H</b>	<b>DB</b>	<b>AS</b>	<b>CSH</b>	<b>HDC-1</b>	<b>HDC-2</b>	<b>HDC-3</b>	<b>HDC-4</b>	<b>APPLICABLE REGULATIONS</b>
Bed & Breakfast Houses (2 to 5 guest rooms)	C	P 18.06.060(E)	P 18.06.060(E)	P 18.06.060(E)	P	P	P		C	P	P	P	P	18.04.060(L)(3)(c)
Hotels/Motels			P	C	P		P		P				P	
Lodging Houses		P	P	P	P		P		P	P	P	P	P	
Recreational Vehicle Parks			P										P	
District-Wide Regulations	18.06.060(R)				18.06.060(F)(2)	18.06.060(HH)	18.06.060(F)(2)							
<b>9. SERVICES, PERSONAL</b>														
Adult Day Care Home	P	P	P	P	P	P	P		P	P	P	P	P	18.04.060(L)(3)(b)
Child Day Care Centers	C	P	P	P	P	P	P		P	P	C	P	P	18.04.060(D)
Crisis Intervention	C	P	C	P			P		C	P	C	C	C	18.04.060(I)
Family Child Care Homes	P	P	P	P	P	P	P		P	P	P	P	P	18.04.060(L)
Funeral Parlors and Mortuaries		C	P				P			C		P	P	

**TABLE 6.01**

**PERMITTED AND CONDITIONAL USES**

<b>COMMERCIAL DISTRICT</b>	<b>NR</b>	<b>PO/RM</b>	<b>GC</b>	<b>MS</b>	<b>UW</b>	<b>UW-H</b>	<b>DB</b>	<b>AS</b>	<b>CSH</b>	<b>HDC-1</b>	<b>HDC-2</b>	<b>HDC-3</b>	<b>HDC-4</b>	<b>APPLICABLE REGULATIONS</b>
Laundries and Laundry Pick-up Agencies	P	P	P	P	P	P	P			P	P	P 18.06.060(O)	P	
Personal Services	P	P	P	P	P	P	P	P	P	P	P	P	P	
District-Wide Regulations	18.06.060(R)				18.06.060(F)(2)	18.06.060(HH)	18.06.060(F)(2)							
<b>10. SERVICES, MISCELLANEOUS</b>														
Auto Rental Agencies			P		P	P	P	P			C	P	P	
Equipment Rental Services, Commercial			P		P		P				P	P	P	
Equipment Rental Services, Commercial - Existing		P 18.06.060(FF)												
Ministorage			P				P							
Printing, Commercial	P	P	P		P	P	P		P	P	P	P	P	
Public Facilities (see also Public Facilities, Essential on next page)	C	C	C	C	P	C	P	P	P	C	C	C	C	18.04.060(V)
Radio/T.V. Studios		P	P		P	P	P		P	P	P	P	P	

**TABLE 6.01**

**PERMITTED AND CONDITIONAL USES**

<b>COMMERCIAL DISTRICT</b>	<b>NR</b>	<b>PO/RM</b>	<b>GC</b>	<b>MS</b>	<b>UW</b>	<b>UW-H</b>	<b>DB</b>	<b>AS</b>	<b>CSH</b>	<b>HDC-1</b>	<b>HDC-2</b>	<b>HDC-3</b>	<b>HDC-4</b>	<b>APPLICABLE REGULATIONS</b>
Recycling Facilities	P	P	P	P	P		P		P	P	P	P	P	18.06.060(V)
School - Colleges and Business, Vocational or Trade Schools		C	P		P	P	P		P	C	C	C	P	18.06.060(X)
Service and Repair Shops			P				P	P				P	P	
Service Stations/Car Washes			P				P 18.06.060(W)	P				P 18.06.060(W)	P 18.06.060(W)	
Service Stations/Car Washes - Existing			P		P 18.06.060(W)		P 18.06.060(W)				P	P 18.06.060(W)	P 18.06.060(W)	
Servicing of Personal Apparel and Equipment	P	P	P		P	P	P			P	P	P	P	
Truck, Trailer, and Recreational Vehicle Rentals			P					P						
Workshops for Disabled People	C	C	C	C	P	C	P		C	C	C	C	C	18.04.060(R)
District-Wide Regulations	18.06.060(R)				18.06.060(F)(2)	18.06.060(HH)	18.06.060(F)(2)							

**TABLE 6.01**

**PERMITTED AND CONDITIONAL USES**

<b>COMMERCIAL DISTRICT</b>	<b>NR</b>	<b>PO/RM</b>	<b>GC</b>	<b>MS</b>	<b>UW</b>	<b>UW-H</b>	<b>DB</b>	<b>AS</b>	<b>CSH</b>	<b>HDC-1</b>	<b>HDC-2</b>	<b>HDC-3</b>	<b>HDC-4</b>	<b>APPLICABLE REGULATIONS</b>
<b>11. PUBLIC FACILITIES, ESSENTIAL</b>														
Airports			C										C	18.06.060(G)
Inpatient Facilities		C	C	C 18.06.060(T)	C		C		C	C	C	P	P	18.06.060(G) 18.04.060(K)
Jails			C		C		C		C				C	18.06.060(G)
Mental Health Facilities			C	C 18.06.060(T)	C		C						C	18.06.060(G) 18.04.060(K)
Other Correctional Facilities		C	C	C 18.06.060(T)	C	C	C		C	C	C	C	C	18.06.060(G)
Other facilities as designated by the Washington State Office of Financial Management, except prisons and solid waste handling facilities		C	C		C		C			C	C	C	C	18.06.060(G)

**TABLE 6.01**

**PERMITTED AND CONDITIONAL USES**

<b>COMMERCIAL DISTRICT</b>	<b>NR</b>	<b>PO/RM</b>	<b>GC</b>	<b>MS</b>	<b>UW</b>	<b>UW-H</b>	<b>DB</b>	<b>AS</b>	<b>CSH</b>	<b>HDC-1</b>	<b>HDC-2</b>	<b>HDC-3</b>	<b>HDC-4</b>	<b>APPLICABLE REGULATIONS</b>
Radio/TV and Other Communication Towers and Antennas	C	C	C	C	C	C	C	C	C	C	C	C	C	18.06.060(G) 18.44.100
Sewage Treatment Facilities	C	C	C	C	P		P		C	C	C	C	C	18.06.060(G) 18.04.060(X)
State Education Facilities		C	C		C		C		C	C	C	C	C	18.06.060(G) 18.06.060(X)
State or Regional Transportation Facilities	C	C	C	C	C	C	C		C	C	C	C	C	18.06.060(G)
District-Wide Regulations	18.06.060(R)				18.06.060(F)(2)	18.06.060(HH)	18.06.060(F)(2)							
<b>12. TEMPORARY USES</b>														
Entertainment Events			P		P	P	P						P	
Off Site Contractor Offices	P	P	P	P	P	P	P	P	P	P	P	P	P	18.04.060(DD)
Emergency Housing	P	P	P	P	P			P	P	P	P	P	P	18.04.060(DD)
Emergency Housing Facilities	P	P	P	P	P	P	P	P	P	P	P	P	P	18.50

**TABLE 6.01**

**PERMITTED AND CONDITIONAL USES**

<b>COMMERCIAL DISTRICT</b>	<b>NR</b>	<b>PO/RM</b>	<b>GC</b>	<b>MS</b>	<b>UW</b>	<b>UW-H</b>	<b>DB</b>	<b>AS</b>	<b>CSH</b>	<b>HDC-1</b>	<b>HDC-2</b>	<b>HDC-3</b>	<b>HDC-4</b>	<b>APPLICABLE REGULATIONS</b>
Fireworks, as determined by Fire Dept.			P		P	P	P				P	P	P	9.48.160
Mobile Sidewalk Vendors		P	P	P	P	P	P			P	P	P	P	
Parking Lot Sales			P		P	P	P	P			P	P	P	
Residences Rented for Social Event (6 or less in 1 year)	P	P	P	P	P	P	P		P	P	P	P	P	18.04.060(DD)
Residences Rented for Social Event (7 or more in 1 year)	C	C	C	C	C	C	C		C	C	C	C	C	
Temporary Surface Parking Lot		P	P		P	P	P		P					
District-Wide Regulations	18.06.060(R)				18.06.060(F)(2)	18.06.060(HH)	18.06.060(F)(2)							
<b>13. OTHER USES</b>														
Accessory Structures/Uses														
Adult Oriented Businesses			P										P	18.06.060(B)
Agriculture	P	P	P	P					P	P	P	P	P	

**TABLE 6.01**

**PERMITTED AND CONDITIONAL USES**

<b>COMMERCIAL DISTRICT</b>	<b>NR</b>	<b>PO/RM</b>	<b>GC</b>	<b>MS</b>	<b>UW</b>	<b>UW-H</b>	<b>DB</b>	<b>AS</b>	<b>CSH</b>	<b>HDC-1</b>	<b>HDC-2</b>	<b>HDC-3</b>	<b>HDC-4</b>	<b>APPLICABLE REGULATIONS</b>
Animals	P	P	P	P	P	P	P		P	P	P	P	P	18.06.060(C)
Cemeteries	C	C	C	C					C	C	C		C	
Conference Center			P		P	P	P						P	
Gambling Establishments			C											
Garage/Yard/Rumma ge and Other Outdoor Sales	P	P	P	P	P	P	P		P	P	P	P	P	5.24
Home Occupations	P	P	P	P	P	P	P		P	P	P	P	P	18.04.060(L)
Parking Facility, Commercial		P	P		P	P	P 18.06.060(S)			P	P	P 18.06.060(S)	P	18.04.060(V)
Places of Worship	C	C	P	C	P	P	P		C	C	C	P	P	18.04.060(U)
Racing Pigeons	C	C	C	C					C	C	C	C	C	18.04.060(Y)
Satellite Earth Stations	P	P	P	P	P	P	P	P	P	P	P	P	P	18.44.100
Schools	C	C	P	C	C	C	C		C	C	C	P	P	18.04.060(DD)
Social Organizations		P	P		P	P	P		P/C 18.06.060(I)	P	P	P	P	
Utility Facility	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	18.04.060(X)

**TABLE 6.01**

**PERMITTED AND CONDITIONAL USES**

<b>COMMERCIAL DISTRICT</b>	<b>NR</b>	<b>PO/RM</b>	<b>GC</b>	<b>MS</b>	<b>UW</b>	<b>UW-H</b>	<b>DB</b>	<b>AS</b>	<b>CSH</b>	<b>HDC-1</b>	<b>HDC-2</b>	<b>HDC-3</b>	<b>HDC-4</b>	<b>APPLICABLE REGULATIONS</b>
Wireless Communications Facilities	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	18.44

**LEGEND**

P = Permitted Use

MS = Medical Services

DB = Downtown Business

C = Conditional Use

PO/RM = Professional Office/Residential Multifamily

AS=Auto Services

NR = Neighborhood Retail

GC = General Commercial

UW = Urban Waterfront

UW-H = Urban Waterfront-Housing

CSH = Commercial Services-High Density

HDC-1=High Density Corridor-1

HDC-2=High Density Corridor-2

HDC-3=High Density Corridor-3

HDC-4=High Density Corridor-4



**Section 2. Amendment of OMC 18.06.060.** Olympia Municipal Code Subsection 18.06.060.F is hereby amended to read as follows:

F. Drive-Through and Drive-In Uses.

1. High Density Corridor-2 and 3 (HDC-2 and HDC-3) Requirements. Businesses which serve customers exclusively in their vehicles are prohibited. This includes uses such as drive-through laundry pick-up agencies, drive-through-only banks, and drive-through photo processing services. This does not include car washes. Restaurants are ~~not only~~ permitted to have drive-up or drive-through facilities if the building has existing drive through facilities and complies with the fast food vehicular stacking requirements in OMC 18.38.100.
2. Downtown Business and Urban Waterfront (UW) Requirements. Drive-through and drive-in uses are prohibited as a primary or accessory use (exception: drive-through banks are a conditional use). Existing drive-in and drive-through restaurants permitted before January 1, 1994, are conforming uses. Such uses shall be treated the same as other allowed uses, consistent with applicable regulations or conditional use requirements. Other uses made nonconforming by this zoning ordinance are subject to the requirements of Chapter 18.37, Nonconforming Buildings and Uses.
3. Pedestrian Streets and Drive-Through or Drive-In Uses. Drive-through and drive-in uses are allowed on parcels that abut pedestrian oriented streets, as follows:
  - a. A Streets: Drive-through or drive-in uses are permitted on parcels abutting Pedestrian Oriented A Streets when there is another building(s) or a designated pedestrian plaza or other gathering space located between the drive-through or drive-in building and the street. In the event a pedestrian plaza or gathering space is located between the building and an "A" Street, provisions to prevent vehicles from entering the plaza or gathering space shall be provided (e.g. curb and a landscaped area, bollards, low masonry wall).
  - b. B Streets: Drive-through lanes are prohibited between the pedestrian oriented street and the building. Drive-through lanes may be located to the side or rear of the building when designed for the safety of pedestrians or bicyclists on the sidewalk or other internal designated routes for pedestrians and/or bicyclists.

**Section 3. Corrections.** The City Clerk and codifiers of this Ordinance are authorized to make necessary corrections to this Ordinance, including the correction of scrivener/clerical errors, references, ordinance numbering, section/subsection numbers and any references thereto.

**Section 4. Severability.** If any provision of this Ordinance or its application to any person or circumstance is held invalid, the remainder of the Ordinance or application of the provisions to other persons or circumstances shall remain unaffected.

**Section 5. Ratification.** Any act consistent with the authority and prior to the effective date of this Ordinance is hereby ratified and affirmed.

**Section 6. Effective Date.** This Ordinance shall take effect five (5) days after publication, as provided by law.

---

MAYOR

**ATTEST:**

---

CITY CLERK

**APPROVED AS TO FORM:**

*Michael M. Young*  
\_\_\_\_\_  
DEPUTY CITY ATTORNEY

**PASSED:**

**APPROVED:**

**PUBLISHED:**



# Meeting Minutes

## Planning Commission

City Hall  
601 4th Avenue E  
Olympia, WA 98501

Contact: Cari Hornbein  
360.753.8048

---

**Monday, February 8, 2021**

**6:30 PM**

**Online and via phone**

---

**Register to attend:**

[https://us02web.zoom.us/webinar/register/WN\\_OvB3R-PIRH6L-q2qwyT1uw](https://us02web.zoom.us/webinar/register/WN_OvB3R-PIRH6L-q2qwyT1uw)

### 1. CALL TO ORDER

Vice Chair Sauerhoff called the meeting to order at 6:30 p.m.

#### 1.A ROLL CALL

**Present:** 6 - Chair Candi Millar, Commissioner Paula Ehlers, Commissioner Tammy Adams, Commissioner Rad Cunningham, Commissioner Carole Richmond and Vice Chair Aaron Sauerhoff

**Absent:** 1 - Commissioner Kento Azegami

#### 1.B OTHERS PRESENT

Community Planning and Development Staff:  
Senior Planner Cari Hornbein  
Senior Planner Joyce Phillips  
Senior Planner Paula Smith

SCJ Alliance Planning Manager Dan Penrose  
Marohn LLC Michael Marohn

### 2. APPROVAL OF AGENDA

Change order of agenda items under Section 6, Business Items as follows:  
6.A Drive-Through Restaurants in HDC-2 and 3 Zoning Districts Public Hearing  
6.B Shoreline Master Program Periodic Review - Deliberations  
6.C 2021-2022 Planning Commission Work Plan

**The agenda was approved as amended.**

### 3. APPROVAL OF MINUTES

**3.A** [21-0157](#) Approval of January 11, 2021 Planning Commission Meeting Minutes

**The minutes were approved.**

**3.B** [21-0158](#) Approval of January 25, 2021 Planning Commission Meeting Minutes

The minutes were approved.

4. PUBLIC COMMENT - None

5. STAFF ANNOUNCEMENTS

Ms. Hornbein shared an announcement.

6. BUSINESS ITEMS

6.A [21-0125](#) Drive-Through Restaurants in HDC-2 and 3 Zoning Districts - Public Hearing

Ms. Smith shared a presentation. The public hearing opened at 7:07 p.m. and no testimony was received. The hearing was closed at 7:10 p.m.

**Commissioner Richmond moved, seconded by Commissioner Adams, to recommend approval of the code amendments as proposed. The motion carried by the following vote:**

**Aye:** 5 - Chair Millar, Commissioner Ehlers, Commissioner Adams, Commissioner Richmond and Vice Chair Sauerhoff

**Nay:** 1 - Commissioner Cunningham

**Absent:** 1 - Commissioner Azegami

6.B [21-0067](#) Shoreline Master Program Periodic Review - Deliberations

**Commissioner Ehlers moved, seconded by Chair Millar, to recommend approval of the amendments to the Shoreline Master Program and the related amendments to the Critical Areas Ordinance as proposed by staff with the following amendments: 1) The setback and vegetation conservation area for the Waterfront Recreation Shoreline Environment shall be a minimum of 50 feet instead of 30 feet as recommended by staff, and 2) the term 'dredge spoils' shall be revised to 'dredge materials'. The motion passed unanimously.**

6.C [21-0092](#) 2021-2022 Planning Commission Work Plan

**The Workplan was discussed and forwarded to the next Planning Commission meeting for further deliberation.**

7. REPORTS

Vice Chair Sauerhoff reported on a training session.

8. OTHER TOPICS

Commissioners discussed training opportunities.

**9. ADJOURNMENT**

The meeting was adjourned at 9:07 p.m.



## City Council

### Public Hearing to Consider an Ordinance Declaring a Continuing State of a Public Health Emergency Related to Homelessness and COVID-19 - First and Final Reading

**Agenda Date:** 5/4/2021  
**Agenda Item Number:** 5.A  
**File Number:**21-0439

---

**Type:** ordinance **Version:** 1 **Status:** Public Hearing

---

#### **Title**

Public Hearing to Consider an Ordinance Declaring a Continuing State of a Public Health Emergency Related to Homelessness and COVID-19 - First and Final Reading

#### **Recommended Action**

##### **Committee Recommendation:**

Not referred to a committee.

##### **City Manager Recommendation:**

Conduct a public hearing and move to approve the ordinance declaring a continuing state of public health emergency relating to human health and environmental conditions caused by increasing homelessness and COVID-19 on first and final reading.

#### **Report**

##### **Issue:**

Whether to conduct a public hearing and approve an ordinance declaring a continuing state of public health emergency relating to increasing homelessness and COVID-19.

##### **Staff Contact:**

Leonard Bauer, Director, Community Planning and Development Department 360.753.8227

##### **Presenter(s):**

Leonard Bauer, Director, Community Planning and Development Director

##### **Background and Analysis:**

Homelessness is an issue of urgent public concern facing Olympia and the region. On June 14, 2018, the Thurston County Board of Health declared homelessness a public health crisis in Thurston County.

The City Council passed and adopted Ordinance No. 7146 on July 17, 2018, declaring a public health emergency related to homelessness (the Ordinance). The Ordinance requires review of the

conditions that gave rise to the public health emergency by the City Council every six months to determine if those conditions continue to warrant keeping the Ordinance measures in place. If the Council finds that the conditions still exist, the Ordinance may be extended for an additional six months until the sunset date of December 19, 2021.

After considering public testimony and reviewing the conditions that gave rise to this public health emergency, the City Council found that the conditions still existed and passed and adopted ordinances declaring a *continuing* state of public health emergency relating to homelessness as follows:

- Ordinance No. 7179 - December 18, 2018
- Ordinance No. 7192 - May 7, 2019
- Ordinance No. 7207 - November 12, 2019

After considering public testimony and finding that the emergency relating to homelessness was continuing and increasing in the City of Olympia and was further compounded and exacerbated by the special dangers posed by the COVID-19 pandemic, the City Council passed and adopted the following ordinances declaring a *continuing* state of public health emergency relating to homelessness:

- Ordinance No. 7243 - May 5, 2020
- Ordinance No. 7256 - November 2, 2020

The City has been in the process of identifying and implementing solutions-based actions to address this increasingly challenging issue since first declaring a public health emergency. However, conditions necessitating a public health emergency continue to exist in the City, including widespread unsanctioned camping, threats of communicable diseases from unsanitary conditions, environmental degradation from human waste and garbage, illegal drug use, and improper use of public and private property throughout our community.

The public health emergency relating to homelessness has been further compounded and exacerbated by the special dangers posed by the novel coronavirus COVID-19 pandemic to persons who are homeless. The pandemic has been recognized as a public health emergency by federal, state and City declarations related to the danger posed by the COVID-19 virus.

The above circumstances are and continue to present significant public health and safety issues for the entire community and necessitate urgent further actions to mitigate the conditions giving rise to this threat to public health and safety.

Declaring a state of continuing public health emergency provides a factual basis for the City's present and existing public health emergency, and references statutory authority that allows the City more flexibility to act quickly in response to homelessness. Under the Ordinance, the City may, for example, obligate funds, enter into contracts, or site facilities outside of normal time-consuming procedures.

This ordinance declaring a continuing public health emergency, if adopted after the public hearing, shall take effect immediately upon unanimous adoption, and the emergency will be in effect through

November 4, 2021. Six months after adoption of this continuing public health emergency ordinance, the City Council will review the conditions that gave rise to this public health emergency to determine if the Ordinance should be extended or amended to permit another six-month period.

**Neighborhood/Community Interests:**

Homelessness and its impacts affect the entire City.

**Options:**

1. Conduct a public hearing and move to approve the ordinance declaring a continuing state of public health emergency relating to human health and environmental conditions caused by increasing homelessness and COVID-19.
2. Conduct a public hearing and move to take no action.

**Financial Impact:**

No immediate impacts.

**Attachments:**

Ordinance



Ordinance No. \_\_\_\_\_

**AN ORDINANCE OF THE CITY OF OLYMPIA, WASHINGTON, RELATING TO PUBLIC HEALTH AND SAFETY AND DECLARING A CONTINUING STATE OF PUBLIC HEALTH EMERGENCY RELATING TO HOMELESSNESS AND COVID-19; AUTHORIZING SUCH ACTIONS AS ARE REASONABLE AND NECESSARY TO MITIGATE THE CONDITIONS GIVING RISE TO SUCH PUBLIC HEALTH EMERGENCY; AND DECLARING AN EMERGENCY SO THIS ORDINANCE SHALL BE EFFECTIVE UPON ADOPTION**

**WHEREAS**, persistent and increasing homelessness is a public health and safety issue that greatly impacts people experiencing homelessness, as well as the entire community, all citizens, neighborhoods, and businesses; and

**WHEREAS**, the Olympia City Council passed Ordinance No. 7146 on July 17, 2018, finding and declaring a public health emergency relating to human health and environmental conditions caused by increasing homelessness in the City of Olympia; and

**WHEREAS**, since the adoption of Ordinance No. 7146, the number of homeless persons and tents within the downtown zone of the City of Olympia dramatically increased, particularly since August 2018, causing serious and detrimental conditions relating to human health, sanitation, and welfare; and

**WHEREAS**, after considering public testimony and reviewing the conditions that gave rise to this public health emergency, the City Council found that the conditions still existed and passed and adopted ordinances declaring a *continuing* state of public health emergency relating to homelessness as follows:

- Ordinance No. 7179 – December 18, 2018
- Ordinance No. 7192 – May 7, 2019
- Ordinance No. 7207 – November 12, 2019

and

**WHEREAS**, after considering public testimony and finding that the emergency relating to homelessness was continuing and increasing in the City of Olympia and was further compounded and exacerbated by the special dangers posed by the COVID-19 pandemic, the City Council passed and adopted the following ordinances declaring a *continuing* state of public health emergency relating to homelessness:

- Ordinance No. 7243 – May 5, 2020
- Ordinance No. 7256 – November 2, 2020

**WHEREAS**, the number of homeless persons occupying portions of the downtown zone within the City of Olympia has caused significant and real problems for public health and safety relating to human excrement, urine, trash, refuse, needles associated with drug use; all of which pose a serious and immediate danger to public health; and

**WHEREAS**, the Olympia City Council finds that in Olympia and Thurston County and throughout the nation, large numbers of individuals, families and unaccompanied youth are experiencing homelessness due to such factors as job loss, rising housing costs, stagnant and declining wages, family crisis, domestic violence, trauma, substance abuse or addiction, and mental health issues, and discrimination based on race, disability, sexual orientation, gender expression, and transgender status; and that such conditions

have not abated or decreased since the adoption by Council of Ordinance No. 7146 on July 17, 2018, but have shown increasing signs within the City of Olympia; and

**WHEREAS**, communities such as Seattle, Washington; Tacoma, Washington; Portland, Oregon; and Los Angeles, California, have declared states of emergency in order to provide expedited emergency services and shelters for unsheltered individuals, families and unaccompanied youth and are continuing to struggle with the effects of homelessness within their respective jurisdictions; and

**WHEREAS**, the supply of available temporary shelter beds in Thurston County and City of Olympia is inadequate to meet demand of homeless persons; and

**WHEREAS**, the Eighth Amendment to the U.S. Constitution, as interpreted by the Ninth Circuit Court of Appeals in *Martin v. City of Boise*, 902 F.3d 1031 (Sept. 4, 2018), precludes the City from enforcing criminal ordinances against homeless persons for sleeping outside on public property when there is no access to alternative shelter or lawful camping sites, and the United States Supreme Court declined review of the Ninth Circuit's decision on December 16, 2019, resulting in the *Boise* decision being the law within the Ninth Circuit; and

**WHEREAS**, the Olympia City Council finds there is an emergency need for designated public property so homeless persons may lawfully camp within the City of Olympia with public sanitation facilities, potable water, and collection of trash and refuse for proper solid waste disposal; and

**WHEREAS**, the experience of being unsheltered is traumatic and endangers public health as these conditions expose occupants to harmful weather conditions, communicable diseases such as hepatitis, tuberculosis, respiratory illnesses, malnutrition, and violence; and exacerbate medical conditions such as high blood pressure, diabetes, and asthma because there is no safe place to properly store medications or syringes; and

**WHEREAS**, mental health issues such as depression or schizophrenia often develop or intensify for unsheltered individuals, and those conditions frequently co-occur with a complex mix of severe physical, alcohol and/or substance use, and other social problems; and

**WHEREAS**, when a patient's health is continually compromised by unstable conditions, health care services are rarely effective, and inpatient hospitalization or residential drug treatment and mental health care rarely have lasting impacts when a patient is returned to a homeless environment; and

**WHEREAS**, other environmental degradation can occur, such as damage to critical wetlands and river buffers when occupied by encampments, or surface water contamination due to runoff from garbage that can find its way into groundwater, rivers, and to other waterbodies causing harm to people, fish and wildlife; and

**WHEREAS**, conditions necessitating a public health emergency continue to exist in the City of Olympia, including widespread unsanctioned camping, threats of communicable diseases from unsanitary conditions, environmental degradation from human waste and garbage, illegal drug use, and improper use of public and private property throughout our community; and

**WHEREAS**, the above circumstances are and continue to present significant public health and safety issues for the entire community and necessitate urgent further actions to mitigate the conditions giving rise to this threat to public health and safety; and

**WHEREAS**, the City of Olympia is confronted with exigent financial circumstances related to this public health and safety emergency to protect its citizens and residents, and to protect the community; and

**WHEREAS**, the growing homeless population in the City of Olympia has surpassed Olympia’s available means and resources, such that assistance is urgently needed from Thurston County and the State of Washington to make available county and state lands, buildings, and other resources to help provide temporary camping and shelter for Olympia’s homeless population; and

**WHEREAS**, the public health emergency relating to homelessness has been further compounded and exacerbated by the special dangers posed by the novel coronavirus COVID-19 pandemic to persons who are homeless, and said pandemic has been recognized as a public health emergency by federal, state and City declarations related to the danger posed by the COVID-19 virus; and

**WHEREAS**, the above circumstances warrant the exercise of the City of Olympia’s power to declare a public health emergency under authority of Article XI, Section 11, of the Washington State Constitution; 35A.11.020 RCW; 35A.11.030 RCW; 35A.13.190 RCW; 35A.38.010 RCW; 35.33.081 RCW; Chapter 38.52 RCW; Chapter 39.04 RCW; WAC 197-11-880; and other applicable laws and regulations, and pursuant to Chapter 2.24 of the Olympia Municipal Code, and pursuant thereto, and the authorization of such extraordinary measures as are reasonable and necessary in light of such continuing public health emergency to mitigate the conditions giving rise to the public health emergency;

**NOW, THEREFORE, THE OLYMPIA CITY COUNCIL ORDAINS AS FOLLOWS:**

**Section 1.** The above-stated recitals are adopted as findings of the Olympia City Council and are incorporated by this reference as though fully set forth herein.

**Section 2.** It is hereby declared that a continuing state of public health emergency exists due to an exigent threat to human health and environmental conditions related to homelessness affecting the City of Olympia. Therefore:

- A.** The City Manager is hereby authorized and empowered to carry out those powers and duties as are reasonable and necessary to mitigate the effects of the emergency.
- B.** All of the personnel, services and facilities of the City of Olympia will be utilized as needed, in response to the emergency needs of the community.
- C.** Those departments, officers, and employees of the City of Olympia are authorized and empowered, among other things, to do the following:
  - (1) Obligate funds for emergency expenditures as directed by the City Council;
  - (2) Enter into contracts and incur obligations necessary to combat such emergency situations to protect the public health and safety of persons and property;
  - (3) Provide appropriate emergency shelter or lawful camping sites to houseless individuals; and
  - (4) Take other actions, as appropriate, in response to such public health emergency.
- D.** Each designated City department is authorized to exercise the powers vested under Section 2 of this Ordinance in the light of these exigencies of an extreme emergency situation without regard to time consuming procedures and formalities prescribed by law (with the exception of mandatory constitutional requirements).
- E.** The Mayor is authorized to submit a written request to the Board of Commissioners for Thurston County, and to Governor Jay Inslee, to make available county and state lands, buildings, and other resources to address the public health emergency caused by the rapidly growing homeless population in the City of Olympia.

**Section 3. Sunset Provision.** This ordinance shall sunset and no longer be in force or effect at 11:59 p.m. on December 19, 2021. The City Council shall, no later than six (6) months after the effective date of this Ordinance, review the conditions that have given rise to this public health emergency to determine if such conditions warrant keeping in place the extraordinary measures authorized herein to respond to this continuing public health emergency. If the City Council finds such conditions still exist, the City

Council may extend this ordinance for an additional six (6) month period, and can do so successively until the sunset date on December 19, 2021.

**Section 4. Corrections.** The City Clerk and codifiers of this Ordinance are authorized to make necessary corrections to this Ordinance, including the correction of scrivener/clerical errors, references, ordinance numbering, section/subsection numbers and any references thereto.

**Section 5. Severability.** If any provision of this Ordinance or its application to any person or circumstance is held invalid, the remainder of the Ordinance or application of the provisions to other persons or circumstances shall remain unaffected.

**Section 6. Ratification.** Any act consistent with the authority and prior to the effective date of this Ordinance is hereby ratified and affirmed.

**Section 7. Effective Date.** This Ordinance is for the immediate preservation of public peace, health, safety, and welfare pursuant to City of Olympia public health emergency Ordinance No. 7146 and shall take immediate effect upon adoption, as provided by law.

---

MAYOR

**ATTEST:**

---

CITY CLERK

**APPROVED AS TO FORM:**

Mark Barber  
CITY ATTORNEY

**PASSED:**

**APPROVED:**

**PUBLISHED:**



## City Council

### Timberland Regional Library Update

**Agenda Date:** 5/4/2021  
**Agenda Item Number:** 6.A  
**File Number:**21-0453

---

**Type:** information **Version:** 1 **Status:** Other Business

---

**Title**

Timberland Regional Library Update

**Recommended Action**

**Committee Recommendation:**

Not referred to a committee.

**City Manager Recommendation:**

Briefing only; no action requested.

**Report**

**Issue:**

Whether to receive an update regarding the operations of the Timberland Regional Library.

**Staff Contact:**

Mike Reid, Economic Development Director, 360.753.8591

**Presenter(s):**

Cheryl Heywood. Executive Director, Timberland Regional Library.

**Background and Analysis:**

Timberland Regional Library Executive Director Cheryl Heywood will give an update on library operations.

**Attachments:**

None



## City Council

### Approval of an Ordinance Adopting Proposed Amendments to the Shoreline Master Program and Critical Areas Ordinance

**Agenda Date:** 5/4/2021  
**Agenda Item Number:** 6.B  
**File Number:**21-0394

---

**Type:** ordinance **Version:** 1 **Status:** 1st Reading-Not Consent

---

#### **Title**

Approval of an Ordinance Adopting Proposed Amendments to the Shoreline Master Program and Critical Areas Ordinance

#### **Recommended Action**

##### **Committee Recommendation:**

The Planning Commission recommends adoption of the proposed amendments to the Shoreline Master Program and Critical Areas Ordinance in order to complete the required Periodic Review.

##### **City Manager Recommendation:**

Move to adopt the proposed amendments to the Shoreline Master Program and Critical Areas Ordinance in order to complete the required Periodic Review.

#### **Report**

##### **Issue:**

Whether to adopt the proposed amendments to the Shoreline Master Program and Critical Areas Ordinance to complete the Periodic Review required under the State's Shoreline Management Act.

##### **Staff Contact:**

Joyce Phillips, Principal Planner, Community Planning and Development, 360.570.3722

##### **Presenter(s):**

Joyce Phillips, Principal Planner, Community Planning and Development  
Dan Nickel, Vice President, The Watershed Company

##### **Background and Analysis:**

Shoreline Master Programs (SMPs) are local land use policies and regulations that guide development and the use of most shorelines. SMPs apply to both public and private uses for lakes, streams, associated wetlands, and marine shorelines. They protect natural resources for future generations, provide for public access to public waters and shores, and plan for water-dependent uses. SMPs must be consistent with the Shoreline Management Act (RCW 90.58) and must be approved by the Washington State Department of Ecology (Ecology).

SMPs must be reviewed and, if necessary, updated to ensure they remain compliant with state laws and local comprehensive plans. This review must be completed every eight (8) years and is known as the “Periodic Review”. The deadline to complete Olympia’s SMP Periodic Review is June 30, 2021.

Ecology provides technical assistance, guidance documents, and grant funding for this work. Ecology’s grant contract requires completion of five tasks, designed to ensure local governments complete the required Periodic Review. The primary task is to review the SMP and draft revisions, if needed.

The City used Ecology’s checklist and determined that some changes are needed. This analysis was reviewed by Ecology for their input. The outcome of that review, known as the Gap Analysis, then became the minimum scope of work for the update. The public was also invited to review and comment on the results of the gap analysis.

The draft SMP amendments were issued in late October of 2020. Related revisions to the Critical Areas Ordinance (CAO), to update the version of Ecology’s wetland guidance the City uses and to ensure consistency and coordination between the SMP and the protection of environmentally sensitive areas, were issued in late November and posted online in early December. The initial drafts are posted online (Attachment 2). A summary of the biggest proposed changes was also posted on the project webpage. The City continues to work with the Department of Ecology under the new joint review process. Such work included a Public Open House conducted jointly on December 2, 2020, the joint public comment period (December 4, 2020 through January 11, 2021) and a joint public hearing (January 11, 2021). The public comment period closed at the end of the public hearing.

#### Planning Commission Recommendation

After the hearing, the Planning Commission deliberated on the draft amendments and public comments received during its next two public meetings. Although the Commission was aware that staff was working to prepare a response to public comments, and even requested that some of the “big picture” type of comments be addressed by identifying additional entities and programs at work to help improve the health of the Puget Sound, the Commission was comfortable making a recommendation to approve the proposed amendments with two revisions:

- 1) The setback and vegetation conservation area reduction for the portion of the Waterfront Recreation Shoreline Environment adjacent to Budd Bay shall be a minimum of 50 feet instead of 30 feet as recommended by staff; and,
- 2) Revise the term “dredge spoils” to “dredge materials”.

#### Response to Public Comments

The City was required to provide Ecology with written responses to public comments received. The Watershed Company and City Staff prepared the responses and proposed additional revisions to the SMP and CAO in order to respond to some public comments. It is not uncommon for additional revisions to be drafted in response to public comments and one of the required submittals to Ecology is a summary of such amendments. See the Response to Public Comments (Attachment 4) and Summary of Amendments Proposed after the Public Hearing (Attachment 5).

#### Ecology’s Initial Determination of Consistency

Ecology provides guidance and technical assistance throughout the process. Ecology conducts a formal review of the final draft and issues an Initial Determination of Consistency (Attachment 3). This step is intended to ensure any formal action taken by the Council is on amendments that are also acceptable to the Department of Ecology. This is an important step because Ecology must approve any amendments to the SMP. In this review, Ecology identified three required revisions and five recommended changes.

City staff reviewed the comments from Ecology and agreed with all of the required and recommended changes, although one additional point of clarification was added. The clarification pertains to the Table in Section 18.32.435 of the Critical Areas Ordinance regarding buffers for Type S waters (now refers the reader to the SMP) and for Priority Riparian Areas (critical area buffer of 250 feet). City staff worked with Ecology staff to ensure the clarification language is acceptable to both entities and retains the findings of Ecology included in the Initial Determination of Consistency.

#### Next Steps

SMPs are unique policy and regulatory documents because they need to be approved by both the City and Ecology. Any modifications require approval by both entities before the SMP can be implemented. Once the City Council takes action on these proposed amendments, the SMP and related CAO amendments are sent to Ecology for its final consideration and approval.

#### **Neighborhood/Community Interests (if known):**

Shoreline issues are of interest to our community. Several people submitted written comments expressing viewpoints on the SMP in general, as well as on the proposed amendments. Most comments received call for greater environmental protection of shorelines and specifically for Puget Sound.

Several comments submitted raised concerns about the health of the Puget Sound including species protection and water quality issues. Some comments were beyond the scope of the Shoreline Master Program Periodic Review. There are several significant efforts underway to address the health of the Puget Sound, most of which are addressed by state or federal agencies.

Other comments addressed issues regarding public access requirements, live-aboard vessels in marinas, nonconforming structures, setbacks, and development near shorelines. Public comments received during the public comment period are provided on the project webpage. Comments received after the close of the public hearing are attached. Any comments that are received after the issuance of this staff report will be conveyed to Councilmembers electronically, via email.

#### **Options:**

1. Adopt the ordinance approving the proposed amendments to the Shoreline Master Program and Critical Areas Ordinance, as proposed.
2. Adopt the ordinance approving the proposed amendments to the Shoreline Master Program and Critical Areas Ordinance, with specific modifications.
3. Do not adopt the ordinance to amend the Shoreline Master Program or Critical Areas Ordinance.

#### **Financial Impact:**

The City entered into a contract with the Washington State Department of Ecology for \$28,000 in grant funding to help complete the Periodic Review. The City hired The Watershed Company for



professional services to conduct the review, draft required updates, and to assist in the review and adoption process.

**Attachments:**

Ordinance

Project Webpage

Ecology Initial Determination

Response to Public Comments

Amendments Proposed after Public Hearing Summary

Additional Public Comments

**AN ORDINANCE OF THE CITY OF OLYMPIA, WASHINGTON RELATED TO THE SHORELINE MASTER PROGRAM; AND AMENDING CHAPTER 18.20 AND SECTIONS 18.32.400, 18.32.405, 18.32.410, 18.32.435, 18.32.510, AND 18.32.535 OF THE OLYMPIA MUNICIPAL CODE**

**WHEREAS**, pursuant to the Washington State Shoreline Management Act, Revised Code of Washington (RCW) 90.58, the City of Olympia is required to review, and amend if necessary, the Shoreline Master Program (SMP) by June 30, 2021, which is known as the Periodic Review; and

**WHEREAS**, the City opted to use the joint review process for amending Shoreline Master Programs per WAC 173-26-104; and

**WHEREAS**, in January 2020, the City entered into a grant agreement with the Washington State Department of Ecology to help fund completion of the Periodic Review; and

**WHEREAS**, in March 2020, the City entered into a Professional Services Agreement with The Watershed Company, for professional consulting services for the Periodic Review; and

**WHEREAS**, the City of Olympia developed a Public Participation Plan for the development and review of the Proposed Amendments; and

**WHEREAS**, the City of Olympia used its Shoreline Master Program webpage for this planning proposal as a means of providing project information and updates to the public that was accessible at the public's convenience; and

**WHEREAS**, The Watershed Company and city staff used the Washington State Department of Ecology's Periodic Review Checklist to identify that revisions were needed to the City's SMP and Critical Areas Ordinance (CAO) during this Periodic Review. The result was issued as the Gap Analysis Report dated June 2020, which established the scope of work for the needed amendments; and

**WHEREAS**, The Watershed Company prepared draft amendments to the SMP and CAO, which were issued in October 2020; and

**WHEREAS**, on November 18, 2020, the Proposed Amendments were sent to the Washington State Department of Commerce Growth Management Services with the Notice of Intent to Adopt amendments as required by RCW 36.70A.106 and comments were received from state agencies during the 60-day comment period; and

**WHEREAS**, the Olympia Planning Commission received briefings on the Proposed Amendments on March 16, 2020, June 1, 2020, June 15, 2020, September 21, 2020, November 2, 2020, and December 7, 2020; and

**WHEREAS**, the City issued E-Newsletters to all members subscribed to the Planning and Development listserv on August 19, 2020, November 10, 2020, November 18, 2020, and December 30, 2020; and

**WHEREAS**, the City issued Email updates to all Parties of Record for this planning process on August 18, 2020, November 2, 2020, November 18, 2020, December 3, 2020, and December 30, 2020; and

**WHEREAS**, on December 3, 2020, notice of the joint public comment period and joint public hearing, both conducted with the Washington State Department of Ecology, for the Proposed Amendments were provided to all Recognized Neighborhood Associations with the City of Olympia pursuant to Chapter 18.78 OMC, Public Notification; and

**WHEREAS**, on December 31, 2020, notice of the public hearing for the Proposed Amendments was published in The Olympian newspaper pursuant to Chapter 18.78 OMC, Public Notification; and

**WHEREAS**, the City held a public Open House about the proposed Shoreline Master Program and Critical Areas Ordinance amendments under consideration on December 2, 2020; and

**WHEREAS**, the City conducted a Joint Public Comment Period on the Proposed Amendments with the Washington State Department of Ecology which began on December 4, 2020 and ended on January 11, 2021; and

**WHEREAS**, on January 11, 2021, the Olympia Planning Commission held a joint public hearing on the Proposed Amendments with the Washington State Department of Ecology; and

**WHEREAS**, on January 22, 2021, the City of Olympia issued a Determination of Non-Significance pursuant to the State Environmental Policy Act (SEPA) on the Proposed Amendments; and

**WHEREAS**, the Olympia Planning Commission deliberated on January 25, 2021 and February 8, 2021, and provided to the City Council its recommendation to amend the Shoreline Master Program and multiple sections of Title 18 OMC, Unified Development Code; and

**WHEREAS**, on March 1, 2021, the City of Olympia issued a Response to Public Comments, which identified amendments need to additional sections of the CAO in order to clarify how the SMP and CAO work together jointly within the shoreline environments; and

**WHEREAS**, on March 1, 2021, the City of Olympia submitted the Proposed Amendments to the Washington State Department of Ecology for Initial Determination of Consistency; and

**WHEREAS**, on March 19, 2021, the Washington State Department of Ecology issued the Initial Determination of Consistency, which identified three required and five recommended revisions, which were incorporated into the Proposed Amendments; and

**WHEREAS**, the Proposed Amendments are consistent with the Olympia Comprehensive Plan and other chapters of Title 18 OMC; and

**WHEREAS**, the Proposed Amendments have been reviewed pursuant to the Rezones and Text Amendments process outlined in Chapter 18.58 OMC; and

**WHEREAS**, the Attorney General Advisory Memorandum: Avoiding Unconstitutional Takings of Private Property (December 2006) was reviewed and used by the City in objectively evaluating the proposed development regulations amendments; and

**WHEREAS**, Chapters 35A.63 and 36.70A RCW and Article 11, Section 11 of the Washington State Constitution authorize and permit the City to adopt this Ordinance;

**NOW, THEREFORE, THE OLYMPIA CITY COUNCIL ORDAINS AS FOLLOWS:**

**Section 1. Amendment of Shoreline Master Program.** The City of Olympia Shoreline Master Program is hereby amended to read as shown on the attached Exhibit A, which is hereby incorporated as though fully set forth herein.

**Section 2. Amendment of OMC 18.20.** Olympia Municipal Code Chapter 18.20 is hereby amended to read as follows:

## **Chapter 18.20 SHORELINE MASTER PROGRAM REGULATIONS**

18.20.000 Chapter Contents

Sections:

<a href="#">18.20.100</a>	Applicability.
<a href="#">18.20.110</a>	Relationship to Other Plans and Regulations.
<a href="#">18.20.120</a>	Interpretation and Definitions.
<a href="#">18.20.200</a>	General Permit and Authorization Provisions.
<a href="#">18.20.210</a>	Shoreline Substantial Development Permits.
<a href="#">18.20.220</a>	Exemptions from Shoreline Substantial Development Permit.
<a href="#">18.20.230</a>	Shoreline Conditional Use Permits.
<a href="#">18.20.240</a>	Shoreline Variances.
<a href="#">18.20.250</a>	Unclassified Uses.
<a href="#">18.20.260</a>	Submittal Requirements.
<a href="#">18.20.270</a>	Inspections.
<a href="#">18.20.280</a>	Shoreline Permit Procedures.
<a href="#">18.20.285</a>	Amendments.
<a href="#">18.20.290</a>	Appeals of Administrative Decisions.
<a href="#">18.20.295</a>	Fees.
<a href="#">18.20.300</a>	Shoreline Jurisdiction.
<a href="#">18.20.310</a>	Official Shoreline Map.
<a href="#">18.20.320</a>	Shoreline Environment Designations.
<a href="#">18.20.330</a>	Shoreline Environment Purposes.
<a href="#">18.20.400</a>	General Regulations – Intent.
<a href="#">18.20.410</a>	No-Net-Loss and Mitigation.
<a href="#">18.20.420</a>	Critical Areas.
<a href="#">18.20.430</a>	Archaeological, Historic, and Cultural Resources.
<a href="#">18.20.440</a>	Parking.
<a href="#">18.20.450</a>	Public Access.
<a href="#">18.20.460</a>	Design of Public Access.
<a href="#">18.20.470</a>	Scientific and Educational Activities.
<a href="#">18.20.480</a>	Signage Regulations.
<a href="#">18.20.490</a>	Vegetation Conservation Areas - Intent.
<a href="#">18.20.492</a>	General Vegetation Conservation Regulations.
<a href="#">18.20.493</a>	Permitted Uses and Activities within Vegetation Conservation Areas.
<a href="#">18.20.494</a>	Alterations to Existing Development.
<a href="#">18.20.495</a>	Vegetation Conservation Area Standards.
<a href="#">18.20.496</a>	Vegetation Management Plan.
<a href="#">18.20.500</a>	View Protection - Intent.

<a href="#"><u>18.20.504</u></a>	View Protection Regulations.
<a href="#"><u>18.20.507</u></a>	Visual Impact Assessment.
<a href="#"><u>18.20.510</u></a>	Water Quality.
<a href="#"><u>18.20.600</u></a>	Shoreline Use and Development – Intent.
<a href="#"><u>18.20.610</u></a>	General Use and Development Provisions.
<a href="#"><u>18.20.620</u></a>	Use and Development Standards Tables.
<a href="#"><u>18.20.630</u></a>	Agriculture.
<a href="#"><u>18.20.640</u></a>	Aquaculture.
<a href="#"><u>18.20.650</u></a>	Boating Facilities - General Regulations.
<a href="#"><u>18.20.652</u></a>	Boat Launch Ramps.
<a href="#"><u>18.20.654</u></a>	Marinas.
<a href="#"><u>18.20.656</u></a>	Boat Storage.
<a href="#"><u>18.20.658</u></a>	Covered Moorage.
<a href="#"><u>18.20.660</u></a>	Commercial Use and Development – General.
<a href="#"><u>18.20.663</u></a>	Water-Oriented Commercial Use and Development.
<a href="#"><u>18.20.667</u></a>	Non-Water-Oriented Commercial Use and Development.
<a href="#"><u>18.20.670</u></a>	Industrial Development.
<a href="#"><u>18.20.680</u></a>	Recreation.
<a href="#"><u>18.20.690</u></a>	Residential Use and Development.
<a href="#"><u>18.20.700</u></a>	Transportation and Trail Facilities.
<a href="#"><u>18.20.710</u></a>	Utilities.
<a href="#"><u>18.20.800</u></a>	Shoreline Modifications – General Provisions.
<a href="#"><u>18.20.810</u></a>	Permitted Shoreline Modifications.
<a href="#"><u>18.20.820</u></a>	Dredging.
<a href="#"><u>18.20.830</u></a>	Fill.
<a href="#"><u>18.20.833</u></a>	Shoreland Fill.
<a href="#"><u>18.20.837</u></a>	Fill Water-ward of Ordinary High Water Mark.
<a href="#"><u>18.20.840</u></a>	General Moorage (Piers, Docks, Floats, and Buoys) Provisions.
<a href="#"><u>18.20.842</u></a>	Moorage Buoys.
<a href="#"><u>18.20.844</u></a>	Residential Docks, Piers or Floats.
<a href="#"><u>18.20.846</u></a>	Marine Docks and Piers.
<a href="#"><u>18.20.847</u></a>	Fresh Water Docks and Piers.
<a href="#"><u>18.20.848</u></a>	Float Standards.
<a href="#"><u>18.20.850</u></a>	Shoreline Restoration and Enhancement – Intent.
<a href="#"><u>18.20.855</u></a>	Shoreline Restoration and Enhancement - General Provisions.
<a href="#"><u>18.20.857</u></a>	Instream Structures.
<a href="#"><u>18.20.860</u></a>	Shoreline Stabilization - Intent.
<a href="#"><u>18.20.862</u></a>	Shoreline Stabilization - New Development.
<a href="#"><u>18.20.864</u></a>	New or Expanded Shoreline Stabilization Measures.
<a href="#"><u>18.20.866</u></a>	Shoreline Stabilization - Replacement and Repair.
<a href="#"><u>18.20.868</u></a>	Design of Shoreline Stabilization Measures.
<a href="#"><u>18.20.870</u></a>	Shoreline Stabilization Reports.
<a href="#"><u>18.20.872</u></a>	Breakwaters, Jetties, Groins, and Weirs – General Provisions.
<a href="#"><u>18.20.874</u></a>	Breakwaters, Jetties, Groins, and Weirs - Environment Designations.
<a href="#"><u>18.20.900</u></a>	Existing Buildings and Uses within Shorelines.
<a href="#"><u>18.20.910</u></a>	Alteration of Nonconforming Structures in Shoreline Jurisdiction.
<a href="#"><u>18.20.920</u></a>	Existing Nonconforming Shoreline Uses.
<a href="#"><u>18.20.930</u></a>	Existing Nonconforming Shoreline Lots.

### **18.20.100 - Applicability**

- A. All proposed uses and development occurring within Olympia's shoreline jurisdiction shall comply with Olympia's Shoreline Program and RCW 90.58, Shoreline Management Act (Act). The Shoreline Program applies to all uses and developments within shoreline jurisdiction whether or not a shoreline permit or statement of permit exemption is required.
- B. Olympia's Shoreline Program shall apply to all of the lands and waters in the City of Olympia that fall under the jurisdiction of the Act (see OMC 18.20.300 - Shoreline Jurisdiction).
- C. The Shoreline Program shall apply to every person, individual, firm, partnership, association, organization, corporation, local or state governmental agency, public or municipal corporation, or other non-federal entity which develops, owns, leases, or administers lands, wetlands, or waters that fall under the jurisdiction of the Act.
- D. Federal agency actions on shorelines of the state are required to be consistent with this Master Program and the Act, as provided by the Coastal Zone Management Act (Title 16 United States Code §1451 et seq.; and §173-27-060(1) WAC, Applicability of RCW 90.58, Shoreline Management Act, to federal lands and agencies).
- E. The permit requirements established under the Shoreline Program apply to all non-federal activities; and to development and uses undertaken on lands not federally owned but under lease, easement, license, or other similar property right of the federal government.

### **18.20.110 - Relationship to Other Plans and Regulations**

- A. Uses, developments and activities regulated by Olympia's Shoreline Program may also be subject to the provisions of the City of Olympia Comprehensive Plan, the Olympia Municipal Code (OMC), the Olympia Engineering Design and Development Standards, the Washington State Environmental Policy Act (SEPA, RCW 43.21C and WAC 197-11), and various other provisions of local, state, and federal law.
- B. Project proponents are responsible for complying with all applicable laws prior to commencing any use, development, or activity.
- C. In the event Olympia's Shoreline Program conflicts with other applicable City policies or regulations, all regulations shall apply and unless otherwise stated, the provisions most protective of the resource shall prevail.
- D. Any inconsistencies between a Shoreline Program and the Shoreline Management Act must be resolved in accordance with the Act.

### **18.20.120 - Interpretation and Definitions**

- A. As provided for in RCW 90.58.900, the Act is exempt from the rule of strict construction. The Act and all aspects of Olympia's Shoreline Program shall therefore be liberally construed to give full effect to the purposes, goals, objectives, and policies for which the Act and Olympia's Shoreline Program were enacted and adopted.
- B. For purposes of this Chapter, the City hereby adopts by reference the definitions of the following terms as set forth in the Revised Code of Washington 90.58.030 and the Washington Administrative Code 173-27-030 and 173-26-020:
  - Agricultural activities,
  - Agricultural land,
  - Aquaculture,
  - Average grade level,

- Development,
- Ecological functions or shoreline functions,
- Extreme low tide,
- Feasible,
- Fill,
- Flood plain,
- Geotechnical report or geotechnical analysis,
- Guidelines,
- Marine,
- Nonwater-oriented uses,
- Ordinary High Water Mark (OHWM),
- Priority habitat,
- Priority species,
- Restore, restoration or ecological restoration,
- Shoreline modification,
- Shorelines,
- Shorelines of statewide significance,
- Shorelines of the state,
- Structure,
- Substantial development,
- Substantially degrade,
- Water-dependent use,
- Water-enjoyment use,
- Water-oriented use,
- Water-related use, and
- Wetlands.

C. For the purposes of this Chapter, the terms defined below shall have the meaning ascribed to them below. Terms not defined in this Chapter nor listed in subsection B above shall be interpreted as set forth in WACs 173-18-030, 173-20-030 and 173-22-030 or OMC 18.02. When the definitions in this Chapter conflict with the definitions set forth in OMC 18.02, the definitions herein shall govern for purposes of this Chapter.

**Access, direct:** Physical access that is convenient, of relatively short distance, and does not require extraordinary physical dexterity.

**Access, physical:** The right and facilities needed to enter upon shoreline areas, such as that access provided by a trail, float, dock, promenade, bridge, or boat ramp.

**Accessory:** Customarily incidental and subordinate.

**Administrator:** That person designated by the City of Olympia to administer the provisions of Olympia's Shoreline Program. References to 'the City' in this Shoreline Program may be construed as referring to the Administrator.

**Alteration:** Any human-induced change in existing conditions on a shoreline, critical area and/or its buffer. Alterations include, but are not limited to excavation, grading, filling, channelization (straightening, deepening, or lining of stream channels except dredging of sediment or debris alone), dredging, clearing vegetation, draining, constructing structures, compaction, or any other activity that changes the character of a site.

**Appurtenance:** A structure or development that is necessarily connected to the use and enjoyment of another structure. Common appurtenances include a garage, deck, driveway, utilities, fences, and grading which does not exceed two hundred and fifty cubic yards. For purposes of this chapter appurtenances are limited to upland areas.

**Backshore:** The zone of accretion or erosion lying landward of the Ordinary High Water Mark, wetted by tides during storm events.

**Beach:** The zone along the shoreline where there is continuous movement of sediment both laterally and vertically. This zone extends from the daily low tide mark to where the permanent line of vegetation begins.

**Beach Nourishment:** The process of replenishing a beach by artificial means, for example, by the deposition of sand and gravel; also called beach replenishment or beach feeding.

**Berm:** One or several linear deposits of sand and gravel generally paralleling the shore at or landward of the Ordinary High Water Mark.

**Boat ramp:** A slab, plank, rail, or graded slope used for launching boats by means of a trailer, hand, or mechanical device.

**Boat-house:** A structure designed for storage of vessels located over water or in upland areas.

**Boating facilities:** Marinas located both landward and water-ward of the Ordinary High Water Mark (dry storage and wet-moorage types), boat ramps, covered and uncovered moorage, and marine travel lifts. Boating facilities do not include docks serving four or fewer single-family residences.

**Breakwater:** An offshore structure generally built parallel to the shore that may or may not be connected to the land. Breakwaters may be fixed (e.g., a rubble mound or rigid wall), open-pile, or floating. Their primary purpose is to protect harbors, moorages and navigation activity from wave and wind action by creating a still-water area along the shore. A secondary purpose is to protect shorelines from erosion caused by wave action.

**Bulkhead:** A wall usually constructed parallel to the shoreline or at the Ordinary High Water Mark for the primary purpose of containing and preventing the loss of soil or structure caused by erosion or wave action. Bulkheads are typically constructed of rock, poured-in-place concrete, steel or aluminum sheet piling, wood, or wood and structural steel combinations. Structural foundation walls are not bulkheads unless located at the Ordinary High Water Mark.

**Camping Facilities:** Short-term overnight accommodations (generally 1-15 nights per guest) in organized facilities with amenities designed for guests and their enjoyment of the waterfront. Such facilities require amenities such as restrooms and may include opportunities for cooking, connection to electricity, and potable water. Amenities should be appropriate for the proposed use, such as electricity for recreational vehicles.

**Compensation Project:** Projects that compensate for unavoidable impacts by replacing or providing substitute resources environments.

**Conditional Use:** A use, development, or substantial development which is classified as a shoreline conditional use or not otherwise classified in this chapter. Shoreline conditional uses are not synonymous with zoning conditional uses.

**Covered Moorage:** Boat moorage, with or without walls, that has a solid roof to protect the vessel and is attached to the dock itself or the substrate of the water body. Overwater boat-houses are a type of covered moorage.

**Critical Habitat:** Habitat areas within which endangered, threatened, sensitive or monitored plant, fish, or wildlife species have a primary association (e.g., feeding, breeding, rearing of young, migrating). Such areas are identified herein with reference to lists, categories, and definitions promulgated by the Washington Department of Fish and Wildlife as identified in WAC 232-12-011 or WAC 232-12-014; in the Priority Habitat and Species (PHS) program by the Department of Fish and Wildlife; or by rules and regulations adopted by the U.S. Fish and Wildlife Service, National Marine Fisheries Service, or other agency with jurisdiction for such designations.



**Critical Saltwater Habitat:** All kelp beds, eelgrass beds, spawning and holding areas for forage fish, such as herring, smelt and sandlance; subsistence, commercial and recreational shellfish beds; mudflats, intertidal habitats with vascular plants, and areas with which priority species have a primary association.

**Cumulative impacts or cumulative effects:** The impact on the environment or other shoreline functions or uses which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency or person undertakes such other actions. Cumulative impacts can result from individually minor but collectively significant actions taking place over a long period of time. See WAC 173-26-186(8)(d).

**Dike or Levee:** A natural or man-made embankment, including any associated revetments, to prevent flooding by a stream or other water body.

**Dock:** A structure built from the shore extending out over the water to provide moorage for commercial or private recreation vessels that does not include above water storage. A dock may be built either on a fixed platform or float on the water.

**Dredging:** The removal, displacement, or disposal of unconsolidated earth material such as sand, silt, gravel, or other submerged materials, from the bottom of water bodies, ditches, or wetlands; maintenance dredging and/or support activities are included in this definition.

**Ecologically Intact Shorelines:** Those shoreline areas that retain the majority of their natural shoreline functions and values, as evidenced by vegetation and shoreline configuration. Generally, but not necessarily, ecologically intact shorelines are free of structural shoreline modifications, structures, and intensive human uses.

**Enhancement:** Actions performed within an existing degraded shoreline, critical area and/or buffer to intentionally increase or augment one or more functions and values of the existing area. Enhancement actions include, but are not limited to, increasing plant diversity and cover, increasing wildlife habitat and structural complexity (snags, woody debris), installing environmentally compatible erosion controls, or removing invasive plant or animal species.

**Erosion:** A process whereby wind, rain, water, and other natural agents mobilize, and transport, and deposit soil particles.

**Fair market value:** The open market bid price for conducting the work, using the equipment and facilities, and purchase of the goods, services, and materials necessary to accomplish the development. This would normally equate to the cost of hiring a contractor to undertake the development from start to finish, including the cost of labor, materials, equipment and facility usage, transportation, and contractor overhead and profit. The fair market value of the development shall include the fair market value of any donated, contributed or found labor, equipment, or materials.

**Float:** A floating platform similar to a dock that is anchored or attached to pilings and which does not connect to the shore. A float may serve as a temporary moorage facility but is not intended to be used for boat storage. Floats are also used for swimming, diving, or water skiing.

**Floating home:** A building on a float used in whole or in part for human habitation as a single-family dwelling that is moored, anchored, or otherwise secured in waters, and is not a vessel, even though it may be capable of being towed.

**Floating on water residence:** Any floating structure other than a floating home that: (i) is designed or used primarily as a residence on the water and has detachable utilities; and (ii) whose owner or primary occupant has held an ownership interest in space in a marina, or has held a lease or sublease to use space in a marina, since a date prior to July 1, 2014.

**Flood hazard reduction measure:** Flood hazard reduction measures may consist of nonstructural measures, such as setbacks, land use controls, wetland restoration, dike removal, use relocation, biotechnical measures, and stormwater management programs, and of structural measures, such as

dikes, levees, revetments, floodwalls, channel realignment, and elevation of structures consistent with the National Flood Insurance Program (NFIP).

**Floodway:** The "floodway" area that has been established in Federal Emergency Management Agency rate maps not including those lands that can reasonably be expected to be protected from flood waters by flood control devices maintained by or maintained under license from the federal government, the state, or a political subdivision of the state.

**Functional Disconnect:** An existing, legally established public road or other substantially developed surface which effectively eliminates the capacity for upland areas to provide shoreline ecological functions, as defined in WAC 173-26-201(2)(c). As used in this definition, "substantially developed surface" can include public infrastructure such as roads, and private improvements such as commercial structures. A "substantially developed surface" shall not include paved trails, sidewalks, private driveways, or accessory buildings that do not require a building permit.

**Gabions:** Structures composed of masses of rocks, rubble, soil, masonry, or similar material held tightly together usually by wire mesh, fabric, or geotextile so as to form layers, blocks or walls. Sometimes used on heavy erosion areas to retard wave action or as foundations for breakwaters or jetties.

**Groin:** Structure built seaward at an angle or perpendicular to the shore for the purpose of building or preserving an accretion beach by trapping littoral sand drift. Generally narrow and of varying lengths, a groin may be built in a series along the shore.

**Harbor Area:** The area of navigable waters determined as provided in Article XV, Section 1 of the State Constitution, which shall be forever reserved for landings, wharves, streets, and other conveniences of navigation and commerce.

**Height (of Structure):** The difference between the average grade level and the highest point of a structure (not including temporary construction equipment); provided, that television antennas, chimneys, and similar appurtenances shall not be used in calculating height except where such appurtenances obstruct the view of the shoreline from a substantial number of residences on areas adjoining such shorelines.

**Instream structure:** A structure placed by humans within a stream or river water-ward of the Ordinary High Water Mark that either causes or has the potential to cause water impoundment or the diversion, obstruction, or modification of water flow. In-stream structures may include those for hydroelectric generation, irrigation, water supply, flood control, transportation, utility service transmission, fish habitat enhancement, or other purpose.

**Jetty:** A structure generally perpendicular to the shore, extending through or past the intertidal zone. Jetties are built singly or in pairs at harbor entrances or river mouths to prevent accretion of littoral drift in an entrance channel. Jetties also protect channels and inlets from storm waves and cross-currents and to stabilize inlets through barrier beaches. Most jetties are of riprap mound construction.

**Joint-use:** Sharing of facilities such as docks, piers, floats, and similar structures by more than one property owner or by a homeowners' association or similar group.

**Limited Master Program Amendment:** A master program amendment that addresses specific procedural and/or substantive topics and which is not intended to meet the complete requirements of a comprehensive master program update.

**Littoral drift:** The mud, sand or gravel material moved parallel to the shoreline in the nearshore zone by waves and currents.

**Live-aboard vessel:** A vessel primarily used as a residence, and if used as a means of transportation or recreation, said transportation or recreation is a secondary or subsidiary use. Any

vessel used for overnight accommodation for more than fifteen (15) nights in a one-month period shall be considered a residence.

**Marina:** A facility with water-dependent components for storing, servicing, fueling, berthing, launching and/or securing boats but at minimum including piers, buoys, or floats to provide moorage for five (5) or more boats. Marinas may provide eating, sleeping, and retail facilities for owners, crews, and guests. Those aspects located landward of the Ordinary High Water Mark are referred to as "backshore." Backshore marinas include wet-moorage that is dredged out of the land to artificially create a basin and dry moorage with upland storage that uses a hoist, marine travel lift or ramp for water access. Marina features located in the intertidal or offshore zone water-ward of the Ordinary High Water Mark, including any breakwaters of open type construction (floating breakwater and/or open pile work) and/or solid type construction (bulkhead and landfill), are referred to as "foreshore."

**May:** The action is acceptable, provided it conforms to the provisions of the SMP.

**Mean Higher High Water (MHHW):** The average of the higher high water height of each tidal day observed over the National Tidal Datum Epoch.

**Mean Lower Low Water (MLLW):** The average of the lower low water height of each tidal day observed over the National Tidal Datum Epoch.

**Mitigation:** Measures prescribed and implemented to avoid, minimize, lessen, or compensate for adverse impacts. Explicit in this definition is the following order of preference:

1. Avoiding an impact altogether by not taking a certain action or parts of actions;
2. Minimizing impacts by limiting the degree or magnitude of an action and its implementation;
3. Rectifying impacts by repairing, rehabilitating, or restoring the affected environment;
4. Reducing or eliminating an impact over time by preservation and maintenance operation during the life of the action;
5. Compensating for an impact by replacing or providing substitute resources or environments; and
6. Monitoring the mitigation and taking remedial action when necessary.

**Mitigation plan:** A plan for alleviating or lessening the adverse impacts of an activity or development, including measures such as avoiding, minimizing, or compensating for impacts. Mitigation plans should include a description and evaluation of existing environmental conditions, functions, and values; be prepared by a qualified person; list proposed and any alternative mitigation measures including any continuing activities and long-term performance assurance; evaluate the likelihood of success of those measures; and include a proposed means of monitoring and evaluating the success of the mitigation.

**Mixed use:** The use of a parcel or structure with two or more different land uses, such as a combination of residential, office, manufacturing, retail, public, or entertainment in a single or physically integrated group of structures.

**Moorage Buoy:** A floating device anchored to the bottom of a water body to provide tie-up capabilities for vessels or watercraft.

**Must:** A mandate; the action is required.

**Natural Topography or Existing Topography:** The topography of a lot, parcel, or tract of real property immediately prior to any site preparation or grading, including excavation or filling.

**No Net Loss:** The maintenance of the aggregate total of shoreline ecological functions over time. The no net loss standard contained in WAC 173-26-186 requires that impacts of shoreline use and/or development, whether permitted or exempt from permit requirements, be identified and mitigated such that there are no resulting impacts on ecological functions or processes.

**Nonconforming Development or Nonconforming Structure:** An existing structure that was lawfully constructed at the time it was built but is no longer fully consistent with present regulations such as setbacks, buffers, vegetation conservation areas, or yards; area; bulk; or height standards due to subsequent changes to the master program.

**Nonconforming Lot:** A lot that met dimensional requirements of the applicable master program at the time of its establishment but now contains less than the required width, depth, or area due to subsequent changes to the master program.

**Nonconforming Use:** An existing shoreline use that was lawfully established prior to the effective date of the act or the applicable master program, but which does not conform to present use regulations due to subsequent changes to the master program.

**Overwater:** Location above the surface of the water or water-ward of the Ordinary High Water Mark, including placement of buildings on piling or floats.

**Pier:** A fixed platform structure supported by piles in a water body that abuts the shore to provide landing for water dependent recreation or moorage for vessels or watercraft and does not include above water storage.

**Port:** When capitalized, that government agency known as the Port of Olympia; when lower-case, a center for water-borne commerce and traffic.

**Primary Structure:** The structure on a lot or parcel occupied by the principal use.

**Public Access:** The ability of the general public to reach, touch, and enjoy the water's edge, to travel on the waters of the state, and to view the water and shoreline from adjacent locations. See WAC 173-26-221(4).

**Public Interest:** The interest shared by the citizens of the state or community-at-large in the affairs of government, or some interest by which their rights or liabilities are affected such as an effect on public property or on health, safety, or general welfare resulting from a use or development. See WAC 173-27-030(14).

**Recreation:** Activities and associated facilities for public or private use for refreshment of body and mind through play, amusement or relaxation including hiking, swimming, canoeing, photography, fishing, boat ramps, playgrounds, and parks.

**Restoration plan:** A plan to reestablish or upgrade impaired ecological shoreline processes or functions. Such plan may be to restore a site or shoreline area to a specific condition, or to reestablish functional characteristics and processes which have been lost due to alterations, activities, or catastrophic events. Restoration plans should identify the degraded site or area or impaired ecological function(s); establish specific restoration goals and priorities; describe the timing, elements, benchmarks, and other details of proposed restoration activities; include mechanisms or strategies to ensure successful implementation; and provide for monitoring and evaluation of the success of the restoration. Note: the term "Restoration Plan" may also refer to the shoreline Restoration Plan (Appendix A) that is a part of Olympia's Shoreline Master Program.

**Revetment:** A sloped wall constructed of riprap or other suitable material placed on stream banks or other shorelines to retard bank erosion and minimize lateral movement. The slope differentiates it from a bulkhead, which is a vertical structure.

**Riprap:** Dense, hard, angular rock free from cracks or other defects conducive to weathering often used for bulkheads, revetments, or similar slope/bank stabilization purposes.

**Sea Level Rise:** An increase in the elevation of marine waters associated with changes in the state of the climate and which can be identified by changes in the mean and/or variability of its properties and that persists for decades or longer.

**Shall:** A mandate; the action must be done.

**Shorelands or Shoreland areas:** Lands extending landward for two hundred feet in all directions as measured on a horizontal plane from the Ordinary High Water Mark, floodways, and contiguous floodplain areas landward two hundred feet from such floodways, and all wetlands and river deltas associated with the streams, lakes, and tidal waters designated by the Department of Ecology as subject to the Shoreline Management Act.

**Shoreline Master Program or Shoreline Program of Olympia:** Specified goals and policies of the Olympia Comprehensive Plan together with specified use regulations and including maps, diagrams, charts, or other descriptive material and text, a statement of desired goals, and standards adopted in accordance with the policies of the Shoreline Management Act.

**Shoreline Setback:** The horizontal distance required between an upland structure or improvement and the Ordinary High Water Mark; usually measured in feet. (Note that in general setbacks are only applicable to structures having a height greater than 30 inches.) Shoreline setbacks outlined in Table 6.3 include and are not in addition to the VCAs outlined in Table 6.3

**Shoreline Stabilization or Protection:** Protection of shoreline upland areas and shoreline uses from the effects of shoreline wave action, flooding, or erosion through the use of structural and non-structural methods. See OMC 18.20.860 for examples.

**Should:** The particular action is required unless there is a demonstrated, compelling reason, based on policy of the Shoreline Management Act and this chapter, against taking the action.

**Stair Tower:** A structure twelve (12) feet or taller in height typically consisting of one (1) or more flights of stairs, usually with landings to pass from one level to another.

**Submerged Lands:** Areas below the Ordinary High Water Mark of marine waters, lakes and rivers.

**Tideland:** The land on the shore of marine water bodies between Ordinary High Water Mark (OHWM) or mean higher high tide (MHHW) and the line of extreme low tide which is submerged daily by tides.

**Transportation Facilities:** Streets, railways, bicycle lanes, sidewalks, and shared use paths consistent with the City of Olympia Engineering Design and Development Standards.

**Variance, Shoreline:** A means to grant relief from specific bulk, dimensional or performance standards set forth in this chapter or related state regulations pursuant to the criteria of WAC 173-27-170; such may not vary a use of a shoreline.

**Vegetation Conservation:** Activities to protect and restore vegetation along or near shorelines that minimize habitat loss and the impact of invasive plants, erosion, and flooding, and contribute to ecological functions of shoreline areas. Vegetation conservation provisions include the prevention or restriction of plant clearing and earth grading, vegetation restoration, and the control of invasive weeds and non-native species.

**Vegetation Conservation Area:** That area within which vegetation conservation actions take place, as required by this Chapter. Vegetation management provisions may be independent of a permit or approval requirement. VCAs outlined in Table 6.3 are measured from the Ordinary High Water Mark and are located within the shoreline setbacks outlined in Table 6.3.

**Visual Access:** Access with improvements that provide a view of the shoreline or water but that do not allow physical access to the shoreline.

**Weir:** A device placed in a stream or river to raise or divert the water.

#### **18.20.200 - General Permit and Authorization Provisions**

- A. To be authorized, all uses, and development shall be carried out in a manner that is consistent with the Olympia Shoreline Master Program and the policies of the Shoreline Management Act as required

by RCW 90.58.140(1), regardless of whether a shoreline permit, statement of exemption, shoreline variance, or shoreline conditional use permit is required.

- B. No use, alteration, or development shall be undertaken within the regulated shorelines by any person without first obtaining permits or authorization.
- C. Applicants shall apply for shoreline substantial development, variance, and conditional use permits on forms provided by the City. Applications shall contain information required in WAC 173-27-180.
- D. All permit applications shall be processed in accordance with the rules and procedures set forth in OMC Titles 14, 16, 17 and 18 and WAC 173-27. Where in conflict state law shall prevail.
- E. The City shall document all project review actions in shoreline jurisdiction. The City shall review this documentation and evaluate the cumulative effects of authorized development on shoreline conditions as part of the 8-year periodic review cycle identified in RCW 90.58.080 (4).

#### **18.20.210 - Shoreline Substantial Development Permits**

- A. A Shoreline Substantial Development Permit shall be required for all proposed use and development of shorelines unless the proposal is specifically exempted in accordance with WAC 173-27-040 and RCW 90.58.
- B. In order to be approved, the decision maker shall find that the proposal is consistent with the following criteria:
  - 1. The policies and procedures of RCW 90.58 and provisions of WAC 173-27-150; and
  - 2. All policies and regulations of this Shoreline Program appropriate to the shoreline environment designation and the type of use or development proposed shall be met, except any bulk or dimensional standards that have been modified by approval of a shoreline variance.
- C. Conditions may be attached to the approval of permits as necessary to assure consistency of the project with the Act and this Shoreline Program.
- D. The City is the final authority for a Shoreline Substantial Development Permit; unless an appeal is filed with the State Shorelines Hearings Board.

#### **18.20.215 - Exceptions to Local Review**

- A. Requirements to obtain a Substantial Development Permit, Conditional Use Permit, Variance, exemption, or other review to implement the Shoreline Management Act do not apply to the follo
  - 1. Remedial actions. Pursuant to RCW 90.58.355, any person conducting a remedial action at a facility pursuant to a consent decree, order, or agreed order issued pursuant to chapter 70.105D RCW, or to the department of ecology when it conducts a remedial action under chapter 70.105D RCW.
  - 2. Boatyard improvements to meet NPDES permit requirements. Pursuant to RCW 90.58.355, any person installing site improvements for storm water treatment in an existing boatyard facility to meet requirements of a national pollutant discharge elimination system storm water general permit.
  - 3. WSDOT facility maintenance and safety improvements. Pursuant to RCW 90.58.356, Washington State Department of Transportation projects and activities meeting the conditions of RCW 90.58.356 are not required to obtain a Substantial Development Permit, Conditional Use Permit, Variance, letter of exemption, or other local review.
  - 4. Projects consistent with an environmental excellence program agreement pursuant to RCW 90.58.045.

5. Projects authorized through the Energy Facility Site Evaluation Council process, pursuant to chapter 80.50 RCW.

#### **18.20.220 - Exemptions from Shoreline Substantial Development Permit**

- A. Certain developments are exempt from the requirement to obtain a Substantial Development Permit. Such developments still may require a Shoreline Variance or Conditional Use Permit, and all development within the shoreline is subject to the requirements of this Shoreline Program, regardless of whether a Substantial Development Permit is required. Developments which are exempt from the requirement for a Substantial Development Permit are identified in WAC 173-27-040, RCW 90.58.030(3)(e), RCW 90.58.147 and RCW 90.58.515.
- B. Whenever a development is exempt from the requirement to obtain a Shoreline Substantial Development Permit and the development is subject to one or more of the following federal permits, a letter of exemption is required pursuant to WAC 173-27-050:
  - 1. A U.S. Army Corps of Engineers Section 10 Permit under the Rivers and Harbors Act of 1899; or
  - 2. A Section 404 Permit under the Federal Water Pollution Control Act of 1972.

#### **18.20.230 - Shoreline Conditional Use Permits**

- A. The purpose of a Shoreline Conditional Use Permit is to provide a system which allows flexibility in the application of use regulations in a manner consistent with the policies of RCW 90.58.020. In authorizing a Shoreline Conditional Use Permit, special conditions may be attached by the City or the Department of Ecology to control any undesirable effects of the proposed use and to assure consistency with the Shoreline Management Act and Olympia's Shoreline Program.
- B. Uses which are classified in this Chapter as conditional uses may be authorized provided that the applicant can satisfy the criteria set forth in WAC 173-27-160:
  - 1. That the proposed use will be consistent with the policies of RCW 90.58.020 and the Shoreline Program;
  - 2. That the proposed use will not interfere with the normal public use of public shorelines;
  - 3. That the proposed use of the site and design of the project is compatible with other authorized uses within the area and with uses planned for the area under the Comprehensive Plan and Shoreline Program;
  - 4. That the proposed use will cause no significant adverse effects to the shoreline environment in which it is to be located; and
  - 5. That the public interest suffers no substantial detrimental effect.
- C. In the granting of all Shoreline Conditional Use permits, consideration shall be given to the cumulative impact of additional requests for like actions in the area. For example, if Shoreline Conditional Use Permits were granted for other developments in the area where similar circumstances exist, the total of the conditional uses shall also remain consistent with the policies of RCW 90.58.020 and shall not produce substantial adverse effects to the shoreline environment.
- D. Other uses which are not specifically classified as a permitted or conditional use in this Shoreline Program may be authorized as a shoreline conditional use provided that the applicant can satisfy the criteria set forth in WAC 173-27-160 (see B above).
- E. Uses that are specifically prohibited by this Chapter shall not be authorized.

## **18.20.240 - Shoreline Variances**

- A. The purpose of a shoreline variance is strictly limited to granting relief from specific bulk, dimensional, or performance standards set forth in this chapter where there are extraordinary circumstances relating to the physical character or configuration of property such that the strict implementation of Olympia's Shoreline Program will impose unnecessary hardships on the applicant or thwart the policies set forth in RCW 90.58.020.
- B. Shoreline Variance Permits should be granted in circumstances where denial of the permit would result in a thwarting of the policy enumerated in RCW 90.58.020. In all instances the applicant must demonstrate that extraordinary circumstances exist, and the public interest will suffer no substantial detrimental effect.
- C. Variances from the use regulations of this Shoreline Program are prohibited.
- D. Land shall not be subdivided to create parcels that are buildable only with a shoreline variance or would be considered non-conforming.
- E. Variances for development and/or uses that will be located landward of the Ordinary High Water Mark and/or landward of any associated wetland may be authorized provided the applicant can demonstrate all of the following:
  - 1. That the strict application of the bulk, dimensional or performance standards set forth in this chapter precludes, or significantly interferes with, reasonable use of the property;
  - 2. That the hardship described above is specifically related to the property, and is the result of unique conditions such as irregular lot shape, size, or natural features and the application of the Olympia Shoreline Program, and not, for example, from deed restrictions or the applicant's own actions;
  - 3. That the design of the project is compatible with other authorized uses within the area and with uses planned for the area under the Comprehensive Plan and Shoreline Program and will not cause adverse impacts to the shoreline environment;
  - 4. That the variance will not constitute a grant of special privilege not enjoyed by other properties in the area;
  - 5. That the variance request is the minimum necessary to afford relief; and
  - 6. That the public interest will suffer no substantial detrimental effect.
- F. Variance permits for development and/or uses that will be located water-ward of the Ordinary High Water Mark, or within any wetland may be authorized provided the applicant can demonstrate all of the following:
  - 1. That the strict application of the bulk, dimensional or performance standards set forth in this Shoreline Program precludes all reasonable use of the property not otherwise prohibited by this Shoreline Program;
  - 2. That the proposal is consistent with the criteria established under Section E above; and
  - 3. That the public rights of navigation and use of the shoreline will not be adversely affected.
- G. In the granting of any shoreline variance, consideration shall be given to the cumulative impact of additional requests for like actions in the area. In other words, if Shoreline Variance Permits were granted for other developments in the area where similar circumstances exist, the total of the variances shall also remain consistent with the policies of RCW 90.58.020 and shall not produce substantial adverse effects to the shoreline environment.



### **18.20.250 - Unclassified Uses**

- A. Other uses not specifically classified or set forth in this chapter may be authorized as shoreline conditional uses provided the applicant can satisfy the Shoreline Conditional Use Permit criteria set forth above.
- B. Uses that are specifically prohibited by this chapter cannot be authorized by a Shoreline Conditional Use permit.

### **18.20.260 - Submittal Requirements**

All development proposals under the jurisdiction of this chapter shall satisfy the application submittal requirements set forth in OMC Titles 16, 17 and 18.

### **18.20.270 - Inspections**

Pursuant to RCW 90.58.200, the Administrator or authorized representatives may enter land or structures to enforce the provisions of the Shoreline Program. Such entry shall follow the provisions set forth in OMC 8.24.120.

### **18.20.280 - Shoreline Permit Procedures**

- A. Applications for Shoreline Substantial Development Permits, Conditional Use Permits, and Variance Permits are subject to and shall be processed pursuant to WAC Chapter 173-27, as now or hereafter amended, and as provided below.
- B. Applications for Shoreline Substantial Development, Conditional Use, and Variance Permits shall be submitted to the Planning Department on forms supplied by the Department. The application shall contain the information required by WAC 173-27-180 and such other information as may be required by the Department. The applicant shall pay to the Department the application fee prescribed by the approved fee schedule. In addition to the application fee, the applicant shall pay fees for environmental analysis, and for other necessary actions or approvals.
- C. Applications for ~~those~~ Shoreline Substantial Development Permits or shoreline exemptions ~~that are exempt from the State Environmental Policy Act and entirely upland of the Ordinary High Water Mark may be~~ are decided by the Administrator, ~~if a public hearing is not requested by an interested party.~~ unless elevated by the Administrator to a Hearing Examiner decision because the proposal is extraordinarily complex, has significant impacts beyond the immediate site, is of a community wide interest, or is of a controversial nature. The Hearing Examiner shall hold a public hearing and render a decision ~~for regarding other applications identified in subsection A of this section~~ all Conditional Use Permit and Variance Permit applications. Consistent with RCW 90.58.140 (10), the Department of Ecology must approve or disapprove Shoreline Conditional Use Permits and shoreline variances issued by the City.
- D. Pursuant to WAC 173-27-110, notice of the application and hearing shall be published in the manner prescribed therein, and mailed to the latest recorded real property owners as shown by the records of the county assessor within at least three hundred feet of the boundary of the subject property, fifteen (15) days before the hearing. In addition, the Planning Department, in its discretion, may give notice in any other additional manner deemed appropriate.
- E. The decision of the Administrator may be appealed to the hearings examiner per OMC 18.20.290. The Hearing Examiner decision may be appealed to the Shorelines Hearing Board pursuant to WAC 173-27-220.

- F. Pursuant to WAC 173-27-090 and 173-27-100, the Administrator shall review and decide requests for time extensions and permit revisions. Any permit revision approval must be submitted to the Department of Ecology. The decision of the Administrator may be appealed pursuant to OMC 18.20.290. If the revision to the original permit involves a Conditional Use Permit or Variance, the City shall submit the revision to the Department of Ecology for its final decision. Conditional Use Permit or Variance decisions may be appealed to the Shoreline Hearings Board pursuant to WAC 173-27-220.
- G. When developing ~~and adopting procedures for an~~ administrative interpretation of this Master Program, the City shall consult with the Department of Ecology to ~~insure~~ ensure that any formal written interpretations are consistent with the purpose and intent of the Act and the SMP Guidelines.

**18.20.285 - Amendments**

- A. Amendments to the Shoreline Master Program, including changes in mapped environmental designations, shall be processed pursuant to Chapter 173-26-100 WAC as now or hereafter amended, and as provided below. All such amendments are required to be approved by the Department of Ecology.
- B. Applications for proposed amendments shall be submitted to the Planning Department on forms supplied by the Department. The applicant shall pay to the Department the application fee and fees for environmental analysis pursuant to RCW 43.21C (SEPA), and for other necessary actions or approvals.
- C. The City Council shall hold the public hearing prescribed by WAC 173-26-100(1). At any time, the Council may refer a proposed amendment to the Planning Commission for a recommendation. If the Planning Commission elects to hold a public hearing, a notice of the hearing shall be given in the same manner as the hearing held by the Council.
- D. The City may utilize the optional joint review process for SMP amendments according to the procedures prescribed in WAC 173-26-104.
- ~~D~~E. If the proposed amendment is a map change of environmental designation, regardless of the size or number of parcels affected, or regardless of whether the applicant is a private person or governmental agency, notice of the proposed amendment shall be mailed to all the owners of the property which is proposed for redesignation, as shown by the records of the county assessor. In addition, notice shall be mailed to all the owners of property which lies within three hundred feet of the boundary of the property proposed for designation. The applicant shall furnish to the Planning Department the names and addresses of property owners who are to receive notice.

**18.20.290 - Appeals of Administrative Decisions**

- A. Any aggrieved person may appeal an administrative decision made pursuant to the Master Program by filing a written appeal with the Planning Department within fourteen (14) calendar days from the date of decision. The appeal shall be filed on forms prescribed by the Department and the appellant shall pay to the Department the appeal fee prescribed by the approved fee schedule.
- B. Appeals of administrative decisions shall be decided by the hearings examiner, after appeal hearing, and shall be subject to the provisions of OMC 18.75. Notice of the hearing shall be mailed to the appellant and may be mailed to any other person who the Planning Department believes may be affected by or interested in the appeal. Notice shall be mailed not later than ten (10) days before the hearing.

**18.20.295 - Fees**

For purposes of this chapter, the fee schedule in Section 4.40.010 of the Olympia Municipal Code is considered the "approved fee schedule."

### **18.20.300 - Shoreline Jurisdiction**

- A. The provisions of this Chapter shall apply to all shorelines of the state, all shorelines of statewide significance and shorelands as defined in RCW 90.58.030, within the City of Olympia. These areas are collectively referred to herein as 'shorelines'.
- B. Olympia's "shorelands" include lands extending landward for two hundred feet in all directions as measured on a horizontal plane from the Ordinary High Water Mark, floodways, and contiguous floodplain areas landward 200 feet from such floodways, and all wetlands and river deltas associated with the following bodies of water. The City has chosen not to regulate 'optional' shorelands as described in RCW 90.58.030 through this Shoreline Program. Within its municipal boundaries, the City of Olympia shall have authority over the shorelines (water areas) and associated shorelands of Budd Inlet, Capitol Lake, Chambers Lake, Grass Lake, Ken Lake, Ward Lake, Black Lake Ditch and Percival Creek, including those waters of Budd Inlet seaward of extreme low tide which are shorelines of statewide significance.
- B.C. In circumstances where the shoreline jurisdiction does not include an entire parcel, only that portion of the parcel within shoreline jurisdiction and any use, activity, or development proposed on that portion of the parcel is subject to the City's Shoreline Master Program regulations. When a structure is partially in and partially out of the shoreline jurisdiction, the entire structure must comply with the Shoreline Master Program. When development on a parcel is completely outside of the shoreline jurisdiction it does not need to comply with the SMP.

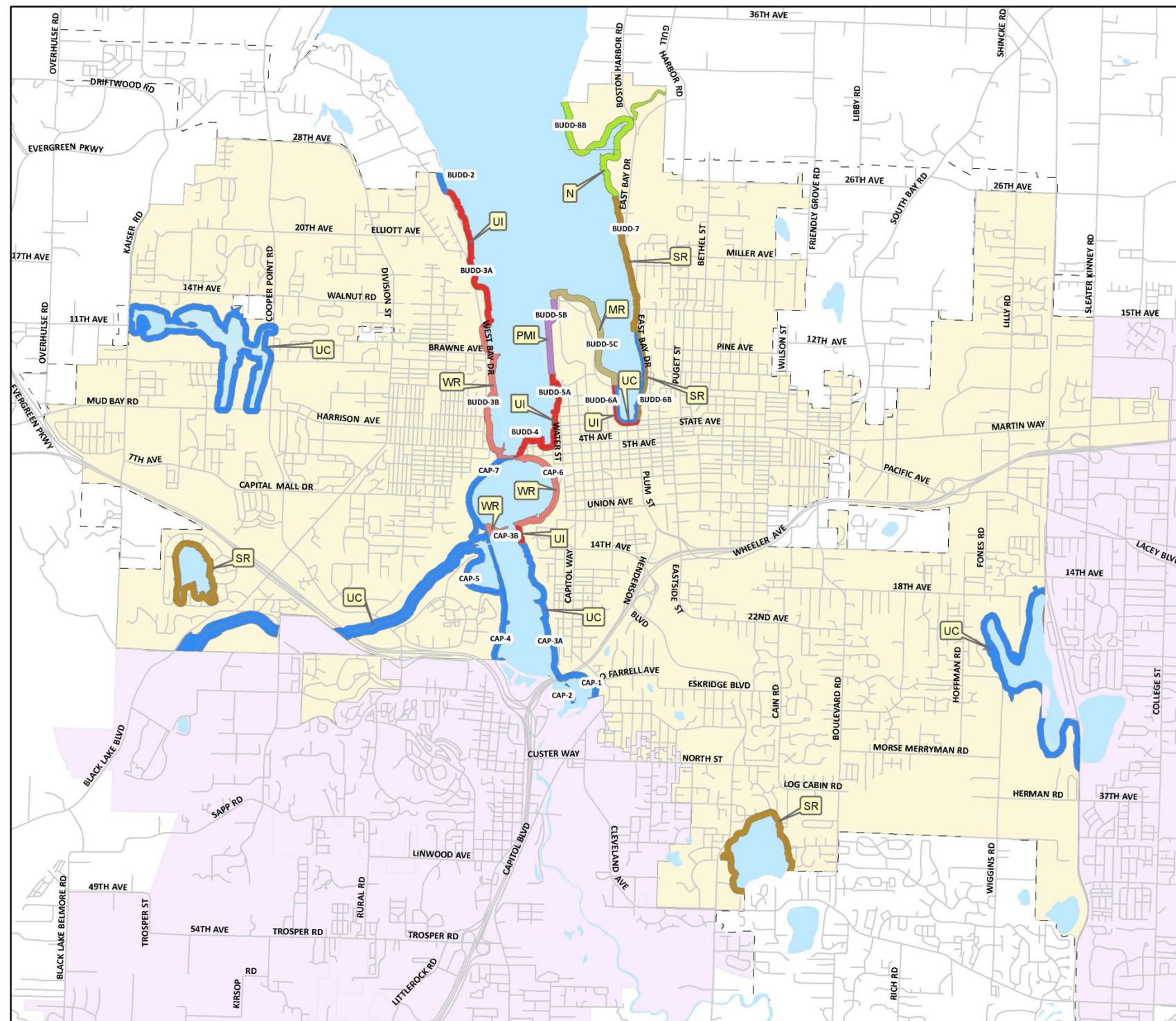
### **18.20.310 - Official Shoreline Map**

- A. Shoreline Environment Designations have been established and are delineated on the "City of Olympia Shoreline Map" (Shoreline Map) hereby incorporated by reference. The official copy of this map shall reside with the Washington State Department of Ecology.
- B. The Shoreline Map (Figure 4.1) identifies shoreline environment designations and the approximate extent of shoreline jurisdiction within City boundaries. It does not identify or depict the lateral extent of shoreline jurisdiction or associated wetlands and floodplains. The lateral extent of the shoreline jurisdiction shall be determined on a case-by-case basis by the project applicant or a qualified professional, as necessary by the project applicant or a qualified professional, as necessary. The actual extent of shoreline jurisdiction requires a site-specific evaluation to identify the location of the Ordinary High Water Mark (OHWM) and associated wetlands and/or floodplains.
- C. Where uncertainty or conflict occurs in the exact location of a shoreline designation boundary, the Administrator shall interpret the boundaries based upon:
  - 1. The coordinates listed in *Shoreline Environmental Designations for the City of Olympia*;
  - 2. Boundaries indicated as approximately following lot, tract, or section lines;
  - 3. Boundaries indicated as approximately following roads or railways shall be construed to follow their centerlines; and
  - 4. Boundaries indicated as approximately parallel to or extensions of features indicated in 2 or 3 above shall be so construed.
- D. In the event of a mapping error, the City will rely on the criteria in the statute and the WAC pertaining to the determination of shorelines.

### **18.20.320 - Shoreline Environment Designations**

- A. The Olympia Comprehensive Plan sets forth the designation and management policies for the shoreline environment designations established in the Olympia Shoreline Program.

- B. Areas within shoreline jurisdiction that are not mapped and/or designated are automatically assigned an *Urban Conservancy* environment designation until the shoreline can be designated through a Shoreline Program amendment.



**FIGURE 4.1**  
**City of Olympia**  
**Shoreline Map**  
 Shoreline Environment Designations 10/8/2015

	AQUATIC
	MARINE RECREATION
	NATURAL
	PORT MARINE INDUSTRIAL
	SHORELINE RESIDENTIAL
	URBAN CONSERVANCY
	URBAN INTENSITY
	WATERFRONT RECREATION
	Roads
	Urban Growth Area
	Olympia City Limits
	Tumwater/Lacey City Limits

0      0.5      1

Miles

DISCLAIMER: This map was created for internal City use only. The parcels, right-of-ways, utilities and structures depicted on this map are based on information taken from historical records and aerial photos. The information has not been independently verified as complete or accurate. Access to such information is provided to the public as a matter of public record, for general information only. The completeness and accuracy of this information should not be relied upon. Users are advised to field-verify all information through a private, licensed professional. The City of Olympia and its personnel expressly disclaim any liability arising from commercial or private use of this map or the information, or absence of information, contained herein.

Map Figure 4.1

### **18.20.330 - Shoreline Environment Purposes**

**Aquatic** – The purpose of the *Aquatic* environment is to protect, restore and manage the unique characteristics and resources of the areas water-ward of the Ordinary High Water Mark.

**Natural** – The purpose of the *Natural* environment is to protect those shoreline areas that are relatively free of human influence or that include intact or minimally degraded shoreline functions intolerant of human use. These systems require that only very low intensity uses be allowed in order to maintain the ecological functions and ecosystem-wide processes. Consistent with the policies of the designation, Olympia will plan for restoration of degraded shorelines within this environment.

**Urban Conservancy** – The purpose of the *Urban Conservancy* environment is to protect and restore ecological functions of open space, flood plain and other sensitive lands where they exist in urban and developed settings, while allowing a variety of compatible uses.

**Waterfront Recreation** – The purpose of the *Waterfront Recreation* environment is to provide recreational and public access opportunities and to maintain and restore shoreline ecological functions and preserve open space. This designation is generally intended for appropriate public parks.

**Marine Recreation** – The purpose of the *Marine Recreation* environment is to establish provisions for boating facilities and water-oriented recreational and commercial uses and to restore shoreline ecological functions and preserve open space.

**Shoreline Residential** – The purpose of the *Shoreline Residential* environment is to accommodate residential development and appurtenant structures that are consistent with Olympia's Shoreline Program. An additional purpose is to provide public access and recreational uses.

**Urban Intensity** – The purpose of the *Urban Intensity* environment is to provide for high-intensity water-oriented commercial, transportation, industrial, recreation, and residential uses while protecting existing ecological functions and restoring ecological functions in areas that have been previously degraded, and to provide public access and recreational uses oriented toward the waterfront.

**Port Marine Industrial** – The purpose of the *Port Marine Industrial* environment is to allow the continued use and development of high-intensity water-oriented transportation, commercial and industrial uses. This area should support water-oriented marine commerce balanced with the protection of existing ecological functions and restoration of degraded areas.

### **18.20.400 - General Regulations – Intent**

This section ~~OMC Sections 18.20.400 through 18.20.510~~ sets forth regulations that apply to all uses and activities, as applicable, in all shoreline environments. These regulations are to be used in conjunction with the OMC 18.20.600, et seq.

### **18.20.410 - No-Net-Loss and Mitigation**

- A. All shoreline uses and development, including preferred uses and uses that are exempt from shoreline permit requirements, shall be located, designed, constructed, and maintained in a manner that maintains shoreline ecological functions and processes.
- B. Applicants/proponents of new shoreline use, and development shall demonstrate that all reasonable efforts have been taken to avoid adverse environmental impacts. Mitigation shall occur in the following order of priority:
  1. Avoiding the adverse impact altogether by not taking a certain action or parts of an action, or moving the action;

2. Minimizing adverse impacts by limiting the degree or magnitude of the action and its implementation by using appropriate technology and engineering, or taking affirmative steps to avoid or reduce adverse impacts;
  3. Rectifying the adverse impact by repairing, rehabilitating, or restoring the affected environment;
  4. Reducing or eliminating the adverse impact over time by preservation and maintenance operating during the life of the action;
  5. Compensating for the adverse impacts by replacing, enhancing, or providing similar substitute resources or environments; and
  6. Monitoring the impact of the compensation projects and taking appropriate corrective measures.
- C. In determining appropriate mitigation measures, lower priority measures shall be applied only when higher priority measures are determined to be infeasible or inapplicable.
- D. Mitigation actions shall not have a significant adverse impact on other shoreline ecological functions.
- E. The City may require applicants to prepare special reports as necessary to address the impacts of proposed development on shoreline ecological functions or to demonstrate that avoidance is not feasible.
- F. When mitigation measures are required, all of the following shall apply:
1. The quality and quantity of the replaced, enhanced, or substituted resources shall be the same or better than the affected resources;
  2. The mitigation site and associated vegetative planting shall be nurtured and maintained such that healthy native plant communities can grow and mature over time;
  3. The mitigation shall be informed by pertinent scientific and technical studies, including but not limited to the Shoreline Inventory (TRPC, June 2009), Shoreline Analysis and Characterization Report (ESA Adolphson, December 2008), Olympia's Shoreline Restoration Plan (Appendix A to the Master Program) and that of other jurisdictions, and other background studies prepared in support of this Program;
  4. The mitigation plan shall include contingencies should the mitigation fail during the monitoring/maintenance period;
  5. Compensatory mitigation shall be done prior to or at the same time as the impact; and
  6. The mitigation activity shall be monitored and maintained to ensure that it achieves its intended functions and values. Mitigation sites shall be monitored for ten (10) years in accordance with the provisions in OMC 18.32.
- G. The applicant may be required to post a financial surety such as an assignment of savings or bond that is 125 percent of the estimated cost of the mitigation to guarantee performance. Estimates shall be prepared in accordance with OMC 18.32. Sureties shall only be released upon acceptance of the mitigation project by the City. If the mitigation project has not performed as prescribed in the mitigation plan, the City shall have the authority to extend the monitoring and surety period, and require additional monitoring reports and maintenance activities beyond the 10-year monitoring period. This requirement applies to all projects where mitigation is used.
- H. Mitigation measures shall occur in the immediate vicinity of the impact. If this is not feasible as determined through the mitigation sequence process (OMC 18.20.410(B)), mitigation may occur offsite if it provides greater improvement to shoreline ecological functions and values. The City may also approve use of alternative mitigation practices such as in-lieu fee programs, mitigation banks, and other similar approaches provided they have been approved by the Department of Ecology, the Department of Fish and Wildlife, or the Army Corps of Engineers.
- I. Type and Location of Mitigation:



1. The Administrator shall give preference to mitigation projects that are located within the City of Olympia. Prior to mitigating for impacts outside City of Olympia jurisdiction, applicants must demonstrate to the Administrator that the preferences herein cannot be met within City boundaries.
2. Natural, Shoreline Residential, Urban Conservancy, Waterfront Recreation, and Aquatic Environments: Compensatory mitigation for ecological functions shall first be in-kind and onsite, or second in-kind and within the same reach, sub-basin, or drift cell, except when all of the following apply:
  - a. It is demonstrated to the satisfaction of the Administrator that there are no reasonable onsite or in sub-basin opportunities (e.g., onsite options would require elimination of high functioning upland habitat), or onsite and in sub-basin opportunities do not have a high likelihood of success based on a determination of the natural capacity of the site to compensate for impacts. Considerations should include: anticipated marine shoreline/wetland/stream mitigation ratios, buffer conditions and proposed widths, available water to maintain anticipated hydrogeomorphic classes of wetlands or streams when restored, proposed flood storage capacity, potential to mitigate riparian fish and wildlife impacts (such as connectivity); and
  - b. Offsite mitigation has a greater likelihood of providing equal or improved shoreline ecological functions than the impacted shoreline.
3. Urban Intensity, Marine Recreation and Port Marine Industrial Environments:
  - a. The preference for compensatory mitigation is for innovative approaches that would enable the concentration of mitigation into larger habitat sites in areas that will provide greater critical area or shoreline function.
  - b. The Administrator may approve innovative mitigation projects including but not limited to activities such as advance mitigation, fee in-lieu, mitigation banking and preferred environmental alternatives subject to the mitigation sequencing process contained in Section 18.20.410. Innovative mitigation proposals must offer an equivalent or better level of protection of shoreline ecological functions and values than would be provided by a strict application of onsite and in-kind mitigation. The Administrator shall consider the following for approval of an innovative mitigation proposal:
    - 1) Creation or enhancement of a larger system of natural areas and open space is preferable to the preservation of many individual habitat areas;
    - 2) Consistency with Goals and Objectives of the Shoreline Restoration Plan and the Goals and Objectives of this Program;
    - 3) The applicant demonstrates that long-term management and protection of the habitat area will be provided;
    - 4) There is clear potential for success of the proposed mitigation at the proposed mitigation site;
    - 5) Restoration of marine shoreline functions or critical areas of a different type is justified based on regional needs or functions and processes;
    - 6) Voluntary restoration projects.

J. ~~Fee In~~ in Lieu:

1. To aid in the implementation of offsite mitigation, the City may develop a formal program which prioritizes shoreline areas included in the Restoration Plan for use as mitigation and/or allows payment in lieu of providing mitigation on a development site. This program shall be developed



and approved through a public process and be consistent with state and federal rules. The program should address:

- a. The identification of sites within the City that are suitable for use as offsite mitigation and are consistent with the Shoreline Restoration Plan. Site suitability shall take into account shoreline ecological functions, potential for degradation, and potential for urban growth and service expansion; and
  - b. The use of fees for mitigation on available sites that have been identified as suitable and prioritized for restoration and/or enhancement
  - c. Any offsite mitigation would have to be consistent with the goals and objectives of the Shoreline Restoration Plan.
2. If a fee-in-lieu program is approved by the City then in cases where mitigation pursuant to this section is not possible, or where the maximum possible onsite mitigation will not wholly mitigate for anticipated impacts, or where an alternative location, identified in an adopted restoration plan, would provide greater ecological function, the Administrator may approve a payment of a fee in lieu of mitigation. The fee shall be reserved for use in high value restoration actions identified through the Shoreline Restoration Plan.

K. Advance Mitigation

1. Advance mitigation is a form of permittee responsible compensatory mitigation constructed in advance of a permitted impact.
2. To aid in the implementation of advance mitigation, the City may develop a formal advance mitigation program. This program shall be developed and approved through a public process and be consistent with state and federal rules as defined in the Interagency Regulatory Guide: Advance Permittee-Responsible Mitigation (December 2012). At a minimum, the program should address:
  - a. Credit value of advance mitigation proposals
  - b. Credits can only be used by the same applicant
  - c. Establish performance standards
  - d. Establish baseline conditions
3. Any advance mitigation project shall be consistent with the goals and objectives of the Shoreline Restoration Plan.

L. Effect on Building Setbacks

1. No building shall be rendered nonconforming with respect to building setbacks as a result of shoreline restoration or mitigation conducted in accordance with this SMP.

**18.20.420 - Critical Areas**

- A. All uses and development occurring within the shoreline jurisdiction shall comply with the critical areas regulations adopted by the City Council as of \_\_\_\_\_, 2021 (Ordinance No. \_\_\_\_\_) and codified in Chapter 18.32 (critical area regulations) and Chapter 16.70 (flood damage prevention), except as modified in (C) below.
- B. If there are any conflicts or unclear distinctions between this chapter and Olympia's critical area or flood damage prevention regulations, the requirements that are the most consistent with the Shoreline Management Act or Washington Administrative Code pertaining to shoreline management shall apply.

- C. Regardless of other provisions in Chapter 18.32, to ensure consistency with the sShoreline Management Act critical areas within shoreline jurisdiction shall be subject to the following:
1. In shoreline jurisdiction, critical area review and permit procedures will be incorporated into and conducted consistently with the associated shoreline permit or exemption review and approval.
  2. Stream and Important Riparian Area buffer reductions beyond twenty-five percent (25%) within shoreline jurisdiction shall require a shoreline variance.
  3. Stormwater facilities may be allowed in the outer twenty-five percent (25%) of Category III and IV wetland buffers in shoreline jurisdiction (OMC 18.32.525(KI)) and only when no other location is feasible.
  4. Utility lines may be allowed in the outer twenty-five percent (25%) of Category III and IV wetland buffers in shoreline jurisdiction (OMC 18.32.525(LM)).
  5. Locating stormwater facilities or utilities within wetlands or within any wetland buffer other than those specified in numbers 43 and 54 above shall require a shoreline variance (OMC 18.32.530(E) and (G)).
  6. Wetland buffer reductions beyond twenty-five percent (25%) within shoreline jurisdiction shall require a shoreline variance.
  - ~~7. Identification of wetlands and delineation of their boundaries in shoreline jurisdiction shall be done in accordance with the approved federal wetland delineation manual and applicable regional supplements (OMC 18.32.580).~~
  - ~~8.7.~~ Reasonable use exceptions (OMC 18.66.040) are not available for relief from critical area standards within the shoreline jurisdiction. Instead, applicants seeking relief from the critical area standards shall apply for a shoreline variance.
  - ~~9.8.~~ New development or the creation of new lots that would cause foreseeable risk from geological conditions during the life of the development is prohibited.
  9. Uses and activities that may be authorized within floodways are limited to those listed in WAC 173-26-221 (3)(c)(i).
  - ~~10. Priority riparian area buffers are set forth in OMC 18.32.435 Streams and Priority Riparian Areas– Buffers.~~

### **18.20.430 - Archaeological, Historic, and Cultural Resources**

- A. Archaeological sites located both in and outside shoreline jurisdiction are subject to RCW 27.44 (Indian Graves and Records) and RCW 27.53 (Archaeological Sites and Records).
- B. Development or uses that impact such sites shall comply with WAC 25-48 (Archaeological Excavation and Removal Permit) as well as the requirements of OMC 18.12, Historic Preservation, and the applicable requirements of this chapter.
- C. Shoreline use and development on sites having archaeological, historic, or cultural resources shall be designed and constructed in a manner that prevents impacts to the resource and provides educational benefits to the public, where appropriate.
- D. In accordance with OMC 18.12 and WAC 173-26-221, developers and property owners shall immediately stop work and notify the City, the Office of Archaeology and Historic Preservation and affected Indian tribes if archaeological resources are uncovered during excavation.

- E. Development that is proposed in areas documented to contain archaeological resources shall have a site inspection or evaluation by a professional archaeologist in coordination with affected Indian tribes during the development review process.

#### **18.20.440 - Parking**

- A. Parking facilities or lots within the shoreline jurisdiction shall be allowed only to support authorized uses.
- B. Commercial parking facilities or lots as a primary use are prohibited within the shoreline jurisdiction.
- C. Parking facilities or lots shall be located landward of the principal building, except when the parking facility is within or beneath the structure and adequately screened or in cases when an alternate orientation would have less adverse impact on the shoreline.
- D. Parking facilities or lots shall be designed and landscaped to minimize adverse impacts upon adjacent shorelines and abutting properties. Landscaping shall comply with OMC 18.36 and the vegetation conservation standards of OMC 18.20.495.
- E. Parking facilities or lots shall provide safe and convenient pedestrian circulation within the parking area to the building or use it serves, and shall be located as far landward of the Ordinary High Water Mark as feasible.
- F. To the extent feasible, new parking lots shall include the most effective stormwater treatment and 'best management' practices. At minimum, such treatment shall conform to the 'Enhanced Menu' issued by the Washington Department of Ecology's "Runoff Treatment BMPs" of August<sup>7</sup>, 2012.

#### **18.20.450 - Public Access**

- A. Public access shall be required for the following types of development, unless waived pursuant to Section C.
  - 1. Residential developments of more than nine residential lots or dwelling units;
  - 2. Commercial or industrial developments; and
  - 3. Shoreline developments proposed or funded by public entities, port districts, state agencies, or public utility districts.
- B. Where a development or use will interfere with an existing public access, the development or use shall provide public access to mitigate this impact. Impacts to public access may include blocking access or discouraging use of existing onsite or nearby public access.
- C. The public access requirement, when related to development not publicly funded, may be waived by the Administrator where one or more of the following conditions are present:
  - 1. Unavoidable health or safety hazards to the public exist which cannot be prevented by any practical means;
  - 2. Constitutional or other legal limits apply;
  - 3. Inherent security requirements of the use cannot be satisfied through the application of alternative design features or other solutions such as limiting hours of use; ~~or~~
  - 4. Adverse impacts to shoreline ecological processes and functions that cannot be mitigated will result; in such cases, offsite and alternative access may be required to mitigate impacts;
  - 5. The development site is disconnected from the shoreline by an existing, legally established public road or public space such as Percival Landing;

6. Save and convenient public access already exists in the immediate vicinity, and/or adequate public access is already documented at the property. The Administrator will consider the following to determine if adequate public access is provided in immediate vicinity:

- a. Public access areas occur along the shoreline within 1/8 mile of the development site or within 1/4 mile when seating is provided along the route; and
- b. Safe pedestrian access from the site to the public access areas along or to the shoreline is provided;

or

7. The cost of providing the access, easement, or an alternative amenity is unreasonably disproportionate to the cost of the proposed development.

- D. Public access provisions shall run with the land and be recorded via a legal instrument such as an easement, or as a dedication on the face of a plat or short plat. Such legal instruments shall be recorded with the Thurston County Auditor prior to issuance of a certificate of occupancy or final plat approval, whichever comes first.
- E. Public access sites shall be constructed and available for public use at the time of occupancy of the use or activity or in accordance with other provisions for guaranteeing installation through a monetary performance assurance.
- F. Public access facilities shall be available to the public from dawn to dusk unless specific exceptions are granted through a shoreline substantial development or other permit.
- G. Public access facilities shall be maintained over the life of the use or development. Future actions by successors in interest or other parties shall not diminish the usefulness or value of required public access areas and associated improvements.
- H. Maintenance of public access facilities on private property shall be the responsibility of the property owner, unless an accepted public or non-profit agency agrees to assume responsibility through a formal agreement recorded with the Thurston County Auditor. Where appropriate, this responsibility may be required of a future homeowners' association, or other entity approved by the City.
- I. Signage indicating the public's right of access and hours of access shall be installed and maintained by the owner, developer, or assignee. Such signs shall be posted in conspicuous locations at public access sites.
- J. Public access areas shall be approved by the Administrator during review of the shoreline permit. If exempt from a shoreline permit, public access areas may be required by the Administrator.

#### **18.20.460 - Design of Public Access**

- A. Public access shall be located, designed, and maintained in accordance with all of the following:
  - 1. The size and configuration of public access areas shall be at least the minimum necessary based on location, intended use, compatibility with adjacent uses, and proximity to other public access areas.
  - 2. Trails and shared uses paths (including access paths) shall be buffered from sensitive ecological features and provide limited and controlled access to sensitive features and the water's edge where appropriate (for example, when part of an interpretive or educational site). Fences may be used to control damage to vegetation and other sensitive ecological features. If used, fences shall be designed and constructed of materials that complement the setting, as well surrounding features, or structures, and allow for wildlife movement.
  - 3. Where feasible, public access shall be located adjacent to other public areas, accesses and connecting trails, with connections to the nearest public street, or trail.

4. Where physical access to the water's edge is not feasible, a public viewing area shall be provided. This requirement may be waived by the Administrator where all of the following conditions are present:

a. The development site is disconnected from the shoreline by an existing, legally established public road or public space such as Percival Landing;

b. Public access areas occur along the shoreline within 1/8 mile of the development site or within 1/4 mile when seating is provided along the route; and

c. Safe pedestrian access from the site to the public access areas along or to the shoreline is provided.

4.5. Public access shall be designed to minimize intrusions on privacy and conflicts between users. For example, provide a physical separation between public and private spaces, orient public access away from windows or private outdoor spaces, or provide a visual screen such as a fence or vegetation.

5.6. Public access shall be designed to provide for the comfort and safety of users. Such spaces shall be visible from the street or adjacent uses, have adequate lighting, and be designed to discourage offensive or illegal conduct.

6.7. Public amenities such as, but not limited to, a covered shelter, benches, or picnic table shall be provided in public access areas.

7.8. Where feasible, public access areas shall be barrier free for the physically disabled in accordance with the Americans with Disabilities Act (ADA).

B. The design and layout of public access shall conform to applicable City design standards and procedures, such as the width of public access easements or dedications for trails and shared-use paths and trail classification and corresponding corridor widths set forth in the Olympia Engineering Design and Development Standards (EDDS). Any deviation shall be the minimum necessary to achieve the intended purpose of such deviation. It is not the intent of the City to authorize informal trails and the standards contained herein are not intended to address them.

#### **18.20.470 - Scientific and Educational Activities**

A. Scientific and educational uses and activities are limited to those which will:

1. Not jeopardize existing wildlife populations or organisms;
2. Not permanently alter the character of biological habitats; and
3. Not degrade the character of the shoreline environment in which they are located.

B. Temporary disruption of biological systems may be permitted when a scientific activity will result in their restoration or improvement, and only when a restoration plan is approved by the City and other agencies with jurisdiction.

C. Permits for scientific or education activities that will span an extended period of time may be granted; limits on the duration of the use or activity may be established as a condition of approval.

D. Structures associated with scientific and educational activities such as museums, schools, or visitor centers may be allowed subject to the use provisions of OMC 18.20.620.

E. Temporary facilities used in conjunction with the scientific or educational project shall be removed at the conclusion of the project.

### **18.20.480 - Signage Regulations**

Signage shall conform to OMC 18.42, Sign Regulations. In addition, the following provisions shall apply within the shoreline jurisdiction:

- A. All offsite signs, except for directional signs, shall be prohibited;
- B. All signs shall be located and designed to avoid interference with vistas, viewpoints, and visual access to the shoreline;
- C. Signs shall be designed and placed so that they are compatible with the aesthetic quality of the existing shoreline and adjacent land and water uses;
- D. Over water signs and signs on floats or pilings, except as needed for navigational purposes, shall be prohibited;
- E. Where lighted signs and illuminated areas are permitted, such illuminating devices shall be shaded and directed so as to minimize, to the extent feasible, light and glare from negatively impacting neighboring properties, streets, public areas, or water bodies. Lighted signs shall be designed to reduce glare when viewed from surrounding properties or from the water. Lighting shall not shine directly upon or cast a glare on the water; and
- F. All signs shall be located in such a manner that they minimize interference with public views. Free standing signs which may disrupt views to the water shall be placed on the landward side of development.

### **18.20.490 - Vegetation Conservation Areas - Intent**

- A. Vegetation conservation includes activities to protect and restore upland vegetation along or near marine or fresh water bodies to minimize habitat loss and the impact of invasive plants, erosion and flooding and contribute to the ecological functions of shoreline areas. The provisions of this section establish vegetation conservation areas, and set forth regulations for the prevention or restriction of native vegetation removal, grading, vegetation restoration, control of invasive weeds and non-native species, and tree maintenance adjacent to the shoreline.
- B. However, unless otherwise stated, vegetation conservation does not include those activities expressly authorized by the Washington State Forest Practices Act, but does include conversion to other uses and those other forest practice activities over which the City has authority.

### **18.20.492 - General Vegetation Conservation Regulations**

- A. Vegetation conservation provisions apply to all shoreline developments as required in Table 6.3. All vegetation conservation in these areas shall conform to the regulations and standards below.
- B. Parcels fronting on lakes, marine waters, streams, or wetlands shall preserve or provide native vegetation within vegetation conservation areas, also known as VCAs or buffers, upland of and adjacent to the Ordinary High Water Mark as required in Table 6.3. If present on a parcel, note that critical area buffers may be larger than or may encompass VCAs.
- C. Except as provided herein, applicants for new development, expansion, or redevelopment shall protect and preserve existing native vegetation within the vegetation conservation area.
- D. Mitigation in the form of restoration or creation of vegetation conservation area may be required as a condition of development approval consistent with mitigation sequencing priorities in OMC 18.20.410(B). Further, an applicant may propose such restoration for reductions in required setbacks or for encroachments into required vegetation conservation areas as provided in OMC 18.20.493 and/or for water dependent uses as provided in Table 6.3.

- E. Where applicable, nonconforming and water dependent uses that cannot provide a vegetation conservation area due to the nature of the use or activity shall provide comparable mitigation. For example, if it is not feasible to provide vegetation onsite due to constraints such as lot size, topography, or existing site improvements, vegetation may be provided offsite in accordance with the provisions of OMC 18.20.410(H).

### **18.20.493 - Permitted Uses and Activities within Vegetation Conservation Areas**

A. Subject to other limitations of this chapter and if also allowed within the applicable shoreline environment designation, the following uses and activities are permitted within vegetation conservation areas without a variance.

1. Transportation facilities and utilities within existing rights-of-way only when it has been determined that alternative upland locations are not feasible;
  2. Public access viewpoints, pedestrian access from upland areas to the shoreline, piers, docks, launch ramps, viewing platforms, wildlife viewing blinds and other similar water-oriented uses;
  3. Public recreation trails identified in adopted plans and those located on existing road or railroad beds;
  4. Educational facilities such as viewing structures and platforms, wildlife viewing blinds and interpretive sites;
  5. Equipment necessary for conducting water-dependent uses such as boat travel lifts for boat maintenance and upland storage, and loading equipment for transport of logs and natural resource materials. Where logs or natural resource materials are loaded directly from the shoreline to a vessel, impacts to the shoreline shall be minimized by:
    - a. Constructing designated loading areas;
    - b. Maintaining equipment to avoid fuel or oil leaks; and
    - c. Implementing best management practices to reduce erosion and discharge of untreated stormwater directly into the water.
  6. Removal of noxious weeds or hazardous trees;
  7. Removal and thinning of trees and vegetation on public property to maintain public view corridors identified in Section 18.20.500;
  8. Improvements that are part of an approved enhancement, restoration, vegetation management or mitigation plan;
  9. Shoreline stabilization only when it is part of an approved project;
  10. The following facilities, fixtures and furnishing shall be allowed within the VCA of public parks and water related recreation areas: 1. paved or unpaved trails, bridges and pedestrian access; 2. picnic shelters, tables and pads not greater than 400 square feet in size; 3. seating, benches, drinking fountains, garbage cans and other site furnishing; 4. public art and art installations; 5. signs, environmental interpretive facilities and information kiosks, and interpretive exhibits; 6. wildlife viewing structures; 7. play equipment and other similar passive parks furnishing and fixtures; 8. restrooms, when no suitable location outside of the VCA exists; and
  11. Water dependent uses as authorized in OMC 18.20.620 Table 6.3.
- B. Appurtenant and accessory structures other than those described above or in OMC 18.20.690(C) are prohibited within the vegetation conservation area.

### **18.20.494 - Alterations to Existing Development**

Alterations to existing development, including accessory structures, decks, patios, sport courts, and walkways, shall protect existing native vegetation within the vegetation conservation area. If the minimum vegetation conservation area is not present when a site alteration is proposed, the Administrator may require establishment of such vegetation conservation area where required by Table 6.3 that is necessary to prevent adverse impacts to the shoreline ecological functions that may result from any proposed alterations.

### **18.20.495 - Vegetation Conservation Area Standards**

- A. Speculative clearing, grading, or vegetation removal is prohibited. Clearing, grading and vegetation removal within shoreline setbacks and Vegetation Conservation Areas shall be the minimum necessary for the authorized use or development.
- B. The minimum width of Vegetation Conservation Areas is set forth in Table 6.3 and measured perpendicular to the Ordinary High Water Mark along the entire shoreline of the property. To account for site conditions and to create a more natural Vegetation Conservation Area, the minimum widths may be reduced by 50% by the Administrator upon finding that the total VCA of the parcel is equivalent to the minimum area that would result from the standard minimum width and such reduction will not result in adverse impacts to the shoreline functions; such reductions also known as 'VCA averaging.' Vegetation Conservation Areas exceeding minimums may be proposed or required if necessary to ensure no net loss of shoreline ecological functions will result from proposed shoreline development.
- C. In general, protected, and restored Vegetation Conservation Areas shall be composed of native vegetation comparable in species density and diversity to an ecologically similar undisturbed area. Such species density and diversity shall be determined by the Administrator based on best available science. Provided, however, that up to 33% (one-third) of the Vegetation Conservation Area may be utilized for authorized uses and activities described in OMC 18.20.493 provided that impervious surfaces shall not exceed 25% of the VCA. In no case shall the width of a required VCA be less than 10 feet. Encroachment of an authorized use or activity shall require an equivalent area elsewhere onsite be set aside as a VCA and shall not result in a net loss to shoreline ecological functions.
- D. When restoring or enhancing shoreline vegetation, applicants shall use native species that are of a similar diversity, density and type commonly found in riparian areas of Thurston County. The vegetation shall be nurtured and maintained to ensure establishment of a healthy and sustainable native plant community over time.
- E. Lawns are prohibited within the Vegetation Conservation Area due to their limited erosion control value, limited water retention capacity, and associated chemical and fertilizer applications.
- F. Trimming of trees and vegetation is allowed within the Vegetation Conservation Area subject to:
  - 1. This provision does not allow clearing of trees or vegetation except as provided below and elsewhere in this chapter;
  - 2. The limbing or crown-thinning of trees larger than three inches in caliper shall comply with National Arborist pruning standards, unless the tree is a hazard tree as defined in OMC 16.60, Tree Protection and Replacement. No more than 25% of the limbs on any single tree may be removed and no more than 25% of the canopy cover in any single stand of trees may be removed for a single view corridor.
  - 3. Trimming does not directly impact the nearshore functions and values including fish and wildlife habitat;
  - 4. Trimming is not within a critical area of Chapter 18.32 or associated buffer; and



- 5. Tree topping is prohibited.
- G. Vegetation shall be maintained over the life of the use or development.
- H. Vegetation conservation areas shall be placed in a separate tract in which development is prohibited; protected by execution of an easement dedicated to a conservation organization or land trust; or similarly protected through a permanent mechanism acceptable to the City.

**18.20.496 - Vegetation Management Plan**

- A. Clearing and grading within the shoreline jurisdiction is only permitted upon approval by the Administrator of a Vegetation Management Plan prepared by the applicant. If mitigation measures are required as outlined in OMC 18.20.410(F), the Vegetation Management Plan may be combined with the Mitigation Plan, and must be prepared by a qualified professional. The Vegetation Management Plan shall include:
  - 1. A map illustrating the distribution of existing plant communities in the area proposed for management. The map must be accompanied by a description of the vegetative condition of the site, including plant species, plant density, any natural or manmade disturbances, overhanging vegetation, and the functions served by the existing plant community (e.g., fish and wildlife values, slope stabilization);
  - 2. A description of how mitigation sequencing was used and how the plan achieves no net loss of shoreline ecological functions the vegetation is providing;
  - 3. An inventory of existing vegetation, including a description of vegetation overhanging the shoreline;
  - 4. A detailed plan indicating which areas will be preserved and which will be cleared, including tree removal;
  - 5. Drawings illustrating the proposed landscape scheme, including the species, distribution, and density of plants. Any pathways or non-vegetated portions and uses shall be noted;
  - 6. A description of any vegetation introduced for the purposes of fish and wildlife habitat;
  - 7. Installation of vegetation shall meet the following standards:
    - a. Native species that are of a similar diversity, density and type commonly found in riparian areas of Thurston County shall be used, unless non-native substitutes are authorized by the Administrator based on availability of native materials and said materials are appropriate to soil and climate conditions;
    - b. On public property, vegetation shall be selected and located to maintain public views identified in approved plans;
    - c. At the time of planting, plant materials shall be consistent with the standards in OMC 18.36, Landscaping and Screening;
    - d. The applicant may be required to install and implement an irrigation system to insure survival of vegetation planted. For remote areas lacking access to a water system, an alternative watering method may be approved;
    - e. Planting in the fall or early spring is preferred over summer for purposes of plant establishment; and
    - f. For a period of 10 years after initial planting, the applicant shall replace any unhealthy or dead vegetation as part of an approved vegetation management plan.
- B. Loss of wildlife habitat shall be mitigated onsite. If onsite mitigation is not feasible, offsite mitigation shall be permitted in accordance with OMC 18.20.410; and

- C. The Administrator may waive some but not all of the vegetation installation requirements in this section when the applicant demonstrates that the proposal will result in no net loss of shoreline functions by improving shoreline ecological functions of the shoreline, such as the removal of invasive species, shoreline restoration/enhancement, or removal of hard armoring.
- D. For other applicable regulations, see OMC Chapters 16.60, 18.32, and 18.36.
- E. In addition to A to D above all required vegetation installation shall conform to the standards of section 18.20.410(F) and (G) of this SMP.

#### **18.20.500 - View Protection - Intent**

Over 50 percent of Olympia’s marine shoreline is publicly owned. Much of this shoreline, such as at Percival Landing, West Bay Park, Priest Point Park, and the East Bay area, provide opportunities for the public to enjoy the views of Mount Rainier, the Capitol, Budd Inlet, and the Olympic Mountains. The future may provide even greater opportunities for the public to enjoy the scenic qualities of the area.

The protection of these public views from the shoreline is an important objective of Olympia’s Shoreline Program. Protection of such views to and from the shoreline can be achieved through multiple strategies including public ownership and use of shorelands, the inclusion of public access and viewpoints in private development, establishing key view corridors, establishing height limits and design standards, vegetation management standards, and visual assessment where views may be impacted.

Private uninterrupted views of the shoreline, although considered, are not expressly protected. Property owners concerned with the protection of views from private property are encouraged to obtain view easements, purchase intervening property and/or seek other similar private means of minimizing view obstruction.

#### **18.20.504 - View Protection Regulations**

- A. No permit shall be issued pursuant to this chapter for any new or expanded building or structure of more than thirty-five (35) feet above average grade level that will obstruct the view of a substantial number of residences on areas adjoining such shorelines except where Olympia’s Shoreline Program does not prohibit the same and then only when overriding considerations of the public interest will be served.
- B. All development within the shoreline jurisdiction shall comply with the view protection standards of OMC 18.110.060.
- C. Public shoreline views shall be protected by the use of measures, including but not limited to, maintaining open space between buildings, clustering buildings to allow for broader view corridors, and minimizing building height and total lot coverage.
- D. When there is an irreconcilable conflict between water-dependent uses and physical public access and maintenance of views from adjacent properties, the water-dependent uses and physical public access shall have priority, unless there is a compelling reason to the contrary.
- E. Buildings shall incorporate architectural features that reduce scale such as increased setbacks, building modulation (vertical and horizontal), pitched roofs, angled facades, and reduced massing.
- F. New development, uses and activities shall locate trash and recycling receptacles, utility boxes, HVAC systems, electrical transformers, fences and other appurtenances to minimize interference with public views.
- G. Design and install utilities and accessory structures in such a way as to avoid impacts to scenic views and aesthetic qualities of the shoreline area.

- H. Communication and radio towers shall not obstruct or destroy scenic views of the water. This may be accomplished by design, orientation and location of the tower, height, camouflage of the tower, or other features consistent with utility technology.
- I. Fences, walls, hedges, and other similar accessory structures in the VCA shall be limited to four (4) feet in height between the Ordinary High Water Mark and primary structures. Outside of the VCA the fencing provisions in OMC 18.40 shall apply.
- J. Where on-going maintenance of vegetation on public property to protect public views is necessary, a Vegetation Management Plan shall be approved by the Administrator prior to any work. At a minimum, the Vegetation Management Plan shall identify the viewshed to be preserved, the areas where vegetation will be maintained (including tree removal), and percent of vegetation to be retained. If trees are removed, they shall be replaced with three trees for each tree removed up to a minimum density of 220 trees per acre.

### **18.20.507 - Visual Impact Assessment**

The applicant of a building or structure that exceeds 35 feet to the highest point above average grade level shall prepare and submit a visual analysis in conjunction with any development permit. At a minimum, the analysis shall address how the proposed project impacts views protected under RCW 90.58.320 and OMC 18.110.060. The Administrator may require additional information such as photo-simulations showing proposed buildings in relation to impacted views. If the analysis shows the proposed building or structure would block or significantly compromise the view of a substantial number of residences in adjoining areas or views protected under OMC 18.110.060, the City may place conditions on the development to prevent the loss of views.

### **18.20.510 - Water Quality**

- A. Septic systems for new development within the shoreline jurisdiction are prohibited.
- B. Stormwater management facilities for new uses and development shall be designed, constructed, and maintained in accordance with the Olympia Drainage Design and Erosion Control Manual of Olympia. To the extent feasible, low impact development best management practices shall be incorporated into every project along the shoreline. All redevelopment and new development within Reaches 4 and 5A shall require compliance with the Drainage Design and Erosion Control Manual of Olympia without consideration to the thresholds established therein.
- C. The use of wood treated with creosote, copper, chromium, arsenic, or pentachlorophenol shall only be approved upon a finding of no feasible alternative.
- D. All structures that come in contact with water shall be constructed of materials that will not adversely affect water quality or aquatic plants or animals.
- E. Uses and activities that pose a risk of contamination to ground or surface waters shall be prohibited in shoreline jurisdiction. Such uses include, but are not limited to the following:
  1. Storage, disposal, or land application of waste (excluding secondary/tertiary treated effluent from municipal sewer systems), including solid waste landfills;
  2. Operations for confinement feeding of animals;
  3. Agricultural activities that involve the application of fertilizers, pesticides, or other chemical treatments;
  4. Junk yards and auto wrecking yards;
  5. Storage of hazardous or dangerous substances within a floodplain; and

6. Alterations to structures and uses served by septic systems that do not meet local or state requirements.
- F. Dredging and dredge disposal activities must employ appropriate best management practices to prevent water quality impacts or other environmental degradation.

### **18.20.600 - Shoreline Use and Development – Intent**

The purpose of ~~this section~~ OMC Section 18.20.600 through 18.20.710 is to set forth regulations for specific common uses and types of development that occur within Olympia’s shoreline jurisdiction. Where a use is not listed on Table 6.1, the provisions of OMC 18.20.250, Unclassified Uses, shall apply. All uses and activities shall be consistent with the provisions of the shoreline environment designation in which they are located and the general regulations in OMC 18.20.400 through 18.20.510 and the shoreline modification provisions in OMC 18.20.800 through 18.20.930.

### **18.20.610 - General Use and Development Provisions**

- A. Developments that include a mix of water-oriented and nonwater-oriented uses may be approved if the Administrator finds that the proposed development avoids impacts to shoreline ecological functions, provides public access, and otherwise enhances the public’s ability to enjoy the shoreline.
- B. All uses not explicitly permitted in this chapter shall require a Shoreline Conditional Use Permit. The Hearing Examiner may impose conditions to ensure that the proposed development meets the policies of Olympia’s Shoreline Program.
- C. All development and uses must conform to all applicable provisions of this Shoreline Program, including the shoreline use table and the development standards table in OMC 18.20.600 through 18.20.710, unless otherwise stated or upon approval of a shoreline variance.
- D. Except as required by state or federal regulations or explicitly authorized by this chapter, forestry practices, mining and solid waste uses, and activities are prohibited in all shoreline areas.

### **18.20.620 - Use and Development Standards Tables**

- A. Table 6.1 identifies allowed uses and activities by shoreline environment designation. Table 6.2 establishes building heights by shoreline environment designation. Table 6.3 establishes development standards by shoreline environment designation including shoreline setbacks and Vegetation Conservation Areas. These tables shall be used in conjunction with the written provisions for each use. Table footnotes provide additional clarification or conditions applicable to the associated uses or development regulation.
- B. Maximum Shoreline Building Heights are not applicable to light and utility poles; nor to equipment used for loading and unloading such as conveyors and cranes within the Port Marine Industrial environment and adjacent Aquatic environment.
- C. Upon finding that such structures will not result in a net loss of shoreline functions and are otherwise consistent with Olympia’s Shoreline Program, the Administrator may authorize small buildings and other structures within the “building setback” area but outside of the VCA, if locating such structures outside of shoreline jurisdiction is not feasible. Any such structures shall not exceed a total 800 square feet within each development, shall not be located within critical areas or their buffers unless authorized in OMC 18.20.420, shall not be closer than 30 feet to the Ordinary High Water Mark or the width of the VCA whichever is greater, and shall not exceed a height of 20 feet. To ensure protection of shoreline functions and views, the Administrator may attach conditions to approval of the permits as necessary to assure consistency of the project with the Act and this Shoreline Program.
- D. Setback reductions shall be allowed as provided in Table 6.3 and subject to the following:

1. Incentives for setback reductions noted herein are cumulative up to the maximum reduction allowed. Incentive eligible restoration projects may be completed in association with, or in addition to, required mitigation projects, however, no setback reductions shall be allowed for required mitigation projects. Prior to the Administrator approving setback reduction incentives, the applicant shall demonstrate compliance with the mitigation sequence at a site level as provided in Section 18.20.410 of the SMP. Restoration incentives must be achieved onsite unless the Administrator finds this is not feasible or would have significantly less ecological benefit than offsite restoration. Offsite restoration shall be consistent with the objectives for mitigation outlined in OMC 18.20.410(H) and (I). Should no offsite restoration option be available, onsite restoration shall be required to obtain the associated setback reduction incentive.
2. Preferred public access shall be physical access to the marine shoreline from the public right-of-way via a sidewalk or paved trail on a publicly dedicated easement no less than six (6) feet in width and constructed to City standards as included in the City's Engineering Design and Development Standards. Other forms of indirect access such as viewing towers and platforms may be considered where direct access to the shoreline is deemed dangerous due to the nature of the use of the property or the conditions at the shoreline. Existing access meeting the standards described herein may be used to meet setback incentive provisions.
3. Trail shall be a commuter multi-use trail on a public easement no less than twelve (12) feet in width and providing no less than a 12-foot wide clear travel path, providing continuous public access across the site and shall be placed upland of the Ordinary High Water Mark and constructed to commuter multi-use trail standards as included in the City's Engineering Design and Development Standards. Existing trails meeting the requirements described herein may be used to meet setback incentive provisions. To receive setback reduction credit the trail must be built on the site.
4. Vegetation restoration shall be planting of native shoreline vegetation in excess of that required to achieve no net loss of environmental function from unavoidable impacts associated with a development proposal. Plantings shall substantially mimic undisturbed native shorelines in the South Puget Sound in plant species, species mixture and plant density. Vegetation restoration shall be accomplished through an approved Vegetation Management Plan. Restoration ratios shall begin at 2 square feet of restoration for every one (1) square foot reduction of the required setback area and demonstrate no net loss of environmental function.
5. Removal of bulkhead shall be the physical removal of a vertical structure and replacement with a softened shoreline treatment. Measures may include use of shoreline contouring, gravels, cobbles, limited use boulders, logs, and vegetation in a manner that promotes native aquatic species and protects the shoreline from erosion.
6. Replacement of a hardened shoreline shall be the physical removal of rip rap or other non-vertical shoreline protection and replacement with a softened shoreline treatment. Measures may include use of shoreline contouring, gravels, cobbles, limited use boulders, logs, and vegetation in a manner that promotes native aquatic species and protects the shoreline from erosion.
7. Water Dependent uses may encroach into the required setback and vegetation conservation area as described in Table 6.3 in accordance with the mitigation sequence in OMC 18.20.410. Reductions to less than a 20-foot setback shall only be allowed where the following two requirements have been met:
  - a. Alternative public access has been provided sufficient to mitigate the loss of direct public access to the shoreline and in no case shall public access be less than twelve (12) feet as described in paragraph 3 above;

- b. The shoreline bulkhead removal or hardening replacement requirements of 5 or 6 above are met for each linear foot of shoreline impacted and the applicant demonstrates that a reduced setback would not result in the need for future shoreline stabilization.
- 8. No setback shall be required in the Port Marine Industrial shoreline environmental designation;<sup>7,2</sup> however, mitigation shall be required to offset any impacts determined through the mitigation sequencing process to ensure no net loss of environmental function and to mitigate for loss of public access.
- 9. Shoreline setbacks shall not apply to areas that are disconnected from the shoreline by an existing, legally established public road or other substantially developed surface which results in a functional disconnect from the shoreline. The applicant shall provide a biological assessment by a qualified professional that demonstrates the area is functionally isolated. The City shall consider the hydrologic, geologic, and/or biological habitat connection potential and the extent and permanence of the physical separation.

**Table 6.1 – Uses and Activities**

**LEGEND: P = Permitted C = Shoreline Conditional Use Permit X = Prohibited**

**C/P = A Shoreline Conditional Use Permit or Shoreline Substantial Development Permit is required. A Shoreline Conditional Use Permit is required if any portion of the use or development activity is wholly or partially located within 100 feet of the OHWM; when all uses and activities are located more than 100 feet from the OHWM a Shoreline Substantial Development Permit is required, are permitted.**

Primary Use of Building or Structure	Urban Intensity	Port Marine Industrial	Shoreline Residential	Urban Conservancy	Waterfront Recreation	Marine Recreation	Natural	Aquatic <sup>1</sup>
<b>Agriculture</b>								
Agriculture	X	X	X	X	X	X	X	X
<b>Aquaculture</b>								
Restoration and- Recovery of Native Populations	P	P	P	P	P	P	P	P
Commercial Aquaculture	C	C	C	C	C	C	X	C
<b>Boating Facilities</b>								
Marinas	P	P	X	X	X	P	X	C
Launch Ramps	P	P	P	P	P	P	X	P
Upland Boathouses & Storage Structures,	P	P	P	P	P	P	X	X
Overwater Covered Moorage and Boathouses	X	X	X	X	X	X	X	X
<b>Commercial</b>								
Water Dependent	P	P	C	X	C	P	X	C
Water Related and Enjoyment	P	P	C	X	C	P	X	X
Non-water Oriented	C	C	X	X	X	C	X	X
<b>Industrial/Light Industrial</b>								
Water Dependent	P	P	X	X	X	C	X	P
Water Related	P	P	X	X	X	C	X	X
Nonwater Oriented	X	X	X	X	X	X	X	X
<b>Recreation</b>								
Water Dependent & Enjoyment, and All Other Water Related, e.g., viewing platforms, wildlife blinds, interpretive areas	P	X	P	P	P	P	C	C

Primary Use of Building or Structure	Urban Intensity	Port Marine Industrial	Shoreline Residential	Urban Conservancy	Waterfront Recreation	Marine Recreation	Natural	Aquatic <sup>1</sup>
Non-water Oriented	C/P	X	C/P	X	C	X	X	X
<b>Residential</b>								
Residential	P	X	P	P	X	X	X	X
<b>Transportation</b>								
Roads/Railroads	C/P	C/P	C/P	C/P	C/P	C/P	C/P	C
Trails and Shared Use Paths	P	P	P	C/P	P	P	C/P	P
Parking	P	P	P	C/P	C/P	P	C/P	X
<b>Utilities</b>								
Utility Lines, Buildings and Facilities	C/P	C/P	C/P	C/P	C/P	C/P	C/P	C
<b>Other</b>								
All Other Uses Not Listed Above	C	C	C	C	C	C	X	C
Mixed Use	C <sup>2</sup> /P	C	C	C	C	C <sup>2</sup> /P	X	X

<sup>1</sup> Uses listed as permitted or conditional in the Aquatic designation are allowed only if not prohibited in the adjacent upland shoreline designation.

<sup>2</sup> If all of the proposed uses are permitted, the mix of said permitted uses is also permitted. However, if one or more of the proposed uses is conditionally permitted, then the proposed mix would trigger a Shoreline Conditional Use Permit.



**Table 6.2 – Development Standards (Heights)**

<b>Shoreline Environment</b>	<b>Shoreline Reach</b>	<b>Maximum Standard Building Height</b>
<b>Aquatic</b>	All	20 feet
<b>Natural</b>	All	15 feet
<b>Waterfront Recreation</b>	Budd Inlet	42 feet
	Capitol Lake	35 feet
<b>Urban Conservancy</b>	All	35 feet
<b>Shoreline Residential</b>	All	35 feet
<b>Marine Recreation</b>	Budd Inlet	40 feet; 25 feet within 75 feet of OHWM
<b>Urban Intensity</b>	Budd – 3A*	42 feet to 65 feet*
	Budd 6A & Capitol – 3B	65 feet
	Budd-4 and Budd-5A	35 feet water-ward of streets; 90 feet remainder
<b>Port Marine Industrial</b>	All	65 feet

\*Subject to the provisions of the West Bay Drive regulations 18.06.100(A)(2)(C).

**Table 6.3 – Setbacks and Incentives**

<b>Shoreline Environment</b>	<b>Shoreline Setback</b>	<b>Vegetation Conservation Area</b>	<b>Setback and VCA with maximum reduction– Non-water dependent</b>	<b>Incentive eligible provisions – See 18.20.620(D)(1)</b>	<b>Shoreline Setback and VCA reduction</b>	<b>Required Standards</b>
<b>Aquatic</b>	N/A	N/A	N/A	N/A	N/A	N/A
<b>Natural</b>	200'	200'	N/A	N/A	N/A	N/A
<b>Urban Conservancy</b>	100'	50'	N/A	N/A	N/A	N/A
<b>Shoreline Residential - Ward Lake</b>	75'	20'	N/A	N/A	N/A	N/A
<b>Shoreline Residential – Ken Lake, Budd Inlet</b>	30'	20'	N/A	N/A	N/A	N/A
<b>Marine Recreation – Budd 5C</b>	75'	30'	50'	Physical Access	7'	See 18.20.620(D)(2)
				Trail	7'	See 18.20.620(D)(3)
				Restoration of vegetation	Up to 7'	See 18.20.620(D)(4)
				Bulkhead Removal >50% frontage	10'	See 18.20.620(D)(5)
				Bulkhead Removal <50% frontage	5'	See 18.20.620(D)(5)
				Replacement of hardened shoreline with soft structural stabilization measures water-ward of OHWM.	12.5'	See 18.20.620(D)(6)
Water Dependent Uses Reduce from 75' to 20' or 0'				Water Dependent Use	55' or 100% (75')	See 18.20.620(D)(7)
<b>Waterfront Recreation – Budd 3B</b>	50'150' or the east side of West Bay Drive whichever is less.	50'150' or the east side of West Bay Drive whichever is less.	150'50'	N/A	N/A	N/A
Water Dependent Uses Reduce from 30' to 0'				Water Dependent Use	100%	See 18.20.620(D)(7)

Shoreline Environment	Shoreline Setback	Vegetation Conservation Area	Setback and VCA with maximum reduction—Non-water dependent	Incentive eligible provisions – See 18.20.620(D)(1)	Shoreline Setback and VCA reduction	Required Standards
					(30')	
<b>Waterfront Recreation – Cap 6</b>	30'	30'	30'	N/A	N/A	N/A
Water Dependent Uses Reduce from 30' to 0'				Water Dependent Use	100% (30')	See 18.20.620(D)(7)
<b>Waterfront Recreation Cap-7 (Marathon Park)</b>	30'	30'	30'	N/A	N/A	N/A
Water Dependent Uses Reduce from 30'to 0'				Water Dependent Use	100% (30')	
<b>Urban Intensity -Budd 3A</b>	30'	30'	30'	N/A	N/A	N/A
Water Dependent Uses Reduce from 30'to 0'				Water Dependent Use	100% (30')	
<b>Urban Intensity -Budd 4</b>	30'	0'	30'	N/A	N/A	N/A
Water Dependent Uses Reduce from 30' to 0'				Water Dependent Use	100% (30')	
<b>Urban Intensity - Budd 5A</b>	30'	0'	30'	N/A	N/A	N/A
Water Dependent Uses Reduce from 30'-0'				Water Dependent Use	100% (30')	
<b>Urban Intensity -Budd 6A</b>	100'	0'	100'	N/A	N/A	N/A
<b>Port Marine Industrial – Budd 5B</b>	0'	0'	0'	N/A	N/A	See 18.20.620(D)(8)

### 18.20.630 - Agriculture

- A. The creation of new agricultural lands and/or activities is prohibited.
- B. Confinement lots, feeding operations, lot wastes, stockpiles of manure solids and storage of noxious chemicals are prohibited.
- C. Existing agricultural activities shall be allowed to continue subject to:

1. Expansion or modification of existing agricultural uses shall be conducted in a manner that avoids impacts to shoreline ecological functions and processes and shall comply with critical areas regulations set forth in this chapter; and
  2. Appropriate farm management techniques shall be used to prevent contamination of nearby water bodies and adverse effects on plant, fish, and animal life from the application of fertilizers and pesticides.
- D. Development on agricultural land that does not meet the definition of agricultural activities and the conversion of agricultural land to nonagricultural uses shall be consistent with the environment designation, and general and specific use regulations applicable to the proposed use and not result in a net loss of shoreline ecological functions.

#### **18.20.640 - Aquaculture**

- A. Aquaculture is dependent on the use of the water area and, when consistent with control of pollution and prevention of damage to the environment, is a preferred use of the water area.
- B. Commercial aquaculture shall conform to all applicable state and federal regulations. The City may accept application documentation required by other permitting agencies for new and expanded aquaculture uses and development to minimize redundancy in permit application requirements. Additional studies or information may be required by the City, which may include but is not limited to monitoring and adaptive management plans and information on the presence of and potential impacts to, including ecological and visual impacts, existing shoreline or water conditions and/or uses, vegetation, and overwater structures.
- C. Aquaculture activities and facilities shall be located where they do not adversely impact native eelgrass and microalgae species or other critical saltwater habitats, priority species or species of concern, or habitat for such species as defined in OMC 18.20.120. Aquaculture uses and activities shall observe all upland and aquatic buffers or setbacks required by applicable state or federal regulations. Larger buffers or other protections may be required if supported by relevant resource agencies in coordination with the Administrator. Aquaculture shall not be permitted in areas where it would result in a net loss of shoreline ecological functions, or where adverse impacts to critical saltwater habitats cannot be mitigated according to OMC 18.20.410(B).
- D. Aquaculture for the recovery of native populations is permitted when part of an approved restoration or habitat management plan complying with this Chapter.
- E. In addition to other requirements in this chapter, applications for commercial geoduck aquaculture shall meet all minimum permit requirements and contain all of the items identified in WAC 173-26-241(3)(b)(iv)(F).

#### **18.20.650 - Boating Facilities - General Regulations**

- A. Boating facilities which will adversely impact shoreline ecological functions and system-wide processes, especially in highly sensitive areas such as estuaries and other wetlands, forage fish habitat, and other critical saltwater habitats, are prohibited.
- B. Marinas and launch ramps shall be located in areas where there is adequate water mixing and flushing, and shall be designed not to retard or negatively influence flushing characteristics.
- C. Marinas and boat launch ramps shall be located only on stable shorelines where water depths are adequate to avoid the net loss of shoreline ecological functions and processes, and eliminate or minimize the need for offshore or foreshore channel construction dredging, maintenance dredging, spoil disposal, filling, beach feeding and other river, lake, harbor, and channel maintenance activities.

- D. All boating facilities, including marinas and boat yards, shall utilize effective measures to prevent the release of oil, chemicals, or other hazardous materials into the water.
- E. Marinas and boat launches shall provide physical and visual public access. This requirement may be waived by the Administrator if the applicant demonstrates that public access is not feasible in accordance with the provisions of OMC 18.20.450.
- F. Locate boating facilities where parking and access can be provided without causing adverse impacts to adjacent properties.
- G. Restrooms and garbage facilities shall be provided at marinas and boat launching facilities.
- H. Lighting for boating facilities shall be designed to minimize light and glare, especially where it is visible to adjacent properties and properties across the water. Illumination levels shall be the minimum necessary for the intended use. All light fixtures shall be fully shielded and oriented to avoid shining directly on the water and to prevent spillover offsite.
- I. Mooring of boats for extended periods shall comply with applicable state regulations.

#### **18.20.652 - Boat Launch Ramps**

- A. Boat launch ramps shall be located, designed, constructed, and maintained to reduce impacts to the shoreline. Preferred ramp designs, in order of priority, are:
  - 1. Open grid designs with minimum coverage of beach substrate;
  - 2. Seasonal ramps that can be removed and stored upland; and
  - 3. Structures with segmented pads and flexible connections that leave space for natural beach substrate and can adapt to change in beach profile.
- B. Ramps shall be located, constructed, and maintained where alterations to the existing foreshore slope can be avoided or minimized.

#### **18.20.654 - Marinas**

- A. New marinas are allowed only when they are consistent with Olympia's Shoreline Program and only when the proponent demonstrates that all of the following conditions are met:
  - 1. The proposed location is the least environmentally damaging alternative. Shallow water embayments, areas of active channel migration where dredging would be required, and areas of intact shoreline ecological functions and processes shall be avoided;
  - 2. To the extent feasible, hard armoring is avoided (see Section C below);
  - 3. Potential adverse impacts on shoreline processes and ecological functions are mitigated to achieve no net loss;
  - 4. The area has adequate water circulation and flushing action, and the marina is designed so that it does not negatively influence flushing characteristics;
  - 5. The proposed location will not require excavation and/or filling of wetlands or stream channels; and
  - 6. Suitable public infrastructure is available, or can be made available by project completion, to support the marina.
- B. Where permitted, marinas shall be designed, constructed, and operated as follows:

1. Floating structures shall be designed to prevent grounding on tidelands. Floats shall not rest on the substrate at any time. Stoppers or stub pilings shall be used to keep the bottom of the float at least one foot above the level of the substrate;
  2. Piers and other structures shall be located, sized, and designed to minimize shading of nearshore aquatic habitats and impacts to species that use these areas;
  3. Solid structures shall be designed to provide fish passage through and along the shallow water fringe;
  4. Marina development shall be required to provide public access amenities pursuant to OMC 18.20.450, Public Access. The location and design of public access shall be determined based on a given location and the public access needs in the vicinity of the marina. Existing public access shall not be adversely impacted;
  5. Impacts to navigation shall be avoided; where unavoidable, impacts shall be mitigated;
  6. New floating homes and on water residences are prohibited. This provision shall not apply to live-aboard vessels expressly approved as part of a marina. A floating home permitted or legally established prior to January 1, 2011 and floating on water residences legally established prior to July 1, 2014 will be considered conforming uses.
  7. Live-aboard vessels are permitted in marinas only as follows:
    - a. if adequate solid waste and sanitary sewer disposal facilities are provided and maintained;
    - b. Vessels must be for residential use only;
    - c. Slips occupied by live-aboard vessels shall not exceed 20 percent of the total slips in the marina; and
    - d. Vessels must be operational for cruising.
  - ~~6.8.~~ Liveaboard vessels must comply with all marine regulations, policies and procedures of the U.S. Coast Guard, and any other federal and state government agencies that pertain to health, safety and/or environmental protection. Proof of seaworthiness of the vessel and the adequacy of the mooring arrangement must be provided and laws of the City must be obeyed.
  - ~~7.9.~~ Marinas shall provide restrooms and solid waste receptacles to accommodate marina users, and shall have facilities and established procedures for the collection of solid waste or sewage, other than discharge into the water;
  - ~~8.10.~~ Marinas shall provide pump-out, holding and/or treatment facilities for sewage contained on boats or vessels;
  - ~~9.11.~~ Marina operators shall post all regulations pertaining to handling and disposal of waste, sewage, fuel and oil or toxic materials where they can be easily read by all users;
  - ~~10.12.~~ Marinas shall have facilities and established procedures for the containment and recovery of spilled petroleum or toxic products; and
  - ~~11.13.~~ Marina buildings shall conform to the setbacks established in Table 6.3.
- C. Where allowed, marinas that involve breakwaters shall meet all of the following design criteria:
1. Breakwaters built water-ward in a perpendicular plane to the shoreline shall not be allowed as a continuous one-piece structure;

2. The toe of the breakwater may not extend water-ward of the Ordinary High Water Mark more than 250 feet from mean higher high water;
3. Breakwaters shall be built so that the side slopes shall not be steeper than 1-1/2-foot horizontal to 1-foot vertical slope;
4. The opening between a shore breakwater and an isolated breakwater shall not be less than 20 feet in width as measured at the toe of the slope;
5. Openings must be maintained at project depth at all times in order to ensure proper circulation and fish passage;
6. Openings may be either offset or in-line design;
7. Openings may also be used as navigational channels;
8. The opening must be sized (depth and/or width) so as to ensure proper circulation inside the marina configuration and exchange with the outside bay. To facilitate this exchange, the volume of the tidal prism (water present between mean low and mean high tide) shall be not less than 50 percent of the total volume of the basin;
9. The depth of the openings shall be at least as deep as the average depth of the marina; and
10. Openings may be baffled to protect the marina against wave action but in no instance should the baffling impede water circulation or fish movement.

#### **18.20.656 - Boat Storage**

- A. Boat storage shall be located upland unless:
  1. No suitable upland locations exist for such facilities;
  2. It can be demonstrated that wet moorage would result in fewer impacts to ecological functions and processes; or
  3. It can be demonstrated that wet moorage would enhance public use of the shoreline.
- B. Marinas that provide dry upland storage shall use a launch mechanism that protects shoreline ecological functions and processes and minimizes use of shoreline areas.
- C. Dry moorage and other storage areas shall be located away from the shoreline and be landscaped with native vegetation to provide a visual buffer for adjoining dissimilar uses or scenic areas.
- D. Boat-houses/Boat Storage Buildings above and landward of the Ordinary High Water Mark are permitted, and must comply with all the following:
  1. A view corridor of not less than 35 percent of the width of the property shall be maintained between the abutting street and waterway;
  2. The structure does not exceed the maximum height set forth on Table 6.2; and
  3. The structure shall be visually compatible with the surrounding environment.

#### **18.20.658 - Covered Moorage**

- A. New overwater covered moorage and the expansion of existing covered moorage is prohibited.

### **18.20.660 - Commercial Use and Development – General**

- A. The construction of new and the expansion of existing overwater commercial buildings is prohibited, except construction or expansion for an authorized water dependent commercial use.
- B. Public access shall be provided for all commercial use and development pursuant to OMC 18.20.450.
- C. Vegetation conservation areas, as required per Table 6.3, shall be provided, and planted pursuant to the provisions in Section 18.20.492.
- D. Commercial development shall not impact the rights of navigation.
- E. Home occupations are not considered to be commercial uses.

### **18.20.663 - Water-Oriented Commercial Use and Development**

- A. Water-oriented commercial use and development shall demonstrate that:
  - 1. There will be no net loss of shoreline ecological functions or processes;
  - 2. There will be no significant adverse impact on other shoreline uses, resources and/or values such as navigation, recreation, public access, and design compatibility; and
  - 3. The design, layout, and operation of the use or development meet the definition of water-oriented uses.

### **18.20.667 - Non-Water-Oriented Commercial Use and Development**

Non-water-oriented uses may be allowed only if they are part of a mixed use development that include water-oriented uses, provide public access, and shoreline enhancement/restoration. The applicant shall demonstrate that the project will result in no net loss to shoreline ecological functions or processes. In areas zoned for commercial use, nonwater-oriented commercial development may be allowed if the site is physically separated from the shoreline by another property or right-of-way.

### **18.20.670 - Industrial Development**

- A. Water-dependent or water-related industrial development shall be permitted when the applicant demonstrates that:
  - 1. It will not cause a net loss of shoreline ecological functions or processes;
  - 2. It will not have significant adverse impacts on other shoreline uses, resources and/or values such as navigation, recreation, and public access; and
  - 3. The design, layout, and operation of the use or development meet the definition of water-dependent or water-related uses.
- B. The construction of new non-water oriented industrial uses is prohibited. The expansion of existing non-water-related or non-water dependent industrial uses shall require a Shoreline Conditional Use Permit in accordance with OMC 18.20.250(A). Any setback area may be used for additional public access or shoreline restoration.
- C. Cooperative use of docking, parking, cargo handling and storage facilities on industrial properties shall be provided where feasible.



- D. Design port facilities to permit viewing of harbor areas from viewpoints, waterfront restaurants, and similar public facilities which would not interfere with port operations or endanger public health or safety.
- E. Industrial use or development shall be located and designed to minimize the need for initial or recurrent dredging, filling or other harbor and channel maintenance activities.
- F. Industrial use or development shall include the capability to contain and clean-up spills, leaks, discharges, or pollutants, and shall be responsible for any water or sediment pollution they cause.
- G. Water storage and handling of logs shall be limited to the marine shoreline and shall be subject to the following standards:
  - 1. Permits shall contain provisions for the cleanup of log dumping and rafting areas, and disposal of solid wastes;
  - 2. Bark and wood debris controls, together with collection and disposal facilities, must be employed at log dumps, raft building areas, and mill handling areas; and
  - 3. Permits for 'free-fall' dumping of logs shall not be issued unless the applicant can demonstrate that this method will create fewer adverse impacts than the 'gradual' method. The use of log bundling and other devices shall be used to reduce adverse impacts.
- H. Dry-land storage of logs shall be limited to the marine shoreline and shall be subject to the following standards:
  - 1. Unpaved storage areas underlain by permeable soils shall have at least a four (4) foot separation between the ground surface and the winter water table; and
  - 2. Dikes, drains, vegetative buffer strips or other means shall be used to ensure that surface runoff is collected and discharged in a manner least detrimental to water quality from the storage area. The applicant shall demonstrate that water quality standards or criteria will not be violated by such runoff discharge under any conditions of flow in nearby water sources.
- I. Sites for the storage and/or distribution of natural resource materials (e.g., rock, sand, and gravel) shall be located, designed, and operated in accordance with the provisions of Olympia's Shoreline Program. Loading areas at the water's edge shall be the minimum necessary and shall include measures to reduce erosion of the shoreline, damage to vegetation, and impacts to water quality.
- J. The construction of new, or the expansion of existing, overwater industrial buildings is prohibited, except construction or expansion for an authorized water-dependent industrial use.

**18.20.680 - Recreation**

- A. Water-oriented recreation uses and development are preferred shoreline uses and shall be allowed when the applicant demonstrates that they:
  - 1. Will not cause a net loss of shoreline ecological functions or processes; and
  - 2. Will not have significant adverse impacts on other shoreline uses, resources and/or values such as navigation and public access.
- B. Park and recreation facilities may be used for events and temporary uses when the proposed use will not damage the shoreline. Structures associated with such uses shall be located as far landward as feasible and shall be removed immediately after the event is over. Shoreline areas shall be returned to pre-event conditions.

- C. Recreational use and development shall include appropriate mitigation to minimize light and noise impacts on adjoining properties. Such measures shall include, but not be limited to, fencing, vegetative screening, increased setbacks, limited hours of operation, and other appropriate measures. Where lighting is used, the illumination levels shall be the minimum needed for the intended use. Lighting must be shielded to avoid light and glare on the water and to prevent spillover offsite.
- D. The construction of new trails or the expansion of existing trails shall be subject to the mitigation sequencing process and shall be designed to minimize impacts to the ecological functions of the shoreline while providing access and waterfront enjoyment to the public.
- E. All commercial recreation facilities shall conform to this section and OMC sections 18.20.660, 18.20.663, and 18.20.667.
- F. Recreational facilities shall be located, designed, and operated in a manner consistent with the purpose of the environment designation in which they are located.

**18.20.690 - Residential Use and Development**

- A. New residential development, including additions to existing structures, shall meet the development standards set forth on Tables 6.2 and 6.3 particularly and this title in general.
- B. Residential development shall be designed to:
  - 1. Maintain or improve ecological functions and processes;
  - 2. Preserve and enhance native shoreline vegetation; or if vegetation is degraded or none is present, restore or enhance in accordance with the provisions of OMC 18.20.492;
  - 3. Control erosion and impacts to slope stability;
  - 4. Avoid the use of shoreline armoring at the time of construction and in the future;
  - 5. Preserve shoreline aesthetic character; and
  - 6. Minimize structural obstructions to normal public use and views of the shoreline and the water.
- C. A small waterfront deck or patio can be placed along the shoreline provided:
  - 1. The waterfront deck or patio and associated access path, covers less than 25 percent of the VCA and native vegetation covers a minimum of 75 percent of the VCA;
  - 2. Within 25 feet of the Ordinary High Water Mark, for every one square foot of waterfront deck or patio in the VCA, three square feet of vegetation shall be provided in the VCA;
  - 3. The total area of the waterfront deck or patio shall not exceed 400 square feet;
  - 4. Pervious materials are used;
  - 5. The deck or patio is setback a minimum of five feet from the Ordinary High Water Mark; and
  - 6. The upper surface of the deck or patio is no more than two feet above grade and is not covered.
- D. Overwater residential development shall be prohibited. This provision shall not apply to live-aboard vessels expressly approved as part of a marina.
- E. New residential development of more than nine lots or units shall provide public access for use by residents of the development and the general public. Public access shall be located, designed, and managed in accordance with the provisions of OMC 18.20.450.

- F. To preserve views of the water, fences shall not be allowed within Vegetation Conservation Areas. Fences within the shoreline setback area are permitted provided they do not exceed 48 inches in height.
- G. When two or more undeveloped single-family legal building sites are contiguous within shorelines, only a single joint-use dock with a common access easement is permitted for use by those two or more residential units.
- H. For new multi-unit residential developments, only one single joint-use dock shall be allowed for the entire development.
- I. Plats and subdivisions shall be designed, configured, and developed in a manner that assures no net loss of shoreline ecological functions will occur as a result of full build out of all lots and in a manner that prevents the need for new shoreline stabilization or flood hazard reduction measures.

### **18.20.700 - Transportation and Trail Facilities**

- A. The following provisions apply to trail, road, and railroad expansions:
  - 1. The improvements shall be located as far landward as feasible;
  - 2. The construction shall be designed to protect the adjacent shorelands against erosion, uncontrolled or polluting drainage, and other factors detrimental to the environment both during and after construction;
  - 3. The proposed width shall be the minimum necessary for the proposed improvements;
  - 4. The project shall be planned to fit the existing topography as much as feasible, thus minimizing alterations to the natural environment;
  - 5. Streams or natural drainage ways within the road corridor shall be protected, and fish passage shall not be impaired;
  - 6. All debris, overburden and other waste materials from construction shall be disposed of to prevent their entry into the adjoining water body;
  - 7. The location and design of roadway expansions shall not compromise existing and planned shoreline public access or compromise existing and planned habitat restoration or enhancement projects; and
  - 8. The project shall not result in the net loss of shoreline ecological functions or processes.
- B. Transportation facilities shall be designed to cross shoreline areas by the shortest, most direct route feasible.
- C. Access roads and/or drive lanes serving shoreline parcels shall be the minimum width necessary.
- D. Bridges may be permitted within sensitive fish and wildlife habitat only if the following conditions are met:
  - 1. An alternative alignment is not feasible;
  - 2. The project is located or designed to minimize its impacts on the environment;
  - 3. Adverse impacts are mitigated to achieve no net loss of shoreline ecological functions and system-wide processes;
  - 4. Open-piling and piers required to construct the bridge may be placed water-ward of the Ordinary High Water Mark if no alternative method is feasible; and
  - 5. All other applicable provisions of this chapter and OMC Chapter 18.32, Critical Areas, are met.

E. Trails and shared use paths are considered transportation facilities and are allowed within the shoreline setback, vegetation buffer, and overwater. As such, they are subject to the provisions herein including OMC 18.20.410(B). Where feasible new public trails and shared use paths shall use abandoned rail corridors to minimize disturbance of the shoreline.

F. Special procedures for WSDOT projects:

1. Pursuant to RCW 47.01.485, the Legislature established a target of ninety (90) days review time for local governments.
2. Pursuant to RCW 90.58.140, Washington State Department of Transportation projects that address significant public safety risks may begin twenty-one (21) days after the date of filing if all components of the project will achieve no net loss of shoreline ecological functions.

**18.20.710 - Utilities**

- A. Utility facilities and lines shall be designed and located to avoid net loss of shoreline ecological functions, preserve the natural landscape, and minimize conflicts with existing and planned land and shoreline uses.
- B. New public or private utilities, including both lines and associated facilities, shall be located as far landward of the Ordinary High Water Mark as feasible, preferably outside of the shoreline jurisdiction, and be located at least 30 feet landward of the OHWM, unless:
  1. The utility requires a location adjacent to the water, such as a stormwater outfall; or
  2. Alternative locations are infeasible; or
  3. Utilities are serving uses and activities permitted by this chapter.
- C. Onsite utilities serving a primary use, such as a water, sewer, communication, electric, or gas line to a residence, are accessory utilities and shall be considered part of the primary use.
- D. Utilities that need water crossings shall be placed deep enough to avoid the need for bank stabilization and stream/riverbed filling both during construction and in the future due to flooding and bank erosion that may occur over time. Boring, rather than open trenches, is the preferred method of utility water crossings.
- E. Where no other options exist, in-water utility corridors may be allowed provided the corridor is located and designed to minimize impacts to shoreline ecology and processes, and adverse impacts are mitigated.
- F. When feasible, utility lines shall use existing rights-of-way, corridors and/or bridge crossings and shall avoid duplication and construction of new parallel corridors in all shoreline areas.
- G. Utility facilities shall be constructed using techniques that minimize the need for shoreline fill.
- H. New utility installations shall be planned, designed, and located to eliminate the need for structural shoreline armoring or flood hazard reduction measures.
- I. Vegetation clearing during utility installation and maintenance shall be minimized, and disturbed areas shall be restored or enhanced following project completion.
- J. Pipes that outfall directly into the water shall be designed and located to minimize adverse impacts on shoreline ecological functions and processes.
- K. Utility corridors shall be located and designed to protect scenic views. Where feasible, utilities shall be placed underground or alongside or under bridges, unless doing so would cause greater ecological impact or harm.

- L. Stormwater facilities are prohibited where alternatives are feasible. Any stormwater facility located within a minimum width vegetation conservation area shall be landscaped consistent with 'VCA' requirements.
- M. To the greatest extent feasible, new utility systems shall be co-located with other existing or planned utilities, roadways and/or railways and/or placed within already-disturbed corridors whenever feasible.

#### **18.20.800 - Shoreline Modifications – General Provisions**

- A. Shoreline modifications are structures or actions that permanently change the physical configuration or quality of the shoreline, particularly at the point where land and water meet. Shoreline modifications include, but are not limited to structures such as dikes, breakwaters, piers, docks, weirs, dredge basins, fill, bulkheads, or other actions such as clearing, grading, application of chemicals, or vegetation removal. Generally, shoreline modifications are undertaken to prepare for a shoreline use, support an upland use, or to provide stabilization or defense from erosion.
- B. Proposals for shoreline modifications are to be reviewed for compliance with the applicable use policies and regulations in OMC 18.20.600 through 18.20.710 and the applicable shoreline modification regulations of this chapter. Deviations from the minimum development standards may only be approved under a shoreline variance unless specifically stated otherwise. Shoreline modifications listed as prohibited are not eligible for consideration as a shoreline variance.
- C. Only shoreline modifications that support or protect an allowed primary structure or a legally existing shoreline use are allowed. All others are prohibited.
- D. Shoreline modifications shall not result in the loss of shoreline ecological functions or ecosystem wide processes. All proposals for shoreline modifications shall take measures to avoid or reduce ecological impacts in accordance with the mitigation sequencing priorities set forth in OMC 18.20.410(B).
- E. Shoreline modifications individually and cumulatively shall not result in a net loss of shoreline ecological functions and ecosystem-wide processes. This shall be achieved by giving preference to those types of shoreline modifications that have a lesser impact on ecological functions and requiring mitigation of identified impact resulting from said modifications.
- F. Shoreline modifications shall comply with critical area and vegetation conservation standards in this chapter.
- G. New structural flood hazard reduction measures shall only be allowed when a geotechnical analysis demonstrates that they are necessary to protect existing development, that nonstructural measures or other protection alternatives are not feasible, and that impacts to ecological functions and priority habitats and species can be successfully mitigated so as to assure no net loss.
- H. New structural flood hazard reduction measures shall be placed landward of associated wetlands and designated Vegetation Conservation Areas, except for actions that increase ecological functions.
- I. New public structural flood hazard reduction measures shall dedicate and improve public access pathways except when public access would cause unavoidable safety or health hazards to the public, unavoidable security or use conflicts, ecological impacts that cannot be avoided or mitigated, or disproportionate and unreasonable cost.

### 18.20.810 - Permitted Shoreline Modifications

Shoreline modifications may be allowed by shoreline environment designation as listed in Table 7.1. Aquatic environment provisions are based on the adjacent environment designation, including permitted with a Shoreline Substantial Development Permit or exemption (P), Shoreline Conditional Use permit (C), or prohibited outright (X). This table shall be used in conjunction with the written provisions for each use. Column notes provide additional clarification and identify other applicable City regulations.

**Table 7.1 – Shoreline Modifications**

<b>P – Permitted C – Conditional Use X – Prohibited X/P – Permitted only in specific cases. X/C – Allowed by conditional use only in specific cases.</b>	<b>Natural</b>	<b>All other Shoreline Environments</b>	<b>Aquatic (Same as adjacent shoreline environment designation)</b>	<b>Notes &amp; Applicable Regulations</b>
<b>Dredging</b>	C (Only for Ecological Restoration/ Enhancement Projects)	P	←	See OMC 18.20.820
<b>Fill</b>	C (Only for Ecological Restoration/ Enhancement Projects)	P	←	See OMC 18.20.830 through 837
<b>Piers, Docks, Floats and Buoys</b>	X	P	←	See OMC 18.20.840 through 18.20.848
<b>Ecological Restoration and Enhancement</b>	P	P	←	See OMC 18.20.850 through 18.20.855
<b>Instream Structures</b>	P	P	←	See OMC 18.20.857
<b>Shoreline Stabilization Hard</b>	X	X/PC See OMC 18.20.870-864	←	See OMC 18.20.860 through

<b>P – Permitted C – Conditional Use X – Prohibited X/P – Permitted only in specific cases. X/C – Allowed by conditional use only in specific cases.</b>	<b>Natural</b>	<b>All other Shoreline Environments</b>	<b>Aquatic (Same as adjacent shoreline environment designation)</b>	<b>Notes &amp; Applicable Regulations</b>
<b>Armoring</b>				18.20.870
<b>Shoreline Stabilization Soft Armoring</b>	P	P	←	See OMC 18.20.860 through 18.20.870
<b>Breakwaters, Jetties, Groins, and Weirs</b>	X	X/C See OMC 18.20.874	←	See OMC 18.20.872 through 18.20.874
<b>Stair Towers</b>	X	X	←	Prohibited

### 18.20.820 - Dredging

- A. New development shall be located and designed to avoid or, if avoidance is not feasible, to minimize the need for new dredging and maintenance dredging. Where permitted, dredging shall be limited to the minimum necessary for the proposed use.
- B. Dredging is permitted for the following activities (see Table 7.1 for permit type):
  1. In conjunction with a water-dependent use;
  2. In conjunction with a bridge, navigational structure or wastewater treatment facility for which there is a documented public need and where other feasible sites or routes do not exist;
  3. Maintenance of irrigation reservoirs, drains, canals, or ditches for agricultural and stormwater purposes;
  4. Establishing, expanding, relocating, or reconfiguring navigation channels and basins where necessary to assure safe and efficient accommodation of existing navigational uses;
  5. Maintenance dredging of established navigation channels and basins is restricted to maintaining previously dredged and/or existing authorized location, depth, and width. Dredging in Capitol Lake may be authorized upon approval of a management plan by agencies with jurisdiction;
  6. Restoration or enhancement of shoreline ecological processes and functions benefiting water quality and/or fish and wildlife habitat;
  7. Public access and public water-oriented recreational development and uses, including the construction of piers, docks, and swimming beaches for public use; or

8. Trenching to allow the installation of necessary underground pipes or cables if no alternative, including boring, is feasible, and:
  - a. Impacts to fish and wildlife habitat are avoided to the maximum extent feasible; and
  - b. The utility installation does not increase or decrease the natural rate, extent, or opportunity of channel migration; ~~and~~
- C. Dredging and dredge material disposal activities must employ ~~Appropriate best management practices are employed to prevent water quality impacts or other environmental degradation, in accordance with OMC 18.20.510.~~
- D. Dredging is prohibited in the Natural shoreline environment designation and in Aquatic designated areas adjacent to shorelands with the Natural designation except where associated with ecological restoration projects.
- E. Dredging and dredge disposal is prohibited on or in archaeological sites that are listed on the Washington State Register of Historic Places until such time that they have been released by the State Archaeologist.
- F. Dredging for the primary purpose of obtaining material for landfill is prohibited.
- G. The disposal of dredge ~~spoils materials~~ in open water or on upland sites within shoreline jurisdiction is prohibited unless for beneficial uses such as shoreline restoration or enhancement.
- H. Prohibit any dredging which will damage shallow water habitat used by fish species for migration corridors, rearing, feeding and refuge, unless the project proponent demonstrates that all of the following conditions are met:
  1. An alternative alignment or location is not feasible;
  2. The project is designed to minimize its impact on the environment; and
  3. The facility is in the public interest.
- I. If the project creates significant unavoidable adverse impacts, the impacts shall be mitigated by creating in-kind habitat near the project. Where in-kind replacement mitigation is not feasible, rehabilitating degraded habitat may be required. Mitigation shall be in accordance with the mitigation priorities set forth in OMC 18.20.410(B).

### **18.20.830 - Fill**

Fill is the addition of soil, sand, rock, gravel, sediment, earth retaining structure, or other material to an area water-ward of the Ordinary High Water Mark, in wetlands or other critical areas, or on shorelands in a manner that raises the elevation or creates land above the elevation of the Ordinary High Water Mark. Any fill activity conducted within the shoreline jurisdiction must comply with the following provisions.

### **18.20.833 - Shoreland Fill**

- A. Fill shall be the minimum necessary to accommodate the proposed use or development or protect it from flooding, and allowed only in conjunction with approved shoreline use and development activities that are consistent with Olympia's Shoreline Program.
- B. Fill shall be permitted only when it can be demonstrated that the proposed action will not:
  1. Result in significant damage to water quality, fish, shellfish, and wildlife habitat;



2. Adversely alter natural drainage and circulation patterns, currents, river, and tidal flows or significantly reduce flood water capacities; or
  3. Alter channel migration, geomorphic, or hydrologic processes.
- C. Except for beach feeding, fill shall be designed, constructed, and maintained to prevent, minimize and control all material movement, erosion, and sedimentation from the affected area.
  - D. Fill for the construction of transportation facilities is allowed only when there is a demonstrated purpose and need, there are no feasible alternatives, and impacts are mitigated in accordance with mitigation priorities in OMC 18.20.410(B).
  - E. Fill shall not be used as a means to increase the allowable building height by increasing the natural or finished grade, except as authorized to meet the flood elevation requirements of OMC Chapter 16.70.
  - F. Fill for the sole purpose of creating land area is prohibited.
  - G. The excavation of beach material for fill is prohibited.
  - H. Fill within critical areas and/or critical area buffers shall comply with this chapter and the critical areas provisions of Chapter 18.32.
  - I. Perimeters of fill shall be designed to eliminate the potential for erosion and be natural in appearance. Perimeter slopes shall not exceed 1 foot vertical for every 3 feet horizontal unless an engineering analysis has been provided, and the Administrator determines that the landfill blends with existing topography.
  - J. Fill shall consist of clean material including sand, gravel, soil, rock, or similar material approved by the City. The use of contaminated material or construction debris is prohibited.
  - K. Fill shall not be located where shoreline stabilization will be necessary to protect materials placed or removed. Disturbed areas shall be immediately stabilized and revegetated to avoid erosion and sedimentation.
  - L. Fill within the shoreline jurisdiction shall be allowed in response to increases in sea level subject to all other provisions of this Master Program and the mitigation sequencing process.

**18.20.837 - Fill Water-ward of Ordinary High Water Mark**

- A. Fill water-ward of the Ordinary High Water Mark shall be permitted for the following purposes only, with due consideration given to specific site conditions and only as part of an approved use or development:
  1. Port development for water dependent uses where other upland alternatives or structural solutions, including pile or pier supports is infeasible;
  2. Expansion or alteration of transportation facilities where there are no feasible upland alternatives;
  3. Ecological restoration or enhancement such as beach nourishment, habitat creation, or mitigation when consistent with an approved restoration or mitigation plan;
  4. Disposal of dredge material in accordance with the Dredge Material Management Program (DMMP) of the Department of Natural Resources;
  5. Construction of protective berms or other structures to prevent the inundation of water resulting from sea level rise shall be allowed subject to all other provisions of this Master Program and the mitigation sequencing process when there are no other feasible options to protect existing development;

- 6. Public access; or
  - 7. Cleanup of contaminated sites.
- B. Fill shall be the minimum necessary for the intended use or activity.

**18.20.840 - General Moorage (Piers, Docks, Floats, and Buoys) Provisions**

- A. All new or modified structures shall be allowed only in support of an allowed water-dependent or public access use and must comply with all applicable local, state, and federal regulations.
- B. New docks, piers and floats shall be located, designed, and constructed in accordance with the mitigation sequencing priorities in OMC 18.20.410(B).
- C. Moorage shall be designed and located so as not to constitute a hazard to navigation or other public uses of the water. Docks, piers and floats are prohibited on lakes or marine water bodies where the distance to the opposite shore is 150 feet or less.
- D. The length, width and height of piers, docks and floats shall be no greater than that required for safety and practicality of the intended use. They shall be spaced and oriented in a manner that avoids shading of substrate below and do not create a 'wall' effect that would impair wave patterns, currents, littoral drift, or movement of aquatic life forms.
- E. Those projects which are found to block littoral drift or cause new erosion of down-drift shoreline shall be required to establish and maintain an adequate long-term beach feeding program. This may include artificially transporting sand to the down-drift side of an inlet with jetties; or artificial beach feeding in the case of breakwaters, groins, and weirs.
- F. All piers, docks, floats, or similar structures shall float at all times on the surface of the water or shall be of fixed pile construction. Floating structures shall at no time be grounded on the substrate.
- G. All moorage facilities shall be constructed and maintained in a safe and sound condition. Abandoned or unsafe structures shall be removed or promptly repaired by the owner.
- H. Docks, piers, and floats shall be constructed of materials that will not adversely affect water quality or aquatic plants and animals over the long-term. Materials for any portions of the structure that come in contact with the water shall be approved by the appropriate state agency.
- I. Lighting associated with moorage facilities shall be beamed, hooded, or directed to avoid glare on adjacent properties or water bodies. Illumination levels shall be the minimum necessary for safety. Artificial night time lighting shall be the minimum necessary for public safety.
- J. New overwater covered moorage is prohibited.
- K. The design, construction and maintenance of piers and docks shall not restrict any public access or ability to walk along the shoreline. If unavoidable, alternate means of access, such as stairs and/or upland pathways, shall be provided.
- L. Any expansion, alteration, or modification of any moorage structure which results in any increase in horizontal area of the facility shall conform to all requirements of this chapter.

**18.20.842 - Moorage Buoys**

- A. Moorage buoys shall use neutral buoyancy rope, mid-line float, helical anchors, or other state approved designs that have minimal adverse effects on aquatic ecosystems.

- B. In marine waters, moorage buoys shall not be located water-ward of the outer harbor line or within designated navigation channels where established by the Washington Department of Natural Resources or the U.S. Coast Guard.
- C. Only one moorage buoy shall be allowed per waterfront lot except that a shoreline variance may be sought for additional buoys for public waterfront parks or residential subdivisions where individual lots do not front on the shoreline.
- D. In lakes, moorage buoys shall not be located farther water-ward than existing buoys, or established swimming areas, and shall not interfere with navigation or use of the water.
- E. Moorage buoys must be discernible under normal daylight conditions at a minimum distance of 300 feet and must have reflectors for nighttime visibility.

**18.20.844 - Residential Docks, Piers or Floats**

- A. Shared residential moorage is required unless the applicant demonstrates why shared moorage is not feasible prior to approval of a residential pier, dock, or float. Considerations include but are not limited to proximity to other docks and willingness of adjoining property owners to participate in shared moorage.
- B. Where moorage is proposed for new subdivisions of more than two lots, or new multi-family development of more than two dwelling units, moorage shall be shared between lots or units.
- C. Shared moorage proposed for lease to five or more upland property owners shall be reviewed as a marina in accordance with the provisions of OMC 18.20.654.
- D. Where individual moorage is allowed, only one type of moorage facility shall be allowed per waterfront lot. The use of residential boat lifts is permitted.
- E. A new joint use pier, dock, or float may be permitted on a community recreation lot shared by a number of waterfront or upland lots. Individual recreational floats (not for moorage) are permitted as long as they are not located farther water-ward than existing floats or established swimming areas.
- F. If moorage is anticipated after initial residential development (including plats, multi-family developments, and mixed use developments), the applicant shall specifically identify and reserve an area for the future moorage.
- G. All docks, piers, and floats shall be painted, marked with reflectors, or otherwise identified so that they are visible during day or night.
- H. Placing fill water-ward of the Ordinary High Water Mark for purposes of constructing a dock or pier is prohibited.

**18.20.846 - Marine Docks and Piers**

- A. In marine waters, the maximum length of new or expanded piers or docks for private or recreational use shall not exceed 100 feet as measured from the mean higher-high water mark and not exceed a depth of -3 feet as measured from mean lower low water mark. If this is not sufficient depth to reach the desired depth for moorage, a buoy shall be used.
- B. The location, design, and construction of new or repaired private or recreational piers or docks in marine waters shall comply with all applicable state and federal regulations and the following standards:

1. Docks and piers shall be set back from the side property line twenty (20) feet on marine waters, unless designated for shared use between adjacent property owners;
  2. Residential piers shall not exceed 4 feet in width. ~~The dock/pier surface must be grated and must incorporate a minimum of 60 percent grating or~~ at the percentage required in a Hydraulic Permit Approval (HPA) ~~from~~ by the Department of Fish and Wildlife in WAC 220-660-380;
  3. The width of ramps connecting the pier and dock shall not exceed 4 feet in width and shall consist of a 100 percent grated surface;
  4. Docks shall not rest on the tidal substrate at any time. Stoppers on the pilings anchoring the dock or stub pilings shall be installed so that the bottom of the dock's flotation is a minimum of 1 foot above the level of the beach substrate;
  5. If a dock is positioned perpendicular to the ramp, a small dock may be installed to accommodate the movement of the ramp due to tidal fluctuations. The dimensions of the small dock shall not exceed 6 feet in width and 10 feet in length;
  6. New or modified residential piers and docks as well as watercraft operation and moorage shall be located to avoid physical impacts to aquatic habitat. At a minimum pier and dock proposals shall ensure that structures are designed and located to protect critical saltwater habitat, and saltwater habitats of special concern as defined by the Department of Fish and Wildlife in WAC 220-660-310;
  7. Construction materials shall not include wood treated with creosote, pentachlorophenol, or other similarly toxic materials.
- C. There is no maximum length and width for commercial or industrial piers or docks; however, such piers and docks may not exceed the minimum size necessary for the intended use. The applicant must demonstrate that the proposed size and configuration is the minimum necessary and complies with all other provisions of this chapter.
- D. Docks, piers, floats and mooring buoys shall not intrude into or over critical saltwater habitats except when the following conditions are met and documented:
1. Avoidance by an alternative alignment or location is not feasible.
  2. Including any required mitigation, the project shall not result in a net loss of ecological functions associated with critical saltwater habitat.
  3. For public or commercial docks, the public's need for such a structure must be clearly demonstrated.
  4. All over-water and near shore developments in marine waters shall conduct an inventory of the site and adjacent beach sections to assess the presence of critical saltwater habitats and functions. Project-specific inventory and survey work shall follow scientifically accepted survey protocols and take place during the appropriate time of the year depending on species present, based on input from resource agencies.

#### **18.20.847 - Fresh Water Docks and Piers**

- A. In fresh water, the length of new or expanded piers or docks for private or recreational use shall not exceed fifty (50) feet as measured from the Ordinary High Water Mark.
- B. The location, design, and construction of new or repaired private or recreational piers or docks in fresh waters shall comply with all applicable state and federal regulations and the following standards:

1. Only piers or ramps can be located within the first thirty (30) feet water-ward of the Ordinary High Water Mark;
  2. Pier and dock surface coverage shall not exceed the following:
    - a. 480 square feet for single use structures;
    - b. 700 square feet for two-party joint use; and
    - c. 1,000 square feet for residential pier/docks serving three or more residences.
  3. Docks and piers shall not exceed four feet in width, except an additional two (2) feet of width can be allowed without a variance for a property owner with a condition that qualifies for state disability accommodation. ~~Sixty (60) percent of t~~The dock/pier surface area must be grated ~~or at~~ the percentage required in a Hydraulic Permit Approval (HPA) ~~from~~by the Department of Fish and Wildlife in WAC 220-660-140;
  4. Docks shall not rest on the fresh water substrate at any time. Stoppers on the pilings anchoring the dock or stub pilings shall be installed so that the bottom of the dock's flotation is a minimum of one foot above the level of the beach substrate;
  5. Except for docks with floats, the bottom of all structures shall be a minimum of one and one-half feet above the water level established by the Ordinary High Water Mark;
  6. Floats or ells shall be oriented and grated at the percentage as required in a Hydraulic Permit Approval (HPA) from the Department of Fish and Wildlife.
  7. Construction materials shall be limited to untreated wood, approved plastic composites, concrete, or steel.
- C. Docks and piers shall be setback from the side property line ten (10) feet on fresh water.
- D. The required side yard setbacks may be waived with a shared use moorage facility for two or more property owners. The applicant or proponents shall file with the Thurston County Auditor a legally enforceable joint use agreement or other legal instrument that addresses the following as a condition of permit approval:
1. Apportionment of construction and maintenance expenses;
  2. Maintenance responsibilities for the facility and associated upland area in perpetuity by identified responsible parties;
  3. Easements and liability agreements;
  4. Use restrictions; and
  5. The easement must acknowledge that each property owner is giving up the right to construct a separate single-family pier.

#### **18.20.848 - Float Standards**

- A. Single property owner recreational floats shall not exceed 64 square feet. Multiple property owner recreational floats shall not exceed 96 square feet.
- B. The standards for private recreational floats are as follows:
  1. Floats anchored offshore and used for residential recreational uses shall comply with the following standards:

- a. Applicants shall contact the Washington Department of Natural Resources to inquire on the need for an aquatic lease for locating recreational floats within state aquatic areas; and
  - b. When feasible floats shall be removed seasonally and placed in an appropriate unvegetated upland location.
2. Floats shall be located as close to shore as feasible without interfering with natural beach processes or negatively affecting aquatic vegetation.
  3. Floats shall not rest on the substrate at any time. In marine waters, floats shall be located (anchored) at sufficient depth to maintain a minimum of one foot of draft between the float and the beach substrate at low tide.
- C. Public recreational floats shall be the minimum size and dimensions necessary for the intended use, e.g., boat moorage, swimming area, public access. In no case shall a single float exceed 200 square feet.
- D. Public and private recreational floats shall comply with the following standards:
1. ~~Floats orientation shall be oriented and the incorporation of functional grating into the float surface area shall be in accordance at a percentage as required with in a Hydraulic Permit Approval (HPA) from the Department of Fish and Wildlife requirements in WAC 220-660-140 for freshwater floats or WAC 220-660-380 for marine floats.~~
  2. For recreational floats anchored utilizing an embedded anchor; anchor lines shall not rest on or disturb the substrate at any time.
- E. Recreation floats must be discernible under normal daylight conditions at a minimum of 100 yards and must have reflectors for nighttime visibility.
- F. Only one recreational float shall be allowed per waterfront lot except that a shoreline variance may be sought for additional floats for public waterfront parks or residential subdivisions where individual lots do not front on the shoreline.

**18.20.850 - Shoreline Restoration and Enhancement – Intent**

Restoration is the reestablishment or upgrading of impaired ecological shoreline processes or functions. This may be accomplished through measures including, but not limited to, revegetation, removal of intrusive shoreline structures, and removal or treatment of toxic materials. Restoration does not imply a requirement for returning the shoreline area to original or pre-European settlement conditions.

Enhancement includes actions performed within an existing degraded shoreline, critical area and/or buffer to intentionally increase or augment one or more functions or values of the existing area. Enhancement actions include, but are not limited to, increasing plant diversity and cover, increasing wildlife habitat and structural complexity (snags, woody debris), installing environmentally compatible erosion controls, or removing non-indigenous plant or animal species. The 2016 West Bay Environmental Restoration Assessment provides conceptual restoration approaches for some shoreline reaches.

**18.20.855 - Shoreline Restoration and Enhancement - General Provisions**

- A. Restoration and enhancement shall be allowed on all shorelines, and carried out by the applicant/proponent in accordance with an approved restoration/enhancement plan. Such plans shall be designed, constructed and maintained in accordance with the policies and regulations of Olympia’s Shoreline Program. Restoration and enhancement projects restore the natural character and ecological functions of the shoreline; and must be consistent with the implementation of a

comprehensive restoration plan approved by the City and/or Department of Ecology, or the Administrator must find that the project provides an ecological benefit and is consistent with Olympia's Shoreline Program.

- B. The City shall coordinate with other local, state, and federal regulatory agencies, tribes, and non-government organizations to ensure that mitigation actions are likely to be successful and achieve beneficial ecological outcomes.
- C. Shoreline property owners that remove hard-armoring or otherwise restore the shoreline prior to development may apply such restoration toward any mitigation required at the time of development provided that:
  - 1. The applicant/property owner can provide conclusive evidence of the pre- and post-restoration conditions using photographs, reports, plans, affidavits, or similar evidence;
  - 2. The City can confirm via site inspection, photographs, affidavits, or other evidence that the restoration actions have improved shoreline conditions;
  - 3. The work has occurred on the same site within five years of the proposed development; and
  - 4. The applicant/property owner provides assurances that the restoration area will be preserved in perpetuity. Such assurance can be in the form of a notice on title, conservation easement, or similar mechanism.
- D. Shoreline restoration and enhancement may be permitted if the applicant demonstrates that no significant change to sediment transport will result and that the restoration or enhancement will not adversely affect shoreline ecological processes, water quality, properties, or habitat.
- E. Shoreline restoration and enhancement projects shall use best available science and management practices.
- F. Restoration shall be carried out in accordance with an approved shoreline restoration plan and in accordance with the policies and regulations of Olympia's Shoreline Program.
- G. Restoration and enhancement projects shall be designed to minimize maintenance over time.
- H. Restoration and enhancement projects shall be designed, constructed, and maintained to avoid the use of shoreline stabilization measures. Where such measures cannot be avoided, bioengineering shall be used rather than bulkheads or other stabilization measures, unless it can be demonstrated that there are no feasible options to achieve the intended result. Restoration and enhancement projects that include shoreline modification actions shall be authorized provided the primary purpose of such actions is clearly restoration of the natural character and ecological functions of the shoreline.
- I. Restoration and enhancement projects shall not extend water-ward more than the minimum necessary to achieve the intended result and shall not result in the creation of additional upland area.
- J. In accordance with RCW 90.58.580, a Substantial Development Permit is not required for development on land that is brought under shoreline jurisdiction due to a shoreline restoration project. However, projects are still required to comply with the regulations of this Master Plan.
- K. Projects taking place on lands that are brought into shoreline jurisdiction due to a shoreline restoration project that caused a landward shift of the OHWM may apply to the Administrator for relief from the SMP development standards and use regulations under the provisions of RCW 90.58.580. Any relief granted shall be strictly in accordance with the limited provisions of RCW 90.58.580, including the specific approval of the Department of Ecology.

### **18.20.857 - Instream Structures**

Instream structures are permitted only when necessary for a restoration or enhancement project, to improve fish passage, or for permitted transportation or utility crossings and subject to the following requirements:

- A. Instream projects shall be evaluated for their potential adverse impacts upon the physical, hydrological, and biological characteristics as well as effects on instream/riparian habitat;
- B. Instream structures and associated facilities shall be designed, constructed, and maintained in a manner that will not degrade the quality of affected waters or instream/riparian habitat value, and minimizes adverse impacts to surrounding areas;
- C. The location and design of instream structures shall give due consideration to the full range of public interests, watershed functions and processes, and environmental concerns, with special emphasis on protecting and restoring priority habitats and species;
- D. Instream structures shall be designed based on an analysis of the reach or reaches to avoid the need for structural shoreline armoring; and
- E. Instream structures and associated facilities shall provide for the protection and preservation of natural and cultural resources including but not limited to, sensitive areas such as wetlands, waterfalls, erosion/accretion shore forms, and natural scenic vistas.

### **18.20.860 - Shoreline Stabilization - Intent**

Shoreline stabilization includes actions taken to address erosion impacts to property, dwellings, businesses, or structures caused by natural processes such as current, flood, tides, wind, or wave action.

These include structural and nonstructural methods. Nonstructural methods include building setbacks, relocation of the structure to be protected, erosion and groundwater management, and planning and regulatory measures to avoid the need for structural stabilization. Structural methods include 'hard' and 'soft' measures, defined as:

- A. Hard structural shoreline stabilization (also referred to as 'hard' armoring) means erosion control measures using hardened structures that armor and stabilize the shoreline from further erosion. Examples of hard armoring include concrete, boulders, dimensional lumber, or other materials to construct linear, sometimes vertical, faces. These include bulkhead, rip-rap, groins, revetments, and similar structures.
- B. Soft structural shoreline stabilization (also referred to as 'soft' armoring) means erosion control practices that contribute to restoration, protection, or enhancement of shoreline ecological functions. Examples of soft armoring include a mix of gravel, cobbles, boulders, logs, and native vegetation placed to provide stability in a non-linear, sloping arrangement.

### **18.20.862 - Shoreline Stabilization - New Development**

- A. New shoreline use and development including new lots shall be located and designed to eliminate the need for concurrent or future shoreline stabilization to the extent feasible. Lots created through subdivision processes shall not require shorelines stabilization for reasonable development to occur, as demonstrated through a geotechnical analysis of the site and shoreline characteristics. New development that would require shoreline stabilization which results in significant impacts to adjacent or down current properties will not be allowed.



- B. New non-water dependent development, including single-family residences, that includes new structural shoreline stabilization will not be allowed unless all of the conditions below can be met:
  1. The need to protect the primary structure from damage due to erosion is demonstrated through a geotechnical report. The damage must be caused by natural processes, such as tidal actions, currents, and waves;
  2. The erosion is not being caused by upland conditions such as loss of vegetation and drainage;
  3. Nonstructural measures such as placing the development further from the shoreline, planting vegetation, or installing onsite drainage improvements are not feasible or sufficient; and
  4. The erosion control structure will not result in a net loss of shoreline ecological functions or processes.
- C. New water dependent development or new structural shoreline stabilization for existing water dependent development will not be allowed unless all of the conditions in B above are met. However, the considerations of placing the development further from the shoreline and erosion being caused by natural processes do not apply to water dependent development that can demonstrate its need for a waterfront location due to the nature of its operations.

**18.20.864 - New or Expanded Shoreline Stabilization Measures**

- A. New or enlarged structural stabilization measures are prohibited except where necessary to protect or support legally existing primary structures or shoreline uses, in support of water dependent uses, for human safety, for restoration or enhancement activities, or remediation of contaminated sites.
- B. Structural shoreline armoring for the sole purpose of leveling or extending property or creating or preserving residential lawns, yards, or landscaping shall be prohibited. Where hard shoreline armoring already exists, property owners are encouraged to remove it and replace with soft armoring, or if conditions allow, return the shoreline to a natural condition.
- C. New or enlarged structural shoreline stabilization measures to protect legally existing primary structures or shoreline uses are prohibited unless there is conclusive evidence, documented by a geotechnical analysis that the structure is in danger from shoreline erosion caused by tidal action, currents, or waves. Further:
  1. Normal sloughing, erosion of steep bluffs, shoreline erosion of steep bluffs, or shoreline erosion itself, without a scientific or geotechnical analysis that demonstrates a danger exists to an existing development or residence, is not a demonstration of need;
  2. The geotechnical analysis shall evaluate onsite drainage issues and address drainage problems away from the shoreline edge before considering structural shoreline stabilization;
  3. The design of the stabilization structure shall take into consideration erosion rates, onsite drainage issues, vegetation enhancement, and low-impact development measures as a means of reducing erosion;
  4. The analysis must demonstrate that nonstructural measures, planting vegetation, or installing onsite drainage improvements are not feasible or not likely to be sufficient; and
  5. The erosion control structure shall not result in a net loss of shoreline ecological functions.
  6. In geologically hazardous areas, stabilization structures or measures may only be allowed when no alternative, including relocation or reconstruction of existing structures, is found to be feasible and less expensive than the proposed stabilization measure.

- D. The use of hard structural stabilization measures such as bulkheads are prohibited unless demonstrated in a geotechnical analysis that soft structural stabilization measures (bioengineering) or non-structural measures (increased setbacks) are not feasible.
- E. Where structural shoreline stabilization measures are necessary, the size of the stabilization structure shall be the minimum necessary. The Administrator may require that the size and design of the structure be modified to reduce impacts to ecological functions.
- F. Where adverse impacts to shoreline ecological functions cannot be avoided, mitigation shall be required in accordance with mitigation sequence priorities set forth in OMC 18.20.410(B).
- G. In order to determine appropriate mitigation measures, the Administrator may require environmental information and analysis, including documentation of existing conditions, ecological functions, and anticipated impacts, along with a mitigation plan outlining how proposed mitigation measures would result in no net loss of shoreline ecological functions.
- H. Shoreline stabilization measures that incorporate ecological restoration or enhancement through the placement of rocks, sand or gravel, and native shoreline vegetation are strongly encouraged. Soft shoreline stabilization that restores ecological functions may be permitted ~~water-ward of the Ordinary High Water Mark.~~
- I. Following completion of shoreline modification activities, disturbed areas shall be restored using native vegetation (see OMC 18.20.495 for specific provisions).
- J. Publicly financed or subsidized erosion control measures shall not restrict public access except where such access is inappropriate or infeasible, and shall incorporate public access and ecological restoration to the extent feasible.

#### **18.20.866 - Shoreline Stabilization - Replacement and Repair**

- A. For purposes of this section, "replacement" means the construction of a new structure to perform a shoreline stabilization function to replace an existing structure which no longer adequately serves its purpose. Additions to or increases in size of existing shoreline stabilization measures shall be considered new structures.
- B. An existing shoreline stabilization structure may be replaced with a similar structure if there is a demonstrated need to protect principal uses or structures from erosion caused by currents, tidal action, or waves. The Administrator may waive the requirement for a geotechnical analysis if the applicant demonstrates through the use of photographs, site or grading plans, or other evidence that nonstructural measures are not feasible.
- C. The replacement structure shall be designed, located, sized, and constructed to assure no net loss of shoreline ecological functions.
- D. Replacement walls or bulkheads shall not encroach water-ward of the Ordinary High Water Mark or existing structure unless the residence was occupied prior to January 1, 1992, and there are overriding safety or environmental concerns. In such cases, the replacement structure shall abut the existing stabilization structure. Where a net loss of ecological functions associated with critical saltwater habitat would occur by leaving the existing structure, it must be removed as part of the replacement measure.
- E. Soft shoreline stabilization measures that provide restoration of shoreline ecological functions may be permitted water-ward of the Ordinary High Water Mark.

## 18.20.868 - Design of Shoreline Stabilization Measures

- A. Shoreline stabilization measures shall be designed by a Professional Engineer, registered as such in the State of Washington and shall conform to all applicable City and state policies and regulations, including the Washington State Department of Fish and Wildlife criteria governing the design of shoreline stabilization.
- B. The size of shoreline stabilization structures shall be the minimum necessary to protect the primary use or structure.
  - 1. Within the project area of the Olympia Sea Level Rise Response Plan (2019), consideration of sea level rise projections may be used to determine the minimum necessary size of shoreline stabilization structures in accordance with the plan.
- ~~B.C.~~ To protect their structural integrity, shoreline stabilization measures shall be designed, constructed, and maintained to allow drainage of surface or groundwater away from the structures.
- ~~C.D.~~ Shoreline stabilization structures shall be located to tie in flush with existing bulkheads on adjacent properties, except when adjoining bulkheads do not comply with the standards set forth in this Chapter.
- ~~D.E.~~ Stairs may be built as an integral component of a bulkhead but shall not extend water-ward of the bulkhead unless necessary to directly access a pier or dock.
- ~~E.F.~~ Materials used for shoreline stabilization structures shall be durable, erosion resistant, and not harmful to the environment. The following materials shall be prohibited: demolition debris, derelict vehicles, tires, concrete rubble, or any other materials that contain toxic substances or create visual blight along the shoreline.
- G. Where hard armoring is approved, materials shall be used in the following order of priority:
  - 1. Large stones, with vegetation planted in the gaps. Stone should not be stacked any steeper than a 3:1 slope;
  - 2. Timbers or logs that have not been treated with toxic materials;
  - 3. Stacked masonry block;
  - 4. Cast-in-place reinforced concrete.
- H. Bioengineering is a preferred method of protecting upland property and structures or to maintain access to an authorized shoreline use. Bioengineering combines structural, biological, and ecological concepts to construct living structures that stabilize the soil to control erosion using live plant materials as a main, but not only, structural component.
  - 1. Bioengineering shall generally be used when a geotechnical analysis confirms a need to prevent potential damage to a primary structure, but the need is not as immediate as within three years.
  - 2. Bioengineering projects shall incorporate all of the following:
    - a. All bioengineering projects shall use a diverse variety of native plant materials, including trees, shrubs, and grasses, unless demonstrated infeasible for the particular site;
    - b. All cleared areas shall be replanted following construction and irrigated (if necessary) to ensure that all vegetation is fully re-established within three years. Areas that fail to adequately reestablish vegetation shall be replanted with approved plant materials until such time as the plantings are viable;

- c. If no VCA is established in OMC 18.20.620 Table 6.3, a minimum five (5) foot vegetated buffer shall be provided landward of the project limits to allow bank protection plantings to become established. The buffers shall not be disturbed for a minimum of three years.
  - d. All bioengineering projects shall be monitored and maintained, as necessary. Areas damaged by pests and/or the elements shall be promptly repaired; and
  - e. All construction and planting activities shall be scheduled to minimize impacts to water quality, fish and wildlife, and aquatic and upland habitat and to optimize survival of new vegetation.
- I. Structural stabilization shall be located, designed, and constructed in accordance with mitigation sequencing in OMC 18.20.410(B) to minimize adverse impacts to shoreline ecological functions and processes. Protection of adjacent property and existing development shall also be considered in the design and location of structural stabilization measures.

**18.20.870 - Shoreline Stabilization Reports**

- A. Geotechnical reports prepared pursuant to this section that address the need to prevent potential damage to a primary structure shall address the necessity for shoreline stabilization by estimating time frames and rates of erosion and report on the urgency associated with the specific situation. As a general matter, hard armoring solutions should not be authorized except when a report confirms a significant possibility that such a structure will be damaged within three years as a result of shoreline erosion in the absence of such hard armoring measures, or where waiting until the need is immediate would foreclose the opportunity to use measures that avoid impacts on ecological functions.
- B. Where the geotechnical report confirms a need to prevent potential damage to a primary structure, but the need is not as immediate as three years, the report may still be used to justify more immediate authorization to protect against erosion using soft armoring.

**18.20.872 - Breakwaters, Jetties, Groins, and Weirs - General Provisions**

- A. Jetties and breakwaters are prohibited except as an integral component of a water-dependent use such as a marina or port, and only when there is a documented need for the protection of navigation, a harbor, water dependent industrial activities, a marina, fisheries or habitat enhancement project, or a comprehensive beach management plan.
- B. Where permitted, floating, portable, or submerged breakwater structures, or smaller discontinuous structures shall be used only when it has been demonstrated that they will not impact shoreline ecology or processes such as littoral drift or cause erosion of down drift beaches.
- C. The location and design of breakwaters, jetties, groins, and weirs shall be subject to mitigation sequencing outlined in OMC 18.20.410(B).
- D. The design of breakwaters, jetties, groins and weirs shall conform to all applicable requirements established by the Washington Department of Fish and Wildlife and the U.S. Army Corps of Engineers.
- E. The design of breakwaters, jetties, groins and weirs shall be certified by a registered civil engineer.
- F. Breakwaters, jetties, groins and weirs shall not intrude into critical salt water habitats or into salmon and steelhead habitats unless the following conditions are met:
  - 1. An alternative location or alignment is not feasible;
  - 2. The project is designed to minimize its impacts on the environment;

3. All adverse impacts will be mitigated;
  4. The project, including associated mitigation, will result in no net loss of ecological functions associated with the critical saltwater habitat;
  5. The facility is in the public interest and consistent with the state's interest in resource protection and species recovery, and
  6. If the project results in significant unavoidable adverse impacts, the impacts are mitigated by creating in-kind replacement habitat near the project. Where in-kind replacement mitigation is not feasible, rehabilitating degraded habitat may be required as a substitute.
- G. Breakwaters, jetties, groins, and weirs shall be constructed of suitable materials. The use of solid waste, junk or abandoned automobiles, asphalt or any building demolition debris is prohibited.
  - H. The movement of sand or beach materials shall be evaluated during permit review for breakwaters, jetties, groins and weirs. Those projects which are found to block littoral drift or cause new erosion of down-drift shoreline shall be required to establish and maintain an adequate long-term beach feeding program. This may include artificially transporting sand to the down-drift side of an inlet with jetties; or artificial beach feeding in the case of breakwaters, groins, and weirs.
  - I. Breakwaters, jetties, groins, and weirs shall incorporate provisions for public access when feasible.
  - J. Breakwaters, jetties, groins and weirs shall be designed to protect critical areas and shall provide for mitigation according to the mitigation sequence in OMC 18.20.410 (B).

#### **18.20.874 - Breakwaters, Jetties, Groins, and Weirs - Environment Designations**

Breakwaters, jetties, groins and weirs are permitted only adjacent to the Urban Intensity and Port Marine Industrial shoreline environments, are subject to a shoreline conditional use permit, and shall be approved only when there is a documented need for the protection of navigation, a harbor, water dependent industrial activities, a marina, fisheries, or habitat enhancement project.

#### **18.20.900 - Existing Buildings and Uses within Shorelines**

- A. Subject to the provisions of this Chapter, a use, lot, or structure lawfully existing prior to the effective date of this Shoreline Program or any amendment thereto, which is rendered nonconforming by this Shoreline Program may continue and may also be repaired, remodeled, and/or ~~replaced~~restored in the manner and to the extent that it existed upon the effective date of this Shoreline Program. Such structures may also be expanded in accordance with the provisions of this Section 18.20.910.
- B. In addition to and independent of the provisions below, existing roads, trails, utility lines and similar linear facilities, together with any associated facilities such as pump stations or stormwater treatment ponds, which do not conform to the provisions of OMC Chapter 18.20 may expand within existing easements and rights-of-ways. Modification or expansion outside of existing easements or rights-of-way which would otherwise be prohibited may be authorized by the decision maker upon finding there is no feasible alternative, the development is necessary for the public welfare, as proposed and designed includes appropriate mitigation, and the development is not likely to result in a net loss of shoreline ecological functions.

#### **18.20.910 - Alteration of Nonconforming Structures in Shoreline Jurisdiction**

- A. Shoreline Structures – The following regulations apply to nonconforming structures located in shoreline jurisdiction. Alterations pursuant to this section shall not result in a net loss of shoreline

ecological functions and processes. The applicant shall obtain all required permits or approvals prior to construction. All alterations shall comply with applicable development regulations.

1. Structures within Shoreline Setbacks - Alteration of structures located landward of the Ordinary High Water Mark within a required shoreline setback is limited to:
    - a. For structures located partially within the shoreline setback, alterations shall be limited to the addition of height and expansion into areas outside the shoreline setback.
    - b. For structures located entirely within the shoreline setbacks, alterations shall be allowed for the addition of height, or expansion on the upland side of the structure, or both.
    - c. Interior and exterior remodels and the addition of upper stories are permitted. Except as provided above, such additions shall not extend beyond the existing or approved building footprint. Any expansion of nonconforming structures that further encroach on the Ordinary High Water Mark setback by decreasing the distance between the structure and the Ordinary High Water mark shall require a shoreline variance.
  2. Overwater Structures – Alteration of structures located water-ward of the Ordinary High Water Mark is prohibited except:
    - a. Alterations to the footprint or building envelope may be permitted when required by Washington State Department of Natural Resources for light penetration;
    - b. Alterations that do not increase or expand the building footprint nor increase the height are permitted; and
    - c. Existing covered moorage may be maintained, repaired, or replaced pursuant to WAC 173-27-040.
  3. Structures within Vegetation Conservation Areas. Alteration of structures located landward of the Ordinary High Water within a required Vegetation Conservation Area (VCA) that include expansion of the building footprint is prohibited. Only interior and exterior remodels and the addition of upper stories are permitted.
  4. Structurally raising the floor elevation of an existing legally established nonconforming structure, which is necessary to protect the structure from flooding due to sea level rise, shall be allowed in accordance with the height limits set forth in Table 6.2. Raising the floor elevation is not allowed for legally established nonconforming overwater structures.
- B. Unintentionally damaged or destroyed nonconforming structures.
1. In the event that a structure or building that does not conform to the shoreline setback is damaged or destroyed by fire, explosion, act of nature, or act of public enemy, the structure may be ~~restored~~ reconstructed within the existing footprint. Any modifications outside of the existing footprint must comply with OMC 18.20.910.
  2. In order to take advantage of this section, a complete application for a building permit must be submitted within one year of the unintended event that caused the destruction of the structure. The applicant loses their rights under this subsection if the building permit lapses without construction of the structure proposed under the building permit.

#### **18.20.920 - Existing Nonconforming Shoreline Uses**

- A. Conversion and discontinuation of nonconforming uses in shoreline jurisdiction shall be governed by OMC 18.37.060(A) and (E).

- B. Expansion of nonconforming shoreline uses. The hearings examiner may authorize expansion of a use that does not conform to the Shoreline Master Program if the applicant demonstrates all of the following:
  1. The use clearly requires a specific site location on the shoreline not provided for under this chapter, and
  2. Extraordinary circumstances preclude reasonable use of the property in a manner consistent with this chapter. Provided, however, that expansion of uses in shoreline jurisdiction that are also nonconforming with zoning use restrictions are not authorized by this section. See OMC 18.37.060(B).

**18.20.930 - Existing Nonconforming Shoreline Lots**

- A. An undeveloped lot, tract, parcel, site, or division of land located landward of the Ordinary High Water Mark which was established in accordance with local and state subdivision requirements prior to the effective date of the Shoreline Master Program which does not conform to the present lot size standards of the Program may be developed if the lot conforms with OMC 18.37.080 and the development conforms to all other requirements of the Master Program.

**Section 3. Amendment of OMC 18.32.400. Olympia Municipal Code Section 18.32.400 is hereby amended to read as follows:**

**18.32.400 Streams and Priority Riparian Areas – Purpose and Intent**

In order to preserve the natural functions of streams and "priority riparian areas" by controlling siltation, minimizing turbidity, protecting nutrient reserves, maintaining stream flows, providing a source of large woody debris, preserving natural flood storage capacities, protecting fish bearing waters, preserving overhanging vegetation, providing groundwater recharge, and protecting the wildlife habitat associated with streams and intact riparian areas ~~of marine and lake shorelines~~, all areas within three hundred (300) feet of such waters shall be subject to the standards in OMC 18.32.405 through OMC 18.32.445. (Note: Further information regarding development along marine shorelines, lakes over 20 acres in size, and streams can be found in the City's Shoreline Master Program).

**Section 4. Amendment of OMC 18.32.405. Olympia Municipal Code Section 18.32.405 is hereby amended to read as follows:**

**18.32.405 Streams and Priority Riparian Areas – Applicability and Definition**

A. "Streams" means an area where surface waters flow sufficiently to produce a defined channel or bed, i.e., an area which demonstrates clear evidence of the passage of water including but not limited to bedrock channels, gravel beds, sand and silt beds and defined-channel swales. The channel or bed need not contain water year-round. This definition is not meant to include irrigation ditches, canals, storm or surface water runoff devices or other entirely artificial watercourses unless they are used to convey streams naturally occurring prior to construction.

B. "Priority Riparian Areas" means those marine and lake shorelines, as measured from the ordinary high water mark, in the following locations:

1. The eastern shore of Budd Inlet from the southern property line of Priest Point Park northward to the city limits;

2. The western shore of Budd Inlet (in the Port Lagoon) from 4th Avenue NW northward to the extension of Jackson Avenue NW, but not including the BNSF railroad causeway and trestle or their western or eastern shores; West Bay Drive NW; Olympic Way NW; and parcels west of the rights-of-ways of West Bay Drive NW and Olympic Way NW;
3. The western shore of Budd Inlet (north of West Bay Drive) from the extension of 24th Avenue NW northward to the city limits, being approximately six hundred and fifty (650) feet from the end of the fill to the city limits;
4. The eastern shore of Capitol Lake (in the Middle Basin) from the extension of 13th Avenue SE (Olmsted Brothers Axis) southward to the right of way of Interstate 5;
5. The eastern shore of Capitol Lake (in the South Basin) from the right of way of Interstate 5 southward to the city limits; and
6. The western shore of Capitol Lake (in Percival Cove) from the intersection of Lakeridge Drive SW and Deschutes Parkway SW westward to the mouth of Percival Creek (a point due north of the terminus of Evergreen Park Court SW).

**Section 5. Amendment of OMC 18.32.410. Olympia Municipal Code Section 18.32.410 is hereby amended to read as follows:**

**18.32.410 Streams and Priority Riparian Areas – Typing System**

Streams are grouped into categories according to the Washington Department of Natural Resources Water Typing System. The criteria, definitions, and methods for determining the water type of a stream are found in WAC 222-16-031.

- A. "Type S ~~watersstreams~~" are those surface waters which meet the criteria of the Washington Department of Natural Resources, WAC 222-16-031, as a Type S Water. Type S ~~watersstreams~~ contain fish habitat.
- B. "Type F streams" are those surface waters which meet the criteria of the Washington Department of Natural Resources, WAC 222-16-031, as a Type F Water. Type F streams contain fish habitat.
- C. "Type Np streams" are those surface waters which meet the criteria of the Washington Department of Natural Resources, WAC 222-16-031, as a Type Np Water. Type Np streams do not contain fish habitat.
- D. "Type Ns streams" are those surface waters which meet the criteria of the Washington Department of Natural Resources, WAC 222-16-031, as a Type Ns Water. These streams are areas of perennial or intermittent seepage, and ponds and drainage ways having short periods of spring or storm runoff. Type Ns streams do not contain fish habitat.
- E. Waters having any of the following characteristics are presumed to have fish use:
  1. Stream segments having a defined channel of 2 feet or greater within the bankfull width in Western Washington, and having a gradient of 16 percent or less;
  2. Stream segments having a defined channel of 2 feet or greater within the bankfull width in Western Washington, and having a gradient greater than 16 percent and less than or equal to 20 percent, and having greater than 50 acres in contributing basin size based on hydrographic boundaries;



3. Ponds or impoundments having a surface area of less than 1 acre at seasonal low water and having an outlet to a fish stream;
4. Ponds or impoundments having a surface area greater than 0.5 acre at seasonal low water.

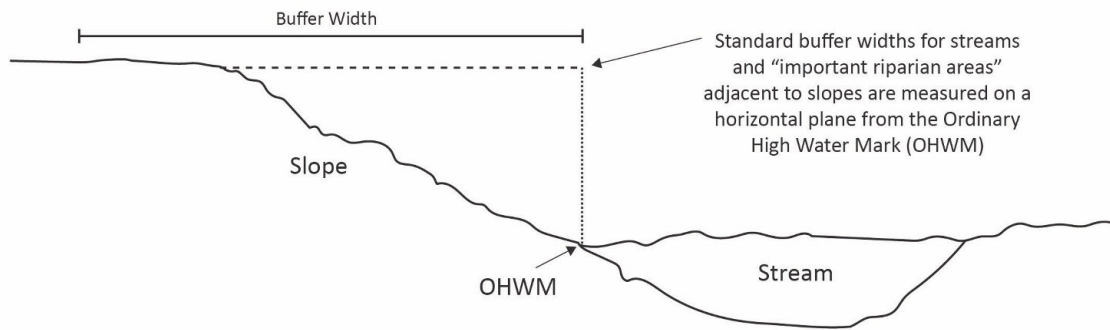
**Section 6. Amendment of OMC 18.32.435. Olympia Municipal Code Section 18.32.435 is hereby amended to read as follows:**

**18.32.435 Streams and Priority Riparian Areas – Buffers**

- A. Buffers shall be required as set forth for each stream type or “priority riparian area.” The required buffers shall be delineated, both on a site plan or plat and on the property, prior to approval of any regulated activity.
- B. The required buffer shall be extended to include any adjacent regulated wetland(s), landslide hazard areas and/or erosion hazard areas and required buffers.
- C. Stream buffers shall be based on the water type classification as established by the Department of Natural Resources Stream Typing Classification System and required by OMC 18.32.410. The table below includes detail differentiating stream types based on fish habitat presence, stream widths, and mass wasting potential:

<b>Stream Type and Description</b>	<b>Buffer</b>
Type S <u>waters</u> – Shorelines of the State	250 feet <u>Refer to SMP 18.20.620, Table 6-3 for the Shoreline Setback and Vegetation Conservation Areas</u>
<u>Priority Riparian Areas</u>	<u>250 feet</u>
Type F streams greater than 5 feet wide (bankfull width) that provide habitat for fish	250 feet
Type F streams less than 5 feet wide (bankfull width) that provide habitat for fish	200 feet
Type Np and Ns streams (no fish habitat) with high mass wasting potential	225 feet
Type Np and Ns streams (no fish habitat) without high mass wasting potential	150 feet

1. Stream buffers shall be measured on a horizontal plane, outward from the ordinary high water mark (OHWM) on each side of the stream. (See Figure 32-1).
2. For streams that occur within ravines (which are not designated as a landslide hazard area) and where the standard buffer extends onto a slope of 30% or greater that is at least 10 feet in height, the buffer shall extend a minimum of 25 feet beyond the top of the slope to protect the stream channel from sediment loading from mass wasting events (e.g., landslides, earth/debris flows and slumps, and rock falls/earth topples) and reduce the risk to structures and human safety.



**FIGURE 32-1**

D. Maintain a buffer of existing vegetation for "priority riparian areas" as defined in OMC 18.32.405.

E. The stream or "priority riparian area" buffer widths contained in OMC 18.32.435 C presume the existence of a relatively intact native vegetation community in the buffer zone adequate to protect the stream functions and values at the time of the proposed activity. If the vegetation and other buffer elements are inadequate, then the buffer shall be planted with a density and species composition commonly found in comparable but healthy riparian areas of Thurston County and as approved by the City of Olympia Urban Forester.

F. The Department may reduce the required stream or "priority riparian area" buffer widths up to twenty five percent (25%) on a case-by-case basis in accordance with a Biological Assessment described in OMC 18.32.445 when it can be demonstrated that:

1. The existing buffer area is not a high functioning buffer but instead is currently providing reduced functions due to existing land uses or previous alterations;
2. Protection of the stream or "priority riparian area" buffer using a fence and sign have been provided, as described in OMC 18.32.145;
3. Topographic conditions of the site and the buffer are protective of the stream;
4. The intensity and type of the land uses adjacent to the buffer will minimize potential adverse impacts upon the stream and wildlife habitat; [e.g., publicly owned parks, designated open space areas in plats and binding site plans, or lands with a recorded conservation easement];
5. The site design and building layout will minimize potential adverse impacts upon the stream and wildlife habitat;
6. The smaller buffer will be adequate to protect the functions of the stream based on the best available science; and
7. Alternative mitigation measures as provided in "Land Use Planning for Salmon, Steelhead and Trout: A Land planner's guide to salmonid habitat protection and recovery," Washington Department of Fish and Wildlife, 2009, have been proposed by the applicant and approved by the Department.

G. If a stream segment is removed from a culvert it will not be required to meet the stream buffer requirements of OMC 18.32.435. It shall comply with the purpose and intent of this title to the degree possible, as determined by the Department.

H. The required stream buffer widths shall be increased when the Department determines that the recommended width is insufficient to prevent habitat degradation and to protect the structure and functions of the stream and/or to protect habitat corridors between streams and other habitats.

**Section 7. Amendment of OMC 18.32.510. Olympia Municipal Code Section 18.32.510 is hereby amended to read as follows:**

**18.32.510 Wetlands – Rating System**

A. The Washington State Wetland Rating System for Western Washington (2014 update) as amended or revised, shall be used to determine if the wetland is a Category I, II, III or IV wetland. These documents contain the criteria, definitions, and methods for determining if the criteria below are met.

1. Category I wetlands are (1) relatively undisturbed estuarine wetlands larger than 1 acre; (2) wetlands with high conservation value that are identified by scientists of the Washington Natural Heritage Program/DNR; (3) bogs; (4) mature and old-growth forested wetlands larger than 1 acre; (5) wetlands in coastal lagoons; (6) interdunal wetlands that score 8 or 9 habitat points and are larger than 1 acre; and (7) wetlands that perform many functions well (scoring 23 points or more). These wetlands: (1) represent unique or rare wetland types; (2) are more sensitive to disturbance than most wetlands; (3) are relatively undisturbed and contain ecological attributes that are impossible to replace within a human lifetime; or (4) provide a high level of functions.
2. Category II wetlands are (1) estuarine wetlands smaller than 1 acre, or disturbed estuarine wetlands larger than 1 acre; (2) interdunal wetlands larger than 1 acre or those found in a mosaic of wetlands; or (3) wetlands with a moderately high level of functions (scoring ~~between 20 to~~ and 22 points).
3. Category III wetlands are: (1) wetlands with a moderate level of functions (scoring between 16 and 19 points); (2) can often be adequately replaced with a well-planned mitigation project; and (3) interdunal wetlands between 0.1 and 1 acre. Wetlands scoring between 16 and 19 points generally have been disturbed in some ways and are often less diverse or more isolated from other natural resources in the landscape than Category II wetlands.
4. Category IV wetlands have the lowest levels of functions (scoring fewer than 16 points) and are often heavily disturbed. These are wetlands that we should be able to replace, or in some cases to improve. However, experience has shown that replacement cannot be guaranteed in any specific case. These wetlands may provide some important functions, and should be protected to some degree.

B. Wetland rating categories shall be applied as the wetland exists on the date of application. However, wetland ratings shall not recognize alterations resulting from illegal activities.

**Section 8. Amendment of OMC 18.32.535. Olympia Municipal Code Section 18.32.535 is hereby amended to read as follows:**

**18.32.535 Wetlands – Wetland Buffers**

A. Wetland buffer areas shall be maintained between all regulated activities and wetlands to retain the wetland's natural functions and values. Wetland buffers are based upon the rating of the wetland pursuant to OMC 18.32.575.

B. The required width of the wetland buffer shall be determined as provided in the table below.

**Table 32-1: Wetland Buffer Widths**

<b>Wetland Characteristics</b>	<b>Wetland Buffer Width</b>
<del>Natural Heritage Wetlands</del>	<del>Not less than 250 feet</del>
<u>Wetlands of High Conservation Value and Bogs</u>	Not less than 250 feet
Estuarine - Category I	250 feet
Estuarine - Category II	150 feet
Habitat score: 3 pts	<del>100</del> 80 feet
Habitat score: 4 pts	100 feet
Habitat score: 5 pts	140 feet
Habitat score: 6 pts	180 feet
Habitat score: 7 pts	220 feet
Habitat score: 8 pts	260 feet
Habitat score: 9 pts	300 feet
Water Quality Improvement Score: 8 - 9 pts, and Habitat score: 4 pts or less	100 feet
Category I or II Wetland - Not meeting any of the above criteria	100 feet
Category III Wetland - Not meeting any of the above criteria	80 feet
Category IV Wetland - Score for all three wetland functions is less than 16 pts	50 feet

- C. All wetland buffers shall be measured from the wetland boundary.
- D. The wetland buffer widths contained in OMC 18.32.535 Table 32-1 presume the existence of a relatively intact native vegetation community in the buffer zone adequate to protect the wetland functions and values at the time of the proposed activity. If the vegetation and other buffer elements are inadequate, then the buffer shall be planted with native trees to a density common in the specific buffer area and an understory of native plants commonly found in riparian areas of Thurston County.
- E. The buffer for a wetland created, restored, or enhanced as compensation for approved wetland alterations shall be the same as the buffer required for the category of the created, restored, or enhanced wetland.
- F. The Department may allow modification of the required wetland buffer width by either allowing a reduction pursuant to OMC 18.32.535(G) or by allowing averaging of buffer widths when all of the following conditions are met:
  1. The wetland has significant differences in characteristics that affect its habitat functions, such as a wetland with a forested component adjacent to a degraded emergent component or a "dual-rated" wetland with a Category I area adjacent to a lower rated area,
  2. The buffer is increased adjacent to the higher-functioning area of habitat or more sensitive portion of the wetland and decreased adjacent to the lower functioning or less sensitive portion,

3. The total area of the buffer after averaging is equal to the area required without averaging, and
  4. The buffer at its narrowest point is never less than seventy five percent (75%) of the required width.
- G. If buffer averaging has not been used, the Department may reduce the required wetland buffer widths by twenty five percent (25%) under the following conditions:
1. For wetlands that score ~~five (5)~~six (6) points or more for the habitat functions, if both of the following criteria are met:
    - a. A relatively undisturbed, vegetated corridor at least one hundred (100) feet wide is protected between the wetland and any other priority habitats as defined by the Washington State Department of Fish and Wildlife. The corridor must be protected for the entire distance between the wetland and the priority habitat by legal protection such as a conservation easement.
    - b. Measures to minimize the impacts of different land uses on wetlands, such as those described on ~~Table 8c8, Appendix 8 C, of Wetlands in Washington State – Volume 2: Guidance for Protecting and Managing Wetlands (2005) Ecology publication #05-06-008 in Wetland Guidance for CAO Updates, Western Washington (2016) Ecology publication #16-06-001~~, as amended or revised, are applied. Examples of these measures include directing lighting away from wetland, locating noise generating activities away from the wetland, and densely planting the buffer to act as barrier to pets and human disturbance.
  2. For wetlands that score ~~four (4)~~five (5) points or less for habitat function, apply the provisions of OMC 18.32.535(G)(1)(b).
- H. The Department or Hearing Examiner, as appropriate, shall require increased buffer widths in accordance with the recommendations of an experienced, qualified wetland scientist, and the best available science on a case-by-case basis when a larger buffer is necessary to protect wetland functions and values based on site-specific characteristics. This determination shall be based on one or more of the following criteria:
1. A larger buffer is needed to protect other critical areas;
  2. The buffer or adjacent uplands has a slope greater than fifteen percent (15%) or is susceptible to erosion and standard erosion-control measures will not prevent adverse impacts to the wetland;  
or
  3. The buffer area has minimal vegetative cover. In lieu of increasing the buffer width where existing buffer vegetation is inadequate to protect the wetland functions and values, implementation of a buffer planting plan may substitute. Where a buffer planting plan is proposed, it shall include densities that are not less than three (3) feet on center for shrubs and eight (8) feet on center for trees and require monitoring and maintenance to ensure success. Existing buffer vegetation is considered "inadequate" and will need to be enhanced through additional native plantings and (if appropriate) removal of non-native plants when:
    - a. non-native or invasive plant species provide the dominant cover,
    - b. vegetation is lacking due to disturbance and wetland resources could be adversely affected,  
or
    - c. enhancement plantings in the buffer could significantly improve buffer functions.

**Section 9. Corrections.** The City Clerk and codifiers of this Ordinance are authorized to make necessary corrections to this Ordinance, including the correction of scrivener/clerical errors, references, ordinance numbering, section/subsection numbers and any references thereto.

**Section 10. Severability.** If any provision of this Ordinance or its application to any person or circumstance is held invalid, the remainder of the ordinance or application of the provisions to other persons or circumstances shall remain unaffected.

**Section 11. Ratification.** Any act consistent with the authority and prior to the effective date of this Ordinance is hereby ratified and affirmed.

**Section 12. Effective Date.** This Ordinance shall take effect five (5) days after publication, as provided by law.

---

MAYOR

**ATTEST:**

---

CITY CLERK

**APPROVED AS TO FORM:**

Mark Barber  
CITY ATTORNEY

**PASSED:**

**APPROVED:**

**PUBLISHED:**

# EXHIBIT A

## Section 1

## General Provisions

---

- 1.1 Introduction**
- 1.2 Other Policy and Regulatory Tools**
- 1.3 Purpose and Intent**
- 1.4 Title**
- 1.5 Adoption Authority**
- 1.6 Critical Areas Adopted by Reference**
- 1.7 Severability**
- 1.8 Effective Date**

### **1.1. Introduction**

The shorelines of Olympia have great social, ecological, recreational, cultural, economic and aesthetic value. Grass Lake, Capitol Lake, Ward Lake, Ken Lake, Percival Creek, and Olympia's marine shoreline areas provide citizens and the community with clean water; a deepwater port and industrial sites; habitat for a variety of fish and wildlife including salmon, shellfish, forage fish, and waterfowl; archaeological and historical sites; open space; and areas for boating, fishing, and other forms of recreation. However, Olympia's shoreline resources are limited and irreplaceable. Use and development of shoreline areas must be carefully planned and regulated to ensure that these values are maintained over time.

The City of Olympia Shoreline Master Program (SMP or the Program) is a result of Washington State legislation requiring all jurisdictions to adequately manage and protect shorelines of the State.

Washington's Shoreline Management Act (SMA or Act) (Revised Code of Washington [RCW] 90.58) was passed by the Legislature in 1971 and adopted by the public in a 1972 referendum. The goal of the SMA is "to prevent the inherent harm of uncoordinated and piecemeal development of the State's shorelines." The Act specifically states:

It is the policy of the State to provide for the management of the shorelines of the State by planning for and fostering all reasonable and appropriate uses. This policy is designed to insure the development of these shorelines in a manner, which, while allowing for limited reduction of rights of the public in the navigable waters, will promote and enhance the public interest. This policy contemplates protecting against adverse effects to the public health, the land and its vegetation and wildlife, and the waters of the State and their aquatic life, while protecting generally public rights of navigation and corollary rights incidental thereto.

The City of Olympia prepared this SMP to meet the requirements of the Washington State Shoreline Management Act. This SMP provides goals, policies, and regulations for shoreline use and protection and establishes a permit system for administering the Program. The goals, policies, and regulations contained herein are tailored to the specific geographic, economic, and environmental needs of the City of Olympia and its varied shorelines.

The Shoreline Management Act and its implementing legislation (Washington Administrative Code [WAC] 173-26 or Shoreline Guidelines) establish a broad policy giving preference to shoreline uses that:

- Depend on proximity to the shoreline ("water-dependent uses"),
- Protect biological and ecological resources, water quality and the natural environment, and
- Preserve and enhance public access or increase recreational opportunities for the public along shorelines.

The overall goal of this SMP is to:

*Develop the full potential of Olympia's shoreline in accord with the unusual opportunities presented by its relation to the City and surrounding area, its natural resource values, and its unique aesthetic qualities offered by water, topography, views, and maritime character; and to develop a physical environment which is both ordered and diversified and which integrates water, shipping activities, and other shoreline uses with the structure of the City while achieving a net gain of ecological function.*

In implementing this Program, the public's opportunity to enjoy the physical and aesthetic qualities of shorelines of the State shall be preserved to the greatest extent feasible. Implementing the SMP must protect the ecological functions of shorelines and, at a minimum, achieve 'no net loss' of ecological functions. Single-family residences; ports; shoreline recreational uses (including but not limited to parks, marinas, piers, and other improvements); water-dependent industrial and commercial developments; and other developments that depend on a shoreline location shall be given priority. Permitted shoreline uses shall be designed and conducted to minimize damage to the ecology of the shoreline and/or interference with the public's use of the water and, where consistent with public access planning, provide opportunities for the general public to have access to the shorelines.

The City of Olympia last updated its SMP in 1994. Since that time, there have been substantial changes in the way shorelines are regulated. New scientific data and research methods have improved our understanding of shoreline ecological functions and their value in terms of fish and wildlife, water quality and human health. This information also helps us understand how development in these sensitive areas impacts these functions and values. The new Shoreline Guidelines, upon which this SMP is based, reflect this improved understanding and place a priority on protection and restoration of shoreline ecological functions.

In order to protect the public interest in the preservation and reasonable use of the shorelines of the State, the Shoreline Management Act establishes a planning program coordinated between the State and local jurisdictions to address the types and effects of development occurring along the State's shorelines. By law, the City is responsible for the following:



## **The City of Olympia’s Role in Implementing the Shoreline Management Act**

- A. Development of an inventory of the natural characteristics and land use patterns along “shorelines of the State” within the City’s territorial limits. This inventory provides the foundation for development of a system that classifies the shoreline into distinct “environments.” These environments provide the framework for implementing shoreline policies and regulatory measures.
- B. Preparation of a "Shoreline Master Program" to determine the future of the shorelines. This future is defined through the goals developed for the following land and water use elements: economic development, public access, circulation, recreation, shoreline use, conservation, historical/cultural protection, and floodplain management. Local government is encouraged to adopt goals for any other elements, which, because of present uses or future needs, are deemed appropriate and necessary to implement the intent of the Shoreline Management Act. In addition, policy statements are developed to provide a bridge between the goals of the Master Program and the use and modification regulations developed to address different types of activities and development along the shoreline.
- C. Development of a permit system to further the goals and policies of both the Act and the local Master Program.

Local governments have the primary responsibility for initiating the planning program and administering the regulatory requirements. The City of Olympia Shoreline Master Program must be consistent with the policies and requirements of the Shoreline Management Act and the State Shoreline Guidelines. The role of the Department of Ecology is to provide support and review of the Shoreline Master Program and subsequent shoreline development permits and approvals.

The Shoreline Management Act defines a Master Program as a “comprehensive use plan for a described area.” The shoreline planning process differs from the more traditional planning process in that the emphasis is on protecting the shoreline environment through management of uses.

### **How to Use This Document**

The City of Olympia’s SMP includes goals, policies and regulations. The SMP is a comprehensive plan for how shorelines should be used and developed over time. Goals, policies and regulations provide direction for shoreline users and developers on issues such as use compatibility, setbacks, public access, building height, parking locations, mitigation, and the like.

The following summary provides an overview of the Olympia Shoreline Master Program (SMP or Program) contents with a brief explanation of its general format and procedures.

SMP Section 1 introduces the purposes and intent of the Program, explains the City’s authority to regulate shorelines and explains the Program’s relationship to other ordinances and laws. Section 1 also explains the types of development the Program has jurisdiction over.

Section 2 provides goals and policies for the SMP. These goals and policies will become part of the City of Olympia’s Comprehensive Plan.

Section 3 provides general policies and regulations that apply throughout the shoreline, in all shoreline districts and environment designations. Some of the key provisions of this section address shoreline use, site planning, building heights and setbacks, marine shoreline and critical areas protection, public access, vegetation conservation, views and aesthetics, water quality and the effect of the SMP on existing uses and structures.

The SMP also includes a Restoration Plan as Appendix A. The Restoration Plan is intended to identify shorelines, or areas upland that impact shorelines, that need to be restored to a healthy and functioning condition. The Plan is for the purpose of identifying potential projects and programs that would contribute or achieve restoration for those degraded areas, and can serve as a resource for those who need or want to identify potential restoration projects.

If you intend to develop or use lands adjacent to a shoreline (“shoreline jurisdiction” generally includes water areas and lands within 200 feet of the Ordinary High Water Mark – see Section 3.16 for the complete definition), consult first with the City of Olympia’s Community Planning and Development Department to determine if you need a shoreline permit; they will also tell you about other necessary government approvals.

### **Initial Procedures**

Although your proposal may be permitted by Program regulations or even exempt from specific permit requirements, all proposals must comply with all relevant policies and regulations of the entire Program as well as the general purpose and intent of the SMP.

For development and uses allowed under this Program, the City must find that the proposal is generally consistent with the applicable policies and regulations, unless a variance is to be granted. When your proposal requires a “Letter of Exemption,” submit the proper application to the City’s Community Planning and Development Department.

## **1.2 Other Policy and Regulatory Tools**

The SMP is a fundamental regulatory tool that the City of Olympia uses to manage development along its shoreline. While not explicitly part of the SMP, it is the City’s intent to employ other regulatory tools to work in concert with the SMP to form the City’s policy and regulatory framework for the shoreline and the rest of the City, thereby achieving the purpose and intent of the various policies and incentives established in this program. Within the jurisdiction of the shoreline, these other tools will be exercised in a manner which promotes and aligns with the implementation of this SMP. The table below provides a list of these regulations and a summary of some of the key issues they address. In addition to the policy and regulatory tools noted below the City also has a series of master plans, such as the Parks, Arts and Recreation Plan, the Utility Plan and the West Bay Master Plan that help to shape policy and regulations.

Summary of Regulatory and Policy Tools that Impact Development Along the Shoreline and Throughout the City										
Issue	SMP	Comp Plan	Zoning Code	EDDS	Storm Water Manual	CAO	Flood Plain	SEPA	CFP	Bldg. Codes
Shoreline Uses	X	X	X			X <sup>1</sup>				
Setbacks	X		X							
Heights	X	X	X							
View Protection	X	X	X					X		
Sea Level Rise	X	X	X	X			X	X	X	
No Net Loss	X	X			X	X		X		
Vegetation Preservation	X	X	X <sup>2</sup>			X				
Liquefaction										X
Development Review Process	X		X					X		
Nonconformities	X		X							
Vision	X	X								
Public Access	X	X	X					X		
Trails	X	X	X	X						
<p><i>SMP = Shoreline Master Program</i>  <i>EDDS = Engineering Development &amp; Design Standards</i>  <i>CAO = Critical Areas Ordinance</i>  <i>SEPA = State Environmental Policy Act</i>  <i>CFP = City's Capital Facilities Plan</i>  <i>X = Primary Function</i></p>										

### **1.3. Purpose and Intent**

The purpose of Olympia's Shoreline Master Program is:

- A. To guide the future development of shorelines in the City of Olympia in a positive, effective, and equitable manner consistent with the Washington State Shoreline Management Act of 1971 (Act) as amended (RCW 90.58);

<sup>1</sup> CAO applies to the shoreline and is a separate regulatory document: however following adoption of the SMP, the CAO was incorporated into the SMP by reference.

<sup>2</sup> And the Tree Protection and Replacement Code, OMC Chapter 16.60.

- B. To promote the public health, safety, and general welfare of the community by providing long-range, comprehensive policies and effective, reasonable regulations for development and use of Olympia's shorelines; and
- C. To ensure, at a minimum, no net loss of shoreline ecological functions and processes and to plan for restoring shorelines that have been impaired or degraded by adopting and fostering the policy contained in RCW 90.58.020, Legislative Findings for shorelines of the State.

#### **1.4 Title**

This document together with the Restoration Plan (Appendix A) shall be known as the Olympia Shoreline Master Program or Shoreline Program.

#### **1.5 Adoption Authority**

This Shoreline Master Program is adopted under the authority granted by RCW 90.58 and WAC 173-26.

#### **1.6 Regulations Adopted by Reference**

The Critical Areas regulations adopted by Council ~~as of December 12, 2017~~, contained in the Olympia Municipal Code (OMC) Chapters 18.32 and 16.70 are integral and applicable to this Shoreline Program, and are hereby adopted by reference as described in Section 18.20.420 A; ~~provided that the reasonable use provisions set forth in OMC 18.66.040 shall not be available within the shoreline jurisdiction. Instead, applicants may apply for a shoreline variance when seeking relief from critical areas regulations within shorelines.~~ Similarly, Section 18.06.100 A.2.C -- West Bay Drive Building Height and View Blockage Limits (Ordinance 6646, passed on July 14, 2009), is hereby adopted by reference to the extent that the height and use regulations identified therein are applicable to the shoreline jurisdiction area.

#### **1.7 Severability**

The Act and this Shoreline Program adopted pursuant thereto comprise the basic State and City regulations for the use of shorelines in the City. In the event the provisions of this Shoreline Program conflict with other applicable City policies or regulations, the more restrictive shall prevail. Should any section or provision of this Shoreline Program be declared invalid, such decision shall not affect the validity of this Shoreline Program as a whole.

#### **1.8 Effective Date**

This Shoreline Program and any amendments thereto shall become effective fourteen (14) days following the date of written notice of final action by the Washington State Department of Ecology.

### **2.1 Shoreline Master Program Goals and Policies**

The goals, policies and regulations of Olympia’s Shoreline Master Program are based on the governing principles in the Shoreline Master Program Guidelines, WAC 173-26-186 and the policy statement of RCW 90.58.020. It is the policy of the City to provide for the management of the shorelines of Olympia by planning for and fostering all reasonable and appropriate uses. This policy is designed to insure the development of these shorelines in a manner which, while allowing for limited reduction of rights of the public in the navigable waters, will promote and enhance the public interest. This policy contemplates protecting against adverse effects to the public health, the land and its vegetation and wildlife, and the waters of the State and their aquatic life, while protecting generally public rights of navigation and corollary rights incidental thereto.

- A. The interest of all of the people shall be paramount in the management of those areas of Puget Sound lying seaward from the line of extreme low tide. Within this area the City will give preference to uses in the following order of preference which:
  - 1. Recognize and protect the state-wide interest over local interest;
  - 2. Preserve the natural character of the shoreline;
  - 3. Result in long-term over short-term benefit;
  - 4. Protect the resources and ecology of the shoreline;
  - 5. Increase public access to publicly-owned areas of the shorelines;
  - 6. Increase recreational opportunities for the public in the shoreline;
  - 7. Provide for any other element as defined in RCW 90.58.100 as deemed appropriate or necessary.
- B. The policies of Olympia’s Shoreline Program may be achieved by diverse means, one of which is regulation. Other means may include but are not limited to acquisition of lands and/or easements by purchase or gift, incentive programs, and implementation of capital facility and/or non-structural programs.
- C. Regulation of private property to implement Shoreline Program goals such as public access and protection of ecological functions and processes must be consistent with all relevant constitutional and other legal limitations.
- D. Regulatory or administrative actions must be implemented consistent with the Public Trust Doctrine and other applicable legal principles as appropriate and must not unconstitutionally infringe on private property rights or result in an unconstitutional taking of private property.
- E. The regulatory provisions of this Shoreline Program are to be limited to shorelines of the State, whereas the planning functions of the Program may extend beyond the designated shoreline boundaries.

- F. The policies and regulations established by this Shoreline Program are to be integrated and coordinated with the other goals, policies and rules of the Olympia Comprehensive Plan and development regulations adopted under the Growth Management Act (GMA).
- G. The policies and regulations of Olympia’s Shoreline Program are intended to protect shoreline ecological functions by:
  - 1. Requiring that current and potential ecological functions be identified and understood when evaluating new or expanded uses and developments;
  - 2. Requiring adverse impacts to be mitigated in a manner that ensures no net loss of shoreline ecological functions. Mitigation shall include avoidance as a first priority, followed by minimizing, and then replacing/compensating for lost functions and/or resources;
  - 3. Ensuring that all uses and developments, including preferred uses and uses that are exempt from a shoreline substantial development permit, will not cause a net loss of shoreline ecological functions;
  - 4. Preventing, to the greatest extent practicable, cumulative impacts from individual developments;
  - 5. Fairly allocating the burden of preventing cumulative impacts among development opportunities; and
  - 6. Including incentives to restore shoreline ecological functions where such functions have been degraded by past actions.
- H. The policies and regulations of Olympia’s Shoreline Program should provide resilience for shoreline ecosystems, functions, and developments in response to sea level rise.

**2.2 Shoreline Ecological Protection and Mitigation Goals**

- A. The Shoreline Management Act and the Shoreline Master Program Guidelines place a primary emphasis on the protection of shoreline ecological functions and system-wide processes. In accordance with the Guidelines (WAC 173-26), Olympia’s Shoreline Program must insure that shoreline uses, activities, and modifications will result in no net loss to these processes and functions.
- B. The protection, restoration and enhancement of shoreline ecological functions and system-wide processes, especially as they pertain to the long-term health of Budd Inlet, are high priorities of Olympia’s Shoreline Program. The policies and regulations established therein are to be applied to all uses, developments and activities that may occur within the shoreline jurisdiction.
- C. The City recognizes that there are many existing sources of untreated stormwater within the shoreline jurisdiction and that these sources of nonpoint pollution have negative impacts on shoreline ecological functions. The City’s Drainage Design and Erosion Control Manual of Olympia is the primary regulatory tool that addresses stormwater treatment and is periodically updated in response to changing guidelines from the Department of Ecology and changes in best management practices.

**2.3 Shoreline Ecological Protection and Mitigation Policies**

- A. All shoreline use and development should be carried out in a manner that avoids and minimizes adverse impacts so that the resulting ecological condition does not become worse than the current condition. This means assuring no net loss of ecological functions and processes and protecting critical areas that are located within the shoreline jurisdiction.

- B. Natural features of the shoreline and nearshore environments that provide ecological functions and should be protected include but are not limited to marine and freshwater riparian habitat, banks and bluffs, beaches and backshore, critical saltwater and freshwater habitat, and wetlands and streams. Shoreline processes that should be protected include but are not limited to erosion and accretion, sediment delivery, transport and storage, organic matter input, and large woody debris recruitment. See WAC 173-26-201(2)(c).
- C. Preserve and protect important habitat including but not limited to the Port Lagoon, Priest Point Park, Ellis Cove, Grass Lake, Chambers Lake, and Percival Canyon.
- D. Development standards for density, setbacks, impervious surface, shoreline stabilization, vegetation conservation, critical areas, and water quality should protect existing shoreline functions and processes. During permit review, the Administrator should consider the expected impacts associated with proposed shoreline development when assessing compliance with this policy.
- E. Where a proposed use or development creates significant adverse impacts not otherwise avoided or mitigated by compliance with Olympia's Shoreline Program, mitigation measures should be required to ensure no net loss of shoreline ecological functions and system-wide processes.
- F. The City should work with other local, state, and federal regulatory agencies, tribes, and non-government organizations to ensure that mitigation actions carried out in support of the Olympia Shoreline Program are likely to be successful and achieve beneficial ecological outcomes. This includes such measures as mitigation banks, fee in lieu programs, and assisting applicants/proponents in planning, designing, and implementing mitigation.
- G. The City should develop a program to periodically review conditions on the shoreline and conduct appropriate analysis to determine whether or not other actions are necessary to protect and restore shoreline ecology to ensure no net loss of ecological functions.
- H. Allow offsite mitigation when doing so would serve to better accomplish the goals and objectives of the Shoreline Management Act to protect and preserve ecological functions, or provide public access, or promote preferred shoreline uses, provide for appropriate development incentives and/or alternative mitigation options.
- I. The City should encourage innovative mitigation strategies to provide for comprehensive and coordinated approaches to mitigating cumulative impacts and restoration rather than piecemeal mitigation. For example, the approach identified in the West Bay Environmental Restoration Assessment Report suggested restoration for specific reaches of shoreline.
- J. When available and when appropriate to the situation, the City should allow for offsite mitigation approaches, including Advance Mitigation, Fee-In Lieu, and Mitigation Banking.
- K. As part of the next update of the Drainage Design and Erosion Control Manual of Olympia, the City will consider methods and measures to encourage existing development, redevelopment and new development within the shoreline jurisdiction to comply with the City's Drainage Design and Erosion Control Manual of Olympia and best management practices.

## **2.4 Shoreline Use and Development Policies**

- A. The City should give preference to those uses that are consistent with the control of pollution and prevention of damage to the natural environment, or are unique to or dependent upon uses of the State's shoreline areas.

- B. The City should ensure that all proposed shoreline development will not diminish the public's health, safety, and welfare, as well as the land or its vegetation and wildlife, and should endeavor to protect property rights while implementing the policies of the Shoreline Management Act.
- C. The City should reduce use conflicts by prohibiting or applying special conditions to those uses which are not consistent with the control of pollution and prevention of damage to the natural environment or are not unique to or dependent upon use of the State's shoreline. In implementing this provision, preference should be given first to water-dependent uses, then to water-related uses and water-enjoyment uses.
- D. The City should continue to develop information about the impacts of sea level rise on the shoreline and other affected properties; the City should develop plans to address the impacts of sea level rise in collaboration with impacted property owners, the community and the Department of Ecology. These plans should include at minimum flood prevention approaches, shoreline environment impact considerations and financing approaches. The City should amend the Shoreline Master Program and other policy and regulatory tools in the future as necessary to implement these plans.
- E. The City should consider the impacts of sea level rise as it plans for the rebuild of Percival Landing and other shoreline improvements and it should be designed to provide for a reasonable amount of sea level rise consistent with the best available science and the life cycle of the improvements.
- F. The City should collaborate with private property owners, business owners and citizens in the implementation of the Shoreline Master Program to explore creative ways to reduce ecological impacts and mitigate for impacts from sea level rise when new development or redevelopment is proposed. This objective may best be accomplished by developing flexible approaches to shoreline development where the total environmental benefit is enhanced through such measures. Opportunities for collaboration may include:
  1. Provision of advanced stormwater management and treatment within the shoreline.
  2. The restoration, repair and replacement of Percival Landing where appropriate.
  3. Provision of direct physical access to the water where appropriate.
  4. Provision of a shoreline trail where feasible and consistent with applicable laws.
  5. Provision of native vegetation preservation and restoration where appropriate.
  6. Bulkhead removal and replacement of hardened shoreline with soft structural stabilization measures water-ward of Ordinary High Water Mark (OHWM) where appropriate.
  7. Provision of water related recreation, active playgrounds, and significant art installations, performance space, or interpretive features where appropriate.
- G. Space for preferred shoreline uses should be reserved. Such planning should consider upland and in-water uses, water quality, navigation, presence of aquatic vegetation, existing shellfish protection districts and critical wildlife habitats, aesthetics, public access and views.



## **2.5 Aquatic Environment Management Policies**

- A. The *Aquatic* environment designation should apply to lands water-ward of the Ordinary High Water Mark.
- B. Allow new or expanded overwater structures only for water-dependent uses, public access, or ecological restoration.
- C. The size of new overwater structures should be the minimum necessary to support the structure's intended use.
- D. In order to reduce the impacts of shoreline development on shoreline ecological functions~~and increase effective use of water resources~~, multiple uses of overwater facilities should be encouraged.
- E. All development and uses on navigable waters or their beds should be located and designed to minimize interference with surface navigation, to consider impacts to public views, and to allow for the safe, unobstructed passage of fish and wildlife, particularly forage fish habitat and those species dependent on migration.
- F. Uses that adversely impact the ecological functions of critical saltwater and freshwater habitats should not be allowed except where necessary to achieve the objectives of RCW 90.58.020, and then only when their impacts are mitigated according to the sequence described in WAC 173-26-201(2)(e) as necessary to assure no net loss of ecological functions.
- G. Shoreline uses and modifications should be designed and managed to prevent degradation of water quality and alteration of natural hydrographic conditions.
- G-H. Soft shore stabilization methods or habitat restoration approaches should be encouraged when ecological functions can be improved, such as through restoration as envisioned in the West Bay Environmental Restoration Assessment Report for some reaches.
- ~~H. Space for preferred shoreline uses should be reserved. Such planning should consider upland and in-water uses, water quality, navigation, presence of aquatic vegetation, existing shellfish protection districts and critical wildlife habitats, aesthetics, public access and views.~~

## **2.6 Natural Environment Management Policies**

- A. The *Natural* environment designation should be assigned to shoreline areas if any of the following characteristics apply:
  - 1. The shoreline is ecologically intact and therefore currently performing an important, irreplaceable function or ecosystem-wide process that would be damaged by human activity;
  - 2. The shoreline is ~~considered to represent~~ characterized by ecosystems and geologic types that are of particular scientific and educational interest; or
  - 3. The shoreline is unable to support new development or uses without significant adverse impacts to ecological functions or risk to human safety.
- B. Priest Point Park is one of a few shorelines along Budd Inlet that is ecologically intact. Therefore, any use or modification that would substantially degrade the ecological functions or natural character of this shoreline area should not be allowed.
- C. Scientific, historical, cultural, educational research uses, and water-oriented recreation access may be allowed provided that no significant ecological impacts on the area will result. Recreation uses should be limited to trails and viewing areas.

- D. Uses should be highly restricted and allowed only with a conditional use permit for water-oriented recreational uses.
- E. New roads, utility corridors, and parking areas should be located outside of the shoreline jurisdiction.

## **2.7 Urban Conservancy Environment Management Policies**

- A. The *Urban Conservancy* environment designation should be applied to shoreline areas appropriate and planned for development that is compatible with maintaining or restoring ecological functions of the area, that are not generally suitable for water-dependent uses and that lie in incorporated municipalities and urban growth areas if any of the following characteristics apply:
  - 1. They are suitable for water-related or water-enjoyment uses;
  - 2. They are open space, flood plain or other sensitive areas that should not be more intensively developed;
  - 3. They have potential for ecological restoration;
  - 4. They retain important ecological functions, even though partially developed; or
  - 5. They have potential for development that is compatible with ecological restoration.
- B. Uses that preserve the natural character of the area or promote preservation of open space or critical areas should be the primary allowed use. Uses that result in the restoration of ecological functions should be allowed if the use is otherwise compatible with the purpose of the *Urban Conservancy* environment and the setting.
- C. Standards should be established for shoreline stabilization measures, vegetation conservation, water quality, and shoreline modifications. These standards should ensure that new development does not result in a net loss of shoreline ecological functions or further degrade shoreline values.
- D. Public access trails and public passive recreation should be provided whenever feasible and significant ecological impacts can be mitigated.
- E. Water-oriented uses should be given priority over non-water oriented uses. For shoreline areas adjacent to commercially navigable waters, water-dependent uses should be given highest priority.
- F. Restoration and protection of shorelands, stream openings and associated wetlands within the *Urban Conservancy* environment should be given high priority.

## **2.8 Waterfront Recreation Environment Management Policies**

- A. The *Waterfront Recreation* environment designation should be assigned to shoreline areas that are or are planned to be used for recreation, or where the most appropriate use is for recreation open space or habitat conservation.
- B. Development standards should take into account existing improvements and character of park areas, allow for development of low-intensity recreational uses, and restoration of shorelines. Low intensity recreation should be non-motorized and not significantly alter the landscape, such as running and walking, bicycling, wildlife viewing, picnicking, nature study, and quiet contemplation and relaxation. Associated facilities might include trails, open fields and lawn areas, picnic shelters, public art, interpretive exhibits and supporting parking and restrooms.
- C. Trails, water access, interpretive sites, viewing platforms and passive recreation areas should be allowed within setbacks and vegetation buffers when significant ecological impacts can be mitigated.

- D. Preferred uses include trails, water-related recreation, active playgrounds, and significant art installations, performance space, interpretive features, open lawn areas, play equipment, shelters, picnic areas, launch ramps, viewing platforms and accessory uses. Special events may take place.
- E. Shoreline restoration should be a priority. All development should ensure no net loss of shoreline ecological functions.

## **2.9 Marine Recreation Environment Management Policies**

- A. The *Marine Recreation* environment designation should be assigned to areas on the Port Peninsula that are used or planned to be used for boating facilities, water-oriented recreation and commercial uses. Preferred uses include:
  - 1. Boating facilities including marinas, launch ramps, boat moorage, maintenance and repair, and upland boat storage; together with offices and other associated facilities;
  - 2. Water-oriented recreation such as trails, ~~and~~ viewing areas, and recreational camping facilities; water access, water-related recreation, active playgrounds, and significant art installations, performance space, or interpretive features; and
  - 3. Water-oriented commercial uses.
- B. Operation and management of the *Marine Recreation* environment should be directed towards maintaining and enhancing water-oriented services, while ensuring that existing and future activity does not degrade ecological functions.
- C. All development should ensure no net loss of shoreline ecological functions.
- D. Innovative approaches to restoration and mitigation should be encouraged, including incentive and alternative mitigation programs such as Advance Mitigation and Fee In-lieu.
- E. Encourage bulkhead removal and replacement of hardened shoreline with soft structural stabilization measures ~~water-ward of OHWM~~.
- F. The City recognizes the Port's responsibility to operate its marine facilities and to plan for this area's future use through the development and implementation of its Comprehensive Scheme of Harbor Improvements.
- G. The City recognizes that the Marine Recreation shoreline (Reach 5C) and the adjoining Urban Conservancy/Urban Intensity shoreline in Reach 6A provide a variety of benefits to the community including boat moorage, utility transmission, transportation, public access, water enjoyment, recreation, wildlife habitat and opportunities for economic development. These benefits are put at risk by continued shoreline erosion. The City recognizes that there exists a need to develop a detailed plan for shoreline restoration and stabilization for Reaches 5C and 6A and encourages the Port to partner in this effort.
  - 1. This plan may include:
    - a. Measures to enhance shoreline stabilization through the introduction of bioengineered solutions.
    - b. Measures to incorporate habitat restoration water-ward of the OHWM.
    - c. Measures to incorporate public access and use through trails, public art, parks and other pedestrian amenities.

- d. Measures to incorporate sea level rise protection.
  - e. Setbacks, building heights and building design considerations.
2. Upon completion of a jointly developed shoreline restoration and stabilization plan for Reaches 5C and 6A, the City will initiate a limited amendment to the SMP to implement this Plan.

### **2.10 Shoreline Residential Environment Management Policies**

- A. The *Shoreline Residential* environment designation should be applied to shoreline areas if they are predominantly single-family or multi-family residential development or are planned and platted for residential development.
- B. Establish standards for density or minimum frontage width, setbacks, lot coverage limitations, buffers, shoreline stabilization, vegetation conservation, critical area protection, and water quality, taking into account the environmental limitations and sensitivity of the shoreline area, the level of infrastructure and services available, and other comprehensive planning considerations.
- C. Multi-family development and subdivisions of land into more than nine (9) parcels should provide public access.
- D. Commercial development should be limited to water-oriented uses and not conflict with the character in the *Shoreline Residential* environment.
- E. Water-oriented recreational uses should be allowed.
- F. Encourage restoration of degraded shorelines in residential areas and preservation of existing vegetation.
- G. Encourage bulkhead removal and replacement of hardened shoreline with soft structural stabilization measures ~~water ward of OHWM~~.

### **2.11 Urban Intensity Environment Management Policies**

- A. The *Urban Intensity* environment should be assigned to shoreline areas if they currently support high intensity uses related to commerce, industry, transportation or navigation, and high-density housing; or are suitable and planned for high-intensity water-oriented uses.
- B. Olympia's shoreline is characterized by a wide variety of "urban" uses and activities, including commercial, industrial, marine, residential, and recreational uses. Together, these uses and activities create a vibrant shoreline that is a key component of Olympia's character and quality of life. These types of uses should be allowed within the *Urban Intensity* environment, with preference given to Water-Dependent and Water-Enjoyment uses. Shorelines in this Shoreline Environment Designation (SED) are highly altered and restoration opportunities are limited. The City's own Percival Landing is a good example of how the immediate shoreline in the Urban Intensity SED should be redeveloped with a focus on public access and enjoyment, sea level rise protection and restoration of shoreline environmental function where feasible.
- C. Nonwater-oriented uses may be allowed where they do not conflict with or limit opportunities for water-oriented uses or on sites where there is no direct access to the shoreline.

- D. Preferred uses include water-oriented recreation such as trails and viewing areas, water access, water-related recreation, active playgrounds, and significant art installations, performance space, or interpretive features.
- E. ~~Provide for~~Support the restoration, repair and replacement of Percival Landing including consideration of sea level rise protection.
- F. -Policies and regulations should assure no net loss of shoreline ecological functions as a result of new development or redevelopment. Where applicable, ~~new~~ development should include environmental cleanup and restoration of the shoreline to comply with any applicable ~~relevant~~ state and federal law.
- G. ~~Where feasible~~ Visual and physical public access should be required as provided for in WAC 173-26-221(4)(d) and this shoreline program. Additional requirements for views in and across the Downtown area are also specified in OMC 18.120.
- H. Aesthetic objectives should be implemented by means such as sign control regulations, appropriate development siting, screening and architectural standards, design guidelines, and vegetation conservation measures.
- I. Innovative approaches to restoration and mitigation should be encouraged, including incentive and alternative mitigation programs such as Advance Mitigation and Fee In-lieu.
- J. Encourage bulkhead removal and replacement of hardened shoreline with soft structural stabilization measures ~~water ward of OHWM~~.

## **2.12 Port Marine Industrial Environment Management Policies**

- A. The *Port Marine Industrial* environment should be assigned to the shoreline area located within the portion of the Port of Olympia that supports uses related to water-oriented commerce, transportation or navigation, or are planned for such uses.
- B. Highest priority should be given to water-dependent and water-related industrial uses.
- C. The preferred location for non-water-dependent industrial uses is in industrial areas as far from the shoreline as feasible.
- D. Coordinate planning efforts to ensure that there is adequate land reserved for water-dependent industrial uses to promote economic development, and to minimize impacts upon adjacent land uses.
- E. Encourage growth and re-development in areas that are already developed.
- F. Industrial use and development should be located, designed, and operated to avoid or minimize adverse impacts upon the shoreline and achieve no net loss of shoreline ecological functions and processes.
- G. Industrial uses and related development projects are encouraged to locate where environmental cleanup can be accomplished.
- H. Encourage the cooperative use of docking, parking, cargo handling and storage facilities on industrial properties.
- I. Innovative approaches to restoration and mitigation should be encouraged, including incentive and alternative mitigation programs such as Advance Mitigation and Fee In-lieu.

### **2.13 Archaeological, Historic, and Cultural Resources Policies**

- A. The destruction or damage to any site having any archaeological, historic, cultural, scientific, or educational value as identified by the appropriate authorities, including affected Indian tribes, and the Office of Archaeology and Historic Preservation, should be prevented.

### **2.14 Parking Policies**

- A. Motor vehicle parking is not a preferred use within the shoreline jurisdiction and should be allowed only as necessary to support authorized uses.
- B. Where feasible, parking for shoreline uses should be located in areas outside the shoreline jurisdiction; otherwise locate parking as far landward of the Ordinary High Water Mark as feasible.
- C. -Parking facilities or lots within the shoreline jurisdiction should utilize low impact development best management practices where feasible to reduce stormwater impacts.
- D. Design and construct parking facilities or lots to be compatible with adjacent uses and to avoid impacts to the shoreline environment.
- E. Provide walkways between parking areas and the buildings or uses they serve. Such walkways should be located as far landward of the Ordinary High Water Mark as feasible.

### **2.15 Public Access Policies**

- A. Protect and maintain existing visual and physical public access so that the public may continue to enjoy the physical, visual, and aesthetic qualities of the shoreline.
- B. Incorporate public access into all new development or redevelopment if it creates or increases a demand for public access. Public access should also be required if the proposed use or development impairs existing legal access or rights.
- C. Protect the rights of navigation and space necessary for water-dependent uses when identifying locations for public access.
- D. Public access should be commensurate with the scale and character of a proposed use or development. Requirements should be reasonable, effective and fair to all affected parties including but not limited to the landowner and the public.
- E. Developments, uses, and activities on or near the shoreline should not impair or detract from the public's use of the water or rights of navigation.
- F. Impacts resulting from public access improvements should be mitigated in order to avoid a net loss of shoreline ecological processes and functions.
- G. Public access should be designed to provide for public safety and comfort, and to limit potential impacts to private property.
- H. Public access should be designed with provisions for persons with disabilities.
- I. Public access should connect to public areas, undeveloped rights-of-way, and other pedestrian or public thoroughfares.
- J. Public access and interpretive displays should be provided as part of publicly-funded projects.
- K. On-site public access may not be required by a new development or redevelopment if adequate public access already exists in the immediate vicinity, per 18.20.450 and .460.

## **2.16 Scientific and Educational Activity Policies**

- A. Encourage scientific and educational activities related to shoreline ecological functions and processes, including sea level rise resilience.

## **2.17 Signage Policies**

- A. Signs should not block or otherwise interfere with visual access to the water or shorelands.
- B. Signs should be designed and placed so that they are compatible with the aesthetic quality of the existing shoreline and adjacent land and water uses

## **2.18 Vegetation Conservation Area Policies**

- A. Developments and activities within the shoreline jurisdiction should be planned and designed to protect, conserve and establish native vegetation in order to protect and restore shoreline ecological functions and system-wide processes occurring within riparian and nearshore areas such as:
  - 1. Providing shade necessary to maintain water temperatures required by salmonids, forage fish, and other aquatic biota;
  - 2. Regulating microclimate in riparian and nearshore areas;
  - 3. Providing organic inputs necessary for aquatic life, including providing food in the form of various insects and other benthic macro invertebrates;
  - 4. Stabilizing banks, minimizing erosion and sedimentation, and reducing the occurrence or severity of landslides;
  - 5. Reducing fine sediment input into the aquatic environment by minimizing erosion, aiding infiltration, and retaining runoff;
  - 6. Improving water quality through filtration and vegetative uptake of nutrients and pollutants;
  - 7. Providing a source of large woody debris to moderate flows, create hydraulic roughness, form pools, and increase aquatic diversity for salmonids and other species; and
  - 8. Providing habitat for wildlife, including connectivity for travel and migration corridors.
- B. Restrict clearing and grading within vegetation conservation areas in order to maintain the functions and values of the shoreline environment, including protection of habitat, steep slopes and shoreline bluffs. Any alterations should be the minimum necessary to accommodate an authorized use or development.
- C. The composition, structure and density of the vegetation should replicate the functions of a natural, unaltered shoreline to the greatest extent feasible.
- D. Maintaining a well-vegetated shoreline with native species is preferred over clearing vegetation to create views or provide lawns. Limited and selective clearing for views and lawns, or for safety, may be allowed when slope stability and ecological functions are not compromised, but landowners should not assume that an unobstructed view of the water is guaranteed. Trimming and pruning are preferred over removal of native vegetation. Property owners should be encouraged to avoid or minimize the use of fertilizers, herbicides and pesticides.
- E. Property owners should be encouraged to preserve and enhance woody vegetation and native groundcovers to stabilize soils and provide habitat. Maintaining native plant communities is preferred over non-native ornamental plantings because of their ecological value.

- F. Develop educational materials and establish a public outreach program to educate shoreline landowners and citizens about the importance of protecting and enhancing vegetative buffers along the shoreline, including education about the appropriate and proper usage of fertilizers and pesticides along the shoreline.

### **2.19 View Protection Policies**

- A. Preserve views and vistas to and from the water, by public and private entities, to ensure that the public may continue to enjoy the physical and aesthetic qualities of the shoreline, including views of the water and views of shoreline areas from the water and the iconic views of the State Capitol and Olympic Mountains.
- B. Development should be designed to preserve and enhance the visual quality of the shoreline, including views over and through the development from the upland side of the subject property, and views over and through the development from the water.

### **2.20 Water Quality Policies**

- A. All shoreline uses and activities should be located, designed, constructed, and maintained to avoid impacts to water quality.
- B. Stormwater management facilities for new uses and development should be designed, constructed, and maintained in accordance with the current Olympia Drainage Design and Erosion Control Manual of Olympia. To the extent feasible, low impact development best management practices should be incorporated into every project along the shoreline.
- C. To reduce impacts to water quality, the use of chemical fertilizers, pesticides or other similar chemical treatments should be avoided. Landscaping should be designed to avoid or minimize the use of such products. Maintenance activities should use integrated pest management best practices. Pesticide free areas should be encouraged.
- D. Uses and activities that pose a risk of contamination to ground or surface waters should be prohibited.

### **2.21 Agriculture Policies**

- A. Recognize existing agricultural uses within the City and allow them to continue operating.
- B. New agricultural uses should be prohibited.

### **2.22 Aquaculture Policies**

- A. Aquaculture should not be permitted in areas where it would result in a net loss of ecological functions, adversely impact eelgrass and microalgae, or significantly conflict with navigation and other water-dependent uses.
- B. Aquaculture facilities should be designed and located so as not to spread disease to native aquatic life, establish new non-native species which cause significant ecological impacts, or significantly impact the aesthetic qualities of the shoreline.

### **2.23 Boating Facilities Policies**

- A. Boating facilities, such as marinas and launch ramps, are water-dependent uses and should be given priority for shoreline location.
- B. Boating facilities and their accessory uses should be located, designed, constructed and maintained to achieve the following:



1. Protect shoreline ecological functions and system-wide processes. When impacts cannot be avoided, mitigate to assure no net loss to shoreline ecological functions;
  2. Maintain use of navigable waters, public access areas, and recreational opportunities, including overwater facilities;
  3. Minimize adverse impacts to adjacent land uses such as noise, light and glare, aesthetics, and public visual access; and
  4. Minimize adverse impacts to other water-dependent uses.
- C. Development of new boating facilities should be coordinated with public access and recreation plans and should be collocated with Port or other compatible water-dependent uses where feasible. Affected parties and potential partners should be included in the planning process.
  - D. Boating facilities should provide physical and visual public shoreline access and provide for multiple uses including water-related uses, to the extent compatible with shoreline ecological functions and processes.
  - E. Upland boat storage is preferred over new in-water moorage.
  - F. Encourage design elements that increase light penetration to the water below existing or new moorage facilities, such as increasing the structure's height, modifying orientation and size, and use of grating as a surface material. New covered moorage and boathouses should be prohibited.
  - G. Pilings treated with creosote or other similarly toxic materials should be replaced with steel or concrete pilings to minimize adverse impacts to water quality. Unused or derelict pilings should be removed.

## **2.24 Commercial Policies**

- A. Give preference to water-dependent commercial uses, then to water-related, and then water-enjoyment commercial uses in shoreline jurisdiction. Non-water-oriented commercial uses should require a conditional use permit if located within 100 feet of the water.
- B. The preferred location for non-water-oriented commercial uses is in commercial areas no closer than 30 feet from the shoreline.
- C. Coordinate planning efforts between the City and the Port to promote economic development in downtown Olympia.
- D. Commercial development should be located, designed, and operated to avoid and minimize adverse impacts on shoreline ecological functions and processes.
- E. Commercial development should provide public access to shoreline beaches, docks, walkways, or viewing areas unless such improvements are demonstrated to be incompatible due to reasons of safety, security, or impact to the shoreline environment.
- F. Commercial development should be designed to be visually compatible with adjacent and upland properties and so that the height, bulk, and scale do not impair views.
- G. Commercial development should implement low impact development techniques to the maximum extent feasible.

## **2.25 Industrial Policies**

- A. Give preference to water-dependent industrial uses first, then to water-related industrial uses over non-water-oriented industrial uses.
- B. Non-water oriented industrial uses should be prohibited within the shoreline jurisdiction.
- C. Coordinate planning efforts between the City and the Port to ensure that there is adequate land reserved for water-dependent industrial uses, to promote economic development, and to minimize impacts upon adjacent land uses.
- D. Locate water-dependent or water-related industrial marine uses in areas already established or zoned for industrial use.
- E. Industrial use and development should be located, designed, and operated to avoid and minimize adverse impacts on shoreline ecological functions and processes.
- F. Transportation and utility corridors serving industrial uses should be located away from the water's edge to minimize ecological impacts and reduce the need for waterfront signs and other infrastructure.
- G. Industrial uses and related development projects are encouraged to locate where environmental cleanup can be accomplished.
- H. Encourage the cooperative use of docking, parking, cargo handling and storage facilities on industrial properties.
- I. Design port facilities to permit viewing of harbor areas from viewpoints, waterfront restaurants, and similar public facilities which would not interfere with Port operations or endanger public health or safety.

## **2.26 Recreation Policies**

- A. Public recreation is a preferred use of the shoreline. Recreational uses and developments that facilitate the public's ability to reach, touch, and enjoy the water's edge, to travel on the waters of the State, and to view the water and shoreline are preferred. Where appropriate, such facilities should be dispersed along the shoreline in a manner that supports more frequent recreational access and aesthetic enjoyment for a substantial number of people.
- B. Water-oriented recreational uses, such as boating, swimming beaches, and wildlife viewing, should have priority over non-water oriented recreation uses, such as sports fields. A variety of compatible recreation experiences and activities should be encouraged to satisfy diverse recreational needs.
- C. Recreational developments and plans should promote the conservation and restoration of the shoreline's natural character, ecological functions, and processes.
- D. Plan, design, and implement shoreline recreational development consistent with the growth projections, level-of-service standards, and goals established in Olympia's Comprehensive Plan and Parks, Arts and Recreation Plan.
- E. Hiking paths, sidewalks, and bicycle paths in proximity to or providing access to the shoreline are encouraged.
- F. Recreation facilities should be integrated and linked with linear systems, such as hiking paths, sidewalks, bicycle paths, easements, and/or scenic drives.

- G. Recreation facilities should incorporate public education and interpretive signs regarding shoreline ecological functions and processes, historic and cultural heritage.
- H. Recreation facilities should be designed to preserve, enhance, or create scenic views and vistas.
- I. Commercial recreation facilities should be consistent with the provisions for commercial development (see commercial policies above).

### **2.27 Residential Policies**

- A. All residential developments should be located, designed, and properly managed to avoid damage to the shoreline environment and avoid cumulative impacts associated with shoreline armoring, overwater structures, stormwater runoff, septic systems, vegetation clearing, and introduction of pollutants.
- B. The overall density of development, lot coverage, setbacks, and height of structures should be appropriate to the physical capabilities of the site.
- C. Residential development, including the division of land and the construction of residential units, should be designed and located with consideration of sea level rise projections and so that shoreline armoring and flood hazard measures will not be necessary to protect land or structures.
- D. Dwelling units and accessory structures should be clustered to preserve natural features and minimize overall disturbance of the site.
- E. New residential development should provide opportunities for public access.
- F. New residential development should minimize impacts upon views from adjacent residential areas, in keeping with the Shoreline Management Act.
- G. 'Live-aboard' vessels associated with marinas may be allowed, but all other overwater residential development including floating homes should be prohibited. A floating home permitted or legally established prior to January 1, 2011 and floating on-water residences legally established prior to July 1, 2014 will be considered conforming uses.
- H. Whenever possible, non-regulatory methods to protect, enhance and restore shoreline ecological functions should be encouraged for residential development.

### **2.28 Transportation Policies**

- A. New roads and railroads, and expansions thereof should not be built within the shoreline jurisdiction. Where this is not feasible, such improvements should be located and designed to have the least possible adverse effect on the shoreline, account for sea level rise projections, not result in a net loss of shoreline ecological functions, or adversely impact existing or planned water-oriented uses, public access, and habitat restoration and enhancement projects.
- B. Maintenance and repair of existing roads and railroads should avoid adverse impacts on adjacent shorelines and waters.
- C. Transportation facilities should be designed and located to minimize the need for the following:
  - 1. Structural shoreline protection measures;
  - 2. Modifications to natural drainage systems; and
  - 3. Waterway crossings.

- D. Planning for transportation and circulation corridors should consider location of public access facilities, and be designed to promote safe and convenient access to those facilities.
- E. Pedestrian trails and bicycle paths are encouraged where they are compatible with the natural character, resources, and ecology of the shoreline.
- F. Piers and bridges for roads, pedestrian trails, bicycle paths, and railroads are preferred over the use of fill in upland and aquatic areas.
- G. When transportation corridors are necessary, joint use corridors are preferred and encouraged for roads, utilities, and all forms of transportation/circulation.

### **2.29 Utility Policies**

- A. Utility facilities should be designed, located and maintained to minimize harm to shoreline ecological functions, account for sea level rise projections, preserve the natural landscape, and minimize conflicts with present and planned land and shoreline uses while meeting the needs of future populations in areas planned to accommodate growth.
- B. Expansion of existing sewage treatment, water reclamation, substations, and power plants should be compatible with recreational, residential, or other public uses of the water and shorelands.
- C. Where water crossings are unavoidable, they should be located where they will have the least adverse ecological impact.
- D. New utilities should use existing transportation and utility sites, rights-of-way and corridors, rather than creating new corridors.
- E. Utilities should be located and designed to avoid impacts to public recreation and public access areas, as well as significant historic, archaeological, cultural, scientific or educational resources.
- F. Encourage the use of utility rights-of-way for public access to and along shorelines.
- G. Design and install utilities in such a way as to avoid impacts to scenic views and aesthetic qualities of the shoreline area.

### **2.30 Shoreline Modification Policies**

- A. Locate and design all new development in a manner that prevents or minimizes the need for shoreline modifications.
- B. Regulate shoreline modifications to assure that individually and cumulatively, the modifications do not result in a net loss of shoreline ecological functions.
- C. Give preference to those types of shoreline modifications that have a lesser impact on ecological functions.
- D. Require mitigation of impacts resulting from shoreline modifications.
- E. Plan for the enhancement of impaired ecological functions while accommodating permitted uses. Incorporate all feasible measures to protect ecological functions and ecosystem-wide processes in the placement and design of shoreline modifications. To avoid and reduce ecological impacts, use mitigation sequencing set forth in WAC 173-26-201(2)(e) and Section 3.21 of the SMP.
- F. Give preference to nonstructural flood hazard reduction measures over structural measures, where feasible.

### **2.31 Dredging Policies**

- A. Design and locate new development to minimize the need for dredging.
- B. Allow dredging for water-dependent uses or essential public facilities or both, only when necessary and when significant ecological impacts are minimized and appropriate mitigation is provided.
- C. Allow dredging in locations where a comprehensive management plan has been evaluated and authorized by local, ~~and state,~~ and federal governmental entities.
- D. Plan and conduct dredging to minimize interference with navigation and adverse impacts to other shoreline uses and properties.
- E. Allow maintenance dredging of established navigation channels and basins.
- F. Conduct dredging and disposal in a manner to minimize damage to natural systems, including the area to be dredged and the area where dredged materials will be deposited. Disposal of dredge spoils materials on land away from the shoreline is preferred over open water disposal. Disposal of dredge materials near water should be conducted in a manner to avoid and minimize impacts to water quality.
- G. Re-use of uncontaminated dredge spoils material is encouraged for beneficial uses such as restoration and enhancement.
- H. Dredging and dredge disposal should not occur where they would interfere with existing or potential ecological restoration activities.
- I. Allow dredging for ecological restoration or enhancement projects, beach nourishment, public access or public recreation provided it is consistent with the policies and regulations of the Master Program.

### **2.32 Fill Policies**

- A. Fill should be located, designed, and constructed to protect shoreline ecological functions and system-wide processes. The quantity and extent of fill should be the minimum necessary to accommodate a permitted shoreline use or development.
- B. Fill landward of the Ordinary High Water Mark should be permitted when necessary to support permitted uses, and when significant impacts can be avoided or mitigated.
- C. Fill should be allowed to accommodate berms or other structures to prevent flooding caused by sea level rise, when consistent with the Olympia Sea Level Rise Response Plan and the flood hazard reduction provisions in this Shoreline Program. Any such fill should include mitigation assuring no net loss of ecological functions and system-wide processes.
- D. Fill for the maintenance, restoration, or enhancement of beaches or mitigation projects should be permitted.
- E. Fill water-ward of the Ordinary High Water Mark should be permitted only to accommodate water-dependent uses, public access, cleanup of contaminated sites, ecological restoration, the disposal of dredge materials associated with a permitted dredging activity, or other water-dependent uses that are consistent with the goals and policies of Olympia's Shoreline Program.
- F. Fill for the purpose of creating new uplands should be prohibited unless it is part of an authorized restoration activity.
- G. Fill should not adversely impact navigation.

- H. Fill should not be allowed where structural shoreline stabilization would be required to maintain the materials placed.

### **2.33 Moorage Policies**

- A. New moorage should be permitted only when it can be demonstrated that there is a specific need to support a water-dependent or public access use.
- B. Moorage associated with a single-family residence is considered a water-dependent use provided it is designed and used as a facility to access watercraft, and other moorage facilities are not available or feasible.
- C. Allow shared moorage for multi-family uses or as part of a mixed use development when public access is provided.
- D. Give preference to buoys over piers, docks, and floats; however, discourage the placement of moorage buoys where sufficient dock facilities exist.
- E. Give preference to shared moorage facilities over single-user moorage where feasible. New subdivisions of more than two lots and new multi-family development of more than two dwelling units should provide shared moorage.
- F. Moorage facilities should be sited and designed to avoid adversely impacting shoreline ecological functions and processes, and should mitigate for unavoidable impacts to ecological functions.
- G. Moorage facilities should be spaced and oriented in a manner that minimizes hazards and obstructions to public navigation rights and corollary rights including but not limited to boating, swimming, and fishing.
- H. Encourage the cooperative use of docking facilities in industrial areas instead of new facilities.
- I. Moorage facilities should be restricted to the minimum size necessary to meet the needs of the proposed use. The length, width and height of piers, docks and floats should be no greater than required for safety and practicality for the primary use.
- J. Encourage design elements that increase light penetration to the water below existing or new moorage facilities, such as increasing the structure's height, modifying orientation and size, and use of grating as a surface material. No new over-water covered moorage or boathouses should be allowed.
- K. Moorage facilities should be constructed of materials that will not adversely affect water quality or aquatic plants and animals in the long-term.

### **2.34 Restoration and Enhancement Policies**

- A. Olympia recognizes the importance of restoration of shoreline ecological functions and processes and encourages cooperative restoration efforts and programs between local, state, and federal public agencies, tribes, non-profit organizations, and landowners to address shorelines with impaired ecological functions and processes.
- B. Restoration actions should restore shoreline ecological functions and processes as well as shoreline features and should be targeted towards meeting the needs of both sensitive and locally important plant, fish and wildlife species as well as the biologic recovery goals for State and federally listed species and populations.
- C. Coordinate restoration and enhancement with other natural resource management efforts and plans.

- D. Consider restoration actions outside of the shoreline jurisdiction that have a system-wide benefit.
- E. When prioritizing restoration actions, the City will give highest priority to measures that have the greatest chance of re-establishing shoreline ecological functions and processes.
- F. Incorporate restoration and enhancement measures into the design and construction of new uses and development, public infrastructure (e.g., roads, utilities), and public recreation facilities.
- G. Shoreline restoration and enhancement should be considered as an alternative to structural stabilization and protection measures where feasible.
- H. All shoreline restoration and enhancement projects should protect the integrity of adjacent natural resources including aquatic habitats and water quality.
- I. Design, construct, and maintain restoration and enhancement projects in keeping with restoration priorities and other policies and regulations set forth in Olympia's Shoreline Program.
- J. Design restoration and enhancement projects to minimize maintenance over time.
- K. Shoreline restoration and enhancement should not extend water-ward more than necessary to achieve the intended results.
- L. Permanent in-stream structures should be prohibited except for restoration and enhancement structures, and transportation and utility crossings as described elsewhere in this Program. In-stream structures should provide for the protection and preservation of ecosystem-wide processes, ecological functions, and cultural resources. The location and planning of in-stream structures should give due consideration to the full range of public interests, watershed functions and processes, and environmental concerns, with special emphasis on protecting and restoring priority habitat and species.
- M. Restoration and enhancement projects, such as those envisioned in the West Bay Environmental Restoration Assessment Report for some shoreline reaches, may include shoreline modification actions provided the primary purpose of such actions is clearly restoration of the natural character and ecological functions of the shoreline.

### **2.35 Shoreline Stabilization Policies**

- A. Preserve remaining unarmored shorelines and limit the creation, expansion and reconstruction of bulkheads and other forms of shoreline armoring.
- B. New development requiring structural shoreline armoring should not be allowed. Shoreline use and development should be located and designed in a manner so that structural stabilization measures are not likely to become necessary in the future, including a consideration of sea level rise.
- C. Structural shoreline armoring should only be permitted when there are no feasible alternatives, and when it can be demonstrated that it can be located, designed, and maintained in a manner that minimizes adverse impacts on shoreline ecology and system-wide processes, including effects on the project site, adjacent properties, and sediment transport.
- D. The reconstruction or expansion of existing hard armoring should only be permitted where necessary to protect an existing primary structure or legally existing shoreline use that is in danger of loss or substantial damage, and where mitigation of impacts is sufficient to assure no net loss of shoreline ecological functions and processes.
- E. Encourage the removal of bulkheads and other hard armoring and restore the shoreline to a more natural condition. Where stabilization is necessary for the protection of private or public property or

to increase sea level rise resilience, alternative measures that are less harmful to shoreline ecological functions should be employed. An example of such an approach is included in the West Bay Environmental Restoration Assessment report for some shoreline reaches.

- F. Nonstructural stabilization measures, including relocating structures, increasing buffers, enhancing vegetation, managing drainage and runoff, and other measures, are preferred over structural shoreline armoring.
- G. Failing, harmful, unnecessary, or ineffective structures should be removed. Shoreline ecological functions and processes should be restored using non-structural methods.
- H. Shoreline stabilization and shoreline armoring for the purpose of leveling or extending property, or creating or preserving residential lawns, yards, or landscaping should not be allowed.
- I. Shoreline stabilization measures, individually or cumulatively, should not result in a net loss of shoreline ecological functions or system-wide processes. Preference should be given to structural shoreline stabilization measures that have a lesser impact on ecological functions, and mitigation of identified impacts resulting from said modifications should be required.
- J. The City should promote non-regulatory methods to protect, enhance, and restore shoreline ecological functions and other shoreline resources. Examples of such methods include public facility and resource planning, technical assistance, education, voluntary enhancement and restoration projects, land acquisition and restoration, and other incentive programs.
- K. Jetties, breakwaters, or groin systems should not be permitted unless no other practical alternative exists. If allowed, they should be located, designed, and maintained to avoid impacts to shoreline ecological functions and system-wide processes.



## Section 3

## Regulations

---

### Chapter 18.20 Shoreline Master Program Regulations

#### **3.1 18.20.100 - Applicability**

- A. All proposed uses and development occurring within Olympia's shoreline jurisdiction shall comply with Olympia's Shoreline Program and RCW 90.58, Shoreline Management Act (Act). The Shoreline Program applies to all uses and developments within shoreline jurisdiction whether or not a shoreline permit or statement of permit exemption is required.
- B. Olympia's Shoreline Program shall apply to all of the lands and waters in the City of Olympia that fall under the jurisdiction of the Act (see OMC 18.20.300 - Shoreline Jurisdiction).
- C. The Shoreline Program shall apply to every person, individual, firm, partnership, association, organization, corporation, local or state governmental agency, public or municipal corporation, or other non-federal entity which develops, owns, leases, or administers lands, wetlands, or waters that fall under the jurisdiction of the Act.
- D. Federal agency actions on shorelines of the state are required to be consistent with this Master Program and the Act, as provided by the Coastal Zone Management Act (Title 16 United States Code §1451 et seq.; and §173-27-060(1) WAC, Applicability of RCW 90.58, Shoreline Management Act, to federal lands and agencies).
- E. The permit requirements established under the Shoreline Program apply to all non-federal activities; and to development and uses undertaken on lands not federally owned but under lease, easement, license, or other similar property right of the federal government.

#### **3.2 18.20.110 - Relationship to Other Plans and Regulations**

- A. Uses, developments and activities regulated by Olympia's Shoreline Program may also be subject to the provisions of the City of Olympia Comprehensive Plan, the Olympia Municipal Code (OMC), the Olympia Engineering Design and Development Standards, the Washington State Environmental Policy Act (SEPA, RCW 43.21C and WAC 197-11), and various other provisions of local, state, and federal law.
- B. Project proponents are responsible for complying with all applicable laws prior to commencing any use, development, or activity.
- C. In the event Olympia's Shoreline Program conflicts with other applicable City policies or regulations, all regulations shall apply and unless otherwise stated, the provisions most protective of the resource shall prevail.
- D. Any inconsistencies between a Shoreline Program and the Shoreline Management Act must be resolved in accordance with the Act.

#### **3.3 18.20.120 - Interpretation and Definitions**

- A. As provided for in RCW 90.58.900, the Act is exempt from the rule of strict construction. The Act and all aspects of Olympia's Shoreline Program shall therefore be liberally construed to give full effect to the purposes, goals, objectives, and policies for which the Act and Olympia's Shoreline Program were enacted and adopted.
- B. For purposes of this Chapter, the City hereby adopts by reference the definitions of the following terms as set forth in the Revised Code of Washington 90.58.030 and the Washington Administrative Code 173-27-030 and 173-26-020:

- Agricultural activities,
- Agricultural land,
- Aquaculture,
- Average grade level,
- Development,
- Ecological functions or shoreline functions,
- Extreme low tide,
- Feasible,
- Fill,
- Flood plain,
- Geotechnical report or geotechnical analysis,
- Guidelines,
- Marine,
- Nonwater-oriented uses,
- Ordinary High Water Mark (OHWM),
- Priority habitat,
- Priority species,
- Restore, restoration or ecological restoration,
- Shoreline modification,
- Shorelines,
- Shorelines of statewide significance,
- Shorelines of the state,
- Structure,
- Substantial development,
- Substantially degrade,
- Water-dependent use,
- Water-enjoyment use,
- Water-oriented use,
- Water-related use, and
- Wetlands.

- C. For the purposes of this Chapter, the terms defined below shall have the meaning ascribed to them below. Terms not defined in this Chapter nor listed in subsection B above shall be interpreted as set forth in WACs 173-18-030, 173-20-030 and 173-22-030 or OMC 18.02. When the definitions in this Chapter conflict with the definitions set forth in OMC 18.02, the definitions herein shall govern for purposes of this Chapter.

**Access, direct:** Physical access that is convenient, of relatively short distance, and does not require extraordinary physical dexterity.

**Access, physical:** The right and facilities needed to enter upon shoreline areas, such as that access provided by a trail, float, dock, promenade, bridge, or boat ramp.

**Accessory:** Customarily incidental and subordinate.

**Administrator:** That person designated by the City of Olympia to administer the provisions of Olympia's Shoreline Program. References to 'the City' in this Shoreline Program may be construed as referring to the Administrator.

**Alteration:** Any human-induced change in existing conditions on a shoreline, critical area and/or its buffer. Alterations include, but are not limited to excavation, grading, filling, channelization (straightening, deepening, or lining of stream channels except dredging of sediment or debris alone), dredging, clearing vegetation, draining, constructing structures, compaction, or any other activity that changes the character of a site.

**Appurtenance:** A structure or development that is necessarily connected to the use and enjoyment of another structure. Common appurtenances include a garage, deck, driveway, utilities, fences, and grading which does not exceed two hundred and fifty cubic yards. For purposes of this chapter appurtenances are limited to upland areas.

**Backshore:** The zone of accretion or erosion lying landward of the Ordinary High Water Mark, wetted by tides during storm events.

**Beach:** The zone along the shoreline where there is continuous movement of sediment both laterally and vertically. This zone extends from the daily low tide mark to where the permanent line of vegetation begins.

**Beach Nourishment:** The process of replenishing a beach by artificial means, for example, by the deposition of sand and gravel; also called beach replenishment or beach feeding.

**Berm:** One or several linear deposits of sand and gravel generally paralleling the shore at or landward of the Ordinary High Water Mark.

**Boat ramp:** A slab, plank, rail, or graded slope used for launching boats by means of a trailer, hand, or mechanical device.

**Boat-house:** A structure designed for storage of vessels located over water or in upland areas.

**Boating facilities:** Marinas located both landward and water-ward of the Ordinary High Water Mark (dry storage and wet-moorage types), boat ramps, covered and uncovered moorage, and marine travel lifts. Boating facilities do not include docks serving four or fewer single-family residences.

**Breakwater:** An offshore structure generally built parallel to the shore that may or may not be connected to the land. Breakwaters may be fixed (e.g., a rubble mound or rigid wall), open-pile, or floating. Their primary purpose is to protect harbors, moorages and navigation activity from wave and wind action by creating a still-water area along the shore. A secondary purpose is to protect shorelines from erosion caused by wave action.

**Bulkhead:** A wall usually constructed parallel to the shoreline or at the Ordinary High Water Mark for the primary purpose of containing and preventing the loss of soil or structure caused by erosion or wave action. Bulkheads are typically constructed of rock, poured-in-place concrete, steel or aluminum sheet piling, wood, or wood and structural steel combinations. Structural foundation walls are not bulkheads unless located at the Ordinary High Water Mark.

**Camping Facilities:** Short-term overnight accommodations (generally 1-15 nights per guest) in organized facilities with amenities designed for guests and their enjoyment of the waterfront. Such facilities require amenities such as restrooms and may include opportunities for cooking, connection to electricity, and potable water. Amenities should be appropriate for the proposed use, such as electricity for recreational vehicles.

**Compensation Project:** Projects that compensate for unavoidable impacts by replacing or providing substitute resources environments.

**Conditional Use:** A use, development, or substantial development which is classified as a shoreline conditional use or not otherwise classified in this chapter. Shoreline conditional uses are not synonymous with zoning conditional uses.

**Covered Moorage:** Boat moorage, with or without walls, that has a solid roof to protect the vessel and is attached to the dock itself or the substrate of the water body. Overwater boat-houses are a type of covered moorage.

**Critical Habitat:** Habitat areas within which endangered, threatened, sensitive or monitored plant, fish, or wildlife species have a primary association (e.g., feeding, breeding, rearing of young, migrating). Such areas are identified herein with reference to lists, categories, and definitions

promulgated by the Washington Department of Fish and Wildlife as identified in WAC 232-12-011 or WAC 232-12-014; in the Priority Habitat and Species (PHS) program by the Department of Fish and Wildlife; or by rules and regulations adopted by the U.S. Fish and Wildlife Service, National Marine Fisheries Service, or other agency with jurisdiction for such designations.

**Critical Saltwater Habitat:** All kelp beds, eelgrass beds, spawning and holding areas for forage fish, such as herring, smelt and sandlance; subsistence, commercial and recreational shellfish beds; mudflats, intertidal habitats with vascular plants, and areas with which priority species have a primary association.

**Cumulative impacts or cumulative effects:** The impact on the environment or other shoreline functions or uses which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency or person undertakes such other actions. Cumulative impacts can result from individually minor but collectively significant actions taking place over a long period of time. See WAC 173-26-186(8)(d).

**Dike or Levee:** A natural or man-made embankment, including any associated revetments, to prevent flooding by a stream or other water body.

**Dock:** A structure built from the shore extending out over the water to provide moorage for commercial or private recreation vessels that does not include above water storage. A dock may be built either on a fixed platform or float on the water.

**Dredging:** The removal, displacement, or disposal of unconsolidated earth material such as sand, silt, gravel, or other submerged materials, from the bottom of water bodies, ditches, or wetlands; maintenance dredging and/or support activities are included in this definition.

**Ecologically Intact Shorelines:** Those shoreline areas that retain the majority of their natural shoreline functions and values, as evidenced by vegetation and shoreline configuration. Generally, but not necessarily, ecologically intact shorelines are free of structural shoreline modifications, structures, and intensive human uses.

**Enhancement:** Actions performed within an existing degraded shoreline, critical area and/or buffer to intentionally increase or augment one or more functions and values of the existing area. Enhancement actions include, but are not limited to, increasing plant diversity and cover, increasing wildlife habitat and structural complexity (snags, woody debris), installing environmentally compatible erosion controls, or removing invasive plant or animal species.

**Erosion:** A process whereby wind, rain, water, and other natural agents mobilize, and transport, and deposit soil particles.

**Fair market value:** The open market bid price for conducting the work, using the equipment and facilities, and purchase of the goods, services, and materials necessary to accomplish the development. This would normally equate to the cost of hiring a contractor to undertake the development from start to finish, including the cost of labor, materials, equipment and facility usage, transportation, and contractor overhead and profit. The fair market value of the development shall include the fair market value of any donated, contributed or found labor, equipment, or materials.

**Float:** A floating platform similar to a dock that is anchored or attached to pilings and which does not connect to the shore. A float may serve as a temporary moorage facility but is not intended to be used for boat storage. Floats are also used for swimming, diving, or water skiing.

**Floating home:** A building on a float used in whole or in part for human habitation as a single-family dwelling that is moored, anchored, or otherwise secured in waters, and is not a vessel, even though it may be capable of being towed.

**Floating on water residence:** Any floating structure other than a floating home that: (i) is designed or used primarily as a residence on the water and has detachable utilities; and (ii) whose

owner or primary occupant has held an ownership interest in space in a marina, or has held a lease or sublease to use space in a marina, since a date prior to July 1, 2014.

**Flood hazard reduction measure:** Flood hazard reduction measures may consist of nonstructural measures, such as setbacks, land use controls, wetland restoration, dike removal, use relocation, biotechnical measures, and stormwater management programs, and of structural measures, such as dikes, levees, revetments, floodwalls, channel realignment, and elevation of structures consistent with the National Flood Insurance Program (NFIP).

**Floodway:** The "floodway" area that has been established in Federal Emergency Management Agency rate maps not including those lands that can reasonably be expected to be protected from flood waters by flood control devices maintained by or maintained under license from the federal government, the state, or a political subdivision of the state.

**Functional Disconnect:** An existing, legally established public road or other substantially developed surface which effectively eliminates the capacity for upland areas to provide shoreline ecological functions, as defined in WAC 173-26-201(2)(c). As used in this definition, "substantially developed surface" can include public infrastructure such as roads, and private improvements such as commercial structures. A "substantially developed surface" shall not include paved trails, sidewalks, private driveways, or accessory buildings that do not require a building permit.

**Gabions:** Structures composed of masses of rocks, rubble, soil, masonry, or similar material held tightly together usually by wire mesh, fabric, or geotextile so as to form layers, blocks or walls. Sometimes used on heavy erosion areas to retard wave action or as foundations for breakwaters or jetties.

**Groin:** Structure built seaward at an angle or perpendicular to the shore for the purpose of building or preserving an accretion beach by trapping littoral sand drift. Generally narrow and of varying lengths, a groin may be built in a series along the shore.

**Harbor Area:** The area of navigable waters determined as provided in Article XV, Section 1 of the State Constitution, which shall be forever reserved for landings, wharves, streets, and other conveniences of navigation and commerce.

**Height (of Structure):** The difference between the average grade level and the highest point of a structure (not including temporary construction equipment); provided, that television antennas, chimneys, and similar appurtenances shall not be used in calculating height except where such appurtenances obstruct the view of the shoreline from a substantial number of residences on areas adjoining such shorelines.

**Instream structure:** A structure placed by humans within a stream or river water-ward of the Ordinary High Water Mark that either causes or has the potential to cause water impoundment or the diversion, obstruction, or modification of water flow. In-stream structures may include those for hydroelectric generation, irrigation, water supply, flood control, transportation, utility service transmission, fish habitat enhancement, or other purpose.

**Jetty:** A structure generally perpendicular to the shore, extending through or past the intertidal zone. Jetties are built singly or in pairs at harbor entrances or river mouths to prevent accretion of littoral drift in an entrance channel. Jetties also protect channels and inlets from storm waves and cross-currents and to stabilize inlets through barrier beaches. Most jetties are of riprap mound construction.

**Joint-use:** Sharing of facilities such as docks, piers, floats, and similar structures by more than one property owner or by a homeowners' association or similar group.

**Limited Master Program Amendment:** A master program amendment that addresses specific procedural and/or substantive topics and which is not intended to meet the complete requirements of a comprehensive master program update.

**Littoral drift:** The mud, sand or gravel material moved parallel to the shoreline in the nearshore zone by waves and currents.

**Live-aboard vessel:** A vessel primarily used as a residence, and if used as a means of transportation or recreation, said transportation or recreation is a secondary or subsidiary use. Any vessel used for overnight accommodation for more than fifteen (15) nights in a one-month period shall be considered a residence.

**Marina:** A facility with water-dependent components for storing, servicing, fueling, berthing, launching and/or securing boats but at minimum including piers, buoys, or floats to provide moorage for five (5) or more boats. Marinas may provide eating, sleeping, and retail facilities for owners, crews, and guests. Those aspects located landward of the Ordinary High Water Mark are referred to as "backshore." Backshore marinas include wet-moorage that is dredged out of the land to artificially create a basin and dry moorage with upland storage that uses a hoist, marine travel lift or ramp for water access. Marina features located in the intertidal or offshore zone water-ward of the Ordinary High Water Mark, including any breakwaters of open type construction (floating breakwater and/or open pile work) and/or solid type construction (bulkhead and landfill), are referred to as "foreshore."

**May:** The action is acceptable, provided it conforms to the provisions of the SMP.

**Mean Higher High Water (MHHW):** The average of the higher high water height of each tidal day observed over the National Tidal Datum Epoch.

**Mean Lower Low Water (MLLW):** The average of the lower low water height of each tidal day observed over the National Tidal Datum Epoch.

**Mitigation:** Measures prescribed and implemented to avoid, minimize, lessen, or compensate for adverse impacts. Explicit in this definition is the following order of preference:

1. Avoiding an impact altogether by not taking a certain action or parts of actions;
2. Minimizing impacts by limiting the degree or magnitude of an action and its implementation;
3. Rectifying impacts by repairing, rehabilitating, or restoring the affected environment;
4. Reducing or eliminating an impact over time by preservation and maintenance operation during the life of the action;
5. Compensating for an impact by replacing or providing substitute resources or environments; and
6. Monitoring the mitigation and taking remedial action when necessary.

**Mitigation plan:** A plan for alleviating or lessening the adverse impacts of an activity or development, including measures such as avoiding, minimizing, or compensating for impacts. Mitigation plans should include a description and evaluation of existing environmental conditions, functions, and values; be prepared by a qualified person; list proposed and any alternative mitigation measures including any continuing activities and long-term performance assurance; evaluate the likelihood of success of those measures; and include a proposed means of monitoring and evaluating the success of the mitigation.

**Mixed use:** The use of a parcel or structure with two or more different land uses, such as a combination of residential, office, manufacturing, retail, public, or entertainment in a single or physically integrated group of structures.

**Moorage Buoy:** A floating device anchored to the bottom of a water body to provide tie-up capabilities for vessels or watercraft.

**Must:** A mandate; the action is required.

**Natural Topography or Existing Topography:** The topography of a lot, parcel, or tract of real property immediately prior to any site preparation or grading, including excavation or filling.

**No Net Loss:** The maintenance of the aggregate total of shoreline ecological functions over time. The no net loss standard contained in WAC 173-26-186 requires that impacts of shoreline use and/or development, whether permitted or exempt from permit requirements, be identified and mitigated such that there are no resulting impacts on ecological functions or processes.

**Nonconforming Development or Nonconforming Structure:** An existing structure that was lawfully constructed at the time it was built but is no longer fully consistent with present regulations such as setbacks, buffers, vegetation conservation areas, or yards; area; bulk; or height standards due to subsequent changes to the master program.

**Nonconforming Lot:** A lot that met dimensional requirements of the applicable master program at the time of its establishment but now contains less than the required width, depth, or area due to subsequent changes to the master program.

**Nonconforming Use:** An existing shoreline use that was lawfully established prior to the effective date of the act or the applicable master program, but which does not conform to present use regulations due to subsequent changes to the master program.

**Overwater:** Location above the surface of the water or water-ward of the Ordinary High Water Mark, including placement of buildings on piling or floats.

**Pier:** A fixed platform structure supported by piles in a water body that abuts the shore to provide landing for water dependent recreation or moorage for vessels or watercraft and does not include above water storage.

**Port:** When capitalized, that government agency known as the Port of Olympia; when lower-case, a center for water-borne commerce and traffic.

**Primary Structure:** The structure on a lot or parcel occupied by the principal use.

**Public Access:** The ability of the general public to reach, touch, and enjoy the water's edge, to travel on the waters of the state, and to view the water and shoreline from adjacent locations. See WAC 173-26-221(4).

**Public Interest:** The interest shared by the citizens of the state or community-at-large in the affairs of government, or some interest by which their rights or liabilities are affected such as an effect on public property or on health, safety, or general welfare resulting from a use or development. See WAC 173-27-030(14).

**Recreation:** Activities and associated facilities for public or private use for refreshment of body and mind through play, amusement or relaxation including hiking, swimming, canoeing, photography, fishing, boat ramps, playgrounds, and parks.

**Restoration plan:** A plan to reestablish or upgrade impaired ecological shoreline processes or functions. Such plan may be to restore a site or shoreline area to a specific condition, or to reestablish functional characteristics and processes which have been lost due to alterations, activities, or catastrophic events. Restoration plans should identify the degraded site or area or impaired ecological function(s); establish specific restoration goals and priorities; describe the timing, elements, benchmarks, and other details of proposed restoration activities; include mechanisms or strategies to ensure successful implementation; and provide for monitoring and evaluation of the success of the restoration. Note: the term "Restoration Plan" may also refer to the shoreline Restoration Plan (Appendix A) that is a part of Olympia's Shoreline Master Program.

**Revetment:** A sloped wall constructed of riprap or other suitable material placed on stream banks or other shorelines to retard bank erosion and minimize lateral movement. The slope differentiates it from a bulkhead, which is a vertical structure.

**Riprap:** Dense, hard, angular rock free from cracks or other defects conducive to weathering often used for bulkheads, revetments, or similar slope/bank stabilization purposes.

**Sea Level Rise:** An increase in the elevation of marine waters associated with changes in the state of the climate and which can be identified by changes in the mean and/or variability of its properties and that persists for decades or longer.

**Shall:** A mandate; the action must be done.

**Shorelands or Shoreland areas:** Lands extending landward for two hundred feet in all directions as measured on a horizontal plane from the Ordinary High Water Mark, floodways, and contiguous floodplain areas landward two hundred feet from such floodways, and all wetlands and river deltas associated with the streams, lakes, and tidal waters designated by the Department of Ecology as subject to the Shoreline Management Act.

**Shoreline Master Program or Shoreline Program of Olympia:** Specified goals and policies of the Olympia Comprehensive Plan together with specified use regulations and including maps, diagrams, charts, or other descriptive material and text, a statement of desired goals, and standards adopted in accordance with the policies of the Shoreline Management Act.

**Shoreline Setback:** The horizontal distance required between an upland structure or improvement and the Ordinary High Water Mark; usually measured in feet. (Note that in general setbacks are only applicable to structures having a height greater than 30 inches.) Shoreline setbacks outlined in Table 6.3 include and are not in addition to the VCAs outlined in Table 6.3

**Shoreline Stabilization or Protection:** Protection of shoreline upland areas and shoreline uses from the effects of shoreline wave action, flooding, or erosion through the use of structural and non-structural methods. See OMC 18.20.860 for examples.

**Should:** The particular action is required unless there is a demonstrated, compelling reason, based on policy of the Shoreline Management Act and this chapter, against taking the action.

**Stair Tower:** A structure twelve (12) feet or taller in height typically consisting of one (1) or more flights of stairs, usually with landings to pass from one level to another.

**Submerged Lands:** Areas below the Ordinary High Water Mark of marine waters, lakes and rivers.

**Tideland:** The land on the shore of marine water bodies between Ordinary High Water Mark (OHWM) or mean higher high tide (MHHW) and the line of extreme low tide which is submerged daily by tides.

**Transportation Facilities:** Streets, railways, bicycle lanes, sidewalks, and shared use paths consistent with the City of Olympia Engineering Design and Development Standards.

**Variance, Shoreline:** A means to grant relief from specific bulk, dimensional or performance standards set forth in this chapter or related state regulations pursuant to the criteria of WAC 173-27-170; such may not vary a use of a shoreline.

**Vegetation Conservation:** Activities to protect and restore vegetation along or near shorelines that minimize habitat loss and the impact of invasive plants, erosion, and flooding, and contribute to ecological functions of shoreline areas. Vegetation conservation provisions include the prevention or restriction of plant clearing and earth grading, vegetation restoration, and the control of invasive weeds and non-native species.

**Vegetation Conservation Area:** That area within which vegetation conservation actions take place, as required by this Chapter. Vegetation management provisions may be independent of a permit or approval requirement. VCAs outlined in Table 6.3 are measured from the Ordinary High Water Mark and are located within the shoreline setbacks outlined in Table 6.3.

**Visual Access:** Access with improvements that provide a view of the shoreline or water but that do not allow physical access to the shoreline.

**Weir:** A device placed in a stream or river to raise or divert the water.



### **3.4 18.20.200 - General Permit and Authorization Provisions**

- A. To be authorized, all uses, and development shall be carried out in a manner that is consistent with the Olympia Shoreline Master Program and the policies of the Shoreline Management Act as required by RCW 90.58.140(1), regardless of whether a shoreline permit, statement of exemption, shoreline variance, or shoreline conditional use permit is required.
- B. No use, alteration, or development shall be undertaken within the regulated shorelines by any person without first obtaining permits or authorization.
- C. Applicants shall apply for shoreline substantial development, variance, and conditional use permits on forms provided by the City. Applications shall contain information required in WAC 173-27-180.
- D. All permit applications shall be processed in accordance with the rules and procedures set forth in OMC Titles 14, 16, 17 and 18 and WAC 173-27. Where in conflict state law shall prevail.
- E. The City shall document all project review actions in shoreline jurisdiction. The City shall review this documentation and evaluate the cumulative effects of authorized development on shoreline conditions as part of the 8-year periodic review cycle identified in RCW 90.58.080 (4).

### **3.5 18.20.210 - Shoreline Substantial Development Permits**

- A. A Shoreline Substantial Development Permit shall be required for all proposed use and development of shorelines unless the proposal is specifically exempted in accordance with WAC 173-27-040 and RCW 90.58.
- B. In order to be approved, the decision maker shall find that the proposal is consistent with the following criteria:
  - 1. The policies and procedures of RCW 90.58 and provisions of WAC 173-27-150; and
  - 2. All policies and regulations of this Shoreline Program appropriate to the shoreline environment designation and the type of use or development proposed shall be met, except any bulk or dimensional standards that have been modified by approval of a shoreline variance.
- C. Conditions may be attached to the approval of permits as necessary to assure consistency of the project with the Act and this Shoreline Program.
- D. The City is the final authority for a Shoreline Substantial Development Permit; unless an appeal is filed with the State Shorelines Hearings Board.

### **3.6 18.20.215 - Exceptions to Local Review**

- A. Requirements to obtain a Substantial Development Permit, Conditional Use Permit, Variance, exemption, or other review to implement the Shoreline Management Act do not apply to the follo
  - 1. Remedial actions. Pursuant to RCW 90.58.355, any person conducting a remedial action at a facility pursuant to a consent decree, order, or agreed order issued pursuant to chapter 70.105D RCW, or to the department of ecology when it conducts a remedial action under chapter 70.105D RCW.
  - 2. Boatyard improvements to meet NPDES permit requirements. Pursuant to RCW 90.58.355, any person installing site improvements for storm water treatment in an existing boatyard facility to meet requirements of a national pollutant discharge elimination system storm water general permit.
  - 3. WSDOT facility maintenance and safety improvements. Pursuant to RCW 90.58.356, Washington State Department of Transportation projects and activities meeting the conditions of RCW 90.58.356 are not required to obtain a Substantial Development Permit, Conditional Use Permit, Variance, letter of exemption, or other local review.
  - 4. Projects consistent with an environmental excellence program agreement pursuant to RCW 90.58.045.

5. Projects authorized through the Energy Facility Site Evaluation Council process, pursuant to chapter 80.50 RCW.

**3.67 18.20.220 - Exemptions from Shoreline Substantial Development Permit**

- A. Certain developments are exempt from the requirement to obtain a Substantial Development Permit. Such developments still may require a Shoreline Variance or Conditional Use Permit, and all development within the shoreline is subject to the requirements of this Shoreline Program, regardless of whether a Substantial Development Permit is required. Developments which are exempt from the requirement for a Substantial Development Permit are identified in WAC 173-27-040, RCW 90.58.030(3)(e), RCW 90.58.147 and RCW 90.58.515.
- B. Whenever a development is exempt from the requirement to obtain a Shoreline Substantial Development Permit and the development is subject to one or more of the following federal permits, a letter of exemption is required pursuant to WAC 173-27-050:
  - 1. A U.S. Army Corps of Engineers Section 10 Permit under the Rivers and Harbors Act of 1899; or
  - 2. A Section 404 Permit under the Federal Water Pollution Control Act of 1972.

**3.78 18.20.230 - Shoreline Conditional Use Permits**

- A. The purpose of a Shoreline Conditional Use Permit is to provide a system which allows flexibility in the application of use regulations in a manner consistent with the policies of RCW 90.58.020. In authorizing a Shoreline Conditional Use Permit, special conditions may be attached by the City or the Department of Ecology to control any undesirable effects of the proposed use and to assure consistency with the Shoreline Management Act and Olympia's Shoreline Program.
- B. Uses which are classified in this Chapter as conditional uses may be authorized provided that the applicant can satisfy the criteria set forth in WAC 173-27-160:
  - 1. That the proposed use will be consistent with the policies of RCW 90.58.020 and the Shoreline Program;
  - 2. That the proposed use will not interfere with the normal public use of public shorelines;
  - 3. That the proposed use of the site and design of the project is compatible with other authorized uses within the area and with uses planned for the area under the Comprehensive Plan and Shoreline Program;
  - 4. That the proposed use will cause no significant adverse effects to the shoreline environment in which it is to be located; and
  - 5. That the public interest suffers no substantial detrimental effect.
- C. In the granting of all Shoreline Conditional Use permits, consideration shall be given to the cumulative impact of additional requests for like actions in the area. For example, if Shoreline Conditional Use Permits were granted for other developments in the area where similar circumstances exist, the total of the conditional uses shall also remain consistent with the policies of RCW 90.58.020 and shall not produce substantial adverse effects to the shoreline environment.
- D. Other uses which are not specifically classified as a permitted or conditional use in this Shoreline Program may be authorized as a shoreline conditional use provided that the applicant can satisfy the criteria set forth in WAC 173-27-160 (see B above).
- E. Uses that are specifically prohibited by this Chapter shall not be authorized.

### **3.89 18.20.240 - Shoreline Variances**

- A. The purpose of a shoreline variance is strictly limited to granting relief from specific bulk, dimensional, or performance standards set forth in this chapter where there are extraordinary circumstances relating to the physical character or configuration of property such that the strict implementation of Olympia's Shoreline Program will impose unnecessary hardships on the applicant or thwart the policies set forth in RCW 90.58.020.
- B. Shoreline Variance Permits should be granted in circumstances where denial of the permit would result in a thwarting of the policy enumerated in RCW 90.58.020. In all instances the applicant must demonstrate that extraordinary circumstances exist, and the public interest will suffer no substantial detrimental effect.
- C. Variances from the use regulations of this Shoreline Program are prohibited.
- D. Land shall not be subdivided to create parcels that are buildable only with a shoreline variance or would be considered non-conforming.
- E. Variances for development and/or uses that will be located landward of the Ordinary High Water Mark and/or landward of any associated wetland may be authorized provided the applicant can demonstrate all of the following:
  - 1. That the strict application of the bulk, dimensional or performance standards set forth in this chapter precludes, or significantly interferes with, reasonable use of the property;
  - 2. That the hardship described above is specifically related to the property, and is the result of unique conditions such as irregular lot shape, size, or natural features and the application of the Olympia Shoreline Program, and not, for example, from deed restrictions or the applicant's own actions;
  - 3. That the design of the project is compatible with other authorized uses within the area and with uses planned for the area under the Comprehensive Plan and Shoreline Program and will not cause adverse impacts to the shoreline environment;
  - 4. That the variance will not constitute a grant of special privilege not enjoyed by other properties in the area;
  - 5. That the variance request is the minimum necessary to afford relief; and
  - 6. That the public interest will suffer no substantial detrimental effect.
- F. Variance permits for development and/or uses that will be located water-ward of the Ordinary High Water Mark, or within any wetland may be authorized provided the applicant can demonstrate all of the following:
  - 1. That the strict application of the bulk, dimensional or performance standards set forth in this Shoreline Program precludes all reasonable use of the property not otherwise prohibited by this Shoreline Program;
  - 2. That the proposal is consistent with the criteria established under Section E above; and
  - 3. That the public rights of navigation and use of the shoreline will not be adversely affected.
- G. In the granting of any shoreline variance, consideration shall be given to the cumulative impact of additional requests for like actions in the area. In other words, if Shoreline Variance Permits were granted for other developments in the area where similar circumstances exist, the total of the variances shall also remain consistent with the policies of RCW 90.58.020 and shall not produce substantial adverse effects to the shoreline environment.

### **3.910 18.20.250 - Unclassified Uses**

- A. Other uses not specifically classified or set forth in this chapter may be authorized as shoreline conditional uses provided the applicant can satisfy the Shoreline Conditional Use Permit criteria set forth above.
- B. Uses that are specifically prohibited by this chapter cannot be authorized by a Shoreline Conditional Use permit.

### **3.101 18.20.260 - Submittal Requirements**

All development proposals under the jurisdiction of this chapter shall satisfy the application submittal requirements set forth in OMC Titles 16, 17 and 18.

### **3.112 18.20.270 - Inspections**

Pursuant to RCW 90.58.200, the Administrator or authorized representatives may enter land or structures to enforce the provisions of the Shoreline Program. Such entry shall follow the provisions set forth in OMC 8.24.120.

### **3.123 18.20.280 - Shoreline Permit Procedures**

- A. Applications for Shoreline Substantial Development Permits, Conditional Use Permits, and Variance Permits are subject to and shall be processed pursuant to WAC Chapter [173-27](#), as now or hereafter amended, and as provided below.
- B. Applications for Shoreline Substantial Development, Conditional Use, and Variance Permits shall be submitted to the Planning Department on forms supplied by the Department. The application shall contain the information required by WAC [173-27-180](#) and such other information as may be required by the Department. The applicant shall pay to the Department the application fee prescribed by the approved fee schedule. In addition to the application fee, the applicant shall pay fees for environmental analysis, and for other necessary actions or approvals.
- C. Applications for ~~these~~ Shoreline Substantial Development Permits or shoreline exemptions ~~that are exempt from the State Environmental Policy Act and entirely upland of the Ordinary High Water Mark may be~~ are decided by the Administrator, ~~if a public hearing is not requested by an interested party.~~ unless elevated by the Administrator to a Hearing Examiner decision because the proposal is extraordinarily complex, has significant impacts beyond the immediate site, is of a community wide interest, or is of a controversial nature. The Hearing Examiner shall hold a public hearing and render a decision for regarding other applications identified in subsection A of this section all Conditional Use Permit and Variance Permit applications. Consistent with RCW 90.58.140 (10), the Department of Ecology must approve or disapprove Shoreline Conditional Use Permits and shoreline variances issued by the City.
- D. Pursuant to WAC [173-27-110](#), notice of the application and hearing shall be published in the manner prescribed therein, and mailed to the latest recorded real property owners as shown by the records of the county assessor within at least three hundred feet of the boundary of the subject property, fifteen (15) days before the hearing. In addition, the Planning Department, in its discretion, may give notice in any other additional manner deemed appropriate.
- E. The decision of the Administrator may be appealed to the hearings examiner per OMC 18.20.290. The Hearing Examiner decision may be appealed to the Shorelines Hearing Board pursuant to WAC 173-27-220.
- F. Pursuant to WAC [173-27-090](#) and [173-27-100](#), the Administrator shall review and decide requests for time extensions and permit revisions. Any permit revision approval must be submitted to the Department of Ecology. The decision of the Administrator may be appealed pursuant to OMC 18.20.290. If the revision to the original permit involves a Conditional Use Permit or Variance, the City shall submit the revision to the Department of Ecology for its final decision. Conditional Use Permit or Variance decisions may be appealed to the Shoreline Hearings Board pursuant to WAC 173-27-220.

- G. When developing ~~and adopting procedures for an~~ administrative interpretation of this Master Program, the City shall consult with the Department of Ecology to ~~insure~~ ensure that any formal written interpretations are consistent with the purpose and intent of the Act and the SMP Guidelines.

### **3.134 18.20.285 - Amendments**

- A. Amendments to the Shoreline Master Program, including changes in mapped environmental designations, shall be processed pursuant to Chapter 173-26-100 WAC as now or hereafter amended, and as provided below. All such amendments are required to be approved by the Department of Ecology.
- B. Applications for proposed amendments shall be submitted to the Planning Department on forms supplied by the Department. The applicant shall pay to the Department the application fee and fees for environmental analysis pursuant to RCW [43.21C](#) (SEPA), and for other necessary actions or approvals.
- C. The City Council shall hold the public hearing prescribed by WAC [173-26-100](#)(1). At any time, the Council may refer a proposed amendment to the Planning Commission for a recommendation. If the Planning Commission elects to hold a public hearing, a notice of the hearing shall be given in the same manner as the hearing held by the Council.
- D. The City may utilize the optional joint review process for SMP amendments according to the procedures prescribed in WAC 173-26-104.
- ~~DE.~~ If the proposed amendment is a map change of environmental designation, regardless of the size or number of parcels affected, or regardless of whether the applicant is a private person or governmental agency, notice of the proposed amendment shall be mailed to all the owners of the property which is proposed for redesignation, as shown by the records of the county assessor. In addition, notice shall be mailed to all the owners of property which lies within three hundred feet of the boundary of the property proposed for designation. The applicant shall furnish to the Planning Department the names and addresses of property owners who are to receive notice.

### **3.145 18.20.290 - Appeals of Administrative Decisions**

- A. Any aggrieved person may appeal an administrative decision made pursuant to the Master Program by filing a written appeal with the Planning Department within fourteen (14) calendar days from the date of decision. The appeal shall be filed on forms prescribed by the Department and the appellant shall pay to the Department the appeal fee prescribed by the approved fee schedule.
- B. Appeals of administrative decisions shall be decided by the hearings examiner, after appeal hearing, and shall be subject to the provisions of OMC 18.75. Notice of the hearing shall be mailed to the appellant and may be mailed to any other person who the Planning Department believes may be affected by or interested in the appeal. Notice shall be mailed not later than ten (10) days before the hearing.

### **3.156 18.20.295 - Fees**

For purposes of this chapter, the fee schedule in Section 4.40.010 of the Olympia Municipal Code is considered the "approved fee schedule."

### **3.167 18.20.300 - Shoreline Jurisdiction**

- A. The provisions of this Chapter shall apply to all shorelines of the state, all shorelines of statewide significance and shorelands as defined in RCW 90.58.030, within the City of Olympia. These areas are collectively referred to herein as 'shorelines'.
- B. Olympia's "shorelands" include lands extending landward for two hundred feet in all directions as measured on a horizontal plane from the Ordinary High Water Mark, floodways, and contiguous floodplain areas landward 200 feet from such floodways, and all wetlands and river deltas associated with the following bodies of water. The City has chosen not to regulate 'optional' shorelands as described in RCW 90.58.030 through this Shoreline Program. Within its municipal boundaries, the City

of Olympia shall have authority over the shorelines (water areas) and associated shorelands of Budd Inlet, Capitol Lake, Chambers Lake, Grass Lake, Ken Lake, Ward Lake, Black Lake Ditch and Percival Creek, including those waters of Budd Inlet seaward of extreme low tide which are shorelines of statewide significance.

B.C. In circumstances where the shoreline jurisdiction does not include an entire parcel, only that portion of the parcel within shoreline jurisdiction and any use, activity, or development proposed on that portion of the parcel is subject to the City's Shoreline Master Program regulations. When a structure is partially in and partially out of the shoreline jurisdiction, the entire structure must comply with the Shoreline Master Program. When development on a parcel is completely outside of the shoreline jurisdiction it does not need to comply with the SMP.

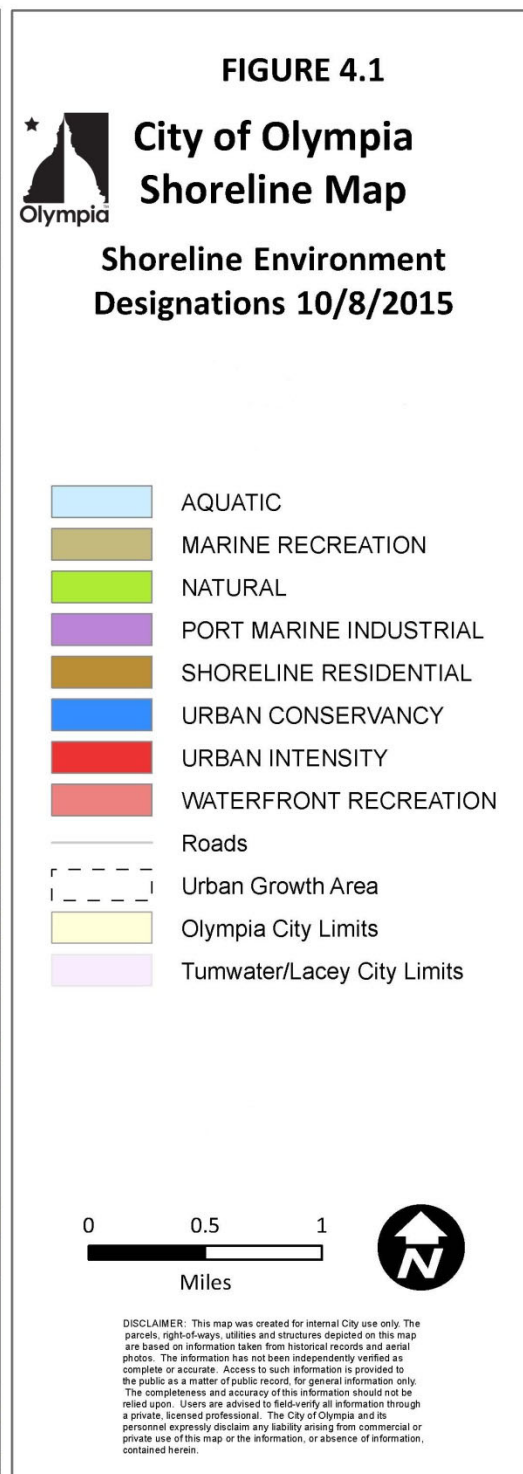
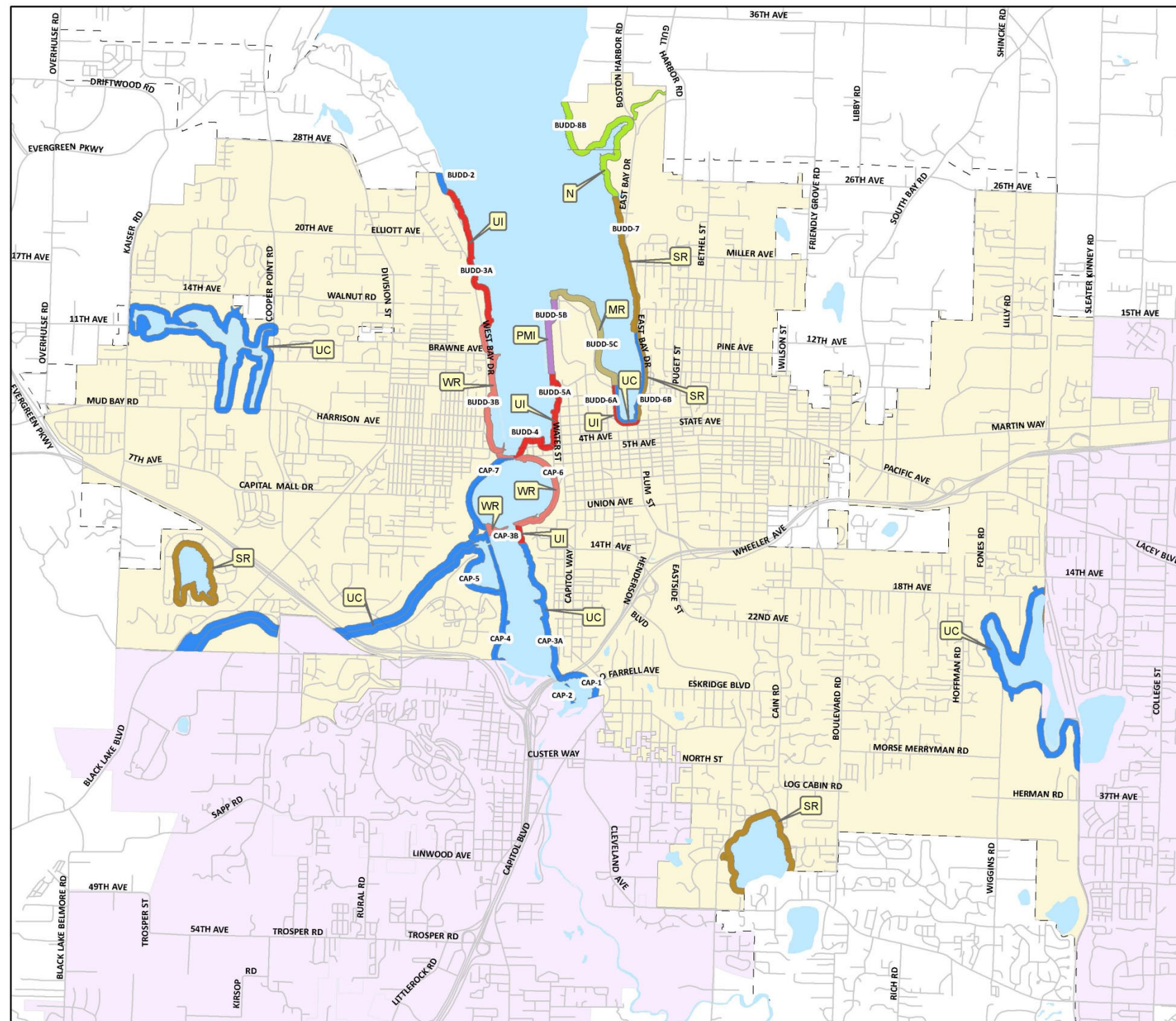
### **3.178 18.20.310 - Official Shoreline Map**

- A. Shoreline Environment Designations have been established and are delineated on the "City of Olympia Shoreline Map" (Shoreline Map) hereby incorporated by reference. The official copy of this map shall reside with the Washington State Department of Ecology.
- B. The Shoreline Map (Figure 4.1) identifies shoreline environment designations and the approximate extent of shoreline jurisdiction within City boundaries. It does not identify or depict the lateral extent of shoreline jurisdiction or associated wetlands and floodplains. The lateral extent of the shoreline jurisdiction shall be determined on a case-by-case basis by the project applicant or a qualified professional, as necessary by the project applicant or a qualified professional, as necessary. The actual extent of shoreline jurisdiction requires a site-specific evaluation to identify the location of the Ordinary High Water Mark (OHWM) and associated wetlands and/or floodplains.
- C. Where uncertainty or conflict occurs in the exact location of a shoreline designation boundary, the Administrator shall interpret the boundaries based upon:
  - 1. The coordinates listed in *Shoreline Environmental Designations for the City of Olympia*;
  - 2. Boundaries indicated as approximately following lot, tract, or section lines;
  - 3. Boundaries indicated as approximately following roads or railways shall be construed to follow their centerlines; and
  - 4. Boundaries indicated as approximately parallel to or extensions of features indicated in 2 or 3 above shall be so construed.
- D. In the event of a mapping error, the City will rely on the criteria in the statute and the WAC pertaining to the determination of shorelines.

### **3.189 18.20.320 - Shoreline Environment Designations**

- A. The Olympia Comprehensive Plan sets forth the designation and management policies for the shoreline environment designations established in the Olympia Shoreline Program.
- B. Areas within shoreline jurisdiction that are not mapped and/or designated are automatically assigned an *Urban Conservancy* environment designation until the shoreline can be designated through a Shoreline Program amendment.





Map Figure 4.1

### **3.192018.20.330 - Shoreline Environment Purposes**

**Aquatic** – The purpose of the *Aquatic* environment is to protect, restore and manage the unique characteristics and resources of the areas water-ward of the Ordinary High Water Mark.

**Natural** – The purpose of the *Natural* environment is to protect those shoreline areas that are relatively free of human influence or that include intact or minimally degraded shoreline functions intolerant of human use. These systems require that only very low intensity uses be allowed in order to maintain the ecological functions and ecosystem-wide processes. Consistent with the policies of the designation, Olympia will plan for restoration of degraded shorelines within this environment.

**Urban Conservancy** – The purpose of the *Urban Conservancy* environment is to protect and restore ecological functions of open space, flood plain and other sensitive lands where they exist in urban and developed settings, while allowing a variety of compatible uses.

**Waterfront Recreation** – The purpose of the *Waterfront Recreation* environment is to provide recreational and public access opportunities and to maintain and restore shoreline ecological functions and preserve open space. This designation is generally intended for appropriate public parks.

**Marine Recreation** – The purpose of the *Marine Recreation* environment is to establish provisions for boating facilities and water-oriented recreational and commercial uses and to restore shoreline ecological functions and preserve open space.

**Shoreline Residential** – The purpose of the *Shoreline Residential* environment is to accommodate residential development and appurtenant structures that are consistent with Olympia's Shoreline Program. An additional purpose is to provide public access and recreational uses.

**Urban Intensity** – The purpose of the *Urban Intensity* environment is to provide for high-intensity water-oriented commercial, transportation, industrial, recreation, and residential uses while protecting existing ecological functions and restoring ecological functions in areas that have been previously degraded, and to provide public access and recreational uses oriented toward the waterfront.

**Port Marine Industrial** – The purpose of the *Port Marine Industrial* environment is to allow the continued use and development of high-intensity water-oriented transportation, commercial and industrial uses. This area should support water-oriented marine commerce balanced with the protection of existing ecological functions and restoration of degraded areas.

### **3.201 18.20.400 - General Regulations – Intent**

This section OMC Sections 18.20.400 through 18.20.510 sets forth regulations that apply to all uses and activities, as applicable, in all shoreline environments. These regulations are to be used in conjunction with the OMC 18.20.600, et seq.

### **3.212 18.20.410 - No-Net-Loss and Mitigation**

- A. All shoreline uses and development, including preferred uses and uses that are exempt from shoreline permit requirements, shall be located, designed, constructed, and maintained in a manner that maintains shoreline ecological functions and processes.
- B. Applicants/proponents of new shoreline use, and development shall demonstrate that all reasonable efforts have been taken to avoid adverse environmental impacts. Mitigation shall occur in the following order of priority:
  1. Avoiding the adverse impact altogether by not taking a certain action or parts of an action, or moving the action;
  2. Minimizing adverse impacts by limiting the degree or magnitude of the action and its implementation by using appropriate technology and engineering, or taking affirmative steps to avoid or reduce adverse impacts;



3. Rectifying the adverse impact by repairing, rehabilitating, or restoring the affected environment;
  4. Reducing or eliminating the adverse impact over time by preservation and maintenance operating during the life of the action;
  5. Compensating for the adverse impacts by replacing, enhancing, or providing similar substitute resources or environments; and
  6. Monitoring the impact of the compensation projects and taking appropriate corrective measures.
- C. In determining appropriate mitigation measures, lower priority measures shall be applied only when higher priority measures are determined to be infeasible or inapplicable.
- D. Mitigation actions shall not have a significant adverse impact on other shoreline ecological functions.
- E. The City may require applicants to prepare special reports as necessary to address the impacts of proposed development on shoreline ecological functions or to demonstrate that avoidance is not feasible.
- F. When mitigation measures are required, all of the following shall apply:
1. The quality and quantity of the replaced, enhanced, or substituted resources shall be the same or better than the affected resources;
  2. The mitigation site and associated vegetative planting shall be nurtured and maintained such that healthy native plant communities can grow and mature over time;
  3. The mitigation shall be informed by pertinent scientific and technical studies, including but not limited to the Shoreline Inventory (TRPC, June 2009), Shoreline Analysis and Characterization Report (ESA Adolfson, December 2008), Olympia's Shoreline Restoration Plan (Appendix A to the Master Program) and that of other jurisdictions, and other background studies prepared in support of this Program;
  4. The mitigation plan shall include contingencies should the mitigation fail during the monitoring/maintenance period;
  5. Compensatory mitigation shall be done prior to or at the same time as the impact; and
  6. The mitigation activity shall be monitored and maintained to ensure that it achieves its intended functions and values. Mitigation sites shall be monitored for ten (10) years in accordance with the provisions in OMC 18.32.
- G. The applicant may be required to post a financial surety such as an assignment of savings or bond that is 125 percent of the estimated cost of the mitigation to guarantee performance. Estimates shall be prepared in accordance with OMC 18.32. Sureties shall only be released upon acceptance of the mitigation project by the City. If the mitigation project has not performed as prescribed in the mitigation plan, the City shall have the authority to extend the monitoring and surety period, and require additional monitoring reports and maintenance activities beyond the 10-year monitoring period. This requirement applies to all projects where mitigation is used.
- H. Mitigation measures shall occur in the immediate vicinity of the impact. If this is not feasible as determined through the mitigation sequence process (OMC 18.20.410(B)), mitigation may occur offsite if it provides greater improvement to shoreline ecological functions and values. The City may also approve use of alternative mitigation practices such as in-lieu fee programs, mitigation banks, and other similar approaches provided they have been approved by the Department of Ecology, the Department of Fish and Wildlife, or the Army Corps of Engineers.
- I. Type and Location of Mitigation:
1. The Administrator shall give preference to mitigation projects that are located within the City of Olympia. Prior to mitigating for impacts outside City of Olympia jurisdiction, applicants must

demonstrate to the Administrator that the preferences herein cannot be met within City boundaries.

2. Natural, Shoreline Residential, Urban Conservancy, Waterfront Recreation, and Aquatic Environments: Compensatory mitigation for ecological functions shall first be in-kind and onsite, or second in-kind and within the same reach, sub-basin, or drift cell, except when all of the following apply:
  - a. It is demonstrated to the satisfaction of the Administrator that there are no reasonable onsite or in sub-basin opportunities (e.g., onsite options would require elimination of high functioning upland habitat), or onsite and in sub-basin opportunities do not have a high likelihood of success based on a determination of the natural capacity of the site to compensate for impacts. Considerations should include: anticipated marine shoreline/wetland/stream mitigation ratios, buffer conditions and proposed widths, available water to maintain anticipated hydrogeomorphic classes of wetlands or streams when restored, proposed flood storage capacity, potential to mitigate riparian fish and wildlife impacts (such as connectivity); and
  - b. Offsite mitigation has a greater likelihood of providing equal or improved shoreline ecological functions than the impacted shoreline.
3. Urban Intensity, Marine Recreation and Port Marine Industrial Environments:
  - a. The preference for compensatory mitigation is for innovative approaches that would enable the concentration of mitigation into larger habitat sites in areas that will provide greater critical area or shoreline function.
  - b. The Administrator may approve innovative mitigation projects including but not limited to activities such as advance mitigation, fee in-lieu, mitigation banking and preferred environmental alternatives subject to the mitigation sequencing process contained in Section 18.20.410. Innovative mitigation proposals must offer an equivalent or better level of protection of shoreline ecological functions and values than would be provided by a strict application of onsite and in-kind mitigation. The Administrator shall consider the following for approval of an innovative mitigation proposal:
    - 1) Creation or enhancement of a larger system of natural areas and open space is preferable to the preservation of many individual habitat areas;
    - 2) Consistency with Goals and Objectives of the Shoreline Restoration Plan and the Goals and Objectives of this Program;
    - 3) The applicant demonstrates that long-term management and protection of the habitat area will be provided;
    - 4) There is clear potential for success of the proposed mitigation at the proposed mitigation site;
    - 5) Restoration of marine shoreline functions or critical areas of a different type is justified based on regional needs or functions and processes;
    - 6) Voluntary restoration projects.

J. Fee In-lieu:

1. To aid in the implementation of offsite mitigation, the City may develop a formal program which prioritizes shoreline areas included in the Restoration Plan for use as mitigation and/or allows payment in lieu of providing mitigation on a development site. This program shall be developed and approved through a public process and be consistent with state and federal rules. The program should address:

- a. The identification of sites within the City that are suitable for use as offsite mitigation and are consistent with the Shoreline Restoration Plan. Site suitability shall take into account shoreline ecological functions, potential for degradation, and potential for urban growth and service expansion; and
  - b. The use of fees for mitigation on available sites that have been identified as suitable and prioritized for restoration and/or enhancement
  - c. Any offsite mitigation would have to be consistent with the goals and objectives of the Shoreline Restoration Plan.
2. If a fee-in-lieu program is approved by the City then in cases where mitigation pursuant to this section is not possible, or where the maximum possible onsite mitigation will not wholly mitigate for anticipated impacts, or where an alternative location, identified in an adopted restoration plan, would provide greater ecological function, the Administrator may approve a payment of a fee in lieu of mitigation. The fee shall be reserved for use in high value restoration actions identified through the Shoreline Restoration Plan.

K. Advance Mitigation

1. Advance mitigation is a form of permittee responsible compensatory mitigation constructed in advance of a permitted impact.
2. To aid in the implementation of advance mitigation, the City may develop a formal advance mitigation program. This program shall be developed and approved through a public process and be consistent with state and federal rules as defined in the Interagency Regulatory Guide: Advance Permittee-Responsible Mitigation (December 2012). At a minimum, the program should address:
  - a. Credit value of advance mitigation proposals
  - b. Credits can only be used by the same applicant
  - c. Establish performance standards
  - d. Establish baseline conditions
3. Any advance mitigation project shall be consistent with the goals and objectives of the Shoreline Restoration Plan.

L. Effect on Building Setbacks

1. No building shall be rendered nonconforming with respect to building setbacks as a result of shoreline restoration or mitigation conducted in accordance with this SMP.

**3.223 18.20.420 - Critical Areas**

- A. All uses and development occurring within the shoreline jurisdiction shall comply with the critical areas regulations adopted by the City Council as of \_\_\_\_\_, 2021 (Ordinance \_\_\_\_\_) and codified in Chapter 18.32 (critical area regulations) and Chapter 16.70 (flood damage prevention), except as modified in (C) below.
- B. If there are any conflicts or unclear distinctions between this chapter and Olympia's critical area or flood damage prevention regulations, the requirements that are the most consistent with the Shoreline Management Act or Washington Administrative Code pertaining to shoreline management shall apply.
- C. Regardless of other provisions in Chapter 18.32, to ensure consistency with the sShoreline Management Act critical areas within shoreline jurisdiction shall be subject to the following:
  1. In shoreline jurisdiction, critical area review and permit procedures will be incorporated into and conducted consistently with the associated shoreline permit or exemption review and approval.

2. Stream and Important Riparian Area buffer reductions beyond twenty-five percent (25%) within shoreline jurisdiction shall require a shoreline variance.
3. Stormwater facilities may be allowed in the outer twenty-five percent (25%) of Category III and IV wetland buffers in shoreline jurisdiction (OMC 18.32.525(~~KI~~)) and only when no other location is feasible.
4. Utility lines may be allowed in the outer twenty-five percent (25%) of Category III and IV wetland buffers in shoreline jurisdiction (OMC 18.32.525(~~LM~~)).
5. Locating stormwater facilities or utilities within wetlands or within any wetland buffer other than those specified in numbers 4~~3~~ and 5~~4~~ above shall require a shoreline variance (OMC 18.32.530(E) and (G)).
6. Wetland buffer reductions beyond twenty-five percent (25%) within shoreline jurisdiction shall require a shoreline variance.
- ~~7. Identification of wetlands and delineation of their boundaries in shoreline jurisdiction shall be done in accordance with the approved federal wetland delineation manual and applicable regional supplements (OMC 18.32.580).~~
- ~~8.7.~~ Reasonable use exceptions (OMC 18.66.040) are not available for relief from critical area standards within the shoreline jurisdiction. Instead, applicants seeking relief from the critical area standards shall apply for a shoreline variance.
- ~~9.8.~~ New development or the creation of new lots that would cause foreseeable risk from geological conditions during the life of the development is prohibited.
- ~~9.~~ Uses and activities that may be authorized within floodways are limited to those listed in WAC 173-26-221 (3)(c)(i).
- ~~10. Priority riparian area buffers are set forth in OMC 18.32.435 Streams and Priority Riparian Areas- Buffers.~~

### **3.234 18.20.430 - Archaeological, Historic, and Cultural Resources**

- A. Archaeological sites located both in and outside shoreline jurisdiction are subject to RCW 27.44 (Indian Graves and Records) and RCW 27.53 (Archaeological Sites and Records).
- B. Development or uses that impact such sites shall comply with WAC 25-48 (Archaeological Excavation and Removal Permit) as well as the requirements of OMC 18.12, Historic Preservation, and the applicable requirements of this chapter.
- C. Shoreline use and development on sites having archaeological, historic, or cultural resources shall be designed and constructed in a manner that prevents impacts to the resource and provides educational benefits to the public, where appropriate.
- D. ~~In accordance with OMC 18.12 and WAC 173-26-221, D~~ developers and property owners shall immediately stop work and notify the City, the Office of Archaeology and Historic Preservation and affected Indian tribes if archaeological resources are uncovered during excavation.
- E. Development that is proposed in areas documented to contain archaeological resources shall have a site inspection or evaluation by a professional archaeologist in coordination with affected Indian tribes during the development review process.

### **3.245 18.20.440 - Parking**

- A. Parking facilities or lots within the shoreline jurisdiction shall be allowed only to support authorized uses.

- B. Commercial parking facilities or lots as a primary use are prohibited within the shoreline jurisdiction.
- C. Parking facilities or lots shall be located landward of the principal building, except when the parking facility is within or beneath the structure and adequately screened or in cases when an alternate orientation would have less adverse impact on the shoreline.
- D. Parking facilities or lots shall be designed and landscaped to minimize adverse impacts upon adjacent shorelines and abutting properties. Landscaping shall comply with OMC 18.36 and the vegetation conservation standards of OMC 18.20.495.
- E. Parking facilities or lots shall provide safe and convenient pedestrian circulation within the parking area to the building or use it serves, and shall be located as far landward of the Ordinary High Water Mark as feasible.
- F. To the extent feasible, new parking lots shall include the most effective stormwater treatment and 'best management' practices. At minimum, such treatment shall conform to the 'Enhanced Menu' issued by the Washington Department of Ecology's "Runoff Treatment BMPs" of August, 2012.

**3.256 18.20.450 - Public Access**

- A. Public access shall be required for the following types of development, unless waived pursuant to Section C.
  - 1. Residential developments of more than nine residential lots or dwelling units;
  - 2. Commercial or industrial developments; and
  - 3. Shoreline developments proposed or funded by public entities, port districts, state agencies, or public utility districts.
- B. Where a development or use will interfere with an existing public access, the development or use shall provide public access to mitigate this impact. Impacts to public access may include blocking access or discouraging use of existing onsite or nearby public access.
- C. The public access requirement, when related to development not publicly funded, may be waived by the Administrator where one or more of the following conditions are present:
  - 1. Unavoidable health or safety hazards to the public exist which cannot be prevented by any practical means;
  - 2. Constitutional or other legal limits apply;
  - 3. Inherent security requirements of the use cannot be satisfied through the application of alternative design features or other solutions such as limiting hours of use; ~~or~~
  - 4. Adverse impacts to shoreline ecological processes and functions that cannot be mitigated will result; in such cases, offsite and alternative access may be required to mitigate impacts;
  - 5. The development site is disconnected from the shoreline by an existing, legally established public road or public space such as Percival Landing;
  - 6. Save and convenient public access already exists in the immediate vicinity, and/or adequate public access is already documented at the property. The Administrator will consider the following to determine if adequate public access is provided in immediate vicinity:
    - a. Public access areas occur along the shoreline within 1/8 mile of the development site or within 1/4 mile when seating is provided along the route; and
    - b. Safe pedestrian access from the site to the public access areas along or to the shoreline is provided;

or

7. The cost of providing the access, easement, or an alternative amenity is unreasonably disproportionate to the cost of the proposed development.

- D. Public access provisions shall run with the land and be recorded via a legal instrument such as an easement, or as a dedication on the face of a plat or short plat. Such legal instruments shall be recorded with the Thurston County Auditor prior to issuance of a certificate of occupancy or final plat approval, whichever comes first.
- E. Public access sites shall be constructed and available for public use at the time of occupancy of the use or activity or in accordance with other provisions for guaranteeing installation through a monetary performance assurance.
- F. Public access facilities shall be available to the public from dawn to dusk unless specific exceptions are granted through a shoreline substantial development or other permit.
- G. Public access facilities shall be maintained over the life of the use or development. Future actions by successors in interest or other parties shall not diminish the usefulness or value of required public access areas and associated improvements.
- H. Maintenance of public access facilities on private property shall be the responsibility of the property owner, unless an accepted public or non-profit agency agrees to assume responsibility through a formal agreement recorded with the Thurston County Auditor. Where appropriate, this responsibility may be required of a future homeowners' association, or other entity approved by the City.
- I. Signage indicating the public's right of access and hours of access shall be installed and maintained by the owner, developer, or assignee. Such signs shall be posted in conspicuous locations at public access sites.
- J. Public access areas shall be approved by the Administrator during review of the shoreline permit. If exempt from a shoreline permit, public access areas may be required by the Administrator.

**3.267 18.20.460 - Design of Public Access**

- A. Public access shall be located, designed, and maintained in accordance with all of the following:
  - 1. The size and configuration of public access areas shall be at least the minimum necessary based on location, intended use, compatibility with adjacent uses, and proximity to other public access areas.
  - 2. Trails and shared uses paths (including access paths) shall be buffered from sensitive ecological features and provide limited and controlled access to sensitive features and the water's edge where appropriate (for example, when part of an interpretive or educational site). Fences may be used to control damage to vegetation and other sensitive ecological features. If used, fences shall be designed and constructed of materials that complement the setting, as well surrounding features, or structures, and allow for wildlife movement.
  - 3. Where feasible, public access shall be located adjacent to other public areas, accesses and connecting trails, with connections to the nearest public street, or trail.
  - 4. Where physical access to the water's edge is not feasible, a public viewing area shall be provided. This requirement may be waived by the Administrator where all of the following conditions are present:
    - a. The development site is disconnected from the shoreline by an existing, legally established public road or public space such as Percival Landing;
    - b. Public access areas occur along the shoreline within 1/8 mile of the development site or within 1/4 mile when seating is provided along the route; and
    - c. Safe pedestrian access from the site to the public access areas along or to the shoreline is provided.

~~4.5.~~ Public access shall be designed to minimize intrusions on privacy and conflicts between users. For example, provide a physical separation between public and private spaces, orient public access away from windows or private outdoor spaces, or provide a visual screen such as a fence or vegetation.

~~5.6.~~ Public access shall be designed to provide for the comfort and safety of users. Such spaces shall be visible from the street or adjacent uses, have adequate lighting, and be designed to discourage offensive or illegal conduct.

~~6.7.~~ Public amenities such as, but not limited to, a covered shelter, benches, or picnic table shall be provided in public access areas.

~~7.8.~~ Where feasible, public access areas shall be barrier free for the physically disabled in accordance with the Americans with Disabilities Act (ADA).

- B. The design and layout of public access shall conform to applicable City design standards and procedures, such as the width of public access easements or dedications for trails and shared-use paths and trail classification and corresponding corridor widths set forth in the Olympia Engineering Design and Development Standards (EDDS). Any deviation shall be the minimum necessary to achieve the intended purpose of such deviation. It is not the intent of the City to authorize informal trails and the standards contained herein are not intended to address them.

### **3.278 18.20.470 - Scientific and Educational Activities**

- A. Scientific and educational uses and activities are limited to those which will:
1. Not jeopardize existing wildlife populations or organisms;
  2. Not permanently alter the character of biological habitats; and
  3. Not degrade the character of the shoreline environment in which they are located.
- B. Temporary disruption of biological systems may be permitted when a scientific activity will result in their restoration or improvement, and only when a restoration plan is approved by the City and other agencies with jurisdiction.
- C. Permits for scientific or education activities that will span an extended period of time may be granted; limits on the duration of the use or activity may be established as a condition of approval.
- D. Structures associated with scientific and educational activities such as museums, schools, or visitor centers may be allowed subject to the use provisions of OMC 18.20.620.
- E. Temporary facilities used in conjunction with the scientific or educational project shall be removed at the conclusion of the project.

### **3.289 18.20.480 - Signage Regulations**

Signage shall conform to OMC 18.42, Sign Regulations. In addition, the following provisions shall apply within the shoreline jurisdiction:

- A. All offsite signs, except for directional signs, shall be prohibited;
- B. All signs shall be located and designed to avoid interference with vistas, viewpoints, and visual access to the shoreline;
- C. Signs shall be designed and placed so that they are compatible with the aesthetic quality of the existing shoreline and adjacent land and water uses;
- D. Over water signs and signs on floats or pilings, except as needed for navigational purposes, shall be prohibited;
- E. Where lighted signs and illuminated areas are permitted, such illuminating devices shall be shaded and directed so as to minimize, to the extent feasible, light and glare from negatively impacting

neighboring properties, streets, public areas, or water bodies. Lighted signs shall be designed to reduce glare when viewed from surrounding properties or from the water. Lighting shall not shine directly upon or cast a glare on the water; and

- F. All signs shall be located in such a manner that they minimize interference with public views. Free standing signs which may disrupt views to the water shall be placed on the landward side of development.

### **3.2930 18.20.490 - Vegetation Conservation Areas - Intent**

- A. Vegetation conservation includes activities to protect and restore upland vegetation along or near marine or fresh water bodies to minimize habitat loss and the impact of invasive plants, erosion and flooding and contribute to the ecological functions of shoreline areas. The provisions of this section establish vegetation conservation areas, and set forth regulations for the prevention or restriction of native vegetation removal, grading, vegetation restoration, control of invasive weeds and non-native species, and tree maintenance adjacent to the shoreline.
- B. However, unless otherwise stated, vegetation conservation does not include those activities expressly authorized by the Washington State Forest Practices Act, but does include conversion to other uses and those other forest practice activities over which the City has authority.

### **3.301 18.20.492 - General Vegetation Conservation Regulations**

- A. Vegetation conservation provisions apply to all shoreline developments as required in Table 6.3. All vegetation conservation in these areas shall conform to the regulations and standards below.
- B. Parcels fronting on lakes, marine waters, streams, or wetlands shall preserve or provide native vegetation within vegetation conservation areas, also known as VCAs or buffers, upland of and adjacent to the Ordinary High Water Mark as required in Table 6.3. If present on a parcel, note that critical area buffers may be larger than or may encompass VCAs.
- C. Except as provided herein, applicants for new development, expansion, or redevelopment shall protect and preserve existing native vegetation within the vegetation conservation area.
- D. Mitigation in the form of restoration or creation of vegetation conservation area may be required as a condition of development approval consistent with mitigation sequencing priorities in OMC 18.20.410(B). Further, an applicant may propose such restoration for reductions in required setbacks or for encroachments into required vegetation conservation areas as provided in OMC 18.20.493 and/or for water dependent uses as provided in Table 6.3.
- E. Where applicable, nonconforming and water dependent uses that cannot provide a vegetation conservation area due to the nature of the use or activity shall provide comparable mitigation. For example, if it is not feasible to provide vegetation onsite due to constraints such as lot size, topography, or existing site improvements, vegetation may be provided offsite in accordance with the provisions of OMC 18.20.410(H).

### **3.312 18.20.493 - Permitted Uses and Activities within Vegetation Conservation Areas**

A. Subject to other limitations of this chapter and if also allowed within the applicable shoreline environment designation, the following uses and activities are permitted within vegetation conservation areas without a variance.

1. Transportation facilities and utilities within existing rights-of-way only when it has been determined that alternative upland locations are not feasible;
2. Public access viewpoints, pedestrian access from upland areas to the shoreline, piers, docks, launch ramps, viewing platforms, wildlife viewing blinds and other similar water-oriented uses;
3. Public recreation trails identified in adopted plans and those located on existing road or railroad beds;



4. Educational facilities such as viewing structures and platforms, wildlife viewing blinds and interpretive sites;
  5. Equipment necessary for conducting water-dependent uses such as boat travel lifts for boat maintenance and upland storage, and loading equipment for transport of logs and natural resource materials. Where logs or natural resource materials are loaded directly from the shoreline to a vessel, impacts to the shoreline shall be minimized by:
    - a. Constructing designated loading areas;
    - b. Maintaining equipment to avoid fuel or oil leaks; and
    - c. Implementing best management practices to reduce erosion and discharge of untreated stormwater directly into the water.
  6. Removal of noxious weeds or hazardous trees;
  7. Removal and thinning of trees and vegetation on public property to maintain public view corridors identified in Section 18.20.500;
  8. Improvements that are part of an approved enhancement, restoration, vegetation management or mitigation plan;
  9. Shoreline stabilization only when it is part of an approved project;
  10. The following facilities, fixtures and furnishing shall be allowed within the VCA of public parks and water related recreation areas: 1. paved or unpaved trails, bridges and pedestrian access; 2. picnic shelters, tables and pads not greater than 400 square feet in size; 3. seating, benches, drinking fountains, garbage cans and other site furnishing; 4. public art and art installations; 5. signs, environmental interpretive facilities and information kiosks, and interpretive exhibits; 6. wildlife viewing structures; 7. play equipment and other similar passive parks furnishing and fixtures; 8. restrooms, when no suitable location outside of the VCA exists; and
  11. Water dependent uses as authorized in OMC 18.20.620 Table 6.3.
- B. Appurtenant and accessory structures other than those described above or in OMC 18.20.690(C) are prohibited within the vegetation conservation area.

### **3.323 18.20.494 - Alterations to Existing Development**

Alterations to existing development, including accessory structures, decks, patios, sport courts, and walkways, shall protect existing native vegetation within the vegetation conservation area. If the minimum vegetation conservation area is not present when a site alteration is proposed, the Administrator may require establishment of such vegetation conservation area where required by Table 6.3 that is necessary to prevent adverse impacts to the shoreline ecological functions that may result from any proposed alterations.

### **3.334 18.20.495 - Vegetation Conservation Area Standards**

- A. Speculative clearing, grading, or vegetation removal is prohibited. Clearing, grading and vegetation removal within shoreline setbacks and Vegetation Conservation Areas shall be the minimum necessary for the authorized use or development.
- B. The minimum width of Vegetation Conservation Areas is set forth in Table 6.3 and measured perpendicular to the Ordinary High Water Mark along the entire shoreline of the property. To account for site conditions and to create a more natural Vegetation Conservation Area, the minimum widths may be reduced by 50% by the Administrator upon finding that the total VCA of the parcel is equivalent to the minimum area that would result from the standard minimum width and such reduction will not result in adverse impacts to the shoreline functions; such reductions also known as 'VCA averaging.' Vegetation Conservation Areas exceeding minimums may be proposed or required if

necessary to ensure no net loss of shoreline ecological functions will result from proposed shoreline development.

- C. In general, protected, and restored Vegetation Conservation Areas shall be composed of native vegetation comparable in species density and diversity to an ecologically similar undisturbed area. Such species density and diversity shall be determined by the Administrator based on best available science. Provided, however, that up to 33% (one-third) of the Vegetation Conservation Area may be utilized for authorized uses and activities described in OMC 18.20.493 provided that impervious surfaces shall not exceed 25% of the VCA. In no case shall the width of a required VCA be less than 10 feet. Encroachment of an authorized use or activity shall require an equivalent area elsewhere onsite be set aside as a VCA and shall not result in a net loss to shoreline ecological functions.
- D. When restoring or enhancing shoreline vegetation, applicants shall use native species that are of a similar diversity, density and type commonly found in riparian areas of Thurston County. The vegetation shall be nurtured and maintained to ensure establishment of a healthy and sustainable native plant community over time.
- E. Lawns are prohibited within the Vegetation Conservation Area due to their limited erosion control value, limited water retention capacity, and associated chemical and fertilizer applications.
- F. Trimming of trees and vegetation is allowed within the Vegetation Conservation Area subject to:
  - 1. This provision does not allow clearing of trees or vegetation except as provided below and elsewhere in this chapter;
  - 2. The limbing or crown-thinning of trees larger than three inches in caliper shall comply with National Arborist pruning standards, unless the tree is a hazard tree as defined in OMC 16.60, Tree Protection and Replacement. No more than 25% of the limbs on any single tree may be removed and no more than 25% of the canopy cover in any single stand of trees may be removed for a single view corridor.
  - 3. Trimming does not directly impact the nearshore functions and values including fish and wildlife habitat;
  - 4. Trimming is not within a critical area of Chapter 18.32 or associated buffer; and
  - 5. Tree topping is prohibited.
- G. Vegetation shall be maintained over the life of the use or development.
- H. Vegetation conservation areas shall be placed in a separate tract in which development is prohibited; protected by execution of an easement dedicated to a conservation organization or land trust; or similarly protected through a permanent mechanism acceptable to the City.

### **3.345 18.20.496 - Vegetation Management Plan**

- A. Clearing and grading within the shoreline jurisdiction is only permitted upon approval by the Administrator of a Vegetation Management Plan prepared by the applicant. If mitigation measures are required as outlined in OMC 18.20.410(F), the Vegetation Management Plan may be combined with the Mitigation Plan, and must be prepared by a qualified professional. The Vegetation Management Plan shall include:
  - 1. A map illustrating the distribution of existing plant communities in the area proposed for management. The map must be accompanied by a description of the vegetative condition of the site, including plant species, plant density, any natural or manmade disturbances, overhanging vegetation, and the functions served by the existing plant community (e.g., fish and wildlife values, slope stabilization);
  - 2. A description of how mitigation sequencing was used and how the plan achieves no net loss of shoreline ecological functions the vegetation is providing;

3. An inventory of existing vegetation, including a description of vegetation overhanging the shoreline;
4. A detailed plan indicating which areas will be preserved and which will be cleared, including tree removal;
5. Drawings illustrating the proposed landscape scheme, including the species, distribution, and density of plants. Any pathways or non-vegetated portions and uses shall be noted;
6. A description of any vegetation introduced for the purposes of fish and wildlife habitat;
7. Installation of vegetation shall meet the following standards:
  - a. Native species that are of a similar diversity, density and type commonly found in riparian areas of Thurston County shall be used, unless non-native substitutes are authorized by the Administrator based on availability of native materials and said materials are appropriate to soil and climate conditions;
  - b. On public property, vegetation shall be selected and located to maintain public views identified in approved plans;
  - c. At the time of planting, plant materials shall be consistent with the standards in OMC 18.36, Landscaping and Screening;
  - d. The applicant may be required to install and implement an irrigation system to insure survival of vegetation planted. For remote areas lacking access to a water system, an alternative watering method may be approved;
  - e. Planting in the fall or early spring is preferred over summer for purposes of plant establishment; and
  - f. For a period of 10 years after initial planting, the applicant shall replace any unhealthy or dead vegetation as part of an approved vegetation management plan.
- B. Loss of wildlife habitat shall be mitigated onsite. If onsite mitigation is not feasible, offsite mitigation shall be permitted in accordance with OMC 18.20.410; and
- C. The Administrator may waive some but not all of the vegetation installation requirements in this section when the applicant demonstrates that the proposal will result in no net loss of shoreline functions by improving shoreline ecological functions of the shoreline, such as the removal of invasive species, shoreline restoration/enhancement, or removal of hard armoring.
- D. For other applicable regulations, see OMC Chapters 16.60, 18.32, and 18.36.
- E. In addition to A to D above all required vegetation installation shall conform to the standards of section 18.20.410(F) and (G) of this SMP.

### **3.356 18.20.500 - View Protection - Intent**

Over 50 percent of Olympia's marine shoreline is publicly owned. Much of this shoreline, such as at Percival Landing, West Bay Park, Priest Point Park, and the East Bay area, provide opportunities for the public to enjoy the views of Mount Rainier, the Capitol, Budd Inlet, and the Olympic Mountains. The future may provide even greater opportunities for the public to enjoy the scenic qualities of the area.

The protection of these public views from the shoreline is an important objective of Olympia's Shoreline Program. Protection of such views to and from the shoreline can be achieved through multiple strategies including public ownership and use of shorelands, the inclusion of public access and viewpoints in private development, establishing key view corridors, establishing height limits and design standards, vegetation management standards, and visual assessment where views may be impacted.

Private uninterrupted views of the shoreline, although considered, are not expressly protected. Property owners concerned with the protection of views from private property are encouraged to obtain view

easements, purchase intervening property and/or seek other similar private means of minimizing view obstruction.

### **3.367 18.20.504 - View Protection Regulations**

- A. No permit shall be issued pursuant to this chapter for any new or expanded building or structure of more than thirty-five (35) feet above average grade level that will obstruct the view of a substantial number of residences on areas adjoining such shorelines except where Olympia's Shoreline Program does not prohibit the same and then only when overriding considerations of the public interest will be served.
- B. All development within the shoreline jurisdiction shall comply with the view protection standards of OMC 18.110.060.
- C. Public shoreline views shall be protected by the use of measures, including but not limited to, maintaining open space between buildings, clustering buildings to allow for broader view corridors, and minimizing building height and total lot coverage.
- D. When there is an irreconcilable conflict between water-dependent uses and physical public access and maintenance of views from adjacent properties, the water-dependent uses and physical public access shall have priority, unless there is a compelling reason to the contrary.
- E. Buildings shall incorporate architectural features that reduce scale such as increased setbacks, building modulation (vertical and horizontal), pitched roofs, angled facades, and reduced massing.
- F. New development, uses and activities shall locate trash and recycling receptacles, utility boxes, HVAC systems, electrical transformers, fences and other appurtenances to minimize interference with public views.
- G. Design and install utilities and accessory structures in such a way as to avoid impacts to scenic views and aesthetic qualities of the shoreline area.
- H. Communication and radio towers shall not obstruct or destroy scenic views of the water. This may be accomplished by design, orientation and location of the tower, height, camouflage of the tower, or other features consistent with utility technology.
- I. Fences, walls, hedges, and other similar accessory structures in the VCA shall be limited to four (4) feet in height between the Ordinary High Water Mark and primary structures. Outside of the VCA the fencing provisions in OMC 18.40 shall apply.
- J. Where on-going maintenance of vegetation on public property to protect public views is necessary, a Vegetation Management Plan shall be approved by the Administrator prior to any work. At a minimum, the Vegetation Management Plan shall identify the viewshed to be preserved, the areas where vegetation will be maintained (including tree removal), and percent of vegetation to be retained. If trees are removed, they shall be replaced with three trees for each tree removed up to a minimum density of 220 trees per acre.

### **3.378 18.20.507 - Visual Impact Assessment**

The applicant of a building or structure that exceeds 35 feet to the highest point above average grade level shall prepare and submit a visual analysis in conjunction with any development permit. At a minimum, the analysis shall address how the proposed project impacts views protected under RCW 90.58.320 and OMC 18.110.060. The Administrator may require additional information such as photo-simulations showing proposed buildings in relation to impacted views. If the analysis shows the proposed building or structure would block or significantly compromise the view of a substantial number of residences in adjoining areas or views protected under OMC 18.110.060, the City may place conditions on the development to prevent the loss of views.

### **3.389 18.20.510 - Water Quality**

- A. Septic systems for new development within the shoreline jurisdiction are prohibited.
- B. Stormwater management facilities for new uses and development shall be designed, constructed, and maintained in accordance with the Olympia Drainage Design and Erosion Control Manual of Olympia. To the extent feasible, low impact development best management practices shall be incorporated into every project along the shoreline. All redevelopment and new development within Reaches 4 and 5A shall require compliance with the Drainage Design and Erosion Control Manual of Olympia without consideration to the thresholds established therein.
- C. The use of wood treated with creosote, copper, chromium, arsenic, or pentachlorophenol shall only be approved upon a finding of no feasible alternative.
- D. All structures that come in contact with water shall be constructed of materials that will not adversely affect water quality or aquatic plants or animals.
- E. Uses and activities that pose a risk of contamination to ground or surface waters shall be prohibited in shoreline jurisdiction. Such uses include, but are not limited to the following:
  - 1. Storage, disposal, or land application of waste (excluding secondary/tertiary treated effluent from municipal sewer systems), including solid waste landfills;
  - 2. Operations for confinement feeding of animals;
  - 3. Agricultural activities that involve the application of fertilizers, pesticides, or other chemical treatments;
  - 4. Junk yards and auto wrecking yards;
  - 5. Storage of hazardous or dangerous substances within a floodplain; and
  - 6. Alterations to structures and uses served by septic systems that do not meet local or state requirements.
- F. Dredging and dredge disposal activities must employ appropriate best management practices to prevent water quality impacts or other environmental degradation.

### **3.3940 18.20.600 - Shoreline Use and Development – Intent**

The purpose of ~~this section~~ OMC Section 18.20.600 through 18.20.710 is to set forth regulations for specific common uses and types of development that occur within Olympia's shoreline jurisdiction. Where a use is not listed on Table 6.1, the provisions of OMC 18.20.250, Unclassified Uses, shall apply. All uses and activities shall be consistent with the provisions of the shoreline environment designation in which they are located and the general regulations in OMC 18.20.400 through 18.20.510 and the shoreline modification provisions in OMC 18.20.800 through 18.20.930.

### **3.401 18.20.610 - General Use and Development Provisions**

- A. Developments that include a mix of water-oriented and nonwater-oriented uses may be approved if the Administrator finds that the proposed development avoids impacts to shoreline ecological functions, provides public access, and otherwise enhances the public's ability to enjoy the shoreline.
- B. All uses not explicitly permitted in this chapter shall require a Shoreline Conditional Use Permit. The Hearing Examiner may impose conditions to ensure that the proposed development meets the policies of Olympia's Shoreline Program.
- C. All development and uses must conform to all applicable provisions of this Shoreline Program, including the shoreline use table and the development standards table in OMC 18.20.600 through 18.20.710, unless otherwise stated or upon approval of a shoreline variance.

- D. Except as required by state or federal regulations or explicitly authorized by this chapter, forestry practices, mining and solid waste uses, and activities are prohibited in all shoreline areas.

### **3.412 18.20.620 - Use and Development Standards Tables**

- A. Table 6.1 identifies allowed uses and activities by shoreline environment designation. Table 6.2 establishes building heights by shoreline environment designation. Table 6.3 establishes development standards by shoreline environment designation including shoreline setbacks and Vegetation Conservation Areas. These tables shall be used in conjunction with the written provisions for each use. Table footnotes provide additional clarification or conditions applicable to the associated uses or development regulation.
- B. Maximum Shoreline Building Heights are not applicable to light and utility poles; nor to equipment used for loading and unloading such as conveyors and cranes within the Port Marine Industrial environment and adjacent Aquatic environment.
- C. Upon finding that such structures will not result in a net loss of shoreline functions and are otherwise consistent with Olympia's Shoreline Program, the Administrator may authorize small buildings and other structures within the "building setback" area but outside of the VCA, if locating such structures outside of shoreline jurisdiction is not feasible. Any such structures shall not exceed a total 800 square feet within each development, shall not be located within critical areas or their buffers unless authorized in OMC 18.20.420, shall not be closer than 30 feet to the Ordinary High Water Mark or the width of the VCA whichever is greater, and shall not exceed a height of 20 feet. To ensure protection of shoreline functions and views, the Administrator may attach conditions to approval of the permits as necessary to assure consistency of the project with the Act and this Shoreline Program.
- D. Setback reductions shall be allowed as provided in Table 6.3 and subject to the following:
  - 1. Incentives for setback reductions noted herein are cumulative up to the maximum reduction allowed. Incentive eligible restoration projects may be completed in association with, or in addition to, required mitigation projects, however, no setback reductions shall be allowed for required mitigation projects. Prior to the Administrator approving setback reduction incentives, the applicant shall demonstrate compliance with the mitigation sequence at a site level as provided in Section 18.20.410 of the SMP. Restoration incentives must be achieved onsite unless the Administrator finds this is not feasible or would have significantly less ecological benefit than offsite restoration. Offsite restoration shall be consistent with the objectives for mitigation outlined in OMC 18.20.410(H) and (I). Should no offsite restoration option be available, onsite restoration shall be required to obtain the associated setback reduction incentive.
  - 2. Preferred public access shall be physical access to the marine shoreline from the public right-of-way via a sidewalk or paved trail on a publicly dedicated easement no less than six (6) feet in width and constructed to City standards as included in the City's Engineering Design and Development Standards. Other forms of indirect access such as viewing towers and platforms may be considered where direct access to the shoreline is deemed dangerous due to the nature of the use of the property or the conditions at the shoreline. Existing access meeting the standards described herein may be used to meet setback incentive provisions.
  - 3. Trail shall be a commuter multi-use trail on a public easement no less than twelve (12) feet in width and providing no less than a 12-foot wide clear travel path, providing continuous public access across the site and shall be placed upland of the Ordinary High Water Mark and constructed to commuter multi-use trail standards as included in the City's Engineering Design and Development Standards. Existing trails meeting the requirements described herein may be used to meet setback incentive provisions. To receive setback reduction credit the trail must be built on the site.
  - 4. Vegetation restoration shall be planting of native shoreline vegetation in excess of that required to achieve no net loss of environmental function from unavoidable impacts associated with a

development proposal. Plantings shall substantially mimic undisturbed native shorelines in the South Puget Sound in plant species, species mixture and plant density. Vegetation restoration shall be accomplished through an approved Vegetation Management Plan. Restoration ratios shall begin at 2 square feet of restoration for every one (1) square foot reduction of the required setback area and demonstrate no net loss of environmental function.

5. Removal of bulkhead shall be the physical removal of a vertical structure and replacement with a softened shoreline treatment. Measures may include use of shoreline contouring, gravels, cobbles, limited use boulders, logs, and vegetation in a manner that promotes native aquatic species and protects the shoreline from erosion.
6. Replacement of a hardened shoreline shall be the physical removal of rip rap or other non-vertical shoreline protection and replacement with a softened shoreline treatment. Measures may include use of shoreline contouring, gravels, cobbles, limited use boulders, logs, and vegetation in a manner that promotes native aquatic species and protects the shoreline from erosion.
7. Water Dependent uses may encroach into the required setback and vegetation conservation area as described in Table 6.3 in accordance with the mitigation sequence in OMC 18.20.410. Reductions to less than a 20-foot setback shall only be allowed where the following two requirements have been met:
  - a. Alternative public access has been provided sufficient to mitigate the loss of direct public access to the shoreline and in no case shall public access be less than twelve (12) feet as described in paragraph 3 above;
  - b. The shoreline bulkhead removal or hardening replacement requirements of 5 or 6 above are met for each linear foot of shoreline impacted and the applicant demonstrates that a reduced setback would not result in the need for future shoreline stabilization.
8. No setback shall be required in the Port Marine Industrial shoreline environmental designation; however, mitigation shall be required to offset any impacts determined through the mitigation sequencing process to ensure no net loss of environmental function and to mitigate for loss of public access.
9. Shoreline setbacks shall not apply to areas that are disconnected from the shoreline by an existing, legally established public road or other substantially developed surface which results in a functional disconnect from the shoreline. The applicant shall provide a biological assessment by a qualified professional that demonstrates the area is functionally isolated. The City shall consider the hydrologic, geologic, and/or biological habitat connection potential and the extent and permanence of the physical separation.

**Table 6.1 – Uses and Activities**

**LEGEND: P = Permitted C = Shoreline Conditional Use Permit X = Prohibited**

**C/P = A Shoreline Conditional Use Permit or Shoreline Substantial Development Permit is required. A Shoreline Conditional Use Permit is required if any portion of the use or development activity is wholly or partially located within 100 feet of the OHWM; when all uses and activities are located more than 100 feet from the OHWM a Shoreline Substantial Development Permit is required, are permitted.**

Primary Use of Building or Structure	Urban Intensity	Port Marine Industrial	Shoreline Residential	Urban Conservancy	Waterfront Recreation	Marine Recreation	Natural	Aquatic <sup>1</sup>
<b>Agriculture</b>								
Agriculture	X	X	X	X	X	X	X	X
<b>Aquaculture</b>								
Restoration and- Recovery of Native Populations	P	P	P	P	P	P	P	P
Commercial Aquaculture	C	C	C	C	C	C	X	C
<b>Boating Facilities</b>								
Marinas	P	P	X	X	X	P	X	C
Launch Ramps	P	P	P	P	P	P	X	P
Upland Boathouses & Storage Structures,	P	P	P	P	P	P	X	X
Overwater Covered Moorage and Boathouses	X	X	X	X	X	X	X	X
<b>Commercial</b>								
Water Dependent	P	P	C	X	C	P	X	C
Water Related and Enjoyment	P	P	C	X	C	P	X	X
Non-water Oriented	C	C	X	X	X	C	X	X
<b>Industrial/Light Industrial</b>								
Water Dependent	P	P	X	X	X	C	X	P
Water Related	P	P	X	X	X	C	X	X
Nonwater Oriented	X	X	X	X	X	X	X	X
<b>Recreation</b>								
Water Dependent & Enjoyment, and All Other Water Related, e.g., viewing platforms, wildlife blinds, interpretive areas	P	X	P	P	P	P	C	C



Primary Use of Building or Structure	Urban Intensity	Port Marine Industrial	Shoreline Residential	Urban Conservancy	Waterfront Recreation	Marine Recreation	Natural	Aquatic <sup>1</sup>
Non-water Oriented	C/P	X	C/P	X	C	X	X	X
<b>Residential</b>								
Residential	P	X	P	P	X	X	X	X
<b>Transportation</b>								
Roads/Railroads	C/P	C/P	C/P	C/P	C/P	C/P	C/P	C
Trails and Shared Use Paths	P	P	P	C/P	P	P	C/P	P
Parking	P	P	P	C/P	C/P	P	C/P	X
<b>Utilities</b>								
Utility Lines, Buildings and Facilities	C/P	C/P	C/P	C/P	C/P	C/P	C/P	C
<b>Other</b>								
All Other Uses Not Listed Above	C	C	C	C	C	C	X	C
Mixed Use	C <sup>2</sup> /P	C	C	C	C	C <sup>2</sup> /P	X	X

<sup>1</sup> Uses listed as permitted or conditional in the Aquatic designation are allowed only if not prohibited in the adjacent upland shoreline designation.

<sup>2</sup> If all of the proposed uses are permitted, the mix of said permitted uses is also permitted. However, if one or more of the proposed uses is conditionally permitted, then the proposed mix would trigger a Shoreline Conditional Use Permit.

**Table 6.2 – Development Standards (Heights)**

<b>Shoreline Environment</b>	<b>Shoreline Reach</b>	<b>Maximum Standard Building Height</b>
<b>Aquatic</b>	All	20 feet
<b>Natural</b>	All	15 feet
<b>Waterfront Recreation</b>	Budd Inlet	42 feet
	Capitol Lake	35 feet
<b>Urban Conservancy</b>	All	35 feet
<b>Shoreline Residential</b>	All	35 feet
<b>Marine Recreation</b>	Budd Inlet	40 feet; 25 feet within 75 feet of OHWM
<b>Urban Intensity</b>	Budd – 3A*	42 feet to 65 feet*
	Budd 6A & Capitol – 3B	65 feet
	Budd-4 and Budd-5A	35 feet water-ward of streets; 90 feet remainder
<b>Port Marine Industrial</b>	All	65 feet

\*Subject to the provisions of the West Bay Drive regulations 18.06.100(A)(2)(C).

**Table 6.3 – Setbacks and Incentives**

<b>Shoreline Environment</b>	<b>Shoreline Setback</b>	<b>Vegetation Conservation Area</b>	<b>Setback and VCA with maximum reduction–Non-water dependent</b>	<b>Incentive eligible provisions – See 18.20.620(D)(1)</b>	<b>Shoreline Setback and VCA reduction</b>	<b>Required Standards</b>
<b>Aquatic</b>	N/A	N/A	N/A	N/A	N/A	N/A
<b>Natural</b>	200'	200'	N/A	N/A	N/A	N/A
<b>Urban Conservancy</b>	100'	50'	N/A	N/A	N/A	N/A
<b>Shoreline Residential - Ward Lake</b>	75'	20'	N/A	N/A	N/A	N/A
<b>Shoreline Residential – Ken Lake, Budd Inlet</b>	30'	20'	N/A	N/A	N/A	N/A
<b>Marine Recreation – Budd 5C</b>	75'	30'	50'	Physical Access	7'	See 18.20.620(D)(2)
				Trail	7'	See 18.20.620(D)(3)
				Restoration of vegetation	Up to 7'	See 18.20.620(D)(4)
				Bulkhead Removal >50% frontage	10'	See 18.20.620(D)(5)
				Bulkhead Removal <50% frontage	5'	See 18.20.620(D)(5)
				Replacement of hardened shoreline with soft structural stabilization measures water-ward of OHWM.	12.5'	See 18.20.620(D)(6)
Water Dependent Uses Reduce from 75' to 20' or 0'				Water Dependent Use	55' or 100% (75')	See 18.20.620(D)(7)
<b>Waterfront Recreation – Budd 3B</b>	50'150' or the east side of West Bay Drive whichever is less.	50'150' or the east side of West Bay Drive whichever is less.	150'50'	N/A	N/A	N/A
Water Dependent Uses Reduce from 30' to 0'				Water Dependent Use	100% (30')	See 18.20.620(D)(7)

<b>Shoreline Environment</b>	<b>Shoreline Setback</b>	<b>Vegetation Conservation Area</b>	<b>Setback and VCA with maximum reduction—Non-water dependent</b>	<b>Incentive eligible provisions – See 18.20.620(D)(1)</b>	<b>Shoreline Setback and VCA reduction</b>	<b>Required Standards</b>
<b>Waterfront Recreation – Cap 6</b>	30'	30'	30'	N/A	N/A	N/A
Water Dependent Uses Reduce from 30' to 0'				Water Dependent Use	100% (30')	See 18.20.620(D)(7)
<b>Waterfront Recreation Cap-7 (Marathon Park)</b>	30'	30'	30'	N/A	N/A	N/A
Water Dependent Uses Reduce from 30'to 0'				Water Dependent Use	100% (30')	
<b>Urban Intensity -Budd 3A</b>	30'	30'	30'	N/A	N/A	N/A
Water Dependent Uses Reduce from 30'to 0'				Water Dependent Use	100% (30')	
<b>Urban Intensity -Budd 4</b>	30'	0'	30'	N/A	N/A	N/A
Water Dependent Uses Reduce from 30' to 0'				Water Dependent Use	100% (30')	
<b>Urban Intensity - Budd 5A</b>	30'	0'	30'	N/A	N/A	N/A
Water Dependent Uses Reduce from 30'-0'				Water Dependent Use	100% (30')	
<b>Urban Intensity -Budd 6A</b>	100'	0'	100'	N/A	N/A	N/A
<b>Port Marine Industrial – Budd 5B</b>	0'	0'	0'	N/A	N/A	See 18.20.620(D)(8)

**3.423 18.20.630 - Agriculture**

- A. The creation of new agricultural lands and/or activities is prohibited.
- B. Confinement lots, feeding operations, lot wastes, stockpiles of manure solids and storage of noxious chemicals are prohibited.
- C. Existing agricultural activities shall be allowed to continue subject to:
  - 1. Expansion or modification of existing agricultural uses shall be conducted in a manner that avoids impacts to shoreline ecological functions and processes and shall comply with critical areas regulations set forth in this chapter; and

2. Appropriate farm management techniques shall be used to prevent contamination of nearby water bodies and adverse effects on plant, fish, and animal life from the application of fertilizers and pesticides.
- D. Development on agricultural land that does not meet the definition of agricultural activities and the conversion of agricultural land to nonagricultural uses shall be consistent with the environment designation, and general and specific use regulations applicable to the proposed use and not result in a net loss of shoreline ecological functions.

### **3.434 18.20.640 - Aquaculture**

- A. Aquaculture is dependent on the use of the water area and, when consistent with control of pollution and prevention of damage to the environment, is a preferred use of the water area.
- B. Commercial aquaculture shall conform to all applicable state and federal regulations. The City may accept application documentation required by other permitting agencies for new and expanded aquaculture uses and development to minimize redundancy in permit application requirements. Additional studies or information may be required by the City, which may include but is not limited to monitoring and adaptive management plans and information on the presence of and potential impacts to, including ecological and visual impacts, existing shoreline, or water conditions and/or uses, vegetation, and overwater structures.
- C. Aquaculture activities and facilities shall be located where they do not adversely impact native eelgrass and microalgae species or other critical saltwater habitats, priority species or species of concern, or habitat for such species as defined in OMC 18.20.120. Aquaculture uses and activities shall observe all upland and aquatic buffers or setbacks required by applicable state or federal regulations. Larger buffers or other protections may be required if supported by relevant resource agencies in coordination with the Administrator. Aquaculture shall not be permitted in areas where it would result in a net loss of shoreline ecological functions, or where adverse impacts to critical saltwater habitats cannot be mitigated according to OMC 18.20.410(B).
- D. Aquaculture for the recovery of native populations is permitted when part of an approved restoration or habitat management plan complying with this Chapter.
- E. In addition to other requirements in this chapter, applications for commercial geoduck aquaculture shall meet all minimum permit requirements and contain all of the items identified in WAC 173-26-241(3)(b)(iv)(F).

### **3.445 18.20.650 - Boating Facilities - General Regulations**

- A. Boating facilities which will adversely impact shoreline ecological functions and system-wide processes, especially in highly sensitive areas such as estuaries and other wetlands, forage fish habitat, and other critical saltwater habitats, are prohibited.
- B. Marinas and launch ramps shall be located in areas where there is adequate water mixing and flushing, and shall be designed not to retard or negatively influence flushing characteristics.
- C. Marinas and boat launch ramps shall be located only on stable shorelines where water depths are adequate to avoid the net loss of shoreline ecological functions and processes, and eliminate or minimize the need for offshore or foreshore channel construction dredging, maintenance dredging, spoil disposal, filling, beach feeding and other river, lake, harbor, and channel maintenance activities.
- D. All boating facilities, including marinas and boat yards, shall utilize effective measures to prevent the release of oil, chemicals, or other hazardous materials into the water.
- E. Marinas and boat launches shall provide physical and visual public access. This requirement may be waived by the Administrator if the applicant demonstrates that public access is not feasible in accordance with the provisions of OMC 18.20.450.

- F. Locate boating facilities where parking and access can be provided without causing adverse impacts to adjacent properties.
- G. Restrooms and garbage facilities shall be provided at marinas and boat launching facilities.
- H. Lighting for boating facilities shall be designed to minimize light and glare, especially where it is visible to adjacent properties and properties across the water. Illumination levels shall be the minimum necessary for the intended use. All light fixtures shall be fully shielded and oriented to avoid shining directly on the water and to prevent spillover offsite.
- I. Mooring of boats for extended periods shall comply with applicable state regulations.

**3.456 18.20.652 - Boat Launch Ramps**

- A. Boat launch ramps shall be located, designed, constructed, and maintained to reduce impacts to the shoreline. Preferred ramp designs, in order of priority, are:
  - 1. Open grid designs with minimum coverage of beach substrate;
  - 2. Seasonal ramps that can be removed and stored upland; and
  - 3. Structures with segmented pads and flexible connections that leave space for natural beach substrate and can adapt to change in beach profile.
- B. Ramps shall be located, constructed, and maintained where alterations to the existing foreshore slope can be avoided or minimized.

**3.467 18.20.654 - Marinas**

- A. New marinas are allowed only when they are consistent with Olympia's Shoreline Program and only when the proponent demonstrates that all of the following conditions are met:
  - 1. The proposed location is the least environmentally damaging alternative. Shallow water embayments, areas of active channel migration where dredging would be required, and areas of intact shoreline ecological functions and processes shall be avoided;
  - 2. To the extent feasible, hard armoring is avoided (see Section C below);
  - 3. Potential adverse impacts on shoreline processes and ecological functions are mitigated to achieve no net loss;
  - 4. The area has adequate water circulation and flushing action, and the marina is designed so that it does not negatively influence flushing characteristics;
  - 5. The proposed location will not require excavation and/or filling of wetlands or stream channels; and
  - 6. Suitable public infrastructure is available, or can be made available by project completion, to support the marina.
- B. Where permitted, marinas shall be designed, constructed, and operated as follows:
  - 1. Floating structures shall be designed to prevent grounding on tidelands. Floats shall not rest on the substrate at any time. Stoppers or stub pilings shall be used to keep the bottom of the float at least one foot above the level of the substrate;
  - 2. Piers and other structures shall be located, sized, and designed to minimize shading of nearshore aquatic habitats and impacts to species that use these areas;
  - 3. Solid structures shall be designed to provide fish passage through and along the shallow water fringe;
  - 4. Marina development shall be required to provide public access amenities pursuant to OMC 18.20.450, Public Access. The location and design of public access shall be determined

based on a given location and the public access needs in the vicinity of the marina. Existing public access shall not be adversely impacted;

5. Impacts to navigation shall be avoided; where unavoidable, impacts shall be mitigated;
6. New floating homes and on water residences are prohibited. This provision shall not apply to live-aboard vessels expressly approved as part of a marina. A floating home permitted or legally established prior to January 1, 2011 and floating on water residences legally established prior to July 1, 2014 will be considered conforming uses.
7. Live-aboard vessels are permitted in marinas only as follows:
  - a. ~~if a~~ Adequate solid waste and sanitary sewer disposal facilities are provided and maintained;
  - b. Vessels must be for residential use only;
  - c. Slips occupied by live-aboard vessels shall not exceed 20 percent of the total slips in the marina; and
  - d. Vessels must be operational for cruising.
- ~~6-8.~~ Liveaboard vessels must comply with all marine regulations, policies and procedures of the U.S. Coast Guard, and any other federal and state government agencies that pertain to health, safety and/or environmental protection. Proof of seaworthiness of the vessel and the adequacy of the mooring arrangement must be provided and laws of the City must be obeyed.
- ~~7-9.~~ Marinas shall provide restrooms and solid waste receptacles to accommodate marina users, and shall have facilities and established procedures for the collection of solid waste or sewage, other than discharge into the water;
- ~~8-10.~~ Marinas shall provide pump-out, holding and/or treatment facilities for sewage contained on boats or vessels;
- ~~9-11.~~ Marina operators shall post all regulations pertaining to handling and disposal of waste, sewage, fuel and oil or toxic materials where they can be easily read by all users;
- ~~10-12.~~ Marinas shall have facilities and established procedures for the containment and recovery of spilled petroleum or toxic products; and
- ~~11-13.~~ Marina buildings shall conform to the setbacks established in Table 6.3.

- C. Where allowed, marinas that involve breakwaters shall meet all of the following design criteria:
1. Breakwaters built water-ward in a perpendicular plane to the shoreline shall not be allowed as a continuous one-piece structure;
  2. The toe of the breakwater may not extend water-ward of the Ordinary High Water Mark more than 250 feet from mean higher high water;
  3. Breakwaters shall be built so that the side slopes shall not be steeper than 1-1/2-foot horizontal to 1-foot vertical slope;
  4. The opening between a shore breakwater and an isolated breakwater shall not be less than 20 feet in width as measured at the toe of the slope;
  5. Openings must be maintained at project depth at all times in order to ensure proper circulation and fish passage;
  6. Openings may be either offset or in-line design;
  7. Openings may also be used as navigational channels;

8. The opening must be sized (depth and/or width) so as to ensure proper circulation inside the marina configuration and exchange with the outside bay. To facilitate this exchange, the volume of the tidal prism (water present between mean low and mean high tide) shall be not less than 50 percent of the total volume of the basin;
9. The depth of the openings shall be at least as deep as the average depth of the marina; and
10. Openings may be baffled to protect the marina against wave action but in no instance should the baffling impede water circulation or fish movement.

**3.478 18.20.656 - Boat Storage**

- A. Boat storage shall be located upland unless:
  1. No suitable upland locations exist for such facilities;
  2. It can be demonstrated that wet moorage would result in fewer impacts to ecological functions and processes; or
  3. It can be demonstrated that wet moorage would enhance public use of the shoreline.
- B. Marinas that provide dry upland storage shall use a launch mechanism that protects shoreline ecological functions and processes and minimizes use of shoreline areas.
- C. Dry moorage and other storage areas shall be located away from the shoreline and be landscaped with native vegetation to provide a visual buffer for adjoining dissimilar uses or scenic areas.
- D. Boat-houses/Boat Storage Buildings above and landward of the Ordinary High Water Mark are permitted, and must comply with all the following:
  1. A view corridor of not less than 35 percent of the width of the property shall be maintained between the abutting street and waterway;
  2. The structure does not exceed the maximum height set forth on Table 6.2; and
  3. The structure shall be visually compatible with the surrounding environment.

**3.489 18.20.658 - Covered Moorage**

- A. New overwater covered moorage and the expansion of existing covered moorage is prohibited.

**3.4950 18.20.660 - Commercial Use and Development – General**

- A. The construction of new and the expansion of existing overwater commercial buildings is prohibited, except construction or expansion for an authorized water dependent commercial use.
- B. Public access shall be provided for all commercial use and development pursuant to OMC 18.20.450.
- C. Vegetation conservation areas, as required per Table 6.3, shall be provided, and planted pursuant to the provisions in Section 18.20.492.
- D. Commercial development shall not impact the rights of navigation.
- E. Home occupations are not considered to be commercial uses.

**3.501 18.20.663 - Water-Oriented Commercial Use and Development**

- A. Water-oriented commercial use and development shall demonstrate that:
  1. There will be no net loss of shoreline ecological functions or processes;
  2. There will be no significant adverse impact on other shoreline uses, resources and/or values such as navigation, recreation, public access, and design compatibility; and
  3. The design, layout, and operation of the use or development meet the definition of water-oriented uses.



### **3.512 18.20.667 - Non-Water-Oriented Commercial Use and Development**

Non-water-oriented uses may be allowed only if they are part of a mixed use development that include water-oriented uses, provide public access, and shoreline enhancement/restoration. The applicant shall demonstrate that the project will result in no net loss to shoreline ecological functions or processes. In areas zoned for commercial use, nonwater-oriented commercial development may be allowed if the site is physically separated from the shoreline by another property or right-of-way.

### **3.523 18.20.670 - Industrial Development**

- A. Water-dependent or water-related industrial development shall be permitted when the applicant demonstrates that:
  - 1. It will not cause a net loss of shoreline ecological functions or processes;
  - 2. It will not have significant adverse impacts on other shoreline uses, resources and/or values such as navigation, recreation, and public access; and
  - 3. The design, layout, and operation of the use or development meet the definition of water-dependent or water-related uses.
- B. The construction of new non-water oriented industrial uses is prohibited. The expansion of existing non-water-related or non-water dependent industrial uses shall require a Shoreline Conditional Use Permit in accordance with OMC 18.20.250(A). Any setback area may be used for additional public access or shoreline restoration.
- C. Cooperative use of docking, parking, cargo handling and storage facilities on industrial properties shall be provided where feasible.
- D. Design port facilities to permit viewing of harbor areas from viewpoints, waterfront restaurants, and similar public facilities which would not interfere with port operations or endanger public health or safety.
- E. Industrial use or development shall be located and designed to minimize the need for initial or recurrent dredging, filling or other harbor and channel maintenance activities.
- F. Industrial use or development shall include the capability to contain and clean-up spills, leaks, discharges, or pollutants, and shall be responsible for any water or sediment pollution they cause.
- G. Water storage and handling of logs shall be limited to the marine shoreline and shall be subject to the following standards:
  - 1. Permits shall contain provisions for the cleanup of log dumping and rafting areas, and disposal of solid wastes;
  - 2. Bark and wood debris controls, together with collection and disposal facilities, must be employed at log dumps, raft building areas, and mill handling areas; and
  - 3. Permits for 'free-fall' dumping of logs shall not be issued unless the applicant can demonstrate that this method will create fewer adverse impacts than the 'gradual' method. The use of log bundling and other devices shall be used to reduce adverse impacts.
- H. Dry-land storage of logs shall be limited to the marine shoreline and shall be subject to the following standards:
  - 1. Unpaved storage areas underlain by permeable soils shall have at least a four (4) foot separation between the ground surface and the winter water table; and
  - 2. Dikes, drains, vegetative buffer strips or other means shall be used to ensure that surface runoff is collected and discharged in a manner least detrimental to water quality from the storage area. The applicant shall demonstrate that water quality standards or criteria will not be violated by such runoff discharge under any conditions of flow in nearby water sources.

- I. Sites for the storage and/or distribution of natural resource materials (e.g., rock, sand, and gravel) shall be located, designed, and operated in accordance with the provisions of Olympia's Shoreline Program. Loading areas at the water's edge shall be the minimum necessary and shall include measures to reduce erosion of the shoreline, damage to vegetation, and impacts to water quality.
- J. The construction of new, or the expansion of existing, overwater industrial buildings is prohibited, except construction or expansion for an authorized water-dependent industrial use.

**3.534 18.20.680 - Recreation**

- A. Water-oriented recreation uses and development are preferred shoreline uses and shall be allowed when the applicant demonstrates that they:
  - 1. Will not cause a net loss of shoreline ecological functions or processes; and
  - 2. Will not have significant adverse impacts on other shoreline uses, resources and/or values such as navigation and public access.
- B. Park and recreation facilities may be used for events and temporary uses when the proposed use will not damage the shoreline. Structures associated with such uses shall be located as far landward as feasible and shall be removed immediately after the event is over. Shoreline areas shall be returned to pre-event conditions.
- C. Recreational use and development shall include appropriate mitigation to minimize light and noise impacts on adjoining properties. Such measures shall include, but not be limited to, fencing, vegetative screening, increased setbacks, limited hours of operation, and other appropriate measures. Where lighting is used, the illumination levels shall be the minimum needed for the intended use. Lighting must be shielded to avoid light and glare on the water and to prevent spillover offsite.
- D. The construction of new trails or the expansion of existing trails shall be subject to the mitigation sequencing process and shall be designed to minimize impacts to the ecological functions of the shoreline while providing access and waterfront enjoyment to the public.
- E. All commercial recreation facilities shall conform to this section and OMC sections 18.20.660, 18.20.663, and 18.20.667.
- F. Recreational facilities shall be located, designed, and operated in a manner consistent with the purpose of the environment designation in which they are located.

**3.545 18.20.690 - Residential Use and Development**

- A. New residential development, including additions to existing structures, shall meet the development standards set forth on Tables 6.2 and 6.3 particularly and this title in general.
- B. Residential development shall be designed to:
  - 1. Maintain or improve ecological functions and processes;
  - 2. Preserve and enhance native shoreline vegetation; or if vegetation is degraded or none is present, restore or enhance in accordance with the provisions of OMC 18.20.492;
  - 3. Control erosion and impacts to slope stability;
  - 4. Avoid the use of shoreline armoring at the time of construction and in the future;
  - 5. Preserve shoreline aesthetic character; and
  - 6. Minimize structural obstructions to normal public use and views of the shoreline and the water.
- C. A small waterfront deck or patio can be placed along the shoreline provided:

1. The waterfront deck or patio and associated access path, covers less than 25 percent of the VCA and native vegetation covers a minimum of 75 percent of the VCA;
  2. Within 25 feet of the Ordinary High Water Mark, for every one square foot of waterfront deck or patio in the VCA, three square feet of vegetation shall be provided in the VCA;
  3. The total area of the waterfront deck or patio shall not exceed 400 square feet;
  4. Pervious materials are used;
  5. The deck or patio is setback a minimum of five feet from the Ordinary High Water Mark; and
  6. The upper surface of the deck or patio is no more than two feet above grade and is not covered.
- D. Overwater residential development shall be prohibited. This provision shall not apply to live-aboard vessels expressly approved as part of a marina.
- E. New residential development of more than nine lots or units shall provide public access for use by residents of the development and the general public. Public access shall be located, designed, and managed in accordance with the provisions of OMC 18.20.450.
- F. To preserve views of the water, fences shall not be allowed within Vegetation Conservation Areas. Fences within the shoreline setback area are permitted provided they do not exceed 48 inches in height.
- G. When two or more undeveloped single-family legal building sites are contiguous within shorelines, only a single joint-use dock with a common access easement is permitted for use by those two or more residential units.
- H. For new multi-unit residential developments, only one single joint-use dock shall be allowed for the entire development.
- I. Plats and subdivisions shall be designed, configured, and developed in a manner that assures no net loss of shoreline ecological functions will occur as a result of full build out of all lots and in a manner that prevents the need for new shoreline stabilization or flood hazard reduction measures.

### **3.556 18.20.700 - Transportation and Trail Facilities**

- A. The following provisions apply to trail, road, and railroad expansions:
1. The improvements shall be located as far landward as feasible;
  2. The construction shall be designed to protect the adjacent shorelands against erosion, uncontrolled or polluting drainage, and other factors detrimental to the environment both during and after construction;
  3. The proposed width shall be the minimum necessary for the proposed improvements;
  4. The project shall be planned to fit the existing topography as much as feasible, thus minimizing alterations to the natural environment;
  5. Streams or natural drainage ways within the road corridor shall be protected, and fish passage shall not be impaired;
  6. All debris, overburden and other waste materials from construction shall be disposed of to prevent their entry into the adjoining water body;
  7. The location and design of roadway expansions shall not compromise existing and planned shoreline public access or compromise existing and planned habitat restoration or enhancement projects; and
  8. The project shall not result in the net loss of shoreline ecological functions or processes.

- B. Transportation facilities shall be designed to cross shoreline areas by the shortest, most direct route feasible.
- C. Access roads and/or drive lanes serving shoreline parcels shall be the minimum width necessary.
- D. Bridges may be permitted within sensitive fish and wildlife habitat only if the following conditions are met:
  - 1. An alternative alignment is not feasible;
  - 2. The project is located or designed to minimize its impacts on the environment;
  - 3. Adverse impacts are mitigated to achieve no net loss of shoreline ecological functions and system-wide processes;
  - 4. Open-piling and piers required to construct the bridge may be placed water-ward of the Ordinary High Water Mark if no alternative method is feasible; and
  - 5. All other applicable provisions of this chapter and OMC Chapter 18.32, Critical Areas, are met.
- E. Trails and shared use paths are considered transportation facilities and are allowed within the shoreline setback, vegetation buffer, and overwater. As such, they are subject to the provisions herein including OMC 18.20.410(B). Where feasible new public trails and shared use paths shall use abandoned rail corridors to minimize disturbance of the shoreline.
- F. Special procedures for WSDOT projects:
  - 1. Pursuant to RCW 47.01.485, the Legislature established a target of ninety (90) days review time for local governments.
  - 2. Pursuant to RCW 90.58.140, Washington State Department of Transportation projects that address significant public safety risks may begin twenty-one (21) days after the date of filing if all components of the project will achieve no net loss of shoreline ecological functions.

### **3.567 18.20.710 - Utilities**

- A. Utility facilities and lines shall be designed and located to avoid net loss of shoreline ecological functions, preserve the natural landscape, and minimize conflicts with existing and planned land and shoreline uses.
- B. New public or private utilities, including both lines and associated facilities, shall be located as far landward of the Ordinary High Water Mark as feasible, preferably outside of the shoreline jurisdiction, and be located at least 30 feet landward of the OHWM, unless:
  - 1. The utility requires a location adjacent to the water, such as a stormwater outfall; or
  - 2. Alternative locations are infeasible; or
  - 3. Utilities are serving uses and activities permitted by this chapter.
- C. Onsite utilities serving a primary use, such as a water, sewer, communication, electric, or gas line to a residence, are accessory utilities and shall be considered part of the primary use.
- D. Utilities that need water crossings shall be placed deep enough to avoid the need for bank stabilization and stream/riverbed filling both during construction and in the future due to flooding and bank erosion that may occur over time. Boring, rather than open trenches, is the preferred method of utility water crossings.
- E. Where no other options exist, in-water utility corridors may be allowed provided the corridor is located and designed to minimize impacts to shoreline ecology and processes, and adverse impacts are mitigated.

- F. When feasible, utility lines shall use existing rights-of-way, corridors and/or bridge crossings and shall avoid duplication and construction of new parallel corridors in all shoreline areas.
- G. Utility facilities shall be constructed using techniques that minimize the need for shoreline fill.
- H. New utility installations shall be planned, designed, and located to eliminate the need for structural shoreline armoring or flood hazard reduction measures.
- I. Vegetation clearing during utility installation and maintenance shall be minimized, and disturbed areas shall be restored or enhanced following project completion.
- J. Pipes that outfall directly into the water shall be designed and located to minimize adverse impacts on shoreline ecological functions and processes.
- K. Utility corridors shall be located and designed to protect scenic views. Where feasible, utilities shall be placed underground or alongside or under bridges, unless doing so would cause greater ecological impact or harm.
- L. Stormwater facilities are prohibited where alternatives are feasible. Any stormwater facility located within a minimum width vegetation conservation area shall be landscaped consistent with 'VCA' requirements.
- M. To the greatest extent feasible, new utility systems shall be co-located with other existing or planned utilities, roadways and/or railways and/or placed within already-disturbed corridors whenever feasible.

### **3.578 18.20.800 - Shoreline Modifications – General Provisions**

- A. Shoreline modifications are structures or actions that permanently change the physical configuration or quality of the shoreline, particularly at the point where land and water meet. Shoreline modifications include, but are not limited to structures such as dikes, breakwaters, piers, docks, weirs, dredge basins, fill, bulkheads, or other actions such as clearing, grading, application of chemicals, or vegetation removal. Generally, shoreline modifications are undertaken to prepare for a shoreline use, support an upland use, or to provide stabilization or defense from erosion.
- B. Proposals for shoreline modifications are to be reviewed for compliance with the applicable use policies and regulations in OMC 18.20.600 through 18.20.710 and the applicable shoreline modification regulations of this chapter. Deviations from the minimum development standards may only be approved under a shoreline variance unless specifically stated otherwise. Shoreline modifications listed as prohibited are not eligible for consideration as a shoreline variance.
- C. Only shoreline modifications that support or protect an allowed primary structure or a legally existing shoreline use are allowed. All others are prohibited.
- D. Shoreline modifications shall not result in the loss of shoreline ecological functions or ecosystem wide processes. All proposals for shoreline modifications shall take measures to avoid or reduce ecological impacts in accordance with the mitigation sequencing priorities set forth in OMC 18.20.410(B).
- E. Shoreline modifications individually and cumulatively shall not result in a net loss of shoreline ecological functions and ecosystem-wide processes. This shall be achieved by giving preference to those types of shoreline modifications that have a lesser impact on ecological functions and requiring mitigation of identified impact resulting from said modifications.
- F. Shoreline modifications shall comply with critical area and vegetation conservation standards in this chapter.
- G. New structural flood hazard reduction measures shall only be allowed when a geotechnical analysis demonstrates that they are necessary to protect existing development, that nonstructural measures

or other protection alternatives are not feasible, and that impacts to ecological functions and priority habitats and species can be successfully mitigated so as to assure no net loss.

- H. New structural flood hazard reduction measures shall be placed landward of associated wetlands and designated Vegetation Conservation Areas, except for actions that increase ecological functions.
- I. New public structural flood hazard reduction measures shall dedicate and improve public access pathways except when public access would cause unavoidable safety or health hazards to the public, unavoidable security or use conflicts, ecological impacts that cannot be avoided or mitigated, or disproportionate and unreasonable cost.

**3.589 18.20.810 - Permitted Shoreline Modifications**

Shoreline modifications may be allowed by shoreline environment designation as listed in Table 7.1. Aquatic environment provisions are based on the adjacent environment designation, including permitted with a Shoreline Substantial Development Permit or exemption (P), Shoreline Conditional Use permit (C), or prohibited outright (X). This table shall be used in conjunction with the written provisions for each use. Column notes provide additional clarification and identify other applicable City regulations.

**Table 7.1 – Shoreline Modifications**

<b>P – Permitted C – Conditional Use X – Prohibited X/P – Permitted only in specific cases. X/C – Allowed by conditional use only in specific cases.</b>	<b>Natural</b>	<b>All other Shoreline Environments</b>	<b>Aquatic (Same as adjacent shoreline environment designation)</b>	<b>Notes &amp; Applicable Regulations</b>
<b>Dredging</b>	C (Only for Ecological Restoration/ Enhancement Projects)	P	←	See OMC 18.20.820
<b>Fill</b>	C (Only for Ecological Restoration/ Enhancement Projects)	P	←	See OMC 18.20.830 through 837
<b>Piers, Docks, Floats and Buoys</b>	X	P	←	See OMC 18.20.840 through 18.20.848
<b>Ecological Restoration</b>	P	P	←	See OMC 18.20.850

<b>P – Permitted C – Conditional Use X – Prohibited X/P – Permitted only in specific cases. X/C – Allowed by conditional use only in specific cases.</b>	<b>Natural</b>	<b>All other Shoreline Environments</b>	<b>Aquatic (Same as adjacent shoreline environment designation)</b>	<b>Notes &amp; Applicable Regulations</b>
<b>and Enhancement</b>				through 18.20.855
<b>Instream Structures</b>	P	P	←	See OMC 18.20.857
<b>Shoreline Stabilization Hard Armoring</b>	X	X/P See OMC 18.20.870 <del>864</del>	←	See OMC 18.20.860 through 18.20.870
<b>Shoreline Stabilization Soft Armoring</b>	P	P	←	See OMC 18.20.860 through 18.20.870
<b>Breakwaters, Jetties, Groins, and Weirs</b>	X	X/C See OMC 18.20.874	←	See OMC 18.20.872 through 18.20.874
<b>Stair Towers</b>	X	X	←	Prohibited

**3.5960 18.20.820 - Dredging**

- A. New development shall be located and designed to avoid or, if avoidance is not feasible, to minimize the need for new dredging and maintenance dredging. Where permitted, dredging shall be limited to the minimum necessary for the proposed use.
- B. Dredging is permitted for the following activities (see Table 7.1 for permit type):
  1. In conjunction with a water-dependent use;
  2. In conjunction with a bridge, navigational structure or wastewater treatment facility for which there is a documented public need and where other feasible sites or routes do not exist;
  3. Maintenance of irrigation reservoirs, drains, canals, or ditches for agricultural and stormwater purposes;
  4. Establishing, expanding, relocating, or reconfiguring navigation channels and basins where necessary to assure safe and efficient accommodation of existing navigational uses;
  5. Maintenance dredging of established navigation channels and basins is restricted to maintaining previously dredged and/or existing authorized location, depth, and width. Dredging in Capitol Lake may be authorized upon approval of a management plan by agencies with jurisdiction;

6. Restoration or enhancement of shoreline ecological processes and functions benefiting water quality and/or fish and wildlife habitat;
  7. Public access and public water-oriented recreational development and uses, including the construction of piers, docks, and swimming beaches for public use; or
  8. Trenching to allow the installation of necessary underground pipes or cables if no alternative, including boring, is feasible, and:
    - a. Impacts to fish and wildlife habitat are avoided to the maximum extent feasible; and
    - b. The utility installation does not increase or decrease the natural rate, extent, or opportunity of channel migration; ~~and~~
- C. Dredging and dredge material disposal activities must employ appropriate best management practices to prevent water quality impacts or other environmental degradation, in accordance with OMC 18.20.510.
- D. Dredging is prohibited in the Natural shoreline environment designation and in Aquatic designated areas adjacent to shorelands with the Natural designation except where associated with ecological restoration projects.
- E. Dredging and dredge disposal is prohibited on or in archaeological sites that are listed on the Washington State Register of Historic Places until such time that they have been released by the State Archaeologist.
- F. Dredging for the primary purpose of obtaining material for landfill is prohibited.
- G. The disposal of dredge ~~spoils materials~~ in open water or on upland sites within shoreline jurisdiction is prohibited unless for beneficial uses such as shoreline restoration or enhancement.
- H. Prohibit any dredging which will damage shallow water habitat used by fish species for migration corridors, rearing, feeding and refuge, unless the project proponent demonstrates that all of the following conditions are met:
  1. An alternative alignment or location is not feasible;
  2. The project is designed to minimize its impact on the environment; and
  3. The facility is in the public interest.
- I. If the project creates significant unavoidable adverse impacts, the impacts shall be mitigated by creating in-kind habitat near the project. Where in-kind replacement mitigation is not feasible, rehabilitating degraded habitat may be required. Mitigation shall be in accordance with the mitigation priorities set forth in OMC 18.20.410(B).

### **3.601 18.20.830 - Fill**

Fill is the addition of soil, sand, rock, gravel, sediment, earth retaining structure, or other material to an area water-ward of the Ordinary High Water Mark, in wetlands or other critical areas, or on shorelands in a manner that raises the elevation or creates land above the elevation of the Ordinary High Water Mark. Any fill activity conducted within the shoreline jurisdiction must comply with the following provisions.

### **3.612 18.20.833 - Shoreland Fill**

- A. Fill shall be the minimum necessary to accommodate the proposed use or development or protect it from flooding, and allowed only in conjunction with approved shoreline use and development activities that are consistent with Olympia's Shoreline Program.
- B. Fill shall be permitted only when it can be demonstrated that the proposed action will not:
  1. Result in significant damage to water quality, fish, shellfish, and wildlife habitat;



2. Adversely alter natural drainage and circulation patterns, currents, river, and tidal flows or significantly reduce flood water capacities; or
  3. Alter channel migration, geomorphic, or hydrologic processes.
- C. Except for beach feeding, fill shall be designed, constructed, and maintained to prevent, minimize and control all material movement, erosion, and sedimentation from the affected area.
  - D. Fill for the construction of transportation facilities is allowed only when there is a demonstrated purpose and need, there are no feasible alternatives, and impacts are mitigated in accordance with mitigation priorities in OMC 18.20.410(B).
  - E. Fill shall not be used as a means to increase the allowable building height by increasing the natural or finished grade, except as authorized to meet the flood elevation requirements of OMC Chapter 16.70.
  - F. Fill for the sole purpose of creating land area is prohibited.
  - G. The excavation of beach material for fill is prohibited.
  - H. Fill within critical areas and/or critical area buffers shall comply with this chapter and the critical areas provisions of Chapter 18.32.
  - I. Perimeters of fill shall be designed to eliminate the potential for erosion and be natural in appearance. Perimeter slopes shall not exceed 1 foot vertical for every 3 feet horizontal unless an engineering analysis has been provided, and the Administrator determines that the landfill blends with existing topography.
  - J. Fill shall consist of clean material including sand, gravel, soil, rock, or similar material approved by the City. The use of contaminated material or construction debris is prohibited.
  - K. Fill shall not be located where shoreline stabilization will be necessary to protect materials placed or removed. Disturbed areas shall be immediately stabilized and revegetated to avoid erosion and sedimentation.
  - L. Fill within the shoreline jurisdiction shall be allowed in response to increases in sea level subject to all other provisions of this Master Program and the mitigation sequencing process.

**3.623 18.20.837 - Fill Water-ward of Ordinary High Water Mark**

- A. Fill water-ward of the Ordinary High Water Mark shall be permitted for the following purposes only, with due consideration given to specific site conditions and only as part of an approved use or development:
  1. Port development for water dependent uses where other upland alternatives or structural solutions, including pile or pier supports is infeasible;
  2. Expansion or alteration of transportation facilities where there are no feasible upland alternatives;
  3. Ecological restoration or enhancement such as beach nourishment, habitat creation, or mitigation when consistent with an approved restoration or mitigation plan;
  4. Disposal of dredge material in accordance with the Dredge Material Management Program (DMMP) of the Department of Natural Resources;
  5. Construction of protective berms or other structures to prevent the inundation of water resulting from sea level rise shall be allowed subject to all other provisions of this Master Program and the mitigation sequencing process when there are no other feasible options to protect existing development;
  6. Public access; or
  7. Cleanup of contaminated sites.

- B. Fill shall be the minimum necessary for the intended use or activity.

**3.634 18.20.840 - General Moorage (Piers, Docks, Floats, and Buoys) Provisions**

- A. All new or modified structures shall be allowed only in support of an allowed water-dependent or public access use and must comply with all applicable local, state, and federal regulations.
- B. New docks, piers and floats shall be located, designed, and constructed in accordance with the mitigation sequencing priorities in OMC 18.20.410(B).
- C. Moorage shall be designed and located so as not to constitute a hazard to navigation or other public uses of the water. Docks, piers and floats are prohibited on lakes or marine water bodies where the distance to the opposite shore is 150 feet or less.
- D. The length, width and height of piers, docks and floats shall be no greater than that required for safety and practicality of the intended use. They shall be spaced and oriented in a manner that avoids shading of substrate below and do not create a 'wall' effect that would impair wave patterns, currents, littoral drift, or movement of aquatic life forms.
- E. Those projects which are found to block littoral drift or cause new erosion of down-drift shoreline shall be required to establish and maintain an adequate long-term beach feeding program. This may include artificially transporting sand to the down-drift side of an inlet with jetties; or artificial beach feeding in the case of breakwaters, groins, and weirs.
- F. All piers, docks, floats, or similar structures shall float at all times on the surface of the water or shall be of fixed pile construction. Floating structures shall at no time be grounded on the substrate.
- G. All moorage facilities shall be constructed and maintained in a safe and sound condition. Abandoned or unsafe structures shall be removed or promptly repaired by the owner.
- H. Docks, piers, and floats shall be constructed of materials that will not adversely affect water quality or aquatic plants and animals over the long-term. Materials for any portions of the structure that come in contact with the water shall be approved by the appropriate state agency.
- I. Lighting associated with moorage facilities shall be beamed, hooded, or directed to avoid glare on adjacent properties or water bodies. Illumination levels shall be the minimum necessary for safety. Artificial night time lighting shall be the minimum necessary for public safety.
- J. New overwater covered moorage is prohibited.
- K. The design, construction and maintenance of piers and docks shall not restrict any public access or ability to walk along the shoreline. If unavoidable, alternate means of access, such as stairs and/or upland pathways, shall be provided.
- L. Any expansion, alteration, or modification of any moorage structure which results in any increase in horizontal area of the facility shall conform to all requirements of this chapter.

**3.645 18.20.842 - Moorage Buoys**

- A. Moorage buoys shall use neutral buoyancy rope, mid-line float, helical anchors, or other state approved designs that have minimal adverse effects on aquatic ecosystems.
- B. In marine waters, moorage buoys shall not be located water-ward of the outer harbor line or within designated navigation channels where established by the Washington Department of Natural Resources or the U.S. Coast Guard.
- C. Only one moorage buoy shall be allowed per waterfront lot except that a shoreline variance may be sought for additional buoys for public waterfront parks or residential subdivisions where individual lots do not front on the shoreline.

- D. In lakes, moorage buoys shall not be located farther water-ward than existing buoys, or established swimming areas, and shall not interfere with navigation or use of the water.
- E. Moorage buoys must be discernible under normal daylight conditions at a minimum distance of 300 feet and must have reflectors for nighttime visibility.

**3.656 18.20.844 - Residential Docks, Piers or Floats**

- A. Shared residential moorage is required unless the applicant demonstrates why shared moorage is not feasible prior to approval of a residential pier, dock, or float. Considerations include but are not limited to proximity to other docks and willingness of adjoining property owners to participate in shared moorage.
- B. Where moorage is proposed for new subdivisions of more than two lots, or new multi-family development of more than two dwelling units, moorage shall be shared between lots or units.
- C. Shared moorage proposed for lease to five or more upland property owners shall be reviewed as a marina in accordance with the provisions of OMC 18.20.654.
- D. Where individual moorage is allowed, only one type of moorage facility shall be allowed per waterfront lot. The use of residential boat lifts is permitted.
- E. A new joint use pier, dock, or float may be permitted on a community recreation lot shared by a number of waterfront or upland lots. Individual recreational floats (not for moorage) are permitted as long as they are not located farther water-ward than existing floats or established swimming areas.
- F. If moorage is anticipated after initial residential development (including plats, multi-family developments, and mixed use developments), the applicant shall specifically identify and reserve an area for the future moorage.
- G. All docks, piers, and floats shall be painted, marked with reflectors, or otherwise identified so that they are visible during day or night.
- H. Placing fill water-ward of the Ordinary High Water Mark for purposes of constructing a dock or pier is prohibited.

**3.667 18.20.846 - Marine Docks and Piers**

- A. In marine waters, the maximum length of new or expanded piers or docks for private or recreational use shall not exceed 100 feet as measured from the mean higher-high water mark and not exceed a depth of -3 feet as measured from mean lower low water mark. If this is not sufficient depth to reach the desired depth for moorage, a buoy shall be used.
- B. The location, design, and construction of new or repaired private or recreational piers or docks in marine waters shall comply with all applicable state and federal regulations and the following standards:
  - 1. Docks and piers shall be set back from the side property line twenty (20) feet on marine waters, unless designated for shared use between adjacent property owners;
  - 2. Residential piers shall not exceed 4 feet in width. ~~The dock/pier surface must be grated and must incorporate a minimum of 60 percent grating or at the percentage required in a Hydraulic Permit Approval (HPA) from by the Department of Fish and Wildlife in WAC 220-660-380;~~
  - 3. The width of ramps connecting the pier and dock shall not exceed 4 feet in width and shall consist of a 100 percent grated surface;

4. Docks shall not rest on the tidal substrate at any time. Stoppers on the pilings anchoring the dock or stub pilings shall be installed so that the bottom of the dock's flotation is a minimum of 1 foot above the level of the beach substrate;
  5. If a dock is positioned perpendicular to the ramp, a small dock may be installed to accommodate the movement of the ramp due to tidal fluctuations. The dimensions of the small dock shall not exceed 6 feet in width and 10 feet in length;
  6. New or modified residential piers and docks as well as watercraft operation and moorage shall be located to avoid physical impacts to aquatic habitat. At a minimum pier and dock proposals shall ensure that structures are designed and located to protect critical saltwater habitat, and saltwater habitats of special concern as defined by the Department of Fish and Wildlife in WAC 220-660-310;
  7. Construction materials shall not include wood treated with creosote, pentachlorophenol, or other similarly toxic materials.
- C. There is no maximum length and width for commercial or industrial piers or docks; however, such piers and docks may not exceed the minimum size necessary for the intended use. The applicant must demonstrate that the proposed size and configuration is the minimum necessary and complies with all other provisions of this chapter.
- D. Docks, piers, floats and mooring buoys shall not intrude into or over critical saltwater habitats except when the following conditions are met and documented:
1. Avoidance by an alternative alignment or location is not feasible.
  2. Including any required mitigation, the project shall not result in a net loss of ecological functions associated with critical saltwater habitat.
  3. For public or commercial docks, the public's need for such a structure must be clearly demonstrated.
  4. All over-water and near shore developments in marine waters shall conduct an inventory of the site and adjacent beach sections to assess the presence of critical saltwater habitats and functions. Project-specific inventory and survey work shall follow scientifically accepted survey protocols and take place during the appropriate time of the year depending on species present, based on input from resource agencies.

**3.678 18.20.847 - Fresh Water Docks and Piers**

- A. In fresh water, the length of new or expanded piers or docks for private or recreational use shall not exceed fifty (50) feet as measured from the Ordinary High Water Mark.
- B. The location, design, and construction of new or repaired private or recreational piers or docks in fresh waters shall comply with all applicable state and federal regulations and the following standards:
  1. Only piers or ramps can be located within the first thirty (30) feet water-ward of the Ordinary High Water Mark;
  2. Pier and dock surface coverage shall not exceed the following:
    - a. 480 square feet for single use structures;
    - b. 700 square feet for two-party joint use; and
    - c. 1,000 square feet for residential pier/docks serving three or more residences.

3. Docks and piers shall not exceed four feet in width, except an additional two (2) feet of width can be allowed without a variance for a property owner with a condition that qualifies for state disability accommodation. ~~Sixty (60) percent of~~ The dock/pier surface area must be grated ~~or at~~ the percentage required in a Hydraulic Permit Approval (HPA) ~~from~~ by the Department of Fish and Wildlife in WAC 220-660-140;
  4. Docks shall not rest on the fresh water substrate at any time. Stoppers on the pilings anchoring the dock or stub pilings shall be installed so that the bottom of the dock's flotation is a minimum of one foot above the level of the beach substrate;
  5. Except for docks with floats, the bottom of all structures shall be a minimum of one and one-half feet above the water level established by the Ordinary High Water Mark;
  6. Floats or ells shall be oriented and grated at the percentage as required in a Hydraulic Permit Approval (HPA) from the Department of Fish and Wildlife.
  7. Construction materials shall be limited to untreated wood, approved plastic composites, concrete, or steel.
- C. Docks and piers shall be setback from the side property line ten (10) feet on fresh water.
- D. The required side yard setbacks may be waived with a shared use moorage facility for two or more property owners. The applicant or proponents shall file with the Thurston County Auditor a legally enforceable joint use agreement or other legal instrument that addresses the following as a condition of permit approval:
1. Apportionment of construction and maintenance expenses;
  2. Maintenance responsibilities for the facility and associated upland area in perpetuity by identified responsible parties;
  3. Easements and liability agreements;
  4. Use restrictions; and
  5. The easement must acknowledge that each property owner is giving up the right to construct a separate single-family pier.

**3.689 18.20.848 - Float Standards**

- A. Single property owner recreational floats shall not exceed 64 square feet. Multiple property owner recreational floats shall not exceed 96 square feet.
- B. The standards for private recreational floats are as follows:
1. Floats anchored offshore and used for residential recreational uses shall comply with the following standards:
    - a. Applicants shall contact the Washington Department of Natural Resources to inquire on the need for an aquatic lease for locating recreational floats within state aquatic areas; and
    - b. When feasible floats shall be removed seasonally and placed in an appropriate unvegetated upland location.
  2. Floats shall be located as close to shore as feasible without interfering with natural beach processes or negatively affecting aquatic vegetation.
  3. Floats shall not rest on the substrate at any time. In marine waters, floats shall be located (anchored) at sufficient depth to maintain a minimum of one foot of draft between the float and the beach substrate at low tide.

- C. Public recreational floats shall be the minimum size and dimensions necessary for the intended use, e.g., boat moorage, swimming area, public access. In no case shall a single float exceed 200 square feet.
- D. Public and private recreational floats shall comply with the following standards:
  - 1. Floats ~~orientation shall be oriented~~ and ~~the incorporation of~~ functional grating into the float surface area shall be in accordance ~~at a percentage as required with in a Hydraulic Permit Approval (HPA) from the Department of Fish and Wildlife requirements in WAC 220-660-140 for freshwater floats or WAC 220-660-380 for marine floats.~~
  - 2. For recreational floats anchored utilizing an embedded anchor; anchor lines shall not rest on or disturb the substrate at any time.
- E. Recreation floats must be discernible under normal daylight conditions at a minimum of 100 yards and must have reflectors for nighttime visibility.
- F. Only one recreational float shall be allowed per waterfront lot except that a shoreline variance may be sought for additional floats for public waterfront parks or residential subdivisions where individual lots do not front on the shoreline.

**3.6970 18.20.850 - Shoreline Restoration and Enhancement – Intent**

Restoration is the reestablishment or upgrading of impaired ecological shoreline processes or functions. This may be accomplished through measures including, but not limited to, revegetation, removal of intrusive shoreline structures, and removal or treatment of toxic materials. Restoration does not imply a requirement for returning the shoreline area to original or pre-European settlement conditions.

Enhancement includes actions performed within an existing degraded shoreline, critical area and/or buffer to intentionally increase or augment one or more functions or values of the existing area. Enhancement actions include, but are not limited to, increasing plant diversity and cover, increasing wildlife habitat and structural complexity (snags, woody debris), installing environmentally compatible erosion controls, or removing non-indigenous plant or animal species. The 2016 West Bay Environmental Restoration Assessment provides conceptual restoration approaches for some shoreline reaches.

**3.701 18.20.855 - Shoreline Restoration and Enhancement - General Provisions**

- A. Restoration and enhancement shall be allowed on all shorelines, and carried out by the applicant/proponent in accordance with an approved restoration/enhancement plan. Such plans shall be designed, constructed and maintained in accordance with the policies and regulations of Olympia’s Shoreline Program. Restoration and enhancement projects restore the natural character and ecological functions of the shoreline; and must be consistent with the implementation of a comprehensive restoration plan approved by the City and/or Department of Ecology, or the Administrator must find that the project provides an ecological benefit and is consistent with Olympia’s Shoreline Program.
- B. The City shall coordinate with other local, state, and federal regulatory agencies, tribes, and non-government organizations to ensure that mitigation actions are likely to be successful and achieve beneficial ecological outcomes.
- C. Shoreline property owners that remove hard-armoring or otherwise restore the shoreline prior to development may apply such restoration toward any mitigation required at the time of development provided that:
  - 1. The applicant/property owner can provide conclusive evidence of the pre- and post-restoration conditions using photographs, reports, plans, affidavits, or similar evidence;
  - 2. The City can confirm via site inspection, photographs, affidavits, or other evidence that the restoration actions have improved shoreline conditions;

3. The work has occurred on the same site within five years of the proposed development; and
  4. The applicant/property owner provides assurances that the restoration area will be preserved in perpetuity. Such assurance can be in the form of a notice on title, conservation easement, or similar mechanism.
- D. Shoreline restoration and enhancement may be permitted if the applicant demonstrates that no significant change to sediment transport will result and that the restoration or enhancement will not adversely affect shoreline ecological processes, water quality, properties, or habitat.
  - E. Shoreline restoration and enhancement projects shall use best available science and management practices.
  - F. Restoration shall be carried out in accordance with an approved shoreline restoration plan and in accordance with the policies and regulations of Olympia's Shoreline Program.
  - G. Restoration and enhancement projects shall be designed to minimize maintenance over time.
  - H. Restoration and enhancement projects shall be designed, constructed, and maintained to avoid the use of shoreline stabilization measures. Where such measures cannot be avoided, bioengineering shall be used rather than bulkheads or other stabilization measures, unless it can be demonstrated that there are no feasible options to achieve the intended result. Restoration and enhancement projects that include shoreline modification actions shall be authorized provided the primary purpose of such actions is clearly restoration of the natural character and ecological functions of the shoreline.
  - I. Restoration and enhancement projects shall not extend water-ward more than the minimum necessary to achieve the intended result and shall not result in the creation of additional upland area.
  - J. In accordance with RCW 90.58.580, a Substantial Development Permit is not required for development on land that is brought under shoreline jurisdiction due to a shoreline restoration project. However, projects are still required to comply with the regulations of this Master Plan.
  - K. Projects taking place on lands that are brought into shoreline jurisdiction due to a shoreline restoration project that caused a landward shift of the OHWM may apply to the Administrator for relief from the SMP development standards and use regulations under the provisions of RCW 90.58.580. Any relief granted shall be strictly in accordance with the limited provisions of RCW 90.58.580, including the specific approval of the Department of Ecology.

### **3.712 18.20.857 - Instream Structures**

Instream structures are permitted only when necessary for a restoration or enhancement project, to improve fish passage, or for permitted transportation or utility crossings and subject to the following requirements:

- A. Instream projects shall be evaluated for their potential adverse impacts upon the physical, hydrological, and biological characteristics as well as effects on instream/riparian habitat;
- B. Instream structures and associated facilities shall be designed, constructed, and maintained in a manner that will not degrade the quality of affected waters or instream/riparian habitat value, and minimizes adverse impacts to surrounding areas;
- C. The location and design of instream structures shall give due consideration to the full range of public interests, watershed functions and processes, and environmental concerns, with special emphasis on protecting and restoring priority habitats and species;
- D. Instream structures shall be designed based on an analysis of the reach or reaches to avoid the need for structural shoreline armoring; and

- E. Instream structures and associated facilities shall provide for the protection and preservation of natural and cultural resources including but not limited to, sensitive areas such as wetlands, waterfalls, erosion/accretion shore forms, and natural scenic vistas.

### **3.723 18.20.860 - Shoreline Stabilization - Intent**

Shoreline stabilization includes actions taken to address erosion impacts to property, dwellings, businesses, or structures caused by natural processes such as current, flood, tides, wind, or wave action.

These include structural and nonstructural methods. Nonstructural methods include building setbacks, relocation of the structure to be protected, erosion and groundwater management, and planning and regulatory measures to avoid the need for structural stabilization. Structural methods include 'hard' and 'soft' measures, defined as:

- A. Hard structural shoreline stabilization (also referred to as 'hard' armoring) means erosion control measures using hardened structures that armor and stabilize the shoreline from further erosion. Examples of hard armoring include concrete, boulders, dimensional lumber, or other materials to construct linear, sometimes vertical, faces. These include bulkhead, rip-rap, groins, revetments, and similar structures.
- B. Soft structural shoreline stabilization (also referred to as 'soft' armoring) means erosion control practices that contribute to restoration, protection, or enhancement of shoreline ecological functions. Examples of soft armoring include a mix of gravel, cobbles, boulders, logs, and native vegetation placed to provide stability in a non-linear, sloping arrangement.

### **3.734 18.20.862 - Shoreline Stabilization - New Development**

- A. New shoreline use and development including new lots shall be located and designed to eliminate the need for concurrent or future shoreline stabilization to the extent feasible. Lots created through subdivision processes shall not require shorelines stabilization for reasonable development to occur, as demonstrated through a geotechnical analysis of the site and shoreline characteristics. New development that would require shoreline stabilization which results in significant impacts to adjacent or down current properties will not be allowed.
- B. New non-water dependent development, including single-family residences, that includes new structural shoreline stabilization will not be allowed unless all of the conditions below can be met:
  - 1. The need to protect the primary structure from damage due to erosion is demonstrated through a geotechnical report. The damage must be caused by natural processes, such as tidal actions, currents, and waves;
  - 2. The erosion is not being caused by upland conditions such as loss of vegetation and drainage;
  - 3. Nonstructural measures such as placing the development further from the shoreline, planting vegetation, or installing onsite drainage improvements are not feasible or sufficient; and
  - 4. The erosion control structure will not result in a net loss of shoreline ecological functions or processes.
- C. New water dependent development or new structural shoreline stabilization for existing water dependent development will not be allowed unless all of the conditions in B above are met. However, the considerations of placing the development further from the shoreline and erosion being caused by natural processes do not apply to water dependent development that can demonstrate its need for a waterfront location due to the nature of its operations.

### **3.745 18.20.864 - New or Expanded Shoreline Stabilization Measures**

- A. New or enlarged structural stabilization measures are prohibited except where necessary to protect or support legally existing primary structures or shoreline uses, in support of water dependent uses, for human safety, for restoration or enhancement activities, or remediation of contaminated sites.



- B. Structural shoreline armoring for the sole purpose of leveling or extending property or creating or preserving residential lawns, yards, or landscaping shall be prohibited. Where hard shoreline armoring already exists, property owners are encouraged to remove it and replace with soft armoring, or if conditions allow, return the shoreline to a natural condition.
- C. New or enlarged structural shoreline stabilization measures to protect legally existing primary structures or shoreline uses are prohibited unless there is conclusive evidence, documented by a geotechnical analysis that the structure is in danger from shoreline erosion caused by tidal action, currents, or waves. Further:
  - 1. Normal sloughing, erosion of steep bluffs, shoreline erosion of steep bluffs, or shoreline erosion itself, without a scientific or geotechnical analysis that demonstrates a danger exists to an existing development or residence, is not a demonstration of need;
  - 2. The geotechnical analysis shall evaluate onsite drainage issues and address drainage problems away from the shoreline edge before considering structural shoreline stabilization;
  - 3. The design of the stabilization structure shall take into consideration erosion rates, onsite drainage issues, vegetation enhancement, and low-impact development measures as a means of reducing erosion;
  - 4. The analysis must demonstrate that nonstructural measures, planting vegetation, or installing onsite drainage improvements are not feasible or not likely to be sufficient; and
  - 5. The erosion control structure shall not result in a net loss of shoreline ecological functions.
  - 6. In geologically hazardous areas, stabilization structures or measures may only be allowed when no alternative, including relocation or reconstruction of existing structures, is found to be feasible and less expensive than the proposed stabilization measure.
- D. The use of hard structural stabilization measures such as bulkheads are prohibited unless demonstrated in a geotechnical analysis that soft structural stabilization measures (bioengineering) or non-structural measures (increased setbacks) are not feasible.
- E. Where structural shoreline stabilization measures are necessary, the size of the stabilization structure shall be the minimum necessary. The Administrator may require that the size and design of the structure be modified to reduce impacts to ecological functions.
- F. Where adverse impacts to shoreline ecological functions cannot be avoided, mitigation shall be required in accordance with mitigation sequence priorities set forth in OMC 18.20.410(B).
- G. In order to determine appropriate mitigation measures, the Administrator may require environmental information and analysis, including documentation of existing conditions, ecological functions, and anticipated impacts, along with a mitigation plan outlining how proposed mitigation measures would result in no net loss of shoreline ecological functions.
- H. Shoreline stabilization measures that incorporate ecological restoration or enhancement through the placement of rocks, sand or gravel, and native shoreline vegetation are strongly encouraged. Soft shoreline stabilization that restores ecological functions may be permitted ~~water ward of the Ordinary High Water Mark.~~
- I. Following completion of shoreline modification activities, disturbed areas shall be restored using native vegetation (see OMC 18.20.495 for specific provisions).
- J. Publicly financed or subsidized erosion control measures shall not restrict public access except where such access is inappropriate or infeasible, and shall incorporate public access and ecological restoration to the extent feasible.

### **3.756 18.20.866 - Shoreline Stabilization - Replacement and Repair**

- A. For purposes of this section, "replacement" means the construction of a new structure to perform a shoreline stabilization function to replace an existing structure which no longer adequately serves its purpose. Additions to or increases in size of existing shoreline stabilization measures shall be considered new structures.
- B. An existing shoreline stabilization structure may be replaced with a similar structure if there is a demonstrated need to protect principal uses or structures from erosion caused by currents, tidal action, or waves. The Administrator may waive the requirement for a geotechnical analysis if the applicant demonstrates through the use of photographs, site or grading plans, or other evidence that nonstructural measures are not feasible.
- C. The replacement structure shall be designed, located, sized, and constructed to assure no net loss of shoreline ecological functions.
- D. Replacement walls or bulkheads shall not encroach water-ward of the Ordinary High Water Mark or existing structure unless the residence was occupied prior to January 1, 1992, and there are overriding safety or environmental concerns. In such cases, the replacement structure shall abut the existing stabilization structure. Where a net loss of ecological functions associated with critical saltwater habitat would occur by leaving the existing structure, it must be removed as part of the replacement measure.
- E. Soft shoreline stabilization measures that provide restoration of shoreline ecological functions may be permitted water-ward of the Ordinary High Water Mark.

### **3.767 18.20.868 - Design of Shoreline Stabilization Measures**

- A. Shoreline stabilization measures shall be designed by a Professional Engineer, registered as such in the State of Washington and shall conform to all applicable City and state policies and regulations, including the Washington State Department of Fish and Wildlife criteria governing the design of shoreline stabilization.
- B. The size of shoreline stabilization structures shall be the minimum necessary to protect the primary use or structure.
  - 1. Within the project area of the Olympia Sea Level Rise Response Plan (2019), consideration of sea level rise projections may be used to determine the minimum necessary size of shoreline stabilization structures in accordance with the plan.
- ~~B.C.~~ To protect their structural integrity, shoreline stabilization measures shall be designed, constructed, and maintained to allow drainage of surface or groundwater away from the structures.
- ~~C.D.~~ Shoreline stabilization structures shall be located to tie in flush with existing bulkheads on adjacent properties, except when adjoining bulkheads do not comply with the standards set forth in this Chapter.
- ~~D.E.~~ Stairs may be built as an integral component of a bulkhead but shall not extend water-ward of the bulkhead unless necessary to directly access a pier or dock.
- ~~E.F.~~ Materials used for shoreline stabilization structures shall be durable, erosion resistant, and not harmful to the environment. The following materials shall be prohibited: demolition debris, derelict vehicles, tires, concrete rubble, or any other materials that contain toxic substances or create visual blight along the shoreline.
- G. Where hard armoring is approved, materials shall be used in the following order of priority:
  - 1. Large stones, with vegetation planted in the gaps. Stone should not be stacked any steeper than a 3:1 slope;
  - 2. Timbers or logs that have not been treated with toxic materials;

3. Stacked masonry block;
  4. Cast-in-place reinforced concrete.
- H. Bioengineering is a preferred method of protecting upland property and structures or to maintain access to an authorized shoreline use. Bioengineering combines structural, biological, and ecological concepts to construct living structures that stabilize the soil to control erosion using live plant materials as a main, but not only, structural component.
1. Bioengineering shall generally be used when a geotechnical analysis confirms a need to prevent potential damage to a primary structure, but the need is not as immediate as within three years.
  2. Bioengineering projects shall incorporate all of the following:
    - a. All bioengineering projects shall use a diverse variety of native plant materials, including trees, shrubs, and grasses, unless demonstrated infeasible for the particular site;
    - b. All cleared areas shall be replanted following construction and irrigated (if necessary) to ensure that all vegetation is fully re-established within three years. Areas that fail to adequately reestablish vegetation shall be replanted with approved plant materials until such time as the plantings are viable;
    - c. If no VCA is established in OMC 18.20.620 Table 6.3, a minimum five (5) foot vegetated buffer shall be provided landward of the project limits to allow bank protection plantings to become established. The buffers shall not be disturbed for a minimum of three years.
    - d. All bioengineering projects shall be monitored and maintained, as necessary. Areas damaged by pests and/or the elements shall be promptly repaired; and
    - e. All construction and planting activities shall be scheduled to minimize impacts to water quality, fish and wildlife, and aquatic and upland habitat and to optimize survival of new vegetation.
- I. Structural stabilization shall be located, designed, and constructed in accordance with mitigation sequencing in OMC 18.20.410(B) to minimize adverse impacts to shoreline ecological functions and processes. Protection of adjacent property and existing development shall also be considered in the design and location of structural stabilization measures.

**3.778 18.20.870 - Shoreline Stabilization Reports**

- A. Geotechnical reports prepared pursuant to this section that address the need to prevent potential damage to a primary structure shall address the necessity for shoreline stabilization by estimating time frames and rates of erosion and report on the urgency associated with the specific situation. As a general matter, hard armoring solutions should not be authorized except when a report confirms a significant possibility that such a structure will be damaged within three years as a result of shoreline erosion in the absence of such hard armoring measures, or where waiting until the need is immediate would foreclose the opportunity to use measures that avoid impacts on ecological functions.
- B. Where the geotechnical report confirms a need to prevent potential damage to a primary structure, but the need is not as immediate as three years, the report may still be used to justify more immediate authorization to protect against erosion using soft armoring.

**3.789 18.20.872 - Breakwaters, Jetties, Groins, and Weirs - General Provisions**

- A. Jetties and breakwaters are prohibited except as an integral component of a water-dependent use such as a marina or port, and only when there is a documented need for the protection of navigation, a harbor, water dependent industrial activities, a marina, fisheries or habitat enhancement project, or a comprehensive beach management plan.

- B. Where permitted, floating, portable, or submerged breakwater structures, or smaller discontinuous structures shall be used only when it has been demonstrated that they will not impact shoreline ecology or processes such as littoral drift or cause erosion of down drift beaches.
- C. The location and design of breakwaters, jetties, groins, and weirs shall be subject to mitigation sequencing outlined in OMC 18.20.410(B).
- D. The design of breakwaters, jetties, groins and weirs shall conform to all applicable requirements established by the Washington Department of Fish and Wildlife and the U.S. Army Corps of Engineers.
- E. The design of breakwaters, jetties, groins and weirs shall be certified by a registered civil engineer.
- F. Breakwaters, jetties, groins and weirs shall not intrude into critical salt water habitats or into salmon and steelhead habitats unless the following conditions are met:
  - 1. An alternative location or alignment is not feasible;
  - 2. The project is designed to minimize its impacts on the environment;
  - 3. All adverse impacts will be mitigated;
  - 4. The project, including associated mitigation, will result in no net loss of ecological functions associated with the critical saltwater habitat;
  - 5. The facility is in the public interest and consistent with the state's interest in resource protection and species recovery, and
  - 6. If the project results in significant unavoidable adverse impacts, the impacts are mitigated by creating in-kind replacement habitat near the project. Where in-kind replacement mitigation is not feasible, rehabilitating degraded habitat may be required as a substitute.
- G. Breakwaters, jetties, groins, and weirs shall be constructed of suitable materials. The use of solid waste, junk or abandoned automobiles, asphalt or any building demolition debris is prohibited.
- H. The movement of sand or beach materials shall be evaluated during permit review for breakwaters, jetties, groins and weirs. Those projects which are found to block littoral drift or cause new erosion of down-drift shoreline shall be required to establish and maintain an adequate long-term beach feeding program. This may include artificially transporting sand to the down-drift side of an inlet with jetties; or artificial beach feeding in the case of breakwaters, groins, and weirs.
- I. Breakwaters, jetties, groins, and weirs shall incorporate provisions for public access when feasible.
- J. Breakwaters, jetties, groins and weirs shall be designed to protect critical areas and shall provide for mitigation according to the mitigation sequence in OMC 18.20.410 (B).

### **3.7980 18.20.874 - Breakwaters, Jetties, Groins, and Weirs - Environment Designations**

Breakwaters, jetties, groins and weirs are permitted only adjacent to the Urban Intensity and Port Marine Industrial shoreline environments, are subject to a shoreline conditional use permit, and shall be approved only when there is a documented need for the protection of navigation, a harbor, water dependent industrial activities, a marina, fisheries, or habitat enhancement project.

### **3.801 8.20.900 - Existing Buildings and Uses within Shorelines**

- A. Subject to the provisions of this Chapter, a use, lot, or structure lawfully existing prior to the effective date of this Shoreline Program or any amendment thereto, which is rendered nonconforming by this Shoreline Program may continue and may also be repaired, remodeled, and/or ~~replaced~~restored in the manner and to the extent that it existed upon the effective date of this Shoreline Program. Such structures may also be expanded in accordance with the provisions of this Section 18.20.910.

- B. In addition to and independent of the provisions below, existing roads, trails, utility lines and similar linear facilities, together with any associated facilities such as pump stations or stormwater treatment ponds, which do not conform to the provisions of OMC Chapter 18.20 may expand within existing easements and rights-of-ways. Modification or expansion outside of existing easements or rights-of-way which would otherwise be prohibited may be authorized by the decision maker upon finding there is no feasible alternative, the development is necessary for the public welfare, as proposed and designed includes appropriate mitigation, and the development is not likely to result in a net loss of shoreline ecological functions.

### **3.812 18.20.910 - Alteration of Nonconforming Structures in Shoreline Jurisdiction**

- A. Shoreline Structures – The following regulations apply to nonconforming structures located in shoreline jurisdiction. Alterations pursuant to this section shall not result in a net loss of shoreline ecological functions and processes. The applicant shall obtain all required permits or approvals prior to construction. All alterations shall comply with applicable development regulations.
1. Structures within Shoreline Setbacks - Alteration of structures located landward of the Ordinary High Water Mark within a required shoreline setback is limited to:
    - a. For structures located partially within the shoreline setback, alterations shall be limited to the addition of height and expansion into areas outside the shoreline setback.
    - b. For structures located entirely within the shoreline setbacks, alterations shall be allowed for the addition of height, or expansion on the upland side of the structure, or both.
    - c. Interior and exterior remodels and the addition of upper stories are permitted. Except as provided above, such additions shall not extend beyond the existing or approved building footprint. Any expansion of nonconforming structures that further encroach on the Ordinary High Water Mark setback by decreasing the distance between the structure and the Ordinary High Water mark shall require a shoreline variance.
  2. Overwater Structures – Alteration of structures located water-ward of the Ordinary High Water Mark is prohibited except:
    - a. Alterations to the footprint or building envelope may be permitted when required by Washington State Department of Natural Resources for light penetration;
    - b. Alterations that do not increase or expand the building footprint nor increase the height are permitted; and
    - c. Existing covered moorage may be maintained, repaired, or replaced pursuant to WAC 173-27-040.
  3. Structures within Vegetation Conservation Areas. Alteration of structures located landward of the Ordinary High Water within a required Vegetation Conservation Area (VCA) that include expansion of the building footprint is prohibited. Only interior and exterior remodels and the addition of upper stories are permitted.
  4. Structurally raising the floor elevation of an existing legally established nonconforming structure, which is necessary to protect the structure from flooding due to sea level rise, shall be allowed in accordance with the height limits set forth in Table 6.2. Raising the floor elevation is not allowed for legally established nonconforming overwater structures.
- B. Unintentionally damaged or destroyed nonconforming structures.
1. In the event that a structure or building that does not conform to the shoreline setback is damaged or destroyed by fire, explosion, act of nature, or act of public enemy, the structure may be ~~restored~~ reconstructed within the existing footprint. Any modifications outside of the existing footprint must comply with OMC 18.20.910.

2. In order to take advantage of this section, a complete application for a building permit must be submitted within one year of the unintended event that caused the destruction of the structure. The applicant loses their rights under this subsection if the building permit lapses without construction of the structure proposed under the building permit.

**3.823 18.20.920 - Existing Nonconforming Shoreline Uses**

- A. Conversion and discontinuation of nonconforming uses in shoreline jurisdiction shall be governed by OMC 18.37.060(A) and (E).
- B. Expansion of nonconforming shoreline uses. The hearings examiner may authorize expansion of a use that does not conform to the Shoreline Master Program if the applicant demonstrates all of the following:
  1. The use clearly requires a specific site location on the shoreline not provided for under this chapter, and
  2. Extraordinary circumstances preclude reasonable use of the property in a manner consistent with this chapter. Provided, however, that expansion of uses in shoreline jurisdiction that are also nonconforming with zoning use restrictions are not authorized by this section. See OMC 18.37.060(B).

**3.834 18.20.930 - Existing Nonconforming Shoreline Lots**

- A. An undeveloped lot, tract, parcel, site, or division of land located landward of the Ordinary High Water Mark which was established in accordance with local and state subdivision requirements prior to the effective date of the Shoreline Master Program which does not conform to the present lot size standards of the Program may be developed if the lot conforms with OMC 18.37.080 and the development conforms to all other requirements of the Master Program.

# Shoreline Master Program (SMP)



## About the SMP

The Shoreline Master Program (SMP) is a set of local policies and regulations adopted by the City under the State's Shoreline Management Act that generally applies to all major water bodies and lands within 200 feet of those waters.

- [View the 2015 Olympia SMP](#)
- [View the 2018 Olympia SMP - as amended \(Appendix A\) \(Appendix B\)](#)

## Periodic review

Every eight years, counties and cities must review the SMP to ensure it remains consistent with any changes in state law, the adopted Comprehensive Plan, and any changes in local circumstance.

The periodic review is not as involved as the “comprehensive update” that Olympia completed in 2015. The comprehensive update was a major rewrite of the SMP that took several years to complete.

For the periodic review, the Washington State Department of Ecology (Ecology) provides a checklist for us to identify and evaluate any needed revisions. Ecology also provides grant funds to help cover the costs associated with conducting the review. The City of Olympia will conduct this review in 2020 and the first half of 2021.

- [View the gap analysis based on Ecology's checklist](#)
- [Fact sheet](#)
- [Info sheet: Summary of biggest changes](#)
- [Info sheet: Waterfront recreation setback and VCA changes](#)
- [SMP Revisions - Public Draft #1](#)
- [CAO Revisions - Wetland Buffers](#)

The public hearing was conducted jointly with the Washington State Department of Ecology on Jan. 11, 2021. The Planning Commission made a recommendation to the City Council to approve the SMP and CAO amendments, as

proposed by staff, with two additional changes. In addition, changes were made to address public comments raised as well as to address changes required by Ecology as part of its Initial Determination of Consistency. Amendments must be approved by the City Council and the Department of Ecology.

The SMP and CAO drafts below reflect all proposed changes.

- [View public comments](#)
- [Response to public comments](#)
- [Summary of changes proposed after Public Hearing.](#)
- [Final SMP](#)
- [Final CAO](#)

## Next steps

The City Council's Land Use and Environment Committee recommended the SMP and CAO be forwarded to the City Council for a decision. The full Council is scheduled to consider these amendments on May 4, 2021.

## How to participate

Please contact Joyce Phillips at 360.570.3722 or [jphillip@ci.olympia.wa.us](mailto:jphillip@ci.olympia.wa.us) to make comments on the final drafts. All comments that are received by 5 p.m. on May 4, 2021 will be provided to the City Council.

You can also subscribe to the Planning & Development newsletter at [olympiawa.gov/subscribe](http://olympiawa.gov/subscribe) to receive this and other planning related information.

- [View the Public Participation Plan](#)
- [Frequently Asked Questions](#)

## Questions?

For questions about the Periodic Review contact Joyce Phillips at 360.570.3722 or [jphillip@ci.olympia.wa.us](mailto:jphillip@ci.olympia.wa.us).

For questions about shoreline development or permits contact 360.753.8314 or [cpdinfo@ci.olympia.wa.us](mailto:cpdinfo@ci.olympia.wa.us).

Copyright © 2021. All rights reserved. Last Updated: Apr 19, 2021

The City of Olympia is committed to the non-discriminatory treatment of all persons in employment and the delivery of services and resources.



**TO:** Joyce Phillips, Principle Planner, City of Olympia  
**CC:** Jackie Chandler, Shoreline Administrator, WA Department of Ecology  
**FROM:** Kim Van Zwalenburg, Senior Shoreline Planner, WA Department of Ecology  
**Date:** March 19, 2021  
**Subject:** **SMP Periodic Review** - Initial Determination of Consistency  
**Sent via email to:** jphillip@ci.olympia.wa.us

## Use of this Document

Ecology's *Determination of Initial Concurrence* provides Ecology's review of the proposed amendment to the City of Olympia (City) Shoreline Master Program (SMP). This document is divided into two sections: **Findings of Fact**, which provides findings related to the City's proposed amendment, amendment history, and the review process and **Initial Determination** of the proposed amendment with next steps.

**Attachment 1** itemizes issues that can be addressed prior to Ecology's final approval of the proposed amendment.

## Brief Description of Proposed Amendment

The City of Olympia is undergoing a statutorily required periodic review of their Shoreline Master Program (SMP) and has submitted their draft SMP amendment to Ecology for an initial determination as required by the joint review process and consistent with WAC 173-26-104(3). The SMP regulates shoreline uses and activities along Grass Lake, Capitol Lake, Ward Lake, Ken Lake, Percival Creek and the marine shorelines of lower Budd Inlet within city limits.

## FINDINGS OF FACT

### Need for amendment

Olympia comprehensively updated their master program in October 2015 and amended their SMP in 2018 to incorporate updated critical area regulations. This current amendment is needed to comply with the statutory deadline for a periodic review of the SMP pursuant to RCW 90.58.080(4).

### SMP provisions to be changed by the amendment as proposed

The City prepared a checklist and an analysis documenting the proposed amendment. The amendment will bring the SMP into compliance with requirements of the Shoreline Management Act, or state rules that have been added or changed since the last SMP amendment, ensure the SMP remains consistent with amended comprehensive plans and regulations, and incorporate revisions deemed necessary to reflect changed circumstances, new information, or improved data. Locally initiated changes include provisions incorporating the City's Sea Level Rise Response Plan in to the SMP, addressing waterfront recreation and the Vegetation Conservation Area on West Bay, more specifically addressing live-aboards in marinas, and allowing for recreational camping in the Marine Recreation environment on the east side of the Port Peninsula.

In addition to overarching organizational changes, general edits to correct and update syntax, and formatting and citation corrections, the following amendments to the SMP are proposed:

A. Section I. General Provisions

1. The summary table of Regulatory and Policy Tools is updated to note the inclusion of Seal Level Rise into the SMP. An update to the adoption date of the referenced Critical Areas Ordinance is added to 1.6.

B. Section 2. Goals and Policies

1. Consideration of sea level rise is added to the following policy sections: 2.1 Shoreline Master Program Goals and Policies, 2.4 Shoreline Use and Development Policies, 2.16 Scientific and Educational Activity Policies, 2.27 Residential Policies, 2.28 Transportation Policies, 2.29 Utility Policies, 2.32 Fill Policies, and 2.35 Shoreline Stabilization Policies are revised to include sea level rise considerations [2.1 H, 2.4 F, 2.16 A, 2.27 C, 2.28 A, 2.29 A, 2.32 C, 2.35 B, 2.35 E]
2. Reference to the West Bay Environmental Restoration Assessment Report<sup>1</sup> is added to the following policy sections: 2.3. Shoreline Ecological Protection and Mitigation Policies, 2.5 Aquatic Environment Management Policies, 2.34 Restoration and Enhancement Policies, and 2.35 Shoreline Stabilization Policies. [2.3 I, 2.5 H, 2.34 M, 2.35 E]
3. 2.4 Shoreline Use and Development Policies adds new policy G, relocated from section 2.5, establishing the need to reserve space for preferred shoreline uses.
4. 2.5 Aquatic Environment Management Policies has a number of edits for improved clarity [B, D, E] and adds a new policy [H] encouraging soft shore stabilization or habitat restoration to improve ecological functions.
5. 2.6 Natural Environment Management Policies has a clarifying edit. [A.2]
6. 2.9 Marine Recreation Environment Management Policies includes two edits for clarity. [A, E]
7. 2.10 Shoreline Residential Environment Management Policies has one clarifying edit. [G]
8. 2.11 Urban Intensity Environment Management Policies has a number of clarifying edits. [E, F, G, H, J]
9. 2.14 Parking Policies has one clarifying edit. [C]
10. 2.15 Public Access Policies adds a new policy to clarify when on-site public access may not be required. [K]
11. 2.18 Vegetation Conservation Area Policies is revised encouraging education addressing proper use of fertilizers and pesticides in the shoreline. [F]
12. 2.23 Boating Facilities Policies is revised adding new language listing preferred design elements to lessen impacts from overwater structures and clarifying covered boathouses should be prohibited. [F]
13. 2.31 Dredging Policies is revised for improved clarity [C, F] and adds a statement clarifying the need to avoid and minimize impacts from dredge disposal [G].
14. 2.32 Fill Policies adds ecological restoration to the list of allowable activities which may require fill waterward of the ordinary high water mark. [E]

---

<sup>1</sup> Coast & Harbor Engineering. *West Bay Environmental Restoration Assessment, Final Report*. City of Olympia, 2016. <https://olympiawa.gov/~media/Files/PublicWorks/Water-Resources/WestBay-Environmental-Restoration-Assessment.pdf?la=en> This report provides an assessment of environmental restoration opportunities for the West Bay shoreline of Olympia.

C. Section 3 Regulations

1. 3.3 18.20.120<sup>2</sup> - Interpretation and Definitions - Definitions for the following terms are added: camping facilities, functional disconnect, live-aboard vessel, nonconforming development or nonconforming structure, nonconforming lot, nonconforming use.
2. 3.6 18.20.215 – Exceptions to Local Review is a new subsection added consistent with Ecology recommendations addressing WAC 173-26-044 and WAC 173-26-045.
3. 3.13<sup>3</sup> 18.20.280 – Shoreline Permit Procedures is revised to clarify the roles of the Administrator and the Hearings Examiner [C], clarify the appeals process [E, F] and add language directing submittal of permit revisions to Ecology. [F] Other minor edits are made. [D, G]
4. 3.14 18.20.285 - Amendments is revised adding the optional joint review process for SMP amendments. [D]
5. 3.17 18.20.300 – Shoreline Jurisdiction is revised adding language to clarify how to regulate parcels and structures that may be partially in and partially out of shoreline jurisdiction. [C]
6. 3.21 18.20.400 – General Regulations – Intent is revised to better clarify which regulations apply to all uses and activities in all shoreline environments.
7. 3.23 18.20.420 – Critical Areas is revised to reference the updated critical area regulations ordinance number and date. [A]
8. 3.24 18.20.430 – Archaeological, Historic, and Cultural Resources is revised adding cross-references to the City’s Historic Preservation Code and to Ecology’s rule provisions on archaeological and historic references in WAC 173-26-221. [D]
9. 3.26 18.20.450 - Public Access – Two new conditions are added to the list allowing the Administrator to waive the public access requirement for privately-funded projects. A waiver could be allowed for sites functionally disconnected from the shoreline by a legally established road or other substantial developed surface, or when public access already exists in the immediate vicinity or is already adequate and documented at the property. “Immediate vicinity” means there are public access areas within 1/8 mile of the development, increased to ¼ mile with seating along the route and safe pedestrian access between the development and the public access areas. [C.5, C.6]
10. 3.27 18.20.460 – Design of Public Access – A companion change (to the immediately preceding revision in 3.26) is made, allowing for a waiver to the requirement for a public viewing area when all conditions are met: the site is disconnected from the shoreline, public access areas are within a short distance of the site and there is safe pedestrian access to the public access areas. [A.5]
11. 3.32 18.20.493 – Permitted Uses and Activities within Vegetation Conservation Areas is revised to allow for restrooms within the VCA when no suitable location exists elsewhere at public parks and water related recreation areas only. [A.10]
12. 3.37 18.20.504 – View Protection Regulations is revised to clarify that fences in the VCA are limited to a height of 4 feet between the OHWM and primary structures. Outside the VCA, the fencing provisions forth in OMC 18.40 apply. [I]

---

<sup>2</sup> The SMP includes cross references between the stand-alone document and codified elements. In this instance, subsection 3.3 is cross-referenced to Olympia Municipal Code (OMC) 18.20.120.

<sup>3</sup> Subsection numbers in Section 3 reflect updated numbering resulting from the addition of the new 3.6.

13. 3.39 18.20.510 – Water Quality includes a new provision requiring dredging and dredge disposal use best management practices to prevent impacts to water quality or other environmental impacts. [F]
14. 3.40 18.20.600 – Shoreline Use and Development – Intent is edited for improved clarity.
15. 3.42 18.20.620 – Use and Development Standards Tables includes the following revisions:
  - a. A provision is added allowing for setbacks to be waived on areas functionally disconnected from the shoreline by a legally established road. [D.9]
  - b. Table 6.1 – Uses and Activities is edited for improved clarity and internal consistency with SMP policies and regulations (boating facilities) and a new footnote clarifying permitting of Mixed Use activities.
  - c. Table 6.3 – Setbacks and Incentives is revised adding the VCA to the column titles related to setbacks, revises the setback in Waterfront Recreation – 3B from 150’ down to 50’ and adds a line clarifying the setback for water dependent uses is 0’.
16. 3.44 18.20.640 – Aquaculture includes a new provision requiring geoduck aquaculture shall meet all minimum permit requirements [E].
17. 3.47 18.20.654 – Marinas adds clarifications and a new provision related to live-aboards in marinas, including a cap on the number of slips occupied by live-aboards at 20 percent of the total slips in a marina [B.6, B.7, B.8].
18. 3.56 18.20.700 – Transportation and Trail Facilities includes a new provision addressing special procedures for Washington Dept. of Transportation projects [F].
19. 3.59 18.20.810 – Permitted Shoreline Modifications Table 7.1 – Shoreline Modifications is revised to allow hard shoreline armoring under certain limited circumstances without a Conditional Use Permit.
20. 3.60 18.20.820 – Dredging includes edits for improved clarity and a revision to ensure all dredging and dredge material disposal activities use best management practices to prevent impacts to water quality and the environment [B.8, C, G].
21. 3.67 18.20.846 – Marine Docks and Piers includes a revision requiring grating of the dock/pier surface consistent with the Department of Fish and Wildlife (DFW) rule [B.2].
22. 3.68 18.20.847 – Fresh Water Docks and Piers includes a similar provision to grate the surface area consistent with the DFW rule [B.3].
23. 3.69 18.20.848 – Float Standards – DFW standards on orientation and functional grating is required consistent with their rule [D.1].
24. 3.70 18.20.850 – Shoreline Restoration and Enhancement – Intent includes a cross reference to the West Bay Environmental Restoration Assessment.
25. 3.75 18.20.864 – New or Expanded Shoreline Stabilization Measures includes an edit removing the phrase “waterward of the Ordinary High Water Mark” [H].
26. 3.77 18.20.868 – Design of Shoreline Stabilization Measures has a new provision added pointing to the Olympia Sea Level Rise Response Plan as a consideration when determining the minimum necessary size of shoreline stabilization structures [B.1].
27. 3.81 18.20.900 – Existing Buildings and Uses within Shorelines is revised to allow for replacement and expansions [A].
28. 3.82 18.20.910 – Alteration of Nonconforming Structures in Shoreline Jurisdiction includes an added provision to allow raising the floor elevation of a legally existing structure in response to sea level rise flooding within height limits. This provision is not extended to nonconforming

- overwater structures. [A.4]. An additional revision allows for the reconstruction within the existing footprint of unintentionally damaged or destroyed nonconforming structures [B.1].
- D. OMC Chapter 18.32 Critical Areas – Revisions are proposed for improved clarity, and for consistency with Ecology’s guidance including minor adjustments to habitat function scores (low is now 3 – 5 points, moderate is now 6-7 points), buffer width, update to the referenced Ecology Wetland Guidance, [18.32.510 A.2, 18.32.535 B. Table 32-1: Wetland Buffer Widths, 18.32.535 G.

### Amendment History, Review Process

The City prepared a public participation program in accordance with WAC 173-26-090(3)(a) to inform, involve and encourage participation of interested persons and private entities, tribes, and applicable agencies having interests and responsibilities relating to shorelines. An important element of the public participation plan is the City’s SMP Periodic Review project [website](#)<sup>4</sup>. A consultant, hired by the City developed draft documents. Due to the COVID-19 pandemic, the City held public meetings in a virtual format using Zoom, including a public Open House held December 2, 2020 and Planning Commission meetings addressing this topic, beginning in March 2020 and continuing through February 2021, were nearly all held remotely.

The City used Ecology’s Periodic Review checklist of legislative and rule amendments to review amendments to chapter 90.58 RCW and department guidelines, that have occurred since the master program was last amended, and determine if local amendments were needed to maintain compliance in accordance with WAC 173-26-090(3)(b)(i). The City also reviewed changes to the comprehensive plan and development regulations to determine if the shoreline master program policies and regulations remain consistent with them in accordance with WAC 173-26-090(3)(b)(ii). The City considered whether to incorporate any amendments needed to reflect changed circumstances, new information or improved data in accordance with WAC 173-26-090(3)(b)(iii). The City consulted with Ecology and solicited comments throughout the review process including opportunities to comment on draft materials in June, August and October November 2020.

The record indicates the City completed a SEPA checklist and issued a Determination of Non-Significance (DNS) on January 22, 2021 for the proposed SMP amendment.

The City and Ecology held a joint local/state comment period on the proposed amendments following procedures outlined in WAC 173-26-104. The comment period began on December 4, 2020 and continued through January 11, 2021. A public hearing before the Planning Commission was held virtually via Zoom on January 11, 2021.

The City provided notice to local parties, including a statement that the hearing was intended to address the periodic review in accordance with WAC 173-26-090(3)(c)(ii). The City’s record indicates notice of the hearing was published in *The Olympian*. Ecology distributed notice of the joint comment period to state interested parties on November 30, 2020, including separate notice and an invitation for consultation to the Chehalis Tribe, Squaxin Island Tribe and the Nisqually Indian Tribe.

The City accepted public comments on the proposed SMP amendments during the 30-day public comment period. Comments were received from eighteen (18) organizations/individuals and included

---

<sup>4</sup> <http://olympiawa.gov/smp>

concerns about the health of Puget Sound, Southern Resident Killer whales, Chinook salmon and numerous other species. Specific concerns about sediment contamination, water quality and habitat degradation, use of science, and the need to daylight the numerous small creeks<sup>5</sup> tributary to Budd Inlet were expressed. A number of comments expressed a desire the City include “restoration potential” as a consideration in the SMP. Other comments focused on the proposed revisions to public access requirements, wetland buffers, Green Cove Creek, nonconforming structures, no net loss, habitat protection and restoration, RV parks in the Marine Recreation Environment, environmental justice, sea level rise, public access, and shoreline setbacks.

The City made a few changes in response to comments including revisions to language allowing soft shoreline stabilization measures above and below the OHWM, revised the proposed setback along West Bay to 50 feet rather than the proposed 30 feet, and has proposed revisions addressing “priority habitat areas”

The proposed SMP amendments were received by Ecology on March 1, 2021 for initial state review. The submittal was supplemented on March 2, 2021 and verified as complete on March 2, 2021. This began Ecology’s review and initial determination.

### Summary of Issues Identified by Ecology as Relevant to Its Decision

Ecology is required to review all SMPs to ensure consistency with the Shoreline Management Act (SMA) and implementing rules including WAC 173-26, State Master Program Approval/Amendment Procedures and Master Program Guidelines. WAC 173-26-186(11) specifies that Ecology “shall insure that the state’s interest in shorelines is protected, including compliance with the policy and provisions of RCW 90.58.020.”

Based on review of the proposed amendments to the SMP for consistency with applicable SMP Guidelines requirements and the Shoreline Management Act, and consideration of supporting materials in the record submitted by the City, the following issues remain relevant to Ecology’s final decision on the proposed amendments to the City’s SMP, with Findings specific to each issue identifying amendments needed for compliance with the SMA and applicable guidelines:

#### *Public Access*

The proposal amends the public access provisions in SMP 3.26 18.20.450 and 3.27 18.20.460, adding additional criteria to the list identifying when public access requirements can be waived. One of the waiver conditions relies on the proposed definition for “functional disconnect”. This term, as proposed in the SMP, relates to a determination that an area is functionally isolated from the shoreline and no longer provides shoreline ecological functions. In addition, the presence of intervening development may not preclude public access but may require it occur in a different manner. See a related recommended change below.

***Finding:*** Ecology finds the proposed revisions to the public access requirements relies, in part, on the definition of “functional disconnect”. This is not an appropriate measure for determining whether public access can be waived as this is an ecological and biological determination. Revisions are required for

---

<sup>5</sup> Moxlie Creek, Indian Creek, Schneider Creek, Ellis Creek.

*internal consistency, and for consistency with WAC 173-26-211(3) and WAC 173-26-221(4)(d). [Req-1 and Rec-2]*

#### *Use and Development Standards Tables – Setback Reductions*

In SMP 3.42 18.20.620, a provision is added allowing for setback reductions on areas disconnected from the shoreline by an existing road which results in a functional disconnect from the shoreline. The term “functional disconnect” is a new proposed term in the SMP (see discussion below under Definitions). A comment from Washington Department of Fish and Wildlife noted that the presence of existing infrastructure or structures does not automatically equate to the absence of all shoreline ecological functions.

*Finding: Ecology finds the proposed revisions are incomplete. The SMP lacks any clear mechanism for ensuring a functional disconnect is verified. Revisions are required for internal consistency with the proposed definition of “functional disconnect”, to ensure determination of the functional disconnection is scientifically sound, and to ensure consistency with the no net loss standard in WAC 173-26-201(2)(c). [Req-3]*

#### *Ecology recommended changes*

Ecology has identified eight recommended changes to the SMP amendment for consideration by the City. These can be found in Attachment 1, items Rec-1 through Rec-8.

#### Integration of Critical Area Regulations

1. The SMP incorporates the CAO by reference in two locations - Section 1.6 Regulations Adopted by Reference and Section 3.23 18.20.420 – Critical Areas. The SMP incorporates the CAO by reference in two different locations, requiring both to be amended whenever there is an updated ordinance. Ecology recommends changes to Section 1.6 which would more generally discuss the adoption by reference and leaving the specific citations in Section 3.23. [Attachment 1, Rec-1]
2. Section 3.23 18.20.420 lists exceptions to the incorporation of the CAO into the SMP including the need to utilize the approved federal wetland delineation manual in regulation C.7. This SMP provision is duplicative of language the CAO in OMC 18.32.580 and is unnecessary. [Attachment 1, Rec-3]

#### Public Access

Ecology recommends adding a provision to the list of conditions under which the public access requirement can be waived. This provision speaks to case when the costs of the public access are disproportionate to the cost of the proposed development. [Attachment 1, Rec-5]

#### Definitions

The SMP includes a new definition for “functional disconnect”. Ecology recommends improving the definition by more clearly describing “substantially developed surface”. Language providing examples of what is and isn’t a substantially developed surface is suggested. [Attachment 1, Rec-2]

#### *Priority riparian areas*

In response to comments received, as well as internal concerns around implementation of the “priority riparian areas” provisions and the SMP, the City proposes revisions in OMC 18.32.405, 18.32.410 and 18.32.435. OMC 18.35.405 applies the term “priority riparian areas” to certain segments along Budd



Inlet and Capitol Lake. Proposed changes remove all listed segments, revising the applicability to non-shoreline lakes, and includes removal of any reference to Type S waters<sup>6</sup> in OMC 18.32.410 and 18.32.435.

Ecology is concerned the proposed revisions alter the intent and application of the “priority habitat area” provisions and recommends an alternative approach: retaining the language proposed for deletion and clarifying in 18.32.435 that the buffer for Type S waters is addressed in the SMP in 18.20.620 Table 6-3 Shoreline Setback and Vegetation Conservation Areas<sup>7</sup>. Ecology also recommends adding a provision in 18.20.420 C making this same clarification regarding the buffers for “priority riparian areas”. [Attachment 1, Rec-4, Rec-6, Rec-7 and Rec-8].

**Findings.** Ecology finds that the recommended changes, set forth in Attachment 1, Rec-1 through Rec-8, would be consistent with the policy and standards of RCW 90.58 and the applicable guidelines if implemented.

## INITIAL DETERMINATION

**The following constitutes Ecology’s written statement of initial concurrence, consistent with WAC 173-26-104(3)(b)(ii):**

After review by Ecology of the complete record submitted and all comments received, Ecology has determined that the City’s proposed amendment is consistent with the policy and standards of RCW 90.58.020 and RCW 90.58.090 and the applicable SMP guidelines (WAC 173-26-171 through 251 and .020 definitions).

### Next Steps

Consider the changes identified by Ecology in Attachment 1. Please let me know if you would like to discuss alternative language or different approaches for resolving these issues.

If these issues are resolved prior to local adoption, we anticipate being able to approve your SMP Periodic Review amendment after formal submittal is provided consistent with WAC 173-26-110.

---

<sup>6</sup> Per WAC 222-16-031, a Type S water is a Type 1 water. “Type 1 Water” means all the waters, within their ordinary high-water mark, as inventoried as “shorelines of the state” under chapter 90.58 RCW and the rules promulgated pursuant to chapter 90.58 RCW, but not including those waters’ associated wetlands as defined in chapter 90.58 RCW.

<sup>7</sup> These setbacks were established during the Comprehensive SMP Update informed by the information in the Shoreline Inventory and Characterization.



Changes in red are required for consistency with the SMA (RCW 90.58) and the SMP Guidelines (WAC 173-26, Part III). Changes in blue are recommended and are consistent with SMA policy (RCW 90.58.020) and the SMP Guidelines (WAC 173-26, Part III).

ITEM	SMP PROVISION	BILL FORMAT CHANGES [ <u>underline</u> -additions; <del>strike through</del> -deletions]	ECOLOGY - DISCUSSION/RATIONALE
Rec-1	1.6 Adoption by Reference	<p><b>1.6 Regulations Adopted by Reference</b></p> <p>The Critical Areas regulations adopted by Council <del>as of Month Day, 202X (Ordinance XXXX)</del>, contained in the Olympia Municipal Code (OMC) Chapters 18.32 and 16.70 are integral and applicable to this Shoreline Program, and are hereby adopted by reference <u>as described in Section 18.20.420 A</u>; <del>provided that the reasonable use provisions set forth in OMC 18.66.040 shall not be available within the shoreline jurisdiction. Instead, applicants may apply for a shoreline variance when seeking relief from critical areas regulations within shorelines.</del> Similarly, Section 18.06.100 A.2.C -- West Bay Drive Building Height and View Blockage Limits (Ordinance 6646, passed on July 14, 2009), is hereby adopted by reference to the extent that the height and use regulations identified therein are applicable to the shoreline jurisdiction area.</p>	<p>Recommended change: Remove the specific date and Ordinance number, add a reference to SMP Section 18.20.420 A and delete the language on reasonable use provisions.</p> <p>The reference to the specific ordinance and adoption date is included in OMC 18.20.420A (SMP 3.23). Deleting the specific reference here will reduce the number of changes necessary whenever an amendment is needed to update the referenced ordinance. The reasonable use language is duplicative of language in 18.20.420 C.8. and is only one of a number of critical area provisions which are not applicable in shoreline jurisdiction.</p>
Rec-2	3.3 18.20.120 <sup>1</sup> Interpretation and Definitions	<p><b>Functional Disconnect:</b> An existing, legally established public road or other substantially developed surface which effectively eliminates the capacity for upland areas to provide shoreline ecological functions, as defined in WAC 173-26-201(2)(c). <u>As used in this definition, "substantially developed surface" can include public infrastructure such as roads, and private improvements such as commercial structures. A "substantially developed surface" shall not include paved trails, sidewalks, private driveways or accessory buildings that do not require a building permit.</u></p>	<p>Recommended change: Define "substantially developed surface" which is vague. Additional language is suggested to better define "substantially developed surface" to aid in implementation.</p>
Rec-3 and Rec-4	3.23 18.20.420 Critical Areas	<p>C. Regardless of other provisions in Chapter 18.32, to ensure consistency with the <u>S</u>shoreline Management Act critical areas within shoreline jurisdiction shall be subject to the following:</p> <ol style="list-style-type: none"> <li>In shoreline jurisdiction, critical area review and permit procedures will be incorporated into and conducted consistently with the associated shoreline permit or exemption review and approval.</li> <li>Stream and Important Riparian Area buffer reductions beyond twenty-five</li> </ol>	<p>Recommended changes: Edits include a typographical correction, citation corrections and deletion of C.7 addressing wetland delineations.</p> <p>The language in C.7 is duplicative of language in OMC 18.32.580 Wetlands – Wetland Boundary Delineation which has been incorporated by reference.</p>

<sup>1</sup> The regulatory provisions of the SMP contain both a section # (3.3) and the Olympia Municipal Code number (18.20.120).

Changes in red are required for consistency with the SMA (RCW 90.58) and the SMP Guidelines (WAC 173-26, Part III). Changes in blue are recommended and are consistent with SMA policy (RCW 90.58.020) and the SMP Guidelines (WAC 173-26, Part III).

ITEM	SMP PROVISION	BILL FORMAT CHANGES [ <u>underline-additions</u> , <del>strike-through</del> deletions]	ECOLOGY - DISCUSSION/RATIONALE
		<p>percent (25%) within shoreline jurisdiction shall require a shoreline variance.</p> <p>3. Stormwater facilities may be allowed in the outer twenty-five percent (25%) of Category III and IV wetland buffers in shoreline jurisdiction (OMC 18.32.525(<del>K</del>)) and only when no other location is feasible.</p> <p>4. Utility lines may be allowed in the outer twenty-five percent (25%) of Category III and IV wetland buffers in shoreline jurisdiction (OMC 18.32.525(<u>ML</u>)).</p> <p>5. Locating stormwater facilities or utilities within wetlands or within any wetland buffer other than those specified in numbers <u>34 and 45</u> above shall require a shoreline variance (OMC 18.32.530(E) and (G)).</p> <p>6. Wetland buffer reductions beyond twenty-five percent (25%) within shoreline jurisdiction shall require a shoreline variance.</p> <p>7. <del>Identification of wetlands and delineation of their boundaries in shoreline jurisdiction shall be done in accordance with the approved federal wetland delineation manual and applicable regional supplements (OMC 18.32.580).</del></p> <p>8. Reasonable use exceptions (OMC 18.66.040) are not available for relief from critical area standards within the shoreline jurisdiction. Instead, applicants seeking relief from the critical area standards shall apply for a shoreline variance.</p> <p>9. New development or the creation of new lots that would cause foreseeable risk from geological conditions during the life of the development is prohibited.</p> <p>10. Uses and activities that may be authorized within floodways are limited to those listed in WAC 173-26-221 (3)(c)(i).</p> <p>11. <u>In shoreline jurisdiction, "priority riparian area" buffers for Type S waters are governed by Section 18.20.620 and Table 6.3 – Setbacks and Incentives which establishes setbacks and Vegetation Conservation Areas based on the Shoreline Environment.</u></p>	<p>Recommended change: A new provision is suggested to clarify implementation of "priority riparian area" buffers on Type S waters. This is a suggested alternative to the City's proposed revisions, in response to public comments, in 18.32.405, 18.32.410, 18.32.435. Related changes are shown below in Items Rec-6 to Rec-8.</p>
<p><b>Req-1 and Rec-5</b></p>	<p>3.26 18.20.450 – Public Access</p>	<p>C. 5. The development site is disconnected from the shoreline by an existing, legally established <u>public road or public space such as Percival Landing</u> <del>other substantial developed surface which results in a functional disconnect from the shoreline; or</del></p>	<p>Required change: Revisions are needed for internal consistency with 3.27 18.20.460 Public Access Design as required by WAC 173-26-211(3), and for consistency with WAC 173-26-221(4)(d).</p>

Changes in red are required for consistency with the SMA (RCW 90.58) and the SMP Guidelines (WAC 173-26, Part III). Changes in blue are recommended and are consistent with SMA policy (RCW 90.58.020) and the SMP Guidelines (WAC 173-26, Part III).

ITEM	SMP PROVISION	BILL FORMAT CHANGES [ <u>underline-additions</u> , <del>strike-through</del> deletions]	ECOLOGY - DISCUSSION/RATIONALE
		<p>6. Safe and convenient public access already exists in the immediate vicinity, and/or adequate public access is already documented at the property. The Administrator will consider the following to determine if adequate public access is provided in the immediate vicinity:</p> <ul style="list-style-type: none"> <li>a. Public access areas occur along the shoreline within 1/8 mile of the development site or within ¼ mile when seating is provided along the route; and</li> <li>b. Safe pedestrian access from the site to the public access areas along or to the shoreline is provided.</li> </ul> <p><u>7. The cost of providing the access, easement or an alternative amenity is unreasonably disproportionate to the cost of the proposed development.</u></p>	<p>As proposed in the SMP, the definition of “functional disconnect” relates to the assessment that the upland area separated from the shoreline does not provide shoreline ecological functions. This ecological and biological determination has no bearing on the decision to waive public access requirements on a site. In addition, the presence of intervening development may not preclude public access but may require it occur in a different manner.</p> <p>Recommended change: Additional language is suggested for the City’s consideration.</p>
<p>Req-2</p>	<p>3.27 18.20.460 – Design of Public Access</p>	<p>A. 5. Where physical access to the water’s edge is not feasible, a public viewing area shall be provided. This requirement may be waived by the Administrator where all of the following conditions are present:</p> <ul style="list-style-type: none"> <li>a. The development site is disconnected from the shoreline by an existing, legally established <u>public</u> road or public space such as Percival Landing, <del>which results in a functional disconnect from the shoreline;</del></li> <li>b. Public access areas occur along the shoreline within 1/8 mile of the development site or within ¼ mile when seating is provided along the route; and</li> <li>c. Safe pedestrian access from the site to the public access areas along or to the shoreline is provided.</li> </ul>	<p>Required change: Revisions are needed for internal consistency with 3.26 18.20.450 Public Access, as required by WAC 173-26-211(3), and for consistency with WAC 173-26-221(4)(d).</p> <p>As proposed in the SMP, the definition of “functional disconnect” relates to the assessment that the upland area separated from the shoreline does not provide shoreline ecological functions. This ecological and biological determination has no bearing on the decision to waive public access requirements on a site. In addition, the presence of intervening development may not preclude public access but may require it occur in a different manner.</p>
<p>Req-3</p>	<p>3.42 18.20.620 - Use and Development Standards Tables</p>	<p>D. Setback reductions shall be allowed as provided in Table 6.3 and subject to the following: ...</p> <p>9. Shoreline setbacks shall not apply to areas that are disconnected from the shoreline by an existing, legally established <u>public</u> road <u>or other substantially developed surface</u> which results in a functional disconnect from the shoreline. <u>The applicant shall provide a biological assessment by a qualified professional that demonstrates the area is functionally isolated. The City shall consider the hydrologic, geologic,</u></p>	<p>Required change: Revisions are made for internal consistency with the proposed definition of “functional disconnect”, to ensure determination of a functional disconnection is scientifically sound, and for consistency with the no net loss standard in WAC 173-26-201(2)(c).</p> <p>Ecology agrees with Washington Department of Fish and Wildlife that the presence of existing infrastructure or structures does not automatically equate to the absence of all shoreline ecological functions. Any claim that a “functional disconnect” exists should be demonstrated through an analysis by a qualified</p>

Changes in red are required for consistency with the SMA (RCW 90.58) and the SMP Guidelines (WAC 173-26, Part III). Changes in blue are recommended and are consistent with SMA policy (RCW 90.58.020) and the SMP Guidelines (WAC 173-26, Part III).

ITEM	SMP PROVISION	BILL FORMAT CHANGES [ <u>underline-additions</u> , <del>strike-through</del> deletions]	ECOLOGY - DISCUSSION/RATIONALE
		<p><u>and/or biological habitat connection potential and the extent and permanence of the physical separation.</u></p>	<p>professional.</p>
<p>Rec-6</p>	<p>18.32.405 Streams and Priority Riparian Areas - Applicability</p>	<p><del>B. "Priority Riparian Areas" means those lake shorelines not subject to the Shoreline Master Program, as measured from the ordinary high water mark, and encompassing its buffer.</del></p> <p>B. "Priority Riparian Areas" means those marine and lake shorelines, as measured from the ordinary high water mark, in the following locations:</p> <ol style="list-style-type: none"> <li>1. The eastern shore of Budd Inlet from the southern property line of Priest Point Park northward to the city limits;</li> <li>2. The western shore of Budd Inlet (in the Port Lagoon) from 4th Avenue NW northward to the extension of Jackson Avenue NW, but not including the BNSF railroad causeway and trestle or their western or eastern shores; West Bay Drive NW; Olympic Way NW; and parcels west of the rights-of-ways of West Bay Drive NW and Olympic Way NW;</li> <li>3. The western shore of Budd Inlet (north of West Bay Drive) from the extension of 24th Avenue NW northward to the city limits, being approximately six hundred and fifty (650) feet from the end of the fill to the city limits;</li> <li>4. The eastern shore of Capitol Lake (in the Middle Basin) from the extension of 13th Avenue SE (Olmsted Brothers Axis) southward to the right of way of Interstate 5;</li> <li>5. The eastern shore of Capitol Lake (in the South Basin) from the right of way of Interstate 5 southward to the city limits; and</li> <li>6. The western shore of Capitol Lake (in Percival Cove) from the intersection of Lakeridge Drive SW and Deschutes Parkway SW westward to the mouth of Percival Creek (a point due north of the terminus of Evergreen Park Court SW).</li> </ol>	<p>Recommended change: Delete the proposed language and retain the existing language in 18.32.405.</p> <p>The City's proposed revision appears to entirely alter the definition of "priority riparian areas" from certain marine and lake shorelines, all of which are Type S waters, to non-shoreline lakes which necessarily means lakes less than 20 acres in size.</p>
<p>Rec-7</p>	<p>18.32.410 Streams and Priority Riparian Areas – Typing System</p>	<p>Streams are grouped into categories according to the Washington Department of Natural Resources Water Typing System. The criteria, definitions and methods for determining the water type of a stream are found in WAC 222-16-031.</p> <p>A. "Type S waters streams" are those surface waters which meet the criteria of the Washington Department of Natural Resources, WAC 222-16-031, as a Type S Water. <u>Type S waters streams</u> contain fish habitat.</p>	<p>Recommended change: Retain the existing language in 18.32.410 A. The City could also consider some minor edits (shown) replacing the term "streams" with "water" or "waters" as used in WAC 222-16-031.</p>

Changes in red are required for consistency with the SMA (RCW 90.58) and the SMP Guidelines (WAC 173-26, Part III). Changes in blue are recommended and are consistent with SMA policy (RCW 90.58.020) and the SMP Guidelines (WAC 173-26, Part III).

ITEM	SMP PROVISION	BILL FORMAT CHANGES [ <u>underline-additions</u> , <del>strike-through</del> deletions]	ECOLOGY - DISCUSSION/RATIONALE												
Rec-8	18.32.435 Streams and Priority Riparian Areas - Buffers	<p>C. Stream buffers shall be based on the water type classification as established by the Department of Natural Resources Stream Typing Classification System and required by OMC <a href="#">18.32.410</a>. The table below includes detail differentiating stream types based on fish habitat presence, stream widths, and mass wasting potential:</p> <table border="1" data-bbox="499 435 1585 1130"> <thead> <tr> <th data-bbox="499 435 1042 505"><u>Stream-Water</u> Type and Description</th> <th data-bbox="1042 435 1585 505">Buffer</th> </tr> </thead> <tbody> <tr> <td data-bbox="499 505 1042 711"><a href="#">Type S waters – Shorelines of the State</a></td> <td data-bbox="1042 505 1585 711">250  <a href="#">Refer to SMP 18.20.620, Table 6-3 for the Shoreline Setback and Vegetation Conservation Areas</a></td> </tr> <tr> <td data-bbox="499 711 1042 816">Type F streams greater than 5 feet wide (bankfull width) that provide habitat for fish</td> <td data-bbox="1042 711 1585 816">250</td> </tr> <tr> <td data-bbox="499 816 1042 922">Type F streams less than 5 feet wide (bankfull width) that provide habitat for fish</td> <td data-bbox="1042 816 1585 922">200</td> </tr> <tr> <td data-bbox="499 922 1042 1027">Type Np and Ns streams (no fish habitat) with high mass wasting potential</td> <td data-bbox="1042 922 1585 1027">225</td> </tr> <tr> <td data-bbox="499 1027 1042 1130">Type Np and Ns streams (no fish habitat) without high mass wasting potential</td> <td data-bbox="1042 1027 1585 1130">150</td> </tr> </tbody> </table>	<u>Stream-Water</u> Type and Description	Buffer	<a href="#">Type S waters – Shorelines of the State</a>	250  <a href="#">Refer to SMP 18.20.620, Table 6-3 for the Shoreline Setback and Vegetation Conservation Areas</a>	Type F streams greater than 5 feet wide (bankfull width) that provide habitat for fish	250	Type F streams less than 5 feet wide (bankfull width) that provide habitat for fish	200	Type Np and Ns streams (no fish habitat) with high mass wasting potential	225	Type Np and Ns streams (no fish habitat) without high mass wasting potential	150	<p>Recommended change: Retain the Type S water type in the table and add language referencing the SMP provision which establishes shoreline setbacks and vegetation conservation areas. The City could also consider making changes to references throughout OMC 18.32.400-435, replacing “streams” with “waters”</p>
<u>Stream-Water</u> Type and Description	Buffer														
<a href="#">Type S waters – Shorelines of the State</a>	250  <a href="#">Refer to SMP 18.20.620, Table 6-3 for the Shoreline Setback and Vegetation Conservation Areas</a>														
Type F streams greater than 5 feet wide (bankfull width) that provide habitat for fish	250														
Type F streams less than 5 feet wide (bankfull width) that provide habitat for fish	200														
Type Np and Ns streams (no fish habitat) with high mass wasting potential	225														
Type Np and Ns streams (no fish habitat) without high mass wasting potential	150														

**From:** [Van Zwalenburg, Kim \(ECY\)](#)  
**To:** [Joyce Phillips](#)  
**Cc:** [Nicole Floyd](#)  
**Subject:** RE: CAO 18.32 ECY Initial Determination 03292021  
**Date:** Tuesday, March 30, 2021 10:10:21 AM

---

**External Email Alert!**

This email originated from a source outside of the City's network. Use caution before clicking on links or opening attachments.

Correction:

Finding. The changes set forth would remain consistent with the policy and standards of RCW ~~90.57~~ **90.58** and the applicable guidelines.

---

**From:** Joyce Phillips <jphillip@ci.olympia.wa.us>  
**Sent:** Tuesday, March 30, 2021 10:05 AM  
**To:** Van Zwalenburg, Kim (ECY) <kvan461@ECY.WA.GOV>  
**Cc:** Nicole Floyd <nfloyd@ci.olympia.wa.us>  
**Subject:** RE: CAO 18.32 ECY Initial Determination 03292021

**THIS EMAIL ORIGINATED FROM OUTSIDE THE WASHINGTON STATE EMAIL SYSTEM - Take caution not to open attachments or links unless you know the sender AND were expecting the attachment or the link**

Thank you, Kim. This is very helpful.  
Joyce

---

**From:** Van Zwalenburg, Kim (ECY) <[kvan461@ECY.WA.GOV](mailto:kvan461@ECY.WA.GOV)>  
**Sent:** Tuesday, March 30, 2021 8:37 AM  
**To:** Joyce Phillips <[jphillip@ci.olympia.wa.us](mailto:jphillip@ci.olympia.wa.us)>  
**Cc:** Nicole Floyd <[nfloyd@ci.olympia.wa.us](mailto:nfloyd@ci.olympia.wa.us)>  
**Subject:** RE: CAO 18.32 ECY Initial Determination 03292021

**External Email Alert!**

This email originated from a source outside of the City's network. Use caution before clicking on links or opening attachments.

Good morning Joyce:

Thank you for the opportunity to discuss the proposed revisions to the CAO related to Priority Riparian Areas with you and Nicole. The suggested approach shown in the document provided on 3/29 accurately reflects the outcome of our discussion and addresses the concerns raised in the Initial Determination.

Please note: The Initial Determination included a related revision to 3.23 18.20.420 regarding "priority riparian area" buffers [Rec-4]:

[11. In shoreline jurisdiction, "priority riparian area" buffers for Type S waters are governed by Section 18.20.620 and Table 6.3 – Setbacks and Incentives which establishes](#)



[setbacks and Vegetation Conservation Areas based on the Shoreline Environment.](#)

This should be revised to reflect the proposed changes:

**Revised** recommended change Rec-4: [Priority riparian area buffers are set forth in OMC 18.32.435 Streams and Priority Riparian Areas – Buffers.](#)

My 'Finding' remains the same: The changes set forth would remain consistent with the policy and standards of RCW 90.57 and the applicable guidelines.

Don't hesitate to contact me should there be any remaining questions.

Kim

Kim Van Zwalenburg, Senior Shoreline Planner  
Department of Ecology - Southwest Regional Office  
PO Box 47775 Olympia, WA. 98504-7775  
(360) 407-6520 voicemail forwards to email; Cell: (360) 742-2074

*WA State Department of Ecology Southwest Regional Office is not accepting walk-in service from the public until further notice as we adhere to a statewide effort to slow the spread of the coronavirus (COVID-19). Regional staff are available by telephone and email, and information is also available on our [website](#). We remain committed to service, so don't hesitate to reach out to us.*

---

**From:** Joyce Phillips <[jphillip@ci.olympia.wa.us](mailto:jphillip@ci.olympia.wa.us)>  
**Sent:** Monday, March 29, 2021 4:40 PM  
**To:** Van Zwalenburg, Kim (ECY) <[kvan461@ECY.WA.GOV](mailto:kvan461@ECY.WA.GOV)>  
**Cc:** Nicole Floyd <[nfloyd@ci.olympia.wa.us](mailto:nfloyd@ci.olympia.wa.us)>  
**Subject:** CAO 18.32 ECY Initial Determination 03292021

**THIS EMAIL ORIGINATED FROM OUTSIDE THE WASHINGTON STATE EMAIL SYSTEM - Take caution not to open attachments or links unless you know the sender AND were expecting the attachment or the link**

Hi, Kim.

Thank you for meeting with Nicole and me to discuss the relationship between the SMP and CAO, specifically as it relates to the Priority Riparian Areas identified in CAO. Attached please find draft amendments to the CAO that I believe will provide clarity for the implementation of both the SMP and CAO. Please let me know if you have any concerns related to the Stream Type and Description Table in 18.32.435. If not, it is what I would like to use moving forward.

Thank you!

Joyce

Joyce Phillips, AICP, Principal Planner  
City of Olympia | Community Planning and Development  
601 4th Avenue East | PO Box 1967, Olympia WA 98507-1967  
360.570.3722 | olympiawa.gov

***Note: Emails are public records, and are potentially eligible for release.***



**Public Comment Summary: City of Olympia SMP Periodic Review**  
**City & Ecology Joint Public Comment Period, December 4, 2020 – January 11, 2021**

Number	Comment Topic and Section Number (Citation)	Commenter	Paraphrased Comment (full comments included in Attachment A)	Local Government Response and Rationale
1a	General/SMP	Harry Branch 8/19/2020	This should include the scientific discipline of oceanography, the study of interrelationships between physical, chemical and biological parameters.	Comment noted. The primary purpose of the SMP Periodic Review is to make any necessary revisions to ensure the SMP is current with changes to state laws and adopted updates to local plans. Conducting studies is beyond the scope of the update.
1b	General/SMP	H. Branch 8/19/2020	This should include classical methodology, observation, hypothesis, test, conclusion.	Comment noted. Please see the response to Comment 1a.
1c	General/SMP	H. Branch 8/19/2020	The report should include tributaries that drain directly to Budd Inlet including Ellis, Schneider and Moxlie Creeks. Of particular significance is the combined effect of these estuaries.	Waterbodies that meet the state definition for shorelines under the State’s Shoreline Management Act have been included in the SMP. Other waterbodies are governed by the City’s Critical Areas Ordinance, where applicable. In Olympia, shorelines under the SMP include: Budd Inlet, Capitol Lake, Chambers Lake, Grass Lake (also known as Lake Louise), Ken Lake, Ward Lake, Black Lake Ditch and Percival Creek, including those waters of Budd Inlet seaward of extreme low tide which are shorelines of statewide significance.
1d	General/SMP	H. Branch 8/19/2020	East Bay Waterfront Park is briefly given favorable mention. This Park is an invitation for children to play in dioxin as high as 1100 ppt, which is a problem. A Sediment Characterization of Budd Inlet was prepared. The next steps were to be identification of sources and source control, which never happened.	The referenced study was conducted by the Washington State Department of Ecology. The City of Olympia has worked to improve water quality through updating its Storm and Surface Water Plan, adopting Low Impact Development Stormwater standards, and developing habitat restoration plans and projects.
2a	2.5 - Aquatic Management Policies	WDFW 12/29/2020	Armoring above OHWM can also impact functions such as sediment recruitment, shade, and insect prey fallout. Restoration or replacement using soft approaches above OHWM can be valuable. Suggest removing the	The City agrees with this comment. The previously proposed phrase “waterward of the OHWM” has been removed from new policy 2.5 H. Additionally, the existing phrase “water-ward of the Ordinary High

Number	Comment Topic and Section Number (Citation)	Commenter	Paraphrased Comment (full comments included in Attachment A)	Local Government Response and Rationale
			"waterward of the OHWM" to encompass wider range of projects and locations.	<p>Water Mark” has been removed from SMP section 18.20.864 - New or Expanded Shoreline Stabilization Measures, regulation H, as shown below.</p> <p><i>H. Shoreline stabilization measures that incorporate ecological restoration or enhancement through the placement of rocks, sand or gravel, and native shoreline vegetation are strongly encouraged. Soft shoreline stabilization that restores ecological functions may be permitted <del>water ward of the Ordinary High Water Mark.</del></i></p>
2b	18.20.120 - Interpretation & Definitions – Functional Disconnect	WDFW 12/29/2020	While some shoreline ecological functions may be reduced or eliminated by a shoreline-adjacent road or other infrastructure, many shoreline functions may remain including shade, habitat, and soil stabilization.	Comment noted.
2c	18.20.620 Use and Development Standards Tables	WDFW 12/29/2020	It's important that remaining shoreline functions aren't lost because of existing infrastructure exempting the site from shoreline setbacks. Suggest adding language to define a Functional Disconnect as a situation where all shoreline ecological functions have been lost. Remaining functions should be protected with setbacks. Allowing shoreline setbacks to not apply in areas which may have lost some but not all shoreline functions may result in loss of remaining functions and may impact the viability of restoration projects by increasing the scale and degree of restoration needed.	Comment noted. The City has included a definition for the term Functional Disconnect. The amended Definitions section reads: “Functional Disconnect: An existing, legally established public road or other substantially developed surface which effectively eliminates the capacity for upland areas to provide shoreline ecological functions, as defined in WAC 173-26-201(2)(c).”
3a	General/SMP	H. Branch 01/04/2021	Consider the plight of the Southern Resident Killer Whale and their principal prey Chinook salmon. We're learning about the plight of Walleye Pollock, Pacific Herring, Pacific Cod, 15 species of rockfish, chum and sockeye salmon, steelhead, various mollusks and birds, insects	Comment noted. The City agrees that protection of species and their habitat is of great importance. The SMP establishes the minimum requirements for development or redevelopment adjacent to certain shorelines. It does not preclude nor detract from

Number	Comment Topic and Section Number (Citation)	Commenter	Paraphrased Comment (full comments included in Attachment A)	Local Government Response and Rationale
			and invertebrates. Much of the loss has occurred over the past two decades, under current rules.	other local, state, or federal efforts to protect these species or clean up the Puget Sound.
3b	General/SMP	H. Branch 01/04/2021	Allowing a water body to remain physically damaged results in degraded water quality which impacts species composition which degrades water quality which impacts species composition and so on. There is an ongoing net loss caused by existing modifications. A stream in a pipe has no phytoplankton. This is why nitrates travel 18 times farther in a buried pipe than one that sees daylight. And why buried streams are low in dissolved oxygen.	Comment noted.
3c	General/SMP	H. Branch 01/04/2021	The most critical part of any local watershed is its estuary and persistent circulation patterns. In a pipe circulation is restricted. With sunlight we have a mix of phytoplankton and zooplankton and birth of the food web. In the SMP, potential is never a consideration. Restoration potential should be part of every equation, based on that which existed historically.	Comment noted. Restoration considerations are part of project review but are not a requirement under the Shoreline Management Act.
3d	Section 3.1, 18.20.100(B) - Applicability	H. Branch 01/04/2021	The high water mark is the point from which setbacks are measured. The high water mark for the two major streams draining into Budd Inlet lies inside long culverts. The tide flows up a long pipe in both Moxlie and Schneider Creeks. In fact, there are 160 miles of stream-in-a-pipe in Olympia. In regulatory terms they don't exist. Birds, fish and marine mammals have no standing to appeal.	Comment noted. All creeks that meet the state definitions for inclusion in the SMP are included. OMC 18.20.300(B) notes <i>"The City has chosen not to regulate 'optional' shorelands as described in RCW 90.58.030 through this Shoreline Program."</i> Any decision to retain or "daylight" any existing waterbodies that are in pipes is beyond the scope of the periodic review and is not under consideration at this time.
3e	18.32.535(G)	H. Branch 01/04/2021	The most substantive issue brought up by the State in the SMP Periodic Review is the statement "The City's wetland buffers are not current with the State's most recent guidance." The City's response is that recommendations would result in amendments to chapter 18.32 of the Code (Critical Areas) rather than the SMP itself. But revisions to Olympia code 18.32 make no substantive changes to	The proposed change to the Critical Areas Ordinance is to update which version of Ecology's wetland guidance is used. This will ensure the City's CAO is based on the state's Best Available Science for wetland ratings and buffer widths. The amendment results in a reduction of wetland buffer width for certain wetlands with a low habitat score from 100

Number	Comment Topic and Section Number (Citation)	Commenter	Paraphrased Comment (full comments included in Attachment A)	Local Government Response and Rationale
			setbacks. It continues to recommend protecting critical areas, aiming at no net loss and providing mitigation for unavoidable impacts through minimizing, rectifying, reducing and compensating for loss.	feet to 80 feet. While the wetland buffer width will be reduced in those circumstances, Ecology's evaluation ensures that the level of protection needed for that type of wetland will be maintained.
3f	General/SMP	H. Branch 01/04/2021	Priority Riparian Areas are listed as the eastern shore of Budd Inlet, including and north from Priest Point Park, long stretches of western shore of Budd Inlet including West Bay Waterfront Park and the Port Lagoon and much of the shore of Capitol Lake. The priority areas are essentially parks. The prevailing assumption seems to be that humans must destroy any place we reside.	How the local SMPs and Critical Areas Ordinances (CAOs) work together has been further refined by the state. Within shoreline jurisdiction, shoreline setbacks and Vegetation Conservation Areas (VCAs, which are similar to buffers in the CAO) are in the SMP. For other types of environmentally sensitive areas such as steep slopes or wetlands, the provisions of the CAO apply within the shoreline jurisdiction. As such, any reference to Type S waters (for streams) or Priority Riparian Areas that pertain to marine waters should be removed from the CAO to reduce confusion.
3g	General/SMP	H. Branch 01/04/2021	The most glaring unspoken conclusion is that we should simply give up on East Bay, the half-mile long embayment south of Priest Point Park. It's been severely modified and has the worst benthic dioxin contamination and the poorest water quality in Budd Inlet. This way of thinking represents a clear violation of the Clean Water Act, the Endangered Species Act and numerous other State and Federal laws and regulations.	Comment noted. The City does not agree that the City or other governmental agencies are giving up on East Bay or are in violation of the Clean Water Act, the Endangered Species Act, or other state and federal laws.
3h	General/SMP	H. Branch 01/04/2021	How about some real changes: Restoration potential should be part of every equation. The potential inherent in a location should never be ignored.	Restoration considerations are part of project review but are not a requirement under the Shoreline Management Act. The most common forms of required restoration are in the form of revegetation in Vegetation Conservation Areas adjacent to shorelines. Larger projects may also include restoration both above and below the ordinary high water mark, such as by providing the type of restoration improvements envisioned within the

Number	Comment Topic and Section Number (Citation)	Commenter	Paraphrased Comment (full comments included in Attachment A)	Local Government Response and Rationale
				SMP's restoration plan (appendix A) or the West Bay Park Recreation, Trail, and Restoration Report.
3i	General/SMP	H. Branch 01/04/2021	Under City Code once a stream goes into a pipe in Olympia it no longer exists. Likewise if it's ever day-lighted, rules don't apply. This makes sense where there's currently a structure but not as justification for new construction. We should change the rule in such instances to recognize the existence of streams.	Comment noted. At this time the City does not intend to address waterbodies in the SMP that do not meet the definition of shorelines under the Shoreline Management Act. The critical areas ordinance will be fully reviewed during the next comprehensive update scheduled per the Growth Management Act.
3j	General/SMP	H. Branch 01/04/2021	The best available science should be employed in every study including a clearly stated observation, hypothesis, test and conclusion otherwise the effort can be incomplete, misdirected and conclusions can be buried in data. Sites should be sampled for any contaminants suspected of possibly being at the site, according to established protocols.	Comment noted. Please see the response to Comment 1a.
3k	General/SMP	H. Branch 01/04/2021	We need to take a holistic, ecosystem based approach to our critical areas. The baseline should be that which existed historically. Every effort should be made to determine how physical parameters like structures impact chemical parameters such as dissolved oxygen and biological parameters such as phytoplankton.	Comment noted. Please see the response to Comment 1a.
3l	General/SMP	H. Branch 01/04/2021	We should provide SRKW orcas with legal standing, consistent with the global Rights of Nature movement.	Comment noted. Please see the response to Comment 1a.
4	-	Bob Jacobs	Concur with Harry Branch Comments dated January 4, 2021	Concurrence noted.
5	-	Walt Jorgensen	Concur with Harry Branch Comments dated January 4, 2021	Concurrence noted.
6	-	Glen Anderson	Concur with Harry Branch Comments dated January 4, 2021	Concurrence noted.
7	-	Zena Hartung	Concur with Harry Branch Comments dated January 4, 2021	Concurrence noted.

Number	Comment Topic and Section Number (Citation)	Commenter	Paraphrased Comment (full comments included in Attachment A)	Local Government Response and Rationale
8a	SMP 3.42, 18.20.620 - Table 6.3; CAO 18.32.535	Lisa Riner	The review made the statement "The City's wetland buffers are not current with the State's most recent guidance". This means that the City of Olympia needs to have updated wetland buffer language in their review. We must update to meet the State language. We cannot allow our shorelines to deteriorate further. The City's response is that recommendations would result in amendments to chapter 18:32 of the Code (Critical Areas) rather than the SMP itself. But revisions to Olympia code 18:32 make no substantive changes to setbacks. We need setbacks! Currently setbacks next to Budd Inlet is 30 feet.	Please see the response to Comment 3e.
8b	SMP 3.42, 18.20.620 - Table 6.3; CAO 18.32.535	Lisa Riner	The City Response for a legitimate setback, continues to "recommend protecting critical areas, aiming at no net loss and providing mitigation for unavoidable impacts through minimizing, rectifying, reducing and compensating for loss". This statement is problematic! The loss of habitat for the eel grass, loss of habitat for the salmon, the food stock of the Endangered Orcas, are in the balance at Budd Inlet, Puget Sound.	Comment noted. The proposed change to wetland buffers is based on guidance from the Washington State Department of Ecology and its review of Best Available Science. Wetland buffers will apply to wetlands in the City, whether or not the wetland is within or outside of the shoreline jurisdiction.
8c		Lisa Riner	How about some real changes: In the SMP, "Restoration potential" should be part of every equation. The potential inherent in a location should never be ignored. For example, we cannot have the loss of eel grass. Many aquatic animals need eel grass to live. Putting rocks into the water, along Budd Inlet is not sufficient for rectifying loss. We need WA State language, the recent guidance, that deals with wetland and buffers.	Comment noted. Please see the response to Comment 3h. Restoration considerations are part of project review but are not a requirement under the Shoreline Management Act. Note, there are currently no proposed changes to the Restoration Plan (appendix A of the SMP). In the related amendments to the Critical Areas Ordinance, the City is updating the reference to the WA State language, the recent guidance, that deals with wetlands and appropriate buffer widths (See OMC 18.32.535).
8d		Lisa Riner	Under City Code the "Green Cove Creek" work done by the City in the 1980's was replaced by the "Low Impact Standards". This work deals with Critical areas, and wetlands, wetland buffers. We need to keep the original	Comment noted. Green Cove Creek is not regulated under the SMP. Protections for Green Cove Creek are within the City's Critical Areas Ordinance, based on its stream type. The City's Low Impact Development

Number	Comment Topic and Section Number (Citation)	Commenter	Paraphrased Comment (full comments included in Attachment A)	Local Government Response and Rationale
			language of that Green Cove Creek Study. Substituting “Low Impact Standards” language, is unacceptable. We need to have Critical areas safe-guarded, the “Low Impact Standards” put into effect by the City. The SMP deals with Critical Areas. We need the full weight of the City’s work from the 1980’s to protect Budd Inlet. We need Wa State language in the SMP.	standards pertain to stormwater and were adopted as good practice and to implement the City’s Municipal Stormwater Permit. These proposed amendments to the SMP do not alter the stream type for Green Cove Creek nor reduce environmental projections for the Green Cove Basin.
8e		Lisa Riner	The best available science should be employed in every study including a clearly stated observation, hypothesis, test and conclusion otherwise the effort can be incomplete, misdirected and conclusion can be buried in the data. In the SMP, it says, that development sites should be sampled for any contaminants suspected of possibly being at the site, according to established protocols. Without sampling, we have little proof of what is currently at the site. We have old studies, but they are insufficient. We need any developer to conduct a site study on past contamination. Public health and safety demand this for development on past polluted sites. This should be mentioned in the SMP.	Comment noted. Please see the response to Comment 1a. Additionally, the City believes the existing policy and regulatory language is adequate to address issues of soil contamination.
9	-	Kim Dobson	Concur with Harry Branch Comments dated Jan. 4, 2021	Concurrence noted.
10a	-	Debra Jaqua	Concur with Harry Branch Comments dated Jan. 4, 2021	Concurrence noted.
10b	SMP	Debra Jaqua	We cannot continue to kick the can down the road because that will burden our children. Decisions continue to be made that appear to be in the best interest of developers who are more concerned with profits than citizens who depend on a healthy shoreline, which we all need. Olympia can and must do better.	Comment noted. Please see the response to Comment 1a.
11	-	Esther Kronenberg	Concur with Harry Branch Comments dated January 4, 2021	Concurrence noted.
12	-	JJ Lindsey	Concur with Harry Branch Comments dated January 4, 2021	Concurrence noted.



Number	Comment Topic and Section Number (Citation)	Commenter	Paraphrased Comment (full comments included in Attachment A)	Local Government Response and Rationale
13a	2.15 – Public Access Policies; 18.20.450 – Public Access; 18.20.460 – Design of Public Access	Bob Jacobs 01/09/2021	My biggest concern is public access. Shoreline access is a high priority public value. Proposed amendments on pages 16, 50, and 51 attempt to define situations where public access requirements could be waived, which would be unfortunate. Perhaps waterfront developments which have no on-site waterfront access possibilities could contribute to a fund to establish or improve public access elsewhere. It would be beneficial to have a better definition of adequate visual access, which is required where physical access is not possible. Visual access should be defined as providing clear views to the water.	Comment noted. It is common throughout other shoreline master programs to not require public access if adequate public access already exists in the immediate vicinity. Public access will be required unless a waiver is issued by the City consistent with 18.20.450.C. To provide more clarity around what constitutes “immediate vicinity” for public access, additional revisions are proposed to 18.20.450.C.6.
13b	18.20.910 – Alteration of Nonconforming Structures in Shoreline Jurisdiction	B. Jacobs 01/09/2021	Proposed amendments deal with the situation where buildings are or become nonconforming. They replace the word "restored" with "reconstructed". It seems questionable whether nonconforming buildings should be allowed to be replaced because this perpetuates a non-conformity, which by definition is not desirable. Elsewhere in city codes this is not allowed.	The intention of the proposed revision is to use a word other than restored, given that restoration in other parts of the SMP refer to habitat restoration. In this section, staff interprets the language to allow for legally established uses that no longer conform to the current standards to be repaired or replaced in the same location. OMC Chapter 18.37 also addresses nonconforming buildings and uses, including those which are located in critical areas. Changing this word is not critical and will not change the way this language is interpreted or implemented, it is intended to provide greater clarity of the intent.
13c	18.20.300 – Shoreline Jurisdiction	B. Jacobs 01/09/2021	New language is confusing. The first two sentences appear to contradict each other as regards structures.	The proposed language is meant to clarify how development is addressed when the shoreline jurisdiction applies to a portion, but not all, of the property.
14a	General/SMP	H. Wheatley	Olympia has many places where the most functionally important shoreline ecosystems (freshwater and saltwater) are severely compromised. Continuing effects of poor management of the shoreline are leading causes of degradation.	The primary purpose of the SMP is to identify how new development and redevelopment will be addressed. In most cases it does not address existing development. It strives to ensure a balance between environmental protection, public access, and giving priority to uses that require a shoreline location with



Number	Comment Topic and Section Number (Citation)	Commenter	Paraphrased Comment (full comments included in Attachment A)	Local Government Response and Rationale
				private property rights and development opportunities. On its own, the SMP will not fix any issues of existing degradation.
14b	2.11 Urban Intensity Environment	H. Wheatley	We need policies that substantially enhance shoreline ecological functions in “urban intensity” zones where much ecological harm to natural shorelines occurs.	Comment noted. The SMP establishes the rules that will apply to future development and redevelopment, in addition to those of other city codes and standards, such as zoning, building, and engineering standards, and requires that, at a minimum, baseline ecological functions are maintained.
14c	2.11 Urban Intensity Environment	H. Wheatley	The shoreline is critical to the resilience of maritime life. For Puget Sound, fixing the urban zone is key to rebuilding resilience.	Comment noted.
14d	General/SMP	H. Wheatley	South Puget Sound shorelines are mapped as priority habitats.	Yes, many areas of the South Puget Sound within the City of Olympia and the urban growth area are mapped as priority habitats.
14e	2.2 Shoreline Ecological Protection	H. Wheatley	Puget Sound is in grave trouble. The “no net loss” approach is a failure. Habitat degradation continues to outpace restoration.	Comment noted.
14f	General/SMP	H. Wheatley	Olympia’s SMP should provide political fortitude at the local level to define clear, consistent goals. It should set meaningful limits based on best available science, not based on past practices and political expedience.	Comment noted.
14g	General/SMA	H. Wheatley	Regional priorities for Puget Sound must be habitat protection and restoration, water quality protection, and salmon recovery. The first priority for revisions should be to make it more protective of these priorities based on what have learned about what works, and what does not. It should be based on principles of adaptive management, strive toward goals set on science, because we are dedicated to social and environmental justice, and because we want to make our waters whole again for all our communities, including finned and winged.	Comment noted. The City’s SMP includes policies and regulations aimed at ensuring no net loss of shoreline ecological functions and a Restoration Plan to help improve ecological functions over time.

Number	Comment Topic and Section Number (Citation)	Commenter	Paraphrased Comment (full comments included in Attachment A)	Local Government Response and Rationale
14h	General/SMP	H. Wheatley	One approach to improving the effectiveness of the SMA, so that degraded shoreline is not one of the factors contributing to poor water quality, is to revise the SMP according to the criteria and requirements of the SMA itself.	Comment noted. The City’s SMP was shown to meet all criteria of the Act during the last comprehensive update. This periodic review ensures consistency with all recent legislative actions since the last comprehensive update.
14i	2.1 – Shoreline Master Program Goals and Policies	H. Wheatley	The Draft SMA helpfully provides the language of Section 2.1(A) of the Shoreline Management Act. The Act provides an “order of preference” prioritized as follows: 1. Recognize and protect the statewide interest over local interest. 2. Preserve the natural character of the shoreline. 3. Long term over short term benefit. 4. Protect resources and ecology. 5. Increase public access to publicly owned areas. 6. Increase recreational opportunities for the public. 7. Anything else defined by the Act as “appropriate or necessary.”	Agreed. The City is proposing to add considerations of resilience of shoreline ecosystems, functions and developments in response to sea level rise as well.
14j	Section 2.1 – Shoreline Master Program Goals and Policies	H. Wheatley	Following this “order of preference” could improve the health of Puget Sound. Olympia does not recognize these priorities holistically. Nor are the current proposed revisions intended to correct the SMA’s course so it moves toward prioritization of natural shoreline. SMA’s description of the City’s role in implementing the Act does not even identify goals #1 through #3 listed above, as elements of the SMA’s “purpose and intent.” The emphasis, instead, is on looking inward to city priorities and doing just enough in the current regulatory environment. This trends toward piecemeal regulation when the whole point is to avoid piecemealing the shoreline to functional death.	Comment noted. The City believes the SMP balances the Shoreline Management Act and Growth Management Act requirements for how future development and redevelopment will occur, including the rules and regulations that are in place for shoreline and environmental protection in urban areas.
14k	General/SMP	H. Wheatley	The SMP muddles city interest with the statewide public interest, and largely fails to place the SMP in the urgent context of the 21st century. To build an SMP that works,	The City believes the SMP does address both statewide and local interests, as intended. The City’s SMP is one part of a larger context of efforts aimed at

Number	Comment Topic and Section Number (Citation)	Commenter	Paraphrased Comment (full comments included in Attachment A)	Local Government Response and Rationale
			revisions should contribute to the wellbeing of Puget Sound in the face of population growth, pollution, urbanization of the nearshore environment, species decline, and all of the challenges of climate change that affect our waters and shorelines.	improving Puget Sound. Many other efforts by other entities, including state and federal agencies, also apply.
14l	Section 2.9 – Marine Recreation Environment Management Policies; 18.20.120 Definitions	H. Wheatley	Proposed revisions to accommodate the Port’s interest in building an RV park provides an example of the potential hazards of piecemealing. The state has set high and specific standards for the kinds of recreational use that can be permitted on a shoreline. The City has already indicated that it is aware that the state may reject the proposed revisions to build an RV park, on those very grounds. Can the Port show that it is meeting a “demonstrated significant local, state, or national need” for the new proposed use? Is this a use that should be permitted because it cannot be met elsewhere, per Section IV of WAC 127-26-360 (Ocean Management)? Does a tourist RV park, closing off the area to local public use, meet or at least not detract from priorities #5 and #6 listed above? Conversely, could revising the acting definition of shoreline recreational use in order to allow an RV park, have potentially adverse impacts if it is subsequently applied to other shoreline areas in the city once it becomes part of the SMA?	If any kind of recreational camping or lodging is ever proposed by the Port of Olympia, or any other property owner, it must be reviewed and approved for compliance with all zoning and development standards that apply. This would include review under the State Environmental Policy Act (SEPA), critical areas ordinance, and SMP. The intent of the proposed language is to clarify that short term camping is a form of recreation that could be allowed in the Marine Recreation shoreline environment.
14m	General/SMP	H. Wheatley	If there is compelling reason to change the SMP in a way that allows a particular project, it should be framed with general principles. Any particular project, such as an RV Park for the Port or a large scale real estate development on the West Side, should be forced to stand on its own merits and either meet the optimal regulatory criteria, or prove itself to be sufficiently beneficial to earn a variance.	Any proposed development in the shoreline jurisdiction will be reviewed for conformance with all applicable rules and regulations. If the requirements cannot be adequately satisfied the proposal will not be approved.
14n	18.32.535	H. Wheatley	Shoreline contribution to ecological health must be the top priority of the 2020s. There is documentation of both	The SMP Periodic Review does not include the reassessment of the City’s ecological baseline that

Number	Comment Topic and Section Number (Citation)	Commenter	Paraphrased Comment (full comments included in Attachment A)	Local Government Response and Rationale
			the economic costs of loss of ecological function, and economic advantages provided by the ecological services of a healthy shoreline. It is not clear that the proposed buffer changes would serve to demonstrably and substantially improve how the SMP meets the priorities of the SMA to protect natural shoreline, or how they would work to lift Puget Sound out of its current crisis rather than drive it deeper. Do the changes increase protection, or reduce it? Is it truly sufficient to meet “no net loss” standards?	was established in 2015 as part of the development of the Shoreline Master Program. The ecological baseline is the threshold from which “no net loss” is measured. While ecological improvements can be made that exceed that level, it is the established minimum threshold and is not proposed to be revised at this time.
14o	General/SMP	H. Wheatley	According to Puget Sound Partnership, habitat degradation is the greatest threat, and restoration is the most important way to realize the “full potential of Olympia’s shoreline”.	Many of the proposed amendments are to encourage soft armoring (above and below the ordinary high water mark [e.g., see policy 2.5.H.]) and to encourage enhancement over the existing condition (e.g., see section 8.20.846).
14p	General/SMP	H. Wheatley	Many proposed revisions appear to be based on an insular, city-centered approach to SMA revision. It would be preferable to propose revisions that encourage making the most of the data and science-based guidance available to the city from a wide range of state agencies. In particular, the Priority Habitat approach of the WDFW should be reflected. It should provide a starting point for the revision process, as WDFW has called for the utilization of PHS as an adaptive management tool.	The City uses Best Available Science for the protection of critical areas both within and outside of the shoreline jurisdiction.
14q	General/SMP	H. Wheatley	A Priority Habitat approach would provide a robust antidote to the greatest immediate failure of the SMA: its approach to Critical Areas. The SMA should not simply adopt the CAO by reference, even where the city code addresses priority species and habitats for streams and shorelines. Priorities of the SMA should prevail.	Comment noted. The City strives to protect the environment, including shorelines, by implementing state laws through development regulations for shorelines (in accordance with the Shoreline Management Act), critical areas ordinance (in accordance with the Growth Management Act), and in state rules and from court cases.
14r	SMA & GMA	H. Wheatley	The SMP should have Critical Area language based on shoreline ecology and guided by the needs of priority	It has been clarified through the state that for shoreline areas, the SMP must govern the regulation of critical areas (such as wetlands and steep slopes) in the shoreline

Number	Comment Topic and Section Number (Citation)	Commenter	Paraphrased Comment (full comments included in Attachment A)	Local Government Response and Rationale
			<p>species, especially salmonids. It should not be subordinate to the Growth Management Act. The legislature has made this very clear. The legislature intends that critical areas within the SMA jurisdiction shall be governed by the SMA and that critical areas outside the SMA jurisdiction shall be governed by the GMA. The legislature further intends that the quality of information currently required by the SMA to be applied to the protection of critical areas within shorelines of the state shall not be limited or changed by the provisions of the GMA. (RCW 90.58.030)</p>	<p>jurisdiction. This is why, for regulatory consistency both within and outside of shoreline jurisdiction, the CAO is adopted by reference in the SMP and why, as part of the SMP Periodic Review process, the City is amending the CAO to reference the most recent state guidance on wetlands and wetland buffers. It should be clarified that shoreline setbacks and the Vegetation Conservation Area (VCA) serve as “buffers” for waterbodies meeting the definition of shorelines under the SMA and that critical areas such as wetlands and steep slopes that occur within the shoreline jurisdiction are regulated by the CAO through the SMP. Staff believes there is the potential for confusion because the CAO includes reference to Type S waters, which are shorelines of the state. As such, additional revisions are proposed to remove reference to Type S or marine waters from the CAO. The CAO would still be incorporated by reference to apply to critical areas within the shoreline jurisdiction. Type S waters are governed by the SMP.</p>
14s	General/SMP	H. Wheatley	<p>Protection of productive habitats for salmonids, feeder fish and zooplankton should be at the top of permitting concerns. So too should protection of shoreline vegetation complexes, including remaining forests and wetlands, that support species (bats, wood ducks, herons, ospreys, eagles). Science- and species-based approaches to identifying priority and critical habitat areas would immediately transform the current stream listings in Table 19.200.107(A) (“Streams Subject to the SMP”). The current list does not identify major streams (and their estuary/outflows) such as Indian/Moxlie and Percival Creeks. The SMA should highlight other kinds of priority shoreline habitats already identified and mapped by the State, including small shoreline streams of importance to chum, or estuary shorelines of significance to salmonids</p>	<p>The City believes the goals, policies, and regulations in the SMP do provide for the protection of habitats and species and that the SMP is compliant with requirements of the Shoreline Management Act and Growth Management Act. Surface streams that do not meet thresholds to be considered shorelines of the state are governed by provisions of the Critical Areas chapter, OMC 18.32. Note: Table 19.200.107A is not recognized so staff responses do not pertain to it.</p>

Number	Comment Topic and Section Number (Citation)	Commenter	Paraphrased Comment (full comments included in Attachment A)	Local Government Response and Rationale
			and feeder fish, and/or that may be known sources of degrading pollution.	
14t	General/SMP	H. Wheatley	Such an approach, including prioritization of long term over short term benefit, would demand protections from climate change impacts far beyond sea level rise and the geographically limited SLR plan. Conservation and restoration of natural shoreline and shoreline vegetation complexes is the best approach we have to assure protection of Puget Sound and interests in the face of climate change. Standards of environmental justice and heritage protection also point toward prioritization of conservation and restoration.	Comments noted. The City does support and encourage conservation and restoration.
14u	18.20.510 – Water Quality	H. Wheatley	A science-based approach would prioritize stormwater impacts and protection of shorelines from pollution. This would lead in an opposite direction to many of the currently proposed revisions, such as the concept of “functional disconnect” that essentially removes certain areas from protection because they are urban and developed. Prioritization of public access and water-based recreational use should also call this concept of “functional disconnect” into question.	Comments noted. The City adopted Low Impact Development Stormwater standards and works to prevent pollution. Additionally, efforts outside of the SMP occur, such as work on habitat restoration outside of the shoreline environment and through work with the LOTT Clean Water Alliance.
14v	General/SMP	H. Wheatley	The City is aware of potential projects that could have a profound impact on the shoreline during the near-future timeframe covered under this proposed set of revisions. We are now living through an unforeseen and sharply punctuated moment of demographic and economic shifts that may have implications for how shoreline recreation and access issues in Olympia should be addressed fairly and for greatest long term public benefit.	Comment noted. Any and all applications for development review will be reviewed for compliance with the rules and regulations in place at the time a proposal is vested, as is required by state and local codes.
14w	General/SMP	H. Wheatley	The regulatory <a href="#">gap analysis</a> approach which largely framed the revision seems timid. The handful of revisions will not lead Olympia to substantial and measurable improvements in the metrics that truly matter. The	Comment noted. The purpose of the gap analysis was to identify where revisions are required in order to set the minimum scope of the periodic review required under state law. The primary purpose of the

Number	Comment Topic and Section Number (Citation)	Commenter	Paraphrased Comment (full comments included in Attachment A)	Local Government Response and Rationale
			proposed revisions seem to lead the charge in the opposite direction from bracing up the “political fortitude” of city regulators.	SMP Periodic Review is to make any necessary revisions to ensure the SMP is current with changes to state laws and adopted updates to local plans.
14x	General/SMP	H. Wheatley	It appears the scope of the task given to the consultants did not lay out a primary task of highlighting the areas of the current SMP that are insufficiently protective or suggesting revisions that could best optimize protectiveness. It appears where the contractor provided helpful advice the analysis may have been minimized or ignored.	Comment noted. The City believes the proposed amendments implement the required updates and highlight changes in local circumstance, such as the City’s adoption of a Sea Level Rise Response Plan. As noted above, the primary purpose of the SMP Periodic Review is to make any necessary revisions to ensure the SMP is current with changes to state laws and adopted updates to local plans. Conducting new studies or assessing environmental conditions is beyond the scope of this update.
14y	General/SMP	H. Wheatley	Every proposed revision should be examined through the lens of whether it brings the city closer to decreasing stress on South Puget Sound. The fundamental question for decision makers is: does this proposed revision help to turn the degradation around?	Comment noted. The majority of amendments are to ensure consistency with state law or improve usability and understanding of the SMP.
14z	General/SMP	H. Wheatley	There should be no revisions that actually carry the SMP further away from the SMA or that stymie the accelerating evolution of state policy in the face of the environmental crisis.	Comment noted. The City does not believe any of the proposed revisions carry the SMP further away from the intent or requirements of the SMA.
14aa	General/SMP	H. Wheatley	There should be reference to environmental justice and recognition of the shoreline’s cultural heritage as a home beyond a century’s legacies of built environment. There should be at least a gesture toward the need to prepare for a significant revamping of the SMP, in the next go-round, in order to adopt science-based adaptive management policies. For the present round of revision, the need to look forward might be addressed by calling for more inclusion of state-based scientific expertise on a regular basis to assure that the permitting process is truly protective. It would help to outline a sound program of	Comment noted. The City looks forward to a future comprehensive update of the SMP and an evaluation of ecological, cultural, and land use conditions. However, such a review is outside the scope of this periodic review.



Number	Comment Topic and Section Number (Citation)	Commenter	Paraphrased Comment (full comments included in Attachment A)	Local Government Response and Rationale
			data collection and management in order to establish metrics that can support adoption of adaptive shoreline management going forward.	
14bb	General/SMP	H. Wheatley	While some marginal commentary is made available, the intent of specific revisions to the SMP can be a challenge for the public to parse. Some revisions, such as incorporation of Sea Level Rise, are easy to interpret and sensible on their face. Others, such as revisions to processes related to permitting authority and the role of the hearing examiner, are harder to understand. If comments about specific revisions are off base due to misinterpretation of their scope, effects or intent, then please apply the fundamental criterion upon which these comments are based: the proposed revision should provide better real outcomes in protecting the shoreline than leaving the original language in place.	Comment noted. Additionally, there have been several briefings on the SMP Periodic Review at the Planning Commission during public meetings and staff have responded to questions regarding the purpose of proposed revisions. Additional information, including a detailed gap analysis and contact details for staff, are available on the City webpage at <a href="http://olympiawa.gov/smp">olympiawa.gov/smp</a> .
14cc	Section 1, Purpose and Intent 1.6 Critical areas, Regulation by Reference	H. Wheatley	There appear to be areas where recently revised language of the CAO weakens shoreline protection, meaning that this revision should not be adopted. For example, the CAO appears to remove a prohibition on combining wetland buffer averaging and administrative wetland buffer reductions in shoreline areas. The impacts of changes to the OMC and its inadequacies for shoreline protection should be clearly stated for decision makers as they consider adopting this revision. The Watershed Company states that the OMC itself needs to be updated in many areas to follow state guidance. The SMA is powerless to effect such changes to the Olympia code. This is precisely why the legislature finds that there should be a separation between the SMA, the GMA, and city ordinances. The tables provided by The Watershed Company in its section on "Consistency with the Critical Areas Ordinance" may provide a useful starting point for revision of Critical Area language that brings actual	The existing CAO already contains language which prohibits the combined use of buffer averaging and buffer reduction in OMC 18.32.535. No amendment is proposed to that provision in the CAO or the SMP 18.20.420.  State law requires local jurisdictions to regulate critical areas that are present in shoreline jurisdiction via policies and regulations contained in the SMP. For consistency within and outside of shoreline jurisdiction, the City is adopting the most recent CAO by reference in the SMP.



Number	Comment Topic and Section Number (Citation)	Commenter	Paraphrased Comment (full comments included in Attachment A)	Local Government Response and Rationale
			improvement, as discussed above in regard to WDFW priority habitats. This also includes the listing/mapping of critical areas. Critical areas under the SMA should look first and foremost to state standards.	
14dd	Table Section 1.2	H. Wheatley	This adds confusion and should be removed. It is oversimplified and may cause members of the public to miss useful elements of other tools and policies by implying that they are absent or not applicable. There is no case to be made that this table improves shoreline protection.	This existing table provides a useful summary of other regulatory and policy tools that apply and is intended to help readers identify other city plans and codes that may also affect development proposals. The only revision proposed at this time is to show that the SMP also addresses sea level rise, in addition to the Comprehensive Plan, the Zoning Code, the Engineering Development and Design Standards, Floodplain Codes, SEPA, and the Capital Facilities Plan currently noted.
14ee	Section 1.3(C) and no net loss	H. Wheatley	From the way it is worded, Section 1.3 (C) implies that RCW 90.58.020 calls for, or at least accedes to a policy of “no net loss of shoreline ecological functions”. This is not true. It should be made clear that the concept of “no net loss” is a City policy formulation at this point. A better revision would call for a net <i>gain</i> of shoreline ecological functions in order to “foster the policy contained in RCW 90.58.020.”	Comment noted. Section 1.3 is not proposed for amendment and is consistent with state guidelines.
14ff	Section 1.3 – Purpose and Intent	H. Wheatley	The statement of “purpose and intent” in Section 1 should set a tone appropriate to the challenges of achieving good shoreline policy in the context of climate change and the ecological collapse of Puget Sound. It should incorporate environmental justice and meeting the city’s obligations to and honoring the cultural heritage of the tribes. It should bolster the regional context of shoreline protection by making specific reference to Olympia’s role as guardian of the shoreline under the SMA.	Comment noted. Section 1.3 is not proposed for amendment and is consistent with state guidelines.

Number	Comment Topic and Section Number (Citation)	Commenter	Paraphrased Comment (full comments included in Attachment A)	Local Government Response and Rationale
14gg	Section 2.1 – SMP Goals and Policies	H. Wheatley	It is unclear why #7 is added when it does not appear to be part of the list in the current RCW. This seems to change Section A from an enumeration of priorities under the SMA, to a hybrid of state and city priorities.	Appendix A of the Washington State Department of Ecology’s Shoreline Master Program Handbook is about Addressing Sea Level Rise in SMPs. While not specifically required it is certainly becoming more common as counties and cities work to use the most current, accurate and complete information regarding sea level rise and marine shorelines.
14hh	Sea Level Rise	H. Wheatley	Current SLR planning does not incorporate all six miles of Olympia marine shoreline, or even address impacts of SLR to groundwater. There is no reason to wait for the city and its SLR plan to catch up with the need to regulate the shoreline for SLR and other climate change impacts (long term benefit). Much of this can probably be developed in subsection G.	The City will continue its efforts, over time, to understand and address sea level rise. This is likely to increase the portions of the City and portions of the Urban Growth Area that will be addressed. As Sea Level Rise and Comprehensive Plans are updated, additional amendments to the SMP may be included in the future.
14ii	Section 2.1 F – SMP Goals and Policies	H. Wheatley	For subsection F, it would be appropriate to add a qualifier, give the state’s preference that shoreline management be conducted according to what is optimal for long term and natural shoreline protection over the long term. The policies and regulations should be integrated and coordinated, <i>to the extent practicable</i> , with the other goals, etc.	Comment noted. Section 2.1 F is not proposed for amendment and is consistent with state guidelines.
14jj	Section 2.1 – C & D 18.20.120: Definitions	H. Wheatley	The SMA is inadequate in its definitions. What is the best way to identify a “shoreline of the state”? How does climate change challenge definitions based on tidelines, high and low water marks, 100 year floodplains, and the like? Is the concept of an “urban Intensity” shoreline consistent with what science now tells us about where shoreline should be preserved or even restored? Based on better understanding of salmonid ecology, how should a “segment” of a “natural river” be defined? (Suggestion: include “stems” that flow into a river’s estuary.) This revision period is a good time to present ideas on how to make science happen as policy.	Comment noted. Shoreline jurisdiction is determined based on state law as defined in RCW 90.58.030.

Number	Comment Topic and Section Number (Citation)	Commenter	Paraphrased Comment (full comments included in Attachment A)	Local Government Response and Rationale
14kk	Section 2.15 K Public Access Policies	H. Wheatley	Do not accept revision of public access policies that permit new development or redevelopment without on-site public access. Use public input to define “adequate public access” and “immediate vicinity”.	See response to Comment 13a
14ll	Section 2.21 B Agriculture	H. Wheatley	There is no reason to assume that well managed land use for agriculture is worse than other land uses. The prohibition against agricultural uses should be revised.	Comment noted. This is an existing policy that is not proposed for amendment. The prohibition on new agriculture within the city’s shorelines was established at the time of the comprehensive SMP update, if not earlier.
14mm	Section 2.31 F Dredging	H. Wheatley	If it enhances shoreline protection and provides additional environmental safeguards, then revisions to dredging policy are welcome.	Comment noted.
14nn	Section 2.34 M & throughout - West Bay Environmental Assessment Report	H. Wheatley	Restoration and Enhancement Policies and other parts of the SMA should not specifically cite the West Bay Environmental Restoration Assessment Report. Its appearance throughout the SMA has all the appearance of an effort to gain backdoor approval of a specific project. All reference should be removed. The same goes for the Sea Level Response Plan. If there are general policies that can be derived from a referenced report or study (such as the considering the SLR to “determine the minimum necessary size of shoreline stabilization structures,”) then apply the principle, and apply it across the board (for example, to <i>all</i> shorelines affected by SLR). If it doesn’t fit across the board (soft shorelines are preferable to shoreline stabilization structures) then maybe it doesn’t belong at all.	Comment noted. Reference to the West Bay Environmental Restoration Assessment Report and the Sea Level Response Plan have been included in the SMP to add clarity and understanding for how various sections may apply.
14oo	18.20.120 - Definitions	H. Wheatley	May not be necessary if a Port RV park is not deemed an improvement to shoreline policy.	Comment noted.
14pp	Functional Disconnect (various)	H. Wheatley	As previously discussed, this is not a scientifically or socially sound concept. It should be removed throughout. What is not scientific about it: it ignores the	Comment noted. Please see the response to comment 2C. The term functional disconnect has been added to the definitions section and clearly

Number	Comment Topic and Section Number (Citation)	Commenter	Paraphrased Comment (full comments included in Attachment A)	Local Government Response and Rationale
	18.20.120 – Definitions, 18.20.450 - Public Access, 18.20.460 – Design of Public Access		existence of groundwater, stormwater or anything else, possibly including pollutants, that may move across the named structural elements. What is not socially sound: The concept appears to be applied largely in terms of public access and impacts. But it is not clear that the concept works even in a limited context. For example, the existence of a road does not functionally disconnect a viewer’s ability to see the shoreline from the upland side of a road or across a public space. A person or other mobile thing can move across space and not subjectively experience it as a “disconnect.” The concept also appears to be applied in regard to setbacks, where again it should not be assumed that the existence of a physical structure will somehow remove the rationale for a setback requirement. In the absence of a persuasive argument that this can or should be implemented as a universal policy without doing potential harm to achieving the optimal protection of the shoreline in all its aspects, the notion of “functional disconnect” should be eliminated, and each permitting situation should be addressed on its merits.	identifies that it applies in situations where an existing intersecting development has eliminated the capacity for ecological function.
14qq	18.20.120, 18.20.450, 18.20.460	H. Wheatley	On the topic of public access, lines of sight, etc: shorelines under the SMA are not limited to saltwater but include lakes and streams. It is not clear that the City of Olympia has given due consideration to optimizing public access along non-marine shorelines.	Comment noted. The public access provisions apply across shorelines governed by the SMP, including all applicable marine and freshwater shorelines.
14rr	Exceptions to Local Review 3.6 (A) 18.20.215	H. Wheatley	Specific meaning is unclear, “environmental excellence” does not necessarily equate to “most protective of the shoreline.” This language probably goes against the priorities of the SMA. The same applies to the Energy Facility Site Evaluation Council process listed elsewhere. Other items in Section A apply to facilities that already exist and are therefore probably not objectionable.	The exception to local review is allowed under the SMA when subject to an environmental excellence program agreement (RCW 90.58.045 and 43.21K). Such projects favor or promote pollution prevention, source reduction, or improvements that are transferable to others or that can achieve better environmental results than required by applicable

Number	Comment Topic and Section Number (Citation)	Commenter	Paraphrased Comment (full comments included in Attachment A)	Local Government Response and Rationale
				rules and requirements. These are statutory exceptions per WAC 173-27-044 and -045.
14ss	Section 3.13 Shoreline Permit Procedures 18.20.280(C)	H. Wheatley	This appears to revise the exemption process in order to liberalize permitting in ways that provide no apparent benefit to the shoreline compared to the original language. It may actually broaden the range of permit exemptions. It appears to remove some criteria for exemption, such as: already being exempt from SEPA <i>and</i> being “entirely upland of the Ordinary High Water Mark.” It appears to remove the criterion that an exemption application can’t be decided by an Administrator if a public hearing is requested by an interested party. It appears to broaden the scope of permits and applications that can be decided by a Hearing Examiner. Such proposed revisions do not forward the cause of shoreline protection and should not be included.	This revision is intended to clarify that not all shoreline permits are required to go to the Hearing Examiner, that some lesser proposals can be decided by the Shoreline Administrator in accordance with the SMA.
14tt	Section 3.81 Expansion of Nonconforming Structures, 18.20.900	H. Wheatley	What is the benefit to the shoreline or public in revising the SMA to allow expansion of nonconforming structures? The city should consider whether it wants to encourage this with climate change and sea level rise. This revision has yet to be fully discussed by the community in terms of climate/SLR strategy. The same consideration applies to the revision allowing for reconstruction of nonconforming structures damaged or destroyed by acts of nature. This revision appears counterproductive to encouraging most protective outcomes.	Comment noted. Amendment is intended to add clarity that certain nonconforming structures may be expanded in accordance with the alteration allowances in 18.20.910.
15	-	Sam Merrell, Audubon	Black Hills Audubon endorses the comments submitted by Harry Branch. We agree with his arguments that an ecosystem, science-based approach is needed protect the flora and fauna of Budd Inlet and other waterways.	Concurrence noted.
16	Public Hearing Testimony	Robert Vadas	Concern about the shoreline setback reduction proposed for the West Bay Park area, that it may be an opportunity	Comment noted. The request to reduce the 150-foot shoreline setback and minimum width of the

Number	Comment Topic and Section Number (Citation)	Commenter	Paraphrased Comment (full comments included in Attachment A)	Local Government Response and Rationale
		01/11/2021	<p>for businesses to develop closer to the shoreline. Why not limit this so it applies to the park only?</p> <p>Concern about RV park idea and concern about greater living opportunities in marinas since there are oxygen problems in the water. My concern is about the oxygen problem. We need more than the status quo.</p>	<p>Vegetation Conservation Area (VCA) was originally considered to allow for some park improvements at West Bay Park and to reduce the number of privately owned nonconforming structures in the Waterfront Recreation shoreline environment, some of which are approximately 40-feet from the ordinary high water mark.</p> <p>Proposed revisions regarding camping is meant to clarify that camping, including for RVs, would be allowed as a recreational use in the Marine Recreation shoreline environment.</p> <p>Proposed revisions to address live-aboards are meant to provide a cap on the number of slips in a marina that can be used for housing, while accommodating the number of existing live-aboards within the city so as not to create non-conforming marinas. In order to allow live-aboards in marinas, certain facilities must be provided including solid waste and sewer facilities.</p> <p><i>Proposed change: The City has amended Table 6-3, Setbacks and Incentives, located in section 18.26.620, Use and Development Standards Tables, to adjust the proposed setback in the Waterfront Recreation shoreline environment on the west side of West Bay (Reach Budd 3B) to 50 feet rather than the previously proposed 30 feet.</i></p>
17	Public Hearing Testimony	Harry Branch 01/11/2021	<p>Percival Creek is mentioned as having more than 20 cfs of flow. Why aren't Moxlie, Indian, Ellis, or Schneider Creeks included? I am concerned about the condition of streams in Olympia and in particular intertidal culverts, which have serious impacts on water quality. 160 miles of streams run through culverts and pipes. Olympia puts streams in pipes and then denies they ever existed. We need a holistic, ecosystem approach to critical areas and</p>	<p>The City's comprehensive SMP update, approved in 2015, included an in-depth inventory and characterization of shoreline areas. This included assessing data (provided by the USGS) for freshwater streams which meet the 20cfs mean annual flow threshold. The scope of this periodic review does not include a re-evaluation of these findings.</p>

Number	Comment Topic and Section Number (Citation)	Commenter	Paraphrased Comment (full comments included in Attachment A)	Local Government Response and Rationale
			the baseline should be that which existed historically. The paradigm of no net loss has failed.	
18	Public Hearing Testimony	Jason Gano 01/11/2021	I am the new Political Director with the Olympia Masters Builders and I am looking forward to working with you over the coming year.	Comment noted.

Several comments submitted raised concerns about the health of the Puget Sound including species protection and water quality issues. Some comments were beyond the scope of the Shoreline Master Program Periodic Review. Below is a high level overview of some of the efforts underway to help improve the health of the Puget Sound.

### Health of the Puget Sound

Many of the comments summarized above are related to the health of the Puget Sound. There are several significant efforts underway to address the health of the Puget Sound. Most of these efforts are addressed by state or federal agencies and, while related to the City’s Shoreline Master Program and Critical Areas Ordinance, are beyond the scope of the local SMP. For example, the state’s Puget Sound Partnership, Orca Task Force, and the Salmon Recovery and Puget Sound Acquisition and Restoration program are just some of the entities working to improve habitat and water quality. Several Federal and State agencies are involved in this important work. Some work is focused on particular species like salmon or resident orcas while other work focuses on pollution prevention, recovery, restoration, education and information, and scientific support. The federal government also coordinates with Canada regarding the Salish Sea, which includes Puget Sound.

Laws such as the Endangered Species Act and the Clean Water Act are addressed by both State Agencies (Washington State Department of Fish and Wildlife and the Washington State Department of Ecology) and local governments. For example, the City of Olympia relies on the Priority Habitats and Species maps and guidance from the Dept. of Fish and Wildlife, as well as guidance from the Dept. of Ecology on wetlands, in the regulation of environmentally sensitive areas through the Critical Areas Ordinance. And the City of Olympia has a NPDES Permit from the state regarding stormwater. Other organizations, such as the LOTT Cleanwater Alliance, work with the Dept. of Ecology regarding the treatment of wastewater.

### Related Resources

- US Environmental Protection Agency – Puget Sound: <https://www.epa.gov/puget-sound>
  - Washington State Department of Ecology – Puget Sound: <https://ecology.wa.gov/Water-Shorelines/Puget-Sound>
  - Puget Sound Partnership – Puget Sound Recovery: <https://www.psp.wa.gov/puget-sound-recovery.php>
- City of Olympia SMP Periodic Review – Response to Public Comments

Orca Task Force: <https://ecology.wa.gov/Water-Shorelines/Puget-Sound/Orca-task-force>

WA State Recreation and Conservation Office - Salmon Recovery and Puget Sound Acquisition and Restoration: <https://rco.wa.gov/grant/salmon-recovery/>

Washington State Dept. of Fish and Wildlife – Priority Habitats and Species: <https://wdfw.wa.gov/species-habitats/at-risk/phs>

LOTT Cleanwater Alliance – Wastewater Treatment: <https://lottcleanwater.org/about-lott/wastewater-treatment/>

Long-Term Planning for Capitol Lake - Deschutes Estuary: <https://des.wa.gov/about/projects-initiatives/capitol-lake/long-term-planning-capitol-lake-deschutes-estuary>





# Shoreline Master Program - Periodic Review

March 31, 2021

## Amendments Proposed After Public Hearing

The City of Olympia is proposing amendments to the Shoreline Master Program (SMP) and Critical Areas Ordinance (CAO) based on the results of the Gap Analysis, as part of the Periodic Review. Additional amendments are proposed based on the recommendation of the Olympia Planning Commission and public comments received. The additional proposed amendments are as follows:



Planning Commission Recommendation:

1. SMP: The setback and vegetation conservation area for the portion of the Waterfront Recreation Shoreline Environment adjacent to Budd Bay shall be a minimum of 50 feet instead of 30 feet as recommended by staff, and
2. SMP: The term 'dredge spoils' shall be revised to 'dredge materials'.

In response to comments received, and in coordination from Ecology staff:

1. SMP: Section 2.5 – remove the phrase “waterward of the ordinary high water mark” to help encourage soft shoreline stabilization both above and below the ordinary high water mark.
2. CAO 18.32.400 – remove reference to marine and lake shorelines in reference to streams and priority riparian areas.
3. CAO 18.32.410 – change Type S streams to Type S waters.
4. CAO 18.32.435 – for Type S waters in the Stream Type and Description Table, refer the reader to the SMP for shoreline setbacks and Vegetation Conservation Area widths, since Type S waters are governed by the SMP.
5. CAO 18.32.435 – add a row for the buffer width of Priority Riparian Areas, a critical area with a 250 foot buffer.

*Note: Revisions #4 and 5 are intended to provide greater clarity regarding when the SMP regulations apply and when CAO regulations apply for certain areas adjacent to Type S waters.*

6. SMP 18.20.420 – Add a reference to CAO provisions in 18.32.435 regarding the Priority Riparian Area buffers.

*Note: Revisions 5 and 6 are intended to provide greater alignment between the SMP and CAO for buffers of Priority Riparian Areas.*

**From:** [hwbranch@aol.com](mailto:hwbranch@aol.com)  
**To:** [Joyce Phillips](#)  
**Subject:** Re: Shoreline Master Program  
**Date:** Wednesday, January 13, 2021 6:44:43 PM

---

**External Email Alert!**

This email originated from a source outside of the City's network. Use caution before clicking on links or opening attachments.

Dear Olympia planning commission

In followup to monday night's meeting by the Planning Commission...

Percival Creek was mentioned as having great ecological value because it flows more than 20 cubic feet per second. I inquired as to why no other streams are mentioned. Today I read that Moxlie Creek exceeds that number and near the confluence with Indian Creek can run, on a day like today, as high as 97 cubic feet per second. I find no data on Schneider or Ellis Creeks but my guess is that all these streams would qualify.

Once again, why are these streams considered to have no value? We have numerous opportunities for restoration in these watersheds, long sections of culvert and other armoring that could easily be removed.

The problem for these watersheds is that they are in areas where we want to direct development. The driving wheel is entirely development. If a stream exists in such an area we simply pretend that it doesn't exist.

Harry Branch

To: [jphillip@ci.olympia.wa.us](mailto:jphillip@ci.olympia.wa.us) <[jphillip@ci.olympia.wa.us](mailto:jphillip@ci.olympia.wa.us)>  
Sent: Mon, Jan 4, 2021 7:31 am  
Subject: Shoreline Master Program

Regarding the Shoreline Master Program (SMP)

City of Olympia:

The public has become keenly aware of the plight of the Souther Resident Killer Whale and their principal prey Chinook salmon. We're slowly learning about the plight of Walleye Pollock, Pacific Herring, Pacific Cod, 15 species of rockfish, chum and sockeye salmon, steelhead, various mollusks and birds, insects and invertebrates. As of December 1, 2015, there were 125 species at risk in the Salish Sea and the number continues to grow. Much of the loss has occurred over the past two decades, under current rules, the status quo, the cauldron of 'mitigation banking' 'no net loss,' and the rest of the regulatory stew.

Allowing a water body to remain physically damaged results in degraded water quality which impacts species composition which degrades water quality which impacts species composition and so on spiraling downward. There is an ongoing net loss caused by existing modifications. A stream in a pipe has no phytoplankton. This is why nitrates travel 18 times farther in a buried pipe than one that sees daylight. And why buried streams are low in dissolved oxygen.

The most critical part of any local watershed is its estuary. Estuaries are those places where fresh water coming from land meets the marine environment. Fresh water being lighter flows out on top of salt water creating persistent circulation patterns. In a pipe circulation is restricted. If we have sunlight we have a mix of phytoplankton and zooplankton and the birth of the food web. Without sunlight we have a septic tank. In the SMP, potential is never a consideration. Restoration potential should be part of every equation. The baseline should be that which existed historically.

The high water mark is the point from which setbacks are measured. The high water mark for the two major streams draining into Budd Inlet lies inside long culverts. The tide flows up a long pipe in both Moxlie and Schneider Creeks. In fact, there are 160 miles of stream-in-a-pipe in Olympia. In regulatory terms they don't even exist. To contradict this edict represents a "collateral attack" on City Codes. If you appeal before the Hearing Examiner, you'll also be informed that you lack standing, unless you or your property will be damaged. Birds, fish and marine mammals have no standing.

The most substantive issue brought up by the State in the Shoreline Master Program Periodic Review is the statement "The City's wetland buffers are not current with the State's most recent guidance." The City's response is that recommendations would result in "little change in the City's current buffer widths" and amendments would be made to chapter 18:32 of the Olympia Municipal Code (Critical Areas) rather than the SMP itself. But revisions to Olympia code 18:32 make no substantive changes to setbacks. It continues to recommend protecting critical areas, aiming at no net loss and providing mitigation for unavoidable impacts through minimizing, rectifying, reducing and compensating for loss.

Priority Riparian Areas are listed as the eastern shore of Budd Inlet, including and north from Priest Point Park, long stretches of western shore of Budd Inlet including West Bay Waterfront Park and the Port Lagoon and much of the shore of Capitol Lake. The priority areas are essentially parks. The prevailing assumption seems to be that humans must destroy any place we reside.

The most glaring unspoken conclusion is that we should simply give up on East Bay, the half-mile long embayment south of Priest Point Park. It's been severely modified and has the worst benthic dioxin contamination and the poorest water quality in Budd Inlet. Although this way of thinking is in some cases justified, in this instance it represents a clear violation of the Clean Water Act, the Endangered Species Act and numerous other State and Federal laws and regulations.

How about some real changes:

(1) Restoration potential should be part of every equation. The potential inherent in a location should never be ignored.

(2) Under City Code once a stream goes into a pipe in Olympia it no longer exists. Likewise if it's ever day-lighted rules don't apply. This makes sense where there's currently a structure but not as justification for new construction. We should change the rule to in such instances recognize the existence of streams.

(4) The best available science should be employed in every study including a clearly stated observation, hypothesis, test and conclusion otherwise the effort can be incomplete, misdirected and conclusions can be buried in data. Sites should be sampled for any contaminants suspected of possibly being at the site, according to established protocols.

(5) We need to take a holistic, ecosystem based approach to our critical areas. The baseline should be that which existed historically. Every effort should be made to determine how physical parameters like structure impact chemical parameters such as dissolved oxygen and biological parameters such as phytoplankton.

(6) We should provide SRKW orcas with legal standing, consistent with the global Rights of Nature movement.

Harry Branch  
239 Cushing St NW  
Olympia WA 98502  
360-943-8508



**Nisqually Indian Tribe**  
**4820 She-Nah-Num Dr. S.E.**  
**Olympia, WA 98513**  
**(360) 456-5221**

January 26, 2021

Joyce Phillips, AICP  
Senior Planner  
City of Olympia  
Community Planning and Development  
601 4th Avenue  
Olympia WA 98507

Dear Ms. Phillips,

The Nisqually Indian Tribe thanks you for the opportunity to comment on:

**Re: 20-4936**

The Nisqually Indian Tribe's THPO has reviewed the notice of application and accompanying documents that were provided for the above named project and has no further comments or concerns. Please keep us informed if there are any Inadvertent Discoveries of Archaeological Resources/Human Burials.

Sincerely,

Brad Beach  
THPO Department  
360-456-5221 ext 1277  
[beach.brad@nisqually-nsn.gov](mailto:beach.brad@nisqually-nsn.gov)

Annette "Nettsie" Bullchild  
THPO Department  
360-456-5221 ext 1106  
[bullchild.annette@nisqually-nsn.gov](mailto:bullchild.annette@nisqually-nsn.gov)

**From:** [Joyce Phillips](#)  
**To:** [Esther Grace Kronenberg](#)  
**Cc:** [Kenneth Haner](#); [Anastasia Everett](#); [Cari Hornbein](#)  
**Subject:** RE: Public comment on SMP  
**Date:** Monday, February 08, 2021 2:33:00 PM

---

Hi, Ms. Kronenberg.

I wanted to follow up and let you know that the public comment period on the SMP Periodic Review is closed. The comments you sent to me on January 5, 2021 were provided to the Planning Commission. Any new written comments received now will not be forwarded to the Planning Commission. However, any written comments received between the close of the public comment period and the date of the City Council's consideration will be forwarded to City Council. I have already received a couple of comments that came in after the public comment period closed but that will be shared with Councilmembers. You can send any comments in writing to me at this email address and I will gladly include them in the packet that goes to the Council.

If you do wish to comment to the Planning Commission, you will be able to do so during the public comment portion of the Planning Commission meeting as long as it is at least 45 days after the public hearing, which was held on January 11, 2021. The first meeting the OPC will hold after the 45-day period will be on Monday, March 1, 2021. This is consistent with both the Planning Commission and City Council policy on public testimony at public meetings.

I hope that helps.  
Joyce

Joyce Phillips, AICP, Senior Planner  
City of Olympia | Community Planning and Development  
601 4th Avenue East | PO Box 1967, Olympia WA 98507-1967  
360.570.3722 | olympiawa.gov

**Note: Emails are public records, and are potentially eligible for release.**

---

**From:** Cari Hornbein <chornbei@ci.olympia.wa.us>  
**Sent:** Monday, February 08, 2021 9:56 AM  
**To:** Joyce Phillips <jphillip@ci.olympia.wa.us>  
**Cc:** Kenneth Haner <khaner@ci.olympia.wa.us>; Anastasia Everett <aeverett@ci.olympia.wa.us>  
**Subject:** FW: Public comment on SMP

Good morning Joyce,

Anastasia forwarded this e-mail to me. Technically Esther can't comment on the SMP tonight since the hearing is closed and the Planning Commission is in deliberations. Do you want to

forward her request to the Commissioners so they're aware of the request?

Thanks,

**Cari Hornbein, AICP, Senior Planner**

City of Olympia  
Community Planning and Development Department  
360-753-8048 | [chornbei@ci.olympia.wa.us](mailto:chornbei@ci.olympia.wa.us)

---

**From:** Anastasia Everett <[aeverett@ci.olympia.wa.us](mailto:aeverett@ci.olympia.wa.us)>

**Sent:** Monday, February 08, 2021 7:41 AM

**To:** Cari Hornbein <[chornbei@ci.olympia.wa.us](mailto:chornbei@ci.olympia.wa.us)>

**Subject:** Fw: Public comment on SMP

Hi Cari, I received this email and am forwarding to you. She would like to provide comment tonight as well, I'll fill Ken in. Thank you!!

Anastasia

---

**From:** Anastasia Everett <[aeverett@ci.olympia.wa.us](mailto:aeverett@ci.olympia.wa.us)>

**Sent:** Monday, February 8, 2021 7:39 AM

**To:** Esther Grace Kronenberg <[wekrone@gmail.com](mailto:wekrone@gmail.com)>

**Subject:** Re: Public comment on SMP

Hi Esther,

I've forwarded your request and comment to the Planning Commission liaison. I will also communicate with the staff hosting the meeting tonight you'd like to make comment. Thank you.

Best,

Anastasia Everett

---

**From:** Esther Grace Kronenberg <[wekrone@gmail.com](mailto:wekrone@gmail.com)>

**Sent:** Saturday, February 6, 2021 10:35 PM

**To:** Anastasia Everett <[aeverett@ci.olympia.wa.us](mailto:aeverett@ci.olympia.wa.us)>

**Subject:** Public comment on SMP

External Email Alert!

This email originated from a source outside of the City's network. Use caution before clicking on links

or opening attachments.

Hi,

My understanding is that there's been a public hearing January 11 and that public comment has been closed. I would like to suggest the public comment period be kept open longer since many people's attention was on national matters last month and were not aware of the discussions on the SMP. The SMP deserves a more transparent process and more citizen input. The June 30 deadline should allow for this with no problems.

I would like to make a comment to the Commission at the meeting, though I said no on my registration. Please make that change.

Thank you.

Esther Kronenberg

Sent from cyberheaven

**From:** [Joyce Phillips](mailto:Joyce.Phillips@ci.olympia.wa.us)  
**To:** [silverman.shari@gmail.com](mailto:silverman.shari@gmail.com)  
**Cc:** [Anastasia Everett](mailto:Anastasia.Everett@ci.olympia.wa.us); [Kenneth Haner](mailto:Kenneth.Haner@ci.olympia.wa.us); [Cari Hornbein](mailto:Cari.Hornbein@ci.olympia.wa.us)  
**Subject:** FW: SMP Public Comment  
**Date:** Monday, February 08, 2021 2:27:00 PM

---

Hello, Ms. Silverman.

I wanted to follow up and let you know that the public comment period on the SMP Periodic Review has closed. Any written comments received now will not be forwarded to the Planning Commission. However, any written comments received between the close of the public comment period and the date of the City Council's consideration will be forwarded to City Council. I have already received a couple of comments that came in after the public comment period closed but that will be shared with Councilmembers. You can send any comments in writing to me at this email address and I will gladly include them in the packet that goes to the Council.

If you do wish to comment to the Planning Commission, you will be able to do so during the public comment portion of the Planning Commission meeting as long as it is at least 45 days after the public hearing, which was held on January 11, 2021. The first meeting the OPC will hold after the 45-day period will be on Monday, March 1, 2021. This is consistent with both the Planning Commission and City Council policy on public testimony at public meetings.

I hope that helps.  
Joyce

Joyce Phillips, AICP, Senior Planner  
City of Olympia | Community Planning and Development  
601 4th Avenue East | PO Box 1967, Olympia WA 98507-1967  
360.570.3722 | [olympiawa.gov](http://olympiawa.gov)

**Note: Emails are public records, and are potentially eligible for release.**

---

**From:** Anastasia Everett <[aeverett@ci.olympia.wa.us](mailto:aeverett@ci.olympia.wa.us)>  
**Sent:** Monday, February 08, 2021 12:29 PM  
**To:** Joyce Phillips <[jphillip@ci.olympia.wa.us](mailto:jphillip@ci.olympia.wa.us)>  
**Subject:** Fw: SMP Public Comment

Hi Joyce, I received this email from someone regarding the SMP. I'll reply to her and let her know I forwarded her message. Thank you!

Anastasia

---

**From:** Shari Silverman <[silverman.shari@gmail.com](mailto:silverman.shari@gmail.com)>  
**Sent:** Monday, February 8, 2021 12:22 PM  
**To:** Anastasia Everett <[aeverett@ci.olympia.wa.us](mailto:aeverett@ci.olympia.wa.us)>  
**Subject:** SMP Public Comment



External Email Alert!

This email originated from a source outside of the City's network. Use caution before clicking on links or opening attachments.

Hi,

I saw that the public comments on the SMP have been closed. Is there any way to get the comments re-opened for a few more weeks?

Thanks,  
Shari Silverman

[Silverman.shari@gmail.com](mailto:Silverman.shari@gmail.com)

**From:** [Joe Hiss](#)  
**To:** [Joyce Phillips](#)  
**Subject:** Re: your e-mail of today  
**Date:** Monday, April 12, 2021 10:11:01 AM

---

**External Email Alert!**

This email originated from a source outside of the City's network. Use caution before clicking on links or opening attachments.

Dear Ms. Phillips:

Thanks for the map! It answered my questions completely. Speaking as a retired fishery biologist from this area, but also out of love for the Olympia area this area and its people, based on 43 years of residence here, I propose the following:

1. The 150' setback is good insurance against sea rise that is likely to occur, and should probably be extended to the whole Budd Bay "recreational shoreline," with appropriate "grandfathering" of existing development as needed. If you can forward my opinion to the Planning Commission and the City Council, please do so!
2. I am particularly concerned about the proposed West Bay Yards, which would add more fill to the Inlet, and would likely require more protection from king tides as they increase over the next 50 yr or so.
3. I am also concerned about the confusion surrounding the permit for this, and other shoreline actions that may follow. It seems to me that no project should be given any form of advance approval before the City receives a detailed project description. Giving a developer any form of advance permission sends the message that the city is ready to accept whatever they may eventually propose. This seems to me a very dangerous precedent!

Please keep this line of communication open, as I may have more to say about this in the future.

Thanks for reading this!

Sincerely,  
Joe Hiss

On 6/04/2021, at 11:36 AM, Joyce Phillips <[jphillip@ci.olympia.wa.us](mailto:jphillip@ci.olympia.wa.us)> wrote:

Hi, Mr. Hiss.

The current setback and Vegetation Conservation Area (VCA) for a portion of the Waterfront Recreation shoreline environment (basically the area from Seven Oars Park northward to West Bay Park) is currently 150 feet in width. The rest of the Waterfront Recreation shoreline environment (basically around the east and south side of the main part of Capitol Lake) currently has a setback and VCA width of 30 feet. The staff recommendation was to make

the setback and VCA for the Waterfront Recreation shoreline environment 30 feet for the entirety of the Waterfront Recreation shoreline environment.

The Planning Commission considered this proposal but is recommending that the setback and VCA width be a minimum of 50 feet in width for the portion of the Waterfront Recreation shoreline environment that is adjacent to Budd Bay.

This screenshot below shows the general area where this change would apply, if adopted by Council:

<image001.png>

I hope that answers your question. Please let me know if you have any follow up questions or would like additional information.

Thank you!

Joyce

Joyce Phillips, AICP, Principal Planner  
City of Olympia | Community Planning and Development  
601 4th Avenue East | PO Box 1967, Olympia WA 98507-1967  
360.570.3722 | [olympiawa.gov](http://olympiawa.gov)

**Note: Emails are public records, and are potentially eligible for release.**

-----Original Message-----

From: Joe Hiss <[joe.hiss.biologist@gmail.com](mailto:joe.hiss.biologist@gmail.com)>

Sent: Tuesday, April 06, 2021 11:16 AM

To: Joyce Phillips <[jphillip@ci.olympia.wa.us](mailto:jphillip@ci.olympia.wa.us)>

Subject: your e-mail of today

External Email Alert!

This email originated from a source outside of the City's network. Use caution before clicking on links or opening attachments.

Hello Ms. Phillip:

I am confused: If the staff recommended enlargement of the setback from 30' to 50', why does the sama paragraph say the existing setback is 159'? Please un-confuse me!

Thanks—Joe Hiss





## City Council

### Approval of Joint Recommendation from City Manager and Finance Committee for Appropriation of 2020 Year-End Funds for General Fund and Proposed Use of America Rescue Plan funding.

**Agenda Date:** 5/4/2021  
**Agenda Item Number:** 6.C  
**File Number:**21-0441

---

**Type:** decision **Version:** 1 **Status:** Other Business

---

#### Title

Approval of Joint Recommendation from City Manager and Finance Committee for Appropriation of 2020 Year-End Funds for General Fund and Proposed Use of America Rescue Plan funding.

#### Recommended Action

##### Committee Recommendation:

Finance Committee met on March 17 and April 21 to review and discuss the 2020 year-end General Fund financial position and the America Rescue Plan funding. The Committee directed staff to forward a joint City Manager/Finance Committee recommendation to City Council to approve the joint recommendations of City Manager and Finance Committee for appropriating year-end funds and the proposal for use of America Rescue Plan (ARP) funding, and direct staff to include these appropriations in a future Quarterly Budget Amendment.

##### City Manager Recommendation:

Move to approve the joint recommendation of City Manager and Finance Committee to appropriate ~ \$3.9 million of 2020 year-end General Fund funds, as summarized in Attachment #1, and approve the proposed use of America Rescue Plan (ARP) funding, and direct staff to include these appropriations in a future Quarterly Budget Amendment.

#### Report

##### Issue:

Whether to approve the joint recommendation of City Manager and Finance Committee to appropriate ~ \$3.9 million of 2020 year-end General Fund funds, as summarized in Attachment #1, and approve the proposed use of America Rescue Plan (ARP) funding, and direct staff to include the appropriations with a future Quarterly Budget Amendment.

##### Staff Contact:

Nanci Lien, Finance Director, 360.753.8465

##### Presenter(s):

Jay Burney, City Manager  
Nanci Lien, Finance Director

**Background and Analysis:**

The City ended 2020 with an approximate General Fund fund balance of \$3.9 million. This is the fund balance available for appropriations after adjustments were made to increase the Emergency Reserve (\$124,274) and the Budget Revenue Stabilization Reserve (\$395,000).

Finance Committee discussed the 2020 year-end General Fund financial position at their March 17 and April 21 meetings. The City Manager presented his recommendations for use of the year-end funds, as well as a proposal for use of the federal America Rescue Plan funds for 2021 and 2022. Finance Committee concurred with the City Manager's recommendation for allocation of the 2020 year-end funds. City Staff will present the joint City Manager and Finance Committee recommendation for use of 2020 year-end funds, as well as the proposal for use of the pending America Rescue Plan funding.

**Neighborhood/Community Interests (if known):**

The City's budget and its allocations are of interest to the community.

**Options:**

1. Approve joint recommendations of City Manager and Finance Committee for appropriating year-end funds and the proposal for use of America Rescue Plan (ARP) funding, and direct staff to include these appropriations in a future Quarterly Budget Amendment.
2. Approve joint recommendations of City Manager and Finance Committee for appropriating year-end funds and the proposal for use of America Rescue Plan (ARP) funding, with modifications, and direct staff to include these appropriations in a future Quarterly Budget Amendment.
3. Do not approve joint recommendation of City Manager and Finance Committee for appropriating year-end funds and the proposal for use of America Rescue Plan (ARP) funding, and request additional information at a future Finance Committee meeting.

**Financial Impact:**

The City's 2021 Operating Budget, adopted on December 15, 2020 via Ordinance 7268, appropriates \$167.6 million, which includes General Fund appropriations of \$88.1 million. The City Manager/Finance Committee recommendation for allocation of approximately \$3.9 million in 2020 year-end General fund funds restores budget reductions made during the 2021 Operating Budget balancing process and addresses other prior commitments and Council's priorities that were awaiting consideration of funding through the year-end process. The America Rescue Plan funding of approximately \$10 million, with restricted uses, is expected to be received over a two-year period.

**Attachments:**

2020 End of Year Funds  
Olympia Economic Recovery Spending

Updated: 4/27/2021

Attachment #1

2020/2021 EOY GENERAL FUND FUND ALLOCATION RECOMMENDATION				2020/2021 Funds	\$3,983,778
Line ID	Department	Exp Description	Expenditure	OT/OG*	Allocation
1	CPD	Squaxin Interpretive Sign/Display	25,000	OT	25,000
2	CPD	Housing Market Study Update	50,000	OT	50,000
3		<b>Subtotal Community Planning &amp; Development</b>			<b>75,000</b>
4	FIN	Budgetary Software Licenses (Workiva)	11,250	OG	11,250
5	FIN	Business Accountant Add'l - CP&D	12,000	OG	12,000
6		<b>Subtotal Finance</b>			<b>23,250</b>
7	GEN CITY	2021 Expenditure Reductions (excludes vacancies)	952,688	OG	952,688
8	GEN CITY	ERP Financial Software Contribution	200,000	OG	200,000
9	GEN CITY	1% COLA - Independent Employees (Retro Jan - Jun 2021)	120,000	OT	120,000
10		<b>Subtotal General City</b>			<b>#####</b>
11	OCM - Strategic Initiatives	Police Auditor - Add'l Funding	70,000	OG	70,000
12	OCM - Strategic Initiatives	Public Safety Plan	100,000	OT	100,000
13	OCM - Strategic Initiatives	Demonstration Review	100,000	OT	100,000
14	OCM - Strategic Initiatives	Data Visualzation	50,000	OT	50,000
15	OCM - Housing/Homeless Response	Interfaith Works Commitment	250,000	OT	250,000
16	OCM - Housing/Homeless Response	Homeless Response Support	150,000	OG	150,000
17	OCM - Housing/Homeless Response	Homeless Scattered Site Support	300,000	OG	300,000
18		<b>Subtotal Office of City Manager</b>			<b>#####</b>
19	OFD	Regional Fire Authority Study	150,000	OT	150,000
20	OFD	Basic Life Support Transport Financial Study	50,000	OT	50,000
21		<b>Subtotal Olympia Fire Department</b>			<b>200,000</b>
22	OPD	OPD Guild 2020 Retro Pay	190,000	OT	190,000
23	OPD	Critical Response Unit Expansion Pilot	250,000	OT	250,000
24		<b>Subtotal Olympia Police Department</b>			<b>440,000</b>
25	OFD/OPD	Public Safety Asset Management	200,000	OG	200,000
26		<b>Subtotal Public Safety</b>			<b>200,000</b>
27	PW	Building Repair & Maintenance	500,000	OG	500,000
28	PW	Snowplows - plows, not trucks	50,000	OT	50,000
29		<b>Subtotal Public Works</b>			<b>550,000</b>
30		<b>Department Grand Totals</b>			<b>#####</b>
31		Remaining to Unallocated Fund Balance Reserve			<b>202,840</b>
32		<b>Grand Total</b>			<b>3,983,778</b>

\*OT = One time expenditure  
OG - On-going expenditure



**City of Olympia Economic Recovery Efforts - 2021**

<b>External Expenditures/Partnerships</b>		
<b>Contracting Entity</b>	<b>Task</b>	<b>Amount</b>
Enterprise for Equity	BIPOC Micro- Business and Entrepreneur Support	\$ 40,000
Olympia Downtown Alliance	COVID Economic Recovery Downtown Partnership (Two year agreement, \$100k per year)	\$ 200,000
	* Creative District Development work and management	
	* Downtown Business Recruitment Strategy and Implementation	
	* Placemaking Initiatives	
	* CPTED Improvements	
	* Downtown "Open for business" marketing	
PBIA/Olympia	Project Match/Support	\$ 30,000
	<b>Subtotal - External Expenditures/Partnerships</b>	<b>\$ 270,000</b>

<b>Internal Expenditures</b>		
<b>Department/Program</b>	<b>Task</b>	<b>Amount</b>
Public Works	Downtown Clean 2.0 Vegetation Management	\$30,000
Homeless Response	Commerce/Employment Centers Encampment Waste Management and Clean-Up	\$50,000
Economic Development	Alley Closure Project and CPTED/Lighting improvements	\$55,000
CPD	Staffing support for CPD to capture increased demand for construction development activity	\$150,000
Economic Development	City of Olympia Economic Resiliency Plan/Economy Chapter Comp Plan Update	\$100,000
ARCH	Tribal Partnership projects, Creative District, Placemaking	\$50,000
	<b>Subtotal - Internal Expenditures</b>	<b>\$435,000</b>
<b>Summary Olympia Recovery Efforts</b>		
	Olympia Specific - External	\$270,000
	Olympia Specific - Internal	\$435,000
	Olympia Investment to Regional Work	\$1,375,000
	<b>Grand Total - Olympia Recovery Efforts</b>	<b>\$2,080,000</b>



City Hall  
601 4th Avenue E.  
Olympia, WA 98501  
360-753-8244

## City Council

### Executive Session Pursuant to RCW 42.30.110 (1)(b); RCW 42.30.110 (1)(c) - Real Estate Matter

**Agenda Date:** 5/4/2021  
**Agenda Item Number:** 9.A  
**File Number:**21-0422

---

**Type:** executive session **Version:** 1 **Status:** Executive Session

---

**Title**

Executive Session Pursuant to RCW 42.30.110(1)(b); RCW 42.30.110 (1)(c) - Real Estate Matter