



Meeting Agenda

City Council

City Hall
601 4th Avenue E
Olympia, WA 98501

Information: 360.753.8244

Tuesday, July 12, 2016

7:00 PM

Council Chambers

1. ROLL CALL

1.A ANNOUNCEMENTS

1.B APPROVAL OF AGENDA

2. SPECIAL RECOGNITION

2.A [16-0825](#) Special Recognition for Lon Wyrick Executive Director for the Thurston Regional Planning Council (TRPC)

2.B [16-0792](#) Special Recognition - 2016 Fire Ops

3. PUBLIC COMMUNICATION

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

During this portion of the meeting, citizens 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 three (3) 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 COMMUNICATION (Optional)

4. CONSENT CALENDAR

(Items of a Routine Nature)

4.A [16-0817](#) Approval of June 11, 2016 City Council Mid-Year Retreat Meeting Minutes

Attachments: [Minutes](#)

[Value Cards Selection Summary](#)

[City Council Mid Year Retreat Summary](#)

[Core Values and Rules](#)

[Public Participation Slides](#)

- 4.B** [16-0789](#) Approval of June 21, 2016 Study Session Meeting Minutes
Attachments: [Minutes](#)
- 4.C** [16-0790](#) Approval of June 21, 2016 City Council Meeting Minutes
Attachments: [Minutes](#)
- 4.D** [16-0821](#) Bills and Payroll Certification
Attachments: [Bills and Payroll Certification](#)
- 4.E** [16-0785](#) Approval of Appointment of Nancy Clauson (Peterson) to the Capital Area Regional Public Facilities Board
Attachments: [CAR-PFD Boardmembers 2016](#)
 [Nancy P Bio - CARPFD](#)
- 4.F** [16-0754](#) Approval of Community Development Block Grant (CDBG) Program Year 2016 Action Plan
Attachments: [Draft CDBG Program Year 2016 Activities](#)
 [CDBG Program Milestones](#)
 [CDBG Program Year 2016 Annual Action Plan](#)
 [Citizen Summary CDBG Program Year 2016 Action Plan](#)

4. SECOND READINGS

- 4.G** [16-0521](#) Approval of Low Impact Development (LID) Code Revisions Ordinance
Attachments: [Ordinance](#)
 [Overview](#)
 [UAC Letter](#)
 [Planning Commission Letter](#)
 [Hyperlink](#)

4. FIRST READINGS

- 4.H** [15-1140](#) Approval of Ordinance Adding Shoreline Master Program to Development Code and Comprehensive Plan
Attachments: [Ordinance](#)

5. PUBLIC HEARING

- 5.A** [16-0801](#) Public Hearing and Consideration of a Resolution for a Community Renewal Plan
Attachments: [Resolution](#)

[Community Renewal Plan \(with Appendix A\)](#)

[Appendix B - CRA Blight Findings Resolution](#)

[Appendix C - Opportunity Area Study](#)

[Appendix D - CRA Feasibility Report](#)

[Appendix E - Redevelopment Request for Proposal](#)

6. OTHER BUSINESS

- 6.A [16-0826](#) Approval of a Request for Proposal for the City-owned Property known as the Former Griswold Property

Attachments: [Resolution](#)

[Request for Proposal](#)

- 6.B [16-0697](#) Briefing on the Comprehensive Plan Action Plan

Attachments: [Olympia Planning Commission Signed Recommendation](#)

[Hyperlink to Draft Action Plan](#)

[Comprehensive Plan Direction for Action Plan](#)

[Comprehensive Plan Summary](#)

[Public Comment Summary](#)

[Action Plan Annual Update Cycle](#)

- 6.C [16-0833](#) Approval of a Resolution Concerning Inadequate Public Funding of Higher Education and a Regressive City Tax System

Attachments: [Resolution](#)

7. CONTINUED PUBLIC COMMUNICATION

(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. 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 for Lon Wyrick Executive Director for the Thurston Regional Planning Council (TRPC)

Agenda Date: 7/12/2016
Agenda Item Number: 2.A
File Number: 16-0825

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

Title

Special Recognition for Lon Wyrick Executive Director for the Thurston Regional Planning Council (TRPC)

Recommended Action

Committee Recommendation:

Not referred to a committee.

City Manager Recommendation:

Special Recognition.

Report

Issue:

Special Recognition for Lon Wyrick Executive Director for the Thurston Regional Planning Council (TRPC) who is retiring after 16 years with TRPC and 40 Years of Service to Local Government

Staff Contact:

Keith Stahley, Director, Community Planning and Development Department, 360.753.8227

Presenter(s):

Keith Stahley, Director, Community Planning and Development Department

Background and Analysis:

Lon Wyrick will be retiring after 16 years of service with TRPC and 40 years of service to local government. Mr. Wyrick and TRPC have had many notable accomplishments over the past 16 years. Perhaps the most notable and emblematic of these accomplishments is the Sustainable Thurston planning effort. This multiple year countywide planning effort created a blue print that will move Thurston County towards a more sustainable future. To Mr. Wyrick's credit the plan was accepted by the County and all of the Cities - no small feat in our diverse County.

Both Mr. Wyrick's leadership and his extraordinary wit will be missed. We wish Mr. Wyrick a long and prosperous retirement.

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

Options:

Special Recognition

Financial Impact:

None

Attachments:

None



City Council

Special Recognition - 2016 Fire Ops

Agenda Date: 7/12/2016
Agenda Item Number: 2.B
File Number: 16-0792

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

Title

Special Recognition - 2016 Fire Ops

Recommended Action

Committee Recommendation:

N/A

City Manager Recommendation:

N/A

Report

Issue:

Council Member Clark Gillman accompanied members of Olympia's Firefighter Union, IAFF Local 468, to Richland Washington for Fire Ops.

Staff Contact:

Greg Wright, Deputy Fire Chief, 360.753.8466

Presenter(s):

Greg Wright, Deputy Fire Chief

Mike Simmons, President, IAFF Local 468

Background and Analysis:

Fire Ops gives elected officials and senior city leaders a chance to do what firefighters do, in full gear in very realistic simulations. The goal of Fire Ops is to foster better understanding of the difficult job firefighters perform and give the firefighters and their guests time for conversation and idea sharing. Pictures from the trip will be presented.

Neighborhood/Community Interests (if known):

N/A

Options:

N/A

Financial Impact:

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

N/A

Attachments:

N/A



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601 4th Avenue E.
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360-753-8244

City Council

Approval of June 11, 2016 City Council Mid-Year Retreat Meeting Minutes

Agenda Date: 7/12/2016
Agenda Item Number: 4.A
File Number: 16-0817

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

Title

Approval of June 11, 2016 City Council Mid-Year Retreat Meeting Minutes



Meeting Minutes - Draft

City Council

City Hall
601 4th Avenue E
Olympia, WA 98501

Information: 360.753.8244

Saturday, June 11, 2016

9:00 AM

LOTT Board Room

Mid Year Retreat

1. ROLL CALL

Along with the City Council, Also in attendance were: City Manager Steve Hall, Assistant City Manager Jay Burney, Strategic Communications Director Kellie Braseth, City Attorney Mark Barber and Director of Community Planning and Development Keith Stahley.

Present: 7 - Mayor Cheryl Selby, Mayor Pro Tem Nathaniel Jones, Councilmember Jessica Bateman, Councilmember Jim Cooper, Councilmember Clark Gilman, Councilmember Julie Hankins and Councilmember Jeannine Roe

2. BUSINESS ITEM

2.A [16-0735](#) City Council 2016 Mid-Year Retreat

The City Council began the retreat by selecting value cards that represent how they see themselves in various settings. Councilmembers participated in an appreciative inquiry; checking in on their progress since the January 2016 retreat and reflecting on Gracious Space.

The Council reviewed the Core Values and Ground rules developed in January and touched upon challenges that have arisen since that time. They discussed issues and planning for the remainder of the year as well as issues in preparation for 2017.

The discussion was completed.

3. ADJOURNMENT

The meeting adjourned at 1:00 p.m.

Select 4 Values

2016 Mid-Year Retreat

Summary of Value Cards Selection

1. A value you bring to your role as City Council Member

- Responsibility (2)
- Integrity (2)
- Helpfulness
- Order
- Involvement

2. A value that supports continuous improvement

- Loyalty
- Equality
- Personal Development (2)
- Creativity
- Cooperation (2)

3. A value that is integral to your quality of life

- Health (2)
- Family Happiness (2)
- Integrity
- Responsibility
- Wisdom
- Loyalty
- Involvement

4. A value of your choice – the 'Wild Card'

- Adventure
- Affection
- Creativity (3)
- Family Happiness
- Cooperation

Draft

Olympia City Council

2016 Mid-Year Retreat Summary Notes

Appreciative Inquiry / Progress since January 2016 Retreat/Reflections on Gracious Space

- January retreat united Councilmembers
- Councilmembers felt “in-sync”, “we hit the ground running”
- Council works in environment of mutual respect
- Learning to work through issues together is ongoing
- Communication restrictions present challenges in working through issues together
- How Councilmembers come together at the end of difficult processes is key to trust building
- The “elephant in the room” is the income tax proposal which has impacted relationships
- Councilmembers expressed strong desire to work through the issue without fracturing future relationships

‘Three Wishes’ from January Retreat

The Three Wishes

1. Address homelessness so that everyone has a home that is safe & affordable and has access to medical care
2. The City has a thriving downtown economy that includes
 - No empty/vacant buildings
 - Ample parking
 - Resolution of Sea-level rise
 - Dirty/contaminated soil cleaned
 - Seismic risk gone
 - Transportation challenges solved
3. Olympia is held up as the city every other city wants to emulate
 - Residential density is increased
 - Vitality of neighborhood centers is increased
 - High volume transit systems are enhanced to encourage vitality of downtown

Reflections on Three Wishes

- Homelessness was Council’s first wish; however, there is no clear strategy about how the City can impact this regional issue. Next steps include:
 - Clarify City’s role in homelessness
 - Support Providence Community Care Center which will be an asset to our efforts
 - Schedule a Study Session after July to discuss County’s role
 - Develop an Action Plan
- Many items or projects in the City’s current work plan and budget are aligned with wishes two and three.

Review of Core Values and Ground Rules from January Retreat

Core Values

- **Integrity:** Being authentic, protecting trust to address the public's needs; owning who you are and where you come from
- **Stewardship:** Acting as [guardians] stewards of the common good of the City
- **Wisdom:** Being open and willing to seek/consider input; being compassionate and just
- **Serve with joy** and kind-spirited humor

The Core Values are still relevant and meaningful. They are a basis for building and maintaining public trust and for staying true to our core purpose.

Ground Rules

- Be thoughtful about perspective (“balcony” vs. “dance floor”)
- Share the floor
- Listen
 - Minimize side-bar conversations
 - Be open to hearing other people's perspectives
 - Listen without judgment (inquiry before advocacy)
 - Question assumptions (yours own and others)
 - Respect confidences and confidentiality
- Be honest
- Use tact and be gracious
- Respect the body, the process, and each other

The Ground Rules are very good. Consider posting Ground Rules at Council Meetings to guide expectations for public behavior. Council and public then share expectations for decorum within and between the Council and the public.

Challenges since January Retreat

Disruptions at Council and Public Meeting

- Need for pro-active response to address underlying issues and mitigate disruptions
 - What are options for prevention?
 - Need for more information and discussion about how to best respond
- Council and Public Safety
 - Support the Mayor in response to disruptions
 - Take the initiative to be actively supportive and united (all leave the Council Chamber if meeting is recessed)
 - Strength in united front and actions
 - All members have a role in calling for respectful public input
- Mitigate Risk
 - Cannot help but feel threatened – both Council and public
 - Need for new rules addressing what items can be brought into meetings (e.g. signs, sticks, drums etc.)

- Contingency Plan Next Steps
 - Staff will take lead in framing legal parameters for Council review
 - Staff will research other jurisdictions to identify 'Best Practices'
 - Consider rules for City Hall meeting participation

Public Comment at Council meetings

- Need clarity for public about purpose and process of public comments
 - Help people understand that it is not a two-way conversation
 - Provide more and better information regarding process of public comment
 - Not a two-way conversation
 - Respectful dialogue is expected
 - Limited public forum
- Consider alternative options for providing public comment
 - Video to record comments?
 - E-mail recorded public comment?
 - Written comments only?

Perspectives on Council Work Since January

Council Work

- Council work is going well in general
- New members feel supported by their Council Committee Chairpersons and Council as a whole
- A clear strategy to participate in the regional response to homelessness is not yet reflected in City's work

Committee Assignments and Reports

Condense Council Reports

- What do we want to accomplish with our reports?
 - Provide pertinent information that is relevant to the work of the Council
 - Announce (only) events that are germane to all Councilmembers or the public
- Streamline process by Mayor reporting first
 - Mayor announces past highlights and upcoming events
 - Additional Council reports supplement the initial Mayor's report

Interjurisdictional Committees

What is the expected role on interjurisdictional committee representation?

- The ability to represent Council viewpoint is sometimes challenging due to time restrictions or complexity of information
- Process to inform Councilmembers of upcoming votes on interjurisdictional committees
 - If possible, represent the Council as a body on interjurisdictional issues

2016 Issues / Planning for Remaining Year

- Community Conversations

- How should Councilmembers engage in small group community conversations?
 - What is the purpose of the communication?
 - Who participates?
 - What are the topics
 - How to use the information?
 - Kellie Purce Braseth will assemble packet of support materials for Council review and discussion
- Need for Big picture understanding of alignment of current projects with Comp Plan Goals
 - Staff will provide document illustrating the alignment
 - Sidewalk improvements and street maintenance projects
 - Actions on Homelessness
 - Study Session after July to discuss City's role in the regional response to homelessness
 - Proposed scope of work to assess issues of homelessness downtown is going to the Land Use and Environment Committee
 - Human Rights and Racial Justice conversation to continue
 - Artesian Commons update is needed
 - Park's staff briefing
 - Olympia School Board Joint Meeting (get on calendar)
 - Roll out of Bond issue
 - What are District's plans

2017 Issues for Council Preparation

***Include dedicated time in future mid-year retreats for discussion of next year's issues ***

- Public Safety Levy
 - Outreach and Process
- Economic Development Council – Low Wage Worker Discussion
 - Finance Committee
- Capitol Lake/Deschutes Estuary workgroup
 - Mayor Selby will provide Council briefing
- Funding Septic System Conversions
 - Council Study Session
- Animal Service Fees



Olympia City Council Core Values and Ground Rules

OUR CORE VALUES

The common ground we stand on in times of disagreement

Integrity

Being authentic ♦ protecting trust to address the public's needs ♦
owning who you are and where you come from

Stewardship

Acting as guardians of the common good of the City

Wisdom

Being open and willing to seek & consider input ♦ Being compassionate and just

Serving with joy and kind-spirited humor



OUR GROUND RULES

Be thoughtful about perspective (“balcony” vs. “dance floor”)

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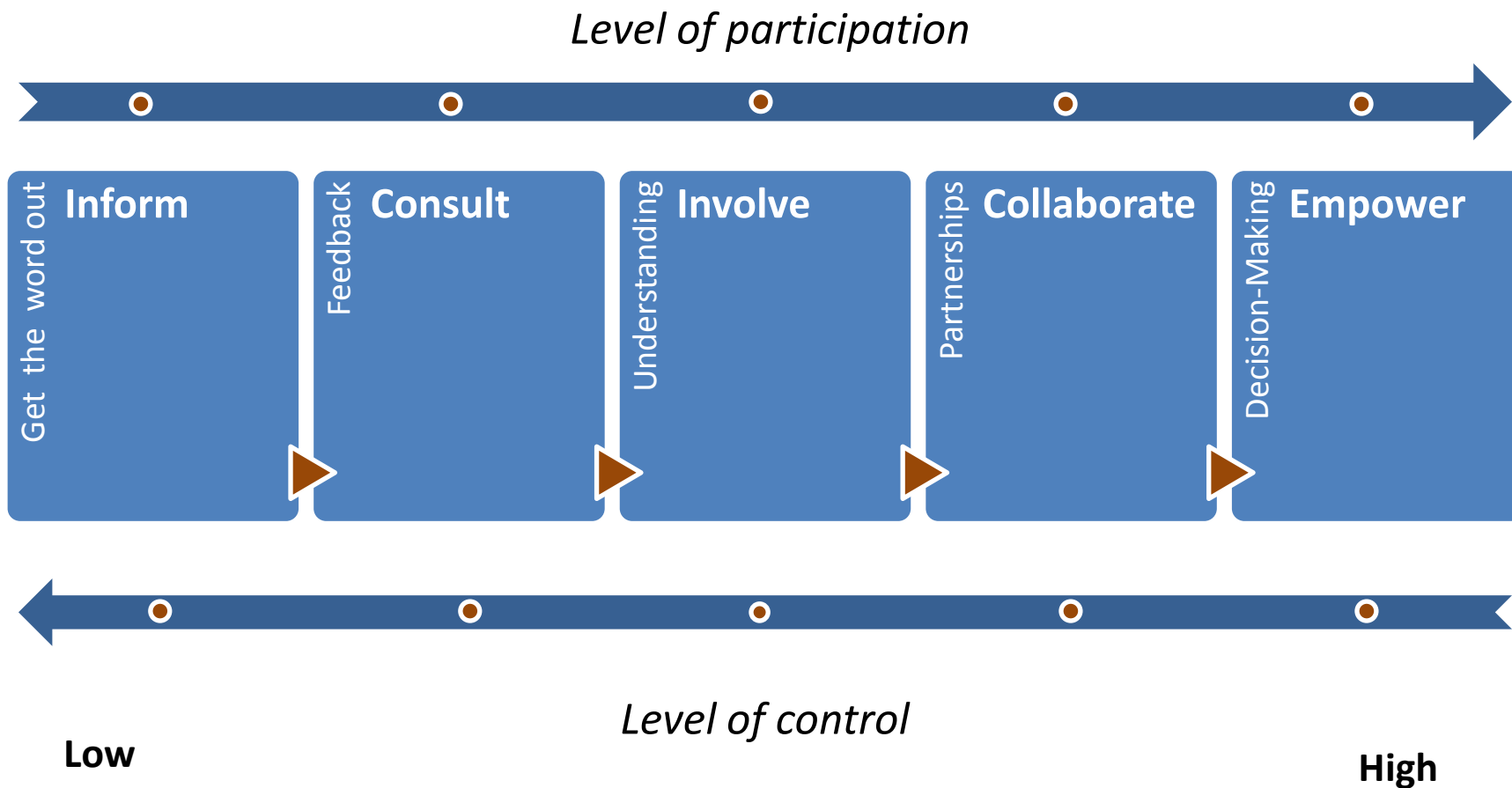
Respect confidences and confidentiality

Be honest

Use tact and be gracious

Respect the body, the process, and each other

Levels of Public Participation

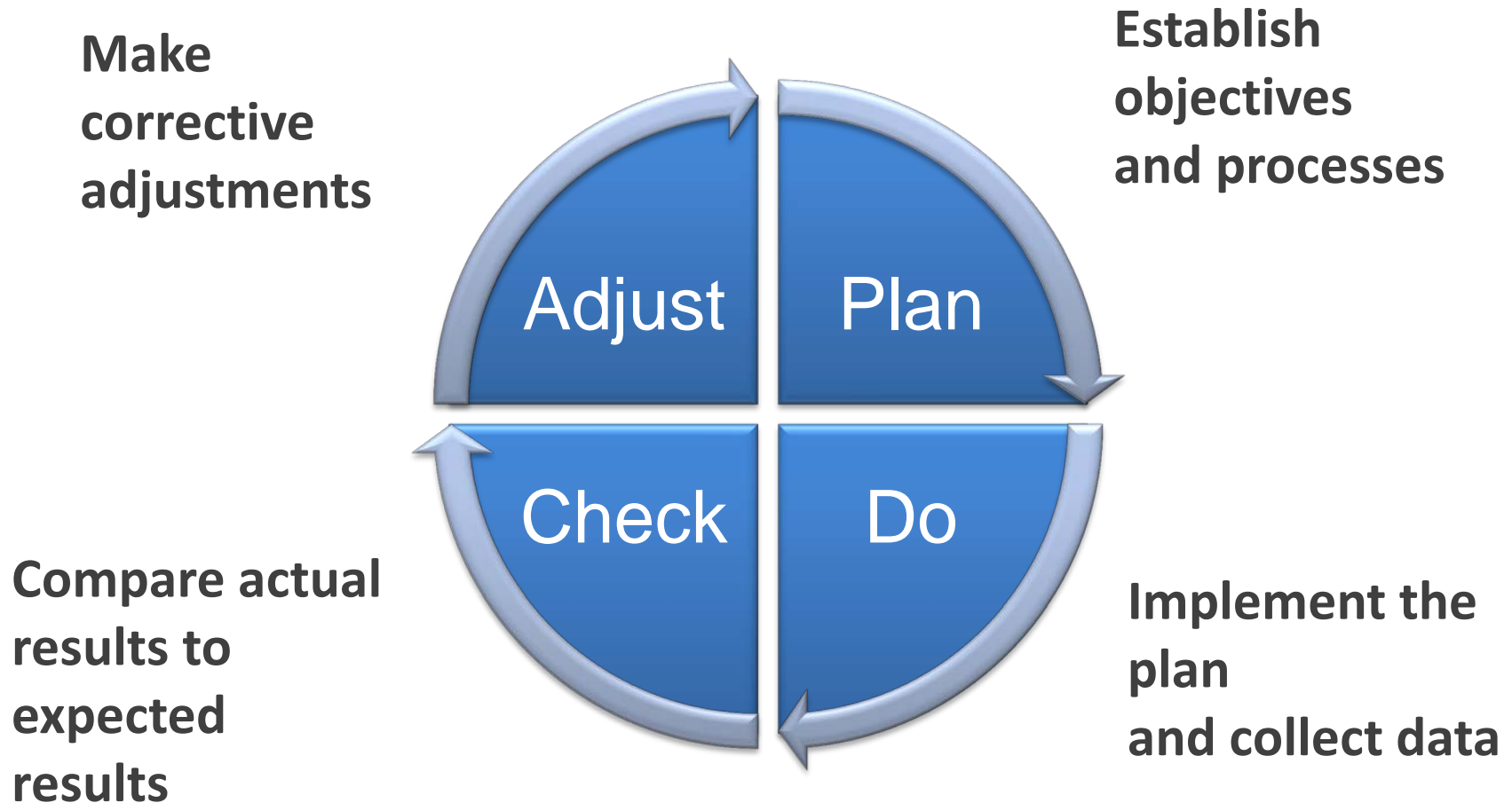


Steps of Public Participation

- ❑ Step 1: Know what you want
- ❑ Step 2: Know who you want it from
- ❑ Step 3: Pick your method
- ❑ Step 4: Share your findings
- ❑ Step 5: Do it again



A Culture of Performance



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A Culture of Engagement



Principles of Engagement

Systematic

- Rigorous and disciplined

Integrated

- Components work together

Transparent

- Share what you learn

Used

- Show you are using it

Iterative

- Keep the conversation going



5 Things You Can Do Now

- ❑ Adopt [core values](#) for public engagement at next council meeting
- ❑ Develop a [public engagement guide](#) during your next plan update
- ❑ Check out the Citizen Participation tools in the [Local Government Performance Center](#)
- ❑ Adopt [plain talk](#) guidelines and subscribe to [plain language blog](#)
- ❑ Set up a [Twitter](#) account and follow:
@LocalGovPerform, @IAP2, @plainlanguage, @civicyouth, @ncdd



Assess Your Readiness

- Is the decision maker engaged and willing to be influenced?
- Can anything change as a result of participation?
- Is the issue of interest to your intended participants?
- Is this the first effort to involve the public on this topic or issue?
- Is your process the only attempt to involve participants?





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City Council

Approval of June 21, 2016 Study Session Meeting Minutes

Agenda Date: 7/12/2016
Agenda Item Number: 4.B
File Number: 16-0789

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

Title

Approval of June 21, 2016 Study Session Meeting Minutes



Meeting Minutes - Draft

City Council

City Hall
601 4th Avenue E
Olympia, WA 98501

Information: 360.753.8244

Tuesday, June 21, 2016

5:30 PM

Council Chambers

Study Session - Joint Meeting with Port of Olympia

1. ROLL CALL

The following Commissioners and Staff of the Port of Olympia were in attendance:

Commission Chair Bill McGregor
Commissioner Joe Downing
Executive Director Ed Galligan
Port Legal Council Heather Burgess
Harbor Director Bruce Marshall
Engineering Director Bill Helbig
Marketing and Community Relations Coordinator Jennie Foglia-Jones
Senior Manager of Business Development Mike Reid
Intern Brianna Fellers

Present: 5 - Mayor Cheryl Selby, Mayor Pro Tem Nathaniel Jones,
Councilmember Jessica Bateman, Councilmember Clark Gilman and
Councilmember Julie Hankins

Excused: 2 - Councilmember Jim Cooper and Councilmember Jeannine Roe

2. BUSINESS ITEM

2.A [16-0775](#) Joint meeting with the Olympia City Council and the Port of Olympia

Mayor Selby and Port Commission Chair Bill McGregor opened the meeting at 5:30 p.m. Both discussed how the Port and the City work together on matters of mutual concern.

City Manager Steve Hall and Port Executive Director Ed Galligan gave an overview of partnerships the City and Port have embarked on over the past 20 years. Those partnerships discussed included the Olympia Farmer's Market, Genoa's Rebuild, 4th Avenue Mitigation, Mission Creek Salmon Restoration, East Bay Plaza/Hands on Children's Museum, 2012 Squaxin Canoe Journey, Harbor Patrol, West Bay Environmental Assessment, Capitol Lake/Deschutes Estuary, 2016 Nisqually Canoe Journey, Downtown Strategy and Sea Level Rise.

City Strategic Communications Director Kellie Braseth and Port Marketing & Community Relations Coordinator Jennie Foglia-Jones discussed the 2016 Nisqually

Canoe Journey.

Ms. Braseth shared the City will support transportation, waste management, water resources, security (tribal representatives will take the lead, but Olympia Police Department will have a presence), first aid (Olympia Fire Department in conjunction with Thurston County Health). Other areas of support include coordination of merchants, food vendors, waste stations and sign posting. Ms. Braseth noted the City has put forward \$50,000 for contracting services.

Ms. Foglia-Jones reviewed some of the Port facilities utilized on landing day to include parking, Marine Terminal space, moorage for support and directional boats. The Port will establish and facilitate a command center as well as provide support to move and store canoes and trailers, coordinate launch ramp closure, handle logistical items (such as radios, golf carts, and emergency routes), communicate with the Department of Ecology and coordinate landscape repair. The Port will also provide support regarding media, Military coordination, onsite security and volunteer coordination. She reviewed maps of staging areas and the site layout. Ms. Foglia-Jones estimates approximately \$58,000 in costs to the Port.

Senior Planner Amy Buckler reviewed the purpose and vision of the Olympia Downtown Strategy. She shared the outline of the public process used to build the Strategy and reviewed a map of Downtown character areas which are a focus of the strategy. Ms. Buckler noted the activities of the Port and the Downtown Strategy have a lot of synergy which will help create more opportunities for the waterfront. Port Senior Manager of Business Development Mike Reid noted collectively the Port and the City will have some big wins when connecting the community with the water front. He shared a local developer has an interest in developing two parcels of the East Port property. Ms. Buckler shared Downtown Strategy next steps. She also noted the Downtown Parking Strategy will soon begin the updating process.

Water Resources Director Andy Haub updated the Councilmembers and Commissioners on planning for a response to sea level rise. He noted now is the opportunity to adapt for sea level rise before the City floods and we need to solidify our vision and strategy to support specific infrastructure improvements are required to prepare. Mr. Haub emphasized to the group actions and investments now will reduce future costs and provide immediate community benefits through reduced risks to property, lower flood insurance premiums and lessened interruption of business during and after a flood event. He reviewed several scenarios and potential responses. Mr. Hall noted the City will need to work with partners who will help the City take the planning of response to and understanding of sea level rise to the next level.

Councilmembers and Commissioners asked clarifying questions.

Commission Chair McGregor offered a tour of the Port to the Councilmembers and thanked them for the opportunity to meet on issues affect both the City and the Port. Mayor Selby thanked everyone for attending and for the Port's ongoing partnership.

The study session was completed.

3. ADJOURNMENT

Mayor Selby adjourned the meeting at 6:36 p.m.



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City Council

Approval of June 21, 2016 City Council Meeting Minutes

Agenda Date: 7/12/2016
Agenda Item Number: 4.C
File Number: 16-0790

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

Title

Approval of June 21, 2016 City Council Meeting Minutes



Meeting Minutes - Draft

City Council

City Hall
601 4th Avenue E
Olympia, WA 98501

Information: 360.753.8244

Tuesday, June 21, 2016

7:00 PM

Council Chambers

1. ROLL CALL

Present: 6 - Mayor Cheryl Selby, Mayor Pro Tem Nathaniel Jones, Councilmember Jessica Bateman, Councilmember Jim Cooper, Councilmember Clark Gilman and Councilmember Julie Hankins

Excused: 1 - Councilmember Jeannine Roe

1.A ANNOUNCEMENTS

Mayor Selby announced the Council met earlier in a Study Session.

1.B APPROVAL OF AGENDA

Mayor Pro Tem Jones requested item 6.B be postponed for work at another time. The agenda was approved as amended.

2. SPECIAL RECOGNITION

2.A [16-0779](#) Special Recognition - Debrief on Cascadia Rising

Deputy Fire Chief Greg Wright briefed the Council on the Cascadia Rising exercise which occurred during the first week of June.

The information was provided.

2.B [16-0774](#) Special Recognition - Spotlight on Parks

Director of Parks, Arts and Recreation Paul Simmons presented an update on Parks and highlighted several recognitions and grants the Parks program has received.

The recognition was received.

3. PUBLIC COMMUNICATION

The following people spoke Laura Dietz, Kris Goddard, Marco Rosaire Rossi, Selena Kilmoyer, Diane Dondero, Jerry Parker, Andrew Burgess, Savvina Chowdhury, Simone Boe, Meg Martin, Larry Mosqueda and Sara Develle.

COUNCIL RESPONSE TO PUBLIC COMMUNICATION (Optional)

4. CONSENT CALENDAR

- 4.A [16-0772](#) Approval of June 14, 2016 Study Session Meeting Minutes

The minutes were adopted.

- 4.B [16-0773](#) Approval of June 14, 2016 City Council Meeting Minutes

The minutes were adopted.

- 4.C [16-0605](#) Approval of Engineering Design and Development Standards (EDDS) 2016 Annual Update Topics and Process

The decision was adopted.

- 4.D [16-0730](#) Approval of Alley Lighting License Agreements Resolution

The resolution was adopted.

- 4.E [16-0762](#) Approval of Proposed Scope of Work for Coordinated Response to Homelessness

The decision was adopted.

- 4.F [16-0765](#) Update to Procedures for the Evaluation of City Real Property for Reuse and Disposal

The decision was adopted.

- 4.G [16-0776](#) Approval of Amendments to the Operating Agreement with the Washington Center for the Performing Arts, Incorporated (WCPA)

The contract was adopted.

4. SECOND READINGS

- 4.H [16-0327](#) Approval of Ordinance Amending Wastewater Regulations for Septic Systems

The ordinance was adopted on second reading.

- 4.I [16-0690](#) Adoption of the 2015 State-Mandated Building Code Revisions

The ordinance was adopted on second reading.

- 4.J [16-0696](#) Approval of Amendment to Ordinance 9.48.160 Relating to Fireworks to Modify the Violation from Misdemeanor to a Civil Infraction

The ordinance was adopted on second reading.

- 4.K [16-0706](#) Approval of Amendment to Ordinance #7006 related to the Operating Budget

The ordinance was adopted on second reading.

- 4.L [16-0707](#) Approval of Amendment to Ordinance #7007 related to the Capital Budget

The ordinance was adopted on second reading.

- 4.M [16-0708](#) Approval of Amendment to Ordinance #6996 Related to Special Funds

The ordinance was adopted on second reading.

Approval of the Consent Agenda

Councilmember Cooper moved, seconded by Councilmember Hankins, to adopt the Consent Calendar. The motion carried by the following vote:

Aye: 6 - Mayor Selby, Mayor Pro Tem Jones, Councilmember Bateman, Councilmember Cooper, Councilmember Gilman and Councilmember Hankins

Excused: 1 - Councilmember Roe

4. FIRST READINGS - NONE

5. PUBLIC HEARING

- 5.A [16-0521](#) Public Hearing on the Low Impact Development (LID) Code Revisions Ordinance

Senior Planner Laura Keehan reviewed the proposed Low Impact Development Code Revisions.

Mayor Selby opened the public hearing at 8:12 p.m. The following people spoke: Tom Holtz, Walt Jorgensen, Bob Jacobs, Rob Healy, Chris van Dahlen and Krag Unsoeld. The Mayor closed the public hearing at 8:29 p.m.

Councilmembers asked clarifying questions.

The public hearing was completed and the ordinance was approved on first reading and moved to second reading.

- 5.B [16-0754](#) Public Hearing on the Community Development Block Grant (CDBG) Program Year 2016 Action Plan

Community Development Block Grant (CDBG) Program Manager Anna Schlecht gave background on the Program Year 2016 CDBG Action Plan.

The Mayor opened the public hearing at 8:45 p.m. The following people spoke: Celia Nightingale, Darryl Morrow, Kimberly Beckman, Jeannine Kempes, Kevin Lanneker, Daniel Cadden, Meg Martin, TJ LaRoque and Michelle James. The Mayor closed the

public hearing at 9:04 p.m.

Councilmembers asked clarifying questions.

The public hearing was completed.

6. OTHER BUSINESS

6.A [16-0743](#) Downtown Ambassador Early Morning Clean Team Update

Community Liaison Mark Rentfrow updated the Council on the Downtown Ambassador Early Morning Clean Team. Councilmembers asked clarifying questions.

The report was received.

6.B [16-0778](#) Approval of an Ordinance Imposing an Excise Tax on Certain Unearned Income of Residents in the City of Olympia

The ordinance was postponed.

7. CONTINUED PUBLIC COMMUNICATION

The following people spoke: Krag Unsoeld, Jim Haley, Dean Jones and Lady Liberty (Mary Abramson).

8. REPORTS AND REFERRALS

8.A COUNCIL INTERGOVERNMENTAL/COMMITTEE REPORTS AND REFERRALS

Councilmembers reported on meetings and events attended.

8.B CITY MANAGER'S REPORT AND REFERRALS

City Manager Steve Hall had no report.

9. ADJOURNMENT

The meeting adjourned at 9:34 p.m.



City Hall
601 4th Avenue E.
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City Council

Bills and Payroll Certification

Agenda Date: 7/12/2016
Agenda Item Number: 4.D
File Number: 16-0821

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

Title
Bills and Payroll Certification

CITY OF OLYMPIA
EXPENDITURE SUMMARY

"I THE UNDERSIGNED, DO HEREBY CERTIFY UNDER PENALTY OF PERJURY THAT THE MATERIALS HAVE BEEN FURNISHED, THE SERVICES RENDERED OR THE LABOR PERFORMED AS DESCRIBED HEREIN, THAT ANY ADVANCE PAYMENT IS DUE AND PAYABLE PURSUANT TO A CONTRACT OR IS AVAILABLE AS AN OPTION FOR FULL OR PARTIAL FULFILLMENT OF A CONTRACTUAL OBLIGATION, AND THAT THE CLAIMS ARE JUST, DUE AND UNPAID OBLIGATIONS AGAINST THE CITY OF OLYMPIA, AND THAT I AM AUTHORIZED TO AUTHENTICATE AND CERTIFY TO SAID CLAIMS", AND,

"I, THE UNDERSIGNED, DO HEREBY CERTIFY UNDER PENALTY OF PERJURY THAT CLAIMS FOR EMPLOYEE AND OFFICER EXPENSES ARE JUST, DUE AND UNPAID OBLIGATIONS AGAINST THE CITY OF OLYMPIA, AND THAT I AM AUTHORIZED TO CERTIFY SAID CLAIMS".

FOR PERIOD 5/29/2016 THROUGH 6/4/2016
 FOR A/P CHECK NUMBERS 3674499 THROUGH 3674719
 FOR ELECTRONIC PAYMENTS _____ THROUGH _____

INCLUSIVE IN THE AMOUNT TOTALING

DATED

ADMINISTRATIVE SERVICES DIRECTOR

June 7, 2016

Jack Kirkemo

TOTAL APPROVED FOR PAYMENT

FUND		
\$665,461.52	001	GENERAL FUND
\$0.00	002	SHOP FACILITIES
\$10,933.40	003	REVOLVING ACCOUNT FUND
\$0.00	004	URBAN ARTERIAL FUND
\$25,205.92	025	WASHINGTON CENTER
\$0.00	026	MUNICIPAL ARTS FUND
\$0.00	029	EQUIP & FACIL REPLACE RES
\$0.00	107	HUD
\$0.00	108	HUD
\$0.00	127	IMPACT FEES
\$0.00	130	SEPA MITIGATION FUND
\$0.00	132	LODGING TAX FUND
\$0.00	133	ARTS AND CONFERENCE FUND
\$0.00	134	PARKS AND REC SIDEWALK UT TAX
\$0.00	135	PARKING BUSINESS IMP AREA
\$0.00	136	FARMERS MRKT REPAIR/REPLC
\$0.00	137	CHILDREN'S HANDS ON MUSEUM
\$0.00	138	TRANS BENEFIT DISTRICT
\$0.00	208	LID OBLIGATION CONTROL
\$0.00	216	4th/5th AVE PW TRST
\$0.00	223	LTGO BOND FUND '06-PARKS
\$0.00	224	UTGO BOND FUND 2009 FIRE
\$0.00	225	CITY HALL DEBT FUND
\$0.00	226	2010 LTGO BOND-STREETPROJ
\$0.00	227	LOCAL DEBT FUND
\$0.00	228	2010B LTGO BONDS-HOCM
\$0.00	317	CIP
\$0.00	322	4/5th AVE CORRIDOR/BRIDGE
\$0.00	323	CIP CONSTR FUND - PARKS
\$0.00	324	FIRE STATION 4 CONSTRUCT
\$0.00	325	CITY HALL CONST
\$0.00	326	TRANSPORTATION CONST
\$0.00	329	GO BOND PROJECT FUND
\$0.00	331	FIRE EQUIPMENT REPLACEMENT FUND
\$10,478.63	401	WATER
\$1,156.29	402	SEWER
\$1,040.23	403	SOLID WASTE
\$902.75	404	STORM AND SURFACE WATER
\$2,018.14	434	STORM AND SURFACE WATER CIP
\$2,579.75	461	WATER CIP FUND
\$3,443.00	462	SEWER CIP FUND
\$13,110.83	501	EQUIPMENT RENTAL
\$12,708.66	502	C. R. EQUIPMENT RENTAL
\$0.00	503	UNEMPLOYMENT COMPENSATION
\$1,560.00	504	INS TRUST FUND
\$0.00	505	WORKERS COMPENSATION
\$0.00	604	FIREMEN'S PENSION FUND
\$0.00	605	CUSTOMERS WATER RESERVE
\$7,123.85	621	WASHINGTON CENTER ENDOW
\$0.00	631	PUBLIC FACILITIES
\$0.00	682	LAW ENFORCEMENT RECORD MGNTSYS
\$0.00	701	PARKS-NEIGHBORHOOD
\$0.00	702	PARKS-COMMUNITY
\$0.00	703	PARKS-OPEN SPACE
\$0.00	707	PARKS-SPECIAL USE
\$0.00	711	TRANSPORTATION
\$0.00	720	SCHOOLS

\$757,722.97 GRAND TOTAL FOR WEEK

CITY OF OLYMPIA
EXPENDITURE SUMMARY

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FOR PERIOD 6/5/2016 THROUGH 6/11/2016
 FOR A/P CHECK NUMBERS 3674720 THROUGH 3675061
 FOR ELECTRONIC PAYMENTS 5/1/2016 THROUGH 5/31/2016

INCLUSIVE IN THE AMOUNT TOTALING

DATED

June 14, 2016

ADMINISTRATIVE SERVICES DIRECTOR

Jane Kirkemo

TOTAL APPROVED FOR PAYMENT
FUND

\$912,946.74	001	GENERAL FUND
\$0.00	002	SHOP FACILITIES
\$903.30	003	REVOLVING ACCOUNT FUND
\$0.00	004	URBAN ARTERIAL FUND
\$0.00	025	WASHINGTON CENTER
\$395.69	026	MUNICIPAL ARTS FUND
\$0.00	029	EQUIP & FACIL REPLACE RES
\$2,210.00	107	HUD
\$0.00	108	HUD
\$0.00	127	IMPACT FEES
\$0.00	130	SEPA MITIGATION FUND
\$0.00	132	LODGING TAX FUND
\$0.00	133	ARTS AND CONFERENCE FUND
\$1,332.21	134	PARKS AND REC SIDEWALK UT TAX
\$0.00	135	PARKING BUSINESS IMP AREA
\$0.00	136	FARMERS MRKT REPAIR/REPLC
\$0.00	137	CHILDREN'S HANDS ON MUSEUM
\$0.00	138	TRANS BENEFIT DISTRICT
\$0.00	208	LID OBLIGATION CONTROL
\$0.00	216	4th/5th AVE PW TRST
\$0.00	223	LTGO BOND FUND '06-PARKS
\$0.00	224	UTGO BOND FUND 2009 FIRE
\$0.00	225	CITY HALL DEBT FUND
\$0.00	226	2010 LTGO BOND-STREETPROJ
\$0.00	227	LOCAL DEBT FUND
\$0.00	228	2010B LTGO BONDS-HOCM
\$81,094.82	317	CIP
\$0.00	322	4/5th AVE CORRIDOR/BRIDGE
\$0.00	323	CIP CONSTR FUND - PARKS
\$0.00	324	FIRE STATION 4 CONSTRUCT
\$1,291.09	325	CITY HALL CONST
\$0.00	326	TRANSPORTATION CONST
\$0.00	329	GO BOND PROJECT FUND
\$0.00	331	FIRE EQUIPMENT REPLACEMENT FUND
\$55,505.82	401	WATER
\$983,702.65	402	SEWER
\$131,696.31	403	SOLID WASTE
\$38,817.94	404	STORM AND SURFACE WATER
\$9,151.49	434	STORM AND SURFACE WATER CIP
\$26,913.47	461	WATER CIP FUND
\$8,007.20	462	SEWER CIP FUND
\$12,908.43	501	EQUIPMENT RENTAL
\$107,958.84	502	C. R. EQUIPMENT RENTAL
\$250.00	503	UNEMPLOYMENT COMPENSATION
\$469.75	504	INS TRUST FUND
\$25,545.88	505	WORKERS COMPENSATION
\$0.00	604	FIREMEN'S PENSION FUND
\$0.00	605	CUSTOMERS WATER RESERVE
\$0.00	621	WASHINGTON CENTER ENDOW
\$0.00	631	PUBLIC FACILITIES
\$398.25	682	LAW ENFORCEMENT RECORD MGNTSYS
\$0.00	701	PARKS-NEIGHBORHOOD
\$0.00	702	PARKS-COMMUNITY
\$0.00	703	PARKS-OPEN SPACE
\$0.00	707	PARKS-SPECIAL USE
\$0.00	711	TRANSPORTATION
\$0.00	720	SCHOOLS

\$2,401,499.88 GRAND TOTAL FOR WEEK

CITY OF OLYMPIA
EXPENDITURE SUMMARY

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FOR PERIOD 6/12/2016 THROUGH 6/18/2016
 FOR A/P CHECK NUMBERS 3675062 THROUGH 3675350
 FOR ELECTRONIC PAYMENTS _____ THROUGH _____

INCLUSIVE IN THE AMOUNT TOTALING

DATED

ADMINISTRATIVE SERVICES DIRECTOR

June 21, 2016



TOTAL APPROVED FOR PAYMENT
FUND

\$805,141.50	001	GENERAL FUND
\$0.00	002	SHOP FACILITIES
\$83,879.37	003	REVOLVING ACCOUNT FUND
\$0.00	004	URBAN ARTERIAL FUND
\$418.50	006	
\$5,346.78	007	
\$3,022.64	025	WASHINGTON CENTER
\$0.00	026	MUNICIPAL ARTS FUND
\$104,773.53	029	EQUIP & FACIL REPLACE RES
\$4,817.93	107	HUD
\$0.00	108	HUD
\$0.00	127	IMPACT FEES
\$0.00	130	SEPA MITIGATION FUND
\$8,333.33	132	LODGING TAX FUND
\$0.00	133	ARTS AND CONFERENCE FUND
\$0.00	134	PARKS AND REC SIDEWALK UT TAX
\$7,359.25	135	PARKING BUSINESS IMP AREA
\$0.00	136	FARMERS MRKT REPAIR/REPLC
\$0.00	137	CHILDREN'S HANDS ON MUSEUM
\$0.00	138	TRANS BENEFIT DISTRICT
\$0.00	208	LID OBLIGATION CONTROL
\$0.00	216	4th/5th AVE PW TRST
\$0.00	223	LTGO BOND FUND '08-PARKS
\$0.00	224	UTGO BOND FUND 2009 FIRE
\$0.00	225	CITY HALL DEBT FUND
\$0.00	226	2010 LTGO BOND-STREETPROJ
\$0.00	227	LOCAL DEBT FUND
\$0.00	228	2010B LTGO BONDS-HOCM
\$110,744.34	317	CIP
\$0.00	322	4/5th AVE CORRIDOR/BRIDGE
\$0.00	323	CIP CONSTR FUND - PARKS
\$0.00	324	FIRE STATION 4 CONSTRUCT
\$0.00	325	CITY HALL CONST
\$0.00	326	TRANSPORTATION CONST
\$0.00	329	GO BOND PROJECT FUND
\$7,136.00	331	FIRE EQUIPMENT REPLACEMENT FUND
\$25,661.08	401	WATER
\$9,667.24	402	SEWER
\$3,102.07	403	SOLID WASTE
\$26,947.77	404	STORM AND SURFACE WATER
\$0.00	434	STORM AND SURFACE WATER CIP
\$2,157.74	461	WATER CIP FUND
\$0.00	462	SEWER CIP FUND
\$52,477.73	501	EQUIPMENT RENTAL
\$0.00	502	C. R. EQUIPMENT RENTAL
\$0.00	503	UNEMPLOYMENT COMPENSATION
\$170.00	504	INS TRUST FUND
\$149.62	505	WORKERS COMPENSATION
\$0.00	604	FIREMEN'S PENSION FUND
\$0.00	605	CUSTOMERS WATER RESERVE
\$3,063.59	614	
\$0.00	621	WASHINGTON CENTER ENDOW
\$0.00	631	PUBLIC FACILITIES
\$1,783.02	682	LAW ENFORCEMENT RECORD MGNTSYS
\$0.00	701	PARKS-NEIGHBORHOOD
\$0.00	702	PARKS-COMMUNITY
\$0.00	703	PARKS-OPEN SPACE
\$0.00	707	PARKS-SPECIAL USE
\$0.00	711	TRANSPORTATION
\$127,004.00	720	SCHOOLS

\$1,393,157.03 GRAND TOTAL FOR WEEK

CITY OF OLYMPIA
EXPENDITURE SUMMARY

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FOR PERIOD	<u>6/19/2016</u>	THROUGH	<u>6/25/2016</u>
FOR A/P CHECK NUMBERS	<u>3675351</u>	THROUGH	<u>3675619</u>
FOR ELECTRONIC PAYMENTS	<u></u>	THROUGH	<u></u>

INCLUSIVE IN THE AMOUNT TOTALING

DATED

ADMINISTRATIVE SERVICES DIRECTOR

June 27, 2016

Jane Kukemo

TOTAL APPROVED FOR PAYMENT

FUND		
\$420,526.36	001	GENERAL FUND
\$0.00	002	SHOP FACILITIES
\$25,242.31	003	REVOLVING ACCOUNT FUND
\$0.00	004	URBAN ARTERIAL FUND
\$334.12	006	
\$2,898.09	007	
\$0.00	025	WASHINGTON CENTER
\$208.85	026	MUNICIPAL ARTS FUND
\$3,627.38	029	EQUIP & FACIL REPLACE RES
\$13,642.29	107	HUD
\$0.00	108	HUD
\$0.00	127	IMPACT FEES
\$0.00	130	SEPA MITIGATION FUND
\$0.00	132	LODGING TAX FUND
\$0.00	133	ARTS AND CONFERENCE FUND
\$59.92	134	PARKS AND REC SIDEWALK UT TAX
\$0.00	135	PARKING BUSINESS IMP AREA
\$0.00	136	FARMERS MRKT REPAIR/REPLC
\$0.00	137	CHILDREN'S HANDS ON MUSEUM
\$3,351.60	138	TRANS BENEFIT DISTRICT
\$0.00	208	LID OBLIGATION CONTROL
\$0.00	216	4th/5th AVE PW TRST
\$0.00	223	LTGO BOND FUND '06-PARKS
\$0.00	224	UTGO BOND FUND 2009 FIRE
\$0.00	225	CITY HALL DEBT FUND
\$0.00	226	2010 LTGO BOND-STREETPROJ
\$0.00	227	LOCAL DEBT FUND
\$0.00	228	2010B LTGO BONDS-HOCM
\$181,025.46	317	CIP
\$0.00	322	4/5th AVE CORRIDOR/BRIDGE
\$0.00	323	CIP CONSTR FUND - PARKS
\$0.00	324	FIRE STATION 4 CONSTRUCT
\$13,572.60	325	CITY HALL CONST
\$0.00	326	TRANSPORTATION CONST
\$0.00	329	GO BOND PROJECT FUND
\$0.00	331	FIRE EQUIPMENT REPLACEMENT FUND
\$39,572.79	401	WATER
\$31,736.48	402	SEWER
\$389,155.95	403	SOLID WASTE
\$14,473.38	404	STORM AND SURFACE WATER
\$36,034.54	434	STORM AND SURFACE WATER CIP
\$95,420.39	461	WATER CIP FUND
\$0.00	462	SEWER CIP FUND
\$11,245.09	501	EQUIPMENT RENTAL
\$0.00	502	C. R. EQUIPMENT RENTAL
\$250.00	503	UNEMPLOYMENT COMPENSATION
\$0.00	504	INS TRUST FUND
\$0.00	505	WORKERS COMPENSATION
\$0.00	604	FIREMEN'S PENSION FUND
\$0.00	605	CUSTOMERS WATER RESERVE
\$0.00	614	
\$0.00	621	WASHINGTON CENTER ENDOW
\$0.00	631	PUBLIC FACILITIES
\$0.00	682	LAW ENFORCEMENT RECORD MGNTSYS
\$0.00	701	PARKS-NEIGHBORHOOD
\$0.00	702	PARKS-COMMUNITY
\$0.00	703	PARKS-OPEN SPACE
\$0.00	707	PARKS-SPECIAL USE
\$0.00	711	TRANSPORTATION
\$0.00	720	SCHOOLS

\$1,282,377.80 GRAND TOTAL FOR WEEK

CITY OF OLYMPIA
EXPENDITURE SUMMARY

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FOR PERIOD 6/26/2016 THROUGH 7/2/2016
 FOR A/P CHECK NUMBERS 3675620 THROUGH 3675875
 FOR ELECTRONIC PAYMENTS _____ THROUGH _____

INCLUSIVE IN THE AMOUNT TOTALING

DATED

July 5, 2016

ADMINISTRATIVE SERVICES DIRECTOR

Jane Kukemo

TOTAL APPROVED FOR PAYMENT

FUND		
\$731,663.61	001	GENERAL FUND
\$0.00	002	SHOP FACILITIES
\$323.00	003	REVOLVING ACCOUNT FUND
\$0.00	004	URBAN ARTERIAL FUND
\$0.00	006	
\$2,752.92	007	
\$0.00	025	WASHINGTON CENTER
\$0.00	026	MUNICIPAL ARTS FUND
\$0.00	029	EQUIP & FACIL REPLACE RES
\$35,020.66	107	HUD
\$0.00	108	HUD
\$0.00	127	IMPACT FEES
\$0.00	130	SEPA MITIGATION FUND
\$11,100.13	132	LODGING TAX FUND
\$0.00	133	ARTS AND CONFERENCE FUND
\$0.00	134	PARKS AND REC SIDEWALK UT TAX
\$3,245.21	135	PARKING BUSINESS IMP AREA
\$0.00	136	FARMERS MRKT REPAIR/REPLC
\$0.00	137	CHILDREN'S HANDS ON MUSEUM
\$0.00	138	TRANS BENEFIT DISTRICT
\$0.00	208	LID OBLIGATION CONTROL
\$0.00	216	4th/5th AVE PW TRST
\$0.00	223	LTGO BOND FUND '06-PARKS
\$0.00	224	UTGO BOND FUND 2009 FIRE
\$0.00	225	CITY HALL DEBT FUND
\$0.00	226	2010 LTGO BOND-STREETPROJ
\$0.00	227	LOCAL DEBT FUND
\$0.00	228	2010B LTGO BONDS-HOCM
\$21,171.77	317	CIP
\$0.00	322	4/5th AVE CORRIDOR/BRIDGE
\$0.00	323	CIP CONSTR FUND - PARKS
\$0.00	324	FIRE STATION 4 CONSTRUCT
\$0.00	325	CITY HALL CONST
\$0.00	326	TRANSPORTATION CONST
\$0.00	329	GO BOND PROJECT FUND
\$0.00	331	FIRE EQUIPMENT REPLACEMENT FUND
\$10,078.26	401	WATER
\$4,453.13	402	SEWER
\$7,132.16	403	SOLID WASTE
\$1,318.19	404	STORM AND SURFACE WATER
\$49,785.00	434	STORM AND SURFACE WATER CIP
\$3,444.61	461	WATER CIP FUND
\$0.00	462	SEWER CIP FUND
\$11,838.44	501	EQUIPMENT RENTAL
\$180.84	502	C. R. EQUIPMENT RENTAL
\$0.00	503	UNEMPLOYMENT COMPENSATION
-\$889.00	504	INS TRUST FUND
\$2,580.15	505	WORKERS COMPENSATION
\$0.00	604	FIREMEN'S PENSION FUND
\$0.00	605	CUSTOMERS WATER RESERVE
\$7,035.75	614	
\$0.00	621	WASHINGTON CENTER ENDOW
\$0.00	631	PUBLIC FACILITIES
\$628.32	682	LAW ENFORCEMENT RECORD MGNTSYS
\$0.00	701	PARKS-NEIGHBORHOOD
\$0.00	702	PARKS-COMMUNITY
\$0.00	703	PARKS-OPEN SPACE
\$0.00	707	PARKS-SPECIAL USE
\$0.00	711	TRANSPORTATION
\$0.00	720	SCHOOLS
\$902,863.15		GRAND TOTAL FOR WEEK

**CITY OF OLYMPIA
PAYROLL CERTIFICATION**

The Administrative Services Director of the City of Olympia, Washington, hereby certifies that the payroll gross earnings, benefits, and LEOFF I post-retirement insurance benefits for the pay cycle ending **6/15/2016** have been examined and are approved as recommended for payment.

Employees Net Pay:	<u>\$ 1,293,544.36</u>
Fire Pension Net Pay:	_____
Employer Share of Benefits:	<u>\$ 685,928.31</u>
Employer Share of LEOFF I Police Post-Retirement Benefits:	_____
Employer Share of LEOFF I Fire Post-Retirement Benefits:	_____
TOTAL	<u><u>\$ 1,979,472.67</u></u>

Payroll Check Numbers	<u>88947</u>	<u>88952</u>	Manual Checks
And	_____	_____	Fire Pension Checks
And	_____	_____	Manual Checks
And	<u>88953</u>	<u>88987</u>	Semi Payroll Checks

and Direct Deposit transmission.

June 15, 2016
DATE

Jane Kukemo
ADMINISTRATIVE SERVICES DIRECTOR

**CITY OF OLYMPIA
PAYROLL CERTIFICATION**

The Administrative Services Director of the City of Olympia, Washington, hereby certifies that the payroll gross earnings, benefits, and LEOFF I post-retirement insurance benefits for the pay cycle ending **6/30/2016** have been examined and are approved as recommended for payment.

Employees Net Pay:	<u>\$ 1,334,069.91</u>
Fire Pension Net Pay:	<u>\$ 27,531.87</u>
Employer Share of Benefits:	<u>\$ 687,176.43</u>
Employer Share of LEOFF I Police Post-Retirement Benefits:	<u>\$ 24,771.30</u>
Employer Share of LEOFF I Fire Post-Retirement Benefits:	<u>\$ 22,971.64</u>
TOTAL	<u><u>\$ 2,096,521.15</u></u>

Payroll Check Numbers	<u>88988</u>	<u>88988</u>	Manual Checks
And	<u>88989</u>	<u>88993</u>	Fire Pension Checks
And	<u> </u>	<u> </u>	Manual Checks
And	<u>88994</u>	<u>89063</u>	Semi Payroll Checks

and Direct Deposit transmission.

June 30, 2016
DATE

Jane Kikeno
ADMINISTRATIVE SERVICES DIRECTOR



City Council

Approval of Appointment of Nancy Clauson (Peterson) to the Capital Area Regional Public Facilities Board

Agenda Date: 7/12/2016
Agenda Item Number: 4.E
File Number: 16-0785

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

Title

Approval of Appointment of Nancy Clauson (Peterson) to the Capital Area Regional Public Facilities Board

Recommended Action

Committee Recommendation:

Not referred to a committee.

City Manager Recommendation:

Move to approve the appointment of Nancy Clauson (Peterson) as a Regional Representative to the Capital Area Regional Public Facilities District Board for a 4-year term ending March 1, 2020.

Report

Issue:

Whether to appoint Nancy Clauson (Peterson) as a Regional Representative to the Capital Area Regional Public Facilities District Board.

Staff Contact:

Jay Burney, Assistant City Manager, Executive Department, 360.753.8740

Presenter(s):

None - Consent Calendar Item.

Background and Analysis:

The Capital Area Regional Public Facilities District (CARPFD) Board is an interjurisdictional body created by the cities of Olympia, Lacey, Tumwater and Thurston County.

The purpose of this district is to receive PFD revenues from the State and then enter into contracts with local entities for regional projects, based on the Interlocal Agreements. Currently the CARPFD has contracts with the city of Lacey for the Regional Athletic Complex (RAC) and the City of Olympia for the Hands on Children's Museum.

The CARPFD is managed by a seven member Board of Directors. Three members of the Board are

appointed jointly by the four local jurisdictions. The remaining four members are appointed individually by each of the jurisdictions to four year terms. A roster of current boardmembers is attached.

The Regional Representative position is one of the three positions appointed jointly by the jurisdictions. Nancy Clauson (Peterson) has expressed an interest to continue in her capacity as a Regional Representative on this Board. A brief bio for Ms. Clauson (Peterson) is attached.

Staff recommends the re-appointment of Nancy Clauson (Peterson) to the CARPFD Board.

Neighborhood/Community Interests (if known):

None known.

Options:

1. Appoint Nancy Clauson (Peterson) to a 4-year term.
2. Refer the matter to the General Government Committee for a recommendation.

Financial Impact:

None.

Attachments:

CARPFD 2016 Boardmembers
Nancy Clauson (Peterson) CARPFD Bio

CAPITAL AREA REGIONAL – PUBLIC FACILITIES DISTRICT

BOARD OF DIRECTORS (2016)

Four Year Terms - No Term Limits
Established in 2003

TRENT GRANTHAM

City of Tumwater Representative

902 "G" Street SW
Tumwater WA 98512

Home Phone: 360.556.3299
Work Phone: 360.357.6972
E-Mail: trent@glanderassociates.com
Date Appointed: 03/01/2011, 2015
Term Expiration Date: 03/01/2019

NANCY CLAUSON (PETERSON)

Regional Representative

2103 Alonda Ln NE
Olympia WA 98516

Home Phone: (360) 491-6344
E-Mail: nancypetey@comcast.net
Date Appointed: 03/01/2012
Term Expiration Date: 03/01/2016

DAVID BRINE

City of Olympia Representative

1716 Camelot Park SW
Olympia WA 98512

Home Phone: 360.280.9898
E-Mail: d.brine@comcast.net
Date Initially Appointed: 12/04/2007
Date Reappointed: 03/01/2011, 2015
Term Expiration Date: 03/01/2019

CHRIS LEICHT

Regional Representative

3126 Bonanza Ct NE
Olympia WA 98516

Home Phone: 360.239.2179
E-Mail: leichtc@comcast.net
Date Appointed: 04/01/2006
Date Reappointed: 05.22.2014
Term Expiration Date: 03/01/2018

MARK FOUTCH, PRESIDENT (2013-2014)

Regional Representative

1056 Boundary St SE
Olympia WA 98501

Home Phone: 360.943.2106
E-Mail: mfoutch@juno.com
Date Initially Appointed: 04/12/2010
Date Reappointed: 03/01/2013
Term Expiration Date: 03/01/2017

KEN PARSONS, SECRETARY/TREASURER (2013-2014)

Thurston County Representative

4747 Shincke Road NE
Olympia WA 98506

Home Phone: 360.456.2220
E-Mail: wa.kenparsons@gmail.com
Date Initially Appointed: 02/25/2003
Date Reappointed: 02/12/2007, 03/01/2011
Term Expiration Date: 03/01/2019

DENNIS REED

City of Lacey Representative

609 Enterprise Drive NE
Lacey WA 98516

Home Phone: 360.438.1352
Fax: 360.438.9119
E-Mail: liondennis@juno.com
Date Initially Appointed: 02/25/2003
Date Reappointed: 03/01/2007; 03/01/2011
Term Expiration Date: 03/01/2019

ADMINISTRATIVE SUPPORT

City of Lacey
Carol Litten, City Clerk
PO Box 3400
Lacey WA 98509-3400
360.438.2625
clitten@ci.lacey.wa.us

CAPITAL AREA REGIONAL PUBLIC FACILITIES DISTRICT (CARPFD)

Nomination for re-appointment of Regional Representative: Nancy Clauson (Peterson)

Nancy Clauson (Peterson) served on the Lacey City Council from 1993 through 2007. She was elected Mayor from 1996 – 1999, and Deputy Mayor from 2004 – 2007. During her tenure on the council, she served on the Finance & Economic Development Committee, General Government & Public Safety Committee and the Utilities Committee. Nancy represented the City of Lacey regionally on the LOTT Board, the Human Services Review Council and TOGETHER!

Prior to her public service as a Council member, Nancy was appointed to the Lacey Planning Commission from 1987 – 1993, serving for a time as chair.

Nancy was recently appointed to the Lacey Leadership Council of past mayors working on emerging regional issues, and has participated in the visioning process for the Woodland District Strategic Plan. Nancy has volunteered at St. Peter's Hospital for the past five years, and performs volunteer work at St. Michael's Church. She is retired from the Department of Labor & Industries.

During the formation of the Capital Area Regional Public Facilities District in 2008, Nancy was an active participant throughout the process. She has served on the CAR-PFD Board as a regional representative since 2012, and has expressed an interest in serving another term.



City Council

Approval of Community Development Block Grant (CDBG) Program Year 2016 Action Plan

Agenda Date: 7/12/2016
Agenda Item Number: 4.F
File Number: 16-0754

Type: decision **Version:** 2 **Status:** Consent Calendar

Title

Approval of Community Development Block Grant (CDBG) Program Year 2016 Action Plan

Recommended Action

Committee Recommendation:

Move to approve CDBG Program Year (PY) 2016 Action Plan.

City Manager Recommendation:

Move to approve the recommendation from the General Government Committee to approve the CDBG Program Year 2016 Action Plan.

Report

Issue:

Whether to approve the proposed CDBG Program Year 2016 Action Plan.

Staff Contact:

M. Anna Schlecht, CDBG Program Manager, Community Planning & Development Department
360.753.8183

Presenter(s):

None - Consent Item

Background and Analysis:

Each year the General Government Committee reviews options and develops goals for the upcoming CDBG Program Year. As identified in the attached CDBG Annual Cycle, this process starts in October or November of the prior program year and concludes with the CDBG Annual Action Plan that is submitted to the federal Housing and Urban Development (HUD) regional office by July 15 of the subject year. CDBG Program Year 2016 runs from September 1, 2016 - August 31, 2017.

The City's CDBG allocation for Program Year 2016 will be \$340,892 with an estimated \$150,000 in program income from prior year projects for a total of \$490,892 in CDBG funds. Of this amount, staff estimates that there will be approximately \$392,714 available for programs and projects during PY

2016.

CDBG Regulatory Guidelines: Federal regulations limit flexibility in project spending in several primary ways:

1. CDBG funds must be allocated for clearly identified, specific projects (i.e., the Isthmus Park Building Demolition in 2015) or for defined programs with clear guidelines for activities (i.e., the CPTED Program).
2. Federal regulations require the timely expenditure of funds to ensure that tax monies are not “banked” indefinitely for the future so that no more than 1.5 times the annual allocation can remain unspent.
3. Funds for direct social services are capped at 15% of total CDBG expenditures (approximately \$73,000).
4. Over each 3-year period, at least 70% of the City’s CDBG expenditures must provide benefit to low-to-moderate income people.

The attached PY2016 Action Plan project list recommended by General Government Committee meets these requirements.

Committee Recommendation:

The Council accepted the General Government Committee recommended activities identified in the proposed CDBG Program Year 2016 Action Plan. Additionally, the City Council accepted the committee recommendation to revise the Five-Year CDBG Consolidated Plan strategies to prioritize housing rehabilitation and social services, along with continued activity on the original priority of economic development established in the initial plan.

The proposed PY 2016 CDBG activities are described as follows:

- 1) **\$98,178 Program Administration** essential to continue the City’s CDBG program in a compliant manner with federal requirements.
- 2) **\$55,397 CRC Downtown Ambassador Program** Street outreach portion of the Ambassador Program that provides referrals and limited services to homeless, mentally ill and other street dependent people. ***Please note: this contains 10% Activity Delivery Costs for staffing. (continuing existing program)***
- 3) **\$27,500 Crime Prevention Through Environmental Design (CPTED)** Program is intended to provide loan funds to projects that increase safety and reduce crime downtown. ***Please note: this contains 10% Activity Delivery Costs for staffing. (continuing existing program)***
- 4) **\$200,000 Providence Community Care Center** in downtown Olympia, offering one-time funding for improvements in an existing building to establish this community center intended to

serve homeless, mentally ill and other street dependent people. While the primary beneficiaries of this facility will be the street dependent people who reside in downtown, it is anticipated that there will be significant ancillary benefits for the businesses as well as the cultural and economic environment of downtown.

- 5) **\$44,817 Micro-Enterprise or small business training programs** for low- and moderate-income entrepreneurs and business owners. ***Please note:*** *this contains 10% Activity Delivery Costs for staffing.*

- 6) **\$65,000 - Housing Rehabilitation:** Funding for housing rehabilitation projects that improve the quality of existing housing for low- and moderate-income people. ***Please note:*** *These funds were originally proposed for the annual debt service payment on the City's Section 108 Loan Guarantee Program, however, an amendment to the current PY 2015 CDBG Annual Action Plan funded the pre-payment of this annual obligation. Contains 10% Activity Delivery Costs for staffing.*

CDBG Public Process:

The City's CDBG Citizen Participation Plan requires a 30-day period to allow review of the specific activities and locations where the City proposes to invest CDBG funds in PY 2016. The City notified citizens and other stakeholders of this public process would run from June 10th through July 11th, 2016, with the steps of the process described as follows:

June 10, 2016: Commencement of CDBG Public Process

The City prepared the draft PY 2016 CDBG Annual Action Plan and released it for review and public comment on Friday, June 10, 2016. This plan was made available in the full HUD required format as well as an auxiliary four-page "***CDBG Citizens Summary***" for easier citizen access to the information. This 30-day public comment period (June 10, 2016 - July 11, 2016) was announced as follows: 1) published legal notice; 2) City website notice; 3) direct email notice to stakeholders; and, announcements at appropriate community meetings of stakeholders.

Citizens were advised to submit their comments in one of the following methods:

Email: citycouncil@ci.olympia.wa.us <<mailto:citycouncil@ci.olympia.wa.us>>
Mail: Olympia City Council, PO Box 1967, Olympia, WA 98507
Testify: Public Hearing, 7 pm Tuesday June 21, 2016

June 21, 2016: Public Hearing

Council held a public hearing during the 30-day public comment period on the draft PY 2016 CDBG Annual Action Plan in order to receive public comments. All comments are attached to this staff report and contained within the PY 2016 CDBG Annual Action Plan. (***Please note:*** any comments received after the submission of this staff report but prior to the July 11th

deadline will be photo-copied at placed on Council desks on July 12, 2016.)

July 11, 2016: Closure of Public Process:

After 30 days, the City will close the CDBG public process, collect all public comments and incorporate them into the final draft PY 2016 Annual Action Plan. The City will finalize the draft PY 2016 CDBG Action plan for review and submittal.

July 12, 2016: Council Approval

Tonight, the Council will review and approve the draft PY 2016 CDBG Annual Action Plan, and direct staff to submit the full document to HUD on or before July 15, 2016.

July 15, 2016: Submission of Annual Action Plan: The City will submit the PY 2016 CDBG Annual Action plan to HUD.

Neighborhood/Community Interests:

All Olympia residents have an interest in how CDBG funds are allocated. A 30-day public comment process, including tonight's public hearing, was held before the City Council adopts the PY 2016 CDBG Action Plan.

Options:

1. Move to approve PY 2016 CDBG Action Plan.
2. Delay the approval of the PY 2016 CDBG Action Plan and direct staff to conduct further research on one or more potential projects for further consideration. Please note this option may risk loss of funding by delayed submittal to HUD.

Financial Impact:

The City will receive \$340,892 in PY 2016 CDBG funds along with an estimated \$150,000 in prior year program income for a total of \$490,892.

Attachments:

Draft CDBG Program Year 2016 Activities
CDBG Program Milestones
Program Year 2016 CDBG Annual Action Plan
Citizen Summary CDBG Program Year 2016 Action Plan

DRAFT CDBG PY 2016 ACTIVITIES

7

Project	Meets 70% LMI Benefit	Allocation
General Administration	N/A	\$ 98,178
Housing Rehabilitation (<i>In place of Section 108 Payment*</i>)	Yes	\$ 65,000**
CRC Downtown Ambassador Program	Yes	\$ 55,397*
Crime Prevention Through Environmental Design (CPTED)	Yes: If low-mod income	\$ 27,500**
Providence Community Care Center	Yes	\$ 200,000
Business Training Programs: <ul style="list-style-type: none"> • Micro Business Assistance - Start-ups \$18,953 • Existing Small Business – Tune-ups \$25,953 	Yes	\$ up to 44,817**
Totals		\$490,892

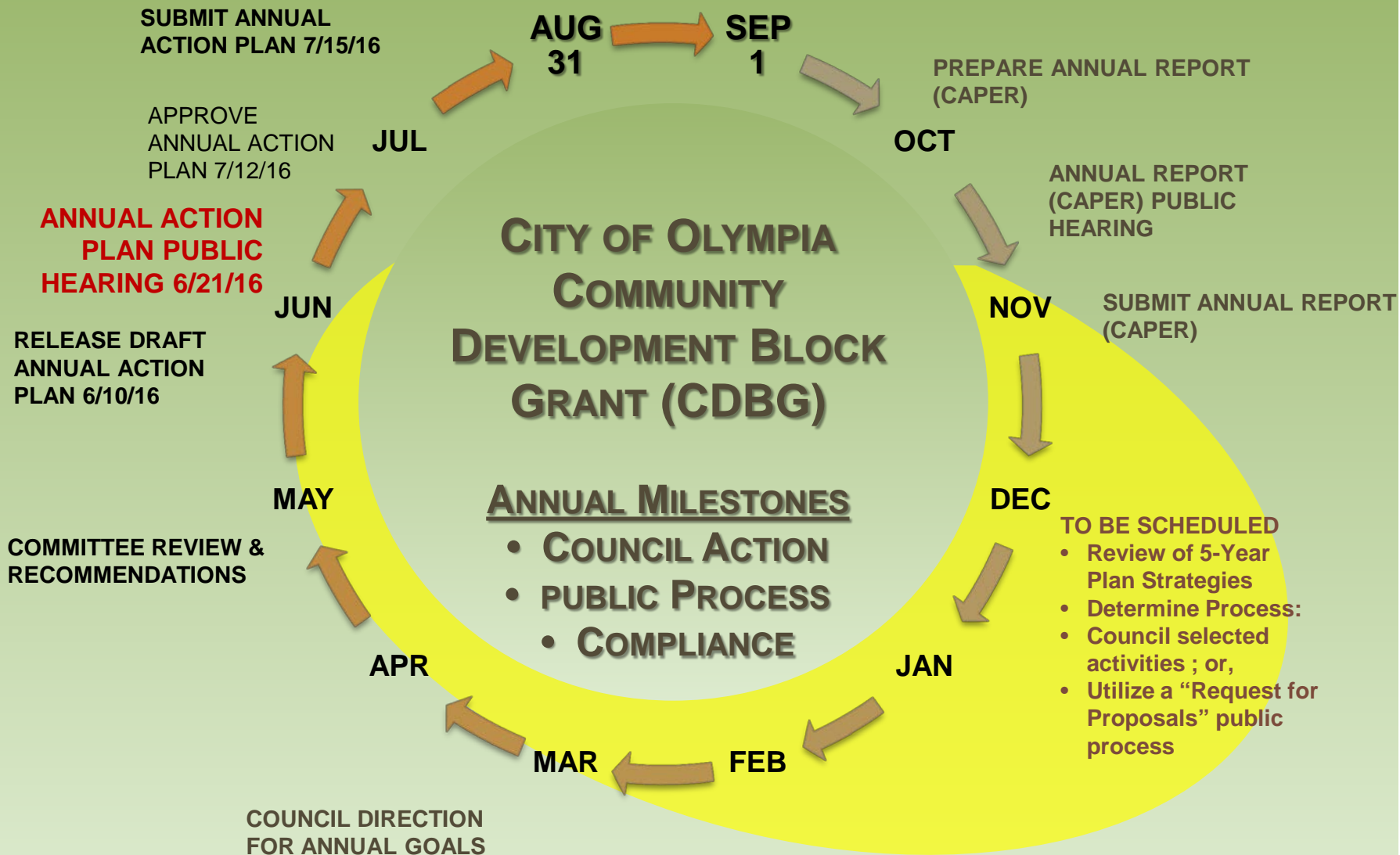
* *Section 108 payment was pre-paid during PY 2015, no PY 2016 Payment required*

** Includes estimated 10% activity delivery costs

OLYMPIA CDBG PROGRAM – ANNUAL CYCLE

PROGRAM YEAR ENDS

PROGRAM YEAR STARTS





COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM PROGRAM YEAR 2016 ACTION PLAN



Proposed **Community Care Clinic** would offer services for homeless and other street dependent people
(Photo: *Interfaith Works Warming Center, which served as one of the models for the Community Care Clinic*)

OLYMPIA CITY COUNCIL

Position 1 **Cheryl Selby, Mayor**
Position 2 **Jessica Bateman**
Position 3 **Nathaniel Jones, Mayor Pro Tem**
Position 4 **Clark Gilman**
Position 5 **Julie Hankins**
Position 6 **Jeannine Roe**
Position 7 **Jim Cooper**

CITY OF OLYMPIA STAFF

**Community Planning & Development
Department**
Director **Keith Stahley**
Deputy Director **Leonard Bauer**
Business Manager **Karen Kenneson**
Housing Program Manager **Anna Schlecht**
Housing Program Assistant **Tiffany Reid**

To request a copy of this publication in an alternative format, please contact **Tiffany Reid** at 360.753.8062 or via email at treid@ci.olympia.wa.us.

For more information on the Olympia CDBG Program:

M. Anna Schlecht | Olympia Housing Program Manager | aschlecht@ci.olympia.wa.us | 360.753.818



**PROGRAM YEAR 2016 – ANNUAL ACTION PLAN
COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM**

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CITY OF OLYMPIA
Community Development Block Grant Program
ANNUAL ACTION PLAN – PROGRAM YEAR 2016
September 1, 2016 – August 31, 2017

Following is the City of Olympia Annual Action Plan for the Community Development Block Grant Program for the upcoming program year 2016 (September 1, 2016 – August 31, 2017). Please note this is the version required by the federal Department of Housing & Urban Development (HUD). A more reader-friendly version is available as the four-page Citizen's Summary.

Executive Summary

AP-05 Executive Summary - 91.200(c), 91.220(b)

1. Introduction

Proposed PY 2016 CDBG Activities and Fund Allocation

2016 Priority Strategies: Housing Rehabilitation and Social Services

The City's CDBG Program Annual Action Plan features a range of activities, each intended to directly or indirectly promote economic development--the primary City of Olympia strategy identified in the Consolidated Plan. The Specific PY 2016 Projects are identified as follows:

- 1. Economic Development: Direct Economic Development Assistance** (*Defined as direct assistance to businesses*)

\$27,500* Downtown Safety & Facade Improvement Program

The City will use "Crime Prevention through Environmental Design" (CPTED) to identify and prioritize projects that will increase safety and economic vitality downtown. Funding will be made available as loans to private property owners for projects that involve: (1) Downtown Safety Loans (i.e. security lighting, gates or related improvements); or (2) Facade Improvement Loans that restore highly visible storefronts in the downtown core.

Please note: *this contains 10% Activity Delivery Costs for staffing. (continuing existing program)*

\$44,817* - Business Training & Assistance

Funding for two levels of business training - micro business "start-up" training and small business "tune-up" training. Training programs to be provided by two sub-recipients: Thurston Economic Development Council (EDC) will provide small business training, and Enterprise for Equity will provide micro business training. ***Please note:*** *this contains 10% delivery Costs for staffing. (continuing existing program)*

2. Public Facilities:

\$200,000 Community Center - Providence Community Care Center

Provides one-time funding for improvements in an existing building to establish this community center intended to serve homeless, mentally ill and other street dependent people. While the primary beneficiaries of this facility will be the street dependent people who reside in downtown, it is anticipated that there will be significant ancillary benefits for the businesses as well as the cultural and economic environment of downtown.

3. Housing Rehabilitation:

\$65,000* - Housing Rehabilitation

Funding for housing rehabilitation projects that improve the quality of existing housing for low and moderate income people. Funding to be allocated for scattered site locations via "Request for Proposal" basis. ***Please note:*** *These funds were originally proposed for the annual debt service payment on the City's Section 108 Loan Guarantee Program; however, an amendment to the current PY 2015 CDBG Annual Action Plan funded the pre-payment of this annual obligation. Contains 10% Activity Delivery Costs for staffing.*

4. Public Services (also known as Social Services):

\$55,397* Downtown Ambassador Program - Capital Recovery Center

This program serves as a link between downtown businesses and social services by providing street outreach, referrals, and other assistance to homeless, street-dependent and mentally ill individuals in the downtown core. Capital Recovery Center is a nonprofit mental health service provider. *Contains 10% Activity Delivery Costs for staffing.*

5. Planning and Administrative Costs

\$98,178 Planning and Administrative Costs (PAC) Staffing costs to administer the CDBG Program, formerly known as "*general administration*".

*Includes estimated 10% Activity Delivery Costs (ADC) necessary for managing these programs.

For more information about approved strategies, please see the [Citizen's Summary Part I of the 2013-2017 Consolidated Plan](#), available on the City's website.

2. Summarize the objectives and outcomes identified in the Plan

This could be a restatement of items or a table listed elsewhere in the plan or a reference to another location. It may also contain any essential items from the housing and homeless needs assessment, the housing market analysis or the strategic plan.

The following chart places each of the PY 2016 proposed projects within the framework of the CDBG Five-Year Consolidated Plan:

Olympia CDBG PY 2016 Annual Action Plan

Recipient	Activity	Outcomes	Strategic Goal(s) Met	HUD Matrix Code	HUD CDBG Objectives Met	Proposed PY 2016 Award
Assorted recipients via Request for Proposal	Housing Rehabilitation	Three or more housing units rehabilitated	Housing Rehabilitation	14B	Housing units for Low and Moderate Income People (LMI)	\$65,000
Capital Recovery Center	Ambassador Program – Street Outreach	156 monthly/1,872 annual citizen contacts with homeless and mentally ill street dependent people	Public Services aka Social Services	05	Low and Moderate Income – Limited Clientele (LMC)	\$55,597
Assorted recipients via Request for Proposals	Crime Prevention Through Environmental Design (CPTED)	Assistance to four (4) or more property owners to reduce crime and create a safer living environment	Economic Development	14E	Rehabilitation of publically or privately owned commercial or industrial property in a predominantly low/moderate income area (LMA)	\$27,500
Providence Hospital	Community Center Project	Rehabilitation of a community center	Public Facilities – Community Center	03P	Low and Moderate Income – Limited Clientele (LMC)	\$200,000
Enterprise for Equity	Micro Business & Small Business Training	7 – 9 micro business owners trained	Economic Development	18C	Low and Moderate income People (LMI)	\$18, 000 864
Economic Development	Small Business Technical Assistance	30+ existing businesses offered technical assistance	Economic Development	18B	Businesses	\$25,953
City of Olympia	Planning & Administrative Costs (PAC)	Administration of a compliance CDBG program	CDBG Program Administration	21A	N/A	\$98,178

3. Evaluation of past performance

This is an evaluation of past performance that helped lead the grantee to choose its goals or projects.

Evaluation of Past Performance - Program Year 2015

In PY 2015 (September 1, 2015 - August 31, 2016) the Olympia CDBG Program allocated a total of \$592,600 for housing and community development activities during the third year of the five-year 2013-2017 Consolidated Plan. Please note: the original PY Annual Action Plan, submitted July 15, 2015 was changed via the City's Substantial Amendment Process on May 17, 2016. The following projects were funded:

- **Public Services** - Ten percent (10%) of funds (\$60,011) provided public services through the **Capital Recovery Center Ambassador Program** with a goal to provide street outreach and referrals for up to 156 street-dependent and homeless citizens. (Please note: to date, 2,191 people have been served as of May 31 2016.)
- **Public Facilities** - Up to twenty-five percent (25%) of funds, or \$150,000, (indexed by the actual receipt of Program Income) was allocated for a public facilities project intended to acquire a derelict building located at 308 and 310 4th Avenue East, ultimately to allow the

Olympia CDBG PY 2016 Annual Action Plan

City to eliminate spot blight in the urban core.

- **CANCELLED: Small Business Revolving Loan Fund Pilot Project** - Thirty-nine percent (39%), or \$250,000, was allocated to fund the administration of the Grow Olympia Fund managed by the National Development Council (NDC) to fund business retention and expansion projects that would create jobs for low- and moderate-income people. Because no loans have been closed at the time of this report, this activity was cancelled.
- **Safety & Facade Improvements Pilot Project** - Eleven percent (11%), or \$66,000, was dedicated to fund projects defined as "Crime Prevention through Environmental Design (CPTED) for work including safety lighting, alcove gates, and facade improvements. (Please note: projects will ultimately be defined as business loans or community center projects.) Funds were used to assist seven (7) units of LMI housing with their pro-rata share of a trash compactor to reduce crime, rodents and other negative activity associated with dumpsters.
- **Micro Business Training & Assistance** - Ten percent (10%) or \$50,000 was allocated for Micro Business training and assistance conducted by Enterprise for Equity. These funds provide direct assistance to eight (8) low and moderate income entrepreneurs.
- **YMCA Feasibility Study** The YMCA will receive twelve thousand (\$12,000) to conduct a feasibility study to explore options for expansion of the downtown YMCA to better serve their clientele, of whom a significant number are LMI. Work has not yet begun on this project.
- **Debt Service: Section 108 Funded Downtown Improvement Projects** - Ten Percent (10%), or \$64,000 was allocated to repay a CDBG Section 108 loan for a public Facilities Downtown Safety Improvement Project to provide alley lighting for public safety and ADA curb cuts for wheelchair accessibility in key areas of the downtown core.
- **SECOND PAYMENT - Debt Service: Section 108 Funded Downtown Improvement Projects** - An additional ten percent (10%), or \$64,000, was allocated to repay a CDBG Section 108 loan for a public Facilities Downtown Safety Improvement Project to provide alley lighting for public safety and ADA curb cuts for wheelchair accessibility in key areas of the downtown core. This second or double payment was allocated via the substantial amendment process.
- **Planning and Administrative Costs (PAC)** - The original PAC allocation of \$91,654 for PAC (formerly known as general administration) was increased via Substantial Amendment process on May 17, 2016 to a total of nineteen percent (19%) of the total funds (\$113,053) to manage an unanticipated increase in program income that required additional administrative activity.

More information about Olympia's CDBG Program can be found in the [2013-2017 Joint City-County Consolidated Plan](#). More specific information on the current PY 2015 accomplishments will be provided in the PY 2015 Consolidated Annual Performance and Evaluation Report to be released October 2016.

4. Summary of Citizen Participation Process and consultation process

Summary from the citizen participation section of plan.

Citizen Participation and Consultation Process

Participation from citizens, agencies, advocacy groups, nonprofit organizations, faith communities, businesses, and others concerned with housing, homelessness, and community development in the City of Olympia were encouraged throughout the CDBG planning process. Highlights of the process of developing the PY 2016 Annual Action Plan include:

- Council public discussions of PY 2016 CDBG Program Annual Action strategies and review of recommendations for funding during Council meetings held between November 2015 and June 2016.
- Council General Government Committee's discussions on CDBG strategies and specific activities to be recommended for funding in their April and May 2016 meetings.
- Council review of existing data on affordable housing, homelessness, including January 2016 Point-in-Time count.
- Participation in monthly meetings of the Thurston County Thurston Thrives network which governs the County's HOME funds along with other federal, state and county funds available for programs and projects serving low and moderate income people.
- Coordination of the monthly Thurston County Homeless Housing Hub, part of the Housing Team of Thurston Thrives, which facilitates countywide efforts to address affordable housing and homelessness and to enhance service delivery to homeless and low-income people.
- Participation in other community meetings to discuss the CDBG Program in general and the proposed CDBG PY 2016 Annual Action Plan in particular.
- Council review and approval of Draft CDBG Annual Action Plan on June 7, 2016, and release for public comment.
- Release of the Draft CDBG Annual Action Plan for public review and comment on June 10, 2016, followed by a 30-day public comment period from June 10 to July 12, 2016.
- City Council public hearing on the proposed CDBG Annual Action Plan on June 21, 2016.
- Final Council approval of the Draft CDBG Annual Action Plan on July 12, 2016.
- Submission of CDBG PY 2016 Annual Action Plan to HUD on or before July 15, 2016.

5. Summary of public comments

This could be a brief narrative summary or reference an attached document from the Citizen Participation section of the Con Plan.

Summary of Public Comments and Responses

The City will receive public comments on the proposed Program Year 2016 Annual Action Plan from citizens during the 30-day public comment period running from June 10 to July 12, 2016, which features a public hearing on June 21, 2016.

6. Summary of comments or views not accepted and the reasons for not accepting them

All comments or views will be accepted and included in the PY 2016 Annual Action Plan.

7. Summary

Olympia CDBG PY 2016 Annual Action Plan

The City received both letters and public testimony at the June 21, 2016 CDBG Public Hearing that urged the City to emphasize social services, particularly services to homeless and street dependent people; affordable housing while continuing to support economic development. Copies of written comments and transcripts of oral comments are as follows:

PR-05 Lead & Responsible Agencies - 91.200(b)

1. Agency/entity responsible for preparing/administering the Consolidated Plan

The following are the agencies/entities responsible for preparing the Consolidated Plan and those responsible for administration of each grant program and funding source.

Agency Role	Name	Department/Agency
Lead Agency	Olympia	
CDBG Administrator	Olympia	Community Planning & Development
HOPWA Administrator		
HOME Administrator		
HOPWA-C Administrator		

Table 1 - Responsible Agencies

Narrative

Consolidated Plan Public Contact Information

Leonard Bauer
Deputy Director
Olympia Community Planning and Development Dept.
PO Box 1967
Olympia, WA 98507-1967
lbauer@ci.olympia.wa.us
360.753.8206

AP-10 Consultation - 91.100, 91.200(b), 91.215(I)

1. Introduction

Provide a concise summary of the jurisdiction's activities to enhance coordination between public and assisted housing providers and private and governmental health, mental health and service agencies (91.215(I)).

Olympia helps to facilitate the monthly Homeless Housing Hub of the Thurston Thrives Housing Team meeting and participates in the monthly Thurston Thrives Council and the monthly Housing Team sub-committee that provides coordination, information sharing and sets policy. The City also participates in numerous other public meetings to enhance coordination between public officials, service providers, and other stakeholders.

Describe coordination with the Continuum of Care and efforts to address the needs of homeless persons (particularly chronically homeless individuals and families, families with children, veterans, and unaccompanied youth) and persons at risk of homelessness.

The City participates in the County's "Continuum of Care" process, which is coordinated by the County's Homeless Coordinator. Coordination activities include:

- Needs assessments that involve consultation with service providers, public officials, and low- and moderate-income people;
- Information sharing on best practices and key issues at monthly Housing Task Force meetings of service providers, public officials and low- and moderate-income people;
- System enhancement that is coordinated at the monthly Thurston Thrives Council and the Housing Team sub-committee;
- Development of a Homeless Plan in conjunction with Thurston Thrives Council, public officials, elected officials, and low- and moderate-income people, homeless, and people at risk of homelessness.

Describe consultation with the Continuum(s) of Care that serves the jurisdiction's area in determining how to allocate ESG funds, develop performance standards for and evaluate outcomes of projects and activities assisted by ESG funds, and develop funding, policies and procedures for the operation and administration of HMIS

2. Agencies, groups, organizations and others who participated in the process and consultations

Table 2 - Agencies, groups, organizations who participated

1	Agency/Group/Organization	Thurston County Thurston Thrives Council
	Agency/Group/Organization Type	Other government - County Civic Leaders
	What section of the Plan was addressed by Consultation?	Housing Need Assessment Public Housing Needs Homeless Needs - Chronically homeless Homeless Needs - Families with children Homelessness Needs - Veterans Homelessness Needs - Unaccompanied youth Homelessness Strategy Non-Homeless Special Needs Economic Development Anti-poverty Strategy Lead-based Paint Strategy
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	Ongoing meetings on topics listed above with the intent of incorporating key goals and strategies.
2	Agency/Group/Organization	Thurston County Thurston Thrives Housing Team
	Agency/Group/Organization Type	Other government - County Civic Leaders
	What section of the Plan was addressed by Consultation?	Housing Need Assessment Public Housing Needs Homeless Needs - Chronically homeless Homeless Needs - Families with children Homelessness Needs - Veterans Homelessness Needs - Unaccompanied youth Homelessness Strategy Non-Homeless Special Needs Economic Development Anti-poverty Strategy Lead-based Paint Strategy
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	Ongoing meetings on topics listed above with the intent of incorporating key goals and strategies.

3	Agency/Group/Organization	Thurston County Homeless Coordinator C/O ARC Business Consulting
	Agency/Group/Organization Type	Other government - County Civic Leaders
	What section of the Plan was addressed by Consultation?	Housing Need Assessment Public Housing Needs Homeless Needs - Chronically homeless Homeless Needs - Families with children Homelessness Needs - Veterans Homelessness Needs - Unaccompanied youth Homelessness Strategy Non-Homeless Special Needs Anti-poverty Strategy Lead-based Paint Strategy
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	Ongoing meetings on topics listed above with the intent of incorporating key goals and strategies.
4	Agency/Group/Organization	Thurston County Homeless Housing Hub, sub- committee of the Housing Team
	Agency/Group/Organization Type	Regional organization Planning organization Civic Leaders
	What section of the Plan was addressed by Consultation?	Housing Need Assessment Public Housing Needs Homeless Needs - Chronically homeless Homeless Needs - Families with children Homelessness Needs - Veterans Homelessness Needs - Unaccompanied youth Homelessness Strategy Non-Homeless Special Needs Anti-poverty Strategy
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	Ongoing meetings on topics listed above with the intent of incorporating key goals and strategies.

5	Agency/Group/Organization	Thurston County Chamber of Commerce
	Agency/Group/Organization Type	Planning organization Business Leaders
	What section of the Plan was addressed by Consultation?	Market Analysis Economic Development Anti-poverty Strategy
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	Ongoing meetings on topics listed above with the intent of incorporating key goals and strategies.
6	Agency/Group/Organization	Economic Development Council of Thurston County
	Agency/Group/Organization Type	Regional organization Planning organization Business Leaders
	What section of the Plan was addressed by Consultation?	Market Analysis Economic Development Anti-poverty Strategy
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	Ongoing meetings on topics listed above with the intent of incorporating key goals and strategies.
7	Agency/Group/Organization	Olympia Downtown Association
	Agency/Group/Organization Type	Business Leaders
	What section of the Plan was addressed by Consultation?	Economic Development
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	Ongoing meetings on topics listed above with the intent of incorporating key goals and strategies.
8	Agency/Group/Organization	National Development Council
	Agency/Group/Organization Type	Non-profit Consultant
	What section of the Plan was addressed by Consultation?	Economic Development
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	Ongoing meetings on topics listed above with the intent of incorporating key goals and strategies.

Identify any Agency Types not consulted and provide rationale for not consulting

The City works with all stakeholders and relevant service providers, policy makers, and advocacy groups and individuals concerned with homelessness, housing.

Other local/regional/state/federal planning efforts considered when preparing the Plan

Name of Plan	Lead Organization	How do the goals of your Strategic Plan overlap with the goals of each plan?
Continuum of Care		
Thurston County/Olympia Regional CDBG Con Plan	Thurston County and City of Olympia	The Consolidated Plan serves as the five-year strategic plan to guide the HOME and CDBG Programs.
Olympia Comprehensive Plan	City of Olympia	Limited overlap with the housing and social service elements.
Thurston County Homeless Plan	Thurston County - Thurston Thrives Council	Overlap in efforts to provide shelter, housing, and related services for the region's homeless populations.
Thurston County HOME & CDBG Annual Action Plan	Thurston County - Thurston Thrives Council	Overlap in planning process that addresses regional needs.
Thurston Thrives Plan	County Public Health and Social Services	Overlaps in efforts to address economic, homeless, mental health, and other social service needs.

Table 3 - Other local / regional / federal planning efforts

Narrative

AP-12 Participation - 91.401, 91.105, 91.200(c)

1. Summary of citizen participation process/Efforts made to broaden citizen participation

Summarize citizen participation process and how it impacted goal-setting

Participation from citizens, agencies, advocacy groups, nonprofit organizations, faith communities, businesses, and others concerned with housing, homelessness, and community development in the City of Olympia were encouraged throughout the CDBG planning process. Highlights of the process developing the PY 2016 Annual Action Plan include:

- Council public discussions of PY 2016 CDBG Program Annual Action strategies and review of recommendations for funding during Council meetings held between November 2015 and June 2016.
- Council General Government Committee's discussions on CDBG strategies and specific activities to be recommended for funding in their April and May 2016 meetings.
- Council review of existing data on affordable housing, homelessness, and community development needs.
- Participation in the countywide efforts to address homelessness, including the January 2016 Point-in-Time count.
- Participation in monthly meetings of the Thurston County Thurston Thrives network which governs the County's HOME funds along with other federal, state and county funds available for programs and projects serving low and moderate income people.
- Coordination of the monthly Thurston County Homeless Housing Hub, part of the Housing Team of Thurston Thrives, which facilitates countywide efforts to address affordable housing and homelessness and to enhance service delivery to homeless and low-income people.
- Participation in other community meetings to discuss the CDBG Program in general and the proposed CDBG PY 2016 Annual Action Plan in particular.
- Council review and approval of Draft CDBG Annual Action Plan on June 7, 2016, and release for public comment.
- Release of the Draft CDBG Annual Action Plan for public review and comment on June 10, 2016, followed by a 30-day public comment period from June 10 to July 12, 2016.
- City Council public hearing on the proposed CDBG Annual Action Plan on June 21, 2016.
- Final Council approval of the Draft CDBG Annual Action Plan on July 12, 2016.
- Submission of CDBG PY 2016 Annual Action Plan to HUD on or before July 15, 2016.

Olympia CDBG PY 2016 Annual Action Plan

Citizen Participation Outreach

Sort Order	Mode of Outreach	Target of Outreach	Summary of response/attendance	Summary of comments received	Summary of comments not accepted and reasons	URL (If applicable)
1	Olympia City Council meetings via all of the above	All of the above	General audience of Council meetings, six stakeholders in attendance, unknown number of television viewers.			
2	Thurston County Thrives via public meetings	All of the above	Representatives of all County jurisdictions, service providers, other stakeholders in issues of homeless and low-income housing stakeholders.			
3	Thurston Thrives - Housing Team via public meetings	All of the above	Representatives of jurisdictions, public officials, service providers, other stakeholders in issues of low-income housing and social service.			
4	Homeless Housing Hub Sub-Committee via public meetings	All of the above	Representatives of jurisdictions, public officials, service providers, other stakeholders in issues of low-income housing and social service.			

Olympia CDBG PY 2016 Annual Action Plan

Sort Order	Mode of Outreach	Target of Outreach	Summary of response/attendance	Summary of comments received	Summary of comments not accepted and reasons	URL (if applicable)
5	Internet Outreach	All of the above	General Public			
6	Olympia Public Library	All of the above	General Public			
7	Newspaper Ad	All of the above	General Public			

Table 4 - Citizen Participation Outreach

Expected Resources

AP-15 Expected Resources – 91.420(b), 91.220(c) (1, 2)

Introduction

Anticipated Resources

Program	Source of Funds	Uses of Funds	Expected Amount Available Year 1				Expected Amount Available Reminder of ConPlan \$	Narrative Description
			Annual Allocation: \$	Program Income: \$	Prior Year Resources: \$	Total: \$		
CDBG	public - federal	Acquisition Admin and Planning Economic Development Housing Public Improvements Public Services	340,892	150,000	0	490,892	1,064,271	Federal Funds allocated

Table 5 - Expected Resources – Priority Table

Explain how federal funds will leverage those additional resources (private, state and local funds), including a description of how matching requirements will be satisfied

The CPTED Safety Program will leverage an additional \$350,000 in local government funds, private investments and volunteer labor. The Micro Business Training and Assistance Program will leverage an estimated additional \$11,000 in staff support and will further generate significant economic activity. The Business Assistance Program will leverage an estimated additional \$15,000 in staff support and will further generate significant economic activity.

If appropriate, describe publically owned land or property located within the jurisdiction that may be used to address the needs identified in the plan

The City will continue to work with the Low Income Housing Institute (LIHI) on a 43 unit housing project for formerly homeless veterans, young adults, and people with disabilities. This project is located on a formerly city-owned lot located at 318 State Ave, sold to LIHI for an 85% discount.

Discussion

Annual Goals and Objectives

AP-20 Annual Goals and Objectives - 91.420, 91.220(c)(3)&(e)

Goals Summary Information

Sort Order	Goal Name	Start Year	End Year	Category	Geographic Area	Needs Addressed	Funding	Goal Outcome Indicator
1	Affordable Housing	2013	2017	Affordable Housing		Home Repair	CDBG: \$65,000	Homeowner Housing Rehabilitated: 3 Household Housing Unit
2	Public Services	2013	2017	Non-Homeless Special Needs		Homeless Assistance and Prevention	CDBG: \$55,397	Public service activities for Low/Moderate Income Housing Benefit: 150 Households Assisted
3	Public Facilities and Infrastructure	2013	2017	Non-Housing Community Development		Infrastructure and Public Facilities	CDBG: \$200,000	
4	Economic Development	2013	2017	Non-Housing Community Development		Economic Development	CDBG: \$44,817	Businesses assisted: 40 Businesses Assisted

Table 6 - Goals Summary

Goal Descriptions

1	Goal Name	Affordable Housing
	Goal Description	Housing rehabilitation projects that improve the quality of existing housing for low and moderate income people.
2	Goal Name	Public Services
	Goal Description	Public service activities will provide direct services and referrals for street-dependent homeless and mentally ill people in the downtown core, thereby improving the business environment.
3	Goal Name	Public Facilities and Infrastructure
	Goal Description	Public facilities activities will rehabilitate one community center.

Olympia CDBG PY 2016 Annual Action Plan

4	Goal Name	Economic Development
	Goal Description	Micro Business Training: 7 - 9 micro business owners trained. Small Business Technical Assistance: 30 existing businesses offered technical assistance.

Table 7 - Goal Descriptions

AP-35 Projects - 91.420, 91.220(d)

Introduction

The City's PY 2016 Annual Action Plan re-configures our strategic focus on goals for housing rehabilitation and public services as identified in the 2013-2017 Consolidated Plan. However, the City will also continue to pursue economic development goals.

The **Public Services Goal** will provide direct services and referrals for street-dependent homeless and mentally ill people in the downtown core, thereby improving the business environment. The **Housing Rehabilitation Goal** will provide direct funding for non-profit housing providers to rehabilitate and potentially acquire housing for low and moderate income residents. The **Public Facilities Goal** will involve a project to create a new community center called the Community Care Center. The **Economic Development Goal** will involve three (3) projects that expand economic opportunities with the following activities: 1) Micro Enterprise Training and Assistance; 2) Small Business Assistance; and, 3) CPTED Safety improvements to the downtown business environments.

#	Project Name
1	Downtown Ambassador Program
2	Housing Rehabilitation
3	Public Facility - Community Center
4	Micro & Small Business Training
5	Economic Development - Technical Assistance
6	Downtown Safety & Facade Improvement Program
7	Planning and Administration-PY 2016

Table 8 - Project Information

Describe the reasons for allocation priorities and any obstacles to addressing underserved needs

The current CDBG Consolidated Plan (2013-2017) identifies program goals and prioritizes activities based on needs data. The two high-need activities in the PY 2016 Annual Action Plan are, 1) the Downtown Ambassadors Program that will provide services and referrals for homeless and mentally ill people; and, 2) the Community Care Center that will provide medical and other services for homeless and mentally ill people.

The City also prioritized activities that provide either direct or indirect support for Economic Development. This includes direct benefit activities such as 1) the Micro Business Training Program; 2) the Small Business Assistance Program; and, 3) the Downtown CPTED Safety Program.

AP-38 Project Summary

Project Summary Information

1	Project Name	Downtown Ambassador Program
	Target Area	
	Goals Supported	Public Services
	Needs Addressed	Homeless Assistance and Prevention
	Funding	CDBG: \$55,597
	Description	Provide street outreach, referrals, and other assistance to homeless, street-dependent and mentally ill individuals in the downtown core.
	Target Date	8/31/2017
	Estimate the number and type of families that will benefit from the proposed activities	156 monthly/1,872 annual citizen contacts with homeless and mentally ill street dependent people.
	Location Description	Urban hub of Olympia.
	Planned Activities	Street outreach, referrals.
2	Project Name	Housing Rehabilitation
	Target Area	
	Goals Supported	Affordable Housing
	Needs Addressed	Home Repair
	Funding	CDBG: \$65,000
	Description	Funding for housing rehabilitation projects that improve the quality of existing housing for low and moderate income people.
	Target Date	8/31/2017
	Estimate the number and type of families that will benefit from the proposed activities	Three or more housing units rehabilitated.
	Location Description	Scattered sites.
	Planned Activities	Housing rehabilitation that improves the quality of existing housing for low and moderate income people.
3	Project Name	Public Facility - Community Center
	Target Area	
	Goals Supported	Public Facilities and Infrastructure
	Needs Addressed	Infrastructure and Public Facilities
	Funding	CDBG: \$200,000

Olympia CDBG PY 2016 Annual Action Plan

	Description	One-time funding to establish a community center to serve homeless, mentally ill and other street dependent people who reside in downtown Olympia.
	Target Date	8/31/2017
	Estimate the number and type of families that will benefit from the proposed activities	
	Location Description	
	Planned Activities	One-time funding for improvements in an existing building to establish a community center intended to serve homeless, mentally ill and other street dependent people.
4	Project Name	Micro & Small Business Training
	Target Area	
	Goals Supported	Economic Development
	Needs Addressed	Economic Development
	Funding	CDBG: \$18,864
	Description	Fund a micro enterprise training and assistance program for low and moderate income entrepreneurs.
	Target Date	8/31/2017
	Estimate the number and type of families that will benefit from the proposed activities	7 - 9 micro businesses.
	Location Description	Scattered sites.
	Planned Activities	Micro enterprise training and assistance program for low and moderate income entrepreneurs.
5	Project Name	Economic Development - Technical Assistance
	Target Area	
	Goals Supported	Economic Development
	Needs Addressed	Economic Development
	Funding	CDBG: \$25,953
	Description	Fund a small business training and assistance program for low and moderate income entrepreneurs.
	Target Date	8/31/2017
	Estimate the number and type of families that will benefit from the proposed activities	30 existing small businesses.
	Location Description	Scattered sites.
	Planned Activities	Provide technical assistance to existing small businesses.

Olympia CDBG PY 2016 Annual Action Plan

6	Project Name	Downtown Safety & Facade Improvement Program
	Target Area	
	Goals Supported	Public Facilities and Infrastructure
	Needs Addressed	Infrastructure and Public Facilities
	Funding	CDBG: \$27,500
	Description	Use "Crime Prevention through Environmental Design (CPTED)" to identify and prioritize projects that will increase safety and economic vitality downtown Olympia.
	Target Date	8/31/2017
	Estimate the number and type of families that will benefit from the proposed activities	Four or more property owners.
	Location Description	Downtown Olympia core.
	Planned Activities	1) Downtown Safety Loans: i.e. security lights, gates or related improvements 2) Facade Improvement Loans: restore highly visible storefronts in the downtown core.
7	Project Name	Planning and Administration-PY 2016
	Target Area	
	Goals Supported	
	Needs Addressed	
	Funding	CDBG: \$98,178
	Description	Staffing costs to administer the CDBG program for PY 2016.
	Target Date	8/31/2017
	Estimate the number and type of families that will benefit from the proposed activities	
	Location Description	
Planned Activities	Administration of a compliance CDBG program.	

AP-50 Geographic Distribution - 91.420, 91.220(f)

Description of the geographic areas of the entitlement (including areas of low-income and minority concentration) where assistance will be directed

Geographic Distribution

Target Area	Percentage of Funds

Table 9 - Geographic Distribution

Rationale for the priorities for allocating investments geographically

Discussion

Olympia's downtown core contains one of the lowest income, highly concentrated, residential areas in the entire city. Tract 101, Block 1, according to the American Community Survey data, consists of 90.29% low and moderate income residents. The other activities will benefit low and moderate income people in scattered sites around Olympia.

AP-85 Other Actions - 91.420, 91.220(k)

Introduction

Actions planned to address obstacles to meeting underserved needs

Actions planned to foster and maintain affordable housing

The City will provide \$65,000 for housing rehabilitation projects that will benefit three or more low and moderate income households.

Actions planned to reduce lead-based paint hazards

Lead-Based Paint Hazard Activity

In an effort to address lead-based paint hazards, the City of Olympia has incorporated the regulations into existing housing policies and programs for implementing Title X of the Community Development Act of 1992, part of the Residential Lead-Based Paint Hazard Reduction Act of 1992. Olympia will continue to follow 24 CFR Part 35 in addressing the evaluation and reduction of lead-based paint hazards in Olympia's housing policies and programs.

The Community Planning and Development Department Housing Division has developed an outline of actions to be undertaken over the coming five years to evaluate and reduce lead-based paint hazards. During the PY 2016 Action Plan period, the City plans to continue the following actions:

- Encourage more local contractors to obtain "Lead Paint Worker" or "Lead Paint Supervisor" licenses.
- Contract for risk assessments with the Housing Authority of Thurston County (HATC).
- Continue the residential rehabilitation projects as they relate to the lead-paint hazard rules. Each project will include the review and determined need for testing and hazard reduction in conjunction with rehabilitation as part of the environmental review.
- Review existing regulations, housing, and rehabilitation codes to assure lead-based paint hazard reduction is incorporated where appropriate.
- Encourage inspections for lead at appropriate times when housing is otherwise being inspected or evaluated.

HATC has an EPA-licensed Lead Risk Assessor on staff that will provide paint inspection services as required in the HUD Final Rule for lead-based paint. HATC also receives funding for lead hazard reduction programs through the State of Washington, which provides funding for equipment, training, testing services, and lead hazard reduction work on single- and multi-family housing.

Actions planned to reduce the number of poverty-level families

Actions planned to develop institutional structure

Actions planned to enhance coordination between public and private housing and social service agencies

Within the City of Olympia there is one public housing project owned and managed by the King County Housing Authority. Casa Madrona is a 70-unit elderly housing project located on Martin

Way. The Housing Authority is not "troubled" or performing poorly, and there are no City plans to assist the King County Housing Authority at this time.

In PY 2016, the City of Olympia will continue to coordinate efforts to provide housing and address homelessness with the Housing Authority of Thurston County, which provides tenant- and project-based rental assistance and other housing services.

The City is part of the Thurston County Thurston Thrives Council and participates in all efforts to maximize the coordination between public and private housing resources and supportive social services, with a particular emphasis on coordinated system entry, rapid re-housing, and enhanced networking of social services.

Discussion

Coordination of housing and service providers occurs in a number of forms, including:

- Monthly Thurston Thrives meetings;
- Monthly Housing Team meetings (sub-committee of Thurston Thrives);
- Monthly Homeless Housing Hub meetings (sub-committee of the Housing Team of Thurston Thrives);
- The "Community Investment Partnership" (CIP) interjurisdictional funding consortium that combines public local government funds with private United Way funds to support housing, social, and mental health services.

Program Specific Requirements

AP-90 Program Specific Requirements - 91.420, 91.220(I)(1,2,4)

Introduction

Community Development Block Grant Program (CDBG) Reference 24 CFR 91.220(I)(1)

Projects planned with all CDBG funds expected to be available during the year are identified in the Projects Table. The following identifies program income that is available for use that is included in projects to be carried out.

1. The total amount of program income that will have been received before the start of the next program year and that has not yet been reprogrammed	0
2. The amount of proceeds from section 108 loan guarantees that will be used during the year to address the priority needs and specific objectives identified in the grantee's strategic plan.	400,000
3. The amount of surplus funds from urban renewal settlements	0
4. The amount of any grant funds returned to the line of credit for which the planned use has not been included in a prior statement or plan	0
5. The amount of income from float-funded activities	0
Total Program Income:	400,000

Other CDBG Requirements

1. The amount of urgent need activities	255,397
2. The estimated percentage of CDBG funds that will be used for activities that benefit persons of low and moderate income. Overall Benefit - A consecutive period of one, two or three years may be used to determine that a minimum overall benefit of 70% of CDBG funds is used to benefit persons of low and moderate income. Specify the years covered that include this Annual Action Plan.	90.00%

Discussion

In PY 2014, the City changed to a 3-year aggregate period that consisted of years 2014, 2015, and 2016. Our current overall LMI benefit percentage is estimated to be 85%.



April 18, 2016

City of Olympia , City Council
PO Box 1967
Olympia, WA 98507

RE: Proposed amendments to the Community Development Block Grant 2015

Dear Mayor Selby and Council Members,

Homes First! creates safe, healthy, and affordable rental homes for those who need them most. We believe everyone needs to be in a home to build a successful life and a successful community. We are concerned to see that you have not made creating more affordable housing one of your priorities with your excess of 2015 Community Development Block Grant (CDBG) Funds.

Traditionally in our region, at least a portion of all CDBG funds have been used to ensure those who are most challenged to find and maintain housing, have additional opportunities to sustain a home in our neighborhoods. In fact, the City of Olympia has contributed to the funding of many of those homes over the years. At a time when we are in the middle of a housing crisis, we urge you to consider redirecting some of your additional, unplanned CDBG funds to housing needs. Although we understand the need for economic development, we would remind you of those you represent who, without safe, healthy, and affordable homes, are unable to participate in the economic success of our city.

- **Success begins at home.** People who live in a home do better at work and are more engaged with the world around them.
- **Education begins at home.** Children in stable homes learn and achieve more in school. A home helps level the playing field. Children deserve a chance to succeed in school and in life, which all begins with their family being able to afford a decent place to live.
- **Good Health begins at home.** Healthy habits are more accessible when you live in a stable, affordable home. Children get the healthy start they need.
- **Public Safety begins at home.** When people have a home they can count on, a stronger sense of community keeps streets, neighborhoods, and communities safer.
- **A Strong Economy begins at home.** At all income levels, people living in a home can afford more. Local job growth and a strong economy start at home. It should be possible for working people to afford housing and still have enough money for the basics like groceries, gas, and childcare.

It's better for society, the environment, and families if people can afford to live close to where they work. You need to start at home to realize the promise of a vibrant community. Please consider addressing our housing crisis with your additional CDBG funds.

Your partner in housing,

Trudy Soucoup
Trudy Soucoup, Executive Director

Homes First! | 4310 80th Ave SE STE 101 LACEY, WA 98503 | 360.236.0920 | HomesFirst.org

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of
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Manager

Marge Price
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Volunteer Manager

Ron Stewart
Property Manager

Amy Sewell
Office Manager

Felly Giorgianni Jr.
Maintenance
Specialist





Exploring the benefits of a regional **COMMUNITY COMMERCIAL KITCHEN** Adding Value to Locally Grown Food



Join Enterprise for Equity and our regional partners for an evening with Caleb Zigas, Executive Director of La Cocina a commercial kitchen for over 30 foodpreneurs (food processing, food cart and catering businesses, etc.) in the S.F. Bay area. Learn more about La Cocina's story and the national conversation that is creating spaces for entrepreneurs to add value to locally produced food.

**Learn the ins & outs of moving
Foodpreneurs into the Marketplace.**

Localizing Food Production - *Community Event & Reception*
June 20, 2016 • 5:30-8:00 PM Waterstreet Café Heritage Room, Olympia, WA

Workshop for Foodpreneurs
(food processors, food cart vendors, caterers, etc.)
June 21, 2016 • 1:00-4:00 PM *(registration required)* Olympia, WA

Event and workshop funded by the City of Olympia.



For more information: enterpriseforequity.org or (360) 704-3375

From: Lisa Smith [<mailto:lisa@enterpriseforequity.org>]
Sent: Tuesday, June 14, 2016 9:45 AM
To: CityCouncil
Subject: Enterprise for Equity

Councilmembers:

We wanted to thank you for the opportunity to provide high quality [business training](#), business coaching and micro-lending programs and events throughout the city during these two months.

With support from the City of Olympia through CDBG funding, Enterprise for Equity is providing several business training programs for people with low-to-moderate incomes. There is one particular program we would like you to consider attending next Monday night, June 20th from 5:30-8:00 with refreshments. This is a presentation by Caleb Zigas of [La Cocina](#) in San Francisco with opening remarks by Port of Olympia Commissioner, E.J. Zita. He has developed an impressive model for supporting local food based enterprises and moving them to market. The workshop following day is for existing and new food based enterprises. I have attached the flyer for your review.

Thank you, again.

Lisa Smith
Enterprise for Equity
[\(360\) 704-3375](tel:3607043375)
www.enterpriseforequity.org

From: Emily Gray [<mailto:enwgray@gmail.com>]
Sent: Wednesday, June 22, 2016 6:58 AM
To: CityCouncil
Subject: CDBG Allocations

Dear Olympia City Council,

As an invested Olympia community member and an incoming Interfaith Works board member, I am emailing with my support for the 2016 Community Development Block Grant allocations that were proposed yesterday evening. I believe it is imperative to have a vibrant, healthy downtown community that serves *all* of its residents.

Thank you,

Emily W. Gray

From: Selena Kilmoyer [<mailto:k.selena@gmail.com>]
Sent: Tuesday, June 21, 2016 10:06 PM
To: CityCouncil
Subject: Re: 2016 CDBG Proposed Allocations

Dear Council Members,

Thank you for your willingness to consider a CDBG allocation that this year is heavy in supporting the vitally needed Community Care Center, while light on the amazing small business supportive program. In years to come, I imagine a reversal of this as the vulnerable population's needs are more effectively met by having a centralized resource center and then, more can be invested in sustaining our downtown businesses. Beautiful work!

You are each truly appreciated. In peace, Selena

An added thought:

It might be economically prudent to get the Community Care Center operating and perhaps money will not be needed to determine who is on streets downtown etc.etc. as Council is proposing be done. Just a thought.



Meeting Minutes - Draft

City Council

City Hall
601 4th Avenue E
Olympia, WA 98501

Information: 360.753.8244

Tuesday, June 21, 2016

7:00 PM

Council Chambers

1. ROLL CALL

Present: 6 - Mayor Cheryl Selby, Mayor Pro Tem Nathaniel Jones, Councilmember Jessica Bateman, Councilmember Jim Cooper, Councilmember Clark Gilman and Councilmember Julie Hankins

Excused: 1 - Councilmember Jeannine Roe

1.A ANNOUNCEMENTS

Mayor Selby announced the Council met earlier in a Study Session.

1.B APPROVAL OF AGENDA

Mayor Pro Tem Jones requested item 6.B be postponed for work at another time. The agenda was approved as amended.

2. SPECIAL RECOGNITION

2.A [16-0779](#) Special Recognition - Debrief on Cascadia Rising

Deputy Fire Chief Greg Wright briefed the Council on the Cascadia Rising exercise which occurred during the first week of June.

The information was provided.

2.B [16-0774](#) Special Recognition - Spotlight on Parks

Director of Parks, Arts and Recreation Paul Simmons presented an update on Parks and highlighted several recognitions and grants the Parks program has received.

The recognition was received.

3. PUBLIC COMMUNICATION

The following people spoke Laura Dietz, Kris Goddard, Marco Rosaire Rossi, Selena Kilmoyer, Diane Dondero, Jerry Parker, Andrew Burgess, Savvina Chowdhury, Simone Boe, Meg Martin, Larry Mosqueda and Sara Develle.

COUNCIL RESPONSE TO PUBLIC COMMUNICATION (Optional)

4. CONSENT CALENDAR

- 4.A [16-0772](#) Approval of June 14, 2016 Study Session Meeting Minutes
The minutes were adopted.
- 4.B [16-0773](#) Approval of June 14, 2016 City Council Meeting Minutes
The minutes were adopted.
- 4.C [16-0605](#) Approval of Engineering Design and Development Standards (EDDS) 2016 Annual Update Topics and Process
The decision was adopted.
- 4.D [16-0730](#) Approval of Alley Lighting License Agreements Resolution
The resolution was adopted.
- 4.E [16-0762](#) Approval of Proposed Scope of Work for Coordinated Response to Homelessness
The decision was adopted.
- 4.F [16-0765](#) Update to Procedures for the Evaluation of City Real Property for Reuse and Disposal
The decision was adopted.
- 4.G [16-0776](#) Approval of Amendments to the Operating Agreement with the Washington Center for the Performing Arts, Incorporated (WCPA)
The contract was adopted.

4. SECOND READINGS

- 4.H [16-0327](#) Approval of Ordinance Amending Wastewater Regulations for Septic Systems
The ordinance was adopted on second reading.
- 4.I [16-0690](#) Adoption of the 2015 State-Mandated Building Code Revisions
The ordinance was adopted on second reading.
- 4.J [16-0696](#) Approval of Amendment to Ordinance 9.48.160 Relating to Fireworks to Modify the Violation from Misdemeanor to a Civil Infraction
The ordinance was adopted on second reading.
- 4.K [16-0706](#) Approval of Amendment to Ordinance #7006 related to the Operating Budget

The ordinance was adopted on second reading.

- 4.L** 16-0707 Approval of Amendment to Ordinance #7007 related to the Capital Budget

The ordinance was adopted on second reading.

- 4.M** 16-0708 Approval of Amendment to Ordinance #6996 Related to Special Funds

The ordinance was adopted on second reading.

Approval of the Consent Agenda

Councilmember Cooper moved, seconded by Councilmember Hankins, to adopt the Consent Calendar. The motion carried by the following vote:

Aye: 6 - Mayor Selby, Mayor Pro Tem Jones, Councilmember Bateman, Councilmember Cooper, Councilmember Gilman and Councilmember Hankins

Excused: 1 - Councilmember Roe

4. FIRST READINGS - NONE

5. PUBLIC HEARING

- 5.A** 16-0521 Public Hearing on the Low Impact Development (LID) Code Revisions Ordinance

Senior Planner Laura Keehan reviewed the proposed Low Impact Development Code Revisions.

Mayor Selby opened the public hearing at 8:12 p.m. The following people spoke: Tom Holtz, Walt Jorgensen, Bob Jacobs, Rob Healy, Chris van Dahlen and Krag Unsoeld. The Mayor closed the public hearing at 8:29 p.m.

Councilmembers asked clarifying questions.

The public hearing was completed and the ordinance was approved on first reading and moved to second reading.

- 5.B** 16-0754 Public Hearing on the Community Development Block Grant (CDBG) Program Year 2016 Action Plan

Community Development Block Grant (CDBG) Program Manager Anna Schlecht gave background on the Program Year 2016 CDBG Action Plan.

The Mayor opened the public hearing at 8:45 p.m. The following people spoke: Celia Nightingale, Darryl Morrow, Kimberly Beckman, Jeannine Kempes, Kevin Lanneker, Daniel Cadden, Meg Martin, TJ LaRoque and Michelle James. The Mayor closed the

public hearing at 9:04 p.m.

Councilmembers asked clarifying questions.

The public hearing was completed.

6. OTHER BUSINESS

6.A 16-0743 Downtown Ambassador Early Morning Clean Team Update

Community Liaison Mark Rentfrow updated the Council on the Downtown Ambassador Early Morning Clean Team. Councilmembers asked clarifying questions.

The report was received.

6.B 16-0778 Approval of an Ordinance Imposing an Excise Tax on Certain Unearned Income of Residents in the City of Olympia

The ordinance was postponed.

7. CONTINUED PUBLIC COMMUNICATION

The following people spoke: Krag Unsoeld, Jim Haley, Dean Jones and Lady Liberty (Mary Abramson).

8. REPORTS AND REFERRALS

8.A COUNCIL INTERGOVERNMENTAL/COMMITTEE REPORTS AND REFERRALS

Councilmembers reported on meetings and events attended.

8.B CITY MANAGER'S REPORT AND REFERRALS

City Manager Steve Hall had no report.

9. ADJOURNMENT

The meeting adjourned at 9:34 p.m.

CERTIFICATIONS

In accordance with the applicable statutes and the regulations governing the consolidated plan regulations, the jurisdiction certifies that:

Affirmatively Further Fair Housing – The jurisdiction will affirmatively further fair housing, which means it will conduct an analysis of impediments to fair housing choice within the jurisdiction, take appropriate actions to overcome the effects of any impediments identified through that analysis, and maintain records reflecting that analysis and actions in this regard.

Anti-Displacement and Relocation Plan – It will comply with the acquisition and relocation requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, and implement regulations at 49 CFR 24; and it has in effect and is following a residential anti-displacement and relocation assistance plan required under Section 104(d) of the Housing and Community Development Act of 1974, as amended, in connection with any activity assisted with funding under the CDBG or HOME Programs.

Drug Free Workplace – It will continue to provide a drug-free workplace by:

1. Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition.
2. Establishing an ongoing drug-free awareness program to inform employees about
 - (a) The dangers of drug abuse in the workplace;
 - (b) The grantee's policy of maintaining a drug-free workplace;
 - (c) Any available drug counseling, rehabilitation, and employee assistance programs; and
 - (d) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace.
3. Making it a requirement that each employee engaged in the performance of the grant be given a copy of the statement required by paragraph 1.
4. Notifying the employee in the statement required by paragraph 1 that, as a condition of employment under the grant, the employee will
 - (a) Abide by the terms of the statement; and
 - (b) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction.
5. Notifying the agency in writing within ten calendar days after receiving notice under subparagraph 4(b) from an employee or otherwise receiving actual notice of such conviction.

Employers of convicted employees must provide notice, including position title, to every

grant officer or other designee on whose grant activity the convicted employee was working, unless the federal agency has designated a central point for the receipt of such notices. Notice shall include the identification number(s) of each affected grant.

6. Taking one of the following actions within 30 calendar days of receiving notice under subparagraph 4(b) with respect to any employee who is so convicted:
 - (a) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or
 - (b) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a federal, state, or local health, law enforcement, or other appropriate agency.
7. Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs 1, 2, 3, 4, 5, and 6.

Anti-Lobbying – To the best of the jurisdiction’s knowledge and belief:

1. No federal-appropriated funds have been paid or will be paid, by or on behalf of it, to any person for influencing or attempting to influence an officer or employee of any agency, a member of Congress, an officer or employee of Congress, or an 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;
2. If any funds other than 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 agency, a member of Congress, an officer or employee of Congress, or an employee of a member of Congress in connection with this federal contract, grant, loan, or cooperative agreement, it will complete and submit Standard Form-LLL, “Disclosure Form to Report Lobbying,” in accordance with its instructions; and
3. It will require that the language of paragraphs 1 and 2 of this anti-lobbying certification be included in the award documents for all sub-awards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

Authority of Jurisdiction – The consolidated plan is authorized under state and local law (as applicable) and the jurisdiction possesses the legal authority to carry out the programs for which it is seeking funding in accordance with applicable HUD regulations.

Consistency with Plan – The housing activities to be undertaken with CDBG, HOME, ESG, and HOPWA funds are consistent with the strategic plan.

Section 3 – It will comply with Section 3 of the Housing and Urban Development Act of 1968 and implement regulations at 24 CFR Part 135.

Signature/Authorized Official

Date

City Manager
Title

SPECIFIC CDBG PROGRAM CERTIFICATIONS

The Entitlement Community certifies that:

Citizen Participation – It is in full compliance and following a detailed citizen participation plan that satisfies the requirements of 24 CFR 91.105.

Community Development Plan – Its consolidated housing and community development plan identifies community development and housing needs and specifies both short-term and long-term community development objectives that provide decent housing and expand economic opportunities primarily for persons of low and moderate income (see CFR 24 570.2 and CFR 24 part 570).

Following a Plan – It is following a current consolidated plan (or Comprehensive Housing Affordability Strategy) that has been approved by HUD.

Use of Funds – It has complied with the following criteria:

1. **Maximum Feasible Priority.** With respect to activities expected to be assisted with CDBG funds, it certifies that it has developed its Action Plan so as to give maximum feasible priority to activities that benefit low- and moderate-income families or aid in the prevention or elimination of slums or blight. The Action Plan may also include activities that the grantee certifies are designed to meet other community development needs having a particular urgency because existing conditions pose a serious and immediate threat to the health or welfare of the community and other financial resources are not available).
2. **Overall Benefit.** The aggregate use of CDBG funds, including Section 108 guaranteed loans, during program year 2015 (*A three-year period specified by the grantee consisting of the program year 2013, 2014, and 2015 only*) shall principally benefit persons of low and moderate income in a manner that ensures that at least 70% of the amount is expended for activities that benefit such persons during the designated period.
3. **Special Assessments.** It will not attempt to recover any capital costs of public improvements assisted with CDBG funds, including Section 108 loan guaranteed funds, by assessing any amount against properties owned and occupied by persons of low and moderate income, including any fee charged or assessment made as a condition of obtaining access to such public improvements.

However, if CDBG funds are used to pay the proportion of a fee or assessment that relates to the capital costs of public improvements (assisted in part with CDBG funds) financed from other revenue sources, an assessment or charge may be made against the property with respect to the public improvements financed by a source other than CDBG funds.

The jurisdiction will not attempt to recover any capital costs of public improvements assisted with CDBG funds, including Section 108, unless CDBG funds are used to pay the proportion of fee or assessment attributable to the capital costs of public improvements financed from other

APPENDIX TO CERTIFICATIONS

Instructions Concerning Lobbying and Drug-Free Workplace Requirements:

A. Lobbying Certification

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by Section 1352, Title 31, US Code.

Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

B. Drug-Free Workplace Certification

1. By signing and/or submitting this application or grant agreement, the grantee is providing the certification.
2. The certification is a material representation of fact upon which reliance is placed when the agency awards the grant. If it is later determined that the grantee knowingly rendered a false certification, or otherwise violates the requirements of the Drug-Free Workplace Act, HUD, in addition to any other remedies available to the Federal Government, may take action authorized under the Drug-Free Workplace Act.
3. Workplaces under grants, for grantees other than individuals, need not be identified on the certification. If known, they may be identified in the grant application. If the grantee does not identify the workplaces at the time of application, or upon award, if there is no application, the grantee must keep the identity of the workplace(s) on file in its office and make the information available for federal inspection. Failure to identify all known workplaces constitutes a violation of the grantee's drug-free workplace requirements.
4. Workplace identifications must include the actual address of buildings (or parts of buildings) or other sites where work under the grant takes place. Categorical descriptions may be used (e.g., all vehicles of a mass transit authority or state highway department while in operation, state employees in each local unemployment office, performers in concert halls or radio stations).
5. If the workplace identified to the agency changes during the performance of the grant, the grantee shall inform the agency of the change(s), if it previously identified the workplaces in question (see paragraph 3).
6. The grantee may insert in the space provided below the site(s) for the performance of work done in connection with the specific grant. Check ___ if there are workplaces on file that are not identified here. The certification with regard to the drug-free workplace is required by 24 CFR part 24, subpart F.

revenue sources. In this case, an assessment or charge may be made against the property with respect to the public improvements financed by a source other than CDBG funds. Also, in the case of properties owned and occupied by moderate-income (not low-income) families, an assessment or charge may be made against the property for public improvements financed by a source other than CDBG funds if the jurisdiction certifies that it lacks CDBG funds to cover the assessment.

Excessive Force – It has adopted and is enforcing:

1. A policy prohibiting the use of excessive force by law enforcement agencies within its jurisdiction against any individuals engaged in non-violent civil rights demonstrations, and
2. A policy of enforcing applicable state and local laws against physically barring entrance to or exit from a facility or location that is the subject of such non-violent civil rights demonstrations within its jurisdiction;

Compliance with Anti-discrimination Laws – The grant will be conducted and administered in conformity with Title VI of the Civil Rights Act of 1964 (42 USC 2000d), the Fair Housing Act (42 USC 3601-3619), and implementing regulations.

Lead-Based Paint – Its notification, inspection, testing, and abatement procedures concerning lead-based paint will comply with the requirements of 24 CFR §570.608;

Compliance with Laws – It will comply with applicable laws.

Signature/Authorized Official

Date

City Manager

Title

Application for Federal Assistance SF-424

* 1. Type of Submission:

- Preapplication
 Application
 Changed/Corrected Application

* 2. Type of Application:

- New
 Continuation
 Revision

* If Revision, select appropriate letter(s):

* Other (Specify):

* 3. Date Received:

4. Applicant Identifier:

5a. Federal Entity Identifier:

5b. Federal Award Identifier:

State Use Only:

6. Date Received by State:

7. State Application Identifier:

8. APPLICANT INFORMATION:

* a. Legal Name:

City of Olympia

* b. Employer/Taxpayer Identification Number (EIN/TIN):

91-6001262

* c. Organizational DUNS:

1423564480000

d. Address:

* Street1:

601 4th Ave E/PO Box 1967

Street2:

* City:

Olympia

County/Parish:

Thurston

* State:

WA: Washington

Province:

* Country:

USA: UNITED STATES

* Zip / Postal Code:

98501/98507-1967

e. Organizational Unit:

Department Name:

Community Planning and Develop

Division Name:

Community Services-Housing

f. Name and contact information of person to be contacted on matters involving this application:

Prefix:

Mr.

* First Name:

Leonard

Middle Name:

* Last Name:

Bauer

Suffix:

Title:

Deputy Director

Organizational Affiliation:

City of Olympia, WA

* Telephone Number:

360.753.8206

Fax Number:

360.753.8087

* Email:

lbauer@ci.olympia.wa.us

Application for Federal Assistance SF-424

*** 9. Type of Applicant 1: Select Applicant Type:**

C: City or Township Government

Type of Applicant 2: Select Applicant Type:

Type of Applicant 3: Select Applicant Type:

* Other (specify):

*** 10. Name of Federal Agency:**

U.S. Department of Housing and Urban Development

11. Catalog of Federal Domestic Assistance Number:

14.218

CFDA Title:

Community Development Block Grants/Entitlement Grants

*** 12. Funding Opportunity Number:**

* Title:

13. Competition Identification Number:

Title:

14. Areas Affected by Project (Cities, Counties, States, etc.):

Add Attachment

Delete Attachment

View Attachment

*** 15. Descriptive Title of Applicant's Project:**

Public facility improvements for homeless community center, housing rehabilitation, micro and small business training, façade and safety improvement and street outreach.

Attach supporting documents as specified in agency instructions.

Add Attachments

Delete Attachments

View Attachments

Application for Federal Assistance SF-424

16. Congressional Districts Of:

* a. Applicant

* b. Program/Project

Attach an additional list of Program/Project Congressional Districts if needed.

Add Attachment

Delete Attachment

View Attachment

17. Proposed Project:

* a. Start Date:

* b. End Date:

18. Estimated Funding (\$):

* a. Federal	<input type="text" value="340,892.00"/>
* b. Applicant	<input type="text"/>
* c. State	<input type="text"/>
* d. Local	<input type="text"/>
* e. Other	<input type="text"/>
* f. Program Income	<input type="text" value="150,000.00"/>
* g. TOTAL	<input type="text" value="490,892.00"/>

*** 19. Is Application Subject to Review By State Under Executive Order 12372 Process?**

- a. This application was made available to the State under the Executive Order 12372 Process for review on
- b. Program is subject to E.O. 12372 but has not been selected by the State for review.
- c. Program is not covered by E.O. 12372.

*** 20. Is the Applicant Delinquent On Any Federal Debt? (If "Yes," provide explanation in attachment.)**

- Yes
- No

If "Yes", provide explanation and attach

Add Attachment

Delete Attachment

View Attachment

21. *By signing this application, I certify (1) to the statements contained in the list of certifications and (2) that the statements herein are true, complete and accurate to the best of my knowledge. I also provide the required assurances** and agree to comply with any resulting terms if I accept an award. I am aware that any false, fictitious, or fraudulent statements or claims may subject me to criminal, civil, or administrative penalties. (U.S. Code, Title 218, Section 1001)**

** I AGREE

** The list of certifications and assurances, or an internet site where you may obtain this list, is contained in the announcement or agency specific instructions.

Authorized Representative:

Prefix: * First Name:

Middle Name:

* Last Name:

Suffix:

* Title:

* Telephone Number:

Fax Number:

* Email:

* Signature of Authorized Representative:

* Date Signed:



COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM PROGRAM YEAR 2016 ACTION PLAN

CITIZEN SUMMARY



Proposed **Community Care Clinic** would offer services for homeless and other street dependent people
(Photo: Interfaith Works Warming Center, which served as one of the models for the Community Care Clinic)

<p>OLYMPIA CITY COUNCIL Position 1 Cheryl Selby, Mayor Position 2 Jessica Bateman Position 3 Nathaniel Jones, Mayor Pro Tem Position 4 Clark Gilman Position 5 Julie Hankins Position 6 Jeannine Roe Position 7 Jim Cooper</p>	<p>CITY OF OLYMPIA STAFF Community Planning & Development Department Director Keith Stahley Deputy Director Leonard Bauer Business Manager Karen Kenneson Housing Program Manager Anna Schlecht Housing Program Assistant Tiffany Reid</p>
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To request a copy of this publication in an alternative format, please contact **Tiffany Reid** at 360.753.8062 or via email at treid@ci.olympia.wa.us.

For more information on the Olympia CDBG Program:

M. Anna Schlecht | Olympia Housing Program Manager | aschlecht@ci.olympia.wa.us | 360.753.8183

Citizen Summary

Program Year 2016 Community Development Block Grant Annual Action Plan *FOCUS: Social Services & Housing Rehabilitation*

OVERVIEW

The federal Community Development Block Grant (CDBG) Program, administered by the Department of Housing and Urban Development (HUD), is a flexible program intended to develop viable urban communities by providing: 1) decent housing; 2) suitable living environment; and 3) expanding economic opportunities, principally for low- and moderate-income people.

STRATEGIC GOALS

The City of Olympia identified two strategic goals for this program year – *Social Services* and *Housing Rehabilitation*, however the City will continue to work on *Economic Development* as well. Following is a four-page “Citizen’s Summary” with key information from the **Olympia Community Development Block Grant Program Year (PY) 2016 Annual Action Plan**, which runs from September 1, 2016 - August 31, 2017.

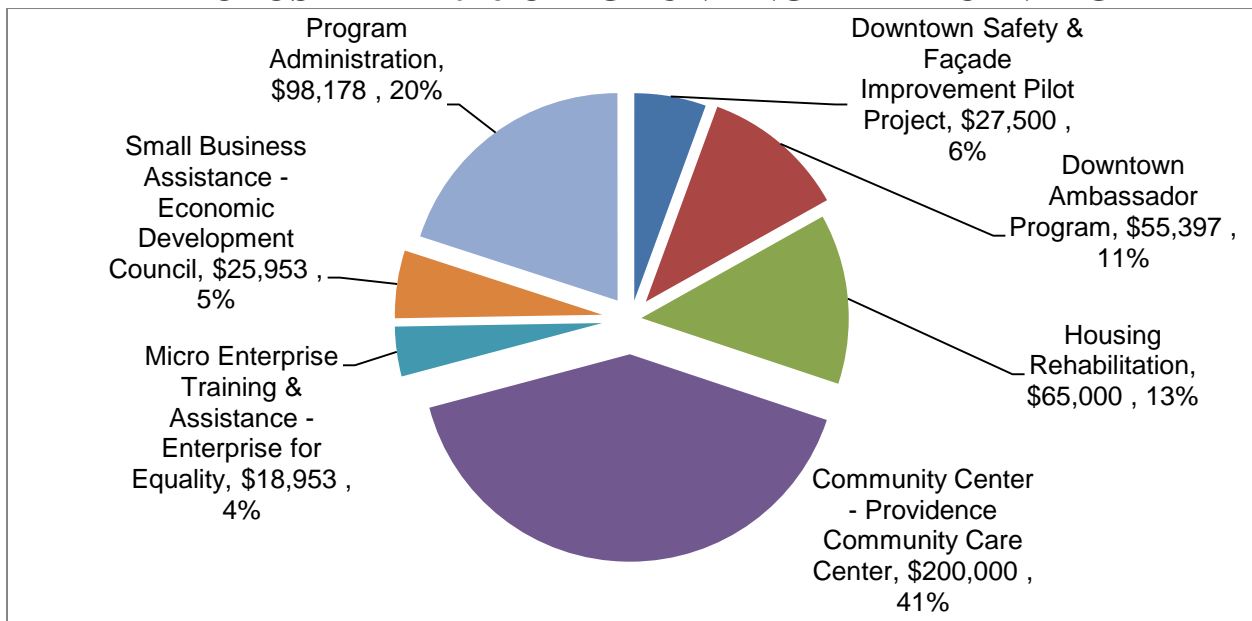
PROPOSED CDBG-FUNDED ACTIVITIES

The following activities will receive funding during the PY 2016 Program Year:

\$27,500*	Downtown Safety & Façade Improvement Pilot Project
\$55,397*	Downtown Ambassador Program
\$65,000*	Housing Rehabilitation
\$200,000	Community Center – Providence Community Care Center
\$18,864*	Micro Enterprise Training & Assistance – Enterprise for Equity
\$25,953*	Small Business Assistance – Economic Development Council
<u>\$98,178</u>	<u>Program Administration</u>
\$490,892	TOTAL PROPOSED PY 2016 CDBG FUNDING

* Includes estimated 10% “Activity Delivery Costs” (ADC) necessary for managing these programs

PROPOSED PY 2016 CDBG FUNDING BY PERCENTAGE



PUBLIC COMMENT

The public comment period runs from June 10 – July 12, 2016, offering the following options:

- **Written comments** care of the Olympia City Council, 601 4th Ave E, Olympia, WA 98501
- **Emails** via councilmembers@ci.olympia.wa.us,
- **Phone calls** to the City Council at 360-753-8244
- **Public hearing** - 7 pm, Tuesday June 21st at Olympia City Hall.

ANTICIPATED RESOURCES

The City anticipates the following financial resources:

\$340,892	New CDBG entitlement funds will be allocated to Olympia for PY 2016
<u>\$150,000</u>	<u>Anticipated Program Income</u>
\$490,892	Total anticipated resources for the PY 2016 CDBG Program

OTHER RESOURCES

In calendar year 2016, the City of Olympia also allocated \$77,568 from the general fund to address emergency shelter, transitional housing, daycare, homeless outreach, and other anti-poverty program through the Community Investment Program (CIP) in partnership with the cities of Lacey and Tumwater and Thurston County.

Federal Regulatory Caps on CDBG Expenditures

The federal CDBG Program operates with a number of regulatory caps intended to balance the use of funds. Following are three key regulatory caps affecting the Olympia CDBG Program: **Social Services Cap**: Federal CDBG regulations require a 15% cap on social services spending, calculated by adding the prior program year's actual program income received to the current program year's grant award. For PY 2016 the following calculation summarizes social services spending:

\$490,892	Total CDBG funds for Social Service cap calculation
	<i>Potential 15% maximum available for social service allocations = \$68,740</i>
\$55,397	11% Proposed Social Services Allocations (<i>Downtown Ambassador Program</i>)

Administration Costs Cap: CDBG regulations provide for up to 20% general administrative costs. Following is a breakdown of these recommended categories of expenditures:

\$392,714	CDBG Activities (<i>identified above</i>)
\$ 98,178	General Administration – 20% of total funds (<i>regulatory cap = 20%</i>)
<u>\$ 0</u>	<u>Direct Service Delivery Expenses (<i>no funds allocated</i>)</u>
\$490,892	Total PY 2016 Projected Expenditures

Geographic Distribution

The City of Olympia will direct 100% of CDBG funds to projects and programs benefiting those with low- to moderate-incomes (LMI) and to economic development projects. All projects benefiting geographical areas will be located in designated low- to moderate-income areas.

70% Benefit to Low and Moderate Income People: CDBG is intended to primarily benefit low- and moderate-income people, defined as people with incomes less than 80% of Thurston County's median family income. This includes people who are presumed eligible because they are severely disabled, homeless, along with others. This 70% benefit ratio is determined over the City's three-year certification period. The following chart presents the PY 2016 benefit ratio calculated to be 94%, which will be aggregated over a three-year certification period:

BENEFICIARIES

Federal regulations require that CDBG funds primarily benefit low and moderate income (LMI) people, with 70% of the funds assisting LMI people and households. The following chart presents who this year's funding will benefit:

Activity	Low & Mod Beneficiary	Funding Level	% Of Total CDBG Funds	LMI Benefit & % of Funds
Micro Business Training & Assistance	Low & Moderate Income (LMI)	\$18,864	4%	Yes – 100%
Small Business Assistance	Low & Moderate Income (LMI)	\$25,953	5%	Yes – 100%
Downtown Ambassador Program	Yes - homeless and mentally ill	\$55,397	11%	Yes – 100%
CPTED* Safety Program	Mixed	\$27,500 (20% of project benefit LMI)	6%	Yes - Conditionally
Community Care Clinic	Low to moderate income limited clientele (LMC)	\$200,000	41%	Yes – 100%
Housing Rehabilitation	Low & Moderate Income (LMI)	\$65,000	13%	Yes
Program Administration	N/A	\$98,178	20%	Excluded from ratio
TOTAL		\$490,892 Total amount \$392,714 Subject to ratio	100%	94% Benefit LMI People



AMBASSADOR PROGRAM

The Capital Recovery Center's Ambassador Program provides street outreach and referrals for street dependent people who are homeless or living with mental illness

For more information on the Olympia Community Development Block Grant Program:

M. Anna Schlecht
 Olympia Housing Program Manager
aschlecht@ci.olympia.wa.us | 360.753.8183





City Council

Approval of Low Impact Development (LID) Code Revisions Ordinance

Agenda Date: 7/12/2016
Agenda Item Number: 4.G
File Number: 16-0521

Type: ordinance **Version:** 2 **Status:** 2d Reading-Consent

Title

Approval of Low Impact Development (LID) Code Revisions Ordinance

Recommended Action

Committee Recommendation:

Following a six-week public comment period, the Planning Commission recommended moving forward with approval of the ordinance to amend Olympia's development regulations for low impact development.

City Manager Recommendation:

Move to approve the recommended ordinance on second reading.

Report

Issue:

whether to approve the recommended ordinance.

Staff Contact:

Laura Keehan, Senior Planner, Public Works Water Resources, 360.753.8321
Nicole Floyd, Senior Planner, Community Planning and Development, 360.570.3768

Presenter(s):

None. Consent Item.

Background and Analysis:

Background and analysis have not changed from first to second reading.

Washington State Department of Ecology (Ecology) requires the City of Olympia to evaluate our various codes and regulations in order to "make LID the preferred and commonly used approach to site development." The City must adopt the new rules no later than December 31, 2016 to ensure compliance with our Western Washington Phase II Municipal Stormwater permit.

Ecology defines LID as "a stormwater and land use management strategy that strives to mimic natural hydrologic processes such as infiltration, filtration, and evaporation of precipitation." Additional background information about the LID code update project is in the attached overview.

In 2014, staff began drafting proposed LID-related updates to Olympia's development regulations. Specifically, this includes Olympia's Drainage Design and Erosion Control Manual (DDECM), the Engineering Design and Development Standards (EDDS), and the Olympia Municipal Code (OMC).

During fall 2015, the Utility Advisory Committee (UAC) reviewed staff's proposed LID technical and policy recommendations (see UAC letter). The Planning Commission then reviewed UAC's recommendations along with draft code language. Planning Commission recommended approval with minor modifications (see Planning Commission letter) and to forward it to City Council. Staff made Planning Commission's suggested change, as well as modified some areas of the proposed codes based on public comments and legal review.

Neighborhood/Community Interests (if known):

Regardless of the LID mandate, our community has a strong interest in environmentally sensitive design and LID. The code revisions build upon neighborhood, development and community interests in environmental protection and sustainable development. The new code will guide development practices in Olympia for years to come.

A six-week written public comment period ran from May 10 to June 20, 2016. No written comments were received between May 10 and June 9 (in time to attach to this staff report). Comments received after June 9 will be distributed to Council members at the public hearing.

Options:

1. Approve the low impact development code ordinance as proposed. New LID code will take effect December 1, 2016 prior to the permit compliance deadline.
2. Direct staff to modify the LID code provisions as determined by Council and return at a future date with a revised ordinance.
3. Do not approve the low impact development code amendments. This would cause the City to be out of compliance with the Western Washington Municipal Stormwater Permit.

Financial Impact:

The Storm and Surface Water Utility will experience added costs associated with long-term inspection and maintenance of LID facilities. Community Planning and Development will see increases in staff time associated with permitting and construction inspection of facilities. Developers and property owners may also experience new costs associated with implementation of these regulations.

Attachments:

LID Ordinance
LID Overview
UAC Letter
Planning Commission Letter
[Hyperlink to LID webpage](#)

Ordinance No. _____

AN ORDINANCE OF THE CITY OF OLYMPIA, WASHINGTON, RELATING TO LOW IMPACT DEVELOPMENT STORMWATER REGULATIONS; ADOPTING THE OLYMPIA DRAINAGE DESIGN AND EROSION CONTROL MANUAL (2016); AND AMENDING CHAPTERS 2, 3, 4, 5, AND 9 (HEREIN THE 2016 LOW IMPACT DEVELOPMENT AMENDMENTS) OF THE OLYMPIA ENGINEERING DESIGN AND DEVELOPMENT STANDARDS; AMENDING CERTAIN SECTIONS OF CHAPTERS 13.16, 16.04, 16.48, 16.54, 16.60, 17.20, 18.02, 18.04, 18.06, 18.36, 18.38, 18.64 AND 18.75 OF THE OLYMPIA MUNICIPAL CODE; AND REPEALING CHAPTER 16.54 OF THE OLYMPIA MUNICIPAL CODE.

WHEREAS, the Federal Clean Water Act sets a national goal to “restore and maintain the chemical, physical, and biological integrity of the nation’s water” and prohibits the discharge of pollutants from any point source; and

WHEREAS, the U. S. Environmental Protection Act initiated NPDES Phase II requirements under the Federal Clean Water Act for small municipal separate storm sewer systems in 2003; and

WHEREAS, the Washington Department of Ecology issued NPDES Phase II stormwater permits for Western Washington municipalities in 2007 with the most recent permit issuance in 2013; and

WHEREAS, the NPDES Phase II permit requires permittees to revise development codes and standards to make low impact development the preferred and commonly-used approach to development; and

WHEREAS, the NPDES Phase II permit requirements include adoption of stormwater regulations equivalent to the *Stormwater Management Manual for Western Washington*; and

WHEREAS, City of Olympia staff conducted a multiyear process to revise Olympia’s development standards and regulations to support low impact development approaches and techniques; and

WHEREAS, City of Olympia staff conducted a multiyear process to revise the Olympia Drainage Design and Erosion Control Manual to comply with the *Stormwater Management Manual for Western Washington*; and

WHEREAS, the Olympia Planning Commission received a briefing on the proposed low impact development code revisions on January 4 and January 25, 2016, held a public hearing on February 1, 2016, and deliberated on February 22, March 7, and March 21, 2016; and

WHEREAS, following the public hearing and deliberations, the Planning Commission recommended amendments to the Olympia Municipal Code authorizing the low impact development code revisions; and

WHEREAS, pursuant to the State Environmental Policy Act (SEPA), the City issued a Determination of Non-significance on the low impact development code revisions on January 4, 2016; and

WHEREAS, no appeal of the SEPA Determination of Non-significance was submitted; and

WHEREAS, this Ordinance is consistent with the City of Olympia Comprehensive Plan policy to “Establish regulations and design standards for new developments that will minimize impacts to stormwater runoff, environmentally sensitive areas, wildlife habitat, and trees”; and

WHEREAS, this Ordinance meets the goals and requirements of the Growth Management Act; 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; and

WHEREAS, on June 21, 2016, the City Council held a public hearing to consider testimony on the proposed low impact development code revisions and held a written public comment period from May 10, 2016 until June 21, 2016; and

WHEREAS, this Ordinance is supported by the staff report and materials associated with this Ordinance, along with other documents on file with the City of Olympia; and

WHEREAS, this Ordinance is also supported by the professional judgment and experience of the City staff who have worked on this proposal; and

WHEREAS, City Staff are known to the City Council, and staff's curriculum vitae shall be part of the record in support of this Ordinance;

NOW, THEREFORE, THE OLYMPIA CITY COUNCIL ORDAINS AS FOLLOWS:

Section 1. Amendment of Olympia Engineering Design and Development Standards. Olympia Municipal Code Section 12.02.020 is hereby amended to read as follows:

12.02.020 Engineering design and development standards

There is hereby adopted by reference "Olympia Engineering Design and Development Standards, with ~~2015~~2016 low impact development amendments," one (1) copy of which shall be kept on file in the office of the City Clerk and the Olympia Public Works Department. These standards shall be considered a part of this ordinance as though fully set forth herein.

Section 2. Amendment of 13.16.010. Olympia Municipal Code Section 13.16.010 is hereby amended to read as follows:

13.16.010 Definitions

The following words, when used herein, shall have the following meanings unless the context clearly indicates otherwise:

- A. "Billing unit" means two thousand five hundred twenty-eight feet of impervious surface development on a parcel.
- B. "Combined sewer" means a system that collects sanitary sewage and stormwater in a single sewer system.
- C. "Conveyance" means any catch basin, curb, gutter, ditch, man-made channel, storm drain, or road with a Storm Drainage System.
- D. "Developed parcel" means any parcel which has been altered from a natural state with or without a permit from the city. This includes clearing, grading or filling, whether or not that work accompanies excavation and construction.

E. "Drainage Design and Erosion Control Manual," or "the Manual" means the ~~2009~~2016 Edition of the Olympia Drainage Design and Erosion Control Manual for Olympia, as the same may be amended from time to time.

F. "Duplex parcel" means a parcel which has been developed and constructed for the purpose of providing habitat for two-family dwelling units on a single property parcel and has and continues to be used solely for that purpose.

G. "Illicit connection" means any man-made conveyance that is connected to a municipal separate storm sewer without a permit, excluding roof drains and other similar type connections. Examples include but are not limited to sanitary sewer connections, floor drains, channels, pipelines, conduits, inlets, or outlets that are connected directly to the municipal separate storm sewer system.

H. "Illicit discharge" means any direct or indirect non-stormwater discharge to the city's storm drain system, except as expressly allowed by this chapter.

I. "Impervious surface" means a non-vegetated surface area which either prevents or retards the entry of water into the soil mantle as under natural conditions prior to development. A non-vegetated surface area which causes water to run off the surface in greater quantities or at an increased rate of flow from the flow present under natural conditions prior to development. Common impervious surfaces include, but are not limited to, roof tops, walkways, patios, driveways, parking lots or storage areas, concrete or asphalt paving, gravel roads, packed earthen materials, and oiled, macadam or other surfaces which similarly impede the natural infiltration of stormwater.

~~J.~~ "Municipal separate storm sewer system" or "MS4" means a conveyance or system of conveyances:

- a. Owned or operated by the City;
- b. Designed or used for collecting or conveying stormwater.

A municipal separate storm sewer system does not include combined sewers or a publicly owned treatment works.

~~K.~~ "Nonresidential parcel" means a parcel which has been developed for any purpose other than a single-family dwelling unit or duplex and includes, among others, all multifamily apartments and condominiums with three or more units and all property owned by governmental and nonprofit entities.

~~L.~~ "Non-stormwater discharge" means any discharge, to a storm drain system, that is not composed entirely of stormwater.

~~M.~~ "Parcel" means any area of land within the city of Olympia which is deemed a distinct property as identified by the county assessor, whether or not the parcel is considered taxable.

MN. "Publicly Owned Treatment Works" or "POTW" means any device or system used in treatment of municipal sewage or industrial wastes of a liquid nature which is publicly owned.

NO. "Single-family residential parcel" means a parcel which has been developed and constructed for the purpose of providing a habitat for a single-family dwelling unit with or without an accessory dwelling unit, and has and continues to be used solely for that purpose.

OP. "Storm drainage system" means all manmade and natural systems used for the collection, conveyance and disposal of rainfall, from the land. The storm drainage system may include lands outside of the city, but such lands will only be subject to this code when they are annexed to the city or by interlocal agreement with the governmental entity in which the property is located. The storm drainage system includes all streets, ditches, pipes, and appurtenances, wetlands, streams, whether intermittent or perennial, ponds, lakes, creeks, rivers, tidelands, or outfalls subject to runoff flows from the land area of the city.

PQ. "Undeveloped parcel" means any parcel which has not been altered from a natural state by logging, clearing or grading within twenty-five years or by any act as defined under "developed parcel" above.

QR. "Utility" means the city of Olympia's storm and surface water utility, which operates and maintains storm or surface water drains, channels and facilities or outfalls for such waters and the rights and interests in other properties relating to the system.

Section 3. Adoption of Olympia Drainage Design and Erosion Control Manual. Olympia Municipal Code Section 13.16.017 is hereby amended to read as follows:

13.16.017 Drainage design and erosion control manual – Adopted

A certain document entitled Drainage Design and Erosion Control Manual for Olympia, ~~2009~~2016 Edition ("the Manual") is adopted by reference as though fully set forth herein. One copy of the Manual is to be placed and held in the office of the director of administrative services for the city and be available to the public.

Section 4. Amendment of 16.04.040. Olympia Municipal Code Section 16.04.040 is hereby amended to read as follows:

OMC 16.04.040 Amendments to the Referenced Codes

A. International Building Code Amendments. The following sections of the International Building Code (IBC), as adopted by this Ordinance, are amended to read as follows:

Section 105.2

Work exempt from permit. Exemptions from permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction. Permits shall not be required for the following:

Building:

6. Sidewalks and driveways, ~~and other impermeable surfaces such as patios, decks and sport courts,~~ not more than 30 inches (~~762 mm~~) above adjacent grade, and not over any basement or story below and are not part of an accessible route provided the surface area does not exceed 200-800square feet.

Section 5. Amendment of 16.48.050. Olympia Municipal Code Section 16.48.050 is hereby amended to read as follows:

OMC 16.48.050 Exemptions

The following shall be exempt from the provisions of this chapter:

- A. Projects requiring approval of the Director under the zoning ordinance, and/or by the Hearing Examiner and City Council, provided that grading on such projects shall take place only after approval and shall be in accordance with such approval, and the criteria and information requirements of this chapter;
- B. Clearing in emergency situations involving immediate danger to life or property or substantial fire hazards;
- C. Clearing on a parcel or contiguous parcels in one ownership less than ~~20,000~~ 7,000 square feet in size for the purpose of exploration and investigation, construction, landscaping and/or associated improvements for a single-family or duplex residence. Such exemption shall not be applicable when the above-mentioned grading activity would directly involve or be within 300 feet of critical areas as outlined in OMC 18.32. Such areas include, but are not limited to: shoreline areas, ~~critical areas such as wetlands, and, streams, creeks, and~~ landslide hazard areas. Additionally, such exemption shall not be applicable when the work is within 1,000 feet of important habitats and species as outlined in the Critical Area Regulations, and parcels where the predominant slope is in excess of 20 percent;
- D. Clearing within a maximum of ~~30'~~ 10' (when required for construction and associated landscaping) of the perimeter of the building line, and any area ~~proposed~~ to be graded for driveway and septic purposes, of a single single-family or duplex dwelling ~~to be constructed as indicated on the plot plan submitted to the building official within an application for a building permit on parcels consisting of 20,000 or more square feet;~~
- E. The removal of dead trees or of diseased or damaged trees which constitute a hazard to life or property;
- F. Clearing done under authority of an approval issued pursuant to RCW Chapter 76.09 when, in the opinion of the city building inspector, such work involves commercial Christmas tree harvesting pursuant to a continuing harvesting and reforestation program and the land shall not be converted to a use other than Christmas tree production;

G. Clearing practices associated with normal agricultural crop operations, excluding timber cutting not otherwise exempted;

H. Stockpiling and handling of earth material associated with commercial quarry operations licensed under the authority of the State Department of Natural Resources and the State Open Mining Act of 1970.

Section 6. Amendment of 16.48.060. Olympia Municipal Code Section 16.48.060 is hereby amended to read as follows:

OMC 16.48.060 Permit application –Requirements –Processing – Conditions of issuance

A. An application for a clearing permit shall be submitted on a form provided by the city. Accompanying such form shall be a general plot plan which shall include the following information:

1. a. General vicinity map,
 - b. Property boundaries indicating extent and location of proposed clearing activities, and major physical features of the property (i.e., streams, ravines, etc.),
 - c. Location and dimensions of buffer areas to be maintained or established, and location and description of proposed erosion-control devices or structures,
 - d. Identification and location of all trees (including their critical root zone), that are to be removed, retained and protected;
2. As determined at the discretion of the building official, other information as deemed appropriate to this chapter may be required in instances related to geological hazard, shoreline protection, tree, vegetation and soils protection and replacement or project scope;
3. An application fee as adopted in Title 4 of this code will be assessed at time of permit issuance.

B. The building official upon receipt of an application shall confer with the city environmental review officer and other city personnel as may be appropriate, and make a decision within 20 working days from the date of submission of a completed application, unless an extension is authorized by the applicant.

C. Any permit granted under this chapter shall expire one year from the date of issuance. Upon a showing of good cause, a permit may be extended by the building official for one 6 month period.

Approved plans shall not be amended without authorization of the building official. The permit may be suspended or revoked by the building official because of incorrect information supplied or any violation of the provisions of this chapter.

~~D. No work shall commence until permit notice is posted by the city on the subject site and 2 other locations for a period of 10 days prior to commencement of grading activities.~~

~~ED. An application penalty fee triple that assessed by subsection (A)(3) of this section shall be assessed for any grading or clearing conducted prior to issuance of a permit required by this chapter. This application penalty fee shall be in addition to any penalty assessed under Section 16.48.120.~~

~~E. The building official, or designee may and is authorized to impose such permit conditions as deemed necessary and appropriate to require site work to maintain existing topography by limiting mass site grading, ensure that any grading or clearing, or both, are to be are consistent with policies of limiting hydrologic changes to a site and the vicinity. Site disturbances that change the ground elevation within 100' of neighboring structures, protected critical areas or their buffers, soil and vegetation protection areas, and bodies of water should be minimized to the greatest extent possible. At minimum, except as necessary to achieve access compliant with City standards or to construct approved stormwater facilities, such conditions shall ensure that:~~

~~1. Resulting changes in ground elevation within 100 feet of an adjoining parcel shall not exceed four (4) feet;~~

~~2. Resulting changes in ground elevation within 100 feet of protected areas such as critical area buffers, soil and vegetation protection areas, and bodies of water, shall not exceed four (4) feet;~~

~~3. Changes in ground elevation of no more than 50% of any development site's total area shall exceed four (4) feet; and~~

~~4. Impacts to neighboring properties, protected areas, and overall hydrology are minimized.~~

Section 7. Repeal of OMC 16.54. Olympia Municipal Code Chapter 16.54 is hereby repealed in its entirety:

Chapter 16.54 TREE PROTECTION AND REPLACEMENT FOR GREEN COVE BASIN

16.54.000 Chapter Contents

SECTIONS:

16.54.010 Purpose.

16.54.020 Definitions.

16.54.030 Applicability.

16.54.040 Exemptions.

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- 16.54.070 — Tree plan review standards.
- 16.54.080 — Tree density.
- 16.54.090 — Tree protection during construction.
- 16.54.100 — Maintenance requirements.
- 16.54.110 — Variance for hardship.
- 16.54.120 — Appeal.
- 16.54.130 — Enforcement -- Penalties.
- 16.54.140 — Liability on the city.
- 16.54.160 — Authority.
- 16.54.170 — Specimen tree evaluation -- For public trees.
- 16.54.180 — Tree pruning standards for public trees.

16.54.010 Purpose

Whereas rapid growth, the spread of development, and increasing demands upon natural resources have the effect of encroaching upon, despoiling or eliminating many of the trees and other forms of vegetation and natural resources and processes associated therewith which, if preserved and maintained in an undisturbed and natural condition, constitute important physical, aesthetic, recreation and economic assets to existing and future residents of the city; and whereas the city council finds (1) that trees and woodland growth protect public health through the absorption of air pollutants and contamination, through the reduction of excessive noise and mental and physical damage related to noise pollution, through their cooling effect in the summer months and insulating effects in winter, through their positive impact on global climate change; (2) that trees and woodlands provide for public safety through the prevention of soil erosion, siltation and flooding; (3) that trees and woodlands are essential to the general welfare of the city by maintaining the natural beauty and the irreplaceable heritage for existing and future city residents; and (4) that Olympia can promote urban forestry practices which will preserve or enhance trees on public and private lands as they transition from natural areas into an urban environment. Therefore, the purposes of this chapter are:

- A. — To provide for the protection, preservation, replacement, proper maintenance and use of trees and woodlands located in this city in order to preserve and enhance the city's physical and aesthetic character by preventing untimely and indiscriminate removal or destruction of trees;
- B. — To protect trees and woodlands of this city for their economic support of local property values and to preserve and enhance the Pacific Northwest's natural beauty;
- C. — To minimize the adverse impacts of land disturbing activities on surface drainage, soil erosion, air quality, sedimentation and pollution of natural waterways, in order to minimize the public and private costs for stormwater control and treatment, utility maintenance and removal of pollution from our natural waterways;
- D. — To promote site planning, construction practices and horticultural practices that are consistent with the reasonable use of property;

E.—To provide for the paramount public concern for these natural resources in the interest of a healthier and safer place in which to live and to promote the general welfare of the residents of this city;

F.—To implement the goals and objectives of the Washington State Environmental Policy Act; and

G.—To implement the goals and objectives of the city's comprehensive plan.

16.54.020 Definitions

All words in this chapter shall have their customary dictionary definition except as specifically defined herein.

A.—"Agriculture" is the use of land for the primary purpose of deriving income from growing plants or trees on land including, but not limited to, land used principally for fruit or timber production, but not including land used principally for another use and only incidentally for growing trees or plants for income.

B.—"Buildable area" is that portion of a parcel of land wherein a building, parking and other improvements may be located and where construction activity may take place. Buildable areas shall not include streams, flood hazard areas, geologically hazard areas or wetlands as defined in Section 18.76.030. For the purpose of calculating required minimum tree density, existing and newly dedicated city rights-of-way shall not be included.

C.—"Caliper" is the American Association of Nurseryman standard for trunk measurement of nursery stock. Caliper of the trunk shall be the trunk diameter measured 6" above the ground for up to and including 4" caliper size and 12" above the ground for larger sizes.

D.—"City" is the city of Olympia, Washington.

E.—"Clearing" is the destruction or removal of vegetation from a site by physical, mechanical, chemical or other means. This does not mean landscape maintenance or pruning consistent with accepted horticultural practices which does not impair the health or survival of the trees.

F.—"Commercial nursery or tree farm" is a licensed plant or tree nursery or farm in relation to those trees planted and growing on the premises of the licensee, which are planted and grown for sale through retail or wholesale channels in the ordinary course of the licensee's business.

G.—"Critical root zone" is the area where the tree's roots are located. This root zone is generally the area surrounding a tree at a distance which is equal to one foot for every dbh inch of tree.

H.—"Crown" is the area of a tree containing leaf or needle bearing branches.

I.—"Diameter at breast height (dbh)" is a tree's diameter in inches at 4-1/2' feet above the ground. On multistemmed or trunked trees, the diameter shall be the diameter equivalent to the sum of trunk areas measured at 4-1/2' above the ground.

J.—"Grading" is any excavation, filling or combination thereof.

K.—"Ground cover" is trees less than six inches dbh and other vegetation.

L.—"Hazard tree" is any tree with a combination of structural defect and/or, disease, (which makes it subject to a high probability of failure), and a proximity to persons or property which makes it an imminent threat.

M.—"Development" is the division of a parcel of land into two or more parcels; the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any structure; any mining, excavation, landfill, clearing or land disturbance; and any use or extension of the use of the land.

N.—"Landmark tree" is a tree or group of trees designated as such by the city because of its exceptional value to the residents of the city (see Chapter 16.56).

O.—"Limits of construction line" is a line separating the buildable areas from the protected areas.

P.—"Person" is any individual, organization, society, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, governmental agency, public or private utility, cooperative, interstate body or other legal entity.

Q.—"Protected area" is all land where no construction activity is allowed and includes the critical root zone of those trees to be preserved.

R.—"Qualified professional forester" is a professional with academic and field experience that makes them an expert in urban forestry. This may include arborists certified by the International Society of Arboriculture, foresters with a degree in forestry from an SAF accredited forestry school, or urban foresters with a degree in urban forestry. A qualified professional forester must possess the ability to evaluate the health and hazard potential of existing trees, and the ability to prescribe appropriate measures necessary for the preservation of trees during land development.

S.—"Remove or removal" is the act of removing a tree by digging up, cutting down or any act which causes a tree to die within a period of three years; including but not limited to, damage inflicted on the root system by machinery, storage of materials or soil compaction; changing the ground level in the area of the tree's root system; damage inflicted on the tree permitting infections or infestation; excessive pruning; paving with concrete, asphalt or other impervious material within the drip line, or any other action which is deemed harmful to the tree.

~~T. —"Street trees" is trees located within the street rights-of-way, adjacent to public or private streets, including undeveloped areas.~~

~~U. —"Transplant" is the relocation of a tree from one place to another on the same property.~~

~~V. —"Tree" is any self-supporting perennial woody plant that matures at a height greater than 6'.~~

~~W. —"Tree unit" is a unit of measurement based upon the size of the tree as set forth in Tables A and B, in Chapter 4 of the Urban Forestry Manual.~~

~~X. —"Undeveloped" is a parcel of land on which no buildings or other facilities are located.~~

~~Y. —"Urban forestry" is the art and science of planning, managing and protecting natural and planted vegetation in developing urban areas.~~

~~Z. —"Urban Forester" is the City of Olympia's Urban Forester or the Urban Forester's designee.~~

~~AA. —"Windfirm" is a tree which is capable of withstanding windstorms.~~

~~BB. —"Worksite" is any contiguous area owned and operated as one development unit upon which earth disturbing activities are planned or underway.~~

~~CC. —"Specimen tree" is a tree that has been given greater than standard tree density value through the evaluation process delineated in Chapter 5 of the Urban Forestry Manual.~~

~~DD. —"Conversion Option Harvest" is a timber harvest as established in this chapter and the Washington State Department of Natural Resources Forest Practices Regulations, whereby a property owner is allowed to harvest a limited amount of timber from their property within the City of Olympia, while still maintaining their rights to convert their property to a use inconsistent with growing timber.~~

~~EE. —"Tree Plan" is a plan that contains specific information pertaining to the protection, preservation, and planting of trees pursuant to OMC 16.54 and 16.60 and the City of Olympia's Urban Forestry Manual.~~

~~FF. —"Significant (upland) Wildlife Habitat" is an area designated as such in the Olympia Comprehensive Plan, are designated as state priority habitat, and which is utilized by state priority or local priority animal species with unusual frequency, density or diversity for critical ecological processes such as breeding, nesting, nursery, feeding, and resting.~~

~~GG. —"Tree Tract" is a separate deeded tract of land, specifically set aside for the preservation and planting of trees. Stormwater retention/detention facilities, critical area buffers and other common areas may be considered tree tracts if they currently support the growth of trees. The purpose of these areas for preserving~~

and planting trees is stated on the face of the plat and other proposed uses for the property do not require the removal of the trees.

16.54.030 Applicability

A. — No person or representative, directly or indirectly, shall remove, or destroy any tree, within the city, without first obtaining a tree removal permit as provided in this chapter, unless the activity is exempted in Section 16.54.040.

B. — Unless otherwise exempted, any site to be developed, within the City of Olympia, shall be required to develop a tree plan and shall be required to meet the minimum tree density herein created. For the purposes of this chapter, development shall include conversions, structural alterations, and remodeling only if a permit is required and the footprint of the building is expanded.

16.54.040 Exemptions

The following activities are exempt from the tree plan and tree removal permit requirements. In all cases the minimum tree density herein established shall be maintained. In no case shall any landmark tree be removed without first obtaining a tree removal permit pursuant to Chapter 16.56.

A. — Commercial Nurseries or Christmas Tree Farms. Removal of trees which are being grown to be sold as Christmas or landscape trees.

B. — Emergencies. Removal of trees necessary to protect public safety or private or public property from imminent danger in response to emergencies declared by the city, county, state or federal governments.

C. — Harvesting with a Forest Practices Permit. Removal of trees as allowed with a forest practices permit issued by the Washington State Department of Natural Resources.

D. — Hazard Trees. Removal of hazard trees as defined by this chapter.

E. — Developed Single-Family (under two acres). Removal of trees from developed single-family and multifamily (up to four units), less than two acres.

F. — Developed Single-Family (two acres or more). On developed single-family and multifamily (up to 4 units), 2 or more acres, removal of trees within 125' of the residence or other buildings. (That portion of the property further than 125' from the residence or other buildings shall be treated as undeveloped property for the purpose of this chapter).

G. — Subdivisions. Individual lots within a subdivision are exempt when the entire subdivision has complied with the tree density requirements of this chapter.

H.—Undeveloped property. Removal of up to 6 trees per acre, up to a total of 6 trees from an undeveloped parcel within any 12 consecutive month period.

I.—Street trees. Removal of street trees, when performed by or on behalf of the city, with approval of the Urban Forester.

J.—Small trees. Removal of trees with a diameter at breast height (dbh) of six inches or less.

16.54.045 City tree account

A.—There is created a city tree account into which all penalties and revenues received under Chapters 16.54, 16.56, and 16.60 and the tree protection element of Chapter 16.48 of this title shall be placed. In addition, the following sources of funds may be placed in the city tree account:

- 1.—Sale of trees or wood from city property where the proceeds from such sale have not been dedicated to another purpose;
- 2.—Donations and grants for purposes of the fund;
- 3.—Sale of seedlings by the city;
- 4.—Civil penalties imposed under Section 16.54.130 or settlements in lieu of penalties. At the discretion of the city manager, costs incurred by the city to enforce Chapters 16.48, 16.54, 16.56, or 16.60 may be deducted from the civil penalties;
- 5.—Other monies allocated by the city council.

B.—The city shall use the city tree account for the following purposes:

- 1.—Acquiring, maintaining, and preserving wooded areas within the city;
- 2.—Planting and maintaining trees within the city;
- 3.—Identification and maintenance of landmark trees;
- 4.—Propagation of seedling trees;
- 5.—Urban forestry education;
- 6.—Other purposes relating to trees as determined by the city council.

16.54.050 Tree plan required

A.—Requirement Established. A tree plan is required to obtain a tree removal permit and is also required for any land development on property having a tree density below the minimum required.

B.—Tree Plan Requirements. Specific tree plan requirements are delineated in Chapter (1) of the Urban Forestry Manual. The scale of the project and the size and quantity of trees proposed for removal, preservation, and planting will determine which level of Tree Plan is required. Table 16.54.050A lists activities or projects and the level of tree plan typically required.

TABLE 16.54.050A

PROJECTS OR ACTIVITIES FOR WHICH TREE PLANS ARE REQUIRED

ACTIVITY or PROJECT	LEVEL (see manual)
Residential subdivisions (1-4 units)	I
Residential subdivisions (more than 4 units)	IV, V
Commercial/Industrial/Multifamily (over 4 units)	IV, V
Developed Commercial/Industrial/Multifamily (over 4 units), proposing a building addition or other site disturbance	II
Multifamily (1-4 units)	I
Planned Residential Development	IV, V
Mobile Home Park	IV, V
Nuisance Tree removal permit	III
Conversion Option Harvest Permit	VI
Residential 1-4 unit, building permit	I

C.—Conditions. The Urban Forester shall attach conditions on the project as necessary to ensure the long-term health and survival of trees to be retained and planted, pursuant to protection, planting, and maintenance standards established in the Urban Forestry Manual.

D.—Application and Fee. The application for a tree removal permit and/or tree plan review shall be made on a form provided by the City, and shall be submitted at the same time as the Tree Plan. The applicant shall pay a non-refundable permit fee to the Department of Community Planning and Development. The plan review and tree removal permit fee is set forth in Chapter 4.36.010 OMC.

E.—Submittal of a Tree Plan. The application for tree plan review and/or a tree removal permit shall be submitted with associated development applications as applicable.

~~16.54.060 Tree plan review procedure~~

~~A.—Within (28) calendar days of the receipt of a Tree Plan, the Urban Forester shall review the tree plan to determine completeness, and take one of the following actions:~~

- ~~1.—Approve the tree plan, with or without conditions, and issue a tree removal permit;~~
- ~~2.—Deny the permit, indicating the deficiencies to the applicant;~~
- ~~3.—Notify the applicant of complete/incomplete application with a timeline for issuance of a permit;~~
- ~~4.—Notify the applicant that the permit will be issued concurrently with other development permits.~~

~~B.—Public Notice. Prior to tree removal, the Urban Forester shall notify the applicant of the decision and shall post the site for a period of (10) days. During the posting period no tree removal work shall be done. Residential projects (1-4 units), and nuisance tree removal permits, shall be exempt from this posting requirement.~~

~~C.—Permit Duration. A permit issued under this chapter shall be valid for 180 days or the duration of the associated development permit or approval. The Urban Forester may authorize a (180) day extension.~~

~~D.—Permit Amendments. The permittee may request a minor amendment to an approved permit. In addition, the Urban Forester may require minor project changes to protect drainageways, environmentally sensitive areas, and adjoining property and structures from damage or to alleviate hazardous conditions.~~

~~E.—Display of Permits. Permits issued in association with this chapter shall be posted on the worksite prior to work beginning and shall remain until the Urban Forester accepts the work as complete.~~

~~F.—Integrated Applications and Decisions. When a tree plan is submitted in combination with another application for approval of an associated project or development, the urban forester shall notify the applicant that the permit will be issued concurrently with other project permits and shall designate and authorize such official or body to issue a decision regarding such tree plan as necessary to ensure an integrated decision. Any recommendation of the urban forester regarding such decision shall be given substantial weight by designee.~~

~~16.54.070 Tree plan review standards~~

~~A.—Issuance of a permit under this chapter does not exempt the permittee from procuring and complying with other required permits or approvals. Whenever this chapter conflicts with other laws, ordinances or rules, the more restrictive shall apply.~~

~~B.—Critical Areas. The approval authority shall restrict activities and/or impose conditions as warranted, to protect critical areas and their associated buffers, water quality, property or public safety.~~

~~C.—Alternative Compliance. All tree removal permit activities regulated by this chapter shall be performed in compliance with the applicable standards contained in this chapter, unless the applicant demonstrates that alternate measures or procedures will be equal or superior to the provisions of this chapter in accomplishing the purposes of this chapter.~~

~~D.—For all development projects, the following Urban Forestry design standards and provisions shall apply.~~

~~1.—Timing of tree removal. A tree removal permit will be processed and issued concurrently with other development permits, as applicable.~~

~~2.—Preservation and conservation of wooded areas and trees, shall have priority over development when there are feasible and prudent location alternatives on site for proposed building structures or other site improvements, as identified by the Director, as applicable. This may require site redesign including, but not limited to: redesign of streets, sidewalks, stormwater facilities, utilities; changing the shape and size of the parking lot; reducing or limiting proposed site grading; and changing the locations of buildings or building lots.~~

~~3.—If existing trees and vegetation meet the requirements for the required landscaping, they shall have priority over and may substitute for the required landscaping pursuant to the guidelines established in the City of Olympia's Landscaping Ordinance, OMC 18.36.~~

~~4.—For residential subdivisions (more than 4 units) at least 100 percent of the required minimum tree density shall be located within separate deeded tree tract(s) held in common ownership by the homeowner's association, or comparable entity.~~

~~5.—Tree preservation priority. In designing a development project and in meeting the required minimum tree density, the applicant shall preserve the following trees in the following order of priority. (Trees to be preserved must be healthy, windfirm, and appropriate to the site at their mature size, as identified by a qualified professional forester):~~

~~a.—Landmark Trees.~~

~~b.—Specimen Trees.~~

~~c.—Critical Areas and Critical Area Buffer.~~

~~d.—Significant Wildlife Habitat. Trees located within or buffering Significant Wildlife Habitat.~~

~~e.—Other individual trees or groves of trees.~~

~~6.—On sites where there are currently inadequate numbers of existing trees, or where the trees are inappropriate for preservation, as determined by the Urban Forester, then replacement tree planting~~

shall be required. Trees to be planted must be planted within separate deeded tree tracts as defined in this ordinance.

E. ~~For residential subdivisions, trees may be removed from individual building lots concurrent with the clearing of the proposed right-of-ways, and other frontage improvements, with the following provisions:~~

~~1. The Urban Forester has determined that the existing trees, on the proposed individual lots, are inappropriate for retention due to tree condition, soils, topographic constraints, proposed small lot size, and/or the size of the trees at maturity.~~

~~2. Clearing operations shall be conducted so as to expose the smallest practical area of soil to erosion for the least possible time. To control erosion, shrubs, ground cover and stumps shall be maintained on the individual lots, where feasible. Where infeasible appropriate erosion control practices shall be implemented pursuant to the Drainage Design and Erosion Control Manual for Olympia.~~

F. ~~Developed commercial, industrial, multifamily (more than four units) properties, nuisance tree removal. Proposals to remove a tree or trees on these properties shall comply with the following standards:~~

~~1. The tree must meet the following criteria:~~

~~a. Tree is causing obvious, physical damage to private or public property, including but not limited to: sidewalk, curb, road, parking lot, building foundation, roof, or~~

~~b. Tree has been damaged by past maintenance practices, that cannot be corrected with proper arboricultural practices;~~

~~2. The problems associated with the tree must be such that they cannot be corrected by any other reasonable practice. Including but not limited to the following:~~

~~a. Pruning of the crown or roots of the tree and/or, structural changes to a building, parking lot, sidewalk or other site modifications to alleviate the problem.~~

~~b. Pruning, bracing, cabling, to reconstruct a healthy crown.~~

G. ~~Undeveloped Properties, Conversion Option Harvest. For properties proposing a conversion option harvest, the following standards shall apply:~~

~~1. Trees to remain should be dominant or co-dominant in the stand, healthy, and windfirm.~~

~~2. Trees to remain should be located on the site in areas that would most likely facilitate their preservation through the build-out of the site.~~

- 3.—Up to 30% of the number or volume of trees, by species, can be removed every 10 years.
- 4.—No removal of trees from critical areas or buffers.
- 5.—No removal of Landmark trees.
- 6.—No removal of trees that would cause trees on adjacent properties to become hazardous.
- 7.—Logging operations shall be conducted so as to expose the smallest practical area of soil to erosion for the least possible time. To control erosion, shrubs, ground cover and stumps shall be retained where feasible. Where infeasible appropriate erosion control practices shall be implemented pursuant to the Drainage Design and Erosion Control Manual for Olympia.
- 8.—Slash Abatement practices shall be implemented pursuant to Olympia Fire Department Standards.

16.54.080 Tree density requirement

A.—Minimum Tree Density Requirement Established. A minimum tree density of 220 tree units per acre is required. The tree density may consist of existing trees, replacement trees or a combination of existing and replacement trees, pursuant to the priority established in Section 16.60.070.

B.—Tree Density Calculation. Specific Tree Density calculations and replacement tree standards are delineated in the City of Olympia's Urban Forestry Manual. Table 16.60.080 A shows the required minimum tree density and replacement tree requirements for various activities:

- 1.—Developing properties are required to meet a minimum tree density of 220 tree units per acre.
- 2.—Developed Commercial/Industrial/Multifamily (more than 4 units) properties, proposing an addition or other site disturbance are required to replace a minimum tree density of one tree unit for every 500 sq. ft. of site area to be disturbed and 3 tree units for every one tree unit proposed for removal, up to the minimum tree density of 220 tree units per acre for the entire site. For the purpose of determining required replacement trees, site area disturbed shall include: installation or expansion of a building or other structure; drilling; and site alternations such as those due to land surface mining, dredging, grading, construction of earthen berms, paving, improvements for use as parking or storage, excavation or clearing.
- 3.—Developed Commercial/Industrial/Multifamily (more than 4 units) properties, proposing tree removal are required to replace 3 tree units for every one tree unit proposed for removal, up to the minimum tree density of 220 tree units per acre for the site.
- 4.—Undeveloped property proposing a conversion option harvest are required to maintain a minimum tree density of 220 tree units per acre.

C.—Replacement Tree Location. The applicant’s proposed location of transplanted or replacement trees shall be subject to city approval as part of the tree plan. Replacement trees should be planted according to the following priority:

1.—On-Site:

2.—Off-site. When room is unavailable for planting the required trees on-site, then they may be planted at another approved location in the city.

3.—City Tree Account. When on-site and off-site locations are unavailable, then the applicant shall pay an amount of money approximating the current market value of the replacement trees into the City’s Tree Account.

D.—Replacement Tree Quality. Replacement trees shall meet the quality and size standards delineated in the Urban Forestry Manual.

E.—Replacement Tree Planting Standards. Trees shall be planted pursuant to the planting standards delineated in the Urban Forestry Manual.

TABLE 16.54.080A-

Proposed Activity	Tree Replacement Requirements	Required Minimum Tree Density for the Parcel
New Development	30 tree units per acre	30 tree units per acre
Developing Single-family (multifamily up to 4 units)	30 tree units per acre	30 tree units per acre
Developed Properties	30 tree units per acre	30 tree units per acre
Developed Commercial/Industrial/Multifamily (more than 4 units) proposing an addition or other site disturbance	1 tree unit for every 500 sq. ft. disturbed and 3 tree units for every one tree unit proposed for removal	30 tree units per acre
Developed Commercial/Industrial/Multifamily (more than 4 units) proposing tree removal	3 tree unit for every 1 tree unit proposed for removal	30 tree units per acre

TABLE 16.54.080A-

Proposed Activity	Tree Replacement Requirements	Required Minimum Tree Density for the Parcel
Option Harvest	Site must remain at a minimum tree density of 200 tree units per acre.	200 tree units per acre
New Developments (Green Cove Basin)	220 tree units per acre.	220 tree units per acre

16.54.090 Tree protection during construction

Prior to initiating tree removal on the site, vegetated areas and individual trees to be preserved shall be protected from potentially damaging activities pursuant to standards in the Urban Forestry Manual.

16.54.100 Maintenance requirements

A.— Maintenance Requirement. Trees are to be maintained in a vigorous and healthy condition, free from diseases, pests and weeds in accordance with the standards delineated in the City of Olympia's Urban Forestry Manual. Trees which become diseased, severely damaged or which die shall be removed by the owner as soon as possible but no later than 60 days after notification by the city. All trees removed under this section shall be replaced with a healthy tree of the same size and species as required by the approved tree plan for the property.

B.— For areas dedicated as tree tracts, and street trees, and a single family residential development that exceeds four units, the maintenance requirement of this section shall be in effect for three years from the date the final plat is approved or the trees are planted.

The tree plan shall be a condition of approval and identified on the face of the plat. The applicant shall also execute a covenant in a form agreeable to the city which shall require the applicant and his successors to comply with the maintenance requirement of this section. The covenant shall obligate both the property owner and the homeowner's association. The covenant shall be recorded by the county auditor. The recording fee shall be paid by the applicant.

C.— Multifamily Residential, Commercial, Industrial Developments. For all trees covered by the tree plan, the maintenance requirement shall apply in perpetuity to developments that are multifamily residential developments in excess of four units, commercial and industrial. The applicant shall execute a covenant in a

~~form agreeable to the city which shall require that the applicant and his successors comply with the maintenance requirement imposed by this section. The covenant shall be binding on successor property owners and owners' associations. The covenant shall be recorded by the county auditor. The recording fee shall be paid by the applicant.~~

~~D.—Maintenance Agreement. Each development to which the maintenance requirement for this chapter applies and that contain a specimen tree(s) shall also be subject to a maintenance agreement. The urban forester shall require the applicant to execute a maintenance agreement with the city, in a form acceptable to the city attorney, which shall include the provisions of the maintenance requirement in this chapter, to ensure the survival and proper care of any specimen trees identified in the Tree Plan.~~

~~E.—Surety. For residential developments containing more than four units, commercial and industrial projects, the applicant will be required to post a surety. The surety shall be in the form approved by the city attorney. The surety document shall have a face amount equal to 125 percent of the estimated amount necessary to guarantee the maintenance and replacement of trees in conformance with the maintenance requirement and tree plan for a period of three years from the date the certificate of occupancy is issued by the city or from the date of final plat approval.~~

~~F.—Failure to maintain. Failure to regularly maintain the trees as required in this section shall constitute a violation of this chapter and, if applicable, the plat covenant.~~

16.54.110 Variance for hardship

~~The administrative process for variances shall be governed by Chapter 18.66 of the Unified Development Code.~~

16.54.120 Appeal

~~Appeals of administrative decisions shall be governed by Chapter 18.72 of the Unified Development Code.~~

16.54.130 Enforcement -- Penalties

~~A.—Authority. It shall be the duty of the Urban Forester to administer the provisions of this chapter. The Urban Forester shall have authority to issue permits, impose conditions, enforce the provisions and requirements of this chapter and permits issued thereunder, and establish administrative procedures and guidelines, conduct inspections, and prepare the forms necessary to carry out the purposes of this chapter.~~

~~B.—Authorized Actions. In addition to other remedies, the city may bring injunctive, declaratory or other actions to enforce this chapter.~~

~~C.—Stop Work Orders/Permit Revocation.~~

~~1.—The Urban Forester shall suspend work or revoke a permit, as appropriate, if the Urban Forester finds that:~~

- a.—~~The work is not authorized by a valid permit;~~
- b.—~~Inaccurate information was used to obtain the permit;~~
- c.—~~The permittee is not complying with the terms of the permit or approved plans;~~
- d.—~~The work is, in the Urban Forester's judgment, a hazard to property or public safety, is adversely affecting or about to adversely affect adjacent property or rights-of-way, a drainageway, watercourse, environmentally sensitive area or stormwater facility, or is otherwise adversely affecting the public health, safety, or welfare;~~
- e.—~~Adverse weather is causing significant problems on or off site; or~~
- f.—~~The required project surety has been expended to the point that it no longer provides assurance of the completion of the project in compliance with the terms of the permit.~~

2.—~~The Urban Forester shall issue the permittee/violator a written notice specifying the nature of the violation or problem which must be remedied prior to resuming other work on the project. If the permittee does not comply with the order within the time specified, the Urban Forester, as an alternative to other remedies, may enter the project site and perform the required work. All costs incurred by the city in performing such work shall be drawn against the surety posted by the permittee to ensure the enforcement of the provisions of the tree plan or the tree removal permit. In the absence of sufficient surety, the city may place a lien against the property in the amount of the funds expended to perform the required work.~~

D.—~~Restoration. Violators of this chapter or of a permit issued thereunder shall be responsible for restoring unlawfully damaged areas in conformance with a plan, approved by the Urban Forester, which provides for repair of any environmental and property damage, and restoration of the site; and which results in a site condition that, to the greatest extent practical, equals the site condition that would have existed in the absence of the violation(s).~~

E.—~~Prohibition of Further Approvals. The city shall not accept, process, or approve any application for a subdivision or any other development permit or approval, or issue a certificate of occupancy for property on which a violation of this chapter has occurred until the violation is cured by restoration or other means accepted by the Urban Forester and by payment of any penalty imposed for the violation.~~

F.—~~Criminal and Civil Penalty.~~

1.—~~Any person, firm, or corporation who knowingly violates or fails to comply with any term or provision of this chapter shall be deemed to have committed a misdemeanor, and if found guilty, shall be subject to a fine not to exceed One Thousand Dollars (\$1,000), and/or to imprisonment not to~~

~~exceed ninety (90) days or to both such fine and imprisonment. Each day shall be a separate offense. In the event of a continuing violation or failure to comply, the second and subsequent days shall constitute a gross misdemeanor punishable by a fine not to exceed Five Thousand Dollars (\$5,000) and/or imprisonment not to exceed three hundred and sixty-five (365) days or both such time and imprisonment. Continuing violation shall mean the same type of violation which is committed within a year of the initial violation.~~

~~2.—As an additional concurrent penalty, it shall be a civil infraction for a person, firm, or corporation to violate or fail to comply with any term or provision of this chapter. Each day shall be a separate infraction. A person, firm, or corporation found to have committed a civil infraction shall be assessed a monetary penalty as follows:~~

~~3.—Class 1 (\$250), not including statutory assessments.~~

~~G.—Public Nuisance. Any violation of the provisions of this chapter or a violation of a permit issued hereunder is declared to be a public nuisance and may be abated through proceeding for injunctive or similar relief in Superior Court or other court of competent jurisdiction.~~

~~16.54.140 Liability on the city~~

~~Nothing in this chapter shall be deemed to impose any liability upon the city or upon any of its officers or employees, or to relieve the owner or occupant of any private property from the duty to keep in safe and healthy condition the trees upon their property or upon a public rights-of-way over their property.~~

~~16.54.160 Authority~~

~~A.—Authority of the Urban Forester.~~

~~1.—The Urban Forester shall manage the City's Urban Forestry Program, which includes, but is not limited to the administration of the Tree Protection and Replacement ordinance and the provisions of the Urban Forestry Manual.~~

~~2.—The Urban Forester shall develop and periodically review and revise as necessary The Urban Forestry Manual which shall contain at a minimum, standards for Tree Plan Development, Tree Planting, Tree Protection, and Specimen Tree Evaluation. The Urban Forestry Manual and all revisions and amendments to it shall be available for public inspection at the office of the City Clerk.~~

~~16.54.170 Specimen tree evaluation – For public trees~~

~~A.—Size. Size shall be determined using the methodology developed by the American Forestry Association for measuring champion trees. This methodology, as adopted by the Washington Big Tree Program, is described in detail in the publication "Washington Big Tree Program 1994" by Robert Van Pelt, College of Forest Resources, University of Washington, AR-10 Seattle, Washington, 98195.~~

1.—Circumference of the trunk. The circumference of the trunk in inches shall be measured at breast height (4.5 feet from the ground). If the circumference at 4.5 feet is distorted by low branching, etc., the circumference shall be taken at the smallest reading obtainable below that point.

2.—Height of the tree. The height in feet shall be measured using standard forestry mensuration equipment (clinometer, etc.).

3.—Average crown spread. The average crown spread is measured in feet. This shall be the average of the spread of the crown at its widest and narrowest points.

One point shall be assigned for every inch in circumference, every one (1) foot in height and every four (4) foot spread.

The size value for specimen tree evaluation shall be the percentage obtained by dividing the point value of the subject tree by the value of the state champion of the species (listed in the most recent edition of the Washington Big Tree Program) multiplied by four (4), and then rounded to the nearest whole number.

$$\begin{aligned} \text{e.g., Subject tree} &= 200 \text{ size points} / \text{State Champion (350 points)} = 57\% \\ 57\% \times 4 &= 2.85 \text{ rounded to } 3 \end{aligned}$$

B.—Location. There are five (5) possible location values. They are determined based on how visible they would be to the public at large. The five locations values are:

1.—Arterial Street R-O-W = 4 points

2.—Collector Street R-O-W = 3 points

3.—Local Access Street R-O-W = 2 point

4.—Unopened R-O-W, or City Property (visible from Street) = 1 points

5.—Unopened R-O-W, or City Property (not visible from Street) = 0

C.—Condition. There are four condition criteria. The condition class of a tree shall be determined using the methodology developed by the International Society of Arboriculture, specifically described in Table 6-2, Pages 40-41 of the 8th. Edition of International Society of Arboriculture's "Valuation of Landscape Trees, Shrubs, and Other Plants."

1.—Excellent Condition = 3 points

2.—Good Condition = 2 points

3. Fair Condition = 1 point

4. Poor Condition = 0

D. Trees determined to have significant public value may qualify for one additional point at the discretion of the Urban Forester.

E. Specimen Street Tree Value. The specimen tree value is determined by adding the size, location and condition values together.

e.g., 1 Size value (75 % of state champion) = 3

- Location (Local Access Street R-O-W) = 2

- Condition (Good) = 2

- Specimen Street Tree Value (3 + 2 + 2) = 7

e.g., 2 Size value (25% of state champion) = 1

- Location (Arterial Street R-O-W) = 4

- Fair Condition = 1

- Specimen Street Tree Value (1 + 4 + 1) = 6

16.54.180 Tree Pruning Standards for Public Trees

A. All pruning shall comply with National Arborist Association pruning standards.

B. Crown reduction pruning shall only be allowed when the Urban Forester deems that such pruning is necessary to reduce a hazardous condition posed by the tree.

C. When clearance, skirting or window pruning is performed, no more than 30% of the live crown may be removed in any 3 year period of time.

D. All pruning shall be performed in such a manner that the trees are maintained in the optimum health at all times, as determined by the Urban Forester.

Section 8. Amendment of OMC 16.60. Olympia Municipal Code Chapter 16.60 is hereby amended to read as follows:

Chapter 16.60 TREE, SOIL, AND NATIVE VEGETATION PROTECTION AND REPLACEMENT

16.60.000 Chapter Contents

Sections:

- 16.60.010 Purpose.
- 16.60.020 Definitions.
- 16.60.030 Applicability.
- 16.60.040 Exemptions.
- 16.60.045 City tree account.
- 16.60.050 ~~Tree~~ Soil and vegetation plan required.
- 16.60.060 ~~Tree~~ plan removal permit review procedure.
- 16.60.070 ~~Tree~~ Soil and vegetation plan review standards.
- 16.60.080 Tree density.
- 16.60.090 Tree, soil, and native vegetation protection during construction.
- 16.60.100 Maintenance requirements.
- 16.60.110 Variance for hardship.
- 16.60.120 Appeal.
- 16.60.130 Enforcement - Penalties.
- 16.60.140 Liability on the city.
- 16.60.160 Authority.
- 16.60.170 Specimen tree evaluation - For public trees.
- ~~16.60.180 Tree pruning standards for public trees.~~

OMC 16.60.010 Purpose

Whereas ~~rapid~~ growth, the spread of development, and increasing demands upon natural resources have the effect of encroaching upon, ~~despoiling~~ impacting or eliminating many of the intact native soils and vegetation, trees and ~~other forms of vegetation and~~ natural resources and processes associated therewith which, if preserved and maintained in an undisturbed and natural condition, ~~constitute~~ provide important physical, aesthetic, recreation and economic assets to existing and future residents of the city; and whereas the city council finds (1) that trees, healthy soils, and ~~woodland-growth~~ native vegetation protect public health through the capturing and filtering of stormwater runoff, absorption of air pollutants and contamination, through the reduction of excessive noise and mental and physical damage related to noise pollution, through their cooling effect in the summer months and insulating effects in winter, through their positive impact on global climate change; (2) that trees, healthy soils, and ~~woodlands~~ native vegetation provide for public safety through the prevention of soil erosion, siltation and flooding; (3) that trees, healthy soils, and ~~woodlands~~ native vegetation are essential to the general welfare of the city by maintaining the natural beauty and the irreplaceable heritage for existing and future city residents; and (4) that Olympia can promote urban forestry and land management

practices which will preserve or enhance trees, healthy soils, and native vegetation on public and private lands as they transition from natural areas into an urban environment. Therefore, the purposes of this chapter are:

A. To provide for the protection, preservation, replacement, proper maintenance and use of trees, soils, and native vegetation ~~and woodlands~~ located in this city in order to preserve and enhance the city's physical and aesthetic character by preventing untimely and indiscriminate removal or destruction of trees, healthy soils, and native vegetation;

B. To protect trees, healthy soils, and native vegetation ~~and woodlands of this~~ in the city for their economic support of local property values and to preserve and enhance ~~the Pacific Northwest's~~ this region's natural beauty;

C. To minimize the adverse impacts of land disturbing activities on ~~surface drainage~~ stormwater infiltration, soil erosion, air quality, sedimentation and pollution of natural waterways, in order to minimize the public and private costs for stormwater control and treatment, utility maintenance and removal of pollution from our natural waterways;

D. To promote site planning, construction practices and horticultural practices that are consistent with the reasonable use of property;

E. To provide for the paramount public concern for these natural resources in the interest of a healthier and safer place in which to live and to promote the general welfare of the residents of this city;

F. To implement the goals and objectives of the Washington State Environmental Policy Act; and

G. To implement the goals and objectives of the ~~€~~City's ~~€~~Comprehensive ~~p~~Plan.

16.60.020 Definitions

All words in this chapter shall have their customary dictionary definition except as specifically defined herein.

A. "Agriculture" is the use of land for the primary purpose of deriving income from growing plants or trees on land including, but not limited to, land used principally for fruit or timber production, but not including land used principally for another use and only incidentally for growing trees or plants for income.

B. "Buildable area" is that portion of a parcel of land wherein a building, parking and other improvements may be located and where construction activity may take place. Buildable areas shall not include streams, flood hazard areas, geologically hazard areas or wetlands as defined in ~~Section 18.76.030~~ Chapter 18.32 Critical Areas. For the purpose of calculating required minimum tree density, existing and newly dedicated city rights-of-way shall not be included.

C. "Caliper" is the American Association of Nurseryman standard for trunk measurement of nursery stock. Caliper of the trunk shall be the trunk diameter measured 6" above the ground for up to and including 4" caliper size and 12" above the ground for larger sizes.

D. "City" is the city of Olympia, Washington.

E. "Clearing" is the destruction or removal of vegetation from a site by physical, mechanical, chemical or other means. This does not mean landscape maintenance or pruning consistent with accepted horticultural practices which does not impair the health or survival of the trees.

F. "Commercial nursery or tree farm" is a licensed plant or tree nursery or farm in relation to those trees planted and growing on the premises of the licensee, which are planted and grown for sale through retail or wholesale channels in the ordinary course of the licensee's business.

~~DDG.~~ "Conversion Option Harvest" is a timber harvest as established in this chapter and the Washington State Department of Natural Resources Forest Practices Regulations, whereby a property owner is allowed to harvest a limited amount of timber from their property within the City of Olympia, while still maintaining their rights to convert their property to a use inconsistent with growing timber.

~~GH.~~ "Critical root zone" is the area where the tree's roots are located. This root zone is generally the area surrounding a tree at a distance which is equal to one foot for every inch of tree at dbh DBH (Diameter at breast height) ~~inch of tree.~~

HJ. "Crown" is the area of a tree containing leaf or needle-bearing branches.

~~MJ.~~ "Development" is the division of a parcel of land into two or more parcels; the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any structure; any mining, excavation, landfill, clearing or land disturbance; and any use or extension of the use of the land.

~~K.~~ "Diameter at Bbreast Hheight (~~dbh-DBH~~)" is a tree's diameter in inches at 4-1/2' feet above the ground. On multi-stemmed or trunked trees, the diameter shall be the diameter equivalent to the sum of trunk areas measured at 4-1/2' above the ground.

~~JL.~~ "Grading" is any excavation, filling of earth materials or any combination thereof.

~~LM.~~ "Hazard tree" is any tree with a combination of structural defect and/or, disease, ~~(which makes it subject to a high probability of failure), and a~~ is within close enough proximity to where persons-persons or property which makes it an imminent threat. could be harmed or damaged if the tree were to fail.

N. "Healthy soil" is soil that is of good quality with the capacity to sustain plant, animal, and human life by providing nutrients, air and water space to infiltrate, pollutant absorption and filtering, and habitat.

O. "Invasive species" are non-native organisms that are capable of spreading so quickly they can cause economic or environmental harm.

NP. "Landmark tree" is a tree or group of trees designated as such by the eCity because of its exceptional value to the residents of the city (see Chapter 16.56 Landmark Tree Protection).

ΘQ. "Limits of construction line" is a line separating the buildable areas from the protected areas.

R. "Mitigation" is the act of restoring, creating, enhancing, or preserving a naturally occurring ecosystem to generate an increase in environmental functions to compensate for losses due to development or willful or negligent destruction of that ecosystem.

S. "Native vegetation" is vegetation comprised of plant species, other than noxious weeds, that are indigenous to the coastal region of the Pacific Northwest and which reasonably could have been expected to naturally occur on the site.

PT. "Person" is any individual, organization, society, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, governmental agency, public or private utility, cooperative, interstate body or other legal entity.

ΘU. "Protected area" is all land where no construction activity, tree removal, vegetation removal, or soil compaction is allowed and includes the critical root zone of those trees to be preserved.

RV. "Qualified professional forester" is a professional with academic and field experience that makes them an expert in urban forestry. This may include arborists certified by the International Society of Arboriculture (ISA), foresters with a degree in forestry from ~~the an~~ Society of American Foresters (SAF) accredited forestry school, or urban foresters with a degree in urban forestry. A qualified professional forester must possess the ability to evaluate the health and hazard potential of existing trees in an urban environment, and the ability to prescribe appropriate measures necessary for the preservation of trees during land development and management of those trees thereafter.

SW. "Remove or removal" is the act of removing a tree by digging up, cutting down or any act which causes a tree to die, ~~within a period of three years,~~ significantly impacts its natural growing condition and/or results in diminished environmental benefits or a hazard tree; including but not limited to, damage inflicted on the root system by machinery, storage of materials or soil compaction; changing the ground level in the area of the tree's root system; damage inflicted on the tree permitting infections or infestation; excessive pruning; paving with concrete, asphalt or other impervious material within the ~~drip-line~~ critical root zone, or any other action which is deemed harmful to the tree.

FFX. "Significant (upland) Wildlife Habitat" is an area designated as such in the Olympia Comprehensive Plan, ~~are~~ or designated as state priority habitat, and which is utilized by state priority or local priority animal species

with unusual frequency, density or diversity for critical ecological processes such as breeding, nesting, nursery, feeding, and resting.

~~EEY~~. "Soil and Vegetation Tree Plan" is a plan that contains specific information pertaining to the protection of healthy soil, and the preservation, and planting of trees and native vegetation pursuant to OMC 16.60 and the City of Olympia's Urban Forestry Manual.

~~GGZ~~. ~~Tree Tract~~ Soil and Vegetation Protection Area (SVPA) is a separate ~~deeded~~ tract of land, which may or may not be deeded as such, specifically set aside for the preservation of healthy soil and the preservation or planting of existing and/or native vegetation, including trees. Stormwater retention/detention facilities, critical area buffers and other common areas may be considered SVPA's if they currently or are improved to an extent where they can support healthy soils and the growth of native vegetation of trees. The purpose of these areas for preserving healthy soils and preserving and/or planting native vegetation and planting is stated on the face of the plat when applicable. ~~and other proposed uses for the property do not require the removal of the trees.~~

~~EEA~~. "Specimen tree" is a tree that has been given greater than standard tree density value through the evaluation process delineated in ~~Chapter 5~~ of the Urban Forestry Manual.

~~TBB~~. "Street trees" is trees located within the street rights-of-way, adjacent to public or private streets, including undeveloped areas.

~~UCC~~. "Transplant" is the relocation of a tree from one place to another on the same property.

~~VDD~~. "Tree" is any self-supporting perennial woody plant that matures at a height greater than 6'.

~~WEE~~. "Tree unit" is a unit of measurement based upon the size of the tree as set forth in ~~Tables A and B, in Chapter 4~~ of the Urban Forestry Manual.X. "Undeveloped" is a parcel of land on which no buildings or other facilities are located.

~~KFE~~. "~~Ground cover~~Understory" is ~~trees less than six inches dbh and other~~ the shrubs and plants growing beneath the main canopy of a forest, stand of trees, or individual tree; including low-growing vegetation that covers the ground.

~~YGG~~. "Urban forestry" is the ~~art and science~~ professional practice of planning, managing and protecting natural and planted vegetation in developing urban areas.

~~ZHH~~. "Urban Forester" is the City of Olympia's Urban Forester or the Urban Forester's designee.

II. "Well-Adapted Drought-Tolerant Vegetation" is vegetation that is well adapted to current and anticipated environmental conditions in this region, and is not invasive or noxious.

~~AAKK.~~ "Windfirm" is a tree which is capable of withstanding ~~windstorms~~ high-strong winds, in particular when associated with inclement weather events.

~~BBLL.~~ "Worksite" is any contiguous area owned and operated as one development unit upon which earth disturbing activities are planned or underway.

OMC 16.60.030 Applicability

A. No person or representative, directly or indirectly, shall remove, or destroy any tree, within the city, without first obtaining a tree removal permit as provided in this chapter, unless the activity is exempted in Section 16.60.040.

B. Unless otherwise exempted, any site to be developed, within the City of Olympia, shall be required to develop a ~~tree plan~~ Soil and Vegetation Plan (SVP) and shall be required to meet the minimum tree density herein created. ~~For the purposes of this chapter, development shall include conversions, structural alterations, and remodeling only if a permit is required and the footprint of the building is expanded.~~

OMC 16.60.040 Exemptions

The following activities are exempt from the ~~tree plan~~ Soil and Vegetation Plan and tree removal permit requirements. In all cases the minimum tree density herein established shall be maintained. In no case shall any landmark tree be removed without first obtaining a tree removal permit pursuant to Chapter 16.56.

A. Commercial Nurseries or Christmas Tree Farms. Removal of trees which are being grown to be sold as Christmas or landscape trees.

B. Emergencies. Removal of trees necessary to protect public safety or private or public property from imminent danger as determined by the Urban Forester or in response to emergencies declared by the city, county, state or federal governments.

C. Harvesting with a Forest Practices Permit. Removal of trees as allowed with a forest practices permit issued by the Washington State Department of Natural Resources.

D. Hazard Trees. Removal of hazard trees as defined by this chapter.

E. Developed Single-Family (under two acres). Removal of trees and other vegetation from developed single-family and multifamily (up to four units), less than two acres so long as the minimum required tree density is maintained.

F. Developed Single-Family (two acres or more). On developed single-family and multifamily (up to 4 units), 2 or more acres, removal of trees and other vegetation within 125' of the residence or other buildings, unless required to be installed and properly maintained specifically to facilitate stormwater infiltration or dispersion.

(That portion of the property further than 125' from the residence or other buildings shall be treated as undeveloped property for the purpose of this chapter).

G. Subdivisions. Individual lots within a subdivision are exempt from meeting tree density requirements when the entire subdivision has complied with the tree density and soil and vegetation protection requirements of this chapter.

H. Undeveloped property. Removal of up to 6 trees per acre, up to a total of 6 trees from an undeveloped parcel within any 12 consecutive month period.

I. Street trees. Removal of street trees, when performed by or on behalf of the city, with approval of the Urban Forester.

~~J. Small trees. Removal of trees with a diameter at breast height (dbh) of six inches or less.~~

OMC 16.60.045 City tree account

B. The city shall use the city tree account for the following purposes:

1. Acquiring, maintaining, and preserving ~~wooded~~ areas of healthy soil and native vegetation within the city;
2. Planting and maintaining trees within the city;
3. Identification and maintenance of landmark trees;
4. Propagation of seedling trees;
5. Urban forestry education;
6. Other purposes relating to trees as determined by the city council.

OMC 16.60.050 ~~Tree plan~~ Soil and Vegetation Plan required

A. Requirement Established. A ~~tree~~ soil and vegetation plan is required to obtain a tree removal permit and is also required for any land development on property having a tree density below the minimum required and/or when Street Trees are to be installed.

B. ~~Tree~~ Soil and Vegetation Plan Requirements. Specific ~~tree~~ soil and vegetation plan requirements are delineated in ~~Chapter (1)~~ of the Urban Forestry Manual. The scale of the project and the size and quantity of trees proposed for removal, preservation, and planting will determine which level of ~~tree~~ soil and vegetation plan is required. Table A lists activities or projects and the level of ~~tree~~ plan typically required.

TABLE A

PROJECTS OR ACTIVITIES FOR WHICH FREE SOIL AND VEGETATION PLANS ARE REQUIRED

ACTIVITY or PROJECT	LEVEL (see manual)
Residential subdivisions (1-4 units)	I
Residential subdivisions (more than 4 units)	IV, V
Commercial/Industrial/Multifamily (over 4 units)	IV, V
Developed Commercial/Industrial/Multifamily (over 4 units), proposing a building addition or other site disturbance	II
Multifamily (1-4 units)	I
Planned Residential Development	IV, V
Mobile Home Park	IV, V
Nuisance Tree removal permit	III
Conversion Option Harvest Permit	VI
Residential 1-4 unit, building permit	I

C. Conditions. The Urban Forester shall attach conditions on the project as necessary to ensure the long-term health and survival of trees, soils and understory vegetation to be retained and planted, pursuant to protection, planting, and maintenance standards established in the Urban Forestry Manual.

D. Application and Fee. The application for a tree removal permit and/or tree soil and vegetation plan review shall be made on a form provided by the City, and shall be submitted at the same time as the Tree soil and vegetation ~~Plan~~. The applicant shall pay a non-refundable permit fee to the Department of Community Planning and Development. The plan review and tree removal permit fee is set forth in Chapter 4.36.010 ~~OMC~~ Building Code Review and Permit Fees.

E. Submittal of a Free Soil and Vegetation Plan. The application for tree soil and vegetation plan review and/or a tree removal permit shall be submitted with associated development applications as applicable.

OMC 16.60.060 ~~Tree plan~~ tree removal permit review procedure

A. ~~Within (28) calendar days of the receipt of a Tree Plan,~~ ~~†~~The Urban Forester shall review the tree ~~plan~~ removal request to determine completeness, and take one of the following actions:

1. Approve the tree ~~plan~~ removal, with or without conditions, and issue a tree removal permit;
2. Deny the permit, indicating the deficiencies to the applicant;
3. Notify the applicant of complete/incomplete application with a timeline for issuance of a permit;
4. Notify the applicant that the permit will be issued concurrently with other development permits, when applicable.

~~B. Public Notice. Prior to tree removal, the Urban Forester shall notify the applicant of the decision and shall post the site for a period of (10) days. During the posting period no tree removal work shall be done. Residential projects (1-4 units), and nuisance tree removal permits, shall be exempt from this posting requirement.~~

~~C. Permit Duration. A permit issued under this chapter shall be valid for 180 days or the duration of the associated development permit or approval. The Urban Forester may authorize a one (180)-day extension.~~

~~D. Permit Amendments. The permittee may request a minor amendment to an approved permit. In addition, the Urban Forester may require minor project changes to protect drainageways, environmentally sensitive areas, and adjoining property and structures from damage or to alleviate hazardous conditions.~~

~~E. Display of Permits. Permits issued in association with this chapter shall be posted on the worksite prior to work beginning and shall remain until the Urban Forester accepts the work as complete.~~

~~F. Integrated Applications and Decisions. When a tree ~~plan~~ removal permit is submitted in combination with another application for approval of an associated project or development, the urban forester shall notify the applicant that the permit will be issued concurrently with other project permits and shall designate and authorize such official or body to issue a decision regarding such ~~tree plan~~ removal permit as necessary to ensure an integrated decision. Any recommendation of the urban forester regarding such decision shall be given substantial weight by designee.~~

OMC 16.60.070 ~~Tree~~ Soil and vegetation plan review standards

A. Issuance of a permit under this chapter does not exempt the permittee from procuring and complying with other required permits or approvals. Whenever this chapter conflicts with other laws, ordinances or rules, the more restrictive shall apply.

B. Critical Areas. The approval authority shall restrict activities and/or impose conditions as warranted, to protect critical areas and their associated buffers, water quality, property or public safety.

C. Alternative Compliance. All tree removal permit activities regulated by this chapter shall be performed in compliance with the applicable standards contained in this chapter, unless the applicant demonstrates that

alternate measures or procedures will be equal or superior to the provisions of this chapter in accomplishing the purposes of this chapter.

D. For all development projects, the following ~~Urban Forestry design~~ standards and provisions shall apply.

1. Timing of tree removal. ~~A tree removal permit~~ Tree removal proposals will be ~~processed~~ reviewed and a decision issued concurrently with other development permits, as applicable.

2. When determining where to establish a required Soil and Vegetation Protection Area or retain trees when an Soil and Vegetation Protection Area is not required, Preservation and conservation of wooded areas locations with healthy soils, native understory vegetation, and mature trees in good condition shall have priority over development when there are feasible and prudent location alternatives on site for proposed building structures or other site improvements, ~~as identified by the Director, as applicable.~~ This may require site redesign including, but not limited to: redesign of streets, sidewalks, stormwater facilities, utilities; changing the shape and size of the parking lot; reducing or limiting proposed site grading; and changing the locations of buildings or building lots.

3. If existing trees and vegetation meet the requirements for the required landscaping, they shall have priority over and may substitute for the required landscaping pursuant to the guidelines established in Chapter 18.36 Landscaping and Screening. ~~the City of Olympia's Landscaping Ordinance, OMC 18.36.~~

4. For residential subdivisions ~~(more than 4 units of five (5) units or more)~~ at least 75 percent of the required minimum tree density shall be located within separate deeded ~~tree~~ Soil and Vegetation Protection Area(s) ~~tract(s)~~ held in common ownership by the homeowner's association, or comparable entity.

5. For multi-family developments of five (5) units or more a minimum of 50% of the required minimum tree density shall be met in Soil and Vegetation Protection Area(s). Soil and Vegetation Protection Areas may also meet requirements for stormwater management, and landscape buffering and screening when planting requirements and plant selection are appropriate for the site conditions and are demonstrated to be able to achieve the intended purpose of the applicable requirements.

6. Soil and Vegetation ~~Tree~~-preservation priority. In designing a development project and in meeting the required minimum tree density, the applicant shall preserve ~~the following~~ Soil and Vegetation Protection Areas ~~trees that include the following~~ in ~~the following~~ order of priority. ~~{In all situations, T~~ rees to be preserved must be healthy, windfirm, and appropriate to the site at their mature size, as identified by a qualified professional forester}.

a. Landmark Trees.

- b. Specimen Trees.
- c. Critical Areas and Buffers. Trees located within critical areas, critical area buffers or adjacent to critical area buffers. ~~(Those trees within the critical area buffers may account for up to 50 percent of the required tree density; except within the Green Cove Basin those trees within critical areas and critical area buffers may account for up to 100 percent of the required tree density.)~~
- d. Significant Wildlife Habitat. Trees located within or buffering Significant Wildlife Habitat.
- e. Healthy Soils and Native Vegetation. Native vegetation with associated healthy soils and understory.
- ef. Other individual trees or groves of trees.

7. On sites where there are currently inadequate numbers of existing trees, ~~or~~ where the trees are inappropriate for preservation, the soils are poor (unsuitable, disturbed, compacted etc.), or there are significant invasive species, as determined by the Urban Forester, then replacement tree planting, soil amendment, and understory mitigation shall be required. In designing a development project and in meeting the required minimum tree density, the following ~~trees areas shall be planted~~ undergo mitigation in the following order of priority:

- a. Critical Area Buffers, Significant Wildlife Habitat. ~~Trees planted w~~Within or adjacent to Critical Areas and Significant Wildlife habitat areas.
- b. Soil and Vegetation Protection Areas. Within designated Soil and Vegetation Protection Areas; may also include stormwater facility areas and areas of required landscaping.
- ~~bc.~~ Stormwater retention/detention ponds. ~~Trees planted a~~Adjacent to ~~S~~stormwater retention/detention ponds.
- ed. Landscaping. For residential subdivisions this may include entrance landscaping, traffic islands, separate deeded tree tracts, and other common areas.
- ~~de.~~ Individual residential building lots. ~~Trees planted on individual lots.~~

E. Mitigation. Within Soil and Vegetation Protection Areas where there are poor soils (unsuitable, disturbed, compacted, etc.), no native species, no understory vegetation, and invasive species, as determined by the Urban Forester, mitigation shall be required. Mitigation shall include the following activities:

- a. Remediation of compacted soils. Applicable only to areas without existing native soils, ground cover vegetation, or trees and their associated critical root zones.

b. Removal of invasive species.

c. Understory vegetation. Planting of native understory vegetation, or well-adapted drought-tolerant vegetation, appropriate to site conditions.

d. Restoration of existing trees through removal and replacement or restorative pruning. Including removal of hazard trees.

e. Planting of trees. At least 60% of the resulting SVPA tree distribution shall be evergreen trees.

F. Mitigation Plan. When conditions warrant it, or as determined by the Urban Forester, a mitigation plan shall be submitted and approved as an element of the Soil and Vegetation Plan pursuant to standards in the Urban Forestry Manual.

EG. For residential subdivisions, trees may be removed from individual building lots concurrent with the clearing of the proposed right-of-ways, and other frontage improvements, with the following provisions:

1. The Urban Forester has determined that the existing trees, on the proposed individual lots, are inappropriate for retention due to tree condition, soils, topographic constraints, proposed small lot size, and/or the size of the trees at maturity.
2. Clearing operations shall be conducted so as to expose the smallest practical area of soil to erosion for the least possible time. To control erosion, shrubs, ground cover and stumps shall be maintained on the individual lots, where feasible. Where infeasible appropriate erosion control practices shall be implemented pursuant to the Drainage Design and Erosion Control Manual for Olympia.

FH. Developed commercial, industrial, multifamily (more than four units) properties, nuisance tree removal. Proposals to remove a tree or trees on these properties shall comply with the following standards.

1. The tree must meet the following criteria:
 - a. Tree is causing obvious, physical damage to private or public property, including but not limited to: sidewalk, curb, road, parking lot, building foundation, roof, stormwater infiltration or treatment system; or
 - b. Tree has been damaged by past maintenance practices, that cannot be corrected with proper arboricultural practices;
2. The problems associated with the tree must be such that they cannot be corrected by any other reasonable practice. Including but not limited to the following:

- a. Pruning of the crown or roots of the tree and/or, structural changes to a building, parking lot, sidewalk or other site modifications to alleviate the problem.
- b. Pruning, bracing, cabling, to reconstruct a healthy crown.

H₄. Undeveloped Properties, Conversion Option Harvest. For properties proposing a conversion option harvest, the following standards shall apply:

1. Trees to remain should be dominant or co-dominant in the stand, healthy, and windfirm.
2. Trees to remain should be located on the site in areas that would most likely facilitate their preservation through the build-out of the site.
3. Up to 30% of the number or volume of trees, by species, can be removed every 10 years.
4. No removal of trees from critical areas or buffers.
5. No removal of Landmark trees.
6. No removal of trees that would cause trees on adjacent properties to become hazardous.
7. Logging operations shall be conducted so as to expose the smallest practical area of soil to erosion for the least possible time. To control erosion, shrubs, ground cover and stumps shall be retained where feasible. Where infeasible appropriate erosion control practices shall be implemented pursuant to the Drainage Design and Erosion Control Manual for Olympia.
8. Slash Abatement practices shall be implemented pursuant to Olympia Fire Department Standards.

J. Street trees. Street trees shall be included in the soil and vegetation protection plan. It should be drawn to scale on the site plan and should include the following information:

1. Location, size, and species of trees to be planted;
2. Description and detail showing site preparation, installation and maintenance measures;
3. Timeline for site preparation, installation and maintenance of street trees;
4. Cost estimate for the purchase, installation and maintenance for a minimum of three years of street trees;
5. The description and location of any underground or overhead utilities within the rights-of-way or near proposed street trees;
6. Additional information. The City's Urban Forester may require any additional information deemed necessary to ensure compliance with the provisions of this chapter;

7. Information waiver. The City's Urban Forester may waive the requirements for a scaled drawing and other submission data if they find that the information presented is sufficient to determine the project's compliance with the provisions of this Chapter;
8. Design guidelines: See OMC Chapters 18.100 through 18.180 in general and section 18.170.010 in particular.

OMC 16.60.080 Tree density requirement

A. Minimum Tree Density Requirement Established. A minimum tree density of 30 tree units per acre is required on the buildable area of each site, except within the Green Cove Basin (see OMC 16.60.080(5) and in critical areas, see OMC 18.32; ~~provided, however, that within the Green Cove Basin and all Residential Low Impact (RLI) zoning districts of the City a minimum tree density of 220 tree units per acre shall be provided in accordance with OMC 16.54.~~ The tree density may consist of existing trees, replacement trees or a combination of existing and replacement trees, pursuant to the priority established in Section 16.60.070. For the purpose of calculating required minimum tree density, critical areas, critical area buffers, city rights-of-way and areas to be dedicated as city rights-of-way shall be excluded from the buildable area of the site.

B. Tree Density Calculation. Specific Tree Density calculations and replacement tree standards are delineated in the City of Olympia's Urban Forestry Manual. Table 16.60.080 A shows the required minimum tree density and replacement tree requirements for various activities.

1. Developing properties are required to meet a minimum tree density of 30 tree units per acre.
2. Developed Commercial/Industrial/Multifamily (~~more than 4 units~~ 5 units or more) properties, proposing an addition or other site disturbance are required to replace a minimum tree density of one tree unit for every 500 sq. ft. of site area to be disturbed and 3 tree units for every one tree unit proposed for removal, up to the minimum tree density of 30 tree units per acre for the entire site. For the purpose of determining required replacement trees, site area disturbed shall include: installation or expansion of a building or other structure; drilling; and site alterations such as those due to land surface mining, dredging, grading, construction of earthen berms, paving, improvements for use as parking or storage, excavation or clearing.
3. Developed Commercial/Industrial/Multifamily (~~more than 4 units~~ 5 units or more) properties, proposing tree removal are required to replace 3 tree units for every one tree unit proposed for removal, up to the minimum tree density of 30 tree units per acre for the site.
4. Undeveloped property proposing a conversion option harvest are required to meet a minimum tree density of 200 tree units per acre.
5. Green Cove Basin. Within the Green Cove Basin and all Residential Low Impact (RLI) zoning districts of the City a minimum tree density of 220 tree units per acre shall be provided.

C. Replacement Tree Location. The applicant's proposed location of transplanted or replacement trees shall be subject to city approval as part of the ~~tree~~ Soil and Vegetation plan. Replacement trees should be planted according to the following priority:

1. On-Site.
2. Off-site. When room is unavailable for planting the required trees on-site, then they may be planted at another approved location in the city.
3. City Tree Account. When on-site and off-site locations are unavailable, then the applicant shall pay an amount of money approximating the current market value of the replacement trees into the City's Tree Account.

D. Replacement Tree ~~Quality~~ Standards. Replacement trees shall meet the quality and size ~~standards, and be planted pursuant to standards delineated~~ in the Urban Forestry Manual.

E. Replacement Tree ~~Planting Standards Selection and Distribution~~. ~~Trees shall be planted pursuant to the planting standards delineated in the Urban Forestry Manual. Replacement trees shall be native species or well-adapted drought-tolerant vegetation, and at least 60% evergreen trees, unless determined by the Urban Forester as not appropriate for site conditions.~~

OMC 16.60.080A TABLE: Required minimum tree density and replacement tree requirements per activity

TABLE 16.60.080A

Proposed Activity	Tree Replacement Requirements	Required Minimum Tree Density for the Parcel
New Development	30 tree units per acre	30 tree units per acre
Developing Single-family (multifamily up to 4 units)	30 tree units per acre	30 tree units per acre
Developed Properties	30 tree units per acre	30 tree units per acre
Developed Commercial/ Industrial/Multifamily (more than 4 units) proposing an addition or other site disturbance	1 tree unit for every 500 sq. ft. disturbed and 3 tree units for every one tree unit proposed for removal	30 tree units per acre

TABLE 16.60.080A

Proposed Activity	Tree Replacement Requirements	Required Minimum Tree Density for the Parcel
Developed Commercial/ Industrial/Multifamily (more than 4 units) proposing tree removal	3 tree unit for every 1 tree unit proposed for removal	30 tree units per acre
<u>Conversion Option Harvest</u>	Site must remain at a minimum tree density of 200 tree units per acre.	200 tree units per acre
<u>New Developments in Green Cove Basin or RLI land use zone, or both</u>	<u>220 tree units per acre</u>	<u>220 tree units per acre</u>

16.60.090 Tree protection during construction

Prior to initiating tree removal on the site, soils, vegetated areas and individual trees to be preserved shall be protected from potentially damaging activities pursuant to standards in the Urban Forestry Manual.

16.60.100 Maintenance requirements

The following maintenance requirements shall apply in perpetuity to all Soil and Vegetation Protection Areas, required landscaping, individually retained trees, and street trees.

A. Maintenance Requirement. ~~Soils and u~~Understory vegetation shall be maintained in a vigorous and healthy condition, free from diseases, pests and invasive plant species. Trees are to be maintained in a vigorous and healthy condition, free from diseases, pests and in accordance with the standards delineated in the Urban Forestry Manual. Trees and understory vegetation which become diseased, severely damaged or which die shall be removed by the owner as soon as possible but no later than 60 days after notification by the city. All trees and understory vegetation removed under this section shall be replaced with a healthy tree-vegetation of the same size ~~and-species,~~ and planting standards as required by the approved ~~Tree~~ Soil and Vegetation Protection plan for the property.

B. For ~~areas dedicated as tree tracts~~ Soil and Vegetation Protection Areas, required landscaping, and street trees, ~~and a single-family residential development that exceeds four units,~~ the maintenance requirement of this section shall be in effect ~~for three years~~ from the date the final plat is approved or Certification of Occupancy issued ~~or the trees are planted.~~

The ~~tree plan~~ maintenance requirement shall be a condition of approval and identified on the face of the plat when applicable. The applicant shall also execute a covenant in a form agreeable to the city which shall require

the applicant and his successors to comply with the maintenance requirement of this section. The covenant shall obligate both the property owner and ~~the~~ a homeowner's association, if applicable. The covenant shall be recorded ~~by~~ with the county auditor. The recording fee shall be paid by the applicant.

C. Multifamily Residential, Commercial, Industrial Developments. ~~For all trees covered by the tree plan, the maintenance requirement shall apply in perpetuity to developments that are multifamily residential developments in excess of four units, commercial and industrial.~~ The applicant shall execute a covenant in a form agreeable to the city which shall require that the applicant and his successors comply with the maintenance requirement imposed by this section. The covenant shall be binding on successor property owners and owners' associations. The covenant shall be recorded ~~by~~ with the county auditor. The recording fee shall be paid by the applicant.

D. ~~Maintenance Agreement Specimen Trees.~~ Each development to which the maintenance requirement for this chapter applies and that contain a specimen tree(s) shall ~~also be subject to a maintenance agreement. The urban forester shall require the applicant to execute a maintenance agreement with the city, in a form acceptable to the city attorney, which shall include the provisions of~~ in the maintenance requirement ~~in this chapter,~~ to ensure the survival and proper care of any specimen trees identified in the ~~Tree Plan~~ Soil and Vegetation Plan.

E. Surety. For residential developments containing ~~more than four units~~ five units or more, commercial and industrial projects, the applicant will be required to post a surety. The surety shall be in the form approved by the city attorney. The surety document shall have a face amount equal to 125 percent of the estimated amount necessary to guarantee the maintenance and replacement of soils, understory vegetation, and trees in conformance with the maintenance requirement and ~~tree plan~~ Soil and Vegetation Plan for a period of three years from the date the certificate of occupancy is issued by the city or from the date of final plat approval.

F. Failure to maintain. Failure to regularly maintain the ~~trees~~ Soil and Vegetation Protection Areas, required landscaping, individually retained trees, and street trees as required in this section shall constitute a violation of this chapter and, if applicable, the plat covenant.

16.60.110 Variance for hardship

The administrative process for variances shall be governed by Chapter 18.66 ~~of the Unified Development Code~~ Variations and Unusual Uses.

16.60.120 Appeal

Appeals of administrative decisions shall be governed by Chapter 18.72 ~~of the Unified Development Code~~ Administration.

16.60.130 Enforcement –Penalties

A. Authority. It shall be the duty of the Urban Forester to administer the provisions of this chapter. The Urban Forester shall have authority to issue permits, impose conditions, enforce the provisions and requirements of this chapter and permits issued thereunder, and establish administrative procedures and guidelines, conduct inspections, and prepare the forms necessary to carry out the purposes of this chapter.

B. Authorized Actions. In addition to other remedies, the city may bring injunctive, declaratory or other actions to enforce this chapter.

C. Stop Work Orders/Permit Revocation.

1. The Urban Forester shall suspend work or revoke a permit, as appropriate, if the Urban Forester finds that:

- a. The work is not authorized by a valid permit;
- b. Inaccurate information was used to obtain the permit;
- c. The permittee is not complying with the terms of the permit or approved plans;
- d. The work is, in the Urban Forester's judgment, a hazard to property or public safety, is adversely affecting or about to adversely affect adjacent property or rights-of-way, a drainageway, watercourse, environmentally sensitive area, ~~or~~ stormwater facility, or Soil and Vegetation Protection Area, or is otherwise adversely affecting the public health, safety, or welfare;
- e. Adverse weather is causing significant problems on or off site; or
- f. The required project surety has been expended to the point that it no longer provides assurance of the completion of the project in compliance with the terms of the permit.

2. The Urban Forester shall issue the permittee/violator a written notice specifying the nature of the violation or problem which must be remedied prior to resuming other work on the project. If the permittee does not comply with the order within the time specified, the Urban Forester, as an alternative to other remedies, may enter the project site and perform the required work. All costs incurred by the city in performing such work shall be drawn against the surety posted by the permittee to ensure the enforcement of the provisions of the tree plan or the tree removal permit. In the absence of sufficient surety, the city may place a lien against the property in the amount of the funds expended to perform the required work.

D. Restoration. Violators of this chapter or of a permit issued thereunder shall be responsible for restoring unlawfully damaged areas in conformance with a plan, approved by the Urban Forester, which provides for repair of any environmental and property damage, and restoration of the site; and which results in a site condition that, to the greatest extent practical, equals the site condition that would have existed in the absence of the violation(s).

E. Prohibition of Further Approvals. The city shall not accept, process, or approve any application for a subdivision or any other development permit or approval, or issue a certificate of occupancy for property on which a violation of this chapter has occurred until the violation is cured by restoration, a plan for mitigating the violation has been agreed upon, or other means accepted by the Urban Forester and by payment of any penalty imposed for the violation.

F. Criminal and Civil Penalty.

1. Any person, firm, or corporation who knowingly violates or fails to comply with any term or provision of this chapter shall be deemed to have committed a misdemeanor, and if found guilty, shall be subject to a fine not to exceed One Thousand Dollars (\$1,000), and/or to imprisonment not to exceed ninety (90) days or to both such fine and imprisonment. Each day shall be a separate offense. In the event of a continuing violation or failure to comply, the second and subsequent days shall constitute a gross misdemeanor punishable by a fine not to exceed Five Thousand Dollars (\$5,000) and/or imprisonment not to exceed three hundred and sixty-five (365) days or both such time and imprisonment. Continuing violation shall mean the same type of violation which is committed within a year of the initial violation.

2. As an additional concurrent penalty, it shall be a civil infraction for a person, firm, or corporation to violate or fail to comply with any term or provision of this chapter. Each day shall be a separate infraction. A person, firm, or corporation found to have committed a civil infraction shall be assessed a monetary penalty as follows:

3. Class 1 (\$250), not including statutory assessments.

G. Public Nuisance. Any violation of the provisions of this chapter or a violation of a permit issued hereunder is declared to be a public nuisance and may be abated through proceeding for injunctive or similar relief in Superior Court or other court of competent jurisdiction.

16.60.140 Liability on the city

Nothing in this chapter shall be deemed to impose any liability upon the city or upon any of its officers or employees, or to relieve the owner or occupant of any private property from the duty to keep in safe and healthy condition the trees upon their property or upon a public rights-of-way over their property.

16.60.160 Authority

A. Authority of the Urban Forester.

1. The Urban Forester shall manage the City's Urban Forestry Program, which includes, but is not limited to the administration of the ~~Tree Protection and Replacement~~ Tree, Soil, and Native Vegetation Protection and Replacement ordinance and the provisions of the Urban Forestry Manual.
2. The Urban Forester shall develop and periodically review and revise as necessary The Urban Forestry Manual ~~which shall contain at a minimum, standards for Tree Plan Development, Tree Planting, Tree Protection, and Specimen Tree Evaluation.~~ The Urban Forestry Manual and all revisions and amendments to it shall be available for public inspection at the office of the City Clerk.

16.60.170 Specimen tree evaluation - For public trees

A. Specimen tree evaluation shall use a standardized and professionally accepted method. Standards for the specimen tree evaluation are delineated in the Urban Forestry Manual or by request from the Urban Forester.

~~A. Size. Size shall be determined using the methodology developed by the American Forestry Association for measuring champion trees. This methodology, as adopted by the Washington Big Tree Program, is described in detail in the publication "Washington Big Tree Program 1994" by Robert Van Pelt, College of Forest Resources, University of Washington, AR-10 Seattle, Washington, 98195.~~

- ~~1. Circumference of the trunk. The circumference of the trunk in inches shall be measured at breast height (4.5 feet from the ground). If the circumference at 4.5 feet is distorted by low branching, etc., the circumference shall be taken at the smallest reading obtainable below that point.~~
- ~~2. Height of the tree. The height in feet shall be measured using standard forestry mensuration equipment (clinometer, etc.).~~
- ~~3. Average crown spread. The average crown spread is measured in feet. This shall be the average of the spread of the crown at its widest and narrowest points.~~

~~One point shall be assigned for every inch in circumference, every one (1) foot in height and every four (4) foot spread.~~

~~The size value for specimen tree evaluation shall be the percentage obtained by dividing the point value of the subject tree by the value of the state champion of the species (listed in the most recent edition of the Washington Big Tree Program) multiplied by four (4), and then rounded to the nearest whole number.~~

~~e.g.: Subject tree = 200 size points / State Champion (350 points) = 57%
57% x 4 = 2.85 rounded to 3.~~

~~B. Location. There are five (5) possible location values. They are determined based on how visible they would be to the public at large. The five locations values are:~~

- ~~1. Arterial Street R-O-W = 4 points~~
- ~~2. Collector Street R-O-W = 3 points~~
- ~~3. Local Access Street R-O-W = 2 point~~
- ~~4. Unopened R-O-W, or City Property (visible from Street) = 1 points~~
- ~~5. Unopened R-O-W, or City Property (not visible from Street) = 0~~

~~C. Condition. There are four condition criteria. The condition class of a tree shall be determined using the methodology developed by the International Society of Arboriculture, specifically described in Table 6-2, Pages 40-41 of the 8th. Edition of International Society of Arboriculture's "Valuation of Landscape Trees, Shrubs, and Other Plants."~~

- ~~1. Excellent Condition = 3 points~~
- ~~2. Good Condition = 2 points~~
- ~~3. Fair Condition = 1 point~~
- ~~4. Poor Condition = 0~~

~~D. Trees determined to have significant public value may qualify for one additional point at the discretion of the Urban Forester.~~

~~E. Specimen Street Tree Value. The specimen tree value is determined by adding the size, location and condition values together.~~

- ~~e.g.,~~ Size value (75 % of state champion) = 3
+
Location (Local Access Street R-O-W) = 2
Condition (Good) = 2
Specimen Street Tree Value (3 + 2 + 2) = 7
- ~~e.g.,~~ Size value (25% of state champion) = 1
+
Location (Arterial Street R-O-W) = 4

Fair Condition = 1

Specimen Street Tree Value (1 + 4 + 1) = 6

~~16.60.180 Tree Pruning Standards for Public Trees~~

- ~~A. All pruning shall comply with National Arborist Association pruning standards.~~
- ~~B. Crown reduction pruning shall only be allowed when the Urban Forester deems that such pruning is necessary to reduce a hazardous condition posed by the tree.~~
- ~~C. When clearance, skirting or window pruning is performed, no more than 30% of the live crown may be removed in any 3 year period of time.~~
- ~~D. All pruning shall be performed in such a manner that the trees are maintained in the optimum health at all times, as determined by the Urban Forester.~~

Section 9. Amendment OMC 17.20.010. Olympia Municipal Code Section 17.20.010 is hereby amended to read as follows:

OMC 17.20.010 Duration of Approval

Approval of the preliminary plat shall be effective for five years from the date of approval by the hearing examiner or City Council, during which time a final plat or plats may be submitted. During this time the terms and conditions upon which the preliminary approval was given will not be changed, except as provided for in Section 17.20.040. ~~Preliminary plats within the delineated Green Cove basin may be further extended up to three (3) years after final stormwater regulations for that basin have been enacted, subject to conditions including, but not limited to: 1) an agreement by the developer/owner that the plat will comply with final stormwater regulations for that basin; 2) that should the application of the final regulations substantially alter the preliminary plat, the procedures for substantial changes under OMC 17.20.040 shall be followed; 3) standard city fees, including those for city review of infrastructure design brought about by application of the final stormwater standards, will be paid; and 4) the developer/owner agrees that regardless of prior vesting, the allowance for bonding engineered improvements prior to final plat shall be governed by Ordinance No. 5718, or as amended.~~

Section 10. Amendment OMC 18.02.130. Olympia Municipal Code Section 18.02.130 is hereby amended to read as follows:

OMC 18.02.130 Vesting of applications

E. Exceptions. Where a necessary preliminary approval is a final subdivision plat, change in zoning, or comprehensive plan amendment, any previously submitted building permit application shall be considered under the laws, ordinances, standards and fees in effect on the date that such plat, zoning or plan amendment is final. Any environmental impact mitigation measures imposed under the authority of the State Environmental Policy Act shall be based upon policies, plans, rules or regulations in effect on the date that the applicable

determination of nonsignificance, mitigated determinations of nonsignificance or draft environmental impact statement is issued. Any development application is also subject to any special vesting exceptions of the Western Washington Municipal Stormwater Permit. Any application for a change in zoning, comprehensive plan amendment, or adoption or amendment of development regulations shall be reviewed subject to the comprehensive plan and other laws and policies in effect on the date that a final decision is rendered by the Olympia City Council. Any application for utility service extension or connection to serve property outside the limits of the City of Olympia shall be reviewed and subject to regulations and standards as set forth in the applicable utility service or annexation agreement.

Section 11. Amendment OMC 18.02.180.C. Olympia Municipal Code Subsection 18.02.180.C is hereby amended to read as follows:

OMC 18.02.180 Definitions

C. DEFINITIONS - SPECIFIC.

Caliper. The American Association of Nurserymen standard trunk measurement of nursery stock. Caliper of the trunk shall be the trunk diameter measured six inches above the ground for up to and including four inch caliper size, and twelve inches above the ground for larger sizes.

Canopy. A permanent flat roof-like structure attached to and supported by a building, used principally as protection from sun and rain. The structure may or may not incorporate a sign.

Carport. A roofed structure providing space for the parking of motor vehicles, boats, recreational vehicles or other equipment, and enclosed on no more than three sides.

Cemetery. Property used for the interment of the dead.

Certificate of Appropriateness. A letter or other document stating that proposed changes will not adversely affect the historic characteristics of the property that contribute to its designation.

Certificate of Occupancy. A permit issued by the Community Planning and Development Department prior to occupancy of a structure when the structure is ready for occupancy.

Change of Occupancy. A change in the existing occupancy classification of a building, structure, or land, or portion thereof, as established and defined by the Uniform Building Code then in effect. Land use approval by appropriate authority and a certificate of occupancy issued by the building official may be required for any such change

Change of Use. Any use that substantially differs from the previous use of a building or land. If a particular land use is undefined by this Development Code, the most similar use listed in the Standard Industrial

Classification (SIC) Manual shall be used. A change of ownership shall not be considered a change of use. (See also Thurston County Assessor SIC land use classifications.)

Child Day Care. The provision of supplemental parental care and supervision:

- a. For an unrelated child or children,
- b. On a regular basis,
- c. For less than 24 hours a day, and
- d. Under license by the Washington State Department of Social and Health Services.

As used in this Development Code, the term is not intended to include babysitting services of a casual, non-recurring nature or in the child's own home. Likewise, the term is not intended to include cooperative, reciprocal child care by a group of parents in their respective domiciles.

Child Care Home, Family. A facility in the residence of the licensee providing regular scheduled care for twelve or fewer children, within a birth through eleven-years-of-age range exclusively, for periods of less than 24 hours.

Child Day Care Center. A facility providing regularly scheduled care for a group of children one month of age through 12 years of age for periods less than 24 hours.

Church. A building or structure, or groups of buildings or structures, that by design and construction are primarily intended for conducting organized religious services and associated accessory uses, not to include bingo or games of chance, nor schools which exceed normal religious service hours.

City. The City of Olympia.

City Council. The duly elected Mayor and Council Members of the City of Olympia.

Clear Sight Triangle. A triangular-shaped portion of land at street intersections in which nothing is erected, placed, planted, or allowed to grow in such a manner as to limit or obstruct the vision of vehicle operators entering or exiting the intersection. (See also Chapter 18.40.)

Clearing. The destruction or removal of vegetation from a site by physical, mechanical, chemical, or other means, not including landscape maintenance or pruning consistent with accepted horticultural practices which does not impair the health or survival of trees and vegetation.

Clinic. A place for outpatient medical services to human patients.

Closed Record Appeal. An administrative appeal following an open record hearing on a project permit application when the appeal is on the record with no new evidence or information allowed to be submitted and only appeal argument allowed. [See RCW 36.70B.020 (1)].

Club. An association of persons (whether or not incorporated) organized for some common purpose, not including a group organized primarily to render a service customarily carried on as a business. Retail warehouse buying clubs are not included in this definition. (See also Health Club and Country Club.)

Clustered Subdivision. A subdivision development in which building lots are sized to conform to the "footprint" of the structures and placed closer together than conventional development (usually in groups or clusters). The remaining undeveloped land is generally preserved as open space and/or recreation land. Private development easements around the structures are permitted for private landscaping, pools, spas, yards, and similar uses.

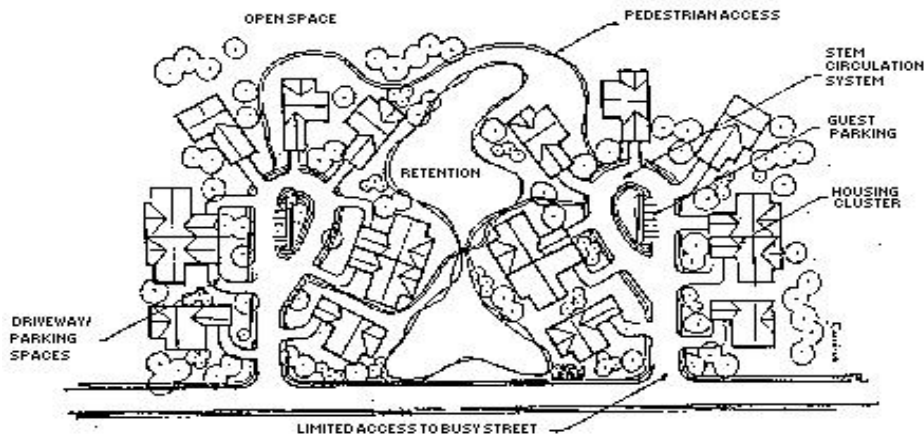


FIGURE 2-2

Cocktail Lounge. See Drinking Establishments.

Co-Housing. See Dwelling, Conventional.

Collocation. The practice of installing and operating multiple wireless carriers, service providers, and/or radio common carrier licensees on the same antenna support structure or attached wireless communication facility using different and separate antenna, feed lines and radio frequency generating equipment.

Combined Antenna. An antenna or an antenna array designed and utilized to provide services for more than one wireless provider for the same or similar type of services.

Commercial Vehicle. A vehicle customarily used as part of a business for the transportation of goods or people.

Commission. The Planning Commission of the City of Olympia.

Common Structure. A commonly owned structure intended for the common use of all residents of the development which meets the requirements of Section 18.04.060(F)(1).

Community Clubhouse. A privately owned structure in which inhabitants of a neighborhood or subdivision, or members of a neighborhood association gather for meetings and other activities.

Community Park. An area intended for use by the community for active and/or passive recreation activities. Such parks may contain large areas such as lake fronts, parkways, forest areas, picnic areas, arts facilities and regulation size athletic fields designed for organized competitive sports such as softball, baseball or soccer.

Compensation. Types of compensation include, but are not limited to the following:

In-Kind. Replacement of a habitat type with substitute habitat whose characteristics closely approximate those destroyed or degraded by an allowable use or activity.

Off-Site. Replacement of a specific habitat type away from the site on which a habitat type has been impacted by an allowable use or activity.

On-Site. Replacement of a habitat type at or within 500 feet of the site on which the habitat type has been impacted by an allowable use or activity.

Out-of-Kind. Replacement of a habitat type with a substitute habitat type whose characteristics do not closely approximate those destroyed or degraded by an allowable use or activity.

Compensation Project. Actions necessary to replace project-induced losses to the functional values of a critical area, including land acquisition, planning, construction plans, monitoring and contingency actions.

Complete Application. A written application for a project permit which meets the procedural submission requirements of the City and is sufficient for continued processing even though additional information may be required or project modifications may subsequently occur. To be complete, an application must include all required information, elements, attachments and supplemental studies or reports as set forth in the applicable section of the Olympia Municipal Code and as described on the approved application form, including any environmental checklist required by OMC Chapter 14.04; all insufficient detail for the reviewing authority to determine whether or not such application conforms with applicable regulations and standards. An application including such information which does not conform or is inconsistent with such regulations and standards shall nonetheless be deemed complete. See RCW 36.70A.440 [🔗](#).

Complete Application, Date of. The date upon which the City has received all necessary information, forms, and fees required for the City to issue a determination of completeness. The date of complete application may precede the date upon which such determination is issued.

Comprehensive Plan. The plan adopted by the City Council to guide the physical growth and improvement of the city, including any future amendments and revisions.

Conditional Use Permit. A discretionary permit granted under the provisions of this Development Code and which, when granted, authorizes a specific use to be made of a specific property, subject to compliance with all terms and conditions imposed on the permit.

Condominium. See Dwelling, Conventional.

Conference Center. A facility used for seminars, conventions, symposiums and similar uses, with meeting rooms and possibly food preparation and eating facilities.

Confidential Shelter. See Dwelling, Assisted Living.

Conforming Use. A land use consistent with the list of permitted uses for the district in which it is located, or otherwise designated as a conforming use in that district.

Congregate Care Senior Housing. See Dwelling, Assisted Living.

Consistency with Comprehensive Plan. Performance in accordance with and complying and conforming with state law and the Olympia Comprehensive Plan as determined by consideration of the type of land use, the level of development, infrastructure, and the character of the development. [See RCW 36.70B.040].

Construction Permit. A building permit or engineering permit issued by the City of Olympia or other public agency authorizing specific physical alteration of land or alteration, installation, placement or creation of structures attached to land, including land covered by water.

Construction Permit, SEPA-exempt. A construction permit or license exempt from the threshold determination and environmental impact statement requirements of the State Environmental Policy Act, such as an electrical, mechanical, plumbing or single-family building permit, and installation permits for lateral utility lines.

Contiguous Land. Parcels adjoining and touching other land and having the same owner regardless of whether or not portions of the parcels have a separate tax lot numbers, were purchased at different times, lie in different sections, are different government lots or are separated from each other by private roads or private rights-of-way.

Contributing Historic Property. A property within a designated historic district listed as having enough historic significance to have been listed as a "contributing" property during the historic district approval process.

Convalescent Home. See Dwelling, Assisted Living.

Cornice. Any ornamental molding which protrudes along the top of a building.

Cottage Housing. See Dwelling, Conventional.

Country Club. A private or public membership facility designed for tennis, swim and other recreational activities except riding stables. Such uses and activities may be grouped around a clubhouse containing a restaurant, banquet and meeting room facilities. (See also Golf Course.)

County. Thurston County.

Courtyard. An open, unoccupied space, other than a yard, on the same lot with a building and bounded on two or more sides by the walls of a building.

Covenant. See Restrictive Covenant.

Coverage, Building. The portion of a lot covered by the principal and accessory building floor area including all areas covered by a weather-tight roof, excluding two feet of eaves.

Coverage, Impervious/~~Development~~. The area which is occupied or covered by all impervious surfaces including the total horizontal surface of all buildings, except two feet of eaves. (See ~~also~~ Net Site Area and Impervious Surface definitions.)

Crematorium. A facility that uses heat or fire to reduce human or animal remains to ashes.

Creek. See Stream.

Crisis Intervention Service. A mental health agency that offers 24 hour counseling, instruction and referral to persons in critical situations. This service is provided by telephone only and not in-person. Crisis intervention services are defined and regulated in Chapter 275-56-350 of the Washington Administrative Code. Such facilities may be characterized by a need for location confidentiality. This is not defined as a Business Office nor a Government Office.

Critical Area. Any of the following areas and ecosystems:

- a. Wellhead Protection Areas,
- b. Important Habitats and Species,
- c. Streams,
- d. Wetlands and Ponds, and
- e. Landslide Hazard Areas.

Critical Area Tract. An area containing a critical area and/or buffer and that is subject to a recorded critical area protection restriction. (See Tract)

Culvert. A conveyance device (e.g., concrete box, pipe) which conveys water under (usually across) a roadway or embankment.

Section 12. Amendment OMC 18.02.180.D. Olympia Municipal Code Subsection 18.02.180.D is hereby amended to read as follows:

D. DEFINITIONS - SPECIFIC.

Dangerous Waste. Any discarded, useless, unwanted or abandoned substances, including but not limited to certain pesticides, or any residues or containers of such substances which are disposed of in such quantity or concentration as to pose a substantial present or potential hazard to human health, wildlife, or the environment because such wastes or constituents or combinations of such wastes:

- a. Have short-lived, toxic properties that may cause death, injury or illness or have mutagenic, teratogenic or carcinogenic properties; or
- b. Are corrosive, explosive, flammable or may generate pressure through decomposition or other means.
(See also Hazardous Waste, Extremely.)

Date of Filing. The date that a complete and accurate application is submitted and appropriate fees paid.

Days. Consecutive calendar days unless otherwise stated.

Decorative Grille Work. Grille work which through the use of material, geometric pattern, configuration, embellishment, or workmanship exceeds the normal functional requirements. Parallel vertical bars - resembling a jail cell pattern - are not considered decorative grille work.

Dedication. The deliberate appropriation of land by an owner(s) for any general and public uses, reserving to themselves no other rights than such as are compatible with the full exercise and enjoyment of the public uses to which the property is to be devoted. The intent to dedicate shall be evidenced by the owner by the presentment for filing of a final plat, short plat or binding site plan which shows the dedication thereon. Acceptance by the public shall be evidenced by written approval issued by the city of such document for filing with the County Auditor.

Deficiency, Application. The lack of an element or information which results in an application being deemed not complete, or which otherwise prevents meaningful review and rendering of a decision regarding the application. A deficiency includes an element or information which is absent, is inaccurate or in some other aspect does not conform with applicable regulations and standards, and supplemental information or studies

required to review an application. Erroneous or misleading information intentionally included in an application shall constitute a deficiency.

Department. The City of Olympia Community Planning and Development Department.

Design. The planning and engineering of street alignments, grades and widths; drainage and sanitary facilities and utilities, including alignment and grades thereof; location and size of all required easements and rights-of-way; fire roads and fire breaks; lot size and configuration; vehicle access; grading; land to be dedicated for park or recreational purposes; building and other accessory physical requirements.

Design Review. The evaluation of a site, building, landscape design plan or sign program submitted to the Design Review Board or staff, which may approve or deny the plan in part, or make further design recommendations based upon adopted guidelines.

Design Review Board. A committee with a balance of design professionals (architecture, planning, engineering, landscape architecture) and citizens who are appointed by the City Council.

Detached. Any building or structure that does not have a wall and roof in common with any other building or structure and where exterior walls are separated by six feet or more. (See Attached Structures; note that structures conforming with neither definition must conform with the requirements of this title for both types of structures).

Determination of Completeness. A written determination by the director or fire chief or their respective designees that all required elements of an application have been received by the City. This determination initiates the statutory review period for the application, if any, and subject to certain exceptions, entitles the applicant to have the application considered and reviewed pursuant to the laws, regulations and standards in effect on the date the application was complete.

Development. The division of a parcel of land into two or more parcels; the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any structure; any mining, excavation, landfill, clearing or land disturbance; or any change of use or extension of the use of land. (See also Improvement.)

Development Area, WCF. The area occupied by a wireless communications facility including areas inside or under the following: an antenna support structure's framework, equipment cabinets, ancillary structures and access ways.

Development Code. A text incorporating areas of regulation more typically presented in separate zoning and subdivision ordinances and related chapters of the Municipal Code.

Development Coverage. ~~See Coverage, Development.~~ Except where the context indicates otherwise, "development coverage" has the same meaning as impervious coverage.

Development Permit. Any land use permit which must be approved prior to the improvement and development of land or structures.

Director. The Director of the City of Olympia Community Planning and Development Department, and the Director's designees.

District or Zone. A specific area designated on the official zoning map of the city as one of the use districts as provided for in this title; such area is subject to all the requirements and regulations applicable to such district.

Dormitory. A residential structure intended principally for sleeping accommodations, where no individual kitchen facilities are provided, and which is related to an educational or public institution or is maintained and operated by a non-profit welfare organization.

Drinking Establishment. A business primarily engaged in the retail sale of alcoholic beverages for consumption on the premises, including night clubs, bars, and taverns. A lounge operated as part of a restaurant is considered to be accessory to the restaurant.

Drinking Water Protection Area. See OMC 18.32.205.

Drip Line. An imaginary ground line around a tree or building that defines the outermost limits of the tree canopy or building roof eave.

Drive-in Theater. An open lot devoted primarily to the showing of motion pictures.

Drive-Through Restaurant. See Restaurant, Drive-Through.

Dwelling Unit. See definition for single-family. Various types of housing or human shelter, which are listed below and categorized by use.

a. Dwelling, Conventional.

i. Accessory Dwelling Unit. A dwelling unit that has been added onto, created within, or separated from a single-family detached dwelling for use as a complete independent living unit with provisions for cooking, sanitation and sleeping.

ii. Apartment. A dwelling within a structure designed and used for occupancy by three or more individual persons or families living independently of each other. These structures include triplexes, fourplexes, and other multi-unit configurations.

iii. Boarding Home. Any home or institution, however named, which is advertised, announced or maintained for the express or implied purpose of providing board and domiciliary care to three or more aged persons not related by blood or marriage to the operator, under the provisions of Chapter

18.20 RCW. It shall not include any home, institution or section thereof which is otherwise licensed and regulated under the provisions of state law providing specifically for the licensing and regulation of such home, institution or section thereof. (See also Dwelling, Assisted Living.)

iv. Co-Housing. Co-housing developments consist of two or more dwelling units, one or more shared community structures (e.g., containing a meeting hall, dining hall/kitchen, community center, or day care) and perhaps a community garden, recreation area, or similar community oriented use.

v. Condominium. A development consisting of an undivided interest in common for a portion of a parcel coupled with a separate interest in space in a residential or commercial building on the parcel.

vi. Cottage Housing Development. Four or more small, detached dwelling units sharing a commonly owned courtyard/common area and parking area.

vii. Duplex. One building containing two single-family dwelling units totally separated from each other by a one-hour fire wall or floor.

viii. Guest House. Living quarters without kitchen facilities located on the same lot with a principal building and occupied for the sole use of members of the family, temporary guests, or persons permanently employed on the premises. (See also Accessory Dwelling Unit.)

ix. Manufactured Home. A single-family residence constructed after June 15, 1976, and installed in accordance with the U.S. Department of Housing and Urban Development (HUD) requirements for manufactured housing and bearing the appropriate insignia indicating such compliance.

x. Manufactured Home, Designated. A manufactured home constructed after June 15, 1976, in accordance with state and federal requirements for manufactured homes, and which meets the requirements of OMC 18.04.060.O.

xi. Manufactured Home, New. Any manufactured home required to be titled under Title 46 RCW, which has not been previously titled to a retail purchaser, and is not a "used mobile home" as defined in RCW 82.45.032 (2).

xii. Mobile Home. A single-family residence transportable in one or more sections, built on a permanent chassis, designed to be used as a permanent dwelling and constructed before June 15, 1976.

xiii. Modular Home. A structure constructed in a factory and installed in accordance with the applicable Building Code and bearing the appropriate insignia indicating such compliance. This definition includes "pre-fabricated," "panelized" and "factory built" units.

xiv. Single-Family Dwelling. A single unit providing complete, independent living facilities for a family, including permanent provisions for living, sleeping, cooking and sanitation.

xv. Single-Room Occupancy. A housing type consisting of one room with cooking facilities and with shared bathroom facilities. (See also Boarding Home, Lodging House and Bed and Breakfast.)

xvi. Townhouse. A single-family dwelling unit which is part of a group of two or more such units separated by a completely independent structural wall (including utilities in separate walls), extending from the ground to the roof in accordance with the applicable Building Code and which has no doors, windows or other provisions for human passage or visibility through the wall. In certain zoning districts, such dwelling units are platted with common side and/or rear property lines between the structural walls. See Chapter 18.64.

b. Dwelling, Transient.

i. Bed and Breakfast. A dwelling for the purpose of providing lodging for travelers and guests for a period of less than two weeks for compensation and having at least one kitchen used to provide breakfast but no other meals. Such dwelling shall have no more than five such guest rooms for persons other than the immediate family of the operator occupying such dwelling. Any such dwelling having over five such guest rooms is a hotel.

ii. Hotel. Any building containing six or more guest rooms where lodging, with or without meals, is provided for compensation, and where no provisions are made for cooking in any individual room or suite.

iii. Lodging House. A dwelling having only one kitchen and used for the purpose of providing lodging, or lodging and meals, for compensation for no more than five persons other than the members of the immediate family of the operator occupying such dwelling. Any such dwelling having over five such guests is considered a hotel. (See also Boarding Home.) [NOTE: A lodging house allows for an unlimited stay, unlike a Bed and Breakfast which is limited to two weeks.]

iv. Motel. Guest rooms or suites occupied on a transient basis often with most rooms gaining access from an exterior walkway. (See also Recreational Vehicle.)

v. Trailer House. See Recreational Vehicle.

c. Dwelling, Assisted Living.

i. Adult Day Care Home. A residence in which adults (at least 18 years in age) and who are not related to the caregiver stay for no more than 12 hours per day. Emergency medical care may be provided in such facilities, but not convalescent care. (See also Convalescent Home and Elder Care Home.)

ii. Convalescent Home. Any home, place, institution or facility which provides convalescent or chronic care, or both, for a period in excess of 24 consecutive hours for three or more patients not related by

blood or marriage to the operator, who by reason of illness or infirmity, are unable properly to care for themselves. Such establishment shall be duly licensed by the State of Washington as a "nursing home" in accordance with the provisions of Chapter 18.51 RCW.

iii. Congregate Care Facilities. A building or complex of dwellings specifically designed for occupancy by senior citizens which provides for shared use of facilities, such as kitchens, dining areas, and recreation areas. Such complexes may also provide kitchens and dining space in individual dwelling units. Practical nursing care may be provided, but not nursing care as described in Section 18.04.100(S).

iv. Elder Care Home. An elder care home or adult family home in the primary residence of a person licensed pursuant to Chapter 70.128 RCW to provide personal care, room, and board for one to five adults (at least 18 years of age) who are not related to the caregiver. Home health care and limited nursing care (dispensing of medicine and emergency medical aid) may be provided, but not convalescent care. (See also Convalescent Home, and Boarding Home.)

v. Group Homes. A place of residence for the handicapped, physically or mentally disabled, developmentally disabled, homeless, or otherwise dependent persons. Group Homes are intended to provide residential facilities in a home-like environment. Such homes range from licensed establishments operated with 24 hour supervision to non-licensed facilities offering only shelter. They shall not include correctional facilities (except as authorized by Chapter 137-56 and 137-57 WAC for work/training release programs), nursing homes, Type III group care facilities, foster family homes, or adult family homes as defined by the Washington State Department of Social and Health Services or its successor agency. Group homes include, but are not limited to the following:

(a) Confidential Shelters. Shelters for victims of domestic violence as defined and regulated in Chapter 70.123 RCW and Chapter 388-61A WAC. Such facilities are characterized by a need for confidentiality.

(b) Home for the Disabled. A home or other facility which provides board and domiciliary care to individuals who, by reason of infirmity, require such care. An infirmity may be based on conditions including, but not limited to, physical handicap, mental illness, and other developmental disabilities. These group homes are a type of boarding home, as defined and regulated in Chapter 18.20 RCW. However, boarding homes serving the aged infirm are not included in this definition.

(c) Homeless Shelter. A facility offering lodging and/or emergency shelter to homeless individuals for an indefinite period of time and meeting the standards of Chapter 248-144 WAC.

(d) Group Home for Youth. Any home maintained and operated for the care of children on a 24 hour basis as defined and regulated in Chapter 388-73 WAC and Chapter 74.15 RCW.

(e) Group Home for Offenders. A home or other facility operated for housing and supervision of work/training release residents during their stay in a work/training release program as defined and regulated in Chapters 137-56 and 137-57 WAC.

vi. Hospice Care Center. Facilities licensed under Chapter 70.41 RCW which provide for the emotional and physical care of terminally ill patients. Such centers provide food, lodging, and palliative care on a full-time (24 hour) basis for two or more people, unrelated to the Center's operator, who are in the latter stages of a disease expected to cause death.

vii. Nursing Homes. See Convalescent Home.

viii. Rest Home. See Congregate Care.

Section 11. Amendment OMC 18.02.180.H. Olympia Municipal Code Subsection 18.02.180.H is hereby amended to read as follows:

OMC 18.02.180 Definitions

H. DEFINITIONS - SPECIFIC.

Handoff Candidate. A wireless communication facility that receives call transference from another wireless facility, usually located in an adjacent first "tier" surrounding the initial wireless facility.

Hard Surface. An impervious surface, a permeable pavement, or a vegetated roof, in contrast with vegetated permeable soils.

Hazardous Materials. Those materials which are acutely toxic, ignitable, corrosive, reactive, persistent, carcinogenic, or which leach hazardous constituents, as described in Chapter 173-303 WAC. Examples include, but are not limited to, pesticides, acids, paint strippers and antifreeze.

Hazardous Waste. Those wastes which are acutely toxic, ignitable, corrosive, reactive, persistent, carcinogenic, or which leach hazardous constituents or are specifically listed as hazardous waste, as described in Chapter 173-303 WAC. Examples include, but are not limited to, pesticides, acids, paint strippers and antifreeze.

Hazardous Waste, Extremely. Any dangerous waste which:

a. Will persist in a hazardous form for several years or more at a disposal site and which in its persistent form:

i. Presents a significant environmental hazard and may be concentrated by living organisms through a food chain or may affect the genetic makeup of man or wildlife, and/or

ii. Is highly toxic to man or wildlife;

b. Is disposed of at a disposal site in such quantities as would present an extreme hazard to people or the environment. (See also Ash, Incinerator and Off-Site Treatment and Storage Facility.)

Health Fitness Centers and Dance Studios. Health clubs, aerobics centers, athletic clubs and gymnasiums, indoor tennis and swim clubs, handball and racquetball clubs, weight-reducing centers, dance studios, and other businesses primarily engaged in indoor health and recreation activities, whether on a membership basis or for the general public. (See also Commercial Recreation, Golf Courses, Country Clubs, and Riding Stables.)

Health Officer. That person of the Thurston County Health Department described as such in Chapter of 70.05 RCW or a duly authorized representative.

Hearing Examiner. See Examiner.

Hedge. A row of shrubs or low-branching trees planted close together that forms a sight-obscuring or obstructing barrier below seven feet above the ground.

Height, Building. The vertical distance from grade plane to the average height of the highest roof surface.

Herbicide. Any substance used to kill plants, especially weeds.

Heritage Commission. A commission charged with historic planning and preservation, consisting of members appointed by the City Council.

Heritage Register or Register. The listing of properties having special historic significance and is listed on the Olympia Heritage Register, and including listings on the Washington Heritage Register, or National Register of Historic Places.

Heritage Review Committee. A sub-committee of the Heritage Commission charged with reviewing proposed changes to properties on the Heritage Register or within a historic district, and with making recommendations on permit approval to the Building Official.

Historic Building. A building listed on the Olympia Heritage Register, the National Register of Historic Places and/or the Washington Heritage Register.

Historic District. A geographically defined area containing buildings, structures, sites, objects and spaces linked historically through location, design, setting, materials, workmanship, feeling, and/or association. The significance of a district is the product of the sense of time and place in history that its individual components collectively convey. This sense may relate to developments during one period or through several periods in history.

Historic House Museum. A home owned by a public or registered nonprofit organization that has been placed on the National, local or State Register of Historic Places, and which is open to the public.

Historic Preservation Officer, Preservation Officer. The person designated by the Director to respond to requests for review and information relating to historic preservation and to be the primary staff liaison to work with the Heritage Commission.

Historic Resources. Any building, structure, object, district, area, or site that is significant in the history, architecture, archaeology or culture of this city, state, or nation, as identified by the Olympia Heritage Register, Washington Heritage Register, or the National Register of Historic Places.

Historic Site. A place where a significant event or pattern of events occurred. It may be the location of prehistoric or historic occupation or activities that may be marked by physical remains; or the site may be the symbolic focus of a significant event or pattern of events that may not have been actively occupied. A site may be the location of a ruined or now nonexistent building, structure, or object if the location itself possesses historic, cultural, or archaeological significance.

Historic Sites (Registered). Those buildings, structures, districts, sites and objects which are on the City Heritage Register or the State or National Register of Historic Places. (See also Archaeological Sites.)

Home Occupation. A commercial use within a residential dwelling unit which is clearly incidental and accessory to the residential use of the property and complies with applicable provisions of this Title.

Hospice Care Center. See Dwelling, Assisted Living.

Hospital. A medical institution or facility within an integrated campus setting for the purpose of diagnosis, care, and treatment of human illness, including surgery, long-term and emergency medical treatment. (See also Office, Medical.)

Hotel. See Dwelling, Transient.

Human Scale. The size or proportion of a building element or space, or an article of furniture, relative to the structural or functional dimensions of the human body. For example, a brick is approximately the size of a human hand.

Hydric Soil. A hydric soil is a soil that formed under conditions of saturation, flooding, or ponding long enough during the growing season to develop anaerobic conditions in the upper part. (USDA - NRCS 1995, Federal Register, 7/13/94, Vol. 59, No. 133, pp 35680-83). Hydric soils that occur in areas having positive indicators of hydrophytic vegetation and wetland hydrology are wetland soils, as defined by the Washington State Wetlands Identification and Delineation Manual (1997), Ecology Publication #96-94, as amended or revised.

Section 14. **Amendment OMC 18.02.180.I.** Olympia Municipal Code Subsection 18.02.180.I is hereby amended to read as follows:

OMC 18.02.180 Definitions

I. DEFINITIONS - SPECIFIC.

~~Impervious Surface. Pavement, including but not limited to, asphalt, concrete, and compacted gravel, roofs, revetments, and any other man-made surfaces which substantially impede the infiltration of precipitation. Exceptional pavements and other materials may be exempted in whole or in part by the Director. A non-vegetated surface area which either prevents or retards the entry of water into the soil mantle as under natural conditions prior to development. A non-vegetated surface area which causes water to run off the surface in greater quantities or at an increased rate of flow from the flow present under natural conditions prior to development. Common impervious surfaces include, but are not limited to, roof tops, walkways, patios, driveways, parking lots or storage areas, concrete or asphalt paving, gravel roads, gravel parking lots, gravel pathways, packed earthen materials, and oiled, macadam or other surfaces which similarly impede the natural infiltration of stormwater.~~

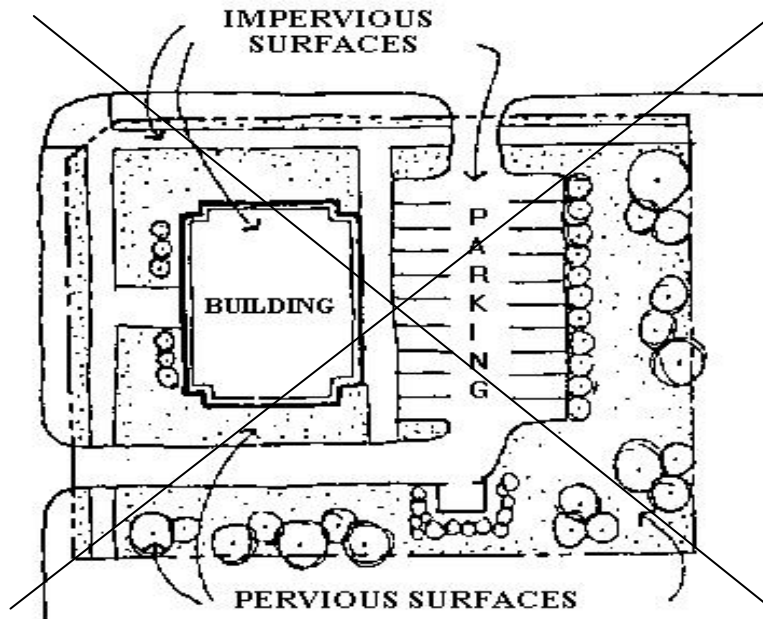


FIGURE 2-4

Important Habitat. See OMC 18.32.305.

Important Riparian Area. See OMC 18.32.405.

Important Species. See OMC 18.32.305.

Improvements. Any act which improves the value of public, real and personal property, or which is necessary as a condition of development, including but not limited to: streets and roads complying with the development standards and specifications adopted by the city; public utility and pedestrian facilities; street lights; landscape features; sewer and water lines; bridge structures; storm drainage facilities; and traffic control devices as are required to be installed as a part of subdivision, short subdivision, large lot subdivision, binding site plan, or commercial development. (See also Development.)

Incentives. A motivation or stimulus provided by government for public purposes, including but not limited to: compensation, rights or privileges or combination thereof which the City Council, or other local, state or federal public body or agency, by virtue of applicable present or future legislation, may be authorized to grant or obtain for the owner(s) of properties. Examples of economic incentives include but are not limited to tax relief, bonus densities, conditional use permits, rezones, street vacations, planned unit developments, transfer of development rights, facade easements, gifts, preferential leasing policies, private or public grants-in-aid, beneficial placement of public improvements, or amenities, or the like.

Industry, Heavy. The basic processing and manufacturing of materials or products predominately from extracted or raw materials, or a use engaged in storage of, or manufacturing processes using flammable or explosive materials, or storage or manufacturing processes that potentially involve hazardous or commonly recognized offensive conditions. This may include either Group F (factory and industrial) or Group H (hazardous) occupancies (types of buildings) under the Uniform Building Code. Other occupancies, such as Group M (mercantile) or Group S (storage), are allowed.

Industry, Light. A use engaged in the basic processing and manufacturing of materials or products predominantly from previously prepared materials or finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales, and distribution of such products, but excluding basic processing of raw materials, except for food products. This also includes maintenance and service facilities for motor vehicle passenger transportation, such as for taxi fleets, public transit fleets, or school bus fleets. This may include Group F (factory and industrial)--but not Group H (hazardous)--occupancies (types of buildings) under the Uniform Building Code. Other occupancies, such as Group B (business) or Group S (storage), are allowed.

Infill Development. New development that occurs on vacant lots within areas already developed.

Inpatient Facility. A state-licensed facility providing board and room on a 24 hour per day basis as part of a treatment program for alcoholism, drug addiction, or other chemical dependency. The term includes shelters for qualified indigent alcoholics and/or drug addicts placed by chemical dependency assessment centers.

Interdisciplinary Team. A group of technical experts from the City of Olympia, other consulted agencies, and tribes which advises the Department on a specific development application.

Section 15. Amendment OMC 18.02.180.N. Olympia Municipal Code Subsection 18.02.180.N is hereby amended to read as follows:

OMC 18.02.180 Definitions

N. DEFINITIONS - SPECIFIC.

National Register of Historic Places. The national listing of properties deemed significant because of their documented importance to our history and architectural, engineering or cultural heritage, as administered by the Department of the Interior under the National Historic Preservation Act of 1966.

Native Vegetation. Vegetation comprised of plant species, other than noxious weeds, that are indigenous to the coastal region of the Pacific Northwest and which reasonably could have been expected to naturally occur on the site.

Neighborhood Association. A group of people organized for the purpose of considering and acting upon any of a broad range of issues affecting the livability and quality of their neighborhood. A neighborhood association may be "recognized" by the City if it meets the minimum standards and applicable guidelines adopted by the City in Chapter 18.86 OMC.

Net Site Area. The total area within the lot lines of a lot or parcel of land after public street rights-of-way or other areas to be dedicated or reserved for public use are deducted from such lot or parcel.

Nonconforming Building or Structure. A building or structure or portion thereof which was lawfully erected or altered and maintained, but because of the application of this title no longer conforms to the yard, height or area requirements of the use district in which it is located.

Nonconforming Lot. A lot which does not conform with the provisions of this Title or Subdivision Code.

Nonconforming Use. An activity in a structure or on a tract of land that was legally established, but because of the application of this title no longer conforms to the use regulations of the district in which it is located.

Nonprofit Institutions. A charitable organization formed and devoted to performing public service or to further private benevolent endeavors.

Non-Profit Physical Facilities. Facilities for physical education activities such as sports or health fitness, which are owned and operated by a non-profit organization.

Normal Maintenance. Those usual acts to prevent a decline, lapse or cessation from a lawfully established condition.

Normal Repair. To restore a development to a state comparable to its original condition within a reasonable period after decay or partial destruction, except where repair involves a near or total replacement which is not common practice or causes substantial adverse effects to the environment.

Notice of Application. A written notice that a complete project permit application has been received by the City, including, at minimum, the date of application, the date of the notice of completeness of the application, the date of the notice of application, a description of the proposed project, a list of permits requested by the applicant, a list of any studies requested by the City, identification of other permits known to be required for the project but not requested by the applicant, identification of existing environmental documents evaluating the proposal, the location where the application and any studies can be reviewed, a statement of the public comment period, a statement of the right of any person to comment on the application, receive notice of and participate in any hearing, request a copy of the decision once made, and of any appeal rights, the date, time, place, and type of any hearing scheduled at the date of the notice, a statement of the preliminary determination of those development regulations that will be used for project impact mitigation, a statement of whether an environmental impact statement will be required and a statement of any preliminary determination of consistency with plans and regulations of the City. [See RCW 36.70B.110].

Notice of Decision. A written notice of the City's decision on a project permit application, including a statement of any SEPA threshold determination and any administrative appeals procedures.

Noxious Weed Control. Those activities subject to review or action by the Thurston County Noxious Weed Board under RCW 17.10.

Number. See Rounding of Quantities.

Nursery. Land or greenhouses used to raise flowers, shrubs, and plants for retail or wholesale. (See also Greenhouse.)

Nursing Home. See Convalescent Home, under Dwelling, Assisted Living.

Section 14. Amendment OMC 18.02.180.P. Olympia Municipal Code Subsection 18.02.180.P is hereby amended to read as follows:

OMC 18.02.180 Definitions

P. DEFINITIONS - SPECIFIC.

Parcel. A parcel of land under one ownership that has been legally subdivided or combined and is shown as a single parcel on the most recent equalized assessment roll.

Park, Neighborhood. An area suited for passive and/or active family activities and play which may include facilities such as picnic table and shelters, barbecue pits, playground equipment, basketball backboards, small

sized playfields, volleyball courts and tennis courts. Neighborhood parks can serve an urban design as well as recreational function and are a core feature of neighborhood centers.

Park, Public. A park, playground, swimming pool, beach, pier, reservoir, golf course or athletic field which is under the control, operation or management of the city, county, state, or federal government.

Parking, Combined. Two or more land uses or a multi-tenant building which merge parking needs to gain a higher efficiency in vehicular and pedestrian circulation.

Parking Facility or Lot. A land area, building or structure that is devoted primarily to the temporary parking or storage of vehicles for which a fee may or may not be charged, and where no service or repairs of any kind are furnished.

Parking Facility, Commercial. A parking facility available to the general public, for which a fee is charged on an hourly, daily, weekly, monthly, or other similar basis.

Parking, Shared. Two or more land uses or a multi-tenant building which merge parking needs based on different operating hours to gain a higher efficiency in vehicular and pedestrian circulation, economize space, reduce impervious surface and provide a superior grouping of building(s).

Parking Space. An area which is primarily intended for the temporary storage of vehicles and which meets the design requirements of this code.

Party of Record. The applicant and any person who prior to a decision has requested notice of the decision or submitted substantive comments on an application.

Passive Recreation. See Recreation, Passive.

Pedestrian-Oriented Business. A commercial enterprise whose customers commonly arrive at a business on foot, or whose signage, advertising, window display and entry ways are oriented toward pedestrian traffic. Pedestrian-oriented business may include restaurants, retail shops, personal service businesses, travel services, banks, (except drive-through windows), and similar establishments.

Pedestrian Plaza. An area between a building and a public street which promotes visual and pedestrian access onto the site and which provides pedestrian-oriented amenities and landscaping to enhance the public's use of the space for activities such as resting, gathering, reading and picnicking.

Pedestrian Street. Street devoted to uses and amenities which stimulate and reinforce pedestrian activities and visually interesting features at the pedestrian level. Uses are typically sidewalk oriented and physically and visually accessed by pedestrians from the sidewalks, are open during established shopping hours, generate walk-in pedestrian clientele and contribute to a high level of pedestrian activity. Such uses include, but are not limited to, retail shops, restaurants, personal services, day care facilities, banks, travel agencies, cinemas,

theaters, amusement establishments, galleries, museums, public display spaces, drug stores, shoe repair shops, floral shops, hair shops, department stores, small hardware stores, and apparel shops. Visually interesting features include, but are not limited to, sculptures, display cases, landscaping, vendor stalls and carts, and architectural detailing.

Percolation. The downward flow or infiltration of water through the pores or spaces of rock or soil. (See also Impervious Surface.)

Performance Guarantee. A financial guarantee acceptable to the City Attorney to ensure all improvements, facilities, or work required by this ordinance will be completed in compliance with this ordinance, regulations, and approved plans and specifications.

Perimeter. The boundaries or borders of a lot, tract, or parcel of land.

Permeable pavement. Pervious concrete, porous asphalt, permeable pavers or other forms of pervious or porous paving material intended to allow passage of water through the pavement section. It often includes an aggregate base that provides structural support and acts as a stormwater reservoir.

Permitted Use. A use allowed by law in a use district and subject to the provisions applicable in that district.

Person. Any individual, firm, co-partnership, joint venture, association, social club, fraternal organization, company, joint stock association, corporation, estate, trust, organization, business, business trust, public agency, school district, state or its political subdivisions or instrumentalities, syndicate or any group or combination thereof, acting as a unit, including any trustee, receiver or assignee.

Personal Services. A business primarily engaged in providing services generally involving the maintenance of the human body, or other services to one's person or household pets. Such businesses include, but are not limited to, barber and beauty shops, photographic studios, tanning parlors, massage practitioners, pet grooming, and obedience training. This does not include Medical Offices, Kennels or Veterinary Clinics. (See also Health Fitness Centers and Dance Studios.)

Personal Wireless Service. Commercial mobile services, unlicensed wireless services, and common carrier wireless exchange access services, as defined in the Telecommunications Act of 1996 and 47 U.S.C. 332 and future amendments thereof.

Pervious Surface. A surface material that allows stormwater to infiltrate into the ground. Examples include lawn, landscape, pasture, native vegetation areas, and permeable pavements.

Pesticide. Any chemical that is used to kill pests, especially insects and rodents.

Pet, Traditional. Animals which can be house-broken, walked on a leash, are frequently, but not necessarily, housed within the residence, or as a class judged neither obnoxious nor to pose a public safety or health threat. Traditional pet birds include song birds and parrots.

Pharmacies and Medical Supply Stores. Businesses primarily engaged in the sale of prescription and over-the-counter drugs, plus perhaps vitamins, first-aid supplies, and other health-related products. It also includes firms primarily engaged in the sale of medical equipment such as orthopedic or prosthetic devices, or equipment for home health testing. Pharmacies which also sell a wide variety of other types of merchandise, such as beauty products, camera equipment, small consumer electronics, giftware, food items, greeting cards, toys, housewares, and/or cleaning supplies are commonly known as "drug stores," and are classified as General Merchandise Stores.

Pigeons, Performing and Racing. Pigeons which are raised and used in the sport, hobby or competition of performing or racing; which require being released for freedom of flight for purposes of training, maintaining physical conditioning or competitive performance; and which are identified by a leg band containing the name or initials of the owner, or with an identification or registration number stamped on said band. Specifically included in this category are flying tipplers, tumblers, rollers and homing or racing pigeons.

Plat. A map or representation of a subdivision, showing thereon the division of a tract or parcel of land into lots, blocks, streets and alleys or other divisions or dedications.

Plat, Final. The final drawing or map of a subdivision and dedication, prepared for recordation with the County Auditor and containing all elements and requirements set forth in RCW Chapter 58.17 and in the City of Olympia Subdivision Ordinance.

Plat, Preliminary. A drawing of a proposed subdivision showing the general layout of streets and alleys, lots, blocks and other elements of a subdivision consistent with the requirements of this code. The preliminary plat furnishes a basis for approval or disapproval of a general layout for a subdivision.

Plat, Preliminary Approval. The official action approving a proposed division of land, normally subject to the installation of improvements or fulfillment of conditions prior to final approval.

Plat, Short. The map or representation of a short subdivision containing all pertinent information required by Title 17, 18 and other applicable ordinances.

Portable Classroom. An accessory building/structure used for public, private or parochial education, and located on the same site as the principal building of instruction.

Principal Use. The primary or predominant use of any lot, building or structure.

Printing, Commercial. This includes shops specializing in printing small jobs for business clients or the general public, such as photocopying, offset printing, or screen printing of documents, announcements, business cards, or the like. This also may include blueprinting, computer plotting, and similar business services. These shops may engage in typesetting, photoengraving, plate-making, and other printing functions incidental to their primary activity; however, if they are primarily engaged in these functions as a service to other printing businesses, they are classified under Industrial Printing. Businesses which print books, magazines, newspapers, or other periodicals for others are classified under Industrial Printing.

Printing, Industrial. Businesses which print books, magazines, newspapers, or other periodicals for others. It also includes printers of maps, posters, and the like; makers of business forms, looseleaf binders, and the like; and service industries for the printing trade, such as engraving, typesetting, photoengraving, electrotyping and stereotyping, lithographic platemaking, and related services.

Private School. See School, Private.

Private Utility. A privately owned enterprise that provides the public with electricity, gas, heat, steam, communication, transportation, water, sewage and garbage collection or other similar public services.

Prohibited Use. A use that is not permitted in a zoning or land use district.

Project. A change in occupancy or modification or improvement of real estate, whether done by clearing, grading, or structure creation or modification in any manner requiring approval, licensing, or permitting by the City of Olympia.

Project Permit. Any land use or environmental permit or license required from the city for a project action, such as a building permit, preliminary or final plat approval, binding site plan approval, conditional use approval, shoreline substantial development permit, land use approval or a site specific rezone authorized by the Olympia Comprehensive Plan. Adoption or amendment of a comprehensive or other municipal plan, subarea plan, or development regulation or imposition of impact or other fee is not a project permit. [See RCW 36.70B.020 (4)].

Project Permit Application. A formal written request to the City for a project permit on forms approved by the City Council.

Property Line. Any line bounding the ownership of a parcel of land.

a. Front property line. Any property line separating any parcel of land from the street rights-of-way. In case of a corner lot, the owner of such lot may elect any property line abutting on a street as the front property line, provided such choice, in the opinion of the Building Official, will not be detrimental to the existing or future development of adjacent properties. In case of a through lot, both property lines abutting on a street are front property lines. In the case of a lot not abutting a street, the front property line is that line nearest to

and roughly parallel with a street, provided that the Building Official may approve an alternative front line if it will not be detrimental to existing and future development.

b. Rear property line. Any property line that does not qualify as a front or side property line.

c. Side property line. Any property lines that intersect the front property line. These lines may intersect at any angle and be of any length. (See also Yards.)

Public Access (Shoreline). The physical ability of the general public to reach and touch the water's edge and/or the ability to have a view of the water from upland locations. There are a variety of types of public access including picnic areas, pathways and trails (including handicapped accessible), floats and docks, promenades, viewing towers, bridges, boat launches, street ends, ingress and egress, parking, and others.

Public Art. Expressionistic forms, either man-made or natural, which are located for community view on private or public property.

Public Building. Any building, structure, facility, or complex used by the general public, whether constructed by any state, county, or municipal government agency or instrumentality or any private individual, partnership, association, or corporation, including, but not limited to, assembly buildings, such as auditoriums, libraries, public eating places, schools, and theaters; business buildings, such as offices; and factories and industrial buildings.

Public Facility. Land, buildings or structures operated by a municipal or other governmental agency to provide local protective, social, recreational, cultural, or mass transportation services directly to the general public. This includes police and fire stations, libraries, recreation facilities, bus transfer stations and park-and-ride lots. It also includes public land or buildings devoted solely to the storage of equipment and materials. It does not include facilities whose primary purpose is to provide administrative or judicial services, except as they may be incidental to the defined use, nor parking lots that are accessory to uses that would otherwise not be allowed in the underlying zone.

Public Hearing. A meeting announced and advertised in advance and open to the public, with the public given an opportunity to talk and participate.

Public Meeting. An informal meeting, hearing, workshop or other public gathering of people to obtain comments from the public or other agencies on a proposed project permit prior to the City's decision on the permit application. A public meeting may include a design review board meeting, a neighborhood association meeting, or a scoping meeting on a draft environmental impact statement. A public meeting is distinct from and does not include an open record hearing. [See RCW 36.70B.020 (5)].

Public Notice. The advertisement of a public hearing or meeting in a newspaper of general circulation, or through other media such as site posting and direct mailing, indicating the time, place, and nature of the public hearing.

Public Project of Significant Importance. See OMC 18.66.090.

Public Safety Communications Equipment. All communications equipment utilized by a public entity for the purpose of ensuring the safety of the citizens of the City and operating within the frequency range of 700 MHz and 1,000 MHz and any future spectrum allocations at the direction of the FCC.

Public Services. Fire protection and suppression, law enforcement, public health, education, recreation, environmental protection and other governmental services.

Public Use Area. An outdoor portion of a property that is dedicated to public use and which contains one or more of the following elements: benches, tables, lawns, public art, gardens, exercise or play equipment, or similar improvements or features. These elements are to provide the public with recreational activities in addition to the right to traverse or stand in this area.

Public Utility. An organization or government agency which provides the public with electricity, gas, heat, steam, communication, transportation, water, sewage or garbage collection or other essential public services.

Publishing. Businesses which publish and print on their premises books, magazines, newspapers, or other periodicals. If such establishments do not perform printing on their premises, they are classified as Business Offices.

Section 17. Amendment OMC 18.02.180.S. Olympia Municipal Code Subsection 18.02.180.S is hereby amended to read as follows:

OMC 18.02.180 Definitions

S. DEFINITIONS – SPECIFIC.

Salmonid. A member of the fish family salmonidae, such as chinook, coho, chum, sockeye and pink salmon, rainbow, steelhead, cutthroat salmon, brown trout, bull trout, Brook and Dolly Varden char, kokanee and whitefish.

Sanitary Landfill. A site for solid waste (garbage) disposal.

Satellite Earth Station. A single or group of parabolic (or dish) antennas that are mounted to a support device that may be a pole or truss assembly attached to a foundation in the ground, or in some other configuration. A satellite earth station may include the associated separate equipment cabinets necessary for the transmission or reception of wireless communications signals with satellites.

Scale, Architectural. The perceived height and bulk of a building relative to that of neighboring buildings. A building's perceived height and bulk may be reduced by modulating facades.

Scenic Vistas. Those areas which provide, for significant numbers of people, outstanding views from public rights-of-way of Mt. Rainier, the Olympic Mountains, Budd Inlet, the Black Hills, the Capitol Building, and Capitol Lake or its surrounding hillsides.

School. An institution of learning, whether public or private, which offers instruction in those courses of study required by the Washington Education Code or which is maintained pursuant to standards required by the State Board of Education. This definition includes a nursery school, kindergarten, elementary school, junior high school, senior high school or any special institution of education, but it does not include a vocational or professional institution of higher education, including a community or junior college, college, or university.

Screening. A continuous fence or wall supplemented with landscaping, or an evergreen hedge or combination thereof, that effectively provides a sight-obscuring and sound-absorbing buffer around the property it encloses, and is broken only for access drives and walks.

Sculptured Building Top. A building top which has:

- a. Reduced floor area on the upper floors; and
- b. A distinctive roof form such as pitched roof, hip roof, dome, chateau roof, tower, turret, pediment, dormers, or other distinctive forms. Roofline embellishments such as medallions, statuary, cornices, brackets, finials, or similar ornament would not be considered sculptured building tops; and
- c. Upper floors which are set back from the street wall.

Secretary of the Interior's Standards for the Treatment of Historic Properties, The (as amended). Guidelines adopted by the Secretary of the Department of the Interior to guide the rehabilitation, restoration or reconstruction of a historic property.

Section of Land. Measured 640 acres, one square mile, or 1/36 of a township.

Secure Community Transition Facility. A residential facility for persons civilly committed and conditionally released from a total confinement facility operated by the Secretary of Washington Social and Health Services or under contract with the Secretary pursuant to RCW 71.09.020 (10) as described in RCW 71.09.250. All secure community transition facilities located within the City of Olympia shall conform with Olympia Municipal Code Subsection 18.08.080(E).

Seep. A spot where groundwater oozes to the surface. A small spring.

Service and Repair Shop. An establishment providing major repair and/or maintenance of motor vehicles, equipment or major appliances, including, but not limited to: mechanical repair, replacement of parts, body repair, painting, engine overhaul, or other major repair or maintenance, including operations which may require open flame or welding.

Service Stations. Businesses which sell gasoline or alternative vehicle fuels, and/or which may perform minor vehicle maintenance or repair, and/or wash cars. "Minor maintenance or repair" is limited to the exchange of parts and maintenance requiring no open flame or welding. Service stations include self-service gas stations, full-service gas stations, diesel fueling stations, oil change and lubrication shops, auto detailing shops, and car washes. Businesses which provide major repair work such as engine overhauls, vehicle painting, or body repair are classified as Service and Repair Shops.

Servicing of Personal Apparel and Equipment. A business primarily engaged in the upkeep of personal or small household belongings. Such businesses include, but are not limited to: tailors, locksmiths, piano tuners, or businesses which repair shoes, cameras, small appliances, or consumer electronics.

Setback. The distance between the building and any lot line. See specific zone district for allowed projections into setback areas and point of measurement. (See also Yard.)

Setback Line. An imaginary line that establishes the required minimum distance from any lot line and defines the area where the principal structure must be erected. (See also Building Line, Yard, and Lot.)

Sewer. Any pipe or conduit used to collect and carry away sewage and sometimes stormwater runoff from the generating source to a treatment plant.

Sexual conduct.

- a. Sexual intercourse within its ordinary meaning, occurring upon any penetration, however slight; or
- b. Any penetration of the vagina or anus, however slight, by an object; or
- c. Any contact between persons involving the sex organs of one person and the mouth or anus of another; or
- d. Masturbation, manual or instrumental, of oneself or of one person by another; or
- e. Direct touching of the sex organs or anus, whether clothed or unclothed, of oneself or of one person by another; or
- f. Flagellation or torture in the context of a sexual relationship; or
- g. Sodomy.

Shopping Center. A commercial development with unenclosed pedestrian walks in which there are a number of separate commercial activities, with accessory shared facilities such as parking, and which is designed to provide a single area which the public can obtain varied products and services. Shopping centers are typically characterized by at least one large retail "anchor"store.

Shopping Mall. A shopping center with stores on one or both sides of a covered and enclosed pedestrian walkway.

Sidewalk. A paved, surfaced, or leveled area, paralleling and usually separated from the street and normally used as a pedestrian walkway.

Sign. Any object, device, display, or structure, or part thereof, situated outdoors or indoors, which is used to advertise, identify, display, direct, or attract attention to an object, person, institution, organization, business, product, service, event, or location by any means. Such means may include words, letters, figures, design, movement, symbols, fixtures, colors, illumination, or projected images.

Sign, Abandoned. Any sign which:

- a. Is located on property which becomes vacant and unoccupied for a period of 12 consecutive months or more (excepting legal off-premise signs), or
- b. Relates to any occupant or business unrelated to the present occupant or their business (excepting legal off-premise signs), or
- c. Pertains to a time, event or purpose which no longer applies.

Sign, Animated. A sign with action or motion (including those that flash, oscillate or revolve) or one that involves color changes, illustrations or messages. This does not include wind activated elements such as flags or banners; nor does it include public service signs (such as time and temperature signs).

Sign Area. The entire background of a sign upon which advertising could be placed (counting all faces), including the frame but not other supporting structure, except that the area of advertising affixed directly to, or painted on a building without any background, other than the building, shall be the area contained in the smallest geometric figure enclosing all portions of the sign message (i.e., all letters, numbers, graphics, etc.).

Sign Awning. A sign which is on an awning. Awning signs are a type of building mounted sign.

Sign, Billboard. A rigidly assembled outdoor sign permanently affixed to the ground or permanently attached to a building or other permanent structure, unrelated to any use or activity on the property on which the sign is located, but not including directional signs as defined herein.

Sign, Building Mounted. A permanent sign which is attached to, or erected against or painted on, any exterior wall, fascia, or window of a building or structure. For the purpose of this Title, signs which shall be considered building mounted signs, include flush mounted signs, signs on marquees and awnings, projecting signs, and signs erected on the side of a mansard roof provided the sign does not project above the uppermost roof line or flashing.

Sign, Business Directory. A type of development identification sign which lists the names of the individual uses in a development.

Sign, Changeable Copy. See Sign, Readerboard.

Signs, Channel Letters. A flush mounted wall sign that consists of individual letters or characters not bound together in one complete structure. Channel Letter signs are signs in which each letter or character is mounted individually within its own area, with the total area of individual letters or characters comprising the sign.

Sign, Ground. A ground supported sign which is no greater than twelve (12) feet in height above grade.

Sign, Development Identification. A freestanding or building mounted sign which identifies the name of a development. For the purpose of sign standards, a development consists of multiple building complexes such as shopping malls, industrial and business parks, residential subdivision developments, and multiple occupancy buildings.

Sign, Directional. A sign designed solely to guide or direct pedestrian or vehicular traffic to an area, place or convenience.

Sign, Flashing. See Sign, Animated.

Sign, Flush-Mounted. A type of building mounted sign which and is attached to, or erected against any exterior wall or fascia of a building or structure, with the exposed face of the sign parallel to the plane of the wall.

Sign, Freestanding. A permanent sign supported by one or more uprights, poles or braces in or upon the ground. For the purposes of this Title, freestanding signs include pole signs and signs otherwise known as ground signs or monument signs.

Sign Height. The vertical distance from ground level to the top of the sign.

Sign, Identification. A pole or ground sign which identifies the name of a shopping center.

Sign, Inflatable. Balloons or other gas-filled figures. For purposes of this section, inflatable signs shall be treated as temporary signs.

Sign, Marquee. Any sign which forms part or is integrated into a marquee or canopy and which does not extend horizontally beyond the limits of such marquee or canopy.

Sign, Monument. See Sign, Freestanding.

Sign, Non-conforming. Any sign existing at the time of this Ordinance which does meet the provisions of Title 18.

Sign, On-Premises. A sign which carries advertisement related to a lawful use of the premises on which it is located, including signs indicating the business transacted, services rendered, goods sold or produced on the premises, name of business, name of the person, firm or corporation occupying the premises.

Sign, Out-of-Date. Signs for which the event, time, or purpose no longer applies.

Sign, Pole. A ground supported sign which is no less than twelve (12) and no greater than thirty (30) feet in height above grade.

Sign, Political. A sign for the purpose of advertising a candidate or candidates for public elective office, or a political party, or which promotes a position on a public or ballot issue.

Sign, Portable (Mobile). A sign made of any material which by its design is readily movable and which is not permanently affixed to the ground, a structure or a building.

Sign, Projecting. A sign which projects 12 inches or more from a building and is supported by a wall or structure.

Sign, Public Service. A sign which provides a service to the public (such as indicating the current time and temperature or a community bulletin board) but which includes no advertising other than the name of the sponsoring organization.

Sign, Readerboard. A sign with characters or letters that can be manually changed without altering the face of the sign. Electronic signs are not readerboards for the purposes of this Title, but are animated signs.

Sign, Revolving. See Sign, Animated.

Sign, Roof. A sign erected upon or above a roof or parapet of a building or structure. A sign shall be considered a building mounted sign if it is erected on the side of a mansard roof and does not project above the uppermost roof line or flashing.

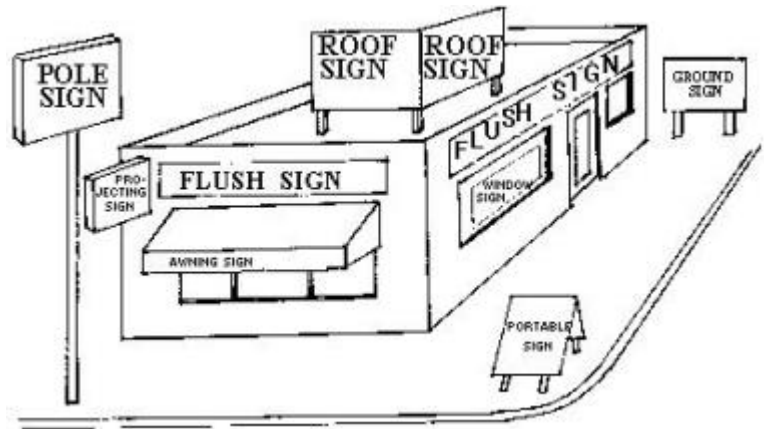
Sign, Sandwich Board Sidewalk Sign. A type of portable sign.

Sign, Structural Alteration. Any change or modification in the supporting members of the structure, such as the pole, cabinet, footing/foundation. Exceptions are new paint, rewiring, or face change.

Sign Structure. Any structure which supports or is capable of supporting any sign. A sign structure may be a single pole and may be an integral part of the building.

Sign, Temporary. Any sign, banner, pennant, valance or advertising display intended to be displayed for only a limited period of time.

Sign, Window. A sign permanently painted on or mounted to an exterior window (e.g., a neon sign). Window



signs are a type of building mounted sign.

FIGURE 2-7

Significant. When used in the context of historic significance: A property which helps in the understanding of the history of the local area, state or nation (whichever is applicable) by illuminating the local, state-wide or nation-wide impact of the events or persons associated with the property, or its architectural type or style or information potential. The local area can include the City of Olympia, Thurston County, the region of Puget Sound or Southwest Washington, or a modest geographic or cultural area, such as a neighborhood. Local significance may apply to a property that illustrates a theme that is important to one or more localities; state significance to a theme important to the history of the state; and national significance to property of exceptional value in representing or illustrating an important theme in the history of the nation.

Single-Family Dwelling. See Dwelling, Conventional.

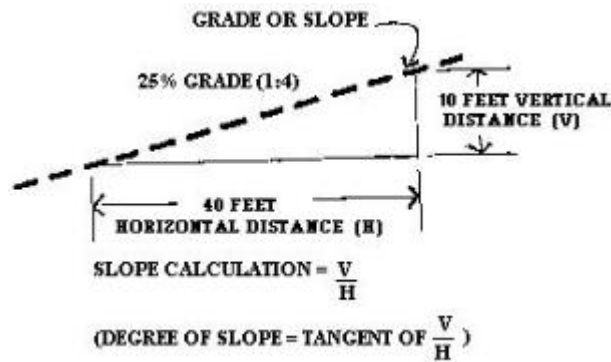
Single-Room Occupancy (SRO). See Dwelling, Conventional.

Site Plan. The development plan which shows the existing and proposed conditions of the lot, including topography, vegetation, drainage, flood plains, walkways; means of ingress and egress; circulation; utility services; structures and buildings; signs and lighting; berms, buffers, and screening devices; surrounding development; and any other information that reasonably may be required in order that an informed decision can be made by the reviewing authority.

Site Plan Review Committee. A technical development review group comprised of representatives from the Department of Community Planning and Development, the Fire Department and the Public Works Department, who provide technical assistance to the CP&D Director or his/her designee on land use issues. At a minimum this includes the Building Official, Planner, City Engineer, Fire Chief, and SEPA official, or their appointed designees.

Slope. The deviation of a surface from the horizontal, usually expressed in percent or degrees. (See also Grade.)

[NOTE: Percentage of slope is calculated by dividing the vertical distance by the horizontal distance times one-



hundred (100).]

FIGURE 2-8

% GRADE	100	50	40	33.3	30	25	20	15	12	10	8	6
DEGREES	45	26.6	21.8	18.4	16.7	14	11.3	8.5	6.8	5.7	4.6	3.4
RATIO	1:1	2:1	2.5:1	3:1	3.3:1	4:1	5:1	6.7:1	8.3:1	10:1	12.5:1	16.7:1

Slope, Steep. An area which is equal to or in excess of 40 percent slope, or where the ground surface rises ten feet or more vertically within a horizontal distance of 25 feet. This can also include a slope of 15 to 39.9 percent if otherwise defined as a landslide hazard area.

Slope, Steep Toe, or Steep Top. A distinct topographic break in slope which separates slopes inclined less than forty (40%) percent from slopes equal to or greater than forty (40%) percent. Where no distinct break exists, this point shall be the limit of the area where the ground surface drops ten (10) feet or more vertically within a horizontal distance of twenty-five (25) feet.

Small Lake. See OMC 18.32.505.

Small Lot Review. A Director review of proposed construction on undersized legal lots of record approved prior to June 19, 1995.

Small Lot Subdivision. See Subdivision, Short.

Soil and Vegetation Protection Area (SVPA). A separate tract of land, which may or may not be deeded as such, specifically set aside for the preservation of healthy soil and the preservation or planting of existing and/or native vegetation, well-adapted drought-tolerant vegetation, and including trees. Stormwater retention/detention facilities, critical area buffers and other common areas may be considered SVPA's if they currently, or are improved to an extent where they can, support healthy soils and the growth of native vegetation or well-adapted drought-tolerant vegetation. The purpose of these areas for preserving healthy soils and preserving and/or planting native, or well-adapted drought-tolerant vegetation is stated on the face of the plat when applicable.

Sorority House. A building, occupied by unrelated female members of a private educational organization, which contains sleeping rooms, bathrooms, common rooms, and a central kitchen and dining room. (See Fraternity, Dormitory.)

Special Assessment District. A district with the power to levy taxes created by act, petition, or vote of property owners for a specific purpose.

Special Valuation for Historic Properties, Special Valuation. The process, pursuant to Chapter 84.26 Revised Code of Washington (RCW) and Chapter 3.60 OMC, under which the tax basis of an eligible, rehabilitated historic property may be reduced by the actual incurred cost of the rehabilitation for a period of up to ten years.

Specialty Stores. Stores selling antiques, sporting goods and bicycles, marine supplies, glassware and chinaware, books, videos (including rentals), music, cards and stationery, jewelry, toys, hobby supplies, cameras, gifts and souvenirs, sewing supplies, flowers, tobacco products, newspapers and magazines, art and art supplies, pets and pet supplies, religious supplies, consumer electronics, personal computers, or other miscellaneous goods. It also includes second-hand stores and pawnshops.

Specific or Management Plan. A plan consisting of text, maps, and other documents and exhibits regulating development within an area of special interest or which contains unique land use and development problems.

Spot Zoning. Rezoning of a lot or parcel of land to benefit an owner for a use incompatible with surrounding land uses and that does not further the comprehensive plan. [NOTE: Spot zoning is usually invalid when all the following factors are present: (1) a small parcel of land is singled out for special and privileged treatment; (2) the singling out is not in the public interest but only for the benefit of the land owner; and (3) the action is not in accord with a comprehensive plan.]

Stables, Riding. A structure providing shelter for horses, mules or ponies which are boarded for compensation. This may include arenas, tracks, and other facilities for equestrian activities either for members of a private club or for the general public. This may also include accessory facilities such as a clubhouse.

Stable, Private. An accessory structure providing shelter for horses or ponies, for use by occupants of the premises.

Staff. Permanent or temporarily employed personnel of the City of Olympia, Washington.

Stepback. Additional setbacks of upper building floor levels.

Storage. Placement or retention of goods, materials and/or personal property in one location for more than 24 consecutive hours.

Stormwater Facility. A constructed stormwater system component, including but not limited to a detention, retention, sediment, or constructed wetland basin or pond, generally installed at the ground surface.

Stormwater Retention/Detention Basin. A facility, either above-ground or underground, that temporarily stores stormwater prior to its release to the ground (retention facility), to a surface water (detention facility), or some combination of the two. [NOTE: Retention basins differ from detention basins in that the latter are temporary storage areas. Retention basins have the potential for water recreation and water-oriented landscaping since the water may remain. Both types of basins provide for controlled release of the stored water and groundwater recharge.]

Story. That portion of a building included between the upper surface of a floor and the upper surface of the floor or roof next above.

Story Above Grade. Any story having its finished floor surface entirely above grade, except that a basement shall be considered as a story above grade where the finished surface of the floor above the basement is: more than six feet above grade plane, more than six feet above the finished ground level for more than 50% of the total building perimeter, or more than 12 feet above the finished ground level at any point.

Story First. The lowest above grade story in a building, except that a floor level in a building having only one floor shall be classified as a first story, provided such floor level is not more than four feet below grade, as defined herein, for more than 50 percent of the total perimeter, or more than eight feet below grade, as defined herein, at any point.

Stream. See OMC 18.32.405.

Stream Corridor. Any river, stream, pond, lake, or wetland, together with adjacent upland areas that support vegetation adjacent to the water's edge.

Street. A public or private rights-of-way which affords a primary means of vehicular access to abutting property.

Street, Arterial. An arterial street provides an efficient direct route for long-distance travel within the region and between different parts of the city. Streets connecting freeway interchanges to commercial concentrations are classified as arterials. Traffic on arterials is given preference at intersections, and some access control may be considered in order to maintain capacity to carry high volumes of traffic.

Street Cul-De-Sac. A street with a single common ingress and egress and with a circular turnaround at the end.

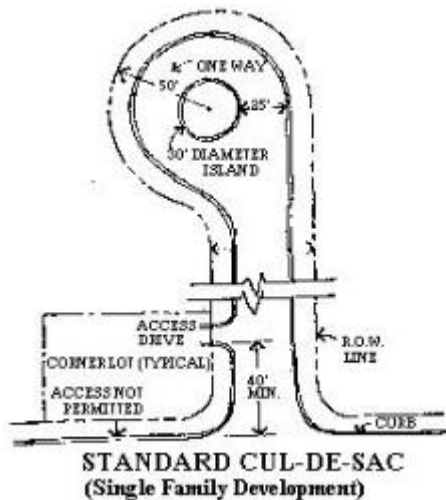


FIGURE 2-9

Street Frontage. The area between any lot lines which intersect, or area of a lot which directly abuts, the boundary of a public or private street rights-of-way.

Street Furniture. Constructed, above-ground objects, such as outdoor seating, kiosks, bus shelters, sculpture, tree grids, trash receptacles, fountains, and telephone booths, that have the potential for enlivening and giving variety to streets, sidewalks, plazas, and other outdoor spaces open to, and used by, the public.

Street, Local Access. A street which provides access to abutting land uses and serves to carry local traffic to a collector.

Street, Major Collector. A street that provides connections between the arterial and concentrations of residential and commercial land uses. The amount of through traffic is less than an arterial, and there is more service to abutting land uses. Traffic flow is given preference over lesser streets.

Street, Neighborhood Collector. A street which distributes and collects traffic within a neighborhood and provides a connection to an arterial or major collector. Neighborhood collectors serve local traffic, provide access to abutting land uses, and do not carry through traffic. Their design is compatible with residential and commercial neighborhood centers.

Street, Private. A street that has not been accepted for maintenance and public ownership by the City of Olympia or other government entity. This does not include private driveways or access easements.

Street Wall. A building wall that faces or is parallel to the street frontage.

Streetscape. The visual character of a street as determined by various elements such as structures, greenery, open space, and view.

Structure. An edifice or building of any kind which is built or constructed, or any piece of work artificially built up or composed of parts joined together in some definite manner.

Structured Parking. A building or a portion of a building used for the parking of motor vehicles.

Subdivider. A person who undertakes the subdividing of land.

Subdivision. The division or redivision of land into ten or more lots, tracts, parcels, sites or divisions, any of which are less than five acres in area, for the purpose of sale, lease or transfer of ownership. (See also Subdivision, Short.)

Subdivision Cluster. See Cluster Subdivision.

Subdivision, Large Lot. The division of land into lots or tracts, each of which is 1/128 of a section of land or larger, or five acres or larger, if the land is not capable of description as a fraction of a section of land. For purposes of computing the size of any lot under this section which borders on a street, the lot size shall be expanded to include that area which would be bounded by the centerline of the street and the side lot lines of the lot running perpendicular to such centerline.

Subdivision, Short. The division or redivision of land into nine or fewer lots, tracts, parcels, sites or divisions for the purpose of transfer of ownership, sale or lease.

Subordinate. A supplementary use to a permitted primary or principal use.

Substantial Improvement. Any extension, repair, reconstruction, or other improvement of a property, the cost of which equals or exceeds fifty (50) percent of the fair market value of a property either before the improvement is started or, if the property has been damaged and is being restored, before the damage occurred.

Surface water. A body of water open to the atmosphere and subject to surface runoff.

Swap Meet. Any outdoor place, location, or activity where new or used goods or secondhand personal property is offered for sale or exchange to the general public by a multitude of individual licensed vendors, usually in compartmentalized spaces; and, where a fee may be charged to prospective buyers for admission, or a fee

may be charged for the privilege of offering or displaying such merchandise. The term swap meet is interchangeable with and applicable to: flea markets, auctions, open air markets, farmers markets, or other similarly named or labeled activities; but the term does not include the usual supermarket or department store retail operations.

Section 18. Amendment OMC 18.02.180.V. Olympia Municipal Code Subsection 18.02.180.V is hereby amended to read as follows:

OMC 18.02.180 Definitions

V. DEFINITIONS - SPECIFIC.

Variance. A modification of the terms of this title that may be granted because of the unusual shape, exceptional topographic conditions or other extraordinary situation or condition in connection with a specific piece of property, where the literal enforcement of this title would involve practical difficulties and cause undue hardship unnecessary to carry out the spirit and intent of this title.

Vegetated Roof. A roof designed and constructed to support, and that does support, living vegetation with at least three inches of engineered soil.

Vegetation - Hydrophytic. Vascular plant life and mosses which grow in water or on a substrate that is at least periodically deficient in oxygen as a result of excessive water content as described in the Federal Manual for Identifying and Delineating Jurisdictional Wetlands,(1989) as amended or revised.

Vegetation - Native. Plants species which have adapted over thousands of years to the weather, soil, and topography of Thurston County, Washington.

Vehicle. A device capable of being moved upon a public highway and in, upon, or by which persons or property are or may be transported or drawn upon a public highway, including automobiles, trucks, buses, motorcycles, trailers, and the like. The term includes bicycles, but does not include other devices moved by human or animal power (e.g., skateboards or horse-drawn wagons), nor devices used exclusively upon stationary rails or tracks.

Veterinary Clinic. See Office, Veterinary/Clinic.

View Corridor. An area at ground level providing views of the waterfront and other landforms of significance, unobstructed by permanent structures between a public street and the preserved. (See also Easement, Scenic.)

Village Center. That portion of an urban village, neighborhood village, or community oriented shopping center which is occupied by commercial, commercial/residential mixed uses, and associated uses such as parking or a village green or park.

Section 19. Amendment OMC 18.02.180.W. Olympia Municipal Code Subsection 18.02.180.W is hereby amended to read as follows:

OMC 18.02.180 Definitions

W. DEFINITIONS - SPECIFIC.

Waiver of a Certificate of Appropriateness, Waiver. A letter or other document which allows the building or zoning official to issue a permit for demolition.

Warehouse. A building primarily used for storage and distribution of products, equipment, or materials, which are not available for retail sale on the premises. "Warehousing" is the associated activity. Compare Mini-storage.

Welding and Fabrication. A business engaged in stamping or shaping pieces of metal which are then connected by heat until molten and fused, in order to manufacture, service, or repair sheet metal products.

Well-Adapted Drought-Tolerant Vegetation. Vegetation that is well adapted to current and anticipated environmental conditions in this region, and are not invasive.

Wellhead Protection Area. See OMC 18.32.205.

Wet pond. An artificial water body with a permanent water surface dug as a part of a surface water management system.

Wetland, habitat types or wetland types. Descriptive classes of the wetlands taxonomic classification system of the United States Fish and Wildlife Service (Cowardin, et al 1978). These habitat types can include emergent, scrub-shrub or forested wetlands.

Emergent. A wetland with at least thirty (30) percent of the surface area covered by erect, rooted, herbaceous vegetation as the uppermost vegetative stratum.

Forested. A wetland with at least twenty (20) percent of the surface area covered by woody vegetation greater than twenty (20) feet in height.

Scrub-shrub. A wetland with at least thirty (30) percent of its surface area covered by woody vegetation less than twenty (20) feet in height as the uppermost stratum.

Wetlands. See OMC 18.32.505.

Wetlands, Isolated. Those regulated wetlands which:

- a. Are outside of and not contiguous to any one hundred (100)-year floodplain of a lake, river or stream; and

b. Have no contiguous hydric soil between the wetland and any surface water.

Wetlands Mitigation Bank. A site where wetlands are restored, created, enhanced, or in exceptional circumstances, preserved expressly for the purpose of providing compensatory mitigation in advance of authorized impacts to similar resources.

Wetland - Mosaic. A wetland where each patch of wetland is less than one (1) acre; and each patch is less than one hundred (100) ft apart, on the average; and the areas delineated as vegetated wetland are more than fifty percent (50%) of the total area of the wetlands and the uplands together, or wetlands, open water, and river bars, all as defined in the Washington State Wetland Rating System for Western Washington(2004) as amended or revised.

Wholesale Sales or Trade. Establishments or places of business primarily engaged in selling merchandise to retailers.

Wildlife blind. A structure no larger than two hundred (200) square feet used for the observation of wildlife.

Wireless Communication Facility (WCF). Any staffed or unstaffed location for the transmission and/or reception of radio frequency signals, or other wireless communications, and usually consisting of an antenna or group of antennas, transmission cables, and equipment cabinets, and may include an antenna support structure. The following developments shall be deemed a WCF: developments containing new, mitigated, or existing antenna support structures, public antenna support structures, replacement antenna support structures, collocation on existing antenna support structures, attached wireless communications facilities, concealed wireless communication facilities, and non-concealed wireless communication facilities. Excluded from the definition are: non-commercial amateur radio, amateur ham radio and citizen band antennas, satellite earth stations and antenna support structures, and antennas and/or antenna arrays for AM/FM/TV/HDTV broadcasting transmission facilities.

Specific types of WCFs include:

Attached WCF. An antenna or antenna array that is secured to an existing building or structure other than an antenna support structure - including light standards, transmission towers, utility poles, or the like - together with a) any accompanying pole or device which attaches it to the building or structure, b) transmission cables, and c) an equipment cabinet, which may be located either on the roof or inside/outside of the building or structure. An attached wireless communications facility is considered to be an accessory use to the existing principal use on a site. (See also Freestanding WCF.

Concealed WCF, sometimes referred to as a stealth or camouflaged facility. A WCF, ancillary structure, or WCF equipment compound that is not readily identifiable as such, and is designed to be aesthetically compatible with existing and proposed building(s) and uses on a site. There are two types of concealed WCFs: 1) attached and 2) freestanding. 1) Examples of concealed attached facilities include, but are not

limited to the following: painted antenna and feed lines to match the color of a building or structure, faux windows, dormers or other architectural features that blend with an existing or proposed building or structure. 2) Concealed freestanding WCFs usually have a secondary, obvious function which may be, but is not limited to the following: church steeple, windmill, bell tower, clock tower, light standard, flagpole with or without a flag, or tree. (See also Non-concealed WCF.)

Freestanding WCF. Any staffed or unstaffed location for the transmission and/or reception of radio frequency signals, or other wireless communications, and usually consisting of an antenna or group of antennas, feed lines, and equipment cabinets, and may include an antenna support structure. A freestanding wireless communication facility includes, but is not limited to the following: guyed, lattice, or monopole antenna support structures. (See also Attached WCF.)

Non-concealed WCF. A wireless communication facility that is readily identifiable as such and can be either freestanding or attached. (See also Concealed WCF.)

ROW Attached Structure. A special case of an attached WCF, this is defined as a pole or other structure primarily used as an electrical transmission support structure for electrical, telephone, cable, or other wired services that can be or has been configured to support the antenna(s) and feedlines of one or more wireless service providers for use as a WCF.

Wireless Communications. Any personal wireless service, which includes but is not limited to: cellular, personal communication services (PCS), specialized mobile radio (SMR), enhanced specialized mobile radio (ESMR), and unlicensed spectrum services utilizing devices described in Part 15 of the FCC rules and regulations (e.g., wireless internet services and paging).

Wireless Telecommunications Master Plan. A plan developed to enforce applicable development standards, state statutes, and federal regulations related to the deployment of wireless telecommunications infrastructure.

Workshops for Disabled People. Sheltered workshops and facilities which provide disabled people with opportunities for training, recreation, and/or employment. This may include assembly of products or any other activity allowed as a permitted use in the district.

Section 20. Amendment OMC 18.04.060.H. Olympia Municipal Code Subsection 18.04.060.H is hereby amended to read as follows:

OMC 18.04.060 Residential Districts' Use Standards

H. COTTAGE HOUSING.

Cottage housing developments shall comply with the following requirements:

1. Courtyard. The development shall contain a courtyard or usable landscaped area owned in common by the owners of the dwellings. (See Section 18.04.080(J), Development Standards.)
2. Site Design. Dwelling units shall be located on at least two (2) sides of the courtyard or common area. (See also Section 18.175.100 Site Design: Cottage Housing ~~Section 18.04A.240, Residential Design Guidelines.~~)
3. Number of Units. The development shall include no less than four (4) and no more than twelve (12) dwelling units per courtyard.
4. Dwelling Size. ~~Single~~ The first story of dwellings in cottage developments, including any garage, shall not exceed eight hundred (800) square feet in size. Two (2) story structures shall not exceed one thousand ~~two~~ six hundred (~~1200~~ 1600) square feet in size.
5. Parking. At least 50% of on-site ~~p~~Parking shall be accommodated in a shared parking lot. (See Chapter 18.38, Parking.)
6. Covenants. Covenants shall be recorded which establish common areas and preclude their conversion to another use.

Section 21. Amendment OMC 18.04.060.P. Olympia Municipal Code Subsection 18.04.060.P is hereby amended to read as follows:

OMC 18.04.060 Residential Districts' Use Standards

P. MANUFACTURED OR MOBILE HOME PARKS.

The following requirements apply to all manufactured/mobile home parks subject to conditional use approval.

1. Site Size. The minimum size for a manufactured or mobile home park shall be five (5) acres.
2. Utilities. Manufactured or mobile home parks shall be completely and adequately served by City utilities.
3. Lot Sizes. Each space or lot upon which a manufactured or mobile home is to be located shall be at least two thousand five hundred (2,500) square feet in area and have a minimum width of thirty (30) feet, exclusive of common parking areas and driveways.
4. Accessory Buildings. Buildings and structures accessory to individual manufactured or mobile homes shall be allowed, provided at least fifty (50) percent of the space or lot remains in open space. An accessory roof or awning may be attached to a manufactured or mobile home and shall be considered a part thereof. Automobile parking spaces, which are not computed in the space or lot area, may be covered with a carport.

5. Access. All drives within the park shall be hard surfaced. Sidewalks and paths shall be provided consistent with applicable City Development Standards.
6. Clearance. There shall be at least ten (10) feet clearance between manufactured or mobile homes. Manufactured or mobile homes shall not be located closer than ten (10) feet from any building within the park or from any property line bounding the park.
7. Screening. There shall be sight-obscuring fencing (see Section 18.40.060(D), Fencing), landscaping, or natural vegetated buffers at least eight (8) feet wide on all sides of the park. Such screening shall contain openings which provide direct pedestrian access to adjoining streets and trails.
8. Open Space. At least five hundred (500) square feet of ground area for each manufactured or mobile home space shall be made available in a centralized location or locations for recreational uses. (See Section 18.04.080(J).) At least fifty percent (50%) of such open space shall comply with soil and vegetation protection area standards.
9. Lighting. Access roadways and recreational areas shall be provided with general area lighting at no less than five-tenths (5/10) foot candle intensity as measured at ground level.
10. Site Plan. A complete and detailed plot plan shall be submitted to the Hearing Examiner for approval. The plan shall show the locations and dimensions of all contemplated buildings, structures, spaces, driveways and roads and recreational areas. The City may require additional information as necessary to determine whether the proposed park meets all the above mentioned conditions and other applicable provisions of this code.

Section 22. Amendment OMC 18.04.080. Olympia Municipal Code Section 18.04.060 Table 4.04 is hereby amended to read as follows:

OMC 18.04.080 Residential Districts' Use Standards

[Table 4.04 below]

OMC 18.04.080 Residential Districts' Development Standards

TABLE 4.04 RESIDENTIAL DEVELOPMENT STANDARDS															
DIST-RICT	R1/5	R4	R-4CB	RL4-1	R 4-8	R 6-12	MR 7-13	MR 10-18	RM-18	RM-24	RMH	RMU	MHP	UR	ADDITIONAL REGULATIONS
MINI-MUM LOT SIZE	4 acres for residential use; 5 acres for non-residential use	2,000 SF minimum 3,000 SF average = townhouse 5,000 SF = other	One acre; reduced to 12,000 SF if associated with a drainage dispersal tract of at least 65% in the same subdivision plat.	2,000 SF minimum 3,000 SF average = townhouse 4,000 SF = zero lot 5,000 SF = other 6,000 SF = duplex 7,200 SF = multi-family	2,500 SF = cottage 4,000 SF = zero lot 2,000 SF minimum, 3,000 SF average = townhouse 5,000 SF = zero lot 4,000 SF = other	2,000 SF = cottage 3,500 SF = zero lot 1,600 SF minimum, 2,400 SF average = townhouse 7,200 SF = duplex, triplex 9,600 SF = fourplex 5,000 SF = zero lot 3,500 SF = other	1,600 SF = cottage 3,000 SF = zero lot 1,600 SF minimum, 2,400 SF average = townhouse 6,000 SF = duplex 9,000 SF = multifamily 4,500 SF = zero lot 3,000 SF = other	1,600 SF = cottage 3,000 SF = zero lot 1,600 SF minimum, 2,400 SF average = townhouse 6,000 SF = duplex 7,200 SF = multifamily 4,000 SF = zero lot 3,000 SF = other	1,600 SF = cottage 3,000 SF = zero lot 1,600 SF minimum, 2,400 SF average = townhouse 6,000 SF = duplex 7,200 SF = multifamily 4,000 SF = zero lot 3,000 SF = other	1,600 SF minimum, 2,400 SF average = townhouse 2,500 SF = mobile home park	1,600 SF minimum, 2,000 SF average = townhouse 2,500 SF = mobile home park	1,600 SF minimum, 2,000 SF average = townhouse	2,000 SF = cottage 3,500 SF = zero lot 1,600 SF minimum 2,400 SF average = townhouse 7,200 SF = duplex 2,500 SF = mobile home park 5,000 SF = zero lot 3,500 SF = other	1,600 SF minimum, 2,000 SF average = townhouse 2,500 SF = mobile home park	18.04.080(C) 18.04.080(D) 18.04.080(E) 18.04.080(F) Chapter 18.64 (townhouses) 18.04.060(P) (mobile home parks)
MINIMUM LOT WIDTH	30' except: 16' = townhouse	50' except: 18' = townhouse	100'	30' except: 16' = townhouse; 60' = duplex 80' = multi-family	50'-45' except: 35' = cottage 45' = zero lot 18' = townhouse	50'-40' except: 30' = cottage 40' = zero lot 16' = townhouse 80' = duplex, triplex, fourplex	50'-40' except: 30' = cottage 40' = zero lot 16' = townhouse 70' = duplex 80' = multifamily	50'-40' except: 30' = cottage 40' = zero lot 16' = townhouse 70' = duplex 80' = multifamily	30' = mobile home park	30' = mobile home park	---	---	50'-40' except: 30' = cottage 40' = zero lot 16' = townhouse 80' = duplex 30' = mobile home park	---	18.04.80(D)(1) 18.04.080(F) 18.04.080(G) 18.04.060(P) (mobile home parks)
MAXIMUM FRONT YARD SETBACK													25'		18.04.080(H)

**TABLE 4.04
RESIDENTIAL DEVELOPMENT STANDARDS**

DIST-RICT	R1/5	R4	R-4CB	RL4-I	R 4-8	R 6-12	MR 7-13	MR 10-18	RM-18	RM-24	RMH	RMU	MHP	UR	ADDITIONAL REGULATIONS
MINIMUM REAR YARD SETBACKS	10' except: 5' for agricultural buildings with farm animals	25'	50'	10' except: 5' for agricultural buildings with farm animals.	20' except: 5' for agricultural buildings with farm animals; 10' for cottages, <u>and</u> wedge shaped lots, <u>and zero lots</u>	20' except: 5' for agricultural buildings with farm animals; 10' for cottages, <u>and</u> wedge shaped lots, <u>and zero lots</u>	20' except: 15' for multifamily; 10' for cottages, <u>and</u> wedge shaped lots, <u>and zero lots</u>	15' except: 10' for cottages, <u>and</u> wedge shaped lots, <u>and zero lots</u> ; 20' with alley access	10' except: 15' for multifamily	10' except: 20' next to an R 4-8 or R-12 district	5' except: 20' for structures 35' or higher	5'	20' except: 5' for agricultural buildings with farm animals; 10' for cottages <u>and zero lots</u>	5' except: 10' for structures over 42'	18.04.080(D) 18.04.080(F) 18.04.080(H) 18.04.080(I)
MAXIMUM BUILDING COVERAGE	45% = lots of 10,000 SF; 25%=lots of 10,001 SF to 1 acre; 6%=1.01 acre or more	35% 60% = townhouses	6%; increased to 18% if associated with drainage dispersal tract of at least 65% in the same subdivision plat.	Refer to Maximum Impervious Surface Coverage below	45% = .25 acre or less 40% = .26 acres or more 60% = townhouses	55% = .25 acre or less 40% = .26 acres or more 70% 60% = townhouses	45%	50%	50%	55%	85%	85%	45% = .25 acres or less 30% = .26 to 1 acre 25% = 1.01 to 3 acres 20% = 3.01 acres or more	85% except for stoops, porches or balconies	
MAXIMUM IMPERVIOUS SURFACE COVERAGE	<u>45% or 10,000sf (whichever is greater) = lots less than 4 acres; 6%=4.1 acre or</u>	<u>45% Townhouses</u> <u>70% = 35% Townhouses</u>	6%; increased to 18% if associated with drainage dispersal tract of at least 65%	2,500 SF or <u>provided that up to 6%, coverage whichever is greater, may be granted by</u>	55% 45% = .25 acre or less 50% 40% = .26 acre or more 70% 60% = Townhouses	65% 55% = .25 acre or less 50% 40% = .26 acres or more 70% 60% = Townhouses	70% 65%	70% 65%	70% 65%	75%	85%	85%	65% = .25 acre or less 40% = .26 to 1 acre 35% = 1.01 to 3 acres 25% = 3.01 + acres 70% =	85% except for stoops, porches or balconies	

**TABLE 4.04
RESIDENTIAL DEVELOPMENT STANDARDS**

DIST-RICT	R1/5	R4	R-4CB	RL4I	R 4-8	R 6-12	MR 7-13	MR 10-18	RM-18	RM-24	RMH	RMU	MHP	UR	ADDITIONAL REGULATIONS
	more 45% = lots of 10,000 SF; 25% = lots of 10,001 SF to 1 acre; 6% = 1.01 acre or more		in the same subdivision plat.	<u>conditional use permit</u>									townhouses		
MAX-IMUM HARD SURFACE	45% or 10,000sf (whichever is greater) = lots of 10,000 SF; 25% = lots of 10,001 SF to less than 4 acres; 4 acre; 6% = 4.11-01 acre or more	45% = 70% = Townhouses	6%: increased to 18% if associated with drainage dispersal tract of at least 65% in the same subdivision plat.	2,500 SF provided that up to 6% coverage may be granted by conditional use permit	55% = .25 acre or less 50% = .26 acre or more 70% = Townhouses	65% = .25 acre or less 50% = .26 acres or more 70% = Townhouses	70%	70%	70%	75%	85%	85%	65% = .25 acre or less 40% = .26 to 1 acre 35% = 1.01 to 3 acres 25% = 3.01 + acres 70% = townhouses	85% except for stoops, porches or balconies	
MINIMUM OPEN SPACE	220 tree units per acre required		65% drainage dispersal area required; may double as tree tract or critical		450 SF/unit for cottage developments	450 SF/unit for cottage developments	30% for multifamily 450 SF/unit for cottage developments	30% for multifamily 450 SF/unit for cottage developments	30% 500 SF/space for mobile home park	25% 500 SF/space for mobile home park	15%	15% 500 SF/space for mobile home park	450 SF/unit for cottage developments 500 SF/space for mobile home park	15% may include stoops, porches or balcony areas	18.04.080(J)

**TABLE 4.04
RESIDENTIAL DEVELOPMENT STANDARDS**

DIST-RICT	R1/5	R4	R-4CB	RL4I	R 4-8	R 6-12	MR 7-13	MR 10-18	RM-18	RM-24	RMH	RMU	MHP	UR	ADDI- TIONAL REGULA- TIONS
			areas buffer.												

LEGEND

SF = Square Feet

RL1 = Residential Low Impact

R-4 = Residential - 4

MR 7-13 = Mixed Residential 7-13

MR 7-13 = Mixed Residential 7-13

Zero Lot = A Lot with Only One Side Yard

R 4-8 = Residential 4-8

MR 10-18 = Mixed Residential 10-18

RMH = Residential Multifamily High Rise

--- = No Regulation

R 6-12 = Residential 6-12

RM 18 = Residential Multifamily - 18

RMU = Residential Mixed Use

UR - Urban Residential

Section 23. Amendment OMC 18.04.080.E. Olympia Municipal Code Subsection 18.04.080.F is hereby amended to read as follows:

18.04.080 Residential districts' development standards

F. Clustered Housing.

1. Mandatory Clustering. The Director or Hearing Examiner may require that the housing units allowed for a site be clustered on a portion of the site in order to protect ground water used as a public water source (e.g., wellhead protection areas), to enable retention of windfirm trees (which are appropriate to the site and designated for retention, consistent with Chapter 16.60, Tree Protection and Replacement, OMC), to accommodate urban trails identified on Map 7-1 of the Comprehensive Plan, to preserve scenic vistas pursuant to Sections 18.20.070, View Preservation and 18.50.100, Scenic Vistas, or to enable creation of buffers between incompatible uses (also see Chapter 18.36, Landscaping and Screening).

The Director or Hearing Examiner may allow up to a twenty (20) percent reduction in lot dimensions, sizes and setback requirements, consistent with the Uniform Building Code, to facilitate the clustering of the permitted number of dwelling units on the site. The required clustering shall not result in fewer lots than would otherwise be permitted on the site (at the minimum density specified in Table 4.04), without written authorization by the applicant.

2. Optional Clustering. Applicants for housing projects may request up to twenty (20) percent reduction in lot sizes, dimensions, and building setback requirements in order to cluster housing and retain land serving the purposes listed in a. above; or to avoid development on slopes steeper than twenty (20) percent; or to preserve natural site features such as rock outcrops; or otherwise enable land to be made available for public or private open space. Applicants proposing to place sixty-five (65) percent or more of a development site within a tree or vegetation protection or critical areas tract or tracts (see OMC chapter 16.60 and section 18.32.140) and not exceed 10% overall impervious coverage may request approval of housing forms not otherwise permitted in the zoning district so long as the number of resulting residential units does not exceed the standard maximum by more than twenty (20) percent. Such alternative housing forms may exceed height and story limits otherwise applicable in the district, except for height and story limits specifically intended to soften transitions between zoning districts. For example, three-story multi-family housing may be approved in a two-story single-family housing district. The Director or Hearing Examiner, as applicable, may grant such requests only if s/he determines that the development would not have a significant adverse impact on public facilities and surrounding land uses.

Section 24. Amendment OMC 18.04.080.H. Olympia Municipal Code Subsection 18.04.080.H is hereby amended to read as follows:

18.04.080 Residential districts' development standards

H. Setbacks

- 1. Measurement. The required setback area shall be measured from the outermost edge of the building foundation to the closest point on the applicable lot line.
- 2. Reduced Front Yard Setbacks. Front yard setbacks in the R-4, R 4-8, R 6-12, MR 7-13 and MR 10-18 districts may be reduced to a minimum of ten (10) feet under the following conditions:
 - a. When garage or parking lot access is from the rear of the lot;
 - b. When the garage is located at least ten (10) feet behind the front facade of the primary structure on the lot; or
 - c. When the driveway will be aligned to provide at least a twenty (20) foot long parking space between the sidewalk edge (closest to lot) and the garage. (See Residential Design Guidelines - Garage Design, Chapter 18.04A.)
 - d. Such setback reductions shall not be allowed where they would result in a setback of fifty (50) percent or less than the setback of an existing dwelling on an abutting lot fronting on the same



street.

FIGURE 4-3

- 3. Rear Yard Setbacks. See Section 18.04.080(H)(5), Encroachments into Setbacks, Section 18.04.080(D)(2), Transitional Lots, and Table 4.04.

4. Side Yard Setbacks.

a. Reduced side yard setbacks. Except for the R-4CB district, a side yard building setback shall not be required for a lot served by an alley (such alley must be open, improved and accessible, not solely a right-of-way) provided it meets the following conditions:

i. Provision for reduced or zero setbacks shall specifically appear upon the face of a final short or long plat. Such plat shall provide that the minimum distance between residences will be six (6) feet. If the distance between a proposed dwelling and a property line is less than three (3) feet, the applicant shall provide evidence of a maintenance easement, at least three (3) feet in width, which provides sufficient access for the owner of the dwelling to maintain the applicable exterior wall and roof of the dwelling. (Except as expressly provided, any reduced side yard provision appearing on a final plat shall withstand later amendments of this Title and shall be considered conforming.)

ii. Side yard setbacks shall not be less than five (5) feet along a property line adjoining a lot which is not developed or approved for reduced setbacks (e.g., a conventional lot with two (2) five (5) foot wide side yard setbacks). Side yard setbacks shall not be less than ten (10) feet along property lines which abut a public rights-of-way.

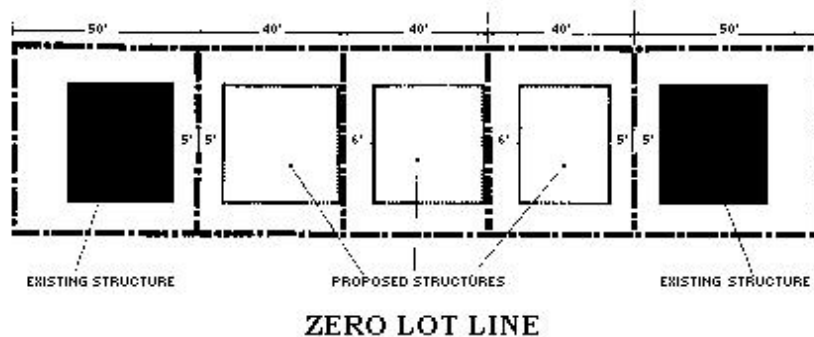


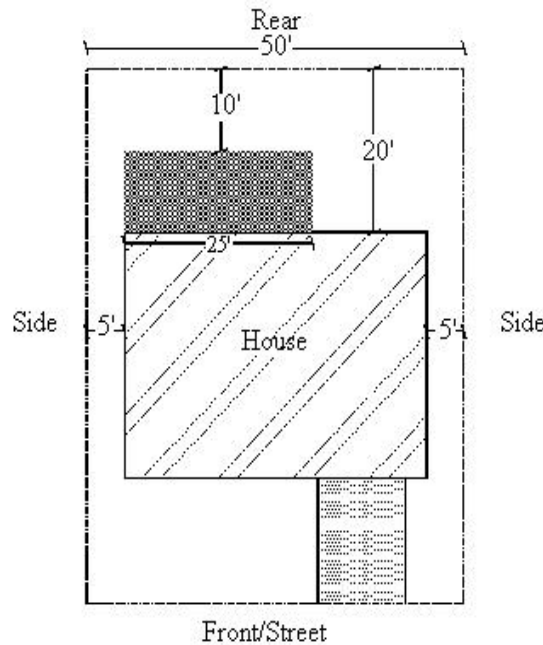
FIGURE 4-4

b. The minimum side yard setback from bikepaths and walkways shall comply with the side yard setback from the lot line as specified for the district in Table 4.04.5. Encroachment Into Setbacks. The buildings and projections listed below shall be allowed outside of utility, access or other easements. See 18.04.080(H)(5) for additional exceptions.

a. Except for Accessory Dwelling Units, any accessory structures may be located in a required rear yard and/or in the rear twenty (20) feet of a required interior side yard; however, if a garage entrance faces a rear or side property line, it shall be setback at least ten (10) feet from that property line. Accessory dwelling units may not encroach into required side yard setbacks. Accessory dwelling units may encroach into rear yards however, if the rear yard does not abut an

alley, the accessory unit must be set back ten (10) feet from the rear property line. Further, any garage attached to any accessory dwelling unit shall conform with this Section.

b. Up to fifty (50) percent of a rear yards width may be occupied by a dwelling (primary residence or ADU) provided that the structure (foundation) is located at least ten (10) feet from the rear property line. For purposes of this section the rear yards width shall be measured in a straight line between the side property lines at the point of intersection with the rear property line.



line.

Figure 4-4a

c. Townhouse garages may share a common rear property line provided that access for interior lots is from a single common driveway to not more than one public street entrance.

Section 25. Amendment OMC 18.04.080.J. Olympia Municipal Code Subsection 18.04.080.J is hereby amended to read as follows:

18.04.080 Residential districts' development standards

J. Private and Common Open Space.

1. Development of Open Space. ~~Development of Open Space.~~ Open space (e.g., private yard areas and common open space) required by Table 4.04 shall be devoted to undisturbed native vegetation, landscaping (consistent with Chapter 18.36, Landscaping and Screening), and/or outdoor recreational facilities. Driveways, loading areas, maneuvering space and parking lots shall not be considered open space. Required open space shall not be covered with impervious surfaces, except for stoops, porches, or balconies, walkways, tennis courts, swimming pools, or similar uses which require an impervious

surface. Up to a five (5) percent increase in impervious surface coverage may be allowed to accommodate such hard surfaced facilities. Also see Chapter 16.60 Tree, Soil and Native Vegetation Protection and Replacement.

2. Cottage Housing Developments. Cottage housing developments shall provide open space as follows:

a. A minimum of two hundred (200) square feet of private, contiguous, usable, open space shall be provided adjacent to each dwelling unit. No dimension of this open space area shall be less than ten (10) feet.

b. A minimum of fifteen hundred (1500) square feet or two hundred (200) square feet per unit, whichever is more, shall be provided in common open space (e.g., available for the use of all residents of the development). This open space shall be contained in a contiguous area with no dimension less than thirty (30) feet. A substantial portion of sSuch open space shall be sufficiently level (e.g., less than five (5) percent slope) and well drained to enable active use in summer provided that at least fifty percent (50%) of such open space shall comply with soil and vegetation protection area standards.

3. Mixed Density Districts. Parcels or sites accommodating multifamily housing (e.g., triplexes, fourplexes, and larger apartment buildings) in a MR 7-13 or MR 10-18 district shall contain at least thirty (30) percent open space. At least fifty (50) percent of such open space must be available for the common use of the residents of the multifamily housing. Such open space shall be developed consistent with Section 18.04.080(J)(1) above. This open space requirement shall be reduced to twenty (20) percent if the multifamily housing adjoins a park, school or open space site of at least ten thousand (10,000) square feet in size. Impervious surface coverage limits specified in Table 4.04 shall be adjusted accordingly.

4. Manufactured or Mobile Home Parks. At least five hundred (500) square feet of common open space shall be provided per dwelling unit (see Section 18.04.060(P)(8)). At least fifty percent (50%) of such open space shall comply with soil and vegetation protection area standards.

5. Residential - 4 Chambers Basin District. Required open space for stormwater dispersion may be provided in a common area or within each individual private lot of a development. All required drainage dispersal areas shall be protected from filling and grading and all other activities which would decrease the ability of such areas to disperse and infiltrate stormwater. Side yard setback areas shall be designed to disperse roof runoff to the maximum extent practical. To qualify as a "drainage dispersal tract" (required to create lots of less than one acre) such area shall be held in common or deeded to homeowners association and otherwise conform with the requirements of stormwater tracts as set forth in the Olympia Stormwater Drainage Manual.

Section 26. Amendment of OMC 18.06.080. Section 18.06.080, Table 6.02 of the Olympia Municipal Code is hereby amended to read as follows:

18.06.080 Commercial districts' development standards -- Table 6.02

STANDARD	NR	PO/RM	MS	ADDITIONAL REGULATIONS
MAXIMUM BUILDING COVERAGE	45%	70%, except 55% for residential only structures	50%	Must comply with site design standards, Chapter 18.06A.180.
MAXIMUM DEVELOPMENT IMPERVIOUS SURFACE COVERAGE	60% 50%	85%, except 75% for residential only structures 70%	65% 60%	See OMC 18.06.100(D) Must comply with site design standards, Chapter 18.06A.180.
MAXIMUM HARD SURFACE	60%	85%, except 75% for residential only structures	65%	See Chapter 18.06A.180.

LEGEND

NR = Neighborhood Retail

PO/RM = Professional Office/Residential Multifamily

MS = Medical Services

Section 27. Amendment of OMC 18.06.100. A New Subsection 18.06.100.D is hereby added to the Olympia Municipal Code to read as follows:

OMC 18.06.100 Commercial districts' development standards – Specific

D. Impervious Surface Coverage

On development sites incorporating 'vegetated roofs,' the impervious surface coverage limits of Neighborhood Retail, Professional Office / Residential Multifamily and Medical Service districts shall be increased one square foot for each square foot of vegetated roof area up to 5% of the total site area if adequate assurance is provided that the proposed vegetated roof will provide substantial stormwater management benefits for a period of at least 30 years.

Section 28. Amendment OMC 18.36. Olympia Municipal Code Chapter 18.36 is hereby amended to read as follows:

Chapter 18.36 LANDSCAPING AND SCREENING

18.36.000 Chapter Contents

Sections:

- 18.36.020 Purpose.
- 18.36.040 Applicability.
- 18.36.060 General requirements.
- 18.36.080 Landscape and tree plan requirements.
- 18.36.100 Alternative landscape plans.
- 18.36.120 Conflicting requirements.
- 18.36.140 Residential landscape requirements.
- 18.36.160 Commercial landscape requirements.
- 18.36.180 Parking lot landscape and screening.
- 18.36.190 Landscape Requirements for Antennas and Wireless Communications Facilities.
- 18.36.200 Performance assurance.
- 18.36.220 Maintenance.
- ~~18.36.240 Preferred plantings.~~

OMC 18.36.020 Purpose

The purpose of this chapter is to establish standards for landscaping and screening; to maintain or replace existing vegetation, provide physical and visual buffers between differing land uses, provide opportunities for stormwater management, lessen and improve environmental and aesthetic impacts of development and to enhance the overall appearance of the City. Notwithstanding any other provision of this chapter, trees and shrubs planted pursuant to the provisions of this chapter shall be of types and ultimate sizes at maturity that will not impair the scenic vistas protected within Chapter 18.50.100, Design Review, nor interfere with power lines, underground utilities or impervious surface.

18.36.040 Applicability

This chapter shall apply to all development applications in the city, with the exception of individual single-family residential lots and development containing four (4) or less attached dwelling units. All changes in the use of a property or remodel of a structure that requires improvements equal to or greater than fifty (50) percent of the assessed property valuation shall comply with the requirements of this Chapter. See Residential Design Guidelines, Section 18.04A.150, and Individual Commercial Landscape Design District Requirements.

OMC 18.36.060 General requirements

A. Existing Trees, Soils, and Associated Vegetation.

1. The applicant will be required to retain existing trees, soils, and associated vegetation pursuant to the City's Tree ~~Protection and Replacement~~ Soil, and Native Vegetation Protection and Replacement Chapter Ordinance, OMC 16.60. This may require site design modifications including, but not limited to: relocating buildings and other site improvements, additional perimeter setback, changes in the size and locations of parking lot islands, etc.

2. Where existing trees and associated vegetation serve the same or similar function to the required landscaping, they shall have priority over and may substitute for the required landscaping, provided the following conditions are met:

a. The trees must be healthy and not constitute a hazard as determined by a qualified professional forester. ~~P~~pursuant to OMC 16.60. Trees must be appropriate for the site at mature size.

b. A ~~tree protection and replacement~~ soil and vegetation plan must be developed, by a qualified professional forester. ~~P~~pursuant to OMC 16.60.

c. The ~~tree protection and replacement~~ soil and vegetation plan must be approved by the City of Olympia's ~~Urban Forester~~.

d. Supplemental landscaping is provided within or adjacent to these areas, as necessary, to accomplish the specific intent and purpose of this chapter.

3. All portions of the site not proposed for building, other site improvements and required landscaping, shall be retained in a predeveloped, uncompacted, forested and vegetative condition and may be required to be designated and noted on the final plat or approved site plan as a Soil and Vegetation Protection Area. The approval authority may require ~~clearing and supplemental landscaping mitigation~~ in these areas to improve the existing soil and vegetation. (See 18.04A.070 and 18.06A.090, Landscape Design).

B. Coverage. All planting areas shall have plant materials that provide ~~seventy-five (75)~~eighty (80) percent coverage within three years.

C. Irrigation.

1. ~~Areas planted with grass or sod shall have a permanent irrigation system. If used elsewhere, irrigation, if used, shall be appropriate to the maintenance of plants~~ temporary for the purposes of plant establishment. See Groundcover/Turf below.

2. All irrigation systems shall be adequate to ensure survival of all retained and new plants and may be equipped with a controller capable of dual or multiple programming. Controllers must have multiple start capability and flexible calendar programming. They must also allow for at least seven day timing cycles. Timers should be set to ~~reduce evaporation (e.g., water during evening hours after sundown).~~

3. Irrigation systems shall be designed and operated to minimize runoff and overspray to non-irrigated areas.

4. The water schedule for each circuit identified on the approved landscape plan must be posted inside the corresponding controller.

D. Groundcover/Turf.

1. Ground cover shall be planted and spaced in a triangular pattern which will result in ~~complete~~ coverage of eighty (80) percent in three (3) years. The mature size of shrubs and trees whose canopy is no more than two (2) feet above the ground may be included in total ground cover calculations.

2. ~~Grass planted and to be maintained as lawn is prohibited in parking lots unless needed and approved for stormwater conveyance.~~ Grass species, if used as groundcover, shall be appropriate for the location, use, and size of ~~lawn~~ area. (See Suitability below.)

E. Suitability and Vegetation.

1. The vegetation selected for the landscape plan shall be suited to the climate, location, and physical conditions of the site so it can be reasonably expected to survive. Trees shall be selected and located to minimize the potential for interfering with or damaging power lines, underground utilities, or impervious surfaces. Trees shall be selected for their compatibility with the site design at their mature size. Trees shall be selected and located to minimize potential damage to structures and injuries to people.

2. All developments ~~are encouraged to~~ shall use native vegetation, or vegetation that is and well-adapted and drought-tolerant ~~plant materials~~ where conditions and location support their survival, ~~and to reduce the amount of sod and lawn areas which are highly dependent on labor, water and chemicals. A list of native and drought tolerant plant materials is available from the Department.~~

3. The Department will maintain a list of Prohibited Landscape Plants. Plants on this list will have characteristics that despite being well-adapted to site conditions, make them invasive, subject to disease, likely to damage infrastructure, or otherwise cause future management issues. This list will be periodically reviewed and updated by the Department.

~~3. In order to reduce water use and improve survivability, design principles using xeriscape techniques are encouraged. In meeting water conservation goals, plantings that are not drought tolerant should be grouped together and separated from drought tolerant plantings. If installed, separate irrigation systems should be provided as necessary for each group. (See 18.36.060(3), Irrigation, for sprinkler requirements).~~

F. Mulch/Soil.

1. To reduce erosion, minimize evaporation, provide for weed control and to enhance the growing conditions, all areas to be planted ~~should~~ shall be mulched approximately four (4) inches deep with composted or other approved organic material. ~~If uncomposted mulch is used, it should be amended with a sufficient amount of fertilizer to compensate for typical nitrogen deficiencies caused by the uncomposted mulch.~~

2. Existing soil types shall be identified on landscape plans and in the Soil and Vegetation Plan. Soils that are found to be inadequate to provide for the long-term health of proposed landscaping shall be amended up to twenty-four (24) inches deep with soil amendments such as bio-solids or other material as deemed necessary by the approval authority.

G. Trees.

~~1. Deciduous Trees. Trees size and quality shall comply with standards delineated in the Urban Forestry Manual. Size -- Shall have a caliper of at least two (2) inches, measured six (6) inches above the ground line. Quality -- Shall be State Department of Agriculture Nursery Grade No. 1 or better.~~

~~2. Conifer Trees. Size -- Shall be a minimum of six (6) feet in height, measured from ground line. Quality -- Shall be State Department of Agriculture Nursery Grade No. 1 or better.~~

2. Tree Distribution. Trees in Soil and Vegetation Protection Areas shall be comprised of at least 60% evergreen species, unless site conditions are not suitable as determined by the Urban Forester.

3. Street Trees. Street trees will be required as part of frontage improvements pursuant to City of Olympia Engineering Design and Development Standards. ~~and subject to any applicable street tree plan adopted by the city. In the absence of an approved street tree plan t~~The species and spacing of required trees will be determined approved by the City of Olympia's Urban Forester, or designee, consistent with the provisions of OMC 16.60 and this Chapter.

H. Clear Sight Triangle. Fences and landscape plants at maturity shall not exceed two and a half (2.5) feet in height within a clear sight triangle for traffic safety ~~as measured from the street centerline~~. (See 18.40.060(C) for triangle dimensions.)

I. Waste Containers, Mechanical Equipment and Open Storage.

1. Waste Containers and Mechanical Equipment: Solid waste containers (dumpsters, carts, drop boxes and compactors) and mechanical and electrical equipment in industrial, commercial, multi-family and mixed-use projects, which would otherwise be visible from adjoining streets shall be screened from public view by a Type II Visual Screen unless such would interfere with access and service, in which case a Type III Visual Buffer shall be provided.

2. Open Storage: All outside storage areas shall be fully screened by a Type I Solid Screen a minimum of five (5) feet in width, unless the Department finds such storage material is not visually obtrusive.

J. Stormwater Pond and Swales.

1. Stormwater drainage ponds and swales and other stormwater facilities shall be located where they will not unreasonably impede pedestrian access to or between buildings. They shall be attractively landscaped with native, or well-adapted drought-tolerant plants and integrated into the site design.

2. Existing water bodies and wetlands should be incorporated into the site design as an amenity.

K. Pedestrian Facilities. Pedestrian facilities, transit stops, and barrier free access may be allowed in required landscape areas without requiring additional buffer area, provided the intent of this Chapter is met and that the function and safety of the pedestrian facility, transit stop or barrier free facility is not compromised. ~~(See Sections 18.06A.180, 18.06A.190 and 18.06A.200, Pedestrian Design Guidelines.)~~

L. Types of Perimeter Landscape.

1. Solid Screen (Type I). Purpose: This type of landscaping is intended to provide a solid sight barrier between totally separate and incompatible land uses such as residential and industrial areas. It is also used around outdoor storage yards and service yards.

Materials: Landscaping shall consist of evergreen trees, tall shrubs and ground cover which will provide one hundred percent sight-obscuring screen; OR a combination of seventy-five (75) percent evergreen and twenty-five (25) percent deciduous trees with large shrubs and ground cover backed by a one hundred (100) percent sight-obscuring fence. Tree, shrub, and groundcover spacing shall be appropriate for the species type and consistent with the intent of this section.

2. Visual Screen (Type II). Purpose: This type of vegetation or landscape structure, or both, is intended to create a visual separation that may be less than one hundred (100) percent sight-obscuring. It is typically found between commercial and industrial zones; high density multifamily and

single family zones; commercial/office and residential zones; and to screen commercial and industrial use waste containers, mechanical and electrical equipment from the street.

Materials: Vegetative landscaping shall consist of evergreen OR a combination of approximately sixty (60) percent evergreen and forty (40) percent deciduous trees, interspersed with large shrubs and ground cover. A sight-obscuring fence or other landscape structure can be used and may be required if necessary to reduce site specific adverse impacts to adjacent land uses. Tree, shrub, and groundcover spacing shall be appropriate for the species type and consistent with the intent of this section (See Section 18.170.050, Multifamily Residential, Fences and Walls).

3. Visual Buffer (Type III). Purpose: This type of landscaping is intended to provide partial visual separation of uses from streets and main arterials and between compatible uses in order to soften the appearance of parking areas and building elevations. Landscaping shall consist of no more than ~~fifty (50)~~ forty (40) percent deciduous species. Waste containers may be buffered from view using vegetation or a landscape structure or both.

Materials: Vegetative landscaping shall be a mixture of evergreen and deciduous trees interspersed with large shrubs and ground cover. Tree, shrub, and groundcover spacing shall be appropriate for the species type and consistent with the intent of this section.

18.36.080 Landscape ~~and tree~~ soil and vegetation plan requirements

A plan of proposed landscaping and screening shall be included with plans submitted for site plan review or Hearing Examiner review. The plans shall be drawn to scale and contain the following information:

~~A. Tree Plan Soil and Vegetation Plan: Unless otherwise exempt (see Chapter 16.60.040 Exemptions) a soil and vegetation plan is required. Specific soil and vegetation plan requirements are delineated in the Urban Forestry Manual. The scale of the project and the size and quantity of trees proposed for removal, preservation, and planting will determine which level of soil and vegetation plan is required (see Table A in Chapter 16.60.050 Soil and Vegetation Plan Required).~~

~~Tree Protection and Replacement Only. Tree protection and replacement only, not to include street trees.~~

~~1. The following is a summary of OMC 16.60 describing when a tree protection and replacement Soil and Vegetation plan is required.~~

~~a. Any construction and expansion of a building excluding interior remodel; or~~

~~b. Any engineering permit necessary to develop property; or~~

~~c. Any subdivision of property; or~~

d. ~~For those activities not covered above and requiring a city permit, any development which alters the predeveloped or developed condition of a property.~~

2. ~~Tree Plan Soil and Vegetation Plan Requirements. Tree~~The Soil and Vegetation Protection Area Plan ~~must be developed by a qualified professional forester as defined in the tree, soil, and native vegetation protection and replacement ordinance. Specific Plan requirements are outlined in the Tree Protection and Replacement Ordinance Urban Forestry Manual (OMC 16.60).~~

a. ~~Tree, Soil and Vegetation inventory. General description of existing trees, soils and other vegetation including:~~

i. ~~Species, sizes and locations of existing trees and associated other vegetation;~~

ii. ~~Soils description and;~~

iii. ~~health and condition of existing trees;~~

iiii. ~~Species, locations, and extent coverage of invasive species;~~

v. ~~Landmark/Specimen trees;~~

vi. ~~Off-site trees adversely affected by proposal.~~

b. ~~Tree, Soil and Vegetation Protection Area plan (included on the grading plan):~~

i. ~~Locations of trees, soils, and groundcover vegetation to be preserved;~~

ii. ~~Description, and detail of how trees, soils and groundcover vegetation will be preserved;~~

iii. ~~Limits of clearing and grading around protected trees, soils and groundcover vegetation;~~

iv. ~~Timeline for clearing, grading and installation of tree protection measures. (See the Urban Forestry Manual for specific protection standards.)~~

c. ~~Landscaping plan. The landscape plan as required by this Chapter shall be included as one of the required sections of the tree, soil and vegetation protection and replacement plan.~~

d. ~~Street trees plan. The street tree plan for sStreet trees required as part of frontage improvements, shall be included as one of the required sections of in the tree soil and~~

~~vegetation protection and replacement plan. It should be drawn to scale on the site plan and should include the following information:~~

- ~~i. Location, size, and species of trees to be planted;~~
- ~~ii. Description and detail showing site preparation, installation and maintenance measures;~~
- ~~iii. Timeline for site preparation, installation and maintenance of street trees;~~
- ~~iv. Cost estimate for the purchase, installation and maintenance for a minimum of three years of street trees;~~
- ~~v. The description and location of any underground or overhead utilities within the rights-of-way or near proposed street trees;~~
- ~~vi. Additional information. The City's Urban Forester may require any additional information deemed necessary to ensure compliance with the provisions of this chapter;~~
- ~~vii. Information waiver. The City's Urban Forester may waive the requirements for a scaled drawing and other submission data if they find that the information presented is sufficient to determine the project's compliance with the provisions of this Chapter;~~
- ~~viii. Design guidelines: See Sections OMC Chapters 18.100 through 18.180 in general and section 18.170.010 in particular. 18.04A.070 and 18.06A.090.~~

AB. Landscape Plan.

1. Plan Preparation.

a. Four (4) or Less Multifamily Units and Commercial Development having less than 20,000 square feet of gross floor area. Landscape plans required by this section shall be prepared by a person experienced in the selection and installation of plant materials and landscape design. Plans shall be drawn to scale and meet all plan submittal requirements of item 2 below.

b. Five (5) or More Multifamily Units; Commercial Development consisting of 20,000 square feet or more of gross floor area; and all development located on a High Density Corridor or Design Review Corridor. Landscape plans required by this section shall be prepared by a Registered Landscape Architect or Certified Washington State Landscaper or Nurseryman. Plans prepared by others shall have their design plans certified by one of the aforementioned groups, attesting that all requirements of this Chapter have been met or exceeded.

2. Plan Requirements. New landscape plans must identify location, species and diameter or size of plant materials using both botanical and common names. Drawings shall reflect the ultimate size of plant materials at maturity. All drawings shall depict:

- a. Existing property lines and perimeter landscape areas;
- b. All public and private open space, including plazas, courts, etc.;
- c. Parking lot planting areas and vehicle use areas, driveways and walkways;
- d. Location of clear sight triangle, if applicable;
- e. Location of buildings or structures (existing and proposed);
- f. Location of aboveground stormwater drainage pond(s) and swales;
- g. Street tree location;
- h. Screening of mechanical equipment;
- i. Existing soil type and required amendments;
- j. Planting details describing method of installation;
- k. Location and description of existing trees or groves of trees to be retained;
- l. Location and description of existing soils and groundcover vegetation to be retained;
- m. Location and type of any invasive plants and timeline for removal;
- n. Planting locations showing mature size of plants, size of planting stock, species of plant materials, and tree density calculations;
- o. Timeline for site preparation and installation of plant materials;
- p. Cost-estimate for the purchase, installation and three (3) years maintenance of landscaping.

18.36.100 Alternative landscape plans

A. The applicant may formally request in writing a modification from the landscaping requirements set forth in this Chapter; provided there is:

1. No reduction in critical area and buffer, unless permitted by the Chapter 18.32 Critical Areas Ordinance; and
2. No reduction in required tree density; ~~and~~
3. No reduction in required Soil and Vegetation Protection Area.

B. The Department may administratively approve a modification of landscape requirements for reasons of increased safety, a design which clearly exceeds Chapter requirements or environmental protection, to achieve the goals and requirements of the low impact development aspects of the Drainage Manual, or when the application of this Chapter is infeasible within prior built environments. The applicant shall provide evidence that either strict application of this Chapter is infeasible and/or it is in the long-term best interest of the city to modify landscape requirements. Required landscape plans may be modified only under the following circumstances, as applicable.

1. The proposed landscaping clearly exceeds the requirements of this Chapter.
2. The proposed landscaping maintains or increases solar access for purposes of solar energy devices.
3. The proposed landscaping provides for the preservation of existing trees, soils, and associated vegetation, ~~that does not~~ Trees shall not constitute a hazard as determined by a qualified professional forester, pursuant to OMC 16.60. ~~and/or provides for wildlife habitat as determined by environmental review.~~
4. Strict application of this Chapter violates special easement requirements.
5. A site that can not comply with landscape requirements because of prior development (after investigating alternatives to reduce required parking, etc.).
6. In those instances where above ground stormwater requirements serve the same or similar function as required landscaping. The proposed landscaping significantly improves stormwater treatment and aquifer recharge beyond what can be achieved by this Chapter.
7. The preservation of Scenic Vistas.

18.36.120 Conflicting requirements

In the event of a conflict between the standards for individual uses and other general requirements of this chapter the more stringent shall apply. Determination of the appropriate standards shall be made by the Director of the Community Planning and Development Department.

18.36.140 Residential landscape requirements

A. Perimeter Landscape. Perimeter landscape strips may be averaged, provided the minimum width is not less than fifty (50) percent of the required width and the intent and purpose of screening is achieved.

1. Plant Coverage. Notwithstanding other regulations found in this chapter, perimeter areas not covered with buildings, driveways or walkways, and parking and loading areas shall be landscaped. The required width of perimeter areas to be landscaped shall be the depth of the required yard or setback area.

2. Native Vegetation. Required landscaping shall be comprised of a minimum of 60% native vegetation, or Well-Adapted Drought-Tolerant vegetation, where site conditions are appropriate for establishment and long-term survival.

~~23.~~ Buffer Area Next to R-4 and R 4-8.

a. Any land use of higher density, intensity or use that is directly adjacent to an R4 or R 4-8 zone district shall have a solid screen (Type I) or visual screen (Type II) along the abutting perimeter, depending on the intensity of use.

b. Mixed use developments or in areas where combined commercial and residential pedestrian use is desired, a Type II or III screen should be used. Screening area and materials for commercial and residential developments may be combined to achieve the desired screening and pedestrian enhancement. See Section 18.36.060(L) for types of screening.

18.36.160 Commercial landscape requirements

A. Perimeter Landscape. Perimeter landscape strips may be averaged, provided the minimum width is not less than fifty (50) percent of the standard width requirement and the intent and purpose of screening is achieved.

1. Plant Coverage. Notwithstanding other regulations found in this chapter, perimeter areas not covered with buildings, driveways or walkways, and parking and loading areas shall be landscaped. The required width of perimeter areas to be landscaped shall be the depth of the required yard or setback area. Type II and III perimeter landscaping shall be used depending upon adjacent perimeter land uses. (See Types of Perimeter Landscape, Section 18.36.060(L).)

2. Native Vegetation. Required landscaping shall be comprised of a minimum of 60% native vegetation, or well-adapted drought-tolerant vegetation, where site conditions are appropriate for establishment and long-term survival.

~~23.~~ Buffer Area Next to Incompatible Uses.

a. Where a development subject to these standards is contiguous to a residential zoning district, areas of residential development or other incompatible use, then the required perimeter area shall be landscaped with solid screen (Type I) or visual screen (Type II) along the abutting perimeter, depending on the intensity of use.

b. Mixed use developments or in areas where combined commercial and residential pedestrian use is desired, a Type II or III screen should be used. Screening area and materials for commercial and residential developments may be combined to achieve the desired screening and pedestrian enhancement. See Section 18.36.060(L) for types of screening.

18.36.180 Parking lot landscape and screening

A. Applicability.

1. The standards of this section shall apply to both public and private parking lots; and
2. Any use within a residential district requiring more than ten (10) parking spaces; and
3. All commercial and industrial uses of land and development.

B. Perimeter Landscaping

In order to soften the appearance of parking lots, separate one parking area from another or from other uses, the following standards apply:

1. Screening strips – Perimeter landscaping strips shall be provided as follows:
 - a. Between parking lots and street rights-of-way, screening strips shall be a minimum of ten (10) feet in width; and
 - b. All other zone districts without setbacks shall install a perimeter screening strip at least five (5) feet wide, except as provided in (2) below; and
 - c. Exceptions to (a) and (b) above are allowed by administrative exception below:
2. Administrative Exception. The following landscape screen exceptions shall only apply to commercial and industrial districts:
 - a. Parking lot screening strips abutting a non-residential use or district may be reduced in width to the minimum needed to accommodate and maintain the screening materials, as determined by the Department; provided plant materials are placed an appropriate distance from sidewalks or other public facilities to prevent future damage or obstruction.

b. The Director may allow the alteration of screening strips as necessary to provide for direct pedestrian access between sidewalks and building entrances or between parking lots and building entrances, for 'low impact' stormwater management, or for trash receptacles, utility boxes, or driveways.

3. Perimeter Landscaping - Materials.

a. Native Vegetation. Required landscaping shall be comprised of a minimum of 60% native vegetation, or well-adapted drought-tolerant vegetation, where site conditions are appropriate for establishment and long-term survival. Grass lawn is prohibited unless as needed and approved for stormwater conveyance.

b. Deciduous trees shall have a minimum size of two (2) inches in caliper measured six (6) inches above the base. Evergreen trees shall be a minimum six (6) feet in height at planting.

c. Shrubs and ground cover. Ground cover shall be planted and spaced in a triangular pattern which will result in eighty (80) percent coverage in three (3) years. The mature size of shrubs and trees whose canopy is no more than two (2) feet above the ground may also be included in total ground cover calculations.

C. Interior Parking Lot Landscaping.

1. The following interior parking lot landscape area is required for all development covered by 18.36.180(A). Space requirements are considered minimums, additional landscape area may be necessary to meet design requirements below.

Required landscape area per parking stall.

Stall size	(1-20)	(21-30)	(31-40)	(41 +)
Standard	23 sq.ft. (8.25%)	27 sq.ft. (9.75%)	31 sq.ft. (11.25%)	35 sq.ft. (12.75%)
Compact-Small <u>Space</u>	17 sq.ft. (8.3%)	20 sq.ft. (9.8%)	23 sq.ft. (11.3%)	26 sq.ft. (12.7%)

2. Landscape Islands - Design.

a. Landscape Islands ~~should~~ shall be a minimum of one forty-four (144) square feet and no more than five hundred (500) square feet in size. ~~The minimum island size may be reduced if appropriate 'structural soil' is provided to ensure that trees can achieve maturity.~~ Islands shall be designed so that trees will be planted a minimum of ~~six (6)~~ four (4) feet from any hard scape surface. The minimum island size may be reduced, on a case by case basis, if appropriate

'structural soil' is provided to ensure that trees can achieve maturity. The maximum allowable size of five hundred (500) square feet may be increased to allow for the preservation of existing trees and associated vegetation pursuant to OMC 16.60 or to accommodate stormwater infiltration/treatment/conveyance practices.

b. Islands shall be provided in the following location:

- i. Landscaping islands ~~should~~ shall be placed at the end of every parking row and with a ~~maximum~~ spacing of at least approximately about one (1) island for every nine (9) parking spaces consistent with a goal of maximizing canopy tree coverage at maturity; and
- ii. Between loading doors/maneuvering areas and parking area; and
- iii. Any remaining required landscaping shall be dispersed throughout the parking lot interior to reduce visual impact.

c. Permanent curbing shall be provided in all landscape areas within or abutting parking areas. Based on appropriate surface water considerations, other structural barriers such as concrete wheel stops may be substituted for curbing.

3. Landscape Islands - Materials.

a. One tree shall be planted for every two hundred (200) square feet of landscape island area; provided that every landscape island. ~~Each planting area~~ must contain at least one (1) tree. Planting areas shall be provided with the maximum number of trees possible given recommended spacing for species type, and the estimated mature size of the tree.

b. All landscape islands within parking areas shall ~~use drought tolerant trees, shrubs and ground covers.~~ Lawn is not permitted within areas less than two hundred (200) square feet in size and shall only be used as an accessory plant material to required trees, shrubs and ground cover ~~or to accommodate stormwater treatment/conveyance practices.~~ be comprised of a minimum of 60% native vegetation, or well-adapted drought-tolerant vegetation, where site conditions are appropriate for establishment and long-term survival. Grass lawn is prohibited except as needed and approved for stormwater conveyance.

c. No plant material greater than twelve inches in height shall be located within two (2) feet of a curb or other protective barrier in landscape areas adjacent to parking spaces and vehicle use areas.

d. Deciduous and/or evergreen trees shall be used which form a canopy. Deciduous trees shall have a minimum size of two (2) inches in caliper measured six (6) inches above the base. Evergreen trees shall be a minimum six (6) feet in height at planting.

e. Shrubs and ground cover. Ground cover shall be planted and spaced in a triangular pattern which will result in ~~eighty (80) percent~~ complete coverage in three (3) years. The mature size of shrubs and trees whose canopy is no more than two (2) feet above the ground may also be included in total ground cover calculations.

f. Motor vehicle overhang. Parked motor vehicles may overhang landscaped areas up to two (2) feet when wheel stops or curbing are provided. Plants more than twelve (12) inches tall are not allowed within the overhang area.

18.36.190 Landscape Requirements for Antennas and Wireless Communications Facilities

A. Applicability.

1. The standards of this section shall apply to radio, television, and other communication antenna support structures (towers) and equipment compounds, and
2. Wireless communications facilities antenna support structures and equipment compounds.

B. Screening. Equipment compounds which are visible from adjoining streets, parking areas, or other abutting properties shall be screened from view by a Type I Solid Screen a minimum of five (5) feet in width.

C. Perimeter Landscape.

1. Perimeter landscape strips may be averaged, provided the minimum width is not less than fifty (50) percent of the required width and the intent and purpose of screening is achieved.
2. Plant coverage. Notwithstanding other regulations found in this chapter, perimeter areas not covered with buildings, driveways or walkways shall be landscaped. The required width of perimeter areas to be landscaped shall be the depth of the required yard or setback area. Type II or III perimeter landscaping shall be used depending on adjacent perimeter land uses. (See Types of Perimeter Landscape, Section 18.36.060(L).)
3. Buffer area next to incompatible uses. Where a facility subject to these standards is within or contiguous to a residential zoning district, areas of residential development or other incompatible use, then the required perimeter area shall be landscaped with solid screen (Type I) or visual screen (Type II) along the abutting perimeter, depending on the intensity of the abutting use.

4. Alternative landscaping. In lieu of the above requirements, in special cases including, but not limited to, cases where a required tree would be closer to the tower supporting the antenna than the height of the tree at maturity, the applicant may prepare a detailed plan and specifications for landscape and screening, including plantings, fences, walls, topography, etc., to screen the base of the tower and accessory uses. The plan shall accomplish the same degree of screening achieved in items (2) and (3) above but may deviate from the specific requirements, and it must demonstrate to the satisfaction of the City that the public interest will be equally served by such plan.

18.36.200 Performance assurance

A. Landscape Installation.

1. All required landscaping shall be installed prior to issuance of a Certificate of Occupancy (CO) or final inspection; excluding street trees within plats which may use a surety device to guarantee their installation.
2. A CO may be issued prior to completion of required landscaping provided the following criteria are met:
 - a. An applicant or property owner files a written request with the Department five (5) days prior to the CO inspection; and
 - b. The request explains what factors are beyond the applicant's control or which create a significant hardship to prevent the installation of landscape prior to the issuance of a CO; and
 - c. The applicant or property owner has demonstrated a good faith effort to install all required landscaping; and
 - d. Provided requirements (a) through (c) are met, a performance assurance must be posted with the city in a form listed in paragraphs B, C, and D below.
3. The time extension to complete all landscaping may not exceed ninety (90) days after issuance of a Certificate of Occupancy.
4. Failure to complete the installation of required landscape within ninety (90) days after the CO is issued shall constitute a violation of the zoning ordinance.

B. Performance assurance devices shall take the form of one of the following:

1. A surety bond in a form approved by the City Attorney executed by a surety company authorized to transact business in the state;

2. Cash;

3. Assigned savings pursuant to an agreement approved by the City Attorney.

C. If a performance assurance device is employed, the developer/property owner shall provide the City with a non-revocable notarized agreement granting the City and its agents the right to enter the property and perform any required work remaining undone at the expiration of the assurance device.

D. If the developer/property owner fails to carry out provisions of the agreement and the City has unreimbursed costs or expenses resulting from such failure, the City shall call on the bond or cash deposit for reimbursement. If the amount of the bond or cash deposit exceeds the cost and expense incurred by the City, the remainder shall be released. If the amount of the bond or cash deposit is less than the cost and expense incurred by the City, the developer shall be liable to the City for the difference.

18.36.220 Maintenance

A. Plant Maintenance. Whenever landscaping is required under the provisions of this Chapter, all shrubs and trees in the landscape and planting areas shall be maintained in a healthy condition. Property owners shall be responsible for pruning vegetation which interferes with pedestrians and bicyclists, and that obstructs vehicle clear vision triangles.

B. Irrigation. All portions of any irrigation system shall be maintained in order to perform its original function. Uncontrolled emission of water from any pipe, valve, head, emitter or other irrigation device shall be considered evidence of non-maintenance and a violation of this ordinance.

C. Hard scape. Maintenance of all landscape areas shall also include the painting, repairing, reconstruction, and restoration of landscape structures such as fences, walls, overheads, trellises, etc.

D. Bonding. In addition to any other remedy provided within this code for any landscape maintenance requirements imposed by this Chapter, the city may also require a performance or maintenance bond if maintenance is not adequately provided.

~~18.36.240 Preferred plantings~~

~~Recommended plantings and other information is available from the Department to help create a water smart landscape. Choosing the right plant in the right location, and using the proper soil are the first steps in creating a healthy and lush landscape.~~

Section 29. Amendment OMC 18.38.040. Olympia Municipal Code Section 18.38.040 is hereby amended to read as follows:

18.38 Parking and Loading

18.38.040 Applicability

Unless specifically exempted, every land use shall have permanently maintained off-street parking facilities pursuant to the following regulations.

~~EXEMPT: Land uses within the Downtown are exempt from all parking requirements; however, if parking facilities are provided they must meet required parking ratios and design standards (See figure of exempt parking, 18.38.160(D)(2)).~~

Section 30. Amendment OMC 18.38.060. Olympia Municipal Code Section 18.38.060 is hereby amended to read as follows:

18.38.060 Parking and loading general regulations

A. Off-street parking and loading spaces shall be provided in accordance with the provisions of this chapter when any of the following actions occur. These provisions apply to all uses and structures in all land use districts unless otherwise specified.

1. When a main or accessory building is erected.
2. When a main or accessory building is relocated or expanded.
3. When a use is changed to one requiring more or less parking or loading spaces. This also includes all occupied accessory structures.
4. When the number of stalls in an existing parking lot is decreased or increased by twenty-five (25) percent or 6 stalls, whichever is less. Only those stalls and areas proposed to be added or removed shall be subject to the provisions of this Chapter. (Note: proposed expansions of existing parking lots not subject to the minimum parking requirements of this Chapter).

B. Required Plans. Building permits shall not be approved unless there is a building plan and plot plan identifying parking and loading facilities in accordance with this chapter. No permit or city license shall be issued unless there is proof that required parking and loading facilities have been or are currently provided in accordance with the provisions of this chapter.

C. Unlawful Removal. It is unlawful to discontinue prior approved parking facilities without establishing alternate facilities that meet the requirements of this chapter. Parking and loading facilities which are adequate to meet the requirements contained in this chapter shall be provided and maintained as long as the use they serve is in existence. These facilities shall not be reduced in total unless a shared parking agreement is canceled, a change in occupancy or use of a premises has occurred which results in a reduction of required parking.

D. Use of Facility. Necessary precautions shall be taken by the property owner to ensure parking and loading facilities are only used by tenants, employees, social/business visitors or other persons for which the facilities are provided, to include shared parking.

E. Off-site Parking. Parking lots may be established as a separate and primary land use, provided the proposed parking lot exclusively serves a specific use, building or development, and shared parking. These parking lots require a conditional use permit in the Arterial Commercial district. (See 18.38.200, Parking Facility Location, for maximum off-site separation requirements.)

F. For Landscape Requirements refer to Chapter 18.36

G. Off-Street Parking--Schedule of Spaces. Off-street parking spaces shall be provided to the extent allowed by this Chapter.

H. Unlisted Uses. Any use clearly similar to any of the below-mentioned uses shall meet such use requirements. If a similarity of use is not apparent or no specific requirement is listed below, the Director may require a parking demand study ~~or~~ and shall determine the standards that should be applied to the use in question.

I. Shared Parking. The Director may require an applicant to provide proof that shared parking is infeasible when adjacent land uses or business hours of operation are different. Adjoining property owners will submit a joint letter explaining why an agreement can or cannot be reached. (See Section 18.38.180, Shared and Combined Parking Facilities.)

~~J. Compact Parking. No more than thirty (30) percent of total required parking may be devoted to compact cars, provided design standards in Section 18.38.220 are met.~~

~~K.~~ On-Street Credit – Non-Residential. Upon the applicant’s request, non-residential uses located adjacent to a public right-of-way where on-street parking is permitted shall receive credit for one off-street parking space for each twenty (20) linear feet of abutting right-of-way, exclusive only of curb cuts and regardless of the actual and particular on-street parking provisions.

~~L.~~ Rounding of Fractions. When the number of required parking spaces for a particular use or building results in a fractional space, any fraction less than one-half (1/2) shall be disregarded and any fraction of one-half (1/2) or over shall be counted as one (1) space.

Section 31. Amendment OMC 18.38.080. Olympia Municipal Code Section 18.38.080 is hereby amended to read as follows:

OMC 18.38.080 Administrative ~~variance~~ modifications

A. Project applicants may request an administrative modification to increase or decrease the number of parking spaces for motor vehicles, bicycles and loading otherwise required by this chapter. No modification is

required to increase or decrease the number of required spaces by up to ten percent. Modifications greater than forty percent may only be granted by the Hearing Examiner and only pursuant to the criteria of OMC Chapter 18.66.

B. Administrative Modifications. A modification to increase or decrease the number of required parking spaces within the range of ten percent to forty percent shall be considered by the Director at the request of the project applicant. The project applicant shall present any modification request including application fee, and any evidence and reports, prior to any final, discretionary approvals, such as land use approval, environmental review, or construction permits.

1. The general criteria for an administrative modification request are:

a. Modification requests may be granted based on the effectiveness of proposed transportation demand management strategies, significance and magnitude of the proposed modification, and compliance with this chapter.

c. Modification requests may be denied or altered if the Director has reason to believe based on experience and existing development practices that the proposed modification may lead to excessive or inadequate parking or may inhibit or prevent regular and intended functions of either the proposed or existing use, or adjacent uses.

2. Submittal Requirements. A report shall be submitted by the applicant providing the basis for more or less parking and must include the following:

a. For modification requests of up to twenty percent:

i. Describe site and use characteristics, specifically:

(A) Site accessibility and proximity to transit infrastructure and transit times;

(B) Site accessibility and proximity to bicycle and pedestrian infrastructure;

(C) Shared and combined parking opportunities; and

(D) Employee or customer density and transportation usage and patternspractices.

ii. Describe and demonstrate alternative transportation strategies such as carpooling, flexible work schedules, telecommuting, or parking fees, if used;

iii. Demonstrate compliance with commute trip reduction measures as required by state law, if applicable;

iv. Identify possible negative effects on adjacent uses and mitigation strategies, if applicable; and

b. For modification requests greater than twenty percent and up to forty percent:

i. Provide the contents of a twenty percent or less request;

ii. If increasing, provide a parking demand study prepared by a transportation engineer licensed in the state of Washington, which supports the need for more parking; or

iii. If decreasing, show that the site is or within six months of occupancy will be within a one-quarter-mile walk to transit service verified by Intercity Transit, and that the site is more than 300 feet from a single-family residential zone.

3. To mitigate the need for motor vehicle parking or to minimize hard surfaces, the Director may require measures, such as more efficient parking geometrics and enhanced bicycle parking and pedestrian amenities. As a condition of approval of any increase in motor vehicle parking, at minimum the Director shall require the compliance with the provisions below. Any exceptions shall be based on site and project constraints identified and described in the approval.

a. Double the amount of required interior landscaping for that area of additional parking. This additional area may be dispersed throughout the parking area. Fifty (50) percent of this requirement may be in the form of parking spaces surfaced with a drive-able planted pervious surface, such as 'grasscrete' or 'turfblock.'

b. Without unduly compromising other objectives of this Chapter, ninety (90) percent of the parking area shall be located behind a building. Any parking area along a flanking street shall have added landscaping and a superior design to strengthen pedestrian qualities, such as low walls, arcades, seating areas, and public art.

f. Any preferential parking shall be located near primary building entrances for employees who ride-share.

g. In locations where bus service is provided, the applicant shall install a transit shelter meeting Intercity Transit standards if none is available within six hundred (600) feet of the middle of the property abutting the right-of-way. Alternative improvements may be accepted if supported by Intercity Transit's Director.

4. Public Notification and Appeals. Property owners within three hundred (300) feet of a site shall be notified by mail of modification within 14 days of receipt of any request to increase or decrease parking by twenty-one (21) to forty (40) percent. Written notice of the Director's decision shall be provided to the applicant and all interested parties of record. Administrative modification decisions may be appealed pursuant to OMC Chapter 18.75.

~~A. GENERAL:~~

~~1. An administrative variance from required parking standards must be received prior to any issuance of building and engineering permits.~~

~~2. Various methods to reduce or increase parking may not be combined to reduce or increase parking by more than forty percent. In addition, any stalls gained through sharing, combining or on-site park and ride shall be counted toward total parking needs. For example:~~

~~Evidence is submitted to support one hundred (100) additional stalls to the five hundred (500) already require;~~

~~Combined parking opportunity = twenty-five (25) stalls;~~

~~Twenty (20) percent administrative variance option is used = one hundred (100); additional stalls based on five hundred (500) total, but twenty-five (25) have already been found; so~~

~~The total number of stalls derived from administrative variance = seventy-five (75) stalls.~~

~~3. The project developer shall present all findings to the Director prior to any final, discretionary approvals; e.g., design review, site plan review, environmental review, or any planning, building or engineering permits. The Director shall authorize an increase in parking, based on compliance with the strategies in Section 18.38.080(C).~~

~~4. Public Notification. Property owners within three hundred (300) feet of a site shall be notified by mail of all variance requests to increase or decrease parking by twenty-one (21) to forty (40) percent.~~

~~B.—CRITERIA TO REDUCE AND INCREASE PARKING.~~

~~1.—Decrease in Required Parking. In addition to the following requirements, the Director may require that all or some administrative variance design requirements listed for increased parking be met (e.g., bike racks, landscaping, etc.), and require other measures to ensure all impacts associated with reduced parking are mitigated. Any motor vehicle parking spillover which can not be mitigated to the satisfaction of the Director will serve as a basis for denial.~~

~~**Decrease of 10% to 20%**~~

~~The Director may allow a 10% to 20% decrease in required parking after:~~

- ~~1. Shared and combined parking opportunities are fully explored; and~~
- ~~2. On-site park and ride opportunities are fully explored; and~~
- ~~3. Compliance with commute trip reduction measures as required by state law, if applicable; and~~
- ~~4. The site is shown to be no closer than 300 feet from a single-family residential zoned neighborhood; and~~
- ~~5. A report is submitted providing a basis for less parking and mitigation necessary to offset any negative effects.~~
- ~~-~~

~~**Decrease of 21% to 40%**~~

~~The Director may allow a 21% to 40% decrease in required parking after:~~

- ~~1. Shared and combined parking opportunities are fully explored; and~~
- ~~2. On-site park and ride opportunities are fully explored; and~~
- ~~3. Compliance with commute trip reduction measures as required by state law, if applicable; and~~
- ~~4. The site is shown to be no closer than 300 feet from a single-family residential zoned neighborhood; and~~
- ~~5. A report is submitted providing a basis for less parking and mitigation necessary to offset any negative effects; and~~
- ~~6. The site is served by transit or can be served within 6 months of occupancy (within 3 blocks or 600 feet, whichever is less).~~

~~2.—Increased Parking. Required parking may be increased if the criteria listed below is met to the satisfaction of the Director.~~

~~**Increase of 10% to 20%**~~

~~The Director may allow a 10% to 20% increase above required parking after:~~

- ~~1. Shared and combined parking opportunities are fully explored; and~~
- ~~2. On-site park and ride opportunities are fully explored; and~~

~~**Increase of 21% to 40%**~~

~~The Director may allow a 21% to 40% increase above required parking after:~~

- ~~1. Shared and combined parking opportunities are fully explored; and~~
- ~~2. On-site park and ride opportunities are fully explored; and~~

~~Increase of 10% to 20%~~

~~3. Compliance with commute trip reduction measures as required by state law, if applicable; and~~

~~4. All design and facility requirements listed in step 5 below are met to the satisfaction of the Director; and~~

~~5. A report is submitted which supports the need for more parking.~~

~~Increase of 21% to 40%~~

~~3. Compliance with commute trip reduction measures as required by state law, if applicable; and~~

~~4. All design and facility requirements listed in step 5 below are met to the satisfaction of the Director; and~~

~~5. A parking demand study is submitted, as determined by the Transportation Section, which supports the need for increased parking.~~

~~[NOTE: The total increase/decrease that is allowed is a percentage of total required parking and is only permitted after exploring other alternate means e.g., combined and shared parking, on-site park and ride lot, commute trip reduction, etc.]~~

~~C. PROCESS TO REDUCE AND INCREASE PARKING.~~

~~Requests to reduce parking need only follow steps 1 through 3.~~

~~1. First Step: Submit evidence that decreased/increased parking is necessary. This may take the form of a brief report for all decreases and ten (10) to twenty (20) percent increases. The Director may require additional studies to ensure negative impacts are properly mitigated. A more complete and detailed parking demand study is only required for increases of twenty-one (21) percent or more.~~

~~2. Second Step: Describe site characteristics, specifically:~~

~~a. Site accessibility for transit; e.g., pullouts;~~

~~b. Site proximity to transit with fifteen (15) to thirty (30) minute headways (time between buses);~~

~~c. Shared use of on-site parking for park-and-ride;~~

~~d. Shared use of off-site and adjacent parking;~~

~~e. Shared use of new-proposed parking by existing or future adjacent land uses;~~

~~f. Combined on-site parking; e.g., shopping centers;~~

~~g. Employee density (one hundred (100) or more must meet state commuter trip reduction requirements);~~

h.—Adjacent land uses.

3.—Third Step: Determine if additional parking can be provided by shared and combined parking, on-site park and ride (install one (1) stall for two (2) stall credit), and by commute trip reduction measures.

4.—Fourth Step: If additional parking is still desired, the Director may require the applicant to complete a parking cost worksheet.

5.—Fifth Step: If additional parking is still desired an administrative variance is required. The site plan must meet design elements a — i below. To the extent practical, all requirements found below must be included in a project proposal to the satisfaction of the Director prior to approving any administrative variance to increase parking. In those instances where site constraints impede design requirements, written findings of fact shall be made identifying site and project constraints, and shall be identified in the final project approval letter. In its findings, the Director shall determine if a good faith effort has been made in building and site design in order to accomplish required design elements:

a.—Design internal roadway, parking area, and pedestrian paths to assure access between public and private transportation facilities; access to adjacent land uses; and access within parking lots.

b.—Install pedestrian amenities; e.g., walkways using textures and colors, lighting, arcades, etc.

c.—Explore alternative parking lot designs in order to reduce impervious surface; e.g., one (1) way instead of two (2) way access aisles.

d.—Double the amount of required interior landscape within that area of additional parking (fifty (50) percent of this requirement — if proven to be maintained — may be Grasscrete, Turfblock or other driveable planted pervious surface within areas receiving sporadic use; usually the farthest from the building entrance. This additional landscape area may be dispersed throughout the parking lot.

e.—Ninety (90) percent of the parking lot area shall be located behind the building, without unduly compromising other objectives of this Chapter. Parking lot area along flanking streets shall have added landscape and a superior design to strengthen pedestrian qualities e.g. low walls, arcades, seating areas, public art, etc.

f.—Preferential parking shall be located near primary building entrances for employees who ride-share and for high occupancy vehicles (HOVs).

~~g.—Purchase and install a transit shelter to meet Intercity Transit operational needs unless already available within six hundred (600) feet, as measured from the middle of the property abutting the rights-of-way. This distance may be increased by Intercity Transit if located in lower density zones.~~

~~h.—Construct a transit pullout if requirement in letter g above is used and if Intercity Transit finds it practical. Credit may be given for other Intercity Transit demand management strategies if a transit shelter and pullout are infeasible.~~

~~i.—Create a transit/ride-share information center and place in a conspicuous location.~~

~~j.—Use permeable pavement for all parking and associated drive areas exceeding required parking by 10%.~~

Section 32. Amendment OMC 18.38.060.C. Olympia Municipal Code Subsection 18.38.060.C is hereby amended to read as follows:

OMC 18.38.100 Vehicular and bicycle parking standards

C. Residential Exceptions.

1. New residential land uses in the Downtown Exempt Parking Area do not require motor vehicle parking. See OMC 18.38.160.

2. Residential land uses in the DB, CSH, RMH, RMU, and UR Districts require only one (1) vehicle parking space per unit.

3. Table 18.01 notwithstanding, senior (age 55 or 62 and over) multi-family housing requires three (3) motor vehicle parking spaces per four (4) units. This exception is at the discretion of the applicant and only applicable if an appropriate age-restriction covenant is recorded.

Section 33. Amendment OMC 18.38.220. Olympia Municipal Code Section 18.38.220 is hereby amended to read as follows:

OMC 18.38.220 Design standards-General

Off-street parking facilities shall be designed and maintained in accordance with the standards ~~of the latest edition of the Transportation and Traffic Engineering Handbook and those hereunder, provided that up to 1530% of parking stalls may be small spaces as described in section B. unless otherwise stated. In the alternative, an applicant may propose and, if providing equal or better function, the Director may approve alternative parking geometrics consistent with the most recent specific standards promulgated by the Institute of Transportation Engineers or the National Parking Association.~~

A. General Requirements. [NOTE: Also refer to see the specific zone district design standards in this Chapter under of OMC Section 18.38.240.]

1	2 SW	3 WP	4 VPW	5 VPi	6 AW	7 W2	8 W4
Parking Class	Basic Stall Width (ft)	Stall Width Parallel to Aisle (ft)	Stall Depth to Wall (ft)	Stall Depth to Interlock (ft)	Aisle Width (ft)	Modules Wall-to-Wall (ft)	Modules Interlock to Interlock (ft)
A	2-Way Aisle-90° 9.00	9.00	17.5	17.5	26.0 24	61.0 59	61.0 59
A	2-Way Aisle-60° 9.00	10.4	18.0	16.5	26.0 24	62.0 60	59.0 57
A	1-Way Aisle-75° 9.00	9.3	18.5	17.5	22.0 20	59.0 57	57.0 55
A	1-Way Aisle-60° 9.00	10.4	18.0	16.5	18.0 16	54.0 52	51.0 49
A	1-Way Aisle-45° 9.00	16.5	16.5	14.5	15.0 13	48.0 46	44.0 42

Source: Guidelines for Parking Facility Location and Design ITE Committee 5D-8, May 1990.

STANDARD PARKING DIMENSIONS

FIGURE 38-4

Figure 7-1. Dimensional elements of parking layouts.
 SOURCE: Adapted from R. A. Weant, "Parking Garage Planning and Operation," Fig. 20, Eno Foundation for Transportation, Inc., 1978.

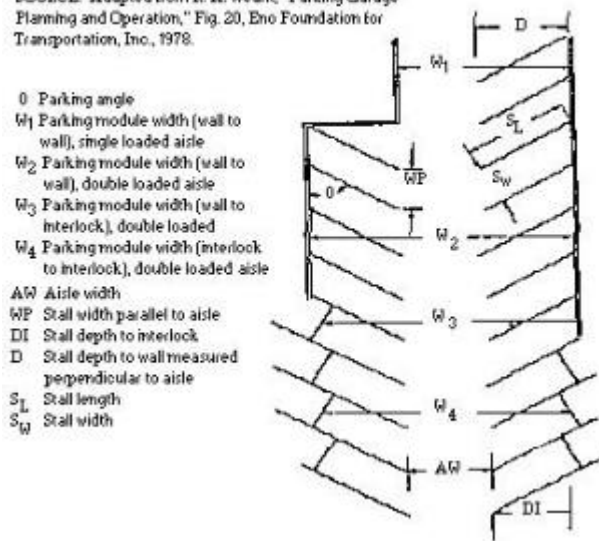


FIGURE 38-5

1. Driveways. Driveways and curb cuts within public rights-of-way shall be in accordance with the Olympia Engineering and Development Standards. ~~Chapter 12.40, Driveways, Curbs and Parking Strips, Sections 12.40.010 through 12.40.060 and 12.40.110 through 12.40.170 and plans for such shall be submitted to and approved by the Public Works Director.~~

2. Ingress/Egress Requirements.
 - a. The Director, or designee, and after appropriate traffic study, including consideration of total parcel size, frontage on thoroughfares, uses proposed and other vicinity characteristics, shall have the authority to fix the location, width and manner of approach of a vehicular ingress and egress from a building or parking area to a public street and to alter existing ingress or egress as may be required to control street traffic in the interest of public safety and general welfare.

 - b. Generally, but not in all cases, the internal circulation system and the ingress and egress to commercial or multifamily developments from an access street shall be so designed that the principal point of automobile cross-traffic on the street occurs at only one point--a point capable of being channelized for turning movements. Access shall be shared with adjoining parcels by placing ingress/egress points on shared lot lines, wherever safe and practical. Where parcels are bounded by more than a single street, generally, but not in all cases, access shall be provided only from the street having the lowest classification in the hierarchy of streets as established by the Public Works Director.

3. Maneuvering Areas.

a. All maneuvering areas, ramps, access drives, etc. shall be provided on the property on which the parking facility is located; however, if such facility adjoins an alley, such alley may be used as a maneuvering area. A garage or carport entered perpendicular to an alley must be located a minimum of ten (10) feet from the property line. A garage or carport entered parallel to an alley may be placed on the rear property line; provided sight distances are maintained. ~~{NOTE: See accessory dwelling unit and structure requirements.}~~

b. Maneuvering areas shall be provided so that no vehicle is obliged to back out of a parking stall onto the street, except ~~in~~ into neighborhood collector and local access streets within the R-1/5, RLI, R-4, R 4-8, and R 6-12 use districts, or where approved by the City Engineer. ~~{NOTE: See aisle width requirements.}~~

4. Parking Surface. All parking lots must be paved and designed to meet drainage requirements. Pervious surfaces (e.g., Turf Block) ~~or~~ and other approved dust free surfaces may be used ~~for parking areas held in reserve for future use, overflow parking (parking area furthest from building entrance), or parking areas approved by the Site Plan Review Committee.~~ A maintenance agreement may be required to ensure such surface is properly maintained.

5. Landscaping. Parking areas shall be landscaped according to the requirements of Chapter 18.36.

6. Wheel Stop, Overhang. Appropriate wheel and bumper guards shall be provided to protect landscaped areas, to define parking spaces and to clearly separate the parking area from any abutting street rights-of-way and property lines. Vehicles may overhang landscaped areas up to two (2) feet when wheel stops or curbing is provided.

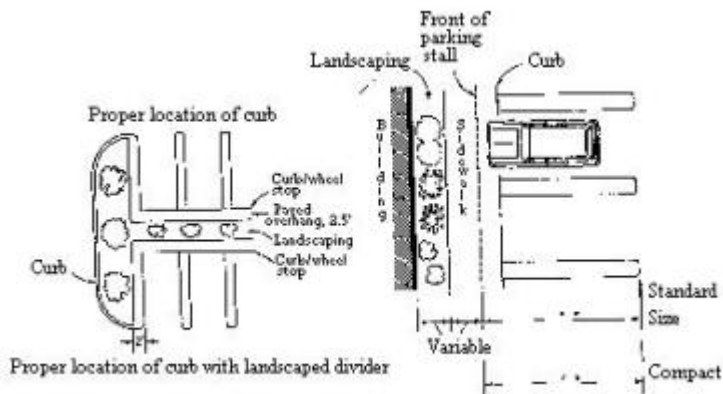


FIGURE 38-6

7. Contiguous parking lots shall not exceed one (1) acre in size. Parking lots exceeding one (1) acre in size shall be separated by a minimum ten (10) foot wide landscaped strip. This strip is in addition to interior and perimeter landscaping and may be used for stormwater management or pedestrian access ~~shall be of a different elevation than the parking lot.~~

8. ~~Downtown~~ Structured Parking Dimensions. Structured parking facilities may be designed to the general design standards found in Figures 38-4 and 38-5 above, Figure 38-7 below, or to the following structured parking design standard: Within parking structures small spaces shall not exceed 1530% of spaces within each structure.

	Compact Car Small Space Dimension	Standard Car Dimensions
Standard Stall Width	8-foot	9-foot
Standard Stall Depth	16-foot	16-foot
Standard Aisle Width	24-foot	24-foot
Standard Wall-to-Wall	57-foot	57-foot

B. Compact Car Dimensions, Layout and Circulation.

1. Parking Dimensions. No more than thirty (30) percent of spaces shall be smaller than the standard sizes. (See Compact Parking Dimensions Table below).

1	2 SW	3 WP	4 VPW	5 VPi	6 AW	7 W2	8 W4
Parking Class	Basic Stall Width	Stall Width Parallel to Aisle (ft)	Stall Depth to Wall (ft)	Stall Depth to Interlock (ft)	Aisle Width (ft)	Modules Wall-to-Wall (ft)	Modules Interlock to Interlock (ft)
2-Way Aisle-90° A	8.00	8.00	15.0	15.0	21.0	51.0	51.0
2-Way Aisle -60° A	8.00	9.3	15.4	14.0	21.0	52.0	50.0
1-Way Aisle-75° A	8.00	8.3	16.0	15.1	17.0	49.0	47.0
1-Way Aisle-60° A	8.00	9.3	15.4	14.0	15.0	46.0	43.0
1-Way Aisle-45° A	8.00	11.3	14.2	12.3	13.0	42.0	38.0

Section 34. Amendment OMC 18.64.080.D. Olympia Municipal Code Subsection 18.64.08.D is hereby amended to read as follows:

OMC 18.64.080 Development standards

D. Building, Impervious and Hard Surface Coverage. Outside of 'village' and 'center' districts subject to table 5.05, building and impervious surface Bbuilding_coverage for an individual townhouse lot shall not exceed 60%

or the underlying district limit, whichever is greater, and hard surface coverage shall not exceed 70% or the underlying district, whichever is greater. Provided further that total coverage for each townhouse building shall not exceed building, impervious surface and hard surface coverages of the underlying district. the following standards:

- ~~1. R4 and R 4-8 Districts: Sixty (60) percent building coverage;~~
- ~~2. R 6-12 District: Seventy (70) percent building coverage;~~
- ~~3. All other Districts: Same as the underlying district.~~

Section 35. Amendment OMC 18.75.020. Olympia Municipal Code Section 18.75.020 is hereby amended to read as follows:

OMC 18.75.020 Specific appeal procedures

A. Administrative Decision. Administrative decisions regarding the approval or denial of the following applications or determinations/interpretations may be appealed to the Hearing Examiner within fourteen (14) days, or twenty-one (21) days if issued with a SEPA threshold determination including a comment period, of the final staff decision using procedures outlined below and in OMC Chapter 18.82, Hearing Examiner (Refer to 18.72.080 for other appeal authorities).

1. All Administrative Interpretations/Determinations
2. Boundary Line Adjustments
3. Home Occupation Permits
4. Preliminary Short Plats
5. Preliminary SEPA Threshold Determination (EIS required)
6. Shoreline Exemptions and staff-level substantial development permits
7. Sign Permits
8. Variances, Administrative
9. Building permits
10. Engineering permits
11. Application or interpretations of the Building Code

12. Application or interpretations of the Housing Code
13. Application or interpretations of the Uniform Fire Code
14. Application or interpretations of the Uniform Code for the Abatement of Dangerous Buildings
15. Application and interpretations of the Uniform Code for Building Conservation
16. Land Use (Director) decisions
17. Administrative decisions on impact fees
18. Appeals of Drainage Manual Administrator decisions

B. SEPA.

1. The City establishes the following administrative appeal procedures under RCW 43.21C.075 and WAC 197-11-680:

a. Any agency or person may appeal the City's conditioning, lack of conditioning or denial of an action pursuant to WAC Chapter 197-11. All such appeals shall be made to the Hearing Examiner and must be filed within seven (7) days after the comment period before the threshold decision has expired. This appeal and any other appeal of a land use action shall be considered together.

b. The following threshold decisions or actions are subject to timely appeal.

i. Determination of Significance. Appeal of a determination of significance (DS) or a claim of error for failure to issue a DS may only be appealed to the Hearing Examiner within that fourteen (14) day period immediately following issuance of such initial determination.

ii. Determination of Nonsignificance or Mitigated Determination of Nonsignificance. Conditions of approval and the lack of specific conditions may be appealed to the Hearing Examiner within seven (7) calendar days after the SEPA comment period expires.

iii. Environmental Impact Statement. A challenge to a determination of adequacy of a Final EIS may be heard by the Hearing Examiner in conjunction with any appeal or hearing regarding the associated project permit. Where no hearing is associated with the proposed action, an appeal of the determination of adequacy must be filed within fourteen (14) days after the thirty (30) day comment period has expired.

iv. Denial of a proposal. Any denial of a project or non-project action using SEPA policies and rules may be appealed to the Hearing Examiner within seven (7) days following the final administrative decision.

c. For any appeal under this subsection the City shall keep a record of the appeal proceedings, which shall consist of the following:

i. Findings and conclusions; and

ii. Testimony under oath; and

iii. A taped or written transcript.

d. Any procedural determination by the City's responsible official shall carry substantial weight in any appeal proceeding.

2. The City shall give official notice under WAC 197-11-680 (5) whenever it issues a permit or approval for which a statute or ordinance establishes a time limit for commencing judicial appeal. See Chapter 18.78, Public Notification.

C. Land Use Approval.

1. The Director's decisions may be appealed to the Hearing Examiner by any aggrieved or affected parties. All appeals shall be filed in writing with the Department within fourteen (14) days of the date of the decision being appealed. Where combined with an environmental threshold determination, such appeal period shall be extended to twenty-one (21) days.

2. The Department shall send written notification of receipt of the appeal to the applicant and to all appropriate city departments prior to the date the Hearing Examiner will consider the matter.

3. Any action taken by the Hearing Examiner which upholds, modifies or reverses a decision by the Director shall be final.

D. Building and Fire Permits Appeals.

For building or fire code appeals, the Hearing Examiner is authorized to appoint a master, an individual with appropriate professional experience and technical expertise, to hear such appeals and to prepare findings and conclusions for issuance by the Hearing Examiner.

E. Takings and Substantive Due Process Review and Modifications.

1. The Hearing Examiner is hereby authorized to hear, by way of appeal or upon review of a project permit application, all assertions of project-specific taking of property for public use without just compensation and/or the denial of substantive due process of law, and all challenges to imposition of conditions on a project of a similar nature such as any assertion that an open space dedication is not reasonably necessary as a direct result of a proposed development whether based on constitutional, statutory or common law. Failure to raise a specific challenge to such condition or exaction shall constitute a waiver of such issue and a failure to exhaust an administrative remedy.

2. In deciding and resolving any such issue, the Examiner may consider all law applicable to the City. Should the Examiner determine that, but for a taking without just compensation or a violation of substantive due process of law, imposition of any such condition would be required by standard, regulation, or ordinance the Examiner shall so state in the decision and so report to the Olympia City Council. In lieu of failing to impose such condition, the Examiner shall first provide the City with due opportunity to provide just compensation. The Examiner shall specify a time period in which the Council shall elect to or not to provide just compensation. Upon notice of the election of the City Council not to provide such compensation, the Examiner is authorized to and shall, within fourteen (14) days, issue a decision modifying to whatever degree necessary such condition to eliminate the taking or violation of substantive due process.

Section 36. 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 37. Ratification. Any act consistent with the authority and prior to the effective date of this Ordinance is hereby ratified and affirmed.

Section 38. Effective Date. This Ordinance shall take effect on December 1, 2016.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

Darren Nienaber

DEPUTY CITY ATTORNEY

PASSED:

APPROVED:

PUBLISHED:



LOW IMPACT DEVELOPMENT

WHAT IS LOW IMPACT DEVELOPMENT (LID)?

Also referred to as “green stormwater infrastructure”, low impact development is an approach to land development that works with nature to manage rainwater as close to where it falls as possible. Smaller scale, dispersed stormwater infiltration areas on a site more closely mimic how water would move through an undisturbed, forested ecosystem.

In practice, low impact development includes such structural best management practices (BMPs) as permeable pavements, green roofs, bioretention and rain gardens, as well as LID development principles like maximum impervious surface standards and native vegetation requirements.

WHY UPDATE OLYMPIA DEVELOPMENT CODES FOR LID?

Stormwater runoff has been found to be a leading contributor of pollution to Puget Sound. Low impact development has been identified as an approach to site development that can help minimize the effects of development on the health of the environment.

Acknowledging this, the Washington Department of Ecology included provisions in the [2013-2018 Western Washington Phase II Municipal Stormwater Permit](#) (Permit) that requires revisions to the City’s codes and standards to make low impact development the “preferred and commonly-used approach to site development”.

Olympia’s development codes include the Engineering Design and Development Standards (EDDS), the Drainage Design and Erosion Control Manual for Olympia (DDECM), and portions of the Olympia Municipal Code (OMC). These three documents have been reviewed for opportunities to strengthen or add LID provisions and are presented as an integrated LID code update package.

HOW WILL THE CODE UPDATES BE ACCOMPLISHED?

The Permit specifies that the code evaluations and process should be consistent with the guidance document prepared by Puget Sound Partnership titled [Integrating LID into Local Codes: A Guidebook for Local Governments](#). The guidebook outlines a six step code revision process that begins with choosing a project team, continues through a comprehensive code analysis and revisions, and ends with code adoption by elected officials.

City staff reviewed existing codes and standards for potential barriers to and opportunities for further support of LID techniques. Twenty-two issue papers were developed to document staff’s findings. The issue papers are further summarized in papers on the following five LID topics: 1) Reducing site disturbance, 2) Minimizing impervious area on sites, 3) Minimizing impervious area for streets, 4) Increasing water quality treatment and infiltration, and 5) Procedures, process and codes.

A workgroup comprised of sixteen local development professionals reviewed staff’s issue papers for technical feasibility and implications. Olympia’s Utility Advisory Committee (UAC), composed of volunteers appointed by the City Council, will study the issues during fall 2015 before making a recommendation to the Planning Commission and City Council at the end of the year. LID supportive codes and standards will be adopted by the Council and in effect mid-2016, prior to the December 31, 2016 Ecology permit deadline.

WHAT IS OLYMPIA'S EXPERIENCE WITH LID?

The Olympia Public Works Department started installing structural LID techniques more than fifteen years ago. For example, in 2007, City Council approved direction for the department on the use of permeable pavements. One of the City's first projects and most commonly utilized installation since then has been pervious sidewalks. Currently, Olympia has more than four miles of pervious sidewalk scattered throughout the City. Staff has developed a map depicting some of the types and locations of LID installations located throughout the City.

Over the years, the City's zoning code and development standards have been updated to increasingly incorporate low impact development-friendly regulations. For example, Olympia reduced street lane widths in 2006 to some of the narrowest in the state. In addition, the City adopted a unique zoning district and associated set of mandatory LID regulations within a highly sensitive watershed, Green Cove, for the purpose of preventing further damage to aquatic habitat from urban development. A comprehensive set of policy revisions covering development density, impervious surface coverage, lot size, open space/tree retention, street design, block sizes, parking, sidewalks and stormwater management requirements were enacted.

Within the context of fostering urban-scale land use, Olympia always seeks to promote environmentally-sensitive development. More detail on Olympia's experience with and use of LID techniques is described in the LID issue papers.

WHAT ARE SOME OF THE CHALLENGES TO IMPLEMENTING LID?

Change is rarely easy or without complication. The following overarching hurdles confront our community in implementing LID:

Challenging in an urban setting- Space constraints on dense urban lots make it more difficult to accommodate stormwater infiltration on site compared to a rural setting.

Competing community objectives- Often there are trade-offs between transportation, stormwater, and community planning objectives. For example, while transportation planning may favor larger cul-de-sacs to easily facilitate solid waste truck turnaround, stormwater planning may support smaller cul-de-sacs in order to reduce impervious surface. An overarching emphasis on stormwater infiltration on site could have unintended consequences. For example higher costs or larger lots could push development to the city outskirts or out of the urban area.

Moves stormwater design to the initial stage of the project design process- Costly investigation of site soils, groundwater levels and native vegetation will be required as a first step of project design, often before a property owner knows if the project is viable.

Changes construction processes and sequencing- LID techniques require the infiltrative capacity of site soils be preserved and not compacted during construction, therefore necessitating changes to the traditional practices and sequencing of construction.

Changes to long-term maintenance- Vegetated LID systems require different types of maintenance than traditional stormwater infrastructure. Similarly, pervious pavements can clog at varying rates based on traffic loading, nearby trees, etc. City crews, as well as property owners, will need to monitor and perform maintenance regularly to preserve functionality and prevent future flooding. Maintenance costs associated with stormwater management could increase.

Requires a shift in how property owners can use their land- Rain gardens and bioretention cells require regular maintenance over time and may conflict with how a property owner would like to use their property.

Unknown costs and life cycles- While some preliminary data exist, LID techniques are often site-specific. It is difficult to generalize costs and long-term life cycles of LID techniques as they are scaled up to a much larger and more widespread level.

The benefits and challenges of low impact development will continue to be evaluated by staff, technical experts, and City Council and its citizen advisory committees. Community discussion is anticipated in early 2016. Specific code revisions will be considered by City Council in mid-2016.



January 14, 2016

Carole Richmond, Chair
Olympia Planning Commission
c/o Todd Stamm, Principal Planner
City of Olympia
PO Box 1967
Olympia, WA 98507-1967

Dear Chair Richmond:

SUBJECT: Utility Advisory Committee (UAC) Review of Low Impact Development Code Revisions

The UAC has reviewed the twenty-two elements of the City's proposed Low Impact Development (LID) Code Revisions during the course of our four meetings this fall. These were developed through a collaboration between SCJ Alliance, Public Works and Community Planning & Development. Public Works staff Eric Christensen, Engineering and Planning Supervisor, and Laura Keehan, Senior Planner, collaborated in facilitating our discussions, with contributions from several other staff.

The UAC supports staff's recommendations for these revisions. However, we hope this letter helps the Olympia Planning Commission and the City Council spend their time and energy efficiently on the potentially important issues in this rather dense and complicated Low Impact Development (LID) Elements document that was provided to the UAC during our review (hereafter referred to as the "Elements document").

Low impact development's fundamental goal is easy to state, though it's not easy to implement (and it's not easy to decide what's really needed to meet it.) The City is supposed to "make LID the preferred and commonly used approach to site development" in order to conform to a new requirement from the Department of Ecology (DOE). DOE administers the federal Clean Water Act in our state, and this requirement is part of the 2013-2018 Western Washington Phase II Municipal Stormwater Permit, which the City is now implementing.

The UAC thinks that a few of the twenty-two elements discussed in the Elements document involve significant policy decisions. They discuss techniques that might be widely applied and that might also deal with significant amounts of water in the locations where they were applied. They also imply increased trouble, and sometimes increased costs, for City staff and/or for developers. In these cases, the City has to decide how much more it wants to require, how "preferred" it wants these techniques to be, and how "commonly used" the City is going to insist on making them.

The UAC would like to see the City utilize LID treatment wherever feasible. From that point of view, the main question is whether it might be possible to adopt a more ambitious requirement than staff currently recommends in any of these potentially significant areas.

At present, staff estimates that at locations in the City that are actively managed for stormwater,

approximately 30 to 40% use LID techniques. The other approximately 60 - 70% of stormwater is managed using traditional techniques, such as treatment ponds and catch basins with filters in storm drains. Overall, roughly 65% of the City's development predates stormwater management requirements and is not treated or it drains to the wastewater collection system and is treated at LOTT's regional wastewater facility. If the City adopts the draft recommendations, staff estimates that the stormwater system can manage roughly 75% of the water in *newly* developed areas with low impact techniques.

However, there's limited development on completely new sites in the City. The proposals won't affect areas that are already developed, unless they are projects with over 5,000 square feet of new or replaced hard surfaces that are being significantly redeveloped. Although they are not discussed in the Elements document, City staff also intends to change their Drainage Design and Erosion Control Manual to alter the thresholds at which a project will be required to retrofit existing impervious surfaces on the site, and that will increase the number of projects requiring retrofits compared with Ecology's standards.

Review of the LID Elements

Administrative Elements - Elements that do not seem to involve significant policy decisions include the following:

Elements #16 - #21 are administrative steps needed to implement the LID actions. They would "help provide consistency and clarity for the design, review procedure and the post construction requirements" for techniques recommended in other sections. (Procedures, Process and Codes Overview, p. 1)

Element 18, Site Assessment, would require evaluating the potential of sites for LID techniques earlier in the application review process. This will likely increase ongoing costs for staff and for developers. For example, increased soils, vegetation, and topography information will be needed early in the project proposal process.

Costs will also increase for construction inspections and ongoing maintenance inspections proposed in Elements #19, Pre and During Construction Inspections and #20 Maintenance Standards and Inspections. However, these seem to be necessary prerequisites to successfully implementing any significant LID techniques.

Minor Elements - Some elements would only make minor changes, because they result in small changes to things the City already requires, because they would only be applied in a few situations, and/or because they would only handle small amounts of water. These elements include:

Element #5 Reduce Impervious Surfaces Associated with Parking Lots. Option 1, as identified by staff, is no change. Option 4 (making it easier to get a variance to install fewer stalls) "would only minimally result in reduced impervious surface." Staff recommends Option 2 (basing required aisle widths on more recent studies) which would reduce required aisle widths by 3%, from our current 61 foot requirement to 59 feet.

Option 3 (requiring pervious paving for “extra” parking above the normal allowance) which would not produce significant reductions since “in many cases” these increases already have to be pervious to meet the zoning limits on total impervious surfaces (Element #5, p. 4). Of course, one might produce larger reductions by requiring permeable pavement in *all* new parking areas, not just “extra” areas; this possibility is one aspect of Element #14, which is discussed in a subsequent section.

Option 6, which would require a certain percentage of compact stalls. This would produce more reductions than Option 5, which would merely allow more compact stalls. Since compact spaces are almost 25% smaller than standard stalls, going from one to the other is a significant reduction in impervious area. However, we currently allow up to 30% of the stalls to be sized for compact cars, and since the Elements document doesn't specify what percentage Option 6 would require, it's unclear whether or not it would increase actual outcomes much.

Element #6 Minimize Size of Cul-de-sacs would take about 600 square feet from the paved area of cul-de-sacs by increasing the radius of the required landscaped circle in their centers. This will be a minor change, particularly since the City already only allows cul-de-sacs in special circumstances where the topography interferes with a gridded street layout.

Element #7 Minimize Street Width. The City has already reduced street widths to the feasible minimums. Reductions of another two feet on a few streets in the Green Cove Creek basin have caused problems. According to page 3 of this section of the Elements document, Ecology now cites our street width standards as a model for low impact development.

Element #8 Increase Street Block Spacing states that increasing the size of allowed blocks would only produce “small, incremental changes” in the number of streets, and that the potential reduction in impervious area is “limited.” The Elements document also notes that smaller blocks help meet a number of the City's transportation goals, like reducing vehicle miles traveled, and that “a lot of work has been done to establish the current spacing requirements.” The UAC didn't have enough details to actually compare the estimated potential gains in pervious surfaces and losses in transportation goals in any quantified way, although staff may be able to provide some in the future.

Element #12 Stormwater Use of Landscaping, recommends Option 2, continuing to allow the use of landscaping areas to help meet stormwater requirements and removing some barriers from current codes. It also notes a number of reasons that developers are unlikely to do much more of this unless it's required, including increased complexity of construction, erosion control and site access challenges, specialized design needs, and increased maintenance costs. Option 3, which would require that some percentage of the landscaping provide stormwater services, might or might not result in significant increases in infiltration.

Element #13 Downspout Infiltration Systems, where staff recommends adding some details to the requirements for roof downspout controls that Olympia has had since 2005.

Element #15 Impervious Pavement with Underdrains, where staff recommends the status quo, which allows underdrains beneath parking lots and other on-site hardscapes. The Elements document states that Option 2, which would allow them under streets as well, has “too many risks and conflicts to be feasible.” (This is a little ironic, since the City's Decatur Street demonstration project is

apparently still working well, but the long list of potential problems in this section makes it seem pretty unlikely that either developers or the City would build roads like this even if the code allowed it.)

Element #22 Green Roofs, Rainwater Reuse, and LID Foundations, where even the incentives staff recommends adopting as the most supportive option “will result in relatively minor reductions in runoff City wide,” because of “limited use of the systems due to the complexity of their construction and maintenance and increased cost of installation.” (Element #22, p. 5)

Substantive Elements - Elements that suggest potentially more important policy and environmental implications include the following:

Element #1 Minimize Site Disturbance. This recommends requiring permits for any grading more than 10 feet (instead of 30) from structures, for clearing and grading of more than 7,000 feet for residential and duplex projects only (instead of 20,000), and for any clearing and grading involving more than 10 cubic yards of soil (instead of 50). Staff also intends to develop code changes to “fully implement an LID approach” to clearing and grading, though those are not yet settled. (Several possibilities are listed on page 7 of Element #1. These all involve continuing to clear and grade, but in more accordance with the natural terrain. Requiring that more of it be left untouched is considered under Element #2.)

Element #2 Retain and Plant “Native Vegetation.” We've put that phrase in quotes because this discussion actually uses it to mean not only “species that occur naturally” but also “species that are well adapted to current and anticipated environmental conditions in Olympia”. In other words, it means anything that's expected to grow well around here. Examples include common drought-tolerant species. (Element #2, p. 1)

Currently, the City only requires the retention of the native plants on the site in critical areas and associated buffers. Trees must be retained or planted in tree tracts in subdivisions with four or more lots. (These are roughly 10% of the site, and do not currently require preservation of “the critical understory vegetation.”) (Element #2, p. 2) The City also currently provides “many exemptions” to tree protection requirements. (Element 2, p. 5)

Option 2, which staff recommends, would add explicit language about protecting understory in tree tract areas. It would require multi-family and some commercial developments to meet the current requirement for a minimum tree density of 30 tree units per acre with trees in a tract rather than continuing to count trees anywhere on the project area toward the requirement. (However, staff also proposes making it easier to meet this expanded requirement by beginning to count stormwater treatment areas as part of any expanded landscaping requirements.) (Element #2, p. 7)

It's important to understand that in any discussion of the City's tree policies a “tree unit” is not the same as a tree. For example, the mature birch in the UAC chair's side yard, which has two trunks, is about 15 “tree units”, so preserving two trees like that on an acre project meets our current requirements. If you plant trees instead, an evergreen tree has to be at least 4 feet high, and deciduous trees have to have trunks at least 1.25 inches thick; it can take quite a while until those that survive over time look or function like what most people think of as trees.

As staff notes with respect to this element “the question is to what *extent* do we regulate the retention of native vegetation?” (Element #2, p. 7) This is probably the most important policy question in the document, since everything else about LID simply attempts to imitate, to the best of our ability, the way in which storm and surface water behaves in undisturbed tracts, and since we might leave much more land undisturbed if we were willing to sacrifice potential development in order to do so.

At this point, our LID requirements for the Green Cove Creek basin “result in the protection of approximately 60% of the overall development plat.” (Element #2, p. 7) This is less onerous than it may sound, because there are extensive wetlands in that area. They can be counted toward meeting this requirement; and they can't be filled and built on in any case because of the Critical Areas Ordinance. (Element #2, p. 8)

Option 3 would “expand the amount of area required as preserved natural vegetation within new development sites.” Staff notes that “Given growth management practices and Olympia's goal of creating relatively dense land uses, the feasibility of applying [the Green Cove Creek basin] regulations to other areas of the City is limited.” However, there's considerable space between preserving roughly 10% of a single family subdivision site or “up to 30% of a multi-family site” which “must include usable space” as the City now requires (Element #3, p. 3), and preserving 60% of it undisturbed. As the Elements document says “other less rigorous preservation requirements” [than the Green Cove Creek basin's 60%] are possible. (Element #2, p. 6)

It also states that “the implications of mandating increased natural vegetation are substantial” and that they would “require extensively revisiting our expectations for future land use.” (Element #2, p. 8) As this suggests, our committee has not had the data or the time to really consider this issue. It is, however, uniformly what engaged citizens who contact the UAC about stormwater issues advocate. If the Planning Commission or Council wish to explore ways to expand LID beyond the recommendations of the Elements document, this should be looked at more.

Element #3 Zoning Bulk and Dimension Standards. As the Elements document states, “a developer will typically... maximize square footages for commercial development and lot or unit count for residential projects.” City goals for increasing density are in harmony with this understandable aim; other City goals including increasing pervious areas are in conflict with it, and the current requirements are “a result of many years of adjustments” among these aims.

For multi-family housing, staff recommends the status quo, rather than increasing restrictions on coverage and/or making up for the reduction in possible units by increasing allowed heights. For single family housing, staff recommends incentives for clustering rather than increasing the requirements for open space in subdivisions. The Elements document also says that these “incentives would need to be compelling to overcome perceived objections to clustering,” which suggests that this step is unlikely to produce much change. Another option, which is not included in the Elements document, might be to incentivize smaller houses – as someone pointed out in our discussion the City currently charges almost the same fees to permit and construct a 400 square foot house and a 2,500 square foot one. Here again, these are basically political decisions about policy that the UAC has not explored in depth.

Element #4 Restrict Maximum Impervious Surface Coverage. This section of the Elements document basically reprises the discussion of Element #3 (above), stressing the need to balance the City's desire for denser development against its desire for more infiltration of stormwater, although these restrictions cover other surfaces like patios and driveways in addition to buildings themselves.

The Elements document recommends Option 3, reducing the limits on total impervious coverage by 5% to 10% for single family residential, multi-family, commercial and industrial zones. (Currently, some of Lacey's commercial zoning limits coverage to 70%, 15% less than we allow in "many" commercial zones.) (Element #4, p. 5)

It notes that, as in Element 3, "building height limits may need to be examined" to allow increases in height to make up for losses in development potential due to area reductions. Of course, the other paved areas included in maximum coverage units, like driveways, can't be allowed to be higher to make up for reductions in area, as the buildings discussed in Element #3 might be. The potential compromise here is that they might be made more permeable. (As noted above, this option is discussed as Element #14, although the Elements document envisions it as an important factor in arriving at the recommended option for a number of different elements.)

Element #9 Require Sidewalks on Only One Side of the Street. Staff recommends the status quo. Most of the discussion of hurdles centers on problems with arterials and other major roads. On local access roads, sidewalks on one side of the street would produce a significant 17% reduction in impervious surfaces. (They would also roughly double the rate at which the City could provide one sidewalk for pedestrians on the many streets where there currently aren't any, although the staff told the UAC that the City would probably still want to put a curb on the side of the street without a sidewalk, so it wouldn't be possible for stormwater to simply go off the pavement and infiltrate on that side.)

The Elements document's discussion of the issues about this option does seem somewhat contradictory. It begins with a quotation from the Low Impact Development Technical Guidance Manual for Puget Sound that says pedestrian accident rates are "similar in areas with sidewalks on one or both sides of the street," and that the limited available assessments "suggest that there's no appreciable market difference" between homes on the side of the street with a sidewalk and those on the side without one, and that the Americans with Disabilities Act "does not require sidewalks on both sides, but rather at least one accessible route from the public streets." (Element #9, p. 1)

Then the Elements document's discussion goes on to stress the importance of sidewalks on both sides for reducing accidents, says that the value of a house on the side without a sidewalk "could be diminished," and that "limitations on sidewalks do affect ADA accessibility." Since we already require sidewalks on only one side of local access streets in the Green Cove and Chambers basins, we should have some actual evidence about whether it's created problems for residents or not, although the Elements document doesn't discuss our actual experience in those areas, and our committee didn't get to that question in our discussion.

The other issue that the discussion raises, about safe walking routes to schools, might perhaps be met by requiring two sidewalks on streets where that's an issue. However, it also seems at least plausible that having a sidewalk on one side of the streets that don't have any now might meet the ADA standard

in the quote and provide safe walking for school kids better than having two sidewalks on half of them and none on the others for the foreseeable future.

Element #10 Minimize Driveway Surfaces, recommends Option 2, a 17% reduction in the maximum width allowed for residential driveways, from 24 feet to 20 feet. Since these represent “as much as 20% of [the] impervious cover in a residential subdivision” (Element #10, p. 1), this might be a fairly significant reduction.

Option 3 would produce “minimal” changes since it would only reduce the width of one-way driveways, and they’re infrequent. Option 4 would create maximum driveway widths for different kinds of commercial projects, but “would not have a large impact” since projects that don’t need a wider driveway generally already build one narrower than the maximum width that’s specified for any commercial project in the current code.

Element #14 Permeable Pavement, The City already requires permeable pavement for sidewalks where it’s feasible (Introduction to Elements #6-#10, p. 1), and is strongly opposed to its use on roadways, so this discussion is basically about whether to require it for parking lots, bikeways, and residential driveways - a good deal of surface. The problems with permeable pavement include construction challenges, uncertain durability and potential replacement costs, higher maintenance costs for regular suction cleaning and periodic testing, and limited feasibility because of factors like soils with poor drainage.

In particular, in our discussion, staff said that the City’s experience maintaining its own pervious projects according to Ecology’s standards has led to 90% reductions in their permeability over time. The Elements document recommends Option 2, which would remove code barriers to its use, but “is not likely to appreciably increase its use by developers at this time.” In fact, the discussion says that “Given the infeasibility criteria, it is likely that most private projects could opt out if desired.” (Element #14, p. 6)

It isn’t clear how these problems about widespread site infeasibility and long term maintenance fit together with the fact that in “many cases” the City allows commercial projects to build parking that would exceed the normal limits on total impervious surface by using permeable pavements, that we “routinely allow” “100% permeable parking lots” (Element #14, p. 2), or the suggestion that reducing the limits on total project coverage in Element #4 could be usefully offset by more use of permeable surfaces. (Element #4, p. 6) In fact, the discussion of Element #4 also suggests “some type of exemption or allowance be made for multi-family, commercial, and industrial sites “where soils do not support use of permeable pavement” (Element #4, p. 6), although this later discussion of the infeasibility criteria makes it sound as if such an exemption or allowance would actually excuse “most private projects” from this tightened requirement.

The City’s use of permeable sidewalks is also given as a reason that sidewalks on one side of the street are not really needed, but if they are going to lose 90% or more of their permeability over time even with careful regular maintenance, they are going to shed nearly as much water as regular concrete ones.

Element #11 Bioretention Street Section, The UAC's discussion indicates that the City expects to quite significantly increase its reliance on bioretention features, like swales in median strips and in the right of way between curbs and sidewalks. Staff describes the problems associated with maintaining these (and especially about dealing with residents or homeowners' associations about maintaining them as "quite challenging"), and the UAC definitely concurs in that assessment. Staff has not yet worked out a detailed plan for trying to cope with these problems, but is committed to developing one.

If you have any questions, I can be reached via e-mail at tcurtz@ci.olympia.wa.us

Sincerely,



THAD CURTZ
Chair
Utility Advisory Committee

TC/lm

ec: Olympia City Council
Utility Advisory Committee
Rich Hoey, P.E., Public Works Director
Andy Haub, P.E., Water Resources Director
Keith Stahley, Community Planning and Development Director
Leonard Bauer, Community Planning and Development Deputy Director
Todd Stamm, Community Planning and Development Principal Planner

March 21, 2016

Honorable Members
Olympia City Council
P.O. Box 1967
Olympia, WA 98507-1967

Subject: Approval of the *Draft Olympia Municipal Code Revisions, Draft Drainage Design and Draft Erosion Control Manual Revisions, and Draft Engineering Design and Development Standards Revisions* as they pertain to Low-Impact Development

Dear Council Members:

We are pleased to submit this letter recommending approval of the *Draft Olympia Municipal Code Revisions, Draft Drainage Design and Draft Erosion Control Manual Revisions, and Draft Engineering Design and Development Standards Revisions* as they pertain to Low-Impact Development (LID). These revisions have been developed by the Public Works Department and endorsed by the Utility Advisory Committee.

Beginning in January, we received presentations from the staff on the scope and result of their work, which was organized according to the titles of the 22 issue papers they had requested from their technical advisers. Our task was to ask questions, hold a public hearing, and evaluate the work according to whether it complies with the letter and spirit of the 2014 Comprehensive Plan.

The Planning Commission recognizes there are still a number of unanswered questions relating to the adoption of the proposed LID rules and guidance. We agree with staff that it is important to proceed with what we know about reducing stormwater, even if there are still some uncertainties related to implementation and outcomes.

Because of current uncertainties, we suggest maintaining a list of the most important questions and issues that should be addressed *after* approval of the current revisions. It is clear that achieving the City's goal of making LID the preferred approach to land development will take more time and discussion, but the Commission believes we should proceed with caution and treat current revisions as experiments to be included in an "adaptive management" approach. We need to monitor what works and try to improve over time on what does not. As part of this approach, the staff may want to consider reporting on implementation success and "lessons learned" at regular intervals.

One area in which we diverge from staff recommendations is in regard to the percentage of compact parking stalls that should be provided in parking lots (OMC 18.38). While the staff proposes to reduce the amount of compact parking stalls to 15 percent, the Commission recommends retaining the current code's allowances of up to 30 percent.

In summary, we find the proposed draft revisions of the Low-Impact Development regulations and guidance manuals, as modified above, to be in line with the community's vision and State requirements.

Respectfully yours,





Carole Richmond, Chair
Olympia Planning Commission

[Home](#) » [City Utilities](#) » [Storm & Surface Water](#) » [Low Impact Development](#)

Low Impact Development

Featured Links

- [LID Analysis Report](#)
- [LID Technical Manual for Puget Sound \(WSU\)](#) 
- [Olympia Stormwater/Drainage Manual](#)
- [LID Resources and Training](#) 

Navigation

- [Storm & Surface Water](#)
- [Private Stormwater System Maintenance](#)
- [Policies & Regulations](#)
- [Reporting Spills](#)

Stay Informed!

Stay up to date on this project and learn about public involvement opportunities - [sign up for our E-newsletter](#).

Low Impact Development (LID) is an approach to land development (or re-development) that works with nature to manage stormwater as close to where it falls as possible.

LID employs principles such as preserving and re-creating natural landscape features, and minimizing imperviousness to create functional and appealing site drainage that treats stormwater as a resource rather than a waste product.

By implementing LID principles and practices, stormwater can be managed in a way that reduces the impact of built areas and promotes the natural movement of water within an ecosystem.

- [View a map of LID projects in Olympia](#)





Low Impact Development Code Revisions

The Washington Department of Ecology recently included provisions in the [2013-2018 Western Washington Phase II Municipal Stormwater Permit](#) that require revisions to the City's codes and standards to make low impact development the "preferred and commonly-used approach to site development".

- [View the May 10, 2016 City Council briefing presentation.](#) New!

[What is the City required to do?](#)

The revisions need to be designed to minimize impervious surfaces, native vegetation loss, and stormwater runoff in all types of development situations. Specifically, the permit requires the City to:

1. Review, revise and make effective local development-related codes, rules, standards, or other enforceable documents to incorporate and require LID principles and LID best management practices (BMPs).
2. Adopt a drainage manual equivalent to Ecology's [2012 Stormwater Management Manual for Western Washington](#)  .

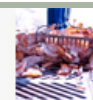
The Permit specifies that the code evaluations and process should be consistent with the guidance document prepared by Puget Sound Partnership titled [Integrating LID into Local Codes: A Guidebook for Local Governments](#). The guidebook outlines a six step code revision process that begins with choosing a project team, continues through a comprehensive code analysis and revisions, and ends with adoption.

[What is the timeline for the code revisions?](#)

- **August 1, 2013** Complete ✓
Department of Ecology re-issues Olympia its Municipal Stormwater Permit requiring code revisions to support Low Impact Development techniques.
- **Spring 2014 - Spring 2015** Complete ✓
Staff reviews current codes for potential LID updates.

Rake a Drain

YOU CAN HELP PREVENT FLOODING



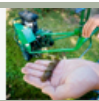
Rain Gardens

LEARN ABOUT OUR REIMBURSEMENT PROGRAM



Aeration

LEARN ABOUT OUR FREE LAWN AERATOR RENTAL PROGRAM



City Calendar

- 07/09** - 10:00 a.m.
[Volunteer Work Party](#)
- 07/10** - 10:00 a.m.
[Volunteer Work Party](#)
- 07/11** - 2:00 p.m.
[Loding Tax Advisory Committee](#)
- 07/11** - 5:30 p.m.
[LEOFF Disability Board](#)
- 07/11** - 6:30 p.m.
[No Hearing Examiner](#)

→ [View full calendar...](#)


City Updates

FIREWORKS IN OLYMPIA.

Reminder: The sale and use of personal fireworks is banned in Olympia. Please enjoy one of several professional fireworks displays in the area. Details can be found at: olympiawa.gov/fireworks

CALL FOR ARTISTS. Apply now to have your artwork considered for one of 10 new traffic box wraps in East Olympia. Submitted designs will be part of a public vote on the City's Facebook page. Winning designs will be fabricated and installed by the City. Artist will receive a \$500 honorarium. Submission deadline is **Thursday, July 28, 2016 at 5:00 p.m.** [More...](#)

CANOE JOURNEY VOLUNTEERS.

The City of Olympia and Port of Olympia are seeking volunteers to assist with Canoe Journey 2016 - Paddle to Nisqually on July 30. Volunteers are needed to help with hospitality and information, transportation, and safety and security. If interested, please sign up at portofolympia.com/328 .

LEAD INFORMATION - OLYMPIA'S WATER QUALITY.

In the midst of recent news stories about lead and water quality, we have compiled some helpful information about Olympia's water system, our

- **Summer 2015** Complete ✓
Draft code revisions reviewed by the [LID Technical Workgroup](#) and public.
- **September 2015 - December 2015** Complete ✓
Utility Advisory Committee review and recommendation to City Council.
- **January 2016 - March 2016** Complete ✓
Planning Commission review and recommendation to City Council.
- **Spring 2016 - Summer 2016**
City Council review of Low Impact Development regulations.

Draft LID Code Revisions New!

The following set of amendments are proposed to Olympia's development regulations in order to make LID stormwater techniques the commonly used approach to site development.

May 2016 - City Council Drafts:

- [Draft Olympia Municipal Code Revisions](#)
 - [OMC Revisions - Summary Table](#)
- [Draft Drainage Design and Erosion Control Manual \(DDECM\) Revisions](#)
- May 2016 - Draft Engineering Design and Development Standards Revisions:
 - [Chapter 2 Revisions](#)
 - [Chapter 3 Revisions](#)
 - [Chapter 4 Revisions](#) [Chapter 4 Revisions - Drawings](#)
 - [Chapter 5 Revisions](#) [Chapter 5 Revisions - Drawings](#)
 - [Chapter 9 Revisions](#)
 - [EDDS Revisions - Summary Table](#)

January 2016 - Planning Commission Drafts:

- [Draft Olympia Municipal Code Revisions](#)
- [Draft Drainage Design and Erosion Control Manual \(DDECM\) Revisions](#)
- January 2016 - Draft Engineering Design and Development Standards Revisions:
 - [Chapter 2 Revisions](#)
 - [Chapter 3 Revisions](#)
 - [Chapter 4 Revisions](#) [Chapter 4 Revisions - Drawings](#)
 - [Chapter 5 Revisions](#) [Chapter 5 Revisions - Drawings](#)
 - [Chapter 9 Revisions](#)

Comment on the Draft Revisions

1. E-mail comments to LIDcode@ci.olympia.wa.us
2. Come to the Olympia City Council Public Hearing on Tuesday, June 21, 2016 at 7:00 PM at Olympia City Hall, 601 4th Avenue East, Olympia, WA 98501.

Other Documents

[LID Technique Issue Papers](#)

Staff developed 22 issue papers that analyze options for how to incorporate low impact development techniques into Olympia's codes and standards.

- [1: Minimize Site Disturbance](#)
- [2: Retain and Plant Native Vegetation](#)
- [3: Zoning Bulk and Dimension Standards](#)
- [4: Restrict Maximum Impervious Surface](#)
- [5: Reduce On-Site Parking](#)
- [6: Minimize Cul-de-Sacs](#)
- [7: Minimize Street Widths](#)
- [8: Increase Street Block Spacing](#)
- [9: Require Sidewalks On Only One Side](#)
- [10: Minimize Driveway Surface](#)
- [11: Bioretention Street Section](#)
- [12: Stormwater Use of Landscaping](#)
- [13: Downspout Infiltration Systems](#)
- [14: Permeable Pavements](#)
- [15: Pavement with Underdrains](#)
- [16: Definitions](#)
- [17: Adopt New DDECM](#)
- [18: LID Site Assessment](#)
- [19: Inspections](#)
- [20: Maintenance](#)
- [21: Variances, Deviations](#)
- [22: Green Roofs, Rainwater Reuse, Foundations](#)

[View additional Research & Resources](#)

quality control measures and how you can keep your water safe at home. [More...](#)

2016 ADOPTED BUDGET. [2016 Adopted Operating Budget](#) is now available to view online. For more information on Olympia's Budget process or how you can be involved please see our [Budget 365 page](#)

SATURDAY DROP-OFF SITE

The Saturday Drop-off Site is open every Saturday from 9:00 a.m. to 2:00 p.m. to accept recycling for free and yard waste for a small fee. [More...](#)

US 101/WEST OLYMPIA

ACCESS PROJECT. Learn about the recommended highway ramp additions on US-101 at West Olympia. [More...](#)

LOW IMPACT DEVELOPMENT.








Learn about the Low Impact Development code revision process and comment on the draft revisions. [More...](#)

OLYMPIA MUNICIPAL CODE.

Quick link to codes and standards including [Olympia Municipal Code](#). [↗](#)

MEETINGS. [Agenda and Minutes](#)

[↗](#) for City Council and most advisory committees.

- [Integrating LID into Local Codes: A Guidebook for Local Governments](#) 
- [Low Impact Development Code Update and Integration Toolkit](#)
- [2012 Stormwater Management Manual for Western Washington](#) 
- [LID Technical Guidance Manual for Puget Sound](#) 
- [Department of Ecology- Low Impact Development Resources](#) 
- [Western Washington Low Impact Development Operation and Maintenance](#) 
- [Cost Analysis for Western Washington LID Requirements and Best Management Practices](#)
- [2013 - 2018 Western Washington Phase II Municipal Stormwater Permit](#)
- [Integrating Stormwater Best Management Practices into Thurston County Code](#) 
- [Washington Stormwater Center LID Code Update and Integration](#) 

Questions?

Contact Laura Keehan at **360.753.8321** or lkeehan@ci.olympia.wa.us

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To stay up to date on this project and learn about public involvement opportunities [sign up for our E-newsletter](#).

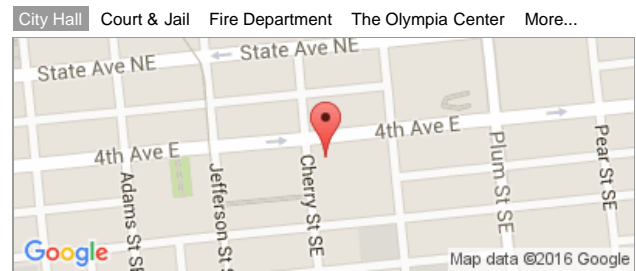
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City Council

Approval of Ordinance Adding Shoreline Master Program to Development Code and Comprehensive Plan

Agenda Date: 7/12/2016
Agenda Item Number: 4.H
File Number: 15-1140

Type: ordinance **Version:** 1 **Status:** 1st Reading-Consent

Title

Approval of Ordinance Adding Shoreline Master Program to Development Code and Comprehensive Plan

Recommended Action

Committee Recommendation:

Not referred to a committee.

City Manager Recommendation:

Move to approve first reading of ordinance inserting new shoreline development regulations into Title 18 of Municipal Code and new shoreline goals and policies into Natural Environment Chapter of Comprehensive Plan.

Report

Issue:

On September 24, 2015, the Director of the Washington Department of Ecology approved a new Shoreline Master Program (SMP) for the City of Olympia. This new program, which went into effect on October 8, 2015, includes new shoreline policies and development regulations. To provide ready-access by the public, staff, and others, the proposed ordinance would direct that appropriate portions of the Program as approved by Ecology be incorporated directly into the City's Comprehensive Plan and Development Code, respectively. Since October 8, 2015 staff has been administering the SMP as a standalone document.

Staff Contact:

Leonard Bauer, Deputy Director, Community Planning and Development Department, 360.753.8206

Presenter:

None; consent agenda item

Background and Analysis:

On September 24, 2015, an eight-year effort to comprehensively update Olympia's Shoreline Master Program (SMP) concluded with approval of the City's proposal by the Washington Department of Ecology. The new Program, substantially as proposed by the City Council in October 1, 2013, went

into effect fourteen days later on October 8, 2015.

Washington's Growth Management Act provides that the Ecology-approved 'goals and policies' of local shoreline master programs are automatically an element of the local comprehensive plan and other portions are considered a part of the local development regulations. During public review of the proposed update, included in notes embedded in drafts of the Program, the City indicated that following approval by the Department of Ecology, the City would provide easy access to these aspects of the Program by appropriately inserting them into these City documents.

The proposed ordinance would affect this step by directing respective amendments of the Comprehensive Plan and Development Code. In particular these amendments would result in the shoreline goals and policies of the Olympia Shoreline Master Program being inserted into the Natural Environment Chapter of the Comprehensive Plan and available on the internet as part of that document. At the moment, the Plan includes a 'shoreline goals and policies to be inserted here' placeholder in this Chapter. Note, the Growth Management Act provides that such an amendment is an exception to the 'once per year' limit of amending the Plan.

The shoreline development regulations would become a new chapter of Title 18 of the Olympia Municipal Code, also known as the Development Code. This new chapter would replace chapter 14.08 which references the former Olympia Shoreline Master Program. Unlike chapter 14.08, the new chapter 18.20 would be integrated with Olympia's other development regulations in Municipal Code Title 18, otherwise known as the Unified Development Code or UDC. (Note, some drafts of the SMP indicated the new chapter would be numbered 18.34. The UDC structure provides that 18.20 is the appropriate numbering. Ecology staff have indicated that this clerical correction is acceptable.)

Both the Development Code and Comprehensive Plan are accessible on the internet at www.codepublishing.com/WA/Olympia/. In addition to incorporating portions of the Shoreline Master Program into these documents, the City will also make the entire Program, including appendices such as the Restoration Plan, available as a separate document on the City's website, on electronic discs, and on paper.

Neighborhood/Community Interests (if known):

Olympia's Shoreline Master Program update was the subject of intense and prolonged public interest. Ready-access to the resulting Program is an expectation of the public.

Options:

1. Approve first reading of the attached ordinance as proposed, incorporating new shoreline goals and policies into the City's Comprehensive Plan and new regulations into Title 18 of the Olympia Municipal Code.
2. Approve a modified version of the proposed ordinance.
3. Decline to approve the proposed ordinance and provide guidance to staff on next steps.

Financial Impact:

Code Publishing' is under contract to provide internet-based access to these City documents; no substantial additional costs are anticipated.

Attachments:

Ordinance

AN ORDINANCE OF THE CITY OF OLYMPIA, WASHINGTON, INCORPORATING GOALS AND POLICIES OF THE UPDATED SHORELINE MASTER PROGRAM AS APPROVED BY THE WASHINGTON STATE DEPARTMENT OF ECOLOGY INTO THE OLYMPIA COMPREHENSIVE PLAN, ADDING A NEW OLYMPIA MUNICIPAL CODE CHAPTER 18.20 AND ADOPTING SHORELINE REGULATIONS INTO THAT CHAPTER, REPEALING OLYMPIA MUNICIPAL CODE CHAPTER 14.08 – SHORELINE MASTER PROGRAM – IN ITS ENTIRETY, AND AMENDING SECTION 18.32.515 OF AND ADDING NEW SECTION 18.73.020 TO THE MUNICIPAL CODE FOR CONSISTENCY WITH AND ADMINISTRATION OF NEW CHAPTER 18.20.

WHEREAS, the Washington Shoreline Management Act requires that a local government periodically conduct a comprehensive update of its Shoreline Master Program (SMP) (see RCW 90.58.080); and

WHEREAS, commencing in 2007, the City of Olympia conducted an extensive public process in cooperation with the Washington State Department of Ecology (DOE) to substantially revise and update the City's SMP; and

WHEREAS, on October 1, 2013, the Olympia City Council adopted Resolution No. M-1797, accepting an updated SMP to be submitted to DOE for review and approval; and

WHEREAS, on September 24, 2015, the Director of the Washington State Department of Ecology issued final approval of the comprehensive update of the Olympia Shoreline Master Program effective October 8, 2015; and

WHEREAS, the City Council hereby accepts the Director's Findings and Conclusions of April 22, 2015, and the Findings and Conclusions Addendum of September 24, 2015; and

WHEREAS, the Washington State Growth Management Act (GMA) provides that the goals and policies of a shoreline master program shall be considered an element of a city's comprehensive plan and that all other portions shall be considered a part of the city's development regulations (RCW 36.70A.480); and

WHEREAS, accordingly, the introductory note to the SMP submitted to the DOE indicated that Section Two of the SMP would be incorporated into the City's Comprehensive Plan and that Section Three of the SMP would be incorporated in a new chapter of the City's development code; and

WHEREAS, the introductory note further indicated it would be necessary for the City to concurrently adopt certain other related development code amendments; and

WHEREAS, the GMA provides that amendments to adopt an SMP under the procedures of the Shoreline Management Act are an exception to the once-per-year comprehensive plan amendment limitation of the GMA (RCW 36.70A.130); and

WHEREAS, the Olympia City Council desires to make the content of the City's Shoreline Master Program goals, policies and development regulations readily accessible to the public through incorporation into the City's Comprehensive Plan and Development Code, respectively; and

WHEREAS, Chapters 35A.63, 36.70 and 90.58 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. Resolution No. M-1797. The preamble to Resolution No. M-1797 is hereby adopted and incorporated as though fully set forth in this Ordinance.

Section 2. Amendment of Comprehensive Plan Natural Environment Chapter. The current Natural Environment Chapter of the Olympia Comprehensive Plan is hereby amended by deleting the sentence, "The goals and policies of the Olympia Shoreline Master Program *external link* are now being updated, and will be included here after they are approved by the Washington Department of Ecology." Further, the goals and policies of the Olympia Shoreline Master Program as set forth in Section 2 of the Program shall be added to the Olympia Comprehensive Plan following that photo captioned "Priest Point Park Shoreline" and denoted as "SMP 12.1" through "SMP 12.35" as more fully set forth in the attached Exhibit A, which is hereby incorporated by reference as though fully set forth herein.

Section 3. Repeal of Olympia Municipal Code Chapter 14.08. Olympia Municipal Code chapter 14.08 "Shoreline Master Program" is hereby repealed in its entirety, including all documents adopted by reference therein, provided that OMC Sections 14.08.030, 14.08.040, 14.08.050, and 14.08.060 are to be renumbered and readopted as New Sections 18.20.280, 18.20.285, 18.20.290 and 18.20.295, as set forth in Exhibit B, which is hereby incorporated by reference as though fully set forth herein.

**Chapter 14.08
SHORELINE MASTER PROGRAM**

14.08.000 — Chapter Contents

Sections:

~~14.08.010 — Olympia Shoreline Master Program amended.~~

~~14.08.020 — Suppression.~~

~~14.08.030 — Shoreline substantial development, conditional use, and variance permits.~~

~~14.08.040 — Amendments.~~

~~14.08.050 — Appeals of administrative decisions.~~

~~14.08.060 — Fees.~~

14.08.010 Olympia Shoreline Master Program amended

Olympia Shoreline Master Program, Chapter ~~173-19-4203-107~~, Washington Administrative Code (WAC), is amended as follows:

A. — The following paragraph is added to Page 8, following the second sentence and to Page 81, replacing paragraph 5(1):

"The Shoreline Master Program shall be administered pursuant to the procedures and policies prescribed by Section VII of this Program unless Olympia shall have adopted a local ordinance regulating such matters, in which case the provisions of the local ordinance shall prevail."

B. — The following sentence, being the first sentence on Page 80 is repealed:

"Permits are considered for issuance by the legislative bodies of local governments. (See "Permit Processing Procedure" in this section.)"

C. The following new sections are added:

1. PERCIVAL CREEK CORRIDOR

Definitions:

A. "Adjacent lands" means lands immediately adjacent to and abutting lands under permit jurisdiction of the Shoreline Management Act which extend landward to the extent necessary to control direct and significant impact to shorelands and to implement the management policy articulated in the Act, the Department of Ecology guideline, and the local Master Program. The inland extent will necessarily vary with the particular management objectives and the shoreline setting.

B. "Administrator" means a person appointed by the legislative body to administer the provisions of these regulations within the boundaries of that jurisdiction.

C. "Associated wetlands" means those lands or wetland areas which influence or are influenced by and are in proximity to any stream, river, or tidal water, or combination thereof, subject to the Shoreline Management Act (WAC 173-22-030 and 040).

D. "Associated wetlands of Black Lake" means those wetlands lying to the Northeast of Black Lake and adjoining the Black Lake Drainage Ditch, generally identified in Figure 6 Percival Creek Corridor Plan, Volume 2, 1986.

E. "Black Lake Drainage Ditch" means that human-made ditch constructed from the North end of Black Lake and extending in a northeasterly direction approximately 11,200 lineal feet to the intersection with the Burlington Northern Railroad rights-of-way, formerly part of Consolidated Drainage Improvement District No. 101.

F. "Black Lake drainage way" or "Drainage way" means those dry lands along both banks of the Black Lake Drainage Ditch which were part of the Drainage District No. 101 and are now publicly owned.

G. "Canyon" or "Percival Creek Canyon" means lands along Percival Creek which extend upstream from Percival Cove to the Mottman Road crossing of the Black Lake Drainage Ditch. This area also extends from the centerline of the Creek to the top of the bank, and includes the Burlington Northern Railroad rights-of-way.

H. "Canyon Reach Olympia Management Unit" means that portion of the Percival Creek Canyon located within the City of Olympia.

I. "Canyon Reach Tumwater Management Unit" means that portion of the Percival Creek Canyon located within the City of Tumwater.

J. "Corridor" or "Percival Creek Corridor" means those lands adjacent to Percival Creek and the Black Lake Drainage Ditch, including those areas extending upland from the centerline of the Creek to the nearest paralleling road or railroad and extending from Percival Cove to Black Lake.

K. "Drainage ditch buffer" means a required area of undisturbed natural vegetation outside of and adjacent to the drainage ditch for the purpose of protecting the drainage ditch and maintaining its natural hydrological, biological, visual and cultural functions and values.

L. "Drainage water buffer" means a required area of undisturbed natural vegetation outside of and adjacent to the drainage way for the purpose of protecting the drainage way and maintaining its natural hydrological, biological, visual and cultural functions and values.

M. "Environment," "Master Program Environment" or "Shoreline Environment" means the categories of shorelines of the State established by the Shoreline Master Program for the Thurston Region to differentiate between areas whose features imply differing objectives regarding their use and future development. These existing environments are: Urban, Rural, Conservancy and Natural.

N. "Environmental management district" means an area which has been designated by the local government as meeting certain criteria for which a special management plan, policies and regulations are prepared.

O. "Lot of record" means a lot shown as a part of a recorded subdivision or any parcel of land described by metes and bounds in a recorded deed, record of survey or other appropriate document recorded in the office of the County Auditor.

P. "Management units" means those portions of the Percival Creek Corridor which have been segregated into areas which have a predominance of similar features, land use ownership patterns and/or jurisdictional boundaries.

Q. "Middle Reach Management Unit" means those lands upstream from the Mottman Road crossing of the Black Lake Drainage Ditch to 25th Avenue extended and within the City of Olympia.

R. "Shoreline Environmental Management District" means an area of the region which contains a unique combination of physical features and/or resources which could not be safeguarded adequately simply by the preceding provisions of the Master Program; where the jurisdiction of the Shoreline Management Act is too restrictive and the activities upon adjacent lands may be critically important to the viability of the resource; where diverse uses would be conflicting and incompatible without management techniques specifically designed for that area; where the uniqueness of the area demands an even greater degree of environmental protection, then a local government may establish a special Shoreline Environmental Management District as an amendment to the Shoreline Master Program for the Thurston Region.

S. "Shoreline Management Act Jurisdiction" or "Shoreline Jurisdiction" means those lands lying within the following locations:

1. Two hundred feet on both sides of creek or drainage ditch;

2. A 100-year flood plain; and/or

3. An associated wetland.

T. "Top of the canyon" means a significant break in the slope less than 30 percent (16.7 degrees) and at least 15 feet wide not including the Burlington Northern Railroad rights-of-way. At the confluence of Percival Creek (from Trosper Lake) and the Black Lake Drainage Ditch, the "top of the canyon" for Percival Creek shall be a line drawn from the highest most point along the East bank to the corresponding side on the West bank.

U. "Upper Reach Management Unit" means those lands upstream from 25th Avenue extended along the Black Lake Drainage Ditch to Black Lake and within the City of Tumwater and Thurston County.

V. "Wetland buffer" means a required area of undisturbed natural vegetation outside of and adjacent to the wetland edge for the purpose of protecting the wetland from intrusion and maintaining its natural hydrological, biological, visual and cultural functions and values.

W. "Wetland edge" means the line around a wetland where the prevalence hydrophytes, or wetland plants, ceases. For the purposes of defining the wetland edge, the prevalence of hydrophytes ceases at the point where the combined percent of hydrophytes in the overstory, understory and ground cover falls below fifty percent (50%).

X. "Wetlands" means lands where saturation with water is the dominant factor determining the nature of soil development and the types of plant and animal communities living in the soil and on its surface. The single feature that most wetlands share is soil or substrate that is at least periodically saturated with or covered by water. The water creates severe problems for all plants and animals except those that are adapted for life in water or in saturated soil. (Classification of Wetlands and Deep Water Habitats of the United States, 1979) (NOTE: Not the same as the Shoreline Management Act definition).

2—PERCIVAL CREEK CORRIDOR

Canyon Reach—Olympia Management Unit:

A. Scope/Boundary. The Canyon Reach—Olympia Management Unit has been split into two sub-units based upon the differing physical and jurisdictional boundaries. All lands identified below shall be governed by the provisions of the Shoreline Master Program and Act, except for those lands in "2" below shall be governed by the provisions of the local zoning ordinance. Lands within this Management Unit are as follows:

1. Those lands within the jurisdiction of the Shoreline Management Act (two hundred (200) feet from the creek).

2. Those remaining lands within the canyon and including those lands from the shoreline jurisdiction to one hundred (100) feet beyond the top of the canyon.

B. Policies. These policies shall only apply to those areas described above:

1. Uses should be severely limited to those which protect, conserve and manage existing natural resources and valuable cultural areas. Uses should be nonconsumptive of the physical and biological resources or substantially nondegrading of the unique or valuable natural shoreline characteristic. There should be little or no intrusive visual evidence of man developed structures within the canyon and it should remain relatively free of human influence.

2. Existing structures and uses should conform to the provisions of this management unit to the greatest extent possible.

3. Development should be prohibited within the Percival Creek Canyon except for road crossings and utility corridors where no reasonable alternative exists.

4. The Percival Creek Canyon should be managed as an ecologically sensitive area.

5. Uses or activities which can be identified as detrimental to the water quality of Percival Creek or which would require a Federal or State pollution discharge permit other than for stormwater conveyance or aquaculture purposes should be prohibited.

6. Where conflicts arise between economic development and the protection, conservation and management of existing natural resources, the latter should be given priority.

7. Agricultural practices, including use of chemicals and animal keeping, should be conducted in a manner which protects water quality.

8. Public access and recreational opportunities should be explored within the canyon, but limited to the degree compatible with the conservation or restoration of the canyon ecosystem. These opportunities should be discussed by the local parks departments, affected state agencies, and adjacent property owners.

9. A shoreline pedestrian trail within the canyon is authorized providing (in order of priority):

a. The Burlington Northern Railroad (BNRR) rights-of-way is abandoned and is made available to the City; or

b. An access easement can be obtained from BNRR for a trail located adjacent to the tracks and within the rights-of-way; or

c. Another acceptable trail route can be identified which is compatible with the canyon ecosystem.

C. Use Regulations:

1. Allowable uses and activities within the canyon* are as follows:

*NOTE: Developments within the Canyon or Middle Reach but outside the shoreline jurisdiction will be governed by Chapter 18.76 of this code.

a. Primary Uses:

1) Aquaculture. Aquacultural activities relating to the fishing and harvesting of wild and planted stock for recreational and commercial purposes.

2) Recreation. Low intensity and passive recreational facilities (viewpoints, unpaved trails, limited picnic facilities) including publicly or privately owned passive parks, wildlife refuges, or open spaces.

3) Research and Education. Temporary, water dependent and water oriented research and educational facilities.

4) Road and Railroad Design and Construction:

a) Road. The continued use and maintenance of existing bridges is allowed. The future expansion of both SR-101 bridges from two to four lanes westbound and three lanes eastbound and the construction of the five lane West Olympia Bridge are allowed. A road for motorized vehicles within the canyon is prohibited.

b) Railroads. The continued use and maintenance of the existing Burlington Northern Railroad line and the construction of new facilities outside the canyon is allowed.

c) Pedestrian Facilities. The maintenance and use of pedestrian bridges and trails is allowed.

5) Utilities. The continued maintenance of existing facilities is allowed. Specific uses include stormwater retention/detention ponds and conveyance facilities, sanitary sewer, water, gas, electricity, telephone, telecable, and other similar utilities.

Where creek crossing is determined to be necessary, utilities shall be attached to or located immediately adjacent to one of these facilities: Evergreen Park pedestrian bridge, West Olympia bridge or SR-101 bridge.

Future utility improvements shall be underground, where feasible, and within or immediately adjacent to existing utility easements. Stormwater discharges to the creek shall utilize existing discharge Points to the extent feasible.

b. Accessory Uses. The following uses are allowed only when shown to be clearly subordinate or incidental to the primary use; is the minimal area necessary to accomplish the proposed use; is in conformance with all appropriate local, state, and federal regulations; and is consistent with the following performance criteria:

1) Dredging. When allowed, this activity shall:

a) Include provisions for fisheries or wildlife habitat improvement.

b) Be subject to the required plans, review and conditions of "Special Plans" Section E.

2) Forest Management Practices. When allowed, this activity shall be of limited scope such as selective tree harvesting for the preservation of view corridors or for trees affected by fire, disease or insects.

3) Landfilling. When allowed, this activity shall:

a) Be subject to the required plans, review, and conditions of "Special Plans" Section E.

b) Return of the excavated portion of Olympic Park Replat proposed Division 2, North of Tract A in Division 1, to as close to its original contours as possible, be allowed, provided a landscaping plan is included for the filled area.

4) Shoreline Protection. When allowed, this activity shall provide for bank protection devices or in-stream construction for the purpose of fisheries or wildlife enhancement.

c. Nonconforming Uses. A use lawfully existing prior to the effective Program for the Thurston Region," or any amendment thereto which is rendered nonconforming by the adoption of these regulations or an amendment thereof, may continue in a manner and to the extent that it existed upon the effective date of the Management Unit or amendment respectively.

2. Permitted uses outside of the Percival Creek canyon, but within 100 feet of the top of the bank are as follows:

a. Primary uses and their customary accessory uses permitted by the underlying zoning district (subject to "b" below).

b. Uses or activities which can be identified as detrimental to the water quality of Percival Creek or which would require a federal or state pollution discharge permit other than for stormwater conveyance or aquaculture purposes are prohibited.

D. Dimensional Standards. Other than those standards below, dimensional standards within this unit shall be pursuant to the underlying zoning.

However, any rights created or granted within existing Planned Unit Development approvals or in the Memorandum of Settlement of Civil Action, Thurston County Superior Court Case No. 84-2-01074 and SHB No. 84-38, Between the Black Hills Audubon Society, the City of Olympia and Plaintiffs Falcone, et al., and Evergreen Park, Inc. shall not be affected by this section. Provided, if a geotechnical report required for a particular parcel under this ordinance indicates that the minimum setback provisions in the settlement agreement pose a hazard to persons, property or the environment when applied to said lot, the administrator may require minimum buffers as provided in subsection 1 below.

1. Canyon Buffer.* The minimum buffer from the top of the canyon shall be twenty-five (25) feet except when the property is less than one hundred (100) feet in depth from the canyon to a frontage road. In this case, the administrator may authorize a reduction in this buffer of no more than fifty percent (50%), provided the structure would be visually obstructed from the railroad right-of-way, and is accomplished by a site plan which has incorporated into it the recommendations of a geotechnical report.

2. Density.* The areas within the canyon shall be subtracted from the gross parcel size for the purpose of density calculation.

E. Special Plans. Developments lying within the shoreline jurisdiction or within the canyon* will be required to submit these special plans or studies and undergo the special review as follows:

*NOTE: Developments within the Canyon or Middle Reach but outside the shoreline jurisdiction will be governed by Chapter 18.76 of this code.

1. Environmental Checklist. No categorical exemptions shall exist within the canyon. All developments requiring a local permit shall prepare an Environmental Checklist.

2. Supplemental Review. Copies of all Environmental Checklists and their attachments, plans and reports shall be circulated to the Squaxin Island Tribe, and appropriate state and federal agencies for review. Development proposals shall incorporate applicable recommendations from these agencies for preventing and mitigating adverse impacts on fish or wildlife resources and enhancing wildlife habitat.

3. Water Quality Assessment. A detailed assessment of the water quality impacts and proposed mitigation measures will be a required part of the Environmental Checklist.

4. Geotechnical Report.

a. This report shall include a description of the geology of the site, conclusions and recommendations regarding the effect of geologic conditions on the proposed development, and opinions and recommendations of the adequacy of the site to be developed. This report shall be prepared by either a licensed civil engineer or an engineering geologist who is knowledgeable of regional geologic conditions and who derives his/her livelihood from employment in this field.

b. Any area in which the investigation indicates the presence of geological hazards shall not be developed unless the report can conclusively demonstrate that these hazards would be overcome in such a manner as to prevent hazard to life or limb, hazard to property, adverse effects on the safety, use or integrity of the canyon ecology, and adverse impact on the natural environment. The burden of proof lies with the proponent.

c. The requirement of this report may be waived by the administrator if the proposed development would not cause significantly adverse geological impacts, or there is adequate geological information available on the area proposed for development to determine the impacts of the proposed development and appropriate mitigation measures.

5. Clearing and Grading Plan. This plan shall specifically identify vegetation to be removed, a schedule for vegetation removal and replanting, and the method of vegetation removal. Clearing and grading activities shall be undertaken only during the drier months of the year and shall be in accordance with all local ordinances. Undergrowth shall be retained to the extent feasible. Yarding methods which minimize soil disturbance shall be used.

6. Temporary Erosion Control Plan. This plan shall identify the specific mitigating measures to be implemented during construction to protect the water from erosion, siltation, landslides and deleterious construction materials.

7. Stormwater Control Plan. Except for individually owned duplex and single family residences not within a "project," a permanent stormwater control plan shall take into consideration existing and projected development in surrounding areas and identify the means of protecting water quality.

a. Stormwater Maintenance Agreement. A maintenance program for the storm drainage system, which identifies maintenance activities, schedules, and responsibilities shall be part of the stormwater control plan.

b. Stormwater Plan Review. Authorization of all stormwater systems shall be by the local jurisdiction with review by the appropriate state and federal agencies and the Squaxin Island Tribe.

F. Permit Process.

1. "Substantial development" located within the shoreline jurisdiction and not expressly exempted by the State Shoreline Management Act and WAC 173-14-040 ¹³ will require a Substantial Development Permit.

2. Uses and activities exempted by the State Shoreline Management Act and WAC 173-14-040 ¹³ shall still comply with the policies and regulations of this Management Unit.

3. When a Substantial Development Permit is required, the Administrator shall undertake a consolidated review of the project by the affected parties identified in Section E and seek to minimize the time in the permit process through close coordination with the applicant.

3—PERCIVAL CREEK CORRIDOR

Middle Reach Management Unit:

A. Scope/Boundary. The Middle Reach Management Unit has been split into three sub-units based upon differing physical and jurisdictional boundaries. All lands identified below are governed by the provisions of the Shoreline Master Program and Act, except for the wetland buffer which shall be governed by the provisions of the local zoning ordinance. Lands within this Management Unit are as follows:

1. Black Lake Drainage Way and its adjacent fifty (50) foot buffer area.

2. Associated Wetlands of Black Lake and its adjacent fifty (50) foot buffer area.

3. Those lands extending from the outside edge of the Black Lake drainage way buffer to the two hundred (200) foot shoreline boundary or the edge of the 100-year flood plain whichever is greater.

B. Policies. These policies shall only apply to those areas described above.

1. Uses and activities should protect the shoreline from urban expansion by encouraging "planned" development concepts which accommodate innovation, creativity and design flexibility. Such "planned" developments would be characterized by lower intensity uses and activities along the shoreline and associated wetland which would provide a buffer and create environmental protection from competing upland activities.

2. Existing structures and uses should conform to the provisions of this management unit to the greatest extent possible.

3. Development should be prohibited within the drainage way and its buffer except for road and utility crossings where no reasonable alternative exists.

4. Uses or activities which can be identified as detrimental to the waters of Black Lake Drainage Ditch or which would require a federal or state pollution discharge permit other than for stormwater conveyance or aquaculture purposes should be prohibited.

5. Where conflicts arise between economic development and the protection, conservation and management of existing natural resources, the latter should be given priority.

6. Agricultural practices, including use of chemicals and animal keeping, should be conducted in a manner which protects water quality.

7. Recreational opportunities should be explored within the publicly owned Black Lake Drainage Ditch and private property within the drainage way buffer where access easements can be obtained to the degree compatible with the conservation or restoration of the drainage ditch ecosystem. These opportunities should be discussed by the local parks departments, affected state agencies, and adjacent property owners.

8. Projects to maintain the drainage ditch should incorporate features which enhance the habitat value of the ditch and associated wetland.

9. Preclude filling of the associated wetlands except for road and utility crossings where no reasonable alternative exists.

10. Developments are encouraged to arrange their site design to:

a. Cluster required open space areas, small courtyards, plazas, or other pedestrian-oriented amenities within or adjacent to the shoreline setback,

b. Orient office spaces of industrial development adjacent to the creek, and

c. Use of wooden exterior, where possible, and/or paint of an earth tone of blue, brown, gray or green as a preferred architectural treatment.

11. Unsightly or inappropriate shoreline activities should not be located along the drainage ditch side of a parcel unless visually obscured from the water's edge by a combination of topography, dense plantings, earth berming, or a screening fence.

C. Use Regulations:

1. Allowable uses and activities within the Black Lake Drainage Way, its buffer, the associated wetlands of Black Lake, and its buffer* are as follows:

*NOTE: Developments within the Canyon or Middle Reach but outside the shoreline jurisdiction will be governed by Chapter 18.76 of this code.

a. Primary Uses:

1) Aquaculture. Aquacultural activities relating to the fishing and harvesting of wild and planted stock for recreational and commercial purposes.

2) Recreation. Low intensity and passive recreational facilities (viewpoints, unpaved trails, limited picnic facilities) including publicly or privately owned passive parks, wildlife refuges, or open spaces.

3) Research and Education. Temporary, water dependent and water oriented research and educational facilities.

4) Road and Railroad Design and Construction:

a) Road. The continued use and maintenance of existing facilities is allowed. There shall be a preference for future improvements to be clustered immediately adjacent to the existing Mottman Road crossing in lieu of a new corridor crossing.

Future transportation corridors which cross the wetlands will be improved to minimum road standards of at least a collector roadway, a sixty (60) foot rights-of-way, a public railroad crossing and eventual signalization at Black Lake Boulevard. Future transportation corridor crossings will only be allowed in the following prioritized locations:

i) Mottman Road—at grade

ii) 25th Avenue—elevated structure across the wetland.

(NOTE: The elevated structure is the preferred alternative at 25th Avenue without providing additional roadway design alternative(s) and an environmental assessment of the potential impacts of the alternative design(s) upon the wetland and its habitat values.)

b) Railroads. The continued use and maintenance of the existing Burlington Northern Railroad line and the construction of new facilities outside the shoreline setback is allowed.

c) Pedestrian Facilities. The maintenance and use of trails are allowed.

5) Utilities. The continued maintenance of existing facilities is allowed. The continued maintenance of the Black Lake Drainage Ditch is also allowed provided that such an activity includes features which increase the habitat value of the ditch and adjacent wetlands. Specific uses include stormwater retention/ detention ponds and conveyance facilities, sanitary sewer, water, gas, electricity, telephone, telecable, and other similar utilities. Stormwater discharges to the creek shall utilize existing discharge points to the extent feasible.

Where the creek crossings are determined to be necessary, they shall be located within the Mottman Road rights-of-way crossing, or in the 25th Avenue (extended) corridor, or in areas specifically identified in utility comprehensive plans or drainage basin plans adopted by a local government, provided, that such plans shall be subject to review as "Special Plans" as set forth at Section E of this subsection.

Future utility improvements which cross the drainage ditch and/or associated wetlands shall be allowed only within the corridors described below, or in areas specifically identified in utility comprehensive or drainage basin plans adopted by a local government, provided, that such plans shall be subject to review as "Special Plans" as set forth at Section E of this subsection. Utility improvements may precede the roadway improvements with these corridors and where the utilities span the drainage ditch or former channel an aerial crossing shall be used. The prioritized utility corridors are as follows:

a) Mottman Road

b) 25th Avenue in conjunction with the elevated structure or immediately adjacent to the existing utility easements.

b. Accessory Uses. The following uses are allowed only when shown to be clearly subordinate or incidental to the primary use; is the minimal area necessary to accomplish the proposed use; is in conformance with all appropriate local, state and federal regulations; and is consistent with the following performance criteria:

1) Dredging. When allowed, this activity shall:

a) Be a part of an approved fisheries or wildlife habitat improvement project.

b) Be subject to the required plans, review and conditions of the "Special Plans" Section E.

2) Forest Management Practices. When allowed, this activity shall be of limited scope such as selective tree harvesting for the preservation of view corridors or for trees affected by fire, disease or insects.

3) Landfilling. When allowed, this activity shall be subject to the required plans, review and conditions of the "Special Plans" Section E.

4) Shoreline Protection. When allowed, this activity shall provide for bank protection devices or in stream construction for the purpose of fisheries or wildlife enhancement.

c. Nonconforming Uses. A use lawfully existing prior to the effective date of this Upper Reach Management Unit, the "Shoreline Master Program for the Thurston Region," or any amendment thereto which is rendered nonconforming by the adoption of these regulations or an amendment thereof, may continue in a manner and to the extent that it existed upon the effective date of the Management Unit or amendment respectively.

2. Allowable uses and activities not located in the preceding areas to the boundary of the shoreline jurisdiction are as follows:

a. Primary uses and their customary accessory uses (subject to "b" below):

1) Sales

2) Service

3) Storage

4) Manufacturing

5) Residential

6) Parks, open space and recreation facilities

7) Uses of a similar nature as determined by the local administrator.

b. Uses or activities which can be identified as detrimental to the water quality of the Black Lake Drainage Ditch and the Associated Wetlands of Black Lake, or which would require a federal or state pollution discharge permit other than for stormwater conveyance or aquaculture purposes are prohibited.

D. Dimensional Standards. Other than those standards below, dimensional standards within this unit shall be pursuant to the underlying zoning.

1. Drainage Way Buffer. For properties abutting the publicly owned Black Lake Drainage Way, a fifty (50) foot undisturbed native vegetative buffer shall be retained.

a. The administrator may require a vegetation enhancement plan for those locations within the buffer where substantial native vegetation is lacking.

b. All vegetation enhancement plans for the publicly owned Black Lake Drainage Way buffer shall be designed to increase wildlife or aquatic habitat by including riparian species similar to those listed in "Suggestions for Stream Bank Revegetation in Western Washington."

c. When an adjacent property owner desires to landscape the abutting publicly owned drainage way, the vegetation enhancement plan shall be reviewed and approved by the Thurston County Public Works Department.

d. The standards of subsection 2 below supersede the provisions of this section.

e. The administrator may reduce the drainage way buffer when the existing lot of record is less than one hundred (100) feet in depth. In this case, the buffer shall not be greater than fifty percent (50%) of the parcel depth but in no case reduced beyond twenty five (25) feet.

f. Properties which contain material storage yards, truck service roads, railroad lines, equipment or vehicle parking or similar activities shall be screened from the drainage ditch. A sight screening will be located in a ten (10) foot strip immediately upland of the drainage ditch buffer by providing a combination of view obstructing vegetation, earth berm, wall or fencing.

2. Wetland Buffer.* For properties abutting the associated wetlands of Black Lake, a fifty (50) foot undisturbed native vegetation buffer shall be retained.

*NOTE: Developments within the Canyon or Middle Reach but outside the shoreline jurisdiction will be governed by Chapter 18.76 of this code.

a. Land uses and activities which encroach into the required buffer area on the effective date of the implementing ordinance shall retain the existing buffer with no further clearing or habitat destruction.

b. Vegetation enhancement plans shall be designed to increase wildlife or aquatic habitat by including riparian species similar to those listed in "Suggestions for Stream Bank Revegetation in Western Washington."

c. A vegetation enhancement plan and a wetland assessment shall be prepared for the associated wetland and/or its buffer, and reviewed by the appropriate state and federal agencies.

d. The standards of this section supersede the provisions of subsection 1 above.

3. Density. That portion of a parcel containing a wetland shall be subtracted from the gross parcel size to determine residential density. Where the entire parcel lies within a wetland, one dwelling unit per lot of record may be transferred to an adjacent upland parcel.

4. Building Height. Thirty five (35) feet within shoreline jurisdiction.

E. Special Plans. Substantial developments within the shoreline jurisdiction will be required to submit these special plans or studies and undergo the special review as follows:

1. Environmental Checklist. No categorical exemptions shall exist within the shoreline setback. All developments requiring a local permit shall prepare an Environmental Checklist.

2. Clearing and Grading Plan. This plan shall specifically identify vegetation to be removed, a schedule for vegetation removal and replanting, and the method of vegetation removal. Clearing and grading activities shall be undertaken only during the drier months of the year and shall be in accordance with all local ordinances. Undergrowth shall be retained to the extent feasible. Yarding methods which minimize soil disturbance shall be used.

3. Temporary Erosion Control Plan. This plan shall identify the specific mitigating measures to be implemented during construction to protect the water from erosion, siltation, landslides and deleterious construction materials.

4. Stormwater Control Plan. Except for individually owned duplex and single family residences not within a "project," a permanent stormwater control plan shall take into consideration existing and projected development in surrounding areas and identify the means of protecting water quality.

a. Stormwater Maintenance Agreement. A maintenance program for the storm drainage system, which identifies maintenance activities, schedules, and responsibilities shall be part of the stormwater control plan.

b. Stormwater Plan Review. Authorization of all stormwater systems shall be by the local jurisdiction with review by the appropriate State and Federal agencies and the Squaxin Island Tribe.

Substantial developments also lying within the drainage way buffer shall also submit the following:

5. Supplemental Review. Copies of all Environmental Checklists and their attached plans or reports shall be circulated to the Squaxin Island Tribe and appropriate State and Federal agencies for review. Development proposals shall incorporate applicable recommendations from these agencies for preventing and mitigating adverse impacts on fish or wildlife resources and enhancing wildlife habitat.

6. Water Quality Assessment. A detailed assessment of the water quality impacts and proposed mitigation measures will be a required part of the Environmental Checklist.

7. Geotechnical Report.

a. This report shall include a description of the geology of the site, conclusions and recommendations regarding the effect of geologic conditions on the proposed development, and opinions and recommendations of the adequacy of the site to be developed. This report shall be prepared by either a licensed civil engineer or an engineering geologist who is knowledgeable of regional geologic conditions and who derives his/her livelihood from employment in this field.

b. Any area in which the investigation indicates the presence of geological hazards shall not be developed unless the report can conclusively demonstrate that these hazards would be overcome in such a manner as to prevent hazard to life or limb, hazard to property, adverse effects on the safety,

use or integrity of the canyon ecology, and adverse impact on the natural environment. The burden of proof lies with the proponent.

c. The requirement of this report may be waived by the administrator if the proposed development would not cause significantly adverse geological impacts, or there is adequate geological information available on the area proposed for development to determine the impacts of the proposed development and appropriate mitigation measures.

Substantial developments proposed within the associated wetlands of Black Lake or its buffer* shall also submit the following:

*NOTE: Developments within the Canyon or Middle Reach but outside the shoreline jurisdiction will be governed by Chapter 18.76 of this code.

8. Vegetation Enhancement Plan. This report shall contain a list of deliberate and controlled alterations to the vegetation which may be allowed and which are intended to result in a net increase in wildlife or aquatic habitat value.

9. Wetland Assessment:

a. This study shall determine the edge of the wetland and contain details on habitat value, hydrology, vegetation type, and/or water quality studies. It shall also include specific recommendations for mitigating measures which could be required as a condition of project approval. The recommendations may include, but are not limited to, construction techniques, or design, drainage, density specifications, and buffers. This analysis shall be prepared by persons who are educated in their respective field of expertise and derive his/her livelihood from employment as a consultant in that specialized field.

b. The Administrator may waive the requirement for said report if the proposed development would not cause significantly adverse biological and hydrological impacts, or there is adequate information available on the area proposed for development to determine the impacts of the proposed development and appropriate mitigating measures.

F. Permit Process:

1. "Substantial development" located within the shoreline jurisdiction and not expressly exempted by WAC 173-14-040 ^(b) will require a Substantial Development Permit:

2. Uses and activities exempted by the State Shoreline Management Act and WAC 173-14-040 ^(b) shall still comply with the policies and regulations of this management unit.

3. When a Substantial Development Permit is required, the Administrator shall undertake a consolidated review of the project by the affected parties identified in Section E and seek to minimize the time in the permit process through close coordination with the applicant.

14.08.020 Supersession

Pursuant to the authority of the Shoreline Master Program for the Thurston Region and RCW Chapter ~~90.58~~, the Shoreline Management Act, this title constitutes a local ordinance and supersedes the parts 5, 6, 7, 8, 9, 10, 11, 13 and 15 of Section VII, "Definitions and Administration." The provisions of the master program and this title are supplementary to the provisions of RCW Chapter ~~90.58~~ and Title ~~173~~ WAC.

~~14.08.030 Shoreline substantial development, conditional use and variance permits~~

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 development permits that are exempt from the State Environmental Policy Act and entirely upland of the ordinary high water mark may be decided by the Director if a public hearing is not requested by an interested party. The Hearing Examiner shall hold a public hearing and render a decision regarding other applications identified in subsection A of this section.

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 manner deemed appropriate.

E. — The decision of the Hearing Examiner may be appealed to the Shorelines Hearings Board pursuant to WAC ~~173-27-220~~.

F. — Pursuant to WAC ~~173-27-090~~ and ~~173-27-100~~, the director or the director's designee shall review and decide requests for time extensions and permit revisions. The decision of the director may be appealed pursuant to city ordinance.

~~14.08.040 Amendments~~

A. — Amendments to the Shoreline Master Program, including changes in mapped environmental designations, shall be processed pursuant to chapter ~~173-19~~ WAC as now or hereafter amended, and as provided below.

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~~ ¹⁷ (SEPA), and for other necessary actions or approvals.

C.— The city council shall hold the public hearing prescribed by WAC ~~173-19-062~~ ¹⁸ (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 board.

D.— 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. Notices given pursuant to this subsection shall be mailed at least ten calendar days before the date of the hearing. The applicant shall furnish to the planning department the names and addresses of property owners who are to receive notice.

14.08.050 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 ten 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 public hearing, and shall be subject to the provisions of Ordinance No. 4148. 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 days before the hearing.

(Ord. 4373 §2(part), 1982; Ord. 1307 §2(part), 1981).

14.08.060 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."

Section 4. New OMC Chapter 18.20. The Olympia Municipal Code shall be and is hereby amended by the addition of a NEW CHAPTER 18.20 entitled "Shoreline Master Program Regulations" to include the text, tables, and maps, including OMC Sections 18.20.100 through 18.20.920, set forth in Exhibit B, which is hereby incorporated by reference as though fully set forth herein.

Section 5. Amendment OMC 18.32.515. Olympia Municipal Code Section 18.32.515, Wetlands and Small Lakes – Small Wetlands, is hereby amended to read as follows for consistency with OMC New Chapter 18.20:

18.32.515 Wetlands and Small Lakes - Small Wetlands

A. Wetlands and "small lakes" less than one thousand (1,000) square feet shall be exempt from the requirements of OMC 18.32.135.A, wetland buffers in OMC 18.32.535, compensation projects in OMC 18.32.545, and replacement ratios in OMC 18.32.550, provided that the wetland or pond:

1. Is not associated with a riparian corridor,
2. Is not part of a wetland mosaic, and
3. Does not contain habitat identified as essential for local populations of priority species identified by the Washington State Department of Fish and Wildlife, and
4. No part of the wetland is within shorelines of the State of Washington, except as authorized by OMC 18.20.420(C)(3).

B. Wetlands and "small lakes" between one thousand (1,000) and four thousand (4,000) square feet shall be exempt from the requirements of OMC 18.32.135.A, provided that the wetland or small lake:

1. Is rated as a Category III or IV wetland,
2. Is not associated with a riparian corridor,
3. Is not part of a wetland mosaic,
4. Does not score 20 points or greater for habitat in the Washington State Wetland Rating System for Western Washington (2004),
5. Does not contain habitat identified as essential for local populations of priority species identified by the Washington State Department of Fish and Wildlife, and
6. A wetland mitigation report is provided as required by OMC 18.32.590, and
7. No part of the wetland is within shorelines of the State of Washington.

Section 6. Amendment of OMC 18.73. The following NEW SECTION 18.73.020, Shoreline Management Act Penalties and Enforcement, is hereby added to Olympia Municipal Code Chapter 18.73 to aid in and support administration of OMC NEW CHAPTER 18.20:

Chapter 18.73 CIVIL AND CRIMINAL PENALTY

18.73.000 Chapter Contents

Sections:

18.73.010 Violations -- Misdemeanor -- Gross Misdemeanor -- Civil Infraction.

18.73.020 Shoreline Management Act Penalties and Enforcement.

18.73.010 Violations -- Misdemeanor -- Gross Misdemeanor -- Civil Infraction.

A. Any person, firm, or corporation who knowingly violates or fails to comply with any term or provision of this title shall be deemed to have committed a misdemeanor, and if found guilty, shall be subject to a fine not to exceed One Thousand Dollars (\$1,000), and/or to imprisonment not to exceed ninety (90) days or to both such fine and imprisonment. Each day shall be a separate offense. In the event of a continuing violation or failure to comply, the second and subsequent days shall constitute a gross misdemeanor punishable by a fine not to exceed Five Thousand Dollars (\$5,000) and/or imprisonment not to exceed three hundred and sixty-five (365) days or both such time and imprisonment. Continuing violation shall mean the same type of violation which is committed within a year of the initial violation.

B. As an additional concurrent penalty, it shall be a civil infraction for a person, firm, or corporation to violate or fail to comply with any term or provision of this title. Each day shall be a separate infraction. A person, firm, or corporation found to have committed a civil infraction shall be assessed a monetary penalty as follows:

1. First offense: Class 3 (\$50), not including statutory assessments.
2. Second offense arising out of the same facts as the first offense: Class 2 (\$125), not including statutory assessments.
3. Third offense arising out of the same facts as the first offense: Class 1 (\$250), not including statutory assessments.

See also OMC Chapter 4.44, Uniform Code Enforcement.

18.73.020 Shoreline Management Act Penalties and Enforcement

A. The Shoreline Management Act imposes significant penalties for violation of the Act, regulations and master programs. A violation constitutes a gross misdemeanor, which is punishable by fine or imprisonment (RCW 90.58.220). In addition to the criminal penalty, the Act imposes liability on any person violating the Act or conditions of a permit for all damage to public or private property arising from the violation. Furthermore, the violator may have to restore an area affected by a violation, and pay the entire cost of restoration, including attorney's fees and court costs (RCW 90.58.230).

B. Enforcement action may be taken by the City or Department of Ecology whenever a person has violated any provision of the Shoreline Management Act or Olympia's Shoreline Master Program or other regulation promulgated under the Act. The choice of enforcement action and the severity of any penalty should be based on the nature of the violation, the damage or risk to the public or to public resources, and/or the existence or degree of bad faith of the person subject to the enforcement action.

Section 7. 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 8. Ratification. Any act consistent with the authority and prior to the effective date of this Ordinance is hereby ratified and affirmed.

Section 9. Effective Date. This Ordinance shall take effect five (5) days after publication, as provided by law.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

Darren Niendorf

DEPUTY CITY ATTORNEY

PASSED:

APPROVED:

PUBLISHED:

EXHIBIT A

SECTION 12

Goals and Policies

12.1 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.

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).

- F. 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.

12.2 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.

12.3 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.
- 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.

12.4 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 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.

12.5 Aquatic Environment Management Policies

- A. The *Aquatic* environment designation should apply to lands water-ward of the Ordinary High Water Mark.

- B. Allow new 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 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 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.
- 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.

12.6 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 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.

12.7 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.

12.8 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.

12.9 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; 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.

12.10 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.

12.11 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 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. Where applicable, new development should include environmental cleanup and restoration of the shoreline to comply with any 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.
- H. Aesthetic objectives should be implemented by means such as sign control regulations, appropriate development siting, screening and architectural standards, 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.

12.12 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.

12.13 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.

12.14 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 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.

12.15 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.

12.16 Scientific and Educational Activity Policies

- A. Encourage scientific and educational activities related to shoreline ecological functions and processes.

12.17 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.

12.18 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.

12.19 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.

12.20 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.

12.21 Agriculture Policies

- A. Recognize existing agricultural uses within the City and allow them to continue operating.
- B. New agricultural uses should be prohibited.

12.22 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.

12.23 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. New covered moorage 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.

12.24 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.

12.25 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.

12.26 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).

12.27 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 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.

12.28 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, 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.

12.29 Utility Policies

- A. Utility facilities should be designed, located and maintained to minimize harm to shoreline ecological functions, 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.

12.30 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.

12.31 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 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 on land away from the shoreline is preferred over open water disposal.

- G. Re-use of dredge spoils 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.

12.32 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 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, 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.

12.33 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.

12.34 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 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.

12.35 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.
- 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, alternative measures that are less harmful to shoreline ecological functions should be employed.
- 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.

EXHIBIT B

Chapter 18.20 SHORELINE MASTER PROGRAM REGULATIONS

18.73.000 Chapter Contents

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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.

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.

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.

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.

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.

18.20.220 - 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 decided by the Administrator if a public hearing is not requested by an interested party. The Hearing Examiner shall hold a public hearing and render a decision regarding other applications identified in subsection A of this section. 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 manner deemed appropriate.
- E. The decision of the hearings examiner 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. 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.
- G. When developing and adopting procedures for administrative interpretation of this Master Program, the City shall consult with the Department of Ecology to insure 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. 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 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 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

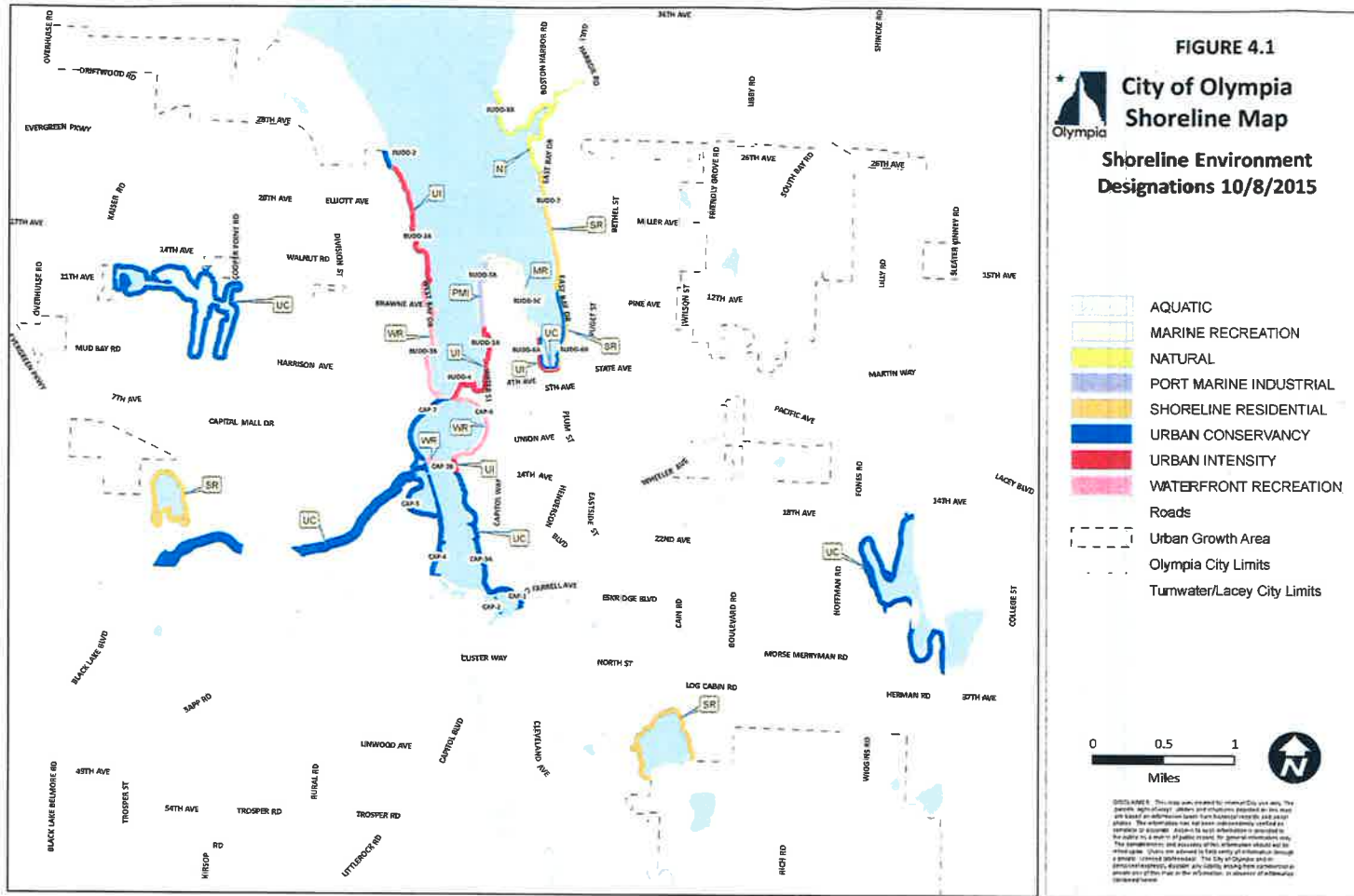
- A. The provisions of this Chapter shall apply to all shorelines of the state, all shorelines of statewide significance and shorelands as defined in RCW 90.58.030, within the City of Olympia. These areas are collectively referred to herein as ‘shorelines’.
- B. Olympia’s “shorelands” include lands extending 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.

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.



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 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 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.

18.20.420 - Critical Areas

- A. All uses and development occurring within the shoreline jurisdiction shall comply with 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 shoreline 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%) (OMC 18.32.435(H)) within shoreline jurisdiction shall require a shoreline variance.
 3. In shoreline jurisdiction, OMC 18.32.515(B) does not apply. Furthermore, OMC 18.32.515(A) only applies to isolated Category III and IV wetlands, and impacts must be compensated for (the replacement ratios in OMC 18.32.550 apply in shoreline jurisdiction).
 4. 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(K)) and only when no other location is feasible.
 5. 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(M)).
 6. Locating stormwater facilities or utilities within wetlands or within any wetland buffer other than those specified in numbers 4 and 5 above shall require a shoreline variance (OMC 18.32.530(E) and (G)).
 7. In shoreline jurisdiction, provisions allowing wetland buffer averaging (OMC 18.32.535(F)) and administrative wetland buffer reductions (OMC 18.32.535(G)) shall not be used together.
 8. Wetland buffer reductions beyond twenty-five percent (25%) (OMC 18.32.535(H)) within shoreline jurisdiction shall require a shoreline variance.

9. 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).
10. 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.
11. New development or the creation of new lots that would cause foreseeable risk from geological conditions during the life of the development is prohibited.
12. Uses and activities that may be authorized within floodways are limited to those listed in WAC 173-26-221 (3)(c)(i).
13. In shoreline jurisdiction, the point scale used to separate wetland categories in OMC 18.32.510 does not apply. Category I wetlands are those that score 23 or more points, category II wetlands are those that score between 20 and 22 points, category III wetlands are those that score between 16 and 19 points, and category IV wetlands are those that score fewer than 16 points.

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. 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, 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.
- 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.
 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.
 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.
 7. Public amenities such as, but not limited to, a covered shelter, benches, or picnic table shall be provided in public access areas.
 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

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; 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 shall be limited to four (4) feet in height between the Ordinary High Water Mark and primary structures.
- 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.

18.20.600 - Shoreline Use and Development – Intent

The purpose of this section 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.

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, 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.

Table 6.1 – Uses and Activities

LEGEND: P = Permitted C = Shoreline Conditional Use Permit X = Prohibited

C/P = A Shoreline Conditional Use Permit is required if wholly or partially located within 100 feet of the OHWM; uses and activities located more than 100 feet from the OHWM are permitted.

Primary Use of Building or Structure	Urban Intensity	Port Marine Industrial	Shoreline Residential	Urban Conservancy	Waterfront Recreation	Marine Recreation	Natural	Aquatic ¹
Agriculture								
Agriculture	X	X	X	X	X	X	X	X
Aquaculture								
Restoration and Recovery of Native Populations	P	P	P	P	P	P	P	P
Commercial Aquaculture	C	C	C	C	C	C	X	C
Boating Facilities								
Marinas	P	P	X	X	X	P	X	C
Launch Ramps	P	P	P	P	P	P	X	P
Boathouses & Storage Structures,	P	P	P	P	P	P	X	X
Overwater Covered Moorage	X	X	X	X	X	X	X	X
Commercial								
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
Industrial/Light Industrial								
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
Recreation								
Water Dependent & Enjoyment, and All Other Water Related, e.g., viewing platforms, wildlife blinds, interpretive areas	P	X	P	P	P	P	C	C
Non-water Oriented	C/P	X	C/P	X	C	X	X	X
Residential								
Residential	P	X	P	P	X	X	X	X

Primary Use of Building or Structure	Urban Intensity	Port Marine Industrial	Shoreline Residential	Urban Conservancy	Waterfront Recreation	Marine Recreation	Natural	Aquatic ¹
Transportation								
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
Utilities								
Utility Lines, Buildings and Facilities	C/P	C/P	C/P	C/P	C/P	C/P	C/P	C
Other								
All Other Uses Not Listed Above	C	C	C	C	C	C	X	C
Mixed Use	C/P	C	C	C	C	C/P	X	X

¹ Uses listed as permitted or conditional in the Aquatic designation are allowed only if not prohibited in the adjacent upland shoreline designation.

Table 6.2 – Development Standards (Heights)

Shoreline Environment	Shoreline Reach	Maximum Standard Building Height
Aquatic	All	20 feet
Natural	All	15 feet
Waterfront Recreation	Budd Inlet	42 feet
	Capitol Lake	35 feet
Urban Conservancy	All	35 feet
Shoreline Residential	All	35 feet
Marine Recreation	Budd Inlet	40 feet; 25 feet within 75 feet of OHWM
Urban Intensity	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
Port Marine Industrial	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

Shoreline Environment	Shoreline Setback	Vegetation Conservation Area	Setback with maximum reduction– Non-water dependent	Incentive eligible provisions – See 18.20.620(D)(1)	Shoreline Setback reduction	Required Standards
Aquatic	N/A	N/A	N/A	N/A	N/A	N/A
Natural	200'	200'	N/A	N/A	N/A	N/A
Urban Conservancy	100'	50'	N/A	N/A	N/A	N/A
Shoreline Residential - Ward Lake	75'	20'	N/A	N/A	N/A	N/A
Shoreline Residential – Ken Lake, Budd Inlet	30'	20'	N/A	N/A	N/A	N/A
Marine Recreation – Budd 5C	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)
Waterfront Recreation – Budd 3B	150' or the east side of West Bay Drive whichever is less.	150' or the east side of West Bay Drive whichever is less.	150'	N/A	N/A	N/A

Shoreline Environment	Shoreline Setback	Vegetation Conservation Area	Setback with maximum reduction– Non-water dependent	Incentive eligible provisions – See 18.20.620(D)(1)	Shoreline Setback reduction	Required Standards
Waterfront Recreation – Cap 6	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)
Waterfront Recreation Cap-7 (Marathon Park)	30'	30'	30'	N/A	N/A	N/A
Water Dependent Uses Reduce from 30' to 0'				Water Dependent Use	100% (30')	
Urban Intensity - Budd 3A	30'	30'	30'	N/A	N/A	N/A
Water Dependent Uses Reduce from 30' to 0'				Water Dependent Use	100% (30')	
Urban Intensity - Budd 4	30'	0'	30'	N/A	N/A	N/A
Water Dependent Uses Reduce from 30' to 0'				Water Dependent Use	100% (30')	
Urban Intensity - Budd 5A	30'	0'	30'	N/A	N/A	N/A
Water Dependent Uses Reduce from 30'-0'				Water Dependent Use	100% (30')	
Urban Intensity - Budd 6A	100'	0'	100'	N/A	N/A	N/A
Port Marine Industrial – Budd 5B	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 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. 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. Live-aboard vessels are permitted only if adequate solid waste and sanitary sewer disposal facilities are provided and maintained;
 7. 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. Marinas shall provide pump-out, holding and/or treatment facilities for sewage contained on boats or vessels;
 9. 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. Marinas shall have facilities and established procedures for the containment and recovery of spilled petroleum or toxic products; and
 11. 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 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.

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

P – Permitted C – Conditional Use X – Prohibited X/C – Allowed by conditional use only in specific cases.	Natural	All other Shoreline Environments	Aquatic (Same as adjacent shoreline environment designation)	Notes & Applicable Regulations
Dredging	C (Only for Ecological Restoration/ Enhancement Projects)	P	←	See OMC 18.20.820
Fill	C (Only for Ecological Restoration/ Enhancement Projects)	P	←	See OMC 18.20.830 through 837
Piers, Docks, Floats and Buoys	X	P	←	See OMC 18.20.842 through 18.20.848
Ecological Restoration and Enhancement	P	P	←	See OMC 18.20.850 through 18.20.855
Instream Structures	P	P	←	See OMC 18.20.857
Shoreline Stabilization Hard Armoring	X	X/C See OMC 18.20.870	←	See OMC 18.20.860 through 18.20.870
Shoreline Stabilization Soft Armoring	P	P	←	See OMC 18.20.860 through 18.20.870
Breakwaters, Jetties, Groins, and Weirs	X	X/C See OMC 18.20.874	←	See OMC 18.20.872 through 18.20.874
Stair Towers	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;
 - b. The utility installation does not increase or decrease the natural rate, extent or opportunity of channel migration; and
 - c. Appropriate best management practices are employed to prevent water quality impacts or other environmental degradation.
- C. 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.
- D. 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.
- E. Dredging for the primary purpose of obtaining material for landfill is prohibited.
- F. The disposal of dredge spoils in open water or on upland sites within shoreline jurisdiction is prohibited unless for beneficial uses such as shoreline restoration or enhancement.
- G. 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.
- H. 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 and must incorporate a minimum of 60 percent grating or the percentage required in a Hydraulic Permit Approval (HPA) from the Department of Fish and Wildlife;
 - 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 the dock/pier surface area must be grated or the percentage required in a Hydraulic Permit Approval (HPA) from the Department of Fish and Wildlife;
 - 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 shall be oriented and incorporate functional grating into the float surface area at a percentage as required in a Hydraulic Permit Approval (HPA) from the Department of Fish and Wildlife.
 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.

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.
- 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.
- 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.
- 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.

- 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 restored in the manner and to the extent that it existed upon the effective date of this Shoreline Program.
- 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 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.
- 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 within the existing footprint.
 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.



City Council

Public Hearing and Consideration of a Resolution for a Community Renewal Plan

Agenda Date: 7/12/2016
Agenda Item Number: 5.A
File Number: 16-0801

Type: decision **Version:** 1 **Status:** Public Hearing

Title

Public Hearing and Consideration of a Resolution for a Community Renewal Plan

Recommended Action

Committee Recommendation:

Hold a Public Hearing, and after the Hearing if the City Council wishes to take action, move to approve the resolution for the Community Renewal Plan as recommended by the Community Economic Revitalization Committee.

The plan identifies as the first action the issuance of a Request for Proposal (RFP) seeking a private development partner for the redevelopment of the City-owned parcel located at 308-310 Fourth Ave E, commonly referred to as the former Griswold property. The RFP is a separate agenda item during Other Business.

City Manager Recommendation:

Move to hold a Public Hearing and after the Hearing, if the City Council wishes to take action, move to approve the resolution for the Community Renewal Plan as recommended by the Community Economic Revitalization.

Report

Issue:

Told hold a public hearing and determine whether to approve the Resolution approving a Community Renewal Plan.

Staff Contact:

Renée Sunde, Economic Development Director, Community Planning & Development Department,
360.753.8591

Presenter(s):

Keith Stahley, Director Community Planning and Development Department
Renée Sunde, Economic Development Director
Jay Reich, Pacifica Law Group
Lorelei Juntunen, Partner, ECONorthwest

Background and Analysis:

The proposed Community Renewal Plan is the culmination of years of community conversations and Council actions. On February 3, 2015 the Council passed a Community Renewal Area (CRA) Resolution forming a CRA boundary, established governance and directed staff to work with property owners and developers to develop a specific set of actions for which community renewal powers would be appropriate.

The Revised Code of Washington (RCW), Chapter 35.81 requires that communities wishing to use the powers of the Community Renewal Law must adopt a Community Renewal (CR) Plan. The CR Plan is defined by the RCW as:

(6) "Community renewal plan" means a plan, as it exists from time to time, for a community renewal project or projects, which plan (a) shall be consistent with the comprehensive plan or parts thereof for the municipality as a whole; (b) shall be sufficiently complete to indicate such land acquisition, demolition, and removal of structures, redevelopment, improvements, and rehabilitation as may be proposed to be carried out in the community renewal area; zoning and planning changes, if any, which may include, among other things, changes related to land uses, densities, and building requirements; and the plan's relationship to definite local objectives respecting appropriate land uses, improved traffic, public transportation, public utilities, recreational and community facilities, and other public improvements; (c) shall address the need for replacement housing, within the municipality, where existing housing is lost as a result of the community renewal project undertaken by the municipality under this chapter; and (d) may include a plan to address any persistent high levels of unemployment or poverty in the community renewal area.

This proposed Community Renewal Plan builds on the CRA Resolution by identifying the first action: the redevelopment of the City-owned parcel located at 308-310 Fourth Ave E, commonly referred to as the former Griswold property. The Plan as it is structured is intended to evolve as new projects and actions are identified. These future projects will be added to the Plan through an amendment process.

The Plan is designed to work together with a new Downtown Strategy as a tool to help to eliminate blight and to encourage private sector participation in downtown renewal. The CR Plan will help shape development to further the City's goals of creating a safe and welcoming Downtown for all and increasing commerce and private investment. The CR Plan will identify as one of its first projects the redevelopment of the City-owned but blighted parcel located at 308-310 Fourth Avenue East.

The CERC considered the CR Plan and the RFP at its meeting on June 13, 2016. On June 8, 2016 staff and the consultant team conducted a neighborhood meeting and received comments and responded to questions from interested neighbors, business owners, property owners and citizens. The plan and the RFP have been modified in response to some of this input.

Neighborhood/Community Interests (if known):

Over the past several years there has been significant interest throughout the community in understanding the challenges for downtown development and the tools available to assist in the removal of blight. The adoption of the CRA Resolution establishing a CRA boundary was an important first step.

Through the work of the Downtown Strategy hundreds of citizens have been engaged in an ongoing effort to plan for the future of Downtown.

There has been much interest from neighbors in the initial stages of development of the CR Plan, acquisition of the property and development of the RFP. The objective of the CR Plan is to quickly return the property to productive economic use.

Options:

1. Hold Public Hearing and move to approve Resolution for a Community Renewal Plan
2. Hold Public Hearing and do not approve Resolution for a Community Renewal Plan
3. Hold Public Hearing and direct staff to modify the proposed Community Renewal Plan

Financial Impact:

None.

Attachments:

Resolution No. 1 - Approving A Renewal Area Plan
Community Renewal Area Plan

CRA Plan Appendices:

- A. List of meetings, workshops and public hearings
- B. Blight findings and resolution
- C. Opportunity area study
- D. Feasibility report.
- E. Redevelopment Request for Proposal

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY OF OLYMPIA, WASHINGTON
APPROVING A RENEWAL PLAN FOR THE GRISWOLD PROPERTY
ON FOURTH STREET**

WHEREAS, by Resolution 15-0119 adopted on February 3, 2015, the City Council of the City of Olympia (the “City”) determined that certain property within the City be designated as a community renewal area (the “CRA”) suitable for a community renewal project or projects in accordance with the Community Renewal Law codified at chapter RCW 35.81 RCW (the “Act”), including property located at 308-310 Fourth Avenue East (the “Griswold Property”); and

WHEREAS, the City has previously acquired the Griswold Property by voluntary purchase and sale and has subsequently developed a community renewal plan attached hereto and incorporated herein by this reference (the “Plan”) for the elimination of its blighted condition as a community renewal project in accordance with the Act (the “Project”); and

WHEREAS, the Project involves the elimination of blight on the Griswold Property through the solicitation of proposals from private entities for the purchase of the site from the City and its subsequent development as a mixed use project; and

WHEREAS, the City has held a public hearing with regard to the Plan and the Project following notice of the hearing being published twice in *The Olympian*, a newspaper of general circulation, on June 21, 2016 and June 28, 2016, and having provided written notice to property owners in the renewal area affected by the Plan, and has considered the testimony and materials presented at such hearing;

NOW, THEREFORE, THE OLYMPIA CITY COUNCIL DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. Reaffirming Blight Findings. The City reaffirms its previous findings that the CRA is a blighted area appropriate for a community renewal project and specifically reaffirms its findings of blight as defined in RCW 35.81.015(2) and the appropriateness of a community renewal project with respect to the abandoned property therein known as the Griswold Property.

Section 2. Findings with Regard to the Plan. The City finds that the Plan with respect to the Griswold Property: (a) conforms with the City’s comprehensive plan; (b) will afford maximum opportunity, consistent with the needs of the City, for the rehabilitation or redevelopment of the Griswold Property by private enterprise; (c) contains a sound and adequate financial program for funding the Project; and (d) since the Griswold Property is abandoned, there is no requirement for making housing available for residents displaced by the Plan.

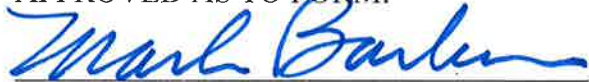
Section 3. Adoption of Plan. The City hereby adopts the Plan for the redevelopment of the Griswold Property by requesting proposals from interested private developers.

PASSED BY THE OLYMPIA CITY COUNCIL this _____ day of _____, 2016.

MAYOR

ATTEST:

APPROVED AS TO FORM:



CITY ATTORNEY



Downtown Olympia Community Renewal Plan



History and Purpose of Community Renewal in Downtown Olympia

In recent decades, Olympia's Downtown has seen less private investment in development and redevelopment than other parts of the South Puget Sound region, leading to fewer jobs, lower tax base, diminished quality of place and pockets of urban blight. Reasons for this are wide-ranging: many of the causes of lower investment levels (including national economic conditions) have not been entirely under City control. However, City leaders recognized that more could be done.

In 2013, City Council accepted an Investment Strategy that addressed opportunities and challenges for redevelopment in Downtown, along with other areas around the City. This Strategy was a first of its kind commitment to a more proactive and coordinated approach to City investments in redevelopment activities. For Downtown, the Investment Strategy resulted in a conversation and eventual action regarding the use of Community Renewal, a state-authorized redevelopment tool.

The Community Renewal Law provides the City with tools to eliminate blight, to encourage private sector participation in Downtown renewal, to shape development in furtherance of the City's goals of creating a safe and welcoming downtown for all, and to increase commerce and private investment. The designation of a Community Renewal Area (CRA) is a means to bring focus to an area with evidence of blight and utilize various tools made available under the Law. The City undertook a feasibility study for community renewal, which found that the downtown area met the statutory definition of blight. The feasibility study also recommended a CRA boundary.

On February 3, 2015, the Council passed Resolution 15-0119 (the "CRA Resolution") making findings of blight, establishing a CRA boundary and directing staff to work with property owners and developers to identify specific actions for which community renewal powers would be appropriate. The adoption of this resolution gave the City a more formidable seat at the development table and should enable more viable and better-quality private redevelopment.

Economic development should not compromise social, environmental, and urban design goals, but must be a complementary and necessary part of a larger strategic vision for the City's future. Without this economic development component, the City may have the vision for a vibrant downtown but will lack the means to carry it out and its efforts to eliminate blight may not be sustainable. As a result, at approximately the same time the City embarked on developing this Community Renewal Plan, the Council initiated a Downtown Strategy, which will be implemented in coordination with the Plan and may result in amendments to this plan when the Downtown Strategy is complete.



Purpose of Community Renewal in Olympia: Opportunities and Challenges

The Community Renewal Plan capitalizes on many agreed-upon opportunities for redevelopment. Specifically:

- Many sites in Downtown are underutilized and have potential to accommodate new development. The 2013 Downtown Market Conditions Summary identified 3.5 vacant acres and 49.4 redevelopable acres in Downtown.¹ While a small portion of these properties have since redeveloped, the overall pattern with many surface parking lots remains.
- Downtown boasts significant infrastructure and public facilities that are amenities for new development, including: Heritage Park, Percival Landing, Sylvester Park, Historic Downtown, Transit Center, Greyhound Bus Depot, Capitol Lake, Budd Inlet, waterfront access, Capitol Theater, Washington Center for Performing Arts, WET Science Center, Hands-On Children's Museum, public library, post office, and Capitol Campus.
- Low vacancy rates and recent modest growth in rents for multi-family residential units citywide suggest that there is near-term demand for multi-family housing or mixed-use development in Downtown. Citywide rental rates have increased in the last five years going from \$785 per unit in 2010 to \$944 in 2015. Over the same period vacancy rates have decreased with a 3.6% vacancy rate in 2015². There is interest among the development community in new multi-family housing development that could capitalize on easy access to services, transit, and the waterfront.
- Adaptive reuse of existing buildings is a particularly attractive opportunity in the short term, as it has potential to provide space at a lower cost than new construction, and avoids creating additional inventory of office space in a relatively weak market. The 2016 Downtown Strategy Market Analysis notes sizable availability of office space for non-State Government users, which typically occupy smaller spaces in the Olympia market. Recent adaptive reuse projects, including the Cunningham Building on Fourth Avenue, Franklin Lofts project and the Legion Square conversion of second and third floor office space into residential units, provide concrete evidence of this trend. In addition, there are opportunities for technical assistance and incentives for developers exploring adaptive reuse.
- New market-rate construction is beginning to occur, as evidenced in the new mixed-use projects at 123 4th Avenue and 321 Legion Avenue. Though still in its early phases, the project appears to be successfully commanding rental rates above that of existing multifamily around the City. This project accessed EB-5 funding, and was not conventionally financed. It is unclear whether a conventionally-financed development of this scale might move forward.

However, there are many challenges for Downtown development that require coordinated action to overcome. Overall, demand for commercial space (particularly state government) is not growing in the near-term. Land is more expensive and, in many cases, development costs are higher. Properties therefore have a higher redevelopment hurdle than sites elsewhere in the City and county, where there are lower cost vacant and/or greenfield sites to build on. Exhibit 1 summarizes how a CRA can help to capitalize on these opportunities and overcome these challenges.

¹ Thurston Regional Planning Council, 2011; BERK, 2013.

² Olympia Downtown Strategy Market Analysis, Property Counselors; Dupre + Scott, 2015

Exhibit 1. Challenges and Tools in Olympia

Key challenges	Notes or details	Tools	CRA role?
Blighted and / or abandoned buildings	Isthmus site, Griswold's, and DFW site are all examples of abandoned or underutilized buildings that should be demolished and /or redeveloped to improve Downtown.	The City has authority to remove blighted structures in preparation for development for a public use, and does not require any special tools for that process. Community Renewal, however, is the only tool that addresses blighted buildings to allow for private development.	Community Renewal allows Olympia to acquire properties with blighted buildings for the purpose of transferring the property to private developers. In a Community Renewal context, the City can also use the disposition process to incent development that achieves public vision. A Public Development Authority could assist in the redevelopment process, or provide an alternative approach, especially if significant federal or other non-local funding and/or public-private partnerships are involved.
Lack of public control / involvement in dev't process	State laws prohibit Olympia from acquiring property for the purpose of transferring to private parties for development.	Currently, indirect methods are available to the City (zoning and code, tax structure and incentives, infrastructure provision). The City can use Community Development Block Grants or Section 108 to acquire property and then sell it for private development—not via condemnation however. <i>(Note: this statement needs legal review)</i>	Without City ownership of a site, RFPs or RFQs from the City are unlikely to be successful in attracting quality developers. Community Renewal allows the City to acquire property for this purpose, providing the City with power to have more direct involvement in the development process.
Environmental contamination	Some downtown sites are “brownfields,” with lingering soil contamination from the pollution of previous land uses.	Numerous tools, including Local Improvement Districts (LIDs), Community Revitalization Financing, CERB/LIFT grants, and General Obligation (GO) bonds can be used to fund environmental cleanup.	Community Renewal specifically authorizes cities to undertake environmental cleanup, though it does not create new funding sources to fund these cleanup efforts. It would allow the City to partner with private development interests to affect cleanup of private property.
Construction costs due to fill	Much of Downtown built on fill; construction costs are high because deep pilings are needed.	Can use Section 108 to help offset construction costs, as well as New Market Tax Credits and EB-5, under the right circumstances	Some tools (Section 108 in particular) give the City a seat at the table without transferring the property to the City. Community Renewal gives the City a better opportunity to control the disposition process through site acquisition.
Flooding and sea level rise	The risk of flooding, particularly in the light of rising sea levels, could lead to more costly development conditions for shoreline properties.	Numerous tools, including LIDs, Community Revitalization Financing, CERB/LIFT grants, and GO bonds can be used to fund infrastructure improvements to protect against flooding.	Community Renewal does not have a specific role in addressing this challenge.
High office vacancy / low rental rates	Vacancy rates for office have risen for four consecutive years, reaching 9.7% in 2013. Office rents have fallen over that same period of time from \$19.61 to \$15.69 per SF.	Tax abatements, Tax Credits (including New Market, Historic), Section 108, Business Improvement Areas, can be used to improve the financial pro forma for new office development.	Community Renewal does not have a specific role in addressing this challenge, except that, for key sites that are public priorities or in public ownership, CRA can allow the public sector to work more directly with a developer on a redevelopment strategy and potentially write down land costs to overcome some of these challenges.
Negative perception of downtown	Stakeholder interviews revealed many concerns about crime, cleanliness, and homelessness.	Parking and Business Improvement Areas, Main Street Program, and Main Street Tax Incentive Program can be used to promote Downtown.	Community Renewal does not have a specific role in addressing this challenge.
Property ownership	There are few prime parcels available for redevelopment; many are Port owned.	Where Port or some other public agency already owns a site, there is opportunity to partner with City and blend tools like Section 108, NMTCs, EB5, etc. On private prime sites, the city can work with willing existing owners and help apply tools above.	Community Renewal allows the City to acquire property for this purpose, providing the City the opportunity to incentivize new private development in Downtown. Ports are allowed to transfer land to private parties for commercial development.

Summary: Community Renewal Area Details

Boundary

The boundary for the Community Renewal Area is shown in Exhibit 2. This boundary was originally developed through the process led by the Community Economic Revitalization Committee (CERC, an appointed committee of Council members³) beginning in 2013 with the Community Renewal Feasibility Study. The CERC discussed several boundary options, and selected the option in Exhibit 2. They felt that this boundary option best aligned with the City's intent for the creation of a CRA: to eliminate blight, to remove or address barriers to redevelopment, and to initiate new partnerships on the Port properties. The following barriers have a blighting influence on downtown Olympia, hinder the ability of the private sector to invest in the area, and are found throughout the CRA boundary:

- Blighted buildings (that meet statutory "health and safety" blight requirements)
- Soil contamination
- Liquefaction
- Sea level rise / storm surge
- Aging infrastructure
- High ground water and soils (increases development costs, complicates parking development)
- Diversity of property ownership

³ At the beginning of the CRA process, this committee was referred to as the "Ad Hoc" Committee.

Exhibit 2. Downtown Olympia Community Renewal Area boundary



Any projects added to this plan must be within this boundary.

Blight

The primary legal requirement for creating a CRA is that the area be “blighted.” RCW 35.81.015(2) defines a blighted area as having any of a long list of negative characteristics. Several of the statutory characteristics of blight are found within the boundaries of the CRA, including: physical deterioration and obsolescence of buildings, faulty lot layout, unsanitary or unsafe conditions, existence of hazardous soils, diversity of property ownership, and conditions that endanger life or property by fire or other causes. Details are included in Appendix B, and the City Council made findings with respect to these blighted conditions in the CRA Resolution.

Approach to Community Renewal Projects

CRA requires a workable plan that outlines uses of public and private funds to eliminate or prevent the spread of blighted areas, steps to encourage redevelopment, and activities that will achieve the goals of the plan. In its discussion of these projects, the CERC considered the following properties for possible actions under the Community Renewal Law:

- Griswold’s Property on 4th Avenue
- The Water Street Redevelopment Area, on Water Street between 4th and 5th Avenues
- Reliable Steel property on West Bay Drive
- Properties on the Isthmus: Former Health Department, former Thurston County Housing Authority property, and Capitol Center property including vacant lot north of 4th Avenue

The City of Olympia has adopted a unique approach to Community Renewal projects that increases the flexibility of the Plan to respond to market-based public private partnership opportunities as they arise. The City recognizes that it does not currently have the resources to complete all of the projects it has considered, and that even if it did, not all of those properties are market-viable for redevelopment at this time. Further, the list may be incomplete: new projects are likely to arise in the coming years that are not currently envisioned. This Plan therefore begins with just one project: the Griswold’s Project (described in later sections of this plan). Additional projects that require City attention and action, and appear to have viability for private redevelopment with public assistance, may be added in the future through a Plan amendment process. For example, Council released an RFP and entered into contract for the design of the Water Street Redevelopment Area with the goal of redeveloping the area as a vibrant mixed-use community. The City may amend the Community Renewal Plan in the future to add this project, as more details about this important redevelopment are known.

Approach to Use of Condemnation

The CERC discussed the use of condemnation for economic development purposes, an authority that the state grants to the governing body of a CRA. Recognizing that the use of condemnation is contentious, the Plan includes a set of binding criteria that limit the ability of a future CRA governing body to use condemnation except as follows:

Before it may use condemnation authority on any property or building, the City must find that the property meets the statutory definition of health and safety blight (a higher standard than “economic blight”) contained in RCW 35.81.015(2), and has been vacant and economically unproductive for a period of five years or longer.

CRA Project: Former Griswold's Property

The City's first CRA project is the former Griswold property, located at 308-310 4th Avenue East. The City of Olympia is engaged in an ongoing effort to improve downtown Olympia. The former Griswold's property is in the heart of Olympia's Entertainment District along 4th Avenue with numerous restaurants, bars and theaters all within close proximity. The City sees this area as a key area for redevelopment of downtown that will have substantial positive impacts on the immediately surrounding properties as well as the broader downtown.

The City acquired this property in a willing-seller market transaction in June of 2016. The Griswold's building burned in a fire in 2004 and is a complete loss. The remaining shell structure has been vacant and abandoned for the twelve years since the fire. Currently, the building has had numerous code violations including violations for flaking exterior surface, lack of a roof, missing or boarded windows, and graffiti. Section 1.4 of Appendix B provides details of this blight. In addition, a structural evaluation indicates that the existing wall, foundation, and partial roof structure would need to be razed as part of any development of the property.

Project Objectives

The objective of the project is to eliminate the existing blight, and redevelop the property with a viable and productive use that will serve as a catalyst to support the economic vibrancy of downtown Olympia. Specifically, the City would like to redevelop the property as a mixed-use building. Residential housing is desired to support an increase in the population living downtown and overall vitality of the area. Retail uses on the ground floor are required on 4th Avenue, which is designated a "Pedestrian A" street, and would enhance the retail environment on 4th Avenue and downtown. The City would also like to return the property to the private market as contemplated in the Community Renewal Area law.

These objectives are consistent with the City's comprehensive plan, support a more walkable downtown and improved traffic, helps rehabilitate a deteriorating structure, and encourage private participation in downtown renewal.

Project Actions

To redevelop the Griswold's property and return it to productive use, the City plans to pursue a public-private partnership with a private developer. This process will require a mix of CRA and other tools to ensure that a sound and adequate financial program exists for the financing of the project and to quickly return the property to the private market. The specific steps are:

1. **Issue a RFP to solicit a private development partner.** This is the first step to finding and selecting a qualified development partner that shares the City's vision for the development of the property. The City plans on releasing a RFP in July 2016 with the selection of a developer by November 2016.
2. **Engage in Public Participation.** The City has been committed to public and stakeholder engagement throughout the conversation regarding the revitalization of Downtown. The RFP for the Griswold's

property is explicit about an expectation that the selected developer continue this engagement, in partnership with the City.

3. **Engage in a public-private partnership.** After selecting a development partner, the City will develop and negotiate a development agreement specifying the terms and responsibilities for the potential sale and development of the former Griswold property.
4. **Provide Development Incentives as Required.** The City is willing to provide support and incentives that are reasonable to achieve the community benefits. Through the development agreement, the City may provide one or more of the following incentives to the selected developer depending on the benefit to the community and the proposed redevelopment project's eligibility for certain funds:
 - Below market terms for sale of the property
 - Residential property tax exemption (as allowed through OMC 5.86)
 - Priority permitting
 - Loans through the City's Section 108 and Grow Olympia Fund Loan Programs
 - Infrastructure and frontage improvements
 - Remediation of contaminated soil
 - Demolition of existing structures
 - Public finance technical assistance through the NDC

At the end of this process, the City will have partnered with a private developer to eliminate a specific source of blight in Downtown and have taken another significant step in realizing the vision for Downtown.

Appendices:

- A. List of meetings, workshops and public hearings**
- B. Blight findings and resolution**
- C. Opportunity area study**
- D. Feasibility report**

Appendix A.

List of meetings, workshops and public hearings

2013

- April 2013 - Project kick-off
- Spring/Summer 2013 - Investment Strategy Component A market analysis work
- August 2013 - Citizen Advisory Committee (CAC) formed
- September 2013 - Presented Component A results to Community and Economic Revitalization Committee (CERC) and CAC.
- Fall 2013 - Moved forward with Component B (CRA Feasibility Study)
- December 2013 – City Council hears Component B findings

2014

- Winter 2014 - Move forward with urban design workshop focused on Isthmus
- April 2014 – CRA urban design workshop held
- August 2014 – City Council hears Isthmus scenario and feasibility analysis moves forward with CRA public participation process
- October 2014 – CRA developer roundtable held
- December 2014 – CRA open houses held

2015

- January 2015 – City Council approves resolution establishing CRA and boundary
- Winter 2015 – Move forward with Request for Proposal (RFP) process
- April 2015 – Public Finance Seminar by NDC
- May 2015 – CRA open house and workshop
- July 2015 – City Council approves CRA RFP documents
- August 2015 – RFP released

Appendix B. Detailed Blight Findings

The purpose of the Community renewal Law is to eliminate or prevent blighted conditions and improve and revive blighted areas within municipalities through investment and economic development. This appendix describes the variety of existing blighted conditions within Downtown Olympia and the environmental and economic challenges that hinder the ability for the private sector to eliminate or prevent blight by investing in downtown Olympia, including:

1. Blighted and abandoned buildings
2. Confirmed and suspected contamination sites from prior industrial and commercial uses
3. Risks from sea level rise
4. The high cost of construction on the dredged fill due to the need for support piling
5. Aging infrastructure
6. Diversity of property ownership within the Community Renewal Area
7. Negative impacts caused by concentrations of homelessness
8. Negative impacts caused by crime
9. Excessive land covered by surface parking lots
10. High office vacancy rates

The characteristics of blight identified in the Revised Code of Washington (RCW) are numerous, and include the following:

Physical obsolescence of buildings.

Inappropriate uses of land or buildings.

Overcrowding of buildings.

Inadequate street layout.

Faulty lot layout (in relation to size, accessibility, or usefulness).

Excessive land coverage

Insanitary or unsafe conditions

Existence of hazardous soils, substances, or materials.

Diversity of property ownership.

Tax delinquency exceeding the fair value of the land.

Defective or unusual conditions of title.

Improper subdivision or obsolete platting.

Persistent and high levels of unemployment or poverty.

Conditions that endanger life or property by fire or other causes.

1 Blighted Properties

This section describes properties within the CRA with "health and safety" conditions characteristic of blight. The Department of Ecology has identified 166 properties in downtown that are confirmed or suspected sites with contamination (see Figure 14). Of these sites, there are four properties in particular that best meet the characteristics of blight:

- Reliable Steel – West Bay Drive
- Former Health Department property and Thurston County Housing Authority building on the Isthmus
- Capital Center property including vacant lot north of 4th Avenue on the Isthmus
- Griswald's property on 4th Avenue

1.1 Reliable Steel

Physical Address: 1218 West Bay Dr. NW
Parcel Numbers: 91013500000 & 91013000000
Property Owner: West Bay Reliable - 0508 LLC
Property Owner Address: 1411 State Ave. NE Ste 100,
Olympia, WA 98506
Total Assessed Value (2014 Tax Year): \$462,900

Current and Past Code Violations:

Trash & Debris on Building Exterior (16.06.030.307.1)
Holes on Exterior Walls (16.06.030.304.6)
No Exterior Doors (16.06.030.304.15)
Rodent Infestation (16.06.030.308.1)
Graffiti on Several Walls (16.06.030.302.9)
Leaking Roof (16.06.030.304.7)

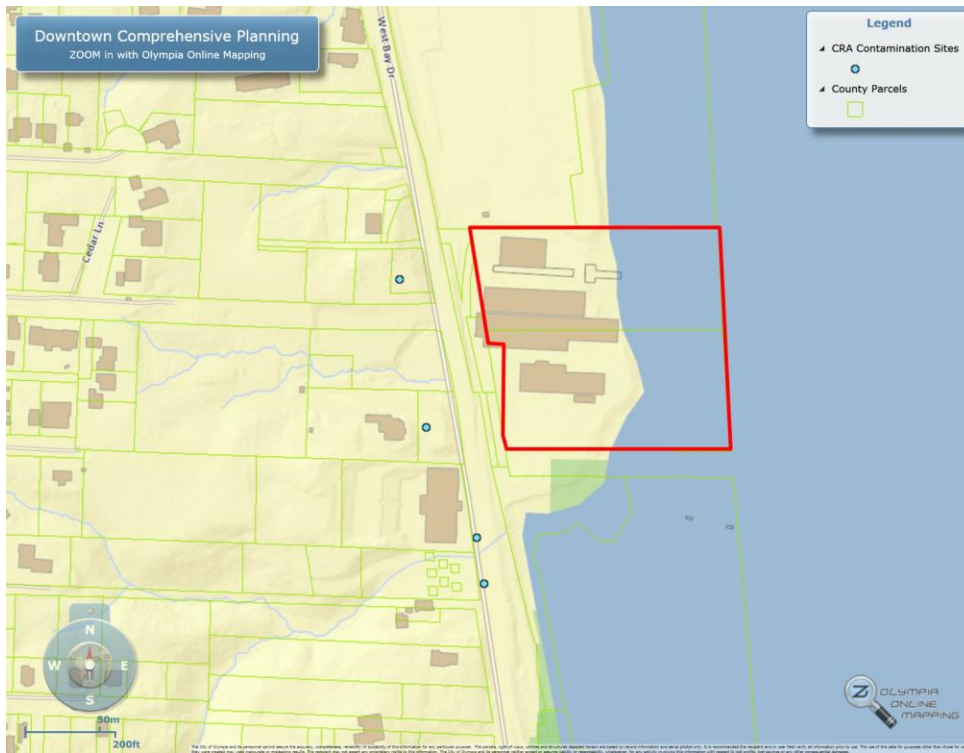
The entire property sits on fill. Sea level rise projections show that the majority of the parcel would be submerged at 19-foot tide levels. Contaminated soil has been located in four locations within 200 feet to the west and southwest of the parcels.



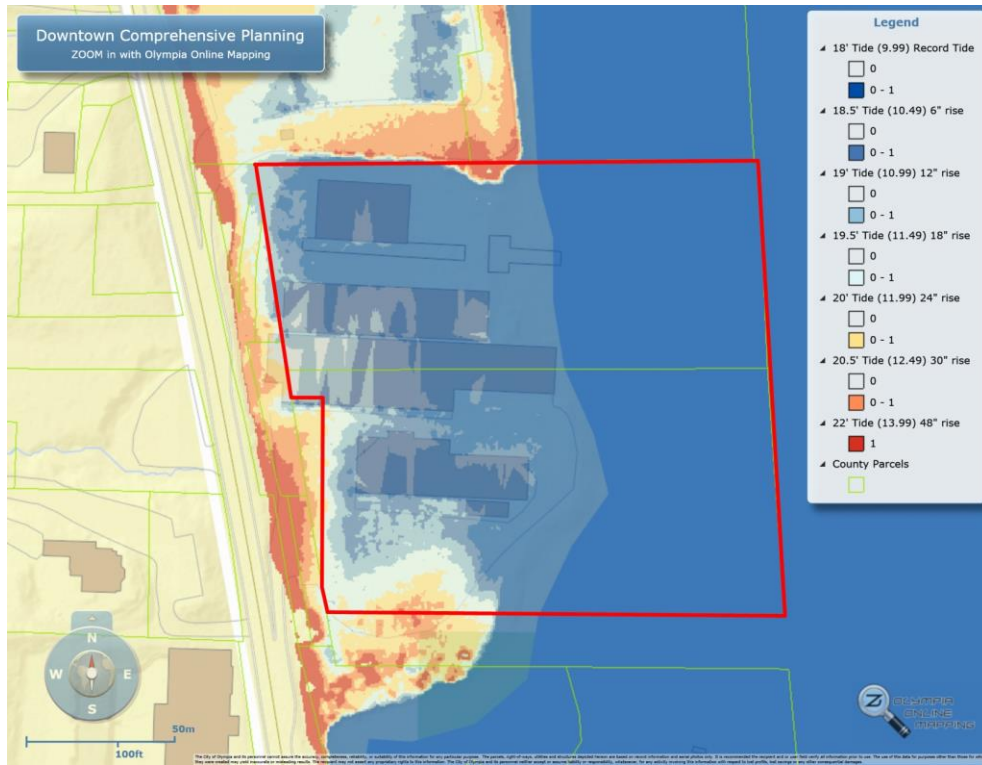
Aerial View



Soil Contamination



Sea Level Rise



1.2 Capitol Center Properties

Physical Addresses: 410/411/420 4th Ave. W and 410 5th Ave. SW

Parcel Numbers: 91005301000, 91005700000, 91005600000, 91005502000, 91005201000

Property Owner: Capitol Center LLC (13930 92nd St. SE Ste. A, Snohomish, WA 98290)

Total Assessed Value (2014 Tax Year): \$4,656,150

Current and Past Code Violations:

Trash & Debris on Building Exterior (16.06.030.307.1)

Holes on Exterior Walls (16.06.030.304.6)

Unsecure Exterior (16.06.030.304.15)

Broken/Boarded Windows (16.06.030.304.13)

Graffiti on Several Walls (16.06.030.302.9)

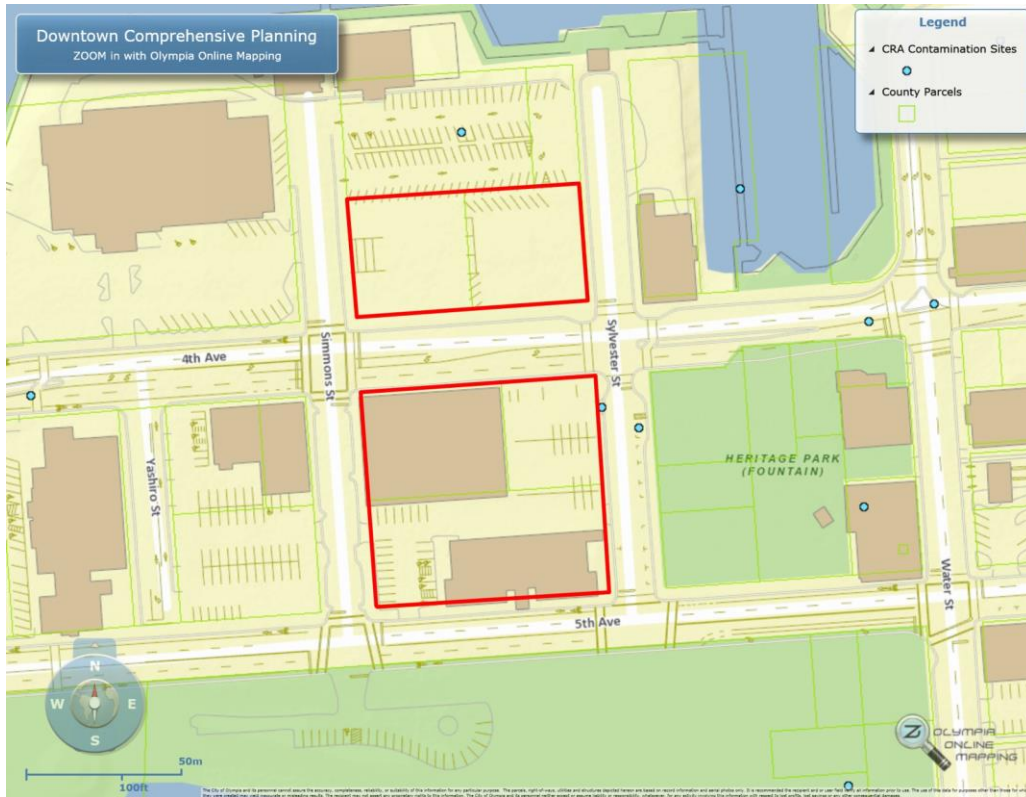
The entire property sits on fill. Sea level rise projections show that a small portion of the parcels on the north of 4th Avenue (parking lot) would be submerged at 18.5-foot tide level, about half at 19-foot tide levels, and the approximately 90% at the 19.5-foot level. The parcels on the south side of 4th Avenue would be 75% submerged at the 19-foot tide level. Contaminated soil has been located within 100 feet to the north of the parking lot on the north side of 4th Avenue, and in the northeast corner of the parcels south of 4th Avenue.



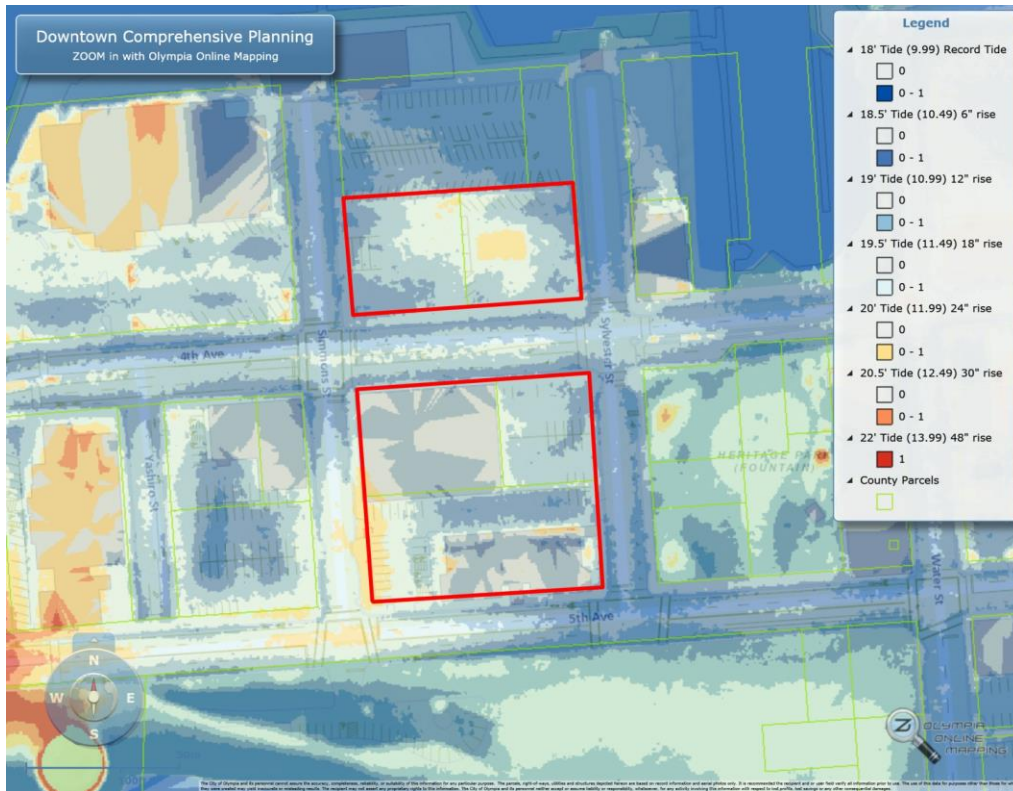
Aerial View



Soil Contamination



Sea Level Rise



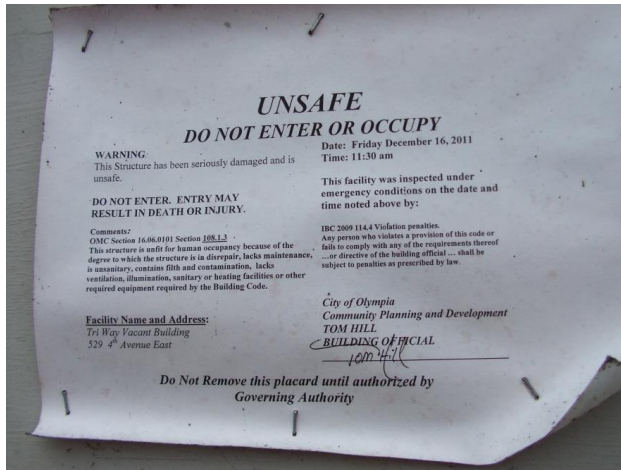
1.3 City-Owned Isthmus Property

Physical Addresses: 505/529 4th Ave. W
Parcel Numbers: 91006800000 & 91006500000
Property Owner: City of Olympia (PO Box 1967)
Total Assessed Value (2014 Tax Year): \$3,531,000

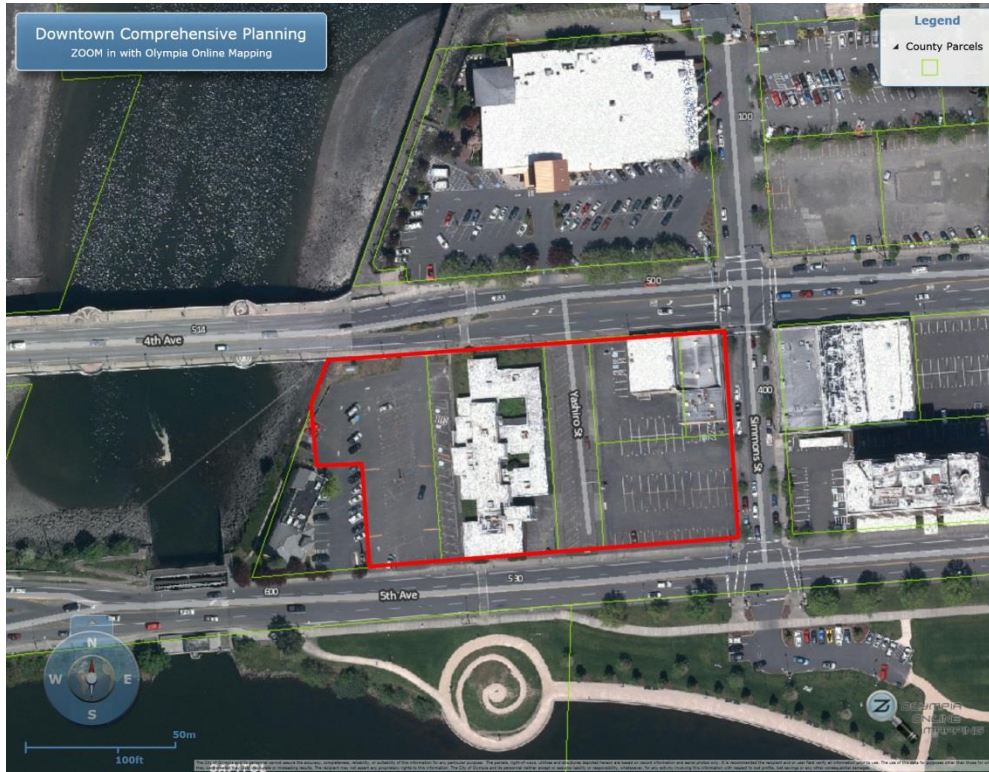
Current and Past Code Violations:

- Flaking Exterior Surface (16.06.030.304.2)
- No Roof (16.06.030.304.7)
- Holes, Breaks, Loose, and Deteriorating Exterior Wall (16.06.030.304.6)
- Missing/Boarded Windows (16.06.030.304.13)
- Graffiti on Several Walls (16.06.030.302.9)

The entire property sits on fill. Sea level rise projections show that nearly 90% of the east parcel would be submerged at the 19-foot tide level. The west parcel (old health department building) would be 75% submerged at the 20-foot tide level. Contaminated soil has been located within 25 feet to the north of the old health department building. City of Olympia staff is currently working on plans and specifications for demolition. The estimated cost of demolition is \$1,000,000. Staff are hopeful to start demolition in Spring, 2015.



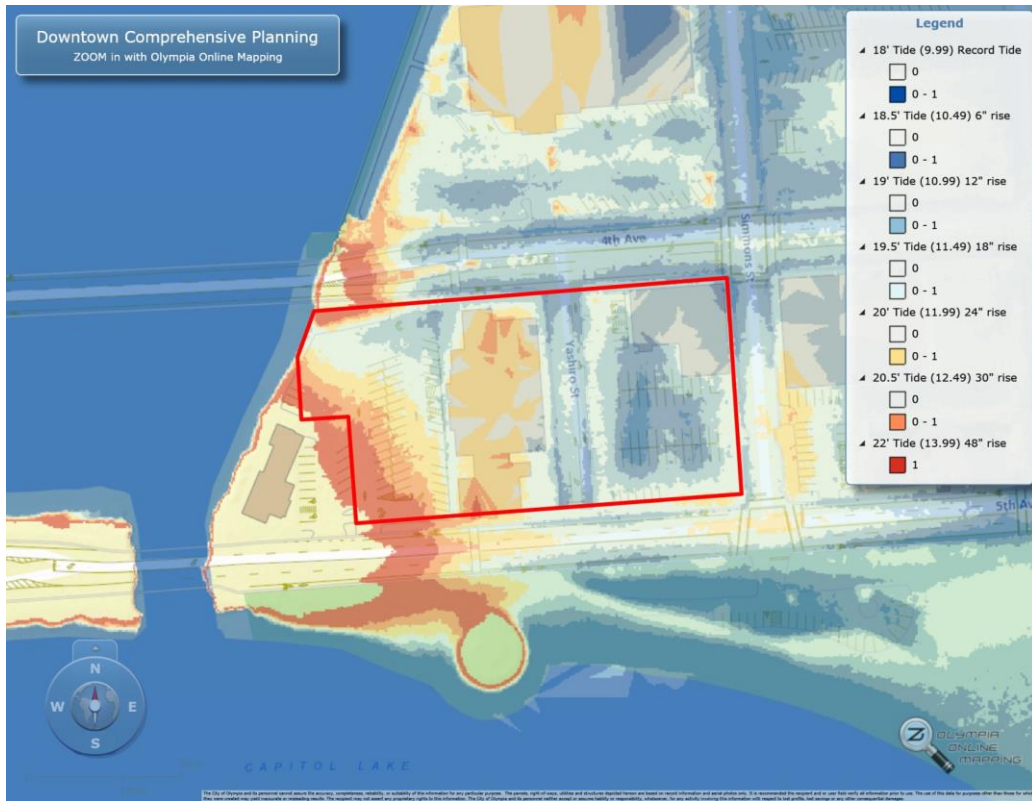
Aerial View



Soil Contamination



Sea Level Rise



1.4 Griswold's Building

Physical Address: 308-310 4th Ave. E, Olympia, WA 98501.

Parcel Numbers: 78503300700

Property Owner: Clifford & Sean Lee (7925 Zangle Rd. NE, Olympia, WA 98506).

Total Assessed Value (2014 Tax Year): \$321,450

Current and Past Code Violations:

Flaking Exterior Surface (16.06.030.304.2)

No Roof (16.06.030.304.7)

Holes, Breaks, Loose, and Deteriorating Exterior Wall (16.06.030.304.6)

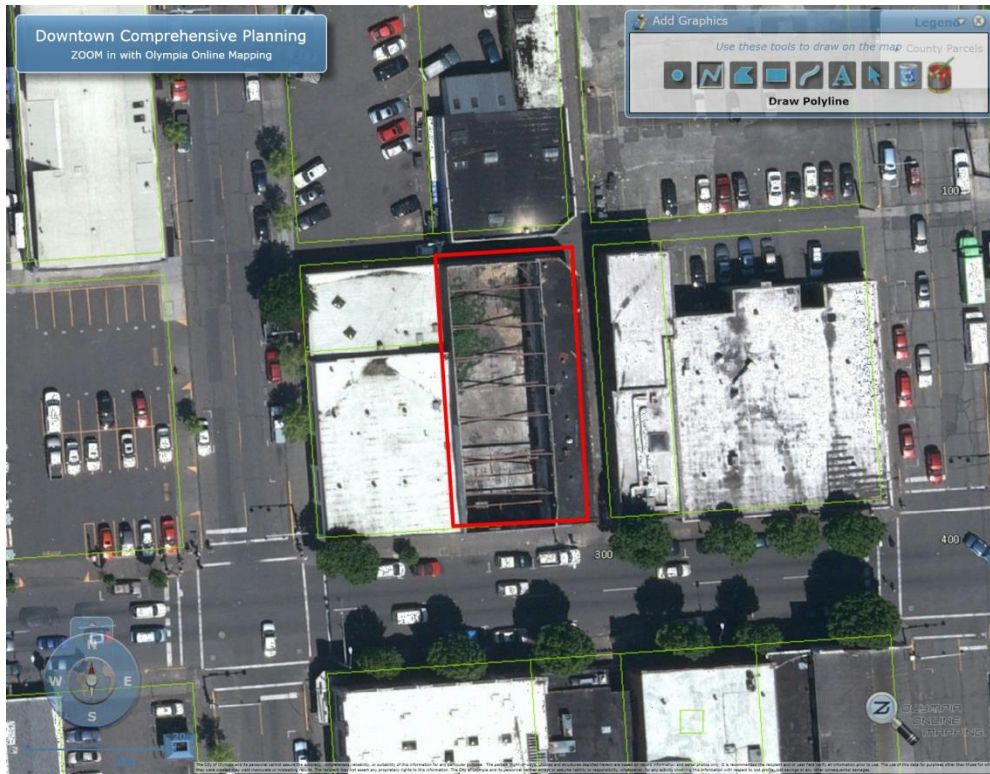
Missing/Boarded Windows (16.06.030.304.13)

Graffiti on Several Walls (16.06.030.302.9)

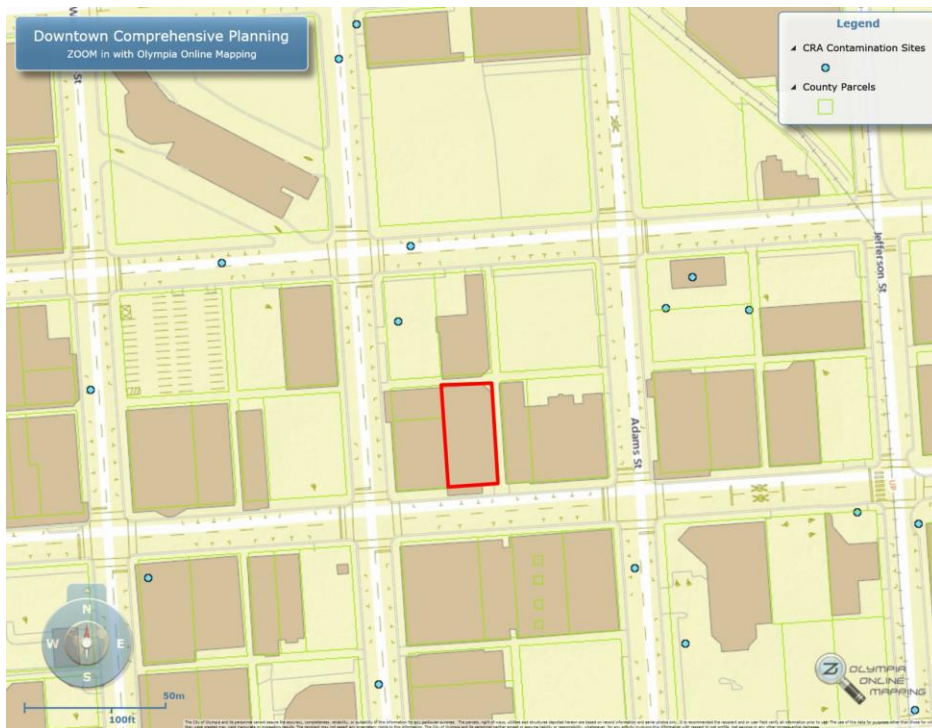
The parcel does not sit on fill. Sea level rise projections show that approximately 10% of the parcel would be submerged at the 20.5 feet tide level, and 90% at 22 feet. Contaminated soil has been located approximately 100 feet to the northwest of the parcel and 250 feet to the southeast.



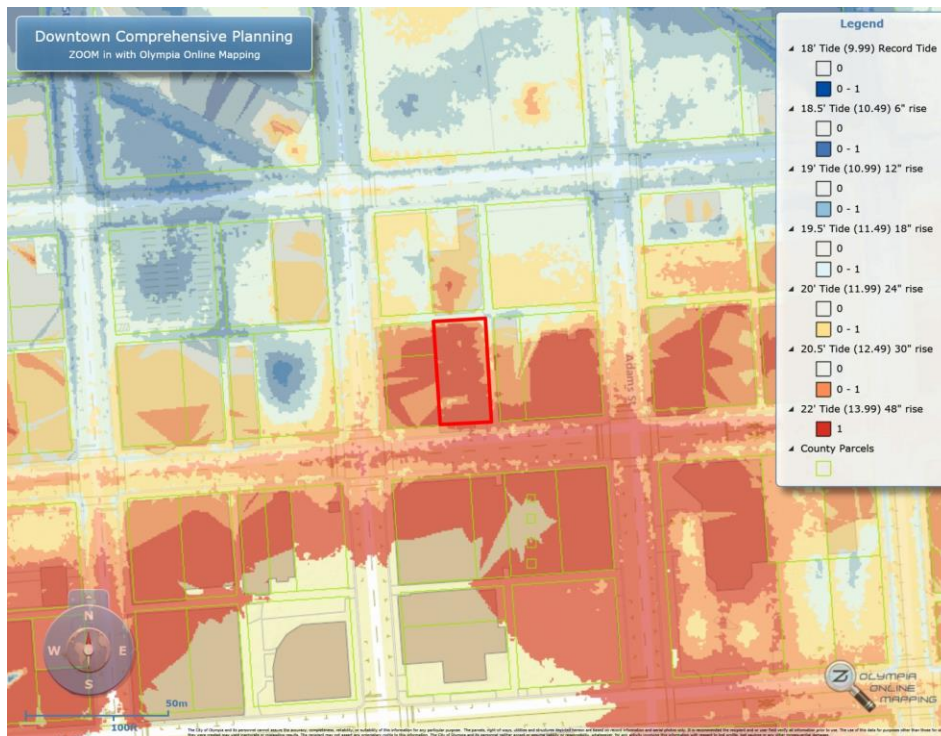
Aerial View



Soil Contamination



Sea Level Rise

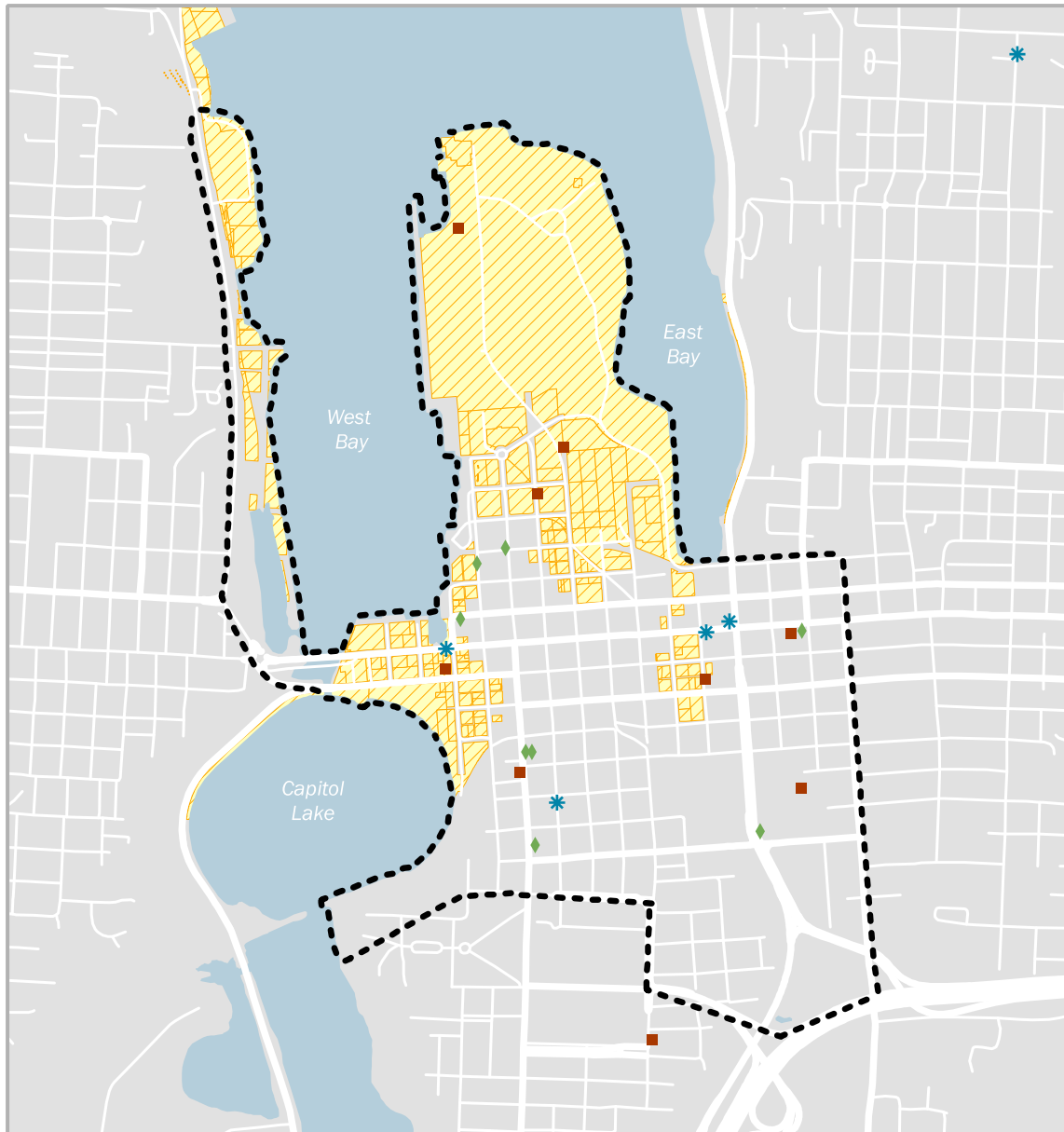


2 Soil Contamination



Downtown Olympia's past industrial and commercial uses and its history of development on fill make cleanup and redevelopment of the City's brownfield properties costly and time-intensive. Until the 1960s, Downtown Olympia's peninsula saw heavy use by lumber mills, welding shops, petroleum tank farms, and log yards. In addition numerous gas stations lined old Highway 99 that ran through downtown. The east side of the peninsula hosted a creosote wood-treating business known as Cascade Pole, now in long-term environmental cleanup as a superfund site costing over \$45 million to date.¹ Figure 1 shows 20 of these sites with environmental contamination in the CRA boundary that have not yet been cleaned up. This includes sites with confirmed or suspected contamination found in soils and groundwater from metals, petroleum products, and chlorinated solvents. Within the boundary of the CRA there are over 160 sites with confirmed or suspected contamination.

¹ City of Olympia Brownfields Grant Application for Isthmus Properties, December 2013.




Figure 1. Environmental hazards in Downtown Olympia, 2014



Downtown CRA - Environmental Hazards

-  Downtown CRA Boundary
-  Parcels built on fill

Department of Ecology Toxics Sites

-  Confirmed and Suspected Contaminated Sites (CSCS)
-  Sites with Leaking Underground Storage Tank(s) (LUST)
-  Sites with CSCS and LUST

0 0.25 0.5 mi



Map date: 1/14/2014
 Data from City of Olympia, Washington
 Department of Ecology

ECONorthwest
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Source: ECONorthwest with data from the Washington State Department of Ecology Integrated Site Information System.

<https://fortress.wa.gov/ecy/tcpwebreporting/reports.aspx>

Note: The map includes sites that are awaiting cleanup or have an unknown status. This map excludes sites that have been already cleaned up, including sites with the following statuses: No Further Action, Cleanup Started, Monitoring, and Reported Clean Up.

3 Risk of Flooding

The relatively low elevation of Downtown Olympia makes it prone to flooding due to sea level rise. Much of Olympia's downtown lies only one to three feet above the current highest tides. Sea level is rising in Olympia by about one foot per century, due to post-ice age warming of the oceans and land subsidence.² Figure 2 and Table 1 show how much land would be affected under different levels of sea level rise. For properties prone to flooding, the City requires buildings be built an additional foot above the Federal Emergency Management Agency minimum finished floor elevation, which increases the cost of development for these properties.

Table 1. Impact of sea level rise on community renewal area parcels

	Percent of CRA acreage affected	Acres
Record tide	8%	51
6" sea level rise	13%	86
48" sea level rise	50%	324

Source: City of Olympia.

According to a 1993 City of Olympia report, the most significant impact of continued sea level rise would be increased risk of flooding due to a combination of higher flood tides, higher water table, and reduced surface drainage.³ If the City takes no protection measures, the report surmises following impacts could happen:

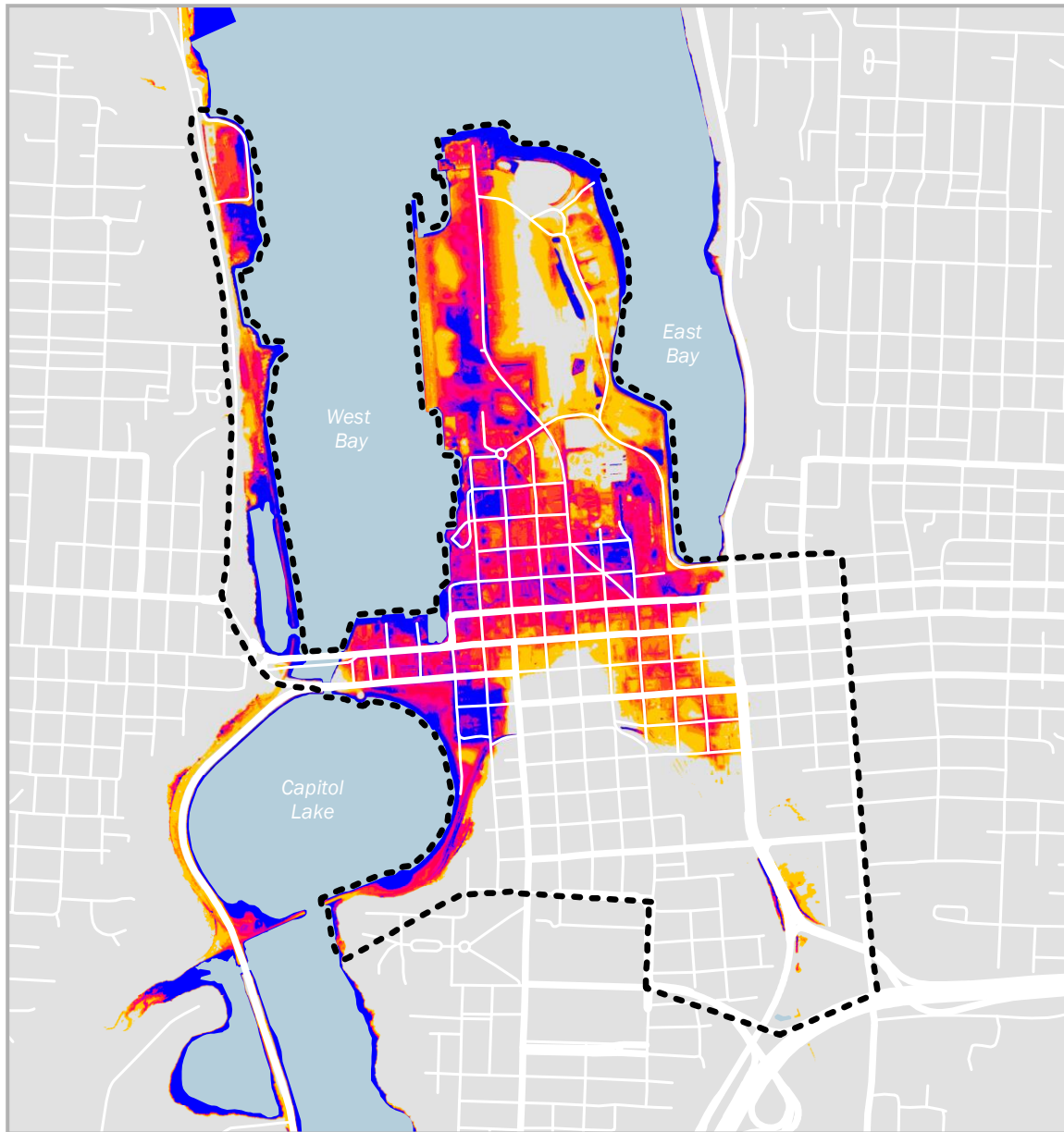
- “The one foot sea level rise predicted by 2050 would result in ponding on some streets and flooding of low-lying structures during the extreme high tides that occur once or twice a year.”
- A two-foot rise would impact an even greater area. Pipes designed to convey stormwater away from downtown would be unable to discharge fast enough to prevent flooding during storms. At higher levels, flows would reverse and the sea would flow out of street drains and into the streets.
- A three-foot sea level rise, offered as a mid-range prediction by 2100, would overtop many places along the shoreline and flood most of downtown Olympia during extreme high tides. The wastewater system is combined with stormwater in much of the downtown. Higher sea levels would flow into the wastewater pipes through combined drains and infiltrate through pipe joints, challenging capacity at the LOTT regional wastewater treatment plant.”⁴

² Climate Change – Olympia is Concerned. <http://olympiawa.gov/community/sustainability/climate-change/climate-change-olympia-is-concerned>

³ Preliminary Assessment of Sea Level Rise in Olympia, Washington: Technical and Policy Implications.” City of Olympia. 1993.

⁴ City of Olympia. Brownfields Grant Application for Isthmus Properties, December 2013.

Figure 2. Estimated flooding impacts of sea level rise in proposed CRA boundary



Downtown CRA - Sea Level Rise

- Record tide
 - 6" sea level rise
 - 12" sea level rise
 - 18" sea level rise
 - 24" sea level rise
 - 30" sea level rise
 - 48" sea level rise
- Downtown CRA Boundary
 - Current waterbodies

0 0.25 0.5 mi

Map date: 1/3/2014
Data from City of Olympia

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Source: City of Olympia GIS Department, provided to ECONorthwest on January 3, 2014.

4 Development on Fill

A significant portion of Downtown Olympia is built on fill or has native soils that are subject to liquefaction. Fill affects soil stability, and as a result development of these properties would require special engineering and structural support, which increase development costs. Figure 1 shows that a large portion of parcel acreage within the proposed CRA is fill. Over 225 acres, or 48% of parcel acreage within the proposed Community Renewal Area boundary is built on fill, which lies between four and eight feet of the ordinary high tide. By 1912, a dredging and filling effort to create the deep water harbor created about 22 blocks, anchored with wood pilings to hold the sediments. While the City has been successful in obtaining federal funding for brownfield cleanups, the City has had difficulty fully meeting its financial match obligations to mitigate these legacy brownfield properties without taxing the already stretched financial and public safety resources.⁵

5 Aging Infrastructure

The age of public infrastructure can create difficulties in development feasibility for downtown, especially if the area is forecast to accommodate additional residents and businesses.

The complex, aging public infrastructure combined with existing periodic flooding and even greater future risks for sea level rise will tax pipes in Downtown Olympia, and could create water quality impacts to Budd Inlet. As periodic flood events affect streets and parking lots, water can enter Downtown's combined stormwater and wastewater pipe system. According to the 2013 Olympia Wastewater Management Plan, these flows could exceed the capacity of the existing pipes, creating public and environmental health concerns as well as affecting local businesses and the operation of the LOTT treatment facility.⁶

Though pipe maintenance and upgrades in this basin are costly, fixing and expanding the pipes will address sanitary sewer overflows, combined sewer overflows, and other pipe-related issues.

⁵ City of Olympia Brownfields Grant Application for Isthmus Properties, December 2013.

⁶ 2013 Wastewater management plan. City of Olympia. http://olympiawa.gov/city-utilities/wastewater/plans-and-studies/~media/Files/PublicWorks/Water-Resources/Draft%20Wastewater%20Plan/Wastewater%20Plan%20without%20Appendices_Final.pdf

5.1 Sewer System

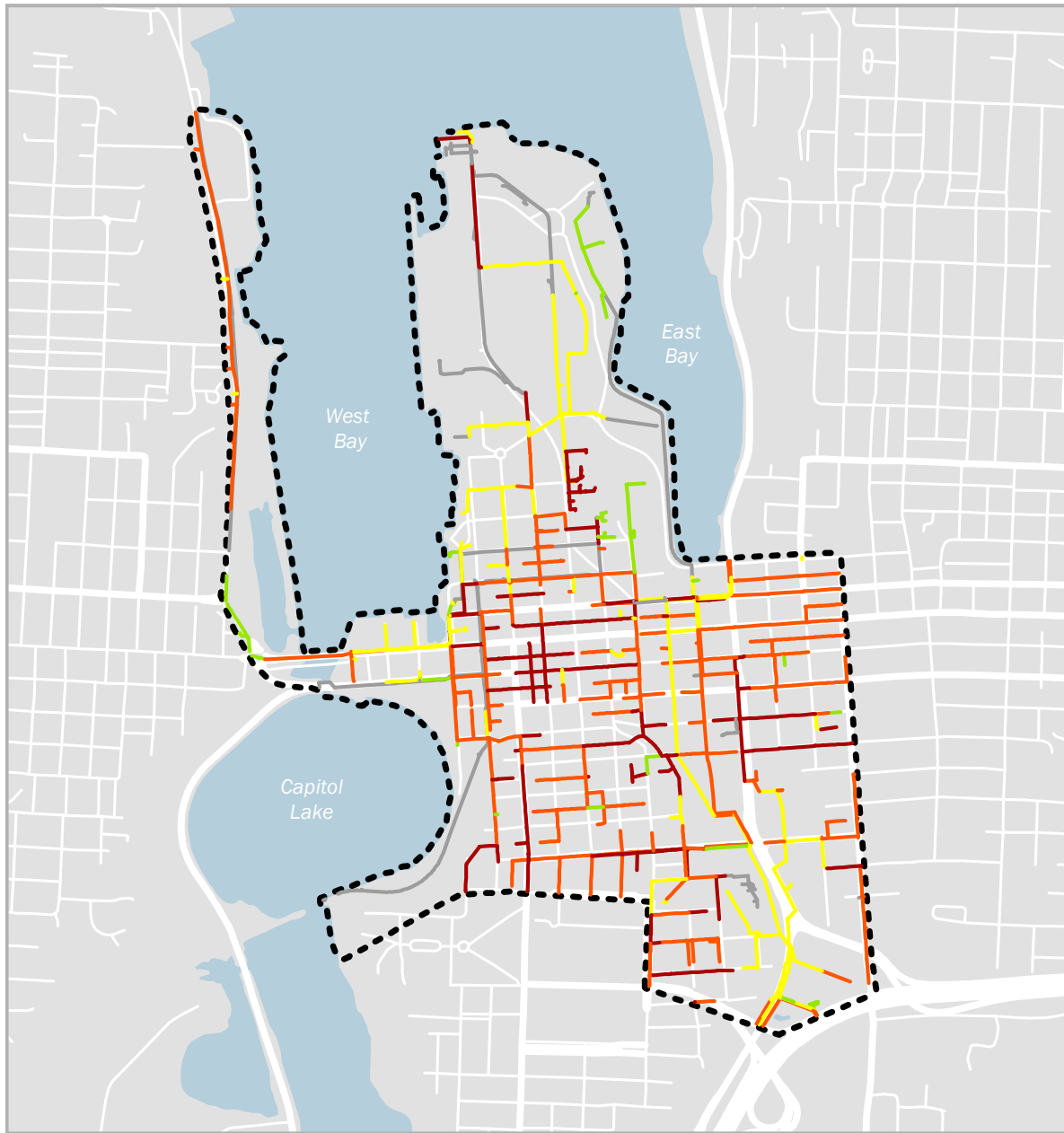
The CRA contains more than 25,000 feet of sewer pipes that were installed before 1960. By length, 23% of the sewer system for which installation year is known was installed before 1960. An additional 46% was installed between 1960 and 1979.⁷

The sewer infrastructure in Downtown combines storm and wastewater flows in one pipe system that runs to the Budd Inlet treatment facility. During redevelopment and street retrofit project, the City identifies and evaluates potential separation projects, and selectively pursues these projects based on ease of implementation and costs. According to the Wasterwater Management Plan, while separation is “not a Utility priority, coordination with LOTT’s long-term capacity planning may result in future capital projects that have mutual benefits.”⁸

⁷ City of Olympia sewer infrastructure data, 2013.

⁸ *ibid.*

Figure 3. Age of sewer system within the proposed CRA boundary, 2014



Downtown CRA - Age of Sewer System

Installation Year

- No data
- Before 1960
- 1960 - 1979
- 1980 - 1999
- 2000 - 2013

Downtown CRA Boundary

0 0.25 0.5 mi

Map date: 1/3/2014
Data from City of Olympia

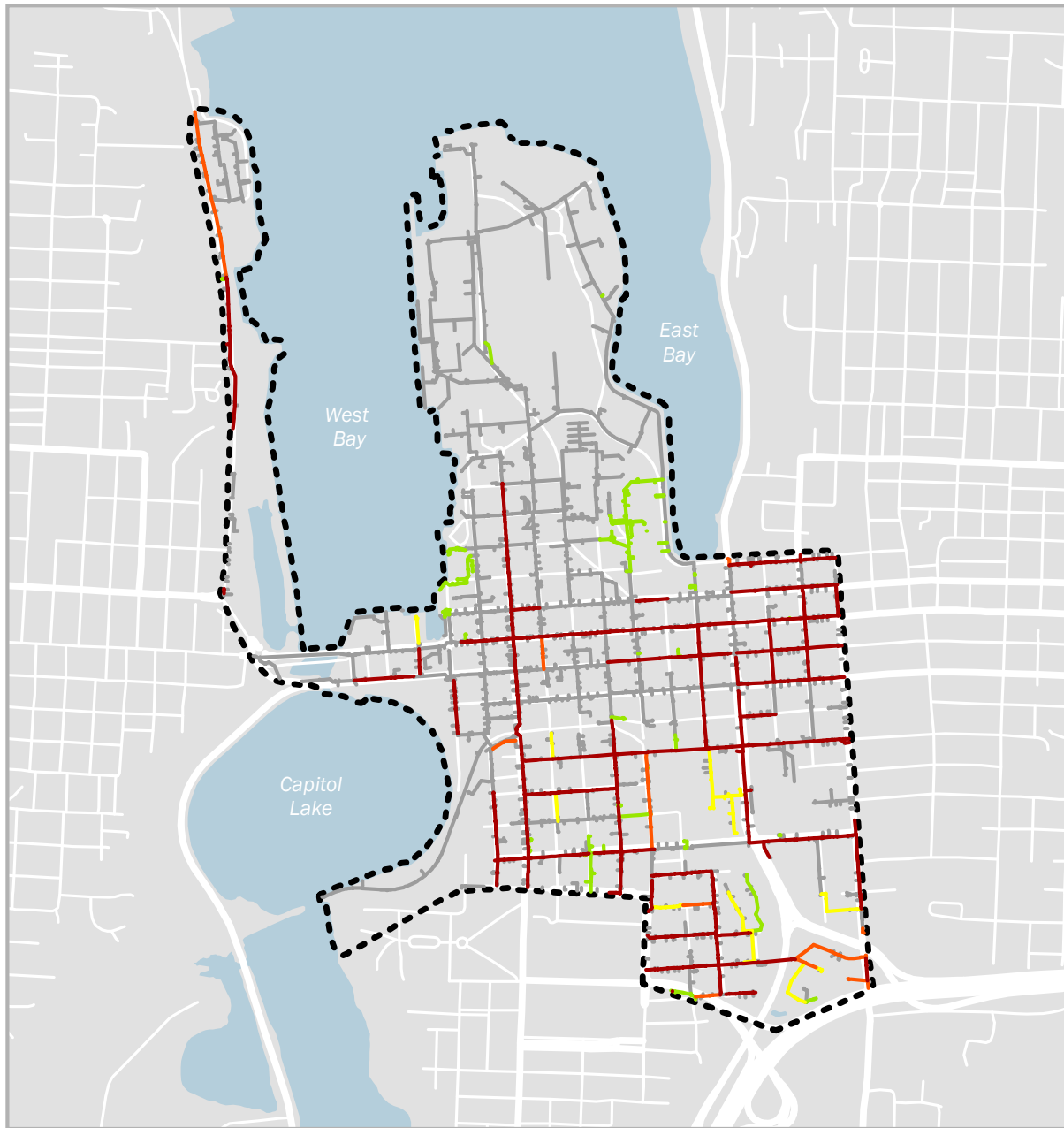
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Source: City of Olympia GIS Department, provided to ECONorthwest on January 3, 2014.

5.2 Water System

The CRA contains more than 38,000 feet of water pipes that were installed before 1960. By length, 22% of the water system in the CRA was installed before 1960. (An additional 37% was installed between 1960 and 1979). By length, 66% of the total water system does not have data about year of installation.

Figure 4. Age of water system within the proposed CRA boundary, 2014



Downtown CRA - Age of Water Pipes

- Installation Year**
- No data
 - Before 1960
 - 1960 - 1979
 - 1980 - 1999
 - 2000 - 2013
- ⊞ Downtown CRA Boundary

0 0.25 0.5 mi

Map date: 1/3/2014
Data from City of Olympia

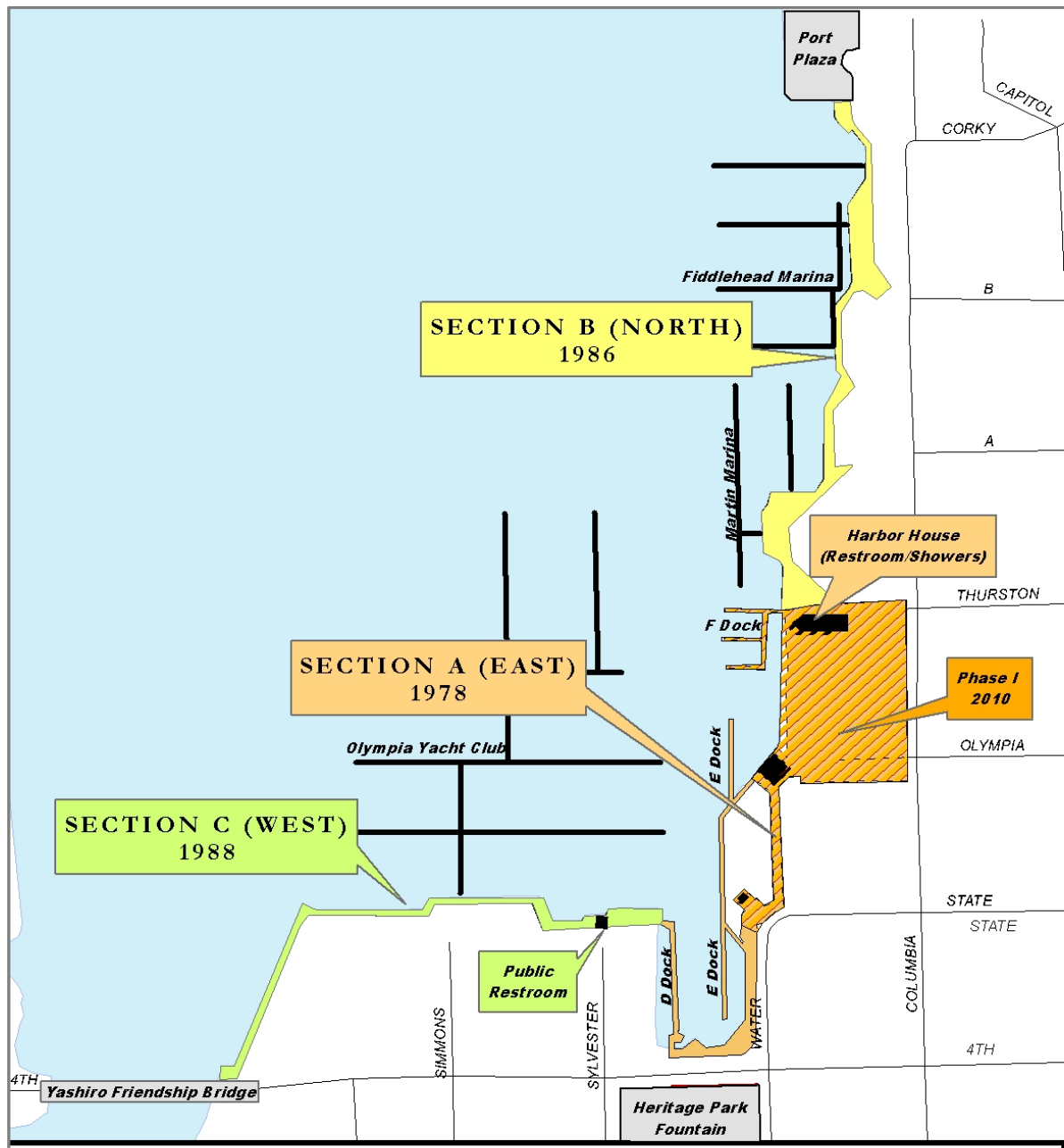
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Source: City of Olympia GIS Department, provided to ECONorthwest on January 3, 2014.

5.3 Percival Landing

The City’s waterfront boardwalk, funded in part by downtown businesses to create a linkage between downtown and the waterfront and promote downtown vitality, is deteriorating and in need of extensive repair or replacement. The 2014 Percival Landing Condition Assessment Report conducted for the City cited several bulkheads that need replacement and/or repair to maintain structural integrity and continued use of the structure. Additional floats will need to be replaced in the next five to ten years. The cost to make repairs and replacements over the next three to five years is estimated at \$6.9 million.

Figure 5. Percival Landing Segments and Year Built

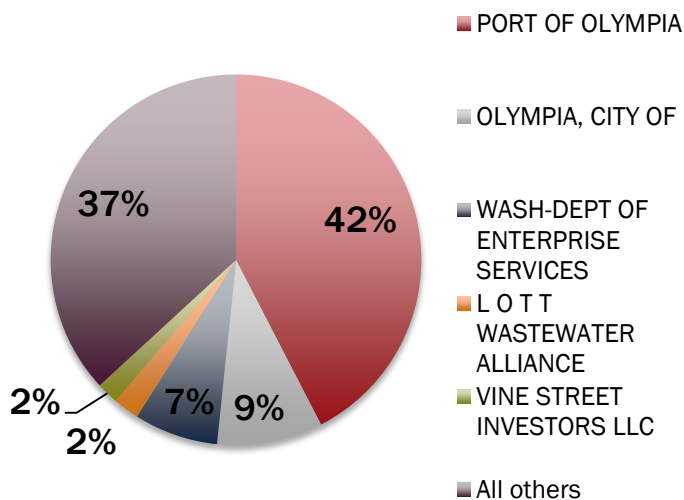


Source: City of Olympia

6 Diversity of Property Ownership

The amount of land owners within a community renewal boundary can affect how much coordination is required to achieve development goals. Within the CRA boundary, there are 985 parcels that are owned by 525 separate property owners. As shown in Figure 6, the Port owns 42% of the land within the CRA, followed by the City of Olympia, which owns about 9% of the total acreage. The twenty property owners with the most land holdings, shown in Table 2, own 72% of the land within the CRA.

Figure 6. Property Ownership within the CRA by acres



Source: Thurston County Assessor's Office, April 2013.

Table 2. Top 20 property owners, by acreage

Owner	Acreage owned
PORT OF OLYMPIA	244.7
OLYMPIA, CITY OF	53.2
WASH-DEPT OF ENTERPRISE SERVICES	42.4
LOTT WASTEWATER ALLIANCE	13.1
VINE STREET INVESTORS LLC	11.0
HARDEL MUTUAL PLYWOOD CORP	7.7
WEST BAY RELIABLE - 0508 LLC	6.9
UNION PACIFIC RAILROAD CO	4.2
VINE STREET ASSOC LLC	4.2
SHAUB PLUM STREET LLC	3.9
BURLINGTON NORTHERN INC	3.3
STATE OF WA - GAME DEPT.	2.9
CAPITOL WAY ASSOCIATES	2.8
VINE STREET ASSOCIATES LLC	2.7
USA-POSTAL SERVICE	2.6
LOTT ALLIANCE	2.5
VINE STREET ASSOCIATES	2.4
PROJECT II LLC	2.3
CAPITAL SHORES INVESTMENTS LLC	2.3
WASHINGTON TRUST BANK	2.3

Source: Thurston County Assessor's Office, April 2013.

In addition to the major land holders, Figure 1 shows that 60% (313) property owners own between 0.1 acre and 0.5 acres of land within the CRA. The number of small-scale property owners complicates efforts to encourage coordinated redevelopment. In addition, the City will want to coordinate with the 30% (161) land owners who own multiple parcels within the District on future downtown planning efforts, shown in Figure 8.

Figure 7. Property ownership by acreage, Downtown Olympia

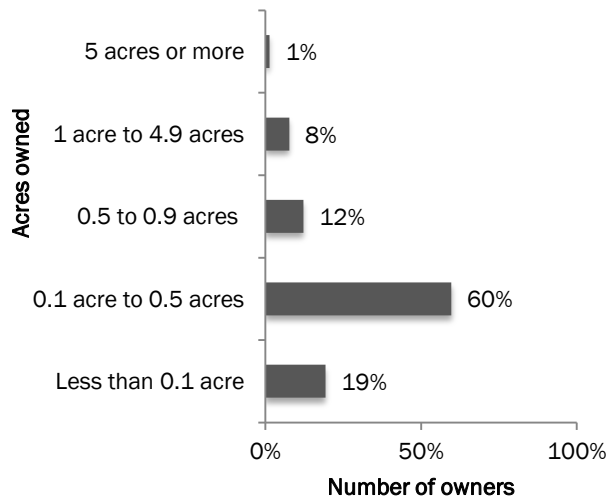
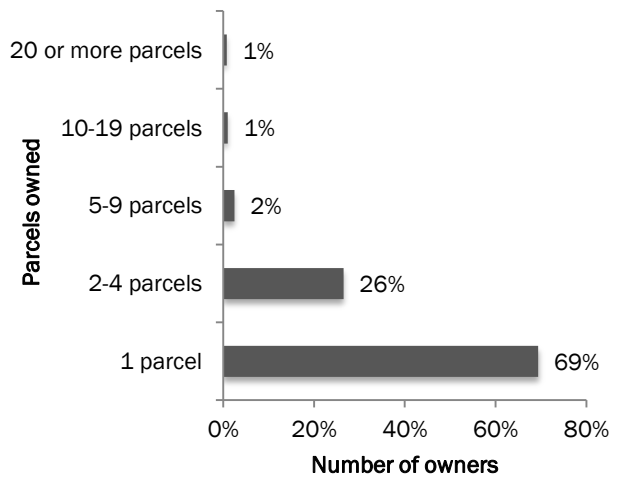


Figure 8. Property ownership by acreage



Source: Thurston County Assessor's Office, April 2013.

Source: Thurston County Assessor's Office, April 2013.

7 Concentration of Homelessness

Based on the 2013 Thurston County homeless count, 65% of the homeless counted were located in Olympia. The homeless counts in Table 3 show that homeless populations in Olympia have grown in the past several years. On January 24, 2013, the homeless count showed a 56% growth in homeless individuals over the first count taken in January 2006 and a 72% increase in homeless students and families⁹.

Downtown Olympia has a concentration of homeless individuals due to the concentration of services there relative to other parts of Olympia and nearby communities. About half of shelters, transitional housing, and social services in Thurston County are located in Downtown Olympia. The need for shelter beds and transition housing exceeds the number available. As a result, sidewalks, parks, and the library downtown end up serving as unintended homeless facilities. Downtown also serves as a gathering spot and provides a community for those who are homeless.¹⁰ According to prior input from various developers, the concentration of homelessness within downtown creates another challenge to creating downtown investment and redevelopment.

⁹ City of Olympia Brownfields Grant Application for Isthmus Properties, December 2013.

¹⁰ 2014 Thurston County Homeless Census Report

Table 3. Homeless counts in Thurston County, January 2013

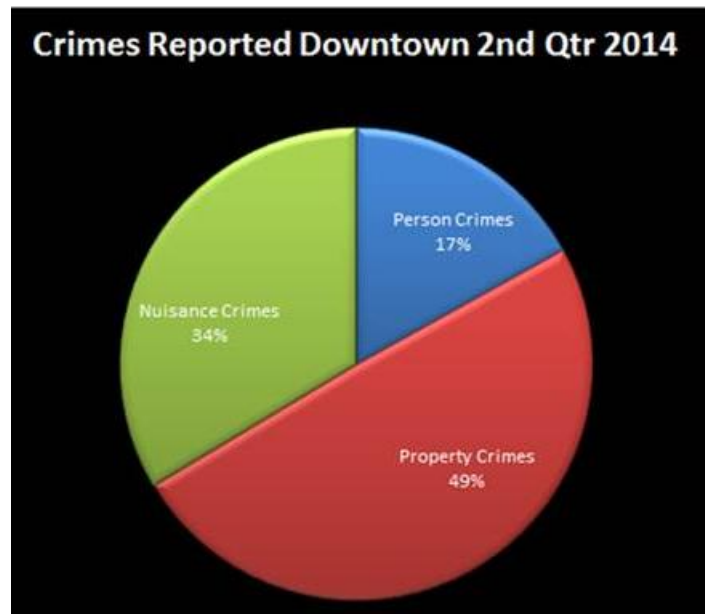
	Olympia	Lacey	Tumwater	Rural	County total	2006 baseline	% change
Homeless	447	13	6	220	686	441	56%
Students	440	276	133	179	1123	675	72%
Families with children	Data not divided into local towns				277 of 98 families	151	55%

Source: 2013 Thurston County 'Point in Time' Homeless Census Report, March 2013.
<http://www.commerce.wa.gov/site/1064/default.aspx>

8 Crime

Stakeholders within downtown Olympia see a strong connection between civil, safe, and comfortable streets and a vibrant retail district. Property crimes are the most common types of crimes reported in the downtown. Vehicle prowls, theft, and vandalism are the three most reported crimes downtown.

Figure 9. Types of Crime in Downtown Olympia



Top 10 Crimes Reported

1. Vehicle Prowl
2. Theft
3. Malicious Mischief (Vandalism)
4. Assault/Disturbance
5. Auto Theft
6. Narcotics/Paraphernalia
7. Trespass
8. Suspicious Circ
9. DUI
10. Disorderly Conduct

Source: City of Olympia

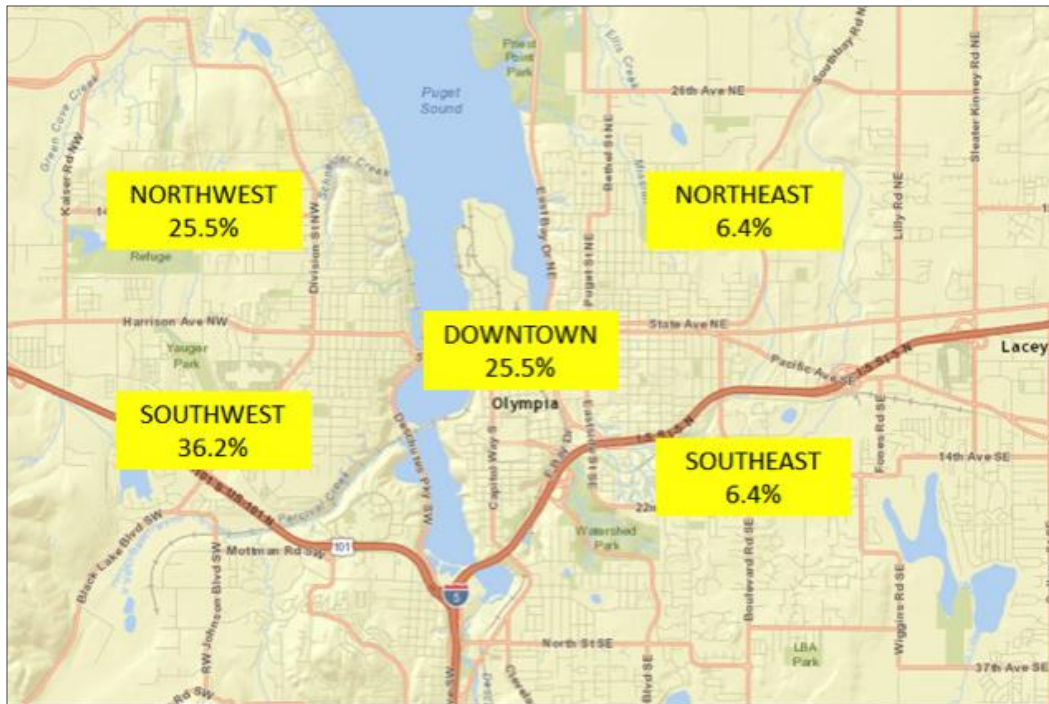
There is a higher share of the top types of crime reported downtown compared to other parts of Olympia. This is especially true the smaller area and population of downtown compared to the rest of the city. In 2014, Downtown Olympia has the second most vehicle prowls, and robberies, and the largest share of aggravated assault in the city.

Figure 10. Vehicle Prowls by Area, 2014



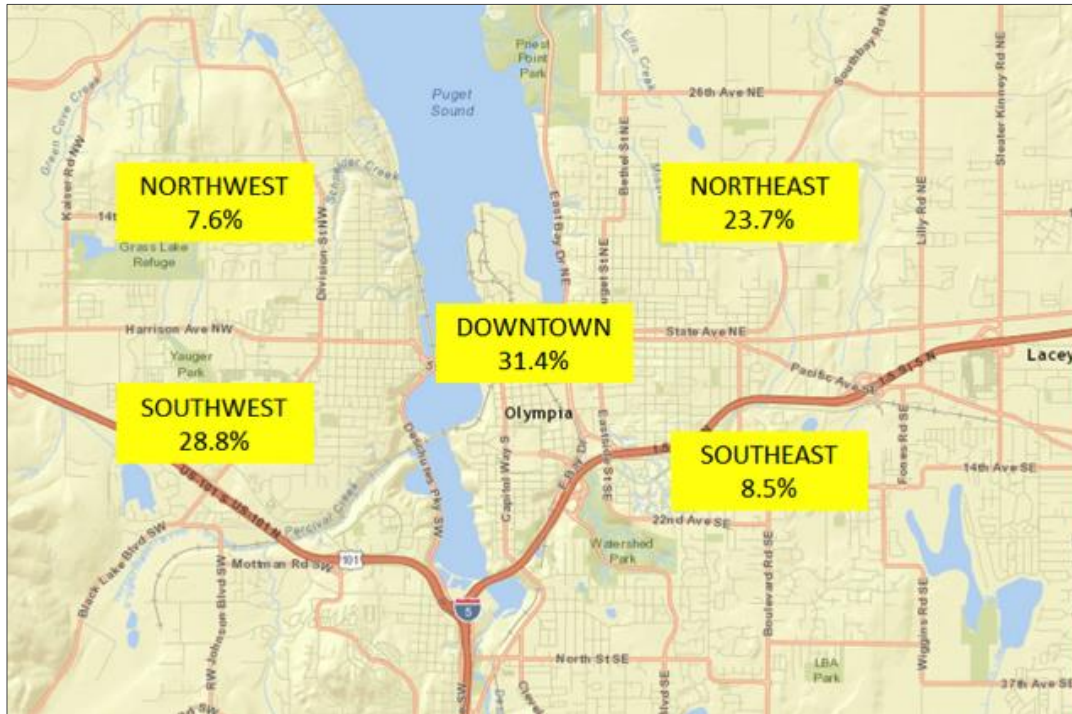
Source: City of Olympia

Figure 11. Robberies by Area, 2014



Source: City of Olympia

Figure 12. Aggravated Assault, 2014



Source: City of Olympia

9 Excessive Surface Parking

There are 21 acres of surface parking in downtown, and surface parking is the single largest land use within the downtown core. Figure 13 shows that almost 90% of surface parking in downtown is private lots. Many of the surface parking lots are also confirmed or suspected contaminated sites.

Figure 13. Surface Parking and Uses in Downtown Olympia



Total Street Level Area:	2,850,638	100.00%
Vacancy:	166,902	5.85%
Retail (General):	373,269	13.09%
Theatre Performance:	53,088	1.86%
Coffee House Café:	19,184	0.67%
Restaurant Bakery:	181,915	6.38%
Bars:	48,101	1.69%
Residential:	215,602	7.56%
Retail (Gallery)	33,529	1.18%
Government:	791,686	27.77%
Professional:	448,533	15.73%
Light Industrial:	124,734	4.38%
Auto Service:	97,744	3.43%
Financial:	163,596	5.74%
Religious:	69,853	2.45%
Hotel (1st Floor Only):	62,895	2.21%

Total Parking Lot Area:	929,659	100.0%
City Managed (Monthly Fee)	39,480	4.2%
City Managed (Daily Fee)	33,102	3.6%
City Managed (Free)	22,765	2.4%
Private (Pay Lot)	248,654	26.7%
Private (Patron Only)	585,658	63.0%



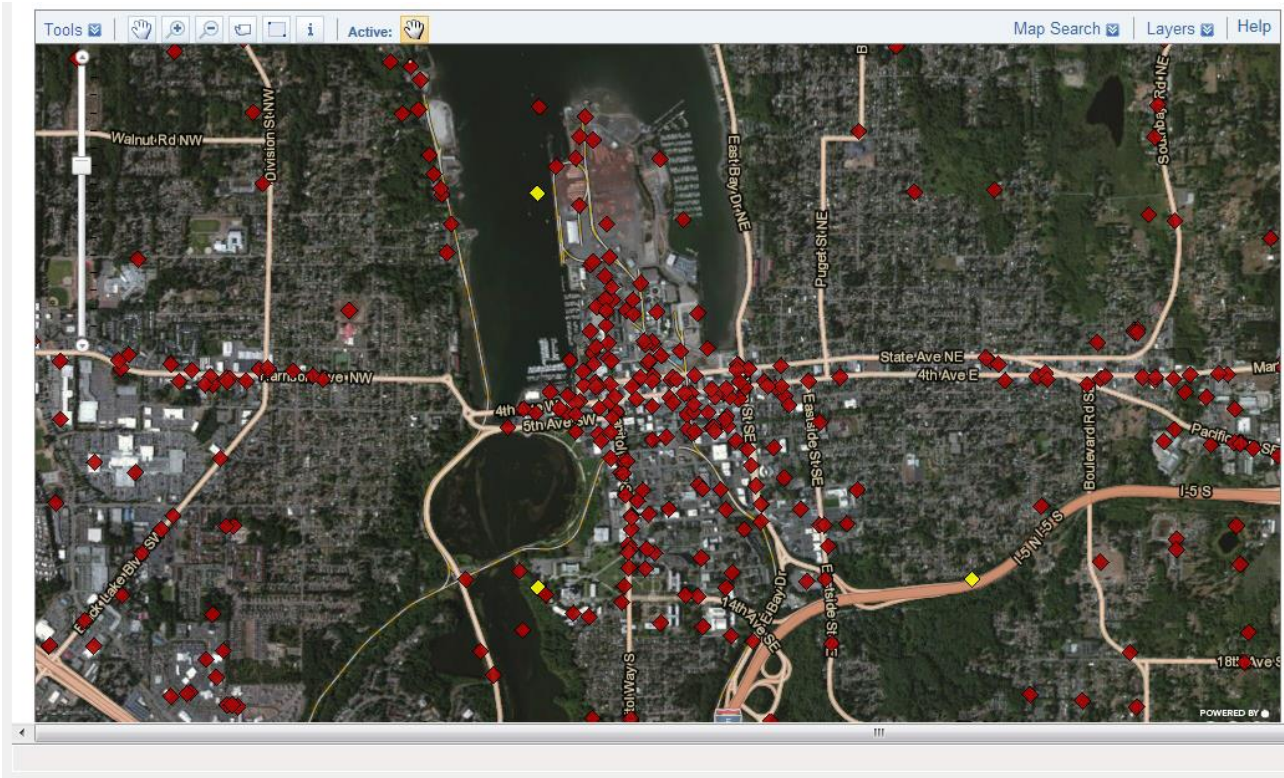
Street Level Use Business Type	
Auto Service	Professional (Trade, Service)
Bar	Religious Spiritual
Coffee House Cafe	Residential
Financial (Bank)	Restaurant Bakery
Government	Retail (Gallery Antiques)
Hotel	Retail (General)
Light Industrial	Theatre Performance
	Downtown Parking
	Vacant Space

The City of Olympia cannot ensure the accuracy, completeness, timeliness, or suitability of this information for any particular purpose. Using this data without proper care can result in financial loss or other damage. The user may not assert a proprietary right in this information. The City of Olympia shall not be liable for any errors or omissions in this data, nor for any consequences arising from its use.

02 - 2010

Source: City of Olympia, 2010

Figure 4. Confirmed and Suspected Contaminated Sites



[Source WA Department of Ecology](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY OF OLYMPIA, WASHINGTON DETERMINING THAT CERTAIN PROPERTY WITHIN THE CITY BE DESIGNATED AS A COMMUNITY RENEWAL AREA SUITABLE FOR A COMMUNITY RENEWAL PROJECT OR PROJECTS; DIRECTING THAT REQUESTS FOR PROPOSALS AND QUALIFICATIONS BE PREPARED AS A PRELIMINARY STEP TO PREPARING A COMMUNITY RENEWAL PLAN FOR THE AREA.

WHEREAS, under Chapter 35.81 (the “Community Renewal Act”) the City is authorized to undertake certain community renewal activities within areas of the City designated as “blighted”; and

WHEREAS, the City of Olympia, Washington, desires to encourage and assist with the redevelopment of approximately 650 acres of property within its downtown; and

WHEREAS, the City Council held a public hearing regarding downtown conditions and considered documents placed in the record and the testimony it received; and

WHEREAS, the findings of blight made this in resolution are supported by documents on file with the City of Olympia as well as the testimony of consultants and City staff, among others at the public hearing; and

WHEREAS, the City of Olympia respects property rights and wants to work with the property owners within such area in a cooperative fashion;

NOW, THEREFORE, THE OLYMPIA CITY COUNCIL DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. Findings. The City makes the following findings:

- A. The area depicted in Exhibit A attached hereto and incorporated by reference (the “CRA”) is a blighted area as defined in RCW 35.81.010(2) because various conditions related to property within the CRA substantially impair or arrest the sound growth of the City, retard the provision of housing, constitute an economic and social liability and are detrimental, or constitute a menace, to the public health, safety, welfare, or morals given the present condition and use of the property. Examples of these conditions include the following:
 1. Blighted and abandoned buildings;
 - a. Reliable Steel – West Bay Drive.
 - b. Former Health Department property and Thurston County Housing Authority building on the Isthmus.
 - c. Capital Center property including vacant lot north of 4th Avenue on the Isthmus.
 - d. Griswold’s property on 4th Avenue.

- e. Partially developed Vine Street Property located 415 Capitol Way.
- 2. Known and unknown soils contamination from prior industrial uses;
 - a. There are eight sites with confirmed or suspected contamination.
 - b. There are eight additional sites with leaking underground storage tanks.
 - c. There are four additional sites with both leaking underground storage tanks and confirmed or suspected contamination.
 - d. There are other sites within the CRA boundary that have been identified by the Department of Ecology as known or suspected sites of contamination.
- 3. Risks from flooding;
 - a. Due to its relatively low elevation, parts of the CRA are prone to flooding. Rising sea levels will only increase the risk of flooding.
 - b. The impact of continued sea level rise depends on the amount of sea level rise combined with higher tides, higher water tables and reduced surface drainage.
 - c. Numerous stormwater outfalls and combined stormwater/sewer systems only increase the CRA's vulnerability to flooding and sea level rise.
- 4. The high cost of construction on the dredged fill due to the need for support piling;
 - a. Overall 225 acres, or 48% of parcel acreage within the CRA is built on fill.
 - b. Much of the development in this area requires pilings.
- 5. Aging infrastructure;
 - a. The CRA contains more than 25,000 feet of sewer pipes that were installed before 1960.
 - b. The CRA contains more than 38,000 feet of water pipes that were installed before 1960.
 - c. The Percival Landing, the City's waterfront board walk funded in part by downtown businesses to create a linkage between downtown and the waterfront and to promote downtown vitality, is deteriorating and in need of extensive repair or replacement.
- 6. Diversity of property ownership within the CRA;
 - a. Within the CRA, there are 985 parcels that are owned by 525 separate property owners.
 - b. Within the CRA, sixty percent (313) property owners own between 0.1 acre and 0.5 acres of land.
- 7. Negative impacts caused by concentrations of homelessness;
 - a. On January 24, 2013, the homeless count showed a 56% growth in homeless individuals over the first count taken in January, 2006 and a 72% increase in homeless students and families.
 - b. Within the CRA, average incomes are lowest in the City.
- 8. Negative impacts caused by crime;
 - a. Nuisance crimes are higher within the CRA than in other parts of the community.

- 9. Excessive land covered by surface parking lots;
 - a. Approximately 40% of downtown is covered by surface parking lots.

Section 2. Community Renewal Area. The area described in Exhibit A is hereby declared to be a “community renewal area” as defined in RCW 35.81.015(5) and the rehabilitation, redevelopment or combination thereof of such area is necessary in the interest of the public health, safety, morals, or welfare of the residents of the City of Olympia.

Section 3. Community Renewal Agency. Pursuant to RCW 35.81.150, the City Council elects to have the Council exercise community renewal project powers under Chapter 35.81 RCW.

Section 4. Direction to the City Manager. Authorizes the City Manager or his designee to:

- A. Prepare, for City Council review and approval, forms of requests for qualifications and requests for proposals from property owners within the CRA, property developers and other qualified groups to determine feasible rehabilitation and redevelopment opportunities within such area.
- B. Work with City Council to prepare, review and consider a list of assets and various incentives that the City could consider making available to property owners, developers and other qualified groups to implement community renewal projects within the CRA.
- C. Prepare for City Council review and approval, criteria and a process for evaluating proposals and qualifications to select one or more partners to work with the City to rehabilitate and redevelop property within the CRA.

PASSED BY THE OLYMPIA CITY COUNCIL this ____ day of _____, 201__.

MAYOR

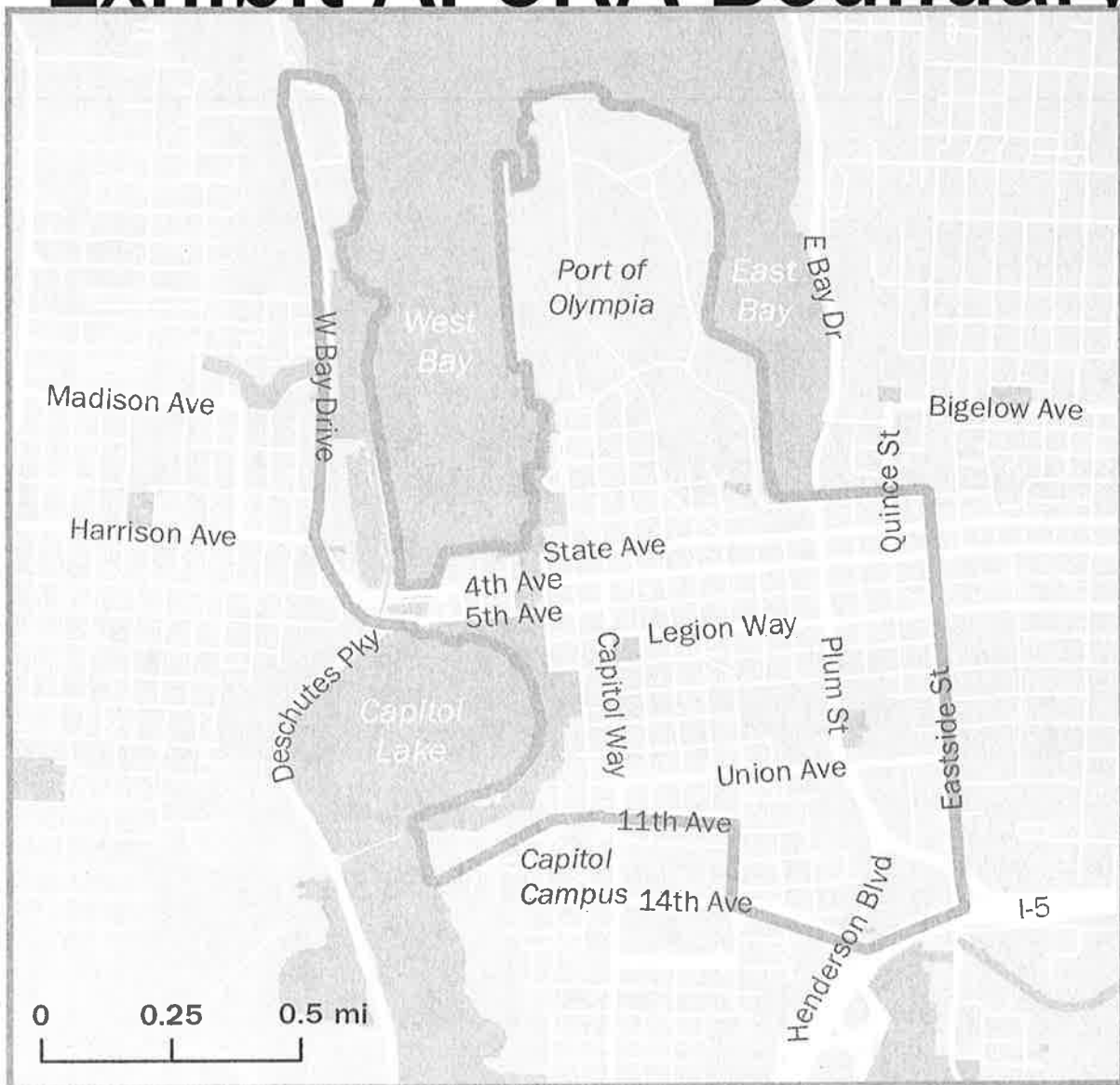
ATTEST:

CITY CLERK

APPROVED AS TO FORM:


CITY ATTORNEY

Exhibit A: CRA Boundary



Investment Strategy

City of Olympia Opportunity Areas

September 2013

Prepared for:
City of Olympia

Contact Information

Abe Farkas, Lorelei Juntunen, and Emily Picha prepared this report. ECONorthwest is solely responsible for its content.

ECONorthwest specializes in economics, planning, and finance. Established in 1974, ECONorthwest has over three decades of experience helping clients make sound decisions based on rigorous economic, planning and financial analysis.

ECONorthwest gratefully acknowledges the substantial assistance provided by staff at BERK. Many other firms, agencies, and staff contributed to other research that this report relied on.

For more information about ECONorthwest, visit our website at www.econw.com.

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1. Background and framework

1.1 Purpose

In recent decades, Olympia has seen less private investment in development and redevelopment than other parts of the South Puget Sound region, leading to fewer jobs, lower tax base, and diminished quality of place in key community centers than Olympia residents might otherwise have enjoyed. Reasons for this are wide-ranging: many of the causes of lower investment levels (including national economic conditions) have not been entirely under City control. However, City leadership has recognized a more strategic approach to its own investments in redevelopment activities is critical to encouraging the type of development that would benefit the community, and which the community would like to see and that a new more proactive approach to community development will be necessary to achieve this goal. To address this shortcoming, City leadership formed an Ad Hoc Committee composed of City councilmembers and executive staff focused on development strategy both downtown and City-wide. The Ad Hoc Committee commissioned and guided the work presented in this report.

This report begins to reframe the City's approach to redevelopment, and is an important first step to the more comprehensive, proactive strategy that the Ad Hoc Committee envisioned. The report outlines a methodology and initial set of actions the City's Community Development Department can use to guide its economic development and redevelopment activities. It suggests which tools available to the public sector (including incentives, regulations, facilitation of planning exercises and community conversations, and interactions with property owners) are most appropriate to specific areas within the City to more actively guide development outcomes in a market-responsive way.

The Ad Hoc Committee identified six areas (shown in Figure 1 and Table 1) that reflect a range of potential development opportunities in Olympia outside of downtown.¹ In all of these areas, the City is interested in furthering development outcomes, and recognizes that City should proactively participate in the future development of these sites. The report focuses on the redevelopment potential in the opportunity areas outside of downtown Olympia, and recommends a strategy and set of tools for investing in them over the coming years. This report, based on the ECONorthwest team's² analysis; City staff, Ad Hoc Committee, Citizens' Advisory Committee and Council input, and outreach to property owners and developers, provides a framework for prioritizing redevelopment investments within the opportunity areas.

¹ Downtown redevelopment opportunities are addressed at length in a separate analysis and process that is focused on opportunities for furthering the revitalization of Downtown. In some parts of this report, Downtown is included as a point of reference or because it is relevant.

² The team also included BERK, which provided most of the market analysis in this document and collaborated to produce the strategy.

For each opportunity area, ECONorthwest completed the following steps:

1) Conducted stakeholder outreach

Interviewed property owners and developers, and drew on city staff expertise, to more fully understand opportunities and constraints in each area.

2) Analyzed redevelopment readiness of each site

Evaluated market variables, barriers to redevelopment, available tools to encourage redevelopment, and property owner readiness to determine which areas are most ready to redevelop.

3) Profiled each area’s development potential and recommended City actions

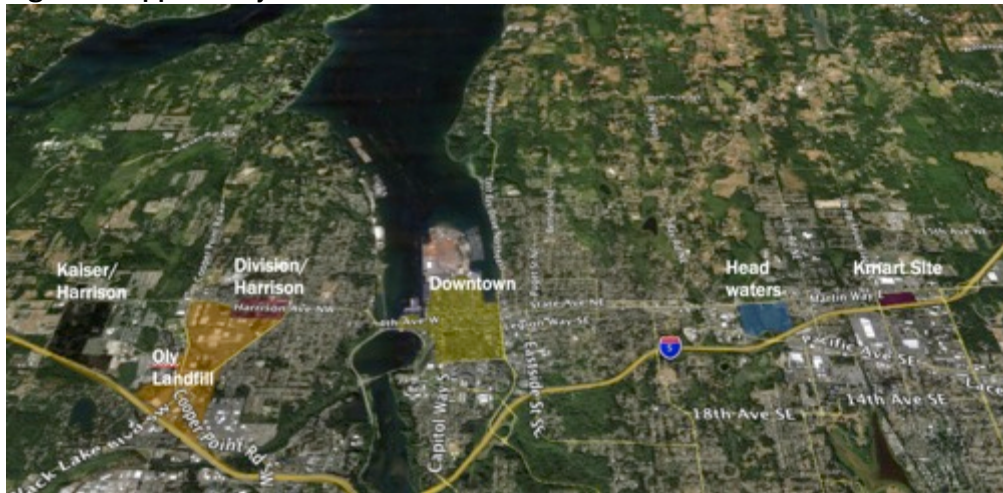
This report recommends actions the City of Olympia (City) could take to facilitate redevelopment of these sites in the short, medium and long terms.

This report is a first step toward implementing a comprehensive approach that can aid the City in managing its development area assets as a portfolio that adheres to community vision. This approach includes: (1) strategically investing in infrastructure improvements, such as roadways, streetscape improvements, and property acquisition; (2) making necessary or desired regulatory adjustments, such as zoning changes; and (3) creating partnerships with developers and property owners to generate development returns that remain sensitive to market demand.

Table 1. Opportunity areas and study rationale

Opportunity	Council-identified development opportunity
Kaiser/Harrison	Potential for neighborhood commercial/mixed-use/retail district on large single-ownership tract
Olympia Landfill	City-owned, potential major retail site adjacent to existing major retail area
Division/Harrison	Potential neighborhood center adjacent to established neighborhoods
Headwaters	Large multi-ownership parcel with wetland amenity and infrastructure challenges.
Kmart Site	Former K-mart site (currently vacant) on major close-in retail corridor

Figure 1. Opportunity area overview



1.2 Regional development context

This section describes key factors that will influence future redevelopment potential in Olympia and Thurston County. This context is critical to understanding how the opportunity areas might support a larger growth strategy, and the market forces that will affect their future development. The CRA Ad Hoc Committee has expressed their intent to create a more coherent and long-term approach towards community development. The work aims to establish what market information and stakeholder engagement are necessary to be aware of and track as consideration is given to future budgets, capital facility plans, and master plans.

Population and demographics

Olympia's population growth has slowed, and the City has not captured as much growth as neighboring cities. As shown in Table 2, between 2000 and 2010, Olympia's population grew slowly (9%), compared to the State of Washington (14%), Lacey (36%) and Thurston County (22%). Most of Thurston County's population growth during that period occurred in Lacey, Tumwater, and unincorporated areas. In part, this reflects the relative "built out" condition of Olympia compared to the neighboring cities that, generally, can accommodate growth at lower cost on larger tracts of undeveloped land. Consequently, fewer housing units have been constructed and less market demand exists for redevelopment within Olympia.

Table 2. Population growth

	2010 Population	Population Change 2000-2010	
		Number	% Change
Thurston County	252,264	44,909	22%
Olympia	46,478	3,964	9%
Lacey	42,393	11,167	36%
State of Washington	6,724,540	830,419	14%

Source: Census 2000 and 2010.

Olympia's rate of population growth and its share of the County's population growth are projected to increase. By 2030, Thurston County's population is estimated to grow by 96,000, with Olympia accommodating about 19% of that growth, or 18,000 people.¹ This would mean a roughly 40% increase in the City's population over the next 17 years. If Olympia is successful in capturing this growth as projected, it suggests growing demand for all types of uses, especially residential. It also suggests that new development will occur as infill or redevelopment, as large tracts of undeveloped land are uncommon inside Olympia's boundaries.

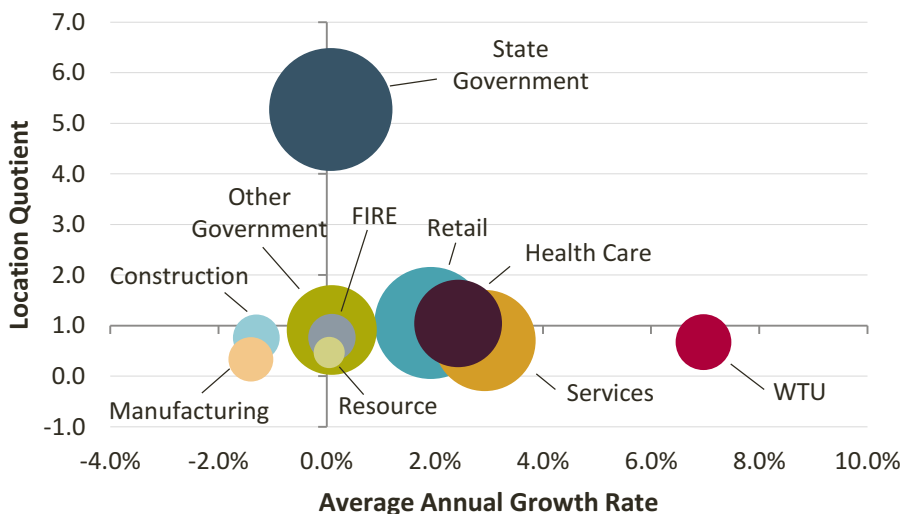
Employment growth

State government will remain a key industry in Thurston County, but its employment is forecast to decrease. State government is the largest employer in Thurston County, with 20,071² employees in 2013. Total state employment has been fairly flat since 2002, and has decreased since 2008. State government employment appears not to be growing in the near-term. This will likely affect demand for office space within the County. However, almost a third of state government employees statewide (32%) are over 55 years of age. As these employees retire over the next decade, many of those positions will likely be filled with younger employees. This trend could impact the demand for residential housing within Thurston County, regardless of the overall size of state government.

Fast growing industries are poised to play a greater role in the County's economy. Figure 2 compares average growth rates of key industries in the County. Since 2002, general services, retail, health care, and warehousing/transportation/utilities (WTU) accounted for the highest growth in employment. Construction and manufacturing were the only two sectors that decreased, albeit slightly. State government is (not surprisingly, given that Olympia is the State Capitol) highly concentrated in the economy, and will continue to influence downtown and City development trends. For example, while the State's office use has recently declined, in the last legislative session, it committed to a major investment in a 200,000 square foot office building downtown to accommodate its own needs for new office space. Adding this new square footage for State uses suggests that the existing vacancies in the private office market are unlikely to be filled with State workers, and that the City may continue to see a trend toward conversion of downtown office space to housing and other uses.

The City of Olympia is projected to accommodate an estimated additional 18,000 jobs by 2035.³ Of those, almost 75% of new jobs in Olympia will be in commercial sectors. Jobs in industrial sectors (10%) and government (15%) will make up the remainder of new employment. Countywide, the sectors with the largest forecasted new jobs are professional and business services. However, TRPC's forecasts have construction employment growing substantially with total construction employment more than doubling by 2040 from 5,620 in 2010 to 12,700. Manufacturing employment is also forecasted to increase but at a much slower rate adding about 500 jobs from 2010 to 2040.

Figure 2. Employment change, size, and location quotient³ for industries in Thurston County, 2002-2011



Source: Washington Employment Security Department, 2013; BERK, 2013

Acronyms: "WTU": Warehousing, Transportation, Utilities. "FIRE": Finance, Insurance, Real Estate

Notes for interpretation: Size of bubble shows relative size of industry as measured by number of employees; "location quotient" is a measure of industry concentration: a location quotient of 5 means that the industry is 5 times more concentrated than would be expected based on national averages.

Joint Base Lewis McChord has increased demand for housing in the region over the last 10 years, particularly Lacey, as the number of employees on base increased. In addition to direct employment, the base is an economic engine for the region, supporting local businesses with over \$200 million in government contracts. Current plans are to slightly reduce the number of active duty troops on base, thereby reducing total employment.⁴ As a result, JBLM is unlikely to be a source of growth for Thurston County in the near future, but should continue to be an economic cornerstone for the region, especially given that a high number of discharged staff permanently relocate in the region. According to JBLM, 6,000 individuals will separate service each year from 2012 through 2016 and that 40 percent plan to stay in Washington State.⁵

Regional development patterns

Since 2000, most development has occurred on vacant land in out-lying areas accessible to I-5 and major arterials. Continued population growth in the Puget Sound region will generate demand for additional housing and commercial services, such as general services, retail, lodging, and health care.

³ An index, defined in ratio form, that compares the proportion of a local activity to the proportion of that activity found at some larger geographic scale, such as the nation.

Multi-Family Residential

Recent multi-family (MF) development has not concentrated in any particular location, but has occurred throughout the County's urban areas. About a third of multi-family units were located in Olympia. Table 3 shows MF development in the County and Olympia since 2002.

Table 3. Multi-family development in Thurston County and Olympia, 2002-2012

	Thurston County	Olympia
Total MF units developed	3,000	1,023
MF units as a proportion of total units	13%	35%

Source: Washington Office of Financial Management

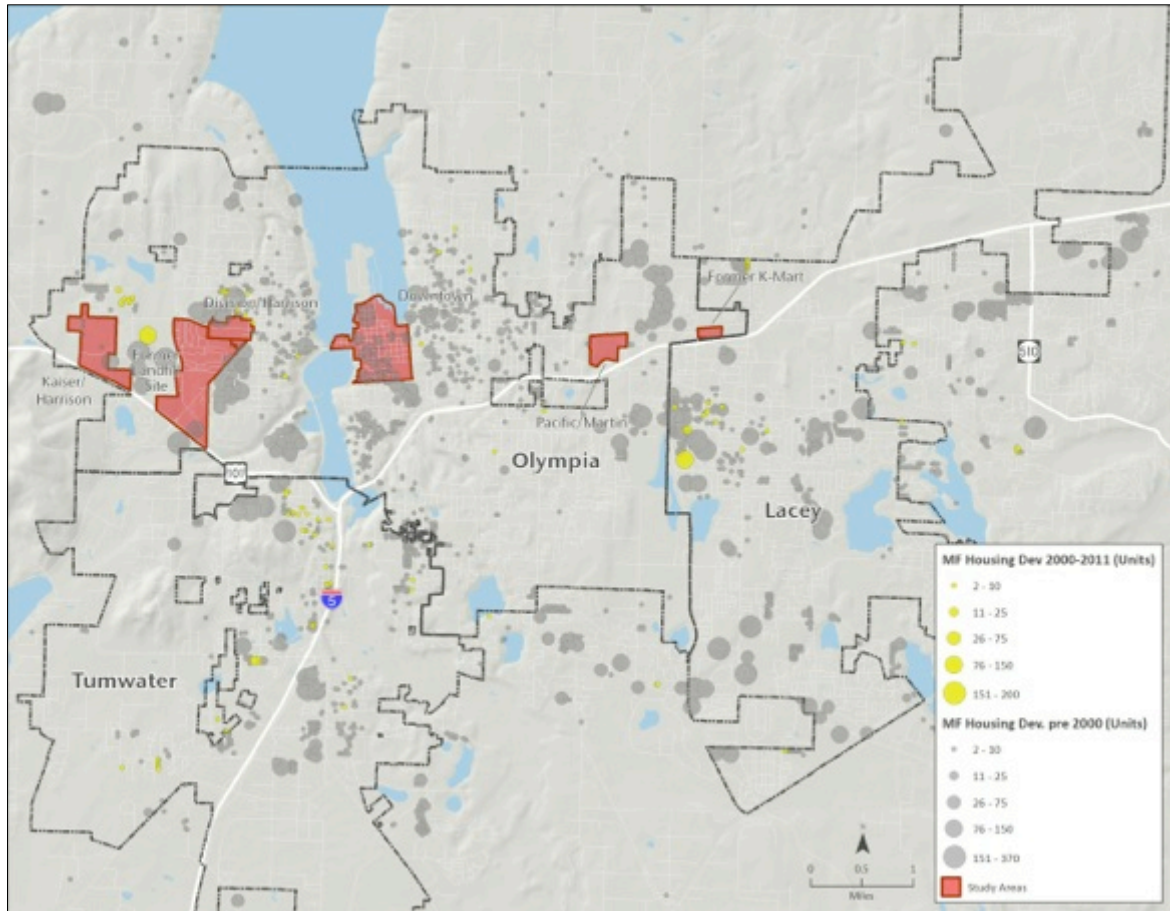
There are growing signs of an urban infill market in Olympia. In the last ten years, building activity in Olympia has focused on rehabilitating or remodeling existing space, rather than new development. As growth picks up, MF development will likely occur in easily developable and/or high amenity areas. The city saw a rapid increase in MF units in 2011 and 2012, with 652 units built over this time period. A number of large apartment complexes have been completed, including 18th Avenue Estates, Woodland Apartments, Red Leaf, Affinity, and Briggs Village South. The City has issued permits for Briggs Senior Housing, and is reviewing permits for Copper Ridge, Woodland Phase II, and Briggs Village North. According to the Department of Community Development, almost twice as many MF permits will be issued in 2013 than 2012.

Future growth in MF units will be driven, in part, by a changing demographic oriented to urban living. The aging baby boom generation and resulting decrease in household size will likely increase the share of MF units in Thurston County over the next 30 years. *New Home Trends*, in its study for TRPC, projected demand for over 14,000 new MF units between 2010 and 2030 almost 2.5 times the number of MF units developed per decade compared with the last ten years. TRPC estimates that by 2040 approximately 40% of new homes will be MF units, compared to about 22% today. TRPC's forecast assumes household size will decrease from 2.47 to 2.37 people by 2040.⁶

Population growth in people over age 55 and under 30 will drive the growing demand for MF housing. Since 2000, over 80% of new population growth in the County consisted of people over age 55 and between the ages of 20 and 34. This suggests an increasing demand for residential and other uses that accommodate both retirees and young families.

New types of MF units will be developed. Most MF housing built since 2000 has been in small developments, consisting of 10 or fewer units. While this trend is likely to continue, larger, MF projects will also likely be developed in downtown Olympia and mixed-use nodes throughout the city. New housing types will likely include accessory dwelling units, duplexes, townhomes, and senior assisted-living facilities. Demand for single-family housing will also continue, but is projected to comprise a smaller share of future development.

Figure 3. Multi-family housing development by units

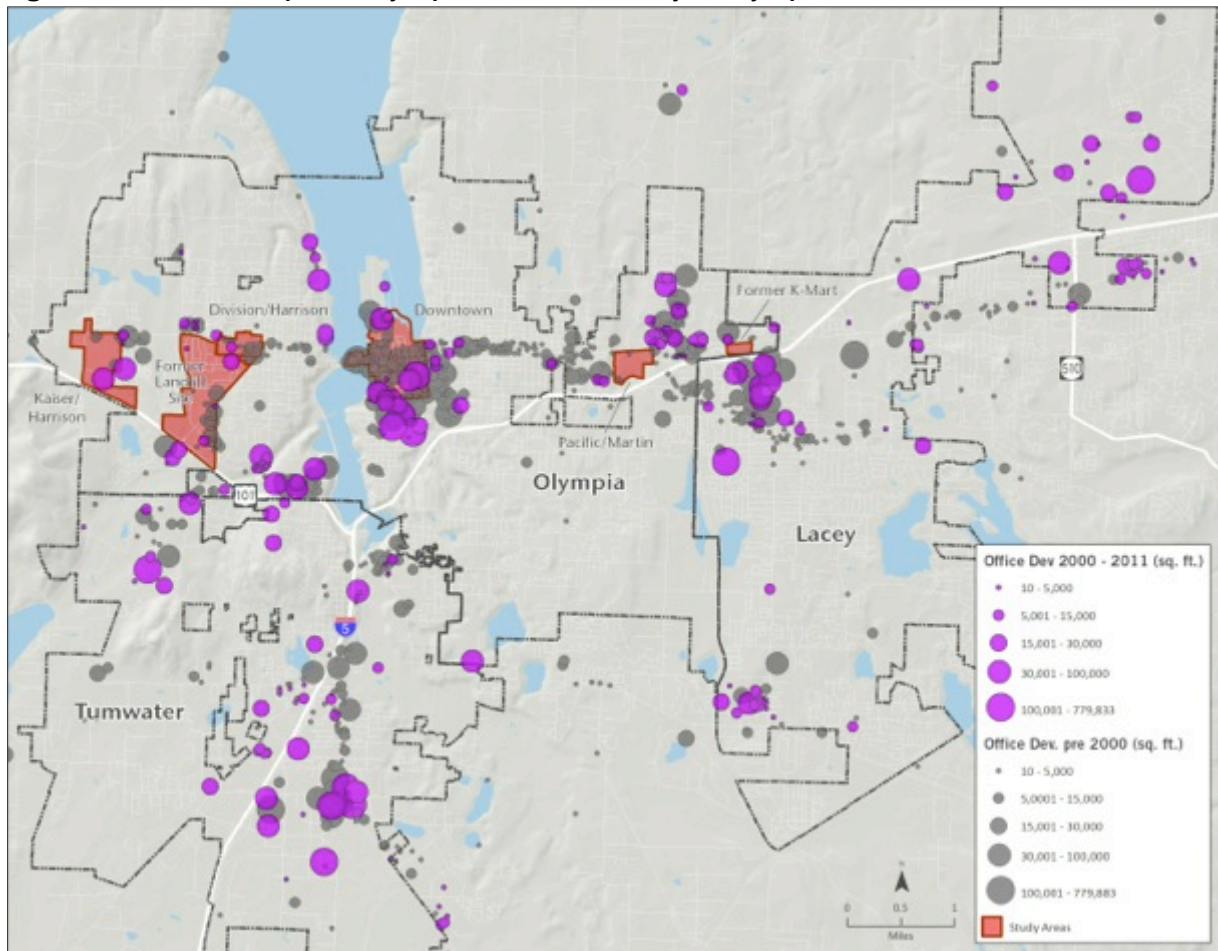


Source: Thurston Regional Planning Council, 2011; BERK, 2013

Office

Downtown Olympia, Lacey, and Tumwater are the major office clusters in the region, as shown in Figure 4. A limited amount of office development (670,000 total square feet) has occurred in the region since the start of the recession in 2008, including the new Department of Information Services building in 2010. Only one privately built Class A office building was constructed during this period (185,000 total square feet). Overall, throughout the region, a high vacancy rate exists (11.2% in the first quarter of 2013) for all classes of office space. This vacancy rate is due, in part, to recent office vacations by state agencies. With decreased State demand for office space, some property owners will look to repurpose existing office space. As mentioned earlier, the State is also considering constructing a 200,000 SF office building on the Capitol campus, along Capitol Way. These developments will further impact the office market.

Figure 4. Office development by square feet in the City of Olympia



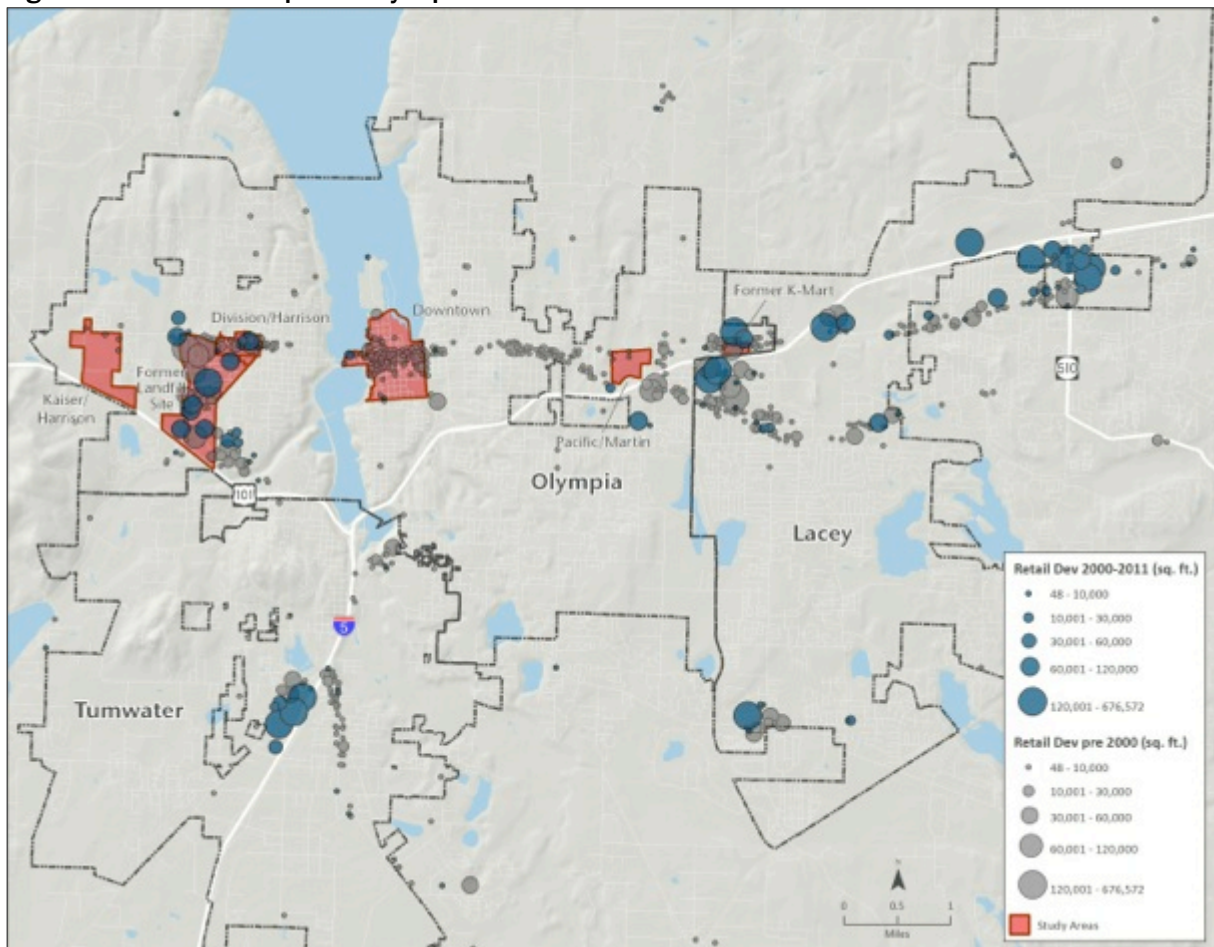
Source: Thurston Regional Planning Council, 2011; BERK, 2013

Retail

Since 2000, most retail development has been large scale, auto-oriented, located near highway interchanges, as shown in Figure 5. On a per square foot basis, sales have declined in most of Olympia. Two exceptions are Pacific/Martin, which saw two new businesses open, and Division/Harrison with increased retail sales per square foot since 2009. Currently, retail productivity in Division/Harrison is similar to downtown Olympia. The City lacks a retail attraction and retention strategy to attract destination retailers, such as IKEA or Nordstrom, from outside the existing marketshed.

National research suggests that a typical household supports approximately 70 square feet of retail space. 15 square feet of which could be neighborhood retail or services (such as the type of retail found along Martin Way in Olympia or at Division/Harrison) within walking distance.⁷ For example, a 30,000 square foot neighborhood retail center could support about 1,000 homes within a convenient walking distance of a quarter-mile, and another thousand households that are slightly farther away.

Figure 5. Retail development by square feet



Source: Source: Thurston Regional Planning Council, 2011; BERK, 2013

Hotel

Olympia's existing hotels and motels are mostly oriented along Interstate-5, with a few located closer to downtown. Olympia has seen a limited number of new hotels/motels built since 2000. Spending on hotels and motels in Thurston County showed strong growth from 2000 to 2007 with an annual average of 5.7%. Spending dipped in 2009. While data for Thurston County is unavailable, statewide visitor spending on hotels and motels rebounded in 2010 and is now close to 2006 levels. The return of hotel occupancy rates and revenues to pre-recession levels has brightened the investment outlook for lodging in the region. Currently, there are plans for potentially two new hotels in Downtown Olympia, but these plans remain preliminary and fairly uncertain and two new hotels are in for development review along the 1-5 Corridor.

1.3 Barriers to development on opportunity sites

Recent development patterns indicate the following barriers to development and redevelopment in the opportunity areas evaluated in this report:

- **Rents are too low to support costs of new construction.** Rents for most development types are still recovering from the recent recession, which makes it difficult for new development to substantially increase the income potential of a property through redevelopment. Without incentives and other supports, the majority of new development will likely choose the easiest and cheapest sites before embarking on challenging in-fill development projects like those identified in some of the opportunity areas.
- **Infill/Redevelopment opportunities.** Most of the opportunities areas are built out, with existing uses providing income to their owners. For redevelopment to be financially feasible, these properties need to generate higher rents.
- **Financing.** Developers sometimes face difficulty in obtaining financing for new product in areas where the market for that product is unproven.
- **Competition.** Easily developable sites are available throughout the region, providing multiple site options from which to choose. These lower-cost sites create competition for the opportunity areas.
- **Infrastructure deficiencies.** Encouraging growth in certain areas will require focused infrastructure investment. In some cases, this will mean additional roads to provide access into the core of a site. In other cases, streetscape enhancement projects and open space projects will support mixed-use, infill projects.
- **Lack of community consensus on growth.** Opportunity sites do not have an agreed-upon vision that is championed by surrounding property owners and community members. As a result, challenges to development proposals are more likely and common.

1.4 Framework for public action and investment

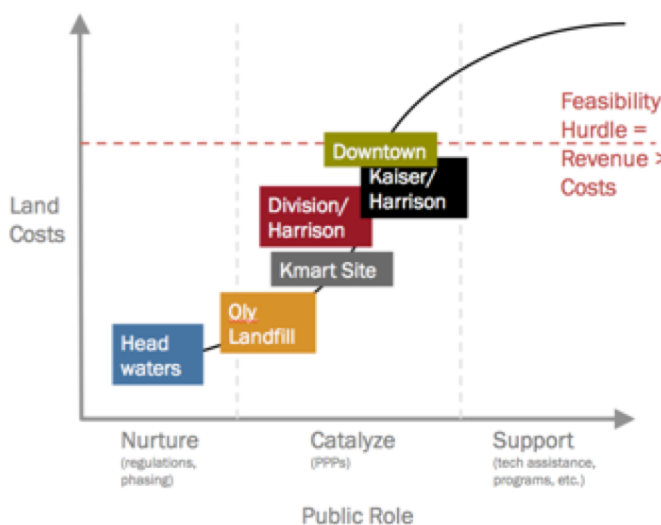
From a private real estate development perspective, people invest in real estate to realize financial gain from rents paid by tenants. Tenant’s willingness to pay higher rents depends on their preference for a particular location over others. Generally, three key elements influence private real estate development decisions:

- 1) **Market conditions** including rent levels, land values, vacancy rates, availability of financing, competing supply, etc.
- 2) **The regulatory framework and infrastructure** that shape development plans and serve available land.
- 3) **The availability/suitability of land**, including property ownership patterns, soil conditions, etc.

The public sector, cities in particular, can influence real estate markets and redevelopment potential using a variety of tools, including community renewal, development regulations, incentives, infrastructure investments, and, in some cases, partnering with the private sector to improve development feasibility. To evaluate the most effective role for the City in each of these opportunity areas, we suggest a feasibility spectrum with a set of potential public-sector roles and related actions. Figure 6 shows where each opportunity area sits on a conceptual “market feasibility” curve. As rents increase relative to development costs, a project’s market feasibility

increases. When market feasibility reaches the redevelopment hurdle, private investment decisions lead to new construction.

Figure 6, Opportunity areas on the feasibility spectrum



Source: ECONorthwest and BERK, 2013

The challenges that developers face differ based on where their projects sit relative to the feasibility hurdle. Actions that the City might take to incent or encourage redevelopment also differ accordingly. Generally, the City can think about its possible actions in three categories, or phases of feasibility: “nurture”, “catalyze”, and “support.”

These phases, described in more detail and with additional

information about the opportunity areas in Table 4 are broad and are not mutually exclusive, but they do imply different public actions. Public actions are part of a dynamic continuum, and can change in relation to a specific opportunity site as market conditions or other factors change. A strategic approach to community development (the final outcome of this report) provides a means of tracking the variables that lead to different placement of a development project relative to a feasibility hurdle (for example, different rent levels, different property

owner disposition, different levels of public amenity), so that the actions that the public sector takes are targeted to overcoming the right challenges. In other words, the point is to illustrate the difference in the relationship of public actions to private investment as an area grows and / or market feasibility changes.

Table 4. Overview of actions in opportunity sites, based on phase of feasibility

Phase	Nurture: Laying the policy and infrastructure groundwork for areas that lack proven markets.	Catalyze: Reduce development costs and make the area more attractive for investment by covering infrastructure or other costs, changing regulatory framework, or other actions. ⁴	Support: Support and shape desired types of development, including enforcing existing codes and continuing to maintain infrastructure.
Challenge in this Phase	Development that aligns with public vision is not occurring and faces significant market and feasibility challenges.	Development in these areas is generally thought to be “on the cusp” and may need some public support to be financially viable. Some vision-aligned development may be occurring.	Development that aligns with the community vision has occurred and will continue to; the challenge is managing growth to match future development needs.
Opportunity Sites in this Phase	Olympia Landfill and Headwaters	Division/Harrison Former K-Mart Site Kaiser/Harrison	None identified in this report
Overview: Actions in Opportunity Sites	Land use regulations, critical infrastructure needs to support development readiness, and developing partnerships with property owners and the community to help create an environment that can support new or higher levels of activity.	Support market-making projects (e.g. the demonstration of market feasible projects). Typically consists of fee waivers, tax exemptions, the provision of specific types of public infrastructure (i.e. plazas, utilities, amenities, etc.), property assembly, zoning changes to align with market, and/or property disposition.	Manage the challenges of success, such as congestion, lack of quality public spaces or amenities, and service expansion (i.e. transit). Continue implementation of vision through code enforcement and permitting.

⁴ Note that this type of action is limited in the State of Washington by very strict constitutional lending of credit prohibitions. Actions that directly subsidize private development are not allowed, except in certain circumstances, such as in an adopted Community Renewal Area. However, regulatory and other approaches are possible.

2. Action Plan

For the City to evaluate all of its opportunity areas, Table 5 recommends targeted infrastructure investments and changes to regulations and programs that align with the vision and desired actions for each area. Given short-term development opportunities, the City should focus its first efforts on implementation in the K-mart Site and the Kaiser/Harrison area. This section details the development character, policy goals, and potential actions for each opportunity area.

Table 5. Development actions over time by opportunity area

Vision for the area	KEY ACTIONS		
	Short term	Medium term	Long term
Headwaters (Nurture)		Key actions →	→
Residential, strip retail, or offices that take advantage of the area's strategic location and wetland amenity.	Coordinate with existing planning: Martin Way Infrastructure Study Explore property owner interests and meet with InterCity Transit	Develop a vision: Master planning Explore property owner dev't interest	Fund infrastructure improvements
Olympia Landfill (Nurture)		Key actions →	→
Large scale mixed-use development with a retail presence	Assess development barriers: complete environmental assessment	Develop a vision: Planned Action or subarea plan Explore property owner dev't interest	
K-mart Site (Catalyze)	Key actions →	→	→
High-density retail node with potential hotel development.	Investigate short-term development opportunities: Meet with property owners, provide technical assistance Coordinate with existing planning efforts: Martin Way infrastructure Study	Evaluate infrastructure improvements	Fund infrastructure improvements
Division/Harrison (Catalyze)	Key actions →	→	
A pedestrian-friendly neighborhood center with 3 to 4-story mixed-use consisting of street-oriented retail and office or residential upstairs.	Study improvements to pedestrian environment: Develop regulations and design guidelines, explore freight diversion, coordinate with proposed park	Fund infrastructure improvements Explore development opportunities	Support the area and explore additional development opportunities
Kaiser/Harrison (Catalyze)	Key actions →	→	
A neighborhood center that includes services, retail, and multi-family housing.	Reduce development barriers for mixed-use development: Fix zoning issues, develop planned action or subarea plan	Fund infrastructure improvements and coordinate with Infrastructure Justification Report	Support the area and explore additional development opportunities

2.1 Headwaters: Nurture



Source: Thurston Regional Planning Council, 2011; BERK, 2013

Headwaters is strategically located near I-5 and Providence St. Peter Hospital. However, it faces many infrastructure and site development challenges. Potential development includes residential, strip retail, or offices.

CURRENT DEVELOPMENT CHARACTER

As part of the old Highway 99 retail corridor, this area has unusually expansive, as yet undeveloped right-of-ways that could be developed into a high-amenity, multi-model corridor with good public transportation. Key businesses nearby are the Mark Twain Diner, Ralph's Thriftway, and the Olympia Food Co-op. Intercity Transit owns a key parcel, and is interested in expanding its bus terminal at the site.

POLICY GOALS

- Develop a mixed-use project, with high-intensity commercial and offices, and high-density multifamily residential uses on aggregated parcels, that takes advantage of the existing wetland and views amenity, good visibility and accessibility to I-5, and strategic location near medical and retail services along major transportation corridor.
- Extend Ensign Road through the property to create greater transportation connectivity in the area.
- Create a safe, convenient, and attractive environment for pedestrians, transit riders, commercial and private vehicles, and cyclists.
- Preserve and protect existing wetland.
- Coordinate with Intercity Transit on the development of its maintenance center to ensure consistency with the City's Comprehensive Plan goal of creating mixed-use and pedestrian friendly development along the Martin Way corridor.

DEVELOPMENT BARRIERS

- Inadequate roads and utility infrastructure. New development would need to allow for the extension of Ensign Road, which is included in the City's Comprehensive Plan as a major collector and is planned to extend through the property and connect Martin Way and Pacific Avenue.
- Challenging pedestrian environment and no public transportation

LAND USE

Zoning	High Density Corridor 4
Vacant acres	17.2
Pot'l acres for redev't	17.9

POPULATION AND EMPLOYMENT

Population	0
Housing units	4
Employment	0

MARKET INFO

Average assessed land value per SF:	\$2.71
Property sales since 2008	0
Office rent PSF / vacancy	\$17.64 / 6.3%
Retail rent PSF / vacancy	\$12.12 / 9.2%

Sources: CoStar 2013 Westside Subarea, Thurston Regional Planning Council, City of Olympia

- Site aggregation
- Vacant buildings
- Environmental constraints, including wetlands and potential brownfields in the area.
- Low land values. With the exception of Thriftway, Olympia Food Co-op, a motor inn, adult video store, and a few eateries, there is little economic activity within the opportunity area.

DEVELOPMENT AND PARTNERSHIP OPPORTUNITIES

Large portions of this opportunity area are vacant or redevelopable, but significant infrastructure improvements would be required.

- **RETAIL:** Presently, the most likely near-term uses are commercial on undeveloped properties fronting Pacific Avenue or Martin Way. While 2011 and 2012 saw a jump in retail sales, from nothing previously, the square footage of retail in the study area is still very low (less than 7,000 square feet).
- **MULTI-FAMILY:** No multi-family housing exists in the area, and little development has occurred recently in the surrounding area. Because this site is located close to medical facilities, retail, and a wetland amenity, the area may be suitable for affordable or senior housing.
- **OFFICE:** Office rents in East Olympia held relatively steady, and vacancy rates have decreased slightly in the last few years. Office uses might be viable on this site as part of large-scale redevelopment plans.

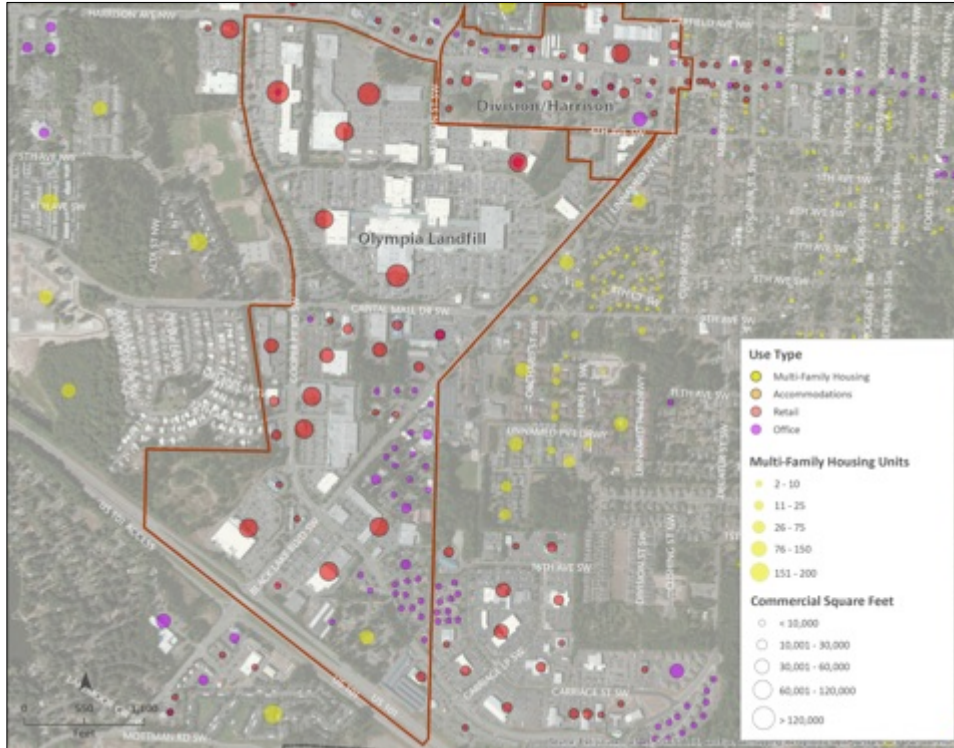
DEVELOPMENT INTEREST

There has been little interest in developing this site, and, consistent with its characterization as being in the “nurture” phase, the site needs significant public investment. Winco Foods did pursue the area in 2009. Only two building permits have been issued for remodels within this area and no new construction has occurred in the past 10 years.

ACTIONS

	Short term	Mid term	Long Term
Regulatory	Evaluate appropriate zoning or regulatory tools	Planned action or subarea plan to clearly identify and establish wetland boundaries and other constraints.	
Infrastructure	Coordinate project with Martin Way. Infrastructure planning project. Identify infrastructure needs and potential funding sources – LIFT/LRF/CERB/LID	Develop master plan with implementation actions and infrastructure funding, and wetland assessment Evaluate other funding tools, including LID, joint financing of infrastructure, LIFT (if funding becomes available), Local Revitalization Funding, federal environmental assessment grants	Implement funding tools, such as an LID
Partnerships/ Tools	Meet with Intercity Transit to evaluate development objectives for their sites and explore joint development opportunities. Develop relationships and provide technical assistance to property owners about development tools, including LIHTCs, EB-5, etc. Developer Roundtable to evaluate development potential.	Meet with property owners to explore development interest and a potential horizontal development entity (a legal agreement among property owners to pool their land and jointly develop it, and then share all revenues), or softer arrangement without formal legal agreement to form partnership	

2.2 Olympia Landfill: Nurture



Source: Thurston Regional Planning Council, 2011; BERK, 2013

The former Olympia landfill area is currently undergoing a brownfield assessment to evaluate remediation needs. This area has the potential to be an even stronger retail center than it already is, especially if the City can leverage this land to encourage large-scale development on the landfill and adjacent sites.

POLICY GOALS

- Large-scale mixed-use redevelopment incorporating retail, residential, and potential other uses.
- The area consists mainly of auto-oriented retail uses. At present, the area will most likely attract large-scale retail uses.

CURRENT DEVELOPMENT CHARACTER

This site is one of the more concentrated retail areas in Olympia and serves as a retail destination for residents throughout the area.

DEVELOPMENT BARRIERS

- Most land is already developed
- Environmental contamination
- Multiple ownerships
- Rents for any use are not yet high enough to justify conversion of existing buildings or redevelopment.

DEVELOPMENT AND PARTNERSHIP OPPORTUNITIES

If the City's parcel can be cleaned up and contamination on adjacent parcels mitigated, the City can use its

LAND USE

Zoning	High Density Corridor - 4, General Commercial
Vacant acres	2.8
Pot'l acres for redev't	32.19

POPULATION AND EMPLOYMENT

Population	225
Housing units	116
Employment	5,000
Industrial	130
Government	320
Retail	2,190
Other	2,360

MARKET INFO

Average assessed land value per SF:	\$8.02
Property sales since 2008	5 at \$32.81/Sf
Office rent PSF / vacancy	\$16.82
Retail rent PSF / vacancy	\$16.82

Sources: CoStar 2013 Westside Subarea, Thurston Regional Planning Council, City of Olympia

land to leverage new development.

- **RETAIL:** Retail sales and productivity in the area have declined every year since 2008. Nevertheless, it is still one of the highest grossing retail areas in the city. Potential for new retail development exists given the area’s high traffic counts and market draw.
- **MULTI-FAMILY:** Low vacancy rates and modest rents within the city suggest a near-term demand for multi-family residential, including senior and affordable housing.
- **OFFICE:** Rents in the Westside submarket have been falling and vacancy rates are above 10%. Despite this, there is interest in potential Class A office space that would be integrated with mixed-use development.

DEVELOPMENT INTEREST

- Most investment activity in the area has involved remodeling or rehabilitating existing buildings, with only limited new construction. Some interest in higher-density mixed-use development existed in this area prior to the recession in 2008, but has since diminished.

ACTIONS

	Short term	Mid term	Long term
Regulatory	Complete already funded environmental assessment		
Infrastructure		Evaluate needed infrastructure	
Partnerships/ Tools	Provide technical assistance to property owners about development tools, including New Market Tax Credits (this is an eligible area), LIHTCs, EB-5, etc. Develop a relationship with key property owners in the area, including the vacant site and hospital.		

2.3 K-mart Site (Sleater Kinney/Martin Way): Catalyze



Source: Thurston Regional Planning Council, 2011; BERK, 2013

The City's long-term vision for the K-Mart site is a high-density retail node. In the near term, this area presents retail or hotel development options that will capitalize on the area's good location (proximate to downtown, along a major transportation corridor, and with freeway access and visibility).

CURRENT DEVELOPMENT CHARACTER

Strip commercial along a high-traffic corridor with freeway access. This opportunity area is located close to Providence St. Peter Hospital, the Chehalis Western Trail, and Lacey's Woodland District.

POLICY GOALS

- Develop an active mixed-use corridor with retail development design that matches community vision (closer to street frontage to improve walkability and higher density), increased residential density, hotels, and other uses as compatible with the Comprehensive Plan and the work of the Urban Corridors Task Force.
- Cultivate complementary development, including the possibility of medical office space and senior or affordable housing, near healthcare facilities (Providence, etc.)
- Make investments informed by and consistent with the Martin Way corridor study.
- Orient development so it can take advantage of the area's proximity to the Chehalis Western Trail crosses Martin Way and Pacific between Lilly and Sleater Kinney.

DEVELOPMENT BARRIERS

- Freeway access limited to one direction and lacking a full cloverleaf.
- Challenging Pedestrian environment.
- Ownership of the corner parcel is key for developing this site.

LAND USE

Zoning:	General Commercial/Urban corridor
Vacant Acres	0
Pot'l acres for redev't	14.9

POPULATION AND EMPLOYMENT

Population	0
Housing units	0
Employment	0

MARKET INFO

Average assessed land value per SF:	\$9.77
Property sales since 2008	1, \$21.61/sf
Office rent PSF / vacancy	\$16.20 / 18.9%
Retail rent PSF / vacancy	\$17.65 / 4.2%

Sources: CoStar 2013 Westside Subarea, Thurston Regional Planning Council, City of Olympia

- The large parcel with the former K-Mart building currently produces no income, lowering the redevelopment hurdle.
- Given increased office vacancies and decreased office rents nearby in Lacey, this location would likely be unsuited for office development.

DEVELOPMENT AND PARTNERSHIP OPPORTUNITIES

Given the K-Mart site’s proximity to Lacey’s retail core and highway access, and visibility, it could be a viable location for re-use or redevelopment.

SENIOR OR AFFORDABLE HOUSING: Given the K-mart site’s proximity to Providence Hospital and other health care services, as well as retail destinations, it could be a desirable location for senior or affordable housing. The City could work with developers to explore potential alternative financing tools.

RETAIL: Lowe’s and Safeway are popular retail destinations in this area. However, retail sales per square foot are far below the rates for the Olympia as a whole and have been in steady decline for several years. Given the right tenant, this could be a viable location for large-format retail.

HOTEL: Given its close proximity to the highway, medical facilities, and large format retail, this site would be a suitable location for a hotel, potentially with conference space.

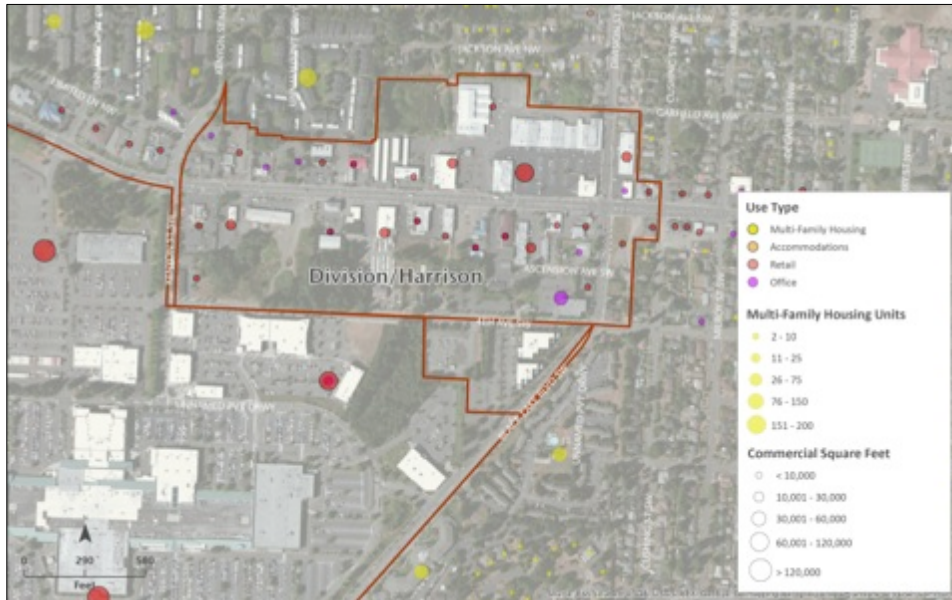
DEVELOPMENT INTEREST

This area has seen significant interest from potential developers, but, consistent with its classification as an area in the “catalyze” phase, market challenges exist to achieving the vision described above. A previous effort to build an urban-scale mixed use development with a pedestrian-oriented mall environment failed. A Hampton Inn will be going in on the property immediately to the east.

ACTIONS

	Short term	Mid term	Long Term
Regulatory	Regulations/design guidelines in place so that new (likely retail) development is more street oriented and pedestrian friendly		Corridor plan or subarea plan demonstrating comp plan that links investments with private development
Infrastructure		Streetscape enhancements to promote walkability	LID Joint funding of infrastructure
Partnerships/ Tools	Develop relationships and provide technical assistance to property owners about development tools, including LIHTCs, EB-5, Section 108, etc. Developer Roundtable to evaluate development potential on specific sites	Provide technical assistance to property owners about development tools, including Section 108, LIHTCs, EB-5, etc. (see Appendix A)	

2.4 Division/Harrison: Catalyze



Division/Harrison is envisioned to be a pedestrian-friendly neighborhood center with 3 to 4-story mixed-use consisting of street-oriented retail and office or residential upstairs.

LAND USE

Zoning	Urban corridor 3
Vacant acres	8.4
Pot'l acres for redev't	18.5

POPULATION AND EMPLOYMENT

Population	15 (est.)
Housing units	8
Employment	870
<i>Industrial</i>	30
<i>Government</i>	130
<i>Retail</i>	170
<i>Other</i>	540
<i>Commercial</i>	

MARKET INFO

Average assessed land value per SF:	\$11.04
Property sales since 2008	4 Sales, \$40.74 per SF
Office rent PSF / vacancy	\$16.82 / 10.9%
Retail rent PSF / vacancy	\$16.82 / 6.8%

Sources: CoStar 2013 Westside Subarea, Thurston Regional Planning Council, City of Olympia

CURRENT DEVELOPMENT CHARACTER

Arterial, strip-mall corridor surrounded by residential neighborhoods and Capital Westfield Mall. Retail activity is healthy.

POLICY GOALS

- Pedestrian-oriented, high-density corridor/neighborhood center with easy transit access to downtown Olympia.
- Improve the transition to surrounding residential neighborhoods.
- Make improvements to the area so that it becomes the “Black Hills Gateway” that would serve as the western gateway to Olympia (2013, currently in Planning Commission).

DEVELOPMENT BARRIERS

- Significant opposition to past development ideas has existed in the past, and there is a lack of community consensus about the desired character of the area.
- Freight traffic on Harrison impedes pedestrian activity, should be using truck route.
- Disaggregation: The area is composed of many small parcels that would need to be aggregated to make viable development sites.
- Access: Many developable parcels lack direct street access . The area lacks pedestrian connectivity to surrounding neighborhoods.

- Dilapidated retail storefronts with high rents and poor property management.
- While the site has a number of underutilized parcels, most properties are already producing income. . This increases the redevelopment hurdle for these sites.
- Lack of north/south connectivity.

DEVELOPMENT AND PARTNERSHIP OPPORTUNITIES

Division/Harrison has great potential to become Olympia’s next neighborhood center, serving as a destination for residents of adjacent neighborhoods and beyond. It serves as the western gateway for downtown with good existing urban infrastructure, good visibility, and through traffic. Organized neighborhood associations in the area are available to help develop a vision for quality development in this area, and provide important partnership opportunities. In addition, the City may be able to catalyze development because it owns two parcels on the north side of 4th Avenue in this area.

- **RETAIL:** Increasing taxable retail sales, particularly for food service (restaurants), indicates the economic health of businesses in the area is improving. Several popular neighborhood businesses, including Vic’s Pizza, DiGormo’s, and Le Phom are helping to define the character of this area.
- **MULTI-FAMILY:** Low vacancy rates and modest rents within the city suggest a near-term demand for multi-family housing, especially if integrated with mixed-use development that can help strengthen the area’s desirability as a pedestrian destination.
- **OFFICE:** Rents in the Westside submarket have been falling and vacancy rates are above 10%. The heart of West Olympia could attract Class A office space that isn’t a single use.

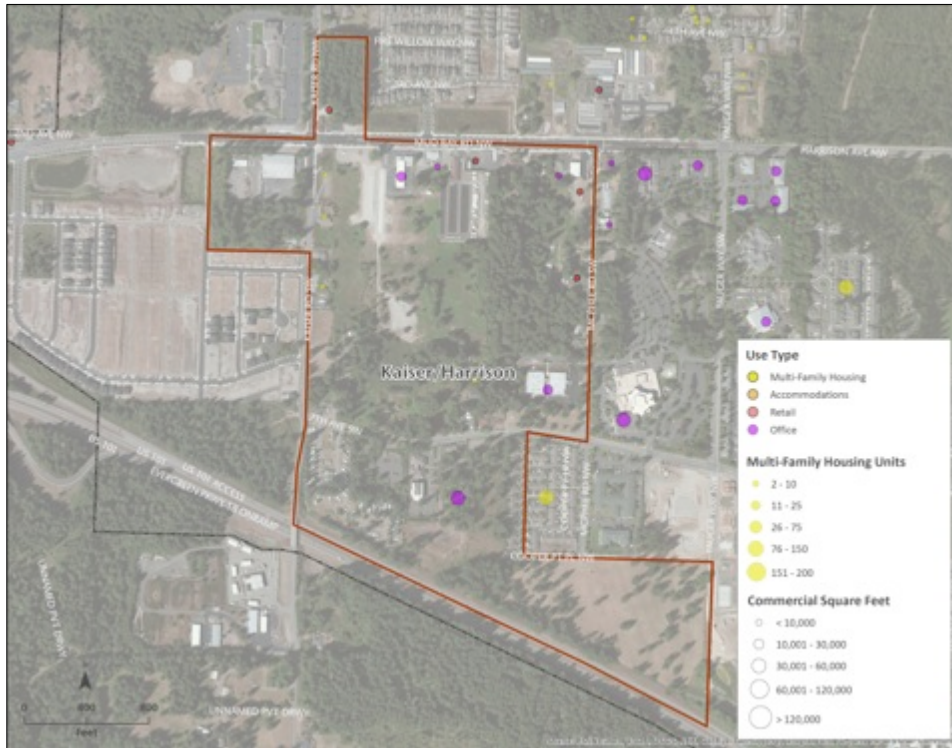
DEVELOPMENT INTEREST

The opportunity area has had a low but consistent level of development activity over the past decade. Most of the recent activity has been low-value remodels/rehabilitations. Recent development is limited to the West Central Park on the SE corner of Division and Harrison.

ACTIONS

	Short term	Mid term	Long Term
Regulatory	Coordinate City investments with proposed park at Division/Harrison.	Planned Action/ Subarea plan demonstrating comp plan that links investments with private development.	
Infrastructure	Explore freight diversion options on Harrison Street to encourage a pedestrian-friendly environment.	Evaluate needed infrastructure and funding options, including a Local Improvement District, LIFT/LRF funding (no funding currently), etc.	
Partnerships/ Tools	Develop relationships and provide technical assistance to property owners about development tools, including New Market Tax Credits (this is an eligible area), tax credits, EB-5, etc. Convene a developer roundtable to evaluate development potential on specific sites.		

2.5 Kaiser/Harrison: Catalyze



Source: Thurston Regional Planning Council, 2011; BERK, 2013

Recent residential development in this area has led to a need for a neighborhood retail and service center. As a large site under one ownership, this area has the potential to fill a niche for services, retail, and multi-family housing.

LAND USE

Zoning	Medical Service/MF/Professional Office
Vacant acres	37.1
Pot'l acres for redev't	25.3

POPULATION AND EMPLOYMENT

Population	90
Housing units	88
Employment	400
<i>Industrial</i>	10
<i>Government</i>	50
<i>Retail</i>	10
<i>Other</i>	330
<i>Commercial</i>	

MARKET INFO

Average assessed land value per SF (2013)	\$2.77
Property sales since 2008	4 at \$12.02/sf
Office rent PSF / vacancy	\$16.82 / 10.9%
Retail rent PSF / vacancy	\$16.82 / 6.8%
Retail sales PSF	\$32.81

Sources: CoStar 2013 Westside Subarea, Thurston Regional Planning Council, City of Olympia

CURRENT DEVELOPMENT CHARACTER

- No construction has occurred in this opportunity area in the last 10 years.
- Multi-family development is occurring adjacent to this area. Several of the city's largest single-family projects are in close proximity, including College Station, Woodbury Crossing, Evergreen Heights, Bay Hill, and Cyrene.
- A small amount of retail uses exist within the study area, almost all related to food service.
- Presence of possible blight at the RV park on the SE corner of Kaiser and Capital Mall Drive.

POLICY GOALS

The City has not updated its policy goals for this area, but there is interest in mixed-use, retail development that would provide employment and services for surrounding neighborhoods. The City has funded an interchange justification report, which would continue the process of examining a full interchange with US 101 and Kaiser Road, which could significantly affect future development potential for the area.

DEVELOPMENT BARRIERS

- Inappropriate zoning for desired and market-supported use.
- Rents may not be high enough to support new multi-family residential development.

DEVELOPMENT AND PARTNERSHIP OPPORTUNITIES

The opportunity area is relatively undeveloped and has extensive greenfield (vacant and underutilized property) opportunities.

- **RETAIL:** Upgrades to Harrison, combined with neighboring housing, has improved the potential for retail development. Due to the areas proximity to the Capital Medical Center, commercial development associated with health-care and medical services is a future possibility. The large amount of housing and lack of retail establishments in the area may provide an opportunity for small, local serving retail.
- **MULTI-FAMILY:** While a large amount of housing development has occurred nearby, the area could likely support more.
- **OFFICE:** Rents on the Westside have been falling and vacancy rates are above 10%. West Olympia could incorporate Class A office space into a mixed-use development, especially medical offices near Capital Medical Center.

DEVELOPMENT INTEREST

The property owner was developing an office park, but is currently evaluating of the feasibility of shifting to a mixed-use development with retail, office, and residential. The State has also built a new building on the capitol campus, and has less need to develop additional office space in the area.

ACTIONS

	Short term	Mid term	Long Term
Regulatory	Address zoning issues by implementing a master planning, community renewal, or subarea planning aimed at encouraging zoning changes that permit retail and residential uses, such as High Density Corridor. Potentially, this work could be paired with a planned action.		
Infrastructure	Evaluate infrastructure needs with the property owner. New infrastructure should complement the potential addition of a highway interchange at Kaiser Road.	Develop an Interchange Justification Report to get state and federal approval to modify highway access. Note that the outcome of this report could require reconsideration of development vision for the site, and a more dynamic approach to public actions in the area.	
Partnerships/ Tools	Provide technical assistance to property owner about development tools, including New Market Tax Credits (this is an eligible area). Develop a relationship with key property owners in the area, including the vacant site and hospital.	Evaluate the use of low-interest hospital tax bonds for development adjacent to the hospital	

3. Launching an ongoing development strategy

This document evaluates opportunities for community and economic development in Olympia in a format defined by the Ad Hoc Committee, and proposes an initial set of actions for implementation. The list is “initial” because it is intended to provide a template and approach to reevaluating and adjusting the strategy as market conditions and development realities change in each opportunity area. As the City moves from short-term to mid-term actions, the actions identified in this strategy will likely evolve.

In this context of dynamic change, this report also proposes a new approach to addressing development opportunities in Olympia. **Perhaps the most important recommendation is the City should use this template and initial set of actions to develop a process for continuously reviewing and updating information related to the opportunity sites addressed in this report.** Related to this, the City will need to determine how to best develop the internal capacity for an ongoing process to support implementing priority investments in redevelopment projects, and to support ongoing community conversations about a development vision and strategy on a city-wide basis.

This new approach to community development should proactively:

- **Review changing market dynamics** to identify new barriers and opportunities to allow the City to invest in the most market-feasible projects.
- **Develop relationships with property owners and other stakeholders to learn about their interests and short-term and long-term development goals.** Given the barriers to development described in this report, the City will need to establish new partnerships with property owners and developers if it wishes to achieve development in the opportunity areas that is compatible with the City’s Comprehensive Plan. Community and neighborhood stakeholders are also critical to this process.
- **Continue and improve community conversations to better clarify and articulate desired development outcomes and coordinate stakeholders’ visions for development.** This work would help to refine the City’s policy goals for the opportunity areas and other areas through the comprehensive planning process. Given long-term demographic shifts, the City should support higher density, infill development to achieve multiple public policy goals.
- **Take advantage of opportunities when they present themselves,** which may mean that the City would focus on new opportunity areas, or move forward with actions in existing opportunity areas ahead of schedule.
- **Coordinate funding opportunities with other public stakeholders** (the County, transit agency, the Port of Olympia, the State of Washington, others) with the City’s CFP for major infrastructure investments that move the implementation forward.
- **Coordinate with planning and implementation in key opportunity areas.** Some initial steps toward implementation are already underway, including the Martin Way Corridor

Study and the Comprehensive Plan update. The Martin Way Corridor Study is evaluating infrastructure investments that can improve access and safety for all transportation modes, and spur higher density development. The City could consider combining subarea planning efforts with the comprehensive planning process for the Kaiser/Harrison and Division/Harrison areas.

In the short-term, the Ad Hoc CRA Committee has discussed the following steps to move this process forward:

1. **Engage with the full Council to determine how to best work with the Planning Commission, the Council of Neighborhood Associations and other key stakeholder groups on how to best initiate a process for annually reviewing development opportunity sites.**
2. **Consider how to best integrate this new approach into current planning processes such as the development of the Capital Facilities Plan and in particular, look for ways to connect the opportunity site review to the Comprehensive Plan.**
3. **Engage directly with the Planning Commission in discussions as to how to make use of the information about the 5 opportunity sites with their activities. The new methodology should provide a more relevant means of linking the annual work of the Planning Commission’s Finance Committee’s review of the city’s Capital Facilities Plan.**
4. **Convene a development roundtable (perhaps in conjunction with the Thurston County Economic Development Council) to discuss how to more effectively build predictability into the development of opportunity sites in order to build the confidence of investors and developers.**
5. **Work broadly to explain the City’s new vision for community development, gathering input from stakeholders on development opportunities for the sites discussed in this report and potential investments the City could make, and discuss potential development and redevelopment tools.**
6. **Clarify the City’s development toolkit.** Clearly establish active and potential tools the City has available for new development, and identify which areas are eligible for EB-5 funding, New Market Tax Credits, and any applicable City programs.

A Look Ahead

Work with the CAC to guide the development of the Community Renewal Process downtown. This next work, referred to as “Component B” or part two of the consultant team’s contract, focuses entirely on downtown Olympia. CRA is a valuable tool and should be employed in Olympia to begin to address blight and economic stagnation in a programmatic way. Under the guidance of the CRA Ad Hoc Committee and Council,

the consultant team should continue to work on the development of a Community Renewal Area Plan for downtown. In coordination with the Citizens Advisory Committee, this process will establish a focus area in the CRA Plan and potentially lead to a demonstration project in this area that builds the community's capacity to work together towards common goals and provide a model for working together in the future.

Endnotes:

¹ Population Forecast Allocations, Thurston County Cities and UGAs 2010-2035.

² Source: Washington Department of Personnel, 2013

³ Thurston County Employment Forecast Allocations, 2013. Thurston Regional Planning Council.

⁴ Source: Tacoma News Tribune article, June 25, 2013.

<http://www.thenewstribune.com/2013/06/25/2653062/jblm.html>

⁵ South Sound Military and Community Partnership (SSMCP). <http://www.jblm-growth.com/economics-workforce-development>

⁶ Population and Employment Countywide Forecast, 2012. Thurston Regional Planning Council.

<http://www.trpc.org/data/Pages/popfore.aspx>

⁷ Thurston County Employment Forecast Allocations, 2013. Thurston Regional Planning Council.

Downtown Olympia Community Renewal Area Feasibility Study

December 31, 2013

Prepared for:
City of Olympia

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Introduction and purpose

The City of Olympia asked ECONorthwest (ECO), together with Berk & Associates (BERK), to conduct an analysis of the feasibility of establishing a Community Renewal Area (CRA) to assist with implementation of economic and redevelopment goals in Downtown Olympia.

Specifically, the City has asked the ECO team, in collaboration with staff and a committee of Council policy directors (called “the Ad Hoc Committee”) to explore the following questions in its analysis and report:

- Should Olympia use Community Renewal? What benefits could it bring to improve redevelopment outcomes in Downtown?
- What are the technical, legal, or political challenges to creation of a CRA?
- What would be the best structure for Community Renewal governance?
- Are there key opportunity sites that could benefit from Community Renewal in the near term?
- What other tools can be used to help achieve the community vision for those opportunity sites and the downtown area?
- How can these tools be blended and/or sequenced to optimize their effectiveness?

This document provides findings from ECO’s analysis and summarizes recommendations from the ECO team and from the Ad Hoc Committee.

What is Community Renewal? What problems can it solve?

Cities across the United States have, from their start, been players in shaping where and how they develop. Some activities that cities undertake indirectly affect private development outcomes, such as development code and zoning policy, construction and maintenance of infrastructure, provision of public services, and the establishment of tax and fee structures that provide incentives for various types of development. However, especially as our urban areas grow and age and development becomes more challenging, many cities find that these indirect tools are insufficient for achieving their desired outcomes.

Cities that are directly involved in real estate development often partner directly with the private sector on key opportunity sites. In some cases they will work with the existing property owners and provide various forms of assistance to redevelop or rehabilitate those sites. In other cases the public will acquire sites, lead the community in articulating a vision for them, and select development teams to turn that vision into reality. In many cases, public sector incentives are used to ensure that various public benefits accrue from these developments. By controlling the property disposition process, the public sector is able to influence private development outcomes in much more direct ways.

In Washington, however, cities do not have the authority to acquire private property and transfer it to private parties for development. The State's "lending of credit" provisions, and definition of "public purpose" related to condemnation do not allow Olympia to acquire and dispose of property to private developers, if City or State funds are involved. Without this critical power, cities in Washington have a more limited ability to implement their land use and economic development plans as a property owner.

Washington's Community Renewal Law, however, provides cities with an option to overcome the State's other restrictions on transferring publically acquired property to private developers in certain circumstances, and when sufficient community process has been undertaken to ensure need, as outlined in RCW 35.81. This process includes: identifying a specific CRA based on detailed findings of blight, establishing a Community Renewal Plan by adoption of a Council ordinance and resolution after notification of the public, defining specific Community Renewal Projects to be carried out in the Urban Renewal Area for the purpose of alleviating blight through redevelopment and rehabilitation, and specifically identifying any properties to be acquired or disposed of if needed for implementation of a Community Renewal Project. Community Renewal law also provides the other tools for overcoming blight, such as the ability to change zoning and to bond against certain revenues to fund development when the legal conditions set forth in the statutes are met. Table 1 shows the City powers to affect redevelopment with and without Community Renewal as a tool.

If these conditions are all met and a CRA formed in a community, the public sector has access to a few additional tools to help shape development in the areas that need the most assistance.

Table 1: City powers with and without Community Renewal

Property ownership by City	Without CRA	Additional abilities with CRA in place
Buy, lease, condemn, acquire real property	Allowed, but not with intent to be resold to private party for economic development	Allowed with preference to resale to private parties*
Hold, clear, or improve real property	Allowed, but only for public facilities	Allowed for both public or eventual private use
Dispose of real property	Allowed, but not with intent to be resold to private party for economic development	Allowed with preference to resale to private parties*
Zoning changes	Without CRA	Additional abilities with CRA in place
Rezone property	Allowed as a Planned Area	Allowed as a spot zone regardless of GMA/Comprehensive Plan cycle
Use resources to master plan private property	Not allowed since it can be construed to benefit private property	Allowed
Create special districts with unique rules	Allowed in a limited way as part of the Planned Area zoning	Allowed
Private partnerships	Without CRA	Additional abilities with CRA in place
Enter into a developer agreement	City can only sell property it owns through competitive bid without strings attached.	Before purchasing property, the city can identify partners to develop all or some. City can also dictate to buyers how the property will be used.
Select buyer who agrees to further CRA goals	Not allowed	Allowed after some kind of competitive process or any non-profit buyer without competitive process
Execute contracts and other instruments	Allowed to carry out City purposes only	Allowed to carry out CRA purposes as well
Provide incentives to tenants who help fulfill the Community Renewal Plan	Allowed with limitations	Allowed with more flexibility
Building infrastructure	Without CRA	Additional abilities with CRA in place
Build and repair roads, parks, utilities	Allowed	Allowed
Close, vacate & rearrange streets and sidewalks	Allowed for city purposes	Allowed to promote economic development as well
Borrow money and accept grants to carry out Community Renewal	Not allowed	Allowed
Form Local Improvement Districts to finance	Allowed	Allowed
Incentives and impacts	Without CRA	Additional abilities with CRA in place
Provide loans, grants, or other assistance to property owners or tenants affected by the Community Renewal process	Not allowed, except in aid of lower income persons	Allowed
Provide financial or technical incentives for job creation or retention	Not allowed	Allowed
Relocate persons affected by Community Renewal	Not allowed except for persons affected by condemnation for public facilities	Allowed

Source: City of Shoreline Washington, adapted by ECONorthwest

Key findings from analysis

Our findings are drawn from a variety of sources, including interviews with key stakeholders (property owners, city officials, informed citizens); discussions with the Citizens Advisory Committee; market studies conducted by BERK for Downtown Olympia, as well as other areas

of the City as part of this process; and research about other Washington cities' experience with Community Renewal.

Opportunities

Our analysis found consensus among all stakeholders that there are development opportunities in Downtown. Specifically:

- Many sites in Downtown are underutilized and have potential to accommodate new development. There are 3.5 vacant acres and 49.4 redevelopable acres in Downtown.¹
- Downtown boasts significant infrastructure and public facilities that are amenities for new development, including: Heritage Park, Percival Landing, Sylvester Park, Historic Downtown, Transit Center, Greyhound Bus Depot, Capitol Lake, Budd Inlet, waterfront access, Capitol Theater, Washington Center for Performing Arts, WET Science Center, Hands-On Children's Museum, public library, post office, and Capitol Campus.
- Low vacancy rates and recent modest growth in rents for multi-family residential units citywide suggest that there is near-term demand for multi-family housing or mixed-use development in Downtown. Citywide rental rates have increased for three straight years, from \$785 per unit in 2010 to \$855 in 2013. Vacancy rates have remained low in recent years, including 3.9% in 2013. There is interest among the development community in new multi-family housing development that could capitalize on easy access to services, transit, and the waterfront.
- Adaptive reuse of existing buildings is a particularly attractive opportunity in the short term, as it has potential to provide space at a lower cost than new construction, and avoids creating additional inventory of office space in a relatively weak market. Recent adaptive reuse projects, including the Cunningham Building on Fourth Avenue and Brian Kolb's conversion of second and third floor office space into residential units, provide concrete evidence of this trend. In addition, there are opportunities for technical assistance and incentives for developers exploring adaptive reuse.

Challenges

There is also consensus that there are many challenges for Downtown development. Overall, the market analysis conducted as part of this research found that demand drivers for the downtown (particularly state government) are not growing in the near-term. Further, land is more expensive and, in many cases, development costs are higher in downtown. Properties therefore have a higher redevelopment hurdle than sites elsewhere in the city and county, where there are plenty of lower cost vacant and/or greenfield sites to build on. Table 2 on the next page identifies a number of more specific challenges, includes a list of tools that Olympia could use to address them, and describes the potential role that Community Renewal could play if the City chooses to move forward.

¹ Thurston Regional Planning Council, 2011; BERK, 2013.

Table 2. Challenges and tools in Olympia

Key challenges	Notes or details	Tools	CRA role?
Blighted and / or abandoned buildings	Isthmus site, Griswold's, and F&W site are all examples of abandoned or underutilized buildings that should be demolished and /or redeveloped to improve Downtown.	The City has authority to remove blighted structures in preparation for development for a public use, and does not require any special tools for that process. Community Renewal, however, is the only tool that addresses blighted buildings to allow for private development.	Community Renewal would allow Olympia to acquire properties with blighted buildings for the purpose of transferring the property to private developers. In a Community Renewal context, the City can also use the disposition process to incent development that achieves public vision. A Public Development Authority could assist in the redevelopment process, or provide an alternative approach, especially if significant federal or other non-local funding and/or public-private partnerships are involved.
Lack of public control / involvement in dev't process	State laws prohibit Olympia from acquiring property for the purpose of transferring to private parties for development.	Currently, indirect methods are available to the City (zoning and code, tax structure and incentives, infrastructure provision). The City can use Community Development Block Grants or Section 108 to acquire property and then sell it for private development—not via condemnation however. <i>(Note: this statement needs legal review)</i>	Without City ownership of a site, RFPs or RFQs from the City are unlikely to be successful in attracting quality developers. Community Renewal allows the City to acquire property for this purpose, providing the City with power to have more direct involvement in the development process.
Environmental contamination	Some downtown sites are “brownfields,” with lingering soil contamination from the pollution of previous land uses.	Numerous tools, including Local Improvement Districts (LIDs), Community Revitalization Financing, CERB/LIFT grants, and General Obligation (GO) bonds can be used to fund environmental cleanup.	Community Renewal specifically authorizes cities to undertake environmental cleanup, though it does not create new funding sources to fund these cleanup efforts. It would allow the City to partner with private development interests to affect cleanup of private property.
Construction costs due to fill	Much of Downtown built on fill; construction costs are high because deep pilings are needed.	Can use Section 108 to help offset construction costs, as well as New Market Tax Credits and EB-5, under the right circumstances	Some tools (Section 108 in particular) give the City a seat at the table without transferring the property to the City. Community Renewal gives the City a better opportunity to control the disposition process through site acquisition.
Flooding and sea level rise	The risk of flooding, particularly in the light of rising sea levels, could lead to more costly development conditions for shoreline properties.	Numerous tools, including LIDs, Community Revitalization Financing, CERB/LIFT grants, and GO bonds can be used to fund infrastructure improvements to protect against flooding.	Community Renewal does not have a specific role in addressing this challenge.
High office vacancy / low rental rates	Vacancy rates for office have risen for four consecutive years, reaching 9.7% in 2013. Office rents have fallen over that same period of time from \$19.61 to \$15.69 per SF.	Tax abatements, Tax Credits (including New Market, Historic), Section 108, Business Improvement Areas, can be used to improve the financial pro forma for new office development.	Community Renewal does not have a specific role in addressing this challenge, except that, for key sites that are public priorities or in public ownership, CRA can allow the public sector to work more directly with a developer on a redevelopment strategy and potentially write down land costs to overcome some of these challenges.
Negative perception of downtown	Stakeholder interviews revealed many concerns about crime, cleanliness, and homelessness.	Parking and Business Improvement Areas, Main Street Program, and Main Street Tax Incentive Program can be used to promote Downtown.	Community Renewal does not have a specific role in addressing this challenge.
Property ownership	There are few prime parcels available for redevelopment; many are Port owned.	Where Port or some other public agency already owns a site, there is opportunity to partner with City and blend tools like Section 108, NMTCs, EB5, etc. On private prime sites, the city can work with willing existing owners and help apply tools above.	Community Renewal allows the City to acquire property for this purpose, providing the City the opportunity to incentivize new private development in Downtown. Ports are allowed to transfer land to private parties for commercial development.

*For Glossary of Terms, see Appendix A

Findings regarding use of Community Renewal in Olympia

It is technically feasible to use Community Renewal in downtown Olympia. The primary requirement for technical feasibility of creating a CRA is that the area be “blighted.” RCW defines blight as any of a long list of potential characteristics. We have found that several of the characteristics of blight can be found in portions of Downtown Olympia, including: physical obsolescence of buildings, faulty lot layout, insanitary or unsafe conditions, existence of hazardous soils, diversity of property ownership, and conditions that endanger life or property by fire or other causes.

At the same time, our research and interviews identified stakeholder concerns and regarding key aspects of Community Renewal:

- As stated earlier, adopting a CRA requires a finding of “blight.” Some stakeholders expressed concerns about the perception that a formal finding of blight in downtown might have on the ability to attract private investment and support economic development goals. In practice, “blight” is a common part of most urban or Community Renewal statutes around the country.
- Many stakeholders expressed concerns about the ability to use condemnation authority through Community Renewal. Through its ongoing research, ECO is continuing to explore the ways in which other communities in Washington have used (or chosen not to use) this authority, and the implications it has had on redevelopment options.
- Community conversations around development in Olympia in general have been contentious.

Given these concerns, we find that while adoption of a CRA is technically feasible, it is likely to spur many community conversations and may face political challenges in adoption and implementation.

Consultant recommendations

Based on these key findings, we make the following recommendations:

- **The City of Olympia should pursue the adoption of a CRA for Downtown.** Community Renewal significantly enhances the City’s redevelopment tool kit by adding a critical acquisition tool. Private property acquisition and the ability to dispose of that land for private redevelopment gives the City a powerful tool for key opportunity sites in Downtown. It positions the City to take action on other sites in the future as the City moves through its downtown master planning process that will identify strategic and catalytic redevelopment needs. Community Renewal gives the public sector a more formidable seat at the development table that should enable more viable and better-quality private redevelopment while achieving a greater public good and overcoming blight.
- **More detailed site or area planning would be helpful.** To create a workable plan, it is necessary to describe the activities that will be undertaken in the CRA to overcome blight.

To get agreement among stakeholders on these important plan details, additional community conversation would be helpful. Much of the early conversation about CRA has centered on the Isthmus properties. The fact that a large portion of this area is under public ownership, that health and safety blight exist there, and that other public investments in Percival Landing and public open space are contemplated and should be coordinated suggest the Isthmus as a logical focal area.

- **A coming master plan process will be complimentary to this effort.** The City intends to create a Downtown Master Plan starting in 2014 that clearly defines a vision for downtown, including goals, objectives, and specific actions to be taken to implement the vision. This Master Plan will help provide focus and purpose to Community Renewal efforts. The Master Plan should identify and prioritize the complimentary public infrastructure needed to support the redevelopment efforts that could be supported with Community renewal, including connectivity for pedestrians, open space needs, and other public amenities.
- Because Community Renewal can be a controversial tool, it is important to **work with key stakeholders and the general public to ensure that this tool has broad support.** We recommend the City address these political challenges with a clear and honest conversation about Community Renewal and its abilities to influence Downtown development efforts. This will require clarification from City staff and leadership regarding the purpose of CRA, the specific project activities, boundary, and other key components of a new CRA. Ideally, these questions will be answered in a collaborative process that includes stakeholders.
- Downtown is a high priority area for Olympia, but it is just one among many areas of the City that can benefit from public sector involvement in the development process. **The City should consider Downtown's place with in a larger portfolio of development opportunities,** using the current research and recommendations conducted as part of the ECO team's contract as a starting place. Downtowns are complex, with diverse property ownership, building types and uses, public space and other elements that require special and ongoing attention. For most cities, downtowns are a top priority but not the only priority. Olympia needs to focus resources like Community Renewal and complimentary tools Downtown, but it should continue to make progress with planning and development efforts and appropriate tools elsewhere, including Division/Harrison, Sleater-Kinney and Martin, and Kaiser/Harrison.
- **Community Renewal, by itself, will not solve the challenges of Downtown.** The City should pursue Community Renewal as one tool out of many that the City can use to implement its downtown revitalization efforts. The challenges table, provided earlier in the introduction, highlights some of these potential tools.

Ad Hoc committee recommendations

Because the Ad Hoc committee was involved in a detailed review of the ECO team's evaluation and facilitated a number of more in-depth conversations with stakeholders, they developed a separate set of recommendations on key Community Renewal elements to guide the Council in their decision-making.

Boundary and properties of interest

The Ad Hoc Committee discussed several boundary options, and selected the option in

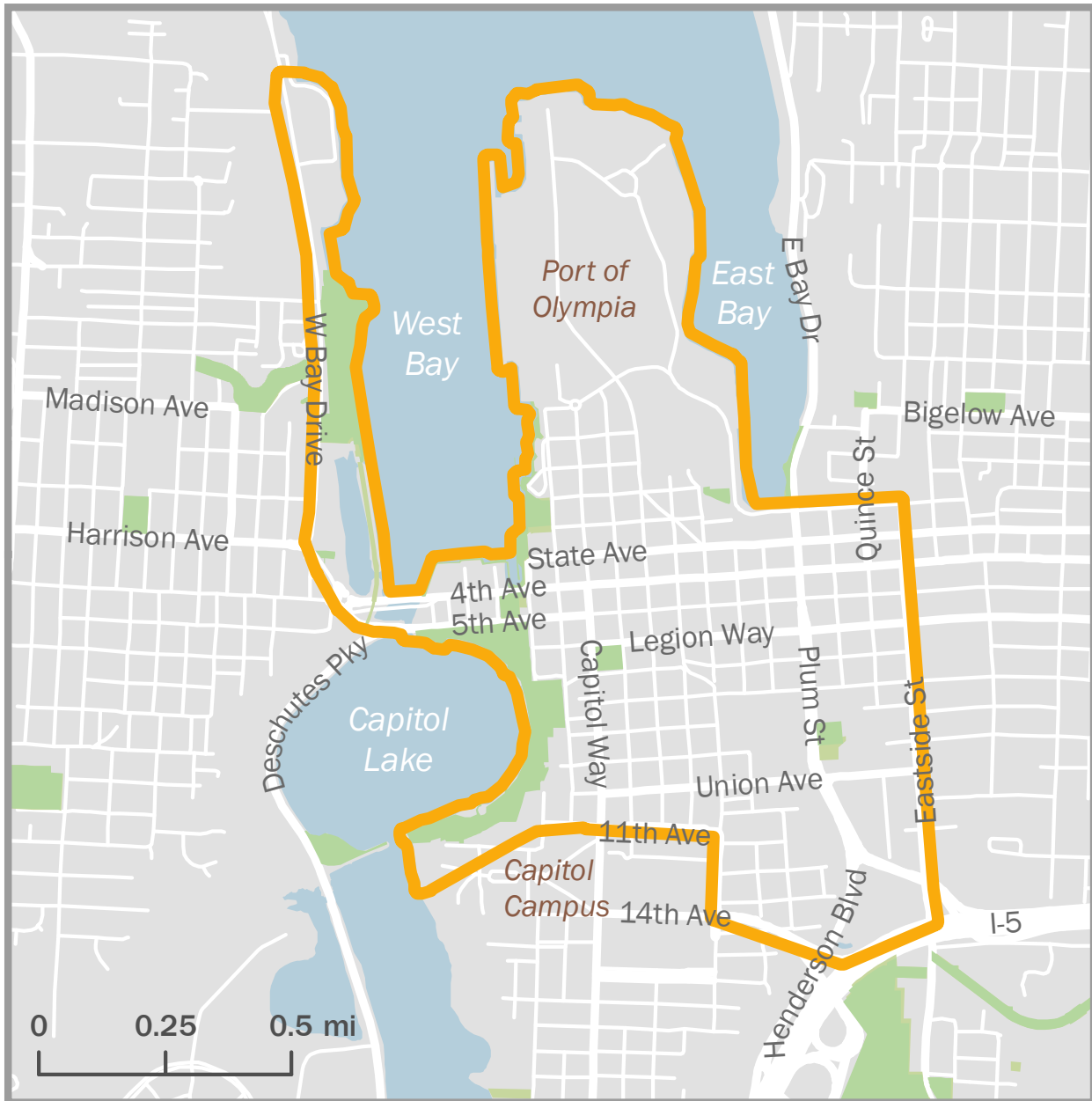
Figure 1 below. They felt that that boundary option best aligned with the City's intent for the creation of a new CRA: to remove or address barriers to redevelopment, as outlined in the statutes guiding the use of CRA, and to initiate new partnerships on the Port properties. The following barriers are hindering the ability of the private sector to invest in downtown Olympia, can be addressed through a new CRA, and are found throughout boundary Option #3:

- Blighted buildings (that meet statutory "health and safety" blight requirements).
- Soil contamination.
- Liquefaction.
- Sea level rise / storm surge.
- Aging infrastructure.
- High ground water and soils (increases development costs, complicates parking development).
- Diversity of property ownership.

In its discussion of projects, the Ad Hoc Committee discussed the following five properties that should be further evaluated in the Community Renewal Plan process.

- Reliable Steel property on West Bay Drive.
- Former Health Department property on the Isthmus.
- Former Thurston County Housing Authority property on the Isthmus.
- Capital Center property including vacant lot north of 4th Avenue on the Isthmus.
- Griswald's Property on 4th Avenue.

Figure 1. Preferred Downtown Olympia Community Renewal Area boundary



Source: ECONorthwest.

Approach to use of condemnation

The Ad Hoc Committee discussed the use of condemnation for economic development purposes, an authority that the state grants to the governing body of a CRA. Recognizing that the use of condemnation is contentious, the Ad Hoc Committee wants to add a set of binding criteria to the Community Renewal Plan that will limit the ability of a future CRA governing body to use condemnation except in compliant circumstances.

The Ad Hoc Committee discussed the following potential criteria for consideration of condemnation: for any property or building the City must find that the property meets the statutory definition of health and safety blight (a higher standard than “economic blight”) and has been vacant and economically unproductive for a period of five years or longer.

Governance

Ad Hoc committee recommends that the Council serve as the Community Renewal agency board. By doing so, the City retains control over the Community Renewal process, since all actions must be approved by the City Council directly.

Process for creating a Community Renewal Plan

CRAs require a workable plan that outlines uses of public and private funds to eliminate or prevent the spread of blighted areas, steps to encourage redevelopment, and activities that will achieve the goals of the plan. The plan must:

- Conform to the comprehensive plan.
- Indicate with some specificity what land is to be acquired, buildings demolished or redeveloped, and what improvements are to be carried out.
- Outline the plan’s relationships to appropriate land uses, improved traffic and transportation, public utilities, recreation and community facilities.
- Address the need for replacement housing.

As a next step, the Mayor and staff wish to initiate a design workshop focused on the Isthmus area to further community conversations about community development in downtown. The design workshop would engage the CAC and Isthmus area property owners in a design process that will serve the following dual purposes:

- Develop and test an engagement methodology that can be used for other complex community development projects in the future, serving as a model for involving stakeholders in productive decision making; and
- Evaluate community-supported opportunities for Isthmus area redevelopment, and potentially to advance the Community Renewal process by identifying the activities that might be included in a Community Renewal Plan.

Adoption steps

- The plan is drafted, consistent with the provisions of the Growth Management Act

- The Council holds a public hearing on the plan after publishing notice in the newspaper and giving written notice to all property owners in the area
- The Council may adopt the plan if it finds that the plan:
 - Is feasible.
 - Conforms to the comprehensive plan (which may be amended to accommodate the Community Renewal Plan).
 - Involves private enterprise as much as feasible.
 - Is financially sound.
 - Designates an area of concern that is blighted.

Attachments

- A. Market conditions summary
- B. Detailed blight findings
- C. Development incentives glossary



Economic Development Proposal

Downtown Olympia Redevelopment Project

Request for Proposal

308 – 310 4th Avenue East
Downtown Olympia
Former Griswold property

Responses Due by Friday, Sept 23, 2016 at 4pm

Delivery in Person | City of Olympia
Attention: Renée Sunde
601 4th Ave E | Olympia, WA 98507-1967

Delivery by Mail | City of Olympia
Attention: Renée Sunde
PO Box 1967
Olympia, WA 98507-1967

More Information
olympiawa.gov/RFP
Contact Renée Sunde, Economic
Development Director
rsunde@ci.olympia.wa.us | 360.753-8591

Request for Proposals

Downtown Olympia 308 – 310 4th Ave East, Former Griswold Property

The City of Olympia seeks proposals to partner in a mixed-use development in Downtown Olympia. The subject property was recently acquired by the City of Olympia to encourage the removal of blight and to further redevelopment on this critical block in the City's Downtown.

This opportunity for partnership comes at an exciting time in Downtown Olympia. The City has invested millions of dollars in Downtown, including a new City Hall, rebuilding a significant portion of its waterfront boardwalk, renovating its performing arts center and building a new children's museum, all within blocks of the former Griswold site. These investments are paying dividends; several significant private sector projects are either under construction or recently completed that will add to Downtown's vibrancy. These projects include several adaptive reuse projects that converted vacant office space to mixed-use buildings, a new six-story 138-unit apartment building with structured parking and 7,000 square feet of ground floor retail and a four story 36 unit new apartment building located on Legion Way. Local lending partners also recognize this opportunity, with Thurston First Bank recently announcing a \$10,000,000 loan pool directed at Downtown redevelopment.

Enhancing the livability and vibrancy of Downtown is one of the City of Olympia's highest priorities. The City's recently updated Comprehensive Plan sets forth the City's overall vision for Downtown. Some key elements of that vision describe Downtown as:

- The social, cultural and economic center of the region
- An attractive place to live, work and play
- A complete neighborhood with a mix of office, retail and residential uses – including 25% of the City's future residential growth (about 5,000 people)
- A place that contains public art, significant landscaping, and public spaces throughout

The City is serious about achieving successful public-private partnerships, and has taken several steps to prepare to welcome a development partner:

- The City has retained the National Development Council (NDC) to provide technical assistance related to development finance. The NDC is expert in economic and housing development and brings years of experience and expertise to the table in helping local governments work effectively with private sector partners. NDC has also partnered with the City to create the Grow Olympia Fund to assist small business

Request for Proposals Former *Griswold Property*

expansion and is providing underwriting services for a \$1,500,000 Section 108 Guaranteed Loan Fund that could be applied to a project at the proposed site.

- The City has established a community redevelopment tool known as a Community Renewal Area (CRA - Chapter 35.81 Revised Code of Washington) to incent reinvestment in underdeveloped and blighted properties. The CRA covers all of Downtown Olympia, including the former Griswold site.
- Recent community engagement forums indicate strong support for this process and the right redevelopment project in Downtown.

The City seeks a development partner who understands the City's objectives and wants to create a project that enhances the existing Downtown and contributes to the social, environmental and economic health of the community, setting the bar for new development in our Downtown. Through this partnership the City proposes to sell the property to the selected developer and enter into an agreement for its redevelopment.

The RFP that follows summarizes the opportunity, including market area characteristics, a Downtown profile, development requirements and objectives, site details and potential city incentives and programs. Enclosed you will find detailed submission requirements and the process for reviewing proposals.

We look forward to reviewing your RFP submission. If you have any questions or need further information, please contact Renée Sunde, Economic Development Director, at (360) 753 - 8591 or cra@ci.olympia.wa.us.

Sincerely,

STEVEN HALL

City Manager

Olympia and the Downtown Area

Population and Location

Olympia is the capital of the State of Washington and the County seat of Thurston County. It sits on the picturesque southern-most shore of Puget Sound. The City has a nationally recognized reputation as one of the most livable cities in the U.S. It has an estimated 2016 population of about 51,020 (update when OFM releases 2016 numbers) and projected growth of approximately 50% over the next 20 years. Thurston County had an estimated population of 267,410 in 2015 and a projected population of 370,600 in 2035. A strong and highly educated public employment base, combined with a vibrant economy and excellent schools, create an environment that engenders a strong sense of community and an excellent long-term economic outlook.

Downtown Olympia

Downtown Olympia is the historic urban hub of Southern Puget Sound, with an emphasis on cultural, entertainment, and recreational opportunities naturally associated with its role as the economic center of the region. Olympia is waterfront-oriented, with a modern seaport, marinas, recreational uses, public boardwalk and outstanding views. Downtown Olympia is home to the Washington State Capitol, seat of county government, with associated political, administrative, professional, and tourist activities. It is also an historic area, with much of the state's and region's past reflected in the layout, design, and character of its buildings.

Our strong educational network of local colleges and universities contribute to the active social and entertainment scene in our Downtown. Four Downtown theaters host live shows, movies and concerts nearly every night of the week. Olympia offers a wide variety of local restaurants with several new eateries that have successfully launched in the past year.

Our Vision

Over the past twenty years, Downtown has benefitted from over \$150 million in investment in public infrastructure and amenities. The City is looking to capitalize on that investment by adopting a Downtown Strategy that will provide a plan for achieving the vision for Downtown. Through the CRA, the City seeks to engage more directly with the developers to ensure that new development is market supported and advances the goals of the Downtown Strategy to meet public needs.

Our vision for Downtown Olympia is a vibrant, attractive regional destination where residents contribute to a vital and safe city center. The Downtown we desire is full of distinctive pedestrian-oriented places and spaces, supports ownership and use of cars as a choice, not a necessity, includes dense housing that encourages sustaining use of land, and supports full use of alternative transportation modes.

Amenities in Downtown Olympia

This RFP presents an extraordinary opportunity to develop an important downtown project in an area that includes the following amenities:

- An historic Downtown
- An active employment and activity center
- Over 400 local restaurants, shops, and services
- A full service grocery store
- The second largest farmer’s market in the state
- Theaters, including the Washington Center for the Performing Arts
- Percival Landing, the waterfront boardwalk, with trail connections running along the shore of Budd Inlet
- Sylvester Park, Heritage Park, Artesian Commons and Fountain Park
- The Dash -- a free shuttle bus connecting the Capitol Campus with Downtown Olympia
- The Intercity Transit Center
- The State Capitol Campus
- The Olympia Center
- The Hands on Children’s Museum, voted “Best Family Entertainment”
- The WET Science Center
- Views of Budd Inlet, the Olympic Mountains, Mount Rainier, Capitol Lake, Heritage Park, and the State Capitol

Development Opportunities

The Community Renewal Act provides the City with tools to eliminate blight, to encourage private sector participation in Downtown renewal and shape development in furtherance of the City’s goals of creating a safe and welcoming Downtown for all and increasing commerce and private investment. The Community Renewal Plan is a means to increase commercial activity in Downtown and stabilize the City’s revenue base by encouraging and ensuring quality development through public/private partnerships.

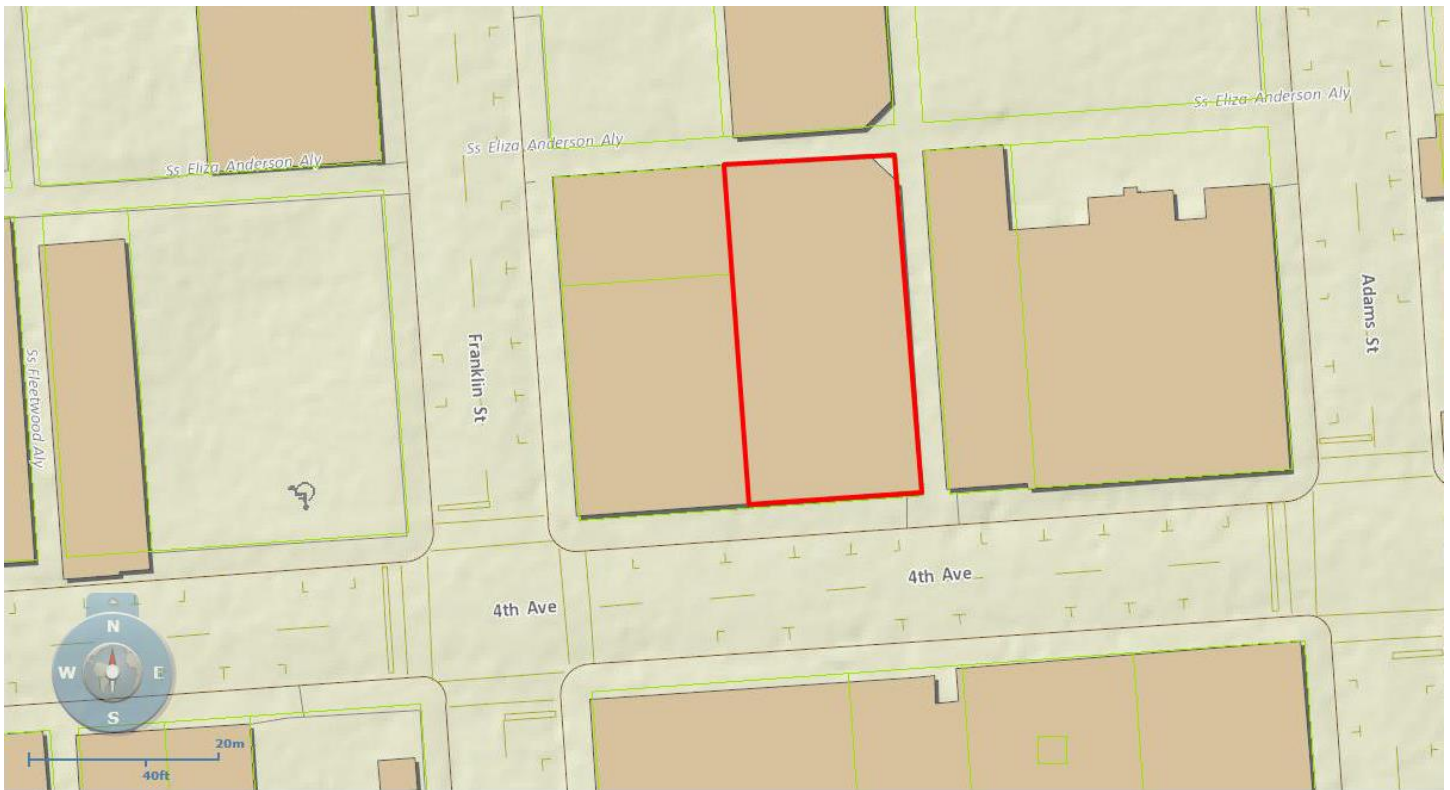
The City is committed to promoting high quality Downtown redevelopment and is looking for a private development partner to help make it happen. The City is willing to put its resources into a project that meets public objectives that include the removal of blight, Downtown renewal and the furtherance of City goals.

308 – 310 4th Ave. East – Former Griswold Property

The City seeks redevelopment proposals for a project on the former Griswold Property located at 308 – 310 4th Ave. East. The City is most interested in proposals that will return this property to productive economic use quickly. At the same time, the City is interested in the longer-term vision for the surrounding properties and views the redevelopment of the proposed site as potentially catalytic to additional redevelopment opportunities in Downtown Olympia.

See Figure 1.

Figure 1. Former Griswold Property, 308 – 310 4th Ave. East



The Griswold site consists of .17 acres (or about 7,405 square feet) of property. A shell of the building remains on site. It is anticipated that this structure will be razed and that a new multiple story building will replace it. The building was a complete loss in a fire in 2004. A recent structural evaluation indicates that the existing walls, foundation and the remaining roof would need to be razed and replaced with code compliant construction.

The 300 Block of 4th Avenue is in the heart of Olympia's Entertainment District with numerous restaurants, bars and theaters all within close proximity. The City sees this as a key area for redevelopment of Downtown that will have substantial positive impact on the immediately-surrounding properties as well as the broader Downtown.

Development Requirements and Objectives

The City envisions vibrant mixed-use development on the proposed site with the goal of bringing more market rate housing and ground floor retail/restaurant space into Downtown Olympia.

- **Residential** - The residential component of the project may either be rental or owner occupied. The unit characteristics (number of bedrooms, size, configuration of common areas, etc.) are left to the development partner to determine. Mixed income projects will also be considered.
- **Retail/Commercial** - 4th Ave is a "Pedestrian A" Street. Projects proposed along the City's Pedestrian A Streets (Olympia Municipal Code (OMC) Chapter 18.16) must include a retail/commercial component. The developer may determine how to address the inclusion of this project component in a manner consistent with the City's land development regulations. Downtown has an eclectic mix of more than 400 unique independent retailers, restaurants, and service businesses; developers are encouraged to seek opportunities to enhance this mix.
- **Parking** -The City encourages the development team to consider a variety of ways of meeting the project's parking needs. The City's land development regulations (OMC 18.38.160 C) do not require that parking be provided for new residential buildings or for existing buildings in Downtown. The City will consider this project to be a redevelopment of an existing building and will not require additional parking to be provided for the project.
- **Construction Standards** – Alternative Materials and Methods. The provisions of OMC Chapter 16.05 may be used to design and construct mixed-use apartment buildings as an alternative to complying with the Olympia Building and Construction Regulations. Buildings complying with this chapter may be designed and constructed so that the first story and/or the second story of a structure are constructed of Type IA Construction, and the remaining stories of Type VA construction. Please see OMC 16.05 for code alternative details.

Site Details

Utilities

Utilities are available to most sites in Downtown.

Environmental and Geotechnical Findings

- Environmental Investigation: A Phase I Environmental Characterization has been completed for the site and is available for review.
- Flood: Review the FEMA Flood Insurance Rate Map for Downtown Olympia for flood zone information. Sea level rise issues will be addressed through the development review process and will require flood proofing of the building.

Site Control

The City of Olympia acquired the former Griswold site through a negotiated purchase on or about June 1, 2016 for \$300,000. The City has clear title to the property.

Design Review

The RFP offers an opportunity to develop an attractive building in Olympia's historic Downtown area and will be subject to the City's design review regulations including OMC Sections 18.100, 105, 110 and 120 as well as Chapter 18.16 Pedestrian Street Overlay District. The City anticipates that this project will set a high standard for all future development through the use of high quality durable materials, timeless design principles and sensitivity to the context of Olympia's Downtown. Designs that respect the historic nature of Downtown will be more successful in the design review process and are encouraged.

Heritage Register

The subject property is of historic interest in that it once housed a movie theater. The property is not on the historic register or within a historic district.

Appraisal Information

The City has an appraisal of the former Griswold property conducted in 2015. This information will be made available to interested parties upon request.

City Incentives and Programs

The City may offer one or more of the following incentives to the selected developer depending on the benefit to the community from the proposed redevelopment project, the project's ability to meet requirements for eligible programs, and the results of negotiation of a comprehensive development agreement:

- Negotiable terms for sale of the property;
- Residential property tax exemption (See OMC Chapter 5.86 for exemption requirements);
- Priority permitting;
- Loans through the City's Section 108 and Grow Olympia Fund Loan Programs;
- Infrastructure and frontage improvements;
- Remediation of contaminated soil;
- Demolition of existing structures;
- Public finance technical assistance through the NDC;
- Potential to lease nearby city-owned parking.

Proposal Requirements and Preferences

Details on the development requirements and objectives are provided earlier in this RFP. In summary: the City is interested in entertaining project proposals that will result in a near-term redevelopment project that is market feasible, attractive and impactful. The most desirable project will be a mixed-use building and ideally will include market rate housing. The project design is an important aspect of the selection process; however, the City recognizes that market viability is equally important. The City anticipates negotiating a development agreement or other legal instrument with the selected partner that will contractually establish the sale of the property, project design, project timeline and any specific terms for the City's involvement in the project.

Requirements for Proposal Responses

1. Identify and describe the developer, including developer's name, corporation name (if applicable) or business name, addresses, telephone numbers, fax numbers, e-mail addresses, and the name of the primary project contact.
2. Identify each person or entity involved with the project team, including development partners, technical partners (architects, engineers, others), and briefly describe their respective roles, including:
 - Information regarding the team member's experience and qualifications.
 - Resume of key team members.
3. Demonstrate financial capacity of developer and development partners, including guarantors.
4. Describe the developer's relevant project experience for up to 5 projects. The City is most interested in current or recently completed projects in similar markets. Projects described must illustrate the developer's experience with construction projects similar in scope and size to the proposed project. The City is particularly interested in assessing the developer's experience in participating with public/private partnerships. Submit photos or drawings and the following information, for projects used to demonstrate experience:
 - Project name and location
 - Description or renderings of project size and scope, including the number of units and unit type (e.g., 20 studios; 25 1-bdrm) along with square footage costs for apartments, condos, and retail.
 - Approach to project financing including sources and uses tables (1: uses: breakdown of total project costs into hard and soft costs, developer fees, etc. and 2: sources of funds, amount of debt, equity, and public participation, etc.)
 - Date project conception, date project started construction and date construction completed.
 - Challenges and obstacles addressed during the development and construction process.
 - Other types of public financial participation (provide your capital stack).
 - Name of the developer's project manager and contact information.
 - Name of the architect and contact information.
 - Name of the construction manager or general contractor and contact information.
 - Contact name and information of the primary public official who worked with the developer on the project.
5. Briefly describe experience or strategy for marketing and managing urban redevelopment projects including approaches to public participation.
6. In this proposal, please provide your best thinking, in narrative form, about your initial concepts for each of the following:
 - The anticipated target market for the project.
 - Expected mix of uses (residential market rate and mixed income, if any) and retail including an estimate of the approximate amount of square footage for each component and the number of units and stories anticipated.
 - Floor plans showing the location of key project elements.
 - Building elevations showing general building design.
 - Preliminary description of possible project financing including sources and uses tables (1: uses: breakdown of total estimated project costs into hard and soft costs for each use type, developer fees, etc. and 2: sources of funds, amount of debt, equity, and public participation, etc.)
 - Proposed development schedule outlining the developer's anticipated project timeline and key milestones such as due diligence period, execution of a development agreement, construction, and occupancy.

Evaluation and Selection

Evaluation Criteria

Evaluation of RFP responses will be based upon the following:

1. Developer Experience:
 - Success in developing similar urban redevelopment projects
 - Quality of representative projects
 - Qualifications of project team and key project managers
 - Financial capacity
 - Experience in partnering with the public sector in redevelopment projects
2. Proposal Requirements and Preferences:
 - Degree to which the preliminary development concept and site design meets the RFP requirements and preferences
 - Demonstrated market viability
 - Project timing and commitment to move forward
 - Sustainable and resource-efficient standards that may include design, construction, renovation and demolition are preferred
 - Innovative and creative design elements are encouraged

Public process will be required as part of the consideration of the development agreement and project approval.

The City anticipates entering into exclusive negotiations with a developer following the initial screening and evaluation process and will result in a development agreement. All projects will be reviewed and approved through the City's normal development review processes.

General Provisions and Conditions

The City reserves the right to:

- Reject any and all responses
- Negotiate with more than one redevelopment partner
- Waive minor irregularities in a response
- Cancel, revise, or extend this solicitation
- Request additional information on any response beyond that required by this RFP
- Modify the selection process set forth in this RFP upon written notification to all respondents who have not been rejected at the time of modification

Selection

The City of Olympia shall have the final decision on the developer selection and whether to move forward with a selected team or not. The City will use a selection committee consisting of the Community Planning and Development Director, Economic Development Director, Chair of the Community and Economic Revitalization Committee and members of the consultant team. This team will review proposals, conduct interviews with respondents and make a recommendation to the City Council.

Pre-Submission Conference

One pre-submission conference will be offered on August 5 at 1:30 p.m. in Council Chambers at the Olympia City Hall 601 4th Avenue East, Olympia, Washington. The purpose of the conference is to answer questions about the proposed site. Attendance by a representative of each proposer is encouraged but not mandatory. A walking tour of Downtown and site will be conducted following this session. Please contact Keith Stahley (360) 753-8227 or kstahley@ci.olympia.wa.us for directions or questions.

Submission Requirements and Schedule

Interested developers must submit 1 paper copy of the response to the RFP, including a letter of interest outlining response requirements and preferences and 1 electronic copy. Limit the responses to no more than 20 pages. The City will become owner of all submitted materials and will not pay any costs related to any responses to the RFP.

The City reserves the right to modify the timeline and to issue addenda to this document.

RFP Action	Approximate Completion
Issue Request For Proposals	July 22, 2016
Pre-Submission Conference and Tour	August 5, 2016
Release of RFP Addendum <i>(if necessary)</i>	August 26, 2016
RFP Responses Due	September 23, 2016
Preliminary Consideration by City Council	November 1, 2016
City Council Review and Approve Development Agreement	December 6, 2016

Selected developer may be invited to give a presentation on all aspects of the proposal, including design concepts, development cost, financial capacity/lender commitments, terms of site acquisition, and implementation schedule to Community and Economic Revitalization Committee and/or the City Council.

Exhibits

Exhibit A: Phase 1 Environmental Characterization

Exhibit B: Appraisal

Contact Information

Renée Sunde

Economic Development Director

360.753.8591 | cra@ci.olympia.wa.us

To obtain an electronic copy of this information please email cra@ci.olympia.wa.us.



City Council

Approval of a Request for Proposal for the City-owned Property known as the Former Griswold Property

Agenda Date: 7/12/2016
Agenda Item Number: 6.A
File Number: 16-0826

Type: decision **Version:** 1 **Status:** Other Business

Title

Approval of a Request for Proposal for the City-owned Property known as the Former Griswold Property

Recommended Action

Committee Recommendation:

The Community Economic Revitalization Committee was briefed on the Request for Proposal (RFP) on June 13, 2016 and recommends approval of the Resolution and the RFP.

City Manager Recommendation:

Move to approve the recommendation of the Community Economic Revitalization Committee to approve a Resolution and RFP for the former Griswold property.

Report

Issue:

Whether to approve the Resolution to issue an RFP for the former Griswold Property.

Staff Contact:

Renée Sunde, Economic Development Director, Community Planning & Development Department, 360.753.8591

Presenter(s):

None. Consent item.

Background and Analysis:

The Community Renewal Plan builds on the CRA Resolution by identifying the first action: the redevelopment of the City-owned parcel located at 308-310 Fourth Ave E, commonly referred to as the former Griswold property. The Plan as it is structured is intended to evolve as new projects and actions are identified. These future projects will be added to the Plan through an amendment process.

The Community Renewal Plan identifies as the first action the issuance of a Request for Proposal

(RFP) seeking a private development partner for the redevelopment of the City-owned parcel located at 308-310 Fourth Ave E, commonly referred to as the former Griswold property. Approval of the Resolution will initiate the process of seeking a private development partner to redevelop the Griswold's property.

Request for Proposal - Downtown Redevelopment Opportunity

The City is seeking a qualified development partner who will fulfill the City's primary objective to create a vibrant mixed-use development on the property. Through this partnership, the City proposes to sell the property to the selected developer and enter into an agreement for its redevelopment. The project concepts presented by the selected partner should support existing businesses and contribute to the social environmental and economic health of the community.

The subject property was recently acquired by the City to encourage the removal of blight and to further redevelopment on this critical block in the City's Downtown core. The City is most interested in proposals that will quickly return this property to productive economic use. At the same time, the City is interested in the longer-term vision for the surrounding properties and views the proposed redevelopment of the site as potentially catalytic to additional redevelopment opportunities in Downtown Olympia. There are significant redevelopment opportunities on the subject block and within close proximity to the site with nearly 50% of the block currently used for parking.

Staff recommends that a screening process similar to that used for the Water Street Redevelopment Area be used to evaluate the responses and develop a recommendation for consideration by the Community and Economic Revitalization Committee and City Council. The Selection Committee will use the screening criteria in the RFP to develop a recommendation for City Council consideration.

Neighborhood/Community Interests (if known):

Over the past several years there has been significant interest throughout the community in understanding the challenges for downtown development and the tools available to assist in the removal of blight.

Through the work of the Downtown Strategy hundreds of citizens have been engaged in an ongoing effort to plan for the future of Downtown. The former Griswold property is in the heart of Olympia's Entertainment and Artisan Tech character areas and remains a significant blight in the area.

There has been much interest from neighbors in the initial stages of development of the CR Plan, acquisition of the property and development of the RFP. The objective of the CR Plan is to quickly return the property to productive economic use as is the objective of the RFP.

Options:

1. Approval the Resolution for the RFP.
2. Direct staff to modify the RFP.
3. Do not adopt the Resolution for the RFP.

Financial Impact:

The City has recently closed on the subject property with the intent of partnering with the selected development team for redevelopment of the subject property and to return it to economic use.

Type: decision **Version:** 1 **Status:** Other Business

Attachments:

Resolution No. 2 - Approving a Request for Proposals for the Former Griswold Property
Request for Proposal Griswold Property

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY OF OLYMPIA, WASHINGTON
APPROVING A REQUEST FOR PROPOSALS FOR GRISWOLD
PROPERTY DEVELOPMENT**

WHEREAS, by Resolution No. M-1844 approved on July 12, 2016, the City Council of the City of Olympia (the "City") approved a community renewal plan (the "Plan") in accordance with the Community Renewal Law codified at chapter RCW 35.81 RCW (the "Act") for the elimination of blight at 308-310 Fourth Avenue East (the "Griswold Property") through the solicitation of proposals by private entities for the purchase of the Griswold Property from the City and its subsequent development as a mixed use project; and

WHEREAS, the City has developed a request for proposals to implement the Plan with respect to the Griswold Property which is attached hereto and incorporated herein by the reference (the "RFP");

NOW, THEREFORE, THE OLYMPIA CITY COUNCIL DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. Approval of the Request for Proposal. The City approves the RFP in substantially the form attached here and authorizes the City Manager to distribute it and seek proposals in accordance with its terms. Upon receipt and evaluation of proposals, the City Manager or his designee shall review and, if appropriate, make a recommendation to the City Council with regard to implementation of the Plan through a contract with an RFP respondent.

PASSED BY THE OLYMPIA CITY COUNCIL this ____ day of _____, 2016.

MAYOR

ATTEST:

APPROVED AS TO FORM:


CITY ATTORNEY



Economic Development Proposal

Downtown Olympia Redevelopment Project

Request for Proposal

308 – 310 4th Avenue East
Downtown Olympia
Former Griswold property

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Delivery in Person | City of Olympia
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Attention: Renée Sunde
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Olympia, WA 98507-1967

More Information
olympiawa.gov/RFP
Contact Renée Sunde, Economic
Development Director
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Request for Proposals

Downtown Olympia 308 – 310 4th Ave East, Former Griswold Property

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This opportunity for partnership comes at an exciting time in Downtown Olympia. The City has invested millions of dollars in Downtown, including a new City Hall, rebuilding a significant portion of its waterfront boardwalk, renovating its performing arts center and building a new children's museum, all within blocks of the former Griswold site. These investments are paying dividends; several significant private sector projects are either under construction or recently completed that will add to Downtown's vibrancy. These projects include several adaptive reuse projects that converted vacant office space to mixed-use buildings, a new six-story 138-unit apartment building with structured parking and 7,000 square feet of ground floor retail and a four story 36 unit new apartment building located on Legion Way. Local lending partners also recognize this opportunity, with Thurston First Bank recently announcing a \$10,000,000 loan pool directed at Downtown redevelopment.

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- A complete neighborhood with a mix of office, retail and residential uses – including 25% of the City's future residential growth (about 5,000 people)
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Request for Proposals Former *Griswold Property*

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We look forward to reviewing your RFP submission. If you have any questions or need further information, please contact Renée Sunde, Economic Development Director, at (360) 753 - 8591 or cra@ci.olympia.wa.us.

Sincerely,

STEVEN HALL

City Manager

Olympia and the Downtown Area

Population and Location

Olympia is the capital of the State of Washington and the County seat of Thurston County. It sits on the picturesque southern-most shore of Puget Sound. The City has a nationally recognized reputation as one of the most livable cities in the U.S. It has an estimated 2016 population of about 51,020 (update when OFM releases 2016 numbers) and projected growth of approximately 50% over the next 20 years. Thurston County had an estimated population of 267,410 in 2015 and a projected population of 370,600 in 2035. A strong and highly educated public employment base, combined with a vibrant economy and excellent schools, create an environment that engenders a strong sense of community and an excellent long-term economic outlook.

Downtown Olympia

Downtown Olympia is the historic urban hub of Southern Puget Sound, with an emphasis on cultural, entertainment, and recreational opportunities naturally associated with its role as the economic center of the region. Olympia is waterfront-oriented, with a modern seaport, marinas, recreational uses, public boardwalk and outstanding views. Downtown Olympia is home to the Washington State Capitol, seat of county government, with associated political, administrative, professional, and tourist activities. It is also an historic area, with much of the state's and region's past reflected in the layout, design, and character of its buildings.

Our strong educational network of local colleges and universities contribute to the active social and entertainment scene in our Downtown. Four Downtown theaters host live shows, movies and concerts nearly every night of the week. Olympia offers a wide variety of local restaurants with several new eateries that have successfully launched in the past year.

Our Vision

Over the past twenty years, Downtown has benefitted from over \$150 million in investment in public infrastructure and amenities. The City is looking to capitalize on that investment by adopting a Downtown Strategy that will provide a plan for achieving the vision for Downtown. Through the CRA, the City seeks to engage more directly with the developers to ensure that new development is market supported and advances the goals of the Downtown Strategy to meet public needs.

Our vision for Downtown Olympia is a vibrant, attractive regional destination where residents contribute to a vital and safe city center. The Downtown we desire is full of distinctive pedestrian-oriented places and spaces, supports ownership and use of cars as a choice, not a necessity, includes dense housing that encourages sustaining use of land, and supports full use of alternative transportation modes.

Amenities in Downtown Olympia

This RFP presents an extraordinary opportunity to develop an important downtown project in an area that includes the following amenities:

- An historic Downtown
- An active employment and activity center
- Over 400 local restaurants, shops, and services
- A full service grocery store
- The second largest farmer’s market in the state
- Theaters, including the Washington Center for the Performing Arts
- Percival Landing, the waterfront boardwalk, with trail connections running along the shore of Budd Inlet
- Sylvester Park, Heritage Park, Artesian Commons and Fountain Park
- The Dash -- a free shuttle bus connecting the Capitol Campus with Downtown Olympia
- The Intercity Transit Center
- The State Capitol Campus
- The Olympia Center
- The Hands on Children’s Museum, voted “Best Family Entertainment”
- The WET Science Center
- Views of Budd Inlet, the Olympic Mountains, Mount Rainier, Capitol Lake, Heritage Park, and the State Capitol

Development Opportunities

The Community Renewal Act provides the City with tools to eliminate blight, to encourage private sector participation in Downtown renewal and shape development in furtherance of the City’s goals of creating a safe and welcoming Downtown for all and increasing commerce and private investment. The Community Renewal Plan is a means to increase commercial activity in Downtown and stabilize the City’s revenue base by encouraging and ensuring quality development through public/private partnerships.

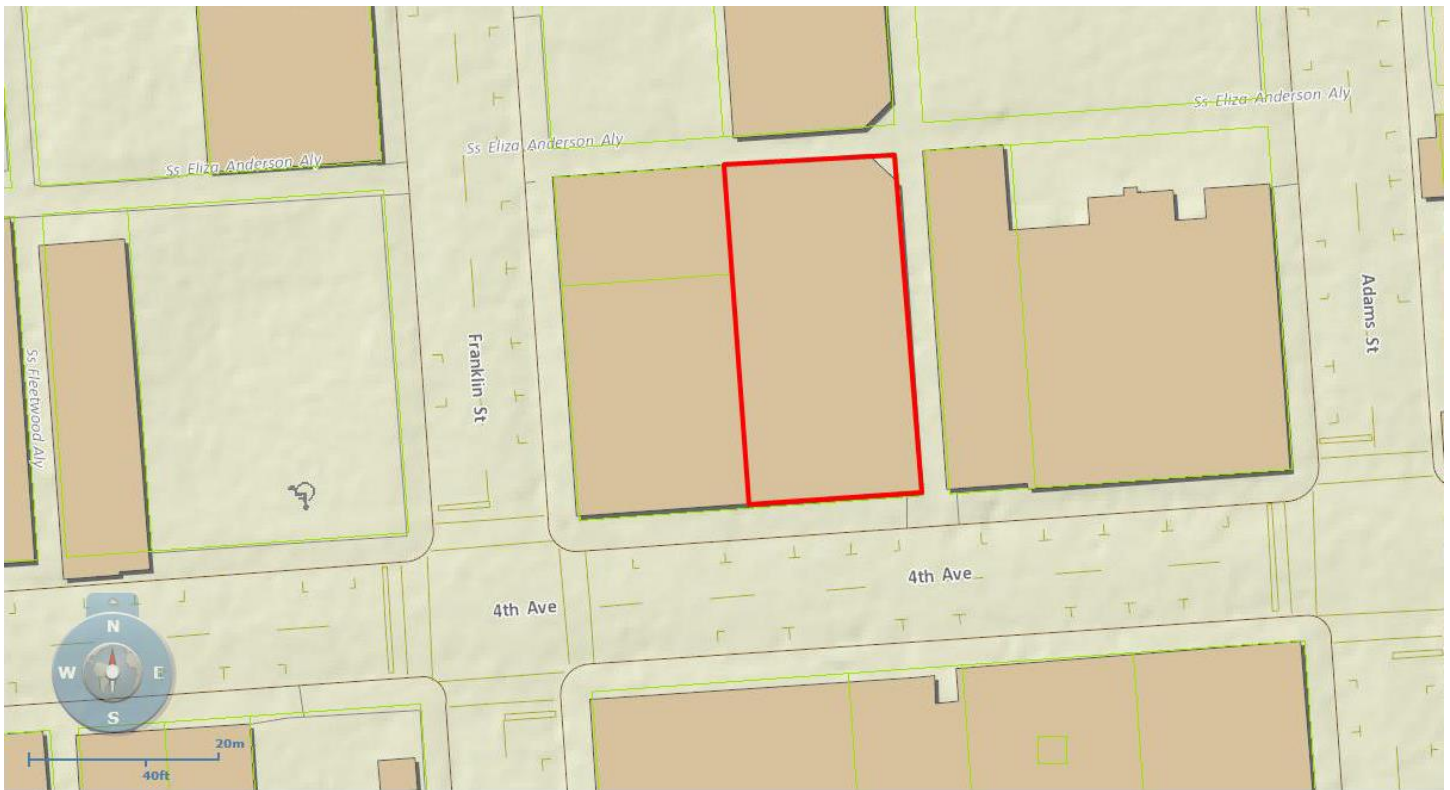
The City is committed to promoting high quality Downtown redevelopment and is looking for a private development partner to help make it happen. The City is willing to put its resources into a project that meets public objectives that include the removal of blight, Downtown renewal and the furtherance of City goals.

308 – 310 4th Ave. East – Former Griswold Property

The City seeks redevelopment proposals for a project on the former Griswold Property located at 308 – 310 4th Ave. East. The City is most interested in proposals that will return this property to productive economic use quickly. At the same time, the City is interested in the longer-term vision for the surrounding properties and views the redevelopment of the proposed site as potentially catalytic to additional redevelopment opportunities in Downtown Olympia.

See Figure 1.

Figure 1. Former Griswold Property, 308 – 310 4th Ave. East



The Griswold site consists of .17 acres (or about 7,405 square feet) of property. A shell of the building remains on site. It is anticipated that this structure will be razed and that a new multiple story building will replace it. The building was a complete loss in a fire in 2004. A recent structural evaluation indicates that the existing walls, foundation and the remaining roof would need to be razed and replaced with code compliant construction.

The 300 Block of 4th Avenue is in the heart of Olympia's Entertainment District with numerous restaurants, bars and theaters all within close proximity. The City sees this as a key area for redevelopment of Downtown that will have substantial positive impact on the immediately-surrounding properties as well as the broader Downtown.

Development Requirements and Objectives

The City envisions vibrant mixed-use development on the proposed site with the goal of bringing more market rate housing and ground floor retail/restaurant space into Downtown Olympia.

- **Residential** - The residential component of the project may either be rental or owner occupied. The unit characteristics (number of bedrooms, size, configuration of common areas, etc.) are left to the development partner to determine. Mixed income projects will also be considered.
- **Retail/Commercial** - 4th Ave is a "Pedestrian A" Street. Projects proposed along the City's Pedestrian A Streets (Olympia Municipal Code (OMC) Chapter 18.16) must include a retail/commercial component. The developer may determine how to address the inclusion of this project component in a manner consistent with the City's land development regulations. Downtown has an eclectic mix of more than 400 unique independent retailers, restaurants, and service businesses; developers are encouraged to seek opportunities to enhance this mix.
- **Parking** -The City encourages the development team to consider a variety of ways of meeting the project's parking needs. The City's land development regulations (OMC 18.38.160 C) do not require that parking be provided for new residential buildings or for existing buildings in Downtown. The City will consider this project to be a redevelopment of an existing building and will not require additional parking to be provided for the project.
- **Construction Standards** – Alternative Materials and Methods. The provisions of OMC Chapter 16.05 may be used to design and construct mixed-use apartment buildings as an alternative to complying with the Olympia Building and Construction Regulations. Buildings complying with this chapter may be designed and constructed so that the first story and/or the second story of a structure are constructed of Type IA Construction, and the remaining stories of Type VA construction. Please see OMC 16.05 for code alternative details.

Site Details

Utilities

Utilities are available to most sites in Downtown.

Environmental and Geotechnical Findings

- Environmental Investigation: A Phase I Environmental Characterization has been completed for the site and is available for review.
- Flood: Review the FEMA Flood Insurance Rate Map for Downtown Olympia for flood zone information. Sea level rise issues will be addressed through the development review process and will require flood proofing of the building.

Site Control

The City of Olympia acquired the former Griswold site through a negotiated purchase on or about June 1, 2016 for \$300,000. The City has clear title to the property.

Design Review

The RFP offers an opportunity to develop an attractive building in Olympia's historic Downtown area and will be subject to the City's design review regulations including OMC Sections 18.100, 105, 110 and 120 as well as Chapter 18.16 Pedestrian Street Overlay District. The City anticipates that this project will set a high standard for all future development through the use of high quality durable materials, timeless design principles and sensitivity to the context of Olympia's Downtown. Designs that respect the historic nature of Downtown will be more successful in the design review process and are encouraged.

Heritage Register

The subject property is of historic interest in that it once housed a movie theater. The property is not on the historic register or within a historic district.

Appraisal Information

The City has an appraisal of the former Griswold property conducted in 2015. This information will be made available to interested parties upon request.

City Incentives and Programs

The City may offer one or more of the following incentives to the selected developer depending on the benefit to the community from the proposed redevelopment project, the project's ability to meet requirements for eligible programs, and the results of negotiation of a comprehensive development agreement:

- Negotiable terms for sale of the property;
- Residential property tax exemption (See OMC Chapter 5.86 for exemption requirements);
- Priority permitting;
- Loans through the City's Section 108 and Grow Olympia Fund Loan Programs;
- Infrastructure and frontage improvements;
- Remediation of contaminated soil;
- Demolition of existing structures;
- Public finance technical assistance through the NDC;
- Potential to lease nearby city-owned parking.

Proposal Requirements and Preferences

Details on the development requirements and objectives are provided earlier in this RFP. In summary: the City is interested in entertaining project proposals that will result in a near-term redevelopment project that is market feasible, attractive and impactful. The most desirable project will be a mixed-use building and ideally will include market rate housing. The project design is an important aspect of the selection process; however, the City recognizes that market viability is equally important. The City anticipates negotiating a development agreement or other legal instrument with the selected partner that will contractually establish the sale of the property, project design, project timeline and any specific terms for the City's involvement in the project.

Requirements for Proposal Responses

1. Identify and describe the developer, including developer's name, corporation name (if applicable) or business name, addresses, telephone numbers, fax numbers, e-mail addresses, and the name of the primary project contact.
2. Identify each person or entity involved with the project team, including development partners, technical partners (architects, engineers, others), and briefly describe their respective roles, including:
 - Information regarding the team member's experience and qualifications.
 - Resume of key team members.
3. Demonstrate financial capacity of developer and development partners, including guarantors.
4. Describe the developer's relevant project experience for up to 5 projects. The City is most interested in current or recently completed projects in similar markets. Projects described must illustrate the developer's experience with construction projects similar in scope and size to the proposed project. The City is particularly interested in assessing the developer's experience in participating with public/private partnerships. Submit photos or drawings and the following information, for projects used to demonstrate experience:
 - Project name and location
 - Description or renderings of project size and scope, including the number of units and unit type (e.g., 20 studios; 25 1-bdrm) along with square footage costs for apartments, condos, and retail.
 - Approach to project financing including sources and uses tables (1: uses: breakdown of total project costs into hard and soft costs, developer fees, etc. and 2: sources of funds, amount of debt, equity, and public participation, etc.)
 - Date project conception, date project started construction and date construction completed.
 - Challenges and obstacles addressed during the development and construction process.
 - Other types of public financial participation (provide your capital stack).
 - Name of the developer's project manager and contact information.
 - Name of the architect and contact information.
 - Name of the construction manager or general contractor and contact information.
 - Contact name and information of the primary public official who worked with the developer on the project.
5. Briefly describe experience or strategy for marketing and managing urban redevelopment projects including approaches to public participation.
6. In this proposal, please provide your best thinking, in narrative form, about your initial concepts for each of the following:
 - The anticipated target market for the project.
 - Expected mix of uses (residential market rate and mixed income, if any) and retail including an estimate of the approximate amount of square footage for each component and the number of units and stories anticipated.
 - Floor plans showing the location of key project elements.
 - Building elevations showing general building design.
 - Preliminary description of possible project financing including sources and uses tables (1: uses: breakdown of total estimated project costs into hard and soft costs for each use type, developer fees, etc. and 2: sources of funds, amount of debt, equity, and public participation, etc.)
 - Proposed development schedule outlining the developer's anticipated project timeline and key milestones such as due diligence period, execution of a development agreement, construction, and occupancy.

Evaluation and Selection

Evaluation Criteria

Evaluation of RFP responses will be based upon the following:

1. Developer Experience:
 - Success in developing similar urban redevelopment projects
 - Quality of representative projects
 - Qualifications of project team and key project managers
 - Financial capacity
 - Experience in partnering with the public sector in redevelopment projects
2. Proposal Requirements and Preferences:
 - Degree to which the preliminary development concept and site design meets the RFP requirements and preferences
 - Demonstrated market viability
 - Project timing and commitment to move forward
 - Sustainable and resource-efficient standards that may include design, construction, renovation and demolition are preferred
 - Innovative and creative design elements are encouraged

Public process will be required as part of the consideration of the development agreement and project approval.

The City anticipates entering into exclusive negotiations with a developer following the initial screening and evaluation process and will result in a development agreement. All projects will be reviewed and approved through the City's normal development review processes.

General Provisions and Conditions

The City reserves the right to:

- Reject any and all responses
- Negotiate with more than one redevelopment partner
- Waive minor irregularities in a response
- Cancel, revise, or extend this solicitation
- Request additional information on any response beyond that required by this RFP
- Modify the selection process set forth in this RFP upon written notification to all respondents who have not been rejected at the time of modification

Selection

The City of Olympia shall have the final decision on the developer selection and whether to move forward with a selected team or not. The City will use a selection committee consisting of the Community Planning and Development Director, Economic Development Director, Chair of the Community and Economic Revitalization Committee and members of the consultant team. This team will review proposals, conduct interviews with respondents and make a recommendation to the City Council.

Pre-Submission Conference

One pre-submission conference will be offered on August 5 at 1:30 p.m. in Council Chambers at the Olympia City Hall 601 4th Avenue East, Olympia, Washington. The purpose of the conference is to answer questions about the proposed site. Attendance by a representative of each proposer is encouraged but not mandatory. A walking tour of Downtown and site will be conducted following this session. Please contact Keith Stahley (360) 753-8227 or kstahley@ci.olympia.wa.us for directions or questions.

Submission Requirements and Schedule

Interested developers must submit 1 paper copy of the response to the RFP, including a letter of interest outlining response requirements and preferences and 1 electronic copy. Limit the responses to no more than 20 pages. The City will become owner of all submitted materials and will not pay any costs related to any responses to the RFP.

The City reserves the right to modify the timeline and to issue addenda to this document.

RFP Action	Approximate Completion
Issue Request For Proposals	July 22, 2016
Pre-Submission Conference and Tour	August 5, 2016
Release of RFP Addendum <i>(if necessary)</i>	August 26, 2016
RFP Responses Due	September 23, 2016
Preliminary Consideration by City Council	November 1, 2016
City Council Review and Approve Development Agreement	December 6, 2016

Selected developer may be invited to give a presentation on all aspects of the proposal, including design concepts, development cost, financial capacity/lender commitments, terms of site acquisition, and implementation schedule to Community and Economic Revitalization Committee and/or the City Council.

Exhibits

Exhibit A: Phase 1 Environmental Characterization

Exhibit B: Appraisal

Contact Information

Renée Sunde

Economic Development Director

360.753.8591 | cra@ci.olympia.wa.us

To obtain an electronic copy of this information please email cra@ci.olympia.wa.us.



City Council

Briefing on the Comprehensive Plan Action Plan

Agenda Date: 7/12/2016
Agenda Item Number: 6.B
File Number: 16-0697

Type: discussion **Version:** 3 **Status:** Other Business

Title

Briefing on the Comprehensive Plan Action Plan

Recommended Action

Committee Recommendation:

The Planning Commission discussed the Action Plan at its June 6 and June 20 meetings and provided a letter of recommendation to the City Council indicating the draft Action Plan is consistent with the Comprehensive Plan (Attachment 1).

The Land Use and Environment Committee has received regular briefings throughout development of the Action Plan, most recently March 17, 2016.

City Manager Recommendation:

Accept the Draft Action Plan framework (Attachment 2) and direct staff to continue its implementation.

Report

Issue:

Whether to accept the Draft Action Plan and direct staff to continue its implementation.

Staff Contact:

Leonard Bauer, Deputy Director, Community Planning and Development (CPD), 360.753.8206

Presenter(s):

Leonard Bauer, Deputy Director

Background and Analysis:

In 2014, Olympia adopted a new Comprehensive Plan with updated goals and policies that reflects our community's vision. Early in that planning process, the City Council identified a vital next step: Ensure the goals and policies become reality and have real "on the ground" impact by creating an Implementation Strategy or Action Plan with performance measures. The Comprehensive Plan's direction for the Action Plan is included in Attachment 3. Attachment 4 is an updated summary of the vision and goals of the Comprehensive Plan, organized into five Action Areas, with desired outcomes within each Action Area.

The Council Land Use and Environment Committee (LUEC) has provided an interdepartmental staff team with direction throughout development of the Action Plan.

A draft Action Plan was released in April 2015 and was the subject of an extensive public comment process. A summary of the major themes from the public comments - and how the new Draft Action Plan Team responds to those comments - are included in Attachment 5.

Responding to the public comments involved a major adjustment to the approach to the Action Plan. It has resulted in a web-based Action Plan, rather than a static document. This will provide more convenient public access, and more timely updates. It also provides for a more graphic display of the actions and strategies, and how they connect to the overall goals from the Comprehensive Plan. These graphic displays are called Results Maps.

The Draft Action Plan also defines the community indicators that will track progress toward the Comprehensive Plan goals. Baseline data is included for the indicators where available. Additional work will be needed to develop and maintain data for all indicators.

In the future, data for each community indicator will be presented in an annual report to the community. That report will then be used to update the Action Plan annually (see draft schedule in Attachment 6). The Action Plan also includes a list of long-term actions that could be considered for addition to the Action Plan during these annual updates.

At the June 6, 2016 Planning Commission meeting, the Commission received an update on the Action Plan. After discussion the proposal, the Commission authorized Chair Richmond to draft a letter to the City Council recommending approval of the Action Plan. At the June 20, 2016 Planning Commission meeting, the Commission approved forwarding the letter to City Council (Attachment 1).

Neighborhood/Community Interests (if known):

The Action Plan is a document that will have community-wide impacts.

Options:

1. Accept the Draft Action Plan framework and direct staff to continue its implementation.
2. Direct staff to work on specific changes to the Draft Action Plan and bring back to City Council for additional consideration.

Financial Impact:

None; this work item is already budgeted for 2016. Individual actions within the Action Plan may require additional resources to implement.

Attachments:

Olympia Planning Commission Signed Recommendation
Hyperlink to Draft Action Plan
Comprehensive Plan Direction for Action Plan
Comprehensive Plan Summary
Public Comment Summary
Action Plan Annual Update Cycle

Olympia Planning Commission

June 20, 2016

Olympia City Council
City Hall
Olympia, WA

Subject: Recommended Approval of Olympia's Draft Action Plan

Dear Council Members:

We are pleased to recommend approval of the City of Olympia's Draft "Action Plan" to implement the 2014-2034 Comprehensive Plan. This Action Plan will be updated annually to include new priorities, targets and actions. The idea for an Action Plan emerged from concerns that elements of the City's first Comprehensive Plan under the Growth Management Act (1994-2014) had not been adequately assessed for success, failure, and "lessons learned" before embarking on development of the Plan Update. Fortunately, the Planning Commission was able to answer questions about the effectiveness of the former plan and to proceed to completion of the updated plan, but this process probably took longer than would have been necessary had a systematic assessment of the former plan been in place.

The Draft Action Plan is designed to address this concern by creating a system or framework that links *actions to outcomes* in a logical sequence carried out over an annual cycle to ensure achievement of the Comprehensive Plan's 20-year vision. Known as "outcome-based" or "results-based" management, this system originated in the federal government and non-profit sector to measure success in areas that cannot easily be measured in monetary terms. This system is intended to help responsible parties report on how well goals are being met and money is being spent, when the return is not primarily monetary, but qualitative, such as social, health and environmental goals.

Key steps typically include:

1. **Vision:** What are we going to achieve? (found in Comprehensive Plan)
2. **Plan:** How are we going to do it? Who is going to do it? When? With what resources?
3. **Action:** What are we going to do in the next year or two?
4. **Review:** Did we accomplish what we set out to? Why or why not? How can we do better next time?

Olympia's Draft Action Plan

Olympia's Draft Action Plan focuses on five key areas (in no particular order):

1. Community Safety and Health
2. Downtown
3. Economy
4. Environment
5. Neighborhoods

Each area contains a summary of the vision and goals from the Comprehensive Plan, Action Items and Community Indicators. This distillation can also serve as a "dashboard" of information that can be easily communicated to the public.

As can be seen in this list, the five key areas also represent a balanced range of social, environmental, and economic objectives, which themselves form the pillars of a "sustainable" approach to community development.

Olympia's Draft Action Plan not only positions the City to achieve the Comprehensive Plan's vision, but fundamental City goals: Sustainability, Accountability, Transparency, and Civic Engagement.

Community Partnership

Achieving the Comprehensive Plan's vision and outcomes will require action by many different actors over time. A new approach to developing the annual Action Plan will be its dependence on a *community partnership* of City departments, County agencies, the non-profit and private sectors, and citizens to collect and report data. This will ensure that the City will not be solely responsible for collecting the range of required data; instead, this responsibility will be shared across the partnership. This interdependence will also promote community involvement and buy-in, which will help ensure the Action Plan's viability and overall quality.

Another way to engage the public would be to celebrate the release of the annual Action Plan and allow the public to share in the success that it will have helped to achieve.

Summary

We recommend that the Council approve this Draft Action Plan, so that the City has all the tools it needs to implement the Comprehensive Plan.

Many people were involved in the development of this Draft Action Plan over the past 18 months, which greatly improved its quality and ensures its responsiveness to public

concerns. We wish to thank everyone involved for their time and efforts, as well as to thank the Community Planning and Development staff for producing a first-rate product that is sure to pay dividends in the future. We thank the staff for their willingness to allow this product to evolve into its present form, and for their hard work and leadership. This is a product that reflects the goals of the Comprehensive Plan, that will be highly visible, and of which we can all be proud.

Respectfully yours,

A handwritten signature in blue ink, appearing to read "Carole Richmond". The signature is fluid and cursive, with a large initial "C" and a long, sweeping tail.

Carole Richmond, Chair
Olympia Planning Commission

[Home](#) » [City Government](#) » [Codes, Plans & Standards](#) » [Action Plan](#)

Olympia's Action Plan

Featured Links

[Downtown Strategy](#)

Navigation

[Codes, Plans & Standards](#)
[→ Municipal Code](#)
[→ Olympia Comprehensive Plan](#)
[→ OPD General Orders](#)
[→ Plans in Progress](#)

What is the Action Plan?

[Olympia's Comprehensive Plan](#) is the foundation of the Action Plan. It outlines our community's vision and goals and sets policy direction for how our community will grow and develop over the next 20 years.

- [View Comp Plan Vision Summary](#)

The **Action Plan** will prioritize how we will move that community vision forward and what steps we, as a community will take to make Olympia a great place to live, work and play.

The Action Plan will act as our community "to-do list", allow us to track our progress and report the results, and provide opportunities for everyone to get involved in achieving our shared vision.

What's Happening Now

The Olympia City Council will be considering final acceptance of the Action Plan at its public meeting on July 12 at 7:00 p.m

[View Public Comments](#)

- [Action Plan Partner Work Group Meeting Notes](#)
- [Comments Received by Email](#)
- [Draft Actions Public Comments](#)
- [Draft Indicators Public Comments](#)

Draft Action Plan

Action Areas

The Action Plan is broken into five key Action Areas. Each area contains a summary of the vision and goals from the Comprehensive Plan, Action Items and Community Indicators. (Note: The order in which Action Areas appear does **not** indicate a priority order.)

Community, Safety, & Health

Olympians Enjoy...



- Inclusive, Respectful, Civic Participation
- A Safe & Prepared Community
- Health and Wellness
- Adequate Food and Shelter
- A Quality Education

[How Do We Reach These Goals](#)
[How We Measure Our Progress](#)

Downtown

Olympians Enjoy...

- A Vibrant, Attractive Urban Destination
- A Safe and Welcoming Downtown For All
- A Mix of Urban Housing Options
- A Variety of Businesses
- Connections to Our Cultural & Historic Fabric

Indicators

 ACTION PLAN
COMMUNITY
INDICATORS


Comprehensive Plan

 OUR COMMUNITY'S
GUIDE FOR THE
FUTURE


New

 FINANCING OPTIONS
FOR SMALL
BUSINESSES


City Calendar

07/09 - 10:00 a.m.

[Volunteer Work Party](#)
07/10 - 10:00 a.m.

[Volunteer Work Party](#)
07/11 - 2:00 p.m.

[Loding Tax Advisory Committee](#)
07/11 - 5:30 p.m.

[LEOFF Disability Board](#)
07/11 - 6:30 p.m.

[No Hearing Examiner](#)
[→ View full calendar...](#)

City Updates

FIREWORKS IN OLYMPIA.

Reminder: The sale and use of personal fireworks is banned in Olympia. Please enjoy one of several professional fireworks displays in the area. Details can be found at: olympiawa.gov/fireworks

CALL FOR ARTISTS. Apply now to have your artwork considered for one of 10 new traffic box wraps in East Olympia. Submitted designs will be part of a public vote on the City's Facebook page. Winning designs will be fabricated and installed by the City. Artist will receive a \$500 honorarium. Submission deadline is **Thursday, July 28, 2016 at 5:00 p.m.** [More...](#)

CANOE JOURNEY

VOLUNTEERS. The City of Olympia and Port of Olympia are seeking volunteers to assist with Canoe Journey 2016 - Paddle to Nisqually on July 30. Volunteers are needed to help with hospitality and information, transportation, and safety and security. If interested, please sign up at portofolympia.com/328.

LEAD INFORMATION - OLYMPIA'S WATER QUALITY.

In the midst of recent news stories about lead and water quality, we have compiled some helpful information about Olympia's water system, our



Engaging Arts & Entertainment Experiences

[How Do We Reach These Goals](#)

[How We Measure Our Progress](#)

Economy

Olympians Enjoy...



- Abundant Local Products and Services
- A Thriving Arts and Entertainment Industry
- Sustainable Quality Infrastructure
- A Stable Thriving Economy

[How Do We Reach These Goals](#)

[How We Measure Our Progress](#)

Environment

Olympians Enjoy...



- Clean Water & Air
- A Daily Connection to Nature
- Preserved Quality Natural Areas
- A Toxin-Free Community
- A Waste-Free Culture

[How Do We Reach These Goals](#)

[How We Measure Our Progress](#)

Neighborhoods

Olympians Enjoy...



- Distinctive Places & Gathering Spaces
- Nearby Goods & Services
- Neighborhoods that are Engaged in Community Decision Making
- Safe and Welcoming Places to Live

[How Do We Reach These Goals](#)

[How We Measure Our Progress](#)

Annual Updates to the Action Plan

Each year we will report to the community on our progress toward the vision and goals in the City's Comprehensive Plan. This report will be used to update the Action Plan to ensure we are continuing to focus on priority actions.

- [View the Annual Action Plan Update Cycle](#)
- [View the list of Future Actions to be considered for addition to the Action Plan](#)

Olympians Taking Action

What does it mean to take action? Meet some Olympia community members who are excellent examples of innovative partnerships that are helping carry out our Comprehensive Plan vision on-the-ground!



quality control measures and how you can keep your water safe at home. [More...](#)

2016 ADOPTED BUDGET. [2016 Adopted Operating Budget](#) is now available to view online. For more information on Olympia's Budget process or how you can be involved please see our [Budget 365 page](#)

SATURDAY DROP-OFF SITE
The Saturday Drop-off Site is open every Saturday from 9:00 a.m. to 2:00 p.m. to accept recycling for free and yard waste for a small fee. [More...](#)

US 101/WEST OLYMPIA ACCESS PROJECT. Learn about the recommended highway ramp additions on US-101 at West Olympia. [More...](#)

LOW IMPACT DEVELOPMENT. Learn about the Low Impact Development code revision process and comment on the draft revisions. [More...](#)

OLYMPIA MUNICIPAL CODE. Quick link to codes and standards including [Olympia Municipal Code](#). 

MEETINGS. [Agenda and Minutes](#)  for City Council and most advisory committees.



Questions/Feedback

Contact CP&D Deputy Director Leonard Bauer at 360.753.8206 or takeaction@ci.olympia.wa.us

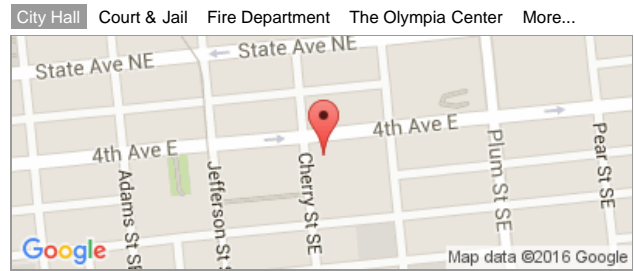
[back to top...](#)

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The City of Olympia is committed to the non-discriminatory treatment of all persons in employment and the delivery of services and resources.

City of Olympia, Washington
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Olympia, WA 98507-1967

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Olympia Comprehensive Plan

Direction for 'Action Plan'

COMPREHENSIVE PLAN - INTRODUCTION

Implementation - The Action Plan

This Comprehensive Plan does not include specific actions or measurements. A companion document to the Plan is an "action plan" or "implementation strategy" that will take the community's vision and goals as defined in the Comprehensive Plan, and lay out a path by which we can achieve them. Actions may take a variety of forms ranging from large construction projects to the creation of new guiding documents and plans.

The Action Plan will also be heavily focused on tracking our effectiveness and demonstrating success. A set of performance measures will show where we began and where we currently are in relation to our desired outcomes, with results reported back to the community. The action plan will be updated annually or biannually through a collaborative community process.

The City looks for partners from all sectors of the community to help implement the Comprehensive Plan through the Action Plan. Partners may include residents, businesses, developers, non-profits, the faith community, schools, neighborhood associations, other government agencies and organizations. Partnerships will help our community work together to realize our common vision.

PUBLIC PARTICIPATION CHAPTER

Goals and Policies

GP1 The City, individual citizens, other agencies and organizations all have a role in helping accomplish the vision and goals of the Comprehensive Plan.

PP1.1 Develop a strategy to implement the Comprehensive Plan goals and policies. Collaborate with partners, including City Advisory Committees and Commissions, neighborhoods, and other community groups, so that the strategy reflects community priorities and actions.

PP1.2 Annually measure and highlight progress towards achieving the Comprehensive Plan goals and policies. Engage the community in updating the strategy, publish performance reports, and recognize community partners who contribute to achieving the vision.

PP1.3 As the action plan is developed and carried-out, the City will provide education, technical assistance, volunteer opportunities and other methods to include the community in this work.

Comprehensive Plan Overview: Below is a summary of Olympia's 2014 Comprehensive Plan. The plan is our road-map for where we, as a community, want to see ourselves in 20 years. Our vision is a reflection of our community values.

Our Vision | Olympians Enjoy...

Community, Safety & Health

- Inclusive, Respectful, Civic Participation
- A Safe & Prepared Community
- Health and Wellness
- Adequate Food and Shelter
- A Quality Education



Downtown

- A Vibrant, Attractive Urban Destination
- A Safe and Welcoming Downtown For All
- A Mix of Urban Housing Options
- A Variety of Businesses
- Connection to Our Cultural & Historic Fabric
- Engaging Arts & Entertainment Experiences



Economy

- Abundant Local Products and Services
- A Thriving Arts and Entertainment Industry
- Sustainable Quality Infrastructure
- A Stable Thriving Economy



Environment

- Clean, Water & Air
- A Daily Connection to Nature
- Preserved, Quality Natural Areas
- A Toxin-free Community
- A Waste-Free Culture



Neighborhoods

- Distinctive Places & Gathering Spaces
- Nearby Goods & Services
- Neighborhoods that are Engaged in Community Decision Making
- Safe & Welcoming Places to Live





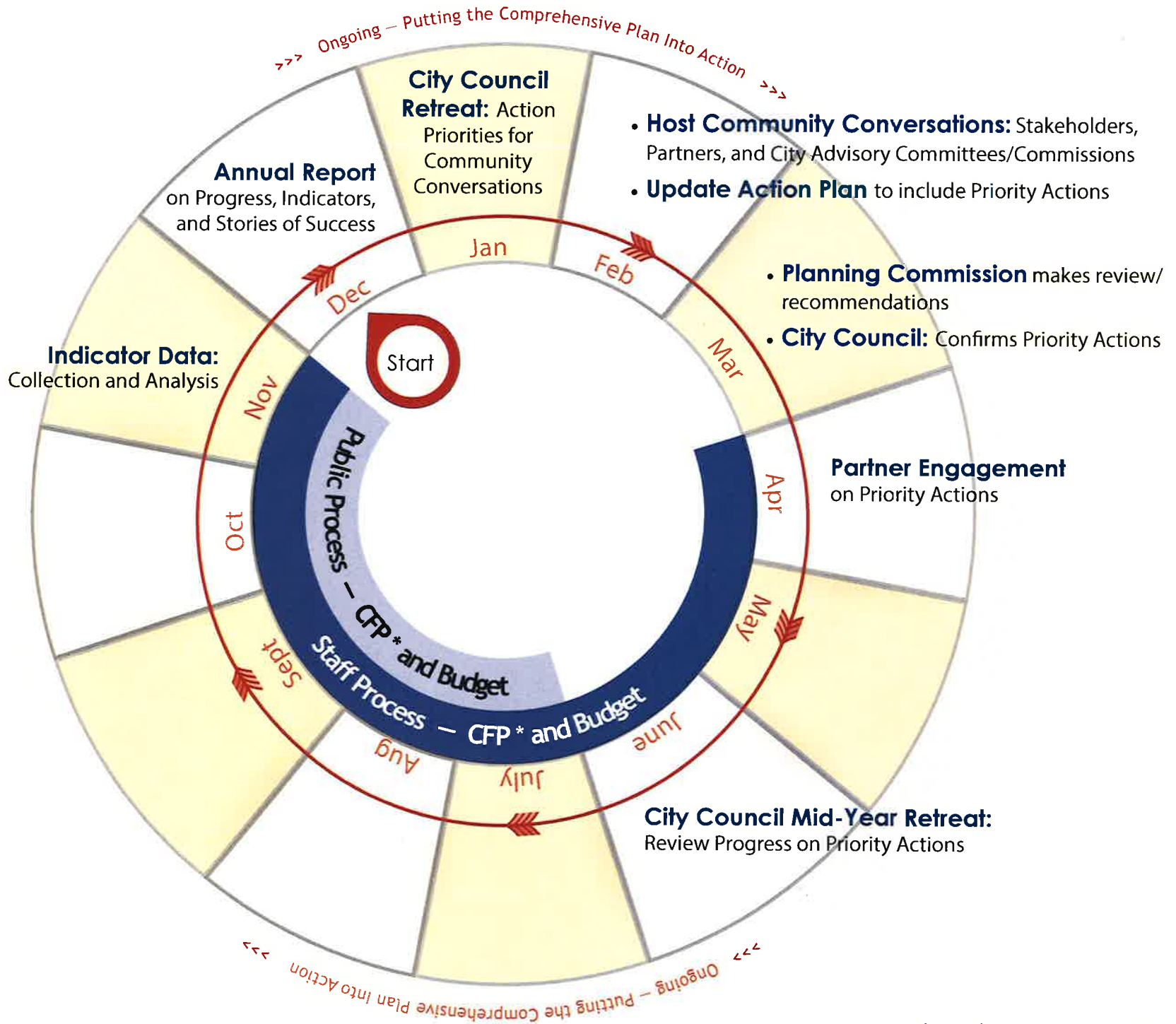
What we heard from you...

How we are responding.

Better connect the desired outcomes, indicators, and actions	Completing results maps (Also called “so that” logic chains)
Develop <i>community-wide</i> indicators and actions	Broadening indicators and actions beyond those on which the City has the greatest impact
Develop a Plan potential partners can get excited about	Engaging partners at the strategy or action level
Prioritize actions based on community values and interests	Prioritizing actions with an emphasis on community feedback, partner opportunities, and resource/funding availability
Address the real challenges our community faces (and not just the symptoms)	Revising and refining the actions to focus on solving “root causes;” better connecting actions to desired outcomes
The health and vibrancy of downtown is critical	Including Downtown in the first iteration of the Action Plan; sharing and coordinating with the Downtown Strategy process



Action Plan | Annual Cycle



*CFP - Capital Facilities Plan



City Council

Approval of a Resolution Concerning Inadequate Public Funding of Higher Education and a Regressive City Tax System

Agenda Date: 7/12/2016
Agenda Item Number: 6.C
File Number: 16-0833

Type: resolution **Version:** 1 **Status:** Other Business

Title

Approval of a Resolution Concerning Inadequate Public Funding of Higher Education and a Regressive City Tax System

Recommended Action

Committee Recommendation:

Not referred to a committee.

City Manager Recommendation:

Consider the proposed Resolution to address lack of adequate funding for post-secondary education and the local impact of regressive tax policies.

Report

Issue:

Whether to support the Resolution.

Staff Contact:

Steve Hall, City Manager, 360.753.8244

Presenters:

Steve Hall, City Manager

Background and Analysis:

Background:

1. In April, the City of Olympia became aware of a petition drive to place a ballot item before voters that would impose an excise tax on household incomes in excess of \$200,000. Subsequent legal and administrative analysis determined significant challenges, inconsistencies and concerns.
2. On May 17, the City Council passed, on a 4 - 3 vote, a motion to direct City staff to prepare a substitute ordinance that changed the proposal to a graduated income tax on all Olympia households.

3. On June 14, the Council reviewed the graduated income tax ordinance. After discussion, the Council, on a 4 - 3 vote, agreed to change the draft ordinance to a tax on unearned income.
4. On June 21, the City Council voted unanimously to remove from its agenda, the ordinance to impose a tax on unearned income for Olympia Residents

Analysis: The Opportunity for Olympia petition drive in Olympia has spotlighted two critical, yet complex areas of public policy in Washington State - inadequate public funding for higher education and a regressive State tax structure that places unequal burdens of taxation on lower and middle income residents.

While the Opportunity for Olympia petition and proposed ordinance contained drafting and legal weaknesses, the concept of greater education funding and a more fair tax system resonated with many Olympians.

Instead of a substitute ordinance, the City Council is being asked to consider a resolution to broaden and sharpen the City's role in impacting these two areas.

Neighborhood/Community Interests:
N/A

Options:

1. Adopt the draft ordinance.
2. Amend the resolution.
3. Decide not to support a resolution.

Financial impact:
n/a

Attachments:

- Resolution

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OLYMPIA, WASHINGTON, RECOGNIZING THE NEED FOR INVESTIGATION, STUDY, DELIBERATION, REFLECTION, PUBLIC ENGAGEMENT AND DIALOGUE INTO ISSUES RELATING TO (1) THE ROLE AND AUTHORITY OF MUNICIPAL GOVERNMENT IN PROVIDING OPPORTUNITIES FOR HIGHER EDUCATION AND VOCATIONAL TRAINING; (2) THE EFFECTS OF WASHINGTON'S REGRESSIVE STATE TAX SYSTEM ON OUR COMMUNITY; AND (3) COUNCIL'S CONCERNS ASSOCIATED WITH THE PROPOSED "OPPORTUNITY FOR OLYMPIA" INITIATIVE PETITION.

WHEREAS, the Olympia City Council recognizes and respects the high value Olympia's citizens place on collaborative engagement with their elected officials and local government to solve problems and to build confidence in public decision-making through active dialogue, investigation, study and reflection, which results in sustainable policies; and

WHEREAS, through RCW 35A.11.100 and Olympia Municipal Code Chapter 1.16, the City of Olympia provides authority to Olympia voters to directly initiate and enact legislation through the initiative process, and upon meeting the minimum standards, the issue must either be adopted by the Olympia City Council or submitted to the entire electorate of the City for adoption or rejection at a duly held election; and

WHEREAS, the local organization known as Opportunity for Olympia has embarked upon an initiative petition to increase local investment in higher education and respond to regressive inequities in our state and local public revenue system; and

WHEREAS, the specific mechanisms and content of Opportunity for Olympia's initiative petition and proposed ordinance present administrative flaws and questionable legal assertions which have not been resolved; and

WHEREAS, the Olympia City Council, recognizing the flaws in Opportunity for Olympia's initiative petition, attempted in good faith to find workable solutions to solve the administrative problems posed in the initiative petition; and

WHEREAS, the City Council was unable to fully and fairly investigate, study, reflect, deliberate and secure public engagement and dialogue into the complex issues and administrative flaws presented by Opportunity for Olympia's initiative petition; and

WHEREAS, the City Council recognizes that any attempt to address the cost of higher education and public revenue options will require long-term, systemic change based upon adequate study, public engagement, dialogue and deliberation; and

WHEREAS, the Olympia City Council recognizes the far reaching and significant beneficial impact of improved access to post-secondary education and vocational training and supports efforts to reduce student loan debt and address a regressive state and local tax system which places a larger burden upon those least able to pay; and

WHEREAS, collaboration between the government of the City of Olympia, its elected officials, and the Olympia community regarding the local impacts of the current public education finance structure and the current state and local tax system depends upon reliable and relevant information;

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

1. The Opportunity for Olympia initiative petition, while raising legitimate issues regarding access to higher education and equitable taxation, has not adequately provided sufficient administrative procedures to impart confidence of success in implementation of its initiative petition and ordinance.
2. The Olympia City Council, through its committee structure, shall research, investigate, and study local residents' access to higher, post-secondary and vocational education, and the local impact of the state's regressive tax policies, while actively engaging Olympia's citizens in meaningful and constructive dialogue regarding the consequences of existing and proposed policies.
3. Upon receipt of findings from the responsible Council committee, the City Council shall use its authority to actively engage and respond, in collaboration with the community, and with Olympia's elected representatives in state and federal offices.

PASSED BY THE OLYMPIA CITY COUNCIL this _____ day of July, 2016.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:



CITY ATTORNEY