



# Meeting Agenda

## Planning Commission

City Hall  
601 4th Avenue E  
Olympia, WA 98501  
Contact: Joyce Phillips  
360.570.3722

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**Monday, August 15, 2016**

**6:30 PM**

**Room 207**

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**1. CALL TO ORDER**

*Estimated time for items 1 through 5: 20 minutes*

**1.A ROLL CALL**

**2. APPROVAL OF AGENDA**

**3. APPROVAL OF MINUTES**

- 3.A** [16-0899](#) Approval of July 25, 2016, Olympia Planning Commission Meeting Minutes

**Attachments:** [OPC draft minutes 7.25.16](#)

- 3.B** [16-0900](#) Approval of the August 1, 2016 Olympia Planning Commission Meeting Minutes

**Attachments:** [OPC draft minutes 8.1.16](#)

**4. PUBLIC COMMENT**

*An opportunity for the public to address the Commission regarding items related to City business, including items on the agenda. However, this does exclude items for which the Commission or Hearing Examiner has held a public hearing in the last 45 days or will hold a hearing on in the future.*

**5. STAFF ANNOUNCEMENTS**

*This agenda item is also an opportunity for Commissioners to ask staff about City or Planning Commission business.*

**6. BUSINESS ITEMS**

- 6.A** [16-0914](#) CAO Phase 2 - Locally Important Species and Habitat

**Attachments:** [Technical Memo](#)

*Estimated time: 30 minutes*

- 6.B** [16-0913](#) Public Hearing on Proposed Changes to Regulations Pertaining to Zoning and Buffers for Cannabis Land Uses

**Attachments:** [Interim Ordinance 6988](#)

[Distances Between Cannabis Licensees - Eastside](#)

[Distances Between Cannabis Licensees - Westside](#)

*Estimated time: 30 minutes*

**6.C**     [16-0907](#)     2017-2022 Capital Facilities Plan - Review of Comments Received

**Attachments:**     [Public Comments Received](#)

*Estimated time: 20 minutes*

**6.D**     [16-0906](#)     Planning Commission Retreat

*Estimated time: 30 minutes*

**7.        REPORTS**

*From Officers and Liaisons, and regarding relevant topics.*

**8.        OTHER TOPICS****9.        ADJOURNMENT**

*Approximately 9:30 p.m.*

**Upcoming Meeting**

*Next regular Commission meeting is August 15, 2016. See 'meeting details' in Legistar for list of other meetings and events related to Commission activities.*

**Accommodations**

*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 Advisory Committee meeting, please contact the Advisory Committee staff liaison (contact number in the upper right corner of the agenda) 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 Hall  
601 4th Avenue E.  
Olympia, WA 98501  
360-753-8244

## Planning Commission

### Approval of July 25, 2016, Olympia Planning Commission Meeting Minutes

**Agenda Date:** 8/15/2016  
**Agenda Item Number:** 3.A  
**File Number:** 16-0899

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**Type:** minutes **Version:** 1 **Status:** In Committee

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**Title**

Approval of July 25, 2016, Olympia Planning Commission Meeting Minutes





# Meeting Minutes

## Planning Commission

ATTACHMENT 1

City Hall  
601 4th Avenue E  
Olympia, WA 98501

Contact: Joyce Phillips  
360.570.3722

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**Monday, July 25, 2016**

**6:30 PM**

**Room 207**

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**1. CALL TO ORDER**

Chair Richmond called the meeting to order at 6:30 p.m.

**1.A ROLL CALL**

**Present:** 7 - Chair Carole Richmond, Vice Chair Brian Mark, Commissioner Mike Auderer, Commissioner Paula Ehlers, Commissioner Darrell Hoppe, Commissioner Negheen Kamkar, and Commissioner Jerome Parker

**Absent:** 2 - Commissioner Travis Burns, and Commissioner Missy Watts

**2. APPROVAL OF AGENDA**

**The agenda was approved.**

**3. APPROVAL OF MINUTES**

**3.A [16-0872](#) Approval of July 11, 2016, Olympia Planning Commission Meeting Minutes**

Commissioner Parker proposed the following revisions to the minutes: Item 5. *From:* Columbia Place - Hearing on August 29, 2016. *To:* Columbia Place - Hearing of the Hearing Examiner will be on August 29, 2016. *From:* The Finance Committee will begin review of the 2017-2022 Capital Facilities Plan. *To:* The Finance Committee of the Council will begin review of the 2017-2022 Capital Facilities Plan. *From:* The Council will begin their review on July 19, 2016. *To:* The Council will begin its review on July 19, 2016.

**The minutes were approved as amended.**

**4. PUBLIC COMMENT - None**

**5. STAFF ANNOUNCEMENTS**

Ms. Phillips made the following announcements:

- August Planning Commission meetings will be on the 1st and the 15th
- September Planning Commission meeting will be on the 19th
- Reminder about the Short Course on Local Planning on September 19th
- Reminder to inform Ms. Phillips of vacation schedules that would affect meeting attendance

**6. BUSINESS ITEMS****6.A**     [16-0874](#)           Artesian Commons Park Seasonal Staffing Update

Ms. Niehuser and Mr. Franks presented an update on Artesian Commons Park. The City hired a temporary Well Host and Seasonal Park Ranger to be stationed at the Artesian Commons Park from June 1, 2016 through October 2016. The goals of these positions are to improve the water users experience, promote positive activities, gain compliance to park rules and regulations and provide a safe and welcoming environment for all. To achieve these goals the staff provide daily activities for park visitors, support community and City programs in the park, greet people gathering water, clean up litter, monitor behaviors and educate those who are violating rules.

**6.B**     [16-0860](#)           Draft Public Participation Plan for the Sign Code Update

Ms. Phillips presented a draft public participation plan for the upcoming sign code update. In September of this year the City will begin a process to update its sign code. The planning process will include public outreach to solicit input regarding what needs to be addressed and to share information about a recent Supreme Court case related to signs. Two advisory groups will be formed to help develop content and review draft code amendments. Staff sought input from the Planning Commission regarding opportunities to improve the plan. The Commission provided feedback.

**6.C**     [16-0861](#)           Planning Commission Retreat

The Commission discussed having a retreat in September or early October. It discussed some topics of interest. The retreat will be discussed further at upcoming Planning Commission meetings.

**6.D**     [16-0850](#)           Planning Commission Selection of Officers

Chair Richmond stated the previous Planning Commission held its officer elections in November 2015 but noted its intent that the new Commission would hold elections in March once the new Commissioners were seated. This would provide an opportunity for them to give input on leadership for the remainder of 2016. When the new Commissioners came on board an election was held to fill the then vacant Vice-Chair position. This meeting was an opportunity for the Commission to elect new officers for the remainder of 2016. Elections will be held in November of this year for the 2017 officers.

**Commissioner Parked motioned, seconded by Commissioner Auderer to hold an election of Chair and Vice Chair at this meeting. The motion passed with one opposition and one abstention.**

Chair Richmond opened the floor up to nominations. Commissioner Parker nominated Commissioner Mark for the Chair position. Commissioner Mark accepted the nomination. Commissioner Auderer nominated himself for the Vice Chair position.

Commissioner Kamkar nominated Commissioner Richmond for the Chair position. Commissioner Richmond accepted the nomination.

The Commission completed a handwritten individual vote for the Chair position. Ms. Phillips tallied the votes and indicated there were four votes for Commissioner Mark, two votes for Commissioner Richmond and one abstention. Commissioner Mark is now Chair of the Planning Commission.

The Commission held an election for the Vice Chair position. There were six votes for Commissioner Auderer and one abstention. Commissioner Auderer is now Vice Chair of the Planning Commission.

## **7. REPORTS**

Commissioner Parker reported he attended the Land Use and Environment Committee (LUEC) meeting about multi-modal transportation. It was held on July 21, 2016.

Commissioner Richmond reported she listened to a meeting online about affordable housing. It was a discussion about the possibility of a ballot measure for an eight million dollar seven year property tax levy to build 200 housing units to help get the chronically homeless off the street. The goal is to offer 500 units in the future.

Commissioner Hoppe indicated he plans to attend the July 28, 2016 Design Review Board meeting.

## **8. OTHER TOPICS**

Commissioner Hoppe asked Ms. Phillips for an update on current planning projects which she provided.

## **9. ADJOURNMENT**

The meeting adjourned at 8:41 p.m.







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

## Planning Commission

### Approval of the August 1, 2016 Olympia Planning Commission Meeting Minutes

Agenda Date: 8/15/2016  
Agenda Item Number: 3.B  
File Number: 16-0900

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Type: minutes Version: 1 Status: In Committee

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#### Title

Approval of the August 1, 2016 Olympia Planning Commission Meeting Minutes





# Meeting Minutes

## Planning Commission

ATTACHMENT 1

City Hall  
601 4th Avenue E  
Olympia, WA 98501

Contact: Joyce Phillips  
360.570.3722

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**Monday, August 1, 2016**

**6:30 PM**

**Room 207**

---

**1. CALL TO ORDER**

Chair Mark called the meeting to order at 6:26 p.m.

**1.A ROLL CALL**

**Present:** 7 - Chair Brian Mark, Vice Chair Mike Auderer, Commissioner Paula Ehlers, Commissioner Darrell Hoppe, Commissioner Jerome Parker, Commissioner Carole Richmond and Commissioner Missy Watts

**Excused:** 1 - Commissioner Negheen Kamkar

**Absent:** 1 - Commissioner Travis Burns

**OTHERS PRESENT**

Community Planning and Development Deputy Director, Leonard Bauer  
Senior Planner, Joyce Phillips  
Senior Planner, Linda Bentley  
Office Specialist, Stacey Rodell  
Administrative Services Director, Jane Kirkemo  
Olympia School District (OSD) Assistant Superintendent, Jennifer Priddy  
OSD Capital Investment and Facilities Maintenance Executive Director, Alan Tyler  
OSD Capital Planning and Construction Architect, Kurt Cross  
Olympia Northeast Neighborhoods Alliance (ONNA) Vice Chair, Don Law  
ONNA Webmaster, Jay Elder

**2. APPROVAL OF AGENDA**

The agenda was approved.

**3. APPROVAL OF MINUTES - None**

Minutes from the July 25, 2016 Planning Commission will be available at the August 15, 2016 meeting.

**4. PUBLIC COMMENT - None**

**5. STAFF ANNOUNCEMENTS**

Ms. Phillips announced the following:

1. Cascadia Development is proposing to construct a senior living facility,

Fieldstone Memory Care, between 7th Ave SW and 9th Ave SW, near Capital Medical Center.

- One story 37,447 square foot memory care facility (45 units with 57 beds)
  - Three story 96,918 square foot assisted living facility (96 units with 120 beds)
  - 101 parking spaces on site, with 37 parallel stalls on new street, 138 spaces
  - There will be a neighborhood meeting on August 4, 2016.
2. The Parkside Plat is a proposed 75-lot subdivision located at 3200 Cooper Point Road. It is proposed to go to Public Hearing before the Hearing Examiner on August 22, 2016.
  3. Courtyard Hotel received Land Use approval on June 29, 2016. Staff is waiting for revisions to show compliance with approval requirements on the final site plan.
  4. Olympia Public Works submitted an application for a Conditional Use Permit for the construction of a water reservoir and associated infrastructure including water main and access road. The site is accessed from Morse Merriman Road and is located east of LBA Park.
  5. An application has been submitted for Green Cove Park, a proposed subdivision of approximately 50 acres into 177 residential lots and 10 tracts. It is located on Cooper Point Road NW, north of 20th Ave NW. There is a neighborhood meeting scheduled for August 11, 2016 at 6:30 p.m. to learn more about the project.
  6. Ms. Phillips informed the Planning Commission the public comment period for written comments on the Capital Facilities Plan, the subject of the public hearing, would remain open until 5:00 p.m. on Friday, August 5th, so the Commission will not take any action on that item until its meeting on August 15th. However, the Planning Commission can take action during the public meeting on the second business item, the ONNA Subarea Plan. The Commission had the opportunity to confirm it's consistency with the Comprehensive Plan and make a recommendation that Council accept the plan as is, or to write a letter to Council recommending acceptance but with further comments, or to take no action. The Commission's recommendation can be verbal or in writing. If made in writing the memorandum must indicate the vote on the item and the chair will determine who will present it to the Council in a public meeting.

## 6. BUSINESS ITEMS

### 6.A [16-0888](#) Capital Facilities Plan for 2017-2022 - Public Hearing

Ms. Priddy presented information about OSD in relation to the 2017-2022 Capital Facilities Plan (CFP). In short the CFP answers:

1. What new construction or new portables are required in the next 6-7 years?
  - Of these investments, which are necessary to respond to enrollment growth?
  - Which are not related to growth, but are necessary assuming new state class size policy?
2. In order to off-set the cost of growth, what is the 2017 impact fee for

single-family and multi-family construction?

She reviewed:

- District policy assumptions.
- Room for class size reduction or enrollment growth but not both.
- Total classrooms needed.
- Total projects in next 6 years.
- Historical impact fees.
- Draft of neighboring impact fee rates.

Ms. Kirkemo presented the preliminary 2017-2022 CFP. Each year the presentation of the CFP is the beginning of the annual budget process. The 2017 - 2022 CFP went before the Finance Committee of the Council on July 13, 2016 and before the full Council on July 19, 2016 for an early look at the plan. It was an opportunity for the Committee or Council to direct staff to look at other projects, funding sources etc. The proposed 2017 - 2022 CFP is the first plan to include new projects since the recession. This is also the first plan developed since hiring an economic development director, increasing the Transportation Benefit District (TBD) fee, and establishing the Metropolitan Parks District (MPD). This plan assumes the MPD board sets a rate and begins collecting revenue in 2017.

There are many exciting changes in the 2017 - 2022 CFP. The new plan:

- Reflects acquiring at least 200 acres of park land in the next six years. This is the most significant change in the CFP. The MPD supports at least \$10 million in funding for land acquisition.
- Estimates the preliminary CFP is \$142 million, up 3% over the current CFP.
- Shifts focus from utility projects (one-third) to general government projects (two-thirds).
- Reflects a one-time real estate excise tax (REET) increase of approximately \$750,000 from the sale/acquisition of west side medical facilities.
- Doubles the TBD revenue, providing a total of \$1.5 million for transportation projects. The TBD Board approved a \$20 per vehicle fee increase, bringing the total to \$40 per vehicle per year.
- Includes an update to the American with Disabilities Act (ADA) transition plan. Work will be done in 2017 on updating the plan for all City-owned buildings and park facilities.

Ms. Kirkemo reviewed:

- CFP funding sources.
- What makes up Capital Improvement Program (CIP) revenues.
- The REET and utility tax collected from 2004-2015, 2016 budgeted amount and 2017 estimate amount.
- Utility tax on cable.
- What is not included or underfunded.
- Next steps:
  - Council public hearing will be on October 18, 2016.
  - Public hearing on capital and operating budget will be on November 15,

2016.

- Adoption of the CFP by the Council is scheduled for December 13, 2016.

Chair Mark closed the briefing and opened up the Public Hearing.

Members of the Public spoke.

Bob Jacobs:

- Suggested asking former Planning Commission member Roger Horn to assist on the planning process of the 2017-2022 CFP.
- Said he would be willing to help out with the CFP in any way he can.
- Has concerns about delays in street maintenance and the costs associated with the delays.
- Has concerns about building maintenance.
- Feels utility tax revenues are not as constraining as general fund revenues, occasionally resulting in projects being done that just aren't worth the expense.
- Feels the funding approach by Timberland Regional Library system is quite inequitable.
- Spoke about the property taxes in relation to funding schools.

Paul Elwood:

- Feels there is absence of adequate funding for bicycle facilities in the CFP and the absence will prohibit the City from meeting its goal of reducing greenhouse gas emissions.

Chair Mark provided a reminder, public comments will be accepted until 5:00 p.m. on August 5, 2016. He closed the Public Hearing.

Commissioner Parker reviewed written comment submitted by member of the public, Roger Horn.

**The public hearing was held and closed.**

**6.B**     [16-0881](#)     Olympia Northeast Neighborhoods Alliance (ONNA) Subarea Plan Review and Discussion of Implementation

Chair Mark stated he has direct personal connection with this plan and asked if anyone who would like him to recuse himself. There were no objections to his participation as a Planning Commissioner on this issue.

Ms. Bentley provided an update of the final plan. The draft plan was presented to the Planning Commission in April 2016. Mr. Law and Mr. Elder provided additional clarification to the Commission.

Chair Mark made the following recommendations:

- Adding a contact person from ONNA to the ONNA Subarea Plan, who would be available to assist the next neighborhood in forming a subarea plan.
- Adding the intention of the decision making process by clarifying what "responsible party" means.

- Incorporate general discussion items into the plan.
- Include estimated expenses for communication mailings into the plan to assist future subarea planning.

**Chair Mark moved, seconded by Commissioner Richmond, to confirm ONNA Subarea Plan is consistent with the Comprehensive Plan and recommend City Council accept the subarea plan. The motion passed unanimously.**

## 7. REPORTS

Commissioner Parker reported on the most recent Arts Commission meeting regarding the Gateways project.

Chair Mark reported on the Community Transitional Services (CTS) meeting he attended. This is a program designed to assist people who are re-entering society after incarceration. He urged the Commission when making decisions to consider these individuals and avoid hindering their success if possible.

Commissioner Watts reported on the most recent Downtown Strategy Stakeholder Work Group meeting she attended. Ms. Phillips indicated that Ms. Buckler would be presenting a briefing on the Downtown Strategy at the Commission's September 19, 2016 meeting. Ms. Rodell indicated there is a Downtown Strategy Stakeholder Work Group meeting on September 14, 2016.

Commissioner Hoppe spoke about a recent Design Review Board meeting regarding Phase I of the Briggs housing project.

Vice Chair Auderer spoke about a recent correspondence with a developer and a possible upcoming development project at the former Les Schwab building location.

Commissioner Parker inquired about the Columbia Place project. Ms. Phillips indicated this project is scheduled to go to Public Hearing before the Hearing Examiner on August 29, 2016.

## 8. OTHER TOPICS

Chair Mark asked if there was interest in forming a sub-committee of the Planning Commission to review the Capital Facilities Plan. Commissioner Parker volunteered to contact Roger Horn to see if he would like to help out on the sub-committee and will coordinate a meeting of the sub-committee of interested Commissioners with the assistance of Ms. Phillips.

The Commission continued discussion regarding its yearly retreat.

## 9. ADJOURNMENT

The meeting was adjourned at 9:09 p.m.







## Planning Commission

### CAO Phase 2 - Locally Important Species and Habitat

Agenda Date: 8/15/2016  
Agenda Item Number: 6.A  
File Number: 16-0914

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Type: information Version: 1 Status: In Committee

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#### Title

CAO Phase 2 - Locally Important Species and Habitat

#### Recommended Action

Information only. No action requested.

#### Report

##### Issue:

Briefing on CAO Phase 2 - Locally Important Species and Habitat

#### Staff Contact:

Linda Bentley, Senior Planner, Community Planning & Development, 360.570.3746

#### Presenter(s):

Linda Bentley, Senior Planner, Community Planning & Development

#### Background and Analysis:

During the update to the City's Comprehensive Plan in 2014, citizens and elected officials expressed a desire to protect "locally important species and habitat." The City included relevant goals and policies in the adopted Comprehensive Plan and included further work on that task as part of the Critical Areas Ordinance (CAO) update. The original CAO update deadline of June 30, 2016, did not leave enough time to thoroughly consider possible changes to protections in the Important Habitat and Species section of Olympia Municipal Code (OMC) 18.32.300 and to also complete the updates required by the Growth Management Act (GMA). Consequently, the City divided the tasks into the following phases:

- Phase 1: The update required in the GMA, which was adopted by City Council July 19 (2<sup>nd</sup> Reading August 16)
- Phase 2: Investigation of options available to protect "locally important habitat and species"
- Phase 3: Shoreline Master Program amendment

#### Phase 2 Process

City and consultant ESA will look at ways to protect our locally important species and their habitats. ESA prepared a technical memo, attached, outlining:

- gaps in current federal, state and local regulatory protections
- legal bases for protecting species and habitats
- current best practices in comparable cities
- recommendations for best ways to protect our species and habitat

Some species and habitats are known; others may be identified and considered during technical working group meetings, public workshops and other meetings or hearings.

### Phase 3 - Shoreline Master Program Update

Under provisions of the Washington State Shoreline Management Act, all amendments to the City's CAO must also be adopted by reference into the City's Shoreline Master Program (SMP) and approved by the Department of Ecology (DOE) before the amended CAO is effective within designated shoreline areas (generally the land area within 200 feet of the water).

Because DOE approval may take months and we did not want the confusion of having two critical area regulations - one for shorelines and one for uplands during that gap -we are delaying the effective date of adopted CAO amendments until we receive DOE approval of our amended SMP. We will continue to use the current CAO and SMP until the amended CAO and SMP become effective.

### Options for Protecting Locally Important Species and Habitat

The City needs to determine the most effective way to provide species and habitat protections. As detailed on pages 13-14 of the technical memo, the following are the three options we are considering:

- Programmatic
  - Designate land as open space, native growth protection, habitat preservation
  - State tax levy and other programs
- Incentive-based
  - City acquires land to protect
  - Encourage private donations
- Regulatory
  - Include protections for specific species and/or habitats into OMC 18.32 (Note: many of the aquatic species are already protected in the streams and wetlands sections and in the Shoreline Master Program.)
  - Some jurisdictions allow groups and individuals to "nominate" species and habitats for protection (with the burden of proof on the nominator)

The decision on best options may be informed by which species and habitats we determine need protection.

### Tentative (Best Case) Schedule - Phases 2 and 3

Consultant draft technical memo	July 2016
Working group meeting	July 2016
Public information meeting	September 2016

Planning Commission/LUEC briefings	August-October 2016
Final Phase 2 recommendations	November 2016
SMP amendment	December 2016-January 2017
DOE approval	January-March 2017

Neighborhood/Community Interests (if known):

Many community groups and individuals have expressed support for protecting Olympia's locally important species and habitats.

Options:

Briefing only.

Financial Impact:

Updating the CAO and SMP to meet the statutory requirements is already a budgeted work item for Community Planning and Development in 2016. Initial review of locally important species and habitats is also included; however, some approaches to this task may require additional resources.

Attachments:

Technical Memo





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# memorandum

date August 5, 2016

to Linda Bentley, City of Olympia  
Leonard Bauer, City of Olympia

from Ilon Logan and Christina Hersum, ESA

subject Critical Areas Ordinance Update Phase II: Locally Important Species and Associated Habitats Overview and Options Memo

The City of Olympia (City) is concluding its Critical Areas Ordinance (CAO) update process in accordance with the requirements of the Growth Management Act (GMA) (RCW 36.70A). The City has performed a review of current best available science (BAS) for informing policies and regulations that protect and manage activities in and near critical areas and applied special considerations to salmonids. The *Best Available Science* memo (ESA, 2016) incorporates the findings of previous review efforts conducted by the City and assesses the existing regulations for consistency with current BAS.

For Phase II of the CAO update process, the City has elected to research, evaluate, and engage community members and elected officials in identifying potential protections for locally important species and associated habitats. The City is interested in multiple wildlife species, but in particular, great blue heron. ESA has prepared this memo to incorporate findings from the BAS science review with information from the City regarding valued wildlife species and/or habitats in the City and describe the following:

- Current federal, state, and local regulatory protections for wildlife species and their habitats;
- Legal basis for protecting species and habitats of local value or importance;
- Current approaches in cities with comparable characteristics to Olympia; and
- Options for increasing protections the identified species and/or habitats.

The intent of this memo is to provide a basis for discussion between stakeholders and the City about wildlife and wildlife habitats in Olympia.

## Mapped Priority Species and Habitats and Prairie Soils in Olympia

ESA performed a limited evaluation of existing GIS information of species and habitats in the City and its UGA. The major source of information is the Washington Department of Fish and Wildlife (WDFW) Priority Habitats and Species (PHS) database (WDFW, 2016). The PHS database is continuously updated by WDFW, but does not include all known occurrences of priority species and habitats due to limited agency resources. Figure 1 shows the location of current and historic wildlife occurrences and concentrations as mapped by WDFW and Table 1 provides a summary of PHS records. The PHS database includes both individual species and species group records for Olympia including documentation of wood duck breeding areas, mink occurrences (both from the early 1990s), great blue heron rookeries, bald eagle and peregrine falcon breeding sites, and bat communal roosts. There are mapped concentrations of shorebirds and waterfowl in Budd Inlet and Capitol Lake, respectively. Capitol Lake and the Percival Creek riparian corridor is mapped as a Biodiversity Area and Corridor.

**Table 1. Mapped WDFW Priority Habitats and Species**

Habitat or Species	PHS Category	Location
<b>Habitats</b>		
Biodiversity Area & Corridor	Priority Habitat	Capitol Lake
Shorebird Concentration Area	Regular Concentration	Budd Inlet
Waterfowl Concentration Area	Regular Concentration	Capitol Lake
<b>Birds</b>		
Wood duck	Breeding Area	West Olympia
Great blue heron	Breeding Area	West Bay
Bald eagle	Breeding Area/Nest Site	Deschutes River, Capitol Lake (nest)
Peregrine falcon	Breeding Area/Nest Site	Port of Olympia
Purple martin	Breeding Area/Site	East Bay Marina, West Bay Marina, Percival Landing, Fiddlehead Marina
Vaux's swift	Communal Roost	Deschutes River, SE of Capitol Lake
<b>Mammals and Amphibians</b>		
Mink	Occurrence	Black Lake Ditch corridor
Mazama pocket gopher	Occurrence	One individual near Yelm Highway/Blvd Road
Oregon spotted frog	Occurrence	Two egg mass in Fish Pond Creek
<b>Bats</b>		
Yuma myotis	Communal Roost	Woodard Creek, Deschutes River, near Hazard Lake
California myotis	Communal Roost	Deschutes River
Big brown bat	Communal Roost	Capitol Lake
Little brown bat	Communal Roost	Woodard Creek
Townsend's Big-eared bat	Occurrence	Deschutes River
<b>Fish</b>		
Olympic mudminnow	Occurrence	Ditch at Kaiser Road, Green Cove (headwaters, drainage, Creek), Cooper Pt Road, Louise Lake, Woodard Creek

Coho	Occurrence/Migration	Indian Creek, Moxlie Creek, Deschutes River, Schneider Creek, Percival Creek, Ellis Creek, Black Lake Drainage Ditch
Fall Chinook	Occurrence/Migration	Indian Creek, Moxlie Creek, Deschutes River, Percival Creek
Fall Chum	Occurrence/Migration	Indian Creek, Moxlie Creek, Deschutes River, Percival Creek
Residential Coastal Cutthroat	Occurrence/Migration	Woodard Creek, Indian Creek, Deschutes River, Percival Creek
Winter Steelhead	Occurrence	Deschutes River, Woodard Creek
Surf smelt	Breeding Area	Budd Inlet

Prairie-dependent plant and wildlife species are of concern in Thurston County. As described in detail later in this memo, the County has designated prairies as locally important habitats and employs Natural Resources Conservation Service (NRCS) soil mapping to preliminarily identify locations that may support dry or wet prairie habitats. The County provides a list of soils known to be associated with prairies in its CAO (Table 24.25-6 in Thurston County Code Title 24). Figure 2 shows the location of these soil types in the City of Olympia and its UGA.

The Washington Department of Natural Resources (WDNR) maintains a database of rare plant species and ecosystems of special concern through its Natural Heritage Program (NHP). Native prairies and oak woodlands are considered high-quality terrestrial ecosystems and their occurrence is mapped by the NHP. Based on a review of the NHP database, there are no known locations of these habitats in the City of Olympia and its UGA.

### **Additional Information on Wildlife in the City**

WDFW records for great blue heron in the City note active breeding (confirmed by WDFW biologists) in 2008, 2009, 2010, 2012, 2013, and 2014 (WDFW, 2015). Information provided by citizens note breeding in 2015 and 2016 (Einstein, 2016). Approximately 30 individuals comprise the heron population, which has alternated rookery locations on forested slopes of both the West Bay and East Bay of Budd Inlet (Einstein, 2016). The West Bay rookery location is shown on Figure 1.

The Black Hills Audubon Society conducts surveys of bird species in Olympia during the annual Christmas Bird Count. The data has been compiled by citizen volunteers and provides a basis of overall patterns in bird abundance over time when appropriately interpreted. Abundance patterns for great blue heron, purple martin, osprey, Western grebe, and Vaux's swift are available (Black Hills Audubon, 2016).

### **Federal and State Regulatory Protections**

Fish and wildlife species and their habitats are protected under multiple federal, state, and local government policies, regulations, and laws. At the federal level, the major environmental law protecting wildlife is the Endangered Species Act. Species listed under the Act are a limited number of fishes, mammals, and birds that are designated as "endangered," "threatened," and "candidate" species.

In Olympia, listed species that are mapped by the U.S. Fish and Wildlife Service (USFWS) and National Marine Fisheries Service (NMFS) include salmonids such as Chinook and steelhead, pocket gopher, marbled murrelet, streaked horned lark, and yellow-billed cuckoo and one plant species (golden paintbrush) (USFWS, 2016; NMFS, 2016). However, suitable habitat for the pocket gopher, the three bird species, and golden paintbrush is not present within the City limits or the urban growth area (UGA) and these species are unlikely to occur.

The Migratory Bird Treaty Act (MBTA) protects native bird species from harm (specifically illegal is to take, possess, import, export, transport, sell, purchase, barter, or offer for sale, purchase, or barter the parts, nests, or eggs). The list of birds protected under the MBTA is periodically updated with the most recent update occurring in 2013, which designated 1,026 bird species. According to USFWS (2016), the migratory bird species that occur in Olympia include numerous waterfowl, raptor, and songbird species.

The MBTA protects the individual bird, its nest, and its eggs, but it does not protect the bird’s habitat. Thus, removing a tree with an active nest would be considered unlawful under the MBTA, but removing the same tree outside of the nesting season would not. The MBTA is administered by USFWS who also authorizes WDFW for state and local projects. Enforcement of the MBTA is common for federally-funded projects, but less so for state and local projects due to limited WDFW resources.

Similar to the MBTA, the Bald and Golden Eagle Protection Act protects the “taking” of eagles, including their parts, nests, or eggs. Bald eagles regularly occur in the City and nest along the shoreline of Budd Inlet and other waterbodies such as the Deschutes River.

Table 2 summarizes all of the applicable federal and state laws as well as programs for wildlife and their habitats. Two state laws, the GMA and the Shoreline Management Act (SMA), provide the legal basis for protecting wildlife species and habitats in Washington. Both acts are implemented at the local level (as described in the following section).

**Table 2. Federal and State Regulations and Programs Protecting Wildlife**

Statute	Lead Agency	Regulated Activities / Program
<b>Federal</b>		
Endangered Species Act (50 CFR Part 17)	NMFS and USFWS	Protects species identified as endangered or threatened along with designated critical habitat required for the conservation of those species. NMFS has authority over most anadromous fishes, marine mammals, marine reptiles, and other marine fish species, while the USFWS has authority over terrestrial wildlife and resident fish species that inhabit inland waters.
Magnuson-Stevens Fishery Conservation Act, as amended by the Sustainable Fisheries Act of 1996 (Public Law 104-267)	NMFS	Requires federal agencies to consult with NMFS on federal actions that may adversely affect designated Essential Fish Habitat for federally managed fish species.



Marine Mammal Protection Act	NMFS and USFWS	Protects all marine mammals from take in U.S. waters and by U.S. citizens on the high seas, and the importation of marine mammals and marine mammal products. NMFS is charged with protecting whales, dolphins, porpoises, seals, and sea lions. Walrus, manatees, otters, and polar bears are protected by the USFWS.
Bald and Golden Eagle Protection Act (50 CFR Part 22)	USFWS	Protects bald and golden eagles and makes it unlawful to take, import, export, sell, purchase, or barter any bald or golden eagles, their parts, products, nests, or eggs. The Act defines "take" as "pursue, shoot, shoot at, poison, wound, kill, capture, trap, collect, molest or disturb."
Migratory Bird Treaty Act (50 CFR Part 21)	USFWS	Protects many common native birds as well as birds that are listed as threatened or endangered. USFWS regulates most aspects of the taking, possession, transportation, sale, purchase, barter, exportation, and importation of migratory birds.
<b>State</b>		
Growth Management Act (Chapter 36.70A RCW)	Department of Commerce	Requires county and local municipalities to manage Washington's growth through the identification and protection of critical areas and natural resource lands; the designation of <i>urban growth areas</i> ; and the preparation and implementation of comprehensive plans.
Shoreline Management Act (Chapter 90.58 RCW)	Department of Ecology (Ecology)	Regulates water bodies above a threshold size as well as lands within 200 feet of the ordinary high water mark of those water bodies. Includes policies and regulations to protect shoreline habitat, preserve public access, and allow for water-dependent uses.
State Wildlife Permanent Regulations (Chapter 232-12 WAC)	WDFW	Protects and regulates the hunting of wildlife including game species, listed species, etc.
Priority Habitats and Species Program	WDFW	Non-regulatory program that provides information on documented locations of fish and aquatic resources, terrestrial plants and animals, and habitats listed or defined as priority. Priority species include state endangered, threatened, sensitive, or candidate species; animal aggregations considered vulnerable; and species of recreational, commercial, or tribal importance that are vulnerable. Priority habitats are habitat types or elements of habitat with unique or significant value to a diverse assemblage of species. A priority habitat may consist of a unique vegetation type (e.g., shrub-steppe) or dominant plant species, a described successional stage (e.g., old-growth forest), or a specific habitat feature (e.g., cliffs).
Natural Heritage Program	WDNR	Non-regulatory program that provides information for listed plant species or those defined as rare. Also maintains information on rare ecological communities and priority species.

## City of Olympia Regulatory Protections and Gaps

The local regulatory programs and policies associated with wildlife species and habitat currently implemented by the City include the CAO, Shoreline Master Program (SMP), and Comprehensive Plan. The City's CAO protects and regulates activities on or adjacent to designated critical areas with the goal of minimizing potential impacts to fish, wildlife, and plant species and habitats. It helps to establish allowed uses, buffers, setback requirements, and mitigation requirements for regulated critical areas. City administration of the CAO and SMP regulations must also be balanced with private property uses and rights under state law. Per the state's constitution and state law (RCW 36.70A .370), land use regulations that affect the use of private property must be administered in a manner that does not constitute a taking of private property or violate the principles of substantive due process (State of Washington, 2015).

Among the critical areas identified for protection under the GMA are fish and wildlife habitat conservation areas (FWHCAs). FWHCAs are defined as (WAC 365-190-130):

- a) Areas where endangered, threatened, and sensitive species have a primary association;
- b) Habitats and species of local importance, as determined locally;
- c) Commercial and recreational shellfish areas;
- d) Kelp and eelgrass beds; herring, smelt, and other forage fish spawning areas;
- e) Naturally occurring ponds under twenty acres and their submerged aquatic beds that provide fish or wildlife habitat;
- f) Waters of the state;
- g) Lakes, ponds, streams, and rivers planted with game fish by a governmental or tribal entity;  
and
- h) State natural area preserves, natural resource conservation areas, and state wildlife areas.

The current CAO provides standards for protection of FWHCAs in two sections of OMC 18.32: Important Habitats and Species (18.32.300-330) and Streams and Important Riparian Areas (18.32.400-445). Important habitats and species are defined in OMC 18.32.305 as "*habitats or species known to occur within Thurston County and which may be found within the City of Olympia...*" and include ESA-listed species, as well as state-listed species. The code does not provide a list of habitats or species and does not reference the lists available in the Thurston County CAO (discussed in detail below).

The SMP establishes allowed uses, buffers, setback requirements, and mitigation requirements for shorelines of regulated waterways (e.g. streams, wetlands) in OMC 14.08. It identifies specific shoreline areas for protection that provide important wildlife habitat, including: Port Lagoon, Priest Point Park, Ellis Cove, Grass Lake, Chambers Lake, and Percival Canyon. The SMP generally identifies wildlife species for habitat protection as "locally important plant, fish and wildlife species..." but does not identify particular species.

Lastly, the Olympia Comprehensive Plan contains policies that include: protection of ecological processes and functions of wildlife habitat (e.g. wetlands, streams), restoration of natural features, and tree retention. Similar to the CAO and SMP, no specific wildlife habitats or species are identified for protection or restoration.

In summary, Olympia’s CAO addresses species that are already listed under federal and state regulations (e.g., salmonids, marine mammals, bald eagle), several specific habitat types (e.g., eelgrass beds, surf smelt breeding areas), and habitats that occur in specific locations (e.g., Important Riparian Areas and those identified in the City’s SMP). Conversely, wildlife species that are not listed and/or that do not have a primary association with the habitats defined as FWHCAs or those specifically identified in the CAO and SMP, are not protected. In the case of great blue herons, if the heron rookery were located in one of the areas specifically protected or within a standard buffer of a wetland or stream, then critical areas protections would apply. If it were located outside of these areas, only the removal of an active nest would be considered unlawful under the MBTA and state law (WAC 232-12-011), and removal of nest trees outside of the nesting season would not.

## Legislation for Protecting Local Habitats and Species

Primary legislation for protecting local habitats and species is provided by the GMA. As previously mentioned, the GMA designates FWHCAs for protection as a critical area and provides a definition for FWHCAs that includes habitats and species of local importance, as determined locally (WAC 365-190-030(19)):

*“Habitats of local importance” designated as fish and wildlife habitat conservation areas include those areas found to be locally important by counties and cities;*

*“Species of local importance” as those species that are of local concern due to their population status or their sensitivity to habitat alteration or that are game species.*

The GMA does not provide additional specificity about designating habitat or species of local importance beyond the above definitions. To assist local jurisdictions, the Department of Commerce (formerly CTED) provides one method of designating habitats and species through a set of example code provisions (CTED, 2007). The example provisions are as follows:

- a. **Designation Process.** The [city/county] shall accept and consider nominations for habitat areas and species to be designated as locally important on an annual basis.
  - i. Habitats and species to be designated shall exhibit the following characteristics:
    - (a) Local populations of native species are in danger of extirpation based on existing trends:
      - 1. Local populations of native species that are likely to become endangered; or
      - 2. Local populations of native species that are vulnerable or declining (see WAC 232-12-297);
    - (b) The species or habitat has recreation, commercial, game, tribal, or other special value;
    - (c) Long-term persistence of a species is dependent on the protection, maintenance, and/or restoration of the nominated habitat;

- (d) Protection by other county, state, or federal policies, laws, regulations, or nonregulatory tools is not adequate to prevent degradation of the species or habitat in [city/county]; and
  - (e) Without protection, there is a likelihood that the species or habitat will be diminished over the long term.
- ii. Areas nominated to protect a particular habitat or species must represent either high-quality native habitat or habitat that has a high potential to recover to a suitable condition and which is of limited availability, highly vulnerable to alteration, or provides landscape connectivity which contributes to the integrity of the surrounding landscape.
  - iii. Habitats and species may be nominated for designation by any person.
  - iv. The nomination should indicate whether specific habitat features are to be protected (for example, nest sites, breeding areas, and nurseries), or whether the habitat or ecosystem is being nominated in its entirety.
  - v. The nomination may include management strategies for the species or habitats. Management strategies must be supported by the best available science, and where restoration of habitat is proposed, a specific plan for restoration must be provided prior to nomination.
  - vi. The [director] shall determine whether the nomination proposal is complete, and if complete, shall evaluate it according to the characteristics enumerated in subsection (i) and make a recommendation to the [planning commission] based on those findings.
  - vii. The [planning commission] shall hold a public hearing for proposals found to be complete in accordance with [locally adopted hearing procedures] and make a recommendation to the [city council or county commissioners] based on the characteristics enumerated in subsection (i).
  - viii. Following the recommendation of the [planning commission], the [city council or county commissioners] shall designate a Habitat or Species of Local Importance.
  - ix. Approved nominations will be subject to the provisions of this Title.

## **Current Approaches in Other Jurisdictions**

Some local governments identify and protect specific habitats and species of local importance through their CAO with the goal of protecting the species before they end up on a state or federal threatened or endangered species list. The following paragraphs discuss the current protections for habitats and species of local importance in neighboring jurisdictions, including Thurston County and the cities of Kenmore, Redmond, Bellevue, and Tacoma.

### ***Thurston County***

The Thurston County CAO (Thurston County Code [TCC] Title 24) designates habitats and species of local importance as a FWHCA. The County follows a process similar to the example code provisions from Commerce as listed in the previous section. Thurston County has codified these specific

submission requirements for adding or removing habitats or species of local importance in their CAO ([TCC 24.25.065\(C\)](#)). Habitats of local importance are defined in TCC 24.03 as habitats that:

*“... may include a seasonal range or habitat element with which a given species has a primary association, and which, if altered, may reduce the likelihood that the species will maintain and reproduce over the long-term. These might include areas of high relative density or species richness, breeding habitat, winter range, and movement corridors. These might also include habitats that are of limited availability or high vulnerability to alteration.”*

The County has designated five habitats of local importance. Table 3 lists the habitats as well as a justification for the habitat listing.

**Table 3. TCC Table 24.25-4 Habitats of Local Importance.**

<b>Habitat</b>	<b>Purpose of Habitat/Basis for Listing</b>	<b>Related Species</b>
Cottonwood floodplains	Current floodplain regulations do not protect this habitat from being cleared for converting to agricultural uses. This is a habitat found only along the Nisqually River in Thurston County. Cottonwoods are a keystone species in many riparian zones (Johnson et al 2001).	Red-eyed vireo
Balds (dry plant communities, grasslands)	Globally unique and rare plant community. Primarily located in SE corner of Thurston County, vicinity of Bald Hills. Similar to prairies, but smaller and shallower soils (associated with bedrock outcrops).	
Prairie or Westside Prairie	Important prairie or westside prairie habitat means herbaceous, non-forested (forested means greater than or equal to sixty percent forest canopy cover) plant communities that can either take the form of a dry prairie where soils are well-drained or a wet prairie. Priority dry prairie areas have a minimum size of one acre. In addition, some areas dominated by Scot's (Scotch) Broom (non-native shrub) or other invasive species to prairies shall be considered prairie if the area is restorable and when there are native prairie species in the understory below the shrubs. Such marginal and restorable areas can be less valuable, but may have significant value if they are large in area, or in a landscape that connects two or more prairies. Small areas less than one acre with characteristics meeting the definition of prairie habitat which are functionally connected to another larger prairie habitat within approximately one half mile are also important prairie habitat areas. Mima mounds shall be preserved to the greatest practicable extent as determined by the review authority. See the definitions for prairie habitat, dry prairie, and wet prairie.	Mazama pocket gopher, Taylor's checkerspot butterfly, Mardon skipper, streaked horned lark
Oregon White Oak Habitat	Important Oak Habitat means stands of Oregon white oak ( <i>Quercus garryana</i> ) or oak/conifer associations where canopy coverage of the oak component of the stand is twenty-five	Western gray squirrel

Habitat	Purpose of Habitat/Basis for Listing	Related Species
	percent or more; or where total canopy coverage of the stand is less than twenty-five percent, but oak accounts for at least fifty percent of the canopy coverage. The latter is often referred to as oak savanna. Important oak habitat consists of stands greater than or equal to one acre (0.4 hectares) in size. Single oaks or stands less than one acre (0.4 hectares) shall also be considered an important habitat when found to be particularly valuable to fish and wildlife (i.e. they contain many cavities, have a large diameter at breast height, are used by priority species, or have a large canopy), or are located in degraded habitat areas. Individual oak trees and stands of pure oak or oak conifer associations less than one acre in size that are located in close proximity to an oak habitat larger than one acre may also be considered an important habitat.	
Springs and seeps (includes mineral springs)	Forested springs/seeps are protected in the Forests and Fish Report to protect stream associated amphibians (SAA), protect water quality, etc. fifty-foot no cut buffer required. Mineral springs are important to Band-tailed pigeons, especially during breeding season.	Band Tailed Pigeon

Species of local importance in Thurston County are defined in TCC 24.03 as:

*“... those species that may not be endangered or threatened from a statewide perspective, but are of local concern due to their population status or their sensitivity to habitat manipulation and have been designated as such.”*

The County has designated eight bird species and four amphibian and reptiles species of local importance. Table 4 lists the species as well as a justification for listing.

**Table 4. TCC Table 24.25-5 Wildlife Species of Local Importance**

Common Name	Scientific Name	Basis for Listing as Locally Important
<i>Birds:</i>		The following bird species depend on prairie habitat and are declining in population due to loss of habitat. They serve as indicator species for relatively large and/or healthy prairie and may assist in protection of prairie habitat.
Western Meadowlark	<i>Sturnella neglecta</i>	Prairie species. Needs large open areas. Found on Joint Base Lewis McChord (JBLM), Mima Mounds, and Olympia Airport year round.
Lazuli Bunting	<i>Passerina amoena</i>	Prairie species. Declining populations. Found near Scatter Creek and Joint Base Lewis McChord (JBLM).

<b>Common Name</b>	<b>Scientific Name</b>	<b>Basis for Listing as Locally Important</b>
Common nighthawk	<i>Chordeiles minor</i>	Prairie species. Population declining significantly.
American Kestrel	<i>Falco sparverius</i>	Prairie species. Population is declining. Nests in cavities. Can use nest boxes.
Northern Harrier	<i>Circus cyaneus</i>	Prairie and herbaceous wetlands. Ground nester. Uncommon breeding in Washington.
American Bittern	<i>Botaurus lentiginosus</i>	State of Washington Birds classifies A. Bittern as a Species of Immediate Concern for wetlands.
Olive-sided Flycatcher	<i>Contopus cooperi</i>	State of Washington Birds classifies Olive-sided Flycatcher as a Species of Immediate Concern for forests.
Short-eared owl	<i>Asio flammeus</i>	State of Wa Birds classifies Short-eared owl as a Species of High Concern for grasslands.
<i>Amphibians and Reptiles:</i>		The following amphibian species ranges have been significantly reduced due to habitat alteration and development. Sensitive to site and landscape alterations, specifically that limit breeding and foraging site connectivity, and dispersal/seasonal corridors.
Olympic Torrent Salamander	<i>Rhyacotriton olympicus</i>	Three of the four species of Rhyacotritoninae occur in Thurston County - Olympic Torrent, Columbia Torrent, and Cascade Torrent. Cascade and Columbia Torrent salamanders are both listed as State Candidate Species by WDFW. Erik Neatherlin of WDFW and Bill Leonard, Biologist with WDOT, both recommend listing the Olympic Torrent Salamander as a Locally Important Species due to their association with old-growth forests and sensitivity to increased temperatures and sedimentation in streams and headwaters.
Tailed Frog	<i>Ascaphus trui</i>	Sensitive to timber harvest. Survival may depend on protection of cool flowing streams required for breeding and larval development. Likely to be affected by increased water temperatures occurring after timber harvest. Headwater stream protection through buffers is important mitigation measure.
Cope's Giant Salamander	<i>Dicamptodon copei</i>	Cope's giant salamander ( <i>Dicamptodon copei</i> ) are sensitive to habitat change and fragmentation from development. Both species would be expected to occur in the extreme SE portion of the county, similar to the two PHS species, Cascades torrent salamander and Van Dyke's salamander. The SE portion of the county in the headwaters of the Deschutes systems and the Nisqually system in the vicinity of Alder lake should be considered a "hot" region for all four (2 PHS, 2 local species mentioned) as this area is the only place they are likely to occur in the county. (Source: E. Neatherlin, WDFW)
Pacific Giant Salamander	<i>Dicamptodon tenebrosus</i>	May be associated with old-growth forests. Found in moist coniferous forests. During breeding season found in or near streams. Closely associated with high gradient streams with coarse substrate.

### **City of Kenmore**

The City of Kenmore CAO (Kenmore Municipal Code [KMC] 18.55) designates habitats of local importance through the following criteria (KMC 18.55.500):

1. Documented presence of species listed by the federal government or the State of Washington as endangered or threatened; or
2. Heron rookeries or active nesting trees; or
3. Class 1 wetlands as defined in KMC 18.55; or
4. Type 1 streams as defined in KMC 18.55; or
5. Bald eagle habitat shall be protected pursuant to the Washington State Bald Eagle Protection Rules (WAC [232-12-292](#)).

According to the code, all areas meeting one or more of these criteria within the City of Kenmore, regardless of formal identification, are designated as critical areas and are subject to the provisions of the CAO (KMC 18.55). The code includes specific performance standards for these species including the following provisions for great blue heron rookeries (KMC 18.55.530(B)):

1. *A buffer equal to the distance of a 900-foot radius measured from the outermost nest tree in the rookery will be established around an active rookery. This area will be maintained in native vegetation. For the Kenmore heron rookery located adjacent to the Kenmore park-and-ride lot, the buffer excludes the area south of the north edge of the State Route 522 right-of-way and west of the east edge of the 73rd Avenue NE right-of-way.*
2. *Between January 1st and July 31st, no clearing, grading or land disturbing activity shall be allowed within 900 feet of the rookery unless approved by the City and Washington State Department of Fish and Wildlife. For the Kenmore heron rookery located adjacent to the Kenmore park-and-ride lot, the area south of the north edge of the State Route 522 right-of-way and west of the east edge of 73rd Avenue NE right-of-way is excluded.*
3. *Approval of permits for activities within the heron rookery buffer shall not occur prior to the approval of a habitat management plan by the City and the Washington State Department of Fish and Wildlife.*

Note that the performance standards have been written to apply to great blue heron rookeries in general as well as a specific existing rookery.

### **Cities of Bellevue, Tacoma, and Redmond**

The City of Bellevue CAO (Bellevue Land Use Code [LUC] 20.25H) provides a list of 23 species as the definition for 'species of local importance' and designation as a critical area (LUC 20.25H.150). Any habitat associated with listed species of local importance is also designated as a critical area (LUC 20.25H.150). Like Thurston County, the City includes a process for identifying additional species. <http://www.codepublishing.com/WA/Bellevue/LUC/BellevueLUC2025H.html>. The City of Bellevue also developed and adopted an Urban Wildlife Habitat Functional Assessment Model (Watershed Company, 2009a and 2009b), which allows users to rate habitat on a property based on its potential to support species of local importance and other wildlife. The City requires habitat assessment for proposals that are in and adjacent to important habitat areas.



While the City of Tacoma CAO does not specifically designate ‘locally important’ species or habitats, it does provide a list of WDFW priority habitat and species known to be located within the City limits that are designated for protection as FWHCAs (Tacoma Municipal Code [TMC] 13.11.520).

The City of Redmond designates great blue heron as its only species of local importance (Redmond Municipal Code [RMC] 21.64.020(A)(2)). For habitats, the City has two distinctive designations: Core Preservation and Quality Habitat Areas. Core preservation areas are “*areas that protect habitat and that are preserved through any of the regulatory mechanisms provided in [the] Zoning Code, including Native Growth Protection Areas, Class I streams and their buffers, Class II through IV streams, and other areas similarly protected. Core Preservation Areas may also include lands where development rights have been sold and some lands with recorded open space easements, depending on the purpose of the easement. These areas include wetlands and streams and their associated buffers as they become identified at a site-specific level.*” Quality habitats areas are “*areas that provide significant wildlife value by virtue of their characteristics. These characteristics include several parameters indicative of quality habitat, including size, community diversity, interspersion (spatial patterns), continuity, forest vegetation layers, forest age, and lack of invasive plants.*” Proposals located in either of these areas are reviewed under special criteria with the intent of protecting and preserving habitat.

## Options for Protecting Local Habitats and Species

### ***Programmatic***

A programmatic approach to identifying and protecting locally important habitats and species entails the designation of land for specific purposes such as open space, native growth protection areas, or habitat preservation areas. Native growth protection areas are probably the most commonly used and are typically defined as areas “where native vegetation is preserved for the purpose of preventing harm to property and the environment, including but not limited to providing open space, maintaining wildlife corridors, maintaining slope stability, controlling runoff and erosion, and/or any other designated purpose.” Other programs include Conservation Futures, a state tax levy program that allows counties to preserve land of public interest for future generations. The Thurston County Conservation Futures Program “protects, preserves, maintains, improves, restores, and limits the future use of threatened areas of open space, timberlands, wetlands, habitat areas, culturally significant sites, and agricultural farmlands.” Similarly, Open Space Tax Programs help maintain, preserve, and conserve adequate open space lands for the production of food, fiber, and forest crops, and to assure the use and enjoyment of natural resources and scenic beauty. These programs provide reduced property tax rates for property owners who voluntarily commit a portion of land to open space.

The City of Redmond uses a programmatic approach to wildlife habitats by designating Core Preservation Areas (defined previously). These areas are mapped by the City and consist of habitats that are already protected. Existing native growth protection easements, categorized streams and Class I stream buffers, properties that have transferred development rights, and preserved parkland are all examples of core preservation areas. The map is available at:

<https://www.redmond.gov/cms/one.aspx?portalId=169&pageId=7398>

With support from its Comprehensive Plan, the City of Olympia could consider designating specific publicly-owned lands for wildlife habitat. Enforcing the protection of these lands would need to be done through regulations, but a City-wide approach to wildlife habitat would establish a basis for protection.

### ***Regulatory***

As described previously, some cities and counties protect locally important species and habitats through specific regulations that limit the type, location, and timing of development adjacent to known species locations or habitats. This is the most common approach because it can be tailored to specific species or habitats of interest (in the jurisdiction) and then applied to site-specific proposals as needed. The regulatory approach also relies on state guidance (for designating habitats and species).

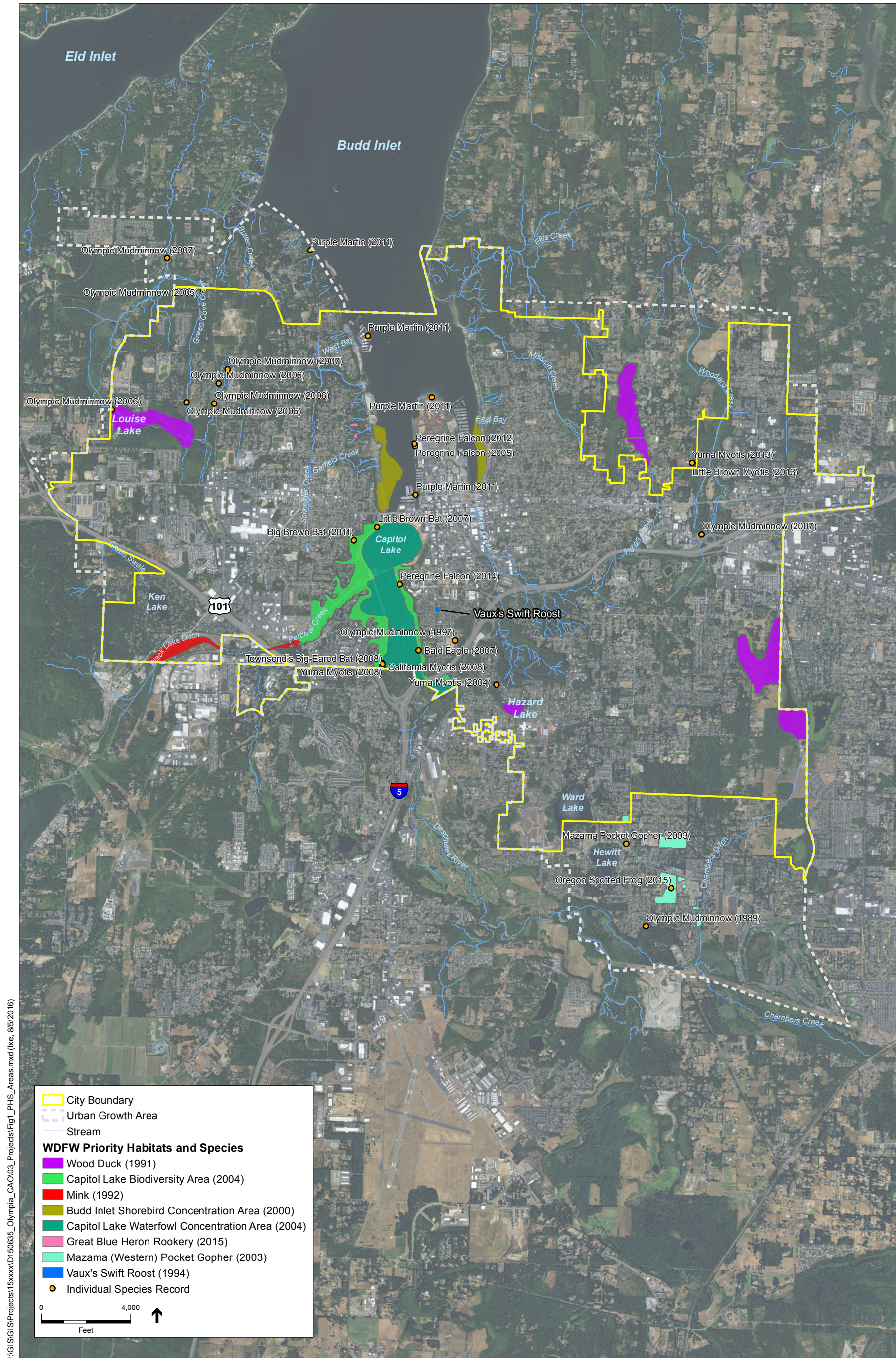
To add protections for the great blue heron, the City of Olympia could consider an approach similar to Kenmore, which requires a 900-foot buffer around heron rookeries, timing restrictions on construction, and consultation with the City and WDFW. More broadly, the City could consider adopting the Thurston County lists of habitats as a conservative approach to protecting multiple habitats. However, based on available mapping of prairie soils, known prairie habitats, and oak woodlands, adding protections for these habitats similar to the Thurston County may not be warranted due to the lack of their occurrence of the City and its UGA. Another approach is to focus on landscaping regulations that can ensure preservation of special natural areas and significant trees that are typically used by heron or other locally important wildlife species.

### ***Incentive-based***

Incentive-based approaches to wildlife habitat protection include both acquisition and easements on property that support locally important wildlife and their habitats. The City could consider innovative ways of acquiring property for open space such as transfer of development rights and development incentives for set asides. Where appropriate, the City could encourage private donations of land or conservation easements for locally important wildlife and habitats.

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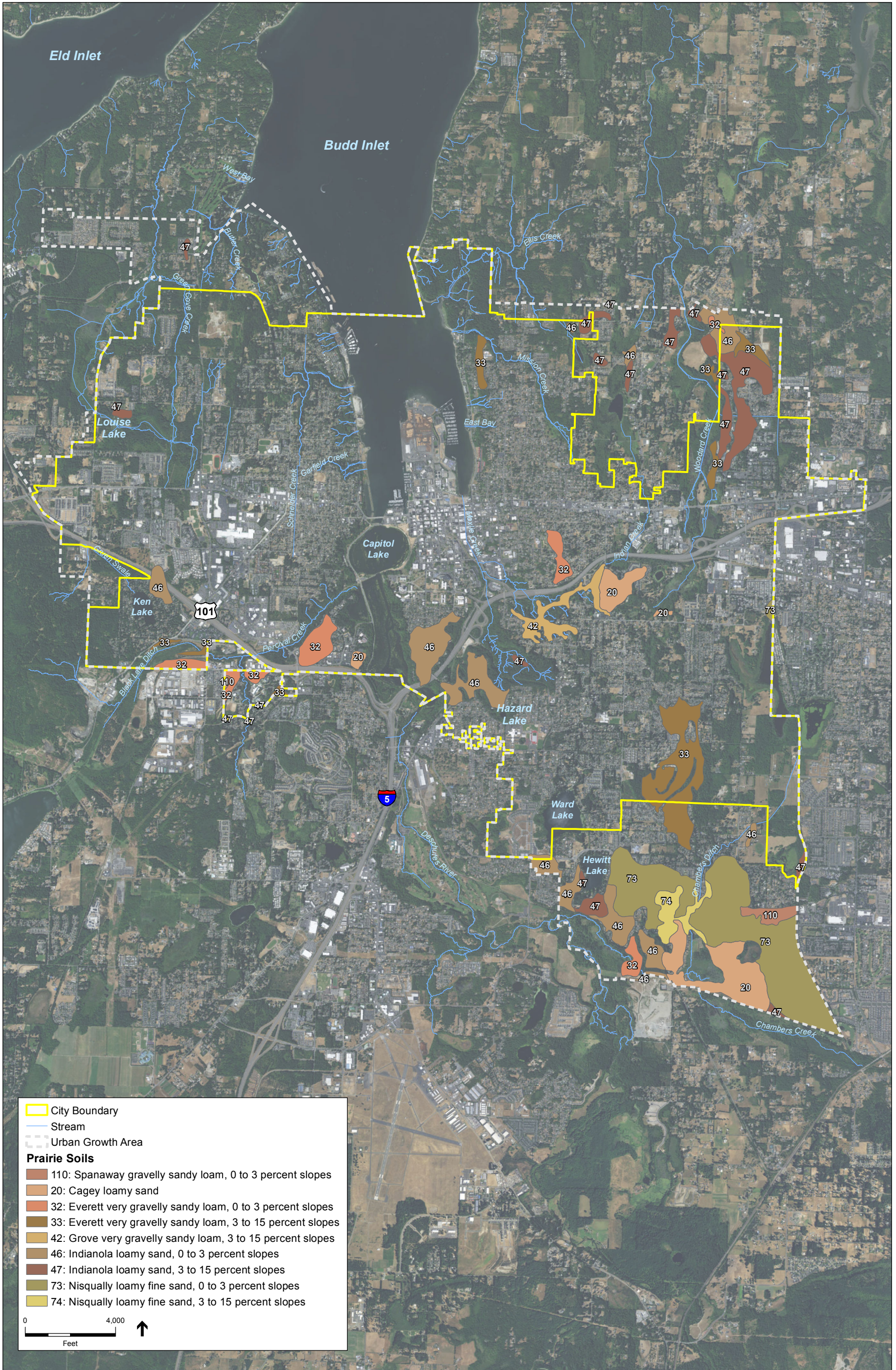


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SOURCE: NAIP 2013, City of Olympia 2016, WDFW 2016

Olympia CAO Update - Phase II . 150635

**Figure 1**  
 Mapped WDFW Priority Habitats and Species



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SOURCE: NAIP 2013, City of Olympia 2016, NRCS 2003

Olympia CAO Update - Phase II . 150635

**Figure 2**  
 Mapped Prairie Soils





## Planning Commission

### Public Hearing on Proposed Changes to Regulations Pertaining to Zoning and Buffers for Cannabis Land Uses

Agenda Date: 8/15/2016  
Agenda Item Number: 6.B  
File Number: 16-0913

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Type: public hearing Version: 1 Status: In Committee

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#### Title

Public Hearing on Proposed Changes to Regulations Pertaining to Zoning and Buffers for Cannabis Land Uses

#### Recommended Action

Hold public hearing on proposed changes to Zoning Regulations concerning retail sales of cannabis and, if the Commission has enough information, deliberate and formulate a recommendation to the City Council. The ordinance was previously approved on an emergency interim basis at Council's December 8, 2015 meeting.

#### Report

##### Issue:

The City is required to have the Planning Commission review and hold a public hearing on the zoning ordinance expanding recreational cannabis production, processing, and sales.

#### Staff Contact:

Chris Grabowski, Lead Code Enforcement Officer, CP&D, 360.753.8168

#### Background and Analysis:

The Washington State Legislature passed comprehensive legislation (2SSB 5052 & HB 2136) creating new regulations for the largely unregulated system of medical cannabis collectives and establishing a system that is overseen by the Washington State Department of Health. The legislation was signed into law by Governor Jay Inslee on April 24, 2015. The long-standing "collectives" are now much smaller and more tightly regulated "cooperatives" that cannot easily rotate their four-person membership. The four-person cooperative can grow up to fifteen (15) plants per member. Cooperatives cannot sell or donate their product to other medical users, even those registered with the state, and members have to work the plants rather than pay into the cooperative. This step alone effectively ended the proliferation of medical collective storefronts. The State's new regulations mandated that all collective garden storefronts cease operation by July 1, 2016. Along with the above changes, the legislature also authorized local jurisdictions to reduce the 1,000 foot buffers to as low as 100 feet on all protected uses except schools and playgrounds, which must remain at 1,000 feet.

The Liquor and Cannabis Board (LCB) commissioned a study by BOTEK Analysis to determine the number of new licenses to be issued by the State. The study sought to determine by "best estimates" the market need for medical use by population and existing sales. The report was presented to the LCB on December 15,

2015. Statewide the number of retail licenses was increased by 222, from a prior cap of 334 to a new cap of 556. The State determined that the Counties with the highest medical sales would receive a 100% increase in the number of licenses granted. Thurston County's allocation doubled from 11 to 22. Of the 11 new, Olympia's allocation was originally 2, later revised to 3, bringing the total to 5 including the 2 licenses previously issued. As of the writing of this report, all 5 licenses have been issued and the licensees received Conditional Use Permits and are currently open for business.

Concerns were raised by members of the medical cannabis community that, under the City's existing cannabis zoning regulations, there were not enough commercial parcels available for relocation of existing medical collectives to an approved zone. Consequently, Council asked staff to look at ways to increase the number of potentially available commercial properties.

At its December 8, 2015 meeting, the Olympia City Council approved emergency interim zoning regulations expanding the allowed zoning for cannabis retail sales from HDC-4 and General Commercial zones, to include HDC-3 and Medical Services zones. It also reduced buffers on all restricted uses from 1,000 feet to 500 feet (with the exception of schools and playgrounds, which remain at the State mandated 1,000 feet). The issue was referred to the Planning Commission for further review.

Neighborhood/Community Interests (if known):

City Council conducted a public hearing on the interim regulations. Representatives of Green Lady Inc., a licensed retail marijuana establishment located on Pacific Avenue, requested a separation requirement be considered for the regulations. City Council declined to consider such a requirement, primarily on the basis that a separation requirement is not required of other retail establishments, even though they may be restricted to specific zones.

A few jurisdictions, most notably Seattle, do have a separation requirement. In Seattle this is due to the higher number of licenses issued in that jurisdiction and the potential for higher density of such businesses in specific zones. Seattle's regulations stipulate that a cannabis retailer can only be within 500 feet of one other retailer. Clackamas County requires a 1,000 foot separation between retailers.

Staff feels that adding further restrictions on location will potentially make it more difficult to find a parcel where a cannabis retailer can locate. The aim of this zoning expansion is to alleviate that and provide more potential locations, rather than less.

Currently, all five licensees in the City are more than 1,000 feet from each other. They range in distance from 1,395 feet to 3,293 feet. See attached maps for more detail.

Options:

1. Hold public hearing and hold deliberations on the proposed changes to regulations.
2. Hold public hearing and schedule deliberations for a future date.

Financial Impact:

None

Attachments:



Interim Zoning Expansion Ordinance as adopted by City Council on December 8, 2015  
Map showing distances between cannabis licensees on the Eastside  
Map showing distances between cannabis licensees on the Westside



**ORDINANCE NO. 6988****AN INTERIM ZONING ORDINANCE OF THE CITY OF OLYMPIA, WASHINGTON RELATING TO STATE-LICENSED MARIJUANA RETAILERS; AMENDING OLYMPIA MUNICIPAL CODE SUBSECTION 18.51.040.C TO PERMIT MARIJUANA RETAILERS IN ADDITIONAL ZONES; REDUCING BUFFERS TO FIVE HUNDRED FEET EXCEPT FOR ELEMENTARY AND SECONDARY SCHOOLS AND PLAYGROUNDS; AND DECLARING AN EMERGENCY.**

WHEREAS, this Ordinance is adopted pursuant to Article XI, Section 11, of the Washington State Constitution; and

WHEREAS, RCW 35A.63.220 of the Optional Municipal Code provides a legislative body that adopts an interim zoning ordinance, shall hold a public hearing on the proposed interim zoning ordinance within at least sixty (60) days of its adoption, whether or not the legislative body received a recommendation on the matter from the planning agency; and

WHEREAS, the City Council shall conduct a public hearing on this interim zoning ordinance as provided by RCW 35A.63.220, for the purpose of taking public testimony regarding interim regulations pertaining to state-licensed retailers of marijuana and shall adopt findings of fact justifying its action either before this hearing or shall do so immediately after this public hearing; and

WHEREAS, pursuant to RCW 35A.63.220, an interim zoning ordinance adopted under this statute may be effective for not longer than six months, but may be effective for up to one year if a work plan is developed for related studies providing for such a longer period; and

WHEREAS, RCW 69.50.331(8)(a) provides that the state liquor and cannabis board may not issue a license for any marijuana retail premises within one thousand feet of the perimeter of the grounds of any elementary or secondary school, playground, recreation center or facility, child care center, public park, public transit center, or library, or any game arcade admission to which is not restricted to persons aged twenty-one years or older; and

WHEREAS, a city is given authority by RCW 69.50.331(8)(b) to permit the licensing of marijuana premises within one thousand feet but not less than one hundred feet of the facilities described in RCW 69.50.331(8)(a), except elementary schools, secondary schools, and playgrounds, which must remain at not less than one thousand feet of the perimeter of the grounds of such uses, by enacting an ordinance authorizing such distance reduction, provided that such distance reduction will not negatively impact the jurisdiction's civil regulatory enforcement, criminal law enforcement interests, public safety, or public health; and

WHEREAS, with the exception required by state statute for elementary schools, secondary schools, and playgrounds, the City Council finds that reduction of the one thousand foot buffer from the uses set forth in RCW 69.50.331(8)(a) to five hundred feet, will not negatively impact the civil regulatory enforcement, criminal law enforcement interests, public safety, or public health; and

WHEREAS the City Council finds that insufficient zones presently exist for the location of marijuana retail businesses within the city and that such retail uses should also be permitted in the HDC3 and MS zones; and

WHEREAS, there is insufficient time between the effective date of the Liquor and Cannabis Board's rules and the Board's date for accepting additional marijuana retail applications for the City to go through the normal Growth Management Act development regulation adoption process; and

WHEREAS, adopting reductions in buffers authorized by state law will permit existing marijuana businesses to apply for licenses from the state, which, if granted, would allow such businesses to continue operating in their current Olympia locations;

WHEREAS, state law governing the Liquor and Cannabis Board's processes and time limits for licensing retail marijuana businesses does not afford sufficient time to permit existing marijuana businesses to obtain licenses to operate in their current Olympia locations under existing zoning regulations, thereby creating an emergency which warrants interim regulation; and

WHEREAS, the City Council has studied the potential land use impacts associated with state-licensed marijuana retailers and has now prepared this Interim Ordinance to address these uses and impacts; and

WHEREAS, the City Council finds that it is necessary to adopt this Interim Ordinance to avoid unanticipated negative impacts on the community and to protect the public health, safety, and welfare associated with state-licensed marijuana retailers; and

WHEREAS, RCW 36.70A.390 provides that, "A county or city governing body that adopts a moratorium, interim zoning map, interim zoning ordinance, or interim official control without holding a public hearing on the proposed moratorium, interim zoning map, interim zoning ordinance, or interim official control, shall hold a public hearing on the adopted moratorium, interim zoning map, interim zoning ordinance, or interim official control within at least sixty days of its adoption, whether or not the governing body received a recommendation on the matter from the planning commission or department. If the governing body does not adopt findings of fact justifying its action before this hearing, then the governing body shall do so immediately after this public hearing. A moratorium, interim zoning map, interim zoning ordinance, or interim official control adopted under this section may be effective for not longer than six months, but may be effective for up to one year if a work plan is developed for related studies providing for such a longer period. A moratorium, interim zoning map, interim zoning ordinance, or interim official control may be renewed for one or more six-month periods if a subsequent public hearing is held and findings of fact are made prior to each renewal . . . ;" and

WHEREAS, interim zoning controls enacted under RCW 35A.63.220 and/or RCW 36.70A.390 are methods by which local governments may preserve the status quo so that new plans and regulations will not be rendered moot by intervening development; and

WHEREAS, this Ordinance is supported by the staff report and attachments and documents on file with the City of Olympia and also by the professional judgment and experience of City staff; and

WHEREAS, by adopting these interim amendments to Olympia Municipal Code Section 18.51.040.C, the same penalties that apply elsewhere in Title 18 will also apply to these interim regulations ; and

WHEREAS, the City Council finds that the restrictions and requirements established by this Ordinance are necessary for the immediate preservation of the public peace, health, or safety and for the immediate support of city government and its existing public institutions;

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

**Section 1. Amendment of OMC 18.51.040.C.** There are hereby adopted interim amendments to Olympia Municipal Code Subsection 18.51.040.C to read as follows:

**Chapter 18.51**  
**STATE-LICENSED MARIJUANA PRODUCERS, PROCESSORS, AND RETAILERS**  
**REGULATIONS**

18.51.000 Chapter

Sections:

- 18.51.010 Findings
- 18.51.020 Purpose
- 18.51.030 Definitions
- 18.51.040 State-Licensed Marijuana Producers, Processors and Retailers Requirements
- 18.51.050 Nuisance Abatement

**18.51.010 Findings**

The City Council finds that nothing in this chapter 18.51 OMC shall be construed to supersede Washington State or federal law pertaining to the acquisition, possession, manufacture, sale or use of marijuana.

**18.51.020 Purpose**

The purpose of these regulations of state-licensed marijuana producers, processors, and retailers is to mitigate potential impacts on nearby properties of marijuana producers, processors, or retailers licensed or to be licensed by the State of Washington Liquor and Cannabis Control Board and to promote the public health, safety, and welfare.

**18.51.030 Definitions**

- A. "Marijuana" shall have the definition as provided in RCW 69.50.101 ~~(s)~~(y) as it currently states or as may be amended.
- B. "Marijuana processor" shall have the definition as provided in RCW 69.50.101 ~~(t)~~(x) as it currently states or as may be amended.
- C. "Marijuana producer" shall have the definition as provided in RCW 69.50.101 ~~(u)~~(y) as it currently states or as may be amended.
- D. "Marijuana retailer" shall have the definition as provided in RCW 69.50.101 ~~(w)~~(bb) as it currently states or as may be amended.

**18.51.040 State-Licensed Marijuana Producer, Processor and Retailer Requirements**

- A. General requirements.

A marijuana producer, processor, or retailer licensed by the State of Washington Liquor and Cannabis Control Board shall be required to comply with all applicable regulations established by the City including, but not limited to, all building and fire code regulations and zoning regulations and shall be required to provide a copy of the state-issued license to the City upon request. A marijuana producer, processor, or retailer licensed by the State of Washington Liquor and Cannabis Control Board shall also be required to comply with all applicable state regulations and all requirements set forth in the state-issued license.

## B. Premises Requirements.

A recreational producer, processor, or retailer must operate in compliance with the following conditions:

1. From a public right-of-way, there shall be no exterior display of marijuana or marijuana cultivation visible outside of the premises.
2. The marijuana of a retailer, producer, or processor shall be entirely within a permanent enclosed structure with a roof. The structure shall comply with all applicable code requirements.
3. Areas where marijuana is grown, stored, or dispensed must be provided with ventilation systems so that no odors are detectable off the premises.
4. All premises must comply with the noise control requirements of the Olympia Municipal Code.
5. No minors shall be permitted on marijuana producer, processor, or retailer premises unless accompanied by a parent or guardian.
6. Consumption of marijuana, products containing marijuana or alcohol on the premises is prohibited, as are any other associated uses such as a smoking room, dance or performance space, private club, open-to-the-public nightclub, cabaret, tavern, or similar establishment.
7. All premises must have an operating security and alarm system that is monitored twenty-four (24) hours a day and that includes a video recording system that monitors production, storage, and point of sale areas. All video recordings must be continuously recorded twenty-four (24) hours a day and must be kept for a minimum of forty-five (45) days on the licensee's recording device. All videos are subject to inspection by the Olympia Police Department upon request.
8. A recreational retailer may be open only between the hours of 8 a.m. and 9 p.m.

## C. City Zoning

### 1. State-Licensed Marijuana Retailers

i. No person may conduct business within the City of Olympia as a state-licensed marijuana retailer unless they are located within a HDC3, HDC4, MS or GC Zone in accordance with OMC Title 18, Unified Development Code and licensed under this chapter.

ii. No state-licensed marijuana retailer shall be permitted within five hundred feet of the perimeter of the grounds of a recreation center or facility, child care center, public park, public transit center, or library, or any game arcade admission to which is not restricted to persons aged twenty-one years or older, with the exception of elementary schools, secondary schools, and playgrounds, for which uses the distance shall remain at one thousand feet.

¶ iii. Waste products must be disposed of in a secure manner that would prevent exposure to the public or create a nuisance.

¶ iv. A retailer is required to obtain a conditional use permit approved by the Hearing Examiner pursuant to chapter 18.48 OMC.

## 2. State-Licensed Marijuana Producers and Processors

¶ v. No person may conduct business within the City of Olympia as a state-licensed marijuana producer or processor unless it is located within a light industrial zone in accordance with OMC Title 18, Unified Development Code, and licensed under this chapter.

¶ vi. Waste products must be disposed of in a secure manner that would prevent exposure to the public or create a nuisance.

¶ vii. A producer and/or processor is required to obtain a conditional use permit approved by the Hearing Examiner pursuant to chapter 18.48 OMC.

### **18.51.050 Nuisance Abatement**

In addition to any other available remedy or penalty, any violation of this chapter, is declared to be a public nuisance per se, and may be abated under the applicable provisions of the Olympia Municipal Code and state law.

#### **Section 2. Effective Date and Duration.**

- A. This Ordinance shall be effective five (5) days after publication.
- B. This Ordinance shall be effective for one (1) year, unless subsequently extended by the City Council.

**Section 3. Repeal of Moratorium.** The moratorium imposed by Ordinance No. 6851 is repealed only to the extent that the activity is covered by this Ordinance, which addresses recreational sales, processing, and production of marijuana. Accordingly, the moratorium no longer applies to state-licensed retailers, producers, or processors of recreational marijuana. All other uses, including medical marijuana establishments, continue to be prohibited by the moratorium.

**Section 4. Findings.** The City Council adopts the recitals to this Ordinance as findings of fact in support of the enactment of this Interim Ordinance. The work plan is for staff to prepare and submit a draft set of regulations to the Olympia Planning Commission for their consideration and recommendation. City staff will then transmit its recommendation and the Planning Commission's recommendation to the City Council. Given the Planning Commission's full schedule, it is appropriate and necessary that this Ordinance be effective for one (1) year.

**Section 5. Public Hearing.** Pursuant to RCW 35A.63.220 and 36.70A.390, a public hearing will be held within sixty days after adoption of this Ordinance.

**Section 6. Severability.** If any provision of this Ordinance, or its application to any person, entity, or circumstance, is for any reason held invalid, the remainder of the Ordinance, or the application of the provisions to other persons, entities, or circumstances, is not affected.

**Section 7. Ratification.** Any act consistent with the authority and prior to the effective date of this Ordinance is hereby ratified and affirmed.

  
MAYOR

**ATTEST:**

  
CITY CLERK

**APPROVED AS TO FORM:**

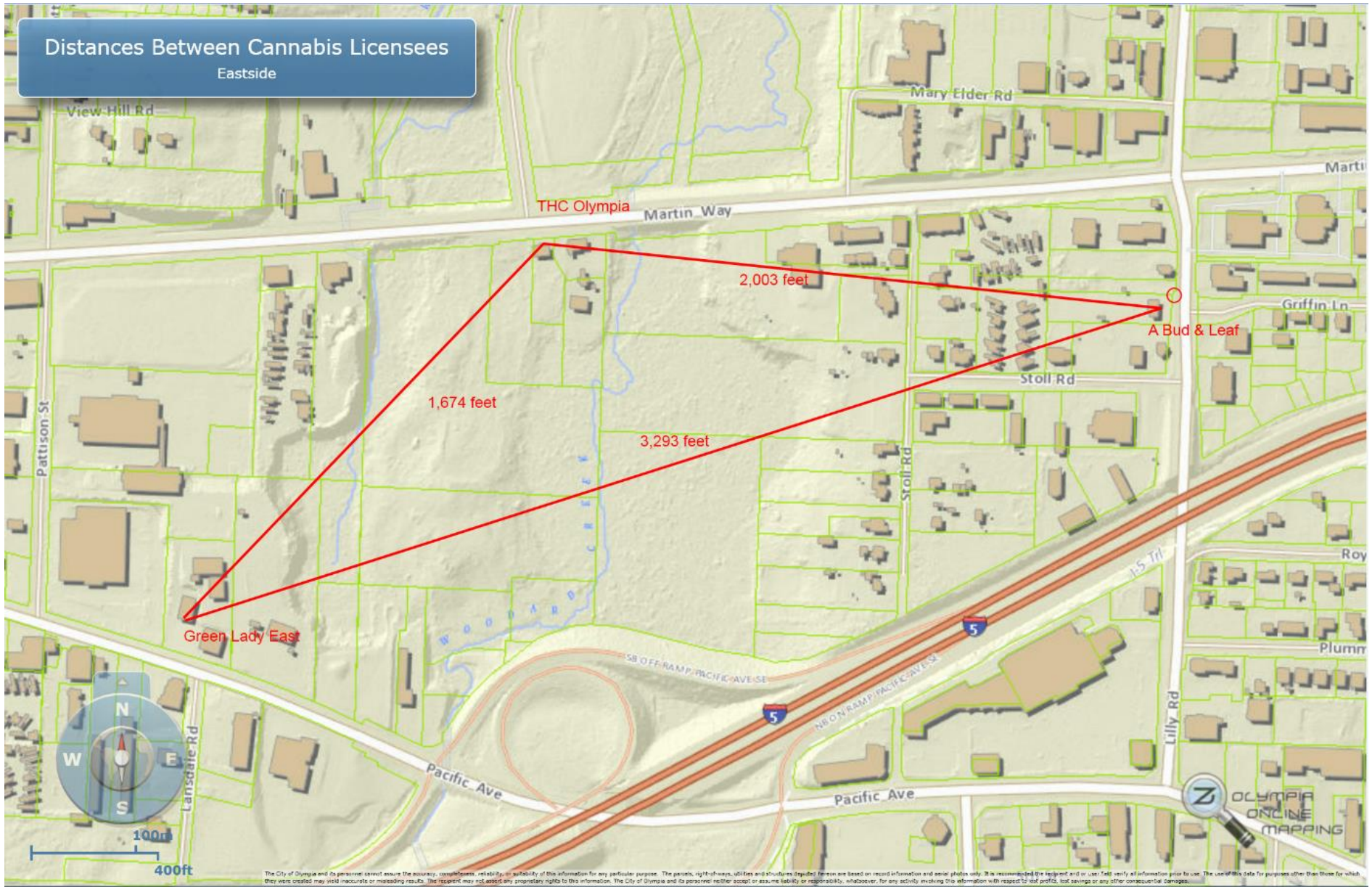
  
CITY ATTORNEY

**PASSED:** 12/15/2015

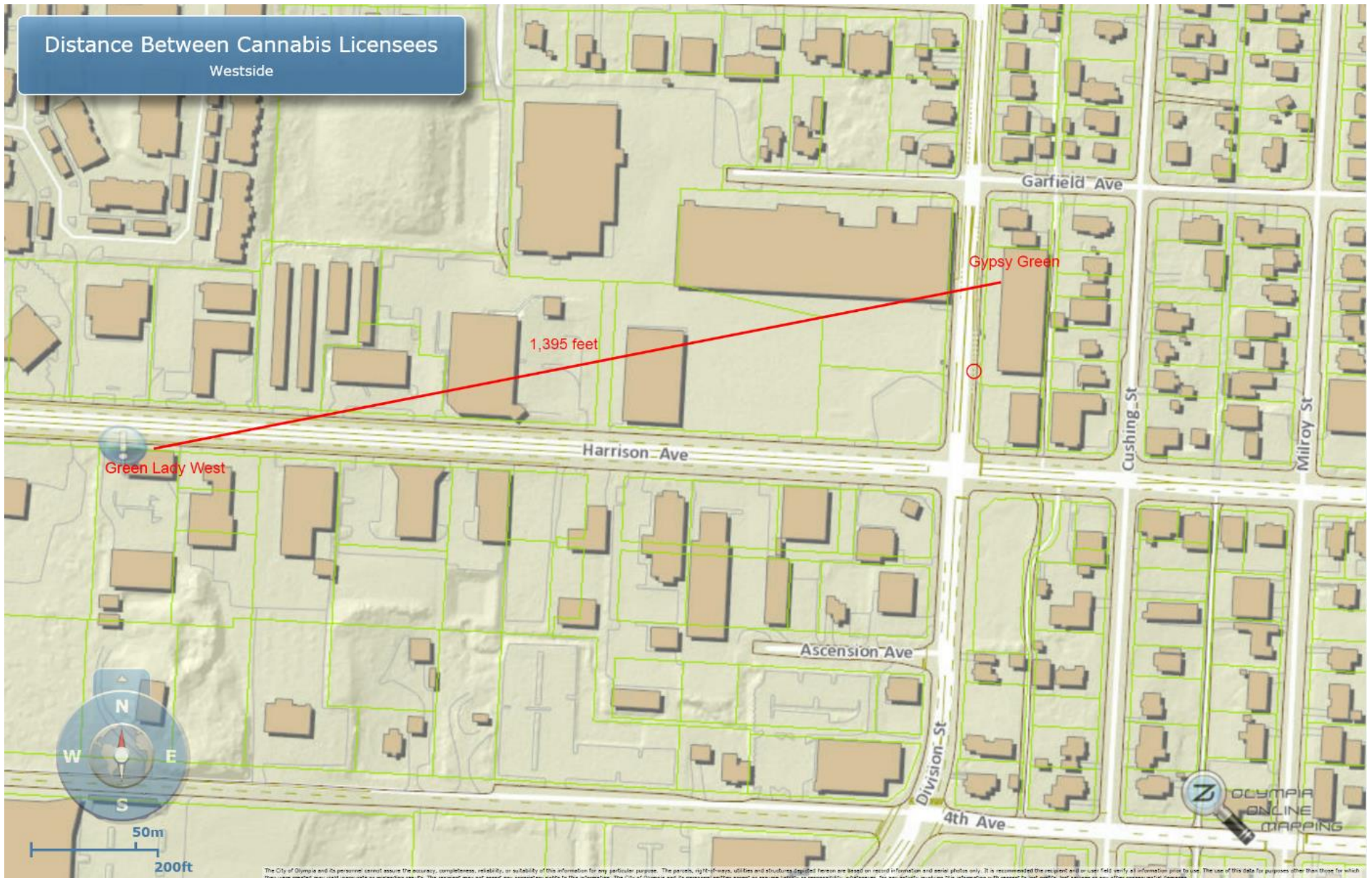
**APPROVED:** 12/15/2015

**PUBLISHED:** 12/17/2015













## Planning Commission

### 2017-2022 Capital Facilities Plan - Review of Comments Received

Agenda Date: 8/15/2016  
Agenda Item Number: 6.C  
File Number: 16-0907

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Type: discussion Version: 1 Status: In Committee

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#### Title

2017-2022 Capital Facilities Plan - Review of Comments Received

#### Recommended Action

Review comments received as part of the Planning Commission Public Hearing on the proposed Capital Facilities Plan for 2017-2022.

#### Report

##### Issue:

This is an opportunity for the Planning Commission to consider the comments received by the end of the public hearing comment period for the proposed 2017-2022 Capital Facilities Plan. These comments may assist in the Commission's review and preparation of comments of the draft plan.

#### Staff Contact:

Jane Kirkemo, Administrative Services Director, 360.753.8499

Joyce Phillips, Senior Planner, Community Planning and Development, 360.570.3722

#### Background and Analysis:

The Planning Commission held a public hearing on the draft 2017-2022 Capital Facilities Plan and heard public testimony on August 1, 2016. The public comment period remained open for written comments until 5:00 p.m. on Friday, August 5<sup>th</sup>. Additional public comments were received and are attached to this staff report for consideration by the Planning Commission.

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

Written comments received have addressed increasing funding for enhanced bicycle transportation, funding planning for public broadband, establishing the Olympia Metropolitan Parks District Advisory Committee, and provision of funding for the purchase and removal of the Capitol Center Building for the extension of the North Capitol Campus Heritage Park.

#### Options:

1. Review and consider the public comments received as the Commission's Finance Subcommittee reviews and prepares comments on the draft plan.
2. Take no action.

**Financial Impact:**

The 2017-2022 Capital Facilities Plan has a direct relationship to the City budget.

**Attachments:**

Public Comments Received

**Joyce Phillips**

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**From:** Jane Kirkemo  
**Sent:** Tuesday, August 02, 2016 12:28 PM  
**To:** Joyce Phillips  
**Subject:** FW: Two comments on 2017-2022 Capital Facilities Plan

I am not sure if you got these or not but hopefully you can keep with the record. Jane

Jane Ragland Kirkemo  
Administrative Services Director  
360-753-8499

All emails may be subject to public disclosure

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**From:** AdminServices  
**Sent:** Tuesday, August 02, 2016 9:35 AM  
**To:** Jane Kirkemo  
**Subject:** FW: Two comments on 2017-2022 Capital Facilities Plan

**From:** David Albert [<mailto:davidalbert1717@gmail.com>]  
**Sent:** Tuesday, August 02, 2016 8:23 AM  
**To:** AdminServices  
**Subject:** Two comments on 2017-2022 Capital Facilities Plan

Nice plan.

1. At least double the amount of funds devoted to enhancing bicycle transportation.
2. Commit to public broadband services, starting with \$500,000 for planning purposes.

Thanks.

David Albert  
1717 18th Court NE  
Olympia, WA 98506

**Joyce Phillips**

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**From:** Allen T. Miller <allen@atmlawoffice.com>  
**Sent:** Tuesday, August 02, 2016 10:17 PM  
**To:** Joyce Phillips  
**Cc:** jerryreilly@msn.com; JacobsOly@aol.com; cristianamfk@gmail.com; Paul Simmons  
**Subject:** CFP/Metropolitan Parks District comments for Planning Commission

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Joyce:

Please pass these comments on to the Planning Commission.

I was the Co-Chair of the successful effort to pass the Olympia Metropolitan Parks District last November. As you consider the Capital Facilities Plan, as it relates to parks, please keep in mind that the City needs to establish the 5-person Olympia Municipal Park District Advisory Committee, comprised entirely of Olympia residents, created to advise the City and the District on the City's compliance with the funding levels contained in the interlocal agreement between the City and the District. The Advisory Committee should be established by October of this year so it can be involved in the CFP process.

Also please include the purchase and removal of the Capitol Center Building for the extension of the North Capitol Campus Heritage Park in the CFP.

The 2009 Citizens' Initiative for the Park Feasibility Study, the 2012 Trust for Public Land poll, the 2015 Stuart Elway poll, and the November 2015 vote of over 60% approving the Metropolitan Parks District, have consistently shown the public's desire and willingness to purchase and remove the blighted building which was built in the historic view corridor of the State Capitol Campus as designed by Wilder and White and the Olmsted Brothers.

This area was first planned for Parks and Public uses in the 1956 Plan for Olympia and the Capitol led by Governor Langlie and Mayor Amanda Smith. Sixty years later it is now time to implement the 1956 plan and the more recent plans calling for the extension of the North Capitol Campus Heritage Park with public amenities such as a carousel and a Squaxin Island Tribal Longhouse museum.

The Capitol Center Building and properties have a fair market value of \$3 million, so please include \$4 million for the purchase and removal of the Capitol Center Building in the CFP. I understand there is currently only \$500,000.00 in the CFP for remediation of the area. This amount should be increased to at least \$4 million, so the Capitol Center Building can be purchased and removed in 2017.

We appreciate your consideration of these comments. Please contact me should you have any questions. Thanks.

Allen T. Miller  
Law Offices of ATM, PLLC  
1801 West Bay Dr. NW  
Suite 205  
Olympia, WA 98502  
[allen@atmlawoffice.com](mailto:allen@atmlawoffice.com)  
[www.atmlawoffice.com](http://www.atmlawoffice.com)  
Office: (360)754-9156



Fax: (360)754-9472  
Cell: (360)402-3376

ATTACHMENT 1

**Joyce Phillips**

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**From:** philschulte@comcast.net  
**Sent:** Friday, August 05, 2016 2:58 PM  
**To:** Joyce Phillips  
**Cc:** Schulte Phil; Brian Mark; jerome parker  
**Subject:** Fwd: Comments on the Capital Facilities Plan  
**Attachments:** Comments\_Capital Facilities Plan\_pws.docx

**Follow Up Flag:** Flag for follow up  
**Flag Status:** Flagged

Dear Ms. Phillips:

Per your request, I have attached my initial comments to Jerry Parker concerning the Capital Facilities Plan. Given the short deadline to review the CFP and develop comments, I didn't have the time to get into the utilities section but I wanted to get something back to Jerry to meet the deadline.

The CFP is an important document; I hope that the Finance Sub-Committee will dig into this subject in more depth and come up with some recommendations for OPC to consider.

Phil Schulte

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**From:** "Joyce Phillips" <jphillip@ci.olympia.wa.us>  
**To:** "jerome parker" <jerome.parker@comcast.net>, "Phil Schulte" <philschulte@comcast.net>  
**Cc:** "Brian Mark" <bmark@ci.olympia.wa.us>, "Leonard Bauer" <lbauer@ci.olympia.wa.us>  
**Sent:** Friday, August 5, 2016 10:22:53 AM  
**Subject:** RE: Comments on the Capital Facilities Plan

Good morning.

Yes, there will be multiple opportunities for public comments. The deadline of today at 5:00 p.m. is the deadline for the first public hearing. Comments received by 5:00 today will be shared with the Planning Commission and its Finance Subcommittee as the Commissioners work to review the plan in more detail and prepare comments for Council to consider in October. Any comments I receive will also be shared with Jane Kirkemo, Administrative Services Director, for consideration as the CFP is refined over the next several weeks.

Mr. Schulte – I still have not received your comments. Please send them to me at [jphillip@ci.olympia.wa.gov](mailto:jphillip@ci.olympia.wa.gov). Thank you!

Joyce

**Joyce Phillips, AICP | Senior Planner**

P.O. Box 1967 | 601 4th Avenue E | Olympia, WA 98507-1967

Phone: (360) 570-3722 | Email: [jphillip@ci.olympia.wa.us](mailto:jphillip@ci.olympia.wa.us)*Emails are public records, potentially eligible for release.***From:** jerome parker [mailto:[jerome.parker@comcast.net](mailto:jerome.parker@comcast.net)]**Sent:** Friday, August 05, 2016 10:11 AM**To:** Phil Schulte**Cc:** Brian Mark; Joyce Phillips**Subject:** Re: Comments on the Capital Facilities Plan

Phil -

I was caught by surprise by the Friday deadline. I have been working on getting ready for a vacation trip so I am just now sitting down to read your comments and the draft CFP (in reverse order).

I am banking on the promise of multiple opportunities for comment. I still do not understand why this early deadline was even proposed.

Jerry

On Aug 5, 2016, at 8:48 AM, [philschulte@comcast.net](mailto:philschulte@comcast.net) wrote:

Dear Brian:

I hadn't heard back from Jerry so I don't know if he received the attached comments concerning the Capital Facilities Plan for 2017-2022. If you have another email address for him, please forward the email. Normally, I don't spend the time to analyze these types of documents but I agreed to Jerry Parker's request for comments and I wanted to honor that commitment.

Many of the things I noted are not unique to Olympia (e.g., road maintenance is being underfunded in multiple local jurisdictions). However, postponing making a serious financial commitment to underfunded assets and necessary investments is short-sighted and it is time to confront these issues. I hope that the OPC Finance Committee can dig more into the details and come up with some proposals to gradually close the gaps.

Phil Schulte

**From:** [philschulte@comcast.net](mailto:philschulte@comcast.net)**To:** "jerome parker" <[jerome.parker@comcast.net](mailto:jerome.parker@comcast.net)>**Cc:** "Schulte Phil" <[philschulte@comcast.net](mailto:philschulte@comcast.net)>

**Sent:** Thursday, August 4, 2016 1:37:28 PM  
**Subject:** Comments on the Capital Facilities Plan

ATTACHMENT 1

Dear Jerry:

Per your request at the last OPC meeting, I have attached some comments concerning the Capital Facilities Plan for 2017-2022. The comments relate to the broad issues concerning city finances and the priorities of city management that are reflected in the Capital Facilities Plan. I make reference to the materials distributed at a Finance Committee meeting last year to discuss the gaps in funding for capital projects.

I hope that these will be considered to be "friendly" suggestions to think about when you are deliberating on the Capital Facilities Plan. How to pay for these underfunded items is a secondary issue that is dependent on accepting that these assets and investments should be fully funded. Finding the additional funds would require a separate analysis which can be undertaken at a later date.

Best wishes.

Phil Schulte

<Comments\_Capital Facilities Plan\_pws.docx>

## Comments Concerning the Olympia Capital Facilities Plan for 2017-2022

I. Looking at the Capital Facilities Plan

First, the proposed Capital Facilities Plan is a 228 page document; only a small section of the plan was included in the OPC meeting packet. While summarization is beneficial, it difficult to analyze and give meaningful public comments when only 1/5<sup>th</sup> of the document is available.

The Plan shows total proposed capital spending of about \$25-\$27 M per year (see Table A) allocated into six categories. Given the time available, these comments will be restricted to the areas of Parks, Transportation and General Capital Facilities. These three areas have both asset management related projects (capital facilities improvements and modernization, road maintenance and building maintenance) and new investments (Parks: all Phases of Percival Landing, transportation investments (sidewalks and bike lanes) and Community Renewal Area investments.

Table A

Subject Area	2017	2018-2022	Total Spending
Parks	\$5,709,105	\$22,197,400	\$27,906,505
Transportation	\$9,229,823	\$46,719,155	\$55,948,977
General Capital Facilities	\$1,510,000	\$7,900,000	\$9,410,000
Drinking Water	\$5,339,500	\$18,507,500	\$23,847,000
Wastewater	\$1,891,000	\$7,497,000	\$9,388,000
Stormwater	\$2,116,100	\$13,516,900	\$15,633,000
Total	\$25,795,528	\$116,337,955	\$142,133,482

The review of the Capital Facilities Plan is made more difficult by an overconcentration on the sources of funds rather than the actual expenditures. The sources of funds may be important for fund accounting or other purposes but not for the public.

II. Maintenance Related ProjectsA. Transportation: Street Maintenance

Street maintenance has been underfunded for years and the condition rating for streets has degraded from a high of 78 (good condition) in 2007 to a current 65 (fair condition). On Page 58 of the Plan, the City indicates that the backlog of deferred street maintenance is now \$48M. If recent mild winters are replaced with more traditional winters and traffic volume continues to increase, it is likely that the deferred maintenance gap will increase further.

Since construction costs will only increase in the future, making these investments now will likely save money in the long run, especially if streets degrade to the point where costly subsurface replacement is needed. The Commission may wish to confirm the average condition rating to be achieved by the level of investment shown in the proposed Plan and make adjustments to restore the average quality of city streets close to pre-recession levels.

The total proposed expenditures for street maintenance in 2017 are approximately 3.6 M. In a briefing to the Finance Committee last year, restoring the average condition of the streets to a condition

rating of “70” or more (good rating) would require an additional funding of \$1-2M per year. Significant expenditures of 4M per year beyond that would be necessary to eliminate the maintenance backlog within a decade. Therefore, to restore Olympia’s streets to good condition and to eliminate the maintenance backlog would require an increase in spending of 5-6M per year for the next decade. All of the estimated increases in spending are shown in Table B below.

B. General Capital Facilities: Building Maintenance and Repair

The General Capital facilities allocation is roughly 1.35M annually. Analysis of budget materials prepared in 2015 indicated that the level of capital repairs and replacement needed to maintain a standard of “medium to high” would require an additional investment of approximately 3.8M per year. It is unclear from the Plan the quality level proposed for general capital facilities so an exact estimate cannot be determined.

Many of the city’s facilities are aging and will require investment in the medium term. On Page 73 of the Plan, the city mentions a reserve which has not been adequately funded; the degree of reserve underfunding is not given in the Plan. Deferred maintenance can lead to either costly re-construction or disposal of City facilities at fire-sale prices. Proper building maintenance reserves should be determined and included in the Plan.

III. Capital Improvements

A. Transportation: Sidewalks and Bike Lanes

In the Vision Section of the Transportation Chapter of the current Comprehensive Plan, the city established the goal of “complete streets” which are built for “for pedestrians, bicyclists, and transit riders, as well as cars, trucks and buses”. The stated goal is to increase walking, biking and using transit and under Goals PT-2.1-2.6, sidewalks and bike lanes are to be added to arterials, collectors, both neighborhood and main and local streets (see Appendix A). The Comprehensive Plan is supposed to guide city investments over its 20 year term.

Yet, despite the goals in the Comprehensive plan and 84 miles of sidewalk projects that have been identified as needed in prior Capital Facilities Plans (see Appendix B for a list of pending projects), there is no investment set aside for sidewalks. Earlier versions of the Comprehensive Plan included estimated cost of pending sidewalk projects at over \$200 million dollars with bike lane projects of nearly \$100 million. If growth projections for Olympia occur, no investment during 2017-2022 will make it very difficult to catch up to accommodate that expected growth.

If the city wants to improve walkability in neighborhoods, increase usage of neighborhood centers and decrease automobile usage, then substantial investments in sidewalks and bike lanes will be essential. If these sidewalk and bike lane projects were funded on a straight line accounting basis, a set aside of \$12 million dollars per year would be necessary.

B. Parks: Percival Landing Park

Another significant underfunding is the unaddressed cost for Percival Landing. The cost estimates from 2015 were a total of 64 million dollars over the next 10-15 years (see Table B) While the entire sum will not be needed and other funds sources may reduce the ultimate costs, the city is likely to

have to spend at least 40 million dollars. Also, during this six year period, the city has chosen to allocate Metropolitan Park District revenues to land acquisitions and maintenance rather than to Percival Landing.

Setting aside no funds at all for the next 6 years seems imprudent given the condition of the Percival Park and the real possibility during this time period that part of the park might have to be closed. The downtown waterfront is a key part of the Downtown Strategy and economy; therefore, a Percival Landing Park closure could impede the re-development of the Isthmus and nearby properties.

C. General Capital Facilities/Utilities Community Redevelopment Projects

Redevelopment of various focus areas, including the area known as the Isthmus will require infrastructure investment including repairs or changes to roads, parks and utilities, and transportation access. Also, planning and investment to mitigate sea level rise will be necessary to protect infrastructure investments in vulnerable areas, like the Isthmus. However, no funding has been set aside for sea level rise mitigation. The amount of investment is unknown since the final built environment has not been determined but clearly, some level of investment will be needed in the next five years to accomplish the goals of the Community Renewal Area initiatives.

IV. Facing Hard Fiscal Realities

A. The Capital Budget is Significantly Underfunded

Like many municipalities, the City of Olympia has been underfunding asset maintenance for years, deferring important investment in critical areas like Percival Landing and concentrating on smaller, visible projects. By doing so, the city has avoided budget cuts, like those undertaken in Tacoma while pursuing a policy of tax increase gradualism based on increasing spending for specific Departments (Police, Parks). However, this strategy will not be adequate for fully maintaining city assets or the three major investment areas (sidewalks and bike lanes, Percival Landing and Community Redevelopment Projects). The estimated shortfall is shown in Table B.

Table B: Estimated Cost of Unfunded Capital Projects

Unfunded Projects	Standard	Total Shortfall	Average Additional Cost Per Year (2017-2021)
Street Maintenance: Restore "Good" Pavement Condition; eliminate backlogs	Average Condition Rating of "70"		\$5- \$6M (estimated)
Capital Repair and Replacement	Medium and High	24.2M - 4.8 M = 19.4M	\$3.85M per year?
Sidewalks, including ADA Improvements	Complete 30 year cost \$290 million		\$9M per year
Bicycle Lanes	Complete 30 year cost \$90 million		\$3M per year
Percival Landing Replacement	Complete Sec A; Phase Two	18M	2.5 - 3.6M per year
Percival Landing Replacement	Complete Sec B and C Total Cost \$48M		Not within five year horizon
Community Reinvestment Area Projects	Dependent on final plans Preliminary Estimate \$5M		\$1M per year
Total Shortfall Range			\$21-26 M per year

In short, the cost for these unfunded capital projects to protect city assets, implement the comprehensive plan goals for sidewalks and bike lanes and make investments for Percival Landing and Community Renewal projects is close to the entire proposed capital spending budget for 2017! On a year to year basis, ignoring these significant funding gaps might be understandable but not for an effective five year capital strategy. Also, the slight increase in revenue is insignificant compared to underfunding of the capital budget by 45-50%.

B. Questions to Ask

Before a problem can be solved, the nature of the problem must be defined; these comments are a very brief attempt to show the extent of capital budget underfunding. RCW 36.70A.020 provides that capital facilities plans are to:

“Ensure that those public facilities and services necessary to support development shall be adequate to serve the development at the time the development is available for occupancy and use without decreasing current service levels below locally established minimum standards.”

Therefore, I would suggest that Commissioners consider two questions in evaluating the capital facilities plan:

- Is this Plan financially prudent given the city’s responsibilities as an asset manager and service provider to citizens?
- Does this city’s proposed capital investment plan meet the city’s goals for the future as shown in the Comprehensive Plan and other city initiatives and policies?

If the answer to these questions are “no” but there are insufficient resources to address all of the underfunding areas , then the Commission could prioritize the unfunded tasks and ask the staff to develop a long range plan to eliminate backlogs and chronic underfunding. A combination of significant tax increases and cost reductions in the other areas of the budget is likely to be needed to solve this problem.


Kicking the can down the road or as Mayor Cheryl Shelby said in a council meeting “Ignoring the lack of funding for Percival Landing does not make the problem go away” is not a viable capital facilities strategy. Once citizens are informed of the problem and sensible policies are proposed to address this underfunding, I expect that citizens will support the changes needed.




## Complete Streets

Streets with wide sidewalks and trees invite us to walk to the store or a friend's house. Bike lanes make biking to work more appealing and convenient. The way we design our streets will create new opportunities for how we travel within our city, and how we interact with one another.

"Complete streets" are built for pedestrians, bicyclists, and transit riders, as well as cars, trucks and buses. They increase the number of people walking, biking and using transit, and are also safe for motor vehicles. Complete street policies complement other goals, such as boosting our economy, reducing congestion, increasing land-use density, minimizing environmental impacts, and giving people more opportunities to be physically active.

***GT-1 All streets are safe and inviting for pedestrians and bicyclists. Streets are designed to be human scale, but also can accommodate motor vehicles, and encourage safe driving.***  SHARE

**PT1.1** Retrofit major streets to be human scale and include features to make walking, biking and transit use safe and inviting.

***GT-2 As new streets are built and existing streets are reconstructed, add multimodal features as specified in the City of Olympia Engineering Design and Development Standards*** .

**PT2.1** Build arterial streets to serve as primary routes connecting urban centers and the regional transportation network. Include bike lanes, sidewalks, planter strips, pedestrian-crossing features, and other amenities that support pedestrian comfort and safety.

**PT2.2** Build major collector streets to connect arterials to residential and commercial areas. Include bike lanes, sidewalks, planter strips and pedestrian-crossing features.


**PT2.3** Build neighborhood collectors to provide circulation within and between residential and commercial areas. These streets should include sidewalks and planter strips, and may include pedestrian-crossing features. Some neighborhood collectors include bike lanes, or signs and markings to designate a bike route. (See Appendix D: Bike Network Map and List.)

**PT2.4** Build local access streets to provide direct connections to properties within neighborhoods. All new local access streets should include sidewalks and planter strips and may include wayfinding signs to direct cyclists to the larger bicycle network.

**PT2.5** Provide transit stops and service accommodations, in consultation with Intercity Transit. Encourage sidewalk access to all designated stops and consider pedestrian crossing improvements to facilitate access, including mid-block crossing islands on high-volume streets.

**PT2.6** Install or allow traffic-calming devices on local access, neighborhood collector, and some major collector streets where speeds, volumes and other conditions indicate a need. Consider pedestrian, bicyclist and transit bus safety and access when installing traffic-calming devices.

**PT2.8** Make it a priority to add bulb-outs for shorter pedestrian crossings and to slow traffic on existing arterials and major collectors with on-street parking. Consider building bulb-outs on neighborhood collector streets with on-street parking where overall narrowing of the street is not possible.

**PT2.11** Use Olympia's regularly updated Engineering Design and Development Standards  to ensure that transportation-related facilities constructed in Olympia and its Growth Area are safe, well-constructed, durable, and can be maintained.

Appendix B: Excerpt from the 2015 Capital Facilities Plan, Page 73

2015 WAC 160-020-0100 (Rev. 1/15/15)

City of Olympia, Washington

**PARKS AND PATHWAYS — SIDEWALK (PROGRAM # 0626/FUND # 317)**

**Location** Various locations Citywide. See Project List.

**Links to Other Projects or Facilities** Parks and Pathways—Neighborhood Pathways—Transportation section  
Sidewalk Program—Transportation section

**Description** In September 2004, the voters approved a 3% increase in the utility tax. Of this increase, 1% is for recreational walking facilities.

**Project List** Recreational sidewalk projects are derived from the Sidewalk Program accepted by the City Council in 2003, with an emphasis on connecting parks, recreational facilities and trails. An estimated 70,000 feet of sidewalk will be constructed on major streets in the next 20 years. Sidewalks will also be constructed on selected smaller neighborhood streets that connect to parks and recreational facilities; specific locations have not yet been identified. Of the \$1 million in revenue that is anticipated to be collected annually for sidewalks and pathways, \$100,000 is proposed to be used for the Neighborhood Pathways Program.

YEAR	LOCATION(S)	FROM	TO	COST
<b>No Projects Planned for 2015</b>				
<b>Anticipated 2016-2020 Project List</b>				
2016-2020	Eastside Street/22nd Avenue	Fir Street	I-5	\$ 4,042,000
<b>20 Year Project List</b>				
To be determined	Kaiser Road	Harrison Avenue	6th Avenue	
	Fir Street	Bigelow Avenue	Pine Avenue	
	Pine Avenue	Fir Street	Edison Street	
	Cooper Point Road	Conger Avenue	Elliott Avenue	
	Elliott Avenue	Cooper Crest Street	Cooper Point Road	
	14th Avenue/Walnut Road	Kaiser Road	Division Street	
	Division Street	Walnut Road	Elliott Avenue	
	Elliott Avenue	Division Street	Crestline Boulevard	
	Morse-Merryman Road	Hoffman Road	Wiggins Road	
	Boulevard Road	Log Cabin Road	41st Way	
	Decatur Street	13th Avenue	Caton Way	
	Fern Street	9th Avenue	14th Avenue	
	Boulevard Road	15th Avenue	22nd Avenue	
	18th Avenue	Boulevard Road	Wilson Street	
	Wilson Street	22nd Avenue	18th Avenue	
	Mottman Road	Mottman Court	SPSCC	
	McPhee Road	Harrison Avenue	Capital Mall Drive	
	Lilly Road	Woodard Green Drive	26th Avenue	
	Marion Street	Ethridge Avenue	Miller Avenue	
	Wiggins Road	Morse-Merryman Road	Herman Road	
Herman Road	Wiggins Road	Chehalis Western Trail		
26th Avenue	Bethel Street	Gull Harbor Road		

The Bicycle and Pedestrian Advisory Committee will review the planned project priorities in this program and make recommendations on the timing and priority of these projects.

**Justification (Need/Demand)** In 2003, the City Council accepted a new Sidewalk Program. The program includes an inventory of missing sidewalk segments on arterials, major collectors and neighborhood collectors, totaling 84 missing miles of sidewalk.

**Level of Service (LOS)** The City's identified LOS is to provide a sidewalk or walking path along at least one side of each major walking route.

Project Type: Functionality project



Planning Commission  
Planning Commission Retreat

Agenda Date: 8/15/2016  
Agenda Item Number: 6.D  
File Number: 16-0906

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Type: discussion Version: 1 Status: In Committee

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Title  
Planning Commission Retreat

Recommended Action  
Information only. No action requested.

Report  
Issue:  
Discussion of retreat planning and potential topics to be considered.

Staff Contact:  
Joyce Phillips, Senior Planner, Community Planning and Development, 360.570.3722

Background and Analysis:  
The Planning Commission is interested in holding a retreat this year. The retreat will be tailored to meet the interests and needs of the Commission, which will be discussed in more detail.

Neighborhood/Community Interests (if known):  
As with all Planning Commission meetings, the retreat is a public meeting and members of the public may choose to attend all or parts of the retreat. The agenda will be posted in advance of the retreat so members of the public can determine whether or not to attend.

Options:  
1. Identify topics and potential speakers they would like to address at the retreat.  
2. Identify topics and potential speakers they would like to address, set a date, and form the agenda for the retreat.  
3. Decide to continue discussion at a later meeting.  
4. Decide not to have a retreat in 2016.

Financial Impact:  
None. The option for the Planning Commission to hold a retreat is included in the Planning Commission's annual work plan.

Attachments:  
None.

