



# Meeting Agenda

## City Council

City Hall  
601 4th Avenue E  
Olympia, WA 98501

Information: 360.753.8447

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**Tuesday, June 9, 2015**

**8:00 PM**

**Council Chambers**

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### Special Council Meeting

**1. ROLL CALL**

**1.A ANNOUNCEMENTS**

**1.B APPROVAL OF AGENDA**

**2. 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 Council regarding only items related to City business, including items on the Agenda, except 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 where the public testimony may implicate a matter on which the Council will be required to act in a quasi-judicial capacity. Individual testimony is limited to three minutes or less. In order to hear as many people as possible during the 30-minutes set aside for Public Communication, the Council will refrain from commenting on individual testimony until all public comment has been taken. The City Council will allow for additional testimony 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)

**3. CONSENT CALENDAR**

*(Items of a Routine Nature)*

**3.A [15-0592](#) Approval of June 2, 2015 Special Study Session Minutes**

**Attachments:** [Minutes](#)

**3.B [15-0593](#) Approval of June 2, 2015 City Council Meeting Minutes**

**Attachments:** [Minutes](#)

**3.C [15-0569](#) Approval of Briar Glen Final Plat (Subdivision)**

**Attachments:** [Briar Glen Final Plat](#)  
[Briar Glen Final Planning Analysis](#)  
[Preliminary Plat Conditions of Approval](#)  
[CPD Eng Plans Examiner Acceptance Letter 041715](#)  
[Staff Report to Hearing Examiner](#)

[North Cascades 16-lot Preliminary Subdiv 01162009](#)

[North Cascades Supplemental on Reconsideration 02172009](#)

[North Cascades 2nd Supplemental Order 03102009](#)

- 3.D [15-0595](#) Renewal of HOME Consortium Participation Program Years 2015, 2016, and 2017

**Attachments:** [HOME Consortium Letter dated May 26 2015](#)

### 3. SECOND READINGS

- 3.E [15-0474](#) Appropriations Ordinance in the Amount of \$350,000 for The Washington Center for the Performing Arts

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

[Draft Finance Committee Minutes](#)

### 3. FIRST READINGS

- 3.F [15-0551](#) Approval of Amendment to Ordinance 6957 (Operating Budget)

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

- 3.G [15-0552](#) Approval of Amendment to Ordinance 6958 (Capital Budget)

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

- 3.H [15-0553](#) Approval of Amendment to Ordinance 6944 (Special Funds)

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

- 3.I [15-0559](#) Approval of an Ordinance Amending the Fund 107 CDBG Loan Repayment Fund and Fund 108 HUD Fund.

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

## 4. REPORTS AND REFERRALS

### 4.A COUNCIL INTERGOVERNMENTAL/COMMITTEE REPORTS AND REFERRALS

### 4.B CITY MANAGER'S REPORT AND REFERRALS

## 5. 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 Hall  
601 4th Avenue E.  
Olympia, WA 98501  
360-753-8447

## City Council

### Approval of June 2, 2015 Special Study Session Minutes

**Agenda Date:** 6/9/2015  
**Agenda Item Number:** 3.A  
**File Number:** 15-0592

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

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**Title**

Approval of June 2, 2015 Special Study Session Minutes



# Meeting Minutes - Draft

## City Council

City Hall  
601 4th Avenue E  
Olympia, WA 98501

Information: 360.753.8447

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**Tuesday, June 2, 2015**

**5:30 PM**

**Council Chambers**

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### Special Study Session

#### 1. ROLL CALL

**Present:** 5 - Mayor Stephen H. Buxbaum, Mayor Pro Tem Nathaniel Jones, Councilmember Jim Cooper, Councilmember Julie Hankins and Councilmember Jeannine Roe

**Excused:** 2 - Councilmember Steve Langer and Councilmember Cheryl Selby

#### 2. BUSINESS ITEM

##### 2.A [15-0515](#) Overview of Public Input on 2016 Parks, Arts and Recreation Plan

Associate Planner Jonathan Turlove reviewed the process used to get the input, including eight neighborhood meetings, the online survey, a community meeting, and the random sample survey. He also reviewed the dominant themes received, other input into the Plan, the Recreation Program Assessment, conducted by consultant, the Habitat Component, the Park Condition Overview, and other plans and studies that drive the Parks, Arts and Recreation Plan.

Councilmembers asked clarifying questions and complimented staff.

Mr. Turlove reviewed the next steps and said adoption of the plan is anticipated in February, 2016.

**The work session was completed.**

#### 3. ADJOURNMENT

The meeting adjourned at 6:26 p.m.



City Hall  
601 4th Avenue E.  
Olympia, WA 98501  
360-753-8447

## City Council

### Approval of June 2, 2015 City Council Meeting Minutes

**Agenda Date:** 6/9/2015  
**Agenda Item Number:** 3.B  
**File Number:** 15-0593

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

---

**Title**

Approval of June 2, 2015 City Council Meeting Minutes



# Meeting Minutes - Draft

## City Council

City Hall  
601 4th Avenue E  
Olympia, WA 98501

Information: 360.753.8447

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**Tuesday, June 2, 2015**

**7:00 PM**

**Council Chambers**

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**1. ROLL CALL**

**Present:** 5 - Mayor Stephen H. Buxbaum, Mayor Pro Tem Nathaniel Jones, Councilmember Jim Cooper, Councilmember Julie Hankins and Councilmember Jeannine Roe

**Excused:** 2 - Councilmember Steve Langer and Councilmember Cheryl Selby

**1.A ANNOUNCEMENTS**

Mayor Buxbaum announced the Council met in a Special Study Session at 5:30 p.m. to discuss the Parks, Arts and Recreation Plan.

**1.B APPROVAL OF AGENDA**

**The agenda was approved.**

**2. SPECIAL RECOGNITION - None**

**3. PUBLIC COMMUNICATION**

The following citizens spoke: James Rainwood, James Wellings, Anne Holm, Cary Retlin Sr. , Amy Besel, Joshua Reynolds, Timothy Page, Richard Burgess, Jack Horton, Beth Doglio, Ron Nesbitt, Don Eklund, Carl Bond, Maria Ruth, and Debra Jaqua.

**4. CONSENT CALENDAR**

Mayor Buxbaum noted a change to item 4E - Appropriations Ordinance in the Amount of \$350,000 for The Washington Center for the Performing Arts. The language under the Recommendation was amended to include the 2014/2015 program year.

**4.A** [15-0555](#) Approval of May 26, 2015 City Council Meeting Minutes

**The minutes were adopted.**

**4.B** [15-0556](#) Certification of Bills and Payroll

Payroll check numbers 87778 through 87835 and Direct Deposit transmissions:  
Total: \$3,744,312.28; Claim check numbers 3659804 through 3660891: Total:  
\$6,296,613.12.

**The decision was adopted.**

- 4.C [15-0427](#) Approval of Bid Award for the 2015 Water Main Improvement project

**The decision was adopted.**

- 4.D [15-0528](#) Approval of Purchase Agreement for New Pierce Fire Engine

**The contract was adopted.**

#### **4. SECOND READINGS - None**

#### **4. FIRST READINGS**

- 4.E [15-0474](#) Appropriations Ordinance in the Amount of \$350,000 for The Washington Center for the Performing Arts

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

#### **Approval of the Consent Agenda**

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

**Aye:** 5 - Mayor Buxbaum, Mayor Pro Tem Jones, Councilmember Cooper, Councilmember Hankins and Councilmember Roe

**Excused:** 2 - Councilmember Langer and Councilmember Selby

#### **5. PUBLIC HEARING**

- 5.A [15-0548](#) Public Hearing on the Community Development Block Grant Draft Program Year 2015 Action Plan

CDBG Program Manager Anna Schlecht introduced this item and outlined the proposed activities of the third year of the five-year CDBG Consolidated Planning Period. She said staff identified the primary strategy as economic development.

The public hearing was opened at 8:08 pm.

Mr. Charles Shelan, Executive Director of Community Youth Services, noted the Council's shift to economic development was challenging for local social service providers.

The public hearing was closed at 8:12 pm.

**The public hearing was held and closed. Written comment will be accepted until 5:00 p.m. on Monday, June 22.**

**6. OTHER BUSINESS****6.A [15-0538](#) Olympia Woodland Trail Phase IV Alternatives Analysis Study**

Parks Associate Director David Hanna provided a brief history of the trail and reviewed next steps. He noted there is no proposed funding for next steps, but suggested conducting a geotechnical study.

Mr. Scott Sawyer, SCJ Alliance, spoke on the Olympia Woodland Trail Alternative Analysis Study and reviewed the three alternatives considered.

**Questions/Comments**

- All three alternatives require a bridge.
- Consider connecting the trail to the Oregon Trail and connecting Tumwater to downtown. Mr. Hanna said he would look into it.

**The report was received.**

**7. CONTINUED PUBLIC COMMUNICATION****8. REPORTS AND REFERRALS****8.A COUNCIL INTERGOVERNMENTAL/COMMITTEE REPORTS AND REFERRALS**

Councilmembers reported on meetings and events they attended.

**8.B CITY MANAGER'S REPORT AND REFERRALS - None****9. EXECUTIVE SESSION****9.A [15-0532](#) Executive Session Pursuant to RCW 42.30.110 (1)(b) - Real Estate Matters**

Mayor Buxbaum recessed the meeting at 9:00 p.m. to reconvene in Executive Session at 9:05 p.m. to discuss real estate matters. He stated no decisions will be made, the Executive Session is expected to last no longer than two hours, and the Council will adjourn immediately following the Executive Session. Councilmembers Jeannine Roe, Steve Langer, and Cheryl Selby were excused. Staff members present included City Manager Steve Hall, Assistant City Manager Jay Burney, City Attorney Mark Barber, Deputy City Attorney Darren Nienaber, Parks, Arts and Recreation Director Paul Simmons, CP&D Director Keith Stahley, Public Works Director Rich Hoey, and Water Resources Director Andy Haub.

The Executive Session adjourned at 11:05 p.m.

**The executive session was held and no decisions were made.**





## City Council

### Approval of Briar Glen Final Plat (Subdivision)

**Agenda Date:** 6/9/2015  
**Agenda Item Number:** 3.C  
**File Number:** 15-0569

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

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**Title**

Approval of Briar Glen Final Plat (Subdivision)

**Recommended Action**

**Committee Recommendation:**

Not referred to a committee.

**City Manager Recommendation:**

Move to approve the Final Plat of Briar Glen.

**Report**

**Issue:**

Whether to approve the Final Plat of Briar Glen.

**Staff Contact:**

Catherine McCoy, Associate Planner, Community Planning and Development Department,  
360.570.3776

**Presenter(s):**

None. This is a Consent Calendar item.

**Background and Analysis:**

*[Background information amended and republished June 5, 2015]*

The North Cascade preliminary plat was submitted for application on November 14, 2007, by Scott Bergford of North Cascades Village, LLC. Preliminary plat approval was granted by the Hearing Examiner on January 20, 2009. The preliminary plat approval expires in January 2016.

The new property owner Ron Deering, Northwest Family Homes, submitted a final plat application for review on April 29, 2015, under the name of Briar Glen. The final plat application includes 16 single-family lots, a stormwater management area, private access lane, street trees, and a tree tract located at 2835 30th Avenue SE, Olympia, Washington. All streets and utilities have been installed and inspected for compliance. City and County agency staff reviewed the final plat application and concluded that the subdivision and associated public improvements conform to the Examiner's decision and all pertinent regulations. Final plat approval is recommended for Briar Glen final plat

map.

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

New subdivisions are consistently of interest to neighborhoods and the community. Notice and public comment opportunities were provided during the preliminary plat review.

**Options:**

1. Move to approve the Briar Glen Plat Map and authorize the Mayor to sign the Briar Glen Plat Map.
2. Remove this item from the Consent Calendar and move this item to a future Council agenda for further discussion.

**Financial Impact:**

Public services have been provided to the plat. There will be a slight increase to the city's property tax revenue as residences are constructed on the lots of the new plat.

# PLAT OF BRIAR GLEN

A PORTION OF SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 30, TOWNSHIP 18 NORTH, RANGE 1 WEST, W.M.

## DEDICATION

KNOW ALL PEOPLE BY THESE PRESENTS THAT NORTHWEST FAMILY HOMES, INC, A WASHINGTON CORPORATION, THE UNDERSIGNED OWNER IN FEE SIMPLE OF THE LAND HEREBY PLATTED AND OLYMPIA FEDERAL SAVINGS AND LOAN ASSOCIATION, SCOTT AND PATRICIA BERGFORD, HUSBAND AND WIFE, THE MORTGAGEES THEREOF, HEREBY DECLARE THIS LAND DIVISION AND DEDICATE TO THE USE OF THE PUBLIC FOREVER ALL STREETS AND STORM DRAINAGE AND UTILITY EASEMENTS OR WHATEVER PUBLIC PROPERTY THERE IS SHOWN ON THE DIVISION AND THE USE THEREOF FOR ANY AND ALL PUBLIC PURPOSES NOT INCONSISTENT WITH THE USE THEREOF FOR PUBLIC PURPOSES. ALSO, THE RIGHT TO MAKE ALL NECESSARY SLOPES FOR CUTS AND FILLS UPON LOTS, TRACTS, ECT, SHOWN ON THIS PLAT IN THE REASONABLE ORIGINAL GRADING OF ALL THE STREETS, ECT SHOWN HEREON. ALSO THE RIGHT TO DRAIN ALL STREETS OVER AND ACROSS ANY LOT OR LOTS WHERE WATER MIGHT TAKE A NATURAL COURSE AFTER THE STREET OR STREETS ARE GRADED. ALSO, ALL CLAIMS FOR DAMAGE AGAINST ANY GOVERNMENTAL AUTHORITY ARE WAIVED WHICH MAY BE OCCASIONED TO THE ADJACENT LAND BY THE ESTABLISHED CONSTRUCTION, DRAINAGE, AND MAINTENANCE OF SAID STREETS.

TRACTS "A", "B", "C" AND "D" ARE HEREBY DEDICATED TO THE BRIAR GLEN OWNERS ASSOCIATION.

IN WITNESS WHEREOF WE HAVE SET OUR HANDS AND SEALS THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2002

(NAME & TITLE)  
NORTHWEST FAMILY HOMES, INC

(NAME & TITLE)  
OLYMPIA FEDERAL SAVINGS AND LOAN ASSOCIATION

SCOTT BERGFORD

PATRICIA BERGFORD

## ACKNOWLEDGMENTS

STATE OF WASHINGTON > SS  
COUNTY OF THURSTON

ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR THE STATE OF WASHINGTON, DULY COMMISSIONED AND SWORN, PERSONALLY APPEARED \_\_\_\_\_ (NAME), TO ME KNOWN TO BE THE \_\_\_\_\_ (TITLE) OF NORTHWEST FAMILY HOMES, INC, THE LIMITED LIABILITY COMPANY THAT EXECUTED THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED THE SAID INSTRUMENT TO BE THE FREE AND VOLUNTARY ACT AND DEED OF SAID LIMITED LIABILITY COMPANY, FOR THE USES AND PURPOSES THEREIN MENTIONED, AND ON OATH STATED THAT HE/SHE IS AUTHORIZED TO EXECUTE THE SAID INSTRUMENT ON BEHALF OF SAID LIMITED LIABILITY COMPANY.

WITNESS MY HAND AND OFFICIAL SEAL HERETO AFFIXED THE DAY AND YEAR FIRST ABOVE WRITTEN.

NOTARY PUBLIC IN AND FOR THE STATE OF WASHINGTON,  
(PRINT NAME) \_\_\_\_\_  
RESIDING AT: \_\_\_\_\_  
MY COMMISSION EXPIRES: \_\_\_\_\_

(SEAL)

STATE OF WASHINGTON > SS  
COUNTY OF THURSTON

ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_, BEFORE ME, A NOTARY PUBLIC IN AND FOR THE STATE OF WASHINGTON, DULY COMMISSIONED AND SWORN, PERSONALLY APPEARED \_\_\_\_\_ (NAME) TO ME KNOWN TO BE THE \_\_\_\_\_ (TITLE) OF OLYMPIA FEDERAL SAVINGS AND LOAN ASSOCIATION AND ACKNOWLEDGED THE SAID INSTRUMENT TO BE THE FREE AND VOLUNTARY ACT AND DEED OF SAID CORPORATION, FOR THE USES AND PURPOSES THEREIN MENTIONED, AND ON OATH STATED THAT \_\_\_\_\_ IS AUTHORIZED TO EXECUTE THE SAID INSTRUMENT AND THAT THE SEAL AFFIXED (IF ANY) IS THE CORPORATE SEAL OF SAID CORPORATION.

WITNESS MY HAND AND OFFICIAL SEAL THE DAY AND YEAR FIRST ABOVE WRITTEN.

NOTARY PUBLIC IN AND FOR THE STATE OF WASHINGTON,  
(PRINT NAME) \_\_\_\_\_  
RESIDING AT: \_\_\_\_\_  
MY COMMISSION EXPIRES: \_\_\_\_\_

(SEAL)

STATE OF WASHINGTON > SS  
COUNTY OF THURSTON

I CERTIFY THAT I KNOW OR HAVE SATISFACTORY EVIDENCE THAT SCOTT AND PATRICIA BERGFORD, HUSBAND AND WIFE ARE THE PERSONS WHO APPEARED BEFORE ME, AND SAID PERSON(S) ACKNOWLEDGED THAT THEY SIGNED THIS INSTRUMENT, AND ACKNOWLEDGED IT TO BE THEIR FREE AND VOLUNTARY ACT FOR THE USES AND PURPOSES MENTIONED IN THE INSTRUMENT.

GIVEN UNDER MY HAND AND SEAL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_

NOTARY PUBLIC IN AND FOR THE STATE OF WASHINGTON,  
(PRINT NAME) \_\_\_\_\_  
RESIDING AT: \_\_\_\_\_  
MY COMMISSION EXPIRES: \_\_\_\_\_

(SEAL)

## DESCRIPTION

PARCEL C OF CITY OF OLYMPIA BOUNDARY LINE ADJUSTMENT NO. BLA 04-2673-04, ACCORDING TO SURVEY RECORDED JANUARY 31, 2005 UNDER RECORDING NO. 3706207, IN THURSTON COUNTY, WASHINGTON.

## EASEMENT PROVISIONS

AN EASEMENT IS HEREBY RESERVED FOR AND GRANTED TO PUGET SOUND ENERGY INC., CENTURYLINK TELEPHONE COMPANY, COMCAST CABLE COMPANY, THE CITY OF OLYMPIA, THE BRIAR GLEN HOMEOWNERS ASSOCIATION AND THEIR RESPECTIVE SUCCESSORS AND ASSIGNS UNDER AND UPON THE FRONT TEN FEET PARALLEL WITH THE PUBLIC AND PRIVATE STREET FRONTAGE OF ALL LOTS AND TRACTS TOGETHER TRACT "B" AS DEPICTED HEREON, IN WHICH TO INSTALL, LAY, CONSTRUCT, REPAIR, OPERATE AND MAINTAIN UNDERGROUND PIPE, CONDUIT, CABLES AND WIRES WITH NECESSARY FACILITIES AND OTHER EQUIPMENT FOR THE PURPOSES OF SERVING THIS SUBDIVISION AND OTHER PROPERTY WITH ELECTRIC, TELEPHONE, GAS, SEWER, WATER, STREET LIGHTING AND UTILITY SERVICE. TOGETHER WITH THE RIGHT TO ENTER UPON THE LOTS AT ALL TIMES FOR THE PURPOSES HEREIN STATED. THESE EASEMENTS ENTERED UPON FOR THESE PURPOSES SHALL BE RESTORED AS NEAR AS POSSIBLE TO THEIR ORIGINAL CONDITION. NO LINES OR WIRES FOR THE TRANSMISSION OF ELECTRIC CURRENT OR FOR TELEPHONE USE OR CABLE TELEVISION SHALL BE PLACED OR PERMITTED TO BE PLACED UPON ANY LOT UNLESS THE SAME SHALL BE UNDERGROUND OR IN CONDUIT ATTACHED TO A BUILDING.

## APPROVALS

EXAMINED AND APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2015

OLYMPIA CITY ENGINEER

EXAMINED AND APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2015

HEALTH OFFICIAL

EXAMINED AND APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2015

PLANNING DIRECTOR, CITY OF OLYMPIA

EXAMINED AND APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2015

MAYOR, CITY OF OLYMPIA

ATTEST:

CITY CLERK

EXAMINED AND APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2015

THURSTON COUNTY ASSESSOR

I HEREBY CERTIFY THAT ALL TAXES ON THE LAND DESCRIBED HEREON HAVE BEEN FULLY PAID TO AND INCLUDING THE YEAR \_\_\_\_\_, AND ADVANCED TAXES FOR \_\_\_\_\_ ON THE LAND VALUE.

THURSTON COUNTY TREASURER \_\_\_\_\_ DATE \_\_\_\_\_

I HEREBY CERTIFY THAT ALL LOCAL IMPROVEMENT DISTRICT ASSESSMENTS ON THE LAND DESCRIBED HEREON HAVE BEEN FULLY PAID TO AND INCLUDING THE YEAR 20\_\_\_\_.

CLERK - TREASURER, CITY OF OLYMPIA \_\_\_\_\_ DATE \_\_\_\_\_

## COVENANTS

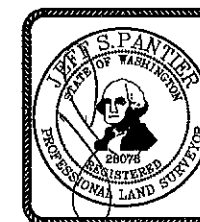
COVENANTS, CONDITIONS AND RESTRICTIONS ARE RECORDED UNDER AUDITOR'S FILE NO. \_\_\_\_\_

## AUDITOR'S CERTIFICATE

FILED FOR RECORD AT THE REQUEST OF HATTON GODAT PANTIER THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2002, AT \_\_\_\_\_ MINUTES PAST \_\_\_\_\_ O'CLOCK \_\_\_\_\_ M., AND RECORDED UNDER FILE NO. \_\_\_\_\_

THURSTON COUNTY AUDITOR \_\_\_\_\_ DEPUTY \_\_\_\_\_

## LAND SURVEYOR'S CERTIFICATE



I, JEFF S. PANTIER, HEREBY CERTIFY THAT THIS PLAT BRIAR GLEN IS BASED ON AN ACTUAL SURVEY AND SUBDIVISION OF A PORTION OF SECTION 30, TOWNSHIP 18 NORTH, RANGE 1 WEST, W.M., THAT THE DISTANCES AND COURSES SHOWN HEREON ARE CORRECT, THAT THE LOT CORNERS HAVE BEEN MARKED ON THE GROUND WITH 5/8" REBAR WITH PLASTIC CAPS STAMPED "JSP 28073".

JEFF S. PANTIER, PROFESSIONAL REGISTERED LAND SURVEYOR #28073

DATE

## SHEET INDEX

SHEET 1.....DEDICATION, PLAT DESCRIPTION, EASEMENT PROVISIONS, APPROVALS, AND LAND SURVEYOR'S CERTIFICATE  
SHEET 2.....PLAT BOUNDARY, PLAT NOTES CURVE DATA AND LINE TABLE

HATTON GODAT PANTIER

ENGINEERS AND SURVEYORS  
3910 MARTIN WAY E, SUITE B  
OLYMPIA, WA 98506  
TEL: 360.943.1599 FAX: 360.367.0280

hattonpantier.com

EEP  
05-039A

# PLAT OF BRIAR GLEN

A PORTION OF SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 30, TOWNSHIP 18 NORTH, RANGE 1 WEST, W.M.

FOUND SURFACE MONUMENT WITH PUNCH MARK IN 2" BRASS DISK STAMPED "OL" (JUNE 2009)

### PLAT NOTES

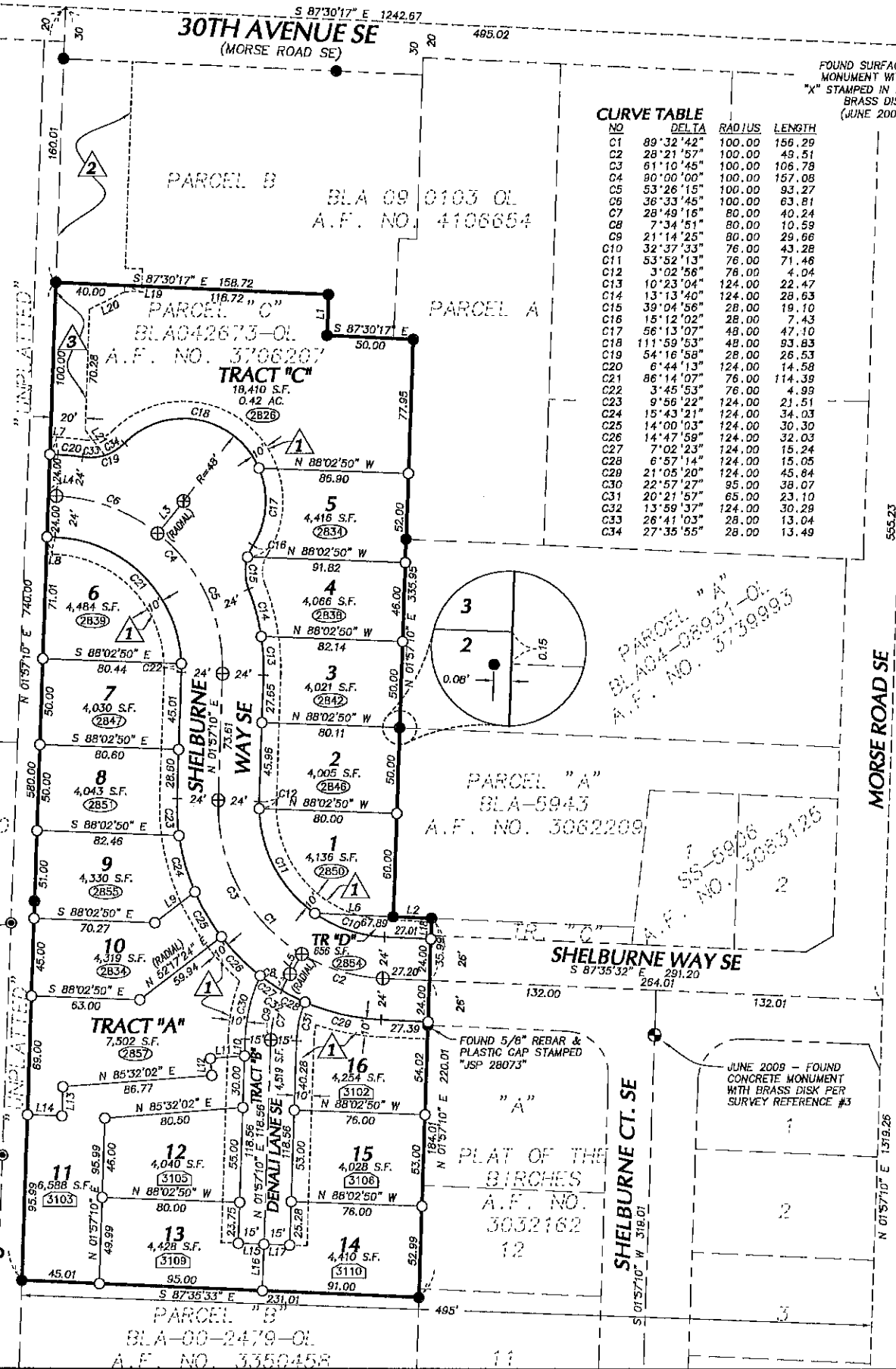
- THIS PLAT WAS REVIEWED AND APPROVED UNDER THE R4-8 ZONING DISTRICT STANDARDS.
- ALL LANDSCAPED AREAS EXCLUDING STREET TREES IN PUBLIC RIGHT-OF-WAYS SHALL BE MAINTAINED BY THE ABUTTING PROPERTY OWNERS AND THEIR SUCCESSORS, AND MAY BE REDUCED OR ELIMINATED IF DEEMED NECESSARY FOR, OR DETRIMENTAL TO THE CITY FOR ROAD PURPOSES. STREET TREES SHALL BE MAINTAINED BY THE BRIAR GLEN OWNERS ASSOCIATION.
- TRACT "A" IS DESIGNATED AS A TREE TRACT AND SHALL BE OWNED AND MAINTAINED IN A NATURAL STATE BY THE BRIAR GLEN OWNERS ASSOCIATION. NO REMOVAL OF TREES IS PERMITTED WITHOUT PROPER APPROVAL OF THE CITY OF OLYMPIA.
- TRACT "C" IS DESIGNATED AS A STORMWATER MANAGEMENT AREA. THE BRIAR GLEN OWNERS ASSOCIATION SHALL OWN AND BE RESPONSIBLE FOR THE MAINTENANCE OF THE STORMWATER SYSTEM. THE MAINTENANCE SHALL BE CONSISTENT WITH THE PLAN RECORDED AS PART OF THE DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR THIS PLAT.
- TRACT "B" IS DESIGNATED AS A PRIVATE ACCESS LANE. THE CITY OF OLYMPIA HAS NO RESPONSIBILITY TO MAINTAIN THE PRIVATE ACCESS LANE (TRACT "B") SERVING THIS SUBDIVISION. THE PRIVATE ACCESS LANE SHALL BE OWNED AND MAINTAINED BY THE BRIAR GLEN OWNERS ASSOCIATION.
- TRACT "D" IS DESIGNATED LANDSCAPE TRACT. THE BRIAR GLEN OWNERS ASSOCIATION SHALL OWN AND MAINTAIN TRACT "D".
- DESIGN REVIEW SHALL BE REQUIRED FOR ALL LOTS THAT ARE LESS THAN 5,000 SQUARE FEET IN SIZE. LOT AREAS ARE SHOWN ON SHEET 2.
- ALL LOTS WITHIN THIS PLAT ARE DESIGNATED AND APPROVED FOR ZERO LOT LINE DEVELOPMENT. STRUCTURES MAY BE LOCATED WITHIN 3 FEET OF SIDE YARD PROPERTY LINE AND WITHIN 10 FEET OF REAR PROPERTY LINE OF EACH LOT.
- INSTALLATION OF DRYWELLS WILL BE REQUIRED DURING THE DEVELOPMENT OF EACH LOT WITHIN THIS SUBDIVISION. 250 CUBIC FEET OF STORAGE SHALL BE PROVIDED FOR EACH 1,000 SQUARE FEET OF ROOF AREA.
- THIS SUBDIVISION IS REQUIRED TO PROVIDE FULLY AUTOMATIC RESIDENTIAL FIRE SPRINKLER SYSTEMS IN EACH HOME.

### SURVEYORS NOTES

- SUBDIVISION OF SECTION 30, TOWNSHIP 18 NORTH, RANGE 1 WEST, W.M. IS BASED ON THE PLAT OF THE BIRCHES RECORDED UNDER AUDITOR'S FILE NO. 3032162 (SAID PLAT WAS ROTATED 0°00'15" RIGHT TO THE CITY OF OLYMPIA COORDINATE SYSTEM.)

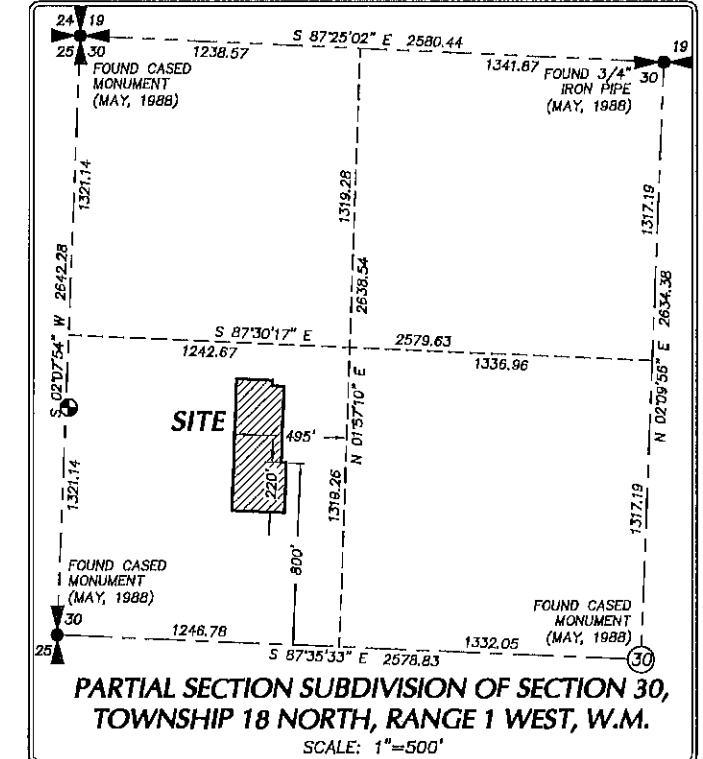
31 ST COURT SE

THIS SURVEY WAS CONDUCTED BY FIELD TRAVERSE METHODS USING A LEICA THREE SECOND TOTAL STATION SURVEY INSTRUMENT IN MARCH, 2015. THE RESULTS OF THIS SURVEY EXCEED THE STANDARDS CONTAINED IN WAC 332.130.090.



#### CURVE TABLE

NO	DELTA	RADIUS	LENGTH
C1	89°32'42"	100.00	156.29
C2	28°21'57"	100.00	49.51
C3	61°10'45"	100.00	106.78
C4	80°00'00"	100.00	157.08
C5	53°26'15"	100.00	93.27
C6	36°33'45"	100.00	63.81
C7	29°49'16"	80.00	40.24
C8	7°34'51"	80.00	10.59
C9	21°14'25"	80.00	29.86
C10	32°37'33"	76.00	43.28
C11	53°52'13"	76.00	71.46
C12	3°02'56"	76.00	4.04
C13	10°23'04"	76.00	22.47
C14	13°13'40"	124.00	28.63
C15	39°04'56"	28.00	19.10
C16	15°12'02"	28.00	7.43
C17	56°13'07"	48.00	47.10
C18	111°59'53"	48.00	93.83
C19	54°16'58"	28.00	26.53
C20	6°44'13"	124.00	14.58
C21	86°14'07"	76.00	114.39
C22	3°45'53"	76.00	4.99
C23	9°56'22"	124.00	21.51
C24	15°43'21"	124.00	34.03
C25	14°00'03"	124.00	30.30
C26	14°47'59"	124.00	32.03
C27	7°02'23"	124.00	15.24
C28	6°57'14"	124.00	15.05
C29	21°05'20"	124.00	45.84
C30	22°57'27"	95.00	38.07
C31	20°21'57"	65.00	23.10
C32	13°59'37"	124.00	30.29
C33	26°41'03"	28.00	13.04
C34	27°35'55"	28.00	13.49



### LEGEND

- FOUND MONUMENT AS NOTED
- FOUND 1/2" REBAR WITH PLASTIC SURVEY CAP STAMPED "L.S. 36792" (UNLESS OTHERWISE NOTED)
- FOUND 5/8" REBAR & CAP STAMPED "JAP 9608" (JUNE 2009)
- FOUND 1/2" IRON PIPE 0.64" SOUTHWESTERLY OF 8" DIAMETER CONCRETE MONUMENT WITH 2" BRASS DISK WITH PUNCH MARK.
- SET 2" BRASS DISK IN CONCRETE STAMPED "JSP 28073"
- SET 5/8" REBAR WITH PLASTIC CAP STAMPED "JSP 28073"
- ADDRESS: SHELburne WAY SE OLYMPIA, WA 98501
- ADDRESS: DENALI LANE SE OLYMPIA, WA 98501
- 10' UTILITY EASEMENT (SEE EASEMENT PROVISIONS SHEET 1 OF 2)
- UTILITY EASEMENT CONVEYED TO THE CITY OF OLYMPIA RECORDED UNDER AUDITOR'S FILE NO. 4325279
- SANITARY SEWER EASEMENT HEREBY GRANTED TO THE CITY OF OLYMPIA
- CENTERLINE
- PROPERTY LINE
- EASEMENT
- 1/16TH LINE
- ADJACENT
- LOT LINE
- PARCEL LINE

### SURVEY REFERENCES

- SUBDIVISION GUARANTEE PREPARED BY FIRST AMERICAN TITLE INSURANCE COMPANY DATED APRIL 28, 2015 UNDER ORDER NO. 2439717.
- BOUNDARY LINE ADJUSTMENT NO. BLA 04-26730L RECORDED UNDER AUDITOR'S FILE NO. 3706207.
- PLAT OF THE BIRCHES RECORDED UNDER AUDITOR'S FILE NO. 3032162.
- CITY OF OLYMPIA DIGITAL SURVEY CONTROL RECORDS.
- PLAT OF EDGEMO ESTATES RECORDED UNDER AUDITOR'S FILE NO. 1051591.
- BOUNDARY LINE ADJUSTMENT NO. BLA 5943 RECORDED UNDER AUDITOR'S FILE NO. 3062209.
- BOUNDARY LINE ADJUSTMENT NO. BLA 0901030L RECORDED UNDER AUDITOR'S FILE NO. 4106654.
- SHORT SUBDIVISION NO. SS 5906 RECORDED UNDER AUDITOR'S FILE NO. 30873125.
- SHORT SUBDIVISION NO. SS 05-2266 RECORDED UNDER AUDITOR'S FILE NO. 3854464.
- PLAT OF ROSSMOOR DIVISION 2 RECORDED UNDER AUDITOR'S FILE NO. 3116020.
- SHORT SUBDIVISION NO. SS-5400 RECORDED UNDER AUDITOR'S FILE NO. 8702270088.

### LINE TABLE

NO.	BEARING	DISTANCE
L1	S 01°57'10" W	23.72
L2	S 87°35'33" E	22.28
L3	S 38°30'55" W	24.07
L4	S 88°02'50" E	4.60
L5	S 30°46'25" E	13.44
L6	S 87°35'33" E	45.59
L7	S 88°02'50" E	4.71
L8	S 88°02'50" E	4.71
L9	S 52°17'24" E	29.30
L10	N 01°57'10" E	9.80
L11	N 85°32'02" E	20.00
L12	S 04°27'58" E	9.91
L13	N 01°57'10" E	16.96
L14	S 88°02'50" E	20.00
L15	S 88°02'50" E	15.00
L16	N 01°57'10" E	26.86
L17	S 88°02'50" E	15.00
L18	N 01°57'10" E	11.99
L19	N 01°57'10" E	3.79
L20	S 63°36'54" W	22.72
L21	S 38°19'55" E	18.53

**BASIS OF BEARING:**  
CITY OF OLYMPIA COORDINATE SYSTEM BASED UPON THE NORTH LINE OF THE SW 1/4 OF THE NW 1/4 OF SECTION 30, TOWNSHIP 18 NORTH, RANGE 1 WEST, W.M. EQUALS NORTH 87°39'17" WEST

SCALE: 1"=50 FEET

**HATTON GODAT PANTIER**  
ENGINEERS AND SURVEYORS  
3910 MARTIN WAY E, SUITE B  
OLYMPIA, WA 98508  
TEL: 360.943.1598 FAX: 360.357.8298  
hattonpantier.com 05-039A

**07-0222 Briar Glen FINAL Plat  
STAFF Planning Analysis**

The comments in this table represent CPD staff's analysis and review of the FINAL plat application.

REGULATORY REQUIREMENTS	STAFF RESPONSE
<b>Title 17 SUBDIVISIONS</b>	
17.04.030 General scope Subdivisions, resubdivisions, short subdivisions, and large lot subdivisions as defined in this title shall be reviewed in accordance with the provisions of this title.	
17.04 General Provisions 17.04.040 Specific exemptions. The Briar Glen Final Plat application does not meet the criteria for an exemption pursuant to this Code section, or RCW 58.17.040.	
17.04.050 Approval required prior to recordation. Any map, plat, replat or plan hereafter made of a proposed subdivision, short subdivision, large lot subdivision or binding site plan, or any part thereof, shall be presented for approval and be recorded as prescribed by this title. No such map, plat, replat or plans shall be recorded or have any validity unless or until it shall have the approval of the city council and/or such other approval as required by this title.	
17.04.070 Administrative duty. The city planning director and his staff, hereafter referred to as the "planner" or the "planning department," are vested with the duty of administering this title and may prepare and require the use of such additional forms which are necessary to effectuate the provisions thereof.	
17.04.090 Regulations supplementary to state law. The regulations prescribed by this title shall be considered as supplementary to RCW Chapter <a href="#">58.17</a> . No map, plat, replat or plan of a proposed subdivision, short subdivision or large lot subdivision shall be recorded or have any validity unless it conforms to the requirements of RCW Chapter <a href="#">58.17</a> .	The requirement is met.
RCW Chapter 58.17 RCW PLATS – SUBDIVISIONS – DEDICATIONS RCW 58.17.240 Permanent control monuments.	The requirement is met.

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Except for subdivisions excluded under the provisions of RCW <a href="#">58.17.040</a> , as now or hereafter amended, permanent control monuments shall be established at each and every controlling corner on the boundaries of the parcel of land being subdivided. The local authority shall determine the number and location of permanent control monuments within the plat, if any.	
17.24.010 Submission of application. The subdivider shall submit twelve (12) dark line prints and one stable base polyester film or other approved material (hereinafter referred to as Mylar) to the department.	The requirement is met.
17.24.020 Format and content of application. A. Survey of Subdivision and Preparation of Plat. The survey of the proposed subdivision and preparation of the plat shall be made by or under the supervision of a registered land surveyor who shall certify on the plat that it is a true and correct representation of the lands actually surveyed.	The requirement is met.
B. Drafting Standards. All final plats shall be drawn in accordance with the following:	
1. The final plat shall be clearly and legibly drawn in permanent black ink upon a stable base polyester film.	The requirement is met.
2. The scale of the plat shall be not less than 1" = 200'. Lettering shall be at least 3/32 of an inch high. The perimeter of the plat or subdivision being recorded shall be depicted with heavier lines wider than the remaining portion of the plat or subdivision.	The requirement is met.
3. The size of each sheet shall be 18" by 24".	The requirement is met.
4. A marginal line shall be drawn completely around each sheet, leaving an entirely blank margin of three inches on the left, and one-half inch on each side of the other three sides.	The requirement is met.
5. If more than two sheets are used, an index of the entire subdivision showing the arrangement of	Does not apply.

**07-0222 Briar Glen FINAL Plat  
STAFF Planning Analysis**

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<b>REGULATORY REQUIREMENTS</b>	<b>STAFF RESPONSE</b>
all sheets shall be included. Each shall be appropriately numbered.	
6. The plat title, date, scale and north arrow shall be shown on each appropriate sheet of the final plat.	The requirement is met.
7. All signatures placed on the final plat shall be original signatures written in permanent black India ink.	The requirement is met.
C. Street Monuments. The surveyor preparing the plat shall submit a street monumentation plat to the Public Works Department for approval prior to setting any permanent street monuments. The Public Works Department shall determine the number and location of permanent control monuments in streets within and leading into the plat, if any. All street monuments shall conform to the standard specifications of the American Public Works Association or as amended by city standard plans.	The requirement is met.
D. Content. 1. The following information is required on the final plat map:	
a. The date, scale, north arrow, legend, controlling topography and existing features such as highways and railroads;	The requirement is met.
b. Legal description of the plat boundaries;	The requirement is met.
c. Reference points and lines of existing surveys identified, related to the plat as follows:	
i. Adjoining corners of adjoining subdivisions,	The requirement is met.
ii. City or county boundary lines when crossing or adjacent to the subdivision,	Does not apply.

**07-0222 Briar Glen FINAL Plat  
STAFF Planning Analysis**

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<b>REGULATORY REQUIREMENTS</b>	<b>STAFF RESPONSE</b>
iii. Section and donation land claim lines within and adjacent to the plat,	The requirement is met.
iv. Whenever the county or a city has established the centerline of a street adjacent to or within the proposed subdivision, the location of this line and monuments found or reset,	The requirement is met.
v. All other monuments found or established in making the survey of this subdivision or required to be installed by provisions of this title,	The requirement is met.
vi. The basis of bearing shall be shown and shall be the Olympia coordinate system;	The requirement is met.
d. The exact location and width of streets and easements intersecting the boundary of the tract;	The requirement is met.
e. Tract, block and lot boundary lines and street rights-of-way and centerlines, with dimensions, bearings or deflection angles, radii, arcs, points of curvature and tangent bearings. Tract boundaries, lot boundaries and street bearings shall be shown to the nearest second with basis of bearings. All distances shall be shown to the nearest 0.01 foot;	The requirement is met.
f. The width of the portion of streets being dedicated, the width of any existing rights-of-way and the width of each side of the centerline. For streets on curvature, curve data shall be based on the street centerline. In addition to the centerline dimensions, the radius and central angle shall be indicated;	The requirement is met.
g. Easements denoted by fine dashed lines or described by narrative, clearly identified and, if already of record, their recorded reference. The width of the easement, its length and bearings, and sufficient ties to locate the easement with respect to the subdivision must be shown. If the easement is being dedicated by the map, it shall be properly referenced in the owner's certificate of dedication;	The requirement is met.
h. Lot numbers beginning with number "1" and numbered consecutively without omission or	The requirement is met.



**07-0222 Briar Glen FINAL Plat  
STAFF Planning Analysis**

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<b>REGULATORY REQUIREMENTS</b>	<b>STAFF RESPONSE</b>
duplication throughout the plat. The numbers shall be solid, of sufficient size and thickness to stand out and so placed as not to obliterate any figure. Lot numbers in an addition to a subdivision of the same name shall be a continuation of the numbering of the original subdivision;	
j. All required dedications, endorsements, covenants, affidavits and certificates shall show on the face of the final plat;	The requirement is met.
k. The final plat shall show the subdivision of the section or sections involved and show the township(s) and range(s); provided, that if the land being platted is not described by section subdivision, the final plat map shall show a vicinity map showing monuments and land corners sufficient to properly orient the new subdivision;	The requirement is met.
l. Specific wording as may be required by the preliminary plat approval;	The requirement is met.
m. A plat or subdivision contiguous to, or representing a portion of or all of the frontage of a body of water, river or stream shall indicate the location of monuments, which shall be located at such distance above high-water mark as to reasonably insure against damage and destruction by flooding or erosion;	Does not apply.
n. Lots containing one acre or more shall show net acreage to nearest hundredth, whenever possible;	The requirement is met.
o. Designation of lots to be used for other than single-family residential purposes;	The requirement is met.
p. If the plat constitutes a replat of all or portions of an existing subdivision, this shall be clearly indicated just below the subdivision name. All original plat lines shall be shown in half-tone around the perimeter of the new plat.	Does not apply.
q. A summary of the terms and conditions, including building permit restrictions, of any agreement	The requirement is met.

**07-0222 Briar Glen FINAL Plat  
STAFF Planning Analysis**

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<b>REGULATORY REQUIREMENTS</b>	<b>STAFF RESPONSE</b>
and security to construct improvements in the future on the plat.	
2. Acknowledgments and Certificates. Acknowledgments and certificates required by this title shall be in language substantially indicated in the following subsections:	
17.24.040 Time to act.	
Final plats shall be approved, disapproved or returned to the applicant within 30 days from the date of filing unless the applicant consents to an extension of such time period.	<i>An Agreement to Extend Applicant Review Timelines</i> is on file with the Department (CPD).
17.24.050 Review criteria.	
A. The Public Works Department shall examine the map as to sufficiency of affidavits and acknowledgments, correctness of surveying data, mathematical data and computations, and such other matters as require checking to insure compliance with the provisions of state laws pertaining to subdivisions, with this title and with the conditions of approval. Traverse sheets (computation of coordinates) and work sheets showing the closure of the exterior boundaries and of each irregular lot and block and the calculation of each lot size shall be furnished. If the final plat is found to be in correct form and the matters shown thereof are sufficient, the Public Works Department shall certify the mylar of the plat to the Planning Department.	The requirement is met.
B. In addition to a statement of approval from the Public Works Department, the following approvals must be submitted in writing to the Planning Department prior to its certification of the final plat:	
1. Health Approval. The county health department shall indicate compliance with the health requirements of the preliminary plat and shall indicate the adequacy of the method of sewage disposal. Approval by the Health Department of the final plat shall not vary or negate any requirements for obtaining septic tank and drain field permits for any lots therein;	The requirement is met.

**07-0222 Briar Glen FINAL Plat  
STAFF Planning Analysis**

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REGULATORY REQUIREMENTS	STAFF RESPONSE
2. Department of Ecology approval. In those cases where the subdivision is located in a flood control zone as established by RCW Chapter <a href="#">86.16</a> the Department of Ecology shall indicate approval of the plat and shall state any special conditions or restrictions deemed by it to be necessary for effective flood protection;	Does not apply.
3. Fire department's approval;	The requirement is met.
4. Water purveyor's approval;	The requirement is met.
5. Sewer purveyor's approval;	The requirement is met.
6. County treasurer's approval;	The requirement is met.
7. County assessor's approval;	The requirement is met.
8. Other approvals as may be required in the conditions of preliminary plat approval:	
HEARING EXAMINER DECISION 07-0222, B.(i)-(vii), Jan. 16, 2009:	
(i) That portion of Old Morse Road between Shelburne Way and 30th Avenue shall be constructed in compliance with the standards of OMC 16.32.050. These standards require, among other elements, a 20-foot wide paved surface capable of supporting the imposed loads of fire apparatus, keeping that surface free of obstructions, including parked vehicles, and posting and maintaining NO PARKING/FIRE LANE signs and/or other appropriate notice prohibiting obstructions. The Applicant's duty to keep the surface free of obstructions is limited to posting and maintaining noted signage.	The requirement is met.
(ii) The same portion of Old Morse Road between Shelburne Way and 30th Avenue shall contain	The requirement is met.

**07-0222 Briar Glen FINAL Plat  
STAFF Planning Analysis**

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<b>REGULATORY REQUIREMENTS</b>	<b>STAFF RESPONSE</b>
the 100-foot no parking zone required by EDDS 4C.070 and discussed in the Conclusions, above, unless the Department determines that compliance with the no parking requirements of OMC 16.32.050, discussed in Condition (i), above, are sufficient to meet this requirement.	
(iii) Approved fire protection systems shall be installed in the residence on Lot 11 as required and approved by the Fire Chief, if any portion of its exterior wall is more than 150 feet from Shelburne Way.	The requirement is met.
(iv) Safe walking conditions, including sidewalks, shall be provided from the proposed subdivision to the school bus stops serving pupils attending Pioneer Elementary or Olympia High schools.	The requirement is met.
(v) The Department shall review the recommendation of the Stormwater Site Plan that a segment of 8-inch piping in 30th Avenue be increased to a 12-inch diameter. If the Department agrees with this recommendation, the Applicant shall implement it.	The requirement is met.
(vi) The City is requested to make reasonable efforts, consistently with its budgetary limitations, to keep the storm drain on the southeast corner of Old Morse Road and 30th Avenue flowing freely.	As part of Comprehensive Plan policy requirements, the lines are televised every three years.  The requirement is met.
(vii) With the exception of Conditions 14 and 18, the Conditions listed on pp. 7- 10 of the Staff Report at Ex. 1 are incorporated by reference. Conditions 14 and 18 are not incorporated. As Mr. Chalem testified at the hearing, the word "should" in the first line of Condition 20 is changed to "shall".	Attachment 4: <b><u>RECOMMENDED CONDITIONS</u></b> Hearing Examiner Decision, Jan. 16, 2009 Review Comments by Chuck Dower, Engineering Plans Examiner, May, 2015
SUPPLEMENTAL DECISION 07-0222, A.1-3., Feb. 17, 2009:	

**07-0222 Briar Glen FINAL Plat  
STAFF Planning Analysis**

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<b>REGULATORY REQUIREMENTS</b>	<b>STAFF RESPONSE</b>
<p>1. The Applicant shall carry out or engage a review to determine whether this subdivision will cause the LOS on any intersection to decline below the adopted minimum. A full TIA need not be prepared, but at least a review at the level of that in Exhibit 19 must be carried out. The Applicant shall provide this review to the Department and all parties.</p> <p>2. The Department shall review the Applicant's analysis. If the Department determines that this subdivision will not cause the LOS on any intersection to decline below the adopted minimum, it shall send a letter to that effect to the Applicant and all other parties, and preliminary approval will be deemed granted on the date of that letter. If the Department determines that this subdivision will cause the LOS on any intersection to decline below the adopted minimum, it shall send a letter to that effect to the Applicant and all other parties requiring mitigation by the Applicant to preserve the minimum LOS, and that mitigation shall be deemed a condition of preliminary subdivision approval.</p> <p>3. The above analyses and determinations need not be submitted to the Hearing Examiner for further review or decision.</p>	<p>The City of Olympia monitors all streets and intersections annually to ensure acceptable level of services (LOS) are met to comply with growth managements act of concurrency. There are no LOS issues at the intersections of Old Morse Road SE and 30th Avenue SE, or at the intersection of Boulevard Road SE at 30th Avenue SE. Additional trips of this project will not create a significant impact on City street system.</p> <p>The requirement is met.</p>
<p>D. If each department determines that the final plat conforms fully with all applicable regulations and standards, they shall then affix their signatures to the final plat.</p>	<p>The requirement is met.</p>
<p>E. Upon confirmation of compliance with the conditions of approval, and subsequent to affixing its signature to the final plat, the Planning Department will instruct the Public Works Department to schedule final consideration of the plat map before the council.</p>	<p>The requirement is met.</p>
<p>17.24.060 City council action. After being approved as required in Section <a href="#">17.24.050</a>, the final plat shall be presented to the city council. After finding that the final plat has been completed in accordance with the provisions of this title, and that all required improvements have been completed or that arrangements or contracts have been entered into to guarantee that such required improvements will be completed, and that</p>	<p>June 9, 2015.</p>

**07-0222 Briar Glen FINAL Plat  
STAFF Planning Analysis**

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REGULATORY REQUIREMENTS	STAFF RESPONSE
<p>the interests of the city are fully protected, the city council shall sign the final plat accepting such dedications and easements as may be included thereon, and the final plat shall be returned to the applicant for filing for record with the county auditor.</p>	
<p>17.24.070 Filing for record –Copies. The original of said final plat shall be filed for record with the county auditor. One reproducible copy of a stable base material shall be furnished to the Public Works Department. One paper copy shall be filed by the auditor with the assessor, planning department, health department, building department and the fire chief. All required paper copies shall bear the auditor's recording date</p>	
<p><b>Title 18 UNIFIED DEVELOPMENT CODE</b></p>	
<p>18.02.100 Authority and comprehensive plan consistency. This Development Code is a principal tool for implementing the goals and policies of the Olympia Comprehensive Plan, pursuant to the mandated provisions of the Growth Management Act of 1990 <a href="#">RCW 58.17</a>, Subdivision Act, State Environmental Policy Act, and other applicable State and local requirements. All development within the city incorporated boundary - and the urban growth area shall be consistent with Olympia's Comprehensive Plan.</p> <p>The subdivision provisions of this Development Code are intended to supplement and implement RCW <a href="#">58.17</a> and the Subdivision Ordinance of the City. If the provisions of this Development Code conflict with any provision of Revised Code of Washington (RCW) <a href="#">58.17</a>, the RCW shall prevail.</p> <p>No land shall be subdivided or developed for any purpose which is not in conformance with the Comprehensive Plan, any zoning ordinance or other applicable provisions of the Olympia Municipal Code.</p>	
<p>18.02.120 General requirements A. Application. All land or structures shall be used and constructed in accordance with the</p>	

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<b>REGULATORY REQUIREMENTS</b>	<b>STAFF RESPONSE</b>
regulations and requirements of this Development Code including obtaining applicable permits prior to initiation of use.	
<p>18.02.130 Vesting of applications.</p> <p>A. General Vesting Rule. Except as stated below, any project permit application shall be considered under the laws, ordinances, regulations, standards, and fees in effect at the time that the particular complete application is received by the City of Olympia.</p> <p>D. Full Vesting. Only when a complete building permit application for a structure to be used in a manner permitted under the land use regulations in effect on the date of such application is submitted will the applicant be entitled to improve and use land under the ordinances of the City in effect on the date of the complete building application. Where a change in occupancy is proposed, such building permit application shall not be deemed complete unless preceded or accompanied by a complete land use approval application.</p>	
18.04.000 Residential Districts.	
4. Residential 4-8 Units per Acre (R 4-8). To accommodate single-family houses and townhouses at densities ranging from a minimum of four (4) units per acre to a maximum of eight (8) units per acre; to allow sufficient residential density to facilitate effective mass transit service; and to help maintain the character of established neighborhoods.	
<p>18.72.120 Permit review time periods</p> <p>G. Time Limit Exceptions. The time limits set forth above do not include:</p> <p>5. Any extension of time mutually agreed upon by the applicant and the City.</p>	<p><i>An Agreement to Extend Applicant Review Times is on file with the Department (CPD).</i></p>
<p>18.72.140 Expiration of approvals.</p> <p>D. Land Use Approval. Unless exercised by complete application for necessary construction permits, any land use approval shall expire and be null and void two years from the date the final approval was issued. Land use approval shall be extended two additional years if a complete building or other construction permit application for the project is submitted prior to expiration of the land use approval. Even absent such application, upon finding that there has been no substantial change in</p>	

**07-0222 Briar Glen FINAL Plat  
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<b>REGULATORY REQUIREMENTS</b>	<b>STAFF RESPONSE</b>
relevant circumstances and standards, land use approval may be extended up to two (2) additional years by the Site Plan Review Committee pursuant to a written request submitted prior to expiration of land use approval. Upon receiving such request, notice shall be provided pursuant to the comparable notice of application procedures of Table 78-1. Following a comment period of at least 14 days, SPRC may grant, limit or deny the extension and may impose such conditions of extension to ensure compliance with any subsequently revised standards. If such written request for extension is not received by the Department prior to expiration, such extension shall be denied.	



**RECOMMENDED CONDITIONS**

Hearing Examiner Decision, Jan. 16, 2009

Review Comments by Chuck Dower, Engineering Plans Examiner, May, 2015

1. Frontage Improvements and Site Civil Improvements shall be constructed according to the Standards, as conceptually shown on the plan set sheets.  
**Engineering Permit No. 13-2992 was issued to the developer of the project. All improvements have been installed per the approved plans and accepted by the City.**
2. The developer will install water facilities in accordance with the provisions of Chapter 6 of the Engineering Design and Development Standards.  
**Engineering Permit No. 13-2992 was issued to the developer of the project. All water improvements have been installed per the approved plans and accepted by the City.**
3. The developer will install sewer facilities in accordance with the provisions of Chapter 7 of the Engineering Design and Development Standards.  
**Engineering Permit No. 13-2992 was issued to the developer of the project. All sewer improvements have been installed per the approved plans and accepted by the City.**
4. The stormwater system improvements meet the Drainage Design and Erosion Control Manual requirements. The stormwater system can be conceptually approved with the following conditions:
  - A. On the stormwater site plan and construction drawings state the required compost-amended soils will comply with BMP T 5.13 for all disturbed pervious surfaces.
  - B. Provide the location of the emergency overflow from the pond into the natural downstream path with the construction drawings.
  - C. Provide a landscaping plan for the stormwater facility which meets the requirements of Volume III, Section 3.2 of the stormwater manual.**The project has complied with all of the Drainage Manual Standards and the conditions as noted.**
5. The developer will provide for the waste management/recycling for collecting of all soiled waste generated from all occupied residential and commercial premises within the City a minimum of once every two weeks. The system is to be designed to the current Chapter 8 of the Engineering Design and Development Standards.  
**Standard residential City of Olympia solid waste services will be provided for this development.**
6. Before construction begins the applicant shall submit a complete set of detailed construction drawings to the Community Planning and Development Department for review and approval. Construction drawings shall be prepared according to the Engineering Design and Development Standards and Building Code requirements. In addition, the retaining walls shall be designed to meet all applicable City of Olympia requirements and building codes. Final plat notes may identify the homeowners association responsible for retaining wall, if maintained by the homeowners association.  
**Engineering Permit No. 13-2992 was issued to the developer of the project. All improvements have been installed per the approved plans and accepted by the City. Retaining walls were not required for this project. Any need for retaining walls for the single family developments will be reviewed at the time of building permit application.**

7. General Facility Charges for City utilities (Water, Sanitary Sewer, Stormwater, and Solid Waste) and the LOTT sanitary sewer Capacity Development Charge will be assessed at the time of individual building permits for each lot are issued.  
***This is standard building permit issuance procedure and will be applied at the time of each building permit.***
8. All improvements shall be installed before final plat approval.  
***All plat improvements have been installed and approved by the City.***
9. Bonding 2.030.E, 3.090 (Standards), Appendix Olympia-1 (Manual) - The developer shall file an agreement with the City to assure the full and faithful performance of the operation and maintenance of all public improvements and the site stormwater facilities for a period of two years following final construction approval. This guarantee, through the appropriate surety, shall be in place and approved by the City before final construction approval. The amount of the bonding will be 25 percent of the cost of the improvements, or as determined by the Development Engineer. In addition, a bond or other allowable securities will be required by the City to guarantee the performance of work within existing public rights-of-way or maintenance of required public infrastructure intended to be offered for dedication as a public improvement. Bonds or other allowable securities to guarantee work in an existing public right-of-way is required to be in place and submitted to the City prior to release of any approvals or permits for such work. The type and amount of security will be pursuant to code or, if not specified, be at a minimum of \$4,000 or 125 percent of the value of the work performed, whichever is greater, at the discretion of the City. Types of securities include, but are not limited to, a bond with a surety qualified to do a bonding business in this state, a cash deposit, an assigned savings account, or a set-aside letter as acceptable by the City Attorney.  
***All bonds have been submitted and approved as required.***
10. Prior to final plat approval, each lot shall be served by a separate service and meter. All designs shall be in accordance with the provisions of Chapter 6 of the Engineering Design and Development Standards.  
***Engineering Permit No. 13-2992 was issued to the developer of the project. All water improvements have been installed per the approved plans and accepted by the City.***
11. The project is required to pay the City of Olympia Impact Fees as provided by Title 15 of the Olympia Municipal Code for Transportation, Fire, Parks, and Schools at the time of Building Permit issuance.  
***This is standard building permit issuance procedure and will be applied at the time of each building permit.***
12. In conformance with Olympia Municipal Code 18.100.060.6, all lots fewer than 5,000 square feet in size are subject to design review. Design review of these building sites will take place at the time of building permit review.  
***This is standard building permit issuance procedure and will be completed at the time of each building permit. The requirement is stated on Final Plat map Plat Note 7.***
13. At time of final plat, all lots intended to be less than 5,000 square feet in lot size and/or have less than 50 feet of street frontage shall demonstrate frontage of 30 feet or more of width along a public or private street.  
***Submitted plat map complies with this requirement.***

15. At time of final plat application, the applicant must provide a copy of the Covenants, Conditions & Restrictions (CC&Rs) to make certain the approved Integrated Pest Management Plan (IPMP) has been incorporated.  
***The IPMP has been incorporated into the declaration of Covenants, Conditions and Restrictions (CC&Rs) for the plat.***
16. Prior to final plat application all on-site wells must be decommissioned by a licensed well driller, per the requirements of the Washington State Department of Ecology, and a copy of the driller's "well log" must be provided.  
***The water well was decommissioned on May 16, 2014 and a copy of the well log has been submitted to the City.***
17. Prior to final plat application all existing (if found during the course of site work) on-site sewage systems on this site must be abandoned, per the requirements of Article IV of the Thurston County Sanitary Code. An abandonment permit is required and a copy of the septic tank pumping report with a signed statement confirming abandonment was completed in accordance with Article IV must be provided.  
***The septic system was abandoned on October 9, 2013. Copy of documentation signed by the contractor and Thurston County has been submitted to the City.***
19. The applicant is required to adhere to the requirements of the Washington State Department of Ecology for: Air Quality, Toxic Cleanup, Solid Waste, and Water Quality, as stated in the April 6, 2007 letter (Attachment Z).  
***The requirements have been met.***
20. A Note should be placed on the face of the Plat requiring that the homeowners' association is responsible for maintenance of the trees in the tree tract and storm pond tract.  
***Final plat notes 2, 3, 4, & 6 cover these requirements.***
21. Grading and utility plans shall clearly depict trees proposed for retention and the location of protective tree fencing.  
***This requirement was met, and is in accordance with the approved engineering plans.***
22. Temporary Protective Chain link fence on driven posts be placed at the 20-foot critical root zone in Tract A and Lots 2 and 4. The Tree Fencing location and fencing detail must be depicted on the grading plan. It will need to be inspected by Professional Forestry Services prior to grading and maintained throughout construction.  
***This requirement was met, and is in accordance with the approved engineering plans.***
23. Professional Forestry Services shall inspect the fencing location and monitor work related to all grading, any utility trenching and installation of sidewalks/roadway.  
***This requirement was met, and is in accordance with the approved engineering plans.***
24. The applicant proposes storm water utility trenching near and under Lots 6 through 11 along the western boundary. Boring will be necessary through Tree Tract A since utility trenching will likely destroy these preserved trees.  
***This requirement was met, and is in accordance with the approved engineering plans.***

25. Utility extensions are not currently proposed (except for item 23). Should any be realigned, they must remain outside the critical root zone. Any work within the critical root zone must minimize root damage by excavating a 2-foot deep trench and then cut the roots cleanly with a sharp tool and cover with moist soil.  
***This requirement was met.***
26. Dead, dying, damaged or diseased branches must be removed from the crown.  
***This requirement was met.***
27. Landscape Plan: Applicant to submit a landscape plan for review and approval with the engineering permit application.  
***The landscape plan was submitted with the engineering plans and was approved.***
28. Install the street trees and storm pond landscaping.  
***Landscaping was installed per the approved plans.***
29. Maintenance. Trees are to be maintained by the developer and homeowners association pursuant to OMC 16.60.100 (A & B).  
***The tree bond has been submitted and accepted by the City.***
30. Maintenance Agreement and Surety Bond is required pursuant to OMC 16.60.100 (D & E).  
***The performance and guarantee bond has been submitted and accepted by the City.***



April 17, 2015

Mr. Steve Hatton  
Hatton Godat Pantier  
3910 Martin Way E, Ste. B  
Olympia, Washington 98506

Dear Steve:

**SUBJECT: LETTER OF ACCEPTANCE**  
**Briar Glen (AKA North Cascades Village)**  
**CD #13-2292**

This letter of acceptance is issued in accordance with the Standards, Section 3.060 - Inspection, and Section 2.030.E - Acceptance of Dedication for Public Improvements. This letter certifies that all public improvements have been installed in accordance with the requirements of Olympia Municipal Code Title 17 and/or the Standards; and are hereby accepted by the City of Olympia.

If you have any questions or need additional information, please contact me by calling (360) 753-8254, or e-mailing [cdower@ci.olympia.wa.us](mailto:cdower@ci.olympia.wa.us).

Sincerely,

**Chuck Dower**  
Engineering Plans Examiner  
Community Planning & Development Department

CD:nl

## CITY OF OLYMPIA HEARING EXAMINER

**STAFF REPORT**  
**Monday, December 8, 2008**

**Case Number:** 07-0222

**Case Name:** North Cascade Village

**Appellant:** North Cascades Villages, LLC  
 3016 10<sup>th</sup> Avenue NE  
 Olympia, WA 98506-4913

**Authorized Rep.:** Chris Aldrich, Hatton Godat Pantier  
 1840 Barnes Blvd. SW  
 Tumwater, WA 98512

**Type of Action Request:** Applicant is seeking approval to subdivide 2.86 acres into 17 single-family homes.

**Project Location:** 2835 30<sup>th</sup> Ave SE

**Legal Description:** On File with Community Planning & Development

**Comprehensive Plan Designation:** Single-family Residential (R-4-8)

**SEPA Determination:** A Determination of Non-significance was issued on November 18, 2008

**Public Notification:** Public notification for this hearing was mailed to property owners within 300 feet and recognized neighborhood association/s, posted on the site, and published in *The Olympian* on or before November 28, 2008, in conformance with Olympia Municipal Code (OMC) 18.78.020.

**Staff Recommendation:** Approve with Conditions

**Background:**

A presubmission conference was held on June 6, 2004, and subdivision application was received on May 18, 2005. The application was allowed to expire and a new application was received and vested on November 14, 2007. The application submittal consisted of: General and Supplemental Applications, a SEPA Checklist, Preliminary Plan Set, Landscape and Stormwater plans, Tree Plan and adjacent property owner list. (Attachments A, B, C, D, E, and J)

The project has undergone revisions to the stormwater design and minor revisions to the plat design (Attachments N and O). The last stormwater and plan revisions were received on September 4, 2008 (Attachment M). A neighborhood meeting was held on December 4, 2007, in

the Smith Building conference room. On November 18, 2008, a SEPA Determination of Nonsignificance (Attachment K) was issued and the project was subsequently scheduled for public hearing. To date, several agencies and neighbors have commented on this requested action, their comments are included with this staff report (Attachments S through Y).

**Applicable Policies and Regulations:**

This proposed preliminary subdivision is subject to the Revised Code of Washington (RCW) 58.17, governing subdivisions; the City of Olympia Comprehensive Plan, Olympia Municipal Code Title 12 - Chapter 12.02, Olympia Development Standards, Section 12.02.020, Engineering Design and Development Standards (EDDS), November 2004 Edition (Standards), was adopted by Ordinance No. 6321. Olympia Municipal Code Title 13 - Chapter 13.16, Storm and Surface Water Utility, Section 13.16.017 City of Olympia Stormwater Manual, 2005 (Manual), was adopted by Ordinance No. 6345. The Olympia Environmental Code (OMC; Title 14 and 18), which adopts the RCW 197-11 by reference; the Olympia Development Guidelines and Public Works Standards, and the Tree Protection and Replacement Ordinance (OMC 16.60), Olympia Municipal Code (OMC; Title 17) regulating subdivisions within this jurisdiction and adopting the RCW by reference, and the Olympia Zoning Code (OMC; Title 18).

**Analysis:**

The following analysis of the standards outlined above addresses the necessary elements of review and offers recommended findings necessary to ensure that appropriate provisions are made to protect the public health, safety, and general welfare when inquiring into the public interest proposed by this subdivision, should it be approved.

Revised Code of Washington (RCW) 58.17.110 provides that the City shall inquire into the public use and interest proposed to be served by the establishment of the subdivision and related dedications. The City shall determine: (a) If appropriate provisions are made for, but not limited to, the public health, safety, and general welfare for open spaces, drainage ways, streets or roads, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, parks and recreation, playgrounds, schools and school grounds, and shall consider all other relevant facts, including sidewalks and other planning features that assure safe walking conditions for students who only walk to and from school; and (b) whether the public interest will be served by the subdivision. A proposed subdivision shall not be approved unless the City makes written findings that: (a) Appropriate provisions are made for the public health, safety, and general welfare and for such open spaces, drainage ways, streets or roads, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, parks and recreation, playgrounds, schools and school grounds, and all other relevant facts, including sidewalks and other planning features that assure safe walking conditions for students who only walk to and from school; and (b) the public use and interest will be served by platting of such subdivision and dedications. Upon finding that the proposed subdivision makes such appropriate provisions and that the public use and interest will be served, then the City is to approve the proposed subdivision.

Dedication of land to any public body, provisions of public improvements to serve the subdivision, and/or impact fees imposed under RCW 82.02.050 through 82.02.090 may be required as a condition of subdivision approval. Dedications shall be clearly shown on the final plat. However, no dedication, provision of public improvements, or impact fees imposed under RCW 82.02,050 through 82.02.090 is allowed that constitutes an unconstitutional taking of private property. The City cannot, as a condition of approval of any subdivision, require a

release from damages to be procured from other property owners. RCW 58.17.120 provides that the City shall consider the physical characteristics of a proposed subdivision site and may disapprove a proposed plat because of flood, inundation, or swamp conditions. Construction of protective improvements may be required as a condition of approval, and such improvements shall be noted on the final plat. Comparable requirements are set forth in OMC 17.16.090, plus provisions for requiring other dedications consistent with adopted plans of the City and other agencies.

Unless provided otherwise in OMC 17.20.100, any preliminary plat approval expires in 5 years and, thus, required improvements must be constructed and the final plat application submitted within that period. Pursuant to OMC 17.44.020, financial guarantees can only be provided in lieu of minor improvements unless specifically authorized by the Examiner. The applicant has not requested authorization of such a deferral agreement for any major improvements.

### **RECOMMENDED FINDINGS:**

#### **Comprehensive Plan and Public Health and Safety:**

*Findings: The proposed plat complies with the Comprehensive Plan (See Land Use Chapter, Sections LU1.3, LU 2.8, LU 2.9, LU 6.1, and LU 8.4)*

#### **Open Spaces, Parks, Recreation, and Playgrounds:**

Olympia Municipal Code 18.04 – Table 4.04 does not require projects located within residential zoning districts to provide for open spaces.

*Findings: Appropriate provisions for open spaces have been provided for. Open space tracts will be accessible to all property owners who choose to live in the proposed development and maintained by the homeowners association.*

#### **Schools and School Grounds:**

This project is located within the Olympia School District and will be served by Pioneer Elementary School, Washington Middle School, and Olympia High School.

*Findings: Appropriate provisions for school and school grounds have been made. This project is subject to the City of Olympia School impact fees as required by Title 15 of the Olympia Municipal Code and are required to be paid at the time of building permit issuance.*

#### **Safe Walking Routes for School Children:**

RCW 58.17.110 requires all plats to provide safe walking routes for school children. In addition, it is a City policy that all projects within one mile of elementary schools or middle schools are to provide walking routes directly to the school. If a project is located further than one mile from an elementary or middle school, then a safe walking route to the nearest bus stop is required.

*Findings: This project is located more than one mile from Olympia High School, Pioneer Elementary School, and less than one mile from Washington Middle School. The project's required street improvements will cause it to connect to a sidewalk and serve the future residents with a safe walking route. Provided crosswalks, and a sidewalk along Boulevard Road are provided as outlined in condition #18.*



**Zoning:**

The zoning development standards for the Single-family Residential R-4-8 zoning district are identified in OMC 18.04.080 – Table 4.04.

***Findings:** The zoning requirements outline in Title 18 of the Olympia Municipal Code have been provided for unless otherwise stated below.*

**Minimum Lot Width:**

Olympia Municipal Code 18.40.060.1 requires that developments, other than townhouse, cottage, and co-housing projects shall have a minimum of 30 feet of frontage on a public or private street. Further, OMC 18.40.060.1.2 states that provisions for subdivision creating flag lots must meet specific requirements.

***Findings:** Though it appears that Lot 11 meets the minimum requirement of 30 feet of frontage along public or private road, it is because the required tree tract has been manipulated to show required tree units in an easement on private property. If not reconfigured Lot 11 would not meet the minimum width requirements. This reconfiguration is necessary to get an additional building lot which is in access of the original application. This lot is not necessary to meet minimum lots for the district and should not be allowed. Please also see tree comments below.*

**Trees:**

A revised Tree Plan prepared by Professional Forestry Service, date-stamp received on November 14, 2007, combined with a revised plat map dated September 5, 2008, and accompanying Updated Tree Density Calculations **could be revised** to comply with the requirements of applicable municipal regulations (OMC 16.60). The required minimum tree density for the 2.86-acre buildable area is 79 tree units. The nineteen trees proposed for retention total 94 tree units, combined with plantings around the storm pond and street trees is acceptable subject to the following recommended conditions:

1. **Tract "A"** – Must be reconfigured so that all 11 Douglas Fir trees proposed for retention are located within the tree tract to meet minimum tree density. As discussed below, shifting the southern boundary further south to include the 5 additional trees currently on Lot 11 is recommended.

One possible alternative is an easement in favor of the homeowners association for access and maintenance of these trees. Under this alternative Lots 11 and 12 should be required to have a shared driveway to create space to protect the critical root zone. The easement must contain provisions that the trees not be removed unless first deemed hazardous by a professional forester and approved by the City. Finally, the easement must have provisions that an equal number of tree units be replanted in the tree or storm water track should the tree(s) be removed.

2. **Individual Trees: Lots 2 and 4**

- Lot 2 – the 28-inch Douglas Fir Tree may be counted toward minimum tree density and
- Lot 4 - has a 30-inch and 27-inch Douglas Fir trees proposed for retention to meet minimum tree density

3. **Street Trees** are required and must be installed pursuant to engineering design standards.

**Water** 2.050.B (Standards) - The developer shall install water facilities in accordance with the provisions of Chapter 6 of the "Engineering Design and Development Standards."

***Finding/Conclusion** – The applicant has proposed to connect to the existing 8-inch PVC water main located in Shelburne Way where it abuts the proposed project. The applicant is proposing to extend the 8-inch PVC main to and through the site within the right-of-way of the proposed Shelburne Way extension. The applicant is proposing to dead-end the 8-inch PVC main near the property limits in the northwest portion of the site to serve future development to the west.*

*The City has capacity for this development's anticipated domestic water requirements.*

**Sewer** 2.050.A (Standards) - The developer will install sewer facilities in accordance with the provisions of Chapter 7 of the "Engineering Design and Development Standards."

***Finding/Conclusion** – The applicant has proposed to serve the project's sanitary sewer needs by connecting to an existing 8" PVC sewer main located in the middle portion of 30<sup>th</sup> Avenue SE and extending an 8-inch PVC sewer main south through the property adjoining the project site to the north. The applicant is proposing a combined stormwater/sanitary sewer easement through this off-site parcel. Staff understands both the project site and the parcel to the north are under the same owner. The applicant has proposed to extend the 8-inch sanitary sewer south and east within the proposed right-of-way to serve all parcels within the project limits.*

*The City has capacity for this development's anticipated sanitary sewer discharge.*

**Streetside Improvements in General** 2.040.A - Unless deferred or exempt as provided for in these Standards, any development requiring a State Environmental Policy Act (SEPA) checklist, or any development creating an additional impact of more than 20 average daily vehicle trips, will require that the developer construct or install streetside improvements in accordance with the Standards.

***Finding/Conclusion** – The applicant is proposing streetside improvements consistent with current local access street standards through the project site. These include curb, planter strip, five-foot sidewalk and street lighting. The applicant has proposed to extend Shelburne Way through the project site to serve the development, with Shelburne Way ending at the property line at the northwest portion of the site to serve future development to the west. The applicant has proposed an "eyebrow" or ½ cul-de-sac to serve as a temporary fire department and solid waste vehicle turn-around.*

*The City has capacity for the short plat improvements.*

**Access to Developments** 2.040.B.2 - A development will abut a public right-of-way and have public right-of-way frontage with site access to one or more streets improved to

comply with the standards as set forth in Chapter 4 of the *Engineering Design and Development Standards*.

***Finding/Conclusion*** – *The project site is located south of 30<sup>th</sup> Avenue SE and west of Old Morse Road. The proposed development will take access from the extension of Shelburne Way. Staff has received public comments regarding the impacts from the proposed development along Old Morse Road. It is the determination of staff that Old Morse Road currently has adequate travel lane width to serve this development as proposed. A non-permitted structure (fence) and overgrown vegetation within existing public right-of-way are encroaching upon the south bound travel lane and allow poor sight visibility, giving the driving public the impression of limited travel lane width.*

*The City has capacity for the short plat improvements.*

**Storm Drainage** 2.050.C (Standards) - The developer will provide for the treatment storage and disposal of surface drainage through a storm drainage system designed to the current Drainage Design and Erosion Control Manual for Olympia (Manual) and Chapter 5 of the *Engineering Design and Development Standards*.

***Findings/Conclusions*** – *The applicant is proposing to collect all on-site stormwater generated from this development and route to a treatment wetland and detention pond.*

*The stormwater site plan and construction drawings state the required compost-amended soils will comply with BMP T 5.13 for all disturbed pervious surfaces.*

*Provide the location of the emergency overflow from the pond into the natural downstream path with the construction drawings.*

*Provide a landscaping plan for the stormwater facility which meets the requirements of Volume III, Section 3.2, of the Stormwater Manual.*

*The proposal as submitted has not made adequate provisions for stormwater management.*

**Clearing/Grading/Erosion Control** – The applicant shall install all utilities, streets, improvements, etc., in accordance with all applicable standard specifications as outlined in the *Engineering Design and Development Standards* (3.010).

***Finding/Conclusion*** – *The applicant is proposing to construct a 17-lot long plat and wet pond/detention cell on gently sloping terrain. The project consists of clearing and grading to provide a buildable space as well as a structural retaining wall on the southwest portion of the site.*

*The proposed site plan has provided sufficient information to make a recommendation for approval.*

**Solid Waste** 8.030 (Standards) - The design of solid waste/recyclables collection facilities will conform to current City standards.

***Finding/Conclusion** – The applicant is proposing to provide a solid waste cart pick-up location which is accessible to solid waste collection vehicles.*

*The City has capacity for this development's anticipated project-generated solid waste/recyclables.*

## **RECOMMENDED CONDITIONS**

City staff recommends that the Olympia Hearing Examiner approve the Preliminary Plat application known as the North Cascade Village (file No. 07-0222) with the following conditions:

1. Frontage Improvements and Site Civil Improvements shall be constructed according to the Standards, as conceptually shown on the plan set sheets.
2. The developer will install water facilities in accordance with the provisions of Chapter 6 of the Engineering Design and Development Standards.
3. The developer will install sewer facilities in accordance with the provisions of Chapter 7 of the Engineering Design and Development Standards.
4. The stormwater system improvements meet the Drainage Design and Erosion Control Manual requirements. The stormwater system can be conceptually approved with the following conditions:
  - A. On the stormwater site plan and construction drawings state the required compost-amended soils will comply with BMP T 5.13 for all disturbed pervious surfaces.
  - B. Provide the location of the emergency overflow from the pond into the natural downstream path with the construction drawings.
  - C. Provide a landscaping plan for the stormwater facility which meets the requirements of Volume III, Section 3.2, of the stormwater manual.
5. The developer will provide for the waste management/recycling for collecting of all solid waste generated from all occupied residential and commercial premises within the City a minimum of once every two weeks. The system is to be designed to the current Chapter 8 of the Engineering Design and Development Standards.
6. Before construction begins the applicant shall submit a complete set of detailed construction drawings to the Community Planning and Development Department for review and approval. Construction drawings shall be prepared according to the Engineering Design and Development Standards and Building Code requirements. In addition, the retaining walls shall be designed to meet all applicable City of Olympia

requirements and building codes. Final plat notes may identify the homeowners association responsible for retaining wall, if maintained by the homeowners association.

7. General Facility Charges for City utilities (Water, Sanitary Sewer, Stormwater, and Solid Waste) and the LOTT sanitary sewer Capacity Development Charge will be assessed at the time of individual building permits for each lot are issued.
8. All improvements shall be installed before final plat approval.
9. Bonding 2.030.E, 3.090 (Standards), Appendix Olympia-1 (Manual) - The developer shall file an agreement with the City to assure the full and faithful performance of the operation and maintenance of all public improvements and the site stormwater facilities for a period of two years following final construction approval. This guarantee, through the appropriate surety, shall be in place and approved by the City before final construction approval. The amount of the bonding will be 25 percent of the cost of the improvements, or as determined by the Development Engineer. In addition, a bond or other allowable securities will be required by the City to guarantee the performance of work within existing public rights-of-way or maintenance of required public infrastructure intended to be offered for dedication as a public improvement. Bonds or other allowable securities to guarantee work in an existing public right-of-way is required to be in place and submitted to the City prior to release of any approvals or permits for such work. The type and amount of security will be pursuant to code or, if not specified, be at a minimum of \$4,000 or 125 percent of the value of the work performed, whichever is greater, at the discretion of the City. Types of securities include, but are not limited to, a bond with a surety qualified to do a bonding business in this state, a cash deposit, an assigned savings account, or a set-aside letter as acceptable by the City Attorney.
10. Prior to final plat approval, each lot shall be served by a separate service and meter. All designs shall be in accordance with the provisions of Chapter 6 of the Engineering Design and Development Standards.
11. The project is required to pay the City of Olympia Impact Fees as provided by Title 15 of the Olympia Municipal Code for Transportation, Fire, Parks, and Schools at the time of Building Permit issuance.
12. In conformance with Olympia Municipal Code 18.100.060.6, all lots fewer than 5,000 square feet in size are subject to design review. Design review of these building sites will take place at the time of building permit review.
13. At time of final plat, all lots intended to be less than 5,000 square feet in lot size and/or have less than 50 feet of street frontage shall demonstrate frontage of 30 feet or more of width along a public or private street.
14. Lot 11 is to be omitted on the final plat.

15. At time of final plat application, the applicant must provide a copy of the Covenants, Conditions & Restrictions (CC&Rs) to make certain the approved Integrated Pest Management Plan (IPMP) has been incorporated.
16. Prior to final plat application all on-site wells must be decommissioned by a licensed well driller, per the requirements of the Washington State Department of Ecology, and a copy of the driller's "well log" must be provided.
17. Prior to final plat application all existing (if found during the course of site work) on-site sewage systems on this site must be abandoned, per the requirements of Article IV of the Thurston County Sanitary Code. An abandonment permit is required and a copy of the septic tank pumping report with a signed statement confirming abandonment was completed in accordance with Article IV must be provided.
18. Provide marked crosswalks across Shelburne Court SE, 30<sup>th</sup> Avenue SE, and Morse Road SE. In addition, unless provided by the city or another developer, and before final plat approval, a raised concrete ribbon sidewalk must be provided from Morse Road SE to the entrance of Washington Middle School. (*See Comprehensive Plan; Transportation Chapter; Sections: T 1.22, T 1.23, T 13.8, and T 5.3*)
19. The applicant is required to adhere to the requirements of the Washington State Department of Ecology for: Air Quality, Toxic Cleanup, Solid Waste, and Water Quality, as stated in the April 6, 2007 letter (Attachment Z).
20. A Note should be placed on the face of the Plat requiring that the homeowners' association is responsible for maintenance of the trees in the tree tract and storm pond tract.
21. Grading and utility plans shall clearly depict trees proposed for retention and the location of protective tree fencing.
22. Temporary Protective Chain link fence on driven posts be placed at the 20-foot critical root zone in Tract A and Lots 2 and 4. The Tree Fencing location and fencing detail must be depicted on the grading plan. It will need to be inspected by Professional Forestry Services prior to grading and maintained throughout construction.
23. Professional Forestry Services shall inspect the fencing location and monitor work related to all grading, any utility trenching and installation of sidewalks/roadway.
24. The applicant proposes storm water utility trenching near and under Lots 6 through 11 along the western boundary. Boring will be necessary through Tree Tract A since utility trenching will likely destroy these preserved trees.
25. Utility extensions are not currently proposed (except for item 23). Should any be realigned, they must remain outside the critical root zone. Any work within the critical

root zone must minimize root damage by excavating a 2-foot deep trench and then cut the roots cleanly with a sharp tool and cover with moist soil.

26. Dead, dying, damaged or diseased branches must be removed from the crown.
27. Landscape Plan: Applicant to submit a landscape plan for review and approval with the engineering permit application.
28. Install the street trees and storm pond landscaping.
29. Maintenance. Trees are to be maintained by the developer and homeowners association pursuant to OMC 16.60.100 (A & B)
30. Maintenance Agreement and Surety Bond is required pursuant to OMC 16.60.100 (D & E).

**STAFF RECOMMENDATION:** Approve with Conditions

**Submitted By:** Kraig Chalem, Associate Planner, on behalf of the Site Plan Review Committee.

**Staff Contact:** Kraig Chalem, Associate Planner  
Phone (360) 753-8319  
E-mail, [kchalem@ci.olympia.wa.us](mailto:kchalem@ci.olympia.wa.us)  
FAX (360) 753-8087

**Date Issued:** December 3, 2008

**Attachments:**

- |              |   |
|--------------|---|
| Attachment A | General Land Use Application with Preliminary Long Plat Supplement, dated November 14, 2007.  |
| Attachment B | Preliminary Long Plat Supplement, dated November 14, 2007.  |
| Attachment C | Project Narrative Summary, dated November 14, 2007.   |
| Attachment D | Project Letter from App. Representative, November 14, 2007.   |
| Attachment E | Plat Certificate, dated November 14, 2007.  |
| Attachment F | Notice of Land Use Application, issued November 20, 2007.   |
| Attachment G | Site Posting Record, dated November 16, 2007.   |
| Attachment H | Transmittal Memorandum, issued July 18, 2008.   |
| Attachment I | Notice of Public Hearing, issued November 18, 2008.   |
| Attachment J | SEPA Environmental Checklist, dated November 14, 2007.  |
| Attachment K | SEPA DNS, issued November 18, 2008.   |
| Attachment L | Forestry Report, dated November 14, 2007, with supplemental material dated April 2, 2008.   |
| Attachment M | Revised Stormwater Site Plan, dated September 4, 2008.  |
| Attachment N | Reduced set of Revised Plans (11"x17"), and including: 1-Cover & Preliminary Site Plan, 2-Preliminary Erosion Control Plan, 3-Preliminary |

- Utility Plan, 4-Preliminary Grading & Drainage Plan, 5-Drainage Details & Notes, dated September 4, 2008.
- Attachment O Full-sized set of Revised Plans, including: 1-Cover & Preliminary Site Plan, 2-Preliminary Erosion Control Plan, 3-Preliminary Utility Plan, 4-Preliminary Grading & Drainage Plan, 5-Drainage Details & Notes, dated September 4, 2008.
- Attachment P Staff Letter to Applicant's Representative Requesting Additional Information, dated January 1, 2008.
- Attachment Q Staff Letter to Applicant's Representative Requesting Additional Information, dated [unknown].
- Attachment R Staff Letter to Applicant's Representative Requesting Additional Information, dated November 3, 2008.
- Attachment S Letter from Robert and Carol Redfield, dated December 3, 2007.
- Attachment T Letter from Brent Campbell, dated December 17, 2007 (with attached letter from The Birches Homeowners Association).
- Attachment U Letter from the Olympia School District, dated February 1, 2008.
- Attachment V Comments from City of Olympia Staff; Public Works, dated July 28, 2008.
- Attachment W Comments from Olympia Fire Department, dated August 6, 2008.
- Attachment X Comments from City of Olympia Staff; Marcus Goodman, Development Engineering Plans Examiner, dated October 24, 2008.
- Attachment Y Comments from City of Olympia Staff, Steve Friddle, Acting Urban Forester, dated October 28, 2008.
- Attachment Z Comments from Department of Ecology, dated December 2, 2008.

*(Please note - "dated" in the list above, means: 'Received; Community Planning and Development', and may vary from printed dated on letter or document)*



**FINDINGS, CONCLUSIONS AND DECISION  
OF THE HEARING EXAMINER OF THE  
CITY OF OLYMPIA**

**CASE NO:** 07-0222 (Preliminary Subdivision Approval for North Cascades Village)

**APPLICANT:** North Cascades Villages, L.L.C.

**SUMMARY OF REQUEST:**

The Applicant requests preliminary approval of a subdivision containing 16 single-family lots on a 2.86-acre site, with associated improvements.

**LOCATION OF PROPOSAL:**

Thurston County Assessor's Tax Parcel Nos. 11830230600 and 11830230500 in Sec. 30, T18N, R1W, W.M.

**SUMMARY OF DECISION:**

The record is reopened on the issues of school capacity and traffic impacts, as explained in the Decision, below. Apart from these two issues, on which decision is reserved, preliminary subdivision approval is granted, subject to conditions.

**HEARING AND RECORD:**

The hearing on this application was held before the undersigned Hearing Examiner on December 8, 2008. The record was left open for the submittal of additional evidence and closed on December 19, 2008.

The following exhibits are admitted as part of the record on the subdivision application.

Exhibit 1. Staff Report by Olympia Community Planning and Development Department for Case No. 04-2602, prepared by Kraig Chalem and issued December 3, 2008. This Exhibit includes the eleven-page Staff Report and Attachments A through Z listed on pp. 10 and 11 of the Staff Report.

Exhibit 2. Two photographs of Old Morse Road, with text.

Exhibit 3. Aerial and ground photographs of vicinity, with labels.

Exhibit 4. Drawing showing alternative boundary of tree tract.

Exhibit 5. Integrated Pest Management Plan, dated September 7, 2005.

Exhibit 6. Excerpts from Chapter 4 of the Olympia Engineering Design and Development Standards.

Exhibits 7A, 7B, 7C and 7D. Photographs of Old Morse Road dated 1/1/04, with superimposed dimensions.

Exhibit 8. Aerial photograph.

Exhibit 9. Project drawings from the original application, stamped November 14, 2007.

Exhibit 10. E-mail sent December 9, 2008 from Thomas Bjorgen to the Parties and Staff, with post-hearing instructions.

Exhibit 11. E-mail sent December 11, 2008 from Kraig Chalem to Tom Bjorgen, concerning e-mail sent December 5, 2008 from Terry Potter, which was not offered into the record at the hearing.

Exhibit 12. Post-hearing submission from the Applicant, with letter dated December 17, 2008 from Chris Aldrich to Thomas R. Bjorgen, with attachments.

Exhibit 13. E-mail sent December 23, 2008 from Chris Aldrich to Thomas Bjorgen.

Exhibit 14. E-mail sent January 2, 2009 from Thomas Bjorgen to Kraig Chalem and Chris Aldrich, and e-mail sent January 5, 2009 from Chris Aldrich to Thomas Bjorgen and Kraig Chalem, each relating to Potter e-mail inadvertently omitted from record at the hearing.

Exhibit 15. E-mail sent January 5, 2009 from Chris Aldrich to Thomas Bjorgen and Kraig Chalem, with Applicant's position on Potter e-mail.

Exhibit 16. E-mail sent December 5, 2008 from Terry Potter to Community Planning and Development Department.

Note: Exhibits 13 through 15 were sent after the record closed on December 19, 2008. They are nonetheless admitted, because they either relate to procedural questions or the status of the e-mail from Mr. Potter, which was inadvertently omitted from the record at the hearing. Exhibit 16 is that e-mail, which is relevant and timely and is admitted.

At the hearing, the following individuals testified under oath:

Kraig Chalem, Associate Planner for the City of Olympia  
Community Planning and Development Department  
837 7th Avenue S.E., P.O. Box 1967  
Olympia, WA 98507

Chuck Dower  
Community Planning and Development Department  
837 7th Avenue S.E., P.O. Box 1967  
Olympia, WA 98507

Chris Aldrich  
Hatton Godat Pantier  
1840 Barnes Boulevard SW  
Tumwater, WA 98512

Scott Bergford  
Member, North Cascades Villages, L.L.C.  
3016 10<sup>th</sup> Avenue NE Olympia, WA

John Wexler  
2928 Shelburne  
Olympia, WA

Brent Campbell  
3114 Shelburne Court  
Olympia, WA

Barry Craig  
3035 Old Morse Road  
Olympia, WA

Elizabeth Weinandt  
3025 Old Morse Road  
Olympia, WA

Chandra Wexler  
2928 Shelburne  
Olympia, WA

Susan Thompson  
3109 Shelburne Court  
Olympia, WA

Jim Kelly  
3115 Shelburne Court  
Olympia, WA

After consideration of the testimony and exhibits described above, the Hearing Examiner makes the following findings of fact, conclusions of law, and decision.

## FINDINGS OF FACT

### **A. General description of project and vicinity.**

1. The Applicant requests preliminary subdivision approval to divide 2.86 acres into 16 single family lots. The proposed configuration of the lots, streets and associated improvements, along with proposed lot sizes and widths, is shown at Exhibit (Ex.) 1, Attachment (Att.) O, the preliminary site plan. As discussed below, alternative boundaries for the tree tract and Lot 11 have been proposed, which are shown in Ex. 12.

2. The site of the proposed subdivision is zoned Single-family Residential (R 4-8) and is designated the same in the Comprehensive Plan.

3. The project site is bounded on the north by residential lots fronting on 30<sup>th</sup> Avenue SE. Across 30<sup>th</sup> Avenue to the north lies residential development. The site is generally bounded by residential development on its other sides.

4. Old Morse Road runs south from 30<sup>th</sup> Avenue just east of the site. Near the southern end of the project site, Old Morse Road turns 90 degrees to the west becoming Shelburne Way, according to the vicinity map at Ex. 1, Att. M. The proposed new internal subdivision street labeled Shelburne Way in Ex. 1, Att. O would connect to this existing Shelburne Way. The internal subdivision street dead-ends at the plat's west edge. Thus, the sole access to the subdivision would be on Shelburne Way, Old Morse Road and 30<sup>th</sup> Avenue.

5. As also shown on the vicinity map at Ex. 1, Att. M, the dead-end Shelburne Court extends to the south from Shelburne Way. Thus, those living in the residential development along Shelburne Court would have their sole vehicular access over the same segments of Shelburne Way and Old Morse Road as would be used by the proposed subdivision.

6. Shelburne Way within the subdivision is proposed to have two ten-foot travel lanes, for total of 20 feet of paved surface.

## **B. Old Morse Road.**

7. Old Morse Road is a local access street. According to Engineering Design and Development Standards (EDDS) Chapter 4, Table 1, a local access street serves between 0 and 500 average daily trips per day. Mr. Dower of the Department testified that with the proposed subdivision there would be a total of 325 average daily trips on Old Morse Road, which is within the range for local access streets.

8. Ex. 2, Figure 1 and the photographs at Ex. 7C and 7D are looking north from different locations on Old Morse Road. In each, the stop sign in the distance marks the intersection with 30<sup>th</sup> Avenue. These photographs, consistently with the testimony, show the pavement width to be approximately 19 feet in the narrower segment of Old Morse.

9. Ex. 2, Figure 2 and the photographs at Ex. 7A and 7B are looking south from different locations on Old Morse Road. These indicate the pavement width is between 19 and 19.5 feet in the narrower segment. In these pictures the apparent end of the road must be its bend to the west to become Shelburne Way, which is also the entrance to the proposed subdivision. Thus, these pictures show that the majority of the portion of Old Morse Road which would be used by the proposed subdivision has a pavement width ranging approximately from 19 to 19.5 feet. Mr. Wexler testified that this narrow portion of Old Morse Road is approximately 150 feet long.

10. Written submissions and testimony from the public stated, in sum, that trucks and larger vehicles cannot meet each other on the narrow portion of Old Morse Road, that cars are often parked on the narrow section of Old Morse, making it difficult to negotiate, and that with these conditions, emergency vehicles may have difficulty in driving on the road.

11. Mr. Dower of the Department testified that Old Morse Road met City standards for Local Access streets and took the position that compliance with these standards conclusively meant that the street would afford adequate emergency vehicle access. Mr. Chalem of the Department testified that he did not know if the Fire Department had reviewed whether Old Morse Road provides adequate emergency access. The written review from the Fire Department does not disclose any examination of the adequacy of Morse Road for emergency access.

12. To obtain more definitive evidence on emergency access on Morse Road, I asked the Department to "obtain a statement from the Olympia Fire Department as to whether it believes there will be adequate access for emergency vehicles on Old Morse Road for those living to the south on Shelburne Court and in the proposed subdivision, with the additional traffic from the proposed subdivision." See Ex. 10. No response to this request was received.

**C. Safe walking conditions to school.**

13. According to the Staff Report, Ex. 1, p. 3, this subdivision would be served by Pioneer Elementary School, Washington Middle School and Olympia High School.

14. The proposed subdivision is located more than one mile from Pioneer Elementary school and Olympia High School. Therefore, under Olympia School District policy, bus transportation will be provided for students in the proposed subdivision attending those schools. With that, RCW 58.17.110 requires that safe walking conditions to school bus stops be provided. I did not see any evidence showing where these bus stops would likely be located and whether sidewalks extend from them to the subdivision. This decision is conditioned to require that showing.

15. Bus service will not be provided to the closer Washington Middle School. Therefore, it must be determined whether safe walking conditions are present from this subdivision to that school.

16. Sidewalks in the vicinity are shown on Ex. 3 and on Ex. 12, Att. B. Shelburne Way in the proposed subdivision would have sidewalks on both sides, as would Shelburne Way between the subdivision and Old Morse Road. Old Morse has a sidewalk on its east side from Shelburne Way to 30<sup>th</sup> Avenue and on its west side approximately one-half block from Shelburne Way. A sidewalk runs on the north side of 30<sup>th</sup> Avenue from its intersection with Old Morse Road to Boulevard Road.

17. Students could cross Boulevard Road on a lighted crosswalk on the north side of its intersection with 30<sup>th</sup> Avenue. At that point, students would have two optional routes to Washington Middle School. They could proceed directly to the west on Morse Road, which is the continuation of 30<sup>th</sup> Avenue west of Boulevard Road, and enter the middle school grounds at a chain-link gate. The Applicant states at Ex. 12 that Morse Road west of Boulevard Road is a short dead-end street with limited traffic. Morse Road has no sidewalks on its south side and limited ones on its north, according to Ex. 12, Att. B.

18. The second optional route from the west side of Boulevard Road at 30<sup>th</sup> Avenue would be to walk south on a six to six and one-half foot wide bicycle lane on the west edge of Boulevard Road approximately 300 feet to the entrance to Washington Middle School. This lane is demarked by an eight-inch wide stripe and symbols. The lane is not otherwise separated physically from the traveled lanes.

19. The Applicant also refers in Ex. 12 to a City website, which indicates that construction of a sidewalk on the west side of Boulevard Road from 30<sup>th</sup> Avenue to the entrance to Washington Middle School is scheduled to begin in the summer of 2009.

20. Mr. Dower of the Department testified that crosswalks are not needed across

the minor streets over which these walking routes would go. Mr. Dower testified that crosswalks can decrease safety by creating a false sense of security. As noted, a crosswalk is already present over the busy Boulevard Road on this route.

21. The only questionable portion of this walking route is from the west side of Boulevard Road at 30<sup>th</sup> Avenue to Washington Middle School. If the sidewalk along the west side of Boulevard Road is completed as scheduled, it should be available before any lots in this subdivision are occupied. If it is not, the existing route along Morse Road west of Boulevard appears to provide a safe alternative access. With this, a safe walking route for schoolchildren is provided to Washington Middle School.

22. The Birches Homeowners' Association expressed the concern that the house on the southwest corner of Old Morse and 30<sup>th</sup> Avenue is close enough to the street to create a blind corner. Without a sidewalk on the west side of Old Morse, the Association states that children may round this corner in the street, thus threatening their safety. See Ex. 1, Att. T. Mr. Craig testified to the contrary that there are no blind spots for those using the existing sidewalk. With sidewalks on the west side of Old Morse Road and on the north side of 30<sup>th</sup> Avenue, students walking to Washington Middle School have a route that avoids this possibly blind corner.

23. As conditioned, safe walking conditions to school are provided.

**D. Stormwater.**

24. The proposed facilities for handling stormwater are described in the Stormwater Site Plan at Ex. 1, Att. M. In summary, all runoff from the site would be routed to a treatment and detention pond at the north end of the site, which is projected to discharge through metered release at a rate less than the predeveloped rate during the 25-year storm. The discharge would flow through a number of downstream conveyances and detention ponds before discharging ultimately to a regional detention pond.

25. The Department states that this proposal complies with the Olympia Stormwater Manual, subject to the conditions recommended in the Staff Report. These conditions do not include the recommendation of the Stormwater Site Plan that a segment of 8-inch piping in 30<sup>th</sup> Avenue be increased to a diameter of 12 inches. This decision is conditioned on the Department's reviewing and requiring that increase if the Department deems it necessary.

26. The Birches Homeowner's Association stated in Ex. 1, Att. T that the storm drain on the southeast corner of Old Morse Road and 30<sup>th</sup> Avenue becomes clogged with leaves and overwhelmed during heavy rains, causing flooding on Old Morse. The off-site drainage map in Ex. 1, Att. M indicates that discharge from the proposed stormwater facility would not discharge to or through this location. Therefore,

construction of this subdivision should not affect this situation. However, flooding from whatever source could impair emergency access on Old Morse. Therefore, this decision requests the City to make reasonable efforts, consistently with its budgetary limitations, to keep this drain flowing freely.

27. The letter from Mr. and Mrs. Redfield at Ex. 1, Att. S states that the stormwater pond serving Shelburne Court does not retain water well and has forced significant surface and groundwater flows onto properties on 31<sup>st</sup> Court. Stormwater from this proposed subdivision, though, would discharge to the north, without affecting the stormwater facility serving Shelburne Court. Therefore, any problems with this existing facility do not provide a basis for denying or conditioning the North Cascades proposal.

28. The evidence at this stage of review shows that the proposal complies with the Stormwater Manual and makes appropriate provisions for surface water drainage.

**E. Adequacy of school facilities.**

29. As noted, the Staff Report states that this subdivision would be served by Pioneer Elementary School, Washington Middle School and Olympia High School.

30. The Olympia School District states that each of these schools is over capacity. Ex. 12, letters of December 10 and December 16, 2008, from Timothy Byrne of the Olympia School District. The letters from the School District state that two other schools are also over capacity for portable units, which implies that the three schools serving this subdivision are not over capacity for portables. *Id.* However, no evidence indicates when or whether the School District plans to install portables at the three schools to increase their capacity.

31. This subdivision is subject to school impact fees under OMC Title 15, which would benefit the public school system. In its response on school capacity, the Olympia School District stated that the current school impact fee rate is \$5042.00 per single-family unit. Ex. 12, letter of December 16, 2008, from Timothy Byrne of the Olympia School District.

**F. Tree retention and lot configuration.**

32. At a buildable area of 2.62 acres, the Applicant is required by OMC 16.60 to retain 79 tree units. The Applicant proposes to retain trees totaling 94 tree units, thus meeting this requirement.

33. OMC 16.60.070 D requires that at least 75% of the trees required to be retained be placed in a separate deeded tree tract. The Applicant initially proposed to meet this requirement through a tree tract which consisted in part of a separate lot and



in part of an easement over adjacent Lot 11. The Staff properly questioned whether the tree units in the easement area could be deemed to be in a separate deeded tree tract, as required by OMC 16.60.070 D. The Applicant responded in Ex. 12, Att. A by proposing a single tree tract, without an easement, which contains at least 75% of the trees required to be retained. This results in compliance with the 75% requirement.

34. The adjustment to the Tree Tract resulted in a modification to its shared boundary with Lot 11, see Ex. 12, Att. A, proposed by the Applicant. This modification is almost identical to the alternative proposed by the Staff at the hearing. See Ex. 4. The modification proposed by the Applicant results in a street frontage of 30 feet for Lot 11 and gives the lot the shape of a flag lot. However, because Lot 11 retains a street frontage of at least 30 feet, it is not subject to the additional requirements for flag lots in OMC 18.40.060 I 2.

35. The Applicant's proposal in Ex. 12 meets the requirements of the tree ordinance and the requirements concerning lot frontage and configuration.

#### **G. Transportation.**

36. Mr. Dower testified that the proposed subdivision would generate 16 p.m. peak trips and 153 average daily trips. This is below the threshold requiring preparation of a Traffic Impact Analysis (TIA). Consequently, one was not prepared. Because a TIA was not prepared, Mr. Dower testified that a concurrency analysis was not carried out.

#### **H. Miscellaneous.**

37. Adequate open space is supplied under City standards through open space on the site and at nearby parks and schools.

38. The City has capacity for the domestic water requirements of the proposed subdivision.

39. The City has capacity for the sanitary sewer requirements of the proposed subdivision.

40. The City has capacity for the solid waste requirements of the proposed subdivision.

41. The Applicant is proposing streetside improvements and lot configurations as shown in Ex. 1, Att. O, as modified by Ex. 12, Att. A.

## CONCLUSIONS OF LAW

### A. General standards governing preliminary subdivision approval.

1. RCW 58.17.110 (1) and (2) set out the basic standards which must be met before preliminary subdivision approval may be granted. They state that

"(1) The city, town, or county legislative body shall inquire into the public use and interest proposed to be served by the establishment of the subdivision and dedication. It shall determine: (a) If appropriate provisions are made for, but not limited to, the public health, safety, and general welfare, for open spaces, drainage ways, streets or roads, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, parks and recreation, playgrounds, schools and schoolgrounds, and shall consider all other relevant facts, including sidewalks and other planning features that assure safe walking conditions for students who only walk to and from school; and (b) whether the public interest will be served by the subdivision and dedication.

(2) A proposed subdivision and dedication shall not be approved unless the city, town, or county legislative body makes written findings that: (a) Appropriate provisions are made for the public health, safety, and general welfare and for such open spaces, drainage ways, streets or roads, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, parks and recreation, playgrounds, schools and schoolgrounds and all other relevant facts, including sidewalks and other planning features that assure safe walking conditions for students who only walk to and from school; and (b) the public use and interest will be served by the platting of such subdivision and dedication. If it finds that the proposed subdivision and dedication make such appropriate provisions and that the public use and interest will be served, then the legislative body shall approve the proposed subdivision and dedication . . ."

2. Subdivisions must also be consistent with the Olympia Comprehensive Plan and in compliance with other applicable land use laws, such as the City zoning ordinance.

3. As discussed in detail below, the evidence is insufficient to show compliance with applicable standards in two areas: school capacity and traffic impacts. To ensure that this decision is made on full evidence, preliminary subdivision approval is not denied at this time for these reasons, but the record is reopened to allow the Applicant and other parties to submit supplemental argument evidence in these areas. Apart from these two areas on which decision is reserved, the proposal, as conditioned, is consistent with the Comprehensive Plan, is consistent with the zoning ordinance, and makes appropriate provisions as required by RCW 58.17.110.

## **B. School capacity.**

4. This case presents an important and, as far as I can determine, undecided issue: can a proposed subdivision be found to make "appropriate provisions" for "schools and schoolgrounds", as required by RCW 58.17.110 (2), if it would be served by public schools which are over capacity according to the School District.

5. My initial review of the statutory and case law suggests two prominent sub-issues in resolving this question: first, does an enrollment over a school's capacity alone mean that appropriate provisions for schools are not made; and second, does the payment of school impact fees assure appropriate provisions for schools, even if they are over capacity at the time of the preliminary subdivision decision.

6. On the first issue, one could make the argument that forcing children to attend a school which is over its capacity almost by definition does not make appropriate provisions for schools. On the other hand, exceeding capacity may not in fact adversely affect education in every circumstance. I found only one reported state appellate decision on the first issue, Kenart & Associates v. Skagit County, 37 Wn. App. 295 (1984). In that case, the Board of County Commissioners had denied a proposed planned unit development and subdivision for multiple reasons, among which was "[l]ack of adequate services such as fire protection, police protection, potential capacity problems of schools, particularly Samish Elementary;" , Kenart, 37 Wn. App. at 297. The Court of Appeals reversed. On the issue of schools, the Court stated that

"School capacity is always a legitimate concern but, taken alone, any development could be halted solely on this ground. If no solution exists, then perhaps no further development is appropriate. But the mere fact that more houses mean more children and more children mean greater school capacity is needed, is not the end of the inquiry."

Id. at 302. This language is not terribly precise. It could indicate that lack of capacity alone is not automatically grounds for denial. On the other hand, its statement that "[i]f no solution exists, then perhaps no further development is appropriate" does suggest that some unremedied deficit in capacity could trigger project denial.

7. The second issue draws on the statement in RCW 82.02.050(3) that impact fees:

"(a) Shall only be imposed for system improvements that are reasonably related to the new development;

(b) Shall not exceed a proportionate share of the costs of system improvements that are reasonably related to the new development; and

(c) Shall be used for system improvements that will reasonably benefit the new development."

8. From these characteristics the argument can be made that if school impact fees must reasonably benefit the new development paying them, then they would likely be used to improve capacity at the schools serving that development. The definition of "impact fee" in RCW 82.02.090 (3) and the restrictions on the use of impact fees in OMC 15.04.130 support this argument.

9. On the other hand, our courts have held that impact fees

"need not be spent on infrastructure that would specifically benefit a particular development, but instead need only provide a general benefit to the entire school district."

Wellington River Hollow, L.L.C. v. King County, 113 Wn. App. 574, 587 (2002), rev. den. 149 Wn.2d 1014 (2003); and Pavlina v. City of Vancouver, 122 Wn. App. 520, 527 (2004).

10. Further the Supreme Court in City of Olympia v. Drebeck, 156 Wn.2d 289 (2006), held that a transportation impact fee need not be based on an individualized assessment of the development's impact on the transportation improvements to be funded. Instead, it was enough that the fee be proportionate to the demand for new improvements throughout the jurisdiction and that those improvements throughout the jurisdiction will reasonably benefit the development. Drebeck, 156 Wn.2d at 305-308. These cases appear to mean that there is no legal assurance that the school impact fees paid for North Cascades subdivision would be used to remedy the capacity deficits at the schools serving it.

11. These are difficult, apparently novel issues, which should not be decided without giving the parties the opportunity to express their opinions on them. The record will be reopened for that purpose.

### **C. Old Morse Road.**

12. EDDS 4B.020 requires that the design of City streets conform to the standards set forth in the EDDS. The right-of-way for Local Access streets, according to EDDS Chapter 4, Table 1, is "1 lane-48' for local access streets". Mr. Dower testified that the required amount of right-of-way is present, and no evidence to the contrary was offered.<sup>1</sup> Therefore, it must be concluded that Old Morse Road meets the requirement of the EDDS for dedicated right-of-way.

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<sup>1</sup> Right-of-way refers to the width of the easement or property interest owned by the city for the street. It is not necessarily the same as the width of the paved portion.

13. EDDS Chapter 4, Table 1, also states that the lane width for local access streets is "1 lane-12' ". The ambiguity as to whether this notation allows only one lane is resolved by Standard Plan No. 4-2J of the EDDS, which plainly allows a Local Access street to have one lane, as long as an additional width for parking is present. According to Standard Plan No. 4-2J, the minimum lane width is 12 feet and the minimum width for parking is six feet, for a total minimum paved width of 18 feet. As found above, the narrowest paved width on Old Morse is 19 feet. Therefore, Old Morse Road meets the lane width requirements of the EDDS.

14. Standard Plan No. 4-2J, Local Access streets, also states that "a 100' no-parking zone in the center of the block is required for emergency vehicle access (EDDS 4C.070)." EDDS 4C.070, in turn, states

"[o]n local access streets, parking bulb-outs are required for block faces that are greater than 350'. The parking bulb-outs placed at both street ends will define a parking lane. A 100' No Parking zone in the center of the block is also required to accommodate Emergency Vehicle access. Refer to Standard Plan 4-13B for typical block configuration."

15. Old Morse Road has no intersections between 30<sup>th</sup> Avenue and its 90 degree bend into Shelburne Way, suggesting that the relevant "block face" is no less than this distance. Scaling the preliminary site plan at Ex. 1, Att. O shows the distance on Old Morse Road from 30<sup>th</sup> Avenue to this bend to be well in excess of 350 feet. Under EDDS 4C.070, this would trigger the requirement for a 100-foot No Parking zone in the middle of the block for emergency access.

16. The Staff did state generally that Old Morse meets Local Access standards. Test. of Dower. However, no evidence was submitted on whether the 100-foot No Parking requirement is met, and the photographs at Ex. 2 and Ex. 7 do not show any such zone. With this, the Applicant has not met its burden of showing that the street standards, specifically those relating to the No Parking zone, are met.

17. Other applicable street standards are found in OMC 16.32.050 A, which states that

"[e]very building hereafter constructed shall be accessible to fire department apparatus by way of access roadways constructed to the standards contained in the Development Guidelines and Public Works Standards<sup>2</sup> adopted by reference in this code, and capable of supporting the imposed loads of fire apparatus and having a minimum of 13' 6" of vertical clearance."

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<sup>2</sup> These were replaced by the EDDS.

Further standards for access roadways are found in OMC 16.32.050 B, which states that

"[t]he required width of access roadways shall not be obstructed in any manner, including parking vehicles, NO PARKING/FIRE LANE signs and/or other appropriate notice prohibiting obstructions shall be required and shall be maintained",

and in OMC 16.32.050 E, which prescribes a minimum 20-foot width for access roadways serving three or more single family units. OMC 16.32.050 allows the Fire Chief to substitute "fixed fire protective systems" for required roadways "where their standards cannot be met due to impracticality . . ." No claim has been made that it is impractical for Old Morse Road to comply with these standards.

18. Old Morse Road is the sole route for fire apparatus access to the proposed subdivision. Therefore, it must comply with these requirements, including a 20-foot wide paved section.

19. The standards of OMC 16.32.050 directly address the concerns expressed in the public testimony that emergency vehicles will be impeded by the narrowness and congestion on Old Morse Road. No evidence was introduced that these standards are inadequate to provide proper emergency access on Old Morse. Therefore, compliance with the standards of OMC 16.32.050 must be deemed to provide adequate access for emergency vehicles. As just concluded, Old Morse Road does not comply with the 100-foot No Parking zone requirement of EDDS 4C.070 or with the requirements of OMC 16.32.050. This decision is conditioned to require compliance with these standards.

**D. Fire access and sprinkling.**

20. Fire access along Old Morse Road is discussed above.

21. OMC 16.32.050 C states that

"[t]he access roadway shall be extended to within 150' of all portions of the exterior walls of the first story of any building. Where the access roadway cannot be provided, approved fire protection system or systems shall be provided as required and approved by the chief."

22. Rough scaling of the preliminary site plan at Ex. 1, Att. O, shows that portions of the exterior walls of the residence drawn on Lot 11 are more than 150 feet from Shelburne Way. The precise location of that house, of course, may be modified. To assure compliance with OMC 16.32.050 C, this decision is conditioned to require that approved fire protection systems be provided for the residence on Lot 11 as

required and approved by the Fire Chief, if any portion of its exterior wall is more than 150 feet from Shelburne Way.

23. OMC 16.04.040 and OMC 16.32.140 require that a fully automatic residential fire sprinkler system be installed in all structures in subdivisions in which internal streets are required to be constructed in accordance with the provisions of Chapter 4, Standard Plan 4-2J. The internal street, Shelburne Way, is proposed to be wider than this standard plan. Therefore, this provision does not require the installation of sprinklers.

24. OMC 16.32.150 requires that an approved automatic sprinkler system be installed in

"all buildings where the perimeter access, as required under OMC 16.32.050, access roadways for fire apparatus for fire fighting and rescue operations, cannot be provided due to design and/or location."

It is not clear what is meant by "perimeter access", although the reference to OMC 16.32.050 suggests it means the roadways for fire access treated in that section. The conditions below require Old Morse Road and Shelburne Way to meet the requirements of OMC 16.32.050. Therefore, sprinklers are not required under this provision.

#### **E. Transportation.**

25. Because a TIA was not required, the Department and the Applicant take the position that no determination is required as to whether the traffic from the subdivision will cause the level of service (LOS) on a transportation facility to be exceeded.

26. This position, however, has been rejected in a number of Hearing Examiner cases over the past year. The reasons for denying this position are set out in the following Conclusions of Law in the Hearing Examiner decision on the Pattison Street Plat, No. 07-0120, August 21, 2008, which were also incorporated in the Hearing Examiner decision on the Kaiserwood Plat, No. 04-2602, October 29, 2008:

"17. RCW 36.70A.070 (6) (b) requires local jurisdictions subject to the Growth Management Act to adopt ordinances which prohibit development that causes the LOS on a locally owned transportation facility to decline below adopted standards, unless transportation improvements or strategies to accommodate the impacts of development are made concurrent with the development. Under this provision, "concurrent with the development" means that improvements or strategies are in place at the time of development, or that a financial commitment is in place to complete the improvements or strategies within six years. This requirement is commonly known as that of concurrency.

18. Olympia has complied with this requirement through the adoption of Chap. 15.20 OMC. The heart of this ordinance is OMC 15.20.050 H, which states that a finding of concurrency will be made only if the LOS of affected transportation facilities meets or exceeds the adopted minimum. Although not stated explicitly in this ordinance, its purpose of complying with RCW 36.70A.070 plainly implies that development cannot proceed without such a finding.

19. Nowhere in either RCW 36.70A.070 or Chap. 15.20 is there any exemption for projects falling below the threshold for preparing a TIA. OMC 15.20.060 (5) does exempt from the concurrency requirement applications which are exempt under the State Environmental Policy Act (SEPA). This will surely exempt from concurrency some small projects which are also exempt from TIA preparation, but they are not exempted from concurrency because they are exempted from TIA preparation. Projects such as this, which are not exempt from SEPA but are exempt from TIA preparation, are still subject to the requirement of concurrency under RCW 36.70A.070 and Chap. 15.20 OMC."

27. This subdivision may only be approved under RCW 58.17.110 if it makes "appropriate provisions" for streets or roads and if the public use and interest will be served by it. Here, no evidence of any sort has been offered to show what effect the traffic from this subdivision will have on the LOS of affected intersections. In the absence of any evidence as to whether the minimum acceptable LOS will be preserved and whether the concurrency requirements of RCW 36.70A.070 will be met, it cannot be concluded that appropriate provisions are made under RCW 58.17.110. Without that, the subdivision cannot be approved.

28. In the Decision on Reconsideration of the Kaiserwood Plat of December 29, 2008, No. 04-2602, it was brought out that the effect of the proposal on the level of service of intersections was examined at the threshold determination stage under SEPA. With that additional evidence, the Reconsideration Decision held that the evidence showed that concurrency had been examined and that the Kaiserwood proposal would not cause the level of service on any intersection to decline below the adopted minimum.

29. Here, in contrast, no evidence was offered showing any consideration of traffic levels of service through the SEPA process. In fact, the evidence presented indicated that no review of concurrency or levels of service had been carried out at any time.

30. For the reasons expressed in the Conclusions of Law from the decision on the Pattison Street and Kaiserwood subdivisions, set out above, the failure to examine the effect of the proposal on transportation levels of service compels denial of the



subdivision, unless remedied through conditions. However, because evidence offered in the Kaiserwood reconsideration proceeding indicated that a review of levels of service is customarily carried out in SEPA review, fairness requires giving the Department and Applicant the opportunity to determine whether this review was carried out through the SEPA process. The record will be reopened also on that subject.

## DECISION

A. The record is reopened to allow the Applicant and other parties to submit supplemental argument and/or evidence on the following issues:

- (i) Can a proposed subdivision be found to make "appropriate provisions" for "schools and schoolgrounds", as required by RCW 58.17.110 (2), if it would be served by public schools which are over capacity according to the School District? In addressing this issue, the Parties are asked to review the preliminary legal analysis on this issue in the Conclusions, above.
- (ii) Was there an examination, through the SEPA process or otherwise, of the effect of the proposed subdivision on levels of service of intersections or streets. If so, please identify the examination and summarize its results.

"Parties" include the Applicant, the Department and any individuals who testified at the hearing. Responses must be limited to the issues just described. Responses shall be in writing and shall be either sent by e-mail or shall physically reach Mr. Chalem, who is functioning as clerk of the proceeding, and me by 5 p.m. on January 28, 2009.

Any factual information (evidence) submitted on these issues must either be by one placed under oath at the hearing, and who remains under oath for this purpose, or by declaration or affidavit.

Mr. Chalem is directed to either e-mail or mail this decision to all parties on the date of this decision.

B. Apart from the issues described in Part A immediately above, on which the decision is reserved, the proposed preliminary subdivision is approved, subject to the following conditions:

- (i) That portion of Old Morse Road between Shelburne Way and 30<sup>th</sup> Avenue shall be constructed in compliance with the standards of OMC 16.32.050. These standards require, among other elements, a 20-foot wide paved surface capable of supporting the imposed loads of fire apparatus, keeping that surface free of obstructions, including parked vehicles, and posting and maintaining NO PARKING/FIRE LANE signs and/or other appropriate notice prohibiting

obstructions. The Applicant's duty to keep the surface free of obstructions is limited to posting and maintaining noted signage.

(ii) The same portion of Old Morse Road between Shelburne Way and 30<sup>th</sup> Avenue shall contain the 100-foot no parking zone required by EDDS 4C.070 and discussed in the Conclusions, above, unless the Department determines that compliance with the no parking requirements of OMC 16.32.050, discussed in Condition (i), above, are sufficient to meet this requirement.

(iii) Approved fire protection systems shall be installed in the residence on Lot 11 as required and approved by the Fire Chief, if any portion of its exterior wall is more than 150 feet from Shelburne Way.

(iv) Safe walking conditions, including sidewalks, shall be provided from the proposed subdivision to the school bus stops serving pupils attending Pioneer Elementary or Olympia High schools.

(v) The Department shall review the recommendation of the Stormwater Site Plan that a segment of 8-inch piping in 30<sup>th</sup> Avenue be increased to a 12-inch diameter. If the Department agrees with this recommendation, the Applicant shall implement it.

(vi) The City is requested to make reasonable efforts, consistently with its budgetary limitations, to keep the storm drain on the southeast corner of Old Morse Road and 30<sup>th</sup> Avenue flowing freely.

(vii) With the exception of Conditions 14 and 18, the Conditions listed on pp. 7-10 of the Staff Report at Ex. 1 are incorporated by reference. Conditions 14 and 18 are not incorporated. As Mr. Chalem testified at the hearing, the word "should" in the first line of Condition 20 is changed to "shall".

Dated this 16th day of January, 2009.

  
Thomas R. Bjorgen  
Hearing Examiner

*Mailed 1/20/09*

*N.L.*

**SUPPLEMENTAL FINDINGS, CONCLUSIONS AND DECISION  
AND DECISION ON RECONSIDERATION  
OF THE HEARING EXAMINER OF THE  
CITY OF OLYMPIA**

**CASE NO:** 07-0222 (Preliminary Subdivision Approval for North Cascades Village)

**APPLICANT:** North Cascades Villages, L.L.C.

**SUMMARY OF REQUEST:**

The Applicant requests preliminary approval of a subdivision containing 16 single-family lots on a 2.86-acre site, with associated improvements.

**LOCATION OF PROPOSAL:**

Thurston County Assessor's Tax Parcel Nos. 11830230600 and 11830230500 in Sec. 30, T18N, R1W, W.M.

**SUMMARY OF DECISION:**

A. By decision issued January 16, 2009, the record was reopened for additional evidence on the issues of school capacity and traffic impacts and preliminary subdivision approval was granted on all other aspects of the application, subject to conditions.

On the issue of school capacity, this proposal makes appropriate provisions for schools.

On the issue of traffic impacts, further analysis is required to determine whether this proposal will cause the level of service on intersections to decline below the adopted minimum.

B. On January 26, 2009 the Community Planning and Development Department filed a motion for reconsideration of the January 16 decision on the issue of whether residential fire sprinklers should be required.

On the basis of the evidence and argument in the motion for reconsideration, residential fire sprinklers should be required in all residences. However, the absence of any indication that the parties were served with this motion and the absence of a response

from the Applicant raises the question whether proper service was made. This decision requires that to be determined.

#### **HEARING AND RECORD:**

The hearing on this application was held before the undersigned Hearing Examiner on December 8, 2008. The record was left open for the submittal of additional evidence and closed on December 19, 2008.

A decision was issued on January 16, 2009 which, as noted, kept the record open for supplemental evidence on two issues and made a decision on all other aspects of the application. This decision required all submittals on the two issues on which the record was kept open to be filed by January 28, 2009. Exhibits 17 through 19, below, were submitted in response.

On addition, on January 26, 2009 the Department of Planning and Community Development filed a motion for reconsideration of the January 16 decision on the issue of whether residential fire sprinklers should be required. This motion is at Exhibit 20.

Exhibits 1 through 16 were admitted by the January 16, 2009 decision. The following additional Exhibits 17 through 20 and 22 are admitted as part of the post-hearing process just described. Exhibit 21 is not admitted for the reasons given below.

Exhibit 17. Letter dated January 27, 2009 from Brent Campbell to Thomas R. Bjorgen, with attached map. Much of this letter discusses the absence of sidewalks on the west side of Old Morse Road and the standards to which Old Morse Road is currently built. The presence or absence of sidewalks pertains neither to the level of service for traffic nor the provision of school capacity. Therefore, this discussion is beyond the scope of the requested supplemental evidence and cannot be considered. The discussion of standards on Old Morse Road and other aspects of the letter do relate to levels of service and are proper. With this limitation, Exhibit 17 is admitted.

Exhibit 18. Letter dated January 28, 2008 from Susan E. Thomsen to Thomas R. Bjorgen, with attached letter dated January 31, 2008 from Kroydan Chalem to North Cascades Villages, L.L.C. Part of this exhibit attempts to reargue the question of whether the Engineering Design and Development Standards (EDDS) require an alternate access to this subdivision. This issue is beyond the scope of the requested supplemental evidence and cannot be considered. The remainder of the letter arguably pertains to the level of service on Old Morse Road and is proper. With this limitation Exhibit 18 is admitted.

Exhibit 19. Letter dated January 28, 2009 from Chris Aldrich to Thomas R. Bjorgen, with attached e-mail and map from City Transportation Engineer David Smith.

**Exhibit 20.** Request for Reconsideration from the Department of Planning and Community Development, comprising the following:

- (a) Letter dated January 26, 2009 from Chuck Dower to Kroydan Chalem;
- (b) Standard Street Plans 4-2J and 4-2K;
- (c) Olympia Ordinance No. 6453.

**Exhibit 21.** Letter dated January 29, 2009 from Timothy Byrne of the Olympia School District to Kraig Chalem. This letter offers evidence, was submitted after the deadline set in the January 16 decision and was not submitted by declaration or affidavit, as required in that decision for responses by those not sworn at the hearing. Therefore, this exhibit is **not admitted**.

**Exhibit 22.** E-mail sent February 3, 2009 from Larry Hoffman to Thomas Bjorgen. This document is not a submission of additional evidence, but is a procedural inquiry from an attorney just retained by the Applicant. As such, it is properly admitted.

**Exhibit 23.** E-mail from the Hearing Examiner sent February 16, 2009, with procedural directions.

**Exhibit 24.** E-mail from the Hearing Examiner sent February 17, 2009, with procedural directions.

No testimony was taken after the close of the hearing on December 8, 2008.

After consideration of the exhibits described above and the decision of January 16, 2009, the Hearing Examiner makes the following supplemental findings of fact, conclusions of law, and decision.

## **SUPPLEMENTAL FINDINGS OF FACT**

### **A. Post-hearing procedure.**

1. On January 16, 2009 the Hearing Examiner issued a decision on the Applicant's request for preliminary subdivision approval. This decision held the record open for supplemental evidence and/or argument on the following two questions:

"(i) Can a proposed subdivision be found to make "appropriate provisions" for "schools and schoolgrounds", as required by RCW 58.17.110 (2), if it would be served by public schools which are over capacity according to the School

District? In addressing this issue, the Parties are asked to review the preliminary legal analysis on this issue in the Conclusions, above.

(ii) Was there an examination, through the SEPA process or otherwise, of the effect of the proposed subdivision on levels of service of intersections or streets. If so, please identify the examination and summarize its results."

On all other aspects, the January 16<sup>th</sup> decision granted preliminary subdivision approval subject to conditions.

2. The Applicant submitted supplemental evidence and argument on these two issues through Exhibit 19. Mr. Campbell submitted supplemental evidence and argument through Exhibit 17, and Ms. Thomsen submitted the same through Exhibit 18. The Department offered supplemental evidence on the second, but not the first of these two issues.

3. The Department filed a request for reconsideration of Conclusion of Law 23 and the resulting absence of a requirement that fire sprinkler systems be installed in all the residences in the subdivision.

**B. Appropriate provisions for schools.**

4. The January 16, 2009 decision made the following Finding of Fact on school capacity:

"30. The Olympia School District states that each of these schools is over capacity. Ex. 12, letters of December 10 and December 16, 2008, from Timothy Byrne of the Olympia School District. The letters from the School District state that two other schools are also over capacity for portable units, which implies that the three schools serving this subdivision are not over capacity for portables. Id. However, no evidence indicates when or whether the School District plans to install portables at the three schools to increase their capacity."

The decision also found that this subdivision will pay school impact fees under OMC Title 15, which will benefit the public school system. Those fees are currently assessed at a rate of \$5042.00 per single-family unit.

5. The Applicant states in Ex. 19 that the practice of the School District is to request additional mitigating fees at the SEPA (State Environmental Policy Act) stage if it believes normal impact fees will not satisfactorily address the impacts of a subdivision. The School District made no request for additional fees for this subdivision through the SEPA process.

**C. Levels of service of intersections and streets.**

6. Perhaps the principal issue treated in the decision of January 16, 2009 in this matter was the adequacy of Old Morse Road. The decision acknowledged the testimony and evidence from nearby residents of the constrictions and occasional blockages on this road and the threat that may pose to public safety. The decision also rejected the position of the Staff that all applicable street standards were met. The decision required full compliance with the EDDS and Olympia Municipal Code (OMC) 16.32.050, including, but not limited to, the following measures:

- (i) increasing the paved surface to 20 feet in width,
- (ii) ensuring that the paved surface is capable of supporting the imposed loads of fire apparatus,
- (iii) keeping the paved surface free of obstructions, including parked vehicles,
- (iv) posting and maintaining NO PARKING/FIRE LANE signs and/or other appropriate notice prohibiting obstructions,
- (v) establishing the 100-foot no parking zone required by EDDS 4C.070, unless the Department determines that compliance with the no parking requirements of OMC 16.32.050 are sufficient to meet this requirement.

7. The standards of OMC 16.32.050 are expressly intended to secure adequate fire access. The evidence did not show that the required compliance with these standards was inadequate to provide proper fire and emergency access to the proposed subdivision or to those living further south on Shelburne Way or Shelburne Court.

8. The decision of January 16, 2009 also held, consistently with prior decisions, that exemption from the requirement to prepare a Transportation Impact Analysis (TIA) did not exempt the proposal from concurrency requirements. Because no evidence was offered to show compliance with concurrency requirements, the decision requested supplemental evidence on whether that issue had been reviewed through SEPA.

9. The Department did not respond whether its SEPA review had included any review of transportation concurrency. The Applicant responded in Ex. 19 that "[t]o our knowledge, the Olympia staff reviewed this project in its current configuration during their SEPA review and found it to meet transportation concurrency." One should be able to easily ascertain and categorically state whether concurrency review has occurred. With that, the qualified response from the Applicant, together with the absence of any response from the Staff, is insufficient to show that this review occurred.

10. The Applicant, however, also submitted as part of Exhibit 19 an analysis by City Transportation Engineer David Smith, showing that traffic from this subdivision would not cause the level of service (LOS) on any Neighborhood Collector street segment to decline below the minimum of LOS D. The Department presented testimony from Mr. Dower at the hearing that the traffic volumes on Old Morse Road, a local access street, would be well within the applicable range of zero to 500 average daily trips per day, even with traffic from this subdivision. See Finding No. 7 in the January 16, 2009 decision. Thus, the evidence shows that concurrency is met for the street segments serving this subdivision.

11. Unless I am misreading it, however, the analysis in Exhibit 19 does not address the effect of this subdivision's traffic on the LOS of any intersections. To meet the concurrency requirements described in the January 16<sup>th</sup> decision, there must be a review sufficient to show that this subdivision will not cause the LOS of any intersection to decline below the adopted minimum. A full TIA need not be prepared, but at least a review at the level of that in Ex. 19 must be carried out.

**D. The motion for reconsideration.**

12. Conclusion No. 23 of the January 16, 2009 decision states:

"OMC 16.04.040 and OMC 16.32.140 require that a fully automatic residential fire sprinkler system be installed in all structures in subdivisions in which internal streets are required to be constructed in accordance with the provisions of Chapter 4, Standard Plan 4-2J. The internal street, Shelburne Way, is proposed to be wider than this standard plan. Therefore, this provision does not require the installation of sprinklers."

13. The motion for reconsideration by the Department at Exhibit 20 states that Local Access Street Standard Plan 4-2K was eliminated and replaced by revised Standard Plan 4-2J before the application for preliminary subdivision approval was filed. With that, the Department states, the only local access street section available to the Applicant was 4-2J. Therefore, the Department concludes, OMC 16.04.040 and OMC 16.32.140 require that a fully automatic residential fire sprinkler system be installed in all residences in this subdivision.

**SUPPLEMENTAL CONCLUSIONS OF LAW**

**A. Appropriate provisions for schools.**

1. RCW 58.17.110 (2) states that

"[a] proposed subdivision and dedication shall not be approved unless the city,



town, or county legislative body makes written findings that: (a) Appropriate provisions are made for the public health, safety, and general welfare and for . . . schools and schoolgrounds . . ."

2. The decision of January 16, 2009 in this matter points out the difficulty in making this finding when schools are over capacity and also acknowledges the role of school impact fees in making this judgment. See Conclusions of Law 4 through 11, Decision of January 16, 2009.

3. As found, the only evidence admitted on the subject is that the School District requests additional mitigating fees at the SEPA stage if it believes normal impact fees will not satisfactorily address the impacts of a subdivision. Because the School District did not request additional fees for this subdivision at the SEPA stage, it must be concluded on this record that the subdivision's impacts have been mitigated and that appropriate provisions for schools and schoolgrounds have been made.

4. Mr. Hoffman, the Applicant's attorney, requests in Ex. 22 that his client be allowed to address the position on school capacity taken by the School District in Ex. 21. As noted above, Ex. 21 was submitted after the deadline and without the required affidavit or declaration and, for those reasons, was not admitted. For that reason, and because this decision concludes that the proposal makes appropriate provisions for schools without further measures, there is no need for further argument on this issue in this case.

5. Even though it cannot be fully addressed in this case for the reasons just given, the issue of whether over-capacity schools supply the "appropriate provisions" required by RCW 58.17.110, given the payment of impact fees, is a critical matter which should be resolved on full evidence and argument. If the School District presents that for the next subdivision proposed to be served by over-capacity schools, the issue could be decided on full participation from all sides.

#### **B. Levels of service of intersections and streets.**

6. Before reaching the substance of this issue, the question of proper notice must be addressed. To give all parties a reasonable time to respond to the request for supplemental evidence, while not unduly delaying final resolution, the decision of January 16, 2009 required responses on the two issues to be submitted by January 28, 12 days later. To ensure that notice of this deadline reached all parties promptly, the decision directed the Staff to "either e-mail or mail this decision to all parties on the date of this decision." Mr. Campbell (Ex. 17) and Ms. Thomsen (Ex. 18) state that the postmark shows that this letter was not mailed until January 22, almost a week later, and that they did not receive it until Saturday January 24.

7. This delay violated the terms of the decision by six days and deprived Mr.

Campbell and Ms. Thomsen of the response time the decision intended to give them. They are correct that four days, two of which are weekend days, is a very short time in which to respond on the two issues. Fortunately, both of them did manage to file detailed responses, thus removing the need for further extensions in the January 28<sup>th</sup> deadline.

8. Turning to the merits, this subdivision cannot be approved unless sufficient evidence is submitted showing that the traffic it generates will not cause the LOS on streets or intersections to decline below the adopted minimum, unless appropriate mitigating measures are taken. See January 16, 2009 decision and decisions cited therein.

9. As found, the evidence in Exhibit 19 shows that concurrency is met for the capacity of streets. However, to meet the concurrency requirements described in the January 16<sup>th</sup> decision, there must be a review sufficient to show that this subdivision will not cause the LOS on any intersection to decline below the adopted minimum. A full TIA need not be prepared, but at least a review at the level of that in Exhibit 19 must be carried out. This decision is conditioned to require this.

10. As conditioned, this proposal makes appropriate provisions for streets and transportation and complies with applicable concurrency requirements.

### **C. The motion for reconsideration.**

11. According to OMC 18.75.060 B, a motion for reconsideration must be based on at least one of the following grounds:

"1. Errors of procedure or misinterpretation of fact or law, material to the party seeking reconsideration;

2. Irregularity in the hearing before the Hearing Examiner by which such party was prevented from having a fair hearing; or

3. Clerical mistakes in the final decision and order."

12. The Department's motion for reconsideration does not claim any error of procedure, irregularity preventing a fair hearing, or clerical mistake. The motion does claim certain misinterpretations of fact and law.

13. Conclusion No. 23 of the January 16, 2009 decision relied on the statement by the Applicant in Ex. 1, Att. O that Shelburne Way would be built to Standard Plan 4-2K. The Department points out that Plan 4-2K is no longer available and Shelburne Way must be built to Plan 4-2J.

14. Conclusion No. 23 also rested on my mistaken reading of the width of the paved surfaces required by Plans 4-2J and 4-2K. Each plan requires a curb to curb width of 20 feet.

15. OMC 16.32.140 states that

"fully automatic residential fire sprinkler system shall be designed, installed, tested and maintained per N.F.P.A. (National Fire Protection Association) 13, current edition, RCW 18.160 and the approval of the Fire Chief, in all Group R-3 structures . . . when:

(a) the structures are constructed within subdivisions in which internal streets are required to be constructed in accordance with the provisions of Chapter 4, Standard Plan 4-2J of the Engineering Design and Development Standards, as the same were amended in December, 2006 . . ."

16. The motion for reconsideration, as described above, shows that this subdivision will have internal streets built to Standard Plan 4-2J. The Applicant filed no response to this motion. Therefore, on the basis of the motion for reconsideration alone, it must be concluded that OMC 16.32.140 requires sprinkler systems in all residences in this subdivision.

17. However, OMC 18.75.060 A states that copies of requests for reconsideration "shall be served on all parties of record" and that a party may file an answer to the motion for reconsideration within five days of its filing. This motion does not indicate whether and when it was delivered to the other parties. This Applicant has responded consistently in the past to procedural steps, yet submitted nothing in response to this motion for reconsideration. For these reason, I want to be sure the Applicant received proper notice of this motion before making a final decision on it.

18. To that end, Mr. Chalem or Mr. Dower are directed to inform me and the Applicant by 5 p.m. on February 20, 2009 of when and how they served copies of the motion for reconsideration on the Applicant and the other parties. The Applicant and any other party may also respond as to whether it received any notice. If the Department served the motion in a timely manner, its motion for reconsideration will be granted for the reasons set out above. If the Department did not do so, this reconsideration proceeding must remain open to give the Applicant and any other party a chance to respond to the motion.

19. Mr. Hoffman, the Applicant's attorney, states in Ex. 22 that he is aware of the Department's motion for reconsideration on the sprinkler issue and requests additional time to address the issue. The process just described will achieve that, consistently

with OMC 18.75.060 A. If the Department promptly served the motion, then the Applicant and other parties failed to respond in the five day period set by OMC 18.75.060 A, and no further responses are allowed. If the Department did not promptly serve the motion, then the Applicant and other parties will not be held to the five-day period and will be given an opportunity to respond to the motion.

## **DECISION**

### **A. Supplemental decision on preliminary subdivision approval.**

Preliminary subdivision approval is granted, subject to the following additional conditions:

1. The Applicant shall carry out or engage a review to determine whether this subdivision will cause the LOS on any intersection to decline below the adopted minimum. A full TIA need not be prepared, but at least a review at the level of that in Exhibit 19 must be carried out. The Applicant shall provide this review to the Department and all parties.
2. The Department shall review the Applicant's analysis. If the Department determines that this subdivision will not cause the LOS on any intersection to decline below the adopted minimum, it shall send a letter to that effect to the Applicant and all other parties, and preliminary approval will be deemed granted on the date of that letter. If the Department determines that this subdivision will cause the LOS on any intersection to decline below the adopted minimum, it shall send a letter to that effect to the Applicant and all other parties requiring mitigation by the Applicant to preserve the minimum LOS, and that mitigation shall be deemed a condition of preliminary subdivision approval.
3. The above analyses and determinations need not be submitted to the Hearing Examiner for further review or decision.

All conditions in the decision of January 16, 2009 remain in effect.

### **B. Decision on motion for reconsideration.**

For the reasons set out in the Conclusions, above, the motion for reconsideration should be granted on the basis of the evidence and argument submitted by the Department in Exhibit 20. As also shown in the Conclusions, there is a question as to whether and when the Staff served the motion for reconsideration as required by OMC

18.75.060 A. If that was not properly done, then the Applicant and other parties must be given the opportunity to respond to the motion before it is finally decided.

To that end, the following steps shall be taken,

(a) Mr. Chalem or Mr. Dower shall inform me by e-mail by 5 p.m. on February 20, 2009 of when and how copies of the motion for reconsideration were delivered or transmitted to the Applicant and the other parties. The Applicant and any other party may also respond by that time as to whether it received any notice of the motion for reconsideration.

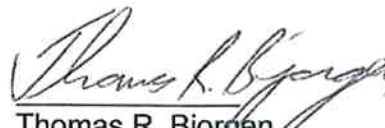
(b) If the Department delivered or transmitted copies of the motion to the Applicant and other parties in a timely manner, I will issue an order granting the motion and requiring fire sprinkler systems in all residences. If not, I'll issue an order allowing prompt responses by the Applicant and parties on that issue.

(c) Mr. Chalem **shall send** this decision to the Applicant and other parties by e-mail by February 18, 2009. If any party has not supplied the Staff with an e-mail address, the Staff shall call or leave a telephone message with them on February 18, stating that a decision containing a deadline of February 20 has been issued and that they may pick it up at the Department's office.

OMC 18.75.060 C states that a motion for reconsideration "is deemed denied unless the Hearing Examiner takes action within 20 days of the filing of the motion for reconsideration." With the President's Day holiday, that period expires on February 17, 2009, the date of this decision. This decision is intended to constitute an action so as to avoid the default decision under OMC 18.75.060 C. To ensure fair notice and an opportunity to be heard, it is necessary to extend consideration a short time as directed immediately above.

Nothing in this decision on the motion for reconsideration affects the steps required by the supplemental decision on preliminary subdivision approval, above.

Dated this 17th day of February, 2009.

  
Thomas R. Bjorgen  
Hearing Examiner

*Mailed 2-18-09*

*ML*

**SECOND SUPPLEMENTAL ORDER ON  
MOTION FOR RECONSIDERATION**

**THE HEARING EXAMINER OF THE  
CITY OF OLYMPIA**

**CASE NO:** 07-0222 (Preliminary Subdivision Approval for North Cascades Village)

**APPLICANT:** North Cascades Villages, L.L.C.

**SUMMARY OF ORDER:**

The motion for reconsideration is granted.

**HEARING AND RECORD:**

The decision of January 16, 2009, the Supplemental Decision of February 17, 2009, and the Supplemental Order on Motion for Reconsideration of February 20, 2009 list the exhibits admitted up to February 20, 2009. The following additional exhibits are admitted:

Exhibit 27. E-mail sent February 19, 2009 from Kroydan Chalem to Thomas Bjorgen.

Exhibit 28. E-mail sent February 26, 2009 from Kroydan Chalem to the parties, e-mail sent February 23, 2009 from Kroydan Chalem to the parties, and e-mail sent February 16, 2009 from Thomas Bjorgen to Kroydan Chalem.

Exhibit 29. E-mail sent February 27, 2009 from Scott Bergford to Kraig Chalem.

Exhibit 30. E-mail sent March 9, 2009 from Kroydan Chalem to Thomas Bjorgen.

After consideration of the evidence and prior decisions, the Hearing Examiner makes the following order.

**ORDER**

On January 16, 2009, a decision on preliminary subdivision approval for the above proposal was issued by the Hearing Examiner. This decision requested supplemental evidence on two matters, which was duly submitted. On January 26, 2009, before the

decision was issued on the supplemental issues, the Community Planning and Development Department filed a timely motion for reconsideration of the January 16 decision on the issue of whether residential fire sprinklers should be required.

On February 17, 2009 the Hearing Examiner issued a Supplemental Decision with two parts: first, a decision resolving the two issues on which supplemental evidence had been requested and, second, a preliminary decision on the motion for reconsideration. This latter decision concluded that the Department's motion for reconsideration provided a basis for granting the motion, but recognized uncertainty as to whether the motion for reconsideration had been properly provided to the other parties. For this reason, the decision of February 17 asked for confirmation that the Department had served its motion on other parties, as required by Olympia Municipal Code (OMC) 18.75.060 A.

On February 19, 2009, the Department responded through Exhibit 25 that it had not served the motion on any other parties.

On February 20, 2009 the Hearing Examiner issued a Supplemental Order on Motion for Reconsideration, giving the parties an extension to March 2, 2009 to respond to the motion for reconsideration. This Supplemental Order also directed the Department to notify all parties of this extended deadline and of the motion for reconsideration by February 23, 2009.

The Department did not send the correct order with the notification directed by the February 20 order. Therefore, the Hearing Examiner verbally directed the Department to send proper notice and to give the parties an extension to March 6, 2009 to respond to the motion for reconsideration. The Department did so at Ex. 28.

The Applicant responded to the motion for reconsideration through Ex. 29, stating that it does not contest the requirement of fire sprinklers. No other parties responded to the motion for reconsideration.

The motion for reconsideration argues that OMC 16.04.040 and OMC 16.32.140 require that a fully automatic residential fire sprinkler system be installed in all residences in this subdivision. As noted, the Applicant does not contest this requirement. For the reasons set out in Conclusions of Law 11 through 19 of the Supplemental Decision of February 17, 2009, the Department is correct that the OMC requires that a fully automatic residential fire sprinkler system be installed in all residences in this subdivision.

Therefore, it is ordered that:

The Department's motion for reconsideration is granted, and the Decision on Preliminary Subdivision Approval of January 16, 2009 is modified to require that a fully automatic residential fire sprinkler system meeting all applicable standards

be installed in all residences in this subdivision. The decision of January 16, 2009 is also modified to begin Condition B. iii with the clause "If the Fire Chief deems necessary in addition to any required sprinklers," since this Order requires fully automatic residential fire sprinkler systems in all residences.


Summarizing the various decisions in this case, preliminary subdivision approval is subject to the following conditions:

Conditions B i, ii, iii (as modified above), iv, v, vi and vii from the Decision on Preliminary Subdivision Approval of January 16, 2009;

Conditions A 1, 2 and 3 from the Supplemental Decision of February 17, 2009; and

this Second Supplemental Order on Reconsideration, requiring that a fully automatic residential fire sprinkler system meeting all applicable standards be installed in all residences in this subdivision.

Dated this 10th day of March, 2009.

  
Thomas R. Bjorgen  
Hearing Examiner

*Mailed 3-12-09*

*N.L.*





## City Council

### Renewal of HOME Consortium Participation Program Years 2015, 2016, and 2017

**Agenda Date:** 6/9/2015  
**Agenda Item Number:** 3.D  
**File Number:** 15-0595

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

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#### **Title**

Renewal of HOME Consortium Participation Program Years 2015, 2016, and 2017

#### **Recommended Action**

#### **City Manager Recommendation:**

Move to remain in the HOME Consortium for the next three-year period of 2015, 2016, and 2017.

#### **Report**

##### **Issue:**

Should the City of Olympia remain in the HOME Consortium Partnership for the next three-year period of 2015, 2016, and 2017.

#### **Staff Contact:**

M. Anna Schlecht, Housing Program Manager, Community Planning and Development,  
360.753.8183

#### **Presenter(s):**

M. Anna Schlecht, Housing Program Manager, Community Planning and Development,  
360.753.8183

#### **Background and Analysis:**

The City received a letter dated May 26, 2015, from Thurston County regarding the City's membership in the HOME Consortium and our option to either stay in or opt out.

The City of Olympia was a charter member in developing the HOME Consortium, founded via a countywide interlocal agreement dated June 30, 2002. The Consortium's resources were expanded with the creation of the state's Affordable Housing Program in 2002 and the state's Homeless Housing Program in 2006, funded by local recording fee dollars collected at the county level.

The HOME Consortium is the advisory body of the County Commission, which governs an annual average of \$3,557,000 in combined HOME, Affordable Housing Program, Homeless Housing Program, and related state program dollars. Since 2011, the HOME Consortium has invested a total of \$14,230,000 from these combined fund sources.

**Opting Out:** The City has the option to opt out of the HOME Consortium by submitting a letter on or before June 15, 2015. The HOME Program is intended to expand the supply of decent and affordable housing. HOME funding can be utilized for a number of affordable housing projects, including new construction, land acquisition, and rental assistance to make housing more affordable for low and moderate income people. Implications of such a decision would be as follows: (1) City loses membership in the consortium; therefore, losing our jurisdiction's vote on policy and allocations; (2) Reduction in the County's current PY 2015 HOME allocation of \$588,000 for PY 2015; (3) City could then receive an estimated \$29,500 in PY 2015 HOME monies for use according to HOME regulations. This would reduce the County's allocation to approximately \$558,500; (4) City would have to provide the regulatory oversight of an Olympia-only HOME Program. HOME allows for 10% general administrative costs, or an estimated \$2,950; (5) City would lose access to an interjurisdictional policy forum where key discussions of affordable housing, social services, and homeless services are addressed; (6) City would have a lesser involvement in deliberations related to the Community Investment Partnership (CIP); and (7) City may experience other potential impacts on other interjurisdictional issues.

**Remaining In:** If the City chooses to remain in the HOME Consortium, no action is needed. Implications of remaining in the HOME Consortium include: (1) City membership as a voting jurisdiction on HOME Program policies and allocations; (2) Total countywide dollars can be allocated for regional needs; (3) City would not receive an independent HOME allocation; (4) City would not have to build staff capacity to provide regulatory oversight for a municipal HOME Program; (5) City would remain part of an interjurisdictional policy forum on key issues of affordable housing, social services, and homeless services; (6) City would retain full involvement in all deliberations related to the Community Investment Partnership (CIP); and (7) City would avoid other potential impacts on other interjurisdictional issues.

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

HOME Consortium funding and policies provide significant monies for housing, shelter, and social service programs that benefit low and moderate income people.

**Options:**

1. Remain in the HOME Consortium; no further action required.
2. Opt out of the HOME Consortium; send a letter to the County on or before June 15, 2015.

**Financial Impact:**

By opting out, City would gain control over an estimated \$29,500 for a municipal HOME Program. By staying in the HOME Consortium, the City would retain a vote over a combined total of \$3,466,000 in federal and state funding programs.



COUNTY COMMISSIONERS

Cathy Wolfe  
District One

Sandra Romero  
District Two

Bud Blake  
District Three

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**BOARD OF COUNTY COMMISSIONERS**

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May 26, 2015

The Honorable Stephen Buxbaum, Mayor  
Olympia City Council  
PO Box 1967  
Olympia, WA 98507-1967

Dear Mayor Buxbaum:

As the lead entity for the HOME Investment Program, Thurston County is required by HUD (Department of Housing and Urban Development) to notify each HOME jurisdiction every three (3) years of the option to withdraw their participation as a member of the Consortium (HUD Notice # CPD-13-002). The inter-local agreement effective June 30, 2012, included an automatic renewal in the terms of the agreement for every three years.

Please accept this letter as official notification of Olympia's option to "opt out" as a member of the HOME Consortium for the 2016-2018 term. If the City chooses not to participate in the next term, a letter from you indicating the decision to withdraw membership must be received by June 15, 2015.

Thurston County is proposing to continue the partnership and renew the Consortium Agreement for the next three year period and I have attached the Consortium Agreement for your consideration. There are no changes to the document we signed in 2012 other than the effective dates.

The signed Consortium Agreement must be returned to us by June 26, 2015.

If you should have any questions or concerns, please contact Gary Aden at 360-867-2532.

Sincerely,



Cathy Wolfe  
Commissioner

cc: Steve Hall, City Manager

AMENDED INTERLOCAL COOPERATION  
AGREEMENT  
BETWEEN THURSTON COUNTY – URBAN COUNTY AND THE  
CITY OF OLYMPIA,  
TO FORM A HOME CONSORTIUM TO PARTICIPATE AND RECEIVE FUNDS  
UNDER THE NATIONAL AFFORDABLE HOUSING ACT

PROGRAM YEARS 2016 - 2018

This agreement is entered into between Thurston County as the qualified Urban County comprised of: City of Lacey, City of Tumwater, City of Yelm, City of Rainier, City of Tenino and the Town of Bucoda, (hereinafter the "County"), a political subdivision of the State of Washington, and the City of Olympia, (hereinafter the "City"), municipal corporations within Thurston County, for the purpose of forming a Consortium to receive and administer federal funds under the HOME Investments Partnership (HOME) Program. This agreement will become effective upon adoption by the parties and approval by the U.S. Department of Housing and Urban Development (HUD), and will continue until terminated as provided herein.

WHEREAS, the Congress of the United States of America has enacted the National Affordable Housing Act (NAHA), 42 U.S.C. Sec. 12721, as implemented by HUD in 24 CFR part 92, which authorizes units of general local government to form a consortium to obtain funding as a participating Jurisdiction under the HOME program; and

WHEREAS, the County and the City are not individually eligible to receive a formal allocation in the HOME program; and

WHEREAS, the County and the Cities have determined that obtaining funding under the HOME program will increase their ability to provide affordable housing for residents with incomes at or below 80% of the area median income; and

WHEREAS, HUD has specified the minimum provisions which must be included within any intergovernmental agreement for the cooperating bodies to qualify as a consortium; and

WHEREAS, NAHA requires that a consortium select one member to act in a representative capacity for all members and to assume overall responsibility for the program; and

WHEREAS, the Consortium is formed for the purpose of receiving Community Development Block Grant entitlement funds as an Urban County that does not include the City of Olympia, the City of Olympia will continue to administer its own independent CDBG program; and

WHEREAS, HUD has specified that program year for the HOME Interlocal must coincide with the program year of the Urban County, Community Development Block Grant Interlocal for Thurston County which begins September 1st.

NOW THEREFORE, in consideration of the mutual promises made herein and the mutual benefits received hereunder, the parties agree as follows:

## **SECTION I: DEFINITIONS**

- A. "Member" means a unit of local government that is a signatory to this agreement and therefore a member of the consortium for the purpose of carrying out eligible activities under 24 CFR Part 92.
- B. "Representative Member" means the unit of local government designated as the "lead entity" to act in a representative capacity for all members for the purpose of this agreement. The Representative Member will assume overall responsibility for ensuring that the consortium's HOME program is carried out in compliance with the requirements of the HOME program, including requirements concerning the Consolidated Plan, in accordance with HUD regulations 24 CFR Parts 92 and 91, respectively, and the requirements of 24CFR 92.350, and other federal requirements. For purposes of this agreement, Thurston County is designated as the lead entity.

## **SECTION II: GENERAL PROVISIONS**

- A. The Members agree that as geographically contiguous units of general local government, they are eligible to form a consortium for the purposes of HOME funding.
- B. The Members agree to cooperate in undertaking or to assist in undertaking housing assistance activities for the HOME program in compliance with the Consolidated Plan.
- C. The Members agree to undertake the development of a Consolidated Plan for each year covered by this agreement.
- D. The Members agree to jointly pursue and identify match requirements examples including, but not limited to 2060 funds, non CDBG housing rehabilitation funds, Washington State Housing Trust Funds, Health and Human Services Council (HHSC) funds, and other funds as may be appropriate and eligible to be used as matching funds according to 24 CFR Part 22 Section 200, the amendments to NAHA in the Community Development Act of 1992, and HUD Notice CPD 97-03.
- E. The Members agree to take affirmative action to further fair housing in their jurisdictions. Such actions may include planning, education and outreach, and enforcement components.

- F. The Members agree to comply with the requirements of the HOME program in 24 CFR Part 91 and 92, the requirements of 24 CFR 92.350, and other federal requirements.

### **SECTION III: PROGRAM ADMINISTRATION**

- A. The Members agree that Thurston County per section 1. is designated as the Representative Member and will act as the lead entity for the consortium.
- B. The lead entity shall assume overall responsibility for ensuring that the HOME program is carried out in compliance with 24 CFR Part 92. The lead entity may enter into an agreement with a subrecipient to administer and manage the HOME program, and may delegate all tasks and activities, including any tasks, activities and authority listed below, to the extent allowed by HUD and the HOME program regulations.
- C. The lead entity shall manage the entire HOME allocation on behalf of the Consortium, as set forth herein. Specifically, the lead entity will be responsible for the following:
1. Establish a local HOME Investment Trust Fund Account;
  2. Receipt, disburse, and account for all HOME program and matching funds;
  3. Collect all required reports and data from the Members and submit them to HUD; and
  4. Provide staff support for program implementation.
- D. Each Member is responsible for submitting in a timely manner to the lead entity all information necessary for participation in the consortium as defined in 24 CFR 92. This includes all information necessary for the Consolidated Plan, the HOME program description and certifications, and performance reports.
- E. The lead entity and any and all Subrecipient entities agree to make available to each Member upon request all records concerning the activities carried out under this agreement for inspection.
- F. The lead entity is responsible for preparing and submitting the Consolidated Plan to HUD. Development of the Consolidated Plan will require the participation of citizens and organizations as well as input from all the Members. The Members will provide specific information concerning their housing and related activities to the lead entity for inclusion in the Consolidated Plan. The Plan will identify the general activities and priorities to be undertaken with HOME and CDBG entitlement funds. The City shall be responsible for preparing a Consolidated Plan to cover its CDBG program, which plan shall be incorporated into the Consortium's Consolidated Plan.
- G. The lead entity will provide staff support to manage and implement activities of the consortium's HOME program. Specific tasks include, but are not limited to, coordinating the public participation process, developing necessary forms and agreements, drafting program descriptions, RFP's and NOFA's, reviewing and evaluating proposals for

funding, technical assistance to project sponsors, monitoring funded projects, and preparing required reports. As noted in III.B above, these tasks may be carried out by a subrecipient entity.

- H. The lead entity will be entitled to expend up to 10% of the Consortium allocation for eligible planning and administrative costs in accordance with 24 CFR 92.207, including 10% of any program income. Otherwise, each Member will be independently responsible for any administrative costs each incurs that are associated with the development and implementation of the Consolidated Plan and the HOME program.
- I. An advisory committee for HOME, hereinafter referred to as the "Committee," shall be created for the purpose of identifying the general activities and priorities to be undertaken with the HOME funds for the Consortium, and to serve in an oversight capacity for the programs initiated by HOME expenditures. The Committee will also participate in the development of the Consortium's Consolidated Plan, and make formal recommendations to the lead entity's governing body for the successful implementation of the HOME program for the Consortium as a whole.

The Committee shall consist of one elected official from each Member and one elected official acting on behalf of the jurisdiction classified as the "Representative Member/Lead Entity." A chair and vice chair will be appointed by the Committee and meet a minimum of two times a year. The Committee will also agree to a set of bylaws outlining the rules and procedures for conducting meetings of this body. Staff support for the Committee will be provided by the lead entity or its designee.

#### **SECTION IV: TERM OF THIS AGREEMENT**

- A. This agreement shall remain in full force and effect from the date of execution and approval by HUD for the period necessary to carry out all activities that will be funded for three program years: 2016, 2017, and 2018. The program year start date is September 1, which will be consistent with the City's CDBG program year.
- B. The Members are required to remain in the Consortium and cannot terminate or withdraw during the entire three-year period.

- C. The agreement shall automatically be renewed for participation in successive three year qualification periods unless a Member provides written notice to the Thurston County Manager that it elects not to participate in a new qualification period. By the date specified in HUD's consortia designation notice, the lead entity will notify each Member in writing of its right not to participate for the successive three-year qualification period. The lead entity will send a copy of the notification to each Member to the HUD Field Office by the date specified in the consortia designation notice.

**SECTION V: AMENDMENT**

- A. This agreement may be amended by the written consent of a majority of the Members.
- B. The Members agree to amend this agreement as necessary to add new members to the consortium.
- C. Failure by the Members to adopt any amendment to the agreement incorporating changes necessary to meet the requirements for cooperation agreements set forth in a HUD Consortia Qualification Notice applicable to a subsequent three-year qualification period will void the automatic renewal of the consortium agreement.

IN WITNESS THEREOF, the undersigned parties have executed this agreement this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

THURSTON COUNTY

CITY OF OLYMPIA

\_\_\_\_\_  
Name: Cathy Wolfe  
Title: Chair, Board of County Commissioners

\_\_\_\_\_  
Name: Stephen Buxbaum  
Title: Mayor

Approved as to Form:  
County Prosecuting Attorney

Approved as to Form:  
City Attorney

By: \_\_\_\_\_  
Deputy

By: \_\_\_\_\_  
Deputy







## City Council

### Appropriations Ordinance in the Amount of \$350,000 for The Washington Center for the Performing Arts

**Agenda Date:** 6/9/2015  
**Agenda Item Number:** 3.E  
**File Number:** 15-0474

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**Type:** ordinance **Version:** 3 **Status:** 2d Reading-Consent

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#### **Title**

Appropriations Ordinance in the Amount of \$350,000 for The Washington Center for the Performing Arts

#### **Recommended Action**

##### **Finance Committee Recommendation:**

Transfer \$350,000 of Endowment Funds to The Washington Center Fund to cover 2015/2016 operating expenses, including up to \$100,000 per year for two years for salary and benefits of a Development Director.

##### **City Manager Recommendation:**

Move to approve on second reading an appropriation ordinance in the amount of \$350,000, transferring funds from The Washington Center Endowment to The Washington Center operating fund for the 2014/2015 and 2015/2016 program years. The appropriation includes up to \$200,000 in reimbursement to The Washington Center for a Development Director.

#### **Report**

##### **Issue:**

Consider the Finance Committee's recommendation to use \$150,000 from the Center's Endowment Fund to support current Center operations. Also, recommend funding a full time Development Director for the Center at up to \$100,000 per year for two years. The funds for the Director, as well as the operations, will be a reimbursement of expenditures.

##### **Staff Contact:**

Steve Hall, City Manager, 360.753.8447

Jane Kirkemo, Administrative Services Director, 360.753.8499

##### **Presenter(s):**

Jill Barnes, Executive Director for The Washington Center for the Performing Arts

##### **Background and Analysis:**

The background and analysis have not changed from first to second reading.

The City owns The Washington Center for the Performing Arts (CPA). It is operated by contract through a nonprofit organization directed by a volunteer Board of Directors. The economic recession has created budget challenges for the Center and has caused the Board to embark on a revised funding model for the Center. The Board has hired an Executive Director who has focused in large part on restoring fiscal balance in Center operations over the past 18 months. While some positive results have been achieved, the Center is not able to meet all its expenses with existing revenues.

City staff, Councilmember Cooper (Chair of Finance Committee), and Councilmember Roe (The Washington Center Liaison) have had several meetings with Center staff and Board to decide how to best proceed. It is clear that the world has changed in terms of support and financing for publicly owned performing arts theaters and the current funding model does not work.

Consequently, the model of City funding must also change to support continuation of this operation; particularly theaters where the main mission is to support local not-for-profit performance groups.

The Finance Committee met on May 13 and unanimously voted to recommend the following:

#### Short Term

- Use \$150,000 from The Washington Center Endowment to reimburse current expenses from the 2015/2016 fiscal year.
- Reimburse funding for a full time dedicated Development Director for the Center (two year commitment - up to \$100,000 per year).
- Support the Center with implementation of its Strategic Business Plan to grow revenues for its operation. Hiring a full time Development Director will provide staffing to focus exclusively on fundraising and financing strategies for the Center

The Finance Committee also discussed the need to stabilize Center operations in the future. Ideas for more consideration include:

- Consider greater use of accommodation tax revenue to support the Center.
- Use resources from sale of the West Olympia commercial property to support the Center.
- Identify other funding options.
- Review funding relationship with artistic partners.

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

The WCPA provides a venue for dozens of local performing arts organizations. Ensuring success of the Center will allow these groups to continue and to thrive.

#### **Options:**

1. Recommend use of \$150,000 from the Endowment for reimbursement of current expenses, plus up to \$200,000 to reimburse a Development Director for two years
2. Amend the request
3. Deny the request

#### **Financial Impact:**

The Washington Center Endowment Fund has a current balance of \$1,317,450.

**Ordinance No.**

AN ORDINANCE OF THE CITY OF OLYMPIA, WASHINGTON, RELATING TO THE 2015 BUDGET, APPROPRIATING WITHIN THE WASHINGTON CENTER ENDOWMENT FUND FOR THE WASHINGTON CENTER FOR THE PERFORMING ARTS \$150,000 FOR OPERATIONAL SUPPORT AND \$200,000 TO FUND A DEVELOPMENT COORDINATOR.

WHEREAS, the Washington Center for the Performing Arts has not recovered from the economic impacts of the Recession; and

WHEREAS, the Washington Center for the Performing Arts is in the process of implementing a sustainable funding plan; and

WHEREAS, the Washington Center for the Performing Arts is in need of an additional \$150,000 for operations and support; and

WHEREAS, the Washington Center for the Performing Arts has a need to fund a development coordinator; and

WHEREAS, the Washington Center Endowment Fund has resources available to fund the operational needs of the Center at \$150,000 and a development coordinator position at \$100,000 per year for two years; and

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

**Section 1.** That the following appropriations are hereby made:

**WASHINGTON CENTER ENDOWMENT FUND**

<b>Resources:</b>	Fund balance	\$350,000
	<b>TOTAL RESOURCES</b>	<b>\$350,000</b>
<b>Appropriations:</b>	Operational Support	\$150,000
	Development Coordinator	\$200,000
	<b>TOTAL APPROPRIATIONS</b>	<b>\$350,000</b>

**Section 2. Severability.** The provisions of this Ordinance are declared separate and severable. If any provision of this Ordinance or its application to any person or circumstances is held invalid, the remainder of this Ordinance or application of the provision to other persons or circumstances shall be unaffected.

**Section 3. Ratification.** Any act consistent with the authority and prior to the effective date of this Ordinance is hereby ratified and affirmed.

**Section 4. Effective Date.** This Ordinance shall take effect five (5) days after publication, as provided by law.

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MAYOR

**ATTEST:**

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CITY CLERK

**APPROVED AS TO FORM:**

  
ASSISTANT CITY ATTORNEY

**PASSED:**

**APPROVED:**

**PUBLISHED:**



## Meeting Minutes - Draft

### Finance Committee

City Hall  
601 4th Avenue E  
Olympia, WA 98501

Information: 360.753.8447

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**Wednesday, May 13, 2015**

**5:00 PM**

**Room 207**

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#### 1. ROLL CALL

**Present:** 3 - Chair Jim Cooper, Committee Member Nathaniel Jones and Committee Member Cheryl Selby

#### OTHERS PRESENT

Steve Hall, City Manager  
Paul Simmons, Parks, Arts & Recreation Director  
Jane Kirkemo, Administrative Services Director

#### 2. CALL TO ORDER

Chair Cooper called the meeting to order at 5:05 p.m.

#### 3. APPROVAL OF MINUTES

3.A [15-0476](#) Approval of April 24, 2015 Finance Committee Meeting Minutes

**The minutes were approved.**

#### 4. COMMITTEE BUSINESS

4.A [15-0474](#) The Washington Center for the Performing Arts Financial Outlook

City Manager Steve Hall discussed the City's partnership with The Washington Center for the Performing Arts, noting that community enrichment is the focus -- not profit. He recommended transferring \$150,000 from the endowment plus funding an Development Director for two years. Mr. Hall stated the current funding strategy no longer works in the post-recession economy. The Washington Center Chair Sean Padgett, Executive Director Jill Barnes, and Vice Chair of Finance Jim Haley were in attendance. They believe this assistance will allow them long-term sustainability.

Committee member Jones made a point to note that The Center is 1) drawing on a finite source (the endowment), 2) is important to the community, but 3) is not a core City service. The Center plays a pivotal role in the success of downtown. Committee member Jones stated he saw no other option than to bring them whole. He cautioned that a long-term solution needs to be found. Mr. Haley responded by stating that hiring an executive director two years ago and re-hiring a fundraising director are steps in the right direction to achieve long-term sustainability.

Chair Cooper pointed out that with an annual budget of \$1.8 million, The Center is basically asking for one month's worth of revenue. The City is asking them to close down for two months this summer for a sprinkler system upgrade, so he thought the request is justifiable. Chair Cooper inquired about the role of the Development Director. Ms. Barnes replied the Development Director would allow for relationship building with sponsors, greater event planning, and grant writing.

**Committee member Jones moved, seconded by Committee member Selby, to recommend to the full Council the transfer of \$150,000 of endowment funds to The Washington Center and further appropriate up to \$100,000 per year for two years for salary and benefits of a Development Director. The motion passed unanimously.**

**4.B**      [15-0478](#)              Debrief of May 5 Study Session on Developing a Sustainable Budget

Parks, Arts and Recreation Director Paul Simmons presented a preliminary proposal for a Metropolitan Parks District (MPD). An MPD could be formed if approved by voters with a simple majority. Public feedback through meetings, OlySpeaks, and surveys generated three high priority themes. Citizens want land acquisition, maintenance, and an increase in park safety and security. Mr. Simmons went through the various funding proposals. He noted moving the Voted Utility Tax (VUT) debt to the MPD would free up full debt capacity in VUT for acquisition. He recommended a balanced approach by diversifying funding sources:

- 1) MPD - To fund maintenance, security, some development, plus optional capital projects;
- 2) VUT - To fund acquisition;
- 3) Impact/SEPA Fees - To fund development

Without additional funding, Parks will experience the following:

- Limited debt capacity available for acquisitions
- CAMMP will not get caught up on the \$4M backlog
- VUT will not be dedicated to acquisition only without cuts in service
- Currently constrained resources continue to stretch as the park system expands and costs of service increase
- Gradual reduction in levels of service, facility closure becomes a possibility in the future

Mr. Simmons would like to see a final proposal put to voters in November 2015. Committee member Jones questioned the use of VUT in the proposal. Mr. Simmons replied that staff figured the Parks department needed to catch up on acquisition so it seems reasonable to shift the entire capacity of the VUT to acquisition and worry about development later. Ms. Kirkemo and the Committee advised Mr. Simmons to include discussion of the 1.5% Non-Voted Utility Tax when this topic goes the City Council. No public hearing is required. Council would need to approve a resolution to

place the item on the fall ballot. If the measure passed, the City could begin receiving the additional revenue in 2016.

The additional revenue realized from an MPD is on top of the General Fund commitment of \$4.4 million. Mr. Bob Jacobs emphasized the importance of making clear the issue of supplanting funds should the measure appear on the ballot. Mr. Hall will examine the language used in a recent Seattle measure to establish an MPD and determine how to proceed.

City Manager Steve Hall discussed the City's systematic approach to a sustainable budget and identified funding gaps, the City's responses, and the outcomes. Chair Cooper recommended sending information through the Communications Department to prepare for voter education.

Chair Cooper provided ten minutes to hear from members of the audience.

**The proposal was recommended for approval and referred to the City Council for discussion at the June 9 Study Session to decide whether to place a measure establishing a Metropolitan Parks District on the November 2015 ballot.**

**4.C**     [15-0355](#)     Review of Proposed Capital Facilities Element (CFE) Prior to Inclusion in the 2016-2020 Capital Facilities Plan (CFP) Process

Ms. Kirkemo asked if Committee members had any questions about the Capital Facilities Element (CFE). Committee members had no questions. Ms. Kirkemo reminded the Committee a public hearing is needed and the CFE will be adopted by City Council as a part of the Capital Facilities Plan.

**The Committee agreed to move the Capital Facilities Element forward to City Council on 5/19/2015.**

**4.D**     [15-0456](#)     Community Planning and Development Request for Additional Staff, with Appropriation Ordinance

Mr. Hall explained that staffing levels in Community Planning and Development (CP&D) depend upon the level of activity and fees generated. Many layoffs occurred during the recession. Recent conversations with staff convinced Mr. Hall that we have returned to a workload level that supports increasing staff. The department is asking to restore two FTEs. Adding staff mid-year requires an ordinance and Council approval. Committee member Jones wants it made clear to the public that these positions are self-sustaining through fees; the City is not incurring any additional expenses.

**Committee member Jones moved, seconded by Committee member Selby, to recommend to Council the appropriation of funds for two full-time equivalents and the purchase of a vehicle. The motion passed unanimously.**

**5.     ADJOURNMENT**



The meeting adjourned at 7:35 p.m.



## City Council

### Approval of Amendment to Ordinance 6957 (Operating Budget)

**Agenda Date:** 6/9/2015  
**Agenda Item Number:** 3.F  
**File Number:** 15-0551

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

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**Title**

Approval of Amendment to Ordinance 6957 (Operating Budget)

**Recommended Action**

**Committee Recommendation:**

Not referred to a committee.

**City Manager Recommendation:**

Move to approve amending ordinance on first reading and forward to second reading.

**Report**

**Issue:**

Amendment to Ordinance 6957

**Staff Contact:**

Dean Walz, Fiscal Services Director, Administrative Services Department, 360.753.8465

**Presenter(s):**

Dean Walz, Fiscal Services Director

**Background and Analysis:**

To change the budget the Council must approve a new ordinance amending the budget. Generally, budgetary amendments are made quarterly. On occasion a budget change needs to be made between the quarterly updates and a separate ordinance will come before the Council. These ordinances do not officially amend the budget ordinance, but do provide authorization to expend funds. The attached ordinance reflects ordinances which may have been adopted relating to the budget since the last quarterly update, and other proposed changes to the budget.

Two ordinances were passed since the adoption of Ordinance 6957 relating to the Operating Budget.

Ordinance 6960 passed on April 21, 2015 and appropriated \$65,476 to fund 0.5 FTE within the Police Department to provide contracted services to the Law Enforcement Records Management System consortium. Funding is provided by the consortium.

Ordinance 6961 passed on May 26, 2015 and appropriated \$110,000 to add a building inspector and a plans examiner to the Community Development and Planning Department. Funding will be provided by permit revenue in excess of original estimates. Funding is for six months for each position.

Budget Items Not Previously Presented to the Council:

- 1) Appropriation of \$715 in the Boating Safety special account. Funding is from resources previously received but not yet appropriated. The funds will be used as a portion of the 2015 payment to the Port of Olympia for the Harbor Patrol program.

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

None noted.

**Options:**

- 1) Approve the ordinance amending ordinance 6957.
- 2) Do not approve the amending ordinance. The budget items not previously presented to the council would not be authorized.

**Financial Impact:**

Total increase in 2015 appropriations is \$176,191. Funding for these appropriations is noted above.

**Ordinance No.**

**AN ORDINANCE OF THE CITY OF OLYMPIA, WASHINGTON, RELATING TO BUDGETS, FINANCE, AND SALARIES, AND AMENDING ORDINANCE NO. 6957.**

**WHEREAS**, the City of Olympia, having held a public hearing on the preliminary budget on November 18, 2014, as required by law, and having considered the public testimony presented; and

**WHEREAS**, the City Council of the City of Olympia passed Ordinance No. 6947 on December 16, 2014; and

**WHEREAS**, throughout the year, updates are required to recognize changes relating to budgets, finance and salaries; and

**WHEREAS**, Ordinance No. 6957 was passed on April 14, 2015, which amended Ordinance No. 6947; and

**WHEREAS**, the following amendments need to be made to Ordinance No. 6957:

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

**Section 1. 2015 Budget.** The budget for the calendar year 2015 is hereby adopted in the amounts and for the purposes as shown below; and the following sums, or so much thereof as shall severally be found necessary, are hereby appropriated out of any of the monies in the several funds in the City Treasury hereinafter named.

<b>FUND</b>	<b>APPROP. FUND BALANCE</b>	<b>ESTIMATED REVENUE</b>	<b>APPROP.</b>	<b>ADDITIONS TO FUND BALANCE</b>
General, Regular Operations	\$2,088,336	\$65,580,162 <u>65,755,638</u>	\$67,668,498 <u>67,843,974</u>	
General, Special Sub-Funds				
Special Accounts	342,408 <u>343,123</u>	1,373,502	1,715,910 <u>1,716,625</u>	
Washington Center	5,000	258,988	263,988	
Municipal Arts	21,100	50,000	71,100	
Equip & Facilities Reserve	967,880	1,510,105	2,477,985	
Total General Fund	<b>3,424,724</b> <b>3,425,439</b>	<b>68,772,757</b> <b>68,948,233</b>	<b>72,197,481</b> <b>72,373,672</b>	-
4 <sup>th</sup> /5 <sup>th</sup> Avenue Corridor Bridge Loan		561,450	561,450	
LTGO Bond Fund - 2006 Parks		1,196,000	1,196,000	
UTGO Bond Fund – 2009 Fire	3,621	1,191,510	1,195,131	-
City Hall Debt Fund – 2009	-	2,422,622	2,421,718	904
2010 LTGO Bond – Street Projects	4	436,009	436,013	
L.O.C.A.L. Debt Fund – 2010	-	178,283	178,282	1
2010B LTGO Bonds - HOCM		413,688	413,688	
2013 LTGO Bond Fund		674,725	674,725	
Water Utility O&M	61,558	11,630,610	11,692,168	

Sewer Utility O&M	-	18,047,323	18,047,323	
Solid Waste Utility	186,112	10,008,528	10,194,640	
Storm Water Utility	78,821	4,741,910	4,820,731	
Water/Sewer Bonds		2,042,632	2,019,257	23,375
Stormwater Debt Service		83,262	83,262	
Equipment Rental	-	1,686,365	1,672,188	14,177
<b>TOTALS</b>	<b>\$3,754,840</b>	<b>\$124,087,674</b>	<b>\$127,804,057</b>	<b>\$38,457</b>
	<b>3,755,555</b>	<b>124,263,150</b>	<b>127,980,248</b>	

**Section 2. Administration.** The City Manager shall administer the budget, and in doing so may authorize adjustments within the funds set forth in Section 1 above, to the extent that such adjustments are consistent with the budget approved in Section 1.

**Section 3. Salaries and Compensation.** The salaries and compensation for the City of Olympia employees for the calendar year 2015 shall be as set forth in the "Supplementary Information" section of the 2015 Adopted Operating Budget document, or as the same may be amended by the City Manager as part of his administration of the budget pursuant to Section 2 above.

**Section 4. Benefit Cost Sharing.** The City Manager is authorized to modify and establish benefit cost sharing for City employees; and such programs may be based, in part, on an employee's start date with the City.

**Section 5. Severability.** The provisions of this Ordinance are declared separate and severable. If any provision of this Ordinance or its application to any person or circumstances is held invalid, the remainder of this Ordinance or application of the provision to other persons or circumstances shall be unaffected.

**Section 6. Ratification.** Any act consistent with the authority and prior to the effective date of this Ordinance is hereby ratified and affirmed.

**Section 7. Effective Date.** This Ordinance shall take effect five (5) days after publication, as provided by law.

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CITY CLERK

APPROVED AS TO FORM:

  
\_\_\_\_\_  
ASSISTANT CITY ATTORNEY

PASSED:

APPROVED:

PUBLISHED:



## City Council

### Approval of Amendment to Ordinance 6958 (Capital Budget)

**Agenda Date:** 6/9/2015  
**Agenda Item Number:** 3.G  
**File Number:** 15-0552

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

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**Title**

Approval of Amendment to Ordinance 6958 (Capital Budget)

**Recommended Action**

**Committee Recommendation:**

Not referred to a committee.

**City Manager Recommendation:**

Move to approve amending ordinance on first reading and forward to second reading.

**Report**

**Issue:**

Amendment to Ordinance 6958

**Staff Contact:**

Dean Walz, Fiscal Services Director, Administrative Services Department, 360.753.8465

**Presenter(s):**

Dean Walz, Fiscal Services Director

**Background and Analysis:**

To change the budget the Council must approve a new ordinance amending the budget. Generally, budgetary amendments are made quarterly. On occasion a budget change needs to be made between the quarterly updates and a separate ordinance will come before the Council. These ordinances do not officially amend the budget ordinance, but do provide authorization to expend funds. The attached ordinance reflects ordinances which may have been adopted relating to the budget since the last quarterly update, and other proposed changes to the budget.

There were no ordinances passed since the adoption of the Capital Budget related to the Capital Budget.

Budget Items Not Previously Presented to the Council:

- 1) Appropriation of \$234,719 for Downtown Enhancements. Funding is provided from the return

of escrow funds committed by the City from the sale of the Columbia Street parking lot for the Colpits project. This is now the 123 4<sup>th</sup> Avenue project.

- 2) Appropriation of \$5,000 for bike facilities at Yauger Park. Funding is provided by a donation from the Parks, Arts, Recreation and Cultural Foundation.
- 3) Appropriation of \$230,000 within the Real Estate Excise Tax (REET) Fund to be transferred to the Capital Improvement Fund for transportation purposes. In April the budget was amended to appropriate this amount within the Capital Improvement Fund for transportation purposes. The budget ordinance at that time should have also authorized the transfer from the REET Fund to the Capital Improvement Fund.

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

None noted.

**Options:**

- 1) Approve ordinance amending ordinance 6958.
- 2) Do not approve the amending ordinance or re-allocation of budget. The budget items would not be authorized.

**Financial Impact:**

Total increase in appropriations is \$469,719. The sources of funding of these appropriations are noted above.

**Ordinance No.**

**AN ORDINANCE OF THE CITY OF OLYMPIA, RELATING TO THE CAPITAL FACILITIES PLAN FOR THE YEARS 2015-2020, AND AMENDING ORDINANCE NO. 6958.**

**WHEREAS**, the Olympia City Council adopted the "Capital Facilities Plan," herein referred to as "CFP," for the fiscal years 2015 through 2020 by passing Ordinance No. 6946 on December 16, 2014; and

**WHEREAS**, the CFP is periodically amended to recognize additional revenue and/or appropriations, as provided for in RCW 36.70A.130(2)(a)(iv); and

**WHEREAS**, Ordinance No. 6958 was passed on April 14, 2015, which amended Ordinance No. 6946; and

**WHEREAS**, the following amendments need to be made to Ordinance No. 6958:

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

**Section 1.** That certain document entitled the "Capital Facilities Plan," covering the years 2015 through 2020, a copy of which will be on file with the Office of the Director of Administrative Services and available on the City's web site, is hereby adopted as the Capital Facilities Plan for the City of Olympia and is incorporated herein as though fully set forth.

**Section 2.** Upon appropriation by the City Council of funds therefor, the City Manager shall be authorized to prepare plans and specifications, to take bids, and to make expenditures for the projects set forth in the CFP during the year for which said projects are scheduled; provided, however, that any award of bids and execution of contracts for construction shall be approved as provided in OMC Chapter 3.16.

**Section 3.** It is anticipated that the funding source and the construction schedule for projects identified in the CFP may be changed over the next year. Such changes shall not constitute an amendment to the Comprehensive Plan for purposes of RCW 36.70A.130.

**Section 4.** The Director of Administrative Services is hereby authorized to bring forward into fiscal year 2015 all appropriations and allocations not otherwise closed, completed, or deleted from prior fiscal years' capital budgets.

**Section 5.** The following appropriations are hereby made:

<b>FUND</b>	<b>APPROP. FUND BALANCE</b>	<b>ESTIMATED REVENUE</b>	<b>APPROP.</b>	<b>ADDITIONS TO FUND BALANCE</b>
Impact Fee Fund	\$1,507,513	-	\$1,507,513	
SEPA Mitigation Fee Fund	447,438	-	447,438	
Parks & Recreational Sidewalk, Utility Tax Fund	211,124	\$2,553,276	2,764,400	
Real Estate Excise Tax Fund	<u>230,000</u>	1,125,000	<del>1,125,000</del> <u>1,355,000</u>	



FUND	APPROP. FUND BALANCE	ESTIMATED REVENUE	APPROP.	ADDITIONS TO FUND BALANCE
Capital Improvement Fund	224,300	8,097,843 8,337,562	8,322,143 8,561,862	
City Hall Construction Fund	250,000		250,000	
Fire Equipment Reserve Fund		450,000	450,000	
Water CIP Fund	1,100,000	2,505,500	3,605,500	
Sewer CIP Fund	602,400	741,300	1,343,700	
Storm Water CIP Fund		1,129,200	1,129,200	
<b>TOTALS</b>	<b>\$4,342,775</b> <b>4,572,775</b>	<b>\$16,602,119</b> <b>16,841,838</b>	<b>\$20,944,894</b> <b>21,414,613</b>	<b>\$0</b>

**Section 6. Severability.** The provisions of this Ordinance are declared separate and severable. If any provision of this Ordinance or its application to any person or circumstances is held invalid, the remainder of this Ordinance or application of the provision to other persons or circumstances, shall be unaffected.

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

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

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CITY CLERK

APPROVED AS TO FORM:

  
\_\_\_\_\_  
ASSISTANT CITY ATTORNEY

PASSED:

APPROVED:

PUBLISHED:



## City Council

### Approval of Amendment to Ordinance 6944 (Special Funds)

**Agenda Date:** 6/9/2015  
**Agenda Item Number:** 3.H  
**File Number:** 15-0553

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

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**Title**

Approval of Amendment to Ordinance 6944 (Special Funds)

**Recommended Action**

**Committee Recommendation:**

Not referred to a committee.

**City Manager Recommendation:**

Move to approve amending ordinance on first reading and forward to second reading.

**Report**

**Issue:**

Amendment to Ordinance 6944

**Staff Contact:**

Dean Walz, Fiscal Services Director, Administrative Services Department, 360.753.8465

**Presenter(s):**

Dean Walz, Fiscal Services Director

**Background and Analysis:**

To change the budget the Council must approve a new ordinance amending the budget. Generally, budgetary amendments are made quarterly. On occasion a budget change needs to be made between the quarterly updates and a separate ordinance will come before the Council. These ordinances do not officially amend the budget ordinance, but do provide authorization to expend funds. The attached ordinance reflects ordinances which may have been adopted relating to the budget since the last quarterly update, and other proposed changes to the budget.

No ordinances were passed since the adoption of the Special Funds Budget related to the Special Funds Budget.

Budget Item Not Previously Presented to the Council:

- 1) Appropriation of \$8,000 for the Park/Trail Stewardship program. Funding provided by a donation from the Parks, Arts and Recreation Cultural Foundation.

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

None noted.

**Options:**

- 1) Approve ordinance amending ordinance 6944.
- 2) Do not approve the amending ordinance. The budget items would not be authorized.

**Financial Impact:**

Total increase in appropriations is \$8,000. The sources of funding for these appropriations are noted above.

**Ordinance No.**

**AN ORDINANCE OF THE CITY OF OLYMPIA, WASHINGTON, APPROPRIATING FUNDS WITHIN VARIOUS SPECIAL FUNDS, AND AMENDING ORDINANCE NO. 6944.**

**WHEREAS**, the City Council of the City of Olympia passed Ordinance No. 6944 on December 16, 2014, appropriating funds within various special funds; and

**WHEREAS**, the following amendments need to be made to Ordinance No. 6944;

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

**Section 1.** The following appropriations are hereby made:

<b>FUND</b>	<b>APPROP. FUND BALANCE</b>	<b>ESTIMATED REVENUE</b>	<b>APPROP.</b>	<b>ADDITIONS TO FUND BALANCE</b>
CDBG Loan Repayment Fund	\$36,000	\$70,000	\$106,000	
Housing Urban Development Fund		790,375	790,375	
Lodging Tax Fund		525,000	501,664	\$23,336
Parks & Recreational Sidewalk Utility Tax Fund		720,944 <u>728,944</u>	720,944 <u>728,944</u>	
Parking Business Improvement Area Fund	10,000	100,000	110,000	
Farmers Market Repair & Replacement Fund	10,000		10,000	
Hands On Children's Museum	42,468	385,165	427,633	
Equipment Rental Replacement Reserve Fund		1,428,800	1,076,646	352,154
Unemployment Compensation Fund	7,200	190,300	197,500	
Insurance Trust Fund	86,720	1,478,280	1,565,000	
Workers Compensation Fund	317,500	1,448,000	1,765,500	
Washington Center Endowment Fund		5,347	5,347	
<b>TOTALS</b>	<b>\$509,888</b>	<b>\$7,142,211</b> <b><u>7,150,211</u></b>	<b>\$7,276,609</b> <b><u>7,284,609</u></b>	<b>\$375,490</b>

**Section 2. Severability.** The provisions of this Ordinance are declared separate and severable. If any provision of this Ordinance or its application to any person or circumstances is held invalid, the remainder of this Ordinance or application of the provision to other persons or circumstances, shall be unaffected.

**Section 3. Ratification.** Any act consistent with the authority and prior to the effective date of this Ordinance is hereby ratified and affirmed.

**Section 4. Effective Date.** This Ordinance shall take effect five (5) days after publication, as provided by law.

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MAYOR

**ATTEST:**

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CITY CLERK

**APPROVED AS TO FORM:**

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ASSISTANT CITY ATTORNEY

**PASSED:**

**APPROVED:**

**PUBLISHED:**



## City Council

### Approval of an Ordinance Amending the Fund 107 CDBG Loan Repayment Fund and Fund 108 HUD Fund

**Agenda Date:** 6/9/2015  
**Agenda Item Number:** 3.1  
**File Number:** 15-0559

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

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#### **Title**

Approval of an Ordinance Amending the Fund 107 CDBG Loan Repayment Fund and Fund 108 HUD Fund

#### **Recommended Action**

##### **Committee Recommendation:**

Not referred to a committee.

##### **City Manager Recommendation:**

Move to approve the ordinance on first reading and forward to second reading, and to direct the Administrative Services Director to close the existing HUD Fund (Fund 108) and transfer any remaining funds and budget to the new HUD Fund (Fund 107) after final passage.

#### **Report**

##### **Issue:**

Expand the use of Fund 107 to include the purpose of Fund 108, combining the two Funds and closing Fund 108.

##### **Staff Contact:**

Stacie Tellers, Senior Accountant, Administrative Services, 360.753.8599

##### **Presenter(s):**

None, consent calendar item.

#### **Background and Analysis:**

##### *Fund 108 - Housing and Urban Development Fund*

Fund 108 utilizes the HUD Community Development Block Grant (CDBG), HUD-related program income, income received from housing rehabilitation loan repayments, and other funds as appropriate or designated by the City Council for approved projects. This fund currently serves as the main project fund for the CDBG Annual Action Plan.

##### *Fund 107 - CDBG Loan Repayment Fund*

The Community Development Block Grant (CDBG) Loan Repayment Fund was established to

account for the community development loans made from the “HUD Fund” and to receive deposits of loan repayments and interest for these loans. These funds may be used for any legal purpose as authorized by the City Council, subject to the authorization from the Federal Department of Housing and Urban Development and are considered program income related to the HUD CDBG program. This fund serves as the main program income fund for the CDBG Annual Action Plan and serves as the home fund of the CDBG related community development loans.

This amendment would expand the use of Fund 107, currently the CDBG Loan Repayment Fund, to include the use and purpose of the current HUD Fund (Fund 108), therefore closing Fund 108, and renaming the CDBG Loan Repayment Fund (Fund 107) the HUD Fund. The budget in Fund 108 would be transferred to the new HUD Fund (Fund 107), along with any remaining funds.

Combining the CDBG/HUD functions into a Fund 107 will streamline the administration of the HUD related funds.

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

None; this is an administrative amendment.

**Options:**

1. Approve the ordinance amending the use and purpose of the City’s CDBG Loan Repayment Fund, combining the existing CDBG Loan Repayment and HUD Funds into one fund, allowing staff to more effectively administer the HUD related funds.
2. Do not approve the ordinance amending the use and purpose of the City’s CDBG Loan Repayment Fund, combining the existing CDBG Loan Repayment and HUD Funds into one fund, requiring additional administrative work related to the HUD funds.

**Financial Impact:**

This ordinance is administrative and has no net financial impact to Housing Funds.

Ordinance No. \_\_\_\_\_

**AN ORDINANCE OF THE CITY OF OLYMPIA, WASHINGTON, RELATING TO HOUSING FUNDS; AMENDING OLYMPIA MUNICIPAL CODE SECTIONS 3.04.000 AND 3.04.850; AND REPEALING OLYMPIA MUNICIPAL CODE SECTION 3.04.855.**

WHEREAS, the Housing and Urban Development (HUD) Fund was created administratively in 1976; and

WHEREAS, Olympia Municipal Code (OMC) Chapter 3.04 was amended on August 12, 2014, by Ordinance No. 6921, which codified the HUD Fund under OMC 3.04.855; and

WHEREAS, the CDBG Loan Repayment Fund was established in 1998, by Ordinance No. 5836 to receive deposits of loan repayments and interest for loans made from the HUD Fund; and

WHEREAS, the purpose of this Ordinance is to expand the use of the CDBG Loan Repayment Fund to include the use and purpose of the current HUD Fund, therefore combining the two funds into one to be known as the HUD Fund;

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

**Section 1. Amendment of OMC 3.04.000. Olympia Municipal Code 3.04.000 is hereby amended to read as follows:**

**Chapter 3.04  
FUNDS<sup>1</sup>**

3.04.000 Chapter Contents

Sections:

- 3.04.020 Risk management trust fund--Established.
- 3.04.030 Risk management trust fund--Transfers.
- 3.04.040 Cumulative reserve fund, additional facilities--Purposes.
- 3.04.050 Cumulative reserve fund, additional facilities--Sources.
- 3.04.060 Cumulative reserve fund, additional facilities--Accumulation and allocation.
- 3.04.070 Cumulative reserve fund, additional facilities--Investment.
- 3.04.120 Cumulative reserve fund, equipment rental--Established.
- 3.04.130 Cumulative reserve fund, equipment rental--Purposes.
- 3.04.140 Cumulative reserve fund, equipment rental--Augmentation and accumulation.
- 3.04.150 Cumulative reserve fund, equipment rental--Disposition of moneys.
- 3.04.160 Cumulative reserve fund, recreational trails--Created.
- 3.04.180 Cumulative reserve fund, sewers--Source of moneys.
- 3.04.190 Cumulative reserve fund, sewers--Expenditure.
- 3.04.210 Cumulative reserve fund, water department--Purposes.



3.04.220 Cumulative reserve fund, water department--Sources.  
3.04.230 Cumulative reserve fund, water department--Accumulation and allocation.  
3.04.240 Cumulative reserve fund, water department--Investment.  
3.04.250 Washington Center for the Performing Arts endowment fund--Established.  
3.04.260 Washington Center for the Performing Arts endowment fund--Use.  
3.04.320 Equipment rental fund--Created--Uses.  
3.04.330 Equipment rental fund--Supervision.  
3.04.340 Equipment rental fund--Charges.  
3.04.360 Federal shared revenue fund--Created.  
3.04.370 Firemen's pension fund--Created.  
3.04.380 Garbage fund.  
3.04.400 Local improvement guaranty fund--Established.  
3.04.410 Local improvement guaranty fund--Sources.  
3.04.420 Local improvement guaranty fund--Subrogation, warrants, certificates of delinquency.  
3.04.430 Local improvement guaranty fund--Cost assessments for improvements.  
3.04.440 Local improvement guaranty fund--Engineer's certificate of valuation.  
3.04.450 Local improvement guaranty fund--Limitation of bond or warrant holder's remedy.  
3.04.460 Payroll fund--Created--Uses.  
3.04.480 Suspense fund--Established.  
3.04.490 Suspense fund--Sources and withdrawals.  
3.04.500 Transit capital improvements fund--Created--Sources.  
3.04.510 Unemployment compensation fund--Created--Sources.  
3.04.520 Unemployment compensation fund--Balance.  
3.04.530 Unlimited general obligation bond fund--Created--Sources.  
3.04.550 Advance travel expense revolving fund--Created.  
3.04.560 Advance travel expense revolving fund--Procedures.  
3.04.570 Advance travel expense revolving fund--Miscellaneous.  
3.04.580 Self-insurance trust fund--Fund created.  
3.04.590 Self-insurance trust fund--Initial transfer of moneys.  
3.04.600 Self-insurance trust fund--Interim transfers, of moneys.  
3.04.610 Self-insurance trust fund--Annual budgeting of moneys.  
3.04.620 Self-insurance trust fund--Expenditures.  
3.04.630 Self-insurance trust fund--Internal accounting.  
3.04.640 Revolving pass-through trust fund--Created.  
3.04.650 Revolving pass-through trust fund--Procedures.  
3.04.680 Drug abuse resistance education fund (DARE).  
3.04.690 Harbor patrol program fund.  
3.04.700 All America City Task Force account.  
3.04.710 Special account control fund.  
3.04.720 Rides home program account.

- 3.04.730 Olympia police firing range account.
- 3.04.735 Low income housing loan account.
- 3.04.740 Water capital improvement fund--Established.
- 3.04.750 Sewer capital improvement fund--Established.
- 3.04.760 Educational assistance revolving account.
- 3.04.770 Shared leave revolving account.
- 3.04.780 Boating safety account.
- 3.04.790 Equipment and facilities replacement reserve fund.
- 3.04.800 Workers compensation fund--Established.
- 3.04.810 Workers compensation fund--Purposes.
- 3.04.820 Workers compensation fund--Accounts--Signatures.
- 3.04.830 Workers compensation fund--Sources.
- 3.04.840 City Shop construction fund--Created.
- 3.04.850 CDBG loan repayment HUD fund --Created.
- ~~3.04.855 Housing and Urban Development (HUD) fund.~~
- 3.04.860 Fire Station 4 and Training Facility Construction and Acquisition Fund --Created.

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<sup>1</sup> For provisions on the storm drainage utility fund, see Chapter 3.32 of this code.

**Section 2. Amendment of OMC 3.04.850. Olympia Municipal Code 3.04.850 is hereby amended to read as follows:**

**3.04.850 CDBG loan repayment HUD fund**

A. There is hereby created in Chapter 3.04 of the Olympia Municipal Code a fund to be known as the "CDBG HUD Loan Repayment Fund." There shall be deposited into said fund such monies as received from the U.S. Department of Housing and Urban Development, loan repayments and interest for loans made from the "HUD Fund," ~~interest on monies accumulated in the fund,~~ and other monies as may be deemed appropriate or designated by the City Council, and such funds shall be used exclusively for approved projects.

B. The "CDBG Loan Repayment HUD Fund" may be used for any legal purpose as authorized by the City Council, subject to limitations or restrictions as may be prescribed by the Federal Department of Housing and Urban Development or its successor.

C. The Director of Administrative Services shall number the "CDBG Loan Repayment HUD Fund" and the "HUD Fund" as is most appropriate for administrative purposes.

D. The Director of Administrative Services shall transfer and adjust revenue estimates and appropriations as may be required for the administration of this Ordinance.

E. The following CDBG loan repayments and interest payments which are anticipated to be received are appropriated as follows:

		<b>CDBG LOAN REPAYMENT FUND</b>
<b>Resources:</b>	CDBG Loan Repayments and Interest Payments	\$200,000
<b>Appropriations:</b>	Community Development Loans	\$200,000

**Section 2. Repeal of OMC 3.04.855. Olympia Municipal Code 3.04.855 is hereby repealed:**

~~3.04.855 Housing and Urban Development (HUD) fund~~

~~There is hereby created a fund to be known as the Housing and Urban Development (HUD) fund. There shall be deposited into said fund such monies as received from the U.S. Department of Housing and Urban Development, and other funds as may be appropriate or designated by the City Council, and such funds shall be used exclusively for approved projects.~~

**Section 3. Transfer of Funds.** The Director of Administrative Services is hereby authorized and directed to transfer the funds from the current HUD Fund No. 108 to the new HUD Fund No. 107.

**Section 4. Severability.** If any provision of this Ordinance or its application to any person or circumstance is held invalid, the remainder of the ordinance or application of the provisions to other persons or circumstances shall remain unaffected.

**Section 5. Ratification.** Any act consistent with the authority and prior to the effective date of this Ordinance is hereby ratified and affirmed.

**Section 6. Effective Date.** This Ordinance shall take effect five (5) days after publication, as provided by law.

\_\_\_\_\_  
MAYOR

**ATTEST:**

\_\_\_\_\_  
CITY CLERK

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
CITY ATTORNEY

(ALA)

**PASSED:**

**APPROVED:**

**PUBLISHED:**