



Meeting Agenda

City Council

City Hall
601 4th Avenue E
Olympia, WA 98501

Information: 360.753.8244

Tuesday, May 18, 2021

7:00 PM

Online and Via Phone

Register to attend:

https://us02web.zoom.us/webinar/register/WN_hFVNaobHRou9rn8q4rjNIQ

1. ROLL CALL

1.A ANNOUNCEMENTS

1.B APPROVAL OF AGENDA

2. SPECIAL RECOGNITION

- 2.A** [21-0477](#) Special Recognition - Introduction of Olympia Poet Laureate Ashly McBunch

3. PUBLIC COMMENT

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

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

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

COUNCIL RESPONSE TO PUBLIC COMMENT (Optional)

4. CONSENT CALENDAR

(Items of a Routine Nature)

- 4.A** [21-0488](#) Approval of May 4, 2021 Study Session Meeting Minutes

Attachments: [Minutes](#)

- 4.B** [21-0502](#) Approval of May 4, 2021 City Council Meeting Minutes

- Attachments:** [Minutes](#)
- 4.C** [21-0505](#) Approval of May 11, 2021 Work Session Meeting Minutes
- Attachments:** [Minutes](#)
- 4.D** [21-0521](#) Bills and Payroll Certification
- Attachments:** [Bills and Payroll](#)
- 4.E** [21-0504](#) Approval of Appointments to the Arts Commission to Fill Vacancies
- Attachments:** [J. Batt Application & Resume](#)
[J. Hoag Application & Resume](#)
[S. Gagnier Application & Resume](#)
- 4.F** [21-0501](#) Approval of an Appointment to the Bicycle and Pedestrian Advisory Committee to Fill a Vacancy
- Attachments:** [M. Fitzgerald Application](#)
- 4.G** [21-0516](#) Approval of an Appointment to the Heritage Commission to Fill a Vacancy
- Attachments:** [S. Lumbantobing Application & Resume Redacted.pdf](#)
- 4.H** [21-0517](#) Approval of Appointments to the Home Fund Advisory Committee to Fill Vacancies
- Attachments:** [A. Upton Application & Resume](#)
[C. Jenkins Application & Resume](#)
- 4.I** [21-0503](#) Approval of an Appointment to the Parks and Recreation Advisory Committee to Fill a Vacancy
- Attachments:** [A. Johnson Application](#)
- 4.J** [21-0518](#) Approval of Appointments to the Planning Commission to Fill Vacancies
- Attachments:** [Z. Nejadi Application & Resume](#)
[T. Carlos Application & Resume](#)
[G. Quetin Application & Resume](#)
- 4.K** [21-0519](#) Approval of an Appointment to the Utilities Advisory Committee to Fill a Vacancy
- Attachments:** [D. Clark Application & Resume](#)
- 4.L** [21-0494](#) Approval of Second Round of Lodging Tax Advisory Committee 2021 Funding Recommendations
- Attachments:** [Lodging Tax Award Chart Round 1 and 2](#)
- 4.M** [21-0478](#) Approval of a Resolution Authorizing an Interlocal Agreement Between the City of Olympia, Port of Olympia, and LOTT Clean Water Alliance to

Establish the Olympia Sea Level Rise Response Collaborative

Attachments: [Resolution](#)
[Agreement](#)

- 4.O [21-0486](#) Approval of a Resolution Authorizing an Interlocal Agreement Between the City of Olympia and the City of Tumwater for the Study of a Regional Fire Authority

Attachments: [Resolution](#)
[Agreement](#)

- 4.N [21-0481](#) Approval of a Resolution Authorizing Amendment No. 1 to the Police Auditor Agreement with Ogden Murphy Wallace, P.L.L.C.

Attachments: [Resolution](#)
[Agreement](#)

4. SECOND READINGS (Ordinances)

- 4.P [21-0383](#) Approval of an Ordinance Amending the High-Density Corridor Zoning Text Regarding Drive Through Restaurants

Attachments: [Ordinance](#)
[Planning Commission Minutes 02/08/21](#)

- 4.Q [21-0394](#) Approval of an Ordinance Adopting Proposed Amendments to the Shoreline Master Program and Critical Areas Ordinance

Attachments: [Ordinance](#)
[Project Webpage](#)
[Ecology Initial Determination](#)
[Response to Public Comments](#)
[Amendments Proposed after Public Hearing Summary](#)
[Additional Public Comments](#)

- 4.R [21-0468](#) Approval of an Ordinance Amending OMC 16.04.020 Related to Residential Fire Sprinkler Locations - First and Final Reading

Attachments: [Ordinance](#)

4. FIRST READINGS (Ordinances)

- 4.S [21-0491](#) Approval of an Ordinance Amending Ordinance 7268 (Operating, Special and Capital Budgets) - 2021 First Quarter Budget Amendment

Attachments: [Ordinance](#)

5. PUBLIC HEARING - None

6. OTHER BUSINESS

6.A [21-0515](#) LOTT Clean Water Alliance Update

6.B [21-0510](#) 2021 Legislative Session Wrap Up

Attachments: [Olympia 2021 Legislative Priorities](#)
[Olympia 2021 End of Session Summary](#)

6.C [21-0493](#) Update on Thurston Strong - CoVID-19 Regional Economic Recovery Efforts

7. CONTINUED PUBLIC COMMENT

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

8. REPORTS AND REFERRALS

8.A COUNCIL INTERGOVERNMENTAL/COMMITTEE REPORTS AND REFERRALS

8.B CITY MANAGER'S REPORT AND REFERRALS

9. 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 - Introduction of Olympia Poet Laureate Ashly McBunch

Agenda Date: 5/18/2021
Agenda Item Number: 2.A
File Number:21-0477

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

Title

Special Recognition - Introduction of Olympia Poet Laureate Ashly McBunch

Recommended Action

Committee Recommendation:

Special Recognition. No action requested.

City Manager Recommendation:

Discussion only. No action requested.

Report

Issue:

Whether to meet Ashly McBunch, Olympia's incoming Poet Laureate.

Staff Contact:

Stephanie Johnson, Arts Program Manager, Parks, Arts & Recreation, 360.709.2678.

Presenter(s):

Ashly McBunch, Olympia Poet Laureate

Background and Analysis:

On April 13, 2021, the City Council approved the recommendation to appoint Ashly McBunch as Poet Laureate for 2021 - 2023. It has been custom for the Poet Laureate to read a poem at the first Council meeting of the year. Due to the timing of the recruitment process, this meeting is the first opportunity for Council to meet with Mx. McBunch.

Neighborhood/Community Interests (if known):

The Poet Laureate interacts with many areas of the community through events and programming throughout their tenure.

Options:

1. Meet Olympia's newest Poet Laureate Ashly McBunch.
2. Do not meet Olympia's newest Poet Laureate Ashly McBunch.
3. Meet Olympia's newest Poet Laureate Ashly McBunch at another time.

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

Financial Impact:

Honoraria for the Poet Laureate is \$1,500 per year.

Attachments:

None



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

City Council

Approval of May 4, 2021 Study Session Meeting Minutes

Agenda Date: 5/18/2021
Agenda Item Number: 4.A
File Number:21-0488

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

Title

Approval of May 4, 2021 Study Session Meeting Minutes



Meeting Minutes - Draft

City Council

City Hall
601 4th Avenue E
Olympia, WA 98501

Information: 360.753.8244

Tuesday, May 4, 2021

5:30 PM

Online and Via Phone

Study Session

Attend: [https://us02web.zoom.us/j/81609764836?](https://us02web.zoom.us/j/81609764836?pwd=RW53RTZkeFRuMHZzUFZhZ1UvTytRdz09)
[pwd=RW53RTZkeFRuMHZzUFZhZ1UvTytRdz09](https://us02web.zoom.us/j/81609764836?pwd=RW53RTZkeFRuMHZzUFZhZ1UvTytRdz09)

1. ROLL CALL

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

2. BUSINESS ITEM

2.A [21-0433](#) ADA Transition Plan Briefing

Human Resources Senior Analyst Nicole Camus and City Engineer Fran Eide briefed the City Council on the City's ADA Transition and Implementation approach. Councilmembers asked clarifying questions. It was noted that the plan is on the Consent Calendar for the May 4, 2021 City Council business meeting.

The study session was completed.

3. ADJOURNMENT

The meeting adjourned at 6:44 p.m.



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

City Council

Approval of May 4, 2021 City Council Meeting Minutes

Agenda Date: 5/18/2021
Agenda Item Number: 4.B
File Number:21-0502

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

Title

Approval of May 4, 2021 City Council Meeting Minutes



Meeting Minutes - Draft

City Council

City Hall
601 4th Avenue E
Olympia, WA 98501

Information: 360.753.8244

Tuesday, May 4, 2021

7:00 PM

Online and Via Phone

Register to Attend:

https://us02web.zoom.us/webinar/register/WN_AhTMO2pgSjCCoxta4o8Dgw

1. ROLL CALL

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

1.A ANNOUNCEMENTS

1.B APPROVAL OF AGENDA

The agenda was approved.

2. SPECIAL RECOGNITION

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

The recognition was received.

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

The recognition was received.

3. PUBLIC COMMENT

The following people spoke: Karen Messmer, Taulauna Reed, and Nolan Hibbard Pelly.

COUNCIL RESPONSE TO PUBLIC COMMENT (Optional)

4. CONSENT CALENDAR

- 4.A** [21-0449](#) Approval of April 13, 2021 City Council Meeting Minutes

The minutes were adopted.

- 4.B** [21-0418](#) Approval of April 20, 2021 City Council Meeting Minutes

The minutes were adopted.

- 4.C [21-0442](#) Approval of April 27, 2021 Work Session Meeting Minutes

The minutes were adopted.

- 4.D [21-0407](#) Approval of 2021 Heritage Award Nominations

The decision was adopted.

- 4.E [21-0392](#) Approval of 2021 Neighborhood Matching Grants Awards

The decision was adopted.

- 4.F [21-0357](#) Approval of a Resolution Authorizing an Amendment to the Intergovernmental Emergency Medical Services Contract with Thurston County Medic One for Basic Life Support Services

The resolution was adopted.

- 4.G [21-0358](#) Approval of a Resolution Authorizing an Interlocal Agreement between the City of Olympia and Thurston County Fire District 9 for Emergency Services

The resolution was adopted.

- 4.H [21-0391](#) Approval of a Resolution Designating the Olympia Armory a Local Heritage Resource and Adding it to the Olympia Heritage Register

The decision was adopted.

- 4.I [21-0393](#) Approval of a Resolution Authorizing a Grant Agreement with Interfaith Works for a Second Shelter at 3444 Martin Way East

The resolution was adopted.

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

The decision was adopted.

- 4.K [21-0431](#)

Approval of a Resolution Authorizing an Agreement to Sell City Owned

Real Property at 308-310 4th Avenue East to Urban Olympia 12, LLC, for Mixed Use Development

The resolution was adopted.

- 4.L [21-0432](#) Approval of a Resolution Adopting the Olympia ADA Transition Plan

The resolution was adopted.

4. SECOND READINGS (Ordinances) - None

4. FIRST READINGS (Ordinances)

- 4.M [21-0383](#) Approval of an Ordinance Amending the High-Density Corridor Zoning Text Regarding Drive Through Restaurants

The ordinance was approved on first reading and moved to second reading.

Approval of the Consent Agenda

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

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

5. PUBLIC HEARING

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

Community Planning and Development Director Leonard Bauer gave an overview of the emergency ordinance declaring a continued state of emergency related to homelessness and COVID-19.

Mayor Selby opened the public hearing at 7:51 p.m. The following people spoke: Pate Cole and Nolan Hibbard Pelly. The hearing was closed at 7:57 p.m.

The Public Hearing was held and closed. The ordinance was approved on first and final reading.

6. OTHER BUSINESS

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

Timberland Regional Library Executive Director Cheryl Heywood gave an update on library. She announced the opening of a branch at the Capital Mall in West Olympia. Councilmembers asked clarifying questions.

The information was received.

- 6.B** [21-0394](#) Approval of an Ordinance Adopting Proposed Amendments to the Shoreline Master Program and Critical Areas Ordinance

Councilmember Cooper moved, seconded by Councilmember Parshley, to approve the ordinance on first reading and move to second reading. The motion carried by the following vote:

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

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

City Manager Jay Burney, Finance Director Nanci Lien and Economic Development Director Mike Reid presented the 2020 year end General Fund Funds and Use of American Rescue Plan (ARP) funding recommendations for approval.

Ms. Lien shared that Olympia's ARP funding allocation is \$10.06M that will be distributed over two years and must be spent by December 31, 2024. She noted that the ARP expenditures must be costs incurred by the City and relate to four focus areas; response to a public health emergency or negative economic impacts; premium pay to eligible workers or grants to eligible employers who employ eligible workers; government services impacted by revenue reductions in 2020; investments in water, sewer, or broadband infrastructure; and regulations/guidance for funds - pending from by Treasury Dept.

Mr. Reid shared an economic recovery proposal to include both external and internal expenditures/partnerships including working with Enterprise for Equity; Olympia Downtown Alliance and the Parking Business Improvement Area, along with internal opportunities around Public Works, Homelessness Response, Community Planning & Development and Arts, Cultures & Heritage. The summary of recovery efforts is as follows: Olympia Specific (External) - \$270,000; Olympia Specific (Internal) - \$435,000 and Olympia Investment (Regional) - \$1,375,000.

Councilmember Cooper requested an amendment adding a \$2M placeholder be added to recommendation for housing related to the Regional Housing Council Action Plan.

City Manager Burney discussed the 2020 Year-End General Fund Financial balance of \$3,983,778 and proposed allocations.

Ms. Lien discussed the declaration of exigent circumstances that occurred and the City's agreement with the Olympia Metropolitan Parks District transferring \$423,000, the second half of the 1% Non-Voted Utility Taxes (NVUT) as well as a transfer of \$300,000 of NUVT for Parks Maintenance. She shared Park's General Fund Resources, General Fund Expenditures and the variances between the two.

Mr. Burney also discussed the unfunded items for consideration of the 2022 budget.

Councilmembers asked clarifying questions.

Mayor Selby moved, seconded by Councilmember Parshley, to approve joint recommendations of City Manager and Finance Committee for appropriating year-end funds and the proposal for use of American Rescue Plan (ARP) funding, as amended, and direct staff to include these appropriations in a future Quarterly Budget Amendment. The motion carried by the following vote:

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

7. CONTINUED PUBLIC COMMENT

8. REPORTS AND REFERRALS

8.A COUNCIL INTERGOVERNMENTAL/COMMITTEE REPORTS AND REFERRALS

Councilmember Rollins discussed adopted a process related to the City Manager's performance evaluations. To include two Executive Sessions, one where the Council discussed the review and another where they have a discussion with the City Manager. She also discussed the use of an evaluation form that would be collected by the Mayor Pro Tem.

8.B CITY MANAGER'S REPORT AND REFERRALS

The City Manager had not reports.

9. EXECUTIVE SESSION

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

Mayor Selby recessed the meeting at 10:00 p.m. She asked the Council to reconvene in 5 minutes for an Executive Session Pursuant to RCW 42.30.110(1)(b) and RCW 42.30.110(1)(c) related to a Real Estate Matter. She announced no decisions would be made, the meeting was expected to last no longer than 60 minutes, Mayor Selby reconvened the meeting at 10:05 p.m. The City Attorney was present at the Executive Session.

The executive session was held and no decisions were made.

9. ADJOURNMENT

The meeting adjourned at 10:39 p.m.



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

City Council

Approval of May 11, 2021 Work Session Meeting Minutes

Agenda Date: 5/18/2021
Agenda Item Number: 4.C
File Number:21-0505

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

Title

Approval of May 11, 2021 Work Session Meeting Minutes



Meeting Minutes - Draft

City Council

City Hall
601 4th Avenue E
Olympia, WA 98501

Information: 360.753.8244

Tuesday, May 11, 2021

5:30 PM

Online and Via Phone

Work Session

Attend: [https://us02web.zoom.us/j/88094382547?](https://us02web.zoom.us/j/88094382547?pwd=Znp0SG5qbUo3SzhDMTVlVd0bTM2dz09)
[pwd=Znp0SG5qbUo3SzhDMTVlVd0bTM2dz09](https://us02web.zoom.us/j/88094382547?pwd=Znp0SG5qbUo3SzhDMTVlVd0bTM2dz09)

1. ROLL CALL

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

2. BUSINESS ITEM

2.A [21-0467](#) Fire Regionalization Update

City Manager Burney and Tumwater City Administrator John Doan presented an overview of a study that evaluated options for a Regional Fire Authority (RFA). They shared proposed next steps, which would be to engage with the City of Tumwater in an RFA planning process.

Councilmembers asked clarifying questions.

The Council was in agreement to move forward with the RFA planning process. An Interlocal Agreement Between Olympia and Tumwater will be put forward for approval at the May 18, 2021 City Council Meeting.

The study session was completed.

3. ADJOURNMENT

The meeting adjourned at 6:14 p.m.



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

City Council
Bills and Payroll Certification

Agenda Date: 5/18/2021
Agenda Item Number: 4.D
File Number:21-0521

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 3/21/2021 THROUGH 3/27/2021
FOR A/P ACH PAYMENTS and AP CHECKS NUMBERED 3734322 THROUGH 3734521
FOR OTHER ELECTRONIC PAYMENTS DATED _____ THROUGH _____

INCLUSIVE IN THE AMOUNT TOTALING

DATED 4/1/2021 FINANCE DIRECTOR Mandy Auen

TOTAL APPROVED FOR PAYMENT

FUND	AMOUNT	DESCRIPTION
001	\$1,341,257.95	GENERAL FUND
002	\$0.00	SHOP FACILITIES
003	\$28,781.73	REVOLVING ACCOUNT FUND
004	\$0.00	URBAN ARTERIAL FUND
006	\$17,251.51	Development Fee Revenue
007	\$1,017.71	Parking Fund
014	\$9,476.98	LEOFF 1 OPEB Trust Fund
21	\$0.00	Washington Center Endow
025	\$110.08	WASHINGTON CENTER
026	\$11,564.20	MUNICIPAL ARTS FUND
029	\$675.00	EQUIP & FACIL. REPLACE RES
107	\$0.00	HUD
108	\$0.00	HUD
127	\$0.00	IMPACT FEES
130	\$0.00	SEPA MITIGATION FUND
132	\$0.00	LODGING TAX FUND
133	\$0.00	ARTS AND CONFERENCE FUND
134	\$0.00	PARKS AND REC SIDEWALK UT TAX
135	\$0.00	PARKING BUSINESS IMP AREA
136	\$0.00	FARMERS MKRT REPAIR/REPLC
137	\$0.00	CHILDREN'S HANDS ON MUSEUM
138	\$0.00	TRANS BENEFIT DISTRICT
140	\$0.00	REET
141	\$0.00	Oly Metro Park District
142	\$43,612.38	HOME FUND
208	\$0.00	LID OBLIGATION CONTROL
216	\$0.00	4th/5th AVE PW TRST
223	\$0.00	LTGO BOND FUND '06-PARKS
224	\$0.00	LTGO BOND FUND 2009 FIRE
225	\$0.00	CITY HALL DEBT FUND
226	\$0.00	2010 LTGO BOND-STREETPROJ
227	\$0.00	LOCAL DEBT FUND
228	\$0.00	2010B LTGO BONDS-HOCM
229	\$0.00	
230	\$0.00	LTGO Band Fund 2016
317	\$9,161.97	CIP
318	\$0.00	Home Fund
322	\$0.00	4/5th AVE CORRIDOR/BRIDGE
323	\$0.00	CIP CONSTR FUND - PARKS
324	\$0.00	FIRE STATION 4 CONSTRUCT
325	\$0.00	CITY HALL CONST
326	\$0.00	TRANSPORTATION CONST
329	\$0.00	GO BOND PROJECT FUND
331	\$11,581.99	FIRE EQUIPMENT REPLACEMENT FUND
401	\$55,511.95	WATER
402	\$16,115.35	SEWER
403	\$1,869.85	SOLID WASTE
404	\$6,409.62	STORM AND SURFACE WATER
417	\$0.00	W/S REV BOND REDEMPTION
418	\$0.00	Stormwater Debt Service Fund
427	\$0.00	
434	\$374.98	STORM AND SURFACE WATER CIP
461	\$32,287.41	WATER CIP FUND
462	\$9,902.77	SEWER CIP FUND
463	\$0.00	SOLID WASTE/ADVERTISING
501	\$36,942.44	EQUIPMENT RENTAL
502	\$0.00	C. R. EQUIPMENT RENTAL
503	\$10,610.25	UNEMPLOYMENT COMPENSATION
504	\$0.00	INS TRUST FUND
505	\$31,788.27	WORKERS COMPENSATION
604	\$0.00	FIREMEN'S PENSION FUND
605	\$0.00	CUSTOMERS WATER RESERVE
621	\$0.00	WASHINGTON CENTER ENDOW
631	\$0.00	PUBLIC FACILITIES
682	\$0.00	LAW ENFORCEMENT RECORD MGNTSYS
701	\$0.00	PARKS-NEIGHBORHOOD
702	\$0.00	PARKS-COMMUNITY
703	\$0.00	PARKS-OPEN SPACE
707	\$0.00	PARKS-SPECIAL USE
711	\$0.00	TRANSPORTATION
720	\$62,709.00	SCHOOLS
\$1,739,013.39		GRAND TOTAL FOR WEEK

Reconciliation of Superior All Checks Register to Expenditure Summary

Data From Superior All Checks Register

Description	From Check	to Check	Check Amount	
Payroll A/P (vendors) Checks	21075		483,423.17	
Payroll A/P (vendors) Checks	21076		3,349.56	
Payroll A/P (vendors) Checks	21077		31,735.89	
Payroll A/P (vendors) Checks	21079		10,610.25	
Payroll A/P (vendors) Checks	3734383		180.19	processed and
Payroll A/P (vendors) Checks	3734466		34.31	voided in same
Payroll A/P (vendors) Checks	3734508		75,000.00	week. No longer
Payroll A/P (vendors) Checks				show in outstanding
Payroll A/P (vendors) Checks				register
Payroll A/P (vendors) Checks				
Payroll A/P (vendors) Checks				
Payroll A/P (vendors) Checks				
Subtotal			604,333.37	
VOID CHECKS			(3,531.43)	
EFT			130,048.93	
A/P Checks			1,008,162.52	
Grand Total			1,739,013.39	
Proof			0.00	

\$0.00 DON'T SUBMIT IF DOESN'T BALANCE

	3/23/2021	3/23/2021	3/25/2021	TOTAL
AP	AP	EDT	AP	
001	231,376.26	909,676.88	200,204.81	1,341,257.95
002				0.00
003	28,781.73			28,781.73
004				0.00
006	758.00	6,348.05	10,145.46	17,251.51

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 3/28/2021 _____ 4/3/2021

FOR A/P ACH PAYMENTS and A/P CHECKS NUMBERED 3734522 THROUGH 3734676

FOR OTHER ELECTRONIC PAYMENTS DATED _____ THROUGH _____

INCLUSIVE IN THE AMOUNT TOTALING

DATED 4/10/2021 _____ FINANCE DIRECTOR M. Anderson _____

TOTAL APPROVED FOR PAYMENT

	FUND	
\$580,290.70	001	GENERAL FUND
\$0.00	002	SHOP FACILITIES
\$1,410.20	003	REVOLVING ACCOUNT FUND
\$0.00	004	URBAN ARTERIAL FUND
\$0.00	006	Development Fee Revenue
\$2,405.22	007	Parking Fund
\$15,235.60	014	LEOFF 1 OPEB Trust Fund
\$0.00	21	Washington Center Endow
\$0.00	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 MKRT REPAIR/REPLC
\$0.00	137	CHILDREN'S HANDS ON MUSEUM
\$0.00	138	TRANS BENEFIT DISTRICT
\$0.00	140	REET
\$0.00	141	Oly Metro Park District
\$24,685.03	142	HOME FUND
\$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	229	
\$0.00	230	LTGO Band Fund 2016
\$70,061.89	317	CIP
\$0.00	318	Home Fund
\$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
\$62,858.76	401	WATER
\$22,981.50	402	SEWER
\$53,278.51	403	SOLID WASTE
\$14,557.51	404	STORM AND SURFACE WATER
\$0.00	417	W/S REV BOND REDEMPTION
\$0.00	418	Stormwater Debt Service Fund
\$0.00	427	
\$0.00	434	STORM AND SURFACE WATER CIP
\$0.00	461	WATER CIP FUND
\$25,472.17	462	SEWER CIP FUND
\$0.00	463	SOLID WASTE/ADVERTISING
\$32,264.57	501	EQUIPMENT RENTAL
\$0.00	502	C. R. EQUIPMENT RENTAL
\$0.00	503	UNEMPLOYMENT COMPENSATION
\$5,335.00	504	INS TRUST FUND
\$0.00	505	WORKERS COMPENSATION
\$4,472.15	604	FIREMEN'S PENSION FUND
\$0.00	605	CUSTOMERS WATER RESERVE
\$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
\$915,311.81	GRAND TOTAL FOR WEEK	

Reconciliation of Superior All Checks Register to Expenditure Summary

Data From Superior All Checks Register				
Description	From Check	to Check	Check Amount	
Payroll A/P (vendors) Checks	21081		48,891.81	3/26/2021
Payroll A/P (vendors) Checks	21082		246.78	3/25/2021
Payroll A/P (vendors) Checks	21083		45,674.76	3/26/2021
Payroll A/P (vendors) Checks	21084		17,775.15	3/26/2021
Payroll A/P (vendors) Checks	21085		7,977.74	3/26/2021
Payroll A/P (vendors) Checks	21086		1,072.15	3/25/2021
Payroll A/P (vendors) Checks	21087		6,403.32	3/26/2021
Payroll A/P (vendors) Checks	21088	21096		3/30/2021
VOID CHECKS			(81,524.90)	
EFT			452,737.70	
A/P Checks			406,457.30	
Grand Total			915,311.81	
<i>Proof</i>			<i>0.00</i>	

\$0.00 DON'T SUBMIT IF DOESN'T BALANCE

	3/30/2021 AP	4/1/2021 PAYROLL/AP	4/1/2021 AP	4/1/2021 AP EDT	TOTAL
001	(20,100.84)	274,048.57	319,758.45	6,880.52	580,290.70
002					0.00
003	129.25		1,280.95		1,410.20
004					0.00
006					0.00



City Council

Approval of Appointments to the Arts Commission to Fill Vacancies

Agenda Date: 5/18/2021
Agenda Item Number: 4.E
File Number:21-0504

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

Title

Approval of Appointments to the Arts Commission to Fill Vacancies

Recommended Action

Committee Recommendation:

The General Government Committee recommends approval of the appointments listed below.

City Manager Recommendation:

Move to approve the appointment of Joseph Batt, with a term ending March 31, 2024; Jace Hoag, with a term ending March 31, 2023; and Shameka Gagnier, with a term ending March 31, 2022, to the Arts Commission to fill vacancies.

Report

Issue:

Whether to make the recommended appointments to the Arts Commission.

Staff Contact:

Kellie Purce Braseth, Strategic Communications Director, 360.753.8361

Presenter(s):

None - Consent Calendar Item

Background and Analysis:

The General Government Committee interviewed, Joseph Batt, Jace Hoag and Shamika Gagnier at its May 12, 2021, special meeting and recommends their appointments to fill vacancies on the Arts Commission - Batt to Position #5, with a term ending March 31, 2024; Hoag to Position #7 with a term ending March 31, 2023 and Gagnier to Position #9 with a term ending March 31, 2022.

The candidates' applications and resumes are attached.

Neighborhood/Community Interests (if known):

N/A

Options:

1. Approve the appointments as recommended.
2. Do not approve the appointments and send the issue back to the General Government Committee. This would delay the appointment schedule and leave the Committee not operating at full strength.

Financial Impact:

No cost is associated with the action. To reduce barriers to community member participation, beginning April 1, 2021, the City offers stipends of \$25 per meeting attended to Advisory Committee members. Those members who certify as low income are eligible to receive stipends of \$50 per meeting attended. Advisory Committee members may waive the stipend upon request.

Attachments:

Joseph Batt Application & Resume
Jace Hoag Application & Resume
Shameka Gagnier Application & Resume

Profile

Joseph

First Name

E

Middle Initial

Batt

Last Name

 Email Address

 Home Address

Suite or Apt

Olympia

City

WA

State

98502

Postal Code

 Primary Phone

 Alternate Phone

Question applies to multiple boards

Advisory committees are a structured way for individual community members to share their opinions and perspectives, study issues, and develop recommendations in a focused small group. Their primary purpose is to provide judicious advice, from a community member's perspective, to the Olympia City Council.

Committee activities may include study of critical issues, hearing public testimony, independent research, and reviewing staff reports and recommendations - all of which is intended so that the committee is prepared to discuss, formulate, and forward well-developed, thoughtful recommendations to the City Council in a timely manner.

The City of Olympia values participation from all perspectives and life experiences and looks for equity and inclusion in advisory board appointments.

To reduce barriers to community member participation, beginning April 1, 2021, the City will offer stipends of \$25 per meeting attended to Advisory Committee members. Those members who certify as low income are eligible to receive stipends of \$50 per meeting attended. Advisory Committee members may waive the stipend upon request.

Applications are accepted for the calendar year only. The Olympia City Council's General Government Committee recommends appointments to the full Council. Recommendations are made following review of applications and interviews of qualified candidates.

The City of Olympia is committed to the non-discriminatory treatment of all persons in employment and the delivery of services and resources.

Questions? Contact Susan Grisham, Executive Assistant, 360.753.8244, sgrisham@ci.olympia.wa.us

If you saved or submitted an application and did not receive a confirmation, please check your spam folder.

When filed with the City, your application and attachment documents are public records and may be subject to public release.

 Art Professor, South Puget
 Sound Community College

Occupation

Joseph E Batt

Which Boards would you like to apply for?

Arts Commission: Submitted

Question applies to multiple boards

If you applied for multiple boards or commissions, please rank them in order of interest below.

Select Your Neighborhood (you must live within Olympia City limits to serve on a board or commission) *

South Westside Olympia

If you choose "other" please write in your neighborhood here:

Interests & Experiences

Question applies to multiple boards

Please keep answers concise and informative. You are introducing yourself to the Olympia City Council and sharing with them why you are interested in being considered for appointment. Olympia residency is not required; however, it is a primary consideration. You may attach a resume.

Question applies to multiple boards

1. Briefly describe why you wish to serve on this advisory committee.

I have benefitted from the rich arts community where I live and I have looked forward to having availability to be more engaged in the community in this tway. I am currently able to make this commitment.

Question applies to multiple boards

2. Describe your experience, qualifications, and/or skills which would benefit this advisory committee.

I am an active artist and art educator and have had the opportunity to be on both sides of local arts evens as a participant and coordinator. Participated in the Gallery Committee for The Leonor R. Fuller Gallery at South Puget Sound Community College for 15 years, including facilitating the committee for ten years. I have participated in local juries for the Arts Walk poster and Lott Clean Water Alliance mural project. Am currently a participating artist in the Percival Plinth Project in Olympia.

Question applies to multiple boards

3. Describe your involvement in the Olympia community.

I participate regularly in Olympia Arts Walk (Art Month) as an artist or by hosting student work. My work has been exhibited in local galleries and shops, most regional exhibition spaces, and in the city's collection. I have had the opportunity to help with some art making at the Procession of the Species workspace. I have taught art locally for over twenty years and am familiar with many artists and art educators in the community. Several years ago, I had the opportunity to do many art projects with gradeschool children as Lincoln Options parent.

Question applies to multiple boards

4. List your educational and professional background and area of study.

BFA in Ceramics from the University of South Dakota. MFA in Ceramics from the University of Montana In addition to teaching at South Puget Sound Community College, I have taught at California State University, The University of Montana, Lower Columbia College, Olympic College, and Metchosin International Summer school of the Arts. More information at jobattceramics.com

Question applies to multiple boards

5. Appointment to this committee will require your attendance at evening meetings. How many hours per month are you willing to commit as a volunteer?

Up to 4

Question applies to multiple boards

6. If you are not appointed to this committee at this time:

Question applies to multiple boards

6a. Do you wish to be considered for appointment to another advisory committee?

Yes No

Question applies to multiple boards

6b. Do you wish to be considered for future appointment to this committee?

Yes No

Question applies to multiple boards

6c. Would you be willing to volunteer for other City activities?

Yes No

Question applies to multiple boards

If you answered yes to 6a, please identify what other Advisory Committees you would be interested in being considered for in order of interest.

Question applies to multiple boards

7. Some appointments require that applicants reside within Olympia city limits. Even though your mailing address may be Olympia, you may reside in the County or another jurisdiction. Are you a resident of the City of Olympia?

Yes No

Question applies to multiple boards

8. Citizens appointed to advisory committees are assigned and required to use a City email address for all advisory committee business.

Do you agree to comply with this expectation?

I Agree *

Question applies to multiple boards

9. How did you learn about this advisory committee recruitment?

Arts Digest

[Resume_Batt_2021.pdf](#)

Upload a Resume

Question applies to Arts Commission

10. Currently, what is your relationship to the arts in Olympia?

It has been an important time to remain engaged in the arts, locally. I feel inspired to try to do more. I support exhibits and fund raisers whenever I get the opportunity. My thoughts have been on local art centers such as Arbutus Folk School, Olympia Artspace Alliance, and Olympia Film Society. I'm proud of the pop up arts events in my neighborhood such as the drive by alley exhibit and song sharing last year (where I got to play banjo for my neighbors). My wife and I are planning a ceramic cup exhibition of local artists downtown for this May (perhaps as part of Arts Month) which will also be to raise funds and awareness for a local nonprofit. I am excited to be working with a colleague on an outdoor pop up show of student work at capitol lake this Spring (about social media).

Joe Batt
[REDACTED]
Olympia, Washington 98502
[REDACTED]

EDUCATION:

- 1993 Master of Fine Arts, The University of Montana, Missoula
Concentration: Ceramics
- 1990 Bachelor of Fine Arts, The University of South Dakota, Vermillion
Concentration: Ceramics

PROFESSIONAL TEACHING EXPERIENCE:

- 2004 to present Full Time Art Instructor, ceramics, drawing, sculpture,
South Puget Sound Community College, Olympia, Washington
- 2000-2004 Art Instructor, ceramics, sculpture, drawing, and introduction to
art, South Puget Sound Community College, Olympia, Washington
(two to three classes each quarter, usually ceramics and sculpture)
- 1997-2004 Art Instructor, drawing and ceramics, Olympic College, Shelton,
Washington (currently two classes each year, usually drawing)
- 2003 Art Instructor, combined poetry and drawing, The Evergreen State
College (summer program)
- 2002 Sabbatical Replacement (Spring Semester) ceramics and 3-D
design instructor, University of Montana, Missoula, Montana
- 1998-0 Art Instructor, ceramics, drawing, and design, Lower Columbia
College, Longview, Washington (two or more classes each quarter)
- 1993-94 Assistant Professor level, leave replacement position, full-time
ceramics instructor, California State University, Chico
- 1993 Graduate Interdisciplinary Education instructor, University of
Montana, Missoula, Montana (summer)
- 1992-95 Art School faculty in ceramics, sculpture, and drawing, Missoula
Art Museum, Missoula, Montana (summers)
- 1991-93 Ceramics instructor, University of Montana, Missoula, Montana
(Graduate TA)

MISCELLANEOUS PROFESSIONAL EXPERIENCE:

Page 2

- 2013-19 Co-Art Editor, Crosscurrents, Washington Community College Humanities Association's annual publication of poetry, prose and art
- 2004 Faculty Advisor, Percival Review Art Committee, South Puget Sound Community College
- 2002 Organized the hosting of *Bray Day*, a day of two ongoing workshops by Archie Bray Foundation Residents Jimon Chai and Emily Schroeder. Organized visiting artist lectures for Julia Becker and Daniel Beihl, University of Montana, Missoula, Montana
- 2001 Assisted with designing and creating the current ceramics/3-D lab at South Puget Sound Community College
- 1998-2000 Faculty Advisor for Ceramics Club which held two pottery sales each year and hosted several visiting artist workshops
- 1993-1994 Faculty Advisor, *Live Earth* (the student ceramics club), which held a pottery sale and hosted visiting artist workshops and lectures

CONFERENCES ATTENDED:

- 2017 National Council on Education for the Ceramic Arts, Portland, Oregon, presenter
- 2016 Symposium on Contemporary Native American Issues in Higher Education, University of Washington, Tacoma, Washington
- 2012 Northwest eLearning Conference, Portland Oregon, presenter
- 2011 Washington Community College Humanities Association Annual Conference
- 2009 Washington Community College Humanities Association Annual Conference, Lower Columbia College, Long view, Washington, presenter
- 2007 Washington Community College Humanities Association Annual Conference, Port Angeles, Washington, presenter
- 2006 Washington Community College Humanities Association Annual Conference, South Puget Sound Community College, Olympia, Washington
National Council on Education for the Ceramic Arts, Portland, Oregon
- 2002 American Pottery Festival, Northern Clay Center, Minneapolis, Minnesota
Oregon Potters Association Showcase, Portland Convention Center, Portland, Oregon
- 1995 Woodstack '95, including workshops by Rudy Autio and Peter Volkous, University of Montana, Missoula, Montana
- 1994 California Conference for the Advancement of Ceramic Arts, Natsoulas Gallery, Davis, California

COMMUNITY ACTIVITIES:

- 2000 to Present Olympia ArtsWalk, display of work by myself and/or my students at various downtown venues, Yolli Shoes, café Love, New Moon Café, etc

SELECTED EXHIBITIONS:

Page 3

- 2020 *Connectivity*, solo exhibition, Helen S. Smith Gallery, Green River College, Auburn, WA
In The Cloud, Solo Exhibition, Forsberg Gallery, Lower Columbia College, Longview, WA
 CVG 2020 Juried Exhibition, Collective Visions Gallery, Bremerton, WA
Percival Plinth Outdoor Sculpture Exhibition, City of Olympia, Olympia, WA, June 2020 to June 2021
- 2019 *Late Night Lagomorphic Marauders, Solo Exhibition*, Allsorts Gallery, Olympia, Washington
While You Were Out: Annual Postcard Exhibition, The Gallery, South Puget Sound Community College, Olympia, Washington, *People's Choice*
Missoula Art Museum's 43rd Art Auction Exhibit, Missoula Art Museum, Missoula, Montana
- 2018 Solo Exhibition, PUB Gallery, Peninsula College, Port Townsend, WA
Explore This! 14, Annual Juried Exhibition, Colored Pencil Society of America, *online*
 Brunswick Gallery 40th Anniversary Invitational Exhibition, Missoula, Montana
- 2017 Faculty Exhibition, The Gallery at South Puget Sound Community College, Olympia, WA
 15th Annual Juried Exhibition, The Gallery, Tacoma Community College, Tacoma, WA, Jurors's Choice
- 2016 Solo Exhibition, The Art Center, Washington State University Tri Cities, Richland, Washington
Solo Exhibition, Esvelt Gallery, Columbia Basin College, Pasco, Washington
Summer Artist Invites Artists Residency Group Exhibit, Red Lodge Clay Center, Red Lodge Montana
- 2015 *In the Cloud*, Solo Show, The Gallery, Tacoma Community College, Tacoma, Washington
Missoula Art Museum's 43rd Art Auction Exhibit, Missoula Art Museum, Missoula, Montana
In the Cloud, Solo Show, Cascade Gallery, Portland Community College, Cascade Campus, Portland, Oregon
Raw Transformations: Works from the Permanent Collection, Washington Pavilion Visual Arts Center, Sioux Falls, South Dakota
- 2014 Solo Exhibition, *In the Cloud*, Salon Refu, Olympia, Washington
Annual Juried Art Exhibit, The Gallery, Tacoma Community College, Tacoma, Washington
Missoula Art Museum's 42nd Art Auction Exhibit, Missoula Art Museum, Missoula, Montana
- 2013 Urban Art Project, *Mystery of the Stars*, collaborative installation with Leslie Van Stavern Millar II, part of a group exhibit, Great Falls, Montana
Faculty Exhibit, The Gallery at South Puget Sound Community College, Olympia, Washington

- 2012 Solo Exhibition, *In the Cloud*, Brunswick Building Gallery, Missoula, Montana
Bridging the Gap, Group Ceramics Exhibit, Art Not Terminal Gallery, Seattle, Washington
Washington Community College Humanities Association 30th Anniversary Traveling Exhibit, The Art Gallery, Lower Columbia College, Longview, Washington, and North Seattle Community College Art Gallery, Seattle, Washington
- 2011 Washington Community College Humanities Association 30th Anniversary Traveling Exhibit, Larson Gallery, Yakima Valley Community College, Yakima, Washington – PUB Gallery of Art, Peninsula College, Port Angeles, Washington
Faculty Exhibit, South Puget Sound Community College, Kenneth J. Minnaert Center for the Arts Gallery
Solo Exhibit- Drawings from *13 Series*, Olympia Film Society, Olympia, Washington
- 2010 *On the Line: Watershed Artists*, Stable Gallery, Damariscotta, Maine
8th Annual Juried Exhibition, The Gallery at Tacoma Community College, Tacoma, Washington, Honorable Mention
Washington Community College Humanities Association 30th Anniversary Traveling Exhibit, Kenneth J. Minnaert Center for the Arts Gallery, Olympia, Washington
- 2009 *Ten Year Celebration: Solo Artists retrospective*, Washington Pavilion of Arts and Science, Sioux Falls, South Dakota
Group Exhibit, Childhood's End Gallery, Olympia, Washington
Group Exhibit: Permanent Collection, Washington Pavilion of Arts and Science, Sioux Falls, South Dakota
Rabbitual: Invitational exhibit, Two Vaults Gallery, Tacoma, Washington
Alumni Invitational Exhibit, John A. Day Gallery, University of South Dakota, Vermillion, South Dakota
Solo Show, recent drawings, New Moon Café, Olympia, Washington
- 2008 *Stories, Myths, and Legends*, Group exhibit, Childhood's End Gallery, Olympia, Washington
High Tech Low Tech, Northwest Designer Craftsmen Group Exhibit, Kenneth J. Minnaert Center for the Arts Gallery, South Puget Sound Community College, Olympia, Washington
Annual Juried Art Exhibit, The Gallery, Tacoma Community College, Tacoma, Washington, Honorable Mention
- 2007 *Alone Together, Caravan Traveling Group Exhibit*, Yellowstone Art Center, Billings Montana and Jesse Wilber Gallery at the Emerson, Bozeman, Montana
Siouxland Collects: Paper and Pottery, Washington Pavilion of Arts and Science, Sioux Falls, South Dakota
Animalia: Northwest Designer Craftsmen group Exhibit
Permanent Collection Exhibit, Paris Gibson Square, Great Falls, Montana

- 2006 Animal Kingdom, group exhibit, Childhood's End Gallery, Olympia, Washington
Joe Batt: Late Night Creatures that Hop and Talk, solo exhibit, Washington Pavilion of Arts and Science, Sioux Falls, South Dakota
Caravan Print Portfolio Group Exhibit, Brunswick Gallery, Missoula, Montana
Opening Celebration Collection Exhibit, Art Museum of Missoula, Missoula, Montana
Northwest Designer Craftsmen Group Exhibit, Confluence Gallery, Twisp, Washington
- 2005 Recycled Art Invitational, New York Fashion Academy, Seattle, Washington
Joe Batt, Late Night Creatures that Hop and Talk, solo exhibit, The Apex Gallery, Rapid City South Dakota
- 2004 Recycled Art Invitational, Monarch Art Center, Tenino, Washington
Man's Best Friend, Invitational Group Exhibit, Santa Fe Clay, Santa Fe, New Mexico
Group Exhibit, Childhood's End Gallery, Olympia, Washington
- 2003 Recounting Tales, Joe Batt and Wendy Franklund Miller, Lorinda Knight Gallery, Spokane Washington
"Sculptural Clay" at the Modern Zoo, Modern Zoo Gallery Space, Portland Oregon, (Invitational, Juror Ted Vogel)
Who Makes You?, Art work by fifteen local artists, Downtown Olympia, (invitational)
New Beginnings, New work by all Sutton West artists, Sutton West Gallery, Missoula, Montana
- 2002 Montana Ceramics, an exhibit featuring several ceramic artists known in Western Montana and beyond, Sutton West Gallery, Missoula, Montana (invitational)
Western Reflections, a four artist exhibit of recent work, Sutton West Gallery, Missoula, Montana
Group Exhibit, featuring collaborative works from McKnight Residency, Gallery I, Hamlin University, Saint Paul, Minnesota
- 2001 Six McKnight Artists, an exhibit of 1999 and 2000 residency recipients, Northern Clay Center, Minneapolis, Minnesota
Hands, Faces, and Hearts, Recent Work by Two Artists, Gallery II, The Evergreen State College, Olympia, Washington
People, Creatures, and Sins, Recent Work by Two Artists, Contemporary Crafts Gallery, Portland, Oregon

- 2001 Figuratively Speaking, group exhibition, Sutton West Gallery, Missoula, Montana (invitational)
Two Artist Exhibit, Commencement Art Gallery, Tacoma, Washington
Missoula Collects, group exhibit of works from private collections, focusing on the Missoula area art scene, The Art Museum of Missoula, Missoula, Montana
- 2000 Joe Batt Ceramic Sculpture, solo exhibition, Beall Park Art Center, Bozeman, Montana
Art of the Object, group exhibition, Sutton West Gallery, Missoula, Montana
USD Alumni Sculpture and Ceramics Exhibition, 25th Anniversary, Warren M. Lee Center for the Fine Arts, University of South Dakota, Vermillion, South Dakota
Hands, Faces, and Hearts, Collaborative Works by Joe Batt and Kelly Connole, Gallery of Visual Arts, University of Montana, Missoula, Montana
- 1999 Below 2000, national exhibition of low fire ceramics, Portland Center for Contemporary Craft, Portland, Oregon (juried by Mark Burns)
Exhibit of Recent Work, Joe Batt and Sally Sellers, The Art Gallery, Lower Columbia College, Longview, Washington
Offerings: Objects of Remembrance, Gallery of Visual arts, The University of Montana, Missoula (invitational)
Group Show, Terra Gallery, Olympia, Washington (invitational)
Art and Politics, Sutton West Gallery, Missoula Montana (invitational)
- 1998 Mountains out of Mole Hills: A mosaics show, Pound Gallery, Seattle, Washington (juried)
Shadows: 2000, national juried exhibition, Coos Art Museum, Coos Bay, Oregon
Still Alluring, Appalachian Center for Crafts, Smithville, Tennessee
Tribal and Western Art Juried Exhibition, Oscar Howe Art Center, Mitchell, South Dakota
Creatures of Paradise, Terra Gallery, Olympia, Washington (invitational)

- 1997 WATCH YOUR STEP: Recent Works by Joe Batt, Art Museum of Missoula, Montana
Wall Forms: Sculptural Works in Clay-97, National Juried Exhibition, Maine Artists' Space, Danforth Gallery, Portland, Maine
Art and Healing, national juried exhibition, Artwest Gallery, Jackson, Wyoming (juried by Karen Mobley)
Hunger: A National Juried Exhibition, Art Space/Lima, Lima, Ohio (juried by Judy Chicago)
Clay on the Wall: Third National Ceramic Exhibition, FOVA Gallery, Texas Tech University, Lubbock, Texas (juried)
Montana, Myths and Reality, Sutton West Gallery, Missoula, Montana (invitational)
- 1996 Election Head-Quarters '96, SOIL Gallery, Seattle, Washington (juried)
Americas 2000 All Media Competition, Northwest Art Center, Minot State University, Minot, North Dakota (juried)
Re/casting Characters: Figurative Ceramic Sculpture, Holter Museum of Art, Helena, Montana (invitational)
Group Exhibition, Sandpiper Gallery, Polson, Montana (invitational)
- 1995 Off the Wall, Sutton West Gallery, Missoula, Montana (invitational)
The Caravan Project, a group of 10 traveling outdoor art installation pieces created by 14 artists which toured cities and rural areas of Montana, (including Bozeman, Missoula, Helena, Great Falls and Miles City) during Summer 1995. Funded in part by the NEA and New Forms: Regional Initiative (juried)
Art Show at the Dog Show, Wichita Parks Department Art Center, Wichita, Kansas (juried)
- 1994 Solo Show, Nobles County Art Center, Worthington, Minnesota
Faculty Exhibition, Missoula Museum of the Arts, Missoula, Montana
- 1994 Countdown 2000: Second Annual National Juried Exhibition, 1078 Gallery, Chico, California (juried by Connie Wirtz)
Faculty Exhibition, University Art Gallery, California State University, Chico, California
- 1993 Figurative Portraiture: A Point of Entry, M.F.A. Thesis Exhibition, Gallery of Visual Arts, University of Montana, Missoula
Alumni Invitational, Warren M. Lee Center of the Fine Arts, University of South Dakota, Vermillion
Please Touch the Art, Missoula Museum of the Arts, Missoula, Montana (invitational)

- 1992 Solo Show, Normand T. Dhal Gallery, Great Falls, Montana
Out of the Main Stream, Beall Park Art Center, Bozeman, Montana
(juried)
Meadowlark Art Review '92, Neill & Park Civic Center, Helena,
Montana (juried)
- 1991 National Graduate Drawing Competition and Exhibition, Allen
Priebe Gallery, University of Wisconsin, Oshkosh (Honorable
Mention)
Solo Show, University Center Gallery, University of
Montana, Missoula
Altarpieces, University Center Gallery, University of Montana,
Missoula, Montana (invitational)

WORKSHOPS AND LECTURES:

- 2020 Artist Talk, (virtual), Helen S. Smith Gallery, Green River College,
Auburn, WA
Workshop and Artist Lecture, Lower Columbia College, Longview, WA
- 2019 Artist talk and Narrative Clay Figures workshop, Metchosin International
Summer School of the Arts, Vancouver Island, British Columbia
- 2018 Visiting artist, critiques and artist lecture, Peninsula College, Port Angeles
Washington
- 2017 Workshop Presenter, Washington Clay Arts Association, Summer Social, Arbutus
Folk School, Olympia, Washington
- 2016 Guest Speaker, Columbia Basin College, Pasco, Washington
Gallery Talk, The Art Center. Washington State University Tri Cities,
Richland, Washington
- 2015 Artist Talk. Portland Community College, Cascade, Portland,
Oregon
Gallery Talk, The Gallery, Tacoma Community College, Tacoma,
Washington
- 2014 Guest speaker for weekly Noon Lecture Series, Dunedin School of Art at
Otago Polytechnic, Dunedin, New Zealand
Gallery talk, Salon Refu, *In the Cloud* Solo Exhibition
- 2011 Clay workshop, Squaxin Island Tribe Museum, Library and Research
Center, Kamilche, Washington
- 2010 Artist Slide presentation, Watershed Center for Ceramic Arts, Newcastle,
Maine
Drawing Workshop, creative writing class, The Evergreen State College,
Olympia, Washington
Clay workshop, Squaxin Island Tribe Museum, Library and research
Center, Kamilche, Washington
Tile workshop, Middle Eastern Studies/Math class, The Evergreen State

- 2007 Artist slide presentation, Watershed Center for Ceramic Arts, Newcastle, Maine
Gallery Talk, Washington Pavilion of Arts and Science, Sioux Falls, South Dakota
- 2004 Workshop and gallery talk, Apex Gallery, Rapid City South Dakota
Gallery Talk, in conjunction with two artist exhibit, Lorinda Knight Gallery, Spokane, Washington
- 2002 Visiting Artist Slide Lecture, Holter Art Museum, Helena, Montana
Visiting Artist Workshop and Slide Talk, University of Great Falls, Great Falls, Montana
- 2001 Guest Speaker and Gallery talk, Evergreen State College, Olympia, Washington
Gallery Talk, Contemporary Crafts Gallery, Portland, Oregon
- 2000 Guest Speaker, Northern Clay Center, Minneapolis, Minnesota
Visiting Artist/Speaker, University of Montana, Missoula
Visiting Artist/Speaker, Ceramics Department, Montana State University, Bozeman, Montana
Visiting Artist Workshop, Beall Park Art center, Bozeman, Montana
Artist in Residence (6 weeks), Rhoosevelt Elementary School, Olympia, Washington
- 1999 Guest Artist/Speaker, Peninsula Art Association, Shelton, Washington
- 1998 Guest Artist, Educational Service District 113, Olympia, Washington, demonstration and project with students (one day)
- 1998 Visiting Artist/Speaker, Art Department, Lewis and Clark College, Portland, Oregon
Visiting Artist/Instructor, Lincoln Elementary School, Olympia, Washington (three weeks)
- 1997 Artist/Instructor, Arts Bridging Curriculum (pilot program), Olympia High School
Artist slide lecture and gallery talk, Art Museum of Missoula, Montana
- 1996 Guest Speaker, Vermillion Area Arts Council, Vermillion, South Dakota
Visiting Artist slide lecture, University of Montana, Missoula
- 1995 Guest Artist/Speaker, Big Sky High School, Missoula, Montana
- 1992 Visiting Artist/Instructor slide lecture, California State University, Chico
- 1992 Slide lecture and demonstration for the Montana State High School Interscholastics Conference, GFHS, Great Falls, Montana

- 2020 Juried into the Percival Plinth Project, an annual outdoor sculpture exhibit, City of Olympia, Olympia, WA
- 2018 Exceptional faculty Award, *Food for Thought Project* (Grant), South Puget Sound Community College, Olympia, Washington
- 2015 **Fine and Performing Arts Exceptional Faculty Award** (Grant), South Puget Sound Community College, Olympia, Washington
- 2011 **Exceptional Faculty Fine and Performing Arts Award** (Grant), South Puget Sound Community College, Olympia, Washington
- 2010 **Juror's Award**, 8th Annual Juried Exhibition, The Gallery, at Tacoma Community College, Tacoma, Washington
- 2009 **Olympia Arts Walk poster Cover artist**, Olympia Arts Commission, Olympia, Washington
- 2008 **Juror's Award**, 6th Annual Juried Exhibition, The Gallery, at Tacoma Community College, Tacoma, Washington
- 2007 **Kiln God Artist in Residence**, Watershed Center for the Ceramic Arts, June session of Artist Invites Artists
Exceptional Faculty Award (Grant) South Puget Sound Community College, Olympia, Washington
- 2005 **Exceptional Faculty Award** (Grant), South Puget Sound Community College, Olympia, Washington
Puget Sound Energy Exceptional Faculty Award (Grant), South Puget Sound Community College, Olympia, Washington
- 2000 **McKnight Artist Residency for Ceramic Arts**, a grant funded, collaborative residency lasting three months in Summer 2000, at The Northern Clay Center, Minneapolis, Minnesota
- 1999 **Juried into The Caravan Project**, partially funded by the NEA and New Forms: Regional Initiative, Helena, Montana
- 1995 **First Annual Brunswick Artist Grant**, Science Woman Society, Missoula, Montana
- 1992 **Thomas Leslie and Helen Wickes Scholarship Award**, The University of Montana, Missoula, Montana
- 1990 **Fell Oskins Award for Outstanding Incoming Student**, University of Montana, Missoula, Montana

PERMANENT
COLLECTIONS:

Jim Kolva and Pat Sullivan Collection, Spokane, Washington
The Holter Museum of Art, Helena, Montana
City of Olympia Arts Commission, Olympia, Washington
Washington Pavilion of Arts and Science, Sioux Falls, South Dakota
University of South Dakota, Vermillion, South Dakota
University of Montana, Missoula, Montana
Appalachian Center for Crafts, Smithville, Tennessee
Paris Gibson Square, Great Falls, Montana
Missoula Art Museum, Missoula, Montana

GALLERY
REPRESENTATION:

Page 11

- 2004-2010 Childhood's End Gallery, Olympia, Washington
2002-2004 Lorinda Knight Gallery, Spokane, Washington
1995-2004 Sutton West, Contemporary Fine Art, Missoula,
Montana
1999-2000 Terra Gallery, Olympia, Washington
1996-98 DADA, Santa Fe, New Mexico
1997-98 Virginia Brier Gallery, San Francisco, California

BIBLIOGRAPHY:

- 2017 Sights & Ceramics Portland, *Presented by Pottery Making Illustrated and Ceramics Monthly*, featured in NCECA process room presenter interviews, March, 2017
- 2016 *Tri-City Herald (February, 2016)*, review of *In the Cloud*, Solo Exhibition, Washington State University, Art center Gallery, Richland, Washington
- 2015 *Tacoma Weekly*, review of, *In the Cloud*, solo exhibition at The Gallery at Tacoma Community College, Tacoma, Washington
Weekly Volcano, review of *In the Cloud*, solo exhibition, The Gallery at Tacoma Community College, Tacoma, Washington
- 2014 *The Weekly Volcano (January 25)*, article about postcard exhibit at South Puget Sound Community College, Olympia, Washington
The Weekly Volcano (November 13), review of *In the Cloud*, Solo installation at Salon Refu in Olympia, Washington
- 2006- 20013 *Cross Currents*, Annual journal of poetry, prose, and art by Washington Community College faculty
- 2012 *Missoula Independent, Indy Newsletter*, Article about solo Exhibition, *In the Cloud*, October 4, 2012
- 2009 *Olympian, Living*, article about Arts Walk map cover, Olympia, Washington
- 2006 *Sioux Falls Argus Leader*, article about ongoing solo exhibit at the Washington Pavilion of Arts and Science
- 2003 *The Spokesman Review*, article about *Recounting Tales* exhibit including an image of *Hare With Rabbit Egg, April 13*
- 2002 *Kerameiki Techni*, International Ceramic Art Review, image of collaborative piece, *Hands of Gold*, included in April 2001 issue's panorama poster
- 2001 *The Oregonian*, short review of show at Contemporary Crafts Gallery in Portland, Oregon
Artweek, review of People Creatures and Sins, a two artist exhibit at Contemporary Crafts gallery in Portland, Oregon

- 1993 *Missoula Independent*, Weekly Journal of Culture and Politics, interview about upcoming MFA exhibit and reproductions of work in progress
Cutbank #39, Winter, Montana Journal of Art and Literature, illustration of *Cowboy*, oil pastel drawing

EVENTS JURIED:

- 2020 Annual Student Art Exhibit Awards, Forsberg Gallery, Lower Columbia College, Longview, WA
- 2014 Public Art Selection Jury, LOTT *Clean Water Alliance*
- 2009 Co-Juror, Student Ceramics and Sculpture Exhibit
 University of Montana, Missoula, Montana
 Cover art committee for Artswalk poster, City of Olympia Arts Commission
- 2008 Peninsula Art Association's annual art exhibit, Shelton, Washington
- 2002 Review Committee, selection of Bray artists' in residence for summer and two-year residencies, The Archie Foundation for Ceramic Arts, Helena, Montana
- 2000 *The Montana Connection*, a show of work by fourteen artists from Western Montana, Lower Columbia College Art Gallery, Longview Washington
- 1997 Peninsula Art Association's 1998 *Miniature Art Show*, Shelton, Washington

COMMISSIONS:

- 2009 Olympia Arts Commission, cover art for Fall 2009 Arts Walk Map, Piece to be purchased and published by the Olympia Arts Commission
- 1999 *The King*, life size likeness of Elvis Presley, Rockin' Rudy's Record Store, Missoula, Montana

Profile

Jace _____ D _____ Hoag _____
 First Name Middle Initial Last Name

_____ _____
 Email Address

_____ _____
 Home Address Suite or Apt

Olympia _____ WA _____ 98501 _____
 City State Postal Code

_____ _____
 Primary Phone Alternate Phone

Question applies to multiple boards

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If you saved or submitted an application and did not receive a confirmation, please check your spam folder.

When filed with the City, your application and attachment documents are public records and may be subject to public release.

Sales Associate/ Drag Artist _____
 Occupation

Which Boards would you like to apply for?

Arts Commission: Submitted

Question applies to multiple boards

If you applied for multiple boards or commissions, please rank them in order of interest below.

Select Your Neighborhood (you must live within Olympia City limits to serve on a board or commission) *

Downtown

If you choose "other" please write in your neighborhood here:

Interests & Experiences

Question applies to multiple boards

Please keep answers concise and informative. You are introducing yourself to the Olympia City Council and sharing with them why you are interested in being considered for appointment. Olympia residency is not required; however, it is a primary consideration. You may attach a resume.

Question applies to multiple boards

1. Briefly describe why you wish to serve on this advisory committee.

I am applying for a position on the Arts Commission because I live and work in downtown Olympia and have performed as a drag artist at multiple locations around the city. I would like to see a boost in the artistry of Olympia like I have seen in the past before I moved here. I believe I would be a great candidate for the position because I already work with artists around the community to create shows and events that enrich Olympia's culture and value.

Question applies to multiple boards

2. Describe your experience, qualifications, and/or skills which would benefit this advisory committee.

I have been performing in drag around Olympia for over three years with my drag group Free Range Drag. I work with drag, burlesque, comedic, and musical talents to create a variety show of multiple kinds of talents. I'm also a freelance caricature artist in my free time. I served on Shelton School District's School Board as Student Representative while I was in high school. Since graduating I have worked as a salesman, bartender, and server while in my free time focusing on my art and my community.

Question applies to multiple boards

3. Describe your involvement in the Olympia community.

Free Range Drag is a drag collective that has put on multiple fundraiser shows and events including working closely with Capital City Pride to create all ages events during the pride weekend in Olympia. We have also performed at South Puget Sound Community College to help fundraise for their queer students advancement. Along with personal community events to help fundraise, we have created a safe space for individuals who aren't always represented in the community.

Question applies to multiple boards

4. List your educational and professional background and area of study.

I have over five years of Drag performance and philanthropy experience.

Question applies to multiple boards

5. Appointment to this committee will require your attendance at evening meetings. How many hours per month are you willing to commit as a volunteer?

As many as needed

Question applies to multiple boards

6. If you are not appointed to this committee at this time:

Question applies to multiple boards

6a. Do you wish to be considered for appointment to another advisory committee?

Yes No

Question applies to multiple boards

6b. Do you wish to be considered for future appointment to this committee?

Yes No

Question applies to multiple boards

6c. Would you be willing to volunteer for other City activities?

Yes No

Question applies to multiple boards

If you answered yes to 6a, please identify what other Advisory Committees you would be interested in being considered for in order of interest.

Question applies to multiple boards

7. Some appointments require that applicants reside within Olympia city limits. Even though your mailing address may be Olympia, you may reside in the County or another jurisdiction. Are you a resident of the City of Olympia?

Yes No

Question applies to multiple boards

8. Appointees to advisory committees are assigned and required to use a City email address for all advisory committee business.

Do you agree to comply with this expectation?

I Agree *

Question applies to multiple boards

9. How did you learn about this advisory committee recruitment?

Community member referral

[Resume.pdf](#)

Upload a Resume

Question applies to Arts Commission

10. Currently, what is your relationship to the arts in Olympia?

Before Covid-19, I would perform in drag all around Olympia, working with all kinds of different artists to create great shows and fundraisers for our community. Currently Free Range Drag has moved to Digital Shows showcasing local talent as well as special guests from around the country to not only help pay our out of work performers but a portion of our proceeds are donated to the Black Trans Femmes in the Arts fund (BTFA). Thank you for your time and consideration.

Jace Hoag

[REDACTED]
Olympia , Washington, 98502
[REDACTED]

Job Objective Seeking full time position that will take advantage of my prior experiences and training.

Education Shelton High School Sep 2010 ~ Jun 2014
Diploma

Experience

Little Creek Casino and Resort	Sep 2016 ~ Present
Bartender and Server	
Event Server, set up events, serve food and drinks, clean up events, also helped out in the Creekside Buffet as part of the waiting staff.	
Harmony Hill Healing Retreat	Mar 2017 ~ Nov 2017
Landscaper	
Groundskeeping, maintained entire campus of lawns, flowerbeds, vegetable gardens, irrigation systems, greenhouse and hiking trails.	
Verizon Go Wireless	Feb 2016 ~ Aug 2016
Wireless Consultant	
Key Holder, Salesman, Housekeeping, Inventory, Cashier	
LA Tan	Aug 2014 ~ Aug 2015
Salesman	
Key Holder, Salesman, Housekeeping, Inventory, Cashier	
Shelton School District School Board	Sep 2013 ~ Jun 2014
Student Representative	

Skills Trained in Customer Service. Proficient in Microsoft Office and Adobe Creative Studio.

References

References Available Upon Request - -

Profile

Shameka

First Name

L

Middle Initial

Gagnier

Last Name

Email Address

Home Address

Suite or Apt

Olympia

City

WA

State

98503

Postal Code

Primary Phone

Alternate Phone

Question applies to multiple boards

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When filed with the City, your application and attachment documents are public records and may be subject to public release.

Artist Mentor and Curriculum
Writer

Occupation

Which Boards would you like to apply for?

Arts Commission: Submitted

Question applies to multiple boards

If you applied for multiple boards or commissions, please rank them in order of interest below.

Select Your Neighborhood (you must live within Olympia City limits to serve on a board or commission) *

Other

If you choose "other" please write in your neighborhood here:

13 Boston Harbor East Bay Drive

Interests & Experiences

Question applies to multiple boards

Please keep answers concise and informative. You are introducing yourself to the Olympia City Council and sharing with them why you are interested in being considered for appointment. Olympia residency is not required; however, it is a primary consideration. You may attach a resume.

Question applies to multiple boards

1. Briefly describe why you wish to serve on this advisory committee.

I wish to work to bring more artist of color into our public spaces. I have been a resident for Olympia for the last 17 years and often see a lack of representation in most of our public space. I work in Indigenous communities doing art and restoration work around food and reestablishing ecosystems that have been harmed. I would love to work in our parks and public spaces, creating more vibrant intergrative learning spaces for everyone.

Question applies to multiple boards

2. Describe your experience, qualifications, and/or skills which would benefit this advisory committee.

I am a visual artist. I have worked in a collective capacity for The Olympia Food Coop, I know how to be a part of a much larger picture serving our community. I operate from a racial equity lense. Currently I work as a coordinator for a large non-profit organization Arts-Impact, we interface with The Office of Public Instruction, schools, educators, students, tribal liason, and cultural experts. I also work as a artist mentor and a curriculum writer. I feel that this varied experience would make me an effective participant and collaborator.

Question applies to multiple boards

3. Describe your involvement in the Olympia community.

Over the years I have hosted and coordinated pop up galleries, music shows, and performance arts events. I have done much work as a dedicated community member who wants to see people come together and thrive. I have volunteered for many community events, from coordinating, visioning, and clean up!

Question applies to multiple boards

4. List your educational and professional background and area of study.

I am graduating with my BA degree from Evergreen State college this Spring! I am 40, a first generation graduate! Super excited! My focus has been Visual Arts, Indigenous Studies, and Multicultural Studies.

Question applies to multiple boards

5. Appointment to this committee will require your attendance at evening meetings. How many hours per month are you willing to commit as a volunteer?

15 hours, more when needed.

Question applies to multiple boards

6. If you are not appointed to this committee at this time:

Question applies to multiple boards

6a. Do you wish to be considered for appointment to another advisory committee?

Yes No

Question applies to multiple boards

6b. Do you wish to be considered for future appointment to this committee?

Yes No

Question applies to multiple boards

6c. Would you be willing to volunteer for other City activities?

Yes No

Question applies to multiple boards

If you answered yes to 6a, please identify what other Advisory Committees you would be interested in being considered for in order of interest.

I really care about the future of our community and I am open to serve in whatever capacity my experience would best serve.

Question applies to multiple boards

7. Some appointments require that applicants reside within Olympia city limits. Even though your mailing address may be Olympia, you may reside in the County or another jurisdiction. Are you a resident of the City of Olympia?

Yes No

Question applies to multiple boards

8. Appointees to advisory committees are assigned and required to use a City email address for all advisory committee business.

Do you agree to comply with this expectation?

I Agree *

Question applies to multiple boards

9. How did you learn about this advisory committee recruitment?

I received a invitation from Sean at SPSCC Gallery, he was a curator for a show I was recently a part of.

[Shameka_L._Gagnier-
Artist_Resume.pdf](#)

Upload a Resume

Question applies to Arts Commission

10. Currently, what is your relationship to the arts in Olympia?

I am currently co-curating the next windows project for the Downtown Arts Space alliance.

Shameka L. Gagnier

Solo & Selected Exhibitions

2020-Olympia WA Gallery	<i>Future Blanket- 2420 - Black Well Red Thread Collective- The Leonor R. Fuller</i>
2020-Olympia WA	<i>Starbridge to Your Door- Black Well Red Thread Collective- Olympia Arts Alliance</i>
2019-Seattle WA	<i>This is What You will Carry to Me:2065 - Project/Project - The Alice Gallery</i>
2018-Seattle WA	<i>Bloodlines - Everyone's Floored- The Alice Gallery</i>
2017-Olympia WA	<i>Bloodlines -Arbutus Folk School- Olympia WA</i>
2017-Olympia WA	<i>Downtown Indigenous Art Day - Gallery Boom, Obsidian Cafe, Heritage Park</i>
2016-Olympia WA	<i>Free Breakfast Club Art Show - Gallery Boom</i>
2016-Olympia WA	<i>Ancestor Procession - Pride Parade</i>
2016-Olympia WA	<i>Quiver and Thaw - Dance and Performance Art- Capitol Florist</i>
2014-Portland OR	<i>Bony Structures - Sitka Artist Show Miller Hall, World Forestry Center</i>
2013-Olympia WA	<i>Stories From The Other - Cafe Vita</i>
2011-Olympia WA	<i>Me and You: Olympia Arts Perspective</i>
2009-Olympia WA	<i>All The Silver Foxes</i>
2008-Olympia WA	<i>Gifts for Old Patterns- Loft at Cherry</i>

Music Projects

2018-2021	Moonfill , Albums
2016	Bloodlines , Album
2012-2015	Hey What & The Shut-UPS , Albums
2007-10	Press

Education

The Evergreen State College - Olympia, WA - Current
Studio Aid and Program Aide for Fine Metals Department- The Evergreen State College 2017- Present

Public Works

Arts-Impact: Native Voices - November 2019 - Present

Native Voices Coordinator and Artist Mentor

I work as a coordinator for the Spring and Fall Native Voices Arts Academy. Assisting Artist Mentors, buying supplies, assisting with all the set up for these four day art intensives. I also help coordinate the mentorships with the schools and educators. I work as a Artist Mentor as well, teaching print making and assisting with the carving classes. Within this capacity I co-write art infused lesson plans with educators.

The Na'ah Illahee Fund - June 2019 - Present

Community Lead Contractor

I have worked on a few food sovereignty projects with this non-profit. One at The Seattle Arboretum, putting in a community garden 2019. February 2020 I led a community collaborative installation of a immersive playground garden at Daybreak Star Cultural Center. Starting 2019 throughout 2020 I have been leading a community led build in Daybreak Star Cultural Center's Community Lodge, installing rain protection via a awning, a wood shed, and tool shed, and water mitigation for the lodge site. I am also a part of a restoration project on The Snake Mound site working with the community with elder oversight, and Parks to restore the three ponds, take out invasive plants, bring back native plants, and create urban indigenous food, medicine, and weaving harvesting spaces.

Tulsa Artist Fellowship - May 2019

Artist Assistance and Maintenance Technician

I assisted the fellows with their individual projects both for museums, galleries, and public projects. I worked with the staff at the Tulsa Artist Fellowship to prepare a historical building for a huge arts exhibition that would be seen by the international community.

Caldera Arts - April 2018

Art Teaching Assistant

I co-facilitated teaching a two day art intensive with middle schoolers and highschoolers. We embroidered Eco-Patches, talked about our rolls in protecting the environment, and ways we can use art to amplify is work.

First Peoples' Multicultural Advising- Olympia, WA 2018 - Present

Student Arts and Equity Coordinator

I coordinate workshops and artist talks, art shows, and collaborative art engagements with and for students at The Evergreen State College. The mission is to create equity, ensure representation, and create a space for students of color and the LGBTQIA communities to thrive.

Indigenous Health and Education Summit- Olympia, WA 2018

Co-Coordinator

Co-Coordinator and supporter of a 2 day conference focusing on pre-contact, decolonized food and diet, plant medicine, plant technologies, decolonizing education systems, and art.

Indigenous Council - Olympia, WA 2016-2017

Member

A local organizing body of indigenous peoples of Turtle Island. We center ceremony, and support racial justice, environmental justice, and social justice movements. For Indigenous Peoples' Day I coordinated a small downtown Indigenous Arts Walk and built a Pop Up Gallery Structure.

Ancestor Procession - Pride Parade- Olympia WA - 2016

Visionary and Co-Facilitator

We coordinated with Stonewall Youth to create a float for the Pride Parade of 2016. This was a response to The Orlando Massacre, we felt that it was imperative to honor our dead, the Queer Ancestors. We created a large Altar, asked the community to add the names of their dead, people brought flowers, and it was the youth that built and tended the altar. We had a huge feast and later had ceremony to send those names off in a good way.

Olympia Medicine Gardens - Olympia, WA 2016

Member and co-founder

A group of herbalists and local gardeners focused on creating more accessibility to medicine, through providing starts, help with creation of backyard gardens, access to herbalist, providing more medicines to herbalists, and education. We organize urban gardens and leverage resources with community members, schools, and other movements.

Bloodlines - Olympia, WA 2015-2017

Musician and Visual Artist

This is a personal in depth visual and performance art piece about ancestors, identity, and healing. This project includes a seven song album, and an art installation of wooden carvings.

Thaw and Quiver - Olympia, WA 2015-2016

Dancer and Co-choreographer

This was a group collaboration of music and modern dance. We created a full ballet to a thirty minute original medley of music and performed this publicly.

Harvest Fest Community Feast - The Olympia Food Co-op, WA 2011 - 2014

Outreach Coordinator and Planner

Yearly Fall community engagement to feast on local foods, listen to local bands and entertainment, and games for all ages. I coordinated a 5 hour mini music festival, harvest games for all ages, and food to feed 400+ people.

Artswalk - Olympia, WA 2007-2014

Artist, Curator, and Organizer

I acted as a collaborator with local visual and performance artists and downtown businesses by creating venues out of unlikely spaces. I would coordinate all of the logistics and publicity.

Art Kitchen - Olympia WA 2009

Co-founder and member

Co-founder of the consensus run collective. Created vision and mission statement, contributed to business plan and market research and acted as liaison between Art Kitchen and The Loft.

Intergenerational Ladies' Night 2008-2009

Co-founder and member

Co-founder of a monthly event bringing together women of different ages to share stories and experiences. Created mission statement, planned events and was solely responsible for publicity including text campaigns and website development.

Stonewall Youth Group Facilitator - Olympia, WA 2005-2006

Facilitator

Facilitated queer youth (12-21 years old) in a support-group creating a safe, confidential space twice a month. Worked with youth towards de-escalation and conflict resolution. Facilitated the creation of group agreements and supported the honoring of those agreements. Gave Feedback to group members.

Residency

Caldera Center For The Arts - Sisters, OR December 6-21, 2019

Artists I have worked for

Faith Hagenhofer (European) Mixed Media - 2019-2020

Nora Naranjo Morse and Eliza Morse (Santa Clara Pueblo) Potter and Ceramicist - Always Becoming, National Museum of the American Indian, Washington, D.C. - June 2019

Cary Dickson (European) - Installation Artist - Tulsa Artist Fellowship, Tulsa, O.K. - May 2019

Anita Fields (Osage/Muscogee Creek) Potter and Ceramicist - Tulsa Artist Fellowship, Tulsa, O.K. - May 2019

Sarah Amand (Pakistan) Installation, Photography, Painter - Tulsa Artist Fellowship, Tulsa, O.K. - May 2019

Naima Lowe and Bill Lowe (Black) filmmaker, musician, painter, poet - Black Utterance- Tulsa Artist Fellowship, Tulsa, OK - May 2019

Rebecca Welti (European) woodcarver - Portland, OR - 2016



City Council

Approval of an Appointment to the Bicycle and Pedestrian Advisory Committee to Fill a Vacancy

Agenda Date: 5/18/2021
Agenda Item Number: 4.F
File Number:21-0501

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

Title

Approval of an Appointment to the Bicycle and Pedestrian Advisory Committee to Fill a Vacancy

Recommended Action

Committee Recommendation:

The General Government Committee recommends approval of the appointment listed below.

City Manager Recommendation:

Move to approve the appointment of Matthew Fitzgerald, with a term ending March 31, 2024, to the Bicycle and Pedestrian Advisory Committee to fill a vacancy.

Report

Issue:

Whether to make the recommended appointments to the Bicycle and Pedestrian Advisory Committee.

Staff Contact:

Kellie Purce Braseth, Strategic Communications Director, 360.753.8361

Presenter(s):

None - Consent Calendar Item

Background and Analysis:

The General Government Committee interviewed Matthew Fitzgerald at its May 12, 2021, special meeting and recommends his appointment to fill a vacancy on the Bicycle and Pedestrian Advisory Committee - to Position #4, with a term ending March 31, 2024.

The candidate's application and resume are attached.

Neighborhood/Community Interests (if known):

N/A

Options;

1. Approve the appointment as recommended.
2. Do not approve the appointment and send the issue back to the General Government Committee. This would delay the appointment schedule and leave the Committee not operating at full strength.

Financial Impact:

No cost is associated with the action. To reduce barriers to community member participation, beginning April 1, 2021, the City offers stipends of \$25 per meeting attended to Advisory Committee members. Those members who certify as low income are eligible to receive stipends of \$50 per meeting attended. Advisory Committee members may waive the stipend upon request.

Attachments:

Matthew Fitzgerald Application

Profile

Matthew _____ S _____ Fitzgerald _____
 First Name Middle Initial Last Name

 Email Address

 Home Address Suite or Apt

Olympia _____ WA _____ 98502 _____
 City State Postal Code

 Primary Phone

 Alternate Phone

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Questions? Contact Susan Grisham, Executive Assistant, 360.753.8244, sgrisham@ci.olympia.wa.us

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When filed with the City, your application and attachment documents are public records and may be subject to public release.

Attorney/Judge _____
 Occupation

Which Boards would you like to apply for?

Bicycle and Pedestrian Advisory Committee: Submitted

Question applies to multiple boards

If you applied for multiple boards or commissions, please rank them in order of interest below.

Select Your Neighborhood (you must live within Olympia City limits to serve on a board or commission) *

West Bay Drive

If you choose "other" please write in your neighborhood here:

Interests & Experiences

Question applies to multiple boards

Please keep answers concise and informative. You are introducing yourself to the Olympia City Council and sharing with them why you are interested in being considered for appointment. Olympia residency is not required; however, it is a primary consideration. You may attach a resume.

Question applies to multiple boards

1. Briefly describe why you wish to serve on this advisory committee.

I am an avid runner, walker, and biker in this community and seek to improve greater access for other bikers and pedestrians and further incentivize and enhance these modes of travel for all.

Question applies to multiple boards

2. Describe your experience, qualifications, and/or skills which would benefit this advisory committee.

Besides my previous statement, I have lived and traveled broadly and have always been a foot traveler and envision creating and sustaining broader appeal. I am an attorney by trade and understand there are legal impediments and considerations behind any ideas to make improvements in human powered travel.

Question applies to multiple boards

3. Describe your involvement in the Olympia community.

Although here less than a year, I bought a home with the intention of remaining here and establishing my roots. I have volunteered at several conservation sites to plant native trees and bushes. I have spent time cleaning camps for the unhoused, and part of my walking travels around the city always involve cleaning litter when I can.

Question applies to multiple boards

4. List your educational and professional background and area of study.

BS in Education (4 years HS teacher) JD with 19 years in the law including as a trial judge. Military veteran.

Question applies to multiple boards

5. Appointment to this committee will require your attendance at evening meetings. How many hours per month are you willing to commit as a volunteer?

10-20. More if needed.

Question applies to multiple boards

6. If you are not appointed to this committee at this time:

Question applies to multiple boards

6a. Do you wish to be considered for appointment to another advisory committee?

Yes No

Question applies to multiple boards

6b. Do you wish to be considered for future appointment to this committee?

Yes No

Question applies to multiple boards

6c. Would you be willing to volunteer for other City activities?

Yes No

Question applies to multiple boards

If you answered yes to 6a, please identify what other Advisory Committees you would be interested in being considered for in order of interest.

Planning, Parks and Rec, Arts, Heritage.

Question applies to multiple boards

7. Some appointments require that applicants reside within Olympia city limits. Even though your mailing address may be Olympia, you may reside in the County or another jurisdiction. Are you a resident of the City of Olympia?

Yes No

Question applies to multiple boards

8. Appointees to advisory committees are assigned and required to use a City email address for all advisory committee business.

Do you agree to comply with this expectation?

I Agree *

Question applies to multiple boards

9. How did you learn about this advisory committee recruitment?

Social Media

Upload a Resume



City Council

Approval of an Appointment to the Heritage Commission to Fill a Vacancy

Agenda Date: 5/18/2021
Agenda Item Number: 4.G
File Number:21-0516

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

Title

Approval of an Appointment to the Heritage Commission to Fill a Vacancy

Recommended Action

Committee Recommendation:

The General Government Committee recommends approval of the appointment listed below.

City Manager Recommendation:

Move to approve the appointment of Sharon Lumbantobing, with a term ending March 31, 2022, to the Heritage Commission to fill a vacancy.

Report

Issue:

Whether to make the recommended appointments to the Heritage Commission.

Staff Contact:

Kellie Purce Braseth, Strategic Communications Director, 360.753.8361

Presenter(s):

None - Consent Calendar Item

Background and Analysis:

The General Government Committee interviewed Sharon Lumbantobing at its May 12, 2021, special meeting and recommends her appointment to fill a vacancy on the Heritage Commission - to Position #4, with a term ending March 31, 2022.

The candidate's application and resume are attached.

Neighborhood/Community Interests (if known):

N/A

Options;

1. Approve the appointments as recommended.
2. Do not approve the appointments and send the issue back to the General Government Committee. This would delay the appointment schedule and leave the Committee not operating

at full strength.

Financial Impact:

No cost is associated with the action. To reduce barriers to community member participation, beginning April 1, 2021, the City offers stipends of \$25 per meeting attended to Advisory Committee members. Those members who certify as low income are eligible to receive stipends of \$50 per meeting attended. Advisory Committee members may waive the stipend upon request.

Attachments:

Sharon Lumbantobing Application & Resume

Profile

Sharon

First Name

Lumbantobing

Last Name

Middle Initial

 Email Address

 Home Address

Suite or Apt

OLYMPIA

City

WA

State

98502

Postal Code

 Primary Phone

Alternate Phone

Question applies to multiple boards

Advisory committees are a structured way for individual community members to share their opinions and perspectives, study issues, and develop recommendations in a focused small group. Their primary purpose is to provide judicious advice, from a community member's perspective, to the Olympia City Council.

Committee activities may include study of critical issues, hearing public testimony, independent research, and reviewing staff reports and recommendations - all of which is intended so that the committee is prepared to discuss, formulate, and forward well-developed, thoughtful recommendations to the City Council in a timely manner.

The City of Olympia values participation from all perspectives and life experiences and looks for equity and inclusion in advisory board appointments.

To reduce barriers to community member participation, beginning April 1, 2021, the City will offer stipends of \$25 per meeting attended to Advisory Committee members. Those members who certify as low income are eligible to receive stipends of \$50 per meeting attended. Advisory Committee members may waive the stipend upon request.

Applications are accepted for the calendar year only. The Olympia City Council's General Government Committee recommends appointments to the full Council. Recommendations are made following review of applications and interviews of qualified candidates.

The City of Olympia is committed to the non-discriminatory treatment of all persons in employment and the delivery of services and resources.

Questions? Contact Susan Grisham, Executive Assistant, 360.753.8244, sgrisham@ci.olympia.wa.us

If you saved or submitted an application and did not receive a confirmation, please check your spam folder.

When filed with the City, your application and attachment documents are public records and may be subject to public release.

urban planner

Occupation

Which Boards would you like to apply for?

Arts Commission: Submitted
Heritage Commission: Submitted

Question applies to multiple boards

If you applied for multiple boards or commissions, please rank them in order of interest below.

1 - Heritage Commission ; 2 - Arts Commission

Select Your Neighborhood (you must live within Olympia City limits to serve on a board or commission) *

West Bay Drive

If you choose "other" please write in your neighborhood here:

Interests & Experiences

Question applies to multiple boards

Please keep answers concise and informative. You are introducing yourself to the Olympia City Council and sharing with them why you are interested in being considered for appointment. Olympia residency is not required; however, it is a primary consideration. You may attach a resume.

Question applies to multiple boards

1. Briefly describe why you wish to serve on this advisory committee.

I recently moved to Olympia in December 2020. As a new resident, I am looking for ways to become engaged with and contribute to my new community. I previously lived in the city of Lake Oswego, OR, where I served on the Sustainability Advisory Board for one year and the Historic Resources Advisory Board for three years. I am passionate about historic preservation and the arts and would be honored to serve on either commission.

Question applies to multiple boards

2. Describe your experience, qualifications, and/or skills which would benefit this advisory committee.

Historic Preservation: I wrote several successfully funded historic preservation grants that were awarded by DAHP. I implemented several historic preservation grants awarded by DAHP,. I oversaw the Clark County's historic promotions grants program. I wrote numerous staff reports for nominations to the Clark County Heritage Register, I updated Clark County's historic preservation code and participated in the updating of the city of Lake Oswego's historic preservation code. I also facilitated subcommittees that analyzed code and policy changes aimed at slowing down demolitions and researched establishing an intangible cultural heritage register for Clark County. Arts: I collaborated on an annual Meet the Makers event and co-founded a gallery in my home called The Artisans Table in Jakarta. These initiatives brought together master craftspeople throughout Indonesia who are working on textiles, basketry, ceramics, glass, wood, leather, and other medium, and introduced them to new markets and audiences in Jakarta and the United States. I wrote grants to bring Indonesian artists to the International Folk Art Market in Santa Fe, New Mexico, two years in a row. I'm currently a volunteer research associate at Tracing Patterns Foundation in Berkeley, CA, which is a community of international scholars and weavers, dyers, craftspeople, and textile designers who contribute towards building a body of research on both traditional and contemporary textiles around the world.

Question applies to multiple boards

3. Describe your involvement in the Olympia community.

I recently moved to Olympia in December 2020. As a new resident, I am looking for ways to become engaged with and contribute to my new community. I previously lived in the city of Lake Oswego, OR, where I served on the Sustainability Advisory Board for one year and the Historic Resources Advisory Board for three years.

Question applies to multiple boards

4. List your educational and professional background and area of study.

I have a BA degree in anthropology and an MA in urban planning. I currently work as a land use planner in Thurston County. Previously, I worked as a land use planner in Clark County, WA. Prior to that, I worked for twenty-five years on forestry and marine conservation programs in Southeast Asia.

Question applies to multiple boards

5. Appointment to this committee will require your attendance at evening meetings. How many hours per month are you willing to commit as a volunteer?

10-15

Question applies to multiple boards

6. If you are not appointed to this committee at this time:

Question applies to multiple boards

6a. Do you wish to be considered for appointment to another advisory committee?

Yes No

Question applies to multiple boards

6b. Do you wish to be considered for future appointment to this committee?

Yes No

Question applies to multiple boards

6c. Would you be willing to volunteer for other City activities?

Yes No

Question applies to multiple boards

If you answered yes to 6a, please identify what other Advisory Committees you would be interested in being considered for in order of interest.

Historic Preservation Commission or the Arts Commission

Question applies to multiple boards

7. Some appointments require that applicants reside within Olympia city limits. Even though your mailing address may be Olympia, you may reside in the County or another jurisdiction. Are you a resident of the City of Olympia?

Yes No

Question applies to multiple boards

8. Appointees to advisory committees are assigned and required to use a City email address for all advisory committee business.

Do you agree to comply with this expectation?

I Agree *

Question applies to multiple boards

9. How did you learn about this advisory committee recruitment?

website

[Sharon_Lumbantobing_Resume_2020.docx](#)

Upload a Resume

Question applies to Arts Commission

10. Currently, what is your relationship to the arts in Olympia?

I recently moved to Olympia in December 2020. I am interested to become involved in the arts community in Olympia and reaching underrepresented communities and giving them a platform and access to new audiences. I lived in Indonesia for twenty five years and moved back to the US six years ago. While overseas, I collaborated on an annual Meet the Makers event and co-founded a gallery in my home called The Artisans Table in Jakarta. These initiatives brought together master craftspeople throughout Indonesia who are working on textiles, basketry, ceramics, glass, wood, leather, and other medium, and introduced them to new markets and audiences in Jakarta and the United States. I wrote grants to bring Indonesian artists to the International Folk Art Market in Santa Fe, New Mexico, two years in a row. I'm currently a volunteer research associate at Tracing Patterns Foundation in Berkeley, CA, which is a community of international scholars and weavers, dyers, craftspeople, and textile designers who contribute towards building a body of research on both traditional and contemporary textiles around the world.

Question applies to Heritage Commission

10. Why do you think Olympia's historic places are important?

Historic preservation of the built environment helps the city record, retain, and tell its story over time. Historic buildings and land use patterns are unique features of a community and create a sense of place and identity for its residents. Historic buildings are also tied to the social history of the people who lived there and contributed to the community, and architects who designed the buildings. Historic preservation, however, includes more than just physical places and buildings. It also includes historic artifacts, documents, photos, oral histories and cultural preservation and artifacts of pre-contact civilizations of the native peoples. In an even broader sense, historic preservation should include intangible cultural heritage that is unique to a place and its people and its landscape.

Question applies to Heritage Commission

11. What is your experience working with the history or preservation of built/cultural heritage?

I served for three years on the city of Lake Oswego's Historic Resources Advisory Board. Also, while I worked as a long range, land use planner in Clark County, WA, for the past five years, I served as staff to the Clark County Historic Preservation Commission, which is a joint city of Vancouver/Clark County commission. I wrote and implemented several historic preservation grants awarded by DAHP, oversaw the county's historic promotions grants program, wrote staff reports for nominations to the Clark County Heritage Register, administered historic preservation meetings, maintained the historic register and website, updated the county's historic preservation code, and oversaw outreach activities. I also facilitated subcommittees that analyzed code and policy changes aimed at slowing down demolitions and researched establishing an intangible cultural heritage register.

Senior Planner, Development Services Division

12/1/2020- Present

Community Planning and Economic Development
Thurston County, WA

- Oversee the review of all land use and environmental aspects of the full range of development proposals.
- Advise appointed and elected officials on public policy issues, planning procedures, land use regulation and permitting, code compliance, as well as other regulatory ordinances.
- Prepare and present reports to hearing bodies, committees, community groups, and private organizations to explain the impact of planning and development on the community.
- Scopes and reviews the technical work of staff, consultants, contracting agencies, and other organizations as appropriate.

Long Range Land Use Planner

9/2015-

11/2020

Clark County, WA

- Manage and carry out planning projects involving complex technical analysis and policy development involving elected and appointed officials and a broad spectrum of interested parties
- Gather and interpret data and prepare studies, reports, recommendations, and presentations.
- Update the comprehensive plan, plan amendments, land use codes, and, capital facilities plans.
- Communicate effectively and regularly give presentations to city councils, county council, planning commission, neighborhood associations, and other stakeholders.
- Review and evaluate land use applications, including the preparation of staff reports and SEPA for public hearing decision-making.
- Communicate with the public on planning and land use issues.
- Identify, pursue, and manage grant opportunities, and research and develop project budgets.
- Work in teams that span multiple departments and state agencies to collaborate and achieve multiple objectives.
- Serve as staff to the Planning Commission, Historic Preservation Commission, and the Commission on Aging.
- Lead planner on the Columbia River Gorge National Scenic Area.
- Negotiate, coordinate, and manage planning consultant contracts. Review

the work of consultants for compliance with contracts.

- Serve on the employee-led Equity, Diversity and Inclusion Group to develop and implement a two-year action plan.
- Co-coordinate the Northwest Public Employees Diversity Conference.

Deputy Chief of Party
8/2015

5/2014 -

Sustainable Landscapes Partnership (SLP)/ United States Agency for International Development (USAID) and Conservation International

- Provided strategic vision, management oversight, and technical support for the \$20 million SLP program to reduce greenhouse gas emissions from Indonesia's land use sectors through land use planning, conservation of forest lands, sustainable agriculture, and green supply chains for coffee, cocoa, oil palm and rubber;
- Joined this project at the end of its first year when it was under-performing, and successfully tuned it around to meet and surpass contract expectations.
- Responsibilities included recruitment, capacity building and management of more than 40 staff, subcontractors and consultants, representing multiple technical disciplines that integrate forestry, agriculture, biodiversity conservation, climate change adaptation planning, resource valuation, GIS, and communications;
- Oversaw partner relations with government of Indonesia officials at national and local levels, community organizations, donors, private sector partners, community members, and local and national media;
- Provided technical oversight for program communications, public outreach and communications, and oversight of the grants program and subcontractor activities.
- Developed multi-day training modules on climate change and biodiversity conservation.

Senior Communications Specialist
- 1/2014

11/ 2012

Coral Triangle Support Partnership / USAID/ World Wildlife Fund, Conservation International, and The Nature Conservancy

- Project management and oversight of consultants in a consortium of three large American non-profits on a \$44 million regional ocean governance program in six countries in Southeast Asia and the Pacific. Topics included eco-system based fisheries management, climate change, marine protected areas, economic development, and institutional strengthening and governance of marine and coastal resources;

- Developed and provided technical oversight for a communications strategy, covering six countries, two websites, a Facebook page, and YouTube channel; and
- Managed, edited, published, and distributed over 300 reports and publications in six countries.

Founder/Director, The Artisan’s Table

2010 - present

- Curated a physical and online marketplace for master craftspeople living in remote areas of Indonesia, including co-organizing an annual arts and culture event called Meet the Makers.

**Senior Communications Consultant
- 10/2012**

11/ 2009

World Bank Indonesia, Education Programs and Environmental Programs

Team Leader

11/2005 - 10/2009

Environmental Services Program / USAID/Development Alternatives, Inc

- Provided overall vision, management oversight, and technical support to two regional teams on a \$54 million program to conserve Indonesian tropical forests by focusing on forest management and land rehabilitation, watershed management, water resource protection, climate change adaptation, and biodiversity conservation. The program also promoted improved health outcomes through expanded access to clean water and sanitation;
- Responsibilities included recruitment, capacity building, and management of more than 40 staff representing 8 technical disciplines;
- Oversaw partner relations with local government officials and civil society organizations including the private sector and the media;
- Provided technical oversight on watershed management, program communications, public outreach communications, grants, performance monitoring; and
- Developed annual work plans, budgets, quarterly and annual reports, and oversaw procurement and grant/subcontract management.

**Deputy Director for Training and Publications
10/2005**

4/ 2001 -

Building Institutions for Good Governance / USAID/International City/County Management Association (ICMA)

- Co-designed and implemented single and multi-day workshops on performance budgeting on a \$19 million program implemented by the International City/County Management Association (ICMA) that was designed to build the capacity of 46 local governments to prepare performance budgets and encourage citizen participation in the budgeting and planning processes;

- CO-supervised a 10-member training team, and a 70 person training pool, that trained over 3,600 local government participants annually; and
- Led the development of annual work plans, budgets, quarterly and annual reports, and training material.

Country Manager **12/1997 - June 1999**

Tetra Tech Environmental Management, Inc.

- Led a multi-disciplinary team in the US and Indonesia to prepare an environmental management master plan for the Bareleng Islands, and led two proposal writing teams for a World Bank funded coral reef rehabilitation and management program that was successfully awarded.

Grant Writer/Communications Specialist **/1992-10/1994**

Indonesian Environmental Forum

Recycling and Solid Waste Management Specialist **7/1990 - 7/1992**

City of San Jose, California

- Developed a ten-year Source Reduction and Recycling Plan to meet state-mandated waste diversion goals of 50% of the waste stream by 2000. In 2000, San Jose became the first large city to meet the state's mandated goal; and
- Researched and designed a Request for Proposal for the city's first curbside residential recycling program, including making policy recommendations to city council and coordinating the countywide Technical Advisory Committee.

Education

- M.A. Urban Planning, University of Michigan
- B.A. Anthropology, University of California, Santa Cruz

PROFESSIONAL AFFILIATIONS

- American Planning Association, Oregon Chapter
- Historic Resource Advisory Board, City of Lake Oswego, Sept 2016-present
- Sustainability Advisory Board, City of Lake Oswego, Sept 2015- Sept 2016
- Metro and 1000 Friends of Oregon Land Use Leadership Initiative, Southwest Corridor, 2017



City Council

Approval of Appointments to the Home Fund Advisory Committee to Fill Vacancies

Agenda Date: 5/18/2021
Agenda Item Number: 4.H
File Number: 21-0517

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

Title

Approval of Appointments to the Home Fund Advisory Committee to Fill Vacancies

Recommended Action

Committee Recommendation:

The General Government Committee recommends approval of the appointments listed below.

City Manager Recommendation:

Move to approve the appointment of Ally Upton, with a term ending March 31, 2023; and Candace Jenkins, with a term ending March 31, 2022, to the Home Fund Advisory Committee to fill vacancies.

Report

Issue:

Whether to make the recommended appointments to the Home Fund Advisory Committee.

Staff Contact:

Kellie Purce Braseth, Strategic Communications Director, 360.753.8361

Presenter(s):

None - Consent Calendar Item

Background and Analysis:

The General Government Committee interviewed Ally Upton and Candace Jenkins at its May 13, 2021, special meeting and recommends their appointments to fill vacancies on the Home Fund Advisory Committee - Upton to Position #7 with a term ending March 31, 2023 and Jenkins to Position #6 with a term ending March 31, 2022.

The candidates' applications and resumes are attached.

Neighborhood/Community Interests (if known):

N/A

Options:

1. Approve the appointments as recommended.

2. Do not approve the appointments and send the issue back to the General Government Committee. This would delay the appointment schedule and leave the Committee not operating at full strength.

Financial Impact:

No cost is associated with the action. To reduce barriers to community member participation, beginning April 1, 2021, the City offers stipends of \$25 per meeting attended to Advisory Committee members. Those members who certify as low income are eligible to receive stipends of \$50 per meeting attended. Advisory Committee members may waive the stipend upon request.

Attachments:

Ally Upton Application & Resume
Candace Jenkins Application & Resume

Profile

Ally _____ L _____ Upton _____
First Name Middle Initial Last Name

_____ _____
Email Address

_____ _____
Home Address Suite or Apt

OLYMPIA _____ WA _____ 98501 _____
City State Postal Code

_____ _____
Primary Phone Alternate Phone

Director of Housing _____
Occupation

Which Boards would you like to apply for?

Home Fund Advisory Board: Submitted

Select Your Neighborhood (you must live within Olympia City limits to serve on a board or commission) *

Eastside

If you choose "other" please write in your neighborhood here:

Interests & Experiences

[Employment_History.pdf](#) _____
Upload a Resume

Employment History

2018-Present

Director of Housing –SPS Habitat for Humanity

- Management of the housing department and its staff
- Homeowner support
- Facilitation of all homebuyer education classes
- Oversight of compliance with state and federal housing laws regulations related to low income housing (CBDG, HOME, and H.T.F grants)
- Develop relationships and collaborate with local government and other non-profit organizations
- Oversight of Family Selection
- Represent Habitat for Humanity at all state and local committees related to housing and homeownership needs
- Management of all aspects of compliance with Fair Housing, Equal Credit Act, and other relevant laws
- Collaborate with construction team in order to execute 5-year strategic plan
- Collection of quantifiable homeowner data to evaluate success and impact of program through regular pre- and post- homeownership surveys

2017-2018

Family Self Sufficiency Coordinator-Pierce County Housing Authority

- Work with current Section 8 recipients towards ending generational poverty
- Assist families to reach the goal of homeownership
- Facilitate classes on finances, goal setting and personal budgeting
- Host community resource meetings with local government and other non-profit organizations
- Partner with other community resource organizations and connect them to participants to assist with needs outside of housing

2015-2017

Community Manager-Morris Management

- Work directly with Board of Directors of Homeowner Associations
- Work with vendors to schedule projects
- Create annual budgets for each community in my portfolio
- Enforce compliance of all communities
- Accounts Payable
- Accounts Receivables
- Conduct monthly Board meetings
- Facilitate annual community meetings

2014-2015

Community Manager-Low Income Housing Institute

- Management of 4 government funded property
- Work with government funders (HUD/SHA/Enterprise/Tax-Credit)
- Work with homeless families to assist them to gain permanent housing
- Providing resource information and case management to each resident
- Schedule vendor
- Conduct annual Fair Housing training
- Collect monthly rent
- Organize community events
- Accounts Receivable
- Account Payable
- Manage office and staff

2012-2013 Tumwater, WA

Community Manager-PrimeLocatons, Inc

- Management of 104 units
- Receive monthly rent
- Schedule vendors
- Market to potential tenants
- Manage all staff and office communication both incoming and out going
- Organize annual activities for the community
- Conduct annual Fair Housing training
- Facilitate annual community meeting
- Accounts receivable
- Accounts payable

2010-2012 Olympia, WA

Portfolio Manager- VIS Group, Inc

- Work directly with Board of Directors of Homeowner Associations
- Work with vendors to schedule projects
- Create annual budgets for each community in my portfolio
- Enforce compliance of all communities
- Accounts Payable
- Accounts Receivables
- Conduct monthly Board meetings
- Facilitate annual community meetings

Profile

Candace

First Name

Jenkins

Middle Initial
Last Name

[REDACTED]
Email Address

[REDACTED]
Home Address

Suite or Apt

Lacey

City

WA

State

98503

Postal Code

[REDACTED]
Primary Phone

[REDACTED]
Alternate Phone

Homeless Family Services
Program Manager

Occupation

Which Boards would you like to apply for?

Home Fund Advisory Board: Submitted

Select Your Neighborhood (you must live within Olympia City limits to serve on a board or commission) *

South Westside Olympia

If you choose "other" please write in your neighborhood here:

Interests & Experiences

[Home Fund Resume.pdf](#)

Upload a Resume

Candace Y Jenkins

Objective

Seeking position on the

Education

MASTER OF SOCIAL WORK | PRESENT | WALDEN UNIVERSITY

- Major: Social work

BACHELOR OF ARTS | DECEMBER 2020 | SAINT MARTIN'S UNIVERSITY

- Major: Psychology
- Related coursework: Abnormal Psychology, Child Development, Social Psychology, Group Process, Personality Theories

DIPLOMA | JUNE 2007 | HENRY FOSS HIGH SCHOOL

Skills & Abilities

- Experience working with diverse populations.
- Knowledge of Thurston County Homeless System
- Knowledge of fair housing, tenants' rights, and other housing services delivery models
- Strong verbal and written communication skills
- Able to maintain high levels of confidentiality, credibility, and professionalism
- Adapts to changing business needs, conditions, and work responsibilities
- Experience managing federal, private, and local grant awards
- Knowledge of local systems and community resources for military veterans, tribal and families
- Experience providing crisis intervention, safety planning, and legal advocacy

Experience

PROGRAM MANAGER | FAMILY SUPPORT CENTER | APRIL 2020-PRESENT

- Supervise case management staff and AmeriCorps Youth in Service.
- Manage housing program funds, maintain direct communication with the Executive and Deputy Director about funding availability, client master list, and staff schedules.
- Manage agencies internal client database system
- Prepare and submit monthly quarterly, and annual reports to housing program funders
- Support in hire and training all new hires and direct service staff

HOUSING CASE MANAGER | FAMILY SUPPORT CENTER | NOV 2019- MARCH 2020

- Provide housing case management to homeless families and singles
- Work directly with clients to identify housing and basic needs resources

- Complete Housing Quality Standards Inspections on prospective housing options
- Provide safety planning and legal advocacy for survivors
- Develop, implement, and support clients housing stability plans
- Link clients with community supports and treatment services
- Care coordination with other service providers
- Connecting clients with employment and training opportunities, job development, job coaching, work readiness, and job placement

COORDINATED ENTRY SPECIALIST | FAMILY SUPPORT CENTER | JULY 2019-OCT 2019

- Perform comprehensive intake of clients and address needs for housing and services
- Build strong community relationships through outreach to community partners
- Operate and maintain databases to track client information
- Conduct weekly case conferencing

SHELTER VOLUNTEER | FAMILY SUPPORT CENTER | JAN 2019-JULY 2019

- Provide coverage support to Pear Blossom Place, assist families with needed supplies, following shelter rules and answering calls on shelter line

YOUTH SERVICES COORDINATOR | PACIFIC MOUNTAIN WDC | OCT 2018-AUG 2019

- Supporting justice involved youth teaching workplace readiness skills, including resume and cover letter writing, interviewing skills and job searching techniques

CUSTOMER SERVICE SPECIALIST | DEPARTMENT OF LICENSING | JUNE 2017- JULY 2018

- Answered inbound calls handling customer inquiries regarding vehicle and drivers licensing transactions

CUSTOMER SERVICE REPRESENTATIVE | WASTE CONNECTIONS | JUNE 2014-MARCH 2017

- Worked in conjunction with other departments to resolve customer disputes, established residential and commercial refuse services by phone, email or in-person

RESIDENTIAL COUNSELOR | COMPREHENSIVE LIFE RESOURCES | FEB 2013-MARCH 2015

- Implemented individualized treatment plans to assist consumers to develop skills needed to successfully live and work more independently, monitored consumer daily interactions



City Council

Approval of an Appointment to the Parks and Recreation Advisory Committee to Fill a Vacancy

Agenda Date: 5/18/2021
Agenda Item Number: 4.1
File Number:21-0503

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

Title

Approval of an Appointment to the Parks and Recreation Advisory Committee to Fill a Vacancy

Recommended Action

Committee Recommendation:

The General Government Committee recommends approval of the appointment listed below.

City Manager Recommendation:

Move to approve the appointment of Alecia Johnson, with a term ending March 31, 2022, to the Parks and Recreation Advisory Committee to fill a vacancy.

Report

Issue:

Whether to make the recommended appointments to the Parks and Recreation Advisory Committee.

Staff Contact:

Kellie Purce Braseth, Strategic Communications Director, 360.753.8361

Presenter(s):

None - Consent Calendar Item

Background and Analysis:

The General Government Committee interviewed Alecia Johnson at its May 12, 2021, special meeting and recommends her appointment to fill a vacancy on the Parks and Recreation Advisory Committee - to Position #4, with a term ending March 31, 2022.

The candidate's application and resume are attached.

Neighborhood/Community Interests (if known):

N/A

Options;

1. Approve the appointment as recommended.

2. Do not approve the appointment and send the issue back to the General Government Committee. This would delay the appointment schedule and leave the Committee not operating at full strength.

Financial Impact:

No cost is associated with the action. To reduce barriers to community member participation, beginning April 1, 2021, the City offers stipends of \$25 per meeting attended to Advisory Committee members. Those members who certify as low income are eligible to receive stipends of \$50 per meeting attended. Advisory Committee members may waive the stipend upon request.

Attachments:

Alecia Johnson Application

Profile

Alecia _____ N _____ Johnson _____
 First Name Middle Initial Last Name

 Email Address

 Home Address Suite or Apt

Olympia _____ WA _____ 98516 _____
 City State Postal Code

 Primary Phone Alternate Phone

Question applies to multiple boards

Advisory committees are a structured way for individual community members to share their opinions and perspectives, study issues, and develop recommendations in a focused small group. Their primary purpose is to provide judicious advice, from a community member's perspective, to the Olympia City Council.

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The City of Olympia values participation from all perspectives and life experiences and looks for equity and inclusion in advisory board appointments.

To reduce barriers to community member participation, beginning April 1, 2021, the City will offer stipends of \$25 per meeting attended to Advisory Committee members. Those members who certify as low income are eligible to receive stipends of \$50 per meeting attended. Advisory Committee members may waive the stipend upon request.

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Questions? Contact Susan Grisham, Executive Assistant, 360.753.8244, sgrisham@ci.olympia.wa.us

If you saved or submitted an application and did not receive a confirmation, please check your spam folder.

When filed with the City, your application and attachment documents are public records and may be subject to public release.

Barista _____
 Occupation

Which Boards would you like to apply for?

Parks and Recreation Advisory Committee: Submitted

Question applies to multiple boards

If you applied for multiple boards or commissions, please rank them in order of interest below.

Select Your Neighborhood (you must live within Olympia City limits to serve on a board or commission) *

Downtown

If you choose "other" please write in your neighborhood here:

Interests & Experiences

Question applies to multiple boards

Please keep answers concise and informative. You are introducing yourself to the Olympia City Council and sharing with them why you are interested in being considered for appointment. Olympia residency is not required; however, it is a primary consideration. You may attach a resume.

Question applies to multiple boards

1. Briefly describe why you wish to serve on this advisory committee.

I am a resident of Olympia, almost my whole life now and I love the community. I'm active with roller skating and skateboarding and would love to represent that community on the parks board.

Question applies to multiple boards

2. Describe your experience, qualifications, and/or skills which would benefit this advisory committee.

I am a strong speaker and I have great people skills. I am also in my twenties and I think being able to represent that age group is important. Other than my own experience with skating and frequenting the parks, I mostly bring a strong presence and a different perspective.

Question applies to multiple boards

3. Describe your involvement in the Olympia community.

I have a group called Oly Broads On Boards that myself and another friend manage, and we plan skate meetups to provide a safe space for women and girls and queer folks to learn to skate or try new things, in an environment that is encouraging and not intimidating. We use a lot of Olympia park space to do this, Friendly Grove being one of our favorites! I also work downtown and spend a lot of time in the community.

Question applies to multiple boards

4. List your educational and professional background and area of study.

I am a high school graduate from North Thurston in 2014, and I have completed some college. Mainly I have chosen to peruse customer service because of the involvement i have in the community. I would never have known about this opportunity had it not been for my job at Olympia Coffee. I have a large sales and food service background, and I have been in management as well as worked as a marketing consultant under my own management, with direction from higher ups.

Question applies to multiple boards

5. Appointment to this committee will require your attendance at evening meetings. How many hours per month are you willing to commit as a volunteer?

As many as are needed. 4-12 ideally.

Question applies to multiple boards

6. If you are not appointed to this committee at this time:

Question applies to multiple boards

6a. Do you wish to be considered for appointment to another advisory committee?

Yes No

Question applies to multiple boards

6b. Do you wish to be considered for future appointment to this committee?

Yes No

Question applies to multiple boards

6c. Would you be willing to volunteer for other City activities?

Yes No

Question applies to multiple boards

If you answered yes to 6a, please identify what other Advisory Committiees you would be interested in being considered for in order of interest.

Question applies to multiple boards

7. Some appointments require that applicants reside within Olympia city limits. Even though your mailing address may be Olympia, you may reside in the County or another jurisdiction. Are you a resident of the City of Olympia?

Yes No

Question applies to multiple boards

8. Appointees to advisory committees are assigned and required to use a City email address for all advisory committee business.

Do you agree to comply with this expectation?

I Agree *

Question applies to multiple boards

9. How did you learn about this advisory committee recruitment?

Lisa Parshley and Luke Burns

Upload a Resume



City Council

Approval of Appointments to the Planning Commission to Fill Vacancies

Agenda Date: 5/18/2021
Agenda Item Number: 4.J
File Number:21-0518

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

Title

Approval of Appointments to the Planning Commission to Fill Vacancies

Recommended Action

Committee Recommendation:

The General Government Committee recommends approval of the appointments listed below.

City Manager Recommendation:

Move to approve the appointment of Zainab Nejati, with a term ending March 31, 2024; Tracey Carlos, with a term ending March 31, 2023; and Greg Quetin, with a term ending March 31, 2022, to the Planning Commission to fill vacancies.

Report

Issue:

Whether to make the recommended appointments to the Planning Commission.

Staff Contact:

Kellie Purce Braseth, Strategic Communications Director, 360.753.8361

Presenter(s):

None - Consent Calendar Item

Background and Analysis:

The General Government Committee interviewed Zainab Nejati, Tracey Carlos and Greg Quetin at its May 13, 2021, special meeting and recommends their appointments to fill vacancies on the Planning Commission - Nejati to Position #2, with a term ending March 31, 2024; Carlos to Position #4 with a term ending March 31, 2023 and Quetin to Position #3 with a term ending March 31, 2022.

The candidates' applications and resumes are attached.

Neighborhood/Community Interests (if known):

N/A

Options:

1. Approve the appointments as recommended.
2. Do not approve the appointments and send the issue back to the General Government Committee. This would delay the appointment schedule and leave the Committee not operating at full strength.

Financial Impact:

No cost is associated with the action. To reduce barriers to community member participation, beginning April 1, 2021, the City offers stipends of \$25 per meeting attended to Advisory Committee members. Those members who certify as low income are eligible to receive stipends of \$50 per meeting attended. Advisory Committee members may waive the stipend upon request.

Attachments:

Zainab Nejati Application & Resume
Tracey Carlos Application & Resume
Greg Quetin Application & Resume

Profile

Zainab

First Name

Nejati

Last Name

 [REDACTED]
 Email Address

 [REDACTED]
 Home Address

Suite or Apt

Olympia

City

WA

State

98501

Postal Code

 [REDACTED]
 Primary Phone

Alternate Phone

Question applies to multiple boards

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Questions? Contact Susan Grisham, Executive Assistant, 360.753.8244, sgrisham@ci.olympia.wa.us

If you saved or submitted an application and did not receive a confirmation, please check your spam folder.

When filed with the City, your application and attachment documents are public records and may be subject to public release.

Technical Services
 Manager/Water Resources
 Engineer

Occupation

Which Boards would you like to apply for?

Planning Commission: Submitted

Question applies to multiple boards

If you applied for multiple boards or commissions, please rank them in order of interest below.

Select Your Neighborhood (you must live within Olympia City limits to serve on a board or commission) *

Other

If you choose "other" please write in your neighborhood here:

The Cedars

Interests & Experiences

Question applies to multiple boards

Please keep answers concise and informative. You are introducing yourself to the Olympia City Council and sharing with them why you are interested in being considered for appointment. Olympia residency is not required; however, it is a primary consideration. You may attach a resume.

Question applies to multiple boards

1. Briefly describe why you wish to serve on this advisory committee.

I wish to serve on the Planning Commission as I am looking for a way to get involved in my community in a structured way where my professional experience can be an asset. Additionally, being a Planning Commissioner is an opportunity for me to learn about a topic outside of my area of expertise.

Question applies to multiple boards

2. Describe your experience, qualifications, and/or skills which would benefit this advisory committee.

Perhaps most relevant to this position is my past two and a half years working for Thurston County Public Works (TCPW) where I first started as a Utility Planner and now serve as Water Resources Technical Services Manager. During my time at TCPW, I have developed Capital Improvement Plans for water, sewer, and stormwater; lead code updates which required policy analysis and collaboration with multiple stakeholders; and am responsible for managing the County's Utility Advisory Committees.

Question applies to multiple boards

3. Describe your involvement in the Olympia community.

As a transplant to Olympia, I've struggled to find volunteer opportunities which are compatible with my current position as most want volunteers with daytime availability. Since moving to Olympia I have been involved with the occasional native planting and canvassing events. Prior to moving to Olympia, I was a resident of Baltimore City and very active in my community. I served as one of the vice-presidents of the Patterson Park Neighborhood Association (PPNA) which represents over 1,500 homes and has an active membership of over 300 residents, co-chaired the Capital Improvements Committee of the Patterson Park Master Planning effort, participated/chaired numerous professional society committees, and fostered animals for a local rescue.

Question applies to multiple boards

4. List your educational and professional background and area of study.

B.S. Environmental Engineering, Johns Hopkins University M.S. Environmental Engineering, Johns Hopkins University

Question applies to multiple boards

5. Appointment to this committee will require your attendance at evening meetings. How many hours per month are you willing to commit as a volunteer?

25-30

Question applies to multiple boards

6. If you are not appointed to this committee at this time:

Question applies to multiple boards

6a. Do you wish to be considered for appointment to another advisory committee?

Yes No

Question applies to multiple boards

6b. Do you wish to be considered for future appointment to this committee?

Yes No

Question applies to multiple boards

6c. Would you be willing to volunteer for other City activities?

Yes No

Question applies to multiple boards

If you answered yes to 6a, please identify what other Advisory Committees you would be interested in being considered for in order of interest.

Bicycle and Pedestrian Advisory Committee

Question applies to multiple boards

7. Some appointments require that applicants reside within Olympia city limits. Even though your mailing address may be Olympia, you may reside in the County or another jurisdiction. Are you a resident of the City of Olympia?

Yes No

Question applies to multiple boards

8. Appointees to advisory committees are assigned and required to use a City email address for all advisory committee business.

Do you agree to comply with this expectation?

I Agree *

Question applies to multiple boards

9. How did you learn about this advisory committee recruitment?

E-mail

[OPC_Resume_Nejati_2021.pdf](#)

Upload a Resume

Question applies to Planning Commission

10. In your own words, what is the role of an Olympia Planning Commissioner?

The role of the Olympia Planning Commissioner is to advise the Olympia City Council on planning decisions. The recommendations on courses of action should be the best possible compromise between community desires, economic growth, and preservation of the natural environment. The Planning Commissioner is responsible for reviewing materials such as comprehensive plan amendments, and holding public hearings on proposals and using the information gathered to inform their recommendations.

Question applies to Planning Commission

11. What interests you most about community planning?

What interests me most about community planning is how planning decisions are used to shape communities. For example, in Baltimore there are many older larger rowhomes and by allowing these formerly single family homes to be broken into smaller apartments you add density to neighborhoods. This density in turns creates more foot traffic which helps create demand for local business such as restaurants and grocery stores. Another example would be how parking minimums increase the cost of development and therefore the price of housing. Ultimately whether these end results, be they increased density or housing costs, are good or bad for your city depend on the values of the community and what built environment they want to live in.

Question applies to Planning Commission

12. What skills would you bring to the work of the Planning Commission and what do you hope to learn?

My background is in utilities (stormwater, water, and sewer) policy, planning, and capital projects and I can therefore bring technical expertise related to those utilities and how they might affect planning. For example, a land zoning proposal could be incompatible with sewer capacity, or the introduction of a centralized stormwater facility might encourage development which otherwise would be infeasible or cost prohibitive. Additionally, a non-insignificant portion of my job is proposing different policy decisions and determining how those will affect different customers. This analysis experience is directly applicable to being a planning commissioner even though the topics themselves (e.g. ADUs) may be different. I hope to generally learn more about Olympia Municipal Code, the Growth Management Act, and the perspectives of different interest groups in the planning process (e.g. home builders, environmental community).

Question applies to Planning Commission

13. Have you ever taken a Short Course in Local Planning, read an OPC packet or attended a meeting?

I attend the Short Course on Local Planning offered by the Department of Commerce offered at the 2019 Infrastructure Assistance Coordinating Council (IACC) Conference.

Question applies to Planning Commission

14. What is your knowledge of the City's Comprehensive Plan and how it relates to planning?

The City's Comprehensive Plan lays out the City's goals, policies, and vision for a period of 20 years, and lays out plans (e.g. Capital Facilities Plans) for how that vision will be achieved. The Comprehensive Plan is a long range plan and is therefore a memorialization of past planning efforts, and is used to inform future planning decisions (e.g. re-zoning).

Zainab D. Nejati, P.E.

Olympia, WA 98501

EDUCATION AND CERTIFICATIONS

WA Professional Engineer # 56572

Endorsements: Civil, Environmental

Johns Hopkins University, Baltimore, MD

M.S. Environmental Engineering

B.S. Environmental Engineering

PROFESSIONAL EXPERIENCE

Thurston County Public Works, Olympia, WA

September 2018- Present

Technical Services Manager | October 2020—Present

Senior Civil Engineer | May 2020—October 2020

Utility Planner | September 2018—May 2020

- Supervised team of Utility Planners.
- Planning lead for the County's water and sewer utilities.
- Lead Thurston County stormwater capital facilities program update.
- Managed Boston Harbor and Tamoshan Utility Advisory Committees.
- Lead Thurston County Code (TCC) updates including TCC 15.20, 15.06, and 15.09-15.12.
- Created briefing materials and presented to the County Board of County Commissioners on policy and code changes.
- Reviewed development applications for compliance with the Thurston County DDECM and Water and Sewer Development Standards.
- Managed multiple stormwater projects including Woodard Creek Site #1 Retrofit, Boston Harbor Drainage Study, and Boston Harbor Outfall Replacement and Conveyance System Design.
- Identified and performed preliminary modeling for potential stormwater retrofit projects.

Project Manager, The Nature Conservancy, Detroit, MI

Jan 2018- July 2018

- Managed Centralized Stormwater Management (CSM) Master Plan for Eastern Market District and Green Stormwater Infrastructure (GSI) Retrofit at Sacred Heart Church (SHC).
- Obtained permission from Archdiocese of Detroit (AOD) and SHC financial council to conduct due diligence on church property.
- Assessed potential GSI retrofit sites and prepared preliminary project cost estimates.
- Developed RFP, and evaluated consultant proposals for GSI Retrofit at SHC.
- Communicated with stakeholders regarding CSM and SHC GSI projects and participated in public meetings.

Brown and Caldwell, Beltsville, MD

Oct 2011-Jan 2018

Engineer III | January 2014—January 2018

Engineer II | October 2011—December 2013

Comprehensive MS4/TMDL Program Management, Montgomery County Department of the Environment, Rockville, Maryland

- Managed stormwater pond, neighborhood green streets, and school low impact development (LID) retrofit projects with total contract value of \$5.3M.
- Oversaw activities of the County's Water Resource Engineering (WRE) consultants.

Zainab D. Nejati, P.E.

Olympia, WA 98501

- Reviewed submittals for accuracy, and compliance with state and local design standards.
- Coordinated with local, state, and federal permitting agencies.
- Communicated with stakeholders regarding retrofits and led public meetings.
- Created ArcGIS templates for task orders, and data management.
- Developed a desktop procedure to evaluate pre-1986 pond water quality volume (WQv).
- Negotiated easements and right of entry agreements.

Cabin John Creek Watershed Assessment, Montgomery County Department of the Environment, Rockville, Maryland

- Lead Green Streets Assessment Team evaluating three neighborhoods for green infrastructure opportunities.
- Supervised stream assessment crews.
- Responsible for post processing of spatial data collected by field crews of stream assessments, green streets, Rainscapes, and new BMP opportunities.
- Supervised junior staff members in data quality control and creation of new ArcGIS datasets.

Comprehensive Sewershed Study, Northeast Branch Sewer Basin, Washington Suburban Sanitary Commission, Laurel, Maryland

- Project engineer for comprehensive sewer system evaluation study which included smoke testing, dye testing, flow isolation, CCTV and manhole inspections.
- Managed data for 291 miles of separate sanitary sewers ranging in size from 6" to 120".
- Reviewed smoke testing, flow isolation, and dye testing results for quality control and data analysis.

BMP Database Development and Filing System, Department of Public Works, Salisbury, MD

- Created ArcGIS database structure to comply with City needs and NPDES reporting requirements.
- Supervised team reviewing as-builts and populating ArcGIS database.
- Developed an electronic filing system for inspection records, as-builts, and other documentation.

Western Basin Environmentally Sensitive Area Permit Ready Submittal, Washington Suburban Sanitary Commission, Laurel, Maryland

- Served on a project team designing 15 miles of sewer and 630 Manhole rehabilitation designs in 200 Environmentally Sensitive Areas (ESA).
- Prepared Army Corps of Engineers and MD Department of the Environment Joint Permit Applications.
- Designed Fulcrum tablet application used to collect field data.
- Constructed models in ArcGIS model builder to calculate bid quantities for line items
- Completed designs (30% 60%, 90%) for 24 path rehab work packages which included using rehab recommendations to evaluate access type needed, inclusion of close proximity pipe assets for repair, bypassing pumping layout and locations of construction entrances.

Engineer I, EA Engineering/Louis Berger, Baltimore, MD

Jan 2010 - Sept 2011

Stormwater Management Utility Feasibility and Development, Baltimore City Department of Public Works, Baltimore, Maryland

Zainab D. Nejati, P.E.

Olympia, WA 98501

- Assisted in development of stormwater utility for Baltimore City.
- Developed recommendations for credit and incentive program.
- Responsible for QA/QC of impervious area data and calculation of equivalent residential unit.

Unified Emergency Response Plan, Bureau of Water and Wastewater, Baltimore, Maryland

- Drafted Unified Emergency Response Plan (ERP) for Bureau of Water and Wastewater.
- Conducted Gap Analysis of existing ERPs as provided by the City.
- Conducted informational interviews with Bureau Heads and key staff regarding their response to emergencies, operational disruptions, and near misses.

PRESENTATIONS

Lessons Learned in Implementing LID Retrofits at Public Schools in Montgomery County, MD, Poster Presentation, 2016 EWRI International Low Impact Development Conference, Portland, ME

Say, How Much for that Stormwater: A Look at Chesapeake Bay Region's Credit and Incentive Programs for Stormwater Utilities, Oral Presentation, 2014 Tri-Association Conference, Ocean City, MD

Lorax Approved Solutions: The Evolving World of Mobile & Cloud Data Collection, Oral Presentation, 2014 Tri-Association Conference, Ocean City, MD

Lawyers, TMDLs, and Money: Understanding Maryland's Accounting for Growth Policy, Oral Presentation, 2014 Tri-Association Conference, Ocean City, MD

Accounting for Growth: The Final Chapter in Maryland's TMD Odyssey, Oral Presentation, 2013 Tri-Association Conference, Ocean City, MD

Profile

Tracey

First Name

E

Middle Initial

Carlos

Last Name

 [REDACTED]
 Email Address

 [REDACTED]
 Home Address

Suite or Apt

Olympia

City

WA

State

98506

Postal Code

 [REDACTED]
 Primary Phone

Alternate Phone

Question applies to multiple boards

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Claim Processor

Occupation

Which Boards would you like to apply for?

Parks and Recreation Advisory Committee: Submitted
Planning Commission: Submitted

Question applies to multiple boards

If you applied for multiple boards or commissions, please rank them in order of interest below.

Planning Commission Parks and Recreation Advisory Committee

Select Your Neighborhood (you must live within Olympia City limits to serve on a board or commission) *

Woodard Glen

If you choose "other" please write in your neighborhood here:

Interests & Experiences

Question applies to multiple boards

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Question applies to multiple boards

1. Briefly describe why you wish to serve on this advisory committee.

I want to work with the city on zoning issues, affordable housing and/or community events that can make our community more livable. Our community suffers from a lack of housing and also is divided. Both of these issues need to be addressed and we need to address them with an eye toward equity, diversity and inclusion. I believe that community events can help us get to know our neighbors better and that will help heal the divide. And I believe that we must review our land use with an eye toward reversing the unequitable practices of our city's past.

Question applies to multiple boards

2. Describe your experience, qualifications, and/or skills which would benefit this advisory committee.

I have been on the board of Partners in Prevention Education for several years as the secretary where I have learned more about the needs of those in the community that are houseless, marginalized and/or street dependent. As a member of the marginalized community myself as well as a state employee with experience in reading and deciphering RCWs, I can help review ordinances with an eye to equity.

Question applies to multiple boards

3. Describe your involvement in the Olympia community.

I have been the secretary of the executive board for Partners in Prevention Education for over 3 years. I am a Precinct Committee Officer of the Democratic Party for Olympia 246 in my 3rd term of office. And I founded the most recent iteration of the local LGBTQ+ Democratic Caucus, The Thurston County Queer Democrats. As a photographer, I have attended numerous protests and rallies over the last few years, documenting these events to show the community what these peaceful events were about. Since COVID-19 I have not been able to attend these events. But when my parents became sick in March 2020 I chose to share my parents struggles and then their passing to try to put a face on COVID-19 for our community. I did local and national interviews for the same purpose.

Question applies to multiple boards

4. List your educational and professional background and area of study.

I have a bachelor degree in history, have worked most recently for the Department of Labor & Industries in workers compensation. I worked in emergency unemployment insurance for the Employment Security Department from 2010-2012 before that. I have also worked at Walt Disney World Parks and Resorts in Florida in several different positions in hotels, food, merchandise and entertainment. In between I worked in data entry for a medical professionals website.

Question applies to multiple boards

5. Appointment to this committee will require your attendance at evening meetings. How many hours per month are you willing to commit as a volunteer?

10

Question applies to multiple boards

6. If you are not appointed to this committee at this time:

Question applies to multiple boards

6a. Do you wish to be considered for appointment to another advisory committee?

Yes No

Question applies to multiple boards

6b. Do you wish to be considered for future appointment to this committee?

Yes No

Question applies to multiple boards

6c. Would you be willing to volunteer for other City activities?

Yes No

Question applies to multiple boards

If you answered yes to 6a, please identify what other Advisory Committees you would be interested in being considered for in order of interest.

I would be willing to help with photography and am open to other activities as well

Question applies to multiple boards

7. Some appointments require that applicants reside within Olympia city limits. Even though your mailing address may be Olympia, you may reside in the County or another jurisdiction. Are you a resident of the City of Olympia?

Yes No

Question applies to multiple boards

8. Appointees to advisory committees are assigned and required to use a City email address for all advisory committee business.

Do you agree to comply with this expectation?

I Agree *

Question applies to multiple boards

9. How did you learn about this advisory committee recruitment?

Council Member Dani Madrone sent me the information

[Resume for Tracey Carlos for OAC.docx](#)

Upload a Resume

Question applies to Planning Commission

10. In your own words, what is the role of an Olympia Planning Commissioner?

The planning commission advises the city council on zoning and land use within the city of Olympia

Question applies to Planning Commission

11. What interests you most about community planning?

I would like to focus on how to expand housing while protecting the beauty of community.

Question applies to Planning Commission

12. What skills would you bring to the work of the Planning Commission and what do you hope to learn?

I have been studying housing options for Olympia and want to learn more about where our community stands on various options that will help expand our housing options.

Question applies to Planning Commission

13. Have you ever taken a Short Course in Local Planning, read an OPC packet or attended a meeting?

No

Question applies to Planning Commission

14. What is your knowledge of the City's Comprehensive Plan and how it relates to planning?

I have read the comprehensive plan when I was preparing to apply for city council. The plan is a view toward what the community has said they wanted and our city's goals for the future.

Tracey E Carlos

Objective

My goal is to help my community thrive through working on an Olympia Advisory Committee.

Volunteer Work

December 2016-present

Vice Chair of Democrat LD 22

December 2018-December 2020

Review and edit bylaws, write resolutions, report out to membership and photographer for various political events around Thurston County, actively worked on several campaigns phone banking, door belling, sign waving and any other volunteer efforts needed for endorsed candidates

Volunteer Coordinator - Renata Rollins's campaign June 2017-October 2017

Recruited volunteers, maintained database of potential volunteers, encouraged people to continue volunteering

Secretary- Partners in Prevention Education

August 2017-Present

Write agendas and minutes, review bylaws and policies, vote on board issues, help develop strategic plan, schedule meetings

WFSE Local 443 member

October 2010-Present

Have worked actively on the Political Action Committee for the last 2 years and sat on the Thurston-Mason-Lewis Central Labor Council

Founding Chair - Thurston County Queer Democrats November 2019-Present

Organizing and running monthly meetings including writing bylaws, agendas, minutes, facilitating meetings and endorsement elections

Advisor Rory Summerson's Campaign

November 2019 – August 2020

Reviewed campaign platforms, assisted with writing speeches and social media

Secretary of the Board for WA Stonewall Caucus

February 2020-Present

Taking minutes, helping monitor social media page, voting on issues brought before the board

Project

Member Rainbow Alliance & Inclusion Network (RAIN) LGBTQ Business Resource Group January 2016 to Present
April 2017-August 2020 Co-Chair of Outreach and Communications Committee and Chair of Elections Committee
Formerly member of temporary Charter Committee, worked on team that wrote the founding charter
Coordinate the writing, editing, formatting and distribution of the quarterly newsletter (still doing just had to adjust due to extra daily work I have as my unit heads COVID worker's compensation), developed election process for RAIN leadership positions as well as overseeing elections, assist in finding guest speakers for monthly meetings
Member of Advisory Committee – strategic planning, agenda building

Skills

Social Media Communication
Type 47 wpm
Internet and Intranet applications

Newsletter Editor and Publisher
Multi-line telephone systems
Microsoft Office

Official Trainings Completed:

Train the Trainer
L & I Coaching for Performance
Basic Unemployment Insurance
Advanced Cash Handling

Diffusing an Angry Customer
General Customer Service
Basic Emergency Unemployment Compensation
Basic Accounts Receivable/Payable bookkeeping

Worker's Compensation Adjudication level 2 training including: time management, understanding and interpreting RCW's, WAC's, Case Laws, medical terminology, wage calculations, basic pharmacology, vocational services, basic injuries, professional writing, phone etiquette

Education

University of Central Florida
Bachelors in Arts – History

Orlando, FL

Valencia Community College
Associate in Arts

Orlando, FL

Employment Experience

Claims Processor November 2016-Present
Department of Labor and Industries
As a claims processor I assist claim managers with their claims by making phone calls, reviewing mail in their work lists, send out correspondence requesting information as needed and responding to secure messages. Also, as part of Unit 3 I help track Medicare/Medicaid issues, review monthly social security reports, assist with vehicle modification requests, review RCWs, track down COVID-19 test results and payment out of policy requests. I also cover for our Office Assistant when she is out, handling mail, transcribing voicemails, word processing and returned mail.

Office Assistant Lead (non-permanent appointment) August 2015-January 2016
Department of Labor and Industries
Assist with on the job training. Work in CentreVu and, with supervisor, put out daily and monthly status reports. Monitor workflow in Orion, Work fiche, phone queue, set up new hire work stations, assist with voicemail schedule and project time management. Assist as key operator for various office equipment including stapler, label makers, phones, headsets. Take calls, coordinate travel for injured workers needing, hotels, taxis, meal vouchers or flights, pass out morning mail, assist with morning email message to support unit and mail coverage as needed, communicate with trainers on in unit training concerns, mentor/coach office assistance. Help with leading discussion at team meetings regarding different procedures.

Office Assistant 3 December 2013-July 2015 and January 2016-November 2016
Department of Labor and Industries
Assists in training newly hired office assistants, have created and facilitated class for claims processors, assist customers in understanding worker's compensation laws and policies and how to navigate their claim, assist in handling upset and/or confused customers, create a working relationship with frequent customers including attorney's offices and provider's offices, quality check other office assistant's work, assists claims managers with attorney requests, obtaining prior medical information on claims, reminding injured workers of upcoming appointments, Employment Security Department records requests, claim records requests, re-mailing letters and orders and updating injured worker's contact information

Worker's Compensation Adjudicator 2 Apprentice February 2013-December 2013
Department of Labor and Industries
Adjudicated worker's compensation claims, determined eligibility for benefits, including time-loss, medical and vocational assistance, managed benefit distribution for claimants on case load, answered phones, wrote letters and orders, understand and uphold state laws in regards to worker's compensation, coordinated care and return-to-work services between employer, injured worker, medical provider, vocational counselor and department personnel

Profile

Gregory

First Name

R

Middle Initial

Quetin

Last Name


 Email Address


 Home Address

Suite or Apt

Olympia

City

WA

State

98506

Postal Code


 Primary Phone


 Alternate Phone

Question applies to multiple boards

Advisory committees are a structured way for individual community members to share their opinions and perspectives, study issues, and develop recommendations in a focused small group. Their primary purpose is to provide judicious advice, from a community member's perspective, to the Olympia City Council.

Committee activities may include study of critical issues, hearing public testimony, independent research, and reviewing staff reports and recommendations - all of which is intended so that the committee is prepared to discuss, formulate, and forward well-developed, thoughtful recommendations to the City Council in a timely manner.

The City of Olympia values participation from all perspectives and life experiences and looks for equity and inclusion in advisory board appointments.

To reduce barriers to community member participation, beginning April 1, 2021, the City will offer stipends of \$25 per meeting attended to Advisory Committee members. Those members who certify as low income are eligible to receive stipends of \$50 per meeting attended. Advisory Committee members may waive the stipend upon request.

Applications are accepted for the calendar year only. The Olympia City Council's General Government Committee recommends appointments to the full Council. Recommendations are made following review of applications and interviews of qualified candidates.

The City of Olympia is committed to the non-discriminatory treatment of all persons in employment and the delivery of services and resources.

Questions? Contact Susan Grisham, Executive Assistant, 360.753.8244, sgrisham@ci.olympia.wa.us

If you saved or submitted an application and did not receive a confirmation, please check your spam folder.

When filed with the City, your application and attachment documents are public records and may be subject to public release.

 Post Doctoral Climate
 Researcher

Occupation

Which Boards would you like to apply for?

Planning Commission: Submitted

Question applies to multiple boards

If you applied for multiple boards or commissions, please rank them in order of interest below.

N/A

Select Your Neighborhood (you must live within Olympia City limits to serve on a board or commission) *

Bigelow Highlands

If you choose "other" please write in your neighborhood here:

Interests & Experiences

Question applies to multiple boards

Please keep answers concise and informative. You are introducing yourself to the Olympia City Council and sharing with them why you are interested in being considered for appointment. Olympia residency is not required; however, it is a primary consideration. You may attach a resume.

Question applies to multiple boards

1. Briefly describe why you wish to serve on this advisory committee.

I wish to serve on the planning commission to help shape Olympia's path in confronting the age of climate change. From parking to the comprehensive plan, Olympia needs to make decisions that are designed to carry us forward for decades, but we can get to work on today. We are facing radical change due to COVID, a changing economy, and a changing climate. With clear eyed planning we can harness that change to build a happier more human focused community and leave no one behind. I am excited to use my technical experience in climate and engineering to serve the city, while always staying humble and keeping in mind that the City of Olympia is foremost a human endeavor in building and maintaining a community.

Question applies to multiple boards

2. Describe your experience, qualifications, and/or skills which would benefit this advisory committee.

I currently work as a researcher in climate science, particularly the interaction of the biosphere and the climate. In addition, before leaving to pursue my PhD I spent five years working as a mechanical engineer. Through my climate research and education, I have deep knowledge of one of the major challenges that will shape Olympia's planning for the coming decades, and which demands massive change in so many aspects of how the city is organized and operates. Though I am not a city planner, at this point in my career I am a professional learner, and I am comfortable digging into the technical details of planning and the data that will help guide our decisions about the future. In addition, I am well versed in communicating detailed information to different audiences in ways that are digestible and engaging.

Question applies to multiple boards

3. Describe your involvement in the Olympia community.

After moving to Olympia two and a half years ago I have been active with Olympians for People Oriented Places and the Thurston Climate Action Team. In particular celebrating the launch of The One bus line across town and advocating for the adoption of financing ordinances at the County level that will allow for deep retrofits of commercial buildings. I am also an avid walker and biker in the community.

Question applies to multiple boards

4. List your educational and professional background and area of study.

For the last three plus years I have been a remote postdoctoral researcher at Stanford University (3 years) and the University of California Santa Barbara. Masters and PhD in Atmospheric Sciences from the University of Washington Five years as a mechanical engineer at the NASA Jet Propulsion Laboratory Bachelors of Science in Aeronautics and Astronautics Engineering from the University of Washington

Question applies to multiple boards

5. Appointment to this committee will require your attendance at evening meetings. How many hours per month are you willing to commit as a volunteer?

30

Question applies to multiple boards

6. If you are not appointed to this committee at this time:

Question applies to multiple boards

6a. Do you wish to be considered for appointment to another advisory committee?

Yes No

Question applies to multiple boards

6b. Do you wish to be considered for future appointment to this committee?

Yes No

Question applies to multiple boards

6c. Would you be willing to volunteer for other City activities?

Yes No

Question applies to multiple boards

If you answered yes to 6a, please identify what other Advisory Committees you would be interested in being considered for in order of interest.

N/A

Question applies to multiple boards

7. Some appointments require that applicants reside within Olympia city limits. Even though your mailing address may be Olympia, you may reside in the County or another jurisdiction. Are you a resident of the City of Olympia?

Yes No

Question applies to multiple boards

8. Appointees to advisory committees are assigned and required to use a City email address for all advisory committee business.

Do you agree to comply with this expectation?

I Agree *

Question applies to multiple boards

9. How did you learn about this advisory committee recruitment?

City of Olympia Email

[Queting_AcademicCV_OnePage_v3.0.pdf](#)

Upload a Resume

Question applies to Planning Commission

10. In your own words, what is the role of an Olympia Planning Commissioner?

The role of an Olympia Planning Commissioner is to review city plans and make sure that they best serve the community of Olympia, the future of Olympia, and the comprehensive plan for Olympia. As an Olympia Planning Commissioner, I would look for ways to support the work of the city staff as well as advise them – and the City Council – to be bold in addressing issues related to climate change, people oriented places and transportation, and affordable housing.

Question applies to Planning Commission

11. What interests you most about community planning?

I am interested in the delight and serendipity of human interactions and community. Community planning is the technical scaffolding that supports a family being able to bike downtown for a picnic on the waterfront, a business being able to receive deliveries efficiently, and every resident feeling confident that they have a safe place to call home. I enjoy and am predisposed to think about the technical details, how wide a street needs to be, about how to prepare for climate change with limited resources, or how to harness public and private resources to make sure everyone is housed. However, I am most interested in how those technical details support making a happier and more welcoming city for all.

Question applies to Planning Commission

12. What skills would you bring to the work of the Planning Commission and what do you hope to learn?

I bring a deep knowledge of climate change and skills in the interpretation and analysis of complex data. In addition, I have had experience advocating for safe streets in both Seattle and Olympia. I hope to learn more about the many layered process of planning and the internal challenges and opportunities in the City of Olympia itself. More broadly I am excited to learn more about my broader community and its people while serving.

Question applies to Planning Commission

13. Have you ever taken a Short Course in Local Planning, read an OPC packet or attended a meeting?

I have attended multiple Olympia City Planning Commission meetings.

14. What is your knowledge of the City's Comprehensive Plan and how it relates to planning?

I have studied both the housing and transportation plans of the City of Olympia along with references therein of population growth targets and transportation (primarily vehicle miles traveled) goals. I realize that the Comprehensive Plan broadly defines by how much and where Olympia plans on adding housing and jobs which provides broad goals when planning the city.

Gregory R. Quetin



EDUCATION

PhD, Atmospheric Sciences

University of Washington – 2017

Masters, Atmospheric Sciences

University of Washington – 2015

Bachelors of Science in Aeronautical and Astronautical Engineering

University of Washington – 2007
Minor in Physics

ACTIVITIES

Co-Founder

Science by Design (Present)

Ignited collaboration across science and design departments through on-going workshops to highlight the need for compelling scientific communication that pivots on storytelling.

Climate Expert

School of Art + Design: Information Design Class – 2014 & 2016

Consulted on the development of curriculum, as well as subject critic for students as they learned to visualize data with accuracy.

Research Assistant - Marine Biology U.S. Antarctic Program – 2004

Three-month deployment to Palmer Station, Antarctic Peninsula.

CONFERENCES*

Oral Presentation, Invited

*American Geophysical Union
Fall Meeting – 2017*

Oral Presentations, Selected

*European Geophysical Union
Annual Meeting – 2019*

*American Geophysical Union
Fall Meeting – 2019*

ACADEMIC AND PROFESSIONAL EXPERIENCE

University of California Santa Barbara *Postdoctoral Researcher*

January 2021 – Present

Stanford University *Postdoctoral Researcher*

February 2018 – December 2020

Investigation into the carbon cycle and climate change with data assimilation and satellite observations in the Remote Sensing Ecohydrology Lab.

Key Accomplishments

- Advanced the assessment of the global terrestrial carbon cycle by contrasting a new data assimilation approach - systematically constraining simple models with observations - to more complex, but unconstrained, Earth system models
- Attributed changes in the carbon cycle to human CO₂ emissions using a new century long estimate of the past carbon cycle with an observationally constrained carbon cycle model.

University of Washington *Graduate Research Assistant*

September 2012 – December 2017

Quantified the sensitivity of vegetation to climate variation across the globe using satellite observations and climate reconstruction in the EcoClimate Lab.

Key Accomplishments

- Supported the creation of a unique, interdisciplinary lab that led to new research on the coupling of atmospheric sciences and ecology on the global climate system.
- As the first graduate student in this lab, helped establish enduring lab principles and authored two peer-reviewed papers.

NASA Jet Propulsion Laboratory, CalTech *Mechanical Engineer Lead*

August 2007 – July 2012

As a mechanical team member - and subsequently, trusted team lead to 6 reports - designed, fabricated, and managed the delivery and integration of calibration mechanisms and optical assemblies for ground breaking, multi-spectral imaging spectrometers.

Key Accomplishments

- Grew an existing team through empowering members as individuals, while increasing quality of product and delivering multiple, deployable instruments still in use today.
- Designed instrumentation for CalTech Submillimeter Telescope in Mauna Kea, Hawaii and installed it onsite.

SELECTED PEER REVIEWED PUBLICATIONS*

Quetin, G. R., Bloom, A. A., Bowman, K. W., & Konings, A. G. (2020). Carbon Flux Variability from a Relatively Simple Ecosystem Model with Assimilated Data is Consistent with Terrestrial Biosphere Model Estimates. *Journal of Advances in Modeling Earth Systems*.

Quetin, G. R. and Swann, A. L. S. Sensitivity of Leaf Area to Interannual Climate Variation as a Diagnostic of Ecosystem Function in CMIP5 Carbon Cycle Models. *Journal of Climate* 31, 8607–8625 (2018).

Quetin, G. R. and Swann, A. L. S. Empirically Derived Sensitivity of Vegetation to Climate across Global Gradients of Temperature and Precipitation. *Journal of Climate* 30, 5835–5849 (2017).

* For full list of peer reviewed publications and conference presentations, please visit www.gregoryrossquetin.com



City Council

Approval of an Appointment to the Utilities Advisory Committee to Fill a Vacancy

Agenda Date: 5/18/2021
Agenda Item Number: 4.K
File Number:21-0519

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

Title

Approval of an Appointment to the Utilities Advisory Committee to Fill a Vacancy

Recommended Action

Committee Recommendation:

The General Government Committee recommends approval of the appointment listed below.

City Manager Recommendation:

Move to approve the appointment of Dani Clark, with a term ending March 31, 2022, to the Utility Advisory Committee to fill a vacancy.

Report

Issue:

Whether to make the recommended appointments to the Utilities Advisory Committee.

Staff Contact:

Kellie Purce Braseth, Strategic Communications Director, 360.753.8361

Presenter(s):

None - Consent Calendar Item

Background and Analysis:

The General Government Committee interviewed Dani Clark at its May 13, 2021, special meeting and recommends their appointment to fill a vacancy on the Utilities Advisory Committee - to Position #3, with a term ending March 31, 2022.

The candidate's application and resume are attached.

Neighborhood/Community Interests (if known):

N/A

Options;

1. Approve the appointment as recommended.
2. Do not approve the appointment and send the issue back to the General Government

Committee. This would delay the appointment schedule and leave the Committee not operating at full strength.

Financial Impact:

No cost is associated with the action. To reduce barriers to community member participation, beginning April 1, 2021, the City offers stipends of \$25 per meeting attended to Advisory Committee members. Those members who certify as low income are eligible to receive stipends of \$50 per meeting attended. Advisory Committee members may waive the stipend upon request.

Attachments:

Dani Clark Application & Resume

Profile

Dani M Clark
 First Name Middle Initial Last Name

[Redacted]
 Email Address

[Redacted] Suite or Apt
 Home Address

Olympia WA 98512
 City State Postal Code

[Redacted] Alternate Phone
 Primary Phone

Question applies to multiple boards

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Questions? Contact Susan Grisham, Executive Assistant, 360.753.8244, sgrisham@ci.olympia.wa.us

If you saved or submitted an application and did not receive a confirmation, please check your spam folder.

When filed with the City, your application and attachment documents are public records and may be subject to public release.

Administrator - Higher Education
 Occupation

Which Boards would you like to apply for?

Utility Advisory Committee: Submitted

Question applies to multiple boards

If you applied for multiple boards or commissions, please rank them in order of interest below.

Select Your Neighborhood (you must live within Olympia City limits to serve on a board or commission) *

Other

If you choose "other" please write in your neighborhood here:

Ken Lake

Interests & Experiences

Question applies to multiple boards

Please keep answers concise and informative. You are introducing yourself to the Olympia City Council and sharing with them why you are interested in being considered for appointment. Olympia residency is not required; however, it is a primary consideration. You may attach a resume.

Question applies to multiple boards

1. Briefly describe why you wish to serve on this advisory committee.

As a relatively new member of the Olympia community (moved here in 2018) and a new homeowner in Olympia I would like to get involved and support the community. I've had a great experience with all of the utility resources I've used so far here in Olympia. I want to make sure everyone is able to have a great experience and that utilities are as accessible for everyone in the community as possible.

Question applies to multiple boards

2. Describe your experience, qualifications, and/or skills which would benefit this advisory committee.

I have extensive experience serving on committees through my professional roles and would like to be able to bring my skills and time to the community. I also know that taking an active role in supporting the community is

Question applies to multiple boards

3. Describe your involvement in the Olympia community.

I am active with the Olympia Dragon Boat Club and am currently Vice President of the Club's board. I started with the Dragon Boat team in July of 2018. I also work at the Evergreen State College.

Question applies to multiple boards

4. List your educational and professional background and area of study.

I have been a higher education administrator for a decade and have a master's degree in Student Affairs and Higher Education.

Question applies to multiple boards

5. Appointment to this committee will require your attendance at evening meetings. How many hours per month are you willing to commit as a volunteer?

6

Question applies to multiple boards

6. If you are not appointed to this committee at this time:

Question applies to multiple boards

6a. Do you wish to be considered for appointment to another advisory committee?

Yes No

Question applies to multiple boards

6b. Do you wish to be considered for future appointment to this committee?

Yes No

Question applies to multiple boards

6c. Would you be willing to volunteer for other City activities?

Yes No

Question applies to multiple boards

If you answered yes to 6a, please identify what other Advisory Committees you would be interested in being considered for in order of interest.

Planning Commission Parks & Rec Advisory Committee Bicycle & Pedestrian Advisory Committee Arts Commission

Question applies to multiple boards

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Yes No

Question applies to multiple boards

8. Appointees to advisory committees are assigned and required to use a City email address for all advisory committee business.

Do you agree to comply with this expectation?

I Agree *

Question applies to multiple boards

9. How did you learn about this advisory committee recruitment?

Facebook post by the City of Olympia page

[D_Clark_Resume_February_2021.pdf](#)

Upload a Resume

Dani M. Clark

EDUCATION

- ❖ **Master of Science in Education**, Higher Education and Student Affairs May 2011
Indiana University Bloomington, Indiana
- ❖ **Bachelor of Arts**, Gender and Women's Studies May 2009
Scripps College Claremont, California

PROFESSIONAL EXPERIENCE

Assistant Director for Residential Life June 2018 – Present
The Evergreen State College Residential & Dining Services Olympia, Washington

- ❖ Lead the Residential Life team of 4 Resident Directors, 18 Resident Assistants, & 4 Residence Hall Assoc. Officers
- ❖ Facilitate student conduct and CARE case review, assignment, investigation, & follow up via Simplicity Advocate
- ❖ Assisted with the department's implementation of StarRez housing management software, Roomcompact roommate agreement software, and campus's Symplicity Advocate conduct, CARE, & TIX case management software Report, investigate, and resolve complicated and repeat violations by housing residents
- ❖ Co-facilitated training for remote work around Zoom and Office 365 with interdepartmental team from Computing, Inclusive Excellence & Student Success (IESS), and Student & Academic Life (SAL) during switch to remote work
- ❖ Serve as an appeal official in campus Brief Adjudicative Proceedings (BAP)
- ❖ Recruit, hire, train, and supervise professional, graduate, & undergraduate student staff members
- ❖ Serve in on-call rotation as the backup for the Resident Directors managing student crisis situations

Residential Learning & Neighborhood Coordinator December 2016 – June 2018
Purdue University Residential Life West Lafayette, Indiana

- ❖ Created and implemented the residential curriculum for the District of Tradition neighborhood
- ❖ Collaborated with fellow Residential Learning & Neighborhood Coordinators (RLNCs) to maintain consistency with residential curriculum across neighborhoods
- ❖ Designed and facilitated training sessions for Resident Assistants to Senior Leadership about the curriculum
- ❖ Co-supervised Residence Education Coordinators (RECs) for Owen, Tarkington, Wiley, and Meredith Halls with a total of over 2,700 residents
- ❖ Utilized a student-centered approach to promote student development, innovation, & collaboration
- ❖ Oversaw staff supervision, academic support, crisis management, social justice education, space management, and operational fiduciary oversight
- ❖ Served in on-call rotation with Assistant Director/RLNCs for all 12,000+ residents for emergency & crisis response

Area Coordinator, Owen, Tarkington, and Wiley Halls July 2015 – June 2017

Area Coordinator, Owen Hall June 2014 – June 2015
Purdue University Residential Life West Lafayette, Indiana

- ❖ Created a safe, secure, and learner-centered environment for 2200+ residents
- ❖ Supervised 2 professional staff members whose primary responsibilities include Resident Assistant supervision
- ❖ Assisted Staff Residents in supervision, training, evaluation and selection of 16 Resident Assistants
- ❖ Heard student conduct cases of residents of Owen Hall – consistently handled high volume of reports
- ❖ Consistently handled high volume of conduct and student wellness incident reports and cases with Maxient's Case Manager software
- ❖ Responsible for operational fiduciary oversight of over \$40,000 per fiscal year for resident activities
- ❖ Advised Hussar Club (Hall Government), oversaw budget of \$22,000 annually
- ❖ Lead development and implementation of neighborhood's curriculum
- ❖ Served in on-call rotation – AC/REC level with a zone of approx. 3,000 students for 24-hour emergency & crisis response

Area Coordinator for First Year Residential Experience

June 2012 – June 2014

Resident Director for First Year Residential Experience

June 2011 – June 2012

Oberlin College Residential Education

Oberlin, Ohio

- ❖ Oversaw the operation of the 3 First Year Experience buildings: Barrows, Dascomb, & Kahn Halls serving 450+ residents
- ❖ Supervised, evaluated, trained, & hired 17 RAs and 1 Bowling Green State University Master's graduate student
- ❖ Served on-call for entire residential campus of 2,500 plus students, responded to crises including: suicide attempts, student death, domestic abuse, sexual assault, and any other student concerns
- ❖ Conducted hearings as an individual hearing officer – utilized Maxient for all conduct case tracking
- ❖ Managed a budget of \$1,500 for RA programming
- ❖ Advised Barrows and Kahn Hall Councils – authorized purchases with their budgets of \$1,500 -\$800 each
- ❖ Coordinated building move-ins and move-outs – August, May, and mid-year
- ❖ Managed Fire & Life Safety Inspections 3 times during the year; October, December Closing, & March
- ❖ Facilitated relationship with Oberlin Student Cooperative Association (OSCA) HLECs and ResEd through weekly one on ones during Spring 2014 semester

Senior Judicial Hearing Officer

January 2013 – June 2014

- ❖ Co-Advised Oberlin College Judicial Board of 8-12 undergraduate students
- ❖ Recruited, interviewed, trained, and advised judicial board members to hear campus cases

Conference Manager for Summer Conferences

Summer 2011, 2012, 2013

Oberlin College Conference Services

Oberlin, Ohio

- ❖ Coordinated the preparation of residence halls for summer conferences including linens and supplies
- ❖ Collaborated with 7 managers to facilitate training, weekly meetings, and daily office operations
- ❖ Served as a direct contact between Conference Services and summer conference groups
- ❖ Was lead manager for 8 conference groups, including 2 multiple-week conferences, and clients new to the campus
- ❖ Collectively evaluated the 16 conference assistants and held individual evaluation meetings
- ❖ Assumed responsibility for managing the central operations office of 20+ employees
- ❖ Assisted in recruiting, hiring, and training graduate interns through ACUHO-I

Student Development Specialist, Foster Quad

August 2009 – May 2011

Indiana University Residential Programs & Services (RPS)

Bloomington, Indiana

- ❖ Served as a leadership team member for a facility of more than 1,200 students
- ❖ Selected, trained, and supervised 4 first-year students, Community Mentors (CMs), who were responsible for programming within the building community
- ❖ Operated on rotation as 1 of 4 graduate or professional staff that shared 24/7 duty responsibilities to respond to emergency situations in the residence hall
- ❖ Selected, trained, & advised judicial hearing board of 11 students who heard judicial cases for Foster Quad
- ❖ Utilized PAVE to track judicial cases for the judicial board and individual judicial conferences
- ❖ Conducted judicial cases to help students develop and learn from situations where they violated policy
- ❖ Oversaw programming for CMs, Resident Assistants (RAs) and Diversity Educator(CUE) in Foster
- ❖ Organized and facilitated ongoing professional development sessions for RAs and CMs
- ❖ Supervised the Hospitality, Communication Center, and CUE Liaison Committees in Foster Quad
- ❖ Oversaw the operation of the Quad's center desk; scheduled, interviewed, hired, and trained student desk clerks in mail, package, maintenance, and other clerical tasks
- ❖ Advised orientation week activities during move-in, including supervising the student team's budget of more than \$2,500

Conference Manager, ACUHO-I Intern

May 2010 – August 2010

Oberlin College Conference Services

Oberlin, Ohio

- ❖ Directed preparation of residence halls for summer conferences including linens and supplies
- ❖ Collaborated with 8 managers to coordinate weekly meetings and daily operations of the office

- ❖ Performed as lead manager for 8 groups, including 2 multiple week groups, and groups new to the campus by servings as direct contact between Conference Services and summer conference leaders & group
- ❖ Collectively evaluated the 14 conference assistants and held individual evaluation meeting

SELECTED PRESENTATIONS & TEACHING EXPERIENCE

- ❖ Question, Persuade, Refer Training(QPR) • Twice Yearly 2015 - Present • Facilitator • Purdue University & Evergreen
- ❖ Residential Leadership Seminar • Spring 2015, Fall 2016, Fall 2017 • Co-instructor • Purdue University
- ❖ Morrison, L., Clark, D., & Sharp, R. (2017, February 3) Changing Season: A Revamped Clery and Conduct Training Model for Association of Student Conduct Administrators Annual Conference in Jacksonville, FL.
- ❖ Clark, D. (2016, February 6) Student Conduct as a High-Impact Practice (Roundtable) for Association of Student Conduct Administrators Annual Conference in St Pete Beach, FL.
- ❖ Trans* Inclusion Training for Residences Staff • Summer 2015 • Co-creator & facilitator • Purdue University
- ❖ Stark, A. & Clark, D. (2015, June) Mid-level Professionals Roundtable Discussion for Association of College and University Housing Officers – International Annual Conference in Orlando, FL.
- ❖ Student Support Network • Spring 2013 • Substance Abuse Presenter • Oberlin College
- ❖ Foundations for Residential Leadership Education • Spring 2011 • Co-instructor • Indiana University
- ❖ Human Sexuality • Spring 2011 • Discussion leader • Indiana University
- ❖ Seminar in Residence Life • Fall 2010 • Co-instructor with Director of RPS • Indiana University

SELECTED SOFTWARE KNOWLEDGE

- ❖ Microsoft Office Suite including Word, Excel, Powerpoint, Outlook, Forms, Onedrive, Sharepoint, and Teams
- ❖ Google G Suite including Gmail, Docs, Sheets, Slides, Meet, Drive, and Calendar
- ❖ Apple apps including Pages, Numbers, Keynote, Facetime, Mail, Preview
- ❖ Sakai, Blackboard, and Canvas learning management systems
- ❖ Zoom, Slack, and Skype for Business

COMMITTEE & TASK FORCE INVOLVEMENT

The Evergreen State College

- ❖ Student Affairs Redesign Time Limited Committee (2020), co-lead (2021-Present)
- ❖ Campus Leadership Group Planning Committee (2020), co-lead (2021-Present)
- ❖ Campus Assessment, Response & Evaluation (CARE) Team, Member and Software Point-person (2018-Present)
- ❖ Microsoft Office 365 and Teams Implementation Stakeholders Group (2020-Present)
- ❖ COVID Response Team, Virtual Engagement, Co-chair (2020-Present)
- ❖ COVID Response Team, Staff Support Workgroup (2020-Present)
- ❖ Public Relations and Outreach Manager Search Committee (Fall 2019)
- ❖ Resident Director Search Committee (Summer 2018), Chair (Spring 2019)

Scripps College

- ❖ Young Alumni Cabinet (2019-Present)
- ❖ 10-Year Reunion Class Representative (2019)

- ❖ Board of Trustees, Elected Recent Graduate Trustee (2009-2012)

Purdue University

- ❖ Proactive Response Committee (2017-2018)
- ❖ The Track (Residential Curriculum) Committee (2016-Present)
- ❖ Learning Community Instructor Training & Recognition Committee (2016-2018), Co-Chair (2017-2018)
- ❖ Professional Staff Training & Development Committee (2015-2017)
- ❖ Professional Staff Recruitment (2015-2016)
- ❖ Conduct Committee (Summer 2015)
- ❖ SJ&I and Student Staff Training Committee (Summer 2015)
- ❖ Training & Development Committee (2014-2015)
- ❖ University Residences Safety Committee (2014-2015)

Association for Student Conduct Administration

- ❖ LGBTQIA Community of Practice, Chair (2016-2017)
- ❖ Diversity & Inclusion Action Plan Task Force (2015-2017)

Oberlin College

- ❖ First Year Residential Experience(FYRE) Working Group (2011-2014)
- ❖ Student Staff Committee: Recruitment, Recognition, & Training - Recruitment Lead (2013-2014)
- ❖ Administrative & Professional Staff Orientation Committee (2012-2013), Co-Chair (2013-2014)
- ❖ The OC Committee – Orientation Theater Production (2012-2014)
- ❖ Suicide Prevention Coalition (2013-2014)
- ❖ Organizational Capacity Working Group (2012-2013)
- ❖ Professional Staff Committee: Recruitment, Recognition, & Training – Training Lead (2012-2013)
- ❖ Student Staff Committee: Recruitment, Recognition, & Training – Training Lead (2011-2012)

Indiana University

- ❖ Resident Assistant(RA) & CommUnity Educator(CUE) Selection Workgroup (2009-2011)

AWARDS, TRAININGS, & CERTIFICATIONS

- ❖ Title IX Investigator Training • June 2020 • The Evergreen State College by TIXEdu
- ❖ First Aid, CPR, and AED Training • November 2019 • The Evergreen State College
- ❖ Investigator Training • July 2018 • Washington State Department of Enterprise Services
- ❖ Question, Persuade, Respond(QPR), facilitator certification • July 2015 • QPR institute via Purdue University
- ❖ Division of Student Life SLISU Award, 4th quarter winner • December 2016 • Purdue University
- ❖ Residential Curriculum Institute: Beginning Track • October 2016 • Purdue University
- ❖ Gallup Strengths Educator training • October 2015 • Purdue University
- ❖ Green Zone, veteran student support training • September 2015 • Purdue University
- ❖ Mental Health First Aid USA • June 2015 • Purdue University
- ❖ Speakers Bureau, panelist training for LGBTQA speakers at Purdue University • September 2014
- ❖ Safe Zone, LGBTQ student support training • July 2014 • Purdue University
- ❖ Donald D. Gehring Academy for Student Conduct Administration: Foundations for Professional Practice • July 2013



City Council

Approval of Second Round of Lodging Tax Advisory Committee 2021 Funding Recommendations

Agenda Date: 5/18/2021
Agenda Item Number: 4.L
File Number:21-0494

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

Title

Approval of Second Round of Lodging Tax Advisory Committee 2021 Funding Recommendations

Recommended Action

Committee Recommendation:

The Lodging Tax Advisory Committee (LTAC) recommends approval of the second round 2021 Lodging Tax Fund recommendations.

City Manager Recommendation:

Move to approve the second round LTAC 2021 Lodging Tax Fund recommendations.

Report

Issue:

Whether to approve the second round Lodging Tax Advisory Committee recommendations for 2021 tourism funding.

Staff Contact:

Mike Reid, Economic Development Director, 360.753.8591

Presenter(s):

Mayor Chery Selby, Lodging Tax Advisory Committee Chair
Mike Reid, Economic Development Director

Background and Analysis:

Annually, the Olympia Lodging Tax Advisory Committee (LTAC) makes recommendations on use of approximately one-half of the City's Lodging Tax Fund. Per a long-standing agreement that pre-dates the Committee's creation, the City uses the other half for capital and operating costs of the Washington Center for the Performing Arts, a City-owned facility. Typically the application cycle for LTAC funds is completed at the end of the previous year but due to the impact of COVID and event cancellations the LTAC concluded that they would like to have two rounds of application eligibility.

In December 2020 the LTAC recommend funding 11 applications for a total amount of \$346,497. A second application period was opened on April 1, 2021 with an application deadline of April 28, 2021.

Seven (7) proposals were received by deadline totaling \$305,000 in requests. The estimated LTAC reserve fund balance entering in to 2021 is \$830,000. If revenue projections hold it is projected that the LTAC Reserve Fund Balance entering 2022 would be approximately \$900,000. It is the request of the LTAC to utilize LTAC Reserve Funds for this second round of funding.

The Committee agreed to forward the following recommendations to City Council for consideration:

1. Gateway Rotary, Brats, Brews, and Bands - \$5,000
2. Harbors Days - \$30,000
3. Harlequin Productions - \$40,000
4. Olympia Downtown Alliance - Downtown Re-Opening Marketing - \$50,000
5. Olympia Downtown Alliance - Summer Saturdays - \$50,000
6. Olympia Film Society - \$50,000
7. Olympia Parks - Ice Rink - \$50,000
8. Senior Games - \$30,000

Total: \$305,000

A second quarter budget amendment will come before Council to appropriate the funds. There is adequate fund balance to provide immediate funding to recommend recipients.

Neighborhood/Community Interests (if known):

N/A

Options:

1. Approve LTAC recommendation.
2. Do not approve the LTAC recommendation.

Financial Impact:

The estimated LTAC reserve fund balance entering in to 2021 was \$830,000. If revenue projections hold it is projected that the LTAC Reserve Fund Balance entering 2022 would be approximately \$900,000 prior to award of second round funding.

Attachments:

Lodging Tax Award Chart Round 1 and 2

2021 LTAC Applicants Round 1	Requested Amount	Recommended Award Amount
Capital Lakefair	\$ 8,000.00	\$ 8,000.00
Hands On Children's Museum	\$ 66,497.00	\$ 66,497.00
South Sound Maritime Heritage Association	\$ 60,000.00	\$ 30,000.00
Harlequin Productions	\$ 120,000.00	\$ 60,000.00
Lake Run Organization	\$ 5,000.00	\$ 5,000.00
Olympia Film Society	\$ 30,000.00	\$ 30,000.00
Olympia & Beyond Sports Commission/VCB	\$ 15,000.00	\$ 15,000.00
Olympic Flight Museum	\$ 20,000.00	\$ 20,000.00
South Sound Reading Foundation	\$ 11,000.00	\$ 11,000.00
WSU Master Gardener Foundation	\$ 1,000.00	\$ 1,000.00
VCB	\$ 100,000.00	\$ 100,000.00
	\$ 436,497.00	\$ 346,497.00

2021 LTAC Applicants Round 2	Requested Amount	Recommended Amount
Gateway Rotary - Brats, Brews, and Bands	\$ 5,000.00	\$ 5,000.00
Harbor Days	\$ 30,000.00	\$ 30,000.00
Harlequin	\$ 40,000.00	\$ 40,000.00
ODA - Downtown RE-opening Marketing	\$ 50,000.00	\$ 50,000.00
ODA - Summer Saturdays	\$ 50,000.00	\$ 50,000.00
Olympia Parks - Ice Rink	\$ 50,000.00	\$ 50,000.00
Senior Games	\$ 30,000.00	\$ 30,000.00
Olympia Film Society	\$ 50,000.00	\$ 50,000.00
	\$ 305,000.00	\$ 305,000.00



City Council

Approval of a Resolution Authorizing an Interlocal Agreement Between the City of Olympia, Port of Olympia, and LOTT Clean Water Alliance to Establish the Olympia Sea Level Rise Response Collaborative

Agenda Date: 5/18/2021
Agenda Item Number: 4.M
File Number:21-0478

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

Title

Approval of a Resolution Authorizing an Interlocal Agreement Between the City of Olympia, Port of Olympia, and LOTT Clean Water Alliance to Establish the Olympia Sea Level Rise Response Collaborative

Recommended Action

Committee Recommendation:

Not referred to a committee.

City Manager Recommendation:

Move to approve a Resolution authorizing the Interlocal Agreement between the City of Olympia, the Port of Olympia, and the LOTT Clean Water Alliance to establish the Olympia Sea Level Rise Response Collaborative.

Report

Issue:

Whether to approve an Interlocal Agreement between the City of Olympia, the Port of Olympia, and the LOTT Clean Water Alliance to establish the Olympia Sea Level Rise Response Collaborative.

Staff Contact:

Eric Christensen, Water Resources Director, Public Works Department, 360.570.3741

Presenter:

None - Consent Calendar Item.

Background and Analysis:

Downtown Olympia is the social, cultural, historic, and economic core of the City. The 450-acre downtown area contains vital infrastructure such as Olympia City Hall, the Budd Inlet Treatment Plant, the Port of Olympia marine terminal, and the emergency vehicle corridor between west and east Olympia.

While our downtown's extensive shoreline helps make Olympia an extraordinary city, it also makes us vulnerable to flooding. In the coming decades, sea level rise will cause flooding downtown that could lead to property damage and loss of public services. With just 12 inches of sea level rise, a 100-year flood event could occur every other year.

The City of Olympia has been engaged in climate change and sea level rise planning since the early 1990s. Considerable work has been completed to understand the implications sea level rise will have for downtown Olympia. Recently, the City collaborated with the LOTT Clean Water Alliance and the Port of Olympia to produce the Olympia Sea Level Rise Response Plan, adopted in March 2019.

The Plan recommended that we prepare for 24 inches of sea rise by the year 2050 and 68 inches by 2100. The Plan identified the vulnerabilities and presented strategies for adapting to the sea level rise scenarios.

A key Plan strategy was to develop a governance structure and organization for managing our response. This Interlocal Agreement is the second step in implementing that strategy. The previous agreement established an interjurisdictional "Joint Administrative Committee" comprised of elected officials from each jurisdiction. Staff worked with the Joint Administrative Committee to develop and obtain a recommendation to approve this proposed Interlocal Agreement to establish the "Olympia Sea Level Rise Response Collaborative" (the Collaborative).

The Collaborative will be a consortium of the same members (City of Olympia, LOTT Clean Water Alliance and Port of Olympia) that takes action on sea level rise adaptation and supports regional climate change mitigation efforts, with the ultimate goal of improving the quality of life for all Thurston County residents. The Collaborative will provide a mechanism through which its members can learn, explore, collaborate, incubate, coordinate, and communicate policies and best practices that an Executive Committee (member leadership) can decide to advance collectively or singularly.

The agreement is scheduled to be approved by the LOTT Clean Water Alliance on May 12th and the Port of Olympia on May 10th.

Neighborhood/Community Interests (if known):

Various community groups and other agencies are engaged in climate change and sea level rise issues. The City of Olympia Comprehensive Plan and Downtown Strategy support planning for and adapting to sea level rise. With very few exceptions, preparing for sea level rise was uniformly supported by citizens during public outreach for development of the Olympia Sea Level Rise Response Plan.

Options:

1. Approve a Resolution authorizing the Interlocal Agreement between the City of Olympia, the Port of Olympia, and the LOTT Clean Water Alliance to establish the Olympia Sea Level Rise Response Collaborative. This will allow the parties to proceed with initial sea level rise projects.
2. Modify the Interlocal Agreement. Changes to the agreement will require coordination with all parties and may delay our response to sea level rise.
3. Decline the Interlocal Agreement. This would be contrary to public sentiment and may ultimately make maintaining downtown public and private services challenging. The lack of a

coordinated approach to sea level rise would impact relations among the City of Olympia, Port of Olympia, and LOTT Clean Water Alliance.

Financial Impact:

Under this Interlocal Agreement, the City of Olympia, Port of Olympia, and LOTT Clean Water Alliance will share costs to implement joint-funded, near-term projects under current budgets. Each party will pay the City of Olympia up to \$40,000 plus necessary in-house costs such as salaries and expenses for a staff liaison.

Attachments:

Resolution
Agreement

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OLYMPIA, WASHINGTON,
APPROVING THE INTERLOCAL AGREEMENT BETWEEN THE CITY OF OLYMPIA,
PORT OF OLYMPIA, AND THE LOTT CLEAN WATER ALLIANCE TO ESTABLISH THE
OLYMPIA SEA LEVEL RISE RESPONSE COLLABORATIVE**

WHEREAS, the City of Olympia (City), the Port of Olympia (Port) and the LOTT Clean Water Alliance (LOTT) entered into an Interlocal Agreement in 2017 to jointly fund and participate in a formal sea level rise planning process for downtown Olympia and the Port peninsula; and

WHEREAS, the resulting Olympia Sea Level Rise Response Plan (Plan), dated March 2019, is a community plan that provides a comprehensive menu of short-term, mid-term, and long-term strategies for minimizing and preventing flooding to downtown Olympia and protecting the Budd Inlet Treatment Plant from rising seas; and

WHEREAS, implementation of the Plan will take ongoing coordination and collaboration across governmental entities, including but not limited to the Parties, non-profit organizations, and other stakeholders; and

WHEREAS, the Parties understand the critical importance of establishing the governmental and financial structure to support the timely implementation of the Plan; and

WHEREAS, the Parties desire to build on the collaboration which occurred during the sea level rise planning process and establish an interjurisdictional governance framework for implementation of the Plan; and

WHEREAS, the Parties entered into an Interlocal Agreement in 2020 to establish a Joint Administrative Committee to refine the interjurisdictional governance structure and coordinate sea level rise response as envisioned in the Olympia Sea Level Rise Response Plan; and

WHEREAS, the Joint Administrative Committee worked collaboratively to develop the Interlocal Agreement between the City of Olympia, the Port of Olympia, and the LOTT Clean Water Alliance establish the Olympia Sea Level Rise Response Collaborative.

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

1. The Olympia City Council hereby approves the form of Interlocal Agreement between the City of Olympia, the Port of Olympia, and the LOTT Clean Water Alliance establish the Olympia Sea Level Rise Response Collaborative.
2. The City Manager is authorized and directed to execute on behalf of the City of Olympia the Interlocal Agreement, and any other documents necessary to execute said Agreement, and to

make any minor modifications as may be required and are consistent with the intent of the Agreement, or to correct any scrivener's errors.

PASSED BY THE OLYMPIA CITY COUNCIL this _____ day of _____ 2021.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

Michael M. Young

DEPUTY CITY ATTORNEY

**INTERLOCAL AGREEMENT BETWEEN
THE CITY OF OLYMPIA, PORT OF OLYMPIA, AND THE LOTT CLEAN WATER
ALLIANCE TO ESTABLISH THE OLYMPIA SEA LEVEL RISE RESPONSE
COLLABORATIVE**

INTERLOCAL AGREEMENT

This Interlocal Agreement is entered into by and between the City of Olympia (“City”), a Washington non-charter code city, and the Port of Olympia (“Port”), a Port District formed under RCW Chapter 53.04, and the LOTT Clean Water Alliance (“LOTT”), a 501(c)(3) corporation acting as a public agency to provide wastewater resource management services. The City, Port, and LOTT are referred to collectively as the “Members.”

RECITALS

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

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

Whereas, the Members entered into an Interlocal Agreement in 2017 to jointly fund and participate in a formal sea level rise planning process for downtown Olympia and the Port peninsula; and

Whereas, the resulting Olympia Sea Level Rise Response Plan, dated March 2019, is a community plan that provides a comprehensive menu of short-term, mid-term, and long-term strategies for minimizing and preventing flooding to downtown Olympia and protecting the Budd Inlet Treatment Plant from rising seas; and

Whereas, implementation of the Olympia Sea Level Rise Response Plan will take ongoing coordination and collaboration across governmental entities, including but not limited to the Members, non-profit organizations, and other stakeholders; and,

Interlocal Agreement between
City of Olympia, Port of Olympia and LOTT Clean Water Alliance
to Establish the Olympia Sea Level Rise Response Collaborative

Whereas, the Members understand the critical importance of establishing the governmental and financial structure to support the timely implementation of the Olympia Sea Level Rise Response Plan and;

Whereas, the Members desire to build on the collaboration which occurred during the sea level rise planning process and establish an interjurisdictional governance framework for implementation of the Olympia Sea Level Rise Response Plan.

NOW, THEREFORE, in consideration of the mutual promises contained herein, the Members agree as follows:

I. Intent

The Olympia Sea Level Rise Response Collaborative (Collaborative) is a consortium of Members that come together to take action on sea level rise adaptation and support regional climate change mitigation efforts, with the ultimate goal of improving the quality of life for all Thurston County residents. The Collaborative provides a mechanism through which its Members can learn, explore, collaborate, incubate, coordinate, and communicate policies and best practices that Member leadership can decide to advance collectively or singularly. The Collaborative is made up of an Executive Committee of Member representatives and a staff-level Technical Work Group (Appendix A).

The Members intend to work together to coordinate sea level rise response as envisioned in the Olympia Sea Level Rise Response Plan.

As recommended in the Olympia Sea Level Rise Response Plan, the Collaborative may expand beyond the initial Members. It is the intent to invite others to join the Collaborative. At a minimum, the Squaxin Island Tribe, the State of Washington, other jurisdictions, quasi-governmental entities, and non-profit organizations may be invited to join the Collaborative and engage in regional sea level rise response actions. Invitees may be asked to join the Collaborative as New Members or Associates. New Members will participate at the Executive Committee level with full voting rights and share in some portion of funding for implementation of sea level rise response actions and are referred to interchangeably in this Agreement as “Members”. Associates are non-voting, ex-officio participants in the Collaborative that provide subject matter expertise or other support, and are excluded from the term “Members” as used in this Agreement.

This Agreement allows for establishment of a Member-funded staff liaison position to help administer and facilitate the Collaborative’s business as outlined in section III(f) of this Agreement.

This Agreement is also intended to allow the Members to work together to implement select short-term projects identified in the Olympia Sea Level Rise Response Plan and conduct additional longer term planning within existing budget constraints.

II. Policy Focus – Sea Level Rise

Each of the Members is engaged in work to adapt to sea level rise and support regional climate change mitigation efforts. By working together, the Collaborative can create coordinated policies, increase efficiencies, leverage resources, educate and engage the community, and provide better services related to these issues. This collaborative work also fosters linkages between related regional, state, and federal programs.

a. Guiding Principles

The Collaborative embraces these guiding principles:

The Collaborative anticipates, identifies, and solves nascent and long-term sea level rise adaptation issues.

The Collaborative supports regional climate change mitigation efforts.

The Collaborative reaches across jurisdictional boundaries to maximize resources and develop effective public policy.

The Collaborative improves coordination and communication between its Members and stakeholders creating greater efficiencies, delivering desired outcomes, and providing better service.

Each Member retains its autonomy and voluntarily makes and implements Collaborative agreements.

The Collaborative agrees to create alignment and efficiency, adding value to each Member's functions, for each policy issue that it tackles.

The Collaborative operates under the goal of open and transparent communication, including communication outcomes in a clear and coherent manner to stakeholders.

III. Scope of Agreement/Work

- a. Executive Committee. Each Member will appoint one representative and one alternate representative to serve as the points of contact for purposes of representing their interests in this Agreement and to formally serve on the Executive Committee.

The Member representatives on the Executive Committee will conduct business on a consensus basis.

Through Executive Committee participation, Member representatives learn about issues of significance and commit to sharing insights in other forums, including Member governing bodies and local stakeholder groups. When engaging as an Executive Committee, Member representatives commit to advancing Collaborative interests and understanding, informed by their local experience and responsibilities. The Executive Committee is responsible for reviewing and finalizing work products of the supporting staff-level Technical Work Group (Appendix A) and recommending approval to each Members' respective governing bodies.

- b. **By-Laws.** The Collaborative will follow the by-laws in Appendix A to govern such matters as operating procedures, officers, and other parties joining the Collaborative.
- c. **Short-term Project Implementation.** Within budget constraints, the Members, working through the Technical Work Group, may work jointly to implement short-term projects identified in Table 11 of the Olympia Sea Level Rise Response Plan. Any requests for funding to implement short-term projects will require approval of the respective Members' governing bodies.
- d. **Mid- and Long-term Project Implementation.** Implementation and funding of significant mid- and long-term projects will require a separate agreement.
- e. **Strategic Planning.** The Olympia Sea Level Rise Response Plan is the Collaborative's initial strategic plan. The strategic plan will be re-evaluated and updated, as needed, based on the best available science, monitoring data and new or evolving conditions. Each Member will contribute to the costs of updating the strategic plan. Planning costs will be determined by the Technical Work Group and approved by the Executive Committee.
- f. **Administrative Support.** The Collaborative will cooperatively establish and fund a Liaison position. Initially, City of Olympia staff will fill the Liaison position. The Liaison will be responsible for, at a minimum, administrative tasks associated with the Executive Team and any Collaborative Committees that may be established (e.g. meeting logistics, agenda setting, public notice, record keeping, budget reports) and the preparation of a Collaborative Annual Report. Additional tasks to be conducted by the Liaison will be determined during the establishment of the Collaborative's annual work plan and/or Liaison's annual budget.

Each Member is obligated to contribute funds to fully defray the Liaison costs incurred by the City of Olympia pursuant hereto in a timely manner. The Liaison costs for the 2021 calendar year are anticipated to not exceed \$40,000, roughly equivalent to one quarter full time employee. In subsequent years, the Executive Committee will determine and approve, by no later than August 31, the subsequent year's budget for the Liaison costs.

Based on the annually approved Liaison costs, the City of Olympia shall issue invoices quarterly specifying each Member's allocated share of actual expenses, including any adjustments to the allocation share resulting from the addition of new Members. Invoices must be paid within thirty (30) days.

The City of Olympia will prepare quarterly budget to actual reports for review by the Executive Committee.

IV. Rights of Ownership – Property – Final Products

The Collaborative shall not acquire any tangible property, including personal property or real property. All products or intangible property that result from the work outlined in this Agreement will be jointly owned by the Members. Such joint ownership will continue after termination or expiration of this Agreement.

V. New Member Admission

New Members or Associates may join the Collaborative following a written invitation from the Executive Committee. Membership will be contingent on the New Member signing an acknowledgment stating that the New Member agrees to be bound by the terms and conditions of this Agreement and the Collaborative's By-Laws. It is the intent of this provision to allow New Members to join without the need for an amendment to this Agreement.

VI. Member Withdrawal

A Member may voluntarily withdraw from the Collaborative. For Collaborative budgeting purposes, written notice of withdrawal must be provided to the Collaborative and all Members no later than June 30th of any calendar year, and the withdrawal will only be effective on January 1st of the following calendar year.

VII. Indemnification & Insurance

Each Member agrees to defend, indemnify, and hold the other Members, their officers, officials, employees, and volunteers harmless from any and all claims, injuries, damages, losses, or suits, including reasonable attorney fees, arising out of or in connection with the indemnifying Member's performance of this Agreement, including injuries and damages caused by the negligence of the indemnifying Member's officers, officials, or employees.

Each Member agrees to jointly defend, indemnify, and hold any New Member, their officers, officials, employees, and volunteers harmless from any and all claims, injuries, damages, losses, or suits including reasonable attorney fees, arising out of or in connection with the Collaborative's work predating the New Member's admission to the Collaborative.

VIII. No Separate Legal Entity Created

This Agreement creates no separate legal entity.

IX. Duration of Agreement

This Agreement is effective on the date of its entry into force pursuant to XIII below and shall terminate upon completion of the tasks necessary to accomplish the purpose of the Agreement, unless sooner terminated by the Members as provided herein.

X. Dispute Resolution

- a. Step One – Negotiation. In the event of a dispute concerning any matter pertaining to this Agreement, the Members involved shall attempt to address their differences by informal negotiation. The Member perceiving a dispute or disagreement persisting after informal attempts at resolution shall notify the other Members in writing of the general nature of the issues. The letter must be identified as a formal request for negotiation and must propose a date for representatives of the Members to meet. The other Members shall respond in writing within ten (10) business days. The response must succinctly and directly set out that Member's view of the issues or state that there is no disagreement. The Members shall accept the date to meet or shall propose an alternate meeting date not more than ten (10) business days later than the date proposed by the Member initiating dispute resolution. The representatives of the Members shall meet in an effort to resolve the dispute. If a resolution is reached the resolution will be memorialized in a memorandum signed by all Members which becomes an addendum to this Agreement. Each Member will bear the cost of its own attorneys, consultants, and other Step One expenses. Negotiation under this provision may not exceed 90 days from the date of the

notification of the dispute. If a resolution is not reached within 90 days, the Members shall proceed to mediation.

- b. Step Two – Mediation. If the dispute has not been resolved by negotiation within 90 days of the initial letter proposing negotiation, any Member may demand mediation. The mediator must be chosen by agreement. Each Member will bear the cost of its own attorneys, consultants, and other Step Two expenses. The Members to the mediation shall share the cost of the mediator. A successful mediation will result in a memorandum agreement which becomes an addendum to this Agreement. Mediation under this provision may not exceed 90 days from the date of the demand for mediation. If the mediation is not successful within 90 days, the Members may proceed to litigation.
- c. Step Three – Litigation. Unless otherwise agreed by the Members in writing, Step One and Step Two must be exhausted as a condition precedent to filing of any legal action. A Member may initiate an action without exhausting Steps One or Two if the statute of limitations is about to expire and the Members cannot reach a tolling agreement, or if either Member determines the public health, safety, or welfare is threatened.

XI. Termination of Agreement

This Agreement may be terminated upon mutual agreement of the Members.

XII. Interpretation and Venue

This Agreement is governed by the laws of the State of Washington as to interpretation and performance. Venue for enforcement of any provisions is the Superior Court of Thurston County, subject to the dispute resolution process in Section VIII having been exhausted or dispensed with by agreement.

XIII. Entire Agreement

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

XIV. Recording

Prior to its entry into force, the City of Olympia shall file this Agreement with the Thurston County Auditor's Office or this Agreement must be posted upon the Members' websites as provided by RCW 39.34.040.

XV. Counterparts

This Agreement may be executed in counterparts, and all such counterparts once so executed together constitute one final agreement, as if one document had been signed by all Members, and each such counterpart, upon execution and delivery, is a complete original, binding on the Members. A faxed or email copy of an original signature has the same force and effect as the original signature.

XVI. Notice

Any notice required under this Agreement must be to the Member at the address listed below and becomes effective three days following the date of deposit with the United States Postal Service. The address for notice to New Members must be disclosed in the acknowledgement required by Section V of this Agreement.

CITY OF OLYMPIA:

Attn: Eric Christensen, Water Resources Director
Re: Sea Level Rise Response Plan Implementation
PO Box 1967
Olympia, WA 98507-1967

PORT OF OLYMPIA:

Attn: Environmental Director, Planning, Public Works and Environmental Director
Re: Sea Level Rise Response Plan Implementation
606 Columbia Street NW
Olympia WA 98501

LOTT CLEAN WATER ALLIANCE:

Attn: Lisa Dennis-Perez, Environmental Planning & Communications Director
Re: Sea Level Rise Response Plan Implementation
500 Adams Street NE
Olympia, WA 98501

This Agreement is hereby entered into between the Members and takes effect on the date of the last authorizing signature affixed hereto:

[SIGNATURES ON FOLLOWING PAGE]

CITY OF OLYMPIA

PORT OF OLYMPIA

Steven J. Burney, City Manager

Sam Gibboney, Executive Director

Date: _____

Date: _____

Approved as to form:

Approved as to form:

Michael M. Young

Deputy City Attorney

Port General Counsel

LOTT CLEAN WATER ALLIANCE

Michael Strub, Executive Director
Date: _____

Approved as to form:

LOTT Attorney

APPENDIX A

By-Laws of the Olympia Sea Level Rise Response Collaborative

ARTICLE 1 — PURPOSES

The Olympia Sea Level Rise Response Collaborative was formed on _____ through an interlocal agreement (ILA) signed by the City of Olympia (Olympia), the LOTT Clean Water Alliance (LOTT), and the Port of Olympia (Port). All signers have mutual interests in the long-term protection of downtown Olympia from rising seas.

Therefore, the purpose of the Collaborative is to come together to take action on sea level rise adaptation and support regional climate change mitigation efforts, with the ultimate goal of improving the quality of life for all Thurston County residents. The Collaborative will identify, fund (directly and indirectly), and implement projects that minimize, prevent, and/or accommodate flooding, to adapt and/or protect downtown Olympia, the Budd Inlet Treatment Plant, and the Port peninsula from rising seas. The Collaborative intends to work together to coordinate sea level rise response as envisioned in the Olympia Sea Level Rise Response Plan.

ARTICLE 2 — COLLABORATIVE

The Collaborative has two types of participants:

- **Members** share equal representation in the Collaborative. Members contribute financially to the Collaborative and have equal voting rights in decision-making. All Members are bound by the terms of the ILA incorporated herein by reference.
 - Members each have one representative, and one alternate representative, on the Executive Committee. Alternate representatives may attend and participate in all Executive Committee meetings. Representatives are members of the Member's governing body. If a Member's representative ceases to be a member of the Member's governing body, that person ceases to be that Member's representative and the Member shall appoint another member of its governing body to serve as representative.
 - Each Member has one vote on the Executive Committee, exercised by its representative, or in the representative's absence, its alternate representative.
 - Olympia, LOTT, and the Port are the initial Members.

Additional entities with compatible and consistent organizational missions may be invited to join as Members of the Collaborative. Those invited to become Members shall make financial contributions to the Collaborative, as provided in the ILA. Their representatives must be designated by a letter from the invited Member's designated authority, such as a Mayor, City Manager, or Executive Director. Prior to joining the Collaborative, Invited Members shall sign an acknowledgment stating that the New Member agrees to be bound by the terms and

APPENDIX A

By-Laws of the

Olympia Sea Level Rise Response Collaborative

conditions of ILA and the Collaborative's By-Laws. New Members may join the Collaborative without the need for an amendment to the ILA.

- **Associates** are non-voting, ex-officio participants. Associates may be admitted on a permanent or ad-hoc basis to provide subject-matter expertise or other support to the Collaborative, such as project support or assistance for grant application, administration, or implementation activities. Associates are not bound by the terms of the ILA and the requirement to provide in-kind support.

All Members and Associates, shall, to the extent practical and feasible, keep the Collaborative informed of activities that affect the purpose of the organization.

ARTICLE 3 — GOVERNANCE

The management and control of the affairs of the Collaborative is vested in its Members. Member representatives, one for each Member, comprise an **Executive Committee** tasked with reviewing and approving implementation of the sea level rise response actions. Associates may participate in Executive Committee meetings as non-voting, ex-officio participants only.

ARTICLE 4 — OFFICERS

4.1 Number

The Executive Committee officers are a Chair and Vice-Chair.

4.2 Selection & Term of Office

Member representatives serve at the discretion of their Member's governing body or designated authority for one-year terms. Terms begin in March. Member representatives may serve multiple one-year terms. If a representative's tenure on the Member's governing body ends during the representative's term, the Member's governing body will replace the representative following its own protocols.

The Executive Committee at its first ever meeting shall select a Chair and Vice-Chair. Henceforth, the Chair and Vice-Chair are selected by the Executive Committee each year. A representative of any Member may serve in the Chair or Vice-Chair capacity.

Any representative is eligible and may serve multiple terms as either Chair or Vice-Chair. The Executive Committee strives to rotate the officers among the Members.

APPENDIX A

By-Laws of the Olympia Sea Level Rise Response Collaborative

If the Chair or Vice-Chair ceases to be a representative on the Executive Committee during the officer's term, the Executive Committee will select a new officer who will serve for up to one year until the annual March officer selection.

Executive Committee representatives may nominate another representative or put forward their own name to serve as the Chair or the Vice-Chair.

The Executive Committee will select the Chair and Vice-Chair using its decision-making protocol each year at the March meeting. The previous Chair or Vice-Chair will facilitate the March meeting.

4.3 Chair

The Chair formally presides at each Executive Committee meeting and strives to ensure that Members work together effectively. The Chair is responsible for managing and facilitating effective meetings of the Executive Committee and shall call meetings and set meeting agendas. The Chair is also responsible for identifying the location of meetings.

4.4 Vice-Chair

In the absence of the Chair, or in the event of their inability or refusal to act, the Vice-Chair shall perform the duties of the Chair.

ARTICLE 5 — COMMITTEES

The Collaborative may establish and empower committees as it deems necessary, and may solicit and approve participation by the general public in those committees. Each committee must be chaired by a Member's designee. Committee chairs shall perform all duties incident to their office as determined by the Collaborative. Committee decisions must be approved by the Collaborative prior to enactment.

- The Technical Work Group is the standing committee intended to provide primary support to the Executive Committee and the Collaborative. The Work Group is responsible for tracking science, monitoring sea level rise, and facilitating implementation of adaptation strategies. Member staff are envisioned to participate in this Work Group. The Work Group will lay the foundation for future sea level rise response implementation.
- At the direction of the Executive Committee, the Technical Work Group may be supplemented by other standing or ad hoc committees, or by membership that is temporarily adjusted to address specific duties or issues, such as:
 - Finance: support the development, investigation, and pursuit of funding opportunities.

APPENDIX A
By-Laws of the
Olympia Sea Level Rise Response Collaborative

- Stakeholder engagement: provide input and feedback regarding Collaborative actions, technical work, finance options, implementation of adaptation measures, or other topics.

ARTICLE 6 — PROCEDURE

6.1 Meetings

The Executive Committee shall generally meet quarterly, typically in March, June, September, and December. The Executive Committee can shift its schedule or schedule additional meetings if deemed necessary or timely. Meetings may be held in-person or virtually. Attendance at in-person meetings of the Executive Committee may, in special situations, be by telephonic or electronic means. Special meetings may be held at the call of the Chair, or upon written request to the Executive Committee from a quorum of representatives.

All Executive Committee meetings are open to the public. Meeting agendas will be available on-line in advance of each meeting. The Executive Committee may designate public comment periods on the agenda.

Associates may participate in Executive Committee meetings as non-voting, ex-officio participants.

The staff Liaison will be responsible for note taking and documentation. The Chair will ensure meeting summaries reflect Executive Committee discussion and decision-making. The staff Liaison will distribute the draft meeting summaries to the Executive Committee to review and refine. The Executive Committee will approve meeting summaries at its subsequent meeting. Approved meeting summaries will be made available on-line.

6.2 Notice

The Chair or Vice-Chair shall give notice of all meetings, or direct that notice of all meeting be given, to all Members and Associates not less than ten (10) days prior to the date of the meeting, except in the case of an emergency, in which case notice of the meeting must be given as far in advance as circumstances reasonably allow. Any notice required under the provisions of these By-laws must be given in writing or by email. Business to come before meetings must be stated in the notice.

6.3 Quorum

More than half of the Members representatives constitute a Quorum for the purposes of conducting business at any meeting of the Executive Committee. A Quorum once attained continues until adjournment despite the voluntary departure of any Member representative.

APPENDIX A

By-Laws of the Olympia Sea Level Rise Response Collaborative

If less than a Quorum is anticipated or present at a meeting and a decision or decisions are time-sensitive, Members representatives not present may vote beforehand by written proxy submitted to the Chair or Vice-chair, or afterwards, the Chair may conduct an email poll for non-attending Members.

6.4 Procedure

The Executive Committee is a forum for learning, dialogue, and guidance tied to its purpose. The Executive Committee may periodically make decisions to advance or develop its core agenda. The Executive Committee cannot make decisions or set policy that binds any of the Members.

The Executive Committee shall strive for consensus in its decision-making. Consensus is reached when Members agree they can “live with” the proposal. The definition of consensus spans the range from strong support to neutrality to abstention to “I can live with it.” A Member may not like a part or the full proposal and still allow it to move forward. This would still constitute a consensus agreement.

Members will hold a consent vote on each decision. The act of a Quorum (more than half) of the Collaborative’s Members—in person, by proxy, or email poll—shall be the act of the Executive Committee so meeting.

A decision may be accomplished at the same meeting the decision is introduced, unless precluded by law. If a decision cannot be reached at the initial reading, final passage may be accomplished at a subsequent reading at a subsequent meeting.

If unable to reach agreement, the Member who has a concern will be asked to present a constructive proposal that is responsive to others’ interests for the Executive Committee to consider.

If still unable to reach agreement, Members will consider and select a fallback option to resolve the issue. Fallback options include:

- a) Identifying issues requiring further research and suspending deliberations until the research has been completed;
- b) Consulting with Members’ governing bodies;
- c) Letting the primary responsible agency impose a decision;
- d) Setting the issue aside and discussing it at a later date; or
- e) Resolving disputes between Members following the process outlined in the ILA incorporated herein by reference.

APPENDIX A
By-Laws of the
Olympia Sea Level Rise Response Collaborative

6.5 Invited Members or Associates

Membership is granted to Invited Members and Associates only by consensus of all current Members consistent with the terms of these Bylaws. All memberships remain in force for the duration of the ILA incorporated herein by reference, with the exception of withdrawal or removal.

6.6 Withdrawal

Subject to the terms of the ILA if applicable, any Member or Associate may voluntarily withdraw from the Collaborative. For Collaborative budgeting purposes, withdrawing Members must provide written notice of withdrawal to the Collaborative and all Members no later than June 30th of any calendar year, and the withdrawal will only be effective on January 1st of the following calendar year. Any Associate may withdraw at any time by delivering written notice to the Chair or Vice-Chair of the Collaborative and such withdrawal takes effect upon delivery.

6.7 Removal

The Collaborative may, subject to the ILA if applicable, remove any Member or Associate participant at any time solely by consensus of all current Members, excluding the Member or Associate participant in question, at a regular business meeting. Such removal takes effect immediately.

ARTICLE 7 — ADMINISTRATION

7.1 Fiscal Year

The fiscal year is the calendar year.

7.2 Books & Records

The staff liaison shall keep minutes of all meetings and shall provide them to any Member or Associate upon request. All records are open for public inspection for any proper purpose at any reasonable time.

The Collaborative shall report annual accomplishments and progress at the last Executive Committee meeting of the calendar year. This meeting will provide an opportunity for the Executive Committee to reflect on progress made over the course of the year and set priorities in a work plan for the subsequent two years.

APPENDIX A
By-Laws of the
Olympia Sea Level Rise Response Collaborative

7.3 Fiscal Agent

The Collaborative has no authority, legal or otherwise, to directly act as a fiscal agent for any purpose including, but not limited to accepting grants, executing contracts, or opening bank accounts.

ARTICLE 8 — MISCELLANEOUS

8.1 Strategic Plan

The Olympia Sea Level Rise Response Plan is the Strategic Plan to guide the Collaborative’s mission. The Collaborative shall update the Strategic Plan at least every five years for the life of the organization.

8.2 Amendment

These By-laws may be amended by consensus of the Members at any meeting provided all Members have been notified of this purpose.

8.3 Dissolution

Dissolution of the Collaborative is controlled by the ILA incorporated herein by reference.



City Council

Approval of a Resolution Authorizing Amendment No. 1 to the Police Auditor Agreement with Ogden Murphy Wallace, P.L.L.C.

Agenda Date: 5/18/2021
Agenda Item Number: 4.N
File Number:21-0481

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

Title

Approval of a Resolution Authorizing Amendment No. 1 to the Police Auditor Agreement with Ogden Murphy Wallace, P.L.L.C.

Recommended Action

Committee Recommendation:

Not referred to a committee.

City Manager Recommendation:

Move to approve a resolution authorizing Amendment No. 1 to the Police Auditor Agreement with Ogden Murphy Wallace, P.L.L.C.

Report

Issue:

Whether to approve a resolution authorizing Amendment No. 1 to the Police Auditor Agreement with Ogden Murphy Wallace, P.L.L.C., in order to extend its terms and authorizing compensation for additional services.

Staff Contact:

Debbie Sullivan, Assistant City Manager, 360.753.8499

Presenter(s):

None - Consent Calendar Item.

Background and Analysis:

The purpose of police auditor services is to increase public trust and confidence in the police department and its' professional standards, internal investigations, and complaint processes. In November of 2020, the City contracted with the law firm, Ogden Murphy Wallace, P.L.L.C. to act as an independent police auditor pursuant to Olympia Municipal Code 2.38. Funding for the contract was set at \$30,000 and the contract was to end in November of 2021. Staff recommends increasing the budget to \$100,000 and extending the contract through 2022.

The current budget of \$30,000 was based on the last Police Auditor contract approved by Council in 2009. Since the Police Auditor was reinstated in November 2020, the number of hours dedicated to this work far exceeds the 2009 level of effort. Also, the one-year term of the contract ends in November 2021 and does not provide the time needed to evaluate a full twelve months of complaints and investigations. Therefore, staff recommends extending the contract term to allow the Police Auditor a reasonable amount of time to analyze the data, file the final report, and present to Council. The final report, analysis, and recommendations is tentatively scheduled for February of 2022.

Neighborhood/Community Interests (if known):

The community continues to express a need for police accountability and police auditor services are one way for the City to ensure that the Olympia Police Department's professional standards, internal investigations, and complaint processes meet best practices.

Options:

1. Move to approve Amendment No. 1 to the Police Auditor Agreement with Ogden Murphy Wallace, P.L.L.C. and authorize the City Manager to sign the Amendment.
2. Do Not Approve Amendment No. 1, allowing services to terminate when funding is exhausted.
3. Direct staff to edit Amendment No. 1.

Financial Impact:

Additional funding in the amount of \$70,000 was approved on May 4, 2021 as part of the 2021 General Fund End of Year allocation.

Attachments:

Resolution
Agreement

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OLYMPIA, WASHINGTON,
APPROVING THE PROFESSIONAL SERVICES AGREEMENT BETWEEN THE CITY OF
OLYMPIA AND OGDEN MURPHY WALLACE, PLLC FOR POLICE AUDITOR SERVICES**

WHEREAS, on November 3, 2020, the City and Ogden Murphy Wallace, PLLC (the Consultant) entered into a Professional Services Agreement (Agreement) for police auditor services; and

WHEREAS, the purposes of police auditor services is to increase public trust and confidence in the police department and its professional standards, internal investigations, and complaint processes; and

WHEREAS, the term of the Agreement was to run until November 3, 2021, with compensation not to exceed \$30,000; and

WHEREAS, the Agreement also provided that its terms could be "extended for additional periods of time upon the mutual written agreement" of the City and the Consultant, and that modification of its terms need to be in writing and signed by both parties; and

WHEREAS, public trust and confidence in the Olympia Police Department is of primary importance to the City and the police auditor services, and as such, staff recommends extending the Agreement and increasing compensation to provide for ongoing services;

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

1. The Olympia City Council hereby approves the form of the Amendment No. 1 to the Professional Services Agreement between the City of Olympia and Ogden Murphy Wallace, PLLC for police auditor services and the terms and conditions contained therein.
2. The City Manager is authorized and directed to execute on behalf of the City of Olympia the Amendment No. 1 to the Agreement, and any other documents necessary to execute said Agreement, and to make any minor modifications as may be required and are consistent with the intent of the Agreement, or to correct any scrivener's errors.

PASSED BY THE OLYMPIA CITY COUNCIL this _____ day of _____ 2021.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:



DEPUTY CITY ATTORNEY

AMENDMENT NO. 1
PROFESSIONAL SERVICES AGREEMENT WITH
OGDEN MURPHY WALLACE, PLLC FOR POLICE AUDITOR SERVICES

THIS AMENDMENT is effective as of the date of the last authorizing signature affixed hereto by and between the **CITY OF OLYMPIA**, a Washington municipal corporation (the “City”), and **OGDEN MURPHY WALLACE**, a Washington professional liability company (the “Consultant”).

RECITALS

1. On November 3, 2020, the City and the Consultant entered into a Professional Services Agreement (“Agreement”).
2. The term of the Agreement was to run until November 3, 2021, with compensation not to exceed Thirty Thousand and No/100 Dollars (\$30,000.00).
3. The Agreement also provided that its terms could be “extended for additional periods of time upon the mutual written agreement” of the City and the Consultant, and that modification of its terms need to be in writing and signed by both parties.
4. The original amount was based on the last police auditor Agreement in 2009. Because the work is more in-depth and the rate per hour is more than in the 2009 Agreement, the City and the Consultant desire to amend the Agreement to increase the compensation.

NOW, THEREFORE, THE PARTIES AGREE AS FOLLOWS:

1. Section 4.A. of the Agreement, TOTAL COMPENSATION, is hereby amended to read as follows:

In consideration of the Consultant performing the Services, the City agrees to pay the Consultant an amount not to exceed ~~Thirty~~ Thirty One Hundred Thousand and No/100 Dollars (~~\$30~~100,000) at hourly rates described in Exhibit A.

2. Section 2 of the Agreement, TERM, is hereby amended to read as follows:

The term of this Agreement shall commence upon the effective date of this Agreement and shall continue until the completion of the Services, but in any event no later than ~~one year from the effective date of this Agreement~~ November 30, 2022 (“Term”). This Agreement may be extended for additional periods of time

upon the mutual written agreement of the City and the Consultant so long as the terms are consistent with OMC 2.38.040.

3. Section N of the Agreement, COUNTERPARTS, is hereby amended to read as follows:

This Agreement may be executed in any number of identical counterparts, which taken together, constitute collectively one Agreement; but in making proof of this Agreement, it is not necessary to produce or account for more than one such

counterparts shall collectively constitute the entire Agreement. Additionally, (i) the signature pages taken from separate individually executed counterparts of this Agreement may be combined to form multiple fully executed counterparts; and (ii) a facsimile signature or an electronically scanned signature, or an electronic or digital signature, where permitted by law, must be deemed to be an original signature for all purposes. All executed counterparts of this Agreement are originals, but all such counterparts, when taken together, constitute one and the same Agreement.

4. All remaining provisions of the Professional Services Agreement dated November 3, 2020 and not here amended or supplemented shall remain as written in said Agreement, and shall continue in full force and effect.

IN WITNESS WHEREOF, the City and the Consultant have executed this **Amendment No. 1** of the Agreement as of the date and year written above.

OGDEN MURPHY WALLACE, PLLC

CITY OF OLYMPIA

By: 
Karen M. Sutherland, Attorney
ksutherland@omwlaw.com

By: _____
Steven J. Burney City Manager
jburney@ci.olympia.wa.us

Date of Signature: 05/07/2021

Date of Signature: _____

APPROVED AS TO FORM:



Deputy City Attorney



City Council

Approval of a Resolution Authorizing an Interlocal Agreement Between the City of Olympia and the City of Tumwater for the Study of a Regional Fire Authority

Agenda Date: 5/18/2021
Agenda Item Number: 4.O
File Number:21-0486

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

Title

Approval of a Resolution Authorizing an Interlocal Agreement Between the City of Olympia and the City of Tumwater for the Study of a Regional Fire Authority

Recommended Action

Committee Recommendation:

Not referred to a committee.

City Manager Recommendation:

Move to approve the Resolution Approving the Interlocal Agreement Between the City of Olympia and the City of Tumwater Regarding the Study of a Regional Fire Authority.

Report

Issue:

Whether to enter into an interlocal agreement with the City of Tumwater to explore the creation of a Regional Fire Authority.

Staff Contact:

Jay Burney, City Manager, 360.753.8740

Presenter(s):

None; consent calendar item only.

Background and Analysis:

In 2019, the City of Olympia participated with the City of Tumwater and other local Fire Agencies in a study to evaluate options for a Regional Fire Authority (RFA). The study looked at opportunities to improve emergency services in the Olympia and Tumwater communities and explored partnership opportunities to provide these services regionally.

Based on the similar risk profiles, histories, and organizational structures of Olympia and Tumwater, the study identified a potential to control costs and improve service delivery, level tax rates across the

region, provide greater equity, as well as leverage individual agency strengths, and minimize weaknesses. The study recommended further exploration of an RFA between the two communities.

The proposed interlocal agreement provides the framework for a planning process that looks at the viability of an RFA between the cities of Olympia and Tumwater.

Neighborhood/Community Interests (if known):

A Regional Fire Authority may provide options to improve fire service delivery in the Olympia and Tumwater communities. An RFA planning process will engage both communities in this evaluation.

Options:

1. Approve the Resolution Approving an Interlocal Agreement Between the City of Olympia and the City of Tumwater Regarding the Study of a Regional Fire Authority.
2. Direct staff to modify the Resolution or Interlocal Agreement with Council-directed revisions. Any revisions to the Interlocal Agreement will need to be reviewed by the City of Tumwater.
3. Do not approve the resolution and decide not to explore a Regional Fire Authority.

Financial Impact:

The cost of moving forward with a Regional Fire Authority planning process is estimated to cost \$150,000 (Olympia's share). Funding is available through 2020 Year End Savings.

Attachments:

Resolution
Agreement

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OLYMPIA, WASHINGTON,
APPROVING THE INTERLOCAL AGREEMENT BETWEEN THE CITY OF OLYMPIA AND THE
CITY OF TUMWATER REGARDING THE STUDY OF A REGIONAL FIRE AUTHORITY**

WHEREAS, pursuant to RCW Chapter 39.34, local governmental units may enter into agreements on a basis of mutual advantage for the purpose of cooperating to provide services and facilities in a manner and pursuant to forms of governmental organization that will accord best with geographic, economic, population and other factors influencing the needs and development of local communities; and

WHEREAS, the service demands and costs of providing fire and emergency medical services have increased dramatically and disproportionately to other municipal services; and

WHEREAS, that cost escalation continues to put pressure on the limited resources of the cities of Olympia and Tumwater (collectively the “Cities”); and

WHEREAS, regionalization of fire and emergency medical services has been shown to deliver services effectively and efficiently to the community; and

WHEREAS, Washington State law, RCW Chapter 52.26, provides an option for Regional Fire Authorities to be formed between cities for the purpose of providing regional fire and emergency medical services; and

WHEREAS, in 2019, a study of fire and emergency medical regionalization options in Thurston County was released and recommended further exploration of a Regional Fire Authority (RFA) between the Cities; and

WHEREAS, the Cities desire to explore the creation of an RFA to provide fire and emergency services within the boundaries of the two cities and to share the costs of the study of such RFA; and

WHEREAS, the Cities agree that a planning process that looks at the viability of an RFA will require input from affected groups, including represented employees, unrepresented employees, residents and businesses, other city departments, Medic One, and community partners;

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

1. The Olympia City Council hereby approves the form of Interlocal Agreement between the City of Olympia and the City of Tumwater Regarding the Study of a Regional Fire Authority, and the terms and conditions contained therein.

2. The City Manager is authorized and directed to execute on behalf of the City of Olympia the Interlocal Agreement, and any other documents necessary to execute said Agreement, and to make any amendments or minor modifications as may be required and are consistent with the intent of the Agreement, or to correct any scrivener's errors.

PASSED BY THE OLYMPIA CITY COUNCIL this _____ day of _____ 2021.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

Mark Barber

CITY ATTORNEY

INTERLOCAL AGREEMENT REGARDING THE STUDY OF A REGIONAL FIRE AUTHORITY BY THE CITIES OF OLYMPIA AND TUMWATER

WHEREAS, pursuant to RCW Chapter 39.34, local governmental units may enter into agreements on a basis of mutual advantage for the purpose of cooperating to provide services and facilities in a manner and pursuant to forms of governmental organization that will accord best with geographic, economic, population and other factors influencing the needs and development of local communities; and

WHEREAS, this Interlocal Agreement (hereafter Agreement) is made and entered into between and among the City of Olympia, hereafter referred to as “Olympia,” and the City of Tumwater, hereafter referred to as “Tumwater,” and collectively hereafter referred to as "Parties" or "the Parties;” and

WHEREAS, the service demands and costs of providing fire and emergency medical services have increased dramatically and disproportionately to other municipal services; and

WHEREAS, that cost escalation continues to put pressure on the limited resources of the Parties; and

WHEREAS, regionalization of fire and emergency medical services has been shown to deliver services effectively and efficiently to the community; and

WHEREAS, in 2019, a study of fire and emergency medical regionalization options in Thurston County was released; and

WHEREAS, Washington state law, RCW Chapter 52.26, provides an option for Regional Fire Authorities to be formed between cities for the purpose of providing regional fire and emergency medical services; and

WHEREAS, the Parties desire to explore the creation of a Regional Fire Authority to provide fire and emergency services within the boundaries of the two cities and to share the costs of the study of such Authority; and

WHEREAS, the Parties agree that a planning process that looks at the viability of an Authority will require input from affected groups, including represented employees, unrepresented employees, residents and businesses, other city departments, Medic One, and community partners;

NOW, THEREFORE, in consideration of the mutual promises contained herein, the Parties desire to enter into this Agreement as follows:

1. Pursuant to RCW 52.26.030, the Parties agree to form a Regional Fire Authority Planning Committee (hereafter “Committee”). The governing body of each Party shall appoint three (3) elected officials to the Committee as voting members. The Committee shall also include four (4) non-voting members. Each governing body shall appoint its Fire Chief (or their designee) and one member chosen by its associated IAFF Local from its membership. Committee members shall serve without compensation.
2. The Committee shall:
 - A. Conduct its affairs and formulate a regional fire protection service authority plan as provided under RCW 52.26.040.
 - B. Comply with the Open Public Meetings Act.
 - C. Elect a Chair and Vice-Chair to preside at meetings and a Secretary to record/post agendas, minutes, etc.
 - D. Develop/approve rules and procedures for meetings (quorum, motions, Roberts Rules of Order, etc.)
 - E. Develop and notice a meeting schedule.
 - F. Create subcommittees to make recommendations.
 - G. Select a consultant to facilitate and provide expertise in support of the Committee’s work.
 - H. Provide public information and conduct public outreach.
 - I. Formulate recommendations on the formation of a Regional Fire Authority to the governing bodies of the Parties.
3. The Committee shall select a consultant (or consultants) to facilitate and provide expertise (financial, organizational, legal) in support of the Committee’s work. The consultant shall be selected by mutual agreement of the Committee members. Tumwater, on behalf of the Parties, will administer the contract with the consultant. The Parties agree to evenly share the costs of the consultant(s) and any additional expenses. Tumwater will invoice Olympia for recovery of Olympia’s share of expenses and Olympia will pay Tumwater said invoices within sixty (60) days.
4. The Committee must complete its work and formulate a recommendation to the governing bodies of the Parties within eighteen (18) months of the effective date of this Agreement.

5. This Agreement shall be effective when the last signatory executes this Agreement, and shall remain in effect until December 31, 2022, unless terminated sooner pursuant to Section 6.
6. The Committee may dissolve itself at any time by a majority vote of the total membership of the Committee. Any Party may withdraw upon thirty (30) calendar days' written notice to the other Party. Notice shall be sent to:

CITY OF OLYMPIA
 Steven J. Burney, City Manager
 City of Olympia
 601 4th Ave E.
 P.O. Box 1967
 Olympia WA 98507-1967

CITY OF TUMWATER
 Pete Kmet, Mayor
 555 Israel Road SW
 Tumwater WA 98501

7. No real or personal property is anticipated to be acquired by reason of entering into this Agreement. Should real or personal property be acquired during the term of this Agreement, the Parties shall work in good faith to determine the disposition of such property upon termination of this Agreement.
8. This Agreement shall be recorded with the Thurston County Auditor's Office or posted on the Parties' web site prior to being effective.
9. This Agreement may only be changed, modified, or amended by written agreement executed by both Parties.
10. By signing this Agreement, each signatory is certifying that they have authority to sign and that the necessary approval has been obtained from the legislative body of the entity represented by that signatory.

IN WITNESS WHEREOF, the Parties hereto have caused this Agreement to be executed according to the terms written above.

CITY OF OLYMPIA


CITY OF TUMWATER

 Steven J. Burney, City Manager
 Date: _____

 Pete Kmet, Mayor
 Date: _____

APPROVED AS TO FORM:

APPROVED AS TO FORM:



 Annaliese Harksen, Deputy City Attorney

 Karen Kirkpatrick, City Attorney



City Council

Approval of an Ordinance Amending the High-Density Corridor Zoning Text Regarding Drive Through Restaurants

Agenda Date: 5/18/2021
Agenda Item Number: 4.P
File Number:21-0383

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

Title

Approval of an Ordinance Amending the High-Density Corridor Zoning Text Regarding Drive Through Restaurants

Recommended Action

Committee Recommendation:

The Planning Commission recommends approval of the proposed amendments to the High-Density Corridor Zoning text regarding drive through restaurants.

City Manager Recommendation:

Move to approve an ordinance amending the High-Density Corridor Zoning text regarding drive through restaurants as recommended by the Planning Commission.

Report

Issue:

Whether to approve the ordinance amending text in the Olympia Municipal Code, Title 18 Unified Development Code, Chapter 18.06 Commercial Districts which would allow drive through restaurants in the High-Density Corridor (HDC) 2 and 3 districts in buildings with established drive through services already in place subject to a conditional use permit.

Staff Contact:

Paula Smith, Associate Planner, Community Planning & Development, 360.753.8596

Presenter(s):

Paula Smith, Associate Planner

Background and Analysis:

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

Current development codes do not allow for new drive through restaurants in the HDC 2 & 3 zoning districts. The proposed amendment would allow drive through restaurants in these districts with a Conditional Use Permit. As proposed, it would only be allowed for buildings that have existing drive through facilities in place and that can meet current vehicle stacking requirements. There are

approximately ten such properties in the HDC-2 and HDC-3 zones. Most of the buildings with existing drive throughs are currently used for restaurants or banking services. Some have converted to office space over time.

The applicant of the text amendment application is SCJ Alliance, who is representing a client that owns a building on Pacific Avenue that has existing drive through service facilities. If the proposed amendments are approved, the property owner could apply for a Conditional Use Permit to have a drive through restaurant business.

Neighborhood/Community Interests (if known):

No public comments were received on the proposed text amendment. Neighborhood concerns may include visual impacts, related traffic volume, noise, or pedestrian safety. Any site-specific comments or concerns would be considered during the Conditional Use Permit review process.

Options:

1. Approve the proposed amendments as recommended by Planning Commission.
2. Modify the proposed amendments and direct staff to return with a revised ordinance.
3. Do not approve the proposed amendments.

Financial Impact:

None

Attachments:

Ordinance
Planning Commission Minutes 02/08/21

AN ORDINANCE OF THE CITY OF OLYMPIA, WASHINGTON, RELATED TO DRIVE THROUGH RESTAURANTS AND AMENDING SECTIONS 18.06.040 AND 18.06.060, COMMERCIAL DISTRICTS, OF TITLE 18, UNIFIED DEVELOPMENT CODE, OF THE OLYMPIA MUNICIPAL CODE

WHEREAS, on October 1, 2020, the City of Olympia Community Planning and Development Department received an application to amend text in Chapter 18.06, Commercial Districts, in Title 18, Unified Development Code, of the Olympia Municipal Code (OMC) (the Proposed Amendments); and

WHEREAS, on January 6, 2021, the Proposed Amendments were sent to the Washington State Department of Commerce Growth Management Services with the Notice of Intent to Adopt Development Regulation amendments as required by RCW 36.70A.106, and no comments were received from state agencies during the comment period; and

WHEREAS, the City of Olympia Responsible Official under the State Environmental Policy Act (SEPA), issued a Determination of Non-significance on the Proposed Amendments, pursuant to 197-11-350(2) of the Washington Administrative Code and no comments or application to appeal was received; and

WHEREAS, on January 11, 2021, Notice of Application and Public Hearing on the Proposed Amendments was provided to all Recognized Neighborhood Associations within the City of Olympia pursuant to Chapter 18.78 OMC, Public Notification; and

WHEREAS, on January 15, 2021, a legal notice was published in *The Olympian* newspaper regarding the date of the Olympia Planning Commission's public hearing on the Proposed Amendments; and

WHEREAS, on January 25, 2021, the Olympia Planning Commission received a briefing on the Proposed Amendments; and

WHEREAS, on February 8, 2021, the Olympia Planning Commission held a public hearing, received public comment, and deliberated on the Proposed Amendments; and

WHEREAS, following the public hearing and deliberations, on February 8, 2021, the Planning Commission provided to the City Council its recommendation to amend Chapter 18.06, Commercial Districts, of Title 18 OMC, Unified Development Code, as proposed; and

WHEREAS, the Proposed Amendments are consistent with the Olympia Comprehensive Plan and other chapters of Title 18 OMC; and

WHEREAS, the Proposed Amendments have been reviewed pursuant to the Text Amendments process outlined in Chapter 18.58 OMC; and

WHEREAS, Chapters 35A.63 and 36.70A RCW and Article 11, Section 11 of the Washington State Constitution authorize and permit the City to adopt this Ordinance;

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

Section 1. Amendment of OMC 18.06.040. Olympia Municipal Code Section 18.06.040, Table 6.01, is hereby amended to read as follows:

18.06.040 TABLES: Permitted and Conditional Uses

TABLE 6.01

PERMITTED AND CONDITIONAL USES

COMMERCIAL DISTRICT	NR	PO/RM	GC	MS	UW	UW-H	DB	AS	CSH	HDC-1	HDC-2	HDC-3	HDC-4	APPLICABLE REGULATIONS
District-Wide Regulations	18.06.060(R)				18.06.060(F)(2)	18.06.060(HH)	18.06.060(F)(2)						18.130.020	
1. EATING & DRINKING ESTABLISHMENTS														
Drinking Establishments			P		P	P	P		C 18.06.060(P)		P	P	P	
Drinking Establishments - Existing		P 18.06.060(GG)				P								
Restaurants, with drive-in or drive-through			P 18.06.060(F)(3)								<u>C</u> <u>18.06.060(F)(1)</u>	<u>C</u> <u>18.06.060(F)(1)</u>	P 18.06.060(F)(3)	
Restaurants, with drive-in or drive-through, existing			P				P 18.06.060(U)					C	P	
Restaurants, without drive-in or drive-through	P 18.06.060(U)(3)	C	P	P 18.06.060(U)(2)	P	P	P 18.06.060(U)(1)	P	P	P	P	P	P	

TABLE 6.01

PERMITTED AND CONDITIONAL USES

COMMERCIAL DISTRICT	NR	PO/RM	GC	MS	UW	UW-H	DB	AS	CSH	HDC-1	HDC-2	HDC-3	HDC-4	APPLICABLE REGULATIONS
District-Wide Regulations	18.06.060(R)				18.06.060(F)(2)	18.06.060(HH)	18.06.060(F)(2)							
2. INDUSTRIAL USES														
Industry, Heavy														
Industry, Light			C		P/C 18.06.060(N)									
On-Site Treatment & Storage Facilities for Hazardous Waste					P 18.06.060(Q)									
Piers, Wharves, Landings					P									
Printing, Industrial			C		P/C 18.06.060(N)									
Publishing		C	C		P		P		C	C				
Warehousing			P		P/C 18.06.060(AA)		P							

TABLE 6.01

PERMITTED AND CONDITIONAL USES

COMMERCIAL DISTRICT	NR	PO/RM	GC	MS	UW	UW-H	DB	AS	CSH	HDC-1	HDC-2	HDC-3	HDC-4	APPLICABLE REGULATIONS
Welding & Fabrication			C		P/C 18.06.060(N)		P							
Wholesale Sales		C 18.06.060(BB)(3)	P		P/C	18.06.060(BB)		P		P	18.06.060(BB)(2)			
Wholesale Products Incidental to Retail Business			P		P	P						P	P	
District-Wide Regulations	18.06.060(R)				18.06.060(F)(2)	18.06.060(HH)	18.06.060(F)(2)							
3. OFFICE USES (See also SERVICES, HEALTH)														
Banks		P	P		P/C 18.06.060(D)(2)	P 18.06.060(D)(2)	P/C 18.06.060(D)(2)	P	P	P	P	P 18.06.060(D)(1)	P 18.06.060(F)(3)	
Business Offices		P	P		P	P	P	P	P	P	P	P	P	
Government Offices		P	P		P	P	P	P	P	P	P	P	P	
District-Wide Regulations	18.06.060(R)				18.06.060(F)(2)	18.06.060(HH)	18.06.060(F)(2)							

TABLE 6.01

PERMITTED AND CONDITIONAL USES

COMMERCIAL DISTRICT	NR	PO/RM	GC	MS	UW	UW-H	DB	AS	CSH	HDC-1	HDC-2	HDC-3	HDC-4	APPLICABLE REGULATIONS
4. RECREATION AND CULTURE														
Art Galleries	P	P	P		P	P	P		P	P	P	P	P	
Auditoriums and Places of Assembly			P		P	P	P					P	P	
Boat Clubs					P	P								
Boating Storage Facilities					P			P						
Commercial Recreation		C	P		P	P	P	P		C	C	P	P	
Health Fitness Centers and Dance Studios	P	P 18.06.060(L)	P	P	P	P	P	P	P	P 18.06.060(L)	P 18.06.060(L)	P	P	
Libraries	C	C	C	C	P	P	P		P	C	P	P	P	18.04.060(V)
Marinas/Boat Launching Facilities					P 18.06.060(CC)	P								
Museums		C	P		P	P	P		P	C	C	P	P	18.04.060(V)
Parks, Neighborhood	P	P	P	P	P	P	P		P	P	P	P	P	18.04.060(T)
Parks & Playgrounds, Other	P	P	P	P	P	P	P		P	P	P	P	P	18.04.060(T)

TABLE 6.01

PERMITTED AND CONDITIONAL USES

COMMERCIAL DISTRICT	NR	PO/RM	GC	MS	UW	UW-H	DB	AS	CSH	HDC-1	HDC-2	HDC-3	HDC-4	APPLICABLE REGULATIONS
Theaters (Drive-in)			C											
Theaters (No drive-ins)			P		P	P	P				C	P	P	
District-Wide Regulations	18.06.060(R)				18.06.060(F)(2)	18.06.060(HH)	18.06.060(F)(2)							
5. RESIDENTIAL														
Apartments		P	P	P	P	P	P		P	P	P	P	P	
Apartments above ground floor in mixed use development	P	P	P	P	P	P	P		P	P	P	P	P	
Boarding Houses		P	P	P	P	P	P		P	P	P	P	P	
Co-Housing		P	P			P	P			P	P		P	
Collegiate Greek system residence, dormitories		C	P	P	P	P	P		P	C	P	P	P	
Duplexes	P	P	P	P			P		P	P	P		P	
Duplexes on Corner Lots	P	P	P	P			P		P	P	P	P	P	18.04.060(HH)
Group Homes (6 or less)	P	P	P 18.06.060(K)	P	P	P	P 18.06.060(K)		P	P	P	P 18.06.060(K)	P 18.06.060(K)	18.04.060(K)

TABLE 6.01

PERMITTED AND CONDITIONAL USES

COMMERCIAL DISTRICT	NR	PO/RM	GC	MS	UW	UW-H	DB	AS	CSH	HDC-1	HDC-2	HDC-3	HDC-4	APPLICABLE REGULATIONS
Group Homes (7 or more)	C	C	C 18.06.060(K)	C	C	C	C 18.06.060(K)		C	C	C	C 18.06.060(K)	P 18.06.060(K)	18.04.060(K)
Mobile or Manufactured Homes Park - Existing		C	C	C						C			C	18.04.060(P)
Quarters for Night Watch person/Caretaker					P	P								
Retirement Homes		P	P	P	P	P	P		P	P	P	P	P	
Single-Family Residences	P	P	P	P			P		P	P	P	P	P	
Single Room Occupancy Units			C		P	P	P		P				C	
Townhouses	P	P	P	P 18.06.060(T)		P	P		P	P	P	P	P	
Triplexes, Fourplexes, and Cottage Housing		P											P	
District-Wide Regulations	18.06.060(R)				18.06.060(F)(2)	18.06.060(HH)	18.06.060(F)(2)							

TABLE 6.01

PERMITTED AND CONDITIONAL USES

COMMERCIAL DISTRICT	NR	PO/RM	GC	MS	UW	UW-H	DB	AS	CSH	HDC-1	HDC-2	HDC-3	HDC-4	APPLICABLE REGULATIONS
6. RETAIL SALES														
Apparel and Accessory Stores			P		P	P	P					P	P	
Boat Sales and Rentals			P		P	P	P	P					P	
Building Materials, Garden and Farm Supplies	P		P		P	P	P					P	P	
Commercial Greenhouses, Nurseries, Bulb Farms	C	C 18.04.060(G)	C	C					C		P	P		18.04.060(G)
Electric Vehicle Infrastructure	P	P	P	P	P 18.06.060(W)	P 18.06.060(W)	P 18.06.060(W)	P	P	P	P	P	P	
Food Stores	P	P 18.06.060(H)	P		P	P	P		P	P 18.08.060(H)	P	P	P	
Furniture, Home Furnishings, and Appliances			P		P	P	P				P	P	P	

TABLE 6.01

PERMITTED AND CONDITIONAL USES

COMMERCIAL DISTRICT	NR	PO/RM	GC	MS	UW	UW-H	DB	AS	CSH	HDC-1	HDC-2	HDC-3	HDC-4	APPLICABLE REGULATIONS
Gasoline Dispensing Facilities accessory to a permitted use	P 18.06.060(W)(4)		P		P 18.06.060(W)		P 18.06.060(W)(2)	P				P 18.06.060(W)	P 18.06.060(W)	
Gasoline Dispensing Facility accessory to a permitted use - Existing	P 18.06.060(W)		P		P 18.06.060(W)		P 18.06.060(W)				P	P 18.06.060(W)	P	
General Merchandise Stores	P	P 18.06.060(J)	P		P	P	P			P 18.06.060(J)	P	P	P	
Mobile, Manufactured, and Modular Housing Sales			P											
Motor Vehicle Sales			P				P	P					P	
Motor Vehicle Supply Stores			P		P	P	P	P			P	P	P	
Office Supplies and Equipment		P 18.06.060(DD)	P		P	P	P		P	P 18.06.060(DD)	P	P	P	18.06.060(CC)
Pharmacies and Medical Supply Stores	P	P 18.06.060(EE)	P	P	P	P	P		P	P 18.06.060(EE)	P	P	P	18.06.060(DD)

TABLE 6.01

PERMITTED AND CONDITIONAL USES

COMMERCIAL DISTRICT	NR	PO/RM	GC	MS	UW	UW-H	DB	AS	CSH	HDC-1	HDC-2	HDC-3	HDC-4	APPLICABLE REGULATIONS
Specialty Stores	P 18.06.060(Y)(3)	P 18.06.060(Y)(4)	P	C 18.06.060(Y)(2)	P	P	P			P 18.06.060(Y)(4)	P	P 18.06.060(Y)(1)	P	
District-Wide Regulations	18.06.060(R)				18.06.060(F)(2)	18.06.060(HH)	18.06.060(F)(2)							
7. SERVICES, HEALTH														
Hospitals				P			P		P					
Nursing, Congregate Care, and Convalescence Homes	C	P	C	P			C		C	C	C	P	P	18.04.060(S)
Offices, Medical		P	P	P	P	P	P	P	P	P	P	P	P	
Veterinary Offices/Clinics		P	P	P			P			P	P	P	P	
District-Wide Regulations	18.06.060(R)				18.06.060(F)(2)	18.06.060(HH)	18.06.060(F)(2)							
8. SERVICES, LODGING														
Bed & Breakfast Houses (1 guest room)	P	P 18.06.060(E)	P 18.06.060(E)	P 18.06.060(E)	P	P	P			P	P	P	P	18.04.060(L)(3)(c)

TABLE 6.01

PERMITTED AND CONDITIONAL USES

COMMERCIAL DISTRICT	NR	PO/RM	GC	MS	UW	UW-H	DB	AS	CSH	HDC-1	HDC-2	HDC-3	HDC-4	APPLICABLE REGULATIONS
Bed & Breakfast Houses (2 to 5 guest rooms)	C	P 18.06.060(E)	P 18.06.060(E)	P 18.06.060(E)	P	P	P		C	P	P	P	P	18.04.060(L)(3)(c)
Hotels/Motels			P	C	P		P		P				P	
Lodging Houses		P	P	P	P		P		P	P	P	P	P	
Recreational Vehicle Parks			P										P	
District-Wide Regulations	18.06.060(R)				18.06.060(F)(2)	18.06.060(HH)	18.06.060(F)(2)							
9. SERVICES, PERSONAL														
Adult Day Care Home	P	P	P	P	P	P	P		P	P	P	P	P	18.04.060(L)(3)(b)
Child Day Care Centers	C	P	P	P	P	P	P		P	P	C	P	P	18.04.060(D)
Crisis Intervention	C	P	C	P			P		C	P	C	C	C	18.04.060(I)
Family Child Care Homes	P	P	P	P	P	P	P		P	P	P	P	P	18.04.060(L)
Funeral Parlors and Mortuaries		C	P				P			C		P	P	

TABLE 6.01

PERMITTED AND CONDITIONAL USES

COMMERCIAL DISTRICT	NR	PO/RM	GC	MS	UW	UW-H	DB	AS	CSH	HDC-1	HDC-2	HDC-3	HDC-4	APPLICABLE REGULATIONS
Laundries and Laundry Pick-up Agencies	P	P	P	P	P	P	P			P	P	P 18.06.060(O)	P	
Personal Services	P	P	P	P	P	P	P	P	P	P	P	P	P	
District-Wide Regulations	18.06.060(R)				18.06.060(F)(2)	18.06.060(HH)	18.06.060(F)(2)							
10. SERVICES, MISCELLANEOUS														
Auto Rental Agencies			P		P	P	P	P			C	P	P	
Equipment Rental Services, Commercial			P		P		P				P	P	P	
Equipment Rental Services, Commercial - Existing		P 18.06.060(FF)												
Ministorage			P				P							
Printing, Commercial	P	P	P		P	P	P		P	P	P	P	P	
Public Facilities (see also Public Facilities, Essential on next page)	C	C	C	C	P	C	P	P	P	C	C	C	C	18.04.060(V)
Radio/T.V. Studios		P	P		P	P	P		P	P	P	P	P	

TABLE 6.01

PERMITTED AND CONDITIONAL USES

COMMERCIAL DISTRICT	NR	PO/RM	GC	MS	UW	UW-H	DB	AS	CSH	HDC-1	HDC-2	HDC-3	HDC-4	APPLICABLE REGULATIONS
Recycling Facilities	P	P	P	P	P		P		P	P	P	P	P	18.06.060(V)
School - Colleges and Business, Vocational or Trade Schools		C	P		P	P	P		P	C	C	C	P	18.06.060(X)
Service and Repair Shops			P				P	P				P	P	
Service Stations/Car Washes			P				P 18.06.060(W)	P				P 18.06.060(W)	P 18.06.060(W)	
Service Stations/Car Washes - Existing			P		P 18.06.060(W)		P 18.06.060(W)				P	P 18.06.060(W)	P 18.06.060(W)	
Servicing of Personal Apparel and Equipment	P	P	P		P	P	P			P	P	P	P	
Truck, Trailer, and Recreational Vehicle Rentals			P					P						
Workshops for Disabled People	C	C	C	C	P	C	P		C	C	C	C	C	18.04.060(R)
District-Wide Regulations	18.06.060(R)				18.06.060(F)(2)	18.06.060(HH)	18.06.060(F)(2)							

TABLE 6.01

PERMITTED AND CONDITIONAL USES

COMMERCIAL DISTRICT	NR	PO/RM	GC	MS	UW	UW-H	DB	AS	CSH	HDC-1	HDC-2	HDC-3	HDC-4	APPLICABLE REGULATIONS
11. PUBLIC FACILITIES, ESSENTIAL														
Airports			C										C	18.06.060(G)
Inpatient Facilities		C	C	C 18.06.060(T)	C		C		C	C	C	P	P	18.06.060(G) 18.04.060(K)
Jails			C		C		C		C				C	18.06.060(G)
Mental Health Facilities			C	C 18.06.060(T)	C		C						C	18.06.060(G) 18.04.060(K)
Other Correctional Facilities		C	C	C 18.06.060(T)	C	C	C		C	C	C	C	C	18.06.060(G)
Other facilities as designated by the Washington State Office of Financial Management, except prisons and solid waste handling facilities		C	C		C		C			C	C	C	C	18.06.060(G)

TABLE 6.01

PERMITTED AND CONDITIONAL USES

COMMERCIAL DISTRICT	NR	PO/RM	GC	MS	UW	UW-H	DB	AS	CSH	HDC-1	HDC-2	HDC-3	HDC-4	APPLICABLE REGULATIONS
Radio/TV and Other Communication Towers and Antennas	C	C	C	C	C	C	C	C	C	C	C	C	C	18.06.060(G) 18.44.100
Sewage Treatment Facilities	C	C	C	C	P		P		C	C	C	C	C	18.06.060(G) 18.04.060(X)
State Education Facilities		C	C		C		C		C	C	C	C	C	18.06.060(G) 18.06.060(X)
State or Regional Transportation Facilities	C	C	C	C	C	C	C		C	C	C	C	C	18.06.060(G)
District-Wide Regulations	18.06.060(R)				18.06.060(F)(2)	18.06.060(HH)	18.06.060(F)(2)							
12. TEMPORARY USES														
Entertainment Events			P		P	P	P						P	
Off Site Contractor Offices	P	P	P	P	P	P	P	P	P	P	P	P	P	18.04.060(DD)
Emergency Housing	P	P	P	P	P			P	P	P	P	P	P	18.04.060(DD)
Emergency Housing Facilities	P	P	P	P	P	P	P	P	P	P	P	P	P	18.50

TABLE 6.01

PERMITTED AND CONDITIONAL USES

COMMERCIAL DISTRICT	NR	PO/RM	GC	MS	UW	UW-H	DB	AS	CSH	HDC-1	HDC-2	HDC-3	HDC-4	APPLICABLE REGULATIONS
Fireworks, as determined by Fire Dept.			P		P	P	P				P	P	P	9.48.160
Mobile Sidewalk Vendors		P	P	P	P	P	P			P	P	P	P	
Parking Lot Sales			P		P	P	P	P			P	P	P	
Residences Rented for Social Event (6 or less in 1 year)	P	P	P	P	P	P	P		P	P	P	P	P	18.04.060(DD)
Residences Rented for Social Event (7 or more in 1 year)	C	C	C	C	C	C	C		C	C	C	C	C	
Temporary Surface Parking Lot		P	P		P	P	P		P					
District-Wide Regulations	18.06.060(R)				18.06.060(F)(2)	18.06.060(HH)	18.06.060(F)(2)							
13. OTHER USES														
Accessory Structures/Uses														
Adult Oriented Businesses			P										P	18.06.060(B)
Agriculture	P	P	P	P					P	P	P	P	P	

TABLE 6.01

PERMITTED AND CONDITIONAL USES

COMMERCIAL DISTRICT	NR	PO/RM	GC	MS	UW	UW-H	DB	AS	CSH	HDC-1	HDC-2	HDC-3	HDC-4	APPLICABLE REGULATIONS
Animals	P	P	P	P	P	P	P		P	P	P	P	P	18.06.060(C)
Cemeteries	C	C	C	C					C	C	C		C	
Conference Center			P		P	P	P						P	
Gambling Establishments			C											
Garage/Yard/Rumma ge and Other Outdoor Sales	P	P	P	P	P	P	P		P	P	P	P	P	5.24
Home Occupations	P	P	P	P	P	P	P		P	P	P	P	P	18.04.060(L)
Parking Facility, Commercial		P	P		P	P	P 18.06.060(S)			P	P	P 18.06.060(S)	P	18.04.060(V)
Places of Worship	C	C	P	C	P	P	P		C	C	C	P	P	18.04.060(U)
Racing Pigeons	C	C	C	C					C	C	C	C	C	18.04.060(Y)
Satellite Earth Stations	P	P	P	P	P	P	P	P	P	P	P	P	P	18.44.100
Schools	C	C	P	C	C	C	C		C	C	C	P	P	18.04.060(DD)
Social Organizations		P	P		P	P	P		P/C 18.06.060(I)	P	P	P	P	
Utility Facility	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	18.04.060(X)

TABLE 6.01

PERMITTED AND CONDITIONAL USES

COMMERCIAL DISTRICT	NR	PO/RM	GC	MS	UW	UW-H	DB	AS	CSH	HDC-1	HDC-2	HDC-3	HDC-4	APPLICABLE REGULATIONS
Wireless Communications Facilities	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	18.44

LEGEND

P = Permitted Use

MS = Medical Services

DB = Downtown Business

C = Conditional Use

PO/RM = Professional Office/Residential Multifamily

AS=Auto Services

NR = Neighborhood Retail

GC = General Commercial

UW = Urban Waterfront

UW-H = Urban Waterfront-Housing

CSH = Commercial Services-High Density

HDC-1=High Density Corridor-1

HDC-2=High Density Corridor-2

HDC-3=High Density Corridor-3

HDC-4=High Density Corridor-4

Section 2. Amendment of OMC 18.06.060. Olympia Municipal Code Subsection 18.06.060.F is hereby amended to read as follows:

F. Drive-Through and Drive-In Uses.

1. High Density Corridor-2 and 3 (HDC-2 and HDC-3) Requirements. Businesses which serve customers exclusively in their vehicles are prohibited. This includes uses such as drive-through laundry pick-up agencies, drive-through-only banks, and drive-through photo processing services. This does not include car washes. Restaurants are ~~not only~~ permitted to have drive-up or drive-through facilities if the building has existing drive through facilities and complies with the fast food vehicular stacking requirements in OMC 18.38.100.
2. Downtown Business and Urban Waterfront (UW) Requirements. Drive-through and drive-in uses are prohibited as a primary or accessory use (exception: drive-through banks are a conditional use). Existing drive-in and drive-through restaurants permitted before January 1, 1994, are conforming uses. Such uses shall be treated the same as other allowed uses, consistent with applicable regulations or conditional use requirements. Other uses made nonconforming by this zoning ordinance are subject to the requirements of Chapter 18.37, Nonconforming Buildings and Uses.
3. Pedestrian Streets and Drive-Through or Drive-In Uses. Drive-through and drive-in uses are allowed on parcels that abut pedestrian oriented streets, as follows:
 - a. A Streets: Drive-through or drive-in uses are permitted on parcels abutting Pedestrian Oriented A Streets when there is another building(s) or a designated pedestrian plaza or other gathering space located between the drive-through or drive-in building and the street. In the event a pedestrian plaza or gathering space is located between the building and an "A" Street, provisions to prevent vehicles from entering the plaza or gathering space shall be provided (e.g. curb and a landscaped area, bollards, low masonry wall).
 - b. B Streets: Drive-through lanes are prohibited between the pedestrian oriented street and the building. Drive-through lanes may be located to the side or rear of the building when designed for the safety of pedestrians or bicyclists on the sidewalk or other internal designated routes for pedestrians and/or bicyclists.

Section 3. Corrections. The City Clerk and codifiers of this Ordinance are authorized to make necessary corrections to this Ordinance, including the correction of scrivener/clerical errors, references, ordinance numbering, section/subsection numbers and any references thereto.

Section 4. Severability. If any provision of this Ordinance or its application to any person or circumstance is held invalid, the remainder of the Ordinance or application of the provisions to other persons or circumstances shall remain unaffected.

Section 5. Ratification. Any act consistent with the authority and prior to the effective date of this Ordinance is hereby ratified and affirmed.

Section 6. Effective Date. This Ordinance shall take effect five (5) days after publication, as provided by law.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

Michael M. Young

DEPUTY CITY ATTORNEY

PASSED:

APPROVED:

PUBLISHED:



Meeting Minutes

Planning Commission

City Hall
601 4th Avenue E
Olympia, WA 98501

Contact: Cari Hornbein
360.753.8048

Monday, February 8, 2021

6:30 PM

Online and via phone

Register to attend:

https://us02web.zoom.us/webinar/register/WN_OvB3R-PIRH6L-q2qwyT1uw

1. CALL TO ORDER

Vice Chair Sauerhoff called the meeting to order at 6:30 p.m.

1.A ROLL CALL

Present: 6 - Chair Candi Millar, Commissioner Paula Ehlers, Commissioner Tammy Adams, Commissioner Rad Cunningham, Commissioner Carole Richmond and Vice Chair Aaron Sauerhoff

Absent: 1 - Commissioner Kento Azegami

1.B OTHERS PRESENT

Community Planning and Development Staff:
Senior Planner Cari Hornbein
Senior Planner Joyce Phillips
Senior Planner Paula Smith

SCJ Alliance Planning Manager Dan Penrose
Marohn LLC Michael Marohn

2. APPROVAL OF AGENDA

Change order of agenda items under Section 6, Business Items as follows:
6.A Drive-Through Restaurants in HDC-2 and 3 Zoning Districts Public Hearing
6.B Shoreline Master Program Periodic Review - Deliberations
6.C 2021-2022 Planning Commission Work Plan

The agenda was approved as amended.

3. APPROVAL OF MINUTES

3.A [21-0157](#) Approval of January 11, 2021 Planning Commission Meeting Minutes

The minutes were approved.

3.B [21-0158](#) Approval of January 25, 2021 Planning Commission Meeting Minutes

The minutes were approved.

4. PUBLIC COMMENT - None

5. STAFF ANNOUNCEMENTS

Ms. Hornbein shared an announcement.

6. BUSINESS ITEMS

6.A [21-0125](#) Drive-Through Restaurants in HDC-2 and 3 Zoning Districts - Public Hearing

Ms. Smith shared a presentation. The public hearing opened at 7:07 p.m. and no testimony was received. The hearing was closed at 7:10 p.m.

Commissioner Richmond moved, seconded by Commissioner Adams, to recommend approval of the code amendments as proposed. The motion carried by the following vote:

Aye: 5 - Chair Millar, Commissioner Ehlers, Commissioner Adams, Commissioner Richmond and Vice Chair Sauerhoff

Nay: 1 - Commissioner Cunningham

Absent: 1 - Commissioner Azegami

6.B [21-0067](#) Shoreline Master Program Periodic Review - Deliberations

Commissioner Ehlers moved, seconded by Chair Millar, to recommend approval of the amendments to the Shoreline Master Program and the related amendments to the Critical Areas Ordinance as proposed by staff with the following amendments: 1) The setback and vegetation conservation area for the Waterfront Recreation Shoreline Environment shall be a minimum of 50 feet instead of 30 feet as recommended by staff, and 2) the term 'dredge spoils' shall be revised to 'dredge materials'. The motion passed unanimously.

6.C [21-0092](#) 2021-2022 Planning Commission Work Plan

The Workplan was discussed and forwarded to the next Planning Commission meeting for further deliberation.

7. REPORTS

Vice Chair Sauerhoff reported on a training session.

8. OTHER TOPICS

Commissioners discussed training opportunities.

9. ADJOURNMENT

The meeting was adjourned at 9:07 p.m.



City Council

Approval of an Ordinance Adopting Proposed Amendments to the Shoreline Master Program and Critical Areas Ordinance

Agenda Date: 5/18/2021
Agenda Item Number: 4.Q
File Number:21-0394

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

Title

Approval of an Ordinance Adopting Proposed Amendments to the Shoreline Master Program and Critical Areas Ordinance

Recommended Action

Committee Recommendation:

The Planning Commission recommends adoption of the proposed amendments to the Shoreline Master Program and Critical Areas Ordinance in order to complete the required Periodic Review.

City Manager Recommendation:

Move to adopt the proposed amendments to the Shoreline Master Program and Critical Areas Ordinance in order to complete the required Periodic Review.

Report

Issue:

Whether to adopt the proposed amendments to the Shoreline Master Program and Critical Areas Ordinance to complete the Periodic Review required under the State's Shoreline Management Act.

Staff Contact:

Joyce Phillips, Principal Planner, Community Planning and Development, 360.570.3722

Presenter(s):

Joyce Phillips, Principal Planner, Community Planning and Development
Dan Nickel, Vice President, The Watershed Company

Background and Analysis:

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

Shoreline Master Programs (SMPs) are local land use policies and regulations that guide development and the use of most shorelines. SMPs apply to both public and private uses for lakes, streams, associated wetlands, and marine shorelines. They protect natural resources for future generations, provide for public access to public waters and shores, and plan for water-dependent uses. SMPs must be consistent with the Shoreline Management Act (RCW 90.58) and must be

approved by the Washington State Department of Ecology (Ecology).

SMPs must be reviewed and, if necessary, updated to ensure they remain compliant with state laws and local comprehensive plans. This review must be completed every eight (8) years and is known as the “Periodic Review”. The deadline to complete Olympia’s SMP Periodic Review is June 30, 2021.

Ecology provides technical assistance, guidance documents, and grant funding for this work. Ecology’s grant contract requires completion of five tasks, designed to ensure local governments complete the required Periodic Review. The primary task is to review the SMP and draft revisions, if needed.

The City used Ecology’s checklist and determined that some changes are needed. This analysis was reviewed by Ecology for their input. The outcome of that review, known as the Gap Analysis, then became the minimum scope of work for the update. The public was also invited to review and comment on the results of the gap analysis.

The draft SMP amendments were issued in late October of 2020. Related revisions to the Critical Areas Ordinance (CAO), to update the version of Ecology’s wetland guidance the City uses and to ensure consistency and coordination between the SMP and the protection of environmentally sensitive areas, were issued in late November and posted online in early December. The initial drafts are posted online (Attachment 2). A summary of the biggest proposed changes was also posted on the project webpage. The City continues to work with the Department of Ecology under the new joint review process. Such work included a Public Open House conducted jointly on December 2, 2020, the joint public comment period (December 4, 2020 through January 11, 2021) and a joint public hearing (January 11, 2021). The public comment period closed at the end of the public hearing.

Planning Commission Recommendation

After the hearing, the Planning Commission deliberated on the draft amendments and public comments received during its next two public meetings. Although the Commission was aware that staff was working to prepare a response to public comments, and even requested that some of the “big picture” type of comments be addressed by identifying additional entities and programs at work to help improve the health of the Puget Sound, the Commission was comfortable making a recommendation to approve the proposed amendments with two revisions:

- 1) The setback and vegetation conservation area reduction for the portion of the Waterfront Recreation Shoreline Environment adjacent to Budd Bay shall be a minimum of 50 feet instead of 30 feet as recommended by staff; and,
- 2) Revise the term “dredge spoils” to “dredge materials”.

Response to Public Comments

The City was required to provide Ecology with written responses to public comments received. The Watershed Company and City Staff prepared the responses and proposed additional revisions to the SMP and CAO in order to respond to some public comments. It is not uncommon for additional revisions to be drafted in response to public comments and one of the required submittals to Ecology is a summary of such amendments. See the Response to Public Comments (Attachment 4) and Summary of Amendments Proposed after the Public Hearing (Attachment 5).

Ecology's Initial Determination of Consistency

Ecology provides guidance and technical assistance throughout the process. Ecology conducts a formal review of the final draft and issues an Initial Determination of Consistency (Attachment 3). This step is intended to ensure any formal action taken by the Council is on amendments that are also acceptable to the Department of Ecology. This is an important step because Ecology must approve any amendments to the SMP. In this review, Ecology identified three required revisions and five recommended changes.

City staff reviewed the comments from Ecology and agreed with all of the required and recommended changes, although one additional point of clarification was added. The clarification pertains to the Table in Section 18.32.435 of the Critical Areas Ordinance regarding buffers for Type S waters (now refers the reader to the SMP) and for Priority Riparian Areas (critical area buffer of 250 feet). City staff worked with Ecology staff to ensure the clarification language is acceptable to both entities and retains the findings of Ecology included in the Initial Determination of Consistency.

Next Steps

SMPs are unique policy and regulatory documents because they need to be approved by both the City and Ecology. Any modifications require approval by both entities before the SMP can be implemented. Once the City Council takes action on these proposed amendments, the SMP and related CAO amendments are sent to Ecology for its final consideration and approval.

Neighborhood/Community Interests (if known):

Shoreline issues are of interest to our community. Several people submitted written comments expressing viewpoints on the SMP in general, as well as on the proposed amendments. Most comments received call for greater environmental protection of shorelines and specifically for Puget Sound.

Several comments submitted raised concerns about the health of the Puget Sound including species protection and water quality issues. Some comments were beyond the scope of the Shoreline Master Program Periodic Review. There are several significant efforts underway to address the health of the Puget Sound, most of which are addressed by state or federal agencies.

Other comments addressed issues regarding public access requirements, live-aboard vessels in marinas, nonconforming structures, setbacks, and development near shorelines. Public comments received during the public comment period are provided on the project webpage. Comments received after the close of the public hearing are attached. Any comments that are received after the issuance of this staff report will be conveyed to Councilmembers electronically, via email.

Options:

1. Adopt the ordinance approving the proposed amendments to the Shoreline Master Program and Critical Areas Ordinance, as proposed.
2. Adopt the ordinance approving the proposed amendments to the Shoreline Master Program and Critical Areas Ordinance, with specific modifications.
3. Do not adopt the ordinance to amend the Shoreline Master Program or Critical Areas Ordinance.

Financial Impact:

The City entered into a contract with the Washington State Department of Ecology for \$28,000 in grant funding to help complete the Periodic Review. The City hired The Watershed Company for professional services to conduct the review, draft required updates, and to assist in the review and adoption process.

Attachments:

Ordinance
Project Webpage
Ecology Initial Determination
Response to Public Comments
Amendments Proposed after Public Hearing Summary
Additional Public Comments

AN ORDINANCE OF THE CITY OF OLYMPIA, WASHINGTON RELATED TO THE SHORELINE MASTER PROGRAM; AND AMENDING CHAPTER 18.20 AND SECTIONS 18.32.400, 18.32.405, 18.32.410, 18.32.435, 18.32.510, AND 18.32.535 OF THE OLYMPIA MUNICIPAL CODE

WHEREAS, pursuant to the Washington State Shoreline Management Act, Revised Code of Washington (RCW) 90.58, the City of Olympia is required to review, and amend if necessary, the Shoreline Master Program (SMP) by June 30, 2021, which is known as the Periodic Review; and

WHEREAS, the City opted to use the joint review process for amending Shoreline Master Programs per WAC 173-26-104; and

WHEREAS, in January 2020, the City entered into a grant agreement with the Washington State Department of Ecology to help fund completion of the Periodic Review; and

WHEREAS, in March 2020, the City entered into a Professional Services Agreement with The Watershed Company, for professional consulting services for the Periodic Review; and

WHEREAS, the City of Olympia developed a Public Participation Plan for the development and review of the Proposed Amendments; and

WHEREAS, the City of Olympia used its Shoreline Master Program webpage for this planning proposal as a means of providing project information and updates to the public that was accessible at the public's convenience; and

WHEREAS, The Watershed Company and city staff used the Washington State Department of Ecology's Periodic Review Checklist to identify that revisions were needed to the City's SMP and Critical Areas Ordinance (CAO) during this Periodic Review. The result was issued as the Gap Analysis Report dated June 2020, which established the scope of work for the needed amendments; and

WHEREAS, The Watershed Company prepared draft amendments to the SMP and CAO, which were issued in October 2020; and

WHEREAS, on November 18, 2020, the Proposed Amendments were sent to the Washington State Department of Commerce Growth Management Services with the Notice of Intent to Adopt amendments as required by RCW 36.70A.106 and comments were received from state agencies during the 60-day comment period; and

WHEREAS, the Olympia Planning Commission received briefings on the Proposed Amendments on March 16, 2020, June 1, 2020, June 15, 2020, September 21, 2020, November 2, 2020, and December 7, 2020; and

WHEREAS, the City issued E-Newsletters to all members subscribed to the Planning and Development listserv on August 19, 2020, November 10, 2020, November 18, 2020, and December 30, 2020; and

WHEREAS, the City issued Email updates to all Parties of Record for this planning process on August 18, 2020, November 2, 2020, November 18, 2020, December 3, 2020, and December 30, 2020; and

WHEREAS, on December 3, 2020, notice of the joint public comment period and joint public hearing, both conducted with the Washington State Department of Ecology, for the Proposed Amendments were provided to all Recognized Neighborhood Associations with the City of Olympia pursuant to Chapter 18.78 OMC, Public Notification; and

WHEREAS, on December 31, 2020, notice of the public hearing for the Proposed Amendments was published in The Olympian newspaper pursuant to Chapter 18.78 OMC, Public Notification; and

WHEREAS, the City held a public Open House about the proposed Shoreline Master Program and Critical Areas Ordinance amendments under consideration on December 2, 2020; and

WHEREAS, the City conducted a Joint Public Comment Period on the Proposed Amendments with the Washington State Department of Ecology which began on December 4, 2020 and ended on January 11, 2021; and

WHEREAS, on January 11, 2021, the Olympia Planning Commission held a joint public hearing on the Proposed Amendments with the Washington State Department of Ecology; and

WHEREAS, on January 22, 2021, the City of Olympia issued a Determination of Non-Significance pursuant to the State Environmental Policy Act (SEPA) on the Proposed Amendments; and

WHEREAS, the Olympia Planning Commission deliberated on January 25, 2021 and February 8, 2021, and provided to the City Council its recommendation to amend the Shoreline Master Program and multiple sections of Title 18 OMC, Unified Development Code; and

WHEREAS, on March 1, 2021, the City of Olympia issued a Response to Public Comments, which identified amendments need to additional sections of the CAO in order to clarify how the SMP and CAO work together jointly within the shoreline environments; and

WHEREAS, on March 1, 2021, the City of Olympia submitted the Proposed Amendments to the Washington State Department of Ecology for Initial Determination of Consistency; and

WHEREAS, on March 19, 2021, the Washington State Department of Ecology issued the Initial Determination of Consistency, which identified three required and five recommended revisions, which were incorporated into the Proposed Amendments; and

WHEREAS, the Proposed Amendments are consistent with the Olympia Comprehensive Plan and other chapters of Title 18 OMC; and

WHEREAS, the Proposed Amendments have been reviewed pursuant to the Rezones and Text Amendments process outlined in Chapter 18.58 OMC; and

WHEREAS, the Attorney General Advisory Memorandum: Avoiding Unconstitutional Takings of Private Property (December 2006) was reviewed and used by the City in objectively evaluating the proposed development regulations amendments; and

WHEREAS, Chapters 35A.63 and 36.70A RCW and Article 11, Section 11 of the Washington State Constitution authorize and permit the City to adopt this Ordinance;

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

Section 1. Amendment of Shoreline Master Program. The City of Olympia Shoreline Master Program is hereby amended to read as shown on the attached Exhibit A, which is hereby incorporated as though fully set forth herein.

Section 2. Amendment of OMC 18.20. Olympia Municipal Code Chapter 18.20 is hereby amended to read as follows:

Chapter 18.20 SHORELINE MASTER PROGRAM REGULATIONS

18.20.000 Chapter Contents

Sections:

18.20.100	Applicability.
18.20.110	Relationship to Other Plans and Regulations.
18.20.120	Interpretation and Definitions.
18.20.200	General Permit and Authorization Provisions.
18.20.210	Shoreline Substantial Development Permits.
18.20.220	Exemptions from Shoreline Substantial Development Permit.
18.20.230	Shoreline Conditional Use Permits.
18.20.240	Shoreline Variances.
18.20.250	Unclassified Uses.
18.20.260	Submittal Requirements.
18.20.270	Inspections.
18.20.280	Shoreline Permit Procedures.
18.20.285	Amendments.
18.20.290	Appeals of Administrative Decisions.
18.20.295	Fees.
18.20.300	Shoreline Jurisdiction.
18.20.310	Official Shoreline Map.
18.20.320	Shoreline Environment Designations.
18.20.330	Shoreline Environment Purposes.
18.20.400	General Regulations – Intent.
18.20.410	No-Net-Loss and Mitigation.
18.20.420	Critical Areas.
18.20.430	Archaeological, Historic, and Cultural Resources.
18.20.440	Parking.
18.20.450	Public Access.
18.20.460	Design of Public Access.
18.20.470	Scientific and Educational Activities.
18.20.480	Signage Regulations.
18.20.490	Vegetation Conservation Areas - Intent.
18.20.492	General Vegetation Conservation Regulations.
18.20.493	Permitted Uses and Activities within Vegetation Conservation Areas.
18.20.494	Alterations to Existing Development.
18.20.495	Vegetation Conservation Area Standards.
18.20.496	Vegetation Management Plan.
18.20.500	View Protection - Intent.

<u>18.20.504</u>	View Protection Regulations.
<u>18.20.507</u>	Visual Impact Assessment.
<u>18.20.510</u>	Water Quality.
<u>18.20.600</u>	Shoreline Use and Development – Intent.
<u>18.20.610</u>	General Use and Development Provisions.
<u>18.20.620</u>	Use and Development Standards Tables.
<u>18.20.630</u>	Agriculture.
<u>18.20.640</u>	Aquaculture.
<u>18.20.650</u>	Boating Facilities - General Regulations.
<u>18.20.652</u>	Boat Launch Ramps.
<u>18.20.654</u>	Marinas.
<u>18.20.656</u>	Boat Storage.
<u>18.20.658</u>	Covered Moorage.
<u>18.20.660</u>	Commercial Use and Development – General.
<u>18.20.663</u>	Water-Oriented Commercial Use and Development.
<u>18.20.667</u>	Non-Water-Oriented Commercial Use and Development.
<u>18.20.670</u>	Industrial Development.
<u>18.20.680</u>	Recreation.
<u>18.20.690</u>	Residential Use and Development.
<u>18.20.700</u>	Transportation and Trail Facilities.
<u>18.20.710</u>	Utilities.
<u>18.20.800</u>	Shoreline Modifications – General Provisions.
<u>18.20.810</u>	Permitted Shoreline Modifications.
<u>18.20.820</u>	Dredging.
<u>18.20.830</u>	Fill.
<u>18.20.833</u>	Shoreland Fill.
<u>18.20.837</u>	Fill Water-ward of Ordinary High Water Mark.
<u>18.20.840</u>	General Moorage (Piers, Docks, Floats, and Buoys) Provisions.
<u>18.20.842</u>	Moorage Buoys.
<u>18.20.844</u>	Residential Docks, Piers or Floats.
<u>18.20.846</u>	Marine Docks and Piers.
<u>18.20.847</u>	Fresh Water Docks and Piers.
<u>18.20.848</u>	Float Standards.
<u>18.20.850</u>	Shoreline Restoration and Enhancement – Intent.
<u>18.20.855</u>	Shoreline Restoration and Enhancement - General Provisions.
<u>18.20.857</u>	Instream Structures.
<u>18.20.860</u>	Shoreline Stabilization - Intent.
<u>18.20.862</u>	Shoreline Stabilization - New Development.
<u>18.20.864</u>	New or Expanded Shoreline Stabilization Measures.
<u>18.20.866</u>	Shoreline Stabilization - Replacement and Repair.
<u>18.20.868</u>	Design of Shoreline Stabilization Measures.
<u>18.20.870</u>	Shoreline Stabilization Reports.
<u>18.20.872</u>	Breakwaters, Jetties, Groins, and Weirs – General Provisions.
<u>18.20.874</u>	Breakwaters, Jetties, Groins, and Weirs - Environment Designations.
<u>18.20.900</u>	Existing Buildings and Uses within Shorelines.
<u>18.20.910</u>	Alteration of Nonconforming Structures in Shoreline Jurisdiction.
<u>18.20.920</u>	Existing Nonconforming Shoreline Uses.
<u>18.20.930</u>	Existing Nonconforming Shoreline Lots.

18.20.100 - Applicability

- A. All proposed uses and development occurring within Olympia's shoreline jurisdiction shall comply with Olympia's Shoreline Program and RCW 90.58, Shoreline Management Act (Act). The Shoreline Program applies to all uses and developments within shoreline jurisdiction whether or not a shoreline permit or statement of permit exemption is required.
- B. Olympia's Shoreline Program shall apply to all of the lands and waters in the City of Olympia that fall under the jurisdiction of the Act (see OMC 18.20.300 - Shoreline Jurisdiction).
- C. The Shoreline Program shall apply to every person, individual, firm, partnership, association, organization, corporation, local or state governmental agency, public or municipal corporation, or other non-federal entity which develops, owns, leases, or administers lands, wetlands, or waters that fall under the jurisdiction of the Act.
- D. Federal agency actions on shorelines of the state are required to be consistent with this Master Program and the Act, as provided by the Coastal Zone Management Act (Title 16 United States Code §1451 et seq.; and §173-27-060(1) WAC, Applicability of RCW 90.58, Shoreline Management Act, to federal lands and agencies).
- E. The permit requirements established under the Shoreline Program apply to all non-federal activities; and to development and uses undertaken on lands not federally owned but under lease, easement, license, or other similar property right of the federal government.

18.20.110 - Relationship to Other Plans and Regulations

- A. Uses, developments and activities regulated by Olympia's Shoreline Program may also be subject to the provisions of the City of Olympia Comprehensive Plan, the Olympia Municipal Code (OMC), the Olympia Engineering Design and Development Standards, the Washington State Environmental Policy Act (SEPA, RCW 43.21C and WAC 197-11), and various other provisions of local, state, and federal law.
- B. Project proponents are responsible for complying with all applicable laws prior to commencing any use, development, or activity.
- C. In the event Olympia's Shoreline Program conflicts with other applicable City policies or regulations, all regulations shall apply and unless otherwise stated, the provisions most protective of the resource shall prevail.
- D. Any inconsistencies between a Shoreline Program and the Shoreline Management Act must be resolved in accordance with the Act.

18.20.120 - Interpretation and Definitions

- A. As provided for in RCW 90.58.900, the Act is exempt from the rule of strict construction. The Act and all aspects of Olympia's Shoreline Program shall therefore be liberally construed to give full effect to the purposes, goals, objectives, and policies for which the Act and Olympia's Shoreline Program were enacted and adopted.
- B. For purposes of this Chapter, the City hereby adopts by reference the definitions of the following terms as set forth in the Revised Code of Washington 90.58.030 and the Washington Administrative Code 173-27-030 and 173-26-020:
 - Agricultural activities,
 - Agricultural land,
 - Aquaculture,
 - Average grade level,

- Development,
- Ecological functions or shoreline functions,
- Extreme low tide,
- Feasible,
- Fill,
- Flood plain,
- Geotechnical report or geotechnical analysis,
- Guidelines,
- Marine,
- Nonwater-oriented uses,
- Ordinary High Water Mark (OHWM),
- Priority habitat,
- Priority species,
- Restore, restoration or ecological restoration,
- Shoreline modification,
- Shorelines,
- Shorelines of statewide significance,
- Shorelines of the state,
- Structure,
- Substantial development,
- Substantially degrade,
- Water-dependent use,
- Water-enjoyment use,
- Water-oriented use,
- Water-related use, and
- Wetlands.

C. For the purposes of this Chapter, the terms defined below shall have the meaning ascribed to them below. Terms not defined in this Chapter nor listed in subsection B above shall be interpreted as set forth in WACs 173-18-030, 173-20-030 and 173-22-030 or OMC 18.02. When the definitions in this Chapter conflict with the definitions set forth in OMC 18.02, the definitions herein shall govern for purposes of this Chapter.

Access, direct: Physical access that is convenient, of relatively short distance, and does not require extraordinary physical dexterity.

Access, physical: The right and facilities needed to enter upon shoreline areas, such as that access provided by a trail, float, dock, promenade, bridge, or boat ramp.

Accessory: Customarily incidental and subordinate.

Administrator: That person designated by the City of Olympia to administer the provisions of Olympia's Shoreline Program. References to 'the City' in this Shoreline Program may be construed as referring to the Administrator.

Alteration: Any human-induced change in existing conditions on a shoreline, critical area and/or its buffer. Alterations include, but are not limited to excavation, grading, filling, channelization (straightening, deepening, or lining of stream channels except dredging of sediment or debris alone), dredging, clearing vegetation, draining, constructing structures, compaction, or any other activity that changes the character of a site.

Appurtenance: A structure or development that is necessarily connected to the use and enjoyment of another structure. Common appurtenances include a garage, deck, driveway, utilities, fences, and grading which does not exceed two hundred and fifty cubic yards. For purposes of this chapter appurtenances are limited to upland areas.

Backshore: The zone of accretion or erosion lying landward of the Ordinary High Water Mark, wetted by tides during storm events.

Beach: The zone along the shoreline where there is continuous movement of sediment both laterally and vertically. This zone extends from the daily low tide mark to where the permanent line of vegetation begins.

Beach Nourishment: The process of replenishing a beach by artificial means, for example, by the deposition of sand and gravel; also called beach replenishment or beach feeding.

Berm: One or several linear deposits of sand and gravel generally paralleling the shore at or landward of the Ordinary High Water Mark.

Boat ramp: A slab, plank, rail, or graded slope used for launching boats by means of a trailer, hand, or mechanical device.

Boat-house: A structure designed for storage of vessels located over water or in upland areas.

Boating facilities: Marinas located both landward and water-ward of the Ordinary High Water Mark (dry storage and wet-moorage types), boat ramps, covered and uncovered moorage, and marine travel lifts. Boating facilities do not include docks serving four or fewer single-family residences.

Breakwater: An offshore structure generally built parallel to the shore that may or may not be connected to the land. Breakwaters may be fixed (e.g., a rubble mound or rigid wall), open-pile, or floating. Their primary purpose is to protect harbors, moorages and navigation activity from wave and wind action by creating a still-water area along the shore. A secondary purpose is to protect shorelines from erosion caused by wave action.

Bulkhead: A wall usually constructed parallel to the shoreline or at the Ordinary High Water Mark for the primary purpose of containing and preventing the loss of soil or structure caused by erosion or wave action. Bulkheads are typically constructed of rock, poured-in-place concrete, steel or aluminum sheet piling, wood, or wood and structural steel combinations. Structural foundation walls are not bulkheads unless located at the Ordinary High Water Mark.

Camping Facilities: Short-term overnight accommodations (generally 1-15 nights per guest) in organized facilities with amenities designed for guests and their enjoyment of the waterfront. Such facilities require amenities such as restrooms and may include opportunities for cooking, connection to electricity, and potable water. Amenities should be appropriate for the proposed use, such as electricity for recreational vehicles.

Compensation Project: Projects that compensate for unavoidable impacts by replacing or providing substitute resources environments.

Conditional Use: A use, development, or substantial development which is classified as a shoreline conditional use or not otherwise classified in this chapter. Shoreline conditional uses are not synonymous with zoning conditional uses.

Covered Moorage: Boat moorage, with or without walls, that has a solid roof to protect the vessel and is attached to the dock itself or the substrate of the water body. Overwater boat-houses are a type of covered moorage.

Critical Habitat: Habitat areas within which endangered, threatened, sensitive or monitored plant, fish, or wildlife species have a primary association (e.g., feeding, breeding, rearing of young, migrating). Such areas are identified herein with reference to lists, categories, and definitions promulgated by the Washington Department of Fish and Wildlife as identified in WAC 232-12-011 or WAC 232-12-014; in the Priority Habitat and Species (PHS) program by the Department of Fish and Wildlife; or by rules and regulations adopted by the U.S. Fish and Wildlife Service, National Marine Fisheries Service, or other agency with jurisdiction for such designations.

Critical Saltwater Habitat: All kelp beds, eelgrass beds, spawning and holding areas for forage fish, such as herring, smelt and sandlance; subsistence, commercial and recreational shellfish beds; mudflats, intertidal habitats with vascular plants, and areas with which priority species have a primary association.

Cumulative impacts or cumulative effects: The impact on the environment or other shoreline functions or uses which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency or person undertakes such other actions. Cumulative impacts can result from individually minor but collectively significant actions taking place over a long period of time. See WAC 173-26-186(8)(d).

Dike or Levee: A natural or man-made embankment, including any associated revetments, to prevent flooding by a stream or other water body.

Dock: A structure built from the shore extending out over the water to provide moorage for commercial or private recreation vessels that does not include above water storage. A dock may be built either on a fixed platform or float on the water.

Dredging: The removal, displacement, or disposal of unconsolidated earth material such as sand, silt, gravel, or other submerged materials, from the bottom of water bodies, ditches, or wetlands; maintenance dredging and/or support activities are included in this definition.

Ecologically Intact Shorelines: Those shoreline areas that retain the majority of their natural shoreline functions and values, as evidenced by vegetation and shoreline configuration. Generally, but not necessarily, ecologically intact shorelines are free of structural shoreline modifications, structures, and intensive human uses.

Enhancement: Actions performed within an existing degraded shoreline, critical area and/or buffer to intentionally increase or augment one or more functions and values of the existing area. Enhancement actions include, but are not limited to, increasing plant diversity and cover, increasing wildlife habitat and structural complexity (snags, woody debris), installing environmentally compatible erosion controls, or removing invasive plant or animal species.

Erosion: A process whereby wind, rain, water, and other natural agents mobilize, and transport, and deposit soil particles.

Fair market value: The open market bid price for conducting the work, using the equipment and facilities, and purchase of the goods, services, and materials necessary to accomplish the development. This would normally equate to the cost of hiring a contractor to undertake the development from start to finish, including the cost of labor, materials, equipment and facility usage, transportation, and contractor overhead and profit. The fair market value of the development shall include the fair market value of any donated, contributed or found labor, equipment, or materials.

Float: A floating platform similar to a dock that is anchored or attached to pilings and which does not connect to the shore. A float may serve as a temporary moorage facility but is not intended to be used for boat storage. Floats are also used for swimming, diving, or water skiing.

Floating home: A building on a float used in whole or in part for human habitation as a single-family dwelling that is moored, anchored, or otherwise secured in waters, and is not a vessel, even though it may be capable of being towed.

Floating on water residence: Any floating structure other than a floating home that: (i) is designed or used primarily as a residence on the water and has detachable utilities; and (ii) whose owner or primary occupant has held an ownership interest in space in a marina, or has held a lease or sublease to use space in a marina, since a date prior to July 1, 2014.

Flood hazard reduction measure: Flood hazard reduction measures may consist of nonstructural measures, such as setbacks, land use controls, wetland restoration, dike removal, use relocation, biotechnical measures, and stormwater management programs, and of structural measures, such as

dikes, levees, revetments, floodwalls, channel realignment, and elevation of structures consistent with the National Flood Insurance Program (NFIP).

Floodway: The "floodway" area that has been established in Federal Emergency Management Agency rate maps not including those lands that can reasonably be expected to be protected from flood waters by flood control devices maintained by or maintained under license from the federal government, the state, or a political subdivision of the state.

Functional Disconnect: An existing, legally established public road or other substantially developed surface which effectively eliminates the capacity for upland areas to provide shoreline ecological functions, as defined in WAC 173-26-201(2)(c). As used in this definition, "substantially developed surface" can include public infrastructure such as roads, and private improvements such as commercial structures. A "substantially developed surface" shall not include paved trails, sidewalks, private driveways, or accessory buildings that do not require a building permit.

Gabions: Structures composed of masses of rocks, rubble, soil, masonry, or similar material held tightly together usually by wire mesh, fabric, or geotextile so as to form layers, blocks or walls. Sometimes used on heavy erosion areas to retard wave action or as foundations for breakwaters or jetties.

Groin: Structure built seaward at an angle or perpendicular to the shore for the purpose of building or preserving an accretion beach by trapping littoral sand drift. Generally narrow and of varying lengths, a groin may be built in a series along the shore.

Harbor Area: The area of navigable waters determined as provided in Article XV, Section 1 of the State Constitution, which shall be forever reserved for landings, wharves, streets, and other conveniences of navigation and commerce.

Height (of Structure): The difference between the average grade level and the highest point of a structure (not including temporary construction equipment); provided, that television antennas, chimneys, and similar appurtenances shall not be used in calculating height except where such appurtenances obstruct the view of the shoreline from a substantial number of residences on areas adjoining such shorelines.

Instream structure: A structure placed by humans within a stream or river water-ward of the Ordinary High Water Mark that either causes or has the potential to cause water impoundment or the diversion, obstruction, or modification of water flow. In-stream structures may include those for hydroelectric generation, irrigation, water supply, flood control, transportation, utility service transmission, fish habitat enhancement, or other purpose.

Jetty: A structure generally perpendicular to the shore, extending through or past the intertidal zone. Jetties are built singly or in pairs at harbor entrances or river mouths to prevent accretion of littoral drift in an entrance channel. Jetties also protect channels and inlets from storm waves and cross-currents and to stabilize inlets through barrier beaches. Most jetties are of riprap mound construction.

Joint-use: Sharing of facilities such as docks, piers, floats, and similar structures by more than one property owner or by a homeowners' association or similar group.

Limited Master Program Amendment: A master program amendment that addresses specific procedural and/or substantive topics and which is not intended to meet the complete requirements of a comprehensive master program update.

Littoral drift: The mud, sand or gravel material moved parallel to the shoreline in the nearshore zone by waves and currents.

Live-aboard vessel: A vessel primarily used as a residence, and if used as a means of transportation or recreation, said transportation or recreation is a secondary or subsidiary use. Any

vessel used for overnight accommodation for more than fifteen (15) nights in a one-month period shall be considered a residence.

Marina: A facility with water-dependent components for storing, servicing, fueling, berthing, launching and/or securing boats but at minimum including piers, buoys, or floats to provide moorage for five (5) or more boats. Marinas may provide eating, sleeping, and retail facilities for owners, crews, and guests. Those aspects located landward of the Ordinary High Water Mark are referred to as "backshore." Backshore marinas include wet-moorage that is dredged out of the land to artificially create a basin and dry moorage with upland storage that uses a hoist, marine travel lift or ramp for water access. Marina features located in the intertidal or offshore zone water-ward of the Ordinary High Water Mark, including any breakwaters of open type construction (floating breakwater and/or open pile work) and/or solid type construction (bulkhead and landfill), are referred to as "foreshore."

May: The action is acceptable, provided it conforms to the provisions of the SMP.

Mean Higher High Water (MHHW): The average of the higher high water height of each tidal day observed over the National Tidal Datum Epoch.

Mean Lower Low Water (MLLW): The average of the lower low water height of each tidal day observed over the National Tidal Datum Epoch.

Mitigation: Measures prescribed and implemented to avoid, minimize, lessen, or compensate for adverse impacts. Explicit in this definition is the following order of preference:

1. Avoiding an impact altogether by not taking a certain action or parts of actions;
2. Minimizing impacts by limiting the degree or magnitude of an action and its implementation;
3. Rectifying impacts by repairing, rehabilitating, or restoring the affected environment;
4. Reducing or eliminating an impact over time by preservation and maintenance operation during the life of the action;
5. Compensating for an impact by replacing or providing substitute resources or environments; and
6. Monitoring the mitigation and taking remedial action when necessary.

Mitigation plan: A plan for alleviating or lessening the adverse impacts of an activity or development, including measures such as avoiding, minimizing, or compensating for impacts. Mitigation plans should include a description and evaluation of existing environmental conditions, functions, and values; be prepared by a qualified person; list proposed and any alternative mitigation measures including any continuing activities and long-term performance assurance; evaluate the likelihood of success of those measures; and include a proposed means of monitoring and evaluating the success of the mitigation.

Mixed use: The use of a parcel or structure with two or more different land uses, such as a combination of residential, office, manufacturing, retail, public, or entertainment in a single or physically integrated group of structures.

Moorage Buoy: A floating device anchored to the bottom of a water body to provide tie-up capabilities for vessels or watercraft.

Must: A mandate; the action is required.

Natural Topography or Existing Topography: The topography of a lot, parcel, or tract of real property immediately prior to any site preparation or grading, including excavation or filling.

No Net Loss: The maintenance of the aggregate total of shoreline ecological functions over time. The no net loss standard contained in WAC 173-26-186 requires that impacts of shoreline use and/or development, whether permitted or exempt from permit requirements, be identified and mitigated such that there are no resulting impacts on ecological functions or processes.

Nonconforming Development or Nonconforming Structure: An existing structure that was lawfully constructed at the time it was built but is no longer fully consistent with present regulations such as setbacks, buffers, vegetation conservation areas, or yards; area; bulk; or height standards due to subsequent changes to the master program.

Nonconforming Lot: A lot that met dimensional requirements of the applicable master program at the time of its establishment but now contains less than the required width, depth, or area due to subsequent changes to the master program.

Nonconforming Use: An existing shoreline use that was lawfully established prior to the effective date of the act or the applicable master program, but which does not conform to present use regulations due to subsequent changes to the master program.

Overwater: Location above the surface of the water or water-ward of the Ordinary High Water Mark, including placement of buildings on piling or floats.

Pier: A fixed platform structure supported by piles in a water body that abuts the shore to provide landing for water dependent recreation or moorage for vessels or watercraft and does not include above water storage.

Port: When capitalized, that government agency known as the Port of Olympia; when lower-case, a center for water-borne commerce and traffic.

Primary Structure: The structure on a lot or parcel occupied by the principal use.

Public Access: The ability of the general public to reach, touch, and enjoy the water's edge, to travel on the waters of the state, and to view the water and shoreline from adjacent locations. See WAC 173-26-221(4).

Public Interest: The interest shared by the citizens of the state or community-at-large in the affairs of government, or some interest by which their rights or liabilities are affected such as an effect on public property or on health, safety, or general welfare resulting from a use or development. See WAC 173-27-030(14).

Recreation: Activities and associated facilities for public or private use for refreshment of body and mind through play, amusement or relaxation including hiking, swimming, canoeing, photography, fishing, boat ramps, playgrounds, and parks.

Restoration plan: A plan to reestablish or upgrade impaired ecological shoreline processes or functions. Such plan may be to restore a site or shoreline area to a specific condition, or to reestablish functional characteristics and processes which have been lost due to alterations, activities, or catastrophic events. Restoration plans should identify the degraded site or area or impaired ecological function(s); establish specific restoration goals and priorities; describe the timing, elements, benchmarks, and other details of proposed restoration activities; include mechanisms or strategies to ensure successful implementation; and provide for monitoring and evaluation of the success of the restoration. Note: the term "Restoration Plan" may also refer to the shoreline Restoration Plan (Appendix A) that is a part of Olympia's Shoreline Master Program.

Revetment: A sloped wall constructed of riprap or other suitable material placed on stream banks or other shorelines to retard bank erosion and minimize lateral movement. The slope differentiates it from a bulkhead, which is a vertical structure.

Riprap: Dense, hard, angular rock free from cracks or other defects conducive to weathering often used for bulkheads, revetments, or similar slope/bank stabilization purposes.

Sea Level Rise: An increase in the elevation of marine waters associated with changes in the state of the climate and which can be identified by changes in the mean and/or variability of its properties and that persists for decades or longer.

Shall: A mandate; the action must be done.

Shorelands or Shoreland areas: Lands extending landward for two hundred feet in all directions as measured on a horizontal plane from the Ordinary High Water Mark, floodways, and contiguous floodplain areas landward two hundred feet from such floodways, and all wetlands and river deltas associated with the streams, lakes, and tidal waters designated by the Department of Ecology as subject to the Shoreline Management Act.

Shoreline Master Program or Shoreline Program of Olympia: Specified goals and policies of the Olympia Comprehensive Plan together with specified use regulations and including maps, diagrams, charts, or other descriptive material and text, a statement of desired goals, and standards adopted in accordance with the policies of the Shoreline Management Act.

Shoreline Setback: The horizontal distance required between an upland structure or improvement and the Ordinary High Water Mark; usually measured in feet. (Note that in general setbacks are only applicable to structures having a height greater than 30 inches.) Shoreline setbacks outlined in Table 6.3 include and are not in addition to the VCAs outlined in Table 6.3

Shoreline Stabilization or Protection: Protection of shoreline upland areas and shoreline uses from the effects of shoreline wave action, flooding, or erosion through the use of structural and non-structural methods. See OMC 18.20.860 for examples.

Should: The particular action is required unless there is a demonstrated, compelling reason, based on policy of the Shoreline Management Act and this chapter, against taking the action.

Stair Tower: A structure twelve (12) feet or taller in height typically consisting of one (1) or more flights of stairs, usually with landings to pass from one level to another.

Submerged Lands: Areas below the Ordinary High Water Mark of marine waters, lakes and rivers.

Tideland: The land on the shore of marine water bodies between Ordinary High Water Mark (OHWM) or mean higher high tide (MHHW) and the line of extreme low tide which is submerged daily by tides.

Transportation Facilities: Streets, railways, bicycle lanes, sidewalks, and shared use paths consistent with the City of Olympia Engineering Design and Development Standards.

Variance, Shoreline: A means to grant relief from specific bulk, dimensional or performance standards set forth in this chapter or related state regulations pursuant to the criteria of WAC 173-27-170; such may not vary a use of a shoreline.

Vegetation Conservation: Activities to protect and restore vegetation along or near shorelines that minimize habitat loss and the impact of invasive plants, erosion, and flooding, and contribute to ecological functions of shoreline areas. Vegetation conservation provisions include the prevention or restriction of plant clearing and earth grading, vegetation restoration, and the control of invasive weeds and non-native species.

Vegetation Conservation Area: That area within which vegetation conservation actions take place, as required by this Chapter. Vegetation management provisions may be independent of a permit or approval requirement. VCAs outlined in Table 6.3 are measured from the Ordinary High Water Mark and are located within the shoreline setbacks outlined in Table 6.3.

Visual Access: Access with improvements that provide a view of the shoreline or water but that do not allow physical access to the shoreline.

Weir: A device placed in a stream or river to raise or divert the water.

18.20.200 - General Permit and Authorization Provisions

- A. To be authorized, all uses, and development shall be carried out in a manner that is consistent with the Olympia Shoreline Master Program and the policies of the Shoreline Management Act as required

by RCW 90.58.140(1), regardless of whether a shoreline permit, statement of exemption, shoreline variance, or shoreline conditional use permit is required.

- B. No use, alteration, or development shall be undertaken within the regulated shorelines by any person without first obtaining permits or authorization.
- C. Applicants shall apply for shoreline substantial development, variance, and conditional use permits on forms provided by the City. Applications shall contain information required in WAC 173-27-180.
- D. All permit applications shall be processed in accordance with the rules and procedures set forth in OMC Titles 14, 16, 17 and 18 and WAC 173-27. Where in conflict state law shall prevail.
- E. The City shall document all project review actions in shoreline jurisdiction. The City shall review this documentation and evaluate the cumulative effects of authorized development on shoreline conditions as part of the 8-year periodic review cycle identified in RCW 90.58.080 (4).

18.20.210 - Shoreline Substantial Development Permits

- A. A Shoreline Substantial Development Permit shall be required for all proposed use and development of shorelines unless the proposal is specifically exempted in accordance with WAC 173-27-040 and RCW 90.58.
- B. In order to be approved, the decision maker shall find that the proposal is consistent with the following criteria:
 - 1. The policies and procedures of RCW 90.58 and provisions of WAC 173-27-150; and
 - 2. All policies and regulations of this Shoreline Program appropriate to the shoreline environment designation and the type of use or development proposed shall be met, except any bulk or dimensional standards that have been modified by approval of a shoreline variance.
- C. Conditions may be attached to the approval of permits as necessary to assure consistency of the project with the Act and this Shoreline Program.
- D. The City is the final authority for a Shoreline Substantial Development Permit; unless an appeal is filed with the State Shorelines Hearings Board.

18.20.215 - Exceptions to Local Review

- A. Requirements to obtain a Substantial Development Permit, Conditional Use Permit, Variance, exemption, or other review to implement the Shoreline Management Act do not apply to the follo
 - 1. Remedial actions. Pursuant to RCW 90.58.355, any person conducting a remedial action at a facility pursuant to a consent decree, order, or agreed order issued pursuant to chapter 70.105D RCW, or to the department of ecology when it conducts a remedial action under chapter 70.105D RCW.
 - 2. Boatyard improvements to meet NPDES permit requirements. Pursuant to RCW 90.58.355, any person installing site improvements for storm water treatment in an existing boatyard facility to meet requirements of a national pollutant discharge elimination system storm water general permit.
 - 3. WSDOT facility maintenance and safety improvements. Pursuant to RCW 90.58.356, Washington State Department of Transportation projects and activities meeting the conditions of RCW 90.58.356 are not required to obtain a Substantial Development Permit, Conditional Use Permit, Variance, letter of exemption, or other local review.
 - 4. Projects consistent with an environmental excellence program agreement pursuant to RCW 90.58.045.

5. Projects authorized through the Energy Facility Site Evaluation Council process, pursuant to chapter 80.50 RCW.

18.20.220 - Exemptions from Shoreline Substantial Development Permit

- A. Certain developments are exempt from the requirement to obtain a Substantial Development Permit. Such developments still may require a Shoreline Variance or Conditional Use Permit, and all development within the shoreline is subject to the requirements of this Shoreline Program, regardless of whether a Substantial Development Permit is required. Developments which are exempt from the requirement for a Substantial Development Permit are identified in WAC 173-27-040, RCW 90.58.030(3)(e), RCW 90.58.147 and RCW 90.58.515.
- B. Whenever a development is exempt from the requirement to obtain a Shoreline Substantial Development Permit and the development is subject to one or more of the following federal permits, a letter of exemption is required pursuant to WAC 173-27-050:
 - 1. A U.S. Army Corps of Engineers Section 10 Permit under the Rivers and Harbors Act of 1899; or
 - 2. A Section 404 Permit under the Federal Water Pollution Control Act of 1972.

18.20.230 - Shoreline Conditional Use Permits

- A. The purpose of a Shoreline Conditional Use Permit is to provide a system which allows flexibility in the application of use regulations in a manner consistent with the policies of RCW 90.58.020. In authorizing a Shoreline Conditional Use Permit, special conditions may be attached by the City or the Department of Ecology to control any undesirable effects of the proposed use and to assure consistency with the Shoreline Management Act and Olympia's Shoreline Program.
- B. Uses which are classified in this Chapter as conditional uses may be authorized provided that the applicant can satisfy the criteria set forth in WAC 173-27-160:
 - 1. That the proposed use will be consistent with the policies of RCW 90.58.020 and the Shoreline Program;
 - 2. That the proposed use will not interfere with the normal public use of public shorelines;
 - 3. That the proposed use of the site and design of the project is compatible with other authorized uses within the area and with uses planned for the area under the Comprehensive Plan and Shoreline Program;
 - 4. That the proposed use will cause no significant adverse effects to the shoreline environment in which it is to be located; and
 - 5. That the public interest suffers no substantial detrimental effect.
- C. In the granting of all Shoreline Conditional Use permits, consideration shall be given to the cumulative impact of additional requests for like actions in the area. For example, if Shoreline Conditional Use Permits were granted for other developments in the area where similar circumstances exist, the total of the conditional uses shall also remain consistent with the policies of RCW 90.58.020 and shall not produce substantial adverse effects to the shoreline environment.
- D. Other uses which are not specifically classified as a permitted or conditional use in this Shoreline Program may be authorized as a shoreline conditional use provided that the applicant can satisfy the criteria set forth in WAC 173-27-160 (see B above).
- E. Uses that are specifically prohibited by this Chapter shall not be authorized.

18.20.240 - Shoreline Variances

- A. The purpose of a shoreline variance is strictly limited to granting relief from specific bulk, dimensional, or performance standards set forth in this chapter where there are extraordinary circumstances relating to the physical character or configuration of property such that the strict implementation of Olympia's Shoreline Program will impose unnecessary hardships on the applicant or thwart the policies set forth in RCW 90.58.020.
- B. Shoreline Variance Permits should be granted in circumstances where denial of the permit would result in a thwarting of the policy enumerated in RCW 90.58.020. In all instances the applicant must demonstrate that extraordinary circumstances exist, and the public interest will suffer no substantial detrimental effect.
- C. Variances from the use regulations of this Shoreline Program are prohibited.
- D. Land shall not be subdivided to create parcels that are buildable only with a shoreline variance or would be considered non-conforming.
- E. Variances for development and/or uses that will be located landward of the Ordinary High Water Mark and/or landward of any associated wetland may be authorized provided the applicant can demonstrate all of the following:
 - 1. That the strict application of the bulk, dimensional or performance standards set forth in this chapter precludes, or significantly interferes with, reasonable use of the property;
 - 2. That the hardship described above is specifically related to the property, and is the result of unique conditions such as irregular lot shape, size, or natural features and the application of the Olympia Shoreline Program, and not, for example, from deed restrictions or the applicant's own actions;
 - 3. That the design of the project is compatible with other authorized uses within the area and with uses planned for the area under the Comprehensive Plan and Shoreline Program and will not cause adverse impacts to the shoreline environment;
 - 4. That the variance will not constitute a grant of special privilege not enjoyed by other properties in the area;
 - 5. That the variance request is the minimum necessary to afford relief; and
 - 6. That the public interest will suffer no substantial detrimental effect.
- F. Variance permits for development and/or uses that will be located water-ward of the Ordinary High Water Mark, or within any wetland may be authorized provided the applicant can demonstrate all of the following:
 - 1. That the strict application of the bulk, dimensional or performance standards set forth in this Shoreline Program precludes all reasonable use of the property not otherwise prohibited by this Shoreline Program;
 - 2. That the proposal is consistent with the criteria established under Section E above; and
 - 3. That the public rights of navigation and use of the shoreline will not be adversely affected.
- G. In the granting of any shoreline variance, consideration shall be given to the cumulative impact of additional requests for like actions in the area. In other words, if Shoreline Variance Permits were granted for other developments in the area where similar circumstances exist, the total of the variances shall also remain consistent with the policies of RCW 90.58.020 and shall not produce substantial adverse effects to the shoreline environment.

18.20.250 - Unclassified Uses

- A. Other uses not specifically classified or set forth in this chapter may be authorized as shoreline conditional uses provided the applicant can satisfy the Shoreline Conditional Use Permit criteria set forth above.
- B. Uses that are specifically prohibited by this chapter cannot be authorized by a Shoreline Conditional Use permit.

18.20.260 - Submittal Requirements

All development proposals under the jurisdiction of this chapter shall satisfy the application submittal requirements set forth in OMC Titles 16, 17 and 18.

18.20.270 - Inspections

Pursuant to RCW 90.58.200, the Administrator or authorized representatives may enter land or structures to enforce the provisions of the Shoreline Program. Such entry shall follow the provisions set forth in OMC 8.24.120.

18.20.280 - Shoreline Permit Procedures

- A. Applications for Shoreline Substantial Development Permits, Conditional Use Permits, and Variance Permits are subject to and shall be processed pursuant to WAC Chapter 173-27, as now or hereafter amended, and as provided below.
- B. Applications for Shoreline Substantial Development, Conditional Use, and Variance Permits shall be submitted to the Planning Department on forms supplied by the Department. The application shall contain the information required by WAC 173-27-180 and such other information as may be required by the Department. The applicant shall pay to the Department the application fee prescribed by the approved fee schedule. In addition to the application fee, the applicant shall pay fees for environmental analysis, and for other necessary actions or approvals.
- C. Applications for ~~those~~ Shoreline Substantial Development Permits or shoreline exemptions ~~that are exempt from the State Environmental Policy Act and entirely upland of the Ordinary High Water Mark may be~~ are decided by the Administrator, ~~if a public hearing is not requested by an interested party.~~ unless elevated by the Administrator to a Hearing Examiner decision because the proposal is extraordinarily complex, has significant impacts beyond the immediate site, is of a community wide interest, or is of a controversial nature. The Hearing Examiner shall hold a public hearing and render a decision ~~for regarding other applications identified in subsection A of this section~~ all Conditional Use Permit and Variance Permit applications. Consistent with RCW 90.58.140 (10), the Department of Ecology must approve or disapprove Shoreline Conditional Use Permits and shoreline variances issued by the City.
- D. Pursuant to WAC 173-27-110, notice of the application and hearing shall be published in the manner prescribed therein, and mailed to the latest recorded real property owners as shown by the records of the county assessor within at least three hundred feet of the boundary of the subject property, fifteen (15) days before the hearing. In addition, the Planning Department, in its discretion, may give notice in any other additional manner deemed appropriate.
- E. The decision of the Administrator may be appealed to the hearings examiner per OMC 18.20.290. The Hearing Examiner decision may be appealed to the Shorelines Hearing Board pursuant to WAC 173-27-220.

- F. Pursuant to WAC 173-27-090 and 173-27-100, the Administrator shall review and decide requests for time extensions and permit revisions. Any permit revision approval must be submitted to the Department of Ecology. The decision of the Administrator may be appealed pursuant to OMC 18.20.290. If the revision to the original permit involves a Conditional Use Permit or Variance, the City shall submit the revision to the Department of Ecology for its final decision. Conditional Use Permit or Variance decisions may be appealed to the Shoreline Hearings Board pursuant to WAC 173-27-220.
- G. When developing ~~and adopting procedures for an~~ administrative interpretation of this Master Program, the City shall consult with the Department of Ecology to ~~insure~~ ensure that any formal written interpretations are consistent with the purpose and intent of the Act and the SMP Guidelines.

18.20.285 - Amendments

- A. Amendments to the Shoreline Master Program, including changes in mapped environmental designations, shall be processed pursuant to Chapter 173-26-100 WAC as now or hereafter amended, and as provided below. All such amendments are required to be approved by the Department of Ecology.
- B. Applications for proposed amendments shall be submitted to the Planning Department on forms supplied by the Department. The applicant shall pay to the Department the application fee and fees for environmental analysis pursuant to RCW 43.21C (SEPA), and for other necessary actions or approvals.
- C. The City Council shall hold the public hearing prescribed by WAC 173-26-100(1). At any time, the Council may refer a proposed amendment to the Planning Commission for a recommendation. If the Planning Commission elects to hold a public hearing, a notice of the hearing shall be given in the same manner as the hearing held by the Council.
- D. The City may utilize the optional joint review process for SMP amendments according to the procedures prescribed in WAC 173-26-104.
- ~~D~~E. If the proposed amendment is a map change of environmental designation, regardless of the size or number of parcels affected, or regardless of whether the applicant is a private person or governmental agency, notice of the proposed amendment shall be mailed to all the owners of the property which is proposed for redesignation, as shown by the records of the county assessor. In addition, notice shall be mailed to all the owners of property which lies within three hundred feet of the boundary of the property proposed for designation. The applicant shall furnish to the Planning Department the names and addresses of property owners who are to receive notice.

18.20.290 - Appeals of Administrative Decisions

- A. Any aggrieved person may appeal an administrative decision made pursuant to the Master Program by filing a written appeal with the Planning Department within fourteen (14) calendar days from the date of decision. The appeal shall be filed on forms prescribed by the Department and the appellant shall pay to the Department the appeal fee prescribed by the approved fee schedule.
- B. Appeals of administrative decisions shall be decided by the hearings examiner, after appeal hearing, and shall be subject to the provisions of OMC 18.75. Notice of the hearing shall be mailed to the appellant and may be mailed to any other person who the Planning Department believes may be affected by or interested in the appeal. Notice shall be mailed not later than ten (10) days before the hearing.

18.20.295 - Fees

For purposes of this chapter, the fee schedule in Section 4.40.010 of the Olympia Municipal Code is considered the "approved fee schedule."

18.20.300 - Shoreline Jurisdiction

- A. The provisions of this Chapter shall apply to all shorelines of the state, all shorelines of statewide significance and shorelands as defined in RCW 90.58.030, within the City of Olympia. These areas are collectively referred to herein as 'shorelines'.
- B. Olympia's "shorelands" include lands extending landward for two hundred feet in all directions as measured on a horizontal plane from the Ordinary High Water Mark, floodways, and contiguous floodplain areas landward 200 feet from such floodways, and all wetlands and river deltas associated with the following bodies of water. The City has chosen not to regulate 'optional' shorelands as described in RCW 90.58.030 through this Shoreline Program. Within its municipal boundaries, the City of Olympia shall have authority over the shorelines (water areas) and associated shorelands of Budd Inlet, Capitol Lake, Chambers Lake, Grass Lake, Ken Lake, Ward Lake, Black Lake Ditch and Percival Creek, including those waters of Budd Inlet seaward of extreme low tide which are shorelines of statewide significance.
- B.C. In circumstances where the shoreline jurisdiction does not include an entire parcel, only that portion of the parcel within shoreline jurisdiction and any use, activity, or development proposed on that portion of the parcel is subject to the City's Shoreline Master Program regulations. When a structure is partially in and partially out of the shoreline jurisdiction, the entire structure must comply with the Shoreline Master Program. When development on a parcel is completely outside of the shoreline jurisdiction it does not need to comply with the SMP.

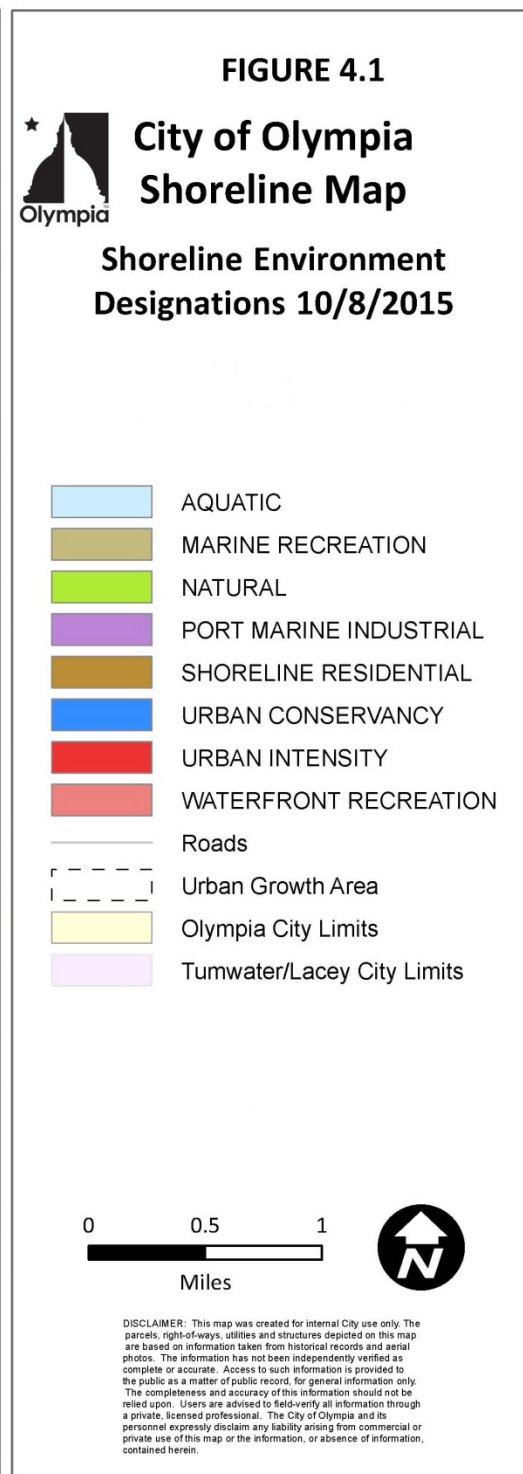
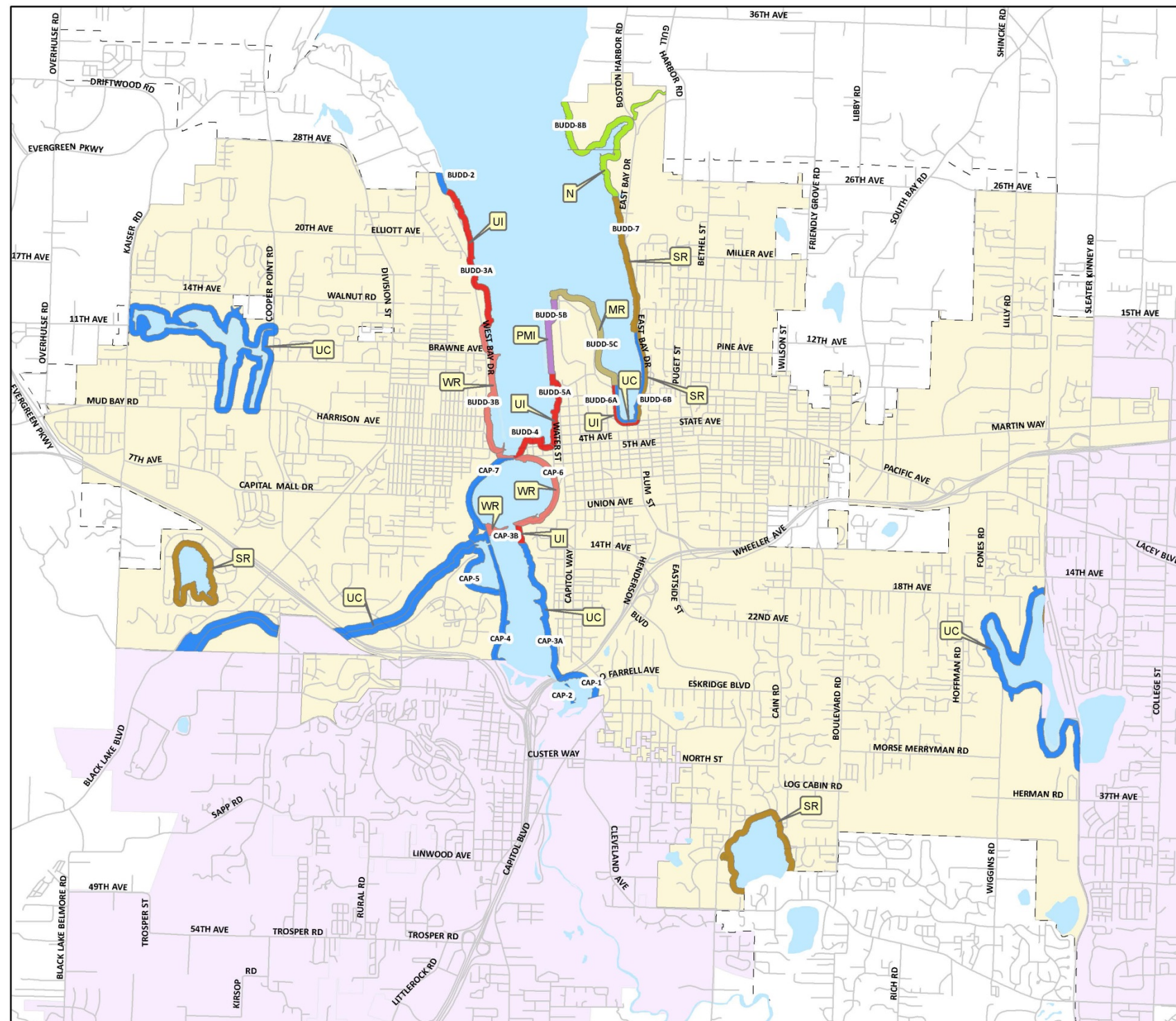
18.20.310 - Official Shoreline Map

- A. Shoreline Environment Designations have been established and are delineated on the "City of Olympia Shoreline Map" (Shoreline Map) hereby incorporated by reference. The official copy of this map shall reside with the Washington State Department of Ecology.
- B. The Shoreline Map (Figure 4.1) identifies shoreline environment designations and the approximate extent of shoreline jurisdiction within City boundaries. It does not identify or depict the lateral extent of shoreline jurisdiction or associated wetlands and floodplains. The lateral extent of the shoreline jurisdiction shall be determined on a case-by-case basis by the project applicant or a qualified professional, as necessary by the project applicant or a qualified professional, as necessary. The actual extent of shoreline jurisdiction requires a site-specific evaluation to identify the location of the Ordinary High Water Mark (OHWM) and associated wetlands and/or floodplains.
- C. Where uncertainty or conflict occurs in the exact location of a shoreline designation boundary, the Administrator shall interpret the boundaries based upon:
 - 1. The coordinates listed in *Shoreline Environmental Designations for the City of Olympia*;
 - 2. Boundaries indicated as approximately following lot, tract, or section lines;
 - 3. Boundaries indicated as approximately following roads or railways shall be construed to follow their centerlines; and
 - 4. Boundaries indicated as approximately parallel to or extensions of features indicated in 2 or 3 above shall be so construed.
- D. In the event of a mapping error, the City will rely on the criteria in the statute and the WAC pertaining to the determination of shorelines.

18.20.320 - Shoreline Environment Designations

- A. The Olympia Comprehensive Plan sets forth the designation and management policies for the shoreline environment designations established in the Olympia Shoreline Program.

- B. Areas within shoreline jurisdiction that are not mapped and/or designated are automatically assigned an *Urban Conservancy* environment designation until the shoreline can be designated through a Shoreline Program amendment.



Map Figure 4.1

18.20.330 - Shoreline Environment Purposes

Aquatic – The purpose of the *Aquatic* environment is to protect, restore and manage the unique characteristics and resources of the areas water-ward of the Ordinary High Water Mark.

Natural – The purpose of the *Natural* environment is to protect those shoreline areas that are relatively free of human influence or that include intact or minimally degraded shoreline functions intolerant of human use. These systems require that only very low intensity uses be allowed in order to maintain the ecological functions and ecosystem-wide processes. Consistent with the policies of the designation, Olympia will plan for restoration of degraded shorelines within this environment.

Urban Conservancy – The purpose of the *Urban Conservancy* environment is to protect and restore ecological functions of open space, flood plain and other sensitive lands where they exist in urban and developed settings, while allowing a variety of compatible uses.

Waterfront Recreation – The purpose of the *Waterfront Recreation* environment is to provide recreational and public access opportunities and to maintain and restore shoreline ecological functions and preserve open space. This designation is generally intended for appropriate public parks.

Marine Recreation – The purpose of the *Marine Recreation* environment is to establish provisions for boating facilities and water-oriented recreational and commercial uses and to restore shoreline ecological functions and preserve open space.

Shoreline Residential – The purpose of the *Shoreline Residential* environment is to accommodate residential development and appurtenant structures that are consistent with Olympia's Shoreline Program. An additional purpose is to provide public access and recreational uses.

Urban Intensity – The purpose of the *Urban Intensity* environment is to provide for high-intensity water-oriented commercial, transportation, industrial, recreation, and residential uses while protecting existing ecological functions and restoring ecological functions in areas that have been previously degraded, and to provide public access and recreational uses oriented toward the waterfront.

Port Marine Industrial – The purpose of the *Port Marine Industrial* environment is to allow the continued use and development of high-intensity water-oriented transportation, commercial and industrial uses. This area should support water-oriented marine commerce balanced with the protection of existing ecological functions and restoration of degraded areas.

18.20.400 - General Regulations – Intent

This section ~~OMC Sections 18.20.400 through 18.20.510~~ sets forth regulations that apply to all uses and activities, as applicable, in all shoreline environments. These regulations are to be used in conjunction with the OMC 18.20.600, et seq.

18.20.410 - No-Net-Loss and Mitigation

- A. All shoreline uses and development, including preferred uses and uses that are exempt from shoreline permit requirements, shall be located, designed, constructed, and maintained in a manner that maintains shoreline ecological functions and processes.
- B. Applicants/proponents of new shoreline use, and development shall demonstrate that all reasonable efforts have been taken to avoid adverse environmental impacts. Mitigation shall occur in the following order of priority:
 1. Avoiding the adverse impact altogether by not taking a certain action or parts of an action, or moving the action;

2. Minimizing adverse impacts by limiting the degree or magnitude of the action and its implementation by using appropriate technology and engineering, or taking affirmative steps to avoid or reduce adverse impacts;
 3. Rectifying the adverse impact by repairing, rehabilitating, or restoring the affected environment;
 4. Reducing or eliminating the adverse impact over time by preservation and maintenance operating during the life of the action;
 5. Compensating for the adverse impacts by replacing, enhancing, or providing similar substitute resources or environments; and
 6. Monitoring the impact of the compensation projects and taking appropriate corrective measures.
- C. In determining appropriate mitigation measures, lower priority measures shall be applied only when higher priority measures are determined to be infeasible or inapplicable.
- D. Mitigation actions shall not have a significant adverse impact on other shoreline ecological functions.
- E. The City may require applicants to prepare special reports as necessary to address the impacts of proposed development on shoreline ecological functions or to demonstrate that avoidance is not feasible.
- F. When mitigation measures are required, all of the following shall apply:
1. The quality and quantity of the replaced, enhanced, or substituted resources shall be the same or better than the affected resources;
 2. The mitigation site and associated vegetative planting shall be nurtured and maintained such that healthy native plant communities can grow and mature over time;
 3. The mitigation shall be informed by pertinent scientific and technical studies, including but not limited to the Shoreline Inventory (TRPC, June 2009), Shoreline Analysis and Characterization Report (ESA Adolphson, December 2008), Olympia's Shoreline Restoration Plan (Appendix A to the Master Program) and that of other jurisdictions, and other background studies prepared in support of this Program;
 4. The mitigation plan shall include contingencies should the mitigation fail during the monitoring/maintenance period;
 5. Compensatory mitigation shall be done prior to or at the same time as the impact; and
 6. The mitigation activity shall be monitored and maintained to ensure that it achieves its intended functions and values. Mitigation sites shall be monitored for ten (10) years in accordance with the provisions in OMC 18.32.
- G. The applicant may be required to post a financial surety such as an assignment of savings or bond that is 125 percent of the estimated cost of the mitigation to guarantee performance. Estimates shall be prepared in accordance with OMC 18.32. Sureties shall only be released upon acceptance of the mitigation project by the City. If the mitigation project has not performed as prescribed in the mitigation plan, the City shall have the authority to extend the monitoring and surety period, and require additional monitoring reports and maintenance activities beyond the 10-year monitoring period. This requirement applies to all projects where mitigation is used.
- H. Mitigation measures shall occur in the immediate vicinity of the impact. If this is not feasible as determined through the mitigation sequence process (OMC 18.20.410(B)), mitigation may occur offsite if it provides greater improvement to shoreline ecological functions and values. The City may also approve use of alternative mitigation practices such as in-lieu fee programs, mitigation banks, and other similar approaches provided they have been approved by the Department of Ecology, the Department of Fish and Wildlife, or the Army Corps of Engineers.
- I. Type and Location of Mitigation:

1. The Administrator shall give preference to mitigation projects that are located within the City of Olympia. Prior to mitigating for impacts outside City of Olympia jurisdiction, applicants must demonstrate to the Administrator that the preferences herein cannot be met within City boundaries.
2. Natural, Shoreline Residential, Urban Conservancy, Waterfront Recreation, and Aquatic Environments: Compensatory mitigation for ecological functions shall first be in-kind and onsite, or second in-kind and within the same reach, sub-basin, or drift cell, except when all of the following apply:
 - a. It is demonstrated to the satisfaction of the Administrator that there are no reasonable onsite or in sub-basin opportunities (e.g., onsite options would require elimination of high functioning upland habitat), or onsite and in sub-basin opportunities do not have a high likelihood of success based on a determination of the natural capacity of the site to compensate for impacts. Considerations should include: anticipated marine shoreline/wetland/stream mitigation ratios, buffer conditions and proposed widths, available water to maintain anticipated hydrogeomorphic classes of wetlands or streams when restored, proposed flood storage capacity, potential to mitigate riparian fish and wildlife impacts (such as connectivity); and
 - b. Offsite mitigation has a greater likelihood of providing equal or improved shoreline ecological functions than the impacted shoreline.
3. Urban Intensity, Marine Recreation and Port Marine Industrial Environments:
 - a. The preference for compensatory mitigation is for innovative approaches that would enable the concentration of mitigation into larger habitat sites in areas that will provide greater critical area or shoreline function.
 - b. The Administrator may approve innovative mitigation projects including but not limited to activities such as advance mitigation, fee in-lieu, mitigation banking and preferred environmental alternatives subject to the mitigation sequencing process contained in Section 18.20.410. Innovative mitigation proposals must offer an equivalent or better level of protection of shoreline ecological functions and values than would be provided by a strict application of onsite and in-kind mitigation. The Administrator shall consider the following for approval of an innovative mitigation proposal:
 - 1) Creation or enhancement of a larger system of natural areas and open space is preferable to the preservation of many individual habitat areas;
 - 2) Consistency with Goals and Objectives of the Shoreline Restoration Plan and the Goals and Objectives of this Program;
 - 3) The applicant demonstrates that long-term management and protection of the habitat area will be provided;
 - 4) There is clear potential for success of the proposed mitigation at the proposed mitigation site;
 - 5) Restoration of marine shoreline functions or critical areas of a different type is justified based on regional needs or functions and processes;
 - 6) Voluntary restoration projects.

J. ~~Fee In~~ in Lieu:

1. To aid in the implementation of offsite mitigation, the City may develop a formal program which prioritizes shoreline areas included in the Restoration Plan for use as mitigation and/or allows payment in lieu of providing mitigation on a development site. This program shall be developed

and approved through a public process and be consistent with state and federal rules. The program should address:

- a. The identification of sites within the City that are suitable for use as offsite mitigation and are consistent with the Shoreline Restoration Plan. Site suitability shall take into account shoreline ecological functions, potential for degradation, and potential for urban growth and service expansion; and
 - b. The use of fees for mitigation on available sites that have been identified as suitable and prioritized for restoration and/or enhancement
 - c. Any offsite mitigation would have to be consistent with the goals and objectives of the Shoreline Restoration Plan.
2. If a fee-in-lieu program is approved by the City then in cases where mitigation pursuant to this section is not possible, or where the maximum possible onsite mitigation will not wholly mitigate for anticipated impacts, or where an alternative location, identified in an adopted restoration plan, would provide greater ecological function, the Administrator may approve a payment of a fee in lieu of mitigation. The fee shall be reserved for use in high value restoration actions identified through the Shoreline Restoration Plan.

K. Advance Mitigation

1. Advance mitigation is a form of permittee responsible compensatory mitigation constructed in advance of a permitted impact.
2. To aid in the implementation of advance mitigation, the City may develop a formal advance mitigation program. This program shall be developed and approved through a public process and be consistent with state and federal rules as defined in the Interagency Regulatory Guide: Advance Permittee-Responsible Mitigation (December 2012). At a minimum, the program should address:
 - a. Credit value of advance mitigation proposals
 - b. Credits can only be used by the same applicant
 - c. Establish performance standards
 - d. Establish baseline conditions
3. Any advance mitigation project shall be consistent with the goals and objectives of the Shoreline Restoration Plan.

L. Effect on Building Setbacks

1. No building shall be rendered nonconforming with respect to building setbacks as a result of shoreline restoration or mitigation conducted in accordance with this SMP.

18.20.420 - Critical Areas

- A. All uses and development occurring within the shoreline jurisdiction shall comply with the critical areas regulations adopted by the City Council as of _____, 2021 (Ordinance No. _____) and codified in Chapter 18.32 (critical area regulations) and Chapter 16.70 (flood damage prevention), except as modified in (C) below.
- B. If there are any conflicts or unclear distinctions between this chapter and Olympia's critical area or flood damage prevention regulations, the requirements that are the most consistent with the Shoreline Management Act or Washington Administrative Code pertaining to shoreline management shall apply.

- C. Regardless of other provisions in Chapter 18.32, to ensure consistency with the sShoreline Management Act critical areas within shoreline jurisdiction shall be subject to the following:
1. In shoreline jurisdiction, critical area review and permit procedures will be incorporated into and conducted consistently with the associated shoreline permit or exemption review and approval.
 2. Stream and Important Riparian Area buffer reductions beyond twenty-five percent (25%) within shoreline jurisdiction shall require a shoreline variance.
 3. Stormwater facilities may be allowed in the outer twenty-five percent (25%) of Category III and IV wetland buffers in shoreline jurisdiction (OMC 18.32.525(KI)) and only when no other location is feasible.
 4. Utility lines may be allowed in the outer twenty-five percent (25%) of Category III and IV wetland buffers in shoreline jurisdiction (OMC 18.32.525(LM)).
 5. Locating stormwater facilities or utilities within wetlands or within any wetland buffer other than those specified in numbers 43 and 54 above shall require a shoreline variance (OMC 18.32.530(E) and (G)).
 6. Wetland buffer reductions beyond twenty-five percent (25%) within shoreline jurisdiction shall require a shoreline variance.
 - ~~7. Identification of wetlands and delineation of their boundaries in shoreline jurisdiction shall be done in accordance with the approved federal wetland delineation manual and applicable regional supplements (OMC 18.32.580).~~
 - ~~8.7.~~ Reasonable use exceptions (OMC 18.66.040) are not available for relief from critical area standards within the shoreline jurisdiction. Instead, applicants seeking relief from the critical area standards shall apply for a shoreline variance.
 - ~~9.8.~~ New development or the creation of new lots that would cause foreseeable risk from geological conditions during the life of the development is prohibited.
 9. Uses and activities that may be authorized within floodways are limited to those listed in WAC 173-26-221 (3)(c)(i).
 - ~~10. Priority riparian area buffers are set forth in OMC 18.32.435 Streams and Priority Riparian Areas– Buffers.~~

18.20.430 - Archaeological, Historic, and Cultural Resources

- A. Archaeological sites located both in and outside shoreline jurisdiction are subject to RCW 27.44 (Indian Graves and Records) and RCW 27.53 (Archaeological Sites and Records).
- B. Development or uses that impact such sites shall comply with WAC 25-48 (Archaeological Excavation and Removal Permit) as well as the requirements of OMC 18.12, Historic Preservation, and the applicable requirements of this chapter.
- C. Shoreline use and development on sites having archaeological, historic, or cultural resources shall be designed and constructed in a manner that prevents impacts to the resource and provides educational benefits to the public, where appropriate.
- D. In accordance with OMC 18.12 and WAC 173-26-221, developers and property owners shall immediately stop work and notify the City, the Office of Archaeology and Historic Preservation and affected Indian tribes if archaeological resources are uncovered during excavation.

- E. Development that is proposed in areas documented to contain archaeological resources shall have a site inspection or evaluation by a professional archaeologist in coordination with affected Indian tribes during the development review process.

18.20.440 - Parking

- A. Parking facilities or lots within the shoreline jurisdiction shall be allowed only to support authorized uses.
- B. Commercial parking facilities or lots as a primary use are prohibited within the shoreline jurisdiction.
- C. Parking facilities or lots shall be located landward of the principal building, except when the parking facility is within or beneath the structure and adequately screened or in cases when an alternate orientation would have less adverse impact on the shoreline.
- D. Parking facilities or lots shall be designed and landscaped to minimize adverse impacts upon adjacent shorelines and abutting properties. Landscaping shall comply with OMC 18.36 and the vegetation conservation standards of OMC 18.20.495.
- E. Parking facilities or lots shall provide safe and convenient pedestrian circulation within the parking area to the building or use it serves, and shall be located as far landward of the Ordinary High Water Mark as feasible.
- F. To the extent feasible, new parking lots shall include the most effective stormwater treatment and 'best management' practices. At minimum, such treatment shall conform to the 'Enhanced Menu' issued by the Washington Department of Ecology's "Runoff Treatment BMPs" of August, 2012.

18.20.450 - Public Access

- A. Public access shall be required for the following types of development, unless waived pursuant to Section C.
 - 1. Residential developments of more than nine residential lots or dwelling units;
 - 2. Commercial or industrial developments; and
 - 3. Shoreline developments proposed or funded by public entities, port districts, state agencies, or public utility districts.
- B. Where a development or use will interfere with an existing public access, the development or use shall provide public access to mitigate this impact. Impacts to public access may include blocking access or discouraging use of existing onsite or nearby public access.
- C. The public access requirement, when related to development not publicly funded, may be waived by the Administrator where one or more of the following conditions are present:
 - 1. Unavoidable health or safety hazards to the public exist which cannot be prevented by any practical means;
 - 2. Constitutional or other legal limits apply;
 - 3. Inherent security requirements of the use cannot be satisfied through the application of alternative design features or other solutions such as limiting hours of use; ~~or~~
 - 4. Adverse impacts to shoreline ecological processes and functions that cannot be mitigated will result; in such cases, offsite and alternative access may be required to mitigate impacts;
 - 5. The development site is disconnected from the shoreline by an existing, legally established public road or public space such as Percival Landing;

6. Save and convenient public access already exists in the immediate vicinity, and/or adequate public access is already documented at the property. The Administrator will consider the following to determine if adequate public access is provided in immediate vicinity:

- a. Public access areas occur along the shoreline within 1/8 mile of the development site or within 1/4 mile when seating is provided along the route; and
- b. Safe pedestrian access from the site to the public access areas along or to the shoreline is provided;

or

7. The cost of providing the access, easement, or an alternative amenity is unreasonably disproportionate to the cost of the proposed development.

- D. Public access provisions shall run with the land and be recorded via a legal instrument such as an easement, or as a dedication on the face of a plat or short plat. Such legal instruments shall be recorded with the Thurston County Auditor prior to issuance of a certificate of occupancy or final plat approval, whichever comes first.
- E. Public access sites shall be constructed and available for public use at the time of occupancy of the use or activity or in accordance with other provisions for guaranteeing installation through a monetary performance assurance.
- F. Public access facilities shall be available to the public from dawn to dusk unless specific exceptions are granted through a shoreline substantial development or other permit.
- G. Public access facilities shall be maintained over the life of the use or development. Future actions by successors in interest or other parties shall not diminish the usefulness or value of required public access areas and associated improvements.
- H. Maintenance of public access facilities on private property shall be the responsibility of the property owner, unless an accepted public or non-profit agency agrees to assume responsibility through a formal agreement recorded with the Thurston County Auditor. Where appropriate, this responsibility may be required of a future homeowners' association, or other entity approved by the City.
- I. Signage indicating the public's right of access and hours of access shall be installed and maintained by the owner, developer, or assignee. Such signs shall be posted in conspicuous locations at public access sites.
- J. Public access areas shall be approved by the Administrator during review of the shoreline permit. If exempt from a shoreline permit, public access areas may be required by the Administrator.

18.20.460 - Design of Public Access

- A. Public access shall be located, designed, and maintained in accordance with all of the following:
 - 1. The size and configuration of public access areas shall be at least the minimum necessary based on location, intended use, compatibility with adjacent uses, and proximity to other public access areas.
 - 2. Trails and shared uses paths (including access paths) shall be buffered from sensitive ecological features and provide limited and controlled access to sensitive features and the water's edge where appropriate (for example, when part of an interpretive or educational site). Fences may be used to control damage to vegetation and other sensitive ecological features. If used, fences shall be designed and constructed of materials that complement the setting, as well surrounding features, or structures, and allow for wildlife movement.
 - 3. Where feasible, public access shall be located adjacent to other public areas, accesses and connecting trails, with connections to the nearest public street, or trail.

4. Where physical access to the water's edge is not feasible, a public viewing area shall be provided. This requirement may be waived by the Administrator where all of the following conditions are present:

- a. The development site is disconnected from the shoreline by an existing, legally established public road or public space such as Percival Landing;
- b. Public access areas occur along the shoreline within 1/8 mile of the development site or within 1/4 mile when seating is provided along the route; and
- c. Safe pedestrian access from the site to the public access areas along or to the shoreline is provided.

4.5. Public access shall be designed to minimize intrusions on privacy and conflicts between users. For example, provide a physical separation between public and private spaces, orient public access away from windows or private outdoor spaces, or provide a visual screen such as a fence or vegetation.

5.6. Public access shall be designed to provide for the comfort and safety of users. Such spaces shall be visible from the street or adjacent uses, have adequate lighting, and be designed to discourage offensive or illegal conduct.

6.7. Public amenities such as, but not limited to, a covered shelter, benches, or picnic table shall be provided in public access areas.

7.8. Where feasible, public access areas shall be barrier free for the physically disabled in accordance with the Americans with Disabilities Act (ADA).

- B. The design and layout of public access shall conform to applicable City design standards and procedures, such as the width of public access easements or dedications for trails and shared-use paths and trail classification and corresponding corridor widths set forth in the Olympia Engineering Design and Development Standards (EDDS). Any deviation shall be the minimum necessary to achieve the intended purpose of such deviation. It is not the intent of the City to authorize informal trails and the standards contained herein are not intended to address them.

18.20.470 - Scientific and Educational Activities

- A. Scientific and educational uses and activities are limited to those which will:
 - 1. Not jeopardize existing wildlife populations or organisms;
 - 2. Not permanently alter the character of biological habitats; and
 - 3. Not degrade the character of the shoreline environment in which they are located.
- B. Temporary disruption of biological systems may be permitted when a scientific activity will result in their restoration or improvement, and only when a restoration plan is approved by the City and other agencies with jurisdiction.
- C. Permits for scientific or education activities that will span an extended period of time may be granted; limits on the duration of the use or activity may be established as a condition of approval.
- D. Structures associated with scientific and educational activities such as museums, schools, or visitor centers may be allowed subject to the use provisions of OMC 18.20.620.
- E. Temporary facilities used in conjunction with the scientific or educational project shall be removed at the conclusion of the project.

18.20.480 - Signage Regulations

Signage shall conform to OMC 18.42, Sign Regulations. In addition, the following provisions shall apply within the shoreline jurisdiction:

- A. All offsite signs, except for directional signs, shall be prohibited;
- B. All signs shall be located and designed to avoid interference with vistas, viewpoints, and visual access to the shoreline;
- C. Signs shall be designed and placed so that they are compatible with the aesthetic quality of the existing shoreline and adjacent land and water uses;
- D. Over water signs and signs on floats or pilings, except as needed for navigational purposes, shall be prohibited;
- E. Where lighted signs and illuminated areas are permitted, such illuminating devices shall be shaded and directed so as to minimize, to the extent feasible, light and glare from negatively impacting neighboring properties, streets, public areas, or water bodies. Lighted signs shall be designed to reduce glare when viewed from surrounding properties or from the water. Lighting shall not shine directly upon or cast a glare on the water; and
- F. All signs shall be located in such a manner that they minimize interference with public views. Free standing signs which may disrupt views to the water shall be placed on the landward side of development.

18.20.490 - Vegetation Conservation Areas - Intent

- A. Vegetation conservation includes activities to protect and restore upland vegetation along or near marine or fresh water bodies to minimize habitat loss and the impact of invasive plants, erosion and flooding and contribute to the ecological functions of shoreline areas. The provisions of this section establish vegetation conservation areas, and set forth regulations for the prevention or restriction of native vegetation removal, grading, vegetation restoration, control of invasive weeds and non-native species, and tree maintenance adjacent to the shoreline.
- B. However, unless otherwise stated, vegetation conservation does not include those activities expressly authorized by the Washington State Forest Practices Act, but does include conversion to other uses and those other forest practice activities over which the City has authority.

18.20.492 - General Vegetation Conservation Regulations

- A. Vegetation conservation provisions apply to all shoreline developments as required in Table 6.3. All vegetation conservation in these areas shall conform to the regulations and standards below.
- B. Parcels fronting on lakes, marine waters, streams, or wetlands shall preserve or provide native vegetation within vegetation conservation areas, also known as VCAs or buffers, upland of and adjacent to the Ordinary High Water Mark as required in Table 6.3. If present on a parcel, note that critical area buffers may be larger than or may encompass VCAs.
- C. Except as provided herein, applicants for new development, expansion, or redevelopment shall protect and preserve existing native vegetation within the vegetation conservation area.
- D. Mitigation in the form of restoration or creation of vegetation conservation area may be required as a condition of development approval consistent with mitigation sequencing priorities in OMC 18.20.410(B). Further, an applicant may propose such restoration for reductions in required setbacks or for encroachments into required vegetation conservation areas as provided in OMC 18.20.493 and/or for water dependent uses as provided in Table 6.3.

- E. Where applicable, nonconforming and water dependent uses that cannot provide a vegetation conservation area due to the nature of the use or activity shall provide comparable mitigation. For example, if it is not feasible to provide vegetation onsite due to constraints such as lot size, topography, or existing site improvements, vegetation may be provided offsite in accordance with the provisions of OMC 18.20.410(H).

18.20.493 - Permitted Uses and Activities within Vegetation Conservation Areas

A. Subject to other limitations of this chapter and if also allowed within the applicable shoreline environment designation, the following uses and activities are permitted within vegetation conservation areas without a variance.

1. Transportation facilities and utilities within existing rights-of-way only when it has been determined that alternative upland locations are not feasible;
 2. Public access viewpoints, pedestrian access from upland areas to the shoreline, piers, docks, launch ramps, viewing platforms, wildlife viewing blinds and other similar water-oriented uses;
 3. Public recreation trails identified in adopted plans and those located on existing road or railroad beds;
 4. Educational facilities such as viewing structures and platforms, wildlife viewing blinds and interpretive sites;
 5. Equipment necessary for conducting water-dependent uses such as boat travel lifts for boat maintenance and upland storage, and loading equipment for transport of logs and natural resource materials. Where logs or natural resource materials are loaded directly from the shoreline to a vessel, impacts to the shoreline shall be minimized by:
 - a. Constructing designated loading areas;
 - b. Maintaining equipment to avoid fuel or oil leaks; and
 - c. Implementing best management practices to reduce erosion and discharge of untreated stormwater directly into the water.
 6. Removal of noxious weeds or hazardous trees;
 7. Removal and thinning of trees and vegetation on public property to maintain public view corridors identified in Section 18.20.500;
 8. Improvements that are part of an approved enhancement, restoration, vegetation management or mitigation plan;
 9. Shoreline stabilization only when it is part of an approved project;
 10. The following facilities, fixtures and furnishing shall be allowed within the VCA of public parks and water related recreation areas: 1. paved or unpaved trails, bridges and pedestrian access; 2. picnic shelters, tables and pads not greater than 400 square feet in size; 3. seating, benches, drinking fountains, garbage cans and other site furnishing; 4. public art and art installations; 5. signs, environmental interpretive facilities and information kiosks, and interpretive exhibits; 6. wildlife viewing structures; 7. play equipment and other similar passive parks furnishing and fixtures; 8. restrooms, when no suitable location outside of the VCA exists; and
 11. Water dependent uses as authorized in OMC 18.20.620 Table 6.3.
- B. Appurtenant and accessory structures other than those described above or in OMC 18.20.690(C) are prohibited within the vegetation conservation area.

18.20.494 - Alterations to Existing Development

Alterations to existing development, including accessory structures, decks, patios, sport courts, and walkways, shall protect existing native vegetation within the vegetation conservation area. If the minimum vegetation conservation area is not present when a site alteration is proposed, the Administrator may require establishment of such vegetation conservation area where required by Table 6.3 that is necessary to prevent adverse impacts to the shoreline ecological functions that may result from any proposed alterations.

18.20.495 - Vegetation Conservation Area Standards

- A. Speculative clearing, grading, or vegetation removal is prohibited. Clearing, grading and vegetation removal within shoreline setbacks and Vegetation Conservation Areas shall be the minimum necessary for the authorized use or development.
- B. The minimum width of Vegetation Conservation Areas is set forth in Table 6.3 and measured perpendicular to the Ordinary High Water Mark along the entire shoreline of the property. To account for site conditions and to create a more natural Vegetation Conservation Area, the minimum widths may be reduced by 50% by the Administrator upon finding that the total VCA of the parcel is equivalent to the minimum area that would result from the standard minimum width and such reduction will not result in adverse impacts to the shoreline functions; such reductions also known as 'VCA averaging.' Vegetation Conservation Areas exceeding minimums may be proposed or required if necessary to ensure no net loss of shoreline ecological functions will result from proposed shoreline development.
- C. In general, protected, and restored Vegetation Conservation Areas shall be composed of native vegetation comparable in species density and diversity to an ecologically similar undisturbed area. Such species density and diversity shall be determined by the Administrator based on best available science. Provided, however, that up to 33% (one-third) of the Vegetation Conservation Area may be utilized for authorized uses and activities described in OMC 18.20.493 provided that impervious surfaces shall not exceed 25% of the VCA. In no case shall the width of a required VCA be less than 10 feet. Encroachment of an authorized use or activity shall require an equivalent area elsewhere onsite be set aside as a VCA and shall not result in a net loss to shoreline ecological functions.
- D. When restoring or enhancing shoreline vegetation, applicants shall use native species that are of a similar diversity, density and type commonly found in riparian areas of Thurston County. The vegetation shall be nurtured and maintained to ensure establishment of a healthy and sustainable native plant community over time.
- E. Lawns are prohibited within the Vegetation Conservation Area due to their limited erosion control value, limited water retention capacity, and associated chemical and fertilizer applications.
- F. Trimming of trees and vegetation is allowed within the Vegetation Conservation Area subject to:
 - 1. This provision does not allow clearing of trees or vegetation except as provided below and elsewhere in this chapter;
 - 2. The limbing or crown-thinning of trees larger than three inches in caliper shall comply with National Arborist pruning standards, unless the tree is a hazard tree as defined in OMC 16.60, Tree Protection and Replacement. No more than 25% of the limbs on any single tree may be removed and no more than 25% of the canopy cover in any single stand of trees may be removed for a single view corridor.
 - 3. Trimming does not directly impact the nearshore functions and values including fish and wildlife habitat;
 - 4. Trimming is not within a critical area of Chapter 18.32 or associated buffer; and

- 5. Tree topping is prohibited.
- G. Vegetation shall be maintained over the life of the use or development.
- H. Vegetation conservation areas shall be placed in a separate tract in which development is prohibited; protected by execution of an easement dedicated to a conservation organization or land trust; or similarly protected through a permanent mechanism acceptable to the City.

18.20.496 - Vegetation Management Plan

- A. Clearing and grading within the shoreline jurisdiction is only permitted upon approval by the Administrator of a Vegetation Management Plan prepared by the applicant. If mitigation measures are required as outlined in OMC 18.20.410(F), the Vegetation Management Plan may be combined with the Mitigation Plan, and must be prepared by a qualified professional. The Vegetation Management Plan shall include:
 - 1. A map illustrating the distribution of existing plant communities in the area proposed for management. The map must be accompanied by a description of the vegetative condition of the site, including plant species, plant density, any natural or manmade disturbances, overhanging vegetation, and the functions served by the existing plant community (e.g., fish and wildlife values, slope stabilization);
 - 2. A description of how mitigation sequencing was used and how the plan achieves no net loss of shoreline ecological functions the vegetation is providing;
 - 3. An inventory of existing vegetation, including a description of vegetation overhanging the shoreline;
 - 4. A detailed plan indicating which areas will be preserved and which will be cleared, including tree removal;
 - 5. Drawings illustrating the proposed landscape scheme, including the species, distribution, and density of plants. Any pathways or non-vegetated portions and uses shall be noted;
 - 6. A description of any vegetation introduced for the purposes of fish and wildlife habitat;
 - 7. Installation of vegetation shall meet the following standards:
 - a. Native species that are of a similar diversity, density and type commonly found in riparian areas of Thurston County shall be used, unless non-native substitutes are authorized by the Administrator based on availability of native materials and said materials are appropriate to soil and climate conditions;
 - b. On public property, vegetation shall be selected and located to maintain public views identified in approved plans;
 - c. At the time of planting, plant materials shall be consistent with the standards in OMC 18.36, Landscaping and Screening;
 - d. The applicant may be required to install and implement an irrigation system to insure survival of vegetation planted. For remote areas lacking access to a water system, an alternative watering method may be approved;
 - e. Planting in the fall or early spring is preferred over summer for purposes of plant establishment; and
 - f. For a period of 10 years after initial planting, the applicant shall replace any unhealthy or dead vegetation as part of an approved vegetation management plan.
- B. Loss of wildlife habitat shall be mitigated onsite. If onsite mitigation is not feasible, offsite mitigation shall be permitted in accordance with OMC 18.20.410; and

- C. The Administrator may waive some but not all of the vegetation installation requirements in this section when the applicant demonstrates that the proposal will result in no net loss of shoreline functions by improving shoreline ecological functions of the shoreline, such as the removal of invasive species, shoreline restoration/enhancement, or removal of hard armoring.
- D. For other applicable regulations, see OMC Chapters 16.60, 18.32, and 18.36.
- E. In addition to A to D above all required vegetation installation shall conform to the standards of section 18.20.410(F) and (G) of this SMP.

18.20.500 - View Protection - Intent

Over 50 percent of Olympia’s marine shoreline is publicly owned. Much of this shoreline, such as at Percival Landing, West Bay Park, Priest Point Park, and the East Bay area, provide opportunities for the public to enjoy the views of Mount Rainier, the Capitol, Budd Inlet, and the Olympic Mountains. The future may provide even greater opportunities for the public to enjoy the scenic qualities of the area.

The protection of these public views from the shoreline is an important objective of Olympia’s Shoreline Program. Protection of such views to and from the shoreline can be achieved through multiple strategies including public ownership and use of shorelands, the inclusion of public access and viewpoints in private development, establishing key view corridors, establishing height limits and design standards, vegetation management standards, and visual assessment where views may be impacted.

Private uninterrupted views of the shoreline, although considered, are not expressly protected. Property owners concerned with the protection of views from private property are encouraged to obtain view easements, purchase intervening property and/or seek other similar private means of minimizing view obstruction.

18.20.504 - View Protection Regulations

- A. No permit shall be issued pursuant to this chapter for any new or expanded building or structure of more than thirty-five (35) feet above average grade level that will obstruct the view of a substantial number of residences on areas adjoining such shorelines except where Olympia’s Shoreline Program does not prohibit the same and then only when overriding considerations of the public interest will be served.
- B. All development within the shoreline jurisdiction shall comply with the view protection standards of OMC 18.110.060.
- C. Public shoreline views shall be protected by the use of measures, including but not limited to, maintaining open space between buildings, clustering buildings to allow for broader view corridors, and minimizing building height and total lot coverage.
- D. When there is an irreconcilable conflict between water-dependent uses and physical public access and maintenance of views from adjacent properties, the water-dependent uses and physical public access shall have priority, unless there is a compelling reason to the contrary.
- E. Buildings shall incorporate architectural features that reduce scale such as increased setbacks, building modulation (vertical and horizontal), pitched roofs, angled facades, and reduced massing.
- F. New development, uses and activities shall locate trash and recycling receptacles, utility boxes, HVAC systems, electrical transformers, fences and other appurtenances to minimize interference with public views.
- G. Design and install utilities and accessory structures in such a way as to avoid impacts to scenic views and aesthetic qualities of the shoreline area.

- H. Communication and radio towers shall not obstruct or destroy scenic views of the water. This may be accomplished by design, orientation and location of the tower, height, camouflage of the tower, or other features consistent with utility technology.
- I. Fences, walls, hedges, and other similar accessory structures in the VCA shall be limited to four (4) feet in height between the Ordinary High Water Mark and primary structures. Outside of the VCA the fencing provisions in OMC 18.40 shall apply.
- J. Where on-going maintenance of vegetation on public property to protect public views is necessary, a Vegetation Management Plan shall be approved by the Administrator prior to any work. At a minimum, the Vegetation Management Plan shall identify the viewshed to be preserved, the areas where vegetation will be maintained (including tree removal), and percent of vegetation to be retained. If trees are removed, they shall be replaced with three trees for each tree removed up to a minimum density of 220 trees per acre.

18.20.507 - Visual Impact Assessment

The applicant of a building or structure that exceeds 35 feet to the highest point above average grade level shall prepare and submit a visual analysis in conjunction with any development permit. At a minimum, the analysis shall address how the proposed project impacts views protected under RCW 90.58.320 and OMC 18.110.060. The Administrator may require additional information such as photo-simulations showing proposed buildings in relation to impacted views. If the analysis shows the proposed building or structure would block or significantly compromise the view of a substantial number of residences in adjoining areas or views protected under OMC 18.110.060, the City may place conditions on the development to prevent the loss of views.

18.20.510 - Water Quality

- A. Septic systems for new development within the shoreline jurisdiction are prohibited.
- B. Stormwater management facilities for new uses and development shall be designed, constructed, and maintained in accordance with the Olympia Drainage Design and Erosion Control Manual of Olympia. To the extent feasible, low impact development best management practices shall be incorporated into every project along the shoreline. All redevelopment and new development within Reaches 4 and 5A shall require compliance with the Drainage Design and Erosion Control Manual of Olympia without consideration to the thresholds established therein.
- C. The use of wood treated with creosote, copper, chromium, arsenic, or pentachlorophenol shall only be approved upon a finding of no feasible alternative.
- D. All structures that come in contact with water shall be constructed of materials that will not adversely affect water quality or aquatic plants or animals.
- E. Uses and activities that pose a risk of contamination to ground or surface waters shall be prohibited in shoreline jurisdiction. Such uses include, but are not limited to the following:
 1. Storage, disposal, or land application of waste (excluding secondary/tertiary treated effluent from municipal sewer systems), including solid waste landfills;
 2. Operations for confinement feeding of animals;
 3. Agricultural activities that involve the application of fertilizers, pesticides, or other chemical treatments;
 4. Junk yards and auto wrecking yards;
 5. Storage of hazardous or dangerous substances within a floodplain; and

6. Alterations to structures and uses served by septic systems that do not meet local or state requirements.
- F. Dredging and dredge disposal activities must employ appropriate best management practices to prevent water quality impacts or other environmental degradation.

18.20.600 - Shoreline Use and Development – Intent

The purpose of ~~this section~~ OMC Section 18.20.600 through 18.20.710 is to set forth regulations for specific common uses and types of development that occur within Olympia’s shoreline jurisdiction. Where a use is not listed on Table 6.1, the provisions of OMC 18.20.250, Unclassified Uses, shall apply. All uses and activities shall be consistent with the provisions of the shoreline environment designation in which they are located and the general regulations in OMC 18.20.400 through 18.20.510 and the shoreline modification provisions in OMC 18.20.800 through 18.20.930.

18.20.610 - General Use and Development Provisions

- A. Developments that include a mix of water-oriented and nonwater-oriented uses may be approved if the Administrator finds that the proposed development avoids impacts to shoreline ecological functions, provides public access, and otherwise enhances the public’s ability to enjoy the shoreline.
- B. All uses not explicitly permitted in this chapter shall require a Shoreline Conditional Use Permit. The Hearing Examiner may impose conditions to ensure that the proposed development meets the policies of Olympia’s Shoreline Program.
- C. All development and uses must conform to all applicable provisions of this Shoreline Program, including the shoreline use table and the development standards table in OMC 18.20.600 through 18.20.710, unless otherwise stated or upon approval of a shoreline variance.
- D. Except as required by state or federal regulations or explicitly authorized by this chapter, forestry practices, mining and solid waste uses, and activities are prohibited in all shoreline areas.

18.20.620 - Use and Development Standards Tables

- A. Table 6.1 identifies allowed uses and activities by shoreline environment designation. Table 6.2 establishes building heights by shoreline environment designation. Table 6.3 establishes development standards by shoreline environment designation including shoreline setbacks and Vegetation Conservation Areas. These tables shall be used in conjunction with the written provisions for each use. Table footnotes provide additional clarification or conditions applicable to the associated uses or development regulation.
- B. Maximum Shoreline Building Heights are not applicable to light and utility poles; nor to equipment used for loading and unloading such as conveyors and cranes within the Port Marine Industrial environment and adjacent Aquatic environment.
- C. Upon finding that such structures will not result in a net loss of shoreline functions and are otherwise consistent with Olympia’s Shoreline Program, the Administrator may authorize small buildings and other structures within the “building setback” area but outside of the VCA, if locating such structures outside of shoreline jurisdiction is not feasible. Any such structures shall not exceed a total 800 square feet within each development, shall not be located within critical areas or their buffers unless authorized in OMC 18.20.420, shall not be closer than 30 feet to the Ordinary High Water Mark or the width of the VCA whichever is greater, and shall not exceed a height of 20 feet. To ensure protection of shoreline functions and views, the Administrator may attach conditions to approval of the permits as necessary to assure consistency of the project with the Act and this Shoreline Program.
- D. Setback reductions shall be allowed as provided in Table 6.3 and subject to the following:

1. Incentives for setback reductions noted herein are cumulative up to the maximum reduction allowed. Incentive eligible restoration projects may be completed in association with, or in addition to, required mitigation projects, however, no setback reductions shall be allowed for required mitigation projects. Prior to the Administrator approving setback reduction incentives, the applicant shall demonstrate compliance with the mitigation sequence at a site level as provided in Section 18.20.410 of the SMP. Restoration incentives must be achieved onsite unless the Administrator finds this is not feasible or would have significantly less ecological benefit than offsite restoration. Offsite restoration shall be consistent with the objectives for mitigation outlined in OMC 18.20.410(H) and (I). Should no offsite restoration option be available, onsite restoration shall be required to obtain the associated setback reduction incentive.
2. Preferred public access shall be physical access to the marine shoreline from the public right-of-way via a sidewalk or paved trail on a publicly dedicated easement no less than six (6) feet in width and constructed to City standards as included in the City's Engineering Design and Development Standards. Other forms of indirect access such as viewing towers and platforms may be considered where direct access to the shoreline is deemed dangerous due to the nature of the use of the property or the conditions at the shoreline. Existing access meeting the standards described herein may be used to meet setback incentive provisions.
3. Trail shall be a commuter multi-use trail on a public easement no less than twelve (12) feet in width and providing no less than a 12-foot wide clear travel path, providing continuous public access across the site and shall be placed upland of the Ordinary High Water Mark and constructed to commuter multi-use trail standards as included in the City's Engineering Design and Development Standards. Existing trails meeting the requirements described herein may be used to meet setback incentive provisions. To receive setback reduction credit the trail must be built on the site.
4. Vegetation restoration shall be planting of native shoreline vegetation in excess of that required to achieve no net loss of environmental function from unavoidable impacts associated with a development proposal. Plantings shall substantially mimic undisturbed native shorelines in the South Puget Sound in plant species, species mixture and plant density. Vegetation restoration shall be accomplished through an approved Vegetation Management Plan. Restoration ratios shall begin at 2 square feet of restoration for every one (1) square foot reduction of the required setback area and demonstrate no net loss of environmental function.
5. Removal of bulkhead shall be the physical removal of a vertical structure and replacement with a softened shoreline treatment. Measures may include use of shoreline contouring, gravels, cobbles, limited use boulders, logs, and vegetation in a manner that promotes native aquatic species and protects the shoreline from erosion.
6. Replacement of a hardened shoreline shall be the physical removal of rip rap or other non-vertical shoreline protection and replacement with a softened shoreline treatment. Measures may include use of shoreline contouring, gravels, cobbles, limited use boulders, logs, and vegetation in a manner that promotes native aquatic species and protects the shoreline from erosion.
7. Water Dependent uses may encroach into the required setback and vegetation conservation area as described in Table 6.3 in accordance with the mitigation sequence in OMC 18.20.410. Reductions to less than a 20-foot setback shall only be allowed where the following two requirements have been met:
 - a. Alternative public access has been provided sufficient to mitigate the loss of direct public access to the shoreline and in no case shall public access be less than twelve (12) feet as described in paragraph 3 above;

- b. The shoreline bulkhead removal or hardening replacement requirements of 5 or 6 above are met for each linear foot of shoreline impacted and the applicant demonstrates that a reduced setback would not result in the need for future shoreline stabilization.
8. No setback shall be required in the Port Marine Industrial shoreline environmental designation;^{7,2} however, mitigation shall be required to offset any impacts determined through the mitigation sequencing process to ensure no net loss of environmental function and to mitigate for loss of public access.
9. Shoreline setbacks shall not apply to areas that are disconnected from the shoreline by an existing, legally established public road or other substantially developed surface which results in a functional disconnect from the shoreline. The applicant shall provide a biological assessment by a qualified professional that demonstrates the area is functionally isolated. The City shall consider the hydrologic, geologic, and/or biological habitat connection potential and the extent and permanence of the physical separation.

Table 6.1 – Uses and Activities

LEGEND: P = Permitted C = Shoreline Conditional Use Permit X = Prohibited

C/P = A Shoreline Conditional Use Permit or Shoreline Substantial Development Permit is required. A Shoreline Conditional Use Permit is required if any portion of the use or development activity is wholly or partially located within 100 feet of the OHWM; when all uses and activities are located more than 100 feet from the OHWM a Shoreline Substantial Development Permit is required, are permitted.

Primary Use of Building or Structure	Urban Intensity	Port Marine Industrial	Shoreline Residential	Urban Conservancy	Waterfront Recreation	Marine Recreation	Natural	Aquatic 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
Upland Boathouses & Storage Structures ₇	P	P	P	P	P	P	X	X
Overwater Covered Moorage and Boathouses	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

Primary Use of Building or Structure	Urban Intensity	Port Marine Industrial	Shoreline Residential	Urban Conservancy	Waterfront Recreation	Marine Recreation	Natural	Aquatic ¹
Non-water Oriented	C/P	X	C/P	X	C	X	X	X
Residential								
Residential	P	X	P	P	X	X	X	X
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 ² /P	C	C	C	C	C ² /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.

² If all of the proposed uses are permitted, the mix of said permitted uses is also permitted. However, if one or more of the proposed uses is conditionally permitted, then the proposed mix would trigger a Shoreline Conditional Use Permit.

Table 6.2 – Development Standards (Heights)

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 and VCA with maximum reduction– Non-water dependent	Incentive eligible provisions – See 18.20.620(D)(1)	Shoreline Setback and VCA 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	50' 150' or the east side of West Bay Drive whichever is less.	50' 150' or the east side of West Bay Drive whichever is less.	150' 50'	N/A	N/A	N/A
Water Dependent Uses Reduce from 30' to 0'				Water Dependent Use	100%	See 18.20.620(D)(7)

Shoreline Environment	Shoreline Setback	Vegetation Conservation Area	Setback and VCA with maximum reduction—Non-water dependent	Incentive eligible provisions – See 18.20.620(D)(1)	Shoreline Setback and VCA reduction	Required Standards
					(30')	
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 meet all minimum permit requirements and contain all of the items identified in WAC 173-26-241(3)(b)(iv)(F).

18.20.650 - Boating Facilities - General Regulations

- A. Boating facilities which will adversely impact shoreline ecological functions and system-wide processes, especially in highly sensitive areas such as estuaries and other wetlands, forage fish habitat, and other critical saltwater habitats, are prohibited.
- B. Marinas and launch ramps shall be located in areas where there is adequate water mixing and flushing, and shall be designed not to retard or negatively influence flushing characteristics.
- C. Marinas and boat launch ramps shall be located only on stable shorelines where water depths are adequate to avoid the net loss of shoreline ecological functions and processes, and eliminate or minimize the need for offshore or foreshore channel construction dredging, maintenance dredging, spoil disposal, filling, beach feeding and other river, lake, harbor, and channel maintenance activities.

- D. All boating facilities, including marinas and boat yards, shall utilize effective measures to prevent the release of oil, chemicals, or other hazardous materials into the water.
- E. Marinas and boat launches shall provide physical and visual public access. This requirement may be waived by the Administrator if the applicant demonstrates that public access is not feasible in accordance with the provisions of OMC 18.20.450.
- F. Locate boating facilities where parking and access can be provided without causing adverse impacts to adjacent properties.
- G. Restrooms and garbage facilities shall be provided at marinas and boat launching facilities.
- H. Lighting for boating facilities shall be designed to minimize light and glare, especially where it is visible to adjacent properties and properties across the water. Illumination levels shall be the minimum necessary for the intended use. All light fixtures shall be fully shielded and oriented to avoid shining directly on the water and to prevent spillover offsite.
- I. Mooring of boats for extended periods shall comply with applicable state regulations.

18.20.652 - Boat Launch Ramps

- A. Boat launch ramps shall be located, designed, constructed, and maintained to reduce impacts to the shoreline. Preferred ramp designs, in order of priority, are:
 1. Open grid designs with minimum coverage of beach substrate;
 2. Seasonal ramps that can be removed and stored upland; and
 3. Structures with segmented pads and flexible connections that leave space for natural beach substrate and can adapt to change in beach profile.
- B. Ramps shall be located, constructed, and maintained where alterations to the existing foreshore slope can be avoided or minimized.

18.20.654 - Marinas

- A. New marinas are allowed only when they are consistent with Olympia's Shoreline Program and only when the proponent demonstrates that all of the following conditions are met:
 1. The proposed location is the least environmentally damaging alternative. Shallow water embayments, areas of active channel migration where dredging would be required, and areas of intact shoreline ecological functions and processes shall be avoided;
 2. To the extent feasible, hard armoring is avoided (see Section C below);
 3. Potential adverse impacts on shoreline processes and ecological functions are mitigated to achieve no net loss;
 4. The area has adequate water circulation and flushing action, and the marina is designed so that it does not negatively influence flushing characteristics;
 5. The proposed location will not require excavation and/or filling of wetlands or stream channels; and
 6. Suitable public infrastructure is available, or can be made available by project completion, to support the marina.
- B. Where permitted, marinas shall be designed, constructed, and operated as follows:

1. Floating structures shall be designed to prevent grounding on tidelands. Floats shall not rest on the substrate at any time. Stoppers or stub pilings shall be used to keep the bottom of the float at least one foot above the level of the substrate;
 2. Piers and other structures shall be located, sized, and designed to minimize shading of nearshore aquatic habitats and impacts to species that use these areas;
 3. Solid structures shall be designed to provide fish passage through and along the shallow water fringe;
 4. Marina development shall be required to provide public access amenities pursuant to OMC 18.20.450, Public Access. The location and design of public access shall be determined based on a given location and the public access needs in the vicinity of the marina. Existing public access shall not be adversely impacted;
 5. Impacts to navigation shall be avoided; where unavoidable, impacts shall be mitigated;
 6. New floating homes and on water residences are prohibited. This provision shall not apply to live-aboard vessels expressly approved as part of a marina. A floating home permitted or legally established prior to January 1, 2011 and floating on water residences legally established prior to July 1, 2014 will be considered conforming uses.
 7. Live-aboard vessels are permitted in marinas only as follows:
 - a. ~~if a~~ Adequate solid waste and sanitary sewer disposal facilities are provided and maintained;
 - b. Vessels must be for residential use only;
 - c. Slips occupied by live-aboard vessels shall not exceed 20 percent of the total slips in the marina; and
 - d. Vessels must be operational for cruising.
 - ~~6.8.~~ Liveaboard vessels must comply with all marine regulations, policies and procedures of the U.S. Coast Guard, and any other federal and state government agencies that pertain to health, safety and/or environmental protection. Proof of seaworthiness of the vessel and the adequacy of the mooring arrangement must be provided and laws of the City must be obeyed.
 - ~~7.9.~~ Marinas shall provide restrooms and solid waste receptacles to accommodate marina users, and shall have facilities and established procedures for the collection of solid waste or sewage, other than discharge into the water;
 - ~~8.10.~~ Marinas shall provide pump-out, holding and/or treatment facilities for sewage contained on boats or vessels;
 - ~~9.11.~~ Marina operators shall post all regulations pertaining to handling and disposal of waste, sewage, fuel and oil or toxic materials where they can be easily read by all users;
 - ~~10.12.~~ Marinas shall have facilities and established procedures for the containment and recovery of spilled petroleum or toxic products; and
 - ~~11.13.~~ Marina buildings shall conform to the setbacks established in Table 6.3.
- C. Where allowed, marinas that involve breakwaters shall meet all of the following design criteria:
1. Breakwaters built water-ward in a perpendicular plane to the shoreline shall not be allowed as a continuous one-piece structure;

2. The toe of the breakwater may not extend water-ward of the Ordinary High Water Mark more than 250 feet from mean higher high water;
3. Breakwaters shall be built so that the side slopes shall not be steeper than 1-1/2-foot horizontal to 1-foot vertical slope;
4. The opening between a shore breakwater and an isolated breakwater shall not be less than 20 feet in width as measured at the toe of the slope;
5. Openings must be maintained at project depth at all times in order to ensure proper circulation and fish passage;
6. Openings may be either offset or in-line design;
7. Openings may also be used as navigational channels;
8. The opening must be sized (depth and/or width) so as to ensure proper circulation inside the marina configuration and exchange with the outside bay. To facilitate this exchange, the volume of the tidal prism (water present between mean low and mean high tide) shall be not less than 50 percent of the total volume of the basin;
9. The depth of the openings shall be at least as deep as the average depth of the marina; and
10. Openings may be baffled to protect the marina against wave action but in no instance should the baffling impede water circulation or fish movement.

18.20.656 - Boat Storage

- A. Boat storage shall be located upland unless:
 1. No suitable upland locations exist for such facilities;
 2. It can be demonstrated that wet moorage would result in fewer impacts to ecological functions and processes; or
 3. It can be demonstrated that wet moorage would enhance public use of the shoreline.
- B. Marinas that provide dry upland storage shall use a launch mechanism that protects shoreline ecological functions and processes and minimizes use of shoreline areas.
- C. Dry moorage and other storage areas shall be located away from the shoreline and be landscaped with native vegetation to provide a visual buffer for adjoining dissimilar uses or scenic areas.
- D. Boat-houses/Boat Storage Buildings above and landward of the Ordinary High Water Mark are permitted, and must comply with all the following:
 1. A view corridor of not less than 35 percent of the width of the property shall be maintained between the abutting street and waterway;
 2. The structure does not exceed the maximum height set forth on Table 6.2; and
 3. The structure shall be visually compatible with the surrounding environment.

18.20.658 - Covered Moorage

- A. New overwater covered moorage and the expansion of existing covered moorage is prohibited.

18.20.660 - Commercial Use and Development – General

- A. The construction of new and the expansion of existing overwater commercial buildings is prohibited, except construction or expansion for an authorized water dependent commercial use.
- B. Public access shall be provided for all commercial use and development pursuant to OMC 18.20.450.
- C. Vegetation conservation areas, as required per Table 6.3, shall be provided, and planted pursuant to the provisions in Section 18.20.492.
- D. Commercial development shall not impact the rights of navigation.
- E. Home occupations are not considered to be commercial uses.

18.20.663 - Water-Oriented Commercial Use and Development

- A. Water-oriented commercial use and development shall demonstrate that:
 - 1. There will be no net loss of shoreline ecological functions or processes;
 - 2. There will be no significant adverse impact on other shoreline uses, resources and/or values such as navigation, recreation, public access, and design compatibility; and
 - 3. The design, layout, and operation of the use or development meet the definition of water-oriented uses.

18.20.667 - Non-Water-Oriented Commercial Use and Development

Non-water-oriented uses may be allowed only if they are part of a mixed use development that include water-oriented uses, provide public access, and shoreline enhancement/restoration. The applicant shall demonstrate that the project will result in no net loss to shoreline ecological functions or processes. In areas zoned for commercial use, nonwater-oriented commercial development may be allowed if the site is physically separated from the shoreline by another property or right-of-way.

18.20.670 - Industrial Development

- A. Water-dependent or water-related industrial development shall be permitted when the applicant demonstrates that:
 - 1. It will not cause a net loss of shoreline ecological functions or processes;
 - 2. It will not have significant adverse impacts on other shoreline uses, resources and/or values such as navigation, recreation, and public access; and
 - 3. The design, layout, and operation of the use or development meet the definition of water-dependent or water-related uses.
- B. The construction of new non-water oriented industrial uses is prohibited. The expansion of existing non-water-related or non-water dependent industrial uses shall require a Shoreline Conditional Use Permit in accordance with OMC 18.20.250(A). Any setback area may be used for additional public access or shoreline restoration.
- C. Cooperative use of docking, parking, cargo handling and storage facilities on industrial properties shall be provided where feasible.

- D. Design port facilities to permit viewing of harbor areas from viewpoints, waterfront restaurants, and similar public facilities which would not interfere with port operations or endanger public health or safety.
- E. Industrial use or development shall be located and designed to minimize the need for initial or recurrent dredging, filling or other harbor and channel maintenance activities.
- F. Industrial use or development shall include the capability to contain and clean-up spills, leaks, discharges, or pollutants, and shall be responsible for any water or sediment pollution they cause.
- G. Water storage and handling of logs shall be limited to the marine shoreline and shall be subject to the following standards:
 - 1. Permits shall contain provisions for the cleanup of log dumping and rafting areas, and disposal of solid wastes;
 - 2. Bark and wood debris controls, together with collection and disposal facilities, must be employed at log dumps, raft building areas, and mill handling areas; and
 - 3. Permits for 'free-fall' dumping of logs shall not be issued unless the applicant can demonstrate that this method will create fewer adverse impacts than the 'gradual' method. The use of log bundling and other devices shall be used to reduce adverse impacts.
- H. Dry-land storage of logs shall be limited to the marine shoreline and shall be subject to the following standards:
 - 1. Unpaved storage areas underlain by permeable soils shall have at least a four (4) foot separation between the ground surface and the winter water table; and
 - 2. Dikes, drains, vegetative buffer strips or other means shall be used to ensure that surface runoff is collected and discharged in a manner least detrimental to water quality from the storage area. The applicant shall demonstrate that water quality standards or criteria will not be violated by such runoff discharge under any conditions of flow in nearby water sources.
- I. Sites for the storage and/or distribution of natural resource materials (e.g., rock, sand, and gravel) shall be located, designed, and operated in accordance with the provisions of Olympia's Shoreline Program. Loading areas at the water's edge shall be the minimum necessary and shall include measures to reduce erosion of the shoreline, damage to vegetation, and impacts to water quality.
- J. The construction of new, or the expansion of existing, overwater industrial buildings is prohibited, except construction or expansion for an authorized water-dependent industrial use.

18.20.680 - Recreation

- A. Water-oriented recreation uses and development are preferred shoreline uses and shall be allowed when the applicant demonstrates that they:
 - 1. Will not cause a net loss of shoreline ecological functions or processes; and
 - 2. Will not have significant adverse impacts on other shoreline uses, resources and/or values such as navigation and public access.
- B. Park and recreation facilities may be used for events and temporary uses when the proposed use will not damage the shoreline. Structures associated with such uses shall be located as far landward as feasible and shall be removed immediately after the event is over. Shoreline areas shall be returned to pre-event conditions.

- C. Recreational use and development shall include appropriate mitigation to minimize light and noise impacts on adjoining properties. Such measures shall include, but not be limited to, fencing, vegetative screening, increased setbacks, limited hours of operation, and other appropriate measures. Where lighting is used, the illumination levels shall be the minimum needed for the intended use. Lighting must be shielded to avoid light and glare on the water and to prevent spillover offsite.
- D. The construction of new trails or the expansion of existing trails shall be subject to the mitigation sequencing process and shall be designed to minimize impacts to the ecological functions of the shoreline while providing access and waterfront enjoyment to the public.
- E. All commercial recreation facilities shall conform to this section and OMC sections 18.20.660, 18.20.663, and 18.20.667.
- F. Recreational facilities shall be located, designed, and operated in a manner consistent with the purpose of the environment designation in which they are located.

18.20.690 - Residential Use and Development

- A. New residential development, including additions to existing structures, shall meet the development standards set forth on Tables 6.2 and 6.3 particularly and this title in general.
- B. Residential development shall be designed to:
 1. Maintain or improve ecological functions and processes;
 2. Preserve and enhance native shoreline vegetation; or if vegetation is degraded or none is present, restore or enhance in accordance with the provisions of OMC 18.20.492;
 3. Control erosion and impacts to slope stability;
 4. Avoid the use of shoreline armoring at the time of construction and in the future;
 5. Preserve shoreline aesthetic character; and
 6. Minimize structural obstructions to normal public use and views of the shoreline and the water.
- C. A small waterfront deck or patio can be placed along the shoreline provided:
 1. The waterfront deck or patio and associated access path, covers less than 25 percent of the VCA and native vegetation covers a minimum of 75 percent of the VCA;
 2. Within 25 feet of the Ordinary High Water Mark, for every one square foot of waterfront deck or patio in the VCA, three square feet of vegetation shall be provided in the VCA;
 3. The total area of the waterfront deck or patio shall not exceed 400 square feet;
 4. Pervious materials are used;
 5. The deck or patio is setback a minimum of five feet from the Ordinary High Water Mark; and
 6. The upper surface of the deck or patio is no more than two feet above grade and is not covered.
- D. Overwater residential development shall be prohibited. This provision shall not apply to live-aboard vessels expressly approved as part of a marina.
- E. New residential development of more than nine lots or units shall provide public access for use by residents of the development and the general public. Public access shall be located, designed, and managed in accordance with the provisions of OMC 18.20.450.

- F. To preserve views of the water, fences shall not be allowed within Vegetation Conservation Areas. Fences within the shoreline setback area are permitted provided they do not exceed 48 inches in height.
- G. When two or more undeveloped single-family legal building sites are contiguous within shorelines, only a single joint-use dock with a common access easement is permitted for use by those two or more residential units.
- H. For new multi-unit residential developments, only one single joint-use dock shall be allowed for the entire development.
- I. Plats and subdivisions shall be designed, configured, and developed in a manner that assures no net loss of shoreline ecological functions will occur as a result of full build out of all lots and in a manner that prevents the need for new shoreline stabilization or flood hazard reduction measures.

18.20.700 - Transportation and Trail Facilities

- A. The following provisions apply to trail, road, and railroad expansions:
 - 1. The improvements shall be located as far landward as feasible;
 - 2. The construction shall be designed to protect the adjacent shorelands against erosion, uncontrolled or polluting drainage, and other factors detrimental to the environment both during and after construction;
 - 3. The proposed width shall be the minimum necessary for the proposed improvements;
 - 4. The project shall be planned to fit the existing topography as much as feasible, thus minimizing alterations to the natural environment;
 - 5. Streams or natural drainage ways within the road corridor shall be protected, and fish passage shall not be impaired;
 - 6. All debris, overburden and other waste materials from construction shall be disposed of to prevent their entry into the adjoining water body;
 - 7. The location and design of roadway expansions shall not compromise existing and planned shoreline public access or compromise existing and planned habitat restoration or enhancement projects; and
 - 8. The project shall not result in the net loss of shoreline ecological functions or processes.
- B. Transportation facilities shall be designed to cross shoreline areas by the shortest, most direct route feasible.
- C. Access roads and/or drive lanes serving shoreline parcels shall be the minimum width necessary.
- D. Bridges may be permitted within sensitive fish and wildlife habitat only if the following conditions are met:
 - 1. An alternative alignment is not feasible;
 - 2. The project is located or designed to minimize its impacts on the environment;
 - 3. Adverse impacts are mitigated to achieve no net loss of shoreline ecological functions and system-wide processes;
 - 4. Open-piling and piers required to construct the bridge may be placed water-ward of the Ordinary High Water Mark if no alternative method is feasible; and
 - 5. All other applicable provisions of this chapter and OMC Chapter 18.32, Critical Areas, are met.

E. Trails and shared use paths are considered transportation facilities and are allowed within the shoreline setback, vegetation buffer, and overwater. As such, they are subject to the provisions herein including OMC 18.20.410(B). Where feasible new public trails and shared use paths shall use abandoned rail corridors to minimize disturbance of the shoreline.

F. Special procedures for WSDOT projects:

1. Pursuant to RCW 47.01.485, the Legislature established a target of ninety (90) days review time for local governments.
2. Pursuant to RCW 90.58.140, Washington State Department of Transportation projects that address significant public safety risks may begin twenty-one (21) days after the date of filing if all components of the project will achieve no net loss of shoreline ecological functions.

18.20.710 - Utilities

- A. Utility facilities and lines shall be designed and located to avoid net loss of shoreline ecological functions, preserve the natural landscape, and minimize conflicts with existing and planned land and shoreline uses.
- B. New public or private utilities, including both lines and associated facilities, shall be located as far landward of the Ordinary High Water Mark as feasible, preferably outside of the shoreline jurisdiction, and be located at least 30 feet landward of the OHWM, unless:
 1. The utility requires a location adjacent to the water, such as a stormwater outfall; or
 2. Alternative locations are infeasible; or
 3. Utilities are serving uses and activities permitted by this chapter.
- C. Onsite utilities serving a primary use, such as a water, sewer, communication, electric, or gas line to a residence, are accessory utilities and shall be considered part of the primary use.
- D. Utilities that need water crossings shall be placed deep enough to avoid the need for bank stabilization and stream/riverbed filling both during construction and in the future due to flooding and bank erosion that may occur over time. Boring, rather than open trenches, is the preferred method of utility water crossings.
- E. Where no other options exist, in-water utility corridors may be allowed provided the corridor is located and designed to minimize impacts to shoreline ecology and processes, and adverse impacts are mitigated.
- F. When feasible, utility lines shall use existing rights-of-way, corridors and/or bridge crossings and shall avoid duplication and construction of new parallel corridors in all shoreline areas.
- G. Utility facilities shall be constructed using techniques that minimize the need for shoreline fill.
- H. New utility installations shall be planned, designed, and located to eliminate the need for structural shoreline armoring or flood hazard reduction measures.
- I. Vegetation clearing during utility installation and maintenance shall be minimized, and disturbed areas shall be restored or enhanced following project completion.
- J. Pipes that outfall directly into the water shall be designed and located to minimize adverse impacts on shoreline ecological functions and processes.
- K. Utility corridors shall be located and designed to protect scenic views. Where feasible, utilities shall be placed underground or alongside or under bridges, unless doing so would cause greater ecological impact or harm.

- L. Stormwater facilities are prohibited where alternatives are feasible. Any stormwater facility located within a minimum width vegetation conservation area shall be landscaped consistent with 'VCA' requirements.
- M. To the greatest extent feasible, new utility systems shall be co-located with other existing or planned utilities, roadways and/or railways and/or placed within already-disturbed corridors whenever feasible.

18.20.800 - Shoreline Modifications – General Provisions

- A. Shoreline modifications are structures or actions that permanently change the physical configuration or quality of the shoreline, particularly at the point where land and water meet. Shoreline modifications include, but are not limited to structures such as dikes, breakwaters, piers, docks, weirs, dredge basins, fill, bulkheads, or other actions such as clearing, grading, application of chemicals, or vegetation removal. Generally, shoreline modifications are undertaken to prepare for a shoreline use, support an upland use, or to provide stabilization or defense from erosion.
- B. Proposals for shoreline modifications are to be reviewed for compliance with the applicable use policies and regulations in OMC 18.20.600 through 18.20.710 and the applicable shoreline modification regulations of this chapter. Deviations from the minimum development standards may only be approved under a shoreline variance unless specifically stated otherwise. Shoreline modifications listed as prohibited are not eligible for consideration as a shoreline variance.
- C. Only shoreline modifications that support or protect an allowed primary structure or a legally existing shoreline use are allowed. All others are prohibited.
- D. Shoreline modifications shall not result in the loss of shoreline ecological functions or ecosystem wide processes. All proposals for shoreline modifications shall take measures to avoid or reduce ecological impacts in accordance with the mitigation sequencing priorities set forth in OMC 18.20.410(B).
- E. Shoreline modifications individually and cumulatively shall not result in a net loss of shoreline ecological functions and ecosystem-wide processes. This shall be achieved by giving preference to those types of shoreline modifications that have a lesser impact on ecological functions and requiring mitigation of identified impact resulting from said modifications.
- F. Shoreline modifications shall comply with critical area and vegetation conservation standards in this chapter.
- G. New structural flood hazard reduction measures shall only be allowed when a geotechnical analysis demonstrates that they are necessary to protect existing development, that nonstructural measures or other protection alternatives are not feasible, and that impacts to ecological functions and priority habitats and species can be successfully mitigated so as to assure no net loss.
- H. New structural flood hazard reduction measures shall be placed landward of associated wetlands and designated Vegetation Conservation Areas, except for actions that increase ecological functions.
- I. New public structural flood hazard reduction measures shall dedicate and improve public access pathways except when public access would cause unavoidable safety or health hazards to the public, unavoidable security or use conflicts, ecological impacts that cannot be avoided or mitigated, or disproportionate and unreasonable cost.

18.20.810 - Permitted Shoreline Modifications

Shoreline modifications may be allowed by shoreline environment designation as listed in Table 7.1. Aquatic environment provisions are based on the adjacent environment designation, including permitted with a Shoreline Substantial Development Permit or exemption (P), Shoreline Conditional Use permit (C), or prohibited outright (X). This table shall be used in conjunction with the written provisions for each use. Column notes provide additional clarification and identify other applicable City regulations.

Table 7.1 – Shoreline Modifications

P – Permitted C – Conditional Use X – Prohibited X/P – Permitted only in specific cases. 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 18.20.840 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	X	X/PC See OMC 18.20.870-864	←	See OMC 18.20.860 through

P – Permitted C – Conditional Use X – Prohibited X/P – Permitted only in specific cases. 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
Armoring				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; and
 - b. The utility installation does not increase or decrease the natural rate, extent, or opportunity of channel migration; ~~and~~
- C. Dredging and dredge material disposal activities must employ ~~Appropriate best management practices are employed to prevent water quality impacts or other environmental degradation, in accordance with OMC 18.20.510.~~
- D. Dredging is prohibited in the Natural shoreline environment designation and in Aquatic designated areas adjacent to shorelands with the Natural designation except where associated with ecological restoration projects.
- E. Dredging and dredge disposal is prohibited on or in archaeological sites that are listed on the Washington State Register of Historic Places until such time that they have been released by the State Archaeologist.
- F. Dredging for the primary purpose of obtaining material for landfill is prohibited.
- G. The disposal of dredge ~~spoils materials~~ in open water or on upland sites within shoreline jurisdiction is prohibited unless for beneficial uses such as shoreline restoration or enhancement.
- H. Prohibit any dredging which will damage shallow water habitat used by fish species for migration corridors, rearing, feeding and refuge, unless the project proponent demonstrates that all of the following conditions are met:
 1. An alternative alignment or location is not feasible;
 2. The project is designed to minimize its impact on the environment; and
 3. The facility is in the public interest.
- I. If the project creates significant unavoidable adverse impacts, the impacts shall be mitigated by creating in-kind habitat near the project. Where in-kind replacement mitigation is not feasible, rehabilitating degraded habitat may be required. Mitigation shall be in accordance with the mitigation priorities set forth in OMC 18.20.410(B).

18.20.830 - Fill

Fill is the addition of soil, sand, rock, gravel, sediment, earth retaining structure, or other material to an area water-ward of the Ordinary High Water Mark, in wetlands or other critical areas, or on shorelands in a manner that raises the elevation or creates land above the elevation of the Ordinary High Water Mark. Any fill activity conducted within the shoreline jurisdiction must comply with the following provisions.

18.20.833 - Shoreland Fill

- A. Fill shall be the minimum necessary to accommodate the proposed use or development or protect it from flooding, and allowed only in conjunction with approved shoreline use and development activities that are consistent with Olympia's Shoreline Program.
- B. Fill shall be permitted only when it can be demonstrated that the proposed action will not:
 1. Result in significant damage to water quality, fish, shellfish, and wildlife habitat;

2. Adversely alter natural drainage and circulation patterns, currents, river, and tidal flows or significantly reduce flood water capacities; or
 3. Alter channel migration, geomorphic, or hydrologic processes.
- C. Except for beach feeding, fill shall be designed, constructed, and maintained to prevent, minimize and control all material movement, erosion, and sedimentation from the affected area.
 - D. Fill for the construction of transportation facilities is allowed only when there is a demonstrated purpose and need, there are no feasible alternatives, and impacts are mitigated in accordance with mitigation priorities in OMC 18.20.410(B).
 - E. Fill shall not be used as a means to increase the allowable building height by increasing the natural or finished grade, except as authorized to meet the flood elevation requirements of OMC Chapter 16.70.
 - F. Fill for the sole purpose of creating land area is prohibited.
 - G. The excavation of beach material for fill is prohibited.
 - H. Fill within critical areas and/or critical area buffers shall comply with this chapter and the critical areas provisions of Chapter 18.32.
 - I. Perimeters of fill shall be designed to eliminate the potential for erosion and be natural in appearance. Perimeter slopes shall not exceed 1 foot vertical for every 3 feet horizontal unless an engineering analysis has been provided, and the Administrator determines that the landfill blends with existing topography.
 - J. Fill shall consist of clean material including sand, gravel, soil, rock, or similar material approved by the City. The use of contaminated material or construction debris is prohibited.
 - K. Fill shall not be located where shoreline stabilization will be necessary to protect materials placed or removed. Disturbed areas shall be immediately stabilized and revegetated to avoid erosion and sedimentation.
 - L. Fill within the shoreline jurisdiction shall be allowed in response to increases in sea level subject to all other provisions of this Master Program and the mitigation sequencing process.

18.20.837 - Fill Water-ward of Ordinary High Water Mark

- A. Fill water-ward of the Ordinary High Water Mark shall be permitted for the following purposes only, with due consideration given to specific site conditions and only as part of an approved use or development:
 1. Port development for water dependent uses where other upland alternatives or structural solutions, including pile or pier supports is infeasible;
 2. Expansion or alteration of transportation facilities where there are no feasible upland alternatives;
 3. Ecological restoration or enhancement such as beach nourishment, habitat creation, or mitigation when consistent with an approved restoration or mitigation plan;
 4. Disposal of dredge material in accordance with the Dredge Material Management Program (DMMP) of the Department of Natural Resources;
 5. Construction of protective berms or other structures to prevent the inundation of water resulting from sea level rise shall be allowed subject to all other provisions of this Master Program and the mitigation sequencing process when there are no other feasible options to protect existing development;

- 6. Public access; or
 - 7. Cleanup of contaminated sites.
- B. Fill shall be the minimum necessary for the intended use or activity.

18.20.840 - General Moorage (Piers, Docks, Floats, and Buoys) Provisions

- A. All new or modified structures shall be allowed only in support of an allowed water-dependent or public access use and must comply with all applicable local, state, and federal regulations.
- B. New docks, piers and floats shall be located, designed, and constructed in accordance with the mitigation sequencing priorities in OMC 18.20.410(B).
- C. Moorage shall be designed and located so as not to constitute a hazard to navigation or other public uses of the water. Docks, piers and floats are prohibited on lakes or marine water bodies where the distance to the opposite shore is 150 feet or less.
- D. The length, width and height of piers, docks and floats shall be no greater than that required for safety and practicality of the intended use. They shall be spaced and oriented in a manner that avoids shading of substrate below and do not create a 'wall' effect that would impair wave patterns, currents, littoral drift, or movement of aquatic life forms.
- E. Those projects which are found to block littoral drift or cause new erosion of down-drift shoreline shall be required to establish and maintain an adequate long-term beach feeding program. This may include artificially transporting sand to the down-drift side of an inlet with jetties; or artificial beach feeding in the case of breakwaters, groins, and weirs.
- F. All piers, docks, floats, or similar structures shall float at all times on the surface of the water or shall be of fixed pile construction. Floating structures shall at no time be grounded on the substrate.
- G. All moorage facilities shall be constructed and maintained in a safe and sound condition. Abandoned or unsafe structures shall be removed or promptly repaired by the owner.
- H. Docks, piers, and floats shall be constructed of materials that will not adversely affect water quality or aquatic plants and animals over the long-term. Materials for any portions of the structure that come in contact with the water shall be approved by the appropriate state agency.
- I. Lighting associated with moorage facilities shall be beamed, hooded, or directed to avoid glare on adjacent properties or water bodies. Illumination levels shall be the minimum necessary for safety. Artificial night time lighting shall be the minimum necessary for public safety.
- J. New overwater covered moorage is prohibited.
- K. The design, construction and maintenance of piers and docks shall not restrict any public access or ability to walk along the shoreline. If unavoidable, alternate means of access, such as stairs and/or upland pathways, shall be provided.
- L. Any expansion, alteration, or modification of any moorage structure which results in any increase in horizontal area of the facility shall conform to all requirements of this chapter.

18.20.842 - Moorage Buoys

- A. Moorage buoys shall use neutral buoyancy rope, mid-line float, helical anchors, or other state approved designs that have minimal adverse effects on aquatic ecosystems.

- B. In marine waters, moorage buoys shall not be located water-ward of the outer harbor line or within designated navigation channels where established by the Washington Department of Natural Resources or the U.S. Coast Guard.
- C. Only one moorage buoy shall be allowed per waterfront lot except that a shoreline variance may be sought for additional buoys for public waterfront parks or residential subdivisions where individual lots do not front on the shoreline.
- D. In lakes, moorage buoys shall not be located farther water-ward than existing buoys, or established swimming areas, and shall not interfere with navigation or use of the water.
- E. Moorage buoys must be discernible under normal daylight conditions at a minimum distance of 300 feet and must have reflectors for nighttime visibility.

18.20.844 - Residential Docks, Piers or Floats

- A. Shared residential moorage is required unless the applicant demonstrates why shared moorage is not feasible prior to approval of a residential pier, dock, or float. Considerations include but are not limited to proximity to other docks and willingness of adjoining property owners to participate in shared moorage.
- B. Where moorage is proposed for new subdivisions of more than two lots, or new multi-family development of more than two dwelling units, moorage shall be shared between lots or units.
- C. Shared moorage proposed for lease to five or more upland property owners shall be reviewed as a marina in accordance with the provisions of OMC 18.20.654.
- D. Where individual moorage is allowed, only one type of moorage facility shall be allowed per waterfront lot. The use of residential boat lifts is permitted.
- E. A new joint use pier, dock, or float may be permitted on a community recreation lot shared by a number of waterfront or upland lots. Individual recreational floats (not for moorage) are permitted as long as they are not located farther water-ward than existing floats or established swimming areas.
- F. If moorage is anticipated after initial residential development (including plats, multi-family developments, and mixed use developments), the applicant shall specifically identify and reserve an area for the future moorage.
- G. All docks, piers, and floats shall be painted, marked with reflectors, or otherwise identified so that they are visible during day or night.
- H. Placing fill water-ward of the Ordinary High Water Mark for purposes of constructing a dock or pier is prohibited.

18.20.846 - Marine Docks and Piers

- A. In marine waters, the maximum length of new or expanded piers or docks for private or recreational use shall not exceed 100 feet as measured from the mean higher-high water mark and not exceed a depth of -3 feet as measured from mean lower low water mark. If this is not sufficient depth to reach the desired depth for moorage, a buoy shall be used.
- B. The location, design, and construction of new or repaired private or recreational piers or docks in marine waters shall comply with all applicable state and federal regulations and the following standards:

1. Docks and piers shall be set back from the side property line twenty (20) feet on marine waters, unless designated for shared use between adjacent property owners;
 2. Residential piers shall not exceed 4 feet in width. ~~The dock/pier surface must be grated and must incorporate a minimum of 60 percent grating or~~ at the percentage required in a Hydraulic Permit Approval (HPA) ~~from~~ by the Department of Fish and Wildlife in WAC 220-660-380;
 3. The width of ramps connecting the pier and dock shall not exceed 4 feet in width and shall consist of a 100 percent grated surface;
 4. Docks shall not rest on the tidal substrate at any time. Stoppers on the pilings anchoring the dock or stub pilings shall be installed so that the bottom of the dock's flotation is a minimum of 1 foot above the level of the beach substrate;
 5. If a dock is positioned perpendicular to the ramp, a small dock may be installed to accommodate the movement of the ramp due to tidal fluctuations. The dimensions of the small dock shall not exceed 6 feet in width and 10 feet in length;
 6. New or modified residential piers and docks as well as watercraft operation and moorage shall be located to avoid physical impacts to aquatic habitat. At a minimum pier and dock proposals shall ensure that structures are designed and located to protect critical saltwater habitat, and saltwater habitats of special concern as defined by the Department of Fish and Wildlife in WAC 220-660-310;
 7. Construction materials shall not include wood treated with creosote, pentachlorophenol, or other similarly toxic materials.
- C. There is no maximum length and width for commercial or industrial piers or docks; however, such piers and docks may not exceed the minimum size necessary for the intended use. The applicant must demonstrate that the proposed size and configuration is the minimum necessary and complies with all other provisions of this chapter.
- D. Docks, piers, floats and mooring buoys shall not intrude into or over critical saltwater habitats except when the following conditions are met and documented:
1. Avoidance by an alternative alignment or location is not feasible.
 2. Including any required mitigation, the project shall not result in a net loss of ecological functions associated with critical saltwater habitat.
 3. For public or commercial docks, the public's need for such a structure must be clearly demonstrated.
 4. All over-water and near shore developments in marine waters shall conduct an inventory of the site and adjacent beach sections to assess the presence of critical saltwater habitats and functions. Project-specific inventory and survey work shall follow scientifically accepted survey protocols and take place during the appropriate time of the year depending on species present, based on input from resource agencies.

18.20.847 - Fresh Water Docks and Piers

- A. In fresh water, the length of new or expanded piers or docks for private or recreational use shall not exceed fifty (50) feet as measured from the Ordinary High Water Mark.
- B. The location, design, and construction of new or repaired private or recreational piers or docks in fresh waters shall comply with all applicable state and federal regulations and the following standards:

1. Only piers or ramps can be located within the first thirty (30) feet water-ward of the Ordinary High Water Mark;
 2. Pier and dock surface coverage shall not exceed the following:
 - a. 480 square feet for single use structures;
 - b. 700 square feet for two-party joint use; and
 - c. 1,000 square feet for residential pier/docks serving three or more residences.
 3. Docks and piers shall not exceed four feet in width, except an additional two (2) feet of width can be allowed without a variance for a property owner with a condition that qualifies for state disability accommodation. ~~Sixty (60) percent of t~~The dock/pier surface area must be grated ~~or at~~ the percentage required in a Hydraulic Permit Approval (HPA) ~~from~~by the Department of Fish and Wildlife in WAC 220-660-140;
 4. Docks shall not rest on the fresh water substrate at any time. Stoppers on the pilings anchoring the dock or stub pilings shall be installed so that the bottom of the dock's flotation is a minimum of one foot above the level of the beach substrate;
 5. Except for docks with floats, the bottom of all structures shall be a minimum of one and one-half feet above the water level established by the Ordinary High Water Mark;
 6. Floats or ells shall be oriented and grated at the percentage as required in a Hydraulic Permit Approval (HPA) from the Department of Fish and Wildlife.
 7. Construction materials shall be limited to untreated wood, approved plastic composites, concrete, or steel.
- C. Docks and piers shall be setback from the side property line ten (10) feet on fresh water.
- D. The required side yard setbacks may be waived with a shared use moorage facility for two or more property owners. The applicant or proponents shall file with the Thurston County Auditor a legally enforceable joint use agreement or other legal instrument that addresses the following as a condition of permit approval:
1. Apportionment of construction and maintenance expenses;
 2. Maintenance responsibilities for the facility and associated upland area in perpetuity by identified responsible parties;
 3. Easements and liability agreements;
 4. Use restrictions; and
 5. The easement must acknowledge that each property owner is giving up the right to construct a separate single-family pier.

18.20.848 - Float Standards

- A. Single property owner recreational floats shall not exceed 64 square feet. Multiple property owner recreational floats shall not exceed 96 square feet.
- B. The standards for private recreational floats are as follows:
 1. Floats anchored offshore and used for residential recreational uses shall comply with the following standards:

- a. Applicants shall contact the Washington Department of Natural Resources to inquire on the need for an aquatic lease for locating recreational floats within state aquatic areas; and
 - b. When feasible floats shall be removed seasonally and placed in an appropriate unvegetated upland location.
2. Floats shall be located as close to shore as feasible without interfering with natural beach processes or negatively affecting aquatic vegetation.
 3. Floats shall not rest on the substrate at any time. In marine waters, floats shall be located (anchored) at sufficient depth to maintain a minimum of one foot of draft between the float and the beach substrate at low tide.
- C. Public recreational floats shall be the minimum size and dimensions necessary for the intended use, e.g., boat moorage, swimming area, public access. In no case shall a single float exceed 200 square feet.
- D. Public and private recreational floats shall comply with the following standards:
1. ~~Floats orientation shall be oriented and the incorporation of functional grating into the float surface area shall be in accordance at a percentage as required with in a Hydraulic Permit Approval (HPA) from the Department of Fish and Wildlife requirements in WAC 220-660-140 for freshwater floats or WAC 220-660-380 for marine floats.~~
 2. For recreational floats anchored utilizing an embedded anchor; anchor lines shall not rest on or disturb the substrate at any time.
- E. Recreation floats must be discernible under normal daylight conditions at a minimum of 100 yards and must have reflectors for nighttime visibility.
- F. Only one recreational float shall be allowed per waterfront lot except that a shoreline variance may be sought for additional floats for public waterfront parks or residential subdivisions where individual lots do not front on the shoreline.

18.20.850 - Shoreline Restoration and Enhancement – Intent

Restoration is the reestablishment or upgrading of impaired ecological shoreline processes or functions. This may be accomplished through measures including, but not limited to, revegetation, removal of intrusive shoreline structures, and removal or treatment of toxic materials. Restoration does not imply a requirement for returning the shoreline area to original or pre-European settlement conditions.

Enhancement includes actions performed within an existing degraded shoreline, critical area and/or buffer to intentionally increase or augment one or more functions or values of the existing area. Enhancement actions include, but are not limited to, increasing plant diversity and cover, increasing wildlife habitat and structural complexity (snags, woody debris), installing environmentally compatible erosion controls, or removing non-indigenous plant or animal species. The 2016 West Bay Environmental Restoration Assessment provides conceptual restoration approaches for some shoreline reaches.

18.20.855 - Shoreline Restoration and Enhancement - General Provisions

- A. Restoration and enhancement shall be allowed on all shorelines, and carried out by the applicant/proponent in accordance with an approved restoration/enhancement plan. Such plans shall be designed, constructed and maintained in accordance with the policies and regulations of Olympia’s Shoreline Program. Restoration and enhancement projects restore the natural character and ecological functions of the shoreline; and must be consistent with the implementation of a

comprehensive restoration plan approved by the City and/or Department of Ecology, or the Administrator must find that the project provides an ecological benefit and is consistent with Olympia's Shoreline Program.

- B. The City shall coordinate with other local, state, and federal regulatory agencies, tribes, and non-government organizations to ensure that mitigation actions are likely to be successful and achieve beneficial ecological outcomes.
- C. Shoreline property owners that remove hard-armoring or otherwise restore the shoreline prior to development may apply such restoration toward any mitigation required at the time of development provided that:
 - 1. The applicant/property owner can provide conclusive evidence of the pre- and post-restoration conditions using photographs, reports, plans, affidavits, or similar evidence;
 - 2. The City can confirm via site inspection, photographs, affidavits, or other evidence that the restoration actions have improved shoreline conditions;
 - 3. The work has occurred on the same site within five years of the proposed development; and
 - 4. The applicant/property owner provides assurances that the restoration area will be preserved in perpetuity. Such assurance can be in the form of a notice on title, conservation easement, or similar mechanism.
- D. Shoreline restoration and enhancement may be permitted if the applicant demonstrates that no significant change to sediment transport will result and that the restoration or enhancement will not adversely affect shoreline ecological processes, water quality, properties, or habitat.
- E. Shoreline restoration and enhancement projects shall use best available science and management practices.
- F. Restoration shall be carried out in accordance with an approved shoreline restoration plan and in accordance with the policies and regulations of Olympia's Shoreline Program.
- G. Restoration and enhancement projects shall be designed to minimize maintenance over time.
- H. Restoration and enhancement projects shall be designed, constructed, and maintained to avoid the use of shoreline stabilization measures. Where such measures cannot be avoided, bioengineering shall be used rather than bulkheads or other stabilization measures, unless it can be demonstrated that there are no feasible options to achieve the intended result. Restoration and enhancement projects that include shoreline modification actions shall be authorized provided the primary purpose of such actions is clearly restoration of the natural character and ecological functions of the shoreline.
- I. Restoration and enhancement projects shall not extend water-ward more than the minimum necessary to achieve the intended result and shall not result in the creation of additional upland area.
- J. In accordance with RCW 90.58.580, a Substantial Development Permit is not required for development on land that is brought under shoreline jurisdiction due to a shoreline restoration project. However, projects are still required to comply with the regulations of this Master Plan.
- K. Projects taking place on lands that are brought into shoreline jurisdiction due to a shoreline restoration project that caused a landward shift of the OHWM may apply to the Administrator for relief from the SMP development standards and use regulations under the provisions of RCW 90.58.580. Any relief granted shall be strictly in accordance with the limited provisions of RCW 90.58.580, including the specific approval of the Department of Ecology.

18.20.857 - Instream Structures

Instream structures are permitted only when necessary for a restoration or enhancement project, to improve fish passage, or for permitted transportation or utility crossings and subject to the following requirements:

- A. Instream projects shall be evaluated for their potential adverse impacts upon the physical, hydrological, and biological characteristics as well as effects on instream/riparian habitat;
- B. Instream structures and associated facilities shall be designed, constructed, and maintained in a manner that will not degrade the quality of affected waters or instream/riparian habitat value, and minimizes adverse impacts to surrounding areas;
- C. The location and design of instream structures shall give due consideration to the full range of public interests, watershed functions and processes, and environmental concerns, with special emphasis on protecting and restoring priority habitats and species;
- D. Instream structures shall be designed based on an analysis of the reach or reaches to avoid the need for structural shoreline armoring; and
- E. Instream structures and associated facilities shall provide for the protection and preservation of natural and cultural resources including but not limited to, sensitive areas such as wetlands, waterfalls, erosion/accretion shore forms, and natural scenic vistas.

18.20.860 - Shoreline Stabilization - Intent

Shoreline stabilization includes actions taken to address erosion impacts to property, dwellings, businesses, or structures caused by natural processes such as current, flood, tides, wind, or wave action.

These include structural and nonstructural methods. Nonstructural methods include building setbacks, relocation of the structure to be protected, erosion and groundwater management, and planning and regulatory measures to avoid the need for structural stabilization. Structural methods include 'hard' and 'soft' measures, defined as:

- A. Hard structural shoreline stabilization (also referred to as 'hard' armoring) means erosion control measures using hardened structures that armor and stabilize the shoreline from further erosion. Examples of hard armoring include concrete, boulders, dimensional lumber, or other materials to construct linear, sometimes vertical, faces. These include bulkhead, rip-rap, groins, revetments, and similar structures.
- B. Soft structural shoreline stabilization (also referred to as 'soft' armoring) means erosion control practices that contribute to restoration, protection, or enhancement of shoreline ecological functions. Examples of soft armoring include a mix of gravel, cobbles, boulders, logs, and native vegetation placed to provide stability in a non-linear, sloping arrangement.

18.20.862 - Shoreline Stabilization - New Development

- A. New shoreline use and development including new lots shall be located and designed to eliminate the need for concurrent or future shoreline stabilization to the extent feasible. Lots created through subdivision processes shall not require shorelines stabilization for reasonable development to occur, as demonstrated through a geotechnical analysis of the site and shoreline characteristics. New development that would require shoreline stabilization which results in significant impacts to adjacent or down current properties will not be allowed.

- B. New non-water dependent development, including single-family residences, that includes new structural shoreline stabilization will not be allowed unless all of the conditions below can be met:
 1. The need to protect the primary structure from damage due to erosion is demonstrated through a geotechnical report. The damage must be caused by natural processes, such as tidal actions, currents, and waves;
 2. The erosion is not being caused by upland conditions such as loss of vegetation and drainage;
 3. Nonstructural measures such as placing the development further from the shoreline, planting vegetation, or installing onsite drainage improvements are not feasible or sufficient; and
 4. The erosion control structure will not result in a net loss of shoreline ecological functions or processes.
- C. New water dependent development or new structural shoreline stabilization for existing water dependent development will not be allowed unless all of the conditions in B above are met. However, the considerations of placing the development further from the shoreline and erosion being caused by natural processes do not apply to water dependent development that can demonstrate its need for a waterfront location due to the nature of its operations.

18.20.864 - New or Expanded Shoreline Stabilization Measures

- A. New or enlarged structural stabilization measures are prohibited except where necessary to protect or support legally existing primary structures or shoreline uses, in support of water dependent uses, for human safety, for restoration or enhancement activities, or remediation of contaminated sites.
- B. Structural shoreline armoring for the sole purpose of leveling or extending property or creating or preserving residential lawns, yards, or landscaping shall be prohibited. Where hard shoreline armoring already exists, property owners are encouraged to remove it and replace with soft armoring, or if conditions allow, return the shoreline to a natural condition.
- C. New or enlarged structural shoreline stabilization measures to protect legally existing primary structures or shoreline uses are prohibited unless there is conclusive evidence, documented by a geotechnical analysis that the structure is in danger from shoreline erosion caused by tidal action, currents, or waves. Further:
 1. Normal sloughing, erosion of steep bluffs, shoreline erosion of steep bluffs, or shoreline erosion itself, without a scientific or geotechnical analysis that demonstrates a danger exists to an existing development or residence, is not a demonstration of need;
 2. The geotechnical analysis shall evaluate onsite drainage issues and address drainage problems away from the shoreline edge before considering structural shoreline stabilization;
 3. The design of the stabilization structure shall take into consideration erosion rates, onsite drainage issues, vegetation enhancement, and low-impact development measures as a means of reducing erosion;
 4. The analysis must demonstrate that nonstructural measures, planting vegetation, or installing onsite drainage improvements are not feasible or not likely to be sufficient; and
 5. The erosion control structure shall not result in a net loss of shoreline ecological functions.
 6. In geologically hazardous areas, stabilization structures or measures may only be allowed when no alternative, including relocation or reconstruction of existing structures, is found to be feasible and less expensive than the proposed stabilization measure.

- D. The use of hard structural stabilization measures such as bulkheads are prohibited unless demonstrated in a geotechnical analysis that soft structural stabilization measures (bioengineering) or non-structural measures (increased setbacks) are not feasible.
- E. Where structural shoreline stabilization measures are necessary, the size of the stabilization structure shall be the minimum necessary. The Administrator may require that the size and design of the structure be modified to reduce impacts to ecological functions.
- F. Where adverse impacts to shoreline ecological functions cannot be avoided, mitigation shall be required in accordance with mitigation sequence priorities set forth in OMC 18.20.410(B).
- G. In order to determine appropriate mitigation measures, the Administrator may require environmental information and analysis, including documentation of existing conditions, ecological functions, and anticipated impacts, along with a mitigation plan outlining how proposed mitigation measures would result in no net loss of shoreline ecological functions.
- H. Shoreline stabilization measures that incorporate ecological restoration or enhancement through the placement of rocks, sand or gravel, and native shoreline vegetation are strongly encouraged. Soft shoreline stabilization that restores ecological functions may be permitted ~~water-ward of the Ordinary High Water Mark.~~
- I. Following completion of shoreline modification activities, disturbed areas shall be restored using native vegetation (see OMC 18.20.495 for specific provisions).
- J. Publicly financed or subsidized erosion control measures shall not restrict public access except where such access is inappropriate or infeasible, and shall incorporate public access and ecological restoration to the extent feasible.

18.20.866 - Shoreline Stabilization - Replacement and Repair

- A. For purposes of this section, "replacement" means the construction of a new structure to perform a shoreline stabilization function to replace an existing structure which no longer adequately serves its purpose. Additions to or increases in size of existing shoreline stabilization measures shall be considered new structures.
- B. An existing shoreline stabilization structure may be replaced with a similar structure if there is a demonstrated need to protect principal uses or structures from erosion caused by currents, tidal action, or waves. The Administrator may waive the requirement for a geotechnical analysis if the applicant demonstrates through the use of photographs, site or grading plans, or other evidence that nonstructural measures are not feasible.
- C. The replacement structure shall be designed, located, sized, and constructed to assure no net loss of shoreline ecological functions.
- D. Replacement walls or bulkheads shall not encroach water-ward of the Ordinary High Water Mark or existing structure unless the residence was occupied prior to January 1, 1992, and there are overriding safety or environmental concerns. In such cases, the replacement structure shall abut the existing stabilization structure. Where a net loss of ecological functions associated with critical saltwater habitat would occur by leaving the existing structure, it must be removed as part of the replacement measure.
- E. Soft shoreline stabilization measures that provide restoration of shoreline ecological functions may be permitted water-ward of the Ordinary High Water Mark.

18.20.868 - Design of Shoreline Stabilization Measures

- A. Shoreline stabilization measures shall be designed by a Professional Engineer, registered as such in the State of Washington and shall conform to all applicable City and state policies and regulations, including the Washington State Department of Fish and Wildlife criteria governing the design of shoreline stabilization.
- B. The size of shoreline stabilization structures shall be the minimum necessary to protect the primary use or structure.
 - 1. Within the project area of the Olympia Sea Level Rise Response Plan (2019), consideration of sea level rise projections may be used to determine the minimum necessary size of shoreline stabilization structures in accordance with the plan.
- ~~B.C.~~ To protect their structural integrity, shoreline stabilization measures shall be designed, constructed, and maintained to allow drainage of surface or groundwater away from the structures.
- ~~C.D.~~ Shoreline stabilization structures shall be located to tie in flush with existing bulkheads on adjacent properties, except when adjoining bulkheads do not comply with the standards set forth in this Chapter.
- ~~D.E.~~ Stairs may be built as an integral component of a bulkhead but shall not extend water-ward of the bulkhead unless necessary to directly access a pier or dock.
- ~~E.F.~~ Materials used for shoreline stabilization structures shall be durable, erosion resistant, and not harmful to the environment. The following materials shall be prohibited: demolition debris, derelict vehicles, tires, concrete rubble, or any other materials that contain toxic substances or create visual blight along the shoreline.
- G. Where hard armoring is approved, materials shall be used in the following order of priority:
 - 1. Large stones, with vegetation planted in the gaps. Stone should not be stacked any steeper than a 3:1 slope;
 - 2. Timbers or logs that have not been treated with toxic materials;
 - 3. Stacked masonry block;
 - 4. Cast-in-place reinforced concrete.
- H. Bioengineering is a preferred method of protecting upland property and structures or to maintain access to an authorized shoreline use. Bioengineering combines structural, biological, and ecological concepts to construct living structures that stabilize the soil to control erosion using live plant materials as a main, but not only, structural component.
 - 1. Bioengineering shall generally be used when a geotechnical analysis confirms a need to prevent potential damage to a primary structure, but the need is not as immediate as within three years.
 - 2. Bioengineering projects shall incorporate all of the following:
 - a. All bioengineering projects shall use a diverse variety of native plant materials, including trees, shrubs, and grasses, unless demonstrated infeasible for the particular site;
 - b. All cleared areas shall be replanted following construction and irrigated (if necessary) to ensure that all vegetation is fully re-established within three years. Areas that fail to adequately reestablish vegetation shall be replanted with approved plant materials until such time as the plantings are viable;

- c. If no VCA is established in OMC 18.20.620 Table 6.3, a minimum five (5) foot vegetated buffer shall be provided landward of the project limits to allow bank protection plantings to become established. The buffers shall not be disturbed for a minimum of three years.
 - d. All bioengineering projects shall be monitored and maintained, as necessary. Areas damaged by pests and/or the elements shall be promptly repaired; and
 - e. All construction and planting activities shall be scheduled to minimize impacts to water quality, fish and wildlife, and aquatic and upland habitat and to optimize survival of new vegetation.
- I. Structural stabilization shall be located, designed, and constructed in accordance with mitigation sequencing in OMC 18.20.410(B) to minimize adverse impacts to shoreline ecological functions and processes. Protection of adjacent property and existing development shall also be considered in the design and location of structural stabilization measures.

18.20.870 - Shoreline Stabilization Reports

- A. Geotechnical reports prepared pursuant to this section that address the need to prevent potential damage to a primary structure shall address the necessity for shoreline stabilization by estimating time frames and rates of erosion and report on the urgency associated with the specific situation. As a general matter, hard armoring solutions should not be authorized except when a report confirms a significant possibility that such a structure will be damaged within three years as a result of shoreline erosion in the absence of such hard armoring measures, or where waiting until the need is immediate would foreclose the opportunity to use measures that avoid impacts on ecological functions.
- B. Where the geotechnical report confirms a need to prevent potential damage to a primary structure, but the need is not as immediate as three years, the report may still be used to justify more immediate authorization to protect against erosion using soft armoring.

18.20.872 - Breakwaters, Jetties, Groins, and Weirs - General Provisions

- A. Jetties and breakwaters are prohibited except as an integral component of a water-dependent use such as a marina or port, and only when there is a documented need for the protection of navigation, a harbor, water dependent industrial activities, a marina, fisheries or habitat enhancement project, or a comprehensive beach management plan.
- B. Where permitted, floating, portable, or submerged breakwater structures, or smaller discontinuous structures shall be used only when it has been demonstrated that they will not impact shoreline ecology or processes such as littoral drift or cause erosion of down drift beaches.
- C. The location and design of breakwaters, jetties, groins, and weirs shall be subject to mitigation sequencing outlined in OMC 18.20.410(B).
- D. The design of breakwaters, jetties, groins and weirs shall conform to all applicable requirements established by the Washington Department of Fish and Wildlife and the U.S. Army Corps of Engineers.
- E. The design of breakwaters, jetties, groins and weirs shall be certified by a registered civil engineer.
- F. Breakwaters, jetties, groins and weirs shall not intrude into critical salt water habitats or into salmon and steelhead habitats unless the following conditions are met:
 - 1. An alternative location or alignment is not feasible;
 - 2. The project is designed to minimize its impacts on the environment;

3. All adverse impacts will be mitigated;
 4. The project, including associated mitigation, will result in no net loss of ecological functions associated with the critical saltwater habitat;
 5. The facility is in the public interest and consistent with the state's interest in resource protection and species recovery, and
 6. If the project results in significant unavoidable adverse impacts, the impacts are mitigated by creating in-kind replacement habitat near the project. Where in-kind replacement mitigation is not feasible, rehabilitating degraded habitat may be required as a substitute.
- G. Breakwaters, jetties, groins, and weirs shall be constructed of suitable materials. The use of solid waste, junk or abandoned automobiles, asphalt or any building demolition debris is prohibited.
 - H. The movement of sand or beach materials shall be evaluated during permit review for breakwaters, jetties, groins and weirs. Those projects which are found to block littoral drift or cause new erosion of down-drift shoreline shall be required to establish and maintain an adequate long-term beach feeding program. This may include artificially transporting sand to the down-drift side of an inlet with jetties; or artificial beach feeding in the case of breakwaters, groins, and weirs.
 - I. Breakwaters, jetties, groins, and weirs shall incorporate provisions for public access when feasible.
 - J. Breakwaters, jetties, groins and weirs shall be designed to protect critical areas and shall provide for mitigation according to the mitigation sequence in OMC 18.20.410 (B).

18.20.874 - Breakwaters, Jetties, Groins, and Weirs - Environment Designations

Breakwaters, jetties, groins and weirs are permitted only adjacent to the Urban Intensity and Port Marine Industrial shoreline environments, are subject to a shoreline conditional use permit, and shall be approved only when there is a documented need for the protection of navigation, a harbor, water dependent industrial activities, a marina, fisheries, or habitat enhancement project.

18.20.900 - Existing Buildings and Uses within Shorelines

- A. Subject to the provisions of this Chapter, a use, lot, or structure lawfully existing prior to the effective date of this Shoreline Program or any amendment thereto, which is rendered nonconforming by this Shoreline Program may continue and may also be repaired, remodeled, and/or ~~replaced~~restored in the manner and to the extent that it existed upon the effective date of this Shoreline Program. Such structures may also be expanded in accordance with the provisions of this Section 18.20.910.
- B. In addition to and independent of the provisions below, existing roads, trails, utility lines and similar linear facilities, together with any associated facilities such as pump stations or stormwater treatment ponds, which do not conform to the provisions of OMC Chapter 18.20 may expand within existing easements and rights-of-ways. Modification or expansion outside of existing easements or rights-of-way which would otherwise be prohibited may be authorized by the decision maker upon finding there is no feasible alternative, the development is necessary for the public welfare, as proposed and designed includes appropriate mitigation, and the development is not likely to result in a net loss of shoreline ecological functions.

18.20.910 - Alteration of Nonconforming Structures in Shoreline Jurisdiction

- A. Shoreline Structures – The following regulations apply to nonconforming structures located in shoreline jurisdiction. Alterations pursuant to this section shall not result in a net loss of shoreline

ecological functions and processes. The applicant shall obtain all required permits or approvals prior to construction. All alterations shall comply with applicable development regulations.

1. Structures within Shoreline Setbacks - Alteration of structures located landward of the Ordinary High Water Mark within a required shoreline setback is limited to:
 - a. For structures located partially within the shoreline setback, alterations shall be limited to the addition of height and expansion into areas outside the shoreline setback.
 - b. For structures located entirely within the shoreline setbacks, alterations shall be allowed for the addition of height, or expansion on the upland side of the structure, or both.
 - c. Interior and exterior remodels and the addition of upper stories are permitted. Except as provided above, such additions shall not extend beyond the existing or approved building footprint. Any expansion of nonconforming structures that further encroach on the Ordinary High Water Mark setback by decreasing the distance between the structure and the Ordinary High Water mark shall require a shoreline variance.
 2. Overwater Structures – Alteration of structures located water-ward of the Ordinary High Water Mark is prohibited except:
 - a. Alterations to the footprint or building envelope may be permitted when required by Washington State Department of Natural Resources for light penetration;
 - b. Alterations that do not increase or expand the building footprint nor increase the height are permitted; and
 - c. Existing covered moorage may be maintained, repaired, or replaced pursuant to WAC 173-27-040.
 3. Structures within Vegetation Conservation Areas. Alteration of structures located landward of the Ordinary High Water within a required Vegetation Conservation Area (VCA) that include expansion of the building footprint is prohibited. Only interior and exterior remodels and the addition of upper stories are permitted.
 4. Structurally raising the floor elevation of an existing legally established nonconforming structure, which is necessary to protect the structure from flooding due to sea level rise, shall be allowed in accordance with the height limits set forth in Table 6.2. Raising the floor elevation is not allowed for legally established nonconforming overwater structures.
- B. Unintentionally damaged or destroyed nonconforming structures.
1. In the event that a structure or building that does not conform to the shoreline setback is damaged or destroyed by fire, explosion, act of nature, or act of public enemy, the structure may be ~~restored~~ reconstructed within the existing footprint. Any modifications outside of the existing footprint must comply with OMC 18.20.910.
 2. In order to take advantage of this section, a complete application for a building permit must be submitted within one year of the unintended event that caused the destruction of the structure. The applicant loses their rights under this subsection if the building permit lapses without construction of the structure proposed under the building permit.

18.20.920 - Existing Nonconforming Shoreline Uses

- A. Conversion and discontinuation of nonconforming uses in shoreline jurisdiction shall be governed by OMC 18.37.060(A) and (E).

- B. Expansion of nonconforming shoreline uses. The hearings examiner may authorize expansion of a use that does not conform to the Shoreline Master Program if the applicant demonstrates all of the following:
 - 1. The use clearly requires a specific site location on the shoreline not provided for under this chapter, and
 - 2. Extraordinary circumstances preclude reasonable use of the property in a manner consistent with this chapter. Provided, however, that expansion of uses in shoreline jurisdiction that are also nonconforming with zoning use restrictions are not authorized by this section. See OMC 18.37.060(B).

18.20.930 - Existing Nonconforming Shoreline Lots

- A. An undeveloped lot, tract, parcel, site, or division of land located landward of the Ordinary High Water Mark which was established in accordance with local and state subdivision requirements prior to the effective date of the Shoreline Master Program which does not conform to the present lot size standards of the Program may be developed if the lot conforms with OMC 18.37.080 and the development conforms to all other requirements of the Master Program.

Section 3. Amendment of OMC 18.32.400. Olympia Municipal Code Section 18.32.400 is hereby amended to read as follows:

18.32.400 Streams and Priority Riparian Areas – Purpose and Intent

In order to preserve the natural functions of streams and "priority riparian areas" by controlling siltation, minimizing turbidity, protecting nutrient reserves, maintaining stream flows, providing a source of large woody debris, preserving natural flood storage capacities, protecting fish bearing waters, preserving overhanging vegetation, providing groundwater recharge, and protecting the wildlife habitat associated with streams and intact riparian areas ~~of marine and lake shorelines~~, all areas within three hundred (300) feet of such waters shall be subject to the standards in OMC 18.32.405 through OMC 18.32.445. (Note: Further information regarding development along marine shorelines, lakes over 20 acres in size, and streams can be found in the City's Shoreline Master Program).

Section 4. Amendment of OMC 18.32.405. Olympia Municipal Code Section 18.32.405 is hereby amended to read as follows:

18.32.405 Streams and Priority Riparian Areas – Applicability and Definition

A. "Streams" means an area where surface waters flow sufficiently to produce a defined channel or bed, i.e., an area which demonstrates clear evidence of the passage of water including but not limited to bedrock channels, gravel beds, sand and silt beds and defined-channel swales. The channel or bed need not contain water year-round. This definition is not meant to include irrigation ditches, canals, storm or surface water runoff devices or other entirely artificial watercourses unless they are used to convey streams naturally occurring prior to construction.

B. "Priority Riparian Areas" means those marine and lake shorelines, as measured from the ordinary high water mark, in the following locations:

- 1. The eastern shore of Budd Inlet from the southern property line of Priest Point Park northward to the city limits;

2. The western shore of Budd Inlet (in the Port Lagoon) from 4th Avenue NW northward to the extension of Jackson Avenue NW, but not including the BNSF railroad causeway and trestle or their western or eastern shores; West Bay Drive NW; Olympic Way NW; and parcels west of the rights-of-ways of West Bay Drive NW and Olympic Way NW;
3. The western shore of Budd Inlet (north of West Bay Drive) from the extension of 24th Avenue NW northward to the city limits, being approximately six hundred and fifty (650) feet from the end of the fill to the city limits;
4. The eastern shore of Capitol Lake (in the Middle Basin) from the extension of 13th Avenue SE (Olmsted Brothers Axis) southward to the right of way of Interstate 5;
5. The eastern shore of Capitol Lake (in the South Basin) from the right of way of Interstate 5 southward to the city limits; and
6. The western shore of Capitol Lake (in Percival Cove) from the intersection of Lakeridge Drive SW and Deschutes Parkway SW westward to the mouth of Percival Creek (a point due north of the terminus of Evergreen Park Court SW).

Section 5. Amendment of OMC 18.32.410. Olympia Municipal Code Section 18.32.410 is hereby amended to read as follows:

18.32.410 Streams and Priority Riparian Areas – Typing System

Streams are grouped into categories according to the Washington Department of Natural Resources Water Typing System. The criteria, definitions, and methods for determining the water type of a stream are found in WAC 222-16-031.

- A. "Type S ~~watersstreams~~" are those surface waters which meet the criteria of the Washington Department of Natural Resources, WAC 222-16-031, as a Type S Water. Type S ~~watersstreams~~ contain fish habitat.
- B. "Type F streams" are those surface waters which meet the criteria of the Washington Department of Natural Resources, WAC 222-16-031, as a Type F Water. Type F streams contain fish habitat.
- C. "Type Np streams" are those surface waters which meet the criteria of the Washington Department of Natural Resources, WAC 222-16-031, as a Type Np Water. Type Np streams do not contain fish habitat.
- D. "Type Ns streams" are those surface waters which meet the criteria of the Washington Department of Natural Resources, WAC 222-16-031, as a Type Ns Water. These streams are areas of perennial or intermittent seepage, and ponds and drainage ways having short periods of spring or storm runoff. Type Ns streams do not contain fish habitat.
- E. Waters having any of the following characteristics are presumed to have fish use:
 1. Stream segments having a defined channel of 2 feet or greater within the bankfull width in Western Washington, and having a gradient of 16 percent or less;
 2. Stream segments having a defined channel of 2 feet or greater within the bankfull width in Western Washington, and having a gradient greater than 16 percent and less than or equal to 20 percent, and having greater than 50 acres in contributing basin size based on hydrographic boundaries;

3. Ponds or impoundments having a surface area of less than 1 acre at seasonal low water and having an outlet to a fish stream;
4. Ponds or impoundments having a surface area greater than 0.5 acre at seasonal low water.

Section 6. Amendment of OMC 18.32.435. Olympia Municipal Code Section 18.32.435 is hereby amended to read as follows:

18.32.435 Streams and Priority Riparian Areas – Buffers

- A. Buffers shall be required as set forth for each stream type or “priority riparian area.” The required buffers shall be delineated, both on a site plan or plat and on the property, prior to approval of any regulated activity.
- B. The required buffer shall be extended to include any adjacent regulated wetland(s), landslide hazard areas and/or erosion hazard areas and required buffers.
- C. Stream buffers shall be based on the water type classification as established by the Department of Natural Resources Stream Typing Classification System and required by OMC 18.32.410. The table below includes detail differentiating stream types based on fish habitat presence, stream widths, and mass wasting potential:

Stream Type and Description	Buffer
Type S <u>waters</u> – Shorelines of the State	250 feet <u>Refer to SMP 18.20.620, Table 6-3 for the Shoreline Setback and Vegetation Conservation Areas</u>
<u>Priority Riparian Areas</u>	<u>250 feet</u>
Type F streams greater than 5 feet wide (bankfull width) that provide habitat for fish	250 feet
Type F streams less than 5 feet wide (bankfull width) that provide habitat for fish	200 feet
Type Np and Ns streams (no fish habitat) with high mass wasting potential	225 feet
Type Np and Ns streams (no fish habitat) without high mass wasting potential	150 feet

1. Stream buffers shall be measured on a horizontal plane, outward from the ordinary high water mark (OHWM) on each side of the stream. (See Figure 32-1).
2. For streams that occur within ravines (which are not designated as a landslide hazard area) and where the standard buffer extends onto a slope of 30% or greater that is at least 10 feet in height, the buffer shall extend a minimum of 25 feet beyond the top of the slope to protect the stream channel from sediment loading from mass wasting events (e.g., landslides, earth/debris flows and slumps, and rock falls/earth topples) and reduce the risk to structures and human safety.

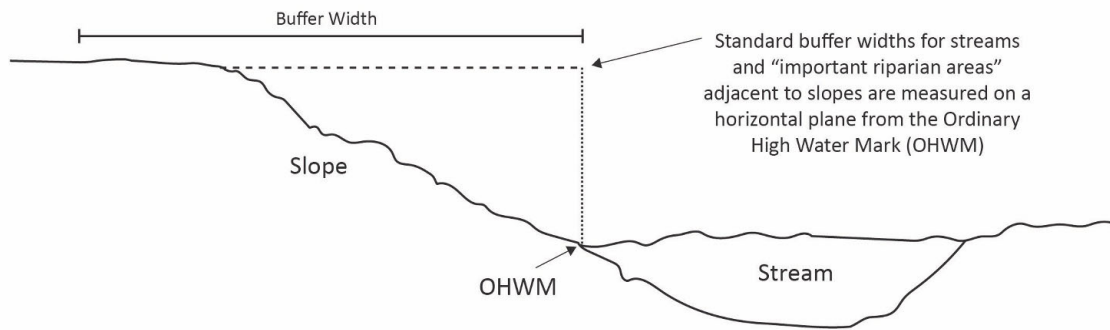


FIGURE 32-1

D. Maintain a buffer of existing vegetation for "priority riparian areas" as defined in OMC 18.32.405.

E. The stream or "priority riparian area" buffer widths contained in OMC 18.32.435 C presume the existence of a relatively intact native vegetation community in the buffer zone adequate to protect the stream functions and values at the time of the proposed activity. If the vegetation and other buffer elements are inadequate, then the buffer shall be planted with a density and species composition commonly found in comparable but healthy riparian areas of Thurston County and as approved by the City of Olympia Urban Forester.

F. The Department may reduce the required stream or "priority riparian area" buffer widths up to twenty five percent (25%) on a case-by-case basis in accordance with a Biological Assessment described in OMC 18.32.445 when it can be demonstrated that:

1. The existing buffer area is not a high functioning buffer but instead is currently providing reduced functions due to existing land uses or previous alterations;
2. Protection of the stream or "priority riparian area" buffer using a fence and sign have been provided, as described in OMC 18.32.145;
3. Topographic conditions of the site and the buffer are protective of the stream;
4. The intensity and type of the land uses adjacent to the buffer will minimize potential adverse impacts upon the stream and wildlife habitat; [e.g., publicly owned parks, designated open space areas in plats and binding site plans, or lands with a recorded conservation easement];
5. The site design and building layout will minimize potential adverse impacts upon the stream and wildlife habitat;
6. The smaller buffer will be adequate to protect the functions of the stream based on the best available science; and
7. Alternative mitigation measures as provided in "Land Use Planning for Salmon, Steelhead and Trout: A Land planner's guide to salmonid habitat protection and recovery," Washington Department of Fish and Wildlife, 2009, have been proposed by the applicant and approved by the Department.

G. If a stream segment is removed from a culvert it will not be required to meet the stream buffer requirements of OMC 18.32.435. It shall comply with the purpose and intent of this title to the degree possible, as determined by the Department.

H. The required stream buffer widths shall be increased when the Department determines that the recommended width is insufficient to prevent habitat degradation and to protect the structure and functions of the stream and/or to protect habitat corridors between streams and other habitats.

Section 7. Amendment of OMC 18.32.510. Olympia Municipal Code Section 18.32.510 is hereby amended to read as follows:

18.32.510 Wetlands – Rating System

A. The Washington State Wetland Rating System for Western Washington (2014 update) as amended or revised, shall be used to determine if the wetland is a Category I, II, III or IV wetland. These documents contain the criteria, definitions, and methods for determining if the criteria below are met.

1. Category I wetlands are (1) relatively undisturbed estuarine wetlands larger than 1 acre; (2) wetlands with high conservation value that are identified by scientists of the Washington Natural Heritage Program/DNR; (3) bogs; (4) mature and old-growth forested wetlands larger than 1 acre; (5) wetlands in coastal lagoons; (6) interdunal wetlands that score 8 or 9 habitat points and are larger than 1 acre; and (7) wetlands that perform many functions well (scoring 23 points or more). These wetlands: (1) represent unique or rare wetland types; (2) are more sensitive to disturbance than most wetlands; (3) are relatively undisturbed and contain ecological attributes that are impossible to replace within a human lifetime; or (4) provide a high level of functions.
2. Category II wetlands are (1) estuarine wetlands smaller than 1 acre, or disturbed estuarine wetlands larger than 1 acre; (2) interdunal wetlands larger than 1 acre or those found in a mosaic of wetlands; or (3) wetlands with a moderately high level of functions (scoring ~~between 20 to~~ and 22 points).
3. Category III wetlands are: (1) wetlands with a moderate level of functions (scoring between 16 and 19 points); (2) can often be adequately replaced with a well-planned mitigation project; and (3) interdunal wetlands between 0.1 and 1 acre. Wetlands scoring between 16 and 19 points generally have been disturbed in some ways and are often less diverse or more isolated from other natural resources in the landscape than Category II wetlands.
4. Category IV wetlands have the lowest levels of functions (scoring fewer than 16 points) and are often heavily disturbed. These are wetlands that we should be able to replace, or in some cases to improve. However, experience has shown that replacement cannot be guaranteed in any specific case. These wetlands may provide some important functions, and should be protected to some degree.

B. Wetland rating categories shall be applied as the wetland exists on the date of application. However, wetland ratings shall not recognize alterations resulting from illegal activities.

Section 8. Amendment of OMC 18.32.535. Olympia Municipal Code Section 18.32.535 is hereby amended to read as follows:

18.32.535 Wetlands – Wetland Buffers

A. Wetland buffer areas shall be maintained between all regulated activities and wetlands to retain the wetland's natural functions and values. Wetland buffers are based upon the rating of the wetland pursuant to OMC 18.32.575.

B. The required width of the wetland buffer shall be determined as provided in the table below.

Table 32-1: Wetland Buffer Widths

Wetland Characteristics	Wetland Buffer Width
Natural Heritage Wetlands	Not less than 250 feet
<u>Wetlands of High Conservation Value and Bogs</u>	Not less than 250 feet
Estuarine - Category I	250 feet
Estuarine - Category II	150 feet
Habitat score: 3 pts	100 80 feet
Habitat score: 4 pts	100 feet
Habitat score: 5 pts	140 feet
Habitat score: 6 pts	180 feet
Habitat score: 7 pts	220 feet
Habitat score: 8 pts	260 feet
Habitat score: 9 pts	300 feet
Water Quality Improvement Score: 8 - 9 pts, and Habitat score: 4 pts or less	100 feet
Category I or II Wetland - Not meeting any of the above criteria	100 feet
Category III Wetland - Not meeting any of the above criteria	80 feet
Category IV Wetland - Score for all three wetland functions is less than 16 pts	50 feet

- C. All wetland buffers shall be measured from the wetland boundary.
- D. The wetland buffer widths contained in OMC 18.32.535 Table 32-1 presume the existence of a relatively intact native vegetation community in the buffer zone adequate to protect the wetland functions and values at the time of the proposed activity. If the vegetation and other buffer elements are inadequate, then the buffer shall be planted with native trees to a density common in the specific buffer area and an understory of native plants commonly found in riparian areas of Thurston County.
- E. The buffer for a wetland created, restored, or enhanced as compensation for approved wetland alterations shall be the same as the buffer required for the category of the created, restored, or enhanced wetland.
- F. The Department may allow modification of the required wetland buffer width by either allowing a reduction pursuant to OMC 18.32.535(G) or by allowing averaging of buffer widths when all of the following conditions are met:
 1. The wetland has significant differences in characteristics that affect its habitat functions, such as a wetland with a forested component adjacent to a degraded emergent component or a "dual-rated" wetland with a Category I area adjacent to a lower rated area,
 2. The buffer is increased adjacent to the higher-functioning area of habitat or more sensitive portion of the wetland and decreased adjacent to the lower functioning or less sensitive portion,

3. The total area of the buffer after averaging is equal to the area required without averaging, and
 4. The buffer at its narrowest point is never less than seventy five percent (75%) of the required width.
- G. If buffer averaging has not been used, the Department may reduce the required wetland buffer widths by twenty five percent (25%) under the following conditions:
1. For wetlands that score ~~five (5)~~six (6) points or more for the habitat functions, if both of the following criteria are met:
 - a. A relatively undisturbed, vegetated corridor at least one hundred (100) feet wide is protected between the wetland and any other priority habitats as defined by the Washington State Department of Fish and Wildlife. The corridor must be protected for the entire distance between the wetland and the priority habitat by legal protection such as a conservation easement.
 - b. Measures to minimize the impacts of different land uses on wetlands, such as those described on ~~Table 8c8, Appendix 8 C, of Wetlands in Washington State – Volume 2: Guidance for Protecting and Managing Wetlands (2005) Ecology publication #05-06-008 in Wetland Guidance for CAO Updates, Western Washington (2016) Ecology publication #16-06-001~~, as amended or revised, are applied. Examples of these measures include directing lighting away from wetland, locating noise generating activities away from the wetland, and densely planting the buffer to act as barrier to pets and human disturbance.
 2. For wetlands that score ~~four (4)~~five (5) points or less for habitat function, apply the provisions of OMC 18.32.535(G)(1)(b).
- H. The Department or Hearing Examiner, as appropriate, shall require increased buffer widths in accordance with the recommendations of an experienced, qualified wetland scientist, and the best available science on a case-by-case basis when a larger buffer is necessary to protect wetland functions and values based on site-specific characteristics. This determination shall be based on one or more of the following criteria:
1. A larger buffer is needed to protect other critical areas;
 2. The buffer or adjacent uplands has a slope greater than fifteen percent (15%) or is susceptible to erosion and standard erosion-control measures will not prevent adverse impacts to the wetland;
or
 3. The buffer area has minimal vegetative cover. In lieu of increasing the buffer width where existing buffer vegetation is inadequate to protect the wetland functions and values, implementation of a buffer planting plan may substitute. Where a buffer planting plan is proposed, it shall include densities that are not less than three (3) feet on center for shrubs and eight (8) feet on center for trees and require monitoring and maintenance to ensure success. Existing buffer vegetation is considered "inadequate" and will need to be enhanced through additional native plantings and (if appropriate) removal of non-native plants when:
 - a. non-native or invasive plant species provide the dominant cover,
 - b. vegetation is lacking due to disturbance and wetland resources could be adversely affected,
or
 - c. enhancement plantings in the buffer could significantly improve buffer functions.

Section 9. Corrections. The City Clerk and codifiers of this Ordinance are authorized to make necessary corrections to this Ordinance, including the correction of scrivener/clerical errors, references, ordinance numbering, section/subsection numbers and any references thereto.

Section 10. Severability. If any provision of this Ordinance or its application to any person or circumstance is held invalid, the remainder of the ordinance or application of the provisions to other persons or circumstances shall remain unaffected.

Section 11. Ratification. Any act consistent with the authority and prior to the effective date of this Ordinance is hereby ratified and affirmed.

Section 12. Effective Date. This Ordinance shall take effect five (5) days after publication, as provided by law.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

Mark Barber
CITY ATTORNEY

PASSED:

APPROVED:

PUBLISHED:

EXHIBIT A

Section 1

General Provisions

- 1.1 Introduction**
- 1.2 Other Policy and Regulatory Tools**
- 1.3 Purpose and Intent**
- 1.4 Title**
- 1.5 Adoption Authority**
- 1.6 Critical Areas Adopted by Reference**
- 1.7 Severability**
- 1.8 Effective Date**

1.1. Introduction

The shorelines of Olympia have great social, ecological, recreational, cultural, economic and aesthetic value. Grass Lake, Capitol Lake, Ward Lake, Ken Lake, Percival Creek, and Olympia's marine shoreline areas provide citizens and the community with clean water; a deepwater port and industrial sites; habitat for a variety of fish and wildlife including salmon, shellfish, forage fish, and waterfowl; archaeological and historical sites; open space; and areas for boating, fishing, and other forms of recreation. However, Olympia's shoreline resources are limited and irreplaceable. Use and development of shoreline areas must be carefully planned and regulated to ensure that these values are maintained over time.

The City of Olympia Shoreline Master Program (SMP or the Program) is a result of Washington State legislation requiring all jurisdictions to adequately manage and protect shorelines of the State.

Washington's Shoreline Management Act (SMA or Act) (Revised Code of Washington [RCW] 90.58) was passed by the Legislature in 1971 and adopted by the public in a 1972 referendum. The goal of the SMA is "to prevent the inherent harm of uncoordinated and piecemeal development of the State's shorelines." The Act specifically states:

It is the policy of the State to provide for the management of the shorelines of the State by planning for and fostering all reasonable and appropriate uses. This policy is designed to insure the development of these shorelines in a manner, which, while allowing for limited reduction of rights of the public in the navigable waters, will promote and enhance the public interest. This policy contemplates protecting against adverse effects to the public health, the land and its vegetation and wildlife, and the waters of the State and their aquatic life, while protecting generally public rights of navigation and corollary rights incidental thereto.

The City of Olympia prepared this SMP to meet the requirements of the Washington State Shoreline Management Act. This SMP provides goals, policies, and regulations for shoreline use and protection and establishes a permit system for administering the Program. The goals, policies, and regulations contained herein are tailored to the specific geographic, economic, and environmental needs of the City of Olympia and its varied shorelines.

The Shoreline Management Act and its implementing legislation (Washington Administrative Code [WAC] 173-26 or Shoreline Guidelines) establish a broad policy giving preference to shoreline uses that:

- Depend on proximity to the shoreline ("water-dependent uses"),
- Protect biological and ecological resources, water quality and the natural environment, and
- Preserve and enhance public access or increase recreational opportunities for the public along shorelines.

The overall goal of this SMP is to:

Develop the full potential of Olympia's shoreline in accord with the unusual opportunities presented by its relation to the City and surrounding area, its natural resource values, and its unique aesthetic qualities offered by water, topography, views, and maritime character; and to develop a physical environment which is both ordered and diversified and which integrates water, shipping activities, and other shoreline uses with the structure of the City while achieving a net gain of ecological function.

In implementing this Program, the public's opportunity to enjoy the physical and aesthetic qualities of shorelines of the State shall be preserved to the greatest extent feasible. Implementing the SMP must protect the ecological functions of shorelines and, at a minimum, achieve 'no net loss' of ecological functions. Single-family residences; ports; shoreline recreational uses (including but not limited to parks, marinas, piers, and other improvements); water-dependent industrial and commercial developments; and other developments that depend on a shoreline location shall be given priority. Permitted shoreline uses shall be designed and conducted to minimize damage to the ecology of the shoreline and/or interference with the public's use of the water and, where consistent with public access planning, provide opportunities for the general public to have access to the shorelines.

The City of Olympia last updated its SMP in 1994. Since that time, there have been substantial changes in the way shorelines are regulated. New scientific data and research methods have improved our understanding of shoreline ecological functions and their value in terms of fish and wildlife, water quality and human health. This information also helps us understand how development in these sensitive areas impacts these functions and values. The new Shoreline Guidelines, upon which this SMP is based, reflect this improved understanding and place a priority on protection and restoration of shoreline ecological functions.

In order to protect the public interest in the preservation and reasonable use of the shorelines of the State, the Shoreline Management Act establishes a planning program coordinated between the State and local jurisdictions to address the types and effects of development occurring along the State's shorelines. By law, the City is responsible for the following:

The City of Olympia’s Role in Implementing the Shoreline Management Act

- A. Development of an inventory of the natural characteristics and land use patterns along “shorelines of the State” within the City’s territorial limits. This inventory provides the foundation for development of a system that classifies the shoreline into distinct “environments.” These environments provide the framework for implementing shoreline policies and regulatory measures.
- B. Preparation of a "Shoreline Master Program" to determine the future of the shorelines. This future is defined through the goals developed for the following land and water use elements: economic development, public access, circulation, recreation, shoreline use, conservation, historical/cultural protection, and floodplain management. Local government is encouraged to adopt goals for any other elements, which, because of present uses or future needs, are deemed appropriate and necessary to implement the intent of the Shoreline Management Act. In addition, policy statements are developed to provide a bridge between the goals of the Master Program and the use and modification regulations developed to address different types of activities and development along the shoreline.
- C. Development of a permit system to further the goals and policies of both the Act and the local Master Program.

Local governments have the primary responsibility for initiating the planning program and administering the regulatory requirements. The City of Olympia Shoreline Master Program must be consistent with the policies and requirements of the Shoreline Management Act and the State Shoreline Guidelines. The role of the Department of Ecology is to provide support and review of the Shoreline Master Program and subsequent shoreline development permits and approvals.

The Shoreline Management Act defines a Master Program as a “comprehensive use plan for a described area.” The shoreline planning process differs from the more traditional planning process in that the emphasis is on protecting the shoreline environment through management of uses.

How to Use This Document

The City of Olympia’s SMP includes goals, policies and regulations. The SMP is a comprehensive plan for how shorelines should be used and developed over time. Goals, policies and regulations provide direction for shoreline users and developers on issues such as use compatibility, setbacks, public access, building height, parking locations, mitigation, and the like.

The following summary provides an overview of the Olympia Shoreline Master Program (SMP or Program) contents with a brief explanation of its general format and procedures.

SMP Section 1 introduces the purposes and intent of the Program, explains the City’s authority to regulate shorelines and explains the Program’s relationship to other ordinances and laws. Section 1 also explains the types of development the Program has jurisdiction over.

Section 2 provides goals and policies for the SMP. These goals and policies will become part of the City of Olympia’s Comprehensive Plan.

Section 3 provides general policies and regulations that apply throughout the shoreline, in all shoreline districts and environment designations. Some of the key provisions of this section address shoreline use, site planning, building heights and setbacks, marine shoreline and critical areas protection, public access, vegetation conservation, views and aesthetics, water quality and the effect of the SMP on existing uses and structures.

The SMP also includes a Restoration Plan as Appendix A. The Restoration Plan is intended to identify shorelines, or areas upland that impact shorelines, that need to be restored to a healthy and functioning condition. The Plan is for the purpose of identifying potential projects and programs that would contribute or achieve restoration for those degraded areas, and can serve as a resource for those who need or want to identify potential restoration projects.

If you intend to develop or use lands adjacent to a shoreline (“shoreline jurisdiction” generally includes water areas and lands within 200 feet of the Ordinary High Water Mark – see Section 3.16 for the complete definition), consult first with the City of Olympia’s Community Planning and Development Department to determine if you need a shoreline permit; they will also tell you about other necessary government approvals.

Initial Procedures

Although your proposal may be permitted by Program regulations or even exempt from specific permit requirements, all proposals must comply with all relevant policies and regulations of the entire Program as well as the general purpose and intent of the SMP.

For development and uses allowed under this Program, the City must find that the proposal is generally consistent with the applicable policies and regulations, unless a variance is to be granted. When your proposal requires a “Letter of Exemption,” submit the proper application to the City’s Community Planning and Development Department.

1.2 Other Policy and Regulatory Tools

The SMP is a fundamental regulatory tool that the City of Olympia uses to manage development along its shoreline. While not explicitly part of the SMP, it is the City’s intent to employ other regulatory tools to work in concert with the SMP to form the City’s policy and regulatory framework for the shoreline and the rest of the City, thereby achieving the purpose and intent of the various policies and incentives established in this program. Within the jurisdiction of the shoreline, these other tools will be exercised in a manner which promotes and aligns with the implementation of this SMP. The table below provides a list of these regulations and a summary of some of the key issues they address. In addition to the policy and regulatory tools noted below the City also has a series of master plans, such as the Parks, Arts and Recreation Plan, the Utility Plan and the West Bay Master Plan that help to shape policy and regulations.

Summary of Regulatory and Policy Tools that Impact Development Along the Shoreline and Throughout the City										
Issue	SMP	Comp Plan	Zoning Code	EDDS	Storm Water Manual	CAO	Flood Plain	SEPA	CFP	Bldg. Codes
Shoreline Uses	X	X	X			X ¹				
Setbacks	X		X							
Heights	X	X	X							
View Protection	X	X	X					X		
Sea Level Rise	X	X	X	X			X	X	X	
No Net Loss	X	X			X	X		X		
Vegetation Preservation	X	X	X ²			X				
Liquefaction										X
Development Review Process	X		X					X		
Nonconformities	X		X							
Vision	X	X								
Public Access	X	X	X					X		
Trails	X	X	X	X						
<p><i>SMP = Shoreline Master Program</i> <i>EDDS = Engineering Development & Design Standards</i> <i>CAO = Critical Areas Ordinance</i> <i>SEPA = State Environmental Policy Act</i> <i>CFP = City's Capital Facilities Plan</i> <i>X = Primary Function</i></p>										

1.3. Purpose and Intent

The purpose of Olympia's Shoreline Master Program is:

- A. To guide the future development of shorelines in the City of Olympia in a positive, effective, and equitable manner consistent with the Washington State Shoreline Management Act of 1971 (Act) as amended (RCW 90.58);

¹ CAO applies to the shoreline and is a separate regulatory document: however following adoption of the SMP, the CAO was incorporated into the SMP by reference.

² And the Tree Protection and Replacement Code, OMC Chapter 16.60.

- B. To promote the public health, safety, and general welfare of the community by providing long-range, comprehensive policies and effective, reasonable regulations for development and use of Olympia's shorelines; and
- C. To ensure, at a minimum, no net loss of shoreline ecological functions and processes and to plan for restoring shorelines that have been impaired or degraded by adopting and fostering the policy contained in RCW 90.58.020, Legislative Findings for shorelines of the State.

1.4 Title

This document together with the Restoration Plan (Appendix A) shall be known as the Olympia Shoreline Master Program or Shoreline Program.

1.5 Adoption Authority

This Shoreline Master Program is adopted under the authority granted by RCW 90.58 and WAC 173-26.

1.6 Regulations Adopted by Reference

The Critical Areas regulations adopted by Council ~~as of December 12, 2017~~, contained in the Olympia Municipal Code (OMC) Chapters 18.32 and 16.70 are integral and applicable to this Shoreline Program, and are hereby adopted by reference as described in Section 18.20.420 A; ~~provided that the reasonable use provisions set forth in OMC 18.66.040 shall not be available within the shoreline jurisdiction. Instead, applicants may apply for a shoreline variance when seeking relief from critical areas regulations within shorelines.~~ Similarly, Section 18.06.100 A.2.C -- West Bay Drive Building Height and View Blockage Limits (Ordinance 6646, passed on July 14, 2009), is hereby adopted by reference to the extent that the height and use regulations identified therein are applicable to the shoreline jurisdiction area.

1.7 Severability

The Act and this Shoreline Program adopted pursuant thereto comprise the basic State and City regulations for the use of shorelines in the City. In the event the provisions of this Shoreline Program conflict with other applicable City policies or regulations, the more restrictive shall prevail. Should any section or provision of this Shoreline Program be declared invalid, such decision shall not affect the validity of this Shoreline Program as a whole.

1.8 Effective Date

This Shoreline Program and any amendments thereto shall become effective fourteen (14) days following the date of written notice of final action by the Washington State Department of Ecology.

2.1 Shoreline Master Program Goals and Policies

The goals, policies and regulations of Olympia’s Shoreline Master Program are based on the governing principles in the Shoreline Master Program Guidelines, WAC 173-26-186 and the policy statement of RCW 90.58.020. It is the policy of the City to provide for the management of the shorelines of Olympia by planning for and fostering all reasonable and appropriate uses. This policy is designed to insure the development of these shorelines in a manner which, while allowing for limited reduction of rights of the public in the navigable waters, will promote and enhance the public interest. This policy contemplates protecting against adverse effects to the public health, the land and its vegetation and wildlife, and the waters of the State and their aquatic life, while protecting generally public rights of navigation and corollary rights incidental thereto.

- A. The interest of all of the people shall be paramount in the management of those areas of Puget Sound lying seaward from the line of extreme low tide. Within this area the City will give preference to uses in the following order of preference which:
 - 1. Recognize and protect the state-wide interest over local interest;
 - 2. Preserve the natural character of the shoreline;
 - 3. Result in long-term over short-term benefit;
 - 4. Protect the resources and ecology of the shoreline;
 - 5. Increase public access to publicly-owned areas of the shorelines;
 - 6. Increase recreational opportunities for the public in the shoreline;
 - 7. Provide for any other element as defined in RCW 90.58.100 as deemed appropriate or necessary.
- B. The policies of Olympia’s Shoreline Program may be achieved by diverse means, one of which is regulation. Other means may include but are not limited to acquisition of lands and/or easements by purchase or gift, incentive programs, and implementation of capital facility and/or non-structural programs.
- C. Regulation of private property to implement Shoreline Program goals such as public access and protection of ecological functions and processes must be consistent with all relevant constitutional and other legal limitations.
- D. Regulatory or administrative actions must be implemented consistent with the Public Trust Doctrine and other applicable legal principles as appropriate and must not unconstitutionally infringe on private property rights or result in an unconstitutional taking of private property.
- E. The regulatory provisions of this Shoreline Program are to be limited to shorelines of the State, whereas the planning functions of the Program may extend beyond the designated shoreline boundaries.

- F. The policies and regulations established by this Shoreline Program are to be integrated and coordinated with the other goals, policies and rules of the Olympia Comprehensive Plan and development regulations adopted under the Growth Management Act (GMA).
- G. The policies and regulations of Olympia’s Shoreline Program are intended to protect shoreline ecological functions by:
 - 1. Requiring that current and potential ecological functions be identified and understood when evaluating new or expanded uses and developments;
 - 2. Requiring adverse impacts to be mitigated in a manner that ensures no net loss of shoreline ecological functions. Mitigation shall include avoidance as a first priority, followed by minimizing, and then replacing/compensating for lost functions and/or resources;
 - 3. Ensuring that all uses and developments, including preferred uses and uses that are exempt from a shoreline substantial development permit, will not cause a net loss of shoreline ecological functions;
 - 4. Preventing, to the greatest extent practicable, cumulative impacts from individual developments;
 - 5. Fairly allocating the burden of preventing cumulative impacts among development opportunities; and
 - 6. Including incentives to restore shoreline ecological functions where such functions have been degraded by past actions.
- H. The policies and regulations of Olympia’s Shoreline Program should provide resilience for shoreline ecosystems, functions, and developments in response to sea level rise.

2.2 Shoreline Ecological Protection and Mitigation Goals

- A. The Shoreline Management Act and the Shoreline Master Program Guidelines place a primary emphasis on the protection of shoreline ecological functions and system-wide processes. In accordance with the Guidelines (WAC 173-26), Olympia’s Shoreline Program must insure that shoreline uses, activities, and modifications will result in no net loss to these processes and functions.
- B. The protection, restoration and enhancement of shoreline ecological functions and system-wide processes, especially as they pertain to the long-term health of Budd Inlet, are high priorities of Olympia’s Shoreline Program. The policies and regulations established therein are to be applied to all uses, developments and activities that may occur within the shoreline jurisdiction.
- C. The City recognizes that there are many existing sources of untreated stormwater within the shoreline jurisdiction and that these sources of nonpoint pollution have negative impacts on shoreline ecological functions. The City’s Drainage Design and Erosion Control Manual of Olympia is the primary regulatory tool that addresses stormwater treatment and is periodically updated in response to changing guidelines from the Department of Ecology and changes in best management practices.

2.3 Shoreline Ecological Protection and Mitigation Policies

- A. All shoreline use and development should be carried out in a manner that avoids and minimizes adverse impacts so that the resulting ecological condition does not become worse than the current condition. This means assuring no net loss of ecological functions and processes and protecting critical areas that are located within the shoreline jurisdiction.

- B. Natural features of the shoreline and nearshore environments that provide ecological functions and should be protected include but are not limited to marine and freshwater riparian habitat, banks and bluffs, beaches and backshore, critical saltwater and freshwater habitat, and wetlands and streams. Shoreline processes that should be protected include but are not limited to erosion and accretion, sediment delivery, transport and storage, organic matter input, and large woody debris recruitment. See WAC 173-26-201(2)(c).
- C. Preserve and protect important habitat including but not limited to the Port Lagoon, Priest Point Park, Ellis Cove, Grass Lake, Chambers Lake, and Percival Canyon.
- D. Development standards for density, setbacks, impervious surface, shoreline stabilization, vegetation conservation, critical areas, and water quality should protect existing shoreline functions and processes. During permit review, the Administrator should consider the expected impacts associated with proposed shoreline development when assessing compliance with this policy.
- E. Where a proposed use or development creates significant adverse impacts not otherwise avoided or mitigated by compliance with Olympia's Shoreline Program, mitigation measures should be required to ensure no net loss of shoreline ecological functions and system-wide processes.
- F. The City should work with other local, state, and federal regulatory agencies, tribes, and non-government organizations to ensure that mitigation actions carried out in support of the Olympia Shoreline Program are likely to be successful and achieve beneficial ecological outcomes. This includes such measures as mitigation banks, fee in lieu programs, and assisting applicants/proponents in planning, designing, and implementing mitigation.
- G. The City should develop a program to periodically review conditions on the shoreline and conduct appropriate analysis to determine whether or not other actions are necessary to protect and restore shoreline ecology to ensure no net loss of ecological functions.
- H. Allow offsite mitigation when doing so would serve to better accomplish the goals and objectives of the Shoreline Management Act to protect and preserve ecological functions, or provide public access, or promote preferred shoreline uses, provide for appropriate development incentives and/or alternative mitigation options.
- I. The City should encourage innovative mitigation strategies to provide for comprehensive and coordinated approaches to mitigating cumulative impacts and restoration rather than piecemeal mitigation. For example, the approach identified in the West Bay Environmental Restoration Assessment Report suggested restoration for specific reaches of shoreline.
- J. When available and when appropriate to the situation, the City should allow for offsite mitigation approaches, including Advance Mitigation, Fee-In Lieu, and Mitigation Banking.
- K. As part of the next update of the Drainage Design and Erosion Control Manual of Olympia, the City will consider methods and measures to encourage existing development, redevelopment and new development within the shoreline jurisdiction to comply with the City's Drainage Design and Erosion Control Manual of Olympia and best management practices.

2.4 Shoreline Use and Development Policies

- A. The City should give preference to those uses that are consistent with the control of pollution and prevention of damage to the natural environment, or are unique to or dependent upon uses of the State's shoreline areas.

- B. The City should ensure that all proposed shoreline development will not diminish the public's health, safety, and welfare, as well as the land or its vegetation and wildlife, and should endeavor to protect property rights while implementing the policies of the Shoreline Management Act.
- C. The City should reduce use conflicts by prohibiting or applying special conditions to those uses which are not consistent with the control of pollution and prevention of damage to the natural environment or are not unique to or dependent upon use of the State's shoreline. In implementing this provision, preference should be given first to water-dependent uses, then to water-related uses and water-enjoyment uses.
- D. The City should continue to develop information about the impacts of sea level rise on the shoreline and other affected properties; the City should develop plans to address the impacts of sea level rise in collaboration with impacted property owners, the community and the Department of Ecology. These plans should include at minimum flood prevention approaches, shoreline environment impact considerations and financing approaches. The City should amend the Shoreline Master Program and other policy and regulatory tools in the future as necessary to implement these plans.
- E. The City should consider the impacts of sea level rise as it plans for the rebuild of Percival Landing and other shoreline improvements and it should be designed to provide for a reasonable amount of sea level rise consistent with the best available science and the life cycle of the improvements.
- F. The City should collaborate with private property owners, business owners and citizens in the implementation of the Shoreline Master Program to explore creative ways to reduce ecological impacts and mitigate for impacts from sea level rise when new development or redevelopment is proposed. This objective may best be accomplished by developing flexible approaches to shoreline development where the total environmental benefit is enhanced through such measures. Opportunities for collaboration may include:
 1. Provision of advanced stormwater management and treatment within the shoreline.
 2. The restoration, repair and replacement of Percival Landing where appropriate.
 3. Provision of direct physical access to the water where appropriate.
 4. Provision of a shoreline trail where feasible and consistent with applicable laws.
 5. Provision of native vegetation preservation and restoration where appropriate.
 6. Bulkhead removal and replacement of hardened shoreline with soft structural stabilization measures water-ward of Ordinary High Water Mark (OHWM) where appropriate.
 7. Provision of water related recreation, active playgrounds, and significant art installations, performance space, or interpretive features where appropriate.
- G. Space for preferred shoreline uses should be reserved. Such planning should consider upland and in-water uses, water quality, navigation, presence of aquatic vegetation, existing shellfish protection districts and critical wildlife habitats, aesthetics, public access and views.

2.5 Aquatic Environment Management Policies

- A. The *Aquatic* environment designation should apply to lands water-ward of the Ordinary High Water Mark.
- B. Allow new or expanded overwater structures only for water-dependent uses, public access, or ecological restoration.
- C. The size of new overwater structures should be the minimum necessary to support the structure's intended use.
- D. In order to reduce the impacts of shoreline development on shoreline ecological functions~~and increase effective use of water resources~~, multiple uses of overwater facilities should be encouraged.
- E. All development and uses on navigable waters or their beds should be located and designed to minimize interference with surface navigation, to consider impacts to public views, and to allow for the safe, unobstructed passage of fish and wildlife, particularly forage fish habitat and those species dependent on migration.
- F. Uses that adversely impact the ecological functions of critical saltwater and freshwater habitats should not be allowed except where necessary to achieve the objectives of RCW 90.58.020, and then only when their impacts are mitigated according to the sequence described in WAC 173-26-201(2)(e) as necessary to assure no net loss of ecological functions.
- G. Shoreline uses and modifications should be designed and managed to prevent degradation of water quality and alteration of natural hydrographic conditions.
- G-H. Soft shore stabilization methods or habitat restoration approaches should be encouraged when ecological functions can be improved, such as through restoration as envisioned in the West Bay Environmental Restoration Assessment Report for some reaches.
- ~~H. Space for preferred shoreline uses should be reserved. Such planning should consider upland and in-water uses, water quality, navigation, presence of aquatic vegetation, existing shellfish protection districts and critical wildlife habitats, aesthetics, public access and views.~~

2.6 Natural Environment Management Policies

- A. The *Natural* environment designation should be assigned to shoreline areas if any of the following characteristics apply:
 - 1. The shoreline is ecologically intact and therefore currently performing an important, irreplaceable function or ecosystem-wide process that would be damaged by human activity;
 - 2. The shoreline is ~~considered to represent~~ characterized by ecosystems and geologic types that are of particular scientific and educational interest; or
 - 3. The shoreline is unable to support new development or uses without significant adverse impacts to ecological functions or risk to human safety.
- B. Priest Point Park is one of a few shorelines along Budd Inlet that is ecologically intact. Therefore, any use or modification that would substantially degrade the ecological functions or natural character of this shoreline area should not be allowed.
- C. Scientific, historical, cultural, educational research uses, and water-oriented recreation access may be allowed provided that no significant ecological impacts on the area will result. Recreation uses should be limited to trails and viewing areas.

- D. Uses should be highly restricted and allowed only with a conditional use permit for water-oriented recreational uses.
- E. New roads, utility corridors, and parking areas should be located outside of the shoreline jurisdiction.

2.7 Urban Conservancy Environment Management Policies

- A. The *Urban Conservancy* environment designation should be applied to shoreline areas appropriate and planned for development that is compatible with maintaining or restoring ecological functions of the area, that are not generally suitable for water-dependent uses and that lie in incorporated municipalities and urban growth areas if any of the following characteristics apply:
 - 1. They are suitable for water-related or water-enjoyment uses;
 - 2. They are open space, flood plain or other sensitive areas that should not be more intensively developed;
 - 3. They have potential for ecological restoration;
 - 4. They retain important ecological functions, even though partially developed; or
 - 5. They have potential for development that is compatible with ecological restoration.
- B. Uses that preserve the natural character of the area or promote preservation of open space or critical areas should be the primary allowed use. Uses that result in the restoration of ecological functions should be allowed if the use is otherwise compatible with the purpose of the *Urban Conservancy* environment and the setting.
- C. Standards should be established for shoreline stabilization measures, vegetation conservation, water quality, and shoreline modifications. These standards should ensure that new development does not result in a net loss of shoreline ecological functions or further degrade shoreline values.
- D. Public access trails and public passive recreation should be provided whenever feasible and significant ecological impacts can be mitigated.
- E. Water-oriented uses should be given priority over non-water oriented uses. For shoreline areas adjacent to commercially navigable waters, water-dependent uses should be given highest priority.
- F. Restoration and protection of shorelands, stream openings and associated wetlands within the *Urban Conservancy* environment should be given high priority.

2.8 Waterfront Recreation Environment Management Policies

- A. The *Waterfront Recreation* environment designation should be assigned to shoreline areas that are or are planned to be used for recreation, or where the most appropriate use is for recreation open space or habitat conservation.
- B. Development standards should take into account existing improvements and character of park areas, allow for development of low-intensity recreational uses, and restoration of shorelines. Low intensity recreation should be non-motorized and not significantly alter the landscape, such as running and walking, bicycling, wildlife viewing, picnicking, nature study, and quiet contemplation and relaxation. Associated facilities might include trails, open fields and lawn areas, picnic shelters, public art, interpretive exhibits and supporting parking and restrooms.
- C. Trails, water access, interpretive sites, viewing platforms and passive recreation areas should be allowed within setbacks and vegetation buffers when significant ecological impacts can be mitigated.

- D. Preferred uses include trails, water-related recreation, active playgrounds, and significant art installations, performance space, interpretive features, open lawn areas, play equipment, shelters, picnic areas, launch ramps, viewing platforms and accessory uses. Special events may take place.
- E. Shoreline restoration should be a priority. All development should ensure no net loss of shoreline ecological functions.

2.9 Marine Recreation Environment Management Policies

- A. The *Marine Recreation* environment designation should be assigned to areas on the Port Peninsula that are used or planned to be used for boating facilities, water-oriented recreation and commercial uses. Preferred uses include:
 - 1. Boating facilities including marinas, launch ramps, boat moorage, maintenance and repair, and upland boat storage; together with offices and other associated facilities;
 - 2. Water-oriented recreation such as trails, ~~and~~ viewing areas, and recreational camping facilities; water access, water-related recreation, active playgrounds, and significant art installations, performance space, or interpretive features; and
 - 3. Water-oriented commercial uses.
- B. Operation and management of the *Marine Recreation* environment should be directed towards maintaining and enhancing water-oriented services, while ensuring that existing and future activity does not degrade ecological functions.
- C. All development should ensure no net loss of shoreline ecological functions.
- D. Innovative approaches to restoration and mitigation should be encouraged, including incentive and alternative mitigation programs such as Advance Mitigation and Fee In-lieu.
- E. Encourage bulkhead removal and replacement of hardened shoreline with soft structural stabilization measures ~~water-ward of OHWM~~.
- F. The City recognizes the Port's responsibility to operate its marine facilities and to plan for this area's future use through the development and implementation of its Comprehensive Scheme of Harbor Improvements.
- G. The City recognizes that the Marine Recreation shoreline (Reach 5C) and the adjoining Urban Conservancy/Urban Intensity shoreline in Reach 6A provide a variety of benefits to the community including boat moorage, utility transmission, transportation, public access, water enjoyment, recreation, wildlife habitat and opportunities for economic development. These benefits are put at risk by continued shoreline erosion. The City recognizes that there exists a need to develop a detailed plan for shoreline restoration and stabilization for Reaches 5C and 6A and encourages the Port to partner in this effort.
 - 1. This plan may include:
 - a. Measures to enhance shoreline stabilization through the introduction of bioengineered solutions.
 - b. Measures to incorporate habitat restoration water-ward of the OHWM.
 - c. Measures to incorporate public access and use through trails, public art, parks and other pedestrian amenities.

- d. Measures to incorporate sea level rise protection.
 - e. Setbacks, building heights and building design considerations.
2. Upon completion of a jointly developed shoreline restoration and stabilization plan for Reaches 5C and 6A, the City will initiate a limited amendment to the SMP to implement this Plan.

2.10 Shoreline Residential Environment Management Policies

- A. The *Shoreline Residential* environment designation should be applied to shoreline areas if they are predominantly single-family or multi-family residential development or are planned and platted for residential development.
- B. Establish standards for density or minimum frontage width, setbacks, lot coverage limitations, buffers, shoreline stabilization, vegetation conservation, critical area protection, and water quality, taking into account the environmental limitations and sensitivity of the shoreline area, the level of infrastructure and services available, and other comprehensive planning considerations.
- C. Multi-family development and subdivisions of land into more than nine (9) parcels should provide public access.
- D. Commercial development should be limited to water-oriented uses and not conflict with the character in the *Shoreline Residential* environment.
- E. Water-oriented recreational uses should be allowed.
- F. Encourage restoration of degraded shorelines in residential areas and preservation of existing vegetation.
- G. Encourage bulkhead removal and replacement of hardened shoreline with soft structural stabilization measures ~~water ward of OHWM.~~

2.11 Urban Intensity Environment Management Policies

- A. The *Urban Intensity* environment should be assigned to shoreline areas if they currently support high intensity uses related to commerce, industry, transportation or navigation, and high-density housing; or are suitable and planned for high-intensity water-oriented uses.
- B. Olympia's shoreline is characterized by a wide variety of "urban" uses and activities, including commercial, industrial, marine, residential, and recreational uses. Together, these uses and activities create a vibrant shoreline that is a key component of Olympia's character and quality of life. These types of uses should be allowed within the *Urban Intensity* environment, with preference given to Water-Dependent and Water-Enjoyment uses. Shorelines in this Shoreline Environment Designation (SED) are highly altered and restoration opportunities are limited. The City's own Percival Landing is a good example of how the immediate shoreline in the Urban Intensity SED should be redeveloped with a focus on public access and enjoyment, sea level rise protection and restoration of shoreline environmental function where feasible.
- C. Nonwater-oriented uses may be allowed where they do not conflict with or limit opportunities for water-oriented uses or on sites where there is no direct access to the shoreline.

- D. Preferred uses include water-oriented recreation such as trails and viewing areas, water access, water-related recreation, active playgrounds, and significant art installations, performance space, or interpretive features.
- E. ~~Provide for~~Support the restoration, repair and replacement of Percival Landing including consideration of sea level rise protection.
- F. -Policies and regulations should assure no net loss of shoreline ecological functions as a result of new development or redevelopment. Where applicable, ~~new~~ development should include environmental cleanup and restoration of the shoreline to comply with any applicable ~~relevant~~ state and federal law.
- G. ~~Where feasible~~ Visual and physical public access should be required as provided for in WAC 173-26-221(4)(d) and this shoreline program. Additional requirements for views in and across the Downtown area are also specified in OMC 18.120.
- H. Aesthetic objectives should be implemented by means such as sign control regulations, appropriate development siting, screening and architectural standards, design guidelines, and vegetation conservation measures.
- I. Innovative approaches to restoration and mitigation should be encouraged, including incentive and alternative mitigation programs such as Advance Mitigation and Fee In-lieu.
- J. Encourage bulkhead removal and replacement of hardened shoreline with soft structural stabilization measures ~~water ward of OHWM~~.

2.12 Port Marine Industrial Environment Management Policies

- A. The *Port Marine Industrial* environment should be assigned to the shoreline area located within the portion of the Port of Olympia that supports uses related to water-oriented commerce, transportation or navigation, or are planned for such uses.
- B. Highest priority should be given to water-dependent and water-related industrial uses.
- C. The preferred location for non-water-dependent industrial uses is in industrial areas as far from the shoreline as feasible.
- D. Coordinate planning efforts to ensure that there is adequate land reserved for water-dependent industrial uses to promote economic development, and to minimize impacts upon adjacent land uses.
- E. Encourage growth and re-development in areas that are already developed.
- F. Industrial use and development should be located, designed, and operated to avoid or minimize adverse impacts upon the shoreline and achieve no net loss of shoreline ecological functions and processes.
- G. Industrial uses and related development projects are encouraged to locate where environmental cleanup can be accomplished.
- H. Encourage the cooperative use of docking, parking, cargo handling and storage facilities on industrial properties.
- I. Innovative approaches to restoration and mitigation should be encouraged, including incentive and alternative mitigation programs such as Advance Mitigation and Fee In-lieu.

2.13 Archaeological, Historic, and Cultural Resources Policies

- A. The destruction or damage to any site having any archaeological, historic, cultural, scientific, or educational value as identified by the appropriate authorities, including affected Indian tribes, and the Office of Archaeology and Historic Preservation, should be prevented.

2.14 Parking Policies

- A. Motor vehicle parking is not a preferred use within the shoreline jurisdiction and should be allowed only as necessary to support authorized uses.
- B. Where feasible, parking for shoreline uses should be located in areas outside the shoreline jurisdiction; otherwise locate parking as far landward of the Ordinary High Water Mark as feasible.
- C. -Parking facilities or lots within the shoreline jurisdiction should utilize low impact development best management practices where feasible to reduce stormwater impacts.
- D. Design and construct parking facilities or lots to be compatible with adjacent uses and to avoid impacts to the shoreline environment.
- E. Provide walkways between parking areas and the buildings or uses they serve. Such walkways should be located as far landward of the Ordinary High Water Mark as feasible.

2.15 Public Access Policies

- A. Protect and maintain existing visual and physical public access so that the public may continue to enjoy the physical, visual, and aesthetic qualities of the shoreline.
- B. Incorporate public access into all new development or redevelopment if it creates or increases a demand for public access. Public access should also be required if the proposed use or development impairs existing legal access or rights.
- C. Protect the rights of navigation and space necessary for water-dependent uses when identifying locations for public access.
- D. Public access should be commensurate with the scale and character of a proposed use or development. Requirements should be reasonable, effective and fair to all affected parties including but not limited to the landowner and the public.
- E. Developments, uses, and activities on or near the shoreline should not impair or detract from the public's use of the water or rights of navigation.
- F. Impacts resulting from public access improvements should be mitigated in order to avoid a net loss of shoreline ecological processes and functions.
- G. Public access should be designed to provide for public safety and comfort, and to limit potential impacts to private property.
- H. Public access should be designed with provisions for persons with disabilities.
- I. Public access should connect to public areas, undeveloped rights-of-way, and other pedestrian or public thoroughfares.
- J. Public access and interpretive displays should be provided as part of publicly-funded projects.
- K. On-site public access may not be required by a new development or redevelopment if adequate public access already exists in the immediate vicinity, per 18.20.450 and .460.

2.16 Scientific and Educational Activity Policies

- A. Encourage scientific and educational activities related to shoreline ecological functions and processes, including sea level rise resilience.

2.17 Signage Policies

- A. Signs should not block or otherwise interfere with visual access to the water or shorelands.
- B. Signs should be designed and placed so that they are compatible with the aesthetic quality of the existing shoreline and adjacent land and water uses

2.18 Vegetation Conservation Area Policies

- A. Developments and activities within the shoreline jurisdiction should be planned and designed to protect, conserve and establish native vegetation in order to protect and restore shoreline ecological functions and system-wide processes occurring within riparian and nearshore areas such as:
 - 1. Providing shade necessary to maintain water temperatures required by salmonids, forage fish, and other aquatic biota;
 - 2. Regulating microclimate in riparian and nearshore areas;
 - 3. Providing organic inputs necessary for aquatic life, including providing food in the form of various insects and other benthic macro invertebrates;
 - 4. Stabilizing banks, minimizing erosion and sedimentation, and reducing the occurrence or severity of landslides;
 - 5. Reducing fine sediment input into the aquatic environment by minimizing erosion, aiding infiltration, and retaining runoff;
 - 6. Improving water quality through filtration and vegetative uptake of nutrients and pollutants;
 - 7. Providing a source of large woody debris to moderate flows, create hydraulic roughness, form pools, and increase aquatic diversity for salmonids and other species; and
 - 8. Providing habitat for wildlife, including connectivity for travel and migration corridors.
- B. Restrict clearing and grading within vegetation conservation areas in order to maintain the functions and values of the shoreline environment, including protection of habitat, steep slopes and shoreline bluffs. Any alterations should be the minimum necessary to accommodate an authorized use or development.
- C. The composition, structure and density of the vegetation should replicate the functions of a natural, unaltered shoreline to the greatest extent feasible.
- D. Maintaining a well-vegetated shoreline with native species is preferred over clearing vegetation to create views or provide lawns. Limited and selective clearing for views and lawns, or for safety, may be allowed when slope stability and ecological functions are not compromised, but landowners should not assume that an unobstructed view of the water is guaranteed. Trimming and pruning are preferred over removal of native vegetation. Property owners should be encouraged to avoid or minimize the use of fertilizers, herbicides and pesticides.
- E. Property owners should be encouraged to preserve and enhance woody vegetation and native groundcovers to stabilize soils and provide habitat. Maintaining native plant communities is preferred over non-native ornamental plantings because of their ecological value.

- F. Develop educational materials and establish a public outreach program to educate shoreline landowners and citizens about the importance of protecting and enhancing vegetative buffers along the shoreline, including education about the appropriate and proper usage of fertilizers and pesticides along the shoreline.

2.19 View Protection Policies

- A. Preserve views and vistas to and from the water, by public and private entities, to ensure that the public may continue to enjoy the physical and aesthetic qualities of the shoreline, including views of the water and views of shoreline areas from the water and the iconic views of the State Capitol and Olympic Mountains.
- B. Development should be designed to preserve and enhance the visual quality of the shoreline, including views over and through the development from the upland side of the subject property, and views over and through the development from the water.

2.20 Water Quality Policies

- A. All shoreline uses and activities should be located, designed, constructed, and maintained to avoid impacts to water quality.
- B. Stormwater management facilities for new uses and development should be designed, constructed, and maintained in accordance with the current Olympia Drainage Design and Erosion Control Manual of Olympia. To the extent feasible, low impact development best management practices should be incorporated into every project along the shoreline.
- C. To reduce impacts to water quality, the use of chemical fertilizers, pesticides or other similar chemical treatments should be avoided. Landscaping should be designed to avoid or minimize the use of such products. Maintenance activities should use integrated pest management best practices. Pesticide free areas should be encouraged.
- D. Uses and activities that pose a risk of contamination to ground or surface waters should be prohibited.

2.21 Agriculture Policies

- A. Recognize existing agricultural uses within the City and allow them to continue operating.
- B. New agricultural uses should be prohibited.

2.22 Aquaculture Policies

- A. Aquaculture should not be permitted in areas where it would result in a net loss of ecological functions, adversely impact eelgrass and microalgae, or significantly conflict with navigation and other water-dependent uses.
- B. Aquaculture facilities should be designed and located so as not to spread disease to native aquatic life, establish new non-native species which cause significant ecological impacts, or significantly impact the aesthetic qualities of the shoreline.

2.23 Boating Facilities Policies

- A. Boating facilities, such as marinas and launch ramps, are water-dependent uses and should be given priority for shoreline location.
- B. Boating facilities and their accessory uses should be located, designed, constructed and maintained to achieve the following:

1. Protect shoreline ecological functions and system-wide processes. When impacts cannot be avoided, mitigate to assure no net loss to shoreline ecological functions;
 2. Maintain use of navigable waters, public access areas, and recreational opportunities, including overwater facilities;
 3. Minimize adverse impacts to adjacent land uses such as noise, light and glare, aesthetics, and public visual access; and
 4. Minimize adverse impacts to other water-dependent uses.
- C. Development of new boating facilities should be coordinated with public access and recreation plans and should be collocated with Port or other compatible water-dependent uses where feasible. Affected parties and potential partners should be included in the planning process.
 - D. Boating facilities should provide physical and visual public shoreline access and provide for multiple uses including water-related uses, to the extent compatible with shoreline ecological functions and processes.
 - E. Upland boat storage is preferred over new in-water moorage.
 - F. Encourage design elements that increase light penetration to the water below existing or new moorage facilities, such as increasing the structure's height, modifying orientation and size, and use of grating as a surface material. New covered moorage and boathouses should be prohibited.
 - G. Pilings treated with creosote or other similarly toxic materials should be replaced with steel or concrete pilings to minimize adverse impacts to water quality. Unused or derelict pilings should be removed.

2.24 Commercial Policies

- A. Give preference to water-dependent commercial uses, then to water-related, and then water-enjoyment commercial uses in shoreline jurisdiction. Non-water-oriented commercial uses should require a conditional use permit if located within 100 feet of the water.
- B. The preferred location for non-water-oriented commercial uses is in commercial areas no closer than 30 feet from the shoreline.
- C. Coordinate planning efforts between the City and the Port to promote economic development in downtown Olympia.
- D. Commercial development should be located, designed, and operated to avoid and minimize adverse impacts on shoreline ecological functions and processes.
- E. Commercial development should provide public access to shoreline beaches, docks, walkways, or viewing areas unless such improvements are demonstrated to be incompatible due to reasons of safety, security, or impact to the shoreline environment.
- F. Commercial development should be designed to be visually compatible with adjacent and upland properties and so that the height, bulk, and scale do not impair views.
- G. Commercial development should implement low impact development techniques to the maximum extent feasible.

2.25 Industrial Policies

- A. Give preference to water-dependent industrial uses first, then to water-related industrial uses over non-water-oriented industrial uses.
- B. Non-water oriented industrial uses should be prohibited within the shoreline jurisdiction.
- C. Coordinate planning efforts between the City and the Port to ensure that there is adequate land reserved for water-dependent industrial uses, to promote economic development, and to minimize impacts upon adjacent land uses.
- D. Locate water-dependent or water-related industrial marine uses in areas already established or zoned for industrial use.
- E. Industrial use and development should be located, designed, and operated to avoid and minimize adverse impacts on shoreline ecological functions and processes.
- F. Transportation and utility corridors serving industrial uses should be located away from the water's edge to minimize ecological impacts and reduce the need for waterfront signs and other infrastructure.
- G. Industrial uses and related development projects are encouraged to locate where environmental cleanup can be accomplished.
- H. Encourage the cooperative use of docking, parking, cargo handling and storage facilities on industrial properties.
- I. Design port facilities to permit viewing of harbor areas from viewpoints, waterfront restaurants, and similar public facilities which would not interfere with Port operations or endanger public health or safety.

2.26 Recreation Policies

- A. Public recreation is a preferred use of the shoreline. Recreational uses and developments that facilitate the public's ability to reach, touch, and enjoy the water's edge, to travel on the waters of the State, and to view the water and shoreline are preferred. Where appropriate, such facilities should be dispersed along the shoreline in a manner that supports more frequent recreational access and aesthetic enjoyment for a substantial number of people.
- B. Water-oriented recreational uses, such as boating, swimming beaches, and wildlife viewing, should have priority over non-water oriented recreation uses, such as sports fields. A variety of compatible recreation experiences and activities should be encouraged to satisfy diverse recreational needs.
- C. Recreational developments and plans should promote the conservation and restoration of the shoreline's natural character, ecological functions, and processes.
- D. Plan, design, and implement shoreline recreational development consistent with the growth projections, level-of-service standards, and goals established in Olympia's Comprehensive Plan and Parks, Arts and Recreation Plan.
- E. Hiking paths, sidewalks, and bicycle paths in proximity to or providing access to the shoreline are encouraged.
- F. Recreation facilities should be integrated and linked with linear systems, such as hiking paths, sidewalks, bicycle paths, easements, and/or scenic drives.

- G. Recreation facilities should incorporate public education and interpretive signs regarding shoreline ecological functions and processes, historic and cultural heritage.
- H. Recreation facilities should be designed to preserve, enhance, or create scenic views and vistas.
- I. Commercial recreation facilities should be consistent with the provisions for commercial development (see commercial policies above).

2.27 Residential Policies

- A. All residential developments should be located, designed, and properly managed to avoid damage to the shoreline environment and avoid cumulative impacts associated with shoreline armoring, overwater structures, stormwater runoff, septic systems, vegetation clearing, and introduction of pollutants.
- B. The overall density of development, lot coverage, setbacks, and height of structures should be appropriate to the physical capabilities of the site.
- C. Residential development, including the division of land and the construction of residential units, should be designed and located with consideration of sea level rise projections and so that shoreline armoring and flood hazard measures will not be necessary to protect land or structures.
- D. Dwelling units and accessory structures should be clustered to preserve natural features and minimize overall disturbance of the site.
- E. New residential development should provide opportunities for public access.
- F. New residential development should minimize impacts upon views from adjacent residential areas, in keeping with the Shoreline Management Act.
- G. 'Live-aboard' vessels associated with marinas may be allowed, but all other overwater residential development including floating homes should be prohibited. A floating home permitted or legally established prior to January 1, 2011 and floating on-water residences legally established prior to July 1, 2014 will be considered conforming uses.
- H. Whenever possible, non-regulatory methods to protect, enhance and restore shoreline ecological functions should be encouraged for residential development.

2.28 Transportation Policies

- A. New roads and railroads, and expansions thereof should not be built within the shoreline jurisdiction. Where this is not feasible, such improvements should be located and designed to have the least possible adverse effect on the shoreline, account for sea level rise projections, not result in a net loss of shoreline ecological functions, or adversely impact existing or planned water-oriented uses, public access, and habitat restoration and enhancement projects.
- B. Maintenance and repair of existing roads and railroads should avoid adverse impacts on adjacent shorelines and waters.
- C. Transportation facilities should be designed and located to minimize the need for the following:
 - 1. Structural shoreline protection measures;
 - 2. Modifications to natural drainage systems; and
 - 3. Waterway crossings.

- D. Planning for transportation and circulation corridors should consider location of public access facilities, and be designed to promote safe and convenient access to those facilities.
- E. Pedestrian trails and bicycle paths are encouraged where they are compatible with the natural character, resources, and ecology of the shoreline.
- F. Piers and bridges for roads, pedestrian trails, bicycle paths, and railroads are preferred over the use of fill in upland and aquatic areas.
- G. When transportation corridors are necessary, joint use corridors are preferred and encouraged for roads, utilities, and all forms of transportation/circulation.

2.29 Utility Policies

- A. Utility facilities should be designed, located and maintained to minimize harm to shoreline ecological functions, account for sea level rise projections, preserve the natural landscape, and minimize conflicts with present and planned land and shoreline uses while meeting the needs of future populations in areas planned to accommodate growth.
- B. Expansion of existing sewage treatment, water reclamation, substations, and power plants should be compatible with recreational, residential, or other public uses of the water and shorelands.
- C. Where water crossings are unavoidable, they should be located where they will have the least adverse ecological impact.
- D. New utilities should use existing transportation and utility sites, rights-of-way and corridors, rather than creating new corridors.
- E. Utilities should be located and designed to avoid impacts to public recreation and public access areas, as well as significant historic, archaeological, cultural, scientific or educational resources.
- F. Encourage the use of utility rights-of-way for public access to and along shorelines.
- G. Design and install utilities in such a way as to avoid impacts to scenic views and aesthetic qualities of the shoreline area.

2.30 Shoreline Modification Policies

- A. Locate and design all new development in a manner that prevents or minimizes the need for shoreline modifications.
- B. Regulate shoreline modifications to assure that individually and cumulatively, the modifications do not result in a net loss of shoreline ecological functions.
- C. Give preference to those types of shoreline modifications that have a lesser impact on ecological functions.
- D. Require mitigation of impacts resulting from shoreline modifications.
- E. Plan for the enhancement of impaired ecological functions while accommodating permitted uses. Incorporate all feasible measures to protect ecological functions and ecosystem-wide processes in the placement and design of shoreline modifications. To avoid and reduce ecological impacts, use mitigation sequencing set forth in WAC 173-26-201(2)(e) and Section 3.21 of the SMP.
- F. Give preference to nonstructural flood hazard reduction measures over structural measures, where feasible.

2.31 Dredging Policies

- A. Design and locate new development to minimize the need for dredging.
- B. Allow dredging for water-dependent uses or essential public facilities or both, only when necessary and when significant ecological impacts are minimized and appropriate mitigation is provided.
- C. Allow dredging in locations where a comprehensive management plan has been evaluated and authorized by local, ~~and state,~~ and federal governmental entities.
- D. Plan and conduct dredging to minimize interference with navigation and adverse impacts to other shoreline uses and properties.
- E. Allow maintenance dredging of established navigation channels and basins.
- F. Conduct dredging and disposal in a manner to minimize damage to natural systems, including the area to be dredged and the area where dredged materials will be deposited. Disposal of dredge spoils materials on land away from the shoreline is preferred over open water disposal. Disposal of dredge materials near water should be conducted in a manner to avoid and minimize impacts to water quality.
- G. Re-use of uncontaminated dredge spoils material is encouraged for beneficial uses such as restoration and enhancement.
- H. Dredging and dredge disposal should not occur where they would interfere with existing or potential ecological restoration activities.
- I. Allow dredging for ecological restoration or enhancement projects, beach nourishment, public access or public recreation provided it is consistent with the policies and regulations of the Master Program.

2.32 Fill Policies

- A. Fill should be located, designed, and constructed to protect shoreline ecological functions and system-wide processes. The quantity and extent of fill should be the minimum necessary to accommodate a permitted shoreline use or development.
- B. Fill landward of the Ordinary High Water Mark should be permitted when necessary to support permitted uses, and when significant impacts can be avoided or mitigated.
- C. Fill should be allowed to accommodate berms or other structures to prevent flooding caused by sea level rise, when consistent with the Olympia Sea Level Rise Response Plan and the flood hazard reduction provisions in this Shoreline Program. Any such fill should include mitigation assuring no net loss of ecological functions and system-wide processes.
- D. Fill for the maintenance, restoration, or enhancement of beaches or mitigation projects should be permitted.
- E. Fill water-ward of the Ordinary High Water Mark should be permitted only to accommodate water-dependent uses, public access, cleanup of contaminated sites, ecological restoration, the disposal of dredge materials associated with a permitted dredging activity, or other water-dependent uses that are consistent with the goals and policies of Olympia's Shoreline Program.
- F. Fill for the purpose of creating new uplands should be prohibited unless it is part of an authorized restoration activity.
- G. Fill should not adversely impact navigation.

- H. Fill should not be allowed where structural shoreline stabilization would be required to maintain the materials placed.

2.33 Moorage Policies

- A. New moorage should be permitted only when it can be demonstrated that there is a specific need to support a water-dependent or public access use.
- B. Moorage associated with a single-family residence is considered a water-dependent use provided it is designed and used as a facility to access watercraft, and other moorage facilities are not available or feasible.
- C. Allow shared moorage for multi-family uses or as part of a mixed use development when public access is provided.
- D. Give preference to buoys over piers, docks, and floats; however, discourage the placement of moorage buoys where sufficient dock facilities exist.
- E. Give preference to shared moorage facilities over single-user moorage where feasible. New subdivisions of more than two lots and new multi-family development of more than two dwelling units should provide shared moorage.
- F. Moorage facilities should be sited and designed to avoid adversely impacting shoreline ecological functions and processes, and should mitigate for unavoidable impacts to ecological functions.
- G. Moorage facilities should be spaced and oriented in a manner that minimizes hazards and obstructions to public navigation rights and corollary rights including but not limited to boating, swimming, and fishing.
- H. Encourage the cooperative use of docking facilities in industrial areas instead of new facilities.
- I. Moorage facilities should be restricted to the minimum size necessary to meet the needs of the proposed use. The length, width and height of piers, docks and floats should be no greater than required for safety and practicality for the primary use.
- J. Encourage design elements that increase light penetration to the water below existing or new moorage facilities, such as increasing the structure's height, modifying orientation and size, and use of grating as a surface material. No new over-water covered moorage or boathouses should be allowed.
- K. Moorage facilities should be constructed of materials that will not adversely affect water quality or aquatic plants and animals in the long-term.

2.34 Restoration and Enhancement Policies

- A. Olympia recognizes the importance of restoration of shoreline ecological functions and processes and encourages cooperative restoration efforts and programs between local, state, and federal public agencies, tribes, non-profit organizations, and landowners to address shorelines with impaired ecological functions and processes.
- B. Restoration actions should restore shoreline ecological functions and processes as well as shoreline features and should be targeted towards meeting the needs of both sensitive and locally important plant, fish and wildlife species as well as the biologic recovery goals for State and federally listed species and populations.
- C. Coordinate restoration and enhancement with other natural resource management efforts and plans.

- D. Consider restoration actions outside of the shoreline jurisdiction that have a system-wide benefit.
- E. When prioritizing restoration actions, the City will give highest priority to measures that have the greatest chance of re-establishing shoreline ecological functions and processes.
- F. Incorporate restoration and enhancement measures into the design and construction of new uses and development, public infrastructure (e.g., roads, utilities), and public recreation facilities.
- G. Shoreline restoration and enhancement should be considered as an alternative to structural stabilization and protection measures where feasible.
- H. All shoreline restoration and enhancement projects should protect the integrity of adjacent natural resources including aquatic habitats and water quality.
- I. Design, construct, and maintain restoration and enhancement projects in keeping with restoration priorities and other policies and regulations set forth in Olympia's Shoreline Program.
- J. Design restoration and enhancement projects to minimize maintenance over time.
- K. Shoreline restoration and enhancement should not extend water-ward more than necessary to achieve the intended results.
- L. Permanent in-stream structures should be prohibited except for restoration and enhancement structures, and transportation and utility crossings as described elsewhere in this Program. In-stream structures should provide for the protection and preservation of ecosystem-wide processes, ecological functions, and cultural resources. The location and planning of in-stream structures should give due consideration to the full range of public interests, watershed functions and processes, and environmental concerns, with special emphasis on protecting and restoring priority habitat and species.
- M. Restoration and enhancement projects, such as those envisioned in the West Bay Environmental Restoration Assessment Report for some shoreline reaches, may include shoreline modification actions provided the primary purpose of such actions is clearly restoration of the natural character and ecological functions of the shoreline.

2.35 Shoreline Stabilization Policies

- A. Preserve remaining unarmored shorelines and limit the creation, expansion and reconstruction of bulkheads and other forms of shoreline armoring.
- B. New development requiring structural shoreline armoring should not be allowed. Shoreline use and development should be located and designed in a manner so that structural stabilization measures are not likely to become necessary in the future, including a consideration of sea level rise.
- C. Structural shoreline armoring should only be permitted when there are no feasible alternatives, and when it can be demonstrated that it can be located, designed, and maintained in a manner that minimizes adverse impacts on shoreline ecology and system-wide processes, including effects on the project site, adjacent properties, and sediment transport.
- D. The reconstruction or expansion of existing hard armoring should only be permitted where necessary to protect an existing primary structure or legally existing shoreline use that is in danger of loss or substantial damage, and where mitigation of impacts is sufficient to assure no net loss of shoreline ecological functions and processes.
- E. Encourage the removal of bulkheads and other hard armoring and restore the shoreline to a more natural condition. Where stabilization is necessary for the protection of private or public property or

to increase sea level rise resilience, alternative measures that are less harmful to shoreline ecological functions should be employed. An example of such an approach is included in the West Bay Environmental Restoration Assessment report for some shoreline reaches.

- F. Nonstructural stabilization measures, including relocating structures, increasing buffers, enhancing vegetation, managing drainage and runoff, and other measures, are preferred over structural shoreline armoring.
- G. Failing, harmful, unnecessary, or ineffective structures should be removed. Shoreline ecological functions and processes should be restored using non-structural methods.
- H. Shoreline stabilization and shoreline armoring for the purpose of leveling or extending property, or creating or preserving residential lawns, yards, or landscaping should not be allowed.
- I. Shoreline stabilization measures, individually or cumulatively, should not result in a net loss of shoreline ecological functions or system-wide processes. Preference should be given to structural shoreline stabilization measures that have a lesser impact on ecological functions, and mitigation of identified impacts resulting from said modifications should be required.
- J. The City should promote non-regulatory methods to protect, enhance, and restore shoreline ecological functions and other shoreline resources. Examples of such methods include public facility and resource planning, technical assistance, education, voluntary enhancement and restoration projects, land acquisition and restoration, and other incentive programs.
- K. Jetties, breakwaters, or groin systems should not be permitted unless no other practical alternative exists. If allowed, they should be located, designed, and maintained to avoid impacts to shoreline ecological functions and system-wide processes.

Section 3

Regulations

Chapter 18.20 Shoreline Master Program Regulations

3.1 18.20.100 - Applicability

- A. All proposed uses and development occurring within Olympia's shoreline jurisdiction shall comply with Olympia's Shoreline Program and RCW 90.58, Shoreline Management Act (Act). The Shoreline Program applies to all uses and developments within shoreline jurisdiction whether or not a shoreline permit or statement of permit exemption is required.
- B. Olympia's Shoreline Program shall apply to all of the lands and waters in the City of Olympia that fall under the jurisdiction of the Act (see OMC 18.20.300 - Shoreline Jurisdiction).
- C. The Shoreline Program shall apply to every person, individual, firm, partnership, association, organization, corporation, local or state governmental agency, public or municipal corporation, or other non-federal entity which develops, owns, leases, or administers lands, wetlands, or waters that fall under the jurisdiction of the Act.
- D. Federal agency actions on shorelines of the state are required to be consistent with this Master Program and the Act, as provided by the Coastal Zone Management Act (Title 16 United States Code §1451 et seq.; and §173-27-060(1) WAC, Applicability of RCW 90.58, Shoreline Management Act, to federal lands and agencies).
- E. The permit requirements established under the Shoreline Program apply to all non-federal activities; and to development and uses undertaken on lands not federally owned but under lease, easement, license, or other similar property right of the federal government.

3.2 18.20.110 - Relationship to Other Plans and Regulations

- A. Uses, developments and activities regulated by Olympia's Shoreline Program may also be subject to the provisions of the City of Olympia Comprehensive Plan, the Olympia Municipal Code (OMC), the Olympia Engineering Design and Development Standards, the Washington State Environmental Policy Act (SEPA, RCW 43.21C and WAC 197-11), and various other provisions of local, state, and federal law.
- B. Project proponents are responsible for complying with all applicable laws prior to commencing any use, development, or activity.
- C. In the event Olympia's Shoreline Program conflicts with other applicable City policies or regulations, all regulations shall apply and unless otherwise stated, the provisions most protective of the resource shall prevail.
- D. Any inconsistencies between a Shoreline Program and the Shoreline Management Act must be resolved in accordance with the Act.

3.3 18.20.120 - Interpretation and Definitions

- A. As provided for in RCW 90.58.900, the Act is exempt from the rule of strict construction. The Act and all aspects of Olympia's Shoreline Program shall therefore be liberally construed to give full effect to the purposes, goals, objectives, and policies for which the Act and Olympia's Shoreline Program were enacted and adopted.
- B. For purposes of this Chapter, the City hereby adopts by reference the definitions of the following terms as set forth in the Revised Code of Washington 90.58.030 and the Washington Administrative Code 173-27-030 and 173-26-020:

- Agricultural activities,
- Agricultural land,
- Aquaculture,
- Average grade level,
- Development,
- Ecological functions or shoreline functions,
- Extreme low tide,
- Feasible,
- Fill,
- Flood plain,
- Geotechnical report or geotechnical analysis,
- Guidelines,
- Marine,
- Nonwater-oriented uses,
- Ordinary High Water Mark (OHWM),
- Priority habitat,
- Priority species,
- Restore, restoration or ecological restoration,
- Shoreline modification,
- Shorelines,
- Shorelines of statewide significance,
- Shorelines of the state,
- Structure,
- Substantial development,
- Substantially degrade,
- Water-dependent use,
- Water-enjoyment use,
- Water-oriented use,
- Water-related use, and
- Wetlands.

- C. For the purposes of this Chapter, the terms defined below shall have the meaning ascribed to them below. Terms not defined in this Chapter nor listed in subsection B above shall be interpreted as set forth in WACs 173-18-030, 173-20-030 and 173-22-030 or OMC 18.02. When the definitions in this Chapter conflict with the definitions set forth in OMC 18.02, the definitions herein shall govern for purposes of this Chapter.

Access, direct: Physical access that is convenient, of relatively short distance, and does not require extraordinary physical dexterity.

Access, physical: The right and facilities needed to enter upon shoreline areas, such as that access provided by a trail, float, dock, promenade, bridge, or boat ramp.

Accessory: Customarily incidental and subordinate.

Administrator: That person designated by the City of Olympia to administer the provisions of Olympia's Shoreline Program. References to 'the City' in this Shoreline Program may be construed as referring to the Administrator.

Alteration: Any human-induced change in existing conditions on a shoreline, critical area and/or its buffer. Alterations include, but are not limited to excavation, grading, filling, channelization (straightening, deepening, or lining of stream channels except dredging of sediment or debris alone), dredging, clearing vegetation, draining, constructing structures, compaction, or any other activity that changes the character of a site.

Appurtenance: A structure or development that is necessarily connected to the use and enjoyment of another structure. Common appurtenances include a garage, deck, driveway, utilities, fences, and grading which does not exceed two hundred and fifty cubic yards. For purposes of this chapter appurtenances are limited to upland areas.

Backshore: The zone of accretion or erosion lying landward of the Ordinary High Water Mark, wetted by tides during storm events.

Beach: The zone along the shoreline where there is continuous movement of sediment both laterally and vertically. This zone extends from the daily low tide mark to where the permanent line of vegetation begins.

Beach Nourishment: The process of replenishing a beach by artificial means, for example, by the deposition of sand and gravel; also called beach replenishment or beach feeding.

Berm: One or several linear deposits of sand and gravel generally paralleling the shore at or landward of the Ordinary High Water Mark.

Boat ramp: A slab, plank, rail, or graded slope used for launching boats by means of a trailer, hand, or mechanical device.

Boat-house: A structure designed for storage of vessels located over water or in upland areas.

Boating facilities: Marinas located both landward and water-ward of the Ordinary High Water Mark (dry storage and wet-moorage types), boat ramps, covered and uncovered moorage, and marine travel lifts. Boating facilities do not include docks serving four or fewer single-family residences.

Breakwater: An offshore structure generally built parallel to the shore that may or may not be connected to the land. Breakwaters may be fixed (e.g., a rubble mound or rigid wall), open-pile, or floating. Their primary purpose is to protect harbors, moorages and navigation activity from wave and wind action by creating a still-water area along the shore. A secondary purpose is to protect shorelines from erosion caused by wave action.

Bulkhead: A wall usually constructed parallel to the shoreline or at the Ordinary High Water Mark for the primary purpose of containing and preventing the loss of soil or structure caused by erosion or wave action. Bulkheads are typically constructed of rock, poured-in-place concrete, steel or aluminum sheet piling, wood, or wood and structural steel combinations. Structural foundation walls are not bulkheads unless located at the Ordinary High Water Mark.

Camping Facilities: Short-term overnight accommodations (generally 1-15 nights per guest) in organized facilities with amenities designed for guests and their enjoyment of the waterfront. Such facilities require amenities such as restrooms and may include opportunities for cooking, connection to electricity, and potable water. Amenities should be appropriate for the proposed use, such as electricity for recreational vehicles.

Compensation Project: Projects that compensate for unavoidable impacts by replacing or providing substitute resources environments.

Conditional Use: A use, development, or substantial development which is classified as a shoreline conditional use or not otherwise classified in this chapter. Shoreline conditional uses are not synonymous with zoning conditional uses.

Covered Moorage: Boat moorage, with or without walls, that has a solid roof to protect the vessel and is attached to the dock itself or the substrate of the water body. Overwater boat-houses are a type of covered moorage.

Critical Habitat: Habitat areas within which endangered, threatened, sensitive or monitored plant, fish, or wildlife species have a primary association (e.g., feeding, breeding, rearing of young, migrating). Such areas are identified herein with reference to lists, categories, and definitions

promulgated by the Washington Department of Fish and Wildlife as identified in WAC 232-12-011 or WAC 232-12-014; in the Priority Habitat and Species (PHS) program by the Department of Fish and Wildlife; or by rules and regulations adopted by the U.S. Fish and Wildlife Service, National Marine Fisheries Service, or other agency with jurisdiction for such designations.

Critical Saltwater Habitat: All kelp beds, eelgrass beds, spawning and holding areas for forage fish, such as herring, smelt and sandlance; subsistence, commercial and recreational shellfish beds; mudflats, intertidal habitats with vascular plants, and areas with which priority species have a primary association.

Cumulative impacts or cumulative effects: The impact on the environment or other shoreline functions or uses which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency or person undertakes such other actions. Cumulative impacts can result from individually minor but collectively significant actions taking place over a long period of time. See WAC 173-26-186(8)(d).

Dike or Levee: A natural or man-made embankment, including any associated revetments, to prevent flooding by a stream or other water body.

Dock: A structure built from the shore extending out over the water to provide moorage for commercial or private recreation vessels that does not include above water storage. A dock may be built either on a fixed platform or float on the water.

Dredging: The removal, displacement, or disposal of unconsolidated earth material such as sand, silt, gravel, or other submerged materials, from the bottom of water bodies, ditches, or wetlands; maintenance dredging and/or support activities are included in this definition.

Ecologically Intact Shorelines: Those shoreline areas that retain the majority of their natural shoreline functions and values, as evidenced by vegetation and shoreline configuration. Generally, but not necessarily, ecologically intact shorelines are free of structural shoreline modifications, structures, and intensive human uses.

Enhancement: Actions performed within an existing degraded shoreline, critical area and/or buffer to intentionally increase or augment one or more functions and values of the existing area. Enhancement actions include, but are not limited to, increasing plant diversity and cover, increasing wildlife habitat and structural complexity (snags, woody debris), installing environmentally compatible erosion controls, or removing invasive plant or animal species.

Erosion: A process whereby wind, rain, water, and other natural agents mobilize, and transport, and deposit soil particles.

Fair market value: The open market bid price for conducting the work, using the equipment and facilities, and purchase of the goods, services, and materials necessary to accomplish the development. This would normally equate to the cost of hiring a contractor to undertake the development from start to finish, including the cost of labor, materials, equipment and facility usage, transportation, and contractor overhead and profit. The fair market value of the development shall include the fair market value of any donated, contributed or found labor, equipment, or materials.

Float: A floating platform similar to a dock that is anchored or attached to pilings and which does not connect to the shore. A float may serve as a temporary moorage facility but is not intended to be used for boat storage. Floats are also used for swimming, diving, or water skiing.

Floating home: A building on a float used in whole or in part for human habitation as a single-family dwelling that is moored, anchored, or otherwise secured in waters, and is not a vessel, even though it may be capable of being towed.

Floating on water residence: Any floating structure other than a floating home that: (i) is designed or used primarily as a residence on the water and has detachable utilities; and (ii) whose

owner or primary occupant has held an ownership interest in space in a marina, or has held a lease or sublease to use space in a marina, since a date prior to July 1, 2014.

Flood hazard reduction measure: Flood hazard reduction measures may consist of nonstructural measures, such as setbacks, land use controls, wetland restoration, dike removal, use relocation, biotechnical measures, and stormwater management programs, and of structural measures, such as dikes, levees, revetments, floodwalls, channel realignment, and elevation of structures consistent with the National Flood Insurance Program (NFIP).

Floodway: The "floodway" area that has been established in Federal Emergency Management Agency rate maps not including those lands that can reasonably be expected to be protected from flood waters by flood control devices maintained by or maintained under license from the federal government, the state, or a political subdivision of the state.

Functional Disconnect: An existing, legally established public road or other substantially developed surface which effectively eliminates the capacity for upland areas to provide shoreline ecological functions, as defined in WAC 173-26-201(2)(c). As used in this definition, "substantially developed surface" can include public infrastructure such as roads, and private improvements such as commercial structures. A "substantially developed surface" shall not include paved trails, sidewalks, private driveways, or accessory buildings that do not require a building permit.

Gabions: Structures composed of masses of rocks, rubble, soil, masonry, or similar material held tightly together usually by wire mesh, fabric, or geotextile so as to form layers, blocks or walls. Sometimes used on heavy erosion areas to retard wave action or as foundations for breakwaters or jetties.

Groin: Structure built seaward at an angle or perpendicular to the shore for the purpose of building or preserving an accretion beach by trapping littoral sand drift. Generally narrow and of varying lengths, a groin may be built in a series along the shore.

Harbor Area: The area of navigable waters determined as provided in Article XV, Section 1 of the State Constitution, which shall be forever reserved for landings, wharves, streets, and other conveniences of navigation and commerce.

Height (of Structure): The difference between the average grade level and the highest point of a structure (not including temporary construction equipment); provided, that television antennas, chimneys, and similar appurtenances shall not be used in calculating height except where such appurtenances obstruct the view of the shoreline from a substantial number of residences on areas adjoining such shorelines.

Instream structure: A structure placed by humans within a stream or river water-ward of the Ordinary High Water Mark that either causes or has the potential to cause water impoundment or the diversion, obstruction, or modification of water flow. In-stream structures may include those for hydroelectric generation, irrigation, water supply, flood control, transportation, utility service transmission, fish habitat enhancement, or other purpose.

Jetty: A structure generally perpendicular to the shore, extending through or past the intertidal zone. Jetties are built singly or in pairs at harbor entrances or river mouths to prevent accretion of littoral drift in an entrance channel. Jetties also protect channels and inlets from storm waves and cross-currents and to stabilize inlets through barrier beaches. Most jetties are of riprap mound construction.

Joint-use: Sharing of facilities such as docks, piers, floats, and similar structures by more than one property owner or by a homeowners' association or similar group.

Limited Master Program Amendment: A master program amendment that addresses specific procedural and/or substantive topics and which is not intended to meet the complete requirements of a comprehensive master program update.

Littoral drift: The mud, sand or gravel material moved parallel to the shoreline in the nearshore zone by waves and currents.

Live-aboard vessel: A vessel primarily used as a residence, and if used as a means of transportation or recreation, said transportation or recreation is a secondary or subsidiary use. Any vessel used for overnight accommodation for more than fifteen (15) nights in a one-month period shall be considered a residence.

Marina: A facility with water-dependent components for storing, servicing, fueling, berthing, launching and/or securing boats but at minimum including piers, buoys, or floats to provide moorage for five (5) or more boats. Marinas may provide eating, sleeping, and retail facilities for owners, crews, and guests. Those aspects located landward of the Ordinary High Water Mark are referred to as "backshore." Backshore marinas include wet-moorage that is dredged out of the land to artificially create a basin and dry moorage with upland storage that uses a hoist, marine travel lift or ramp for water access. Marina features located in the intertidal or offshore zone water-ward of the Ordinary High Water Mark, including any breakwaters of open type construction (floating breakwater and/or open pile work) and/or solid type construction (bulkhead and landfill), are referred to as "foreshore."

May: The action is acceptable, provided it conforms to the provisions of the SMP.

Mean Higher High Water (MHHW): The average of the higher high water height of each tidal day observed over the National Tidal Datum Epoch.

Mean Lower Low Water (MLLW): The average of the lower low water height of each tidal day observed over the National Tidal Datum Epoch.

Mitigation: Measures prescribed and implemented to avoid, minimize, lessen, or compensate for adverse impacts. Explicit in this definition is the following order of preference:

1. Avoiding an impact altogether by not taking a certain action or parts of actions;
2. Minimizing impacts by limiting the degree or magnitude of an action and its implementation;
3. Rectifying impacts by repairing, rehabilitating, or restoring the affected environment;
4. Reducing or eliminating an impact over time by preservation and maintenance operation during the life of the action;
5. Compensating for an impact by replacing or providing substitute resources or environments; and
6. Monitoring the mitigation and taking remedial action when necessary.

Mitigation plan: A plan for alleviating or lessening the adverse impacts of an activity or development, including measures such as avoiding, minimizing, or compensating for impacts. Mitigation plans should include a description and evaluation of existing environmental conditions, functions, and values; be prepared by a qualified person; list proposed and any alternative mitigation measures including any continuing activities and long-term performance assurance; evaluate the likelihood of success of those measures; and include a proposed means of monitoring and evaluating the success of the mitigation.

Mixed use: The use of a parcel or structure with two or more different land uses, such as a combination of residential, office, manufacturing, retail, public, or entertainment in a single or physically integrated group of structures.

Moorage Buoy: A floating device anchored to the bottom of a water body to provide tie-up capabilities for vessels or watercraft.

Must: A mandate; the action is required.

Natural Topography or Existing Topography: The topography of a lot, parcel, or tract of real property immediately prior to any site preparation or grading, including excavation or filling.

No Net Loss: The maintenance of the aggregate total of shoreline ecological functions over time. The no net loss standard contained in WAC 173-26-186 requires that impacts of shoreline use and/or development, whether permitted or exempt from permit requirements, be identified and mitigated such that there are no resulting impacts on ecological functions or processes.

Nonconforming Development or Nonconforming Structure: An existing structure that was lawfully constructed at the time it was built but is no longer fully consistent with present regulations such as setbacks, buffers, vegetation conservation areas, or yards; area; bulk; or height standards due to subsequent changes to the master program.

Nonconforming Lot: A lot that met dimensional requirements of the applicable master program at the time of its establishment but now contains less than the required width, depth, or area due to subsequent changes to the master program.

Nonconforming Use: An existing shoreline use that was lawfully established prior to the effective date of the act or the applicable master program, but which does not conform to present use regulations due to subsequent changes to the master program.

Overwater: Location above the surface of the water or water-ward of the Ordinary High Water Mark, including placement of buildings on piling or floats.

Pier: A fixed platform structure supported by piles in a water body that abuts the shore to provide landing for water dependent recreation or moorage for vessels or watercraft and does not include above water storage.

Port: When capitalized, that government agency known as the Port of Olympia; when lower-case, a center for water-borne commerce and traffic.

Primary Structure: The structure on a lot or parcel occupied by the principal use.

Public Access: The ability of the general public to reach, touch, and enjoy the water's edge, to travel on the waters of the state, and to view the water and shoreline from adjacent locations. See WAC 173-26-221(4).

Public Interest: The interest shared by the citizens of the state or community-at-large in the affairs of government, or some interest by which their rights or liabilities are affected such as an effect on public property or on health, safety, or general welfare resulting from a use or development. See WAC 173-27-030(14).

Recreation: Activities and associated facilities for public or private use for refreshment of body and mind through play, amusement or relaxation including hiking, swimming, canoeing, photography, fishing, boat ramps, playgrounds, and parks.

Restoration plan: A plan to reestablish or upgrade impaired ecological shoreline processes or functions. Such plan may be to restore a site or shoreline area to a specific condition, or to reestablish functional characteristics and processes which have been lost due to alterations, activities, or catastrophic events. Restoration plans should identify the degraded site or area or impaired ecological function(s); establish specific restoration goals and priorities; describe the timing, elements, benchmarks, and other details of proposed restoration activities; include mechanisms or strategies to ensure successful implementation; and provide for monitoring and evaluation of the success of the restoration. Note: the term "Restoration Plan" may also refer to the shoreline Restoration Plan (Appendix A) that is a part of Olympia's Shoreline Master Program.

Revetment: A sloped wall constructed of riprap or other suitable material placed on stream banks or other shorelines to retard bank erosion and minimize lateral movement. The slope differentiates it from a bulkhead, which is a vertical structure.

Riprap: Dense, hard, angular rock free from cracks or other defects conducive to weathering often used for bulkheads, revetments, or similar slope/bank stabilization purposes.

Sea Level Rise: An increase in the elevation of marine waters associated with changes in the state of the climate and which can be identified by changes in the mean and/or variability of its properties and that persists for decades or longer.

Shall: A mandate; the action must be done.

Shorelands or Shoreland areas: Lands extending landward for two hundred feet in all directions as measured on a horizontal plane from the Ordinary High Water Mark, floodways, and contiguous floodplain areas landward two hundred feet from such floodways, and all wetlands and river deltas associated with the streams, lakes, and tidal waters designated by the Department of Ecology as subject to the Shoreline Management Act.

Shoreline Master Program or Shoreline Program of Olympia: Specified goals and policies of the Olympia Comprehensive Plan together with specified use regulations and including maps, diagrams, charts, or other descriptive material and text, a statement of desired goals, and standards adopted in accordance with the policies of the Shoreline Management Act.

Shoreline Setback: The horizontal distance required between an upland structure or improvement and the Ordinary High Water Mark; usually measured in feet. (Note that in general setbacks are only applicable to structures having a height greater than 30 inches.) Shoreline setbacks outlined in Table 6.3 include and are not in addition to the VCAs outlined in Table 6.3

Shoreline Stabilization or Protection: Protection of shoreline upland areas and shoreline uses from the effects of shoreline wave action, flooding, or erosion through the use of structural and non-structural methods. See OMC 18.20.860 for examples.

Should: The particular action is required unless there is a demonstrated, compelling reason, based on policy of the Shoreline Management Act and this chapter, against taking the action.

Stair Tower: A structure twelve (12) feet or taller in height typically consisting of one (1) or more flights of stairs, usually with landings to pass from one level to another.

Submerged Lands: Areas below the Ordinary High Water Mark of marine waters, lakes and rivers.

Tideland: The land on the shore of marine water bodies between Ordinary High Water Mark (OHWM) or mean higher high tide (MHHW) and the line of extreme low tide which is submerged daily by tides.

Transportation Facilities: Streets, railways, bicycle lanes, sidewalks, and shared use paths consistent with the City of Olympia Engineering Design and Development Standards.

Variance, Shoreline: A means to grant relief from specific bulk, dimensional or performance standards set forth in this chapter or related state regulations pursuant to the criteria of WAC 173-27-170; such may not vary a use of a shoreline.

Vegetation Conservation: Activities to protect and restore vegetation along or near shorelines that minimize habitat loss and the impact of invasive plants, erosion, and flooding, and contribute to ecological functions of shoreline areas. Vegetation conservation provisions include the prevention or restriction of plant clearing and earth grading, vegetation restoration, and the control of invasive weeds and non-native species.

Vegetation Conservation Area: That area within which vegetation conservation actions take place, as required by this Chapter. Vegetation management provisions may be independent of a permit or approval requirement. VCAs outlined in Table 6.3 are measured from the Ordinary High Water Mark and are located within the shoreline setbacks outlined in Table 6.3.

Visual Access: Access with improvements that provide a view of the shoreline or water but that do not allow physical access to the shoreline.

Weir: A device placed in a stream or river to raise or divert the water.

3.4 18.20.200 - General Permit and Authorization Provisions

- A. To be authorized, all uses, and development shall be carried out in a manner that is consistent with the Olympia Shoreline Master Program and the policies of the Shoreline Management Act as required by RCW 90.58.140(1), regardless of whether a shoreline permit, statement of exemption, shoreline variance, or shoreline conditional use permit is required.
- B. No use, alteration, or development shall be undertaken within the regulated shorelines by any person without first obtaining permits or authorization.
- C. Applicants shall apply for shoreline substantial development, variance, and conditional use permits on forms provided by the City. Applications shall contain information required in WAC 173-27-180.
- D. All permit applications shall be processed in accordance with the rules and procedures set forth in OMC Titles 14, 16, 17 and 18 and WAC 173-27. Where in conflict state law shall prevail.
- E. The City shall document all project review actions in shoreline jurisdiction. The City shall review this documentation and evaluate the cumulative effects of authorized development on shoreline conditions as part of the 8-year periodic review cycle identified in RCW 90.58.080 (4).

3.5 18.20.210 - Shoreline Substantial Development Permits

- A. A Shoreline Substantial Development Permit shall be required for all proposed use and development of shorelines unless the proposal is specifically exempted in accordance with WAC 173-27-040 and RCW 90.58.
- B. In order to be approved, the decision maker shall find that the proposal is consistent with the following criteria:
 - 1. The policies and procedures of RCW 90.58 and provisions of WAC 173-27-150; and
 - 2. All policies and regulations of this Shoreline Program appropriate to the shoreline environment designation and the type of use or development proposed shall be met, except any bulk or dimensional standards that have been modified by approval of a shoreline variance.
- C. Conditions may be attached to the approval of permits as necessary to assure consistency of the project with the Act and this Shoreline Program.
- D. The City is the final authority for a Shoreline Substantial Development Permit; unless an appeal is filed with the State Shorelines Hearings Board.

3.6 18.20.215 - Exceptions to Local Review

- A. Requirements to obtain a Substantial Development Permit, Conditional Use Permit, Variance, exemption, or other review to implement the Shoreline Management Act do not apply to the follo
 - 1. Remedial actions. Pursuant to RCW 90.58.355, any person conducting a remedial action at a facility pursuant to a consent decree, order, or agreed order issued pursuant to chapter 70.105D RCW, or to the department of ecology when it conducts a remedial action under chapter 70.105D RCW.
 - 2. Boatyard improvements to meet NPDES permit requirements. Pursuant to RCW 90.58.355, any person installing site improvements for storm water treatment in an existing boatyard facility to meet requirements of a national pollutant discharge elimination system storm water general permit.
 - 3. WSDOT facility maintenance and safety improvements. Pursuant to RCW 90.58.356, Washington State Department of Transportation projects and activities meeting the conditions of RCW 90.58.356 are not required to obtain a Substantial Development Permit, Conditional Use Permit, Variance, letter of exemption, or other local review.
 - 4. Projects consistent with an environmental excellence program agreement pursuant to RCW 90.58.045.

5. Projects authorized through the Energy Facility Site Evaluation Council process, pursuant to chapter 80.50 RCW.

3.67 18.20.220 - Exemptions from Shoreline Substantial Development Permit

- A. Certain developments are exempt from the requirement to obtain a Substantial Development Permit. Such developments still may require a Shoreline Variance or Conditional Use Permit, and all development within the shoreline is subject to the requirements of this Shoreline Program, regardless of whether a Substantial Development Permit is required. Developments which are exempt from the requirement for a Substantial Development Permit are identified in WAC 173-27-040, RCW 90.58.030(3)(e), RCW 90.58.147 and RCW 90.58.515.
- B. Whenever a development is exempt from the requirement to obtain a Shoreline Substantial Development Permit and the development is subject to one or more of the following federal permits, a letter of exemption is required pursuant to WAC 173-27-050:
 - 1. A U.S. Army Corps of Engineers Section 10 Permit under the Rivers and Harbors Act of 1899; or
 - 2. A Section 404 Permit under the Federal Water Pollution Control Act of 1972.

3.78 18.20.230 - Shoreline Conditional Use Permits

- A. The purpose of a Shoreline Conditional Use Permit is to provide a system which allows flexibility in the application of use regulations in a manner consistent with the policies of RCW 90.58.020. In authorizing a Shoreline Conditional Use Permit, special conditions may be attached by the City or the Department of Ecology to control any undesirable effects of the proposed use and to assure consistency with the Shoreline Management Act and Olympia's Shoreline Program.
- B. Uses which are classified in this Chapter as conditional uses may be authorized provided that the applicant can satisfy the criteria set forth in WAC 173-27-160:
 - 1. That the proposed use will be consistent with the policies of RCW 90.58.020 and the Shoreline Program;
 - 2. That the proposed use will not interfere with the normal public use of public shorelines;
 - 3. That the proposed use of the site and design of the project is compatible with other authorized uses within the area and with uses planned for the area under the Comprehensive Plan and Shoreline Program;
 - 4. That the proposed use will cause no significant adverse effects to the shoreline environment in which it is to be located; and
 - 5. That the public interest suffers no substantial detrimental effect.
- C. In the granting of all Shoreline Conditional Use permits, consideration shall be given to the cumulative impact of additional requests for like actions in the area. For example, if Shoreline Conditional Use Permits were granted for other developments in the area where similar circumstances exist, the total of the conditional uses shall also remain consistent with the policies of RCW 90.58.020 and shall not produce substantial adverse effects to the shoreline environment.
- D. Other uses which are not specifically classified as a permitted or conditional use in this Shoreline Program may be authorized as a shoreline conditional use provided that the applicant can satisfy the criteria set forth in WAC 173-27-160 (see B above).
- E. Uses that are specifically prohibited by this Chapter shall not be authorized.

3.89 18.20.240 - Shoreline Variances

- A. The purpose of a shoreline variance is strictly limited to granting relief from specific bulk, dimensional, or performance standards set forth in this chapter where there are extraordinary circumstances relating to the physical character or configuration of property such that the strict implementation of Olympia's Shoreline Program will impose unnecessary hardships on the applicant or thwart the policies set forth in RCW 90.58.020.
- B. Shoreline Variance Permits should be granted in circumstances where denial of the permit would result in a thwarting of the policy enumerated in RCW 90.58.020. In all instances the applicant must demonstrate that extraordinary circumstances exist, and the public interest will suffer no substantial detrimental effect.
- C. Variances from the use regulations of this Shoreline Program are prohibited.
- D. Land shall not be subdivided to create parcels that are buildable only with a shoreline variance or would be considered non-conforming.
- E. Variances for development and/or uses that will be located landward of the Ordinary High Water Mark and/or landward of any associated wetland may be authorized provided the applicant can demonstrate all of the following:
 - 1. That the strict application of the bulk, dimensional or performance standards set forth in this chapter precludes, or significantly interferes with, reasonable use of the property;
 - 2. That the hardship described above is specifically related to the property, and is the result of unique conditions such as irregular lot shape, size, or natural features and the application of the Olympia Shoreline Program, and not, for example, from deed restrictions or the applicant's own actions;
 - 3. That the design of the project is compatible with other authorized uses within the area and with uses planned for the area under the Comprehensive Plan and Shoreline Program and will not cause adverse impacts to the shoreline environment;
 - 4. That the variance will not constitute a grant of special privilege not enjoyed by other properties in the area;
 - 5. That the variance request is the minimum necessary to afford relief; and
 - 6. That the public interest will suffer no substantial detrimental effect.
- F. Variance permits for development and/or uses that will be located water-ward of the Ordinary High Water Mark, or within any wetland may be authorized provided the applicant can demonstrate all of the following:
 - 1. That the strict application of the bulk, dimensional or performance standards set forth in this Shoreline Program precludes all reasonable use of the property not otherwise prohibited by this Shoreline Program;
 - 2. That the proposal is consistent with the criteria established under Section E above; and
 - 3. That the public rights of navigation and use of the shoreline will not be adversely affected.
- G. In the granting of any shoreline variance, consideration shall be given to the cumulative impact of additional requests for like actions in the area. In other words, if Shoreline Variance Permits were granted for other developments in the area where similar circumstances exist, the total of the variances shall also remain consistent with the policies of RCW 90.58.020 and shall not produce substantial adverse effects to the shoreline environment.

3.910 18.20.250 - Unclassified Uses

- A. Other uses not specifically classified or set forth in this chapter may be authorized as shoreline conditional uses provided the applicant can satisfy the Shoreline Conditional Use Permit criteria set forth above.
- B. Uses that are specifically prohibited by this chapter cannot be authorized by a Shoreline Conditional Use permit.

3.101 18.20.260 - Submittal Requirements

All development proposals under the jurisdiction of this chapter shall satisfy the application submittal requirements set forth in OMC Titles 16, 17 and 18.

3.112 18.20.270 - Inspections

Pursuant to RCW 90.58.200, the Administrator or authorized representatives may enter land or structures to enforce the provisions of the Shoreline Program. Such entry shall follow the provisions set forth in OMC 8.24.120.

3.123 18.20.280 - Shoreline Permit Procedures

- A. Applications for Shoreline Substantial Development Permits, Conditional Use Permits, and Variance Permits are subject to and shall be processed pursuant to WAC Chapter [173-27](#), as now or hereafter amended, and as provided below.
- B. Applications for Shoreline Substantial Development, Conditional Use, and Variance Permits shall be submitted to the Planning Department on forms supplied by the Department. The application shall contain the information required by WAC [173-27-180](#) and such other information as may be required by the Department. The applicant shall pay to the Department the application fee prescribed by the approved fee schedule. In addition to the application fee, the applicant shall pay fees for environmental analysis, and for other necessary actions or approvals.
- C. Applications for ~~these~~ Shoreline Substantial Development Permits or shoreline exemptions ~~that are exempt from the State Environmental Policy Act and entirely upland of the Ordinary High Water Mark may be~~ are decided by the Administrator, ~~if a public hearing is not requested by an interested party.~~ unless elevated by the Administrator to a Hearing Examiner decision because the proposal is extraordinarily complex, has significant impacts beyond the immediate site, is of a community wide interest, or is of a controversial nature. The Hearing Examiner shall hold a public hearing and render a decision for regarding other applications identified in subsection A of this section all Conditional Use Permit and Variance Permit applications. Consistent with RCW 90.58.140 (10), the Department of Ecology must approve or disapprove Shoreline Conditional Use Permits and shoreline variances issued by the City.
- D. Pursuant to WAC [173-27-110](#), notice of the application and hearing shall be published in the manner prescribed therein, and mailed to the latest recorded real property owners as shown by the records of the county assessor within at least three hundred feet of the boundary of the subject property, fifteen (15) days before the hearing. In addition, the Planning Department, in its discretion, may give notice in any other additional manner deemed appropriate.
- E. The decision of the Administrator may be appealed to the hearings examiner per OMC 18.20.290. The Hearing Examiner decision may be appealed to the Shorelines Hearing Board pursuant to WAC 173-27-220.
- F. Pursuant to WAC [173-27-090](#) and [173-27-100](#), the Administrator shall review and decide requests for time extensions and permit revisions. Any permit revision approval must be submitted to the Department of Ecology. The decision of the Administrator may be appealed pursuant to OMC 18.20.290. If the revision to the original permit involves a Conditional Use Permit or Variance, the City shall submit the revision to the Department of Ecology for its final decision. Conditional Use Permit or Variance decisions may be appealed to the Shoreline Hearings Board pursuant to WAC 173-27-220.

- G. When developing ~~and adopting procedures for an~~ administrative interpretation of this Master Program, the City shall consult with the Department of Ecology to ~~insure~~ ensure that any formal written interpretations are consistent with the purpose and intent of the Act and the SMP Guidelines.

3.134 18.20.285 - Amendments

- A. Amendments to the Shoreline Master Program, including changes in mapped environmental designations, shall be processed pursuant to Chapter 173-26-100 WAC as now or hereafter amended, and as provided below. All such amendments are required to be approved by the Department of Ecology.
- B. Applications for proposed amendments shall be submitted to the Planning Department on forms supplied by the Department. The applicant shall pay to the Department the application fee and fees for environmental analysis pursuant to RCW [43.21C](#) (SEPA), and for other necessary actions or approvals.
- C. The City Council shall hold the public hearing prescribed by WAC [173-26-100](#)(1). At any time, the Council may refer a proposed amendment to the Planning Commission for a recommendation. If the Planning Commission elects to hold a public hearing, a notice of the hearing shall be given in the same manner as the hearing held by the Council.
- D. The City may utilize the optional joint review process for SMP amendments according to the procedures prescribed in WAC 173-26-104.
- ~~DE.~~ If the proposed amendment is a map change of environmental designation, regardless of the size or number of parcels affected, or regardless of whether the applicant is a private person or governmental agency, notice of the proposed amendment shall be mailed to all the owners of the property which is proposed for redesignation, as shown by the records of the county assessor. In addition, notice shall be mailed to all the owners of property which lies within three hundred feet of the boundary of the property proposed for designation. The applicant shall furnish to the Planning Department the names and addresses of property owners who are to receive notice.

3.145 18.20.290 - Appeals of Administrative Decisions

- A. Any aggrieved person may appeal an administrative decision made pursuant to the Master Program by filing a written appeal with the Planning Department within fourteen (14) calendar days from the date of decision. The appeal shall be filed on forms prescribed by the Department and the appellant shall pay to the Department the appeal fee prescribed by the approved fee schedule.
- B. Appeals of administrative decisions shall be decided by the hearings examiner, after appeal hearing, and shall be subject to the provisions of OMC 18.75. Notice of the hearing shall be mailed to the appellant and may be mailed to any other person who the Planning Department believes may be affected by or interested in the appeal. Notice shall be mailed not later than ten (10) days before the hearing.

3.156 18.20.295 - Fees

For purposes of this chapter, the fee schedule in Section 4.40.010 of the Olympia Municipal Code is considered the "approved fee schedule."

3.167 18.20.300 - Shoreline Jurisdiction

- A. The provisions of this Chapter shall apply to all shorelines of the state, all shorelines of statewide significance and shorelands as defined in RCW 90.58.030, within the City of Olympia. These areas are collectively referred to herein as 'shorelines'.
- B. Olympia's "shorelands" include lands extending landward for two hundred feet in all directions as measured on a horizontal plane from the Ordinary High Water Mark, floodways, and contiguous floodplain areas landward 200 feet from such floodways, and all wetlands and river deltas associated with the following bodies of water. The City has chosen not to regulate 'optional' shorelands as described in RCW 90.58.030 through this Shoreline Program. Within its municipal boundaries, the City

of Olympia shall have authority over the shorelines (water areas) and associated shorelands of Budd Inlet, Capitol Lake, Chambers Lake, Grass Lake, Ken Lake, Ward Lake, Black Lake Ditch and Percival Creek, including those waters of Budd Inlet seaward of extreme low tide which are shorelines of statewide significance.

B.C. In circumstances where the shoreline jurisdiction does not include an entire parcel, only that portion of the parcel within shoreline jurisdiction and any use, activity, or development proposed on that portion of the parcel is subject to the City's Shoreline Master Program regulations. When a structure is partially in and partially out of the shoreline jurisdiction, the entire structure must comply with the Shoreline Master Program. When development on a parcel is completely outside of the shoreline jurisdiction it does not need to comply with the SMP.

3.178 18.20.310 - Official Shoreline Map

- A. Shoreline Environment Designations have been established and are delineated on the "City of Olympia Shoreline Map" (Shoreline Map) hereby incorporated by reference. The official copy of this map shall reside with the Washington State Department of Ecology.
- B. The Shoreline Map (Figure 4.1) identifies shoreline environment designations and the approximate extent of shoreline jurisdiction within City boundaries. It does not identify or depict the lateral extent of shoreline jurisdiction or associated wetlands and floodplains. The lateral extent of the shoreline jurisdiction shall be determined on a case-by-case basis by the project applicant or a qualified professional, as necessary by the project applicant or a qualified professional, as necessary. The actual extent of shoreline jurisdiction requires a site-specific evaluation to identify the location of the Ordinary High Water Mark (OHWM) and associated wetlands and/or floodplains.
- C. Where uncertainty or conflict occurs in the exact location of a shoreline designation boundary, the Administrator shall interpret the boundaries based upon:
 - 1. The coordinates listed in *Shoreline Environmental Designations for the City of Olympia*;
 - 2. Boundaries indicated as approximately following lot, tract, or section lines;
 - 3. Boundaries indicated as approximately following roads or railways shall be construed to follow their centerlines; and
 - 4. Boundaries indicated as approximately parallel to or extensions of features indicated in 2 or 3 above shall be so construed.
- D. In the event of a mapping error, the City will rely on the criteria in the statute and the WAC pertaining to the determination of shorelines.

3.189 18.20.320 - Shoreline Environment Designations

- A. The Olympia Comprehensive Plan sets forth the designation and management policies for the shoreline environment designations established in the Olympia Shoreline Program.
- B. Areas within shoreline jurisdiction that are not mapped and/or designated are automatically assigned an *Urban Conservancy* environment designation until the shoreline can be designated through a Shoreline Program amendment.

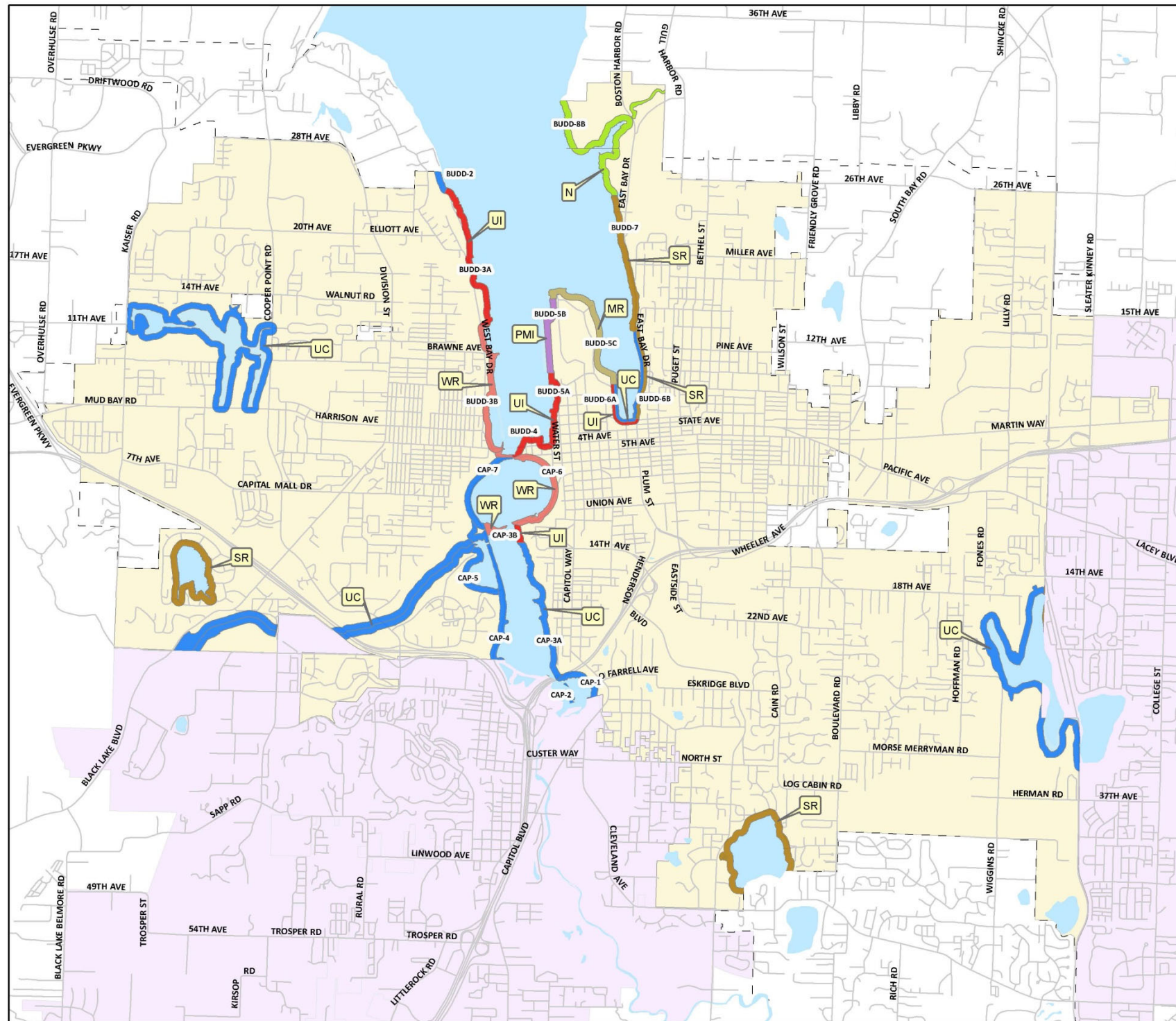


FIGURE 4.1
City of Olympia
Shoreline Map
Shoreline Environment
Designations 10/8/2015

Olympia

	AQUATIC
	MARINE RECREATION
	NATURAL
	PORT MARINE INDUSTRIAL
	SHORELINE RESIDENTIAL
	URBAN CONSERVANCY
	URBAN INTENSITY
	WATERFRONT RECREATION
	Roads
	Urban Growth Area
	Olympia City Limits
	Tumwater/Lacey City Limits

0 0.5 1

Miles

DISCLAIMER: This map was created for internal City use only. The parcels, right-of-ways, utilities and structures depicted on this map are based on information taken from historical records and aerial photos. The information has not been independently verified as complete or accurate. Access to such information is provided to the public as a matter of public record, for general information only. The completeness and accuracy of this information should not be relied upon. Users are advised to field-verify all information through a private, licensed professional. The City of Olympia and its personnel expressly disclaim any liability arising from commercial or private use of this map or the information, or absence of information, contained herein.

Map Figure 4.1

3.192018.20.330 - Shoreline Environment Purposes

Aquatic – The purpose of the *Aquatic* environment is to protect, restore and manage the unique characteristics and resources of the areas water-ward of the Ordinary High Water Mark.

Natural – The purpose of the *Natural* environment is to protect those shoreline areas that are relatively free of human influence or that include intact or minimally degraded shoreline functions intolerant of human use. These systems require that only very low intensity uses be allowed in order to maintain the ecological functions and ecosystem-wide processes. Consistent with the policies of the designation, Olympia will plan for restoration of degraded shorelines within this environment.

Urban Conservancy – The purpose of the *Urban Conservancy* environment is to protect and restore ecological functions of open space, flood plain and other sensitive lands where they exist in urban and developed settings, while allowing a variety of compatible uses.

Waterfront Recreation – The purpose of the *Waterfront Recreation* environment is to provide recreational and public access opportunities and to maintain and restore shoreline ecological functions and preserve open space. This designation is generally intended for appropriate public parks.

Marine Recreation – The purpose of the *Marine Recreation* environment is to establish provisions for boating facilities and water-oriented recreational and commercial uses and to restore shoreline ecological functions and preserve open space.

Shoreline Residential – The purpose of the *Shoreline Residential* environment is to accommodate residential development and appurtenant structures that are consistent with Olympia’s Shoreline Program. An additional purpose is to provide public access and recreational uses.

Urban Intensity – The purpose of the *Urban Intensity* environment is to provide for high-intensity water-oriented commercial, transportation, industrial, recreation, and residential uses while protecting existing ecological functions and restoring ecological functions in areas that have been previously degraded, and to provide public access and recreational uses oriented toward the waterfront.

Port Marine Industrial – The purpose of the *Port Marine Industrial* environment is to allow the continued use and development of high-intensity water-oriented transportation, commercial and industrial uses. This area should support water-oriented marine commerce balanced with the protection of existing ecological functions and restoration of degraded areas.

3.201 18.20.400 - General Regulations – Intent

This section OMC Sections 18.20.400 through 18.20.510 sets forth regulations that apply to all uses and activities, as applicable, in all shoreline environments. These regulations are to be used in conjunction with the OMC 18.20.600, et seq.

3.212 18.20.410 - No-Net-Loss and Mitigation

- A. All shoreline uses and development, including preferred uses and uses that are exempt from shoreline permit requirements, shall be located, designed, constructed, and maintained in a manner that maintains shoreline ecological functions and processes.
- B. Applicants/proponents of new shoreline use, and development shall demonstrate that all reasonable efforts have been taken to avoid adverse environmental impacts. Mitigation shall occur in the following order of priority:
 1. Avoiding the adverse impact altogether by not taking a certain action or parts of an action, or moving the action;
 2. Minimizing adverse impacts by limiting the degree or magnitude of the action and its implementation by using appropriate technology and engineering, or taking affirmative steps to avoid or reduce adverse impacts;

3. Rectifying the adverse impact by repairing, rehabilitating, or restoring the affected environment;
 4. Reducing or eliminating the adverse impact over time by preservation and maintenance operating during the life of the action;
 5. Compensating for the adverse impacts by replacing, enhancing, or providing similar substitute resources or environments; and
 6. Monitoring the impact of the compensation projects and taking appropriate corrective measures.
- C. In determining appropriate mitigation measures, lower priority measures shall be applied only when higher priority measures are determined to be infeasible or inapplicable.
- D. Mitigation actions shall not have a significant adverse impact on other shoreline ecological functions.
- E. The City may require applicants to prepare special reports as necessary to address the impacts of proposed development on shoreline ecological functions or to demonstrate that avoidance is not feasible.
- F. When mitigation measures are required, all of the following shall apply:
1. The quality and quantity of the replaced, enhanced, or substituted resources shall be the same or better than the affected resources;
 2. The mitigation site and associated vegetative planting shall be nurtured and maintained such that healthy native plant communities can grow and mature over time;
 3. The mitigation shall be informed by pertinent scientific and technical studies, including but not limited to the Shoreline Inventory (TRPC, June 2009), Shoreline Analysis and Characterization Report (ESA Adolfson, December 2008), Olympia's Shoreline Restoration Plan (Appendix A to the Master Program) and that of other jurisdictions, and other background studies prepared in support of this Program;
 4. The mitigation plan shall include contingencies should the mitigation fail during the monitoring/maintenance period;
 5. Compensatory mitigation shall be done prior to or at the same time as the impact; and
 6. The mitigation activity shall be monitored and maintained to ensure that it achieves its intended functions and values. Mitigation sites shall be monitored for ten (10) years in accordance with the provisions in OMC 18.32.
- G. The applicant may be required to post a financial surety such as an assignment of savings or bond that is 125 percent of the estimated cost of the mitigation to guarantee performance. Estimates shall be prepared in accordance with OMC 18.32. Sureties shall only be released upon acceptance of the mitigation project by the City. If the mitigation project has not performed as prescribed in the mitigation plan, the City shall have the authority to extend the monitoring and surety period, and require additional monitoring reports and maintenance activities beyond the 10-year monitoring period. This requirement applies to all projects where mitigation is used.
- H. Mitigation measures shall occur in the immediate vicinity of the impact. If this is not feasible as determined through the mitigation sequence process (OMC 18.20.410(B)), mitigation may occur offsite if it provides greater improvement to shoreline ecological functions and values. The City may also approve use of alternative mitigation practices such as in-lieu fee programs, mitigation banks, and other similar approaches provided they have been approved by the Department of Ecology, the Department of Fish and Wildlife, or the Army Corps of Engineers.
- I. Type and Location of Mitigation:
1. The Administrator shall give preference to mitigation projects that are located within the City of Olympia. Prior to mitigating for impacts outside City of Olympia jurisdiction, applicants must

demonstrate to the Administrator that the preferences herein cannot be met within City boundaries.

2. Natural, Shoreline Residential, Urban Conservancy, Waterfront Recreation, and Aquatic Environments: Compensatory mitigation for ecological functions shall first be in-kind and onsite, or second in-kind and within the same reach, sub-basin, or drift cell, except when all of the following apply:
 - a. It is demonstrated to the satisfaction of the Administrator that there are no reasonable onsite or in sub-basin opportunities (e.g., onsite options would require elimination of high functioning upland habitat), or onsite and in sub-basin opportunities do not have a high likelihood of success based on a determination of the natural capacity of the site to compensate for impacts. Considerations should include: anticipated marine shoreline/wetland/stream mitigation ratios, buffer conditions and proposed widths, available water to maintain anticipated hydrogeomorphic classes of wetlands or streams when restored, proposed flood storage capacity, potential to mitigate riparian fish and wildlife impacts (such as connectivity); and
 - b. Offsite mitigation has a greater likelihood of providing equal or improved shoreline ecological functions than the impacted shoreline.
3. Urban Intensity, Marine Recreation and Port Marine Industrial Environments:
 - a. The preference for compensatory mitigation is for innovative approaches that would enable the concentration of mitigation into larger habitat sites in areas that will provide greater critical area or shoreline function.
 - b. The Administrator may approve innovative mitigation projects including but not limited to activities such as advance mitigation, fee in-lieu, mitigation banking and preferred environmental alternatives subject to the mitigation sequencing process contained in Section 18.20.410. Innovative mitigation proposals must offer an equivalent or better level of protection of shoreline ecological functions and values than would be provided by a strict application of onsite and in-kind mitigation. The Administrator shall consider the following for approval of an innovative mitigation proposal:
 - 1) Creation or enhancement of a larger system of natural areas and open space is preferable to the preservation of many individual habitat areas;
 - 2) Consistency with Goals and Objectives of the Shoreline Restoration Plan and the Goals and Objectives of this Program;
 - 3) The applicant demonstrates that long-term management and protection of the habitat area will be provided;
 - 4) There is clear potential for success of the proposed mitigation at the proposed mitigation site;
 - 5) Restoration of marine shoreline functions or critical areas of a different type is justified based on regional needs or functions and processes;
 - 6) Voluntary restoration projects.

J. Fee In-lieu:

1. To aid in the implementation of offsite mitigation, the City may develop a formal program which prioritizes shoreline areas included in the Restoration Plan for use as mitigation and/or allows payment in lieu of providing mitigation on a development site. This program shall be developed and approved through a public process and be consistent with state and federal rules. The program should address:

- a. The identification of sites within the City that are suitable for use as offsite mitigation and are consistent with the Shoreline Restoration Plan. Site suitability shall take into account shoreline ecological functions, potential for degradation, and potential for urban growth and service expansion; and
 - b. The use of fees for mitigation on available sites that have been identified as suitable and prioritized for restoration and/or enhancement
 - c. Any offsite mitigation would have to be consistent with the goals and objectives of the Shoreline Restoration Plan.
2. If a fee-in-lieu program is approved by the City then in cases where mitigation pursuant to this section is not possible, or where the maximum possible onsite mitigation will not wholly mitigate for anticipated impacts, or where an alternative location, identified in an adopted restoration plan, would provide greater ecological function, the Administrator may approve a payment of a fee in lieu of mitigation. The fee shall be reserved for use in high value restoration actions identified through the Shoreline Restoration Plan.

K. Advance Mitigation

1. Advance mitigation is a form of permittee responsible compensatory mitigation constructed in advance of a permitted impact.
2. To aid in the implementation of advance mitigation, the City may develop a formal advance mitigation program. This program shall be developed and approved through a public process and be consistent with state and federal rules as defined in the Interagency Regulatory Guide: Advance Permittee-Responsible Mitigation (December 2012). At a minimum, the program should address:
 - a. Credit value of advance mitigation proposals
 - b. Credits can only be used by the same applicant
 - c. Establish performance standards
 - d. Establish baseline conditions
3. Any advance mitigation project shall be consistent with the goals and objectives of the Shoreline Restoration Plan.

L. Effect on Building Setbacks

1. No building shall be rendered nonconforming with respect to building setbacks as a result of shoreline restoration or mitigation conducted in accordance with this SMP.

3.223 18.20.420 - Critical Areas

- A. All uses and development occurring within the shoreline jurisdiction shall comply with the critical areas regulations adopted by the City Council as of _____, 2021 (Ordinance _____) and codified in Chapter 18.32 (critical area regulations) and Chapter 16.70 (flood damage prevention), except as modified in (C) below.
- B. If there are any conflicts or unclear distinctions between this chapter and Olympia’s critical area or flood damage prevention regulations, the requirements that are the most consistent with the Shoreline Management Act or Washington Administrative Code pertaining to shoreline management shall apply.
- C. Regardless of other provisions in Chapter 18.32, to ensure consistency with the sShoreline Management Act critical areas within shoreline jurisdiction shall be subject to the following:
 1. In shoreline jurisdiction, critical area review and permit procedures will be incorporated into and conducted consistently with the associated shoreline permit or exemption review and approval.

2. Stream and Important Riparian Area buffer reductions beyond twenty-five percent (25%) within shoreline jurisdiction shall require a shoreline variance.
3. Stormwater facilities may be allowed in the outer twenty-five percent (25%) of Category III and IV wetland buffers in shoreline jurisdiction (OMC 18.32.525(~~KI~~)) and only when no other location is feasible.
4. Utility lines may be allowed in the outer twenty-five percent (25%) of Category III and IV wetland buffers in shoreline jurisdiction (OMC 18.32.525(~~LM~~)).
5. Locating stormwater facilities or utilities within wetlands or within any wetland buffer other than those specified in numbers 4~~3~~ and 5~~4~~ above shall require a shoreline variance (OMC 18.32.530(E) and (G)).
6. Wetland buffer reductions beyond twenty-five percent (25%) within shoreline jurisdiction shall require a shoreline variance.
- ~~7. Identification of wetlands and delineation of their boundaries in shoreline jurisdiction shall be done in accordance with the approved federal wetland delineation manual and applicable regional supplements (OMC 18.32.580).~~
- ~~8.7.~~ Reasonable use exceptions (OMC 18.66.040) are not available for relief from critical area standards within the shoreline jurisdiction. Instead, applicants seeking relief from the critical area standards shall apply for a shoreline variance.
- ~~9.8.~~ New development or the creation of new lots that would cause foreseeable risk from geological conditions during the life of the development is prohibited.
- ~~9.~~ Uses and activities that may be authorized within floodways are limited to those listed in WAC 173-26-221 (3)(c)(i).
- ~~10. Priority riparian area buffers are set forth in OMC 18.32.435 Streams and Priority Riparian Areas- Buffers.~~

3.234 18.20.430 - Archaeological, Historic, and Cultural Resources

- A. Archaeological sites located both in and outside shoreline jurisdiction are subject to RCW 27.44 (Indian Graves and Records) and RCW 27.53 (Archaeological Sites and Records).
- B. Development or uses that impact such sites shall comply with WAC 25-48 (Archaeological Excavation and Removal Permit) as well as the requirements of OMC 18.12, Historic Preservation, and the applicable requirements of this chapter.
- C. Shoreline use and development on sites having archaeological, historic, or cultural resources shall be designed and constructed in a manner that prevents impacts to the resource and provides educational benefits to the public, where appropriate.
- D. ~~In accordance with OMC 18.12 and WAC 173-26-221, D~~developers and property owners shall immediately stop work and notify the City, the Office of Archaeology and Historic Preservation and affected Indian tribes if archaeological resources are uncovered during excavation.
- E. Development that is proposed in areas documented to contain archaeological resources shall have a site inspection or evaluation by a professional archaeologist in coordination with affected Indian tribes during the development review process.

3.245 18.20.440 - Parking

- A. Parking facilities or lots within the shoreline jurisdiction shall be allowed only to support authorized uses.

- B. Commercial parking facilities or lots as a primary use are prohibited within the shoreline jurisdiction.
- C. Parking facilities or lots shall be located landward of the principal building, except when the parking facility is within or beneath the structure and adequately screened or in cases when an alternate orientation would have less adverse impact on the shoreline.
- D. Parking facilities or lots shall be designed and landscaped to minimize adverse impacts upon adjacent shorelines and abutting properties. Landscaping shall comply with OMC 18.36 and the vegetation conservation standards of OMC 18.20.495.
- E. Parking facilities or lots shall provide safe and convenient pedestrian circulation within the parking area to the building or use it serves, and shall be located as far landward of the Ordinary High Water Mark as feasible.
- F. To the extent feasible, new parking lots shall include the most effective stormwater treatment and 'best management' practices. At minimum, such treatment shall conform to the 'Enhanced Menu' issued by the Washington Department of Ecology's "Runoff Treatment BMPs" of August, 2012.

3.256 18.20.450 - Public Access

- A. Public access shall be required for the following types of development, unless waived pursuant to Section C.
 - 1. Residential developments of more than nine residential lots or dwelling units;
 - 2. Commercial or industrial developments; and
 - 3. Shoreline developments proposed or funded by public entities, port districts, state agencies, or public utility districts.
- B. Where a development or use will interfere with an existing public access, the development or use shall provide public access to mitigate this impact. Impacts to public access may include blocking access or discouraging use of existing onsite or nearby public access.
- C. The public access requirement, when related to development not publicly funded, may be waived by the Administrator where one or more of the following conditions are present:
 - 1. Unavoidable health or safety hazards to the public exist which cannot be prevented by any practical means;
 - 2. Constitutional or other legal limits apply;
 - 3. Inherent security requirements of the use cannot be satisfied through the application of alternative design features or other solutions such as limiting hours of use; ~~or~~
 - 4. Adverse impacts to shoreline ecological processes and functions that cannot be mitigated will result; in such cases, offsite and alternative access may be required to mitigate impacts;
 - 5. The development site is disconnected from the shoreline by an existing, legally established public road or public space such as Percival Landing;
 - 6. Save and convenient public access already exists in the immediate vicinity, and/or adequate public access is already documented at the property. The Administrator will consider the following to determine if adequate public access is provided in immediate vicinity:
 - a. Public access areas occur along the shoreline within 1/8 mile of the development site or within 1/4 mile when seating is provided along the route; and
 - b. Safe pedestrian access from the site to the public access areas along or to the shoreline is provided;

or

7. The cost of providing the access, easement, or an alternative amenity is unreasonably disproportionate to the cost of the proposed development.

- D. Public access provisions shall run with the land and be recorded via a legal instrument such as an easement, or as a dedication on the face of a plat or short plat. Such legal instruments shall be recorded with the Thurston County Auditor prior to issuance of a certificate of occupancy or final plat approval, whichever comes first.
- E. Public access sites shall be constructed and available for public use at the time of occupancy of the use or activity or in accordance with other provisions for guaranteeing installation through a monetary performance assurance.
- F. Public access facilities shall be available to the public from dawn to dusk unless specific exceptions are granted through a shoreline substantial development or other permit.
- G. Public access facilities shall be maintained over the life of the use or development. Future actions by successors in interest or other parties shall not diminish the usefulness or value of required public access areas and associated improvements.
- H. Maintenance of public access facilities on private property shall be the responsibility of the property owner, unless an accepted public or non-profit agency agrees to assume responsibility through a formal agreement recorded with the Thurston County Auditor. Where appropriate, this responsibility may be required of a future homeowners' association, or other entity approved by the City.
- I. Signage indicating the public's right of access and hours of access shall be installed and maintained by the owner, developer, or assignee. Such signs shall be posted in conspicuous locations at public access sites.
- J. Public access areas shall be approved by the Administrator during review of the shoreline permit. If exempt from a shoreline permit, public access areas may be required by the Administrator.

3.267 18.20.460 - Design of Public Access

- A. Public access shall be located, designed, and maintained in accordance with all of the following:
 - 1. The size and configuration of public access areas shall be at least the minimum necessary based on location, intended use, compatibility with adjacent uses, and proximity to other public access areas.
 - 2. Trails and shared uses paths (including access paths) shall be buffered from sensitive ecological features and provide limited and controlled access to sensitive features and the water's edge where appropriate (for example, when part of an interpretive or educational site). Fences may be used to control damage to vegetation and other sensitive ecological features. If used, fences shall be designed and constructed of materials that complement the setting, as well surrounding features, or structures, and allow for wildlife movement.
 - 3. Where feasible, public access shall be located adjacent to other public areas, accesses and connecting trails, with connections to the nearest public street, or trail.
 - 4. Where physical access to the water's edge is not feasible, a public viewing area shall be provided. This requirement may be waived by the Administrator where all of the following conditions are present:
 - a. The development site is disconnected from the shoreline by an existing, legally established public road or public space such as Percival Landing;
 - b. Public access areas occur along the shoreline within 1/8 mile of the development site or within 1/4 mile when seating is provided along the route; and
 - c. Safe pedestrian access from the site to the public access areas along or to the shoreline is provided.

~~4.5.~~ Public access shall be designed to minimize intrusions on privacy and conflicts between users. For example, provide a physical separation between public and private spaces, orient public access away from windows or private outdoor spaces, or provide a visual screen such as a fence or vegetation.

~~5.6.~~ Public access shall be designed to provide for the comfort and safety of users. Such spaces shall be visible from the street or adjacent uses, have adequate lighting, and be designed to discourage offensive or illegal conduct.

~~6.7.~~ Public amenities such as, but not limited to, a covered shelter, benches, or picnic table shall be provided in public access areas.

~~7.8.~~ Where feasible, public access areas shall be barrier free for the physically disabled in accordance with the Americans with Disabilities Act (ADA).

- B. The design and layout of public access shall conform to applicable City design standards and procedures, such as the width of public access easements or dedications for trails and shared-use paths and trail classification and corresponding corridor widths set forth in the Olympia Engineering Design and Development Standards (EDDS). Any deviation shall be the minimum necessary to achieve the intended purpose of such deviation. It is not the intent of the City to authorize informal trails and the standards contained herein are not intended to address them.

3.278 18.20.470 - Scientific and Educational Activities

- A. Scientific and educational uses and activities are limited to those which will:
1. Not jeopardize existing wildlife populations or organisms;
 2. Not permanently alter the character of biological habitats; and
 3. Not degrade the character of the shoreline environment in which they are located.
- B. Temporary disruption of biological systems may be permitted when a scientific activity will result in their restoration or improvement, and only when a restoration plan is approved by the City and other agencies with jurisdiction.
- C. Permits for scientific or education activities that will span an extended period of time may be granted; limits on the duration of the use or activity may be established as a condition of approval.
- D. Structures associated with scientific and educational activities such as museums, schools, or visitor centers may be allowed subject to the use provisions of OMC 18.20.620.
- E. Temporary facilities used in conjunction with the scientific or educational project shall be removed at the conclusion of the project.

3.289 18.20.480 - Signage Regulations

Signage shall conform to OMC 18.42, Sign Regulations. In addition, the following provisions shall apply within the shoreline jurisdiction:

- A. All offsite signs, except for directional signs, shall be prohibited;
- B. All signs shall be located and designed to avoid interference with vistas, viewpoints, and visual access to the shoreline;
- C. Signs shall be designed and placed so that they are compatible with the aesthetic quality of the existing shoreline and adjacent land and water uses;
- D. Over water signs and signs on floats or pilings, except as needed for navigational purposes, shall be prohibited;
- E. Where lighted signs and illuminated areas are permitted, such illuminating devices shall be shaded and directed so as to minimize, to the extent feasible, light and glare from negatively impacting

neighboring properties, streets, public areas, or water bodies. Lighted signs shall be designed to reduce glare when viewed from surrounding properties or from the water. Lighting shall not shine directly upon or cast a glare on the water; and

- F. All signs shall be located in such a manner that they minimize interference with public views. Free standing signs which may disrupt views to the water shall be placed on the landward side of development.

3.2930 18.20.490 - Vegetation Conservation Areas - Intent

- A. Vegetation conservation includes activities to protect and restore upland vegetation along or near marine or fresh water bodies to minimize habitat loss and the impact of invasive plants, erosion and flooding and contribute to the ecological functions of shoreline areas. The provisions of this section establish vegetation conservation areas, and set forth regulations for the prevention or restriction of native vegetation removal, grading, vegetation restoration, control of invasive weeds and non-native species, and tree maintenance adjacent to the shoreline.
- B. However, unless otherwise stated, vegetation conservation does not include those activities expressly authorized by the Washington State Forest Practices Act, but does include conversion to other uses and those other forest practice activities over which the City has authority.

3.301 18.20.492 - General Vegetation Conservation Regulations

- A. Vegetation conservation provisions apply to all shoreline developments as required in Table 6.3. All vegetation conservation in these areas shall conform to the regulations and standards below.
- B. Parcels fronting on lakes, marine waters, streams, or wetlands shall preserve or provide native vegetation within vegetation conservation areas, also known as VCAs or buffers, upland of and adjacent to the Ordinary High Water Mark as required in Table 6.3. If present on a parcel, note that critical area buffers may be larger than or may encompass VCAs.
- C. Except as provided herein, applicants for new development, expansion, or redevelopment shall protect and preserve existing native vegetation within the vegetation conservation area.
- D. Mitigation in the form of restoration or creation of vegetation conservation area may be required as a condition of development approval consistent with mitigation sequencing priorities in OMC 18.20.410(B). Further, an applicant may propose such restoration for reductions in required setbacks or for encroachments into required vegetation conservation areas as provided in OMC 18.20.493 and/or for water dependent uses as provided in Table 6.3.
- E. Where applicable, nonconforming and water dependent uses that cannot provide a vegetation conservation area due to the nature of the use or activity shall provide comparable mitigation. For example, if it is not feasible to provide vegetation onsite due to constraints such as lot size, topography, or existing site improvements, vegetation may be provided offsite in accordance with the provisions of OMC 18.20.410(H).

3.312 18.20.493 - Permitted Uses and Activities within Vegetation Conservation Areas

A. Subject to other limitations of this chapter and if also allowed within the applicable shoreline environment designation, the following uses and activities are permitted within vegetation conservation areas without a variance.

1. Transportation facilities and utilities within existing rights-of-way only when it has been determined that alternative upland locations are not feasible;
2. Public access viewpoints, pedestrian access from upland areas to the shoreline, piers, docks, launch ramps, viewing platforms, wildlife viewing blinds and other similar water-oriented uses;
3. Public recreation trails identified in adopted plans and those located on existing road or railroad beds;

4. Educational facilities such as viewing structures and platforms, wildlife viewing blinds and interpretive sites;
 5. Equipment necessary for conducting water-dependent uses such as boat travel lifts for boat maintenance and upland storage, and loading equipment for transport of logs and natural resource materials. Where logs or natural resource materials are loaded directly from the shoreline to a vessel, impacts to the shoreline shall be minimized by:
 - a. Constructing designated loading areas;
 - b. Maintaining equipment to avoid fuel or oil leaks; and
 - c. Implementing best management practices to reduce erosion and discharge of untreated stormwater directly into the water.
 6. Removal of noxious weeds or hazardous trees;
 7. Removal and thinning of trees and vegetation on public property to maintain public view corridors identified in Section 18.20.500;
 8. Improvements that are part of an approved enhancement, restoration, vegetation management or mitigation plan;
 9. Shoreline stabilization only when it is part of an approved project;
 10. The following facilities, fixtures and furnishing shall be allowed within the VCA of public parks and water related recreation areas: 1. paved or unpaved trails, bridges and pedestrian access; 2. picnic shelters, tables and pads not greater than 400 square feet in size; 3. seating, benches, drinking fountains, garbage cans and other site furnishing; 4. public art and art installations; 5. signs, environmental interpretive facilities and information kiosks, and interpretive exhibits; 6. wildlife viewing structures; 7. play equipment and other similar passive parks furnishing and fixtures; 8. restrooms, when no suitable location outside of the VCA exists; and
 11. Water dependent uses as authorized in OMC 18.20.620 Table 6.3.
- B. Appurtenant and accessory structures other than those described above or in OMC 18.20.690(C) are prohibited within the vegetation conservation area.

3.323 18.20.494 - Alterations to Existing Development

Alterations to existing development, including accessory structures, decks, patios, sport courts, and walkways, shall protect existing native vegetation within the vegetation conservation area. If the minimum vegetation conservation area is not present when a site alteration is proposed, the Administrator may require establishment of such vegetation conservation area where required by Table 6.3 that is necessary to prevent adverse impacts to the shoreline ecological functions that may result from any proposed alterations.

3.334 18.20.495 - Vegetation Conservation Area Standards

- A. Speculative clearing, grading, or vegetation removal is prohibited. Clearing, grading and vegetation removal within shoreline setbacks and Vegetation Conservation Areas shall be the minimum necessary for the authorized use or development.
- B. The minimum width of Vegetation Conservation Areas is set forth in Table 6.3 and measured perpendicular to the Ordinary High Water Mark along the entire shoreline of the property. To account for site conditions and to create a more natural Vegetation Conservation Area, the minimum widths may be reduced by 50% by the Administrator upon finding that the total VCA of the parcel is equivalent to the minimum area that would result from the standard minimum width and such reduction will not result in adverse impacts to the shoreline functions; such reductions also known as 'VCA averaging.' Vegetation Conservation Areas exceeding minimums may be proposed or required if

necessary to ensure no net loss of shoreline ecological functions will result from proposed shoreline development.

- C. In general, protected, and restored Vegetation Conservation Areas shall be composed of native vegetation comparable in species density and diversity to an ecologically similar undisturbed area. Such species density and diversity shall be determined by the Administrator based on best available science. Provided, however, that up to 33% (one-third) of the Vegetation Conservation Area may be utilized for authorized uses and activities described in OMC 18.20.493 provided that impervious surfaces shall not exceed 25% of the VCA. In no case shall the width of a required VCA be less than 10 feet. Encroachment of an authorized use or activity shall require an equivalent area elsewhere onsite be set aside as a VCA and shall not result in a net loss to shoreline ecological functions.
- D. When restoring or enhancing shoreline vegetation, applicants shall use native species that are of a similar diversity, density and type commonly found in riparian areas of Thurston County. The vegetation shall be nurtured and maintained to ensure establishment of a healthy and sustainable native plant community over time.
- E. Lawns are prohibited within the Vegetation Conservation Area due to their limited erosion control value, limited water retention capacity, and associated chemical and fertilizer applications.
- F. Trimming of trees and vegetation is allowed within the Vegetation Conservation Area subject to:
 - 1. This provision does not allow clearing of trees or vegetation except as provided below and elsewhere in this chapter;
 - 2. The limbing or crown-thinning of trees larger than three inches in caliper shall comply with National Arborist pruning standards, unless the tree is a hazard tree as defined in OMC 16.60, Tree Protection and Replacement. No more than 25% of the limbs on any single tree may be removed and no more than 25% of the canopy cover in any single stand of trees may be removed for a single view corridor.
 - 3. Trimming does not directly impact the nearshore functions and values including fish and wildlife habitat;
 - 4. Trimming is not within a critical area of Chapter 18.32 or associated buffer; and
 - 5. Tree topping is prohibited.
- G. Vegetation shall be maintained over the life of the use or development.
- H. Vegetation conservation areas shall be placed in a separate tract in which development is prohibited; protected by execution of an easement dedicated to a conservation organization or land trust; or similarly protected through a permanent mechanism acceptable to the City.

3.345 18.20.496 - Vegetation Management Plan

- A. Clearing and grading within the shoreline jurisdiction is only permitted upon approval by the Administrator of a Vegetation Management Plan prepared by the applicant. If mitigation measures are required as outlined in OMC 18.20.410(F), the Vegetation Management Plan may be combined with the Mitigation Plan, and must be prepared by a qualified professional. The Vegetation Management Plan shall include:
 - 1. A map illustrating the distribution of existing plant communities in the area proposed for management. The map must be accompanied by a description of the vegetative condition of the site, including plant species, plant density, any natural or manmade disturbances, overhanging vegetation, and the functions served by the existing plant community (e.g., fish and wildlife values, slope stabilization);
 - 2. A description of how mitigation sequencing was used and how the plan achieves no net loss of shoreline ecological functions the vegetation is providing;

3. An inventory of existing vegetation, including a description of vegetation overhanging the shoreline;
4. A detailed plan indicating which areas will be preserved and which will be cleared, including tree removal;
5. Drawings illustrating the proposed landscape scheme, including the species, distribution, and density of plants. Any pathways or non-vegetated portions and uses shall be noted;
6. A description of any vegetation introduced for the purposes of fish and wildlife habitat;
7. Installation of vegetation shall meet the following standards:
 - a. Native species that are of a similar diversity, density and type commonly found in riparian areas of Thurston County shall be used, unless non-native substitutes are authorized by the Administrator based on availability of native materials and said materials are appropriate to soil and climate conditions;
 - b. On public property, vegetation shall be selected and located to maintain public views identified in approved plans;
 - c. At the time of planting, plant materials shall be consistent with the standards in OMC 18.36, Landscaping and Screening;
 - d. The applicant may be required to install and implement an irrigation system to insure survival of vegetation planted. For remote areas lacking access to a water system, an alternative watering method may be approved;
 - e. Planting in the fall or early spring is preferred over summer for purposes of plant establishment; and
 - f. For a period of 10 years after initial planting, the applicant shall replace any unhealthy or dead vegetation as part of an approved vegetation management plan.
- B. Loss of wildlife habitat shall be mitigated onsite. If onsite mitigation is not feasible, offsite mitigation shall be permitted in accordance with OMC 18.20.410; and
- C. The Administrator may waive some but not all of the vegetation installation requirements in this section when the applicant demonstrates that the proposal will result in no net loss of shoreline functions by improving shoreline ecological functions of the shoreline, such as the removal of invasive species, shoreline restoration/enhancement, or removal of hard armoring.
- D. For other applicable regulations, see OMC Chapters 16.60, 18.32, and 18.36.
- E. In addition to A to D above all required vegetation installation shall conform to the standards of section 18.20.410(F) and (G) of this SMP.

3.356 18.20.500 - View Protection - Intent

Over 50 percent of Olympia's marine shoreline is publicly owned. Much of this shoreline, such as at Percival Landing, West Bay Park, Priest Point Park, and the East Bay area, provide opportunities for the public to enjoy the views of Mount Rainier, the Capitol, Budd Inlet, and the Olympic Mountains. The future may provide even greater opportunities for the public to enjoy the scenic qualities of the area.

The protection of these public views from the shoreline is an important objective of Olympia's Shoreline Program. Protection of such views to and from the shoreline can be achieved through multiple strategies including public ownership and use of shorelands, the inclusion of public access and viewpoints in private development, establishing key view corridors, establishing height limits and design standards, vegetation management standards, and visual assessment where views may be impacted.

Private uninterrupted views of the shoreline, although considered, are not expressly protected. Property owners concerned with the protection of views from private property are encouraged to obtain view

easements, purchase intervening property and/or seek other similar private means of minimizing view obstruction.

3.367 18.20.504 - View Protection Regulations

- A. No permit shall be issued pursuant to this chapter for any new or expanded building or structure of more than thirty-five (35) feet above average grade level that will obstruct the view of a substantial number of residences on areas adjoining such shorelines except where Olympia's Shoreline Program does not prohibit the same and then only when overriding considerations of the public interest will be served.
- B. All development within the shoreline jurisdiction shall comply with the view protection standards of OMC 18.110.060.
- C. Public shoreline views shall be protected by the use of measures, including but not limited to, maintaining open space between buildings, clustering buildings to allow for broader view corridors, and minimizing building height and total lot coverage.
- D. When there is an irreconcilable conflict between water-dependent uses and physical public access and maintenance of views from adjacent properties, the water-dependent uses and physical public access shall have priority, unless there is a compelling reason to the contrary.
- E. Buildings shall incorporate architectural features that reduce scale such as increased setbacks, building modulation (vertical and horizontal), pitched roofs, angled facades, and reduced massing.
- F. New development, uses and activities shall locate trash and recycling receptacles, utility boxes, HVAC systems, electrical transformers, fences and other appurtenances to minimize interference with public views.
- G. Design and install utilities and accessory structures in such a way as to avoid impacts to scenic views and aesthetic qualities of the shoreline area.
- H. Communication and radio towers shall not obstruct or destroy scenic views of the water. This may be accomplished by design, orientation and location of the tower, height, camouflage of the tower, or other features consistent with utility technology.
- I. Fences, walls, hedges, and other similar accessory structures in the VCA shall be limited to four (4) feet in height between the Ordinary High Water Mark and primary structures. Outside of the VCA the fencing provisions in OMC 18.40 shall apply.
- J. Where on-going maintenance of vegetation on public property to protect public views is necessary, a Vegetation Management Plan shall be approved by the Administrator prior to any work. At a minimum, the Vegetation Management Plan shall identify the viewshed to be preserved, the areas where vegetation will be maintained (including tree removal), and percent of vegetation to be retained. If trees are removed, they shall be replaced with three trees for each tree removed up to a minimum density of 220 trees per acre.

3.378 18.20.507 - Visual Impact Assessment

The applicant of a building or structure that exceeds 35 feet to the highest point above average grade level shall prepare and submit a visual analysis in conjunction with any development permit. At a minimum, the analysis shall address how the proposed project impacts views protected under RCW 90.58.320 and OMC 18.110.060. The Administrator may require additional information such as photo-simulations showing proposed buildings in relation to impacted views. If the analysis shows the proposed building or structure would block or significantly compromise the view of a substantial number of residences in adjoining areas or views protected under OMC 18.110.060, the City may place conditions on the development to prevent the loss of views.

3.389 18.20.510 - Water Quality

- A. Septic systems for new development within the shoreline jurisdiction are prohibited.
- B. Stormwater management facilities for new uses and development shall be designed, constructed, and maintained in accordance with the Olympia Drainage Design and Erosion Control Manual of Olympia. To the extent feasible, low impact development best management practices shall be incorporated into every project along the shoreline. All redevelopment and new development within Reaches 4 and 5A shall require compliance with the Drainage Design and Erosion Control Manual of Olympia without consideration to the thresholds established therein.
- C. The use of wood treated with creosote, copper, chromium, arsenic, or pentachlorophenol shall only be approved upon a finding of no feasible alternative.
- D. All structures that come in contact with water shall be constructed of materials that will not adversely affect water quality or aquatic plants or animals.
- E. Uses and activities that pose a risk of contamination to ground or surface waters shall be prohibited in shoreline jurisdiction. Such uses include, but are not limited to the following:
 - 1. Storage, disposal, or land application of waste (excluding secondary/tertiary treated effluent from municipal sewer systems), including solid waste landfills;
 - 2. Operations for confinement feeding of animals;
 - 3. Agricultural activities that involve the application of fertilizers, pesticides, or other chemical treatments;
 - 4. Junk yards and auto wrecking yards;
 - 5. Storage of hazardous or dangerous substances within a floodplain; and
 - 6. Alterations to structures and uses served by septic systems that do not meet local or state requirements.
- F. Dredging and dredge disposal activities must employ appropriate best management practices to prevent water quality impacts or other environmental degradation.

3.3940 18.20.600 - Shoreline Use and Development – Intent

The purpose of ~~this section~~ OMC Section 18.20.600 through 18.20.710 is to set forth regulations for specific common uses and types of development that occur within Olympia's shoreline jurisdiction. Where a use is not listed on Table 6.1, the provisions of OMC 18.20.250, Unclassified Uses, shall apply. All uses and activities shall be consistent with the provisions of the shoreline environment designation in which they are located and the general regulations in OMC 18.20.400 through 18.20.510 and the shoreline modification provisions in OMC 18.20.800 through 18.20.930.

3.401 18.20.610 - General Use and Development Provisions

- A. Developments that include a mix of water-oriented and nonwater-oriented uses may be approved if the Administrator finds that the proposed development avoids impacts to shoreline ecological functions, provides public access, and otherwise enhances the public's ability to enjoy the shoreline.
- B. All uses not explicitly permitted in this chapter shall require a Shoreline Conditional Use Permit. The Hearing Examiner may impose conditions to ensure that the proposed development meets the policies of Olympia's Shoreline Program.
- C. All development and uses must conform to all applicable provisions of this Shoreline Program, including the shoreline use table and the development standards table in OMC 18.20.600 through 18.20.710, unless otherwise stated or upon approval of a shoreline variance.

- D. Except as required by state or federal regulations or explicitly authorized by this chapter, forestry practices, mining and solid waste uses, and activities are prohibited in all shoreline areas.

3.412 18.20.620 - Use and Development Standards Tables

- A. Table 6.1 identifies allowed uses and activities by shoreline environment designation. Table 6.2 establishes building heights by shoreline environment designation. Table 6.3 establishes development standards by shoreline environment designation including shoreline setbacks and Vegetation Conservation Areas. These tables shall be used in conjunction with the written provisions for each use. Table footnotes provide additional clarification or conditions applicable to the associated uses or development regulation.
- B. Maximum Shoreline Building Heights are not applicable to light and utility poles; nor to equipment used for loading and unloading such as conveyors and cranes within the Port Marine Industrial environment and adjacent Aquatic environment.
- C. Upon finding that such structures will not result in a net loss of shoreline functions and are otherwise consistent with Olympia's Shoreline Program, the Administrator may authorize small buildings and other structures within the "building setback" area but outside of the VCA, if locating such structures outside of shoreline jurisdiction is not feasible. Any such structures shall not exceed a total 800 square feet within each development, shall not be located within critical areas or their buffers unless authorized in OMC 18.20.420, shall not be closer than 30 feet to the Ordinary High Water Mark or the width of the VCA whichever is greater, and shall not exceed a height of 20 feet. To ensure protection of shoreline functions and views, the Administrator may attach conditions to approval of the permits as necessary to assure consistency of the project with the Act and this Shoreline Program.
- D. Setback reductions shall be allowed as provided in Table 6.3 and subject to the following:
 - 1. Incentives for setback reductions noted herein are cumulative up to the maximum reduction allowed. Incentive eligible restoration projects may be completed in association with, or in addition to, required mitigation projects, however, no setback reductions shall be allowed for required mitigation projects. Prior to the Administrator approving setback reduction incentives, the applicant shall demonstrate compliance with the mitigation sequence at a site level as provided in Section 18.20.410 of the SMP. Restoration incentives must be achieved onsite unless the Administrator finds this is not feasible or would have significantly less ecological benefit than offsite restoration. Offsite restoration shall be consistent with the objectives for mitigation outlined in OMC 18.20.410(H) and (I). Should no offsite restoration option be available, onsite restoration shall be required to obtain the associated setback reduction incentive.
 - 2. Preferred public access shall be physical access to the marine shoreline from the public right-of-way via a sidewalk or paved trail on a publicly dedicated easement no less than six (6) feet in width and constructed to City standards as included in the City's Engineering Design and Development Standards. Other forms of indirect access such as viewing towers and platforms may be considered where direct access to the shoreline is deemed dangerous due to the nature of the use of the property or the conditions at the shoreline. Existing access meeting the standards described herein may be used to meet setback incentive provisions.
 - 3. Trail shall be a commuter multi-use trail on a public easement no less than twelve (12) feet in width and providing no less than a 12-foot wide clear travel path, providing continuous public access across the site and shall be placed upland of the Ordinary High Water Mark and constructed to commuter multi-use trail standards as included in the City's Engineering Design and Development Standards. Existing trails meeting the requirements described herein may be used to meet setback incentive provisions. To receive setback reduction credit the trail must be built on the site.
 - 4. Vegetation restoration shall be planting of native shoreline vegetation in excess of that required to achieve no net loss of environmental function from unavoidable impacts associated with a

development proposal. Plantings shall substantially mimic undisturbed native shorelines in the South Puget Sound in plant species, species mixture and plant density. Vegetation restoration shall be accomplished through an approved Vegetation Management Plan. Restoration ratios shall begin at 2 square feet of restoration for every one (1) square foot reduction of the required setback area and demonstrate no net loss of environmental function.

5. Removal of bulkhead shall be the physical removal of a vertical structure and replacement with a softened shoreline treatment. Measures may include use of shoreline contouring, gravels, cobbles, limited use boulders, logs, and vegetation in a manner that promotes native aquatic species and protects the shoreline from erosion.
6. Replacement of a hardened shoreline shall be the physical removal of rip rap or other non-vertical shoreline protection and replacement with a softened shoreline treatment. Measures may include use of shoreline contouring, gravels, cobbles, limited use boulders, logs, and vegetation in a manner that promotes native aquatic species and protects the shoreline from erosion.
7. Water Dependent uses may encroach into the required setback and vegetation conservation area as described in Table 6.3 in accordance with the mitigation sequence in OMC 18.20.410. Reductions to less than a 20-foot setback shall only be allowed where the following two requirements have been met:
 - a. Alternative public access has been provided sufficient to mitigate the loss of direct public access to the shoreline and in no case shall public access be less than twelve (12) feet as described in paragraph 3 above;
 - b. The shoreline bulkhead removal or hardening replacement requirements of 5 or 6 above are met for each linear foot of shoreline impacted and the applicant demonstrates that a reduced setback would not result in the need for future shoreline stabilization.
8. No setback shall be required in the Port Marine Industrial shoreline environmental designation; however, mitigation shall be required to offset any impacts determined through the mitigation sequencing process to ensure no net loss of environmental function and to mitigate for loss of public access.
9. Shoreline setbacks shall not apply to areas that are disconnected from the shoreline by an existing, legally established public road or other substantially developed surface which results in a functional disconnect from the shoreline. The applicant shall provide a biological assessment by a qualified professional that demonstrates the area is functionally isolated. The City shall consider the hydrologic, geologic, and/or biological habitat connection potential and the extent and permanence of the physical separation.

Table 6.1 – Uses and Activities

LEGEND: P = Permitted C = Shoreline Conditional Use Permit X = Prohibited

C/P = A Shoreline Conditional Use Permit or Shoreline Substantial Development Permit is required. A Shoreline Conditional Use Permit is required if any portion of the use or development activity is wholly or partially located within 100 feet of the OHWM; when all uses and activities are located more than 100 feet from the OHWM a Shoreline Substantial Development Permit is required, are permitted.

Primary Use of Building or Structure	Urban Intensity	Port Marine Industrial	Shoreline Residential	Urban Conservancy	Waterfront Recreation	Marine Recreation	Natural	Aquatic 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
Upland Boathouses & Storage Structures,	P	P	P	P	P	P	X	X
Overwater Covered Moorage and Boathouses	X	X	X	X	X	X	X	X
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

Primary Use of Building or Structure	Urban Intensity	Port Marine Industrial	Shoreline Residential	Urban Conservancy	Waterfront Recreation	Marine Recreation	Natural	Aquatic ¹
Non-water Oriented	C/P	X	C/P	X	C	X	X	X
Residential								
Residential	P	X	P	P	X	X	X	X
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 ² /P	C	C	C	C	C ² /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.

² If all of the proposed uses are permitted, the mix of said permitted uses is also permitted. However, if one or more of the proposed uses is conditionally permitted, then the proposed mix would trigger a Shoreline Conditional Use Permit.

Table 6.2 – Development Standards (Heights)

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 and VCA with maximum reduction–Non-water dependent	Incentive eligible provisions – See 18.20.620(D)(1)	Shoreline Setback and VCA 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	50'150' or the east side of West Bay Drive whichever is less.	50'150' or the east side of West Bay Drive whichever is less.	150'50'	N/A	N/A	N/A
Water Dependent Uses Reduce from 30' to 0'				Water Dependent Use	100% (30')	See 18.20.620(D)(7)

Shoreline Environment	Shoreline Setback	Vegetation Conservation Area	Setback and VCA with maximum reduction—Non-water dependent	Incentive eligible provisions – See 18.20.620(D)(1)	Shoreline Setback and VCA reduction	Required Standards
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)

3.423 18.20.630 - Agriculture

- A. The creation of new agricultural lands and/or activities is prohibited.
- B. Confinement lots, feeding operations, lot wastes, stockpiles of manure solids and storage of noxious chemicals are prohibited.
- C. Existing agricultural activities shall be allowed to continue subject to:
 - 1. Expansion or modification of existing agricultural uses shall be conducted in a manner that avoids impacts to shoreline ecological functions and processes and shall comply with critical areas regulations set forth in this chapter; and

2. Appropriate farm management techniques shall be used to prevent contamination of nearby water bodies and adverse effects on plant, fish, and animal life from the application of fertilizers and pesticides.
- D. Development on agricultural land that does not meet the definition of agricultural activities and the conversion of agricultural land to nonagricultural uses shall be consistent with the environment designation, and general and specific use regulations applicable to the proposed use and not result in a net loss of shoreline ecological functions.

3.434 18.20.640 - Aquaculture

- A. Aquaculture is dependent on the use of the water area and, when consistent with control of pollution and prevention of damage to the environment, is a preferred use of the water area.
- B. Commercial aquaculture shall conform to all applicable state and federal regulations. The City may accept application documentation required by other permitting agencies for new and expanded aquaculture uses and development to minimize redundancy in permit application requirements. Additional studies or information may be required by the City, which may include but is not limited to monitoring and adaptive management plans and information on the presence of and potential impacts to, including ecological and visual impacts, existing shoreline, or water conditions and/or uses, vegetation, and overwater structures.
- C. Aquaculture activities and facilities shall be located where they do not adversely impact native eelgrass and microalgae species or other critical saltwater habitats, priority species or species of concern, or habitat for such species as defined in OMC 18.20.120. Aquaculture uses and activities shall observe all upland and aquatic buffers or setbacks required by applicable state or federal regulations. Larger buffers or other protections may be required if supported by relevant resource agencies in coordination with the Administrator. Aquaculture shall not be permitted in areas where it would result in a net loss of shoreline ecological functions, or where adverse impacts to critical saltwater habitats cannot be mitigated according to OMC 18.20.410(B).
- D. Aquaculture for the recovery of native populations is permitted when part of an approved restoration or habitat management plan complying with this Chapter.
- E. In addition to other requirements in this chapter, applications for commercial geoduck aquaculture shall meet all minimum permit requirements and contain all of the items identified in WAC 173-26-241(3)(b)(iv)(F).

3.445 18.20.650 - Boating Facilities - General Regulations

- A. Boating facilities which will adversely impact shoreline ecological functions and system-wide processes, especially in highly sensitive areas such as estuaries and other wetlands, forage fish habitat, and other critical saltwater habitats, are prohibited.
- B. Marinas and launch ramps shall be located in areas where there is adequate water mixing and flushing, and shall be designed not to retard or negatively influence flushing characteristics.
- C. Marinas and boat launch ramps shall be located only on stable shorelines where water depths are adequate to avoid the net loss of shoreline ecological functions and processes, and eliminate or minimize the need for offshore or foreshore channel construction dredging, maintenance dredging, spoil disposal, filling, beach feeding and other river, lake, harbor, and channel maintenance activities.
- D. All boating facilities, including marinas and boat yards, shall utilize effective measures to prevent the release of oil, chemicals, or other hazardous materials into the water.
- E. Marinas and boat launches shall provide physical and visual public access. This requirement may be waived by the Administrator if the applicant demonstrates that public access is not feasible in accordance with the provisions of OMC 18.20.450.

- F. Locate boating facilities where parking and access can be provided without causing adverse impacts to adjacent properties.
- G. Restrooms and garbage facilities shall be provided at marinas and boat launching facilities.
- H. Lighting for boating facilities shall be designed to minimize light and glare, especially where it is visible to adjacent properties and properties across the water. Illumination levels shall be the minimum necessary for the intended use. All light fixtures shall be fully shielded and oriented to avoid shining directly on the water and to prevent spillover offsite.
- I. Mooring of boats for extended periods shall comply with applicable state regulations.

3.456 18.20.652 - Boat Launch Ramps

- A. Boat launch ramps shall be located, designed, constructed, and maintained to reduce impacts to the shoreline. Preferred ramp designs, in order of priority, are:
 - 1. Open grid designs with minimum coverage of beach substrate;
 - 2. Seasonal ramps that can be removed and stored upland; and
 - 3. Structures with segmented pads and flexible connections that leave space for natural beach substrate and can adapt to change in beach profile.
- B. Ramps shall be located, constructed, and maintained where alterations to the existing foreshore slope can be avoided or minimized.

3.467 18.20.654 - Marinas

- A. New marinas are allowed only when they are consistent with Olympia’s Shoreline Program and only when the proponent demonstrates that all of the following conditions are met:
 - 1. The proposed location is the least environmentally damaging alternative. Shallow water embayments, areas of active channel migration where dredging would be required, and areas of intact shoreline ecological functions and processes shall be avoided;
 - 2. To the extent feasible, hard armoring is avoided (see Section C below);
 - 3. Potential adverse impacts on shoreline processes and ecological functions are mitigated to achieve no net loss;
 - 4. The area has adequate water circulation and flushing action, and the marina is designed so that it does not negatively influence flushing characteristics;
 - 5. The proposed location will not require excavation and/or filling of wetlands or stream channels; and
 - 6. Suitable public infrastructure is available, or can be made available by project completion, to support the marina.
- B. Where permitted, marinas shall be designed, constructed, and operated as follows:
 - 1. Floating structures shall be designed to prevent grounding on tidelands. Floats shall not rest on the substrate at any time. Stoppers or stub pilings shall be used to keep the bottom of the float at least one foot above the level of the substrate;
 - 2. Piers and other structures shall be located, sized, and designed to minimize shading of nearshore aquatic habitats and impacts to species that use these areas;
 - 3. Solid structures shall be designed to provide fish passage through and along the shallow water fringe;
 - 4. Marina development shall be required to provide public access amenities pursuant to OMC 18.20.450, Public Access. The location and design of public access shall be determined

based on a given location and the public access needs in the vicinity of the marina. Existing public access shall not be adversely impacted;

5. Impacts to navigation shall be avoided; where unavoidable, impacts shall be mitigated;
6. New floating homes and on water residences are prohibited. This provision shall not apply to live-aboard vessels expressly approved as part of a marina. A floating home permitted or legally established prior to January 1, 2011 and floating on water residences legally established prior to July 1, 2014 will be considered conforming uses.
7. Live-aboard vessels are permitted in marinas only as follows:
 - a. ~~if a~~ Adequate solid waste and sanitary sewer disposal facilities are provided and maintained;
 - b. Vessels must be for residential use only;
 - c. Slips occupied by live-aboard vessels shall not exceed 20 percent of the total slips in the marina; and
 - d. Vessels must be operational for cruising.
- ~~6-8.~~ Liveaboard vessels must comply with all marine regulations, policies and procedures of the U.S. Coast Guard, and any other federal and state government agencies that pertain to health, safety and/or environmental protection. Proof of seaworthiness of the vessel and the adequacy of the mooring arrangement must be provided and laws of the City must be obeyed.
- ~~7-9.~~ Marinas shall provide restrooms and solid waste receptacles to accommodate marina users, and shall have facilities and established procedures for the collection of solid waste or sewage, other than discharge into the water;
- ~~8-10.~~ Marinas shall provide pump-out, holding and/or treatment facilities for sewage contained on boats or vessels;
- ~~9-11.~~ Marina operators shall post all regulations pertaining to handling and disposal of waste, sewage, fuel and oil or toxic materials where they can be easily read by all users;
- ~~10-12.~~ Marinas shall have facilities and established procedures for the containment and recovery of spilled petroleum or toxic products; and
- ~~11-13.~~ Marina buildings shall conform to the setbacks established in Table 6.3.

- C. Where allowed, marinas that involve breakwaters shall meet all of the following design criteria:
1. Breakwaters built water-ward in a perpendicular plane to the shoreline shall not be allowed as a continuous one-piece structure;
 2. The toe of the breakwater may not extend water-ward of the Ordinary High Water Mark more than 250 feet from mean higher high water;
 3. Breakwaters shall be built so that the side slopes shall not be steeper than 1-1/2-foot horizontal to 1-foot vertical slope;
 4. The opening between a shore breakwater and an isolated breakwater shall not be less than 20 feet in width as measured at the toe of the slope;
 5. Openings must be maintained at project depth at all times in order to ensure proper circulation and fish passage;
 6. Openings may be either offset or in-line design;
 7. Openings may also be used as navigational channels;

8. The opening must be sized (depth and/or width) so as to ensure proper circulation inside the marina configuration and exchange with the outside bay. To facilitate this exchange, the volume of the tidal prism (water present between mean low and mean high tide) shall be not less than 50 percent of the total volume of the basin;
9. The depth of the openings shall be at least as deep as the average depth of the marina; and
10. Openings may be baffled to protect the marina against wave action but in no instance should the baffling impede water circulation or fish movement.

3.478 18.20.656 - Boat Storage

- A. Boat storage shall be located upland unless:
 1. No suitable upland locations exist for such facilities;
 2. It can be demonstrated that wet moorage would result in fewer impacts to ecological functions and processes; or
 3. It can be demonstrated that wet moorage would enhance public use of the shoreline.
- B. Marinas that provide dry upland storage shall use a launch mechanism that protects shoreline ecological functions and processes and minimizes use of shoreline areas.
- C. Dry moorage and other storage areas shall be located away from the shoreline and be landscaped with native vegetation to provide a visual buffer for adjoining dissimilar uses or scenic areas.
- D. Boat-houses/Boat Storage Buildings above and landward of the Ordinary High Water Mark are permitted, and must comply with all the following:
 1. A view corridor of not less than 35 percent of the width of the property shall be maintained between the abutting street and waterway;
 2. The structure does not exceed the maximum height set forth on Table 6.2; and
 3. The structure shall be visually compatible with the surrounding environment.

3.489 18.20.658 - Covered Moorage

- A. New overwater covered moorage and the expansion of existing covered moorage is prohibited.

3.4950 18.20.660 - Commercial Use and Development – General

- A. The construction of new and the expansion of existing overwater commercial buildings is prohibited, except construction or expansion for an authorized water dependent commercial use.
- B. Public access shall be provided for all commercial use and development pursuant to OMC 18.20.450.
- C. Vegetation conservation areas, as required per Table 6.3, shall be provided, and planted pursuant to the provisions in Section 18.20.492.
- D. Commercial development shall not impact the rights of navigation.
- E. Home occupations are not considered to be commercial uses.

3.501 18.20.663 - Water-Oriented Commercial Use and Development

- A. Water-oriented commercial use and development shall demonstrate that:
 1. There will be no net loss of shoreline ecological functions or processes;
 2. There will be no significant adverse impact on other shoreline uses, resources and/or values such as navigation, recreation, public access, and design compatibility; and
 3. The design, layout, and operation of the use or development meet the definition of water-oriented uses.

3.512 18.20.667 - Non-Water-Oriented Commercial Use and Development

Non-water-oriented uses may be allowed only if they are part of a mixed use development that include water-oriented uses, provide public access, and shoreline enhancement/restoration. The applicant shall demonstrate that the project will result in no net loss to shoreline ecological functions or processes. In areas zoned for commercial use, nonwater-oriented commercial development may be allowed if the site is physically separated from the shoreline by another property or right-of-way.

3.523 18.20.670 - Industrial Development

- A. Water-dependent or water-related industrial development shall be permitted when the applicant demonstrates that:
 - 1. It will not cause a net loss of shoreline ecological functions or processes;
 - 2. It will not have significant adverse impacts on other shoreline uses, resources and/or values such as navigation, recreation, and public access; and
 - 3. The design, layout, and operation of the use or development meet the definition of water-dependent or water-related uses.
- B. The construction of new non-water oriented industrial uses is prohibited. The expansion of existing non-water-related or non-water dependent industrial uses shall require a Shoreline Conditional Use Permit in accordance with OMC 18.20.250(A). Any setback area may be used for additional public access or shoreline restoration.
- C. Cooperative use of docking, parking, cargo handling and storage facilities on industrial properties shall be provided where feasible.
- D. Design port facilities to permit viewing of harbor areas from viewpoints, waterfront restaurants, and similar public facilities which would not interfere with port operations or endanger public health or safety.
- E. Industrial use or development shall be located and designed to minimize the need for initial or recurrent dredging, filling or other harbor and channel maintenance activities.
- F. Industrial use or development shall include the capability to contain and clean-up spills, leaks, discharges, or pollutants, and shall be responsible for any water or sediment pollution they cause.
- G. Water storage and handling of logs shall be limited to the marine shoreline and shall be subject to the following standards:
 - 1. Permits shall contain provisions for the cleanup of log dumping and rafting areas, and disposal of solid wastes;
 - 2. Bark and wood debris controls, together with collection and disposal facilities, must be employed at log dumps, raft building areas, and mill handling areas; and
 - 3. Permits for 'free-fall' dumping of logs shall not be issued unless the applicant can demonstrate that this method will create fewer adverse impacts than the 'gradual' method. The use of log bundling and other devices shall be used to reduce adverse impacts.
- H. Dry-land storage of logs shall be limited to the marine shoreline and shall be subject to the following standards:
 - 1. Unpaved storage areas underlain by permeable soils shall have at least a four (4) foot separation between the ground surface and the winter water table; and
 - 2. Dikes, drains, vegetative buffer strips or other means shall be used to ensure that surface runoff is collected and discharged in a manner least detrimental to water quality from the storage area. The applicant shall demonstrate that water quality standards or criteria will not be violated by such runoff discharge under any conditions of flow in nearby water sources.

- I. Sites for the storage and/or distribution of natural resource materials (e.g., rock, sand, and gravel) shall be located, designed, and operated in accordance with the provisions of Olympia's Shoreline Program. Loading areas at the water's edge shall be the minimum necessary and shall include measures to reduce erosion of the shoreline, damage to vegetation, and impacts to water quality.
- J. The construction of new, or the expansion of existing, overwater industrial buildings is prohibited, except construction or expansion for an authorized water-dependent industrial use.

3.534 18.20.680 - Recreation

- A. Water-oriented recreation uses and development are preferred shoreline uses and shall be allowed when the applicant demonstrates that they:
 - 1. Will not cause a net loss of shoreline ecological functions or processes; and
 - 2. Will not have significant adverse impacts on other shoreline uses, resources and/or values such as navigation and public access.
- B. Park and recreation facilities may be used for events and temporary uses when the proposed use will not damage the shoreline. Structures associated with such uses shall be located as far landward as feasible and shall be removed immediately after the event is over. Shoreline areas shall be returned to pre-event conditions.
- C. Recreational use and development shall include appropriate mitigation to minimize light and noise impacts on adjoining properties. Such measures shall include, but not be limited to, fencing, vegetative screening, increased setbacks, limited hours of operation, and other appropriate measures. Where lighting is used, the illumination levels shall be the minimum needed for the intended use. Lighting must be shielded to avoid light and glare on the water and to prevent spillover offsite.
- D. The construction of new trails or the expansion of existing trails shall be subject to the mitigation sequencing process and shall be designed to minimize impacts to the ecological functions of the shoreline while providing access and waterfront enjoyment to the public.
- E. All commercial recreation facilities shall conform to this section and OMC sections 18.20.660, 18.20.663, and 18.20.667.
- F. Recreational facilities shall be located, designed, and operated in a manner consistent with the purpose of the environment designation in which they are located.

3.545 18.20.690 - Residential Use and Development

- A. New residential development, including additions to existing structures, shall meet the development standards set forth on Tables 6.2 and 6.3 particularly and this title in general.
- B. Residential development shall be designed to:
 - 1. Maintain or improve ecological functions and processes;
 - 2. Preserve and enhance native shoreline vegetation; or if vegetation is degraded or none is present, restore or enhance in accordance with the provisions of OMC 18.20.492;
 - 3. Control erosion and impacts to slope stability;
 - 4. Avoid the use of shoreline armoring at the time of construction and in the future;
 - 5. Preserve shoreline aesthetic character; and
 - 6. Minimize structural obstructions to normal public use and views of the shoreline and the water.
- C. A small waterfront deck or patio can be placed along the shoreline provided:

1. The waterfront deck or patio and associated access path, covers less than 25 percent of the VCA and native vegetation covers a minimum of 75 percent of the VCA;
 2. Within 25 feet of the Ordinary High Water Mark, for every one square foot of waterfront deck or patio in the VCA, three square feet of vegetation shall be provided in the VCA;
 3. The total area of the waterfront deck or patio shall not exceed 400 square feet;
 4. Pervious materials are used;
 5. The deck or patio is setback a minimum of five feet from the Ordinary High Water Mark; and
 6. The upper surface of the deck or patio is no more than two feet above grade and is not covered.
- D. Overwater residential development shall be prohibited. This provision shall not apply to live-aboard vessels expressly approved as part of a marina.
- E. New residential development of more than nine lots or units shall provide public access for use by residents of the development and the general public. Public access shall be located, designed, and managed in accordance with the provisions of OMC 18.20.450.
- F. To preserve views of the water, fences shall not be allowed within Vegetation Conservation Areas. Fences within the shoreline setback area are permitted provided they do not exceed 48 inches in height.
- G. When two or more undeveloped single-family legal building sites are contiguous within shorelines, only a single joint-use dock with a common access easement is permitted for use by those two or more residential units.
- H. For new multi-unit residential developments, only one single joint-use dock shall be allowed for the entire development.
- I. Plats and subdivisions shall be designed, configured, and developed in a manner that assures no net loss of shoreline ecological functions will occur as a result of full build out of all lots and in a manner that prevents the need for new shoreline stabilization or flood hazard reduction measures.

3.556 18.20.700 - Transportation and Trail Facilities

- A. The following provisions apply to trail, road, and railroad expansions:
1. The improvements shall be located as far landward as feasible;
 2. The construction shall be designed to protect the adjacent shorelands against erosion, uncontrolled or polluting drainage, and other factors detrimental to the environment both during and after construction;
 3. The proposed width shall be the minimum necessary for the proposed improvements;
 4. The project shall be planned to fit the existing topography as much as feasible, thus minimizing alterations to the natural environment;
 5. Streams or natural drainage ways within the road corridor shall be protected, and fish passage shall not be impaired;
 6. All debris, overburden and other waste materials from construction shall be disposed of to prevent their entry into the adjoining water body;
 7. The location and design of roadway expansions shall not compromise existing and planned shoreline public access or compromise existing and planned habitat restoration or enhancement projects; and
 8. The project shall not result in the net loss of shoreline ecological functions or processes.

- B. Transportation facilities shall be designed to cross shoreline areas by the shortest, most direct route feasible.
- C. Access roads and/or drive lanes serving shoreline parcels shall be the minimum width necessary.
- D. Bridges may be permitted within sensitive fish and wildlife habitat only if the following conditions are met:
 - 1. An alternative alignment is not feasible;
 - 2. The project is located or designed to minimize its impacts on the environment;
 - 3. Adverse impacts are mitigated to achieve no net loss of shoreline ecological functions and system-wide processes;
 - 4. Open-piling and piers required to construct the bridge may be placed water-ward of the Ordinary High Water Mark if no alternative method is feasible; and
 - 5. All other applicable provisions of this chapter and OMC Chapter 18.32, Critical Areas, are met.
- E. Trails and shared use paths are considered transportation facilities and are allowed within the shoreline setback, vegetation buffer, and overwater. As such, they are subject to the provisions herein including OMC 18.20.410(B). Where feasible new public trails and shared use paths shall use abandoned rail corridors to minimize disturbance of the shoreline.
- F. Special procedures for WSDOT projects:
 - 1. Pursuant to RCW 47.01.485, the Legislature established a target of ninety (90) days review time for local governments.
 - 2. Pursuant to RCW 90.58.140, Washington State Department of Transportation projects that address significant public safety risks may begin twenty-one (21) days after the date of filing if all components of the project will achieve no net loss of shoreline ecological functions.

3.567 18.20.710 - Utilities

- A. Utility facilities and lines shall be designed and located to avoid net loss of shoreline ecological functions, preserve the natural landscape, and minimize conflicts with existing and planned land and shoreline uses.
- B. New public or private utilities, including both lines and associated facilities, shall be located as far landward of the Ordinary High Water Mark as feasible, preferably outside of the shoreline jurisdiction, and be located at least 30 feet landward of the OHWM, unless:
 - 1. The utility requires a location adjacent to the water, such as a stormwater outfall; or
 - 2. Alternative locations are infeasible; or
 - 3. Utilities are serving uses and activities permitted by this chapter.
- C. Onsite utilities serving a primary use, such as a water, sewer, communication, electric, or gas line to a residence, are accessory utilities and shall be considered part of the primary use.
- D. Utilities that need water crossings shall be placed deep enough to avoid the need for bank stabilization and stream/riverbed filling both during construction and in the future due to flooding and bank erosion that may occur over time. Boring, rather than open trenches, is the preferred method of utility water crossings.
- E. Where no other options exist, in-water utility corridors may be allowed provided the corridor is located and designed to minimize impacts to shoreline ecology and processes, and adverse impacts are mitigated.

- F. When feasible, utility lines shall use existing rights-of-way, corridors and/or bridge crossings and shall avoid duplication and construction of new parallel corridors in all shoreline areas.
- G. Utility facilities shall be constructed using techniques that minimize the need for shoreline fill.
- H. New utility installations shall be planned, designed, and located to eliminate the need for structural shoreline armoring or flood hazard reduction measures.
- I. Vegetation clearing during utility installation and maintenance shall be minimized, and disturbed areas shall be restored or enhanced following project completion.
- J. Pipes that outfall directly into the water shall be designed and located to minimize adverse impacts on shoreline ecological functions and processes.
- K. Utility corridors shall be located and designed to protect scenic views. Where feasible, utilities shall be placed underground or alongside or under bridges, unless doing so would cause greater ecological impact or harm.
- L. Stormwater facilities are prohibited where alternatives are feasible. Any stormwater facility located within a minimum width vegetation conservation area shall be landscaped consistent with 'VCA' requirements.
- M. To the greatest extent feasible, new utility systems shall be co-located with other existing or planned utilities, roadways and/or railways and/or placed within already-disturbed corridors whenever feasible.

3.578 18.20.800 - Shoreline Modifications – General Provisions

- A. Shoreline modifications are structures or actions that permanently change the physical configuration or quality of the shoreline, particularly at the point where land and water meet. Shoreline modifications include, but are not limited to structures such as dikes, breakwaters, piers, docks, weirs, dredge basins, fill, bulkheads, or other actions such as clearing, grading, application of chemicals, or vegetation removal. Generally, shoreline modifications are undertaken to prepare for a shoreline use, support an upland use, or to provide stabilization or defense from erosion.
- B. Proposals for shoreline modifications are to be reviewed for compliance with the applicable use policies and regulations in OMC 18.20.600 through 18.20.710 and the applicable shoreline modification regulations of this chapter. Deviations from the minimum development standards may only be approved under a shoreline variance unless specifically stated otherwise. Shoreline modifications listed as prohibited are not eligible for consideration as a shoreline variance.
- C. Only shoreline modifications that support or protect an allowed primary structure or a legally existing shoreline use are allowed. All others are prohibited.
- D. Shoreline modifications shall not result in the loss of shoreline ecological functions or ecosystem wide processes. All proposals for shoreline modifications shall take measures to avoid or reduce ecological impacts in accordance with the mitigation sequencing priorities set forth in OMC 18.20.410(B).
- E. Shoreline modifications individually and cumulatively shall not result in a net loss of shoreline ecological functions and ecosystem-wide processes. This shall be achieved by giving preference to those types of shoreline modifications that have a lesser impact on ecological functions and requiring mitigation of identified impact resulting from said modifications.
- F. Shoreline modifications shall comply with critical area and vegetation conservation standards in this chapter.
- G. New structural flood hazard reduction measures shall only be allowed when a geotechnical analysis demonstrates that they are necessary to protect existing development, that nonstructural measures

or other protection alternatives are not feasible, and that impacts to ecological functions and priority habitats and species can be successfully mitigated so as to assure no net loss.

- H. New structural flood hazard reduction measures shall be placed landward of associated wetlands and designated Vegetation Conservation Areas, except for actions that increase ecological functions.
- I. New public structural flood hazard reduction measures shall dedicate and improve public access pathways except when public access would cause unavoidable safety or health hazards to the public, unavoidable security or use conflicts, ecological impacts that cannot be avoided or mitigated, or disproportionate and unreasonable cost.

3.589 18.20.810 - Permitted Shoreline Modifications

Shoreline modifications may be allowed by shoreline environment designation as listed in Table 7.1. Aquatic environment provisions are based on the adjacent environment designation, including permitted with a Shoreline Substantial Development Permit or exemption (P), Shoreline Conditional Use permit (C), or prohibited outright (X). This table shall be used in conjunction with the written provisions for each use. Column notes provide additional clarification and identify other applicable City regulations.

Table 7.1 – Shoreline Modifications

P – Permitted C – Conditional Use X – Prohibited X/P – Permitted only in specific cases. 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 18.20.840 through 18.20.848
Ecological Restoration	P	P	←	See OMC 18.20.850

P – Permitted C – Conditional Use X – Prohibited X/P – Permitted only in specific cases. 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
and Enhancement				through 18.20.855
Instream Structures	P	P	←	See OMC 18.20.857
Shoreline Stabilization Hard Armoring	X	X/P See OMC 18.20.870 864	←	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

3.5960 18.20.820 - Dredging

- A. New development shall be located and designed to avoid or, if avoidance is not feasible, to minimize the need for new dredging and maintenance dredging. Where permitted, dredging shall be limited to the minimum necessary for the proposed use.
- B. Dredging is permitted for the following activities (see Table 7.1 for permit type):
 1. In conjunction with a water-dependent use;
 2. In conjunction with a bridge, navigational structure or wastewater treatment facility for which there is a documented public need and where other feasible sites or routes do not exist;
 3. Maintenance of irrigation reservoirs, drains, canals, or ditches for agricultural and stormwater purposes;
 4. Establishing, expanding, relocating, or reconfiguring navigation channels and basins where necessary to assure safe and efficient accommodation of existing navigational uses;
 5. Maintenance dredging of established navigation channels and basins is restricted to maintaining previously dredged and/or existing authorized location, depth, and width. Dredging in Capitol Lake may be authorized upon approval of a management plan by agencies with jurisdiction;

6. Restoration or enhancement of shoreline ecological processes and functions benefiting water quality and/or fish and wildlife habitat;
 7. Public access and public water-oriented recreational development and uses, including the construction of piers, docks, and swimming beaches for public use; or
 8. Trenching to allow the installation of necessary underground pipes or cables if no alternative, including boring, is feasible, and:
 - a. Impacts to fish and wildlife habitat are avoided to the maximum extent feasible; and
 - b. The utility installation does not increase or decrease the natural rate, extent, or opportunity of channel migration; ~~and~~
- C. Dredging and dredge material disposal activities must employ appropriate best management practices to prevent water quality impacts or other environmental degradation, in accordance with OMC 18.20.510.
- D. Dredging is prohibited in the Natural shoreline environment designation and in Aquatic designated areas adjacent to shorelands with the Natural designation except where associated with ecological restoration projects.
- E. Dredging and dredge disposal is prohibited on or in archaeological sites that are listed on the Washington State Register of Historic Places until such time that they have been released by the State Archaeologist.
- F. Dredging for the primary purpose of obtaining material for landfill is prohibited.
- G. The disposal of dredge ~~spoils materials~~ in open water or on upland sites within shoreline jurisdiction is prohibited unless for beneficial uses such as shoreline restoration or enhancement.
- H. Prohibit any dredging which will damage shallow water habitat used by fish species for migration corridors, rearing, feeding and refuge, unless the project proponent demonstrates that all of the following conditions are met:
 1. An alternative alignment or location is not feasible;
 2. The project is designed to minimize its impact on the environment; and
 3. The facility is in the public interest.
- I. If the project creates significant unavoidable adverse impacts, the impacts shall be mitigated by creating in-kind habitat near the project. Where in-kind replacement mitigation is not feasible, rehabilitating degraded habitat may be required. Mitigation shall be in accordance with the mitigation priorities set forth in OMC 18.20.410(B).

3.601 18.20.830 - Fill

Fill is the addition of soil, sand, rock, gravel, sediment, earth retaining structure, or other material to an area water-ward of the Ordinary High Water Mark, in wetlands or other critical areas, or on shorelands in a manner that raises the elevation or creates land above the elevation of the Ordinary High Water Mark. Any fill activity conducted within the shoreline jurisdiction must comply with the following provisions.

3.612 18.20.833 - Shoreland Fill

- A. Fill shall be the minimum necessary to accommodate the proposed use or development or protect it from flooding, and allowed only in conjunction with approved shoreline use and development activities that are consistent with Olympia's Shoreline Program.
- B. Fill shall be permitted only when it can be demonstrated that the proposed action will not:
 1. Result in significant damage to water quality, fish, shellfish, and wildlife habitat;

2. Adversely alter natural drainage and circulation patterns, currents, river, and tidal flows or significantly reduce flood water capacities; or
 3. Alter channel migration, geomorphic, or hydrologic processes.
- C. Except for beach feeding, fill shall be designed, constructed, and maintained to prevent, minimize and control all material movement, erosion, and sedimentation from the affected area.
 - D. Fill for the construction of transportation facilities is allowed only when there is a demonstrated purpose and need, there are no feasible alternatives, and impacts are mitigated in accordance with mitigation priorities in OMC 18.20.410(B).
 - E. Fill shall not be used as a means to increase the allowable building height by increasing the natural or finished grade, except as authorized to meet the flood elevation requirements of OMC Chapter 16.70.
 - F. Fill for the sole purpose of creating land area is prohibited.
 - G. The excavation of beach material for fill is prohibited.
 - H. Fill within critical areas and/or critical area buffers shall comply with this chapter and the critical areas provisions of Chapter 18.32.
 - I. Perimeters of fill shall be designed to eliminate the potential for erosion and be natural in appearance. Perimeter slopes shall not exceed 1 foot vertical for every 3 feet horizontal unless an engineering analysis has been provided, and the Administrator determines that the landfill blends with existing topography.
 - J. Fill shall consist of clean material including sand, gravel, soil, rock, or similar material approved by the City. The use of contaminated material or construction debris is prohibited.
 - K. Fill shall not be located where shoreline stabilization will be necessary to protect materials placed or removed. Disturbed areas shall be immediately stabilized and revegetated to avoid erosion and sedimentation.
 - L. Fill within the shoreline jurisdiction shall be allowed in response to increases in sea level subject to all other provisions of this Master Program and the mitigation sequencing process.

3.623 18.20.837 - Fill Water-ward of Ordinary High Water Mark

- A. Fill water-ward of the Ordinary High Water Mark shall be permitted for the following purposes only, with due consideration given to specific site conditions and only as part of an approved use or development:
 1. Port development for water dependent uses where other upland alternatives or structural solutions, including pile or pier supports is infeasible;
 2. Expansion or alteration of transportation facilities where there are no feasible upland alternatives;
 3. Ecological restoration or enhancement such as beach nourishment, habitat creation, or mitigation when consistent with an approved restoration or mitigation plan;
 4. Disposal of dredge material in accordance with the Dredge Material Management Program (DMMP) of the Department of Natural Resources;
 5. Construction of protective berms or other structures to prevent the inundation of water resulting from sea level rise shall be allowed subject to all other provisions of this Master Program and the mitigation sequencing process when there are no other feasible options to protect existing development;
 6. Public access; or
 7. Cleanup of contaminated sites.

- B. Fill shall be the minimum necessary for the intended use or activity.

3.634 18.20.840 - General Moorage (Piers, Docks, Floats, and Buoys) Provisions

- A. All new or modified structures shall be allowed only in support of an allowed water-dependent or public access use and must comply with all applicable local, state, and federal regulations.
- B. New docks, piers and floats shall be located, designed, and constructed in accordance with the mitigation sequencing priorities in OMC 18.20.410(B).
- C. Moorage shall be designed and located so as not to constitute a hazard to navigation or other public uses of the water. Docks, piers and floats are prohibited on lakes or marine water bodies where the distance to the opposite shore is 150 feet or less.
- D. The length, width and height of piers, docks and floats shall be no greater than that required for safety and practicality of the intended use. They shall be spaced and oriented in a manner that avoids shading of substrate below and do not create a 'wall' effect that would impair wave patterns, currents, littoral drift, or movement of aquatic life forms.
- E. Those projects which are found to block littoral drift or cause new erosion of down-drift shoreline shall be required to establish and maintain an adequate long-term beach feeding program. This may include artificially transporting sand to the down-drift side of an inlet with jetties; or artificial beach feeding in the case of breakwaters, groins, and weirs.
- F. All piers, docks, floats, or similar structures shall float at all times on the surface of the water or shall be of fixed pile construction. Floating structures shall at no time be grounded on the substrate.
- G. All moorage facilities shall be constructed and maintained in a safe and sound condition. Abandoned or unsafe structures shall be removed or promptly repaired by the owner.
- H. Docks, piers, and floats shall be constructed of materials that will not adversely affect water quality or aquatic plants and animals over the long-term. Materials for any portions of the structure that come in contact with the water shall be approved by the appropriate state agency.
- I. Lighting associated with moorage facilities shall be beamed, hooded, or directed to avoid glare on adjacent properties or water bodies. Illumination levels shall be the minimum necessary for safety. Artificial night time lighting shall be the minimum necessary for public safety.
- J. New overwater covered moorage is prohibited.
- K. The design, construction and maintenance of piers and docks shall not restrict any public access or ability to walk along the shoreline. If unavoidable, alternate means of access, such as stairs and/or upland pathways, shall be provided.
- L. Any expansion, alteration, or modification of any moorage structure which results in any increase in horizontal area of the facility shall conform to all requirements of this chapter.

3.645 18.20.842 - Moorage Buoys

- A. Moorage buoys shall use neutral buoyancy rope, mid-line float, helical anchors, or other state approved designs that have minimal adverse effects on aquatic ecosystems.
- B. In marine waters, moorage buoys shall not be located water-ward of the outer harbor line or within designated navigation channels where established by the Washington Department of Natural Resources or the U.S. Coast Guard.
- C. Only one moorage buoy shall be allowed per waterfront lot except that a shoreline variance may be sought for additional buoys for public waterfront parks or residential subdivisions where individual lots do not front on the shoreline.

- D. In lakes, moorage buoys shall not be located farther water-ward than existing buoys, or established swimming areas, and shall not interfere with navigation or use of the water.
- E. Moorage buoys must be discernible under normal daylight conditions at a minimum distance of 300 feet and must have reflectors for nighttime visibility.

3.656 18.20.844 - Residential Docks, Piers or Floats

- A. Shared residential moorage is required unless the applicant demonstrates why shared moorage is not feasible prior to approval of a residential pier, dock, or float. Considerations include but are not limited to proximity to other docks and willingness of adjoining property owners to participate in shared moorage.
- B. Where moorage is proposed for new subdivisions of more than two lots, or new multi-family development of more than two dwelling units, moorage shall be shared between lots or units.
- C. Shared moorage proposed for lease to five or more upland property owners shall be reviewed as a marina in accordance with the provisions of OMC 18.20.654.
- D. Where individual moorage is allowed, only one type of moorage facility shall be allowed per waterfront lot. The use of residential boat lifts is permitted.
- E. A new joint use pier, dock, or float may be permitted on a community recreation lot shared by a number of waterfront or upland lots. Individual recreational floats (not for moorage) are permitted as long as they are not located farther water-ward than existing floats or established swimming areas.
- F. If moorage is anticipated after initial residential development (including plats, multi-family developments, and mixed use developments), the applicant shall specifically identify and reserve an area for the future moorage.
- G. All docks, piers, and floats shall be painted, marked with reflectors, or otherwise identified so that they are visible during day or night.
- H. Placing fill water-ward of the Ordinary High Water Mark for purposes of constructing a dock or pier is prohibited.

3.667 18.20.846 - Marine Docks and Piers

- A. In marine waters, the maximum length of new or expanded piers or docks for private or recreational use shall not exceed 100 feet as measured from the mean higher-high water mark and not exceed a depth of -3 feet as measured from mean lower low water mark. If this is not sufficient depth to reach the desired depth for moorage, a buoy shall be used.
- B. The location, design, and construction of new or repaired private or recreational piers or docks in marine waters shall comply with all applicable state and federal regulations and the following standards:
 - 1. Docks and piers shall be set back from the side property line twenty (20) feet on marine waters, unless designated for shared use between adjacent property owners;
 - 2. Residential piers shall not exceed 4 feet in width. ~~The dock/pier surface must be grated and must incorporate a minimum of 60 percent grating or at the percentage required in a Hydraulic Permit Approval (HPA) from by the Department of Fish and Wildlife in WAC 220-660-380;~~
 - 3. The width of ramps connecting the pier and dock shall not exceed 4 feet in width and shall consist of a 100 percent grated surface;

4. Docks shall not rest on the tidal substrate at any time. Stoppers on the pilings anchoring the dock or stub pilings shall be installed so that the bottom of the dock's flotation is a minimum of 1 foot above the level of the beach substrate;
 5. If a dock is positioned perpendicular to the ramp, a small dock may be installed to accommodate the movement of the ramp due to tidal fluctuations. The dimensions of the small dock shall not exceed 6 feet in width and 10 feet in length;
 6. New or modified residential piers and docks as well as watercraft operation and moorage shall be located to avoid physical impacts to aquatic habitat. At a minimum pier and dock proposals shall ensure that structures are designed and located to protect critical saltwater habitat, and saltwater habitats of special concern as defined by the Department of Fish and Wildlife in WAC 220-660-310;
 7. Construction materials shall not include wood treated with creosote, pentachlorophenol, or other similarly toxic materials.
- C. There is no maximum length and width for commercial or industrial piers or docks; however, such piers and docks may not exceed the minimum size necessary for the intended use. The applicant must demonstrate that the proposed size and configuration is the minimum necessary and complies with all other provisions of this chapter.
- D. Docks, piers, floats and mooring buoys shall not intrude into or over critical saltwater habitats except when the following conditions are met and documented:
1. Avoidance by an alternative alignment or location is not feasible.
 2. Including any required mitigation, the project shall not result in a net loss of ecological functions associated with critical saltwater habitat.
 3. For public or commercial docks, the public's need for such a structure must be clearly demonstrated.
 4. All over-water and near shore developments in marine waters shall conduct an inventory of the site and adjacent beach sections to assess the presence of critical saltwater habitats and functions. Project-specific inventory and survey work shall follow scientifically accepted survey protocols and take place during the appropriate time of the year depending on species present, based on input from resource agencies.

3.678 18.20.847 - Fresh Water Docks and Piers

- A. In fresh water, the length of new or expanded piers or docks for private or recreational use shall not exceed fifty (50) feet as measured from the Ordinary High Water Mark.
- B. The location, design, and construction of new or repaired private or recreational piers or docks in fresh waters shall comply with all applicable state and federal regulations and the following standards:
 1. Only piers or ramps can be located within the first thirty (30) feet water-ward of the Ordinary High Water Mark;
 2. Pier and dock surface coverage shall not exceed the following:
 - a. 480 square feet for single use structures;
 - b. 700 square feet for two-party joint use; and
 - c. 1,000 square feet for residential pier/docks serving three or more residences.

3. Docks and piers shall not exceed four feet in width, except an additional two (2) feet of width can be allowed without a variance for a property owner with a condition that qualifies for state disability accommodation. ~~Sixty (60) percent of~~ The dock/pier surface area must be grated ~~or at~~ the percentage required in a Hydraulic Permit Approval (HPA) ~~from~~ by the Department of Fish and Wildlife in WAC 220-660-140;
 4. Docks shall not rest on the fresh water substrate at any time. Stoppers on the pilings anchoring the dock or stub pilings shall be installed so that the bottom of the dock's flotation is a minimum of one foot above the level of the beach substrate;
 5. Except for docks with floats, the bottom of all structures shall be a minimum of one and one-half feet above the water level established by the Ordinary High Water Mark;
 6. Floats or ells shall be oriented and grated at the percentage as required in a Hydraulic Permit Approval (HPA) from the Department of Fish and Wildlife.
 7. Construction materials shall be limited to untreated wood, approved plastic composites, concrete, or steel.
- C. Docks and piers shall be setback from the side property line ten (10) feet on fresh water.
- D. The required side yard setbacks may be waived with a shared use moorage facility for two or more property owners. The applicant or proponents shall file with the Thurston County Auditor a legally enforceable joint use agreement or other legal instrument that addresses the following as a condition of permit approval:
1. Apportionment of construction and maintenance expenses;
 2. Maintenance responsibilities for the facility and associated upland area in perpetuity by identified responsible parties;
 3. Easements and liability agreements;
 4. Use restrictions; and
 5. The easement must acknowledge that each property owner is giving up the right to construct a separate single-family pier.

3.689 18.20.848 - Float Standards

- A. Single property owner recreational floats shall not exceed 64 square feet. Multiple property owner recreational floats shall not exceed 96 square feet.
- B. The standards for private recreational floats are as follows:
1. Floats anchored offshore and used for residential recreational uses shall comply with the following standards:
 - a. Applicants shall contact the Washington Department of Natural Resources to inquire on the need for an aquatic lease for locating recreational floats within state aquatic areas; and
 - b. When feasible floats shall be removed seasonally and placed in an appropriate unvegetated upland location.
 2. Floats shall be located as close to shore as feasible without interfering with natural beach processes or negatively affecting aquatic vegetation.
 3. Floats shall not rest on the substrate at any time. In marine waters, floats shall be located (anchored) at sufficient depth to maintain a minimum of one foot of draft between the float and the beach substrate at low tide.

- C. Public recreational floats shall be the minimum size and dimensions necessary for the intended use, e.g., boat moorage, swimming area, public access. In no case shall a single float exceed 200 square feet.
- D. Public and private recreational floats shall comply with the following standards:
 - 1. Floats ~~orientation shall be oriented~~ and ~~the incorporation of~~ functional grating into the float surface area shall be in accordance ~~at a percentage as required with in a Hydraulic Permit Approval (HPA) from the Department of Fish and Wildlife requirements in WAC 220-660-140 for freshwater floats or WAC 220-660-380 for marine floats.~~
 - 2. For recreational floats anchored utilizing an embedded anchor; anchor lines shall not rest on or disturb the substrate at any time.
- E. Recreation floats must be discernible under normal daylight conditions at a minimum of 100 yards and must have reflectors for nighttime visibility.
- F. Only one recreational float shall be allowed per waterfront lot except that a shoreline variance may be sought for additional floats for public waterfront parks or residential subdivisions where individual lots do not front on the shoreline.

3.6970 18.20.850 - Shoreline Restoration and Enhancement – Intent

Restoration is the reestablishment or upgrading of impaired ecological shoreline processes or functions. This may be accomplished through measures including, but not limited to, revegetation, removal of intrusive shoreline structures, and removal or treatment of toxic materials. Restoration does not imply a requirement for returning the shoreline area to original or pre-European settlement conditions.

Enhancement includes actions performed within an existing degraded shoreline, critical area and/or buffer to intentionally increase or augment one or more functions or values of the existing area. Enhancement actions include, but are not limited to, increasing plant diversity and cover, increasing wildlife habitat and structural complexity (snags, woody debris), installing environmentally compatible erosion controls, or removing non-indigenous plant or animal species. The 2016 West Bay Environmental Restoration Assessment provides conceptual restoration approaches for some shoreline reaches.

3.701 18.20.855 - Shoreline Restoration and Enhancement - General Provisions

- A. Restoration and enhancement shall be allowed on all shorelines, and carried out by the applicant/proponent in accordance with an approved restoration/enhancement plan. Such plans shall be designed, constructed and maintained in accordance with the policies and regulations of Olympia’s Shoreline Program. Restoration and enhancement projects restore the natural character and ecological functions of the shoreline; and must be consistent with the implementation of a comprehensive restoration plan approved by the City and/or Department of Ecology, or the Administrator must find that the project provides an ecological benefit and is consistent with Olympia’s Shoreline Program.
- B. The City shall coordinate with other local, state, and federal regulatory agencies, tribes, and non-government organizations to ensure that mitigation actions are likely to be successful and achieve beneficial ecological outcomes.
- C. Shoreline property owners that remove hard-armoring or otherwise restore the shoreline prior to development may apply such restoration toward any mitigation required at the time of development provided that:
 - 1. The applicant/property owner can provide conclusive evidence of the pre- and post-restoration conditions using photographs, reports, plans, affidavits, or similar evidence;
 - 2. The City can confirm via site inspection, photographs, affidavits, or other evidence that the restoration actions have improved shoreline conditions;

3. The work has occurred on the same site within five years of the proposed development; and
 4. The applicant/property owner provides assurances that the restoration area will be preserved in perpetuity. Such assurance can be in the form of a notice on title, conservation easement, or similar mechanism.
- D. Shoreline restoration and enhancement may be permitted if the applicant demonstrates that no significant change to sediment transport will result and that the restoration or enhancement will not adversely affect shoreline ecological processes, water quality, properties, or habitat.
 - E. Shoreline restoration and enhancement projects shall use best available science and management practices.
 - F. Restoration shall be carried out in accordance with an approved shoreline restoration plan and in accordance with the policies and regulations of Olympia's Shoreline Program.
 - G. Restoration and enhancement projects shall be designed to minimize maintenance over time.
 - H. Restoration and enhancement projects shall be designed, constructed, and maintained to avoid the use of shoreline stabilization measures. Where such measures cannot be avoided, bioengineering shall be used rather than bulkheads or other stabilization measures, unless it can be demonstrated that there are no feasible options to achieve the intended result. Restoration and enhancement projects that include shoreline modification actions shall be authorized provided the primary purpose of such actions is clearly restoration of the natural character and ecological functions of the shoreline.
 - I. Restoration and enhancement projects shall not extend water-ward more than the minimum necessary to achieve the intended result and shall not result in the creation of additional upland area.
 - J. In accordance with RCW 90.58.580, a Substantial Development Permit is not required for development on land that is brought under shoreline jurisdiction due to a shoreline restoration project. However, projects are still required to comply with the regulations of this Master Plan.
 - K. Projects taking place on lands that are brought into shoreline jurisdiction due to a shoreline restoration project that caused a landward shift of the OHWM may apply to the Administrator for relief from the SMP development standards and use regulations under the provisions of RCW 90.58.580. Any relief granted shall be strictly in accordance with the limited provisions of RCW 90.58.580, including the specific approval of the Department of Ecology.

3.712 18.20.857 - Instream Structures

Instream structures are permitted only when necessary for a restoration or enhancement project, to improve fish passage, or for permitted transportation or utility crossings and subject to the following requirements:

- A. Instream projects shall be evaluated for their potential adverse impacts upon the physical, hydrological, and biological characteristics as well as effects on instream/riparian habitat;
- B. Instream structures and associated facilities shall be designed, constructed, and maintained in a manner that will not degrade the quality of affected waters or instream/riparian habitat value, and minimizes adverse impacts to surrounding areas;
- C. The location and design of instream structures shall give due consideration to the full range of public interests, watershed functions and processes, and environmental concerns, with special emphasis on protecting and restoring priority habitats and species;
- D. Instream structures shall be designed based on an analysis of the reach or reaches to avoid the need for structural shoreline armoring; and

- E. Instream structures and associated facilities shall provide for the protection and preservation of natural and cultural resources including but not limited to, sensitive areas such as wetlands, waterfalls, erosion/accretion shore forms, and natural scenic vistas.

3.723 18.20.860 - Shoreline Stabilization - Intent

Shoreline stabilization includes actions taken to address erosion impacts to property, dwellings, businesses, or structures caused by natural processes such as current, flood, tides, wind, or wave action.

These include structural and nonstructural methods. Nonstructural methods include building setbacks, relocation of the structure to be protected, erosion and groundwater management, and planning and regulatory measures to avoid the need for structural stabilization. Structural methods include 'hard' and 'soft' measures, defined as:

- A. Hard structural shoreline stabilization (also referred to as 'hard' armoring) means erosion control measures using hardened structures that armor and stabilize the shoreline from further erosion. Examples of hard armoring include concrete, boulders, dimensional lumber, or other materials to construct linear, sometimes vertical, faces. These include bulkhead, rip-rap, groins, revetments, and similar structures.
- B. Soft structural shoreline stabilization (also referred to as 'soft' armoring) means erosion control practices that contribute to restoration, protection, or enhancement of shoreline ecological functions. Examples of soft armoring include a mix of gravel, cobbles, boulders, logs, and native vegetation placed to provide stability in a non-linear, sloping arrangement.

3.734 18.20.862 - Shoreline Stabilization - New Development

- A. New shoreline use and development including new lots shall be located and designed to eliminate the need for concurrent or future shoreline stabilization to the extent feasible. Lots created through subdivision processes shall not require shorelines stabilization for reasonable development to occur, as demonstrated through a geotechnical analysis of the site and shoreline characteristics. New development that would require shoreline stabilization which results in significant impacts to adjacent or down current properties will not be allowed.
- B. New non-water dependent development, including single-family residences, that includes new structural shoreline stabilization will not be allowed unless all of the conditions below can be met:
 - 1. The need to protect the primary structure from damage due to erosion is demonstrated through a geotechnical report. The damage must be caused by natural processes, such as tidal actions, currents, and waves;
 - 2. The erosion is not being caused by upland conditions such as loss of vegetation and drainage;
 - 3. Nonstructural measures such as placing the development further from the shoreline, planting vegetation, or installing onsite drainage improvements are not feasible or sufficient; and
 - 4. The erosion control structure will not result in a net loss of shoreline ecological functions or processes.
- C. New water dependent development or new structural shoreline stabilization for existing water dependent development will not be allowed unless all of the conditions in B above are met. However, the considerations of placing the development further from the shoreline and erosion being caused by natural processes do not apply to water dependent development that can demonstrate its need for a waterfront location due to the nature of its operations.

3.745 18.20.864 - New or Expanded Shoreline Stabilization Measures

- A. New or enlarged structural stabilization measures are prohibited except where necessary to protect or support legally existing primary structures or shoreline uses, in support of water dependent uses, for human safety, for restoration or enhancement activities, or remediation of contaminated sites.

- B. Structural shoreline armoring for the sole purpose of leveling or extending property or creating or preserving residential lawns, yards, or landscaping shall be prohibited. Where hard shoreline armoring already exists, property owners are encouraged to remove it and replace with soft armoring, or if conditions allow, return the shoreline to a natural condition.
- C. New or enlarged structural shoreline stabilization measures to protect legally existing primary structures or shoreline uses are prohibited unless there is conclusive evidence, documented by a geotechnical analysis that the structure is in danger from shoreline erosion caused by tidal action, currents, or waves. Further:
 1. Normal sloughing, erosion of steep bluffs, shoreline erosion of steep bluffs, or shoreline erosion itself, without a scientific or geotechnical analysis that demonstrates a danger exists to an existing development or residence, is not a demonstration of need;
 2. The geotechnical analysis shall evaluate onsite drainage issues and address drainage problems away from the shoreline edge before considering structural shoreline stabilization;
 3. The design of the stabilization structure shall take into consideration erosion rates, onsite drainage issues, vegetation enhancement, and low-impact development measures as a means of reducing erosion;
 4. The analysis must demonstrate that nonstructural measures, planting vegetation, or installing onsite drainage improvements are not feasible or not likely to be sufficient; and
 5. The erosion control structure shall not result in a net loss of shoreline ecological functions.
 6. In geologically hazardous areas, stabilization structures or measures may only be allowed when no alternative, including relocation or reconstruction of existing structures, is found to be feasible and less expensive than the proposed stabilization measure.
- D. The use of hard structural stabilization measures such as bulkheads are prohibited unless demonstrated in a geotechnical analysis that soft structural stabilization measures (bioengineering) or non-structural measures (increased setbacks) are not feasible.
- E. Where structural shoreline stabilization measures are necessary, the size of the stabilization structure shall be the minimum necessary. The Administrator may require that the size and design of the structure be modified to reduce impacts to ecological functions.
- F. Where adverse impacts to shoreline ecological functions cannot be avoided, mitigation shall be required in accordance with mitigation sequence priorities set forth in OMC 18.20.410(B).
- G. In order to determine appropriate mitigation measures, the Administrator may require environmental information and analysis, including documentation of existing conditions, ecological functions, and anticipated impacts, along with a mitigation plan outlining how proposed mitigation measures would result in no net loss of shoreline ecological functions.
- H. Shoreline stabilization measures that incorporate ecological restoration or enhancement through the placement of rocks, sand or gravel, and native shoreline vegetation are strongly encouraged. Soft shoreline stabilization that restores ecological functions may be permitted ~~water ward of the Ordinary High Water Mark.~~
- I. Following completion of shoreline modification activities, disturbed areas shall be restored using native vegetation (see OMC 18.20.495 for specific provisions).
- J. Publicly financed or subsidized erosion control measures shall not restrict public access except where such access is inappropriate or infeasible, and shall incorporate public access and ecological restoration to the extent feasible.

3.756 18.20.866 - Shoreline Stabilization - Replacement and Repair

- A. For purposes of this section, "replacement" means the construction of a new structure to perform a shoreline stabilization function to replace an existing structure which no longer adequately serves its purpose. Additions to or increases in size of existing shoreline stabilization measures shall be considered new structures.
- B. An existing shoreline stabilization structure may be replaced with a similar structure if there is a demonstrated need to protect principal uses or structures from erosion caused by currents, tidal action, or waves. The Administrator may waive the requirement for a geotechnical analysis if the applicant demonstrates through the use of photographs, site or grading plans, or other evidence that nonstructural measures are not feasible.
- C. The replacement structure shall be designed, located, sized, and constructed to assure no net loss of shoreline ecological functions.
- D. Replacement walls or bulkheads shall not encroach water-ward of the Ordinary High Water Mark or existing structure unless the residence was occupied prior to January 1, 1992, and there are overriding safety or environmental concerns. In such cases, the replacement structure shall abut the existing stabilization structure. Where a net loss of ecological functions associated with critical saltwater habitat would occur by leaving the existing structure, it must be removed as part of the replacement measure.
- E. Soft shoreline stabilization measures that provide restoration of shoreline ecological functions may be permitted water-ward of the Ordinary High Water Mark.

3.767 18.20.868 - Design of Shoreline Stabilization Measures

- A. Shoreline stabilization measures shall be designed by a Professional Engineer, registered as such in the State of Washington and shall conform to all applicable City and state policies and regulations, including the Washington State Department of Fish and Wildlife criteria governing the design of shoreline stabilization.
- B. The size of shoreline stabilization structures shall be the minimum necessary to protect the primary use or structure.
 - 1. Within the project area of the Olympia Sea Level Rise Response Plan (2019), consideration of sea level rise projections may be used to determine the minimum necessary size of shoreline stabilization structures in accordance with the plan.
- ~~B.C.~~ To protect their structural integrity, shoreline stabilization measures shall be designed, constructed, and maintained to allow drainage of surface or groundwater away from the structures.
- ~~C.D.~~ Shoreline stabilization structures shall be located to tie in flush with existing bulkheads on adjacent properties, except when adjoining bulkheads do not comply with the standards set forth in this Chapter.
- ~~D.E.~~ Stairs may be built as an integral component of a bulkhead but shall not extend water-ward of the bulkhead unless necessary to directly access a pier or dock.
- ~~E.F.~~ Materials used for shoreline stabilization structures shall be durable, erosion resistant, and not harmful to the environment. The following materials shall be prohibited: demolition debris, derelict vehicles, tires, concrete rubble, or any other materials that contain toxic substances or create visual blight along the shoreline.
- G. Where hard armoring is approved, materials shall be used in the following order of priority:
 - 1. Large stones, with vegetation planted in the gaps. Stone should not be stacked any steeper than a 3:1 slope;
 - 2. Timbers or logs that have not been treated with toxic materials;

3. Stacked masonry block;
 4. Cast-in-place reinforced concrete.
- H. Bioengineering is a preferred method of protecting upland property and structures or to maintain access to an authorized shoreline use. Bioengineering combines structural, biological, and ecological concepts to construct living structures that stabilize the soil to control erosion using live plant materials as a main, but not only, structural component.
1. Bioengineering shall generally be used when a geotechnical analysis confirms a need to prevent potential damage to a primary structure, but the need is not as immediate as within three years.
 2. Bioengineering projects shall incorporate all of the following:
 - a. All bioengineering projects shall use a diverse variety of native plant materials, including trees, shrubs, and grasses, unless demonstrated infeasible for the particular site;
 - b. All cleared areas shall be replanted following construction and irrigated (if necessary) to ensure that all vegetation is fully re-established within three years. Areas that fail to adequately reestablish vegetation shall be replanted with approved plant materials until such time as the plantings are viable;
 - c. If no VCA is established in OMC 18.20.620 Table 6.3, a minimum five (5) foot vegetated buffer shall be provided landward of the project limits to allow bank protection plantings to become established. The buffers shall not be disturbed for a minimum of three years.
 - d. All bioengineering projects shall be monitored and maintained, as necessary. Areas damaged by pests and/or the elements shall be promptly repaired; and
 - e. All construction and planting activities shall be scheduled to minimize impacts to water quality, fish and wildlife, and aquatic and upland habitat and to optimize survival of new vegetation.
- I. Structural stabilization shall be located, designed, and constructed in accordance with mitigation sequencing in OMC 18.20.410(B) to minimize adverse impacts to shoreline ecological functions and processes. Protection of adjacent property and existing development shall also be considered in the design and location of structural stabilization measures.

3.778 18.20.870 - Shoreline Stabilization Reports

- A. Geotechnical reports prepared pursuant to this section that address the need to prevent potential damage to a primary structure shall address the necessity for shoreline stabilization by estimating time frames and rates of erosion and report on the urgency associated with the specific situation. As a general matter, hard armoring solutions should not be authorized except when a report confirms a significant possibility that such a structure will be damaged within three years as a result of shoreline erosion in the absence of such hard armoring measures, or where waiting until the need is immediate would foreclose the opportunity to use measures that avoid impacts on ecological functions.
- B. Where the geotechnical report confirms a need to prevent potential damage to a primary structure, but the need is not as immediate as three years, the report may still be used to justify more immediate authorization to protect against erosion using soft armoring.

3.789 18.20.872 - Breakwaters, Jetties, Groins, and Weirs - General Provisions

- A. Jetties and breakwaters are prohibited except as an integral component of a water-dependent use such as a marina or port, and only when there is a documented need for the protection of navigation, a harbor, water dependent industrial activities, a marina, fisheries or habitat enhancement project, or a comprehensive beach management plan.

- B. Where permitted, floating, portable, or submerged breakwater structures, or smaller discontinuous structures shall be used only when it has been demonstrated that they will not impact shoreline ecology or processes such as littoral drift or cause erosion of down drift beaches.
- C. The location and design of breakwaters, jetties, groins, and weirs shall be subject to mitigation sequencing outlined in OMC 18.20.410(B).
- D. The design of breakwaters, jetties, groins and weirs shall conform to all applicable requirements established by the Washington Department of Fish and Wildlife and the U.S. Army Corps of Engineers.
- E. The design of breakwaters, jetties, groins and weirs shall be certified by a registered civil engineer.
- F. Breakwaters, jetties, groins and weirs shall not intrude into critical salt water habitats or into salmon and steelhead habitats unless the following conditions are met:
 - 1. An alternative location or alignment is not feasible;
 - 2. The project is designed to minimize its impacts on the environment;
 - 3. All adverse impacts will be mitigated;
 - 4. The project, including associated mitigation, will result in no net loss of ecological functions associated with the critical saltwater habitat;
 - 5. The facility is in the public interest and consistent with the state's interest in resource protection and species recovery, and
 - 6. If the project results in significant unavoidable adverse impacts, the impacts are mitigated by creating in-kind replacement habitat near the project. Where in-kind replacement mitigation is not feasible, rehabilitating degraded habitat may be required as a substitute.
- G. Breakwaters, jetties, groins, and weirs shall be constructed of suitable materials. The use of solid waste, junk or abandoned automobiles, asphalt or any building demolition debris is prohibited.
- H. The movement of sand or beach materials shall be evaluated during permit review for breakwaters, jetties, groins and weirs. Those projects which are found to block littoral drift or cause new erosion of down-drift shoreline shall be required to establish and maintain an adequate long-term beach feeding program. This may include artificially transporting sand to the down-drift side of an inlet with jetties; or artificial beach feeding in the case of breakwaters, groins, and weirs.
- I. Breakwaters, jetties, groins, and weirs shall incorporate provisions for public access when feasible.
- J. Breakwaters, jetties, groins and weirs shall be designed to protect critical areas and shall provide for mitigation according to the mitigation sequence in OMC 18.20.410 (B).

3.7980 18.20.874 - Breakwaters, Jetties, Groins, and Weirs - Environment Designations

Breakwaters, jetties, groins and weirs are permitted only adjacent to the Urban Intensity and Port Marine Industrial shoreline environments, are subject to a shoreline conditional use permit, and shall be approved only when there is a documented need for the protection of navigation, a harbor, water dependent industrial activities, a marina, fisheries, or habitat enhancement project.

3.801 8.20.900 - Existing Buildings and Uses within Shorelines

- A. Subject to the provisions of this Chapter, a use, lot, or structure lawfully existing prior to the effective date of this Shoreline Program or any amendment thereto, which is rendered nonconforming by this Shoreline Program may continue and may also be repaired, remodeled, and/or ~~replaced~~restored in the manner and to the extent that it existed upon the effective date of this Shoreline Program. Such structures may also be expanded in accordance with the provisions of this Section 18.20.910.

- B. In addition to and independent of the provisions below, existing roads, trails, utility lines and similar linear facilities, together with any associated facilities such as pump stations or stormwater treatment ponds, which do not conform to the provisions of OMC Chapter 18.20 may expand within existing easements and rights-of-ways. Modification or expansion outside of existing easements or rights-of-way which would otherwise be prohibited may be authorized by the decision maker upon finding there is no feasible alternative, the development is necessary for the public welfare, as proposed and designed includes appropriate mitigation, and the development is not likely to result in a net loss of shoreline ecological functions.

3.812 18.20.910 - Alteration of Nonconforming Structures in Shoreline Jurisdiction

- A. Shoreline Structures – The following regulations apply to nonconforming structures located in shoreline jurisdiction. Alterations pursuant to this section shall not result in a net loss of shoreline ecological functions and processes. The applicant shall obtain all required permits or approvals prior to construction. All alterations shall comply with applicable development regulations.
1. Structures within Shoreline Setbacks - Alteration of structures located landward of the Ordinary High Water Mark within a required shoreline setback is limited to:
 - a. For structures located partially within the shoreline setback, alterations shall be limited to the addition of height and expansion into areas outside the shoreline setback.
 - b. For structures located entirely within the shoreline setbacks, alterations shall be allowed for the addition of height, or expansion on the upland side of the structure, or both.
 - c. Interior and exterior remodels and the addition of upper stories are permitted. Except as provided above, such additions shall not extend beyond the existing or approved building footprint. Any expansion of nonconforming structures that further encroach on the Ordinary High Water Mark setback by decreasing the distance between the structure and the Ordinary High Water mark shall require a shoreline variance.
 2. Overwater Structures – Alteration of structures located water-ward of the Ordinary High Water Mark is prohibited except:
 - a. Alterations to the footprint or building envelope may be permitted when required by Washington State Department of Natural Resources for light penetration;
 - b. Alterations that do not increase or expand the building footprint nor increase the height are permitted; and
 - c. Existing covered moorage may be maintained, repaired, or replaced pursuant to WAC 173-27-040.
 3. Structures within Vegetation Conservation Areas. Alteration of structures located landward of the Ordinary High Water within a required Vegetation Conservation Area (VCA) that include expansion of the building footprint is prohibited. Only interior and exterior remodels and the addition of upper stories are permitted.
 4. Structurally raising the floor elevation of an existing legally established nonconforming structure, which is necessary to protect the structure from flooding due to sea level rise, shall be allowed in accordance with the height limits set forth in Table 6.2. Raising the floor elevation is not allowed for legally established nonconforming overwater structures.
- B. Unintentionally damaged or destroyed nonconforming structures.
1. In the event that a structure or building that does not conform to the shoreline setback is damaged or destroyed by fire, explosion, act of nature, or act of public enemy, the structure may be ~~restored~~ reconstructed within the existing footprint. Any modifications outside of the existing footprint must comply with OMC 18.20.910.

2. In order to take advantage of this section, a complete application for a building permit must be submitted within one year of the unintended event that caused the destruction of the structure. The applicant loses their rights under this subsection if the building permit lapses without construction of the structure proposed under the building permit.

3.823 18.20.920 - Existing Nonconforming Shoreline Uses

- A. Conversion and discontinuation of nonconforming uses in shoreline jurisdiction shall be governed by OMC 18.37.060(A) and (E).
- B. Expansion of nonconforming shoreline uses. The hearings examiner may authorize expansion of a use that does not conform to the Shoreline Master Program if the applicant demonstrates all of the following:
 1. The use clearly requires a specific site location on the shoreline not provided for under this chapter, and
 2. Extraordinary circumstances preclude reasonable use of the property in a manner consistent with this chapter. Provided, however, that expansion of uses in shoreline jurisdiction that are also nonconforming with zoning use restrictions are not authorized by this section. See OMC 18.37.060(B).

3.834 18.20.930 - Existing Nonconforming Shoreline Lots

- A. An undeveloped lot, tract, parcel, site, or division of land located landward of the Ordinary High Water Mark which was established in accordance with local and state subdivision requirements prior to the effective date of the Shoreline Master Program which does not conform to the present lot size standards of the Program may be developed if the lot conforms with OMC 18.37.080 and the development conforms to all other requirements of the Master Program.

Shoreline Master Program (SMP)



About the SMP

The Shoreline Master Program (SMP) is a set of local policies and regulations adopted by the City under the State's Shoreline Management Act that generally applies to all major water bodies and lands within 200 feet of those waters.

- [View the 2015 Olympia SMP](#)
- [View the 2018 Olympia SMP - as amended \(Appendix A\) \(Appendix B\)](#)

Periodic review

Every eight years, counties and cities must review the SMP to ensure it remains consistent with any changes in state law, the adopted Comprehensive Plan, and any changes in local circumstance.

The periodic review is not as involved as the “comprehensive update” that Olympia completed in 2015. The comprehensive update was a major rewrite of the SMP that took several years to complete.

For the periodic review, the Washington State Department of Ecology (Ecology) provides a checklist for us to identify and evaluate any needed revisions. Ecology also provides grant funds to help cover the costs associated with conducting the review. The City of Olympia will conduct this review in 2020 and the first half of 2021.

- [View the gap analysis based on Ecology's checklist](#)
- [Fact sheet](#)
- [Info sheet: Summary of biggest changes](#)
- [Info sheet: Waterfront recreation setback and VCA changes](#)
- [SMP Revisions - Public Draft #1](#)
- [CAO Revisions - Wetland Buffers](#)

The public hearing was conducted jointly with the Washington State Department of Ecology on Jan. 11, 2021. The Planning Commission made a recommendation to the City Council to approve the SMP and CAO amendments, as

proposed by staff, with two additional changes. In addition, changes were made to address public comments raised as well as to address changes required by Ecology as part of its Initial Determination of Consistency. Amendments must be approved by the City Council and the Department of Ecology.

The SMP and CAO drafts below reflect all proposed changes.

- [View public comments](#)
- [Response to public comments](#)
- [Summary of changes proposed after Public Hearing.](#)
- [Final SMP](#)
- [Final CAO](#)

Next steps

The City Council's Land Use and Environment Committee recommended the SMP and CAO be forwarded to the City Council for a decision. The full Council is scheduled to consider these amendments on May 4, 2021.

How to participate

Please contact Joyce Phillips at 360.570.3722 or jphillip@ci.olympia.wa.us to make comments on the final drafts. All comments that are received by 5 p.m. on May 4, 2021 will be provided to the City Council.

You can also subscribe to the Planning & Development newsletter at olympiawa.gov/subscribe to receive this and other planning related information.

- [View the Public Participation Plan](#)
- [Frequently Asked Questions](#)

Questions?

For questions about the Periodic Review contact Joyce Phillips at 360.570.3722 or jphillip@ci.olympia.wa.us.

For questions about shoreline development or permits contact 360.753.8314 or cpdinfo@ci.olympia.wa.us.

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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.

TO: Joyce Phillips, Principle Planner, City of Olympia
CC: Jackie Chandler, Shoreline Administrator, WA Department of Ecology
FROM: Kim Van Zwalenburg, Senior Shoreline Planner, WA Department of Ecology
Date: March 19, 2021
Subject: **SMP Periodic Review** - Initial Determination of Consistency
Sent via email to: jphillip@ci.olympia.wa.us

Use of this Document

Ecology's *Determination of Initial Concurrence* provides Ecology's review of the proposed amendment to the City of Olympia (City) Shoreline Master Program (SMP). This document is divided into two sections: **Findings of Fact**, which provides findings related to the City's proposed amendment, amendment history, and the review process and **Initial Determination** of the proposed amendment with next steps.

Attachment 1 itemizes issues that can be addressed prior to Ecology's final approval of the proposed amendment.

Brief Description of Proposed Amendment

The City of Olympia is undergoing a statutorily required periodic review of their Shoreline Master Program (SMP) and has submitted their draft SMP amendment to Ecology for an initial determination as required by the joint review process and consistent with WAC 173-26-104(3). The SMP regulates shoreline uses and activities along Grass Lake, Capitol Lake, Ward Lake, Ken Lake, Percival Creek and the marine shorelines of lower Budd Inlet within city limits.

FINDINGS OF FACT

Need for amendment

Olympia comprehensively updated their master program in October 2015 and amended their SMP in 2018 to incorporate updated critical area regulations. This current amendment is needed to comply with the statutory deadline for a periodic review of the SMP pursuant to RCW 90.58.080(4).

SMP provisions to be changed by the amendment as proposed

The City prepared a checklist and an analysis documenting the proposed amendment. The amendment will bring the SMP into compliance with requirements of the Shoreline Management Act, or state rules that have been added or changed since the last SMP amendment, ensure the SMP remains consistent with amended comprehensive plans and regulations, and incorporate revisions deemed necessary to reflect changed circumstances, new information, or improved data. Locally initiated changes include provisions incorporating the City's Sea Level Rise Response Plan in to the SMP, addressing waterfront recreation and the Vegetation Conservation Area on West Bay, more specifically addressing live-aboards in marinas, and allowing for recreational camping in the Marine Recreation environment on the east side of the Port Peninsula.

In addition to overarching organizational changes, general edits to correct and update syntax, and formatting and citation corrections, the following amendments to the SMP are proposed:

A. Section I. General Provisions

1. The summary table of Regulatory and Policy Tools is updated to note the inclusion of Seal Level Rise into the SMP. An update to the adoption date of the referenced Critical Areas Ordinance is added to 1.6.

B. Section 2. Goals and Policies

1. Consideration of sea level rise is added to the following policy sections: 2.1 Shoreline Master Program Goals and Policies, 2.4 Shoreline Use and Development Policies, 2.16 Scientific and Educational Activity Policies, 2.27 Residential Policies, 2.28 Transportation Policies, 2.29 Utility Policies, 2.32 Fill Policies, and 2.35 Shoreline Stabilization Policies are revised to include sea level rise considerations [2.1 H, 2.4 F, 2.16 A, 2.27 C, 2.28 A, 2.29 A, 2.32 C, 2.35 B, 2.35 E]
2. Reference to the West Bay Environmental Restoration Assessment Report¹ is added to the following policy sections: 2.3. Shoreline Ecological Protection and Mitigation Policies, 2.5 Aquatic Environment Management Policies, 2.34 Restoration and Enhancement Policies, and 2.35 Shoreline Stabilization Policies. [2.3 I, 2.5 H, 2.34 M, 2.35 E]
3. 2.4 Shoreline Use and Development Policies adds new policy G, relocated from section 2.5, establishing the need to reserve space for preferred shoreline uses.
4. 2.5 Aquatic Environment Management Policies has a number of edits for improved clarity [B, D, E] and adds a new policy [H] encouraging soft shore stabilization or habitat restoration to improve ecological functions.
5. 2.6 Natural Environment Management Policies has a clarifying edit. [A.2]
6. 2.9 Marine Recreation Environment Management Policies includes two edits for clarity. [A, E]
7. 2.10 Shoreline Residential Environment Management Policies has one clarifying edit. [G]
8. 2.11 Urban Intensity Environment Management Policies has a number of clarifying edits. [E, F, G, H, J]
9. 2.14 Parking Policies has one clarifying edit. [C]
10. 2.15 Public Access Policies adds a new policy to clarify when on-site public access may not be required. [K]
11. 2.18 Vegetation Conservation Area Policies is revised encouraging education addressing proper use of fertilizers and pesticides in the shoreline. [F]
12. 2.23 Boating Facilities Policies is revised adding new language listing preferred design elements to lessen impacts from overwater structures and clarifying covered boathouses should be prohibited. [F]
13. 2.31 Dredging Policies is revised for improved clarity [C, F] and adds a statement clarifying the need to avoid and minimize impacts from dredge disposal [G].
14. 2.32 Fill Policies adds ecological restoration to the list of allowable activities which may require fill waterward of the ordinary high water mark. [E]

¹ Coast & Harbor Engineering. *West Bay Environmental Restoration Assessment, Final Report*. City of Olympia, 2016. <https://olympiawa.gov/~media/Files/PublicWorks/Water-Resources/WestBay-Environmental-Restoration-Assessment.pdf?la=en> This report provides an assessment of environmental restoration opportunities for the West Bay shoreline of Olympia.

C. Section 3 Regulations

1. 3.3 18.20.120² - Interpretation and Definitions - Definitions for the following terms are added: camping facilities, functional disconnect, live-aboard vessel, nonconforming development or nonconforming structure, nonconforming lot, nonconforming use.
2. 3.6 18.20.215 – Exceptions to Local Review is a new subsection added consistent with Ecology recommendations addressing WAC 173-26-044 and WAC 173-26-045.
3. 3.13³ 18.20.280 – Shoreline Permit Procedures is revised to clarify the roles of the Administrator and the Hearings Examiner [C], clarify the appeals process [E, F] and add language directing submittal of permit revisions to Ecology. [F] Other minor edits are made. [D, G]
4. 3.14 18.20.285 - Amendments is revised adding the optional joint review process for SMP amendments. [D]
5. 3.17 18.20.300 – Shoreline Jurisdiction is revised adding language to clarify how to regulate parcels and structures that may be partially in and partially out of shoreline jurisdiction. [C]
6. 3.21 18.20.400 – General Regulations – Intent is revised to better clarify which regulations apply to all uses and activities in all shoreline environments.
7. 3.23 18.20.420 – Critical Areas is revised to reference the updated critical area regulations ordinance number and date. [A]
8. 3.24 18.20.430 – Archaeological, Historic, and Cultural Resources is revised adding cross-references to the City’s Historic Preservation Code and to Ecology’s rule provisions on archaeological and historic references in WAC 173-26-221. [D]
9. 3.26 18.20.450 - Public Access – Two new conditions are added to the list allowing the Administrator to waive the public access requirement for privately-funded projects. A waiver could be allowed for sites functionally disconnected from the shoreline by a legally established road or other substantial developed surface, or when public access already exists in the immediate vicinity or is already adequate and documented at the property. “Immediate vicinity” means there are public access areas within 1/8 mile of the development, increased to ¼ mile with seating along the route and safe pedestrian access between the development and the public access areas. [C.5, C.6]
10. 3.27 18.20.460 – Design of Public Access – A companion change (to the immediately preceding revision in 3.26) is made, allowing for a waiver to the requirement for a public viewing area when all conditions are met: the site is disconnected from the shoreline, public access areas are within a short distance of the site and there is safe pedestrian access to the public access areas. [A.5]
11. 3.32 18.20.493 – Permitted Uses and Activities within Vegetation Conservation Areas is revised to allow for restrooms within the VCA when no suitable location exists elsewhere at public parks and water related recreation areas only. [A.10]
12. 3.37 18.20.504 – View Protection Regulations is revised to clarify that fences in the VCA are limited to a height of 4 feet between the OHWM and primary structures. Outside the VCA, the fencing provisions forth in OMC 18.40 apply. [I]

² The SMP includes cross references between the stand-alone document and codified elements. In this instance, subsection 3.3 is cross-referenced to Olympia Municipal Code (OMC) 18.20.120.

³ Subsection numbers in Section 3 reflect updated numbering resulting from the addition of the new 3.6.

13. 3.39 18.20.510 – Water Quality includes a new provision requiring dredging and dredge disposal use best management practices to prevent impacts to water quality or other environmental impacts. [F]
14. 3.40 18.20.600 – Shoreline Use and Development – Intent is edited for improved clarity.
15. 3.42 18.20.620 – Use and Development Standards Tables includes the following revisions:
 - a. A provision is added allowing for setbacks to be waived on areas functionally disconnected from the shoreline by a legally established road. [D.9]
 - b. Table 6.1 – Uses and Activities is edited for improved clarity and internal consistency with SMP policies and regulations (boating facilities) and a new footnote clarifying permitting of Mixed Use activities.
 - c. Table 6.3 – Setbacks and Incentives is revised adding the VCA to the column titles related to setbacks, revises the setback in Waterfront Recreation – 3B from 150’ down to 50’ and adds a line clarifying the setback for water dependent uses is 0’.
16. 3.44 18.20.640 – Aquaculture includes a new provision requiring geoduck aquaculture shall meet all minimum permit requirements [E].
17. 3.47 18.20.654 – Marinas adds clarifications and a new provision related to live-aboards in marinas, including a cap on the number of slips occupied by live-aboards at 20 percent of the total slips in a marina [B.6, B.7, B.8].
18. 3.56 18.20.700 – Transportation and Trail Facilities includes a new provision addressing special procedures for Washington Dept. of Transportation projects [F].
19. 3.59 18.20.810 – Permitted Shoreline Modifications Table 7.1 – Shoreline Modifications is revised to allow hard shoreline armoring under certain limited circumstances without a Conditional Use Permit.
20. 3.60 18.20.820 – Dredging includes edits for improved clarity and a revision to ensure all dredging and dredge material disposal activities use best management practices to prevent impacts to water quality and the environment [B.8, C, G].
21. 3.67 18.20.846 – Marine Docks and Piers includes a revision requiring grating of the dock/pier surface consistent with the Department of Fish and Wildlife (DFW) rule [B.2].
22. 3.68 18.20.847 – Fresh Water Docks and Piers includes a similar provision to grate the surface area consistent with the DFW rule [B.3].
23. 3.69 18.20.848 – Float Standards – DFW standards on orientation and functional grating is required consistent with their rule [D.1].
24. 3.70 18.20.850 – Shoreline Restoration and Enhancement – Intent includes a cross reference to the West Bay Environmental Restoration Assessment.
25. 3.75 18.20.864 – New or Expanded Shoreline Stabilization Measures includes an edit removing the phrase “waterward of the Ordinary High Water Mark” [H].
26. 3.77 18.20.868 – Design of Shoreline Stabilization Measures has a new provision added pointing to the Olympia Sea Level Rise Response Plan as a consideration when determining the minimum necessary size of shoreline stabilization structures [B.1].
27. 3.81 18.20.900 – Existing Buildings and Uses within Shorelines is revised to allow for replacement and expansions [A].
28. 3.82 18.20.910 – Alteration of Nonconforming Structures in Shoreline Jurisdiction includes an added provision to allow raising the floor elevation of a legally existing structure in response to sea level rise flooding within height limits. This provision is not extended to nonconforming

- overwater structures. [A.4]. An additional revision allows for the reconstruction within the existing footprint of unintentionally damaged or destroyed nonconforming structures [B.1].
- D. OMC Chapter 18.32 Critical Areas – Revisions are proposed for improved clarity, and for consistency with Ecology’s guidance including minor adjustments to habitat function scores (low is now 3 – 5 points, moderate is now 6-7 points), buffer width, update to the referenced Ecology Wetland Guidance, [18.32.510 A.2, 18.32.535 B. Table 32-1: Wetland Buffer Widths, 18.32.535 G.

Amendment History, Review Process

The City prepared a public participation program in accordance with WAC 173-26-090(3)(a) to inform, involve and encourage participation of interested persons and private entities, tribes, and applicable agencies having interests and responsibilities relating to shorelines. An important element of the public participation plan is the City’s SMP Periodic Review project [website](#)⁴. A consultant, hired by the City developed draft documents. Due to the COVID-19 pandemic, the City held public meetings in a virtual format using Zoom, including a public Open House held December 2, 2020 and Planning Commission meetings addressing this topic, beginning in March 2020 and continuing through February 2021, were nearly all held remotely.

The City used Ecology’s Periodic Review checklist of legislative and rule amendments to review amendments to chapter 90.58 RCW and department guidelines, that have occurred since the master program was last amended, and determine if local amendments were needed to maintain compliance in accordance with WAC 173-26-090(3)(b)(i). The City also reviewed changes to the comprehensive plan and development regulations to determine if the shoreline master program policies and regulations remain consistent with them in accordance with WAC 173-26-090(3)(b)(ii). The City considered whether to incorporate any amendments needed to reflect changed circumstances, new information or improved data in accordance with WAC 173-26-090(3)(b)(iii). The City consulted with Ecology and solicited comments throughout the review process including opportunities to comment on draft materials in June, August and October November 2020.

The record indicates the City completed a SEPA checklist and issued a Determination of Non-Significance (DNS) on January 22, 2021 for the proposed SMP amendment.

The City and Ecology held a joint local/state comment period on the proposed amendments following procedures outlined in WAC 173-26-104. The comment period began on December 4, 2020 and continued through January 11, 2021. A public hearing before the Planning Commission was held virtually via Zoom on January 11, 2021.

The City provided notice to local parties, including a statement that the hearing was intended to address the periodic review in accordance with WAC 173-26-090(3)(c)(ii). The City’s record indicates notice of the hearing was published in *The Olympian*. Ecology distributed notice of the joint comment period to state interested parties on November 30, 2020, including separate notice and an invitation for consultation to the Chehalis Tribe, Squaxin Island Tribe and the Nisqually Indian Tribe.

The City accepted public comments on the proposed SMP amendments during the 30-day public comment period. Comments were received from eighteen (18) organizations/individuals and included

⁴ <http://olympiawa.gov/smp>

concerns about the health of Puget Sound, Southern Resident Killer whales, Chinook salmon and numerous other species. Specific concerns about sediment contamination, water quality and habitat degradation, use of science, and the need to daylight the numerous small creeks⁵ tributary to Budd Inlet were expressed. A number of comments expressed a desire the City include “restoration potential” as a consideration in the SMP. Other comments focused on the proposed revisions to public access requirements, wetland buffers, Green Cove Creek, nonconforming structures, no net loss, habitat protection and restoration, RV parks in the Marine Recreation Environment, environmental justice, sea level rise, public access, and shoreline setbacks.

The City made a few changes in response to comments including revisions to language allowing soft shoreline stabilization measures above and below the OHWM, revised the proposed setback along West Bay to 50 feet rather than the proposed 30 feet, and has proposed revisions addressing “priority habitat areas”

The proposed SMP amendments were received by Ecology on March 1, 2021 for initial state review. The submittal was supplemented on March 2, 2021 and verified as complete on March 2, 2021. This began Ecology’s review and initial determination.

Summary of Issues Identified by Ecology as Relevant to Its Decision

Ecology is required to review all SMPs to ensure consistency with the Shoreline Management Act (SMA) and implementing rules including WAC 173-26, State Master Program Approval/Amendment Procedures and Master Program Guidelines. WAC 173-26-186(11) specifies that Ecology “shall insure that the state’s interest in shorelines is protected, including compliance with the policy and provisions of RCW 90.58.020.”

Based on review of the proposed amendments to the SMP for consistency with applicable SMP Guidelines requirements and the Shoreline Management Act, and consideration of supporting materials in the record submitted by the City, the following issues remain relevant to Ecology’s final decision on the proposed amendments to the City’s SMP, with Findings specific to each issue identifying amendments needed for compliance with the SMA and applicable guidelines:

Public Access

The proposal amends the public access provisions in SMP 3.26 18.20.450 and 3.27 18.20.460, adding additional criteria to the list identifying when public access requirements can be waived. One of the waiver conditions relies on the proposed definition for “functional disconnect”. This term, as proposed in the SMP, relates to a determination that an area is functionally isolated from the shoreline and no longer provides shoreline ecological functions. In addition, the presence of intervening development may not preclude public access but may require it occur in a different manner. See a related recommended change below.

Finding: Ecology finds the proposed revisions to the public access requirements relies, in part, on the definition of “functional disconnect”. This is not an appropriate measure for determining whether public access can be waived as this is an ecological and biological determination. Revisions are required for

⁵ Moxlie Creek, Indian Creek, Schneider Creek, Ellis Creek.

internal consistency, and for consistency with WAC 173-26-211(3) and WAC 173-26-221(4)(d). [Req-1 and Rec-2]

Use and Development Standards Tables – Setback Reductions

In SMP 3.42 18.20.620, a provision is added allowing for setback reductions on areas disconnected from the shoreline by an existing road which results in a functional disconnect from the shoreline. The term “functional disconnect” is a new proposed term in the SMP (see discussion below under Definitions). A comment from Washington Department of Fish and Wildlife noted that the presence of existing infrastructure or structures does not automatically equate to the absence of all shoreline ecological functions.

Finding: Ecology finds the proposed revisions are incomplete. The SMP lacks any clear mechanism for ensuring a functional disconnect is verified. Revisions are required for internal consistency with the proposed definition of “functional disconnect”, to ensure determination of the functional disconnection is scientifically sound, and to ensure consistency with the no net loss standard in WAC 173-26-201(2)(c). [Req-3]

Ecology recommended changes

Ecology has identified eight recommended changes to the SMP amendment for consideration by the City. These can be found in Attachment 1, items Rec-1 through Rec-8.

Integration of Critical Area Regulations

1. The SMP incorporates the CAO by reference in two locations - Section 1.6 Regulations Adopted by Reference and Section 3.23 18.20.420 – Critical Areas. The SMP incorporates the CAO by reference in two different locations, requiring both to be amended whenever there is an updated ordinance. Ecology recommends changes to Section 1.6 which would more generally discuss the adoption by reference and leaving the specific citations in Section 3.23. [Attachment 1, Rec-1]
2. Section 3.23 18.20.420 lists exceptions to the incorporation of the CAO into the SMP including the need to utilize the approved federal wetland delineation manual in regulation C.7. This SMP provision is duplicative of language the CAO in OMC 18.32.580 and is unnecessary. [Attachment 1, Rec-3]

Public Access

Ecology recommends adding a provision to the list of conditions under which the public access requirement can be waived. This provision speaks to case when the costs of the public access are disproportionate to the cost of the proposed development. [Attachment 1, Rec-5]

Definitions

The SMP includes a new definition for “functional disconnect”. Ecology recommends improving the definition by more clearly describing “substantially developed surface”. Language providing examples of what is and isn’t a substantially developed surface is suggested. [Attachment 1, Rec-2]

Priority riparian areas

In response to comments received, as well as internal concerns around implementation of the “priority riparian areas” provisions and the SMP, the City proposes revisions in OMC 18.32.405, 18.32.410 and 18.32.435. OMC 18.35.405 applies the term “priority riparian areas” to certain segments along Budd

Inlet and Capitol Lake. Proposed changes remove all listed segments, revising the applicability to non-shoreline lakes, and includes removal of any reference to Type S waters⁶ in OMC 18.32.410 and 18.32.435.

Ecology is concerned the proposed revisions alter the intent and application of the “priority habitat area” provisions and recommends an alternative approach: retaining the language proposed for deletion and clarifying in 18.32.435 that the buffer for Type S waters is addressed in the SMP in 18.20.620 Table 6-3 Shoreline Setback and Vegetation Conservation Areas⁷. Ecology also recommends adding a provision in 18.20.420 C making this same clarification regarding the buffers for “priority riparian areas”. [Attachment 1, Rec-4, Rec-6, Rec-7 and Rec-8].

Findings. Ecology finds that the recommended changes, set forth in Attachment 1, Rec-1 through Rec-8, would be consistent with the policy and standards of RCW 90.58 and the applicable guidelines if implemented.

INITIAL DETERMINATION

The following constitutes Ecology’s written statement of initial concurrence, consistent with WAC 173-26-104(3)(b)(ii):

After review by Ecology of the complete record submitted and all comments received, Ecology has determined that the City’s proposed amendment is consistent with the policy and standards of RCW 90.58.020 and RCW 90.58.090 and the applicable SMP guidelines (WAC 173-26-171 through 251 and .020 definitions).

Next Steps

Consider the changes identified by Ecology in Attachment 1. Please let me know if you would like to discuss alternative language or different approaches for resolving these issues.

If these issues are resolved prior to local adoption, we anticipate being able to approve your SMP Periodic Review amendment after formal submittal is provided consistent with WAC 173-26-110.

⁶ Per WAC 222-16-031, a Type S water is a Type 1 water. “Type 1 Water” means all the waters, within their ordinary high-water mark, as inventoried as “shorelines of the state” under chapter 90.58 RCW and the rules promulgated pursuant to chapter 90.58 RCW, but not including those waters’ associated wetlands as defined in chapter 90.58 RCW.

⁷ These setbacks were established during the Comprehensive SMP Update informed by the information in the Shoreline Inventory and Characterization.

Changes in red are required for consistency with the SMA (RCW 90.58) and the SMP Guidelines (WAC 173-26, Part III). Changes in blue are recommended and are consistent with SMA policy (RCW 90.58.020) and the SMP Guidelines (WAC 173-26, Part III).

ITEM	SMP PROVISION	BILL FORMAT CHANGES [<u>underline</u> -additions; strike through -deletions]	ECOLOGY - DISCUSSION/RATIONALE
Rec-1	1.6 Adoption by Reference	<p>1.6 Regulations Adopted by Reference</p> <p>The Critical Areas regulations adopted by Council as of Month Day, 202X (Ordinance XXXX), contained in the Olympia Municipal Code (OMC) Chapters 18.32 and 16.70 are integral and applicable to this Shoreline Program, and are hereby adopted by reference <u>as described in Section 18.20.420 A</u>; provided that the reasonable use provisions set forth in OMC 18.66.040 shall not be available within the shoreline jurisdiction. Instead, applicants may apply for a shoreline variance when seeking relief from critical areas regulations within shorelines. Similarly, Section 18.06.100 A.2.C -- West Bay Drive Building Height and View Blockage Limits (Ordinance 6646, passed on July 14, 2009), is hereby adopted by reference to the extent that the height and use regulations identified therein are applicable to the shoreline jurisdiction area.</p>	<p>Recommended change: Remove the specific date and Ordinance number, add a reference to SMP Section 18.20.420 A and delete the language on reasonable use provisions.</p> <p>The reference to the specific ordinance and adoption date is included in OMC 18.20.420A (SMP 3.23). Deleting the specific reference here will reduce the number of changes necessary whenever an amendment is needed to update the referenced ordinance. The reasonable use language is duplicative of language in 18.20.420 C.8. and is only one of a number of critical area provisions which are not applicable in shoreline jurisdiction.</p>
Rec-2	3.3 18.20.120 ¹ Interpretation and Definitions	<p>Functional Disconnect: An existing, legally established public road or other substantially developed surface which effectively eliminates the capacity for upland areas to provide shoreline ecological functions, as defined in WAC 173-26-201(2)(c). <u>As used in this definition, "substantially developed surface" can include public infrastructure such as roads, and private improvements such as commercial structures. A "substantially developed surface" shall not include paved trails, sidewalks, private driveways or accessory buildings that do not require a building permit.</u></p>	<p>Recommended change: Define "substantially developed surface" which is vague. Additional language is suggested to better define "substantially developed surface" to aid in implementation.</p>
Rec-3 and Rec-4	3.23 18.20.420 Critical Areas	<p>C. Regardless of other provisions in Chapter 18.32, to ensure consistency with the <u>S</u>shoreline Management Act critical areas within shoreline jurisdiction shall be subject to the following:</p> <ol style="list-style-type: none"> 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. Stream and Important Riparian Area buffer reductions beyond twenty-five 	<p>Recommended changes: Edits include a typographical correction, citation corrections and deletion of C.7 addressing wetland delineations.</p> <p>The language in C.7 is duplicative of language in OMC 18.32.580 Wetlands – Wetland Boundary Delineation which has been incorporated by reference.</p>

¹ The regulatory provisions of the SMP contain both a section # (3.3) and the Olympia Municipal Code number (18.20.120).

Changes in red are required for consistency with the SMA (RCW 90.58) and the SMP Guidelines (WAC 173-26, Part III). Changes in blue are recommended and are consistent with SMA policy (RCW 90.58.020) and the SMP Guidelines (WAC 173-26, Part III).

ITEM	SMP PROVISION	BILL FORMAT CHANGES [<u>underline-additions</u> , strike-through deletions]	ECOLOGY - DISCUSSION/RATIONALE
		<p>percent (25%) within shoreline jurisdiction shall require a shoreline variance.</p> <p>3. Stormwater facilities may be allowed in the outer twenty-five percent (25%) of Category III and IV wetland buffers in shoreline jurisdiction (OMC 18.32.525(K)) and only when no other location is feasible.</p> <p>4. Utility lines may be allowed in the outer twenty-five percent (25%) of Category III and IV wetland buffers in shoreline jurisdiction (OMC 18.32.525(<u>M</u>)).</p> <p>5. Locating stormwater facilities or utilities within wetlands or within any wetland buffer other than those specified in numbers <u>34 and 45</u> above shall require a shoreline variance (OMC 18.32.530(E) and (G)).</p> <p>6. Wetland buffer reductions beyond twenty-five percent (25%) within shoreline jurisdiction shall require a shoreline variance.</p> <p>7. 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).</p> <p>8. Reasonable use exceptions (OMC 18.66.040) are not available for relief from critical area standards within the shoreline jurisdiction. Instead, applicants seeking relief from the critical area standards shall apply for a shoreline variance.</p> <p>9. New development or the creation of new lots that would cause foreseeable risk from geological conditions during the life of the development is prohibited.</p> <p>10. Uses and activities that may be authorized within floodways are limited to those listed in WAC 173-26-221 (3)(c)(i).</p> <p>11. <u>In shoreline jurisdiction, "priority riparian area" buffers for Type S waters are governed by Section 18.20.620 and Table 6.3 – Setbacks and Incentives which establishes setbacks and Vegetation Conservation Areas based on the Shoreline Environment.</u></p>	<p>Recommended change: A new provision is suggested to clarify implementation of "priority riparian area" buffers on Type S waters. This is a suggested alternative to the City's proposed revisions, in response to public comments, in 18.32.405, 18.32.410, 18.32.435. Related changes are shown below in Items Rec-6 to Rec-8.</p>
<p>Req-1 and Rec-5</p>	<p>3.26 18.20.450 – Public Access</p>	<p>C. 5. The development site is disconnected from the shoreline by an existing, legally established <u>public road or public space such as Percival Landing</u> other substantial developed surface which results in a functional disconnect from the shoreline; or</p>	<p>Required change: Revisions are needed for internal consistency with 3.27 18.20.460 Public Access Design as required by WAC 173-26-211(3), and for consistency with WAC 173-26-221(4)(d).</p>

Changes in red are required for consistency with the SMA (RCW 90.58) and the SMP Guidelines (WAC 173-26, Part III). Changes in blue are recommended and are consistent with SMA policy (RCW 90.58.020) and the SMP Guidelines (WAC 173-26, Part III).

ITEM	SMP PROVISION	BILL FORMAT CHANGES [<u>underline-additions</u> , strike-through deletions]	ECOLOGY - DISCUSSION/RATIONALE
		<p>6. Safe and convenient public access already exists in the immediate vicinity, and/or adequate public access is already documented at the property. The Administrator will consider the following to determine if adequate public access is provided in the immediate vicinity:</p> <ul style="list-style-type: none"> a. Public access areas occur along the shoreline within 1/8 mile of the development site or within ¼ mile when seating is provided along the route; and b. Safe pedestrian access from the site to the public access areas along or to the shoreline is provided. <p><u>7. The cost of providing the access, easement or an alternative amenity is unreasonably disproportionate to the cost of the proposed development.</u></p>	<p>As proposed in the SMP, the definition of “functional disconnect” relates to the assessment that the upland area separated from the shoreline does not provide shoreline ecological functions. This ecological and biological determination has no bearing on the decision to waive public access requirements on a site. In addition, the presence of intervening development may not preclude public access but may require it occur in a different manner.</p> <p>Recommended change: Additional language is suggested for the City’s consideration.</p>
<p>Req-2</p>	<p>3.27 18.20.460 – Design of Public Access</p>	<p>A. 5. Where physical access to the water’s edge is not feasible, a public viewing area shall be provided. This requirement may be waived by the Administrator where all of the following conditions are present:</p> <ul style="list-style-type: none"> a. The development site is disconnected from the shoreline by an existing, legally established <u>public</u> road or public space such as Percival Landing, which results in a functional disconnect from the shoreline; b. Public access areas occur along the shoreline within 1/8 mile of the development site or within ¼ mile when seating is provided along the route; and c. Safe pedestrian access from the site to the public access areas along or to the shoreline is provided. 	<p>Required change: Revisions are needed for internal consistency with 3.26 18.20.450 Public Access, as required by WAC 173-26-211(3), and for consistency with WAC 173-26-221(4)(d).</p> <p>As proposed in the SMP, the definition of “functional disconnect” relates to the assessment that the upland area separated from the shoreline does not provide shoreline ecological functions. This ecological and biological determination has no bearing on the decision to waive public access requirements on a site. In addition, the presence of intervening development may not preclude public access but may require it occur in a different manner.</p>
<p>Req-3</p>	<p>3.42 18.20.620 - Use and Development Standards Tables</p>	<p>D. Setback reductions shall be allowed as provided in Table 6.3 and subject to the following: ...</p> <p>9. Shoreline setbacks shall not apply to areas that are disconnected from the shoreline by an existing, legally established <u>public</u> road <u>or other substantially developed surface</u> which results in a functional disconnect from the shoreline. <u>The applicant shall provide a biological assessment by a qualified professional that demonstrates the area is functionally isolated. The City shall consider the hydrologic, geologic,</u></p>	<p>Required change: Revisions are made for internal consistency with the proposed definition of “functional disconnect”, to ensure determination of a functional disconnection is scientifically sound, and for consistency with the no net loss standard in WAC 173-26-201(2)(c).</p> <p>Ecology agrees with Washington Department of Fish and Wildlife that the presence of existing infrastructure or structures does not automatically equate to the absence of all shoreline ecological functions. Any claim that a “functional disconnect” exists should be demonstrated through an analysis by a qualified</p>

Changes in red are required for consistency with the SMA (RCW 90.58) and the SMP Guidelines (WAC 173-26, Part III). Changes in blue are recommended and are consistent with SMA policy (RCW 90.58.020) and the SMP Guidelines (WAC 173-26, Part III).

ITEM	SMP PROVISION	BILL FORMAT CHANGES [<u>underline-additions</u> , strike-through deletions]	ECOLOGY - DISCUSSION/RATIONALE
		<p><u>and/or biological habitat connection potential and the extent and permanence of the physical separation.</u></p>	<p>professional.</p>
<p>Rec-6</p>	<p>18.32.405 Streams and Priority Riparian Areas - Applicability</p>	<p>B. "Priority Riparian Areas" means those lake shorelines not subject to the Shoreline Master Program, as measured from the ordinary high water mark, and encompassing its buffer.</p> <p>B. "Priority Riparian Areas" means those marine and lake shorelines, as measured from the ordinary high water mark, in the following locations:</p> <ol style="list-style-type: none"> 1. The eastern shore of Budd Inlet from the southern property line of Priest Point Park northward to the city limits; 2. The western shore of Budd Inlet (in the Port Lagoon) from 4th Avenue NW northward to the extension of Jackson Avenue NW, but not including the BNSF railroad causeway and trestle or their western or eastern shores; West Bay Drive NW; Olympic Way NW; and parcels west of the rights-of-ways of West Bay Drive NW and Olympic Way NW; 3. The western shore of Budd Inlet (north of West Bay Drive) from the extension of 24th Avenue NW northward to the city limits, being approximately six hundred and fifty (650) feet from the end of the fill to the city limits; 4. The eastern shore of Capitol Lake (in the Middle Basin) from the extension of 13th Avenue SE (Olmsted Brothers Axis) southward to the right of way of Interstate 5; 5. The eastern shore of Capitol Lake (in the South Basin) from the right of way of Interstate 5 southward to the city limits; and 6. The western shore of Capitol Lake (in Percival Cove) from the intersection of Lakeridge Drive SW and Deschutes Parkway SW westward to the mouth of Percival Creek (a point due north of the terminus of Evergreen Park Court SW). 	<p>Recommended change: Delete the proposed language and retain the existing language in 18.32.405.</p> <p>The City's proposed revision appears to entirely alter the definition of "priority riparian areas" from certain marine and lake shorelines, all of which are Type S waters, to non-shoreline lakes which necessarily means lakes less than 20 acres in size.</p>
<p>Rec-7</p>	<p>18.32.410 Streams and Priority Riparian Areas – Typing System</p>	<p>Streams are grouped into categories according to the Washington Department of Natural Resources Water Typing System. The criteria, definitions and methods for determining the water type of a stream are found in WAC 222-16-031.</p> <p>A. "Type S waters streams" are those surface waters which meet the criteria of the Washington Department of Natural Resources, WAC 222-16-031, as a Type S Water. <u>Type S waters streams</u> contain fish habitat.</p>	<p>Recommended change: Retain the existing language in 18.32.410 A. The City could also consider some minor edits (shown) replacing the term "streams" with "water" or "waters" as used in WAC 222-16-031.</p>

Changes in red are required for consistency with the SMA (RCW 90.58) and the SMP Guidelines (WAC 173-26, Part III). Changes in blue are recommended and are consistent with SMA policy (RCW 90.58.020) and the SMP Guidelines (WAC 173-26, Part III).

ITEM	SMP PROVISION	BILL FORMAT CHANGES [<u>underline-additions</u> , strike-through deletions]	ECOLOGY - DISCUSSION/RATIONALE												
Rec-8	18.32.435 Streams and Priority Riparian Areas - Buffers	<p>C. Stream buffers shall be based on the water type classification as established by the Department of Natural Resources Stream Typing Classification System and required by OMC 18.32.410. The table below includes detail differentiating stream types based on fish habitat presence, stream widths, and mass wasting potential:</p> <table border="1" data-bbox="499 435 1585 1130"> <thead> <tr> <th data-bbox="499 435 1042 505"><u>Stream-Water</u> Type and Description</th> <th data-bbox="1042 435 1585 505">Buffer</th> </tr> </thead> <tbody> <tr> <td data-bbox="499 505 1042 711">Type S waters – Shorelines of the State</td> <td data-bbox="1042 505 1585 711">250 Refer to SMP 18.20.620, Table 6-3 for the Shoreline Setback and Vegetation Conservation Areas</td> </tr> <tr> <td data-bbox="499 711 1042 816">Type F streams greater than 5 feet wide (bankfull width) that provide habitat for fish</td> <td data-bbox="1042 711 1585 816">250</td> </tr> <tr> <td data-bbox="499 816 1042 922">Type F streams less than 5 feet wide (bankfull width) that provide habitat for fish</td> <td data-bbox="1042 816 1585 922">200</td> </tr> <tr> <td data-bbox="499 922 1042 1027">Type Np and Ns streams (no fish habitat) with high mass wasting potential</td> <td data-bbox="1042 922 1585 1027">225</td> </tr> <tr> <td data-bbox="499 1027 1042 1130">Type Np and Ns streams (no fish habitat) without high mass wasting potential</td> <td data-bbox="1042 1027 1585 1130">150</td> </tr> </tbody> </table>	<u>Stream-Water</u> Type and Description	Buffer	Type S waters – Shorelines of the State	250 Refer to SMP 18.20.620, Table 6-3 for the Shoreline Setback and Vegetation Conservation Areas	Type F streams greater than 5 feet wide (bankfull width) that provide habitat for fish	250	Type F streams less than 5 feet wide (bankfull width) that provide habitat for fish	200	Type Np and Ns streams (no fish habitat) with high mass wasting potential	225	Type Np and Ns streams (no fish habitat) without high mass wasting potential	150	<p>Recommended change: Retain the Type S water type in the table and add language referencing the SMP provision which establishes shoreline setbacks and vegetation conservation areas. The City could also consider making changes to references throughout OMC 18.32.400-435, replacing “streams” with “waters”</p>
<u>Stream-Water</u> Type and Description	Buffer														
Type S waters – Shorelines of the State	250 Refer to SMP 18.20.620, Table 6-3 for the Shoreline Setback and Vegetation Conservation Areas														
Type F streams greater than 5 feet wide (bankfull width) that provide habitat for fish	250														
Type F streams less than 5 feet wide (bankfull width) that provide habitat for fish	200														
Type Np and Ns streams (no fish habitat) with high mass wasting potential	225														
Type Np and Ns streams (no fish habitat) without high mass wasting potential	150														

From: [Van Zwalenburg, Kim \(ECY\)](#)
To: [Joyce Phillips](#)
Cc: [Nicole Floyd](#)
Subject: RE: CAO 18.32 ECY Initial Determination 03292021
Date: Tuesday, March 30, 2021 10:10:21 AM

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Correction:

Finding. The changes set forth would remain consistent with the policy and standards of RCW ~~90.57~~ **90.58** and the applicable guidelines.

From: Joyce Phillips <jphillip@ci.olympia.wa.us>
Sent: Tuesday, March 30, 2021 10:05 AM
To: Van Zwalenburg, Kim (ECY) <kvan461@ECY.WA.GOV>
Cc: Nicole Floyd <nfloyd@ci.olympia.wa.us>
Subject: RE: CAO 18.32 ECY Initial Determination 03292021

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Thank you, Kim. This is very helpful.
Joyce

From: Van Zwalenburg, Kim (ECY) <kvan461@ECY.WA.GOV>
Sent: Tuesday, March 30, 2021 8:37 AM
To: Joyce Phillips <jphillip@ci.olympia.wa.us>
Cc: Nicole Floyd <nfloyd@ci.olympia.wa.us>
Subject: RE: CAO 18.32 ECY Initial Determination 03292021

External Email Alert!

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Good morning Joyce:

Thank you for the opportunity to discuss the proposed revisions to the CAO related to Priority Riparian Areas with you and Nicole. The suggested approach shown in the document provided on 3/29 accurately reflects the outcome of our discussion and addresses the concerns raised in the Initial Determination.

Please note: The Initial Determination included a related revision to 3.23 18.20.420 regarding "priority riparian area" buffers [Rec-4]:

[11. In shoreline jurisdiction, "priority riparian area" buffers for Type S waters are governed by Section 18.20.620 and Table 6.3 – Setbacks and Incentives which establishes](#)

[setbacks and Vegetation Conservation Areas based on the Shoreline Environment.](#)

This should be revised to reflect the proposed changes:

Revised recommended change Rec-4: [Priority riparian area buffers are set forth in OMC 18.32.435 Streams and Priority Riparian Areas – Buffers.](#)

My 'Finding' remains the same: The changes set forth would remain consistent with the policy and standards of RCW 90.57 and the applicable guidelines.

Don't hesitate to contact me should there be any remaining questions.

Kim

Kim Van Zwalenburg, Senior Shoreline Planner
Department of Ecology - Southwest Regional Office
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From: Joyce Phillips <jphillip@ci.olympia.wa.us>
Sent: Monday, March 29, 2021 4:40 PM
To: Van Zwalenburg, Kim (ECY) <kvan461@ECY.WA.GOV>
Cc: Nicole Floyd <nfloyd@ci.olympia.wa.us>
Subject: CAO 18.32 ECY Initial Determination 03292021

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Hi, Kim.

Thank you for meeting with Nicole and me to discuss the relationship between the SMP and CAO, specifically as it relates to the Priority Riparian Areas identified in CAO. Attached please find draft amendments to the CAO that I believe will provide clarity for the implementation of both the SMP and CAO. Please let me know if you have any concerns related to the Stream Type and Description Table in 18.32.435. If not, it is what I would like to use moving forward.

Thank you!

Joyce

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Public Comment Summary: City of Olympia SMP Periodic Review
City & Ecology Joint Public Comment Period, December 4, 2020 – January 11, 2021

Number	Comment Topic and Section Number (Citation)	Commenter	Paraphrased Comment (full comments included in Attachment A)	Local Government Response and Rationale
1a	General/SMP	Harry Branch 8/19/2020	This should include the scientific discipline of oceanography, the study of interrelationships between physical, chemical and biological parameters.	Comment noted. The primary purpose of the SMP Periodic Review is to make any necessary revisions to ensure the SMP is current with changes to state laws and adopted updates to local plans. Conducting studies is beyond the scope of the update.
1b	General/SMP	H. Branch 8/19/2020	This should include classical methodology, observation, hypothesis, test, conclusion.	Comment noted. Please see the response to Comment 1a.
1c	General/SMP	H. Branch 8/19/2020	The report should include tributaries that drain directly to Budd Inlet including Ellis, Schneider and Moxlie Creeks. Of particular significance is the combined effect of these estuaries.	Waterbodies that meet the state definition for shorelines under the State’s Shoreline Management Act have been included in the SMP. Other waterbodies are governed by the City’s Critical Areas Ordinance, where applicable. In Olympia, shorelines under the SMP include: Budd Inlet, Capitol Lake, Chambers Lake, Grass Lake (also known as Lake Louise), Ken Lake, Ward Lake, Black Lake Ditch and Percival Creek, including those waters of Budd Inlet seaward of extreme low tide which are shorelines of statewide significance.
1d	General/SMP	H. Branch 8/19/2020	East Bay Waterfront Park is briefly given favorable mention. This Park is an invitation for children to play in dioxin as high as 1100 ppt, which is a problem. A Sediment Characterization of Budd Inlet was prepared. The next steps were to be identification of sources and source control, which never happened.	The referenced study was conducted by the Washington State Department of Ecology. The City of Olympia has worked to improve water quality through updating its Storm and Surface Water Plan, adopting Low Impact Development Stormwater standards, and developing habitat restoration plans and projects.
2a	2.5 - Aquatic Management Policies	WDFW 12/29/2020	Armoring above OHWM can also impact functions such as sediment recruitment, shade, and insect prey fallout. Restoration or replacement using soft approaches above OHWM can be valuable. Suggest removing the	The City agrees with this comment. The previously proposed phrase “waterward of the OHWM” has been removed from new policy 2.5 H. Additionally, the existing phrase “water-ward of the Ordinary High

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			"waterward of the OHWM" to encompass wider range of projects and locations.	<p>Water Mark” has been removed from SMP section 18.20.864 - New or Expanded Shoreline Stabilization Measures, regulation H, as shown below.</p> <p><i>H. Shoreline stabilization measures that incorporate ecological restoration or enhancement through the placement of rocks, sand or gravel, and native shoreline vegetation are strongly encouraged. Soft shoreline stabilization that restores ecological functions may be permitted water ward of the Ordinary High Water Mark.</i></p>
2b	18.20.120 - Interpretation & Definitions – Functional Disconnect	WDFW 12/29/2020	While some shoreline ecological functions may be reduced or eliminated by a shoreline-adjacent road or other infrastructure, many shoreline functions may remain including shade, habitat, and soil stabilization.	Comment noted.
2c	18.20.620 Use and Development Standards Tables	WDFW 12/29/2020	It's important that remaining shoreline functions aren't lost because of existing infrastructure exempting the site from shoreline setbacks. Suggest adding language to define a Functional Disconnect as a situation where all shoreline ecological functions have been lost. Remaining functions should be protected with setbacks. Allowing shoreline setbacks to not apply in areas which may have lost some but not all shoreline functions may result in loss of remaining functions and may impact the viability of restoration projects by increasing the scale and degree of restoration needed.	Comment noted. The City has included a definition for the term Functional Disconnect. The amended Definitions section reads: “Functional Disconnect: An existing, legally established public road or other substantially developed surface which effectively eliminates the capacity for upland areas to provide shoreline ecological functions, as defined in WAC 173-26-201(2)(c).”
3a	General/SMP	H. Branch 01/04/2021	Consider the plight of the Southern Resident Killer Whale and their principal prey Chinook salmon. We're learning about the plight of Walleye Pollock, Pacific Herring, Pacific Cod, 15 species of rockfish, chum and sockeye salmon, steelhead, various mollusks and birds, insects	Comment noted. The City agrees that protection of species and their habitat is of great importance. The SMP establishes the minimum requirements for development or redevelopment adjacent to certain shorelines. It does not preclude nor detract from

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			and invertebrates. Much of the loss has occurred over the past two decades, under current rules.	other local, state, or federal efforts to protect these species or clean up the Puget Sound.
3b	General/SMP	H. Branch 01/04/2021	Allowing a water body to remain physically damaged results in degraded water quality which impacts species composition which degrades water quality which impacts species composition and so on. There is an ongoing net loss caused by existing modifications. A stream in a pipe has no phytoplankton. This is why nitrates travel 18 times farther in a buried pipe than one that sees daylight. And why buried streams are low in dissolved oxygen.	Comment noted.
3c	General/SMP	H. Branch 01/04/2021	The most critical part of any local watershed is its estuary and persistent circulation patterns. In a pipe circulation is restricted. With sunlight we have a mix of phytoplankton and zooplankton and birth of the food web. In the SMP, potential is never a consideration. Restoration potential should be part of every equation, based on that which existed historically.	Comment noted. Restoration considerations are part of project review but are not a requirement under the Shoreline Management Act.
3d	Section 3.1, 18.20.100(B) - Applicability	H. Branch 01/04/2021	The high water mark is the point from which setbacks are measured. The high water mark for the two major streams draining into Budd Inlet lies inside long culverts. The tide flows up a long pipe in both Moxlie and Schneider Creeks. In fact, there are 160 miles of stream-in-a-pipe in Olympia. In regulatory terms they don't exist. Birds, fish and marine mammals have no standing to appeal.	Comment noted. All creeks that meet the state definitions for inclusion in the SMP are included. OMC 18.20.300(B) notes <i>"The City has chosen not to regulate 'optional' shorelands as described in RCW 90.58.030 through this Shoreline Program."</i> Any decision to retain or "daylight" any existing waterbodies that are in pipes is beyond the scope of the periodic review and is not under consideration at this time.
3e	18.32.535(G)	H. Branch 01/04/2021	The most substantive issue brought up by the State in the SMP Periodic Review is the statement "The City's wetland buffers are not current with the State's most recent guidance." The City's response is that recommendations would result in amendments to chapter 18.32 of the Code (Critical Areas) rather than the SMP itself. But revisions to Olympia code 18.32 make no substantive changes to	The proposed change to the Critical Areas Ordinance is to update which version of Ecology's wetland guidance is used. This will ensure the City's CAO is based on the state's Best Available Science for wetland ratings and buffer widths. The amendment results in a reduction of wetland buffer width for certain wetlands with a low habitat score from 100

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			setbacks. It continues to recommend protecting critical areas, aiming at no net loss and providing mitigation for unavoidable impacts through minimizing, rectifying, reducing and compensating for loss.	feet to 80 feet. While the wetland buffer width will be reduced in those circumstances, Ecology's evaluation ensures that the level of protection needed for that type of wetland will be maintained.
3f	General/SMP	H. Branch 01/04/2021	Priority Riparian Areas are listed as the eastern shore of Budd Inlet, including and north from Priest Point Park, long stretches of western shore of Budd Inlet including West Bay Waterfront Park and the Port Lagoon and much of the shore of Capitol Lake. The priority areas are essentially parks. The prevailing assumption seems to be that humans must destroy any place we reside.	How the local SMPs and Critical Areas Ordinances (CAOs) work together has been further refined by the state. Within shoreline jurisdiction, shoreline setbacks and Vegetation Conservation Areas (VCAs, which are similar to buffers in the CAO) are in the SMP. For other types of environmentally sensitive areas such as steep slopes or wetlands, the provisions of the CAO apply within the shoreline jurisdiction. As such, any reference to Type S waters (for streams) or Priority Riparian Areas that pertain to marine waters should be removed from the CAO to reduce confusion.
3g	General/SMP	H. Branch 01/04/2021	The most glaring unspoken conclusion is that we should simply give up on East Bay, the half-mile long embayment south of Priest Point Park. It's been severely modified and has the worst benthic dioxin contamination and the poorest water quality in Budd Inlet. This way of thinking represents a clear violation of the Clean Water Act, the Endangered Species Act and numerous other State and Federal laws and regulations.	Comment noted. The City does not agree that the City or other governmental agencies are giving up on East Bay or are in violation of the Clean Water Act, the Endangered Species Act, or other state and federal laws.
3h	General/SMP	H. Branch 01/04/2021	How about some real changes: Restoration potential should be part of every equation. The potential inherent in a location should never be ignored.	Restoration considerations are part of project review but are not a requirement under the Shoreline Management Act. The most common forms of required restoration are in the form of revegetation in Vegetation Conservation Areas adjacent to shorelines. Larger projects may also include restoration both above and below the ordinary high water mark, such as by providing the type of restoration improvements envisioned within the

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				SMP's restoration plan (appendix A) or the West Bay Park Recreation, Trail, and Restoration Report.
3i	General/SMP	H. Branch 01/04/2021	Under City Code once a stream goes into a pipe in Olympia it no longer exists. Likewise if it's ever day-lighted, rules don't apply. This makes sense where there's currently a structure but not as justification for new construction. We should change the rule in such instances to recognize the existence of streams.	Comment noted. At this time the City does not intend to address waterbodies in the SMP that do not meet the definition of shorelines under the Shoreline Management Act. The critical areas ordinance will be fully reviewed during the next comprehensive update scheduled per the Growth Management Act.
3j	General/SMP	H. Branch 01/04/2021	The best available science should be employed in every study including a clearly stated observation, hypothesis, test and conclusion otherwise the effort can be incomplete, misdirected and conclusions can be buried in data. Sites should be sampled for any contaminants suspected of possibly being at the site, according to established protocols.	Comment noted. Please see the response to Comment 1a.
3k	General/SMP	H. Branch 01/04/2021	We need to take a holistic, ecosystem based approach to our critical areas. The baseline should be that which existed historically. Every effort should be made to determine how physical parameters like structures impact chemical parameters such as dissolved oxygen and biological parameters such as phytoplankton.	Comment noted. Please see the response to Comment 1a.
3l	General/SMP	H. Branch 01/04/2021	We should provide SRKW orcas with legal standing, consistent with the global Rights of Nature movement.	Comment noted. Please see the response to Comment 1a.
4	-	Bob Jacobs	Concur with Harry Branch Comments dated January 4, 2021	Concurrence noted.
5	-	Walt Jorgensen	Concur with Harry Branch Comments dated January 4, 2021	Concurrence noted.
6	-	Glen Anderson	Concur with Harry Branch Comments dated January 4, 2021	Concurrence noted.
7	-	Zena Hartung	Concur with Harry Branch Comments dated January 4, 2021	Concurrence noted.

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8a	SMP 3.42, 18.20.620 - Table 6.3; CAO 18.32.535	Lisa Riner	The review made the statement "The City's wetland buffers are not current with the State's most recent guidance". This means that the City of Olympia needs to have updated wetland buffer language in their review. We must update to meet the State language. We cannot allow our shorelines to deteriorate further. The City's response is that recommendations would result in amendments to chapter 18:32 of the Code (Critical Areas) rather than the SMP itself. But revisions to Olympia code 18:32 make no substantive changes to setbacks. We need setbacks! Currently setbacks next to Budd Inlet is 30 feet.	Please see the response to Comment 3e.
8b	SMP 3.42, 18.20.620 - Table 6.3; CAO 18.32.535	Lisa Riner	The City Response for a legitimate setback, continues to "recommend protecting critical areas, aiming at no net loss and providing mitigation for unavoidable impacts through minimizing, rectifying, reducing and compensating for loss". This statement is problematic! The loss of habitat for the eel grass, loss of habitat for the salmon, the food stock of the Endangered Orcas, are in the balance at Budd Inlet, Puget Sound.	Comment noted. The proposed change to wetland buffers is based on guidance from the Washington State Department of Ecology and its review of Best Available Science. Wetland buffers will apply to wetlands in the City, whether or not the wetland is within or outside of the shoreline jurisdiction.
8c		Lisa Riner	How about some real changes: In the SMP, "Restoration potential" should be part of every equation. The potential inherent in a location should never be ignored. For example, we cannot have the loss of eel grass. Many aquatic animals need eel grass to live. Putting rocks into the water, along Budd Inlet is not sufficient for rectifying loss. We need WA State language, the recent guidance, that deals with wetland and buffers.	Comment noted. Please see the response to Comment 3h. Restoration considerations are part of project review but are not a requirement under the Shoreline Management Act. Note, there are currently no proposed changes to the Restoration Plan (appendix A of the SMP). In the related amendments to the Critical Areas Ordinance, the City is updating the reference to the WA State language, the recent guidance, that deals with wetlands and appropriate buffer widths (See OMC 18.32.535).
8d		Lisa Riner	Under City Code the "Green Cove Creek" work done by the City in the 1980's was replaced by the "Low Impact Standards". This work deals with Critical areas, and wetlands, wetland buffers. We need to keep the original	Comment noted. Green Cove Creek is not regulated under the SMP. Protections for Green Cove Creek are within the City's Critical Areas Ordinance, based on its stream type. The City's Low Impact Development

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			language of that Green Cove Creek Study. Substituting “Low Impact Standards” language, is unacceptable. We need to have Critical areas safe-guarded, the “Low Impact Standards” put into effect by the City. The SMP deals with Critical Areas. We need the full weight of the City’s work from the 1980’s to protect Budd Inlet. We need Wa State language in the SMP.	standards pertain to stormwater and were adopted as good practice and to implement the City’s Municipal Stormwater Permit. These proposed amendments to the SMP do not alter the stream type for Green Cove Creek nor reduce environmental projections for the Green Cove Basin.
8e		Lisa Riner	The best available science should be employed in every study including a clearly stated observation, hypothesis, test and conclusion otherwise the effort can be incomplete, misdirected and conclusion can be buried in the data. In the SMP, it says, that development sites should be sampled for any contaminants suspected of possibly being at the site, according to established protocols. Without sampling, we have little proof of what is currently at the site. We have old studies, but they are insufficient. We need any developer to conduct a site study on past contamination. Public health and safety demand this for development on past polluted sites. This should be mentioned in the SMP.	Comment noted. Please see the response to Comment 1a. Additionally, the City believes the existing policy and regulatory language is adequate to address issues of soil contamination.
9	-	Kim Dobson	Concur with Harry Branch Comments dated Jan. 4, 2021	Concurrence noted.
10a	-	Debra Jaqua	Concur with Harry Branch Comments dated Jan. 4, 2021	Concurrence noted.
10b	SMP	Debra Jaqua	We cannot continue to kick the can down the road because that will burden our children. Decisions continue to be made that appear to be in the best interest of developers who are more concerned with profits than citizens who depend on a healthy shoreline, which we all need. Olympia can and must do better.	Comment noted. Please see the response to Comment 1a.
11	-	Esther Kronenberg	Concur with Harry Branch Comments dated January 4, 2021	Concurrence noted.
12	-	JJ Lindsey	Concur with Harry Branch Comments dated January 4, 2021	Concurrence noted.

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13a	2.15 – Public Access Policies; 18.20.450 – Public Access; 18.20.460 – Design of Public Access	Bob Jacobs 01/09/2021	My biggest concern is public access. Shoreline access is a high priority public value. Proposed amendments on pages 16, 50, and 51 attempt to define situations where public access requirements could be waived, which would be unfortunate. Perhaps waterfront developments which have no on-site waterfront access possibilities could contribute to a fund to establish or improve public access elsewhere. It would be beneficial to have a better definition of adequate visual access, which is required where physical access is not possible. Visual access should be defined as providing clear views to the water.	Comment noted. It is common throughout other shoreline master programs to not require public access if adequate public access already exists in the immediate vicinity. Public access will be required unless a waiver is issued by the City consistent with 18.20.450.C. To provide more clarity around what constitutes “immediate vicinity” for public access, additional revisions are proposed to 18.20.450.C.6.
13b	18.20.910 – Alteration of Nonconforming Structures in Shoreline Jurisdiction	B. Jacobs 01/09/2021	Proposed amendments deal with the situation where buildings are or become nonconforming. They replace the word "restored" with "reconstructed". It seems questionable whether nonconforming buildings should be allowed to be replaced because this perpetuates a non-conformity, which by definition is not desirable. Elsewhere in city codes this is not allowed.	The intention of the proposed revision is to use a word other than restored, given that restoration in other parts of the SMP refer to habitat restoration. In this section, staff interprets the language to allow for legally established uses that no longer conform to the current standards to be repaired or replaced in the same location. OMC Chapter 18.37 also addresses nonconforming buildings and uses, including those which are located in critical areas. Changing this word is not critical and will not change the way this language is interpreted or implemented, it is intended to provide greater clarity of the intent.
13c	18.20.300 – Shoreline Jurisdiction	B. Jacobs 01/09/2021	New language is confusing. The first two sentences appear to contradict each other as regards structures.	The proposed language is meant to clarify how development is addressed when the shoreline jurisdiction applies to a portion, but not all, of the property.
14a	General/SMP	H. Wheatley	Olympia has many places where the most functionally important shoreline ecosystems (freshwater and saltwater) are severely compromised. Continuing effects of poor management of the shoreline are leading causes of degradation.	The primary purpose of the SMP is to identify how new development and redevelopment will be addressed. In most cases it does not address existing development. It strives to ensure a balance between environmental protection, public access, and giving priority to uses that require a shoreline location with

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				private property rights and development opportunities. On its own, the SMP will not fix any issues of existing degradation.
14b	2.11 Urban Intensity Environment	H. Wheatley	We need policies that substantially enhance shoreline ecological functions in “urban intensity” zones where much ecological harm to natural shorelines occurs.	Comment noted. The SMP establishes the rules that will apply to future development and redevelopment, in addition to those of other city codes and standards, such as zoning, building, and engineering standards, and requires that, at a minimum, baseline ecological functions are maintained.
14c	2.11 Urban Intensity Environment	H. Wheatley	The shoreline is critical to the resilience of maritime life. For Puget Sound, fixing the urban zone is key to rebuilding resilience.	Comment noted.
14d	General/SMP	H. Wheatley	South Puget Sound shorelines are mapped as priority habitats.	Yes, many areas of the South Puget Sound within the City of Olympia and the urban growth area are mapped as priority habitats.
14e	2.2 Shoreline Ecological Protection	H. Wheatley	Puget Sound is in grave trouble. The “no net loss” approach is a failure. Habitat degradation continues to outpace restoration.	Comment noted.
14f	General/SMP	H. Wheatley	Olympia’s SMP should provide political fortitude at the local level to define clear, consistent goals. It should set meaningful limits based on best available science, not based on past practices and political expedience.	Comment noted.
14g	General/SMA	H. Wheatley	Regional priorities for Puget Sound must be habitat protection and restoration, water quality protection, and salmon recovery. The first priority for revisions should be to make it more protective of these priorities based on what have learned about what works, and what does not. It should be based on principles of adaptive management, strive toward goals set on science, because we are dedicated to social and environmental justice, and because we want to make our waters whole again for all our communities, including finned and winged.	Comment noted. The City’s SMP includes policies and regulations aimed at ensuring no net loss of shoreline ecological functions and a Restoration Plan to help improve ecological functions over time.

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14h	General/SMP	H. Wheatley	One approach to improving the effectiveness of the SMA, so that degraded shoreline is not one of the factors contributing to poor water quality, is to revise the SMP according to the criteria and requirements of the SMA itself.	Comment noted. The City’s SMP was shown to meet all criteria of the Act during the last comprehensive update. This periodic review ensures consistency with all recent legislative actions since the last comprehensive update.
14i	2.1 – Shoreline Master Program Goals and Policies	H. Wheatley	The Draft SMA helpfully provides the language of Section 2.1(A) of the Shoreline Management Act. The Act provides an “order of preference” prioritized as follows: 1. Recognize and protect the statewide interest over local interest. 2. Preserve the natural character of the shoreline. 3. Long term over short term benefit. 4. Protect resources and ecology. 5. Increase public access to publicly owned areas. 6. Increase recreational opportunities for the public. 7. Anything else defined by the Act as “appropriate or necessary.”	Agreed. The City is proposing to add considerations of resilience of shoreline ecosystems, functions and developments in response to sea level rise as well.
14j	Section 2.1 – Shoreline Master Program Goals and Policies	H. Wheatley	Following this “order of preference” could improve the health of Puget Sound. Olympia does not recognize these priorities holistically. Nor are the current proposed revisions intended to correct the SMA’s course so it moves toward prioritization of natural shoreline. SMA’s description of the City’s role in implementing the Act does not even identify goals #1 through #3 listed above, as elements of the SMA’s “purpose and intent.” The emphasis, instead, is on looking inward to city priorities and doing just enough in the current regulatory environment. This trends toward piecemeal regulation when the whole point is to avoid piecemealing the shoreline to functional death.	Comment noted. The City believes the SMP balances the Shoreline Management Act and Growth Management Act requirements for how future development and redevelopment will occur, including the rules and regulations that are in place for shoreline and environmental protection in urban areas.
14k	General/SMP	H. Wheatley	The SMP muddles city interest with the statewide public interest, and largely fails to place the SMP in the urgent context of the 21st century. To build an SMP that works,	The City believes the SMP does address both statewide and local interests, as intended. The City’s SMP is one part of a larger context of efforts aimed at

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			revisions should contribute to the wellbeing of Puget Sound in the face of population growth, pollution, urbanization of the nearshore environment, species decline, and all of the challenges of climate change that affect our waters and shorelines.	improving Puget Sound. Many other efforts by other entities, including state and federal agencies, also apply.
14l	Section 2.9 – Marine Recreation Environment Management Policies; 18.20.120 Definitions	H. Wheatley	Proposed revisions to accommodate the Port’s interest in building an RV park provides an example of the potential hazards of piecemealing. The state has set high and specific standards for the kinds of recreational use that can be permitted on a shoreline. The City has already indicated that it is aware that the state may reject the proposed revisions to build an RV park, on those very grounds. Can the Port show that it is meeting a “demonstrated significant local, state, or national need” for the new proposed use? Is this a use that should be permitted because it cannot be met elsewhere, per Section IV of WAC 127-26-360 (Ocean Management)? Does a tourist RV park, closing off the area to local public use, meet or at least not detract from priorities #5 and #6 listed above? Conversely, could revising the acting definition of shoreline recreational use in order to allow an RV park, have potentially adverse impacts if it is subsequently applied to other shoreline areas in the city once it becomes part of the SMA?	If any kind of recreational camping or lodging is ever proposed by the Port of Olympia, or any other property owner, it must be reviewed and approved for compliance with all zoning and development standards that apply. This would include review under the State Environmental Policy Act (SEPA), critical areas ordinance, and SMP. The intent of the proposed language is to clarify that short term camping is a form of recreation that could be allowed in the Marine Recreation shoreline environment.
14m	General/SMP	H. Wheatley	If there is compelling reason to change the SMP in a way that allows a particular project, it should be framed with general principles. Any particular project, such as an RV Park for the Port or a large scale real estate development on the West Side, should be forced to stand on its own merits and either meet the optimal regulatory criteria, or prove itself to be sufficiently beneficial to earn a variance.	Any proposed development in the shoreline jurisdiction will be reviewed for conformance with all applicable rules and regulations. If the requirements cannot be adequately satisfied the proposal will not be approved.
14n	18.32.535	H. Wheatley	Shoreline contribution to ecological health must be the top priority of the 2020s. There is documentation of both	The SMP Periodic Review does not include the reassessment of the City’s ecological baseline that

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			the economic costs of loss of ecological function, and economic advantages provided by the ecological services of a healthy shoreline. It is not clear that the proposed buffer changes would serve to demonstrably and substantially improve how the SMP meets the priorities of the SMA to protect natural shoreline, or how they would work to lift Puget Sound out of its current crisis rather than drive it deeper. Do the changes increase protection, or reduce it? Is it truly sufficient to meet “no net loss” standards?	was established in 2015 as part of the development of the Shoreline Master Program. The ecological baseline is the threshold from which “no net loss” is measured. While ecological improvements can be made that exceed that level, it is the established minimum threshold and is not proposed to be revised at this time.
14o	General/SMP	H. Wheatley	According to Puget Sound Partnership, habitat degradation is the greatest threat, and restoration is the most important way to realize the “full potential of Olympia’s shoreline”.	Many of the proposed amendments are to encourage soft armoring (above and below the ordinary high water mark [e.g., see policy 2.5.H.]) and to encourage enhancement over the existing condition (e.g., see section 8.20.846).
14p	General/SMP	H. Wheatley	Many proposed revisions appear to be based on an insular, city-centered approach to SMA revision. It would be preferable to propose revisions that encourage making the most of the data and science-based guidance available to the city from a wide range of state agencies. In particular, the Priority Habitat approach of the WDFW should be reflected. It should provide a starting point for the revision process, as WDFW has called for the utilization of PHS as an adaptive management tool.	The City uses Best Available Science for the protection of critical areas both within and outside of the shoreline jurisdiction.
14q	General/SMP	H. Wheatley	A Priority Habitat approach would provide a robust antidote to the greatest immediate failure of the SMA: its approach to Critical Areas. The SMA should not simply adopt the CAO by reference, even where the city code addresses priority species and habitats for streams and shorelines. Priorities of the SMA should prevail.	Comment noted. The City strives to protect the environment, including shorelines, by implementing state laws through development regulations for shorelines (in accordance with the Shoreline Management Act), critical areas ordinance (in accordance with the Growth Management Act), and in state rules and from court cases.
14r	SMA & GMA	H. Wheatley	The SMP should have Critical Area language based on shoreline ecology and guided by the needs of priority	It has been clarified through the state that for shoreline areas, the SMP must govern the regulation of critical areas (such as wetlands and steep slopes) in the shoreline

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			<p>species, especially salmonids. It should not be subordinate to the Growth Management Act. The legislature has made this very clear. The legislature intends that critical areas within the SMA jurisdiction shall be governed by the SMA and that critical areas outside the SMA jurisdiction shall be governed by the GMA. The legislature further intends that the quality of information currently required by the SMA to be applied to the protection of critical areas within shorelines of the state shall not be limited or changed by the provisions of the GMA. (RCW 90.58.030)</p>	<p>jurisdiction. This is why, for regulatory consistency both within and outside of shoreline jurisdiction, the CAO is adopted by reference in the SMP and why, as part of the SMP Periodic Review process, the City is amending the CAO to reference the most recent state guidance on wetlands and wetland buffers. It should be clarified that shoreline setbacks and the Vegetation Conservation Area (VCA) serve as “buffers” for waterbodies meeting the definition of shorelines under the SMA and that critical areas such as wetlands and steep slopes that occur within the shoreline jurisdiction are regulated by the CAO through the SMP. Staff believes there is the potential for confusion because the CAO includes reference to Type S waters, which are shorelines of the state. As such, additional revisions are proposed to remove reference to Type S or marine waters from the CAO. The CAO would still be incorporated by reference to apply to critical areas within the shoreline jurisdiction. Type S waters are governed by the SMP.</p>
14s	General/SMP	H. Wheatley	<p>Protection of productive habitats for salmonids, feeder fish and zooplankton should be at the top of permitting concerns. So too should protection of shoreline vegetation complexes, including remaining forests and wetlands, that support species (bats, wood ducks, herons, ospreys, eagles). Science- and species-based approaches to identifying priority and critical habitat areas would immediately transform the current stream listings in Table 19.200.107(A) (“Streams Subject to the SMP”). The current list does not identify major streams (and their estuary/outflows) such as Indian/Moxlie and Percival Creeks. The SMA should highlight other kinds of priority shoreline habitats already identified and mapped by the State, including small shoreline streams of importance to chum, or estuary shorelines of significance to salmonids</p>	<p>The City believes the goals, policies, and regulations in the SMP do provide for the protection of habitats and species and that the SMP is compliant with requirements of the Shoreline Management Act and Growth Management Act. Surface streams that do not meet thresholds to be considered shorelines of the state are governed by provisions of the Critical Areas chapter, OMC 18.32. Note: Table 19.200.107A is not recognized so staff responses do not pertain to it.</p>

Number	Comment Topic and Section Number (Citation)	Commenter	Paraphrased Comment (full comments included in Attachment A)	Local Government Response and Rationale
			and feeder fish, and/or that may be known sources of degrading pollution.	
14t	General/SMP	H. Wheatley	Such an approach, including prioritization of long term over short term benefit, would demand protections from climate change impacts far beyond sea level rise and the geographically limited SLR plan. Conservation and restoration of natural shoreline and shoreline vegetation complexes is the best approach we have to assure protection of Puget Sound and interests in the face of climate change. Standards of environmental justice and heritage protection also point toward prioritization of conservation and restoration.	Comments noted. The City does support and encourage conservation and restoration.
14u	18.20.510 – Water Quality	H. Wheatley	A science-based approach would prioritize stormwater impacts and protection of shorelines from pollution. This would lead in an opposite direction to many of the currently proposed revisions, such as the concept of “functional disconnect” that essentially removes certain areas from protection because they are urban and developed. Prioritization of public access and water-based recreational use should also call this concept of “functional disconnect” into question.	Comments noted. The City adopted Low Impact Development Stormwater standards and works to prevent pollution. Additionally, efforts outside of the SMP occur, such as work on habitat restoration outside of the shoreline environment and through work with the LOTT Clean Water Alliance.
14v	General/SMP	H. Wheatley	The City is aware of potential projects that could have a profound impact on the shoreline during the near-future timeframe covered under this proposed set of revisions. We are now living through an unforeseen and sharply punctuated moment of demographic and economic shifts that may have implications for how shoreline recreation and access issues in Olympia should be addressed fairly and for greatest long term public benefit.	Comment noted. Any and all applications for development review will be reviewed for compliance with the rules and regulations in place at the time a proposal is vested, as is required by state and local codes.
14w	General/SMP	H. Wheatley	The regulatory gap analysis approach which largely framed the revision seems timid. The handful of revisions will not lead Olympia to substantial and measurable improvements in the metrics that truly matter. The	Comment noted. The purpose of the gap analysis was to identify where revisions are required in order to set the minimum scope of the periodic review required under state law. The primary purpose of the

Number	Comment Topic and Section Number (Citation)	Commenter	Paraphrased Comment (full comments included in Attachment A)	Local Government Response and Rationale
			proposed revisions seem to lead the charge in the opposite direction from bracing up the “political fortitude” of city regulators.	SMP Periodic Review is to make any necessary revisions to ensure the SMP is current with changes to state laws and adopted updates to local plans.
14x	General/SMP	H. Wheatley	It appears the scope of the task given to the consultants did not lay out a primary task of highlighting the areas of the current SMP that are insufficiently protective or suggesting revisions that could best optimize protectiveness. It appears where the contractor provided helpful advice the analysis may have been minimized or ignored.	Comment noted. The City believes the proposed amendments implement the required updates and highlight changes in local circumstance, such as the City’s adoption of a Sea Level Rise Response Plan. As noted above, the primary purpose of the SMP Periodic Review is to make any necessary revisions to ensure the SMP is current with changes to state laws and adopted updates to local plans. Conducting new studies or assessing environmental conditions is beyond the scope of this update.
14y	General/SMP	H. Wheatley	Every proposed revision should be examined through the lens of whether it brings the city closer to decreasing stress on South Puget Sound. The fundamental question for decision makers is: does this proposed revision help to turn the degradation around?	Comment noted. The majority of amendments are to ensure consistency with state law or improve usability and understanding of the SMP.
14z	General/SMP	H. Wheatley	There should be no revisions that actually carry the SMP further away from the SMA or that stymie the accelerating evolution of state policy in the face of the environmental crisis.	Comment noted. The City does not believe any of the proposed revisions carry the SMP further away from the intent or requirements of the SMA.
14aa	General/SMP	H. Wheatley	There should be reference to environmental justice and recognition of the shoreline’s cultural heritage as a home beyond a century’s legacies of built environment. There should be at least a gesture toward the need to prepare for a significant revamping of the SMP, in the next go-round, in order to adopt science-based adaptive management policies. For the present round of revision, the need to look forward might be addressed by calling for more inclusion of state-based scientific expertise on a regular basis to assure that the permitting process is truly protective. It would help to outline a sound program of	Comment noted. The City looks forward to a future comprehensive update of the SMP and an evaluation of ecological, cultural, and land use conditions. However, such a review is outside the scope of this periodic review.

Number	Comment Topic and Section Number (Citation)	Commenter	Paraphrased Comment (full comments included in Attachment A)	Local Government Response and Rationale
			data collection and management in order to establish metrics that can support adoption of adaptive shoreline management going forward.	
14bb	General/SMP	H. Wheatley	While some marginal commentary is made available, the intent of specific revisions to the SMP can be a challenge for the public to parse. Some revisions, such as incorporation of Sea Level Rise, are easy to interpret and sensible on their face. Others, such as revisions to processes related to permitting authority and the role of the hearing examiner, are harder to understand. If comments about specific revisions are off base due to misinterpretation of their scope, effects or intent, then please apply the fundamental criterion upon which these comments are based: the proposed revision should provide better real outcomes in protecting the shoreline than leaving the original language in place.	Comment noted. Additionally, there have been several briefings on the SMP Periodic Review at the Planning Commission during public meetings and staff have responded to questions regarding the purpose of proposed revisions. Additional information, including a detailed gap analysis and contact details for staff, are available on the City webpage at olympiawa.gov/smp .
14cc	Section 1, Purpose and Intent 1.6 Critical areas, Regulation by Reference	H. Wheatley	There appear to be areas where recently revised language of the CAO weakens shoreline protection, meaning that this revision should not be adopted. For example, the CAO appears to remove a prohibition on combining wetland buffer averaging and administrative wetland buffer reductions in shoreline areas. The impacts of changes to the OMC and its inadequacies for shoreline protection should be clearly stated for decision makers as they consider adopting this revision. The Watershed Company states that the OMC itself needs to be updated in many areas to follow state guidance. The SMA is powerless to effect such changes to the Olympia code. This is precisely why the legislature finds that there should be a separation between the SMA, the GMA, and city ordinances. The tables provided by The Watershed Company in its section on "Consistency with the Critical Areas Ordinance" may provide a useful starting point for revision of Critical Area language that brings actual	The existing CAO already contains language which prohibits the combined use of buffer averaging and buffer reduction in OMC 18.32.535. No amendment is proposed to that provision in the CAO or the SMP 18.20.420. State law requires local jurisdictions to regulate critical areas that are present in shoreline jurisdiction via policies and regulations contained in the SMP. For consistency within and outside of shoreline jurisdiction, the City is adopting the most recent CAO by reference in the SMP.

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			improvement, as discussed above in regard to WDFW priority habitats. This also includes the listing/mapping of critical areas. Critical areas under the SMA should look first and foremost to state standards.	
14dd	Table Section 1.2	H. Wheatley	This adds confusion and should be removed. It is oversimplified and may cause members of the public to miss useful elements of other tools and policies by implying that they are absent or not applicable. There is no case to be made that this table improves shoreline protection.	This existing table provides a useful summary of other regulatory and policy tools that apply and is intended to help readers identify other city plans and codes that may also affect development proposals. The only revision proposed at this time is to show that the SMP also addresses sea level rise, in addition to the Comprehensive Plan, the Zoning Code, the Engineering Development and Design Standards, Floodplain Codes, SEPA, and the Capital Facilities Plan currently noted.
14ee	Section 1.3(C) and no net loss	H. Wheatley	From the way it is worded, Section 1.3 (C) implies that RCW 90.58.020 calls for, or at least accedes to a policy of “no net loss of shoreline ecological functions”. This is not true. It should be made clear that the concept of “no net loss” is a City policy formulation at this point. A better revision would call for a net <i>gain</i> of shoreline ecological functions in order to “foster the policy contained in RCW 90.58.020.”	Comment noted. Section 1.3 is not proposed for amendment and is consistent with state guidelines.
14ff	Section 1.3 – Purpose and Intent	H. Wheatley	The statement of “purpose and intent” in Section 1 should set a tone appropriate to the challenges of achieving good shoreline policy in the context of climate change and the ecological collapse of Puget Sound. It should incorporate environmental justice and meeting the city’s obligations to and honoring the cultural heritage of the tribes. It should bolster the regional context of shoreline protection by making specific reference to Olympia’s role as guardian of the shoreline under the SMA.	Comment noted. Section 1.3 is not proposed for amendment and is consistent with state guidelines.

Number	Comment Topic and Section Number (Citation)	Commenter	Paraphrased Comment (full comments included in Attachment A)	Local Government Response and Rationale
14gg	Section 2.1 – SMP Goals and Policies	H. Wheatley	It is unclear why #7 is added when it does not appear to be part of the list in the current RCW. This seems to change Section A from an enumeration of priorities under the SMA, to a hybrid of state and city priorities.	Appendix A of the Washington State Department of Ecology’s Shoreline Master Program Handbook is about Addressing Sea Level Rise in SMPs. While not specifically required it is certainly becoming more common as counties and cities work to use the most current, accurate and complete information regarding sea level rise and marine shorelines.
14hh	Sea Level Rise	H. Wheatley	Current SLR planning does not incorporate all six miles of Olympia marine shoreline, or even address impacts of SLR to groundwater. There is no reason to wait for the city and its SLR plan to catch up with the need to regulate the shoreline for SLR and other climate change impacts (long term benefit). Much of this can probably be developed in subsection G.	The City will continue its efforts, over time, to understand and address sea level rise. This is likely to increase the portions of the City and portions of the Urban Growth Area that will be addressed. As Sea Level Rise and Comprehensive Plans are updated, additional amendments to the SMP may be included in the future.
14ii	Section 2.1 F – SMP Goals and Policies	H. Wheatley	For subsection F, it would be appropriate to add a qualifier, give the state’s preference that shoreline management be conducted according to what is optimal for long term and natural shoreline protection over the long term. The policies and regulations should be integrated and coordinated, <i>to the extent practicable</i> , with the other goals, etc.	Comment noted. Section 2.1 F is not proposed for amendment and is consistent with state guidelines.
14jj	Section 2.1 – C & D 18.20.120: Definitions	H. Wheatley	The SMA is inadequate in its definitions. What is the best way to identify a “shoreline of the state”? How does climate change challenge definitions based on tidelines, high and low water marks, 100 year floodplains, and the like? Is the concept of an “urban Intensity” shoreline consistent with what science now tells us about where shoreline should be preserved or even restored? Based on better understanding of salmonid ecology, how should a “segment” of a “natural river” be defined? (Suggestion: include “stems” that flow into a river’s estuary.) This revision period is a good time to present ideas on how to make science happen as policy.	Comment noted. Shoreline jurisdiction is determined based on state law as defined in RCW 90.58.030.

Number	Comment Topic and Section Number (Citation)	Commenter	Paraphrased Comment (full comments included in Attachment A)	Local Government Response and Rationale
14kk	Section 2.15 K Public Access Policies	H. Wheatley	Do not accept revision of public access policies that permit new development or redevelopment without on-site public access. Use public input to define “adequate public access” and “immediate vicinity”.	See response to Comment 13a
14ll	Section 2.21 B Agriculture	H. Wheatley	There is no reason to assume that well managed land use for agriculture is worse than other land uses. The prohibition against agricultural uses should be revised.	Comment noted. This is an existing policy that is not proposed for amendment. The prohibition on new agriculture within the city’s shorelines was established at the time of the comprehensive SMP update, if not earlier.
14mm	Section 2.31 F Dredging	H. Wheatley	If it enhances shoreline protection and provides additional environmental safeguards, then revisions to dredging policy are welcome.	Comment noted.
14nn	Section 2.34 M & throughout - West Bay Environmental Assessment Report	H. Wheatley	Restoration and Enhancement Policies and other parts of the SMA should not specifically cite the West Bay Environmental Restoration Assessment Report. Its appearance throughout the SMA has all the appearance of an effort to gain backdoor approval of a specific project. All reference should be removed. The same goes for the Sea Level Response Plan. If there are general policies that can be derived from a referenced report or study (such as the considering the SLR to “determine the minimum necessary size of shoreline stabilization structures,”) then apply the principle, and apply it across the board (for example, to <i>all</i> shorelines affected by SLR). If it doesn’t fit across the board (soft shorelines are preferable to shoreline stabilization structures) then maybe it doesn’t belong at all.	Comment noted. Reference to the West Bay Environmental Restoration Assessment Report and the Sea Level Response Plan have been included in the SMP to add clarity and understanding for how various sections may apply.
14oo	18.20.120 - Definitions	H. Wheatley	May not be necessary if a Port RV park is not deemed an improvement to shoreline policy.	Comment noted.
14pp	Functional Disconnect (various)	H. Wheatley	As previously discussed, this is not a scientifically or socially sound concept. It should be removed throughout. What is not scientific about it: it ignores the	Comment noted. Please see the response to comment 2C. The term functional disconnect has been added to the definitions section and clearly

Number	Comment Topic and Section Number (Citation)	Commenter	Paraphrased Comment (full comments included in Attachment A)	Local Government Response and Rationale
	18.20.120 – Definitions, 18.20.450 - Public Access, 18.20.460 – Design of Public Access		existence of groundwater, stormwater or anything else, possibly including pollutants, that may move across the named structural elements. What is not socially sound: The concept appears to be applied largely in terms of public access and impacts. But it is not clear that the concept works even in a limited context. For example, the existence of a road does not functionally disconnect a viewer’s ability to see the shoreline from the upland side of a road or across a public space. A person or other mobile thing can move across space and not subjectively experience it as a “disconnect.” The concept also appears to be applied in regard to setbacks, where again it should not be assumed that the existence of a physical structure will somehow remove the rationale for a setback requirement. In the absence of a persuasive argument that this can or should be implemented as a universal policy without doing potential harm to achieving the optimal protection of the shoreline in all its aspects, the notion of “functional disconnect” should be eliminated, and each permitting situation should be addressed on its merits.	identifies that it applies in situations where an existing intersecting development has eliminated the capacity for ecological function.
14qq	18.20.120, 18.20.450, 18.20.460	H. Wheatley	On the topic of public access, lines of sight, etc: shorelines under the SMA are not limited to saltwater but include lakes and streams. It is not clear that the City of Olympia has given due consideration to optimizing public access along non-marine shorelines.	Comment noted. The public access provisions apply across shorelines governed by the SMP, including all applicable marine and freshwater shorelines.
14rr	Exceptions to Local Review 3.6 (A) 18.20.215	H. Wheatley	Specific meaning is unclear, “environmental excellence” does not necessarily equate to “most protective of the shoreline.” This language probably goes against the priorities of the SMA. The same applies to the Energy Facility Site Evaluation Council process listed elsewhere. Other items in Section A apply to facilities that already exist and are therefore probably not objectionable.	The exception to local review is allowed under the SMA when subject to an environmental excellence program agreement (RCW 90.58.045 and 43.21K). Such projects favor or promote pollution prevention, source reduction, or improvements that are transferable to others or that can achieve better environmental results than required by applicable

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				rules and requirements. These are statutory exceptions per WAC 173-27-044 and -045.
14ss	Section 3.13 Shoreline Permit Procedures 18.20.280(C)	H. Wheatley	This appears to revise the exemption process in order to liberalize permitting in ways that provide no apparent benefit to the shoreline compared to the original language. It may actually broaden the range of permit exemptions. It appears to remove some criteria for exemption, such as: already being exempt from SEPA <i>and</i> being “entirely upland of the Ordinary High Water Mark.” It appears to remove the criterion that an exemption application can’t be decided by an Administrator if a public hearing is requested by an interested party. It appears to broaden the scope of permits and applications that can be decided by a Hearing Examiner. Such proposed revisions do not forward the cause of shoreline protection and should not be included.	This revision is intended to clarify that not all shoreline permits are required to go to the Hearing Examiner, that some lesser proposals can be decided by the Shoreline Administrator in accordance with the SMA.
14tt	Section 3.81 Expansion of Nonconforming Structures, 18.20.900	H. Wheatley	What is the benefit to the shoreline or public in revising the SMA to allow expansion of nonconforming structures? The city should consider whether it wants to encourage this with climate change and sea level rise. This revision has yet to be fully discussed by the community in terms of climate/SLR strategy. The same consideration applies to the revision allowing for reconstruction of nonconforming structures damaged or destroyed by acts of nature. This revision appears counterproductive to encouraging most protective outcomes.	Comment noted. Amendment is intended to add clarity that certain nonconforming structures may be expanded in accordance with the alteration allowances in 18.20.910.
15	-	Sam Merrell, Audubon	Black Hills Audubon endorses the comments submitted by Harry Branch. We agree with his arguments that an ecosystem, science-based approach is needed protect the flora and fauna of Budd Inlet and other waterways.	Concurrence noted.
16	Public Hearing Testimony	Robert Vadas	Concern about the shoreline setback reduction proposed for the West Bay Park area, that it may be an opportunity	Comment noted. The request to reduce the 150-foot shoreline setback and minimum width of the

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		01/11/2021	<p>for businesses to develop closer to the shoreline. Why not limit this so it applies to the park only?</p> <p>Concern about RV park idea and concern about greater living opportunities in marinas since there are oxygen problems in the water. My concern is about the oxygen problem. We need more than the status quo.</p>	<p>Vegetation Conservation Area (VCA) was originally considered to allow for some park improvements at West Bay Park and to reduce the number of privately owned nonconforming structures in the Waterfront Recreation shoreline environment, some of which are approximately 40-feet from the ordinary high water mark.</p> <p>Proposed revisions regarding camping is meant to clarify that camping, including for RVs, would be allowed as a recreational use in the Marine Recreation shoreline environment.</p> <p>Proposed revisions to address live-aboards are meant to provide a cap on the number of slips in a marina that can be used for housing, while accommodating the number of existing live-aboards within the city so as not to create non-conforming marinas. In order to allow live-aboards in marinas, certain facilities must be provided including solid waste and sewer facilities.</p> <p><i>Proposed change: The City has amended Table 6-3, Setbacks and Incentives, located in section 18.26.620, Use and Development Standards Tables, to adjust the proposed setback in the Waterfront Recreation shoreline environment on the west side of West Bay (Reach Budd 3B) to 50 feet rather than the previously proposed 30 feet.</i></p>
17	Public Hearing Testimony	Harry Branch 01/11/2021	<p>Percival Creek is mentioned as having more than 20 cfs of flow. Why aren't Moxlie, Indian, Ellis, or Schneider Creeks included? I am concerned about the condition of streams in Olympia and in particular intertidal culverts, which have serious impacts on water quality. 160 miles of streams run through culverts and pipes. Olympia puts streams in pipes and then denies they ever existed. We need a holistic, ecosystem approach to critical areas and</p>	<p>The City's comprehensive SMP update, approved in 2015, included an in-depth inventory and characterization of shoreline areas. This included assessing data (provided by the USGS) for freshwater streams which meet the 20cfs mean annual flow threshold. The scope of this periodic review does not include a re-evaluation of these findings.</p>

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			the baseline should be that which existed historically. The paradigm of no net loss has failed.	
18	Public Hearing Testimony	Jason Gano 01/11/2021	I am the new Political Director with the Olympia Masters Builders and I am looking forward to working with you over the coming year.	Comment noted.

Several comments submitted raised concerns about the health of the Puget Sound including species protection and water quality issues. Some comments were beyond the scope of the Shoreline Master Program Periodic Review. Below is a high level overview of some of the efforts underway to help improve the health of the Puget Sound.

Health of the Puget Sound

Many of the comments summarized above are related to the health of the Puget Sound. There are several significant efforts underway to address the health of the Puget Sound. Most of these efforts are addressed by state or federal agencies and, while related to the City’s Shoreline Master Program and Critical Areas Ordinance, are beyond the scope of the local SMP. For example, the state’s Puget Sound Partnership, Orca Task Force, and the Salmon Recovery and Puget Sound Acquisition and Restoration program are just some of the entities working to improve habitat and water quality. Several Federal and State agencies are involved in this important work. Some work is focused on particular species like salmon or resident orcas while other work focuses on pollution prevention, recovery, restoration, education and information, and scientific support. The federal government also coordinates with Canada regarding the Salish Sea, which includes Puget Sound.

Laws such as the Endangered Species Act and the Clean Water Act are addressed by both State Agencies (Washington State Department of Fish and Wildlife and the Washington State Department of Ecology) and local governments. For example, the City of Olympia relies on the Priority Habitats and Species maps and guidance from the Dept. of Fish and Wildlife, as well as guidance from the Dept. of Ecology on wetlands, in the regulation of environmentally sensitive areas through the Critical Areas Ordinance. And the City of Olympia has a NPDES Permit from the state regarding stormwater. Other organizations, such as the LOTT Cleanwater Alliance, work with the Dept. of Ecology regarding the treatment of wastewater.

Related Resources

US Environmental Protection Agency – Puget Sound: <https://www.epa.gov/puget-sound>

Washington State Department of Ecology – Puget Sound: <https://ecology.wa.gov/Water-Shorelines/Puget-Sound>

Puget Sound Partnership – Puget Sound Recovery: <https://www.psp.wa.gov/puget-sound-recovery.php>

City of Olympia SMP Periodic Review – Response to Public Comments

Orca Task Force: <https://ecology.wa.gov/Water-Shorelines/Puget-Sound/Orca-task-force>

WA State Recreation and Conservation Office - Salmon Recovery and Puget Sound Acquisition and Restoration: <https://rco.wa.gov/grant/salmon-recovery/>

Washington State Dept. of Fish and Wildlife – Priority Habitats and Species: <https://wdfw.wa.gov/species-habitats/at-risk/phs>

LOTT Cleanwater Alliance – Wastewater Treatment: <https://lottcleanwater.org/about-lott/wastewater-treatment/>

Long-Term Planning for Capitol Lake - Deschutes Estuary: <https://des.wa.gov/about/projects-initiatives/capitol-lake/long-term-planning-capitol-lake-deschutes-estuary>



Shoreline Master Program - Periodic Review

March 31, 2021

Amendments Proposed After Public Hearing

The City of Olympia is proposing amendments to the Shoreline Master Program (SMP) and Critical Areas Ordinance (CAO) based on the results of the Gap Analysis, as part of the Periodic Review. Additional amendments are proposed based on the recommendation of the Olympia Planning Commission and public comments received. The additional proposed amendments are as follows:



Planning Commission Recommendation:

1. SMP: The setback and vegetation conservation area for the portion of the Waterfront Recreation Shoreline Environment adjacent to Budd Bay shall be a minimum of 50 feet instead of 30 feet as recommended by staff, and
2. SMP: The term 'dredge spoils' shall be revised to 'dredge materials'.

In response to comments received, and in coordination from Ecology staff:

1. SMP: Section 2.5 – remove the phrase “waterward of the ordinary high water mark” to help encourage soft shoreline stabilization both above and below the ordinary high water mark.
2. CAO 18.32.400 – remove reference to marine and lake shorelines in reference to streams and priority riparian areas.
3. CAO 18.32.410 – change Type S streams to Type S waters.
4. CAO 18.32.435 – for Type S waters in the Stream Type and Description Table, refer the reader to the SMP for shoreline setbacks and Vegetation Conservation Area widths, since Type S waters are governed by the SMP.
5. CAO 18.32.435 – add a row for the buffer width of Priority Riparian Areas, a critical area with a 250 foot buffer.

Note: Revisions #4 and 5 are intended to provide greater clarity regarding when the SMP regulations apply and when CAO regulations apply for certain areas adjacent to Type S waters.

6. SMP 18.20.420 – Add a reference to CAO provisions in 18.32.435 regarding the Priority Riparian Area buffers.

Note: Revisions 5 and 6 are intended to provide greater alignment between the SMP and CAO for buffers of Priority Riparian Areas.

From: hwbranch@aol.com
To: [Joyce Phillips](#)
Subject: Re: Shoreline Master Program
Date: Wednesday, January 13, 2021 6:44:43 PM

External Email Alert!

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Dear Olympia planning commission

In followup to monday night's meeting by the Planning Commission...

Percival Creek was mentioned as having great ecological value because it flows more than 20 cubic feet per second. I inquired as to why no other streams are mentioned. Today I read that Moxlie Creek exceeds that number and near the confluence with Indian Creek can run, on a day like today, as high as 97 cubic feet per second. I find no data on Schneider or Ellis Creeks but my guess is that all these streams would qualify.

Once again, why are these streams considered to have no value? We have numerous opportunities for restoration in these watersheds, long sections of culvert and other armoring that could easily be removed.

The problem for these watersheds is that they are in areas where we want to direct development. The driving wheel is entirely development. If a stream exists in such an area we simply pretend that it doesn't exist.

Harry Branch

To: jphillip@ci.olympia.wa.us <jphillip@ci.olympia.wa.us>
Sent: Mon, Jan 4, 2021 7:31 am
Subject: Shoreline Master Program

Regarding the Shoreline Master Program (SMP)

City of Olympia:

The public has become keenly aware of the plight of the Souther Resident Killer Whale and their principal prey Chinook salmon. We're slowly learning about the plight of Walleye Pollock, Pacific Herring, Pacific Cod, 15 species of rockfish, chum and sockeye salmon, steelhead, various mollusks and birds, insects and invertebrates. As of December 1, 2015, there were 125 species at risk in the Salish Sea and the number continues to grow. Much of the loss has occurred over the past two decades, under current rules, the status quo, the cauldron of 'mitigation banking' 'no net loss,' and the rest of the regulatory stew.

Allowing a water body to remain physically damaged results in degraded water quality which impacts species composition which degrades water quality which impacts species composition and so on spiraling downward. There is an ongoing net loss caused by existing modifications. A stream in a pipe has no phytoplankton. This is why nitrates travel 18 times farther in a buried pipe than one that sees daylight. And why buried streams are low in dissolved oxygen.

The most critical part of any local watershed is its estuary. Estuaries are those places where fresh water coming from land meets the marine environment. Fresh water being lighter flows out on top of salt water creating persistent circulation patterns. In a pipe circulation is restricted. If we have sunlight we have a mix of phytoplankton and zooplankton and the birth of the food web. Without sunlight we have a septic tank. In the SMP, potential is never a consideration. Restoration potential should be part of every equation. The baseline should be that which existed historically.

The high water mark is the point from which setbacks are measured. The high water mark for the two major streams draining into Budd Inlet lies inside long culverts. The tide flows up a long pipe in both Moxlie and Schneider Creeks. In fact, there are 160 miles of stream-in-a-pipe in Olympia. In regulatory terms they don't even exist. To contradict this edict represents a "collateral attack" on City Codes. If you appeal before the Hearing Examiner, you'll also be informed that you lack standing, unless you or your property will be damaged. Birds, fish and marine mammals have no standing.

The most substantive issue brought up by the State in the Shoreline Master Program Periodic Review is the statement "The City's wetland buffers are not current with the State's most recent guidance." The City's response is that recommendations would result in "little change in the City's current buffer widths" and amendments would be made to chapter 18:32 of the Olympia Municipal Code (Critical Areas) rather than the SMP itself. But revisions to Olympia code 18:32 make no substantive changes to setbacks. It continues to recommend protecting critical areas, aiming at no net loss and providing mitigation for unavoidable impacts through minimizing, rectifying, reducing and compensating for loss.

Priority Riparian Areas are listed as the eastern shore of Budd Inlet, including and north from Priest Point Park, long stretches of western shore of Budd Inlet including West Bay Waterfront Park and the Port Lagoon and much of the shore of Capitol Lake. The priority areas are essentially parks. The prevailing assumption seems to be that humans must destroy any place we reside.

The most glaring unspoken conclusion is that we should simply give up on East Bay, the half-mile long embayment south of Priest Point Park. It's been severely modified and has the worst benthic dioxin contamination and the poorest water quality in Budd Inlet. Although this way of thinking is in some cases justified, in this instance it represents a clear violation of the Clean Water Act, the Endangered Species Act and numerous other State and Federal laws and regulations.

How about some real changes:

- (1) Restoration potential should be part of every equation. The potential inherent in a location should never be ignored.
- (2) Under City Code once a stream goes into a pipe in Olympia it no longer exists. Likewise if it's ever day-lighted rules don't apply. This makes sense where there's currently a structure but not as justification for new construction. We should change the rule to in such instances recognize the existence of streams.
- (4) The best available science should be employed in every study including a clearly stated observation, hypothesis, test and conclusion otherwise the effort can be incomplete, misdirected and conclusions can be buried in data. Sites should be sampled for any contaminants suspected of possibly being at the site, according to established protocols.
- (5) We need to take a holistic, ecosystem based approach to our critical areas. The baseline should be that which existed historically. Every effort should be made to determine how physical parameters like structure impact chemical parameters such as dissolved oxygen and biological parameters such as phytoplankton.
- (6) We should provide SRKW orcas with legal standing, consistent with the global Rights of Nature movement.

Harry Branch
239 Cushing St NW
Olympia WA 98502
360-943-8508



**Nisqually Indian Tribe
4820 She-Nah-Num Dr. S.E.
Olympia, WA 98513
(360) 456-5221**

January 26, 2021

Joyce Phillips, AICP
Senior Planner
City of Olympia
Community Planning and Development
601 4th Avenue
Olympia WA 98507

Dear Ms. Phillips,

The Nisqually Indian Tribe thanks you for the opportunity to comment on:

Re: 20-4936

The Nisqually Indian Tribe's THPO has reviewed the notice of application and accompanying documents that were provided for the above named project and has no further comments or concerns. Please keep us informed if there are any Inadvertent Discoveries of Archaeological Resources/Human Burials.

Sincerely,

Brad Beach
THPO Department
360-456-5221 ext 1277
beach.brad@nisqually-nsn.gov

Annette "Nettsie" Bullchild
THPO Department
360-456-5221 ext 1106
bullchild.annette@nisqually-nsn.gov

From: [Joyce Phillips](#)
To: [Esther Grace Kronenberg](#)
Cc: [Kenneth Haner](#); [Anastasia Everett](#); [Cari Hornbein](#)
Subject: RE: Public comment on SMP
Date: Monday, February 08, 2021 2:33:00 PM

Hi, Ms. Kronenberg.

I wanted to follow up and let you know that the public comment period on the SMP Periodic Review is closed. The comments you sent to me on January 5, 2021 were provided to the Planning Commission. Any new written comments received now will not be forwarded to the Planning Commission. However, any written comments received between the close of the public comment period and the date of the City Council's consideration will be forwarded to City Council. I have already received a couple of comments that came in after the public comment period closed but that will be shared with Councilmembers. You can send any comments in writing to me at this email address and I will gladly include them in the packet that goes to the Council.

If you do wish to comment to the Planning Commission, you will be able to do so during the public comment portion of the Planning Commission meeting as long as it is at least 45 days after the public hearing, which was held on January 11, 2021. The first meeting the OPC will hold after the 45-day period will be on Monday, March 1, 2021. This is consistent with both the Planning Commission and City Council policy on public testimony at public meetings.

I hope that helps.
Joyce

Joyce Phillips, AICP, Senior Planner
City of Olympia | Community Planning and Development
601 4th Avenue East | PO Box 1967, Olympia WA 98507-1967
360.570.3722 | olympiawa.gov

Note: Emails are public records, and are potentially eligible for release.

From: Cari Hornbein <chornbei@ci.olympia.wa.us>
Sent: Monday, February 08, 2021 9:56 AM
To: Joyce Phillips <jphillip@ci.olympia.wa.us>
Cc: Kenneth Haner <khaner@ci.olympia.wa.us>; Anastasia Everett <aeverett@ci.olympia.wa.us>
Subject: FW: Public comment on SMP

Good morning Joyce,

Anastasia forwarded this e-mail to me. Technically Esther can't comment on the SMP tonight since the hearing is closed and the Planning Commission is in deliberations. Do you want to

forward her request to the Commissioners so they're aware of the request?

Thanks,

Cari Hornbein, AICP, Senior Planner

City of Olympia
Community Planning and Development Department
360-753-8048 | chornbei@ci.olympia.wa.us

From: Anastasia Everett <aeverett@ci.olympia.wa.us>

Sent: Monday, February 08, 2021 7:41 AM

To: Cari Hornbein <chornbei@ci.olympia.wa.us>

Subject: Fw: Public comment on SMP

Hi Cari, I received this email and am forwarding to you. She would like to provide comment tonight as well, I'll fill Ken in. Thank you!!

Anastasia

From: Anastasia Everett <aeverett@ci.olympia.wa.us>

Sent: Monday, February 8, 2021 7:39 AM

To: Esther Grace Kronenberg <wekrone@gmail.com>

Subject: Re: Public comment on SMP

Hi Esther,

I've forwarded your request and comment to the Planning Commission liaison. I will also communicate with the staff hosting the meeting tonight you'd like to make comment. Thank you.

Best,

Anastasia Everett

From: Esther Grace Kronenberg <wekrone@gmail.com>

Sent: Saturday, February 6, 2021 10:35 PM

To: Anastasia Everett <aeverett@ci.olympia.wa.us>

Subject: Public comment on SMP

External Email Alert!

This email originated from a source outside of the City's network. Use caution before clicking on links

or opening attachments.

Hi,

My understanding is that there's been a public hearing January 11 and that public comment has been closed. I would like to suggest the public comment period be kept open longer since many people's attention was on national matters last month and were not aware of the discussions on the SMP. The SMP deserves a more transparent process and more citizen input. The June 30 deadline should allow for this with no problems.

I would like to make a comment to the Commission at the meeting, though I said no on my registration. Please make that change.

Thank you.

Esther Kronenberg

Sent from cyberheaven

From: [Joyce Phillips](mailto:Joyce.Phillips@ci.olympia.wa.us)
To: silverman.shari@gmail.com
Cc: [Anastasia Everett](mailto:Anastasia.Everett@ci.olympia.wa.us); [Kenneth Haner](mailto:Kenneth.Haner@ci.olympia.wa.us); [Cari Hornbein](mailto:Cari.Hornbein@ci.olympia.wa.us)
Subject: FW: SMP Public Comment
Date: Monday, February 08, 2021 2:27:00 PM

Hello, Ms. Silverman.

I wanted to follow up and let you know that the public comment period on the SMP Periodic Review has closed. Any written comments received now will not be forwarded to the Planning Commission. However, any written comments received between the close of the public comment period and the date of the City Council's consideration will be forwarded to City Council. I have already received a couple of comments that came in after the public comment period closed but that will be shared with Councilmembers. You can send any comments in writing to me at this email address and I will gladly include them in the packet that goes to the Council.

If you do wish to comment to the Planning Commission, you will be able to do so during the public comment portion of the Planning Commission meeting as long as it is at least 45 days after the public hearing, which was held on January 11, 2021. The first meeting the OPC will hold after the 45-day period will be on Monday, March 1, 2021. This is consistent with both the Planning Commission and City Council policy on public testimony at public meetings.

I hope that helps.

Joyce

Joyce Phillips, AICP, Senior Planner
City of Olympia | Community Planning and Development
601 4th Avenue East | PO Box 1967, Olympia WA 98507-1967
360.570.3722 | olympiawa.gov

Note: Emails are public records, and are potentially eligible for release.

From: Anastasia Everett <aeverett@ci.olympia.wa.us>
Sent: Monday, February 08, 2021 12:29 PM
To: Joyce Phillips <jphillip@ci.olympia.wa.us>
Subject: Fw: SMP Public Comment

Hi Joyce, I received this email from someone regarding the SMP. I'll reply to her and let her know I forwarded her message. Thank you!

Anastasia

From: Shari Silverman <silverman.shari@gmail.com>
Sent: Monday, February 8, 2021 12:22 PM
To: Anastasia Everett <aeverett@ci.olympia.wa.us>
Subject: SMP Public Comment

External Email Alert!

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Hi,

I saw that the public comments on the SMP have been closed. Is there any way to get the comments re-opened for a few more weeks?

Thanks,
Shari Silverman

Silverman.shari@gmail.com

From: [Joe Hiss](#)
To: [Joyce Phillips](#)
Subject: Re: your e-mail of today
Date: Monday, April 12, 2021 10:11:01 AM

External Email Alert!

This email originated from a source outside of the City's network. Use caution before clicking on links or opening attachments.

Dear Ms. Phillips:

Thanks for the map! It answered my questions completely. Speaking as a retired fishery biologist from this area, but also out of love for the Olympia area this area and its people, based on 43 years of residence here, I propose the following:

1. The 150' setback is good insurance against sea rise that is likely to occur, and should probably be extended to the whole Budd Bay "recreational shoreline," with appropriate "grandfathering" of existing development as needed. If you can forward my opinion to the Planning Commission and the City Council, please do so!
2. I am particularly concerned about the proposed West Bay Yards, which would add more fill to the Inlet, and would likely require more protection from king tides as they increase over the next 50 yr or so.
3. I am also concerned about the confusion surrounding the permit for this, and other shoreline actions that may follow. It seems to me that no project should be given any form of advance approval before the City receives a detailed project description. Giving a developer any form of advance permission sends the message that the city is ready to accept whatever they may eventually propose. This seems to me a very dangerous precedent!

Please keep this line of communication open, as I may have more to say about this in the future.

Thanks for reading this!

Sincerely,
Joe Hiss

On 6/04/2021, at 11:36 AM, Joyce Phillips <jphillip@ci.olympia.wa.us> wrote:

Hi, Mr. Hiss.

The current setback and Vegetation Conservation Area (VCA) for a portion of the Waterfront Recreation shoreline environment (basically the area from Seven Oars Park northward to West Bay Park) is currently 150 feet in width. The rest of the Waterfront Recreation shoreline environment (basically around the east and south side of the main part of Capitol Lake) currently has a setback and VCA width of 30 feet. The staff recommendation was to make

the setback and VCA for the Waterfront Recreation shoreline environment 30 feet for the entirety of the Waterfront Recreation shoreline environment.

The Planning Commission considered this proposal but is recommending that the setback and VCA width be a minimum of 50 feet in width for the portion of the Waterfront Recreation shoreline environment that is adjacent to Budd Bay.

This screenshot below shows the general area where this change would apply, if adopted by Council:

<image001.png>

I hope that answers your question. Please let me know if you have any follow up questions or would like additional information.

Thank you!

Joyce

Joyce Phillips, AICP, Principal Planner
City of Olympia | Community Planning and Development
601 4th Avenue East | PO Box 1967, Olympia WA 98507-1967
360.570.3722 | olympiawa.gov

Note: Emails are public records, and are potentially eligible for release.

-----Original Message-----

From: Joe Hiss <joe.hiss.biologist@gmail.com>

Sent: Tuesday, April 06, 2021 11:16 AM

To: Joyce Phillips <jphillip@ci.olympia.wa.us>

Subject: your e-mail of today

External Email Alert!

This email originated from a source outside of the City's network. Use caution before clicking on links or opening attachments.

Hello Ms. Phillip:

I am confused: If the staff recommended enlargement of the setback from 30' to 50', why does the sama paragraph say the existing setback is 159'? Please un-confuse me!

Thanks—Joe Hiss



City Council

Approval of an Ordinance Amending OMC 16.04.020 Related to Residential Fire Sprinkler Locations - First and Final Reading

Agenda Date: 5/18/2021
Agenda Item Number: 4.R
File Number:21-0468

Type: ordinance **Version:** 1 **Status:** 2d Reading-Consent

Title

Approval of an Ordinance Amending OMC 16.04.020 Related to Residential Fire Sprinkler Locations - First and Final Reading

Recommended Action

Committee Recommendation:

The Land Use and Environment Committee recommended approval of an ordinance to align with the State's adoption of the 2018 International Building and Property Maintenance Codes.

City Manager Recommendation:

Move to approve the Ordinance Amending OMC 16.04.020 Related to Residential Fire Sprinkler Locations on first and final reading.

Report

Issue:

Whether to amend OMC 16.04.020 to include final edits from the Washington State Building Code Council for adoption of the 2018 Residential Code related to residential fire sprinkler locations.

Staff Contact:

Larry Merrell, Building Official, Community Planning and Development, 360.753.8486
Kevin Bossard, Assistant Chief/Fire Marshal, 360.709.2719

Presenter(s):

None - Consent Calendar Item

Background and Analysis:

Every three years, the construction code writing organizations update their respective technical and administrative codes. RCW Chapter 19.27 requires that cities within the State of Washington adopt certain Building, Plumbing, Mechanical, Fire, Energy and Electrical Codes as required by the Washington State Building Codes Council (SBCC). The 2018 State Referenced Codes were adopted and published by the SBCC and took effect at 12:01 a.m. on February 1, 2021.

On February 2, 2021, the City Council passed Ordinance No. 7271, which adopted the 2018 International Codes, along with certain State and local amendments. As required, the SBCC reviewed Ordinance No. 7271 and notified the City that additional amendments related to residential fire sprinkler locations were recommended in order to accomplish the intent of Ordinance No. 7271.

On February 23, 2021, the Council passed Ordinance No. 7273, which amended the City's adoption of the 2018 Edition of the International Residential Code, Appendix U, Dwelling Unit Fire Sprinkler Systems, by enacting six exceptions concerning required sprinkler locations in dwelling units.

After its review of Ordinance No. 7273, the SBCC notified the City of clarifications needed. The City submitted an Application for Review of a Proposed Local Amendment to the Washington State Building Code on April 2, 2021, proposing amendments based on the SBCC's notification. The Application for Review was approved by the SBCC on April 22, 2021. The proposed ordinance reflects the amendments as approved by the SBCC.

Neighborhood/Community Interests (if known):

The cost to sprinkle an accessory dwelling unit on a lot with an unsprinkled home is cost prohibitive. The Fire Marshal's proposal that accessory dwelling units will only be sprinkled if the existing home is sprinkled will lengthen the point of which the City of Olympia will be fully protected by sprinklers, and yet facilitates the construction of affordable housing.

Options:

1. Approve the Ordinance Amending OMC 16.04.020 Related to Residential Fire Sprinkler Locations on first and final reading. The local amendments will take immediate effect, allowing the City to regulate buildings and building construction as necessary to protect the public's health, safety, and welfare.
2. Direct staff to modify the Ordinance with specified revisions to the proposed local amendments and adopt the revised ordinance on first and final reading. Any further revisions are required to be forwarded to the State Building Code Council for approval.
3. Do not adopt the ordinance on first reading and forward for second reading. The local amendments would not take effect for 30 days after second reading and publication of the ordinance.
4. Do not approve the ordinance. The local amendments within the ordinance would not take effect.

Financial Impact:

The associated fiscal impact is included in Department budget for 2021.

Attachments:

Ordinance

Ordinance No. _____

AN ORDINANCE OF THE CITY OF OLYMPIA, WASHINGTON, AMENDING OLYMPIA MUNICIPAL CODE SECTION 16.04.020 RELATED TO ADOPTION OF THE INTERNATIONAL RESIDENTIAL CODE AND RESIDENTIAL FIRE SPRINKLER LOCATIONS, AND DECLARING AN EMERGENCY BASED UPON PUBLIC HEALTH, SAFETY AND WELFARE SO THIS ORDINANCE SHALL TAKE IMMEDIATE EFFECT

WHEREAS, the State of Washington requires cities to enact building codes and regulations and to provide for their administration, enforcement, and amendment; and

WHEREAS, the regulation of buildings and building construction by the City of Olympia (the "City") is necessary to protect the public health, safety, and welfare; and

WHEREAS, the Olympia City Council desires to protect the safety and welfare of the citizens of the City through regulation of construction activities and maintenance of buildings in the City; and

WHEREAS, the City has previously adopted multiple international codes; and

WHEREAS, more recent international codes were adopted by the State of Washington, which became effective on February 1, 2021; and

WHEREAS, on February 2, 2021, the City Council passed Ordinance No. 7271, which adopted the 2018 International Codes, along with certain State and local amendments; and

WHEREAS, the Washington State Building Codes Council (the "SBCC") reviewed Ordinance No. 7271 as required and notified the City that additional amendments related to residential fire sprinkler locations were recommended in order to accomplish the intent of Ordinance No. 7271; and

WHEREAS, on February 23, 2021, the City Council passed Ordinance No. 7273, which amended the City's adoption of the 2018 Edition of the International Residential Code, Appendix U, Dwelling Unit Fire Sprinkler Systems, by enacting six exceptions concerning required sprinkler locations in dwelling units; and

WHEREAS, after its review of Ordinance No. 7273, the SBCC notified the City that Exception No. 5 to Appendix U should be amended for clarification and that Exception No. 6 is unnecessary; and

WHEREAS, on April 2, 2021, the City submitted an *Application for Review of a Proposed Local Amendment to the Washington State Building Code*, proposing amendments based on the SBCC's notification. The Application for Review was approved by the SBCC on April 22, 2021; and

WHEREAS, this Ordinance reflects the amendments as approved by the SBCC; 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;

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

Section 1. Amendment of OMC 16.04.020. Olympia Municipal Code Section 16.04.020 is hereby amended to read as follows:

16.04.020 Adoption of Referenced Codes -- Purpose

A. Pursuant to RCW 19.27.031, the City of Olympia hereby adopts the following codes, as amended by the Washington State Building Code Council, and as thereafter amended by the City of Olympia, for the purpose of establishing rules and regulations for the construction, alteration, removal, demolition, use and occupancy, location and maintenance of buildings and structures, as well as the installation, repair, replacement or alteration of electrical, mechanical, and plumbing systems along with their associated equipment, appliances, fixtures, fittings and appurtenances thereto, and providing for the issuance of permits and collection of fees, providing penalties for the violation of such codes and each and all of the regulations, provisions, conditions and terms of these code standards, rules and regulations and appendices as noted. One copy of each code shall be on file with the City Clerk and can also be accessed electronically by the following hyperlinks provided within this section.

1. International Building Code Adopted.

The 2018 Edition of the International Building Code, hereafter IBC, as adopted by the State Building Code Council in Chapter 51-50 WAC (excluding Chapter 1, Section 101.4.3 "Plumbing"; excluding Chapter 1, Section 105.2 "work exempt from permit", item 3, "Oil Derricks"; excluding Chapter 1, Section 110.3.5 "Exception"; excluding Chapter 1, Section 113, Board of Appeals), as published by the International Code Council, Inc. (ICC), including ICC A117.1-2009 "Accessible and usable buildings and facilities", and the following Appendices are hereby adopted:

Appendix E, Supplementary Accessibility Requirements ICC A117.2009

Appendix G, Flood resistant construction

Appendix J, Grading

2. International Residential Code Adopted.

The 2018 Edition of the International Residential Code, hereafter IRC, as published by the International Code Council, Inc. (ICC), as adopted by the State Building Code Council in Chapter 51-51 WAC (excluding Chapter 1, Section R112, Board of Appeals, Chapter 11, and Chapters 25 through 43), except that Chapter 29, Section P2904 is adopted and the following Appendices are hereby adopted:

Appendix F Passive Radon Gas Controls

Appendix Q, Tiny Houses

Appendix U, Dwelling Unit Fire Sprinkler Systems, with the following amendment:

Section P2904.1.1 Required sprinkler locations. Sprinklers shall be installed to protect all areas of a dwelling unit.

Exceptions. The following do not require sprinklers:

1. Uninhabitable attics, crawl spaces and normally unoccupied concealed spaces that do not contain fuel-fired appliances. In uninhabitable attics, crawl spaces and normally unoccupied concealed spaces that contain fuel-fired equipment, a sprinkler must be installed above the equipment; however, sprinklers are not required in the remainder of the space.

2. Clothes closets, linen closets and pantries not exceeding 24 square feet (2.2 m²) in area, with the smallest dimension not greater than 3 feet (915 mm) and having wall and ceiling surfaces of gypsum board.

3. Bathrooms not more than 55 square feet (5.1 m²) in area.

4. Garages; carports; exterior porches; unheated entry areas, such as mud rooms, that are adjacent to an exterior door; and similar areas.
5. [Garage-Detached garage conversions to ADU's and ADU's accessory dwelling units and detached accessory dwelling units](#) with utilities served by an existing single family residence that does not have an existing sprinkler system.
- ~~6. Temporary structures specifically designed as part of an emergency housing facility permitted under Chapter 18.50 OMC, or as otherwise permitted by this code, that serve as a temporary shelter to be removed at a future date as determined by the City of Olympia.~~

Appendix V, Fire Sprinklers

3. International Mechanical Code Adopted.

The 2018 Edition of the International Mechanical Code, hereafter IMC, as published by the International Code Council, Inc. (ICC), as adopted by the State Building Code Council in Chapter 51-52 WAC (excluding Chapter 1, Section 109, Means of Appeals), is hereby adopted, and includes adoption of the 2018 Edition of the ANSI Z223.1/NFPA 54 National Fuel Gas Code and the 2017 Liquefied Gas Code (NFPA 58) except as otherwise specified by the adoption of referenced Codes.

4. Uniform Plumbing Code Adopted.

The 2018 Edition of the Uniform Plumbing Code, hereafter UPC, as published by the International Association of Plumbing and Mechanical Officials (IAPMO), as adopted by the State Building Code Council in Chapters 51-56 WAC.

5. International Energy Conservation Code/Washington Residential Energy Codes Adopted.

Washington State Residential Energy Code, Chapter 51-11R WAC, excluding SECTION R109 BOARD OF APPEALS

The 2018 Edition of the Washington State Residential Energy Code and the following Appendices are hereby adopted:

Appendix RA, Optional Energy Efficiency Measures – One Step

Appendix RB, Optional Energy Efficiency Measures – Two Step

Appendix RC, Outdoor Design Temperatures for Washington Proponent Options

6. International Energy Conservation Code/Washington Commercial Energy Codes Adopted.

Washington State Commercial Energy Code, Chapter 51-11C WAC, excluding SECTION R109 BOARD OF APPEALS

The 2018 Edition of the Washington State Commercial Energy Code and the following Appendices are hereby adopted:

Appendix A, Default Heat Loss Coefficients

Appendix B, Default Internal Load Values and Schedules

Appendix C, Exterior Design Conditions

Appendix D, Calculation of HVAC Total System Performance Ratio

Appendix E, Renewable Energy

Appendix F, Outcome-Based Energy Budget

7. Manufactured Home Standards adopted.

The Manufactured Home Standards established by the State of Washington governing the installation of manufactured homes (as set forth in WAC Chapter 296-150M), are hereby adopted.

8. International Fire Code Adopted.

The 2018 Edition of the International Fire Code, herein IFC, as published by the International Code Council (ICC), as adopted by the State Building Code Council in Chapter 51-54 WAC (excluding Chapter 1, Section 108, Board of Appeals), and the following Appendices are hereby adopted:

Appendix B, Fire-Flow requirements for Buildings

Appendix E, Hazard Categories

Appendix F, Hazard Rankings

Appendix G, Cryogenic Fluids-Weight and Volume Equivalents

Appendix H, Hazardous Materials Management Plan (HMMP) and Hazardous Materials Inventory Statement (HMIS) Instructions

Appendix I, Fire Protection Systems-Noncompliant Conditions

9. International Existing Building Code Adopted.

The 2018 Edition of the International Existing Building Code, as published by the International Code Council (excluding Chapter 1, Section 112, Board of Appeals), is hereby adopted as the Existing Building Code of the City of Olympia for regulating and governing the repair, alteration, change of occupancy, addition and relocation of existing buildings, including historic buildings, as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, conditions and term of said Existing Building Code, and the following Appendix is hereby adopted:

Appendix A, Guidelines for the Seismic Retrofit of Existing Buildings

10. International Swimming Pool and Spa Code Adopted.

The 2018 International Swimming Pool and Spa Code, as published by the International Code Council (by reference in the 2018 International Building Code WAC 51.50, Section 3109 and the 2018 International Residential Code WAC 51-51, Section 38), is hereby adopted regulating the installation of pools and spas, including ANSI/APSP/ICC-7 Standards for Suction Entrapment Avoidance.

11. International Fuel Gas Code Adopted.

The 2018 International Fuel Gas Code, as published by the International Code Council, is hereby adopted as the Fuel Gas Code for the City of Olympia.

Section 2. Corrections. The City Clerk and codifiers of this Ordinance are authorized to make necessary corrections to this Ordinance, including the correction of scrivener/clerical errors, references, ordinance numbering, section/subsection numbers and any references thereto.

Section 3. 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 4. Ratification. Any act consistent with the authority and prior to the effective date of this Ordinance is hereby ratified and affirmed.

Section 5. Effective Date. This Ordinance is for the preservation of public peace, health, safety, and welfare and shall take immediate effect upon adoption, as provided by law.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

Mark Barber
CITY ATTORNEY

PASSED:

APPROVED:

PUBLISHED:



City Council

Approval of an Ordinance Amending Ordinance 7268 (Operating, Special and Capital Budgets) - 2021 First Quarter Budget Amendment

Agenda Date: 5/18/2021
Agenda Item Number: 4.S
File Number:21-0491

Type: ordinance **Version:** 1 **Status:** 1st Reading-Consent

Title

Approval of an Ordinance Amending Ordinance 7268 (Operating, Special and Capital Budgets) -
2021 First Quarter Budget Amendment

Recommended Action

Committee Recommendation:

Not referred to a committee.

City Manager Recommendation:

Move to approve the proposed Ordinance that amends Ordinance 7268 on first reading and forward to second reading.

Report

Issue:

Whether to amend Ordinance 7268 on first reading and forward to second reading.

Staff Contact:

Nanci Lien, Finance Director, 360.753.8465

Presenter(s):

None - Consent Calendar item

Background and Analysis:

City Council may revise the City's Operating and Capital Budgets by approving an ordinance. Generally, budget amendments are presented quarterly to Council for review and approval, however, may be made at any time during the year. The amended ordinances appropriate funds and provide authorization to expend the funds.

The attached ordinance includes recommended amendments to the 2021 Operating Funds, Special Funds, and Capital Funds for: 1) Department requested carry-forward appropriations; and 2) Department requests for budget amendments for the 1st Quarter in 2021.

- 1) Department requested carry-forward appropriations include appropriations and associated transfers representing 2020 obligations for purchase orders and contracts not completed in 2020, as well as capital project-related appropriations. These appropriations total \$40,184,421.
- 2) Department requests for budget amendments for 1st Quarter in 2021 represent new budget adjustments and associated transfers departments requested for 2021. These appropriations total \$6,025,989.

Department requests for budget amendments for the 1st Quarter in 2021 are summarized below.

City Manager's Office

- \$1,230 in appropriations for an adjustment to the 2021 JASCOM budget that was higher than projected. Funding from General Fund fund balance.
- \$43,500 in appropriations for transfer to the Parking, Business Improvement Area (PBIA) fund. At the January 19, 2021, City Council meeting, Council passed a resolution to supplement the PBIA's 2021 budget with year-end reserves to temporarily reduce the annual assessment rates for 2021. Funding from General Fund Council Goals and Opportunities budget capacity.
- \$2,671,665 in appropriations to transfer the Economic Development Reserve balance out of the Capital Improvements Fund into the Special Accounts Control Fund for Economic Recovery. This is an administrative adjustment to ensure that all fund reserves in the capital funds are for capital purposes. Funding from Capital Improvements Fund fund balance.
- \$170,239 in appropriations for future City property repairs. Funding from the Insurance Trust Fund 2020 carryover fund balance.

Community Planning & Development

- \$23,000 in appropriations for expenditures related to the Neighborhood Matching Grant program. This is an annual grant program that was omitted during the 2021 budget process. Funding from General Fund fund balance.

Parks, Arts & Recreation

- \$5,315 in appropriations for expenditures to the Municipal Arts Fund to be used for arts at Woodruff Sports Center. Funding from Capital Improvements Fund reserves.
- \$5,579 in appropriations for expenditures to the Municipal Arts Fund to be used for arts at LBA Wall. Funding from Capital Improvements Fund reserves.
- \$315,425 in capital appropriations for the Armory Creative Campus project. Funding from the Parks allocation of the Voted Utility Tax.

- \$13,650 in appropriation for temporary FTE increase (from .75 to 1.0 FTE) for project management of the Armory Creative Campus Project Council authorized on April 13, 2021. Funding from Capital Improvements Fund reserves.
- Reduction of \$6,269 in appropriations for completed Lions Park Sprayground
- project. As project is completed, remaining RCO grant has been closed.

Police Department

- \$14,600 in operating appropriations for vehicle maintenance costs related to new fleet addition negotiated in labor contract. Funding from General Fund fund balance.
- \$66,000 in capital appropriations for vehicle acquisition related to new fleet addition negotiated in labor contract. Funding from General Fund fund balance.

Public Works Operating Funds

- General Services - \$12,000 in appropriations for supplies for cleaning the downtown restroom (Portland Loo at the Artisan Well). Funding to come from Parks' appropriations.
- Facilities - \$75,000 in appropriations for Olympia Center HVAC renewal (maintenance). Funding from Building Repair and Maintenance Fund fund reserves.
- Drinking Water - \$11,065 in appropriations for supplies to install the base and sculpture for east side of West Bay for the Heron sculpture. Funding is from a transfer from the Municipal Arts Fund.
- \$11,065 in appropriations for installation of the Heron Sculpture on east side of West Bay. Funding from Municipal Arts Fund fund balance.
- Drinking Water - \$80,000 in appropriations to correct an administrative data entry error. Funding is from Drinking Water Fund fund balance.
- Drinking Water - \$35,000 in appropriations to upgrade the Bush Street tank fencing. Funding is from Water Capital Improvement Fund fund balance.
- Equipment Rental - \$2,140,000 in appropriations to correct an administrative data entry error. Original proposed budget was accidentally overwritten during data entry. Funding is from Equipment Rental Fund fund balance.

Neighborhood/Community Interests (if known):

The City's 2021 Operating Budget originally appropriated \$167.6 million, which includes General Fund appropriations of \$88.1 million. Several of this budget adjustment provide funding for projects related specifically to neighborhood and the community.

Options:

1. Approve ordinance amending ordinance 7268. This provides staff with budget capacity to proceed with initiatives approved by Council.
2. Do not approve the amending ordinance; staff will not have authorization to expend the funds.
3. Ask staff to amend the ordinance and bring it back for approval at a later date.

Financial Impact:

Operating Funds - total increase in appropriations of \$4,004,159; Special Funds - total increase in appropriations of \$4,737,491; and Capital Funds - total increase in appropriations of \$37,468,760. Funding sources of funding are noted above.

Attachments:

Ordinance

AN ORDINANCE RELATING TO THE ADOPTION OF THE CITY OF OLYMPIA, WASHINGTON, 2021 OPERATING, SPECIAL, AND CAPITAL BUDGETS AND 2021-2026 CAPITAL FACILITIES PLAN; SETTING FORTH THE ESTIMATED REVENUES AND APPROPRIATIONS AND AMENDING ORDINANCE NO. 7268.

WHEREAS, the Olympia City Council adopted the 2021 Operating, Special Funds and Capital Budgets and 2021-2026 Capital Facilities Plan (CFP) by passing Ordinance No. 7268 on December 18, 2020; and

WHEREAS, throughout the year, updates are required to recognize changes relating to budget, finance, and salaries; and

WHEREAS, the CFP meets the requirements of the Washington State Growth Management Act, including RCW 36.70A.070(3); and

WHEREAS, the following changes need to be made to Ordinance No. 7268;

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

Section 1. That certain document entitled the "Capital Facilities Plan," covering the years 2021 through 2026, a copy of which will be on file with the Office of the Director of Administrative Services and available on the City's web site, is hereby adopted as the Capital Facilities Plan (CFP) for the City of Olympia and is incorporated herein as though fully set forth.

Section 2. Upon appropriation by the City Council of funds therefor, the City Manager shall be authorized to prepare plans and specifications, to take bids, and to make expenditures for the projects set forth in the CFP during the year for which said projects are scheduled; provided, however, that any award of bids and execution of contracts for construction shall be approved as provided in OMC Chapter 3.16.

Section 3. It is anticipated that the funding source and the construction schedule for projects identified in the CFP may be changed over the next year. Such changes shall not constitute an amendment to the Comprehensive Plan for purposes of RCW 36.70A.130.

Section 4. The Director of Administrative Services is hereby authorized to bring forward into fiscal year 2020 all appropriations and allocations not otherwise closed, completed, or deleted from prior fiscal years' capital budgets.

Section 5. The 2021 Estimated Revenues and Appropriations for each Fund are as follows:

Operating Budget

FUND	USE OF FUND BALANCE	ESTIMATED REVENUE	APPROP	ADDITION TO FUND BALANCE
General, Regular Operations	\$1,471,773 <u>\$2,560,184</u>	\$86,656,797 <u>\$87,887,732</u>	\$88,128,570 <u>\$90,447,916</u>	0
General, Special Sub-Funds				
Special Accounts	0	1,518,965 <u>4,190,630</u>	1,349,869 <u>2,072,964</u>	169,096 <u>2,117,666</u>
Development Fee Revenue	113,018	4,150,296	4,263,314	0
Parking	298,370	1,474,840	1,773,210	0
Post Employment Benefits	-	1,020,000	1,020,000	0
Washington Center Endowment	-	5,000	5,000	0
Washington Center Operating	0	378,365	378,365	0
Municipal Arts	89,160 <u>148,642</u>	60,660 <u>71,554</u>	149,820 <u>220,196</u>	0
Equipment & Facilities Reserve	788,761 <u>1,102,129</u>	1,346,037 <u>1,426,037</u>	2,134,798 <u>2,528,166</u>	0
Total General Fund	\$2,761,082 <u>\$4,222,343</u>	\$96,610,960 <u>\$100,604,454</u>	\$99,202,946 <u>\$102,709,131</u>	\$169,096 <u>\$2,117,666</u>
LID Control	0	0	0	0
LID Guarantee	0	0	0	0
4th/5th Avenue Corridor Bridge Loan	0	174,250	174,250	0
UTGO Bond Fund - 2009 Fire	0	1,047,800	1,047,800	0
City Hall Debt Fund - 2009	0	2,355,353	2,355,353	0
2010 LTGO Bond - Street Projects	0	394,562	394,562	0
L.O.C.A.L. Debt Fund - 2010	0	0	0	0
2010B LTGO Bonds - HOCM	0	436,321	436,321	0
2013 LTGO Bond Fund	0	674,325	674,325	0
2016 LTGO Parks BAN	0	1,008,375	1,008,375	0
Water Utility O&M	0	15,806,072 <u>15,817,137</u>	15,500,179 <u>15,793,385</u>	305,893 <u>23,752</u>
Sewer Utility O&M	396,235 <u>448,351</u>	22,013,367	22,409,602 <u>22,461,718</u>	0
Solid Waste Utility	0	13,455,454	13,408,024	47,430
Stormwater Utility	107,038 <u>259,690</u>	6,216,211	6,323,249 <u>6,475,901</u>	0
Water/Sewer Bonds	0	1,915,487	1,915,487	0
Stormwater Debt Fund	0	123,650	123,648	2
Water/Sewer Bond Reserve	0	0	0	0
Equipment Rental	0	2,662,149	2,627,278	34,871
Subtotal Other Operating Funds	\$503,273 <u>\$708,041</u>	\$68,283,376 <u>\$68,294,441</u>	\$68,398,453 <u>\$68,896,427</u>	\$388,196 <u>\$106,055</u>
Total Operating Budget	\$3,264,355 <u>\$4,930,384</u>	\$164,894,336 <u>\$168,898,895</u>	\$167,601,399 <u>\$171,605,558</u>	\$557,292 <u>\$2,223,721</u>

Special Funds Budget

FUND	USE OF FUND BALANCE	ESTIMATED REVENUE	APPROP	ADDITION TO FUND BALANCE
HUD Fund	\$352	\$472,352	\$472,704	0
Lodging Tax Fund	0	695,575	373,365	322,210
Parking Business Improvement Area Fund	0	99,450	99,450	0
Farmers Market Repair and Replacement Fund	0	0	0	0
Hands On Children's Museum	101,236	543,634	644,870	0
Home Fund Operating Fund	972,247	1,460,923	2,433,170	0
Fire Equipment Replacement Fund	0	200,000	147,219	52,781
	<u>1,807,471</u>		<u>2,007,471</u>	<u>0</u>
Equipment Rental Replacement Reserve Fund	0	2,361,739	431,000	1,930,739
	<u>506,261</u>	<u>2,631,739</u>	<u>3,138,000</u>	<u>0</u>
Unemployment Compensation Fund	0	112,500	85,000	27,500
Insurance Trust Fund	0	2,675,261	2,659,712	15,549
	<u>154,690</u>		<u>2,829,951</u>	<u>0</u>
Workers Compensation Fund	205,023	1,447,875	1,652,898	0
Total Special Funds Budget	\$1,278,858	\$10,069,309	\$8,999,388	\$2,348,779
	<u>\$3,747,280</u>	<u>\$10,339,309</u>	<u>\$13,736,879</u>	<u>\$349,710</u>

Capital Budget

FUND	USE OF FUND BALANCE	ESTIMATED REVENUE	APPROP	ADDITION TO FUND BALANCE
Impact Fee	\$2,304,425	\$0	\$2,304,425	\$0
	<u>\$6,277,879</u>		<u>\$6,277,879</u>	
SEPA Mitigation Fee Fund	40,000	0	40,000	0
	<u>282,612</u>		<u>282,612</u>	
Parks & Recreational Sidewalk, Utility Tax Fund	0	2,636,230	1,054,757	1,581,473
			<u>1,779,570</u>	<u>856,660</u>
Real Estate Excise Tax Fund	0	1,818,510	866,000	952,510
	<u>2,112,946</u>		<u>3,931,456</u>	<u>0</u>
Capital Improvement Fund	0	9,413,060	7,836,961	1,576,099
	<u>4,225,441</u>	<u>19,602,216</u>	<u>23,827,657</u>	<u>0</u>
Olympia Home Fund Capital Fund	0	1,283,297	1,283,297	0
Water CIP Fund	0	7,692,086	7,447,681	244,405
	<u>1,479,087</u>	<u>10,163,222</u>	<u>11,642,309</u>	<u>0</u>
Sewer CIP Fund	0	6,114,000	6,114,000	0
	<u>6,504,665</u>		<u>12,618,665</u>	
Waste ReSources CIP Fund	0	368,000	368,000	0
Storm Water CIP Fund	189,000	1,624,858	1,813,858	0
	<u>2,674,508</u>	<u>1,911,786</u>	<u>4,586,294</u>	
Storm Drainage Mitigation Fund	0	0	0	0
Total Capital Budget	\$2,533,425	\$30,950,041	\$29,128,979	\$4,354,487
	<u>\$23,557,138</u>	<u>\$43,897,261</u>	<u>\$66,597,739</u>	<u>\$856,660</u>

Total City Budget	\$7,076,638	\$205,913,686	\$205,729,766	\$7,260,558
	<u>\$32,234,802</u>	<u>\$223,135,465</u>	<u>\$251,940,176</u>	<u>\$3,430,091</u>

Section 6. Severability. The provisions of this Ordinance are declared separate and severable. If any provision of this Ordinance or its application to any person or circumstances is held invalid, the remainder of this Ordinance or application of the provision to other persons or circumstances shall be unaffected.

Section 7. Ratification. Any act consistent with the authority and prior to the effective date of this Ordinance is hereby ratified and affirmed.

Section 8. Effective Date. This Ordinance shall take effect five (5) days after publication, as provided by law.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

Mark Barber

CITY ATTORNEY

PASSED:

APPROVED:

PUBLISHED:



City Council

LOTT Clean Water Alliance Update

Agenda Date: 5/18/2021
Agenda Item Number: 6.A
File Number:21-0515

Type: information **Version:** 1 **Status:** Other Business

Title

LOTT Clean Water Alliance Update

Recommended Action

Committee Recommendation:

Not referred to a committee.

City Manager Recommendation:

Briefing only; No action requested

Report

Issue:

Whether to receive a presentation from the Executive Director of LOTT on the status of utility.

Staff Contact:

Susan Grisham, Assistant to the City Manager, 360-753-8244

Presenter(s):

Mike Strub, Executive Director, LOTT Clean Water Alliance, 360.528.5702

Background and Analysis

The Executive Director of LOTT Clean Water Alliance requested an opportunity to provide Council with LOTT's annual report.

Neighborhood/Community Interests (if known)

The LOTT Clean Water Alliance provides essential public services to the residents of Olympia.

Options:

1. Receive the update.
2. Do not receive the update,
3. Receive the update at another time.

Financial Impact:

There is no financial impact related to this update.

Type: information **Version:** 1 **Status:** Other Business

Attachments:
None



City Council

2021 Legislative Session Wrap Up

Agenda Date: 5/18/2021
Agenda Item Number: 6.B
File Number:21-0510

Type: information **Version:** 1 **Status:** Other Business

Title

2021 Legislative Session Wrap Up

Recommended Action

Committee Recommendation:

Not referred to a committee.

City Manager Recommendation:

Receive a briefing on the 2021 Legislative Session. Briefing and Discussion; No Action Requested.

Report

Issue:

Whether to be briefed and hold a discussion on the 2019 Legislative Session.

Staff Contact:

Susan Grisham, Assistant to the City Manager, 360.753.8244

Presenter(s):

Susan Grisham, Assistant to the City Manager
Debora Munguia, Capitol Consulting

Background and Analysis:

Our contract lobbyist, Debora Munguia from Capitol Consulting will provide an overview of the 2021 Legislative Session. They will discuss legislation that helped advance City of Olympia Priorities (Attached), or are of interest to cities statewide, answer questions, and discuss areas of interest for the 2022 Session. A 2021 Legislative End of Session Summary is attached.

Neighborhood/Community Interests (if known):

There were multiple bills throughout session that are of interest to Olympia community members.

Options:

Briefing and Discussion. No Action Requested.

Financial Impact:

\$36,000 in funding for Capitol Consulting was included in the 2021 budget.

Attachments:

Olympia 2021 Legislative Priorities

Olympia 2021 End of Session Summary

Olympia's 2021 Legislative Agenda

Olympia

Investing in the Capital City

- Olympia is the front door of Washington's State government.
- As the Capital City, Olympia embraces its role as host to the state.
- We value State employees and visitors who work, shop, and dine in our downtown.

Olympia City Council

Cheryl Selby, Mayor
Jim Cooper
Clark Gilman
Yến Huỳnh
Dani Madrone
Lisa Parshley
Renata Rollins



Contact City Council

Susan Grisham, Legislative Liaison
360.753.8244
citycouncil@ci.olympia.wa.us

Administration

Jay Burney, City Manager
Keith Stahley, Assistant City Manager
Debbie Sullivan, Assistant City Manager

2021 Legislative Priorities:

Additional State Resources and Support to Address Homelessness, Affordable Housing, Mental Health and Chemical Dependency Services

- Olympia has the highest percentage of rent-burdened households and concentration of unhoused individuals in Thurston County.
- State leadership and support for renter/tenant protections, including rent control.
- Support for use of state property for the homeless and the state to manage encampments on their properties without the use of local jurisdiction resources.
- Further state leadership for mental health and chemical dependency resources.
- The City supports an amendment to the Residential Landlord-Tenant Act, specifically section RCW 59.18.040(1) exempting facilities established and operated by religious organizations and government entities.

Further legislative Action Related to Climate Change

- Further state leadership is needed to reduce greenhouse gas emissions from the built environment, transportation and other sectors.
- State funding support is needed to help advance local climate mitigation and adaptation efforts identified in the Regional Climate Mitigation Plan.

\$6 Million for Design and Right-of-Way Acquisition for New US 101 Interchange Ramps in West Olympia

- The Cooper Point Road/Black Lake Boulevard intersection is failing, hindering access to Capital Medical Center and other emergency medical facilities.
- Addressing congestion in this area requires more access from US 101 to West Olympia.
- The interchange ramps are Olympia's highest priority for capital transportation funds. The City has already spent \$2M on this project.

Clarification and Strengthening of Statute Regarding Unauthorized Military Organizations and Support for Action Related to Regulation of Firearms for Local Governments

- Throughout 2020, armed groups have posed a threat to the safety of City residents and those who peacefully assemble in our streets and on the Capitol Campus.
- The City wants a change in state law that provides clarification as to what constitutes a militia and harsher punishments for those who participate in such unauthorized organizations.
 - Currently, RCW 38.40.120 is only a misdemeanor punishable by up to ninety days in jail or a fine up to \$1,000 or fine and imprisonment.
- The City supports action related to expanding local government authority to regulate firearms.

OTHER PRIORITIES IMPORTANT TO OLYMPIA

\$3 Million for the Future purchase of National Guard Armory Located at 512 Eastside Street

- The City would like financial support for the future purchase and renovation of the Armory or have it donated to the City as a proviso.

Changes to the Property Tax Levy Lid Lift

The current 1% levy lid restricts revenue growth when costs are increasing more than 1% per year. The City Supports:

- Raising the levy lid lift more than 1% for specific projects or initiatives.
- Raising the levy lid lift based on the rate of inflation or 1% annually, whichever is higher.

Tax Increment Financing

- The City supports Tax Increment Financing (TIF), to help fund infrastructure, accelerate economic development and job growth.
- Washington is one of only two states that does not have TIF authority for local communities.
- TIF uses anticipated future increases in tax revenues to generate incremental tax revenues from a specific development project or projects across a designated district to help pay for current costs associated with development.

Solid Waste Reduction

The City is interested in legislation that reduces packaging and plastics, as well as improves recycling markets in Washington State.

Funding for Key Parks Grant Programs

- The City supports the Washington Recreation and Parks Association's request for robust investments in grant programs in the 2021-23 Capital Budget critical for the vitality of local parks and recreation.
- This biennium includes four City applications representing over \$2M in funding requests from Washington Wildlife and Recreation Program and the Youth Athletic Facilities program.

\$5 Million to Close Funding Gap for Fones Road Improvements

- This \$16M project reconstructs a key corridor with a wide mix of uses; addresses failing pavement conditions; significantly improves pedestrian & cyclist safety; addresses traffic congestion and freight mobility needs.

Funding for Shovel Ready Capital Projects

- **Karen Fraser Woodland Trail Phase III Development Project \$5.1M** – provides the long-awaited extension of the Karen Fraser Woodland Trail from Eastside Street through Watershed Park to Henderson Blvd. This is a critical next step in connecting this regional trail network to Tumwater.
- **Grass Lake Nature Trail Completion & Access Project - \$1.2M to close funding gap** – Received partial funding from a 2018 RCO Trails grant. This allocation would allow full funding for the project as designed, adding critical ADA and pedestrian safety upgrades.
- **Lions Park Sprayground Project – \$700K to close funding gap** - RCO Local Parks grant has allowed this project to begin construction in fall 2021. Due to limited resources the current project scope only includes frontage improvements along Wilson St. Additional funding would allow us to provide similar improvements on Frederick St., 7th, and 9th.
- **Yauger Park ADA Upgrades and Field Renovations - \$600K**– Initially built in 1982, this heavily used softball complex needs new backstops, field lights, safety fencing, and ADA upgrades throughout the park.

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Parking Services

parkingservices@ci.olympia.wa.us 360.753.8017

January 2021



2021 LEGISLATIVE SESSION City of Olympia April 25, 2021

Overview

The Legislature is preparing to adjourn Sine Die today, the 105th, and final, day of the 2021 Regular Legislative Session.

During the final days of the 2021 regular legislative session, the Legislature adopted significant pieces of legislation, including establishing a cap and trade auction system for greenhouse gas emissions (SB 5126), a low carbon fuel standard (HB 1091), a capital gains tax (SB 5096), implementation of the national 988 system to expand behavioral health crisis response and suicide prevention services (HB 1477), and legislation addressing the Blake decision (SB 5476).

They also adopted the final operating (SB 5092), capital (HB 1080) and transportation (SB 5165) budgets.

The chairs of the House and Senate Transportation Committees both commented that the \$11.8 billion transportation budget will continue to fund major work that was under threat last year because of financial pressures from the COVID pandemic and caused the Governor to put construction projects on hold to save money, but more work needs to be done to meet the transportation infrastructure needs across the state and that a transportation revenue package must be passed. There was discussion on the Senate floor about the Legislature coming back “in the weeks ahead” to address a transportation revenue package.

On Saturday night, to celebrate her retirement, the House honored Cathy Maynard, who served as the Speaker’s attorney since 1999. The House adopted [HR 4632](#) and it is one of the best resolutions I have ever read.

Please let me know if you have any questions.

Specific Issue Update

Criminal Justice/Courts/Law Enforcement: Blake Decision

SB 5476 (Sen. Dhingra prime sponsor) creates a temporary new legal framework for adjudicating the possession of controlled substances, and reduces the penalty to a simple misdemeanor and mandates that jurisdictions provide treatment options. The bill provides \$88.5 million over the next two years to build out those treatment options.

About \$45 million will be used to implement a statewide Recovery Navigator Program that will provide community-based treatment and long-term case management for people with substance use disorder. Another \$12.5 million will establish a Homeless Outreach Stabilization Team Program and \$4.5 million will be used to expand a therapeutic court model to municipal and district courts, which will have jurisdiction over controlled substance possession now that it has been made a misdemeanor.

This framework will be in place for two years. Over the next two years, a Substance Use Recovery Services Advisory Committee will review the legal system response and recommend a substance use recovery plan. The advisory committee's interim report is due Dec. 1, 2021, and its final report Dec. 1, 2022.

Criminal Justice/Courts/Law Enforcement: Police Reform

HB 1054 (Rep. Johnson prime sponsor) establishes requirements for tactics and equipment used by police. The Legislature adopted the [conference committee report](#) on April 23 and the bill now heads to the Governor for his signature.

HB 1089 (Rep. Ramos prime sponsor) requires the State Auditor to conduct an audit at the conclusion of every deadly force investigation. The bill was delivered to the Governor on April 20.

HB 1267 (Rep. Entenman prime sponsor) is Governor request legislation that establishes the Office of Independent Investigations within the Office of the Governor for the purpose of investigating deadly force incidents involving peace officers. The bill was delivered to the Governor on April 22.

HB 1310 (Rep. Johnson prime sponsor) provides additional clarity to I-940 and establishes a standard for use of physical force by peace officers. The Legislature adopted the [conference committee report](#) on April 23 and the bill now heads to the Governor for his signature.

SB 5051 (Sen. Pedersen prime sponsor) modifies the priorities and composition of the Criminal Justice Training Commission, expands the background investigation requirements for persons applying for peace officer, reserve officer, and corrections officer positions, and makes changes to the certification and decertification processes for peace officers and corrections officers. The Senate concurred in the House amendments on April 21 and will head to the Governor for his signature.

SB 5066 (Sen. Dhingra prime sponsor) requires peace officers to intervene when witnessing a fellow officer engaging in the use of excessive force, requires a peace officer who observes wrongdoing by a fellow officer to report the wrongdoing to the officer's supervisor, and requires law enforcement agencies to adopt written policies on the duty to intervene and ensure that all law enforcement officers obtain training on the policy through the Criminal Justice Training Commission. The Senate concurred in the House amendments on April 20 and the bill heads to the Governor for his signature.

SB 5259 (Sen. Nobles prime sponsor) is Attorney General request legislation that requires the Attorney General's Office to establish an advisory group to make recommendations for implementation of a program for statewide data collection, reporting, and publication of use of force data. The bill was delivered to the Governor on April 23.

Criminal Justice/Courts/Law Enforcement: Weapons

SB 5038 (Sen. Kuderer prime sponsor) prohibits open carry of a firearm or other weapons at or near public demonstrations, the state Capitol grounds, its buildings, and other legislative locations, with an exception for state and local law enforcement officers. It makes violations of these prohibitions a gross misdemeanor. The Senate concurred in the House amendments on April 20 and will head to the Governor for his signature.

Environment

HB 1091 (Rep. Fitzgibbon prime sponsor) is Governor request legislation that directs the Department of Ecology to adopt rules establishing a Clean Fuels Program (CFP) to limit the aggregate, overall greenhouse gas emissions per unit of transportation fuel energy to 20 percent below 2017 levels by 2035. The bill requires the CFP to include processes for registering, reporting, and tracking compliance obligations and to establish bankable, tradeable credits used to satisfy compliance obligations. The bill requires the passage of a separate additive transportation funding act generating more than \$500 million per biennium in revenue before Ecology may assign compliance obligations or allow for actual credit generation in order to coordinate and synchronize the CFP with other transportation-related investments. The conference committee report was adopted by the House on April 24, and by the Senate on April 25. The bill now heads to the Governor for his signature.

SB 5022 (Sen. Das prime sponsor) establishes minimum postconsumer recycled content, registration, and reporting requirements for plastic beverage containers, household cleaning and personal care product containers, and plastic trash bags and establishes penalties for failure to achieve requirements. The Senate concurred in the House amendments on April 19 and the bill heads to the Governor for his signature.

SB 5126 (Sen. Carlyle prime sponsor) is Governor request legislation that would implement a cap and trade system in Washington that connects with California's auction system. The bill establishes a cap and invest program for greenhouse gas emissions to be implemented by the Department of Ecology; directs distribution of auction revenues for the Forward Flexible Account and for specified purposes including clean transportation, natural climate resiliency, clean energy transition and assistance, and energy efficiency projects; requires an environmental justice review to ensure that the cap and invest program achieves reductions in criteria pollutants in overburdened communities highly impacted by air pollution; convenes an Environmental Justice and Equity Advisory Panel to provide recommendations on the development and implementation of the cap and invest program; and directs that compliance obligations

for covered and opt-in entities will not take effect until a separate additive transportation funding act is enacted. The Senate concurred in the House amendments on April 24 and the bill heads to the Governor.

Environmental Justice

SB 5141 (Sen. Saldana prime sponsor), the Healthy Environmental for All (HEAL) Act, establishes the Environmental Justice Council to adopt guidelines and provide technical assistance to support agency environmental justice work, review agency implementation of environmental justice obligations, and make recommendations on existing laws and proposed legislation to further environmental justice goals. The Senate concurred in the House amendments on April 20 and the bill heads to the Governor for his signature.

Forest Health and Wildfires

HB 1168 (Rep Springer prime sponsor) establishes legislative intent to provide \$500 million over the next four biennia to fund forest health and wildfire response activities; creates the Wildfire Response, Forest Restoration, and Community Resilience Account to fund certain wildfire preparedness, prevention, and protection activities and requires the Department of Natural Resources to report every two years on how account funds are used. It directs DNR to implement several initiatives relating to forest health and wildfire response including additional mapping, forest health, workforce development, small forest landowner forest health, and wildland fire aviation support. The House concurred in the Senate amendments on April 22 and heads to the Governor for his signature. The final budget provides \$130 million for the 2021-23 biennium and \$95 million for the 2023-25 biennium. The Climate Commitment Act (SB 5126) allows funding for forest health.

General Local Government/Fiscal

HB 1069 (Rep Pollet prime sponsor) would provide fiscal flexibility to local governments. The bill was delivered to the Governor on April 20.

HB 1189 (Rep. Duerr prime sponsor) would authorize tax increment financing for local governments. The House concurred in the Senate amendments on April 20 and the bill heads to the Governor for his signature.

General Local Government/Public Health

HB 1152 (Rep Riccelli prime sponsor) creates comprehensive public health districts, requires local boards of health to add unelected members from three categories by July 1, 2022, and makes other changes. The final budget contains funding to implement the bill. The bill was delivered to the Governor on April 22.

Housing

HB 1220 (Rep. Strom Peterson prime sponsor) updates the housing goals of the Growth Management Act to include planning for and accommodating affordable housing, requires jurisdictions to address moderate, low, very low, and extremely low-income housing in the housing element of the comprehensive plan, requires the Department of Commerce to provide an inventory and analysis of existing and projected housing needs required in the housing element of the comprehensive plan, including emergency housing and shelters and permanent supportive housing, prohibits cities from preventing transitional housing or permanent supportive housing in zones where residential dwelling units or hotels are allowed, and requires them to provide for indoor emergency shelters and indoor emergency housing

in a majority of zones within one mile of transit, and directs GMA jurisdictions to consider certain policies that encourage the construction of accessory dwelling units to meet affordable housing goals. The bill was delivered to the Governor for his signature on April 22.

HB 1236 (Rep. Macri prime sponsor) specifies exclusive causes for eviction, refusal to renew, and ending a tenancy under the Residential Landlord-Tenant Act and makes other changes to rights and remedies. The bill was delivered to the Governor for his signature on April 22.

HB 1277 (Rep. Ormsby prime sponsor) establishes a \$100 surcharge on recorded documents to fund various housing services. The Senate passed the bill on April 24, and the House concurred in the Senate amendments on April 24. The bill now heads to the Governor for his signature.

HB 1410 (Rep. Volz prime sponsor) reduces delinquent property tax interest from 12% to 9% and removes penalties. The House concurred in the Senate amendments on April 22 and is on its way to the Governor for his signature.

SB 5235 (Sen. Lias prime sponsor) prohibits counties planning under the Growth Management Act and cities within such counties from prohibiting primarily renter occupied housing units on the same lot as an accessory dwelling unit, with exceptions; and prohibits local governments from limiting the number of unrelated persons occupying a home, with exceptions. On April 14, the Senate concurred in the House amendments and the bill is headed to the Governor for his signature.

SB 5287 (Sen. Das prime sponsor) authorizes a 12-year extension of existing 8-year and 12-year Multi-Family Property Tax Exemptions (MFTEs) that are set to expire if they meet certain affordability requirements. It would also establish a new 20-year property tax exemption for the creation of permanently affordable homes. On April 14, the Senate concurred in the House amendments and the bill is headed to the Governor for his signature.

Bill Detail

Criminal Justice/Courts/Law Enforcement

Bill #	Title	Status	Sponsor	Position	Dead
HB 1000	Expanding mental health support for law enforcement officers.	H Approps	Maycumber		Yes
HB 1001	Establishing a law enforcement professional development outreach grant program.	Del to Gov	Maycumber	Support	No
HB 1026	Concerning the restoration of the right to possess a firearm.	H Civil R & Judi	Walen		Yes
HB 1038	Prohibiting the possession of firearms by persons convicted of certain criminal offenses.	H Civil R & Judi	Walen		Yes
ESHB 1054	Establishing requirements for tactics and equipment used by peace officers.	S Pres Signed	Johnson	Support	No
HB 1071	Concerning bias-based criminal offenses.	H Rules C	Valdez		Yes
HB 1082 (E2SSB 5051)	Concerning state oversight and accountability of peace officers and corrections officers.	H Public Safety	Goodman		Yes

SHB 1088 (SB 5067)	Concerning potential impeachment disclosures.	Del to Gov	Lovick		No
E2SHB 1089 (SB 5069)	Concerning compliance audits of requirements relating to peace officers and law enforcement agencies.	Del to Gov	Ramos		No
2SHB 1092 (E2SSB 5259)	Concerning law enforcement data collection.	H Rules R	Lovick		Yes
2SHB 1126	Limiting tolling of community custody terms.	H Rules R	Goodman		Yes
ESHB 1140	Concerning juvenile access to attorneys when contacted by law enforcement.	Del to Gov	Johnson		No
HB 1164 (SSB 5078)	Addressing firearm safety measures to increase public safety.	H Civil R & Judi	Valdez		Yes
SHB 1169	Concerning sentencing enhancements.	H Rules C	Goodman		Yes
2SHB 1202	Addressing meaningful civil remedies for persons injured as a result of police misconduct, including by allowing for an award of attorney fees in addition to damages and injunctive and declaratory relief.	H Rules C	Thai	Neutral	Yes
SHB 1203	Concerning community oversight boards.	H Rules R	Johnson	Support	Yes
HB 1229 (SB 5217)	Concerning assault weapons.	H Civil R & Judi	Peterson		Yes
HB 1234	Prohibiting weapons in state capitol buildings and grounds and certain other governmental buildings and facilities.	H Civil R & Judi	Senn		Yes
HB 1262	Concerning background investigations of peace officers, reserve officers, and corrections officers.	H Rules C	Klippert		Yes
ESHB 1267	Concerning investigation of potential criminal conduct arising from police use of force, including custodial injuries, and other officer-involved incidents.	Del to Gov	Entenman	Support	No
SHB 1283	Including the open carry or display of weapons within the offense of criminal mischief.	H Rules R	Senn	Support	Yes
E2SHB 1310	Concerning permissible uses of force by law enforcement and correctional officers.	S Pres Signed	Johnson	Support	No
HB 1313	Relating to local government authority to regulate firearms.	H Civil R & Judi	Hackney	Support	Yes
SHB 1348	Providing medical assistance to incarcerated persons.	S Pres Signed	Davis	Support	No
SHB 1499	Providing behavioral health system responses to individuals with substance use disorder.	H Approps	Davis		Yes
HB 1507	Establishing a mechanism for independent prosecutions of criminal conduct arising from police use of force.	H Public Safety	Entenman		Yes
HB 1562	Allowing local governments to enact laws and ordinances relating to possession of controlled substances and counterfeit substances.	H Public Safety	Klippert		Yes
HB 1578	Responding to the State v. Blake decision.	H Approps	Goodman		No
SSB 5009	Enacting the uniform public expression protection act.	H Spkr Signed	Padden		No

ESSB 5038	Prohibiting the open carry of certain weapons at public permitted demonstrations and the state capitol.	H Spkr Signed	Kuderer	Support	No
E2SSB 5051 (HB 1082)	Concerning state oversight and accountability of peace officers and corrections officers.	H Spkr Signed	Pedersen	Support	No
SB 5054	Concerning impaired driving.	H Approps	Padden		Yes
SSB 5055	Establishing a statewide roster for arbitrating law enforcement personnel disciplinary grievances and publishing their decisions.	C 13 L 21	Nguyen		No
SSB 5066	Concerning a peace officer's duty to intervene.	H Spkr Signed	Dhingra		No
SB 5067 (SHB 1088)	Concerning potential impeachment disclosures.	S Law & Justice	Dhingra		Yes
SB 5069 (E2SHB 1089)	Concerning compliance audits of requirements relating to peace officers and law enforcement agencies.	S Law & Justice	Dhingra		Yes
E2SSB 5071	Creating transition teams to assist specified persons under civil commitment.	H Spkr Signed	Dhingra		No
SSB 5073	Concerning involuntary commitment.	H Spkr Signed	Dhingra		No
SSB 5078 (HB 1164)	Addressing firearm safety measures to increase public safety.	S Rules X	Liias		Yes
SSB 5089	Concerning peace officer hiring and certification.	S Rules X	Kuderer		Yes
SB 5094	Concerning vascular neck restraints.	S Law & Justice	Padden		Yes
SB 5095	Concerning public records act exemptions regarding concealed pistol licenses.	S State Govt & E	Wagoner		Yes
ESSB 5119	Concerning individuals in custody.	Del to Gov	Darneille		No
SSB 5120	Concerning the criminal sentencing of youth and young adults.	S Rules X	Darneille		Yes
ESSB 5122	Concerning the jurisdiction of juvenile court.	H Rules R	Darneille		Yes
SSB 5123	Creating a developmentally appropriate response to youth who commit sexual offenses.	S Rules X	Darneille		Yes
SB 5134	Enhancing public trust and confidence in law enforcement and strengthening law enforcement accountability for general authority Washington peace officers, excluding department of fish and wildlife officers.	S Labor, Comm &	Salomon		Yes
ESB 5135	Concerning unlawfully summoning a police officer.	Del to Gov	Das		No
2SSB 5155	Concerning prejudgment interest.	S Rules X	Kuderer		Yes
2SSB 5183	Concerning victims of nonfatal strangulation.	H Spkr Signed	Nobles		No
SB 5217 (HB 1229)	Concerning assault weapons.	S Law & Justice	Kuderer		Yes
SB 5248	Establishing the joint legislative task force on jail standards.	S Ways & Means	Darneille		Yes
E2SSB 5259 (2SHB 1092)	Concerning law enforcement data collection.	Del to Gov	Nobles		No

SB 5261	Collecting information regarding police use of deadly force, personnel complaints, pursuit incidences, and patrol car crashes.	S Law & Justice	Padden		Yes
ESSB 5263	Concerning defenses in personal injury and wrongful death actions where the person injured or killed was committing a felony.	Del to Gov	Frocket		No
SB 5307	Establishing the uniform pretrial release and detention act.	S Law & Justice	Pedersen		Yes
SB 5310	Combatting violence, disorder, and looting while ensuring protection for law enforcement.	S Law & Justice	Holy		Yes
ESSB 5353	Creating a partnership model that facilitates community engagement with law enforcement.	H Spkr Signed	Conway		No
SB 5455	Retaining body worn and vehicle dashboard camera recordings.	S Law & Justice	Gildon		Yes
SB 5468	Concerning knowing possession of a controlled substance.	S Law & Justice	Mullet		Yes
SB 5471	Concerning knowing possession of a controlled substance.	S Law & Justice	Padden		Yes
SB 5475	Concerning knowing possession of a controlled substance.	S Law & Justice	Mullet		Yes
ESB 5476	Addressing the State v. Blake decision. (REVISED FOR ENGROSSED: Responding to the State v. Blake decision by addressing justice system responses and behavioral health prevention, treatment, and related services.)	H Spkr Signed	Dhingra		No
SB 5486	Concerning legal financial obligations.	S Law & Justice	Sheldon		No
SJR 8205	Amending the state Constitution so that the right of the individual citizen to bear arms in defense of himself, or the state includes the right to possess firearm magazines and firearm loading devices of any size.	S Law & Justice	Fortunato		No

Environment

Bill #	Title	Status	Sponsor	Position	Dead
HB 1046	Concerning community solar programs.	H Env & Energy	Bateman	Support	Yes
E2SHB 1050	Reducing greenhouse gas emissions from fluorinated gases.	Del to Gov	Fitzgibbon	Support	No
SHB 1053	Delaying the implementation of restrictions on carryout bags.	H Rules C	Peterson		Yes
SHB 1084 (SB 5093)	Reducing statewide greenhouse gas emissions by achieving greater decarbonization of residential and commercial buildings.	H Approps	Ramel	Support	Yes
E3SHB 1091 (SB 5231)	Reducing greenhouse gas emissions by reducing the carbon intensity of transportation fuel.	H Passed FP	Fitzgibbon	Support	No
SHB 1103 (SB 5366)	Improving environmental and social outcomes with the production of building materials.	H Approps	Duerr		Yes

SHB 1114	Encouraging utility mitigation of urban heat island effects.	C 11 L 21	Dye		No
HB 1118 (E2SSB 5022)	Concerning the management of certain materials to support recycling and waste and litter reduction.	H Env & Energy	Berry	Support	Yes
E2SHB 1139	Taking action to address lead in drinking water.	Del to Gov	Pollet		No
SHB 1145	Allowing the use of nonwood renewable fiber in recycled content paper carryout bags.	C 33 L 21	Rude		No
2SHB 1168	Concerning long-term forest health and the reduction of wildfire dangers.	S Pres Signed	Springer		No
HB 1280	Concerning greenhouse gas emissions reductions in the design of public facilities.	S 2nd Reading	Ramel	Support	Yes
SHB 1446	Prohibiting a utility from being assessed a penalty for not meeting its biennial acquisition target for cost-effective conservation in special circumstances outside the utility's control.	Del to Gov	Fey		No
HB 1488	Concerning the management of plastic packaging materials.	H Env & Energy	Fey	Oppose	Yes
HB 1513	Improving environmental health by reducing carbon emissions through increasing climate resilience and mitigating the effects of climate change by levying a carbon pollution tax, authorizing a climate finance bond program, and investing in clean economic growth.	H Env & Energy	Lekanoff		Yes
HB 1534	Establishing a carbon pollution tax that recognizes the nature of energy-intensive, trade-exposed industries.	H Env & Energy	Shewmake		Yes
HJR 4205	Adding a new section to the Washington state Constitution regarding the conservation and protection of the state's natural resources.	H Env & Energy	Lekanoff		Yes
SB 5006 (HB 1025)	Concerning local parks funding options.	S Ways & Means	Van De Wege	Support	Yes
E2SSB 5022 (HB 1118)	Managing solid waste through prohibitions on expanded polystyrene, providing for food serviceware upon customer request, and requiring recycled content in plastic beverage containers. (REVISED FOR ENGROSSED: Managing solid waste through prohibitions on expanded polystyrene, providing for food serviceware upon customer request, and addressing plastic packaging.)	H Spkr Signed	Das	Support	No
SB 5093 (SHB 1084)	Reducing statewide greenhouse gas emissions by achieving greater decarbonization of residential and commercial buildings.	S Environment, E	Liias	Support	Yes
E2SSB 5126	Concerning the Washington climate commitment act.	H Spkr Signed	Carlyle		No
SB 5219	Concerning the management of plastic packaging materials.	S Environment, E	Stanford		Yes
SSB 5273	Concerning the replacement of shoreline armoring.	H Spkr Signed	Salomon		No

SB 5345	Establishing a statewide industrial waste coordination program.	Del to Gov	Brown		No
SB 5366 (SHB 1103)	Improving environmental and social outcomes with the production of building materials.	S State Govt & E	Stanford		Yes
SB 5373	Concerning carbon pollution.	S Environment, E	Lovelett		Yes
SB 5461	Funding forest health activities and related community resiliency projects for the protection of people, homes, and the environment through issuance of state bonds.	S Ways & Means	Wagoner		Yes

Fiscal/Budget

Bill #	Title	Status	Sponsor	Position	Dead
SHB 1080 (ESSB 5083)	Concerning the capital budget.	S Pres Signed	Tharinger		No
SHB 1081 (ESSB 5084)	Concerning state general obligation bonds and related accounts.	H 2nd Reading	Tharinger		Yes
HB 1093 (SB 5091)	Making 2019-2021 fiscal biennium second supplemental operating appropriations.	H Approps	Ormsby		No
SHB 1094 (ESSB 5092)	Making 2021-2023 fiscal biennium operating appropriations and 2019-2021 fiscal biennium second supplemental operating appropriations.	H Rules R	Ormsby		No
SHB 1095	Concerning the taxation of governmental financial assistance programs addressing the impacts of conditions giving rise to a gubernatorial or presidential emergency proclamation by creating state business and occupation tax and state public utility tax exemptions, a sales and use tax exemption for the receipt of such financial assistance, and clarifying the sales and use tax obligations for goods and services purchased by recipients of such financial assistance.	C 4 L 21	Walen		No
HB 1334	Making appropriations to revive our economy and accelerate a lasting recovery for Washington.	H Approps	Stokesbary		Yes
HB 1367 (SB 5343)	Revising 2019-2021 fiscal biennium appropriations of state and federal funding for previously implemented medicaid rates and other medicaid expenditures in the developmental disabilities and long-term care programs in response to the COVID-19 pandemic.	C 5 L 21	Ormsby		No
ESHB 1368 (SB 5344)	Responding to the COVID-19 pandemic through state actions supported by federal funding.	C 3 L 21	Ormsby		No
HB 1371	Eliminating the state property tax levies over four years.	H Finance	Sutherland		Yes
SHB 1406 (SB 5426)	Improving the equity of Washington state's tax code by creating the Washington state wealth	H Approps	Frame		Yes

	tax and taxing extraordinary financial intangible assets.				
HB 1496	Creating a more progressive tax system in Washington by enacting an excise tax on sales and extraordinary profits of high valued assets.	H Finance	Senn		Yes
ESSB 5083 (SHB 1080)	Concerning the capital budget.	H Rules	Frocket		Yes
ESSB 5084 (SHB 1081)	Concerning state general obligation bonds and related accounts.	H Spkr Signed	Frocket		Yes
SB 5091 (HB 1093)	Making 2019-2021 fiscal biennium second supplemental operating appropriations.	S Ways & Means	Rolfes		No
ESSB 5092 (SHB 1094)	Making 2021-2023 fiscal biennium operating appropriations and 2019-2021 fiscal biennium second supplemental operating appropriations.	H CC rpt adp	Rolfes		No
ESSB 5096	Enacting an excise tax on gains from the sale or exchange of certain capital assets. (REVISED FOR ENGROSSED: Investing in Washington families and creating a more progressive tax system in Washington by enacting an excise tax on the sale or exchange of certain capital assets.)	S Passed FP	Robinson		Yes
SB 5106	Concerning municipal access to local financial services.	C 91 L 21	Liias		No
SB 5343 (HB 1367)	Revising 2019-2021 fiscal biennium appropriations of state and federal funding for previously implemented medicaid rates and other medicaid expenditures in the developmental disabilities and long-term care programs in response to the COVID-19 pandemic.	S Ways & Means	Rolfes		Yes
SB 5344 (ESHB 1368)	Responding to the COVID-19 pandemic through state actions supported by federal funding.	S Ways & Means	Rolfes		Yes
SB 5426 (SHB 1406)	Improving the equity of Washington state's tax code by creating the Washington state wealth tax and taxing extraordinary financial intangible assets.	S Ways & Means	Hunt		Yes
SB 5451	Making 2021-2023 fiscal biennium operating appropriations and 2019-2021 fiscal biennium second supplemental operating appropriations.	S Ways & Means	Wilson		Yes

General Land Use

Bill #	Title	Status	Sponsor	Position	Dead
HB 1023	Concerning predesign requirements and thresholds.	Del to Gov	Steele		No
HB 1025 (SB 5006)	Concerning local parks funding options.	H Finance	Wicks	Support	Yes
HB 1034	Concerning park and recreation district levies.	Del to Gov	Fitzgibbon		No
SHB 1057	Clarifying the meaning of the term "enjoyment of life and property" within the clean air act.	H Rules R	Pollet		Yes

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E2SHB 1099	Improving the state's climate response through updates to the state's comprehensive planning framework.	S Transportation	Duerr		Yes
E2SHB 1117	Promoting salmon recovery through revisions to the state's comprehensive planning framework.	S 2nd Reading	Lekanoff		Yes
HB 1132	Concerning the protection of water supply for farming and rural economic development.	H RDev, Ag&NR	Kretz		Yes
HB 1144	Concerning standing before the growth management hearings board.	H Local Govt	Hoff		Yes
2SHB 1157 (SSB 5390)	Increasing housing supply through the growth management act and housing density tax incentives for local governments.	S Ways & Means	Bateman	Support	No
E2SHB 1216	Concerning urban and community forestry.	Del to Gov	Ramos		No
ESHB 1232	Planning for affordable housing under the growth management act.	S Rules 2	Barkis		Yes
SHB 1233	Concerning limited areas of more intensive rural development.	H Approps	Barkis		Yes
ESHB 1241	Planning under the growth management act.	S 2nd Reading	Duerr		Yes
HB 1243	Addressing local infrastructure project areas.	H Finance	Wicks		Yes
E2SHB 1382	Streamlining the environmental permitting process for salmon recovery projects.	Del to Gov	Tharinger		No
HB 1385	Limiting transfers of water rights out of their original water resource inventory area.	H RDev, Ag&NR	Goehner		Yes
HB 1440	Bringing innovation and investment to Washington's economy by streamlining the requirements for deployment of small wireless facilities.	H Comm & Econ De	Boehnke		Yes
HB 1458	Amending the growth management act for adaptive planning, affordable housing, and tribal consultation.	H Local Govt	Pollet		Yes
SB 5042	Concerning the effective date of certain actions taken under the growth management act.	S Rules X	Salomon		Yes
SB 5087 (ESHB 1184)	Concerning risk-based water quality standards for on-site nonpotable water systems.	S Environment, E	Hasegawa		Yes
ESSB 5275	Enhancing opportunity in limited areas of more intense rural development.	H 2nd Reading	Short		Yes
SB 5286	Establishing a statewide organic waste management goal.	S Environment, E	Das		Yes
SSB 5292	Concerning the use of parks and recreation spaces, trails, and facilities in the design of parks Rx pilot program collaboratively designed with the health care and insurance industry sectors.	H HC/Wellness	Nobles	Support	Yes
SB 5306	Concerning local salmon habitat recovery planning in critical areas.	S Ag/Water/Natur	Salomon		Yes
2SSB 5368	Encouraging rural economic development.	H Spkr Signed	Short		No
SSB 5380	Concerning the approval of building permits.	S Ways & Means	Fortunato		Yes
SB 5415	Concerning the energy facility site evaluation council.	S Environment, E	Lovelett		Yes

General Local Govt/Economic Development

Bill #	Title	Status	Sponsor	Position	Dead
SHB 1016	Making Juneteenth a legal holiday.	Del to Gov	Morgan		No
ESHB 1056	Concerning open public meeting notice requirements and declared emergencies.	S Rules 2	Pollet	Support	Yes
HB 1058	Modifying the sales and use tax for cultural access programs by allowing the tax to be imposed by a councilmanic or commission authority and defining timelines and priorities for action.	H Finance	Bateman	Support	Yes
SHB 1059	Concerning fireworks prohibitions adopted by cities or counties.	H Rules R	Fitzgibbon		Yes
E2SHB 1069	Concerning local government fiscal flexibility.	Del to Gov	Pollet	Support	No
E2SHB 1073	Expanding coverage of the paid family and medical leave program.	Del to Gov	Berry		No
2SHB 1076	Allowing whistleblowers to bring actions on behalf of the state for violations of workplace protections.	S Ways & Means	Hansen		Yes
HB 1110	Concerning the composition of local boards of health.	H HC/Wellness	Riccelli		Yes
2SHB 1127	Protecting the privacy and security of COVID-19 health data collected by entities other than public health agencies, health care providers, and health care facilities.	Del to Gov	Slatter		No
SHB 1151	Bolstering economic recovery.	C 9 L 21	Leavitt		No
E2SHB 1152 (SB 5173)	Establishing comprehensive health services districts.	Del to Gov	Riccelli		No
SHB 1156	Increasing representation and voter participation in local elections.	H Rules C	Harris-Talley		Yes
2SHB 1161	Modifying the requirements for drug take-back programs.	Del to Gov	Peterson		No
HB 1180	Concerning public testimony at public meetings, including virtual meetings.	H Local Govt	Kraft		Yes
ESHB 1189 (2SSB 5211)	Concerning tax increment financing.	S Pres Signed	Duerr	Support	Yes
HB 1200	Requiring private operation of publicly owned sewerage systems that fail to achieve minimum water quality performance.	H Env & Energy	Caldier		Yes
HB 1201 (SSB 5149)	Funding foundational public health services.	H Finance	Riccelli		Yes
E2SHB 1213 (E2SSB 5237)	Expanding accessible, affordable child care and early childhood development programs.	S Ways & Means	Senn		Yes
E2SHB 1258	Concerning the operation, authorization, and permitting of microenterprise home kitchens.	S 2nd Reading	Frame		Yes
HB 1268	Clarifying the authority of local governments to administer national flood insurance program regulation requirements in the context of fish habitat enhancement projects authorized pursuant to RCW 77.55.181.	H RDev, Ag&NR	Shewmake		Yes

SHB 1279	Modifying the Washington main street program tax incentive to respond to the economic impacts of the COVID-19 pandemic.	Del to Gov	Rule		No
HB 1308	Expanding apprenticeship utilization requirements.	H Cap Budget	Riccelli		Yes
HB 1327 (SB 5363)	Concerning on-bill disclosures to retail electric customers.	H Env & Energy	Dye		Yes
ESHB 1329	Concerning public meeting accessibility and participation.	S 2nd Reading	Wicks		Yes
ESHB 1332 (SB 5402)	Concerning property tax deferral during the COVID-19 pandemic.	Del to Gov	Sullivan		No
E2SHB 1335	Concerning review and property owner notification of recorded documents with unlawful racial restrictions.	Del to Gov	Valdez		No
ESHB 1336	Creating and expanding unrestricted authority for public entities to provide telecommunications services to end users.	S Pres Signed	Hansen	Support	No
SHB 1340	Concerning creation of the statewide pandemic preparation and response task force.	H Approps	Lovick		Yes
SHB 1341	Concerning the professional rescue doctrine.	H Rules R	Bronoske		Yes
HB 1345 (SB 5266)	Concerning the regulation of products sold to adults age 21 and over.	H Commerce & Gam	Pollet		Yes
HB 1362	Modifying the annual regular property tax revenue growth limit.	H Finance	Duerr	Support	Yes
HB 1369 (ESSB 5355)	Establishing wage liens.	H Labor & Workpl	Bronoske		Yes
EHB 1386	Modifying the property tax exemption for the value of new construction of industrial/manufacturing facilities in targeted urban areas.	S Pres Signed	Wicks		No
SHB 1391 (ESB 5356)	Concerning prime contractor bidding submission requirements on public works contracts.	S Housing & Local	Goehner		Yes
2SHB 1412	Concerning legal financial obligations.	H Rules R	Simmons		Yes
SHB 1424	Concerning consumer protection with respect to the sale of dogs and cats.	Del to Gov	Walen	Support	No
HB 1433	Creating a charter of people's personal data rights.	H Civil R & Judi	Kloba		Yes
SHB 1438	Expanding eligibility for property tax exemptions for service-connected disabled veterans and senior citizens by modifying income thresholds for eligibility to allow deductions for common health care-related expenses.	S Pres Signed	Orcutt		No
SHB 1456	Concerning minimum staffing levels for Washington main street programs.	H Approps	Rule		Yes
2SHB 1460	Closing the digital divide by establishing excise taxes on telecommunications services to fund the expansion of the universal service programs in Washington.	H Rules C	Gregerson		Yes

E2SHB 1477	Implementing the national 988 system to enhance and expand behavioral health crisis response and suicide prevention services.	H Spkr Signed	Orwall		No
HB 1486	Concerning qualifications for unemployment insurance when an individual voluntarily leaves work.	H Rules R	Berry		Yes
HB 1490	Maintaining residential electricity and heating service for low-income households and households with people with disabilities.	H Env & Energy	Harris-Talley		Yes
HB 1547 (SB 5469)	Declaring an amnesty for all civil penalties imposed on Washington residents and businesses for the violation of any activity or condition regulated under the emergency proclamations issued in direct response to the novel coronavirus COVID-19.	H State Govt & T	Chase		Yes
SSB 5013	Concerning local redistricting deadlines.	H Spkr Signed	Hunt		No
SB 5021	Concerning the effect of expenditure reduction efforts on retirement benefits for public employees, including those participating in the shared work program.	C 12 L 21	Hunt		No
SB 5032	Concerning the reauthorization and improvements to alternative public works contracting procedures.	Del to Gov	Hasegawa	Support	No
SB 5041	Reducing unnecessary paperwork to promote development.	S Environment, E	Fortunato		Yes
E2SSB 5052	Concerning the creation of health equity zones.	H Spkr Signed	Keiser		No
SSB 5059	Concerning protecting state and federal monuments, memorials, and statues from damage intentionally inflicted during the course of unpeaceful demonstrations or riots.	S Rules X	McCune		Yes
2SSB 5062	Concerning the management, oversight, and use of data.	H 2nd Reading	Carlyle		Yes
ESSB 5074	Establishing and expanding safe station pilot programs.	H HC/Wellness	Wagoner		Yes
ESSB 5097	Expanding coverage of the paid family and medical leave program.	H Spkr Signed	Robinson		No
SSB 5105	Implementing the recommendations of the office of equity task force.	S Ways & Means	Hasegawa		Yes
SB 5110	Promoting greater access to the internet by modifying permitting, taxation, and other standards for telecommunications companies and facilities.	S Environment, E	Ericksen	Support	Yes
SB 5112	Requiring broadband internet access service providers to provide virtual private network service.	S Environment, E	Ericksen		Yes
SB 5114 (HB 1321)	Concerning safely reopening Washington.	S State Govt & E	Braun		Yes
ESSB 5115	Establishing health emergency labor standards.	H Spkr Signed	Keiser		No
SSB 5116	Establishing guidelines for government procurement and use of automated decision	S Ways & Means	Hasegawa		Yes

	systems in order to protect consumers, improve transparency, and create more market predictability.				
E2SSB 5141	Reducing environmental and health disparities and improving the health of all Washington state residents by implementing the recommendations of the environmental justice task force.	H Spkr Signed	Saldaña		No
SSB 5149 (HB 1201)	Funding foundational public health services.	S Ways & Means	Robinson		Yes
SB 5173 (E2SHB 1152)	Supporting measures to create comprehensive public health districts.	S Health & Long	Robinson		Yes
SB 5175	Concerning the authority of the community economic revitalization board.	S Rules X	Nguyen		Yes
SSB 5182	Concerning advisory votes.	S Rules X	Kuderer		Yes
E2SSB 5188	Concerning creation of the Washington state public financial cooperative.	H 2nd Reading	Kuderer		Yes
SB 5207	Concerning environmental permit streamlining.	S Ag/Water/Natur	Wilson		Yes
2SSB 5211 (ESHB 1189)	Authorizing tax increment financing for local governments.	S Rules X	Frockt	Support	Yes
E2SSB 5237 (E2SHB 1213)	Expanding accessible, affordable child care and early childhood development programs.	H Spkr Signed	Wilson	Support	No
SB 5238	Creating a Washington state creative economy work group.	S Business, Fina	Hasegawa		Yes
SB 5266 (HB 1345)	Concerning the regulation of products sold to adults age 21 and over.	S Health & Long	Kuderer		Yes
SSB 5333	Concerning void and unenforceable clauses in public works contracts related to delays caused by the COVID-19 pandemic emergency proclamations.	S Rules X	Holy		Yes
ESSB 5355 (HB 1369)	Establishing wage liens.	C 102 L 21	Conway		Yes
ESB 5356 (SHB 1391)	Concerning prime contractor bidding submission requirements on public works contracts.	C 103 L 21	Short		No
ESSB 5357	Establishing the capital broadband investment acceleration program.	H Cap Budget	Honeyford		Yes
SB 5360	Concerning the inspection and testing of fire and smoke control systems.	S Housing & Loca	Cleveland		Yes
SB 5363 (HB 1327)	Concerning on-bill disclosures to retail electric customers.	S Environment, E	Schoesler		Yes
SB 5371	Funding public health services and health equity initiatives through a statewide sweetened beverage tax.	S Health & Long	Robinson		Yes
2SSB 5383	Authorizing public utility districts and port districts to provide retail telecommunications services in unserved areas under certain conditions.	H Spkr Signed	Wellman		No

SB 5402 (ESHB 1332)	Concerning property tax deferral during the COVID-19 pandemic.	S Ways & Means	Mullet		Yes
SB 5469 (HB 1547)	Declaring an amnesty for all civil penalties imposed on Washington residents and businesses for the violation of any activity or condition regulated under the emergency proclamations issued in direct response to the novel coronavirus COVID-19.	S State Govt & E	Padden		Yes
SB 5472	Providing support for utility customers impacted by COVID-19 through payment plans, including partial forgiveness of arrearages and a credit against the public utility tax.	S Environment, E	Van De Wege		Yes
SCR 8402	Extending certain gubernatorial orders issued in response to the COVID-19 state of emergency.	H Spkr Signed	Liias		No

Housing Affordability and Stability/Homelessness/Behavioral Health

Bill #	Title	Status	Sponsor	Position	Dead
HB 1035	Providing local governments with options to grant rent relief and preserve affordable housing in their communities.	H Finance	Kloba		Yes
ESHB 1070	Modifying allowed uses of local tax revenue for affordable housing and related services to include the acquisition and construction of affordable housing and facilities.	C 27 L 21	Ryu		No
E2SHB 1083	Concerning relocation assistance for tenants of closed or converted manufactured/mobile home parks.	C 28 L 21	Gregerson		No
SHB 1100	Concerning the sale or lease of manufactured/mobile home communities and the property on which they sit.	H Approps	Duerr		Yes
HB 1101	Creating a grant program for converting unused public buildings to housing for homeless persons.	H Cap Budget	Walsh		Yes
ESHB 1108	Maintaining funding and assistance for homeowners navigating the foreclosure process.	Del to Gov	Orwall		No
SHB 1128	Concerning housing benefit districts.	H Finance	Ryu		Yes
E2SHB 1220	Supporting emergency shelters and housing through local planning and development regulations.	Del to Gov	Peterson	Support	No
HB 1228	Addressing residential landlord-tenant requirements in response to the COVID-19 public health emergency.	H Hous, Human Sv	Barkis		Yes
ESHB 1236	Protecting residential tenants from the beginning to end of their tenancies by penalizing the inclusion of unlawful lease provisions and limiting the reasons for eviction, refusal to continue, and termination.	Del to Gov	Macri		No

E2SHB 1277 (SB 5279)	Providing for an additional revenue source for eviction prevention and housing stability services.	H Spkr Signed	Ormsby	Support	No
SHB 1298 (SB 5221)	Concerning regulation of accessory dwelling units located outside of urban growth areas.	H Rules C	Vick		Yes
HB 1337	Concerning accessory dwelling units.	H Local Govt	Gregerson		Yes
HB 1350	Providing a property tax exemption for limited equity cooperative housing.	H Finance	Bateman		Yes
HB 1398	Preserving affordable housing and assisting tenants and rental housing providers in response to the COVID-19 public health crisis.	H Hous, Human Sv	Dufault		Yes
SHB 1421	Concerning a property owner's or tenant's liability for delinquent and unpaid utility service charges.	H Rules R	Dufault		Yes
HB 1441	Prohibiting discrimination against prospective tenants for unpaid rent or eviction during the COVID-19 pandemic.	H Rules C	Morgan		Yes
HB 1465	Making the estate tax more progressive by exempting small estates, reducing estate taxes on medium estates, increasing the estate tax on larger estates, and addressing equity in homeownership and homelessness.	H Finance	Orwall		Yes
EHB 1482	Addressing foreclosure protections for homeowners in common interest communities.	S Pres Signed	Walsh		No
SHB 1494	Providing housing safety, security, and protection for Washington families by creating the antidisplacement property tax exemption.	H Approps	Harris-Talley		Yes
HB 1511	Defining affordable housing for purposes of using surplus public property for public benefit.	H Hous, Human Sv	Bergquist		Yes
HB 1526	Authorizing local option revenue for homelessness services, subject to specified conditions, including prohibiting supervised injection sites and requiring local restrictions on camping on public property.	H Finance	Stokesbary		Yes
SB 5008	Extending the business and occupation tax exemption for amounts received as credits against contracts with or funds provided by the Bonneville power administration and used for low-income ratepayer assistance and weatherization.	H Spkr Signed	Robinson		Yes
SSB 5012	Providing a local government option for the funding of essential affordable housing programs.	S Ways & Means	Lovelett		Yes
ESSB 5024	Reducing barriers to condominium construction.	H Spkr Signed	Padden		No
SSB 5033	Limiting the property tax exemption for improvements to single-family dwellings to the construction of accessory dwelling units.	S Ways & Means	Kuderer		Yes
SB 5043	Providing housing to school district employees.	H Cap Budget	Salomon		Yes

SSB 5079	Extending the closure notice period for manufactured/mobile home communities.	S Rules X	Das		Yes
SB 5107	Addressing homelessness.	S Housing & Loca	Fortunato		Yes
SSB 5117	Concerning rental vouchers to eligible incarcerated individuals.	S Ways & Means	Nguyen		Yes
SB 5138	Eliminating a business and occupation tax deduction for financial institutions to fund affordable housing.	S Business, Fina	Kuderer		Yes
SB 5139	Limiting rent increases after expiration of the governor's eviction moratorium.	S Housing & Loca	Das		Yes
E2SSB 5160	Addressing landlord-tenant relations by providing certain tenant protections during the public health emergency, providing for legal representation in eviction cases, establishing an eviction resolution pilot program for nonpayment of rent cases, and authorizing landlord access to certain rental assistance programs.	Del to Gov	Kuderer		No
SSB 5189	Promoting housing affordability by incentivizing the construction of American dream homes.	S Ways & Means	Fortunato		Yes
SB 5221 (SHB 1298)	Concerning regulation of accessory dwelling units located outside of urban growth areas.	S Housing & Loca	Gildon		Yes
ESSB 5235	Increasing housing unit inventory by removing arbitrary limits on housing options.	H Spkr Signed	Liias		No
SSB 5269	Including the value of increased residential building capacity in the property tax levy limit calculation and zoning for multifamily housing units.	S Ways & Means	Das		Yes
SB 5279 (E2SHB 1277)	Providing for an additional revenue source for eviction prevention and housing stability services.	S Housing & Loca	Robinson		Yes
E2SSB 5287	Concerning affordable housing incentives.	Del to Gov	Das	Support	No
SB 5312	Facilitating transit-oriented development and increasing housing inventory.	H 2nd Reading	Mullet	Support	Yes
SSB 5390 (2SHB 1157)	Increasing housing supply through the growth management act and housing density tax incentives for local governments.	S Ways & Means	Liias		Yes
SSB 5428	Concerning the application of the state environmental policy act to temporary shelters and transitional encampments.	S Rules X	Nguyen		Yes

Transportation/Infrastructure

Bill #	Title	Status	Sponsor	Position	Dead
HB 1010	Dedicating the state sales tax on motor vehicles for transportation.	H Approps	MacEwen		Yes
SHB 1135 (SSB 5165)	Making transportation appropriations for the 2021-2023 fiscal biennium.	H Rules R	Fey		No

HB 1136 (SB 5166)	Making 2019-2021 supplemental transportation appropriations.	H Transportation	Fey		No
SHB 1137 (SB 5465)	Elevating road maintenance and preservation in transportation planning.	S Pres Signed	McCaslin		No
HB 1142	Authorizing the installation of auto mall directional signs on state highways.	H Transportation	Hoff		Yes
SHB 1204 (SB 5256)	Concerning the electrification of transportation.	H Rules R	Macri		Yes
HB 1249	Concerning sales tax revenues of transportation projects being used for transportation purposes with at least 70 percent being deposited into the motor vehicle fund.	H Approps	Orcutt		Yes
E2SHB 1287	Concerning preparedness for a zero emissions transportation future.	Del to Gov	Ramel		No
ESHB 1418	Enhancing rail safety governance by expanding the role of the utilities and transportation commission.	S Rules 2	Leavitt		Yes
HB 1523	Concerning renewal of the sales and use tax for transportation benefit districts.	H Rules C	Wylie		Yes
HB 1551	Removing the usage of forced labor by children and other workers in Washington state's transportation domestic fuel market by placing conditions on the sourcing of transportation fuel.	H Env & Energy	Maycumber		Yes
HB 1564	Concerning transportation spending.	H Transportation	Fey	Support	Yes
HB 1569	Concerning green electrolytic hydrogen.	H Finance	Ramel		Yes
HB 1572	Modifying the sales and use tax treatment of motor vehicles purchased by rental car companies.	H Finance	Fitzgibbon		Yes
HB 1577	Meeting the greenhouse gas emissions targets established in Engrossed Second Substitute House Bill No. 2311, chapter 79, Laws of 2020, and creating a tax and a temporary bond program to fund transportation investments and projects that reduce greenhouse gas emissions.	H Env & Energy	Hackney		No
2SSB 5000	Concerning hydrogen fuel cell electric vehicles.	Del to Gov	Hawkins		No
SB 5028	Limiting state and local taxes, fees, and other charges relating to vehicles.	S Transportation	Fortunato		Yes
SB 5040	Enhancing litter control along state highways.	H Spkr Signed	Fortunato		No
SSB 5085	Modifying certain alternative fuel vehicles fees.	H Transportation	Rolfes		Yes
SB 5223	Dedicating the sales tax on motor vehicles to highway uses.	S Ways & Means	Fortunato		Yes
ESSB 5226	Concerning the suspension of licenses for traffic infractions.	H Spkr Signed	Salomon		No
SB 5231 (E3SHB 1091)	Reducing greenhouse gas emissions by reducing the carbon intensity of transportation fuel.	S Environment, E	Stanford	Support	Yes

SB 5256 (SHB 1204)	Concerning the electrification of transportation.	S Environment, E	Liias		Yes
SB 5349	Creating a program for the consolidation of traffic-based financial obligations to facilitate reinstatement of driving privileges that are suspended because of failure to pay.	S Law & Justice	Cleveland		Yes
SB 5359	Dedicating the state sales tax on motor vehicles to transportation improvements.	S Ways & Means	Braun		Yes
SSB 5381	Addressing fish passage project permit streamlining.	H Spkr Signed	Hobbs		No
ESSB 5439	Facilitating the coordinated installation of broadband along state highways.	H Rules R	Saldaña		Yes
SSB 5444	Implementing a per mile charge on electric and hybrid vehicles.	S 2nd Reading	Saldaña		Yes
SB 5449	Dedicating the state sales tax on motor vehicles to transportation improvements.	S Ways & Means	King		Yes
SB 5481	Authorizing bonds for transportation funding.	S Rules 2	Hobbs		No
SSB 5482	Concerning additive transportation funding and appropriations.	S Rules 2	Hobbs		No
SSB 5483	Concerning transportation revenue.	S Rules 2	Hobbs		No

Detailed Summary

Criminal Justice/Courts/Law Enforcement

Bill Details

Status

Sponsor

Law enf. mental health H Approps Maycumber
Expanding mental health support for law enforcement officers.

[HB 1000](#)
(Dead) *Sponsors:* Maycumber (Prime), Bergquist, Boehnke, Bronoske, Callan, Cody, Davis, Dent, Eslick, Fey, Fitzgibbon, Goodman, Graham, Jacobsen, Johnson, Leavitt, Lekanoff, Lovick, Macri, Ormsby, Pollet, Robertson, Ryu, Schmick, Shewmake, Slatter, Stonier, Tharinger, Valdez, Wylie, Young

Comments:

Law enf. professional dev. Del to Gov Maycumber
Establishing a law enforcement professional development outreach grant program.

[HB 1001](#)
Sponsors: Maycumber (Prime), Boehnke, Cody, Goodman, Graham, Johnson, Leavitt, Lekanoff, Lovick, Robertson, Ryu, Tharinger, Young

Comments:

[HB 1026](#)
(Dead) **Firearm rights restoration** H Civil R & Judi Walen

Concerning the restoration of the right to possess a firearm.

Sponsors: Walen (Prime), Hackney, Kirby, Leavitt, Macri, Santos, Valdez

Comments:

Firearm possession/crimes

H Civil R &
Judi

Walen

[HB 1038](#)
(Dead)

Prohibiting the possession of firearms by persons convicted of certain criminal offenses.

Sponsors: Walen (Prime), Hackney, Leavitt, Macri, Ortiz-Self, Valdez, Wylie

Comments:

Peace officer tactics, equip

S Pres Signed Johnson

Establishing requirements for tactics and equipment used by peace officers.

[ESHB 1054](#)

Sponsors: Johnson (Prime), Bateman, Berg, Bergquist, Berry, Callan, Chopp, Cody, Davis, Dolan, Duerr, Entenman, Fitzgibbon, Frame, Gregerson, Hackney, Harris, Harris-Talley, Kloba, Lekanoff, Macri, Morgan, Ormsby, Ortiz-Self, Peterson, Pollet, Ramel, Ramos, Ryu, Santos, Senn, Simmons, Slatter, Taylor, Tharinger, Valdez, Wylie

Comments: Olympia will testify

Bias-based criminal offenses

H Rules C Valdez

Concerning bias-based criminal offenses.

[HB 1071](#)
(Dead)

Sponsors: Valdez (Prime), Bergquist, Davis, Fitzgibbon, Goodman, Gregerson, Johnson, Kloba, Leavitt, Lekanoff, Macri, Ormsby, Ortiz-Self, Pollet, Ramel, Ryu, Santos, Senn

Comments:

Peace & corrections officers

H Public
Safety

Goodman

Concerning state oversight and accountability of peace officers and corrections officers.

[HB 1082](#)
(Dead)

Sponsors: Goodman (Prime), Bateman, Bergquist, Berry, Callan, Chopp, Davis, Dolan, Duerr, Fitzgibbon, Frame, Gregerson, Hackney, Harris, Harris-Talley, Johnson, Kloba, Leavitt, Lekanoff, Lovick, Macri, Ormsby, Ortiz-Self, Peterson, Pollet, Ramel, Ramos, Ryu, Santos, Senn, Simmons, Slatter, Tharinger, Valdez, Wylie

Comments:

Impeachment disclosures

Del to Gov Lovick

Concerning potential impeachment disclosures.

[SHB 1088](#)

Sponsors: Lovick (Prime), Bateman, Berg, Berry, Callan, Chopp, Dolan, Duerr, Fitzgibbon, Frame, Goodman, Gregerson, Harris, Harris-Talley, Johnson, Leavitt, Lekanoff, Macri, Ormsby, Orwall,

Peterson, Pollet, Ramel, Ramos, Ryu, Santos, Senn, Shewmake, Simmons, Slatter, Taylor, Tharinger, Valdez, Wylie

Comments:

Law enforcement audits Del to Gov Ramos

Concerning compliance audits of requirements relating to peace officers and law enforcement agencies.

[E2SHB 1089](#)

Sponsors: Ramos (Prime), Bateman, Berry, Bronoske, Callan, Chopp, Dolan, Duerr, Fey, Frame, Goodman, Gregerson, Hackney, Johnson, Kloba, Leavitt, Lekanoff, Macri, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ryu, Santos, Senn, Slatter, Taylor, Valdez, Wylie

Comments:

Law enforcement data H Rules R Lovick

Concerning law enforcement data collection.

[2SHB 1092](#)

(Dead)

Sponsors: Lovick (Prime), Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chopp, Davis, Dolan, Duerr, Fitzgibbon, Frame, Goodman, Gregerson, Hackney, Harris, Harris-Talley, Johnson, Kloba, Leavitt, Lekanoff, Macri, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Ryu, Santos, Sells, Senn, Simmons, Slatter, Taylor, Tharinger, Valdez, Wylie

Comments:

Community custody tolling H Rules R Goodman

Limiting tolling of community custody terms.

[2SHB 1126](#)

(Dead)

Sponsors: Goodman (Prime), Davis, Ormsby, Simmons

Comments:

Juvenile access to attorneys Del to Gov Johnson

Concerning juvenile access to attorneys when contacted by law enforcement.

[ESHB 1140](#)

Sponsors: Johnson (Prime), Bateman, Berg, Bergquist, Callan, Chopp, Davis, Dolan, Entenman, Fitzgibbon, Frame, Goodman, Gregerson, Hackney, Lekanoff, Macri, Ormsby, Peterson, Pollet, Ramos, Ryu, Santos, Sells, Simmons, Stonier, Taylor, Thai, Valdez, Wicks

Comments:

Firearm safety H Civil R & Judi Valdez

Addressing firearm safety measures to increase public safety.

[HB 1164](#)

(Dead)

Sponsors: Valdez (Prime), Bateman, Davis, Fitzgibbon, Gregerson, Hackney, Harris-Talley, Macri, Ormsby, Peterson, Pollet, Ramel, Simmons

Ramos, Riccelli, Ryu, Santos, Slatter, Stonier, Thai, Tharinger, Valdez

Comments: Mayor Selby and Jay Burney met with Rep Senn on Jan. 14 and expressed support

Officer background checks H Rules C Klippert

Concerning background investigations of peace officers, reserve officers, and corrections officers.

[HB 1262](#)

(Dead)

Sponsors: Klippert (Prime), Chase

Comments:

Police use of force Del to Gov Entenman

Concerning investigation of potential criminal conduct arising from police use of force, including custodial injuries, and other officer-involved incidents.

[ESHB 1267](#)

Sponsors: Entenman (Prime), Berg, Bergquist, Berry, Callan, Chopp, Davis, Dolan, Fitzgibbon, Goodman, Gregerson, Hackney, Harris-Talley, Johnson, Kloba, Leavitt, Lekanoff, Lovick, Macri, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Ryu, Santos, Sells, Senn, Simmons, Slatter, Thai, Tharinger, Valdez

Comments:

Criminal mischief/weapons H Rules R Senn

Including the open carry or display of weapons within the offense of criminal mischief.

[SHB 1283](#)

(Dead)

Sponsors: Senn (Prime), Bateman, Berry, Fitzgibbon, Hackney, Harris-Talley, Kloba, Macri, Peterson, Pollet, Ramel, Stonier, Thai, Valdez

Comments: CM Madrone testified

Uses of force by officers S Pres Signed Johnson

Concerning permissible uses of force by law enforcement and correctional officers.

[E2SHB 1310](#)

Sponsors: Johnson (Prime), Bateman, Bergquist, Berry, Callan, Chopp, Cody, Davis, Dolan, Fitzgibbon, Frame, Gregerson, Hackney, Harris-Talley, Lekanoff, Lovick, Macri, Morgan, Ormsby, Ortiz-Self, Peterson, Pollet, Ramel, Ramos, Ryu, Santos, Sells, Senn, Simmons, Valdez, Wicks, Wylie

Comments:

Local gov firearm regulation H Civil R & Judi Hackney

Relating to local government authority to regulate firearms.

[HB 1313](#)

(Dead)

Sponsors: Hackney (Prime), Bateman, Bergquist, Berry, Davis, Fitzgibbon, Lekanoff, Macri, Peterson, Pollet, Ramel, Ryu, Santos, Senn, Valdez

Comments: Met with Rep Hackney on Jan. 27 to express support. Bill likely will not move.

**Incarcerated
persons/medical**

S Pres Signed Davis

Providing medical assistance to incarcerated persons.

[SHB 1348](#)

Sponsors: Davis (Prime), Barkis, Caldier, Callan, Fitzgibbon, Frame, Goodman, Hackney, Harris, Harris-Talley, Leavitt, Lekanoff, Lovick, Macri, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Riccelli, Ryu, Santos, Schmick, Simmons, Slatter, Stonier, Sutherland, Taylor, Tharinger, Valdez

Comments:

Sub. use disorder/health

H Approps Davis

Providing behavioral health system responses to individuals with substance use disorder.

**[SHB 1499](#)
(Dead)**

Sponsors: Davis (Prime), Bateman, Berry, Chopp, Duerr, Eslick, Fitzgibbon, Frame, Hackney, Harris-Talley, Macri, Morgan, Ormsby, Ortiz-Self, Peterson, Pollet, Ramel, Ryu, Sells, Simmons, Slatter, Stonier, Thai, Valdez

Comments:

Indep. prosecutions/police

H Public Safety Entenman

Establishing a mechanism for independent prosecutions of criminal conduct arising from police use of force.

**[HB 1507](#)
(Dead)**

Sponsors: Entenman (Prime), Bateman, Berry, Callan, Dolan, Duerr, Fitzgibbon, Harris-Talley, Johnson, Macri, Morgan, Ormsby, Peterson, Pollet, Ramel, Ramos, Ryu, Santos, Thai, Tharinger, Valdez, Walen

Comments:

Controlled substances/local

H Public Safety Klippert

Allowing local governments to enact laws and ordinances relating to possession of controlled substances and counterfeit substances.

**[HB 1562](#)
(Dead)**

Sponsors: Klippert (Prime), Abbarno, Barkis, Boehnke, Corry, Dufault, Dye, Graham, Jacobsen, Mosbrucker, Sutherland

Comments:

State v. Blake decision

H Approps Goodman

Responding to the State v. Blake decision.

[HB 1578](#)

Sponsors: Goodman (Prime), Bateman, Davis, Hackney, Lekanoff, Macri, Pollet, Ramel, Ryu, Simmons

Comments:

Public expression protection H Spkr
Signed Padden

Enacting the uniform public expression protection act.

[SSB 5009](#)

Sponsors: Padden (Prime), Brown, McCune, Mullet, Pedersen

Comments:

Open carry of weapons H Spkr
Signed Kuderer

Prohibiting the open carry of certain weapons at public permitted demonstrations and the state capitol.

[ESSB 5038](#)

Sponsors: Kuderer (Prime), Carlyle, Darneille, Das, Dhingra, Hunt, Liias, Lovelett, Nguyen, Pedersen, Rolfes, Saldaña, Salomon, Wellman, Wilson

Comments: Mayor Selby testified in support in the Senate. CM Madrone signed up to testify in the House but the Chair only let a handful of people testify and did not call on her.

Peace & corrections officers H Spkr
Signed Pedersen

Concerning state oversight and accountability of peace officers and corrections officers.

[E2SSB 5051](#)

Sponsors: Pedersen (Prime), Darneille, Dhingra, Hunt, Kuderer, Liias, Lovelett, Mullet, Nguyen, Salomon, Stanford, Wellman, Wilson

Comments:

Impaired driving H Approps Padden

Concerning impaired driving.

[SB 5054](#)

(Dead)

Sponsors: Padden (Prime), Conway, Frockt, McCune, Short

Comments:

Law enforcement grievances C 13 L 21 Nguyen

Establishing a statewide roster for arbitrating law enforcement personnel disciplinary grievances and publishing their decisions.

[SSB 5055](#)

Sponsors: Nguyen (Prime), Billig, Darneille, Das, Hunt, Keiser, Kuderer, Liias, Lovelett, Nobles, Saldaña, Stanford, Wilson

Comments:

Officer duty to intervene H Spkr
Signed Dhingra

[SSB 5066](#)

Concerning a peace officer's duty to intervene.

Sponsors: Dhingra (Prime), Darneille, Das, Frockt, Hasegawa, Hunt, Keiser, Kuderer, Lias, Lovelett, Mullet, Nguyen, Nobles, Pedersen, Saldaña, Salomon, Stanford, Wilson

Comments:

Impeachment disclosures S Law & Justice Dhingra

[SB 5067](#)
(Dead)

Concerning potential impeachment disclosures.

Sponsors: Dhingra (Prime), Darneille, Das, Hunt, Lovelett, Nguyen, Pedersen, Stanford, Wilson

Comments:

Law enforcement audits S Law & Justice Dhingra

[SB 5069](#)
(Dead)

Concerning compliance audits of requirements relating to peace officers and law enforcement agencies.

Sponsors: Dhingra (Prime), Darneille, Das, Hasegawa, Hunt, Kuderer, Lias, Nguyen, Pedersen, Randall, Saldaña, Salomon, Stanford, Wellman, Wilson

Comments:

Civil commitment transition H Spkr Signed Dhingra

[E2SSB 5071](#)

Creating transition teams to assist specified persons under civil commitment.

Sponsors: Dhingra (Prime), Darneille, Das, Hunt, Kuderer, Nguyen, Wilson

Comments:

Involuntary commitment H Spkr Signed Dhingra

[SSB 5073](#)

Concerning involuntary commitment.

Sponsors: Dhingra (Prime), Das, Kuderer, Salomon, Warnick, Wilson

Comments:

Firearm safety S Rules X Lias

[SSB 5078](#)
(Dead)

Addressing firearm safety measures to increase public safety.

Sponsors: Lias (Prime), Darneille, Hunt, Kuderer, Nguyen, Pedersen, Wilson

Comments:

Peace officer hiring & cert. S Rules X Kuderer

[SSB 5089](#)
(Dead)

Concerning peace officer hiring and certification.

Sponsors: Kuderer (Prime), Darneille, Das, Dhingra, Hasegawa, Hunt, Liias, Nguyen, Pedersen, Wilson

Comments:

Vascular neck restraints S Law &
Justice Padden

[SB 5094](#)
(Dead)

Concerning vascular neck restraints.

Sponsors: Padden (Prime), Holy

Comments:

Pistol license records S State Govt
& E Wagoner

[SB 5095](#)
(Dead)

Concerning public records act exemptions regarding concealed pistol licenses.

Sponsors: Wagoner (Prime), Holy

Comments:

Individuals in custody Del to Gov Darneille
Concerning individuals in custody.

[ESSB 5119](#)

Sponsors: Darneille (Prime), Das, Hasegawa, Mullet, Nguyen, Robinson, Salomon, Wilson

Comments:

Criminal sentencing of youth S Rules X Darneille
Concerning the criminal sentencing of youth and young adults.

[SSB 5120](#)
(Dead)

Sponsors: Darneille (Prime), Das, Hasegawa, Liias, Lovelett, Mullet, Nguyen, Robinson, Saldaña, Wilson

Comments:

Juvenile court jurisdiction H Rules R Darneille
Concerning the jurisdiction of juvenile court.

[ESSB 5122](#)
(Dead)

Sponsors: Darneille (Prime), Das, Hasegawa, Kuderer, Nguyen, Pedersen, Robinson, Saldaña, Wilson

Comments:

Sexual offenses by youth S Rules X Darneille

[SSB 5123](#)
(Dead)

Creating a developmentally appropriate response to youth who commit sexual offenses.

Sponsors: Darneille (Prime), Das, Nguyen, Saldaña, Wilson

Comments:

[SB 5134](#)
(Dead)

Law enforcement

S Labor,
Comm &

Salomon

Enhancing public trust and confidence in law enforcement and strengthening law enforcement accountability for general authority Washington peace officers, excluding department of fish and wildlife officers.

Sponsors: Salomon (Prime), Darneille, Das, Hunt, Pedersen, Wilson

Comments:

[ESB 5135](#)

Unlawfully summoning police

Del to Gov

Das

Concerning unlawfully summoning a police officer.

Sponsors: Das (Prime), Hasegawa, Nguyen, Stanford, Wilson

Comments:

[2SSB 5155](#)
(Dead)

Prejudgment interest

S Rules X

Kuderer

Concerning prejudgment interest.

Sponsors: Kuderer (Prime), Das, Pedersen, Wellman

Comments:

[2SSB 5183](#)

Nonfatal strangulation

H Spkr
Signed

Nobles

Concerning victims of nonfatal strangulation.

Sponsors: Nobles (Prime), Das, Dhingra, Hasegawa, Hunt, Keiser, Kuderer, Lias, Mullet, Nguyen, Rivers, Salomon, Stanford, Wagoner, Wilson

Comments:

[SB 5217](#)
(Dead)

Assault weapons

S Law &
Justice

Kuderer

Concerning assault weapons.

Sponsors: Kuderer (Prime), Darneille, Dhingra, Hunt, Lias, Nguyen, Pedersen, Wilson

Comments:

Jail standards task force S Ways & Darneille
Means

[SB 5248](#)
(Dead)

Establishing the joint legislative task force on jail standards.

Sponsors: Darneille (Prime), Das, Dhingra, Gildon, Hasegawa, Lovelett, Nguyen, Saldaña, Wilson

Comments:

Law enforcement data Del to Gov Nobles
Concerning law enforcement data collection.

[E2SSB 5259](#)

Sponsors: Nobles (Prime), Carlyle, Darneille, Das, Dhingra, Frockt, Hasegawa, Hunt, Keiser, Kuderer, Lias, Lovelett, Nguyen, Pedersen, Randall, Robinson, Saldaña, Stanford, Wellman, Wilson

Comments:

Police data collection S Law & Padden
Justice

[SB 5261](#)
(Dead)

Collecting information regarding police use of deadly force, personnel complaints, pursuit incidences, and patrol car crashes.

Sponsors: Padden (Prime), Holy, King, Wagoner, Wilson, Wilson

Comments:

Personal injury defenses Del to Gov Frockt

Concerning defenses in personal injury and wrongful death actions where the person injured or killed was committing a felony.

[ESSB 5263](#)

Sponsors: Frockt (Prime), Das, Hasegawa, Hunt, Kuderer, Lias, Pedersen, Saldaña, Wellman, Wilson

Comments:

Pretrial release & detention S Law & Pedersen
Justice

[SB 5307](#)
(Dead)

Establishing the uniform pretrial release and detention act.

Sponsors: Pedersen (Prime), Darneille, Das, Dhingra, Nguyen

Comments:

Violence, disorder, looting S Law & Holy
Justice

[SB 5310](#)
(Dead)

Combatting violence, disorder, and looting while ensuring protection for law enforcement.

Sponsors: Holy (Prime), Dozier, Fortunato, Padden, Rivers, Schoesler, Van De Wege, Wilson

Comments:

Law enf community engagement	H Spkr Signed	Conway
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Creating a partnership model that facilitates community engagement with law enforcement.

[ESSB 5353](#)

Sponsors: Conway (Prime), Darneille, Nguyen, Wilson

Comments:

Law enf. camera recordings	S Law & Justice	Gildon
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Retaining body worn and vehicle dashboard camera recordings.

[SB 5455](#)

(Dead)

Sponsors: Gildon (Prime)

Comments:

Controlled subst. possession	S Law & Justice	Mullet
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Concerning knowing possession of a controlled substance.

[SB 5468](#)

(Dead)

Sponsors: Mullet (Prime), Braun, Brown, Hawkins, Hobbs, Holy, King, Muzzall, Padden, Rivers, Salomon, Schoesler, Short, Wagoner, Warnick, Wilson

Comments:

Controlled subst. possession	S Law & Justice	Padden
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Concerning knowing possession of a controlled substance.

[SB 5471](#)

(Dead)

Sponsors: Padden (Prime), Wagoner

Comments:

Controlled subst. possession	S Law & Justice	Mullet
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Concerning knowing possession of a controlled substance.

[SB 5475](#)

(Dead)

Sponsors: Mullet (Prime), Braun, Brown, Dozier, Ericksen, Fortunato, Gildon, Hawkins, Hobbs, Holy, Muzzall, Padden, Rivers, Short, Wagoner, Warnick, Wilson, Wilson

Comments:

[ESB 5476](#)

State v. Blake decision	H Spkr Signed	Dhingra
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Addressing the State v. Blake decision. (REVISED FOR ENGROSSED: Responding to the State v. Blake decision by addressing justice system responses and behavioral health prevention, treatment, and related services.)

Sponsors: Dhingra (Prime), Hasegawa, Hunt, Kuderer, Lovelett, Nguyen, Pedersen, Rivers, Robinson, Saldaña, Wellman

Comments:

Legal financial obligations	S Law & Justice	Sheldon
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Concerning legal financial obligations.

[SB 5486](#)

Sponsors: Sheldon (Prime), Nguyen, Randall, Rivers

Comments:

Right to possess firearms	S Law & Justice	Fortunato
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Amending the state Constitution so that the right of the individual citizen to bear arms in defense of himself, or the state includes the right to possess firearm magazines and firearm loading devices of any size.

[SJR 8205](#)

Sponsors: Fortunato (Prime)

Comments:

Environment

Bill Details

Status

Sponsor

Community solar programs	H Env & Energy	Bateman
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Concerning community solar programs.

[HB 1046](#)
(Dead)

Sponsors: Bateman (Prime), Callan, Davis, Dolan, Duerr, Fitzgibbon, Goodman, Gregerson, Harris, Harris-Talley, Kloba, Leavitt, Macri, Morgan, Paul, Pollet, Ramel, Ramos, Riccelli, Ryu, Santos, Shewmake

Comments:

Fluorinated gases	Del to Gov	Fitzgibbon
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Reducing greenhouse gas emissions from fluorinated gases.

[E2SHB 1050](#)

Sponsors: Fitzgibbon (Prime), Bergquist, Callan, Chopp, Duerr, Fey, Goodman, Leavitt, Macri, Ormsby, Ortiz-Self, Peterson, Pollet, Ramel, Ramos, Ryu, Stonier

Comments:

Carryout bags H Rules C Peterson
Delaying the implementation of restrictions on carryout bags.

[SHB 1053](#)
(Dead)

Sponsors: Peterson (Prime), Dye, Kloba, Ortiz-Self

Comments:

Building decarbonization H Approps Ramel
Reducing statewide greenhouse gas emissions by achieving greater decarbonization of residential and commercial buildings.

[SHB 1084](#)
(Dead)

Sponsors: Ramel (Prime), Bateman, Bergquist, Berry, Callan, Chopp, Dolan, Duerr, Fey, Fitzgibbon, Goodman, Gregerson, Harris, Harris-Talley, Johnson, Kloba, Macri, Ormsby, Ortiz-Self, Peterson, Pollet, Ramos, Ryu, Slatter, Stonier, Valdez, Wylie

Comments: CM Parshley signed up to testify on 1084 but the chair ran out of time

Transportation fuel/carbon H Passed FP Fitzgibbon
Reducing greenhouse gas emissions by reducing the carbon intensity of transportation fuel.

[E3SHB 1091](#)

Sponsors: Fitzgibbon (Prime), Bateman, Bergquist, Berry, Callan, Chopp, Dolan, Duerr, Frame, Goodman, Kloba, Macri, Ormsby, Peterson, Pollet, Ramel, Ramos, Ryu, Senn, Simmons, Slatter, Valdez

Comments:

Building materials H Approps Duerr
Improving environmental and social outcomes with the production of building materials.

[SHB 1103](#)
(Dead)

Sponsors: Duerr (Prime), Bateman, Fitzgibbon, Kloba, Macri, Ramel, Ryu, Shewmake

Comments:

Urban heat island mitigation C 11 L 21 Dye
Encouraging utility mitigation of urban heat island effects.

[SHB 1114](#)

Sponsors: Dye (Prime), Ramel

Comments:

Recycling, waste, & litter H Env & Energy Berry
Concerning the management of certain materials to support recycling and waste and litter reduction.

[HB 1118](#)
(Dead)

Sponsors: Berry (Prime), Bateman, Fitzgibbon, Gregerson, Kloba, Macri, Peterson, Pollet, Ryu, Senn

Comments:

Lead in drinking water Del to Gov Pollet

Taking action to address lead in drinking water.

[E2SHB 1139](#)

Sponsors: Pollet (Prime), Berg, Bergquist, Berry, Bronoske, Callan, Dolan, Frame, Goodman, Johnson, Leavitt, Lekanoff, Ortiz-Self, Ramel, Ramos, Rule, Ryu, Stonier, Taylor, Valdez, Wylie

Comments:

Carryout bags/nonwood fiber C 33 L 21 Rude

Allowing the use of nonwood renewable fiber in recycled content paper carryout bags.

[SHB 1145](#)

Sponsors: Rude (Prime)

Comments:

Long-term forest health S Pres Signed Springer

Concerning long-term forest health and the reduction of wildfire dangers.

[2SHB 1168](#)

Sponsors: Springer (Prime), Callan, Dent, Fitzgibbon, Griffey, Harris-Talley, Klicker, Kretz, Lekanoff, Ramos, Riccelli

Comments:

Greenhouse gas/facilities S 2nd Reading Ramel

Concerning greenhouse gas emissions reductions in the design of public facilities.

[HB 1280](#)

(Dead)

Sponsors: Ramel (Prime), Bateman, Berry, Duerr, Fitzgibbon, Frame, Goodman, Hackney, Harris-Talley, Macri, Peterson, Pollet

Comments:

Utility acquisition targets Del to Gov Fey

Prohibiting a utility from being assessed a penalty for not meeting its biennial acquisition target for cost-effective conservation in special circumstances outside the utility's control.

[SHB 1446](#)

Sponsors: Fey (Prime)

Comments:

[HB 1488](#)

(Dead)

Plastic packaging materials H Env & Energy Fey

Concerning the management of plastic packaging materials.

Sponsors: Fey (Prime), Duerr, Hackney, Lekanoff, Peterson, Pollet, Senn, Slatter, Walen

Comments:

Carbon emissions

H Env &
Energy

Lekanoff

Improving environmental health by reducing carbon emissions through increasing climate resilience and mitigating the effects of climate change by levying a carbon pollution tax, authorizing a climate finance bond program, and investing in clean economic growth.

[HB 1513](#)
(Dead)

Sponsors: Lekanoff (Prime), Dolan, Frame, Goodman, Hackney, Harris-Talley, Kloba, Peterson, Pollet, Ramel, Shewmake, Slatter, Taylor, Thai, Valdez, Wicks, Wylie

Comments: NTIB

Carbon pollution tax

H Env &
Energy

Shewmake

Establishing a carbon pollution tax that recognizes the nature of energy-intensive, trade-exposed industries.

[HB 1534](#)
(Dead)

Sponsors: Shewmake (Prime), Lekanoff, Pollet, Santos

Comments: NTIB

Natural resources

H Env &
Energy

Lekanoff

Adding a new section to the Washington state Constitution regarding the conservation and protection of the state's natural resources.

[HIR 4205](#)
(Dead)

Sponsors: Lekanoff (Prime), Callan, Dolan, Goodman, Harris-Talley, Ormsby, Peterson, Pollet, Ramel, Riccelli, Ryu, Sells, Senn, Simmons

Comments:

Local parks funding options

S Ways &
Means

Van De Wege

Concerning local parks funding options.

[SB 5006](#)
(Dead)

Sponsors: Van De Wege (Prime), Kuderer, Liias, Nguyen, Rivers, Saldaña, Wilson

Comments:

Recycling, waste, & litter

H Spkr
Signed

Das

Managing solid waste through prohibitions on expanded polystyrene, providing for food serviceware upon customer request, and requiring recycled content in plastic beverage containers.

[E2SSB 5022](#)

(REVISED FOR ENGROSSED: Managing solid waste through prohibitions on expanded polystyrene, providing for food serviceware upon customer request, and addressing plastic packaging.)

Sponsors: Das (Prime), Carlyle, Dhingra, Keiser, Kuderer, Lias, Lovelett, Nguyen, Nobles, Pedersen, Rolfes, Saldaña, Salomon, Stanford, Wellman, Wilson

Comments:

Building decarbonization S
Environment, Lias
E

[SB 5093](#)
(Dead)

Reducing statewide greenhouse gas emissions by achieving greater decarbonization of residential and commercial buildings.

Sponsors: Lias (Prime), Carlyle, Cleveland, Das, Hunt, Kuderer, Lovelett, Nguyen, Pedersen, Stanford, Wilson

Comments: CM Parshley testify

Climate commitment act H Spkr
Signed Carlyle

[E2SSB 5126](#)

Concerning the Washington climate commitment act.

Sponsors: Carlyle (Prime), Conway, Das, Frockt, Hunt, Lias, Nguyen, Pedersen, Saldaña, Salomon, Stanford, Wilson

Comments:

Plastic packaging materials S
Environment, Stanford
E

[SB 5219](#)
(Dead)

Concerning the management of plastic packaging materials.

Sponsors: Stanford (Prime), Conway, Hunt, Keiser, Kuderer, Lias, Nguyen, Wilson

Comments:

Shoreline armoring H Spkr
Signed Salomon

[SSB 5273](#)

Concerning the replacement of shoreline armoring.

Sponsors: Salomon (Prime), Das, Lovelett, Nobles, Pedersen, Rolfes

Comments:

[SB 5345](#) **Industrial waste program** Del to Gov Brown
Establishing a statewide industrial waste coordination program.

Sponsors: Brown (Prime), Das, Hasegawa, Lovelett, Mullet, Nguyen, Randall, Rivers, Rolfes

Comments:

Building materials S State Govt & E Stanford
SB 5366 Improving environmental and social outcomes with the production of building materials.
(Dead) *Sponsors:* Stanford (Prime), Das, Hasegawa, Hunt, Kuderer, Lovelett, Nguyen, Saldaña, Wellman
Comments:

Carbon pollution S Environment, E Lovelett
SB 5373 Concerning carbon pollution.
(Dead) *Sponsors:* Lovelett (Prime), Das, Dhingra, Frockt, Hunt, Kuderer, Nguyen, Pedersen, Saldaña, Salomon, Stanford, Wellman, Wilson
Comments: NTIB

Forest health activities S Ways & Means Wagoner
SB 5461 Funding forest health activities and related community resiliency projects for the protection of
(Dead) people, homes, and the environment through issuance of state bonds.
Sponsors: Wagoner (Prime)
Comments:

Fiscal/Budget

<u>Bill Details</u>	<u>Status</u>	<u>Sponsor</u>
Capital budget 2021-2023 Concerning the capital budget. SHB 1080 <i>Sponsors:</i> Tharinger (Prime), Callan, Hackney, Leavitt, Wylie <i>Comments:</i>	S Pres Signed	Tharinger

State gen. obligation bonds Concerning state general obligation bonds and related accounts. SHB 1081 (Dead)	H 2nd Reading	Tharinger
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Sponsors: Tharinger (Prime), Callan, Hackney, Wylie

Comments: NTIB

Operating budget, 2nd supp. H Approps Ormsby

Making 2019-2021 fiscal biennium second supplemental operating appropriations.

[HB 1093](#)

Sponsors: Ormsby (Prime), Bergquist, Gregerson, Macri

Comments:

Operating budget H Rules R Ormsby

Making 2021-2023 fiscal biennium operating appropriations and 2019-2021 fiscal biennium second supplemental operating appropriations.

[SHB 1094](#)

Sponsors: Ormsby (Prime), Bergquist, Gregerson, Macri

Comments:

Emergency assistance/tax C 4 L 21 Walen

Concerning the taxation of governmental financial assistance programs addressing the impacts of conditions giving rise to a gubernatorial or presidential emergency proclamation by creating state business and occupation tax and state public utility tax exemptions, a sales and use tax exemption for the receipt of such financial assistance, and clarifying the sales and use tax obligations for goods and services purchased by recipients of such financial assistance.

[SHB 1095](#)

Sponsors: Walen (Prime), Bergquist, Boehnke, Callan, Corry, Fey, Frame, Graham, Leavitt, Ortiz-Self, Orwall, Pollet, Rule, Ryu, Stokesbary, Tharinger, Wicks

Comments:

Appropriations/COVID-19 H Approps Stokesbary

Making appropriations to revive our economy and accelerate a lasting recovery for Washington.

[HB 1334](#)
(Dead)

Sponsors: Stokesbary (Prime), Barkis, Boehnke, Caldier, Chambers, Eslick, Gilday, Graham, Jacobsen, Klippert, MacEwen, Maycumber, Robertson, Schmick, Vick, Walsh

Comments:

Medicaid appropriations C 5 L 21 Ormsby

Revising 2019-2021 fiscal biennium appropriations of state and federal funding for previously implemented medicaid rates and other medicaid expenditures in the developmental disabilities and long-term care programs in response to the COVID-19 pandemic.

[HB 1367](#)

Sponsors: Ormsby (Prime), Bergquist, Berry, Callan, Gregerson, Harris-Talley, Kloba, Leavitt, Macri, Ramel, Ramos, Simmons, Sullivan

Comments:

	Federal funding/COVID-19	C 3 L 21	Ormsby
	Responding to the COVID-19 pandemic through state actions supported by federal funding.		
<u>ESHB 1368</u>	<i>Sponsors:</i> Ormsby (Prime), Bergquist, Berry, Callan, Duerr, Gregerson, Harris-Talley, Kloba, Leavitt, Macri, Pollet, Ramel, Ramos, Riccelli, Sullivan		
	<i>Comments:</i>		
	State property tax levies	H Finance	Sutherland
	Eliminating the state property tax levies over four years.		
<u>HB 1371</u> (Dead)	<i>Sponsors:</i> Sutherland (Prime), Chase, McCaslin, Walsh		
	<i>Comments:</i>		
	Wealth tax	H Approps	Frame
	Improving the equity of Washington state's tax code by creating the Washington state wealth tax and taxing extraordinary financial intangible assets.		
<u>SHB 1406</u> (Dead)	<i>Sponsors:</i> Frame (Prime), Bateman, Bergquist, Berry, Chopp, Cody, Davis, Dolan, Duerr, Hackney, Harris-Talley, Kirby, Kloba, Lekanoff, Macri, Ormsby, Ortiz-Self, Peterson, Pollet, Ramel, Riccelli, Ryu, Simmons, Sullivan, Valdez, Walen		
	<i>Comments:</i> NTIB		
	High valued assets tax	H Finance	Senn
	Creating a more progressive tax system in Washington by enacting an excise tax on sales and extraordinary profits of high valued assets.		
<u>HB 1496</u> (Dead)	<i>Sponsors:</i> Senn (Prime), Bateman, Bergquist, Berry, Chopp, Davis, Duerr, Fitzgibbon, Frame, Gregerson, Hackney, Harris-Talley, Johnson, Kirby, Lekanoff, Macri, Ormsby, Peterson, Pollet, Ramel, Riccelli, Sells, Simmons, Slatter, Stonier, Thai, Valdez, Walen		
	<i>Comments:</i> NTIB		
	Capital budget 2021-2023	H Rules	Froct
	Concerning the capital budget.		
<u>ESSB 5083</u> (Dead)	<i>Sponsors:</i> Froct (Prime), Mullet, Wilson		
	<i>Comments:</i>		
	State gen. obligation bonds	H Spkr Signed	Froct
<u>ESSB 5084</u> (Dead)	Concerning state general obligation bonds and related accounts.		

Federal funding/COVID-19 S Ways & Means Rolfes
Responding to the COVID-19 pandemic through state actions supported by federal funding.
[SB 5344](#)
(Dead)
Sponsors: Rolfes (Prime), Billig, Dhingra, Nguyen, Nobles, Randall, Robinson, Saldaña
Comments:

Wealth tax S Ways & Means Hunt
Improving the equity of Washington state's tax code by creating the Washington state wealth tax and taxing extraordinary financial intangible assets.
[SB 5426](#)
(Dead)
Sponsors: Hunt (Prime), Conway, Das, Dhingra, Hasegawa, Keiser, Kuderer, Lovelett, Nguyen, Saldaña, Stanford, Wilson
Comments:

Operating budget S Ways & Means Wilson
Making 2021-2023 fiscal biennium operating appropriations and 2019-2021 fiscal biennium second supplemental operating appropriations.
[SB 5451](#)
(Dead)
Sponsors: Wilson (Prime), Wagoner
Comments:

General Land Use

<u>Bill Details</u>	<u>Status</u>	<u>Sponsor</u>
Predesign requirements Concerning predesign requirements and thresholds. HB 1023	Del to Gov	Steele
<i>Sponsors:</i> Steele (Prime), Callan, Tharinger, Young <i>Comments:</i>		

Local parks funding options Concerning local parks funding options. HB 1025 (Dead)	H Finance	Wicks
<i>Sponsors:</i> Wicks (Prime), Duerr, Eslick, Goehner, Jacobsen, Ortiz-Self, Pollet, Ramel, Ryu, Senn, Shewmake <i>Comments:</i>		

Park & rec. district levies Del to Gov Fitzgibbon
Concerning park and recreation district levies.

[HB 1034](#)

Sponsors: Fitzgibbon (Prime), Cody, Ortiz-Self, Wylie

Comments:

Clean air act/enjoyment term H Rules R Pollet

[SHB 1057](#)
(Dead)

Clarifying the meaning of the term "enjoyment of life and property" within the clean air act.

Sponsors: Pollet (Prime), Duerr, Fitzgibbon, Ramel, Ryu, Valdez

Comments:

Comprehensive planning S
Transportation Duerr

[E2SHB](#)
[1099](#)
(Dead)

Improving the state's climate response through updates to the state's comprehensive planning framework.

Sponsors: Duerr (Prime), Bateman, Chopp, Davis, Dolan, Fey, Fitzgibbon, Goodman, Gregerson, Kloba, Ormsby, Pollet, Ramel, Ryu, Santos

Comments:

Comp. planning/salmon S 2nd Reading Lekanoff

[E2SHB](#)
[1117](#)
(Dead)

Promoting salmon recovery through revisions to the state's comprehensive planning framework.

Sponsors: Lekanoff (Prime), Bateman, Chopp, Davis, Fitzgibbon, Goodman, Kloba, Macri, Peterson, Pollet, Ramel, Ryu, Simmons

Comments:

Water supply/farming & rural H RDev, Ag&NR Kretz

[HB 1132](#)
(Dead)

Concerning the protection of water supply for farming and rural economic development.

Sponsors: Kretz (Prime), Chapman, Dent, Springer

Comments:

Growth mngmt board standing H Local Govt Hoff

[HB 1144](#)
(Dead)

Concerning standing before the growth management hearings board.

Sponsors: Hoff (Prime), Eslick, Vick

Comments:

	Housing supply	S Ways & Means	Bateman	Increasing housing supply through the growth management act and housing density tax incentives for local governments.
<u>2SHB 1157</u>	<i>Sponsors:</i> Bateman (Prime), Barkis, Berg, Dolan, Eslick, Fitzgibbon, Gilday, Hackney, Harris-Talley, Lekanoff, Ormsby, Robertson, Ryu, Simmons, Taylor, Vick, Walen, Wicks			
<i>Comments:</i> NTIB				
<u>E2SHB 1216</u>	Urban and community forestry	Del to Gov	Ramos	Concerning urban and community forestry.
<i>Sponsors:</i> Ramos (Prime), Callan, Fitzgibbon, Hackney, Kloba, Lekanoff, Ormsby, Ortiz-Self, Ramel				
<i>Comments:</i>				
<u>ESHB 1232</u> (Dead)	GMA/affordable housing plans	S Rules 2	Barkis	Planning for affordable housing under the growth management act.
<i>Sponsors:</i> Barkis (Prime), Eslick, Griffey, Robertson, Young				
<i>Comments:</i>				
<u>SHB 1233</u> (Dead)	Intensive rural development	H Approps	Barkis	Concerning limited areas of more intensive rural development.
<i>Sponsors:</i> Barkis (Prime), Eslick, Griffey				
<i>Comments:</i>				
<u>ESHB 1241</u> (Dead)	Growth management act plans	S 2nd Reading	Duerr	Planning under the growth management act.
<i>Sponsors:</i> Duerr (Prime), Bateman, Berg, Harris-Talley, Macri, Ortiz-Self, Pollet, Wicks				
<i>Comments:</i>				
<u>HB 1243</u> (Dead)	Local infra. project areas	H Finance	Wicks	Addressing local infrastructure project areas.
<i>Sponsors:</i> Wicks (Prime), Bateman, Berg, Davis, Dolan, Fey, Fitzgibbon, Peterson, Ramel, Ryu, Sells, Senn, Simmons, Slatter, Springer, Tharinger, Wylie				

Comments:

Salmon recovery projects Del to Gov Tharinger
Streamlining the environmental permitting process for salmon recovery projects.

[E2SHB
1382](#)

Sponsors: Tharinger (Prime), Callan, Dolan, Fitzgibbon, Hackney, Wylie

Comments:

Water rights transfers H RDev, Ag&NR Goehner
Limiting transfers of water rights out of their original water resource inventory area.

[HB 1385
\(Dead\)](#)

Sponsors: Goehner (Prime), Chandler, Dent, Pollet, Steele

Comments:

Small wireless facilities H Comm & Econ Boehnke
De
Bringing innovation and investment to Washington's economy by streamlining the requirements for deployment of small wireless facilities.

[HB 1440
\(Dead\)](#)

Sponsors: Boehnke (Prime), Chambers, Eslick, Graham, Jacobsen, Sutherland, Volz

Comments:

Growth management act H Local Govt Pollet
Amending the growth management act for adaptive planning, affordable housing, and tribal consultation.

[HB 1458
\(Dead\)](#)

Sponsors: Pollet (Prime), Duerr, Frame, Hackney, Ryu

Comments:

GMA actions effective date S Rules X Salomon
Concerning the effective date of certain actions taken under the growth management act.

[SB 5042
\(Dead\)](#)

Sponsors: Salomon (Prime), Billig, Kuderer, Liias, Wilson

Comments:

Risk-based water standards S Environment,
E Hasegawa
Concerning risk-based water quality standards for on-site nonpotable water systems.

[SB 5087
\(Dead\)](#)

Sponsors: Hasegawa (Prime), Wilson

Comments:

Energy facil site eval cncl	S Environment, E	Lovelett
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Concerning the energy facility site evaluation council.

[SB 5415](#)

(Dead)

Sponsors: Lovelett (Prime), Billig, Hasegawa, Keiser, Liias, Nguyen, Nobles, Saldaña, Wellman, Wilson

Comments:

General Local Govt/Economic Development

Bill Details

Status

Sponsor

Juneteenth	Del to Gov	Morgan
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Making Juneteenth a legal holiday.

[SHB 1016](#)

Sponsors: Morgan (Prime), Bateman, Bergquist, Berry, Callan, Chopp, Cody, Davis, Duerr, Fey, Fitzgibbon, Frame, Gregerson, Hackney, Harris, Harris-Talley, Johnson, Kloba, Leavitt, Lekanoff, Lovick, Macri, Ormsby, Ortiz-Self, Peterson, Pollet, Ramel, Ramos, Riccelli, Rude, Ryu, Santos, Shewmake, Simmons, Slatter, Stonier, Taylor, Valdez, Wicks, Young

Comments:

Public meetings/emergencies	S Rules 2	Pollet
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Concerning open public meeting notice requirements and declared emergencies.

[ESHB 1056](#)

(Dead)

Sponsors: Pollet (Prime), Callan, Fey, Goehner, Kloba, Leavitt, Lekanoff, Senn

Comments:

Cultural access programs/tax	H Finance	Bateman
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Modifying the sales and use tax for cultural access programs by allowing the tax to be imposed by a councilmanic or commission authority and defining timelines and priorities for action.

[HB 1058](#)

(Dead)

Sponsors: Bateman (Prime), Bergquist, Fitzgibbon, Goodman, Johnson, Macri, Pollet, Ryu, Senn, Tharinger, Wylie

Comments:

Fireworks prohibitions	H Rules R	Fitzgibbon
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[SHB 1059](#)
(Dead)

Concerning fireworks prohibitions adopted by cities or counties.

Sponsors: Fitzgibbon (Prime), Cody, Kloba, Pollet

Comments:

Local gov fiscal flexibility Del to Gov Pollet

Concerning local government fiscal flexibility.

[E2SHB](#)
[1069](#)

Sponsors: Pollet (Prime), Callan, Duerr, Fey, Kloba, Leavitt, Ryu, Senn, Tharinger, Wylie

Comments: Concerns with lodging tax section, which was removed by committee on 1/15/21.

Paid leave coverage Del to Gov Berry

Expanding coverage of the paid family and medical leave program.

[E2SHB](#)
[1073](#)

Sponsors: Berry (Prime), Bateman, Bergquist, Bronoske, Chopp, Davis, Fitzgibbon, Frame, Goodman, Hackney, Harris, Harris-Talley, Kloba, Macri, Ortiz-Self, Pollet, Ramel, Riccelli, Ryu, Simmons, Stonier, Tharinger, Wicks

Comments:

Workplace violations/qui tam S Ways & Means Hansen

Allowing whistleblowers to bring actions on behalf of the state for violations of workplace protections.

[2SHB 1076](#)
(Dead)

Sponsors: Hansen (Prime), Berry, Bronoske, Callan, Chopp, Dolan, Fitzgibbon, Frame, Gregerson, Hackney, Harris, Harris-Talley, Johnson, Kloba, Macri, Ormsby, Ortiz-Self, Pollet, Ramel, Ramos, Ryu, Santos, Simmons, Stonier, Valdez

Comments:

Local boards of health H HC/Wellness Riccelli

Concerning the composition of local boards of health.

[HB 1110](#)
(Dead)

Sponsors: Riccelli (Prime), Bateman, Cody, Frame, Leavitt, Macri, Ormsby, Pollet, Stonier

Comments:

COVID-19 health data privacy Del to Gov Slatter

Protecting the privacy and security of COVID-19 health data collected by entities other than public health agencies, health care providers, and health care facilities.

[2SHB 1127](#)

Sponsors: Slatter (Prime), Boehnke, Graham, Kloba, Macri, Pollet, Valdez

Comments:

	Public assistance	C 9 L 21	Leavitt
	Bolstering economic recovery.		
<u>SHB 1151</u>	<i>Sponsors:</i> Leavitt (Prime), Bateman, Bronoske, Callan, Chopp, Entenman, Frame, Gregerson, Hackney, Johnson, Peterson, Pollet, Senn, Shewmake, Stonier		
	<i>Comments:</i>		
	Comp health districts	Del to Gov	Riccelli
	Establishing comprehensive health services districts.		
<u>E2SHB 1152</u>	<i>Sponsors:</i> Riccelli (Prime), Bateman, Bronoske, Leavitt, Lekanoff, Ormsby, Pollet, Stonier		
	<i>Comments:</i>		
	Local elections	H Rules C	Harris-Talley
	Increasing representation and voter participation in local elections.		
<u>SHB 1156</u> (Dead)	<i>Sponsors:</i> Harris-Talley (Prime), Bateman, Berg, Berry, Chopp, Davis, Dolan, Duerr, Fitzgibbon, Frame, Goodman, Gregerson, Johnson, Lekanoff, Macri, Ormsby, Ortiz-Self, Peterson, Pollet, Ramel, Rule, Shewmake, Simmons, Taylor, Thai, Walsh, Wicks		
	<i>Comments:</i>		
	Drug take-back programs	Del to Gov	Peterson
	Modifying the requirements for drug take-back programs.		
<u>2SHB 1161</u>	<i>Sponsors:</i> Peterson (Prime), Davis, Pollet, Thai		
	<i>Comments:</i>		
	Public testimony	H Local Govt	Kraft
	Concerning public testimony at public meetings, including virtual meetings.		
<u>HB 1180</u> (Dead)	<i>Sponsors:</i> Kraft (Prime), Sutherland		
	<i>Comments:</i>		
	Tax increment financing	S Pres Signed	Duerr
	Concerning tax increment financing.		
<u>ESHB 1189</u> (Dead)	<i>Sponsors:</i> Duerr (Prime), Bateman, Boehnke, Callan, Fitzgibbon, Harris-Talley, Pollet, Ramel, Slatter, Springer, Sullivan, Walen, Wicks		
	<i>Comments:</i>		

Sewerage systems/private op. H Env & Energy Caldier

[HB 1200](#)
(Dead)

Requiring private operation of publicly owned sewerage systems that fail to achieve minimum water quality performance.

Sponsors: Caldier (Prime), Eslick, Stokesbary

Comments:

Found. public health funding H Finance Riccelli

[HB 1201](#)
(Dead)

Funding foundational public health services.

Sponsors: Riccelli (Prime), Bateman, Bergquist, Cody, Fey, Harris-Talley, Kloba, Macri, Ortiz-Self, Pollet, Ramel, Simmons, Sullivan, Tharinger

Comments:

Child care & early dev. exp. S Ways & Means Senn

[E2SHB](#)
[1213](#)
(Dead)

Expanding accessible, affordable child care and early childhood development programs.

Sponsors: Senn (Prime), Bateman, Bergquist, Berry, Callan, Chapman, Chopp, Davis, Dolan, Duerr, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hackney, Harris-Talley, Lekanoff, Lovick, Macri, Ortiz-Self, Orwall, Peterson, Ramel, Ramos, Riccelli, Rule, Ryu, Santos, Sells, Shewmake, Simmons, Slatter, Stonier, Thai, Valdez, Wicks

Comments:

Microenterprise home kitchen S 2nd Reading Frame

[E2SHB](#)
[1258](#)
(Dead)

Concerning the operation, authorization, and permitting of microenterprise home kitchens.

Sponsors: Frame (Prime), Bateman, Berg, Callan, Chambers, Chase, Davis, Dolan, Eslick, Fey, Fitzgibbon, Gregerson, Jacobsen, Johnson, Leavitt, Lovick, Macri, Ortiz-Self, Peterson, Ramel, Ramos, Riccelli, Rule, Ryu, Santos, Shewmake, Simmons, Slatter, Sutherland, Taylor, Thai, Wicks, Wylie

Comments:

Fish habitat projects/local H RDev, Ag&NR Shewmake

[HB 1268](#)
(Dead)

Clarifying the authority of local governments to administer national flood insurance program regulation requirements in the context of fish habitat enhancement projects authorized pursuant to RCW 77.55.181.

Sponsors: Shewmake (Prime), Fitzgibbon, Rule

Comments:

[SHB 1279](#) **Main street program** Del to Gov Rule

Modifying the Washington main street program tax incentive to respond to the economic impacts of the COVID-19 pandemic.

Sponsors: Rule (Prime), Bateman, Boehnke, Callan, Chapman, Hackney, Harris-Talley, Hoff, Johnson, Leavitt, Peterson, Ramel, Rude, Ryu, Senn, Shewmake, Vick, Walen, Wicks

Comments:

Apprenticeship utilization H Cap Budget Riccelli
Expanding apprenticeship utilization requirements.

[HB 1308](#)
(Dead)

Sponsors: Riccelli (Prime), Bateman, Bergquist, Fitzgibbon, Hackney, Ormsby, Pollet, Ramel, Slatter, Valdez

Comments:

On-bill disclosures/electric H Env & Energy Dye
Concerning on-bill disclosures to retail electric customers.

[HB 1327](#)
(Dead)

Sponsors: Dye (Prime), Boehnke, Chambers, Dent, Eslick, Ybarra

Comments:

Public meetings S 2nd Reading Wicks
Concerning public meeting accessibility and participation.

[ESHB 1329](#)
(Dead)

Sponsors: Wicks (Prime), Bateman, Fey, Harris-Talley, Lekanoff, Lovick, Morgan, Peterson, Pollet, Ryu, Shewmake, Taylor, Wylie

Comments:

Property tax deferral/COVID Del to Gov Sullivan
Concerning property tax deferral during the COVID-19 pandemic.

[ESHB 1332](#)

Sponsors: Sullivan (Prime), Callan, Dufault, Hackney, Leavitt, Macri, Ormsby, Ortiz-Self, Pollet, Ramel, Rule, Santos, Stokesbary, Wylie

Comments:

Racial restrictions/review Del to Gov Valdez
Concerning review and property owner notification of recorded documents with unlawful racial restrictions.

[E2SHB 1335](#)

Sponsors: Valdez (Prime), Bateman, Berg, Bergquist, Berry, Callan, Davis, Fey, Fitzgibbon, Gilday, Harris-Talley, Lekanoff, Lovick, Morgan, Pollet, Riccelli, Rude, Rule, Santos, Senn, Shewmake

Comments:

Public telecomm. service S Pres Signed Hansen

Creating and expanding unrestricted authority for public entities to provide telecommunications services to end users.

[ESHB 1336](#)

Sponsors: Hansen (Prime), Berry, Davis, Eslick, Gilday, Harris-Talley, Leavitt, Morgan, Ormsby, Peterson, Pollet, Ramel, Ryu, Shewmake, Simmons, Stonier, Valdez, Ybarra

Comments:

Pandemic task force H Approps Lovick

Concerning creation of the statewide pandemic preparation and response task force.

[SHB 1340](#)

(Dead)

Sponsors: Lovick (Prime), Bateman, Berg, Bronoske, Callan, Chopp, Davis, Dolan, Duerr, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Harris, Harris-Talley, Johnson, Leavitt, Lekanoff, Macri, Ormsby, Orwall, Peterson, Pollet, Ramel, Ryu, Santos, Senn, Shewmake, Taylor, Valdez, Wicks

Comments: This will be a budget proviso

Professional rescue doctrine H Rules R Bronoske

Concerning the professional rescue doctrine.

[SHB 1341](#)

(Dead)

Sponsors: Bronoske (Prime), Berry, Walen

Comments:

Products sold to adults 21+ H Commerce & Gam Pollet

Concerning the regulation of products sold to adults age 21 and over.

[HB 1345](#)

(Dead)

Sponsors: Pollet (Prime), Callan, Cody, Dolan, Frame, Lovick, Orwall, Ryu, Valdez

Comments:

Property tax revenue growth H Finance Duerr

Modifying the annual regular property tax revenue growth limit.

[HB 1362](#)

(Dead)

Sponsors: Duerr (Prime), Bateman, Callan, Fey, Fitzgibbon, Goodman, Harris-Talley, Macri, Pollet, Ramel, Ramos, Ryu, Senn

Comments: CM Cooper testified on 3/18/21

Wage liens H Labor & Workpl Bronoske

Establishing wage liens.

[HB 1369](#)

(Dead)

Sponsors: Bronoske (Prime), Bateman, Berry, Davis, Fey, Fitzgibbon, Goodman, Gregerson, Harris-Talley, Macri, Pollet, Ramel, Ryu, Sells, Simmons, Wicks

Comments:

Industrial/manuf. facilities S Pres Signed Wicks

Modifying the property tax exemption for the value of new construction of industrial/manufacturing facilities in targeted urban areas.

[EHB 1386](#)

Sponsors: Wicks (Prime), Berg, Dolan, Hackney, Lovick, Sells

Comments:

Public works/bidding S Housing &
Local Goehner

Concerning prime contractor bidding submission requirements on public works contracts.

[SHB 1391](#)
(Dead)

Sponsors: Goehner (Prime), Pollet, Senn

Comments:

Legal financial obligations H Rules R Simmons

Concerning legal financial obligations.

[2SHB 1412](#)
(Dead)

Sponsors: Simmons (Prime), Berry, Davis, Fitzgibbon, Goodman, Harris-Talley, Macri, Ormsby, Peterson, Pollet, Taylor, Valdez

Comments:

Sale of dogs and cats Del to Gov Walen

Concerning consumer protection with respect to the sale of dogs and cats.

[SHB 1424](#)

Sponsors: Walen (Prime), Berg, Ramel, Simmons, Springer, Ybarra

Comments: CM Parshley testified on February 11 in the House. CM Parshley testified Pro in the Senate on March 23.

Personal data rights charter H Civil R & Judi Kloba

Creating a charter of people's personal data rights.

[HB 1433](#)
(Dead)

Sponsors: Kloba (Prime), Bergquist, Dolan, Eslick, Harris-Talley, Jacobsen, Johnson, Ramel, Ryu, Sutherland, Valdez, Young

Comments:

Property tax/health expenses S Pres Signed Orcutt

[SHB 1438](#)

Expanding eligibility for property tax exemptions for service-connected disabled veterans and senior citizens by modifying income thresholds for eligibility to allow deductions for common health care-

related expenses.

Sponsors: Orcutt (Prime), Eslick, Graham, Sutherland, Volz, Young

Comments:

Main street prg staffing H Approps Rule

Concerning minimum staffing levels for Washington main street programs.

[SHB 1456](#)
(Dead)

Sponsors: Rule (Prime), Harris-Talley, Lekanoff, Ramel, Robertson, Shewmake

Comments:

Telecommunications access H Rules C Gregerson

Closing the digital divide by establishing excise taxes on telecommunications services to fund the expansion of the universal service programs in Washington.

[2SHB 1460](#)
(Dead)

Sponsors: Gregerson (Prime), Bateman, Bergquist, Callan, Chopp, Dolan, Hackney, Harris-Talley, Johnson, Kloba, Lekanoff, Lovick, Macri, Morgan, Ormsby, Ortiz-Self, Peterson, Pollet, Ramel, Riccelli, Santos, Simmons, Slatter, Taylor, Thai, Valdez

Comments:

National 988 system H Spkr Signed Orwall

Implementing the national 988 system to enhance and expand behavioral health crisis response and suicide prevention services.

[E2SHB 1477](#)

Sponsors: Orwall (Prime), Berg, Bergquist, Callan, Chopp, Davis, Frame, Goodman, Harris-Talley, Johnson, Macri, Ormsby, Ortiz-Self, Peterson, Pollet, Ryu, Simmons, Valdez

Comments:

Unemployment/voluntary H Rules R Berry

Concerning qualifications for unemployment insurance when an individual voluntarily leaves work.

[HB 1486](#)
(Dead)

Sponsors: Berry (Prime), Berg, Bronoske, Callan, Chopp, Fitzgibbon, Harris-Talley, Lekanoff, Lovick, Ormsby, Peterson, Pollet, Ramel, Sells, Senn, Shewmake, Valdez, Wicks

Comments:

Electricity and heating H Env & Energy Harris-Talley

Maintaining residential electricity and heating service for low-income households and households with people with disabilities.

[HB 1490](#)
(Dead)

Sponsors: Harris-Talley (Prime), Bateman, Berry, Chopp, Dolan, Duerr, Frame, Hackney, Johnson, Lekanoff, Macri, Morgan, Ormsby, Ortiz-Self, Orwall, Ramel, Riccelli, Ryu, Simmons, Slatter, Taylor

Comments:

<u>HB 1547</u> (Dead)	Civil penalties/COVID-19 H State Govt & T Chase
	Declaring an amnesty for all civil penalties imposed on Washington residents and businesses for the violation of any activity or condition regulated under the emergency proclamations issued in direct response to the novel coronavirus COVID-19.
	<i>Sponsors:</i> Chase (Prime), Klicker, McCaslin, Orcutt, Sutherland, Young
	<i>Comments:</i>
<u>SSB 5013</u>	Local redistricting deadline H Spkr Signed Hunt
	Concerning local redistricting deadlines.
	<i>Sponsors:</i> Hunt (Prime), Kuderer, Wilson
	<i>Comments:</i>
<u>SB 5021</u>	Retirement benefits/furlough C 12 L 21 Hunt
	Concerning the effect of expenditure reduction efforts on retirement benefits for public employees, including those participating in the shared work program.
	<i>Sponsors:</i> Hunt (Prime), Conway, Saldaña, Wilson
	<i>Comments:</i>
<u>SB 5032</u>	Alt public works contracting Del to Gov Hasegawa
	Concerning the reauthorization and improvements to alternative public works contracting procedures.
	<i>Sponsors:</i> Hasegawa (Prime), Kuderer, Warnick, Wilson
	<i>Comments:</i>
<u>SB 5041</u> (Dead)	Development paperwork S Environment, E Fortunato
	Reducing unnecessary paperwork to promote development.
	<i>Sponsors:</i> Fortunato (Prime), Brown, Gildon
	<i>Comments:</i>
<u>E2SSB 5052</u>	Health equity zones H Spkr Signed Keiser
	Concerning the creation of health equity zones.
	<i>Sponsors:</i> Keiser (Prime), Cleveland, Conway, Das, Frockt, Hasegawa, Kuderer, Lovelett, Nguyen, Nobles, Randall, Robinson, Saldaña, Salomon, Wilson

Comments:

Monument protection S Rules X McCune
Concerning protecting state and federal monuments, memorials, and statues from damage intentionally inflicted during the course of unpeaceful demonstrations or riots.
[SSB 5059](#)
(Dead)
Sponsors: McCune (Prime), Holy, Wagoner
Comments:

Data H 2nd Reading Carlyle
Concerning the management, oversight, and use of data.
[2SSB 5062](#)
(Dead)
Sponsors: Carlyle (Prime), Billig, Darneille, Das, Dhingra, Holy, Hunt, Lovelett, Mullet, Nguyen, Pedersen, Salomon, Sheldon, Wellman, Wilson
Comments:

Safe station pilot programs H HC/Wellness Wagoner
Establishing and expanding safe station pilot programs.
[ESSB 5074](#)
(Dead)
Sponsors: Wagoner (Prime), Dhingra, Wilson
Comments:

Paid leave coverage H Spkr Signed Robinson
Expanding coverage of the paid family and medical leave program.
[ESSB 5097](#)
Sponsors: Robinson (Prime), Conway, Darneille, Das, Hasegawa, Hunt, Keiser, Lias, Lovelett, Nguyen, Saldaña, Stanford, Van De Wege, Wilson
Comments:

Office of equity task force S Ways & Means Hasegawa
Implementing the recommendations of the office of equity task force.
[SSB 5105](#)
(Dead)
Sponsors: Hasegawa (Prime), Darneille, Das, Hunt, Kuderer, Lias, Lovelett, Nguyen, Nobles, Rolfes, Stanford, Wilson
Comments:

Telecommunications companies S Environment, E Ericksen
Promoting greater access to the internet by modifying permitting, taxation, and other standards for telecommunications companies and facilities.
[SB 5110](#)
(Dead)

Sponsors: Ericksen (Prime), Darneille

Comments:

[SB 5112](#)
(Dead)

Virtual private networks S Environment,
E Ericksen

Requiring broadband internet access service providers to provide virtual private network service.

Sponsors: Ericksen (Prime), Kuderer

Comments:

[SB 5114](#)
(Dead)

Reopening/public health S State Govt & E Braun

Concerning safely reopening Washington.

Sponsors: Braun (Prime), Brown, Dozier, Fortunato, Gildon, Holy, King, Mullet, Muzzall, Rivers, Schoesler, Sheldon, Short, Wagoner, Wilson, Wilson

Comments:

[ESSB 5115](#)

Health emergency/labor H Spkr Signed Keiser

Establishing health emergency labor standards.

Sponsors: Keiser (Prime), Conway, Kuderer, Liias, Lovelett, Nguyen, Salomon, Stanford, Wilson

Comments:

[SSB 5116](#)
(Dead)

Procurement/automated system S Ways & Means Hasegawa

Establishing guidelines for government procurement and use of automated decision systems in order to protect consumers, improve transparency, and create more market predictability.

Sponsors: Hasegawa (Prime), Hunt, Kuderer, Wilson

Comments:

[E2SSB 5141](#)

Env. justice task force recs H Spkr Signed Saldaña

Reducing environmental and health disparities and improving the health of all Washington state residents by implementing the recommendations of the environmental justice task force.

Sponsors: Saldaña (Prime), Carlyle, Das, Frockt, Hasegawa, Hunt, Keiser, Kuderer, Liias, Lovelett, Nobles, Pedersen, Rolfes, Stanford, Wilson

Comments:

Found. public health funding S Ways & Means Robinson

[SSB 5149](#)
(Dead)

Funding foundational public health services.

Sponsors: Robinson (Prime), Conway, Das, Dhingra, Kuderer, Lias, Nobles, Saldaña, Wilson

Comments: NTIB

[SB 5173](#)
(Dead)

Comp public health districts S Health & Long Robinson
Supporting measures to create comprehensive public health districts.

Sponsors: Robinson (Prime), Das, Dhingra, Frockt, Kuderer, Lias, Nobles, Saldaña, Wilson

Comments:

[SB 5175](#)
(Dead)

Economic revitalization bd S Rules X Nguyen
Concerning the authority of the community economic revitalization board.

Sponsors: Nguyen (Prime), Das, Hasegawa, Saldaña, Wellman, Wilson

Comments:

[SSB 5182](#)
(Dead)

Advisory votes S Rules X Kuderer
Concerning advisory votes.

Sponsors: Kuderer (Prime), Conway, Darneille, Das, Dhingra, Hasegawa, Hunt, Lovelett, Nguyen, Pedersen, Van De Wege, Wilson

Comments:

[E2SSB 5188](#)
(Dead)

Public financial cooperative H 2nd Reading Kuderer
Concerning creation of the Washington state public financial cooperative.

Sponsors: Kuderer (Prime), Conway, Darneille, Das, Dhingra, Hasegawa, Hunt, Lias, Lovelett, Nguyen, Stanford, Van De Wege, Wellman, Wilson

Comments:

[SB 5207](#)
(Dead)

Environmental permits S
Ag/Water/Natur Wilson
Concerning environmental permit streamlining.

Sponsors: Wilson (Prime), Holy, Short

Comments:

[2SSB 5211](#)
(Dead)

Tax increment financing S Rules X Frockt
Authorizing tax increment financing for local governments.

Sponsors: Frockt (Prime), Conway, Kuderer, Mullet, Rolfes

Comments:

Child care & early dev. exp. H Spkr Signed Wilson

Expanding accessible, affordable child care and early childhood development programs.

[E2SSB 5237](#)

Sponsors: Wilson (Prime), Billig, Conway, Darneille, Das, Dhingra, Hasegawa, Hunt, Keiser, Kuderer, Liias, Lovelett, Nguyen, Nobles, Pedersen, Saldaña, Salomon

Comments:

Creative economy work group S Business, Fina Hasegawa

Creating a Washington state creative economy work group.

[SB 5238](#)

(Dead)

Sponsors: Hasegawa (Prime), Nguyen, Saldaña, Wellman, Wilson

Comments:

Products sold to adults 21+ S Health & Long Kuderer

Concerning the regulation of products sold to adults age 21 and over.

[SB 5266](#)

(Dead)

Sponsors: Kuderer (Prime), Das, Dhingra, Saldaña, Stanford, Wilson

Comments:

Public works contracts/COVID S Rules X Holy

Concerning void and unenforceable clauses in public works contracts related to delays caused by the COVID-19 pandemic emergency proclamations.

[SSB 5333](#)

(Dead)

Sponsors: Holy (Prime), Wilson

Comments:

Wage liens C 102 L 21 Conway

Establishing wage liens.

[ESSB 5355](#)

(Dead)

Sponsors: Conway (Prime)

Comments:

Public works/bidding C 103 L 21 Short

Concerning prime contractor bidding submission requirements on public works contracts.

[ESB 5356](#)

Sponsors: Short (Prime), Conway, Kuderer

Comments:

[SB 5469](#)
(Dead)

Civil penalties/COVID-19 S State Govt & E Padden

Declaring an amnesty for all civil penalties imposed on Washington residents and businesses for the violation of any activity or condition regulated under the emergency proclamations issued in direct response to the novel coronavirus COVID-19.

Sponsors: Padden (Prime), Honeyford, Wilson

Comments:

[SB 5472](#)
(Dead)

Utility customers/COVID-19 S Environment, E Van De Wege

Providing support for utility customers impacted by COVID-19 through payment plans, including partial forgiveness of arrearages and a credit against the public utility tax.

Sponsors: Van De Wege (Prime), Hasegawa, Nobles, Sheldon

Comments:

[SCR 8402](#)

Emergency orders extension H Spkr Signed Liias

Extending certain gubernatorial orders issued in response to the COVID-19 state of emergency.

Sponsors: Liias (Prime), Dhingra, Nobles, Saldaña

Comments:

Housing Affordability and Stability/Homelessness/Behavioral Health

Bill Details

Status

Sponsor

[HB 1035](#)
(Dead)

Rent relief & housing

H Finance

Kloba

Providing local governments with options to grant rent relief and preserve affordable housing in their communities.

Sponsors: Kloba (Prime), Callan, Duerr, Gregerson, Hackney, Harris, Harris-Talley, Ortiz-Self, Pollet, Ramel, Ryu, Santos, Tharinger, Valdez, Wylie

Comments:

[ESHB 1070](#)

Housing/local tax revenue

C 27 L 21

Ryu

Modifying allowed uses of local tax revenue for affordable housing and related services to include the acquisition and construction of affordable housing and facilities.

Sponsors: Ryu (Prime), Bateman, Bronoske, Callan, Chopp, Cody, Davis, Fey, Fitzgibbon, Goodman,

Gregerson, Hackney, Harris, Harris-Talley, Kloba, Macri, Ormsby, Peterson, Pollet, Ramel, Ramos, Riccelli, Santos, Sells, Simmons, Springer, Tharinger, Valdez, Walen, Wylie

Comments:

Relocation assistance C 28 L 21 Gregerson

Concerning relocation assistance for tenants of closed or converted manufactured/mobile home parks.

[E2SHB 1083](#)

Sponsors: Gregerson (Prime), Bateman, Bergquist, Chopp, Harris, Harris-Talley, Kloba, Macri, Morgan, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Santos, Tharinger, Valdez, Wylie

Comments:

Mobile home community sales H Approps Duerr

Concerning the sale or lease of manufactured/mobile home communities and the property on which they sit.

[SHB 1100](#)

(Dead)

Sponsors: Duerr (Prime), Bateman, Chopp, Gregerson, Kloba, Macri, Ortiz-Self, Ramel, Valdez

Comments:

Unused public buildings H Cap Budget Walsh

Creating a grant program for converting unused public buildings to housing for homeless persons.

[HB 1101](#)

(Dead)

Sponsors: Walsh (Prime), Caldier, Corry, Dent, Graham, Harris, Harris-Talley

Comments:

Foreclosure assistance Del to Gov Orwall

Maintaining funding and assistance for homeowners navigating the foreclosure process.

[ESHB 1108](#)

Sponsors: Orwall (Prime), Chopp, Hackney, Harris, Harris-Talley, Kloba, Macri, Ortiz-Self, Pollet, Santos

Comments:

Housing benefit districts H Finance Ryu

Concerning housing benefit districts.

[SHB 1128](#)

(Dead)

Sponsors: Ryu (Prime), Bateman, Berg, Duerr, Gregerson, Hackney, Harris, Harris-Talley, Lekanoff, Macri, Pollet, Ramel, Simmons, Valdez, Wylie

Comments:

[E2SHB 1220](#) **Emergency shelters & housing** Del to Gov Peterson

Supporting emergency shelters and housing through local planning and development regulations.

Sponsors: Peterson (Prime), Bateman, Berg, Chopp, Davis, Fitzgibbon, Frame, Hackney, Kloba, Lekanoff, Lovick, Macri, Ortiz-Self, Ryu, Santos, Simmons, Tharinger

Comments:

Landlord-tenant/COVID-19 H Hous,
Human Sv Barkis

Addressing residential landlord-tenant requirements in response to the COVID-19 public health emergency.

[HB 1228](#)
(Dead)

Sponsors: Barkis (Prime), Boehnke, Caldier, Chambers, Chandler, Chapman, Dent, Dolan, Eslick, Gilday, Graham, Hackney, Hoff, Jacobsen, MacEwen, Robertson, Ryu, Springer, Walen, Walsh, Ybarra

Comments:

Residential tenants Del to Gov Macri

Protecting residential tenants from the beginning to end of their tenancies by penalizing the inclusion of unlawful lease provisions and limiting the reasons for eviction, refusal to continue, and termination.

[ESHB 1236](#)

Sponsors: Macri (Prime), Bateman, Berg, Berry, Chopp, Dolan, Fitzgibbon, Frame, Gregerson, Hackney, Harris-Talley, Johnson, Lekanoff, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ryu, Santos, Senn, Simmons, Slatter, Taylor, Thai, Wicks

Comments:

Housing/revenue source H Spkr
Signed Ormsby

Providing for an additional revenue source for eviction prevention and housing stability services.

[E2SHB 1277](#)

Sponsors: Ormsby (Prime), Bateman, Berry, Chopp, Davis, Fitzgibbon, Frame, Gregerson, Hackney, Harris-Talley, Johnson, Kloba, Macri, Peterson, Pollet, Ramel, Ryu, Santos, Sells, Senn, Stonier, Taylor, Thai, Valdez, Wicks

Comments: NTIB

Accessory dwelling units H Rules C Vick

Concerning regulation of accessory dwelling units located outside of urban growth areas.

[SHB 1298](#)
(Dead)

Sponsors: Vick (Prime), Barkis, Chambers, Chapman, Robertson, Shewmake, Springer

Comments:

[HB 1337](#)
(Dead)

Accessory dwelling units H Local Govt Gregerson

Concerning accessory dwelling units.

Sponsors: Gregerson (Prime), Barkis, Bateman, Callan, Chambers, Davis, Eslick, Fitzgibbon, Gilday, Harris-Talley, Macri, Peterson, Young

Comments:

Limited equity coop. housing H Finance Bateman

Providing a property tax exemption for limited equity cooperative housing.

[HB 1350](#)
(Dead)

Sponsors: Bateman (Prime), Chapman, Gregerson, Hackney, Harris-Talley, Johnson, Ortiz-Self, Peterson, Riccelli, Ryu, Shewmake, Taylor

Comments:

Housing/COVID-19 H Hous,
Human Sv Dufault

Preserving affordable housing and assisting tenants and rental housing providers in response to the COVID-19 public health crisis.

[HB 1398](#)
(Dead)

Sponsors: Dufault (Prime), Caldier, Chambers, Chase, Corry, Eslick, Jacobsen, Klicker, Robertson, Vick, Volz, Walsh

Comments:

Utility service charges H Rules R Dufault

Concerning a property owner's or tenant's liability for delinquent and unpaid utility service charges.

[SHB 1421](#)
(Dead)

Sponsors: Dufault (Prime), Barkis

Comments:

Prospective tenants/COVID-19 H Rules C Morgan

Prohibiting discrimination against prospective tenants for unpaid rent or eviction during the COVID-19 pandemic.

[HB 1441](#)
(Dead)

Sponsors: Morgan (Prime), Berg, Bergquist, Berry, Chopp, Davis, Fitzgibbon, Gregerson, Hackney, Harris-Talley, Johnson, Macri, Ormsby, Peterson, Pollet, Ramel, Simmons, Taylor, Thai, Valdez, Wicks

Comments:

Estate tax H Finance Orwall

Making the estate tax more progressive by exempting small estates, reducing estate taxes on medium estates, increasing the estate tax on larger estates, and addressing equity in homeownership and homelessness.

[HB 1465](#)
(Dead)

Sponsors: Orwall (Prime), Chopp, Frame, Harris-Talley, Macri, Ormsby, Pollet, Ramel, Ryu, Thai, Valdez, Wylie

Comments: NTIB

Common interest/foreclosure S Pres Signed Walsh

Addressing foreclosure protections for homeowners in common interest communities.

[EHB 1482](#)

Sponsors: Walsh (Prime), Dufault, Jacobsen, Leavitt, Lekanoff, Orwall, Pollet, Sutherland

Comments:

Antidisplacement/prop. tax H Approps Harris-Talley

Providing housing safety, security, and protection for Washington families by creating the antidisplacement property tax exemption.

[SHB 1494](#)

(Dead)

Sponsors: Harris-Talley (Prime), Berg, Berry, Chapman, Davis, Duerr, Frame, Gregerson, Hackney, Kirby, Lekanoff, Morgan, Ormsby, Ortiz-Self, Orwall, Peterson, Ramel, Simmons, Slatter, Thai, Valdez, Wicks

Comments:

Surplus property/housing H Hous,
Human Sv Bergquist

Defining affordable housing for purposes of using surplus public property for public benefit.

[HB 1511](#)

(Dead)

Sponsors: Bergquist (Prime), Hackney, Lekanoff, Ormsby, Santos, Slatter, Taylor, Thai

Comments:

Local revenue/homelessness H Finance Stokesbary

Authorizing local option revenue for homelessness services, subject to specified conditions, including prohibiting supervised injection sites and requiring local restrictions on camping on public property.

[HB 1526](#)

(Dead)

Sponsors: Stokesbary (Prime), Eslick

Comments:

BPA ratepayer assist/B&O tax H Spkr
Signed Robinson

Extending the business and occupation tax exemption for amounts received as credits against contracts with or funds provided by the Bonneville power administration and used for low-income ratepayer assistance and weatherization.

[SB 5008](#)

(Dead)

Sponsors: Robinson (Prime), Brown, Hasegawa, Short, Wilson

Comments:

Affordable housing funding S Ways & Means Lovelett
[SSB 5012](#)
(Dead) Providing a local government option for the funding of essential affordable housing programs.
Sponsors: Lovelett (Prime), Das, Kuderer, Nguyen, Robinson, Saldaña, Stanford, Wilson
Comments:

Condominium construction H Spkr Signed Padden
[ESSB 5024](#)
Reducing barriers to condominium construction.
Sponsors: Padden (Prime), Brown, Gildon, Holy, Mullet, Pedersen, Short, Van De Wege
Comments:

Accessory dwelling units/tax S Ways & Means Kuderer
[SSB 5033](#)
(Dead) Limiting the property tax exemption for improvements to single-family dwellings to the construction of accessory dwelling units.
Sponsors: Kuderer (Prime), Das, Nguyen, Saldaña, Wilson
Comments:

School employee housing H Cap Budget Salomon
[SB 5043](#)
(Dead) Providing housing to school district employees.
Sponsors: Salomon (Prime), Conway, Das, Gildon, Hasegawa, Hunt, Kuderer, Lovelett, Rolfes, Saldaña, Wellman, Wilson
Comments:

Mobile home closure notices S Rules X Das
[SSB 5079](#)
(Dead) Extending the closure notice period for manufactured/mobile home communities.
Sponsors: Das (Prime), Hasegawa, Hunt, Keiser, Kuderer, Lovelett, Robinson, Rolfes, Stanford, Wilson
Comments:

Homelessness/shelter S Housing & Loca Fortunato
[SB 5107](#)
(Dead) Addressing homelessness.
Sponsors: Fortunato (Prime)
Comments:

<u>SSB 5117</u> (Dead)	Rental voucher/incarceration	S Ways & Means	Nguyen	Concerning rental vouchers to eligible incarcerated individuals.
<i>Sponsors:</i> Nguyen (Prime), Billig, Darneille, Das, Dhingra, Hasegawa, Kuderer, Lovelett, Muzzall, Robinson, Saldaña, Wilson				
<i>Comments:</i>				
<u>SB 5138</u> (Dead)	Financial instit./B&O tax	S Business, Fina	Kuderer	Eliminating a business and occupation tax deduction for financial institutions to fund affordable housing.
<i>Sponsors:</i> Kuderer (Prime), Das, Hasegawa, Nguyen, Saldaña, Salomon, Wilson				
<i>Comments:</i>				
<u>SB 5139</u> (Dead)	Rent increases, limiting	S Housing & Loca	Das	Limiting rent increases after expiration of the governor's eviction moratorium.
<i>Sponsors:</i> Das (Prime), Darneille, Hunt, Liias, Lovelett, Nguyen, Wilson				
<i>Comments:</i>				
<u>E2SSB 5160</u>	Landlord-tenant relations	Del to Gov	Kuderer	Addressing landlord-tenant relations by providing certain tenant protections during the public health emergency, providing for legal representation in eviction cases, establishing an eviction resolution pilot program for nonpayment of rent cases, and authorizing landlord access to certain rental assistance programs.
<i>Sponsors:</i> Kuderer (Prime), Conway, Das, Liias, Lovelett, Saldaña, Wilson				
<i>Comments:</i>				
<u>SSB 5189</u> (Dead)	American dream homes	S Ways & Means	Fortunato	Promoting housing affordability by incentivizing the construction of American dream homes.
<i>Sponsors:</i> Fortunato (Prime)				
<i>Comments:</i>				
<u>SB 5221</u> (Dead)	Accessory dwelling units	S Housing & Loca	Gildon	

Concerning regulation of accessory dwelling units located outside of urban growth areas.

Sponsors: Gildon (Prime), Darneille, Das, Kuderer, Lias, Nguyen, Nobles, Short, Warnick

Comments:

Housing options & limits

H Spkr
Signed

Lias

Increasing housing unit inventory by removing arbitrary limits on housing options.

[ESSB 5235](#)

Sponsors: Lias (Prime), Das, Nguyen, Nobles, Saldaña, Wilson

Comments:

Increased building capacity

S Ways &
Means

Das

Including the value of increased residential building capacity in the property tax levy limit calculation and zoning for multifamily housing units.

[SSB 5269](#)
(Dead)

Sponsors: Das (Prime), Kuderer, Lias, Nobles, Salomon, Wellman, Wilson

Comments:

Housing/revenue source

S Housing &
Loca

Robinson

Providing for an additional revenue source for eviction prevention and housing stability services.

[SB 5279](#)
(Dead)

Sponsors: Robinson (Prime), Kuderer, Nguyen, Saldaña, Stanford, Wilson

Comments: NTIB

Afford. housing incentives

Del to Gov

Das

Concerning affordable housing incentives.

[E2SSB 5287](#)

Sponsors: Das (Prime), Conway, Keiser, Kuderer, Lias, Nguyen, Nobles, Pedersen, Randall, Salomon, Wilson

Comments:

Transit-oriented development

H 2nd
Reading

Mullet

Facilitating transit-oriented development and increasing housing inventory.

[SB 5312](#)
(Dead)

Sponsors: Mullet (Prime), Lias, Van De Wege

Comments: CM Madrone testified on March 11 in favor.

Housing supply S Ways & Means Liias

Increasing housing supply through the growth management act and housing density tax incentives for local governments.

[SSB 5390](#)
(Dead)

Sponsors: Liias (Prime), Gildon, Nguyen, Saldaña

Comments: NTIB

SEPA/shelters & encampments S Rules X Nguyen

Concerning the application of the state environmental policy act to temporary shelters and transitional encampments.

[SSB 5428](#)
(Dead)

Sponsors: Nguyen (Prime), Darneille, Das, Kuderer, Lovelett, Nobles, Saldaña, Wellman

Comments:

Transportation/Infrastructure

Bill Details

Status

Sponsor

Motor vehicle sales tax H Approps MacEwen

Dedicating the state sales tax on motor vehicles for transportation.

[HB 1010](#)
(Dead)

Sponsors: MacEwen (Prime), Barkis, Corry, Dent, Eslick, Graham, Robertson, Vick, Young

Comments:

Transp. budget 2021-2023 H Rules R Fey

Making transportation appropriations for the 2021-2023 fiscal biennium.

[SHB 1135](#)

Sponsors: Fey (Prime), Bronoske, Hackney, Ramos

Comments:

Supp. transportation budget H Transportation Fey

Making 2019-2021 supplemental transportation appropriations.

[HB 1136](#)

Sponsors: Fey (Prime), Bronoske, Ramos, Wylie

Comments:

[SHB 1137](#) **Road maintenance/planning** S Pres Signed McCaslin

[HB 1523](#)
(Dead)

Concerning renewal of the sales and use tax for transportation benefit districts.

Sponsors: Wylie (Prime), Rude, Slatter

Comments:

Transportation fuel sourcing

H Env &
Energy

Maycumber

Removing the usage of forced labor by children and other workers in Washington state's transportation domestic fuel market by placing conditions on the sourcing of transportation fuel.

[HB 1551](#)
(Dead)

Sponsors: Maycumber (Prime), Abbarno, Barkis, Boehnke, Chambers, Chandler, Corry, Dent, Duerr, Dye, Eslick, Fitzgibbon, Gilday, Goehner, Graham, Klicker, Mosbrucker, Orcutt, Pollet, Robertson, Schmick, Sutherland, Volz, Walsh, Wylie, Young

Comments:

Transportation spending

H
Transportation

Fey

Concerning transportation spending.

[HB 1564](#)
(Dead)

Sponsors: Fey (Prime), Bronoske, Ramos, Riccelli, Slatter, Valdez, Wylie

Comments: Rich Hoey testified in support on April 1.

Green electrolytic hydrogen

H Finance

Ramel

Concerning green electrolytic hydrogen.

[HB 1569](#)
(Dead)

Sponsors: Ramel (Prime), Berry, Boehnke, Orcutt, Paul, Ryu, Shewmake, Slatter

Comments:

Rental cars/sales tax

H Finance

Fitzgibbon

Modifying the sales and use tax treatment of motor vehicles purchased by rental car companies.

[HB 1572](#)
(Dead)

Sponsors: Fitzgibbon (Prime), Duerr

Comments:

Greenhouse gas emissions

H Env &
Energy

Hackney

Meeting the greenhouse gas emissions targets established in Engrossed Second Substitute House Bill No. 2311, chapter 79, Laws of 2020, and creating a tax and a temporary bond program to fund transportation investments and projects that reduce greenhouse gas emissions.

[HB 1577](#)

Sponsors: Hackney (Prime), Lekanoff, Pollet, Ramel, Wicks

Comments:

	Hydrogen/electric vehicles Concerning hydrogen fuel cell electric vehicles.	Del to Gov	Hawkins
<u>2SSB 5000</u>	<p><i>Sponsors:</i> Hawkins (Prime), Billig, Braun, Carlyle, Conway, Das, Ericksen, Fortunato, Gildon, Hasegawa, Holy, Hunt, King, Kuderer, Lovelett, Mullet, Muzzall, Nguyen, Padden, Pedersen, Rivers, Robinson, Salomon, Sheldon, Van De Wege, Wagoner, Warnick, Wellman, Wilson, Wilson</p> <p><i>Comments:</i></p>		
<u>SB 5028</u> (Dead)	Vehicle taxes & fees Limiting state and local taxes, fees, and other charges relating to vehicles. <i>Sponsors:</i> Fortunato (Prime), Holy <i>Comments:</i>	S Transportation	Fortunato
<u>SB 5040</u>	State highway litter control Enhancing litter control along state highways. <i>Sponsors:</i> Fortunato (Prime), Lovelett, Wilson <i>Comments:</i>	H Spkr Signed	Fortunato
<u>SSB 5085</u> (Dead)	Alt. fuel vehicles fees Modifying certain alternative fuel vehicles fees. <i>Sponsors:</i> Rolfes (Prime), Lovelett <i>Comments:</i>	H Transportation	Rolfes
<u>SB 5223</u> (Dead)	Motor vehicles sales tax use Dedicating the sales tax on motor vehicles to highway uses. <i>Sponsors:</i> Fortunato (Prime), Gildon, Padden, Schoesler, Short <i>Comments:</i>	S Ways & Means	Fortunato
<u>ESSB 5226</u>	<p>License suspensions/traffic Concerning the suspension of licenses for traffic infractions.</p> <p><i>Sponsors:</i> Salomon (Prime), Das, Frockt, Hasegawa, Kuderer, Lias, Lovelett, Muzzall, Nguyen, Nobles, Pedersen, Randall, Saldaña, Wilson</p>	H Spkr Signed	Salomon

Comments:

Transportation fuel/carbon S
Environment, Stanford
E

[SB 5231](#)
(Dead)

Reducing greenhouse gas emissions by reducing the carbon intensity of transportation fuel.

Sponsors: Stanford (Prime), Billig, Carlyle, Das, Frockt, Hunt, Keiser, Kuderer, Liias, Lovelett, Nguyen, Nobles, Pedersen, Robinson, Saldaña, Salomon, Wilson

Comments:

Transp. electrification S
Environment, Liias
E

[SB 5256](#)
(Dead)

Concerning the electrification of transportation.

Sponsors: Liias (Prime), Cleveland, Conway, Das, Hunt, Kuderer, Lovelett, Nguyen, Pedersen, Rolfes, Saldaña, Wellman

Comments:

Traffic LFO consolidation S Law & Justice Cleveland

Creating a program for the consolidation of traffic-based financial obligations to facilitate reinstatement of driving privileges that are suspended because of failure to pay.

[SB 5349](#)
(Dead)

Sponsors: Cleveland (Prime), Braun, Conway, King, McCune, Mullet, Nguyen, Padden, Rivers, Schoesler, Short, Van De Wege

Comments:

Motor vehicle sales tax S Ways &
Means Braun

[SB 5359](#)
(Dead)

Dedicating the state sales tax on motor vehicles to transportation improvements.

Sponsors: Braun (Prime), King, Schoesler, Wagoner, Warnick, Wilson, Wilson

Comments:

Fish passage project permits H Spkr Signed Hobbs

Addressing fish passage project permit streamlining.

[SSB 5381](#)

Sponsors: Hobbs (Prime), Fortunato, King, Warnick

Comments:

Broadband/state highways H Rules R Saldaña
Facilitating the coordinated installation of broadband along state highways.

[ESSB 5439](#)

(Dead)

Sponsors: Saldaña (Prime), Kuderer, Lovelett, Nguyen

Comments:

Electric vehicles/per mile S 2nd Reading Saldaña
Implementing a per mile charge on electric and hybrid vehicles.

[SSB 5444](#)

(Dead)

Sponsors: Saldaña (Prime), Hobbs, Nguyen, Nobles

Comments:

Motor vehicle sales tax S Ways & King
Means
Dedicating the state sales tax on motor vehicles to transportation improvements.

[SB 5449](#)

(Dead)

Sponsors: King (Prime), Gildon, Holy

Comments:

Transportation funding bonds S Rules 2 Hobbs
Authorizing bonds for transportation funding.

[SB 5481](#)

Sponsors: Hobbs (Prime), Cleveland, Das, Keiser, Kuderer, Randall, Sheldon, Wilson

Comments:

Additive trans funding S Rules 2 Hobbs
Concerning additive transportation funding and appropriations.

[SSB 5482](#)

Sponsors: Hobbs (Prime), Cleveland, Das, Keiser, Kuderer, Padden, Randall, Sheldon, Wilson

Comments:

Transportation revenue S Rules 2 Hobbs
Concerning transportation revenue.

[SSB 5483](#)

Sponsors: Hobbs (Prime), Cleveland, Das, Keiser, Kuderer, Randall, Sheldon, Wilson

Comments:



City Council

Update on Thurston Strong - CoVID-19 Regional Economic Recovery Efforts

Agenda Date: 5/18/2021
Agenda Item Number: 6.C
File Number:21-0493

Type: discussion **Version:** 1 **Status:** Other Business

Title

Update on Thurston Strong - CoVID-19 Regional Economic Recovery Efforts

Recommended Action

Committee Recommendation:

Not referred to a committee.

City Manager Recommendation:

Receive an update on Thurston Strong - CoVID-19 Regional Economic Recovery Efforts.

Report

Issue:

Whether to receive an update on Thurston Strong - CoVID-19 Regional Economic Recovery Efforts.

Staff Contact:

Mike Reid, Economic Development Director, Executive Department, 360.753.8591

Presenter(s):

Mike Reid, Economic Development Director

Michael Cade, Executive Director, Thurston County Economic Development Council

Jason Robertson, J Robertson and Co.

Background and Analysis:

In March 2020, area partners convened to address the economic impacts associated with the CoVID 19 pandemic. This effort was titled Thurston Strong. The City of Olympia provided early funding to this effort to initiate assistance such as the business resource hotline, information gathering and business outreach work, and grant funding for small businesses and childcare providers.

Lead partners Michael Cade, Executive Director of the Thurston County Economic Development Alliance, and Jason Robertson of J Robertson and Company will provide an overview of initiatives to date as well as detailing future programs. On May 4, 2021, the Olympia City Council committed \$1,375,000 of federal stimulus dollars know as American Rescue Plan to continue the regional recovery work titled Thurston Strong.

Neighborhood/Community Interests (if known):

Olympia is still heavily impacted due to the economic disruption due to the CoVID 19 pandemic. These impacts are felt by our residents, workers, businesses, and non-profits.

Options:

1. Receive update on an update on Thurston Strong - CoVID-19 Regional Economic Recovery Efforts.
2. Do not receive update on an update on Thurston Strong - CoVID-19 Regional Economic Recovery Efforts.
3. Receive an update on Thurston Strong - CoVID-19 Regional Economic Recovery Efforts at another time.

Financial Impact:

The City of Olympia will receive approximately \$9.2 million dollars from the American Rescue Plan. This federal legislation is aimed at providing relief assistance to aid in the recovery efforts associated with CoVID-19 pandemic

Attachments:

None