



Meeting Agenda

City Council

City Hall
601 4th Avenue E
Olympia, WA 98501

Information: 360.753.8244

Tuesday, February 2, 2016

7:00 PM

Council Chambers

1. ROLL CALL

1.A ANNOUNCEMENTS

1.B APPROVAL OF AGENDA

2. SPECIAL RECOGNITION

- 2.A** [16-0142](#) Proclamation Honoring the Contributions of Roger Horn to the Olympia Community

Attachments: [Proclamation](#)

3. PUBLIC COMMUNICATION

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

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

Individual comments are limited to three (3) minutes or less. In order to hear as many people as possible during the 30-minutes set aside for Public Communication, the City Council will refrain from commenting on individual remarks until all public comment has been taken. The City Council will allow for additional public comment to be taken at the end of the meeting for those who signed up at the beginning of the meeting and did not get an opportunity to speak during the allotted 30-minutes.

COUNCIL RESPONSE TO PUBLIC COMMUNICATION (Optional)

4. CONSENT CALENDAR

(Items of a Routine Nature)

- 4.A** [16-0140](#) Approval of January 26, 2016 City Council Meeting Minutes

Attachments: [Minutes](#)

- 4.B** [16-0098](#) Approval of Inter-local Agreement with Olympia School District for Stevens Field Park

Attachments: [Stevens Field ILA](#)

- 4.C [16-0143](#) Approval of Proposed Additions and Amendments to the City Council Guidebook on Attendance via Speakerphone, Interrupted Meetings and Public Communication

Attachments: [2016-01-19 PROPOSED COUNCIL GUIDELINE 3.22--Attendance via Speakerphone](#)
[2015-12-16 PROPOSED COUNCIL GUIDELINE 3.23--Interrupted Meetings -- RCW 42.30.050](#)
[2016-01-20 REVISED Council Guideline 3.7 -- Procedure for Public Communication](#)

4. SECOND READINGS - None

4. FIRST READINGS

- 4.D [16-0063](#) Approval of Ordinance Amending Wireless Communication Facilities Code (OMC 18.44 and 18.46) and Resolution Amending Application Content Lists (OMC 18.77)

Attachments: [A Brief History of WCF Regulation in Olympia](#)
[WCF Ordinance](#)
[WCF Resolution](#)

5. PUBLIC HEARING - None

6. OTHER BUSINESS

- 6.A [16-0135](#) Selection of a Development Partner for the Water Street Redevelopment Area

Attachments: [WSRA Letter of Interest](#)
[WSRA Letter of Interest Evaluation Form](#)
[CRA WSRA Process](#)
[CRA Charter](#)
[CRA FAQ 10.21.2014](#)
[CRA City Powers](#)

7. CONTINUED PUBLIC COMMUNICATION

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

8. REPORTS AND REFERRALS

8.A COUNCIL INTERGOVERNMENTAL/COMMITTEE REPORTS AND REFERRALS

8.B CITY MANAGER'S REPORT AND REFERRALS

9. ADJOURNMENT

The City of Olympia is committed to the non-discriminatory treatment of all persons in employment and the delivery of services and resources. If you require accommodation for your attendance at the City Council meeting, please contact the Council's Secretary at 360.753-8244 at least 48 hours in advance of the meeting. For hearing impaired, please contact us by dialing the Washington State Relay Service at 7-1-1 or 1.800.833.6384.



City Council

Proclamation Honoring the Contributions of Roger Horn to the Olympia Community

Agenda Date: 2/2/2016
Agenda Item Number: 2.A
File Number: 16-0142

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

Title

Proclamation Honoring the Contributions of Roger Horn to the Olympia Community

Recommended Action

Committee Recommendation:

Not referred to a committee.

City Manager Recommendation:

Recognize Roger Horn for his contributions to the community.

Report

Issue:

Recognition of Roger Horn for his contributions to the community through his work on the Planning Commission, his volunteerism and public advocacy.

Presenter(s):

Mayor Selby and Councilmembers

PROCLAMATION

WHEREAS, Roger Horn served as a Commissioner on the Olympia Planning Commission from 1995 – 2001 and 2007 – 2015; and

WHEREAS, Roger has worked tirelessly to ensure that the City Council and staff understand the impacts of growth, development, transportation, and zoning issues from a citizen's perspective; and

WHEREAS, Roger has been a mentor and leader to others who have served on the Planning Commission; and

WHEREAS, Roger works to make Olympia a better city through his passionate and sincere volunteerism and public advocacy; and

WHEREAS, Roger uses his thoughtful calming influence to build bridges across the Olympia community which has diverse viewpoints and needs; and

WHEREAS, Roger has been a critical proponent of the Shoreline Master Plan, Neighborhood Centers, and the walkability of Olympia; and

NOW THEREFORE, BE IT RESOLVED, that the Olympia City Council does hereby honor Roger Horn for his many years of civic participation and visionary thinking, and thank him for his efforts on behalf of the city of Olympia recognizing him for his strong, vibrant, and outspoken advocacy for pedestrians, cyclists, neighborhoods, responsible budgets, and public involvement.

SIGNED IN THE CITY OF OLYMPIA, WASHINGTON THIS 2nd DAY OF FEBRUARY, 2016.

OLYMPIA CITY COUNCIL

***Cheryl Selby
Mayor***



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

City Council

Approval of January 26, 2016 City Council Meeting Minutes

Agenda Date: 2/2/2016
Agenda Item Number: 4.A
File Number: 16-0140

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

Title

Approval of January 26, 2016 City Council Meeting Minutes



Meeting Minutes - Draft

City Council

City Hall
601 4th Avenue E
Olympia, WA 98501

Information: 360.753.8244

Tuesday, January 26, 2016

7:00 PM

Council Chambers

1. ROLL CALL

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

Excused: 1 - Councilmember Jeannine Roe

1.A ANNOUNCEMENTS - None

1.B APPROVAL OF AGENDA

The agenda was approved.

2. SPECIAL RECOGNITION

2.A [16-0112](#) Special Recognition - Fish Tale Ale Winners of the "Best Beer in the World" Award

The recognition was received.

3. PUBLIC COMMUNICATION

The following people spoke: Jim Reeves and Ellen Rice.

COUNCIL RESPONSE TO PUBLIC COMMUNICATION (Optional)

Councilmember Cooper said Ms. Rice's comments regarding option pricing of an Olympia business license has been referred to the Finance Committee for future discussion.

4. CONSENT CALENDAR

4.A [16-0107](#) Approval of January 19, 2016 Study Session Meeting Minutes

The minutes were adopted.

4.B [16-0106](#) Approval of January 19, 2016 City Council Meeting Minutes

The minutes were adopted.

Approval of the Consent Agenda

Councilmember Hankins moved, seconded by Mayor Pro Tem Jones, to adopt the Consent Calendar. The motion carried by the following vote:

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

Excused: 1 - Councilmember Roe

4. SECOND READINGS - None

4. FIRST READINGS - None

5. PUBLIC HEARING - None

6. OTHER BUSINESS

6.A [16-0090](#) Council feedback on final draft of the 2016 Parks, Arts and Recreation Plan

Parks, Arts & Recreation Associate Planner Jonathon Turlove provided background on the Parks Plan public process to date and highlighted changes since the public hearing based on Council and public input.

Council Discussion:

- Preference to complete the Aquatic Center Feasibility Study in the first 6 years instead of showing in the long-range plans section.
- Whether to keep the Olympia Center in out-years or move it forward with the Aquatic Center study; Public comments put the emphasis the Aquatic Center study.
- Concern with the level of arts maintenance staff over the next 20 years. Include recommendation for increased arts staffing to be implemented in 2017.
- Clarification for arts maintenance, \$10,000 for a .25 time seasonal summer employee to maintain approximately 25 art pieces.
- Concern ground is being lost in the arena of public art. Need more public art and staffing to manage the program. Add either .75 or 1 FTE to complement the .25 FTE for art maintenance.
- Add West Bay Trail to the map.
- Artesian Commons is suffering for lack of shared vision, needs to be addressed, though perhaps not in this plan.
- Bentrige parcel hasn't been identified as a future potential land acquisition,. Don't expect the plan to address this but community input is needed, as well as criteria for parcel selection.
- Level of service standards for ball fields in the next 6 years.
- Add language around City forest management.

The discussion was completed. The Plan will come back to the Council February 9 for approval.

7. CONTINUED PUBLIC COMMUNICATION - None

8. REPORTS AND REFERRALS

8.A COUNCIL INTERGOVERNMENTAL/COMMITTEE REPORTS AND REFERRALS

Councilmembers reported on meetings and events attended.

Councilmember Hankins requested a referral to the General Government Committee. She noted the PBIA is on the February Committee agenda and requested adding to the discussion the intent of the PBIA, its process for making recommendations, and prioritization of funding. The Council agreed to the referral.

Mayor Pro Tem Jones read a statement of intent written by prior Mayor Buxbaum regarding the City's commitment to Olympia police wearing body cameras. He noted the purpose is to queue up discussion with the Ad Hoc Committee on Police and Community Relations, to advise them of where we are in the process of adopting body worn cameras and inform their discussions with the public and Committee work. Councilmember Cooper expressed concern, echoed by other Councilmembers, regarding the cost of cameras, proven benefits of body cameras, competing City priorities, and significant privacy issues.

8.B CITY MANAGER'S REPORT AND REFERRALS

City Manager Steve Hall reported Anna Schlecht recently received an award from the Olympia Downtown Association as Volunteer of the Year for Downtown.

9. ADJOURNMENT

The meeting adjourned at 8:15 p.m.



City Council

Approval of Inter-local Agreement with Olympia School District for Stevens Field Park

Agenda Date: 2/2/2016
Agenda Item Number: 4.B
File Number: 16-0098

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

Title

Approval of Inter-local Agreement with Olympia School District for Stevens Field Park

Recommended Action

Committee Recommendation:

Not referred to committee.

City Manager Recommendation:

Move to approve and authorize the Mayor to sign the Inter-local Agreement with the Olympia School District (OSD) #111 for Stevens Field Park.

Report

Issue:

The City of Olympia has been awarded a grant for \$193,223 from the Washington Recreation & Conservation Office to upgrade the infield on Field #1 with synthetic turf at Stevens Field Park. To secure the grant, the City/District must commit to an agreement to assure public use of the park for 25 years. The Inter-local Agreement with the District is required since they are the underlying land owner.

Staff Contact:

Paul Simmons, Director, Parks, Arts and Recreation, 360.753.8462

David Hanna, Associate Director, Parks, Arts and Recreation, 360.753.8020

Presenter(s):

Paul Simmons, Director, Parks, Arts and Recreation

David Hanna, Associate Director, Parks, Arts and Recreation

Background and Analysis:

The Olympia Parks, Arts and Recreation Department (OPARD) has been awarded a Youth Athletic Facilities (YAF) Grant through the Washington Recreation & Conservation Office (RCO). The RCO is ready to enter into an agreement with the City to install synthetic turf on one infield at Steven's Field Park. To secure the grant, the City/ and School District must commit to an agreement to assure public use of the park for 25 years. The Inter-local Agreement with the District is required since they are the underlying land owner

The proposed Inter-local Agreement is also an update to a contract for Stevens Field Park that dates back to 1977. However, the City/District Joint Use Agreement will continue to direct maintenance and operations at the facility.

The City and District are supportive of this infield improvement project at Stevens Field because it will enhance player safety, reduce rain outs, expand the playing season and reduce infield maintenance costs. The total project cost is estimated at \$386,447 and is split equally between City and grant funds. The City portion of the costs is funded by Capital Improvement Program Funds and Community Park Impact Fees.

Once the Inter-local Agreement and RCO Grant Agreements are signed, OPARD staff will begin the design of replacing a dirt infield with synthetic turf. Staff is aware of safety concerns with some synthetic products, including crumb rubber. During design, staff will evaluate all products to be sure they are safe for public use.. The project is scheduled for completion in 2016.

Options:

1. Approve the Inter-local Agreement with OSD #111 for Stevens Field as is.
2. Approve the Inter-local Agreement with OSD #111 for Stevens Field with any necessary changes.
3. Do not approve the Inter-local Agreement. This would result in the City turning down the grant with RCO.

Financial Impact:

A local match is required for this grant. The match amount is \$193,223 or 50% of the total project cost. The City is proposing \$127,527 from Community Park Impact Fees and \$65,696 from CIP funds to form the match. These funds have been approved in a prior Capital Facilities Plan.

If recorded return to:
City of Olympia
PO Box 1967
Olympia, WA 98507-1967

**INTERLOCAL AGREEMENT
BETWEEN
THE CITY OF OLYMPIA AND OLYMPIA SCHOOL DISTRICT #111
FOR
THE USE OF STEVENS FIELD AS A CITY PARK**

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

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

NOW, THEREFORE, in consideration of the mutual promises contained herein, the City of Olympia, a municipal corporation (OLYMPIA) and Olympia School District #111, a municipal corporation (OSD) agree as follows:

I. Purpose/Objective

OSD owns real property situated in the City of Olympia, commonly known as Stevens Field (hereinafter call Premises), which is depicted on **Exhibit A**, attached hereto and incorporated by this reference. OSD and OLYMPIA desire to enter into an Agreement for OLYMPIA to use the Premises as a City park that is open to the public.

II. Responsibilities

A. Responsibilities of OLYMPIA are as follows:

1. OLYMPIA shall have use of Premises as a Park and shall have authority to schedule the use of said facility.

2. OLYMPIA shall promulgate and enforce reasonable rules and regulations governing the use of the Premises.
3. OLYMPIA will maintain the existing field house, concession building, tennis courts and two picnic shelters located at the Premises in their present condition, less reasonable wear and tear. OLYMPIA will insure the buildings against loss or damage by fire or other hazard.
4. OLYMPIA agrees to provide ball fields, and any other recreational facilities that OLYMPIA deems appropriate for use in a park on the Premises.
5. OLYMPIA will plant or install natural or synthetic turf and maintain such turf for public use.
6. OLYMPIA is authorized to make such improvements at the Premises so as to make the area suitable for park purposes, provided, however, that any proposals for park improvements shall first be submitted to OSD for approval prior to installation or construction.

B. Responsibilities of OSD are as follows:

1. Allow OLYMPIA to use the entire Premises as a City park at no charge to OLYMPIA, except as otherwise provided in this Agreement.
2. Schedule all OSD use of the Premises and, specifically, Stevens Fields #1 and #2 through OLYMPIA.
 - a. No later than December 1 and July 1 of each year, OLYMPIA and OSD shall communicate if Stevens Field will not be available for use during the summer or school year, respectively, whether because of construction, renovation, significant field maintenance, closure of school, or other reasons.
 - b. No later than August 1 of each school year and January 1 of each year, OLYMPIA and OSD shall share a proposed schedule of use of Stevens Field for their respective programs.

III. Consideration

- A. In consideration for OSD allowing OLYMPIA to use the Premises as a park free of charge, OLYMPIA agrees to use, operate, and maintain the Premises as a park, open to the public for such use.

B. OLYMPIA shall pay the electricity, water and sewer utility charges for the Premises.

IV. Method of Payment

N/A

V. Indemnification & Insurance

OLYMPIA shall indemnify, defend, and hold harmless OSD from all claims, suits, actions, or liability whatsoever which arise from OLYMPIA's use of the Premises; provided, that the obligation to indemnify, defend and hold harmless provision shall not apply to claims, suits, actions, or liability arising out of the negligent acts or omissions of OSD or out of latent defect or hazards in the condition of the Premises. In the case of suits, actions, claims or liability arising out of the negligence of OSD, or its employees or agents, or which are due to latent defects or hazards in the condition of the Premises, OSD shall likewise indemnify, defend and hold harmless OLYMPIA for same.

Each party shall carry adequate insurance covering the liability described above. Furthermore, each party shall indemnify the other for any damage caused by the indemnifying party's employees, agents, or program participants to the other party's property or facilities.

VI. Joint Board

This Agreement creates no Joint Board and no separate legal entity.

VII. Duration of Agreement

This Agreement shall be effective for 25 (twenty-five) years from its Effective Date, unless otherwise terminated in the manner described under the termination section of this Agreement.

VIII. Termination of Agreement

Termination for Cause. Either party may terminate this Agreement for non-performance of the other party, provided notice of non-performance and a reasonable opportunity to cure has been given, provided such termination does not negatively affect any pre-existing grant obligations of either party.

Termination for Convenience. Upon completion of the 25-year term, this Agreement may be terminated upon sixty (60) days notice to the other party using the method of notice provided for in this Agreement.

IX. Amendments

Any amendment of the terms of this Agreement shall be subject to review and approval by each party's legally authorized signatory for interlocal agreements.

X. Miscellaneous Provisions:

1. OLYMPIA may schedule the fields for the use by community athletic associations. These associations are not, however, a part of nor do they represent OLYMPIA in any manner. Supervision, field preparation, liability, and facility damage are the sole responsibility of the association.

2. Field renovation/maintenance fees may be assessed by OLYMPIA to groups that are allocated field use to assure the usability and safety of the maintained fields.

3. A party's non-performance of maintenance obligations set forth in this Agreement shall be excused if performance of the obligation is prevented or would be rendered useless by the other party's non-performance.

XI. Entire Agreement

This Agreement, together with **Exhibit A**, sets forth all terms and conditions agreed upon by OLYMPIA and OSD, and supersedes any and all prior agreements, oral or otherwise, with respect to the use of Stevens Field by OLYMPIA as a City Park.

XII. Recording

Prior to its entry into force, this Agreement shall be filed with the Thurston County Auditor's Office or posted upon the websites or other electronically retrievable public source as required by RCW 39.34.040.

XIII. Employment Relationship

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

XIV. Communication

A. To provide a direct means of communication and facilitate maintenance of a positive working relationship between OSD and OLYMPIA, OSD and OLYMPIA staff will meet regularly to address facility improvements, schedule changes, registration, specific site issues and other concerns. In addition, OSD building administrators and OLYMPIA supervisors are encouraged to regularly communicate any concerns that require immediate attention.

B. OSD and OLYMPIA shall conduct an annual, comprehensive review and assessment of facility use, maintenance needs, current conditions, and current policies.

XV. Notice

Any notice required under this Agreement shall be to the party at the address listed below and shall become effective three days following the date of deposit in the United States Postal Service.

CITY OF OLYMPIA

Attn: Mr. Paul Simmons, Director, OPARD

PO Box 1967

Olympia, WA 98507-1967

Re: Interlocal Agreement with OSD # 111 for Stevens Field

OLYMPIA SCHOOL DISTRICT #111

Attn: Ms. Jennifer Priddy, Facilities, OSD

1113 Legion Way SE

Olympia, WA 98501

Re: Interlocal Agreement with City of Olympia for Stevens Field

XVI. Records

Each party shall maintain its own public records and shall be solely responsible for responding to records requests received about the subject matter of this Interlocal Agreement.

XVII. Interpretation and Venue

This Agreement shall be governed by the laws of the State of Washington as to interpretation and performance. The parties hereby agree that venue for enforcement of this agreement shall be the Superior Court of Thurston County.

XVIII. Effective Date

Once signed by both parties, this Agreement shall take effect as of the date of filing or posting as required by RCW 39.34.040.

XIX. Dispute Resolution

If the parties have a dispute regarding the Agreement that they are unable to resolve, they hereby agree to engage in alternative dispute resolution through mediation before terminating the Agreement prior to the 25 year term or filing a lawsuit.

CITY OF OLYMPIA

OLYMPIA SCHOOL DISTRICT #111


Mayor

Superintendent

Date: _____

Date: _____

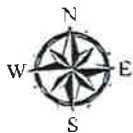
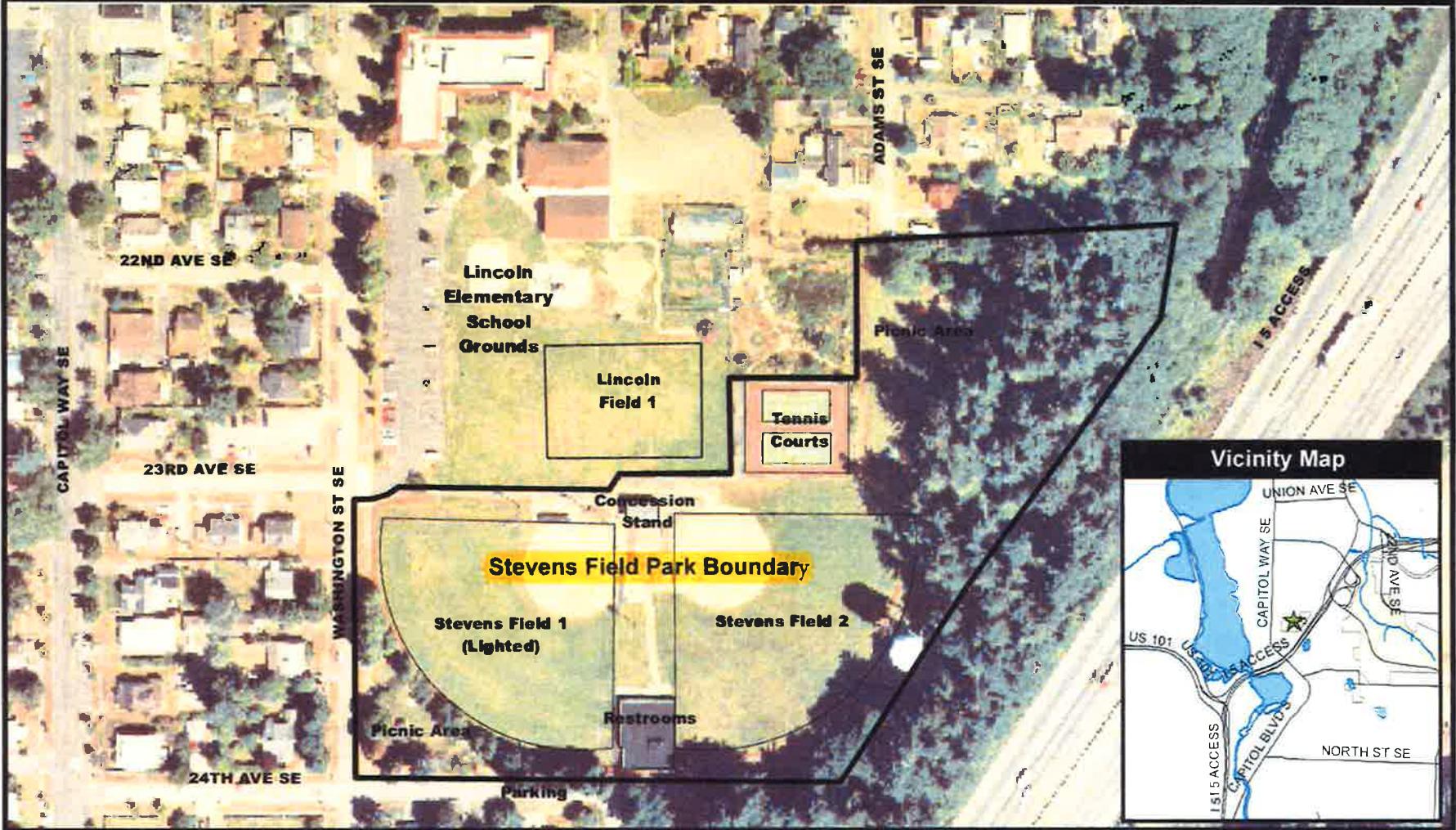
Approved as to Form:



Annaliese Harksen
Assistant City Attorney

Exhibit A - OSD/City Contract for Stevens Field

300 24th Ave. SE



Experience It!

OLYMPIA
PARKS • ARTS • RECREATION

Map produced by the City of Olympia Parks, Arts and Recreation Department. For more information, call (360) 753-8380.

December 3, 2007



City Council

Approval of Proposed Additions and Amendments to the City Council Guidebook on Attendance via Speakerphone, Interrupted Meetings and Public Communication

Agenda Date: 2/2/2016
Agenda Item Number: 4.C
File Number: 16-0143

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

Title

Approval of Proposed Additions and Amendments to the City Council Guidebook on Attendance via Speakerphone, Interrupted Meetings and Public Communication

Recommended Action

Committee Recommendation:

Move to approve the proposed additions and amendments to the City Council Guidebook on Attendance via Speakerphone, Interrupted Meetings and Procedure for Public Communication.

City Manager Recommendation:

Move to approve the proposed additions and amendments to the City Council Guidebook on Attendance via Speakerphone, Interrupted Meetings and Procedure for Public Communication, and direct staff to update the City Council Guidebook.

Report

Issue:

Whether to approve the proposed additions and amendments to the City Council Guidebook.

Staff Contact:

Mark Barber, City Attorney, Legal, 360.753.8223

Presenter(s):

None - Consent Calendar Item

Background and Analysis:

City Staff presented to the General Government Committee three proposed items as additions to or amendments of the current City Council Guidebook:

Proposed Council Guideline 3.22 - Attendance via Speakerphone (Attachment #1) would be an addition to Section 3 of the Guidebook, which addresses City Council Meetings. The new sub-section would address the procedures and limits by which a Councilmember who is unable to

physically attend a Council or committee meeting might be allowed to attend the meeting remotely.

Proposed Council Guideline 3.23 - Interrupted Meetings (Attachment #2) would also be an addition to Section 3 of the Guidebook. This new sub-section would provide a procedure for the Council to continue its business in the event a meeting is interrupted to the point that conducting an orderly meeting is impossible and order cannot be restored.

The proposed amendments to Council Guideline 3.7 - Procedure for Public Communication (Attachment #3) would more clearly articulate the limited nature of the public forum offered at Council business meetings and better align the Guidebook with RCW Chapter 49.60, Washington's Law Against Discrimination.

Options:

1. Approve the additions and amendments as presented.
2. Approve the additions and amendments with changes.
3. Choose not to approve the additions and amendments, leaving the Guidelines as is.

Financial Impact:

None known.

PROPOSED COUNCIL GUIDELINE 3.22 -- ATTENDANCE VIA SPEAKERPHONE

3.22 Attendance via Speakerphone

On rare occasions, a Councilmember will not be able to be physically present at a Council or committee meeting, but will want to be involved in Council or committee discussions and/or decisions. The procedure and guidelines for permitting a Councilmember to remotely attend a Council or committee meeting via speakerphone shall be as follows:

1. If a Councilmember wishes to attend a Council or committee meeting via speakerphone, the Councilmember shall notify the Mayor or the City Manager's office no later than 2:00 PM on the day of the meeting to advise of such absence and to request remote attendance at the Council or committee meeting via speakerphone.
2. The Councilmember attending remotely via speakerphone shall provide the Mayor or City Manager's office with a telephone number where the Councilmember may be contacted at the start of the Council or committee meeting. The Councilmember attending via speakerphone must be able to hear the discussions at the Council or committee meeting and taking place in Council Chambers or before the committee. Likewise, the Councilmember must be able to be heard by all present in Council Chambers or before the committee.
3. If possible, the Councilmember should also log in by computer or iPad/tablet to view the internet streaming video website of the Council meeting.
4. At the commencement of the Council or committee meeting, the Mayor (or presiding officer if the Mayor is not physically present at the Council or committee meeting) shall state for the record that a Councilmember, identifying the member by name, is attending the Council or committee meeting via speakerphone and the reason for the Councilmember's remote attendance (i.e., illness, business travel, vacation, etc.). The Mayor shall establish that the Councilmember attending remotely via speakerphone can hear the Mayor's or committee chair's voice. There must be a clearly audible response from the Councilmember attending remotely. The Mayor or committee chair shall then state on the record that the remotely attending Councilmember is attending via speakerphone and can be heard by all present in Council Chambers or before the committee.

A Councilmember attending a Council or committee meeting remotely via speakerphone should review all of the applicable material on the agenda. Any technical prohibitions or difficulties that prevent all parties present at the Council or committee meeting from communicating or hearing one another will negate the ability of the Councilmember to participate remotely via speakerphone in the Council meeting or committee. Such inability to participate in the Council or committee meeting, due to technical prohibitions or difficulties, shall be deemed an excused absence for the Councilmember attempting remote attendance.

The Mayor and Mayor Pro Tem may attend remotely, however, they will not be able to preside over the meeting remotely. The presiding officer for the Council or committee meeting must be in physical attendance at the Council or committee meeting. In the event the Mayor and Mayor Pro Tem must

both attend a Council meeting remotely, the Councilmember having the longest service on the Council shall be acting presiding officer for purposes of the Council meeting.

Remote attendance via speakerphone shall constitute attendance for quorum purposes and voting. A request for remote attendance via speakerphone shall be exercised on rare and infrequent occasions by a Councilmember and it shall not be a substitute for regular, physical attendance at Council or committee meetings. The Council, as a legislative body, retains the ability upon motion to deny an individual Councilmember's request for remote attendance.

DRAFT

PROPOSED COUNCIL GUIDELINE 3.23 – INTERRUPTED MEETINGS

3.23 Interrupted Meetings

The Open Public Meetings Act (RCW Chapter 42.30) provides a procedure for the Council to continue its business in the event that any meeting is interrupted by a group or groups of persons so as to render the orderly conduct of such Council or committee meeting “. . . unfeasible and order cannot be restored by the removal of individuals who are interrupting the meeting . . .” In that event, the members of the governing body conducting the meeting may order the meeting room cleared and continue in session or may adjourn the meeting and reconvene at another location selected by majority vote of the members. In such a session, final disposition may be taken only on matters appearing on the Council’s or committee’s agenda. Representatives of the press or other news media, except those participating in the disturbance, shall be allowed to attend any session held pursuant to RCW 42.30.050. Nothing in RCW 42.30.050 “. . . shall prohibit the governing body from establishing a procedure for readmitting an individual or individuals not responsible for disturbing the orderly conduct of the meeting.” In accord with this statute, the Mayor or Committee Chair may admit individuals to the meeting who have not participated in the disturbance and are not responsible for disturbing the orderly conduct of the meeting.

3.7 Procedure for Public Communication

The City Council appreciates hearing from citizens about items relating to city business and normally sets aside up to thirty minutes near the beginning of Council business meetings for public communication. This forum is a limited public forum and all matters discussed shall relate to city business.

The manner and extent to which members of the public participate in the Public Communication portion of the agenda is under the control of the Mayor. Therefore, to the extent necessary to prevent unreasonable interference with the meeting, the Mayor is empowered to curtail or prohibit testimony that is overly repetitive or lengthy, beyond the reasonable scope of City business, or of a nature that would endanger the safety or wellbeing of the persons attending the meeting or individual city employees, or that is a personal attack upon a Councilmember's or other person's honesty, integrity, reputation, race, creed, national origin, ethnic background, color, families with children, sex, marital status, sexual orientation, age, honorably discharged veteran or military status, or the presence of any sensory, mental, or physical disability or the use of a trained dog guide or service animal by a person with a disability. The Mayor is also empowered to establish time constraints on testimony, if necessary, to prevent unreasonable delay of the Council meeting.

Interested citizens may sign up to speak before the Council regarding any item related to City business, except issues (1) for which the City Council either held a Public Hearing in the last 45 days or will hold a Public Hearing within 45 days; or (2) where the public testimony may implicate a matter on which the City Council will be required to act in a quasi-judicial capacity; or (3) where the speaker promotes or opposes a candidate for public office or a ballot measure. Individuals will be asked to indicate on the sign-in sheet whether or not they have addressed the Council as part of Public Communication within the past 30 days. The Mayor has the discretion to move to the end of Public Communication testimony from those individuals who indicate on the sign-in sheet that they have testified in the last 30 days or who are known to the Mayor to have testified in the last 30 days.

Sign-in for Public Communication begins when the lobby doors to the Council Chambers are open (about 30 minutes in advance of the start of the meeting) and continues until after the Mayor gavels the meeting to order, with the exact time at staff's discretion. Everyone who has signed in by the time registration is closed will be provided an opportunity to comment at that evening's meeting, either during the initial 30 minutes scheduled on the agenda for Public Communication, at the end of the meeting if everyone is not accommodated within the initial 30 minutes, or in another order if proposed by the Mayor at any time during a meeting and agreed to by a majority of Councilmembers in attendance at the meeting.

If time allows during the initial 30 minutes set aside on the agenda for Public Communications, the Mayor may ask if anyone else in the audience wishes to speak. In this circumstance, Public Communication will not exceed 30 minutes total of testimony time, and additional comment will not be carried forward to the end of the meeting.

Individual comment during Public Communication is generally limited to three minutes or less. Comments ~~should~~ shall be directed to the Council as a whole, not to the audience. Speakers may not cede all or a part of their time to another speaker, or play recorded comments of other persons not present and signed in as speakers for the meeting. The Mayor is empowered to explain at the beginning of Public Communications that clapping, shouting and other demonstrations are not permitted at any time so that all persons wishing to speak, or in attendance, are not intimidated and feel safe to express their views or be present.

In order to hear as many people as possible, the Council will refrain from commenting on individual statements until all public comment has been taken, or at the end of the 30-minute time allotment.

Out of respect for the time of our citizens, Council and staff - the Mayor, on behalf of the entire Council, will thank the individuals who spoke. Councilmembers may request additional information from the persons who spoke, information or a report from the City Manager, or make brief comments to help inform the issues.



City Council

Approval of Ordinance Amending Wireless Communication Facilities Code (OMC 18.44 and 18.46) and Resolution Amending Application Content Lists (OMC 18.77)

Agenda Date: 2/2/2016
Agenda Item Number: 4.D
File Number: 16-0063

Type: ordinance **Version:** 1 **Status:** 1st Reading-Consent

Title

Approval of Ordinance Amending Wireless Communication Facilities Code (OMC 18.44 and 18.46) and Resolution Amending Application Content Lists (OMC 18.77)

Recommended Action

Committee Recommendation:

The Planning Commission unanimously recommends adoption of the attached Wireless Communication Facilities Ordinance and Resolution

City Manager Recommendation:

Move to approve the Wireless Communication Facilities Ordinance and City of Olympia Project Permit Application Content Lists Resolution

Report

Issue:

Should the Council adopt the attached Wireless Communication Facilities (WCF) Ordinance and Resolution, amending the City's code provisions for review of proposed modifications to existing WCF's? [Note: WCF's are typically antennas or groups of antennas attached to a support structure, such as a building, water tower, or a free-standing cell tower.]

The ordinance creates a separate chapter OMC 18.46 in the Olympia Municipal Code to specifically address requirements of changes to federal and state laws. The resolution creates the permit application requirements to implement the ordinance.

Staff Contact:

Leonard Bauer, Deputy Director, Community Planning and Development (CPD), 360.753.8206

Presenter(s):

None. Consent calendar item.

Background and Analysis:

A brief history of WCF regulation in Olympia since 2005 is described in the attachment.

Recent Changes to Federal and State Telecommunications Laws

The attached WCF Ordinance and Resolution would amend the city code to comply with several recent changes in federal and state laws.

In 2012, Congress adopted the Middle Class Tax Relief and Job Creation Act (a.k.a “the Spectrum Act”). Section 6409 of the Spectrum Act significantly limits local government permitting authority over proposed modifications to existing WCFs, if they do not result in a substantial change to the physical dimensions of that facility. In 2014-15, the Federal Communication Commission (FCC) adopted rules implementing Section 6409 of the Spectrum Act, which define a substantial change to a WCF (among other terms), and limit local government review of a proposed WCF modification to 60 days.

Legislative amendments in 2013 to the State Environmental Policy Act (SEPA) expanded exemptions from SEPA for certain WCF modifications.

History of Proposed Ordinance and Resolution

On January 23, 2014, AT&T proposed amendments to Olympia’s Antennas and Wireless Communications Facilities ordinance (CPD File #14-0008). AT&T proposed amendments to address changes in the Spectrum Act and SEPA, and also proposed changes to expand the number of WCF’s that would be permitted uses (as opposed to conditional uses considered by the hearing examiner) and the ability to site concealed wireless facilities on any publicly owned property (includes schools, parks and others including within Historic Districts).

The Planning Commission received a briefing on those proposed amendments on April 21, 2014. Following that briefing, the City contracted for expert legal assistance. draft more detailed, comprehensive amendments to Olympia’s existing WCF code (OMC 18.44). The Commission held a public hearing on that staff-proposed ordinance on September 8, 2014.

The FCC issued a Report and Order on October 21, 2014, adopting rules implementing the federal Spectrum Act, and released Errata to the Report and Order on January 5, 2015. Based on the public hearing comments, the FCC rules, extensive additional legal review, and review of other cities’ ordinances responding to those rules, staff recommended a more limited ordinance and an accompanying resolution. During this process, staff continued to work with AT&T, the Heritage Commission and representatives from the Coalition of Neighborhood Associations.

The Planning Commission held a public hearing on the staff-recommended ordinance and resolution on November 16, 2015, and held open the written comment period until November 30. Testimony was received from AT&T representatives generally supporting the approach in the proposed ordinance and resolution, but recommended some edits for clarity and greater consistency with the FCC rules. No other testimony was received. At its December 7, 2015, meeting, the Planning Commission accepted several minor amendments and voted unanimously to recommend adoption of the attached ordinance and resolution.

Additional background information on regulation of WCFs was provided in the Planning Commission’s November 16, 2015 staff report.

Summary of Proposed Ordinance and Resolution

The attached ordinance would create a new chapter 18.46 in the Olympia Municipal Code to specifically address the new requirements of the Spectrum Act. This chapter would apply **only** to proposed WCF modifications that are **not** substantial changes as defined in the Spectrum Act and FCC rules. The resolution would create permit application requirements for WCF modifications applied for under the new OMC chapter 18.46.

The existing WCF ordinance (OMC Chapter 18.44) would continue to apply to any applications for **new** WCF facilities, and to applications for substantial changes to existing WCF facilities that are not subject to the new ordinance.

More specifically, the proposed ordinance would:

1. Create a separate review process for permit applications for modifications to existing WCF facilities that are subject to the federal Spectrum Act and FCC rules. These types of modifications must not be a substantial change to the physical dimensions of that facility, and involve:
 - Co-location of new transmission equipment,
 - Removal of transmission equipment, or
 - Replacement of transmission equipment.

“Substantial change” is specifically defined in the ordinance under the proposed new Section 18.46.040, consistent with the FCC rules.

2. Create a review process for eligible WCF modification applications that must be completed within 60 days, in accordance with the FCC rules.
3. Exempt eligible WCF modification applications from SEPA review under RCW 43.21C.030(2)(c), to comply with state law.
4. Amend the existing Olympia WCF code (Chapter 18.44 OMC) only to add cross-references and a note in OMC 18.44.090 to state that all eligible WCF modifications subject to the new ordinance are permitted uses.

Neighborhood/Community Interests (if known):

There has been substantial public interest in the regulation of WCFs in the community. The Planning Commission and staff previously received numerous emails addressing project-specific siting of potential future WCFs at Roosevelt School and on the Stevens Field Water tank and potential health effects that are on file with the City. These communications are detailed in the April 21, 2014, Planning Commission staff report (File No. 14-0395). The Planning Commission also received testimony at its September 8, 2014, and November 16, 2015, public hearings, which are described in the minutes of those meetings.

The Coalition of Neighborhood Associations formed a subcommittee to work on WCF issues. Staff coordinated regularly with this CNA subcommittee throughout this process, and presented the proposed ordinance and resolution to the CNA Steering Committee, receiving consensus support.

Please note that consideration of health effects of WCFs are within the purview the federal government and not local government.

Options:

1. Adopt the attached ordinance and resolution.
2. Adopt the ordinance and resolution with additional revisions as determined by the Council.
3. Do not adopt amendments to the Olympia Municipal Code addressing wireless communication facilities. (Please note that this option may not fully address federal and state legislation or FCC rules.)

Financial Impact:

Costs of staff time to implement the proposed ordinance are included within the existing City budget.

A Brief History of WCF Regulation in Olympia

1. ***Moratorium:*** In June 2005, in response to neighborhood concerns over siting a new WCF at 1501 Capitol Way, adjacent to the Historic South Capitol Neighborhood, along with numerous other new WCF's being proposed throughout Olympia, the City Council instituted a moratorium on new WCFs that lasted to March, 2006. The moratorium was instituted because the Council "became concerned that economic recovery, the consolidation of telecommunications companies, and the availability of new technology had led telecommunications companies to prepare for a new round of facility construction, and those facilities had the potential to adversely impact the City of Olympia under the City's obsolete zoning and telecommunications regulations."
2. ***Master Plan and Ordinance Overhaul:*** In drafting the City's 2006 ordinance, with the assistance of a group of neighborhood leaders, the City hired a consultant to craft a new ordinance and to draft a Wireless Telecommunications Master Plan for Olympia. The Master Plan supports the goals of the ordinance by providing the data, the maps, and a set of strategies to "reduce tower infrastructure by improving efforts to morph wireless deployments from various service providers, thereby minimizing tower proliferation by increasing shared sites."

The Master Plan acknowledges that it addresses then current 1G and 2G technologies and that 3G and other future technologies may require additional wireless facility locations to meet coverage and network capacity objectives.

The drafting of the City's 2006 ordinance was spearheaded by a group of neighborhood leaders. Olympia overhauled its telecommunications ordinance in 2006 to create a more comprehensive method to review, evaluate and permit sites for constructing and co-locating new WCFs.

3. ***Current Status*** - The existing 2006 Antennas and Wireless Communication Facilities (AWCF) ordinance continues to be in force. In the past couple of years, the growing demand for wireless services has been met by siting new or upgrading antennas on existing facilities. There has been only one new tower associated with CAPCOM 9-1-1 Service along Pacific Avenue.
4. ***Increasing Service Requirements.*** With the industry shift away from landlines to cell phones, and with the dramatic increase in the use of a variety of wireless systems to transmit enormous amounts of data, wireless carriers are now looking to meet the growing demand for service by siting more facilities in residential neighborhoods to address coverage and capacity. The current code generally favors city-owned water tower facilities in siting. City revenue from leases for WCFs provided the Olympia Water Utility approximately \$260,000.00 in 2013. This revenue helps keep water utility rates lower.

5. *Regulatory Framework.*

Federal, State and local government each have a role in regulating WCF's. Over the years, addressing the impacts has shifted from local control and permitting toward more exemptions from the State Environmental Policy Act (SEPA) and more federal control. For example, prior to 2006, the Federal government established and regulated associated health standards related to WCF's and local government is barred from addressing health concerns. Since 2006, federal and state government continues to enact laws that generally make it easier to site new facilities to expand their coverage and capacity. Examples of recent changes to federal and WA State law have been to shorten the time allowed for local government to review permits and revise definitions that expand the ability to site or upgrade WCF on existing structures.

Ordinance No. _____

AN ORDINANCE OF THE CITY OF OLYMPIA, WASHINGTON, RELATING TO COLLOCATION, REMOVAL AND REPLACEMENT OF WIRELESS FACILITIES; ADDING A NEW CHAPTER 18.46 TO THE OLYMPIA MUNICIPAL CODE/UNIFIED DEVELOPMENT CODE; ESTABLISHING DEVELOPMENT REGULATIONS FOR COLLOCATION, REMOVAL AND REPLACEMENT OF EXISTING ELIGIBLE WIRELESS COMMUNICATION FACILITIES TO CONFORM TO FEDERAL LAW AND REGULATIONS; ESTABLISHING AN APPLICATION SUBMITTAL AND APPROVAL PROCESS; PROVIDING FOR TERMINATION OF NON-CONFORMING STRUCTURES; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, in 1934, Congress enacted the Communications Act of 1934, creating the FCC and granting it authority over common carriers engaged in the provision of interstate or foreign communications services; and

WHEREAS, in 1996 Congress enacted Pub. L. No. 104-104, 110 Stat. 70 (the "**1996 Act**"), amending the Communications Act of 1934 and implementing regulations applicable to both wireless and wireline communications facilities for the purpose of removal of barriers to entry into the telecommunications market while preserving local government zoning authority except where specifically limited under the 1996 Act; and

WHEREAS, in the 1996 Act, Congress imposed substantive and procedural limitations on the traditional authority of state and local governments to regulate the location, construction, and modification of wireless facilities and incorporated those limitations into the Communications Act of 1934; and

WHEREAS, the City has adopted regulations that have been codified as part of the Municipal Code of the City establishing local requirements for the location, construction, and modification of wireless facilities; and

WHEREAS, in 2012 Congress passed the "Middle Class Tax Relief and Job Creation Act of 2012" (the "**Spectrum Act**") (PL-112-96; codified at 47 U.S.C. § 1455(a)); and

WHEREAS, Section 6409 (hereafter "**Section 6409**") of the Spectrum Act implements additional substantive and procedural limitations upon state and local government authority to regulate modification of existing wireless antenna support structures and base stations; and

WHEREAS, Congress through its enactment of Section 6409 of the Spectrum Act, has mandated that local governments approve, and cannot deny, an application requesting modification of an existing tower or base station if such modification does not substantially change the physical dimensions of such tower or base station; and

WHEREAS, the 1996 Act empowers the Federal Communications Commission (the "**FCC**") to prescribe such rules and regulations as may be necessary in the public interest to carry out the provisions of the 1996 Act, and subsequently added portions of the 1996 Act such as Section 6409; and

WHEREAS, the FCC, pursuant to its rule making authority, adopted and released a Notice of Proposed Rulemaking in September of 2013 (*In re Acceleration of Broadband Deployment by Improving Wireless Facilities Siting Policies*, WT Docket Nos. 13-238, 13-32; WC Docket No. 11-59; FCC 13-122) which

focused in part upon whether or not the FCC should adopt rules regarding implementation of Section 6409; and

WHEREAS, on October 21, 2014, the FCC issued its report and order, WT Docket Nos. 13-238, 13-32; WC Docket No. 11-59; FCC 14-153, in the above described proceeding (the "**Report and Order**" or "**Order**") clarifying and implementing statutory requirements related to state and local government review of infrastructure siting, including Section 6409, with the intent of facilitating and expediting the deployment of equipment and infrastructure to meet the demand for wireless capacity; and

WHEREAS, the rules adopted by the FCC in its Report and Order implementing Section 6409 are intended by the FCC to spur wireless broadband deployment, in part, by facilitating the sharing of infrastructure that supports wireless communications through incentives to collocate on structures that already support wireless facilities; and

WHEREAS, the Report and Order also adopts measures that update the FCC's review processes under the National Environmental Policy Act of 1969 ("**NEPA**") and section 106 of the National Historic Preservation Act of 1966 ("**NHPA**"), with a particular emphasis on accommodating new wireless technologies that use smaller antennas and compact radio equipment to provide mobile voice and broadband service; and

WHEREAS, on January 5, 2015, the FCC released an Erratum to the Report and Order making certain amendments to the provisions of the Report and Order related to NEPA and Section 106 of the NHPA; and

WHEREAS, that part of the Report and Order related to implementation of Section 6409, amends 47 C.F.R. Part 1 (PART 1 – PRACTICE AND PROCEDURE) by adding new Subpart CC § 1.40001 and establishing both substantive and procedural limitations upon local government application and development requirements applicable to proposals for modification to an existing antenna support structure or an existing base station ("**Eligible Facility Request Rules**"); and

WHEREAS, the Order, among other things, defines key terms utilized in Section 6409, establishes application requirements limiting the information that can be required from an applicant, implements a 60 shot clock and tolling provisions, establishes a deemed approved remedy for applications not timely responded to, requires cities to approve a project permit application requesting modification of an existing tower or base station that does not substantially change the physical dimensions of such tower or base station, and establishes development standards that govern such proposed modifications; and

WHEREAS, the Report and Order provides that the Eligible Facility Request Rules will be effective 90 days following publication in the Federal Register; and

WHEREAS, the Order was published in the Federal Register on Thursday, January 8, 2015, Federal Register; Vol. 80; No. 5, resulting in the Eligible Facility Request Rules becoming effective on April 8, 2015; and

WHEREAS, OMC Chapter 18.44 establishes development regulations for siting new wireless transmission facilities that conform to federal and state regulations; and

WHEREAS, the City Council finds that it is required under Section 6409 of the Spectrum Act and the Eligible Facility Request Rules established in the Order, to adopt and implement local development and zoning regulations that are consistent with Section 6409 and the Order; and

WHEREAS, an Environmental Checklist for a non-project action was prepared under the State Environmental Policy Act (RCW Chapter 43.21.C), pursuant to Washington Administrative Code Chapter 197-11, and a determination of Non-Significance ("DNS") was issued on the December 28, 2015; and

WHEREAS, in accordance with RCW 36.70A.106 and WAC 365-196-630, a notice of intent to adopt the proposed new development regulations was sent to the State of Washington Department of Commerce and to other state agencies to allow for a 60-day review and comment period, which comment period ended prior to adoption of this ordinance; and

WHEREAS, the staff of the City's Department of Community Planning and Development reviewed the proposed obtained input from members of the public and wireless communications company representatives, and prepared alternative draft revisions and recommended their approval; and

WHEREAS, on November 16, 2015, the Planning Commission held a duly noticed public meeting related to the proposed interim development and zoning regulations set forth in the proposed ordinance; and

WHEREAS, the City Council considered the proposed development and zoning regulations on the February 2, 2016; and

WHEREAS, the City Council finds that the proposed development and zoning regulations are reasonable and necessary in order bring the City's development regulations into compliance with the mandate imposed upon the City by Congress pursuant to Section 6409 and the regulations imposed upon the City by the FCC pursuant to its Report and Order, and are therefore in the public interest;

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

Section 1. New Chapter Added (Eligible Wireless Communication Facilities Modifications) The Olympia Municipal Code is hereby amended by the addition of a new chapter to be known and referred to as Chapter 18.46, Eligible Wireless Communication Facilities Modifications, and reading as follows:

NEW CHAPTER 18.46
Eligible Wireless Communication Facilities Modifications

18.46.000 Chapter Contents

Sections:

- 18.46.010. Title
- 18.46.020. Adoption of Findings and Conclusions.
- 18.46.030. Purpose and Intent
- 18.46.040. Definitions
- 18.46.050. Applicability - Relationship to other Rules and Regulations
- 18.46.060. Application Review

18.46.010 Title. This Chapter shall be known and referred to as the "Eligible Wireless Communication Facilities Modification Code".

18.46.020 Adoption of Findings and Conclusions. The recitals set forth in the ordinance adopting this code are adopted as findings and conclusions of the City Council.

18.46.030 Purpose and Intent.

The purpose and intent of this Chapter is to:

- A. To implement § 6409 of the "Middle Class Tax Relief and Job Creation Act of 2012" (the "Spectrum Act") (PL-112-96; codified at 47 U.S.C. § 1455(a)), as interpreted by the Federal Communications Commission's Acceleration of Broadband Deployment Report & Order ("FCC Eligible Existing Wireless Facilities Request Rules"), which requires the City to approve any eligible facilities request for a modification of an existing tower or base station that does not substantially change the physical dimensions of such tower or base station;
- B. To establish procedural requirements and substantive criteria applicable to review and approval or denial of applications for an eligible facilities modification;
- C. To exempt facilities modifications approved under this chapter as eligible facilities requests from zoning and development regulations that are inconsistent with or preempted by Section 6409 of the Spectrum Act;
- D. To preserve the City's right to continue to enforce and condition approvals under this chapter on compliance with generally applicable building, structural, electrical, and safety codes and with other laws codifying objective standards reasonably related to health and safety;
- E. To promote timely decisions under this chapter;
- F. To ensure that decisions are made consistently and predictably;
- G. To incorporate provisions of RCW 43.21C.0384 that exempt eligible facilities modifications from review under RCW 43.21C.030(2)(c), (State Environmental Policy Act);

18.46.040 Definitions.

For the purposes of this Chapter, the terms used have the following meanings. Where the same term is also defined in OMC 18.02.180, the definitions below shall control for the application of this chapter.

Base Station. A structure or equipment at a fixed location that enables FCC-licensed or authorized wireless communications between user equipment and a communications network. The term does not encompass a tower as defined herein or any equipment associated with a tower. Base Station includes, without limitation:

- a. Equipment associated with wireless communications services such as private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.
- b. Radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration (including Distributed Antenna Systems ("DAS") and small-cell networks).
- c. Any structure other than a tower that, at the time the eligible facilities modification application is filed with the city under this chapter, supports or houses equipment described in paragraphs (a)-(b) that has been reviewed and approved under the applicable zoning or siting process, or under another State or local regulatory review process, even if the structure was not built for the sole or primary purpose of providing that support.

- d. The term does not include any structure that, at the time the eligible facilities modification application is filed with the city under this chapter, does not support or house equipment described in (a)-(b) of this section.

Collocation. The mounting or installation of transmission equipment on an eligible support structure for the purpose of transmitting and/or receiving radio frequency signals for communications purposes.

Eligible Facilities Modification. Any proposed modification of an existing eligible support structure that does not substantially change the physical dimensions of that eligible support structure which the applicant asserts is subject to review under Section 6409 of the Spectrum Act, and which involves:

- a. Collocation of new transmission equipment;
- b. Removal of transmission equipment; or
- c. Replacement of transmission equipment.

Eligible support structure. Any tower or base station as defined in this chapter, provided that it is existing at the time the eligible facilities modification application is filed with the City under this chapter.

Existing. A constructed tower or base station is existing for purposes of this section if it has been reviewed and approved under the applicable zoning or siting process of the City, or under another State, county or local regulatory review process, provided that a tower that has not been reviewed and reviewed because it was not in a zoned area when it was built, but was lawfully constructed, is existing for purposes of this chapter.

Site. For towers other than towers in the public rights-of-way, the current boundaries of the leased or owned property surrounding the tower and any access or utility easements currently related to the site, and, for other eligible support structures, further restricted to that area in proximity to the structure and to other transmission equipment already deployed on the ground.

Spectrum Act The "Middle Class Tax Relief and Job Creation Act of 2012" (Public Law 112-96; codified at 47 U.S.C. § 1455(a)).

Substantial Change. A modification substantially changes the physical dimensions of an eligible support structure if it meets any of the following criteria:

- a. For towers other than towers in the public rights-of-way, it increases the height of the tower by more than 10% or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed twenty feet, whichever is greater; for other eligible support structures, it increases the height of the structure by more than 10% or more than ten feet, whichever is greater;
- b. For towers other than towers in the public rights-of-way, it involves adding an appurtenance to the body of the tower that would protrude from the edge of the tower more than twenty feet, or more than the width of the Tower structure at the level of the appurtenance, whichever is greater; for other eligible support structures, it involves adding an appurtenance to the body of the structure that would protrude from the edge of the structure by more than six feet;
- c. For any eligible support structure, it involves installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four cabinets; or, for towers in the public rights-of-way and base stations, it involves

installation of any new equipment cabinets on the ground if there are no pre-existing ground cabinets associated with the structure, or else involves installation of ground cabinets that are more than 10% larger in height or overall volume than any other ground cabinets associated with the structure;

- d. It entails any excavation or deployment outside the current site;
- e. It would defeat the concealment elements of the eligible support structure; or
- f. It does not comply with conditions associated with the siting approval of the construction or modification of the eligible support structure or base station equipment, provided however that this limitation does not apply to any modification that is non-compliant only in a manner that would not exceed the thresholds identified in paragraphs (a) – (d) of this section.
- g. For purposes of this section, changes in height should be measured from the original support structure in cases where deployments are or will be separated horizontally, such as on buildings' rooftops; in other circumstances, changes in height should be measured from the dimensions of the tower or base station, inclusive of originally approved appurtenances and any modifications that were approved prior to the passage of the Spectrum Act.

Tower. Any structure built for the sole or primary purpose of supporting any FCC- licensed or authorized antennas and their associated facilities, including structures that are constructed for wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul, and the associated site.

Transmission Equipment. Equipment that facilitates transmission for any FCC- licensed or authorized wireless communication service, including, but not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, and regular and backup power supply. The term includes equipment associated with wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.

Tower. Any structure built for the sole or primary purpose of supporting any FCC- licensed or authorized antennas and their associated facilities, including structures that are constructed for wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul, and the associated site.

18.46.050 Applicability - Relationship to other Rules and Regulations.

- A. Part of Permit Application. In the event that any part of an application to the City for project permit approval includes a proposed eligible facilities modification, the proposed eligible facilities modification portion of the application shall be reviewed under the provisions of this chapter.
- B. Non-Assertion of Applicability. In the event that an application for project permit approval includes a proposal to modify an eligible support structure, and the applicant does not assert in the application that the proposal is subject to review under Section 6409 of the Spectrum Act, such proposal shall not be subject to review under this Chapter and may be subject to review under Olympia Municipal Code Chapter 18.44 among other provisions of the City Code.

- C. Non-conforming Structures. This chapter shall not apply to a proposed eligible facilities modification to an eligible support structure that is not a legal conforming, or legal non-conforming, structure at the time a completed eligible facilities modification application is filed with the City. To the extent that the non-conforming structures and use provisions of the City code would operate to prohibit or condition approval of a proposed eligible facilities modification application otherwise allowed under this chapter, such provisions are superseded by the provisions of this chapter and shall not apply.
- D. Replacement of Eligible Support Structure. This chapter shall not apply to a proposed eligible facilities modification to an eligible support structure that will involve replacement of the tower or base station. Such proposed modification will be subject to OMC 18.44.
- E. First Deployment; Base Station. This chapter shall not apply to a proposed eligible facilities modification to a structure, other than a tower, that does not, at the time of submittal of the application, already house or support transmission equipment lawfully installed to the structure.
- F. SEPA Review. Unless otherwise provided by law or regulation, decisions pertaining to an eligible facilities modification application are not subject to, and are exempt from, the requirements of RCW 43.21C.030(2)(c) under RCW 43.21C.0384. The authority to condition or deny an application pursuant to Chapter 43.21 RCW is preempted, or otherwise supplanted, by Section 6409 of the Spectrum Act.
- G. Building Permit. The City will process, review, and issue a decision regarding a building permit for the facility modification concurrent with the eligible facilities modification permit described herein.
- H. Reservation of Authority. Nothing herein is intended or shall operate to waive or limit the City's right to enforce, or condition approval on, compliance with generally applicable building, structural, electrical, and safety codes and with other laws codifying objective standards reasonably related to health and safety.

18.46.060 Application Review

- A. Application. The department shall prepare and make publicly available an application form which shall require the information necessary for the department to consider whether an application is an Eligible Facilities Modification request.
- B. Type of Review. Upon receipt of an application for an Eligible Facilities Modification pursuant to this Chapter, the department shall review such application to determine whether the application is complete and qualifies as an Eligible Facilities Modification application. No presubmission conference is required prior to submittal.
- C. Timeframe for Review. Within 60 days of the date on which an applicant submits an application seeking approval under this Chapter, less any time period that may be excluded under (d) of this section, the director shall approve the application unless the director determines that the application is not covered by this Chapter.
- D. Tolling of the Timeframe for Review. The 60-day review period begins to run when the application is filed with the department, and may be tolled only by mutual agreement by the department and the applicant, or in cases where the director determines that the application is incomplete. The timeframe for review is not tolled by a moratorium on the review of applications.

1. To toll the timeframe for incompleteness, the director must provide written notice to the applicant within 20 days of receipt of the application, specifically delineating all missing documents or information required in the application.

2. The timeframe for review begins running again when the City receives the applicant's supplemental submission in response to the director's notice of incompleteness.

3. Following a supplemental submission, the director will notify the applicant within 10 days that the supplemental submission did not provide the information identified in the original notice delineating missing information. The timeframe is tolled in the case of second or subsequent notices pursuant to the procedures identified in this paragraph (D) of this section. Except as may be otherwise agreed by the applicant and the director, second or subsequent notices of incompleteness may not specify missing documents or information that were not delineated in the original notice of incompleteness.

E. Failure to Act. In the event the department fails to approve or deny a request seeking approval under this Chapter within the timeframe for review (accounting for any tolling), the request shall be deemed granted. The deemed grant does not become effective until the applicant notifies the applicable reviewing authority in writing after the review period has expired (accounting for any tolling) that the application has been deemed granted.

Section 2. Amendment of OMC 18.44.040. Section 18.44.040 of Olympia Municipal Code is hereby amended as follows:

18.44.040 Applicability - Types of Facilities and Actions

Except as provided in Section 18.44.060 (Exempt Installations) and Chapter 18.46 (Eligible Wireless Communication Facilities Modifications), this chapter shall apply to the development activities including installation, construction, or modification of the following antennas and wireless communications facilities:

- A. Existing antenna support structures.
- B. Proposed antenna support structures.
- C. Public antenna support structures.
- D. Replacement of existing antenna support structures.
- E. Collocation on existing antenna support structures.
- F. Attached wireless communications facilities.
- G. Concealed wireless communications facilities.
- H. AM/FM/TV/HDTV broadcasting transmission facilities.
- I. Satellite earth stations that are over one meter (39.37 inches) in diameter in all residential districts and over two meters (78.74 inches) in all other zoning districts.

Section 3. Section 18.44.060 of Olympia Municipal Code is hereby amended as follows:

18.44.060 Exempt Installations

The following items are exempt from the provisions of this chapter; notwithstanding any other provisions contained in Title 18 OMC, the Unified Development Code.

- A. Amateur radio operator antennas.
- B. Satellite earth stations that are one meter (39.37 inches) or less in diameter in all residential districts and two meters (78.74 inches) or less in all other zoning districts.
- C. Government-owned wireless communications facilities, upon the declaration of a state of emergency by federal, state, or local government, and a written determination of public necessity by the City designee; except that such facilities must comply with all federal and state requirements. No wireless communications facility shall be exempt from the provisions of this chapter beyond the duration of the state of emergency.
- D. Temporary, commercial wireless communications facilities, upon the declaration of a state of emergency by federal, state, or local government, or determination of public necessity by the City and approved by the City; except that such facilities must comply with all federal and state requirements. Said wireless communications facilities may be exempt from the provisions of this chapter up to three (3) months after the duration of the state of emergency.
- E. Routine maintenance and repair of existing wireless communication facilities.
- F. Additional base station equipment associated with approved transmission equipment and placed within an approved equipment compound, provided the height of the additional base station equipment does not extend above the screening fence.

Section 4. Amendment of OMC 18.44.090. Section 18.44.090 of Olympia Municipal Code is hereby amended as follows:

18.44.090 Permitted Wireless Communication Facilities by Zoning District

- A. Generally: Table 44.01, Permitted Wireless Communication Facilities by Zoning District, identifies types of Wireless Communication Facilities which are permitted outright (P), subject to a Conditional Use Permit (C), or prohibited (N). Notwithstanding the provisions of Table 44.01, any Eligible Wireless Facilities Modification subject to Chapter 18.46 is permitted outright.
- B. Historic districts and properties: Table 44.01 also identifies types of Wireless Communications Facilities permitted outright (P), subject to a Conditional Use Permit (C), or prohibited (N) in National Historic Districts, or on local, state, or Federal historic register properties, depending on the Zoning District Group (as defined within Table 44.01) wherein the site is located.

Zoning District Group	Antenna Element Replacement	CONCEALED			Collocated or Combined on Existing WCF	ROW Attached Structure - 34.5 kV+	Mitigation of Existing WCF	Expanding Existing Antenna Array	NON-CONCEALED	
		Attached WCF	Freestanding WCF	Attached WCF					Freestanding WCF	
Group 1. INDUSTRIAL ZONES (I, LI)	P	P	P	P	P	P	P	P	P	P
Group 2. COMMERCIAL ZONES (AS, CSH, DB, GC, HDC-3, HDC-4, MS, UC, UW)	P	P	P	P	P	P	P	P	C	N
Group 3. MIXED USE ZONES (PUD, PO/RM, RMU, UR, UW-H)	P	P	C	P	P	C	C	C	N	N
Group 4. NEIGHBORHOOD ZONES (COSC, HDC-1, HDC-2, MHP, MR 7-13, MR 10-18, NC, NR, NV, R1/5, R4, R4-8, R6-12, RLI, RM-18, RM24, RMH, UV)	P	C	C	C	C	C	C	C	N	N
NATIONAL HISTORIC DISTRICTS and LOCAL, STATE, OR FEDERAL REGISTER PROPERTIES Groups 1-3	P	C	C	C	C	C	C	C	N	N
Group 4 SITES WITHIN 300 FEET OF GROUP 4 - NEIGHBORHOOD ZONES Groups 1-3	P	N	N	N	N	N	N	N	N	N
	P	C	C	C	C	C	C	C	N	N

P – Permitted

C - Conditional Use Permit

N- Not Permitted

* Notwithstanding the provisions of Table 44.01, any Eligible Wireless Facilities Modification subject to Chapter 18.46 is permitted outright.

Section 4. Section 18.44.110 of Olympia Municipal Code is hereby amended as follows:

18.44.110 Approval Process

All approvals are subject to the review processes outlined in Title 18 OMC, Unified Development Code. Additionally, in accordance with Table 44.01 in Section 18.44.090 Permitted Wireless Communications Facilities by Zoning District, the following approval process shall apply:

- A. New WCFs and Antenna Element Replacements Not Subject to Chapter 18.46 (Eligible Wireless Communication Facilities Modifications).

1. Any application submitted pursuant to this section shall be reviewed by City staff for completeness. If any required item fails to be submitted, the application shall be deemed incomplete. Staff shall advise an applicant in writing within twenty (20) business days after submittal of an application regarding the completeness of the application. If the application is incomplete, such notice shall set forth the missing items or deficiencies in the application, which the applicant must correct and/or submit in order for the application to be deemed complete.
 2. Within twenty (20) days of receiving a timely response from an interested potential co-applicant, the applicant shall inform the respondent and the City in writing as to whether or not the potential collocation or combining is acceptable and under what conditions. If the collocation or combining is not acceptable, then the applicant must provide the respondent and the City written justification as to why the collocation or combining is not feasible.
- B. Supplemental Review. The City reserves the right to require a supplemental review for any type of WCF, subject to the following:
1. Due to the complexity of the methodology or analysis required to review an application for a wireless communication facility, the City will require a technical review by a third party expert approved by the City, the costs of which shall be borne by the applicant and be in addition to other applicable fees.
 2. The applicant shall submit the required fee as published in the City's current fee schedule.
 3. Based on the results of the expert review, the approving authority may require changes to the applicant's application or submittals.
 4. The supplemental review may address any or all of the following:
 - a. The accuracy and completeness of the application and accompanying documentation.
 - b. The applicability of analysis techniques and methodologies.
 - c. The validity of conclusions reached.
 - d. Whether the proposed wireless communications facility complies with the applicable approval criteria set forth in this Chapter.
 - e. Other items deemed by the City to be relevant to determining whether a proposed wireless communications facility complies with the provisions of the Olympia Municipal Code.
- C. Post Construction Field Testing. Within thirty days of becoming fully operational, all facilities shall be field tested by a third party reviewer, at the applicant's expense, to confirm the theoretical computations of RF emissions.

Section 6. Severability. If any provision of this Ordinance or its application to any person or circumstance is held invalid, the remainder of the ordinance or application of the provisions to other persons or circumstances shall remain unaffected.

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

Section 8. Effective Date. This Ordinance shall take effect five (5) days after publication, as provided by law.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:



CITY ATTORNEY

PASSED:

APPROVED:

PUBLISHED:

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OLYMPIA, WASHINGTON, AMENDING THE CITY OF OLYMPIA PROJECT PERMIT APPLICATION CONTENT LISTS, PURSUANT TO OMC 18.778.110, TO ADD THE FOLLOWING APPLICATION SUBMITTAL REQUIREMENTS FOR AN ELIGIBLE WIRELESS COMMUNICATION FACILITY MODIFICATION.

WHEREAS, in 2012, Congress passed the “Middle Class Tax Relief and Job Creation Act of 2012” (the “Spectrum Act”) (PL-112-96; codified at 47 U.S.C. § 1455(a)); and

WHEREAS, Section 6409 (hereafter “Section 6409”) of the Spectrum Act implements additional substantive and procedural limitations upon state and local government authority to regulate modification of existing wireless antenna support structures and base stations; and

WHEREAS, Congress through its enactment of Section 6409 of the Spectrum Act, has mandated that local governments approve, and cannot deny, an application requesting modification of an existing tower or base station if such modification does not substantially change the physical dimensions of such tower or base station; and

WHEREAS, the 1996 Act empowers the Federal Communications Commission (the “FCC”) to prescribe such rules and regulations as may be necessary in the public interest to carry out the provisions of the 1996 Act, and subsequently added portions of the 1996 Act such as Section 6409; and

WHEREAS, the FCC, pursuant to its rule making authority, adopted and released a Notice of Proposed Rulemaking in September of 2013 (*In re Acceleration of Broadband Deployment by Improving Wireless Facilities Siting Policies*, WT Docket Nos. 13-238, 13-32; WC Docket No. 11-59; FCC 13-122) which focused in part upon whether or not the FCC should adopt rules regarding implementation of Section 6409; and

WHEREAS, on October 21, 2014, the FCC issued its report and order, WT Docket Nos. 13-238, 13-32; WC Docket No. 11-59; FCC 14-153, in the above described proceeding (the “Report and Order” or “Order”) clarifying and implementing statutory requirements related to state and local government review of infrastructure siting, including Section 6409, with the intent of facilitating and expediting the deployment of equipment and infrastructure to meet the demand for wireless capacity; and

WHEREAS, the City Council adopted Ordinance No. _____ creating Chapter 18.46 of the Olympia Municipal Code (OMC) to implement local development and zoning regulations that are consistent with Section 6409 and the Order; and

WHEREAS, OMC 18.46 states the City of Olympia Department of Community Planning and Development shall prepare an application form to require the information necessary for the Department to consider whether an application is subject to Chapter 18.46; and

WHEREAS, Chapter 18.77 OMC includes lists of application requirements that specify the content necessary for timely and orderly processing of each project permit application of the city of Olympia and

for reaching a determination that such application is complete as provided by Section 18.72.060 of the Olympia Municipal Code.

NOW, THEREFORE, THE OLYMPIA CITY COUNCIL DOES HEREBY RESOLVE AS FOLLOWS:

Olympia Application Content List. The City of Olympia Project Permit Application Content Lists, pursuant to OMC 18.77.110, is hereby amended to add the following application submittal requirements for an Eligible Wireless Communication Facility Modification Applications.

A. Application Content Lists. City of Olympia Project Permit Application Content Lists is amended to include:

1. The following contact information for the Authorized Person:
 - a. Name;
 - b. Title;
 - c. Mailing Address;
 - d. Phone Number; and
 - e. Electronic Mail Address (Optional).

2. An assertion that the proposed eligible facilities modification is subject to review under Section 6409 of the Spectrum Act.

3. If the applicant is not the owner or person in control of the eligible support structure and/or site, the following shall be required:

An attestation that the owner or person in control of the eligible support structure and/or site has consented to the proposed eligible facilities modification. If the site is leased from a property owner, the applicant must include a copy of the lease. If the eligible support structure is located in a public right of way, the applicant must also attest that applicant has authorization to install, maintain and operate transmission equipment in, under and above the public right of way.

4. If the applicant proposes an eligible facilities modification involving collocation of transmission equipment or the replacement of transmission equipment, the following shall be required:

Complete copies of the underlying land use approvals for siting of the tower or base station proposed to be modified, establishing that, at the time of submittal of the application, such tower or base station constituted an eligible support structure.

5. If the applicant proposes an eligible facilities modification that will result in an increase in height of the eligible support structure, the following shall be required:

Record drawings, as-built plans, or the equivalent, showing the height of the eligible support structure, (a) as originally constructed and granted approval by the City or other applicable local zoning or similar regulatory authority, or (b) as of the most recent modification that received city, or other local zoning or regulatory approval, prior to the passage of the Spectrum Act, whichever height is greater.

6. If the applicant proposes an eligible facilities modification to an eligible support structure, which structure, or proposed modification of the same, is subject to pre-existing restrictions or

requirements imposed by a reviewing official or decision-making body pursuant to authority granted under the City Code, an ordinance or a municipal code of another local government authority, or a state or federal agency, the following shall be required:

A copy of the document (e.g., *conditional use permit*) setting forth such pre-existing restrictions or requirements together with a certification that the proposed eligible facilities modification conforms to such restrictions or requirements; provided that, such certification shall have no application to the extent the proposed eligible facilities modification relates solely to an increase in height, increase in width, addition of cabinets, or new excavation, that does not result in a substantial change in the physical dimensions of the eligible support structure.

7. If the applicant proposes an eligible facilities modification to an eligible support structure, which structure, or proposed modification of the same, is subject to pre-existing concealment restrictions or requirements, or was constructed with concealment elements, the following shall be required:

Applicant shall set forth the facts and circumstances demonstrating that the proposed modification would not defeat the existing concealment elements of the eligible support structure. If the proposed modification will alter the exterior dimensions or appearance of the eligible support structure, applicant shall include a drawing or visual simulation depicting how the eligible support structure will appear after the proposed modification is complete. The visual simulation shall depict to scale the eligible support structure in relation to the trees, landscaping and other structures adjacent to, or in the immediate vicinity of, the eligible support structure.

8. If the applicant proposes an eligible facilities modification that will protrude from the edge of a non-tower eligible support structure, the following shall be required:

Record drawings, as-built plans, or the equivalent, showing at a minimum the edge of the eligible support structure at the location of the proposed modification.

9. If the applicant proposes a structural modification to an eligible support structure, the following shall be required:

A technical report by a qualified engineer accredited by the state of Washington, demonstrating that the eligible support structure with the proposed modifications will comply with applicable structural, electrical and safety codes. The City may retain the services of an independent technical expert to review, evaluate, and provide an opinion regarding the applicant's demonstration of compliance.

10. If the applicant proposes a modification requiring excavation, installation of new equipment cabinets, or any other activities impacting or altering the land, existing structures, fencing, or landscaping on the site, the following shall be required:

A detailed site plan and drawings, showing (a) the location, elevation and dimensions of the existing eligible support structure, (b) the location, elevation and dimensions of the existing transmission equipment, (c) the location, elevation and dimensions of the transmission equipment, if any, proposed to be collocated or that will replace existing transmission equipment, (d) the location, elevation and dimensions of any proposed new equipment cabinets and the intended use of each, (e)

any proposed modification to the eligible support structure, (f) the location of existing structures on the site, including fencing, screening, trees, and other significant site features, and (g) the location of any areas where excavation is proposed showing the elevations, depths, and width of the proposed excavation and materials and dimensions of the equipment to be placed in the area excavated.

11. Copies of any previous SEPA determinations prepared for the site which contain conditions of approval.

12. A signed statement from a qualified professional or technician that the modification will be in compliance with FCC radio frequency emission standards not only at ground level below the WCF, but also wherever terrain or placement of buildings could cause exposure. The statement shall also certify that both individually and cumulatively, and with any other existing facilities located on or immediately adjacent to the proposed facility, that the proposal complies with FCC standards.

13. If the applicant proposes a modification subject to FAA regulation, a copy of all material submitted by the applicant to the FAA and any such approval if available.

PASSED BY THE OLYMPIA CITY COUNCIL this _____ day of _____ 2016.

MAYOR CHERYL SELBY

ATTEST:

CITY CLERK

APPROVED AS TO FORM:



CITY ATTORNEY



City Council

Selection of a Development Partner for the Water Street Redevelopment Area

Agenda Date: 2/2/2016
Agenda Item Number: 6.A
File Number: 16-0135

Type: decision **Version:** 1 **Status:** Other Business

Title

Selection of a Development Partner for the Water Street Redevelopment Area

Recommended Action

Committee Recommendation:

Not referred to a committee.

City Manager Recommendation:

Select a preferred development partner and authorize staff to enter into negotiations to develop a contract and scope of work with the development partner for the preparation of an Area Plan for the Water Street Redevelopment Area (WSRA).

Report

Issue:

Staff received two responses to a request for Letter of Interest for the WSRA. Staff recommends City Council select Urban Olympia as the preferred development partner and direct staff to enter into negotiations to develop a contract and scope of work with the development partner for the preparation of an Area Plan for the Water Street Redevelopment Area (WSRA).

Staff Contact:

Renee Sunde, Economic Development Director, 360.753.8591

Presenter(s):

Keith Stahley, Director Community Planning and Development Department.

Background and Analysis:

City Council directed staff to move forward with a Request for Qualifications and Proposals for the Water Street Redevelopment in 2015. This process was amended in November to simplify the process to ask for a Letter of Interest. This request is included as **Attachment 1**. Two responses to the request for a Letter of Interest were received.

A selection team consisting of City Staff, the Consultant Team and the Chair of the Community and Economic Revitalization Committee (CERC) met with both teams on Friday January 15, 2016. The Selection Committee agreed that Urban Olympia was the best fit for the WSRA. A memo

summarizing the Selection Team review and recommendation is included as **Attachment 2**.

The first step in the process is to have City Council approve the selection of Urban Olympia as the preferred development partner. Staff will then negotiate a contract and a scope of work for preparation of an Area Plan and for the development team's involvement in the Downtown Strategy. An outline of the process is included as **Attachment 3**.

The WSRA springs out of the City's Community Renewal Process that was initiated in 2013 and has been ongoing. Several background documents are attached for informational purposes including: the Community Renewal Area Frequently Asked Questions, the Committee Charter and CRA Powers.

Neighborhood/Community Interests:

The WSRA and the Community Renewal Process has been of interest to a wide range of interests throughout the community.

Options:

1. Approve the Selection Committee recommendation to select Urban Olympia and direct staff to negotiate a contract and a scope of work for preparation of an Area Plan for City Council's review and approval.
2. Refer the Selection Committee recommendation to the Community and Economic Revitalization Committee for further review and consideration.
3. Take no action and do not proceed with the WSRA process.

Financial Impact:

The Request for Proposals and the Letter of Interest included \$35,000 in predevelopment funds to pay for the certain work products from the development partner. A full budget proposal will be presented to City Council with the Contract and Scope of Work for the Area Plan.

**REQUEST FOR LETTERS OF INTEREST
AND QUALIFICATIONS FOR
PREDEVELOPMENT ACTIVITIES
Downtown Olympia
Water Street Redevelopment Area**



Offered by: The City of Olympia.

Issued: November 23, 2015

Letters of Interest Due:
No later than 4:00 pm
December 15, 2015

Deliver in Person:

Deliver by Mail:

City of Olympia
601 4th Avenue E
Olympia, WA 98507-1967
Attention: Renee Sunde
www.ci.olympia.wa.us

City of Olympia
PO Box 1967
Olympia, WA 98507-1967
Attention: Renée Sunde
www.ci.olympia.wa.us



**REQUEST FOR LETTERS OF INTEREST
AND QUALIFICATIONS FOR
PREDEVELOPMENT ACTIVITIES
Downtown Olympia
Water Street Redevelopment Area**



The City of Olympia has targeted an area that totals approximately one acre between 4th Avenue and 5th Avenue east and west of Water Street – the Water Street Redevelopment Area (the Area) – for redevelopment. The City of Olympia released a request for proposals (RFP) in July of 2015 for developers interested in the area, and is now replacing that RFP in full with this Request for Letters of Interest and Qualifications (hereafter “letters of interest”).

Based on feedback from potential development interests and a detailed review of the opportunities for consolidation of property in the Area, the City has revised its approach to soliciting partners. Through our review, we have learned that teaming with a qualified developer is likely to enhance development of a market sensitive plan and property consolidation, and are therefore seeking letters of interest to partner in one or more mixed-use projects, to include residential, commercial/office/retail, and parking. The City is prepared to share in the cost of ongoing due diligence and predevelopment activities, as described in the remainder of this document.

This opportunity for partnership comes at an exciting time in downtown Olympia. Enhancing the livability and vibrancy of downtown is one of the City of Olympia's highest priorities. The City is serious about achieving successful public-private partnerships, and has already taken several steps to prepare to welcome a development partner:

- The City has retained the National Development Council (NDC) to provide technical assistance related to development finance. The NDC is expert in economic and housing development and brings expertise about federal resources such as New Market Tax Credits, Brownfields Economic Development Initiative, and Low Income Housing Tax Credits.
- The City has established a community redevelopment tool known as a Community Renewal Area (CRA - Chapter 35.81 Revised Code of Washington) to incent reinvestment in underdeveloped and blighted properties. The CRA covers all of downtown Olympia, including the Water Street Redevelopment Area.

The City seeks a development partner(s) that understands the City's objectives and wants to create a project that enhances the existing downtown and contributes to the social, environmental and economic health of the community, setting the bar for new development in our downtown.

We look forward to reviewing your letter of interest. If you have any questions or need further information, please contact Renée Sunde, Economic Development Director with the City, at (360) 753 - 8591 or cra@ci.olympia.wa.us.

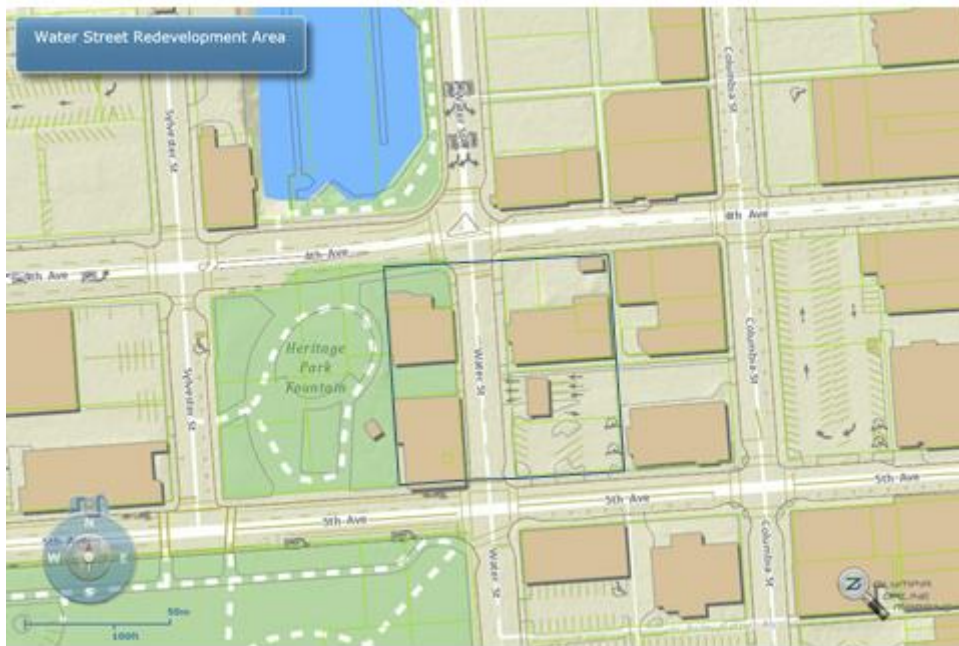
Sincerely,

STEVEN HALL
City Manager

OVERVIEW OF DEVELOPMENT OPPORTUNITY

The City seeks letters of interest and qualifications for predevelopment activities in the Water Street Redevelopment Area (the Area), shown in Figure 1 below. The City is committed to promoting high quality downtown redevelopment and is looking for a partner to make it happen. The Water Street Redevelopment area consists of 1.09 acres of public and privately owned property adjacent to the City's waterfront.

Figure 1. Water Street Redevelopment Area



Descriptions of the desired development form included in the previously issued RFP have not changed. The City envisions vibrant mixed-use development in this area bringing more market rate housing, ground floor retail/restaurant space, and perhaps structured parking to the area. It remains particularly important to develop the west side of Water Street in a way that supports active public park use at the adjacent Heritage Square Park. Further, the RFP's description of the site itself, (utilities, environmental, and geotechnical findings, etc.) remain valid and should be considered in this response.

Last, the description of City resources available to support the development opportunity included in the original RFP remain valid, though it should be noted that the City is additionally in the process of finalizing grant funding that can be used to further characterize any environmental contamination on the site (\$140,000).

LETTER OF INTEREST REQUIREMENTS AND PREFERENCES

Requirements for Responses

1. Identify and describe the developer, including developer's name, corporation name (if applicable) or business name, addresses, telephone numbers, e-mail addresses, and the name of the primary project contact.
2. Identify each person or entity involved with the project team as it is currently conceived and known, including development partners (if any), technical partners (architects, engineers, others). Please briefly describe their respective roles, including:
 - Information regarding the team member's experience and qualifications.
 - Resume of key team members.
 - Example projects with which the team or key team members have been involved.
3. Briefly describe the developer's relevant project experience for up to five projects. If available, please include examples of projects in Olympia or Thurston County. The City is most interested in current or recently completed projects. The City is interested in assessing the developer's experience in participating with public private partnerships, and projects of similar scale and complexity to a potential Water Street Redevelopment. Submit photos or drawings and the following information, for projects used to demonstrate experience:
 - Project name and location
 - Description of project size and scope, including the number of units and unit type (e.g., 20 studios; 25 1-bdrm) and square footage costs for apartments, condos, and retail.
 - Total project cost and a summary of approach to project financing. This could include descriptions of sources of funds, amount of debt, equity and public participation.
 - Challenges and obstacles addressed during the development and construction process.
 - Name of the architect and contact information.
 - Name of the construction manager or general contractor and contact information.
 - If applicable, the contact name and information of the primary public official who worked with the developer on the project.
4. Briefly describe experience or strategy for marketing and managing urban redevelopment projects including approaches to public participation.

PRE-DEVELOPMENT ACTIVITIES AND FUNDING

The City expects the selected development team to work closely with the City in the coming months to undertake development due diligence, site consolidation, and conceptual development planning work. In this period of due diligence, the development team will work closely with City staff to determine whether a partnership might lead to a viable project, and to complete the elements of a full development proposal that will provide the foundation for a possible development agreement for a public-private partnership.

Specifically, the selected development team will:

- **Develop scope of work for deliverables associated with City contribution to predevelopment costs.** The scope of work will clarify the goals of the due diligence period, define roles and responsibilities for City and consultant staff as well as for the development team, and set milestones, timelines, and descriptions of deliverable products in order to receive predevelopment funds (described in more detail below). It will outline any appropriate opportunities for public engagement. The scope of work will include a development program and conceptual design, as described in a bullet below, as well as a preliminary look at financing mechanisms and capacity for implementation.
- **Coordinate with Downtown Strategy.** The Downtown Strategy will address issues relevant to site development, including transportation connectivity and open space provision in the area. Plans for the Water Street Redevelopment Area should both influence and respond to the Downtown Strategy.
- **Define development program and conceptual design.** The developer will be expected to provide information on a preliminary development program, including details on use mix, preliminary ideas on building scale and massing, and development feasibility in a pro forma spreadsheet. The developer should identify any code changes necessary to accommodate the proposed project or to make a project feasible. Drawings and plans should include the following:
 - Shared parking needs and costs
 - The building footprint, parking, and location of vehicular and pedestrian access
 - Conceptual elevations and renderings that take into account the design guidelines
 - A cross section showing a typical structure
 - A typical floor plan
 - Pedestrian circulation and access to the surrounding community
 - Architectural features and elements
 - Anticipated energy efficiency measures and LEED designation to be sought

The City understands that the complexities of site consolidation and planning, including participation in a public process through the Downtown Strategy, add unusual costs and activities for a development team. At the same time, the City

sees significant public benefit from the creation of a thoughtful implementation strategy that coordinates public and private investment. Given this situation, the City is prepared to offer predevelopment funds to offset some of the publicly-imposed costs during the period of due diligence, as follows:

- The City will provide up to **\$25,000** in predevelopment matching grant funding for a defined scope of work (outlined in sketch form above).
- As noted above, the City retains an urban design team to lead a Downtown Strategy, and expects development plans to be coordinated with this Strategy. The City will offer up to **\$10,000** in predevelopment funding to its development partner to offset the cost of the development partner's participation in this process.
- The City will also provide technical assistance to the selected development team through its urban design team and its relationship with the NDC during the due diligence period. The City may also contribute to additional environmental due diligence.

Note: All plans, drawings, illustrations, reports and studies prepared in support of the work created during the period of due diligence will be owned by the City.

Upon completion of the due diligence period and acceptance by the City of the delivered development program and conceptual design, the City intends to negotiate a development agreement with the selected team during an exclusive negotiating period leading to a public/private partnership to implement the program and design. If due diligence and site consolidation proceed in a way that is feasible for the selected developer and beneficial to the City, the project design documents generated in this process may provide the foundation for a formal Development Agreement or other legally binding contract between the City and the development team.

EVALUATION AND SELECTION

Evaluation Criteria

Evaluation of RFP responses will be based upon documented developer experience, as follows:

- Success in developing urban redevelopment projects
- Quality of representative projects
- Qualifications of project team and key project managers
- Prior development experience in the Thurston County Area
- Experience in partnering with the public sector in redevelopment projects

General Provisions and Conditions

The City reserves the right to:

- Reject any and all responses.
- Negotiate with more than one redevelopment partner.
- Waive minor irregularities in a response.
- Cancel, revise, or extend this solicitation.
- Request additional information on any response beyond that required by this RFP.
- Modify the selection process set forth in this RFP upon written notification to all respondents who have not been rejected at the time of modification.

The City shall have the final decision on whether to move forward with a development team or not.

SUBMISSION REQUIREMENTS AND SCHEDULE

Interested developers must submit 1 paper copy of the response to the RFP, including a letter of interest outlining response requirements and preferences and 1 electronic copy. The City will become owner of all submitted materials and will not pay any costs related to any responses to the letter of interest.

Submissions from short-listed proposers will be posted on the City's webpage in advance of an open house presentation and interview. Additional financial information may be requested from short-listed proposers.

The City reserves the right to modify the timeline and to issue addenda to this document.

Action	Approximate Completion
Issue Request For Letters of Interest	November 23, 2015
Responses due	December 15, 2015

CONTACT INFORMATION

City of Olympia:

Renée Sunde
Economic Development Director
(360) 753 - 8591
cra@ci.olympia.wa.us

DATE: January 16, 2015
TO: Keith Stahley and Renee Sunde
FROM: Lorelei Juntunen
SUBJECT: SUMMARY OF STAFF REVIEW AND RECOMENDATIONS

The City of Olympia created a review committee that includes city staff and representatives from ECONorthwest, Pacifica Law Group, and the National Development Council to evaluate responses to a request for letters of interest and qualifications for predevelopment activities in the Water Street Redevelopment Area. The city's intention is to select the development team that can best partner with the city to generate new private development in a vibrant mixed-use area with market rate housing and ground floor retail space. The new development must complement active use of the adjacent public park. The committee's review serves as input to staff's recommendation to Council regarding which development team is best positioned to implement this redevelopment vision.

Responses to the City's request for letters of interest were due on December 9, 2015. The City received two responses, both of which met the requirements of the City's request, from the Lou Development Team and the Urban Olympia Team. The review committee then interviewed each team on January 15, 2016.

Based on the written responses and the interviews, the review committee recommends **the Urban Olympia Team** for this project. This memorandum summarizes the committee's review supporting this recommendation.

Exhibit 1 provides an overview of the written proposal responses, organized according to the requested content in the city's request for letters of interest and qualifications.

Exhibit 1: Overview of Written Responses

	Lou Development, LLC	The Urban Olympia Team
Principal / Primary Contact	Steven Lou (Principal) Kerry Hu (Primary Contact)	Walker John
Additional team members and roles	EB-5 Regional Center (WWU): secure EB-5 funding for project Andrew Clapham & Assoc, LLC: Construction Manager Architects: Zhejiang South Design and Studio 19 Architects General Contractor: Chinn Construction	Architect / urban designer: Ron Thomas Civil Engineer: Parametrix Landscape Architects: Glander and Associates Other team members cover full range of engineering and geotech, interior design, a building envelop specialist, and an archaeologist
Example projects	123 4th (Olympia) \$32 million mixed use building with 138 residential units and 7600 sf commercial. Currently under construction. Pacific Village Project (Lacey) \$35 million, 13 acre development with 16 residential buildings and 256 units. SeaTac Airport Hyatts Project (SeaTac) \$100 million project that includes two new hotels.	Thurston First Bank Building (Olympia) \$1.75 million renovation of downtown Sears building to a mixed use building with 19 units of residential above 3 new commercial spaces. 321 Lofts (Olympia) \$4 million residential construction with 36 units. Campus Lofts and Townhomes (Olympia) \$3.5 million adaptive re-use of office building to 36 apartments. Currently under construction. **Team also provided additional examples not summarized here
Strategy for marketing and managing projects, including public involvement	“Lou Development’s strategy for all development projects is to build and hold for long-term growth, hire the best local team to manage properties.”	Spend very little on marketing; focus instead on quality product and character. Work with The Rants Group for residential leasing and Caldwell Banker for commercial leasing. Seek early input from all project stakeholders, including public input through open house.

In general, the Walker John written proposal provided more complete responses to the requested information in the request for letters of interest, including more detailed project examples.

The Lou Development response included some example site plans, identifying how a possible hotel and other mixed-use development could be situated on the site. These site plans were not a required part of the response, and were describes as “preliminary ideas” for discussion with the City.

After reviewing the written responses, the review committee, together with Mayor Pro Tem Jones, interviewed both development teams to explore the fit, or alignment, with the city’s vision for the redevelopment of the area and approach to public-private partnership. The interview was informal and conversational, and explored the teams’ approaches to public

involvement, initial ideas for the use of the site, and ideas for making the partnership with the city more successful.

The request for letters of interest and qualifications outlined a set of criteria. The committee evaluated the two teams against those criteria, based on the development teams’ proposals and these interviews. Exhibit 2 provides an overview of an evaluation of the two teams against those criteria.

Exhibit 2. Evaluation of Written and Interview Responses Against Criteria

Criteria	Lou Development, LLC	The Urban Olympia Team
Success in developing urban redevelopment projects	The team clearly has this experience with many successful and well-designed projects. However, their experience is generally at a much larger scale than is envisioned for these properties. The focus on using EB-5 funding drives toward uses such as hotels that may not be a good fit for the Water Street sites.	The team has developed projects that are well-integrated into the existing urban fabric and respectful of community priorities. Their past project experience is at a variety of scales from smaller infill projects to larger mixed use development.
Quality of representative projects	Example projects were high quality, well-designed projects. However, the review committee felt that the suggested development form and mix of uses for this site, as well as many of the example projects provided in the proposal, were at a larger scale than might be appropriate for these sites.	Examples in the written proposal response were generally high quality, positive examples of urban development. The Pavilion in Puyallup, which is a community gathering space that opens onto an adjacent park, was particularly relevant. In the interview, the team shared ideas for connecting the sites with a “linear park” through the site, and also provided examples of development on just portions of the property, if it is not possible to gain complete site control. The review committee appreciated the creativity in these responses.
Qualifications of project team and key project manager	The team has successfully delivered on many projects.	The team has successfully delivered on many projects.
Prior development experience in the Thurston County Area	Yes – 123 4 th is an example.	Yes, including an entirely local team
Experience in partnering with public sector in redevelopment projects	Unclear whether the team has accessed public financing directly in past projects, but they certainly have experience working through public processes and working with staff in Olympia successfully on 123 4 th .	The team has completed a range of public and private projects, and they have experience working through public processes that involve community participation and working with staff in Olympia successfully. It is unclear whether Walker John has directly accessed public financing in other projects, though other members of the team have certainly worked with publicly-financed projects.

In summary, while both teams could be excellent partners with the city, for the properties in the Water Street Redevelopment Area, the review committee felt that the Walker John team’s

written and interview responses were a better overall match. The team's response and example projects were:

- Creative and respected site context
- Flexible and pragmatic in considering alternatives if control of the entire area is not possible,
- Thoughtful in approach to public involvement and partnership with the city
- Understanding of the local political context and attitudes toward planning and development issues

The review committee recommends Walker John for this project.



Water Street Redevelopment Area Anticipated Process and Timeline

1. Selection of Development Partner January 15th to January 22nd.

This step involves the selection team meeting with the respondents to the Letter of Intent and developing a consensus recommendation for consideration by the Community and Economic Revitalization Committee and City Council.

2. Approval of a Preliminary Development Agreement and Scope of Work January 22nd to April 12th

This phase involves reviewing the selection team's recommendation with the CERC and City Council approval of the Preliminary Development Agreement and Scope of Work.

3. Preparation and Approval of an Area Plan April 12th to September 20th

Responsibility of the development partner as detailed in the Scope of Work including opportunities for public participation in the development of the Area Plan.

4. Adoption of Exclusive Negotiation Agreement September 20th to November 15th

If any property is to be sold the City would enter into an ENA with the developer.

5. Adoption of a Final Development Agreement or Purchase and Sale Agreement November 15th to December 13th

Depending on the Area Plan this may require the city committing to a PSA or otherwise agreeing to take certain actions such as closing streets or alleys, purchasing property, developing parking, provision of parks or other steps identified in the Area Plan.

6. Adoption of a Community Renewal Area Plan December 13th

Adoption of a Community Renewal Area Plan as provided in Chapter 35.81 of the Revised Code of Washington.

Charter Community and Economic Revitalization (CERC) Committee February 5, 2014

Chartering Authority: City Council.

Introduction: The Olympia City Council agreed to move forward with an RFQ for consulting services to develop a Community Renewal Area (CRA) Plan on August 2, 2011. At that time, Council created a selection committee to review qualifications. The committee was comprised of two councilmembers, staff and downtown business representatives. Responses to the RFQ were received in 2011, however, no action was taken at that time. The selection committee evolved to become the Ad Hoc Community Renewal Area Committee in 2012 and worked to finalize the selection process and the scope of work for the CRA consulting services. City Council approved the contract with ECONorthwest (ECONW) in April 9, 2013 and moved forward with the CRA process.

Council agreed to change the name of the Committee to the Community and Economic Revitalization Committee in February of 2014.

Membership: The Community and Economic Revitalization Committee consists of three councilmembers. At least one member should also be a member of the Land Use and Environment Committee. Membership is established at the Council's annual retreat.

Committee Purpose: The City of Olympia recognizes the need to focus its limited resources to create the greatest possible return for the citizens of this City. The Council recognizes the benefits of being proactive in its community development processes in an effort to attract high quality development that is well supported by the community. The Council established the Community and Economic Revitalization Committee to coordinate these efforts and provide guidance to staff and the consultant throughout the Community Renewal Area planning process.

The Community and Economic Revitalization Committee's role has grown to include additional and related work. The Community and Economic Revitalization Committee currently has three referrals from City Council:

1. Provide guidance for the community renewal area planning process as established in the ECONW scope of work (**attached**);
2. Provide guidance around the establishment and implementation of the CDBG Section 108 Loan program; and
3. Consider alternative approaches to the community development process consistent with the City Council's goal of moving our development review process from a reactive to a proactive model that includes meaningful and early

neighborhood and stakeholder involvement and promotes high quality growth and commerce in the city.

Operations:

- The Community and Economic Revitalization Committee will meet on a regular basis and will publish a list of meetings at the beginning of each year. Meetings occurring outside the regular published meeting times shall be considered to be special meetings and shall be noticed.
- Meeting minutes shall be posted in a manner consistent with all other Council Committees.
- A staff liaison shall be appointed by the City Manager and shall provide administrative and technical support to the committee as may reasonably be required.
- The Chair shall report Committee activity on a regular basis under City Council Reports and shall schedule study sessions as needed to keep Council informed of its work.

Timeline and Schedule:

Community and Economic Revitalization Committee Referrals:				
Task	October 2013:	November 2013:	December 2013:	January 2014 and beyond:
1. CRA	Consider Feasibility Recommendation	Conduct CAC meeting	Brief Council	CRA Action Plan and Investment Strategy Implementation
2. Section 108	Consider loan proposals	Conduct required hearing	Loan underwriting	Provide continuing guidance for use of Section 108 Loan pool
3. Proactive Community Dev. Process	Consider RFQ approach	Consider alternative approaches	Provide recommendation to council	Provide continuing guidance for community development process improvements

Other Considerations:

Given the nature of the ECONW’s recommendations in their *Investment Strategy: City of Olympia Opportunity Areas* ([The Report](#)) and the need for a long-term perspective on

economic development and city investment, it may be advisable establish a standing Community and Economic Revitalization Committee through December 31, 2015.

In addition to the referrals noted above, this committee could:

- Continually scan the economic development environment for changing circumstances that lead to new opportunities or require different approaches to economic development.
- Coordinate with the Thurston Economic Development Council (EDC) and provide guidance in the development and implementation of their annual contract.
- Work with staff to implement the CRA Plan and the recommendations contained in *The Report*.
- Work with staff and the Planning Commission to more closely align the Comp Plan, the Capital Facilities plan, Consolidated Plan, Downtown Master Plan and the budget processes and documents.
- Work with the City Manager to identify and develop staff and organizational capacity to implement the CRA Plan and *The Report*.
- Work with staff and the consultant to provide guidance in the management of the CDBG Section 108 Loan program.
- Work with staff to identify grant opportunities and other sources of funds to carry out economic development related improvements.
- Work with staff to develop ways to move the City's development review process from a reactive to a proactive model that includes meaningful and early neighborhood and stakeholder involvement and promotes high quality growth and commerce in the city.

Attachments:

- April 2013 ECONorthwest Scope of Work

- *Investment Strategy: City of Olympia Opportunity Areas*



Community Renewal Area FAQs

Olympia's City Council has started the process to consider the creation of a Community Renewal Area (CRA) within Olympia. The City Council feels that a CRA may be one of the tools to help to encourage high quality redevelopment in our downtown.

About Community Renewal

Q: *What is a Community Renewal Area (CRA)? How is it established?*

A: Washington law (RCW 35.81) allows cities to establish a Community Renewal Area through the designation of a geographic area that contains blight and the creation of a Community Renewal Plan for addressing blight in that area. Many Washington cities have used CRA to develop and implement redevelopment plans, including Vancouver, Shoreline, Everett, Bremerton, and Anacortes.

Q: *How is blight defined and how does this relate to downtown Olympia?*

A: Revised Code of Washington 35.81.015 defines blight as:

1. Substantial physical dilapidation, deterioration, defective construction, material, and arrangement and/or age or obsolescence of buildings or improvements, whether residential or nonresidential,
2. Inadequate provision for ventilation, light, proper sanitary facilities, or open spaces;
3. Inappropriate uses of land or buildings;
4. Existence of overcrowding of buildings or structures;
5. Defective or inadequate street layout;
6. Faulty lot layout in relation to size, adequacy, accessibility or usefulness;
7. Excessive land coverage; insanitary or unsafe conditions; deterioration of site;
8. Existence of hazardous soils, substances, or materials;
9. Diversity of ownership;
10. Tax or special assessment delinquency exceeding the fair value of the land;
11. Defective or unusual conditions of title;
12. Improper subdivision or obsolete platting;
13. Existence of persistent and high levels of unemployment or poverty within the area; or
14. The existence of conditions that endanger life or property by fire or other causes, or any combination of such factors, is conducive to ill health, transmission of disease, infant mortality, juvenile delinquency or crime; substantially impairs or arrests the sound growth of the municipality or its environs, or retards the provision of housing accommodations; constitutes an economic or social liability; and/or is detrimental, or constitutes a menace, to the public health, safety, welfare, or morals in its present condition and use.

Several of these conditions exist in downtown Olympia including, but not limited to, the existence of buildings that are dilapidated, deteriorated and obsolete and the presence of hazardous soils. Council will need to determine if these conditions constitute a condition of blight. Not all buildings within a CRA need to be blighted, as the impacts of blight extend well beyond the property lines of the blighted property negatively affecting adjoining properties and entire neighborhoods.

Q: *What special powers does community renewal provide?*

A: Once a CRA is established, the city gains a variety of tools designed to help it facilitate renewal. For example, while Washington law typically limits cities from working with private enterprise, under the CRA law, cities are encouraged to partner with private enterprise to rejuvenate the CRA.

Make improvements	Acquire/sell property	Use financial tools
<p>Execute contracts or other instruments</p> <p>Install, construct, reconstruct parks, streets, roads, public utilities, or other facilities</p> <p>Contract with any public or private person for the purpose of carrying out the activities identified in the workable plan</p> <p>Select a developer either before or after land acquisition to pinpoint property acquisition and avoid assembling more parcels than necessary</p>	<p>Buy, lease, or acquire property through the eminent domain process;</p> <p>Sell, lease, or transfer the acquired property, or amount that is not less than its fair value</p>	<p>Borrow/accept financial assistance from the federal government, the state, county, or other public body, or from any public or private source (including fed block grant-backed loans)</p> <p>Make loans or grants for job creation or retention.</p> <p>Form local improvement districts to finance improvements</p> <p>Relocate persons or provide assistance to property owners/tenants affected by the CRP</p> <p>Issue tax exempt, nonrecourse revenue bonds that are backed by the revenues generated by the development to pay for the cost of public improvements in the blighted areas. These bonds are not subjects to the statutory or constitutional debt limits of the municipality.</p>

Q: What process is the City using to evaluate community renewal in downtown Olympia?

A: The City has prepared an Investment Strategy report and a Community Renewal Area Feasibility Study to assess the technical feasibility of community renewal in downtown. These studies provide information on findings of blight within downtown, as well as a recommendation for the Council on whether to establish a community renewal plan, and what boundary and governance structure the community renewal area should have. Council will consider these recommendations and should they decide to move forward with a CRA will hold a public hearing after publishing a notice in the newspaper and giving written notice to all property owners.

Q: Does the CRA change zoning or heights of buildings?

A: The CRA itself does not change regulations, but provides a set of tools for a city to use for the very limited purpose of bringing about renewal. However, the consulting team assisting in the development of the CRA plan will assess whether the existing development regulations, such as building heights and setbacks, create barriers to the redevelopment of certain blighted properties in Downtown. Should changes be recommended they would be considered through the City's normal planning process.

Q: Will my property taxes or values increase or decrease as a result of community renewal?

A: Creating a CRA will not affect property assessments positively or negatively, as it does not guarantee improvement, increase potential, or devalue property. Property taxes and property values will only be affected when and if the area experiences significant improvement through investment or increased tenant activity.

Q: Are there property rights objections to CRAs?

A: Two common property rights objections often surface when cities consider using CRAs: the dislocation of residents and the use of condemnation or eminent domain for economic development. At this point in the process, it appears unlikely that the CRA would displace existing residents and City Council has discussed using eminent domain under some limited circumstances, but has not taken a formal position on the use of eminent domain.

Community Renewal in the Olympia Context

Q: Will the City have a plan for Downtown renewal?

A. Yes, part of the process of creating a Community Renewal Area is the creation of a Community Renewal plan. The Revised Code of Washington 35.81.015 defines a CRA plan as:

- (a) shall be consistent with the comprehensive plan or parts thereof for the municipality as a whole;

- (b) shall be sufficiently complete to indicate such land acquisition, demolition, and removal of structures, redevelopment, improvements, and rehabilitation as may be proposed to be carried out in the community renewal area; zoning and planning changes, if any, which may include, among other things, changes related to land uses, densities, and building requirements; and the plan's relationship to definite local objectives respecting appropriate land uses, improved traffic, public transportation, public utilities, recreational and community facilities, and other public improvements;
- (c) shall address the need for replacement housing, within the municipality, where existing housing is lost as a result of the community renewal project undertaken by the municipality under this chapter; and
- (d) may include a plan to address any persistent high levels of unemployment or poverty in the community renewal area.

Q: How does this project relate to past, current, and future planning efforts for Downtown?

The existing and proposed Comprehensive Plan envisions downtown Olympia as a cultural hub and a retail center with a vibrant street-life, a great place to live with a growing and diverse residential population, a great place to visit with access to and views of the shoreline, the Capitol, Capital Lake, the Puget Sound and the Olympic Mountains. With its waterfront, historic buildings, cultural amenities and new City Hall, Hands On Children's Museum, East Bay Plaza and rebuilt Percival Landing Olympia is poised for redevelopment.

As part of the Comprehensive Plan update, the Planning Commission has identified the need for a Downtown Plan. This plan has not yet been scoped or fully defined, however, it may address the broader issues related to downtown such as transportation, urban design, sea level rise, social service provision and other issues beyond the scope of the CRA's objective of the elimination of blight on specific properties. Much of the information developed by the consulting team related to downtown redevelopment characteristics will be foundational to any future planning efforts related to downtown.

Q: What role might the City of Olympia play in the redevelopment of Downtown Olympia?

A: The City can play a greater role in stimulating and targeting high quality growth. Examples may include:

1. Providing consistent guidance and planning for new development in Downtown, through the Downtown Planning Process
2. Designating and funding parks, plazas, and other public open spaces
3. Acquiring private property, razing blighted buildings, developing plans and soliciting redevelopment proposals for private property

4. Planning for and financing major infrastructure improvements
5. Assessing hazardous and contaminated soils and facilitating site cleanup
6. Considering “planned actions” and the creation of special zoning districts.

Q: *Does the City intend to acquire property?*

A: Should the City find it necessary to acquire additional property in downtown as a result of the CRA process, the City would act in the public interest as a typical buyer, using a negotiated purchase agreement wherever possible. The Community Renewal Area Plan would detail what property the city would be interested in acquiring and how the City would repurpose that property. In addition, RCW 35.81 prescribes that cities that acquire property for economic renewal in CRAs need to do so with the intention of returning the property to the private sector as soon as is reasonable.

Next Steps

Q: *Where can I learn more about Community Renewal Areas?*

A: The Municipal Research and Services Center of Washington maintains a webpage with examples of CRA ordinances from Anacortes, Bremerton, Shoreline and Vancouver. It also includes a link to the text of RCW 35.81. [Community Renewal Law \(Formerly Urban Renewal\)](#). Questions can also be directed to Keith Stahley, Community Planning & Development Director at either 360.753.8227 or kstahley@ci.olympia.wa.us.

Q: *Can I follow the progress of the CRA?*

A: On the City of Olympia internet website, updates on the work of the Citizens Advisory Committee are available at [CRA Process Information](#).

Q: *How can I comment on the CRA’s proposal for Downtown Olympia?*

A: The City Council values community input and looks forward to hearing from you on the CRA proposal at scheduled open house meetings, Community and Economic Revitalization Committee Community Renewal Area Meetings, City Council Meetings and public hearings. City staff and elected officials are available to attend meetings and explain the role of the CRA as it relates to the future of our downtown.

<i>Property ownership by City</i>	<i>Without CRA</i>	<i>Additional abilities with CRA in place</i>
<i>Buy, lease, condemn, acquire real property</i>	Allowed, but not with intent to be resold to private party for economic development	Allowed with preference to resale to private parties*
<i>Hold, clear, or improve real property</i>	Allowed, but only for public facilities	Allowed for both public or eventual private use
<i>Dispose of real property</i>	Allowed, but not with intent to be resold to private party for economic development	Allowed with preference to resale to private parties*
		<i>* Condemnation only to be exercised to cure health and safety blight, not economic blight</i>
<i>Zoning changes</i>	<i>Without CRA</i>	<i>Additional abilities with CRA in place</i>
<i>Rezone property</i>	Allowed as a Planned Area	Allowed as a spot zone regardless of GMA/Comprehensive Plan cycle
<i>Use resources to master plan private property</i>	Not allowed since it can be construed to benefit private property	Allowed
<i>Create special districts with unique rules</i>	Allowed in a limited way as part of the Planned Area zoning	Allowed
<i>Private partnerships</i>	<i>Without CRA</i>	<i>Additional abilities with CRA in place</i>
<i>Enter into a developer agreement</i>	City can only sell property it owns through competitive bid without strings attached.	Before purchasing property, the city can identify partners to develop all or some. City can also dictate to buyers how the property will be used.
<i>Select buyer who agrees to further CRA goals</i>	Not allowed	Allowed after some kind of competitive process or any non-profit buyer without competitive process
<i>Execute contracts and other instruments</i>	Allowed to carry out City purposes only	Allowed to carry out CRA purposes as well
<i>Provide incentives to tenants who help fulfill the community renewal plan</i>	Allowed with limitations	Allowed with more flexibility

<i>Building infrastructure</i>	<i>Without CRA</i>	<i>Additional abilities with CRA in place</i>
<i>Build and repair roads, parks, utilities</i>	Allowed	Allowed
<i>Close, vacate & rearrange streets and sidewalks</i>	Allowed for city purposes	Allowed to promote economic development as well
<i>Borrow money and accept grants to carry out community renewal</i>	Not allowed	Allowed
<i>Form Local Improvement Districts to finance</i>	Allowed	Allowed
<i>Incentives and impacts</i>	<i>Without CRA</i>	<i>Additional abilities with CRA in place</i>
<i>Provide loans, grants, or other assistance to property owners or tenants affected by the community renewal process</i>	Not allowed, except in aid of lower income persons	Allowed
<i>Provide financial or technical incentives for job creation or retention</i>	Not allowed	Allowed
<i>Relocate persons affected by community renewal</i>	Not allowed except for persons affected by condemnation for public facilities	Allowed