



# City of Olympia

City Hall  
601 4th Avenue E  
Olympia, WA 98501

Information: 360-753-8447

## Meeting Minutes City Council

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Tuesday, February 26, 2013

7:00 PM

Council Chambers

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### 1. ROLL CALL

**Present:** 7 - Mayor Stephen H. Buxbaum, Mayor Pro Tem Nathaniel Jones, Councilmember Jim Cooper, Councilmember Julie Hankins, Councilmember Steve Langer, Councilmember Jeannine Roe and Councilmember Karen Rogers

#### 1.A ANNOUNCEMENTS

Mayor Buxbaum announced the General Government Committee met at 5:30 this evening.

#### 1.B APPROVAL OF AGENDA

Councilmember Langer moved, seconded by Mayor Pro Tem Jones, to approve the agenda. The motion carried by the following vote:

**Aye:** 7 - Mayor Buxbaum, Mayor Pro Tem Jones, Councilmember Cooper, Councilmember Hankins, Councilmember Langer, Councilmember Roe and Councilmember Rogers

### 2. SPECIAL RECOGNITION

#### 2.A [13-0171](#) Special Recognition - Presentation by Garden Raised Bounty on Nomination for the AWC Quality Communities Scholarship

Mayor Buxbaum introduced the topic and gave a brief overview of the scholarship program. Garden Raised Bounty (GRuB) Youth Programs Director Blue Peetz highlighted Eric Fenno's nomination for one of the scholarships this year and discussed some of his accomplishments with GRuB. Nominee Eric Fenno briefly discussed his work with GRuB and expressed thanks for the scholarship nomination.

### 3. PUBLIC COMMUNICATION

Mr. Jim Reeves discussed a possible eruption of Mt. Rainier in the future.

Partners in Prevention Education (PiPE) Co-Founder Rosalinda Noriega reported an increase in homeless people sleeping near businesses

downtown and discussed violence and abuse that homeless youth are exposed to.

Mr. Sammy Harvell spoke about his experience as a homeless youth in downtown Olympia and discussed the quality of service he has received from PiPE.

Olympia-Lacey-Tumwater Visitor & Convention Bureau (VCB) Executive Director George Sharp recognized Councilmember Roe for her service on the VCB Board in 2011 - 2012.

## **COUNCIL RESPONSE TO PUBLIC COMMUNICATION**

Councilmembers Cooper and Roe thanked Ms. Noriega and Mr. Harvell for their comments.

Councilmember Roe thanked Mr. Sharp for his leadership on the VCB Board.

Mayor Buxbaum asked staff to investigate with Teresa Slusher at Thurston County how to support PiPE's low barrier shelter efforts.

## **4. CONSENT CALENDAR**

- 4.A**     [13-0168](#)     Approval of January 11 and 12, 2013 Council Retreat Notes  
The minutes were adopted.
- 4.B**     [13-0158](#)     Approval of February 12, 2013 City Council Meeting Minutes  
The minutes were adopted.
- 4.C**     [13-0178](#)     Bills and Payroll Certification  
Payroll check numbers 85933 through 85959 and 85963 through 85977 and Direct Deposit transmissions: Total: \$4,594,727.02; Claim check numbers 330057 through 330398: Total: \$1,803,096.95.  
The report was adopted.
- 4.D**     [13-0115](#)     Approval of Emergency Services Interlocal Operating Agreement between the City of Olympia and Thurston County Fire District 9  
The contract was adopted.
- 4.E**     [13-0160](#)     Approval of Interlocal Agreement for Paramedic Services with Thurston County  
The contract was adopted.
- 4.F**     [13-0162](#)     Approval of Homeland Security Region 3 Mutual Aid Agreement

The contract was adopted.

**4.G**     [13-0170](#)     Approval of Reappointments to Lodging Tax Advisory Committee

The decision was adopted.

## **SECOND READINGS - None**

### **FIRST READINGS**

**4.H**     [13-0166](#)     Approval of Ordinance Adopting Engineering Design and Development Standards

Mayor Buxbaum noted staff distributed a proposed change to Item 4H to correct 2.040 B.3.h (page 2-17).

The section currently reads:

If, by other authority, Hearing Examiner or City Council, a proposed street connection, and/or stub street is not required to connect to an existing adjacent land use street or trail, then a neighborhood connector trail (EDDS Standard Plan 4-2L) will be constructed to provide a paved connection to the existing adjacent street or trail if right-of-way is available.

Correction to 2.040 B.3.h (page 2-17) to add a comma as shown below:

If, by other authority, Hearing Examiner or City Council, a proposed street connection, and/or stub street is not required to connect to an existing adjacent land use, street or trail, then a neighborhood connector trail (EDDS Standard Plan 4-2L) will be constructed to provide a paved connection to the existing adjacent street or trail if right-of-way is available.

Councilmembers agreed with the amendment.

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

## **Approval of the Consent Agenda**

**Councilmember Langer moved, seconded by Mayor Pro Tem Jones, to adopt the Consent Calendar, including the correction to Item 4H as proposed by staff. The motion carried by the following vote:**

**Aye:** 7 - Mayor Buxbaum, Mayor Pro Tem Jones, Councilmember Cooper, Councilmember Hankins, Councilmember Langer, Councilmember Roe and Councilmember Rogers

**5. PUBLIC HEARING - None****6. OTHER BUSINESS****6.A [13-0176](#) Shoreline Master Program Deliberations**

City Manager Steve Hall introduced the topic and noted the Mithun visualization software is not ready for use during Council's discussion tonight. It may be ready in the next few weeks.

Community Planning & Development Director Keith Stahley gave an overview of shoreline environmental designations and reviewed the public's involvement in the Shoreline Master Program (SMP) deliberation process. He discussed buffers and setbacks, mitigation and restoration opportunities, approaches to administrative flexibility, and non-conforming buildings. He indicated that based on the cumulative impacts assessment done, there will be no loss of shoreline if the draft SMP is passed.

Mayor Buxbaum proposed focusing the discussion on Reaches Budd-3A, Budd-3B, Budd-4, and 5C. Councilmembers agreed to the proposal.

Discussion of BUDD-3B (south half of the west side of Budd Inlet, including West Bay Park):

- The 150' setback for West Bay Park will impact future development of the park - passive versus active recreation facilities.
- West Bay Park would not be grandfathered as a pre-existing development plan.
- Maintain the setback as proposed but allow administrative flexibility to allow development of the park, or change the setback.
- A minimum of 100' setback would be appropriate, which might necessitate a passive development approach.
- Council's intent is for West Bay Park north of Garfield Creek to primarily be a passive park with public access to the waterfront. The Parks Department can come back to Council with a design plan in the future, which will be separate from the SMP update.
- Keep the 150' setback but allow flexibility to allow for potential development when Parks brings a proposed plan to Council for consideration in the future.
- Keep a strong vegetation buffer.
- There are limitations to putting a structure in the setback area.
- Suggestion for a parallel designation of Urban Intensity on the eastern edge of West Bay or 150', whichever is less.

Discussion of BUDD-4 (4th and 5th Avenue & Capitol Lake):

- The proposed setback is 30'.
- Consider increasing setbacks to a minimum of 50' but allow flexibility for reductions, e.g., for recreation, public access, marinas, etc. Adopt Tumwater's and Lacey's language for non-conforming use.
- Consider modifying the language used by Bellingham; instead of obtaining a permit within 12 months, request a building permit to give property owners more certainty regarding non-conforming use.
- Suggestion to eliminate the term "non-conforming use" and replace it with "pre-existing development" or "grandfathered" as appropriate.
- The focus on limitation is more important than the language used.
- If there is an inconsistency between the plan and table regarding vegetative buffers in the accumulative impacts analysis, have the expert assess whether it changes the result of no net loss.
- A primary issue in going beyond a 30' setback in this reach is that most of the property in this area is private.
- In favor of a 50' setback if existing structures are grandfathered in with the ability to expand landward and upward as allowed by current zoning heights.
- Concern with increasing the setback to 50' and achieving Council's intent by doing so.
- Need a Vegetation Conservation Area (VCA) in Budd-4. Request to change direction given to staff in October because a specific VCA is needed. If the setback is increased to 50', 20' can be for VCA and 30' more to the building in order to address other concerns (sea level rise, utility easements, etc.).
- Concerned with proposed setback expansion; several things can be accomplished in the same setback area rather than proposing specific areas for certain purposes.
- Allow flexibility to better reach the goal of preserving certain areas rather than defining specific dimensions.
- Supportive of 50' setback with the flexibility to reduce it to 30' or even to 0' with noted conditions (e.g., trails, public access, substantial upland defenses for sea level rise, shoreline restoration waterward, 2-1 mitigation off-site, water dependant use).
- Consider a maximum of 50' and a minimum of 30' if noted conditions are met, with an additional possible exception to 0' for water dependant uses. (also apply similar guidance to Budd-5A)
- Look for ways to bring Percival Landing out of the water for its next phase and encourage public/private partnerships.

Discussion of BUDD-5A (from the Kissing Statue to Port property):

- Consider a maximum of 50' and a minimum of 30' if noted conditions are met, with an additional possible exception to 0' for water dependant uses.
- This Reach already has public access and buildings over the water. Does it make sense to have a 50' setback here?
- Concern with creating disinvestment for improving downtown waterfront with a 50' setback.

Mayor Buxbaum suggested wrapping up for the evening and continuing the discussion at the March 5 Council meeting. Following Council deliberations at future meetings, staff will take direction, come back with a new draft, get Council approval on accurate direction, and then ask the public to comment on the latest draft.

Discussion of Mithun Visualization Software:

Councilmember Roe provided a status update on the progress for utilizing the visualization software to assist with a variety of possible development scenarios. She spoke in support using the software in the next few weeks. She thanked Mr. Stahley for all his work in trying to get the software ready for use and expressed disappointment in not including the software in tonight's presentation.

Councilmember Langer echoed Councilmember Roe's comments. He stressed the importance of waiting to use the software until it is ready so that the result is representative of what the Council may be considering. He noted that applying a visualization scenario does not mean the representation envelope will be built.

Mayor Pro Tem Jones indicated one of his goals with the visualization software would be to compare a building to the setbacks and shoreline. He asked for this tool in order to deliberate at the March 5 SMP discussion. After further discussion, staff agreed to work toward providing a presentation of the software at the March 19 Council meeting.

**The discussion of the SMP will continue at the March 5 Council meeting.**

**7. CONTINUED PUBLIC COMMUNICATION**

**8. REPORTS AND REFERRALS**

Councilmember Roe suggested delaying reports until next week so that the meeting can be adjourned. The Council agreed with the suggestion.

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

**8.B CITY MANAGER'S REPORT AND REFERRALS - None**

**9. ADJOURNMENT**

The meeting adjourned at 11:10 p.m.